

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

JULY 3, 2012

A Regular Meeting of the Harlingen Elective Commission was held on Tuesday, July 3, 2012 at 5:30 p.m. in Town Hall, City Hall, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor/Commissioners

Mayor Chris Boswell
Robert Leftwich, Mayor Pro-Tem, District 2
Danny Castillo, Commissioner District 1
Michael Mezmar, Commissioner District 3
Jerry Prepejchal, Commissioner District 4
Joey Trevino, Commissioner District 5

Staff present:

Carlos Yerena, City Manager
Amanda C. Elizondo, City Secretary
Roxann Pais Cotroneo, City Attorney
Gabriel Gonzalez, Assistant City Manager
Dan Serna, Assistant City Manager
Roel Gutierrez, Finance Director

Mayor Boswell called the meeting to order, a quorum was established. A notice of the meeting had been duly posted according to state law and the following proceedings were held.

Invocation/Commissioner Trevino

Reverend Gene Palmos from the First Christian Church gave the invocation.

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance and welcomed everyone in attendance.

1) Public Announcement of Events

Paul Menzies, Parks and Recreation Director announced the Independence Day Festival would be sponsored by the City of Harlingen and the Harlingen Jaycees. The parade was scheduled to start in the downtown area at 4:00 p.m. and followed by music, food and games at Lon C. Hill Park. The Whitewings baseball game was scheduled to start at 6:30 p.m. and the fireworks display at 9:30 p.m. The headliner of the music event would be Jimmy Gonzalez and Grupo Mazz.

Mayor Pro-Tem Leftwich announced a Neighborhood Clean Up was scheduled for Saturday, July 7th between the hours of 8 a.m. to 12 noon at East Lee Street between East Adams/District 2.

2) Board Recognition

Commissioner Mezmar extended his appreciation to Ken Clark, Planning and Zoning Director and the Code Enforcement Staff for performing their duties and maintaining the City of Harlingen clean and pleasant to live in.

Mayor Pro-Tem Leftwich stated this was the staff that primarily orchestrated the "Neighborhood Clean-Up" Events aside from the demolition work that took place in

the community. He and Commissioner Mezmar extended their gratitude and thanked city staff for their work efforts especially in the long hot summer days.

Mayor Boswell recognized Olga Morales and Nalleri Arellano, incoming board members to the Convention and Visitors Bureau.

3) Approval of Minutes

a) Regular Meeting of June 6, 2012

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Mezmar to approve the minutes of June 6, 2012 as presented. Motion carried unanimously

Consent Agenda

- 4a) Second and final reading to approve and adopt an ordinance to abandon a 20 ft. right-of-way located on the southern end of Russell Lane being a 0.063 acre tract of land out of Block 10, Valley Groves Subdivision Survey 140. Applicant: City of Harlingen.
- b) Second and final reading to approve and adopt an ordinance amending the Zoning Ordinance of the City of Harlingen: Rezoning from Not Designated (N) District to General Retail (GR) District for 3.37+ acres out of Block 167, San Benito Land and Water Company Subdivision, located on the west side of FM 509 South of Jimenez Road; providing for publication and ordaining other matters related to the foregoing. Applicant: Edgar Garza.
- c) Second and final reading to approve and adopt an ordinance amending the Zoning Ordinance of the City of Harlingen: Rezoning Lot 6, Countryside Estates Subdivision, located at 15718 Sunnyside Lane, from not designated (N) District to Residential, Single Family (R-1) District; providing for publication and ordaining other matters related to the foregoing. Applicant: Leonel Hinojosa.
- d) Second and final reading to approve and adopt an ordinance to establish a "No Parking Zone" located on the both sides of L Street for a length of 280 linear feet on the West Side and 218 linear feet on the East Side commencing 109 linear feet North of West Adams Avenue, and for a length of 325 linear feet on the West Side of L Street commencing 145 linear feet South of the intersection of Fair Park Boulevard and L Street, and 228 linear feet on the East Side of L Street commencing 120 linear feet South of the intersection of Fair Park Boulevard and L Street; authorizing the towing of vehicles parked in said "No Parking Zone"; establishing a penalty not to exceed \$200.00 for violation of the provisions of this ordinance; providing for publication and ordaining other matters related to the foregoing.
- e) Second and final reading to approve and adopt an ordinance authorizing the placement of two stop signs on 21st Street in each direction of traffic at the intersection of Jefferson Avenue; establishing a fine not to exceed \$200.00 for the driver of any motor vehicle who fails to stop and yield the right-of-way in obedience to the stop signs herein authorized; amending or repealing conflicting ordinances; providing for publication and ordaining other matters related to the foregoing.
- f) Second and final reading to approve and adopt an ordinance authorizing the placement of two stop signs on 25th Street in each direction of traffic at the intersection of Jefferson Avenue; establishing a fine not to exceed \$200.00 for the driver of any motor vehicle who fails to stop and yield the right-of-way in obedience to the stop signs herein authorized; amending or repealing conflicting ordinances; providing for publication and ordaining other matters related to the foregoing.

- g) Second and final reading to approve and adopt an ordinance authorizing the placement of two stop signs on Grimes Avenue in each direction of traffic at the intersection of 25th Street; establishing a fine not to exceed \$200.00 for the driver of any motor vehicle who fails to stop and yield the right-of-way in obedience to the stop signs herein authorized; amending or repealing conflicting ordinances; providing for publication and ordaining other matters related to the foregoing.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Prepejchal to approve the items under the consent agenda. Motion carried unanimously.

For the record, the caption of the following ordinances read as follows:

ORDINANCE NO. 12-41

AN ORDINANCE ABANDONING A TWENTY (20) FEET ROAD RIGHT-OF-WAY LOCATED ON THE SOUTHERN END OF RUSSELL LANE DESCRIBED AS A 0.063 ACRE TRACT OF LAND OUT OF BLOCK 10, VALLEY GROVES SUBDIVISION SURVEY 140.

ORDINANCE NO.12-42

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN; REZONING FROM NOT DESIGNATED (N) DISTRICT TO GENERAL RETAIL (GR) DISTRICT FOR 3.37+ ACRES OUT OF BLOCK 167, SAN BENITO LAND AND WATER COMPANY SUBDIVISION LOCATED ON THE WEST SIDE OF FM 509 SOUTH OF JIMENEZ ROAD; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 12-43

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN; REZONING LOT 6, COUNTRYSIDE ESTATES SUBDIVISION LOCATED AT 15718 SUNNYSIDE LANE, FROM NOT DESIGNATED (N) DISTRICT TO RESIDENTIAL, SINGLE FAMILY (R-1) DISTRICT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 12-44

AN ORDINANCE TO ESTABLISH A "NO PARKING ZONE" LOCATED ON THE BOTH SIDES OF L STREET FOR A LENGTH OF 280 LINEAR FEET ON THE WEST SIDE AND 218 LINEAR FEET ON THE EAST SIDE COMMENCING 109 LINEAR FEET NORTH OF WEST ADAMS AVENUE, AND FOR A LENGTH OF 325 LINEAR FEET ON THE WEST SIDE OF L STREET COMMENCING 145 LINEAR FEET SOUTH OF THE INTERSECTION OF FAIR PARK BOULEVARD AND L STREET AND 228 LINEAR FEET ON THE EAST SIDE OF L STREET COMMENCING 120 LINEAR FEET SOUTH OF THE INTERSECTION OF FAIR PARK BOULEVARD AND L STREET; AUTHORIZING THE TOWING OF VEHICLES PARKED IN SAID "NO PARKING ZONE"; ESTABLISHING A PENALTY NOT TO EXCEED \$200.00 FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 12-45

AN ORDINANCE AUTHORIZING THE PLACEMENT OF TWO STOP SIGNS ON 21st STREET IN EACH DIRECTION OF TRAFFIC AT THE INTERSECTION OF JEFFERSON AVENUE; ESTABLISHING A FINE NOT TO EXCEED \$200.00 FOR THE DRIVER OF ANY MOTOR VEHICLE WHO FAILS TO STOP AND YIELD THE RIGHT-OF-WAY IN OBEDIENCE TO THE STOP SIGNS HEREIN AUTHORIZED; AMENDING OR REPEALING CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 12-46

AN ORDINANCE AUTHORIZING THE PLACEMENT OF TWO STOP SIGNS ON 25th STREET IN EACH DIRECTION OF TRAFFIC AT THE INTERSECTION OF JEFFERSON AVENUE; ESTABLISHING A FINE NOT TO EXCEED \$200.00 FOR

THE DRIVER OF ANY MOTOR VEHICLE WHO FAILS TO STOP AND YIELD THE RIGHT-OF-WAY OBEDIENCE TO THE STOP SIGNS HEREIN AUTHORIZED; AMENDING OR REPEALING CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 12-47

AN ORDINANCE AUTHORIZING THE PLACEMENT OF TWO STOP SIGNS ON GRIMES AVENUE IN EACH DIRECTION OF TRAFFIC AT THE INTERSECTION OF 25th STREET; ESTABLISHING A FINE NOT TO EXCEED \$200.00 FOR THE DRIVER OF ANY MOTOR VEHICLE WHO FAILS TO STOP AND YIELD THE RIGHT-OF-WAY IN OBEDIENCE TO THE STOP SIGNS HEREIN AUTHORIZED; AMENDING OR REPEALING CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS REATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this the 20TH day of June, 2012.

PASSED AND APPROVED on second and final reading this the 3RD day of July, 2012.

SIGNED BY: Chris Boswell, Mayor
ATTEST BY: Amanda C. Elizondo, City Secretary

- 5) Consider and take action to purchase one John Deere 8800 Terrain Cut Rough Mower and two John Deer 2500E E-Cut Hybrid Riding Greens Mowers from the Golf Course Reserve Funds in the amount of \$114,212.52 to replace two Jacobson Greens Mowers that are beyond repairs and one rough mower sold at the city auction two years ago.

Eddie Medlin, Director of Golf recommended the purchase of the above mentioned equipment to replace two Jacobson Greens Mowers that were beyond repairs and one mower had been auctioned two years ago. The cost for the mowing equipment was \$114,212.52.

Motion was made by Commissioner Prepejchal and seconded by Mayor Pro-Tem Leftwich to approve the purchase of the mowing equipment. Motion carried unanimously.

- 6) Consider and take action to approve and adopt an ordinance on first reading that amends Ordinance No. 08-47 and creates a Family, Friends & Corporate Membership account category within the Tony Butler Municipal Golf Course Fee Schedule and increase the number of coupons available for purchase at said golf course to play golf.

Mr. Medlin recommended adding 100 rounds to the 9 and 18 holes portfolio for pre-purchase rounds of golf at a discounted rate to offer to the local businesses and organizations. The cost of 100 rounds for 9-hole golf was \$900 an overall savings of \$300 or a saving of \$3.00 per round. The cost of the 100 rounds for 18-hole golf was \$1,100 an overall savings of \$400 or a saving of \$4.00 per round.

Discussion was held in regards to the proposed program; how this program could be a great marketing tool to promote people to golf in Harlingen; if other golf courses in the Rio Grande Valley had programs similar to the one being presented; whether or not there would be a fiscal impact; and the current capacity of golf rounds played at the facility.

Mr. Medlin responded local businesses and Winter Texas were interested in this discount program to offer to their employees and residents. The City of Harlingen would be the first to implement this program and the focus was to target other valley communities. The overall capacity of rounds per year was over 60,000 and during a peak season it was 400 per day. There would be no fiscal impact because the cost would be prepaid and most of the Winter Texans would purchase the coupon books.

Commissioner Mezmar suggested that they work with the Chamber of Commerce and the Convention and Visitors Bureau to promote the program to attract Winter Texans to the golf course.

Mayor Boswell recommended that staff monitor this program to see if the desired results were accomplished, if not to leave it the way it was.

Roxann Pais Cotroneo, City Attorney read the caption of the ordinance.

Motion was made by Mayor-Pro Tem Leftwich and seconded by Commissioner Mezmar to approve and adopt the ordinance on first reading. Motion carried unanimously.

- 7) Consider and take action to approve and adopt an ordinance on first reading that allows current full-time city employees and city retirees with a minimum of twenty years of service to the City of Harlingen to play golf at the Tony Butler Municipal Course and not pay a green fee.

For the record, Ms. Cotroneo announced Commissioner Castillo had filed a Conflict of Interest Form and would be abstaining from Item No. 7

Mr. Eddie Medlin, Director of Golf stated this would allow full-time and retired employees to play golf with no green fee. There were over 550 employees that could benefit from this program. Employees would be responsible for all other charges associated with the golf course. Currently a league consisting of 10-city employees has been paying \$14 for 19 weeks for 9 rounds of 9-holes. Mr. Medlin stated \$1,100 would be recuperated from golf cart rentals. With the implementation of this program more city employees would utilize the golf course and more revenues would be generated from the food and beverages sales and golf cart rentals.

A brief discussion was held and Commissioner Mezmar stated that based on the number of employees playing golf it would seem that there would be a financial loss.

Mr. Medlin stated there were substantial amount of city employees from the Police and Fire Department that played golf. This program would promote those employees that did not play golf. The Golf Course Advisory Board had approved the program.

Efren Fernandez, Human Resource Director stated he would ask Texas Municipal Retirement System to provide a list of the retired employees.

Commissioner Mezmar asked Mr. Medlin if he would consider half price off the green fees versus what he was proposing due to the financial impact to the city. He recommended for staff to continue researching this item before a decision was rendered by the City Commission.

Sam Cavazos, Golf Course Advisory Board President stated two rounds of golf per day would keep the doctor away. This program would create a saving to the city in insurance cost. No golfer liked to play alone; he/she would bring a team of four players which resulted in about \$100-\$150 in profits from concession and rental fees adding more revenues to the Tony Butler Golf Course.

Motion was made by Commissioner Mezmar and seconded by Commissioner Prepejchal to table the item for additional information and research on the financial figures. Motion carried unanimously.

Commissioner Castillo returned to the meeting.

- 8) Discuss and take action to approve the agreement between the Development Corporation of Harlingen, Inc. and Dollarsave Energy, LP.

Ramiro Aleman, EDC Staff Member stated Dollarsave Energy, LP was proposing to open a call center in Harlingen. Twenty-six jobs would be created with a capital investment of at least \$650,000. The EDC would provide an equipment loan of up to \$107,871 and cash job creation incentive of up to \$27,500 payable in one (1) year after the jobs were created. He recommended approval of the agreement.

Motion was made by Commissioner Prepejchal and seconded by Mayor Pro-Tem Leftwich to approve the agreement between Dollarsave Energy, LP and the Economic Development Corporation of Harlingen, Inc. Motion carried unanimously.

- 9) Consider and take action to authorize staff to submit a proposal to the Bloomberg Foundation Mayor's Challenge and to submit the RSVP by July 16, 2012.

Mayor Boswell highlighted the information from the Bloomberg Philanthropies Mayors Challenge. This was a challenge invitation whereby cities around the country would submit projects that could solve serious problems; improve the quality of life and the projects could be replicated in other areas of other cities. Mayor Boswell recommended for the city to submit the projects of the Gang Ratification Task Force and Community Outreach Center Program. The award amounts were five million dollars to one city and one million dollars to four cities. Mayor Boswell stated he had discussed this program with Police Chief, Tom Whitten and he had indicated that he had worked on a similar application. He requested authorization from the City Commission to submit the RSVP Card and authorized staff to begin working on possible projects for submission.

Commissioner Trevino recommended the Demolition/Reconstruction Home Project.

Mayor Boswell stated various stakeholders and city staff needed to review the process in order to package the submission accurately. The city's contract writer should be involved in the process so that it was presented in a positive manner.

Motion was made by Commissioner Trevino and seconded by Commissioner Castillo to authorize staff to submit a proposal to the Bloomberg Foundation Mayor's Challenge and to submit the RSVP by July 16, 2012. Motion carried unanimously.

- 10) Discuss and consider to authorize city staff to develop a policy regarding the Veterans Memorial confirming that the City of Harlingen will not place any plaques on the Veterans' Memorial except for those related to the Veterans.

Frank Hale, Veteran thanked Dan Serna and his fine staff on the development of the project. He invited the Commission to tour the Veterans Memorial Site in progress. Mr. Hale thanked the City in making sure that there would not be brass plaques placed in or around the Veterans Memorial Site which was intended to only honor and support veterans, and not Mayors or City Commissioners.

Ron Lozano, citizen stated it would be imperative to take action to defend the veterans that have served and fought in the many areas of the military.

Motion was made by Commissioner Mezmar and seconded by Commissioner Castillo to authorize city staff to develop a policy regarding the Veterans Memorial confirming that the City of Harlingen would not place any plaques on the Veterans' Memorial Site except for those related to the veterans. Motion carried unanimously.

- 11) Board Appointments

Commissioner Mezmar

Lupita Muniz – Community Development Board – Reappointment
William Trey Peacock – Planning and Zoning Board – Reappointment

Commissioner Trevino

Norma Castillo - Senior Citizens Advisory Board

15) Citizens Communication

Connie Salas, 613 South "M" Street, stated that after returning to Harlingen from Chicago, she had complaint about many city issues. She thanked the Mayor and Commissioners for everything that they had done and accomplished and for improving the canal at Pease Street. She had served on many city boards and continued to do so. Mrs. Salas invited Commissioner Prepejchal to visit some of the improved areas in District 4. She also thanked Mr. Yerena and Ms. Cotroneo for their efforts in the city's demolition project and Mr. Dan Serna for all his work.

Ron Lozano stated the Mayor was short-circuiting the executive session with the citizen communication toward the end of the agenda. He said other entities normally had this portion of the agenda at the beginning. He hoped the Mayor would reflect on Independence Day and what it meant to be an American.

At 6:39 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 12 a, b, c, d, and e.

Motion was made by Commissioner Mezmar and seconded by Commissioner Castillo to go into executive session to discuss Item No. 12 a, b, c, d, and e.

For the record, Ms. Cotroneo announced Commissioner Trevino had filed a Conflict of Interest Form and would be abstaining from Item No. 12 b.

12) Closed/Executive Session to discuss the following items:

- a) Pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code section 551.071 consultation with the City Attorney to seek legal advice regarding the Interlocal Agreement with Cameron County to participate in Tax Increment Financing Reinvestment Zones No. 1,2, and 3.
- b) Pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.087 and 551.071 regarding commercial and financial information from a business prospect with which the City Commission is conducting economic development negotiations and or/ to discuss or deliberate financial or other incentives with the business prospect know as **Project Uncle** and to seek legal advice from the City Attorney regarding this subject.
- c) Pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code Section 551.074 personnel matters to discuss the annual evaluation, duties and performance of the City of Harlingen Presiding Court Judge from May 2011 to May 2012.
- d) Pursuant to Chapter 551, Chapter D, V.T.C.A. Government Code, Section 551.071 consultation with the City Attorney to seek legal advice regarding Sun Valley Motor Hotel located at 1900 S. 77 Sunshine Strip, Harlingen Texas.
- e) Pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.071 consultation with the City Attorney to seek legal advice regarding the lease agreement between the City of Harlingen and the Whitewings Baseball Club, LLC for the use of the baseball stadium know as Harlingen Field and the debt owed by the Whitewings to the City.

At 8:04 p.m., Mayor Boswell announced the City Commission had completed its executive session on Item No. 12 a, b, c, d, and e.

No action was taken on Item No. 12 a, d, and e.

For the record, Ms. Cotroneo announced Commissioner Trevino had filed a Conflict of Interest Form and would be abstaining from Item No. 13.

- 13) Consider and take action to approve revisions to the development agreement between the City of Harlingen and Reyna Family Development, LTD. for an economic development project known as **Project Uncle**.

No action was taken on Item No. 13.

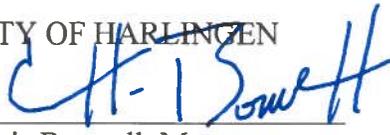
- 14) Consider and take action to appoint the City Manager's recommendation for the position of a full time Presiding Court Judge.

Motion was made by Commissioner Prepejchal and seconded by Commissioner Mezmar to approve the re-appointment of Judge Robert Guerra at a salary of \$80,000.00. Motion carried unanimously.

Commissioner Trevino returned to the meeting.

There being no further business to discuss, the meeting was adjourned.

CITY OF HARLINGEN



Chris Boswell, Mayor

ATTEST:



Amanda C. Elizondo, City Secretary