

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

JULY 18, 2012

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, July 18, 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

Jerry Prepejchal, Commissioner District 4

Joey Trevino, Commissioner District 5

Absent:

Michael Mezmar, Commissioner District 3

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

Elvia Trevino, Interim 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/ Pastor Cervantes

Pastor Cervantes gave the invocation.

Pledge of Allegiance/ Welcome

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

- 1) Presentation of a Proclamation to Mrs. Ruth B. (Runyan) Pegg proclaiming her "100th Birthday."

Mayor Boswell read and presented a proclamation to Mrs. Ruth B. Pegg proclaiming July 26, 2012 as her 100th Birthday. He stated Mrs. Pegg has been such an important member of the community and was grateful that she had chosen the City of Harlingen as her home for the past 50 years.

Mrs. Pegg wished "100 Good Wishes" to all the people in attendance as a token of her appreciation and wished that they could also celebrate their 100th Birthday.

- 2) Presentation of Certificates of Appreciation for assistance and due diligence.

Commissioner Prepejchal presented certificates of appreciation to Paul Menzies, Parks and Recreation Director and Eddie Medlin, Gulf Course Director for work efforts and services to the city.

- 3) Public Announcement of Events.

There were no announcements.

- 4) Neighborhood Clean Sweep Program, July 7, 2012 held at Washington, E. Lee & E. Adams Street between 1st and 3rd Street (District 2).

Mayor Pro-Tem Leftwich reported the city's clean-up program was conducted at Washington, E. Lee & E. Adams Streets between 1st and 3rd Street (District 2) on July 7, 2012. The Clean-Up Program was very successful and had great participation from the public and staff. Two tons of debris and 48 tires had been collected. Through this program, the city continued to strive in cleaning the city. He thanked everyone who participated in this event and announced that the next clean-up was scheduled for August.

Mayor Boswell and Mayor Pro-Tem Leftwich presented certificates of appreciation to the following South West Key Program members for their participation in the Clean-Up Program: Alfredo Ibarra, Armando Mata, Albert Muuiz, Juan Tamez and Joseph de la Rosa.

- 5) Elderly Assistance Program - 1602 and 1604 E. Taylor Street.

Carlos Yerena, City Manager stated the Elderly Assistance Program was held at the above mentioned locations and thanked the volunteers from D-Bar who had assisted in the clean-up and staff.

- 6) Approval of Minutes

- a) Regular Meeting of June 20, 2012

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Prepejchal to approve the minutes of the June 20th Regular Meeting. Motion carried unanimously.

Consent Agenda

- 7) Second and final reading to approve and adopt an ordinance amending Ordinance No. 08-27 of the Harlingen City Code, as amended to create 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 the Tony Butler Municipal Golf Course to play golf; providing for publication; providing a savings clause; providing a severability clause; and ordaining other matters pertaining to the foregoing.

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

For the record, the caption of Ordinance No. 12-48 read as follows:

ORDINANCE NO. 12-48

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS AMENDING ORDINANCE NO. 08-47 OF THE HARLINGEN CITY CODE, AS AMENDED TO CREATE A FAMILY, FRIENDS AND CORPORATE MEMBERSHIP ACCOUNT CATEGORY WITHIN THE TONY BUTLER MUNICIPAL GOLF COURSE FEE SCHEDULE AND INCREASE THE NUMBER OF COUPONS AVAILABLE FOR PURCHASE AT THE TONY BUTLER MUNICIPAL GOLF COURSE TO PLAY GOLF; PROVIDING FOR PUBLICATION; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING.

PASSED AND APPROVED on first reading on July 3, 2012.

PASSED AND APPROVED on second and final reading on July 18, 2012.

SIGNED: /s/ Chris Boswell, Mayor

ATTESTED: /s/ Amanda C. Elizondo, City Secretary

At 5:57 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 17.

- 17) Consider, discuss and provide direction to the City Attorney on proposed ballot language for the City Charter Amendment Election on November 6, 2012.

Motion was made by Commissioner Prepejchal and seconded by Commissioner Castillo to go in to executive session to discuss Item No. 17. Motion carried unanimously.

At 6:01 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting opened to the public. He proceeded with Item No. 13.

- 13) Consider and take action to approve a request for a new Facilities Usage Agreement between the City of Harlingen and the Texas Youth Football Association (TYFA) Harlingen Hawks for the use of the soccer fields at the Sports Complex on Wilson Road for practices only.

Paul Menzies, Director of Parks and Recreation stated the applicant had recently secured a franchise from the Texas Youth Football Association (TYFA), which sanctioned youth football across the southern half of the state. The new league consisted of approximately 100 participants. The league was requesting the use of the soccer fields at the sports complex on Wilson Road for practice only from 5 p.m. – 8 p.m. starting July 23, 2012 through December 31, 2012. The games were scheduled to take place at the Harlingen South High School Stadium as per an agreement between TYFA and Harlingen Consolidated School District. The Parks and Recreation Board recommended approval of the agreement.

Motion was made by Commissioner Prepejchal and seconded by Mayor Pro-Tem Leftwich to approve the agreement between the City of Harlingen and Texas Youth Football Association.

Commissioner Castillo stated staff was doing a great job on the existing football fields. They were seeking ways to improve the venues that would benefit the leagues. The city had many good venues for youth sports activities and felt this was one of the areas that needed more attention. The challenge was for staff to do more with what already existed.

Motion carried unanimously.

- 8) Consider and take action to approve the City's Manager appointment of an Interim Finance Director.

Mr. Yerena recommended the appointment of Elvia Trevino as Interim Finance Director. Ms. Trevino has work for the city for 36 years and has served as Assistant Finance Director for 24 years, Court Administrator for 8 yrs and was appointed Interim Finance Director seven different times.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to accept the City Manager's recommendation to appoint Ms. Trevino as Interim Finance Director. Motion carried unanimously.

- 9) Report by the Harlingen Police Department on Operational Status.

Mayor Boswell stated Item No. 9 would be postponed for the next regular meeting of August 1, 2012.

- 10) Consider and take action to allow the Harlingen Waterworks to proceed with a public offering for the sale of an approximate 6 acre tract of land being part of Block 32, Stuart Place Subdivision, Survey 306, Cameron County, Texas, as

shown by map of record in Volume 5, Page 6 of the Cameron County, Texas map records.

Darrell Gunn, P.E. General Manager stated the Harlingen Waterworks staff determined that the property was surplus and was recommending selling the property to reduce maintenance cost. An appraisal was acquired and the property was appraised at \$90,000. Staff was requesting permission to proceed with a public offering for the sale of the property. The Harlingen Waterworks Board of Trustees at their regular meeting of May 4, 2012 approved the item.

Motion was made by Commissioner Trevino and seconded by Mayor Pro-Tem Leftwich to allow the Harlingen Waterworks to proceed with the sale of the above mentioned tract of land. Motion carried unanimously.

- 11) Consider and take action allow the Harlingen Waterworks to proceed with the purchase of an approximate 0.5 acre tract of land located within Block 12 of the Stuart Place Subdivision Survey 139 for the future location of an elevated water storage tank.

Mr. Gunn stated staff had evaluated several sites and an appraisal and geotechnical evaluation was conducted for the highest ranked site. They determined that based on their past and current studies and evaluation the above mentioned tract of land was the most effective for a new 1.75 million gallons elevated water storage facility. The project was approved under the Capital Improvement Program and staff was requesting authorization to proceed with the purchase of this site. The Harlingen Waterworks Board of Trustees at their regular meeting of April 19, 2012 approved the item.

Mayor Pro-Tem Leftwich inquired if the composite tower located at Pendleton Park would still be in use.

Mr. Gunn stated it would be eliminated, but would remain until the new water tower was constructed as per state requirements. It would take eight months to complete the construction of the composite tower.

Motion was made by Commissioner Prepejchal and seconded by Commissioner Castillo to allow the Harlingen Waterworks to proceed with the purchase of an approximate 0.5 acre tract of land located within Block 12 of Stuart Place Subdivision Survey 139 for the future location of an elevated water storage tank. Motion carried unanimously.

- 12) Public Hearing and take action to consider an Ordinance on first reading for a Specific Use Permit (SUP) to allow an air monitoring station with a tower in a Multi-Family Residential (M-2) District and Neighborhood Services (NS) District located at 1602 W. Teege Avenue, bearing a legal description of Lot 1, Block 1, HCISD Ninth Grade Academy.

Joel Olivo, Planning and Zoning Manager stated the Texas Commission of Environmental Quality requested a SUP to allow an air monitoring station on the subject property to monitor the air quality of the Harlingen- San Benito metropolitan statistical areas. The monitoring area would be fenced for security and safety measures. A public hearing was conducted at the Planning and Zoning Commission Meeting and there were no concerns. The Planning/Zoning Commission along with the staff were recommending approval of the request.

- a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against this item could do so.

There being no comments, Mayor Boswell declared the public hearing closed.

- b) Consider and take action to approve and adopt an ordinance on first reading for the abovementioned Specific Use Permit.

Mr. Richard Bilbie, Assistant City Attorney read the caption of the ordinance.

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

- 14) Consider and take action to approve a budget amendment in the amount of \$9,776 for the Variable Frequency Drive (VFD) replaced for the Golf Course Irrigation System from Golf Course Reserve Fund.

Eddie Medlin, Golf Course Director stated the budget amendment was to replace some components in the irrigation system. The components were necessary to monitor the RPM's of the unit. Mr. Medlin recommended allocating funds from the reserve fund to pay for the repairs due to the lack of funds in this year's budget.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to approve the budget amendment. Motion carried unanimously.

- 15) Consider and take action to release municipal liens totaling \$7,003.54 on 2 acres, more or less situated in Block 67, David and Stephenson Subdivision, Cameron County, Texas as described in Deed dated May 30, 1946 from J.R. Williams, et ux. to Edna F. Rogers et al., in Volume 381 Page 498, Deed Records of Cameron County.

Richard Bilbie, Assistant City Attorney stated during a tax sale, junior liens did not survive and requested the City Commission's authorization to release the liens. This action would allow the city to be in compliance with the required statute.

Motion was made by Commissioner Prepejchal and seconded by Commissioner Castillo to approve the release of municipal liens totaling \$7,003.54 on 2 acres, more or less situated in Block 67, David and Stephenson Subdivision, Cameron County, Texas as described in Deed dated May 30, 1946 from J.R. Williams, et ux. to Edna F. Rogers et al., in Volume 381 Page 498, Deed Records of Cameron County. Motion carried unanimously.

- 16) Consider and take action to approve an ordinance on the first reading approving a negotiated resolution between the Cities served by the Texas Gas Services ("Cities") and the Texas Gas Service ("TGS") regarding the company's May 1, 2012 Cost of Service Adjustment ("COSA") filing and June 26, 2012 Statement of Intent (SOI) filing; declaring existing rates unreasonable; adopting tariffs that reflect the rate adjustments consistent with the negotiated settlement; and finding the rates to be set by the tariffs to be just and reasonable; and providing the recovery of the Cities' and TGS' reasonable and necessary rate case expenses.

Mr. Bilbie stated this item authorized the approval of an ordinance that was negotiated with Texas Gas Services by the City Attorney. A prior agreement between Texas Gas Services and the City allowed them to come back and renegotiate the agreement. The rate adjustment was due to a pipeline that was added by Texas Gas Service. During the rate negotiation, Ms. Cotroneo was able to negotiate a better rate for the city. The ordinance was essentially the same as the one prior, but it included the new adjustment rates.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Trevino and seconded by Commissioner Prepejchal to adopt and approve the ordinance on first reading. Motion carried unanimously.

- 18) Consider and take action on whether or not to renew the City's Dental Insurance Contract with Metlife.

Efren Fernandez, Human Resources Director stated Metlife Insurance had submitted an offer for a two-year plan with a 5 % increase. After receiving the offer, they returned with an offer for a one year contract with a 2% increase. There were no changes to the benefits and recommended to accept the renewal of the one year agreement with a 2% increase for dental insurance.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Prepejchal to approve staff's recommendation to renew the dental insurance contract with Metlife Insurance for one year with a 2% increase. Motion carried unanimously.

19) Board Appointments

Commissioner Prepejchal appointed Deloria J. Davis to the Planning and Zoning Board.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Prepejchal to approve the appointment of Ms. Davis to the Planning and Zoning Board. Motion carried unanimously.

At 6:39 p.m., Mayor Boswell announced the City Commission would convene in executive session to discuss Item No. 20 a. & b.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Prepejchal to go into executive session to discuss Item No. 20 a. & b. Motion carried unanimously.

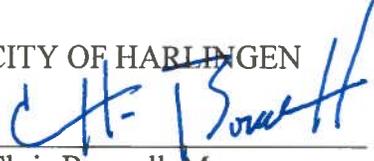
20) Closed/Executive Session to discuss the following items:

- a) 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 prospects know as **Project Blue** and to seek legal advice from the City Attorney regarding the subject.
- b) 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 amount of dept owed by Whitewings to the City.

No action was taken on Item 20 a. & b.

There being no further business to discuss, the meeting adjourned at 6:39 p.m.

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary