

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

October 2, 2013

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, October 2, 2013 at 5:30 p.m. in City Hall, Town Hall Meeting Room, 118 E. Tyler Street Harlingen, Texas. Those in attendance were:

Commissioners

Danny Castillo, Mayor Pro-Tem District 1
Tudor Uhlhorn, Commissioner District 2
Mike Mezmar, Commissioner District 3
Chino "Basilio" Sanchez, Commissioner District 4
Victor Leal, Commissioner District 5

Absent

Mayor Chris Boswell

Staff Present

Carlos Yerena, City Manager
Elena Garza, Assistant City Secretary
Richard Bilbie, Interim City Attorney
Dan Serna, Assistant City Manager
Gabriel Gonzalez, Assistant City Manager
Elvia Trevino, Finance Director

Absent

Amanda C. Elizondo, City Secretary

Mayor Pro-Tem Castillo called the meeting to order; a quorum was established. A notice of the meeting was duly posted according to State Law. The following proceedings were held.

Invocation/Mayor Pro-Tem Danny Castillo

Mayor Pro-Tem Danny Castillo gave the invocation

Pledge of Allegiance/Welcome

Mayor Pro-Tem Danny Castillo led the pledge of allegiance and welcomed everyone in attendance.

1) Public Announcement of Events

Esmeralda Martinez, staff member of the Convention & Visitors Bureau announced the following events.

- a) Praise on the Hill– Harlingen Soccer Complex – Saturday, October 5, 2013, from 4 p.m. to 10 p.m., Headliner: Newsboys;
- b) Trash Off Day hosted by Harlingen Code Enforcement Department – Lon C. Hill Park- Saturday, October 12, 2013 from 8 a.m. – 12 noon;
- c) Cancer Warrior Fest – Lon. C. Hill Park, October 13, 2013, from 3 p.m. – 9 p.m.;
- d) Zombie Run – Arroyo Park , October 19, 2013, postponed from October 5th starting at 6 p.m.;
- e) Halloween in the Park – Rangerville Road Park, October 31, 2013; and
- f) Blues on the Hill celebrating Texas Music, Pena Eye Institute and Dallas Cowboys Museum Tour – Lon C. Hill Park, Saturday, November 2, 2013.

2) Presentation of a proclamation proclaiming "Treasure Hills Presbyterian 50th Anniversary"

Mayor Pro-Tem Castillo read and presented the proclamation to Mr. Roger Hughes, Church Elder proclaiming Treasure Hills Presbyterian 50th Anniversary – October 20, 2013.

3) Approval of Minutes of August 21, 2013- Regular Meeting

Motion was made by Commissioner Mezmar and seconded by Commissioner Sanchez to approve the minutes as presented. Motion carried unanimously.

Consent Agenda

- 4a) Second and final reading to approve and adopt an ordinance amending Ordinance No. 98-58 to establish a “School Zone” for the Harlingen Christian Academy School located at 622 W. Jefferson Avenue.
- b) Consider and take action to approve a request from the Harlingen Convention & Visitors Bureau to close a portion of Fair Park Boulevard and North “L” Street from 8:00 a.m. to 9:00 p.m. on Sunday, October 13, 2013 for a “Cancer Warrior Fest”.
- c) Consider and take action to approve a request from the Harlingen Neighborhood Food Pantry to close a portion of the alleyway located at the Church of Christ, 801 E. Harrison Avenue, on every Wednesday from 8:00 a.m. to 11:30 a.m. for food distribution to the public.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Mezmar to approve the items under the consent agenda. Motion carried unanimously.

For the record, the caption of the ordinance read as follows:

ORDINANCE NO. 13-39

AN ORDINANCE AMENDING THE HARLINGEN ORDINANCE 98-58 TO ESTABLISH A “SCHOOL ZONE” FOR THE HARLINGEN CHRISTIAN ACADEMY LOCATED AT 622 WEST JEFFERSON AVENUE; ESTABLISHING A PENALTY NOT TO EXCEED \$200.00 FOR VIOLATION OF OT THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this 18th day of September, 2013.

PASSED AND APPROVED on second and final reading this the 2nd day of October, 2013.

CITY OF HARLINGEN
/s/ Chris Boswell, Mayor

ATTEST: /s/ Elena Garza, Assistant City Secretary

5) Discussion regarding the rental rates for the Municipal Auditorium and Casa de Amistad.

Gabriel Gonzalez, Assistant City Manager stated the average rental rate for the use of Casa De Amistad was \$1,400. The rate for the Harlingen Municipal Auditorium was \$1,300. The rates charged were the lowest rates in the City and staff understood that the City Commission may wish to lower the rental rates. Information packets had been submitted to the City Commission for their review in consideration of lowering the rental rates for both facilities.

Carlos Yerena, City Manager stated that whatever decisions were made the fund balance would be impacted.

Mayor Pro-Tem Castillo questioned if the venues were breaking even to pay for the cost of operation and if staff had surveyed other cities to compare cost.

Mr. Gonzalez responded no. The auditorium did not generated sufficient revenues since the most recent hurricane event. Revenues were mostly generated by the use of the facilities. The City of Brownsville had sold Jacob Brown Auditorium to the University of Texas-Brownsville. The McAllen Civic Center charged \$3,500 for the use of their facility and a

breakdown of the cost charged by other entities around the Rio Grande Valley was provided to the City Commission.

Discussion was held regarding the type of events held at Casa De Amistad, utilization of the facility, rates charged, facility contract agreement requirements, security when alcoholic beverages were served, the use of the auditorium for special events and functions held by the Harlingen Consolidated School District.

Mr. Gonzalez stated a use joint agreement was created by the City Commission and School Board. Discussions were held with Mr. Yerena to possibly revise the ordinance to change the security measures when alcoholic beverages were served during the event.

Commissioner Uhlhorn stated that it seemed like the City was already providing low rental rates compared to other facilities around the areas and was not in favor of increasing the rates.

Joel Humphries, Arts & Entertainment Director stated La Sierra Event Center offered different packages. The \$3,000 package required the use of the in-house cater and concessions; the charge to turn on & off their air conditioners; rental of chairs, tables and linens. To date 179 events had taken place at both venues of the City. Total expenses to operate both facilities were \$330,000. Average cost to the City was \$1,853 per event.

Commissioner Leal stated Casa De Amistad was a valuable resource for the community and did not want the citizens to get hurt by trying to pull a profit to cover all the over head expenses that resulted from operating the facility.

Mr. Humphries reported over \$61,000 was spent in expenses for 3 complementary events last year. The Harlingen Consolidated School District opened their new performing arts center in August. This would eliminate eleven free days to the City to use the facilities and save an estimated \$20,000 in over head expenses.

Commissioner Leal recommended for staff to return with actual cost figures to rent the facility to a citizen.

Commissioner Uhlhorn stated the problem was the overhead expenses to operate the facility

Commissioner Leal stated the facilities were not utilized 100% and questioned what the actual cost would be to operate the facilities.

No action was taken.

6) Consider and take action to approve or reject the Fire Protection Service Contracts with the City of Combes, Primera, and Palm Valley.

Cirilo Rodriquez, Assistant Fire Chief stated the rate to provide fire protection services to the Cities of Combes, Primera and Palm Valley was .10 cents per \$100 valuation based on the Cities' 2013 Certified Net Taxable Value. Each of the cities reviewed the contracts, and executed an agreement. If approved the cities would pay the City of Harlingen the following amounts: Combes - \$63,124.93, Primera - \$92,170.11, and Palm Valley - \$114,341.23. He recommended approval of the Fire Protection Service Contracts.

Commissioner Mezmar asked if the City of Harlingen generated revenues, lost revenues or broke even by providing fire services to these cities.

Commissioner Uhlhorn asked how the rates were determined.

Assistant Fire Chief Rodriquez stated the rates were determined by the percentage of the city's tax base. The rate was 10 cents per \$100 valuation.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve the agreements between the City of Harlingen and the Cities of Combes, Primera, and Palm Valley for Fiscal Year 2013-2014. Motion carried unanimously.

- 7) Consider and take action to approve or reject the renewed Fire Protection Contract with the Cameron County Emergency Management Plan.

Assistant Fire Chief Rodriguez stated the proposed FY 2014 Fire Contract was \$188,947.10 payable in quarterly installments of \$47,236.77 on or about the following dates: December 31st, March 31st, June 30th and September 30th. He recommended approval of the proposed Fire Service Contract with Cameron County Emergency Management.

Motion was made by Commissioner Leal and seconded by Commissioner Mezmar to approve the Fire Service Contract as presented. Motion carried unanimously.

- 8) Consider and take action to approve a resolution to update the City of Harlingen's Basic Emergency Management Plan.

Assistant Fire Chief Rodriguez stated through previous resolutions and by state and federal government guidelines, the City of Harlingen was required to review and update the City Emergency Management Plan. The Plan established the guidelines and responsibilities to respond to natural and manmade disasters

Motion was made by Commissioner Mezmar and seconded by Commissioner Uhlhorn to approve the resolution to update the City Basic Emergency Management Plan. Motion carried unanimously.

- 9) Consider and take action to approve the Keep Harlingen Beautiful (Harlingen Proud) Budget for Fiscal Year 2013-2014.

Nick Consiglio, Chairman of the Harlingen Proud Advisory Board gave a Power Point Presentation on Keep Harlingen Beautiful (Harlingen Proud) Budget for Fiscal Year 2013-2014. The presentation included the Mission Statement; Special Events; Anticipated Projects; New Programs; Awards; Recycling Center; Marketing and Labor; Summary.

Motion was made by Commissioner Leal and seconded by Commissioner Mezmar to approve the budget for Fiscal Year 2013-2014 for Keep Harlingen Beautiful (Harlingen Proud). Motion carried unanimously.

- 10) Consider and take action to accept/reject bids and award contract for Phase IV of the Buchanan, Hays, and M Street Drainage Improvements Project under Bid No. 2013-2014.

Javier M. Zamora, City Engineer stated the City would be constructing a storm sewage project approximately 641 linear feet along M Street from Mitchell to Filmore Avenue. The funds were approved in the One Year Action Plan Community Development Block Grant and recommended to award the bid to the lowest bidder GP7 Construction for \$179,305.50.

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to approve the contract between the City of Harlingen and GP7 Construction in the amount of \$179,305.50. Motion carried unanimously.

- 11) Board Appointments

There were no board appointments.

Mayor Pro-Tem Castillo changed the order of the agenda and proceeded with the following item.

- 13) Citizens Communication

Ramiro Villarreal, Rt. 1 Box 27 read a letter that he had presented to the City Commission at the September 18th City Commission Meeting regarding a visit by the Code

Enforcement staff to his property. The letter made reference to the incidents that occurred during the visit.

Mayor Pro-Tem Castillo stated he would direct the City Manager and staff to look further into this matter.

Guadalupe R. Villarreal, Rt. 1 Box 27 asked why the Code Enforcement staff was targeting her son. She stated they removed the garbage container. The people at the mobile park had nowhere to throw their trash. The Code Enforcement staff had no authority to remove the trash containers because Mr. Villarreal was paying for the services. The Code Enforcement staff did not wait for the owner to show them around. The room was locked and they still got into the room. Mrs. Villarreal pleaded for the city staff to leave her son alone.

Mayor Pro-Tem Castillo returned to the regular order of the agenda to discuss Item No. 12.

12) Closed /Executive Session on 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 Charles E. Lee vs. City of Harlingen, Civil Action No. B-10-CV-233 in the United States District Court for the Southern District of Texas.
- 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 baseball stadium known as Harlingen Field.
- c) 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 known as Easy Rider and to see legal advice from the City Attorney regarding the subject matter.

At 6:40 p.m., Mayor Pro-Tem Castillo announced the City Commission would convene into executive session to discuss Item No. 12 (a), (b) and (c).

Motion was made by Commissioner Mezmar and seconded by Commissioner Uhlhorn to go into executive session to discuss Item No. 12 (a), (b) and (c). Motion carried unanimously.

At 7:13 p.m., Mayor Pro-Tem Castillo announced the City Commission had completed its executive session and declared the meeting open to the public.

There being no further business to discuss, motion was made by Commissioner Uhlhorn and seconded by Commissioner Mezmar to adjourn the meeting. Motion carried unanimously.

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Elena Garza, Assistant City Secretary