

SPECIAL MEETING

CITY COMMISSION

HARLINGEN, TEXAS

FEBRUARY 10, 2010

A Special Meeting of the Harlingen Elective Commission was held on Wednesday, February 10, 2010 at the Harlingen Cultural Arts Center located at 576'76' Drive, Harlingen, Texas. The meeting was held at 11:30 a.m.

Those in attendance were:

Mayor and City Commission

Mayor Chris Boswell
Robert Leftwich, Mayor Pro Tem
Larry Galbreath, Commissioner District 1
Kori Marra, Commissioner District 3
Jerry Prepejchal, Commissioner District 4
Joey Trevino, Commissioner District 5

Staff Present:

Gabriel Gonzalez, Interim City Attorney
Roxann P. Cotroneo, City Attorney
Sylvia R. Trevino, City Secretary

Mayor Boswell called the meeting to order with a quorum of the Commission being present.

DISCUSSION/UPDATE ON CENTENNIAL TOWER PROJECT

Gabriel Gonzalez explained that there are two individuals, Jose Antonio del Pozo and Miguel del Pozo interested in the Blaschka Towers with the intent of redeveloping it into a viable business tower. It will be a massive project. Their intentions are to open a café and coffee shop including a separate restaurant on the first floor. They would then lease out floors 2-6 to various tenants. Their company, Grupo Ayusa, would occupy floors 7-9.

The developers would like to acquire a long-term lease or, perhaps, purchase the City's park located directly across their building--Lozano Park. They are willing to invest a considerable amount of money into the project but they need the City's help in securing the park, which would be converted into parking spaces to accommodate the restaurant and offices in the tower. They are asking that the City purchase the materials needed to construct the parking spaces and they will provide the labor and machinery needed to complete this task.

Discussion followed on the City Attorney's opinion of the statute regarding the sale of city 'parks. Mayor Boswell indicated that the property is not dedicated as a park---it is just another city owned property.

Antonio del Pozo, the developer, informed the Commission that his intent is to purchase the building by April 30. The first two floors will be used for commercial; the second floor as a spa and commercial, 3-6th floors will be leased office space. Their estimated investment into the building is about \$4 million.

Gabriel Gonzalez stated that the staff is seeking direction from the Commission to create documents for leasing the park for parking purposes.

There was indication by Mr. del Pozo that the band stage could still be used and could be accommodated into the design of the parking lot.

Mayor Boswell stated that if the developers need parking for the purpose of remodeling the building there has to be a way to accommodate their request.

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Commissioner Trevino commented that they should also consider looking into other parking areas and Mayor Boswell stated that they have a concept for the other parking lots as well.

Bill DeBrooke stated this idea goes against everything that the Downtown has worked for. They would like to see a building to up in the green space and not a parking lot. It would be bad land use to set up a parking lot downtown. He suggested a joint meeting with the Downtown District to discuss other alternatives.

Commissioner Marra stated that the Blaschka Towers has been an eyesore for many years and that she would like to see some estimates and numbers for the lease of the land for the parking lot as is being requested.

There was a consensus among the Board that other parking areas be kept in mind also.

Mayor Boswell thanked the developers for their interest in the building and stated that this is a great thing for the community.

Commissioner Trevino stated that it is a great opportunity and for someone to want to set their corporate offices such as del Pozo has indicated is a very positive thing to expand on.

DISCUSSION HELD ON THE RED LIGHT PROGRAM

Gabriel Gonzalez pointed out that the contract expires on March 26, 2010 and indicated that the City has three options: 1) do nothing and let the contract expire; 2) extend the contract for one or two years as allowed under the current contract; 3) completely renegotiate the contract.

He informed the Commission that the City Commission meeting of November 18, 2009 possible scenarios were offered such as conducting a study to look at redesigning approaches to intersections, lengthening yellow light intervals and traffic light synchronization where appropriate. The cost would be approximately \$160,000 but there is no capital for the actual improvements.

At this time Mr. Gonzalez distributed a sheet reflecting the expenditures from the red light revenue---a total of \$474,180.35 over 3 ½ years. He noted that the biggest expense were the purchase of car laptops and accessories for patrol cars. He stated that the program has already designated \$19,972.81 for traffic control signs; \$27,840 for speed humps; and has paid \$15,950 for a traffic study for 13th Street. He stated that he would like to continue to use this revenue for such traffic projects rather than using general fund money. Mr. Gonzalez stated that he would not recommend hiring a consultant at this time. If the program were extended for one year, staff could review any problem intersections and provide recommendations without having to expend \$160,000 for a study.

Mr. Gonzalez asked that staff be allowed to come back seeking authorization to continue the contract for one year and go to a flat fee structure which would generate \$10,000 more in revenues per month.

Commissioner Galbreath commented that it appears that there was an increase in accidents the last part of 2009 and he did not know if these were monitored intersections or not. It does not appear that accidents are being reduced.

At this time Chief Castillo distributed a handout reflecting accident data for monitored intersection approaches. He explained that while the number of accidents are documented they also need to conduct traffic volume counts and they need to start differentiating the types of accidents as well.

Gabriel Gonzalez recommended the purchase of traffic counters.

Commissioner Galbreath expressed concern over the number of citations that were issued and asked how can we ensure that the tickets get paid. Chief Castillo explained that he is working with the County Tax Office (a civil process) that would prohibit a person from renewing their license tags if that person has not paid his ticket. When asked how many tickets have been issued that have not been paid, Chief Castillo replied that he did not have that information available at this time.

Discussion followed regarding the payment that comes back to the City from the red light citations. Chief Castillo explained that it is his understanding that the revenue that goes to the State is supposed to come back to the region that it came from.

Terry Christie, Trauma Coordinator for Harlingen Medical Center, stated that, yes, the money does come back based on a formula. Cameron, Hidalgo, Starr Counties all get a portion of the revenue. McAllen gets more of the money because they get more trauma than Harlingen. The formula is based on 'uncompensated' trauma care.

Commissioner Galbreath recalled that he had asked about increasing the timing on the yellow light. Gabriel Gonzalez stated that this could not be done at the Tyler and Harrison intersection. Discussion continued on intersections and timers.

Commissioner Marra indicated she would agree with staff recommendation but she would like to see that people pay their tickets.

Commissioner Trevino stated that red light cameras are not welcoming to Harlingen. They scare too many people.

Commissioner Galbreath indicated he was torn because he does like the idea of the money coming back for trauma centers but a lot of people are not paying their tickets and he was of the opinion that he was not willing to keep the red light program.

Chuck Lee offered his comments and asked about the gross amount to the City before the split to the State. Chief Castillo indicated that it was about \$1.3 million. Chuck Lee suggested taking all nine intersections and timing the yellow lights the same.

Dan Serna stated that he would have to check on this. Chuck Lee stated that as for the study on accident types, the study would have to be done on non red light intersections to get a good study.

Juan Ortega commented that it is obvious that there are a lot of questions with no answers and noted that people have become more aware of their driving once you start talking about red light cameras.

Commissioner Marra stated that the money is going back to those hospitals that are not insured for trauma patients but if the red light program saves lives, she is all for it.

Chris _____, a registered nurse commented that he fully supports the program. It is a voluntary tax—if you run the red light you are responsible.

Joe Rubio asked if the Harlingen Police Department has a traffic division where they go out and do analysis of intersections. Chief Castillo replied that the support staff does statistical analyses and he is hoping to decentralize this function. Chief Castillo continued to respond to Mr. Rubio's question on follow-up to citation issuance.

George Merrill stated that in visiting with the Captain of the HPD an average 27% of tickets are up to personal discretion of officers to ensure payment or not. They dismiss almost 30% of all tickets issued. There are some serious issues and concerns. It is unfair to our citizens who are paying for this program. He stated that there are a lot of other ways to monitor intersections than with red light cameras. He stated that he is against the red light program and that more discussion needs to be held.

Terri Christie commented that it all comes down to saving lives. This is what the red light program is about.

Mayor Boswell commented that it would be a shame to do away with this program. The number of reduced citations is a phenomenal statistic. This statistic cannot improve if we don't have the program in place.

ACTION TAKEN TO APPROVE A CHANGE ORDER TO INCREASE THE CONTRACT AMOUNT FOR THE LANDFILL FACILITIES RENOVATION PROJECT TO PAVE ADDITIONAL AREA AND MAKE DRAINAGE MODIFICATIONS

Dan Serna, Director of Public Works, stated that the contract for the landfill renovation project was awarded to Total Commitment in November 2009. The current contract amount totals \$449,669.00 which includes a change order in the amount of \$20,290.00 approved by staff to increase the amount of paving around the drop off area to make it easier for customers to exit the ramps, and to reconstruct some drainage structures to improve run-off around the scale house. This change order can be funded from the current budgeted amount allocated for the landfill renovation project. The bid that was awarded to the contractor was substantially lower than the amount budgeted for the project.

Commissioner Trevino made a motion to approve the change order as recommended by staff. Commissioner Galbreath seconded the motion and it carried unanimously.

ACTION TAKEN TO APPROVE THE ENTERTAINMENT CONTRACTS THROUGH DEGO PRODUCTIONS FOR THE MUSICAL GROUP 'CONTROL' AND 'YESSICA'

Gabriel Gonzalez stated that these two contracts are needed to secure the performances by Control and Yessica for the Centennial Celebration scheduled for April 16, 2010. The City Commission has approved the \$10,000 funding for this event including the date. Staff recommended approval.

Commissioner Galbreath made a motion to approve the contracts as recommended by staff. Commissioner Marra seconded the motion and it carried unanimously.

DISCUSSION HELD AND DIRECTION TO CITY STAFF GIVEN RELATED TO THE CITY'S SIGN REGULATIONS

Gabriel Gonzalez stated that the purpose of this item was to seek direction from the Commission on what particular section of the sign ordinance they wanted staff to review.

Commissioner Galbreath stated that his concern is over the citations issued by Code Enforcement and this places a hardship on the business owners. It was his opinion that we should not be putting people out of business.

Commissioner Trevino expressed concern over the issue with Enterprise Rent A Car. Mr. Gonzalez commented that the issue there is with the way the percentage is calculated for sign space availability. He stated that the public has voiced such calculations as a concern. He stated that staff could look at the total permitted area. Another issue was the ability of contractors to be able to use banners as signs.

Bill DeBrooke pointed out that some cities have banned portable signs and the sign companies knew they could not go in. This has become a political issue in terms of overall signage. There should be an allowance of 3 sq. ft. for every linear feet of building. He suggested bringing the sign issues back to the original committee that was established for the purpose of reviewing the sign ordinance.

Amy Cano, with Cano's Sign, informed the Commission that the sign business is her family's livelihood. She referred to the minutes of May 6 where a motion was made to allow staff to follow up and staff did not follow up as directed in the minutes. What staff did was distribute flyers regarding the sign ordinance. Then Code Enforcement started 'scaring' people by issuing citations. She referred to a petition with signatures of people that they sell or rent signs to and who are not in favor of the current ordinance. Bottom

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line, Ms. Cano stated that this ordinance would put her family's company out of business. Her company is a business that provides a service.

Joe Rubio stated that there are a lot of issues with the sign ordinance. Advertising on a Cano sign is about \$75.00 and you can't beat this price to advertise. Places like El Taquito and Las Vegas will be hurting. They use these types of signs to advertise their daily specials. Mr. Rubio stated that there are repercussions associated with this ordinance.

Chuck Lee spoke on the removal of garage sale signs and he asked that the Commission consider placing a moratorium on arrests/citations while the ordinance is being studied and to consider issuing a free permit for garage sale that could be used for 2 or 3 days.

Mayor Boswell stated that the sign ordinance has been in place for decades and some of the changes that were made were approved by a majority of the Commission in order to improve the aesthetics of the community. He pointed out that McAllen has a much more onerous sign ordinance. He suggested that the staff convene a meeting with Code Enforcement staff and Bill Godwin is also interested and invite the Canos to figure out what adjustments need to be made to the sign ordinance and to come up with a solution that works for everyone so as not to have staff spending too much time issuing citations.

Maurice Shaw pointed out that this is a major public safety (signs). That was the issue that was being addressed by the sign committee.

Mayor Boswell again asked that a meeting be called to include Mr. Godwin, the Canos, Fast Signs, Eddie Lara and to do this before the first Commission meeting in March and impose a moratorium if necessary. As a further directive to staff, Commissioner Galbreath asked that Code Enforcement 'lighten' up on the enforcement.

Gabriel Gonzalez stated that he would check with the City Attorney to see if a moratorium could be imposed. Maybe some compromises can be made.

There being no further business the meeting adjourned at 1:05 p.m.

Chris Boswell, Mayor

Attest:

Sylvia R. Trevino, City Secretary