

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

MARCH 17, 2010

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, March 17, 2010 at 5:30 p.m. in Town Hall, City Hall, 118 E. Tyler Street, Harlingen, Texas. 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
Joey Trevino, Commissioner District 5

Absent:

Jerry Prepejchal, Commissioner District 4

Staff Present:

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

Mayor Boswell called the meeting to order.

INVOCATION/PLEDGE OF ALLEGIANCE/WELCOME

Mayor Boswell delivered the invocation and the Pledge of Allegiance followed. Mayor Boswell welcomed all present to the meeting.

BOARD MEMBER RECOGNITIONS

Mayor Boswell presented certificates of special recognition to Henry Hamor and Diane Moore, recent appointees to the Convention and Visitors Bureau.

CITIZEN COMMUNICATION

David Day was present to ask that the Commission consider refunding the Harlingen Concert Association the amount of \$1,550 as a deposit. He explained that they were not aware of the new ticketing system at the Auditorium, and thus, they had to cancel their performances at the Auditorium. Every year they book 4-6 music presentations at the Auditorium, they sign a contract and prepay a fee. There is nothing in the contract that states anything on the ticketing system and that they would not be able to print their own tickets. Mr. Day that he would hate to have to ask the citizens to pay an extra fee as a surcharge to the ticketing system. On behalf of the Committee, he stated that they would like to have their money refunded.

Bob Brayton spoke about the general aviation industry and pointed out that there are a multitude of FBOs for sale as well as airports. He noted that the general aviation industry is not expected to recover until about 2017. He pointed this out in light of what is currently happening at the Harlingen Airport and the fact that it is proceeding to build the apron. Mr. Brayton commented that the concept of 'build it and they will come' has failed. He asked that the Commission consider the position of the present tenants.

David Garza, Gulf Aviation, was present to reiterate the comments by Mr. Brayton about the aviation industry, in general. He asked that the City consider interceding with the problems he is having at the Airport. The Airport has been unresponsive to their questions and their concerns regarding open meetings violations. He asked that the Commission get involved to get him answers. He pointed out that Brownsville has one

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FBO for sale. They were the only city that still had two, now they will be down to one and yet the GA apron at the Harlingen Airport continues to go forward.

**MINUTES FOR APPROVAL – REGULAR MEETING OF FEBRUARY 17, 2010
AND REGULAR MEETING OF MARCH 3, 2010**

Commissioner Marra approved both sets of minutes as presented upon a motion by Commissioner Galbreath and a second. The voting was unanimous.

CONSENT AGENDA:

- A. REQUEST FROM IMMACULATE HEART OF MARY CATHOLIC PARISH TO TEMPORARILY CLOSE 'C' STREET BETWEEN POLK AND TYLER STREETS FOR THEIR ANNUAL GOOD FRIDAY SERVICES SCHEDULED FOR APRIL 2, 1010 APPROVED.
- B. REQUEST BY THE DOWNTOWN IMPROVEMENT DISTRICT TO CLOSE JACKSON STREET FROM COMMERCE TO 'E' STREETS AND CROSSROADS 'WEST', 'C', AND 'D' STREETS FROM ALLEYWAY TO ALLEYWAY CROSSING JACKSON STREET FOR THE 3RD ANNUAL JACKSON STREET CLASSIC CAR SHOW TO BE HELD ON SATURDAY, APRIL 3, 2010 FROM 7:00 A.M. TO 6:00 P.M. APPROVED
- C. RENEWAL OF A FACILITY USAGE AGREEMENT WITH THE CITY OF HARLINGEN AND THE ARROYO YOUTH SOCCER CLUB APPROVED
- D. REFUNDS OF PROPERTY TAXES FOR THE FOLLOWING ACCOUNTS APPROVED:
 - 1. BAC/TERRY & DIANA FRIEND/19-6825-0010-0170-00/\$575.27
 - 2. 1ST AMERICAN REAL ESTATE/OLGA LEDESMA/97-3350-0000-0010/\$836.87
 - 3. EDELMIRO & RACHEL GONZALEZ/98-7800-0000-1010-00/\$1,047.65
- E. RESOLUTION APPROVED APPOINTING THE ELECTION OFFICIALS FOR THE UPCOMING CITY ELECTION OF MAY 8, 2010.
- F. RESOLUTION APPROVED APPOINTING THE ELECTION OFFICIALS FOR THE CENTRAL COUNT STATION FOR THE CITY ELECTION OF MAY 8, 2010.

A motion was made by Commissioner Leftwich to approve all Consent Agenda items with the exception of Item E. Commissioner Galbreath seconded the motion and it carried unanimously.

Regarding Item E, the City Secretary handed out a revised resolution that contained additional names of election officials that had been contacted and she noted that there was only one pending appointment left for Treasure Hills Elementary. She would bring her recommendation to the next meeting for approval. She also noted that the compensation for the election officials would be as per the rates paid by the School District on a shared basis.

Commissioner Leftwich made a motion to approve Consent Agenda Item E as recommended by the City Secretary. Commissioner Galbreath seconded the motion and it carried unanimously.

PUBLIC HEARING TO HEAR COMMENTS FOR OR AGAINST THE RENEWAL OF A SPECIFIC USE PERMIT (SUP) TO ALLOW A BAR/LOUNGE IN A 'GENERAL RETAIL (GR)' ZONE LOCATED AT 217 ½ RANGERVILLE ROAD, BEARING A LEGAL DESCRIPTION OF LOT 1, BLOCK 1, COSME FLORES SUBDIVISION. APPLICANT: ISMAEL ALCAZAR

Joel Olivo, Planning Manager, explained that the applicant proposes to continue to operate a bar/lounge known as 'Smiley's Ballroom' at 217 ½ Rangerville Road. The hours of operation will continue to be from 5 p.m. to 2 a.m. seven days a week.

Staff recommended approval subject to restriping the parking lot to accommodate twenty-five parking spaces in accordance with City regulations, providing surveillance video and security in the parking lot from 8:00 p.m. to 2:00 a.m. on Friday and Saturday,

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and compliance with the laws administered by the Planning and Zoning Department, Fire Prevention Department, Health Department and Police Department.

Mayor Boswell declared the public hearing open.

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

ORDINANCE ADOPTED ON FIRST READING ON THE ABOVE SPECIFIC USE PERMIT

Roxann Cotroneo read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE 07-27) OF THE CITY OF HARLINGEN; TO ISSUE A ONE YEAR SPECIFIC USE PERMIT TO ISMAEL ALCAZAR TO ALLOW A BAR/LOUNGE IN A 'GENERAL RETAIL (GR)' CLASSIFICATION OF ZONING LOCATED AT 217 ½ RANGERVILLE ROAD, BEARING A LEGAL DESCRIPTION OF LOT 1, BLOCK 1, COSME FLORES SUBDIVISION, SUBJECT TO; PROVIDING SURVEILLANCE VIDEO ON THE PARKING LOT; PROVIDING A LICENSED SECURITY OFFICER IN THE PARKING LOT ON ALL FRIDAYS AND SATURDAYS BETWEEN 8:00 P.M. AND 2:00 A.M.; AND RESTRIPIING PARKING LOT TO ACCOMMODATE THE REQUIRED PARKING SPACES; AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

Commissioner Galbreath made a motion to adopt the ordinance on first reading. Commissioner Leftwich seconded the motion.

Under discussion, Commissioner Trevino asked why the applicant was being required to have a surveillance camera. He felt that everyone was not being treated the same by asking this of Mr. Alcazar and not of others. Mr. Olivo explained that Mr. Alcazar already has surveillance cameras on his property and that it was the Planning and Zoning's recommendation at the time that the last renewal was approved. It was his understanding that this requirement was imposed at that time based on case history of events that had occurred at that location and the stipulations had simply carried over to this renewal.

Ms. Cotroneo read the caption of the correct ordinance at this time.

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE 07-27) OF THE CITY OF HARLINGEN: TO ISSUE THE RENEWAL OF A SPECIFIC USE PERMIT TO ISMAEL ALCAZAR TO ALLOW A BAR/LOUNGE IN A 'GENERAL RETAIL (GR)' ZONE LOCATED AT 217 ½ RANGERVILLE ROAD, BEARING A LEGAL DESCRIPTION OF LOT 1, BLOCK 1, COSME FLORES SUBDIVISION SUBJECT TO: (1) RESTRIPIING PARKING LOT TO ACCOMMODATE TWENTY-FIVE PARKING SPACES IN ACCORDANCE WITH CITY OFF-STREET PARKING REGULATIONS; (2) PROVIDING SURVEILLANCE VIDEO AND SECURITY IN THE PARKING LOT FROM 8:00 P.M. TO 2:00 A.M. ON FRIDAY AND SATURDAY; AND (3) COMPLIANCE WITH THE LAWS ADMINISTERED BY THE PLANNING, FIRE PREVENTION, HEALTH AND POLICE DEPARTMENT; AND PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

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Mayor Boswell stated that he appreciated the concerns expressed by Commissioner Trevino but there was an understanding that every specific use permit would be taken on a case-by-case basis and if the owner has no objection, then the stipulation should remain.

Mr. Alcazar was present and he stated that he had no objection to the requirement of surveillance cameras.

The voting on the motion carried unanimously.

BID AWARDED FOR THE REPLACEMENT OF THE HARLINGEN ARTS AND HERITAGE MUSEUM LOCATED AT 2425 BOXWOOD

Dan Serna recommended that the bid be awarded to Grande Valley Builders with the stipulation that they sign and submit the CIQ form before signing the contract.

A motion was made by Commissioner Leftwich to accept staff's recommendation. Commissioner Marra seconded the motion.

Under discussion, Mr. Serna stated that he was recommending the bid solely on the base bid amount of \$35,800.00, although the sq. ft. for deck repairs was higher than the next low bidder.

There was a brief discussion on whether a change order could be negotiated because of the lower amount on the deck repairs price. Mr. Serna explained that he did not think that there would be a lot of base repairs to justify the bid amount on the deck repairs submitted by the next low bidder. He again stated that his recommendation was based solely on the base bid amount of \$35,800.00

The motion carried unanimously.

INTERLOCAL AGREEMENT FOR A JOINT ELECTION BETWEEN THE CITY OF HARLINGEN AND HARLINGEN CONSOLIDATED INDEPENDENT SCHOOL DISTRICT FOR THE MAY 8, 2010 ELECTION APPROVED

The City Secretary explained this is a standard agreement that is entered into by both entities when a joint election is held. The agreement sets out the responsibilities by each entity and also provides for the sharing of costs for different aspects of the election. She indicated that the School Board of Trustees approved the agreement at their meeting of March 9 and she recommended approval by the City Commission.

Commissioner Leftwich made a motion to approve the Interlocal Agreement as recommended by staff. Commissioner Galbreath seconded the motion and it carried unanimously.

DISCUSSION ON THE CREATION AND IMPLEMENTATION OF A COMMUNITY COURT HELD

Roxann Cotroneo, City Attorney, presented a slide presentation (power point) regarding the possibility of implementing a community court in Harlingen. The implementation of a community court is one of her missions to help improve the City's services to the citizens. She indicated that in Texas there are only two such courts, one in Dallas and one in Austin and she would like Harlingen to be the next one.

Ms. Cotroneo explained what a community court is and she explained that a community court is staffed by a Court Manager, a Social Service Coordinator, a Community Service Coordinator and a work crew supervisor.

The Community Service Coordinator and the Work Crew Supervisor identify community service projects with community input; coordinate resources and partners to complete projects, assess defendants' skills and assign work and manage defendants as they perform work.

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The Social Service Coordinator develops a treatment plan, refers to social service providers, and provides case management per court order.

Ms. Cotroneo stated that a budget for a Community Court would include salary plus benefits, community service equipment, cell phones, computers and printers and food for defendants. Community Development Block Grants could be the funding source. It would take approximately \$125,000 to implement a community court in Harlingen. The US Department of Justice could be another funding source.

Mayor Boswell pointed out that this would be revenue neutral and would serve to allow us to clear a backlog on those offenders that do not have the money to pay their fines. It will not siphon revenue off of the fines. Mayor Boswell liked the idea but asked that Ms. Cotroneo find the revenues to hire the people.

Ms. Cotroneo indicated that this is a win-win situation for everyone and she is seeking the community's support in this endeavor.

Ms. Cotroneo informed the Commission that she intends to come before the Commission once a month with innovative ideas and her next presentation on April 7 would be on how to deal with outstanding warrants.

BOARD APPOINTMENTS

Commissioner Galbreath reappointed Armando Elizarde to the Development Corporation of Harlingen, Inc. Board.

Commissioner Leftwich reappointed Michael Alex to the Zoning Board of Adjustments.

Commissioner Trevino appointed Ernesto Silva to the Development Corporation of Harlingen, Inc. Board (replaces Rick Rodriguez who resigned) and he appointed Rick Caballero to the Harlingen Community Improvement Board.

Commissioner Boswell made a motion to approve the appointments. Commissioner Galbreath seconded the motion and it carried unanimously.

REPORTS

A. Harlingen Crime Report 2009 – Chief Danny Castillo highlighted some points of interest in his report and started with Page 6 regarding the crime volume. The report reflects 35.2% decrease in violent crime. Also, a 41% drop in aggravated assaults. He pointed out that the gang unit was created in 2008 and as a result of that there was a 71% drop in gang related violence between last year and 2008.

Commissioner Leftwich pointed out that drug abuse arrests rose by about 150 arrests between 2005 and 2009; however, drug abuse arrest numbers fell from 462 in 2008 to 453 in 2009. Chief Castillo explained that the rising trend between 2005 and 2009 could be caused by any number of factors.

Commissioner Marra pointed out that the rise in these numbers is not specific to Harlingen only but it applies across the board 'nationwide'.

Chief Castillo continued his report by stating that a dedicated burglar unit was created in 2008 and the number of burglaries dropped by 22%---from 2,112 in 2008 to 788 in 2009. Violent crimes dropped by 40%. Referring to Page 29, the number of curfew violations went down to 188 from 319. There is a tremendous higher compliance with the aggressive enforcement of the curfew ordinance. Another tool implemented in 2008 was the towing ordinance and there was a 70% post enforcement compliance rate in which the proof of a 6-month prepaid liability insurance coverage along with a \$5.00 administrative fee was required.

Chief Castillo commented that there is still a lot of more work to do and staff is working on different approaches with different campaigns that he would be coming out

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with. He pointed out that staff is currently working a proposed ordinance regarding the cell phone use while driving.

Commissioner Marra pointed out that the recent Tourism Summit that was held, it was pointed out that Harlingen has the lowest crime rate and she suggested the idea of promoting Harlingen as such.

Commissioner Galbreath made a motion to go into Executive Session pursuant to Chapter 551, Subchapter D., V.T.C.A. Government Code (Section 551.071) legal consultation with attorney regarding:

Raymond Reyes v. City of Harlingen, Cause No. 2009-02-973-E

Maria Magdalena Ayala v. City of Harlingen, Cause No. 2010-CCL-199-A and Quasi-judicial enforcement of health and safety ordinances. Commissioner Trevino seconded the motion and it carried unanimously.

CLOSED/EXECUTIVE SESSION PURSUANT TO CHAPTER 551, SUBCHAPTER D., V.T.C.A. GOVERNMENT CODE (SECTION 551.071) LEGAL CONSULTATION WITH ATTORNEY REGARDING:

RAYMOND REYES V. CITY OF HARLINGEN, CAUSE NO. 2010-CCL-199-A

MARIA MAGDALENA AYALA V. CITY OF HARLINGEN, CAUSE NO. 2010-CCL-199-A AND QUASI JUDICIAL ENFORCEMENT OF HEALTH AND SAFETY ORDINANCES.

The Executive Session convened at 6:36 p.m. and concluded at 6:48 p.m. with no action taken in closed session.

There being no further business the meeting adjourned at 6:48 p.m.

Chris Boswell, Mayor

Attest:

Sylvia R. Trevino, City Secretary