

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

APRIL 7, 2010

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, April 7, 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
Jerry Prepejchal, Commissioner District 4
Joey Trevino, Commissioner District 5

Absent:

Kori Marra, Commissioner District 3

Staff Members present:

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

Mayor Boswell called the meeting to order at 5:30 p.m. and stated that notice of the meeting had been duly posted according to law.

INVOCATION/PLEDGE OF ALLEGIANCE/WELCOME

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

BOARD MEMBER RECOGNITIONS

None

CITIZEN COMMUNICATION

Ron Lozano signed up under Citizen Communication and spoke on 'honor'.

Amy Cano spoke in regards to signs and gave an update to the Commission on the recent meeting held by the sign committee. She urged the Commission to give the City Manager and staff a different direction to be able to work this issue out. If the May 1 is a firm date it will put them (Cano's Rent-a-Signs) out of business. They just want to be able to rent their signs.

Commissioner Galbreath informed the public of the upcoming Centennial Celebration events starting on Saturday, April 10 with the Veterans event at Pendleton Park; the steam engine arrival on April 15 and the post mark cancellation and birthday party for those 90 years or older; the opening of the time capsule at the Auditorium and the performance by the dancers from San Luis Potosi. On Friday, April 16, the free concert at Fair Park featuring "Control"; the children's parade on Saturday, April 17 at 10:00 a.m. downtown Jackson Street followed by Family Fun Day and Jazz Festival at Fair Park and on Sunday, April 18, non-denominational prayer services at McKelvey Park with praise and worship bands, hot dogs and drinks.

Commissioner Galbreath indicated that Commissioner Marra was in charge of the Friday event; Commissioner Prepejchal in charge of the Saturday event and Commissioner Trevino is in charge of the Sunday event.

**MINUTES FOR APPROVAL – SPECIAL MEETING OF MARCH 15, 2010,
REGULAR MEETING OF MARCH 17, 2010 AND SPECIAL JOINT MEETING
OF MARCH 22, 2010**

There being no corrections to the minutes, all sets of minutes were approved upon a motion by Commissioner Leftwich and seconded by Commissioner Prepejchal. The motion carried unanimously.

PRESENTATION – DIXIELAND PARK PROJECT BY HUMBERTO ZAMORA

Humberto Zamora explained his proposal for Dixieland Park. He stated that he is not asking for any money from the city but rather is looking to pay the City for a lease. He stated that the area has been slow to grow but it represents the City well. He wants to create an atmosphere for children, young adults, and senior citizens. He wants to create a tropical look with different types of seating. The land he is considering will require the removal of three Frisbee golf holes but his proposed concept considers the relocation of those three holes. His proposal will also include a pool for people to sit around so as not use the City's reservoirs. Approximately four (4) acres have been designated for this project with a wood deck, loungers, shading; a children's play area and it will provide something different with volleyball and various activity sets. His attempt is to create a healthy family oriented atmosphere. This project will create about 40 new jobs and will cost about \$1.5 million. All he is asking for is a lease.

When asked about the access road to the water plant, Mr. Zamora replied that the scope of the project has redesigned the second access. They will be putting in a new turnaround road and the public will still have the two accesses to the water plant.

Mayor Boswell commented that this proposed project is very similar to what was included in the Harlingen 100 plan referring to as an 'ice house'. Mr. Zamora commented he wants to make this happen.

Staff was directed to negotiate a lease and come back with an agenda item at the next meeting.

CONSENT AGENDA:

- A. ORDINANCE ADOPTED ON FINAL READING TO GRANT 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
- B. FUNDING AGREEMENTS BETWEEN THE DEVELOPMENT CORPORATION OF HARLINGEN, INC. AND THE FOLLOWING COMPANIES APPROVED:
 - 1. TYCO VALVES & CONTROLS LP
 - 2. HHS ROTEC, LLC
 - 3. SIBLEY/MILSAP (LEGISLATIVE CONSULTING SERVICES)
- C. RESOLUTION APPROVED APPOINTING THE ELECTION JUDGE AND ALTERNATE JUDGE FOR TREASURE HILLS ELEMENTARY SCHOOL FOR THE UPCOMING CITY GENERAL ELECTION SCHEDULED FOR MAY 8, 2010.
- D. REQUEST BY THE PARKS AND RECREATION DEPARTMENT TO TEMPORARILY CLOSE FAIR PARK BOULEVARD FROM WICHITA STREET TO 'L' STREET AND THE INTERSECTION OF ADAMS STREET AND 'L' STREET FOR HARLINGEN'S CENTENNIAL CELEBRATION TO BE HELD ON FRIDAY, APRIL 16 AND SATURDAY, APRIL 17, 2010 APPROVED
- E. REQUEST BY THE JACKSON STREET MARKET DAYS, INC. TO CLOSE JACKSON STREET FROM 2ND STREET TO 4TH STREET AS WELL AS ALL NORTH AND SOUTH ALLEYWAYS ALONG THE JACKSON STREET CLOSURE ROUTE FROM 10:00 A.M. TO 11:00 P.M. ON SATURDAY, APRIL 24, 2010 FOR THE CENTENNIAL STREET DANCE EVENT APPROVED.

- F. REQUEST BY THE HARLINGEN JAYCEES TO CLOSE JACKSON STREET FROM 6TH STREET TO COMMERCE STREET FOR THE HARLINGEN CENTENNIAL CHILDREN'S PARADE TO BE HELD ON SATURDAY, APRIL 17, 2010 FROM 10:00 A.M. TO 12:00 P.M. APPROVED.
- G. REQUEST BY THE CITY OF HARLINGEN TO CLOSE VAN BUREN STREET AT WEST STREET ON THURSDAY, APRIL 15, 2010 FROM 9:00 A.M. TO 3:00 P.M. FOR THE ARRIVAL OF THE UNION PACIFIC STEAM ENGINE TRAIN AND FESTIVITIES AT CENTENNIAL PARK APPROVED

Commissioner Leftwich made a motion to approve the consent agenda. Commissioner Galbreath seconded the motion.

Commissioner Prepejchal asked that Item B (3) be removed for a separate discussion.

Commissioner Leftwich amended his motion to approve the Consent Agenda Items A through G with the exception of Item B (3). Commissioner Galbreath seconded the amended motion. The motion carried unanimously.

CONSENT AGENDA ITEM B (3): LEGISLATIVE CONSULTING SERVICES

Commissioner Galbreath made a motion to approve this item. Commissioner Leftwich seconded the motion.

Under discussion, Commissioner Prepejchal asked who gets the reports from the consultants and what projects have they been involved with.

Mayor Boswell replied that they report to the legislative committee and he offered to talk with Commissioner Prepejchal about what the consultants do and have done for the City.

Commissioner Prepejchal asked if this item could be tabled and Mayor Boswell replied that there is currently a motion on the table. Commissioner Galbreath called the question.

Mayor Boswell explained that every two years the City develops a legislative agenda. In the interim there are charges issued by the House and the Senate Committees. A very robust agenda is developed and included in it was the development of the medical school, which was a #1 priority for many years. Sibley worked to increase funding for the RAHC and he was supportive in obtaining the passage of SB 98 for the medical school. In addition, legislation was passed to allow TSTC to award degrees in engineering and Sibley/Milsap worked with the City on the community's vision to develop the 4-year medical school.

Regarding the reports, Mayor Boswell explained that the annual reports go to the Legislative Committee and the consultants communicate regularly with him as required in the contract. Mayor Boswell pointed out to Commissioner Prepejchal that he and the Commission are always invited to attend the legislative committee meetings.

Commissioner Prepejchal asked Mayor Boswell for a copy of the report next time he receives one.

Commissioner Trevino asked that in the future any funding agreements with the EDC be placed as regular agenda items instead items on the consent agenda.

The voting on the motion carried unanimously.

At this time, Rolando Ramirez asked to speak and addressing the Commission, expressed comments of appreciation to the Mayor and City Commission for the parking issue on Pierce Street. He explained he was the one that had previously submitted a petition against removing the medians and he just wished to thank the Commission and let them know that they are doing a great job.

**2010 CITY OF HARLINGEN TRAILS MASTER PLAN AND RESOLUTION
FORMALLY ADOPTING THE TRAILS MASTER PLAN FOR THE CITY OF
HARLINGEN APPROVED**

(For the record: Commissioner Trevino abstained from any discussion on this item and stepped away from the dais temporarily).

Michael Hopping, Director of Parks and Recreation, stated that Halff & Associates prepared the document and the City sought input from the citizens through public input meetings. This is a helping tool whose primary objective is to address trail needs that are desired by the citizens of Harlingen. He indicated that the Parks and Recreation Advisory Board unanimously approved the final draft of the 2010 Trails Master Plan and the proposed resolution adopts the Plan.

Commissioner Galbreath made a motion to approve the resolution. Commissioner Leftwich seconded the motion and it carried unanimously.

**RESOLUTION SUPPORTING STAP SUNSET/LEGISLATIVE AGENDA
APPROVED**

Gabriel Gonzalez, Interim City Manager, explained that the resolution pertains to STAP's 2010 Sunset/Legislative agenda. The recommendations in the resolution are expected to form the basis of legislation during the upcoming session in 2011. Among the recommendations is the membership increase in the Electric Reliability Council of Texas (ERCOT) from 3 members to 6 members and allowing the Office of the Comptroller to have a seat on the board and allow the Public Utilities Commission to pre-approve all debt financing by ERCOT.

Commissioner Leftwich made a motion to approve the resolution. Commissioner Prepejchal seconded the motion and it carried unanimously.

**RESOLUTION IN SUPPORT OF THE VETERANS ALLIANCE OF THE RIO
GRANDE VALLEY APPROVED**

Homer Gallegos was present to speak on behalf of various Veterans groups and organizations. He stated that their goal is to have a full-fledged hospital in the Valley. With the medical school that is being proposed their goals could become a reality.

Leonel Hinojosa, representing the Veterans Alliance of South Texas, asked that the Commission consider donating some land for the construction of the Veterans Hospital. They have waited fifty (50) years and this is the closest they have ever gotten. Harlingen is a prime location. With the super clinic being built all that is needed is to add an emergency room and a few beds instead of building a brand new hospital. He encouraged the Commission to pass the resolution.

Rey Molanos, presenting the Viet Nam Veterans of America, stated that their next step would be Washington and they will continue to go forward with their efforts towards a full-fledged hospital for veterans.

Arturo Treto Garza, also a Viet Nam veteran, addressing the Commission, stated that 'you have the opportunity to make history today regarding Veterans issues' with the passage of Proposition 8. The voters overwhelmingly supported Proposition 8 and it was their will to make it law. He asked that the Commission pass the resolution and make it part of the City's legislative agenda—'seize the opportunity as a city'.

Mr. Treto Garza continued to read from a script. (copy attached and made a part of these minutes)

Commissioner Leftwich made a motion to approve the resolution. Commissioner Galbreath seconded the motion.

Mayor Boswell congratulated everyone present on what they have done already to get this far. And with the creation of the headquarters for the South Texas Veterans Alliance, he stated we want expansion to be here with the surgical center. He supported the Veterans efforts.

Emilio de los Santos thanked the Commission on behalf of so many veterans and asked that the Commission provide them a letter of comments or interest.

Commissioner Galbreath offered to provide them such a letter.

The motion carried unanimously.

Arturo Treto-Garza informed the Commission that they would be coming back to inform the Commission of their status with their efforts.

INNOVATIVE SOLUTIONS TO ADDRESS OUTSTANDING MUNICIPAL WARRANTS DISCUSSED

Roxann Cotroneo, City Attorney, presented ideas to assist the City with the collection of outstanding municipal warrants.

She explained that the City currently has 37,000 outstanding warrants and \$10 million in uncollected revenue. She explained the two different types of warrant: failure to appear and fail to pay/capias pro fine.

Ms. Cotroneo outlined a series of reactive ideas. Among them was the denial of driver's license or motor vehicle registrations. She explained that under State law the City is allowed to contract with the Texas Department of Transportation to do this. The renewals of drivers' licenses occur every six years and the motor vehicle registrations are done annually.

Another idea was to have a dedicated warrant officer/bailiff. She indicated she could have get a City Marshall's office set up in about six months or a full time police officer dedicated to just warrants for about \$10,000 more for a starting officer.

Another idea was to have an active warrant search on line similar to what the City of Carrollton has. This type of service could be for those that might be afraid to go into the Municipal Court to pay. Instead, they could pay their fines on line. There is a one-time fee of \$5,000 and an annual maintenance fee of \$1,250. The City could enter into a lease agreement for this type of service at \$263.00 per month or at minimum the City could do a PDF file 'not live' and it would have to be updated manually. Discussion followed on whether this service would interface with our current computer system.

Ms. Cotroneo also offered the idea of annual warrant roundups. The City could do its own regional or own global roundups. She indicated that many citizens are asking for amnesty. She suggested these roundups be done after tax refund time and before spring break. She proposed that there be a non-adversarial and neutral location to produce good results of having people come in and pay their fines as a result of a warrant roundup.

Another method for collection would be a debt collection agency. Under State law, the City is allowed to contract for this type of service. The defendant would be responsible for the collection fee imposed by the agency.

As for proactive ideas, Ms. Cotroneo suggested rewriting the municipal citation to include the methods of payment such as to pay by mail, in person or the Internet and have the citations both in English and Spanish

Discussion followed on the number of outstanding cases and outstanding revenue amount. Ms. Cotroneo explained that since 2000, there have been 115 officers who have been fired, retired, or resigned. From 2000-05 there were 7,099 cases and from 2006 to the present there are 4,351 cases equaling a total of \$2.44 million in outstanding fines. The option would be that the prosecution would dismiss for lack of a witness. She added

that the City adopted the Texas State Library recommendation for records retention and the Texas State Library establishes mandatory minimum records retention periods. Criminal case papers including traffic offenses and municipal ordinance violations require mandatory minimum retention for five years from date of offense. Therefore, the City could dismiss anything over five years.

Ms. Cotroneo concluded by stating that her goal is to present ideas for consideration. She also pointed out that there is no public transportation to the municipal court or police station and it was important for her to point this out.

Her last idea was to partner up with the County. Criminal defendants when placed on probation, the District Judge could order defendant to clear outstanding municipal citations/warrants as a condition of probation.

Ms. Cotroneo stated that out of the 14 different ideas, the City is currently doing only two of them---the denial of a driver's license and the utilization of a debt collection agency.

Ms. Cotroneo gave special recognition to all staff that was involved in analyzing the presented ideas.

Commissioner Galbreath asked what about those that can't pay and there is no community court? Ms. Cotroneo replied that they could be set up on a payment plan and they could do community services.

Juan Ortega commented that if he does not show up, he has already forfeited his opportunity under the 'failure to appear' so why would the 'retired' or 'resigned' officer have to show up as a witness.

George Merrill asked about the funds---would they go to the general fund or the Police Department? Ms. Cotroneo replied the funds would go to the general fund.

Commissioner Leftwich asked that Ms. Cotroneo work on a realistic list of the ideas and prioritize them. It was his recollection that a warrant officer had already been budgeted.

Gabriel Gonzalez explained that the warrant officer got switched to a bailiff but he needed to be a certified police officer, which required an additional \$10,000 more for a starting officer.

Mayor Boswell stated that it was important to engage in as many of the enforcement opportunities such as the roundups. The other suggested ideas will take longer to implement such as the community court and the warrant officer. He asked that the list be prioritized and that an amnesty period be scheduled.

Commissioner Leftwich suggested doing the amnesty period for two days and follow up with a round up.

Discussion followed on the on line warrants search and whether to do it 'live' or as a PDF file with an in-house database.

Commissioner Galbreath commented that at some point in time there has to be a clean up of the outstanding warrants and start fresh to be more manageable.

BOARD APPOINTMENTS

Commissioner Prepejchal appointed Frank Garcia to the Zoning Board of Adjustments.

Commissioner Galbreath made a motion to approve the appointment. Commissioner Leftwich seconded the motion and it carried unanimously.

Commissioner Galbreath made a motion to go into Closed/Executive Session pursuant to Chapter 551, Subchapter D., *V.T.C.A. Government Code* (Section 551.071) legal consultation with attorney regarding: Lupita Turner v. City of Harlingen, Cause No.

Regular Meeting
4/7/10

2009-CCL-664-A. Commissioner Leftwich 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: LUPITA TURNER V.
CITY OF HARLINGEN, CAUSE NO. 2009-CCL-664-A.**

The Executive Session convened at 7:15 p.m.. and concluded at 7:35 p.m. with no action taken in closed session.

There being no further business the meeting adjourned at 7:35 p.m.

Chris Boswell, Mayor

Attest:

Sylvia R. Trevino, City Secretary