

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

OCTOBER 6, 2010

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, October 6, 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
Joey Trevino, Mayor Pro Tem
Gustavo C. Ruiz, Commissioner District 1
Robert Leftwich, Commissioner District 2
Kori Marra, Commissioner District 3
Jerry Prepejchal, Commissioner District 4

Staff Present:

Carlos Yerena, City Manager
Roxann P. Cotroneo, City Attorney
Sylvia R. Trevino, City Secretary

Mayor Boswell called the meeting noting that notice of the meeting had been duly posted according to law.

INVOCATION/PLEDGE OF ALLEGIANCE/WELCOME

Mayor Boswell delivered the Invocation and the Pledge of Allegiance followed.

BOARD MEMBER RECOGNITIONS

Commissioner Ruiz presented a certificate of special recognition to Mrs. Jerry Moore in the absence of Mr. Moore for his recent appointment to the Veterans Board.

Commissioner Leftwich presented a certificate of special recognition to Bruce Burgamy as a newly appointed member to the Senior Citizens Advisory Board.

Commissioner Marra presented a certificate of special recognition to Norma Castillo and Elizabeth Jennings as newly appointed members to the Senior Citizens Advisory Board.

Commissioner Prepejchal presented a certificate of special recognition to Connie Salas as a newly appointed member to the Senior Citizens Advisory Board.

Commissioner Trevino presented a certificate of special recognition to Pablo Bazan as a newly appointed member to the Senior Citizens Advisory Board.

CITIZEN COMMUNICATION

Reginald Van Nurden spoke about illegal handicap parking issues.

Gail Moore, 709 Town Lane, read a letter to the Commission regarding ILS lobbyists. A copy of such letter was previously distributed to the Mayor and City Commission. She stated that it is her firm belief that had the ILS System been installed years ago, the Harlingen Airport would not be dying today because it would have been the only Airport in the Valley with the ILS system. Planes would be able to land even during foggy conditions, revenue would have been greater, and, perhaps, another airline or two would be here instead of in McAllen or Brownsville.

Yolanda Shoffeitt spoke about single member districts, comments made by an individual regarding the new City Manager; minimum wage jobs associated with the Bass Pro Shop

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and asked that the Commission not vote for this project. She also encouraged the public to attend public meetings.

Ron Lozano spoke about 'last week's impunity' the perils striking within 10 miles of our city and he alluded to the barbaric atrocities that are happening in Mexico. He stated that we need to set aside some of the political abstractions and work closely to stop this engulfing menace.

PRESENTATION – “SPOOKTACULAR HALLOWEEN AT THE PARK”

Carlos Yerena, City Manager, went over a power point presentation regarding an upcoming Halloween event, a first time event for the youth of Harlingen. The event will be on October 31 at the Rangerville Park. Many organizations are getting involved with this event and an artwork competition was held. The winner of the artwork was Jessica Flores. A special recognition for Ms. Flores was suggested. Mr. Yerena asked for volunteers to make this a successful event and acknowledged those volunteers that were present in the audience.

MINUTES FOR APPROVAL – REGULAR MEETING OF SEPTEMBER 1, 2010 AND REGULAR MEETING OF SEPTEMBER 15, 2010

Both sets of minutes were approved, as presented, upon a motion by Commissioner Marra and seconded by Commissioner Leftwich. The motion carried unanimously.

CONSENT AGENDA:

- A. ORDINANCE ADOPTED ON FINAL READING TO AMEND SECTION 97.50 OF THE CHAPTER 97 OF THE HARLINGEN CITY CODE AND PROVIDING THAT QUALIFIED GOLF COURSE ADVISORY BOARD MEMBERS MAY SERVE MORE THAN ONE 3-YEAR TERM.**
- B. ORDINANCE ADOPTED ON FINAL READING TO AMEND SECTION 97.65 OF THE CHAPTER 97 OF THE HARLINGEN CITY CODE AND PROVIDING THAT QUALIFIED TENNIS ADVISORY BOARD MEMBERS MAY SERVE MORE THAN ONE 3-YEAR TERM.**
- C. ORDINANCE ADOPTED ON FINAL READING TO 1) PROHIBIT THE USE OF A HAND-HELD MOBILE TELEPHONE TO ENGAGE IN A CALL OR THE USE OF A MOBILE COMMUNICATION DEVICE TO SEND, READ, OR CREATE A TEXT MESSAGE WHILE OPERATING A MOTOR VEHICLE IN AN ACTIVE SCHOOL ZONE; 2) PROVIDE DEFENSES; 3) PROVIDE SIGNAGE REQUIREMENTS; 4) PROVIDE FOR ENFORCEMENT; AND 5) PROVIDE A PENALTY OF \$200.**
- D. ORDINANCE ADOPTED ON FINAL READING TO REQUIRE CERTAIN CITY BOARDS TO MEET AND CONDUCT EVERY OTHER REGULAR MEETING OF ITS MEMBERS AFTER 5:30 P.M. ON ANY WEEKDAY OR AT A REASONABLE TIME ON WEEKENDS TO INCREASE PUBLIC PARTICIPATION AND ATTENDANCE AT CITY BOARD MEETINGS.**
- E. REQUEST BY HARLINGEN DOWNTOWN TO CLOSE JACKSON STREET BETWEEN 4TH AND COMMERCE FOR UPCOMING MARKETS IN 2011 APPROVED.**
- F. REQUEST BY ST. ANTHONY'S CATHOLIC CHURCH TO CLOSE 10TH STREET BETWEEN E. HARRISON AND E. VAN BUREN AND ALSO E. VAN BUREN BETWEEN 10TH AND 11TH STREETS FROM 4:00 P.M. TO 11:00 P.M. ON FRIDAY, NOVEMBER 5, 2010 AND SATURDAY, NOVEMBER 6, 2010 TO HOLD THEIR ANNUAL FESTIVAL APPROVED.**
- G. REQUEST BY HARLINGEN HIGH SCHOOL NORTH TO CLOSE 13TH STREET BETWEEN WILLIAMSON AND MARSHALL STREET, MARSHALL STREET BETWEEN 13TH AND 7TH STREET, AND 7TH STREET BETWEEN MARSHALL AND 1800 BLOCK OF NORTH 7TH STREET ON THURSDAY, OCTOBER 7, 2010 FROM 6:00 P.M. TO 10:00 P.M. FOR THEIR ANNUAL HOMECOMING PARADE AND PEP RALLY APPROVED.**

- H. REQUEST BY HARLINGEN HIGH SCHOOL SOUTH TO CLOSE DIXIELAND STREET BETWEEN BOTHWELL AND DIXIELAND PARK (JUST SOUTH OF GARRETT ROAD) ON THURSDAY, OCTOBER 14, 2010 FROM 6:15 P.M TO 7:15 P.M. FOR THEIR ANNUAL HOMECOMING PARADE AND BONFIRE APPROVED.**
- I. REQUEST BY CALVARY CHRISTIAN SCHOOL TO CLOSE WILLIAMSON AVENUE ON SATURDAY, OCTOBER 16, 2010 FROM 2:00 P.M. TO 9:00 P.M. FOR THEIR ANNUAL FALL FESTIVAL APPROVED.**
- J. REQUEST BY HARLINGEN AREA CHAMBER OF COMMERCE TO CLOSE FAIR PARK BOULEVARD AT THE INTERSECTION OF NORTH 'L' STREET ON THURSDAY, OCTOBER 14, 2010 FROM 8:30 A.M. TO 12:30 P.M. FOR THEIR ANNUAL 8TH ANNUAL EDUCATION AND CAREER EXPO APPROVED**

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

RESOLUTION APPROVED AUTHORIZING THE SUBMISSION BY THE HARLINGEN POLICE DEPARTMENT FOR FUNDING OF THE 2011 STEP 'COMPREHENSIVE' GRANT THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)

Chief Castillo explained that the Police Department was granted funding to operate a traffic safety Selective traffic Enforcement Program (STEP) grant through TxDOT funding. The total program amount is \$118,847.55 of which TxDOT will fund \$76,687.00. The City's match will be \$42,160.55. This Grant will fund the assignment of off-duty police officers to provide additional patrols to enforce speed compliance, vehicle occupant restraint compliance, intersection traffic controls enforcement and DWI laws. Staff recommended approval.

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

RESOLUTION APPROVED TO UPDATE THE CITY OF HARLINGEN'S BASIC EMERGENCY MANAGEMENT PLAN

Michael Rinaldi, Fire Chief, explained that the Plan is updated every five years and the change is only to update the Commissioners names or other staff.

Commissioner Leftwich made a motion to approve the resolution to update to the Emergency Management Plan correcting his middle initial to "F" not "A". Commissioner Prepejchal seconded the motion and it carried unanimously.

Commissioner Prepejchal asked if there is any type of evacuation plan in case of a train derailment. and asked if the City has 'mock disasters' training.

Chief Rinaldi replied yes, there is a plan in place and different 'mock' scenarios are picked. He referred to one that was conducted two years ago in Brownsville and it was conducted by the State. As for train derailment 'mock' training, there is nothing scheduled at this time. The schedules usually come out in January.

Gabriel Gonzalez recalled a 'mock' training that was conducted in Harlingen about five years ago for a chlorine leak.

Commissioner Prepejchal recommended a 'mock training' be conducted in January.

FIRE PROTECTION SERVICE CONTRACTS WITH THE CITIES OF COMBES, PRIMERA AND PALM VALLEY APPROVED

Michael Rinaldi explained that these contracts are based on each City's 2010 certified net taxable value at \$.10 per \$100 valuation. Each City has reviewed their contract and has

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signed in agreement with the stated provisions. Approval of these contracts will ensure fire protection services to these communities for the agreed upon compensation:

Combes	\$ 62,358.56
Primera	\$ 85,000.00
Palm Valley	\$114,607.75

Commissioner Leftwich expressed concern that the Harlingen taxpayers could be subsidizing emergency services for some of the county.

Mr. Rinaldi explained that Harlingen residents do not subsidize the services. This past year they only made about 6 runs. He explained that he considered a rate of \$.12 for next fiscal year.

Mr. Rinaldi commented that he would be more concerned over the Emergency Services District contract since that one is based on \$.10 and it is a 'take it or leave it' option. The number of fire calls made throughout the entire County divides the rate and there are no negotiations.

Further discussion followed on the boundaries that are covered by the ESD contract and a question was asked if the City could decline to participate or minimize the area of coverage by the City.

Mr. Rinaldi explained that under the mutual aid agreement the City could respond but would not get paid for it, however, if it was in another district and no one else responded and the City did then the City would get paid for that service. In other words, less calls less money.

Commissioner Leftwich made a motion to approve the fire protection contracts. Commissioner Prepejchal seconded the motion and it carried unanimously.

FORMATION OF THE 'CODE RANGERS' TASK FORCE APPROVED

Carlos Yerena, City Manager, gave a power point presentation on the formation of a "Code Rangers" Task Force. He explained that the Mission of the Code Rangers Program is to beautify our community through a comprehensive educational outreach program that encourages voluntary compliance. The program trains citizens to recognize and accurately report violations; preserve property values and discourage crime. It is to encourage and promote voluntary compliance. He outlined the key components of the Code Ranger program and showed pictures of common code violations. The City will be looking for volunteers to keep an eye on their neighborhoods and help educate landowners about the city ordinances. In summary the participants will have an opportunity to build a relationship with their city officials to work together to beautify the community.

Commissioner Leftwich congratulated Mr. Yerena for bringing this program and he talked about problems that have been expressed by citizens is the lack of feedback once they complain about an issue---a lack of follow up.

Mr. Yerena explained that the volunteers will be trained and will have more interaction with the public and the challenge will be to be able to monitor and provide that type of follow up and to monitor the complaints because of limited staff. It will be less expensive for the property owners to comply then for the City to go through the process of the demolitions.

Commissioner Leftwich commented that this program will do well with the Community Court and will create some opportunities to help those juveniles that are on probation.

Roxann Cotroneo added that she could share with Mr. Yerena information on how to track those calls through a computer database. She stated that she could come back with some ideas that would probably require additional funding.

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Bill Godwin, 313 Hanmore, stated that this is good thing and alluded to the number of illegal signs throughout the city and gave an example of an individual who put up an illegal sign and never sought a permit for it. This program can be good if the community gets involved, by building up pride in the homeowner and complimenting when doing a good job.

He also indicated that the existing city staff (field workers) such as the garbage collectors or other field workers could also help by reporting any violations that they see on their routes to the proper department.

Mr. Godwin also referred to the lack of maintenance by TxDOT in the areas that have overgrown grass and weeds.

Mayor Boswell explained that the City participates with TxDOT by paying for part of the cost to do the maintenance, however, when it rains it is hard to get the mowing down. He agreed with Commissioner Leftwich that this is a great way to supplement resources with community input without adding code enforcement staff and was one of the Harlingen 100 recommendation and commended Mr. Yerena for making this happen.

It was pointed out that those that wish to volunteer should call the Planning Department and the first trainees will be city employees.

Commissioner Leftwich made a motion to approve the formation of the Code Ranger Task Force. Commissioner Marra seconded the motion and it carried unanimously.

BANKING SERVICE CONTRACT AWARDED TO COMPASS BANK FOR A 3-YEAR TERM

Roel Gutierrez, Director of Finance, explained that the current banking contract expired on September 30. Staff went out for applications for a three-year term with two (2) one-year extensions. Two applications were received, one from Compass Bank and one from First National Bank. A five-member committee reviewed the applications and is recommending the contract be awarded to Compass Bank. The main factors for their recommendation were the fees charged to the City and the interest earned paid to the City. Compass Bank will waive their fees but pay interest on everything above \$1.5 million in the City's accounts.

Commissioner Leftwich made a motion to accept staff's recommendation and award the banking service contract to Compass Bank. Commissioner Prepejchal seconded the motion.

Under discussion Commissioner Trevino questioned the number of proposals received. Roel Gutierrez explained that six banks picked up applications but only 2 submitted their proposals.

Commissioner Trevino asked that in the future that a copy of the specifications be included in the agenda packets.

The motion carried unanimously.

AUDITING SERVICE CONTRACT AWARDED TO LONG CHILTON LLP FOR A 3-YEAR TERM

Roel Gutierrez, Director of Finance, explained that staff went out for proposals and received two—one from Long Chilton LLP and one from Patillo, Brown & Hill, LLP. Part of the Audit Committee's responsibilities is to advise the City Commission on the qualifications for the selection of an independent external auditor. The Audit Committee met on September 28 and collectively ranked the firms and based on qualifications, the Committee formed a consensus of opinion to recommend the auditing firm of Long Chilton LLP.

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Commissioner Ruiz asked how long they have been the auditing firm for the City. Mr. Gutierrez replied at least ten years. He further added that their proposed cost for the service is minimum \$45,000 up to \$54,000 with an increase of \$1,000 per year.

Commissioner Trevino asked if the cost of the proposal was considered in the evaluation. Mr. Gutierrez replied yes. Commissioner Trevino stated that next time he wants to see the specs and he wants to be able to evaluate the proposals.

Commissioner Leftwich, as a member of the Audit Committee, (along with Mayor Boswell) explained that one of the advantages for Long Chilton was that, in their task assessment, they broke down members of their organization better as they would apply to a specific task. Long Chilton showed better utilization of their task force that yields a better value for the City.

Mayor Boswell added that Long Chilton knew the number of hours they would be working and projected those hours. The other firm did not. Long Chilton goes the extra mile and provides better customer service and they have a history with the City.

Roel Gutierrez stated that four to five firms contacted the City on the proposals but only two submitted a proposal.

Commissioner Leftwich made a motion to award the contract to Long Chilton LLP. Commissioner Trevino seconded the motion and it carried unanimously.

ORDINANCE ADOPTED ON FIRST READING TO AMEND SECTION 97.21 OF CHAPTER 97 OF THE HARLINGEN CITY CODE, AS AMENDED, AND PROVIDING THAT QUALIFIED PARKS AND RECREATION ADVISORY BOARD MEMBERS MAY SERVE MORE THAN ONE 3-YEAR TERM

Michael Hopping, Director of Parks & Recreation, stated that the adoption of this ordinance would provide that qualified Parks and Recreation Advisory Board members might serve more than one 3-year term.

The caption of the ordinance was read.

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS
AMENDING SECTION 97.21 OF CHAPTER 97 OF THE HARLINGEN
CITY CODE, AS AMENDED; PROVIDING THAT QUALIFIED
PARKS AND RECREATION ADVISORY BOARD MEMBERS MAY
SERVE MORE THAN ONE THREE YEAR TERM; PROVIDING A
SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND
ORDAINING OTHER MATTERS PERTAINING TO THE
FOREGOING.

Commissioner Leftwich made a motion to approve the ordinance on first reading. Commissioner Prepejchal seconded the motion and it carried unanimously.

Mayor Boswell commented that the Parks Board is still having trouble getting a quorum for their meetings. He stated that Phillip Oxford has expressed an interest in serving on the Parks Board. Mr. Oxford would like to offer recommendations regarding the Soccer Complex.

RESOLUTION APPROVED CONFIRMING AND CERTIFYING THE COMMISSION'S ACTIONS AT THE REGULAR MEETING OF SEPTEMBER 1, 2010 AUTHORIZING VALLEY INTERNATIONAL AIRPORT TO RENEW, EXTEND AND MODIFY COMPASS LOAN NO. 0010353691-34 AND TO SUBSTITUTE THE FED/EX LEASE WITH A CERTIFICATE OF DEPOSIT AS SECURITY ON SAID LOAN.

Michael Browning, Director of Aviation, stated that during its meeting of September 1, 2010, the City Commission voted unanimously to authorize the extension of a one-year note with Compass Bank for the short-term financing of the purchase of a building

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located on Valley International Airport and occupied by FedEx. Compass Bank has requested a resolution from the City Commission to certify this action

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

CITY MANAGER AUTHORIZED TO EXECUTE AN AGREEMENT WITH THE AARP FOUNDATION SENIOR COMMUNITY SERVICE EMPLOYMENT AGENCY FOR THE PROVISION OF AN UNPAID SHORT-TERM WORK TRAINING PROGRAM TO ASSIST SENIORS IN PREPARING FOR UNSUBSIDIZED EMPLOYMENT OUTSIDE THE PROGRAM

Roxann Cotroneo, City Attorney, explained that the AARP Foundation has a program that assists seniors in acquiring training and work experience in private and public agencies by volunteering to perform services for the agencies that may lead to employment for the individual. The City of Harlingen has had the program in operation in the Library for the past 15 years where seniors have performed tasks at no cost to the Library. The Police Department would like to add this program to assist with various activities such as clerical and custodial functions. AARP Foundation will pay the salaries and workers compensation on the volunteers. The City would provide minimal oversight to see that the work was performed. Ms. Cotroneo recommended that the program be made citywide so that it will be available to all city departments rather than just the Library and Police Department.

Commissioner Leftwich made a motion to authorize the execution of the agreement with the AARP Foundation Senior Community Service Employment Agency. Commissioner Marra seconded the motion and it carried unanimously.

2010 AMNESTY PROGRAM AND WARRANT ROUND-UP PROGRESS DISCUSSED

Roxann Cotroneo gave the Commission an update on the amnesty program that was extended through September. She reported that the August and September amnesty program brought in a total of \$912,071 in revenue to the City. September collections alone were \$504,135, which included cash, and payment plans. She showed the Commission the comparisons between the two months and noted that there was an increase of 19% in September and there was an increase of 44% in August. Ms. Cotroneo indicated that she was not sure if the program lost momentum and that she would study the decline in collections.

Ms. Cotroneo explained that through the warrant roundups there were only 55 arrests. There were cards that were being left at the residences of the offenders and a lot of people came as a result of the card left at their homes.

She reported that the amnesty program only cost the City \$18,455 in staff overtime and noted that this was a collaborative effort by many employees. She stressed to the Commission to get the word out that one should not be afraid to come to the Municipal Court. She indicated that she would be back with more ideas on how to be more efficient at the Municipal Court.

Commissioner Leftwich thanked Ms. Cotroneo for her efforts with these programs and stated that the more efficient the more effective these programs and others can be and will provide a better quality of life for the citizens.

BOARD APPOINTMENTS

Commissioner Leftwich stated that he would like to remove Curtis Bonner from the Utility Board of Trustees and appoint Richard Uribe.

Commissioner Marra appointed Steve Aune to the Downtown Improvement District.

Commissioner Prepejchal appointed Arturo Gonzalez to the Golf Advisory Board.

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Mayor Boswell appointed Bill DeBrooke to the Downtown Improvement District.

Commissioner Leftwich made a motion to approve the appointments. Commissioner Trevino seconded the motion and it carried unanimously.

Commissioner Leftwich made a motion to go into Closed/Executive Session pursuant to chapter 551, subchapter D., *V.T.C.A. Government Code*, Section 551.071 to discuss contemplated or pending litigation or to seek legal advice from the City Attorney regarding: private offer received from tax sale conducted on June 1, 2010 for Lot 16, Block 1, Broadview Addition, Cameron County, Texas according to the map or plat thereof, recorded in Volume 8, Page 2, map records of Cameron County, Texas. 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 TO DISCUSS CONTEMPLATED OR PENDING LITIGATION OR TO SEEK LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING: PRIVATE OFFER RECEIVED FROM TAX SALE CONDUCTED ON JUNE 1, 2010 FOR LOT 16, BLOCK 1, BROADVIEW ADDITION, CAMERON COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 8, PAGE 2, MAP RECORDS OF CAMERON COUNTY, TEXAS

The Executive Session convened at 6:55 p.m. and concluded at 6:59 p.m. with no action taken in closed session.

RESOLUTION APPROVED APPROVING THE PRIVATE OFFER RECEIVED ON THE TAX SALE CONDUCTED ON JUNE 1, 2010 FOR LOT 16, BLOCK 1, BROADVIEW ADDITION, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR THEREOF, RECORDED IN VOLUME 8, PAGE 2, MAP RECORDS OF CAMERON COUNTY, TEXAS.

Back in open session, Commissioner Leftwich made a motion to approve the resolution. Commissioner Marra seconded the motion and it carried unanimously.

There being no further business the meeting adjourned at 7:00 p.m.

Chris Boswell, Mayor

Attest:

Sylvia R. Trevino, City Secretary