

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

NOVEMBER 3, 2010

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, November 3, 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

Jerry Prepejchal, Commissioner District 4

Absent: Korri Marra, Commissioner District 3

Staff Present:

Carlos Yerena, City Manager

Roxann P. Cotroneo, City Attorney

Sylvia R. Trevino, City Secretary

Mayor Boswell called the meeting to order and stated that the meeting notice was duly posted according to law.

INVOCATION/PLEDGE OF ALLEGIANCE/WELCOME

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

BOARD MEMBER RECOGNITIONS

None

CITIZEN COMMUNICATION

Desi Martinez signed up under Citizen Communication for Item No. 5 and he was allowed to speak when the item came up.

MINUTES FOR APPROVAL – REGULAR MEETING OF OCTOBER 20, 2010

Commissioner Leftwich made a motion to approve the minutes as presented.

Commissioner Prepejchal seconded the motion and it carried unanimously by those present.

CONSENT AGENDA:

- A. REFUND OF PROPERTY TAXES APPROVED FOR WELLS FARGO HOME MORTGAGE (GLORIA Q. MARTINEZ) IN THE AMOUNT OF \$508.59/ACCOUNT NO. 97-3797-0020-0010-01.
REFUND OF PROPERTY TAXES APPROVED FOR KOHL'S INC. IN THE AMOUNT OF \$1,591.84/ACCOUNT NO. 00-0100-9000-0578-09.
- B. REQUEST FROM HEB SUPERMARKET TO CLOSE THE 200 BLOCK OF E. MADISON STREET FROM 2ND TO 3RD STREETS AND 2ND AND 3RD STREETS FROM E. MADISON TO E. JEFFERSON FROM 8:00 A.M. TO 5:00 P.M. ON THURSDAY AND FRIDAY, NOVEMBER 18 AND 19, 2010 FOR THE ANNUAL 'THANKSGIVING FEAST OF SHARING' APPROVED.

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

DISCOUNTED, VOLUME-BASED RENTAL RATE TO LIFELINE HEART OF WORSHIP CHURCH FOR 22 RENTALS AT THE HARLINGEN MUNICIPAL

AUDITORIUM BEGINNING NOVEMBER 21, 2010 AND ENDING JULY 31, 2011 APPROVED

Joel Humphries, Director of Arts & Entertainment, explained that Lifeline Heart of Worship is a local nonprofit religious organization that is requesting to rent the Harlingen Auditorium for their Sunday services beginning November 21, 2010 and running through July 31, 2011.

He stated that currently the Municipal Auditorium has an established nonprofit rental rate of 75% of the private or for profit rate. Lifeline Heart of Worship is prepared to put a cash deposit down on 35 individual dates. This recurring rental would result in approximately \$29,000 in rental revenue to the Municipal Auditorium enterprise fund. The organization is also requesting an additional discount of 10% for a total of a 35% discount off the base rental rate. The current base rental rate is \$1,300 for private and for profit events and \$975 for local nonprofits. An additional 10% would result in the Lifeline paying \$845.00 plus contract labor for each of their events for a total of \$29,575.00 in revenue.

Mr. Humphries stated that since Jehovah's Witness ceased using the Auditorium after Hurricane Dolly, he has been looking to replace them in the short term.

Those in the audience that were associated with Lifeline displayed a show of hands. Mr. Humphries commented that they are prepared to come to the table with cash.

Commissioner Leftwich made a motion to approve the discounted, volume-based rental rate to Lifeline Heart of Worship Church. Commissioner Prepejchal seconded the motion and it carried unanimously.

CITY MANAGER AUTHORIZED TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR MAINTENANCE OF THE LANDSCAPED AREAS ALONG THE US 77/83 INTERCHANGE, EXPRESSWAY 77 AND SPUR 54

Dan Serna, Director of Public Works, explained that the current agreement signed last year expired in October. TxDOT has submitted an updated Interlocal Agreement to continue the partnership for the maintenance of the landscaping around the Tourist Center and the Expressway Interchange. He stated that the maintenance areas are broken down into four sections. The City's cost to maintain the maintenance areas #1 and #2 is \$55,687.77 for the year. In addition to maintaining the landscaping with maintenance areas #1 and #2, staff also requested that TxDOT increase the number of mowing cycles for the grassy areas along the expressway from ½ mile north of Loop 499 south to Harlingen/San Benito city limits. Staff also requested to increase the number of mowing cycles along Spur 54 from three times per year to nine in order to improve the appearance of the areas #3 and #4. This cost would be an additional \$9,117.36 for the year.

Staff recommended authorizing the Interlocal Agreement for a total cost to the City in the amount of \$64,805.13

Commissioner Leftwich affirmed that this would cover from city limits to city limits.

Commissioner Leftwich made a motion to authorize the City Manager to enter into the Interlocal Agreement for the maintenance of landscaped areas along the US 77/83 Interchange, Expressway 77, and Spur 54. Commissioner Prepejchal seconded the motion.

Under discussion, Desi Martinez, pointed out that the City is in dire need of beautification and he is thinking of future alternatives. There are many other areas in the City that require maintenance and he suggested having a comprehensive maintenance plan where the City could do the work and not have to depend on some one else to make the City look good.

Voting on the motion carried unanimously

RESOLUTION ADOPTED ESTABLISHING THE DETERMINATION OF A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE FOR REAL PROPERTY LOCATED ON STUART PLACE ROAD FROM BUSINESS 83 TO EXPRESSWAY 83 SOUTH FOR CONSTRUCTION OF PUBLIC ROAD

Dan Serna, Director of Public Works, explained that in May 2007, the City entered into an Advanced Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) for the reconstruction and widening of Stuart Place Road from US 83 south to Business 83. The AFA requires the city to cover approximately 20% of the construction cost with TxDOT paying the remaining 80%. The City is also responsible for all costs related to the environmental assessment process and acquisition of the necessary right-of-way for the project. The cost of the project is \$2.3 million. He stated that TxDOT has authorized the City to move forward with the ROW acquisition. The resolution will allow staff to proceed.

Mr. Serna stated that the City's portion is over \$400,000. and hopefully, TxDOT will acquire funding for their portion. There is more than enough budgeted to cover the City's portion through the 2003 bond.

Commissioner Trevino expressed concern over the design as it impacts the elementary school. The residents have expressed concerns on how close the street is to the side doors. However, if the design is done correctly, the neighborhood will be happy. Dan Serna stated that about two months ago the design was changed to facilitate the bus access. It will also help congestion in the area and all traffic will be free flow.

Commissioner Trevino asked about the traffic counts. Mr. Serna stated that the only traffic counts are the ones that were done by TxDOT in 2008 and produced 5,000 vehicles. It is projected these counts will increase to 8,000. Commissioner Trevino asked that staff keep close tabs on the design as it relates to the left turn lane.

Commissioner Leftwich made a motion to approve the resolution. Commissioner Trevino seconded the motion and it carried unanimously by those present.

BID REJECTED FOR HARLINGEN SOCCER COMPLEX LANDSCAPE AND MAINTENANCE SERVICES UNDER BID NO. 2011-02

Gabriel Gonzalez, Assistant City Manager, stated that only one bid was received in the amount of \$338,500 and it came in higher than the budgeted amount of \$147,000.00. Staff recommended rejecting the sole bid and to renew the current contract with D-Bar Contractors in the amount of \$146,700.00 for one year and to review their performance within three months. Mr. Gonzalez stated that staff is also asking that the contractor submit a renewed insurance policy. The current policy has expired.

Commissioner Trevino asked why the current contractor did not submit a bid. Mr. Gonzalez replied he did not know but the contractor had indicated to staff that he had not submitted his bid bond in time.

Commissioner Trevino stated he had an issue with extending the current contract if the contractor cannot take care of what he has now and asked if there was a way that this maintenance could be done in house.

Mr. Gonzalez explained that during the budget process staff submitted a proposal to the Council and it came in at more than the budgeted amount and right now there is not enough staff to do this project in house. At the time that the Commission chose to privatize this out a lot of the employees were transferred out to other departments.

Commissioner Leftwich made a motion to reject the sole bid.

Commissioner Trevino asked if this included an automatic renewal of the current contractor.

Roxann Cotroneo explained that it is not an agenda item, however, the contract itself has an option for renewal, therefore, it would not be necessary to come back to the Commission for extension of the contract.

Gabriel Gonzalez stated that staff could bring the item back in three months and at that time decide what the contractor's performance has been like. Mr. Yerena stated that staff would document all complaints that come in regarding the soccer complex.

Commissioner Prepejchal commented that right now the City cannot afford to do the maintenance in house and he seconded the motion.

Commissioner Trevino asked how this will impact the improvements. Mr. Gonzalez replied the improvements are still on track and the contract extension is still within budget.

Commissioner Trevino suggested combining forces in the future with Public Works and Parks to do right-of-way maintenance and parks maintenance.

George Merrill addressed the Commission and explained that the reason that more bids were not submitted was because of the bid requirements for insurance. The bid requirements called for a payment bond of 100%, a performance bond 100% of the bid, and 5% bid bond. In essence, 205% of whatever that amount came in and there is no local contractor capable of submitting this. The requirements were too stringent. In this case it would have been \$294,000. No one has that amount sitting around to tie up his leverage to bid on something that is a fraction of the cost of the contract and to extend the current contractor's contract the requirements were not given last year like this year.

Mr. Merrill stated that this year the requirements were changed and that is why he was not able to submit a bid. If the Commission continues with these requirements local vendors will not be able to participate and create local jobs. Mr. Merrill suggested redoing the bid specs and break it down to where the payment bond is not double that what the actual contract amount is, and then it would be more inclusive for local contractors to be competitive and would actually benefit the city to achieve the goal of saving money.

Gabriel Gonzalez explained that it is not unusual to ask for this kind of insurance coverage on construction projects although this was not a construction project and it is done to protect the city.

Both Commissioners Leftwich and Trevino felt that these requirements need to be reevaluated.

Commissioner Prepejchal also suggested doing a 'tier' step in order that smaller projects not have such high insurance requirements.

Mayor Boswell asked that when the item comes back in three months that staff present other alternatives.

Voting on the motion carried unanimously.

PRESENTATION ON BOY'S AND GIRL'S CLUB – GERALD GATHRIGHT, EXECUTIVE DIRECTOR

Mr. Yerena commented that he had the pleasure of visiting the Boy's and Girl's Club and had asked that Mr. Gathright make a presentation on the Boy's and Girl's Club.

Gerald Gathright, Executive Director of the Boy's and Girl's Club (for 33 years) explained that this organization is more a preventive organization. It prevents the youth from getting into the justice system and becoming better citizens.

He explained that several years ago a couple of contracts were put in place to provide a variety of services to children of all areas of the community, with special emphasis for

children living in the most challenging of circumstances. Mr. Gathright went over several highlights of the program such as sports with over 200 teams in place; the academic programs; community service and the feeding programs.

Mr. Gathright called on several individuals to speak on how the Boy's and Girl's Club has benefited them.

Maribel Esquivel Gonzalez stated that she grew up in Bonita Park and in 2000 she was selected at Texas Youth of the Year. She is now a teacher at Wilson Elementary, has 3 children, and is married. A younger brother, wounded in Iraq, is now stationed in San Antonio and her sister is actively involved in the volleyball program at the Boy's and Girl's Club. Ms. Gonzalez stated that the Boy's and Girl's Club gave her the opportunity to be successful and productive.

Christy Shelander, a mother of two (2) and past member of the Boy's and Girl's Club, stated that the Club has kept her children off the street. She has been associated with the Club for over 30 years and she coaches one of the teams. She asked that the Commission consider funding the Club once again.

Andy Lopez stated that he has been going to the Club since he was five years old. The Club was able to provide him with his first job and he wants to keep going in his future because the Club has impacted his life a lot and he just loves it.

Cindy Pena White stated that she grew up in Fair Park. When she was six years old her father was incarcerated and her grandparents then raised her and the rest of her siblings. With her grandparents unable to help her do her homework, someone suggested going to the Boy's and Girl's Club for help. She started working at the age of 16 and by going to the Club it kept her from an environment that could have been damaging to her future. She is now a 1st grade teacher at Zavala Elementary---an educator and a parent. The Boy's and Girl's Club will take you under their wings and because of the Club she is where is today. Ms. White commented that she sees more and more grandparents raising their grandkids and the Boy's and Girl's Club can really help them out by assisting with homework. She asked that the Commission continue to support the Boy's and Girl's Club.

Mr. Gathright then introduced several of the Board members that were present.

Manny Vela, a Board member, stated that there is nothing more powerful that he can say than the success stories just heard. He stated that there are literally thousands of success stories have been emanated through the work that Mr. Gathright and his staff do. He invited everyone in the audience to tour the Boy's and Girl's Club. Mr. Vela added that it is a very well run organization run by professionals who care for nothing less than the future of these students. From a prosecutorial perspective there is nothing more important than offering our young men and women in the community the opportunity to do something different than roam the streets inappropriately.

Mr. Vela related to his personal experience in that his children, too, participated in sports there but they have now graduated and he will miss the opportunity to watch those games. There are so many other facets to the Boy's and Girl's Club that offer such golden opportunities to our young men and women and so many of them relate to educational opportunities but also from a character building perspective as well: respect, morality, character building. All these things that we want our children to learn at the earliest stage because from there they grow to be adults. Mr. Vela commented that the Council has had the foresight to invest in the children and investing in the future. He stated that he could not be more honored than to serve as a member of the Board of Directors and he encouraged and urged the continued support of the Commission.

At this time Mr. Gathright recognized others that have had an impact on the organization that were in the audience: Sam Lozano, and a Mr. Gonzalez.

George McShan, also a Board member for 31 years approached the podium, speaking in support of the Boy's and Girl's Club. As elected officials we have many decisions to

make and in our hands is the future of our youth. He pointed out that Ms. Maribel (Gonzalez) had been awarded a \$25,000 scholarship from Oprah Winfrey through the Boy's and Girl's Club. He stated that it takes a vision with a plan and a timeline and that has been done through the Boy's and Girl's Club. In 1991 the Harlingen CISD collaborated with the Boy's and Girl's Club to build the first unit at Bonita Park, then another at Los Vecinos and then another one at LeMoyne Gardens. Addressing the Commission, he stated, "The investment that you make tonight is in your hands".

In 2003 the City and the Boy's and Girl's Club collaborated to put together the youth programs because the City could no longer fund it by themselves. Mr. McShan told the Commission that the decision that they make tonight would go a long way into the future.

Mr. Gathright thanked the Commission and, in conclusion, stated that the Boy's and Girl's Club has a history of successful operations through a variety of grants and a variety of sources from the federal government and state and local governments. The Board of Directors raise a significant part of the budget through fundraisers but the organization is also dependent on the support from the City and he stated that they would appreciate any consideration by the Commission.

Mayor Boswell thanked everyone for their outstanding presentation and the report on the kinds of things that the organization does in return for the contracts with the City.

2010-11 BOY'S AND GIRL'S CLUB CONTRACT IN THE AMOUNT OF \$77,604.00 FOR GENERAL MEMBERSHIP SERVICES PROVIDED BY THE HARLINGEN BOY'S AND GIRL'S CLUB (YOUTH PROGRAMS) APPROVED

Commissioner Prepejchal made a motion to approve the contract in the amount of \$77,604.00. Commissioner Leftwich seconded the motion and it carried unanimously.

2010-11 BOY'S AND GIRL'S CLUB CONTRACT IN THE AMOUNT OF \$101,670.96 FOR GENERAL MEMBERSHIP SERVICES PROVIDED BY THE HARLINGEN BOY'S AND GIRL'S CLUB (TEEN PROGRAMS) APPROVED

Commissioner Leftwich made a motion to approve the contract in the amount of \$102,670.96. Commissioner Prepejchal seconded the motion and it carried unanimously.

CREATION OF THE CITY OF HARLINGEN ONE BOOK ONE COMMUNITY READING PROGRAM APPROVED

Carlos Yerena, City Manager, explained that this is an initiative for the younger generation. He stated that it is important to have tools that will help motivate children to read. Reading is a very important element of growing up. This program will build on assets that the City already has by partnering with the Harlingen Library. This will be a community wide campaign---One Book One Community Reading Program.

Mr. Yerena presented a power point presentation that outlined the program overview. The program objective is to promote the positive development of Harlingen youth and to promote literacy development and encourage a love of reading. Also, to increase environmental awareness and promote the protection and beautification of Harlingen's natural environment.

Mr. Yerena stated that the designated book is *The Lorax* by Dr. Seuss. It is a classic children's story that advocates for environmental awareness and responsibility. The proposed activities associated with this initiative are community wide readings to children and City Commission recognition of businesses, organizations, or individuals that lead efforts to reduce energy consumption or to beautify/protect the environment of Harlingen. There will also be age appropriate contests held incorporating themes of *The Lorax*.

Mr. Yerena further explained that potential community partners could also be the Boy's and Girl's Club of Harlingen, charter schools, home schools, Channel 17, and other potential partners could be the radio and television media and professional sports teams.

Commissioner Leftwich made a motion to approve the One Book, One Community Reading Program. Commissioner Prepejchal seconded the motion and it carried unanimously.

RENEWAL OF THE FIRE PROTECTION CONTRACT WITH CAMERON COUNTY EMERGENCY SERVICES DISTRICT NO. 1 FOR FY 2010-11 APPROVED

Michael Rinaldi, Fire Chief, explained that the proposed FY 2011 Fire Contract is in the amount of \$201,785.47 to be paid in quarterly installments of \$50,446.37. Staff recommended approval.

Commissioner Leftwich made a motion to approve the renewal of the contract as recommended by staff. Commissioner Prepejchal seconded the motion and it carried unanimously by those present.

DISCUSSION ON NEW WRITTEN LANGUAGE ON MUNICIPAL COURT CITATION THAT PROVIDES INSTRUCTIONS TO DEFENDANT(S) ON HOW TO RESOLVE THEIR ISSUED CITATION(S) ONLINE, BY MAIL OR IN PERSON

Roxann Cotroneo, City Attorney, explained that there are other options other than going to Court. Through a power point presentations she displayed the current citation issued by the Municipal Court and the proposed language that will go on the back of the citation. The proposed ticket tells how to go about paying your ticket, whether online, by mail or in person. The revised language also shows required state law language and then the bottom portion is where the defendant completes the form if paying by mail.

Ms. Cotroneo handed out copies of the proposed citation to audience members and explained that she would like the public's input. She added that if a person wants to know how much to pay for a certain violation, they can check the City's website and click on 'municipal court fines' which displays a list of violations and their respective fines. She stated that the implementation of this new form is January 2011. The citation will be more customer service friendly and will be in English and Spanish. Ms. Cotroneo informed the Commission that a new kiosk would be purchased for the Lon C. Hill Building so citizens can pay there also.

BOARD APPOINTMENTS

Commissioner Leftwich appointed Joshua Hernandez to the Veterans Advisory Board.

Commissioner Trevino appointed June Ramirez to the Downtown Improvement District Board.

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

There being no further business the meeting adjourned at 6:27 p.m.

Chris Boswell, Mayor

Attest:

Sylvia R. Trevino, City Secretary