

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

November 21, 2016

A Regular Meeting of the Harlingen Elective Commission was held on November 21, 2016 at 5:30 p.m., City Hall, Town Hall Meeting Room, 2nd Floor, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell
Mayor Pro-Tem Michael Mezmar, District 3
Richard Uribe, City Commissioner, District 1
Tudor Uhlhorn, City Commissioner, District 2
Ruben De La Rosa, City Commissioner, District 4
Victor Leal, City Commissioner, District 5

Staff Present

Dan Serna, City Manager
Amanda C. Elizondo, City Secretary
Richard Bilbie, City Attorney

Mayor Boswell called the meeting to order and announced the meeting was duly posted according to State law. The following proceedings were held:

Invocation/Mayor Pro-Tem Michael Mezmar

Mayor Pro-Tem Mezmar gave the invocation.

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance and welcomed those in attendance.

1) Presentation of donation checks to Special Olympics - Texas; Boys & Girls Club of Harlingen; and The Family Crisis Center and awards to sponsors by the Harlingen Police Department 2nd Annual 5K Walk/Run with The Heroes RGV 2016.

Jeffrey Adickes, Chief of Police stated the 2nd Annual 5K Walk/Run with Heroes RGV are a great community even. The first year there were 600 attendees and this year there were 800 registrants. The goal is 1,000 runners. The purpose of the run is to honor the first responders, paramedics, firefighters, police officers and the community for coming together and contributing to some great charities such as Boys and Girls Club, The Family Crisis Center of Harlingen and The Special Olympics Team. Chief Adickes presented plaques to the sponsors and checks to the Boys and Girls Club (\$5,000) donation from the Harlingen Police Departments 5K Walk/Run; Special Olympics (\$5,000), and Family Crisis Center (\$5,000) for a total charitable contribution of \$15,000.

Mayor Boswell thanked and congratulated Chief Adickes and everyone involved with the 5K Walk/Run for sponsoring a great event for the betterment of the community.

2) Presentation of Recognition Awards to:

- a) Frank Espinosa, AEP Texas Community Affairs Manager
- b) Wilfredo Jun Ellorimo, Owner of Foot Works
- c) Nick Consiglio

Mayor Boswell read and presented plaques of recognition on behalf of the Harlingen City Commission to Frank Espinosa, Wildfredo Jun Ellorimo, and Nick Consiglio. He thanked and congratulated them for their services.

3) Presentation of Proclamations

- a) November 12-20, 2016 as "National Hunger and Homeless Awareness Week."

Mayor Boswell read and presented the proclamation to Sister Zita & Michelle Yates – (La Posada Providencia), Bill Reagan – (Loaves and Fishes), Daisy Lopez – (Friendship of Women), Abel Morales – (Affordable Homes of South Texas), and Pedro Bustamante.

Mrs. Yates and Mr. Reagan thanked the City Commission for the recognition and their support.

- b) November 17-19, and December 1-3 & 8-10, 2016 as "Harlingen Professional Fire Fighters Fill the Boot Days."

Mayor Boswell read and presented the proclamation to Jennifer Molina – (MDA, Area Director), Roy Rubio, Fire Chief and several firefighters.

Ms. Molina and Chief Rubio thanked the City Commission for the proclamation and their support.

- 4) Approval of Minutes

- a) Regular Meeting of October 3, 2016
b) Special Meeting of September 8, 2015

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to approve both set of minutes with a correction to the Special Meeting of September 8, 2015, reflecting Commissioner Mezmar as absent. Motion carried unanimously.

CONSENT AGENDA

- 5a) Second and final reading to approve and adopt an ordinance amending Chapter 6 of the Code of Ordinances concerning Animals to allow for the ownership of dogs and other animals by the City of Harlingen after any required impoundment or holding period.
- b) Second and final reading to approve and adopt an ordinance to authorize the sale of the JV Field to the Harlingen Consolidated Independent School District (HCISD) and authorize the Mayor to execute the deed and all documents required for the conveyance.
- c) Consider and take action to approve a request from J & V Toys, Games & More to close Madison Avenue between 2nd and 3rd Streets in front of the Casa de Sol on Sunday, December 18, 2016, 7:00 a.m. to 6:00 p.m. for their J & V Collector's EXPO.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve the items under the consent agenda. Motion carried unanimously.

For the record, the caption of Ordinances Nos. 2016-54 and 2016-55 read as follows:

ORDINANCE NO. 2016-54

AN ORDINANCE AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCES, AS AMENDED, CHAPTER 6 ANIMALS BY ADDING SECTION 6-205 UNDER ARTICLE IV ANIMAL CONTROL, DIVISION 3 IMPOUNDMENT, BY GIVING THE CITY OF HARLINGEN OWNERSHIP OF DOGS OR OTHER ANIMAL AFTER EXPIRATION OF IMPOUNDMENT OR HOLDING PERIODS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING

ORDINANCE NO. 2016-55

AN ORDINANCE AUTHORIZING THE SALE OF AN ELEVEN ACRE TRACT OF LAND, MORE OR LESS, COMMONLY KNOWN AS THE JV FIELD, FROM THE CITY OF HARLINGEN TO THE HARLINGEN CONSOLIDATED INDEPENDENT SCHOOL DISTRICT; AUTHORIZING THE MAYOR TO EXECUTE THE DEED AND ALL DOCUMENTS RELATED TO CONVEYANCE; AND FINDING SAID SALE IS IN THE PUBLIC INTEREST AND SERVES A PUBLIC PURPOSE.

PASSED AND APPROVED on first reading on this 2nd day of November, 2016.
PASSED AND APPROVED on second and final reading on this 21st day of November, 2016.

ATTEST:
/s/Amanda C. Elizondo, City Secretary

CITY OF HARLINGEN
/s/ Chris Boswell, Mayor

- 6) Presentation by Dr. Belinda Reininger with UT Health Science Center regarding the City's Health Promotion Program to promote healthy lifestyles highlights.

Mr. Ramiro Gonzales, Environmental Health Director stated the City of Harlingen entered into a grant contract in 2013 with UT School of Public Health to promote health and wellness to the community. With the grant funding, the City hired a community health worker to promote health and wellness activities, purchased exercise equipment and pay for the City's Bike Share Program.

Dr. Belinda Reininger, with UT Health Science Center stated City of Harlingen and eight other cities had this project contract. There were 275 Harlingen community members. The purpose of the program was to create a culture of health by building healthy and active communities by providing education and screenings to promote positive health behaviors, improving access to healthcare and enhancing our community's infrastructure to promote active lifestyles. She briefly highlighted the activities that occurred from 2013 to 2016.

Mayor Boswell stated the City received a good report card and he was appreciative with the partnership and collaboration of Ms. Reininger.

- 7) Consider and take action to approve a Memorandum of Agreement between the Texas Commission on Environmental Quality and the City of Harlingen to provide citizens with a mechanism to report illegal dumping that affects surface waters of Texas in the City of Harlingen through participation in the "Don't Mess with Texas Water Program."

Jaime Garza, Director of TECQ stated the MOU between the City of Harlingen and TECQ has been in existence since 2012. The continuation of the MOU would provide the citizens with a mechanism to report illegal dumping that affects surface waters of Texas in the City of Harlingen. When a report is filed, they look for the responsible party and work with the cities on doing the investigation. If the investigation does not identify the responsible party, then it is referred to the property owner. The MOU serves as a deterrent to give awareness to the public of their contact information and notification to the proper authorities. Six (6) cities are participating in this program and Representative Lucio introduced House Bill 451 during the 82nd Legislation Session.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve a Memorandum of Agreement between the Texas Commission on Environmental Quality and the City of Harlingen to provide citizens with a mechanism to report illegal dumping that affects surface waters of Texas in the City of Harlingen through participation in the "Don't Mess with Texas Water Program." Motion carried unanimously.

- 8) Consider and take action to approve an ordinance on first reading amending Sections 32.181, 32.182, and 32.183 of Chapter 32 of the Harlingen City Code, as amended; establishing the number of and appointment criteria for Convention and Visitors Bureau Board Members and related matters.

Melissa Landin, Executive Director stated she has attempted to hold meetings with the advisory board and repeatedly the issue has been with a quorum. The current ordinance was reviewed with Administration and it was decided to reduce the membership from 12 to 7 members to reduce the number of board members required to establish a quorum. The proposed ordinance called for representation from significance organizations and areas of the community. Approval of this ordinance will provide for an active advisory board that can contribute to the number of events, proposed convention center and marketing of the City.

Mr. Bilbie read the caption of the ordinance.

Commissioner Leal asked if his appointee was being removed because he was not at large and did not have any of the criteria. The proposed ordinance specified that the make-up of the board would be as follows:

- a) Two (2) owners of a hotel or motel;
- b) One (1) owner of a restaurant;
- c) One (1) owner or manager in a retail;
- d) One (1) representative of the arts and not a City employee,
- e) One (1) to help organize or promote amateur sporting events,
- f) One (1) to work in or represent nature tourism

Mrs. Landin stated the Commission would draw lots and would make the appointments from each particular sector (a) through (f).

Mayor Boswell stated there is a rule that if you miss two meetings the board member could be removed.

Commissioner Leal stated this rule had not been applied and he was pushing for this rule. He asked what constitutes three meeting; three with excuses or without excuses. This is not the only board we are having an issue or had an issue. My concern is that everybody gets notified that all terms because of this change are out and we are going to start over.

Commissioner Uhlhorn stated as long as, we reappoint the people that are eligible for the slots and that have been doing a good job.

Mayor Boswell requested attendance reports for the previous year so they would know who has and has not been attending the meetings.

Ms. Landin stated a couple of the board members did try to attend, but their terms had expired, but they were still participating. There were no attendance records or minutes for the last two years.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve an ordinance on first reading amending Sections 32.181, 32.182, and 32.183 of Chapter 32 of the Harlingen City Code, as amended; establishing the number of and appointment criteria for Convention and Visitors Bureau Board Members and related matters. Motion carried unanimously.

- 9) Consider and take action to approve a Memorandum of Understanding between Cameron County and the City of San Benito and the City of Harlingen to allow Harlingen EDC to manage the project of establishing refrigerated inspection facilities within the federal import lot at the Los Indios Free Trade Bridge.

For the record, Commissioner Uhlhorn filed a Conflict of Interest Form with Amanda C. Elizondo, City Secretary relating to Item No. 9. Commissioner Uhlhorn relinquished his chair and left the meeting room in order to avoid an appearance of impropriety

Raudel Garza, Chief Executive Officer of the Economic Development Corporation of Harlingen, Inc. stated Cameron County, Cities of San Benito, Harlingen, Port of Brownsville and others have been working together to promote the international crossings in Cameron County for quite some time. In 2014, they attended a trade show as a group to promote Los Indios and create a way to bring more traffic into Los Indios. This included the creation of constructing a cold storage facility at the inspection station. In January 2016, an inter-local agreement was executed by the entities involved in this project outlining the amount of contribution from each of the entities. The budget amount for this project exceeded what the inter-local agreement specified by over \$2,000, but under \$3,000 on the City's end. They wished to specify the City's and EDC's responsibilities to manage the project and the MOU outlined the responsibilities. They would proceed on this project until the other three entities had funded their share. Once the funding was received by those entities that had provided the funding, the construction of the facility would begin. They advertised and requested proposals for the maintenance and operations of the facility. They had a contract ready with all the pricing set, all the federal approvals are in place. What was pending was the execution of the contract by all parties involved. The start date of construction would be January, 2017 and it would take 60 - 90 days to build it. He recommended approval of the MOU.

Mr. Serna asked if this MOU replaced the inter-local agreement.

Mr. Garza responded the previous document was an inter-local agreement between three governing bodies of three (3) bridge owners and it did not include the EDC nor outlined the EDC's responsibilities. This is an extension of the inter-local agreement. It defines the EDC's role and refines the City's budget. The City will be the first to sign this MOU and the other bodies will sign thereafter.

Mayor Boswell stated there is an inter-local agreement in place which specifies that the three (3) entities will proceed with this project. They were ready to begin the work to construct the facility and someone to manage the facility.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve a Memorandum of Understanding between Cameron County and the City of San Benito and the City of Harlingen to allow Harlingen EDC to manage the project establishing refrigerated inspection facilities within the federal import lot at the Los Indios Free Trade Bridge. Motion carried unanimously.

- 10) Consider and take action to renew the contract with Vendini for ticketing services at the Harlingen Municipal Auditorium and Casa de Amistad and authorize the City Manager to sign the contract.

Mr. Joel Humphries, Director of Arts and Entertainment stated the contract was a renewal for the ticketing services at the Municipal Auditorium. Vendini® was the vendor that was previously selected by the City and was the one who was providing the service. This was the same contract as the previous one with no changes on the price structure. Staff requested quotes from the following vendors: Thunder Tix, Tix.com, Seat Advisor and Sho Warel. In reviewing the proposals and considering the costs with the purchase of ticket stock, equipment and venue setup, it was determined that renewing the agreement with Vendini® was most economical and advantageous. The contract is for a three (3) year term with a 3rd year option renewal; either party can cancel the contract within a 30 day notice.

Motion was made by Commissioner Uribe and seconded by Mayor Pro-Tem Mezmar to renew the contract with Vendini® for ticketing services at the Harlingen Municipal Auditorium and Casa de Amistad and authorize the City Manager to sign the contract. Motion carried unanimously.

- 11) Consider and take action to allow the Mayor to execute an Easement and Right-of-Way to AEP Texas Central Company, a Texas Corporation for the installation of electrical service to Fire Station No. 2 located on Stuart Place Road.

Martha E. Viada, from the Engineering Department stated AEP Texas Central Company was requesting for the City to execute an easement and right-of-way (ROW) for the installation of electrical service to Fire Station No. 2 located on Stuart Place Road. The easement and right-of-way would allow AEP to install an underground cable, transformer, and meter box to provide power to the building.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to allow the Mayor to execute an easement and right-of-way to AEP Texas Central Company, a Texas Corporation for the installation of electrical service to Fire Station No. 2 located on Stuart Place Road. Motion carried unanimously.

- 12) Consider and take action to authorize the City Manager to sign an Inter-local Agreement for Sidewalk improvement Projects between the Lower Rio Grande Valley Development Council and the City of Harlingen and submit a letter of local funding match certification.

Ms. Viada stated this item had been previously taken before council on March 25, 2015. Due to environmental clearance, a change in staff at the LRGV and application deadlines for the Federal Transit and Administration (FTA), the grant was delayed for this upcoming funding cycle. The project consists of installing sidewalk in three (3) different locations in Harlingen. The locations were within 1/2 mile of the existing transit facility or route. This would enable pedestrians to walk to the bus stop for pick and provide a safer means of access to the bus stop. The total length of the project is 2.03 miles of additional sidewalk. The total cost for the project is \$497,169.00. The 80/20 split for the project would be \$397,735.00 and the City's share of the cost would be \$99,434.00. Staff recommends approval.

Mr. Serna stated a budget amendment would be done to cover the City's share.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to authorize the City Manager to sign an Inter-local Agreement for Sidewalk improvement Projects between the Lower Rio Grande Valley Development Council and the City of Harlingen and submit a letter of local funding match certification. Motion carried unanimously.

- 13) Consider and take action to approve the revisions to the City of Harlingen Purchasing Manual.

Mr. Gabriel Gonzalez, Asst. City Manager highlighted the revisions and proposed recommendations:

- Purchases less than \$3,000 will not require competitive bidding/quotations.
- Purchases between \$3,000 and \$50,000 will require a minimum of at least three written quotes.
- Purchases over \$50,000 will require a competitive sealed bids or proposals.
- No competitive requirements will be required for Attorneys or Lobbyists.

Discussion was held regarding the purchases less than \$3,000. Staff needed to start tracking the purchases/vendors. If Staff produced quarterly reports, they could see who the top vendors/suppliers were in Harlingen.

Mr. Serna stated staff spent a lot of time securing the necessary information for items over \$301. This was not an efficient use of staff time. For items of \$3,000 the law requires the staff to

contact two (2) underutilized businesses. Items ranging from \$3,001 and \$50,000 require a minimum of at least three written quotes and items over \$50,000 require sealed bids. For professional services over \$50,000, anything except for specialized legal services and lobbyist, those are exempt.

Commissioner De La Rosa stated he was in favor of raising the limit up to \$3,000 to give the opportunity City vendors first before soliciting outside vendors.

Commissioner Leal asked if there was a mechanism to make sure that the businesses in the community were given an opportunity. He stated they could approve staff recommendation and have Danny Coyle, Internal Audit monitor the records. They could also reduce the amount from \$3,000 to \$2,000.

Mr. Coyle responded this could be done by monitoring the transactions, reporting and review.

Discussion was held to the number of purchases done on an annual basis, how hard would it be for staff to create an approved vendor list and Mayor Boswell stated that if they approve the revisions, City Auditor could review it after 12 months to see if there had been any unjustified favoritism or give recommendations.

Mari Leal, Purchasing Supervisor stated the City did not have a vendor list. The program in place does not detail what are miscellaneous products just lists all the vendor information.

Commissioner Uhlhorn recommended that staff create a rotation list like the one the Police Department has of the tow truck operators.

Mayor Pro-Tem Mezmar asked would the revisions affect the buy board and other co-ops that the State has approved.

Mr. Gonzalez responded the City could use the buy boards and other co-ops because the State has already gone through the process of acquiring bids.

Mr. Sergio Villasana informed there is a monitor in place for the FPO's.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve the revisions to the City of Harlingen Purchasing Manual with the condition that a tracking system be in place to monitor all purchases and that a review be conducted in 12 months. Motion carried unanimously.

14) Consider and take action to change or postpone the date of the Harlingen City Commission Regular Meeting of December 21, 2016 due to the Christmas Holiday.

Mr. Serna stated the second meeting in December fell on the 21st of December which is Christmas week. He asked the City Commission if they wished to keep the meeting in for December 21st or postpone the meeting until January 4, 2017.

Commissioner Uhlhorn suggested a noon special meeting or not one at all.

Mr. Serna stated the item could be brought back on December 7th, 2016.

Motion was made by Commissioner Uribe and seconded by Commissioner Uhlhorn to table the item regarding the changing of the meeting date of December 21, 2016. Motion carried unanimously.

15) Board Appointments

Commissioner Leal

Jim Young - Planning & Zoning Commission (New Appt.)

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve the appointment of Jim Young to the Planning & Zoning Commission. Motion carried unanimously.

16) Executive/Closed Session pursuant to Chapter 551, Subchapter D., V.T.C.A. Government Code (Sections 551.071 and 551.087) with which the Economic Development Corporation of Harlingen, Inc. is conducting economic development negotiations and/or to discuss or

deliberate financial or other incentives with a business prospect known as **Project Liberty** and seek legal advice from the City Attorney regarding this subject matter.

At 7:03 p.m. Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 16.

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to convene into executive session to discuss Item No. 16. Motion carried unanimously.

Mayor Boswell announced the City Commission would meet with the EDC and their attorney in executive session. There would be no action on the executive session item.

At 7:44, Mayor Boswell announced the City Commission had completed its executive session and meeting adjourned.

17) Citizen Communication

None

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary