

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

September 5, 2017

A Regular Meeting of the Harlingen Elective Commission was held on September 5, 2017 at 5:30 p.m., City Hall, Town Hall Meeting Room, 2<sup>nd</sup> Floor, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Chris Boswell, Mayor  
Mayor Pro-Tem Michael Mezmar, District 3  
Richard Uribe, City Commissioner, District 1  
Victor Leal, City Commissioner, District 5

Absent

Tudor Uhlhorn, City Commissioner, District 2  
Ruben de la Rosa, City Commissioner, District 4

Staff Present

Dan Serna, City Manager  
Amanda Elizondo, City Secretary  
Alan Ozuna, Assistant 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

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance and welcomed those in attendance and proceeded with the following item:

1) Presentations of the following proclamations:

- a) Proclaiming the week of September 17th through September 23rd, 2017 as "Constitution Week."

Mayor Boswell read and presented a proclamation proclaiming the week of September 17th through September 23rd, 2017 as "Constitution Week" to Peggy Morris and Dana Clark.

Mayor Boswell thanked them for reminding our community of the importance in remembering what the foundation of our country is based upon and what the rule of law is based upon. He thanked and congratulated them for everything they do.

- b) Proclaiming September 11, 2017 in "Remembrance of 9/11"

Mayor Boswell read and presented a proclamation proclaiming September 11, 2017 in "Remembrance of 9/11" to Mr. Peter Douglas.

Mayor Boswell thanked Mr. Douglas for bringing it to the Community's attention. He complimented the individuals for bringing these proclamations to the community awareness.

2) Approval of Minutes

- a) Regular Meeting of August 16, 2017

Motion was made by Commissioner Uribe and seconded by Mayor Pro-Tem Mezmar to approve the minutes of August 16, 2017. Motion carried unanimously.

CONSENT AGENDA

- 3a) Second and final reading to approve and adopt an ordinance providing for permitting installation of network nodes and related facilities in public rights of way in conformity with SB 1004, establishing fees, establishing an effective date, providing for publication and ordaining other matters relating to the foregoing.

- b) Second and final reading to approve and adopt an ordinance providing for amendments to Chapter 18 and Chapter 103 of the Harlingen Code of Ordinances, relating to permitting and registration of electricians and electrical work.
- c) Second and final reading to approve an ordinance adopting the City of Harlingen Budget for Fiscal Year 2017-2018.
- d) Second and final reading to approve an ordinance adopting the 2017 Ad Valorem Tax Rate for Maintenance and Operation for Fiscal Year 2017-2018.
- e) Second and final reading to approve an ordinance adopting the 2017 Ad Valorem Tax Rate for Interest and Sinking for Fiscal Year 2017-18.
- f) Investment Report for the City of Harlingen for quarter ended June 30, 2017.
- g) Consideration and possible action to approve a refund of property taxes for Ovidio Garza, Acct. No. 15-9820-0120-0020-00 in the amount of \$597.85 due to an adjustment as a result of a tax sale that was reversed due to incorrect legal description Years 2006 to 2013.
- h) Consideration and possible action to authorize the City Manager, on behalf of the City of Harlingen, Texas, to enter into a State Plan of Operations (SPO) between the State of Texas and the City of Harlingen (Police Department) which will be binding on the parties with respect to excess Department of Defense (DOD) personal property transferred, pursuant to 10 USC §2576a to promote the efficient and expeditious transfer of property to ensure accountability of the same.

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

For the record, the captions of the ordinances read as follows:

ORDINANCE No. 2017-32

AN ORDINANCE PROVIDING FOR THE PERMITTING OF INSTALLATION OF NETWORK NODES NAD RELATED FACILITIES IN PUBLIC RIGHTS OF WAY IN CONFORMIT WITH SB 1004, ESTABLISHING FEES, ESTABLISHING AN EFFECTIVE DATE, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATING TO THE FOREGOING.

ORDINANCE No. 2017-33

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 103 OF THE HARLINGEN CODE OF ORDINANCES RELATING TO REGISTRATION OF ELECTRICIANS AND BUILDING PERMITS, AND CHAPTER 18, RELATING TO FEES; ESTABLISHING AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATING TO THE FOREGOING.

ORDINANCE No. 2017-34

AN ORDINANCE ADOPTING THE REVENUE AND EXPENDITURE BUDGET FOR THE CITY OF HARLINGEN, TEXAS, FOR THE FISCAL YEAR OCT. 1 2017 THROUGH SEPT. 30, 2018 IN THE AMOUNT OF \$72,560,325 AND \$73,535,782 RESPECTIVELY; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORINANCE AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE No. 2017-35

AN ORDINANCE FIXING THE AD VALOREM TAX RATE FOR MAINTENANCE AND OPERATIONS FOR THE CITY OF HARLINGEN, TEXAS FOR THE CALENDAR YEAR 2017 AT \$0.456327 PER \$100.00 VALUATION; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE No. 2017-36

AN ORDINANCE FIXING THE AD VALOREM TAX RATE FOR INTEREST AND SINKING PAYMENTS FOR THE CITY OF HARLINGEN, TEXAS FOR THE CALENDAR YEAR 2017 AT \$0.132500 PER \$100.00 VALUATION; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this 16th day of August, 2017  
PASSED AND APPROVED on second reading this 5th day of September, 2017

4) Consideration and possible action to approve the Police Department purchase of 43 in car mobile video recorders from Watch Guard Video Company for \$298,195.00.

Michael Kester, Asst. Chief of Police requested approval to purchase in car video systems for each of the marked units in the Police Department to replace the old system and provide a better service to the community.

Mr. Dan Serna, City Manager stated the funds were in this year's budget.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve consideration and possible action to approve the Police Department purchase of 43 in car mobile video recorders from Watch Guard Video Company for \$298,195.00. Motion carried unanimously.

5) Consideration and possible action to approve the Police Department purchase of 23 Electronic Ticket writers from Tyler Technologies for \$92,755.02.

Mr. Kester stated Tyler Technology is the current vendor for the Police Department's Records Management System as well as the CAD System. They own the Encode System used by Municipal Court. The Electronic Ticket Writers would update the old equipment and provide better service. Otherwise, the tickets would be hand written which is not favored by many officers. The department received a grant from JAG, Municipal Court is allocating approximately \$30,000 and the rest of the funds would come from the forfeiture fund.

Motion was made by Commissioner Uribe and seconded by Mayor Pro Tem Mezmar to approve the Police Department purchase of 23 Electronic Ticket Writers from Tyler Technologies for \$92,755.02. Motion carried unanimously.

6) Consideration and possible action to approve a resolution accepting Valley International Airport's Adopted Budget for Fiscal Year 2017-2018.

Marv Esterly, Airport Director stated the Airport Board Budget was approved by the Airport Board on August 28, 2017 and highlighted the resolution adopting the Fiscal Budget for 2017-2018.

• 2017 adopted revenues	\$6,072,991
• 2018 projected revenues	6,189,000
• 2017 Net Income	70,509
• Proposed income	<u>81,000</u>
• Total Capital Budget	\$5,569,000

Mr. Esterly recommended approval of the Airport Budget for Fiscal Year 2017-2018.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the resolution accepting Valley International Airport Adopted Budget for Fiscal Year 2017-2018. Motion carried unanimously.

7) Consideration and possible action to approve a resolution accepting the Development Corporation of Harlingen, Inc. Budget for Fiscal Year 2017-2018.

Raudel Garza, Economic Development Director stated Harlingen Economic Development Corporation's Board Members reviewed the budget for Fiscal Year 2017-2018 at their Special Board Meeting of September 5, 2016 and highlighted the proposed budget.

<u>Projected Revenue</u>	\$5,295,625
• Expenditures	\$6,057,186
• Deficit Budget (Transfer from Fund Balance)	\$761,561
• Projected Cash Balance of Over (By the end of the FY 2017-2018)	<u>\$3,500,000</u>
• Total Revenues	\$6,057,187
<u>Expenditures</u>	
• Operations	\$1,143,900
• Contracts	\$333,000

- Projects \$4,580,287
- Total Expenditures \$6,057,187

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to approve a resolution accepting the Development Corporation of Harlingen, Inc. Budget for Fiscal Year 2017-2018. Motion carried unanimously.

8) Consideration and possible action to approve a resolution accepting the Downtown Improvement District Budget for Fiscal Year 2017-2018.

Dan Serna, City Manager stated staff was requesting to pass on this item until the next meeting due to additional preparations.

9) Consideration and possible action to accept bids and award contract for Hot Mix Asphalt Material under informal bid number 2017-10.

Carlos Sanchez, Asst. City Manager stated the current contract for the purchase of hot asphalt material expires September, 2017. Approximately 1,200 tons of asphalt would be use for street repairs totaling about \$80,000 per year. The City solicited bids for hot mix asphalt material and received three (3) bids. Frontera Material, Inc. submitted the lowest bid at \$51 per ton subject to the City picking up the asphalt. He recommended approval to accept the lowest bid and award the contract to Frontera Material, Inc. at \$51 per ton or if delivered to the City the cost would be \$57 per ton.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to accept the lowest bid and award the contract for hot mix asphalt material to Frontera Material, Inc. Motion carried unanimously.

10) Consideration and possible action to approve a resolution to certify local funding and support for the submittal of the Loop 499 Sidewalk Improvement Project to the Statewide Transportation Alternatives Set-Aside (TA Set-Aside) Program for funding competition for the Texas Department of Transportation 2017 Program Call for Projects.

Mr. Sanchez stated the purpose of the resolution was to certify local funding and support for the submittal of the Loop 499 Sidewalk Improvement Project extending from Rio Hondo Road to FM 106 for an estimated length of 1.48 miles. The total value of the project is estimated at \$422,275.00. This amount includes a TXDOT administration fee of \$52,784 and an in-kind match contribution from the City of \$17,595 for engineering services. The estimated cost for construction is \$351,896. The City qualifies for the Economic Disadvantage Counties Program for a cost reduction of \$56,303 and an in-kind match (for a total reduction of \$73,898) which reduces the city's 20% match to \$10,557 from the required amount of \$84,455. Staff is recommending that the resolution state that the local match would not exceed \$25,000 to cover any project overruns that may occur during the course of the project.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve a resolution to certify local funding and support for the submittal of the Loop 499 Sidewalk Improvement Project to the Statewide Transportation Alternatives Set-Aside (TA Set-Aside) Program for funding competition for the Texas Department of Transportation 2017 Program Call for Projects. Motion carried unanimously.

11) Consideration and possible action to approve an agreement between BCLR Harlingen Construction LLC, and Killian Construction Co. in accordance with the Development Agreement for the City of Harlingen Convention Center.

Mr. Sanchez stated BCLR Harlingen Construction, LLC selected Killian Construction Company of Springfield, Missouri as the General Contractor to construct the convention center subject to the provisions of the Development Agreement between the City of Harlingen and BCLR Harlingen Construction, LLC, Article IV, "the City is to consider for approval the Developer's selection for General Contractor, the project budget, and construction schedule." Staff is recommending approval of BCLR Harlingen Construction, LLC selection; the project budget associated construction schedule for the guaranteed maximum price of \$12,717,728; and a contingency price of \$200,000 not including the price of \$351,659 for fixtures furniture and equipment, with a construction timeline of 12 months.

Mr. Dan Serna, City Manager stated the Legal Department reviewed the documentation and indicated that the document is in accord with the development agreement. In addition to this fee there is the furniture and some development fees which is part of the construction cost.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the agreement between BCLR Harlingen Construction LLC, and Killian Construction Co. in accordance with the Development Agreement for the City of Harlingen Convention Center. Motion carried unanimously.

12) Consideration and possible action to change the Harlingen City Commission Regular Meeting date of Wednesday, September 20<sup>th</sup>, 2017 to Tuesday, September 19<sup>th</sup>, 2017.

Mr. Serna recommended changing the regular scheduled City Commission meeting of September 20<sup>th</sup>, 2017 to Tuesday, September 19, 2017 due to the Mayor scheduled to be out of town. He stated he would like to have a full commission.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to change the Harlingen City Commission Regular Meeting date of Wednesday, September 20<sup>th</sup>, 2017 to Tuesday, September 19<sup>th</sup>, 2017. Motion carried unanimously.

13) Consideration and possible action to change or cancel the Harlingen City Commission Regular Meeting date of Wednesday, October 4, 2017.

Mr. Serna stated most of the commissioners would be attending the TML Conference in October that begins October 4. He proposed to cancel the meeting and pick up the meeting on October on the 18th.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve consideration and possible action to change or cancel the Harlingen City Commission Regular Meeting date of Wednesday, October 4, 2017. Motion carried unanimously.

14) Board Appointments

Commissioner Leal

Sergio Lainez- Construction Board Adjustments - (new appointment)

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the board appointment of Sergio Lainez to the Construction Board Adjustments. Motion carried unanimously.

15) Executive/Closed Session - Attorney consultation pursuant to Section 551.071, Texas Gov't. Code to provide legal advice and counsel in connection with certain collective bargaining issues contained in the Notice of Intent to Bargain by the duly recognized majority bargaining agent for the City's law enforcement officer, the Harlingen Police Officer and Law Enforcement Association (HPOLEA) and the Harlingen Professional Fire Fighters Association."

At 6:01 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 15.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to convene into executive session to discuss Item 15. Motion carried unanimously.


At 6:22 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

16) Citizen Communication

None

There being no further business to discuss, Mayor Boswell adjourned the meeting.

CITY OF HARLINGEN



Chris Boswell, Mayor

ATTEST:



Amanda C. Elizondo, City Secretary