

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

October 18, 2017

A Regular Meeting of the Harlingen Elective Commission was held on October 18, 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  
Michael Mezmar, Mayor Pro-Tem, 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 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 Commissioner Uribe

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:

Mayor Boswell presented and read the following proclamations. The following individuals were present to receive the proclamations.

a) proclaiming October 22<sup>nd</sup>, 2017 as "Bicentenary of the Birth of BAHÁ 'U' LLÁH."

Steve Wilder, Joe Herbig, Ann Roberts, Serena Rushford, Heather Waldrop, and Leslie Wilder and other members.

b) proclaiming September 15 – October 2017 as "Rio Grande Valley Hispanic Genealogical Society Month."

President Mary Torres and Al and Mary Guillen, board members.

c) proclaiming October 19-21, November 2-4, and November 16-18, 2017 as "Harlingen Professional Fire Fighters Local "Fill the Boot Days."

Fire Chief Rubio, Battalion Chief Darrell Loftus, Julian Cruz, MDA Family and Jennifer Molina, MDA Representative.

Mayor Boswell congratulated and thanked all of those who volunteer in the different organizations and work hard to provide the best services to the City of Harlingen and its citizens. He thanked the Harlingen Fire Fighters for their support for always going the extra mile to serve the community.

Mayor Boswell changed the order of the agenda and proceeded with Item 5.

5) Consideration and possible action to approve a resolution relating to border wall.

Mayor Boswell stated Mrs. Joyce Hamilton, (citizen) signed up under Citizen Communication to speak on the resolution relating to the border wall. He invited Ms. Hamilton to make a brief presentation.

Ms. Hamilton stated the preservation of habitat was very important and every species has a habitat. Without one they would be affected. Considerable efforts have been done to preserve and protect the species living in the Rio Grande Valley.

Jodi Goodwin (citizen) stated for the last four months, she has been working with a group to have border cities and counties on board opposing the administration proposal of the border wall. The proposed budget is about \$1.6 billion of which \$3 billion could be invested in infrastructure or better border security. Ms. Goodwin encourages the City Commission to join Hidalgo and Cameron counties as well as Starr County along with fifteen other municipalities who have signed a similar resolution to have a combined unity against the border wall decision.

Ron Lozano, citizen stated the people that would suffer are the ones crossing the border searching for a better opportunity for themselves and their families. He asked the City Commission to consider not only the environment; however, to be concerned about the people too. This is what makes a big City.

Commissioner Mezmar stated this is a federal issue and Congressmen and Senators should be addressing this issue not the cities.

Commissioner Leal stated the resolution is addressing only the border wall at Santa Ana Wildlife Refuge and not all the border wall issue. If this is what is being agreed on, there is no joint coalition. There needs to be a clarification.

Mayor Boswell referred to the last paragraph of the resolution and stated it is limited to the Santa Ana Wildlife Refuge.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to approve a resolution relating to the border wall. Motion carried as follows: FOR: Commissioners: Uhlhorn and Uribe. AGAINST: Mayor Pro-Tem Mezmar, Commissioners: Leal and De La Rosa,

15) Executive/Closed Session on the following items:

- a) pursuant to Chapter 551 , Subchapter D, V.T.C.A. Government code, Sections 551.087, 551.071 and 551.072 regarding commercial and financial information from a business prospect with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as HFDC and to seek legal advice from the City Attorney regarding the subject matter.
- b) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government code, Sections 551.087, 551.071 and 551.072 regarding commercial and financial information from a business prospect with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as Waterside and to seek legal advice from the City Attorney regarding the subject matter.
- c) pursuant to Section 551.071, Texas Gov't Code to consult with Assigned Counsel in connection with the MPO Merger.

At 5:52 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 20 (a) thru (c).

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to convene into executive session to discuss Item 20 (a) thru (c). Motion carried unanimously.

At 6:35 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

Mayor Boswell returned to the regular order of the agenda.

2) Special Recognition to the Finance Department for receiving the GFOA's Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year ended 2016.

Dan Serna, City Manager stated the Finance Department received once again the Certificate of Achievement of Excellence for Financial Recording. He congratulated Elvia Trevino and the staff for their hard work.

A photo of Mrs. Elvia Trevino and Sergio Villasana with Mayor Boswell, City Commissioners and City Manager, Mr. Serna was taken.

Elvia Trevino, Financial Director stated she enjoys her job and takes a lot of pride into it. Since 1994, the City has received this award. The external auditors provide guidance to ensure that the award is earned every year.

Mayor Boswell congratulated the Finance Department for doing a great job in managing public funds.

3) Approval of Minutes

- a) Special Meeting of August 11, 2017
- b) Special Joint Meeting of the Harlingen City Commission and the Harlingen Community Improvement Board of September 1, 2017.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to approve the minutes of August 11, 2017 and September 1, 2017. Motion carried unanimously.

CONSENT AGENDA

4a) Consideration and possible action to approve a request from the Rio Grande Valley Jaycees to close the following streets, Friday, December 1<sup>st</sup>, 2017 from 4:00 p.m. to 9:00 p.m. for their 71<sup>st</sup> Annual Jaycees Christmas Parade.

- 7<sup>th</sup> Street from East Monroe Avenue to East Van Buren Avenue;
- 6<sup>th</sup> Street from East Monroe Avenue to East Van Buren Avenue;
- 5<sup>th</sup> Street from East Monroe Avenue to East Van Buren Avenue;
- 4<sup>th</sup> Street from East Monroe Avenue to East Van Buren Avenue;
- 3<sup>rd</sup> Street from East Monroe Avenue to East Van Buren Avenue;
- 2<sup>nd</sup> Street from East Monroe Avenue to East Van Buren Avenue;
- 1<sup>st</sup> Street from East Monroe Avenue to East Van Buren Avenue;
- Commerce Street from East Monroe Avenue to Van Buren Avenue;
- "A" Street from West Monroe Avenue to West Van Buren Avenue;
- "C" Street from West Monroe Avenue to West Van Buren Avenue;
- "D" Street from West Monroe Avenue to West Van Buren Avenue; and,
- "E" Street from West Monroe Avenue to West Van Buren Avenue.

b) Consideration and possible action to approve a request from the City's Downtown Improvement District to close Jackson Street from Commerce Street to 4<sup>th</sup> Street and crossroads "A" Street, 1<sup>st</sup> Street, 2<sup>nd</sup> Street, 3<sup>rd</sup> Street and 4<sup>th</sup> Street from alleyway to alleyway crossing Jackson Street on Tuesday, October 31, 2017 from 3:00 p.m. to 9:00 p.m. for the City's 2<sup>nd</sup> Annual Halloween Event on Jackson Street.

c) Consideration and possible action to approve a request from the Temple of the Lord Ministries to close the 2000 Block of West La Paloma Avenue from 1:00 p.m. to 8:00 p.m. on Sunday, October 29, 2017 for their Fall Festival.

d) Consideration and possible action to approve a request from the St. Anthony Catholic Church Administration to close certain sections of roadways/streets surrounding the church property from 10:00 a.m. to 11:00 p.m. on Saturday and Sunday, November 4 and 5, 2017 for their Annual Fall Festival.

e) Consideration and possible action to approve a request from El Divino Redentor to close West Curtis Street from South "F" Street to South "G" Street on Saturday, October 21, 2017 from 6:00 p.m. to 12:00 a.m. for a church event.

f) Consideration and possible action to approve a request from the Freedom in Christ Church to close North 2<sup>nd</sup> Street from East Adams Avenue and East Washington Avenue on Tuesday, October 31, 2017 from 4:00 p.m. to 11:00 p.m. for their Annual Fall Festival.

g) Consideration and possible action to approve a request from the Harlingen Consolidated Independent School District requesting to close the following streets on Saturday, October 21, 2017 from 9:00 a.m. to 10:00 p.m. for the Pigskin Marching Contest.

- Intersection of 13<sup>th</sup> Street & Harrison Street;
- 13<sup>th</sup> Street & Jefferson Street; and
- Jefferson Street & 77 Sunshine Strip to direct any one-way traffic

h) Consideration and possible action to approve a request from HEB Supermarket and the City of Harlingen to close 2<sup>nd</sup> Street from East Madison to East Jefferson and 200 East Madison from 2<sup>nd</sup> Street & 3<sup>rd</sup> Street beginning on Wednesday, November 8, 2017 at 8:00 a.m. through Friday, November 10, 2017 until the Annual Feast of Sharing event ends.

- i) Consideration and possible action to approve a "Food for Fines" Drive and a Toys for Fines Drive at the Harlingen Public Library.
- j) Consideration and possible action to approve amendments to agreement for tax collection services and contract for administrative ministerial and clerical assistance services with Linebarger, Goggan, Blair and Sampson, LLP.

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

- 6) Consideration and possible action to approve an ordinance on first reading adopting settlement agreement, setting rates and establishing tariffs for the provision of natural gas service by Texas Gas Service Company (TGS), a division of one Gas, Inc., within the City of Harlingen, Texas, declaring this ordinance to be a final determination of rates, requiring acceptance by Texas Gas Service Company of the rates prescribed herein, and establishing an effective date.

Gabriel Gonzalez, Asst. City Manager stated in July, 2017, the City Commission voted to suspend the TGS increase in rates and hire Thomas Brocato, Attorney with Lloyd Gosselink Rochelle & Townsend to negotiate on behalf of 34 valley cities. TGS initially filed for a rate increase of \$5.173 million. Mr. Brocato was able to negotiate the rate to \$4.1 million. The Public Authority charge was \$35.71, TGS proposed an increase of \$85. The law firm was able to negotiate a rate of \$45. The residential service charge is currently \$11.25. TGS proposed an increase of \$20, and it was reduced to \$15.52. The fees negotiated were determined by the consultants that Lloyd Gosselink, Rochelle, & Townsend hired. Mr. Brocato reviewed the information and proposed reasonable amounts to TGS as our counter offer to the proposed increases. He recommended approval of the ordinance.

Mr. Serna stated the deadline to submit the ordinance to Texas Gas was in late in October. This item will be place on the following agenda of November 1<sup>st</sup>, 2017 for a second and final reading.

Alan Ozuna, Asst. City Attorney stated as long as we have the first reading tonight or prior to October 27th it will be fine. He read the caption of ordinance.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to approve the ordinance on first reading adopting the settlement agreement, setting rates and establishing tariffs for the provision of natural gas service by Texas Gas Service Company, a division of One Gas, Inc., within the City of Harlingen, Texas, declaring this ordinance to be a final determination of rates, requiring acceptance by Texas Gas Service Company of the rates prescribed herein and establishing an effective date. Motion carried unanimously.

- 7) Public hearing to consider an ordinance on first reading to rezone from Neighborhood Service ("NS") District to General Retail ("GR") District for Lot 1, Block 4, Coronado Acres Subdivision, located at 720 N. 77 Sunshine Strip. Applicant: Ricky Leal of First Community Bank.

For the record, Mayor Boswell relinquished his chair and excused himself from the meeting room in order to avoid "an appearance of impropriety." He signed an affidavit on Abstention from voting form and the form is filed in the City Secretary's Office.

Mayor Pro-Tem presided over the meeting.

Rodrigo Davila, Planning and Zoning Director stated the applicant is requesting to rezone the subject property from Neighborhood Services ("NS") District to General Retail ("GR") District to allow for a potential buyer to utilize the property as a hair salon and yoga studio. There is an existing building with a sq. ft. of 1,656 on the property. The property has 103 feet of frontage on Chaparral Ave. and 127 ft. of frontage on 77 Sunshine Strip. He highlighted the zoning of the surrounding properties. The request is consistent with the Future Land Use Plan, and consistent with the general retail zoning pattern to the south and west of the subject property, and the land use along North 77 Sunshine Strip. The Planning and Zoning Department has not received any objections from the surrounding property owners on the proposed rezone request. He recommended approval of the rezone request.

- a) Public hearing

Mayor Pro-Tem Mezmar opened the public hearing and stated anyone wishing to speak for or against this item may do so.

Yolanda Shoffiet, 285 Altas Palmas opposed the request because in her opinion it would be spot zoning.

There being no other comments, Mayor Pro-Tem Mezmar closed the public hearing.

- b) Consideration and possible action to approve an ordinance on first reading to rezone the above described property from Neighborhood Service ("NS") District to General Retail ("GR") District.

Mr. Ozuna read the caption of ordinance.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to approve the ordinance on first reading to rezone from Neighborhood Service ("NS") District to General Retail ("GR") District for Lot 1, Block 4, Coronado Acres Subdivision, located at 720 N. 77 Sunshine Strip. Motion carried unanimously.

Mayor Boswell returns to the meeting and presided the meeting.

- 8) Consideration and possible action to approve the Fire Protection Service Contract between the City of Harlingen and Cameron County Emergency Services District No. 1 for FY 2017-2018 to provide fire protection services for a cost of \$221,371.74 payable in quarterly installments of \$55,342.94 and authorize the Mayor to sign the contract.

Roy Rubio, Fire Chief stated this is the annual renewal of Fire Protection Contract between the City of Harlingen and Cameron County ESD No. 1. The proposed FY 2017 Fire contract amount is \$221,371.14 to be paid in quarterly installments of \$55,342.79 on or about the following dates: Dec. 31, March 31st, June 30th and Sept. 30th.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the Fire Protection Service Contract between the City of Harlingen and Cameron County Emergency Services District No. 1 for FY 2017-2018 to provide fire protection services for a cost of \$221,371.74 payable in quarterly installments of \$55,342.94 and authorize the Mayor to sign the contract. Motion carried unanimously.

- 9) Consideration and possible action to approve the Fire Protection Service Contracts between the City of Harlingen, Texas and the City of Combes, Texas to provide fire protection services for a cost of \$88,254.57 payable in quarterly installments of \$22,063.64 and authorize the Mayor to sign the contract.

Chief Rubio stated this is the annual renewal of the Fire Protection Service Contract between the City of Combes and the City of Harlingen. The City of Combes has executed the contract and agreed to pay the City of Harlingen \$88,254.57 for fire protection services in quarterly installments.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the Fire Protection Service Contract between the City of Harlingen, Texas and the City of Combes, Texas to provide fire protection services for a cost of \$88,254.57. Motion carried unanimously.

- 10) Consideration and possible action to approve the Fire Protection Service Contracts between the City of Harlingen, Texas and the City of Palm Valley, Texas to provide fire protection services for a cost of \$118,385.29 payable in quarterly installments of \$29,596.32 and authorize the Mayor to sign the contract.

Chief Rubio recommended approval of the contract between the City of Palm Valley and the City of Harlingen. The City of Palm Valley has signed the agreement and agreed to pay the City of Harlingen \$118,385.29 for fire protection services in quarterly installments.

Mr. Serna stated the funds would be placed in a revenue account and held there unless a budget amendment is created to utilize those funds for an expense.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the Fire Protection Service Contract between the City of Harlingen, Texas and the City of Palm Valley, Texas to provide fire protection services for a cost of \$118,385.29 payable in quarterly installments of 29,596.32 and authorize the Mayor to sign the contract. Motion carried unanimously.

- 11) Consideration and possible action to approve the Fire Protection Service Contracts between the City of Harlingen, Texas and the City of Primera, Texas to provide fire

protection services for a cost of \$112,755.96 payable in quarterly installments of \$28,188.99 and authorize the Mayor to sign the contract.

Chief Rubio stated the City of Primera approved the contract. He recommended approval of the contract for the City of Harlingen to provide fire protection services at a cost of \$112,755.96.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the Fire Protection Service Contract between the City of Harlingen, Texas and the City of Primera, Texas to provide fire protection services for a cost of \$112,755.96 payable in quarterly installments of \$28,188.99 and authorize the Mayor to sign the contract. Motion carried unanimously.

- 12) Consideration and possible action to approve the preliminary rankings for architectural as recommended by the evaluation committee and authorize the City Manager to negotiate and execute a contract for associated architectural and engineering services pursuant to the City's Request for Qualifications No. 2017-06 for Phase I of the Lon C. Hill Destination Park.

Javier Mendes, Parks and Recreation Director stated staff solicited the services of an architect to layout the Destination Park design at Lon C. Hill Park. The City solicited requests for qualifications for architectural and engineering services for Phase 1. Twelve (12) responses were received. The responses were ranked according to the ranking criteria. The evaluation committee was comprised of Asst. City Manager, Carlos Sanchez, Martha Viada, Engineer in Training and himself. The preliminary rankings resulted in GMS Architects ranking the highest of the 12 responders.

Mr. Serna stated authorization is required from the City Commission for staff to begin negotiations with the committee's selected firm. Based on the negotiations, if no terms are met, staff will proceed with the next highest firm with the intent to negotiate a favorable contract.

Mayor Boswell stated the recall of a joint meeting with the Harlingen Community Improvement Board approved setting aside the amount of the money toward Phase I, but did not yet authorize the spending of the money. When an architect is hired and provides a preliminary design, there will be more clarity as to the direction the project will take allowing for changes if necessary.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve the preliminary rankings for architectural as recommended by the evaluation committee and authorize the City Manager to negotiate and execute a contract for associated architectural and engineering services pursuant to the City's Request for Qualifications No. 2017-06 for Phase I of the Lon C. Hill Destination Park. Motion carried unanimously.

- 13) Consider and possible action to approve agreement with KIKO Construction for the Harlingen Sidewalk Improvements Project subject to negotiation of contract price to an amount within budget based on value engineering. Bid No. 2017-12.

Carlos Sanchez, Asst. City Manager stated the City received three (3) bids for the Harlingen Sidewalk Improvements Project. The lowest bid was submitted by KIKO Construction for \$523,542.29. The project is over budget by \$25,372.00. If staff is authorized to negotiate, the project through value engineering, the project cost would be reduced and stay within budget. Staff would review the bid tabulations to consider field conditions, but not decrease the strength or thickness of the sidewalk. The Lower Rio Grande Valley Development Council is funding \$397,735 for this project and the City's share is \$99,434 (20%). Staff recommends approval of this project.

Mr. Serna stated staff was requesting the City Commission's authorization to negotiate the bid. If staff was unsuccessful, the project would be removed, the scope of the project would be reduced and the project would be rebid.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the agreement with KIKO Construction for the Harlingen Sidewalk Improvements Project subject to negotiating the contract to reduce the price to the budgeted amount based on value engineering. Motion carried unanimously.

- 14) Board Appointments

Commissioner Uhlhorn

Paul Durant - Harlingen Improvement Board - (Re-appointment)

Commissioner Leal

Sally Smith - Community Development Advisory Board - (New Appointment)

Rodrigo Rodriguez - Harlingen Proud Advisory Board - (New appointment)

16) Citizen Communication

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

CITY OF HARLINGEN



Chris Boswell, Mayor

ATTEST:



Amanda C. Elizondo, City Secretary