SPECIAL MEETING

CITY COMMISSION HARLINGEN, TEXAS

July 9, 2020

A Special Meeting of the Harlingen City Commission was held July 9, 2020 at 1:30 p.m., via videoconference while providing the public the ability to view the meeting via internet live streaming at www.myharlingen.us and the City of Harlingen YouTube Page. Those in attendance were:

Mayor and Commissioners
Mayor Chris Boswell
Michael Mezmar, Mayor Pro-Tem District 3
Richard Uribe, Commissioner District 1
Frank Puente, Commissioner District 2
Ruben de la Rosa, Commissioner District 4
Victor Leal, Commissioner District 5

City Staff
Dan Serna, City Manager
Amanda C. Elizondo, City Secretary
Ric Navarro, City Attorney

Call Meeting to Order

Mayor Boswell called the meeting to order and announced a quorum was established and stated the meeting was duly posted according to state law. The following proceedings were held:

Citizen's Communication/Input

- Miguel Gonzalez - STEC
- Ron Lozano, 2410 Riverside Dr. – STEC
- Robert Leftwich, 909 E. Parkwood - STEC

1. Consideration and possible action to authorize the City Manager to enter into an agreement with the University of Texas Rio Grande Valley (UTRGV) to perform COVID-19 testing.

Josh Ramirez, Environmental Health Director, stated as per the COVID-19 Pandemic and in the best interest of the public health, the City and the University of Texas Rio Grande Valley (UTRGV) desire to enter into a Laboratory Services Agreement related to COVID-19 Testing. This agreement will allow UTRGV to provide clinical testing services within a 24 hours turnaround time on the results. The City will pay UTRGV $110 per test related to COVID-19 Real Time-Polymerase Chain Reaction and $75 for SARS-COV-2 IgG administered through a blood test. UTRGV is providing testing for the City of Brownsville.

Mayor Boswell asked if UTRGV had resume daily testing at the Treasure Hills Blvd. site.

Mr. Ramirez responded UTRGV started this week and will resume the testing for five (5) times a week.

Discussion was held regarding the services provided by CPL, if the UTRGV agreement would be an additional service to the public, if the testing was strictly for homebound persons, and if CPL had suspended the testing in Harlingen and Brownsville due to the number of tests.

Mr. Serna responded this agreement is only for homebound testing. CPL had suspended the testing in Harlingen and Brownsville due to the backlog. They wish to do the critical care testing only until they create more capacity for themselves.

Michael Patriarca stated in late March and early April UTRGV labs were experiencing strong delays and turnaround times from labs like Quest and Lab-Corp up to 10 - 14 days and this would not put them ahead of the crisis. UTRGV established a lab on campus with the necessary equipment and are doing 1,500 to 2,000 tests on a daily basis at the Edinburg Campus. They extended their services with several hospitals and clinics around the valley and work with providers to do priority samples. All samples and results were kept to a 24-hour turnaround time. The testing is only given to those citizens that are symptomatic or have been exposed to a confirmed positive exposure.

Commissioner Puente asked for those people that are being tested are they expected to have insurance and if they do not have insurance, how is the fee covered? How does the City get notify of a person that needs to be tested? How do the elderly people know who to call?

Mr. Ramirez stated the people's insurance does not get billed. These are for patients that are indigent and are homebound. If they get billed, the City will pay the bill. The Health Department gets the calls from the citizens requesting to be tested. Staff evaluates the request and then STEC is dispatched to the citizen's home. Notification of the testing is provided to the elderly agencies to notify the elderly via mail, announcements thru the radio/TV stations and general public. Notices were done in English and Spanish.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to authorize the City Manager to enter into an agreement with the University of Texas Rio Grande Valley (UTRGV) to perform COVID-19 testing. Motion carried unanimously.

2) Consideration and possible action to cancel the City's Public Auction scheduled for Saturday, July 25, 2020 due to the current health crisis rising from COVID-19.

Robert Rodriguez, Finance Director, stated due to the increase of Covid-19 cases and for public safety, he recommended cancelling the auction. Staff will explore other options, such as GovDeals.com, for the sale of unsalvageable surplus materials, vehicles and heavy equipment.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to cancel the City's Public Auction scheduled for Saturday, July 25, 2020 due to the current health crisis rising from COVID-19. Motion carried unanimously.

3) Consideration and possible to establish a COVID-19 Financial Hardship Assistance Program for Harlingen residents to provide financial assistance for utility payments including water/sewer, gas and electricity and to provide financial assistance for rental or mortgage payments.

Gabriel Gonzalez, Asst. City Manager, recommended implementing a program to assist Harlingen residents who have experienced financial hardship resulting directly from the temporary or permanent loss of employment income as a result of the Coronavirus Pandemic. The funding for this program will from the CARES Act COVID Relief Funds. Financial assistance will be provided to Harlingen residents for rental/mortgage, utility, water/sewer, gas and electric payments up to $1,500 for three (3) months. Loaves and Fishes expressed an interest to administer this program for the City. Assistance is only for homesteads and no businesses. Payment will be made directly to the utility/mortgage companies and to owners that are renting a home.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to establish a COVID-19 Financial Hardship Assistance Program for Harlingen residents to provide financial assistance for utility payments including water/sewer, gas and electricity and financial assistance for rental or mortgage payments. Motion carried unanimously.

4) Consideration and possible action to approve Public Services Contract with Loaves and Fishes to administer a portion of the CARES Act. COVID Relief Funds for the City to provide assistance to Harlingen residents with utility, rent or mortgage payments for those who have experienced financial hardship resulting directly from the temporary or permanent loss of employment income from the Coronavirus Pandemic.

Mr. Gonzalez stated the City will be allocating $225,000 to Loaves and Fishes to administer a portion of the CARES Act COVID Relief Funds, COVID-19 Financial Hardship Program. There will be no income qualifications for this program and is limited to three (3) months of overdue services. The City has allocated up to $2,000 for the purchase of computer equipment including a printer, $35,000 for personnel costs and $188,000 for the program. Should funding be depleted, the City Manager has the authority to grant an additional $50,000 to this program. Eligible expenses will be from March 1st, 2020 through December 30th, 2020.

Mr. Serna stated Bill Reagan, Executive Director, for Loaves and Fishes requested another staff person due to the creation of this program. The City is only allowed to use 25% of the CARES Act funds which is considered as economic stimulus funds. The City is also assisting the businesses that have been impacted by the Coronavirus with the economic stimulus funds. If the City stays within the 25%, staff will be able to transfer funds.

Robert Rodriguez, Finance Director, stated 75% of the CARES Act funds are for medical, public health and payroll for public safety, health and medical employees and 25% is for anything else that is COVID-19 related expenditures.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve Public Services Contract with Loaves and Fishes to administer a portion of the CARES ACT, COVID Relief Funds for the City to provide assistance to Harlingen residents with utilities, rent or mortgage payments for those who have experienced financial hardship resulting directly from the temporary or permanent loss of employment income from the Coronavirus Pandemic. Motion carried unanimously.

5) Discussion and possible action in reference to STEC activation of additional resources; mutual aid level and EMTF-11 level.

Commissioner Puente stated back in April STEC had assured them that they would be able to handle the pandemic. Two weeks ago, City Manager sends an email to the City Commission stating that there would be other ambulatory services coming into the City to assist. What happened with STEC? They reported to the City Commission that they had everything covered and now we need help from someone else outside of the region.

Mr. Serna stated there is a memo from STEC addressed to the Mayor and City Council and myself and asked to read the MOU. He referred to Page 3, Section 4 of the current contract with STEC and stated the agreement gives STEC the ability to activate their mutual aid and as a member of Region 11 Emergency Medical Task Force. They are able to activate and request assistance through the task force. Due to the COVID-19 Pandemic and ongoing challenges with the hospitals, ambulances are waiting extended times at the ERs. The City of Brownsville contacted the Cameron County Emergency Management Team and a conference call with all EMS providers was held. A subsequent request was made to the State from Cameron County for two (2) EMS Strike Teams. Each strike teams consisted of five (5) ambulance providers. They are all members of the Emergency Management Task Force and were sent to this region.

Commissioner Puente stated since the pandemic started Mr. Serna and Carlos Sanchez, Asst. City Manager, have been reporting the status of COVID-19 except there are no reports from STEC. The contract requires that STEC report to the City Commission on the on-going activity of their operation. STEC has not done this as per the existing agreement. Based on the agreement, they can activate the mutual aid which they did. He asked Mr. Serna who were the attendees at the meeting.

Mr. Serna responded that the EMS providers in the area had a meeting.

Commissioner Uribe stated that before placing this item on the agenda he met with Mr. Serna suggesting that he and the Mayor speak with the owner of the mall to set up a transitional place to assist and relief beds at the hospital for the people that are recovering. The City could pay for the rent and utilities bills because STEC is caught in the middle and they are getting blamed. He is not concerned about STEC, but looking at the results of the process that they need to follow. Commissioner Uribe stated the Commission should consider taking action to negotiate with the mall owner or look into other resources to setup a transitional place to assist the hospitals. There could be 50 ambulances, but there is no place to put patients due to the over capacity of the hospitals.

Mayor Boswell responded this same action had been asked on April 15, 2020.

Commissioner Puente stated the discussion is to activate additional resources.

Mayor Boswell replied that STEC has the ability to do that as per the agreement. We do not micromanage STEC. We need to ask ourselves how we can support STEC instead of bringing in other ambulance companies from another county who has had many issues and is not a non-profit organization. South Texas Emergency Care Foundation is a non-profit organization. This is not a type of company that he would consider bringing to Harlingen to supplement the City's current emergency care and 9-1-1 services. Ever since this item was place on the agenda by Commissioner Puente and Commissioner Uribe on April 15, 2020, staff has had a constant barrage of public information requests from someone named Edward Guerra and Commissioner Puente. As a result of this requests, countless hours have been spend by staff and the City Attorney's office. Over $12,000 has been spent in attorney fees responding to public information requests regarding STEC. The Commission made their decision on April 15, 2020 that they do not want to make a change and allow STEC to continue the operation under the current agreement. They are doing a fantastic job and asked not to continue this constant harassment. No action is necessary on this item or to deny it.

Commissioner Puente stated no one is harassing STEC. They are doing a good job and no one is trying to put them out of business. The idea is to get them additional help. As of today, citizens do not know information on the COVID-19 testing. The Cities of Edinburg and Weslaco have testing sites at different locations.

Commissioner Leal agreed about finding a location for a transitional place to assist the hospitals to assist with the ERs situation.

Commissioner Uribe stated he had spoken to Mr. Serna about placing this item on the agenda to bring up this issue.

Mr. Serna replied that he is working with Cameron County on utilizing the City Buildings as a transition location, but not the mall.

Mayor Pro-Tem Mezmar stated the VA in Harlingen has 25 beds available and they are working with the government to get those beds utilize. Monday, July 13th, 2020, is the first day they will open 5 beds to Non-COVID patients to alleviate the hospital situation. There is a plan of action. The federal government and the VA are addressing our local issues. In establishing building as hospitals, there are restrictions such as health care standards, structural standards, hospital association standards, federal government standards that need to be addressed. Also, the need of bathrooms, oxygen supplies, suction, beds, medical equipment, pharmacy, coding equipment and all sorts of medical supplies.

Mayor Boswell stated the City is in constant communication with the hospitals every single day and the City is on standby ready to assist the medical professionals.

Mr. Serna reported that the hospitals are running short on oxygen concentrators. The City ordered 50 oxygen concentrators to assist them and the County also placed an order for the same amount.

Ron Lozano, citizen, stated he was not in favor of STEC.

No action was taken.

6) Discussion and possible action on COVID-19 testing and Interlocal Agreement with the City of Brownsville. (Commissioner Puente & Commissioner Uribe)

Commissioner Puente requested to table Item #6.

Motion was made by Commissioner Puente and seconded by Commissioner Uribe to table Item #6. Motion carried unanimously.

ADDENDUM ITEM

7) Consideration and possible action to direct the City Manager, City Attorney and City Auditor to desist in pursing any further review or investigation of the STEC ordinance, contracts or activities unless directed by a majority of the City Commission. ***(Mayor)***

Mayor Boswell stated he had placed this item on the agenda to address the issue that the City Commission once they made a decision about something, that decision should stand. Individual Commissioners should not try to task the City Staff in doing further items. If the Commission wants to task the City Manager, the City Auditor or the City Attorney with anything, they can do so, but as a majority and act in concert. You can always put this item back on the agenda. I think we should, in an effort, to prevent the continuation of addressing this issue internally or individually. He entertained a motion to direct the City Manager, Attorney and Auditor to assist in further pursuing this item.

Commissioner Puente recommended tabling the item for additional information.

Mayor Boswell asked the City Secretary to read the public comments received by Robert Leftwich.

Robert Leftwich's public comments read as:

Once again, Mayor Boswell, your actions illustrate that you are more concerned in protecting your special political interests and not those of the community. By adding an item to impose stricter measures regarding financial oversight responsibilities, ultimately limiting openness and transparency with regards to STEC, is very revealing and concerning. Any attempt to suppress the investigative capability of the city's internal auditor is not just unquestionably morally wrong, but possibly unlawful. The city internal auditor is an independent safeguard for protecting the taxpayers of Harlingen and any attempts to suppress the investigative capabilities of this function to protect a special interest in an exclusionary way no doubt triggers the city's ethics ordinance. Mayor, as a representative of the public, you are charged with performing due diligence with respect to protecting the citizens of Harlingen from fraud or otherwise, and not those nefarious individuals who would monetize their former public office associations in greed. It would behoove yourself and the commission to actually reverse course and to unanimously approve an external investigation in to STEC to put to bed any speculation of the appearance of an ongoing cover-up created by your ill-advised actions.

Commissioner Uribe stated his attempt is not to harass STEC. He was not interested in the profits, but asked about their 9-1-1 capabilities. Is this in the contract or is it being changed? As a City Commissioner, I cannot ask for certain information and is this going to limit me from asking any questions on anything. I agree with you Mayor and my intent is not to make STEC look bad. My intent is to have a discussion about all open possibilities to help out during this pandemic. He asked the City Attorney is it was legal for him to this. Is this enforceable by the City Charter or does the City Charter is being amended? Is the contract that is coming up in September 30th with STEC for renewal, is this a separate issue.

Ric Navarro, City Attorney, stated as per the agenda, it is basically saying that anything related to changing the existing exclusive license agreement with STEC which is current is not up for review at this point. We have not been doing this kind of work unless authorized by a majority of the City Commission. This has to do with the ordinance, contracts and STEC's activities in the current license and legal agreement. There is two parts to it, one is an affiliation agreement and the other one is exclusively for the franchise license to conduct the activity. The second provision is not up for consideration until 2021 or 2022.

Mayor Boswell stated this item does not prohibit the Commission to place an item on the agenda. If two Commissioners want to put something on the agenda in the future, they can, but it will require a majority vote from the Commission to take whatever action is being requested.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to direct the City Manager, City Attorney and City Auditor to desist in pursing any further review or investigation of the STEC ordinance, contracts or activities unless directed by a majority of the City Commission. Motion carried as follows: FOR: Mayor Pro-Tem Mezmar, Commissioners: Leal and De La Rosa; AGAINST: Commissioners: Uribe and Puente. Vote (3-2).

Adjournment

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

CITY OF HARLINGEN

Chris Boswell, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary