**CITY COMMISSION**
**AGENDA**
**REGULAR MEETING**
**MARCH 3RD, 2021**
**@ 5:30 P.M.**
**VIA VIDEO CONFERENCE**
**HARLINGEN, TEXAS**

Notice is hereby given that the City Commission of the City of Harlingen, Texas will hold a Regular Meeting on **Wednesday, March 3RD, 2021 at 5:30 P.M. via video conference,** 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.

In accordance with the order of the Office of the Governor issued March 16, 2020, the City of Harlingen, Texas will conduct the meeting via videoconference and provide viewing for the public using live stream in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19). To view the City Commission meeting live, go to www.myharlingen.us and click on "CITY COMMISSION LIVE."

The public will be permitted to offer citizen communication or participate in items listed as public hearings telephonically as provided by the agenda and as permitted by the presiding officer during the meeting. Written comments may also be submitted for City staff to read aloud during the meeting.

**To offer citizen communication or participate in scheduled public hearings telephonically, go to www.myharlingen.us and click on "PUBLIC HEARING AND CITIZEN COMMUNICATION FORM." Fill out the form and indicate the item you wish to address, and submit the form.**

Please indicate (1) the agenda item on which you wish to speak, (2) whether you prefer to speak on the item during citizen communication or at the time the agenda item is brought for consideration before the City Commission, and (3) a working telephone number at which you may be reached to submit your comments. The City will then call you when the item you wish to address is being considered. You will then address the City Commission through speaker phone and your call will be made audible to the City Commission and to the public through the live stream. Please submit this request before 4 p.m. on the day of the meeting.

**To submit written comments for City staff to read aloud during the meeting, go to www.myharlingen.us and click on "PUBLIC HEARING AND CITIZEN COMMUNICATION FORM" write your comments (limited to 400 words or less) and submit the form.**

Please submit written comments before 4 p.m. the day of the meeting.

A recording of the meeting will be made and will be available to the public in accordance with the Texas Open Meetings Act.

**City of Harlingen meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary's Office at (956) 216-5001 or write Post Office Box 2207, Harlingen, Texas 78550 at least 48 hours in advance of the meeting.**

**The Harlingen City Commission reserves the right, pursuant to the Texas Government Code Chapter 551, Subchapter D, to enter into closed executive session on any item posted on the agenda if a matter is raised that is appropriate for closed discussion.**

Invocation –City Commissioner Ruben De La Rosa

Pledge of Allegiance/Welcome

Call Meeting to Order

Citizen Communication/Input

1) Approval of Minutes

a) Regular Meeting of January 6, 2021

**CONSENT AGENDA**

2a) Second and final reading to approve and adopt an ordinance for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") located at 407 W. Harrison Ave., bearing a legal description of Lots 8-9, Block 84, Harlingen Original Townsite Subdivision. Applicant: Nora Herrera Manriquez. Attachment ***(Planning & Zoning)***

b) Second and final reading to approve and adopt an ordinance for a Special Use Permit (SUP) to allow a storage building greater than 144 sq. ft. in a Single Family Residential (R-1) District located at 5218 Garrett Road, bearing a legal description of Lot 5, Block 3, Remington Subdivision. Applicant: Gerry Taylor Hatch. Attachment ***(Planning & Zoning)***

c) Consideration and possible action to approve a resolution authorizing the Mayor, on behalf of the Harlingen Police Department, to submit a grant application to the Office of the Governor - Homeland Security Grants Division for funding overtime costs and operating expenses to the City of Harlingen, Texas to provide additional manpower to enhance and improve border security under the FY 2022 Local Border Security (Border Star) Program. Attachment ***(Police Dept.)***

d) Consideration and possible action to approve a resolution authorizing the City Manager, on behalf of the City of Harlingen, to submit a grant application for approximately $54,281.29 to the Office of the Governor, Public Safety Office – Criminal Justice Division for Fiscal Year 22 General Victim Assistance Program to continue funding the Crime Victim Liaison position. Attachment ***(Police Dept.)***

3) Consideration and possible action to approve a resolution to execute an agreement with the Texas Water Development Board (TWDB) for funding of a regional flood planning study and authorize the City Manager to represent the City of Harlingen and execute all documents in connection with the funding agreement. Attachment ***(Engineering)***

4) Consideration and possible action to approve a resolution adopting the Cameron County – Hazard Mitigation Action Plan Update 2021. Attachment ***(Carlos Sanchez, Asst. City Manager)***

5) Consideration and possible action to approve a resolution accepting the anticipated Federal Aviation Administration (FAA) Coronavirus Response and Relief Supplemental Appropriation Act, 2021 CRRSAA Grant 3-48-0101-065-21 in the amount of $2,761,597, contingent upon the receipt of the FAA Grant. Attachment ***(Airport)***

6) Consideration and possible action to approve a resolution accepting the anticipated Federal Aviation Administration (FAA) Coronavirus Response and Relief Supplemental Appropriation Act, 2021 CRRSAA Grant 3-48-0101-066-21 in the amount of $71,830, contingent upon the receipt of the FAA Grant. Attachment ***(Airport)***

7) Consideration and possible action to accept or reject bids received for Bid No. 2021-05, Sale of Real Property: Nine City-owned properties. Attachment ***(Ana Hernandez, Special Projects Director)***

8) Consideration and possible action to enter into an Affiliation Agreement with Texas State Technical College to facilitate access to students who will provide clinical assistance in relation to prevention of COVID-19 and administration of vaccines. Attachment ***(Health)***

9) Consideration and possible action to enter into a Memorandum of Understanding with the Texas Department of State Health Services to exchange patient information on their ImmTrac2 System. Attachment ***(Health)***

10) Consideration and possible action to approve the naming of the Tennis Center at Pendleton Park. Attachment (***Parks & Recreation)***

11) Consideration and possible action to approve the use of the Community Center as a stand-by shelter to assist Loaves & Fishes with immigrants in Harlingen. Attachment ***(Gabriel Gonzalez, Asst. City Manager)***

12) Consideration and possible action to approve a resolution appointing an Early Voting Ballot Board Presiding Judge and Alternate Presiding Judge and Presiding Judges and Alternate Presiding Judges to serve as election officials on Election Day for the City of Harlingen May 1st, 2021 General Election. Attachment ***(City Secretary)***

13) Consideration and possible action to increase the hourly rate for election officials and publish a notice in the newspaper to solicit clerks to assist in the election process. Attachment ***(City Secretary)***

14) Board Appointments
Discussion and possible action regarding membership on any of the following listed board/entity:

a. Airport Board
b. Animal Shelter Advisory Committee (5)
c. Audit Committee (3 - vacancy) (terms expired June, 2019)
d. Civil Service Commission (3)

e. Community Development Advisory Board (1)
f. Construction Board of Adjustments (5)
g. Convention & Visitors Bureau (1)
h. Development Corporation of Harlingen, Inc. (1)
i. Downtown Improvement District Board (1)
j. Golf Course Advisory Board
k. Harlingen Community Improvement Board (1)
l. Harlingen Housing Authority Board (5)
m. Harlingen Finance Corporation (5)
n. Keep Harlingen Beautiful Board (14)
o. Library Advisory Board (2)
p. Mayor Wellness Council
q. Museum Advisory Board (1)
q. Parks Advisory Board
r. Planning & Zoning Advisory Board
s. Senior Citizens Advisory Board
t. Tax Increment Finance Board (7)
u. Utility Board of Trustees
v. Veterans Advisory Board
w. Zoning Board of Adjustments (5)
x. Complete Census Committee

Specifically, appointment or discussion and possible action to include appointment bylaws and/or removal of any position subject to appointment or removal by statute, ordinance or bylaws.

15) Executive Closed Session on the following items:

a) Attorney consultation pursuant to Section 551.071, Texas Gov't Code, to seek advice regarding the City's legal duties and obligations in connection with pending litigation styled and numbered, *Ruben R. Pena, Sr., et al., vs. City of Harlingen, Texas*, Civil Action No. 1:20-CV-163, in the United States District Court Southern District of Texas Brownsville Division, and related legal matters. ***(City Manager)***

b) Economic Development Negotiations – deliberation pursuant to Sec. 551.087, Texas Gov't Code, to deliberate the offer of financial or other incentives to a business prospect regarding the Development Corporation of Harlingen Inc. performance agreement pertaining to Project Sunroof. **(Development Corporation of Harlingen, Inc.)**

16) Consideration and possible action regarding the Development Corporation of Harlingen Inc. performance agreement pertaining to Project Sunroof. ***(Development Corporation of Harlingen, Inc.)***

Adjournment

I, the undersigned authority, do hereby certify that the above Notice of the Regular Meeting of the Harlingen City Commission is a true and correct copy of said notice posted on the bulletin board at City Hall of said City of Harlingen, Texas in a place convenient and readily accessible to the general public at all times and on the City's Internet Website and said Notice was posted on Friday, February 26th, 2021, at or before 3:30 p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 26th day of February, 2021

Amanda C. Elizondo, City Secretary

1a)

REGULAR MEETING

CITY COMMISSION HARLINGEN, TEXAS

January 6, 2021

A Regular Meeting of the Harlingen City Commission was held January 6th, 2021 via videoconference, providing the public the ability to view the meeting via internet, live streaming and permitting the public to offer citizen communication or participate in items listed on the agenda via videoconferencing or telephonically via www.myharlingen.us 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
Allison Bastian-Rodriguez, Asst. City Attorney

Invocation – Commissioner Richard Uribe

Pledge of Allegiance/Welcome

Mayor Boswell recited the Pledge of Allegiance and welcomed the participants participating in the ZOOM Meeting and via YouTube Live Stream.

Call Meeting to Order

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

Citizen Communication/Input

Ron Lozano – resident of 2410 Riverside Drive spoke on Items 3(a), City of Harlingen Budget Amendment for Fiscal Year 2020-2021 and Item No. 7, purchase of a remote service kiosk, canopy and components from SHI utilizing a BuyBoard contract.

1) Recognition to the City of Harlingen, Vital Statistics Department, Recipient of the 2020 Exemplary Five-Star Service Award. ***(Health Dept.)***

Mayor Boswell announced the City of Harlingen, Vital Statistics Department, was the recipient of the 2020 Exemplary Five-Star Service Award. Josh Ramirez, Health Director, Diana Vargas and Crystal Ortiz, Vital Statistics Staff was present for the presentation.

2) Approval of Minutes

a) Special Meeting of September 15, 2020
b) Special Meeting of December 8, 2020

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve the minutes of the Special Meeting of September 15, 2020 and Special Meeting of December 8, 2020. Motion carried unanimously.

**Consent Agenda**

3a) Second and final reading to approve and adopt an ordinance to amend the City of Harlingen's Budget for Fiscal Year 2020-2021.

b) Second and final reading to approve and adopt an ordinance amending Chapter 36 of the Harlingen Code of Ordinances establishing rules for Hugh Ramsey Nature Park and the Thicket.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the Consent Agenda, Items 3 (a & b). Motion carried unanimously.

For the record the caption of the following ordinances read as follow:

ORDINANCE NO. 2021-01

AN ORDINANCE AMENDING THE REVENUE AND EXPENDITURE BUDGET FOR THE CITY OF HARLINGEN, TEXAS, FOR FISCAL YEAR OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021. TOTAL BUDGETED REVENUES WILL INCREASE TO $83,496,796 AND TOTAL BUDGET EXPENDITURES WILL INCREASE TO $88,662,765 RESPECTIVELY; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS AMENDING CHAPTER 36 OF THE HARLINGEN CODE OF ORDINANCES BY ADDING "DIVISION 3.- HUGH RAMSEY NATURE PARK AND HARLINGEN THICKET"; PROVIDIING A PENALTY NOT TO EXCEED $200.00 FOR VIOLATION OF THE PROVISIONS HEREOF; DIRECTING THE POSTING OF SIGNS AT RAMSEY NATURE PARK AND THE THICKET FOR NOTICE OF THE PROVISIONS HEREIN; PROVIDING FOR PUBLICATION; AND ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING.

PASSED AND APPROVED on first reading this 16th day of December, 2020
PASSED AND APPROVED on second and final reading on this 6th day of January, 2021

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

City of Harlingen
/s/ Mayor Chris Boswell

4) Consideration and possible action to enter into a Child Care Local Match Contributions Agreement with Workforce Solutions Cameron-Local Workforce Development Board.

Gabriel Gonzalez, Asst. City Manager, stated Lourdes Lopez, Director of Child Care Programs for the Workforce Solutions Cameron County requested from the City of Harlingen to provide budget estimates on expenditures for the development of child care programs and teenagers within our departments for Fiscal Year 2020-2021. Staff identified an estimated amount of $465,676 within the Harlingen Public Library for these programs. Ms. Lopez also requested that an agreement be drafted stating that these funds will be used for these programs for them to be eligible to draw down federal funds for these programs. The proposed agreement is not a pledge for funding, but a pledge that the City will expense these funds from the Harlingen Public Library FY 2021 Budget. Workforce Solutions Cameron County is seeking to secure $1,048,474 in total pledges to draw down $2,084,624 to assist them for subsidizing child care services for the county.

Motion was made by Commissioner Uribe and seconded by Mayor Pro-Tem Mezmar to enter into a Child Care Local Match Contributions Agreement with Workforce Solutions Cameron-Local Workforce Development Board. Motion carried unanimously.

5) Consideration and possible action to appoint a City representative to serve as a member on the Red Cross Board of Directors.

Mr. Gonzalez stated that David Luna, Ph.D., Executive Director of the Red Cross, requested thru Mr. Dan Serna, City Manager, to appoint a City representative to serve on the Red Cross Board of Directors.

Mr. Serna recommended appointing Mr. Gabriel Gonzalez, as the Asst. City Manager-Internal Services to serve as the City Representative on the Board of Directors. The term is for two years with a $1,000 payment per year to the Red Cross.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to appoint Gabriel Gonzalez, Asst. City Manager for Internal Services as the City's representative to the Red Cross Board of Directors. Motion carried unanimously.

6) Consideration and possible action regarding the participation of the Mayor and City Commissioners in the 2021 It's Time Texas Community Challenge and sign the Challenge Pledge Form.

Javier Mendez, Parks & Recreation Director, stated "It's Time Texas Community Challenge" it is an eight (8) weeks statewide competition to unite and mobilize schools, businesses, organizations community members, city commissioners and mayors toward a common goal of transforming their community's health. This year's challenge will run from January 4th through February 28, 2021. This is a nonprofit organization working together with HEB and SNAP-Ed to empower people to lead healthier lives and build healthier communities. The free programs, tools, and services help promote sustainable health initiatives for communities in Texas. Participating cities and towns hosted a variety of health-inspired events including soccer tournaments, fun runs, community health fairs, and free fitness classes. Last year's winners in each category with the highest number of points received a trophy, governor's certificate, and a $1,800 grant for future health-related efforts.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the participation of the Mayor and City Commissioners in the 2021 "It's Time Texas Community Challenge" and signed the Challenge Pledge Form. Motion carried unanimously.

7) Consideration and possible action to approve the purchase of a remote service kiosk, canopy, and components from SHI utilizing a buy board contract.

Dauna Campbell, Library Director, recommended purchasing one (1) Envisionware 24-Hour Library Kiosk, Model 340D and includes one (1) 340-item kiosk, 1000 item return bin, five (5) material hold drawers, a secure credit card system, an item checkout screen, climate control system, three (3) year service contract, security camera system, canopy, and installation. Total cost is $235,128.44 and the funds will be derived from the TSLAC Border City Grant –SHI Contract #579-19.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve the purchase of a remote service kiosk, canopy, and components from SHI utilizing a buy board contract.

Ron Lozano, resident of 2410 Riverside Drive asked the Commission and the City Manager if there had been a bidding process made for Item No. 7.

Mr. Serna replied that BuyBoard is a state approved bidding process and they utilized them.

Motion carried unanimously.

8) Consideration and possible action to approve the placement of a 24-Hour Library Kiosk in the Lon C. Hill Park. Attachment ***(Library)***

Ms. Campbell stated the 24-Hour Library Kiosk will be placed in the northwest corner at the Lon C. Hill Park next to the accessibility playground to expand library services to families due to its proximity to the playground and the Boys and Girls Club. This service will allow families to checkout, return and request library materials in a convenient location. The kiosk will be protected by a canopy that can be customized to match the decor of the park.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the placement of a 24-Hour Library Kiosk in the Lon C. Hill Park. Motion carried unanimously.

9) Board Appointments
None

10) Executive Closed Session

At 6:00 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 10 (a).

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to convene into executive session to discuss Item No. 10 (a). Motion carried unanimously.

At 6:33 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

a) Attorney consultation pursuant to Section 551.071, Texas Gov't Code, to seek advice regarding the City's legal duties and obligations in connection with pending litigation styled and numbered, *Ruben R. Pena, Sr., et al., vs. City of Harlingen, Texas*, Civil Action No. 1:20-CV-163, in the United States District Court Southern District of Texas Brownsville Division, and related legal matters.

Adjournment

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

City of Harlingen

ATTEST:

Chris Boswell, Mayor

Amanda C. Elizondo, City Secretary

**ORDINANCE NO.21-_____**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: TO ISSUE A SPECIAL USE PERMIT TO NORA HERRERA MANRIQUEZ TO ALLOW A BAR/LOUNGE IN A GENERAL RETAIL (GR) DISTRICT LOCATED AT 407 W. HARRISON AVE., BEARING A LEGAL DESCRIPTION OF LOTS 8-9, BLOCK 84, HARLINGEN ORIGINAL TOWNSITE SUBDIVISION, SUBJECT TO: (1) THE SUP WOULD BE LIMITED TO ONE YEAR, AND THE APPLICANT WOULD BE REQUIRED TO APPLY FOR RENEWAL TO CONTINUE THE OPERATION OF THE ESTABLISHMENT; (2) OBTAIN AND MAINTAIN THE PROPER STATE & TABC PERMITS; (3) PROVIDE VIDEO SURVEILLANCE WITH AT LEAST A 30 DAY RETENTION PERIOD; (4) PROVIDE A MINIMUM OF ONE LICENSED SECURITY GUARD DURING PEAK HOURS, BEING THURSDAY TO SATURDAY FROM 9:00PM TO 2:00AM; AND (5) COMPLY WITH THE REQUIREMENTS ADMINISTERED BY PLANNING AND DEVELOPMENT, BUILDING INSPECTIONS, HEALTH, FIRE PREVENTION, AND POLICE DEPARTMENTS.**

**WHEREAS,** the Planning and Zoning Commission of the City of Harlingen pursuant to Harlingen's Zoning Ordinance procedure, has recommended a special use permit for certain described real property in the City of Harlingen; and it is deemed to be in the best interest of the City of Harlingen in accordance with said recommendation of the Planning and Zoning Commission of the City, being the recommendation as hereinafter set forth; and public notice of such proposed special use permit having been fully made and complied with as required by said Code of Ordinances and applicable laws of the State of Texas; and the City Commission of the City of Harlingen having held public hearings with reference thereto, being duly and thoroughly heard; and after consideration of the evidence presented, said City Commission is of the opinion that it is in the best interest of the City of Harlingen that said Code of Ordinances be amended as indicated, now, therefore,

**BE IT ORDAINED BY THE CITY OF HARLINGEN**

That the Code of Ordinances of the City of Harlingen (Ordinance 16-8) be and the same is herewith amended by the following described property being issued a special use permit as indicated:

To issue a Special Use Permit to Nora Herrera Manriquez to allow a bar/lounge in a General Retail (GR) district located at 407 W. Harrison Ave., bearing a legal description of Lots 8-9, Block 84, Harlingen Original Townsite Subdivision, subject to: (1) The SUP would be

limited to one year, and the applicant would be required to apply for renewal to continue the operation of the establishment; (2) Obtain and maintain the proper State & TABC permits; (3) Provide video surveillance with at least a 30 day retention period; (4) Provide a minimum of one licensed security guard during peak hours, being Thursday to Saturday from 9:00pm to 2:00am; and (5) comply with the requirements administered by Planning and Development, Building Inspections, Health, Fire Prevention, and Police Departments.

The provisions prohibiting the violation of the Zoning Ordinance shall continue in full force and effect and apply to this amendment.

The special use permit is made contingent upon a site plan, a true and correct copy of which is attached hereto and incorporated herein by reference as **EXHIBITS "A"**.

The provisions of this ordinance shall become effective from and after the final and lawful passage hereof and publication of the caption hereof as provided for and required in the Code of Ordinances and applicable state statutes.

**FINALLY ENACTED** this _____ day of _____, 2021, at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with **TEXAS GOVERNMENT CODE, CHAPTER 551.**

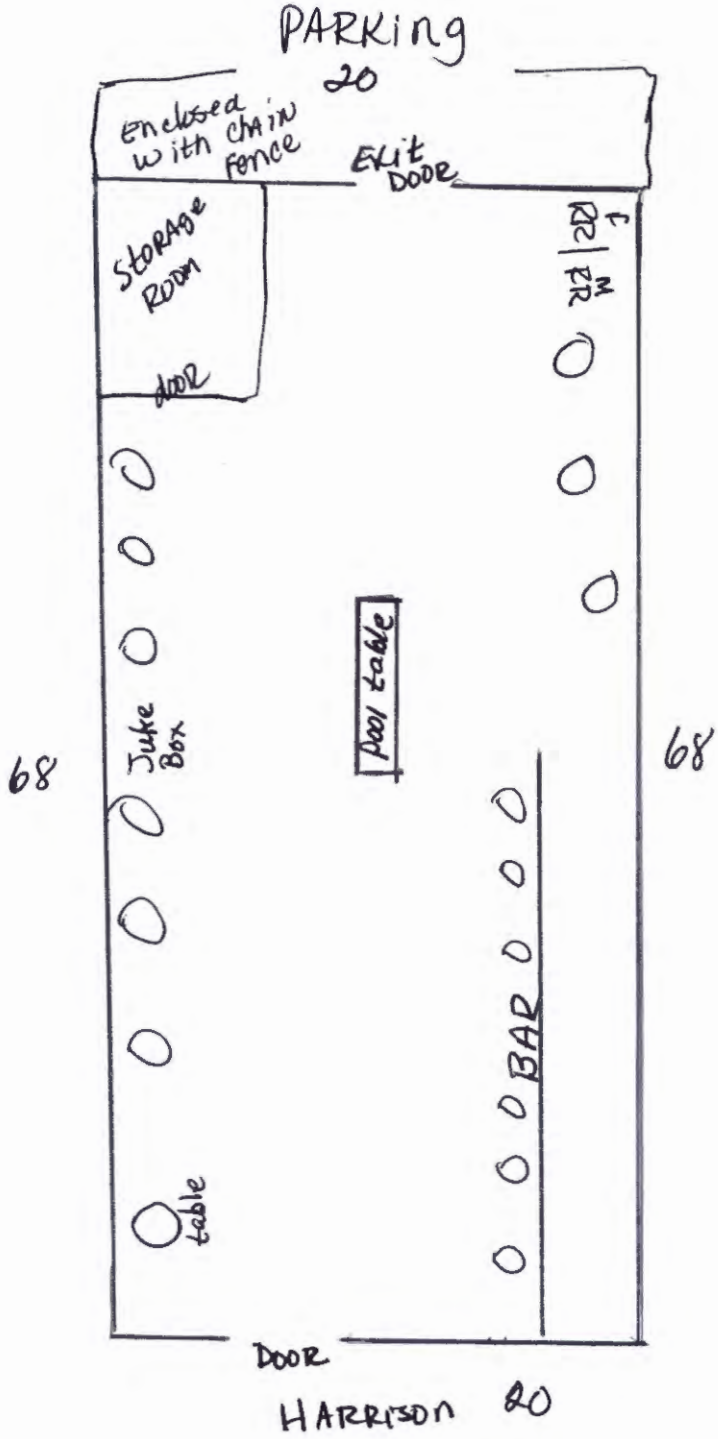
**CITY OF HARLINGEN**

_____
Chris Boswell, Mayor

**ATTEST:**

_____
Amanda C. Elizondo, City Secretary

EXIBIT "A"


PARKing
20
Enclosed with CHAIN FENCE
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STORAGE ROOM
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Pool table
68
68
BAR
table
DOOR
HARRISON
20

**ORDINANCE NO. 21-_____**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: TO ISSUE A SPECIAL USE PERMIT ISSUED TO GERRY TAYLOR HATCH TO ALLOW A STORAGE BUILDING IN A RESIDENTIAL, SINGLE FAMILY (R-1) DISTRICT LOCATED AT 5218 GARRETT ROAD, BEARING A LEGAL DESCRIPTION OF LOT 5, BLOCK 3, REMINGTON SUBDIVISION SUBJECT TO: (1) THE STORAGE BUILDING BEING USED PRIMARILY FOR THE USE OF STORAGE OF GOODS AND/OR PROVISIONS NOT INCLUDING HAZARDOUS CHEMICALS OR DANGEROUS MATERIALS; (2) STORAGE BUILDING CANNOT BE USED AS A LIVING SPACE; AND (3) COMPLIANCE WITH THE REQUIREMENTS ADMINISTERED BY THE PLANNING & DEVELOPMENT, BUILDING INSPECTIONS, AND FIRE PREVENTION DEPARTMENTS.**

**WHEREAS,** the Planning and Zoning Commission of the City of Harlingen pursuant to Harlingen's Zoning Ordinance procedure, has recommended a specific use permit for certain described real property in the City of Harlingen; and it is deemed to be in the best interest of the City of Harlingen in accordance with said recommendation of the Planning and Zoning Commission of the City, being the recommendation as hereinafter set forth; and public notice of such proposed specific use permit having been fully made and complied with as required by said Code of Ordinances and applicable laws of the State of Texas; and the City Commission of the City of Harlingen having held public hearings with reference thereto, being duly and thoroughly heard; and after consideration of the evidence presented, said City Commission is of the opinion that it is in the best interest of the City of Harlingen that said Code of Ordinances be amended as indicated, now, therefore,

**BE IT ORDAINED BY THE CITY OF HARLINGEN**

That the Code of Ordinances of the City of Harlingen (Ordinance 16-8) be and the same is herewith amended by the following described property being issued a specific use permit as indicated:

To issue a Special Use Permit issued to Gerry Taylor Hatch to allow a storage building in a Residential, Single Family (R-1) District located at 5218 Garrett Road, bearing a legal

description of Lot 5, Block 3, Remington Subdivision, subject to: (1) Storage building being used primarily for the use of storage of goods and/or provisions not including hazardous chemicals or dangerous materials; (2) Storage building cannot be used as a living space; and (3) Compliance with the requirements administered by the Planning & Development, Building Inspections, and Fire prevention Departments.

The provisions prohibiting the violation of the Zoning Ordinance shall continue in full force and effect and apply to this amendment.

The specific use permit is made contingent upon a site plan, a true and correct copy of which is attached hereto and incorporated herein by reference as **EXHIBIT "A"**.

The provisions of this ordinance shall become effective from and after the final and lawful passage hereof and publication of the caption hereof as provided for and required in the Code of Ordinances and applicable state statutes.

**FINALLY ENACTED** this _____ day of _____, 2021, at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

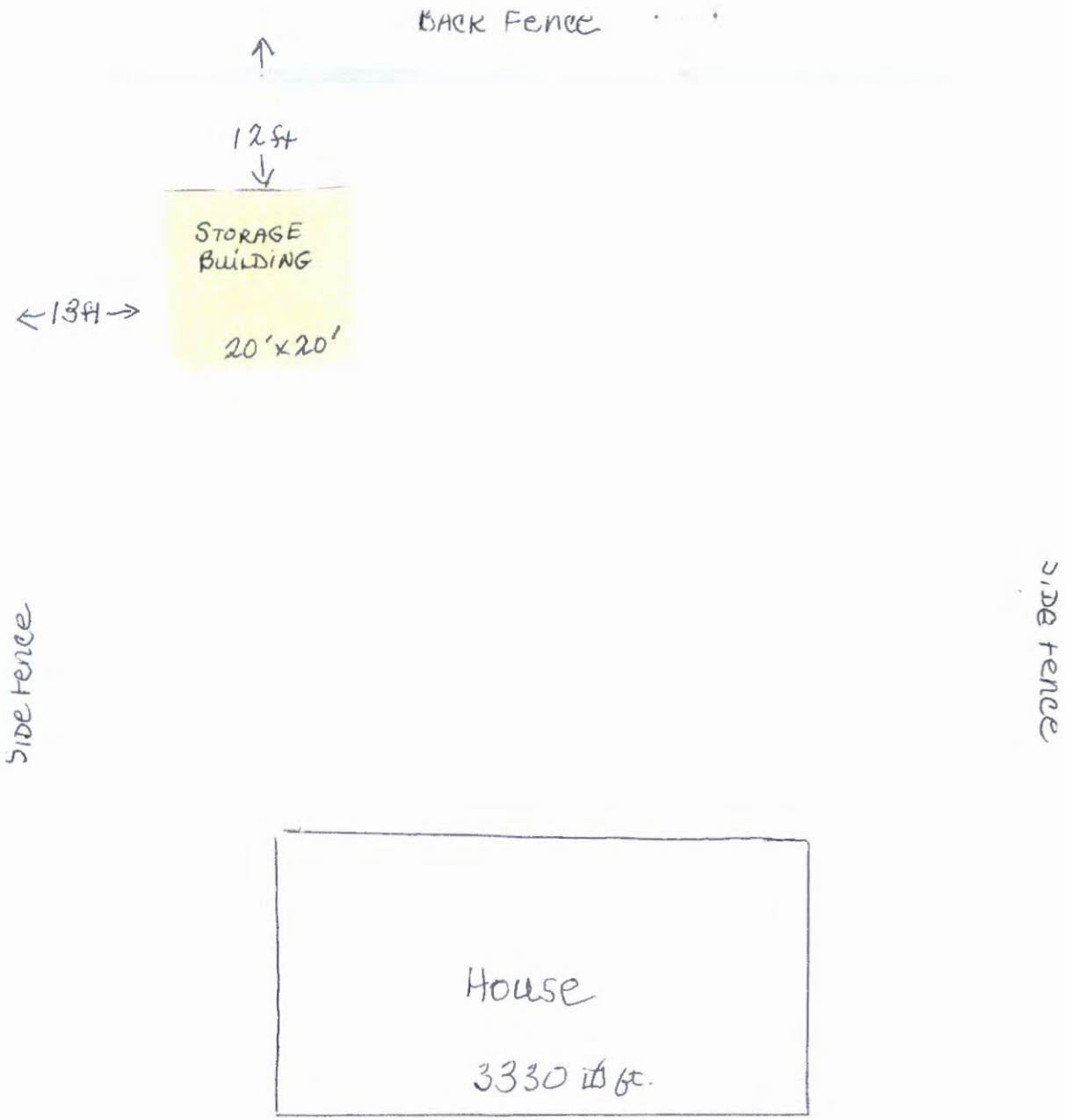
**CITY OF HARLINGEN**

_____
Chris Boswell, Mayor

**ATTEST:**

_____
Amanda C. Elizondo, City Secretary

**EXHIBIT "A"**


BACK Fence
12ft
STORAGE BUILDING
13ft
20'x20'
SIDE fence
SIDE fence
House
3330 sq ft.
LOT DIMENSIONS –
106.90 x 227.67
106.93 x 225.40
(5218 Garrett Road) SITE: 24217 sq ft

2C

**AGENDA ITEM**
**EXECUTIVE SUMMARY**

Meeting Date: **March 3rd, 2021**

**Agenda Item:**

Consider and take action to authorize the mayor, on behalf of the city of Harlingen, authorizing the Harlingen Police Department to submit a grant application, to the office of the governor - homeland security grants division, for funding overtime costs and operating expenses to the city of Harlingen, Texas for providing additional manpower to enhance and improve border security under the FY 2022 local border security (Border Star) program.

Prepared By (Print Name): Michael Kester
Title: Chief of Police
Signature:

**Brief Summary:**

The Harlingen Police Department has the opportunity to receive funding under the Local Border Security Program that will allow officers to work in a state-led and unified strategy to respond to the increased presence and threat of organized crime, terrorism and violent crimes within our borders. The grant cycle is from September 1st 2021 to August 30th 2022.

**Funding (if applicable):**

Are funds specifically designated in the current budget for the full amount for this purpose? [ ] Yes [X] No*

*If no, specify source of funding and amount requested: The source of funding will be The Office of Governor – Homeland Security Grant Division. The amount of funding that will be awarded is currently unknown.

Finance Director's approval: [ ] Yes [ ] No [ ] N/A

**Staff Recommendation:**

Staff recommends that we submit an application to the FY 2022 Local Border Security (Border Star) program.

City Manager's approval: [ ] Yes [ ] No [ ] N/A

**Comments:**

City Attorney's approval: [ ] Yes [ ] No [ ] N/A

as to fo
2/25/21

**RESOLUTION NO. _____**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS AUTHORIZING THE HARLINGEN POLICE DEPARTMENT TO SUBMIT AN APPLICATION IN REFERENCE TO (GRANT #2995507) FROM THE OFFICE OF THE GOVERNOR HOMELAND SECURITY GRANTS DIVISION FOR FUNDING OVERTIME COSTS AND OPERATING EXPENSES TO THE CITY OF HARLINGEN, TEXAS FOR PROVIDING ADDITIONAL MNAPOWER TO ENHANCE AND IMPROVE BORDER SECURITY UNDER THE FY22 LOCAL BORDER SECURITY (BORDER STAR) PROGRAM.**

**WHEREAS**, the City of Harlingen finds it in the best interest of the citizens of Harlingen, Texas and the region, that the City of Harlingen utilize its local law enforcement personnel in a state-led and unified strategy to respond to the increased presence and threat of organized crime, terrorism and violent crimes within our borders; and

**WHEREAS**, the governing body of the City of Harlingen, Texas understanding the financial limitations and obligations related to such funding, including the full return of grant funds in the event of a loss or misuse of the Local Border Security Program Funds, endorses the acceptance of the award for funding to the Harlingen Police Department: and

**WHEREAS**, the City Commission of the City of Harlingen designates City Manager Dan Serna as the authorized official to apply for, accept, reject, alter or terminate funding of said grant.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISION OF THE CITY OF HARLINGEN, TEXAS:** that the City Commission approves the submission of grant funding by the Office of the Governor, Homeland Security Grants Division for the funding made available under the FY 22 Local Border Security Program (LBSP)

**CONSIDERED AND ADOPTED** this ___ day of _____, 2021, at a regular meeting of the Elective Commission of the City of Harlingen, Texas, at which a quorum was present and which was held in accordance with **TEXAS GOVERNMENT CODE, CHAPTER 551**.

**GRANT #2995507**

CITY OF HARLINGEN:

_____
Chris Boswell, Mayor

ATTEST:

_____
Amanda Elizondo, City Secretary

2d)

**AGENDA ITEM**
**EXECUTIVE SUMMARY**

Meeting Date: **March 3rd, 2021**

**Agenda Item:**

Consider and take action to authorize the City Manager, on behalf of the City of Harlingen, to submit a grant application in the approximate amount of $54,281.29 to the Office of the Governor, Public Safety Office – Criminal Justice Division in regards to the FY 22 General Victim Assistance Program that will continue to allow funding of the Crime Victim Liaison position.

Prepared By (Print Name): Michael Kester
Title: Chief of Police
Signature:

**Brief Summary:**

The Harlingen Police Department is seeking to apply to the FY 22 General Victim Assistance Program, which funds the Crime Victim Liaison position.

**Funding (if applicable):**

Are funds specifically designated in the current budget for the full amount for this purpose? [ ] Yes [X] No*

*If no, specify source of funding and amount requested: The source of funding will derive from reimbursement requests to the Office of the Governor, Public Safety Office – Criminal Justice Division. The grant is an 80%-20% match with Harlingen Police responsible for the 20% cash match: **$10,964.26**.

Finance Director's approval: [ ] Yes [ ] No [ ] N/A

**Staff Recommendation:**

Staff recommends that we submit an application to secure funding for the Crime Victim Liaison position.

City Manager's approval: [ ] Yes [ ] No [ ] N/A

**Comments:**

City Attorney's approval: [ ] Yes [ ] No [ ] N/A

as to form 2/25/21

**RESOLUTION NO. _____**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS AUTHORIZING THE HARLINGEN POLICE DEPARTMENT TO SUBMIT A GRANT APPLICATION IN REFERENCE TO THE FY 22 GENERAL VICTIM ASSISTANCE PROGRAM TO FUND THE CRIME VICTIM LIAISON POSITION MADE AVAILABLE THROUGH THE OFFICE OF THE GOVERNOR PUBLIC SAFETY OFFICE – CRIMINAL JUSTICE DIVISION.**

**WHEREAS**, the city of Harlingen finds it in the best interest of the citizens of Harlingen, Texas to seek funding from the Office of the Governor, Public Safety Office – Criminal Justice Division in regards to the FY 22 General Victim Assistance Program that will continue to allow funding of the Harlingen Police Department's Crime Victim Liaison position. The grant is an 80%-20% match with Harlingen Police responsible for the 20%.

**WHEREAS**, the governing body of the City of Harlingen has considered the proposed General Victim Assistance Program application in the amount of **$54,821.29** at a regular city commission meeting and for said Crime Victim Liaison position and prior to its final submittal to the Office of the Governor Criminal Justice and;

**WHEREAS**, the City Commission of the City of Harlingen, Texas understanding the financial limitations and obligations related to such funding, including the full return of grant funds back to the Office of the Governor's Criminal Justice Division in the event of a loss or misuse, endorses the application for funding on behalf of the Harlingen Police Department; and

**WHEREAS**, the City Commission of the City of Harlingen understanding the financial limitations and obligations related to the FY 22 General Victim Assistance Program, including the full return of grant funds back to the Office of the Governor – Public Safety Office – Criminal Justice Division in the event of a loss or misuse, endorses the application for funding on behalf of the Harlingen Police Department; and

**WHEREAS**, the City Commission of the City of Harlingen designates City Manager Dan Serna as the authorized official to apply for, accept, reject, alter or terminate funding of said grant.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISION OF THE CITY OF HARLINGEN, TEXAS:** that the City Commission approves the submission of an application in reference to the FY 22 General Victim Assistance Program.

**CONSIDERED AND ADOPTED** this ___ day of _____, 2021, at a regular meeting of the Elective Commission of the City of Harlingen, Texas, at which a quorum was present and which was held in accordance with **TEXAS GOVERNMENT CODE, CHAPTER 551**.

CITY OF HARLINGEN:

_____
Chris Boswell, Mayor

ATTEST:

_____
Amanda Elizondo, City Secretary

3)

**AGENDA ITEM**
**EXECUTIVE SUMMARY**

Meeting Date: **March 03, 2021**

**Agenda Item:**

Consideration and possible action to approve a resolution by the City Commission to execute an agreement with the Texas Water Development Board (TWDB) for funding of a regional flood planning study and authorize the City Manager to represent the City of Harlingen and execute all documents in connection with the funding agreement.

Prepared By (Print Name): Andy Vigstol, P.E.
Title: City Engineer

Signature:

Digitally signed by Andy Vigstol
DN: C=US, E=avigstol@myharlingen.us, O=City of Harlingen, OU=Engineering Department, CN=Andy Vigstol
Reason: I am the author of this document
Date: 2021.02.19 10:31:30-06'00'

**Brief Summary:**

- The 86th Texas Legislature passed several bills entrusting the Texas Water Development Board (TWDB) with new responsibilities related to funding flood mitigation projects and planning for future flood events.
- On November 5, 2019, Texas voters approved Proposition 8, a constitutional amendment providing for the creation of the Flood Infrastructure Fund (FIF) to assist in the financing of drainage, flood mitigation, and flood control projects.
- The TWDB solicited applications for the initial round of FIF funding for projects related to flood planning and construction.
- On December 17, 2020 the City of Harlingen's project application was approved by the TWDB for a regional Flood Protection Planning Study with a total cost of $6,237,000 of which ninety percent (90%) will be covered by the grant and ten percent (10%) will be matched with local funds or in-kind services.
- Staff is currently working with regional partners and stakeholders on this project.

**Funding (if applicable):**

Are funds specifically designated in the current budget for the full amount for this purpose? [X] Yes [ ] No*

*If no, specify source of funding and amount requested: General Fund

Finance Director's approval: [ ] Yes [ ] No [ ] N/A

**Staff Recommendation:**

Staff is recommending the resolution be passed.

City Manager's approval: [ ] Yes [ ] No [ ] N/A

**Comments:**

City Attorney's approval: [ ] Yes [ ] No [ ] N/A

2/25/21 as to form

# Authorized Representative Agreement Execution Resolution

A RESOLUTION by the City Commission of City of Harlingen, Texas authorizing the City Manager, the Designated Representative of the City of Harlingen Texas to execute an agreement with the Texas Water Development Board for funding in the amount of $6,237,000.

WHEREAS, the Texas Water Development Board made a commitment to provide financial assistance in the form of a grant in the amount of $5,613,300 to the City of Harlingen, Texas to finance a flood protection planning study upon execution of a loan/grant/principal forgiveness agreement; therefore

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS:

SECTION 1. Approval of Agreement. The agreement setting out the terms and conditions of the financial assistance between the Texas Water Development Board and the City of Harlingen, Texas is approved and the City of Harlingen, Texas's Designated Representative is authorized to execute the agreement on behalf of the City of Harlingen, Texas.

SECTION 2. Effective Date. This Resolution shall become effectively immediately after its adoption.

PASSED AND APPROVED, this the_____day of_____, 20_____.

ATTEST:_____ By:_____

(Seal)

4)

**AGENDA ITEM**
**EXECUTIVE SUMMARY**

Meeting Date: **March 3, 2021**

**Agenda Item:**

Consideration and possible action to approve a resolution adopting the Cameron County – Hazard Mitigation Action Plan Update 2021

Prepared By (Print Name): Carlos A. Sanchez, P.E.
Title: Assistant City Manager / EMC

Signature:

**Brief Summary:**

The Cameron County Hazard Mitigation Plan (Plan) was initially prepared and adopted in May, 2015. The Plan was jointly prepared by Cameron County and the City of Harlingen. Through a hazard risk assessment, mitigation actions are identified and prioritize based on hazard which are understood to present the greatest risk to lives and property. One of the hazards identified in the Plan is Flooding.

As required by the Federal Emergency Management Agency and the Texas Department of Emergency Management, the all governmental jurisdictions are required to have a current Hazard Mitigation Plan. It is also a requirement that the Plan be updated every five (5) years and approved by FEMA. An active plan is required of all governmental jurisdictions in order to qualify for federal and state mitigation funds. The City of Harlingen, City of Palm Valley, and Cameron County co-sponsored the update to the Hazard Mitigation Plan.

The proposed resolution, if adopted will be submitted to TDEM and FEMA, thus finalizing the update process of the Plan.

**Funding (if applicable):**

Are funds specifically designated in the current budget for the full amount for this purpose? [X] Yes [ ] No*

*If no, specify source of funding and amount requested:

Finance Director's approval: [ ] Yes [ ] No [ ] N/A

**Staff Recommendation:**

Staff recommends approval of the resolution.

City Manager's approval: [ ] Yes [ ] No [ ] N/A

**Comments:**

City Attorney's approval: [ ] Yes [ ] No [ ] N/A

2/25/21
as to fo

TDEM
THE TEXAS A&M UNIVERSITY SYSTEM

February 2, 2021

The Honorable Eddie Trevino, Jr.
Cameron County
1100 E Monroe St
Brownsville, TX 78520

RE: Approvable Pending Adoption of Cameron County, Texas Multi-Jurisdiction Hazard Mitigation Plan (HMP)

Funding Source: None

Dear Judge Trevino:

Congratulations! FEMA has concluded the review of the Cameron County Multi-Jurisdiction HMP, and the plan is found to be approvable pending adoption. In order for this plan to receive final FEMA approval, the jurisdiction(s) must adopt this plan and submit the complete adoption package to the state within 90 days. The plan update timeline will begin on the date of the FEMA approval letter. Please e-mail the complete adoption package to tdem-mitigation@tdem.texas.gov and timothy.frere@tdem.texas.gov as follows:

- The final plan formatted as a single document
  - Plan must be dated to match the date of the first adoption
  - Remove track changes, strikethroughs and highlights
- All signed resolutions as a separate single document

The previous review tool may contain recommendations to be applied to your next update. DO NOT make any further changes to your plan until it has been approved.

1033 La Posada Ste 300, Austin, TX 78752
24 Hours: 512-424-2208, Fax 512-424-2444

If you have any questions concerning this procedure, please do not hesitate to contact tdem-mitigation@tdem.texas.gov. We commend you for your commitment to mitigation.

Respectfully,

Timothy Frere

**Timothy Frere**
Hazard Mitigation Planner
Hazard Mitigation Unit
Texas Division of Emergency Management

Cc: Heather Ferrara, heather@h2opartnersusa.com
Joseph Quilantan, joseph.quilantan@tdem.texas.gov

TF

**RESOLUTION NO. _____**

**RESOLUTION FOR CITY OF HARLINGEN**

**APPROVAL OF HAZARD MITIGATION ACTION PLAN UPDATE**

WHEREAS, natural hazards in the City of Harlingen area historically have caused significant disasters with losses of life and property and natural resources damage; and

WHEREAS, the Federal Disaster Mitigation Act of 2000 and Federal Emergency Management Agency (FEMA) require communities to adopt a hazard mitigation action plan to be eligible for the full range of pre-disaster and post-disaster federal funding for mitigation purposes; and

WHEREAS, FEMA requires that communities update hazard mitigation action plans every five years in order to be eligible for the full range of pre-disaster and post-disaster federal funding for mitigation purposes; and

WHEREAS, the City of Harlingen has assessed the community's potential risks and hazards and is committed to planning for a sustainable community and reducing the long-term consequences of natural and man-caused hazards; and

WHEREAS, the Cameron County Hazard Mitigation Action Plan Update outlines a mitigation vision, goals and objectives; assesses risk from a range of hazards; and identifies risk reduction strategies and actions for hazards that threaten the community.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Cameron County Hazard Mitigation Action Plan Update is approved in its entirety;
2. The City of Harlingen will pursue available funding opportunities for implementation of the proposals designated therein, and will, upon receipt of such funding or other necessary resources, seek to implement the actions contained in the mitigation strategies;
3. The City of Harlingen vests with the Mayor the responsibility, authority, and means to inform all parties of this action; assure that the Hazard Mitigation Action Plan Update will be reviewed at least annually; and that any needed adjustments will be presented to the City Council for consideration; and
4. The City of Harlingen to take such other action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Action Plan Update and report on progress as required by FEMA and the Texas Division of Emergency Management (TDEM).

ADOPTED this ____ day of____, 2021.

_____

Chris Boswell, Mayor

_____

Amanda Elizondo, City Secretary

5)

**AGENDA ITEM**
**EXECUTIVE SUMMARY**

Meeting Date: **Wednesday, March 3, 2021**

**Agenda Item:**

Consider and take action to approve Resolution accepting the anticipated Federal Aviation Administration (FAA) Coronavirus Response and Relief Supplemental Appropriation Act, 2021 CRRSAA Grant 3-48-0101-065-21 in the amount of $2,761,597, contingent upon the receipt of the FAA Grant.

Prepared By (Print Name): Marv R. Esterly
Title: Director of Aviation

Signature:

**Brief Summary:**

Execution of the CRRSAA Grant #65.

**Funding (If applicable):**

Are funds specifically designated in the current budget for the full amount for this purpose? [X] Yes [ ] No*
*If no, specify source of funding and amount requested:

Finance Director's approval: [ ] Yes [ ] No [ ] N/A

**Staff Recommendation:**

The staff recommends acceptance of the Federal Aviation Administration (FAA) Coronavirus Response and Relief Supplemental Appropriation Act, 2021 CRRSAA Grant 3-48-0101-065-21 in the amount of $2,761,597, contingent upon the receipt of the FAA Grant.

City Manager's approval: [ ] Yes [ ] No [ ] N/A

**Comments:**

City Attorney's approval: [ ] Yes [ ] No [ ] N/A

as to form
2/26/21

*form revised 01/26/09*

**RESOLUTION NO. NO. _____**

**STATE OF TEXAS** δ

**COUNTY OF CAMERON** δ

**WHEREAS,** the United States Department of Transportation, Federal Aviation Administration is expected to submit an anticipated grant offer; Grant No. 3-48-0101-065-2021; and

**WHEREAS,** the intended purpose of the anticipated Grant No. 3-48-0101-065-2021 is for the execution of Coronavirus Response and Relief Supplemental Appropriation Act, 2021 (CRRSAA) Grant #65 in the amount of Two Million, Seven Hundred Sixty-One Thousand, Five Hundred Ninety-Seven Dollars and no/100s ($2,761,597); and

**WHEREAS,** the anticipated Grant No. 3-48-0101-065-2021 for the Valley International Airport was approved by the Harlingen Airport Board during its regular meeting of February 26, 2021; and

**WHEREAS,** the Elective Commission of the City of Harlingen, Texas deems it necessary and desirable to accept the execution of the CRRSAA in the amount of Two Million, Seven Hundred Sixty-One Thousand, Five Hundred Ninety-Seven Dollars and no/100s ($2,761,597) for Grant No. 3-48-0101-065-2021, if and when it is received; now, therefore,

**BE IT RESOLVED BY THE CITY OF HARLINGEN:**

The Mayor of the City of Harlingen, Chris H. Boswell, is hereby authorized to execute on behalf of the City of Harlingen the anticipated Grant Offer No. 3-48-0101-065-2021 for the CRRSAA in the amount of Two Million, Seven Hundred Sixty-One Thousand, Five Hundred Ninety-Seven Dollars and no/100s ($2,761,597) for Grant No. 3-48-0101-065-2021.

When so executed by the Mayor of the City of Harlingen, the City of Harlingen shall be bound to all of the conditions and requirements as stated in said anticipated grant offer, if and when it is received.

**CONSIDERED AND ADOPTED** this 3rd day of March 2021, at a Regular Meeting of the Elective Commission of the City of Harlingen, Texas, at which a quorum was present and which was held in accordance with Texas Government Code, Title 5, Subtitle A, Chapter 551.

**CITY OF HARLINGEN**

**BY:** _____
**Chris H. Boswell, Mayor**

**ATTEST:**

_____
**Amanda Elizondo, City Secretary**

6)

**AGENDA ITEM**
**EXECUTIVE SUMMARY**

Meeting Date: **Wednesday, March 3, 2021**

**Agenda Item:**

Consider and take action to approve Resolution accepting the anticipated Federal Aviation Administration (FAA) Coronavirus Response and Relief Supplemental Appropriation Act, 2021 CRRSAA Grant 3-48-0101-066-21 in the amount of $71,830, contingent upon the receipt of the FAA Grant.

Prepared By (Print Name): Marv R. Esterly
Title: Director of Aviation

Signature:

**Brief Summary:**

Execution of the CRRSAA Grant #66.

**Funding (If applicable):**

Are funds specifically designated in the current budget for the full amount for this purpose? [X] Yes [ ] No*
*If no, specify source of funding and amount requested:

Finance Director's approval: [ ] Yes [ ] No [ ] N/A

**Staff Recommendation:**

The staff recommends acceptance of the Federal Aviation Administration (FAA) Coronavirus Response and Relief Supplemental Appropriation Act, 2021 CRRSAA Grant 3-48-0101-066-21 in the amount of $71,830, contingent upon the receipt of the FAA Grant.

City Manager's approval: [ ] Yes [ ] No [ ] N/A

**Comments:**

City Attorney's approval: [ ] Yes [ ] No [ ] N/A

as to form
2/26/21

*form revised 01/26/09*

**RESOLUTION NO. NO. _____**

**STATE OF TEXAS** δ

**COUNTY OF CAMERON** δ

**WHEREAS,** the United States Department of Transportation, Federal Aviation Administration is expected to submit an anticipated grant offer; Grant No. 3-48-0101-066-2021; and

**WHEREAS,** the intended purpose of the anticipated Grant No. 3-48-0101-066-2021 is for the execution of Coronavirus Response and Relief Supplemental Appropriation Act, 2021 (CRRSAA) Grant #66 in the amount of Seventy-One Thousand, Eight Hundred Thirty Dollars and no/100s ($71,830); and

**WHEREAS,** the anticipated Grant No. 3-48-0101-066-2021 for the Valley International Airport was approved by the Harlingen Airport Board during its regular meeting of February 26, 2021; and

**WHEREAS,** the Elective Commission of the City of Harlingen, Texas deems it necessary and desirable to accept the execution of the CRRSAA in the amount of Seventy-One Thousand, Eight Hundred Thirty Dollars and no/100s ($71,830) for Grant No. 3-48-0101-066-2021, if and when it is received; now, therefore,

**BE IT RESOLVED BY THE CITY OF HARLINGEN:**

The Mayor of the City of Harlingen, Chris H. Boswell, is hereby authorized to execute on behalf of the City of Harlingen the anticipated Grant Offer No. 3-48-0101-066-2021 for the CRRSAA in the amount of Seventy-One Thousand, Eight Hundred Thirty Dollars and no/100s ($71,830) for Grant No. 3-48-0101-066-2021.

When so executed by the Mayor of the City of Harlingen, the City of Harlingen shall be bound to all of the conditions and requirements as stated in said anticipated grant offer, if and when it is received.

**CONSIDERED AND ADOPTED** this 3rd day of March 2021, at a Regular Meeting of the Elective Commission of the City of Harlingen, Texas, at which a quorum was present and which was held in accordance with Texas Government Code, Title 5, Subtitle A, Chapter 551.

**CITY OF HARLINGEN**

**BY:** _____
**Chris H. Boswell, Mayor**

**ATTEST:**

_____
**Amanda Elizondo, City Secretary**

7)

**AGENDA ITEM**
**EXECUTIVE SUMMARY**

Meeting Date: **March 3, 2021**

**Agenda Item:**

Consideration and action to adopt a Resolution accepting bids received for Bid No. 2021-05-Sale of Real Property: Nine City-owned Properties.

Prepared By (Print Name): Ana Hernandez, AICP, CNU-A
Title: Special Projects Director

Signature:

**Brief Summary:**

The City of Harlingen accepted sealed bids for the sale of nine (9) city-owned surplus properties from January 24, 2021 to February 16, 2021. Bids were advertised on two separate dates (January 24th and January 31st) as required by Section 272.001 of the Texas Local Government Code (TLGC) for newspaper notices. The notices were published in the Valley Morning Star. As per the TLGC, the Harlingen City Commission is not required to accept any bid or offer or to complete a sale or exchange.

The City received the following bids:

- One (1) bid from D-Builders/Javier Dominguez in the amount of $1,000 each for 918 W. Wright Avenue and 920 W. Wright Avenue ($2,000 in total). The bid opening was done virtually on February 16, 2021. The bid tabulation table is included for reference.
- One (1) bid from Marcos Ricoy in the amount of $12,000 for 113 E. Madison. The bid was submitted by mail and postmarked before the deadline, and therefore, considered on-time. However, it was not opened by Purchasing staff until February 24, 2021.

The nine (9) surplus properties were previously approved for sale by the Harlingen City Commission on November 20, 2019. The bid packet was previously advertised on November 8, 2020 and on November 15, 2020, but no bids were received, which prompted staff to re-open and re-advertise the surplus properties at the beginning of this year.

**Funding (if applicable):**

Are funds specifically designated in the current budget for the full amount for this purpose? ☐ Yes ☐ No*

*If no, specify source of funding and amount requested:

Finance Director's approval: ☐ Yes ☐ No ☐ N/A

**Staff Recommendation:**

Staff recommends approving both bids. On the bid for W. Wright Avenue, the two properties are half lots that have been vacant for over 30 years. The appraised value for each individual lot is $7,400 (land only). Based on the value of adjoining properties and assuming the lots are combined into one standard lot and fully developed, the City could collect at a minimum about $1,000 in property tax per year (for a 1,200 square feet single family dwelling valued at $29,148). Other revenue would be generated from building permit fees and other development fees. These benefits align with the goal of putting back properties into the tax roll.

City Manager's approval: ☐ Yes ☐ No ☐ N/A

**Comments:**

| City Attorney's approval: | ☒ Yes | ☐ No | ☐ N/A |
|---|---|---|---|

2/25/21

**RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS, ACCEPTING CERTAIN BIDS RECEIVED FOR BID NO. 2021-05 SALE OF REAL PROPERTY: NINE CITY-OWNED PROPERTIES; MAKING FINDINGS REGARDING THE PUBLIC INTERESTS PERTAINING TO SAME; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Harlingen provided notice for and solicited sealed bids pursuant to Texas Local Government Code Chapter 272.001 for nine city-owned real properties via Bid No. 2021-05, for which bids for three of the properties were received on or before February 16, 2021;

**WHEREAS,** the City had previously noticed and solicited sealed bids for the same properties in November, 2019, with the City receiving no bids on any of the nine properties at that time;

**WHEREAS,** accepting the bids provided for Bid No. 2021-05 will result in the properties generating revenue for the City through the collection of building permit fees, development fees, and the collection of ad valorem taxes;

**WHEREAS,** the City finds that the bids received for Bid No. 2021-05 conform to the bid procedures and specifications as set forth in the published notices dated January 24 and January 31, 2021; and

**WHEREAS,** the City finds that accepting the bids received provides the best benefit for the taxpayers of the City as it aligns with the objectives of putting properties back on the tax rolls;

**NOW, THEREFORE, IT IS RESOLVED, DETERMINED AND ORDERED** by the City Commission of the City of Harlingen, Texas, as follows:

**Section 1.** The foregoing recitals are hereby adopted as true by the City Commission and incorporated into the body of the resolution by reference hereto.

**Section 2.** The City Commission hereby accepts the bids received in response to the solicitation for Bids pursuant to No. 2021-05.

**Section 3.** This resolution shall take effect immediately upon its adoption.

**PASSED AND DULY ADOPTED** at a regular meeting of the City Commission of the City of Harlingen, Texas on this _____ day of _____, 2021.

By:_____
Chris Boswell, Mayor

ATTEST:

By: _____
Amanda C. Elizondo, City Secretary

| | Responded (Y/N) | Addenda Acknowledged | Property ID | Bid Amount |
|---|---|---|---|---|
| AAAA Investments | NO | | | |
| Advanced Outdoor Living Enhancements | NO | | | |
| Azua Realtor | NO | | | |
| D-Builders, LLC.<br>Javier Dominguez<br>(956) 456-6904<br>Email:<br>JavierDmngz@yahoo.com | YES | N/A | 2021-05-07 ID# 83330<br>920 W. Wright Ave. | $1,000.00 |
| | | | 2021-05-06 ID# 83329<br>918 W. Wright Ave. | $1,000.00 |
| Elizabeth Adame | NO | | | |
| Grove Realty Team, LLC | NO | | | |
| Jesse Villarreal | NO | | | |
| JNH Surveying Co. LLC | NO | | | |
| Tony Gutierrez Realty | NO | | | |
| Marcos Ricoy | YES | N/A | 2021-05-01 ID# 64233<br>113 E. Madison Ave. | $12,000.00 |
| billt543@aol.com | NO | | | |
| connie@bahnmanrealty.com | NO | | | |
| chopkins@ccim.net | NO | | | |
| hilda@rioco.com | NO | | | |
| angie@harcoproperties.com | NO | | | |
| malv123@sbcglobal.net | NO | | | |
| carlosm@nairgv.com | NO | | | |
| lolly@lollyburns.com | NO | | | |
| silvestro.realtor@gmail.com | NO | | | |
| strubhartrealestate@gmail.com | NO | | | |
| daniel1realtor@gmail.com | NO | | | |
| mark@becerra-homes.com | NO | | | |
| chris@screg.net | NO | | | |
| ptorres@screg.net | NO | | | |
| amarealtor95@gmail.com | NO | | | |
| daniel.galvan@coldwellbanker.com | NO | | | |
| jchrist@harlingen.com | NO | | | |

Companies contacted: 29 Requested Packets: 9 Responded: 2 (Revised 2/25/21)

# BID FORM

**Bid No. 2021-05 Sale of Real Property: Nine Separate City Owned Properties**

Interested bidders may submit a bid for one (1) property, multiple properties, or all properties being sold by the City of Harlingen, as listed below.

**Please write a bid amount for the property(s) you are bidding on, and write "no bid" on the properties you are not bidding on.**

I, Javier Dominguez the undersigned, submit a bid for the following property(s):

| Bid ID# | Property ID / Address | Legal Description | Lot Size | Bid Amount |
|---|---|---|---|---|
| 2021-05-01 | ID# 64233<br>113 E. Madison Ave | Lot 9, Block 26, Harlingen Original Townsite, Cameron County, TX | 7,000 Sq. Ft. | $ |
| 2021-05-02 | ID# 64228<br>114 W. Madison Ave | Lot 10, Block 25, Harlingen Original Townsite, Cameron County, TX | 7,000 Sq. Ft. | $ |
| 2021-05-03 | ID# 64229<br>118 W. Madison Ave | Lot 11, Block 25, Harlingen Original Townsite, Cameron County, TX | 7,000 Sq. Ft. | $ |
| 2021-05-04 | ID# 64230<br>122 W. Madison Ave | Lot 12, Block 25, Harlingen Original Townsite, Cameron County, TX | 7,000 Sq. Ft. | $ |
| 2021-05-05 | ID# 72341<br>702 W. Ona St. | Harlingen Land & Water Company Subdivision, 0.138 Acres out of Lot 4, Block 26, Cameron County, TX | 6,150 Sq. Ft. | $ |
| 2021-05-06 | ID# 83329<br>918 W. Wright Ave | Lot 9, Block 3, West Harlingen Addition, Cameron County, TX | 2,750 Sq. Ft. | $ 1000.00 |
| 2021-05-07 | ID# 83330<br>920 W. Wright Ave | Lot 10, Block 3, West Harlingen Addition, Cameron County, TX | 2,750 Sq. Ft. | $ 1000.00 |
| 2021-05-08 | ID# 79102<br>1410 Findley Dr. | Lot 39, Block 5, Amended Map of Reyna Subdivision, Cameron County, TX | 6,525 Sq. Ft. | $ |
| 2021-05-09 | ID# 72395<br>2425 E. Tyler Ave | Harlingen Land & Water Company Subdivision, Pt Block 55 W 0.1817 Acre, Cameron County, TX | 7,915 Sq. Ft. | $ |
| | | | Bid Total: | $ 2000.00 |

**BID SUBMITTAL**: Bids must be delivered or mailed to the **City of Harlingen Purchasing Office, 404 S. 54th St., Harlingen, TX 78550** in a sealed envelope on or before the bid opening date and time.

**PAYMENT REQUIREMENT**: The successful bidder must pay in full, in the form of a cashier's check or bank draft, within fifteen (15) days of being notified of being the successful bidder.

Sealed bids must be marked clearly on the exterior of the envelope:

**Bid No. 2021-05 Sale of Real Property: Nine Separate City Owned Properties**

**Bid Date &Time: Tuesday, February 16, 2021 before 2:00 p.m.**

**Virtual Bid Opening Date &Time: Tuesday, February 16, 2021 at 2:30 p.m.**

Please total the amount of bid(s) based on the table above and enter it here:

TOTAL BID (s): $ 2000.00

In Writing two thousand zero cents

The undersigned, as bidder, declares that the person or parties interested in this bid as principals are those named herein; that this bid is made without collusion with any other person, firm, or corporation; that he has carefully examined the Notice to Bidders and Specifications of the real estate property therein referred to, and the undersigned certifies that the bid price contained in the Bid Form have been carefully checked and are submitted as correct and final.

NAME OF BIDDER: Javier Dominguez

TITLE:

COMPANY NAME: D Builders LLC

MAILING ADDRESS: 4622 Polara Dr. Hgn TX 78552

PHONE NUMBER: 956 456-6904

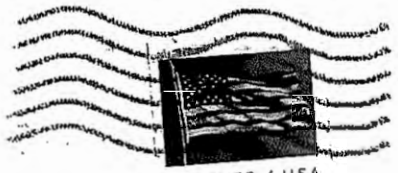
FAX NUMBER:

EMAIL ADDRESS: Javierdmngz@yahoo.com

DATE: 2-16-21

Marcos Ricoy
1204 N. 7th St.
Harlingen TX 78550

MCALLEN TX 785
06 FEB 2021 PM 1 L




02-24-21P04:08 RCVD

City of Harlingen Purchasing Office
404 S. 54th Street
Harlingen TX 78550

78550$1757

Sealed bids must be marked clearly on the exterior of the envelope:

**Bid No. 2021-05 Sale of Real Property: Nine Separate City Owned Properties**

**Bid Date &Time: Tuesday, February 16, 2021 before 2:00 p.m.**

**Virtual Bid Opening Date &Time: Tuesday, February 16, 2021 at 2:30 p.m.**

Please total the amount of bid(s) based on the table above and enter it here:

TOTAL BID (s): $ 12,000.00

In Writing Twelve thousand dollars and 00/100

The undersigned, as bidder, declares that the person or parties interested in this bid as principals are those named herein; that this bid is made without collusion with any other person, firm, or corporation; that he has carefully examined the Notice to Bidders and Specifications of the real estate property therein referred to, and the undersigned certifies that the bid price contained in the Bid Form have been carefully checked and are submitted as correct and final.

NAME OF BIDDER: Marcos Ricoy

TITLE: -

COMPANY NAME: -

MAILING ADDRESS: 1204 N. 7th Street
Harlingen TX 78550

PHONE NUMBER: 956-793-3777 / 956-440-7783

FAX NUMBER: 956-440-8341

EMAIL ADDRESS: marcosricoy@yahoo.com

DATE: Febuary 5, 2021

02-24-21P04:08 RCVD

# BID FORM

**Bid No. 2021-05 Sale of Real Property: Nine Separate City Owned Properties**

Interested bidders may submit a bid for one (1) property, multiple properties, or all properties being sold by the City of Harlingen, as listed below.

**Please write a bid amount for the property(s) you are bidding on, and write "no bid" on the properties you are not bidding on.**

I, Marcos Ricay the undersigned, submit a bid for the following property(s):

| Bid ID# | Property ID / Address | Legal Description | Lot Size | Bid Amount |
|---|---|---|---|---|
| 2021-05-01 | ID# 64233<br>113 E. Madison Ave | Lot 9, Block 26, Harlingen Original Townsite, Cameron County, TX | 7,000 Sq. Ft. | $ 12,000.00 |
| 2021-05-02 | ID# 64228<br>114 W. Madison Ave | Lot 10, Block 25, Harlingen Original Townsite, Cameron County, TX | 7,000 Sq. Ft. | $ no bid |
| 2021-05-03 | ID# 64229<br>118 W. Madison Ave | Lot 11, Block 25, Harlingen Original Townsite, Cameron County, TX | 7,000 Sq. Ft. | $ no bid |
| 2021-05-04 | ID# 64230<br>122 W. Madison Ave | Lot 12, Block 25, Harlingen Original Townsite, Cameron County, TX | 7,000 Sq. Ft. | $ no bid |
| 2021-05-05 | ID# 72341<br>702 W. Ona St. | Harlingen Land & Water Company Subdivision, 0.138 Acres out of Lot 4, Block 26, Cameron County, TX | 6,150 Sq. Ft. | $ no bid |
| 2021-05-06 | ID# 83329<br>918 W. Wright Ave | Lot 9, Block 3, West Harlingen Addition, Cameron County, TX | 2,750 Sq. Ft. | $ no bid |
| 2021-05-07 | ID# 83330<br>920 W. Wright Ave | Lot 10, Block 3, West Harlingen Addition, Cameron County, TX | 2,750 Sq. Ft. | $ no bid |
| 2021-05-08 | ID# 79102<br>1410 Findley Dr. | Lot 39, Block 5, Amended Map of Reyna Subdivision, Cameron County, TX | 6,525 Sq. Ft. | $ no bid |
| 2021-05-09 | ID# 72395<br>2425 E. Tyler Ave | Harlingen Land & Water Company Subdivision, Pt Block 55 W 0.1817 Acre, Cameron County, TX | 7,915 Sq. Ft. | $ no bid |
| | | | Bid Total: | $ 12,000.00 |

**BID SUBMITTAL:** Bids must be delivered or mailed to the **City of Harlingen Purchasing Office, 404 S. 54th St., Harlingen, TX 78550** in a sealed envelope on or before the bid opening date and time.

**PAYMENT REQUIREMENT:** The successful bidder must pay in full, in the form of a cashier's check or bank draft, within fifteen (15) days of being notified of being the successful bidder.

8)

**AGENDA ITEM**
**EXECUTIVE SUMMARY**

Meeting Date: **March 03, 2021**

**Agenda Item:**

Consideration, and action to enter into an Affiliation Agreement with Texas State Technical College to facilitate access to students who will provide clinical assistance in relation to prevention of COVID-19 and the administration of vaccines.

Prepared By: Josh Ramirez, MPA, CPM
Title: Environmental Health Director

Signature: *Josh Ramirez*

**Brief Summary:**

As a result of the COVID-19 Pandemic and in the interest of protecting the public's health, the City of Harlingen Texas, and Texas State Technical College in Harlingen Texas, wish to establish an affiliation agreement related to COVID-19 vaccination administration. Agreement allows for Texas State Technical College to designate students with adequate training and certifications to assist the City of Harlingen in vaccinating citizens against COVID-19.

**Funding (if applicable):**

Are funds specifically designated in the current budget for the full amount for this purpose? [ ] Yes [X] No*

*If no, specify source of funding and amount requested: Emergency Fund, No funding required

Finance Director's approval: [ ] Yes [ ] No [ ] N/A

**Staff Recommendation:**

Staff recommends approval of the COVID-19 Affiliation Agreement between City of Harlingen and Texas State Technical College.

City Manager's approval: [ ] Yes [ ] No [ ] N/A

**Comments:**

City Attorney's approval: [ ] Yes [ ] No [ ] N/A

2/25/21
as to form
w/changes noted

# AFFILIATION AGREEMENT

This Affiliation Agreement, hereinafter referred to as the "Agreement", is made and entered into by and between **Texas State Technical College**, an institution of higher education and an agency of the State of Texas (hereinafter referred to as "TSTC"), and **City of Harlingen** with its principal place of business at 118 E. Tyler Ave., Harlingen, TX 78550 (hereinafter referred to as the "Facility"). Facility and TSTC may individually be referred to as a "Party" or collectively as "Parties" to this Agreement.

Now, therefore, the Parties agree as follows:

## Article 1. TSTC RESPONSIBILITIES

1.01 Plan and Administer: If requested by the Facility, in consultation with representatives of the Facility, plan and administer the educational program for its students assigned to the Facility.

1.02 Placement Plan: If requested by the Facility, provide the Facility with its overall plan for the placement of students at Facility prior to the commencement of the academic term. The plan shall include details of the TSTC's clinical program at the Facility, including the objectives, and approximate number of students for each term, dates, times, and levels of each student's academic preparation. The TSTC shall work with the Facility to modify its clinical program as necessary to accommodate the reasonable requirements of the Facility.

1.03 Provide Names of Students: If requested by the Facility, provide the names of students as soon as possible after registration for each semester, but in no event later than one week before the beginning of the placement at the Facility.

1.04 Pre-Placement Instruction: If requested by the Facility, provide pre-placement instruction to each student in accordance with standards mutually agreeable to both Parties, and to present for placement at the Facility only those students who have satisfactorily completed the pre-placement instructional program.

1.05 Instruction of Regulations and Procedures: If requested by the Facility, instruct its students assigned to the Facility with regard to general regulations and procedures which the Parties have agreed are necessary, including those regulations regarding:

a. Confidentiality of client/patient and Facility records and information.
b. Authority of Facility staff over patient care and Facility administrative operations.

1.06 Educational Records: If requested by the Facility, maintain all education records and reports relating to the educational program of its students at the Facility, and to comply with all applicable statutes, rules and regulations respecting the maintenance of and release of information from such records.

1.07 Health Insurance: If requested by the Facility, inform each student submitted for placement of the requirement to have in force a policy of health insurance, and of the substantial monetary liability that the student might incur as a result of failure to have such insurance in force.

1.08 Immunizations: If requested by the Facility, TSTC will provide Facility documentation that each student will be up to date on immunizations and screenings to include TDap, Measles-Mumps-Rubella vaccination or a titer proving immunity, Hepatitis B vaccine series or a titer proving immunity, Influenza Vaccination for the current vaccination year, Varicella vaccination or a varicella titer proving immunity and a TB screen within the last year prior to start of clinical rotation or require student to submit such documentation prior to clinical rotation.

1.09 Drug Screen: If requested by the Facility, TSTC will ensure each student will have a drug screen upon enrollment into the program or if there is a break in enrollment, and submit it to Facility at the start of clinical rotation. Facility can request a drug screen at student's expense if the Facility suspects student impairment.

1.10 Background Check: If requested by the Facility, TSTC will provide Facility with state and federal criminal background checks on student and all known student aliases if required by TSTC upon entry to the program or student shall undergo a criminal background check at his/her expense and submit results at the start of clinical rotation.

## Article 2. FACILITY RESPONSIBILITIES

2.01 Plan and Administer: Plan and administer all aspects of, retain primary and ultimate responsibility over the quality of, and have final responsibility, authority and supervision over all aspects of, patient care, clinical services, plant operations, etc. at its facilities.

2.02 Supervision of Student: Provide qualified supervision of TSTC students during their placement. Facility supervisory personnel may, in an emergency, or in certain cases based upon applicable standards of patient care, client service, plant operations, etc., temporarily relieve a student from a particular assignment or require that a student leave an area or department pending a final determination of the future status of the student by the Parties. TSTC students shall at all times abide by such supervision.

2.03 Placement of Students: Cooperate with TSTC in the planning and conduct of the student's placement in order that such placement is appropriate to the TSTC's educational objectives.

2.04 Facility: Make available to students the use of its cafeteria, conference rooms, dressing or locker rooms, library or any other appropriate facilities as available and required by the educational program, without charge except for food consumed by the students.

2.05 Pre-Placement Instruction: Provide the TSTC with all rules, regulations, procedures and information necessary for pre-placement instruction prior to the commencement of the academic term.

2.06 Release and Withdrawal of Student:

a. Have the authority to refuse any student who has previously been discharged for cause, relieved of responsibilities for cause or who would not be eligible to be employed by the Facility. Facility shall notify TSTC of its refusal to accept a student and its reasons for doing so in writing, prior to the commencement of the academic term.

b. Have the authority to request the withdrawal of any student from their placement at Facility for reasonable cause related to the need for maintaining an acceptable level of patient care, client services, plant operations, etc., and TSTC shall immediately comply with such request. The request shall be in writing and shall state the reason(s) for the request.

c. In the event TSTC does not agree with the Facility's refusal to accept a student or request for withdrawal of a student placed at Facility, it shall provide the Facility with a written statement setting forth its reasons for any such disagreement within ten (10) business days after receipt of Facility's written notice.

2.07 Insurance: To maintain Comprehensive General Liability Insurance or its equivalent, in an amount acceptable to TSTC, that covers its employees whenever the liability may exist. A certificate of insurance will be furnished to the TSTC upon request, indicating effective coverage and liability limits.

2.08 Student Information: Acknowledge that that the education records of students assigned to Facility are protected by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. §1232g. Further, Facility agrees to maintain the confidentiality of student educational records in accordance with the provisions of FERPA.

## Article 3. MUTUAL RESPONSIBILITIES

3.01 Students Are Not Employees: Students assigned to this clinical, field or internship experience shall not be deemed to be employees of either Party and thus are not covered by TSTC or Facility for purposes of compensation, fringe benefits, worker's compensation, unemployment compensation, minimum wage laws, income tax withholding, social security or any other purpose. Each student is placed with the Facility to receive this educational experience as a part of his or her academic curriculum; those duties performed by a student are not performed as an employee, but in fulfillment of these academic requirements and are performed under supervision. At no time shall students replace or substitute for any employee of the Facility. This provision shall not be deemed to prohibit the employment of any such student by either Party under a separate employment agreement. The TSTC shall notify each student of the contents of this paragraph.

3.02 Monetary Consideration: There shall be no monetary consideration paid by either Party to the other, it being acknowledged that the program provided hereunder is mutually beneficial. The Parties shall cooperate in administering this program in a manner which will tend to maximize the mutual benefits provided to the TSTC and the Facility.

3.03 Non-Teaching Designator: No provision of this Agreement shall prevent any patient, client, etc. from requesting not to be a teaching patient, client, etc. or prevent any member of the Facility's staff from designating any patient, client, etc. as a non-teaching patient, client, etc.

3.04 Extension of Rights: This Agreement is intended solely for the mutual benefit of the Parties hereto, and there is no intention, express or otherwise, to create any rights or interests for any party or person other than the Facility and the TSTC; without limiting the generality of the foregoing, no rights are intended to be created for any patient, client, etc., student, parent or guardian of any student, employer, or prospective employer of any student.

## Article 4. TERM AND TERMINATION

4.01 Term: This Agreement shall begin on the date the Agreement is signed by the TSTC delegated authority, who shall sign after Facility signs; and shall terminate not later than twenty four (24) months after that date unless renewed or terminated in accordance with the terms of the Agreement.

4.02 Termination for Convenience: TSTC may terminate this Agreement, without cause, upon thirty (30) days written notice to the Facility. Should notice of termination by TSTC be given, any student then placed at Facility for clinical, field or internship experience in any program shall be given the opportunity to complete the full program during that instructional period.

4.03 Loss of Funding: If the Agreement term is greater than one year, then performance by TSTC under the Agreement may be dependent upon the appropriation and allotment of funds by the Texas State Legislature (the "Legislature") and/or allocation of funds by the Board of Regents of Texas State Technical College System (the "Board"). If the Legislature fails to appropriate or allot the necessary funds, or the Board fails to allocate the necessary funds, then TSTC will issue written notice to Facility and TSTC may terminate the Agreement without further duty or obligation hereunder. Facility acknowledges that appropriation, allotment, and allocation of funds are beyond the control of TSTC.

## Article 5. INDEMNIFICATION

5.01 FACILITY SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE STATE OF TEXAS AND TSTC, AND/OR THEIR OFFICERS, AGENTS, EMPLOYEES, REPRESENTATIVES, CONTRACTORS, ASSIGNEES, AND/OR DESIGNEES FROM ANY AND ALL LIABILITY, ACTIONS, CLAIMS, DEMANDS, OR SUITS, AND ALL RELATED COSTS, ATTORNEY FEES, AND EXPENSES ARISING OUT OF, OR RESULTING FROM ANY ACTS OR OMISSIONS OF FACILITY OR ITS AGENTS, EMPLOYEES, SUBCONTRACTORS, ORDER FULFILLERS, OR SUPPLIERS OF SUBCONTRACTORS IN THE EXECUTION OR PERFORMANCE OF THE AGREEMENT AND ANY PURCHASE ORDERS ISSUED UNDER THE AGREEMENT. THE DEFENSE SHALL BE COORDINATED BY FACILITY WITH THE OFFICE OF THE TEXAS ATTORNEY GENERAL WHEN TEXAS STATE AGENCIES ARE NAMED DEFENDANTS IN ANY LAWSUIT AND FACILITY MAY NOT AGREE TO ANY SETTLEMENT WITHOUT FIRST OBTAINING THE CONCURRENCE FROM THE OFFICE OF THE TEXAS ATTORNEY GENERAL. FACILITY AND TSTC AGREE TO FURNISH TIMELY WRITTEN NOTICE TO EACH OTHER OF ANY SUCH CLAIM. THIS PARAGRAPH IS NOT INTENDED TO AND SHALL NOT BE CONSTRUED TO REQUIRE FACILITY TO INDEMNIFY OR HOLD HARMLESS THE STATE OR TSTC FOR ANY CLAIMS OR LIABILITIES RESULTING FROM THE NEGLIGENT ACTS OR OMISSIONS OF TSTC OR ITS EMPLOYEES.

AS2 2/25/21

## Article 6. OTHER TERMS AND CONDITIONS

135.55 AS2 2/25/21

6.01 Venue; Governing Law: As required by Chapter 135 of the Texas Education Code, McLennan County or Travis County, Texas, will be the proper place of venue for suit on or in respect of the Agreement. The Agreement and all of the rights and obligations of the Parties hereto and all of the terms and conditions hereof will be construed, interpreted and applied in accordance with and governed by and enforced under the laws of the State of Texas.

6.02 Texas Public Information Act: Notwithstanding any provisions of this Agreement to the contrary, the Facility understands that TSTC will comply with the Texas Public Information Act, Gov't Code, Chapter 552 as interpreted by judicial opinions and opinions of the Attorney General of the State of Texas.

6.03 Amendments to Agreement: No amendment or modification to this Agreement, including any amendment or modification of this paragraph, shall be effective unless in writing, signed by both TSTC and the Facility.

6.04 Entire Agreement: Notwithstanding the provisions in Article 1, this Agreement supersedes all prior agreements, written or oral, between Facility and TSTC and will constitute the entire Agreement and understanding between the Parties with respect to the subject matter hereof. The Agreement and each of its provisions will be binding upon the Parties and may not be waived, modified, amended or altered except in writing signed by TSTC and Facility in approved Change Orders and memorialized in an amendment to this Agreement.

6.05 Sole Conduct: In the performance of their respective duties and obligations under this Agreement, both Parties are independent contractors, and neither is the agent, employee or servant of the other, and each is responsible for only its sole conduct.

6.06 Compliance with Laws: Each Party agrees to comply with and to be separately responsible for compliance with all laws, including but not limited to anti-discrimination laws, which may be applicable to their respective activities under this program. Both Parties promise to not discriminate on the basis of race, color, creed, age, sex, national origin, religion, or disability.

✓ sexual orientation, gender identity, AS2 2/25/21

6.07 Counterparts: This Addendum may be executed in one or more counterparts and may be electronically transmitted. Each counterpart shall be deemed an original and all of which shall constitute one and the same document.

**Article 7. NOTICE**

7.01 Any and all notices given under this Agreement shall be directed, in writing, to:

**TSTC:**

Cledia Hernandez
1902 N Loop 499
Harlingen, TX 78550
956-364-4020
cledia.hernandez@tstc.edu

**FACILITY:**

Josh Ramirez
502 E. Tyler Ave.
Harlingen, TX 78550
956-216-5006
jramirez@myharlingen.us

IN WITNESS WHEREOF, duly authorized representatives of the Parties have agreed to the terms of this Agreement and thereby execute and deliver this Agreement to the other Party.

| TEXAS STATE TECHNICAL COLLEGE | | CITY OF HARLINGEN | |
|---|---|---|---|
| Authorized Signature | _____ | Authorized Signature | _____ |
| Print Name | _____ | Print Name | _____ |
| Title | _____ | Title | _____ |
| Date | _____ | Date | _____ |

9)

**AGENDA ITEM**
**EXECUTIVE SUMMARY**

Meeting Date: **March 3rd, 2021**

**Agenda Item:**

Consideration and possible action to enter into a Memorandum of Understanding with the Texas Department of State Health Services to exchange patient information on their ImmTrac2 system data.

Prepared By: Josh Ramirez, MPA, CPM
Title: Environmental Health Director

Signature: *Josh Ramirez*

**Brief Summary:**

As a result of the COVID-19 Pandemic and the Vaccination Clinics that will be occurring, the City of Harlingen Texas, and the Texas Department of State Health Services, wishes to establish an Memorandum of Understanding related to the sharing of patient data obtained during Vaccination Clinics. The agreement allows for Texas Department of State Health Services to provide City of Harlingen certain available patient data which consists of immunization records extracted from ImmTrac2 Texas Immunization Registry system maintained by DSHS.

**Funding (if applicable):**

Are funds specifically designated in the current budget for the full amount for this purpose? [ ] Yes [X] No*

*If no, specify source of funding and amount requested: Emergency Fund, No funding required

Finance Director's approval: [ ] Yes [ ] No [ ] N/A

**Staff Recommendation:**

Staff recommends approval of the COVID-19 Memorandum of Understanding between City of Harlingen and Texas Department of State Health Services.

City Manager's approval: [ ] Yes [ ] No [ ] N/A

**Comments:**

City Attorney's approval: [ ] Yes [ ] No [ ] N/A

as to form w/changes noted

<>
HHS Contract No.

# MEMORANDUM OF UNDERSTANDING

## TEXAS DEPARTMENT OF STATE HEALTH SERVICES
## CONTRACT NO. <ENTER CONTRACT NO.>

The **DEPARTMENT OF STATE HEALTH SERVICES** ("**DSHS**" or "**SYSTEM AGENCY**"), an administrative agency within the executive branch of the state of Texas, and **HARLINGEN (CITY OF) HEALTH DEPARTMENT** ("**RECEIVING ENTITY**"), having its principal office at 502 E Tyler; PO Box 2207, Harlingen, Tx 78550 (each a "Party" and collectively the "Parties"), enter into the following Memorandum of Understanding ("MOU") for the exchange of confidential ImmTrac2 system data.

I. **PURPOSE OF THE MOU**. DSHS will provide to Receiving Entity certain available confidential data identified in **ATTACHMENT B, IMMTRAC2 COVID-19 DATA FIELDS** ("Confidential Data"), which Confidential Data consists of immunization records extracted from the ImmTrac2 Texas Immunization Registry ("ImmTrac2") system maintained by DSHS. The Parties agree to the intended utilization of the Confidential Data as identified in **ATTACHMENT B**. No Confidential Data may be shared or otherwise released by Receiving Entity without specific statutory authority.

II. **TERM OF THE MOU**. This MOU is effective on the signature date of the latter of the Parties to sign this MOU and terminates on either **December 31, 2025** or the expiration or termination of all federal and state COVID-19 disaster declarations, whichever occurs first. Confidential Data will not be shared among the Parties beyond the effective period of this MOU.

III. **AUTHORITY**. The Parties enter into this MOU under the authority of *Texas Health and Safety Code* Title 12, Section 1001.089 and *Texas Government Code* Chapter 791, Interlocal Cooperation Act.

IV. **STATEMENT OF WORK**

A. Receiving Entity will complete the selection criteria fields in **ATTACHMENT B**, which will identify the Confidential Data (to which the Receiving Entity requires access) specific to Covid-19 vaccine administration to the residents of the Receiving Entity's jurisdiction.

B. Receiving Entity will enter information into the ImmTrac2 system, via secure GlobalScape enterprise portal, pertaining to Covid-19 vaccine administration to the residents of the Receiving Entity's jurisdiction.

C. Receiving Entity will have access to available Confidential Data (contained in the ImmTrac2 system) via secure GlobalScape enterprise portal, according to the criteria identified in **ATTACHMENT B**. The method of delivery of Confidential Data will be through the use of a secure file transfer protocol site or other method of data transfer with at least that same level of security and/or encryption whose internet address, log-in, and password identification will be sent by DSHS personnel to Receiving Entity's Representative (as noted in **Section V**).

D. The Confidential Data will be provided to Receiving Entity to support its response to the COVID-19 pandemic. Confidential Data shall not be used for any other purposes unless specifically approved in writing by DSHS and in compliance with Receiving Entity's appropriate review and statutory authority.

V. **Authorized Representatives**. The following will act as the Representative authorized to administer activities under this MOU on behalf of their respective Party.

| DSHS (Contract Management Section) | DSHS (Immunizations) | Receiving Entity |
|---|---|---|
| Holly Zoerner,<br>Contract Manager<br>1100 W 49th Street, MC 1990<br>Austin, Texas 78756<br>Telephone: (512) 776-3742<br>Email:<br>holly.zoerner@dshs.texas.gov | Andrea Costley<br>1100 W 49th<br>Street<br>Austin, Texas 78756<br>Telephone: (512) 776-2946<br>Email: andrea.costley@dshs.texas.gov | Josue "Josh" Ramirez, MPA, CPM<br>502 E Tyler; PO Box 2207<br>Harlingen, Tx 78550<br>Phone: 956-216-5220<br>Email: jramirez@myharlingen.us |

## VI. LEGAL NOTICES

Legal Notices under this MOU shall be deemed delivered when deposited either in the United States mail, postage paid, certified, return receipt requested; or with a common carrier, overnight, signature required, to the appropriate address below:

**DSHS**
Department of State Health Services
Attn: General Counsel
100 W. 49th Street, MC1911
Austin, Texas 78756

*With copy to*

Health and Human Services Commission
Attn: Office of Chief Counsel
4900 N. Lamar Blvd.
Austin, Texas 78751

**Receiving Entity**
Harlingen (City of) Health Department
Attn: Josue "Josh" Ramirez, MPA, CPM
502 E Tyler; PO Box 2207
Harlingen, Tx 78550

Notice given in any other manner shall be deemed effective only if and when received by the Party to be notified. Either Party may change its address for receiving legal notice by notifying the other Party in writing.

## VII. CERTIFICATIONS

The undersigned contracting Parties certify that:

(1) The services specified herein are necessary and essential for activities that are properly within the statutory functions and programs of the affected agencies of state and local government;

(2) Each Party executing this MOU on its behalf has full power and authority to enter into this MOU;

(3) The proposed arrangements serve the interest of efficient and economical administration of state government; and

(4) The services contracted for are not required by Section 21, Article XVI of the Constitution of Texas to be supplied under a contract awarded to the lowest responsible bidder.

DSHS further certifies that it has statutory authority to contract for the services described in this MOU under *Texas Health and Safety Code* Title 2.

Receiving Entity further certifies that it has statutory authority to contract for the services described in this MOU under the authority outlined in **SECTION III**.

## VIII. GENERAL TERMS AND CONDITIONS

A. **AMENDMENT.** This MOU may only be amended by an Amendment executed by both Parties.

B. **CONFIDENTIALITY**

1. The Parties are required to comply with all applicable state and federal laws relating to the privacy and confidentiality of Confidential Data and records.
2. Receiving Entity will comply with the **DATA USE AGREEMENT** incorporated into this MOU as **ATTACHMENT A.**
3. Receiving Entity will maintain sufficient safeguards to prevent release or disclosure of any such confidential records or information obtained under this MOU to anyone other than individuals who are authorized by law to receive such records or information and who will protect the records or information from re-disclosure as required by law. Data will be housed in a secure location. The foregoing shall not apply to information that:
   (i) is not disclosed in writing by DSHS or reduced to writing and marked confidential within thirty (30) days after disclosure; or
   (ii) is already in Receiving Entity's possession at the time of disclosure as evidenced by written records in the possession of Receiving Entity prior to such time; or
   (iii) is or later becomes part of the public domain through no fault of Receiving Entity; or
   (iv) is received from a third party having no obligations of confidentiality to DSHS; or
   (v) is independently developed by Receiving Entity or by its personnel having no access to the Confidential Data.

4. Receiving Entity will use Confidential Data obtained under this MOU only for purposes as described in this MOU and as otherwise allowed by law.
5. Notwithstanding any provision relating to confidentiality, the Confidential Data held by DSHS may be disclosed to a third party pursuant to the Texas Public Information Act (*Texas Government Code* Chapter 552), any open records decision or ruling by the Attorney General that such information constitutes public information, or as otherwise provided by law.
6. Any remaining Confidential Data provided as part of this MOU will be destroyed within 60-days of the termination of the MOU.
7. Data no longer in use will be destroyed using software that renders these data unrecoverable.

C. **TERMINATION.** Either Party may terminate this MOU with or without cause by giving thirty (30) days advance written notice of its intent to terminate to the non-terminating Party.

D. **NO COST.** There is no funding associated with this MOU. The total amount of this MOU is $0.00. No funds will be exchanged between the Parties under this MOU for any purpose.

E. **TEXAS PUBLIC INFORMATION ACT.** Each Party is responsible for complying with the provisions of *Texas Government Code* Chapter 552 ("Texas Public Information Act") and the Attorney General Opinions issued under that statute. Responses to requests for information shall be handled in accordance with the provisions of the Texas Public Information Act.

F. **RIGHT TO AUDIT.** The Parties acknowledge the State Auditor's authority to conduct audits of state agencies under *Texas Government Code* Chapter 321.

G. **ASSIGNMENT.** No assignment of this MOU or of any right accruing hereunder shall be made, in whole or part, by either Party without the prior written consent of the other, unless authorized by law.

H. **DISPUTE RESOLUTION.** The Parties agree to use good faith efforts to resolve all questions, difficulties, or disputes of any nature that may arise under or by this MOU; provided however, nothing in this paragraph shall preclude either Party from pursuing any remedies available under Texas law.

I. **FORCE MAJEURE.** Neither Party shall be liable to the other for any delay in, or failure of performance of, any requirement included in the MOU caused by force majeure. The existence of such causes of delay or failure shall extend the period of performance until after the causes of delay or failure have been removed provided the non-performing Party exercises all reasonable due diligence to perform. Force majeure is defined as acts of God, war, fires, explosions, hurricanes, floods, failure of transportation, or other causes that are beyond the reasonable control of either Party and that by exercise of due foresight such Party could not reasonably have been expected to avoid, and which, by the exercise of all reasonable due diligence, such Party is unable to overcome.

J. **NO WAIVER.** The failure of either Party to object to or to take affirmative action with respect to any conduct of the other Party which is in violation or breach of the terms of the MOU shall not be construed as a waiver of the violation or breach, or of any future violation or breach.

K. **GOVERNING LAW AND VENUE.** This MOU shall be governed by and construed in accordance with the laws of the State of Texas, without regard to the conflicts of law provisions. The venue of any suit arising under the MOU is fixed in any court of competent jurisdiction of Travis County, Texas, unless the specific venue is otherwise identified in a statute which directly names or otherwise identifies its applicability to DSHS.

Caren

A32

**SIGNATURE PAGE FOLLOWS**

# SIGNATURE PAGE
# CONTRACT NO. <ENTER CONTRACT NO.>

By signing below, the Parties agree that this MOU constitutes the entire legal and binding agreement between them. The Parties acknowledge that they have read the MOU and agree to its terms, and that the persons whose signatures appear below have the authority to execute this MOU on behalf of their respective Party.

| DEPARTMENT OF STATE HEALTH SERVICES | RECEIVING ENTITY |
|---|---|
| _____ | _____ |
| Associate Commissioner | |
| Date of Execution: _____ | Date of Execution: _____ |

**THE FOLLOWING ATTACHMENTS ARE HEREBY ATTACHED TO AND INCORPORATED INTO THE MOU BY REFERENCE:**

**ATTACHMENT A: DATA USE AGREEMENT**

**ATTACHMENT B: IMMTRAC2 COVID-19 DATA FIELDS**

10)

**AGENDA ITEM**
**EXECUTIVE SUMMARY**

Meeting Date: **March 3, 2021**

**Agenda Item:**

Consider and take action to approve the naming of the Tennis Center (Pro Shop) at Pendleton Park.

Prepared By: Javier Mendez
Title: Director of Parks and Recreation
Signature:

**Brief Summary:**

**Summary**
The construction of the Tennis Center is at the point where the contractor will need to order the exterior signage. The construction plans include the name HEB on the building and the monument sign. Based on the financial contribution from HEB over the years to the Parks and Recreation through the City, staff is recommending to retain the name as the HEB Tennis Center.

**Funding (if applicable):**

Are funds specifically designated in the current budget for the full amount for this purpose? [X] Yes [ ] No*
*If no, specify source of funding and amount requested:

Finance Director's approval: [ ] Yes [ ] No [X] N/A

**Staff Recommendation:**
Staff recommends to the City Commission to approve retaining the name as the HEB Tennis Center.

City Manager's approval: [ ] Yes [ ] No [ ] N/A

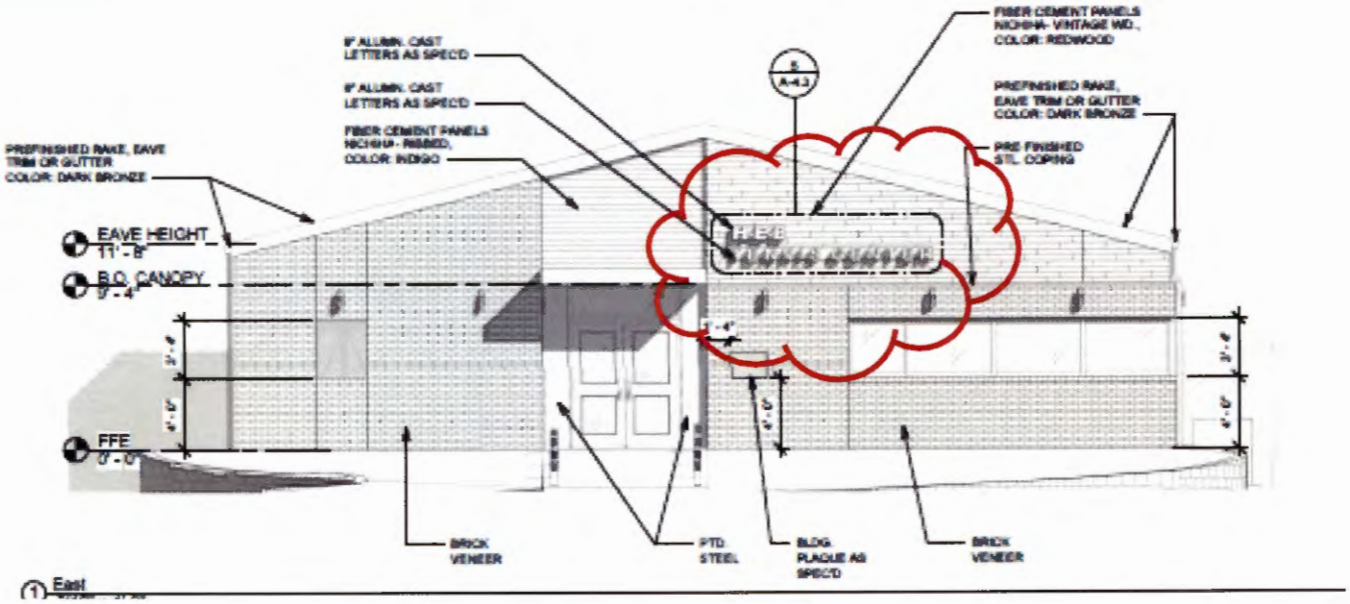
**Comments:**

City Attorney's approval: [ ] Yes [ ] No [ ] N/A

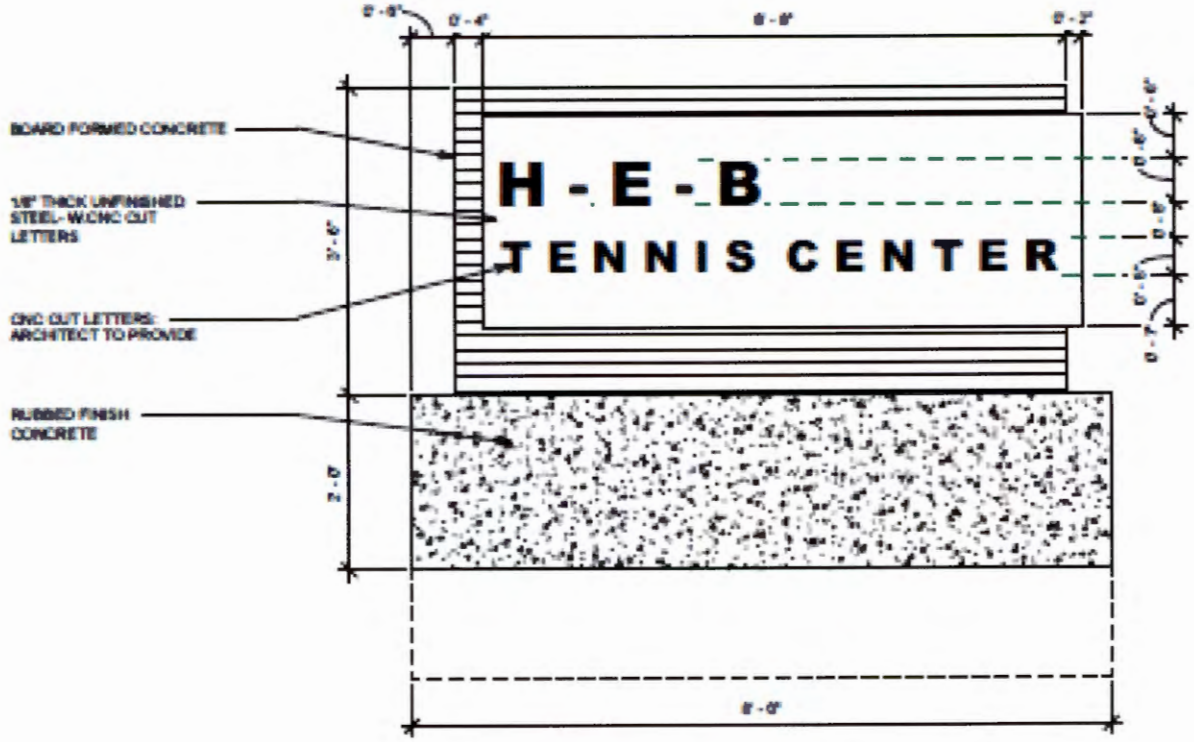
2/25/21
as to form

megamorphosis

# Front Elevation




# Monument Sign



11)

**AGENDA ITEM**
**EXECUTIVE SUMMARY**

Meeting Date: **March 3, 2021**

**Agenda Item:**

Consideration and possible action to approve the use of the Community Center as a stand-by shelter to assist Loaves and Fishes with immigrants in Harlingen.

Prepared By (Print Name): Gabriel Gonzalez
Title: Assistant City Manager
Signature: Gabriel Gonzalez

**Brief Summary:**

To assist Loaves and Fishes with the influx of immigrants, the City would like to provide the Community Center as a stand-by shelter for use by Loaves and Fishes to house immigrants in Harlingen. Immigrants would be housed from one to three days before departing the shelter. Loaves and Fishes would not need the shelter every day; it would be needed to handle the over flow when a large group of immigrants would be dropped off by Customs and Border Protection. Small groups would be housed at Loaves and Fishes and possibly a hotel if needed. Staffing would be provided by Loaves and Fishes, the City would only provide the facility. The facility will be made available until the need for it subsides. Any funds needed would come from the funding recently approved by the City for immigrant assistance to Loaves and Fishes which was up to $75,000.

**Funding (if applicable):**

Are funds specifically designated in the current budget for the full amount for this purpose? ☐ Yes ☐ No*
*If no, specify source of funding and amount requested:
N/A

Finance Director's approval: ☐ Yes ☐ No ☐ N/A

**Staff Recommendation:**

For Street Closures ONLY, Fire Chief's approval: ☐ Yes ☐ No ☐ N/A

City Manager's approval: ☒ Yes ☐ No ☐ N/A

**Comments:**

City Attorney's approval: ☒ Yes ☐ No ☐ N/A
2/25/21

12)

**AGENDA ITEM**
**EXECUTIVE SUMMARY**

Meeting Date: **3/3/2021**

**Agenda Item:**

Consideration and possible action to approve a resolution appointing an Early Voting Ballot Board Presiding Judge and Alternate Presiding Judge and Presiding Judges and Alternate Presiding Judges to serve as election officials on Election Day for the City of Harlingen May 1st, 2021 General Election.

Prepared By (Print Name): Amanda C. Elizondo
Title: City Secretary

Signature: Amanda C. Elizondo

**Brief Summary:**

The Election Judges/Alternate Judges mentioned on the proposed resolution have been verified by the City and School to serve as election officials. These individuals have served in this capacity in previous City and School Elections. The Harlingen Independent School District will consider the same appointments at their School Board Meeting on March 9, 2021.

**Funding (if applicable):**

[X] Yes [ ] No

Finance Director's approval: [ ] Yes [ ] No [ ] N/A

**Staff Recommendation:**

Staff recommends the appointments of the Presiding Judges and Alternate Presiding Judges to serve as election officials for the May 1st, 2021 General Election as specified in the resolution.

City Manager's approval: [ ] Yes [ ] No [ ] N/A

**Comments:**

City Attorney's approval: [ ] Yes [ ] No [ ] N/A

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2/25/21

**RESOLUTION NO. 2021 ____**

**A RESOLUTION OF THE CITY OF HARLINGEN, TEXAS APPOINTING PRESIDING JUDGES AND ALTERNATE PRESIDING JUDGES FOR ELECTION DAY AND EARLY VOTING BALLOT BOARD TO SERVE AS ELECTION OFFICIALS FOR THE MAY 1st, 2021 GENERAL ELECTION FOR THE PURPOSE OF ELECTING THREE (3) COMMISSIONERS TO THE HARLINGEN CITY COMMISSION; ONE (1) COMMISSIONER FOR EACH OF THE RESPECTIVE SINGLE MEMBER DISTRICTS 3, 4, AND 5; AND OTHER MATTERS RELATED TO THE FOREGOING.**

**WHEREAS,** Texas Election Code §32.005 provides for the appointment of election officials by the governing body of the political subdivision conducting an election; and

**WHEREAS,** the governing body of the City of Harlingen, Texas is the Elective Commission of the City of Harlingen, Texas ("Harlingen City Commission"); and

**WHEREAS,** the Harlingen City Commission has ordered that the City of Harlingen hold a General Election on Saturday, May 1st, 2021 to elect (3) members to the position of City Commissioner, one Commissioner for each of the respective single member Districts, 3, 4, & 5.

**WHEREAS,** the City of Harlingen Election Administrator has considered the qualifications of the individuals named in this resolution to serve as election officials for the Early Voting Ballot Board and Election Day; and

**WHEREAS,** the Harlingen City Commission has considered the appointment of each individual named in this resolution and hereby orders the appointment of an Early Voting Ballot Board Presiding Judge and Alternate Presiding Judge and the Presiding Judges and Alternate Presiding Judges for Election Day.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF HARLINGEN:**

1. **Qualifications for the Early Voting Ballot Board & General Election Day Presiding Judges and Alternate Presiding Judges**

   a) The Harlingen City Commission hereby finds that the individuals named in this resolution comply with the Texas Election Code to serve as election officials for the Early Voting Ballot Board and Election Day.

   b) The Texas Election Code, Section 271.005 (Election Officers) provides that an election officer for a joint election may be appointed to serve more than one of the participating political subdivisions.

2. **Early Voting Ballot Board Presiding Judge and Alternate Presiding Judge**

   The Harlingen City Commission hereby finds, appoints and orders that the following presiding judges and alternate presiding judges who reside in the City of Harlingen, Texas at their respective addresses and within the Harlingen Consolidated Independent School District boundaries be appointed to process the early voting results for the May 1st, 2021 Joint City and School General Election:

**Presiding Judge**
Kathy Rike
26320 Bass Blvd.
Harlingen, TX 78552

**Alternate Presiding Judge**
Maggie Salinas
2201 Lisa Ann St.
Harlingen, TX 78550

3. **Early Voting Ballot Board Clerks**

Pursuant to the Texas Election Code §87.002, the Early Voting Ballot Board Presiding Judge shall appoint at least two (2) clerks to serve on the Early Voting Ballot Board.

4. **Election Day Presiding Judges and Alternate Presiding Judges**

The Harlingen City Commission hereby finds, appoints and orders the following named individuals who reside in Cameron County at the their respective listed addresses to be appointed as presiding judges and alternate presiding judges for the May 1st, 2021 General Election:

| Dist. | Presiding Judge | Alternate Judge | Polling Place |
|---|---|---|---|
| 3 | Alma Barrera<br>701 Nantucker Dr.<br>Harlingen, TX 78550 | Francisco Rodriguez<br>201 W. Lincoln<br>Harlingen, TX 78550 | Treasure Hills Elem. School<br>2525 Haine Dr., Harlingen, TX<br>Pcts: 30, 34, 44, 79, Parts of 43 |
| 4 | Lupita Canales<br>514 N. Eye St.<br>Harlingen, TX 78550 | Ramona Lopez<br>518 E. N. Eye St.<br>Harlingen, TX 78550 | Bowie Elem. School<br>309 W. Lincoln St., Harlingen, TX<br>Pacts: 41, 103, 104, |
| 4 | Yvonne Elizabeth Garcia<br>318 E. Coolidge St.<br>Harlingen, TX 78550 | Patricia Banda<br>1014 E. Carrol St.<br>Harlingen, TX 78550 | Jefferson Elem. School<br>601 S. "J" St. Harlingen, TX<br>Pcts. Parts of 39 & 78 |
| 5 | Yolanda Lozano<br>2105 Amistad Rd.<br>Harlingen, TX 78550 | Cynthia Worley<br>2701 W. Mark Cir.<br>Harlingen, TX 78550 | Stuart Place Elem. School<br>6701 W. Business 83, Harlingen, TX<br>Pcts. Nos. 36, Parts of 26, 28, 29, 39, 58, 64, 80, 85 |
| 5 | Arcelia Silva<br>114 W. Pierce<br>Harlingen, TX 78550 | Gloria Belanga<br>2502 Briana Circle<br>Harlingen, TX 78552 | Ben Milam Elem. School<br>1215 Rangerville, Harlingen, TX<br>Pct.: Part of 43 |

5. **Election Clerk Appointments**

Pursuant to the Texas Election Code §32.031 - §32.033, the Presiding Judges shall appoint at least four (4) election clerks not including the Alternate Presiding Judge to serve in the respective polling places for the General Election.

**FINALLY ENACTED THIS 3rd** day of March, 2021 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with the TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A, CHAPTER 551.

CITY OF HARLINGEN, TEXAS

BY:_____
Chris Boswell, Mayor

ATTEST:

_____
Amanda C. Elizondo, City Secretary

13)

**AGENDA ITEM**
**EXECUTIVE SUMMARY**

Meeting Date: **3/3/2021**

**Agenda Item:**

Consideration and possible action to increase the hourly rate for election officials and publish a notice in the newspaper to solicit clerks to assist in the election process.

Prepared By (Print Name): Amanda C. Elizondo
Title: City Secretary

Signature: Amanda C. Elizondo

**Brief Summary:**

Staff is recommending increasing the hourly rate for the Presiding Judge from $12 to $15, Alternate Presiding Judge - $10 to $14 and Clerks $9 to $13 to attract Harlingen registered voters to participate in the election process. This is the current rates that Cameron County Elections Dept. pays the election officials. Due to the COVID-19 Pandemic, the City and School are having a difficult time recruiting election workers. Several surrounding cities in Cameron County are contracting with Cameron County Elections Dept. to run their elections which puts us in a difficult position due the rate of pay. Discussion has also been held regarding the possibility of publishing a notice in the newspaper to solicit clerks to assist in the election process. This item will be presented to the School Board on March 9, 2021 for their consideration and subject to their approval. The City's share is $ 2,979.50 . The last increase was done in 2016.

**Funding (if applicable):**

[X] Yes [ ] No

Finance Director's approval: [ ] Yes [ ] No [ ] N/A

**Staff Recommendation:**

Staff recommends approval of the hourly rates and notice of the publication to solicit election clerks.

City Manager's approval: [ ] Yes [ ] No [ ] N/A

**Comments:**

City Attorney's approval: [ ] Yes [ ] No [ ] N/A

as to form 2/25/21

| Classification | No. of Poling Place | Hours | Manhours | Rate | Election Manhour Cost | Hours |
|---|---|---|---|---|---|---|
| **Election Day** | | | | | | |
| Judges | 5 | 13 | 65 | $ 15.00 | $ 975.00 | 6am-7pm |
| Alternate Judges | 5 | 13 | 65 | $ 14.00 | $ 910.00 | 6am-7pm |
| Clerks | 25 | 12 | 300 | $ 13.00 | $ 3,900.00 | 6am-6pm |
| **Ballot Board** | | | | | | |
| Ballot Board Judge | 1 | 6 | 6 | $ 15.00 | $ 90.00 | 1pm-7pm |
| Alternate Ballot Board Judge | 1 | 6 | 6 | $ 14.00 | $ 84.00 | 1pm-7pm |
| Ballot Board Clerks | 2 | 6 | 12 | $ 13.00 | $ 156.00 | 1pm-7pm |
| Totals | 39 | 56 | 454 | | $ 5,959.00 | |

| | |
|---|---|
| City Share at 50% | $ 2,979.50 |
| School District Share at 50% | $ 2,979.50 |
| | $ 5,959.00 |

May 7, 2016 General Election for the purpose of electing a Mayor (at-large), City Commissioner for District 1 and City Commissioner for District 2 to the Harlingen City Commission.

Amanda C. Elizondo, City Secretary stated this was the standard resolution required to appoint an Early Ballot Board and Election Judges. All of the individuals listed on the resolution were qualified as per the Texas Election Code. Notices would be mailed to the election officials informing them of their appointment subject to the City Commission approving the resolution. The Harlingen Consolidated Independent School District (HCISD) would he meeting to consider the same individuals listed in the resolution. A couple of the individuals listed in the resolution resided outside the City limits, but within the School boundary lines. As per the Texas Election Code, this was permissible because it was a Joint City/School Election.

Commissioner Mezmar pointed out that some of the zip codes could be 78552.

Ms. Elizondo responded staff would verify the zip codes to make sure they were correct in the resolution.

Motion was made by Commissioner Castillo and seconded by Commissioner de la Rosa to approve the resolution appointing an Early Voting Ballot Board Presiding Judge and Alternate Presiding Judge; Presiding Judges and Alternate Presiding Judges for Election Day, May 7, 2016 for the Joint City/School General Election. Motion carried unanimously.

10) Consider and take action to increase the hourly rate for election officials.

Ms. Elizondo stated she met with Julio Cavazos, Chief Finance Officer with the HCISD in regards to increasing the hourly rate for election officials to attract Harlingen registered voters to participate in the election process. The total cost jointly with the School for election officials in 2013 was $4,237 and the City's share was $2,118.50. Ms. Elizondo recommended increasing the salary for election officials as follows: presiding judges from $9.00 to $12.00; alternate presiding judges from $8.00 to $10.00; and clerks from $8.00 to $9.00 per hour. The estimated cost jointly with the School for Year 2016 would be $5,365. The City's share would be $2,682.50 a difference of $1,128 and the City's proposed increase share would be $564. Funds were allocated in this year's Election Budget to cover the proposed increase.

Mayor Boswell stated the increase cost of $1,128.00 would be split two ways between the School and City and each entity would pay approximately $564 each.

Motion was made by Commissioner de la Rosa and seconded by Commissioner Mezmar to increase the hourly rate for election officials subject to the approval of the HCISD. Motion carried unanimously.

11) Board Appointments

Mayor Boswell

Carlos Muniz - Harlingen Housing Authority

Commissioner de la Rosa

Richard Newton - Veterans Advisory Board
Jackie Norden - Veterans Advisory Board

Mayor Pro-Tem Leal

Martin Borjas - Veterans Advisory Board

Motion was made by Commissioner Mezmar and seconded by Commissioner Uhlhorn to approve the new board appointments of Carlos Muniz to the Harlingen Housing Authority Board and Richard Newton, Jackie Norden and Martin Borjas to the Veterans Advisory Board. Motion carried unanimously.

Mayor Boswell changed the order of the agenda and proceeded with the following item.

14) Citizen Communication

Mr. Jaime Rodriguez, 217 Harding Avenue thanked the City Commission in regards to his concern from a previous meeting. He stated he would continue to attend the City Commission meetings more often.

Mr. Wayne Lowry, 2614 Clifford thanked the City Commission and staff members for another successful operation crackdown. For the past nine years, he has seen tremendous growth and change with the involvement of Operation Crackdown. Through the wisdom of the City leaders, a family would be helped in the community and to see the transformation in the community was truly very touching.

12) Executive/Closed Session pursuant to Chapter 551, Subchapter D, V.T.C.A., Texas Government Code Sections 551.087, 551072 and 551.071 regarding commercial and financial information from a business prospect with which the City Commission is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as ***Project Fire House*** and to possibly seek legal advice from the City Attorney regarding this matter.

13) Executive/Closed Session pursuant to Chapter 551, Subchapter D, V.T.C.A., Texas Government Code Sections 551.087 and 551.071 regarding commercial and financial information from a business prospect with which the City Commission is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as ***Project Thor*** and to possibly seek legal advice from the City Attorney regarding this matter.

Mayor Boswell announced the City Commission would meet with the City Attorney in executive session. There would be no action on the executive session items and no other business would be discussed in open session.

At 5:55 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 12 and 13.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner de la Rosa to convene into executive session to discuss Item No. 12 and 13. Motion carried unanimously.

At 6:24 p.m., Mayor Boswell announced the City Commission had completed its executive session items and declared the meeting adjourned.

CITY OF HARLINGEN

Chris Boswell, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary