

REGULAR
CITY COMMISSION
AGENDA
April 3, 2013
@ 5:30 P.M.
TOWN HALL, CITY HALL
118 E. Tyler Street
Harlingen, Texas

Notice is hereby given that the above governmental body will hold a Regular Meeting on **Wednesday, April 3, 2013 at 5:30 P.M.** in City Hall, Town Hall, 2nd Floor, Harlingen, Texas.

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.

Invocation/City Commissioner Michael Mezmar

Pledge of Allegiance/Welcome

- 1) Public Announcement of Events
- 2) Proclamations
 - a) Child Abuse Prevention – proclaiming April 28, 2013
 - b) Fair Housing Month – proclaiming the month of April, 2013
 - c) Community Development Block Grant Week - proclaiming the week of April 1st through April 6th, 2013
 - d) Harlingen Safe Digging Month – proclaiming the month of April, 2013
- 3) Approval of Minutes
 - a) Regular Meeting of January 16, 2013
 - b) Regular Meeting of March 6, 2013

CONSENT AGENDA

The following items are of a routine or administrative nature. The Council has been furnished with background material on each item and/or it has been discussed at a previous meeting. All items will be acted upon by one vote, without being discussed separately, unless requested by a Commission member. Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.

- 4a) Second and final reading to approve and adopt an ordinance to rezone from Not Designated (N) District to General Retail (GR) District for 4.20 acres out of 6.20

acres of Lot C, Block 190 and 1.824 acres out of 6.20 acres of Block 190, Tract 3, San Benito Land & Water Company located at 29115 South Ed Carey Drive. Applicant: Jaime Fernandez. Attachment **(Planning and Zoning)**

- b) Second and final reading to approve and adopt an ordinance to rezone from Not Designated (N) District to Residential, Mobile Home (MH) District for Lot 254, Palm Vista Estates Unit 5, located at 15824 Date Drive. Applicant: Roberto Rodriguez, Jr. Attachment **(Planning and Zoning)**
- c) Second and final reading to approve and adopt an ordinance to amend the City of Harlingen Manufactured Home Ordinance, Section 19.47 to allow an accessory structure on a recreational vehicle lot. Applicant: Gary R. Ball. Attachment **(Planning and Zoning)**
- d) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow an adult business (electronic cigarette store) in a General Retail ("GR") District located at 1106 South 77 Sunshine Strip, bearing a legal description of Lot 1, Block 1, Gallagher's Subdivision. Applicant: James Bosse. Attachment **(Planning and Zoning)**
- e) Second and final reading to approve and adopt an ordinance amending Ordinance Nos. 04-85, 08-19 and 10-40 and City of Harlingen, Texas Code of Ordinances, Title XI, Chapter 111: Food and Food Establishments, Section 11.02 by providing rules and procedures for Mobile Food Vendors, and ordaining other matters pertaining to the foregoing. Attachment **(Requested by Commissioners: Victor Leal and Michael Mezmar)**
- f) Consider and take action to approve a refund of property taxes to Corelogic (Gabriel Alexandro Bocanegra), Acct. #18-4300-0030-0160-00 in the amount of \$1,129.69 due to a 100% veteran's exemption for Year 2012. Attachment **(Finance Department)**

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- 5) Public hearing to consider an Ordinance on first reading to abandon and authorize the Mayor to execute a special warranty deed on a 20 ft. wide alley, being a 0.115± acre tract of land out of Block "A", East Park Terrace Subdivision located on 77 Sunshine Strip north of Monroe Avenue; an 80 ft. wide road right-of-way out of Monroe Avenue, being a 0.459 acre tract of land located between Block "A" and "D", East Park Terrace Subdivision; a 20 ft. wide alley, being a 0.115 ± acre tract of land out of Block "D", East Park Terrace Subdivision, located west of 77 Sunshine Strip between Jackson Avenue and Monroe Avenue; an 80 ft. road right-of-way out of Jackson Avenue being a 0.459± acre tract of land located between Blocks "D" and "E" of East Park Terrace Subdivision; a 20 ft. wide alley, being a 0.115± acre tract of land out of Block "E", East Park Terrace Subdivision, located west of 77 Sunshine Strip between Jackson Avenue and Van Buren Avenue; an 80 ft. road right-of-way out of Van Buren Avenue being a 0.459 ± acre tract of land located between Blocks "E" and "H", East Park Terrace Subdivision; and a 20 ft. wide alley, being a 0.115 ± acre tract of land

out of Block "H", East Park Terrace Subdivision, located west of 77 Sunshine Strip between Harrison and Van Buren Avenue. Applicant: Harlingen CISD, c/o Oscar Tapia. Attachment (**Planning and Zoning**)

- a) Public Hearing
 - b) Consider and take action to approve and adopt an ordinance on first reading to abandon the above mentioned described property and authorize the Mayor to execute a Special Warranty Deed.
- 6) Discuss, consider and take action to approve an ordinance on first and final reading authorizing the issuance, sale and delivery of approximately \$3,200,000 in aggregate principal amount of "City of Harlingen, Texas Combination Tax and Revenue Certificates of Obligation, Series 2013"; securing the payment thereof by authorizing the levy of an annual ad valorem tax; approving and authorizing the execution of all instruments and procedures related thereto, including a paying agent/registrar agreement; approving the form of an official statement; and declaring an effective date. Attachment (**City Manager**)
 - 7) Consider and take action to ratify the authorization of the sale for the United Healthcare Services, Inc. for \$2,340,000.00 located at 2222 South 77 Sunshine Strip also known as the Harlingen Towne Centre Subdivision. Attachment (**Economic Development**)
 - 8) Consider and take action to approve a lease agreement between the City of Harlingen and Cameron County Elections Department for the use of one (1) Auto-Mark Machine and one (1) M-100 Scanner Precinct Counter to conduct Early Voting for the City of Harlingen May 11, 2013 General Election for a total cost of \$1,015. Attachment (**City Secretary**)
 - 9) Consider and take action to approve and adopt a resolution appointing an Early Voting Ballot Board Presiding Judge and an Alternate Presiding Judge; appointing the Presiding Judges and Alternate Presiding Judges; each to serve as election officials for the City of Harlingen May 11, 2013 General Election to elect a Mayor and two (2) Commissioners for Districts 1 and 2 to the Harlingen City Commission. Attachment (**City Secretary**)
 - 10) Consider and take action to approve and adopt a resolution authorizing the Mayor to seek grant funding in the amount of \$38,300.00 from the Office of the Governor-Victims of Crime Act Formula Grant Program to the City of Harlingen Police Department for payment of salaries & benefits for a Crime Victim Liaison. The total cost of this project including the city's match is \$47,875.00. Attachment (**Police Department**)
 - 11) Board Appointments

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

- a. Airport Board (3)
- b. Animal Shelter Advisory Committee (3)
- c. Audit Committee (Terms expire annually in June)
- d. Civil Service Commission (Mayor) (3)
- e. Community Development Advisory Board (1)
- f. Construction Board of Adjustments (9)
- g. Convention & Visitors Bureau (2)
- h. Development Corporation of Harlingen, Inc.
- i. Downtown Improvement District Board (2)
- j. Golf Course Advisory Board
- k. Harlingen Community Improvement Board (1)
- l. Harlingen Housing Authority Board
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (3)
- o. Library Advisory Board (1)
- p. Municipal Auditorium Advisory Board (1)
- q. Museum Advisory Board
- r. Parks Advisory Board (1)
- s. Planning & Zoning Advisory Board (1)
- t. Senior Citizens Advisory Board (2)
- u. Tax Increment Finance Board
- v. Tennis Advisory Board (2)
- w. Utility Board of Trustees
- x. Veterans Advisory Board (4)
- y. Zoning Board of Adjustments (7)

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

- 12) Closed/Executive Session pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.071 consultation with the City Attorney to seek legal advice regarding ***Charles E. Lee vs. City of Harlingen***, Texas, Cause No. 2010-DCL in the 103rd District Court in Cameron County, Texas and to discuss possible settlement negotiations. Attachment (***City Attorney***)

- 13) Citizen Communication

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

- 1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
- 2. The purchase, exchange, lease, or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.

3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding Economic Development negotiations. Section 551.087 of the Texas Open Meetings Act.

I, the undersigned authority, do hereby certify that the above Notice of Meeting is a true and correct copy of said Notice and that I posted said Notice on the bulletin board in the City Hall of the City of Harlingen, a place convenient and readily accessible to the general public at all times and said Notice was posted on Thursday, March 28, 2013 at 7:25 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 28th day of March, 2013



Amanda C. Elizondo, City Secretary