

REGULAR  
CITY COMMISSION  
AGENDA  
**July 17, 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, July 17, 2013 at 5:30 P.M.** in City Hall, Town Hall, 2<sup>nd</sup> 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) Presentation of proclamations proclaiming the following:
  - a) SSG George Anthony Cano Day
  - b) Harlingen Medical Center Day
- 3) Neighborhood Clean Sweep conducted July 6, 2013, E. Van Buren to E. Jefferson from Business 77 to 21<sup>st</sup> Street, District 2. Attachment (**City Manager**)
- 4) Approval of Minutes of May 15, 2013 – Regular Meeting

**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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.**

- 5a) Second and final reading to approve and adopt an ordinance to rezone from Residential, Single Family ("R-1") District to "Residential, Multi-Family ("M-2") District for 11.199± acres out of Block 143, Harlingen Land and Water Company Subdivision located between Matz Avenue and N. 77 Sunshine Strip west of "G" Street. Applicant: Brown Leal and Associates, c/o Emilio Garza, c/o Emigar, Inc. Attachment **(Planning and Zoning)**
- b) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow an adult business (smoke shop) in a General Use Retail ("GR") District located at 1046 N. 77 Sunshine Strip, Suite 5 bearing a legal description of Lot 15, Block 4, Crown Heights Subdivision. Applicant: Ricardo Rodriguez, Jr. Attachment **(Planning and Zoning)**
- c) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow an Open-Air Business (Garden Nursery) in a General Retail ("GR") District located at 313 W. Van Buren, bearing a legal description of Lots 5-6, Block 67, Harlingen Original Townsite. Applicant: Dora Vela. Attachment **(Planning and Zoning)**
- d) Second and final reading to approve and adopt an ordinance to rezone from Not Designated (N) District to Residential, Single Family ("R-1") District for 2.0 acres out of Block 23, Leland Subdivision located at 15852 Drury Lane. Applicant: John T. Sullivan. Attachment **(Planning and Zoning)**
- e) Consider and take action to approve refund of property taxes to Corelogic (Daniel Salinas), Account No. 97-3798-0070-0140-00 in the amount of \$815.44 due to homestead and disabled veteran exemption for Year 2012. Attachment **(Finance Department)**
- f) Consider and take action to approve the final plat of West Cantu Country Estates Subdivision consisting of 15 residential lots on 14.95 acres, out of Block 2, Cameron County Development Company Subdivision Cameron County, Texas, located on the northeast corner of Tio Cano Road and FM 2556 (W. Cantu Road). Applicant: Innovative Civil Engineering Services, Ltd., c/o Howard E. Kappler. Attachment **(Planning and Zoning)**

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- 6) Consider and take action to accept (or reject) bids and award a contract to replace the existing DV 100 incinerator for the disposal of carcass with a new incinerator to be located at 504 54<sup>th</sup> Street. Attachment **(Health Department)**
- 7) Consider and take action to approve and adopt a resolution approving the One Year Action Plan (Budget) for Fiscal Year 2013-2014 (Year 39) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2013-2014 (Year 19) of the Home Investment Partnerships Program. (Home) Attachment **(Community Development)**

- 8) Consider and take action to approve a substantial amendment to allow for a one year extension to the City's 3-5 Year Consolidated Plan for the period of 2010-2013. Attachment (**Community Development**)
- 9) Consider and take action to approve and adopt an ordinance on first reading amending Ordinance No. 90-96, Section 22-23 Rules and Regulations of the City of Harlingen-Tony Butler Municipal Golf Course. Attachment (**Golf Course**)
- 10) Consider and take action to approve the final plat of New Hope Phase II Subdivision consisting of nine-multi-family residential lots on 11.199± acres out of Block 143, Harlingen Land and Water Company Subdivision located between Matz Avenue and N. 77 Sunshine Strip west of "G" Street. Applicants: Brown, Leal & Associates, c/o Emilio Garza, c/o Emigar, Inc. Attachment (**Planning and Zoning**)
- 11) Consideration and take action to grant a variance request to the City of Harlingen Subdivision Ordinance No. 07-28, Section 4.1.8 and 4.2.7 with regards to a fire hydrant required on Mallory Street on the proposed J.R. Palacios Subdivision bearing a legal description of 2.3 acres of land out of Block 6, Black Brothers Subdivision located on the corner of Expressway 83 Frontage Road and Mallory Street. Applicant: Jose R. Palacios. (**Planning and Zoning**)
- 12) Consider and take action to approve the preliminary plat of Vantage at Harlingen Subdivision consisting of two commercial lots on 20.118 acres, out of an part of Block 8, Stuart Place Subdivision, Survey 41, located on the west side of Palm Court Drive, near West Lincoln Street. Applicant: Rios Surveying, LLC, c/o AAF-Vantage at Harlingen. Attachment (**Planning and Zoning**)
- 13) Consider and take action to approve and adopt an ordinance on first reading amending Ordinance No. 98-58 to establish "School Zones" along Teege Avenue and Lozano Avenue for the New Ninth Grade Academy. Attachment (**City Engineer**)
- 14) Consider and take action to declare the itemized list of non-real estate personal property as surplus personal property, as recommended by staff, and authorize city personnel to conduct a public auction of said property on July 27, 2013. Attachment (**Finance Department**)
- 15) Consider and take action to approve and adopt a resolution approving cooperation with the steering committee of cities served by AEPTCC to review AEP Texas Central Company's requested approval of an adjustment to its energy efficiency cost recovery factor; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to legal counsel. Attachment (**City Manager**)

- 16) Consider and take action to approve the renewal of a one-year contract between the City of Harlingen and Harlingen Youth Football League for the use of the athletic field at Victor Park. Applicant: City of Harlingen and Mario Montez. Attachment (***Parks & Recreation***)
- 17) Consider and take action to approve the City of Harlingen as a sponsor of the Su Clinica Health Fair on August 10, 2013 by providing the City's portable stage at no cost. Applicant: Su Clinica Familiar. Attachment (***Parks & Recreation***)
- 18) Board Appointments

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

- a. Airport Board
- b. Animal Shelter Advisory Committee (3)
- c. Audit Committee (Terms expire annually in June)
- d. Civil Service Commission (Mayor) (1)
- e. Community Development Advisory Board (4)
- f. Construction Board of Adjustments (11)
- g. Convention & Visitors Bureau (4)
- h. Development Corporation of Harlingen, Inc.
- i. Downtown Improvement District Board (3)
- j. Golf Course Advisory Board (2)
- k. Harlingen Community Improvement Board (2)
- l. Harlingen Housing Authority Board
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (5)
- o. Library Advisory Board (3)
- p. Municipal Auditorium Advisory Board (3)
- q. Museum Advisory Board (1)
- r. Parks Advisory Board (2)
- s. Planning & Zoning Advisory Board (2)
- t. Senior Citizens Advisory Board (5)
- u. Tax Increment Finance Board (6)
- v. Tennis Advisory Board (4)
- w. Utility Board of Trustees (1)
- x. Veterans Advisory Board (4)
- y. Zoning Board of Adjustments (5)

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.

- 19) Closed/Executive Session on the following items:

- a) pursuant to Chapter 551, Subchapter D, V.T.C.A., Government Code, Section 551.071 consultation with the Interim City Attorney and/or outside legal counsel to seek legal advice regarding ***The City of Harlingen, Texas v. Union Pacific Railroad Company and Rio Valley Switching Company***, Cause No. 2011-CCL-00115 in County Court at Law No. 2 of Cameron County and to discuss possible settlement negotiation.  
***(City Manager)***
  - b) pursuant to Section 551.071, Texas Gov't Code, "Attorney Consultation" for advice and counsel in connection with the City's rights, privileges, immunities, and obligations arising out of the request for reopener submitted by firefighter's bargaining agent and the notice of intent to bargain submitted by the police officer's bargaining agent, and related matters. ***(City Manager)***
  - c) pursuant to Chapter 551, Subchapter D., V.T.C.A., Government Code Section 551.087 regarding commercial and financial information from business prospects with which the Economic Development Corporation of Harlingen, Inc. is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives to business prospect known as ***Project Toddler. (City Manager)***
- 20) Consider and take action on the proposed incentive package for Project Toddler. Attachment ***(Economic Development)***
- 21) 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 Friday, July 12, 2013 at 6:40 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 12<sup>th</sup> day of July, 2013



Amanda C. Elizondo, City Secretary