

REGULAR
CITY COMMISSION
AGENDA
September 4, 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, September 4, 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/Mayor Pro-Tem, Danny Castillo

Pledge of Allegiance/Welcome

- 1) Public Announcement of Events
- 2) Proclamation – proclaiming September 17-23, 2013 as “Constitution Week”
- 3) Presentation and announcement of the Harlingen Police Department’s accomplishment in achieving “Recognized Status” for compliance with the Texas Law Enforcement Agency Best Practices Recognition Program. ***(Police Department)***
- 4) Approval of Minutes of July 17, 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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.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 install stop signs on Cora Street at the intersection of First Street. Attachment **(City Engineer)**
- b) Second and final reading to approve and adopt an ordinance approving a negotiated resolution between the City of Harlingen and Texas Gas Service ("TGS" or "The Company") regarding the Company's May 1, 2013 Cost of Service Adjustment ("COSA") filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; providing for the recovery of the City's reasonable and necessary rate case expenses; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; repealing any prior ordinances inconsistent with this ordinance; and requiring delivery of this ordinance to the company and the city's legal counsel. Attachment **(City Attorney)**
- c) 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 160, Palm Vista Estates Unit 4 located at 15866 Washington Palm Drive. Applicant: Jorge Q. Medellin. 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 (smoke shop) in a General Retail ("GR") District located at 1218 Morgan Blvd., bearing a legal description of Lots 34 and 35, Block 1, Delmar 2 Subdivision. Applicant: Leticia Yanez. Attachment **(Planning and Zoning)**
- e) Second and final reading to approve and adopt an ordinance to rezone from Planned Development to ("PD") District which allowed for thirty-six single family residential lots and one commercial lot to General Retail ("GR") District for 7.96± acres out of Block "B", Boyce Tract Subdivision located on the north side of Wilson Road between Hand Road and Expressway 77. Applicant: Wilson Development, Inc., c/o Eddie Gutierrez. Attachment **(Planning and Zoning)**
- f) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow a Bar/Lounge/Dance Hall in a Light Industry ("LI") District located at 1510 N. Commerce bearing a legal description of Lot 1, Block 1, Casa Blanca Subdivision. Applicant: Joel Tovar. Attachment **(Planning and Zoning)**
- g) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to renew an SUP for an existing Bar/Lounge in a General Retail ("GR") District located at 1105 South Tamm Lane, bearing a legal description of 3.4740 acres out of Block 33 Stuart Place Subdivision, Survey 139/297/298. Applicant: Daniel Menchaca. Attachment **(Planning and Zoning)**

- h) Consider and take action to approve a request from the Iglesia de Evangelio Completo to close East Cleveland Avenue from South 1st Street to South "B" Street from 6:30 p.m. to 10:00 p.m. on Friday, September 13th and Saturday, September 14th for a Carnival Event. Attachment (***Police Department***)
- i) Consider and take action to approve a request from the Immaculate Heart of Mary Catholic Church to close "C" Street between Polk Avenue and Tyler Avenue beginning Thursday, October 3rd, 12 noon, to Sunday, October 6th, 11:00 p.m. for their Annual Fiesta de Amistad. Attachment (***Police Department***)
- j) Consider and take action to approve a request from the Harlingen High School Student Council to close the following streets on Thursday, October 10, 2013 from 6:00 p.m. to 8:30 p.m. for their Annual Homecoming Festivities and Parade. Attachment (***Police Department***)
 - 1. 13th & Williams
 - 2. Alleyway north of north parking lot (parade starting point on 13th Street)
 - 3. Marshall & Ball
 - 4. Marshall & 13th Street
 - 5. 13th and Carroll
 - 6. 9th & Carrol
 - 7. 7th & Carrol
 - 8. 7th & Marshall
 - 9. 7th & Village
 - 10. Alleyway north of north parking lot (parade ending point on 7th Street)

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- 6) Discussion regarding bid(s) received on the following property struck off to Cameron County, for itself and other taxing jurisdictions from a tax resale conducted on July 2nd, 2013. Attachment (***Presentation by Monica Solis and John D. Guevara, Attorneys, representing LineBarger Goggan Blair & Sampson, LLP***)
 - a) **LEGAL DESCRIPTION:** LOTS 41, AND 42, BLOCK 1, L. & F. ADDITION, AMENDED, AN ADDITION TO THE CITY OF HARLINGEN, CAMERON COUNTY, TEXAS, AS DESCRIBED IN VOLUME 1414, PAGE 45, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS. (ACCT. NO. 19-8070-0010-0410-00);
 - b) **LEGAL DESCRIPTION:** LOT 1, BLOCK 108, ORIGINAL TOWNSITE, CITY OF HARLINGEN, CAMERON COUNTY, TEXAS, AS DESCRIBED IN VOLUME 223, PAGE 315, DEED RECORDS OF CAMERON COUNTY, TEXAS. (ACCT. NO. 15-0000-1080-0010-00);
 - c) **LEGAL DESCRIPTION:** LOT 5, BLOCK 1, EXPRESSWAY SUBDIVISION, SECTION I, AN ADDITION TO THE CITY OF HARLINGEN, CAMERON COUNTY, TEXAS, ACCORDING

TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET 'I', SLIDE 278-B, MAP RECORDS OF CAMERON COUNTY, TEXAS. (ACCT. NO. 17-7205-0010-0050-00);

- d) **LEGAL DESCRIPTION:** TRACT 1: LOTS 10, 11 AND 12, BLOCK 29, FINWOOD HEIGHTS ADDITION, CITY OF HARLINGEN, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 7, PAGE 21, MAP RECORDS OF CAMERON COUNTY, TEXAS. (ACCT. NO. 17-8720-0290-0100-00);
 - e) **LEGAL DESCRIPTION:** TRACT 1: LOT 117, BLOCK 3, SPANISH ACRES, AN ADDITION TO CAMERON COUNTY, TEXAS, AS DESCRIBED IN VOLUME 915, PAGE 739, DEED RECORDS OF CAMERON COUNTY, TEXAS. (ACCT. NO. 15-4480-0000-1170-00);
 - f) **LEGAL DESCRIPTION:** TRACT 1: LOT 118, BLOCK 3, SPANISH ACRES, AN ADDITION TO CAMERON COUNTY, TEXAS, AS DESCRIBED IN VOLUME 915, PAGE 739, DEED RECORDS OF CAMERON COUNTY, TEXAS. (ACCT. NO. 15-4480-0000-1180-00)
- 7) Consider and possible action to approve the resolutions approving the bid(s) received on the tax resale conducted on July 2nd, 2013 for the above referenced properties. Attachment ***(Presentation by Monica Solis and John D. Guevara, Attorneys, representing LineBarger Goggan Blair & Sampson, LLP)***
 - 8) Discussion of possible pay increase for non-civil service employees. Attachment ***(Requested by Commissioner Michael Mezmar and Commissioner Victor Leal)***
 - 9) Consider and take action to approve an ordinance on first reading adopting the City of Harlingen's Budget for Fiscal Year 2013-2014 by a record vote. Attachment ***(Finance Department)***
 - 10) Consider and take action to approve an ordinance on first reading adopting the 2013 ad valorem tax rate for maintenance and operation for Fiscal Year 2013-2014. Attachment ***(Finance Department)***
 - 11) Consider and take action to approve an ordinance on first reading adopting the 2013 ad valorem tax rate for interest and sinking for Fiscal Year 2013-2014. Attachment ***(Finance Department)***
 - 12) Consider and take action to approve a resolution adopting the Harlingen Downtown Improvement District 2013-2014 Fiscal Year Budget. Attachment ***(Finance Department)***
 - 13) Consider and take action to enter into a Cooperative Inter-local Working Agreement (CIWA) with the City of Brownsville, Texas, which was awarded grant funds totaling \$2,257,290.00 from the Southwest Border Anti-money Laundering

Alliance through a joint effort specifically to fund the Financial Asset Seizure Team (FAST). Attachment (**Police Department**)

- 14) Consider and take action to approve a resolution accepting Valley International Airport's adopted budget for Fiscal Year 2013-2014. Attachment (**Airport**)
- 15) Consider and take action to approve by resolution the acceptance of an anticipated Federal Aviation Administration (FAA) Grant Offer No. 3-48-0101-055-2013 of approximately Three Million Six Hundred Forty-Three Thousand, Two Hundred Sixty-Nine Dollars and no/100s (\$3,643,269.00) to Rehabilitate Runway 17 R/35L (mill and overlay, Rehabilitate Taxiway "J" (overlay), Remove Taxiway "K", Purchase of ARFF Vehicle, and Conduct Wildlife Hazard Plan at Valley International Airport. Attachment (**Airport**)
- 16) Consider and take action to approve a resolution accepting Harlingen Waterworks System's adopted budget for Fiscal Year 2013-2014. Attachment (**Waterworks System**)
- 17) 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 (10)
- g. Convention & Visitors Bureau (4)
- h. Development Corporation of Harlingen, Inc.
- i. Downtown Improvement District Board (1)
- j. Golf Course Advisory Board (1)
- k. Harlingen Community Improvement Board (2)
- l. Harlingen Housing Authority Board (2)
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (7)
- o. Library Advisory Board (3)
- p. Municipal Auditorium Advisory Board (3)
- q. Museum Advisory Board (1)
- r. Parks Advisory Board (1)
- s. Planning & Zoning Advisory Board (2)
- t. Senior Citizens Advisory Board (4)
- u. Tax Increment Finance Board (6)
- v. Tennis Advisory Board (3)
- w. Utility Board of Trustees

- x. Veterans Advisory Board
- 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.

18) 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 Chapter 551, Subchapter D., V.T.C.A. Government Code, Section 551.071 consultation with the Interim City Attorney to seek advice regarding ***City of Harlingen vs. Theatre Council Productions, Ltd., Cause No. 2009-08-4744-I*** in the 445th Cameron County District Court. ***(City Attorney)***
- c) pursuant to Chapter 551, Subchapter D, V.T.C.A., Government Code, Sections 551.071, and 551.087 regarding financial information about a potential economic development prospect known as ***Project Hope*** about which the City is discussing and deliberating concerning financial and economic incentives and to seek legal advice from legal counsel regarding the subject. ***(City Manager)***

19) Consider and take action to approve payment to Union Pacific Railroad Company, Rio Valley Switching Company, and Rio Valley Railroad, Inc. of the Award by Special Commissioners in the amount of \$232,000.00 (the amount of the Award of \$250,000.00 less credit for \$18,000.00 previously paid) for acquiring an easement to extend Dixieland Road across the railroad tracks parallel to U.S. Hwy. 77 for public access to Spur 54, Bass Pro Shops, and businesses located north of U.S. Hwy. 77 in the area referred to as Cameron Crossing. ***(City Manager)***

20) Consider and take action to approve an ordinance on first reading amending the City of Harlingen 2012-2013 Budget. Attachment ***(Finance Department)***

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, August 30th 2013 at 7:00 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 30th day of August, 2013


Amanda C. Elizondo, City Secretary