

REGULAR
CITY COMMISSION
AGENDA
March 20, 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, March 20, 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 Chris Boswell

Pledge of Allegiance/Welcome

- 1) Public Announcement of Events
 - a) Presentation by Omar I. Rodriguez, Manager of Communication and Advocacy Food Bank of the Rio Grande Valley on the Fight Hunger and Feed Hope Program. Attachment
- 2) Proclamation – proclaiming the Month of March as “Red Cross Month”
- 3) Approval of Minutes
 - a) Regular Meeting of February 6, 2013
 - b) Regular Meeting of February 20, 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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.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) Consider and take action to approve a request from the City of Harlingen to close W. Van Buren Avenue from S. "D" Street to S. "E" Street on Saturday, May 4, 2013 from 12 noon to 9:00 p.m. for an upcoming "Cinco de Mayo Festival." Attachment (***Police Department***)
- 4b) Consider and take action to approve a request from Rev. Msgr. Luis Javier Garcia with the Immaculate Heart of Mary Catholic Church to close "C" Street, between Tyler Avenue and the alleyway before Polk Avenue on Good Friday, March 29, 2013 from 12 Noon to 5:00 p.m. for their Annual Play of "The Passion of Christ." Attachment (***Chief of Police***)

5) Public hearing to consider an ordinance on first reading for a request 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***)

a) Public Hearing

b) Consider and take action to approve and adopt an ordinance on first reading for the above mentioned rezone request.

6) Public hearing to consider an ordinance on first reading 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***)

a) Public Hearing

b) Consider and take action to approve and adopt an ordinance on first reading for the above mentioned rezone request.

7) Public hearing to consider an ordinance on first reading on an amendment to 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***)

a) Public Hearing

- b) Consider and take action to approve and adopt an ordinance on first reading amending the City of Harlingen Manufactured Home Ordinance, Section 19.47.
- 8) Public hearing to consider an ordinance on first reading 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)**
- a) Public Hearing
- b) Consider and take action to approve and adopt an ordinance on first reading for the above mentioned Specific Use Permit.
- 9) Consider and take action to grant a variance to the City of Harlingen Subdivision Ordinance No. 07-28, Section 4.1.6 (A) and (B) with regards to the 5 ft. sidewalk required on Expressway 77 Frontage Road and "T" Street on the proposed Grocer's Supply Subdivision, bearing a legal description of 4.6 acres of land out of Lot 1, Block 1, Gorges/Quick-To-Fix Foods Subdivision located on the east side of Expressway 77 north of Teege Road. Applicant: Jim Arnold. Attachment **(Planning and Zoning)**
- 10) Consider and take action to approve the preliminary ranking of the Planning Consulting Firms for the Professional Consulting Planning Services for a new Comprehensive Plan and authorize staff to negotiate a contract with the highest ranking firm. Attachment **(Planning and Zoning)**
- 11) Consider and take action to approve the 2011 Grant Adjustment Notice from the Governor's Division of Emergency Management for the State Homeland Security Grant Program – September 1, 2011 to August 31, 2013 performance period. Attachment **(Fire Department)**
- 12) Consider and take action to approve the renewal for the 2013 season of a contract between the City of Harlingen and Harlingen National Bronco Baseball League for the use of the ball fields at the Tom Wilson Youth Sports Park at the Sports Complex on Wilson Road. Applicant: City of Harlingen and Jerry Hernandez. Attachment **(Parks and Recreation)**
- 13) Consider and take action to approve the renewal for the 2013 season of a contract between the City of Harlingen and Harlingen American Little League for the use of designated fields at Pendleton Park and Lon C. Hill Park. Applicant: City of Harlingen, Ken Jaeger. Attachment **(Parks & Recreation)**

- 14) Consider and take action to approve the renewal for the 2013 season of a contract between the City of Harlingen and Harlingen Pony Girls Softball League for the use of the fields at Arroyo Park. Applicant: Art Gallegos. **(Parks and Recreation)**
- 15) Consider and take action to approve the renewal of a contract between the City of Harlingen and the Harlingen Texas Bronco/Pony League for the use of designated fields at Victor Park for the 2013 season. Applicant: City of Harlingen and Victor Zepeda. Attachment **(Parks & Recreation)**
- 16) Consider and take action to approve the renewal for the 2013 season of a contract between the City of Harlingen and Arroyo Youth Soccer Club for the use of the Harlingen Soccer Complex. Applicant: City of Harlingen, Kenneth Landrum. Attachment **(Parks & Recreation)**
- 17) Consider and take action to approve a request for the renewal of a Facilities Usage Agreement between the City of Harlingen and Texas Youth Football Association (TYFA) Harlingen Hawks for use of the soccer fields at the Sports Complex on Wilson Road. Applicant: Isabel Kellogg. Attachment **(Parks & Recreation)**
- 18) Consider and take action to allow the City Manager to enter into an agreement with Cameron County and H2O Partners for the development of the Hazard Mitigation Action Plan Update. Attachment **(City Engineer)**
- 19) Consideration and possible action to amend Ordinance No. 10-40 regarding mobile food vendors. Attachment **(Requested by Commissioners: Victor Leal and Michael Mezmar)**
- 20) Discussion and possible action of entering into a lease purchase agreement for the City of Harlingen's P-25 radio migration to provide for an update of the existing radio system at the dispatch center from analog to an 800 MHz Digital. Attachment **(Fire Department)**
- 21) 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. (1)
- 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 (6)
- 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.

- 22) 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 the lease agreement between the City of Harlingen and the Whitewings Baseball Club, LLC for the use of the baseball stadium known as Harlingen Field and the amount of debt owed by Whitewings to the City. **(City Manager)**

- 23) Consider and take action to approve a new agreement or amendments to the existing agreement between the City of Harlingen and Whitewings Baseball Club, LLC for the use of the baseball stadium known as the Harlingen Field. Attachment **(City Manager)**

- 24) 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, March 15, 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 15th day of March, 2013


Amanda C. Elizondo, City Secretary