

REGULAR
CITY COMMISSION
AGENDA
June 19, 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, June 19, 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
- 2) Proclamation – proclaiming the months of June and July 2013 as “Fire Fighter/MDA Months.” Attachment
- 3) Neighborhood Clean Sweep, conducted on June 8, 2013, W. Beck Street to W. Matz Street from 1st Street to Breedlove Street, District 1. Attachment (**City Manager**)
- 4) Approval of Minutes
 - a) Regular Meeting of May 1, 2013
 - b) Special Meeting of May 16, 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 Items withdrawn from the Consent Agenda for individual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.

- 5a) Second and final reading to approve and adopt an ordinance to repeal Section 32.006 "Certain Board Meeting Times" of the Harlingen Code of Ordinances. Attachment **(City Manager)**
- b) Consider and take action to approve an amendment to the City of Harlingen Comprehensive Fireworks Ordinance No. 09-31, Section III, Sub-Section 1 by amending the location where a portable building may be used to sell fireworks with an approved specific use permit from 24218 FM 3195 to 24206 FM 3195, Stuart Place Road. Applicant: City of Harlingen. Attachment **(Planning and Zoning)**

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- 6) Consider and take action to approve a resolution by the Board of Directors of the Harlingen Waterworks System to increase the General Manager's salary to \$150,000.00 per year to be effective on the date of approval of the resolution by the City Commission. Attachment **(Waterworks System)**
 - 7) Public hearing to consider an ordinance on first reading 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)**
 - a) Public hearing
 - b) Consider and take action to approve and adopt an ordinance on first reading for the above mentioned rezone request.
 - 8) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow an adult business (smoke shop) in a General Retail ("GR") District located at 1046 N. 77 Sunshine Strip bearing a legal description of Lot 15, Block 4, Crown Heights Subdivision. Applicant: Ricardo 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 Specific Use Permit.
 - 9) Public hearing to consider an ordinance on first reading 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)**

- a) Public hearing
 - b) Consider and take action to approve and adopt an ordinance on first reading for the above mentioned Specific Use Permit.
- 10) Public hearing to consider an ordinance on first reading 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. **(Planning Zoning)**
- a) Public hearing
 - b) Consider and take action to approve and adopt an ordinance on first reading for the above mentioned rezone request.
- 11) Consider and take action to authorize the Mayor on behalf of the City of Harlingen to submit a grant application to the U.S. Department of Justice under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program for FY 2013 in the amount of \$26,236.00. Attachment **(Police Department)**
- 12) Consider and take action to approve the preliminary ranking of the Insurance Consulting Firms for Professional Consultant Services for insurances to assist in researching, developing and implementing an employee self/fully-funded Health Insurance, Life, AD&D, Employee Assistance Program, Vision/Dental Insurance, and Cafeteria Plan and Products, and authorize the City Manager to negotiate a contract with the highest ranked firm. Attachment **(Human Resources)**
- 13) 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 (5)
- f. Construction Board of Adjustments (11)
- g. Convention & Visitors Bureau (4)
- h. Development Corporation of Harlingen, Inc.
- i. Downtown Improvement District Board (4)
- j. Golf Course Advisory Board (2)
- k. Harlingen Community Improvement Board (1)
- l. Harlingen Housing Authority Board
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (4)
- o. Library Advisory Board (3)
- p. Municipal Auditorium Advisory Board (4)
- q. Museum Advisory Board (1)

- r. Parks Advisory Board (3)
- s. Planning & Zoning Advisory Board (2)
- t. Senior Citizens Advisory Board (5)
- u. Tax Increment Finance Board
- v. Tennis Advisory Board (4)
- w. Utility Board of Trustees (1)
- x. Veterans Advisory Board (6)
- y. Zoning Board of Adjustments (6)

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.

- 14) Closed/Executive Session - Attorney consultation pursuant to Section 551.071(2), Texas Government Code to provide legal advice and counsel in connection with the City's rights, duties, privileges and obligations related to the Harlingen CISD's request for Specific Use Permit for a school in a Residential, Single Family ("R-1") District located at the corner of Rio Hondo Road and 21st Street bearing a legal description of Lot 1, Block 2, HCISD Middle School No. 5 Subdivision. **(City Manager)**
- 15) Consider and take action to approve and adopt an ordinance on second and final reading for a Specific Use Permit ("SUP") to allow a school in a Residential, Single Family ("R-1") District located at the corner of Rio Hondo Road and 21st Street bearing a legal description of Lot 1, Block 2, HCISD Middle School No. 5 Subdivision, and authorization for any necessary interlocal agreements as a condition upon the Specific Use Permit. Applicant: Harlingen CISD, c/o Oscar Tapia. Attachment **(Planning and Zoning)**
- 16) 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, June 14, 2013 at 9:15 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 14th day of June, 2013



Amanda C. Elizondo
Amanda C. Elizondo, City Secretary