

REGULAR
CITY COMMISSION
AGENDA
March 6, 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 6, 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, Mayor Pro-Tem Robert Leftwich

Pledge of Allegiance/Welcome

- 1) Public Announcement of Events
- 2) Neighborhood Clean Sweep, March 2, 2013, Massachusetts Street from Frontage Road to Lamb Street 8:00 a.m. to 12 noon, District 3. Attachment **(City Manager)**
- 3) Presentation regarding the Adopt-A-Spot Program. **(City Manager)**
- 4) Approval of Minutes
 - a) Special Meeting of November 19, 2012
 - b) Regular Meeting of December 19, 2012

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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.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) Consider and take action to approve a request from the Downtown District to close Jackson Street from Commerce to 4th Street and crossroads "A", 1st, 2nd, and 3rd Streets from alleyway to alleyway crossing Jackson Street for the 6th Annual Jackson Street Classic Car Show to be held on Saturday, April 13, 2013 from 7:00 a.m. to 3:00 p.m. Attachment (**Police Department**)
- b) Consider and take action to approve a request from Reverend Horacio Chavarria, Pastor, of the Our Lady of the Assumption Church and San Felipe Neri Mission to close Lincoln Street between "M" and "L" Streets on Friday, May 3rd and Saturday, May 4th from 5:00 p.m. to 11:00 p.m. for their Annual Fall Festival. Attachment (**Police Department**)
- c) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 830 Morgan Boulevard bearing a legal description of Lots 21-26, Rio Land Subdivision. Applicant: Elmer Capuchines. Attachment (**Planning and Zoning**)
- d) Second and final reading to approve and adopt an ordinance a Specific Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 407 W. Harrison Avenue bearing a legal description of Lots 8-9, Harlingen Original Townsite. Applicant: Joy Pacheco. Attachment (**Planning and Zoning**)
- e) Consider and take action to approve a refund of property taxes in the amount of \$12,273.48 to EAN Holdings, LLC Acct. No. 00-0100-2010-1662-00 due to a change of value for Year 2012. Attachment (**Finance Department**)

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- 6) Consider and discuss the permanent closure of "A" Street between Jefferson Avenue and Adams Avenue as part of the Federal Railroad Signal Program with Union Pacific Railroad Company and the Texas Department of Transportation (TXDOT). Attachment (**City Engineer**)
 - 7) Public hearing to obtain comments on the proposed substantial amendments to the 2009-10, 2011-12, and 2012-13 One Year Action Plans. (**Community Development**)
 - a) Public Hearing
 - b) Consider and take action to approve a substantial amendment to the City of Harlingen's 2009-10, One Year Action Plan in the amount of \$164,953.62; 2011-12, One Year Action Plan in the amount of \$80,000; and 2012-13, One

Year Action Plan in the amount of \$78,000. Attachment (***Community Development***)

- 8) Consider and take action to approve a second amendment of the agreement between the Development Corporation of Harlingen and United Healthcare Services, Inc. Attachment (***Economic Development***)
- 9) Consider and take to approve a request from Rafael Martinez for a Certificate of Public Necessity and Convenience to operate a Taxicab Business under the proposed name of "All-Star Taxi" in the City of Harlingen as per the City of Harlingen Taxicab Ordinance. Attachment (***City Secretary***)
- 10) 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 (2)
- 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 (3)
- h. Development Corporation of Harlingen, Inc. (4)
- 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 (8)

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.

11) Closed/Executive Session on the following items:

- a) pursuant to Section 551.072, Texas Government Code regarding the sale and value of real property legally described as: a 20.498 acre tract, out of Block 8, Stuart Place Subdivision of Survey 41, City of Harlingen, Cameron County, Texas as recorded in Volume 5, Page 6 of the Map Records of Cameron County, Texas; SAVE & EXCEPT a 0.38 acre tract conveyed to the City of Harlingen by deed recorded in Volume 8164, Page 193 Official Records of Cameron County, less an additional 0.38 acre tract in the Palm Court Drive right-of-way. **(City Manager)**
- b) pursuant to Chapter 551, D, V.T.C.A. Government Code, Section 551.071 consultation with the City Attorney to seek advice regarding **Charles E. Lee vs. City of Harlingen, Texas**, Cause No. 2010-DCL-4849 in the 103rd Cameron County District Court. Attachment **(City Attorney)**
- c) pursuant to Chapter 551, Subchapter D., V.T.C.A. Government Code, Section 551.087 regarding commercial and financial information from a business prospect with which the City Commission is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as **Project Tropical** and to seek legal advice from the City Attorney regarding this subject. **(City Manager)**

12) Consider and take action to approve the first amendment to Commercial Contract – Unimproved Property between the City of Harlingen and AAF-Vantage At Harlingen, Inc. regarding the sale and value of real property legally described as: a 20.498 acre tract, out of Block 8, Stuart Place Subdivision of Survey 41, City of Harlingen, Cameron County, Texas as recorded in Volume 5, Page 6 of the Map Records of Cameron County, Texas; SAVE & EXCEPT a 0.38 acre tract conveyed to the City of Harlingen by deed recorded in Volume 8164, Page 193 Official Records of Cameron County, less an additional 0.38 acre tract in the Palm Court Drive right-of-way. **(City Manager)**

13) Citizen Communication

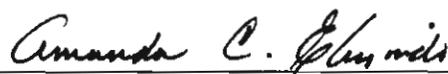
A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

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 Friday, March 1, 2013 at 6:00 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 1st day of March, 2013



Amanda C. Elizondo, City Secretary