

REGULAR  
CITY COMMISSION  
AGENDA  
**February 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, February 20, 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, Mayor Pro-Tem Robert Leftwich

Pledge of Allegiance/Welcome

- 1) Public Announcement of Events
- 2) Board Recognition
- 3) Approval of Minutes
  - a) Special Meeting - August 27, 2012
  - b) Special Meeting of December 31, 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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.**

- 4a) Consider and take action to approve a request from Ashley Barker with the Junior League of Harlingen to close a portion of Fair Park Boulevard on Saturday,

March 2, 2013 from 5:30 a.m. to 12:30 p.m. for the City co-sponsored KIDFIT Event. Attachment (**Police Department**)

- b) City of Harlingen Investment Report for the quarter ended December 31, 2012. Attachment (**Finance Department**)



- 5) Consider and take action to approve the Municipal Maintenance Agreement with the Texas Department of Transportation (TXDOT) for maintenance of the non-controlled and controlled access highways. Attachment (**City Engineer**)
- 6) Consider and take action to approve and adopt a resolution supporting the Municipal Maintenance Agreement between the Texas Department of Transportation (TXDOT) and the City of Harlingen. Attachment (**City Engineer**)
- 7) Consider and take action to authorize the City Engineer to negotiate/award contracts for RFQ 2012-11 Geotechnical and Construction Materials Testing Services with the top three qualified firms. Attachment (**City Engineer**)
- 8) 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**)
- 9) Public hearing to consider an ordinance on first reading 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**)
  - 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 for a Specific Use Permit ("SUP") to allow a bar/lounge in a General Rule 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**)

- a) Public Hearing
  - b) Consider and take action to approve and adopt an ordinance on first read reading for the above mentioned Specific Use Permit.
- 11) Consider and take action 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)**
- 12) Consider and take action to approve and adopt a resolution of the City of Harlingen, Texas to amend Resolution No. R13-27 of the City of Harlingen to designate one (1) additional polling place for District 2 and one (1) additional polling place for District 4 to meet the demands and density needs of the voting population in Districts 2 and 4 for the City General Election to be held on Saturday, May 11, 2013; and ordaining other matters related to the foregoing. Attachment **(City Secretary)**
- 13) Consider and take action to approve an Inter-Local Agreement between the Harlingen Consolidated Independent School District and the City of Harlingen to share polling places, equipment and election personnel. Attachment **(City Secretary)**
- 14) Consider and take action to approve the City Manager's recommendation on the appointment of part-time presiding municipal court judges. Attachment **(City Manager)**
- 15) Board Appointments

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

- a. Airport Board (1)
- b. Animal Shelter Advisory Committee (2)
- c. Audit Committee (Terms expire annually in June)
- d. Civil Service Commission (Mayor) (2)
- e. Community Development Advisory Board (1)
- f. Construction Board of Adjustments (10)
- g. Convention & Visitors Bureau (3)
- h. Development Corporation of Harlingen, Inc. (1)
- i. Downtown Improvement District Board (3)
- j. Golf Course Advisory Board (1)
- k. Harlingen Community Improvement Board (1)
- l. Harlingen Housing Authority Board

- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (2)
- o. Library Advisory Board (1)
- p. Municipal Auditorium Advisory Board (2)
- q. Museum Advisory Board
- r. Parks Advisory Board (1)
- s. Planning & Zoning Advisory Board (2)
- t. Senior Citizens Advisory Board (5)
- 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 (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.

16) Closed/Executive Session of the following items:

- a) 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)**
- b) pursuant to Chapter 551, Subchapter D., V.T.C.A. Government Code, Section 551.071, consultation with outside legal counsel regarding contract with the City Attorney.

17) 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, February 15, 2013 at 7:25 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 15<sup>th</sup> day of February, 2013



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Amanda C. Elizondo, City Secretary