

REGULAR  
CITY COMMISSION  
AGENDA  
**February 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, February 6, 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, Commissioner Basilio "Chino" Sanchez

Pledge of Allegiance/Welcome

- 1) Public Announcement of Events
  - a) Presentation by Danny Hoehne, President of the Rio Grande Valley Birding Festival regarding the Framed 2012 Festival Poster. Attachment
  - b) Presentation by Professor Murad Abuslim and Professor Erik Diaz with the University of Texas at Brownville, Architectural Students regarding the Downtown Infill Project.
- 2) Board Recognition
- 3) Presentation of the following proclamations:
  - a) Proclaiming February 7 – 14, 2013 as "Congenital Heart Defect Awareness Week"
  - b) Proclaiming February 6, 2013 as "Rotary Club of Harlingen Day"
- 4) Neighborhood Clean Sweep – E. Van Buren to E. Jefferson from 21<sup>st</sup> Street to 25<sup>th</sup> Street, District 2.
- 5) Approval of Minutes
  - a) Regular Meeting of November 7, 2012

- b) Regular Meeting December 5, 2012
- c) Special Meeting of January 29, 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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.**

- 6) Consider and take action to approve a request from Janet Briones to close Pierce Avenue and a portion of Third Street from the alley way to Pierce Avenue to hold a Wedding Ceremony with a dinner and live music on March 16, 2013 from 4:00 p.m. to 10 p.m. Attachment (***Police Department***)

- 7) Consider and take action to approve and adopt a resolution in support of Valley International Airport (HRL) being named a designated airport by United States Customs and Border Protection. Attachment (***Requested by Commissioner Basilio "Chino" Sanchez and Commissioner Victor Leal***)

- 8) Discussion regarding bid(s) and private offer(s) received on the following properties struck off to Cameron County, for itself and other taxing jurisdictions from a tax sale conducted on November 6<sup>th</sup>, 2012. Presentation by John Guevara and Monica Solis, Attorneys with Linebarger Goggan Blair & Sampson, LLP. Attachment (***City Manager***)

- a) LEGAL DESCRIPTION: Lot 17, Block 4, Lincoln Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 1285, Page 105, Deed Records of Cameron County, Texas, (Acct. 19-8910-0040-0179-00)
- b) Legal Description: Lot 6, Colonia Mitchell Subdivision #3, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 1357, Page 113, Deed Records of Cameron County, Texas. (Acct. 16-7110-0000-0060-00)
- c) Legal Description: Lot 1, Block 3, Nicholson Place, fourth filing, a subdivision in the City of Harlingen, Cameron County, Texas, according to

the map or plat thereof, recorded in Volume 6, Page 19, Map Records of Cameron County, Texas.

- d) Legal Description: Lot 38, Laurel Terrace, Unit 1, an addition to the City of Harlingen, Cameron County, Texas, according to the map or plat thereof, recorded in Cabinet 1, Slot 69-B, Map Records of Cameron County, Texas (19-7900-0000-0380-00)
- e) Legal Description: Lot 7, Block 1, Colonia Guadalupe Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 765, Page 210, Deed Records of Cameron County, Texas. (Acct. 16-6760-0010-0070-00)
- f) Legal Description: Tract 2: Lot 3, Block 2, N. S. Lindell Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 198, Page 6, Official Records of Cameron County, Texas (Acct. 21-0540-0020-0030-00)
- g) Legal Description: Tract 1: Lot 2, Block 2, N. S. Lindell Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 198, Page 6, Official Records of Cameron County, Texas. (Acct. 21-0540-0020-0020-00)
- h) Legal Description: Lot 9, Block 3, Clements Addition No. 1, an addition to the City of Harlingen, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 15, Page 6, Map Records of Cameron County, Texas. (16-5440-0030-0090-00)
- i) Legal Description: The North ½ of Lot 24, Block 2, Liston and Liddell Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 1180, Page 268, Official Records of Cameron County, Texas. (Acct. 19-8350-0020-0241-00)
- j) Legal Description: Lot 1, Block 2, Vista Del Sol Subdivision No. 1, A Subdivision in Cameron County, Texas, according to the Map or plat thereof, recorded in Cabinet 1, Page 283-B, Map Records of Cameron County, Texas. (Acct. 86-6910-0020-0010-00)
- k) Legal Description: Tract 2: Lot 10, Block 3, Colonia Guadalupe Subdivision No. 1, a subdivision in Cameron County, Texas, according to the map or plat thereof, Recorded in Volume 11, Page 11, Map Records of Cameron County, Texas. (Acct. 16-6760-0030-0100-00)

- l) Legal Description: Lot 23, Block 5, West Harlingen Addition, an addition to the City of Harlingen, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 1, Page 39, Map Records of Cameron County, Texas. (Acct. 25-3580-0050-0230-00)
- m) Legal Description: Lot 13, Block 1, Castle Court Annex, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 6, Page 66, Map Records of Cameron County, Texas. (Acct. 16-3460-0010-0130-00)
- n) Legal Description: Lot 12, Block 5, Harlingen Heights Addition, Cameron County, Texas, as described in Volume 1155, Page 363, Deed Records of Cameron County, Texas. (Acct. 18-3680-0050-0120-00)
- o) Legal Description: Lot 16, Block 66, Original Townsite, City of Harlingen, Cameron County, Texas, as described in Volume 335, Page 155, Deed Records of Cameron County, Texas. (Acct. 15-0000-0660-0160-00)
- p) Legal Description: Lot 11, Block 153, Original Townsite Addition, City of Harlingen, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 2, Page 14, map records of Cameron County, Texss. (Acct. 15-0000-1530-0110-00)
- q) Legal Description: Block 55, Lying north of the Missouri Pacific Railroad, together with that portion lying between said Block 55 and the center of Arroyo Colorado, Lon C. Hill Subdivision, Cameron County, Texas, as described in Deed Dated August 1, 1968, from Cathryn G. Edmiston to C. Pearce Schaudies, in Volume 872, Page 407, Deed Records of Cameron County, Texas. (Acct. 19-9730-0500-0000-00)
- r) Legal Description: Lots 32 and 33, Block 2, Wallace Home Lawn Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 757, Page 697, Deed Records of Cameron County, Texas. (Acct. 25-2560-0020-0320-00)
- s) Legal Description: Lot 7, Block 2, West Harlingen Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 294, Page 312, Deed Records of Cameron County, Texas. (Acct. 25-3580-0020-0070-00)
- t) Legal Description: Lots 1 and 2, Block 5, West Harlingen Addition, an addtion to the City of Harlingen, Cameron County, Texas, as described in Volume 3185, Page 259, Official Records of Cameron County, Texas. (Acct. 25-3580-0050-0010-00)

- u) Legal Description: Lots 3 and 4, Block 5, West Harlingen Addition, as addition to the City of Harlingen, Cameron County, Texas as described in Volume 3185, Page 259, Official Records of Cameron County, Texas. (Acct. 25-3580-0050-0030-00)
- 9) Discussion and possible action on the resolutions approving the bid(s) and private offer(s) received on the tax resale conducted on November 6<sup>th</sup>, 2012 for the above referenced properties. Attachment (**City Manager**)
- 10) Consider and take action to approve and adopt an agreement between the Development Corporation of Harlingen, Inc. and ACCION Texas, Inc. for ONE-HUNDRED-THOUSAND DOLLARS (100,000.00). Attachment (**Economic Development Corporation**)
- 11) Consider and take action to authorize the staff to proceed with the installation of a speed hump on "B" Street between Lafayette Avenue and Austin Street as a "demonstration project" on a trial basis. Attachment (**City Engineer**)
- 12) Consider and take action to approve and adopt a resolution updating the City of Harlingen's Basic Emergency Management Plan. Attachment (**Fire Department**)
- 13) Consider and take action to approve and adopt a Resolution authorizing the City of Harlingen to enter into an interlocal agreement with Region VIII Education Service Center to participate in purchasing cooperative known as The Interlocal Purchasing System (TIPS/TAPS) Program. Attachment (**Public Works**)
- 14) Consider and take action to adopt a resolution in support of the University of Texas System Plan to create a new University by uniting the campuses of the UT-Pan American, UT-Brownsville and the Regional Academic Health Center at Brownsville, Harlingen, Edinburg and McAllen so as to make the new University eligible for funding from the Permanent University Fund. (**Mayor**)
- 15) Consider and take action to appoint an official member to Amigos Del Valle, Inc., Board of Directors to replace the city's representative. (**City Manager**)
- 16) Consider and take action to approve and adopt resolution calling and order the May 11, 2013 General Election to elect one member for the position of Mayor at-large; one member for City Commissioner District 1 and one member for City Commissioner District 2 and any and all other related election matters. Attachment (**City Secretary**)

- 17) Consider and take action to approve or reject the renewed Fire Protection Contract with Cameron County Emergency Services District No. 1 for FY 12/13. Attachment (**Fire Department**)
- 18) Consider and take action to approve sixty day written Notice to Terminate Fire Protection Contract with Cameron County Emergency Services District No. 1 for FY 12/13 effective May 1<sup>st</sup>, 2013; and 120-day written notice that the City does not intend to renew nor renegotiate a contract with the County to provide the same contracted services for FY 13/14. Attachment (**Fire Department**)

19 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 (3)
- c. Audit Committee (Terms expire annually in June)
- d. Civil Service Commission (Mayor) (2)
- e. Community Development Advisory Board (2)
- f. Construction Board of Adjustments (11)
- g. Convention & Visitors Bureau (3)
- h. Development Corporation of Harlingen, Inc. (1)
- i. Downtown Improvement District Board (3)
- 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 (8)
- o. Library Advisory Board (2)
- 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 (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.

20) 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 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 know 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, Sections 551.087 and 551.071 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 Uncle** and to seek legal advice from the City Attorney regarding this subject. Attachment **(City Manager)**
- c) pursuant to Chapter 551, Subchapter D., V.T.C.A., Government Code, Section 551.087 regarding commercial and financial information from business prospects with which the Elective Commission is conduction economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as **Project Nebraska** and to seek legal advice from the City Attorney regarding this subject. **(City Manager)**
- d) Attorney consultation pursuant to Section 551.071(2), Texas Government Code to provide legal advice and counsel in connection with the City Commission's rights, duties, privileges and obligations related to the possible imposition of a moratorium on 8-liner, sweepstakes, and similar gaming machine establishments. **(Requested by Commissioner Danny Castillo and Mayor Chris Boswell)**
- e) pursuant to Section 551.087, Texas Government Code, to discuss or deliberate regarding commercial or financial information received from a business prospect that seeks, locate, stay, or expand in or near the City of Harlingen and with which the City is conducting economic development negotiations; and Attorney consultation pursuant to Section 551.071(2), Texas Government Code, to provide legal advice and counsel in connection with the City Commission's rights, duties, privileges and obligations related to a possible development agreement for **Project Waterside**. **(City Manager)**

- f) 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.
  
- 21) Discuss and approve a resolution directing publication of notice of intention to issue City of Harlingen, Texas Combination Tax and Revenue Certificates of Obligation, Series 2013. **(City Manager)**
  
- 22) Discuss and approve a resolution expressing official intent to reimburse costs of project from obligations to be issued by the City of Harlingen and other matters related thereto. **(City Manager)**
  
- 23) Consideration and appropriate action in connection with the adoption of a Resolution imposing a moratorium on 8-liner, sweepstakes, and similar gaming machine establishments. **(Requested by Commissioner Danny Castillo and Mayor Chris Boswell)**
  
- 24) Consideration and appropriate action regarding possible approval of development agreement with Coronado Power Ventures, LLP. **(City Manager)**
  
- 25) Consider and take action, if any, on the contract of the City Attorney.
  
- 26) Citizen Communication

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

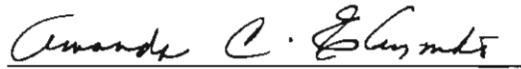
1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
  
2. The purchase, exchange, lease, or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position 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 1, 2013 at 2:45 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 1<sup>st</sup> day of February, 2013



Amanda C. Elizondo, City Secretary