

REGULAR
CITY COMMISSION
AGENDA
April 17, 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, April 17, 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 Basilio "Chino" Sanchez

Pledge of Allegiance/Welcome

- 1) Public Announcement of Events
- 2) Board Recognition
- 3) Presentation recognizing the volunteers from Cameron County J.J.D. and Texas J.J.D.-Tamayo Home for Boys for assisting in the Elderly Assistance Program.
- 4) Presentation to recognize members of the Rising Leaders Group
- 5) Presentation of Proclamations:
 - a) Proclaiming National Public Works Week
 - b) Proclaiming Moises Vela, Jr. Day
- 6) Approval of Minutes - Regular Meeting of March 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 Items withdrawn from the Consent Agenda for individual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.

- 7a) Second and final reading to approve and adopt an ordinance to abandon and authorize the Mayor to execute a special warranty deed on a 20 ft. wide alley, being a 0.115± acre tract of land out of Block "A", East Park Terrace Subdivision located on 77 Sunshine Strip north of Monroe Avenue; an 80 ft. wide road right-of-way out of Monroe Avenue, being a 0.459 acre tract of land located between Block "A" and "D", East Park Terrace Subdivision; a 20 ft. wide alley, being a 0.115 ± acre tract of land out of Block "D", East Park Terrace Subdivision, located west of 77 Sunshine Strip between Jackson Avenue and Monroe Avenue; an 80 ft. road right-of-way out of Jackson Avenue being a 0.459± acre tract of land located between Blocks "D" and "E" of East Park Terrace Subdivision; a 20 ft. wide alley, being a 0.115 ± acre tract of land out of Block "E", East Park Terrace Subdivision, located west of 77 Sunshine Strip between Jackson Avenue and Van Buren Avenue; an 80 ft. road right-of-way out of Van Buren Avenue being a 0.459 ± acre tract of land located between Blocks "E" and "H", East Park Terrace Subdivision; and a 20 ft. wide alley, being a 0.115 ± acre tract of land out of Block "H", East Park Terrace Subdivision, located west of 77 Sunshine Strip between Harrison and Van Buren Avenue. Applicant: Harlingen CISD, c/o Oscar Tapia. Attachment **(Planning and Zoning)**
- b) Consider and take action to approve a request from Joe Flores, Church Liaison, with La Luz del Mundo Church to close East Jackson Avenue from North 4th and 5th Street on Saturday, July 6, 2013 and Sunday, July 7, 2013 from 8 a.m. to 8 p.m. for a Kermes Church Festival. Attachment **(Police Department)**
- c) Consider and take action to approve a request from Velma Gonzales and Tracey Stout with St. Anthony Catholic School to close East Van Buren Avenue between South 10th and South 11th Streets on Friday, April 19th from 8:30 a.m. to 12 noon for their Annual Catholic School Walk-A-Thon event. Attachment **(Police Department)**
- d) Consider and take action to approve a request from Albert G. Garcia with the Family Movie Nights in collaboration with the Harlingen Downtown Business District to close South "A" Street from West Van Buren Avenue to West Jackson Avenue and the alleyway from Commerce Street to South 1st Street for another summer of great movies in the Lozano Plaza. The closures will take effect from 5:00 p.m. to 11:00 p.m. on the following dates: Saturday, June 15th, Saturday, July 20th, and Saturday, August 17th, 2013. Attachment **(Police Department)**
- e) Consider and take action to approve the final plat of Oak Village of Harlingen Phase II Subdivision consisting of thirty-one single family residential lots on 7.026± acres out of Block 94, Lon C. Hill Subdivision, generally located between Ed Carey Drive & Karime Avenue. Applicant Brown, Leal, & Associates c/o First National Bank of Edinburg. Attachment **(Planning and Zoning)**

- 8) Presentation of the Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2011-2012, by Long Chilton, LLP. Attachment (Finance)
- 9) Public hearing to consider an ordinance on first reading amending the City of Harlingen Vision 2020 Comprehensive Plan, Chapter 4, Long Range Thoroughfare Plan by upgrading the designation of the locations described in the Executive Summary Form prepared by the Planning and Zoning Department. 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 Vision 2020 Comprehensive Plan, Chapter 4, Long Range Thoroughfare Plan by upgrading the designation of the locations described in the Executive Summary Form prepared by the Planning and Zoning Department.
- 10) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow an adult business (tattoo shop) in a General Retail ("GR") District located at 1242 Morgan Blvd., bearing a legal description of Lots 36-39, Block 1, Delmar Subdivision Unit 2. Applicant: Jamie B. Rodriguez. 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.
- 11) Consider and take action to accept/reject bids and award contract for Phase III of the Buchanan, Hays, and M Street Drainage Improvements Project under Bid No. 2013-05. Attachment **(Engineer)**
- 12) Consider and take action to approve the Economic Development Corporation of Harlingen, Inc.'s Manager and Chief Executive Officer's amended employment contract increasing his annual salary. Attachment **(Economic Development)**
- 13) Consider and take action to approve the third amendment to the Agreement between Reyna Family Development, Ltd. and the Economic Development Corporation of Harlingen, Inc. Attachment **(Economic Development)**
- 14) Consider and take action to approve and consent to the City Manager's appointment of Elvia Trevino as the City of Harlingen's Finance Director. Attachment **(City Manager)**
- 15) Consider and take action to affirm or rescind the March 20, 2013 approvals by the City Commission of Youth League Contracts between the City of Harlingen and Harlingen Pony Girls Softball League for the use of the fields at Arroyo Park;

City of Harlingen and Harlingen Texas Bronco/Pony League for the of designated fields at Victor Park; and 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. Attachment (***Parks and Recreation***)

16) 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.
- 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 (2)
- 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 (4)
- 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.

17) 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 ***Charles E. Lee vs. City of Harlingen***, Texas, Cause No. 2010-DCL-4849 in the 103rd District Court in Cameron County, Texas and to discuss possible settlement negotiations. Attachment (***City Attorney***)

b) 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. **(City Manager)**

- 18) Consider and take possible action to enter into legal settlement negotiations regarding Charles E. Lee vs. City of Harlingen, Texas, Cause No. 2010-DCL-4849 in the 103rd District Court in Cameron County, Texas. Attachment **(City Attorney)**
- 19) Consider and take action to approve a new lease agreement between the City of Harlingen and Harlingen Professional Baseball Club, LLC also known as Whitewings Baseball Club, LLC for the use of the baseball stadium known as the Harlingen Field. Attachment **(City Manager)**
- 20) 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, April 12, 2013 at

6:15 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 12th day of April, 2013

Amanda C. Elizondo
Amanda C. Elizondo, City Secretary