

CITY COMMISSION  
AGENDA  
**May 18, 2011**  
**@ 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, May 18, 2011 at 5:30 p.m.** in Town Hall, City Hall, 118 E. Tyler Street, 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/ Commissioner Marra

Pledge of Allegiance/Welcome

- 1) Board Member Recognitions
- 2) Special Recognition
  - a. Cadet Major Monica Pena
  - b. Mandy Key, Harlingen Proud Coordinator
  - c. Harlingen Fire Prevention
  - d. Clean Sweep Volunteer Award
- 3) Proclamation on "Elder Abuse Prevention Month".
- 4) Citizen Communication
- 5) Presentation of "El Grande Theatre".
- 6) Minutes for Approval – Regular Meeting of May 4, 2011.

**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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.*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) Consider and take action to **approve the final plat** of the proposed Black Brothers 5 Acres Subdivision consisting of 5.00± acres of land compromised of

0.06± acres of land out of Block 4, 2.40± acres of land out of Block 5, and 2.54± acres of land out of Block 6, Black Brothers Subdivision, generally located along Expressway 83 and approximately 620 feet east of White Ranch Road. Applicant: Ferris & Flinn, LLC, c/o Charles Shofner Family, LTD. **(Planning and Development)**

- b) Consider and take action to approve **refund** of property taxes to BAC (Guadalupe Romero); Account #20-5898-0010-0040-00. **(Finance)**
- c) Investment report for quarter ended March 31, 2011. **(Finance)**

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- 8) Presentation of the Comprehensive Annual Financial Report (CAFR) for fiscal year 2009-10 by Long Chilton, L.L.P. **(Finance)**
  - 9) Consider and take action to **accept or reject bids** and award contracts for the overlay of various streets within the City of Harlingen under Bid Number 2011-12. **(Community Development)**
  - 10) Presentation and possible discussion related to the proposed Memorial Tree Program. Applicant: Harlingen Proud Advisory Board, City of Harlingen **(Parks)**
  - 11) **Rezoning** from "not designated (N)" to "residential, single family (R1)" zoning district an approximate 2.88-acre tract of land being part of the North 27.57 acres out of Lot A, Block 191, San Benito Land and Water Company Subdivision, located on the east side of Ed Carey Drive south of Nixon Road. Applicant: City of Harlingen **(Planning and Development)**
    - a. Public hearing
    - b. Consider and take action to consider an ordinance on first reading on the above rezoning.
  - 12) Issuance of a **Specific Use Permit** ("SUP") to allow a recycling center, ferrous in a Light Industry ("L1") zoning district located at 1318 N. Commerce Street, bearing a legal description of 3.4042± acres out of Block 1, Harlingen Land and Water Company Subdivision. Applicant: Alvaro Saenz **(Planning and Development)**
    - a. Public hearing
    - b. Consider and take action to consider an ordinance on first reading on the above specific use permit.
  - 13) Consider and take action to accept or reject bids to improve three (3) city-owned parking lots in the Downtown area under Bid No. 2011-07. **(Public Works)**
  - 14) Consider and take action to approve funding to hire a qualified Engineering Firm to perform the necessary engineering studies that will allow the City to apply for Federal funding from the Safe Routes to School Program (SRTS). **(City Manager)**

- 15) Consider and take action to accept a donation of real property from Valley Baptist Medical Center to the City of Harlingen for construction of a new public roadway connecting Treasure Hills Boulevard to FM 509. **(Public Works)**
- 16) Consider and take action to approve a Government Relations Service Agreement with Rosenthal Pauerstein Sandoloski Agather, LLP. **(Administration)**
- 17) Consider and take action to adopt a **resolution** requesting that Valley International Airport Harlingen be made a "Designated Airport" as defined by Customs and Border Protection. **(City Manager)**
- 18) Consider and give direction to the City Manager on whether to relocate the Convention and Visitors Bureau from their current location to the Lon C. Hill building. **(City Manager)**
- 19) Consider and take action to approve the City Manager's appointment of a City Secretary. **(City Manager)**
- 20) Consider and take action to approve a resolution that: (1) authorizes review of Texas Gas Service Company's ("TGS") cost of service adjustment tariff; (2) approves a joint review of TGS' application along with other cities served by TGS; (3) hires a legal and consulting service to negotiate with the company and direct any necessary litigation and appeals; and (4) requires TGS to reimburse all reasonable costs associated with cities' efforts in this ratemaking effort. **(City Attorney)**
- 21) Consider and take action pursuant to Harlingen City Charter Article IV, Section 6 to elect a **Mayor Pro-tempore** by a majority vote of the City Commissioners. **(City Attorney)**
- 22) Consider and discuss banning all plastic bags from within the city limits of the City of Harlingen and giving the City Manager direction to draft an ordinance to accomplish this. **(Prepejchal and Marra)**
- 23) Consider and discuss drafting an ordinance to prohibit a driver from reading, writing, or sending a text message, instant message or email while driving within the city limits of Harlingen, Texas. **(Prepejchal and Ruiz)**
- 24) Board Appointments  
Discussion and possible action regarding membership on any of the following listed board/entity:
  - a. Airport Board (Mayor)(1)
  - b. Animal Shelter Advisory Committee (3)
  - c. Audit Committee
  - d. Civil Service Commission (Mayor) (1)
  - e. Community Development Advisory Board (1)
  - f. Construction Board of Adjustments (7)

- 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
- l. Harlingen Housing Authority Board (1)
- 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 (2)
- r. Parks Advisory Board
- s. Planning & Zoning Advisory Board
- t. Senior Citizens Advisory Board (1)
- u. Tax Increment Finance Board (6)
- v. Tennis Advisory Board
- w. Utility Board of Trustees (1)
- x. Veterans Advisory Board (2)
- 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.

- 25) Closed/Executive Session pursuant to Chapter 551, Subchapter D., *V.T.C.A. Government Code* (Sections 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 Wichita. **(City Manager)**
- 26) Closed/Executive Session pursuant to Chapter 551, Subchapter D., *V.T.C.A. Government Code* (Section 551.071) to consult with the City Attorney regarding *Hino v. City of Harlingen, Cause No. 2006-10-5045-1*. **(City Attorney)**
- 27) Closed/Executive Session pursuant to Chapter 551, Subchapter D., *V.T.C.A. Government Code* (Section 551.071) to consult with the City Attorney regarding lease agreement between the City of Harlingen and the Cameron County Juvenile Justice Department for use of the Old Police Station located at 1102 South Commerce, Harlingen, Texas and the use of the structure. **(City Attorney)**
- 28) Closed/Executive Session 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 negotiating collective bargaining labor agreements between the City of Harlingen and police officers and fire fighters. **(City Attorney)**

- 29) Consider and take action to **recognize the Harlingen Professional Fire Fighters Association, International Association of Fire Fighters Local 3404** as the bargaining agent for the City of Harlingen Fire Fighters in negotiating their collective bargaining labor agreement with the City. **(City Attorney)**
- 30) Consider and take action to recognize a written petition submitted by a majority of the Harlingen police officers that request the withdrawal of the Harlingen Police Officers and Law Enforcement Association as the exclusive bargaining agent and **recognizes the Harlingen Professional Law Enforcement Association** as the sole and exclusive bargaining agent for all eligible employees of the Harlingen Police Department in negotiating their collective bargaining labor agreement with the City. **(City Attorney)**
- 31) Consider and take action to hire legal services to negotiate a collective bargaining labor agreement with the **Harlingen Professional Fire Fighters Association, International Association of Fire Fighters Local 3404** and the **Harlingen Professional Law Enforcement Association**. **(City Attorney)**
- 32) Consider and take action to name a City bargaining team to negotiate collective bargaining labor agreements with the Harlingen Professional Fire Fighters Association and the Harlingen Professional Law Enforcement Association and authorize city staff to proceed with collective bargaining on the City's behalf. **(City Attorney)**
- 33) Closed/Executive Session 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 Attorney)**
- 34) Consider and take action to immediately terminate the lease agreement between the City of Harlingen and Whitewings Baseball Club, LLC ("Whitewings") for use of the baseball stadium also known as the Harlingen Field because Whitewings failed to comply with the contract. **(City Manager)**
- 35) Consider and discuss requests for proposals for a franchise or an organization to operate an independent professional team in the City of Harlingen and to lease the baseball stadium also known as Harlingen Field. **(City Manager)**
- 36) Closed/Executive Session 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 Green and to seek legal advice from the City Attorney regarding this subject. **(City Manager)**

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, May 13, 2011 at 5:15 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 13<sup>th</sup> day of May, 2011.

  
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Elena Garza, Interim City Secretary