

CITY COMMISSION  
AGENDA  
**September 7, 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, September 7, 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/City Commissioner, Kori Marra

Pledge of Allegiance/Welcome

- 1) Special recognition and presentation on the National Guard Demolition Program (Crackdown Operation)
- 2) Citizen Communication
- 3) Approval of Minutes
  - a) Special Meeting of August 11, 2011
  - b) Regular Meeting of August 17, 2011Attachments

	<b>CONSENT AGENDA</b>	
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**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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence**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) Second and final reading of Ordinance to approve the Specific Use Permit ("SUP") to allow an adult business (tobacco store) in a General Retail ("GR") District located at 1514 S. "F" Street, Suite A, bearing a legal description of Lots 6-9, Block 4, E&H Subdivision. Applicant: Ricardo Rodriguez, Jr. Attachment ***(Planning and Development)***
- b) Second and final reading of Ordinance to approve a Specific Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 415 West Van Buren, bearing a legal description of Lot 5, Block 66, Harlingen Original Townsite Subdivision. Applicant: Roel Martinez Attachment ***(Planning and Development)***
- c) Second and final reading of Ordinance to approve a rezone from Not Designated ("N") District to Residential, Mobile Home ("MH") District for the East part of Lot 109 and all of Lot 110, Palm Vista Estates Unit 3, located at 15919 Queen Sago. Applicant: Jose A. Muniz. Attachment ***(Planning and Development)***
- d) Second and final reading to approve a rezone from Light Industry ("LI") District to General Retail ("GR") District for Block 8, Highway Addition located at 2602 N. 77 Sunshine Strip. Applicant: Candido Saldivar Attachment ***(Planning and Development)***
- e) Consider and take action to approve a request from First United Methodist Church to close 4<sup>th</sup> Street between the intersections of Harrison Avenue and Van Buren Avenue on Sunday, September 11, 2011 from 4:00 p.m. to 8:00 p.m. for a Special Event honoring the 10<sup>th</sup> Anniversary of the "9/11 Attacks." Attachment ***(Police Department)***

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- 5) Consider and take action to approve an ordinance on first reading adopting the City's of Harlingen Budget Fiscal Year 2011-2012. Attachment ***(Finance Department)***
  - 6) Consider and take action to approve an ordinance on first reading adopting the 2011 ad valorem tax rate for Maintenance and Operation for Fiscal Year 2011-2012. Attachment ***(Finance Department)***

- 7) Consider and take action to approve an ordinance on first reading adopting the 2011 ad valorem tax rate for Interest and Sinking for Fiscal Year 2011-2012. Attachment (***Finance Department***)
- 8) Report from the Internal Auditor regarding the investigation on the financial transaction of Harlingen Waterworks System regarding any unauthorized existing sewer discount rates that are not in compliance with the Harlingen City Code as approved at the Special Meeting of December 20, 2010. Attachment (**Requested by Mayor Pro-Tem Jerry Prepejchal and Commissioner Robert Leftwich**)
- 9) Consider and discuss the City's Internal and External Auditors investigative report on the financial transactions of the Utility Board of Trustees also known as the Harlingen Waterworks Board and the acts and conduct of any official and employee regarding: Attachment (**Requested by Mayor Pro-Tem Jerry Prepejchal and Commissioner Robert Leftwich**)
  - (1) Whether or not the Waterworks Board got their budget amendments approved by the Harlingen City Commission prior to spending city utility funds in FY06-07, FY07-08, FY08-09, FY09-10 and FY10-11 to present.
  - (2) The number of budget amendments made by the Waterworks Board without seeking approval by the Harlingen City Commission prior to spending city utility funds in FY06-07, FY07-08, FY08-09, FY09-10 and FY10-11 to present.
  - (3) The dollar value of each budget amendment approved by the Waterworks Board that did not get approved by the Harlingen City Commission prior to spending city utility funds in FY06-07, FY07-08, FY08-09, FY09-10 and FY10-11 to present.
  - (4) Any other information that the City's Internal and External Auditors deem relevant to investigate regarding the above-listed issues.
- 10) Consider and take action to approve a Resolution accepting the Harlingen Waterworks System's adopted budget for Fiscal Year 2011-2012. Attachment (Waterworks System)
- 11) Consider and take action on the submission of a letter to the Federal Aviation Administration regarding airport issues. Attachment (**Requested by Mayor Pro-Tem Jerry Prepejchal and Commissioner Robert Leftwich**)

- 12) Consider and take action to approve Resolution accepting Valley International Airport's adopted budget for Fiscal Year 2011-2012. Attachment (***Airport***)
- 13) Consider and discuss: (1) the 2011 redistricting process; (2) existing Harlingen City Commission election districts and potential changes to the election district lines; (3) redistricting criteria; and (4) provide direction to redistricting counsel on process to be used for adopting new redistricting plan. Attachment (***City Attorney***)
- 14) To consider an appeal to the decision of the Planning and Zoning Commission for the issuance of a Specific Use Permit ("SUP") to allow a Bar/Lounge in the Light ("LI") District, located at 1926 N. 77 Sunshine Strip, bearing a legal description of 0.4379 acres out of Block 143, Harlingen Land and Water Company Subdivision. Applicant: Maria Villagran. Attachment (***Planning and Development***)
  - a) Public Hearing
- 15) If applicable, consider and take action to approve an ordinance on first reading on the above mentioned specific use permit.
- 16) Discuss and announce that District 1 City Commissioner Gus Ruiz is running for Texas State Representative. Attachment (***City Attorney***)
- 17) Discuss whether or not a City Commissioner needs to resign to run for another public office; when the ***resignation becomes effective***, the ability to ***continue to serve*** as City Commissioner; and how and when the vacant City Commissioner position is ***filled***. Attachment (***City Attorney***)
- 18) Consider and discuss the Texas Department of Transportation (TxDOT) signs that provide motor vehicle drivers direction on how to drive into Harlingen; and take action to approve a letter asking TxDOT to provide adequate signage for drivers to enter Harlingen. Attachment (***City Attorney***)
- 19) Consider and take action to approve a resolution adopting the Harlingen Downtown District Fiscal Year 2011-2012 Budget. Attachment (***Finance Department***)
- 20) Consider and take action to appoint a representative as the official member and an alternate member to the Amigos Del Valle, Inc. Board of Directors for Fiscal Year 2011-12. Attachment (***City Manager***)

21) Consider and take action to accept or reject bids and award contracts for Hot Mix Asphalt Material under Bid Number 2011-21 to repair streets and alleys throughout the city to include street cuts, potholes, road failures and minor overlay projects. Attachment **(Public Works)**

22) Board Appointments

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

- a. Airport Board
- b. Animal Shelter Advisory Committee (3)
- c. Audit Committee (6) **(Annual Appointments as per Ordinance 08-38)**
- d. Civil Service Commission (Mayor) (1)
- e. Community Development Advisory Board (2)
- f. Construction Board of Adjustments (8)
- g. Convention & Visitors Bureau (1)
- h. Development Corporation of Harlingen, Inc.
- i. Downtown Improvement District Board (2)
- j. Golf Course Advisory Board
- k. Harlingen Community Improvement Board (3)
- l. Harlingen Housing Authority Board (2)
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (4)
- 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 (1)
- v. Tennis Advisory Board
- w. Utility Board of Trustees
- x. Veterans Advisory Board (2)
- 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.

23) The following items will be discussed in Closed/Executive Session:

- a) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.071 consultation with attorneys to seek legal advice regarding the City's legal rights, duties, privileges and obligations in collective bargaining with the Harlingen Professional Law Enforcement Association and the Harlingen Professional Fire Fighters Association, International Association of Fire Fighters Local 3404. **(City Manager/City Attorney)**
  - b) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.071 to discuss contemplated or pending litigation and to seek legal advice from the City Attorney, Valley International Airport Attorney and outside legal counsel regarding the Federal Aviation Administration complaints filed by Sun Valley Aviation, Inc. and Gulf Aviation against the City of Harlingen, Valley International Airport. **(Mayor)**
  - c) 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 **Gonzalez & Andrade v. City of Harlingen**, Civil Action No. B-11-CV-89 in the U.S. District Court Southern District of Texas. **(City Attorney)**
- 24) Consider and take action to approve a duly negotiated tentative agreement with the bargaining agent for the Harlingen police officers providing for one (1) fiscal year extension to the existing City of Harlingen Collective Bargaining Labor Agreement that was originally approved on September 15, 2008. Attachment **(City Manager)**
- 25) Consider and take action to approve a resolution accepting Valley International Airport's amended mid-year capital expense and capital improvement budget for Fiscal Year 2010-2011. Attachment **(Airport)**

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, September 2, 2011 at 5:50 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 2<sup>nd</sup> day of September, 2011.



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Amanda C. Elizondo, City Secretary