

CITY COMMISSION
AGENDA
March 16, 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 **March 16, 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 Prepejchal

Pledge of Allegiance/Welcome

- 1) Board Member Recognitions
- 2) Special Recognition Joe Olvera
- 3) Citizen Communication
- 4) Presentation by Sunwest Mobile Home Park regarding water/sewer improvements. **(Trevino/Prepejchal)**
- 5) Presentation on Code Rangers and cleanup activities.
- 6) Minutes for Approval – March 2, 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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.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 adopt an **ordinance on final reading** to rezone from Office ("O") to General Retail ("GR") zoning district in a 1.966+ acre tract of land, Block 179, San Benito Land and Water Company Subdivision, located at 1705 Vermont Avenue. Applicant: Randy Whittington c/o South Texas Emergency Care. **(Planning & Zoning)**

- b) Consider and take action to adopt an **ordinance on final reading** to amend the City's 2010-11 fiscal year budget. **(Finance)**
- c) Request for approval of a final plat on the proposed Blessings Estates Subdivision consisting of 1 residential lot on 2.38 acres, out of Block 70, Adams Gardens Subdivision "B", Cameron County Texas, generally located on Bass Boulevard (F.M. 800) approximately 187 ft. south of Price Road. **(Planning & Development)**
- d) Consider and take action to approve **refund** of property taxes to Lam & Yung, LLC account #00-0100-2010-1163-00. **(Finance)**

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- 8) Consider and take action to approve **resolutions** approving the various bids received for each of the following tax resale properties:
 - a. Legal description: Lot 14, Block 3, Harlindale Heights Subdivision No. 2, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 14, Page 37, map records of Cameron County, Texas. (Acct. No. 18-3380-0030-0140-00)
 - b. Legal description: Lot 11, and the west 10 feet of Lot 12, Block 'B', East Park Terrace, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 8, Page 63, map records of Cameron County, Texas. (Acct. No. 17-5330-0020-0110-00)
 - c. Legal description: Lot 11, Block 1, Holtry Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 4225, Page 164, official records of Cameron County, Texas. (Acct. No. 18-7710-0010-0110-00)
 - d. Legal description: Lot 7, Block 151, Original Townsite Addition, City of Harlingen, Cameron County, Texas, as described in Volume 1382, Page 123, deed records of Cameron County, Texas. (Acct. No. 15-0000-1510-0070-00)
 - e. Legal description: Lot 3, Block 1, Nicholson Place Addition, First Filing, Cameron County, Texas, as described in Volume 766, Page 444, deeds records of Cameron County, Texas. (Acct. No. 21-2250-0010-0030-00)
 - f. Legal description: Lot 42, Wallace Subdivision #2, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 13, Page 12, map records of Cameron County, Texas. (Acct. 25-2530-0000-0420-00)
 - g. Legal description: Lot 9, Block 1, Commercial Heights Addition, City of Harlingen, Cameron County, Texas, as described in Volume 303, Page 236, deed records of Cameron County, Texas. (Acct. No. 16-7420-0010-0090-00)
 - h. Legal description: Tract 1: Lot 5, Block 2, West Harlingen Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 2158, Page 174, official records of Cameron County, Texas. (Acct. No. 25-3580-0020-0050-00)
 - i. Legal description: Tract 1: Lot 6, Block 2, West Harlingen Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 2158, Page 174, official records of Cameron County, Texas. (Acct. No. 25-3580-0020-0060-00)

- j. Legal description: Lot 30, Emerald Mobile Home Village, an Addition to the City of Harlingen, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 26, Page 22, map records of Cameron County, Texas. (Acct. No. 17-6560-0000-0300-00)
- k. Legal description: Lot 4, Block 147, Original Townsite, City of Harlingen, Cameron County, Texas, as described in Volume 1788, Page 107, official records of Cameron County, Texas. (Acct. No. 15-0000-1470-0040-00)
- 9) Public hearing and take action to consider an **ordinance on first reading** to rezone from "not designated (N)" zoning district to "light industry (L1)" zoning district for a 24.74 acres of land out of Block 54, Palmetal Subdivision, located on FM 106 and 54th Street. Applicant: City of Harlingen. **(Planning & Development)**
- 10) Public hearing and take action to consider an **ordinance on first reading** requesting a Specific Use Permit (SUP) to allow a bar/lounge in a "general retail (GR)" zoning located at 6779 W. Expressway 83, bearing a legal description of 3.597 acres out of the South 10 acres of the South ½ of Block 15, Stuart Place Subdivision Survey 138. Applicant: Dan Sandoval **(Planning & Development)**
- 11) Public hearing and take action to consider an **ordinance on first reading** to renew the Specific Use Permit (SUP) to allow a bar/lounge in a General Retail ("GR") zone, located at 703 Ed Carey Drive, bearing a legal description of Harlingen-Clyde Wallace Subdivision Lot 1, 1.0330 acres. Applicant: Helen C. Perez. **(Planning & Development)**
- 12) Consideration of the renewal for the 2011 season of a **contract** between the City of Harlingen and Harlingen Texas Bronco/Pony League for the use of designated fields at Victor Park. Applicant: City of Harlingen and Victor Zepeda **(Parks & Recreation)**
- 13) Consideration of the renewal for the 2011 season of a **contract** between the City of Harlingen and Gears Radio Controlled Car Club for the use of the designated area on the north side of the Oil Mill Pavilion at Lon C. Hill Park. Applicant: City of Harlingen and Jerry Lewis **(Parks & Recreation)**
- 14) Consider and take action to approve the City Manager's appointment of an Interim City Secretary. **(City Manager)**
- 15) Consider and take action to create and appoint a Review Committee to recommend amendments to the City of Harlingen Building and Development Codes. **(Trevino/Prepejchal)**
- 16) Consider and discuss the City Attorney's Office Foreclosure Prevention Program. **(City Attorney)**
- 17) Consider and discuss progress of 2011 Great Texas Warrant Round-up and the City of Harlingen's participation in the program. **(City Attorney)**

18) Board Appointments

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

- a. Airport Board (Mayor) (2)
- b. Animal Shelter Advisory Committee (3)
- c. Audit Committee
- d. Civil Service Commission (Mayor) (1)
- e. Community Development Advisory Board (2)
- f. Construction Board of Adjustments (9)
- g. Convention & Visitors Bureau (1)
- h. Development Corporation of Harlingen, Inc. (2)
- i. Downtown Improvement District Board (1)
- 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
- p. Municipal Auditorium Advisory Board (3)
- q. Museum Advisory Board (1)
- r. Parks Advisory Board
- s. Planning & Zoning Advisory Board
- t. Senior Citizens Advisory Board (3)
- u. Tax Increment Finance Board (6)
- v. Tennis Advisory Board
- w. Utility Board of Trustees
- x. Veterans Advisory Board (2)
- y. Zoning Board of Adjustments (6)

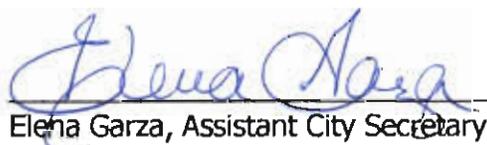
Specifically, appointment or discussion and possible action to include appointment and/or removal of any position subject to appointment or removal by statute, ordinance, or bylaws.

- 19) 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 Electric Holding Company L.P. v. City of Harlingen*, Cause No. 2006-10-5045-E **(City Attorney)**
- 20) Closed/Executive Session pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code (Section 552.072 and 551.071) to deliberate the purchase, exchange, lease or value of real property located on Lot 12, 13, and 14, Block 69, .25 acres, Original Townsite of Harlingen, Cameron County, Texas because deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person and to seek legal advice from the City Attorney regarding this subject. **(City Manager/City Attorney)**

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, March 11, 2011 at 5:20 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting. Dated this 11th day of March 2011.


Elena Garza, Assistant City Secretary