

CITY COMMISSION
AGENDA
April 6, 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, April 6, 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 Trevino

Pledge of Allegiance/Welcome

- 1) Board Member Recognitions
- 2) Special Presentation to Georgina Matz of flags flown over City Hall in honor and memoriam of former City Commissioner James Matz
- 3) Proclamations:
 - a. Fair Housing Month
 - b. Community Development Block Grant Week
- 4) Citizen Communication
- 5) Minutes for Approval – Regular Meeting of March 16, 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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.

- 6a) Consider and take action to adopt an **ordinance on final reading** to rezone from "not designated (N)" zoning district to "light industry (L1)" zoning district for 24.74± acres of land out of Block 54, Palmetal Subdivision, located on FM 106 and 54th Street. Applicant: City of Harlingen (**Planning & Zoning**)

- b) Consider and take action to adopt an **ordinance on final reading** on 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 & Zoning**)
- c) Consider and take action to adopt an **ordinance on final 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 & Zoning**)
- d) Consider and take action to approve renewal of a **contract** between the City of Harlingen and Harlingen Texas Bronco/Pony League for the use of designated fields at Victor Park for the 2011 season. Applicant: City of Harlingen and Victor Zepeda (**Parks & Recreation**)
- e) Consider and take action to approve the renewal of the **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**)
- f) Consider and take action to approve a **request** from Iglesia El Divino Redentor to close "G" Street between Curtis and the alley going to Filmore Street on Saturday, April 30, 2011 from 8:00 a.m. to 1:30 p.m. for a Health Fair sponsored by Valley Baptist Medical Center. (**Police**)
- g) Consider and take action to approve refund of property taxes to First National Bank (Jose Gonzales, Jr.) account #19-8070-0030-0120-00. (**Finance**)

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- 7) Consider and take action to approve **resolution** accepting Valley International Airport's amended mid-year budget for fiscal year 2010-2011. (**Airport**)
 - 8) Public hearing and consideration to take action of a **request** to appeal the decision of the Planning and Zoning ("P&Z") Commission for a Specific Use Permit ("SUP") to allow a Retail Store (Drive-through Convenience Store) in the Neighborhood Services ("NS") zoning district, located at 1321 West Filmore Street, bearing a legal description of Lot 2, Block 8, Southwest Harlingen Subdivision. Applicant: Rick Chapa (**Planning & Zoning**)
 - 9) Consider and take action on a **resolution** authorizing the Mayor to approve the submittal of a two (2) year grant to the Office of the State of Texas Attorney General for the continuation of reimbursement funds to the City of Harlingen Police Department regarding the Crime Victim Liaison position. (**Police**)

- 10) Consider and take action to **accept or reject bids** for the sale of the City owned building located at 210 S. "F" Street. ***(Public Works)***
- 11) Consider and take action to approve **Resolution** 2011-XX, a Resolution supporting a Valley Metro Job Access and Reverse Commute (JARC) Project. ***(Administration)***
- 12) Consider and take action to join Cameron County in a lawsuit against the U.S. Census Bureau to contest the census figures for Cameron County. ***(Administration)***
- 13) Consider and discuss progress of 2011 Great Texas Warrant Round-up and the City of Harlingen's participation in the program. ***(City Attorney)***
- 14) Consider and take action to endorse the establishment of an EB-5 Regional Center in Harlingen. ***(Prepejchal / Ruiz)***
- 15) 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. (1)
 - 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.

- 16) 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: *Charles E. Lee v. City of Harlingen, Cause No. B-10-CV-233. (City Attorney)*
- 17) Closed/Executive Session pursuant to Chapter 551, Subchapter D., V.T.C.A. *Government Code* (Section 551.087 and 551.071) regarding commercial and financial information from a business prospect with which the City Commission is conducting economic development negotiations an/or to discuss or deliberate financial or other incentives with the business prospect known as Project T and to seek legal advice from the City Attorney regarding this subject. **(City Manager)**
- 18) Closed/Executive Session pursuant to Chapter 551, Subchapter D., V.T.C.A. *Government Code* (Section 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 Tropical and to seek legal advice from the City Attorney regarding this subject. **(City Manager)**
- 19) 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/City Attorney)**
- 20) Closed/Executive Session pursuant to Chapter 551, Subchapter D., V.T.C.A. *Government Code* (Sections 551.072 and 551.071) to deliberate the purchase, exchange, lease or value of real property located at:
 - a. Lot 12, 13, and 14, Block 69, .25 acres, Original Townsite of Harlingen, Cameron County, Texas;
 - b. Lots 15-18, Block 69, Original Townsite of Harlingen, Cameron County, Texas;
 - c. Lots 19-24, Block 70, Original Townsite of Harlingen, Cameron County, Texas; and
 - d. Lots 17-19, Block 59, Original Townsite of Harlingen, Cameron County, Texas. **(City Manager/City Attorney)**Discussion in executive session is necessary 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.
- 21) Consider and take action on whether or not to authorize the City Manager to negotiate the purchase or lease of real property located at Lots 12, 13, and 14, Block 69, .25 acres, Original Townsite of Harlingen, Cameron County, Texas owned by City of Harlingen Waterworks. Purchase price or lease agreement terms must be approved by the Harlingen City Commission at a subsequent

meeting.

- 22) Consider and take action on whether or not to authorize the City Manager to exchange real property located at Lots 19-24, Block 70, Original Townsite of Harlingen, Cameron County, Texas owned by the City of Harlingen for Lots 12, 13, and 14, Block 69, .25 acres, Original Townsite of Harlingen, Cameron County, Texas owned by City of Harlingen Waterworks conditioned upon approval by the Economic Development Corporation and the Harlingen Waterworks.
- 23) Consider and take action on whether or not to authorize the City Manager to exchange real property located at Lots 17 - 19, Block 59, Original Townsite of Harlingen, Cameron County, Texas owned by the City of Harlingen Waterworks conditioned upon approval by the Harlingen Waterworks.
- 24) Consider and take action on whether or not to lease Lots 17 - 19, Block 59, Original Townsite of Harlingen, Cameron County, Texas for purposes of a private parking lot to Reese Plaza Development LLC for a certain period of time.

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 1, 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 1st day of April 1, 2011.



Elena Garza, Interim City Secretary