

CITY COMMISSION
AGENDA
July 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, July 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/City Commissioner, Gus Ruiz

Pledge of Allegiance/Welcome

- 1) Board Member Recognitions
- 2) Citizen Communication
- 3) Approval of Minutes – Regular Meeting of June 15, 2011 Attachment

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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.

4. a) Ordinance amending the Zoning Ordinance to Issue a Specific Use Permit ("SUP") to allow a Bar/Lounge in the General Retail ("GR") zoning district located at 309 West Van Buren Avenue bearing a legal description of Lot 8, Block 67, Harlingen Original Townsite Subdivision. Applicant: Evon Rice-Walker. Attachment ***(Planning and Development)***
- b) Ordinance amending the City of Harlingen's Vision 2020 Comprehensive Plan, Chapter 3, and Future Land Use Map for the properties generally

located on the South Dixieland Road Extension to Rangerville Road. Applicant: P/Z Commission. Attachment (**Planning and Development**)

- c) Ordinance amending the Zoning Ordinance to rezone from "not designated (N)" zoning district to "residential, patio home (RPH)" zoning district for 14.91 acres out of Blocks 54 and 55, Howard Dixieland Heights Subdivision located on the east side of Dixieland Road south of Garrett Road. Applicant: Joe Califa, c/o San Jacinto Enterprises. Attachment (**Planning and Development**)
- d) Ordinance amending the Zoning Ordinance to rezone from "not designated (N)" zoning district to "residential, multi-family (M-2)" zoning district for 2.43 acres out of Blocks 54 and 55, Howard Dixieland Heights Subdivision located on the west side of Dixieland Road south of Garrett Road. Applicant: Joe Califa, c/o San Jacinto Enterprises. Attachment (**Planning and Development**)
- e) Ordinance amending Title IX; Chapter 93; Nuisance Ordinance No. 60-22 by deleting Sections 93.03 through 93.08 and adding new Sections 93.03 through 93.081. Attachment (**Planning and Development**)
- f) Ordinance amending Ordinance No. 08-48 amending the Summer Golf Rates at Tony Butler Golf Course and establishing an effective date. Attachment (**Director of Golf**)
- g) Consider and take action to approve a request from the Harlingen Police Department to close the following intersections on Monday, August 1, 2011 for the preparation of the "National Night Out" Event from 6 p.m. to 10 p.m. at Fair Park to promote anti-crime and stronger community relations. Attachment (**Police Department**)

Fair Park & "J" Street
Fair Park & "L" Street
Fair Park & Teege Street
Teege & "L" Street
- h) Consider and take action to approve a request from Grace Fellowship Church to close the corner of West Adams & North "B" Street to the alley of "B" Street (1/2 Block) on Saturday, July 16, 2011 from 6 p.m. to 9 p.m. for community fellowship. Attachment (**Police Department**)
- i). Consider and take action to approve refunds of property taxes to Corelogic, Account #98-5202-0010-0300-00 in the amount \$1,639.32 due to an overpayment and Lacks Valley Stores, Account #00-0100-0124-8010-00 in the amount of \$2,954.36 due to an adjustment for a change of value for years "2007" and "2009" for a total refund of \$4,593.68. Attachment (**Finance Department**)

- 5) Consider and take action to approve a Memorandum of Understanding (MOU) between the City of Harlingen and the South Texas Chapter of The American Red Cross to provide disaster relief services as outlined in the MOU. Attachment (**Fire Department**)
- 6) Consider and take action to approve a resolution authorizing the Mayor, on behalf of the City of Harlingen, to request for grant funding made available through the U.S. Department of Justice under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program – FY 2011 Local Solicitation to purchase office equipment to improve information sharing with other local, state and federal law enforcement agencies. Attachment (**Police Department**)
- 7) Consider and take action to award One (1) Community Development Block Grant Housing Reconstruction Loan to Ricky Del Valle and Lorena Cepeda located at 410 Ona Street in the amount of \$56,400.00 for reconstruction of their home by S&L Lone Star Construction, lowest responsible bidder. Attachment (**Community Development**)
- 8) An Ordinance amending the City of Harlingen Subdivision Ordinance No. 07-28, Section 4.6.7 pertaining to the standards and specifications of fire hydrants. Applicant: City of Harlingen. Attachment (**Planning and Development**)
 - a) Public Hearing
 - b) Take action to approve an Ordinance on first reading amending the City of Harlingen Subdivision Ordinance No. 07-28, Section 4.6.7 pertaining to the standards and specifications of fire hydrants.
- 9) Consider and take action to approve a resolution authorizing the sale of surplus property by public auction to be held on July 30, 2011. Attachment (**Finance Department**)
- 10) Consider and take action to adopt an ordinance to designate a “No Parking Zone” along the west side of Tennessee Road. (**City Engineer**)
- 11) Consider and take action to approve an ordinance to designate a “No Parking Loading/Unloading Zone” to be established on the west side of First Street, 61.50 feet to the south from the southwest corner of the intersection of Van Buren and First Street consisting of a total of 40 feet. Attachment (**City Engineer**)
- 12) Consider and take action to approve a resolution to appoint a representative to fill an unexpired term on the Cameron County Appraisal District Board of Directors. Attachment (**City Attorney**)

- 13) Consider and discuss progress of **Scofflaw Program**, which is a multi-year Interlocal Agreement with Cameron County and the Texas Department of Transportation in accordance with the Texas Transportation Code to deny registration or re-registration of vehicles if the registered owner has a warrant for delinquent Class C misdemeanor traffic offenses for failure to appear or resolve cases as provided in Chapter 702 – Refusal to Register Vehicle. Attachment (*City Attorney*)
- 14) Consider and take action to award a contract for Professional Consultant Services to assist in researching, developing and implementing an employee self/fully-funded Health Insurance, Life AD&D, EAP, Cafeteria Plan and Products, Vision, Dental Programs for fiscal year 2011-2012. Attachment (*Human Resources*)
- 15) Consider and take action to confirm the appointment of Ellwood Thomas Whitten as Department Director and Chief of Harlingen Police Department. (*City Manager*)
- 16) Special Recognition to recognize the dedication and commitment of the committee members appointed by the City Manager to serve on the 2011 Chief of Police Search Committee. Attachment (*City Manager*)
- 17) Consider and discuss the recording and/or televising of City Commission meetings. (*Requested by Mayor Chris Boswell*)
- 18) Consider and take action to adopt an ordinance on first reading to amend Chapter 157, Section 157.17 of the Harlingen City Code to:
 - (1) Provide that all human resource services except for payroll and risk management be provided by the City of Harlingen Human Resources Department or their designated representative; and
 - (2) Provide that all legal services be provided by the City Attorney or her designated representative. (*Requested by Commissioner Prepejchal and Commissioner Leftwich*)
- 19) 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 Dixieland Railroad Crossing at Mile Post MP 1.7 at the Mission Subdivision. (*City Attorney*)
- 20) Consider and take action to approve a **possession and use agreement** between the City of Harlingen, Union Pacific Railroads Company, and Rio Valley Switching Company for the purpose of constructing and operating a public crossing over a right-of-way and rail line owned by Union Pacific and leased to Rio Valley Switching at Mile Post 1.7 on the Mission Subdivision also known as "Dixieland Crossing." (*City Attorney*)

21) Consider and take action to approve a **public grade crossing agreement** between the City of Harlingen, Union Pacific Railroads Company, and Rio Valley Switching Company for the use of a public crossing over a right-of-way and rail line owned by Union Pacific and leased to Rio Valley Switching at Mile Post 1.7 on the Mission Subdivision also known as "Dixieland Crossing." **(City Attorney)**

22) 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 (6) **(Annual Appointments as per Ordinance 08-38)**
- 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 (0)
- 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
- u. Tax Increment Finance Board
- v. Tennis Advisory Board
- w. Utility Board of Trustees (1)
- 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) Closed/Executive Session 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. **(City Attorney)**

- 24) Closed/Executive Session pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.071 consultation with attorneys to seek legal advice regarding collective bargaining with the Harlingen Professional Law Enforcement Association and the Harlingen Professional Fire Fighters Association, International Association of Fire Fighters Local 3404. **(City Attorney)**
- 25) 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)**
- 26) 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 T** and to seek legal advice from the City Attorney regarding this subject. **(City Manager)**
- 27) 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 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, July 1, 2011 at 5:40 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 1st day of July, 2011.


Amanda C. Elizondo, City Secretary