

CITY COMMISSION  
AGENDA  
**August 17, 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, August 17, 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, Robert Leftwich

Pledge of Allegiance/Welcome

1) SPECIAL RECOGNITION

City of Harlingen Neighborhood Clean Sweep Program recognition to the Southwest Key Program – Esperanza Home for Boys for their volunteer efforts during the month of August.

2) Board Member Recognition(s)

3) Veteran's Memorial Committee Presentation. Attachment  
***(Commissioner Prepejchal & Commissioner Ruiz)***

4) Proclamations

a) "MDA" Fill the Boot Day  
Attachment

b) Save Your Eyes Now  
Attachment

c) Moses Alex Westbrook Memorial Day  
Attachment

5) Citizen Communication

6) Approval of Minutes – Regular Meeting of August 3, 2011  
Attachment

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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.**

- 7a) Consider and take action to approve a request by the City of Harlingen Code Enforcement Department to close West Grant Street between "B" Street and "C" Street and also a portion of "B" Street (down to the first driveway from Grant Street), Wednesday, August 31, 2011 from 7 a.m. to 12 noon for a Media Day Event to announce the demolition of unsafe structures within the city and conduct an actual demolition on site (1202 South "B" Street). Attachment (***Police Department***)
  
- b) Consider and take action to approve a request from the Harlingen Cardinals Quarterback Club to close Jefferson Street from 13<sup>th</sup> Street to 77 Sunshine Strip on the following dates: September 3<sup>rd</sup>, 9<sup>th</sup> and October 14<sup>th</sup> and 28<sup>th</sup>, 2011 from 5:00 p.m. to 7:30 p.m. in an effort to initiate a new tradition of "Walk of Champions" before every home game. Attachment (***Police Department***)
  
- c) Consider and take action to approve a request from the Harlingen High School Student Council to close the streets around the Harlingen High School Campus starting at the North Parking Lot along 7<sup>th</sup> Street and 13<sup>th</sup> Street down to Marshall Street on Thursday, October 13<sup>th</sup>, 2011 from 6:00 p.m. to 7:00 p.m. for their Annual Homecoming Parade. Attachment (***Police Department***)
  
- d) Consider and take action to approve refund of property taxes to The Pep Boys c/o Joan Nagle, Account #25-4310-0010-0010-00 in the amount of \$2,003.61 due to an adjustment for a change of value for the years "2007, 2009 and 2010" as per an agreed judgment. Attachment (***Finance Department***)
  
- e) Consider and take action to approve the Investment Report for quarter ended June 30, 2011. Attachment (***Finance Department***)

- 8) 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:
- (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. Attachment ***(Requested by Commissioners: Jerry Prepejchal and Robert Leftwich)***
- 9) Presentation on the National Guard Demolition Program. ***(City Manager)***
- 10) Issuance of a 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)***
- a) Public Hearing
  - b) Consider and take action to approve an ordinance on first reading on the above mentioned specific use permit.
- 11) Issuance of a Specific Use Permit ("SUP") to allow a Bar/Lounge in the General Retail ("GR") District, located at 415 W. Van Buren, bearing a legal description of Lot 5, Block 66, Harlingen Original Townsite Subdivision. Applicant: Roel Martinez Attachment ***(Planning and Development)***

- a) Public Hearing
  - b) Consider and take action to approve an ordinance on first reading on the above mentioned specific use permit.
- 12) Consider an ordinance on first reading to 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)**
- a) Public Hearing
  - b) Consider and take action to approve an ordinance on first reading for the above mentioned rezone request.
- 13) Consider an ordinance on first reading to 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)**
- a) Public Hearing
  - b) Consider and take action to approve an ordinance on first reading for the above mentioned rezone request.
- 14) Consider and take action to approve the final plat of the proposed Harlingen Public Works Subdivision consisting of two (2) lots on 24.74±, out of Block 54, Palmetal Subdivision, generally located on the southwest side of FM 106 and 54<sup>th</sup> Street. Applicant: JNH Surveying Co., LLC, c/o the City of Harlingen. Attachment **(Planning and Development)**
- 15) Consider and take action to approve amendment number 1 to the Advance Funding Agreement for the 25<sup>th</sup> Street Pedestrian and Bicycle Trail to the Texas Department of Transportation. Attachment **(Administration)**
- 16) Consider and approve a Resolution nominating TIRE RECYCLING & PROCESSING, LLC, as a Designated Enterprise Project in the City of Harlingen, Texas. Attachment **(Development Corporation)**
- 17) Consider and take action to approve a payment to the Development Corporation of Harlingen, Inc. on an outstanding loan in the amount of \$196,132.15 in connection with the Washington Avenue Improvements Project. Attachment **(Finance Department)**

- 18) Public hearing to hear comments for or against the proposed City budget for fiscal year 2011-12. Attachment (***Finance Department***)
- 19) (1<sup>st</sup>) Public Hearing to hear comments for or against the proposed tax rate of \$0.588827 for fiscal year 2011-12. Attachment (***Finance Department***)
- 20) Consider and discuss: (1) the impact of substandard structures in our City; (2) the number of substandard, dilapidated structures that have been demolished or repaired by the property owners, lien holders, mortgagees or the City through the legal process established by the City Attorney's Office; and (3) creating another legal process to address a higher number of substandard structure cases. Attachment (***City Attorney***)
- 21) 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 (1)
- f. Construction Board of Adjustments (8)
- g. Convention & Visitors Bureau
- h. Development Corporation of Harlingen, Inc.
- i. Downtown Improvement District Board (2)
- j. Golf Course Advisory Board
- k. Harlingen Community Improvement Board (4)
- l. Harlingen Housing Authority Board
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (6)
- o. Library Advisory Board (1)
- p. Municipal Auditorium Advisory Board (2)
- q. Museum Advisory Board (2)
- r. Parks Advisory Board (1)
- 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.

- 22) Presentation on the State of the General Aviation Industry including aircraft manufacturing and FBO trends, the effect on Valley area airports, and FAA guidance on general aviation apron development. Attachment ***(Commissioners Prepejchal & Commissioner Ruiz)***
- 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 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 Complaint filed by Sun Valley Aviation, Inc. against the City of Harlingen, Valley International Airport. Attachment ***(Mayor)***
  - b. 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 and deliberate financial or other incentives with the business prospect known as **Project Green** to seek legal advice from the City Attorney regarding this subject. ***(City Manager)***
- 24) 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, August 12, 2011 at 6:00 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 12th day of August, 2011.

  
Elena Garza, Assistant, City Secretary