

CITY COMMISSION
AGENDA
October 19, 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, October 19, 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 Gustavo Ruiz

Pledge of Allegiance/Welcome

- 1) Presentation regarding "A Spooktacular Halloween in the Park" scheduled for Saturday, October 29, 2011 from 6:00 p.m. to 9:00 p.m. at Rangerville Park located at 1101 Rangerville Road. Attachment (**City Manager**)
- 2) Citizen Communication
- 3) Approval of Minutes
 - a) Regular Meeting of October 5, 2011

	CONSENT AGENDA	
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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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.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) Consider and take action to adopt and approve an ordinance on second and final reading designating a "No Parking Zone" to be established on both sides of McCarver Avenue from the intersection of Ball Street, 120 feet to the alley located to the east of Ball Street. Attachment (**City Engineer**)
- b) Consider and take action to approve an Ordinance on second and final reading amending Ordinance Number 10-29 Section 32.173, Election Officers; Establishment of Rules and Regulations to create the position of vice chairperson for the Senior Citizens Advisory Board. Attachment (**Assistant City Manager**)
- c) Consider and take action to approve a request from the Humane Society of Harlingen to close Monroe, Jackson Streets and Van Buren Avenue from "A" Street to 6th Street on Saturday, October 29, 2011 from 8:30 a.m. to 10:00 a.m. for a "Pedals for Puppies" Kids Bike Parade Event. Attachment (**Police Department**)
- d) Consider and take action to approve a request from St. Alban's Episcopal Church and School to close a portion of High Street between Bowie Avenue and Austin Avenue from 2:00 p.m. to 7:00 p.m. on Sunday, October 30, 2011 for their Annual Church Fall Festival "BOOFEST". Attachment (**Police Department**)
- e) Consider and take action to approve a request from enCORE Cultural Source to close Jackson Street between First and Commerce and "A" Street between Van Buren Avenue and Monroe Street from 5:00 p.m. to 11:00 p.m. on Saturday, November 5, 2011 for a "Fiesta de los Muertos/Dead Fest". Attachment (**Police Department**)
- f) Consider and take action to approve a request from the RGV Jaycees to close the following streets in conjunction to their Annual Jaycees Christmas Parade on Friday, December 2, 2011 from 5:00 p.m. to 9:00 p.m.:
1. "E" Street from W. Monroe to W. Van Buren Avenue
 2. "D" Street from W. Monroe to W. Van Buren Avenue
 3. "C" Street from W. Monroe to W. Van Buren Avenue
 4. Commerce Street from W. Monroe to W. Van Buren Avenue
 5. "A" Street from W. Monroe to W. Van Buren Avenue
 6. 1st Street from W. Monroe to W. Van Buren Avenue
 7. 2nd Street from W. Monroe to W. Van Buren Avenue
 8. 3rd Street from W. Monroe to W. Van Buren Avenue

9. 4th Street from W. Monroe to W. Van Buren Avenue
10. 5th Street from W. Monroe to W. Van Buren Avenue
11. 6th Street from W. Monroe to W. Van Buren Avenue
12. 7th Street from W. Monroe to W. Van Buren Avenue
Attachment (***Police Department***)

- 5) Presentation by Linda Castro, Secretary of Down by the Border regarding their organization's Annual Fall Festival on October 24, 2011 at no cost to the public to provide public awareness for children with special needs and their families. Attachment
- 6) Consider and take action to approve a resolution recognizing Amadeo Saenz, who retired as executive director of the Texas Department of Transportation after thirty (30) years of exemplary services to the State of Texas. Attachment (***City Manager***)
- 7) Consider and take action to approve the City of Harlingen Senior Citizen Yard Clean-Up Program as recommended by the Senior Citizens Advisory Board. Attachment (***City Manager***)
- 8) Consider and take action to approve the proposed signage revisions and upgrades as submitted by the Texas Department of Transportation (TxDOT) along Expressway 77 and Expressway 83 directing motorists into the City of Harlingen. Attachment (***Public Works***)
- 9) Consider and take action to approve the renewal of the contract between the City of Harlingen and Don Van Ramshorst, Jr. for the City of Harlingen's Tennis Pro for Fiscal Year 2012. Attachment (***Parks & Recreation***)
- 10) Consider and take action to approve the renewal of a one year contract between the City of Harlingen and Harlingen Youth Football League for the use of the Athletic Fields at Victor Park. Applicant: City of Harlingen and Mario Montez. Attachment (***Parks & Recreation***)
- 11) Consider and take action to approve the renewal of a one (1) year contract between the City of Harlingen and Harlingen Hockey Association for the use of the Oil Mill Athletic Pavilion at Lon C. Hill Park. Applicant: City of Harlingen and William Kimball. Attachment (***Parks & Recreation***)

- 12) Consider and action take to approve the renewal of a one (1) year contract between the City of Harlingen and RGV Amateur- Adult Soccer Association for the use of the Soccer Fields at Vestal Park. Applicant: City of Harlingen and Manuel Cardona. Attachment **(Parks & Recreation)**
- 13) Consider and take action to authorize four (4) part-time positions and the purchase of certain supplies and equipment for the specific purpose of maintenance and operation of the City's Soccer Complex. Applicant: City of Harlingen. Attachment **(Parks & Recreation)**
- 14) Second and final reading to approve and adopt ordinance for a Specific Use Permit ("SUP") to allow a performing arts center along with an existing school in a Residential, Multi-Family (M-2) District located at 3205 Wilson Road, bearing a legal description of Lot 1, Block 1, Wilson Road School Subdivision. Applicant: Harlingen CISD, c/o Oscar Tapia. Attachment **(Planning and Zoning)**
- 15) Consider and take action to adopt an ordinance on second reading to:
 - (1) Prohibit the use of a hand-held wireless communication device to view, read, write, or send a text-based communication while operating a motor vehicle within the city limits of the City of Harlingen;
 - (2) Provide for definitions;
 - (3) Provide for affirmative defenses;
 - (4) Provide a penalty not to exceed \$200.00 per violations;
 - (5) Provide a violation of this ordinance to be a strict liability offense; and
 - (6) Provide an effective date of January 1, 2012.
Attachment **(Requested by Mayor Pro-Tem Jerry Prepejchal and Commissioner Gustavo Ruiz)**
- 16) Consider and take action to authorize the City Engineer to hire an Engineering Firm to perform a traffic study on "L" Street to determine if it is feasible to reconfigure the section of road from North "L" Street to Fair Park Blvd. from a two-way directional street to a one-way directional street. Attachment **(City Engineer)**
- 17) Consider and take action to approve the renewal of the Fire Protection Contract between the City of Harlingen and Cameron County Emergency Services District No. 1 for Fiscal Year 2011-2012 in the amount of \$155,436.11 to be paid in quarterly installments of \$38,859.03 on or

about the following dates: December 31, 2011, March 31st June 30th and September 30th, 2012. Attachment (***Fire Department***)

- 18) Consider and take action to approve or reject the Fire Protection Services Contracts with the cities of Combes, Primera and Palm Valley to provide fire protection services to these communities at the following costs for Fiscal year 2011/2012: Combes - \$62,987.00; Primera - \$81,292.00 and Palm Valley - \$110,344.00. Attachment (***Fire Department***)
- 19) Recommendation from the Library Advisory Board to appoint Allison Rebello as the Student Representative and Elizabeth Diaz as the Alternate Student Representative for Harlingen High School for School Year 2011-2012. Attachment (***Library***)
- 20) Consider and take action to approve the lease agreement between the City of Harlingen and Cameron County to lease election equipment to hold the December 16, 2011 Special Election to fill the unexpired term of City Commissioner for District 1. Attachment (***City Secretary***)
- 21) Consider and take action to authorize the City Manager to submit a letter to the Comptroller of Public Accounts detailing the City's legal authority to exercise their power of eminent domain as required under a new state law. Attachment (***City Attorney***)
- 22) Consider and discuss progress of Scofflaw Program, and take action to approve an amended multi-year Interlocal Agreement with Cameron County in accordance with the Texas Transportation Code to deny registration or re-registration of vehicles if the registered owner has an outstanding warrant for a failure to appear or failure to pay a fine on a traffic law violation as defined and authorized by Chapter 702 of the Texas Transportation Code. Attachment (***City Attorney***)
- 23) Consider and discuss the legal authority of a municipality to name or rename a public street; and consider and take action on whether to draft an ordinance that establishes a process to name or rename a public street. Attachment (***City Attorney***)
- 24) Consider, discuss and take action to authorize staff to initiate the process to research costs and associated items for funding of a new fire station on the west side of the city as recommended by the 2005 Mike Pietsch ISO consultant report. Attachment (***This item was requested by Commissioners: Robert Leftwich and Gustavo Ruiz***)

25) 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
- d. Civil Service Commission (Mayor) (1)
- e. Community Development Advisory Board (2)
- 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 (3)
- l. Harlingen Housing Authority Board
- 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 (1)
- s. Planning & Zoning Advisory Board
- t. Senior Citizens Advisory Board (1)
- u. Tax Increment Finance Board
- 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.

26) Closed/Executive Session to discuss the following items:

- a) 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 **City of Harlingen v. Theatre Council Productions**, Civil Action No. 2009-08-4744-D in the 103rd District Court of Cameron County, Texas. (**City Attorney**)

- b) 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 **Hino Electric Holding Company, L.P. d/b/a Hino Electric Power Company v. City of Harlingen**, Cause No. 2006-10-5045-E. Attachment (**City Attorney**)
 - c) 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. Attachment (**City Manager**)
- 27) Consider and take action to approve an addendum to the Waste Disposal Agreement dated December 2, 2010 between the City of Harlingen and the City of Edinburg. Attachment (**City Manager**)
- 28) Consider and take action to adopt a resolution that authorizes the creation of a Chapter 380 economic development program and negotiation and execution of a Chapter 380 economic development agreement between the City of Harlingen and Synergy Renewables Harlingen, LLC. Attachment (**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, October 14, 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 14th day of October, 2011.



Amanda C. Elizondo, City Secretary