

CITY COMMISSION
AGENDA
November 2, 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, November 2, 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
 - a) Distinguished Budget Presentation Award for the Current Budget from the Government Finance Officers Association (GFOA) to the City of Harlingen, Texas. Attachment **(City Manager)**
 - b) Harlingen Police "Trash Bash" for October 8, 2011 from "K" to "M" Streets on Filmore and West Buchanan to West Tyler Streets on "J" Street. Attachment **(City Manager)**
 - c) Neighborhood Sweep Clean-Up Program Recognition for Year 2011. **(City Manager)**
- 2) Proclamation – proclaiming the month of November as "National Hospice Month"
- 3) Citizen Communication
- 4) Approval of Minutes
 - a) Special Meeting of August 24, 2011
 - b) Special Meeting of September 15, 2011
 - c) Special Meeting of September 22, 2011
 - d) Regular Meeting of October 19, 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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.

- 5a) Consider and take action to approve a request from the City of Harlingen and HEB Supermarkets to close the 200 Block of E. Madison and East Jefferson Streets from 2nd to 3rd Streets on Thursday, November 17th at 8:00 a.m. through Friday, November 18th, 2011 at 5:00 p.m. for their Annual Thanksgiving Feast of Sharing. Attachment **(Police Department)**
- b) Consider and take action to approve a request from Pastor Henry Garza with the "Triufantes en Cristo Jesus" Church to close East Adams Street between 1st and 2nd Street on Saturday, November 19, 2011 from 5:00 p.m. to 10:00 p.m. for a Jubilee of Salvation Event. Attachment **(Police Department)**
- c) Consider and take action to close Jackson Street between 4th and Commerce Streets on the dates noted below from 5:00 a.m. to 5:00 p.m. for the upcoming Market Days for Year 2012. Attachment **(Police Department)**
- | | |
|--------------------------|---------------------------|
| January 7 th | July 7 th |
| February 4 th | August 4 th |
| March 3 rd | September 1 st |
| April 7 th | October 6 th |
| May 5 th | November 3 rd |
| June 2 nd | December 1 st |
- d) Consider and take action to approve the Investment Report for quarter ended September 30, 2011. Attachment **(Finance Department)**

- 6) Consider and take action to change the date of the Regular Meeting (November 16, 2011) of the Harlingen City Commission to another date due to the Bass Pro Shops Grand Opening Celebration. **(Mayor)**
- 7) Consider and take action to adopt a resolution authorizing the submission of the Selective Traffic Enforcement Program (S.T.E.P.) Grant by the City of Harlingen Police Department to Texas Department of Transportation (TxDOT) for Year

2012 to fund the hiring of off-duty police officers on an overtime basis to enforce speeding, safety restraint, D.W.I. laws and intersection traffic controls enforcement. Attachment (**Police Department**)

- 8) To consider a Specific Use Permit "SUP" to allow a bar/lounge in a "general retail "GR" zone located at 1105 S. Tamm Lane, bearing a legal description of 3.474 acres out of Block 33, Stuart Place Survey 139/297/298. Applicant: Patricia Nora Rodriguez. Attachment (**Planning and Zoning**)
 - a) Public Hearing
 - b) Consider and take action to approve and adopt an ordinance on first reading for the above mentioned Specific Use Permit.

- 9) To consider a Specific Use Permit "SUP" to allow for a parking lot in a Multi-Family Residential "M2" District located at 1518 E. Monroe Street, bearing a legal description of the west forth-eight (48) feet of Lot 5, Block "C", East Park Terrace Subdivision. Applicant: Salvador Lugo. Attachment (**Planning and Zoning**)
 - a) Public Hearing
 - b) Consider and take action to approve and adopt an ordinance on first reading for the above mentioned Specific Use Permit.

- 10) To consider a Specific Use Permit "SUP" to allow an adult business (Tattoo Parlor) in a General Use "GR" zoned located at 1418 E. Tyler Street, bearing a legal description of 0.6428 acres comprised of Part of Lots 9-12, Block 4, Windsor Place Subdivision. Applicant: Charlene Torres. Attachment (**Planning and Zoning**)
 - a) Public Hearing
 - b) Consider and take action to approve and adopt an ordinance on first reading for the above mentioned Specific Use Permit.

- 11) Consider and take action to approve a contract with the Boys' and Girls' Club of Harlingen for Fiscal Year 2012 in the amount of \$101,670.96 for teen service programs. Applicant: City of Harlingen, Boys' and Girls' Club of Harlingen. Attachment (**Parks & Recreation**)

- 12) Consider and take action to approve a contract with the Boys' and Girls' Club of Harlingen for Fiscal Year 2012 in the amount of \$77,604.00 for youth services programs. Applicant: City of Harlingen, Boys' and Girls' Club of Harlingen. Attachment (**Park and Recreation**)

- 13) Consider and take action to adopt an ordinance on first reading establishing the protection of Green Parakeets and Red-Crowned Parrots by preventing the capture, preventing the killing or injuring of these birds within the corporate city limits of Harlingen, preventing the willful destruction of their native habitat on government property or public right-of-ways and prohibiting the taking of nestlings or unhatched eggs. Attachment (***Assistant City Manager***)
- 14) Presentation and discussion on the ***82nd Texas Legislature Senate Bill 100*** which impacts the City's May uniform election date for their general election and provides these four options to be implemented by resolution: (1) if the county can continue to share, lease or conduct joint elections on the May election date, no change is required; (2) a city can purchase or lease its own election machines from a private vendor and maintain its May election; (3) a city can move its general election to the November uniform election date; or (4) a city can change to two-or four year terms and unstagger its terms to hold election in May of odd-numbered years. Attachment (***City Attorney***)
- 15) Consider and take action to approve a resolution appointing the election officials to serve as the presiding judges and alternate judges for the Special Election for December 16, 2011 and Early Voting Ballot Board. Attachment (***City Secretary***)
- 16) 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 (2)
- 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 (0)
- 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.

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

- a) 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** also known, as **Synergy Renewables Harlingen, LLC** and to seek legal advice from the City Attorney regarding this subject. Attachment **(City Manager)**
- b) Consider and take action to authorize the City Manager to enter into a Waste Supply Agreement between the City of Harlingen and Synergy Renewables Harlingen, LLC. Attachment **(City Manager)**
- c) pursuant to Chapter 551, Subchapter D., V.T.C.A. Government Code (Section 551.074) personnel matters to deliberate the evaluation, duties and performance of the City Manager from September 15, 2010 to September 15, 2011. **(City Manager)**

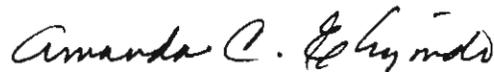
A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

- 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, October 28th, 2011 at 7:45 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 28th day of October, 2011.



Amanda C. Elizondo, City Secretary