

CITY COMMISSION  
AGENDA  
**November 21, 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 Special Meeting on **Monday, November 21, 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/Mayor Chris Boswell

Pledge of Allegiance/Welcome

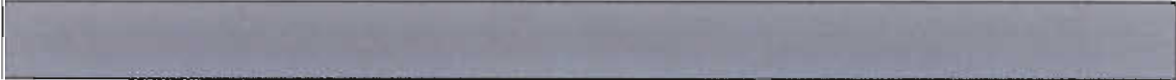
- 1) SPECIAL RECOGNITION
  - a) City of Harlingen Neighborhood Clean Sweep - November 12, 2011, Lela and D Streets, District 2.
- 2) Proclamation – proclaiming the month of November, 2011 as Caregiver SOS by Well-Med Charitable Foundation.
- 3) Citizen Communication
- 4) Approval of Minutes – Regular Meeting of November 2, 2011 Attachment

	<b>CONSENT AGENDA</b>	
--	---------------------------	--

**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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence**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) Second and final reading of ordinance approving 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. ***(Planning and Zoning)***
- b) Second and final reading of ordinance approving 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 forty-eight (48) feet of Lot 5, Block C, East Park Terrace Subdivision. Applicant: Salvador Lugo. ***(Planning and Zoning)***
- c) Second and final reading of an ordinance approving 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. ***(Planning and Zoning)***
- d) Second and final reading of an ordinance 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 un-hatched eggs. Attachment ***(Assistant City Manager)***
- e) Consider and take action to close "A" Street between Monroe Street and the alley for the upcoming Harlingen Farmers Market Events. Attachment ***(Police Department)***

- 
- 6) Consider and take action to approve an ordinance authorizing the issuance of City of Harlingen, Texas General Obligation Refunding Bonds, Series 2011, approving and authorizing the execution of an escrow agreement, a paying agent/registrars agreement, a purchase contract and other instruments and procedures related thereto, delegating authority to Mayor or the City Manager to select outstanding bonds to be refunded and approve all final terms of the bonds, approving an official statement, and calling certain bonds for redemption. Attachment ***(Finance Department)***

- 7) Consider and take action to approve a resolution authorizing the City Manager to refinance an existing Lease/Purchase Agreement for the Energy Conservation Project with Government Capital Corporation. Attachment **(Finance Department)**
- 8) Consider and take action to approve an amendment to the Ordinance (Chapter 51) to establish a rate for the use of Reclaimed Water (effluent) and a rate for Return Water (Reclaimed Water) returned to the Waterworks, meeting or exceeding the definition of Reclaimed Water. Attachment **(Harlingen Waterworks System)**
- 9) Discussion and possible direction to amend Section 12.03 pertaining to the height of an on-premise sign that is not located within 600 ft. of the Expressway. Applicant: Panda Express, c/o Jamie Green. Attachment **(Ken Clark)**
- 10) Consider and take action to amend the Development Corporation of Harlingen, Inc. 2010-11 Fiscal Year Budget. Attachment **(Development Corporation of Harlingen, Inc.)**
- 11) Consider and take action to approve a renewal of the contract between the Development Corporation of Harlingen, Inc. and Valley Initiative for Development and Advancement (VIDA) for October 1, 2011 to September 30, 2012. Attachment **(Development Corporation of Harlingen, Inc.)**
- 12) Consider and take action to approve the Land Lease Agreement the Development Corporation of Harlingen, Inc. and Texas State Technical College (TSTC) for the University Articulation Career Center. Attachment **(Development Corporation of Harlingen, Inc.)**
- 13) Consider and take action to approve the contract agreement between the Development Corporation of Harlingen, Inc. and KMBH for videotaping and broadcasting the monthly HEDC Board meeting. Attachment **(Development Corporation of Harlingen, Inc.)**
- 14) Status report on Convention Visitors Bureau Marketing and Advertising Campaign. Attachment **(Convention Visitors Bureau)**
- 15) Consider and take action to submit a letter to the State of Tamaulipas requesting the State to prioritize and construct the necessary commercial facilities on the Mexican side of Los Indios Free Trade Bridge. **(City Manager)**

- 16) Consider and take action to approve an ordinance on first reading to amend the City of Harlingen's Budget for Fiscal Year 2011-12. Attachment ***(Finance Director)***
- 17) Consider/discuss and possible action to approve a request from Jose Rubio, Jr. regarding the construction of a proposed stage 16'X48' at a height level of 4' at the Lon C. Hill Fair Park paid by private donations. Attachment ***(Requested by Mayor Pro-Tem Jerry Prepejchal and Commissioner Gus Ruiz)***.
- 18) Consider, discuss and take action to:
  - (1) authorize the City Manager to withdraw all eligible city employees that were hired on or after October 1, 2007 from the City of Harlingen 401(a) Plan with TCG Advisors and enroll them in the Texas Municipal Retirement System effective January 1, 2012; and
  - (2) approve an ordinance on first reading to participate in the Texas Municipal Retirement System and the Supplemental Death Benefits Funds by the City of Harlingen, Texas and to make current service and prior service contributions to the City's account in the municipal accumulation fund of the Texas Municipal Retirement System at the actuarially determined rate of total employee compensation. Attachment ***(Requested by Mayor Pro-Tem Jerry Prepejchal and Commissioner: Gus Ruiz)***
- 19) Consider and take action to adopt a resolution of the City of Harlingen, Texas making the following changes to the City's General Election pursuant to the 82<sup>nd</sup> Texas Legislative Senate Bill 100 passed into law and signed by the Texas Governor:
  - (1) changing the city's general election date from May to November;
  - (2) providing for the holdover of places affected by the changes in the general election date;
  - (3) directing the City Attorney to prepare a proposed charter amendment to reflect the changes enumerated in this resolution and present it to the Harlingen City Commission to comply with Chapter 9 of the Texas Local Government Code and other applicable laws, which provides for a city charter amendment election;
  - (4) providing for severability; and

- (5) ordaining other matters related to the foregoing;  
Attachment (***Requested by Commissioners: Robert Leftwich and Gus Ruiz***)
- 20) Consider and take action to approve or deny a one-year contract between the City of Harlingen Aquatics Team (HAT) for the use of Pendleton Pool. Applicant: City of Harlingen and John Tucker Attachment (***Parks and Recreation***)
- 21) Presentation and discussion on the May 2012 and November 2012 election calendars and a possible City Charter amendment election calendar. Attachment (***City Attorney***)
- 22) Announcement and consideration of the Court's ruling on whether or not Kori J. Marra retains or forfeits her Harlingen City Commissioner District 3 position upon conviction of an offense under Texas Local Government Code Subsection 171.001-171.008, which pertains to conflict of interest statutes. Attachment (***City Attorney***)
- 23) Consider and take action to authorize the City Manager to execute an advance funding agreement with the Texas Department of Transportation (TXDOT) to install new signs designating a portion of State Highway 499 (Loop 499) as the Colonel Bill Card, Jr. Boulevard in accordance with Senate Bill 1248-ENR. Attachment (***Public Works***)
- 24) 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) (2)
- e. Community Development Advisory Board (2)
- f. Construction Board of Adjustments (8)
- g. Convention & Visitors Bureau (1)
- 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 (0)
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (5)

- o. Library Advisory Board (1)
- p. Municipal Auditorium Advisory Board (2)
- q. Museum Advisory Board (3)
- r. Parks Advisory Board
- 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.

25) 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's appointed outside legal counsel, Charles Willette, regarding an attorney grievance complaint filed with the Texas State Bar by Kori J. Marra on November 3, 2011 against the Harlingen City Attorney, including but not limited to whether the City should pay the City Attorney's legal fees and any other costs in connection with her testimony in Marra's criminal trial and in defending the grievance complaint. Attachment (**City Attorney**)
- 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 or deliberate financial or other incentives with the business prospect known as **Project Green** also know as **Synergy Renewables Harlingen LLC** and to seek legal advice from the City Attorney regarding this subject. Attachment (**City Manager**)
- c) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code Section 551.074 personnel matters to deliberate the annual evaluation, duties and performance of the City Manager from September 15, 2010 to September 15, 2011. Attachment (**City Manager**)
- d) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.071 consultation with attorneys to seek legal advice

regarding the City's legal rights, duties privileges and obligations in collective bargaining with the Harlingen Profession Fire Fighters Association, International Association of Fire Fighters Local 3404. Attachment **(City Attorney)**


- e) pursuant to Chapter 551, Subchapter D. V.T.C.A, Government Code, Section 551.071 consultation with City Attorney to seek legal advice regarding contemplated or pending litigation, or matters where legal regarding the lease agreement between the City of Harlingen and Whitewings Baseball Club, LLC ("Whitewings") for the use of the baseball stadium also known as the Harlingen Field.
- 26) Consider and take action to authorize a defense and payment of any legal and all costs associated with: (1) defending the City Attorney in a Texas State Bar Grievance complaint filed by Kori J. Marra against the City Attorney on November 3, 2011, two days before the City Attorney's witness trail testimony; and (2) protecting and advising the City Attorney on her witness testimony in the criminal trial of Kori J. Marra for conflict of interest criminal offenses. Attachment **(City Attorney)**
- 27) Consider and take action to approve an amendment to the Chapter 380 Economic Development Agreement between the City of Harlingen and Synergy Renewables Harlingen, LLC, for the development, construction and operation of a waste-to-energy facility. Attachment **(City Manager)**
- 28) 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)**
- 29) Consider and take action to amend and approve the City of Harlingen employment contract for the City Manager position. Attachment **(Requested by Mayor Pro-Tem Jerry Prepejchal and City Commissioner Gus Ruiz)**
- 30) Consider and take action to approve a duly negotiated collective bargaining labor agreement between the City and the bargaining agent for all eligible employees of the Harlingen Fire Department. Attachment **(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, November 18, 2011 at 4:15 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 18<sup>th</sup> day of November, 2011.

  
\_\_\_\_\_  
Amanda C. Elizondo, City Secretary