

CITY COMMISSION  
AGENDA  
**December 27, 2011**  
**@12:00 P.M. (Noon)**  
**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 **Tuesday, December 27, 2011 at 12:00 P.M. (Noon)** in City Hall, Town Hall, 2<sup>nd</sup> Floor, 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.**

Pledge of Allegiance/Welcome

- 1) Appointment of Canvass Committee to canvass the election results from the December 16, 2011 City Special Election to fill the position of City Commissioner District 1.
- 2) Consider and take action to approve a resolution announcing results of the Canvass of the December 16, 2011 City of Harlingen Special Election for City Commissioner District 1. Attachment
- 3) Swearing In and Oath of Office to the newly elected official.

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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.**

- 4a) Second and final reading to approve and adopt an ordinance to amend the Specific Use Permit issued under Ordinance No. 90-74 for a wrecking and salvage yard from 8.67 acres to 6.41+/- acres out of Block 7, F.Z. Bishop Campbell Lands Subdivision and allow a specific use permit for a recycling center (ferrous metal) and wrecking and salvage yard in a "LI" District located on

Roosevelt Road west of Expressway 77, bearing a legal description of 1.0 acres out of Block 8, and 2.263+/- acres out of an 8.94 acre tract out of Block 7, F.Z. Bishop Campbell Lands Subdivision. Attachment (**Planning and Development**)

- b) Second and final reading to approve and adopt an ordinance to amend the City of Harlingen's Budget for Fiscal Year 2011-12 to authorize the funding for the Harlingen Community Improvement Board's recently approved project for the Veteran's Memorial Project at the Pendleton Park. Attachment (**Finance Department**)
- c) Second and final reading to approve and adopt an ordinance of the City of Harlingen, Texas by adding Chapter 123 of the Harlingen City Code, Sections 123.01 thru 123.13 as amended; prohibiting the accumulation of tires on residential property; requiring tire businesses to have an annual permit; requiring a tire hauler to have an annual permit for each vehicle used to transport tires; providing for renewal, suspension or revocation of permits for a violation of the ordinance; providing for destruction, storage and disposal of tires; providing disposal records and a transmittal manifest; providing for enforcement and criminal penalties; providing for publication; providing a savings clause; providing a severability clause; and ordaining other matters pertaining to the foregoing. Attachment (**Environmental Coordinator**)
- d) Second and final reading to approve and adopt an ordinance for the renaming of Alice Street to Darrell Wayne Shipp Street. Attachment (**Requested by Mayor Pro-Tem Prepejchal and Commissioner Gus Ruiz**)



- 5) Consider and take action to approve and adopt an ordinance on second and final reading providing that goods-in-transit personal property, as defined and exempted by Texas Tax Code Section 11.253 shall be subject to taxation by the City of Harlingen for tax year 2012 and all subsequent years thereafter and providing for new state law amended definitions of goods-in-transit, bailee, warehouse, and public warehouse operator. Attachment (**City Attorney**)
- 6) Consider and take action to approve and adopt on second and final reading an ordinance amending the City of Harlingen Zoning Ordinance, Section 11, Landscape Regulations, and Section 12, Sign Regulations. Applicant: City of Harlingen. Attachment (**Planning and Development**)
- 7) Second and final reading to approve and adopt an ordinance to abandon a 60 ft. road right-of-way described as a 0.127 acre tract of land more or less, being 60 ft. wide road-of-way dedicated on the Caldwell Subdivision located on the west

side of Idaho Street south of Expressway 77. Applicant Victor Banuelos, c/o of Armando and Lucia Regaldo. Attachment (***Planning and Development***)

- 8) Consider/discuss and take action to approve a government relations service agreement for a lobbyist consultant for the City of Harlingen. Attachment (***Requested by Commissioner Robert Leftwich and Mayor Pro-Tem Jerry Prepejchal***)
- 9) 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 ***Charles E. Lee vs. City of Harlingen***, Civil Action No. B-10-CV-233 in the United States District Court for the Southern District of Texas. Attachment (***City Attorney***)
- 10) Consider and take action to adopt (1) an ordinance on first reading to rescind and declare void and (2) a resolution to rescind and declare void: the adoption of Ordinance No. 11-44, passed and approved on October 5, 2011 disannexing all of the territory previously annexed under Ordinance No. 08-65 approved on November 19, 2008, consisting of a parcel of land described as 1,039+ acres comprised of these two tracts of land:


Tract 1: A tract containing 392+ acres of land generally bounded on the North by Drury Lane and Brennaman Road, on the East of Stuart Place Road, on the South by Garrett Road and on the West by Baker Potts Road; and

Tract 2: A tract of land containing 647+ acres of land generally bounded on the North by Wilson Road, on the West by Altas Palmas Road, on the South by Orange Drive and Queen Sago Drive and on the East by Stuart Place Road. (***Requested by Mayor Chris Boswell and Mayor Pro-Tem Jerry Prepejchal***)
- 11) Executive/Closed Session on 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 ***Project Uncle*** and to seek legal advice from the City Attorney regarding this subject. (***City Manager***)
  - b) 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 Attorney from December 1, 2010 to December 1, 2011. Attachment (***City Attorney***)

- 12) Consider and take action to approve an amended employment contract for the City Attorney.
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 Thursday, December 22 2011 at 3:10 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 22nd day of December, 2011.

  
Amanda C. Elizondo, City Secretary