

Regular
CITY COMMISSION
AGENDA
April 18, 2012
@ 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, April 18, 2012 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/Danny Castillo, City Commissioner

Pledge of Allegiance/Welcome

- 1) Board Recognition
- 2) Presentation by the students of the UTB Architecture Program on a study of the building inventory of the Harlingen Original Townsite area.
- 3) Presentation by Doug Robinson, Representative of Whitewings Baseball Club, LLC regarding new activities at the Whitewings Baseball Stadium. Attachment ***(Requested by Mayor Pro-Tem Jerry Prepejchal and Commissioner Michael Mezmar)***
- 4) Neighborhood Clean Sweep Program for the Month of April, 2012.
- 5) Citizen Communication
- 6) Approval of Minutes
 - a. Regular Meeting of March 21, 2012

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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.

- 7) Consider and take action to approve a request from Family Movie Nights and the Harlingen Downtown Business District to close certain streets and alleyways for Family Movie Nights. Attachment ***(Police Department)***



- 8) Consider an ordinance to rename Sweezy Lane to E. Treasure Hills Blvd. as an extension of Treasure Hills Blvd. Attachment ***(Planning and Zoning Development)***

- a) Public Hearing
- b) Consider and take action to adopt and approve an ordinance on first reading to rename Sweezy Lane to E. Treasure Hills Blvd.

- 9) Consider an ordinance on first reading on an amendment to the City of Harlingen Vision 2020 Long Range Thoroughfare Plan by downgrading the designation of the proposed extension of Stuart Place Road south of Garrett Road from a major arterial street to a major collector street, and amending the alignment of the proposed extension of Stuart Place Road to the west where it connects and ends at Mayfield Road. Applicant: City of Harlingen Attachment ***(Planning and Zoning Development)***

- a) Public Hearing
- b) Consider and take action to adopt and approve an ordinance amending the City of Harlingen 2020 Long Range Thoroughfare Plan.

- 10) Consider an ordinance on the first reading on a Specific Use Permit ("SUP") to allow an adult business (tobacco store) in a General Retail "GR" District located at 401 South 77 Sunshine Strip, Suite D, bearing a legal description of the East 10 ft. of Lot 1 and all of Lots 2-6, Block 3, Windsor Place Addition. Applicants: Juan Valdez and Lee Maldonado Attachment ***(Planning and Zoning Development)***

- a) Public Hearing
- b) Consider and take action to adopt and approve the ordinance on first reading for the above mentioned Specific Use Permit.

- 11) Consider and take action on a variance request to the City of Harlingen Subdivision Ordinance No. 07-28, Section 4.1.3. (K) 1 with regards to the 120 ft. of right-of-way required for a major arterial street on the proposed Richard D. E. and Joan M.M. Job Subdivision, being a 2.762 acre tract of land being all of Lots 1-4 and 9-16, Block 1, Arroyo Estates Subdivision located on the northwest corner of Ed Carey Drive and Business 77. Applicant: Halff Associates, c/o Ben Macias. Attachment **(Planning and Zoning Development)**
- 12) Consider and take action on a variance request to the City of Harlingen Subdivision Ordinance No. 07-28, Section 4.1.6 (B) with regards to a sidewalk being required along a collector street, and Section 4.1.6 (E) with regards to sidewalks being installed on both sides of a street within 1,000 feet of a school on the proposed Replat of Cactus Country Estates, bearing a legal description of 6.34 acres of land comprised of 4.60 acres of land being all of the Cactus Country Estates; 0.33 acres of land out of Bowie Avenue adjacent to the North boundary of Lots 1-5, Branch Addition; 0.22 acres of land out of Lot 1, 0.22 acres of land out of Lot 2, 0.22 acres of land out of Lot 3, 0.44 acres of land out of Lot 4, 0.31 acres of land out of Lot 5, Branch Addition, located on the north side of Austin Avenue west of 7th Street. Applicant: David H. Flinn. Attachment **(Planning and Zoning Development)**
- 13) Consider and take action to permanently close "L" Street from Fair Park Blvd. to North "L" Street to improve public safety due to the proximity of the Lon C. Hill Park, the Splash Pad and the Lon C. Hill Aquatic Center. Attachment **(Engineering)**
- 14) Consider and take action to adopt an ordinance authorizing the establishment of a new position classification titles at the Harlingen Police Department as follows: Attachment **(Chief of Police)**
 - a) Recommending Police Captain be reclassified as Deputy Police Chief, and
 - b) Recommending Police Lieutenant be reclassified to Police Commander.
- 15) Consider and take action to authorize the City Manager to enter into an Auction Services Agreement with PropertyRoom.com to provide auction site of abandoned, awarded and forfeited property. Attachment **(Chief of Police)**
- 16) Consider and take action to approve the implementation of the Safety City Program to benefit the Harlingen citizens and authorize the Police and Fire Department Staff to present this project to the Harlingen Consolidated Independent School District Board to seek their support on the curriculum and support of local businesses and citizens on the construction and development of the Safety City Program. Attachment **(Police Department)**

- 17) Consider and take action to approve or deny a contract between the City of Harlingen and Harlingen Aquatic Team (HAT) for the use of Pendleton Pool and Victor Pool. Applicant: City of Harlingen and John Tucker. Attachment (***Parks and Recreation***)
- 18) Discuss, consider, and take action for the City of Harlingen to become a member of the Harlingen Chamber of Commerce and discussion of the proposed membership fee. Attachment (***Requested by Mayor Pro-Tem Jerry Prepejchal and Commissioner Michael Mezmar***)
- 19) Presentation of the City of Harlingen's Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2010-2011 by Long Chilton, LLP. Attachment (***Finance Department***)
- 20) Board Appointments

Discussion and possible action regarding membership on any of the following listed board/entity:

- a. Airport Board (2)
- 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 (1)
- l. Harlingen Housing Authority Board
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (2)
- o. Library Advisory Board (1)
- p. Municipal Auditorium Advisory Board (1)
- q. Museum Advisory Board (2)
- r. Parks Advisory Board
- s. Planning & Zoning Advisory Board
- t. Senior Citizens Advisory Board (2)
- u. Tax Increment Finance Board
- v. Tennis Advisory Board
- w. Utility Board of Trustees
- x. Veterans Advisory Board (2)
- y. Zoning Board of Adjustments (8)

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.

21) 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 the lease agreement between the City of Harlingen and the Whitewings Baseball Club for the use of the baseball stadium known as Harlingen Field. Attachment (**City Attorney**)
- b) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code (Section 551.071) to consult with the City Attorney regarding lease agreement between the Harlingen Area Chamber of Commerce and the Harlingen Convention & Visitors Bureau for the commercial lease space and equipment and the use of common areas in the chamber's building at 311 E. Tyler, Harlingen, Texas. 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 known as **Project Irish** with which the City Commission is conducting economic development negotiations regarding the possible creation of a Chapter 380 Economic Development Program and/or to discuss or deliberate financial incentives with the business prospect and to seek legal advice from the City Attorney regarding the development of a Chapter 380 Economic Development Agreement and matters related to the subject. Attachment (**City Manager**)
- d) 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 known as **Project Blue** with which the City Commission is conducting economic development negotiations regarding the possible creation of a Chapter 380 Economic Development Program and/or to discuss or deliberate financial incentives with the business prospect and to seek legal advice from the City Attorney regarding the development of a Chapter 380 Economic Development Agreement and matters related to the subject. Attachment (**City Manager**)
- e) 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 known as **Project Uncle** with which the City Commission is conducting economic development negotiations regarding the possible creation of a Chapter 380 Economic Development Program and/or to discuss or deliberate financial incentives with the business prospect and to seek legal advice from the City Attorney regarding the development of a Chapter 380 Economic Development Agreement and matters related to the subject. Attachment (**City Manager**)

- 22) Consider and take action to approve a lease agreement between the Harlingen Area Chamber of Commerce and the Harlingen Convention and Visitor's Bureau for the commercial lease of space and equipment and the use of common areas in the Chamber's Building located at 311 E. Tyler, Harlingen, Texas. Attachment **(Requested by Mayor Pro-Tem Jerry Prepejchal and Commissioner Michael Mezmar)**
- 23) Second and final reading to adopt and approve an ordinance to amend the City of Harlingen's Budget for Fiscal Year 2011-12. Attachment **(Finance Director)**
- 24) Consider and take action to adopt and approve 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 Shamrock Adventure LXXXIV, LTD. Attachment **(City Manager)**
- 25) Consider and take action to approve a Letter of Intent to be issued to a business prospect known as **Project Blue. (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, April 13, 2012 at 7:15 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 13th day of April, 2012.



Amanda C. Elizondo
Amanda C. Elizondo, City Secretary