

REGULAR
CITY COMMISSION
AGENDA
September 19, 2012
@ 4:00 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, September 19, 2012 at 4:00 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, Jerry Prepejchal

Pledge of Allegiance/Welcome

- 1) Public Announcement of Events
- 2) Recognition of City Staff
- 3) Recognition to Omar Lucio, Cameron County Sheriff
- 4) Presentation of a proclamation, proclaiming September 19, 2012 as "Omar Lucio's Day"
- 5) Approval of Minutes
 - a) Regular Meeting of August 15, 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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.

- 6a) Second and final reading to approve an ordinance adopting the Revenue and Expenditures Budget for the City of Harlingen, Texas, for Fiscal Year October 1, 2012 through September 30, 2013 in the amount of \$64,913,955 and \$64,697,122 respectively; providing for publication of the caption of this ordinance and ordaining other matters related to the foregoing. Attachment **(Finance Department)**
- b) Second and final reading to approve and adopt an ordinance fixing the ad valorem tax rate for maintenance and operations for the City of Harlingen, Texas for the Calendar Year 2012 at \$0.451862 per \$100.00 dollars valuation; providing for publication and ordaining other matters related to the foregoing. Attachment **(Finance Department)**
- c) Second and final reading to approve and adopt an ordinance fixing the ad valorem tax rate for interest and sinking payments for the City of Harlingen, Texas for the Calendar Year 2012 at \$0.136965 per \$100.00 dollars valuation; providing for publication and ordaining other matters related to the foregoing. Attachment **(Finance Department)**
- d) Consider and take action to approve a request from St. Anthony's Catholic Church to close East Van Buren Avenue between 10th and 11th Streets for their Annual 2012 Fall Festival starting from Friday, November 2, 2012 at 12 noon to Sunday, November 4, 2012 at 11 p.m. to ensure the safety of the participants. Attachment **(Police Department)**
- e) Consider and take action to approve a request from the Rotting Flesh Factory Haunted House to close West Ban Buren Avenue between "E" and "F" Streets and alley adjacent to the street closure on September 28, 29, 30 and October 5, 6, 7, 12, 13, 14, 20, 21, 25, 26, 27, 28, 29, 30 and 31, 2012 to operate a walk-through haunted house attraction from 5:00 p.m. to 1:00 a.m. to ensure the safety of the participants. Attachment **(Police Department)**
- f) Consider and take action to approve a request from the Parks and Recreation Director to close the streets between N. "J" and N. "L" Streets and N. "L" Street between Fair Park Blvd. and West Adams on Saturday, November 3, 2012 from 8 a.m. to 12 midnight for a Blues on the Hill/Dallas Cowboys Festival to ensure the safety of the attendees. Attachment **(Police Department)**
- g) Consider and take action to approve a request from the Immaculate Heart of Mary Catholic Church to close "C" Street between Polk and Tyler Street on Thursday, October 4th -12 Noon to set up the equipment; Friday, October 5th – 6:00 p.m. to 11:00 p.m.; Saturday, October 6th – 6:00 p.m. to 11:00 p.m.; and Sunday, October 7th, 2012 – 6:00 p.m. to 10:00 p.m. to hold their Annual Fiesta

de Amistad and secure the safety of families attending the event. Attachment
(Police Department)

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- 7) Consider an ordinance on first reading to rezone from Not Designated (N) District to Residential, Multi-Family (M-2) District for 9.47± acres out of Lot 1, all of Lots 2 and 7, and 9.44± acres out of Lot 8, Block 145, San Benito Land and Water Company Subdivision located on north side of East Treasure Hills Boulevard west of FM 509. Applicant: Nobleman Investment, c/o Thomas Davidson. 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 rezone request.
 - 8) Consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow a Bar/Lounge in a General Retail ("GR") District located at 1105 South Tamm Lane, bearing a legal description of 3.4740 acres out of Block 33 Stuart Place Survey, 139/297/298. Applicants: Daniel Menchaca and Raul Zamorano. 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) Consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow a farmers market in a Residential, Single Family (R1) District located at 19833 Morris Road, bearing a legal description of 20 acres out of Block 31, Lon C. Hill Subdivision. Applicant: Diana Garcia Padilla. ***(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) Consider and take action to approve and adopt an ordinance on first reading to allow a Specific Use Permit for an adult business in a General Retail ("GR") District located at 6779 W. Expressway 83, bearing a legal description of 3.597 acres out of South 10 acres of the South ½ of Block 15, Stuart Place Subdivision Survey 138. Applicant: Apparao Raguthu. Attachment ***(Planning and Zoning)***

- 11) Consider and take action to approve a request to from the Planning Department to waive the demolition permit fee of \$500 for the demolition of the abandoned warehouse located at 827 S. West Street, corner of W. Buchanan and S. West Street. Attachment (***Planning and Zoning***)
- 12) Consider and take action to approve the Keep Harlingen Beautiful (Harlingen Proud) Budget for Fiscal Year 2012-2013. Attachment (***Harlingen Proud***)
- 13) Consider and take action to approve a resolution accepting Harlingen's Waterworks System's adopted budget for Fiscal Year 2012-2013. Attachment (***Harlingen Waterworks***)
- 14) Consider and take action to approve the Economic Development Corporation of Harlingen, Inc. Budget for Fiscal Year 2012-2013. Attachment (***Economic Development Corporation***)
- 15) Consider and take action to approve the second amendment to the License Agreement with American Tower and the City of Harlingen for the installation of an additional transmit antenna and 1¼ Heliacx cable transmission line at a mount height of 480' for the new Digital Radio System. Attachment (***Fire Department***)
- 16) Board Appointments

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

- a. Airport Board (1)
- b. Animal Shelter Advisory Committee (3)
- c. Audit Committee (Terms expire annually in June)
- d. Civil Service Commission (Mayor) (2)
- e. Community Development Advisory Board (3)
- f. Construction Board of Adjustments (8)
- g. Convention & Visitors Bureau
- h. Development Corporation of Harlingen, Inc.
- i. Downtown Improvement District Board (4)
- j. Golf Course Advisory Board (2)
- k. Harlingen Community Improvement Board (3)
- l. Harlingen Housing Authority Board (3)
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (8)
- o. Library Advisory Board (3)
- p. Municipal Auditorium Advisory Board
- q. Museum Advisory Board

- r. Parks Advisory Board (1)
- s. Planning & Zoning Advisory Board (1)
- t. Senior Citizens Advisory Board (4)
- u. Tax Increment Finance Board
- v. Tennis Advisory Board (3)
- w. Utility Board of Trustees
- x. Veterans Advisory Board (5)
- y. Zoning Board of Adjustments (5)
- z. Cameron County Library System (2)

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) Citizen Communication

18) Closed/Executive Session regarding the following items:

- a) Attorney consultation pursuant to Section 551.071, Texas Gov't Code in connection with the City's legal rights, duties, privileges, and obligations related to the collective bargaining process and the labor agreement proposed for approval and related matters. **(Rick Navarro, Assigned Counsel)**
- b) pursuant to Section 551.072, Texas Gov't Code regarding the sale and value of real property legally described as: a 20.498 acre tract, out of Block 8, Stuart Place Subdivision of Survey 41, City of Harlingen, Cameron County, Texas as recorded in Volume 5, Page 6 of the Map Records of Cameron County, Texas; SAVE & EXCEPT a 0.38 acre tract conveyed to the City of Harlingen by deed recorded in Volume 8164, Page 193 Official Records of Cameron County, less an additional 0.38 acre tract in the Palm Court Drive right-of-way. **(City Manager)**
- 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 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. **(City Manager)**

19) Consideration and appropriate action to approve a Collective Bargaining Labor Agreement for FY 2012-13 between the City of Harlingen, Texas and the duly

recognized bargaining agent for the Harlingen Police Officers, the HPLEA. (***Rick Navarro, Assigned Counsel***)

- 20) Consider and take action to approve a Commercial Contract – Unimproved Property between the City of Harlingen and Texas Association of Realtors for the sale of real property described as: a 20.498 acre tract, out of Block 8, Stuart Place Subdivision of Survey 41, City of Harlingen, Cameron County, Texas as recorded in Volume 5, Page 6 of the Map Records of Cameron County, Texas; SAVE & EXCEPT a 0.38 acre tract conveyed to the City of Harlingen by deed recorded in Volume 8164, Page 193 Official Records of Cameron County, less an additional 0.38 acre tract in the Palm Court Drive right-of-way. (***City Manager***)

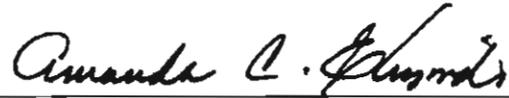
A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

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, September 14th,

2012 at 5:00 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 14th day of September, 2012.

A handwritten signature in black ink, reading "Amanda C. Elizondo". The signature is written in a cursive style with a horizontal line underneath.

Amanda C. Elizondo, City Secretary