

REGULAR  
CITY COMMISSION  
AGENDA  
**December 19, 2012**  
**@ 5:30 P.M.**  
**HARLINGEN COMMUNITY CENTER**  
201 E. Madison Street  
Harlingen, Texas

Notice is hereby given that the above governmental body will hold a Regular Meeting on **Wednesday, December 19, 2012 at 5:30 p.m.** in the **HARLINGEN COMMUNITY CENTER**, 201 E. Madison 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, Mayor Chris Boswell

Pledge of Allegiance/Welcome

- 1) Public Announcement of Events
- 2) Approval of Minutes – Regular Meeting of October 17, 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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.**

- 3) Consider and take action to approve a request from the Farmer's Market Downtown Harlingen to close "A" Street from Jackson Avenue to Monroe Avenue to be held every Saturday of Calendar Year 2013 from 3:00 p.m. to 5:00 P.M. Attachment ***(Police Department)***

- 4) Public hearing to consider an ordinance on first reading to amend the City of Harlingen Subdivision Ordinance No. 07-28, Section 3, Plat Submittal and Review Procedures by creating a section which addresses lot splits. Applicant: City of Harlingen. Attachment (***Planning and Zoning***)
  - a) Public Hearing
  - b) Consider and take action to approve and adopt an ordinance on first reading amending the City of Harlingen Subdivision Ordinance No. 07-28, Section 3, Plat Submittal and Review Procedures by creating a section which addresses lot splits.
- 5) Public Hearing to consider and ordinance on first reading for a Specific Use Permit (SUP) request 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. Applicant: Daniel Menchaca. (***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.
- 6) Consider and take action to approve and adopt a resolution authorizing the Mayor to seek grant funding in the amount of \$82,675.00 or to accept any funding award from the Texas Department of Public Safety-Texas Ranger Division to the City of Harlingen Police Department to allocate additional law enforcement staff on an overtime basis to deter crime and improve border security within the City of Harlingen. Attachment (***Police Department***)
- 7) Consider and take action to approve an Interlocal Cooperation Agreement between Rio Grande Valley Communications Group (RGVCG) and the City of Harlingen for use of the RGVCG's MHz radio system for government functions. Attachment (***Fire Department***)
- 8) Consider and take action to approve a contract between the Development Corporation of Harlingen, Inc. and RGV Lead for \$37,500.00 for Fiscal Year 2012-2013. Attachment (***Economic Development***)
- 9) Consider and take action to authorize staff to proceed with two demonstration projects to install artificial grass at the traffic island located along Commerce Street where it intersects with Taft Street (directly in front of the H.E.B. Grocery

Store on Commerce Street) and the playground area located at the Soccer Complex. Attachment **(Public Works)**

- 10) Consider and take action to approve and adopt an ordinance on first reading designating a "No Parking Zone" along both sides of the rear access road and easement at Parkview Terrace Subdivision. Attachment **(City Engineer)**
- 11) Consider and take action to accept or reject bids for the General Fund Street Overlay Project under Bid 2013-03 and award contract to overlay Lincoln Avenue from Dixieland Road to Palm Court Drive. Attachment **(City Engineer)**
- 12) Consider and take action to approve and adopt an ordinance on first reading to amend Chapter 95 Streets and Sidewalks, Speed Hump Program to: (1) exempt all elementary and middle school speed zones located in residential areas from having to comply with eligibility requirements; and (2) provide that a majority vote and approval by the Harlingen City Commission may request a speed hump at a particular location without having to comply with the ordinance petition requirements. Attachment **(Requested by Mayor Pro-Tem Robert Leftwich and Commissioner Joey Trevino)**
- 13) Consider and take action to approve a Memorandum of Agreement with the Texas Homeless Network relating to the provision of personnel for an Onsite Homeless Management Information System Technical Support Staff. Attachment Tabled at the Dec. 5, 2012, Regular Mtg. **(Community Development)**
- 14) Consider and take action to approve and adopt a resolution of the City of Harlingen, Texas endorsing certain legislative action in the regular session of the 83<sup>rd</sup> Texas Legislature to enhance the competitive electric market and system reliability and to protect the traditional role of cities in the regulatory process. Attachment **(City Manager)**
- 15) 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 (2)
- f. Construction Board of Adjustments (10)
- g. Convention & Visitors Bureau (2)
- h. Development Corporation of Harlingen, Inc.

- i. Downtown Improvement District Board (4)
- j. Golf Course Advisory Board (2)
- k. Harlingen Community Improvement Board (1)
- l. Harlingen Housing Authority Board
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (8)
- o. Library Advisory Board (2)
- p. Municipal Auditorium Advisory Board (2)
- q. Museum Advisory Board
- r. Parks Advisory Board (1)
- s. Planning & Zoning Advisory Board (2)
- t. Senior Citizens Advisory Board (6)
- u. Tax Increment Finance Board
- v. Tennis Advisory Board (2)
- w. Utility Board of Trustees
- x. Veterans Advisory Board (8)
- y. Zoning Board of Adjustments (6)

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.

16) Closed/Executive Session on the following items:

- a) pursuant to Chapter 551, Subchapter D, V.T.C.A., Government Code, Section 551.071 consultation with the City Attorney and/or outside legal counsel to seek legal advice regarding ***The City of Harlingen, Texas v. Union Pacific Railroad Company and Rio Valley Switching Company***, Cause No. 2011-CCL-00115 in County Court at Law No. 2 of Cameron County and to discuss possible settlement negotiation. Attachment ***(City Manager)***
- b) 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, Texas Cause No. 13- 12-00213-CV in the Court of Appeals for the 13<sup>th</sup> Judicial District and to discuss possible settlement negotiation. ***(Requested by Mayor Pro-Tem Robert Leftwich and Commissioner Basilio "Chino" Sanchez)***
- c) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 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 the subject. ***(City Manager)***

- d) 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, LLC for the use of the baseball stadium know as Harlingen Field and the amount of debt owed by Whitewings to the City. **(City Manager)**
- 17) Consider and take action to approve and adopt a resolution of the City of Harlingen, Texas consenting to the execution of a collateral assignment and agreement between Reyna Development, LTD. and Sam's Real Estate Business Trust; authorizing the Mayor to execute and the City Secretary to attest to any documents related to such consent; containing various findings and provisions related to the subject. Attachment **(City Manager)**
- 18) Consider and take action to approve a Collateral Assignment and Agreement by **REYNA FAMILY DEVELOPMENT, LTD.**, a Texas limited partnership ("Developer") to **SAM'S REAL ESTATE BUSINESS TRUST**, a Delaware statutory trust ("Sam's") for the purpose of completing the construction of the Phase I Public Project Improvement in accordance with the terms of the Economic Development Agreement with the City of Harlingen, Texas. Attachment **(City Manager)**
- 19) Consider and take action to authorize the City Attorney and/or Assigned Counsel to pursue settlement negotiations in regards to Charles E. Lee vs. City of Harlingen, Texas Cause No. 13-12-00213-CV in the Court of Appeals for the 13<sup>th</sup> Judicial District. Attachment **(Requested by Commissioner "Chino" Sanchez and Mayor Pro-Tem Robert Leftwich)**
- 20) Citizen Communication

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, December 14, 2012 at 7:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 14<sup>th</sup> day of December, 2012



Amanda C. Elizondo  
Amanda C. Elizondo, City Secretary