

REGULAR
CITY COMMISSION
AGENDA
October 3, 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, October 3, 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/City Commissioner, Jerry Prepejchal

Pledge of Allegiance/Welcome

- 1) Public Announcement of Events
- 2) Board Recognition
- 3) Presentation of the following proclamations:
 - a) Proclaiming "Rio Grande Valley Hispanic Genealogical Society Day"
 - b) Proclaiming "Blood Cancer Awareness Month"
- 4) Approval of Minutes
 - a) Special Meeting of August 8, 2012
 - b) Special Meeting of August 20, 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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.

- 5a) Second and final reading to approve and adopt an ordinance 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***)
- b) Second and final reading to approve and adopt an ordinance for a Specific Use Permit ("SUP") to allow an adult business 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 Subdivision Survey, 139/297/298. Applicants: Daniel Menchaca and Raul Zamorano. Attachment (***Planning and Zoning***)
- c) Second and final reading to approve and adopt an ordinance 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. Attachment (***Planning and Zoning***)
- d) Consider and take action to approve a request by Harlingen High School South to close the streets listed below on Thursday, October 11, 2012 from 6:00 p.m. to 8:30 p.m. for their Annual Homecoming Parade. Attachment (***Police Department***)
 - 1) Bothwell and Dixieland (blocking southbound traffic)
 - 2) Alani Circle (both entrances)
 - 3) Haverford and Dixieland intersection
 - 4) Midlane and Haverford (Harlingen South side)
 - 5) Topaz and Dixieland intersection
 - 6) Adrian (East and West) at Dixieland
 - 7) Garrett (East and West) at Dixieland
 - 8) River Oaks and Dixieland

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- 6) Consider and take action to approve a Memorandum of Agreement between the Texas Commission on Environmental Quality and the City of Harlingen on first reading pertaining to House Bill 451 (2011, 82nd Legislative Session), requires the TCEQ to adopt by rule a program to help prevent illegal dumping that affects surface water of Texas. Attachment (***Environmental Services Department***)

- 7) Consider and take action to approve a Resolution and authorizing the execution of a Project Agreement with Tax Increment Financing Reinvestment Zone No. 3 to provide public infrastructure relating to Project Uncle/Reyna Family Development, LTD, including acquiring, construction, improving and repairing city streets and sidewalks, together with water, sewer and drainage improvements utility line installment and replacement, traffic and street signalization, lighting improvements and right-of-way acquisition. Attachment **(City Manager)**
- 8) Discuss and approve an ordinance authorizing the issuance, sale and delivery of approximately \$2,750,000 in aggregate principal amount of "City of Harlingen, Texas Combination Tax and Revenue Certificates of Obligation, Series, 2012"; securing the payment thereof by authorizing the levy of an annual ad valorem tax; approving and authorizing the execution of all instruments and procedures related thereto including a paying agent/registrar agreement and a purchase contract; approving the form of an official statement; and declaring an effective date. Attachment **(City Manager)**
- 9) Consider and take action to approve the renewal of the Franchise Fee Agreement between the City of Harlingen and AEP Texas. Attachment **(Mayor)**
- 10) Discuss and consider the implementation of the Harlingen Police Department "Safety City's Special Project." Attachment **(Police Department)**
- 11) Discussion and possible direction by City Commission on amending the City of Harlingen Zoning Ordinance, No. 07-27, by establishing a definition for an eight-liner machine and sweepstakes; creating a section in the Use Chart for an eight-liner machine and sweepstakes; and establishing a distance requirement for the subject uses. Applicant: City of Harlingen **(Planning and Zoning)**
- 12) Consider and take action to approve and adopt an ordinance on first reading to amend the Code of Ordinances, Chapter 130 by adding sub-section 130.07 Unlawful Substances to prohibit the use, purchase, possession, and sale of the synthetic drugs as categorized in Section 2(a) of the Texas Health and Safety Code as well as those substances categorized within the United States Code, Title 21, Controlled Substance Act. Attachment **(Police Department)**
- 13) Consider and take action to approve a resolution authorizing the Mayor of Harlingen to enter into an Interlocal Agreement with the Texas Department of Transportation (TXDOT) to enable the Harlingen Police Department to participate in the state wide Crash Reporting and Analysis for Safer Highways (C.R.A.S.H.) computerized system at no cost to the City. Attachment **(Police Department)**

- 14) Presentation regarding the Bicycle and Pedestrian Projects for the City of Harlingen. Attachment **(City Engineer)**
- 15) Consider and take action to approve the renewal of a one-year contract between the City of Harlingen and Harlingen Youth Football League for the use of the athletic field at Victor Park. Applicant: City of Harlingen and Mario Montez. **(Parks and Recreation)**
- 16) Consider and take action to approve the renewal of a one-year contract between the City of Harlingen and the Hockey Association for the use of the Oil Mill Athletic Pavilion at the Lon C. Hill Park. Applicant: City of Harlingen and William Kimball. Attachment **(Parks & Recreation)**
- 17) Consider and take action to approve the renewal of a one-year contract between the City of Harlingen and RGV Amateur-Adult Soccer Association for the use of the soccer fields at Vestal Park. Applicant: City of Harlingen and Manuel Cardona. Attachment **(Parks and Recreation)**
- 18) Consider and take action to approve or deny the renewal of a one-year 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. **(Parks & Recreation)**
- 19) Discuss and take action to approve the termination of the agreement between the Development Corporation of Harlingen, Inc. and Spring Dynamics Texas, Inc. Attachment **(Economic Development Corporation)**
- 20) Consider and take action to approve the Election Services Contract with Cameron County Elections Department and the City of Harlingen to conduct the City of Harlingen November 6, 2012 General Election for the purpose of electing a City Commissioner for District 1, 2, and 3. Attachment **(City Secretary)**
- 21) 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 (2)
- l. Harlingen Housing Authority Board (1)
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (7)
- 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.

22) 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, September 28th, 2012 at 7:45 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 28th day of September, 2012



Amanda C. Elizondo
Amanda C. Elizondo, City Secretary