

REGULAR
CITY COMMISSION
AGENDA
May 16, 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, May 16, 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/Chris Boswell, Mayor

Pledge of Allegiance/Welcome

- 1) Board Recognition
- 2) Presentation of Certificate of Appreciation to Stephen Saenz, Architect.
- 3) Presentation by Raquel Castillo, Representative with Cameron County Department of Health and Human Services regarding the 1115 Medicaid Waiver and possible impact on the Harlingen Community. Attachment
- 4) Public Announcement of Events
- 5) Approval of Minutes
 - a. Regular Meeting of April 18, 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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.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 adopt and approve an ordinance amending the 2006 International Building Code by deleting Section H105.3 of Appendix H, Wind Load. Attachment (***Planning and Zoning***)
- b) Status report on the Investments of the City of Harlingen for quarter ended March 31, 2012. Attachment (***Finance Department***)

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- 7) Consider and take action to extend the election of the Mayor Pro-Tempore from May to November, 2012 to coincide with the November 6, 2012 General Election. (***City Attorney***)
 - 8) Discuss and consider adopting an ordinance to create an "Elderly and Disabled Residential Parking Permit" to ensure parking space availability in front of their homes. (***Requested by Mayor Pro-Tem Jerry Prepejchal and Mayor Chris Boswell***)
 - 9) Consider an ordinance on first reading to amend Ordinance No. 10-55 to reflect the following: abandon a 30 ft. road right-of-way on the west side of Travel Lodge Subdivision; a 10 ft. alley located on the south side of Travel Lodge Motel Subdivision; a 10 ft. utility easement along the south side of Motel Park Subdivision; a 10 ft. utility easement along the west line of Motel Park Subdivision; an easement for alley and utilities dated January 17, 1973, filed February 5, 1973 and recorded in Volume 952, Page 249 of the Deed Records of Cameron County, Texas; and an easement for alleys and utilities dated January 17, 1973, filed February 5, 1973 and recorded in Volume 952, Page 241 of the Deed Records of Cameron County, Texas, all right-of-ways and easements generally located on the south side of Spur 54 West of Expressway 77. Applicant: City of Harlingen. Attachment (***Planning and Zoning***)
 - a) Public Hearing
 - b) Consider and take action to adopt and approve an ordinance on first reading for the above mentioned proposed amendments to Ordinance No. 10-55.
 - 10) Consider and take action to approve an Interlocal Cooperation Agreement between the Lower Rio Grande Valley Development Council (LRGVDC) and City of Harlingen; and to accept the transfer of equipment acquired under the FY 2009 Homeland Security Grand Program (HSGP) as part of the LRGVDC Metropolitan Medical Response System (MMRS) strategy. Attachment (***Fire Department***)

- 11) Consider an ordinance on first reading to rezone from Residential, Single Family (R-1) District to Residential, Patio Home (RPH) District for Lots 1-8, Block 1: and Lots 1-8, Block 2, Los Marcianos Subdivision located on El Camino Real Avenue west of Stuart Place Road. Applicant: Brett Wyant, c/o Brown Leal Engineering. Attachment ***(Planning and Zoning)***
 - a) Public Hearing
 - b) Consider and take action to adopt and approve an ordinance on first reading for the above mentioned rezone request.
- 12) Consider an ordinance on first reading to rezone from Not Designated (N) District to Residential, Mobile Home (MH) District for the West ½ of Lot 127 & all of Lot 128, Unit 3, Palm Vista Estates located at 15956 Queen Sago Drive. Applicant: Enrique Melgoza Attachment ***(Planning and Zoning)***
 - a) Public Hearing
 - b) Consider and take action to adopt and approve an ordinance on first reading for the above mentioned rezone request.
- 13) Consider an ordinance on first reading for a specific use permit (SUP) to allow an adult business (retail smoke shop and novelties) in a General Retail (GR) District located at 1601 S. 77 Sunshine Strip, Suite B, bearing a legal description of Lots 22 and 23, Block 11, Arroyo Estates Subdivision. Applicant Herminia Cervantes. Attachment ***(Planning and Zoning)***
 - a) Public Hearing
 - b) Consider and take action to adopt and approve an ordinance on first reading for the above mentioned Specific Use Permit.
- 14) Consider and take action to approve a resolution that: (1) authorizes review of Texas Gas Service Company ("TGS") cost of service adjustment tariff; (2) approves a joint review of TGS' application along with other cities served by TGS; (3) hires a legal and consulting service to negotiate with the company and direct any necessary litigation and appeals; and (4) requires TGS to reimburse all reasonable costs associated with cities' efforts in this ratemaking effort. Attachment ***(City Attorney)***
- 15) Consider and take action to approve an ordinance amending Ordinance No. 10-8 amending requirements for the membership on the Board of Directors for the Convention and Visitors Bureau; removing the Hispanic Chamber position; amending the number of members from thirteen to twelve; eliminating the individual from the local car rental agency and replacing them with a VIA Board

Member or employee or anyone employed in the airline industry in Harlingen; and amending the number of members required for quorum to five; providing an effective date and ordaining other matters related to the foregoing. Attachment ***(Convention and Visitors Bureau)***

- 16) Consider and take action to adopt a resolution authorizing the Harlingen Police Department to submit a 2012 Selective Traffic Enforcement Program (S.T.E.P.) for a "Click It or Ticket" (C.I.O.T.) Grant to the Texas Department of Transportation (TXDOT) in the amount of \$5,993.34 to fund the hiring of off-duty police officers on an overtime basis during the Memorial Day Holiday. Attachment ***(Police Department)***
- 17) Consider and take action to approve the modifications to the City of Harlingen Organizational Chart. ***(City Manager)***
- 18) Consider and take action to authorize two (2) new full-time positions and four (4) new part-time positions for the specific purpose of maintaining those City parks and sites previously maintained by contract. Applicant: City of Harlingen. Attachment ***(Parks & Recreation Department)***
- 19) Consider and take action to select security lights that will be installed along the Rangerville Park Walking Trail and direct staff to proceed with installation. Attachment ***(Public Works Department)***
- 20) Consider and take action to approve a resolution creating sub-committees to make recommendation to the City Commission to improve the appearance of the City of Harlingen. Attachment ***(Mayor)***
- 21) Consider and take action to create the "Adopt-A-Spot" Program to encourage citizen participation in beautification and litter clean-ups of designated areas in their community at regular intervals. ***(City Manager)***
- 22) Consider and take action to approve a new initiative focusing on preventing criminal activities on blighted properties in collaboration with the Office of Border Patrol, Rio Grande Sector. Attachment ***(City Manager)***
- 23) Consider and take action to approve an agreement between the Development Corporation of Harlingen, Inc. and Catalyst Commercial to conduct a market study and trade area in the amount of \$42,691. Attachment ***(Economic Development)***
- 24) 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 (5)
- c. Audit Committee
- d. Civil Service Commission (Mayor) (2)
- e. Community Development Advisory Board (6)
- f. Construction Board of Adjustments (11)
- g. Convention & Visitors Bureau (3)
- h. Development Corporation of Harlingen, Inc.
- i. Downtown Improvement District Board (4)
- j. Golf Course Advisory Board (3)
- k. Harlingen Community Improvement Board (1)
- l. Harlingen Housing Authority Board
- 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 (3)
- s. Planning & Zoning Advisory Board (3)
- t. Senior Citizens Advisory Board (7)
- u. Tax Increment Finance Board
- v. Tennis Advisory Board (3)
- w. Utility Board of Trustees (1)
- x. Veterans Advisory Board (6)
- 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.

25) Closed/Executive Session to discuss the following items:

- a) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Sections 551.087 and 551.071 regarding the discussion and deliberation of financial information about a business prospect known as **Project Gray** with which the City Commission is conducting economic development negotiations for the expansion of a project in the City and/or to discuss financial incentives for the prospect and to seek legal advice from the City Attorney regarding the legal and financial incentives and employment of additional counsel to advise on these matters and other matters related to the subject matter. Attachment **(City Manager)**
- b) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section

551.074, personnel matters involving the appointment and employment of the Municipal Court Judge. **(City Manager)**

- 26) Consider and take action to employ outside counsel to assist with the legal and financial matters related to the implementation of Project Gray. **(City Manager)**
- 27) Consider and take action to approve the renewal of the contract between the City of Harlingen and the Municipal Court Judge for the City of Harlingen. **(City Manager)**
- 28) 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, May 11, 2012 at

7:25 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 11th day of May, 2012.


Amanda C. Elizondo, City Secretary