

REGULAR
CITY COMMISSION
AGENDA
June 6, 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, June 6, 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/Commissioner Michael Mezmar

Pledge of Allegiance/Welcome

- 1) Board Recognition
- 2) Presentation of proclamation proclaiming "MDA" – Fill the Boot Days" for the months of June and July, 2012. Attachment
- 3) Certificates of Recognition to the Valley International Airport and Gulf Aviation.
- 4) Announcement of Events
- 5) Approval of Minutes
 - a. Special Meeting of April 20, 2012
 - b. Regular Meeting of May 2, 2012
 - c. Special Meeting of May 25, 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 Items withdrawn from the Consent Agenda for individual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 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***)
- b) Second and final reading to adopt and approve an ordinance 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***)
- c) Second and final reading to adopt and approve an ordinance 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***)
- d) Second and final reading to adopt and approve an ordinance amending Sections 32.181, 32.182, and 32.183 of Chapter 32 of the Harlingen City Code, as amended; reducing the number of Convention and Visitors Bureau Board members from thirteen (13) to twelve (12); eliminating the Convention and Visitors Bureau Board member who is appointed by the Harlingen Hispanic Chamber of Commerce; eliminating the Convention and Visitors Bureau Board member who is employed by a local car rental agency in the City and replacing with a member who resides within the Harlingen Consolidated School District jurisdictional boundaries or work at or operate a business within the corporate city limits of the City of Harlingen; reducing the number of board members necessary to establish a quorum from six members to five members; providing a savings clause; providing a severability clause; providing for publication; establishing an effective date and ordaining other matters pertaining to the foregoing. Attachment (***Convention and Visitors Bureau***)
- e) Consider and take action to approve a request from Grace Fellowship Church to close "B" Street between West Washington Avenue and West Adams Avenue on Saturday, June 16, 2012 from 3 p.m. to 11 p.m. for community fellowship and outreach. Attachment (***Police Department***)
- f) Consider and take action to approve a request from the Harlingen High School Council to close portions of 7th Street, 13th Street and Marshall Avenue on Thursday, September 13, 2012 from 6:30 p.m. to 7:00 p.m. for their Annual Homecoming Festivities. Attachment (***Police Department***)

- 7) Public hearing to consider amendment to the City of Harlingen Code of Ordinances, Chapter 95, adding Sections 95.70 thru 95.76, providing for definitions; providing for an application, fees and refunds; providing for reason to change a street name; providing for an application administrative review, public hearings, implementation and notice of street name change; providing for publication; providing for a savings clause; and providing a severability clause. Applicant: City of Harlingen. **(Planning and Zoning)**
 - a) Public Hearing
 - b) Consider and take action to amend the City of Harlingen Code of Ordinances, Chapter 95, adding Sections 95.70 thru 95.76.
- 8) Public hearing to consider the One Year Action Plan (Budget) for Fiscal Year 2012-2013 (Year 38) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2012-2013 (Year 18) of the Home Investment Partnership Program (Home). Attachment **(Community Development)**
 - a) Public Hearing
 - b) Consider and take action to approve the One Year Action Plan (Budget) for Fiscal Year 2012-2013 (Year 38) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2012-2013 (Year 18) of the Home Investment Partnership Program (Home).
- 9) Consider and take action to adopt a Section 3 Plan in compliance with 24 CFR Part 135 of the U.S. Department of Housing and Urban Development. Attachment **(Community Development)**
- 10) Consider and take action to amend the Fiscal Year 2011-12 Budget and authorize staff to utilize funds from the Vehicle Depreciation Fund and the Sanitation Account Fund Balance to replace two (2) transport trailers used at the Transfer Station to transport solid waste to the Edinburg Landfill. Attachment **(Public Works)**
- 11) Consider and take action to approve a demonstration project at the Harlingen Soccer Complex that would add high quality compost to one field in an effort to determine if such action is an economical solution to the ongoing topsoil and turf deficiencies at the site. Applicant: City of Harlingen. Attachment **(Parks & Recreation)**
- 12) Consider and take action to adopt and approve a resolution establishing the determination of a public need and necessity for the acquisition of fee simple title

for real property located on Brazil Road from Teege Road to Spur 54 for the improvement of a public roadway. Attachment (**City Engineer**)

- 13) Consider and take action pursuant to Harlingen City Charter Article IV, Section 6 to elect a Mayor Pro-tempore by a majority vote of the City Commissioners. Attachment (**City Attorney**)
- 14) Consider and take action to adopt and approve a resolution in support of Space Exploration Technologies or Space X to construct a launch pad at Boca Chica in Cameron County. Attachment (**Mayor**)
- 15) Discuss and take action to approve the performance agreement between the Economic Development Corporation of Harlingen, Inc. and Reyna Family Development. Attachment (**Economic Development Corporation**)
- 16) Discuss and take action to approve a second amendment to the May 16, 2007 original agreement between the Economic Development Corporation of Harlingen, Inc. and Harlingen Venture No. Two 2, LP acknowledging the 181,000 sq. ft. of retail/restaurant constructed space and amend the original agreement of (a) 200,000 sq. ft. by June 1, 2014 and (b) 125,000 sq. ft. shall be constructed by June 1, 2017. Attachment (**Economic Development Corporation**)
- 17) Consider and take action authorize the Economic Development Corporation of Harlingen, Inc. to accept an offer to purchase the United Healthcare Services building located at 2222 S. 77 Sunshine Strip in Harlingen, Texas also known as Harlingen Towne Centre Subdivision Lot 2 (Cab 1, Slot 1424-AB CCMR) & W. 5.26 Lot C Block 1 of the Robert Scoggins Trust Subdivision, Camelot Professional Plaza, Lot 15, Block 1, (Cab 1 Slot 1875-B CCMR) and Camelot Professional Plaza Lot 16, Block 1, (Cab 1 Slot 1875-B CCMR), in the amount of \$2.1 million, if approved by a majority vote of the Harlingen Economic Development Corporation at their June 5, 2012 Special Meeting. Attachment (**Economic Development Corporation**)
- 18) Consider and take action to adopt and approve an ordinance on first reading authorizing the sale of surplus property by public auction. Attachment (**Finance Department**)
- 19) 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 (4)

- c. Audit Committee
- d. Civil Service Commission (Mayor) (2)
- e. Community Development Advisory Board (5)
- 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 (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
- x. Veterans Advisory Board (6)
- y. Zoning Board of Adjustments (7)

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.

20) 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, LLC 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, Sections 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 as **Project Uncle** and to seek legal advice from the City Attorney regarding this subject. Attachment **(City Manager)**
- c) 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

release of municipal liens on a property after a tax foreclosure sale of said property. Attachment (**City Attorney**)

- 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 legal and illegal eight liners operating within the city limits. Attachment (**City Manager**)

- 21) Consider and take action to approve a development agreement between City of Harlingen and Reyna Family Development, LTD. for an economic development project known as Project Uncle. Attachment (**City Manager**)

- 22) Consider and take action to release municipal liens totaling in the amount of \$2,548.55 on Lot 6 and 7, Colonia Mitchell Number 2, an addition to the City of Harlingen, Cameron County, Texas according to the map thereof recorded in Volume 11, Page 51, Map Records, Cameron County Texas. Attachment (**City Attorney**)

- 23) 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, June 1, 2012 at 8:50 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 1st day of June, 2012



Amanda C. Elizondo, City Secretary