

REGULAR
CITY COMMISSION
AGENDA
September 5, 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, September 5, 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, Michael Mezmer

Pledge of Allegiance/Welcome

- 1) Public Announcement of Events
- 2) Recognition to the Literacy Center of Harlingen
- 3) Presentation of proclamations proclaiming the following:
 - a) Constitution Week – September 17th -23rd, 2012
 - b) Harlingen Super Girls National Champions Day – September 5, 2012
 - c) Diez Y Seis de Septiembre (September 16, 2012)
- 4) Neighborhood Clean-Up Sweep – W. Polk & W. Taylor Streets from West St. to "F" Street, District 4. Attachment **(City Manager)**
- 5) Approval of Minutes
 - a) Regular Meeting of August 1, 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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.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 and adopt an ordinance abandoning a thirty (30) feet wide alley described as a 0.281 acre tract of land situated between Block 7, Hall and Porter Subdivision, and Lots 1-4, Arroyo Industrial Subdivision, located between the 1100 Block of South Commerce Street and the 1000 Block of East Taft Avenue, subject to: (1) the applicant purchasing the alley at the approved bid; and (2) dedicating a 20 ft. utility easement along the alley. Attachment ***(Planning and Zoning)***

- b) Second and final reading to approve and adopt an ordinance (Ordinance No. 07-27) of the City of Harlingen: to issue a Specific Use Permit to Jamie Barnett on behalf of SPEC'S Family Partners to allow an adult business (Liquor Store) in a General, Retail ("GR") District located at 621 South 77 Sunshine Strip, bearing a legal description of Lot 1, Block 1, M-L Sunshine Strip Subdivision, subject to: (1) maintaining the required off street parking spaces; (2) obtaining and maintaining the proper permits from the State and (3) comply with the requirements administered by the Planning, Building Inspections, and Fire Prevention Departments; providing for publication and ordaining other matters related to the foregoing. Attachment ***(Planning and Zoning)***

- c) Second and final reading to approve and adopt an ordinance (Ordinance No. 07-27 of the City of Harlingen: Rezoning from Not Designated (N) District to Residential, Single Family (R-1) District for 1.058± acres out of Lot 7, B S & F, Survey 41, located at 1309 S. Palm Court Drive; providing for publication and ordaining other matters related to the foregoing. Attachment ***(Planning and Zoning)***

- d) Second and final reading to approve and adopt an ordinance amending Chapter 71; stopping, standing, and parking of the Code of Ordinances of the City of Harlingen by adding Section 71.05 to establish a residential parking permit for elderly and disabled persons; providing for definitions, eligibility requirements, quantity and type of permits, cost responsibility, procedures for "No Parking Except with Permit" sign installation and removal; establishing an effective date; providing a savings clause; providing a severability clause; providing for publication; and ordaining other matters relating to the foregoing. Attachment ***(Requested by Commissioners: Jerry Prepejchal and Joey Trevino)***

- e) Second and final reading to approve and adopt an ordinance amending the Harlingen Code of Ordinances, Section 98-58 to establish a "School Zone" for

Memorial Middle School located on 1901 Rio Hondo Road; establishing a penalty not to exceed \$200.00 for violation of the provisions of this ordinance; providing for publication and ordaining other matters related to the foregoing. Attachment ***(Planning and Zoning)***

- f) Second and final reading to approve and adopt an ordinance of the City of Commission of Harlingen, Texas authorizing the establishment of new position classification titles and the deletion of previous position classification titles within the Harlingen Police Department's organizational structure as afforded by the Texas Local Government Code Section 143.021 (a); providing an effective date, and ordaining all other matters related to the foregoing. Attachment ***(Police Department)***
- g) Consider and take action to approve a refund of property taxes to Second Adams Corporation Donnie Thompson c/o McCullough Account No. 21-2270-0040-0100-00 in the amount of \$989.81 due to a change of value for Year 2010 as per agreed judgment. Attachment ***(Finance Department)***
- h) Report on the investments of the City of Harlingen for the quarter ended June 30, 2012. ***(Finance Department)***
- 7) Consider and take action to approve and adopt an ordinance on first reading adopting the City of Harlingen's Budget for Fiscal Year 2012-2013. Attachment ***(Finance Department)***
- 8) Consider and take action to approve and adopt an ordinance on first reading adopting the ad valorem tax rate for maintenance and operation for Fiscal Year 2012-2013. Attachment ***(Finance Department)***
- 9) Consider and take action to approve and adopt an ordinance on first reading adopting the 2012 ad valorem tax rate for interest and sinking for Fiscal Year 2012-2013. Attachment ***(Finance Department)***
- 10) Consider and take action to approve and adopt a resolution adopting the Harlingen Downtown Improvement District 2012-2013 Fiscal Year Budget. Attachment ***(Finance Department)***
- 11) Consider and take action to approve and adopt a resolution accepting Valley International Airport's adopted budget for Fiscal Year 2012-13. Attachment ***(Airport)***
- 12) Discussion and consideration of an ordinance relating to restrictions on operating a motor vehicle near vulnerable road users and creating an offense and discuss

the creation of a Complete Streets Initiative Committee. Attachment
(Requested by Commissioners: Joey Trevino and Jerry Prepejchal)

- 13) Consider and take action to approve the preliminary ranking of the Engineering Consulting Firms for Professional Consulting Engineering Services for various roadways including the design of storm sewer, water and wastewater along the roadways and authorize Dan Serna, Assistant City Manager to negotiate a contract with the highest ranked firm. Attachment ***(City Engineer)***
- 14) Consider and take action to approve and adopt a resolution authorizing the Harlingen Police Department to submit the 2013 Selective Traffic Enforcement Program (S.T.E.P.) Grant to the Texas Department of Transportation (TXDOT) to fund the hiring off-duty police officers on an overtime basis to enforce speeding, safety restraint, D.W.I. laws and intersection traffic control enforcement. Attachment ***(Police Department)***
- 15) Consider and take action to appoint a representative as the official member and an alternate member to the Amigos Del Valle, Inc. Board of Directors for Fiscal Year 2012-13. Attachment ***(City Manager)***
- 16) Consider and discuss the proposed Metropolitan Planning Organization (MPO) Agreement between the State of Texas, the Harlingen-San Benito MPO Policy Committee and the City of Harlingen and take action to authorize staff to modify the Agreement to require the Fiscal Agent, which is the City of Harlingen, to hire, evaluate, terminate and set the salary for the MPO Transportation Planning Director with advice from the MPO Policy Committee. Attachment ***(Assistant City Attorney)***
- 17) Consider and take action to approve the Memorandum of Understanding with the Texas National Guard for the City of Harlingen Operation Crackdown. Attachment ***(City Manager)***
- 18) Consider and take action to approve a request from Amadeo Tolento, Jr. for a supplemental certificate of public necessity and convenience to add two additional taxicabs to his existing fleet as per the City of Harlingen Taxicab Ordinance, Section 117.46; Additional Taxicabs; Issuance of Supplemental Certificate. Attachment ***(City Secretary)***
- 19) Consider and take action to terminate the Agreement between the City of Harlingen and American Legal Publishing Corporation for the codification of the City of Harlingen ordinances and authorize staff to solicit proposals for recodification of the City of Harlingen Code of Ordinances. Attachment ***(City Secretary)***

20) 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 (4)
- 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
- 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 (1)
- x. Veterans Advisory Board (5)
- y. Zoning Board of Adjustments (5)

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.

21) Citizen Communication

22) Closed/Executive Session regarding the following items:

- a) pursuant to Section 551.072, Tex. Government 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)**

- b) Pursuant to Chapter 551, Subchapter D., V.T.C.A. Government Code (Section 551.071 to consult and seek legal advice from the City Attorney regarding the request by Apparao Raguthu for a Specific Use Permit to allow an adult business in the nature of sweepstakes gaining. **(City Attorney)**
- 23) 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)**
- 24) Consider and take action to approve and adopt an ordinance on first reading to approve a Specific Use Permit for Applicant Apparao Raguthu to allow 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)**

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, August 31st, 2012 at 5:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 31st day of August, 2012.



Amanda C. Elizondo, City Secretary