

CITY COMMISSION
AGENDA
January 18, 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, January 18, 2012 at 5:30 p.m.** in City Hall, Town Hall 2nd Floor located at 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 Joey Trevino

Pledge of Allegiance/Welcome

- 1) Presentation of a proclamation to Mayor Pro-Tem Jerry Prepejchal by Representative Eddie Lucio, III of a proclamation and U.S. Flag in memory of his deceased father, Gerald Robert Prepejchal, Sr. who passed away December 31, 2011.
- 2) Proclamation declaring the 16th day of February 2012 as Tip 'O Texas Genealogical Society Day. Attachment
- 3) Citizen Communication
- 4) Approval of Minutes
 - a) Special Meeting of September 26, 2011
 - b) Regular Meeting of December 7, 2011

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 Items withdrawn from the Consent Agenda for individual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 adopt and approve an ordinance designating a "No Parking Zone" to be established on the east side of South West Street 163 feet south of the centerline of West Tyler Avenue for approximately 177 linear feet. Attachment **(City Engineer)**
- b) Second and final reading to adopt and approve an ordinance designating a "No Parking Zone" along the east side of Tennessee Road. Attachment **(City Engineer)**
- c) Second and final reading to adopt and approve an ordinance designating a "No Parking Zone" to be established on the north side of Harrison Avenue 25.5 feet east of the centerline of Sixth Street for approximately 170 linear feet. Attachment **(City Engineer)**
- d) Second and final reading to adopt and approve an ordinance to replace three (3) existing yield signs with three (3) stop signs at the intersection of New Combes Highway and Dennis Street and Matz Avenue and Dennis Street. Attachment **(City Engineer)**
- e) Second and final reading to adopt and approve an ordinance designating a "No Parking Zone" to be established on the south side of Harrison Avenue 46 feet west of the intersection of Eleventh Street. Attachment **(City Engineer)**
- f) Consider and take action to approve a request from Mrs. Cindy Lerma to close the intersection of W. Liberty and S. Dakota Street to the alleyway before Colorado Street on Liberty from 3:00 p.m. to 9:00 p.m. on Saturday, January 21, 2012 for a birthday party. Attachment **(Police Department)**
- g) Consider and take action to approve a request from Judy Quisenberry with the South Texas Sizzler to close the west bound lane closer to the shoulder from the Soccer Complex to FM 509 and continuing to Grimes turning around at a pre-determined water station site from 6:00 a.m. to 12 noon on Saturday, January 28, 2012 for the South Texas Sizzler 5k & 10K. Attachment **(Police Department)**



- 6) Consider and take action to amend the Valley International Airport's budget for FY 2011 – 2012 to expend \$50,000 for the purchase of two mobile fuel tanks and related equipment. **(Airport)**
- 7) Consider an ordinance on first reading to amend the City of Harlingen Subdivision Ordinance No. 07-28, Section 3.4.3 (K) to clarify the distance requirement of a fire hydrant in non-residential subdivisions. Applicant: City of Harlingen Attachment **(Planning and Zoning Development)**
 - a) Public Hearing
 - b) Consider and take action to adopt and approve an ordinance on first reading on the above mentioned request.
- 8) Consider an ordinance on first reading to rezone from Not Designated (N) District to Residential, Single Family (R-1) District for 2.0 acres out of Tract A and B, Gonzales Subdivision Survey 28 located on FM 507 and FM 508. Applicant: John and Maria Kesterson. Attachment **(Planning Zoning Development)**
 - a) Public Hearing
 - b) Consider and take action to adopt and approve an ordinance on first reading on the above mentioned rezone request.
- 9) Consider an Ordinance on first reading on an amendment to the City of Harlingen Zoning Ordinance No. 07-27 to allow a Farmer's Market in a Residential, Single Family District (R-1) with an approved Specific Use Permit on a tract of land that is not less than one acre in size. Applicant: Saul and Diana Padilla. Attachment **(Planning and Zoning Development)**
 - a) Public Hearing
 - b) Consider and take action to adopt and approve an ordinance on first reading on the above mentioned Specific Use Permit.
- 10) Consider and take to grant a variance request to the City of Harlingen Subdivision Ordinance No. 07-28, Section 4.1.2 with regards to the length of the width ratio in excess of 4 to 1 on the proposed Quinteros Estates, bearing a legal description of 7.67 acre tract of land out of the La Feria Grant situated in Cameron County, being a portion of Block 38 of the Collins Subdivision located on the east side of Rabb Road

approximately 1,300 ft. south of Coco Road. Applicant: Elizardo Quintero. **(Planning and Zoning Development)**

- 11) Consider and take action to grant a variance request to the City of Harlingen Subdivision Ordinance No. 07-28, Section 4.1.3(I) with regards to the minimum number of access points on the proposed Park Meadows Subdivision Phase 6, bearing a legal description of 7.74 acre tract of land out of and Part of Block 27, Petersburg Syndicate Subdivision located on Chester Park Road north of Expressway 83. Applicant: Kristi Satterfield. Attachment **(Planning and Zoning Development)**
- 12) Consider and take action to accept/reject bids and award contract for Phase IV of the Northwest Area Drainage Improvements Project under Bid No. 2012-02. Attachment **(Community Development Director)**
- 13) Consider and take action to adopt and approve a resolution to support an amendment to the Disaster Funding Contract through the Texas General Land Office to allocate unexpended funds to another eligible project. Attachment **(Community Development Director)**
- 14) Consider and take to enter into an agreement between the City of Harlingen and The Economic Development Corporation, (EDC) to provide the City of Harlingen the funding for the Legislative Consulting Services Agreement. Attachment **(City Manager)**
- 15) Consider and take action to enter an agreement between the City of Harlingen and David Sibley and Michael D. Millsap for legislative consulting services, subject to the EDC approving the agreement to fund the consulting services. Attachment **(City Manager)**
- 16) Announcement that the U. S. Department of Justice and the Center for Court Innovation have invited the City Attorney to speak about **Harlingen's Youth Community Court** at the Community Justice 2012; International Conference of Community Courts in Washington D. C., January 31 – February 2, 2012. Attachment **(City Attorney)**

17) Board Appointments

Discussion and possible action regarding membership on any of the following listed board/entity:

- a. Airport Board
- b. Animal Shelter Advisory Committee (3)

- c. Audit Committee
- d. Civil Service Commission (Mayor) (2)
- e. Community Development Advisory Board (2)
- f. Construction Board of Adjustments (8)
- g. Convention & Visitors Bureau
- h. Development Corporation of Harlingen, Inc.
- i. Downtown Improvement District Board (2)
- j. Golf Course Advisory Board
- k. Harlingen Community Improvement Board (2)
- l. Harlingen Housing Authority Board
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (5)
- o. Library Advisory Board (1)
- p. Municipal Auditorium Advisory Board (2)
- q. Museum Advisory Board (3)
- r. Parks Advisory Board
- s. Planning & Zoning Advisory Board
- t. Senior Citizens Advisory Board (1)
- u. Tax Increment Finance Board
- v. Tennis Advisory Board
- w. Utility Board of Trustees
- x. Veterans Advisory Board (2)
- 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.

18) 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 Jefferson Street Drainage Project. **(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 contract legal issues with Best Lawn Care, Inc. for mowing, landscaping and litter pick-up services at City parks. Attachment **(City Manager)**
- c) 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 **Project Blue** and to seek legal advice from the City Attorney regarding this 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 known as Harlingen Field. Attachment **(City Attorney)**
- e) 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 **Maria Dahlia Perez, et. al vs. City of Harlingen** Cause No. 7:11-CV-00236 in the United States District Court for the Southern District of Texas, McAllen Division. Attachment **(City Attorney)**
- f) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.074 personnel matters, to deliberate the annual evaluation, duties and performance of the Presiding Municipal Court Judge from May 26, 2010 to May 26, 2011. **(City Manager)**

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, January 13, 2012 at 9:00 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 13th day of January, 2012.



Amanda C. Elizondo, City Secretary