

CITY COMMISSION  
AGENDA  
**March 7, 2012**  
**@ 5:30 P.M.**  
**CULTURAL ARTS CENTER**  
576 76<sup>TH</sup> Drive  
Harlingen, Texas

Notice is hereby given that the above governmental body will hold a Regular Meeting on **Wednesday, March 7, 2012 at 5:30 p.m.** in the Cultural Arts Center located at 576 76<sup>th</sup> Drive, 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/Mayor Chris Boswell

Pledge of Allegiance/Welcome

- 1) Board Member Recognitions
- 2) Proclamation – proclaiming the month of March as “Declaring 2012 as the Year of the Girl and Celebrating 100 Years of Girl Scouting.” Attachment
- 3) Recognition to the City of Harlingen Code Enforcement Department, recipient of a Statewide Award for implementation of new initiatives. Attachment
- 4) Citizen Communication
- 5) Approval of Minutes
  - a. Regular Meeting of February 1, 2012

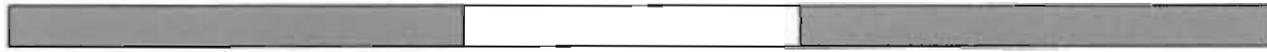
<b>CONSENT AGENDA</b>
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**The following items are of a routine or administrative nature. The Council has been furnished with background material on each item and/or it has been discussed at a previous meeting. All items will be acted upon by one vote, 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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.**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 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 five acres in size. Applicant: Saul and Diana Padilla. Attachment ***(Planning and Zoning)***
  
- b) Second and final reading to adopt and approve an ordinance amending Chapter 37 of the Harlingen City Code of Ordinance to add Section 37.04 establishing a residence homestead tax limitation for individuals who are disabled or sixty-five (65) years of age or older; and establishing an effective date for tax limitation eligibility. Attachment ***(Requested by Commissioners: Robert Leftwich and Danny Castillo)***
  
- c) Second and final reading to adopt and approve an ordinance amending Section 37.01 of Chapter 37 of the Harlingen City Code of Ordinances establishing a residence homestead tax exemption for an individual who is disabled or sixty-five (65) years of age or older; and establishing an effective date for tax exemption eligibility. Attachment ***(Requested by Commissioners: Danny Castillo and Robert Leftwich)***
  
- d) Second and final reading to adopt and approve an ordinance on first reading to amend Chapter 95, Section 95.57 to allow for speed humps in school zone areas. Attachment ***(Requested by Mayor Pro-Tem Jerry Prepejchal and Commissioner Robert Leftwich)***
  
- e) Second and final reading to adopt and approve an ordinance to abandon a 60 ft. road right-of-way located at the west end of Bowie Avenue, bearing a legal description of a .33 acre tract of land of Bowie Avenue, being adjacent to the north boundary of Lots 1-5, Branch Addition, recorded in Volume 6, Page 64, Map records of Cameron County, Texas. Applicant: Ferris and Flinn, LLC, c/o Cactus Land Partners, LP. Attachment ***(Planning and Zoning)***
  
- f) Second and final reading to adopt and approve an ordinance amending the City of Harlingen Comprehensive Plan "Vision 2020" Long Range Thoroughfare Plan by eliminating the proposed extension of "O" Street north of Teege Road. Applicant: Harlingen CISD c/o Oscar Tapia. Attachment ***(Planning and Zoning)***
  
- g) Second and final reading to adopt and approve an ordinance to rezone from Light Industry (LI) District to General Retail (GR) District for a 17.53± acre tract of land, 9.5311 acres out of the north 10 acres, out of Block 7, Harlingen Land & Water Company "B" and 7.8194 acres out of the south 10 acres of the north 20 acres, out of Block 7, Harlingen Land & Water Company "B", located on Chester

Park Road and Palm Court Drive. Applicant: Ray Gonzalez. Attachment ***(Planning and Zoning)***

- h) Second and final reading to adopt and approve an ordinance amending the City of Harlingen Zoning Ordinance No. 07-27, Section 12, Sign Regulations pertaining to permit requirements, banner signs and the height clearance of an on-premise sign in the Downtown District. Applicant: City of Harlingen. Attachment ***(Planning and Zoning)***
- i) Second and final reading to adopt and approve an ordinance of the City of Harlingen, Texas amending Sections 32.127 and 32.130 of Chapter 32 of the Harlingen City Code, as amended; providing for the composition, appointment and absences of the Community Development Advisory Board Members; providing a savings clause; providing a severability clause; and ordaining other matters pertaining to the foregoing. Attachment ***(Community Development)***
- j) Consider and take action to approve a request from Our Lady of the Assumption Church to close Lincoln Street beginning at "L" Street and ending at "M" Street on Friday, May 11<sup>th</sup> and Saturday, May 12<sup>th</sup>, 2012 from 5:00 p.m. to 11:00 p.m. for their Annual Spring Festival. Attachment ***(Police Department)***
- k) Consider and take action to approve a request from the Downtown Improvement District to close Jackson Street and Crossroads A, 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Streets from alleyway to alleyway crossing Jackson Street for the 5<sup>th</sup> Annual Jackson Street Classic Car Show to be held on Saturday, April 14, 2012 from 7:00 a.m. to 3:00 p.m. Attachment ***(Police Department)***



- 7) Consider and take action to adopt resolutions approving the various bids received for each of the following tax resale properties: Attachments

Legal Description: Tract 2: Lot 27, Block 3, Charleston Addition, an addition to the City of Harlingen, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 7, Page 1, Map Records of Cameron County, Texas. (Acct. No. 16-4110-0030-0270-00)

Legal Description: Tract 1: Lot 28, Block 3, Charleston Addition, an addition to the City of Harlingen, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 7, Page 1, Map Records of Cameron County, Texas. (Acct. No. 16-4110-0030-0280-00)

Legal Description: Lot 7, Block 13, East Avondale Re-subdivision, Cameron County, Texas, as described in Volume 1338, Page 46, Deed Records of Cameron County, Texas. (Acct. No. 17-4390-0130-0070-00)

Legal Description: 0.32 acre, more or less, being a portion of Lot 4, Re-subdivision of Block 27, F.Z. Bishop Subdivision, Cameron County, Texas, as described in deed dated January 15, 1980, from Polk Hornaday to Jorge Pesina, Et Al, in Volume 53, Page 60, Official Records of Cameron County, Texas. (Acct. No. 15-7570-0040-0010-00)

Legal Description: 1.001 acres, more or less, situated in Lot 2, Colunga Subdivision, Cameron County, Texas, as described in deed dated August 5, 1995, from Melissa Y. Cruz to Yolanda Gonzales, in Volume 3483, Page 240, official records of Cameron County, Texas. (Acct. No. 16-7220-0000-0021-00)

Legal Description: Tract 1: Lot 23, Block 12, East Avondale Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 1427, Page 264, deed records of Cameron County, Texas. (Acct. No. 17-4390-0120-0230-00)

Legal Description: Tract 2: Lot 24, Block 12, East Avondale Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 1427, Page 264, deed records of Cameron County, Texas. (Acct. No. 17-4390-0120-0240-00)

Legal Description: Tract 3: Lot 25, Block 12, East Avondale Addition, an addition to the City of Harlingen, Cameron County, Texas, as described in Volume 1427, Page 264, deed records of Cameron County, Texas. (Acct. No. 17-4390-0120-0250-00)

Legal Description: Lot 7, Block 2, Colonia Esperanza Subdivision, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 15, Page 70, map records of Cameron County, Texas (Acct. No. 16-6430-0020-0070-00)

Legal Description: Lot 4, Block 5, Harlingen Heights Addition, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 6, Page 66, map records of Cameron County, Texas. (Acct. No. 18-3680-0050-0040-00)

Legal Description: Tract 1: Lot 7, Block 1, Colonia Mitchell Addition #1, City of Harlingen, Cameron County, Texas, as described in Volume 471, Page 366, deed records of Cameron County, Texas. (Acct. No. 16-7090-0010-0070-00)

Legal Description: Lots 1, 2 & 3, Block 63, Laurel Hurst Subdivision, City of Harlingen, Cameron County, Texas (Acct Nos. 19-7260-0000-0010-00, 19-7260-0000-0020-00 & 19-7260-0000-0030-00)

- 8) Consider and take action to accept or reject bids for the construction of the Veterans Memorial Project under Bid No. 2012-08. Attachment (***Public Works Director***)
- 9) Consider and take action to approve the submission of a grant application to the Economic Development Administration (EDA) in the amount of \$2,415,491.46 for infrastructure improvements to Brazil Street and Teege Street located on Tax Increment Reinvestment Zone #3. Attachment (***City Manager***)
- 10) Discuss and take action to approve the submission of an Economic Development Grant in the amount of \$1,020,000 with a local match of \$101,789.60 for a Regional Comprehensive Plan to improve transportation routes, international trade and economic development in the region. Attachment (***City Manager***)
- 11) Consider and take action to approve a consulting agreement between the Harlingen Economic Development and HVS Consulting and Valuation to complete a Market Study with Facility Recommendation and Feasibility Analysis for a Proposed Hotel & Conference Center in Harlingen, Texas. Attachment (***Economic Development Corporation of Harlingen, Inc.***)
- 12) Discuss and take possible action to approve the rules and regulations for the Veterans Advisory Board. Attachment (***Environmental Health Director***)
- 13) Consider and take action to approve a demonstration project from D & A Technology & Development, LLC from San Antonio, Texas for the placement of a surface sealer on a city street. Attachment (***City Engineer***)
- 14) Consider and take action to allow the City Manager to submit a grant application to the Texas Commission on Environmental Quality Chapter 319 Clean Water Act Non Point Source Grant Program to reconstruct the City Hall Parking Lot with permeable pavers as a demonstration project and to utilize permeable pavers from Oldcastle for the project. Attachment (***City Engineer***)
- 15) Consider and take action to adopt and approve an ordinance on first reading designating a "No Parking Zone" and "No Parking Loading/Unloading Zone" be established on the west side of South Chester Park Road from Expressway 83 eastbound Frontage Road south to Highway 83. Attachment (***City Engineer***)
- 16) Consider and take action to authorize the City Manager to execute a Railroad Crossing License and Force Account Agreement with Union Pacific Railroad

(UPRR) and Rio Valley Switching Company (RVSC) to proceed forward with the construction of the Stuart Place Road Improvement Project. Attachment (**Public Works**)

- 17) Announce that the United States Department of Justice has granted preclearance to the City of Harlingen for the March 16, 2012 special vacancy election, including the designation of the polling place and candidate qualification procedures for City Commission District 3. Attachment (**City Attorney**)
- 18) Consider and take action to adopt and approve a resolution establishing rental rates for the Water Splash Park and its associated gazebos at the Lon C. Hill Park located at 605 N. "L" Street. Attachment (**City Manager**)
- 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 (3)
- c. Audit Committee
- d. Civil Service Commission (Mayor) (2)
- e. Community Development Advisory Board (1)
- f. Construction Board of Adjustments (8)
- g. Convention & Visitors Bureau (1)
- h. Development Corporation of Harlingen, Inc. (1)
- i. Downtown Improvement District Board (2)
- j. Golf Course Advisory Board
- k. Harlingen Community Improvement Board (1)
- l. Harlingen Housing Authority Board
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (2)
- o. Library Advisory Board (1)
- p. Municipal Auditorium Advisory Board (1)
- q. Museum Advisory Board (4)
- r. Parks Advisory Board
- s. Planning & Zoning Advisory Board
- t. Senior Citizens Advisory Board (3)
- u. Tax Increment Finance Board
- v. Tennis Advisory Board
- w. Utility Board of Trustees
- x. Veterans Advisory Board (2)
- y. Zoning Board of Adjustments (9)

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, Section 551.071 consultation with the City Attorney to seek legal advice regarding the Development Corporation of Harlingen, Inc.'s (a/k/a Economic Development Corporation) pending request for reimbursement from the Tax Increment Financing Reimbursement Zone No. 3 Fund for costs related to Harlingen Ventures No. Two, L.P. Attachment (**City Manager**)
- c) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 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 the subject. (**City Manager**)
- d) Personnel matters - pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.074 personnel matter to deliberate the evaluation, duties, and performance of the City Attorney. (**Mayor**)

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, March 2, 2012 at 8:49 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 2<sup>nd</sup> day of March, 2012.



Amanda C. Elizondo  
Amanda C. Elizondo, City Secretary