

Regular
CITY COMMISSION
AGENDA
April 4, 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, April 4, 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/Joey Trevino, City Commissioner

Pledge of Allegiance/Welcome

- 1) Presentation of a proclamation proclaiming the week of April 9 through April 14, 2012 as "Community Development Block Grant Week." Attachment
- 2) Presentation of a proclamation proclaiming the month of April, 2012 as "Fair Housing Month." Attachment
- 3) Citizen Communication
- 4) Approval of Minutes
 - a. Special Meeting of February 20, 2012
 - b. Regular Meeting of March 7, 2012
 - c. Special Meeting of March 14, 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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.

- 5a) Second and final reading to adopt and approve an ordinance to rezone from Residential, Multi-Family (M-2) District to General Retail (GR) District for Lots 3 and 4, Block 1, Arroyo Estates Subdivision, and rezone from Office (O) District to General Retail (GR) District for Lots 1 and 2, Block 1, Arroyo Estates Subdivision located at 1725 Ed Carey Drive. Applicant: Halff Associates, c/o Benjamin Macias. Attachment (***Planning and Zoning Development***)
- b) Second and final reading to adopt and approve an ordinance amending the City of Harlingen Comprehensive Plan "Vision 2020" Long Range Thoroughfare Plan by downgrading the designation of the proposed extension of Brazil Road north of Spur 54 from a major collector street to a local street and amending the alignment of the subject road to the east where it intersects with Teege Road and to the west where it intersects with Spur 54. Applicant: Halff Associates, c/o Benjamin Macias. Attachment (***Planning and Zoning Development***)
- c) Second and final reading to adopt and approve an ordinance to rezone from Residential, Single Family (R-1) District to General Retail District for Blocks 7-12, Howard's Dixieland Heights Addition No. 2 located on the west side of Dixieland Road south of Garrett Road. Applicant: Rollins Koppel and Charles Shofner. Attachment (***Planning and Zoning Development***)
- d) Second and final reading to adopt and approve an ordinance to create and establish a juvenile case manager fee and fund, which requires defendants convicted of fine-only misdemeanors to pay a juvenile case manager fee of \$3.00 if the municipality employs a juvenile case manager and the fee is used to pay for such costs of the position. (***Requested by Commissioner Joey Trevino and Mayor Pro-Tem Jerry Prepejchal***)
- e) Consider and take action approve a request by the Immaculate Heart of Mary Catholic Church to close "C" Street between Polk and Tyler Streets on Friday, April 6, 2012 from 4:00 p.m. to 6:00 p.m. for their Annual Good Friday Services. Attachment (***Police Department***)
- f) Consider and take action to approve refunds of property taxes to Marvin L. Dikeman Account #16-8750-0020-0210-00 in the amount of \$523.85 due to a correction of ownership to 50% and a reinstatement of freeze for Year 2011 and The CIT Technology Financing Services, Account #00-0100-0047-6902-01 in the amount of \$533.96 due to a change of value for Year 2011. (Total amount of refund \$1,057.81. Attachment (***Finance Department***))
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- 6) Consider the renaming of Sweezy Lane to E. Treasure Hills Blvd. as an extension of Treasure Hills Blvd. Attachment (Planning and Zoning Development)

- a) Public Hearing
 - b) Consider and take action to rename Sweezy Lane to E. Treasure Hills Blvd. as an extension of Treasure Hills Blvd.
- 7) Consider an ordinance on first reading amending 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. Attachment **(Planning and Zoning Development)**
- a) Public Hearing
 - b) Consider and take action to adopt and approve an ordinance on first reading amending the City of Harlingen Code of Ordinances, Chapter 95, adding Sections 95.70 thru 95.76 as defined in Item No. 7.
- 8) Consider and take action to approve the final plat and letter from Harlingen CISD in lieu of the letter of credit for the proposed HCISD Ninth Grade Academy Subdivision, bearing a legal description of 47.38 acres of land comprised of 21.68 acres of Block 8, and 25.70 acres out of Block 21, Peterburg Syndicate Subdivision. Applicant: Brown, Leal & Associates, c/o Oscar Tapia, Harlingen CISD. Attachment **(Planning and Zoning Development)**
- 9) Discuss and take action on approval of the agreement between the Development Corporation of Harlingen, Inc. and RARE Hospitality International, Inc. Attachment **(Economic Development)**
- 10) Consider and take action to reduce the agreement between the Development Corporation of Harlingen, Inc. and Aloe Laboratories, Inc. from \$40,000 to \$15,000 and to approve a budget adjustment accordingly. Attachment **(Economic Development)**
- 11) Consider and take action to adopt and approve an ordinance on first reading to amend the City of Harlingen's Budget for Fiscal Year 2011-12. Attachment **(Finance Director)**
- 12) Consider and take action to adopt and approve a resolution to amend the Harlingen Downtown Improvement District for Fiscal Year 2011-2012. Attachment **(Finance Director)**

- 13) Consider and take action to approve the renewal for the 2012 season of a contract between the City of Harlingen and Harlingen Dynamo Junior and Rio Valley Youth Soccer Association- Scorpions for the use of designated fields at the Harlingen Soccer Complex. Applicant City of Harlingen, Keith Martin and Jerry Bazaan. Attachment **(Parks and Recreation)**
- 14) Consider and take action to approve the renewal for the 2012 season of a contract between the City of Harlingen and Arroyo Youth Soccer Club for the use of the designated fields at the Harlingen Soccer Complex. Applicant: City of Harlingen, Kenneth Landrum. Attachment **(Parks and Recreation)**
- 15) Consider and take action to approve or deny a one year contract between the City of Harlingen and Harlingen Aquatic Team (HAT) for the use of the Pendleton Pool and Victor Pool. Applicant: City of Harlingen and John Tucker. Attachment **(Parks and Recreation)**
- 16) Consider and take action to approve the renewal of a contract between the City of Harlingen and Gears Radio Controlled Car Club for the use of the designated area on the north side of the Oil Mill Pavilion at Lon C. Hill Park for the 2012 season. Applicant: City of Harlingen and Jerry Lewis. Attachment **(Parks and Recreation)**
- 17) Consider and take action to approve the renewal for the 2012 season of a contract between the City of Harlingen and Harlingen Pony Girls Softball League for the use of the fields at Arroyo Park. Applicant: City of Harlingen and Candy Wiley. Attachment **(Parks and Recreation)**
- 18) Consider and take action to approve the renewal for the 2012 season of a contract between the City of Harlingen and Harlingen American Little League for the use of designated fields at Pendleton Park and Lon C. Hill Park. Applicant: City of Harlingen and Ken Jaeger. Attachment **(Parks and Recreation)**
- 19) Consider and take action to approve the renewal for the 2012 season of a contract between the City of Harlingen and Harlingen National Bronco Baseball League for the use of the ball fields at the Tom Wilson Youth Sports Park. Applicant: City of Harlingen and Jerry Hernandez. Attachment **(Parks and Recreation)**
- 20) Consider and take action to approve the renewal of a contract between the City of Harlingen and the Harlingen Texas Bronco/Pony League for the use of designated fields at Victor Park for the 2012 season. Applicant: City of Harlingen and Victor Zepeda. Attachment **(Parks and Recreation)**
- 21) Announce that the United States Department of Justice has granted preclearance to the City of Harlingen to: (1) Change the City's General Election date from May

12, 2012 to November 6, 2012; (2) Comply with the Texas Secretary of State's General Election Calendar for November 6, 2012; and (3) Provide for a one-time extension to the office terms affected by the general election date change.
Attachment **(City Attorney)**

22) 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.
- 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 (2)
- 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 (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.

23) 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

Candice Shirley vs. City of Harlingen, Texas, Cause No. 2011-DCL-08479-I in the 445th Cameron County District Court. ***(City Attorney)***

- b) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.071 regarding consultation with the City Attorney to seek legal advice regarding legal defense services provided by the Texas Municipal League Risk Pool on the City's active and future litigation cases. Attachment ***(City Attorney)***
- 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 Interlocal Agreement with Cameron County to participate in Tax Increment Financing Reinvestment Zone Nos. 1, 2 and 3. Attachment ***(City Manager)***
- 24) Consider and take action to approve a revised Interlocal Agreement between the City and Cameron County regarding the County's participation in the City's Tax Increment Reinvestment Zone No. 1. Attachment ***(City Manager)***
- 25) Consider and take action to approve a revised Interlocal Agreement between the City and Cameron County regarding the County's participation in the City's Tax Increment Reinvestment Zone No. 2. Attachment ***(City Manager)***
- 26) Consider and take action to approve a revised Interlocal Agreement between the City and Cameron County regarding the County's participation in the City's Tax Increment Reinvestment Zone No. 3. Attachment ***(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, March 30, 2012 at 6:50 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 30th day of March, 2012.



Amanda C. Elizondo, City Secretary