

Regular
CITY COMMISSION
AGENDA
March 21, 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, March 21, 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/Mayor Pro-Tem Jerry Prepejchal

Pledge of Allegiance/Welcome

- 1) Presentation by Valley Praise with regards to their Annual Easter Egg Drop to be held Saturday, March 31, 2012 at the City's Sports Complex on Wilson Road. Applicant: City of Harlingen and Valley Praise. Attachment ***(Parks & Recreation)***
- 2) Presentation by Maria Benedict, BSPH, Program Specialist with Texas Department of State Health Services/Cardiovascular Disease & Stroke Health Services of the Bronze Award to the Harlingen City Commission. Attachment ***(City Manager)***
- 3) Presentation by Wilson P. Bourgeois, Chairman of the Civil War Sesquicentennial Committee and member of the Cameron County Historical Commission on how they can assist the City of Harlingen in economic planning, preservation and education and on the Civil War Sesquicentennial Committee and their efforts in the commemoration of the American Civil War. Attachment ***(City Manager)***
- 4) Harlingen Neighborhood Clean-Up Sweep Program for the month of March, 2012.
- 5) Citizen Communication
- 6) Approval of Minutes
 - a. Regular Meeting of February 15, 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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.

- 7a) Second and final reading to adopt and approve an ordinance designating a "No Parking Zone" and "No Parking Loading/Unloading Zone" on the west side of South Chester Park Road from Expressway 83 eastbound Frontage Road south to Highway 83. Attachment (***City Engineer***)
- b) Consider and take action to approve refunds of property taxes to South Texas SDI Properties LLC (Sonic Drive Inn) Account #23-2610-0000-0040-00, Nations Bank NCNB TX National Bank (Bank of America) Account #15-0000-0710-0010-00, The Secretary of Housing and Urban (Wells Fargo Home Mortgage) Account #98-4180-0060-0100-00, Rosa Maria L. De Agrasanchez Account #24-5610-0010-0440-00, and Fama Development LTD (Martha L. Valencia) Account #87-1570-0010-0100-00. Attachment (***Finance***)

- 8) Consider and take action to approve purchase of Freedom Hardware and Software Module by the Tony Butler Golf Course in the amount of \$9,346, out of the reserve balance. Attachment (***Golf Course***)
- 9) Consider an ordinance on first reading 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***)
 - a) Public Hearing
 - b) Consider and take action to adopt and approve an ordinance on first reading for the above mentioned rezone request.
- 10) Consider an ordinance on first reading on an amendment to the City of Harlingen 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)***

- a) Public Hearing
 - b) Consider and take action to adopt and approve an ordinance on first reading amending the City of Harlingen Vision 2020 Long Range Thoroughfare Plan.
- 11) Consider an ordinance on first reading 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)***
- a) Public Hearing
 - b) Consider and take action to adopt and approve an ordinance on first reading for the abovementioned rezone request.
- 12) Consider an ordinance on first reading on an amendment to the City of Harlingen Vision 2020 Long Range Thoroughfare Plan by amending the alignment of the proposed extension of Stuart Place Road to the west where it intersects with Dilworth Road south of Mayfield Road. 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 Vision 2020 Long Range Thoroughfare Plan.
- 13) Consider and take action to grant a variance request to the City of Harlingen Subdivision Ordinance No. 07-28, Section 4.1.2 with regards to the length to width ratio in excess of 4 to 1 on the proposed Teeter Subdivision bearing a legal description of 5.00 acre tract of land out of Block 5, Stuart Place Subdivision Survey 294, Cameron County, Texas located on the west side of Dilworth Road approximately 670 ft. north of Mayfield Road. Applicant: Ferris & Flinn, LLC Attachment ***(Planning and Zoning Development)***
- 14) Consider and take action to allocate funding from the Hotel/Motel Fund Balance for tourism marketing, to be equally matched by the Harlingen Economic Development Corporation, Inc. and direct staff to prepare the necessary agreement. Attachment ***(Economic Development Corporation)***

- 15) Consider and take action to allow the Texas Commission on Environmental Quality (TCEQ) to access the City Parking Lot located on the corner of Harrison and First Street to install and repair monitoring wells on the property. Attachment **(City Engineer)**
- 16) Consider and take action to accept or reject bids and award a contract for the overlay of the following streets: Dixieland Road and the Expressway Frontage south to Lincoln Avenue; Lincoln Avenue from the Expressway Frontage west to Dixieland; and Recycling Center Parking Lot under Bid Number 2012-04. Attachment **(Public Works)**
- 17) Consider, discuss and take action to adopt an ordinance on first reading 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 not to exceed \$5.00 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)**
- 18) Consider, discuss and take possible action to adopt a resolution to establish and create a City Charter Review Advisory Committee to study certain issues to be determined by the City Commission and make preliminary and final recommendations to the City Commission for a possible charter amendment election on November 6, 2012. Attachment **(Requested by Commissioner Robert Leftwich and Mayor Pro-Tem Jerry Prepejchal)**.
- 19) Discuss and reconsider the approval of Resolution No. R-12-21 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 **(Mayor)**
- 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
- 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.

21) 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 551.087 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)**
- 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 Development Corporation of Harlingen, Inc.'s (a/k/a/ Economic Development Corporation) pending request for reimbursement from the Tax Increment Financing Reinvestment Zone No. 3 Fund for costs related to Harlingen Ventures No. Two, L.P. Attachment **(City Manager and City Attorney)**
- d) 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 Uncle*** and to seek legal advice from the City Attorney regarding the subject. Attachment (***City Manager***)

- e) pursuant to Chapter 551, D, V.T.C.A. Government Code, Section 551.071 consultation with the City Attorney to seek advice regarding ***Charles E. Lee vs. City of Harlingen, Texas***, Cause No. 2010-DCL-4849 in the 103rd Cameron County District Court. Attachment (***City Attorney***)

- 22) 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 Nos. 1, 2 and 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 16, 2012

at 10:45 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 16th day of March, 2012.

A handwritten signature in blue ink that reads "Amanda C. Elizondo". The signature is written in a cursive style and is positioned above a horizontal line.

Amanda C. Elizondo, City Secretary