

CITY COMMISSION
AGENDA
February 1, 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, February 1, 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 Danny Castillo

Pledge of Allegiance/Welcome

- 1) Citizen Communication
- 2) Approval of Minutes
 - a) Special Meeting of December 27, 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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.

- 3a) Second and final reading to adopt and approve an ordinance to amend the City of Harlingen Subdivision Ordinance No. 07-28, Section 3.4.3 (K) to clarify the distance requirement of fire hydrants in non-residential subdivisions. Applicant: City of Harlingen Attachment ***(Planning and Zoning)***
- b) Second and final reading to adopt and approve an ordinance to rezone from Not Designated (N) District to Residential, Single Family (R-1) District for 2.0 acres

out of Tracts A and B, Gonzales Subdivision Survey 28 located on FM 507 and FM 508. Applicant: John and Maria Kesterson. Attachment (***Planning and Zoning***)

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- 4) Consider and take action to grant a one (1) time exception to Section R108 (Fees) of the 2006 International Residential Code; waiving of Ordinance No. 02-45 (Establishing as Re-Inspection Fee); and Ordinance No. 04-69 (Permit Fee Schedule) for the construction of two (2) homes to be constructed by the youth at the Outreach Center under the Cameron County Juvenile Justice Program. Attachment (***Community Development***)
 - 5) Consider an ordinance on first reading on a Specific Use Permit (SUP) to allow a bar/lounge in a General Retail (GR) District located at 1601 W. Harrison Ste. D, bearing a legal description of Lot 1, Palm Terrace Subdivision. Applicant: Emilio Garza. Attachment (***Planning and Zoning***)
 - a) Public Hearing
 - b) Consider and take action to adopt and approve an ordinance on first reading for the abovementioned Specific Use Permit.
 - 6) Consider an ordinance on first reading on an amendment to the City of Harlingen Zoning Ordinance, Section 12, Sign Regulations pertaining to permit requirements, banner sign and the height clearance of an on-premise sign in the Downtown District. Applicant: City of Harlingen. Attachment (***Planning and Zoning***)
 - a) Public Hearing
 - b) Consider and take action to adopt and approve an ordinance on first reading on an amendment to the City of Harlingen for the Harlingen Zoning Ordinance.
 - 7) Consider an ordinance on first reading of a request to rezone from Residential, Multi-Family (M-2) District to Neighborhood Services (NS) District for Lots 1-5, Block A, East Park Terrace Subdivision; Lots 1-10, Block D, East Park Terrace Subdivision; Lots 1-10, Block E, East Park Terrace Subdivision; Lots 1-8, Block H, East Park Terrace Subdivision; the West 10 acres of Block 62, Harlingen Land and Water Company Subdivision; and 6.88 acres out of Block 63, Harlingen Land and Water Company Subdivision; and rezone from Residential, Single Family (R-1) to Neighborhood Services (NS) for Lots 4-7, Block 4 Nicholson Place Subdivision No. 3, located along 13th Street between Jefferson Street and

Harrison Street. Applicant: Harlingen CISD, c/o Oscar Tapia. Attachment ***(Planning and Zoning)***

- a) Public Hearing
 - b) Consider and take action to adopt and approve an Ordinance on first reading for the above mentioned rezone request.
- 8) Consider an ordinance on first reading on a Specific Use Permit (SUP) to allow a public school in a Residential; Multi-Family (M-2) District located at 1701 Lozano Street, bearing a legal description of 47.38 acres of land comprised of 21.68 acres out of Block 8 and 25.70 acres out of Block 21, Petersburg Syndicate Subdivision. Applicant: Harlingen CISD, c/o Oscar Tapia. Attachment ***(Planning and Zoning)***
- a) Public Hearing
 - b) Consider and take action to adopt and approve an Ordinance on first reading for the above mentioned Specific Use Permit.
- 9) Consider an ordinance on first reading on a Specific Use Permit (SUP) to allow light industry manufacturing (bimodal, rail to truck handling station) in a General Retail (GR) District located at 3502 Wilson Road bearing a legal description of 20.31± acres out of Block A, Boyce Tract Survey 26. Applicant: Juan M. Lerma. Attachment ***(Planning and Zoning)***
- a) Public Hearing
 - b) Consider and take action to adopt and approve an Ordinance on first reading for the above mentioned Specific Use Permit.
- 10) Discussion of an ordinance authorizing the freeze of Ad Valorem taxes on homeowners who are either disabled or 65 years of age or older. Attachment ***(City Manager)***
- 11) Consider and take action to approve the lease agreement between the City of Harlingen and Cameron County for the leasing of the voting equipment to be used for the March 16, 2012 Special Election for the purpose of electing one (1) member to Harlingen City Commission to fill the unexpired term of City Commissioner District 3. Attachment ***(City Secretary)***
- 12) Consider and take action to approve a resolution appointing and ordering an Early Voting Ballot Board Presiding Judge; and Early Voting Ballot Board Alternate Presiding Judge; ordering an Election Day Presiding Judge and an

Election Alternate Presiding Judge; each to serve as election officials for the March 16, 2012 Special Election for the purpose of electing one (1) member to the Harlingen City Commission to fill the unexpired term of City Commissioner District 3 and ordaining other matters related to the foregoing. Attachment ***(City Secretary)***

13) Consider and take action to approve a renewal of an Industrial District Agreement between the City of Harlingen, Texas and Cameron County, Texas 78550 and Valley International Cold Storage (VICS), 200 North Loop 509, Texas 78550. Attachment ***(Economic Development)***

14) 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 (2)
- 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.

- 15) 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 Harlingen Waterworks Attorney to seek legal advice regarding **Harlingen Waterworks System, a Department of the City of Harlingen, Texas and the City of Harlingen v. David Allen Woolweaver and Jeanine O. Woolweaver**, Cause No. 2011-CCL-00245 in Cameron County Court at Law No. 3. Attachment **(City Attorney)**
 - b) 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)**
 - 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 **Jefferson Street Drainage Project. (City Manager)**
- 16) Consider and take action to approve the Special Commissioners in Condemnation award in the case of **Harlingen Waterworks System, a Department of the City of Harlingen, Texas and the City of Harlingen v. David Allen Woolweaver and Jeanine O. Woolweaver**, Cause No. 2011-CCL-00245 in Cameron County Court at Law No. 3. Attachment **(City Attorney)**

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 27, 2012 at 7:25 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 27th day of January, 2012.



Amanda C. Elizondo
Amanda C. Elizondo, City Secretary