

CITY COMMISSION  
AGENDA  
**February 15, 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 15, 2012 at 5:30 p.m.** in City Hall, Town Hall 2<sup>nd</sup> 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 Robert Leftwich

Pledge of Allegiance/Welcome

- 1) Proclamation proclaiming the month of February as "Red Cross Month." Attachment
- 2) Proclamation proclaiming the 28<sup>th</sup> day of February 2012 as "I-HOP's National Pancake Day and Shriners Hospitals for Children Day." Attachment
- 3) Harlingen Neighborhood Clean-Up Sweep Program for the month of February, 2012 at Pittman, Mendez and Lozano Streets.
- 4) Harlingen Elderly Assistance Property Clean-up Program for the Month of February, 2012 at 526 Pittman Street, District 2.
- 5) Citizen Communication
- 6) Approval of Minutes
  - a. Special Meeting of January 9, 2012
  - b. Regular Meeting of January 18, 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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.**

- 7a) Second and final reading to adopt and approve an ordinance for 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)***
- b) Second and final reading to adopt and approve an ordinance for 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), District for Lots 4-7, Block 4, Nicholson Place Subdivision No. 3, located along 13<sup>th</sup> Street between Jefferson Street and Harrison Street. Applicant: Harlingen CISD, c/o Oscar Tapia. Attachment ***(Planning and Zoning)***
- c) Second and final reading to adopt and approve an ordinance for 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)***
- d) Second and final reading to adopt and approve an ordinance for 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)***
- e) Consider and take action to approve a request from the City of Harlingen Parks & Recreation Department to temporarily close Fair Park Boulevard from Wichita Street to "L" Street and the intersection of Adams Street and "L" Street from 7:30 a.m. to 3:00 p.m. on Saturday, March 3, 2012 for their Kidfit Festival in Harlingen. Attachment ***(Police Department)***
- f) Consider and take action to approve a refund of property taxes to Timbres Associates, LP c/o Matthew Zebrowski Account #17-0015-0010-0010-00 in the

amount of \$3,646.96 due to an adjustment for a change in value for Years 2010 and 2011. Attachment (***Finance Department***)

- g) Consider and take action to approve the Investment Report for the City of Harlingen for quarter ended December 31, 2011. Attachment (***Finance Department***)



- 8) Consider an ordinance on first reading 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***)

a) Public Hearing

b) Consider and take action to adopt and approve an ordinance on first reading to amend the City of Harlingen Zoning Ordinance No. 08-27 to allow a Farmer's Market in Residential, Single Family District (R-1) with an approved Specific Use Permit.

- 9) Consider and take action to approve an ordinance on first reading 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***)

- 10) Consider and take action to approve an ordinance on first reading 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***)

- 11) Discussion of a general homestead property tax exemption for the City of Harlingen. Attachment (***Requested by Commissioner Robert Leftwich and Mayor Pro-Tem Jerry Prepejchal***)

- 12) Consider and take action to 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***)

- 13) Consider an ordinance on first reading 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)***
  - a) Public Hearing
  - b) Consider and take action to adopt and approve an ordinance on first reading to abandon a 60 ft. road right-of-way as described above.
  
- 14) Consider an ordinance on first reading on an amendment to the City of Harlingen 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)***
  - a) Public Hearing
  - b) Consider and take action to adopt and approve an ordinance on first reading to amend the City of Harlingen Vision 2020 Long Range Thoroughfare Plan.
  
- 15) Consider an ordinance on first reading 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)***
  - a) Public Hearing
  - b) Consider and take action to adopt and approve an ordinance on first reading for the abovementioned rezone request.
  
- 16) Consider an ordinance on first reading to amend 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 to amend the City of Harlingen Zoning Ordinance, Section 12.

- 17) Consider and take action to approve a resolution to amend the Development Corporation of Harlingen, Inc., for Budget Year 2011-2012. Attachment ***(Finance Department)***
- 18) Consider and take action to grant a one-time exception to Section 112.03 (Permit Fees/Deposits) of Ordinance No. 04-20 for a permit application for a Temporary Amusement Show in the amount of \$450.00. Applicant: American Red Cross Attachment ***(Planning and Development)***
- 19) Consider and take action to approve a write off to the Industrial Loan Accounts Receivable (101-0000-112-1300) for a loan given to Jeff Bell and Karen Lamom dba Campana Ice, Co. in the amount of \$76,204.54. Attachment ***(Community Development)***
- 20) Consider and take action to approve a write off to Housing Rehabilitation Low Interest Loan Accounts Receivable (101-0000-112-1000) for three housing rehabilitation low interest loans in the amount of \$22,185.45. Attachment ***(Community Development)***
- 21) Consider and take action to approve revisions to the Community Development Advisory Board By-Laws amending Sections 32.127 and 32.130 of Chapter 32 the Harlingen City Code; reducing memberships to 12 members; providing for automatic removal for three (3) consecutive absences; defining excused absence and updating census tracts within the city limits of Harlingen. Attachment ***(Community Development)***
- 22) Consider and take action to adopt and approve a resolution in support of a Housing Tax Credit application to the Texas Department of Housing and Community Affairs submitted by Park Laureate, LP. Attachment ***(Community Development)***
- 23) Consider and take action to adopt and approve a resolution authorizing the Mayor to seek grant funding in the amount of \$37,450.00 from the Office of the Governor-Victims of Crime Act Formula Grant Program to the City of Harlingen Police Department for payment of salaries and benefits for a Crime Victim Liaison. Attachment ***(Chief of Police)***
- 24) Consider and take action to adopt and approve a resolution authorizing the Mayor to seek grant funding in the amount of \$126,500.00 from the Office of the Governor Criminal Justice Division (DJ-Edward Byrne Memorial Justice Assistance Grant Program) to the City of Harlingen Police Department for the acquisition of a Skywatch Frontier Surveillance Tower and a T3 Electric Mobility Vehicle for the Police Department's crime prevention efforts. Attachment ***(Chief of Police)***

25) Consider and take action to approve a contract between the Development Corporation of Harlingen and Gulf Coast Trade Center for \$60,000.00 for career center services. Attachment (***Economic Development Corporation***)

26) 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.

27) 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

***Maria Magdalena Ayala vs. City of Harlingen***, Cause No. 2010-CCL-199-A in Cameron County Court at Law No. 1. 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 ***Sun Valley Aviation v. Valley International Airport, FAA Docket No. 16-10-02.***
  - 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 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)***
  - 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 Blue*** and to seek legal advice from the City Attorney regarding the subject. ***(City Manager)***
- 28) Consider and take possible action to terminate the lease agreement dated May 4, 2009, 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)***

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, February 10, 2012 at 6:55 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 10<sup>th</sup> day of February, 2012.



Amanda C. Elizondo, City Secretary