

REGULAR
CITY COMMISSION
AGENDA
October 17, 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, October 17, 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/City Commissioner, Joey Trevino

Pledge of Allegiance/Welcome

- 1) Public Announcement of Events
- 2) Presentation of proclamation - proclaiming "Hopeline Domestic Violence Awareness Month"
- 3) Neighborhood Clean-Up Sweep – Rangerville Road on South Dakota Street between Wyoming Drive and Hacienda Circle, District 5. Attachment
- 4) Approval of Minutes - Regular Meeting of September 5, 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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.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 approve and adopt an ordinance amending the Code of Ordinances, Chapter 130 by adding Sub-Section 130.07 Unlawful Substances to prohibit the use, purchase, possession, and sale of the synthetic drugs as categorized in Section 2(a) of the Texas Health and Safety Code as well as those substances categorized within the United States Code, Title 21, Controlled Substance Act. Attachment **(Police Department)**
- b) Consider and take action to approve a request from the Changed Lives First Baptist Church of Harlingen to close 6th Street between E. Jackson Avenue and E. Van Buren Avenue and 7th Street between E. Jackson Avenue and E. Van Buren Avenue on Saturday, October 27, 2012 from 4:00 p.m. to 7:00 p.m. to host their Annual Fall Festival "Family Fiesta." Attachment **(Police Department)**
- c) Consider and take action to approve a request from Ms. Cindy Lerma, resident of 1102 South Dakota to close a portion of Liberty Street on Saturday, November 3, 2012 from 5:00 p.m. to 11:00 p.m. to host a birthday party. Attachment **(Police Department)**
- d) Consider and take action to approve a request from the Calvary Christian School to close Williamson Avenue from the stop sign to the end of the Calvary School Parking Lot on Saturday, October 20, 2012 from 2:00 p.m. to 9:00 p.m. for the Annual Fall Festival. Attachment **(Police Department)**
- e) Consider and take action to approve a request from the St. Alban's Episcopal Church and School to close a portion of High Street from Austin Street to Bowie on October 31, 2012 to host their Annual Church Fall Festival "BOOFEST". Attachment **(Police Department)**

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- 6) Discuss and take action to approve the agreement between the Development Corporation of Harlingen, Inc. and South Texas Medical Foundation. Attachment **(Economic Development Corporation)**
 - 7) Consider the re-platting of the proposed Richard D.E. and Joan M. M. Job Subdivision being a re-subdivision of 2.764 acres consisting of Lots 1-4, and 9-16, Block 1, and a 20 foot wide tract formerly an alley within said Block 1, Arroyo Estates Subdivision located on the northwest corner of Ed Carey Drive and 77 Sunshine Strip. Applicant: Halff Associates Attachment **(Planning and Zoning)**

- a) Public Hearing

- b) Consider and take action to approve the re-platting of the proposed Richard D. E. and Joan M.M. Job Subdivision.
- 8) Consider an ordinance on first reading of a request for a Specific Use Permit (SUP) to allow a bar/lounge in a General Retail (GR) District located at 610 S. Lewis Lane bearing a legal description of 1.69 acres out of Blocks 2 and 3, Lewis Subdivision. Applicant: Sharon Diegal. Attachment (**Planning & Zoning**)
- a) Public Hearing
- b) Consider and take action to approve and adopt an ordinance on first reading for the above mentioned Specific Use Permit.
- 9) Consider and take action to approve or reject the Fire Protection Service contracts with the following cities at an agreed amount to provide fire protection services: Combes - \$61,132, Primera - \$90,728, and Palm Valley - \$114,046. Attachment (**Fire Department**)
- 10) Presentation regarding the Bicycle and Pedestrian Projects for the City of Harlingen. Attachment (**City Engineer**)
- 11) Consider and take action to allow staff to permanently close East Austin Avenue between North Business 77 and 13th Street to improve traffic safety. Attachment (**City Engineer**)
- 12) Consider and take action to approve and select a project to submit to the Texas Department of Transportation for consideration under the Texas Department of Transportation Enhancement Program 2012 and authorize the staff to submit a grant application. Attachment (**City Engineer**)
- 13) Consider and take action to authorize the City Manager to sign Amendment No. 1 to the Metropolitan Planning Organization (MPO) Planning Contract to extend the contract to December 31, 2012. Attachment (**MPO Director**)
- 14) Presentation of improvements to U.S. Highway 83 at Dixieland Road raised median landscaping beds to be completed Saturday, October 20, 2012. Applicant: City of Harlingen. Attachment (**Parks & Recreation**)
- 15) Consider and take action to approve and adopt a resolution authorizing the submittal of an application to the Texas Department of Transportation to request reimbursement funding to build the McKelvey Park to Ramsey Nature Center connection and the Dixieland Park extension to the City's existing bicycle and pedestrian trail system. Applicant: (City of Harlingen). Attachment (**Parks & Recreation**)

- 16) Consider and take action to accept or reject bids for the construction of the McKelvey Park Restrooms and the Arroyo Park Restroom/Concession under Bid No. 2013-02. Attachment (***Parks & Recreation***)
- 17) Consider and take action to approve the renewal of the contract for the City's Tennis Professional for Fiscal Year 2013. Applicant: City of Harlingen and Don Van Ramshorst, Jr. Attachment (***Parks and Recreation***)
- 18) Consider and take action to approve a contract with the Boys' and Girls' Club of Harlingen for Fiscal Year 2013 in the amount of \$101,670.96 for teen service programs. Applicant: City of Harlingen, Boys' and Girls' Club of Harlingen. Attachment (***Parks & Recreation***)
- 19) Consider and take action to approve a contract with the Boys' and Girls' Club of Harlingen for Fiscal Year 2013 in the amount of \$77,604 for youth service programs. Applicant: City of Harlingen, Boys' and Girls' Club of Harlingen. Attachment (***Parks & Recreation***)
- 20) Consider and take action to authorize the City Manager to enter into separate Public Highway At-Grade Crossing Improvement Agreements with Union Pacific Railroad for improvements to the railroad crossings on 25th Street near E. Jefferson Avenue and Business 77 at E. Jefferson Avenue for the 25th Street Pedestrian and Bicycle Trail Project. Applicant: City of Harlingen. Attachment (***Parks & Recreation***)
- 21) Consider and take action to approve and adopt a resolution to appoint a city representative to the Cameron Appraisal District's Board of Directors for a staggered two-year term. (Term expires December 31, 2012). Attachment (***City Manager***)
- 22) Consider and take action to approve and adopt an ordinance on first reading prohibiting smoking and the use of skateboards and other similar wheeled devices at the Veterans Memorial at Pendleton Park. Applicant: City of Harlingen, Veterans Memorial Committee. Attachment (***Parks & Recreation***)
- 23) Consider awarding four (4) Community Development Block Grant Housing Rehabilitation/Reconstruction loans. Attachment (***Assistant City Manager, Gabriel Gonzalez***)
- 24) Consider and take action to approve and adopt a resolution by the Harlingen City Commission supporting the establishment of a community revitalization plan for upgrading the Colonia area, redevelopment of commercial property within the

plan area as specified in the resolution and the support to provide affordable housing within the planned area. Attachment (**Community Development**)

- 25) Discuss, consider and take action on the progress for Harlingen Chapter 121 of the Disabled American Veterans (DAV) request to advise and assist in locating physical facility to be used for DAV and DAV Auxiliary meetings and various support services to local veterans. Attachment (**Requested by Commissioner Joey Trevino, District No. 5 and Commissioner Jerry Prepejchal, District No. 4**)
- 26) Consider and take action to approve and adopt an ordinance on first reading to amend Title VII Chapter 70 of the Code of Ordinances by adding Section 70.06 to regulate the operation of motor vehicles near vulnerable road users. Attachment (**Assistant City Attorney**)
- 27) 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 (Terms expire annually in June)
- d. Civil Service Commission (Mayor) (2)
- e. Community Development Advisory Board (3)
- f. Construction Board of Adjustments (8)
- g. Convention & Visitors Bureau
- h. Development Corporation of Harlingen, Inc.
- i. Downtown Improvement District Board (4)
- j. Golf Course Advisory Board (2)
- k. Harlingen Community Improvement Board (2)
- l. Harlingen Housing Authority Board (1)
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (7)
- o. Library Advisory Board (3)
- p. Municipal Auditorium Advisory Board
- q. Museum Advisory Board
- r. Parks Advisory Board (1)
- s. Planning & Zoning Advisory Board (1)
- t. Senior Citizens Advisory Board (3)
- u. Tax Increment Finance Board
- v. Tennis Advisory Board (3)
- w. Utility Board of Trustees
- x. Veterans Advisory Board (5)

- y. Zoning Board of Adjustments (5)
- z. Cameron County Library System (2)

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.

28) Closed/Executive Session regarding the following items:

- a) pursuant to Chapter 551, Subchapter D. V.T.C.A., Government Code, Section 551.071 consultation with the Assistant City Attorney to seek legal advice regarding Sun Valley Motor Hotel located at 1900 S. 77 Sunshine Strip, Harlingen, Texas. Attachment **(City Manager)**
- b) pursuant to Chapter 551, Subchapter D. V.T.C.A., Government Code, Section 551.071 consultation with the Assistant City Attorney to seek legal advice regarding legal issues related to changes in the consulting agreement between the City of Harlingen and David Sibley and Michael Milsap. **(City Manager)**

29) Consider and take action to award a bid for the demolition of structures on property or properties commonly known as the Sun Valley Motor Hotel located at 1900 S. 77 Sunshine Strip, Harlingen, Texas. **(City Manager)**

30) Consider and take action to continue or amend the consulting agreement with David Sibley and Michael D. Milsap. **(Mayor)**

31) Citizen Communication

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, October 12, 2012 at 7:40 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 12th day of October, 2012



Amanda C. Elizondo, City Secretary