

REGULAR
CITY COMMISSION
AGENDA
November 7, 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, November 7, 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, Danny Castillo

Pledge of Allegiance/Welcome

- 1) Public Announcement of Events
- 2) Presentation of the replanting of the Dixieland Road/Expressway 83 raised median landscape beds on "National Make a Difference Day" held on Saturday, October 20, 2012 and recognize the student volunteers from Texas State Technical College (TSTC) and the members of the Harlingen Proud/Keep Harlingen Beautiful Board for their contributions. Attachment ***(Parks and Recreation)***
- 3) Presentation of Proclamations:
 - a) National Hospice and Palliative Care Month
 - b) Knights of Columbus Council 2785 75th Anniversary
- 4) Neighborhood Clean Sweep – Orange Heights from Commerce Street to Business 77, District 2. Attachment
- 5) Presentation of the City of Harlingen Adopt A Spot Program.
- 6) Approval of Minutes
 - a) Regular Meeting of September 19, 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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.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 approve and adopt an ordinance 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)**
- b) Second and final reading to approve and adopt an ordinance 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)**
- c) Second and final reading to approve and adopt an ordinance amending 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)**
- d) Consider and take action to approve a request from the Downtown Improvement District to close Jackson Street between 4th Street and Commerce on the following days of Year 2013 to hold Market Days:
- | | |
|--------------------------|---------------------------|
| January 5 th | July 6 th |
| February 2 nd | August 3 rd |
| March 2 nd | September 7 th |
| April 6 th | October 5 th |
| May 4 th | November 2 nd |
| June 1 st | December 7 th |
- e) Consider and take action to approve a request from the RGV Jaycees to close the following streets on Friday, December 7, 2012 from 5:00 p.m. to 9:00 p.m. to hold their Annual Harlingen Christmas Parade. Attachment **(Police Department)**
- 1) 7th Street from W. Monroe to W. Van Buren Avenue;
 - 2) 6th Street from W. Monroe to W. Van Buren Avenue;

- 3) 5th Street from W. Monroe to W. Van Buren Avenue;
- 4) 4th Street from W. Monroe to W. Van Buren Avenue;
- 5) 3rd Street from W. Monroe to W. Van Buren Avenue;
- 6) 2nd Street from W. Monroe to W. Van Buren Avenue;
- 7) 1st Street from W. Monroe to W. Van Buren Avenue;
- 8) "A" Street from W. Monroe to W. Van Buren Avenue;
- 9) Commerce Street from W. Monroe Avenue to W. Van Buren Avenue;
- 10) "C" Street from W. Monroe to W. Van Buren Avenue;
- 11) "D" Street from W. Monroe to W. Van Buren Avenue;
- 12) "E" Street from W. Monroe to W. Van Buren Avenue;
- 13) "E" Street and W. Van Buren Avenue (block off both sides for safe passage of parade floats);
- 14) "D" Street and W. Van Buren Avenue;
- 15) "C" Street and W. Van Buren Avenue.

f) Consider and take action to approve a request from the City of Harlingen and HEB Supermarkets to close the 200 Block of East Madison and East Jefferson from 2nd to 3rd Streets on Thursday, November 15, 2012 at 8:00 a.m. through Friday, November 16, 2012 at 5:00 p.m. for their Annual Thanksgiving Feast of Sharing. Attachment (**Police Department**)

g) Consider and take action to approve refunds of property taxes to Shamrock Adventure XXV LTD, c/o Walgreen Company (Popp, Gray & Hutcheson, LLP) Account #25-7765-0010-0010-00 and MM Harlingen LLC, c/o Walgreens Real Estate (Popp, Gray & Hutcheson, LLP) Account #22-1102-0010-0030-00 in the amount of \$1,400.22. Attachment (**Finance Department**)

8) Consider and take action to adopt a resolution authorizing the submittal of an application to the Texas Department of Transportation to request reimbursement funding to construct the Dixieland Park/Reservoir extension to the City's existing bicycle and pedestrian trail system. Applicant: City of Harlingen. Attachment (**Parks & Recreation Department**)

9) Consider and take action to award four (4) Community Development Block Grant Housing Rehabilitation/Reconstruction Loans to the following homeowners: Elma Gomez, Deferred Loan - \$16,862; Benito/Petra Medina, Deferred Loan/Low Interest Loan - \$22,368.50; Marin/Alejandra de Leon, Deferred Loan - \$18,000; and Hilda Ambriz, Deferred Loan/Low Interest Loan - \$23,740. Attachment (**Community Development**)

- 10) Consider and take action to approve the revised MPO Planning Contract and authorize the City Manager to execute the contract for the City of Harlingen to serve as the fiscal agent for the MPO operation. Attachment **(MPO)**
- 11) Consider an Ordinance on first reading to rezone from Not Designated (N) District to Residential, Mobile Home (MH) District for 2.00 acres out of 3.1470 acres, Block 11 Stuart Place Subdivision Survey 298 located at 26658 Alta Palmas Road. Applicant: Gilbert M. Ambriz. Attachment **(Planning & Zoning)**
 - a) Public Hearing
 - b) Consider and take action to approve and adopt an ordinance on first reading for the above mentioned rezone request.
- 12) Consider and take action to allow a license to encroach of 20± feet into the City's 60 ft. right-of-way located on El Camino Real Avenue for a proposed traffic island, being a 0.13 ± acres out of the El Camino Real road right-of-way, City of Harlingen, Cameron County, Texas as recorded in Cabinet 1, Slot 2632-B Cameron County Map Records. Applicant: Rio Costero, LLC, c/o Robert R. Farris. Attachment **(Planning and Zoning)**
- 13) Consider and take action to adopt a resolution to certify local funding and support for the submittal of projects to the Statewide Transportation Enhancement Program for funding competition for the Texas Department of Transportation 2012 Program call for projects. Attachment **(Engineering)**
- 14) Consider and take action approve a Memorandum of Understanding between the City of Harlingen and Texas State Technical College Harlingen for assignment of students as part of their externship. Attachment **(City Manager)**
- 15) Consider and take action to approve a Public Services Contract between the City of Harlingen and Loaves & Fishes of the Rio Grande Valley in the amount of \$25,515. Attachment **(Gabriel Gonzalez, Assistant City Manager)**
- 16) Consider and take action to approve and adopt an ordinance on first reading to amend the City of Harlingen's Budget for Fiscal Year 2012-2013. Attachment **(Finance Director)**
- 17) Consider and take action to approve a resolution to amend the Harlingen Downtown District 2012-2013 Fiscal Year Budget. Attachment **(Finance Director)**

- 18) Consider and take action to approve a resolution supporting the creation of a Rio Grande Valley Day in Austin, Texas to promote communication and positive working relationships between Rio Grande Valley and the Texas Legislature. Attachment **(City Manager)**
- 19) Consider and take action to approve the City's participation in the amount of \$2,000 in the Lower Rio Grande Valley Development Council's Spanish Language Public Safety Early Weather Warning Notification System. 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 (Terms expire annually in June)
- d. Civil Service Commission (Mayor) (2)
- e. Community Development Advisory Board (3)
- f. Construction Board of Adjustments (9)
- 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)

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, Sections 551.087 and 551.071 regarding commercial and financial information from a business prospect known as **Waterside** with which the City Commission is conducting economic development negotiations regarding the possible creation of an Industrial District Agreement and/or to discuss or deliberate financial incentives with the business prospect and to seek legal advice from the Assistant City Attorney regarding the Industrial District Agreement and matters related to the subject. **(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 Sun Valley Motor Hotel located at 1900 S. 77 Sunshine Strip, Harlingen, Texas. Attachment **(City Manager)**
 - c) 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 the Specific Use Permit for adult business in a General Retail ("GR") District at 1105 South Tamm Lane. Attachment **(Assistant City Attorney)**
- 22) Consider and take action to authorize the City Manager to enter into an Industrial District Agreement for Project Waterside. **(City Manager)**
- 23) 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)**
- 24) Consider and take action to approve and adopt an ordinance on second and final reading for a Specific Use Permit ("SUP") to allow a Bar/Lounge in a General Retail ("GR") District located at 1105 South Tamm Lane, bearing a legal description of 3.4740 acres out of Block 33 Stuart Place Survey, 139/297/298. Applicants: Daniel Menchaca and Raul Zamorano. Attachment **(Planning and Zoning)**
- 25) 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, November 2, 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 2nd day of November, 2012



Amanda C. Elizondo
Amanda C. Elizondo, City Secretary