

REGULAR
CITY COMMISSION
AGENDA
August 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, August 1, 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 Robert Leftwich

Pledge of Allegiance/Welcome

- 1) Public Announcement of Events
- 2) Approval of Minutes
 - a. Regular Meeting of July 3, 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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.

- 3a) Second and final reading to approve and adopt an ordinance amending the Zoning Ordinance No. 07-27 of the City of Harlingen; to issue a specific use permit to the Texas Commission on Environmental Services Quality (TCEQ) to allow an Air Monitoring Station with a tower in a Residential Multi-Family (M-2) District and Neighborhood Services (NS) District located at 1602 W. Teege Avenue, bearing a legal description of Lot 1, Block 1, HCISD Ninth Grade Academy Subdivision, subject to complying with requirements administered by the Planning, Building Inspections, Health, Fire Prevention, and Environmental

Services Departments; providing for publication and ordaining other matters related to the foregoing. Attachment (**Planning and Zoning**).

- b) Second and final reading to approve and adopt an ordinance of the City of Harlingen, Texas, ("CITY") approving a negotiated resolution between the City and Texas Gas Service ("TGS" or "The Company") regarding the company's May 1, 2012 Cost of Service Adjustment ("COSA") filing and June 26, 2012 Statement of Intent ("SOI") filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the SOI filed tariffs to be just and reasonable; providing for the recovery of the City's reasonable and necessary rate case expenses; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; repealing any prior ordinances inconsistent with this ordinance; and requiring delivery of this ordinance to the company and the City's Legal Counsel. Attachment (**City Attorney**)

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- 4) Report by the Harlingen Police Department on Operational Status.
 - 5) Consider and take action to adopt a resolution to approve the One Year Action Plan (Budget) for Fiscal Year 2012-2013 (Year 38) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2012-2013 (Year 18) of the Home Investment Partnerships Program (Home). Attachment (**Community Development**)
 - 6) Presentation and discussion by the City Manager regarding the Operation Crackdown Program through the Texas National Guard. Attachment (**City Manager**)
 - 7) Consider and take action to approve by resolution the acceptance of an anticipated Federal Aviation Administration (FAA) Grant Offer No. 3-48-0101-054-2012 of approximately \$478,000 to complete the Airfield Guidance Sign Replacement Project at Valley International Airport. Attachment (**Airport**)
 - 8) Public Hearing to consider an ordinance on first reading amending the City of Harlingen Zoning Ordinance, Section 12.03, Sign Regulations, pertaining to the maximum sign area allowed in a General Retail (GR) District. Applicant: City of Harlingen. Attachment (**Planning and Zoning**)

- a) Public Hearing

- b) Consider and take action to approve and adopt an ordinance on first reading amending the City of Harlingen Zoning Ordinance, Section 12.03, Sign Regulations.
- 9) Public hearing to consider an ordinance on first reading to repeal Ordinance No. 11-64, which pertains to the abandonment of a 60 ft. road right-of-way described as a 0.127 acre tract of land, more or less, being the 60 ft. wide road right-of-way dedicated on the Caldwell Subdivision, located on the west side of Idaho Street south of Expressway 77. Applicant: City of Harlingen. Attachment **(Planning and Zoning)**
- a) Public Hearing
- b) Consider and take action to approve and adopt an ordinance on first reading to repeal Ordinance No. 11-64 pertaining to the above mentioned abandonment of a 60 ft. road right-of-way.
- 10) Consider and take action to approve an Interlocal Cooperation Contract between the Texas Forest Service and the Harlingen Fire Department for wild land firefighter training to meet federal grant eligibility requirements for wild land grant funding. Attachment **(Fire Department)**
- 11) Presentation on the Overlay and Crack Seal Programs from 2000 through 2012 for the General Fund and Community Development Block Grant (CDBG) Programs. Attachment **(City Engineer)**
- 12) Consider and take action to approve the reconstruction of Lincoln Avenue for the Street Overlay Program for Fiscal Year 2012-2013. Attachment **(City Engineer)**
- 13) Consider and take action to approve a resolution designating the signators on the City of Harlingen's bank accounts and the use of facsimile signatures on checks drawn on those accounts. Attachment **(Finance Department)**
- 14) Consider and take action to approve and adopt an ordinance on first reading to amend the City of Harlingen's Budget for Fiscal Year 2011-2012. Attachment **(Finance Department)**
- 15) 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 (4)
- 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 (1)
- l. Harlingen Housing Authority Board
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (6)
- o. Library Advisory Board (3)
- p. Municipal Auditorium Advisory Board
- q. Museum Advisory Board
- r. Parks Advisory Board (1)
- s. Planning & Zoning Advisory Board (2)
- t. Senior Citizens Advisory Board (5)
- 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.

- 16) Closed/Executive Session - "Attorney consultation pursuant to Section 551.071(2), Texas Gov't Code to provide legal advice and counsel in connection with the City Commission rights, duties, privileges, and obligations related to the election order for municipal elections in November 2012 and also in connection with a Special Election for a Charter amendment as specified in the agenda items specified for action, and related matters." **(City Attorney)**
- 17) Consider and take action to approve and adopt an ordinance on first reading calling and ordering the City of Harlingen General Election for November 6, 2012 for the purpose of electing three members for the position of City Commissioner for Districts 3, 4 and 5. **(City Attorney)**
- 18) Consider and take action to call a Special Election for a proposed amendment to the City Charter that would ask the qualified voters of the City of Harlingen to determine whether the municipal elections and the concurrent selection of a Mayor Pro-Tem should be moved back to a May election cycle. **(City Attorney)**
- 19) Consider and take action to authorize the Mayor and/or City staff to negotiate an Interlocal Agreement with Cameron County to conduct the City of Harlingen

General Election for November 6, 2012 and authorize the Mayor to execute the Interlocal Agreement and all necessary documents. **(City Secretary)**

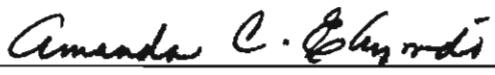
20) Citizen Communication

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, July 27, 2012 at 7:20 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 27th day of July, 2012


Amanda C. Elizondo, City Secretary