

CITY COMMISSION  
AGENDA  
**January 4, 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, January 4, 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/Mayor Pro-Tem Jerry Prepejchal

Pledge of Allegiance/Welcome

- 1) Citizen Communication
- 2) Approval of Minutes – Special Meeting October 25, 2011 Attachment

**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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.**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) Consider and take action to approve a refund of property taxes to Lack's Valley Stores LTD Account #00-0100-0124-8010-00 due to an adjustment for a decrease in value for the Year 2011 in the amount of \$502.66. Attachment (Finance)
- b) Second and final reading to adopt and approve (1) an ordinance repealing and rescinding Ordinance No. 11-44, passed and approved on October 5, 2011 disannexing all of the territory previously annexed under Ordinance No. 08-65 approved on November 19, 2008, consisting of a parcel of land described as 1,039+ acres comprised of the following two tracts of land:

Tract 1: A tract containing 392+ acres of land generally bounded on the North by Drury Lane and Brennaman Road, on the East of Stuart Place Road, on the South by Garrett Road and on the West by Baker Potts Road; and

Tract 2: A tract of land containing 647+ acres of land generally bounded on the North by Wilson Road, on the West by Altas Palmas Road, on the South by Orange Drive and Queen Sago Drive and on the East by Stuart Place Road.  
***(Requested by Mayor Chris Boswell and Mayor Pro-Tem Jerry Prepejchal)***

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- 4) Recommendation from the Library Advisory Board to approve the appointments of Jerry Campos as the Student Representative and Christine Nott as the Alternate Student Representative for the Harlingen South High School for School Year 2011-2012. Attachment ***(Library)***
  - 5) Consider and take action to allow a license to encroach on 4.5 feet (from back of curb) into the 6.5 ft. road right-of-way located on the south side of Veterans Drive, bearing a legal description of 0.339+ acre tract of land out of Block 179, San Benito Land and Water Company Subdivision. Applicant: Rainer Famador, c/o Sarah Bass, VA Clinic. Attachment ***(Planning and Zoning Development)***
  - 6) Consider an ordinance on first reading amending 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 Development)***
    - 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, Sign Regulations pertaining to permit requirements, banner sign and the height clearance of an on-premise sign in the Downtown District.
  - 7) Consider an ordinance on first reading 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 Development)***
    - a) Public Hearing
    - b) Consider and take action to adopt and approve an ordinance on first reading for the abovementioned Specific Use Permit.

- 8) Consider an ordinance on first reading 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 13<sup>th</sup> Street between Jefferson Street and Harrison Street. Applicant: Harlingen CISD, c/o Oscar Tapia. Attachment (***Planning and Zoning Development***)
  - a) Public Hearing
  - b) Consider and take action to adopt and approve an ordinance on first reading for the abovementioned rezone request.
- 9) Consider an ordinance on first reading 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. (***Planning and Zoning Development***)
  - a) Public Hearing
  - b) Consider and take action to adopt and approve an ordinance on first reading on the abovementioned Specific Use Permit.
- 10) Consider and take action to accept/reject bids and award contract for Phase I and II of the Buchanan, Hays and M Street Drainage Improvements Project under Bid No. 2012-01. Attachment (***Community Development***)
- 11) Consider and take action to adopt and approve an ordinance on first reading to create an "Elderly and Disabled Residential Parking Permit" to ensure parking space availability in front of their homes for residents which meet the criteria of the ordinance. Attachment (***City Engineer***)
- 12) Consider and take action to adopt and approve an ordinance on first reading to designate a "No Parking Zone" be established on the east side of South West Street 163 feet south of the centerline of West Tyler Avenue for approximately 177 linear feet. Attachment (***City Engineer***)
- 13) Consider and take action to authorize the Mayor to enter into an Interlocal Cooperation Contract with Cameron County Drainage District No. 5 (CCDD5) for the Dilworth Lateral Drain Project. Attachment (***City Engineer***)

- 14) Consider and take action to adopt and approve an ordinance on first reading designating a "No Parking Zone" along the east side of Tennessee Road. Attachment (***City Engineer***)
- 15) Consider and take action to adopt and approve an ordinance on first reading to designate a "No Parking Zone" be established on the north side of Harrison Avenue 25.5 feet east of the centerline of Sixth Street for approximately 170 linear feet. Attachment (***City Engineer***)
- 16) Consider and take action to adopt and approve an ordinance on first reading to replace three (3) existing yield signs with three (3) stop signs at the intersection of New Combes Highway and Dennis Street and Matz Avenue and Dennis Street. Attachment (***City Engineer***)
- 17) Consider and take action to adopt and approve an ordinance on first reading designating a "No Parking Zone" to be established on the south side of Harrison Avenue 46 feet west of the intersection of Eleventh Street. Attachment (***City Engineer***)
- 18) Consider and take action to adopt and approve a resolution authorizing the Mayor to seek grant funding in the amount of \$42,077.35 from the Texas Department of Public Safety-Texas Ranger Division to the City of Harlingen Police Department for allocating additional law enforcement staffing on an overtime basis to deter crime and improve border security within the City of Harlingen. Attachment (***Police Department***)
- 19) 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 (3)
- 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.

20) 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 **Charles E. Lee v. City of Harlingen, Civil Action No. B-10-CV-233** in the United States District Court for the Southern District of Texas. 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 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***)
- c) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.071 and 551.087 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 French Quarter*** and to seek legal advice from the City Attorney regarding this subject. Attachment (***City Attorney***)

21) Consider and take action to terminate the lease agreement dated May 4, 2009, between the City of Harlingen and the Whitewing 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, December 30, 2011 at 2:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 30<sup>th</sup> day of December, 2011.



Elena Garza, Assistant City Secretary