

REGULAR  
CITY COMMISSION  
AGENDA  
**October 15, 2014**  
**@ 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 15, 2014 at 5:30 P.M.** in City Hall, Town Hall, 2<sup>nd</sup> Floor, and 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.**

**The Harlingen City Commission reserves the right, pursuant to Texas Government Code Chapter 551, Subchapter D, to enter into closed executive session on any item posted on the agenda if a matter is raised that is appropriate for closed discussion.**

	<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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.**

Invocation/Commissioner Tudor Uhlhorn

Pledge of Allegiance/Welcome

- 1) Public Announcement of Events
- 2) Proclamation – proclaiming "Rio Grande Valley Hispanic Genealogical Society Day". Attachment

- 3) Neighborhood Clean Sweep – held on September 20, 2014, from N. 26<sup>th</sup> to 27<sup>th</sup> Street including Rainbow Circle, Star Circle, and Skyview Circle – District 2. Attachment **(City Manager)**
- 4) Approval of Minutes
  - a) Regular Meeting of September 17, 2014
  - b) Special Meeting of September 24, 2014

## 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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.**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) Consider and take action to approve a request from St. Alban's Episcopal Church and Day School to close a portion of High Street between Bowie Avenue and Austin Avenue from 4:00 p.m. to 8:00 p.m. on Friday, October 31, 2014 for their Annual Church Fall Festival "BOOFEST". Attachment **(Police Department)**
- b) Consider and take action to approve a request from the Harlingen First Baptist Church to close 6<sup>th</sup> Street from East Jackson Avenue to East Van Buren Avenue on Saturday, November 1, 2014 from 3:30 p.m. to 7:30 p.m. for their "Annual Community Fall Family Fiesta". Attachment **(Police Department)**
- c) Consider and take action to approve a request from the City of Harlingen and HEB Supermarkets to close the following streets for the Annual Thanksgiving Feast of Sharing. Attachment **(Police Department)**
  - 1) Thursday, November 20, 2014 to close 2<sup>nd</sup> Street from East Madison to East Jefferson Avenue starting at 8:00 a.m. through Friday, November 21, 2014 at 8:00 p.m. for the set-up of the mobile kitchen; and
  - 2) Friday, November 21, 2014 to close the aforementioned streets in addition to East Madison Avenue from 2<sup>nd</sup> to 3<sup>rd</sup> Street and 3<sup>rd</sup> Street from East Madison Avenue to East Monroe Avenue starting at 8:00 a.m. to 5:00 p.m.
- d) Consider and take action to approve a request from Centro de Alabanza Alfa Y Omega Church to close "B" Street from Adams to Washington Avenue on Friday,

October 31, 2014 from 3:00 p.m. to 10:30 p.m. to offer Christian music and other activities for the community. Attachment **(Police Department)**

- e) Consider and take action to approve refunds of property taxes to TGM Management, LTD, Account #19-0000-0770-0070-00 for \$579.56 and Account #19-0550-0010-0010-00 for \$883.24 due to a change in value for Year 2013 as per agreed judgment, totaling \$1,462.80. Attachment **(Finance)**

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- 6) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow an adult business (e-cigarette shop) in a General Retail ("GR") District located at 1514 S. 77 Sunshine Strip Ste. 9, bearing a legal description of Lot 2, Block A, Treasure Hills Plaza Shopping Center Subdivision. Applicant: Omar Eric Garcia. Attachment **(Planning & Zoning)**
    - a) Public hearing
    - b) Consider and take action approve an ordinance on first reading for the above mentioned Specific Use Permit.
  - 7) Consider and take action to approve the Fourth Amendment to the License Agreement between the City of Harlingen and American Tower to extend the license agreement for the purpose of operating the radio communications equipment on the tower located at 3902 Lipscomb, Harlingen #3, TXLT: 26-09.27 LG: 97-41-30.96/, aka: New Hampshire Tower Site. Attachment **(Fire Department)**
  - 8) Consider and take action to approve the proposal from Boy Scout Julian Villarreal, who will fund and construct a Civil Rights Monument at McKelvey Park as part of his Eagle Scout Project. Applicant: City of Harlingen. Attachment **(Parks & Recreation)**
  - 9) Consider and take action to approve Amendment No. 1 and authorize the City Manager to sign the amended agreement between the City of Harlingen and the Texas A & M Agrilife Research for acceptance and administration of sub-recipient grant for Lower Laguna Madre Regional Treatment Wetland System, Phase I. Applicant: City of Harlingen. Attachment **(Parks & Recreation)**
  - 10) Consider and take action to approve a contract between the City of Harlingen and Elizabeth Rose Flores to provide water aerobic instructions at Pendleton Park Pool. Applicant: City of Harlingen. Attachment **(Parks & Recreation)**

- 11) Consider and take action to approve an agreement with Harlingen Performing Arts Theater for the use of Hotel/Motel Funds to promote tourism through the arts in the form of community theater. Attachment **(Gabriel Gonzalez, Asst. City Manager)**
- 12) Consider and take action to approve an agreement with Rio Grande Valley Birding Festival for the use of Hotel/Motel funds for promotion of tourism through the annual birding festival. Attachment **(Gabriel Gonzalez, Asst. City Manager)**
- 13) Consider and take action to approve an agreement with Loaves and Fishes to provide meals to the homeless and needy through their kitchen and food pantry and authorize the City Manager to execute the agreement. Attachment **(Gabriel Gonzalez, Asst. City Manager)**
- 14) Consider and take action to approve an amendment to the October 2, 1996 contract between the City of Harlingen and the Humane Society for operation of the City Animal Shelter for a three year period. Attachment **(Health Dept.)**
- 15) Consider and take action to authorize the City Manager to execute a contract through the Texas MULTIPLE AWARD SCHEDULE (TXMAS), and approve State Procurement Process, for the reconstruction of the City's Solid Waste Transfer Station and finding this necessary to protect the health and safety of the City's residents as a result of unforeseen damage to public property. Attachment **(Dan Serna, Asst. City Manager)**
- 16) Consider and take action to approve an Affiliation Agreement between Cameron County, Texas, Port of Brownsville, Texas, and Cities of Brownsville, Harlingen, South Padre Island, San Benito, Port Isabel and Rio Grande Valley Partnership and City of Mazatlan (Mexico) to develop relationships to enhance the prosperity and welfare of two countries, and to develop cooperation in promoting the relationships and provide the necessary assistance to each other, organize trade negotiations and promote further developments. Attachment **(City Manager)**

17) Board Appointments

Discussion and possible action regarding membership on any of the following listed board/entity:

- a. Airport Board
- b. Animal Shelter Advisory Committee (6)
- c. Audit Committee (Terms expire annually in June)
- d. Civil Service Commission (Mayor) (1)

- e. Community Development Advisory Board (2)
- f. Construction Board of Adjustments (5)
- g. Convention & Visitors Bureau (3)
- h. Development Corporation of Harlingen, Inc.
- i. Downtown Improvement District Board (1)
- j. Golf Course Advisory Board (1)
- k. Harlingen Community Improvement Board (2)
- l. Harlingen Housing Authority Board (1)
- m. Harlingen Finance Corporation (1)
- n. Harlingen Proud Advisory Board (6)
- o. Library Advisory Board
- p. Municipal Auditorium Advisory Board (3)
- q. Museum Advisory Board (1)
- r. Parks Advisory Board (1)
- s. Planning & Zoning Advisory Board (2)
- t. Senior Citizens Advisory Board (3)
- u. Tax Increment Finance Board
- v. Tennis Advisory Board (1)
- w. Utility Board of Trustees (1)
- x. Veterans Advisory Board (2)
- y. Zoning Board of Adjustments (4)

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.

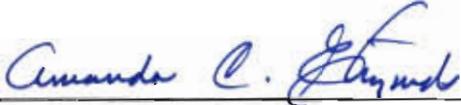
18) Closed/Executive Session regarding the following items:

- a. attorney consultation pursuant to Section 551.071(2), Tex. Gov't Code to provide legal advice and counsel in connection with the City's rights, duties, privileges, and obligations related to the pending collective bargaining process as per Chapter 174, Texas Local Government Code and related matters with the Harlingen Police and Fire Departments. **(Assigned Counsel, Rick Navarro)**
- b. attorney consultation pursuant to Section 551.071(2), Tex. Gov't. Code to provide legal advice and counsel in regards to the City of Harlingen ADA Transition Plan and related Grievance Procedures in accordance with the American with Disabilities Act. **(City Manager)**
- c. attorney consultation pursuant to Section 551.071(2), Tex. Gov't. Code to provide legal advice on legal issues in regards to a contract for internal auditing services. **(City Manager)**

- d. pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Sections 551.071(2) and 551.087 regarding deliberations relating to economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as **Project Mountain** and to seek legal advice from the City Attorney regarding the subject. **(City Manager)**
- 19) Consider and take action to approve the City of Harlingen ADA Transition Plan and related Grievance Procedures in accordance with the American with Disabilities Act. Attachment **(Dan Serna, Asst. City Manager)**
- 20) Consider and take action to approve a contract between the City of Harlingen and Denise Y. Almond, CPA to provide internal auditing services and authorize the City Manager to execute the contract. **(City Manager)**
- 21) Citizen Communication

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 10, 2014 at 6:45 p.m. at least 72 hours preceding the scheduled time of said meeting.

Dated this 10<sup>th</sup> day of October, 2014

  
Amanda C. Elizondo, City Secretary