

REGULAR  
CITY COMMISSION  
AGENDA  
**February 19, 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, February 19, 2014 at 5:30 P.M.** in City Hall, Town Hall, 2<sup>nd</sup> Floor, 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 Basilio "Chino" Sanchez

Pledge of Allegiance/Welcome

- 1) Public Announcement of Events
- 2) Presentation of a Proclamations:
  - a) February 25, 2014 as "Ms. South Texas Senior Pageant Day". Attachment
  - b) March 4, 2014 as IHOP's National Pancake Day and Shriners Hospitals for Children Day. Attachment
- 3) Presentation of Certificates of Appreciation to recognize two TSTC Students who designed the graphics for the Governor's Achievement Award Application Grant prepared by City Staff and to Mr. Uvaldo Presas, TSTC Instructor for his cooperation and participation. **(City Manager)**
- 4) Board Recognition
- 5) Neighborhood Cleanup held February 15, 2014 from Garfield Street to Grant Street between "J" and "L" Street, District 4. Attachment **(City Manager)**
- 6) Presentation by Eduardo Figueroa, Convention Visitors Bureau Director regarding marketing and advertising in Mexico by the City of Harlingen Convention Visitors Bureau (CVB). Attachment **(Convention Visitors Bureau)**

- 7) Approval of Minutes
  - a) February 5, 2014 – Regular Meeting

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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.**

- 8a) Second and final reading to approve an ordinance adopting the 2012 International Codes and 2014 National Electrical Codes. Attachment ***(Building Inspections)***
- b) Consider and take action to approve refund of property taxes to Rosa Maria Richardson, Account No. 23-8000-0050-0150-00 in the amount of \$518.26 due to 100% veteran's exemption for surviving spouse for Year 2013. Attachment ***(Finance Department)***
- c) Investment report for City of Harlingen for quarter ended December 31, 2013. ***(Finance Department)***

- 9) Public hearing to consider an ordinance on first reading amending Ordinance No. 11-27 for a request to amend the Specific Use Permit (SUP) issued to George Dawi to allow the existing bar/lounge "The Point" to expand services to the second floor of the building in a General Retail ("GR") District located at 115 E. Harrison bearing a legal description of Lots 17 & 18, Block 70, Harlingen Original Townsite. Applicant: George Dawi. Attachment ***(Planning & Zoning)***
  - a) Public Hearing
  - b) Consider and take action to approve and adopt an ordinance amending Ordinance No. 11-27 and to amend the Specific Use Permit to allow "The Point" bar/lounge to expand services to the second floor of the building in a General Retail ("GR") District at the above described location.

- 10) Public hearing to consider an ordinance on first reading amending Ordinance No. 09-34 for a request to amend the Specific Use Permit (SUP) issued to Herminia Cervantes for an adult business (Pokey's Planet) for 1111 and 1113 W. Tyler Avenue to allow for the expansion of the adult business to include 1109 and 1107 W. Tyler Avenue and with the request to remove the annual audit, bearing a legal description of the East 5 ft. of Lot 2, all of Lots 3-6 and the East 10 ft. of Lot 7, Block "B", Boggus-Rowsey Subdivision. Applicant: Herminia Cervantes. Attachment (***Planning & Zoning***)
  - a) Public Hearing
  - b) Consider and take action to approve and adopt an ordinance amending Ordinance No. 09-34 and to amend the existing Specific Use Permit for (Pokey's Planet) to allow for expansion of the adult business to include the above described locations.
- 11) Public hearing to consider an ordinance on first reading for a Specific Use Permit to allow a call center at the building located at 2200 Haine Drive in an Office ("O") District bearing a legal description of Lot 1, Block 1, Haney Medical Capital Subdivision and Lot 2, Block 1, Haney Medical Capital II Subdivision. Applicant: Robert Gandy. Attachment (***Planning and Zoning***)
  - a) Public Hearing
  - b) Consider and take action to approve and adopt an ordinance on first reading for a Specific Use Permit to allow a call center in an Office ("O") District at the above described property.
- 12) Public hearing to consider an ordinance on first reading to amend the City of Harlingen Zoning Ordinance No. 07-27, Section 17.05, Specific Use Permit Process to establish standard conditions for a call center in an Office ("O") District. Applicant: Planning and Zoning Commission. Attachment (***Planning & 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 No. 07-27, Section 17.05, Specific Use Permit Process to establish standard conditions for a call center in an Office ("O") District.
- 13) Public hearing to consider the approval of the final re-plat of Wal-Mart Subdivision being 6.285 comprising Lot 1, Block 1, bearing the same legal

description located at 706 Dixieland Road. Applicant: Victor Banuelos of Centerline Surveying c/o Clearview Harlingen, LP. Attachment **(Planning & Zoning)**

- a) Public Hearing
  - b) Consider and take action to approve the final re-plat of Wal-Mart Subdivision.
- 14) Consider and take action to recommend to the City Commission a variance request to the City of Harlingen Subdivision Ordinance No. 07-28, Section 4.1.6 with regards to the 5 ft. sidewalk required on Expressway 83 Frontage Road on the proposed Robert C. Vackar No. 2 Subdivision, bearing a legal description of 3.491 acres out of Block 154 and 6.509 acres out of Block 155, Adams Garden Subdivision "C" located on the south side of Expressway 83 on the west corner of Tamm Lane and Frontage Road. Applicant: Gilbert Gracia, c/o Robert C. Vackar. Attachment **(Planning and Zoning)**
  - 15) Consider and take action to accept/reject bids and award contract for the CDBG Street Improvements (Overlay), Bid No. 2014-04 and authorize the Mayor to execute the contract. Attachment **(City Engineer)**
  - 16) Consider and take action to authorize the Mayor, on behalf of the City of Harlingen, to execute the submission of a General Victim Assistance Grant through the Criminal Justice Division Governor' Office to secure funds for a Crime Victim Liaison. Attachment **(Police Department)**
  - 17) Consider and take action to approve third amendment to the License Agreement with American Tower, Modification of Communications Tower Equipment of Heliac Cable from 1 ¼" to 1 5/8" located at Harlingen #3, TX Tower Site (4128 New Hampshire Rd., Harlingen, Texas) for an additional cost of \$25.00 per month as specified in the third amendment to the License Agreement and authorize the Mayor to execute the amendment. Attachment **(City Manager)**
  - 18) Consider and take action to adopt a Resolution to support the development of a Bi-National Border Economic Development Zone (BiNed) cooperatively with the Cities of Brownsville, Texas and Matamoros, Mexico and for the creation of a BiNed Coordinating Board to promote and plan the development of the BiNed Zone. Attachment **(Mayor)**
  - 19) Consider and take action to approve an agreement with the City of Matamoros, Tamaulipas to lease office space at the Lon C. Hill Bldg., located at 502 E. Tyler and authorize the City Manager to execute the agreement. **(City Manager)**

20) Board Appointments

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

- a. Airport Board (3)
- b. Animal Shelter Advisory Committee (3)
- c. Audit Committee (Terms expire annually in June)
- d. Civil Service Commission (Mayor) (1)
- e. Community Development Advisory Board (4)
- f. Construction Board of Adjustments (7)
- 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 (1)
- l. Harlingen Housing Authority Board
- m. Harlingen Finance Corporation (1)
- n. Harlingen Proud Advisory Board (3)
- o. Library Advisory Board
- p. Municipal Auditorium Advisory Board (2)
- 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 (6)
- v. Tennis Advisory Board (1)
- w. Utility Board of Trustees
- x. Veterans Advisory Board
- 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) Executive/Closed Session on the following items:

- a) Pursuant to Chapter 551, Subchapter D, V.T.C.A., Government Code, Section 551.071, consultation with the Interim City Attorney and/or City's litigation Counsel to seek legal advice regarding the Equal Employment Opportunity Commission (EEOC) Charge No. 451-2013-02511 by Roxann P. Cotroneo against the City of Harlingen. **(City Manager)**

b) Attorney consultation pursuant to Section 551.071, Texas Gov't Code to provide legal advice and counsel with respect to the City's rights, privileges, duties, and obligations in connection with contemplated changes and modifications to the appointed department head positions in the City's civil service departments (fire and police) and related legal matters.

**(City Manager)**

22) Consider and take action to approve a settlement between the City of Harlingen and Roxann P. Cotroneo regarding Equal Employment Opportunity Commission (EEOC) Charge No. 451-2013-02511. **(City Manager)**

23) Consideration and appropriate action in connection with the creation of a public safety director executive management position to oversee and supervise the City's fire and police civil service departments including modifications to the City of Harlingen Organizational Chart. **(City Manager)**

24) 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, 14<sup>th</sup>, 2014 at 6:30 p.m. at least 72 hours preceding the scheduled time of said meeting.

Dated this 14<sup>th</sup> day of February, 2014



Amanda C. Elizondo  
Amanda C. Elizondo, City Secretary