

REGULAR  
CITY COMMISSION  
AGENDA  
**March 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, March 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/Mayor Pro-Tem Danny Castillo

Pledge of Allegiance/Welcome

- 1) Public Announcement of Events
- 2) Neighborhood Clean Sweep held March 8, 2014 from Hale Street to Glasscock on Falcon Street including Houston, Bonham & Bluebonnet Streets, District 3. Attachment (***City Manager***)
- 3) Approval of Minutes
  - a) March 5, 2014 – Regular Meeting

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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.**

- 4a) Second and final reading to approve and adopt an ordinance amending Ordinances 85-108, 00-83 and 08-46 establishing new rental rates, supplemental charges and policies for Casa De Amistad; providing for publication and ordaining other matters related to the foregoing. Attachment (***Arts & Entertainment***)

- b) Consider and take action to approve a refund in the amount of \$10,304.13 of property taxes to Rioco Corporation (83/77 Properties II LTD) Account Nos. 18-4040-5000-0020-00, 18-4040-5000-0060-00, 18-4040-5000-0027-00, 18-4040-5000-0022-00, and 18-4040-5000-0010-00 as per Agreed Judgment Cause #2011-DCL-6386. Attachment (***Finance Department***)



- 5) Public hearing to consider an ordinance on first reading for a Specific Use Permit to allow a portable building greater than 120 square feet in a Planned Development ("PD") District located at 4515 Graham Road bearing a legal description of Lot 146, Lakewood Village Subdivision Unit 1. Applicant: Gary R. Ball. 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 at the above described property.
- 6) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow a bar/lounge/dance hall in a light Industry ("LI") District located at 1510 N. Commerce bearing a legal description of Lot 1, Block 1, Casa Blanca Subdivision. Applicant: Julian S. Limon. Attachment (***Planning Zoning***)
- a) Public Hearing
- b) Consider and take action to approve and adopt an ordinance on first reading for a Specific Use Permit at the above described property.
- 7) Public hearing to consider an ordinance on first reading to rezone from a Residential Single Family ("R-1") District to Residential Single Family ("R-1") District to Residential, Multi-Family ("M-2") District for the properties located at 1617 E. Monroe and 1621 E. Monroe bearing a legal description of Lot 11, and the west 10' of Lot 12, and the east 60' of Lot 12, Block B, East Park Terrace Subdivision. Applicant: Fernando Pecina. Attachment (***Planning and Zoning***)
- a) Public Hearing
- b) Consider and take action to approve and adopt an ordinance on first reading for a Rezone Request for the above described property.
- 8) Public hearing to consider an ordinance on first reading to rezone from Not Designated ("N") District to General Retail ("GR") District for 0.156 acres out of Block 11; 3.97 acres out of Block 12; 5.0 acres out of Block 13; and 1.64 acres out of Block

14, Stuart Place Subdivision Survey 298 located on the south side of Business 83 between Altas Palmas Road and Baker Potts Road. Applicant: Charles Wadkins and the City of Harlingen. Attachment (***Planning and Zoning***)

a) Public Hearing

b) Consider and take action to approve and adopt an ordinance on first reading for a Rezone Request for the above described property.

9) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow a recycling center (ferrous metal) in a Light Industry ("LI") District located at 5001 E. Harrison Avenue, bearing a legal description of Lot 1, Block 1, Funk Seed Subdivision. Applicant: Francisco Rodriguez, c/o Union Steel. 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 at the above described property.

10) Public hearing to consider an ordinance on first reading for the renewal of the Specific Use Permit issued to Selvin R. Garcia to allow a bar/lounge in a General Retail ("GR") District located at 209 S. "C" Street bearing a legal description of Lot 1, Block 67, Harlingen Original Townsite. Applicant Selvin R. Garcia. Attachment (***Planning and Zoning***)

a) Public Hearing

b) Consider and take action to approve and adopt an ordinance on first reading for the renewal of a Specific Use Permit for the above described property.

11) Public hearing to consider an ordinance on first reading to amend the City of Harlingen Zoning Ordinance No. 07-27, Sections 12.04 and 12.06 to establish a process which would allow pennants at new and used car dealership and businesses which have an outdoor display of outdoor merchandise on an area no less than two acres. 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 Zoning Ordinance No. 07-27, Sections 12.04 and 12.06 to establish a process which would allow pennants at new and used car dealership and businesses which have an outdoor display of outdoor merchandise on an area no less than two acres.

- 12) Consider and take action to approve and adopt a resolution establishing the determination of a public need and necessity for the acquisition of fee simple title for real property located on Lamb Avenue from FM 801 (Ed Carey) west approximately 934 linear feet to the end for the construction of a new public roadway. Attachment (***City Engineer***)
- 13) Consider and take action to authorize the Mayor, on behalf of the City of Harlingen to secure grant funds in the amount of \$160,000.00 made available through the Office of the Governor Criminal Justice Division under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. Attachment (***Police Department***)
- 14) Consider and take action to select a company for technical services for the auditorium and authorize the City Manager to negotiate the best possible rate. Attachment (***Gabriel Gonzalez, Asst. City Manager***)
- 15) Consider and take action to approve a request for the renewal of a Facilities Usage Agreement between the City of Harlingen and the Texas Youth Football Association (TYFA) Harlingen Hawks for use of the soccer fields at the Sports Complex on Wilson Road. Applicant: Isabel Kellogg. Attachment (***Parks & Recreation***)
- 16) Consider and take action to approve the renewal for the 2014 season of a contract between the City of Harlingen and Harlingen National Bronco Baseball League for the use of the ball fields at the Tom Wilson Youth Sports Park at the Sports Complex on Wilson Road. Applicant: City of Harlingen and Jerry Hernandez. (***Attachment***)
- 17) 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) (1)
- e. Community Development Advisory Board (2)
- f. Construction Board of Adjustments (7)
- g. Convention & Visitors Bureau (3)
- h. Development Corporation of Harlingen, Inc. (1)
- 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 (4)
- 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
- v. Tennis Advisory Board (1)
- w. Utility Board of Trustees
- x. Veterans Advisory Board
- y. Zoning Board of Adjustments (6)

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) Executive/Closed Session on the following items:
  - a) Attorney consultation pursuant to Sections 551.071 and 551.074 of the Texas Gov't. Code (Personnel Matters) regarding the City's legal rights, duties and obligation regarding the appointment of the Interim Fire Chief. **(City Manager)**
  - b) Attorney consultation pursuant to Sections 551.071 and 551.074 of the Texas Gov't. Code (Personnel Matters) regarding the City's legal rights, duties and obligation regarding the appointment of the Public Safety Director. **(City Manager)**
- 19) Consider and take action to confirm the City Manager's appointment of a department head of the Harlingen Fire Department effective immediately and until another Fire Chief is appointed by the City Manager and confirmed by the Harlingen City Commission. **(City Manager)**
- 20) Consider and take action to confirm the City Manager's appointment of a Public Safety Director for the Police and Fire Departments. **(City Manager)**
- 21) Consider and take action to abolish the Public Safety Director Executive Management position to oversee and supervise the City of Harlingen's Fire and Police Civil Service Departments; including eliminating any modifications to the City of Harlingen Organizational Chart. **(Requested by Mayor Pro-Tem Danny Castillo and Commissioner Victor Leal)**
- 22) Executive Session/Closed Meeting pursuant to Chapter 551, Sections 551.072, 551.071 and 551.087, Subchapter D., V.T.C.A., Government Code regarding the purchase, exchange, lease, or value of real property; 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 as **DPC** and to seek legal advice from the City Attorney regarding this subject. **(Mayor)**

23) 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, March 14<sup>th</sup>, 2014 at 6:35 p.m. at least 72 hours preceding the scheduled time of said meeting.

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

  
Amanda C. Elizondo, City Secretary