

REGULAR
CITY COMMISSION
AGENDA
September 21, 2016
@ 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, September 21, 2016 at 5:30 P.M.** in City Hall, Town Hall, 2nd 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.

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.

Invocation/Commissioner Victor Leal

Pledge of Allegiance/Welcome

- 1) Proclamation proclaiming September 22nd, 2016 as "Mrs. Eloise Marie Hays Day."
- 2) Neighborhood Clean-Sweep held September 10, 2016, "M" & "J" Streets starting on W. Lincoln, W. Johnson, & W. Grant, District 4. Attachment (***Code Enforcement***)
- 3) Approval of Minutes
 - a) Special Meeting of August 30, 2016

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| | CONSENT AGENDA | |
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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 Items withdrawn from the Consent Agenda for individual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 Ordinance No. 16-29 to clarify that a fee for processing a payment by debit card may be charged when the debit card is used as a credit card. Attachment **(City Attorney)**
- b) Second and final reading to approve and adopt an ordinance amending the City of Harlingen's Budget for Fiscal Year 2015-2016. Attachment **(Finance)**
- c) Consider and take action to approve a request from the 2nd Annual 5K Walk/Run with the Heroes RGV 2016 Planning Committee to close the following streets: West Jackson Avenue between 6th Street and South Commerce Street, up to alleyways north and south of Jackson Street, North 1st Street/Arcadia Drive, Arcadia Drive/East Grimes Street, East Grimes/Ferguson Streets, Austin/5th Streets, curve from Washington Avenue/3rd Street, 5th Street/Woodland Drive for the 2nd Annual 5K Walk/Run with the Heroes RGV 2016 Event, Saturday, September 24, 2016, Harlingen Downtown District from 6:00 a.m. to 12:00 noon to ensure safety of the participants and allow for placement of vendor booths, a mobile stage and other activities taking place at the event. Attachment **(Police Dept.)**
- d) Consider and take action to approve a request from Robert Saenz, Harlingen High School South Assistant Principal of Student Activities to close the following streets: Bothwell and Dixieland (blocking southbound traffic), Alani Circle (both streets), Haverford and Dixieland, Midland and Haverford (Harlingen South side), Topaz and Dixieland, Adrian (East and West) at Dixieland, Garrett (East and West) at Dixieland, River Oaks and Dixieland, Wednesday, September 28, 2016 from 6:15 p.m. to 7:00 p.m. for their Annual Homecoming Parade and Bonfire to ensure the safety of the attendees. Attachment **(Police Dept.)**
- e) Consider and take action to approve a request from Veronica Hunt, Advisor for the Harlingen High School Student Council to close the following streets: North 13th Street (just North of the Rear Parking Lot of the school), North 13th Street and Marshall Avenue, Marshall Avenue from 13th Street to North 7th Street, Marshall Avenue and 9th Street, 7th Street and Village Drive, and North 7th Street (just North of Village Drive), Thursday, October 6, 2016 from 5:30 p.m. to 8:00 p.m. for the Annual Homecoming festivities and burning of the "H" to ensure the safety of the attendees. Attachment **(Police Dept.)**
- f) Consider and take action to approve a request from the Rotting Flesh Factory to close West Van Buren Avenue between "E" & "F" Streets on the following days: September 30, 2016 October 1, 2, 7, 8, 9, 14, 15, 16, 21, 22, 23, 27, 28, 29, 30 and 31, 2016 to operate a walk-through haunted house attraction from 6:30 p.m. to 12:00 midnight. Attachment **(Police Dept.)**

- g) Investment Report for the City of Harlingen for quarter ended June 30, 2016. Attachment (**Finance**)
- h) Consider and take action to renew the Interlocal Agreement for Cooperative Purchasing for Actuarial Shared Services between the City of Harlingen and the North Central Texas Council of Governments. Attachment (**Finance**)
- i) Consider and take action to authorize the City Manager to execute an agreement between the City of Harlingen and Gabriel, Roeder, Smith and Company to perform actuarial consulting services. Attachment (**Finance**)
- j) Consider and take action to approve a resolution accepting the donation of approximately 25.48 acres out of Blocks 55 and 81 of the Lon C. Hill Subdivision from Ms. Maxine Pace Elkins. Attachment (**Parks & Recreation**)



- 5) Consider and take action to approve the Development Corporation of Harlingen, Inc.'s Budget for Fiscal Year 2016-2017. Attachment (**Economic Development**)
- 6) Public hearing to receive comments regarding the proposed voluntary annexation and to establish the initial zoning to Light Industry ("LI") District for a 25.970 acre tract of land, more or less, being 2.145 acres out of Block 41, and 23.825 acres out of Block 67, Palmetal Company Subdivision, located on the east side of FM 509 north of FM 106. Applicant: Whiting Investments, LLC, c/o Chris Hamby. Attachment (**Planning & Zoning**)
- 7) Public hearing to consider an ordinance on first reading to rezone from Not Designated ("N") District to Light Industry ("LI") District for 11.91± acres out of Block 67, and 16.1± acres out of Block 68, Palmetal Company Subdivision, located on the north side of FM 106 east of FM 509. Applicant: Whiting Investments LLC, c/o Chris Hamby, and the City of Harlingen. Attachment (**Planning & Zoning**)
 - a) Public hearing
 - b) Consider and take action to approve an ordinance on first reading to rezone the above described properties.
- 8) Public hearing to consider an ordinance on first reading for the renewal of the Specific Use Permit ("SUP") to allow the continuance of a Bar/Lounge in a General Retail ("GR") District located at 204 W. Jackson, bearing a legal description of Lots 13 & 14, Block 45 Harlingen Original Townsite. Applicant: Luis C. Betancourt. Attachment (**Planning & Zoning**)

- a) Public hearing
 - b) Consider and take action to approve an ordinance on first reading for a renewal of the Specific Use Permit to allow for the continuation of the Bar/Lounge located at the above described location.
- 9) Public hearing to consider an ordinance on first reading to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for the South 0.75± acre out of 1.3 acre tract of Block 8, the South 1.0± acre out of a 1.97 acre tract of Block 9, the South 0.4± acre out of Block 9, the South 0.5± acre out of the Western Part of Blocks 9 and 10, and 2.97 acres out of Block 10, Stuart Place Subdivision Survey 298; Lots 1-3, Block 1, Naranjo-Lopez Subdivision; and Lots 1-3, Block 1, Esteban-Celina Subdivision; rezone from Not Designated ("N") District to Residential, Mobile Home ("MH") District for 2.4± acres out of a 4.0 acre tract of Block 8, Stuart Place Subdivision Survey 298; and rezone from Not Designated ("N") District to General Retail ("GR") District for the North 200 ft. (1.6± acres) out of a 4.0 acre tract of Block 8, the North 300 ft. (0.3± acre) of a 1.3 acre tract of Block 9, the North 300 ft. (0.9± acre) out of a 1.977 acre tract of Block 9; the North 300 ft. (0.34± acre) out of Block 9, the North 300 ft. (0.5± acre) out of the Western part of Blocks 9 and 10; and 1.83 acres out of Block 10, Stuart Place Subdivision Survey 298; all properties located on the south side of Business 83 between Beckham Road and Altas Palmas Road. Applicant: City of Harlingen. Attachment (***Planning & Zoning***)
- a) Public hearing
 - b) Consider and take action to approve an ordinance on first reading to rezone the properties as described above.
- 10) Consider and take action to approve an Inter-local Cooperation Agreement with Cameron County, and the Cities of Los Fresnos, South Padre Island, Port Isabel, Rancho Viejo and San Benito to reduce criminal activity and the threats of incursions along the southernmost part of the Texas Border through the use of grant funding made available under a grant titled, "Operation Stonegarden" – FY2015 Grant. Attachment (***Police Dept.***)
- 11) Consider and take action to approve a contract with the Boy's and Girl's Club of Harlingen for Fiscal Year 2017 in the amount of \$115,757.00 for Teen Service Programs and authorize the City Manager to sign the contract. Applicant: City of Harlingen, Boys and Girls Club of Harlingen. Attachment (***Parks & Recreation***)
- 12) Consider and take action to approve a contract with the Boy's and Girl's Club of Harlingen for Fiscal Year 2017 in the amount of \$90,104.00 for Youth Service Programs and authorize the City Manager to sign the contract. Applicant: City of Harlingen, Boys and Girls Club of Harlingen. Attachment (***Parks & Recreation***)

- 13) Consider and take action to approve a contract with Don Van Ramshorst, Jr. to operate, manage and supervise the HEB Tennis Center for Fiscal Year 2017 and authorize the City Manager to sign the contract. Applicant: City of Harlingen. Attachment (***Parks & Recreation***)
- 14) Consider and take action to approve an ordinance to designate a "No Parking Zone" along the east side of Morgan Boulevard from the intersection of Washington Avenue extending north 218 feet to the driveway of Saint Paul Lutheran Church. Attachment (***Engineering***)
- 15) Consider and take action to designate the City Manager as the City's designee and authorize the City Manager to execute and file the applications for the Hazard Mitigation Grant Program (HMGP) on behalf of the City for the purpose of obtaining state and federal financial assistance. Attachment (***Engineering***)
- 16) Consider and take action to approve an agreement with Marine Military Academy for the use of the Hotel/Motel funds for promotion of tourism by maintaining the Iwo Jima Monument and authorize the Mayor to sign the agreement. Attachment (***Gabriel Gonzalez, Asst. City Manager***)
- 17) 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 and authorize the Mayor to sign the agreement. Attachment (***Gabriel Gonzalez, Asst. City Manager***)
- 18) 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 and authorize the Mayor to sign the agreement. Attachment (***Gabriel Gonzalez, Asst. City Manager***)
- 19) Consider and take action to approve an agreement with Loaves and Fishes to provide meals for the homeless and needy through their kitchen and food pantry and authorize the Mayor to sign the agreement. Attachment (***Gabriel Gonzalez, Asst. City Manager***)
- 20) Consider and take action to approve a request from the Sister City of Matamoros, Tamaulipas for a donation of fire equipment; declare the equipment as surplus property and authorize the City Manager to sign the necessary documents. Attachment (***Fire Dept.***)
- 21) Consider and take action to approve the Fire Protection Service Contract between the City of Harlingen, Texas and City of Primera, Texas to provide fire protection services for a cost of \$106,600.20 payable in quarterly installments of \$26,650.05 and authorize the Mayor to sign the contract. Attachment (***Fire Dept.***)

- 22) Consider and take action to approve the City of Harlingen updated Pay Table for Non-Civil Service Employees with an effective date of October 5, 2016. Attachment ***(Human Resources)***
- 23) Consider and take action to approve a resolution in support of the domestic space launch industry and necessary action by Congress to ensure the continued and unimpeded growth of space launch jobs and industry in Texas. Attachment ***(City Manager)***
- 24) Consider and take action to approve the ranking of the respondents to the Request for Qualifications (RFQ#2016-11) for Professional Legal Services, and to authorize the City Manager to negotiate a contract with the highest ranked legal firm. Attachment ***(City Manager)***
- 25) 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 (2)
- c. Audit Committee (Terms expire annually in June)
- d. Civil Service Commission (Mayor)
- e. Community Development Advisory Board (3)
- f. Construction Board of Adjustments (6)
- g. Convention & Visitors Bureau (4)
- h. Development Corporation of Harlingen, Inc.
- i. Downtown Improvement District Board (2)
- j. Golf Course Advisory Board (2)
- k. Harlingen Community Improvement Board (3)
- l. Harlingen Housing Authority Board
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (6)
- o. Library Advisory Board (1)
- p. Mayor Wellness Council
- q. Museum Advisory Board (1)
- r. Parks Advisory Board (1)
- s. Planning & Zoning Advisory Board
- t. Senior Citizens Advisory Board (2)
- u. Tax Increment Finance Board **(All Bd. Members' Terms have expired)**
- v. Tennis Advisory Board (2)
- x. Utility Board of Trustees
- y. Veterans Advisory Board (5)
- z. 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.

26) Executive Session/Closed Session on the following items:

a) Attorney consultation pursuant to Section 551.071, Texas Gov't. Code to provide legal advice and counsel in connection with certain collective bargaining issues contained in the Notice of Intent to Bargain by the duly recognized majority bargaining agent for the City's law enforcement officer, the Harlingen Police Officer and Law Enforcement Association (HPOLEA).

(City Manager)

b) Pursuant to Chapter 551, Subchapter D, V.T.C.A., Texas Government Code Sections 551.071, and 551.072 regarding the purchase, exchange, lease, or value of real property and to possibly seek legal advice from the City Attorney regarding this matter. **(City Manager)**

27) 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, September 16th, 2016 at 6:07 p.m. at least 72 hours preceding the scheduled time of said meeting.

Dated this 16th day of September, 2016



Amanda C. Elizondo, City Secretary