

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

NOVEMBER 7, 2012

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, November 7, 2012 at 5:30 p.m. in Town Hall, City Hall, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and City Commission

Mayor Chris Boswell

Robert Leftwich, Mayor Pro-Tem District 2

Danny Castillo, Commissioner District 1

Mike Mezmar, Commissioner District 3

Joey Trevino, Commissioner District 5

Staff Present

Carlos Yerena, City Manager

Amanda C. Elizondo, City Secretary

Richard Bilbie, Assistant City Attorney

Dan Serna, Assistant City Manager

Gabriel Gonzalez, Assistant City Manager

Elvia Trevino, Interim Finance Director

Absent

Jerry Prepejchal, Commissioner District 4

Mayor Pro-Tem Leftwich called the meeting to order; a quorum was established. A notice of the meeting had been duly posted according to State law. The following proceedings were held.

Invocation/ Pastor Mark Molina

Pastor Mark Molina gave the Invocation.

Pledge of Allegiance/Welcome

Mayor Pro-Tem Robert Leftwich led the Pledge of Allegiance and welcomed everyone in attendance.

1) Public Announcement of Events

a) Paul Menzies, Parks and Recreations Director made the following announcements.

a) Grand Opening and Dedication Ceremonies - Veteran Memorial at Pendleton Park - Sunday, November 11, 2012 at 9:30 a.m.;

b) Diabetes Walk at McKelvey Park - Saturday, November 17, 2012 - Valley Baptist Hospital would host the event;

c) 26th Annual Lighting of the Arroyo at McKelvey Park - Saturday, November 29, 2012;

d) Winter Texas Expo and Fiesta, dates and times to be announced.

Mr. Menzies announced that the Harlingen Halloween In-The Park and The Blues on Hills Concert Series at Fair Park had exceeded staff's expectations.

f) Ruben Cantu, American Legion Judge Advocate announced an "Appreciation Day" would be held on Monday, November 12, 2012 for all veterans. Church's Fried Chicken, Apple Bee and Chili's Restaurants would sponsor free meals to all veterans on this day.

g) Mayor Pro-Tem Leftwich presented certificate of recognitions and appreciation to the following businesses for donating food or services to the representatives of Operation Crackdown: Pena Eye Institute, Big Red/RC/Seven up Distributors, Bass Pro Shops, Chick-File-A, Burger King, Pizza Hut, Chili's Bar and Grill, Sonic Drive Inn, Papa Joe's Pizza, American Legion Post #205, Church's Chicken, McDonald's #4245, Platillos Restaurant, Panchito's Restaurant, Gloria Pena and Family, and Noemi Cisneros and Family. He expressed his appreciation on behalf of Mayor Boswell and the City Commissioners. Mayor Pro-Tem also expressed a warm welcomed to the Texas National Guard for their continued participation and hoped that they return to Harlingen due to their great service to the community. This program saved taxpayers money, created a better quality of life, reduced crime and made the community safer.

Mayor Pro-Tem Leftwich changed the order of the agenda and proceeded with Item No. 4.

4) Neighborhood Clean Sweep - Orange Heights Street from N. Commerce Street in District 2.

Mayor Pro-Tem Leftwich reported on the Neighborhood Clean-Up Sweep Program held on Saturday, November 3, 2012; 5.4 tons of debris and eighty-one tires were collected.

Carlos Yerena, City Manager presented Certificate of Appreciation to Southwest Key Program members for their participation in the Neighborhood Clean-Sweep.

At this time, Mayor Boswell presided the meeting and proceeded with the following item.

Mayor Boswell referred to Item No. 1, Public Announcements and stated he had attended the Opening of the Rio Grande Valley Birding Festival to welcome all the participants to the event. The event had doubled in size and there were members from the Northwest Region where Hurricane Sandy occurred. A trade show would be held at the Fair Park-Casa De Amistad. The dedication ceremony of the Veterans Memorial at Pendleton Park was scheduled for Sunday, November 11, 2012. A non-denominational church service was scheduled for 9:30 a.m., Pastor Bill Reagan would preside over the church ceremony and a formal dedication of the memorial would follow. He extended an invitation to the public to both events.

Mayor Boswell changed the order of the agenda and proceeded with Item No. 15.

15) Consider and take action to approve a Public Service Contract between the City of Harlingen and Loaves & Fishes of the Rio Grande Valley in the amount of \$25,515.

Pastor Bill Reagan, Loaves & Fishes Director stated the purpose of the contract was to provide funding for rental, utilities, prescription assistance, food bags and administrative expenses. The agency was fortunate to receive \$50,000 from the Texas Department of Housing Community Affairs and believed this amount would be adequate to assist clients over the next year. The amount requested was to support the Bread of Life Dining Hall. The dining hall was open 7 days a week and served breakfast and dinner.

Motion was made by Commissioner Castillo and seconded by Commissioner Mezmar to approve the contract between the City of Harlingen and Loaves and Fishes of the Rio Grande Valley for an amendment of \$19,200. Motion carried unanimously.

Mayor Boswell returned to the regular order of the agenda and proceeded with the following item.

2) Presentation of the replanting of the Dixieland Road/Expressway 83 raised median landscape beds on "National Make A Difference Day" held on Saturday, October 20, 2012 and recognize the student volunteers from Texas State

Technical College (TSTC) and the members of the Harlingen Proud/Keep Harlingen Beautiful Board for their contributions.

Jeff Lyssy, Park and Recreation Superintendent gave a power point presentation on the landscaping project and recognized Adele Clinton, Belinda Palomino and student volunteers from TSTC, City staff, TSTC volunteers and Harlingen Proud/Keep Harlingen Beautiful Board Members. They met Saturday, October 20, 2012 at the raised median along the frontage road near the Bass Pro Shops and Logan Steak House. They planted new plants and re-did the mulching along the areas. There were 130 student volunteers. Over 1,200 plants and 1,800 bags of red mulch had been used along the roadsides in four hours. A picnic was held after the work was done. He thanked Harlingen Proud for funding the project, the students and volunteers from TSTC for all their hard work.

Mayor Boswell thanked and congratulated all the people that participated in this project. As this major retail corridor blossomed, this project would help make the community a welcoming place.

3) Presentation of proclamations proclaiming the following:

Mayor Boswell read and presented the following proclamation.

a) National Hospice and Palliative Care Month – Month of November

Mayor Boswell read and presented a proclamation to Jennifer Leal, Director of Marketing and Diana Peralez proclaiming the month of November as “National Hospice and Palliative Care Month”.

b) Knights of Columbus Council #2785 - 75th Anniversary.

Knights of Columbus Council #2785 requested that the presentation of the proclamation be done at their event.

5) Presentation of the City of Harlingen Adopt-A-Spot Program.

Carlos Yerena, City Manager reported on the Adopt-A-Spot Program. The intent of the program was to encourage citizens to participate in beautifying the community. The Kick-Off month for this program was December, 2012.

Mayor Pro-Tem Leftwich commended staff for bringing forth the program and making it functional for the city. These types of programs created a sense of ownership in our community in keeping it clean and safe.

Mayor Boswell mentioned this item had been discussed at the State of the City Address. He thanked staff for taking the measure to heart and working on it. This would improve the appearance of the community and hoped to receive a lot of participation from the community. This would be a great way for citizens to give service to the city.

6) Approval of Minutes

a) Regular Meeting of September 19, 2012

Motion was made by Commissioner Castillo and seconded by Mayor Pro-Tem Leftwich to approve the minutes of September 19, 2012 as presented. Motion carried unanimously.

CONSENT AGENDA

7a) Second and final reading to approve and adopt an ordinance for a Specific Use Permit (SUP) to allow a bar/lounge in a General Retail (GR) District located at 610 S. Lewis Lane bearing a legal description of 1.69 acres out of Blocks 2 and 3, Lewis Subdivision. Applicant: Sharon Diegal.

- b) Second and final reading to approve and adopt an ordinance prohibiting smoking and the use of skateboards and other similar wheeled devices at the Veterans Memorial at Pendleton Park. Applicant: City of Harlingen, Veterans Memorial Committee.
- c) Second and final reading to approve and adopt an ordinance amending Title VII Chapter 70 of the Code of Ordinances by adding Section 70.06 to regulate the operation of motor vehicles near vulnerable road users.
- d) Consider and take action to approve a request from the Downtown Improvement District to close Jackson Street between 4th Street and Commerce on the following days of Year 2013 to hold Market Days:

January 5th
February 2nd
March 2nd
April 6th
May 4th
June 1st

July 6th
August 3rd
September 7th
October 5th
November 2nd
December 7th

- e) Consider and take action to approve a request from the RGV Jaycees to close the following streets on Friday, December 7, 2012 from 5:00 p.m. to 9:00 p.m. to hold their Annual Harlingen Christmas Parade.

- 1) 7th Street from W. Monroe to W. Van Buren Avenue;
- 2) 6th Street from W. Monroe to W. Van Buren Avenue;
- 3) 5th Street from W. Monroe to W. Van Buren Avenue;
- 4) 4th Street from W. Monroe to W. Van Buren Avenue;
- 5) 3rd Street from W. Monroe to W. Van Buren Avenue;
- 6) 2nd Street from W. Monroe to W. Van Buren Avenue;
- 7) 1st Street from W. Monroe to W. Van Buren Avenue;
- 8) "A" Street from W. Monroe to W. Van Buren Avenue;
- 9) Commerce Street from W. Monroe Avenue to W. Van Buren Avenue;
- 10) "C" Street from W. Monroe to W. Van Buren Avenue;
- 11) "D" Street from W. Monroe to W. Van Buren Avenue;
- 12) "E" Street from W. Monroe to W. Van Buren Avenue;
- 13) "E" Street from W. Van Buren Avenue (block off both sides from safe passage of parade floats);
- 14) "D" Street and W. Van Buren Avenue;
- 15) "C" Street and W. Van Buren Avenue.

- f) Consider and take action to approve a request from the City of Harlingen and HEB Supermarkets to close the 200 Block of East Madison and East Jefferson from 2nd to 3rd Streets on Thursday, November 15, 2012 at 8:00 a.m. through Friday, November 16, 2012 at 5:00 p.m. for their Annual Thanksgiving Feast of Sharing.

- g) Consider and take action to approve refunds of property taxes to Shamrock Adventure XXV LTD, c/o Walgreen Company (Popp, Gray & Hutcheson, LP) Account #25-7765-0010-00 and MM Harlingen LLC, c/o Walgreens Real Estate (Popp, Gray & Hutcheson, LLP) Account #22-1102-0010-0030-00 in the amount of \$1,400.22.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Trevino to adopt and approve the items under the consent agenda. Motion carried unanimously.

For the record Ordinance No. 12-68, No. 12-69 and No. 12-70 read as follows:

ORDINANCE NO. 12-68

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO

SHARON DIEGAL TO ALLOW A BAR/LOUNGE IN A "GENERAL RETAIL (GR)" DISTRICT LOCATED AT 610 S. LEWIS LANE, BEARING A LEGAL DESCRIPTION OF 1.69 ACRES OUT OF BLOCKS 2 AND 3, LEWIS SUBDIVISION, SUBJECT TO: (1) MAINTAIN THE REQUIRED OFF STREET PARKING SPACES; (2) PROVIDING A LICENSED SECURITY GUARD IN THE PARKING LOT DURING PEAK HOURS OF OPERATION ON THURSDAY, FRIDAY AND SATURDAY FROM 9:00 P.M. TO 2:00 A.M. (3) MAINTAIN ADEQUATE LIGHTING AROUND ALL BAR/LOUNGE ENTRANCE EXITS, AND ON-SITE PARKING AREAS; (4) PROVIDE AND MAINTAIN THE SURVEILLANCE VIDEO IN THE PARKING LOT AND MUST MAINTAIN A 30 DAY RETENTION OF THE VIDEO; (5) PROVIDING AND MAINTAINING A 6 FT. SOLID FENCE ALONG THE SOUTH END OF THE PROPERTY TO PROVIDE A BUFFER FROM THE RESIDENTIAL USE; (6) APPLICANT MUST OBTAIN AND MAINTAIN TABC LICENSE; AND (7) COMPLY WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING, HEALTH, FIRE AND POLICE DEPARTMENTS, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 12-69

AN ORDINANCE AMENDING CHAPTER 97 OF THE CITY OF HARLINGEN CODE OF ORDINANCES BY ADDING A NEW SECTION 97.07 PROHIBITING SMOKING AND THE USE OF SKATEBOARDS OR OTHER SIMILAR WHEELED DEVICES AT THE PENDLETON PARK VETERANS MEMORIAL; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 12-70

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS AMENDING TITLE VII, TRAFFIC CODE, CHAPTER 70: TRAFFIC REGULATIONS OF THE CITY OF HARLINGEN, TEXAS CODE OF ORDINANCES, AS AMENDED, BY ADDING SECTION 70.06 REGULATING THE USE OF MOTOR VEHICLES NEAR VULNERABLE ROAD USERS; PROVIDING FOR DEFINITIONS; PROVIDING FOR AN AFFIRMATIVE DEFENSE; PROVIDING A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) PER VIOLATION; PROVIDING THAT A VIOLATION OF THIS ORDINANCE IS A STRICT LIABILITY OFFENSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING.

PASSED AND APPROVED on first reading this the 17th day of October, 2012.
PASSED AND APPROVED on second reading this the 7th day of November, 2012.

SIGNED BY: /s/ Chris Boswell, Mayor
ATTESTED BY: /s/ Amanda C. Elizondo, City Secretary

Mayor Boswell announced he would skip to Item 21 (b).

21) Closed/Executive Session to discuss the following item:

b) pursuant to Chapter 551, Subchapter D, V.T.C.A., Government Code, Section 551.071 consultation with the Assistant City Attorney to seek legal advice regarding Sun Valley Motor Hotel located at 1900 S, 77 Sunshine Strip, Harlingen, Texas.

At 6:03 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 21 (b).

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to convene into executive session to discuss Item No. 21 (b). Motion carried unanimously.

At 6:20 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting opened to the public.

23) Consider and take action to award a bid for the demolition of structures on property or properties commonly known as the Sun Valley Motor Hotel located at 1900 S. 77 Sunshine Strip, Harlingen, Texas.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Mezmar to award the bid to J & B Services in the amount of \$190,793.00 for the demolition of the Sun Valley Motor Hotel and reposition funds from Special Projects of Harlingen (100) for the action taken by the Board of Adjustments and subject to a tax lien on the property. Motion carried unanimously.

Jay Dale Murphy, Principal Owner of Sun Valley Motor Hotel thanked the Mayor, Commissioners, and City staff. He especially thanked Elida Mendoza and Code Enforcement Staff for their hard work and looked forward to seeing the Sun Valley Property turned into an attractive area for the city.

Mayor Boswell returned to the regular order of the agenda proceeded with Item No. 8.

- 8) Consider and take action to adopt a resolution authorizing the submittal of an application to the Texas Department of Transportation to request reimbursement funding to construct the Dixieland/Reservoir extension to the City's existing bicycle pedestrian trail system.

Paul Menzies, Parks and Recreation Director stated at the previous meeting staff presented two high priorities trail projects and sought direction for possible submittal of a grant funding. Currently, Arroyo Trail ran from McKelvey Park along the Arroyo to the Expressway adjacent to Bogus Ford. Staff had contacted a consulting firm for assistance with the application process. This was an 80/20 match reimbursement grant for construction cost only. Total project cost was expected to be over \$2 million and the construction cost approximately \$1.7 million. If the grant was awarded, it would be for an approximate \$1.35 million. The City would be responsible for the 20% match plus design, engineering, and environmental costs of \$645,958. Deadline for submitting the grant application was November 16, 2012. Staff received sixteen letters of support for this project including those from the State Representative, Chamber of Commerce, and local supporters. He recommended approval of the resolution.

Motion was made by Commissioner Leftwich and seconded by Commissioner Mezmar to approve the resolution authorizing the submission of a grant application to the Texas Department of Transportation.

Commissioner Mezmar inquired if the Audubon or Sierra Club had been contacted for their support?

Mr. Menzies responded no.

Commissioner Mezmar recommended for staff to contact the local chapters.

Motion carried unanimously.

- 9) Consider and take action to award four (4) Community Development Block Grant Housing Rehabilitation/Reconstruction Loans to the following homeowners: Elma Gomez, Deferred Loan - \$16,862; Benito/Petra Medina, Deferred Loan/Low Interest Loan - \$22,368.50; Martin/Alejandra de Leon, Deferred Loan - \$18,000; and Hilda Ambriz, Deferred Loan/Low Interest Loan - \$23,740.

Gabriel Gonzalez, Assistant City Manager stated this item was presented at the previous meeting and was tabled due to lack of required language to formally take action. He recommended approval of the contracts.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to award the four Community Development Block Grants Housing Rehabilitation/Reconstruction Loans. Motion carried unanimously.

- 10) Consider and take action to approve the revised MPO Planning Contract and authorize the City Manager to execute the contract for the City of Harlingen to serve as the fiscal agent for the MPO operation.

Mr. Gonzalez stated there were issues with the MPO Planning Contract regarding the policies control of the MPO Director. The proposed contract provided for the City Manager to hire and fire the director with the recommendation from the MPO. The contract would be effective January 1, 2013 and expire on September 30, 2018. He recommended approval of the revised MPO Contract.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Trevino to approve the revised MPO Contract.

Commissioner Trevino inquired if there were issues with the salary.

Mr. Gonzalez responded there were no provisions in the contract regarding the salary. The City Manager would review the salary. MPO would be meeting and recommendations would probably be made to the City Manager. The issues that Mr. Garza from the Cameron County had were resolved.

Motion carried unanimously.

- 11) Consider an Ordinance on the first reading to rezone from Not Designated (N) District to Residential, Mobile Home (MH) District for 2.00 acres out of 3.1470 acres, Block 11 Stuart Place Subdivision Survey 298 located at 26658 Alta Palmas Road. Applicant: Gilbert M. Ambriz

Joel Olivo, Planning and Zoning Manager stated the applicant was requesting to rezone the above mentioned property from Not Designated ("N") District to a Residential, Mobile Home ("MH") District to locate a 1,474 square foot manufactured mobile home on the property to the west side of Alta Palmas Road. The Future Land Use Plan (FLUP) showed the area as General Retail. The request was a lower intense zoning. The Planning and Zoning Commission and staff were recommending approval of the request.

Commissioner Trevino stated Code Enforcement had identified some mobile homes that were dilapidated and in bad shape located across the street. He recommended that they continue to inspect the surrounding areas to provide for a cleaner area.

- a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against the item could do so.

There being no comments, Mayor Boswell declared the public hearing closed.

- b) Consider and take action to approve and adopt an ordinance on first reading for the above-mentioned request.

Richard Bilbie, Assistant City Attorney read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Leftwich and second by Commissioner Castillo to approve the ordinance on first reading. Motion carried unanimously.

- 12) Consider and take action to allow a license to encroach 20 ± feet into the City's 60 ft. right of way located on El Camino Real Avenue for a proposed traffic island, being a 0.13 ± acres out of the El Camino Road right of way, City of Harlingen, Cameron County, Texas as recorded in Cabinet 1, Slot 2632-B Cameron County Map Records.

Mr. Olivo stated the City Commission previously approved the item on June 20, 2012. Since then, the original applicant requested to include another person as an associate. The person would also be signing the license to encroach the said traffic island. The requested license to encroach was to allow a 20'x 40' traffic island in El Camino

Real Avenue Road right-of-way. He recommended approval of the request subject to the applicant maintaining the traffic island.

Motion was made by Commissioner Mezmar and seconded by Commissioner Castillo to approve the license. Motion carried unanimously.

- 13) Consider and take action to adopt a resolution to certify local funding and support for the submittal of projects to the Statewide Transportation Enhancement Program for funding competition for the Texas Department of Transportation 2012 Program call for projects.

Javier Zamora, City Engineer stated in September 2012, TXDOT issued a call of nominations for the Transportation Enhancement Program. As part of the application process, the nominating entity was required to submit a resolution to certify local funding and support of the projects. The resolution would authorize staff to proceed with the submittal of the application. He recommended approval of the resolution.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to adopt and approve the resolution. Motion carried unanimously.

- 14) Consider and take action to approve a Memorandum of Understanding between the City of Harlingen and Texas State Technical College Harlingen for assignment of students as part of their externship.

Carlos Yerena, City Manager highlighted the agreement between the City of Harlingen and TSTC. The College would provide up to fifteen intern students to assist with Geographic Information System (GIS) and Global Positioning Systems (GPS) for various projects. Legal counsel suggested to delete the 3rd paragraph in the agreement that provided for indemnify issues. The assignment of students was at no cost to the City and recommended approval of the MOU.

Mr. Bilbie stated he had discussion with the TSTC Chief of Staff about the changes and they both agreed to modify the agreement.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Trevino to approve the agreement between the City of Harlingen and Texas State Technical Institute with the modified changes deleting paragraph #3 of the agreement as suggested by legal counsel. Motion carried unanimously.

- 16) Consider and take action to approve and adopt an ordinance on first reading to amend the City of Harlingen's Fiscal Budget year 2012-2013.

Elvia Trevino, Interim Finance Director stated this was the first amendment to the 2012-2013 Fiscal Budget. The amendment would carry over all the outstanding projects and open purchase orders until the end of Fiscal Year 2011-2012. It did not change the fund balances of the prior year. She recommended approval of the amendment.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Trevino to approve and adopt the ordinance on first reading. Motion carried unanimously.

- 17) Consider and take action to approve a resolution to amend the Harlingen Downtown District 2012-2013 Fiscal Year Budget.

Elvia Trevino, Interim Finance Director stated the budget amendment was to carry over prior year finds into the current year for various signs and store front grant expenditures. The expenditures would increase by a net of \$2,250 and recommended approval of the budget amendment.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to approve the resolution amending the Harlingen Downtown District 2012-2013 Fiscal Year Budget. Motion carried unanimously.

- 18) Consider and take action to approve a resolution supporting the creation of a Rio Grande Valley Day in Austin, Texas to promote communication and positive working relations between The Rio Grande Valley and Texas Legislature.

Mr. Yerena, stated the City of Harlingen wished to maintain a good working relationship with the legislative leaders of Austin, Texas and work closely with the Valley cities to achieve common goals for the betterment of the entire Rio Grande Valley. He recommended approval of the resolution for the creation of a Rio Grande Valley Day in Austin, Texas.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Trevino to approve the resolution supporting the creation of a Rio Grande Valley Day in Austin, Texas. Motion carried unanimously.

- 19) Consider and take action to approve the City's participation in the amount of \$2,000 in the Lower Rio Grande Valley Development Council's Spanish Language Public Safety Early Weather Warning Notification System.

Mayor Boswell stated this was an initiative that was spearheaded by State Representative Eddie Lucio, Jr. for the implementation of a Spanish language Public Safety Early Weather Warning System in the Rio Grande Valley. The City of Harlingen's share for the system would be \$2,000.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to approve the City of Harlingen's participation in the amount of \$2,000 for the Lower Rio Grande Valley Development Council's Spanish Language Public Safety Early Weather Warning Notification System. Motion carried unanimously.

- 20) Board Appointments

None

- 21) Closed/Executive Session to discuss the following Items:

- a) pursuant to Chapter 551, Subchapter D, V.T.C.A., Government Code, Sections 551.087 and 551.071 regarding commercial and financial information from a business prospect known as Waterside with which the City Commission is conducting economic development negotiations regarding the possible creation of a Industrial District Agreement and/or to discuss or deliberate financial incentives with the business prospect and to seek legal advice from Assistant City Attorney regarding the Industrial District Agreement and matters related to the subject.
- c) Pursuant to Chapter 551, Subchapter D, V.T.C.A., Government Code, Section 551.071 consultation with the Assistant City Attorney to seek legal advice regarding the Specific Use Permit for adult business in a General Retail ("GR") District at 1105 South Tamm Lane.

At 6:45 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No 21 (a) and (c).

Motion was made by Commissioner Castillo and seconded by Mayor Pro-Tem Leftwich to go into executive session to discuss Item No. 21 (a) and (c).

At 7:22 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

Mayor Boswell welcomed the Students of Texas State Technical College.

- 22) Consider and take action to authorize the City Manager to enter into an Industrial District Agreement for Project Waterside.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Mezmar to authorize the City Manager to enter into an Industrial District Agreement with Project Waterside. Motion carried unanimously.

- 24) Consider and take action to approve and adopt an ordinance on seconded and final reading for a Specific Use Permit ("SUP") to allow a Bar/Lounge in a General Retail ("GR") District located at 1105 South Tamm Lane, bearing a legal description of 3.4740 acres out of Block 33 Stuart Place Survey, 139/297/298.

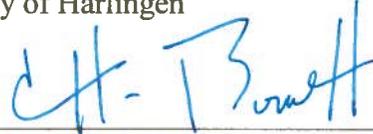
Motion was made by Commissioner Castillo and seconded by Commissioner Mezmar to deny the Specific Use Permit for a bar/lounge at 1105 South Tamm Lane. Motion carried unanimously.

- 25) Citizens Communication

Joe Rubio Jr., 2309 Hacienda Road referred to the November 6th General Election conducted by Cameron County and stated it was conducted improperly. He suggested that a public survey be conducted by the City for the public to decide who should conduct the city elections. Certain polling locations ran out of ballots and election workers were insufficient in their duties. The Jefferson Elementary School was under staffed and felt this was discriminatory toward the Hispanics.

There being no further business to discuss, the meeting adjourned at 7:27 p.m.

City of Harlingen



Chris Boswell, Mayor

ATTEST:



Amanda C. Elizondo, City Secretary