

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

APRIL 21, 2010

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, April 21, 2010 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

Larry Galbreath, Commissioner District 1

Kori Marra, Commissioner District 3

Jerry Prepejchal, Commissioner District 4

Joey Trevino, Commissioner District 5

Staff Present:

Gabriel Gonzalez, Interim City Manager

Roxann P. Cotroneo, City Attorney

Sylvia R. Trevino, City Secretary

Mayor Boswell called the meeting to order.

INVOCATION/PLEDGE OF ALLEGIANCE/WELCOME

Mayor Boswell delivered the invocation and the Pledge of Allegiance followed.

BOARD MEMBER RECOGNITIONS

A certificate of special recognition was given to Rick Caballero for his appointment to the Harlingen Community Development Board.

CITIZEN COMMUNICATION

Woody Spillman and Jack Ayoub were present to encourage the Commission to consider observing Texas Independence Day and they proceeded to explain the history and significance of such a historical event. They asked that the Commission consider celebrating Texas Independence Day. Mr. Ayoub also spoke on the Battle of San Jacinto.

Ron Lozano spoke in regards to the new tasers that were bought from red light company and new 'gadgets' being used by the police officers to record events as they occur. He stated that they would help reduce time that the police officers spend on making reports.

Raymond Reyes spoke in favor of the ordinance that is going to allow later hours for the bars in the downtown district. He stated that this would be great for an entertainment district. He referred to the Tax Increment Financing program and stated that this is a good program that should be watched carefully so that there is no abuse. He commented that he would always support anyone who is trying to do positive things for Harlingen.

MINUTES FOR APPROVAL – REGULAR MEETING OF APRIL 7, 2010

Commissioner Galbreath pointed out a correction to be made to Page 2 Line 12. Taking the correction into consideration, Commissioner Leftwich made a motion to approve the minutes. Commissioner Prepejchal seconded the motion and it carried unanimously.

DESIGN FOR THE OFFICIAL FLAG OF HARLINGEN

Norman Rozeff explained that a contest for the design of a city flag was initiated as part of the Centennial events. It was open to anyone in the Valley. The Historical

Preservation Society met and selected the top three entries but the understanding was that the Commission would make the final decision but that the Commission would not be obligated to accept any of the three.

Mayor Boswell and Commissioner Galbreath displayed the designs of the flags that were submitted.

Joe Rubio suggested placing the design on the City's website for the public's input and conduct an official website poll.

It was the consensus of the Commission to proceed to place the designs on the City's website.

PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR FISCAL YEAR 2008-09 BY LONG CHILTON, LLP.

Quentin Anderson, a partner with Long Chilton, showed a power point presentation. He indicated that he met with the City's Audit Committee to go over the various aspects of the Report and he proceeded to explain the composition of the audit.

Mr. Anderson made references to several pages from the CAFR and explained that the Basic Financial Statement were reviewed for the governmental activities, business-type activities and the component units such as the Harlingen EDC, Valley International Airport, Harlingen Waterworks and Harlingen Community Improvement Board.

Two opinions were issued: an 'unqualified' opinion on the basic financial statement and an 'unqualified' opinion on the City's compliance with the requirements applicable to the major federal award programs as described in Circular A-133.

He touched briefly on the condition of the City's general fund balance, which includes about 120 days of operations and stated that revenues were about equal to the expenditures. In summary, Mr. Anderson alluded to the fact that the City's financial position is very positive.

Mayor Boswell thanked the city staff for their excellent work and for the continuous 'awards of excellence' in financial reporting that the Finance Department and the City receive.

CONSENT AGENDA:

A. PROPERTY TAX REFUNDS APPROVED:

- 1. AT&T MOBILITY LLC/00-0100-7000-1484-07/\$1,322.05**
- 2. FIRST AMERICAN REAL ESTATE TAX SERVICE/
18-4048-0010-0200-00/\$553.94.**
- 3. HOLMES FLOYD J TRUSTEE/98-4330-0010-0080-00/\$665.39**
- 4. ARTHUR A. & VERONICA M. HAYES/98-1045-0010-0180-00/\$2,029.55**

B. REQUEST FROM REEL MINISTRIES AND THE HARLINGEN DOWNTOWN BUSINESS DISTRICT TO CLOSE CERTAIN STREETS AND ALLEYWAYS FOR FAMILY MOVIE NIGHTS APPROVED.

C. RESOLUTION IN SUPPORT OF THE VETERANS ALLIANCE OF THE RIO GRANDE VALLEY APPROVED.

Motion to approve consent agenda: Prepejchal

Second: Trevino

The motion carried unanimously.

PUBLIC HEARING HELD TO HEAR COMMENTS FOR OR AGAINST THE AMENDING THE ZONING ORDINANCE (NO. 07-27), SECTION 15.07 WITH REGARDS TO THE PROHIBITION OF BAR/LOUNGES, LATE HOURS ALCOHOL PERMITS (MIDNIGHT – 2 A.M.) AND THE CURRENT 100-FOOT SPACING REQUIREMENT BETWEEN BAR/LOUNGES IN HARLINGEN'S DOWNTOWN OVERLAY DISTRICT

Joel Olivo explained that the proposed amendments have been drafted after direction from the Planning and Zoning Commission. In general there are two (2) major changes:

- 1) eliminating the prohibition of new bar/lounges in the Downtown District Overlay. This section addresses removing the language which prohibits new bar/lounges in the Downtown District Overlay.
- 2) Amending the prohibition of late hours alcohol permits has been deleted from this section of the ordinance.

Staff recommended approval.

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

Commissioner Prepejchal proposed a distance between bars of 25 ft. but horizontally instead of leaving the ordinance as is.

Commissioner Marra pointed out that each building is 25 ft. wide and she stated that it took the Downtown District a long time to get to where they are today and they are trying to do a bit at a time. New bars still have to through the SUP process and besides they have to have 51% in alcohol sales to be considered a bar.

Commissioner Prepejchal offered a compromise of 50 ft.

Tony Gutierrez, representing a Mr. Medrano asked that the Commission consider measuring the distance horizontally. Doing it this way will work.

Commissioner Galbreath asked if he was advocating the 100 ft. horizontally and not worry about the people across the street. Mr. Gutierrez replied yes.

Bill DeBrooke pointed out that a 100 ft. distance allows three bars in a block and that's plenty of bars. He pointed out that the highest density of bars is in La Placita with seven (7) bars and he agreed with the Planning and Zoning recommendation.

Mayor Boswell pointed out that the main consideration was to eliminate the late hour permits. There are other people that live in the area and the concern was over the proliferation of bars and the downtown owners are concerned. Bars/grills are OK but bars are a different category.

Commissioner Prepejchal made a motion to allow the 100 ft. between bars but horizontally. There was no second to his motion.

ORDINANCE ADOPTED ON FIRST READING ON THE ABOVE AMENDMENT

The caption of the ordinance was read.

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) SECTION 15.07 OF THE CITY OF HARLINGEN BY REMOVING THE LANGUAGE WHICH PROHIBITS NEW BARS/LOUNGES IN THE DOWNTOWN OVERLAY DISTRICT; AND DELETING THE SECTION WHICH PROHIBITS LATE HOURS ALCOHOL PERMITS (MIDNIGHT – 2:00 A.M.) IN THE DOWNTOWN OVERLAY DISTRICT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

Commissioner Marra made a motion to leave the ordinance as read. Commissioner Leftwich seconded the motion.

Commissioner Galbreath stated that Planning and Zoning wanted to do this as a slow process and asked if there was a time frame. The reply was that there was no time frame, they were just looking to see what the effects would be.

Commissioner Prepejchal suggested reviewing the ordinance again in six months.

The voting on the motion carried unanimously

PUBLIC HEARING HELD TO HEAR COMMENTS FOR OR AGAINST THE REZONING FROM 'NOT DESIGNATED (N)' ZONE TO 'RESIDENTIAL, MULTI-FAMILY (M-2)' ZONE A 0.953 ACRE TRACT OF LAND SITUATED IN AND PART OF BLOCK 120, HARLINGEN LAND AND WATER COMPANY SUBDIVISION LOCATED ON THE NORTHEAST CORNER OF VINSON AVENE AND 7TH STREET. APPLICANT: ARMANDO ELIZARDE

(Commissioner Galbreath stepped out of the meeting during the discussion of this item. An affidavit on conflict of interest was filed with the City Secretary.)

Paul Menzies, Director of Planning and Development) explained that the applicant is asking for the same zoning as the rest of the area. The applicant is requesting to rezone the subject property from 'not designated (N)' zone to 'residential, multi-family (M-2)' zone to allow for a multi-family development situated in a proposed two lot subdivision. Staff recommended approval. Planning and Zoning also recommended approval.

Mr. Menzies further stated that state law and local ordinances provides for the surrounding property owners the right to petition against the zoning. He stated that letters were sent to the surrounding property owners that live within 200 ft radius of the subject property. If 20% of the landowners protest, then the zoning request would need to be approved by a 4/5ths vote of the Commission. He indicated that staff received a petition against the rezoning but staff had not yet done its analysis of the petition. However, this would not preclude the Commission from holding the public hearing scheduled for tonight.

Because the public hearing was scheduled for tonight, there was agreement among the Commission to hold the public hearing and upon the recommendation of the City Attorney, action on the ordinance was tabled upon a motion by Commissioner Leftwich and seconded by Commissioner Prepejchal until staff did its analysis of the petition for validation.

Comment was made that the ordinance would still require two readings and the motion was amended to reflect that the public hearing would be held tonight but that action on the adoption of the ordinance would be tabled. The amendment was submitted by Commissioner Leftwich and seconded by Commissioner Prepejchal. The motion carried unanimously.

Mayor Boswell declared the public hearing open.

Dorothy Nesmith, 729 Town Lane, stated that the location was an awkward location and wondered why the property was sold as such. One acre is not enough space for the type of development that is being proposed. Some of the reasons she gave were inhumane crowding, rain, and sewage issues; housing will be incongruent; inadequate parking, increased local traffic, issues of maintenance of green spaces; lack of sidewalks. She commented that they would not accept no mistake. She commented that small defects are large defects over a period of time. Ms. Nesmith handed a picture of the property when under water due to poor drainage to the City Attorney, which she then distributed to the rest of the Commission.

Jerry Moore, 709 Town Lane, stated that this is a very trying time and this is a big problem, a comprehensive plan mistake. Mr. Moore proceeded to read sections from the comprehensive plan and asked that the Commission just say no to this development.

Cesar Cespedes, 777 Nantucket, stated that he lives outside of the radius of the affected property owners but he has children to raise. He is against the zoning because of the population density--the property is too small for what Mr. Elizarde proposes to build. There is no telling what kind of individuals will be coming in and he referred to a recent vandalism at Long Elementary. He asked that the Commission not approve this zoning merely for the profit of an individual or a company. He stated that he is looking for more safety in the area and he commented that the Commissioner that was elected to represent them is not even present at the meeting.

Gail Moore, referring to the map, referred to the petition that was signed by those against the rezoning which were notarized signatures and she pointed out that it also included the signature of the Manager of the Wind Star Apartments. She stated that everyone is speaking out against this development out of concern for the safety of their kids. Gus Ruiz asked that everyone that was in the audience against the rezoning to stand up. Gus Ruiz, addressing the Mayor, stated that it was his duty to have the best interest of the citizens. Gus Ruiz questioned why Commissioner Galbreath was not present. Ms. Cotroneo, City Attorney, responded that he had filed a conflict of interest affidavit and he could ask for a copy, which would state the reason for the conflict.

Armando Elizarde stated that everything that was being said against the zoning was 'zero' factual. He pointed out that Planning and Zoning had approved the zoning unanimously. The petition being referred to is only for the need of a 4/5ths vote, otherwise it is a moot issue. He explained that the City sold him the property over a year ago and he showed the parcel on the map.

Mr. Elizarde expressed concern over the fact that the Manager of the Wind Star Apartments signed the petition because he works for the City of Harlingen and the Wind Star is government funded. Over a year ago the City advertised for bids on the property and the City agreed to sell it. The Comprehensive Plan shows the area as multi-family and every city entity has signed off on his development. There is no reason to deny the subdivision. He is only here requesting to rezone it because it is currently non-designated. As for the comments made that it is not a good location for apartments, he asked who determines that? There are 80 acres of multi-family and those that moved to the area were aware of this and they moved there knowing this. The proposed landscaping exceeds the requirements. As for the drainage, four engineers have approved the drainage plan. The opponents refer to low income and mobile homes but they have not seen a single design. As for the sidewalk issue, he is installing sidewalks on his side of the street but he is not responsible for sidewalks across the street.

Mr. Elizarde also asked regarding some of the comments made by the opposition since when are professional people not able to live in apartments. Since when are you a second class citizen because you live in an apartment?

Mrs. Moore pointed out that a sign for sale had been placed on the property and two of her neighbors had called and inquired on the cost of the property and they were told that it was selling from \$112,000 to \$117,000 so neither one approached the City to purchase the property. Later on it was found out that the price was \$70,000, which was not posted on the sign. As for the proposed site plan, she indicated that they have seen the plan and they do not like it. The site plan placed four buildings in one 'little bitty' property.

Ron Lozano, addressing Mr. Elizarde, stated that in the Planning and Development presentation there were no sidewalks. Mayor Boswell pointed out to Mr. Lozano that there would be no cross-examination.

Again, Mr. Lozano asked Mr. Elizarde if there would be sidewalks on both sides of the property. Mr. Elizarde responded that one sidewalk is required on 7th Street, but not on Vinson. Mr. Lozano then asked Mr. George Merrill, Chairman of the Planning and Zoning Commission if the P & Z vote was unanimous. Mr. Merrill replied that he is not part of this interrogation.

Yolanda Shoffeitt stated that Mr. Elizarde was sold the property and he has gone way above in meeting the requirements. To hear the comments being made by the opposing

residents it sounds like discrimination and stated that each one of them could be sued. Mr. Elizarde has a right to build what the wants.

Jerry Moore pointed out that Mr. Elizarde is president of HABA, President of the EDC and sits on other boards. Mr. Elizarde suggested that four engineers looked at and approved the drainage plan and he (Mr. Moore) is not here to suggest someone made a mistake but he would rather the Commission consider something on that property that the City can be proud of.

A. Elizarde, in regards to the bid he submitted, indicated that it was a sealed bid and he had no way of knowing that he was the only bidder and his involvement in the community has nothing to do with the bid. He is proud of all of his developments and he has met every single ordinance requirement.

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

Mayor Boswell explained to the audience that because the petition that was submitted was not completely reviewed by staff that the Commission proceeded to hold the public hearing only but no action on the adoption of the ordinance would be taken at this time.

PUBLIC HEARING HELD TO HEAR COMMENTS FOR OR AGAINST THE ISSUANCE OF A SPECIFIC USE PERMIT (SUP) TO ALLOW A BAR/LOUNGE IN A 'GENERAL RETAIL (GR)' ZONE LOCATED AT 610 LEWIS LANE, SUITE B, BEARING A LEGAL DESCRIPTION OF 0.96 ACRES OUT OF BLOCK 2, LEWIS SUBDIVISION. APPLICANT: DANIEL MENCHACA

Joel Olivo explained that the subject property consists of a building with two suite and the applicant wishes to operate a bar/lounge at this establishment out of a 3,384 sq. ft. suite. The proposed hours of operation are from 12:00 p.m. to 2:00 a.m. and the applicant is not proposing to have activity outdoors, but will have live music on weekends only. The applicant is currently processing the TABC license that consists of mixed beverages.

Staff recommended approval subject to the applicant providing and maintaining the required parking spaces and requirements administered by the Planning, Health, and Fire Departments. Planning and Zoning also approved the specific use permit.

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

ORDINANCE ADOPTED ON FIRST READING ON THE ABOVE SPECIFIC USE PERMIT

The caption of the ordinance was read.

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO DANIEL MENCHACA TO ALLOW A BAR/LOUNGE IN A 'GENERAL RETAIL (GR)' ZONE LOCATED AT 610 LEWIS LANE SUITE B, BEARING A LEGAL DESCRIPTION OF 0.96 ACRES, BLOCK 2 LEWIS SUBDIVISION, SUBJECT TO: (1) PROVIDING AND MAINTAINING THE REQUIRED OFF STREET PARKING SPACES; (2) PROVIDING A 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) MUST PROVIDE ADEQUATE LIGHTING IN THE PARKING AREA; (4) MUST OBTAIN AND MAINTAIN TABC LICENSE; AND (5) COMPLY WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, HEALTH AND FIRE DEPARTMENTS; PROVIDING FOR PUBLICATION AND

ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

Motion to adopt ordinance on first reading: Leftwich
Second: Prepejchal
The motion carried unanimously.

PUBLIC HEARING TO HEAR COMMENTS FOR AGAINST THE ISSUANCE OF A SPECIFIC USE PERMIT (SUP) TO ALLOW TWO STORAGE BUILDINGS IN A 'GENERAL RETAIL (GR) ZONE LOCATED AT 1208 S. COMMERCE, BEARING A LEGAL DESCRIPTION OF LOT 3 AND W ½ OF LOT 4, BLOCK 3, ARROYO INDUSTRIAL SUBDIVISION. APPLICANT: BELLA CONSULTING INC.

Joel Olivo explained that this type of request is normally handled administratively but in this case there were complaints that were submitted. In this case written concerns were received from Pizza Hut and Laurel Park Shopping Center, therefore, a public hearing and approval is required before P & Z and City Commission.

The applicant is requesting a SUP to allow two (2) 320 sq. ft. storage buildings for an existing 6,780 sq. ft. commercial business. The proposed storage buildings will be located on the west side of the property, and will be used for storage of merchandise and inventory.

Mr. Olivo indicated that due to concerns from the surrounding property owners and the visibility of the proposed storage buildings, staff recommended approval subject to the applicant providing a 8 ft. cedar fence along the front end and west side location of the proposed storage buildings; and providing a 5 ft. landscaping buffer along the front and west side location of the solid fence.

Mayor Boswell declared the public hearing open.

The applicant indicated that she went to confirm the elevation for the fence that was going to be placed around the buildings and she determined that a 10 ft. fence would be more appropriate and that she would be installing a 10 ft. fence instead of the 8 ft. fence that the City was requiring. She agreed that she could use raised planters in front of the area where there is concrete for the landscaping buffer.

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

ORDINANCE ADOPTED ON FIRST READING ON THE ABOVE SPECIFIC USE PERMIT

The caption of the ordinance was read.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO ALLOW TWO STORAGE BUILDINGS IN A 'GENERAL RETAIL (GR)' ZONE LOCATED AT 1208 S. COMMERCE, BEARING A LEGAL DESCRIPTION OF LOT 3 AND W ½ OF LOT 4, BLOCK 3 ARROYO INDUSTRIAL SUBDIVISION, SUBJECT TO 1) PROVIDING A 8 FT. SOLID FENCE ALONG THE FRONT AND WEST SIDE LOCATION OF THE PROPOSED STORAGE BUILDINGS; AND 2) PROVIDING A 5 FT. WIDE LANDSCAPING BUFFER (EXCLUDING THE GATE) ALONG THE FRONT AND WEST SIDE LOCATION OF THE SOLID FENCE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

A motion to adopt ordinance on first reading with the amendment of the 10 ft. fence was made by Commissioner Leftwich. Commissioner Prepejchal seconded the motion and it carried unanimously.

RESOLUTION APPROVED ESTABLISHING THE DETERMINATION OF A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE FOR REAL PROPERTY LOCATED ON SWEEZY LANE FROM TREASURE HILLS BOULEVARD TO FM 509 FOR THE CONSTRUCTION OF A NEW PUBLIC ROADWAY

Dan Serna, Director of Public Works, explained that in June 2009 the City Commission approved the project for the design of Treasure Hills Boulevard project. The Las Colinas subdivision is not completed yet and it includes roads. Gabriel Gonzales commented that we would have to find a way to acquire the streets without accepting the subdivision until it is complete. The approved design will require the acquisition of additional right-of-way in order to construct the roadway. Nine parcels are needed and the resolution will authorize the staff to proceed with the acquisition of the right-of-way for the project. Funding for the acquisition of the necessary right-of-way can be taken from the 2003 Bond funds allocated for transportation projects. It was noted that the developer is not participating with the cost.

Concern was expressed that if the developer does not reimburse the City for his share, he now has a brand new street.

Mayor Boswell pointed out that the resolution just authorizes the acquisition of the right-of-way.

A motion was made by Commissioner Leftwich to approve the resolution. Commissioner Marra seconded the motion and it carried unanimously,

AMENDMENT TO ARTICLE 7 OF THE COLLECTIVE BARGAINING AGREEMENT WITH THE HARLINGEN POLICE OFFICERS' AND LAW ENFORCEMENT ASSOCIATION APPROVED AND INTERIM CITY MANAGER AUTHORIZED TO SIGN ALL RELATED DOCUMENTS.

Gabriel Gonzalez explained that the amendment would allow for more frequent testing for entry-level police officers to help reduce the number of police officer vacancies. Further, that in order for an applicant to be eligible to take an examination, the application shall be on file with the Civil Service Director no less than three (3) work days prior to the date of the exam.

Mr. Gonzalez stated that the Union representatives voted in favor of the changes.

Commissioner Leftwich made a motion to approve the amendment as presented. Commissioner Prepejchal seconded the motion and it carried unanimously.

ONE ADDITIONAL POLICE OFFICER POSITION IN HARLINGEN POLICE DEPARTMENT TO SERVE AS BAILIFF/WARRANT OFFICER FOR THE MUNICIPAL COURT

Gabriel Gonzalez explained that the amendment would allow for a sworn Harlingen Police Officer to assume the duties of bailiff/warrant officer at the City of Harlingen Municipal Court. The position currently exists as a civilian bailiff under the Court; however, the civilian bailiff has no arresting authority. Additional funding of approximately \$20,000 will be requested at mid-year to cover the difference between the civilian and civil service position. Funds are available from the Municipal Court Security Fund.

Commissioner Leftwich made a motion to approve the additional position. Commissioner Prepejchal seconded the motion and it carried unanimously.

ELECTION EQUIPMENT LEASE BETWEEN THE CITY OF HARLINGEN AND CAMERON COUNTY FOR THE USE OF THE VOTING EQUIPMENT IN THE MAY 8, 2010 CITY GENERAL ELECTION APPROVED

Commissioner Leftwich made a motion to approve the lease agreement. Commissioner Prepejchal seconded the motion and it carried unanimously.

COMPENSATION INCREASE FOR THE ELECTION OFFICIALS APPROVED

The City Secretary explained that the Election Code states that election officials should be paid an hourly rate of not less than the federal minimum wage. Currently, the federal minimum wage is \$7.25. She explained that the School District approved an hourly rate of \$9.00 for the judges and \$8.00 for the alternates and clerks.

Ms. Trevino stated that this item is simply to ask that the Commission consider increasing the wages for election officials to \$9.00 for the Judges and \$8.00 for the alternate judges and clerks.

Commissioner Trevino made a motion to approve the compensation increase as recommended by staff. Commissioner Leftwich seconded the motion and it carried unanimously.

BOARD APPOINTMENTS

Commissioner Marra appointed Ruthie Ewers and Danny Hoehne to the Harlingen Proud Advisory Board.

Commissioner Prepejchal made a motion to approve the board appointments. Commissioner Leftwich seconded the motion and it carried unanimously.

Commissioner Galbreath made a motion to go into Executive Session pursuant to Chapter 551, Subchapter D., *V.T.C.A. Government Code* (Section 551.071) contemplated litigation regarding United Sports Equities, LLC. Commissioner Trevino seconded the motion and it carried unanimously.

**EXECUTIVE SESSION PURSUANT TO CHAPTER 551, SUBCHAPTER D.,
V.T.C.A. GOVERNMENT CODE (SECTION 551.071) CONTEMPLATED
LITIGATION REGARDING UNITED SPORTS EQUITIES, LLC.**

The Executive Session convened at 7:12 p.m. and concluded at 7:15 p.m. with no action taken in closed session.

**ACTION TAKEN TO APPROVE SETTLEMENT AMOUNT PROPOSED BY
UNITED SPORTS EQUITIES, LLC.**

Returning to open session, Commissioner Leftwich made a motion to approve the settlement amount proposed by United Sports Equities, LLC in the amount of \$57,165.69. Commissioner Prepejchal seconded the motion and it carried unanimously.

There being no further business the meeting adjourned at 7:16 p.m.

Chris Boswell, Mayor

Attest:

Sylvia R. Trevino, City Secretary