

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

APRIL 20, 2011

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, April 20, 2011 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
Mayor Pro Tem Joey Trevino
Gustavo C. Ruiz, Commissioner District 1
Robert Leftwich, Commissioner District 2
Kori Marra, Commissioner District 3
Jerry Prepejchal, Commissioner District 4

Staff Present:

Carlos Yerena, City Manager
Roxann P. Cotroneo, City Attorney
Gabriel Gonzalez, Assistant City Manager
Roel Gutierrez, Finance Director
Elena Garza, Interim City Secretary

Mayor Boswell called the meeting to order and stated that notice of the meeting had been duly posted according to law.

PLEDGE OF ALLEGIANCE/INVOCATION

Commissioner Ruiz delivered the Invocation and the Pledge of Allegiance followed.

BOARD MEMBER RECOGNITIONS

None.

CITIZEN COMMUNICATION

Gail Moore, 709 Town Lane spoke in reference to the Planning and Zoning minutes for Item #9. She filed an Open Records request for the minutes or draft minutes of April 13, 2011. As of this evening she still hadn't received those minutes. She presumes the City Commission doesn't have them either to review before taking action on the item. She stated how can the Commission make a decision of a controversial establishment when you are not able to read the comments of the citizens who attended the April 13th Planning and Zoning meeting?

Joe Rubio, 2309 Hacienda Road spoke in reference to the Chapter 380 agreement. His concern goes back to February 2009, when a lease was discussed on the Reese Project. He can't figure out where the money is coming from for this agreement. Will it be in the form of a grant or is it public money? The City is giving away \$58,000 to the Reese Project. They are also constructing a covered parking lot. He is asking the Commission to review this agreement before making a blanket approval.

**MINUTES FOR APPROVAL – SPECIAL MEETING OF MARCH 28, 2011;
SPECIAL JOINT MEETING OF MARCH 30, 2011; REGULAR MEETING OF
APRIL 6, 2011.**

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

CONSENT AGENDA:

- A. APPROVED REQUEST BY THE CONTRERAS FAMILY TO CLOSE SOUTH EYE STREET FROM WEST GRANT AVENUE TO GARFIELD AVENUE ON SATURDAY, APRIL 30TH FROM 6:00 P.M. TO 10:30 P.M. FOR A GOING AWAY PARTY.**
- B. APPROVED REQUEST BY OUR LADY OF THE ASSUMPTION CHURCH TO CLOSE LINCOLN STREET BEGINNING AT “L” STREET AND ENDING AT “M” STREET ON FRIDAY, MAY 6TH AND SATURDAY, MAY 7TH FROM 5:00 P.M. TO 11:00 P.M. FOR THEIR ANNUAL SPRING FESTIVAL.**
- C. APPROVED REQUEST BY THE IMMACULATE HEART OF MARY CATHOLIC CHURCH TO CLOSE “C” STREET BETWEEN POLK AND TYLER STREETS ON FRIDAY, APRIL 22ND FROM 4:00 P.M. TO 6:00 P.M. FOR THE LIVE PRESENTATION OF A RELIGIOUS EVENT.**
- D. APPROVED REFUND OF PROPERTY TAXES FOR THE FOLLOWING ACCOUNTS:**
 - a. Corelogic (Luis F. Perez Et Ux) / 24-5550-0030-0120-00 / \$1,363.89**
 - b. Southern Trinity Properties Group / 20-1940-0010-0021-00 / \$706.46**
 - c. Valley Baptist Realty Corp. / 19-0590-0010-0010-00 / \$2,141.06**

Commissioner Prepejchal made a motion to approve the consent agenda. Commissioner Leftwich seconded the motion and it carried unanimously.

SPECIAL RECOGNITION TO “BEYOND LIMITS CAR CLUB” FOR THEIR VOLUNTEER EFFORTS WITH THE “NEIGHBORHOOD CLEANUP” HELD ON APRIL 9, 2011.

Commissioner Prepejchal presented Kenneth Pruenza, President of the Beyond Limits Car Club and other Car Club members with a certificate for their outstanding volunteer efforts during their participation with the “Neighborhood Clean-up” that was held on April 9, 2011.

APPROVED INTERLOCAL COOPERATION ACT AGREEMENT BETWEEN THE COUNTY OF HIDALGO, TEXAS AND CITY OF HARLINGEN FOR EQUIPMENT/SERVICE SHARING AND PROPERTY TRANSFER OF EQUIPMENT ACQUIRED BY THE EXPENDITURE OF 2009 SHSP/LEAP GRANT FUNDS AWARDED BY THE GOVERNOR’S DIVISION OF EMERGENCY MANAGEMENT – HOMELAND SECURITY GRANT PROGRAM FOR THE LOWER RIO GRANDE VALLEY LAND MOBILE RADIO SYSTEM (LRGV-LMRS)

Mike Rinaldi, Fire Chief stated the County of Hidalgo submitted a grant application on behalf of Hidalgo, Cameron and Willacy Counties and the Cities of Brownsville, Harlingen and McAllen of which a portion of the award is intended to be used for the Lower Rio Grande Valley land mobile radio system (LRGV-LMRS) a region-wide communication system. The Property Transfer Record Agreement is for Harlingen’s equipment at Site 4550 / Lipscomb Road.

Commissioner Leftwich made a motion to approve the Interlocal Cooperation Act Agreement. Commissioner Prepejchal seconded the motion and it carried unanimously.

PUBLIC HEARING TO HEAR COMMENTS FOR OR AGAINST A SPECIFIC USE PERMIT (SUP) TO ALLOW A BAR/LOUNGE IN A “GENERAL RETAIL (GR)” ZONING DISTRICT LOCATED AT 115 E. HARRISON AVENUE, BEARING A LEGAL DESCRIPTION OF LOTS 17 AND 18, BLOCK 70, HARLINGEN ORIGINAL TOWNSITE.

Joel Olivo, Planning and Zoning Manager stated the applicant is requesting a specific use permit to operate a bar/lounge under the name of “The Station” from the existing 6,078 square ft. building. The proposed bar/lounge complies with off-street parking regulations. The surround properties are zoned ‘general retail (GR)’ in all directions.

The Fire Prevention, Building Inspections, and Health Department have reviewed the request. Staff recommends approval subject to compliance with the following:

1. A Type 1 hood system with UL 300 compliant extinguishing system must be installed;
2. Exit signs and emergency lighting per IFC 2001 and NFPA 70 must be installed;
3. Install fire extinguishers in accordance with NFPA 10 standards;
4. Security and video surveillance must be provided;
5. Shall provide and maintain the required parking spaces in accordance with City regulations.
6. Comply with the requirements administered by the Building Inspections, Health and Fire Prevention Departments prior to issuance of a certificate of occupancy.

Mayor Boswell declared the public hearing open.

Yolanda Schoffeitt, P. O. Box 697 stated the building is old, so she can just imagine how old the roof is. She wants to make sure the structure is safe and sound for the customers that will be visiting the establishment.

Joel Olivo, Planning & Zoning Manager replied he doesn't have a date on the age of the building. But, the Building Inspections Department has reviewed and approved the building application.

There being further 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 OF THE CITY OF HARLINGEN: TO ISSUE THE SPECIFIC USE PERMIT (SUP) TO GEORGE DAWI, C/O DAFDA INC. TO ALLOW A BAR/LOUNGE IN A "GENERAL RETAIL (GR)" ZONING DISTRICT LOCATED AT 115 E. HARRISON, BEARING A LEGAL DESCRIPTION OF LOTS 17 AND 18, BLOCK 70, HARLINGEN ORIGINAL TOWNSITE, SUBJECT TO: (1) A TYPE 1 HOOD SYSTEM WITH UL COMPLIANT EXTINGUISHING SYSTEM MUST BE INSTALLED; (2) EXIT SIGNS AND EMERGENCY LIGHTING PER IFC 2001 AND NFPA 70 MUST BE INSTALLED; (3) FIRE EXTINGUISHERS MUST BE INSTALLED IN ACCORDANCE WITH NFPA 10 STANDARDS; (4) SECURITY AND VIDEO SURVEILLANCE MUST BE PROVIDED; (5) SHALL PROVIDE AND MAINTAIN THE REQUIRED PARKING SPACES IN ACCORDANCE WITH CITY REGULATIONS; AND (6) COMPLIANCE WITH THE REQUIREMENTS ADMINISTERED BY THE BUILDING INSPECTIONS DEPARTMENT, HEALTH DEPARTMENT AND FIRE PREVENTION DEPARTMENT PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

Commissioner Leftwich made a motion to adopt the ordinance on first reading subject to compliance with the conditions as outlined by staff. Commission Marra seconded the motion and it carried unanimously.

Under discussion, Commissioner Ruiz asked staff to elaborate on the security and video surveillance issue.

Joel Olivo, Planning and Zoning Manager stated the Specific Use Permit imposes a condition that makes sure that "security" is certified, another condition is to setup surveillance on the property.

Commissioner Ruiz asked is "security" 24-7" and do the video surveillance cameras need to be on the entrances or exits?

Mr. Olivo replied as per City ordinance it is everyday “24-7” and it basically states that surveillance will cover all the exits and entrances.

PUBLIC HEARING TO HEAR COMMENTS FOR OR AGAINST A REZONING FROM “RESIDENTIAL, DUPLEX (R-2)” ZONE TO “RESIDENTIAL, TRIPLEX AND QUADRUPLEX (M-1)” FOR LOTS 1-4, J&S SUBDIVISION, LOCATED ALONG THE WEST SIDE OF BECKHAM ROAD NORTH OF DRURY LANE.

Joel Olivo, Planning and Zoning Manager stated the applicant is requesting to rezone the subject lots from “residential, duplex (R-2)” zone to “residential, triplex and quadruplex (M-2)” zone to allow for a fourplex apartment on Lots 3 and 4. Two of the four subject lots have existing structures on the property. Lot 1 has two existing unattached duplexes; Lot 2 has an existing duplex and a house; and Lots 3 and 4 are currently vacant. The subject property has 266 feet of frontage on Beckham Road and a depth of 550 feet. Surrounding properties are zoned R-1 to the north, south and west.

Staff recommends the subject property continue to be zoned “residential, duplex (R-2)” zone.

Mayor Boswell declared the public hearing open.

Henry Corona, Engineer on record back in 1991, for the Gonzalez Family, stated Mr. & Mrs. Gonzalez are going through the expense to build this quadruplex in Lot 3 and they are willing to comply with the Subdivision Ordinance. They are complying with the two 250 foot entrances. There is no sewer service, but septic tanks are allowed in the City limits and a permit has been issued.

Jesus Jaime Gonzalez, owner of subdivision, stated that he was informed by staff that the area is not consistent with other existing properties. There are some RV Parks across the street from his property that are considered to be consistent with his property. He stated there is a “multi-family” existing property that is located walking distance from where he lives. He doesn’t consider this “spot zoning”. He is required to pay impact fees up front on the subdivision for the sewer service.

Yolanda Schoffeitt, P. O. Box 697 stated this is “spot zoning”. There are two citizens that are against this rezoning. She informed the Commission to be careful on the action taken tonight, because it is against the law.

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

ORDINANCE ADOPTED ON FIRST READING ON THE ABOVE REZONING.

The caption of the ordinance was read.

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: REZONING FROM “RESIDENTIAL, SINGLE FAMILY (R-2)” ZONE TO “RESIDENTIAL, DUPLEX AND QUADRUPLEX (M-1)” ZONE FOR LOTS 1-4, J&S SUBDIVISION, LOCATED ALONG THE WEST OF BECKHAM ROAD NORTH OF DRURY LANE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

Commissioner Marra made a motion to not approve ordinance on first reading.
Commissioner Ruiz seconded the motion.

Under discussion, Commissioner Marra stated she has concerns about the single-family neighbors. But, she is going with what the Planning and Zoning approved which was on a 4 to 2 vote.

Motion carried unanimously.

At this time, Commissioner Trevino excused himself from the meeting in order to avoid 'an appearance of impropriety' and signed an affidavit, which was presented to the Interim City Secretary.

RESOLUTION APPROVED AUTHORIZING THE CREATION OF A CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM AND NEGOTIATION AND EXECUTION OF A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF HARLINGEN AND THE REESE PLAZA DEVELOPMENT, LLC.

Roxann P. Cotroneo, City Attorney stated that she was instructed by the City Commission at the last Special City Commission meeting to draft a resolution and agreement authorizing the creation of a Chapter 380 Economic Development Program. This agreement was between the City of Harlingen and the Reese Plaza Development, LLC. She was able to complete the agreement around noon today. A copy of the agreement was posted on the City website so the public would be able to view prior to the City Commission meeting. She was also instructed to draft the Chapter 380 agreement in four (4) terms.

1. Transfer title to the land with a legal description of Lots 17, Lot 18, and Lot 19, Block 59, Original Townsite of Harlingen, Cameron County, Texas;
2. Repave or overlay the parking lot located on the land bearing a legal description of Lots 17, 18, and 19, Block 59, Original Townsite of Harlingen, Cameron County, Texas;
3. Construct a canopy to provide twenty-nine (29) covered parking spaces on the land bearing a legal description of Lots 17, 18, and 19, Block 59, Original Townsite of Harlingen, Cameron County, Texas;
4. Transfer an easement to the Reese to use 247 square feet of land to be determined by the City located on land bearing the legal description of Lots 15, 16, 17, and 18, Block 69, Original Townsite of Harlingen, Cameron County, Texas.

The four terms are to be granted to the Reese from the City for the above-listed items and shall not exceed \$200,000. Under this Agreement, the Reese shall invest \$5,205,000. on real property improvements, new equipment and machinery at property located at 202 S. 1st Street, bearing the legal description of Lots 5, 6, 7, 8, 9, 10, and 11, Block 69, Original Townsite of Harlingen, Cameron County, Texas.

Commissioner Leftwich made a motion to take action to adopt a resolution authorizing the creation of a Chapter 380 Economic Development Program and negotiation and execution of a Chapter 380 Economic Development Agreement between the City of Harlingen and the Reese Plaza Development, LLC. Commissioner Prepejchal seconded the motion and it carried unanimously.

ACTION TAKEN TO AUTHORIZE THE CITY MANAGER TO:

- (1) **OBTAIN COMPETITIVE BIDS TO IMPROVE THE PARKING LOTS LOCATED AT:**
 - **LOTS 15, 16, 17 AND 18, BLOCK 69, ORIGINAL TOWNSITE OF HARLINGEN, CAMERON COUNTY, TEXAS (PUBLIC PARKING LOTS AT THE NORTHEAST CORNER OF W. HARRISON AVE. AND S. COMMERCE STREET ALSO PREVIOUSLY KNOWN AS THE TOLAR GARAGE)**
 - **LOTS 17, 18 AND 19, BLOCK 59, ORIGINAL TOWNSITE OF HARLINGEN, CAMERON COUNTY, TEXAS (PARKING LOT LOCATED ON W. VAN BUREN AVENUE)**
 - **LOTS 12, 13 AND 14, BLOCK 69, .25 ACRES, ORIGINAL TOWNSITE OF HARLINGEN CAMERON COUNTY, TEXAS (HARLINGEN WATERWORKS SYSTEM, A DEPARTMENT OF THE CITY, PARKING LOT LOCATED AT THE NORTHWEST CORNER OF W. HARRISON AVENUE AND S. 1ST STREET); AND**
- (2) **SEEK FINANCIAL REIMBURSEMENT FROM THE HARLINGEN WATERWORKS SYSTEM FOR THE COSTS TO IMPROVE THE PARKING LOT LOCATED AT LOTS 12, 13, AND 14, BLOCK 69, .25**

ACRES, ORIGINAL TOWNSITE OF HARLINGEN, CAMERON COUNTY, TEXAS.

Commissioner Leftwich made a motion to authorize the City Manager to obtain competitive bids. Commissioner Prepejchal seconded the motion and it carried unanimously.

PUBLIC HEARING TO HEAR COMMENTS FOR OR AGAINST A SPECIFIC USE PERMIT (SUP) TO ENLARGE THE EXISTING BAR/LOUNGE UNDER THE NAME OF "BUTT WILD SPORTS BAR" BY APPROXIMATELY 2,300 SQUARE FEET IN THE GENERAL RETAIL ("GR") ZONING DISTRICT, LOCATED AT 610 LEWIS LANE, BEARING THE LEGAL DESCRIPTION 1.69 ACRES OF BLOCKS 2 AND 3, LEWIS SUBDIVISION.

Joel Olivo, Planning and Zoning Manager stated the property owner; Daniel Menchaca has obtained two (2) Specific Use Permit's to operate a bar/lounge under the name of Butt Wild Sports Bar, on the subject property. He wishes to obtain a new SUP to expand the bar/lounge by building an approximate 2,300 square foot addition.

This SUP approval shall only be valid for one (1) year, and shall only be renewed in one (1) year intervals. An application to renew the SUP ordinances shall be submitted to the Planning and Zoning Department two (2) months prior to its expiration date. Failure to comply and maintain the conditions stated on the ordinance, as determined by the Planning and Zoning Department, shall result in the automatic repeal of this SUP Ordinance. Continuation of the use shall require the submittal and approval of a new SUP application.

Staff and Planning and Zoning Board are recommending approval pending that all requirements are met.

Mayor Boswell declared the public hearing open.

Jerry Moore, 709 Town Lane stated there is a long history of criminal reports at this location. The total of incident reports is 174. He is asking the Commission to please review the reports before taking any action.

Gail Moore, 709 Town Lane stated that on the April 13, 2011 Planning and Zoning meeting the Board addressed the expansion of Butt Wild and the installation of eight-liners at the location. Several citizens spoke against the expansion and the eight-liners. A church associate from across the street from the location spoke against the offensive bus park at the corner location. Two (2) neighbors talked about the lewd acts in the parking lot. There is very loud music even though there is a noise ordinance. She doesn't understand why the owner wants to expand, if he can't control what they have right now. She is asking the Commission not to approve their expansion for a period of six (6) months. Secondly, she is asking to allow the City Attorney to draft an ordinance prohibiting eight-liners inside the City limits. Third, consider placing eight-liners on the ballot and let the citizens of Harlingen vote if they are in favor. She is against the expansion.

Yolanda Schoffeitt, P. O. Box 697 stated eight-liners are nothing but racketeering. The City has the biggest eight-liner business in the middle of town and she would like to see them shut down. Racketeering is illegal and the City needs to stop this. If, Mr. Menchaca is abiding by the book the City will not shut him down. He can come back at the City and file a lawsuit against them.

Gina Gonzalez, neighbor of Butt Wild stated since the bar opened there have been so many problems involving the business. The music is loud and she is constantly calling the Police Department. She doesn't understand why the City would want to approve to expand a place with like this. The owner has no respect for the neighbors in that area. When he conducted the last construction he left a huge pile of construction debris on her property. This debris was not removed until today.

Robert de la Cruz, promoter and spokesperson coordinator for Mr. Menchaca stated that all he has been listening to are bad comments in regards to the owner. No one is talking about the good deeds that he has accomplished. Together they have started a new program called "Fighting Chance" to benefit children that are fighting for their life. With the expansion of this club they are hoping to bring down big entertainers and then donating their profits to the cause. Mr. Menchaca helps out different organizations by making donations. He's not here to cause harm to anyone and no matter what club opens at that location, there will always be a conflict of interest. He stated by allowing the expansion to this club, it will give them the opportunity to donate more money to foundations like "Renaissance Hospital" and "Second Chance for Life".

Daniel Menchaca, owner stated that the lady that had just spoken is his neighbor. His business is not the only one with loud noise. There is a trucking freight company next door to her property. Anyone can hear the loud trucks coming in all day and all night. She was a customer at my location, until she offered to sell me her property for \$70,000 and then changed the selling price to \$120,000. I refused and I believe this is where her conflict falls in.

He stated the reason there are so many incident reports on file is because he personally calls the Police Department. He currently has eight (8) bouncers and is working to keep the place safe for his customers.

Joe Rubio, 2309 Hacienda Road informed the Commission that he is not against the club expansion. He pointed out that the location holds 400-500 customers and he would like to find out from the Fire Marshall if that figure is correct.

The other concern is security on the premises. When a person is not a certified security officer they will be subject to a "Class A Misdemeanor". They are either certified security officers or certified police officers. The security issue needs to be clarified for future issues on Mr. Menchaca's bar and other bars.

Mr. Menchaca stated that the capacity for the building is 550. They have a clicker at the entrance for incoming and outgoing customers.

Commissioner Ruiz asked if he would consider hiring licensed Police Officers.

Mr. Menchaca replied he has two (2) licensed Security Constables and one (1) San Benito Police Officer.

Commissioner Leftwich stated the City can't afford to park a police officer at your business, when the City is already worried about crimes in our neighborhoods.

Mr. Menchaca stated he is only asking for a police officer to be at his business location for fifteen (15) minutes around the time his customers start leaving the premises. They show more respect when they see a patrol unit parked outside. He is asking for a little bit of help if it can be provided, if not he sees no problem.

Commissioner Prepejchal stated the Commission approve the current Specific Use Permit last year and there were certain requirements that had to be met. Some of those issues were a lighted parking lot and outside camera surveillance. As of today you still haven't complied with those requirements. How can the Commission trust you to follow the second SUP on the building expansion?

Mr. Menchaca replied obviously I complied with the requirements because the inspection passed and I was able to open the business.

Commissioner Prepejchal totally disagrees having the City of Harlingen pulling police officers to go baby sit his business.

Commissioner Ruiz informed Mr. Menchaca not to get the wrong impression that he is welcomed to do business in the City. However, the safety concerns have to be addressed.

Ron Lozano stated he was glad Commissioners Ruiz and Leftwich spoke to clarify those safety issues. He stated Mr. Menchaca might not fit the profile that the City is looking for, but that doesn't make him less American. All Mr. Menchaca is asking for is an opportunity to conduct business.

Jerry Moore, 709 Town Lane commented this is a sore subject to discuss. It is really sad that this Community can't reach out and come up with a better strategy for the City. The Commission has a responsibility to bring this issue under control. If you want it around the Bass Pro Shop go ahead and vote for it.

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

Commissioner Leftwich suggested a written report detailing how this business location fares with other similar establishments with regards to the severity of the calls.

Mayor Boswell suggested going forward and getting more guidance from the Police Department on how to handle this incident report issue.

Commissioner Trevino suggested instead of just being provided written reports, maybe have a police officer present at the Planning and Zoning meetings and City Commission meetings to report on the incident reports.

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 AMEND THE EXISTING SPECIFIC USE PERMIT ("SUP") ISSUED TO DANIEL MENCHACA (ORDINANCE NOS. 10-11 AND 10-30), TO ALLOW THE EXPANSION OF BUTT WILD SPORTS BAR LOCATED AT 610 SOUTH LEWIS LANE, BEARING A LEGAL DESCRIPTION OF 1.69 ACRES OUT OF BLOCKS 2 AND 3, LEWIS SUBDIVISION, WITH THE FOLLOWING CONDITIONS: (1) THE PROPOSED BAR/LOUNGE ("BUTT WILD SPORTS BAR") SHALL BE OPERATED IN ACCORDANCE WITH THE PLANS AND CONDITIONS ESTABLISHED IN THIS ORDINANCE, (2) THIS SUP ORDINANCE SHALL ONLY BE VALID FOR ONE (1) YEAR, AND SHALL ONLY BE RENEWED IN ONE (1) YEAR INTERVALS. AN APPLICATION TO RENEW THE SUP ORDINANCES SHALL BE SUBMITTED TO THE PLANNING AND ZONING DEPARTMENT TWO (2) MONTHS PRIOR TO ITS EXPIRATION DATE, AND (3) FAILURE TO COMPLY AND MAINTAIN THE CONDITIONS STATED IN THE ORDINANCE, AS DETERMINED BY THE PLANNING AND ZONING DEPARTMENT, SHALL RESULT IN THE AUTOMATIC REPEAL OF THIS SUP ORDINANCE. CONTINUATION OF THE USE SHALL REQUIRE THE SUBMITTAL AND APPROVAL OF A NEW SUP APPLICATION; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

Mayor suggested tabling the item and getting more information to try to get baseline comparisons with other similar establishments. He also informed the Commission that the item could also be passed or denied. He asked for consensus from the Commission.

Commissioner Marra suggested waiting six (6) months and have the owner come back. She would like to see comparisons on other similar bars.

Commissioner Leftwich stated removing the SUP completely out. He cautioned the Commission to realize they are implementing other issues that are also incorporated in the current ordinance.

Carlos Yerena, City Manager stated staff will come back with specific numbers in relation to the security issues.

Commissioner Trevino made a motion to table item until staff has enough time to review and provide additional information that the Commission is comfortable with to make a decision. Commissioner Prepejchal seconded the motion and it carried unanimously.

DISCUSSION OF THE CITY OF HARLINGEN'S PARTICIPATION IN THE 2011 GREAT TEXAS WARRANT ROUND-UP.

Roxann P. Cotroneo, City Attorney stated a year ago she had provided them with a list on different items on how to clear up outstanding warrants in the City of Harlingen. One of the ideas was participating in the 2011 Great Texas Warrant Round-up. There was a total of \$935, 896 collected in February and March of 2011. It is a little higher then the fall warrant round-up. The fall collection for a 2-month period system was \$912,000. The Scofflaw Program was very successful and shop was opened on April 1, 2011. In the future we will bring money figures on how much was collected with the Scofflaw Program.

BOARD APPOINTMENTS

None

Commissioner Leftwich made a motion to go into **CLOSED/EXECUTIVE SESSION PURSUANT TO CHAPTER 551, SUBCHAPTER D., V.T.C.A. GOVERNMENT CODE (SECTION 551.087 and 551.071) 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 PROJECT GREEN AND TO SEEK ADVICE FROM THE CITY ATTORNEY REGARDING THIS SUBJECT.** Commissioner Trevino seconded the motion and it carried unanimously.

The Executive Session convened at 7:17 p.m. and concluded at 7:35 p.m. with no action taken in closed session.

Commissioner Prepejchal made a motion to go into **CLOSED/EXECUTIVE SESSION PURSUANT TO CHAPTER 551, SUBCHAPTER D., V.T.C.A. GOVERNMENT CODE (SECTION 551.087 and 551.071) 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 PROJECT TROPICAL AND TO SEEK ADVICE FROM THE CITY ATTORNEY REGARDING THIS SUBJECT.** Commissioner Ruiz seconded the motion and it carried unanimously

The Executive Session convened at 7:36 p.m. and concluded at 8:00 p.m. with no action taken in closed session.

Commissioner Trevino made a motion to go into **CLOSED/EXECUTIVE SESSION PURSUANT TO CHAPTER 551, SUBCHAPTER D., V.T.C.A. GOVERNMENT CODE (SECTION 551.087 and 551.071) 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 PROJECT T TO SEEK ADVICE FROM THE CITY ATTORNEY REGARDING THIS SUBJECT.** Commissioner Prepejchal seconded the motion and it carried unanimously.

The Executive Session convened at 8:01 p.m. and concluded at 8:07 p.m. with no action taken in closed session.

Commissioner Prepejchal made a motion to go into **CLOSED/EXECUTIVE SESSION PURSUANT TO CHAPTER 551, SUBCHAPTER D., V.T.C.A. GOVERNMENT CODE (SECTION 551.071) TO CONSULT WITH THE CITY ATTORNEY REGARDING: CITY OF HARLINGEN V. THEATRE COUNCIL PRODUCTIONS, LTD., CAUSE NO. 2009-08-4744-D.** Commissioner Leftwich seconded the motion and it carried unanimously.

The Executive Session convened at 8:08 p.m. and concluded at 8:10 p.m. with no action taken in closed session.

There being no further business the meeting adjourned at 8:10 p.m.

Chris Boswell, Mayor

Attest:

Elena Garza, Interim City Secretary