

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

SEPTEMBER 5, 2012

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

Mayor and City Commissioner

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 Boswell 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/ Commissioner Mike Mezmar

Commissioner Mike Mezmar gave the Invocation.

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance and welcomed everyone in attendance.

For the record, Carlos Yerena, City Manager stated Commissioner Jerry Prepejchal was absent due to a medical procedure.

1) Public Announcement of Events.

Commissioner Joey Trevino stated a group of concerned employees, residents and patients had contacted him regarding the possible closure of the State Hospital on Rangerville Road. The hospital employed approximately 600 employees and was the 10th largest employer in the community. The possible closure was due to state budget cuts. Another concern was the closing of the \$12 million outpatient hospital that had just been opened. A petition drive was being organized to gather signature opposing the closure of the hospital. He and Mayor Boswell had voiced their concerns to State Representative Senator Eddie Lucio, III.

Hope Davo, CVB Director invited the public to the "Diez y Seis de Septiembre" Event, Friday, September 14, 2012 at the Harlingen Municipal Auditorium in honor of Mexican Independence Day.

2) Recognition to the Literacy Center of Harlingen.

Mayor Boswell presented a plaque of recognition to the Literacy Center of Harlingen. He thanked them for improving the many lives over the years by providing them with the tools to teach the English language, reading, writing and finding the pathway to citizenship in the country. He congratulated them for being the recipient of the Impact Award presented by the Los Angeles Urban Policy Roundtable.

Linda Klowetter thanked Mayor Boswell and the City Commission. She stated the efforts would not be possible without the assistance of Lee Means, Board Director, Del Covey, Board Member, volunteer tutors "Life Blood of the Center", Lucy Padilla, Coordinator and Manager. The thousands of students who had attended the center and who had gone to better jobs, attended college, opened a business in the community and obtained their GED or citizenships. These students made it worthwhile to work at the Literacy Center. It was an honor to receive recognition from the City of Harlingen and the Micro Impact Award from the Los Angeles Urban Policy Roundtable.

3) Presentation of proclamations proclaiming the following:

Mayor Boswell read and presented the following proclamations.

a) Constitution Week – September 17th – 23rd, 2012

Grace Johnson and Ann Roberts Co-Chairman of the Constitution Committee were present to receive the proclamation proclaiming September 17th through 23rd, 2012.

Ms. Roberts stated that by tradition the bells were rung at 4:00 p.m. around the nation at schools, churches and civic entities at the start of Constitution Week.

b) Harlingen Super Girls National Champions Day – September 5, 2012

A member of the coaching staff stated the members worked hard year round to obtain their championship. He thanked the parents for their patience, support and the members for their efforts and hard work.

Mayor Pro-Tem Leftwich stated that having organized sports in the city was invaluable. This was a true testament why taxpayers should support the ball parks of the community. City organized sports helped mature the children and taught them that hard work paid off. The City of Harlingen has some of the best park facilities in the valley and the public should continue to support them.

c) Diez Y Seis de Septiembre (September 16, 2012)

Consul Quilantan stated he and his wife were honored to be part of the celebration. The Mexican National had been ringing bells every year for this occasion since 1810. Every year Mexicans all over the world celebrated their independence on September 16th. The celebration would be in honor of all the Mexican heroes. He thanked the Mayor and the City for hosting and celebrating such a historic event.

Mrs. Quilantan presented a Mexican/American Flag Pin to Mayor Boswell and the Commissioners as a symbol of Neighborhood, Partnership and Friendship between the United States and Mexico.

Mayor Boswell extended an invitation to the public to attend the celebration at the Harlingen Municipal, Friday September 14, 2012 at 7:00 p.m.

4) Neighborhood Clean-Up Sweep – W. Polk & Taylor Streets from West St. to "F" Street, District 4.

Mayor Pro-Tem Leftwich reported on the Neighborhood Clean-Up Sweep Program. Four (4) tons of debris and fifty-seven tires were collected. The clean-up program continued to be successful with the participation of staff and volunteers. He asked for the public to follow the clean-up schedule and participate in the event.

5) Approval of Minutes

a) Regular Meeting of August 1, 2012

Motion was made by Commissioner Mezmar and seconded by Commissioner Castillo to approve the minutes as presented. Motion carried unanimously.

6) Consent Agenda

- a) Second and final reading to approve and adopt an ordinance abandoning a thirty (30) feet wide alley described as a 0.281 acre tract of land situated between Block 7, Hall and Porter Subdivision, and Lots 1-4, Arroyo Industrial Subdivision, located between the 1100 Block of South Commerce Street and the 1000 Block of East Taft Avenue, subject to: (1) the applicant purchasing the alley at the approved bid; and (2) dedicating a 20 ft utility easement along the alley.
- b) Second and final reading to approve and adopt an ordinance (Ordinance No. 07-27) of the City of Harlingen: to issue a Specific Use Permit to Jamie Barnett on behalf of SPEC's Family Partners to allow an adult business (Liquor Store) in a General, Retail ("GR") District located at 621 South 77 Sunshine Strip, bearing a legal description of Lot 1, Block 1, M-L Sunshine Strip Subdivision, subject to: (1) maintaining the required off street parking spaces; (2) obtaining and maintaining the proper permits from the State and (3) comply with the requirements administered by the Planning, Building Inspections, and Fire Prevention Departments; providing for publication and ordaining other matters related to the foregoing.
- c) Second and final reading to approve and adopt an ordinance (Ordinance No. 07-27) of the City of Harlingen: Rezoning from Not Designated (N) District to Residential, Single Family (R-1) District for 1.058+ acres out of Lot 7, B S & F, Survey 41, located at 1309 S. Palm court Drive; providing for publication and ordaining other matters related to the foregoing.
- d) Second and final reading to approve and adopt an ordinance amending Chapter 71; stopping, standing, and parking of the Code of Ordinances of the City of Harlingen by adding Section 71.05 to establish a residential parking permit for elderly and disabled persons; providing for definitions, eligibility requirements, quantity and type of permits, cost responsibility, procedures for "No Parking Except with Permit" sign installation and removal; establishing an effective date; providing a savings clause; providing a severability clause; providing for publication; and ordaining other matters relating to the foregoing.
- e) Second and final reading to approve and adopt an ordinance amending the Harlingen Code of Ordinances, Section 98-58 to establish a "School Zone" for Memorial Middle School located on 1901 Rio Hondo Road; establishing a penalty not to exceed \$200.00 for violation of the provisions of this ordinance; providing for publication and ordaining other matters related to the foregoing.
- f) Second and final reading to approve and adopt an ordinance of the City of Commission of Harlingen, Texas authorizing the establishment of new position classification titles and the deletion of previous position classification titles within the Harlingen Police Department's organizational structure as afforded by the Texas Local Government Code Section 143.021 (a); providing an effective date, and ordaining all other matters related to the foregoing.

Motion was made by Commissioner Trevino and seconded by Commissioner Mezmar to approve the items under the consent agenda. Motion carried unanimously.

ORDINANCE NO. 12-55

AN ORDINANCE ABANDONING A THIRTY (30) FEET WIDE ALLEY DESCRIBED AS A 0.281 ACRE TRACT OF LAND SITUATED BETWEEN BLOCK 7, HALL AND PORTER SUBDIVISION, AND LOTS 1-4, ARROYO INDUSTRIAL SUBDIVISION, LOCATED BETWEEN THE 1100

BLOCK OF SOUTH COMMERCE STREET AND THE 1000 BLOCK OF EAST TAFT AVENUE, SUBJECT TO: (1) THE APPLICANT PURCHASING THE ALLEY AT THE APPROVED BID; AND (2) DEDICATING A 20 FT. UTILITY EASEMENT ALONG THE ALLEY.

ORDINANCE NO. 12-56

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO JAMIE BARNETT ON BEHALF OF SPEC'S FAMILY PARTNERS TO ALLOW AN ADULT BUSINESS (LIQUOR STORE) IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 621 SOUTH 77 SUNSHINE STRIP, BEARING A LEGAL DESCRIPTION OF LOT 1, BLOCK 1, M-L SUNSHINE STRIP SUBDIVISION, SUBJECT TO: (1) MAINTAINING THE REQUIRED OFF STREET PARKING SPACES; (2) OBTAINING AND MAINTAINING THE PROPER PERMITS FROM THE STATE AND (3) COMPLY WITH THE REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, AND FIRE PREVENTION DEPARTMENTS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 12-57

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: REZONING FROM NOT DESIGNATED (N) DISTRICT TO RESIDENTIAL, SINGLE FAMILY (R-1) DISTRICT FOR 1.058+ ACRES OUT OF LOT 7, B S & F, SURVEY 41, LOCATED AT 1309 S. PALM COURT DR.; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 12-58

AN ORDINANCE AMENDING CHAPTER 71: STOPPING, STANDING, AND PARKING OF THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN BY ADDING SECTION 71.05 TO ESTABLISH A RESIDENTIAL PARKING PERMIT FOR ELDERLY AND DISABLED PERSONS; PROVIDING FOR DEFINITIONS, ELIGIBILITY REQUIREMENTS, QUANTITY AND TYPE OF PERMITS, COST RESPONSIBILITY, PROCEDURES FOR "NO PARKING EXCEPT WITH PERMIT" SIGN INSTALLATION AND REMOVAL; ESTABLISHING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND ORDAINING OTHER MATTERS RELATING TO THE FOREGOING.

ORDINANCE NO. 12-59

AN ORDINANCE AMENDING THE HARLINGEN ORDINANCE 98-58 TO ESTABLISH A "SCHOOL ZONE" FOR MEMORIAL MIDDLE SCHOOL LOCATED ON 1901 RIO HONDO ROAD; ESTABLISHING A PENALTY NOT TO EXCEED \$200.00 FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 12-60

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS AUTHORIZING THE ESTABLISHMENT OF NEW POSITION CLASSIFICATION TITLES AND THE DELETION OF PREVIOUS POSITIONS CLASSIFICATION TITLES WITHIN THE HARLINGEN POLICE DEPARTMENT'S ORGANIZATIONAL STRUCTURE AS AFFORDED BY TEXAS LOCAL GOVERNMENT LOCAL CODE SECTION 143.021(A); PROVIDING AN EFFECTIVE DATE AND ORDAINING ALL OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this the 15th day of August 2012.
PASSED AND APPROVED on second reading this the 5th day of September 2012

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

- 7) Consider and take action to approve and adopt an ordinance on first reading adopting the City of Harlingen's Budget for Fiscal Year 2012-2013.

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

Elvia Trevino, Interim Finance Director briefly highlighted the revenues and expenditures for the proposed budget for Fiscal Year 2012-2013. Ms. Trevino stated the revenues totaled - \$64,913,955 and expenditures - \$64,697,122. The Red Light Fund expenditures were increased by \$44,565 to address safety concerns along Rio Hondo Road due to increased traffic resulting from the new school campus. The budgets for Harlingen Downtown Fund, Development Corporation, Community Development Block

Grant Fund, Harlingen Waterworks and Valley International Airport would be considered by separate resolutions. She recommended approval of the ordinance.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to approve the ordinance on first reading adopting the City of Harlingen Balanced Budget for Fiscal Year 2012-2013. Motion carried unanimously.

- 8) Consider and take action to approve and adopt an ordinance on first reading adopting the ad valorem tax rate for maintenance and operation for the Fiscal Year 2012-2013.

Mr. Billie read the caption of the ordinance.

Ms. Trevino stated the adoption of the city's tax rate was done in two parts. The proposed maintenance and operation rate was 0.451862 per \$100 valuation of the tax rate. All legal requirements had been met on the tax rate. Staff recommended approval of the ordinance.

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

- 9) Consider and take action to approve and adopt an ordinance on first reading adopting the 2012 ad valorem tax rate for interest and sinking for the Fiscal Year 2012 - 2013

Mr. Bilbie read the caption of the ordinance.

Ms. Trevino stated the second part of the tax rate was the interest and sinking rate proposed at \$0.136965 per \$100 valuation. The interest and sinking portion of the property taxes paid for the city's debt service. The total proposed tax rate of \$0.588827 remained the same as the prior year. She recommended approval of the ordinance.

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

- 10) Consider and take action to approve and adopt a resolution adopting the Harlingen Downtown Improvement District 2012-2013 Fiscal Year Budget.

Ms. Trevino stated the Harlingen Downtown Improvement District Board had approved their budget. The projected revenues were \$240,975 and the projected expenditures were \$240,975. She recommended approval of the resolution.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Mezmar to approve the resolution as presented. Motion carried unanimously.

- 11) Consider and take action to approve and adopt a resolution accepting Valley International Airport's Adopted Budget for Fiscal Year 2012-2013.

T. Michael Browning, Director of Aviation stated the operating budget would be \$6,717,500 and total proposed operation expenses were \$5,680,600. The proposed capital expense budget was \$7,145,000. He recommended approval of the budget.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to approve the resolution adopting the Valley International Airport Budget for Fiscal Year 2012-2013. Motion carried unanimously.

- 12) Discussion and consideration of an ordinance relating to restrictions on operating a motor vehicle near vulnerable road users and creating an offense and discuss the creation of a Complete Streets Initiative Committee.

Commissioner Trevino stated he and Commissioner Prepejchal had placed the item on the agenda for discussion due to the death of an eleven year old child riding a bicycle on a McAllen street. The husband of his administrative assistant also had been killed riding his bicycle. It was time to improve the city ordinances to increase the safety of bike riders and pedestrians in the community. A proposed ordinance was presented to the Metropolitan Planning Organization and a member of the Brownsville City Commission had initiated the ordinance in their community and McAllen had done the same.

A citizen in the audience stated that the City of Harlingen had a great hike and bike action plan. If safety measures were put in place through an ordinance then people would utilize the hiking trails and bike lanes. The Cities of Pharr, Edinburg, Waco, El Paso and Corpus Christi had adopted an ordinance. Brownsville and McAllen were looking into adopting an ordinance. This would also educate the public of safety measures.

Commissioner Castillo stated he had a discussion with staff about the many unsafe streets around the schools. He recommended that a committee be formed to develop a comprehensive safety plan. The plan should consist of safety conditions for bicycle and pedestrian traffic. Venues needed to be provided around the city for the various types of activities. Unfortunately, accidents were happening on some of the streets within the community and anything that could be done to improve safety needed to be done quickly.

Mayor Pro-Tem Leftwich stated after reviewing the ordinance, it needed to include safety for roadside workers. He referred to the death of a friend who was killed by a vehicle. The proposed ordinance was a good move and the City Commission should consider it. New sidewalks have been constructed around the community and there were pedestrians and cyclists that had no choice, but to walk or ride a bicycle to their designations including to school and work.

Commissioner Castillo stated he had reviewed the studies and master plans developed by staff over the past couple of years and the new initiatives needed to come together with the existence ones.

Mayor Boswell instructed the Assistant City Attorney to review the issues and present an ordinance to the City Commission for their consideration and for staff to provide a report within a month.

No action was taken on Item No. 12.

- 13) Consider and take action to approve the preliminary ranking of the Engineering Consulting firms for Professional Consulting Engineering Services for various roadways including the design of storm sewer, water and wastewater along roadways and authorize Dan Serna, Assistant City Manager to negotiate a contract with the highest ranked firm.

Javier M. Zamora P.E., City Engineer stated in June 2012, staff received eleven proposals and a committee composed of the Assistant City Manager, Planning and Development Director, City Engineer, Finance Director and Assistant City Engineer reviewed the proposals. Staff requested approval to allow the Assistant City Manager, Dan Serna to negotiate a contract for engineering services.

Motion was made by Commissioner Castillo and seconded by Commissioner Mezmar to authorize the Assistant City Manager, Dan Serna to negotiate a contract for engineering services. Motion carried unanimously.

- 14) Consider and take action to approve and adopt a resolution authorizing the Harlingen Police Department to submit the 2013 Selective Traffic Enforcement Program (S.T.E.P) Grant to the Texas Department of Transportation (TXDOT) to fund the hiring off-duty police officers on an overtime basis to enforce speeding, safety restraint, D.W.I. laws and intersection traffic control enforcement.

Tom Whitten, Chief of Police stated the Police Department was awarded a grant by TXDOT to operate a Safety Selective Traffic Enforcement Program. The grant would fund the hiring of off-duty officers on an overtime basis to enforce speeding, safety restraints, D.W.I. laws and intersection traffic control enforcement. The total program amount was \$89,801.05 with a city in-kind match of \$47,766.05. He recommended approval of the resolution.

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

- 15) Consider and take action to appoint a representative as the official member and an alternate member to the Amigos Del Valle, Inc. Board of Directors for Fiscal Year 2012-2013.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to appoint Commissioner Trevino as the official member and Commissioner Mezmar as alternate member to the Amigos Del Valle, Inc., Board of Directors for Fiscal Year 2012-2013. Motion carried unanimously.

- 16) Consider and discuss the proposed Metropolitan Planning Organization (MPO) Agreement between the State of Texas, the Harlingen-San Benito MPO Policy Committee and the City of Harlingen and take action to authorize staff to modify the Agreement to require the Fiscal Agent, which is the City of Harlingen, to hire, evaluate, terminate and set the salary for the MPO Transportation Planning Director with advice from the MPO Policy Committee.

Richard Bilbie, Assistant City Attorney stated the current agreement with MPO was expiring and staff was working on a new agreement. Currently the present agreement was acceptable and the new agreement would include a new provision to give the City of Harlingen direct authority to hire and supervise the activities of the MPO Transportation Planning Director.

Gabe Gonzalez, Assistant City Manager recommended that the City Commission request to the State to change the language in the new agreement that allowed the City of Harlingen to hire, evaluate, terminate and set the salary for the MPO Transportation Planning Director. The MPO Policy Committee had always been invited to participate at all activities and discussions.

Mayor Boswell stated the MPO Director was an employee of the city who was supervised by staff. The program was funded by the State of Texas through TXDOT. The director was responsible for performing duties in the Harlingen-San Benito area. Leaving the supervision to the committee that met once a month, in his opinion "did not work." The director needed daily or weekly supervision. For purposes of continuity, he recommended that the City Commission not agree with the language of the agreement that was presented, but to remain with the structure of the current agreement.

Mayor Pro-Tem Leftwich agreed with the comments made by Mayor Boswell. A board that hired and fired the individual might lend itself to political maneuvering of some of the board members.

Motion was made by Commissioner Castillo and seconded by Mayor Pro-Tem Leftwich to leave the language of the Metropolitan Planning Organization agreement as it was. Motion carried unanimously.

- 17) Consider and take action to approve the Memorandum of Understanding with the Texas National Guard for the City of Harlingen Operation Crackdown.

Carlos Yerena, City Manager stated the Memorandum of Understanding was similar to the previous one. The Texas National Guard would start on September 17th to the 27th, 2012. The Texas National Guard had identified twenty-four properties and

twenty-eight unsafe structures, as haven for criminal activity. He recommended approval of the MOU.

Motion was made by Mayor Pro-Tem Leftwich and seconded by Commissioner Castillo to approve the Memorandum of Understanding between the City of Harlingen and Texas National Guard. Motion carried unanimously.

- 18) Consider and take action to approve a request from Amadeo Tolento, Jr. for a supplemental certificate of public necessity and convenience to add two additional taxicabs to his existing fleet as per City of Harlingen Taxicab Ordinance, Section 117.46; Additional Taxicabs; Issuance of supplemental certificate.

Amanda C. Elizondo, City Secretary stated that Mr. Tolento was the current owner of Harlingen Taxicab. He was requesting a supplemental certificate to add two additional cars to his fleet. In February 2007 Harlingen Taxicab was registered under a partnership consisting of Amadeo Tolento, Jr., Silvia Sandoval and Jose Morales. In January 21, 2012, Mr. Morales resigned as general partner and on March 18, 2012 Ms. Sandoval, who had a certificate for two cabs, passed away. Mr. Tolento would now like the supplemental certificate for two additional cabs to increase his fleet from two to four taxicabs to operate the business as before prior to Ms. Sandoval's death. Proper documentation and applications had been submitted to the Police Department and had been approved.

Motion was made by Commissioner Trevino and seconded by Mayor Pro-Tem Leftwich to approve the Supplemental Certificate of Public Necessity and Convenience for Amadeo Tolento, Jr. to add to additional taxicabs. Motion carried unanimously.

- 19) Consider and take action to terminate the Agreement between the City of Harlingen and American Legal Publishing Corporation for the codification of the City of Harlingen ordinances and authorize staff to solicit proposals for recodification of the City of Harlingen Code of Ordinance.

Ms. Elizondo stated the recodification of the ordinances was presented during the budget workshop and \$9,000 was allocated from the current budget year. Phase II would be funded through the proposed 2012- 2013 Budget.

Motion was made by Commissioner Castillo and seconded by Commissioner Mezmar to terminate the codification agreement between the City of Harlingen and American Legal Publishing Corporation and to authorize staff to solicit proposals. Motion carried unanimously.

- 20) Board Appointments

There were no board appointments.

- 21) Citizen Communication

Jose Rubio, citizen of 2309 Hacienda Road stated his concern was in regards to a retired police officer hanging out at the city parks. When the ex-officer was approached by police officer he was asked if he was aware of the park rules. This was a form of harassment by the police officer. The officer was taking advantage of the retired officer's rights. His other concern was the public hearing on the sweepstake gambling and felt it was not being conducted in a proper manner. The last concern was the violation of how campaign signs were being displayed around the community.

Jerry Moore, 709 Town Lane spoke in regards to the placement of the citizen communication item on the agenda. It was time to move it back to the order that it was before. He stated with all the drinking and adult establishments that had been approved in the community the gambling issue in the community was a great concern. At the last meeting Mayor Boswell denied him the privilege of speaking on this matter after raising his hand several times.

- 22) Closed/ Executive Session regarding the following items:
- a) pursuant to Section 551.072, Texas Government Code regarding the sale and value of real property legally described as: a 20.498 acre tract, out of Block 8, Stuart Place Subdivision of Survey 41, City of Harlingen, Cameron County, Texas as recorded in Volume 5, Page 6 of the map Records of Cameron County, Texas; SAVE & EXCEPT a 0.38 acre tract conveyed to the City of Harlingen by deed recorded in Volume 8164, Page 193 Official Records of Cameron County, less an additional 0.38 acre tract in the Palm Court Drive right-of-way.
 - b) Pursuant to Chapter 551, Subchapter D., V.T.C.A. Government Code (Section 551.071 to consult and seek legal advice from the City Attorney regarding the request by Apparao Raguthu for a Specific Use Permit to allow an adult business in the nature of sweepstakes gaining.

At 7:24 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

Motion was made by Commissioner Castillo and seconded by Commissioner Mezmar to go into executive session to discuss Item No. 22, a and b.

At 6:55 p.m., Mayor Boswell announced the City Commission had completed its executive session on Item No. 22, a & b.

- 23) Consider and take action to approve a Commercial Contract-Unimproved Property between the City of Harlingen and Texas Association of Realtors for the sale of real property described as: a 20.498 acre tract, out of Block 8, Stuart Place Subdivision of Survey 41, City of Harlingen, Cameron County, Texas as recorded in Volume 5, Page 6, of the Map records of Cameron County, Texas; SAVE & EXCEPT a 0.38 acre tract conveyed to the City of Harlingen by deed recorded in Volume 8164, Page 193 Official Records of Cameron County, less an additional 0.38 acre tract in the Palm Court Drive right-of way.

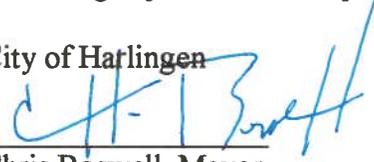
No action was taken.

- 24) Consider and take action to approve and adopt an ordinance on first reading to approve a Specific Use Permit for Applicant Apparao Raguthu to allow an adult business in a "General Retail (GR)" District located at 6779 W. Expressway 83, bearing the legal description of 3.597 acres out of South 10 acres of the South ½ of Block 15, Stuart Place Subdivision Survey 138.

No action was taken.

There being no further business to discuss, the meeting adjourned at 7:25p.m.

City of Harlingen



Chris Boswell, Mayor

ATTEST:



Amanda C. Elizondo, City Secretary