



Mayor: Mario Garza
Mayor Pro-Tem: Jesus “Jesse” Ramirez
Commissioners: Ernesto “Neto” Guajardo
Raudel Maldonado
Pete Garcia

The City of San Juan does not discriminate on the basis of disability in the admission of, access to, treatment of, or employment in its programs, activities, or public meetings. Any individual with a disability in need of an accommodation is encouraged to contact the Office of the City Secretary at 956-223-2200 at least 24 hours prior to the scheduled meeting to make proper arrangements.

SAN JUAN CITY COMMISSION

Location:

Tuesday, October 10, 2017

REGULAR MEETING AGENDA

6:00 PM

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. PUBLIC COMMENTS

- A.** Hold a Public Hearing to Solicit Input from Interested Parties on the City of San Juan Needs under the Urban County Program Fiscal Year 31 (2018).

V. PRESENTATIONS

- A.** Parks and Recreation Monthly Report

- B.** Planning and Zoning Department Monthly Report.

- C.** Library Monthly Report

- D.** Sewer System Regulations. An Ordinance of the City of San Juan, Amending the Code of Ordinances by Regulating the Discharge of Waste Into the Sanitary Sewer of the City of San Juan, Texas Establishing a Permit System, Establishing a System of Charges for Services Rendered, Regulating Un-sewered and Miscellaneous Discharges, and Providing for Enforcement.

VI. PUBLIC HEARING/ORDINANCES

- A. Conduct a Public Hearing and Consider an Ordinance in First Reading for an Amendment to Appendix A, Unified Development Code, Chapter 2, Article IV, Section 11 of the San Juan Code of Ordinances to Allow Car Wash Facilities in the Expressway Corridor District. (Tabled)

VII. CONTRACTUALS/RESOLUTIONS

- A. Consider Adoption of an Ordinance in First Reading Granting to AEP Texas, Inc., Its Successors and Assigns, a Non-exclusive Franchise to Construct, Maintain and Operate Lines and Appurtenances and Appliances for Conducting Electricity In, Over, Under and Through the Streets, Avenues, Alleys and Public Places of the City of San Juan, Texas.
- B. Consider Authorizing the City Manager to Enter Into a Contract for the Purchase of Water Between the City of San Juan and Hidalgo Irrigation District No. 2 to Divert Water for Municipal Purposes in an Amount of 300.00 Acre-Feet.

VIII. ADJOURNMENT

CERTIFICATION

I certify that the above notice of the Regular Called Meeting of the City of San Juan is true and correct; and that I posted such notice on the bulletin board. A place convenient and readily accessible to the public on the in accordance with the Texas Open Meetings Act (Tex. Gov't. Code §551-041 - §551.050).

DIANA CAVAZOS
CITY SECRETARY
CITY OF SAN JUAN, TEXAS

CERTIFICATION OF REMOVAL

I certify that the agenda of items to be considered by the City Commission was removed by the City Secretary's Office from the San Juan City Hall bulletin area on the

OFFICE OF THE CITY SECRETARY

AGENDA ITEM AND RECOMMENDATION SUMMARY
CITY COMMISSION REGULAR MEETING
OCTOBER 10, 2017

Hold a Public Hearing to Solicit Input from Interested Parties on the City of San Juan Needs under the Urban County Program Fiscal Year 31 (2018).

STAFF COMMENTS AND RECOMMENDATIONS:

To be in compliance with the Consolidated Plan for Community Planning & Development Grant (CDBG) the City of San Juan is required to conduct a public hearing to solicit input from interested parties on the City's needs under the Urban County Program Fiscal Year 31 (2018).

\$276,051.00 will be available in funds to the City of San Juan.

RECOMMENDATION:

Conduct the public hearing as required by the Hidalgo County Urban County Program.

PREPARED BY:

Xavier Cervantes,
Director of Planning
and Zoning

APPROVED BY:

Benjamin Arjona, City
Manager

**HIDALGO COUNTY - PRECINCT NO. 2 RESIDENTS
PUBLIC HEARING NOTICE
HIDALGO COUNTY - URBAN COUNTY PROGRAM**

Publication Date: Friday, September 22, 2017

In compliance with the Consolidated Plan for Community Planning & Development (CDBG), the **Cities listed below** will conduct a public hearing to solicit input from interested parties on the **Cities needs** under the **Urban County Program Fiscal Year 31 (2018)**.

The overall goals for the Consolidated Plan are to strengthen partnerships with jurisdiction, to extend and strengthen partnerships among all levels of government and the private sector, including profit and nonprofit organizations, to enable them to provide decent housing, to establish and maintain a suitable living environment, and to expand economic opportunities for every citizen, particularly for very low income persons.

The public hearing for the **City of Hidalgo** will be held on **Monday, October 09, 2017 at 6:00 P.M.** at the following location: **Hidalgo City Hall located at 704 E. Ramon Ayala Dr., Hidalgo Texas 78577**. For more information, please come by our city office or call (956) 843-2286. Written comments can be forwarded to: **Mayor Martin Cepeda - City of Hidalgo, 704 E. Ramon Ayala Dr., Hidalgo Texas 78577**. Expected allocation is **\$248,834.00**.

The public hearing for the **City of San Juan** will be held on **Tuesday, October 10, 2017 at 6:00 P.M.** at the following location: **San Juan Library located at 1010 S. Standard Ave., San Juan, Texas 78589**. For more information, please come by our city office or call (956) 223-2200. Written comments can be forwarded to: **Mayor Mario Garza - City of San Juan, 709 S. Nebraska St., San Juan, Texas 78589**. Expected allocation is **\$276,051.00**.

Listed below is a partial listing of eligible activities.

Public Facilities Needs

- Senior Centers
- Youth Centers
- Neighborhood Facilities
- Parks and Recreation Facilities
- Health Facilities
- Child Care Facilities
- Parking Facilities

Infrastructure Improvement Needs

- Flood Drain Improvements
- Water Improvements
- Sewer Improvements
- Street Improvements

Public Service Needs

- Senior Services
- Handicapped Services
- Youth Services
- Child Care Services

Accessibility

Economic Development Needs

- Technical Assistance

Lead-Based Paint/Hazard Abatement

Code Enforcement

Emergency Shelter Needs

Housing Needs

Community Planning

Program Administration

Accommodations for individuals with handicaps shall be provided upon request. Language translation services are available upon request.

**Diana R. Serna, Director
Hidalgo County – Urban County Program
427 E. Duranta Avenue, Suite 107**



Mayor: Mario Garza
Mayor Pro-Tem: Jesus “Jesse” Ramirez
Commissioners: Ernesto “Neto” Guajardo
Raudel Maldonado
Pete Garcia

MEMORANDUM

TO: Benjamin Arjona, City Manager

FROM: Patrick Willingham, Director of Parks and Recreation

DATE: 10/02/2017

SUBJECT: Parks and Recreation Monthly Report



Mayor: San Juanita Sánchez
Mayor Pro Tem: Mario Garza
Commissioners: Jesus "Jesse" Ramirez
Raudel "Randy" Maldonado
Pete Garcia

TO: Benjamin Arjona, City Manager
FROM: Patrick Willingham, Director of Parks & Recreation
DATE: OCTOBER 2, 2017
RE: SEPTEMBER 2017 Monthly Report

For the month of September 2017, we have the following to report:

Parks Division, staff continues to maintain our city parks and landscape areas as needed. This month two new Kubota tractors were purchased and put into use by the parks division. Crews have been concentrating on the parks with high visibility such as Mayfield and Municipal Park. These two parks will play host to many of our upcoming programs and events this fall.

In our Events Division, Ruben Rodriguez has been preparing for our October events. These events are as follows:

Red Ribbon Parade, October 14, 2017.

Homecoming Parade, October 26, 2017

Cancer Awareness Walk, October 28, 2017

Halloween Festival, October 31, 2017

In addition to this Ruben has been assisting the department with overseeing custodial staff in the interim as we begin the process to hire our new supervisor.

In our Recreation Division, staff has been preparing for our upcoming Volleyball, Flag Football, and Tackle Football programs. This process has involved going out to schools registering kids, putting rosters together as well as assembling uniform and equipment orders for the nearly 700 participants we will have participating in our programs this fall.

Maintenance Division staff continues to provide professional maintenance and custodial throughout the city. This past month we had a resignation of our division supervisor Mr. Juan Govea. Currently we will begin interviewing candidates to fill this vacancy. In September as well we welcomed Mr. Corwin Leochel to our building maintenance staff. Mr. Leochel has filled the vacancy left by Mr. Luis Garcia who retired this past summer.

As the new fiscal year begins our Parks and Recreation Department will be looking forward to a new year of programs and events which all get started with our fall youth sports leagues on October 9, 2017. We are currently working with PSJA ISD as partners so that we can continue to improve our parks system and enhance the programs we currently offer our community.



Mayor: San Juanita Sánchez
Mayor Pro Tem: Mario Garza
Commissioners: Jesus "Jesse" Ramirez
Raudel "Randy" Maldonado
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FROM: Patrick Willingham, Director of Parks & Recreation
DATE: OCTOBER 2, 2017
RE: SEPTEMBER 2017 Monthly Report

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Pete Garcia
"The Friendly City"

MEMORANDUM

TO: Benjamin Arjona, City Manager
FROM: Xavier Cervantes, Director of Planning XC
DATE: October 3, 2017
SUBJECT: September 2017 Report

The City of San Juan Planning Department is busy processing subdivision plats, rezoning applications, applications for special/conditional use permits, applications for variances and undertaking other duties as listed below.

- 50 building permits were issued with a \$1,884,502.00 in total valuation.
- 167 garage sale permits were issued (\$1,670.00 in revenues).
- Provided customer service and support to 645 people and handled approximately 1,752 calls.
- The building inspectors made approximately 590 inspections.
- 13 permits were issued for new houses.
- Provided customer service and handled approximately 369 calls regarding animal control.

SUBDIVISIONS IN PROCESS

- Minnesota Vegas Ranches Phase 1
- San Juan Eldora
- Garden Ridge Phase 2
- Texas National Bank
- Black Hills Estates
- Hinojosa Acres
- Saint Michel

NEW BUSINESSES OPENING IN THE CITY DURING THIS MONTH

- The Hall Event Center – 502 N. Veteran's Blvd.
- Eternal Love Home Health – 200 E. IH 2
- Botanica Eshu Odara – 2012 N. Raul Longoria Rd.
- Cindy's Beauty Salon - 502 N. Veteran's Blvd.

SUBSTANTIAL BUILDING PERMITS ISSUED OR PROCESSED IN THE PAST MONTH

- Golden Chick Restaurant

CONDITIONAL AND SPECIAL USE PERMITS IN PROCESS

- None

REZONING APPLICATIONS IN PROCESS

- Nolana Avenue just West of the County Park

VARIANCE APPLICATIONS IN PROCESS

- Cantu building downtown

ORDINANCES IN PROCESS

- Sprinkler system in coordination with Utilities Department.
- Alarm systems in coordination with Police and Fire Departments.
- Grease traps in coordination with Utilities Department
- Mobile food vendors – Research phase

PUBLIC SAFETY BUILDING PROJECT

Bi-monthly meetings took place with the architects and the building contractor. The project is scheduled to be completed in October, 2017.

UTILITY EASEMENTS

The Department worked with the Project Engineer and the Utilities Director to obtain the necessary easements to undertake the First Time Sewer Connections Project scheduled to commence in the Summer or Fall of 2017. Forty (40) easements were obtained from property owners at no cost to the City.

DAVIS-BACON REGULATIONS

The Planning Department conducts employee wage interviews and reviews payroll reports to make sure the project contractors and subcontractors are in compliance with the Davis-Bacon Federal Act. At this time the only project that is impacted by this Act because federal funds are involved is the Water Plant # 2 Expansion Project.

STORMWATER REGULATIONS

The Department is the Stormwater Manager for the City of San Juan. The City of San Juan is a member of the Rio Grande Valley Stormwater Taskforce that is now coordinated by UTRGV. The department ensures the City is in compliance with all TCEQ and EPA laws regarding stormwater discharge. Regional meetings are attended regularly to keep track of this task.

METROPOLITAN PLANNING ORGANIZATION

The Department represents the City of San Juan in the Metropolitan Planning Organization (MPO) Technical Advisory Committee for County-wide transportation planning. Meetings are attended monthly.

OPERATION CRACKDOWN

The Department is very involved in this program in conjunction with the San Juan Police Department and the Public Works Department to tear down unsafe structures that augment crime in the City neighborhoods. Thirty-two (32) structures have been identified as unsafe and thirteen (13) have been torn down since the start of the operation in February 2015. The demolitions are handled by the Public Works Department. Staff is working with our new tax attorneys to get more unsafe structures under tax foreclosure to allow city personnel to demolish them.

HIDALGO COUNTY URBAN COUNTY PROGRAM

The Fiscal Year 29 (2016) project includes paving improvements along Coconut, Pullin, Hooper and Salazar Streets (Capri Subdivision). A pre-construction meeting was held on Wednesday July 5, 2017. The project should be completed by October of 2017.

The Fiscal Year 30 (2017) project includes paving improvements in the Clark Terrace Phase 1 & 2 Subdivisions. The documents were submitted on time to start the advertisements and the environmental review. If everything goes according to schedule the project is expected to be completed by the Spring or Summer of 2018.

The Fiscal Year 31 (2018) project was selected by the City Commission during the July 25, 2017 meeting. The project will involve the repaving of Sunset Drive and Monica Street in the North end of the City. If everything goes according to schedule the project is expected to be completed by the Spring or Summer of 2019.

PASEO DE LAS FLORES DRAINAGE PROJECT

The Department is the manager for this project. The project was awarded to Bearkat Construction for \$882,282.00. The Notice to Proceed was issued on July 7, 2016. The project is 99 percent complete at this time. The drainage system is operational. The project should be completed in October, 2017.

PAVING IMPROVEMENTS PROJECT PHASE 1

The Department is the manager for this project. Perez Consulting Engineers is the firm that was selected by the City Commission to conduct the engineering. The engineering contract was signed on December 15, 2016. The awarding of the bids went before the City Commission during their May 23 meeting and the project was awarded to 2GS, LLC dba Earthworks Enterprise out of Penitas, Texas in the amount of \$1,425,557.75. The project commenced on Monday June 26, 2017 and is 50 percent complete. The project is expected to be completed in November or December, 2017.

PAVING IMPROVEMENTS PROJECT PHASE 2

\$1.84 million is available for additional street improvements. The engineering contract with Cruz-Hogan Consultants was approved by the City Commission on August 22, 2017. The \$1.84 million available includes engineering, surveying and geotechnical fees. The project should go out for bids in November or December, 2017 and should be completed by the Summer, 2018.

SEPTEMBER 2017 MONTHLY REPORT

Activity	Total	Valuation	Fees
Commercial	0	\$ -	\$ -
Apartments	0	\$ -	\$ -
New Residence	13	\$ 1,258,415.00	\$ 5,369.25
Additions	0	\$ -	\$ -
Repair/Renew/Remodel/Re-Inspect	14	\$ 60,150.00	\$ 1,179.25
House Moving	1	\$ 28,000.00	\$ 110.00
Mobile Homes	2	\$ 91,990.00	\$ 220.00
Carports/D-ways/Sidewalk/Concrete	5	\$ 9,722.00	\$ 212.42
Fences	4	\$ 4,300.00	\$ 92.48
Storage Rooms/Porches/Signs	7	\$ 338,525.00	\$ 1,376.27
Misc.	4	\$ 93,400.00	\$ 515.25
Total Permits	50	\$ 1,884,502.00	\$ 9,074.92
Plumbing	41	\$ -	\$ 3,870.00
Electrical	28	\$ -	\$ 2,456.00
Mechanical	20	\$ -	\$ 2,585.50
Electrical Licenses	0	\$ -	\$ -
Occupational Licenses	10	\$ -	\$ 400.00
Demolitions	1	\$ -	\$ 100.00
Garage Sales	167	\$ -	\$ 1,652.00
Total Permit:	267		\$ 11,063.50
Grand Total:	317	\$ 1,884,502.00	\$ 20,138.42

Code Enforcement

September 2017 Report

I. Cano & R. Ureste, Code Enforcement

Inspections Department

September 2017 Report

A. Jaramillo, B. Mata & J. Estrada Building Inspectors

Illegal Dumping	6	Setbacks	15
Work Orders	31	Foundation	26
Commercial, Abandoned & Junked Vehicles	19	CSI /Backflow	2
Garage Sale Signs & W/out Permits	0	Nail Pattern	19
Rubbish	4	Framing/Poly-Seal/Windstorm	24
Banners & Temp. Signs	2	Rough Electrical	35
Fowl Odor	1	Rough Plumbing	22
Building w/o Permit	5	Rough Mechanical	17
Certified Letters	12	Vents & Pipes	26
Complaints Filed in Court	1	Sewer	21
Towed, Abandoned & Junked Vehicles	2	Gas	1
Street Vendor	2	Driveway/Sidewalk	24
Conducting Business in Residence	2	Insulation	16
		Infiltration	8
Total Code Enforcement Activities	87	Final	28
		Occupational Inspection	14
		Mobile Home Inspection	0
Zoila Martinez & Janie Soto		House Inspection	4
		Plan Review	46
		Permit Sign Off	49
		Other	193
Total In-Person	645		
Total Call-in's	1752		
Animal Control Calls	369		
		Total Activities	590



Mayor: Mario Garza
Mayor Pro-Tem: Jesus “Jesse” Ramirez
Commissioners: Ernesto “Neto” Guajardo
Raudel Maldonado
Pete Garcia

MEMORANDUM

TO: Mr. Benjamin Arjona, City Manager
FROM: Armandina Sesín, Library Director
DATE: October 2, 2017
SUBJECT: September Monthly Report

Enclosed is the September monthly report including statistics and programs:

For the month of September we had 3,978 visitors. Out of those visitors, 1,834 were here for computer use only. We had 107 new patrons added to our circulation system. We requested and received twenty two (22) Interlibrary Loans (ILL). The library checked out a total of 2,193 items both adult and children's. We had 104 in-house circulation items. We helped the public with an estimated 651 reference/informational questions. We had 25 children's programs with an attendance of 85 people. The monthly amount deposited was \$1,929.78 both fines and fees.

Please see attached statistical report.

During the month of September:

- Attended the Directors' meetings
- Attended the City Commission meeting
- Went to City Hall to make the weekly money deposits for the library
- Attended a webinar for Adult Programming
- Attended, with Richard, the monthly HCLS meeting at the La Joya Public Library in La Joya, TX
- Held a Voters' Registration Drive
- Managed the day to day operations of the San Juan Memorial Library

Meetings to be held in October, 2017

Multipurpose Room

Directors' Meeting, October 2nd & 16th

Planning & Zoning meetings, October 5th & 19th

City Commission meetings, October 10th & 24th

Civil Service Exam, October 11th

Library Advisory Board meeting, October 11th

TMC Headstart Program, October 12th

Training Room:

GED in Spanish, Mondays thru Thursdays, from October 2nd to 31st

Computer classes on Tuesdays and Thursdays, from October 3rd to 31st

MPH Salud, October 2nd, 9th, 16th, & 23rd

US Small Business Administration, October 20th, 25th, & 27th

709 S. Nebraska Ave. • San Juan, Texas 78589-2649
Phone: (956)223-2200 • Fax: (956) 787-5978

**San Juan Memorial Library
September 2017 Statistics**

Statistics	
Total Visitors	3,978
Computer Users	1,834
Total Checkouts	2,193
In-House Use	104
Inter-Library Loans	22
New Patrons	107
Reference\ Informational Questions	651
Children's Programs	25
Attendance	85

Multipurpose Room Reservations	Attendance
2nd McAllen Family Martial Arts Academy	4
5th Parks & Recreation	14
5th Special Called Meeting	52
7th Planning & Zoning	10
12th City Commission	58
18th Directors Meeting	15
20th Parks & Recreation	14
21st Planning & Zoning	17
22nd Open Enrollment	125
26th National Voter's Registration Day	3
26th City Commission	41
28th Special Called Meeting	19
29th Civil Service Exam	5
Total	377

Training Room Reservations	Attendance
5th Computer Classes	2
5th Spanish GED Classes	6
6th Spanish GED Classes	6
7th Computer Classes	2
7th Spanish GED Classes	6
11th Planning & Zoning	8
11th Spanish GED Classes	7
12th Computer Classes	3
12th Spanish GED Classes	8
13th Spanish GED Classes	6
14th Computer Classes	2
14th Spanish GED Classes	6
18th Spanish GED Classes	7
19th Computer Classes	2
19th Spanish GED Classes	9
20th Spanish GED Classes	6
21st Computer Classes	3
21st Spanish GED Classes	5
25th Spanish GED Classes	7
26th Computer Classes	3

Checkouts	
DVDs	678
Books Juvenile	1,295
Books Adult	220
Total	2,193

WiFi Usage	
LibGuest	647
LibStaff	35
LibAdmin	0
Total	682

Study Room Attendance	
Study Rooms	74

Facebook Page	
Likes	10
Visitors	29

SJML Homepage	
Visitors	51,378

Deposits	
Fines	\$ 505.08
Copies	\$ 1,424.70
Total	\$ 1,929.78

T. R. Reservations (continued)	Attendance
26th Spanish GED Classes	5
27th Spanish GED Classes	4
28th Spanish GED Classes	6
30th Avance Inc.	16
Total	135

Computer Classes	
Attendance	17

Outreach Programs	Attendance
5th Austin Middle School	10
Total	10

Youth & Children's Programs/Attendance

Date	Program	Attendance
Friday, September 1, 2017	Coloring	2
Saturday, September 2, 2017	Story Time/Craft	2
Wednesday, September 6, 2017	Coloring	3
Thursday, September 7, 2017	Homework	2
Friday, September 8, 2017	Coloring	5
Saturday, September 9, 2017	Coloring	2
Tuesday, September 12, 2017	Homework	4
Wednesday, September 13, 2017	Coloring	5
Wednesday, September 13, 2017	Homework	2
Saturday, September 16, 2017	Coloring	2
Saturday, September 16, 2017	Movie	3
Wednesday, September 20, 2017	Toddler Time	4
Wednesday, September 20, 2017	Coloring	3
Thursday, September 21, 2017	Homework	5
Saturday, September 23, 2017	Story Time/Craft	5
Saturday, September 23, 2017	Movie	4
Saturday, September 23, 2017	Homework	2
Tuesday, September 26, 2017	Coloring	4
Tuesday, September 26, 2017	Homework	3
Wednesday, September 27, 2017	Coloring	4
Wednesday, September 27, 2017	Homework	2
Thursday, September 28, 2017	Game Night	4
Saturday, September 30, 2017	Homework	4
Saturday, September 30, 2017	Story Time/Craft	3
Saturday, September 30, 2017	Movie	6
Total	25	85

AGENDA ITEM AND RECOMMENDATION SUMMARY
CITY COMMISSION REGULAR MEETING
OCTOBER 10, 2017

Conduct a Public Hearing and Consider an Ordinance in First Reading for an Amendment to Appendix A, Unified Development Code, Chapter 2, Article IV, Section 11 of the San Juan Code of Ordinances to Allow Car Wash Facilities in the Expressway Corridor District. (Tabled)

STAFF COMMENTS AND RECOMMENDATIONS:

The San Juan Economic Development Corporation has requested an amendment to the Expressway Corridor Zoning District that was established in June 2017 to allow car wash facilities within the district. The adoption of this ordinance amendment would allow car wash facilities to be constructed within the Expressway Corridor Zoning District with a conditional use permit.

During a regular scheduled meeting on September 7, 2017, the Planning and Zoning Commission unanimously recommended the adoption of the ordinance amendment.

Additional language was added to the ordinance to place distance separation requirements between car wash facilities for properties that have frontage along the IH2/ US Expressway 83.

RECOMMENDATION:

Approval of the proposed ordinance amendment as recommended by the Planning and Zoning Commission.

PREPARED BY:

Xavier Cervantes,
Director of Planning
and Zoning

APPROVED BY:

Benjamin Arjona, City
Manager

August 14, 2017

Mr. Xavier Cervantes
Planning and Zoning Director
City of San Juan
709 South Nebraska
San Juan, Texas 78589

Dear Mr. Cervantes

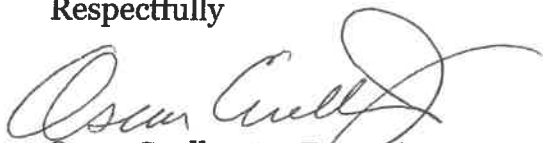
We are currently working with two different developers interested in developing property along Interstate 2 and both have a project component that is apparently in conflict with our new Zoning Overlay Zone for the Expressway. They are both working on a fully automated and enclosed car wash. I know that during the meetings prior to the Ordinance being finalized this is one of the items that generated a lot of questions and extensive discussion.

In light of the fact that this type of businesses add approximately 1.4 million in taxable ad-valorem taxes to the city in addition to generating sales tax and creating jobs, I believe it would be in our best interest to allow them with certain restrictions. Proper terms and restrictions that would allow us to stay true to the initial intent of the ordinance to generate aesthetically pleasing quality businesses on our expressway frontage. Proper setbacks, landscaping and building orientation as well as sign regulation would allow these types of businesses to blend in with our existing businesses.

I recommend that you and the Planning and Zoning Committee revisit this issue and see if a compromise can be worked out to allow a change to the Ordinance so that you can recommend that the City Commission amend the ordinance.

If you have any questions or wish to discuss this matter further please let me know.

Respectfully



Oscar Cuellar Jr., Executive Director
San Juan E D C

FINAL RESOLUTION OF REQUEST & COMMENTS:

P&Z – 09/07/17 Commissioner Alvarado made a motion to approve the amendment to the ordinance to allow car wash facilities along the Expressway Corridor District. Commissioner Zambrano seconded the motion. The motion passed with a (5-0) vote.

Mr. Cervantes reminded the Commission about the workshop with the EDC board during which it was decided not to allow car wash facilities along the new Expressway Corridor District. The ordinance was adopted that way but now a Blue Wave Car Wash facility is proposed for construction along the Expressway.

Mr. Cervantes introduced Mr. Oscar Cuellar, EDC Director, who explained the economic benefits of allowing the Blue Wave Car Wash and to consider amending the ordinance to allow car washes facilities. If the City Commission approves the change, all the new car wash facility along the Expressway would require a conditional use permit so Commission can review the site plan and make sure everything is in order before it is approved that the Planning Commission and the City.

Mr. Cuellar said that they had the opportunity for a value type development. He explained that the proposed car wash facility is a modern or ultra-modern facility that is fully-automated with a value of 1.4 to 1.6 million dollars. He said that he sent a letter to Mr. Cervantes requesting the amendment of the ordinance. He mentioned the Blue Wave car washes in other cities where the entrances are parallel to the road and you cannot see the equipment. With the conditional use permit the board can decide the orientation of the building, the landscaping and other things that can blend into the area.

Mr. Cuellar said that Mr. Cervantes mentioned the Blue Wave Car Wash but there are two similar projects coming to the City. He said that he is not authorized to release which business is coming because both developments are part of the multi-lot development. He said that the person is doing a joint venture, bringing a car wash with adjacent well-known restaurants in both cases. He stated that there are two different developers that like the location, two different car washes and two different types of restaurants.

Mr. Cuellar said the amendment of the ordinance is crucial for both projects. He added that if the amendment is not approved the City will lose those businesses. Chairwoman Castillo asked for the location of those new developments. Mr. Cuellar responded one development will be located to the West of the Lexus Dealership and the other one is proposed at the old Homes of America property.

Mario Reyna, from Melden & Hunt, Inc., said that he is working on the Texas National Bank Subdivision that was presented in the previous meeting, where the Texas National Bank and the Blue Wave is going to be located. He stated that his client plans to purchase 3.5-acres and he is planning to bring the Blue Wave and a Chick-fil-A restaurant. The car wash is going to be the first one to come in and it is going to be perpendicular to the street because of the way the property is laid out. The Texas National Bank will be located at the corner of Veteran's and Frontage and they are also negotiating with the McDonald's restaurant corporation.

Mr. Reyna said that it is the same broker for the Blue Wave and Chick-fil-a. The Blue Wave is a catalyst for this development. He said that all the Blue Wave carwashes that he has worked on are perpendicular to the street; just the one on Trenton Avenue was different because the property is very narrow. He said those Blue Wave car washes are nice, that they cost 2.5 million dollars that they use tanks that recycle the water that it is environmental friendly and it is a good business model that they have and have been very successful in other cities. He stated that he is pushing for this development because the bank is negotiating with McDonald's but they put that project on hold because they need to see if Blue Wave is coming in and if they are paying for the sewer and the road as it affects the

price of the properties.

Commissioner Alaniz said that he does not have a problem with the car washes, but he asked if they are going to enforce the same rules to everybody. Mr. Cervantes responded that if the ordinance amendment is adopted by the City Commission any new car wash along the Expressway Corridor would need to obtain a conditional use permit. Commissioner Zambrano asked if this only applied to the Expressway Corridor. Mr. Cervantes said yes.

AN ORDINANCE OF THE CITY OF SAN JUAN, TEXAS AMENDING THE CODE OF ORDINANCES AT APPENDIX “A”, UNIFIED DEVELOPMENT CODE, CHAPTER 2 – ZONING REGULATIONS, ARTICLE IV DISTRICT USE AND AREA REGULATIONS, SECTION 11.00, ET. SEQ., EXPRESSWAY CORRIDOR DISTRICT INCLUDING USE AND AREA REGULATIONS, AREA AND HEIGHT REQUIREMENTS, DEFINITIONS, USES, ADDITIONAL REQUIREMENTS FOR PARKING, DRIVEWAYS, LANDSCAPING AND ARCHITECTURAL STANDARDS TO INCLUDE CAR WASH FACILITIES, INCLUSION IN THE SAN JUAN CODE OF ORDINANCES; INCORPORATION OF OTHER ORDINANCES; REPEALING CONFLICTING ORDINANCES AND EFFECTIVE DATE.

WHEREAS, an Expressway Corridor Study was performed and recommendations were made to create a new special purpose district to encourage new development and the redevelopment of the properties along the US 83/IH2 frontages; and

WHEREAS, The City of San Juan desires to create more economic development opportunities along the freeway corridor; and

WHEREAS, the Planning and Zoning Commission held a public hearing to consider amendments to the zoning ordinance after proper notice in a newspaper of general circulation in the City of San Juan; and

WHEREAS, after a public hearing and after discussion, the Planning and Zoning Commission recommends amending the Expressway Corridor Zoning District to allow car wash facilities as a conditional use.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAN JUAN, TEXAS, THAT:

SECTION 1. The Code of Ordinance of the City of San Juan, Texas, be amended at Appendix “A”, Unified Development Code, Chapter 2 – Zoning Regulations, Article IV- District Use and Area Regulations, Section 11.00, et. Seq., as follows:

CHAPTER 2 – ZONING REGULATIONS

ARTICLE IV - DISTRICT USE AND AREA REGULATIONS

SECTION 11.00: EXPRESSWAY CORRIDOR DISTRICT

SECTION 11.01: PURPOSE

The Expressway Corridor District (ECD) is a *special purpose* district created to identify uses and regulations for properties adjacent to and in the proximity of the US 83/IH2. These regulations are intended to encourage new and appropriate uses and design, and to protect existing uses that will benefit the City of San Juan. This district is intended to support businesses that complement

each other and to be a destination in the Rio Grande Valley for shopping, entertainment, and employment.

Except as hereinafter provided no building or structure shall be erected, reconstructed, or structurally altered and no premises shall be used except in conformity with the regulations prescribed for the district.

The following district regulations replace the current uses as a distinct new district. Where there is any ambiguity, the Planning and Zoning Commission, upon the recommendation of Staff, will be the deciding body, and if appropriate, a recommendation will be forwarded to the City Commission.

SECTION 11.02 DISTRICT USES

- a. **Uses Permitted By Right** - The uses as shown in the following Zoning Use Chart are permitted by right and are subject to the restrictions of this district. In general, definitions are defined by terms in general use or in Appendix A, Unified Development Chapter 1, Article III. Definitions of uses specific to this District are found in Section 11.03 of Appendix A, Unified Development Code.
- b. **Conditional Uses** - As identified in the Zoning Use Chart, some uses may be considered when it is shown that such a use in a specified location will comply with all the conditions and standards for the location or operation for the use. The conditions shall be specified and recommended by the Planning and Zoning Commission and approved by the City Commission. Appendix A, Chapter 2, Article VIII, Conditional Use defines the process in for conditional uses that are listed in the following Zoning Use Chart.
- c. **Nonconforming Uses** - With the creation of the new Expressway Corridor District (ECD) some current land and building uses may become existing nonconforming uses. They will not be required to close or relocate, however they become subject to the requirements and regulations in Appendix A, Chapter 2, Article VII, Nonconforming Uses.

SECTION 11.03: DEFINITIONS

In addition to the definitions in Appendix A, Unified Development Code, Chapter I, Article III, Definitions, the following definitions apply specifically to this district.

The following definitions are to be used in the application of this district. They are terms that are accepted in standard planning and zoning usage. If a word or term is not defined herein, a definition from a dictionary in general usage shall be applied.

Automobile Sales: The use of land and buildings primarily for the display, sale, lease, and rental of new or pre-owned automobiles (may include utility vehicles, light trucks and vans) and including vehicle preparation, warranty and repair work as an accessory use. Vehicles that are wrecked or require additional repair work shall be screened from view.

Antique shop: An establishment offering for sale articles such as glass, china, furniture or similar furnishing or decorations which have value and significance as a result of age, design or sentiment.

Bakery or confectionery shop (retail): A place for baking or selling baked goods, or a place for preparing, cooking, making or selling candy or other sweets.

Bank or Credit Union: A facility which has as its primary purpose the custody, loan, exchange or issue of money, the extension of credit and the transmission of funds, including drive-in facilities and automatic teller machines.

Bar, lounge or tavern: An establishment, the primary activity of which is the sale and consumption on the premises of beer, wine or other alcoholic beverages, and where any food service is secondary alcoholic beverages and where the sale of said beverages constitute more than fifty (50%) of the business income of that establishment.

Barber or beauty shop: A facility licensed by the state where hair cutting, hair dressing, shaving, trimming beards, facials, manicures, tanning or related services are performed.

Buffer: A permanent natural or landscaped area serving to separate two (2) different land uses or developments. It may be in the form of a strip of land lying parallel and adjacent to a property line common to a dissimilar use of a more restrictive nature. The purpose of this buffer is to provide for minimum livability and maximum required visual screening and physical separation of uses of a dissimilar nature.

Car Wash Facility: A semi-enclosed structure for washing automobiles with automatic application of cleaners, brushes, rinse water, and heat for drying. May include manually operated exterior located vacuuming equipment and detailing operations.

Day Spa: a facility for personal services including hair care, manicure, pedicure, waxing, and tanning. If the spa services include massages, the use must comply with the following definition.

Massage establishment: Any place of business in which massage therapy is practiced by a massage therapist, as defined by Texas Law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub shower, or cabinet baths. Equivalent terms for massage therapy are massage, therapeutic massage, massage technology, myotherapy, or any derivation of those terms. The terms "therapy" and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law. Also see definition of Health Studio.

Florist flower or plant shop: A facility for the retail sale of cut or uncut flowers and ornamental plants and accessory items. Enclosure of use required.

Furniture store: A retail facility displaying and selling new furniture, and may include appliances such as radios, televisions, stereos, refrigerators, and stoves.

Hardware store: A retail facility for selling cutlery, tools, utensils, screws, nails and similar items.

Health studio or Fitness center: An indoor facility operating for a profit to promote physical fitness or weight control.

Hobby shop: An establishment for the retail sale of hobby supplies such as model kits, art equipment and materials.

Home center: A facility which retails appliances, fixtures, building materials and other similar items for the maintenance and improvement of residential structures.

Hospital: An institution licensed by the state that provides health services primarily for human inpatient, medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are an integral part of the facilities.

Hotel: A building or a group of buildings under one ownership containing six (6) or more sleeping rooms occupied, intended or designed to be occupied as the temporary abiding place for persons who are lodged with or without meals for compensation, but not including a hospital or recreational vehicle camping area.

Jewelry store: A facility which retails watches, rings, bracelets, necklaces and similar items.

Landscape service: A facility for the design and implementation of design of residential and business landscaping. This facility does not include the storage of landscape materials in bulk form as well as the required machinery or equipment for installation.

Library, art gallery or studio, museum: An establishment for the loan or display of books, or objects of art or science which is sponsored by a public or quasi-public agency and which institution is open and available to the general public.

Live-Work: A dwelling unit that is a combination of the residence and place of commercial business or studio and may be found in mixed-use developments.

Microbrewery: a limited-production brewery, typically producing specialty beers and often selling its products only locally.

Mixed-use development: Development projects that combine residential with nonresidential uses in the same building or building site area as a means to create an active street life, enhance

the vitality of businesses, and reduce the need for automobile travel; provide a meaningful blend of residential and non-residential uses that enhances and builds upon the city's commercial base; provide additional housing options for people, including but not limited to, young professionals and older people, who want to live near their workplace and/or near retail and other non-residential uses; and encourages consolidation of small parcels into viable, block-size mixed use development in designated areas; while ensuring on-site compatibility of residential and non-residential uses. There are two generally recognized types of mixed use:

Vertical Mixed-Use Building: Combines different uses in the same building. Lower floors should have more public uses with more private uses on the upper floors. For example, the ground floor could have retail, second floor and up having professional offices, and uppermost floors being some form of residential, such as flats or a hotel. In more urban areas, an entire block or neighborhood may be composed of vertical mixed-use buildings.

Horizontal Mixed-Use Blocks: Combines single-use buildings on distinct parcels in a range of land uses within one block. In more urban areas, this approach avoids the financing and coding complexities of vertical layered uses while achieving the goal of placemaking that is made possible by bringing together complementary uses in one place. In less urban areas, horizontal mixed-use offers the advantage of sharing utilities and amenities while providing an easier to build and entitle mix of uses within a walkable block circumscribed by thoroughfares.

Mortuary or funeral service: A facility where deceased bodies are prepared for burial and kept until burial, and where funeral services may be conducted. A crematorium may be part of the services provided by a full service funeral home operation with a conditional use permit.

Newspaper, magazine, book or stationery store: A facility for the sale of books, pamphlets, paper, pens, ink and associated items; not involving wholesale distribution.

Nonconformance: A lawful condition of a structure or land which does not conform to the regulations of the zoning district in which it is situated. This may include but is not limited to a failure to conform to use, height, area, coverage, or off-street parking requirements established prior to the adoption of the Zoning ordinance or annexation into the city.

Nonconforming Use: A use, activity, structure or a parcel of land occupied by a land use activity that was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but fails to conform to the regulations of this Zoning Ordinance and the district in which it is situated and which has been identified as a nonconforming use.

Office equipment sales and service: A facility for the display, sales, service or repair of equipment, machines or computers typically utilized in daily activities of offices.

Office, general or professional: A place for the regular transaction of business, but not to include the occupation by retail sales, transfer of manufactured goods or storage of commodities.

Office, showroom and warehouse: A facility for mixed use with the following characteristics:

- i. A showroom for display of product lines including items for user purchase,
- ii. Storage or warehouse facilities and occupies not more than sixty (60) percent of the gross floor area of the structure(s).
- iii. A principal office of the business;
- iv. Sales to contractors or other businesses installing or delivering to consumer and user.
- v. A facility, combining office and warehouse functions in a single structure.

Offsite: Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant.

On premises: Inside a building or on the area of land that it is on,

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated or reserved for resource protection, public or private use and enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space shall not include land occupied by non-recreational structures, roads, street rights-of-way, parking lots, land reserved for future parking, or any portion of required minimum lot areas as required by this Ordinance.

Open storage: The storage of any equipment, machinery, commodities, raw semi-finished or finished materials, and building materials, which is visible from any public street.

Optical shop: A facility for a dealer in optical items or for correcting vision.

Paint and wallpaper store: A facility for selling paints, painting equipment and wallpaper.

Parking, commercial lot or garage: A facility for temporary storage of motorized or wheeled vehicles.

Parking space: A paved area, enclosed or unenclosed, sufficient in size to store one automobile together with a paved driveway connecting the parking space with a street or alley and permitting ingress or egress of an automobile.

Personal services: Establishments primarily engaged in providing services the care of a person's personal needs and include laundry, dry cleaning, beauty shops, barbershops, shoe repair, reducing salon, health clubs, and clothing rental services.

Pet shop: A facility for the display and sale of small animals, fish and birds and pets, such as dogs, cats, parakeets, goldfish, tropical fish or canaries, without involving commercial boarding or treating of any animal, fish or bird.

Pet supply and pet grooming: an indoor facility that sells pet food and supplies and may include grooming area.

Pharmacy or drugstore: A facility for preparing, preserving, compounding and dispensing drugs and medicines; and may include the display and sale of other merchandise such as cosmetics, notions, fountain services and similar items.

Photography studio: A facility for taking and processing pictures, not a bulk processing plant.

Plant nursery: A facility for the sale or rental of plants and other landscaping or gardening supplies and the equipment used in the installation of maintenance thereof.

Pharmacy or drugstore: A facility for preparing, preserving, compounding and dispensing drugs and medicines; and may include the display and sale of other merchandise such as cosmetics, notions, fountain services and similar items.

Photography studio: A facility for taking and processing pictures, not a bulk processing plant.

Restaurant or cafe with drive-in/thru service: An establishment which by design of physical facilities or by the type of service and packaging permits or encourages the purchase of prepared, ready-to-eat foods for consumption on or off the premises and which does permit consumption on the premises in motor vehicles. A conditional use may be required for the drive thru to ensure adequate stacking and speaker location.

Restaurant or cafe without drive-in/thru service: An establishment where food is available to the general public primarily for consumption within a structure on the premises or which by design of physical facilities or by type of service and packaging permits or encourages the purchase of prepared, ready-to-eat foods intended for consumption off the premises, and where the consumption of food in motor vehicles on the premises is neither permitted nor encouraged. May include covered or uncovered patio seating.

Retail: An establishment engaged in the selling or rental of goods or merchandise to the general public for personal use or household consumption.

Seasonal and temporary sales, outside: An activity conducted involving sales of merchandise customarily sold within the principal structure and those sales by transient users permitted in the district. This activity shall be deemed to be an extension of the principal use of the land and subject to bulk, area and parking regulations. Displays may be located within approved temporary structures or as open display.

Shopping center: A group of unified commercial establishments built on a site which is planned, developed, owned, and managed as an operating unit related in its location, size, and type of shops to the trade area that the unit serves with customer and employee parking provided on-site.

Sporting goods store: A retail establishment selling athletic uniforms, sport clothing and sporting equipment.

Studio (art, music, speech, drama, dance or other artistic endeavors): A facility for instruction, counseling or coaching in the arts, and for the development of person skills or talents. This includes but is not limited to graphic, performing and literary arts limited to instruction, counseling or coaching.

Tailor: A shop to alter, repair, fabricate or fashion garments.

Technology sales and service: A retail shop which sells and services digital devices including computers, cell phones, video equipment,

Theater, not drive-in type: A facility for presenting movies and live performances to an audience inside an enclosed structure.

Travel agency: A business engaged in selling or arranging transportation, trips or tours for individuals or groups.

Veterinary clinic: a medical facility where animals are given medical care. Long term boarding is not allowed in this district, but short term or overnight stays related to medical procedures is permitted. No breeding or laboratory uses are permitted.

Wine Bar: is a tavern-like business focusing on only selling *wine*, rather than liquor or beer. A typical feature of many *wine bars* is a wide selection of *wines* available by the glass and small portion food service.

SECTION 11.04 ZONING USE CHART		
Uses	Permitted by Right P	Conditional Use C
Automotive		
Automobile, new and preowned sales		C
Automobile, preowned sales		C
Automotive supply		C
Automobile service center		C
New Tire sales and service		C
Vehicle rental		C
Car wash facilities		C
Retail (free standing or in center)		
Antique shop	P	
Bakery, ice cream, or confectionery shop	P	
Cellphone/computer/technology sales and service	P	
Clothing store (men's, ladies', and children's including shoes and other apparel)	P	
Convenience store	P	
Convenience store fuel islands		C
Florist shop	P	
Home furnishings/Furniture store	P	
Hardware store	P	
Hobby shop	P	
Jewelry store	P	
Office equipment sales/service	P	
Paint and wallpaper store	P	
Pharmacy or drugstore	P	
Sporting goods store	P	
Shopping center up to and including 30,000 square feet	P	
Shopping center 30,000 to 75,000 square feet	P	
Shopping center greater than 75,000 square feet		C
Grocery store		C
Big box including grocery and home improvement (over 100,000 square feet)		C
Eating and Drinking Establishments		
Restaurant or cafe without drive-in service, with covered patio	P	
Restaurant or cafe drive-in/thru service		C
Bar, Lounge, Tavern or Cantina		C
Coffee shop	P	
Delicatessen/ Specialty foods	P	
Microbrewery		C
Wine bar		C
Personal Services		
Day Spa	P	
Fitness Center/Health Club	P	

SECTION 11.04 ZONING USE CHART		
Uses	Permitted by Right P	Conditional Use C
Dry cleaning/Laundry (drop off and pick-up only)	P	
Barber or beauty shop	P	
Nail salon	P	
Shoe repair	P	
Alterations and Tailor	P	
Medical and Care facilities		
Clinic: medical, dental, optical, chiropractor, health care services	P	
Emergency/medical ambulatory care facility (limited overnight stays)	P	
Hospital	P	
Optician, Optical shop	P	
Pharmacy or drugstore	P	
Lodging*		
Hotel	P	
Live/work		C
Multifamily - apartments and condominiums		C
Assisted Living		C
Nursing Home (licensed)		C
Mixed Use Development*		
Retail/Residential		C
Retail/ Live-Work/Residential		C
Residential/Retail/Office		C
*Planned Unit Development encouraged		
Office, Professional		
Office building	P	
Attorney, Engineer, Architect, Landscape architect, Insurance, Financial advisor, Travel agent	P	
Bank or credit union	P	
Pet		
Veterinary office without boarding except for medical need, no outside runs	P	
Veterinary Clinic with boarding and outside runs		C
Pet Supplies	P	
Pet Grooming (no boarding)	P	
Outdoor Equipment and Supplies		
Plant nursery		C
Landscape and garden supplies		C
Seasonal/temporary sales		C
Lawn, garden, and play structures		C
Miscellaneous		
Office/showroom/warehouse	P	
Light Manufacturing in conjunction with		C

SECTION 11.04 ZONING USE CHART		
Uses	Permitted by Right P	Conditional Use C
Office/showroom/warehouse		
Mortuary		C
Open space/Plaza	P	
Library, art gallery, studio, museum	P	
Theater	P	
Bike Racks	P	
Automobile charging station		C
ATM (free standing)		C
Public and Private Utilities		
City infrastructure (water, waste water, drainage, fire, police)	P	
Government offices	P	
Private Utilities (telephone, cable)	P	
Cell and telecommunications towers		C

SECTION 11.05: AREA AND HEIGHT REQUIREMENTS

- a. **Building height**
 - (1) 12 stories or 160 feet (may exceed if recommended by Planning Director to Board of Adjustment with input from the Fire Marshal). See note below
 - (2) 1 story if building setback is less than 60 feet
- b. **Building Front setback**
 - (1) 60 feet from the right of way of the frontage road
 - (2) 25 feet if parking is on the side are in the rear of one story building
 - (3) 100 feet for hotel, multifamily (apartments and condominiums), assisted living, and nursing homes
- c. **Side and Rear setback**
 - (1) Side Interior: 0 unless adjacent to residential, then 15 with landscaping buffer
 - (2) Side Exterior: 15 feet
 - (3) Rear: 10 feet unless adjacent to residential then a setback of a minimum of 20 ft. with landscaping buffer
- d. **Lot width:** 100 feet minimum
- e. **Lot depth:** 200 feet minimum
- f. **Lot coverage:** 75 percent of total area and incorporates low impact development criteria

A building may exceed ten stories or 160 feet if set back one (1) foot for every two (2) feet of height above 125 feet but in no case shall the height of a building exceed the total of the street

width on which it faces plus the depth of the front yard and when it is adjacent to a residential use.

SECTION 11.06: PARKING AND LOADING REGULATIONS

Parking requirements shall be in accordance with Appendix A, Unified Development Code, Chapter 6 - Off-Street Parking Regulations with the following additions or exceptions.

- a. Parking lot location is encouraged to be on the side and rear except for automobile sales, grocery and large scale retail development. For properties with 25-foot to 60-foot front setbacks, the parking shall be on the side or rear of the building.
- b. Angle parking is allowed.
- c. Landscaping shall be provided where large expanses of concrete or asphalt occur. Parking Lots with 150 or more spaces shall be divided by landscaped areas including walkways and/or landscaped areas.
- d. The areas between rows of parking can be design in either raised medians or bio-swales. Raised medians shall have a concrete curb edging. See Appendix A, Unified Development Code, Chapter 6 - Off-Street Parking Regulations Section 8 – Interior Parking Lot Landscaping
- e. Plants shall be low-maintenance, water-wise selected from the list provided in Appendix A, Unified Development Code, Chapter 5 – Landscaping Regulation, Section 11, Table A.
- f. Shade trees may be planted in the median or landscape areas when there is adequate room for the root ball and irrigation is provided. Otherwise, trees should be planted on the perimeter of the development or in groups in open space or around detention facilities.
- g. Bio-swales shall be designed to support vegetation and handle sheet flow drainage in the parking lot. Plants in the bio-swales should be appropriate to handle temporary excess water as well as drought conditions.
- h. No loading docks shall back onto the frontage or arterial roads.
- i. Loading docks shall be to the side or rear of the building, except loading docks shall not back to residential areas unless there is landscaping or buffering.

SECTION 11.07: DRIVEWAYS

- a. All driveways connecting with the US83/IH2 frontage road are subject to Texas Department of Transportation requirements and regulations for location and spacing.
- b. Shared driveways are encouraged for coordinated access to and from the frontage roads.

- c. All driveways shall be paved.

No separate direct access from a frontage road shall be permitted to any property whose frontage on the frontage road is less than three hundred feet (200'). Unless it would be unreasonable to impose this requirement, a public street more or less perpendicular to the frontage road and Access Lanes shall be required in all cases to provide access to properties along the frontage road.

- d. If required for development access, a paved access drive shall be provided more or less reasonably parallel to the frontage road. Said access lane shall conform to the following requirements:
 - (1) may be located in the front building setback if approved by the Planning Director;
 - (2) shall be designed and constructed to permit two-way traffic and to allow access to tracts along the frontage road;
 - (3) shall be paved;
 - (4) shall be set aside by curbs, landscaping or otherwise marked as approved by the Planning and Zoning Commission;
 - (5) shall be designed and constructed to intersect (at 90 degrees) with a public street; and
 - (6) shall be provided with directional signs and traffic-control signs or devices.

SECTION 11.08: LANDSCAPING

Landscaping for new construction and site redevelopment shall follow Appendix A, Unified Development Code, Chapter 5 - Landscaping Regulations with the following additions.

- a. Underground automatic sprinkler systems shall be required for all multifamily, commercial and office projects. When 100 percent native drought-tolerant landscaping is proposed, temporary irrigation for plant establishment, of not less than two years, may be installed in place of a permanent sprinkler system as approved by the city.
- b. Landscape plans for multifamily, lodging, commercial, and office development shall incorporate common open space or park areas as required with trails, interior courtyards and recreation facilities suitable for the benefit of the project's anticipated residents.
- c. Foundation Planting
 - (1) For all commercial buildings, foundation plantings shall be provided around all areas of the base of the building not directly abutting a sidewalk, plaza, service, or loading area. Foundation plantings shall be scaled according to the nature of the wall area, limited at primary building facades and around features such as windows, entries, and

architectural elements, and increased for areas of blank walls and utilities.

- (2) For all office buildings, an average depth of 15 feet from the face of the building shall be provided around the building; provided, that pedestrian facilities, such as sidewalks, may be located within this 15 foot area and shall count as landscaping; and provided further, that building loading areas shall not be subject to this requirement.
- (3) For all mixed-use, lodging and multifamily buildings, foundation plantings shall be provided to soften the overall impact and scale of the buildings. Foundation plantings shall be provided around each individual building, at the base of the building.
- (4) Trees and plant materials shall be in accordance with Chapter 5, Table A.
- (5) Required trees may be planted on the perimeter of the development, in groupings in open space areas, and on the perimeter of stormwater detention areas in lieu of planting in parking lot medians.

SECTION 11.09: ARCHITECTURAL DESIGN STANDARDS

The purpose of the following architectural standards is to ensure that new construction and additions to existing buildings are well designed, detailed, and crafted to embody high standards of architectural design that will promote the long-term viability on both side of US 83/IH 2. By encouraging new buildings to be designed with plazas and situated perpendicular to the roadway, future development will not only take advantage of the tract depths, but provide the opportunity for more visual interest. The designs, including colors, shall be of such as to express the vitality of the area and take advantage of the City's heritage, growing international culture, and climate, thereby making San Juan's highway frontage a unique destination in the Rio Grande Valley.

The following standards shall apply to all development. For the purposes of this section, the Planning Director, in coordination with other applicable city departments, shall be authorized to review and make decisions on the following architectural standards.

b. Building Materials

- (1) Exteriors shall be constructed of stone, brick, stucco, fiber cement or a combination of these materials, EFIS (synthetic stucco) is not allowed.
- (2) No metal siding is allowed except for architectural details less than 20% of the building façade, however a standing seam metal roof is allowed if it is in keeping with the design of the building.

c. Ornamentation

- (1) Building recesses and protrusions are strongly encouraged on larger buildings to break long uninterrupted building walls.
- (2) All visible elevations should include decorative features such as cornices, pilasters, and friezes.

d. **Façade Massing**

- (1) Front façades 60 feet wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet.
- (2) The following alternatives can be used in place of the required front façade offsets:
 - a) Façade color changes following the same dimensional standards as the offset requirements;
 - b) Pilasters having a minimum depth of one foot, a minimum width of one foot, and a minimum height of 80 percent of the façade's height; and/or changes;
 - c) Roofline changes when coupled with correspondingly aligned façade changes.

e. **Roof Line Changes**

- (1) Roofline changes may include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the parapet wall.
- (2) When roofline changes are included on a façade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes.

f. **Roofs**

- (1) There are a variety of types of roofs: gable, gambrel, hip, mansard, shed, flat etc. or a combination of types. The roof design and construction should be appropriate for the local climate.
- (2) Asymmetric or dynamic roof forms are allowed to provide variety and flexibility in nonresidential building design, and allow for unique buildings. Asymmetric or dynamic roof forms shall be permitted on nonresidential buildings as an alternative to flat roofs.
- (3) Mechanical equipment shall not be visible from the ground within 1,000 feet from the building, and shall be screened in accordance with the following: roof-mounted mechanical or other equipment shall be screened by roofing and/or by parapet walls. Ground-mounted equipment within view of a roadway or driveway used by the general public shall be screened by masonry walls. Ground-mounted equipment, not within view of a roadway or driveway used by the general public, shall be screened by landscaping, at a minimum.

g. **Customer Entrances**

- (1) Each side of a building facing a public street shall include at least one customer entrance, except that no building shall be required to provide entrances on more than two sides of the structure that face public streets.
- (2) Buildings shall have clearly defined, highly visible customer entrances that include no

less than three of the following design features:

- i. Canopies/porticos above the entrance;
- ii. roof overhangs above the entrance;
- iii. entry recesses/projections,
- iv. arcades that are physically integrated with the entrance,
- v. raised corniced parapets above the entrance,
- vi. gabled roof forms or arches above the entrance,
- vii. outdoor plaza adjacent to the entrance having seating and a minimum depth of 20 feet,
- viii. display windows that are directly adjacent to the entrance,
- ix. architectural details, such as tile work and moldings, that are integrated into the building structure design and are above and/or directly adjacent to the entrance, and
- x. planters or wing walls that incorporate landscaped areas or seating areas. (A wing wall is a wall secondary in scale projecting from a primary wall and not having a roof.)

The Planning Director has the authority to review and enforce the provisions of this section during the zoning application and/or building permitting processes.

h. Loading docks and delivery areas

- (1) Loading docks and delivery areas shall be located to the side or rear of the building.
- (2) Outside loading docks and delivery areas that are within view of a roadway, driveway, or residential areas, shall be screened from view by masonry walls or landscaping buffer of not less than six (6) feet in height.

i. Awnings

- (1) Awnings are an appropriate feature in the Valley climate. Awnings may be constructed and maintained in accordance with this subsection.
- (2) An awning may be located over a storefront, a window, or a building entry. An awning may extend over the framing of a window or the framing of a building entry.
- (3) An awning shall not visually dominate the building to which such awning is attached and shall complement the character and design of the building.
- (4) A single awning shall not extend beyond the frame of a window or a building entry. If an awning is located over a storefront, such awning shall not extend beyond the lesser of: the outermost frame of a window located within one foot of a building entry or 30 feet.
- (5) The bottom of an awning shall not be higher than the top frame of a storefront building entry or window, a building entry, or a window of the building to which such awning is attached and shall be no higher than 12 feet from the finished floor as determined by measuring 12 feet from the finished floor specified in the

permitted building plans of the business establishment using such awning to the top of the awning.

- (6) An awning shall be constructed of fabric, metal, or glass. An awning should complement the overall color scheme of the building facade.

SECTION 11.10: ADDITIONAL STANDARDS FOR CONDOMINIUM OR MULTIFAMILY/APARTMENT DEVELOPMENT

- a. For condominium or multifamily/apartment development, the additional standards shall apply:
 - (1) Dwelling-unit buildings shall be located and oriented to screen all parking areas from view of adjoining uses, including roadways.
 - (2) Dwelling-unit buildings shall transition in height from lower to higher from the perimeter to the interior of the development. The taller buildings in the development shall be located in the interior part of the development.
 - (3) Buildings with up to two-story dwelling units may be located around the perimeters of the development, except that three-story buildings will be allowed around perimeters if they are part of buildings that include both two and three stories.
 - (4) Long uninterrupted expanses of building facades are prohibited. Articulation is required through the use of jogs, projections or retreats in the building walls, windows, balconies, entryways and bays.
 - (5) All building entries adjacent to a street shall be pedestrian-scaled and shall include two or more of the following architectural treatments:
 - i. distinctive doorways;
 - ii. distinctive entry canopies or awnings;
 - iii. projected or recessed entry bays; porches;
 - iv. changes in paving material, texture, or color;
 - v. landscaping providing entry focal points;
 - vi. fountains;
 - vii. decorative benches;
 - viii. ornamental glazing,
 - ix. railings,
 - x. and balustrades.
 - (6) Stairs, hallways, and elevators shall be located within buildings and structures and not on the exterior of buildings and structures. No more than 25 percent of front doors to units shall be located on the exterior of the buildings.
 - (7) Garages may be attached, detached, the first floor of a multistory residence or multistory freestanding structures. If freestanding parking structures are used, such structures shall be located so as to be easily accessible to the buildings in which the

dwelling units they service are located.

- (8) The exteriors of freestanding multistory parking structures shall have architecturally-designed masonry panels.
- (9) Garage doors of attached garages shall not comprise more than 60 percent of the total length of a building's frontage, with no more than six such garage doors in succession on a building.
- (10) No more than four detached garages shall be located side by side.
- (11) Any carport section shall be limited to housing no more than six vehicles, up to a maximum of 120 feet in length, including enclosed storage areas.
- (12) At least one garage with square footage sufficient to house a minimum of two seven-foot by 18-foot automobiles in addition to normal yard maintenance equipment shall be provided for each condominium unit.
- (13) The square footage for garages for a multifamily development shall be of adequate square footage to house a minimum of one seven-foot by 18-foot automobile.
- (14) At least 50 percent of the required total number of parking spaces shall be provided within covered parking such as garages or carports.

SECTION 11.11: ADDITIONAL STANDARDS FOR HOTEL DEVELOPMENT

The following additional standards shall apply to hotel development:

- a. Long uninterrupted expanses of building facades are prohibited. Articulation is required through the use of jogs, projections or retreats in the building walls, windows, balconies, entry ways and bays.
 - (1) All building entries adjacent to a street shall be pedestrian-scaled and shall include two or more of the following architectural treatments:
 - i. distinctive doorways;
 - ii. distinctive entry canopies or awnings;
 - iii. projected or recessed entry bays; porches;
 - iv. changes in paving material, texture, or color;
 - v. landscaping providing entry focal points;
 - vi. fountains;
 - vii. decorative benches;
 - viii. ornamental glazing,
 - ix. railings,
 - x. and balustrades.
 - (2) Stairs, hallways, and elevators shall be located within buildings and structures and not on the exterior of buildings and structures.

- (3) Guestrooms may be accessible only through interior corridors.
- (4) Excluding windows and doors, a minimum of 50 percent of the exterior of buildings shall consist of architectural approved building materials in this zoning district ordinance
- (5) If freestanding parking structures are used, such structures shall be located so as to be easily accessible to the buildings in which the guestrooms they service are located.
- (6) The exteriors of freestanding multistory parking structures shall have architecturally-designed masonry panels.
- (7) Outdoor delivery or service areas within view of any right-of-way or residential area shall be screened from view by masonry walls.
- (8) Outdoor recreational space within view of any right-of-way or residential area shall be screened from view by a combination of fencing and landscaping. The use of chain link fencing materials shall not satisfy the requirements for screening outdoor recreational space.

SECTION 11.12: SIGNS

- a. Additions to San Juan Code of Ordinances, Chapter 3 Building Regulations, Article 3, Signs specific to the proposed Expressway Corridor District (ECD)
 - (1) Signs in the Expressway Corridor District shall be in accordance with San Juan Code of Ordinances, Chapter 3 Building Regulations, Article 3, Signs.
 - (2) Signs shall not obscure the visibility of the windows of commercial structures. No more than 50 per cent of window may be used for sign lettering.
 - (3) For new developments or redevelopment a Sign Master Plan shall be submitted in accordance with Sec. 3.05.010, Master Sign Plan.
 - (4) For new digital billboard signs or conversion from static to digital signs, another sign(s) under the same ownership of equivalent square footage shall be removed.

SECTION 11.13 ADDITIONAL REQUIREMENTS FOR CAR WASH FACILITIES

- a. There shall be a 10,000-linear foot minimum separation between car wash facilities for properties with frontage along IH2/US Expressway 83. The distance shall be measured by a direct line from the corner of one property to the corner of another property.

SECTION II. REPEALER CLAUSE. This Ordinance shall be cumulative of all other ordinances dealing with the same subject and any provision of any ordinance in direct conflict with any provision of this Ordinance is hereby repealed and the provisions of this Ordinance shall supersede any provisions in conflict herewith; all provisions of any other ordinance not in conflict herewith shall remain in full force and effect.

SECTION III. SAVINGS CLAUSE. If any section, part, or provision of this ordinance is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Commission in passing this ordinance that its parts shall be severable and all other parts of this ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION IV. CODIFICATION CLAUSE. The provisions of Section I of this Ordinance are to be published in the location indicated in the Code of Ordinances of the City of San Juan, Texas, as soon as practicable.

SECTION V. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED, PASSED AND APPROVED on first reading at a regular meeting of the City Commission of the City of San Juan, Texas, at which a quorum was present and which was held in accordance with Vernon's Texas Codes Ann., Government Code, Section 551.041, on the _____, 2017.

READ, CONSIDERED, PASSED AND APPROVED on second and final reading at a regular meeting of the City Commission of the City of San Juan, Texas, at which a quorum was present and which was held in accordance with Vernon's Texas Codes Ann., Government Code, Section 551.041, on the _____, 2017.

CITY OF SAN JUAN

Mario Garza, Mayor

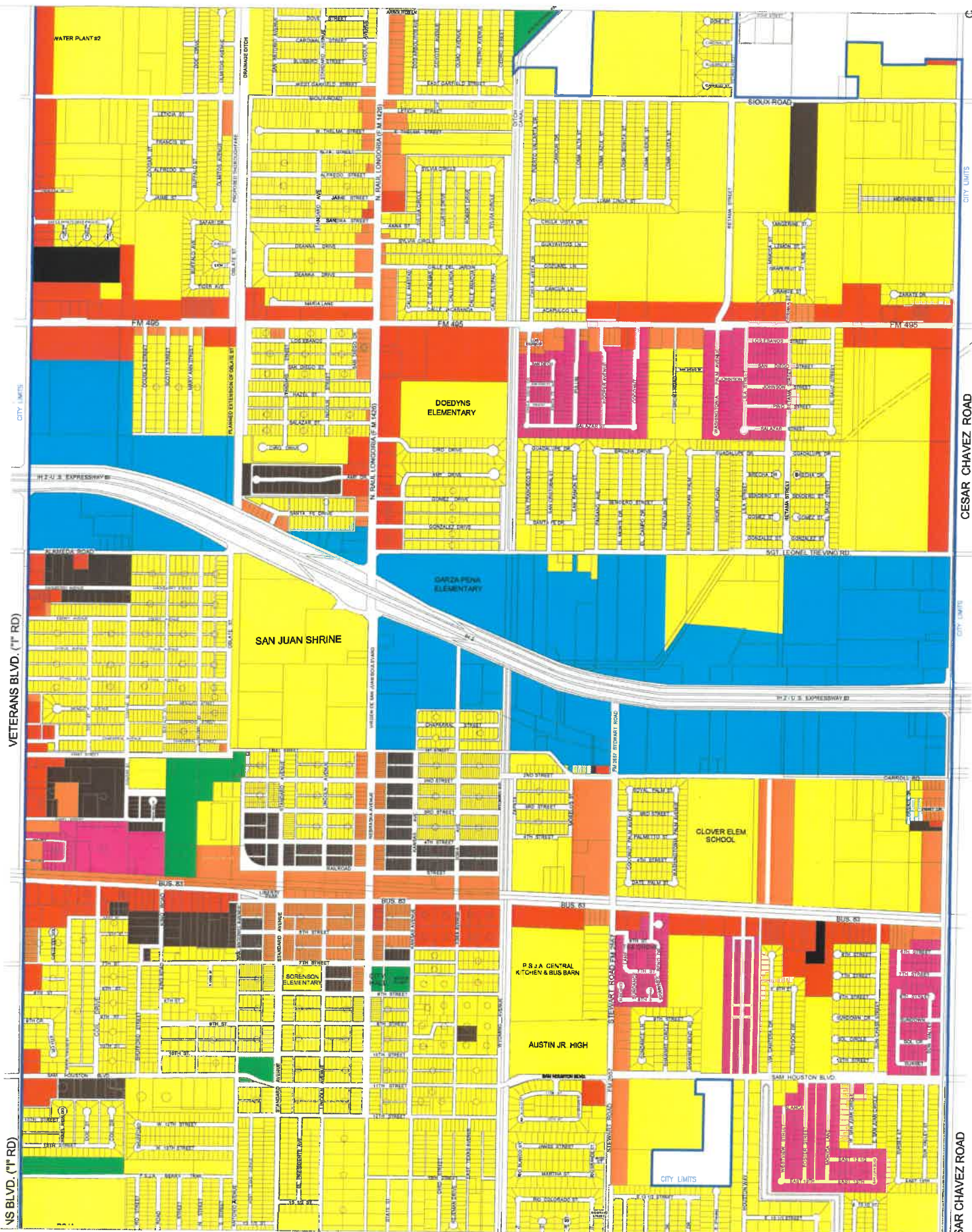
ATTEST:

Diana Cavazos, City Secretary

APPROVED BY:

Palacios, Garza & Thompson, P.C.

City Attorney



Zoning Districts

- | | | | |
|---|---------------------------------|---|--------------------------|
|  | Single Family Residential (R-S) |  | General Business (C-2) |
|  | Manufactured Home (R-MH) |  | Heavy Commercial (C-3) |
|  | Multi-Family Residential (R-MF) |  | Light Industrial (I-1) |
|  | Neighborhood Commercial (C-1) |  | Heavy Industrial (I-2) |
| | |  | Expressway Corridor (EC) |

City of San Juan Zoning Map

AGENDA ITEM AND RECOMMENDATION SUMMARY
CITY COMMISSION REGULAR MEETING
OCTOBER 10, 2017

Consider Adoption of an Ordinance in First Reading Granting to AEP Texas, Inc., Its Successors and Assigns, a Non-exclusive Franchise to Construct, Maintain and Operate Lines and Appurtenances and Appliances for Conducting Electricity In, Over, Under and Through the Streets, Avenues, Alleys and Public Places of the City of San Juan, Texas.

STAFF COMMENTS AND RECOMMENDATIONS:

The existing franchise agreement with American Electric Power (AEP) expired in April 7, 2016. The attached ordinance for your consideration will extend the franchise agreement until April 7, 2046.

The franchise agreement allows AEP to construct, maintain and operate lines, appurtenances and appliances for conducting electricity in, over, under and through the streets, avenues, alleys and public places of the City of San Juan.

RECOMMENDATION:

Adopt the franchise agreement ordinance as recommended by staff.

PREPARED BY:

Xavier Cervantes,
Director of Planning
and Zoning

APPROVED BY:

Benjamin Arjona, City
Manager

**AN ORDINANCE GRANTING TO AEP TEXAS INC., ITS SUCCESSORS AND
ASSIGNS, A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, MAINTAIN AND
OPERATE LINES AND APPURTENANCES AND APPLIANCES FOR
CONDUCTING ELECTRICITY IN, OVER, UNDER AND THROUGH THE
STREETS, AVENUES, ALLEYS AND PUBLIC PLACES OF THE CITY OF SAN
JUAN, TEXAS**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF
SAN JUAN, TEXAS, A MAJORITY OF MEMBERS CONCURRING:**

SECTION 1: Subject to Article IX of the Charter of the City of San Juan, Texas, to the extent not preempted by state or federal law, AEP Texas Inc., formerly known as AEP Texas Central Company, a corporation organized under the laws of the State of Delaware, its permitted successors and assigns, (hereinafter called “Company”) is hereby granted the non-exclusive right, privilege, franchise and authority for a term of thirty (30) years, beginning April 8, 2016 and ending April 7, 2046, to acquire, construct, maintain and operate in, above, under, across, over and along the streets, alleys, thoroughfares, bridges, and public places, as the same now exist or may hereafter be laid out, in the City of San Juan, State of Texas, (hereinafter called “City”), lines for the transmission and distribution of electric energy and services incidental thereto, either by means of overhead or underground conductors, with all necessary or desirable appurtenances and appliances, as currently installed or that may be installed in the future, including but not limited to electric substations, underground conduits, poles, towers, wires and transmission lines, and communications lines and associated fixtures to be used solely in connection with the operation of the electric system and grid and matters appurtenant thereto, all for the purpose of transmitting and distributing electrical energy to said City and the inhabitants thereof, and persons and corporations within and beyond the limits thereof, for light, heat, power and any other purpose or purposes for which electric

energy is now or may hereafter be used, and to license or lease space on or within the Company's poles, conduit and appurtenant facilities for the attachment of third party facilities.

SECTION 2: Poles and towers shall be erected so as not to interfere unreasonably with traffic over streets and alleys, and City may make and impose reasonable requirements fixing the location of poles, towers and conduits, provided that no such requirement shall be unreasonably burdensome upon Company or unreasonably interfere with the operation or maintenance of said facilities.

SECTION 3: City hereby grants to Company permission to cut, trim, treat and dispose of trees and other vegetation upon and overhanging the streets, alleys, avenues, sidewalks, and other public places of the City in the vicinity of Company's electric facilities where such trees and other vegetation, in Company's reasonable opinion, constitute a hazard to Company's personnel or facilities, or the provision of continuous electric service.

SECTION 4: The Company shall fully indemnify and save harmless the City from any and all damage, loss, action or cause of action arising in whole or in part from Company's exercise of any of its rights, privileges, franchises and obligations hereunder, except to the extent arising out of City's negligence or willful misconduct.

SECTION 5: For and as full consideration and compensation for this franchise and the rights, privileges and easements granted and conferred thereby and as rental for the use of the streets, alleys and other public areas within or that may hereafter be within said City, the Company shall pay said City an amount calculated in accordance with the methodology prescribed by applicable law, as it exists today in the form and substance of the Texas Public Utilities Regulatory Act (PURA) Section 33.008(b), Texas Utilities Code, or the same as may hereafter be changed, modified or replaced; to-wit: a charge equal to the total electric

franchise fee revenue due City from Company for calendar year 1998 divided by the total kilowatt hours delivered by Company to retail customers whose consuming facilities' points of delivery were located within the City's boundaries during 1998 (the charge per kilowatt hour determined for 1998) multiplied times the number of kilowatt hours delivered by Company to retail customers within the City's boundaries. A payment made on the basis of the foregoing applicable law or any change, modification or replacement thereof will be made each month throughout the term herein provided for, with each such payment to be made on the first business day of the second month following the month in which the deliveries occur.

The City shall notify the Company in writing of newly annexed and de-annexed areas. The notice shall include the ordinance number authorizing the action, an appropriate map identifying the areas and documentation of the notice to the State of Texas regarding the annexation or de-annexation. The Company shall have no responsibility for commencing payments to City for kilowatt hours delivered in newly annexed areas until it shall have received City's notification. Upon City's notification and starting the 91st day after receipt of such notice, the Company will commence payments to the City for kilowatt hours delivered in each newly annexed area and will make any appropriate adjustments in payments reflecting over deliveries of kilowatt hours in any prior month resulting from inclusion of kilowatt hours from de-annexed areas in the calculation of the monthly charge. Payments for deliveries in newly annexed areas and adjustments for over deliveries in de-annexed areas shall be made back to the effective date of the ordinance.

SECTION 6: This franchise ordinance may be transferred in accordance with Article IX, Section 9.02 of City's Charter, and whenever in this ordinance the City or Company is referred to, such reference shall be deemed to include the permitted respective successor or

assign of either, and all rights, privileges, franchises and obligations herein contained shall bind and inure to the benefit of such successor or assign, in which event the predecessor of such successor or assign is divested of all such rights, privileges, franchises or obligations, whether so expressed or not.

SECTION 7: The terms and provisions of this ordinance are joint and several, and the invalidity of any part shall not affect the validity of the remainder of the ordinance.

SECTION 8: This ordinance shall take effect sixty (60) days after adoption of this franchise ordinance on its third and final reading, provided that Company shall file its written acceptance of this franchise within ninety (90) days after the adoption of this ordinance and upon such acceptance, the electric franchise under which the City has been operating heretofore, shall stand surrendered.

SECTION 9: During the 60-day period after final passage of this ordinance and before such ordinance takes effect, the full text of such ordinance shall be published once each week for four consecutive weeks in one or more newspapers of general circulation in the City, and the expense of such publication shall be borne by Company.

INTRODUCED, READ FOR THE FIRST TIME AND PASSED to the second reading at a regular meeting duly and regularly called and held on the 10th day of October, 2017, by the following vote:

AYES:	_____	NAYES:	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

INTRODUCED, READ FOR THE SECOND TIME AND PASSED to the third reading at a regular meeting duly and regularly called and held on the 24th day of October, 2017, by the following vote:

AYES:	_____	NAYES:	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

INTRODUCED, READ FOR THE THIRD TIME AND FINALLY PASSED AND ADOPTED in written form at a regular meeting duly and regularly called and held on the 14th day of November, 2017, by the following vote:

AYES:	_____	NAYES:	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

APPROVED, this the 14th day of November, 2017.

The Honorable Mayor of the City of San Juan, Texas

Printed Name

ATTEST:

City Secretary

Printed Name

STATE OF TEXAS §

COUNTY OF HIDALGO §

I, the undersigned, City Secretary of the City of San Juan Texas, hereby **CERTIFY** that the above and foregoing is a true and correct copy of a franchise ordinance passed, adopted and approved by the City Commission of the City of San Juan, Texas, at a meeting duly and regularly called and held on the 14th day of November, 2017.

IN TESTIMONY WHEREOF, witness my hand and seal of office, this 14th day of November, 2017.

City Secretary of the City of
San Juan, Texas

AN ORDINANCE GRANTING TO CENTRAL POWER
AND LIGHT COMPANY, A CORPORATION DULY
INCORPORATED UNDER THE LAWS OF THE STATE
OF TEXAS, ITS SUCCESSORS AND ASSIGNS, AN
ELECTRIC LIGHT, HEAT AND POWER FRANCHISE

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAN
JUAN, TEXAS:

SECTION 1: That there is hereby granted to CENTRAL
POWER AND LIGHT COMPANY, its successors and assigns, (herein
called the "Grantee"), the right, privilege and franchise
until April 7th, 2016, to construct, maintain and
operate in the present and future streets, alleys and public
places of the City of San Juan, Texas, as the limits of said
City now exist and as they may hereafter be extended, and its
successors, electric light and power lines, with all neces-
sary or desirable appurtenances (including underground
conduits, poles, towers, wires and transmission lines, and
telegraph and telephone wires for its own use) for the purpose
of supplying electricity to the said City, the inhabitants
thereof, and persons and corporations within and beyond the
limits thereof, for light, heat, power and other purposes.

SECTION 2: Poles and towers shall be erected so as not
to interfere unreasonably with traffic over streets and
alleys, and the City may make and impose reasonable require-
ments fixing the location of poles, towers and conduits,
provided that no such requirement shall be unreasonably
burdensome upon Grantee or unreasonably interfere with the
proper operation of said facilities.

SECTION 3: The service furnished hereunder to said City
and its inhabitants shall be subject to such reasonable rules
and regulations as the Grantee shall make from time to time.
The Grantee may require reasonable security for the payment
of its bills and reasonable fees in connection with furnishing
said service.

SECTION 4: The Grantee shall hold the City harmless of and from all expense or liability for any act or neglect of the Grantee hereunder.

SECTION 5: As consideration for the rights and privileges herein granted, the Grantee will pay to the City throughout the term of this franchise, a gross receipts tax equal to two percent (2%) of the gross receipts of Grantee from the sale of electricity within and for use within the corporate limits of the City, in semiannual payments, being payments on or before each May 1, computed on said gross receipts during the period of six months ending on the preceding March 31, and on or before November 1, computed on said gross receipts during the period of six months ending on the preceding September 30. In the event Grantee should agree to pay to any other municipality which it serves a greater percentage than two percent (2%) of its said gross receipts, Grantee will automatically thereafter pay to the City of San Juan, Texas, the same percentage of its gross receipts within the City of San Juan, Texas, derived from the sale of electric energy.

SECTION 6: This franchise is not exclusive and nothing contained herein shall be construed to prevent the City from granting other like or similar rights and privileges to any other person, firm or corporation permitted by law to provide electric utility service within the boundaries of the City.

SECTION 7: This franchise ordinance shall be read at three separate regular meetings of this City Commission and shall not be finally passed until thirty (30) days after the first reading and shall not take effect until sixty (60) days after its final passage, pending which time the full text hereof shall be published once each week for four (4) consecutive weeks in the official newspaper published in the

City, the expense of which publication shall be borne by Central Power and Light Company as the franchise hereunder.

SECTION 8: This grant is conditioned that the Grantee shall file its written acceptance of this franchise within ninety (90) days after the adoption of this ordinance, and upon such acceptance, the electric franchise under which said Grantee has been operating heretofore in the City of San Juan, Texas, being the electric franchise granted to Central Power and Light Company, its successors and assigns, to continue in effect until December 31, 2004, by an ordinance adopted by the City Commission of the City of San Juan, Texas, and approved on the 20th day of January, 1975, shall stand terminated and surrendered.

INTRODUCED in written form and read, and passed at first reading at a regular meeting duly and regularly called and held on this the 3rd day of February, 1986, by the following vote, to-wit:

AYES <u>Mayor Salas</u>	NAYS _____
<u>Mayor Pro Tem Lopez</u>	_____
<u>Commissioner Garcia</u>	_____
_____	_____
_____	_____
_____	_____

PASSED at second reading at a regular meeting duly and regularly called and held on this the 3rd day of March, 1986, by the following vote, to-wit:

AYES <u>Mayor Salas</u>	NAYS _____
<u>Mayor Pro Tem Lopez</u>	_____
<u>Commissioner Garcia</u>	_____
<u>Commissioner Romero</u>	_____
<u>Commissioner Barrister</u>	_____
_____	_____

PASSED and ADOPTED at third and final reading at a regular meeting duly and regularly called and held on this the 7th day of April, 1986, being not less than thirty (30) days after the first reading, by the following vote, to-wit:

AYES	<u>Mayor Palacios</u>	NAYS	_____
	<u>Commissioner Sanchez</u>		_____
	<u>Mayor Pro Tem Lopez</u>		_____
	<u>Commissioner Garcia</u>		_____
	<u>Commissioner Hernandez</u>		_____
	_____		_____

Heidi Palacios
MAYOR OF THE CITY OF SAN JUAN,
TEXAS

ATTEST:

Beverly M. Hurt
CITY SECRETARY

THE STATE OF TEXAS §
§
COUNTY OF HIDALGO §

I, the undersigned, City Secretary of the City of San Juan, Texas, hereby CERTIFY that the above and foregoing is a true and correct copy of a franchise ordinance passed, adopted and approved by the City Commission of the City of San Juan, Texas, at a meeting duly and regularly called and held on the 7th day of April, 1986.

IN TESTIMONY WHEREOF, witness my hand and seal of office this the 7th day of April, 1986.

Beverly M. Hurt
CITY SECRETARY OF THE CITY OF
SAN JUAN, TEXAS

AGENDA ITEM AND RECOMMENDATION SUMMARY
CITY COMMISSION REGULAR MEETING
OCTOBER 10, 2017

Consider Authorizing the City Manager to Enter Into a Contract for the Purchase of Water Between the City of San Juan and Hidalgo Irrigation District No. 2 to Divert Water for Municipal Purposes in an Amount of 300.00 Acre-Feet.

STAFF COMMENTS AND RECOMMENDATIONS:

From time to time the City of San Juan has to Enter Into a Contract for Water to Divert Water Pursuant to Certificate of Adjudication No. 0808-000 in Such Quantities as May Be Required by the City and to be Used for Municipal Purposes. Water will be used with Certificate of Adjudication No. 0873-000 in Order to Fulfill Customer Demands.

RECOMMENDATION:

Authorize the City Manager to Enter in a Contract for the Purchase of Water Rights Between the Hidalgo County Irrigation District No. 2 and the City of San Juan to Divert Water in an Amount of 300.00 Acre-Feet to be Used for Municipal Purposes.

PREPARED BY:

David Salinas,
Director of Utilities

APPROVED BY:

Benjamin Arjona, City
Manager
