

**MINUTES
BOARD OF COMMISSIONERS
REGULAR CALLED MEETING
TUESDAY, DECEMBER 3, 2013 AT 5:00 P.M.
118 SOUTH CAGE 2ND FLOOR**

The Board of Commissioners of the City of Pharr, Texas, met in a Regular Called Meeting on Tuesday, December 3, 2013 and following is the record of attendance.

BOARD OF COMMISSIONERS PRESENT: Mayor Leopoldo Palacios Jr.
Mayor Pro-Tem Adan Farias
Comm. Arturo Cortez
Comm. Roberto Carrillo
Comm. Oscar Elizondo, Jr.
Comm. Edmund Maldonado, Jr.
Comm. Aquiles Garza

BOARD OF COMMISSIONERS ABSENT: None

STAFF PRESENT: Fred Sandoval, City Manager
David Garza, Asst. City Mgr./Utilities Dir.
Sonia H. Padron, Asst. City Clerk
Javier Rodriguez, C.D. Director
Juan Guerra, Chief Financial Officer
Ruben Villescas, Police Chief
Jaime Guzman, Fire Chief
Frank Marin, Parks & Recreation Dir.
Roy Garcia, Public Works Director
Edward Wylie, Pharr Dev. Services Dir.
Adolfo Garcia, Library Director
Raul Garza, Admin. Services Director
Gary Rodriguez, External Affairs Mgr.
Jason Arms, I.T. Director
Roel Garza, Athletics Director
Roy S. Garcia, Pharr Events Center
Tony Sandoval, EDC Manager

CITY ATTORNEY Michael Pruneda, City Attorney
CITY ENGINEER Bill Ueckert, City Engineer

ITEM 1 CALL TO ORDER:

Mayor Palacios called the meeting to order at 5:17 p.m. Roll Call established a quorum.

A) ROLL CALL AND POSSIBLE ACTION ON THE EXCUSING OF ANY ABSENT MEMBER OF THE GOVERNING BODY.

All present.

B) PLEDGE OF ALLEGIANCE / INVOCATION.

Ed Arjona led in the pledge of allegiance and said the prayer.

ITEM 2 CITY MANAGER'S REPORTS:

- A) City Engineer's Report – Bill Ueckert
- B) City Events of Interest
- C) Legislative/Project Update
- D) Rio Grande Valley Walk of Fame Nominations

Mayor Palacios introduced the item.

Fred Sandoval, City Manager, stated the City Engineer was in the audience and any questions on projects could be entertained at this time.

Comm. Carrillo asked for an update on the project at Dr. Long Park.

David Garza, Assistant City Manager, stated a well was being built and the water needed to be tested and have a comparison done before the project commences. He further stated an agreement had been reached with Descon to start the construction of the park in January 2014 after the well is completed.

Fred Sandoval, City Manager, announced a small delegation would be traveling to San Antonio on Tuesday, December 10, 2013 to accept the HEB Healthy Community Challenge Award and thanked David Garza for taking over the challenge. He reported the City of Pharr Christmas Lighted Parade and Lighting of the Christmas Tree would take place on Saturday, December 7, 2013 at 6:00 p.m. He further reported that David Garza, Assistant City Manager, and Eddie De Leon, both had received the triple "A" certification for water, wastewater and lab. He stated the City of Pharr was currently the only city in Texas to have more than one triple "A" certified employees and congratulated both of them. Mr. Sandoval advised the Board that a trip to Washington was being scheduled next week on December 9-11, 2013 to take up some issues with CBP and the State Department and extended an invitation to any elected official wishing to attend. He also advised them about the nominations for the 2014 Walk of Fame and asked them to start thinking of persons to nominate at the next regular meeting on December 17, 2013.

Mayor Palacios extended an invitation to the public to attend the Lighted Christmas Parade on Saturday, December 7, 2013 at 3:00 p.m. and the lighting of the Christmas tree at 6:00 p.m.

ITEM 3 CONSENT AGENDA: (All items listed under consent Agenda are considered to be routine and non-controversial by the Governing Body and will be enacted by one motion. Any Commissioner may remove items from the consent agenda by making such request prior to a motion and vote on the Consent Agenda)

- A) CONSIDERATION AND ACTION, IF ANY, ON REQUEST FROM SOUTH TEXAS WALKING CLUB FOR SUPPORT AND ASSISTANCE TO THE TEXAS LARGEST JUDGED RACEWALKS ON SATURDAY, JANUARY 4, 2014**
- B) CONSIDERATION AND ACTION, IF ANY, ON REQUEST TO ADVERTISE FOR THE PURCHASE & DELIVERY OF CONSTRUCTION MATERIALS (TYPE D HMAC-LIMESTONE AGGREGATE, TY D COLD MIX, TYPE F GRADE 3 CALICHE) FOR PUBLIC WORKS ANNUAL USE (FY 2013-2014)**
- C) CONSIDERATION AND ACTION, IF ANY, ON AUTHORIZING CITY MANAGER TO NEGOTIATE CONTRACT WITH CRUZ HOGAN FOR WEST AND EAST HALL ACRES LIFT STATION PROJECT**
- D) CONSIDERATION AND ACTION, IF ANY, ON AUTHORIZING CITY MANAGER TO NEGOTIATE CONTRACT WITH S & GE ENGINEERING (SHERFEY) FOR E. NOLANA LIFT STATION AND FORCE MAIN PROJECT**
- E) CONSIDERATION AND ACTION, IF ANY, ON PLANNING & ZONING CASES:**

PUBLIC HEARING

1. Manuel Salazar, d/b/a Beer Barn, requested renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). The property is legally described as Lots 31 and 32, Block 30, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 230 W. State Avenue
2. Leticia Mosqueda, d/b/a Recuerdos Restaurant, requested renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). The property is legally described as All of Lots 4-12, Block 58, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 321 S. Cage Blvd
3. Thomas Allen Morgan, Dennis Richard Wilczek, and John Joseph Jailor, d/b/a Nomad Shrine Club, requested renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). The property is legally described as Lots 1-5, Palm Valley Gardens Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1044 W. Nolana

Fred Sandoval, City Manager, introduced items 4A through 4E (3).

Mayor Palacios stated no one had signed to speak during the public hearing portion of the meeting.

Comm. Elizondo moved to approve items 4A through 4E(3) under the consent agenda. Comm. Carrillo seconded the motion and when put to a vote, it carried unanimously.

REGULAR AGENDA – OPEN SESSION:

PUBLIC HEARING: SOLICITATION OF COMMENTS ON PROPOSED RENEWAL OF THE JUVENILE CURFEW ORDINANCE

Fred Sandoval, City Manager, introduced the item and stated no one had signed up to speak for the public hearing.

ITEM 4 ORDINANCES AND RESOLUTIONS:

A) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE RENEWING ORDINANCE NO. O-2009-41 ESTABLISHING A JUVENILE CURFEW

Fred Sandoval, City Manager, introduced the item and stated the ordinance was being presented for first and final reading and recommended approval.

Ruben Villegas, Police Chief, briefly went over the curfew ages and hours and stated the juvenile curfew ordinance was in existence since 2009 and was required to be adopted every 3 years. He reported juvenile crime was down from 2009 to present but with attracting new businesses opening up, such as Cinemark, he requested the ordinance be extended and approved on first at final reading so it could be in place and enforced.

Comm. Carrillo moved to approve the first and final reading of the ordinance. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously. Ordinance No. O-2013-48 is filed with the City Clerk's Office.

B) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE FOR A MORATORIUM ON THE ISSUANCE OF PERMITS FOR MOTOR VEHICLE BUSINESSES WITHIN THE CITY OF PHARR

Fred Sandoval, City Manager, introduced the item and stated this was the second reading of the ordinance and recommended approval.

Comm. Cortez moved to approve the second and final reading of the ordinance. Comm. Carrillo seconded the motion and when put to a vote, it carried unanimously. Ordinance No. O-2013-49 is filed with the City Clerk's Office.

Fred Sandoval, City Manager, briefly explained the moratorium would allow staff to regulate the location of businesses in the downtown area and designate and define the City's downtown area.

C) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE DESIGNATING CODE VIOLATIONS SUBJECT TO A FINE AS CLASS C MISDEMEANORS

Fred Sandoval, City Manager, introduced the item and stated this was the second reading of the ordinance and recommended approval.

Comm. Garza moved to approve. Comm. Farias seconded the motion and when put to a vote, it carried unanimously.

D) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE ESTABLISHING RESTRICTIONS ON PERMITTING, CERTIFICATES, AND OTHER CITY ISSUED AUTHORIZATIONS FOR PERSONS AND ENTITIES HAVING OUTSTANDING CITY DEBTS AND OBLIGATIONS

Fred Sandoval, City Manager, introduced the item and stated this was the second reading of the ordinance and recommended approval.

Comm. Carrillo moved to approve. Comm. Maldonado seconded the motion and when put to a vote, it carried unanimously.

E) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION AUTHORIZING POLICE CHIEF TO SUBMIT A GRANT APPLICATION TO THE STATE OF TEXAS LOCAL BORDER SECURITY PROGRAM FY 2014 FOR "BORDER SAFEGUARDING PROJECT"

Fred Sandoval, City Manager, introduced the item and recommended approval.

Comm. Cortez moved to approve. Comm. Garza seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2013-72 is filed with the City Clerk's Office.

F) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPOINTING/RE-APPOINTING (4) REGULAR MEMBERS TO THE PLANNING AND ZONING COMMISSION DUE TO THE EXPIRATION OF THEIR TERMS FOR ROMEO ROBLES, VICTOR CARRILLO III, GUADALUPE CANO AND CHARLIE RAMIREZ

Fred Sandoval, City Manager, introduced the item and recommended approval.

Comm. Farias moved to re-appoint Romeo Robles, Victor Carrillo III, Guadalupe Cano and Charlie Ramirez to the Planning and Zoning Commission. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2013-73 is filed with the City Clerk's Office.

G) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPOINTING/RE-APPOINTING (2) REGULAR MEMBERS TO THE BOARD OF ADJUSTMENT COMMISSION DUE TO THE EXPIRATION OF THEIR TERMS FOR RAY SANCHEZ AND ROMEO CUELLAR

Fred Sandoval, City Manager, introduced the item and recommended approval.

Comm. Carrillo moved to re-appoint Ray Sanchez and Romeo Cuellar to the Board of Adjustment Commission. Comm. Garza seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2013-74 is filed with the City Clerk's Office.

H) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPROVING THE ADVANCE FUNDING AGREEMENT (AFA) WITH TXDOT – TRANSPORTATION ENHANCEMENT PROJECT CITY OF PHARR BICYCLE ACCESSIBLE IMPROVEMENTS (HIKE & BIKE TRAIL) – CSJ #0921-02-324

Fred Sandoval, City Manager, introduced the item and recommended approval.

Comm. Cortez moved to approve. Comm. Garza seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2013-75 is filed with the City Clerk's Office.

At this time Fred Sandoval, City Manager, stated they would deviate from the agenda and discuss items 6A through 6C. There was no objection.

ITEM 6 CONTRACTS/AGREEMENTS:

A) CONSIDERATION AND ACTION, IF ANY, ON INTERLOCAL AGREEMENT BETWEEN THE CITY OF PHARR AND HIDALGO COUNTY REGIONAL MOBILITY AUTHORITY

Fred Sandoval, City Manager, introduced the item and stated this was a funding agreement to allow some of the Regional Mobility Authority's (RMA) projects to continue. He added it was a commitment of \$25,000 a year for ten (10) years and some of the entities involved were Pharr, Edinburg, San Juan, Alamo, Donna, Weslaco, County Precinct #1 and County Precinct #2. He recommended approval subject to all other entities committing to the agreement.

Comm. Garza asked if the monies were allocated for only certain projects.

Fred Sandoval, City Manager, stated the allocated funds were for right-of-way acquisition and access roads for a link from RMA's eastern loop to North U.S. Expressway 281.

Comm. Carrillo moved to approve. Comm. Garza seconded the motion and when put to a vote, it carried unanimously.

B) CONSIDERATION AND ACTION, IF ANY, ON A TWO YEAR INTERLOCAL AGREEMENT EXTENSION FOR HIDALGO COUNTY HEAD START PROGRAM CENTERS LOCATED AT 415 E. CLARK AND 714 ZAPATA, PHARR HIDALGO COUNTY, TEXAS

Fred Sandoval, City Manager, introduced the item and recommended approval.

Comm. Elizondo moved to approve. Comm. Maldonado seconded the motion and when put to a vote, it carried unanimously.

C) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO ENTER INTO CONTRACT WITH CDM SMITH FOR TRAFFIC STUDY AND VALUATION

Fred Sandoval, City Manager, introduced the item and stated no action would be taken at this time.

At this time, he stated they would go into executive session to discuss pending items. There was no objection.

ITEM 7 CLOSED SESSION: IN ACCORDANCE WITH CHAPTER 551 OF THE TEXAS GOV'T. CODE, THE PHARR BOARD OF COMMISSIONERS HEREBY GIVES NOTICE THAT IT WILL MEET IN EXECUTIVE SESSION TO DISCUSS THE ITEMS LISTED ON THE PUBLIC PORTION OF THE MEETING AGENDA, INCLUDING ITEMS 3 – 6

Mayor Palacios stated the time being 5:41 pm; the Board of Commissioners would be entering a closed session in accordance with Chapter 551 of the Texas Govt. Code to discuss agenda items listed in the public portion of the agenda and Pursuant to Sections 551.071, 551.072, 551.074, 551.076, 551.084 and 551.087.

ITEM 8 RECONVENE INTO REGULAR SESSION, AND CONSIDER ACTION, IF NECESSARY ON ANY ITEM(S) DISCUSSED IN EXECUTIVE SESSION

Mayor Palacios stated the time being 6:44 pm; the board had completed its closed session and would be resuming the open meeting.

ITEM 5 ADMINISTRATIVE:

A) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO NEGOTIATE CONTRACT WITH AMERI-LINK CAPITAL, LLC, ET AL

Fred Sandoval, City Manager, introduced the item and recommended approval.

Comm. Carrillo moved to approve. Comm. Cortez seconded the motion and when put to a vote, it carried unanimously.

ITEM 9 ADJOURNMENT:

There being no other business to come before the board, Comm. Elizondo moved to adjourn. Comm. Maldonado seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:45 p.m.

CITY OF PHARR



LEOPOLDO "POLO" PALACIOS, JR.
MAYOR

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF PHARR

ON THIS THE 3RD DAY OF DECEMBER, 2013 the Board of Commissioners of the City of Pharr, Texas convened in a **REGULAR CALLED MEETING** at the Commissioner's Room located at 118 S. Cage, 2nd Floor, Pharr, Texas. The meeting being open to the public and notice of said meeting, giving the date, place, subject, hereof, having been posted in accordance with Chapter 551, Texas Government Code (Open Meetings Act) and there being present a quorum, I, **HILDA PEDRAZA, CITY CLERK**, of the City of Pharr, Texas, certify that this is a true and correct copy of the minutes.

ATTEST:



HILDA PEDRAZA, CITY CLERK

APPROVED: December 17, 2013