

**MINUTES
BOARD OF COMMISSIONERS
REGULAR-SPECIAL CALLED MEETING
MONDAY, NOVEMBER 18, 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-Special Called Meeting on Monday, November 18, 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
Jason Arms, I.T. Director
Roel Garza, Athletics Director
Roy S. Garcia, Pharr Events Center
Fred Brouwen, Asst. Bridge Director
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 12:16 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.

C) OATH OF OFFICE FOR COMMISSIONER PLACE 4

Aida V. Montoya, Notary Public, administered the oath to newly elected Comm. Edmund Maldonado, Jr.

ITEM 2 PROCLAMATIONS:

**A) PRESENTATION OF PROCLAMATION PROCLAIMING
INTERNATIONAL FIREFIGHTER RECOGNITION DAY**

Mayor Palacios read Proclamation P-2013-22 proclaiming the 18th day of November, 2013 as International Firefighter Day. Fire Chief Jaime Guzman received proclamation.

ITEM 3 CITY MANAGER'S REPORTS:

- A) City Engineer's Report - Bill Ueckert
- B) Submission of monthly report – Pharr Municipal Court
- C) Submission of October 2013 Tax Collection Report
- D) Submission of November 2013 Sales Tax Report
- E) Submission of Quarterly Report ending September 30, 2013
- F) City events of interest
- G) Legislative/Project Update

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. Elizondo asked what was the completion date for Sam Houston project and the restart date for Fir Street project. Bill Ueckert, City Engineer, stated the completion date for Sam Houston Street was scheduled for the 2nd week of January 2014.

Roy Garcia, Public Works Director, stated his department was working on an emergency repair of a water line installation and would restart the road work on Fir Street sometime this week.

Mayor Palacios asked about the road repairs for City Road and East Anaya Road.

Roy Garcia, Public Works Director, reported City Road project had been on the city's books since last year. He added additional right-of-way was needed to be dedicated to allow access to the end road and the utility relocation was taking longer than anticipated. He stated once the utilities were relocated, expansion of the road would take place. He further reported funds were earmarked for next fiscal year for East Anaya Street but in the meantime, temporary improvements would take place to rehabilitate the asphalt until the reconstruction commences next fiscal year.

Comm. Cortez congratulated Comm. Maldonado on his appointment as City Commission and thanked former Commissioner Eddie Cantu for his service while Commissioner of the City of Pharr. He further asked staff to look into the street lights that were out at the intersection of Bell Street and Veterans Boulevard and the intersection of Alan Street and Veterans Boulevard.

Comm. Elizondo echoed Comm. Cortez in congratulating and welcoming Comm. Maldonado to the Board and thanking former Commissioner Eddie Cantu for his service.

Mayor Palacios also congratulated and welcomed Comm. Maldonado to the Board.

Comm. Maldonado thanked the Board, family and friends for their support.

Comm. Farias congratulated Comm. Maldonado and asked him to introduce his family and friends.

Fred Sandoval, City Manager, welcomed Comm. Maldonado on behalf of staff and all City of Pharr employees. He reported sales tax were up this month over 5.8%.

Comm. Elizondo requested to go over the delinquent tax report.

Juan Guerra, Chief Financial Officer, reported at the end of last fiscal year, the City changed delinquent tax attorneys from Perdue, Brandon, Fielder, Collins & Mott, LLP in association with the Law Offices of John David Franz to Linebarger Goggan Blair and Sampson, LLP. During the initial first two quarters, Linebarger Goggan Blair and Sampson, LLP had collected less delinquent taxes as compared to the same time last year with Perdue Perdue, Brandon, Fielder, Collins & Mott, LLP in association with the Law Offices of John David Franz. By the end of the fiscal year, Linebarger Goggan Blair and Sampson, LLP had a short fall of \$300,000. The firm presented a report to the Board as to why the projections were down, the difference in collections between the two firms, and the projections for next fiscal year. He further stated the current tax collections were up but the delinquent tax collections were down from the same time last year.

Comm. Elizondo asked what happens to the budget when this is a shortfall.

Juan Guerra, Chief Financial Officer, briefly explained a budget amendment needed to be done and was an item on this agenda.

Comm. Garza asked if Linebarger Goggan Blair and Sampson, LLP had indicated if they had any new strategies to increase their collections.

Juan Guerra, Chief Financial Officer, stated he would acquire and provide the information to them at the next regular scheduled meeting.

Comm. Cortez thanked staff and all employees who helped at the Veterans Day Parade and firework display.

Fred Sandoval, City Manager, stated most departments entered a float and announced the winner of the float contest was Pharr Development Services and Engineering Departments. He further reported the city was moving forward on the EB5 Regional Designation and the possibility of bringing in a medical facility and other projects that could potentially revitalize downtown. He added he would be meeting with some of the principles next Friday to finalize some of the projects.

A brief discussion followed concerning the implementation of the EB5 program, the liability and where the funding comes from.

ITEM 4 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) APPROVAL OF MINUTES FOR NOVEMBER 4, 2013 – REGULAR-SPECIAL CALLED MEETING

B) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO ADVERTISE FOR THE CONSTRUCTION OF MOORE ROAD DRIVEWAY TO PHARR POLICE DEPARTMENT FACILITY

C) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPOINTING/RE-APPOINTING FOUR (4) MEMBERS TO THE PARKS & RECREATION BOARD

D) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPOINTING/RE-APPOINTING ONE (1) MEMBER TO THE CIVIL SERVICE COMMISSION

E) CONSIDERATION AND ACTION, IF ANY ON CHANGE ORDER #6 IN THE ADDITIONAL AMOUNT OF \$299,204.51 AND INCREASE NINETY (90) DAYS TO THE CONTRACT FOR THE PHARR AQUATIC CENTER

F) CONSIDERATION AND ACTION, IF ANY, ON PLANNING & ZONING CASES:

PUBLIC HEARING

1. John W. Thornton, representing Peace and Thornton Partnership, requested a change of zone from a Single-Family Residential District (R-1) to General Business District (C). The property is legally described as a portion of land out of the W10 acres of the N½ Exc. 2.36 acres & Exc. 1.44 acre US Hwy 281, R.O.W. Lot 141, 6.2 acres Gross 5.67 acres NET, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 2710 North Cage Boulevard.
2. Saul D. Maldonado, SAM Engineering and Surveying, Inc., representing Mario A. Bracamontes and Alicia E. Jaime, requested a change of zone from an Agricultural Open-Space District (A-O) to a Single-Family Residential District (R-1). The property is legally described as a 1.00 acre tract of land out of Lot 245, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 222 West Rancho Blanco Road.
3. Aaron A. Cardenas d/b/a Easton Construction, requested a change of zone from a Single-Family Residential District (R-1) to an Office-Professional District (O-P). The property is legally described as Lot 65, Beamsley Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1215 West Truman St.

Mayor Palacios, introduced items 4A through 4F(3).

Comm. Farias **moved** to approve items 4A through 4F(3) under the consent agenda. Comm. Carrillo seconded the motion.

Mayor Palacios expressed some concerns with item 4F(3) changing the zone of the property from residential to office professional.

The motion was put to a vote, it carried unanimously for items 4A through 4F(2) and by a majority vote of six (6) ayes to one (1) nay for item 4F(3). Mayor Palacios voted against item 4A(3). Ordinance No. O-2013-44; O-2013-45; O-2013-46 and Resolution No. R-2013-68 and R-2013-69 are filed with the City Clerk's Office.

REGULAR AGENDA – OPEN SESSION:

PUBLIC HEARING: SOLICITATION OF COMMENTS ON POSSIBLE MORATORIUM ON THE ISSUANCE OF ANY PERMITS FOR USED MOTOR VEHICLE BUSINESSES

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

At this time, Mr. Sandoval stated they would deviate from the agenda and discuss item 5E. There was no objection.

ITEM 5 ORDINANCES AND RESOLUTIONS:

E) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION FOR FINAL IMPOSITION OF A MORATORIUM ON THE ISSUANCE OF PERMITS FOR USED MOTOR VEHICLE BUSINESSES WITHIN THE CITY OF PHARR

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

Comm. Garza **moved** to approve. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2013-70 is filed with the City Clerk's Office.

A) 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 first reading of the ordinance and recommended approval.

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

**B) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING
ORDINANCE NOS. O-2013-18 AND O-2012-53 FOR BUDGET
AMENDMENTS TO THE FY 2012-2013 BUDGET**

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

Comm. Cortez moved to approve. Comm. Carrillo seconded the motion and when put to a vote, it carried unanimously. Ordinance No. O-2013-47 is filed with the City Clerk's Office.

**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 first reading of the ordinance and recommended approval.

Comm. Carrillo 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 first reading of the ordinance and recommended approval.

Edward Wylie, Development Services Director, stated this ordinance would put into place any debt owed to the city, no permit would be issued to the requestor until the debt is paid.

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

**F) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION
REQUESTING THE CLOSURE OF U.S. 281 (CAGE BLVD.) FROM
POLK AVENUE TO KELLY AVENUE FOR THE CITY OF PHARR
CHRISTMAS FIESTA AND LIGHTED PARADE SCHEDULED FOR
SATURDAY, DECEMBER 7, 2013 FROM 3:00 PM TO 10:00 PM**

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

Comm. Farias moved to approve. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2013-71 is filed with the City Clerk's Office.

ITEM 6 ADMINISTRATIVE:

**A) CONSIDERATION AND ACTION, IF ANY, ON REQUEST FROM
OSCAR VERA TO OCCUPY PROPERTY LOCATED AT 209 W.
NEWCOMBE AVENUE TO DISPLAY HIS COLLECTION OF SMALL
SCALE MODEL CARS AND SET UP SMALL WORKSHOPS ON HOW
TO BUILD THEM**

Fred Sandoval, City Manager, introduced the item and briefly stated he had been working with Oscar Vera to put together a hot rod museum next to South Texas Conjunto. He added this could bring people into downtown and it was eligible for hotel/motel funding and was a minimal investment.

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

B) CONSIDERATION AND ACTION, IF ANY, ON REQUEST FROM POLICE CHIEF FOR AUTHORIZATION FOR AN UPGRADE PURCHASE OF NEW WORLD SYSTEM TO INCLUDE RECORDS MANAGEMENT AND COMPUTER AIDED DISPATCH

Fred Sandoval, City Manager, introduced the item and stated after speaking with Police Chief, no action would be taken at this time.

ITEM 7 CONTRACTS/AGREEMENTS:

A) CONSIDERATION AND ACTION, IF ANY, ON INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF PHARR AND HIDALGO COUNTY FOR SOUTH FORK DRAIN PROJECT

Fred Sandoval, City Manager, introduced the item and stated staff had reviewed the agreement and the project was to alleviate some of the drainage problems in south Pharr and recommended approval.

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

B) CONSIDERATION AND ACTION, IF ANY, ON AGREEMENT WITH F.R.E.E. INC. FOR MISDIRECTED SALES TAX AUDITS AND HOTEL AUDITS

Fred Sandoval, City Manager, introduced the item and stated this was a contingency contract and recommended approval.

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

Juan Guerra, Chief Financial Officer, briefly explained this was an on-going process to look for misdirected sales tax funds' being sent to wrong cites. He further stated the funds were reimbursed through the State Comptroller's Office as far back as three years.

C) CONSIDERATION AND ACTION, IF ANY, ON MEMORANDUM OF UNDERSTANDING FOR THE CITY OF PHARR AND THE PORT OF CORPUS CHRISTI TO SHARE MARKETING AND INTELLIGENCE FOR THE DEVELOPMENT OF A STRATEGIC ROUTE

Fred Sandoval, City Manager, introduced the item and stated Bridge staff had reached out to the Port of Corpus Christi to extend the City of Pharr's region. He stated the Port of Corpus Christi has a lot to offer the City of Pharr and the Pharr Bridge through petroleum based crossings in and out of the United States. He further recommended approval.

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

At this time Fred Sandoval, City Manager, stated they would deviate from the agenda and go into closed session. There was no objection.

ITEM 8 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 4 – 7

Mayor Palacios stated the time being 1:01 pm; the Board of Commissioners would be entering a closed session in accordance with Chapter 551 of the Texas Govt.

MINUTES: REGULAR-SPECIAL CALLED MEETING
NOVEMBER 18, 2013

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

Mayor Palacios stated the time being 1:28 pm; the board had completed its closed session and would be resuming the open meeting.

ITEM 7 D) CONSIDERATION AND ACTION, IF ANY, ON CONTRACT WITH INTERNATIONAL SERVICES, LLC

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


E) CONSIDERATION AND ACTION, IF ANY, ON CONTRACT WITH PORTABLE COLD SOLUTIONS, LLC

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

ITEM 10 ADJOURNMENT:

There being no other business to come before the board, Comm. Garza moved to adjourn. Comm. Carrillo seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 1:28 p.m.

CITY OF PHARR


LEOPOLDO "POLO" PALACIOS, JR.
MAYOR

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF PHARR

ON THIS THE 18TH DAY OF NOVEMBER, 2013 the Board of Commissioners of the City of Pharr, Texas convened in a **REGULAR-SPECIAL 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