

**MINUTES  
BOARD OF COMMISSIONERS  
REGULAR CALLED MEETING  
TUESDAY, AUGUST 19, 2014 AT 5:00 P.M.  
118 SOUTH CAGE 2<sup>ND</sup> FLOOR**

The Board of Commissioners of the City of Pharr, Texas, met in a Regular Called Meeting on Tuesday, August 19, 2014 and following is the record of attendance.

**BOARD OF COMMISSIONERS PRESENT:** Mayor Leopoldo Palacios Jr.  
Comm. Arturo Cortez  
Comm. Roberto Carrillo (arrived at 5:31 pm)  
Comm. Oscar Elizondo, Jr. (arrived at 5:29 pm)  
Comm. Edmund Maldonado, Jr.  
Comm. Aquiles Garza

**BOARD OF COMMISSIONERS ABSENT:** Mayor Pro-Tem Adan Farias

**STAFF PRESENT:** Fred Sandoval, City Manager  
David Garza, Asst. City Mgr./Utilities Dir.  
Hilda Pedraza, City Clerk  
Javier Rodriguez, C.D. Director  
Juan Guerra, Chief Financial Officer  
Ruben Villescas, Police 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, Public Info. Officer  
Roel Garza, Athletics Director  
Roy S. Garcia, Pharr Events Center  
Tony Sandoval, EDC Asst. Director  
Sergio Contreras, External Affairs Mgr.  
Fred Brouwen, Pharr Int'l. Bridge

**CITY ATTORNEY  
CITY ENGINEER**

Michael Pruneda, City Attorney  
Bill Ueckert, City Engineer

**ITEM 1 CALL TO ORDER:**

Mayor Palacios called the meeting to order at 5:06 p.m. Roll Call established a quorum.

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

Comm. Garza moved to excuse Comm. Farias for being absent. Comm. Maldonado seconded the motion and when put to a vote, it carried unanimously.

Comm. Carrillo and Comm. Elizondo were not present at the time of roll call but arrived at 5:31 p.m. and 5:29 p.m. respectively.

**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) Submission of monthly report – Pharr Municipal Court
- C) Submission of July 2014 Tax Collection Report

- D) Submission of August 2014 Sales Tax Report
- E) City events of interest
- F) Legislative/Project Update

Mayor Palacios introduced the item.

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

Comm. Garza stated the entrance at the Pharr Produce Park was not completed and asked for the status.

Bill Ueckert, City Engineer, reported the sub-contractor was currently working on another project (Transmaritime) but was aware of the need to go back to finish the work at the Produce Park and hopefully it would be completed by the end of this month.

Fred Sandoval, City Manager, reported Pharr Municipal Court was doing well and if there were any questions, Judge Singleterry was in the audience to answer them.

There being no questions for Municipal Court, Mr. Sandoval reported sales taxes for the month of August were up by 6.9%. At this time, he introduced Officer Omar Gutierrez and his wife, and recognized him for helping Delia Ruiz, resident from San Manuel, who had run out of gas on the way to the San Juan Basilica. He stated Gary Rodriguez had taken the picture which City's Facebook page and on Ryan Wolf's Facebook page being viewed over 10,000 times. He thanked Officer Gutierrez for being a good example of customer service and presented him with \$250.00 in gift certificates and a First in Pharr Customer Service Award. Officer Gutierrez thanked everyone for the recognition.

Fred Sandoval, City Manager, called upon Frank Marin for a presentation on the Miracle Kids Event.

Frank Marin, Parks and Recreation Director, presented a video on the Miracle Kids Event held on Wednesday, July 9, 2014 at the Pharr Aquatic Center. He reported children with special needs throughout valley had been invited to attend this event and stated it had been a great success. Mr. Marin further thanked the Board for their continued support.

Fred Sandoval, City Manager, introduced new Director of Legislative Affairs, Sergio Contreras, who would be working out of Administration. He stated Mr. Contreras comes with over 19 years of experience in the private sector with AT&T and will assist in all state and federal legislative affairs, corporate relationships/sponsorships and economic development. Mr. Contreras thanked the Board for the opportunity to be part of the City of Pharr.

Fred Sandoval, City Manager, also introduced Melanie Cano, new Development Services Assistant Director. He stated Ms. Cano comes with 9 years of experience in the private sector with an emphasis in customer service. He further stated she had implemented and trained city staff in the "Hello" policy and recognized her as being the first female assistant director.

Comm. Elizondo arrived at this time being 5:29 p.m.

Melanie Cano, Development Services Assistant Director, thanked the Board for the opportunity given to her and thanked them for their support.

Comm. Carrillo arrived at this time being 5:31 p.m.

At this time, Fred Sandoval, City Manager, stated a short video of Comm. Elizondo accepting the ice bucket challenge for ALS would be presented. Comm. Elizondo challenged City Manager and all Department Heads to do the same. Mr. Sandoval thanked Comm. Elizondo and accepted the challenge.

Fred Sandoval, City Manager, reported Alan Fletcher, Vice-Chair of Homeland Security Committee of Tomball, Texas had visited Pharr yesterday and a CopSync Conference was held today at the Pharr Events Center. He stated Representative Fletcher was given a tour of the Pharr Bridge facility and Port of Entry by Police Chief Ruben Villegas and stated he is a good friend of Representative Sergio Munoz. He announced Senator Dan Patrick, had visited Pharr last week to talk about transportation and the Regional Mobility Authority had given him a briefing on the transportation projects and how they relate valley wide.

Mayor Palacios reported the Toby Keith Concert was a great success being the largest production outdoor event.

Comm. Maldonado thanked City Manager and Frank Marin for their help in allowing the use of the Jose "Pepe" Salinas Memorial Civic Center for the St. Frances Cabrini Church fundraising event.

**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) APPROVAL OF MINUTES FOR July 15, 2014 – REGULAR CALLED MEETING**

**B) CONSIDERATION AND ACTION, IF ANY, ON REQUEST FROM SAINT MARGARET MARY CATHOLIC CHURCH TO CLOSE THE 100 BLOCK OF JUAREZ STREET BETWEEN CAGE BLVD. AND ASTER STREET ON SATURDAY, OCTOBER 4, 2014 FROM 5:00 PM – 10:00 PM AND ON SUNDAY, OCTOBER 5, 2014 FROM 1:00 PM – 10:00 PM FOR THEIR ANNUAL JAMAICA**

**C) CONSIDERATION AND ACTION, IF ANY, ON CHANGE ORDER #1 IN THE ADDITIONAL AMOUNT OF \$115,663.88 TO THE CONTRACT WITH UPPER VALLEY MATERIALS LLC FOR CONSTRUCTION MATERIALS PURCHASE AND DELIVERY OF TYPE "D" HOT MIX ASPHALTIC CONCRETE (LIMESTONE AGGREGATE) PROJECT 2013 FOR EAST BELL STREET & FIR STREET**

**D) CONSIDERATION AND ACTION, IF ANY, ON ACCEPTANCE OF DELIVERY MATERIAL FROM UPPER VALLEY MATERIALS, LLC FOR CONSTRUCTION MATERIALS PURCHASE AND DELIVERY OF TYPE "D" HOT MIX ASPHALTIC CONCRETE (LIMESTONE AGGREGATE) PROJECT 2013 FOR EAST BELL STREET & FIR STREET AND RELEASE OF FINAL PAYMENT IN THE AMOUNT OF \$ 202,360.89**

**E) CONSIDERATION AND ACTION, IF ANY, ON REQUEST TO ADVERTISE FOR THE PURCHASE & DELIVERY OF CONSTRUCTION MATERIALS (TYPE D HMA-LIMESTONE AGGREGATE, TY D COLD MIX, TYPE F GRADE 3 CALICHE, CONCRETE MIX, REINFORCED CONCRETE PIPE) FOR PUBLIC WORKS ANNUAL USE (FY 2014-2015)**

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

**PUBLIC HEARING**

1. Rudy's Texas Bar-B-Q, L.L.C. / Carlos Torres, d/b/a Rudy's Country Store Bar-B-Q, requested renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Limited Industrial District (L-I). The property is legally described as Lot 1, Los Hoteles Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 209 West Nolana.

2. Juanita Garza d/b/a Pharr West Club, LLC, 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 Lot 3, Replat of Lot 1, Mexican Fiesta Subdivision, and Lot 1, Mexican Fiesta Unit #2 Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1302 West Nolana.
3. Red Robin 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 Lot 2, Paradise Commercial Park Phase II Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 409 South Jackson Road.
4. Marina Reyes requested a Life-of-the-Use Conditional Use Permit to allow an oversized storage unit in a Single-Family Residential District (R-1). The property is legally described as Lot 21, San Gabriel Subdivision, Phase I, Pharr, Hidalgo County, Texas. The property's physical address is 6108 Valdivia Street.
5. Anna Lee Salinas requested a Life-of-the-Use Conditional Use Permit to allow an oversized storage unit in a Single-Family Residential District (R-1). The property is legally described as Lot 9, Regal Park Estates, Pharr, Hidalgo County, Texas. The property's physical address is 3601 Yvette Drive.
6. Marco Antonio Retureta requested a change of zone from a Single-Family Residential District (R-1) to a Limited Industrial District (L-I). The property is legally described as the N104'-E418'-S104'-W418', 1.00 acre tract of land more or less out of Lot 349, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 8623 South Cage Boulevard.

PLATS:

7. Sam Engineering & Surveying, representing Maria De La Luz Santana and Jose Luis Delgado, requested preliminary and final plat approval of the proposed La Quinta Subdivision Replat Lots 52-55. The property is legally described as 0.752 acres being all of Lots 52-55 and the south portion of a 20 foot alley, La Quinta Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 5900 Block of South Cage Boulevard.

Mayor Palacios introduced items 3A through 3F (7) and stated no one had signed up to speak during the public hearing portion of the meeting.

Comm. Garza moved to approve items 3A through 3F (7) under the consent agenda. Comm. Carrillo seconded the motion and when put to a vote, it carried unanimously.

Ordinance No. O-2014-37 is filed with the City Clerk's Office.

**REGULAR AGENDA – OPEN SESSION:**

**ITEM 4 ORDINANCES AND RESOLUTIONS:**

**A) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING CHAPTER 86 "OFFENSES AND MISCELLANEOUS PROVISIONS" OF THE CODE OF ORDINANCES OF THE CITY OF PHARR, TEXAS BY ADDING ARTICLE VII "ILLEGAL SYNTHETIC CONTROLLED SUBSTANCES AND RELATED PARAPHERNALIA"**

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

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

Ordinance No. O-2014-38 is filed with the City Clerk's Office.

**B) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION TO PARTICIPATE IN THE TEXAS PARKS AND WILDLIFE DEPARTMENT LOCAL PARK GRANT PROGRAM-PHARR NATURE PARK**

Fred Sandoval, City Manager, introduced the item and briefly stated the area was adjacent to Liberty Middle School and Pharr Elementary 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-2014-54 is filed with the City Clerk's Office.

**C) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION  
AUTHORIZING POLICE DEPARTMENT TO ENTER INTO AN  
INTERLOCAL AGREEMENT AND ACCEPT GRANT AWARD FROM  
THE AUTO THEFT PREVENTION AUTHORITY**

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

Ruben Villegas, Police Chief, stated this was the 7<sup>th</sup> year in participation and the grant was in the amount of \$150,000.

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

Resolution No. R-2014-55 is filed with the City Clerk's Office.

**ITEM 5 ADMINISTRATIVE:**

**A) PRESENTATION OF COMMISSION ACTION REQUIRED FOR  
ADOPTING TAX RATE AND BUDGET**

Fred Sandoval, City Manager, introduced the item.

Juan Guerra, Chief Financial Officer, informed the Board the budget was balanced and the tax rate would remain the same. He explained the new law had changed the publication requirements and stated action was required to adopt the tax rate and the budget. He further explained in order to adopt the proposed tax rate at today's meeting, whoever makes the motion to approve must state it in the following form: "I move that the property tax rate be increased by the adoption of a tax rate of \$0.68, which is effectively a 3% increase in the tax rate".

Mr. Guerra also reported the public hearing notice form had been changed and needed to be published only once. He stated the proposed budget, had been filed with the City Clerk's Office before August 16, 2014 to meet the 30 day public inspection requirement prior to its approval scheduled on September 16, 2014. He went over the list of itemized requirements for the budget document and the required public notice to be published. He added the budget public hearing for the budget was scheduled for September 9, 2014 at a special called meeting.

**B) PRESENTATION OF 2014 CERTIFIED TAX ROLL**

Fred Sandoval, City Manager, introduced the item.

Juan Guerra, Chief Financial Officer, stated the County had certified and approved the tax roll on July 25, 2014. He also reported the City had a positive increase in commercial and residential growth.

**C) PRESENTATION OF PROPOSED CITY OF PHARR BUDGET FY 2014-  
2015**

Fred Sandoval, City Manager, introduced the item.

Juan Guerra, Chief Financial Officer, stated the City was healthy and the general fund budget was balanced and it had been presented to the City Clerk prior to August 15, 2014.

**D) CONSIDERATION AND ACTION, IF ANY, SUBMISSION AND CERTIFICATION OF ANTICIPATED 2014 DEBT COLLECTION RATE AND EXCESS 2013 DEBT TAX COLLECTIONS**

Fred Sandoval, City Manager, introduced the item.

Juan Guerra, Chief Financial Officer, stated the tax rate process needed to identify two different taxes which are the maintenance (M&O) and debt the service. He briefly stated this was to certify that the City would collect 100% of debt service taxes which includes the current and delinquent taxes.

**E) SUBMISSION AND CERTIFY EFFECTIVE AND ROLLBACK TAX RATE**

Fred Sandoval, City Manager, introduced the item.

Juan Guerra, Chief Financial Officer, stated the city has different tax rates which are the effective tax rate of \$0.66 and the proposed tax rate of \$0.68. He stated he was submitting and certifying the proposed tax rate which was calculated through a truth and taxation worksheet with the County's assistance.

**F) DISCUSSION AND ACTION FOR VOTE ON PROPOSED TAX RATE INCREASE**

Fred Sandoval, City Manager, introduced the item.

Juan Guerra, Chief Financial Officer, reminded the Board that the vote on this item to propose the increase in taxes required a specific statement and placed it on the screen for them to view.

Comm. Carrillo moved that the property tax rate be increased by the adoption of a tax rate of \$0.68, which is effectively a 3% increase in the tax rate. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously.

**G) CONSIDERATION AND ACTION, IF ANY, ON PHARR POLICE ATHLETIC LEAGUE HOSTING THE 2<sup>ND</sup> ANNUAL COLOR ME LOCO 5K AND FAMILY FUN RUN ON SATURDAY, NOVEMBER 1, 2014**

Fred Sandoval, City Manager, introduced the item and briefly stated the Pharr Athletic League (PAL) would be hosting the event on November 1, 2014. He stated last year the event had been a great success and recommended approval.

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

**H) CONSIDERATION AND ACTION, IF ANY, AWARDDING BID FOR THE SOUTH PHARR SIDEWALK IMPROVEMENTS PROJECT**

Fred Sandoval, City Manager, introduced the item and stated this was an on-going project and recommended approval.

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

Fred Sandoval, City Manager, asked what company was the lowest bidder, how soon would the project start and where would the sidewalks be installed.

Bill Ueckert, City Engineer, stated the bid would be awarded to Texas Cordia Construction, LLC which would begin construction on the project as soon as the contracts were signed. He briefly stated the sidewalks to be constructed would be on Thomas Road and Cage from Juan Balli to Dicker Road.



**ITEM 6 CONTRACTS/AGREEMENTS:****A) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO NEGOTIATE CONTRACT WITH CRUZ-HOGAN CONSULTANTS FOR PROFESSIONAL ENGINEERING SERVICES, PREPARATION OF PLANS, AND SPECIFICATIONS FOR TWO (2) ADDITIONAL NORTH BOUND LANES AT THE PHARR BRIDGE PORT OF ENTRY TXDOT CBI (CSJ:0921-02-289) PROJECT**

Fred Sandoval, City Manager, introduced the item and stated Cruz-Hogan had proven to be a very competent engineering firm for this type of work and recommended approval.

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

**B) CONSIDERATION AND ACTION, IF ANY, ON EXTENDING THE INTERLOCAL AGREEMENT BETWEEN THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL AND THE CITY OF PHARR FOR THE SOUTH PHARR SIDEWALK IMPROVEMENTS PROJECT NEW FREEDOM GRANT**

Fred Sandoval, City Manager, introduced the item and stated this was in fulfillment of item 5H and recommended approval.

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

**C) CONSIDERATION AND ACTION, IF ANY, ON CONTRACT BETWEEN THE CITY OF PHARR AND HIDALGO COUNTY ELECTIONS ADMINISTRATOR FOR ELECTION SERVICES FOR THE SPECIAL ELECTION ON NOVEMBER 4, 2014**

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

Comm. Garza moved to approve. Comm. Maldonado 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 executive 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 3 – 7**

Mayor Palacios stated the time being 5:58 p.m.; 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 9 RECONVENE INTO REGULAR SESSION, AND CONSIDER ACTION, IF NECESSARY ON ANY ITEM(S) DISCUSSED IN EXECUTIVE SESSION**

Mayor Palacios stated the time being 6:58 p.m.; the board had completed its closed session and would be resuming the open meeting.

**D) CONSIDERATION AND ACTION, IF ANY, ON CONTRACTUAL AGREEMENT(S) FOR CITY CONSULTANT SERVICES**

Fred Sandoval, City Manager, introduced the item.

Comm. Carrillo moved to schedule a special called meeting to evaluate the city's consultants. Comm. Maldonado seconded the motion and when put to a vote, it carried unanimously.

Fred Sandoval, City Manager, briefly stated the special called meeting would be scheduled next week either on Tuesday or Thursday at 12:00 noon.

**ITEM 7 LEGAL:**

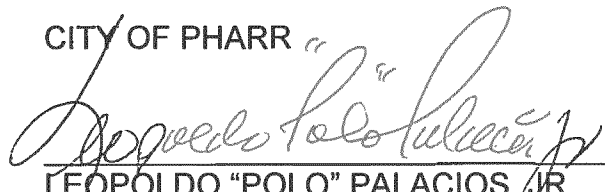
**A) CONSULTATION WITH THE BOARD OF COMMISSIONERS ON  
BRIDGE DIRECTOR**

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. Carrillo moved to adjourn. Comm. Elizondo seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 7:00 p.m.

CITY OF PHARR

  
LEOPOLDO "POLO" PALACIOS, JR.  
MAYOR

STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF PHARR

ON THIS THE 19<sup>TH</sup> DAY OF AUGUST, 2014 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, 2<sup>nd</sup> 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: September 2, 2014