

**MINUTES
BOARD OF COMMISSIONERS
REGULAR CALLED MEETING
TUESDAY, JULY 1, 2014 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, July 1, 2014 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.
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
Jason Arms, I.T. Director
Roel Garza, Athletics Director
Tony Sandoval, EDC Asst. Director

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 5:18 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.

At this time Mayor Palacios reminded the public that Election Day was today and polls were open until 7:00 p.m.

ITEM 2 CITY MANAGER'S REPORTS:

- A) City Engineer's Report – Bill Ueckert
- B) City Events of Interest
- C) 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.

There being no questions, Mr. Sandoval stated today was Election Day for the run-off elections and stated the polls were open until 7:00 p.m. and asked everyone, on behalf of the Mayor and City Commission, to go out and vote. He reported the Taste of the Valley Event had been a great success and stated over 800 guests attended the event. He further announced a Country City Festival featuring Toby Keith would take place on August 15, 2014 at the vacant property next to Costco. He stated additional information would be presented at the next City Commission meeting.

Mayor Palacios stated he had received a call from the City of San Juan requesting the City's assistance with equipment for street improvements. Fred Sandoval, City Manager, stated staff would look into this.

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 JUNE 3, 2014 – REGULAR CALLED MEETING

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

PUBLIC HEARING

1. Dann C. Narveson, Director of SCI Management representing The Practice Tee Driving Range and Golf Learning Center, LLC. requested a Life-of-the-Use Conditional Use Permit to allow a cemetery in an Agricultural Open-Space District (A-O). The property is legally described as being a 26.032 acre tract of land being part or portion of Lots 7 and 8, Block 4, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1100 West Nolana. (TABLED)
2. Dann C. Narveson, Director of SCI Management, requested a Life-of-the-Use Conditional Use Permit to allow a cemetery in an Agricultural Open-Space District (A-O). The property is legally described as being a 26.032 acre tract of land being part or portion of Lots 7 and 8, Block 4, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1100 West Nolana.
3. Ruben Meza, d/b/a Hukah Lounge, requested a Conditional Use Permit and Late Hours 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 9, Block 1, Amended Plat of Mayfair Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 3914 North Jackson Road.
4. Luz Maria Regis de Tapia & Mariel Navarro, representing Avocado Investments, LLC, d/b/a Los Molcajetes Restaurant, requested a Conditional Use Permit and Late Hours 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 1, Sam Houston Heights Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1201 West Sam Houston.
5. Rommel Organista, d/b/a Kurai Chinese & Sushi 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 1, Jackson Ridge Court Phase II Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1201 South Jackson, Suite 1.

Plats:

6. Hinojosa Engineering, Inc., representing Pharr-San Juan-Alamo I.S.D., requested final plat approval of the proposed Thomas Road Elementary Subdivision. The property is legally described as being a 27.12 acre tract of land being the west 895 feet of Lot 306, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 800 Block of East Thomas Road.

7. SAMES Engineering, Inc., representing Ricardo Q. Gonzalez, requested final plat approval of the proposed Falcon Freight Subdivision. The property is legally described as a 2.53 acre tract of land out of the south 24.19 acres of Lot 5, Block 12, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 9500 Block of South Jackson Road.

Fred Sandoval, City Manager, introduced items 3A through 3B (7) and reminded the Commission item 3B (1) was a tabled item.

Comm. Carrillo moved to untable item 3B (1). Comm. Cortez seconded the motion and when put to a vote, it carried unanimously.

Mayor Palacios opened the public hearing.

Sandra L. Martinez, legal counsel for Drs. Subhash and Sarojini Bose, spoke against items 3B (1) and 3B (2). She stated her clients owned property fronting Nolana and adjacent to the property being acquired for the cemetery. She stated they felt with the development of the cemetery, it would devalue their property in which they were proposing to develop an assisted living facility. She also stated the applicants have not acquired the land for the cemetery and asked the Commission not to act on these items until the property is actually purchased or a barrier high enough to block the view of the cemetery was installed.

Richard Gonzalez also spoke against the proposed cemetery stating he represented the property owners of 11.23 acres of land on S. Jackson Road. He stated the cemetery would devalue the surrounding properties.

Alfonso Quintanilla, Quintanilla, Headley & Associates, Project Engineer, stated the cemetery has been at that location for approximately 50 years and it was well kept. In addition, any type of business can co-exist with a cemetery. He further stated this was the first step of several steps required to develop the cemetery and would comply with all requirements.

There being no other public comments, the public hearing was closed.

Comm. Carrillo moved to remove item 3B (1) and take no action and approve items 3A, 3B (2 – 7) under the consent agenda.

Edward Wylie, Development Services Director, briefly explained after consultation with the City Attorney, the opposition's Attorney and the applicant, SCI Management, it was agreed that SCI Management would apply for a Life-Of-The-Use Conditional Use Permit on their own behalf with the owner's consent. He added a clarification letter was submitted by SCI Management that allows them to apply on their own. Furthermore, clarification had also been received from the banking regulators and submitted to legal.

Michael Pruneda, City Attorney, explained he had met with Sandra L. Martinez, Attorney representing Drs. Subhash and Sarojini Bose, and stated she was correct in saying that the State Banking Commissioner decides the regulatory issues for cemeteries. He stated the City's only issue is whether to grant a Conditional Use Permit and enforce any nuisances on cemeteries. He further explained any issues concerning cemetery expansions falls under the State Banking Commissioner's regulations and not the City of Pharr. He also stated the City of Pharr did have the right to recommend that a buffer wall be installed.

There being no further discussion, the motion was put to a vote and it carried unanimously as presented.

REGULAR AGENDA – OPEN SESSION:

ITEM 4 ORDINANCES AND RESOLUTIONS:

A) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NO. O-2010-19 (BURGLAR ALARM ORDINANCE)

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

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

Ordinance No. O-2014-26 is filed with the City Clerk's Office.

Ruben Villescas, Police Chief, went over the changes made from the first reading of the ordinance. He stated the alarm registration fee was being reduced from \$40.00 to \$20.00 and no fee would be charged for senior citizens aged 65 and older and for military veterans who have received a 100% disability. He further stated the renewal fee was also being reduced from \$30.00 to \$15.00 with the same exemptions being applied to senior citizens and military veterans.

**B) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING
ORDINANCE NO. O-83-29 (PHARR POLICE RESERVE ORDINANCE)**

Fred Sandoval, City Manager, introduced the item and stated this was the third and final 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.

Ordinance No. O-2014-27 is filed with the City Clerk's Office.

**C) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE DIRECTING
THE CITY MANAGER TO VACATE, ABANDON AND CLOSE A 4000
SQUARE FOOT (40'X100') PORTION OF STREET RIGHT-OF-WAY
LYING BETWEEN BLOCK 1, LOT 15 AND BLOCK 4, LOT 1,
HUASTECA SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS;
FINDING THAT SAID RIGHT-OF-WAY IS NO LONGER NEEDED; AND
ESTABLISHING AN EFFECTIVE DATE**

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

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

**D) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE DIRECTING
THE CITY MANAGER TO VACATE, ABANDON AND CLOSE AN
APPROXIMATELY THIRTEEN THOUSAND AND SEVENTY-SEVEN
(13,077) SQUARE FOOT PORTION OF STREET RIGHT-OF-WAY,
BEING A PORTION OF SOUTH BLUEBONNET STREET LYING
BETWEEN BLOCK 3, LOT 1 OF VAN WILLIAMS SUBDIVISION,
PHARR, HIDALGO COUNTY, TEXAS AND TRACK 16 OUT OF KELLY-
PHARR SUBDIVISION LOT 188, PHARR, HIDALGO COUNTY, TEXAS;
FINDING THAT SAID RIGHT-OF-WAY IS NO LONGER NEEDED; AND
ESTABLISHING AN EFFECTIVE DATE**

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

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

E) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NO. O-2014-22 DEFINING THE AREA AND PROHIBITING THE OPERATION OF ANY DEVICE, MACHINE, APPARATUS OR INSTRUMENT TO INTENSIFY OR AMPLIFY OR REPRODUCE THE HUMAN VOICE OR OTHER SOUND ON ANY PUBLIC STREET OR IN ANY BUILDING WHEREBY THE SOUND THEREFROM IS CAST DIRECTLY UPON THE PUBLIC STREETS IN THE CITY OF PHARR, TO PRESERVE THE QUIET AND GOOD ORDER OF THE CITY, AND TO PREVENT THE DISTURBANCE OF PERSONS OWNING, USING OR OCCUPYING PROPERTY ADJACENT TO OR NEARBY THE PUBLIC STREETS, AND PROVIDING A PENALTY FOR VIOLATION THEREOF; DEFINITIONS; PROHIBITED ACTS; METHOD OF SOUND MEASUREMENT; ENFORCEMENT; EXCEPTIONS; PENALTIES; REPEALER; SEVERABILITY; PUBLICATION AND EFFECTIVE DATE; PROPER NOTICE AND MEETING. (NOISE ORDINANCE)

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

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

Comm. Elizondo asked what the purpose for amending the ordinance was.

Michael, Pruneda, City Attorney, briefly explained the proposed changes would clarify what can be done after certain hours in construction sites due to complaints received from the elevated noise from these sites.

F) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AUTHORIZING THE TRANSFER OF REAL PROPERTY TO THE PHARR ECONOMIC DEVELOPMENT CORPORATION II

Fred Sandoval, City Manager, introduced the item and stated this was the Clark Knapp property and recommended approval.

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

Ordinance No. O-2014-28 is filed with the City Clerk's Office.

G) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPOINTING/RE-APPOINTING MEMBERS TO THE PHARR PUBLIC FACILITIES CORPORATION #1 BOARD OF DIRECTORS

Fred Sandoval, City Manager, introduced the item.

Comm. Carrillo moved to appoint Comm. Maldonado and re-appoint Mayor Palacios, Comm. Cortez, Comm. Carrillo, Comm. Elizondo, Comm. Garza and Comm. Farias to the Pharr Public Facilities Corporation #1 Board of Directors. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously.

Resolution No. R-2014-40 is filed with the City Clerk's Office.

H) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPOINTING/RE-APPOINTING MEMBERS TO THE PHARR PUBLIC FACILITIES CORPORATION #2 BOARD OF DIRECTORS

Fred Sandoval, City Manager, introduced the item.

Comm. Carrillo moved to appoint Comm. Maldonado and re-appoint Mayor Palacios, Comm. Cortez, Comm. Carrillo, Comm. Elizondo, Comm. Garza and Comm. Farias to the Pharr Public Facilities Corporation #2 Board of Directors. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously.

Resolution No. R-2014-41 is filed with the City Clerk's Office.

I) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPOINTING/RE-APPOINTING MEMBERS TO THE PHARR PUBLIC FACILITIES CORPORATION #3 BOARD OF DIRECTORS

Fred Sandoval, City Manager, introduced the item.

Comm. Elizondo moved to appoint Comm. Maldonado and re-appoint Mayor Palacios, Comm. Cortez, Comm. Carrillo, Comm. Elizondo, Comm. Garza and Comm. Farias to the Pharr Public Facilities Corporation #3 Board of Directors. Comm. Carrillo seconded the motion and when put to a vote, it carried unanimously.

Resolution No. R-2014-42 is filed with the City Clerk's Office.

J) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPOINTING/RE-APPOINTING (2) ALTERNATE MEMBERS TO THE BOARD OF ADJUSTMENT

Fred Sandoval, City Manager, introduced the item.

Edward Wylie, Development Services Director, stated both members had expressed interest to continue serving on the Board of Adjustment.

Comm. Carrillo moved to re-appoint Guadalupe Cano and Victor Carrillo III to the Board of Adjustment. Comm. Cortez seconded the motion and when put to a vote, it carried unanimously.

Resolution No. R-2014-43 is filed with the City Clerk's Office.

K) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION AUTHORIZING AN AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT WITH HIDALGO COUNTY FOR PARTICIPATION OF THE CITY OF PHARR POLICE DEPARTMENT IN OPERATION STONEGARDEN 2011 AND ACCEPTANCE OF GRANT FUNDING

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.

Resolution No. R-2014-44 is filed with the City Clerk's Office.

ITEM 5 ADMINISTRATIVE:

A) CONSIDERATION AND ACTION, IF ANY, ON REQUEST BY AVOCADO INVESTMENTS, LLC D/B/A LOS MOLCAJETES RESTAURANT FOR A MIXED BEVERAGE LATE HOURS PERMIT AT 1201 W. SAM HOUSTON

Fred Sandoval, City Manager, introduced the item.

Comm. Cortez moved to approve. Comm. Carrillo seconded the motion.

Comm. Elizondo expressed concerns with the late hours for the sale of alcoholic beverages due to surrounding neighborhoods and the high density of traffic on Sam Houston. He asked the board to consider his concerns.

There being no vote, the motion died.

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

B) CONSIDERATION AND ACTION, IF ANY, ON LETTER OF SUPPORT FOR PARTICIPATION IN THE RGV REGIONAL ALERT SYSTEM

Fred Sandoval, City Manager, introduced the item and stated the letter of support was requested by State Representative Sergio Munoz Jr. and recommended approval.

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

C) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO ACCEPT A GRANT IN THE AMOUNT OF \$30,000 FROM THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL (LRGVDC) TO PHARR PUBLIC WORKS ENVIRONMENTAL SERVICES DIVISION (RECYCLING)

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

Roy Garcia, Public Works Director, stated the funds would be used to purchase a truck for yard container transportation.

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

D) CONSIDERATION AND ACTION, IF ANY, APPROVING LIST AND PUBLIC AUCTION OF CITY OF PHARR DEPARTMENTS SURPLUS, AWARDED, UNCLAIMED AND SEIZED PROPERTY

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.

ITEM 6 CONTRACTS/AGREEMENTS:

A) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH ENVIRO-LITE SOLUTIONS, LLC TO CONDUCT A LIGHT AND ENERGY STUDY

Fred Sandoval, City Manager, introduced the item and stated the energy study would be at no cost to the city. If a contract was needed after completion of the study, it would be brought back for approval.

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

B) CONSIDERATION AND ACTION, IF ANY, ON CONTRACT BETWEEN THE CITY OF PHARR AND SPRINT/NEXTEL FOR THE PURPOSE OF COMPLYING WITH FEDERAL REQUIREMENTS FOR REBANDING

Fred Sandoval, City Manager, introduced the item and stated this was in compliance with federal requirements and recommended approval.

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

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

None.

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

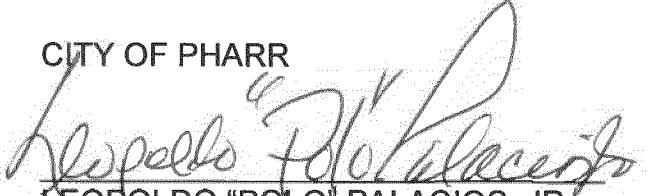
None.

ITEM 9 ADJOURNMENT:

At this time, Fred Sandoval, City Manager, proudly announced Finance Department had received the Platinum Award from the State Comptroller's Office for compliance and transparency and congratulated them for a job well done.

There being no other business to come before the board, Comm. Elizondo moved to adjourn. Comm. Carrillo seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 5:59 p.m.

CITY OF PHARR


LEOPOLDO "POLO" PALACIOS, JR.
MAYOR

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF PHARR

ON THIS THE 1ST DAY OF JULY, 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, 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: August 5, 2014