

**MINUTES
BOARD OF COMMISSIONERS
REGULAR-SPECIAL CALLED MEETING
MONDAY, NOVEMBER 4, 2013 AT 12:00 NOON
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 4, 2013 and following is the record of attendance.

BOARD OF COMMISSIONERS PRESENT: Mayor Leopoldo Palacios Jr.
Mayor Pro-Tem Adan Farias
Comm. Roberto Carrillo
Comm. Oscar Elizondo, Jr.
Comm. Eduardo Cantu (arrived at 12:13 p.m.)
Comm. Aquiles Garza

BOARD OF COMMISSIONERS ABSENT: Comm. Arturo Cortez

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 Villescascas, 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
Fred Brouwen, Asst. Bridge Director
Tony Sandoval, EDC Manager
Rudy Martinez, Municipal Court Judge

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 12:05 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. Elizondo moved to excuse Comm. Cortez for being absent. Comm. Carrillo seconded the motion and when put to a vote, it carried unanimously.

B) PLEDGE OF ALLEGIANCE / INVOCATION.

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

ITEM 2 PROCLAMATIONS:

A) PRESENTATION OF PROCLAMATION PROCLAIMING NATIONAL HOSPICE AND PALLIATIVE CARE MONTH

Mayor Palacios read Proclamation proclaiming National Hospice and Palliative Care Month and presented proclamation to Cima Hospice representatives.

ITEM 3 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.

Comm. Farias asked for an update on Sam Houston street improvements. Bill Ueckert, City Engineer, stated the project was almost complete.

Fred Sandoval, City Manager, reported the Fire Fest event held on Saturday, November 2, 2013 had been a great success. He thanked Fire Chief Jaime Guzman and his staff for a job well done.

Fred Sandoval, City Manager, announced the City had received the Certificate of Achievement for Excellence Award (GFOA) for the fifth year in a row and congratulated Finance Department for this achievement.

Comm. Cantu arrived at this time, the time being 12:13 p.m.

Fred Sandoval, City Manager, recognized David Garza for obtaining the Texas Water Utilities Association Certification as a certified waster professional and announced another city employee, Eddie De Leon, had already obtained the same certification. He stated there are only 31 acquired certifications in the entire state of Texas and the City of Pharr had two employees who have obtained it.

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 OCTOBER 1, 2013 - REGULAR CALLED MEETING AND MINUTES FOR OCTOBER 14, 2013 – REGULAR-SPECIAL CALLED MEETING**
- B) CONSIDERATION AND ACTION, IF ANY, ON REQUEST FROM ST. ANNE'S CATHOLIC CHURCH FOR STREET CLOSURES (FIR, GUMWOOD, JUAREZ AND LUCAS) FOR THEIR ANNUAL FALL FESTIVAL ON SATURDAY, NOVEMBER 2 AND SUNDAY, NOVEMBER 3, 2013**
- C) CONSIDERATION AND ACTION, IF ANY, ON REQUEST FROM ST. FRANCES XAVIER CABRINI CHURCH FOR SUPPORT AND ASSISTANCE ON MONDAY, NOVEMBER 16, 2013 FROM 3:00 TO 4:00 P.M. FOR THE OPENING OF THE FALL FESTIVITIES**
- D) CONSIDERATION AND ACTION, IF ANY, ON PLANNING & ZONING CASES:**

PUBLIC HEARING

1. Gabriela's Heavenly Wings, d/b/a Wingstop 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, Pleasanton Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 2211 South Cage Boulevard., Suite 105.

2. Blanca Lopez, d/b/a Rosita's Mexican Kitchen, 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 the South 150' of Lots 9 and 10 and all of Lots 11, 12, 13, 14, Block 1, San Patricia Acres Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 915 West Ferguson.
3. Danny Buzzard, representing KGI Wireless, requested a Conditional Use Permit for the Life-of-the-Use to allow the co-location of telecommunication equipment on an existing tower in an Agricultural Open-Space District (A-O). The property is legally described as being a .06 acre tract of land out of the South 2.5 acres of the South 5 acres of the North 10.0 acres of Lot 325, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 7106 South Cage Boulevard.
4. CNMK Texas Properties, LLC, d/b/a Cinemark El Centro Mall 16, 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 being a 16.42 acre tract of land out of Lot 6, Block 6, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 600 North Jackson Road.
5. Juan Piñero d/b/a My Dream Home, LLC, 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 being a 0.48 acre tract of land out of Lot 175, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 220 North Sugar Road.

PLATS:

6. Art Salinas Engineering Inc., representing John W. Thornton, Partner of Peace and Thornton Partnership, requested preliminary plat approval of the proposed P & T Subdivision. The property is legally described as a 2.57 acre tract of land out of Lot 141, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 2710 North Cage Boulevard.

Fred Sandoval, City Manager, introduced items 4A through 4D (6) and stated one person had signed up to speak on item 4D (6). He called upon John W. Thorton to address the board but Mr. Thorton was not present. Mr. Sandoval briefly explained that subdivision plats were not part of the public hearing portion of the meetings.

Comm. Carrillo **moved** to approve items 4A through 4D (6) under the consent agenda as recommended by staff. Comm. Farias seconded the motion and when put to a vote, it carried unanimously. Ordinance No. O-2013-43 is filed with the City Clerk's Office.

REGULAR AGENDA – OPEN SESSION:

ITEM 5 ORDINANCES AND RESOLUTIONS:

A) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION SUBMITTING ENTITLEMENT VOTES FOR CANDIDATE(S) TO THE APPRAISAL DISTRICT BOARD OF DIRECTORS 2014 – 2015

Fred Sandoval, City Manager, introduced the item.

Comm. Carrillo **moved** to submit all 110 entitlement votes for Albert Cardenas. Comm. Garza seconded the motion and when put to a vote, it carried by a majority vote of 4 ayes to 2 nays. Mayor Palacios and Comm. Elizondo voted against the motion. Resolution No. R-2013-67 is filed with the City Clerk's Office.

ITEM 6 ADMINISTRATIVE:

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

Fred Sandoval, City Manager, introduced the item and briefly stated the city had seen an increase in used motor vehicle businesses and staff needed time to review the requirements and bring back some recommendations. He further recommended approval.

Discussion ensued concerning change of business ownership. Michael Pruneda, City Attorney, briefly explained the item was to initiate the moratorium process and an ordinance with all requirements to determine the restrictions for current and new businesses would be presented to them at a later date.

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

B) CONSIDERATION AND ACTION, IF ANY, ON BRIDGE TOLL FEES

Fred Sandoval, City Manager, introduced the item.

Juan Guerra, Chief Financial Officer, stated the Bridge Board had recommended the toll fees be increased by .25¢ for automobiles and \$1.00 for commercial vehicles. He stated once the AVI were in place, the fees would be in line with fees being charged by bridges fees. He briefly explained the AVI was a toll pass placed on the vehicle's windshield to allow vehicles quick access by not having to stop to pay tolls.

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

C) CONSIDERATION AND ACTION, IF ANY, ON ADOPTION OF SECTION 504 PROCEDURE

Fred Sandoval, City Manager, introduced the item.

Javier Rodriguez, Community Development Director, briefly stated this grievance procedure was needed in order to finalize and close the GLO drainage project. He also stated it can be used by citizens who wished to complain about a CDBG project.

Comm. Carrillo moved to approve. Mayor Palacios 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 discuss items 7E and 7F. There was no objection.

ITEM 7 CONTRACTS/AGREEMENTS:

E) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO NEGOTIATE CONTRACT WITH SAM GARCIA ARCHITECTS FOR THE JOSE "PEPE" SALINAS MEMORIAL CIVIC CENTER RENOVATIONS

Fred Sandoval, City Manager, introduced the item and stated the contract would initiate the development of plans and specifications for the renovations of the Jose "Pepe" Salinas Civic Center to turn it into a full recreational center with expanded office space. He added the proposal was very reasonable and recommended approval.

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

7 F) CONSIDERATION AND ACTION, IF ANY, ON REVISED INTERLOCAL AGREEMENT WITH THE COUNTY OF HIDALGO FOR SCOFFLAW SERVICES CONTRACT FOR MARKING TEXAS MOTOR VEHICLE REGISTRATION RECORDS

Fred Sandoval, City Manager, introduced the item and stated this was an ongoing process and recommended approval.

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

At this time Fred Sandoval, City Manager, stated they would 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 12:29 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, 551.075, 551.076, 551.084 and 551.086.

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 12:56 pm; the board had completed its closed session and would be resuming the open meeting.

ITEM 7 A) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO NEGOTIATE CONTRACTUAL AGREEMENT WITH RIO REGIONAL INFRASTRUCTURE SERVICES LLC, FOR PROFESSIONAL CONSULTING AND LOBBYING SERVICES

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

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

B) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO NEGOTIATE CONTRACTUAL AGREEMENT WITH RIO REGIONAL INFRASTRUCTURE SERVICES LLC, FOR PROFESSIONAL LOBBYING SERVICES IN MEXICO

Fred Sandoval, City Manager, introduced the item and stated this would be another phase to the service contract and recommended approval.

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

C) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO NEGOTIATE CONTRACTUAL AGREEMENT WITH CHACHALACA & COMPANY LLC, FOR PROFESSIONAL CONSULTING AND LOBBYING SERVICES FOR THE FISCAL YEAR 2013-2014

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

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

D) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO NEGOTIATE CONTRACTUAL AGREEMENT WITH INMOBILIARIA JUGAS, S.A. DE C.V.

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

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

ITEM 10 ADJOURNMENT:

At this time Fred Sandoval, City Manager, called upon Gary Rodriguez for a brief presentation on the Veterans Day Parade.

Gary Rodriguez, External Affairs Manager, extended an invitation to all to attend the All American City Veterans Day Parade and Fireworks Ceremony on Saturday, November 9, 2013 beginning at 4:00 pm. He stated the parade's Grand Marshal would be Antonio Garcia who is an active member of the community and was member of the U.S. Army during the Korean War. He added D&F Industries, a local Pharr business, had taken the underwriting in paying for most of the expenses for the fireworks display as they celebrate 60 years of operation in the City of Pharr.

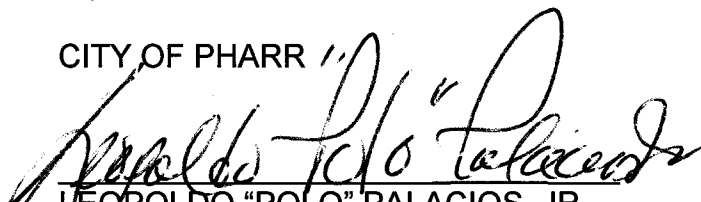
At this time, Fred Sandoval, City Manager, informed everyone this was the last meeting for Commissioner Eddie Cantu and presented him with a plaque in appreciation for his contributions and service on the Pharr City Commission.

Mayor Palacios presented a proclamation to Comm. Cantu proclaiming November 4, 2013 as Commissioner Eduardo "Eddie" Cantu Day.

Comm. Cantu expressed his appreciation and stated it had been approximately 5½ years since changes began in the city with the help of staff. He stated he was confident great changes would continue with the leadership and staff the city has in place. He further stated he made his decision to leave the City Commission to serve in a different capacity but was confident that the Mayor and City Commission will continue to keep and lead Pharr first. He thanked staff, the City Commission, and the citizens for their efforts to make Pharr the greatest city to live in and stated he would continue to work together.

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 1:09 p.m.

CITY OF PHARR


LEOPOLDO "POLO" PALACIOS, JR.
MAYOR

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF PHARR

ON THIS THE 4TH 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: November 18, 2013