

**MINUTES  
BOARD OF COMMISSIONERS  
REGULAR CALLED MEETING  
TUESDAY, JUNE 17, 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, June 17, 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  
Juan Guerra, Chief Financial Officer  
Javier Gonzalez, Asst. Police Chief  
Carlos Mandujano, Asst. 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, Public Info. Officer  
Roy S. Garcia, Pharr Events Center  
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 5:06 p.m. Roll Call established a quorum.

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

All present.

**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 VALLEY VIEW  
BOYS SOCCER TEAM DAY**

Mayor Palacios read Proclamation proclaiming June 17, 2014 as Valley View Boys Soccer Team Day and presented proclamation to the Valley View Soccer Team.

**ITEM 3 CITY MANAGER'S REPORTS:**

- A) City Engineer's Report - Bill Ueckert
- B) Submission of Pharr Municipal Court monthly report
- C) Submission of May 2014 Tax Collection Report
- D) Submission of June 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.

Mayor Palacios stated he had received several phone calls from citizens complaining about the pot holes on city streets and asked staff to look into it.

Fred Sandoval, City Manager, stated Judge Martinez was in the audience to answer any questions on the Pharr Municipal Court monthly report. He stated they were on track to meet their revenue projections and thanked the Judge and his staff for a job well done. Mr. Sandoval further reported sales tax collection was up by 15% growth.

Comm. Cortez stated he had received an email from staff notifying him the scofflaw program was close to completion. He also stated the program would help increase revenues.

Judge Rudy Martinez reported he had contacted the cities that currently use the scofflaw program and stated their revenues have increased.

At this time, Fred Sandoval, City Manager, announced Point Blank Indoor Shooting Range was awarded a 5-Star rating from the National Shooting Sports Foundation. He stated they continue to improve their products to the highest level possible to receive accreditation from this national organization.

Zach Snow, Manager of Shooting Promotions, presented the 5-Star recognition certificate to Bobby Solis, General Manager for Point Blanc Sporting Goods and Range. Mr. Snow stated Point Blanc Sporting Goods and Range was the third recipient of the five (5) star rating in the State of Texas and extended an invitation to everyone to visit the facility.

Fred Sandoval, City Manager, reported the second edition of the Pharr Now Newsletter e-version was being distributed and some businesses had shown interest in placing them at their locations. Mr. Sandoval further reported the Taste of the Valley was scheduled for Thursday, June 26, 2014 and called upon Economic Development staff for a report and pass out invitations.

Cristina Garcia, Business Retention Manager, reported a total of 26 businesses had registered for the event and expected more to participate. She further thanked the Board for the opportunity and extended an invitation to all to attend.

Comm. Garza suggested that Pharr Television documents the visits done by Pharr Economic Development Corporation staff with the businesses.

Fred Sandoval, City Manager, reported he met with House Speaker, Joe Straus, at a function held yesterday and stated it was a very productive meeting. He further stated Mr. Straus addressed the different business sectors. Mr. Sandoval also announced Pharr was ranked number one in small cities as the best city for working women and stated the ranking was based on population, average salary and medium income.

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

**PUBLIC HEARING**

- a. AEC Engineering, Inc., representing Fernando Cesar Lozano, requested a change of zone from Agricultural Open Space (A-O) to Heavy Commercial District (H-C). The property is legally described as 3.26 acres, more or less, out of the North 5 acres of Lot 325, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 7016 South Cage Boulevard.
- b. Diana Canales, representing Canali Family Investments, LLC, requested a change of zone from Neighborhood Commercial District (N-C) to a General Business District (C). The property is legally described as Lots 101 and 102, Pecan Plantation Subdivision, Pharr, Hidalgo County, Texas. The property is physically located at 7303 West Pecan Plantation.
- c. 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.
- d. Vincent G. Huebinger, representing Crown Castle, requested a Conditional Use Permit for the Life-of-the-Use to allow a telecommunication tower in a General Business District (C). The property is legally described as a .14 acre tract of land, more or less, of the N ½ EXC 10.382 acres out of Lot 165, Kelly Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is physically located at the 200 Block of West Expressway 83.
- e. Vincent G. Huebinger, representing M2M Spectrum Networks, requested a Conditional Use Permit for the Life-of-the-Use to allow the colocation of telecommunication equipment on an existing tower in a General Business District (C). The property is legally described as a .14 acre tract of land, more or less, of the N ½ EXC 10.382 acres out of Lot 165, Kelly Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is physically located at the 200 Block of West Expressway 83.
- f. Jose Ruben Mendez, d/b/a 100% Antojitos Mexicanos, Inc., requested a 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 being a .04 acre tract of land, more or less, out of Lot 1, Jackson Ridge Court Phase II Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1201 South Jackson Road, Ste. 9.

Mayor Palacios, introduced items 4A (a) through 4A (f) and opened the public hearing. He then called upon Dr. Subhash Bose and Dr. Sarujini Bose who had signed up to speak.

Dr. Subhash Bose introduced Dr. Sarujini Bose and Sandra Martinez. He stated he was the owner of a pediatric clinic on 6201 South Cage Boulevard for over 5 years and has employed 11 medical assistants and supervisors and 2 physicians. He stated they were against item 4A (c) to allow a cemetery which would be located north of his existing business location. He further stated he would also be developing the surrounding land to build a retail business plaza on the front 4 acres and a 60,000 sq. ft. retirement home facility on the back 5 acres costing approximately \$5 million dollars. He stated his developments would create jobs and economic development to the city and felt a cemetery located next to his businesses would create a negative effect for the senior citizens living in the elderly home.

Dr. Sarujini Bose stated a cemetery would give a negative energy to the elderly residents and felt a cemetery should be located away from the city. She added businesses were needed in the city to pay taxes and improve the city and the quality of

life. She further asked the city to help the applicant to acquire land at another location for the proposed cemetery.

Sandra Martinez asked the board to look into the perpetual care regulations for cemeteries. She added only existing cemeteries can apply for expansion and any new cemetery needed to comply with the one (1) mile outside of the city limit restriction.

There being no other public comments, Mayor Palacios closed the public hearing.

Comm. Maldonado moved to remove item 4A (c) from the consent agenda. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously.

Comm. Carrillo moved to approve items 4A (a), 4A (b), 4A (d), 4A (e), and 4A (f) under the consent agenda. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously. Ordinance No. O-2014-23 and O-2014-24 are filed with the City Clerk's Office.

Fred Sandoval, City Manager, introduced item 4A (c).

Alfonso Quintanilla, Quintanilla Headley & Associates, stated their services had been retained by SCI Management as the applicant for the proposed cemetery. He stated the existing cemetery was located on Sugar Road and its first burial took place in 1963. He further stated the subject property was immediately adjacent to the west of the current facility's boundary. He added the applicant was applying for a Conditional Use Permit as per City's guidelines to expand the cemetery. He further added the property had been owned by SCI Management since the 1980's and stated if the Conditional Use Permit was approved, a subdivision plat would be prepared for approval. He stated the proposal was to continue providing services to the community of Pharr and the surrounding communities.

Dann C. Narveson, Director of Service Corporation International stated Palm Valley Memorial Gardens was one of approximately 500 cemeteries they operate in North America. He stated this cemetery operates under the State statute which governs cemeteries, crematories and funeral homes through the Texas Department of Banking. He further stated his company has owned Palm Valley Memorial Gardens since the early 1980's and has been in existence since 1963. He added cemeteries were an entity in almost every city in the country which provides a service that every city needs. He further stated he believes the statutes were written to protect the residents of the city while protecting the needs of the community.

Michael Pruneda, City Attorney, recommended the item be tabled to allow him to meet with SCI legal counsel.

Comm. Cortez moved to table item 4A (c). Comm. Farias seconded the motion and when put to a vote, it carried unanimously.

#### **REGULAR AGENDA – OPEN SESSION:**

#### **ITEM 5 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 second reading of the ordinance and recommended approval.

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

**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 in fulfillment with TCLOSE requirements. He further recommended approval.

Comm. Elizondo moved to approve the second reading of the ordinance. Comm. Cortez seconded the motion and when put to a vote, it carried unanimously.

**C) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING  
ORDINANCE O-2012-01 (VULNERABLE ROAD USERS)**

Fred Sandoval, City Manager, introduced the item and stated the ordinance would be in line with other cities as they relate to cyclist and hike and bike trails.

Michael Pruneda, City Attorney, recommended the ordinance be approved on first and final reading.

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

Ordinance No. O-2014-25 is filed with the City Clerk's Office.

**D) 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 first reading of the ordinance and recommended approval.

Edward Wylie, Director of Development Services, briefly stated the right-of-way would not be developed for continuance of a street and the property will revert back to the previous land owners and would be placed back on the tax rolls.

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

**E) 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 first reading of the ordinance and recommended approval.

Edward Wylie, Director of Development Services, briefly stated the area was a portion of South Bluebonnet Street located south of Sam Houston which dead ends into the canal. He added the street would not be continued as per security reasons and would be abandoned and would pertain to the City.

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

**F) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION AUTHORIZING POLICE DEPARTMENT TO SUBMIT AN APPLICATION FOR THE COPS HIRING PROGRAM**

Fred Sandoval, City Manager, introduced the item and stated this was an on-going program for the hiring of additional police officers and recommended approval.

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

Resolution No. R-2014-36 is filed with the City Clerk's Office.

**G) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION AUTHORIZING STAFF TO SUBMIT AN APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD FOR FINANCIAL ASSISTANCE IN AN AMOUNT NOT TO EXCEED \$4,000,000 FOR THE PURCHASE OF WATER RIGHTS**

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

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

Resolution No. R-2014-37 is filed with the City Clerk's Office.

**H) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION ON ACCEPTANCE OF DONATION OF RIGHT-OF-WAY**

Fred Sandoval, City Manager, introduced the item and briefly stated the right-of-way property was being donated by Capote Farms, Ltd. and recommended approval.

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

Resolution No. R-2014-38 is filed with the City Clerk's Office.

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

**ITEM 6 ADMINISTRATIVE:****A) CONSIDERATION AND ACTION, IF ANY, ON BIDS RECEIVED ON STRUCK-OFF PROPERTIES DESCRIBED AS LOT 33, BLOCK 6, HIDALGO PARK ADDITION; LOTS 14, 15 AND 16, BLOCK 132, EVANS SUBDIVISION; LOT 7, CITRUS TRAILS MOBILE HOME SUBDIVISION; THE EAST 17.00 FT. OF LOT 15 AND ALL OF LOT 16, BLOCK 2, THRASHER TERRACE ADDITION; LOT 6 AND 7, BLOCK 179, HAWK SUBDIVISION NO. 3; LOT 8, BLOCK 2, WEST END ADDITION; TR. 1: LOT 1, BLOCK 5, HIDALGO PARK ADDITION; TR. 2: LOTS 15 AND 16, BLOCK 120, EVANS RE-SUBDIVISION OF THE SOUTHEAST 7.68 ACRES OF LOT 175, KELLY-PHARR SUBDIVISION; LOT 72, CITRUS TRAILS MOBILE HOME SUBDIVISION; LOT 1, BLOCK 148, FIR SUBDIVISION; LOT 16, BLOCK 21, CITRUS BAY, UNIT NO. 2; LOT 11, BLOCK 9, SAN PATRICIO ACRES; LOT 82, LOS RANCHITOS SUBDIVISION; 12.164 ACRES BEING OUT OF LOT 361, KELLY-PHARR SUBDIVISION, A 1.50 ACRES TRACT AND A 9.71 ACRE TRACT, AND LOTS 21 AND 22, BLOCK 23, HIDALGO PARK ESTATES SUBDIVISION**

Fred Sandoval, City Manager, introduced the item.



Kelly Rivera Salazar, Linebarger Goggan Blair & Sampson, LLP, stated a tax resale had been conducted on June 3, 2014 for 14 properties in the City of Pharr and all properties received bids. She further requested approval from the City.

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

**ITEM 5 I) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION FOR TAX RESALE PROPERTIES**

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

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

Resolution No. R-2014-39 is filed with the City Clerk's Office.

**ITEM 6 B) CONSIDERATION AND ACTION, IF ANY, APPROVING SURPLUS LIST AND AUTHORIZE PUBLIC AUCTION OF CITY OF PHARR DEPARTMENTS' SURPLUS, AWARDED, UNCLAIMED AND SEIZED PROPERTY**

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

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

**C) CONSIDERATION AND ACTION, IF ANY, ON REQUEST BY POLICE CHIEF TO PURCHASE A FIREARM TRAINING LAB SIMULATOR FROM TI TRAINING CORPORATION IN THE AMOUNT OF \$56,450**

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

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, ON 2013-2014 CAPITAL LEASE FUNDS FOR PHARR POLICE ACCESS DRIVE GATE PROJECT**

Fred Sandoval, City Manager, introduced the item and stated an auxiliary access was created off of Moore Road to the Police Department and this would be the funding for the gate needed. He further 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 deviate from the agenda and discuss item 7C. There was no objection.

**ITEM 7 CONTRACTS/AGREEMENTS:**

**C) CONSIDERATION AND ACTION, IF ANY, ON AGREEMENT BETWEEN CITY OF PHARR AND BOND & BOND AUCTIONEERS & REALTY FOR AN AUCTION OF CITY SURPLUS PROPERTY**

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

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

**D) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO NEGOTIATE ENGINEERING SERVICES WITH CRUZ-HOGAN CONSULTANTS FOR TECHNICAL ASSISTANCE ON THE PURCHASE OF WATER RIGHTS**

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.

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 6:03 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.

Comm. Garza left at this time, the time being 6:35 p.m.

**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 6:36 pm; the board had completed its closed session and would be resuming the open meeting.

**ITEM 7 A) CONSIDERATION AND ACTION, IF ANY, ON PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF PHARR AND RIO REGIONAL INFRASTRUCTURE SERVICES FOR THE PHARR-REYNOSA INTERNATIONAL BRIDGE**

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.

**B) CONSIDERATION AND ACTION, IF ANY, ON AGREEMENT BETWEEN INMOBILIARIA JUGAS, S.A. DE C.V. AND THE CITY OF PHARR**

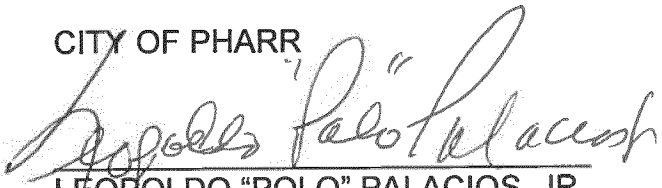
Fred Sandoval, City Manager, introduced the item and recommended approval.

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

**ITEM 11 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 6:37 p.m.

CITY OF PHARR

  
LEOPOLDO "POLO" PALACIOS, JR.  
MAYOR



MINUTES: REGULAR CALLED MEETING  
JUNE 17, 2014

**STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF PHARR**

**ON THIS THE 17<sup>TH</sup> DAY OF JUNE, 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: July 15, 2014

