

**MINUTES
BOARD OF COMMISSIONERS
REGULAR CALLED MEETING
TUESDAY, APRIL 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, April 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
Karla Moya, City Controller
Ruben Villescas, Police Chief
Carlos Mandujano, Assist. 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
Tony Sandoval, EDC Manager

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 5:10 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.

Mayor Palacios asked for a moment of silence in memory of Jesus Moreno, PSJA student, who tragically passed away on Sunday.

ITEM 2 PROCLAMATIONS:

**A) PRESENTATION OF PROCLAMATION PSJA NORTH LADY RAIDERS
POWERLIFTING TEAM DAY**

Mayor Palacios read Proclamation proclaiming PSJA North Lady Raiders Powerlifting Team Day and presented proclamation to the Lady Raiders Powerlifting Team.

B) PRESENTATION OF PROCLAMATION PROCLAIMING FAIR HOUSING MONTH

Mayor Palacios read Proclamation proclaiming April 2014 as Fair Housing Month. Fernando Lopez, Pharr Housing Authority Director and Antonio Lozano, Pharr Housing Authority Chairperson, received the proclamation.

Fernando Lopez, on behalf of the Pharr Housing Authority, thanked the Commission for their support and thanked Fred Sandoval, David Garza and staff for all their assistance.

Antonio Lozano, Pharr Housing Authority Commission Chairperson, thanked the Board for selecting the right people to serve on the Pharr Housing Authority Commission and thanked them for their support.

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.

Mayor Palacios asked for a status on East Bell Street.

Bill Ueckert reported street improvements were under construction. He stated the asphalt was being tore up for the installation of the base materials therefore the re-paving of the street would take place.

There being no further questions, Fred Sandoval, City Manager, reported the HUB Phest had been a great success setting attendance record in the Rio Grande Valley of approximately 50,000 persons. He thanked staff, City Commission, and everyone who attended the event.

Mayor Palacios commended Comm. Cortez and Comm. Farias for the Hub Phest Cook-off contest which had increased from 32 teams last year to 62 teams participating this year.

Fred Sandoval, City Manager, stated a debriefing meeting on the Hub Phest would be held on Thursday, April 3, 2014 at 10:00 a.m. and extended an invitation to the Commission to attend.

At this time, Comm. Carrillo commended all city departments for a great and successful event.

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 MARCH 18, 2014 – REGULAR CALLED MEETING

**B) CONSIDERATION AND ACTION, IF ANY, ON CHANGE ORDER NO. 10
FOR THE WATER TREATMENT PLANT EXPANSION PROJECT**

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

PUBLIC HEARING

1. Martin Santos, d/b/a Stormy Colors Bar & Grill, requested renewal of the 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 more fully described as follows: Lots 15-19, Inclusive Block 4, Bustamante Subdivision Unit No. 2, Pharr, Hidalgo County, Texas. The property's physical address is 802 E. Expressway 83, Suite H.
2. Raul Fong requested renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Business District (C-2). The property is legally described as Lot 14, Block 1, J. T. Doster Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 107 East Newcombe Avenue (Park).
3. Paradise Bar & Grill, LLC d/b/a Paradise Bar & Grill/Elizabeth Trevino Piña, requested renewal of the 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 187, Valle De La Primavera Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 6905 S. Jackson.
4. Elizabeth Aldape, d/b/a Ciro's Jr., 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 15, Block 4, Bustamante Unit No. 2 Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 802 East Interstate 2, Suite I.
5. Diana Canales requested a change of zone from an Office-Professional District (O-P) to a General Business District (C). The property is legally described as All of Lot 110 W23.8', and Lots 111 & 112, Dunlyn Estates Subdivision Phase II, Pharr, Hidalgo County, Texas. The property's physical address is 1420 West Hall Acres

PLATS:

6. MGE, LLC, representing Crispin N. Flores and Everardo Sustaita requested final plat approval of the proposed Replat of Lot 71, Pharr/Las Milpas Industrial Park Subdivision. The property is legally described as a 2.15 acres being all of Lot 71, Pharr/Las Milpas Industrial Park Subdivision, Pharr Hidalgo County, Texas. The property is located at the 9100 Block of South Austin Drive.
7. Perez Consulting Engineers, representing Marcos Sainz and President of España Construction & Development, L.L.C., requested final plat approval of the proposed San Ignacio Subdivision Phase I. The property is legally described as being a 1.66 acre tract of land out of a 7.01 acre tract out of the north portion of Lot 112, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 1400 Block of East Nolana Loop.

Fred Sandoval, City Manager, introduced items 4A through 4C (7).

Comm. Farias moved to approve items 4A through 4C (7) under the consent agenda. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously. Ordinance No. O-2014-10 is filed with the City Clerk's Office.

REGULAR AGENDA – OPEN SESSION:

ITEM 5 ORDINANCES AND RESOLUTIONS:

**A) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING
ORDINANCE NO. O-2012-03, PROVIDING FOR REPEALING OF
CONFLICTING ORDINANCE(S) CLAUSE, AND PROVIDING FOR AN
EFFECTIVE DATE. (3RD READING)**

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

Comm. Cortez moved to approve. Comm. Maldonado seconded the motion and when put to a vote, it carried unanimously. Ordinance No. O-2014-11 is filed with the City Clerk's Office.

**B) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING
ORDINANCE NO. O-2013-39 FOR BUDGET AMENDMENTS TO THE
FY 2013-2014 BUDGET**

Fred Sandoval, City Manager, introduced the item and briefly explained these were mid-year budget amendments. He stated the amendments were reviewed by staff and the Chief Financial Officer and were within the city's guidelines. He further recommended approval.

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

Mayor Palacios asked what specifically the amendments were for.

Karla Moya, City Controller, explained the mid-year budget amendments were for operational needs. She stated every year Finance Department meets with every department to see if anyone is over budget and make sure funds are available.

Fred Sandoval, City Manager, explained that property taxes and sales tax were budgeted conservatively, therefore monies were available. He stated most items are routine and tied to expenses. Some examples of operational expenses are when grants are received, the city has to put money first then get reimbursed, and the time clocks needed to be placed and servers needed upgrading.

After a lengthy discussion, the motion was put to a vote, it carried unanimously. Ordinance No. O-2014-12 is filed with the City Clerk's Office.

**C) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING
ORDINANCE NO. O-2013-09 SECTION A AND B RESIDENTIAL AND
COMMERCIAL TABLE RATES FOR GARBAGE COLLECTION**

Fred Sandoval, City Manager, introduced the item and stated this was in fulfillment of the contract with Waste Management for CPI adjustments and recommended approval.

Comm. Farias moved to approve. Comm. Cortez seconded the motion and when put to a vote, it carried unanimously. Ordinance No. O-2014-13 is filed with the City Clerk's Office.

**D) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING
ORDINANCE NO. O-2013-25 PARKS AND RECREATION
DEPARTMENT'S AQUATIC CENTER FEE SCHEDULE**

Fred Sandoval, City Manager, introduced the item.

Frank Marin, Parks and Recreation Director, explained the fee schedule was based on last year's fees. He went over the proposed fees for 2014 stating the fees for adults and children and 55 years and over would be increased to \$10.00 and \$5.00 respectively for every day of the week. He added the summer passes were also being increased and suggested selling speed passes where the customer pre-pays for the tickets and does not have to wait in line. The other change would be that no private rentals would be allowed and weekend public swimming be done in two 5 hour sessions from 10:00 a.m. to 4:00 p.m. and from 5:00 p.m. to 9:00 p.m. and the days of operation.

Comm. Garza voiced his concern on the sale of speed passes and the pool being full.

It was suggested that only a limited number of passes be made available. Frank Marin, Parks and Recreation Director, stated staff would look into it.

There being no further comments, Comm. Cortez moved to approve the first reading of the ordinance. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously.

E) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPOINTING/RE-APPOINTING SEVEN (7) MEMBERS TO THE BUILDING AND STANDARDS COMMISSION

Fred Sandoval, City Manager, introduced the item and stated all members wished to be re-appointed.

Comm. Carrillo moved to re-appoint Jaime Flores, Ramiro Espinoza, Hector Guerra, Ruben Escobar, Ramiro Gutierrez, Johnny Ramos and Oscar Cantu to the Building and Standards Commission. Comm. Garza seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2014-17 is filed with the City Clerk's Office.

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

ITEM 9 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 – 8

Mayor Palacios stated the time being 5:53 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.

ITEM 10 RECONVENE INTO REGULAR SESSION, AND CONSIDER ACTION, IF NECESSARY ON ANY ITEM(S) DISCUSSED IN EXECUTIVE SESSION

Mayor Palacios stated the time being 7:46 pm; the board had completed its closed session and would be resuming the open meeting.

F) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE REAL PROPERTY FOR A PUBLIC PURPOSE; ESTABLISHING PROCEDURES FOR THE ACQUISITION OF MARKET VALUE FOR THE PROPERTY TO BE ACQUIRED; ESTABLISHING FAIR MARKET VALUE FOR THE PROPERTY TO BE ACQUIRED; AND DIRECTING THE CITY MANAGER OR DESIGNEE TO COMMUNICATE OFFERS TO OWNERS FOR PURCHASE OF PROPERTY, APPROPRIATE FUNDS, AND AUTHORIZING CONDEMNATION PROCEEDINGS BY CITY ATTORNEY, RATIFICATION OF PRIOR ACT

Fred Sandoval, City Manager, introduced the item and stated this was a necessity 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-2014-18 is filed with the City Clerk's Office.

ITEM 6 ADMINISTRATIVE:

A) CONSIDERATION AND ACTION, IF ANY, ON SPONSORSHIP FOR MARATON INTERNACIONAL REYNOSA 2014

Fred Sandoval, City Manager, introduced the item and stated the bridge board had approved a \$4,000 sponsorship and recommended approval.

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

B) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO NEGOTIATE A MEMORANDUM OF UNDERSTANDING WITH GLOBAL UNIVERSAL LICENSE AND FINANCE FOR HYDROPONIC AND AQUACULTURE PROJECT

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

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

C) CONSIDERATION AND ACTION, IF ANY, ON FINAL APPROVAL OF FEMA COMMUNITY SAFE ROOM DESIGN AND LOCATION(S)

Fred Sandoval, City Manager, introduced the item and recommended to remove Liberty Middle School location and approve Jones Box Community Park, Jose "Pepe" Salinas Memorial Civic Center, and Allen and William Arnold Elementary school.

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

ITEM 7 CONTRACTS/AGREEMENTS:

A) CONSIDERATION AND ACTION, IF ANY, ON LEASE AGREEMENT WITH YAMAHA GOLF- CAR COMPANY FOR NEW GOLF CARTS

Fred Sandoval, City Manager, introduced the item and stated this was one of the mid-year budget amendments and recommended approval subject to legal review.

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 CONSULTING CONTRACT WITH ROY PADILLA

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.

C) CONSIDERATION AND ACTION, IF ANY, ON INTERLOCAL COOPERATION AGREEMENT WITH THE COUNTY OF HIDALGO LIBRARY SYSTEM (HCLS) FOR LIBRARY SERVICES

Fred Sandoval, City Manager, introduced the item and stated this was an on-going agreement 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 FIRST AMENDMENT TO LEASE AGREEMENT WITH AMERICAN TOWER CORPORATION FOR LEASE OF PROPERTY AT 413 E. CLARK

Fred Sandoval, City Manager, introduced the item.

David Garza, Assistant City Manager, briefly stated this was to extend the current lease for six additional five year renewal terms. He also stated there was a \$25,000 signing bonus and starting in 2026 an increase of \$36,000 instead of \$31,990.36 staying with the same escalation of 4% rate. In addition as good corporate citizens they had offered a donation of \$10,000 to the Boys and Girls Club this year and additional \$10,000 in 2026. He further recommended approval.

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

E) CONSIDERATION AND ACTION, IF ANY, ON CONTRACT BETWEEN THE PHARR CHAMBER OF COMMERCE AND THE CITY OF PHARR FOR LAND AND BUILDING LOCATED AT 308 W. NEWCOMBE (PARK) AVENUE

Fred Sandoval, City Manager, introduced the item and briefly stated he had not received the signed contract from the Chamber Board of Directors and recommended no action at this time.

ITEM 8 LEGAL:

A) CONSIDERATION AND ACTION, IF ANY, ON PHARR INTERNATIONAL SERVICES, LLC RELATED TO OCCUPANCY AND RELATED LEGAL MATTERS

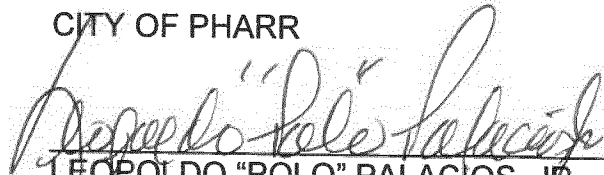
Fred Sandoval, City Manager, introduced the item and recommended approval of a new contract to be prepared by City Attorney to include \$8,000 per month for rent and the electricity bill to be paid by International Services LLC.

Comm. Elizondo moved to approve. Comm. Garza 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. Garza moved to adjourn. Comm. Maldonado seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 7:54 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 APRIL, 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: April 15, 2014