

**MINUTES
BOARD OF COMMISSIONERS
REGULAR CALLED MEETING
TUESDAY, JANUARY 21, 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, January 21, 2014 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. Aquiles Garza
BOARD OF COMMISSIONERS ABSENT:	Comm. Arturo Cortez Comm. Edmund Maldonado, Jr.
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 Jaime Guzman, Fire Chief Frank Marin, Parks & Recreation Dir. Rene Saenz, Asst. Public Works Director Edward Wylie, Pharr Dev. Services Dir. Adolfo Garcia, Library Director Raul Garza, Admin. Services Director Gary Rodriguez, External Affairs Mgr. Roel Garza, Athletics Director Roy S. Garcia, Pharr Events Center Fred Brouwen, Asst. Bridge Director Tony Sandoval, EDC Manager
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 5:23 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 and Comm. Maldonado for being absent. Comm. Carrillo seconded the motion and when put to a vote, it carried unanimously. Comm. Carrillo arrived at 5:06 p.m.

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 December 2013 Tax Collection Report
- D) Submission of January 2014 Sales Tax Report
- E) City events of interest – Newspaper Recycling Winners
- F) 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. Elizondo requested an update on the road repairs due to the recent rains and asked staff if they could be presented to them with a repair priority list. He also asked if any of the road repairs would be sub-contracted out.

Bill Ueckert, City Engineer, briefly stated bids for the asphalt and caliche base materials would be presented to them at the next City Commission meeting to approve the suppliers.

David Garza, Assistant City Manager, stated he and Roy Garcia had gone over the street priority list and sub-letting of work if needed. He stated the street repair priority list would be presented to them at the next meeting for approval on which thoroughfares or main streets would be worked on first.

Comm. Elizondo asked for an update on Fir Street repairs.

Rene Saenz, Assistant Public Works Director, stated small priority paving projects had been completed today and as of tomorrow, letters would be sent out to the residents informing them of the closing of Fir Street from Business 83 to Juarez Street to commence the needed repairs.

Mayor Palacios voiced his concern on the alley running south behind Whataburger and behind Dairy Queen on North Cage Boulevard stating it was in bad condition and requested it be looked at.

Fred Sandoval, City Manager, reported sales taxes had increased by over 9% due to the inclusion of the electricity sales tax. At this time, he called upon Grace Segovia to introduce the newspaper recycling winners.

Grace Segovia, Environmental Education Coordinator, stated fifteen (15) schools participated in the newspaper recycling competition and announced the three (3) top winners. She recognized the First Place winners being Ms. Angie Pacheco's Class from Vanguard Academy #2 who recycled 2,141 pounds of newspaper. The second place winners were Ms. Yvette Gonzalez's class from Vanguard Academy #1 who recycled 1,300 pounds of newspaper and the third place winners were from Ms. Karolina Morales's class from Vanguard Academy #1 who recycled 1,108 pounds of newspapers. She further stated Texas Recycles Day is a nationally recognized event.

Mayor Palacios congratulated the teachers and the students for a job well done and presented plaques to the teachers.

Grace Segovia, Environmental Education Coordinator, announced the next operation clean sweep would take place on Saturday, January 25, 2014 at Fire Station #3 from 8:00 a.m. to 11:00 a.m. and would be focusing on the south side of Pharr. She further announced Earth Day would be celebrated in April and was open to all schools in Pharr and National Public Works Week would be held in May.

Fred Sandoval, City Manager, reported staff, Commissioners, Bridge Board chairman and himself would be traveling to Texas A&M tomorrow to meet with some of the Agri-life staff and touring the university facilities congruent with the produce, industrial, planning and engineering areas. He also reported Police Chief Villescás and himself attended a meeting today with Secretary Jeh Johnson to Homeland Security and other dignitaries concerning the bridges along the border.

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 JANUARY 7, 2014 – REGULAR CALLED MEETING.

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

PUBLIC HEARING

1. Mauricio Jaramillo 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 a Lots 10 and 11, Maco Business Center Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 207 East Ferguson Avenue
2. Charles H. Mercer, Jr., d/b/a Carino's Italian Grill, 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 Lots 4A and 5A, Paradise Commercial Park Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 601 South Jackson Road

Mayor Palacios introduced items 3A through 3B (2).

Fred Sandoval, City Manager, stated no one had signed up to speak during the public hearing portion of the meeting under the consent agenda.

Comm. Carrillo moved to approve items 3A through 3B (2) under the consent agenda. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously.

REGULAR AGENDA – OPEN SESSION:

ITEM 4 ORDINANCES AND RESOLUTIONS:

PUBLIC HEARING: SOLICITATION OF COMMENTS FOR THE PROPOSED DRINKING WATER STATE REVOLVING FUND (DWSRF) CLEAN WATER TIER II PROGRAM FOR THE CITY OF PHARR WATER TRANSMISSION EXPANSION PROJECT AND ELEVATED STORAGE TANK PROJECT

Fred Sandoval, City Manager, informed the Board that one person had signed up to speak.

Mayor Palacios called upon Kenneth Fletcher to approach the podium to voice his concerns.

Kenneth Fletcher requested the city to enforce Ordinance No. O-2001-05 Mandatory Stage II Water Conservation; Article 4: Water; Sections 130 through 233 and Article 16: Irrigation Systems; all sections inclusive and Chapter 134, Vegetation; Sections 134 through 144.

A) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE REGULATING MOBILE FOOD TRUCKS AND CONCESSION TRAILERS

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

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

B) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPROVING TAX RESALE ON BID RECEIVED ON STRUCK-OFF PROPERTY DESCRIBED AS 1.00 ACRE, MORE OR LESS, OUT OF THE SOUTHWEST CORNER OF LOT 181, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS

Fred Sandoval, City Manager, introduced the item.

Kelly R. Salazar, Linebarger Goggan Blair and Sampson, LLP, stated the property in question was located at 701 S. Ironwood and stated a bid had been received in the amount of \$65,000 on November 7, 2013 from St. Jude's Church. She stated the amount of the bid would cover the base tax for the City of Pharr and reported STC and PSJA ISD had already approved the bid offer and STC ISD would be moving forward on the bid today.

Comm. Elizondo moved to approve. Comm. Carrillo seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2014-03 is filed with the City Clerk's Office.

**C) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION
AUTHORIZING REIMBURSEMENT OF PROCEEDS TO U.S. BANCORP
TO BE MADE IN CONNECTION WITH THE ACQUISITION AND
CONSTRUCTION OF CERTAIN CAPITAL PURCHASES**

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

Comm. Elizondo moved to approve. Comm. Garza seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2014-04 is filed with the City Clerk's Office.

**D) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION TO
PARTICIPATE IN THE TEXAS PARKS AND WILDLIFE DEPARTMENT
RECREATION TRAILS GRANT PROGRAM**

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. Resolution No. R-2014-05 is filed with the City Clerk's Office.

ITEM 5 ADMINISTRATIVE:

**A) PRESENTATION BY LINEBARGER GOGGAN BLAIR AND SAMPSON,
LLP ON QUARTER DELINQUENT PROPERTY TAX COLLECTION
REPORT FOR THE REPORTING PERIOD OF OCTOBER 1, 2013
THROUGH DECEMBER 31, 2013**

Fred Sandoval, City Manager, introduced the item.

Kelly R. Salazar, Linebarger Goggan Blair and Sampson, LLP, went over the delinquent tax collection report stating demand mailings had been sent out targeting 5,096 accounts, 168 property visits were conducted and 193 taxpayer walk-ins had been received. She stated 74 lawsuits/interventions had been filed, 4 tax warrants were issued and they had 261 pending litigations. She further reported a tax sale had been initiated in which one property was paid in full resulting in over \$18,000 paid to the City of Pharr. Accounts were continued to be monitored resulting in 77 cases were currently in bankruptcy. She stated collections were up from last year over \$8,000 in base taxes and over \$15,000 in penalty and interest and reported two tax sales were scheduled for March and April of this year.

At this time Fred Sandoval, City Manager, stated they would deviate from the agenda and discuss item 5C. There was no objection.

**C) CONSIDERATION AND ACTION, IF ANY, ON LETTER OF SUPPORT
EXTENDING H.B. 474 OVERWEIGHT CORRIDOR U.S. 281 NORTH TO
ANAYA ROAD**

Fred Sandoval, City Manager, introduced the item and stated the Bridge Board had approved the item and recommended approval.

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

B) PRESENTATION AND UPDATE ON PHARR INTERNATIONAL TRADE CENTER BUILDING BY THE WARREN GROUP

Fred Sandoval, City Manager, introduced the item.

Laura Warren, The Warren Group Architects, gave a power point presentation and went over the site improvements. She reported they would soon be sending out the notices to bid and stated the project should be completed in four weeks.

ITEM 6 CONTRACTS/AGREEMENTS:

A) CONSIDERATION AND ACTION, IF ANY, ON MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF PHARR, AMERI-LINK AND COPSYNC

Fred Sandoval, City Manager, introduced the item and stated it had been taken to the Economic Development Board for an EB5 project with CopSync. He stated Ameri-Link were the facilitators of the regional loan center and would like to put together a bridge loan so they could commence their operations here in Pharr. The Memorandum of Understanding links together the City of Pharr, Ameri-Link and CopSync under the EB5 program. He further recommended approval subject to legal review.

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 A CONTRACT WITH CH2M HILL FOR TRAFFIC AND REVENUE STUDY

Fred Sandoval, City Manager, introduced the item and stated this was in fulfillment of the negotiations with Donna. He stated it was very important to partner with this engineering firm which had international outreach. He stated he would bring the contract at a later date for final approval 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, AUTHORIZING CITY MANAGER TO NEGOTIATE A CONTRACT WITH S&GE (SHERFEY) ENGINEERING FOR THE WASTE WATER TREATMENT PLANT CLARIFIER REHABILITATION PROJECT

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, AUTHORIZING CITY MANAGER TO NEGOTIATE A CONTRACT WITH SAM GARCIA ARCHITECTS FOR THE DESIGN AND CONSTRUCTION OF THE NEW PUBLIC WORKS RECYCLING CENTER

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

Comm. Farias moved to approve. Comm. Garza 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 3 – 7

Mayor Palacios stated the time being 5:59 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 9 RECONVENE INTO REGULAR SESSION, AND CONSIDER ACTION, IF NECESSARY ON ANY ITEM(S) DISCUSSED IN EXECUTIVE SESSION

Mayor Palacios stated the time being 6:33 pm; the board had completed its closed session and would be resuming the open meeting.

ITEM 7 LEGAL:

A) CONSIDERATION AND ACTION, IF ANY, ON CITY OF PHARR V. YARO, INC. AND JHMMD PARTNERS, LLC; CL-10-2401-H

Fred Sandoval, City Manager, introduced the item and recommended approval as per City Attorney's recommendation to terminate the lawsuit.

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

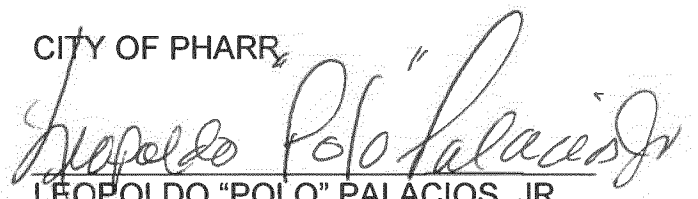
B) CONSIDERATION AND ACTION, IF ANY, ON CITY OF DONNA V. CITY OF PHARR; C-0228-13-I

Fred Sandoval, City Manager, introduced the item and stated no action would be taken at this time as per City Attorney's recommendation.

ITEM 10 ADJOURNMENT:

There being no other business to come before the board, Comm. Elizondo moved to adjourn. Comm. Garza seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:34 p.m.


CITY OF PHARR


LEOPOLDO "POLO" PALACIOS, JR.
MAYOR

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF PHARR

ON THIS THE 21ST DAY OF JANUARY, 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: February 4, 2014