

**MINUTES
BOARD OF COMMISSIONERS
REGULAR-SPECIAL CALLED MEETING
MONDAY, FEBRUARY 17, 2014 AT 12:30 P.M.
118 SOUTH CAGE 2ND FLOOR**

The Board of Commissioners of the City of Pharr, Texas, met in a Regular-Special Called Meeting on Monday, February 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
Javier Rodriguez, C.D. Director
Juan Guerra, Chief Financial Officer
Ruben Villescas, Police Chief
Carlos Mandujano, Asst. Fire Chief
Frank Marin, Parks & Recreation Dir.
Roy Garcia, Public Works Director
Edward Wylie, Development Serv. Dir.
Adolfo Garcia, Library Director
Raul Garza, Admin. Services Director
Jason Arms, I.T. Director
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 12:34 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

David Simmons, City of Donna Mayor, led in the pledge of allegiance and Ruben Villescas, Police Chief, said the prayer.

ITEM 2 PROCLAMATIONS:

**A) PRESENTATION OF PROCLAMATION PROCLAIMING MARCH 4, 2014
AS IHOP'S NATIONAL PANCAKE DAY AND SHRINERS HOSPITAL
FOR CHILDREN DAY**

Mayor Palacios read Proclamation P-2014-03 proclaiming March 4, 2014 as IHOP's National Pancake Day and Shriners Hospitals for Children Day and presented proclamation to Howard Woolley, Al Amin Shrine, Nomad Shrine Club.

ITEM 3 CITY MANAGER'S REPORTS:

- A) City Engineer's Report - Bill Ueckert
- B) Submission of monthly report – Pharr Municipal Court
- C) Submission of January 2014 Tax Collection Report
- D) Submission of February 2014 Sales Tax Report
- E) Submission of 2013 Racial Profiling Report
- F) City events of interest
- G) Legislative/Project Update

Mayor Palacios introduced the item.

Fred Sandoval, City Manager, stated City Engineer was present and any questions on projects could be entertained at this time.

Comm. Elizondo asked for an update of Bell Street and Fir Street repairs.

Roy Garcia, Public Works Director, stated both streets were Community Development Block Grant projects which had been delayed due to the weather. He added his department would proceed with the projects within the next couple of days and complete them within one and one-half months.

Fred Sandoval, City Manager, reported sales taxes were up by 15% for the month of December. He welcomed David Simmons, Donna Mayor, Sonia Gallegos, Donna Councilwoman, and Oscar Ramirez, Donna City Manager. He also welcomed Humberto Garza from Congressman Filemon Vela's Office who had informed him that they would be coming to the Pharr Bridge together with Walter Bastian, Assistant Secretary of Commerce, for a press conference on Wednesday, February 19, 2014 to highlight the importance of trade with Mexico. He further extended an invitation to the media to attend the event.

Mr. Sandoval also reported Assistant Secretary of Defense Jose Mayorga from Department of Homeland of Security would be in McAllen and asked Police Chief Ruben Villegas to look into the visit's time and location.

Mayor Palacios stated he was informed that cooking would not be allowed at the election polling locations and asked staff for clarification. Comm. Elizondo stated he believed the rule was for county properties only.

Michael Pruneda, City Attorney, stated this was a county election and the county was imposing certain rules on their properties but did not affect city properties.

Fred Sandoval, City Manager, further stated the Annual Racial Profiling Report had been submitted and was in their packets for their review and information.

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 FEBRUARY 4, 2014 – REGULAR CALLED MEETING

- B) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO SUBMIT A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR THE DOMESTIC VIOLENCE COORDINATOR PROJECT
- C) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO SUBMIT A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR CRIMINAL JUSTICE DIVISION FOR THE HUMAN TRAFFICKING LIAISON PROJECT
- D) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO SUBMIT A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR THE STOP FAILURE TO ATTEND SCHOOL PROJECT
- E) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO SUBMIT AN APPLICATION TO ACCEPT THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FY 2014 AWARD FOR \$18,475.00 FOR THE PURCHASE OF MOBILE REMOTE FINGERPRINT ID PROJECT
- F) CONSIDERATION AND ACTION, IF ANY, ON PLANNING & ZONING CASES:

PUBLIC HEARING

1. Mauricio Jaramillo, d/b/a Regency Fiesta, 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 1.01 acres out of Lot 152, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1020 West Ferguson.
2. David Ruelas, d/b/a El Perico's Bar & Grill, 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 Lots 14 & 15, La Quinta Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 5826 South Cage Boulevard.

Fred Sandoval, City Manager, introduced items 4A through 4 F (2) and stated no one had signed up to speak during the public hearing.

Comm. Farias moved to approve. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously. Resolutions R-2014-08, R-2014-09, R-2014-10 and R-2014-11 are filed with the City Clerk's Office.

Comm. Cortez thanked Ruben Villescas, Police Chief, for the grant applications submitted which helped the city financially and helped place the city on the maps.

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 12:49 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.

Fred Sandoval, City Manager, briefly stated a joint meeting with the Bridge Board would be held on Friday, March 7, 2014 at 12:00 noon for the signing of the Memorandum of Understanding (MOU) with the Port of Corpus Christi.

E) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION SUPPORTING HOUSING TAX CREDIT PROJECT WITH PALLADIUM USA INTERNATIONAL, INC.

Fred Sandoval, City Manager, introduced the item and stated the applicant had withdrawn the request therefore, no action would be taken.

F) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT LOAN TO PALLADIUM USA INTERNATIONAL, INC.

Fred Sandoval, City Manager, introduced the item and stated the applicant had withdrawn the request therefore no action would be taken.

G) CONSIDERATION AND ACTION IF ANY ON RESOLUTION RATIFYING RE-SCHEDULING THE CITY COMMISSION MEETING OF TUESDAY FEBRUARY 18, 2014

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. Resolution R-2014-14 is filed with the City Clerk's Office.

ITEM 6 ADMINISTRATIVE:

PUBLIC HEARING: SOLICITATION OF COMMENTS ON REQUEST TO EXTEND THE CURRENT MORATORIUM ON USED MOTOR VEHICLE BUSINESSES AN ADDITIONAL 90 DAYS

Fred Sandoval, City Manager, introduced the item and stated one person had signed up to speak.

Mayor Palacios called upon Leonel Lopez to come before the board.

Leonel Lopez thanked the board for their time and effort they give to the community. He stated his family owned business has been in the community for approximately 45 years in the south Pharr area. He stated he had invested time, effort and money to beautify the business. He added he had purchased a property in the Las Milpas area for a car lot and presented pictures of the location. He stated since Ordinance No. O-2013-49 was passed in November; his business had been shut down affecting his income and his renters. He further stated he had previously owned a car lot and never had problems, issues with health or safety and he was never a threat to the community or endangered the residents. He asked the board to listen to his pleas and issue a permit to allow him to continue with his business.

There being no other person registered to speak, Mayor Palacios closed the public hearing.

A) CONSIDERATION AND ACTION, IF ANY, ON REQUEST TO EXTEND THE CURRENT MORATORIUM ON USED MOTOR VEHICLE BUSINESSES AN ADDITIONAL 90 DAYS

Fred Sandoval, City Manager, introduced the item and asked Edward Wylie, to give a brief explanation as to the extension being requested.

Edward Wylie, Development Services Director, explained the new ordinance relating to item 5B had been submitted to them as per their recommendations. He

stated the ordinance was almost complete but some information was still missing from the County Appraisal District. He added if the information needed from the county was received soon, the ordinance would be presented to them for final approval and the moratorium would be removed.

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

Fred Sandoval, City Manager, stated approval of the extension of the moratorium was in fulfillment of the first reading of the ordinance to be approved at the next regular meeting if all items are received. He added the language could be modified to place a generic fee as opposed to a tax based fee.

Leonel Lopez asked if his business could be grandfathered in since a licensed car lot had previously existed at that location with no issues or endangerment to the welfare of the community and to all his investments done to beautify the location.

Fred Sandoval, City Manager, clarified that the moratorium was not being put in place due to any danger or issues being put forth to the public but to allow staff time to finalize the ordinance to place the proper fee structure on all vehicles sold in Pharr.

B) CONSIDERATION AND ACTION, IF ANY, ON CPI RATE ADJUSTMENTS FOR GARBAGE COLLECTION SERVICES

Fred Sandoval, City Manager, introduced the item and stated this was an annual rate adjustment which was in the contract and recommended approval.

Comm. Carrillo 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 CONTRACT BETWEEN KELLY MILLER CIRCUS AND PHARR FIRE DEPARTMENT

Fred Sandoval, City Manager, introduced the item and briefly stated this was an on-going relationship with Kelly Miller who shares some of the proceeds with the Fire Department and recommended approval.

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

B) CONSIDERATION AND ACTION, IF ANY, ON CONTRACT WITH TTI FOR BRIDGE VALUATION STUDY

Fred Sandoval, City Manager, introduced the item and briefly stated this was the Texas Transportation Institute out of Texas A&M and was part of the bridge valuation study. He further recommended approval.

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

C) CONSIDERATION AND ACTION, IF ANY, TO ACCEPT AGREEMENT WITH TXDOT REGARDING SETTLEMENT CONCERNING FINALIZATION OF THE RELEASE RELATED TO THE FEDERAL FY 2009-2010 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM

Fred Sandoval, City Manager, introduced the item and stated there was an on-going issue with TxDOT regarding refunding some Selective Traffic Enforcement Program monies related to an audit. He requested authorization to finalize the agreement with legal and move forward.

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

D) CONSIDERATION AND ACTION, IF ANY, ON ENGAGEMENT AGREEMENT BETWEEN FULBRIGHT & JAWORSKI LLP AND THE CITY OF PHARR

Fred Sandoval, City Manager, introduced the item and stated no action would be taken at this time.

E) CONSIDERATION AND ACTION, IF ANY, ON ENGAGEMENT AGREEMENT BETWEEN LANGLEY & BANACK, INC. AND THE CITY OF PHARR

Fred Sandoval, City Manager, introduced the item and stated no action would be taken at this time.

F) CONSIDERATION AND ACTION, IF ANY, ON LETTER OF INTENT WITH THE CITY OF DONNA

Fred Sandoval, City Manager, introduced the item and stated staff recommended approval of the Letter of Intent with the final copy being sent to the City of Donna for execution.

Mayor Palacios called upon the Mayor of Donna.

David Simmons, City of Donna Mayor, stated they had submitted a Letter of Intent for a joint venture with the City of Donna Bridge and asked if the City of Pharr would accept the offer and move forward with the economic development within the region. He stated the City of Donna had already accepted the offer and looked forward to the City of Pharr's acceptance.

Mayor Palacios thanked Mayor Simmons, staff and the citizens of Donna for taking steps in the joint venture on the Pharr/Donna Bridge.

Mayor David Simmons thanked the board and stated this would be a great partnership between the two cities and the region.

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

8. LEGAL:

A) 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 recommended approval in fulfillment of item 7F.

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

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

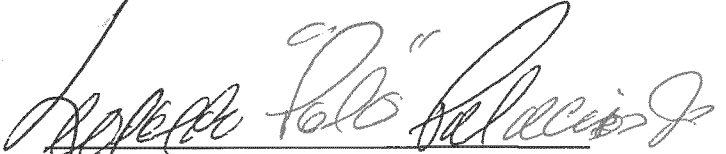
Fred Sandoval, City Manager, introduced the item and recommended approval to proceed as discussed in closed session.

Comm. Cortez 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. Elizondo moved to adjourn. Comm. Maldonado seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 2:20 p.m.

CITY OF PHARR


LEOPOLDO "POLO" PALACIOS, JR.
MAYOR

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF PHARR

ON THIS THE 17TH DAY OF FEBRUARY, 2014 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: MARCH 6, 2014