

**MINUTES  
BOARD OF COMMISSIONERS  
REGULAR CALLED MEETING  
TUESDAY, APRIL 15, 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, April 15, 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. (arrived at 5:22 pm)  
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  
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, PIO  
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 5:14 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 was not present at the time of roll call but arrived at 5:22 pm.

**B) PLEDGE OF ALLEGIANCE / INVOCATION**

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

**ITEM 2 PROCLAMATIONS:**

**A) PRESENTATION OF PROCLAMATION PROCLAIMING THE WEEK OF  
APRIL 13-19, 2014 AS NATIONAL LIBRARY WEEK**

Mayor Palacios read Proclamation proclaiming the week of April 13-19, 2014 as National Library Week and presented proclamation to Adolfo Garcia, Library Director.

Adolfo Garcia, Library Director, thanked the Commission for the proclamation and for their support. He announced that a contest for who could accurately guess the number of books would win a gift basket. This event will take place on Thursday, April 17<sup>th</sup>, 2014 at the library. He further announced the books on the history of Pharr were currently being sold this week through the end of April at a price of 2 books for \$30.00.

**B) PRESENTATION OF PROCLAMATION PROCLAIMING THE WEEK OF  
APRIL 21-25, 2014 AS NATIONAL COMMUNITY DEVELOPMENT  
WEEK**

Mayor Palacios read Proclamation proclaiming the week of April 21-25, 2014 as National Community Development Week and presented proclamation to Javier Rodriguez and Santiago Salinas.

Javier Rodriguez, Community Development Director, thanked the Commission for the proclamation. He stated the Community Development Block Grant Program has been in existence for 40 years and the City of Pharr has used the program for the past 30 years. He extended an invitation to the Board to attend their annual celebration on Wednesday, April 23, 2014 at City Hall lobby area. He reported Yolanda Chavez, Assistant Deputy Director for HUD and the San Antonio Regional Director for HUD would be in the Valley on April 30<sup>th</sup>, 2014 to tour the cities of Alamo, Edcouch, Edinburg, Mission, and Pharr ending the tour at the Pharr Aquatic Center. He extended an invitation to the Board to meet the HUD representatives.

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

- A) City Engineer's Report - Bill Ueckert
- B) Submission of monthly report – Pharr Municipal Court
- C) Submission of March 2014 Tax Collection Report
- D) Submission of April 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 and Judge Martinez were present and any questions on projects or Municipal Court could be entertained at this time.

There being no questions, Mr. Sandoval briefly reported sales tax for the month of April was up over 8%. He also announced Gary Rodriguez was the Public Information Officer and all media requests would be routed to him for all on-camera and written requests.

At this time, Fred Sandoval, City Manager, called upon representatives for the National Day of Prayer.

Diana Smith extended an invitation to the Board to attend the National Day of Prayer on Thursday, May 1, 2014 at 12:00 noon at Pharr City Hall. She stated this year's theme was "One Voice United in Prayer". Ms. Smith also stated a board had been created and it was suggested by the Pharr Police Department to have two (2) board members stand in each corner of the city to pray. She added a group had done a prayer on April 10, 2014 from the 4 corners and prayed for the city with great success.

Pastor Magallan thanked the Board for the opportunity to have this celebration and stated the City of Pharr has had an impact on other cities that have heard of the event and wish to join. He also stated the annual Walk of Faith would take place from 6:00 p.m. to 9:00 p.m. from Burger King to Pharr Athletic League's Offices.

Fred Sandoval, City Manager, announced an event in conjunction with the Pharr Community Policing Group for El Dia Del Nino celebration would take place at Jones Box Park and called upon representatives for a presentation.

Adriana Gonzalez, Entravision 99.5 Radio D.J., announced the Dia Del Nino Event was scheduled for Sunday, April 27, 2014 from 12:00 pm to 6:00 p.m. She stated 500 toys would be given out to the children with free music, clowns, and cake. She further stated media coverage would be provided by Univision Television and Entravision 99.5 Radio Station and extended an invitation to all to attend the event.

Fred Sandoval, City Manager, reported Operation Clean Sweep /City Hall on Call would take place on Saturday, April 26, 2014 at Fire Station #1 located on Cherokee. He stated Public Works Department had received a grant for the tire buyback program at .50¢ per tire for that day only. He also reported the official closing for Garden Ridge was held today and the opening would take place in October 2014. He stated the groundbreaking projected date was May 6, 2014 or possibly sooner.

Mr. Sandoval further reported he had a meeting with the cities of McAllen, Mission, Edinburg and Pathfinder Texas regarding the progress of the medical school and the taxing district that would be coming. He stated the group would be going to the County Judge to ask for permission to start the process for an Election to take place for the taxing district. He further stated the group would be coming to address the Board and stated the project was moving forward.

**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 27, 2014 - SPECIAL CALLED MEETING AND APRIL 1, 2014 REGULAR CALLED MEETING**

**B) CONSIDERATION AND ACTION, IF ANY, ON REQUEST FROM THE KNIGHTS OF COLUMBUS FOR PARTIAL CLOSING OF SOUTH IRONWOOD FOR THE ST. JUDE CATHOLIC CHURCH ANNUAL JAMAICA ON SUNDAY, MAY 4, 2014 FROM 2:00 PM TO 9:00 PM.**

**C) CONSIDERATION AND ACTION, IF ANY, ON REQUEST TO ADVERTISE FOR COMPETITIVE SEALED PROPOSALS (CSP) FOR LANDSCAPING MAINTENANCE FOR CITY FACILITIES**

**D) CONSIDERATION AND ACTION, IF ANY, ON REQUEST TO ADVERTISE FOR COMPETITIVE SEALED PROPOSALS (CSP) FOR MOWING SERVICES FOR THE CITY OF PHARR.**

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

**PUBLIC HEARING**

1. Raul Fong, d/b/a Junction Cafe, 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 1 and the S7' of Lot 2, Block 1, J.T. Doster Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 11 S. Cage Blvd.
2. Sebastian A. Sobczak dba La Ofrenda LLC (Golazo Soccer) requested renewal of the Conditional Use Permit and Late Hours Permit to allow the sale of alcoholic beverages for on-premise consumption in a Limited Industrial District (L-I). The property is legally described as Lot A, Re-Plat of Lots 9 & 10, Steel Horse Industrial Park Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 5704 N Gumwood.
3. Jose Erasmo Barrera, d/b/a El Pato Lucas Bar, is 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 follows: Lot 19, Block 2, Los Marineros Phase 1 Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 2304 S. Cage Blvd.

**PLATS:**

4. Treviño Engineering, representing Eluid Garcia, requested final plat approval of the proposed Re-Subdivision of Lots 2 & 3, Jackson Ridge Court Subdivision. The property is legally described as being a 5.034 acre tract of land being a re-subdivision of Lots 2 & 3, Jackson Ridge Court Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 1800 Blk. of W. Ridge Rd.

Mayor Palacios introduced items 4A through 4E(4).

Comm. Garza moved to remove item 4E(2) from the consent agenda. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously.

Comm. Elizondo moved to approve items 4A, 4B, 4C, 4D, 4E(1), 4E(3) and 4E(4) under the consent agenda. Comm. Farias seconded the motion and when put to a vote, it carried unanimously.

Fred Sandoval, City Manager introduced item 4E(2).

Comm. Garza asked staff for an update on the complaints received by some of the neighbors on the late hours operation.

David Garza, Assistant City Manager, stated he had discussed with the Manager for Golazo Soccer concerning the games played at late hours of the night. He stated an agreement had been reached to change the late hour games to end between 10:00 p.m. and 11:00 p.m. on weekdays and end at midnight on weekends. He further stated if this time change did not remedy the complaints, then he would need to possibly shorten further the late games. He further recommended approval as they were good corporate citizens and to allow them the opportunity to correct the issue.

Comm. Carrillo stated he understood that some of the complaints had been with noise issues such as loud horns and asked if they could be eliminated.

David Garza, Assistant City Manager, stated the issue of horns and other noise makers used was addressed with the Police Chief and the establishment and he understands that the issue has been corrected by not allowing the noise makers to be brought into the facility. He added other noise complaints were of people cheering and yelling for their team which is something that cannot be controlled.

There being no further comments, Comm. Carrillo moved to approve item 4E(2). 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-2013-25 PARKS AND RECREATION  
DEPARTMENT'S AQUATIC CENTER FEE SCHEDULE**

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

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

**B) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING  
ORDINANCE NO. 2009-38 (SIGN ORDINANCE)**

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

Comm. Elizondo moved to approve the ordinance on first and final reading. Comm. Cortez seconded the motion.

Comm. Carrillo voiced his concerns with the number of political signs at the polling locations and asked if this could be addressed.

Michael Pruneda, City Attorney, stated the election code only addressed the size of the signs but does not regulate the quantity.

Edward Wylie, Development Services Director, stated the amount of signs allowed could not be addressed through this ordinance as it could be conflicting. He stated a resolution or an ordinance could be approved to restrict the number of signs allowed on city owned properties and could be presented to them at the next meeting.

There being no further discussion, the motion was put to a vote and it carried unanimously. Ordinance No. O-2014-14 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 5:54 p.m.; 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 6:50 p.m.; the board had completed its closed session and would be resuming the open meeting.

**C) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AUTHORIZING THE TRANSFER OF OWNERSHIP OF REAL PROPERTY LOCATED AT 201, 203, 205, 207, AND 211 W. NEWCOMBE (PARK) AVENUE (OLD CITY HALL) AND 118 W. CHEROKEE (OLD FIRE STATION) TO PHARR ECONOMIC DEVELOPMENT CORPORATION II**

Fred Sandoval, City Manager, introduced the item and stated the Pharr Economic Development Corporation II Board had approved this item and recommended approval.

Comm. Cortez moved to approve. Comm. Carrillo seconded the motion and when put to a vote, it carried unanimously. Ordinance O-2014-15 is filed with the City Clerk's Office.

**D) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION AUTHORIZING CITY ENGINEER TO SUBMIT A GRANT APPLICATION TO THE HIDALGO COUNTY METROPOLITAN PLANNING ORGANIZATION FOR FEDERAL FUNDING ASSISTANCE MADE AVAILABLE THROUGH THE SECTION 5310 PROGRAM FOR THE PHARR PEDESTRIAN IMPROVEMENTS PROJECT**

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

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

Comm. Farias asked for the location of the proposed sidewalks.

Bill Ueckert, City Engineer briefly stated the proposed sidewalks would be along the south side of Ridge Road from Jackson Road to HEB and along Cage Blvd. from Ridge Road to the Senior Park. He added the plans for the sidewalks on Thomas Road and Cage Blvd. would be submitted to TxDOT soon to be bided out in a couple of weeks. He further stated the sidewalks would be approximately eight (8) feet wide.

There being no further discussion the motion was put to a vote and it carried unanimously. Resolution No. R-2014-19 is filed with the City Clerk's Office.

**E) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION  
AUTHORIZING CITY OF PHARR PARTICIPATION IN THE TEXAS  
DEPARTMENT OF TRANSPORTATION TURNBACK PROGRAM**

Fred Sandoval, City Manager, introduced the item and stated after meeting with TxDOT District Engineer, he was made aware that the project was completely voluntary. He stated some roads in Pharr controlled by TxDOT had some synergy values and recommended approval of the resolution to allow the city to investigate the values.

Comm. Cortez moved to approve. Comm. Carrillo seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2014-2- is filed with the City Clerk's Office.

**F) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION  
APPOINTING AN EX-OFFICIO MEMBER TO THE TIERRA DEL SOL  
GOLF ADVISORY BOARD**

Fred Sandoval, City Manager, introduced the item.

Comm. Garza moved to appoint Comm. Adan Farias as an ex-officio member to the Tierra Del Sol Advisory Board. Comm. Elizondo seconded the motion.

Fred Sandoval, City Manager, advised the Board that more than one ex-officio member could be appointed at this time. Michael Pruneda, City Attorney, explained only one (1) member could be appointed at this time as the resolution was prepared due to a vacancy.

The motion was put to a vote and it carried unanimously. Resolution No. R-2014-21 is filed with the City Clerk's Office.

**ITEM 6 ADMINISTRATIVE:**

**A) CONSIDERATION AND ACTION, IF ANY, ON AUTHORIZING STAFF  
TO NEGOTIATE THE PURCHASE OF 1500 ACRE FT. OF WATER  
RIGHTS FROM LAREDO WLE, LP**

Fred Sandoval, City Manager, introduced the item and stated the item was being worked on by the Utilities Department and funds were available. He added water rights were very limited and recommended approval

Comm. Cortez 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 COMPREHENSIVE 380  
STIMULUS AND DEVELOPMENT AGREEMENT BETWEEN COPSYNCO,  
CITY OF PHARR, AND PHARR ECONOMIC DEVELOPMENT  
CORPORATION II**

Fred Sandoval, City Manager, introduced the item and stated the agreement had been approved by the Pharr Economic Development Corporation II at their meeting and recommended approval as discussed.



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

**B) CONSIDERATION AND ACTION, IF ANY, ON COMPREHENSIVE 380 STIMULUS AND DEVELOPMENT AGREEMENT WITH PHARR ECONOMIC DEVELOPMENT CORP. II, CITY OF PHARR, AND BALDY'S COFFEE ROASTING/MOONBEANS COFFEE, LTD. TO INCLUDE PROPERTY LEASE AGREEMENT AND RBEG LOAN**

Fred Sandoval, City Manager, introduced the item and stated the 380 agreement was not needed only the property lease agreement and the RBEG loan. He further recommended approval.

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

**C) CONSIDERATION AND ACTION, IF ANY, ON RELEASE OF LIEN AND ACCEPTANCE OF DEED FROM THE CHAMBER OF COMMERCE FOR LAND AND BUILDING LOCATED AT 308 W. NEWCOMBE (PARK) AVENUE**

Fred Sandoval, City Manager, introduced the item and stated legal was working on the necessary documentation and recommended approval.

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 CONTRACT WITH AGUILAR ZABARTE LLC. FOR LEGAL SERVICES**

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

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

**ITEM 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 stated no action would be taken at this time.

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

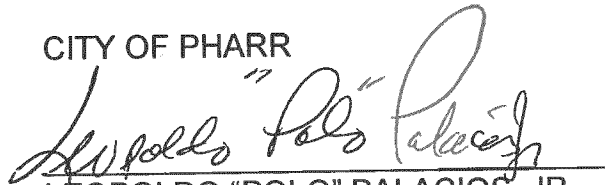
Fred Sandoval, City Manager, introduced the item and recommended approval to direct legal to commence proceedings as discussed in closed session.

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. Cortez seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:59 p.m.

CITY OF PHARR

  
LEOPOLDO "POLO" PALACIOS, JR.  
MAYORSTATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF PHARR

ON THIS THE 15<sup>TH</sup> 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, 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: MAY 6, 2014