

**MINUTES
BOARD OF COMMISSIONERS
REGULAR-SPECIAL CALLED MEETING
WEDNESDAY, JULY 1, 2015 AT 5:00 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 Wednesday, July 1, 2015 and following is the record of attendance.

BOARD OF COMMISSIONERS PRESENT: Mayor Ambrosio Hernandez
Mayor Pro-Tem Oscar Elizondo
Comm. Eleazar Guajardo
Comm. Roberto Carrillo
Comm. Edmund Maldonado, Jr.
Comm. Ricardo Medina
Comm. Mario Bracamontes

BOARD OF COMMISSIONERS ABSENT: None

STAFF PRESENT: Juan G. Guerra, Interim City Manager
David Garza, Utilities Director
Hilda Pedraza, City Clerk
Raul Garza, C.D. Director
Karla Moya, Interim Finance Director
Ruben Villescascas, Police Chief
Jaime Guzman, Fire Chief
Frank Marin, Parks & Recreation Dir.
Roy Garcia, Public Works Director
Luis Bazan, Interim Director of Operations
Edward Wylie, Dev. Services Dir.
Adolfo Garcia, Library Director
Gary Rodriguez, Public Information Officer
Roel Garza, Athletics Director
Roy S. Garcia, Boggus Ford Events Center
Sergio Contreras, Interim PEDC Director
Luis Bazan, Bridge
Bill Ueckert, City Engineer

CITY ATTORNEY Michael Pruneda, City Attorney

ITEM 1 CALL TO ORDER:

Mayor Pro-Tem Elizondo called the meeting to order at 5:04 p.m. Roll Call established a quorum.

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

Mayor Hernandez was not present at the time of roll call but arrived at 5:21p.m.

B) PLEDGE OF ALLEGIANCE / INVOCATION

Eddie Anaya led in the pledge of allegiance and Pastor Magallan said the prayer.

C) PUBLIC COMMENTS. (ORDINANCE NO. O-2015-28)

Kenneth Fletcher addressed the board and voiced his concern on agenda item 7H stating the item should be tabled as per City Charter Section 13 and feels the commission should not offer settlement at this time. Mr. Fletcher also referred to a picture slide and mentioned that parking continues in fire zones and stated city ordinances should be enforced.

Lupe Chavez addressed the board and asked them to consider moving city commission meetings back to 6:00 p.m. Mr. Chavez voiced his concerns with commercials for Pharr Boys & Girls Club and Pharr Aquatic Center by Hidalgo County Commissioner Eddie Cantu and stating this was being funded with taxpayer monies and Section 108 Loan funds. He stated he already notified Housing and Urban Development Office about the situation. Mr. Chavez also informed the Board he had filed charges for assault on a City Commissioner while at a polling location back in May 2010 and stated the investigation was assigned to a person whom he filed charges against and no charges were filed by the City Prosecutor who apparently was the campaign treasurer. He also stated another City Commissioner filed a false affidavit when he was arrested at a City commission meeting stating that he was acting out of control and there was no such thing.

Mayela Garza, property owner at 2200 S. Cage and 2302 S. Cage, addressed the board and stated she did not agree that taxpayer monies should be utilized to pay Fred Sandoval. She further stated she had been calling Public Works Department about an alley behind her properties that is in need of repair but has not received a response.

Rey Lizcano spoke about Beautifying Pharr. He stated caliche was being placed in front of a residence with no setback from curb and a house was built with a 3-foot setback from other house and stated the permit should have not been allowed. Mr. Lizcano further suggested a walk-thru of the neighborhoods.

Simrah Singh addressed the board and spoke on agenda item 7H. He requested the board consider making a decision on the item and asked if there was a significant difference with this severance package and severance packages given to former employees with similar or extensive tenure. He also stated funds can be utilized in other programs such as streets, Parks and Recreation or anything else for the community.

ITEM 2 CITY MANAGER'S ADMINISTRATIVE REPORTS AND DISCUSSION, IF ANY, WITH GOVERNING BODY. THE CITY MANAGER MAY ALSO ASSIGN A DESIGNATED SPOKESPERSON FOR ANY PARTICULAR LISTED TOPIC.

- A) City Engineer's Report
- B) City Events of Interest

Mayor Pro-Tem Elizondo introduced the item.

Juan Guerra, Interim City Manager, stated the City Engineer was present and any questions on projects could be entertained at this time.

There being no questions, Juan Guerra, Interim City Manager, reported the Movies at the Pool event would take place on July 4, 2015 at the Pharr Aquatics Center and Movies at the Park events would take place on July 11, 2015 and on July 18, 2015 at Jones Box Park. Mr. Guerra further reported Parks & Recreation Department would be hosting a Day of Fun for Miracle Kids of South Texas at the Pharr Aquatics Center on July 8, 2015. He also reported Pharr Police Athletic League would be having baseball and softball camp programs starting July 13, 2015, a football camp from July 13, 2015 thru August 6, 2015, and a soccer camp from July 6, 2015 through July 11, 2015.

Juan Guerra, Interim City Manager, further reported a ribbon cutting ceremony for Faji Taco would take place on July 10, 2015 at 3501 N. I Road at 1:00 p.m. and invited everyone to attend. He also reported the next Operation Clean Sweep would take place on July 25, 2015 at the Fire Substation located at 7101 S. Cage Blvd. He further reported the Pharr Fire Department would be attending a community event organized by ARISE for free meals to anyone 18 years old or younger for the next three weeks.

Mayor Hernandez arrived at this time being 5:21 pm.

Comm. Guajardo asked for a status on pedestrian bridge at Jones Box Park. William Ueckert, City Engineer, stated currently the project was in the design phase and was being done in-house. He advised that he expected to be finished with plans by late July to submit to Hidalgo County for permit to cross the drain ditch. He stated the city would be able to advertise for bids to start construction for this project in late August.

Mayor Hernandez stated that Hidalgo County Precinct 2 was the limiting factor and the City is waiting for clearance from their attorneys on this project.

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, AUTHORIZING INTERIM CITY MANGER TO ADVERTISE FOR REQUEST FOR PROPOSALS FOR PROFESSIONAL AUDIT SERVICES FOR FY ENDING IN 14-15

B) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING INTERIM CITY MANGER TO ADVERTISE FOR POLYMER FOR THE WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT

C) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING INTERIM CITY MANGER TO ADVERTISE FOR CHLORINE SERVICES FOR THE WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT.

D) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING INTERIM CITY MANGER FOR PERMISSION TO ADVERTISE FOR SLUDGE MANAGEMENT SERVICES FOR THE WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT

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

PUBLIC HEARING

1. Jose Ruben Mendez, d/b/a 100% Antojitos Mexicanos, 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 being a 0.04 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, Suite 9. CUP#140545

Mayor Hernandez opened the public hearing. There being no comments, the public hearing was closed.

Juan Guerra, Interim City Manager, introduced items 4A through 4E and recommended approval.

Comm. Carrillo moved to approve items 4A through 4E. Comm. Medina seconded the motion and put to a vote, it carried unanimously.

At this time, Mayor Hernandez stated they would deviate from the agenda and go into executive 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 Hernandez stated the time being 5:25 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 Hernandez stated the time being 6:27 pm; the board had completed its closed session and would be resuming the open meeting.

REGULAR AGENDA – OPEN SESSION:

ITEM 4 ORDINANCES AND RESOLUTIONS:

A) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE DESIGNATING THE CITY OF PHARR – TIF REINVESTMENT ZONE #2 (TABLED)

Juan Guerra, Interim City Manager, introduced the item and recommended the item remain tabled.

B) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NO. O-2015-03 FOR BUDGET AMMENDMENTS TO THE FY 2014-2015 BUDGET

Juan Guerra, Interim City Manager, introduced the item and recommended approval.

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

Ordinance No. O-2015-30 is filed with the City Clerk's Office.

C) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPOINTING/RE-APPOINTING MEMBERS TO THE PHARR REYNOSA INTERNATIONAL TOLL BRIDGE BOARD

Juan Guerra, Interim City Manager, introduced the item.

Comm. Carrillo moved to appoint Praxedis Gutierrez Jr. and Maria Sotelo to the Pharr-Reynosa International Toll Bridge Board. Comm. Elizondo seconded the motion and put to a vote, it carried by a majority vote of six (6) ayes to one (1) nay. Comm. Medina voted against the motion.

Resolution No. R-2015-46 is filed with the City Clerk's Office.

D) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPOINTING STAKEHOLDERS GROUP FOR "YOUR VISION! PHARR 2025 – PHARR INTO THE FUTURE" COMPREHENSIVE PLAN

Juan Guerra, Interim City Manager, introduced the item.

Edward Wylie, Development Services Director, stated he had been making contact with the board to obtain fifteen names for the stakeholders group. He went over the names he currently had on list and stated he was missing three names. He further recommended that it be an odd number of people preferably for voting purposes.

Comm. Carrillo moved to appoint Richard Villarreal, Rolando Vega, Robert Sanchez, Xavier Garcia, Juan Serna, Danny Wylie, Stanley Francis, Juan Willingham, Joe Rodriguez, Jose Tamez, Raul Martinez, Jaime Villarreal, Rafael Munguia, Florestela Martinez, Monica Pena, Sergio Cortez, and Eddie Anaya to the Stakeholders

Group. Comm. Maldonado seconded the motion and put to a vote, it carried unanimously.

Resolution No. R-2015-47 is filed with the City Clerk's Office.

E) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION RESCINDING RESOLUTION NO. R-2015-20 AND ANY EMINENT DOMAIN AUTHORITY AND PROCEEDINGS FOR A 39.65 ACRE TRACT OF LAND OUT OF KELLY-PHARR SUBDIVISION LOTS 251, 261 AND 262, PHARR, HIDALGO COUNTY, TEXAS

Juan Guerra, Interim City Manager, introduced the item and recommended approval.

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

Resolution No. R-2015-48 is filed with the City Clerk's Office.

F) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION DECLARING A COLLAPSED SECTION OF THE MANHOLE IN SANITARY SEWER COLLECTION SYSTEM LOCATED ON 1301 E. JONES (IN THE REAR) KNOWN AS THE "OLD ST. JUDE" LIFT STATION WET WELL A STATE OF EMERGENCY

Juan Guerra, Interim City Manager, introduced the item and recommended approval.

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

Resolution No. R-2015-49 is filed with the City Clerk's Office.

G) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION RELATED TO THE PROPOSED POSTED SPEED LIMIT FOR THE OWASSA ROAD WIDENING PROJECT FROM JACKSON ROAD TO I-69

Juan Guerra, Interim City Manager, introduced the item and recommended no action.

ITEM 5 ADMINISTRATIVE:

A) CONSULTATION WITH THE BOARD OF COMMISSIONERS ON PENDING PERSONNEL ACTION FORMS

Juan Guerra, Interim City Manager, introduced the item and stated no action was needed.

B) CONSULTATION WITH THE BOARD OF COMMISSIONERS ON REVIEW OF THE CITY ORGANIZATION STRUCTURE

Juan Guerra, Interim City Manager, introduced the item and stated no action was needed.

C) CONSIDERATION AND ACTION, IF ANY, ACCEPTING THE 2015 ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING ALLOCATIONS

Juan Guerra, Interim City Manager, introduced the item.

Santiago Salinas, CDBG Manager, stated the CDBG Action Plan is complete and they have already have gone thru the citizen participation process. He asked the board if they had any questions.

Juan G. Guerra, Interim City Manager, recommended changing funding of \$240,000 from the Nature Park project to Jones Box Park project instead.

Comm. Medina requested staff to make sure that in future CDBG funding monies be allocated for low-income housing. Mr. Salinas advised there is \$100,000 funding available for housing through Proyecto Azteca and funds were also being awarded to the weatherization project. He further stated CDBG would like to come-up with an in-house housing program.

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

D) CONSIDERATION AND ACTION, IF ANY, ON PSJA ISD SIGNAGE AND PLAQUE DESIGN AND PLACEMENT AT THE PHARR AQUATIC CENTER

Juan Guerra, Interim City Manager, introduced the item and stated designs were included in agenda packet and staff recommended approval.

Mayor Hernandez asked if PSJA ISD had input on signage. Mr. Guerra responded yes and that funding would be at 50/50 percent.

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

E) CONSIDERATION AND ACTION, IF ANY, ON REQUEST FROM PHARR-SAN JUAN-ALAMO ISD FOR USE OF THE BOGGUS FORD EVENTS CENTER ON MAY 16, 2016 ; MAY 17, 2016; MAY 18, 2016; MAY 19, 2016 AND MAY 26, 2016 FOR THEIR ANNUAL DAP BANQUETS AND GRADUATION CEREMONIES

Juan Guerra, Interim City Manager, introduced the item and recommended approval.

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

F) CONSIDERATION AND ACTION, IF ANY, ON SPONSORSHIP DONATION IN THE AMOUNT OF \$500.00 FOR JULEANTY MISS BELLEZA LATINA PAGEANT

Juan Guerra, Interim City Manager, introduced the item and recommended approval.

Michael Pruneda, City Attorney, briefly stated Ms. Esquivel would be the city's ambassador and would be asked to sign some forms that would specify some conditions.

Juleanty Esquivel stated she would be representing Texas at Miss Belleza Latina International Pageant to be held in Orlando, Florida on August 5-8, 2015. She further stated she would be making appearances as Miss Texas Belleza Latina to help promote the City of Pharr and thanked the board for the sponsorship.

Sister Maria T. Sanchez addressed the board and briefly stated Juleanty Esquivel got her beginnings from their church, Our Lady of Cabrini, and would not only be representing Pharr but the youth of Pharr.

Comm. Elizondo **moved** to approve. Comm. Maldonado seconded the motion and put to a vote, it carried by a majority vote of six (6) ayes to one (1) nay. Comm. Medina voted against the motion.

G) CONSIDERATION AND ACTION, IF ANY, ON COUNTER OFFER FOR KELLY-PHARR TRACT WEST 5 ACRES – SOUTH 10 ACRES – EAST 20 ACRES OF LOT 327, LOT 3

Juan Guerra, Interim City Manager, introduced the item and stated the County had requested \$425,000 but he would recommend a counter-offer of \$165,000. He further stated an alternative would be after making second offer to the county, the commission may choose eminent domain proceedings. He further stated this property was located on Dicker Road.

Comm. Guajardo moved to approve. Comm. Maldonado seconded the motion and put to a vote, it carried by a majority vote of six (6) ayes to one (1) nay. Comm. Elizondo voted against the motion.

ITEM 6 PURCHASING:

A) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING THE PURCHASE OF THREE POLICE VEHICLES

Juan Guerra, Interim City Manager, introduced the item and recommended approval.

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

ITEM 7 CONTRACTS/AGREEMENTS:

A) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING ITERIM CITY MANAGER TO NEGOTIATE AND EXECUTE CONTRACT FOR ENGINEERING DESIGN SERVICES FOR HI-LINE STREET IMPROVEMENTS FROM CAGE BOULEVARD TO JACKSON ROAD

Juan Guerra, Interim City Manager, introduced the item and recommended Javier Hinojosa Engineering.

Comm. Elizondo moved to approve as recommended. Comm. Carrillo seconded the motion and put to a vote, it carried by a majority vote of six (6) ayes to one (1) nay. Mayor Hernandez voted against the motion.

B) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING INTERIM CITY MANAGER TO NEGOTIATE AND EXECUTE CONTRACT FOR ENGINEERING DESIGN SERVICES FOR NAVARRO STREET IMPROVEMENTS

Juan Guerra, Interim City Manager, introduced the item and recommended R. Gutierrez Engineering.

Comm. Medina moved to approve as recommended. Comm. Guajardo seconded the motion and put to a vote, it carried unanimously.

C) CONSIDERATION AND ACTION, IF ANY, ON CONTRACTUAL AGREEMENT WITH ROY PADILLA FOR CONSULTING SERVICES

Juan Guerra, Interim City Manager, introduced the item and recommended to terminate contract.

Comm. Guajardo moved to terminate contract with Roy Padilla. Comm. Maldonado seconded the motion and put to a vote, it carried unanimously.

D) CONSIDERATION AND ACTION, IF ANY, ON A ONE-YEAR AGREEMENT WITH CREATIVE ALIGNMENT CONSULTING FOR GRANT RESEARCH, DEVELOPMENT, TRAINING AND MENTORING

Juan Guerra, Interim City Manager, introduced the item and recommended approval.

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

E) CONSIDERATION AND ACTION, IF ANY, ON CONTRACT WITH TRANSCEND, INC. D/B/A SPA SKATE PARKS

Juan Guerra, Interim City Manager, introduced the item and recommended to terminate contract

Comm. Guajardo moved to terminate contract with Transcend, Inc. d/b/a SPA Skate Parks. Comm. Maldonado seconded the motion and put to a vote, it carried unanimously.

F) CONSIDERATION AND ACTION, IF ANY, ON CONTRACT WITH TEXAS DESCON, L.P. FOR CITY OF PHARR NORTHSIDE PARK (DR. LONG SCHOOL) SPECIAL NEEDS FACILITY

Juan Guerra, Interim City Manager, introduced the item and recommended no action.

G) CONSIDERATION AND ACTION, IF ANY, ON AGREEMENT WITH DYKEMA COX SMITH LAW FIRM

Juan Guerra, Interim City Manager, introduced the item and recommended approval.

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

H) CONSIDERATION AND ACTION, IF ANY, ON MUTUAL SEPERATION AGREEMENT AND RELEASE WITH FEDERICO SANDOVAL

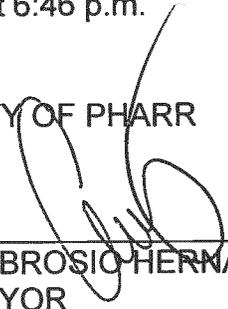
Juan Guerra, Interim City Manager, introduced the item and recommended 12 month pay at \$190,000 with some legal items, and with all benefits vacation and sick leave if he retires as discussed in closed session.

Comm. Carrillo moved to approve. Comm. Maldonado seconded the motion and put to a vote, it carried by a majority vote of four (4) ayes to three (3) nays. Comm. Medina, Comm. Guajardo and Mayor Hernandez voted against the motion.

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 6:46 p.m.

CITY OF PHARR



AMBROSIO HERNANDEZ
MAYOR

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

ON THIS THE 1ST DAY OF JULY, 2015 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: August 25, 2015