

**MINUTES
BOARD OF COMMISSIONERS
REGULAR CALLED MEETING
TUESDAY, MARCH 3, 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 Called Meeting on Tuesday, March 3, 2015 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. Edmund Maldonado, Jr.
Comm. Aquiles Garza

BOARD OF COMMISSIONERS ABSENT: Comm. Arturo Cortez

STAFF PRESENT: Fred Sandoval, City Manager
Hilda Pedraza, City Clerk
Javier Rodriguez, C.D. Director
Juan Guerra, Chief Financial Officer
Ruben Villescascas, Police Chief
Jaime Guzman, Fire Chief
Frank Marin, Parks & Recreation Dir.
Roy Garcia, Public Works Director
Fred Brouwen, Director of Operations
Edward Wylie, Pharr Dev. Services Dir.
Raul Garza, Admin. Services Director
Gary Rodriguez, Public Information Officer
Jason Arms, I.T. Director
Roel Garza, Athletics Director
Roy S. Garcia, Boggus Ford Events Center
Sergio Contreras, External Affairs Dir.

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 5:15 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. Carrillo moved to excuse Comm. Cortez for being absent. Comm. Garza seconded the motion and when put to a vote, it carried unanimously.

B) PLEDGE OF ALLEGIANCE / INVOCATION

Gary Rodriguez led in the pledge of allegiance and Police Chief Ruben Villescascas said the prayer.

ITEM 2 PROCLAMATIONS:

**A) PRESENTATION OF PROCLAMATION PROCLAIMING APRIL 7, 2015
AS NATIONAL SERVICE RECOGNITION DAY**

Mayor Palacios read proclamation proclaiming April 7, 2015 as National Service Recognition Day and presented proclamation to Juan Cedillo.

Juan Cedillo, Hidalgo County Community Service Agency, thanked the Board for the proclamation and extended an invitation to attend their recognition banquet on Wednesday, March 11, 2015 at 10:00 a.m. at Regency Hall.

ITEM 3 CITY MANAGER'S REPORTS:

- A) City Engineer's Report
- B) City Events of Interest
- C) Legislative/Project Update

Mayor Palacios introduced the item.

Fred Sandoval, City Manager, stated the City Engineer was present and any questions on projects could be entertained at this time. There being no questions, Mr. Sandoval called upon Frank Marin to report on the upcoming 5K run/walk.

Frank Marin, Parks and Recreation Director, extended an invitation to all to attend and participate in their 9th Annual 5K St. Patrick's Day Run/Walk scheduled for Saturday, March 14th, 2015. He stated the event was for the entire family with music and entertainment and registrations were being done on-line and at the Parks and Recreation office.

Fred Sandoval, City Manager, reported the next City Hall on Call and Operation Clean Sweep were scheduled for Friday, March 20th and Saturday March 21st, 2015 at the Boggus Ford Events Center.

Sergio Contreras, External Affairs Director, provided a brief update on HB 1887 filed by State Representative Sergio Munoz, Jr. He stated the bill would establish a regional center for public safety excellence in the Rio Grande Valley and would be working closely with Representative Munoz, Senator Eddie Lucio, and Senator Juan Hinojosa to obtain funding to expand it into a full operational regional training center. He further reported HB 2030 was also filed by State Representative Sergio Munoz, Jr. and it relates to the oversight of the state border security activities. He stated this bill provides and assures that there is an assessment on performance reporting requirements and allocation of state agency funding for the state border security activities. Mr. Contreras further reported a land port of entry appreciation event will be hosted by Pharr Economic Development Corporation on April 15, 2015 for U.S. Customs and Border Protection partners, USDA and all agencies that manage the ports of entry in south Texas. He also reported the Pharr-Reynosa International Bridge accounts for approximately 60% of all fresh products that come into Texas from Mexico.

Comm. Garza asked about the HB 979 filed by State Representative Bobby Guerra concerning wait times.

Sergio Contreras, External Affairs Director, reported the bill was jointly filed by Representative Sergio Munoz, Jr. and Representative Bobby Guerra and stated it relates to a grant program to reduce wait times for agricultural inspections of vehicles at ports of entry along the Texas-Mexico border. He stated currently the bridges entomologists and personnel monitoring and inspecting all produce engage with non-profit organizations to help offset overtime. He stated this bill would establish a state funded program with a biennium of eight million dollars to help pay for the over-time.

Fred Sandoval, City Manager, called upon Police Chief Villescas for a report on the proposed First Offender Program.

Ruben Villescas, Police Chief, briefly went over the First Offender Program. He stated the program was ready to be launched and introduced his staff.

Robert Garcia thanked the Board for the opportunity and introduced Marisa Lara and Officer Gilbert Garza. Marisa Lara, Director of the Program, gave a power point presentation and explained the First Offender Program is a skills education program designed to divert juvenile first time offenders from the juvenile justice system and to

allow the youth an opportunity to erase their arrest record. She further thanked the Board of the opportunity.

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 17, 2015 – REGULAR CALLED MEETING

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

1. Pizza Properties, Inc., d/b/a Peter Piper Pizza #63, 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 1, Pleasanton Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 2311 South Cage Boulevard.
2. Shots Main Event, LLC, d/b/a Main Event Entertainment, 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 being a 1.34 acre tract of land out of Lot 5, Block 6, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 500 North Jackson Road, Suite C.
3. Pappas Restaurants, Inc., d/b/a Pappadeaux Seafood Kitchen, 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 2, Pappas Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1610 West Expressway 83.
4. Fuera De Lugar, LLC., d/b/a Fuera De Lugar Restaurant, requested a 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 0.071 acre tract of land, more or less, out of Plaza Sports Center Phase 1 Lot 1 Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1101 East Nolana Loop.
5. Magic Valley Electric Cooperative, Inc. requested a change of zone from a General Business District (C) to Heavy-Commercial District (H-C). The property is legally described as Lot 1, F.N.B. Pharr Branch Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1311 South Cage Boulevard.

PLATS:

6. Sam Engineering & Surveying Inc., representing Juan R. Guerrero and Graciela Guerrero, requested preliminary plat approval of the proposed Master Plat of Guerrero Subdivision. The property is legally described as being a 2.00 acre tract of land out of Lot 176, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 100 Block of North Palm Drive.
7. Sam Engineering & Surveying Inc., representing Mario A. Bracamontes and Alicia E. Jaime, requested final plat approval of the proposed Bracamontes-Jaime Subdivision. The property is legally described as being a 1.00 acre tract of land out of Lot 245, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 300 Block of West Rancho Blanco Road.
8. Melden & Hunt Inc. representing Fernando Lopez, Executive Director for Pharr Housing Authority, requested final plat approval of the proposed Sunset Terrace Senior Village Subdivision. The property is legally described as being a Re-subdivision of 3.254 acres being all of Lot 2, Sunset Terrace Apartments Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 700 Block of West Egly Avenue.

9. Quintanilla, Headley And Associates, Inc. representing Hector Guerra Jr., Member, Tanzania Investments LLC, requested final plat approval of the proposed Hacienda La Esperanza Subdivision. The property is legally described as a 9.855 acre tract of land out of the South one-half (1/2) of Lot seven (7), Block eight (8), A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 1200 Block of West Moore Road.
10. NAIN Engineering, L.L.C., representing Marco Antonio Retureta Salas and Elba Bonilla Toral, requested final plat approval of the proposed Retureta Subdivision. The property is legally described as being a 1.00 acre tract of land being the South 104 feet of the West 418 feet of Lot 349, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 8600 Block of South Cage Boulevard.

Fred Sandoval, City Manager, introduced items 4A through 4B (10) and stated one person had signed up to speak.

Mayor Palacios opened the public hearing and called upon Kenneth Fletcher.

Kenneth Fletcher, representing petitioners group, wanted to make the Commission aware that they live in a heavy commercial zone and their quality of life has been affected and it is a private and public health nuisance. He welcomed Magic Valley for coming into Pharr but stated they would like be locating near to residential areas and believes the property could be used for a more profitable use. He suggested that Magic Valley operate longer hours or open on weekends and hire additional staff due to the amount of customers they have.

There being no other public comments, the public hearing was closed.

Comm. Carrillo **moved** to approve items 4A through 4B (10) under the consent agenda. Comm. Farias seconded the motion and when put to a vote, it carried unanimously.

Ordinance No. O-2015-07 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 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 Palacios stated the time being 5:53 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 9 RECONVENE INTO REGULAR SESSION, AND CONSIDER ACTION, IF NECESSARY ON ANY ITEM(S) DISCUSSED IN EXECUTIVE SESSION

Mayor Palacios stated the time being 6:51 pm; the board had completed its closed session and would be resuming the open meeting.

REGULAR AGENDA – OPEN SESSION:

ITEM 5 ORDINANCES AND RESOLUTIONS:

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

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

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

B) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NO. O-84-45. (LATE HOURS MIXED BEVERAGE PERMITS)

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

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

C) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NO. O-2013-51. (PERMITTING)

Fred Sandoval, City Manager, introduced the item and stated this was the third and final reading of the ordinance and recommended approval subject to a minor change as recommended by legal.

Mayor Palacios asked what the change was. Michael Pruneda, City Attorney, stated he would be adding the words "applicable" and "may be applicable" to item 2C (6).

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

Ordinance No. O-2015-08 is filed with the City Clerk's Office.

D) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NOS. O-2011-56 AND O-2008-47 SECTION E (CONDITIONAL USE PERMITS)

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

E) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NO. O-2014-13 SECTION A AND B RESIDENTIAL AND COMMERCIAL TABLE RATES FOR GARBAGE COLLECTION

Fred Sandoval, City Manager, introduced the item and briefly stated the CPI rate increase was a contractual obligation with Waste Management and recommended approval.

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

Ordinance No. O-2015-09 is filed with the City Clerk's Office.

F) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NO. O-2014-48 (RENTAL FEES BOGGUS FORD EVENTS CENTER FACILITY)

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

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

G) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION ENTERING INTO AN AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR CLOSURE OF SOUTH US 281 AND WEST BUSINESS 83 FOR GOOD SAMARITAN COMMUNITY SERVICES ANNUAL 5K RUN/WALK ON SATURDAY, APRIL 18, 2015

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

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

Resolution No. R-2015-12 is filed with the City Clerk's Office.

ITEM 6 ADMINISTRATIVE:

A) CONSIDERATION AND ACTION, IF ANY, ON NOMINATIONS TO THE 2015 RIO GRANDE VALLEY WALK OF FAME

Fred Sandoval, City Manager, introduced the item.

Mayor Palacios moved to nominate Oscar Elizondo, Jr. Comm. Maldonado seconded the motion and when put to a vote, it carried unanimously.

B) CONSIDERATION AND ACTION, IF ANY, ON REQUEST FROM RIO GRANDE VALLEY LITERACY CENTER TO USE THE JOSE "PEPE" SALINAS CIVIC CENTER PARKING LOT ON APRIL 4, 2015 FROM 8:00 A.M. TO 2:00 P.M. FOR A COMMUNITY WIDE GARAGE SALE

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

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

Mayor Palacios extended an invitation to everyone to attend.

C) CONSIDERATION AND ACTION, IF ANY, AWARDED BID FOR CAPITAL LEASE FINANCING

Fred Sandoval, City Manager, introduced the item and stated bids had been received and reviewed by the Chief Financial Officer and recommended the bid be awarded to BB&T.

Comm. Carrillo moved to award bid to BB&T. Comm. Garza seconded the motion and when put to a vote, it carried unanimously.

D) CONSIDERATION AND ACTION, IF ANY, AWARDED BID FOR EGLY & SUGAR DRAINAGE DETENTION POND OFFSITE IMPROVEMENTS PROJECT

Fred Sandoval, City Manager, introduced the item and recommended the bid be awarded to Garco Industries.

Comm. Elizondo moved to award bid to Garco Industries. Comm. Maldonado seconded the motion.

Comm. Farias asked for a timeline on the project. Bill Ueckert, City Engineer, stated this was a 180-day contract for project completion.

The motion was put to a vote and it carried unanimously.

E) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE HIDALGO COUNTY METROPOLITAN PLANNING ORGANIZATION FOR FEDERAL FUNDING ASSISTANCE THROUGH SECTION 5310 PROGRAM FOR PEDESTRIAN IMPROVEMENTS PROJECT

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

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

F) CONSIDERATION AND ACTION, IF ANY, ON SPONSORSHIP REQUEST BY URBAN SCIENCE INITIATIVE, INC. FOR USE OF THE BOGGUS FORD EVENTS CENTER FOR STORM FURY EVENT

Fred Sandoval, City Manager, introduced the item and stated this sponsorship has been done before and was being requested by Tim Smith from KRGV Channel 5 News. He stated this has been a very successful event for children but the date was still pending and recommended approval.

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

G) CONSIDERATION AND ACTION, IF ANY, RATIFYING SPONSORSHIP REQUEST BY THE UNIVERSITY OF TEXAS-PAN AMERICAN FOR USE OF THE BOGGUS FORD EVENTS CENTER ON FRIDAY, FEBRUARY 27, 2015 FOR UTPA 2015 ALUMNI BALL EVENT

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

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

ITEM 7 CONTRACTS/AGREEMENTS:

A) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING EXECUTION OF CONSULTANT AGREEMENT WITH LONE STAR MANAGEMENT AND PROJECT ADVISORS LLC FOR NEW MARKET TAX CREDIT PROGRAM

Fred Sandoval, City Manager, introduced the item and stated this was a contingency based application for the produce terminal and recommended approval.

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

B) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO NEGOTIATE AND EXECUTE AGREEMENT WITH GSIS FOR GENERAL CONSULTING SERVICES

Fred Sandoval, City Manager, introduced the item and recommended approval subject to the terms discussed to the end of the fiscal year.

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

C) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING NEGOTIATION AND EXECUTION OF PROFESSIONAL SERVICE CONCESSIONAIRE AGREEMENT FOR CITY VENUES

Fred Sandoval, City Manager, introduced the item and called upon Rogelio Garcia.

Rogelio Garcia, Boggus Ford Events Center, stated he had looked into the application and found out it would result in a 100% liability to the city. Therefore, he did not recommend the city take over the concessionaire. He stated there were several local restaurants and concessionaires that had contacted him about the concessionaire services.

Fred Sandoval, City Manager, asked for the cost and staff needed to run the concessionaire.

Rogelio Garcia, Boggus Ford Events Center, stated currently there were fifteen (15) part-time employees and one (1) full-time manager.

Comm. Elizondo asked for clarification on the legal liability. Rogelio Garcia stated he had compared the concessionaire with other venues around the McAllen-Pharr area and some of the legal issues were happening after hours. He explained the current concessionaire has a license where in the event any issues occur, the legal issues go to them and not the city.

After some discussion concerning liability issues, possible umbrella policy insurance, and continuing to contract out the concessionaire, Fred Sandoval, City Manager, recommended no action be taken at this time.

D) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING NEGOTIATION AND EXECUTION OF 380 INCENTIVE PROGRAM AGREEMENT WITH MCALLEN LEVCAL, LLC

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

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

E) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING NEGOTIATION AND EXECUTION OF LEGAL SERVICES ENGAGEMENT AGREEMENT WITH KETTERMAN ROWLAND & WESTLUND (TML CLAIM NO. 1300202438)

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

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

F) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO NEGOTIATE AND EXECUTE INTERLOCAL AGREEMENT BETWEEN THE CITY OF PHARR AND HIDALGO COUNTY FOR WEST OWASSA ROAD IMPROVEMENTS

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

Roy Garcia, Public Works Director, stated Owassa Road would be reconstructed using full depth reclamation from Sugar Road to approximately 500 feet east of Jackson Road. He stated this road was on the MPO's list for expansion and was a temporary measure to fix that portion of the road which has a lot of potholes paid at 100% by the county.

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

G) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING NEGOTIATION AND EXECUTION OF PARTICIPATION AND INCENTIVE AGREEMENT WITH P.A.L (POLICE ATHLETIC LEAGUE) FOR PHARR HUBPHEST ON APRIL 10-11, 2015

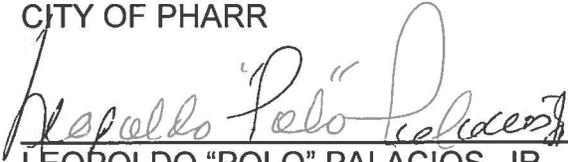
Fred Sandoval, City Manager, introduced the item and recommended approval.

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

ITEM 10 ADJOURNMENT:

There being no other business to come before the board, Comm. Carrillo **moved** to adjourn. Comm. Maldonado seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 7:13 p.m.

CITY OF PHARR



LEOPOLDO "POLO" PALACIOS, JR.
MAYOR

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF PHARR

ON THIS THE 3RD DAY OF MARCH, 2015 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: March 17, 2015