

**MINUTES
BOARD OF COMMISSIONERS
REGULAR CALLED MEETING
TUESDAY, FEBRUARY 3, 2015 AT 5:30 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, February 3, 2015 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
Hilda Pedraza, City Clerk
Javier Rodriguez, C.D. Director
Juan Guerra, Chief Financial Officer
Ruben Villescás, 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.
Adolfo Garcia, Library Director
Raul Garza, Admin. Services Director
Gary Rodriguez, Public Information Officer
Jason Arms, I.T. Director
Roel Garza, Athletics Director
Roy S. Garcia, Pharr Events Center
Tony Sandoval, EDC Asst. Director

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 5:30 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

Yesenia Salinas led in the pledge of allegiance and Comm. Maldonado said the prayer.

ITEM 2 CITY MANAGER'S REPORTS:

- A) City Engineer's Report – Bill Ueckert
- B) City Events of Interest
- C) 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.

There being no questions, he reported City Hall on Call and Operation Clean Sweep were held last week at Fire Station No. 3 and stated both activities had been well attended and thanked staff for a job well done.

Fred Sandoval, City Manager, further reported RGV Day at the Capitol and Mid Valley and Day at the Capitol in Austin were scheduled for next week and extended an invitation to the Board to attend.

Fred Sandoval, City Manager, recognized Hilda Pedraza, City Clerk, and Sonia H. Padron, Assistant City Clerk, for completing their professional education for recertification as Texas Registered Municipal Clerks. He commended both for making every professional and personal effort to keep up-to-date in their legal and administrative duties.

Fred Sandoval, City Manager, briefly reported the auditors would be meeting with the Board on Friday concerning three audit findings and he would be contacting them to schedule the meetings.

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) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO ADVERTISE FOR BIDS TO REPAIR THE BRIDGE EXPANSION JOINTS

B) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION AUTHORIZING PHARR POLICE DEPARTMENT 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 PHARR POLICE DEPARTMENT 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 PHARR POLICE DEPARTMENT 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 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. Jose Alberto Hernandez, d/b/a Doc's Billiards & Sports Bar, 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 Lots 17, 18 & 19, Block 1, San Patricia Acres Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 917 West Ferguson Street.
3. Xoticas requested renewal of a Sexually Oriented Business License in a Limited Industrial District (L-I). The property is legally described as a 0.6081 acre tract of land out of a certain 0.88 acre out of Lot 100, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 4502 North Cage Boulevard.
4. Red Tape II, Inc., d/b/a Stilettos Gentlemen's Club requested renewal of a Sexually Oriented Business License in a General Business District (C). The property is legally described as all of Lot 2, Albrad Subdivision Unit #3, Pharr, Hidalgo County, Texas. The property's physical address is 1050 North Sugar Road.

Mayro Palacios introduced items 3A through 3E (4) and stated no one had signed up to speak during the public hearing portion of the meeting.

Comm. Carrillo **moved** to approve items 3A through 3E (4) under the consent agenda. Comm. Farias seconded the motion and when put to a vote, it carried unanimously.

Resolution Nos. R-2015-04, R-2015-05 and R-2015-06 are filed with the City Clerk's Office.

REGULAR AGENDA – OPEN SESSION:

ITEM 4 ORDINANCES AND RESOLUTIONS:

- A) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE CALLING THE CITY OF PHARR GENERAL MUNICIPAL ELECTION FOR MAY 9, 2015, FOR ELECTION OF MAYOR AND CITY COMMISSIONERS PLACES 1, 5, AND 6 AND DESIGNATING ELECTION PRECINCTS AND POLLING PLACES. (CONSIDERACIÓN Y ACCIÓN, EN ORDENANZA PARA ORDENAR LA ELECCIÓN MUNICIPAL GENERAL DE LA CIUDAD DE PHARR EL 9 DE MAYO DE 2015, PARA ELEGIR UN ALCALDE Y COMISIONADOS LUGARES 1, 5, Y 6, Y LA DESIGNACIÓN DE DISTRITOS ELECTORALES Y CENTROS DE VOTACIÓN)**

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

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

Ordinance Nos. O-2015-05 and O-2015-05A are filed with the City Clerk's Office.

- B) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE APPOINTING AN ALTERNATE MUNICIPAL JUDGE FOR THE CITY OF PHARR (UNEXPIRED TERM)**

Fred Sandoval, City Manager, introduced the item and stated he had spoken to Judge Rudy Martinez and Judge Roberto Garza who stated they could handle the work load at this time through the end of the term and felt there was no need to appoint another judge at this time. He added he would compensate both judges with additional assignment pay until another judge is appointed after the election.

Mayor Palacios stated his interpretation of the city's charter was that only two judges are to be appointed and there was no mention of appointment of any alternate judges.

Michael Pruneda, City Attorney, explained the city's charter references that the City Commission appoints a Municipal Court Judge and the alternate judges had been created by city ordinance.

No action was taken on this item at this time.

C) 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 this was the first reading of the ordinance 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, ON ORDINANCE AMENDING ORDINANCE NO. O-2013-51 (PERMITTING)

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

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

E) 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 stated this was the first reading of the ordinance and recommended approval.

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

F) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPOINTING/RE-APPOINTING ONE (1) MEMBER TO THE CIVIL SERVICE COMMISSION

Fred Sandoval, City Manager, introduced the item and briefly stated Dolores Rodriguez had indicated her willingness to continue serving and recommended approval.

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

Resolution No. R-2015-07 is filed with the City Clerk's Office.

G) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION CREATING AND APPOINTING THE PHARR INTO THE FUTURE MASTER PLAN STEERING COMMITTEE

Fred Sandoval, City Manager, introduced the item and requested that the Mayor and each Commissioner appoint two citizens to serve as members of the Pharr Into the Future Master Plan Steering Committee.

Edward Wylie, Development Services Director, explained the committee would serve as the oversight committee for the Comprehensive Plan Update and would meet once a month. He stated they would appoint the working groups and it would be for approximately one year.

Due to a lack of names at this time, Comm. Carrillo moved to table the item. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously.

H) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION INITIATING THE PROCEDURES TO CREATE THE CITY OF PHARR – (TIF) REINVESTMENT ZONE #2

Fred Sandoval, City Manager, introduced the item and stated the purpose to initiate a TIF Reinvestment Zone #2 was to include area of Jackson Road, El Centro Mall and areas along Nolana Corridor. He stated the County recommended that the funding be project specific and recommended approval.

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

Resolution No. R-2015-08 is filed with the City Clerk's Office.

I) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION ENTERING INTO AN AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR CLOSURE OF SOUTH US 281 AND EAST BUSINESS 83 FOR THE 9TH ANNUAL ST. PATRICK'S DAY 5K RUN/WALK ON SATURDAY, MARCH 14, 2015 FROM 7:00 A.M. TO 11:00 A.M.

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

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

Resolution No. R-2015-09 is filed with the City Clerk's Office.

J) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION IN SUPPORT OF THE APPOINTMENT OF AQUILES "JIMMY" GARZA TO THE TEXAS DEPARTMENT OF TRANSPORTATION COMMISSION

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

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

Resolution No. R-2015-10 is filed with the City Clerk's Office.

ITEM 5 ADMINISTRATIVE:

A) CONSIDERATION AND ACTION, IF ANY, AWARDED BID FOR THE CAPOTE INDUSTRIAL PARK AND PHARR/LAS MILPAS INDUSTRIAL PARK STREET IMPROVEMENTS PROJECT

Fred Sandoval, City Manager, introduced the item and recommended bid be awarded to Foremost Paving, Inc. as recommended by staff.

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

ITEM 6 CONTRACTS/AGREEMENTS:

A) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO CONTRACT WITH ALDANA ENGINEERING AND TRAFFIC DESIGN FOR ENGINEERING SERVICES

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

Roy Garcia, Director of Public Works, briefly stated this would be for services to provide specifications and bid packet for the purchase and installation of downtown signalization improvements on Cage Blvd. from Polk Avenue to Ridge Road.

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

At this time, Fred Sandoval, City Manager, recommended to deviate from the agenda and to 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 5:54 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 6:20 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 TOTAL COMMITMENT, LLC VS. RON ROCK, INDIVIDUAL DOING BUSINESS AS MASTERCRAFTERS CONSTRUCTION AND DEVELOPMENT, CITY OF PHARR, AND PHARR ECONOMIC DEVELOPMENT CORPORATION, II, CAUSE NO. C-501-11-G; AND RELATED MATTERS

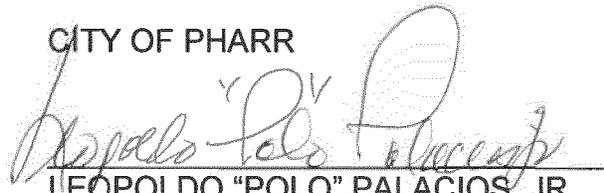
Fred Sandoval, City Manager, introduced the item and recommended to direct legal as discussed in closed session.

Comm. Carrillo moved to approve. Comm. Cortez seconded the motion and when put to a vote, it carried unanimously with one abstention. Comm. Elizondo abstained from voting.

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 6:21 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 FEBRUARY, 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: February 17, 2015