

**MINUTES
BOARD OF COMMISSIONERS
REGULAR CALLED MEETING
TUESDAY, DECEMBER 17, 2013 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, December 17, 2013 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
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, External Affairs Mgr.
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
CITY ENGINEER**

Michael Pruneda, City Attorney
Bill Ueckert, City Engineer

ITEM 1 CALL TO ORDER:

Mayor Palacios called the meeting to order at 5:12 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.

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

Mayor Palacios asked everyone for a moment of silence for the Perales family on the passing of their son.

ITEM 2 CITY MANAGER'S REPORTS:

- A) City Engineer's Report - Bill Ueckert
- B) Submission of monthly report – Pharr Municipal Court

- C) Submission of November 2013 Tax Collection Report
- D) Submission of December 2013 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 was in the audience and any questions on projects could be entertained at this time.

Comm. Garza expressed concern with the street construction of sidewalks and installation of mailboxes along Sam Houston and asked for an update on the project.

Bill Ueckert, City Engineer, stated the project was 99% complete and the final asphalt pavement overlay was being done at this time. He further stated the mailboxes would be moved behind the sidewalks once overlay is completed.

Mayor Palacios briefly informed the public the Sam Houston Project was being led by the State, not the City and asked for their patience.

Comm. Farias asked for an update on the Scofflaw Program.

Judge Rudy Martinez reported the scofflaw program had commenced on Monday, December 16, 2012 with the first batch being sent just under 1000 cases. He added the program still had a hold due to a deposit was needed to be made to the Texas Motor Vehicle Division Escrow Account. He stated a minimum amount of \$500 was needed to be in the account at all times to avoid suspension of the program. He further explained the program is suspended when the funds fall below \$500 but is reinstated once the funds are over the required amount. He added he would be depositing between \$1,000 and \$1,500 so the account never goes below \$500 avoiding any suspension.

Fred Sandoval, City Manager, reported sales tax was up over 8% this month setting a good trend for the fiscal year. He reported Operation Clean Sweep would be held this Saturday, December 21, 2013 at South Pharr Elementary on Dicker Road.

Mayor stated he had received calls concerning bad road conditions at the intersection of South 281 and West Juan Balli Road.

Roy Garcia, Public Works Director, stated his department was currently making repair work at the location and it was a scheduled project with funds earmarked for the 2014 year.

Fred Sandoval, City Manager, reminded the board of the joint workshop with the City of McAllen scheduled for tomorrow, December 18, 2013 at 12:00 noon. He further reminded them about the City's Annual Employee Christmas Luncheon to be held on Thursday, December 19, 2013 from 12:00 noon to 2:00 p.m. He stated the department heads would be cooking the day before at alternating shifts.

Mayor Palacios stated he had received calls asking if city employees would be receiving a Christmas bonus this year.

Fred Sandoval, City Manager, stated this had been discussed at the last budget retreat, and as per the negotiations with Fire and Police an agreement had been reached to receive a \$750.00 salary increase for the next three (3) years. He added bonuses were not included in the negotiations due to budgetary obligations.

David Garza, Assistant City Manager, further stated a survey had been conducted with the city employees and the majority preferred the cost of living increase.

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) APPROVAL OF MINUTES FOR NOVEMBER 18, 2013 – REGULAR-SPECIAL CALLED MEETING, NOVEMBER 25, 2013 – SPECIAL CALLED MEETING AND DECEMBER 3, 2013 – REGULAR CALLED MEETING

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

PUBLIC HEARING

1. Rolando Limon d/b/a Poncho's Restaurant, 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 7, Henderson Plaza Subdivision Phase II, Pharr, Hidalgo County, Texas. The property's physical address is 808 N. Cage Blvd.

PLATS:

2. AGES, representing Ray Aguilera, requested final plat approval of the proposed Bealuh Enterprises No. 1 Subdivision. The property is legally described as a tract of land containing 1.15 acre tract of land out of Lot 5, Block 11, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 1200 Blk. of West Dicker Road.

Fred Sandoval, City Manager, introduced items 3A through 3B (2) and stated no one had signed up to speak during the public hearing portion of the meeting.

Comm. Elizondo **moved** to approve items 3A through 3B (2) under the consent agenda. Comm. Carrillo seconded the motion and when put to a vote, it carried unanimously.

At this time Fred Sandoval, City Manager, stated they would deviate from the agenda and go into Closed Session. There was no objection.

ITEM 7 **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 – 6**

Mayor Palacios stated the time being 5:27 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 8 **RECONVENE INTO REGULAR SESSION, AND CONSIDER ACTION, IF NECESSARY ON ANY ITEM(S) DISCUSSED IN EXECUTIVE SESSION**

Mayor Palacios stated the time being 6:38 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 CODE VIOLATIONS SUBJECT TO A FINE AS CLASS C MISDEMEANORS

Fred Sandoval, City Manager, introduced the item and stated this was the third and final 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. Ordinance No. O-2013-50 is filed with the City Clerk's Office.

B) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE ESTABLISHING RESTRICTIONS ON PERMITTING, CERTIFICATES, AND OTHER CITY ISSUED AUTHORIZATIONS FOR PERSONS AND ENTITIES HAVING OUTSTANDING CITY DEBTS AND OBLIGATIONS

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

Comm. Carrillo moved to approve. Comm. Cortez seconded the motion and when put to a vote, it carried unanimously. Ordinance No. O-2013-51 is filed with the City Clerk's Office.

C) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION TO DETERMINE A PUBLIC NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY LEGALLY DESCRIBED AS THE WEST 4.0 ACRES OUT OF KELLY-PHARR TRACT, E15AC-N1/2 EXC. .644AC IN EXPRWY LOT 170, PHARR, HIDALGO COUNTY, TEXAS

Fred Sandoval, City Manager, introduced the item and briefly stated the property was located at Napper and recommended approval.

Comm. Garza moved to approve. Comm. Carrillo seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2013-76 is filed with the City Clerk's Office.

D) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION TO DETERMINE A PUBLIC NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY LEGALLY DESCRIBED AS THE SOUTHEAST 9.5 ACRES OUT OF LOT 123, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS

Fred Sandoval, City Manager, introduced the item and briefly stated the property was part of the Alan Arnold Elementary and recommended approval.

Comm. Carrillo moved to approve. Comm. Cortez seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2013-77 is filed with the City Clerk's Office.

E) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION TO DEFINE DOWNTOWN

Fred Sandoval, City Manager, introduced the item and briefly stated staff recommended to define the downtown area from U.S. Expressway 83 to Ridge Road and two blocks to the east and west from U.S. 281.

Comm. Carrillo moved to approve. Comm. Farias seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2013-78 is filed with the City Clerk's Office.

ITEM 5 ADMINISTRATIVE:

A) CONSIDERATION AND ACTION, IF ANY, ON NOMINATIONS TO THE 2014 RIO GRANDE VALLEY WALK OF FAME

Fred Sandoval, City Manager, introduced the item.

Comm. Elizondo moved to nominate former Commissioner Eduardo "Eddie" Cantu to the 2014 Rio Grande Valley Walk of Fame. Comm. Carrillo seconded the motion and when put to a vote, it carried unanimously.

B) CONSIDERATION AND ACTION, IF ANY, ON LETTER OF SUPPORT TO THE RIO GRANDE REGIONAL WATER AUTHORITY (RGRWA) FOR A VALLEY STRATEGIC WATER MANAGEMENT PLANNING GRANT FROM THE TEXAS WATER DEVELOPMENT BOARD (TWDB)

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

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

C) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING POLICE CHIEF TO PURCHASE ONE (1) POLICE VEHICLE FROM HGAC/CALDWELL CHEVROLET

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

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

D) CONSIDERATION AND ACTION, IF ANY, ON REQUEST FROM SOUTH TEXAS WALKING CLUB TO CLOSE RANCHO BLANCO ROAD FROM 100 METERS EAST OF CAGE BLVD. TO 100 METERS WEST OF VETERANS BLVD. ("I" ROAD) FOR RACE WALKERS TO PRACTICE ON DECEMBER 30, 2013, JANUARY 1, 2014, AND JANUARY 2, 2014 FROM 9:00 AM TO 11:00 AM.

Fred Sandoval, City Manager, introduced the item and briefly stated the city participates every year in this event and this would be used as practice area. He recommended approval.

Comm. Carrillo moved to approve. Comm. Maldonado 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 NEGOTIATE A CONTRACT WITH STRUCTURAL ENGINEERING ASSOCIATES, INC. FOR PREPARING PLANS AND SPECIFICATIONS FOR REPAIRS TO THE PHARR-REYNOSA INTERNATIONAL BRIDGE

Fred Sandoval, City Manager, introduced the item and stated the item had been approved by the Bridge Board at their meeting held earlier today. He further recommended approval.

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

B) CONSIDERATION AND ACTION, IF ANY, ON COPSYNC BRIDGE LOAN

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

C) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO NEGOTIATE CONTRACT WITH PORTABLE COLD SOLUTIONS

Fred Sandoval, City Manager, introduced the item and stated there was an error on the name of the company as placed on the agenda and the contract would be presented to them at a later date for approval. He recommended an amendment be made to reflect Pharr International Services as the negotiated party and recommended approval.

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

Michael Pruneda, City Attorney, recommended to rescind the motions and no action be taken on this item.

Comm. Carrillo and Comm. Garza rescinded their motions.

Comm. Carrillo moved to approve the authorization to negotiate contract with Pharr International Services. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously.

D) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING AND DIRECTING CITY MANAGER IN RELATION TO THE PROPOSED PHARR-DONNA AGREEMENT

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

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

E) CONSIDERATION AND ACTION, IF ANY, TERMINATING CONTRACT WITH LINEBARGER GOGGAN BLAIR & SAMPSON, L.L.P.

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

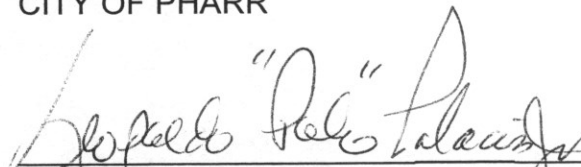
F) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO EXECUTE CONTRACT WITH PERDUE BRANDON FIELDER COLLINS & MOTT, L.L.P.

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

ITEM 9 ADJOURNMENT:

There being no other business to come before the board, Comm. Garza moved to adjourn. Comm. Farias seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:49 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 DECEMBER, 2013 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: January 7, 2014