

**MINUTES
BOARD OF COMMISSIONERS
REGULAR-SPECIAL CALLED MEETING
THURSDAY, MARCH 6, 2014 AT 12:00 NOON
118 SOUTH CAGE 2ND FLOOR**

The Board of Commissioners of the City of Pharr, Texas, met in a Regular-Special Called Meeting on Thursday, March 6, 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.
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.
Roel Garza, Athletics Director
Roy S. Garcia, Pharr Events Center
Tony Sandoval, EDC Manager

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 12:03 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

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

ITEM 2 PROCLAMATIONS:

**A) PRESENTATION OF PROCLAMATION PROCLAIMING MARCH 2014
AS SUPERIOR TAP WATER MONTH**

Mayor Palacios read Proclamation proclaiming March 2014 as Superior Tap Water Month and presented proclamation to David Garza.

David Garza, Assistant City Manager, stated the Public Utilities Water Division has received the prestigious ranking of "Superior" from the Texas Commission on Environmental Quality (TCEQ) for the last ten (10) years. He added this recognition was very important to inform the community that public utilities water division was doing their part in making this a quality of life by providing safe potable water. He thanked the Commission for the proclamation and thanked his staff for the hard work and this accomplishment.

ITEM 3 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 present and questions on projects could be entertained at this time.

Comm. Elizondo voiced his concerns with the location of the mailboxes on Sam Houston stating they needed to be moved to avoid injuries.

Bill Ueckert, City Engineer, stated he had received a quote from the contractor to relocate the mailboxes but was waiting on TxDOT for approval. He also reported the walk-through was scheduled for next week. Fred Sandoval, City Manager, requested staff to contact TxDOT to obtain a waiver to relocate the mailboxes soon.

Comm. Cortez asked if an ordinance was in place avoiding the placement of mailboxes on sidewalks.

Bill Ueckert, City Engineer, stated the plans for the Sam Houston project reflected the placement of the mailboxes at their current location. Nonetheless, future project plans would be reviewed carefully so that the placement of mailboxes is shown behind the sidewalks.

At this time, Fred Sandoval, City Manager, welcomed former City Commissioner Eduardo "Eddie" Cantu and now future County Commissioner elect.

County Commissioner Elect Eduardo "Eddie" Cantu thanked staff and everyone for allowing him to step down and run for County Office. He stated it had been a great election where two families fought hard for a position they both wanted. He stated it would be hard to fill Comm. Palacios' shoes but he was ready and willing to learn to transition and to work with the Pharr Board of Commissioners, City of McAllen, City of San Juan, and City of Hidalgo. He added this was a tremendous opportunity and looked forward to work with everyone. He further thanked the public and the voters for their support.

Fred Sandoval, City Manager, called upon Frank Marin for a briefing on the St. Patrick's Annual 5K Run/Walk.

Frank Marin, Parks and Recreation Director, reported the 8th Annual 5K St. Patrick's Day Run/Walk would take place on Saturday, March 15, 2014 at the PSJA Stadium. He stated the one mile kids run/walk begins at 8:00 a.m. followed by the 5k run/walk at 9:00 a.m. He stated the entry fee was \$5.00 for youths 17 and younger and \$10 for adults 18 and older. He added this was an overall family event with music, entertainment, and kiddie rides and invited everyone to participate.

Fred Sandoval, City Manager, called upon Roel Garza and Cleo Lopez to introduce the PAL Spring Programs.

Cleo Lopez, Athletics Supervisor, announced the opening ceremonies for the 2014 Pony Youth Baseball would take place on March 24, 2014 at 6:30 p.m. at Moore Road Baseball Complex. He stated there were currently 500 children enrolled in the baseball program and applications were still being accepted until Saturday, March 8,

2014. Roel Garza, Athletics Director, further reported the spring programs also included a co-ed boxing program and a wrestling program with 30 children registered at this time.

Fred Sandoval, City Manager, announced the Border Texan of the Year reception and dinner would take place tonight at the State Farm Arena and informed the Commission tickets were available for them.

Gary Rodriguez, External Affairs Manager, reported the 2014 Hub Phestival would take place on Saturday, March 29, 2014 and stated this year the event had been moved to the vacant property next to Costco. He reported as of today 40 teams had signed up for the country cook-off to compete in five categories. Mr. Rodriguez further stated there will be food, games, music and entertainment and admission was free. He thanked the IT Department and Fantich Media for advertising the event on the internet and through the city's cable Channel 12.

Comm. Cortez thanked Gary Rodriguez and staff for a great job. Mr. Rodriguez thanked all the sponsors and staff to make this event a great success.

Fred Sandoval, City Manager, reminded the Commission that dinner was scheduled with the Port of Corpus Christi Authority tonight at 6:00 p.m. at Pappadeaux Restaurant and the official signing ceremony of the Memorandum of Understanding was Friday, March 7, 2014 at 12:00 noon.

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, 2014 – REGULAR-SPECIAL CALLED MEETING

B) CONSIDERATION AND ACTION, IF ANY, ON CHANGE ORDER #1 IN THE ADDITIONAL AMOUNT OF \$1,500.00 AND ADD 13 DAYS TO THE CONTRACT FOR THE PHARR TRAFFIC SIGNAL – US 281 (CAGE BLVD) AND RANCHO BLANCO ROAD

C) CONSIDERATION AND ACTION, IF ANY, ON CHANGE ORDER #2 IN THE DEDUCT AMOUNT OF \$202.50 AND ADD 74 DAYS TO THE CONTRACT FOR THE PHARR TRAFFIC SIGNAL – US 281 (CAGE BLVD) AND RANCHO BLANCO ROAD

D) CONSIDERATION AND ACTION, IF ANY, ON ACCEPTANCE OF THE PHARR TRAFFIC SIGNAL – US 281 (CAGE BLVD) AND RANCHO BLANCO ROAD WITH D&G ENERGY CORPORATION AND RELEASE OF FINAL PAYMENT IN THE AMOUNT OF \$ 51,957.90

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

PUBLIC HEARING

1. Red Tape II, Inc., d/b/a Stiletto's 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 N. Sugar Road.
2. Maria Silva Hernandez and Karina Martinez requested a change of zone from a Single-Family Residential District (R-1) to a Neighborhood Commercial District (N-C). The property is legally described as Lot 1, Eva Subdivision, Pharr, Hidalgo County, Texas. The property is physically located at the 2600 Block of South Canna Street.
3. Eugene R. Vaughan, III, representing Eddie L. Vaughan, requested a change of zone from a General Business District (C) to a Limited Industrial District (L-I). The property is legally described as Lot 1, Vaughan Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 3103 North Cage Boulevard.

PLATS:

4. Art Salinas Engineering Inc., representing John W. Thornton, Partner of Peace & Thornton Partnership, requested final plat approval of the proposed P & T Subdivision. The property is legally described as a 2.57 acre tract of land out of Lot 141, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 2710 N. Cage Blvd.
5. Javier Hinojosa Engineering, representing Aquiles Jaime Garza, requested preliminary plat approval of the proposed Master Re-Subdivision Plat of Bebo Industrial Park Subdivision. The property is legally described as a tract of land containing 12.59 acres, being a part or portion of 8.01 acres of Lot 3, M.P.M Subdivision and also being all of Lot 1, Bebo Industrial Park Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1413 West Military Highway.

Mayor Palacios introduced items 4A through 4E (5) and opened the public hearing.

Rolando Aguirre voiced his concerns against item 4E (2) stating there was an existing daycare near his residence and the proposed change of zone would be located next door. He stated he was in favor of development but feared a commercial zone next to his residence would increase traffic and bring security issues for his family. He thanked the Board for allowing him to voice his concerns and take them into consideration.

There being no other public comments, Mayor Palacios closed the public hearing.

Comm. Carrillo moved to approve items 4A through 4E(5) under the consent agenda. Comm. Elizondo seconded the motion and when put to a vote, it carried by a majority vote of five (5) ayes to one (1) nay and one (1) abstention. Mayor Palacios voted against item 4E(2) and Comm. Garza abstained from voting on item 4E(5).

Ordinance Nos. O-2014-04 and O-2014-05 are 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 – 7

Mayor Palacios stated the time being 12:36 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 Palacios stated the time being 1:48 pm; the board had completed its closed session and would be resuming the open meeting.

Comm. Garza left the meeting, the time being 1:48 p.m.

REGULAR AGENDA – OPEN SESSION:

ITEM 5 ORDINANCES AND RESOLUTIONS:

A) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING CHAPTER 26, "BUSINESSES" BY ADDING ARTICLE IX, "MOTOR VEHICLE SALES" TO THE CODE OF ORDINANCES OF THE CITY OF PHARR, TEXAS IN ACCORDANCE WITH THE TEXAS LOCAL GOVERNMENT CODE, SUBCHAPTER A, SECTION 215.002; AUTHORIZATION AND PROCEDURE FOR PERSONS ENGAGING PRIMARILY OR INCIDENTALLY IN THE SALE OR EXCHANGE OF MOTOR VEHICLES; TO ESTABLISH LICENSING AND OTHER REGULATORY REQUIREMENTS FOR MOTOR VEHICLE SALES OPERATING IN THE CITY; MANDATORY REGISTRATION FEE FOR EACH VEHICLE SOLD OR EXCHANGED; FINDINGS; PROVIDING FOR SEVERABILITY; DECLARING A PENALTY; PROVIDING FOR APPEALS; PROVIDING FOR APPLICABILITY; AND PROVIDING A SAVING CLAUSE; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF, REPEALING ALL ORDINANCES IN CONFLICT; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF. (2ND READING)

Fred Sandoval, City Manager, introduced the item.

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

Comm. Carrillo stated the ordinance was not final and was not complete. He stated the State was proposing to impose state roads onto the city and the city needed to find a way to obtain funds to pay for road improvements. He added the proposed ordinance would not impose fees on the car dealerships or the owners of used car lots but would establish a fee to be paid by the consumer when purchasing a vehicle thus eliminating the possibility of raising property taxes to fund the maintenance of the roads.

Comm. Cortez stated the City of Pharr was now responsible for cleaning the trash and maintaining the green areas along the expressway and was being funded through tax dollars. He stated the maintenance of the landscaping and cleaning of trash had not only affected the City of Pharr but all other valley cities along the expressway. He added TxDOT was also proposing to turn over their state roads located in the city thus making the maintenance fall upon the city. He further stated when a vehicle is purchased, state taxes are collected and when gas is purchased, the price contains a fuel tax which all goes to TxDOT. He stated the tax money collected would be kept by the state forcing the city to look for ways to find funds to maintain the roads. He further added the proposed ordinance would impose a fee to be paid, not a tax.

At this time Fred Sandoval, City Manager, suggested that the motions be rescinded and make a friendly amendment to the ordinance reflecting the proposed fee.

Comm. Elizondo and Comm. Maldonado rescinded their motions.

Comm. Carrillo moved to approve the ordinance by changing the proposed fee to \$25.00 per vehicle purchased. Comm. Cortez seconded the motion.

Comm. Farias stated the City Commission was trying to find revenues to deal with the issue of state roads being imposed on the city. He stated they have discussed the possibility of imposing fees on the vehicles being purchased by assessing additional tolls at the bridge and adding a fee to the fines owed for vehicles registrations. He added they were still looking at resources and at ways to help the community.

There being no further discussion, the motion was put to a vote, and it carried unanimously.

B) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE O-2012-03, PROVIDING FOR REPEALING OF CONFLICTING ORDINANCE(S) CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE

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

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

C) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE ABOLISHING ORDINANCE NOS. O-94-34 AND O-96-36 (BRIDGE TOLL FEES)

Fred Sandoval, City Manager, introduced the item and briefly stated after consultation with legal, the recommendation was to abolish the existing ordinances and approve the bridge toll fees by action item only.

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

D) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPOINTING/RE-APPOINTING BOARD OF DIRECTORS FOR THE TAX INCREMENT REINVESTMENT ZONE NUMBER ONE

Fred Sandoval, City Manager, introduced the item and recommended the current members be re-appointed.

Comm. Carrillo moved to re-appoint Mayor Palacios, Comm. Farias, Comm. Elizondo and Comm. Garza to the Tax Increment Reinvestment Zone Number One Board. Comm. Cortez seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2014-15 is filed with the City Clerk's Office.

E) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPOINTING/RE-APPOINTING FIVE (5) MEMBERS AND APPOINTING ONE (1) EX-OFFICIO MEMBER TO THE TIERRA DEL SOL GOLF ADVISORY BOARD

Fred Sandoval, City Manager, introduced the item and stated all members expressed interest to be re-appointed and one ex-officio member needed to be appointed to replace Comm. Eddie Cantu.

Comm. Cortez moved to re-appoint David Johnson, Mario Gomez, David Pena, Kenneth Nissen, and Santiago Bazan as regular members and Comm. Garza as an ex-officio member, and appoint Comm. Bobby Carrillo as ex-officio member to the Tierra Del Sol Golf Advisory Board. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2014-16 is filed with the City Clerk's Office.

ITEM 6 ADMINISTRATIVE:

A) CONSIDERATION AND ACTION, IF ANY, ON REQUEST FROM ARISE LAS MILPAS FOR ASSISTANCE ON THEIR INTERNATIONAL WOMEN'S DAY MARCH & CELEBRATION ON FRIDAY, MARCH 7, 2014

Fred Sandoval, City Manager, introduced the item stated Arise Las Milpas was coordinating the event with Police Department and recommended approval.

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

B) CONSIDERATION AND ACTION, IF ANY, ON ACCEPTANCE OF GRANT IN THE AMOUNT OF \$20,000.00 FROM BORDER ENVIRONMENTAL COOPERATION COMMISSION (BECC) FOR THE KEEP PHARR BEAUTIFUL PROGRAM

Fred Sandoval, City Manager, introduced the item and congratulated Public Works Department for the grant received and recommended approval.

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

C) CONSIDERATION AND ACTION, IF ANY, ON CREATION AND SUPPORTING OF A NEW ORGANIZATION FOR THE LOGISTICS COMMUNITY

Fred Sandoval, City Manager, introduced the item and stated the Pharr International Bridge was taking the lead on this organization and would be recruiting local business owners to become members. He further stated the purpose of the organization is to keep in line with the main focus of the logistics and bridge crossings and recommended approval.

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

D) CONSIDERATION AND ACTION, IF ANY, ABOLISHING CURRENT MORATORIUM FOR USED MOTOR VEHICLE BUSINESSES

Fred Sandoval, City Manager, introduced the item and stated as discussed with legal, staff's recommendation was not to abolish the current moratorium until the next City Commission meeting since the implementation of the \$25.00 fee for purchasing a vehicle would take place until September 1, 2014.

After some discussion, Comm. Carrillo moved to abolish the moratorium. Com. Elizondo seconded the motion and when put to a vote, it carried unanimously.

ITEM 7 LEGAL:

A) CONSIDERATION AND ACTION, IF ANY, ON CITY OF DONNA V. CITY OF PHARR; C-0228-13-I

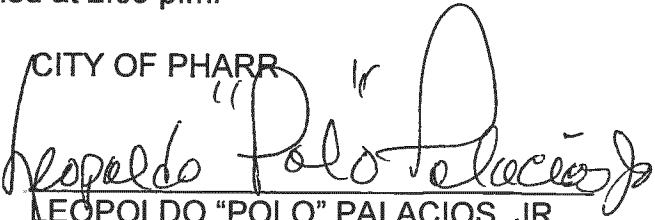
Fred Sandoval, City Manager, introduced the item and stated no action would be taken at this time.

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 stated after consultation with legal, he recommended no action be taken at this time.

ITEM 10 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 2:09 p.m.

CITY OF PHARR

LEOPOLDO "POLO" PALACIOS, JR.
MAYOR

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

ON THIS THE 6TH DAY OF MARCH, 2014 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: March 18, 2014