

**MINUTES
BOARD OF COMMISSIONERS
REGULAR CALLED MEETING
TUESDAY, MARCH 18, 2014 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 18, 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.
Sonia H. Padron, Asst. City Clerk
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
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 5:09 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.

ITEM 2 PROCLAMATIONS:

**A) PRESENTATION OF PROCLAMATION PROCLAIMING MARCH 18,
2014 AS PEDRO CANO DAY**

Mayor Palacios read Proclamation proclaiming March 18, 2014 as Pedro Cano Day. Pedro Cano was an Army Veteran who courageously fought battles both in France and in Germany while serving with the 4th Infantry Division. The proclamation

MINUTES: REGULAR CALLED MEETING
MARCH 18, 2014

was presented to his daughter Cristela Cano, grandson Hermilio Daniel Torres, and great-grandson Dominic Aguillon.

Hermilio Daniel Torres thanked the City of Pharr for the proclamation recognizing his grandfather for his heroics in World War II. He also thanked President Barack Obama who awarded his grandfather the Medal of Honor today, a rare honor given to only a select few.

**B) PRESENTATION OF PROCLAMATION PROCLAIMING APRIL 1, 2014
AS NATIONAL SERVICE RECOGNITION DAY**

Mayor Palacios read Proclamation proclaiming April 1, 2014 as National Service Recognition Day. Lydia Limas, Area Coordinator for RSVP Corporation for National and Community Service and representative for County of Hidalgo Community Service Agency received the proclamation.

ITEM 3 CITY MANAGER'S REPORTS:

- A) City Engineer's Report - Bill Ueckert
- B) Submission of monthly report – Pharr Municipal Court
- C) Submission of February 2014 Tax Collection Report
- D) Submission of March 2014 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 and Judge Martinez were present and any questions on projects or Municipal Court could be entertained at this time.

There being no questions, Mr. Sandoval briefly reported sales taxes for the month of March were up by 7%. He further reported Public Utilities Wastewater Treatment Plant had been named a finalist for the Texas Environmental Excellence Award for the pollution prevention category and the City of Pharr would be recognized on Wednesday, May 7, 2014 in Austin at a special awards banquet. He also announced the city would also be recognizing World Water Day on March 21, 2014 and asked everyone to wear the shirts given to them.

Frank Marin, Parks and Recreation Director, reported the 8th Annual St. Patrick's Day Event was held last Saturday stating there were close to 900 participants. He announced the winners for the 14th category for city champions were the Development Services and Engineering Departments and presented the trophy to Edward Wylie, Development Services Director. He further announced Yolanda Gonzalez from Code Enforcement was the female city employee first place winner and Joe Perez from the Fire Department was the male city employee first place winner. He thanked everyone for their assistance on this event and congratulated all the winners.

Adolfo Garcia, Library Director, announced the official pictorial history book of the City of Pharr had been published by Arcadia Publishing Company. He extended an invitation to everyone to attend the unveiling of the book on Friday, March 28, 2014 at 5:30 p.m. at the Library with 50 free books to be given away to the first 50 guests. He stated the promotional books were available for \$10.00.

Romeo Rosales Jr., Library, briefly stated the book was 128 pages long containing black and white photos. He added the research for the book took a year to make and stated intent of the book was to stay as historically possible of the city of Pharr. He extended an invitation to all to attend the unveiling of the book next Friday.

Ruben Villegas, Police Chief, introduced Roel Garza, PAL Athletics Director and Robert Garcia, Police Department Grants Writer. Mr. Garza reported the Pharr Athletic League had received a grant in the amount of \$29,000 for a Mentoring Program which

would be launched this month addressing the needs of the at risk youths. He added the program would begin assisting 20 at risk youths in a combination of mentoring, after school recreational activities and educational activities. He added this grant would also tie into another grant in the amount of \$10,000 received from National Police Athletics League out of Florida for a grand total of \$39,000.

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 March 6, 2014 – REGULAR-SPECIAL CALLED MEETING AND MARCH 7, 2014 – SPECIAL CALLED MEETING

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

PUBLIC HEARING

1. 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 W. Expressway 83.

PLATS:

2. A Re-subdivision of Pharr Commercial Park Phase I, being the South 5.77.83 feet of Lot 1, Pharr Commercial Park Phase I, City of Pharr, Hidalgo County, Texas, according to plat recorded in Instrument Number 2343249, Map Records, Hidalgo County.

Fred Sandoval, City Manager, introduced items 4A through 4B (2).

Mayor Palacios stated no one had signed up to speak during the public hearing portion of the meeting.

Comm. Elizondo moved to approve items 4A through 4B (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 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 5:35 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 6:21 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 AN 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 ENGAGED 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 SAVINGS CLAUSE; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF, REPEALING ALL ORDINANCES IN CONFLICT; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF. (3RD READING)**

Fred Sandoval, City Manager, introduced the item and stated staff was recommending an amendment be made to the ordinance without the fee structure regarding the licensing and renewal of car dealerships and the fee per car. He further recommended approval of the third and final reading of the ordinance.

Comm. Elizondo moved to approve as recommended. Comm. Garza seconded the motion and when put to a vote, it carried unanimously. Ordinance No. O-2014-07 is filed with the City Clerk's Office.

- 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. (2ND READING)**

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

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

- C) CONSIDERATION AND ACTION, IF ANY, ON REVISED ORDINANCE FOR TEXAS GAS SERVICE COMPANY'S FRANCHISE AGREEMENT**

Fred Sandoval, City Manager, introduced the item and stated this ordinance had been approved at a prior meeting but the city had received a revised ordinance with a slight change 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-2014-08 is filed with the City Clerk's Office.

ITEM 6 CONTRACTS/AGREEMENTS:

- A) CONSIDERATION AND ACTION, IF ANY, ON MEMORANDUM OF UNDERSTANDING BETWEEN PHARR - SAN JUAN - ALAMO INDEPENDENT SCHOOL DISTRICT AND THE CITY OF PHARR FOR THE STUDENT VOLUNTEER PROGRAM**

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

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

B) CONSIDERATION AND ACTION, IF ANY, ON MEMORANDUM OF UNDERSTANDING BETWEEN HIDALGO COUNTY, THE CITIES OF EDINBURG, MCALLEN, MISSION AND PHARR, AND THE UNIVERSITY OF TEXAS SYSTEM FOR THE DEVELOPMENT OF AND FUNDING FOR A MEDICAL SCHOOL IN THE LOWER RIO GRANDE VALLEY

Fred Sandoval, City Manager, introduced the item and stated this was an on-going item of discussion between the neighboring cities. He recommended approval of a revenue source with the taxing district which would be overlaid and any monies being pledged would be being reimbursed through the taxing entity.

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

C) CONSIDERATION AND ACTION, IF ANY, ON LEASE OF BUILDING LOCATED AT 213 WEST NEWCOMBE (PARK) AVENUE TO PHARR COMMUNITY THEATER

Fred Sandoval, City Manager, introduced the item and requested authorization to negotiate contract with Pharr Community Theater for the use of the building and bring back final contract for 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, AUTHORIZING CITY MANAGER TO NEGOTIATE A LEASE AGREEMENT WITH THE CHAMBER OF COMMERCE FOR BUILDING LOCATED AT 308 WEST NEWCOMBE (PARK) AVENUE

Fred Sandoval, City Manager, introduced the item and requested authorization to negotiate contract with the Chamber of Commerce Board.

Comm. Farias moved to approve. Comm. Carrillo 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

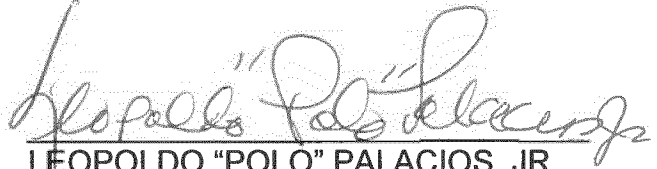
Fred Sandoval, City Manager, introduced the item and recommended approval as discussed in closed session.

Comm. Carrillo moved to approve as discussed in closed session. Comm. Garza 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. Comm. Elizondo moved to adjourn. Comm. Garza seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:28 p.m.

CITY OF PHARR


LEOPOLDO "POLO" PALACIOS, JR.
MAYOR

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF PHARR

ON THIS THE 18TH DAY OF MARCH, 2014 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: April 1, 2014