

**MINUTES  
BOARD OF COMMISSIONERS  
REGULAR CALLED MEETING  
TUESDAY, OCTOBER 1, 2013 AT 5:00 P.M.  
118 SOUTH CAGE 3<sup>RD</sup> FLOOR**

The Board of Commissioners of the City of Pharr, Texas, met in a Regular Called Meeting on Tuesday, October 1, 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. Eduardo Cantu  
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  
Karla Moya, City Controller  
Ruben Villescas, Police Chief  
Carlos Mandujano, Asst. 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  
Fred Brouwen, Asst. Bridge Director  
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 5:10 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 RED RIBBON WEEK**

Mayor Palacios read Proclamation proclaiming October 23-31, 2013 as Red Ribbon Week and presented proclamation to Jose Garza, Rio Grande Valley Development Council representative.

**ITEM 3 CITY MANAGER'S REPORTS:**

- A) City Engineer's Report – Bill Ueckert
- B) City Events of Interest
- C) Legislative/Project Update
- D) Presentation by RGV Literacy Center

Mayor Palacios introduced the item.

Fred Sandoval, City Manager, apologized for the inconvenience of moving the meeting room due to an issue taking place in the City Commissioner's meeting room. He further stated the City Engineer was in the audience and questions on projects could be entertained at this time.

There being no questions, Comm. Cantu reminded everyone of the Roger Creager concert scheduled for Wednesday, October 9, 2013 benefitting the PSJA Education Foundation for school scholarships. He stated many sponsorship tables had been sold and the general admission tickets were available to be purchased for \$20.00 from him, on-line at Ticketmaster, or at the Pharr Events Center. He further extended an invitation to everyone to attend.

Roel Garza, Athletics Director, informed the Board that the City had committed to the HEB Community Challenge to bring awareness of a healthy lifestyle. He stated the City of Pharr was currently at 2<sup>nd</sup> place and had partnered up with HEB to conduct several community walks. He invited everyone to attend the walk-against-bullying event scheduled for October 9, 2013 and walk-with-your-dog event scheduled for October 16, 2013. Both are taking place at HEB Store on South Cage Blvd.

Fred Sandoval, City Manager, stated State Representative Sergio Munoz Jr. was in attendance and called upon him to speak on legislative updates.

Representative Sergio Munoz, Jr. thanked the Board for the opportunity to speak about several legislative updates. He stated it has been an honor to represent the City of Pharr since 2011 at the Legislature and stated this past session had been better in terms of available resources. He reported Senate Bill 24 had been passed which merged two institutions, UTPA and UTB, to create a super university that allowed the creation of a medical school. He stated Senate Bill 24 also allowed access to resources to build the infrastructure to meet the growing demand of students and population. He further stated the overall budget made more money available for the public education system and for enrollment growth at public schools and for the health care system. He also reported House Bill 474 was passed which established the overweight corridor in Pharr and was a tool to attract additional investments due to Pharr being one of the top four (4) cities to receive commercial traffic from Mexico. He stated HDR 219 had also passed and was a Regional Center for Public Safety with increase training being done at STC in Pharr. He further reported TxDOT had awarded the City of Pharr funds for the Bicycle Enhancement Program and stated many items had been accomplished and looked forward to continue working with the City of Pharr and its citizens and thanked the Board for their time.

Raul Garza, Administrative Services Director, extended an invitation to all to attend the Golf Course ribbon cutting ceremony on Friday, October 4, 2013 at 9:00 a.m. with regular play taking place on Saturday, October 5, 2013.

Mayor Palacios extended an invitation to attend the Annual Jamaica for St. Margaret Mary Church on October 5 - 6, 2013.

At this time, Fred Sandoval, City Manager, called upon Diann Whisnand for a presentation on the Rio Grande Valley Literacy Center.

Diann Whisnand, Rio Grande Valley Literacy Center CEO, stated the Literacy Center has been in operation for the past ten 10 years and thanked the Board for their support. She gave a brief presentation on the history of the Literacy Center stating

education was their priority. She further stated the name and location change came about their will to reach out to all of Hidalgo County and represent the Valley as a literacy center. She added 40% of their students were from Pharr and 60% came from surrounding cities and stated the reading classes would remain at the Pharr Memorial Library.

Oscar Vera, Rio Grande Valley Literacy Center President, presented a plaque to the Mayor and City Commission as an appreciation of their dedication and support.

Comm. Farias asked how many adults were enrolled at the Literacy Center and asked for information on their ribbon cutting.

Ms. Whisnand stated the total number of adults enrolled was 800 for the year but the enrollment was at 135 for the semester with four (4) semesters being held per year. She announced their ribbon cutting would be held Wednesday, October 2, 2013 at 10:00 a.m. in Weslaco and extended an invitation to all to attend.

Mayor Palacios gave a brief history of the creation of the Pharr Literacy Center and thanked Mr. and Mrs. Michals for a job well done.

Fred Sandoval, City Manager, stated he had met with Dr. Daniel King for the use of elementary schools for non-profit community centers and asked Ms. Whisnand and Mr. Vera to contact Dr. King for possible use of the schools.

**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 September 17, 2013 – REGULAR CALLED MEETING**

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

**PUBLIC HEARING**

1. Hector G. Menchaca, d/b/a El Huachinango Pescados y Mariscos, 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 the E100' of Lot 5 and 6, Block 66, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 400 S. Cage Blvd.
2. Rodolfo Cirlos, d/b/a Good Times Bar & Grill, requested renewal of the Conditional Use Permit and Late Night 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 4 & 5, La Quinta Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 5806 & 5808 S. Cage Blvd.

**PLATS:**

3. Quintanilla, Headley and Associates Inc., representing Cruz Cantu III, President for Esponjas Development, LTD., requested final plat approval of the proposed Tropic Star Commercial Plaza Subdivision. The property is legally described as being a re-subdivision of a 4.813 acre tract of land out of the south 574 feet of Lot 1 Tropic Star Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 1500 Blk. of S. Cage Blvd.

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

Comm. Carrillo **moved** to approve. Mayor Palacios seconded the motion and when put to a vote it carried unanimously with one abstention. Comm. Cantu abstained from voting on item 4B (3).

**REGULAR AGENDA – OPEN SESSION:**

**ITEM 5 ORDINANCES AND RESOLUTIONS:**

**A) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NO. O-2011-12, SECTION 18 OF THE CODE OF ORDINANCES; ADOPTING PROVISIONS RELATED TO PHARR ANIMAL SHELTER**

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

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

**B) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE CANCELLING THE SPECIAL ELECTION FOR NOVEMBER 5, 2013 (CONSIDERACIÓN Y ACCIÓN, EN ORDENANZA PARA CANCELAR LA ELECCIÓN ESPECIAL MUNICIPAL DEL 5 DE NOVIEMBRE DE 2013)**

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

Comm. Garza moved to approve. Comm. Carrillo seconded the motion and when put to a vote, it carried unanimously. Ordinance No. O-2013-40 is filed with the City Clerk's office.

At this time Fred Sandoval, City Manager, stated item 5C would be discussed in closed session and requested to deviate from the agenda and discuss item 5D. There was no objection.

**D) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION CANCELLING/RE-SCHEDULING THE CITY COMMISSION MEETING OF OCTOBER 15, 2013**

Fred Sandoval, City Manager, introduced the item and stated that the next regularly scheduled meeting is October 15, 2013 and since he and several Commissioners would be out of town attending a training, he recommended changing the meeting date to Monday, October 14, 2013 at 12:00 noon.

Comm. Cortez moved to approve as recommended. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2013-60 is filed with the City Clerk's Office.

At this time Fred Sandoval, City Manager, stated 5E would be discussed in closed session and requested to deviate from the agenda and discuss item number 5F. There was no objection.

**F) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION AUTHORIZING AN INTERLOCAL COOPERATION AGREEMENT WITH HIDALGO COUNTY FOR PARTICIPATION OF THE CITY OF PHARR POLICE DEPARTMENT IN OPERATION STONEGARDEN 2012 AND ACCEPTANCE OF GRANT FUNDING**

Fred Sandoval, City Manager, introduced the item.

Comm. Cortez moved to approve. Comm. Carrillo seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2013-62 is filed with the City Clerk's Office.

At this time Fred Sandoval, City Manager, stated 5G would be discussed in closed session and requested to deviate from the agenda and discuss item 6A. There was no objection.

**ITEM 6 ADMINISTRATIVE:**

**A) CONSIDERATION AND ACTION, IF ANY, APPROVING THE TRADE OF PHARR POLICE K-9**

Fred Sandoval, City Manager, introduced the item and briefly explained the trade would be to replace a retired police K-9 for a new police K-9 and recommended approval.

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

**ITEM 7 CONTRACTS/AGREEMENTS:**

**A) CONSIDERATION AND ACTION, IF ANY, ON FIRST AMENDMENT TO INTERLOCAL AGREEMENT REGARDING TAX REINVESTMENT ZONE NUMBER ONE**

Fred Sandoval, City Manager, introduced the item and stated the amendment had been approved by the Tax Reinvestment Zone Number One Board at a meeting held earlier today and recommended approval.

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

**B) CONSIDERATION AND ACTION, IF ANY, ON INTERLOCAL AGREEMENT FOR ASSISTANCE TO FIREFIGHTERS GRANT RADIO PROJECT**

Fred Sandoval, City Manager, introduced the item and stated this was a grant application and recommended approval.

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

At this time Fred Sandoval, City Manager, stated item 7C would be discussed in closed session. There was no objection.

**D) CONSIDERATION AND ACTION, IF ANY, ON NON-DISCLOSURE AGREEMENT WITH DEPARTMENT OF HOMELAND SECURITY FOR THE STAC PILOT PROGRAM**

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

Comm. Carrillo moved to approve. Comm. Garza 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 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 – 8**

Mayor Palacios stated the time being 5:45 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, 551.075, 551.076, 551.084 and 551.086.

**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 6:30 pm; the board had completed its closed session and would be resuming the open meeting.

**ITEM 5 C) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NO. O-2013-22 RENTAL FACILITIES FOR JOSE "PEPE" SALINAS MEMORIAL CIVIC CENTER**

Fred Sandoval, City Manager, introduced the item and briefly explained the purpose of the amendment was to remove the rental fees at the Jose "Pepe" Salinas Memorial Civic Center so the facility can be used exclusively for recreational and athletics programs. At this time, he recommended approval of the ordinance on first and final reading to allow staff to stop the rentals.

Comm. Carrillo moved to approve the first and final reading of the ordinance. Comm. Farias seconded the motion and when put to a vote, it carried unanimously. Ordinance No. O-2013-41 is filed with the City Clerk's Office.

**5 E) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION NOMINATING CANDIDATE(S) FOR THE 2014-2015 HIDALGO COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS**

Fred Sandoval, City Manager, introduced the item.

Comm. Carrillo moved to nominate Albert Cardenas to the Hidalgo County Appraisal District Board of Directors. Comm. Garza seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2013-61 is filed with the City Clerk's Office.

**5 G) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION AUTHORIZING CITY MANAGER TO ENTER INTO NEGOTIATIONS WITH THE CITY OF DONNA RELATED TO PROPERTY, FACILITIES, AND OTHER RELATED MATTERS**

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

Comm. Carrillo moved to approve as discussed in closed session. Comm. Cortez seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2013-63 is filed with the City Clerk's Office.

**ITEM 7C) CONSIDERATION AND ACTION, IF ANY, ON EMPLOYMENT CONTRACT WITH CARLOS VILLEGAS, JR. FOR GOLF COURSE OPERATIONS AND ADMINISTRATION**

Fred Sandoval, City Manager, introduced the item and recommended approval subject to final negotiations with Mr. Villegas and verification and research by legal to finalize contract.

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

**ITEM 8 LEGAL:**

**A) CONSIDERATION AND ACTION, IF ANY, ON MATTERS RELATED TO CASE CT-00-9460 AND/OR GALLUS PROPERTIES, TRANSMARITIME, AND BERNARD GUBSER**

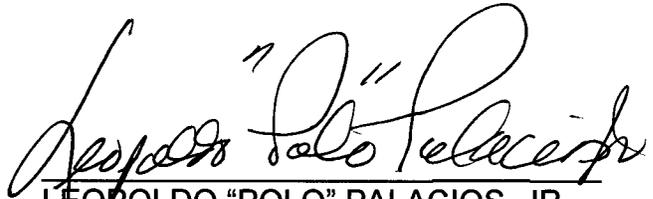
Fred Sandoval, City Manager, introduced the item and recommended approval as recommended by legal.

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

**ITEM 11 ADJOURNMENT:**

There being no other business to come before the board, Comm. Farias **moved** to adjourn. Comm. Elizondo seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:34 p.m.

CITY OF PHARR

  
LEOPOLDO "POLO" PALACIOS, JR.  
MAYOR

STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF PHARR

ON THIS THE 1<sup>ST</sup> DAY OF OCTOBER, 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, 3<sup>rd</sup> 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: November 4, 2013