

**MINUTES
BOARD OF COMMISSIONERS
REGULAR-SPECIAL CALLED MEETING
THURSDAY, MAY 22, 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, May 22, 2014 and following is the record of attendance.

BOARD OF COMMISSIONERS PRESENT: Mayor Leopoldo Palacios Jr.
Comm. Arturo Cortez
Comm. Roberto Carrillo
Comm. Oscar Elizondo, Jr.
Comm. Edmund Maldonado, Jr.

BOARD OF COMMISSIONERS ABSENT: Mayor Pro-Tem Adan Farias
Comm. Aquiles Garza

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 Villescascas, Police Chief
Jaime Guzman, Fire Chief
Frank Marin, Parks & Recreation Dir.
Roy Garcia, Public Works Director
Edward Wylie, Dev. Services Dir.
Adolfo Garcia, Library Director
Raul Garza, Admin. Services Director
Gary Rodriguez, PIO
Kevin Earl, GIS Manager
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 12:52 p.m. Roll Call established a quorum.

**A) ROLL CALL AND POSSIBLE ACTION ON THE EXCUSING OF ANY
ABSENT MEMBER OF THE GOVERNING BODY**

Comm. Carrillo moved to excuse Comm. Farias and Comm. Garza for being absent. Comm. Maldonado seconded the motion and when put to a vote, it carried unanimously.

B) PLEDGE OF ALLEGIANCE / INVOCATION

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

Mayor Palacios asked for a moment of silence for the passing of Ruben Flores, brother of Judge Bobby Flores.

ITEM 2 PROCLAMATIONS:**A) PRESENTATION OF PROCLAMATION PROCLAIMING THE WEEK OF
MAY 19-23, 2014 AS NATIONAL PUBLIC WORKS WEEK**

Mayor Palacios read Proclamation proclaiming May 19-23, 2014 as National Public Works Week and presented proclamation to Roy Garcia and Rene Saenz.

Roy Garcia, Director of Public Works, thanked the Board for the proclamation and recognized all the men and women in the field of maintenance, education, construction and infrastructure services known as Public Works. He further thanked the Mayor and Commissioners on behalf of all his employees for their guidance and support.

Rene Saenz, Assistant Director of Public Works, extended an invitation to everyone to attend their 2nd Annual Public Works Week Celebration on Friday, May 23, 2014 from 10:00 am to 2:00 pm. He stated they would like to showcase their Public Works Department and give everyone the opportunity to meet their staff. He further stated they would also educate the public on their daily work activities and thanked PSJA ISD for allowing them to invite campuses within the city limits allowing over 250 children to visit their site.

Roy Garcia, Director of Public Works, informed everyone that Operation Clean Sweep had been rescheduled from Saturday, May 24, 2014 to Saturday May 31, 2014 at the PAL Building and extended an invitation to everyone to attend.

ITEM 3 CITY MANAGER'S REPORTS:

- A) City Engineer's Report - Bill Ueckert
- B) Submission of monthly report – Pharr Municipal Court
- C) Submission of April 2014 Tax Collection Report
- D) Submission of May 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 was in the audience and any questions could be entertained at this time. There being no questions, Mr. Sandoval announced he had met with representatives from Linebarger Goggan Blair & Sampson, LLP and the formal report would be given on the first meeting in June. He further reported sales taxes were up by a 10% growth.

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 May 6, 2014 – REGULAR-SPECIAL CALLED MEETING**
- B) CONSIDERATION AND ACTION, IF ANY, ON CHANGE ORDER #7 IN THE DEDUCT AMOUNT OF \$26,505.00 FOR THE PHARR AQUATIC FACILITY**
- C) CONSIDERATION AND ACTION, IF ANY, ON PLANNING & ZONING CASES:**
 - PUBLIC HEARING**

1. Sergio R. Garcia, d/b/a Aragon Music Hall, 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 Lots 1, 2 & 4, Replat of Lot 1, Mexican Fiesta Subdivision Unit No. 1 and Lot 1, Mexican Fiesta Subdivision Unit No. 2 Pharr, Hidalgo County, Texas. The property's physical address is 1300 W. Nolana.
2. Alba Dora Pedraza, d/b/a Sepi's requested renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Business District (C-2). The property is legally described as Lot 22, Block 30, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 212 W. State Street.
3. Aurelio Cadena, d/b/a Tejas 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 11, Maco Industrial Park Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1308 Maco Drive.
4. National Concessions Services, Ltd., c/o Maria E. Megret, 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 1, Tip-O-Tex Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 3000 N. Cage Blvd.
5. Laura V. Terrazas and Juan Terrazas, d/b/a Para Tacos La Chilanga, requested a 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 187, Valle De La Primavera Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 6903 South Jackson Road.

PLATS:

6. Salinas Engineering & Associates, representing Roberto Guajardo, requested final plat approval of the proposed Bienes Guajardo Subdivision. The property is legally described as being the north 102 feet of Lot 1C, Pharr South Subdivision Unit No. 1, Pharr, Hidalgo County, Texas. The property's physical address is 1522 S. Cage Blvd.

Mayor Palacios introduced items 4A through 4C (6).

Comm Elizondo moved to approve items 4A through 4C (6) as recommended. Comm. Cortez seconded the motion and when put to a vote, it carried unanimously.

REGULAR AGENDA – OPEN SESSION:

PUBLIC HEARING: SOLICITATION OF COMMENTS ON THE USE GRANT FUNDS FOR THE PURCHASE OF MOBILE REMOTER FINGERPRINT DEVICES

Mayor Palacios opened the Public Hearing.

Lupe Chavez asked the Commission not approve the Edward Byrne Grant. There being no other public comments, the Public Hearing was closed.

ITEM 5 ORDINANCES AND RESOLUTIONS:

A) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NO. O-2014-14 (SIGN ORDINANCE)

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

Comm. Carrillo moved to approve the second reading of the ordinance. Comm. Cortez seconded the motion.

Mayor Palacios asked what the proposed changes to the ordinance were.

Fred Sandoval, City Manager, briefly explained the ordinance would limit the number and size of political signs allowed on public properties and polling locations. He added the number of signs would be limited to two (2) signs per candidate and the maximum size would be limited to nine (9) feet.

The motion was put to a vote and it carried unanimously.

**B) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING
ORDINANCE NO. O-2013-12 (NOISE ORDINANCE)**

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

Comm. Carrillo **moved** to approve the second reading of the ordinance. Comm. Elizondo 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 1:10 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.

At this time, Comm. Carrillo left the meeting, the time being 2:18 p.m.

**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 2:27 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
APPOINTING/RE-APPOINTING MUNICIPAL COURT JUDGES**

Fred Sandoval, City Manager, introduced the item.

Comm. Cortez **moved** to reappoint Rodolfo "Rudy" Martinez as Municipal Judge and Roberto Garza and Luis Singleterry as Alternate Municipal Judges. Comm. Maldonado seconded the motion and when put to a vote, it carried unanimously. Ordinance No. O-2014-18 is filed with the City Clerk's Office.

**D) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING
ORDINANCE NO. O-2007-56 (SEWER BASE RATES FOR NAWSC
CUSTOMERS)**

Fred Sandoval, City Manager, introduced the item and recommended approval as discussed in closed session of a \$1.50 surcharge per customer to off-set the service fee.

Comm. Cortez **moved** to approve with a surcharge of \$1.50. Comm. Maldonado seconded the motion and when put to a vote, it carried unanimously. Ordinance No. O-2014-19 is filed with the City Clerk's Office.

E) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION DESIGNATING VENUE PROJECTS AND DESIGNATING THE METHODS OF FINANCING SUCH VENUE PROJECTS, ALL PURSUANT TO CHAPTER 334, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; AND CONTAINING OTHER MATTERS RELATED THERETO

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

Comm. Maldonado moved to approve. Comm. Cortez seconded the motion and when put to a vote it carried unanimously. Resolution No. R-2014-26 is filed with the City Clerk's Office.

F) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION AUTHORIZING REVIEW OF TEXAS GAS SERVICE COMPANY'S ("TGS") COST OF SERVICE ADJUSTMENT ("COSA") TARIFF

Fred Sandoval, City Manager, introduced the item and stated this was a standard review done every time an adjustment is requested. He further recommended approval.

Comm. Elizondo moved to approve. Comm. Maldonado seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2014-27 is filed with the City Clerk's Office.

G) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION AUTHORIZING POLICE CHIEF TO SUBMIT APPLICATION AND ACCEPT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FY 2014 AWARD FOR \$21,435 FOR THE PURCHASE OF MOBILE REMOTE FINGERPRINT DEVICES

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. Resolution No. R-2014-28 is filed with the City Clerk's Office.

H) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION ADOPTING THE ONE YEAR ACTION PLAN FY2014-2015 FOR SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

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

Comm. Elizondo moved to approve. Comm. Cortez seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2014-29 is filed with the City Clerk's Office.

I) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION DESIGNATING THE MAYOR OF THE CITY OF PHARR TO GIVE NOTICE OF INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF TAX EXEMPT OBLIGATIONS

Fred Sandoval, City Manager, introduced the item and briefly stated this would allow the City to receive reimbursement from the Texas Water Development Board for water rights being purchased.

Comm. Cortez moved to approve. Comm. Maldonado seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2014-30 is filed with the City Clerk's Office.

J) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION ACCEPTING THE UPDATED WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN

Fred Sandoval, City Manager, introduced the item and stated this planning document was being updated to comply with grant opportunities and requirements. He further recommended approval.

Comm. Cortez moved to approve. Comm. Maldonado seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2014-31 is filed with the City Clerk's Office.

ITEM 6 ADMINISTRATIVE:

A) CONSIDERATION AND ACTION, IF ANY, ON ACCEPTANCE OF THE PHARR AQUATIC CENTER WITH TEXAS DESCON, L.P. AND RELEASE OF FINAL PAYMENT IN THE AMOUNT OF \$ 83,830.51

Fred Sandoval, City Manager, introduced the item and stated staff and legal had reviewed the documents and recommended approval

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

ITEM 7 CONTRACTS/AGREEMENTS:

A) CONSIDERATION AND ACTION, IF ANY, ON AGREEMENT BETWEEN NORTH ALAMO WATER SUPPLY CORPORATION AND THE CITY OF PHARR FOR BILLING SERVICES AND RATE INCREASE

Fred Sandoval, City Manager, introduced the item and stated the rate increase was being instituted by North Alamo Water Supply Corporation and recommended approval of the agreement.

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

B) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO NEGOTIATE CONTRACT WITH BEATTY, BANGLE, STRAMA (BBS) FOR LEGAL SERVICES FOR REGIONAL WATER PRIORITIES

Fred Sandoval, City Manager, introduced the item and recommended approval at the rate of \$1,500.00 a month.

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

C) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO NEGOTIATE CONTRACT WITH S&GE, LLC. FOR ENGINEERING SERVICES FOR THE WATER TREATMENT PLANT

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.

D) CONSIDERATION AND ACTION, IF ANY, ON FEMA COMMUNITY SAFE ROOM DESIGN AND LOCATIONS

Fred Sandoval, City Manager, introduced the item and stated due to unexpected price increases and budgetary constraints associated, staff recommended to officially rescind the application to FEMA and discontinue the process.

Comm. Maldonado moved to rescind the application as recommended by staff. Comm. Cortez seconded the motion and when put to a vote, it carried unanimously.

E) CONSIDERATION AND ACTION, IF ANY, ON REAL ESTATE CONTRACT FOR PROPERTY LEGALLY DESCRIBED AS 132.5 ACRES OUT OF LOT 275, 274, 271 AND 12.5 ACRES OUT OF LOT 270, KELLY-PHARR TRACT, PHARR, HIDALGO COUNTY TEXAS

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.

F) CONSIDERATION AND ACTION, IF ANY, ON CONSULTING CONTRACT WITH RAMON TOVIAS

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

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

ITEM 8 LEGAL:

A) CONSIDERATION AND ACTION, IF ANY, ON EVICTION AND OTHER LEGAL MATTERS RELATED TO PHARR INTERNATIONAL SERVICES, LLC, PORTABLE COLD SOLUTIONS, LLC, RIGOBERTO EGUIA AND ALL OCCUPANTS INCLUDING C-0599-14-21

Fred Sandoval, City Manager, introduced the item and recommended to proceed as recommended by Legal.

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

B) CONSIDERATION AND ACTION, IF ANY, ON CITY OF PHARR V CITY OF ALAMO; CL-09-3347-D

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

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 CITY OF PHARR V KUROY JOINT VENTURE, ET AL; CL-09-0573-H

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

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

ITEM 11 ADJOURNMENT:

At this time, Comm. Elizondo requested staff to extend an invitation to the newly Hidalgo County Sheriff for a meet and greet next week. David Garza, Asst. City Manager, stated he would work on the arrangements.

Mayor Palacios reported elections were taking place and asked everyone to go out and vote.

There being no other business to come before the board, Comm. Elizondo **moved** to adjourn. Comm. Maldonado seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 2:38 p.m.

CITY OF PHARR


LEOPOLDO "POLO" PALACIOS, JR.
MAYOR

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF PHARR

ON THIS THE 22ND DAY OF MAY, 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: June 3, 2014