

**MINUTES
BOARD OF COMMISSIONERS
REGULAR CALLED MEETING
MONDAY, SEPTEMBER 18, 2017
118 SOUTH CAGE 2nd FLOOR**

The Board of Commissioners of the City of Pharr, Texas, met in a Regular Called Meeting on Monday, September 18, 2017 and following is the record of attendance.

- BOARD OF COMMISSIONERS PRESENT:** Mayor Ambrosio Hernandez
Comm. Eleazar Guajardo
Comm. Roberto “Bobby” Carrillo
Comm. Ramiro Caballero
Comm. Mario Bracamontes

- BOARD OF COMMISSIONERS ABSENT:** Comm. Daniel Chavez
Comm. Ricardo Medina

- STAFF PRESENT:**
 - Juan G. Guerra, City Manager
 - Edward Wylie, Deputy City Manager
 - Hilda Pedraza, City Clerk
 - Omar Anzaldua, City Engineer
 - Gary Rodriguez, Events Center Director
 - Karla Moya, Finance Director
 - Anali Alanis, HR Director
 - Rodolfo Martinez, Municipal Court Judge
 - Joel Robles, Asst. Police Chief
 - Melanie Cano, Dev. Services Director
 - Rick Pedraza, Public Works Director
 - Jose Villescascas, Public Utilities Director
 - Sergio Alanis, Parks & Rec. Director
 - Raul Garza, CDBG Director
 - Jason Arms, I.T. Director
 - Adolfo Garcia, Library Director
 - Luis Bazan, Bridge Director

- CITY ATTORNEY** Patricia Rigney, City Attorney

ITEM 1. CALL TO ORDER

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

Comm. Carrillo moved to excuse the absent members. Comm. Caballero seconded the motion and when put to a vote, it carried unanimously.

B) PLEDGE OF ALLEGIANCE/INVOCATION

Juan G. Guerra, City Manager, led in the pledge of allegiance and Luis Bazan, Bridge Director, said the invocation.

ITEM 3. PUBLIC COMMENTS/PUBLIC HEARINGS

A) PUBLIC COMMENTS

Kenneth Fletcher stated he has complained for 5 years of unwanted noise from Costco and stated this was a public health threat to his neighbors and himself. He also mentioned police and fire departments do not work together when it comes to these type of calls. However, Police Department does respond and he hopes extra patrol helps.

B) PUBLIC HEARING ON DEVELOPMENT SERVICES CASES

None.

ITEM 2. PROCLAMATIONS

A) PROCLAMATION PROCLAIMING RED RIBBON WEEK

At this time, Mayor Hernandez read proclamation proclaiming the October 23 – 31, 2017 as Red Ribbon Week and presented proclamation to Police Officers Gilbert Garza, Danny Garcia, and Irvin Segura.

Police Officer Gilbert Garza thanked the commission for the recognition and stated the parade would held on Saturday, October 14, 2017 at 9:00 a.m. in San Juan. Officer Garza further stated the Pharr Police Department was the only department to have a Red Ribbon initiative year round and not just in the month of October.

ITEM 4. CITY MANAGER'S REPORTS

A) SUBMISSION OF SEPTEMBER 2017 SALES TAX REPORT (FINANCE)

Juan G. Guerra, City Manager, introduced the September 2017 Sales Tax Report and stated numbers were looking good overall for the City of Pharr. He also stated Karla Moya, Finance Director, was available for any questions.

B) SUBMISSION OF AUGUST 2017 TAX COLLECTION REPORT (FINANCE)

Juan G. Guerra, City Manager, introduced the August 2017 Tax Collection Report and stated tax collections were positive overall for the City of Pharr. He also stated Karla Moya, Finance Director, was available for any questions.

C) CITY EVENTS OF INTEREST (ADMINISTRATION)

Juan G. Guerra, City Manager, reported the City of Pharr had a very successful Diez y Seis de Septiembre event at Jones Box Park in South Pharr and thanked staff for all their work.

ITEM 5. CONSENT AGENDA

A) APPROVAL OF MINUTES FOR SEPTEMBER 5, 2017 REGULAR-SPECIAL CALLED MEETING (ADMINISTRATION)

B) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE O-2017-06 (RENTAL OF NATATORIUM) 3RD AND FINAL READING (PARKS)

C) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE CREATING A PUBLIC SAFETY COMMUNICATIONS DEPARTMENT AND A PURCHASING DEPARTMENT 3RD AND FINAL READING (HR)

D) CONSIDERATION AND ACTION, IF ANY, ON REQUEST FROM THE PHARR HOUSING AUTHORITY THE USAGE OF THE JOSE "PEPE" SALINAS MEMORIAL CIVIC CENTER-LARGE HALL FOR SECTION 8 HOUSING CHOICE VOUCHER PROGRAM APPLICATIONS ON THURSDAY, OCTOBER 12, 2017 FROM 8:00 A.M. TO 1:00 P.M. (PARKS)

- E) CONSIDERATION AND ACTION, IF ANY, ON REQUEST FROM RIO GRANDE VALLEY PARTNERSHIP TO WAIVE RENTAL FEES OF THE BOGGUS FORD EVENTS CENTER ON THURSDAY OCTOBER 19, 2017 FROM 8:00 AM - 2:00 PM FOR THE TEXAS GOVERNOR'S SMALL BUSINESS FORUM (EVENTS CENTER)
- F) CONSIDERATION AND ACTION, IF ANY, ON REQUEST FROM U.S. BORDER PATROL AND TXDPS TO WAIVE FEES FOR THE USAGE OF THE JOSE "PEPE" SALINAS MEMORIAL CIVIC CENTER-LARGE HALL ON OCTOBER 24-25, 2017 FROM 8:00 A.M. TO 5:00 P.M. (PARKS)
- G) CONSIDERATION AND ACTION, IF ANY, ON REQUEST FROM U.S. CUSTOMS AND BORDER PROTECTION FOR WAIVING OF RENTAL FEES OF PHARR EVENTS CENTER ON DECEMBER 12-13, 2017 FOR THE "TEXAS ROUND UP" IN CONJUNCTION WITH USDA (EVENTS CENTER)
- H) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO INITIATE PROCESS TO SECURE NAMING RIGHTS PARTNER FOR THE PHARR EVENTS CENTER SUBSEQUENT TO TERMINATION OF CURRENT CONTRACT ENDING NOVEMBER 30, 2017 (EVENTS CENTER)
- I) CONSIDERATION AND ACTION, IF ANY, ON ECONOMICALLY DISADVANTAGED COUNTY (EDC) PROGRAM APPLICATION FOR THE PHARR/REYNOSA INTERNATIONAL BRIDGE COMMERCIAL NORTHBOUND TRUCK ENTRANCE LANES EXPANSION PROJECT CSJ#0921-02-385 (ENGINEERING)
- J) CONSIDERATION AND ACTION, IF ANY, ON ECONOMICALLY DISADVANTAGED COUNTY (EDC) PROGRAM APPLICATION FOR THE PHARR/REYNOSA INTERNATIONAL BRIDGE SECOND EXIT TO BORDER SAFETY INSPECTION FACILITY PROJECT CSJ#0921-02-383 (ENGINEERING)
- K) CONSIDERATION AND ACTION, IF ANY, ON DEVELOPMENT SERVICES CASES:
 - 1. IDEN I. TREVINO, P.E., REPRESENTING ROGELIO A. PRUNEDA, OWNER, REQUESTED A CHANGE OF ZONE FROM A SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) TO A GENERAL BUSINESS DISTRICT (C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.45 ACRE TRACT OF LAND, MORE OR LESS, OUT OF THE SOUTH 264.0 FEET OF LOT 325, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 124 WEST DICKER ROAD (TABLED) (DEVELOPMENT SERVICES)

PLATS:

- 1. HALFF ASSOCIATES, INC., REPRESENTING CAPOTE FARMS, LTD., PHIL DYER, PRESIDENT, REQUESTED FINAL PLAT APPROVAL OF THE PROPOSED CAPOTE INTERNATIONAL BUSINESS PARK PHASE IV LOT 1. THE PROPERTY IS LEGALLY DESCRIBED AS BEING 9.1097 ACRES OUR OF LOT 396 AND PORCIONES 66, 67, 69 AND 70 OF KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 500 AND 600 BLOCK OF EAST MILITARY HIGHWAY (DEVELOPMENT SERVICES)
- 2. B.I.G ENGINEERING, REPRESENTING E. DOUGLAS GRINDSTAFF, OWNER, REQUESTED FINAL PLAT APPROVAL OF THE PROPOSED THE CASCADES SUBDIVISION PHASE I. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 2.06-ACRE TRACT OF LAND OUT OF LOT 86, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 600 BLOCK OF WEST MINNESOTA ROAD (DEVELOPMENT SERVICES)

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Juan G. Guerra, City Manager, introduced the items and recommended approval of the consent agenda.

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

At this time, Juan G. Guerra, City Manager, requested the motion be rescinded to include approval of consent agenda items and exclude item 5.K.1.

Comm. Guajardo **moved** to rescind his motion. Comm. Carrillo seconded the motion and when put to a vote, it carried unanimously.

Juan G. Guerra, City Manager, re-introduced Item 5.K.1 and recommended the item be un-tabled for further consideration.

Comm. Guajardo **moved** to un-table. Comm. Carrillo seconded the motion and when put to a vote, it carried unanimously.

Juan G. Guerra, City Manager, called upon Melanie Cano, Development Services Director, to report on item 5.K.1.

Melanie Cano, Development Services Director, stated the request was for a new location on West Dicker Road and the property owner was going through the subdivision process. She stated the change of zone was for general business and it was designated for commercial use in the future land use plan. Ms. Cano further stated applicant was in audience for any questions.

Juan G. Guerra, City Manager, asked if all items have been addressed. Melanie Cano, Development Services Director, responded yes. She stated both Fire Department and Development Services Department had requirements that the applicant needed to comply with in a period of ten (10) business days. She further stated staff recommended approval.

Comm. Carrillo **moved** to approve item 5.K.1 as recommended. Comm. Bracamontes seconded the motion and when put to a vote, it carried unanimously.

Ordinances O-2017-37, O-2017-38 and O-2017-39 are filed with the City Clerk's Office.

REGULAR AGENDA - OPEN SESSION

ITEM 6. ORDINANCES AND RESOLUTIONS

A) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE ADOPTING TAX RATE FOR FY 2017-2018 (FINANCE)

Juan G. Guerra, City Manager, introduced the item and stated in the last twenty-five years, the City of Pharr has lowered the tax rate roughly 2.1 cents. He stated with the new administration and in the last three years, the city has lowered the tax rate by 3 cents, which was a bigger decrease than the last twenty-five years combined.

Comm. Carrillo **moved** that the property tax rate be increased by the adoption of a tax rate .6490, which is effectively a 1% increase in the tax rate. Comm. Bracamontes seconded the motion.

Juan G. Guerra, City Manager, briefly explained the current property tax rate was 65.4 cents and with the adoption of the new tax rate, it would be 64.9 cents. Therefore, property taxes were being lowered.

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

Ordinance No. O-2017-40 is filed with the City Clerk's Office.

B) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE ADOPTING AND APPROVING THE BUDGET FOR YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018 (FINANCE)

Juan G. Guerra, City Manager, introduced the item and recommended approval.

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

Ordinance No. O-2017-41 is filed with the City Clerk's Office.

C) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PHARR AT CHAPTER 139 ("ACQUISITION, DISPOSITION, AND/OR USE OF CITY PROPERTY"), BY ADDING UNIFORM, NONDISCRIMINATORY REQUIREMENTS FOR USERS OF CITY RIGHT-OF-WAY (DEVELOPMENT SERVICES)

Juan G. Guerra, City Manager, introduced the item and stated this was in response to state legislature Senate Bill 1004. He explained although the Temporary Restraining Order (TRO) was unsuccessful and the lawsuit was still pending, the amendment was necessary to adopt a stricter right-of-way management. He stated the city cannot deny the use of the right-of-way but may regulate it. He further recommended approval of the ordinance on first and final reading.

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

Ordinance No. O-2017-42 is filed with the City Clerk's Office.

D) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPOINTING TWO (2) MEMBERS TO THE PARKS & RECREATION COMMITTEE (PARKS)

Juan G. Guerra, City Manager, introduced the item.

Comm. Guajardo moved to appoint Mario Lizcano and Mario Guajardo to the Parks & Recreation Committee. Comm. Caballero seconded the motion and when put to a vote, it carried unanimously.

Resolution No. R-2017-65 is filed with the City Clerk's Office.

E) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPOINTING/RE-APPOINTING THREE (3) MEMBERS TO THE BOARD OF DIRECTORS OF THE PHARR ECONOMIC DEVELOPMENT CORPORATION, II (ADMINISTRATION)

Juan G. Guerra, City Manager, introduced the item and stated the terms of Mayor Hernandez, Comm. Caballero, and Comm. Medina would be expiring.

Comm. Caballero moved to reappoint Mayor Ambrosio Hernandez, Comm. Medina, and himself to the Pharr Economic Development Corporation II Board of Directors. Comm. Guajardo seconded the motion and when put to a vote, it carried unanimously.

Resolution No. R-2017-66 is filed with the City Clerk's Office.

F) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPOINTING/RE-APPOINTING ONE (1) MEMBER TO THE CIVIL SERVICE COMMISSION (HR)

Juan G. Guerra, City Manager, introduced the item and stated Dolores Rodriguez wished to continue serving.

Comm. Carrillo moved to reappoint Dolores Rodriguez to the Civil Service Commission. Comm. Caballero seconded the motion and when put to a vote, it carried unanimously.

Resolution No. R-2017-67 is filed with the City Clerk's Office.

ITEM 7. ADMINISTRATIVE

A) CONSIDERATION AND ACTION, IF ANY, ON BUDGET FOR PHARR ECONOMIC DEVELOPMENT CORPORATION II FOR FISCAL YEAR 2017-2018 (FINANCE)

Juan G. Guerra, City Manager, introduced the item and recommended approval.

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

B) CONSIDERATION AND ACTION, IF ANY, ON BUDGET FOR TAX INCREMENT REINVESTMENT ZONE NO. 1 FOR FISCAL YEAR 2017-2018 (FINANCE)

Juan G. Guerra, City Manager, introduced the item and recommended approval.

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

C) CONSIDERATION AND ACTION, IF ANY, ON BUDGET FOR TAX INCREMENT REINVESTMENT ZONE NO. 2 FOR FISCAL YEAR 2017-2018 (FINANCE)

Juan G. Guerra, City Manager, introduced the item and recommended approval.

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

D) CONSIDERATION AND ACTION, IF ANY, ON BUDGET FOR PHARR HOUSING FINANCE CORPORATION FOR FISCAL YEAR 2017-2018 (FINANCE)

Juan G. Guerra, City Manager, introduced the item and recommended approval.

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

E) CONSIDERATION AND ACTION, IF ANY, ON BUDGET FOR PHARR HOUSING FINANCE CORPORATION JACKSON PLACE APARTMENTS FOR FISCAL YEAR 2017-2018 (FINANCE)

Juan G. Guerra, City Manager, introduced the item and recommended approval.

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

F) CONSIDERATION AND ACTION, IF ANY, ON CHANGE ORDER NUMBER 1 FOR THE SOUTH PHARR WATER TOWER REHABILITATION (BID NO. 1617-01-528-0031) (ENGINEERING)

Juan G. Guerra, City Manager, introduced the item and recommended approval.

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

G) CONSIDERATION AND ACTION, IF ANY, ON CHANGE ORDER NUMBER 1 FOR THE JONES BOX PARK LANDSCAPE & IRRIGATION IMPROVEMENTS (BID NUMBER 1617-01-528-0028) (ENGINEERING)

Juan G. Guerra, City Manager, introduced the item and recommended approval.

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

H) CONSIDERATION AND ACTION, IF ANY, ON CHANGE ORDER NUMBER 2 FOR THE SOUTH PHARR DEVELOPMENT & RESEARCH CENTER AND EXHIBIT HALL (BID NUMBER 1617-01-528-0021) (ENGINEERING)

Juan G. Guerra, City Manager, introduced the item and briefly stated this was for flagpoles and recommended approval.

Comm. Guajardo **moved** to approve as recommended. Comm. Bracamontes seconded the motion and when put to a vote, it carried unanimously.

ITEM 8. CONTRACTS/AGREEMENTS

A) CONSIDERATION AND ACTION, IF ANY, ON AGREEMENT WITH ZAMBELLI INTERNATIONAL FOR PROVIDING LIVE FIREWORKS DISPLAY FOR CITY OF PHARR VETERANS DAY CELEBRATION ON SATURDAY, NOVEMBER 11, 2017 (EVENTS CENTER)

Juan G. Guerra, City Manager, introduced the item and recommended approval.

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

B) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO NEGOTIATE AND ENTER INTO A CONTRACT WITH R. GUTIERREZ ENGINEERING CORPORATION FOR PROFESSIONAL SURVEYING SERVICES FOR THE WEST LAS MILPAS ROAD PROJECT (ENGINEERING)

Juan G. Guerra, City Manager, introduced the item and recommended approval.

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

C) CONSIDERATION AND ACTION, IF ANY, AMENDING INTERLOCAL AGREEMENT WITH HIDALGO COUNTY FOR TAX ASSESSMENT AND COLLECTION (FINANCE)

Juan G. Guerra, City Manager, introduced the item and recommended approval.

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

D) CONSIDERATION AND ACTION, IF ANY, ON AGREEMENT WITH HOLLIS RUTLEDGE & ASSOCIATES FOR LOBBYING SERVICES (ADMINISTRATION)

Juan G. Guerra, City Manager, introduced the item and recommended approval.

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

E) CONSIDERATION AND ACTION, IF ANY, ON AGREEMENT WITH AGUAWORKS PIPE & SUPPLY, LLC FOR THE KAMSTRUP PILOT PROGRAM (ADMINISTRATION)

Juan G. Guerra, City Manager, introduced the item and briefly stated this was for a pilot program for 60 wireless water meters at no cost to the city for ninety (90) days. He further recommended approval.

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

At this time, Juan G. Guerra, City Manager, stated they would deviate from the agenda and go into closed session. There was no objection.

ITEM 10. CLOSED SESSION

CLOSED SESSION: IN ACCORDANCE WITH CHAPTER 551 OF THE TEXAS GOV'T. CODE, THE PHARR BOARD OF COMMISSIONERS HEREBY GIVES NOTICE THAT IT MAY MEET IN A CLOSED (NON-PUBLIC) EXECUTIVE SESSION TO DISCUSS THE ITEMS LISTED ON THE PUBLIC PORTION OF THE MEETING AGENDA. IN ACCORDANCE WITH THE FOLLOWING BELOW

The time being 4:48 p.m., Mayor Hernandez stated the commission would be entering into 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 11. RECONVENE

The time being 5:45 p.m., Mayor Hernandez stated the commission would be resuming the open meeting.

ITEM 9. LEGAL

A) CONSULTATION WITH ATTORNEY CONCERNING STATUS OF HUD SECTION 108 LOAN (GMCD) (LEGAL)

Juan G. Guerra, City Manager, introduced the item and stated no action was needed.

ITEM 12. ADJOURNMENT

At this time, Patricia Rigney, City Attorney, stated a public hearing sign-up form was placed at their seats while they were in executive session. She reminded the public

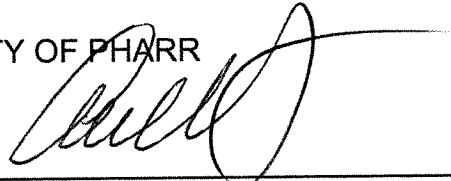
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there was Ordinance No. O-2015-28 that explains specific requirements for public hearings. She explained the ordinance states that persons who can sign-up for public hearings, be persons or entities that receive notice from the City on a pending item for consideration, a person who may be positively or adversely affected physically by use or damage to the property or any other legally recognized interest.

Ms. Rigney stated the spirit of the Ordinance with respect to legally recognized interest applies to those individuals who live within the affected area not the entire general population of the city. Therefore, and based on our Ordinance, the person who signed-up did not fall within the Ordinance requirements for public hearing and would not be eligible to speak.

There being no other business to come before the board, Comm. Guajardo **moved** to adjourn. Comm. Caballero seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 5:47 p.m.

CITY OF PHARR



AMBROSIO HERNANDEZ
MAYOR

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF PHARR

ON THIS THE 18TH DAY OF SEPTEMBER 2017 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: October 2, 2017