# MINUTES
# BOARD OF COMMISSIONERS
# REGULAR CALLED MEETING
# MONDAY, OCTOBER 16, 2017
# 118 SOUTH CAGE 2nd FLOOR

The Board of Commissioners of the City of Pharr, Texas, met in a Regular Called Meeting on Monday, October 16, 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
Comm. Daniel Chavez
Comm. Ricardo Medina

**BOARD OF COMMISSIONERS ABSENT:** None

**STAFF PRESENT:** Edward Wylie, Deputy City Manager
Hilda Pedraza, City Clerk
Omar Anzaldua, City Engineer
Karla Moya, Finance Director
Anali Alanis, HR Director
Rodolfo Martinez, Municipal Court Judge
Leonardo Perez, Fire Chief
Melanie Cano, Dev. Services Director
Rick Pedraza, Public Works Director
Jose Villescas, Public Utilities Director
Sergio Alanis, Parks & Rec. Director
Raul Garza, CDBG Director
Adolfo Garcia, Library Director
Rick Castro, Interim I.T. Director
Luis Bazan, Bridge Director

**CITY ATTORNEY** John Rigney, Legal Representative

## ITEM 1. CALL TO ORDER

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

Mayor Hernandez called the meeting to order at 4:10 p.m. Roll call established a quorum.

### B) PLEDGE OF ALLEGIANCE/INVOCATION

Ed Wylie, Deputy City Manager, led in the pledge of allegiance and Luis Bazan, Bridge Director, said the invocation.

## ITEM 2. PUBLIC COMMENTS/PUBLIC HEARINGS

### A) PUBLIC COMMENTS

Kenneth Fletcher spoke about a public information request submitted concerning no jurisdiction over fire lanes at Costco and requested an explanation on how you lose your business license if you are any other business other than Costco. He suggested that someone look into Selma, Texas regarding restrictions for this same business. Mr. Fletcher also spoke on Item 4B and stated not to forget to pave Utility Drive. Lastly, he spoke on Item 5A and stated he reported a gas leak at Costco, which took fire department several times to locate, and took even longer for Texas Gas Service to repair.

Pedro Garcia, CEO and Artistic Director for Pharr Community Theatre, expressed his appreciation for all the support and funding from the City of Pharr for the past 10 years. He stated they were producing 3 to 5 plays per year and many people from all over the Rio Grande Valley have visited the theatre. Mr. Garcia also stated the next Christmas play was a Tejano Christmas Carol to run from December 6 to 20, 2017 at Boggus Ford Events Center. He further stated they were providing arts education to children and youth and part of their mission was to provide entertainment and artistic opportunities for all walks of life.

Mayor Hernandez informed the public there would be an outdoor theatre coming soon to City of Pharr to be used for events such as those at Pharr Community Theatre.

**B) PUBLIC HEARING ON DEVELOPMENT SERVICES CASES**

None.

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

**A) SUBMISSION OF OCTOBER 2017 SALES TAX REPORT (FINANCE)**

Ed Wylie, Deputy City Manager, introduced the Sales Tax report for the month of October 2017 and stated the City of Pharr was up 4.33% as compared to last year. He stated the City was at positive standing and was number four in the region.

**B) SUBMISSION OF SEPTEMBER 2017 TAX COLLECTION REPORT (FINANCE)**

Ed Wylie, Deputy City Manager, introduced the Tax Collection report for the month of September 2017 and stated the City of Pharr was at 95.94% collection rate but was down in delinquent collections.

**C) CITY EVENTS OF INTEREST**

Ed Wylie, Deputy City Manager, reported the Governor's Office in partnership with the RGV Partnership and other local chambers would be hosting the Governor's Small Business Forum on October 19, 2017 at 8:30 a.m. at Boggus Ford Events Center. He stated the event provides entrepreneurs and small businesses the valuable tools, skills and knowledge needed to thrive in today's fast-paced economy. Ed Wylie, Deputy City Manager, also reported the Pharr Economic Development Corporation would be hosting a Ribbon Cutting for Golden Nail Salon on October 25, 2017 at 3:30 p.m. at 1536 S. Cage Blvd, Suite 1.

Ed Wylie, Deputy City Manager, further reported the Library would be having their Haunted House on October 26 and October 27, 2017 and invited the public to join them. He also reported the Bridge would be having a BridgeConnect Trade Session on November 2, 2017 from 9:00 a.m. to 12:00 p.m. at the Pepe Salinas Civic Center.

Ed Wylie, Deputy City Manager, reported the Parks and Recreation Department would be having a Day of Play on October 21, 2017 from 9:00 a.m. to 12:00 p.m. at Lore Garcia Park and stated the event was part of the City of Pharr designation as a Playful City USA. Mr. Wylie further invited the public to attend the Movies at the Park on October 28, 2017 from 8:00 p.m. to 10:00 p.m. at Dr. Long Park. He stated the movie showing was Hocus Pocus.

**ITEM 4. CONSENT AGENDA**

**A) APPROVAL OF MINUTES FOR OCTOBER 2, 2017 REGULAR CALLED MEETING (ADMINISTRATION)**

**B) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO ADVERTISE FOR BIDS FOR THE SINGLE MACHINE REPAVING PROJECT YEAR 3 (ENGINEERING)**

**C) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO ADVERTISE FOR RFP FOR EXECUTIVE RECRUITMENT SERVICES FOR THE POSITION OF POLICE CHIEF (HR)**

**D) CONSIDERATION AND ACTION, IF ANY, ON REQUEST FROM PSJA ISD FOR THE USE OF THE JOSE "PEPE" SALINAS MEMORIAL CIVIC CENTER-LARGE HALL ON WEDNESDAY, NOVEMBER 1, 2017 FOR THEIR VOLUNTEER SWEARING IN CEREMONY (PARKS)**

**E) CONSIDERATION AND ACTION, IF ANY, ON DEVELOPMENT SERVICES CASES:**

1. **CHIPOTLE TEXAS, LLC, 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 BEING 0.05 ACRES, MORE OR LESS, OUT OF EL CENTRO MALL NO. 4 SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 500 NORTH JACKSON ROAD, SUITE N-1.**

2. **GABRIELA'S HEAVENLY WINGS XXIII, LLC, D/B/A WINGSTOP RESTAURANT REQUESTED A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION IN A LIMITED INDUSTRIAL DISTRICT (L-I). THE PROPERTY IS LEGALLY DESCRIBED AS BEING 0.046 OF AN ACRE, MORE OR LESS, OUT OF LOT 1, SPAMER BUSINESS PARK SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS.THE PROPERTY'S PHYSICAL ADDRESS IS 8001 SOUTH JACKSON ROAD, SUITE 6.**

3. **HECTOR ESPINO, OWNER, REQUESTED A CHANGE OF ZONE FROM SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) TO RESIDENTIAL TOWNHOUSE DISTRICT (R-TH). THE SUBJECT PROPERTY IS LOCATED ON THE NORTH SIDE WEST NEWCOMBE AVENUE WITH THE PHYSICALLY ADDRESS OF 628 WEST NEWCOMBE AVENUE (PARK AVENUE). THE PROPERTY IS LEGALLY DESCRIBED AS BEING THE W46'-S100' OUT OF LOTS 18 & E22'-S100' OUT OF LOT 19, BLOCK 1, EULA YOUNG SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS.**

4. **CAMPERO LEGACY PROPERTIES, LLC REQUESTED A CHANGE OF ZONE FROM AGRICULTURAL AND/OR OPEN SPACE DISTRICT (A-O) TO A LIMITED INDUSTRIAL DISTRICT (L-I). THE SUBJECT PROPERTY IS LOCATED ON THE NORTH SIDE OF WEST ANAYA ROAD AND IS PHYSICALLY LOCATED BETWEEN THE 700 AND 900 BLOCK OF WEST ANAYA ROAD. THE PROPERTY IS LEGALLY DESCRIBED AS BEING 7.43 ACRES GROSS, MORE OR LESS, OUT OF LOTS 358 & 359, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS.**

5. **CAMPERO HOLDINGS COMPANY, LLC REQUESTED A CHANGE OF ZONE FROM AGRICULTURAL AND/OR OPEN SPACE DISTRICT (A-O) TO A LIMITED INDUSTRIAL DISTRICT (L-I). THE SUBJECT PROPERTY IS LOCATED ON THE NORTH SIDE OF WEST ANAYA ROAD AND IS PHYSICALLY LOCATED BETWEEN THE 1100 AND 1200 BLOCK OF WEST ANAYA ROAD. THE PROPERTY IS LEGALLY DESCRIBED AS BEING 9.27 ACRES GROSS, MORE OR LESS, OUT OF LOT 359, KELLY-PHARR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS.**

Ed Wylie, Deputy City Manager, introduced the items and recommended approval of the consent agenda.

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

Ordinance Nos. O-2017-44, O-2017-45, and O-2017-46 are filed with the City Clerk's Office.

**REGULAR AGENDA - OPEN SESSION**

**ITEM 5. ORDINANCES AND RESOLUTIONS**

**A) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE ADOPTING UNANIMOUS SETTLEMENT AGREEMENT, SETTING RATES AND ESTABLISHING TARIFFS FOR THE PROVISION OF NATURAL GAS SERVICE BY TEXAS GAS SERVICE COMPANY, A DIVISION OF ONE GAS, INC., WITHIN THE CITY OF PHARR. *1ST & FINAL READING* (ADMINISTRATION)**

Ed Wylie, Deputy City Manager, introduced the item and briefly explained a lawsuit was filed by valley cities on protest of gas tax rates. He stated initially Texas Gas Service wanted to increase to $5.17 million but the lawsuit brought it down to $4.1 million. Therefore, the overall increase of 15.9% would equal an $11 increase to taxpayers for gas service.

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

Ordinance No. O-2017-47 is filed with the City Clerk's Office.

**B) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NO. O-2017-37 (RENTAL OF CITY FACILITIES) *1ST READING* (PARKS)**

Ed Wylie, Deputy City Manager, introduced the item and briefly stated this was for additional batting cages at 317 W. Gore.

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 ORDINANCE AMENDING ORDINANCE O-87-40 (FLOODS) *1ST READING* (ENGINEERING)**

Ed Wylie, Deputy City Manager, introduced the item and stated the city was a participating member of the Federal Emergency Management Agency' (FEMA) National Flood Insurance Agency in which the citizens were eligible for cost effective flood insurance. He stated the Texas Water Development Board (TWDB) has identified needs in the city's local floodplain management ordinance and had determined that the ordinance be amended to meet those needs.

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

**D) CONSIDERATION AND ACTION, IF ANY ON ORDINANCE AMENDING ZONING ORDINANCE NO. O-82-13 BY ADDING A NEW SECTION TITLED SINGLE FAMILY RESIDENTIAL ESTATE DISTRICT (R1-E) *1ST READING* (DEVELOPMENT SERVICES)**

Ed Wylie, Deputy City Manager, introduced the item and stated this was an update to our zoning ordinance pursuant to budget workshop discussion on Commission wanting to have more quality and higher level housing on lots not less than 10,000 sq. ft.

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

**E) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPOINTING/RE-APPOINTING A REPRESENTATIVE AND AN ALTERNATE FOR AMIGOS DEL VALLE BOARD OF DIRECTORS FOR FISCAL YEAR 2017-2018 (ADMINISTRATION)**

Ed Wylie, Deputy City Manager, introduced the item and stated the current representatives were Comm. Guajardo and Comm. Medina.

Comm. Carrillo **moved** to re-appoint Comm. Guajardo as the Representative and Comm. Medina as the Alternate for Amigos Del Valle Board of Directors for Fiscal Year 2017-2019. Comm. Caballero seconded the motion and when put to a vote, it carried unanimously.

Resolution No. R-2017-71 is filed with the City Clerk's Office.

**F) CONSIDER AND ACTION, IF ANY, ON RESOLUTION APPOINTING/RE-APPOINTING FOUR (4) MEMBERS TO THE GOLF COURSE ADVISORY BOARD (PARKS)**

Ed Wylie, Deputy City Manager, introduced the item and stated the terms of George Gonzalez, Eliseo Avendano, Oscar Villagomez and Javier Martinez would be expiring and they had indicated their interest in continue to serve.

Comm. Medina **moved** to re-appoint George Gonzalez, Eliseo Avendano, Oscar Villagomez and Javier Martinez to the Golf Course Advisory Board. Comm. Caballero seconded the motion and when put to a vote, it carried unanimously.

Resolution No. R-2017-72 is filed with the City Clerk's Office.

**G) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $20,000,000 (FINANCE)**

Ed Wylie, Deputy City Manager, introduced the item and stated both, the Finance Director and Bond Attorney, were in the audience for any questions.

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

Resolution No. R-2017-73 is filed with the City Clerk's Office.

**ITEM 6. ADMINISTRATIVE**

**A) CONSIDERATION AND ACTION, IF ANY, ON CHANGE ORDER NUMBER 1 FOR THE TRAFFIC SIGNAL IMPROVEMENTS ON VETERANS BOULEVARD AT KELLY AVENUE AND ELDORA ROAD (BID NO. 1617-01-528-0035) (ENGINEERING)**

Ed Wylie, Deputy City Manager, introduced the item and stated this was for additional traffic signal loops on Business Highway 83 in the amount of $4,300.

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

**B) CONSIDERATION AND ACTION, IF ANY, ON CHANGE ORDER NUMBER 1 AND FINAL RECONCILIATION OF QUANTITIES FOR THE JACKSON ROAD AND CAGE BLVD. RAISED MEDIANS CONSTRUCTION PROJECT (BID NUMBER 1617-01-528-0027) (ENGINEERING)**

Ed Wylie, Deputy City Manager, introduced the item and stated the amount of change order was $12,578 for quantities added for outgoing lane on right-hand side.

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

**ITEM 7. CONTRACTS/AGREEMENTS**

**A) CONSIDERATION AND ACTION IF ANY, AUTHORIZING THE PHARR POLICE DEPARTMENT AND THE STATE OF TEXAS TO IMPLEMENT THE FY2018 (GRANT #2018-PHARRPD-S-1YG-0098) STATE AND COMMUNITY HIGHWAY SAFETY GRANT PROGRAM. THIS GRANT CONCENTRATES ON COMMERCIAL MOTOR VEHICLE ENFORCEMENT (POLICE)**

Ed Wylie, Deputy City Manager, introduced the item and stated there were currently three patrol officers certified on commercial vehicles who identify overweight trucks, trucks that have broken taillights and any potential hazard on the road. He stated the grant was for $12,000.

Comm. Carrillo **moved** to approve. Comm. Chavez 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 ENGINEERING SERVICES FOR THE WEST THOMAS ROAD INTERSECTION WIDENING PROJECT (ENGINEERING)**

Ed Wylie, Deputy City Manager, introduced the item and stated this was for the intersection widening of west and east Thomas Road from a two lane to three lanes.

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

**C) CONSIDERATION AND ACTION IF ANY, AUTHORIZING CITY MANAGER TO ACCEPT PROPOSALS FROM SUPERIOR ALARMS FOR CABLING OF THE INTERNAL NETWORK FOR THE SOUTH PHARR DEVELOPMENT AND RESEARCH CENTER IN THE AMOUNT OF $40,688.24 (LIBRARY)**

Ed Wylie, Deputy City Manager, introduced the item and stated no action would be taken at this time.

**D) CONSIDERATION AND ACTION, IF ANY, ON LICENSE AND SERVICES AGREEMENT WITH TYLER TECHNOLOGIES FOR THE ACQUISITION OF NEW WORLD SOFTWARE FOR THE PHARR POLICE DEPARTMENT (POLICE)**

Ed Wylie, Deputy City Manager, introduced the item and stated the Pharr Police Department was currently being hosted by the City of McAllen on all services and equipment. He explained these services include records, background checks and drivers' license checks during traffic stops. Mr. Wylie stated previous Police Chief obtained a grant for $500,000 and this would be the first payment towards this software.

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

**F) CONSIDERATION AND ACTIONS IF ANY, ON SERVICE AGREEMENT BETWEEN THE CITY OF PHARR AND THE PHARR COMMUNITY THEATER TO PROVIDE EDUCATION AND CULTURAL SERVICES FOR THE CITIZENS OF PHARR (LIBRARY)**

Ed Wylie, Deputy City Manager, introduced the item and stated the Pharr Community Theater was very appreciative and the sponsorship amount was $35,000 annually for their programs.

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

At this time, Ed Wylie, Deputy City Manager, stated they would deviate into closed session. There was no objection.

**ITEM 8. 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 4:30 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 9. RECONVENE**

The time being 4:57 p.m., Mayor Hernandez stated the commission would be resuming the open meeting.

**ITEM 7. CONTRACTS/AGREEMENTS**

**E) CONSIDERATION AND ACTION, IF ANY, AMENDING CONTRACT WITH WASTE MANAGEMENT (FINANCE)**

Ed Wylie, Deputy City Manager, introduced the item and stated no action would be taken at this time.

**G) CONSIDERATION AND ACTION, IF ANY, AMENDING AGREEMENT WITH THE WENDORF DETECTIVE AGENCY FOR PROFESSIONAL SERVICES (HR)**

Ed Wylie, Deputy City Manager, introduced the item and recommended approval as discussed in closed session.

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

**H) CONSIDERATION AND ACTION, IF ANY, ON AMENDING INTERLOCAL AGREEMENT WITH THE P-SJ-A ISD ON THE PHARR AQUATIC CENTER (PARKS)**

Ed Wylie, Deputy City Manager, introduced the item and recommended approval as discussed in closed session.

Comm. Guajardo **moved** to approve. Comm. Bracamontes 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. Guajardo **moved** to adjourn. Comm. Chavez seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 4:58 p.m.

CITY OF PHARR

AMBROSIO HERNANDEZ
MAYOR

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

**ON THIS THE 16th DAY OF OCTOBER 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: November 6, 2017