

**MINUTES
BOARD OF COMMISSIONERS
REGULAR CALLED MEETING
WEDNESDAY, AUGUST 7, 2019
118 SOUTH CAGE 2nd FLOOR**

The Board of Commissioners of the City of Pharr, Texas, met in a Regular Called Meeting on Wednesday, August 7, 2019 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. Daniel Chavez
Comm. Itza Flores

BOARD OF COMMISSIONERS ABSENT: Comm. Ricardo Medina

STAFF PRESENT: Alex Meade, City Manager
Ed Wylie, Deputy City Manager
Hilda Pedraza, City Clerk
Omar Anzaldua, City Engineer
Gary Rodriguez, Events Center Director
Karla Saavedra, Finance Director
Anali Alanis, HR Director
Leonardo Perez, Fire Chief
Jose Luengo, Police Chief
Melanie Cano, Dev. Services Dir.
Ricardo Pedraza, Public Works Director
Jose Villescascas, Public Utilities Director
Sergio Alanis, Parks & Rec. Director
Raul Garza, CDBG Director
Adolfo Garcia, Library Director
Jose Pena, I.T. Director
Luis Bazan, Bridge Director
Veronica Gutierrez, Purchasing
Daniel Ramirez, Communications 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

Mayor Pro Tem Carrillo called the meeting to order at 4:00 p.m. Roll call established a quorum.

Comm. Guajardo **moved** to excuse the absent member. Comm. Chavez seconded the motion and when put to a vote, it carried unanimously.

B) PLEDGE OF ALLEGIANCE/INVOCATION

Luis Bazan led in the pledge of allegiance and Luis Bazan said the invocation.

ITEM 2. PUBLIC HEARINGS

A) PUBLIC HEARING ON DEVELOPMENT SERVICES CASES

None.

ITEM 3. CITY MANAGER'S REPORTS

A) CITY ENGINEER'S REPORT

Alex Meade, City Manager, introduced the City Engineer's report and any questions could be entertained at this time. There were no questions.

B) CITY EVENTS OF INTEREST

Alex Meade, City Manager, reported the Parks and Recreation Department Theater Program will be performing "Dr. Seuss's Suessical" at PSJA North Auditorium from August 8-10, 2019 at 7:30 p.m.

At this time, Alex Meade, City Manager, called upon Andrew Canon for a presentation.

Andrew Canon, A.B.A. President, announced the Kickstands for Kids 6th Annual Charity Event would take place on Friday, September 13, 2019 at 9:00 a.m. at Carmen Anaya Elementary. He stated they would be giving away 350 backpacks with school supplies to children to start the school year with the tools they need to succeed. He further invited the Commission to attend the event and thanked them for their continued support.

ITEM 4. CONSENT AGENDA

- A) APPROVAL OF MINUTES FOR JULY 17, 2019 REGULAR CALLED MEETING (ADMINISTRATION)**
- B) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE REAL PROPERTY FOR PUBLIC PURPOSE; ESTABLISHING PROCEDURES FOR THE ACQUISITION OF MARKET VALUE FOR THE PROPERTY TO BE ACQUIRED; AND DIRECTING THE CITY MANAGER OR DESIGNEE TO COMMUNICATE OFFERS TO OWNERS FOR PURCHASE OF PROPERTY, APPROPRIATE FUNDS, AND AUTHORIZING CONDEMNATION PROCEEDING BY CITY ATTORNEY, CONTINGENT ON AVAILABLE FUNDING (ADMINISTRATION)**
- C) CONSIDERATION AND ACTION ON REQUEST FROM ST. ANNE MOTHER OF MARY CHURCH FOR STREET CLOSURES FOR THEIR ANNUAL JAMAICA ON SATURDAY, NOVEMBER 2, 2019 (ADMINISTRATION)**
- D) CONSIDERATION AND ACTION ON REQUEST FROM HIDALGO COUNTY ELECTIONS DEPARTMENT TO USE THE JOSE "PEPE" SALINAS CIVIC CENTER, THE PHARR DEVELOPMENT AND RESEARCH CENTER, AND THE PHARR MEMORIAL LIBRARY AS POLLING LOCATIONS FOR THE UPCOMING CONSTITUTIONAL AMENDMENT AND LOCAL ELECTION ON NOVEMBER 5, 2019; PRIMARY ELECTION ON MARCH 3, 2020; PRIMARY RUNOFF ELECTION ON MAY 26, 2020; AND GENERAL ELECTION ON NOVEMBER 3, 2020 (ADMINISTRATION)**
- E) CONSIDERATION AND ACTION AUTHORIZING CITY MANAGER TO ADVERTISE FOR SEALED BIDS FOR POLYMER USAGE FOR THE WATER AND WASTEWATER TREATMENT PLANT (PROJECT #1819-60-584-SP004-011) (PUBLIC UTILITIES)**

- F) **CONSIDERATION AND ACTION AUTHORIZING CITY MANAGER TO ADVERTISE FOR SEAL BIDS FOR ALUMINUM SULFATE AND LIQUID AMMONIUM SULFATE FOR THE WATER TREATMENT PLANT (PROJECT #1819-60-582-SP005-011) (PUBLIC UTILITIES)**
- G) **CONSIDERATION AND ACTION AUTHORIZING CITY MANAGER TO ADVERTISE FOR SEALED PROPOSALS FOR THE DOWNTOWN PARK FOUNTAIN SCULPTURE (PROJECT #1819-01-528-C019-206) (ENGINEERING)**
- H) **CONSIDERATION AND ACTION AUTHORIZING CITY MANAGER TO ADVERTISE FOR SEALED BIDS FOR JONES BOX PARK PHASE II UTILITY IMPROVEMENTS (PROJECT #1819-01-528-C018-210) (ENGINEERING)**
- I) **CONSIDERATION AND ACTION AUTHORIZING CITY MANAGER TO ADVERTISE FOR SEALED BIDS FOR THE JAVELINA DRIVE MONUMENT SIGNS (PROJECT #1819-01-528-C016-206) (ENGINEERING)**
- J) **CONSIDERATION AND ACTION AUTHORIZING CITY MANAGER TO ADVERTISE FOR SEALED BIDS FOR THE TIME CAPSULE AT THE DEVELOPMENT AND RESEARCH CENTER (PROJECT #1819-01-528-C017-206) (ENGINEERING)**
- K) **CONSIDERATION AND ACTION AUTHORIZING CITY MANAGER TO AMEND THE AGREEMENT WITH THE CONSTRUCTION MANAGER AT RISK (CMAR) FOR VARIOUS PARKS PROJECTS (ENGINEERING)**
- L) **CONSIDERATION AND ACTION ON RENEWAL OF INTERLOCAL AGREEMENT WITH LRGVDC 9-1-1 AND PHARR POLICE DEPARTMENT FOR USE OF PUBLIC SAFETY ANSWERING POINT (PSAP) SERVICES (COMMUNICATIONS)**
- M) **CONSIDERATION AND ACTION ON RENEWAL OF INTERLOCAL AGREEMENT WITH LRGVDC 9-1-1 AND PHARR FIRE DEPARTMENT FOR USE OF PUBLIC SAFETY ANSWERING POINT (PSAP) SERVICES (COMMUNICATIONS)**
- N) **CONSIDERATION AND ACTION ON DEVELOPMENT SERVICES CASES:**
 - 1. **JOSE ALBERTO HERNANDEZ, D/B/A DOC'S BILLIARDS & SPORTS BAR, REQUESTED RENEWAL OF THE CONDITIONAL USE PERMIT AND LATE HOURS 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 THE S150' OF LOTS 17, 18 AND 19, BLOCK 1, SAN PATRICIA ACRES SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 917 WEST FERGUSON AVENUE. CUP#130630**
 - 2. **MARTA'S BAR REQUESTED RENEWAL OF THE CONDITIONAL USE PERMIT AND LATE HOURS PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION IN A BUSINESS DISTRICT (C-2). THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOTS 13-16, AND THE W10' OUT OF LOT 12, BLOCK 32, PHARR ORIGINAL TOWNSITE, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY IS PHYSICALLY LOCATED AT 410 WEST STATE STREET, SUITE D. CUP#160737**
 - 3. **SMOKIN' MOON, LLC. REQUESTED CONDITIONAL USE PERMIT AND LATE HOURS PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION IN A HEAVY COMMERCIAL DISTRICT (H-C). THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOT 1-A AND THE EAST 26.7 FEET OF LOT 1, ALBRAD UNIT NO. 1 SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1617 WEST POLK AVENUE. CUP#180648**

Alex Meade, City Manager, introduced the item and recommended approval of the consent agenda.

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

Resolution No. R-2019-39 is filed with the City Clerk's Office.

REGULAR AGENDA - OPEN SESSION

ITEM 5. ORDINANCES AND RESOLUTIONS

A) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE APPROVING SETTLEMENT AGREEMENT BETWEEN THE CITY OF PHARR AND THE TEXAS GAS SERVICE COMPANY ("TGS") REGARDING THE COST OF SERVICE ADJUSTMENT ("COSA") TARIFF (ADOPTION ON 1ST READING) (ADMINISTRATION)

Alex Meade, City Manager, introduced the item. He explained Texas Gas Service filed for a rate increase on April 30, 2019 pursuant to the Cost of Service Adjustment (COSA) tariff adopted by the Rio Grande Valley Area (RGVSA). He stated Attorney Thomas Brocato, negotiated a settlement of \$2,087,516 on a system-wide basis and of this amount, \$1,921,708 was attributable to the RGVSA incorporated areas. He further recommended approval of the Ordinance and tariffs establishing new rates.

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

Ordinance No. O-2019-26 is filed with the City Clerk's Office.

B) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NO. O-2018-33 PUBLIC SAFETY COMMUNICATIONS ADVISORY COMMITTEE SECTION 2.02.3 AND SECTION 2.01.4. (ADOPTION ON 1ST READING) (COMMUNICATIONS)

Alex Meade, City Manager, introduced the item and recommended approval.

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

Ordinance No. O-2019-27 is filed with the City Clerk's Office.

C) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE ESTABLISHING PROCEDURES FOR PUBLIC TESTIMONY (1ST READING) (ADMINISTRATION)

Alex Meade, City Manager, introduced the item and recommended approval as per House Bill 2840.

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

D) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE O-2018-45 PERTAINING TO PUBLIC COMMENTS (1ST READING) (ADMINISTRATION)

Alex Meade, 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.

E) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NO. O-2017-32 RENAMING THE PHARR BEAUTIFICATION COMMITTEE TO KEEP PHARR BEAUTIFUL COMMITTEE (2ND READING) (ADMINISTRATION)

Alex Meade, 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.

F) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NO. O-2010-33 REGULATING BUSINESS, STORAGE, DISPOSAL, REGISTRATION AND HAULERS FOR TIRES (2ND READING) (PUBLIC WORKS)

Alex Meade, City Manager, introduced the item and recommended approval.

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

G) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NO. O-2017-12 (ANIMAL CONTROL) (2ND READING) (PUBLIC WORKS)

Alex Meade, City Manager, introduced the item and briefly explained this ordinance would set a limit of 3 pets per household and allow residents to apply for a variance and to change the city's contracted animal shelter instead of Palm Valley Animal Center. He further recommended approval.

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 RESOLUTION APPOINTING/REAPPOINTING MEMBERS TO THE TOLL BRIDGE BOARD (TABLED) (BRIDGE)

Alex Meade, City Manager, introduced the item.

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

Alex Meade, City Manager, recommended Adalberto Campero, Luis Eduardo Flores, Larry Hernandez, Tony Martinez, and Edgar Delgadillo.

Comm. Guajardo **moved** to appoint Adalberto Campero and Luis Eduardo Flores and reappoint Larry Hernandez, Tony Martinez, and Edgar Delgadillo to the Toll Bridge Board. Comm. Chavez seconded the motion and when put to a vote, it carried unanimously.

Resolution No. R-2019-40 is filed with the City Clerk's Office.

I) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPOINTING/RE-APPOINTING TWO (2) MEMBERS TO THE SOUTH PHARR OUTREACH LIBRARY BOARD (LIBRARY)

Alex Meade, City Manager, introduced the item and stated current members had expressed their interest in continuing serving on the board.

Comm. Guajardo **moved** to reappoint Nathalie Farias and Nayla Palacios to the South Pharr Outreach Library Board. Comm. Chavez seconded the motion and when put to a vote, it carried unanimously.

Resolution No. R-2019-41 is filed with the City Clerk's Office.

ITEM 6. ADMINISTRATIVE

A) CONSIDERATION AND ACTION, IF ANY, ON ACCEPTANCE OF COUNTER OFFER FOR EASEMENT LOCATED ON THE 1500 BLOCK OF W. MILITARY HWY. PHARR, HIDALGO COUNTY, TEXAS (DEVELOPMENT SERVICES)

Alex Meade, City Manager, introduced the item and stated an initial offer was made to Mr. Benito and Angelita Hernandez for the 15-foot utility easement and 25-foot temporary construction easement in the amount of \$13,494. He further recommended approval.

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

B) DISCUSSION AND POSSIBLE ACTION ON CITY OF PHARR SPECIAL ELECTION TO BE HELD ON NOVEMBER 5, 2019 (TABLED) (ADMINISTRATION)

Alex Meade, City Manager, introduced the item and recommended item to remain tabled.

ITEM 7. CONTRACTS/AGREEMENTS

A) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO AWARD A PURCHASE AND DELIVERY CONTRACT FOR TEN (10) 4" GORMAN RUPP PUMP(S) & MOTOR SKID ASSEMBLIES TO THE 2ND LOWEST BIDDER. (PROJECT# 1819-60-586-P020-013) (PUBLIC UTILITIES)

Alex Meade, City Manager, introduced the item and stated staff recommended to award contract to the 2nd lowest bidder Precision Pumps System in the amount of \$68,100.

Comm. Chavez **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 AWARD A SUPPLY CONTRACT FOR THE PURCHASE OF CHLORINE & CALCIUM HYPO-CHLORITE FOR DPC INDUSTRIES FROM CORPUS CHRISTI, TEXAS (PROJECT# 1819-60-586-SP013-011) (PUBLIC UTILITIES)

Alex Meade, City Manager, introduced the item and stated staff recommended approval.

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

- C) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO ENTER INTO A TWELVE (12) MONTH SERVICE AGREEMENT WITH SMARTCOM TELEPHONE, LLC FOR DATA NETWORK CONNECTIVITY TO THE MAIN LIBRARY AND POLICE DEPARTMENTS (PROJECT #1819-01-518-IPQ069-001) (IT)**

Alex Meade, City Manager, introduced the item and recommended approval.

Comm. Caballero **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 BETWEEN PHARR POLICE DEPARTMENT AND THE COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES (CALEA) FOR PHARR POLICE DEPARTMENT TIER 1 ACCREDITATION (PROJECT #1819-01-512-S033-001) (POLICE)**

Alex Meade, City Manager, introduced the item and recommended approval.

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

- E) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO NEGOTIATE AND ENTER INTO A CONTRACT WITH ALVARADO ARCHITECTS & ASSOCIATES, INC. FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR THE JAVELINA DRIVE MONUMENT SIGNS IN THE AMOUNT OF \$16,000 (PROJECT #1718-01-528-S017-244-002) (ENGINEERING)**

Alex Meade, City Manager, introduced the item and recommended approval.

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

At this time, Mayor Pro Tem Carrillo, stated they would deviate 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 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 4:16 p.m., Mayor Pro Tem Carrillo 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 10. RECONVENE

Mayor Hernandez entered the meeting at this point of the agenda. The time being 4:22 pm.

The time being 4:22 p.m., Mayor Hernandez stated the commission would be resuming the open meeting.

ITEM 8. LEGAL

A) CONSULTATION AND ACTION, IF ANY, ON 17-CV-00396 AND C-0217-18-G, CABRERA V. CITY OF PHARR (LEGAL)

Alex Meade, City Manager, introduced the item and stated no action would be taken.

B) CONSULTATION AND ACTION, IF ANY, ON 18-CV-00002, MARIN V. CITY OF PHARR (LEGAL)

Alex Meade, City Manager, introduced the item and stated no action would be taken.

ITEM 11. ADJOURNMENT

There being no other business to come before the board, Comm. Carrillo moved to adjourn. Comm. Chavez seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 4:23 p.m.

CITY OF PHARR

AMBROSIO HERNANDEZ
MAYOR

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF PHARR

ON THIS THE 7th DAY OF AUGUST 2019 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: August 19, 2019