

**MINUTES
BOARD OF COMMISSIONERS
REGULAR CALLED MEETING
MONDAY, FEBRUARY 15, 2021
118 SOUTH CAGE 2nd FLOOR**

The Board of Commissioners of the City of Pharr, Texas, met in a Regular Called Meeting on Monday, February 15, 2021 and following is the record of attendance.

BOARD OF COMMISSIONERS PRESENT: Mayor Ambrosio Hernandez
Comm. Eleazar Guajardo
Comm. Ramiro Caballero
Comm. Daniel Chavez
Comm. Ricardo Medina
Comm. Itza Flores

BOARD OF COMMISSIONERS ABSENT: Mayor Pro Tem Roberto “Bobby” Carrillo

STAFF PRESENT: Edward Wylie, Interim City Manager
Anali Alanis, Assistant City Manager
Hilda Pedraza, ACM / City Clerk
Omar Anzaldua, City Engineer
Karla Saavedra, Finance Director
Veronica Ramirez, HR Director
Criselda Rincon, Municipal Court Judge
Andrew Harvey Jr., Police Chief
Leonardo Perez, Fire Chief
Melanie Cano, Development Services Dir.
Pilar Rodriguez, Interim Public Works Dir.
Ruben Rosales, Public Utilities Director
Sergio Alanis, Parks & Rec. Director
Adolfo Garcia, Library Director
Jose Pena, I.T. Director
Luis Bazan, Bridge Director
Ignacio Amezcua, Purchasing Director
Daniel Ramirez, Public Safety Comm. Dir.
Kenneth Ennis, Public Safety Comm.
Lisa C. Salinas, Chamber President
Michelle Lopez, Chief Comm. Officer

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 BOARD

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

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

B) PLEDGE OF ALLEGIANCE/INVOCATION

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

ITEM 2. PROCLAMATIONS

A) PROCLAMATION PROCLAIMING BIBYANA MORALES DAY

Ed Wylie, Interim City Manager, introduced the item.

Bibyana Morales thanked the City of Pharr for the recognition and stated she was especially thankful she can be an inspiration to the younger generation.

Mayor Hernandez read proclamation proclaiming February 15, 2021 as Bibyana Morales Marquez Day and congratulated her for her outstanding resume and encouraged her to keep up the great work.

B) PROCLAMATION PROCLAIMING ENGINEERS WEEK

Ed Wylie, Interim City Manager, introduced the item.

Omar Anzaldua, City Engineer, recognized his staff for their hard work and dedication and thanked the Commission for allowing them the opportunity to work with the local high schools on numerous projects.

Mayor Hernandez thanked the Engineering Department for their contribution to City of Pharr projects and their continued help towards the high school students.

At this time, Comm. Chavez read proclamation proclaiming February 21 – 27, 2021 as National Engineers Week and presented proclamation to City Engineer, Omar Anzaldua, and Engineering Department staff.

ITEM 3. PUBLIC TESTIMONY

There were no comments from the public.

ITEM 4. PUBLIC HEARINGS

A) PUBLIC HEARING ON DEVELOPMENT SERVICES CASES

Ed Wylie, Interim City Manager, opened the public hearing. There being no comments from the public, the public hearing was closed.

ITEM 5. CITY MANAGER'S REPORTS

A) SUBMISSION OF SALES TAX COLLECTION REPORT FOR FEBRUARY 2021

Ed Wylie, Interim City Manager, introduced the item. He briefly reported the City of Pharr had an increase of 14.43% for the month compared to last year and stated the City of Pharr was 2nd place in the county in sales tax.

Ed Wylie, Interim City Manager, thanked Daniel Ramirez, Public Safety Communications Director, and city staff for an outstanding job in the COVID-19 Vaccination Clinic Operation Senior Care that took place on Saturday, February 12, 2021.

Mayor Hernandez thanked everyone that participated in vaccination clinic and encouraged others to participate in helping the community make a difference.

ITEM 6. CONSENT AGENDA

A) APPROVAL OF MINUTES FOR FEBRUARY 1, 2021 REGULAR CALLED MEETING (ADMINISTRATION)

B) CONSIDERATION AND ACTION ON RESOLUTION AUTHORIZING CITY OF PHARR TO SUBMIT APPLICATION FOR THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FY22 STATE CRIMINAL JUSTICE PLANNING FUNDS-JUVENILE JUSTICE & TRUANCY PREVENTION GRANT PROGRAM. GRANT NUMBER 4206101 (MUNICIPAL COURT)

- C) CONSIDERATION AND ACTION AUTHORIZING CITY MANAGER TO EXTEND THE SUPPLY CONTRACT WITH GALLS, LLC FROM LEXINGTON, KY FOR FIRE DEPARTMENT UNIFORMS (PURCHASING)
- D) CONSIDERATION AND ACTION AUTHORIZING CITY MANAGER TO EXTEND THE SUPPLY CONTRACT WITH CASCO INDUSTRIES, INC. FROM LA PORTE, TX FOR FIRE DEPARTMENT UNIFORMS (PURCHASING)
- E) CONSIDERATION AND ACTION AUTHORIZING CITY MANAGER TO EXTEND THE SUPPLY CONTRACT WITH CASCO INDUSTRIES, LLC FROM LA PORTE, TX FOR STRUCTURAL FIREFIGHTING PERSONAL PROTECTIVE GEAR (PURCHASING)
- F) CONSIDERATION AND ACTION, IF ANY, ON DEVELOPMENT SERVICES CASES:
 - 1. MELDEN & HUNT INC., REPRESENTING ADELANTE HOLDINGS, LTD., OWNERS, REQUESTED A CHANGE OF ZONE FROM AGRICULTURAL AND/OR OPEN SPACE DISTRICT (A-O) AND RESIDENTIAL TOWNHOUSE DISTRICT (R-TH) TO RESIDENTIAL MULTI-FAMILY HIGH-DENSITY DISTRICT (R-MFHD). THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 2.17 ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 151, KELLY PHARR TRACT, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 2605 NORTH SUGAR ROAD. COZ#210103
 - 2. D&GS, L.L.C., D/B/A EL TÓXICO DRIVE THRU, REQUESTED A CONDITIONAL USE 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 0.05 OF AN ACRE, MORE OR LESS, OUT OF LOT 203, VALLE DE LA PRIMAVERA SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 6713 SOUTH JACKSON ROAD. CUP#210101
 - 3. JOSE MARTINEZ, VICE PRESIDENT OF UMOs MIGRANT AND COMMUNITY PROGRAMS, REPRESENTING UNITED MIGRANT OPPORTUNITY SERVICES/UMOS, INC., REQUESTED A LIFE-OF-THE-USE CONDITIONAL USE PERMIT TO ALLOW AN INSTITUTIONAL IN A SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1). THE PROPERTY IS LEGALLY DESCRIBED AS BEING LOT 20, LAS FUENTES SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 210 WEST NAVARRO STREET. CUP#210102
 - 4. PIZZA PROPERTIES, INC., D/B/A PETER PIPER PIZZA #63, REQUESTED RENEWAL OF 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, PLEASANTON SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1715 SOUTH CAGE BOULEVARD. CUP#060104
 - 5. REGENCY HALL, REQUESTED RENEWAL OF CONDITIONAL USE 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 LOTS 10 AND 11, MACO BUSINESS CENTER SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 207 EAST FERGUSON AVENUE. CUP#161155
 - 6. FUERA DE LUGAR, LLC, D/B/A FUERA DE LUGAR RESTAURANT, REQUESTED RENEWAL OF 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 0.071 OF AN ACRE TRACT OF LAND, MORE OR LESS, OUT OF PLAZA SPORTS CENTER PHASE 1 LOT 1 SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 1101 EAST NOLANA LOOP. CUP#150101

Ed Wylie, Interim City Manager, introduced the item and recommended approval of consent agenda.

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

Ordinance No. O-2021-06 and Resolution No. R-2021-07 are filed with the City Clerk's Office.

REGULAR AGENDA - OPEN SESSION

ITEM 7. ORDINANCES AND RESOLUTIONS

A) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NO. O-2006-47 STANDARDS MANUAL CONSTRUCTION AND DEVELOPMENT GUIDE (2ND READING) (DEVELOPMENT SERVICES)

Ed Wylie, Interim City Manager, introduced the item. He briefly stated the ordinance included new requirements for the detention pond and expanding curb-to-curb residential roads width from 34' feet to 40' feet. He further stated staff recommended approval.

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

B) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION ENTERING INTO AN AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR THE CLOSURE OF SOUTH U.S. 281 AND EAST OLD BUSINESS 83 FOR THE 15TH ANNUAL ST. PATRICK'S DAY 5K RUN/WALK ON SATURDAY, MARCH 13, 2021 FROM 7:00 A.M. TO 11:00 A.M. (PARKS)

Ed Wylie, Interim City Manager, introduced the item and recommended approval.

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

Resolution No. R-2021-08 is filed with the City Clerk's Office.

C) 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 (DEVELOPMENT SERVICES)

Ed Wylie, Interim City Manager, introduced the item and stated no action would be needed.

ITEM 8. ADMINISTRATIVE

A) CONSIDERATION AND ACTION, IF ANY, ON CHANGE ORDER NO. 1 IN THE AMOUNT OF \$27,415 FOR THE CITY OF PHARR MONUMENT SIGN (ENGINEERING)

Ed Wylie, Interim City Manager, introduced the item. He briefly stated this was for electrical work to the sign located in front of TopGolf and recommended approval.

Comm. Medina moved to approve as recommended. Comm. Guajardo seconded the motion and when put to a vote, it carried by majority vote of five (5) ayes and one (1) abstention. Comm. Chavez abstained from voting.

- B) CONSIDERATION AND ACTION, IF ANY, ON CHANGE ORDER NO. 1 IN THE AMOUNT OF \$28,191.00 AND FINAL ACCEPTANCE OF THE JONES BOX PARK PHASE 2 UTILITY IMPROVEMENTS WITH VENSER CONSTRUCTION, LLC , INC. AND RELEASE OF FINAL PAYMENT AND RETAINAGE IN THE AMOUNT OF \$15,231.33 (ENGINEERING)**

Ed Wylie, Interim City Manager, introduced the item. He briefly stated this was for the west side of the park in preparation of phase 3 which would include an amphitheater and restrooms. He further recommended approval.

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

- C) PRESENTATION ON THE ENCLAVE TAX CREDIT PROJECT (ADMINISTRATION)**

Ed Wylie, Interim City Manager, introduced the item.

Mayor Hernandez briefly stated there would be three (3) presentations and discussion would take place in closed session.

Carlos Ramirez, representing Tim Lang with Tejas Housing Group out of Austin, Texas, went over the Enclave Tax Credit Project.

- D) PRESENTATION ON PUEBLO DE AZUCAR TAX CREDIT PROJECT (ADMINISTRATION)**

Ed Wylie, Interim City Manager, introduced the item.

Carlos Ramirez, representing Tim Lang with Tejas Housing Group out of Austin, Texas, went over the Pueblo de Azucar Tax Credit Project.

- E) PRESENTATION ON DAHLIA VILLAS TAX CREDIT PROJECT (ADMINISTRATION)**

Ed Wylie, Interim City Manager, introduced the item.

Mario Reyna with Melden & Hunt, representing Texas Grey Oaks and Owner Steven Lollis, went over the Dahlia Villas Tax Credit Project.

- F) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO REVIEW AND APPROVE ONE (1) HOUSING TAX CREDIT PROJECT FOR CALENDAR YEAR 2021 (ADMINISTRATION)**

Ed Wylie, Interim City Manager, introduced the item and stated the item would be discussed in closed session.

- G) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A CONTRACT FOR CONSTRUCTION MANAGEMENT SERVICES FOR CITY WIDE BROADBAND SERVICES FROM THE POOL OF PRE-QUALIFIED FIRMS (ADMINISTRATION)**

Ed Wylie, Interim City Manager, introduced the item and recommended approval.

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

ITEM 9. PURCHASING

A) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO NEGOTIATE AND PURCHASE 900 ACRE-FT. OF MUNICIPAL WATER RIGHTS FROM HIDALGO COUNTY IRRIGATION NO. 16 (PUBLIC UTILITIES)

Ed Wylie, Interim City Manager, introduced the item. He briefly stated the price range was \$2,700 to \$3,000 per sq. ft. acres and the City of Pharr would be budgeting approximately \$2,700,000 for the purchase. He further recommended approval.

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

ITEM 10. CONTRACTS/AGREEMENTS

A) CONSIDERATION AND ACTION, IF ANY, ON INTERLOCAL AGREEMENT WITH HIDALGO COUNTY AND THE CITY OF PHARR FOR LIBRARY SERVICES FOR COUNTY CALENDAR YEAR 2021 (LIBRARY)

Ed Wylie, Interim City Manager, introduced the item. He briefly stated this was an extension of agreement with Hidalgo County to share library services and recommended approval.

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

B) CONSIDERATION AND ACTION, IF ANY, ON AWARD OF CONTRACT FOR THE CITY OF PHARR LIFT STATION 30 REHABILITATION PROJECT (ENGINEERING)

Ed Wylie, Interim City Manager, introduced the item. He briefly stated the lift station was located on West Dicker Rd. (FM-3072) and was in serious need of rehabilitation. He further stated the City of Pharr received four (4) bids for this project and was recommending awarding project to lowest bidder in the amount of \$1.49 Million to Saenz Brothers Construction.

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

At this time, Mayor Hernandez, stated they would deviate and go into closed session. There was no objection.

ITEM 12. CLOSED SESSION

The time being 4:24 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 13. RECONVENE

The time being 4:34 p.m., Mayor Hernandez stated the commission would be resuming the open meeting.

ITEM 8. ADMINISTRATIVE

F) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO REVIEW AND APPROVE ONE (1) HOUSING TAX CREDIT PROJECT FOR CALENDAR YEAR 2021 (ADMINISTRATION)

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

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

ITEM 10. CONTRACTS/AGREEMENTS

C) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO NEGOTIATE AND ENTER INTO AN INCENTIVE AGREEMENT WITH PHARR LOGISTIC CENTER (ADMINISTRATION)

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

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

ITEM 11. LEGAL

A) CONSULTATION WITH ATTORNEY REGARDING LEGAL ASPECTS OF ELECTION ADMINISTRATION AND LAW SUIT CITY OF MCALLEN, TEXAS AND CITY OF PHARR, TEXAS VS. THE STATE OF TEXAS; HON. RUTH R. HUGHS, TEXAS SECRETARY OF STATE, IN HER OFFICIAL CAPACITY, CAUSE NO. D-1-GN-21-000489 (LEGAL)

Ed Wylie, Interim City Manager, introduced the item and stated no action needed was needed.

ITEM 14. ADJOURNMENT

There being no other business to come before the board, Comm. Medina **moved** to adjourn. Comm. Guajardo seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 4:35 p.m.

CITY OF PHARR



AMBROSIO HERNANDEZ
MAYOR

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF PHARR

ON THIS THE 15th DAY OF FEBRUARY 2021 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: MARCH 1, 2021