MINUTES OF REGULAR MEETING OF THE CITY OF SAN JUAN COMMISSION

DATE:	Tuesday, August 23, 2022
TIME:	6:00 p.m.
PLACE:	San Juan Memorial Library Multipurpose Meeting Room 1010 S. Standard San Juan, Texas 78589
MEMBERS PRESENT:	Mario Garza, Mayor Adina "Dina" Santillan, Commissioner Ernesto "Neto" Guajardo, Commissioner Marco "Markie" Villegas, Commissioner Rick Palacios, City Attorney
STAFF PRESENT:	Benjamin Arjona, City Manager Brenda Escalante, City Secretary Tirso Garza, Chief of Fire Captain Casarez, Chief of Police Leroy Gonzales, Finance Director Adelaida Cordero, Director of Human Resources Armandina Sesin, Library Director Patrick Willingham, Director of Parks & Recreation Monica Gomez, Director of Planning Israel Garza, Director of Sanitation/ Public Works Juan Carlos Martinez, Interim Director of Utilities Mary Enriquez, Court Administrator Pat Karr, Director of Information Technology

ORDER OF BUSINESS

I. CALL MEETING TO ORDER:
Mayor Mario Garza called meeting to order at 6:00 p.m.

II. INVOCATION:
Benjamin Arjona, City Manager led the Invocation.

III. PLEDGE OF ALLEGIANCE:
Mayor Mario Garza led the Pledge of Allegiance.

IV. PUBLIC COMMENTS:

DISCUSSION: No Public Comments

V. PRESENTATIONS

A. Presentation on Recognizing PSJA ISD for Earning "A" Rating from the Texas Education Agency.

DISCUSSION: Benjamin Arjona, City Manager, recognized the PSJA ISD with a plaque for their "A" rating accomplishment. Mr. Arjona thanked teachers, parents, and kids for their hard work. Mayor Mario Garza congratulated everyone and thanked Dr. Arredondo for all the good work they do for the PSJA District. Dr. Arredondo thanked the Mayor, the City Commission, and the City of San Juan. He stated he was very proud of all his staff and all the PSJA ISD, even though the pandemic kept everybody on their toes and helped them stay on top.

B. Presentation on Department Reports: Department of Finance, Fire Department, Police Department, Municipal Court, and Department of Utilities.

1. **Department of Finance Monthly Report.**
2. **Fire Department Monthly Report.**
3. **Police Department Monthly Report.**
4. **Municipal Court Monthly Report.**
5. **Department of Utilities.**

DISCUSSION: Mayor Mario Garza asked Benjamin Arjona to set up a meeting with the judge and prosecutors to discuss all the illegal dumping and the brush pick-up. He thinks that the city needs to be a little more proactive on that matter and maybe figure out what type of fees these judges and prosecutors are implementing or know what they are doing.

VI. PUBLIC HEARING/ORDINANCES

A. Hold a Public Hearing of Ordinance for a Rezoning Request from General Business District (C-2) to Single – Family Residence District (R-S) of the 1.63-acre tract of land out of Lot 10, Blocks 5 and 17, John Closner Subdivision, as Requested by Melden & Hunt, Inc.

DISCUSSION: Daniel Tijerina, Director of Planning and Zoning, stated this item was requested by Melden & Hunt, who applied for a zone change, located approximately a quarter mile north of FM 495 along the east side of Veterans Blvd, just north of the Castle Heights subdivision. Mr. Tijerina also noted that the first 250 feet along Veterans Blvd. are zoned as a general business district from Nolana Avenue to FM 495. He stated they mailed nine notices to property owners within a 200-foot radius and received some comments against the change of zone. Furthermore, the Planning and Zoning Commission and staff recommended denial of this request because it did not comply with a future land use map or the surrounding zoning along Veterans Blvd.

Mayor Mario Garza opened the Public Hearing at 6:18PM

Ruben James de Jesus, with Melden & Hunt representing the owners on the change of zone request, stated their reason for the rezoning of the 1.6 acres that are in the front part of the property, which is running along I Road, and it is out of 5 acres. Furthermore, it was explained that this property was handed down to these siblings, who would like to live there, and that they are just trying to maximize the property itself. Also, the reason for the zoning is to match the existing zoning to the east, which is residential, so they are trying to do about 11 single-family lots, of which they plan to sell five and retain five or six. Mayor Mario Garza asked Benjamin Arjona, City Manager, about the property on Standard and Ridge Road that is being developed (about 14 acres, of which 300 feet were commercial) and whether they ever came back asking to add more lots to the area. Mr. Arjona replied that they were aware it was commercial. Mr. Arjona asked Mr. De Jesus if the property behind would be accessible if it were to go through. Mr. Ruben explained that they are proposing one private street fronting that property as they will not have access off I Road. Mayor Pro-Tem Leonardo "Lenny" Sanchez asked if there would be multiple owners. Mr. De Jesus stated all 5 acres would be under one person; the reason it is only 1.6 acres is because that is what is zoned commercial just right off I-70. He stated that Castle Heights does have commercial frontage, but I think the current landowner is not your typical developer. Mayor Garza asked the size of the house they are estimated to build. Mr. James responded that they are going to be foundation homes mainly for families of at least 1500, but they are going to be sitting on half-acre lots. Mayor Garza asked to reconsider other options.

Mayor Mario Garza closed the Public Hearing at 6:31PM

No action was taken.

B. Hold Public Hearing on Adopting the Proposed Tax Rate and Levy for the City of San Juan, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023.

DISCUSSION: Leroy Gonzales, Director of Finance, stated that on Tuesday, August 9, 2022, the City Commission voted and approved the proposed tax rate of 0.6765 for the fiscal year October 1, 2022, through September 30, 2023. A public hearing was scheduled, and all requirements were met.

Mayor Mario Garza opened the Public Hearing at 6:32 PM

Mayor Mario Garza closed the Public Hearing at 6:32 PM

Commissioner Ernesto "Neto" Guajardo motioned to approve and was seconded by Mayor Pro-Tem Leonardo "Lenny" Sanchez. Motion Passed (5-0)

C. Consider and Action Amending Chapter 4 Business Regulations, Article 4.04 Wrecker Businesses of the City of San Juan's Code of Ordinances to update the Procedures and Requirements to Conduct Wrecker Services within the City Limits of San Juan and Fees Related to such Services by Deleting, Relacing and Updating the City's Current Provisions under Article 4.04 and Renaming Article 4.04 from Wrecker Businesses to Wrecker Services.

DISCUSSION: Daniel Tijerina, Director of Planning, stated that the purpose of this ordinance was to amend Chapter 4, Article 4.04, Wrecker Businesses, and the San Juan Code of Ordinances by updating the procedures, requirements, rates, and fees and changing the remaining Article 4.04 from Wrecker Businesses to Wrecker Services. Mr. Tijerina stated that staff recommends approval of the ordinance in your packet. He thanked the city attorney's office for helping us investigate this very closely and ensuring that we are complying with all state requirements. Benjamin Arjona, City Manager stated the fees on the ordinance were too low, and he believed it was an injustice to our wrecker business since everything is going up, including fuel and labor costs. Mr. Arjona mentioned that one of the items that was changed was the allotted time between the time they received the call and when they arrived at the site. I want to say it was like 30 to 45 minutes. Commissioner Adina "Dina" Santillan asked if the wreckers would charge what the state mandated, to which Mr. Arjona replied yes. Mayor Garza asked the captain to make sure they have all records of the response time since it changed to 45 minutes, and that way he would know because of all the construction happening.

Commissioner Marco "Markie" Villegas motioned to approve and was seconded by Commissioner Ernesto "Neto" Guajardo. Motion Passed (5-0)

VII. APPOINTMENTS

A. Consider the Nomination and Appointment of Board Member(s) Related to the Planning and Zoning Board.

DISCUSSION: Brenda Escalante, City Secretary, named all the active board members. Mrs. Escalante stated the Planning and Zoning Board consists of seven members serving a staggered two-year term, and due to the unfortunate loss of Eddie Alaniz, there was a vacancy that needed to be filled by the City Commission for the remainder of the unexpired term. There are 3 applicants, and they were included in your packet.

Commissioner Adina "Dina" Santillan motioned to nominate Mark Salinas and was seconded by Commissioner Ernesto "Neto" Guajardo. Motion Passed (5-0)

VIII. DISCUSSION AND POSSIBLE ACTION ON ALL THE FOLLOWING MATTERS:

A. Preliminary and Final Plat Approval of the San Juan Oaks Subdivision being a 5.66-acre tract of land out of Lot 9, Block 35, Alamo Land Sugar Company's Subdivision, located at the Southeast corner of Zapata and 4th Street, as Requested by Nain Engineering, LLC.

DISCUSSION: Daniel Tijerina, Director of Planning, stated that the developer is proposing to subdivide 5.66 acres of land along the east side of 4th street, located at the northwest corner of Stewart and Business 83 area. Mr. Tijerina mentioned they are proposing 23 lots with an entrance and exit along 4th Street. The subdivision is in flood zone X, which is outside special flood zone hazards according to the FEMA map. He noted that the project engineer requested a variance to not comply with the minimum 60-foot lot requirement because they have some lots that are 54, 55, and 58 feet wide. Furthermore, the water and sewer services will be provided by the City of San Juan; hydrants shall be located every 500 feet; the water line shall be looped to the eight-inch water line as per the City of San Juan; and all entrances will be 26 feet wide. Mr. Tijerina stated that staff recommends approval of this preliminary and final plan.

Commissioner Marco "Markie" Villegas motioned to approve and was seconded by Commissioner Ernesto "Neto" Guajardo. Motion Passed (5-0)

B. Discussion and approval of the Interagency MOU Children's Advocacy Center of Hidalgo and Starr Counties (CACHSC) and the City of San Juan. Hidalgo County continues to experience and increase in the reported incidents of child abuse, a trend that has been seen nationwide. In responding to these reports, the CACHSC along with partner agencies will commit to working collaboratively to better serve child abuse cases and provide an intervention response. The undersigned head of department agencies and offices in Hidalgo County agrees to maintain and continue to support the Children's Advocacy Center of Hidalgo and Starr Counties.

DISCUSSION: Benjamin Arjona, City Manager stated that this MOU is just to work together with all the different agencies within the RGV and provide services to the CASA.

Mayor Pro-Tem Leonardo "Lenny" Sanchez motioned to approve and was seconded by Commissioner Marco "Markie" Villegas. Motion Passed (5-0)

C. Discussion and Possible Action on Amending the Keep San Juan Beautiful Board Bylaws.

DISCUSSION: Benjamin Arjona, City Manager stated that there has been discussion and the recommendation to increase it from five (5) members to seven (7) for better service when meetings are held. Mayor Mario Garza asked to advertise.

Mayor Pro-Tem Leonardo "Lenny" Sanchez motioned to approve and was seconded by Commissioner Ernesto "Neto" Guajardo. Motion Passed (5-0)

IX. RESOLUTION

A. Consideration and Action on Resolution Accepting a Voluntary Annexation Petition, Setting Dates and Times of Public Hearings and Directing the Planning Department to Prepare a Service Plan for the Proposed Valley Ranch Subdivision Phase 3 and 4 Subdivision being a 21.19- acre tract of land out of Lot 11, Block 27, Alamo Land and Sugar Company's Subdivision, located at the Southwest corner of Hal Acres and Cesar Chavez Road, as Requested by Esponjas Development, LTD.

DISCUSSION: Daniel Tijerina, Director of Planning, stated that the Planning and Zoning Commission is proposing to adopt the resolution for voluntary annexation petition, setting the dates and times of the public hearing for proposed Valley Ranch Phases 3 and 4, which are 21.19 acres of land out of Lot 11 in Block 27 of Alamo Land and Sugar Company Subdivision. Mr. Tijerina stated that the property owner of the subject property has submitted a petition for voluntary annexation to the city of San Juan and that the annexation of his property is being undertaken in accordance with the provisions of Chapter 43.028 of the Texas Local Government Code and the City Charter. Mr. Tijerina stated that staff recommended approval to adopt this resolution to accept a petition for voluntary annexation and set dates and times for the public hearing.

Mayor Pro-Tem Leonardo "Lenny" Sanchez motioned to approve and was seconded by Commissioner Ernesto "Neto" Guajardo. Motion Passed (5-0)

X. CONSENT AGENDA

A. **Consider Second and Final Reading of an Ordinance Approving Negotiated Resolution Between the City of San Juan and Texas Gas Service.**

B. **Consider Second and Final Reading of an Ordinance Regarding Amending Chapter 4 Business Regulations, Article 4.08 Alcoholic Beverages, Section 4.08.002 Licenses and Fees of the City of San Juan, Texas Code of Ordinances to Update the City's Alcoholic Beverages License/Permit fees; Providing for Codification; Providing for a Severability Clause; and Providing for a Repleaer Clause.**

C. **Consider Second and Final Reading of an Ordinance Regarding a Conditional Use Permit to allow "The Spot" Food Truck Park and Sale of Alcoholic Beverages (wine and beer) for On-Premise Consumption at 103 Alta Street, legally described as lots 16 thru 18, Block 4, Small No. 2 Subdivision, located at the Southwest corner of Alta Street and Raul Longoria Road, as Requested by Yolanda de la Cruz Presenta, LLC.**

D. **Consider Second and Final Reading of an Ordinance Regarding a Rezoning Request from Single-Family Residence District (R-S) to Multi-Family Residence District (R-MF) of the 15.06 acre tract of land out of Lots 3 and 6, Block 8, John Closner Subdivision, as Requested by Cesar de Leon Lara.**

E. **Consider Approval of the Tax Collection Report for the Month of July 2022.**

F. **Consider Approval of the Quarterly Investment Report for the Quarter Ending June 30,2022 (Leroy Gonzales, Director of Finance)**

G. **Consider Approval of the Budget Expenditure Report for the Month of July, 2022.**

Commissioner Marco "Markie" Villegas motioned to approve all items under consent agenda and was seconded by Mayor Mario Garza. Motion Passed (5-0)

XI. EXECUTIVE SESSION

A. **The San Juan City Commission Will Convene in Executive Session, in Accordance with the Texas Open Meetings Act, Vernon's Texas Statutes and Codes Annotated, Government Code Chapter 551 et seq. and 551.071 Consultation with Attorney.**

1. **Pursuant to Section 551.087 ECONOMIC DEVELOPMENT NEGOTIATIONS and 551.071 CONSULTATION WITH ATTORNEY; Deliberation Regarding the Economic Development Incentive Agreement between the City of San Juan and BHM Pharr Hospitality, LLC.**

2. **Pursuant to Section 551.071 CONSULTAION WITH ATTORNEY; Discussion and Possible Action Regarding the Entertainment Agreement for 2022 Noche De Paz.**

Commissioner Ernesto "Neto" Guajardo motioned to enter executive session at 6:49 p.m. and was seconded by Mayor Mario Garza. Motion Passed (5-0)

XII. RECONVENE

Commissioner Ernesto "Neto" Guajardo motioned to reconvene at 7:38 p.m. and was seconded by Mayor Pro-Tem Leonardo "Lenny" Sanchez. Motion Passed (5-0)

A. **The City Commission will Reconvene in Open Session to Take Necessary Action, if any, in Accordance with Chapter 551, Open Meetings, Subchapter E, Procedures Relating to Closed Meeting 551, Requirements to Vote or Take Final Action in Open Meeting.**

1. **Pursuant to Section 551.087 ECONOMIC DEVELOPMENT NEGOTIATIONS and 551.071 CONSULTATION WITH ATORNEY; Deliberation Regarding the Economic Development Incentive Agreement between the City of San Juan and BHM Pharr Hospitality, LLC.**

Mayor Mario Garza motioned to move forward as discussed under executive session and was seconded by Mayor Pro-Tem Leonardo "Lenny" Sanchez. Motion Passed (5-0)

2. **Pursuant to Section 551.071 CONSULTATION WITH ATTORNEY; Discussion and Possible Action Regarding the Entertainment Agreement for 2022 Noche de Paz.**

No action was taken.

XIII. ADJOURMENT

Commissioner Marco "Markie" Villegas made motion to adjourn the meeting at 7:39 p.m. and was seconded by Commissioner Ernesto "Neto" Guajardo. Motion Passed (5-0)

CITY OF SAN JUAN, TEXAS

Mario Garza, Mayor

ATTEST:

Brenda Escalante, City Secretary