

MINUTES OF REGULAR MEETING OF THE CITY OF SAN JUAN COMMISSION

DATE: Tuesday, January 24, 2023

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
Leonardo "Lenny Sanchez, Mayor Pro-Tempore
Adina "Dina" Santillan, Commissioner
Ernesto "Neto" Guajardo, Commissioner
Marco "Markie" Villegas
Rick Palacios, City Attorney

STAFF PRESENT: Benjamin Arjona, City Manager
Brenda Escalante, City Secretary
Tirso Garza, Chief of Fire
Leandro Sifuentes, Acting Chief of Police
Leroy Gonzales, Director of Finance
Armandina Sesin, Library Director
Patrick Willingham, Director of Parks & Recreation
Daniel Tijerina, 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: Tony Saldana, a San Juan resident, praised and thanked the City Commission, City Manager, and staff for the great work they put into the city. Mr. Saldana stated that he was proud to be part of San Juan. Benjamin Arjona, City Manager, gave a recap of their visit to the ICSC Conference in Dallas, Texas, and thanked the City Commission for their hard work, dedication, and commitment to the city.

- V. PRESENTATIONS**
A. Presentation on the Upcoming 2023 Friendly City 5k and Bike Ride.

DISCUSSION: Patrick Willingham, Director of Parks & Recreation, announced the return of the Friendly City 5k. Mr. Willingham stated that the 5K is set for March 25th, with routes starting and ending at the San Juan Sports Complex. Furthermore, they were adding a twist to this event, which includes a bike ride and a kids' mile fun run.

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

DISCUSSION: Commissioner Ernesto "Neto" Guajardo asked Daniel Tijerina, Director of Planning, for a status on the code enforcement officer's certification. Mr. Tijerina stated that one of the officers took the test but failed it, and the other one hadn't taken it due to an illness. Commissioner Guajardo commended Leandro Sifuentes, Interim Chief of Police, for the San Juan

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Police Department Bike Patrol. Chief Sifuentes stated that community involvement is their main goal. Commissioner Marco "Markie" Villegas praised Chief Sifuentes for the Civil Service flyer that was shared to recruit police officers. Commissioner Adina "Dina" Santillan mentioned that she saw four new hires on his monthly report. Commissioner Guajardo asked Patrick Willingham, Director of Parks and Recreation, for a status on the basketball season, to which Mr. Willingham stated that the girls' basketball and boys' soccer seasons would end this week and would switch to boys' basketball and girls' soccer. Commissioner Guajardo asked to have staff present at all times at the recreational games, as he received complaints regarding the referees. Mayor Mario Garza asked Leroy Gonzales, Director of Finance, for a status update regarding the accounts and services the city is providing with North Alamo Water Supply Corporation and Military Highway Water Supply Corporation. Mr. Gonzales stated he sent out an email requesting a meeting with the general manager to review the account they have with MHWSC and NAWSC. Mayor Garza asked Mr. Gonzales if every resident who has a garbage container is being charged the service fee. Mr. Gonzales stated that Israel Garza, Director of Sanitation, is working on an audit to confirm what accounts are paying the fee. Mayor Garza inquired as to when the audit would be completed. Mr. Garza stated that it would take 2-3 weeks. Benjamin Arjona, City Manager, stated the audit should take close to two months. Mayor Pro-Tem asked to look into purchasing more microphones in order for the community to hear the meetings clearly when streaming the meetings online. Commissioner Guajardo stated that there is broken drainage on the corner of Sam Houston and I Road and asked Mr. Garza to please contact the City of Pharr.

VI. PUBLIC HEARINGS

A. Hold a Public Hearing for the Rezoning Request from Single-Family Residence District (R-S) to Multi-Family Residence District (R-MF) of a 2.99-acre tract of land out of Lot 11, Block 35, Alamo Land and Sugar Company Subdivision, as Requested by Petra Martinez. [Daniel Tijerina, Director of Planning]

DISCUSSION: Daniel Tijerina, Director of Planning, stated this was a public hearing for a rezoning request made by Petra Martinez from single-family residential district (R-S) to multi-family residential district (R-MF) for a 2.99-acre tract of land out of lot 11 block 35 of Alamo Land and Sugar Company Subdivision to build an apartment complex. Mr. Tijerina described the dimensions of the mentioned property and noted that the adjacent property is zoned as a multi-family residential district (Carroll Estates Subdivision). Furthermore, staff mailed notices to 19 property owners within a 200-foot radius, and the notice was published in the newspaper, but no comments in support of or opposition to this request were received. Mr. Tijerina stated that staff and the Planning Commission recommend approval.

Mayor Mario Garza opened the Public Hearing at 6:20 p.m.

DISCUSSION: Mayor Mario Garza asked Mr. Tijerina how many garbage containers were set for the apartments. Mr. Tijerina stated that if the rezoning was approved, they would move to the subdivision to allocate an area for garbage disposal.

Mayor Mario Garza closed the Public Hearing at 6:21 p.m.

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

B. Hold a Public Hearing for a Conditional Use Permit to Allow "Z&R Event Center" at 302 E. Business 83, Suites 8-9, legally described as Lettered Blocks (San Juan) West 165 feet of lot 2, West 165 Feet of Lot 3, Block A #2, as Requested by Homer Ocanas. [Daniel Tijerina, Director of Planning]

DISCUSSION: Daniel Tijerina, Director of Planning, stated Mr. Ocanas is proposing to open an event center at the San Juan Commercial Plaza, located at the southeast corner of Business 83 and Iowa Avenue, where Lemus Daycare was located. Mr. Tijerina mentioned that the commercial plaza has twelve (12) suites in total, offices, a beauty salon, and a barber shop. Also, a parking area is available, and the property has two entrances along Iowa Avenue. Mr. Tijerina stated that staff mailed out notices to property owners within a 200-foot radius, and the notice was published in the newspaper. He received no comments in favor of or against this request. Mr. Tijerina stated that staff and the Planning Commission recommend approval.

Mayor Mario Garza opened the Public Hearing at 6:23 pm.

Mayor Mario Garza closed the Public Hearing at 6:23 pm.

Commissioner Ernesto “Neto” Guajardo motioned to approve and was seconded by Commissioner Marco ‘Markie” Villegas. Motion passed. (5-0)

- C. Consideration and Action Regarding Ordinance Providing for a Fee to Defray Costs of Collecting Delinquent Fines, Fees, Court Costs, and Other Debts Pursuant to Article 103.0031 of the Texas Code of Criminal Procedure; Providing for Effective Date; Providing for Publication; Providing for a Severability Clause; and Providing for a Repealer Clause.

DISCUSSION: Benjamin Arjona, City Manager, stated this ordinance needed to be in place in order to move forward with the selected attorney.

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

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

- A. Consider the request by ESCON Development to dedicate one acre of land for park use in lieu of paying the Park Fees at the proposed Orchards of San Juan Phase I, located at the Southwest corner of Stewart Road and Moore Road. [Daniel Tijerina, Director of Planning]

DISCUSSION: Daniel Tijerina, Director of Planning, stated staff received a request from Escon Development to dedicate one acre of land in lieu of paying the park fees for 82 lots at the proposed Orchards of San Juan Phase I. This plat has 82 single-family residential lots; a second phase is proposed. The park fee per lot is \$675 (82 lots x \$675 = \$55,350). The park fee ordinance provides for such a request by the developer. Mr. Tijerina recommends that the park fees be paid instead of the dedication. He also mentioned that Rick Palacios, the City Attorney, asked that they submit a meets and bounds rendering of the area, a surface restriction for any subsurface easements under any proposed line dedication for parks, and a proposal regarding maintenance of the dedicated park plan. Juan Garcia stated the project would be divided into two phases, and they are proposing to dedicate 2.2 acres and convert it into a park, as they are requesting to have the park fee prorated. Mr. Garcia mentioned that the HOA would take care of the park’s maintenance at no cost to the city. Mayor Mario Garza asked Ronnie Cantu if only residents of the subdivision would have access to the park, to which Mr. Cantu replied no since it’s not gated. Benjamin Arjona, City Manager asked if this HOA would be maintaining the streets and the park as well. Mr. Cantu replied that the HOA takes care of all the green spaces, for example, the entrance signage, graffiti, landscaping, and in this case, the entire park. Furthermore, the streets will be turned over to the city like any other subdivision. Mayor Garza mentioned that all previous HOAs he has dealt with have taken care of everything. Mr. Cruz reiterated, yes, if they are gated. Mr. Tijerina asked Mr. Cantu if the easement was a gas easement, to which Mr. Cantu replied yes. Mayor Garza asked Israel Garza, Director of Sanitation, to share his experience with HOA communities. Mr. Garza stated that in HOA subdivisions that are not gated, the responsibilities fall back to the city. Mr. Cantu stated that the streets belong to the city, for the reason that anybody is able to drive through those streets, but the park will be maintained by the HOA. Mayor Pro-Tem Leonardo "Lenny" Sanchez asked Mr. Palacios if the HOA was able to change the rules since the park would be open to the public. Mr. Palacios stated that in this case, the green space must be dedicated to the city in order to fall under the ordinance. However, nothing prevents the HOA from coming back and declaring that the greenspace will no longer be kept up. Furthermore, the HOA would not be able to control that property area if the greenspace is dedicated to the city.

No action was taken.

- B. Consider the Approval of the Final Workplan for Fiscal Year 36 (2023) for the Hidalgo County Urban County Program. [Daniel Tijerina, Director of Planning]

DISCUSSION: Daniel Tijerina, Director of Planning, stated that the budget for the Hidalgo County Urban County Program for Fiscal Year 36 (2023) contains the following:

General Administration	\$4,000.00
Street Improvements	\$257,199.00
Amigos Del Valle	\$10,000.00
Nuestra Clinica Del Valle	\$15,000.00
Total	\$286,199.00

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Mr. Tijerina stated that the total expense would cover the Street Improvements, which cover materials, engineering, and geographic expenses for the repaving of Royal Palm Street, Third Street, and Palmetto Palm Street. He stated that staff recommends approval for the fiscal year 36 (2023) budget of the Hidalgo County Urban County Program. Benjamin Arjona, City Manager, recommended allocating money in the upcoming budget to repave the rest of the streets in that subdivision.

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

C. Discussion and Possible Action on San Juan Municipal Court Amnesty Program beginning February 2023. [Mary Enriquez, Court Administrator]

DISCUSSION: Benjamin Arjona, City Manager, stated this is the yearly amnesty program that comes before the City Commission for approval.

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

D. Discussion and Possible Action to Authorize the City Manager to Negotiate and Enter Into a month to month Contract with Med-Care EMS for Emergency Ambulance Services.

DISCUSSION: Mayor Mario Garza asked Benjamin Arjona, City Manager, for his input regarding this item. Mr. Arjona recommended authorization that allows him to negotiate a contract with Med-Care EMS.

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

E. Discussion and Possible Action to Authorize the City Manager to Advertise Request for Qualifications (RFQ) that includes Request for Proposals (RFP) for Emergency Ambulance Services.

No Action was taken.

VIII. RESOLUTIONS

A. Consider Adoption of a Resolution Establishing the Budget for Fiscal Year 36 (2023) for the Hidalgo County Urban County Program. [Daniel Tijerina, Director of Planning]

DISCUSSION: Benjamin Arjona, City Manager, stated this resolution was previously discussed regarding the budget approval for fiscal year 36 (2023) for the Hidalgo County Urban County Program.

Mayor Pro-Tem Leonardo “Lenny” Sanchez made motion to approve the resolution and was seconded by Commissioner Ernesto “Neto” Guajardo. Motion Passed. (5-0)

B. Consideration and Action Regarding Resolution Approving a Contingent Fee Contract with Perdue, Brandon, Fielder, Collins & Mott, LLP Pursuant to Article 103.0031(b). Texas Code of Criminal Procedures, said Contract being for the Collection of Delinquent Fine/Fees Owed to the City of San Juan, and the Written Findings Related to said Contract; Notice of said Contract and Written Findings are Posted with the Agenda in Accordance with Section 2254 of the Texas Government Code.

DISCUSSION: Rick Palacios, City Attorney, stated that since this is a contingency fee contract, these were necessary agenda items and postings that needed to be done, and in order to ratify the city’s consideration, we needed to take this step.

Commissioner Marco “Markie” Villegas made motion to approve and was seconded by Commissioner Ernesto “Neto” Guajardo. Motion Passed (5-0).

IX. CONSENT AGENDA

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- A. Consider Approval of City Commission Meeting Minutes:**
- May 24, 2022
- June 14, 2022

Commissioner Marco “Markie” Villegas made motion to approve item A. under consent agenda and was seconded by Mayor Mario Garza. Motion Passed (5-0).

- B. Consider Approval of the Tax Collection Report for December 2022. [Leroy Gonzales, Director of Finance]**

Commissioner Marco “Markie” Villegas made motion to approve item B. under consent agenda and was seconded by Mayor Mario Garza. Motion Passed (5-0).

X. EXECUTIVE

- A. The San Juan City Commission will Convene in Executive Session in Accordance with the Texas Open Meeting Act, Vernon's Texas Statutes and Codes Annotated, Government Code Chapter §551.071 (Consultation with Attorney).**

- 1. Pursuant to Section 551.071 CONSULTATION WITH ATTORNEY; Discuss the Status Regarding the San Juan Police Department Canine Incident.**
- 2. Pursuant to Section 551.071 CONSULTATION WITH ATTORNEY; Discussion and Possible Action Regarding the Creation of an Arts District.**
- 3. Pursuant to Section 551.071 CONSULTATION WITH ATTORNEY; Discussion and Possible Action Regarding Legal Issues Concerning Renaming of a Street.**

DISCUSSION: Mayor Mario Garza stated that they would be going out of order under executive session with item 2. going first, item 3. second and item 1. last.

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

X. RECONVENE

Commissioner Ernesto “Neto” Guajardo made motion to reconvene at 8:45 p.m. and was seconded by Mayor Pro-Tem Leonardo “Lenny” Sanchez. Motion Passed (4-0).

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

- 1. Pursuant to Section 551.071 CONSULTATION WITH ATTORNEY; Discuss the Status Regarding the San Juan Police Department Canine Incident.**

No Action was taken.

- 2. Pursuant to Section 551.071 CONSULTATION WITH ATTORNEY; Discussion and Possible Action Regarding the Creation of an Arts District.**

No Action was taken.

- 3. Pursuant to Section 551.071 CONSULTATION WITH ATTORNEY; Discussion and Possible Action Regarding Legal Issues Concerning Renaming of a Street.**

No Action was taken.

XII. ADJOURNEMENT

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Mayor Pro-Tem Leonardo “Lenny” Sanchez made motion to adjourn at 8:40 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