

MINUTES OF REGULAR MEETING OF THE CITY OF SAN JUAN COMMISSION

DATE:

Tuesday, February 13, 2024

TIME:

6:00 p.m.

PLACE:

San Juan Memorial Library
1010 S. Standard
San Juan, Texas 78589

MEMBERS PRESENT:

Mario Garza, Mayor
Marco “Markie” Villegas, Mayor Pro Tem
Leonardo “Lenny” Sanchez, Commissioner,
Ernesto “Neto” Guajardo, Commissioner
Ricardo Palacios, City Attorney

STAFF PRESENT:

Benjamin Arjona, City Manager
Brenda Escalante, City Secretary
Tirso Garza, Fire Chief
Leandro Sifuentes, Chief of Police
Leroy Gonzalez, Director of Finance
Adelaida Cordero, Director of Human Resources
Christina Pérez, Interim Library Director
Daniel Tijerina, Director of Planning and Zoning
Israel Garza, Director of Sanitation/ Public Works
Juan Carlos Martinez, Interim Director of Utilities
Mary Enriquez, Court Administrator
Gregorio Trevino, Public Information Officer
Ruben Guajardo, Assistant Director of Parks & Recreation. PAL

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: There were no Public Comments

V. PRESENTATIONS

A. Update on City Projects

DISCUSSION: Benjamin Arjona, City Manager, indicated that this item was specifically with Parks and Recreation Phase I and the new fire station, and presented Mr. Tommy from Davila Construction to provide an update on the park phase one. Mr. Tommy with Davila Construction noted that they are reaching the finish of their project; they have been fortunate in spending contingency only on project upgrades, which they are implementing as they progress. He indicated that they are looking into two specific sections, one of which is coming to us, which is for the splash pad, and it includes that specific element of the work, which is around \$250,000. We still have a May 31st deadline, and they are aiming to finish the project by the end of the school year. Furthermore, they are transitioning from their portion of the project, phase I, to phase II of the project, which was given to NM Contracting, so there is some shared space, and they are ensuring that the transition is smooth. They have all of their concrete sidewalks poured, basketball slabs poured, a split-level roof pavilion poured, restroom buildings poured with the exception of the roof, paint, and toilet fixtures, as this is all being coordinated by the city's utility efforts to bring water to the site. The waterline work has begun, and a fire line expansion that runs westward all the way to Veterans began last week. Mr. Tommy stated that as we move south to north, we have just begun standing up light poles on light standards for the sidewalks; three or four large ones go from the parking lot to the main entrance, and large soccer field lights go at the far north end, so the electrician is onsite, actually standing those, as part of our efforts that we discussed in a meeting last Tuesday with the city's other general contractor, Davila Construction, and the City of San Juan. Davila Construction demonstrated precisely where they were, and they should be out of the way of the new general contractor shortly so that they can begin work on the phase two building. In addition, workout equipment has

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been placed, wrapped, and fastened. The fabric structure was installed above the workout area; however, it was removed owing to the desire not to lose it to a storm from now until the end of May. A few images were taken, and they will be reinstalled after the renovation is completed. All picnic tables and benches have been delivered, and installation will begin shortly. They are slowly and steadily approaching the finish of the project. The construction of the splash pad was the only element that took longer than expected (the initial completion date being March). Coordinating with the contractor to get it installed pushes it back to the end of May. The drainage system is adequate in the event of severe rain, and the site would likely only have an impact on completing the parking lot. Irrigation systems and landscaping will be the primary focus in March and April. All of the elements are in place; all we need to do now is complete and draw the line between Davila Construction's project and the new contractor's project. Park should be completed as soon as school is out. Mayor Mario Garza questioned Mr. Tommy if the workout equipment was the same as playground equipment. Mr. Tommy said, "No, that is a separate component of the project being worked on." Mr. Arjona remarked that they will go over the specifics in an executive session. Mayor Pro-Tem Marco "Markie" Villegas noted that he enjoys communicating with N & M Contractors and wants to thank them for being on schedule with the project. Mr. Ismael Morales of N&M Contracting, project manager for the San Juan Fire Station, stated that they are nearing the end of construction operations; they are currently finalizing the roof system, working on all exterior improvements, finalizing utilities, installing monumental signs and flag poles, and finishing up some stucco work on the exterior. Everything went extremely well, and it was a pleasure to collaborate with the design team on this project. Mayor Garza requested a completion date for the project. Mr. Morales indicated that the completion date is set for March 21, 2024. Mayor Pro Tem Marco "Markie" Villegas asked Mr. Morales about his design team, to which he replied that he works with Albert Cronis of ERO Architects. Meanwhile, they have an existing generator next door that will be utilized to climatize the building while allowing them to continue the work inside. They are now painting, installing the ceiling grid, and are going to install a flooring system, but in order to do so, they need to climatize, which will not be an issue with the generator next door. Commissioner Adina "Dina" Santillan inquired about the projected completion time. Mr. Morales answered on March 21, 2024, subject to AEP. AEP should modify the transformer, which is already available.

B. San Juan Municipal Court Outstanding Warrants. [Mary Enriquez, Court Administrator]

DISCUSSION: Mary Enriquez, Court Administrator, stated that the current total of outstanding warrants for class C misdemeanors and city ordinances was two million two hundred and twenty-eight thousand eight hundred and twenty-five with eighty-nine cents (\$2,828,856.89), based on the report from January 1, 1999 to January 25, 2024. The report included the funds received in 2023 for the amnesty program from February to April and June to September. Mayor Mario Garza inquired as to how long we would continue the amnesty program. Ms. Mary Enriquez stated that it would be in force until April 31, 2024, but she also has collecting agencies performing the resolution from March 2nd to March 31st, for one month; nevertheless, amnesty will run until April. The court is also receiving calls and visits from people seeking to pay their penalties. Mayor Mario Garza asked whether we could extend it if the city chose so, to which Ms. Enriquez answered yes. Mayor Garza remarked that he simply wants individuals to be able to pay off and not worry, even if they arrive after the April deadline. Ms. Enriquez noted that the program is working; they are receiving phone calls, and the City Marshall is going out and knocking on doors to inform individuals that we have an amnesty program in place, and they are coming in to pay. If there is no answer when he arrives at their residences, he leaves a door hanger directing them to contact and come into the court. Commissioner Adina "Dina" Santillan inquired about warrants and how effective they are. Commissioner Santillan further asked to review the figures for warrants and the amnesty program. Commissioner Leandro "Lenny" Sanchez agreed with Commissioner Santillan and wants to see if City Marshall is even being effective; if you ask me, he stated 25, 23 February through April and then June through September 24, 2023; that's not being productive, and that's just in the amnesty, so I'd like to have those numbers to see what's going on, what his workload is, and how effective he is for the position or the work that he is given. Mayor Pro Tem Marco "Markie" Villegas remarked that individuals are coming in on their own and that it is working for the regulars, which he is referring to. Commissioner Sanchez remarked that two million (\$2,000,000) for twenty-five (25) is not even fifty thousand (\$50,000), which is not even ten percent; therefore, we must ensure that the courts, as well as the Marshall, are effective. Ms. Enriquez indicated that she will include it in the report for this month. Commissioner Santillan inquired if the report dated January 1, 1999, contained those that had crossed the statute of limitations or were still functional and operational. Ms. Enriquez replied that the prosecutor is looking into that, being that she ran a report and we have one hundred and fifteen (115) for just the 1999 year, so they will be working together to go over those cases to see if some of those can be dismissed. Commissioner Santillan stated that if some of those are already passed, let's fix them, correct them, and move forward so that we can look at what we can still target and still get from whatever we have outstanding in the community. Commissioner Ernesto "Neto" Guajardo asked if there was something that stated the statute of limitations. Ms. Enriquez said that the prosecutor is looking into it, as she ran a report and found one hundred and fifteen (115) cases for only the 1999 year, so they would be working together to go over those cases to

see if some may be dropped. Commissioner Santillan added that if some of those cases have already been passed, let's repair them, and move on so that we can look at what we can still target and obtain from whatever we have outstanding in the community. Commissioner Ernesto "Neto" Guajardo inquired about the statute of limitations. Ricardo Palacios, City Attorney, noted that as long as the complaints are public and have been filed, there is no legislation. With a citation, one might argue that after so many years, their request for a speedy trial is something like that, but if these are citations that have already been issued and warrants, warrants will last as long as they are outstanding. However, if you had an ongoing case that is constantly being reset, you could argue for a rapid trial, but that is not what I am hearing. I am already hearing warrants, so if it is concerning warrants, they will be pending until they are served or prosecuted. Commissioner Sanchez questioned Mr. Palacios if there was no time limit because misdemeanors have a three-year statute of limitations before pressing charges. Mr. Palacios stated that when you have a warrant, the citation and complaint have already been issued; therefore, you have already filed your complaint and issued the warrant, so it does not expire. Mr. Palacios proceeded as follows: in a felony case, or in some other cases, you arrest them, and then there is a process that must be followed to be indicted; once indicted, there is no statute of limitations, but in the case of a class C misdemeanor, when the officer issues that citation, that is already the complaint that has been issued. If Code Enforcement issues a citation for a complaint issued to an individual, they do not appear in court. Now the court has issued a pending warrant, which is unlikely to expire until the matter is resolved or they appear in court. Mayor Mario Garza remarked that they will dispose of such warrants until the defendant comes and takes care of them on their own volition or they are arrested. Mr. Palacios responded that he has not heard of a mechanism that requires you to renew your warrants or anything like that. This effectively "tolls" the statute of limitations, thus the lawsuit is still active. Code enforcement If code enforcement issues a citation, for instance, for a complaint that has been issued to the individual, they don't show up to court. Now the court issues a warrant, which becomes pending, and it's hard for that to go stale until they dispose of the case or until they show up to court. Mayor Mario Garza stated that until the defendant comes and takes care of it on a voluntary basis or they get picked up, that is how they dispose of those warrants. Mr. Ricardo Palacios, the city attorney, stated that he has not heard of a process where you have to renew your warrants or anything like that. I think once you've issued the warrant, you've issued that warrant. That basically "tolls" the statute of limitations, so the case is still alive. Commissioner Sanchez indicated that he is aware of whether or not the statute of limitations applies to class B offenses and higher, even if the warrant has already expired. Correct me if I am mistaken, chief, but those are no longer valid. Mr. Palacios responded with a Class B misdemeanor or higher. You are correct when you issue an arrest warrant, but it is essential that a complaint be filed; thus, a complaint must be made in court, and if not done within a specified time limit, it goes stale. Commissioner Santillan asked as to how it works for persons with arrest warrants—are they picking it up or is it simply notification? Ms. Enriquez stated that it is just notification since the truck is not suited to detain arrestees and hence cannot bring them in. Mr. Arjona stated that at the last meeting, they mentioned that if they needed assistance with someone being picked up or detained, they would contact the police department, and it will not and should not stop us.

C. Presentation on Departmental Reports: Department of Planning and Zoning, Department of Parks and Recreation, Department of Sanitation, and San Juan Memorial Library.

1. Planning and Zoning Monthly Report.
2. San Juan Memorial Library Monthly Report.
3. Department of Parks and Recreation Monthly Report.
4. Department of Sanitation Monthly Report.

DISCUSSION: Mayor Pro Tem Marco "Markie" Villegas asked Ruben Guajardo, Interim Director of Parks & Recreation/PAL Director, if we were okay with the forecasted weather for the weekend. Mr. Guajardo said that, sure, after consulting with the coordinator, who is very dedicated to the running activities, it would be difficult for us to cancel. He went on to say that he believed the runners were so committed to running that they would run even in the rain. Barring any extreme weather, we'll have to make that decision, particularly with our commission, Mr. Arjona, and Chief Garza, who would have a significant say in it as well. Mr. Guajardo stated that if we need to postpone it, we'd like to communicate with the real organizer, and their next available day, I believe, is March 9, 2024, Saturday, but only if it's delayed. I know that when these events have been cancelled in the past, they have done virtual runs, and we will examine these alternatives with the coordinator to see what is the best solution for these runners who have already paid for the event, so we will keep you updated.

VI. RESOLUTIONS

- A. Consideration and Action on a Resolution to Accept the Voluntary Annexation Petition of the 6.21-Acre Tract of Land Out of Lot 12, Stewart's Addition to the Conway Gardens, Located Approximately 300 feet North of Hall Acres Road, Along the West side of Stewart Road, as Requested by XLH Investments, LLC. [Daniel Tijerina, Director of Planning]

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DISCUSSION: Daniel Tijerina, Director of Planning, stated this item was for voluntary annexation request which includes the resolution and the meets and bounds description for the 6.21-acre tract of land. Mr. Tijerina stated staff recommended approval of the request.

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

- B. Consideration and Action on a Resolution to Amend the Final Workplan and Budget for Fiscal Year 37 (2024) for the Hidalgo County Urban County Program.

DISCUSSION: Daniel Tijerina, Director of Planning, indicated that the city had previously approved a resolution; however, funds remain the same, and the city decided to complete the street repair on Tierra de Palmas Subdivision between Stewart and Business 83 with city funds. Furthermore, this workplan amendment is to allocate monies to pay for additional street improvements at Gardenia Drive and San Martin in Bar No. 4 Subdivision on Eldora Road. After consulting with Urban County, they indicated that there was no problem changing the work plan. Mayor Mario Garza inquired if anyone had any questions about the item; there were none.

Commissioner Leonardo “Lenny” Sanchez made motion to approve and was seconded by Commissioner Adina “Dina” Santillan. Motion Passed (5-0).

VII. CONTRACTUALS

- A. Consider Authorizing the City Mayor to Enter Into a Bi-Annual Interlocal Agreement Between the Rio Grande Valley 9-1-1 and the City of San Juan Police Department for 911 Services. [Leandro Sifuentes, Chief of Police]

DISCUSSION: Benjamin Arjona, City Manager, indicated that this was a bi-annual 9-1-1 Interlocal Agreement that was presented before the commission as a formality.

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

VIII. CONSENT AGENDA

- A. Consider Second and Final Reading of the Ordinance Regarding the Conditional Use Permit for the Sale of Alcoholic Beverages (BG - Wine and Beer Retailer’s Permit) for On-Premise Consumption at “Los 3 Pachines” Restaurant Located at 111 W. Nolana Avenue, Suites 1-2, Legally Described as Lot 2, Circle K #9123 Subdivision, as Requested by Los 3 Pachines, LLC. [Daniel Tijerina, Director of Planning]
- B. Consider Second and Final Reading of the Ordinance Regarding the Conditional Use Permit to Operate “Yuri’s Event Center” at 2003 N. Veterans Boulevard, Suites 1-2, Legally Described as Porciones Center Lot 1, Requested by Yuridia B. Sandoval. [Daniel Tijerina, Director of Planning]
- C. Consider Second and Final Reading of the Ordinance Regarding the Conditional Use Permit for the Sale of Alcoholic Beverages (BG - Wine and Beer Retailer’s Permit) for On-Premise Consumption at “El Mezquite Pollos Asados” Located at 205 W. Nolana Avenue Suites 5-6, Legally Described as Lot 1, San Juan Plaza Subdivision, as Requested by Javier and Idalia Hernandez. [Daniel Tijerina, Director of Planning]
- D. Consider Approval of the Tax Collection Report for the Month of December 2023. [Leroy Gonzales, Director of Finance]
- E. Consider Approval of the Budget Expenditure Report for the Month of December 2023. [Leroy Gonzales, Director of Finance]
- F. Consider Approval of City Commission Meeting Minutes:
 - June 13, 2023
 - September 26, 2023

Commissioner Leonardo “Lenny” Sanchez made motion to approve and was seconded by Commissioner Adina “Dina” Santillan. Motion Passed (5-0).

IX. EXECUTIVE SESSION

- 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.

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1. Pursuant to Section §551.071 CONSULTATION WITH ATTORNEY; Discussion and Possible Action Regarding Legal Issues Concerning the Entertainment Agreement for Event to be held on March 30, 2024, Hosted by Walls and Bridges Production LLC.
2. Pursuant to Section §551.071 Consultation with Attorney and Section §551.072, Real Estate Matters; Consideration and Action Regarding an Ordinance Authorizing the Mayor to Execute a Commercial Real Estate Contract and Related Documents for the Purchase of Real Property Legally Described as Lot 9, Block 6, John Closner W165'-E463' Lot 9 Block 6 5.0AC and Situated at 504 Sioux Rd. in San Juan, Hidalgo County, Texas.
3. Pursuant to Section §551.071 Consultation with Attorney and Section 551.072, Real Estate Matters; Consideration and Action Regarding Downtown Parking Issues.
4. Pursuant to Section §551.074 PERSONNEL MATTERS; Discuss the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or Dismissal of a Public Officer or Employee (City Manager).

Commissioner Ernesto “Neto” Guajardo made motion to enter into executive session at 6:29 p.m. and was seconded by Mayor Pro Tem Marco “Markie” Villegas. Motion Passed (5-0).

X. RECONVENE

Commissioner Adina “Dina” Santillan made motion to enter into executive session at 7:30 p.m. and was seconded by Commissioner 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; Discussion and Possible Action Regarding Legal Issues Concerning the Entertainment Agreement for Event to be held on March 30, 2024, Hosted by Walls and Bridges Production LLC.

Commissioner Adina “Dina” Santillan made motion to authorize the City Manager to negotiate and enter into an agreement with Walls and Bridge Production, LLC. based on the contingencies and was seconded by Commissioner Leonardo “Lenny” Sanchez. Motion Passed (4-0).

2. Pursuant to Section §551.071 Consultation with Attorney and Section §551.072, Real Estate Matters; Consideration and Action Regarding an Ordinance Authorizing the Mayor to Execute a Commercial Real Estate Contract and Related Documents for the Purchase of Real Property Legally Described as Lot 9, Block 6, John Closner W165'-E463' Lot 9 Block 6 5.0AC and Situated at 504 Sioux Rd. in San Juan, Hidalgo County, Texas.

Mayor Pro Tem Marco “Markie” Villegas made motion to approve as discussed under executive session and was seconded by Commissioner Leonardo “Lenny” Sanchez. Motion Passed (4-0).

3. Pursuant to Section §551.071 Consultation with Attorney and Section 551.072, Real Estate Matters; Consideration and Action Regarding Downtown Parking Issues.

No Action

4. Pursuant to Section §551.074 PERSONNEL MATTERS; Discuss the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or Dismissal of a Public Officer or Employee (City Manager).

Mayor Pro Tem Marco “Markie” Villegas made a motion to approve the one-year employment contract for the City Manager for \$175,000.00 as discussed under executive session, and was seconded by Commissioner Adina “Dina” Santillan. Motion Passed (4-0).

XI. ADJOURNMENT

Mayor Pro Tem Marco “Markie” Villegas made motion to adjourn at 7:23 p.m. and was seconded by Commissioner Adina “Dina” Santillan. Motion Passed (4-0).

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ATTEST:

Brenda Escalante, City Secretary

CITY OF SAN JUAN, TEXAS

Mario Garza, Mayor