

MINUTES OF REGULAR MEETING OF THE CITY OF SAN JUAN COMMISSION

DATE: Tuesday, March 23, 2021

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
Jesus “Jesse” Ramirez, Commissioner
Ernesto “Neto” Guajardo, Commissioner
Marco “Markie” Villegas, Commissioner
Ricardo Palacios, City Attorney

STAFF PRESENT: Benjamin Arjona, City Manager
Diana Cavazos, City Secretary
Tirso Garza, Chief of Fire
Ruben Morin, Chief of Police
Leroy Gonzalez, Director of Finance
Adelaida Cordero, Director of Human Resources
Armandina Segin, Library Director
Patrick Willingham, Director of Parks & Recreation
Roberto Escobar, Director of Planning
Roel Garza, Director of Sanitation/ Public Works
David Salinas, 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:** No Public Comments
- V. PRESENTATIONS:**
 - A. Presentation on Departmental Reports: Department of Finance, Fire Department, Police Department, Municipal Court, and Department of Utilities.

DISCUSSION: Commissioner Jesus “Jesse” Ramirez asked Mr. Roel David Salinas, Director of Utilities if he could clarify the unreported information in his report to which Mr. Salinas responded the unreported is an estimate based on the amount of water that they lose at a water break or water leak, they use a calculator that was developed by the City of Austin and it determines the size of the crack of the pipe and enter the length into the calculator and the number of hours or minutes that it ran based on when they were notified so that gives them an estimate of those numbers. Those numbers are fairly conservative because they don’t account for absorption of the water into the ground. Commissioner Ramirez stated the reason why I’m asking is because there is a resident that lives on Miguel Hidalgo and she’s reported a leakage on the alleyway and apparently people have gone out there. Mr. Salinas stated we went and the neighbor had emptied a pool into that alley and that’s with standing water from the pool. Mr. Salinas added we’ve gone out there three times and there’s no visible leak and the other option would be to dig and check if there’s something in there but they would have to dig the alley. Commissioner Ramirez stated the residents concerned was that during the day it will dry up but then at night, overnight it over loads. Mr. Salinas stated I can schedule one of the operators to go by at night time and see if they see any sprinkler heads flowing the area. Mayor Pro Tem Leonardo “Lenny” Sanchez advised maybe as early as day breaks in the morning because it should be fresh. Mayor Mario Garza stated I had a compliment in regards to water leaks as well on the alleys on right off hackberry towards the back. Commissioner Ramirez asked Chief Tirzo Garza if we haven’t set up a penalty for false alarm calls which Chief Garza responded they are currently working on it. Benjamin Arjona, City Manager added they are working on an Ordinance. Mayor Mario Garza asked if the ordinance was for fire individuals to which Chief Garza responded they are doing a study to more less how high activations, because

one of the number one that they have false alarms activations is the ISD, along with some other business. So they are looking into maybe three or after five of them set up a fee. Commissioner Marco "Markie" Villegas asked Mr. Roel Garza, Director of Sanitation/ Public Works status on the brush pick up to which Mr. Garza responded they are in schedule and have all the street crews helping out also. He added April 1st, they will be on the North Side. Commissioner Jesus "Jesse" Ramirez asked Mr. Roel Garza if they have replaced Mr. Martin Zepeda to which Mr. Garza responded that they're in the process. Commissioner Ramirez asked about the speed bump on Silver Circle, which is made out of asphalt. Some of the concerns is that they are too wide and vehicles are getting damaged. Mr. Roel Garza responded he will go out there and check it out. Mayor Mario Garza asked Mr. Roel Garza what truck are we using for the recycling bins, and asked if he can please consider figuring out if we can purchase one or two recycling trucks only designated for recycling. Mr. Arjona stated as a matter of fact, they spoke about this at last staff meeting and this was one of the things that the department directors are going to be providing to him so that they can make an assessment as to what it is that is actually needed as far as trucks, side loaders, front loaders or even brush trucks or any other equipment needed.

VI. PUBLIC HEARINGS

- A. Hold a Public Hearing for the Conditional Use Permit for the Sale of Alcoholic Beverages for On-Premise Consumption at "La Casona Bar" located at 202 W. Business 83, legally described as the West 125 feet of the East 605 feet of Park Lots, as Requested by Jose Alfredo Vasquez.

DISCUSSION: Mr. Roberto Escobar, Director of Planning and Zoning informed that the applicant is taking over Prim's Place that was originally open in the year of 2012. He is applying for a conditional use permit for the Sale of Alcoholic Beverages (wine and beer) for On-Premise Consumption and late hours permit until 2:00 a.m.

Applicant must comply with the TABC requirements. Conditional use, occupational and health permits must be renewed every year with the City of San Juan.

Staff mailed a notice of the public hearing to eleven (11) property owners within the 200 foot radius and no comments were received.

Mayor Mario Garza opened the Public Hearing at 6:12 p.m. There were no comments from the public.

Mayor Mario Garza Closed the Public Hearing at 6:12 p.m.

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

VII. ORDINANCES

- A. Consider Adoption of an Ordinance in First Reading of the Voluntary Annexation Petition of the Proposed Valley Ranch Subdivision being a 23.70-acre tract of land out of Lot 6, Block 27, Alamo Land and Sugar Company's Subdivision, as per Map Records in Volume 1, Pages 24 - 26, Hidalgo County Texas, located at the Northwest corner of Hall Acres and Chavez Road, as Requested by OC Development, LTD.

DISCUSSION: Mr. Roberto Escobar, Director of Planning and Zoning informed that The Planning Department is processing a residential subdivision located at the Northwest corner of Hall Acres and Cesar Chavez Road. Part of the subdivision is outside the city limits but within the City of San Juan Extraterritorial Jurisdiction (ETJ). It is the City's policy to annex subdivisions processed and approved within the city's ETJ. In January 12, 2021, the City Commission approved a Resolution 21-03 accepting petition for voluntary annexation and setting dates and times for public hearings.

The property owner of the subject property has submitted a petition of a voluntary annexation to the City of San Juan. Upon annexation, recording of the subdivision plat, building permits and inspections will be processed by City for proposed residences. Annexation of this property is being undertaken in accordance with the provisions of the Texas Local Government Code, Chapter 43, Municipal Annexation, Section 43.028 and the City Charter.

DISCUSSION: Mayor Mario Garza asked if they were complying with all the conditions to which Mr. Escobar respond yes.

Commissioner Jesus "Jesse" Ramirez made motion to approve and was second by Commissioner Marco "Markie" Villegas. Motion Passed (5-0).

- B. Consider Adoption of an Ordinance in First Reading of the Voluntary Annexation Petition of the Hidalgo County Drainage Canal being a 5.68-acre tract of land out of Lots 4, 5 and 6, Block 27, Alamo Land and Sugar Company's Subdivision, as per Map Recorded in Volume 1, Pages 24 - 26, Hidalgo County, Texas, located at the Northwest corner of Hall Acres and Cesar Chavez Road, as Requested by the Hidalgo County Drainage District.

DISCUSSION: Mr. Roberto Escobar, Director of Planning and Zoning informed that The Planning Department is processing a residential subdivision located at the Northwest corner of Hall Acres and Cesar Chavez Road. Part of the subdivision is outside the city limits but within the City of San Juan Extraterritorial Jurisdiction (ETJ). It is the City's policy to annex subdivisions processed and approved within the city's ETJ. In January 12, 2021, the City Commission approved a Resolution 21-04 accepting petition for voluntary annexation and setting dates and times for public hearings.

The property owner of the subject property has submitted a petition of a voluntary annexation to the City of San Juan. Upon annexation, recording of the subdivision plat, building permits and inspections will be processed by City for proposed residences. Annexation of this property is being undertaken in accordance with the provisions of the Texas Local Government Code, Chapter 43, Municipal Annexation, Section 43.028 and the City Charter.

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

- C. Consider Adoption of an Ordinance in First Reading Amending Appendix A - Unified Development Code, Chapter 3 - Subdivision Regulations, Article III Procedures and Requirements, Section 3.00 Design Standards, Subsection (i) Parks and Playgrounds, Paragraph (3) Park Dedication or Fees-In-Lieu of Requirements of the City of San Juan's Code of Ordinances for the Purpose of Establishing Certain Fees in Lieu of Parkland Dedication.; Providing for an Effective Date; Providing for Publication; Providing for Codification; Providing for a Severalty Clause; and Providing for a Repealer Clause.

DISCUSSION: Mr. Roberto Escobar, Director of Planning and Zoning informed that the city brought this up in the city commission in the past and asked for a parkland fee ordinance to be re updated which is part of the subdivision ordinance and basically currently a developer has to dedicate property or pay a 100 percent of park fees so we are going to allow developer to pay half and the builder to pay the other half. Mr. Ricardo Palacios, City Attorney added that after he reviewed the other ordinances they went ahead and added that if it's on the ETJ, they need to get all of it because the permits will come through us and they will go through the county. That is the reason they went ahead and included that provision because it protects the city.

Commissioner Jesus "Jesse" Ramirez made motion to approve and was second by Mayor Pro Tem Leonardo "Lenny" Sanchez. Motion Passed (5-0).

VIII. DISCUSSION AND POSSIBLE ACTION ON ALL THE FOLLOWING MATTERS

- A. Discussion and Possible Action to Approve an Inter-Local Billing Agreement Between the City of San Juan, Texas and Military Highway Water Supply Corporation and Authorize the Mayor to Execute all Related Document and Budget Amendment as Needed.

DISCUSSION: Mr. David Salinas, Director of Utilities informed the city commission, we recently found out that there's a couple of subdivisions in the city of San Juan that received service for sewer from us. They are within the military highway CCN for water services and unfortunately they are not getting billed. This agreement will allow us to enter into a contract with military highway so that they can bill for the sewer services that are being provided currently by the city to those subdivisions. The agreement will include the following subdivision: Summer Heights Subdivision, Hall Acre Estates, Vianey Subdivision, Gary Jackson Subdivision, Steward South Subdivision, Castillo Subdivision, Valley Ranches, Valley Ranches Phase II, and Cesar Heights Subdivision. Mayor Pro Tem Sanchez asked if we are going to pay a fee to which Mr. Salinas responded yes, the fees are listed in the agreement and the city will be responsible for paying this.

Commissioner Jesus "Jesse" Ramirez made motion to approve and was seconded by Commissioner Marco "Markie" Villegas. Motion Passed (5-0).

- B. Discussion and Possible Action to Approve the Renewal of the Wholesale Wastewater Treatment Inter-Local Agreement by and Between the City of San and North Alamo Water Supply Corporation and Authorize the Mayor to Execute all Related Documents and Budget Amendment as Needed.

DISCUSSION: Mr. Benjamin Arjona, City Manager stated there's discrepancy of five pennies on the waste water. Mr. Arjona asked if they can consider taking no action at this time because he would like to do a more thorough assessment and look more into it before we actually assess the flight plan and maybe three, two pennies opinion. It may not be that much but its five pennies that there's a discrepancy that we are seeing as when we do the average.

No Action

- C. Consider Selecting a Constructability Review Firm and Authorize the City Manager to Enter Into a Contract for Constructability Review Service Per RFQ 21-02-02-22.

DISCUSSION: Mr. David Salinas, Director of Utilities stated we solicited proposals for constructability review services, we received four statements qualifications: S & B Infrastructure, ASD Consultant Inc, AGCM,

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Construct Ability, LLC. Mr. Roel Garza and Mr. Salinas reviewed the proposals but unfortunately, he did not attach but he has copies of the review requirements for the city commission review. Each of the firms was ranked. On number one is the score that Mr. Garcia gave him, the second column is the score that Mr. Salinas gave them. The project teams were ranked on demonstrating the competency and experience with the project and they were going to give it up to 35 points for that project, the second one was project team and resumes on the team that they were going to assign to do the project for the city, number three was the project approach and the recent points for that one and the second one was 20 and then number four was adherence to the affirmative action and the reason that's in there it's just in case we decide to seek funding to Texas Water Development Board and already covered the side that they are complying with the affirmative action with DBE Programs and the Women Minority owned programs and disadvantage programs, for that one was 15 points. Commissioner Jesus "Jesse" Ramirez asked what the company will do to which Mr. Salinas responded any time that we have a project, they will take the project and review them and they will negotiate a fee with the city based on the project size and present that to the city commission to negotiate the amount and for approval. What they are going to do is review the cost estimate that we receive and the design that they did can be constructed for the amount of money that we were told it could be and the other job would be is that if there's a change order, they would help the city negotiate the change order based on their construction experience on how the project should cost. Commissioner Ramirez asked if we were in contact already with any of the constructability companies to which Mr. Salinas responded no. Mayor Mario Garza added that he doesn't like the language of changing orders. Mr. Salinas stated there are there to help us make sure those change orders don't come and that's why constructability review is to make sure that what is being designed, the contractor is going to be able to build without applying for a change order that is what their role is going to be so that we don't have that change order. Mayor Mario Garza Mr. Salinas he mentioned that charge orders can happen to which Mr. Salinas responded for whatever reason they would help to review that so that the change order doesn't exist the money but their job for the constructability review is to be able to review up front and to make sure we don't have change orders and to make sure that we won't be hit with surprises later on down the road. Commissioner Jesus "Jesse" Ramirez asked that if the company that they approve is going to look at each and every project that comes to the table for the city for the year to which Mr. Salinas responded if the city commission decides, it will be based on project basis. So, for instance a roadway, we have a project and we want that reviewed, then we can negotiate an agreement with that company to review the project and it's not monthly fee, its per project only. Mayor Garza asked if an engineer or someone comes up to the city and says look its going to cost you guys two million dollars to work on the street projects and if it goes over, he's concerned are the change orders because they are the experts. Mayor Pro Tem Leonardo "Lenny" Sanchez asked if they will actually assure us and do a review so we avoid any change orders for whatever reason to which Mr. Salinas responded right now without this, we would have absorbed, we would have this world record. With this one, the companies we can negotiate for them an agreement if they say that we are going to save and we didn't, then we can talk to them about that and it can be something we can we can discuss with them. Mayor Garza added that he just doesn't want any change orders because he's very adamant about it because going through the experience he's going through all those changes. Mr. Salinas added that is why we are going through all of this closely because if we all recall, we put out another project out for bid and it came out almost three hundred thousand dollars over the estimated cost. Mayor Mario Garza asked Mr. Salinas, how much time do we need to talk about what was mentioned to which Mr. Salinas responded he can have it by the next city commission meeting. Mayor Mario Garza made a recommendation to go ahead and tabled this item.

Mayor Mario Garza made motion to table the item and was second by Commissioner Ernesto "Neto" Guajardo. Motion Passed (5-0).

IX. CONTRACTUALS

- A. Consideration and Approval of an Interlocal Agreement between Hidalgo County and the City of San Juan (San Juan I Head Start Center) located at 200 North Cougar, San Juan, TX.

DISCUSSION: Mr. Benjamin Arjona, City Manager stated this is the same renewal Interlocal Agreement that we have on a yearly basis, this is the one where we get twelve dollars a year.

Commissioner Jesus "Jesse" Ramirez made motion to approve and was second by Mayor Pro Tem Leonardo "Lenny" Sanchez. Motion Passed (5-0).

X. RESOLUTIONS

- A. Consider and Approval of a Resolution in Support of Legislation SB 1465 Filed by State Senator, Juan "Chuy" Hinojosa and HB 4119 Filed by State Representative, Ryan Guillen and any other Action to Relating to Operation of the Texas Small and Rural Community Success Fund Program Administered by the Texas Leverage Fund Program.

DISCUSSION: Mr. Benjamin Arjona, City Manager stated as we recall about two years ago, we did pretty much the same thing support and this is so that we can get that Texas Leverage Loan Program going. This is a support letter that we're going to send over to hopefully we can get it approved.

Mayor Pro Tem Leonardo "Lenny" Sanchez made motion to approve and was second by Commissioner Jesus "Jesse" Ramirez. Motion Passed. (5-0).

XI. CONSENT AGENDA

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A. Tax Collection Report - February 2021

Mayor Pro Tem Leonardo "Lenny" Sanchez made motion to approved and was second by Commissioner Marco "Markie" Villegas. Motion Passed (5-0).

XII. EXECUTIVE SESSION: 6:36 p.m.

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, San Juan EDC and The Shops at San Juan, LLC.

Commissioner Ernesto "Neto" Guajardo made motion to enter into executive session at 6:36 p.m. and was second by Commissioner Jesus "Jesse" Ramirez. Motion Passed (5-0).

XIII. RECONVENE: 6:43 p.m.

Commissioner Jesus "Jesse" Ramirez made motion to reconvene at 6:43 p.m. and was second by Commissioner Marco "Markie" Villegas. 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. Discussion and Possible Action Regarding Amendment to the Economic Development and Incentive Agreement between the City of San Juan, San Juan EDC and The Shops at San Juan, LLC.

DISCUSSION: Mr. Benjamin Arjona, City Manager stated as his recommendation as it was discussed was to make an amendment to the 380 agreement that we currently have in place for \$275.000 on our 380 agreements.

Mayor Mario Garza made motion to approve and was second by Commissioner Ernesto "Neto" Guajardo. Motion Passed (5-0).

XIV. ADJOURNMENT 6:44 p.m.

Commissioner Jesus "Jesse" Ramirez made motion to adjourn at 6:44 p.m. and was second by Commissioner Marco "Markie" Villegas Motion passed (5-0).

CITY OF SAN JUAN, TEXAS

Mario Garza, Mayor

ATTEST:



Brenda Escalante, Interim City Secretary