

MINUTES OF REGULAR MEETING OF THE CITY OF SAN JUAN COMMISSION

DATE: Tuesday, January 26, 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
Albino Rodriguez, Interim Chief of Police
Leroy Gonzalez, Director of Finance
Adelaida Cordero, Director of Human Resources
Armandina Sesein, 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 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

- A.** It is the Intent of the City Commission to Conduct this Meeting Primarily via Teleconference Pursuant to the Open Meetings Act Procedures Announced by Governor Abbott. Due to the COVID-19 Pandemic, the City has Established an Alternative for Residents to Make Public Comments During the Meeting. If you Would Like to Participate Under Public Comments, You Must Submit a Request Beginning Friday, December 4, 2020 by (1) Sending an Email to publiccomments@sjtx.us or (2) by Dropping Off the Request in the Drop Box Next to the Drive-Thru Behind City Hall at 709 S. Nebraska San Juan, Texas 78589. All Requests Must be Received no Later than 5:00 p.m. on Tuesday, December 8, 2020. Your Request Should Include Your Name, Address, Telephone Number and Your Comment. We Ask for Everyone's Cooperation with this Procedure.

No public comments.

DISCUSSION: Benjamin Arjona, City Manager greeted the Mayor, Commissioners, staff and community and stated he would be changing the order and would like to start with Ordinances under B & C to which Mayor Mario Garza agreed..

V. PRESENTATIONS

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

Mr. Arjona stated all Directors were present should the City Commission have any questions. Commissioner Ramirez asked for the status on the COVID reimbursement money to which Mr. Arjona responded he had checked with the county and they have not released any of that information he had checked with Martin from Hollis and Rutledge and they were going to check the status a couple of days ago. Mr. Arjona added as soon he would hear something from the county he would place it on the agenda for an update. Mr. Arjona stated there would be an amnesty program taking place February the 1st to April 30th and it would be blasted on social media. Commissioner Villegas asked if the advance could be reached out to because a lot of people look for those particular programs to which Mr. Arjona responded they would do that.

VI. PUBLIC HEARINGS

- A. Hold a Public Hearing to Solicit Input from Interested Parties on the City of San Juan Needs under the Urban County Program Fiscal Year 34 (2021).

DISCUSSION: Mr. Roberto Escobar stated each year the City received allocated funding from Urban County the public hearing was for 2021 fiscal year 34, this year the city would be receiving \$301,060.00. Mr. Escobar further stated applications were submitted from Nuestra Clinica Del Valle for \$25,000, Capable Kids for \$10,000, which is a new organization, Amigos Del Valle for \$10,000 and CASA is asking for \$2,000. Mr. Escobar added the funding was also used for street improvements they were looking at Alfredo Street, Jaime Street, Standard Street and West 12th Street which had a cost estimate of \$310,956.00, but if West 12th Street was taken out the amount would be \$260,000.00. Mr. Escobar further stated the preliminary work plan was due Friday January 29, 2021 but had to be submitted by February 17th 2021.

Mayor Pro Tem Leonardo “Lenny” Sanchez opened the Public Hearing at 6:25 p.m.

Mr. Robert Escobar stated two letters were included on the packet and the other two were received today. Commissioner Jesus “Jesse” Ramirez asked the cost mentioned for the street improvements was \$310,060.00 to which Mr. Escobar responded yes. Commissioner Ramirez asked if the amount allocated to the city is \$301,060.00 then it won’t be enough to cover the street improvements especially if the community aid was included to which Mr. Escobar responded yes. Mr. Escobar stated in occasions we only give them half of what they requested.

Mayor Pro Tem Leonardo “Lenny” Sanchez closed the Public Hearing at 6:26 p.m.

- B. Hold a Public Hearing for a Conditional Use Permit to allow a Social Event Center “Eventos Valadez” at 909 W. FM 495 Suites 12-13, legally described as Lot 2, McBride Subdivision, as Requested by Lilian Moreno.

DISCUSSION: Mr. Escobar stated the request was for an existing event center with a new owner located on Veterans and 495. Mr. Escobar further stated the owner would have to go through the process as required by the zoning ordinance to apply for conditional use permit.

Mayor Pro Tem Leonardo “Lenny” Sanchez opened the Public Hearing at 6:27 p.m.

Mr. Escobar stated no comments were received and the Planning and Zoning Commission approved it, they just made sure there was enough parking.

Mayor Pro Tem Leonardo “Lenny” Sanchez closed the Public Hearing at 6:28 p.m.

Commissioner Jesus “Jesse” Ramirez made motion to approve and was seconded by Commissioner Marco “Markie” Villegas. Motion Passed (4-0).

- C. Hold a Public Hearing for a Conditional Use Permit to allow a Social Event Center “My Baby Shower Party Place” at 1201 N. Raul Longoria Road Suite “N”, legally described as Aguilera Medical Complex, as Requested by Mirna G. Garcia.

DISCUSSION: Mr. Escobar stated it was a conditional use permit for an event center located on Raul Longoria and Aimee Drive it was an existing plaza. Mr. Escobar further stated they were

relocating from where la Curva plaza is located to a larger location and they were going through the process as required by the zoning ordinance. Mr. Escobar added there was no opposition and the Planning and Zoning Commission approved the item.

Mayor Pro Tem Leonardo “Lenny” Sanchez opened the Public Hearing at 6:29 p.m.

Mayor Pro Tem Leonardo “Lenny” Sanchez closed the Public Hearing at 6:29 p.m.

Commissioner Ernesto “Neto” Guajardo made motion to approve and was seconded by Commissioner Jesus “Jesse” Ramirez. Motion Passed (4-0).

VII. ORDINANCES

- A. Consider Adoption of an Ordinance in First Reading of the Voluntary Annexation of the 9.32 acre tract of land out of Lot 14, Block 47, Alamo Land and Sugar Company’s Subdivision, as per map recorded in Volume 1, Pages 24 thru 26, Map Records, Hidalgo County, Texas located approximately three quarter of a mile East of Raul Longoria, along the North side of Nolana Avenue, as requested by Juan Maldonado.

DISCUSSION: Mr. Robert Escobar stated this was for a voluntary annexation that had been going through the process for the last couple of months located on Cesar Chavez and Nolana on the North Side. Mr. Escobar further stated the property owner wanted to do a development and there were two public hearings on November 24th and January 12th and now two first readings are required. Mr. Escobar stated once the property was annexed to the City and the property owner signed the service plan letters would get sent out to the appraisal, county elections, TX DOT and all the entities to let them know it is city property.

Commissioner Marco “Markie” Villegas made motion to approve and was seconded by Commissioner Ernesto “Neto” Guajardo. Motion Passed (4-0).

- B. Consider an Ordinance Amending Chapter 3 Building Regulations, Article 3.05 Signs, by Amending Section 3.05.014 to Conform with State and Federal Regulation and by Adding Section 3.05.017 to Prohibit Signs on Public Property; Providing for an Effective Date; Providing for Publication; Providing for Codification; Providing for Severability; Providing for a Repealer Clause; and Ordaining other Provisions Related to the Subject Matter Hereof.

DISCUSSION: Benjamin Arjona, City Manager stated Commissioners the ordinance was included on the packet on page 77. Mr. Arjona further stated the City Attorney made recommendations based on what was seen on the last election. Mayor Mario Garza asked as far as building regulations can you describe it briefly to which Mr. Arjona responded if you turn to page 78 amends chapter 3 building regulations article 3 signs 3.05.014 if you look at #2 the underlying provisions are depicted below on number 2 political signs may be placed erected and maintained on a private real property within the city with consent of the property owner, the sign does not have an effective area greater than 36 feet, the sign is not more than 8 feet high and is not illuminated with no moving elements. Mr. Arjona further stated political signs that met the requirements under paragraph 1 of this section should not be placed, erected or maintained within a right of way, an easement or other encumbrance dedicated to the city for use of the property for a public purpose, all political signs that do not meet the requirements referencing the section under paragraph one must be located in a C-2 which is a commercial district or less restrictive zoning district, must conform to the city signs regulations under the article and applicable signs in those districts. Mr. Arjona added the signs that prohibit on public property should be unlawful for any person to place or cause to be placed on public property, any sign not expressly authorized by the public entity controlling said property and no political signs or political issued signs shall be placed on public property owned and/or controlled by the city except as follows: one of the recommendations was on polling place no more than 25 stand alone or state political candidates or political issued signs of no more than 3 square feet each and one four foot high by eight foot width may be placed or erected on the are designated for the placement of signs. Mr. Arjona continued such signs on public property near the entrance polling places designated for voting in the election for which the signs are placed provided that such signs are not placed or erected on driveways, parking areas and medians within a parking area or driveways on the premise of a polling place. Mr. Arjona added the provision does not apply to signs that are lawfully attached to vehicles that are lawfully parked at the premises of a polling place.

Mr. Arjona stated via the allowable signs under paragraph A shown above, signs should not be placed or erected more than 24 inches above the ground, b & c the signs placed pursuant to this section shall not be placed or erected before the day before such voting is to occur and should be removed no later than the second day after the voting on such election or referendum occurs. Mr. Arjona added under letter D, the signs placed pursuant to the subsection should not be placed in the right of ways or easements dedicated for public use and must otherwise comply with the applicable state and federal laws. Mayor Mario Garza asked if that was for letter B and C to which Mr. Arjona responded it was only for letter B. Mayor Mario Garza asked the whole purpose of bringing up to the Commission was because of the last election where numerous complaints were received regarding the 8X16 trailers on the streets am I correct to which Mr. Arjona responded yes. Mayor Garza stated I am sure some us got complaints from the citizens saying it was uncalled for and it looked like a circus. Mayor Garza further stated as a City we want to encourage people to come out and vote and we don't want them to feel intimidated. Mayor Garza stated there were some areas where the trailers where parked and it was becoming a safety issue to which Mr. Arjona added as a matter of fact one of our staff members almost got in a car accident. Mayor Garza stated I wanted to touch base and bring the ordinance up to the Commission because the citizens needed to be heard and in his opinion he liked the ordinance, it was something that needed to be done.

Mr. Arjona, City Manager stated the ordinance was only limiting the amount of signs being placed on the polling places since there was one to many at the last election. Mr. Arjona added it discourage people from going out and voting, it will also make a cleaner and more appealing place to come out and vote. Mayor Mario Garza stated so pretty much each camp would only have a 4X8 and 25 yard signs and it is up to them how they want to spread them out to which Mr. Arjona responded correct. Commissioner Ramirez asked on page 79 on 2b the portion says the sign is not closer than 20 feet from the back of the curve if located on a corner lot was redacted so now there's no limitations to which Ricardo Palacios, City Attorney responded there was limitations the language of the statute was tracked and it does not mandate the location at all which is why the ordinance was corrected because it had more restrictions than the law calls for. Mr. Palacios added now you can place it on your property as long as you are not on the right of ways. Commissioner Ramirez stated the City of Pharr had it that way on the last election they had the guys measuring to which Mr. Palacios added his and Criselda Palacios recommendation was to track the language of the local government code which just states you can regulate moving parts, you can regulate illuminations and you can regulate the number of squared feet, 36 feet is tracked on the election coded statute on section 259.003 subsection d. Mr. Palacios further stated it makes it simpler since the ordinance could be challenged because of regulations being placed on private property by saying it is unconstitutional. Commissioner Ramirez asked on number four regarding the removal of the signs there was a clause to guide the candidates signs had to be removed seven days after the Election Day, so there's no limit to which Mr. Palacios responded there was a removal provision within the statute under the local government code on 259.002 it states on or after the 90th day before the date of the election to which the sign relates and on the removal it has the 10th day after the election date. Mr. Palacios added our ordinance before was giving us too much power by having the signs longer so it was removed to track the state law versus coming up with laws. Commissioner Ramirez asked the portion you just read is not included on the package to which Mr. Palacios responded no, because it already exists so there was no sense in restating the ordinance so we removed it so we refer to the state law. Mayor Pro Tem Sanchez stated if it is not applicable on the ordinance we could just go back and follow the local government code to which Mr. Palacios responded that was correct. Commissioner Ramirez stated he understood that but wanted to make sure that it is addressed because he would hate to approve something like that and it is not addressed on the official document to which Mr. Palacios added the language could be tracked with the state code the problem is sometimes those codes change, the state code could change and then we have an ordinance that is outdated or could remove it completely and refer the state code because there's already a law for it. Mayor Garza stated just remove the language. Mr. Palacios stated the ordinance before probably tracked the language of another election code statute and it change and now we are having to clean it up. Commissioner Ramirez stated going to the next page I know Mayor referenced to 2A the number of signs, it states 25 but it says political candidate but it does not mention slates because in our area we tend to run in slates, so if each one is allowed 25 to which Mr. Palacios responded that was as a great point of which I can further look the language or if there is a motion to accept it with the amendment to try to curtail that we can say 25 similar signs of the same party or the same slate or individual. Commissioner Villegas stated it could be interpreted differently to which Mr. Palacios responded these are my 25, the other persons 25 and the other 25 ending with 75 signs. Mayor pro Tem Sanchez stated as long as it's the same slate regardless of a different color it would be the same amount. Mr. Palacios stated the statute for the proposal is would be 25 standalone for candidate, slate of candidates or state political candidate. Mayor Garza stated

that's the reason he had said per camp to which Mr. Palacios responded the ordinance is not written per camp that is what the intent is but we need to be more specific on the ordinance.

Commissioner Marco "Markie" Villegas made motion to approve with the amendment of adding slate as recommended by legal and was seconded by Commissioner Jesus "Jesse" Ramirez. Motion Passed (5-0).

- C. Consider Ordinance Amending Chapter 8 Offenses and Nuisances by adding Article 8.07 Electioneering on City Owned and Controlled Polling Place; Providing for an Effective Date; Providing for Publication; Providing for Codification; Providing for Severability; Providing for a Repealer Clause; and Ordaining other Provisions Related to the Subject Matter Hereof.

DISCUSSION: Benjamin Arjona, City Manager stated the definitions of the electioneering were in the packet and said the purpose of the ordinance is to provide reasonable regulations for electioneering in city owned or controlled public property when such properties are used as an election polling place the regulations herein are to mitigate against any safety concerns, prevent damage to private property and ensure property is sufficiently available for the patrons who use the facilities for activities other than election purposes. Mr. Arjona further stated the section applies to electioneering on the premises of city owned or city controlled property use as a polling place during the voting period it is an offense for any person to engage in electioneering on the driveways, parking areas and medians within parking areas or right of ways or easements on the premises of a polling place. Mr. Arjona added the section should not apply to standalone or state electioneering signs that are lawfully placed or erected pursuant to section 3.05.017 of the city's code of ordinances and election signs lawfully attached to vehicles that are lawfully parked at the premises of a polling place obviously penalties any person, firm or corporation or entity violating this article should be subject to a fine not to exceed \$500 per occurrence. Mayor Garza asked what the purpose of this was to which Mr. Arjona responded there were a lot of issues where people were crossing the 100 foot radius mark for electioneering. Mr. Arjona added one of the issues was people coming into the library that were not patrons and they were talking to the patrons inside for the purpose of voting. Mr. Arjona added with this ordinance it would ensure that people go into the library for a particular purpose; people parking in the area would be for patrons use only. There would be designated areas for people coming in to vote but we want to alleviate some of the issues that there was at the last election. Mr. Palacios stated he looked at the statute under section 85.036 where it states may enact reasonable regulations concerning the time place and manner of the electioneering. Mr. Palacios further stated I looked into some of the cases and there was a case pending out of federal court in Starr County where they wanted to make reasonable regulations regarding electioneering and the federal judge came back with some of the reasonable stuff: opening up the parking spaces for the daily use of the facility, the number of signs so you don't mess up the landscaping of the city, so I tracked the language the federal judge considered as reasonable regulations regarding electioneering and got some guidance from other cities as well. Mr. Palacios stated it was not something he had changed it was something that was added to the ordinance.

Commissioner Jesus "Jesse" Ramirez made motion to approve and was seconded by Commissioner Marco "Markie" Villegas. Motion Passed (4-0).

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

- A. Preliminary and Final Plat of the Starlite Subdivision being a 11.02-acre tract of land out of all Lot 1, Leighann Subdivision and 0.60-acre tract of land out of Lot 6, M.L. Woods Tract No. 3 Subdivision, located approximately a quarter of a mile East of Raul Longoria Road, along the North side of Frontage Road, as Requested by Treviño Engineering.

DISCUSSION: Mr. Robert Escobar stated the request was submitted by Texas GNS Investments on behalf of Treviño Engineering, it was for a four-lot commercial plat which was located on the Expressway Corridor District. Mr. Escobar further stated the City Engineer and the City staff reviewed the plat which had a Polaris Indian Motorcycle east of Barret motors. Mr. Escobar added the property owner would be extending an 8-inch water line loop, extend the 8-inch sewer line to that location and dedicated a 15-foot easement and would be having access to lot four through Sergeant Leonel Treviño, the other lots would have access through the expressway. Mr. Escobar stated they would have an onsite drainage retention pond through tenure which has to be approved

through the County's Drainage District. Mr. Escobar added the Polaris is going to be good for the city and the Planning and Zoning Commission approved the plat.

Commissioner Marco "Markie" Villegas made motion to approve and was seconded by Commissioner Jesus "Jesse" Ramirez. Motion Passed (4-0).

- B. Discussion and Possible Action to Start the City of San Juan Municipal Court Amnesty Program on February 2021.

DISCUSSION: Benjamin Arjona, City Manager stated it was discussed under reports but was being presented for approval.

Commissioner Jesus "Jesse" Ramirez made motion to approve and was seconded by Commissioner Marco "Markie" Villegas. Motion Passed (4-0).

IX. CONSENT AGENDA:

- A. Consider Second and Final Reading of an Ordinance for a Conditional Use Permit for the Sale of Alcoholic Beverages for Off-Premise Consumption at "Sunny Super Mart" located at 102 S. Nebraska Avenue, legally describes as Lots 7-8, Block 4, San Juan Original Townsite, located at the Southwest Corner of Nebraska and 1st Street as requested by Sunny G. Enterprises.
- B. Consider Second and Final Reading of an Ordinance for a Conditional Use Permit for the Sale of Alcoholic Beverages for Off-Premise Consumption at "Tio Jerry Neighborhood Market" located at 205 W. Nolana Avenue Suites 5-6, legally described as Lot 1, San Juan Plaza Subdivision, as Requested Gerardo Chapa, Jr. dba Galopez Investments, LLC.
- C. Consider Second and Final Reading of an Ordinance for a Conditional Use Permit for the Sale of Alcoholic Beverages for Off-Premise Consumption at "H & H Food Mart" located at 914 W. Sam Houston Boulevard, legally described as Lot 1, Clark Mellenbruch's Subdivision, located at Southeast corner of Sam Houston an Veteran's Boulevard, as Requested by Valley United, Inc.
- D. Tax Collection Report – December 2020
- E. Budget Expenditures Report – December 2020
- F. Meeting Minutes
 - October 7, 2020
 - October 27, 2020
 - November 10, 2020

Commissioner Jesus "Jesse" Ramirez made motion to approve and was seconded by Commissioner Ernesto "Neto" Guajardo. Motion passed (4-0).

X. 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 (Consultation with Attorney).
 - 1. Pursuant to Section §551.071, Consultation with Attorney; Discussion and Possible Action Regarding Pending Litigation Concerning Cause No. C-2414-20-A, Hall-Mark Fire Apparatus- Texas, LLC v. City of San Juan, Texas in the 92nd District Court, Hidalgo County, Texas.

Commissioner Jesus "Jesse" Ramirez made motion to enter executive session at 6:34 p.m. and was seconded by Commissioner Marco "Markie" Villegas. Motion passed (4-0).

XI. RECONVENE

- A. The City Commission will Reconvene in Open Session to Take Necessary Action f 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.

Commissioner Jesus “Jesse” Ramirez made motion to reconvene at 7:10 p.m. and was seconded by Commissioner Ernesto “Neto” Guajardo. Motion passed (4-0).

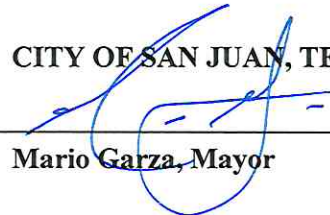
Mr. Ricardo Palacios stated at the time he was recommending to have City Manager and City Attorney with regards to item A1 to proceed as directed in executive session.

Commissioner Marco “Markie” Villegas made motion to approve and was seconded by Commissioner Ernesto “Neto” Guajardo. Motion passed (4-0).

XII. ADJOURNMENT

Commissioner Jesus “Jesse” Ramirez made motion to adjourn at 7:10 p.m. and was seconded by Commissioner Ernesto “Neto” Guajardo. Motion passed (4-0).

CITY OF SAN JUAN, TEXAS



Mario Garza, Mayor

ATTEST:



Diana H. Cavazos, City Secretary