

MINUTES OF REGULAR MEETING OF THE CITY OF SAN JUAN COMMISSION

DATE: Tuesday, October 24, 2023

TIME: 6:00 p.m.

PLACE: Amigos Del Valle
600 W. 1st Street
San Juan, Texas 78589

MEMBERS PRESENT: Mario Garza, Mayor
Leonardo "Lenny" Sanchez, Commissioner
Ernesto "Neto" Guajardo, Commissioner
Adina "Dina" Santillan, Commissioner
Criselda Palacios, City Attorney

STAFF PRESENT: Benjamin Arjona, City Manager
Brenda Escalante, City Secretary
Tirso Garza, Fire Chief
Elias Lopez, Police Lieutenant
Leroy Gonzalez, Director of Finance
Silvia Duran, Human Resources Generalist
Armandina Sesein, 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
Ruben Guajardo, Interim Director of Parks & Recreation. PAL Director

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. Presentation on a Proclamation Proclaiming October 23-31, 2023 as Red Ribbon Week.

DISCUSSION: Lieutenant Elias Lopez of the Police Department delivered the Proclamation of Red Ribbon Week. Mayor Mario Garza read the Proclamation, proclaiming October 23rd through 31st as Red Ribbon Week, and Lieutenant Lopez concluded reading it. Lieutenant Lopez informed them that they will be taking part in a Tri City Red Ribbon Parade in San Juan, Nebraska, in front of the new City Hall. He advised the city commission about the event's date and timing, which were set for Saturday at 9:00 a.m. Mayor Garza requested that the information be shared and welcomed the whole community to come out and support this wonderful event.

B. Presentation of Texas Amateur Athletic Association Platinum Member Award.

DISCUSSION: Patrick Willingham, Director of Parks and Recreation, noted that it was a joy to be here this year to honor the Parks and Recreation Department and its employees. As stated by Mr. Willingham, this is the third consecutive year that they have received the Texas Amateur Athletic Association's highest honor. This year, the San Juan Parks and Recreation Department receives the Platinum Members City Award for exceptional 2022-2023 registration support, team member involvement, and training programs. He went on to say that they continue to exceed expectations in the City of San Juan, with the students performing well at all levels and representing the city both inside and beyond the Valley. They now have 94 teams competing, including volleyball, flag football, men's softball, girls fast pitch, and boys high school baseball. Mr. Willingham introduced his workers and praised them for their hard work and dedication. He also thanked all the coaches and families that make sacrifices, volunteer, and devote their

time to benefiting the community and children. Finally, he expressed gratitude to the mayor and the city commission for their support. Mayor Mario Garza congratulated the Parks and Recreation Department for their excellent job, noting a significant rise in people each year. Mayor Garza stated their primary objective is for the children to be disciplined and productive.

C. Presentation on Departmental Reports: Department of Planning and Zoning, Department of Parks and Recreation, Department of Sanitation, San Juan Memorial Library, Department of Finance, Fire Department, Police Department, Municipal Court, and Department of Utilities.

DISCUSSION: Commissioner Ernesto "Neto" Guajardo asked Israel Garza, Director of Sanitation, if they were able to get the supplies required for Hackberry Street, to which Mr. Garza replied yes. Commissioner Guajardo questioned Lieutenant Lopez about certain speed bumps that had been removed from 3rd Street. He added that there are many difficulties on 3rd Street and Standard, including drive-by shootings and automobile accidents. Mr. Garza suggested installing asphalt speed bumps, which will endure longer. According to Commissioner Guajardo, the San Juan Police Department handled the situation admirably and successfully Lieutenant Lopez agreed with Mr. Garza that utilizing asphalt on speed bumps would be more durable than plastic. Lieutenant Lopez said that it was sad that they had to respond to a large accident on Monday morning; fortunately, there were no injuries, but one person was arrested for exceeding the speed limit twice. He informed them that they will be attending a three-month no-refusal multi-agency training from November 1st to January 1st. Lieutenant Lopez explained that No Refusal means that if you are caught driving under the influence of alcohol and are arrested, you will be asked to take a breathalyzer test or a blood test, and if you refuse, the police officer will be able to apply for a warrant signed and executed by the judge. He further stated that they have multiple judges that they work with who will be on standby during this time to help them execute these warrants. Commissioner Leonardo "Lenny" Sanchez requested an update on the Zero Tolerance City Policy, which he requested months ago and stated that we will not accept driving while drunk in our city. Benjamin Arjona, City Manager, noted that they are working on the policy with legal and should have an update soon.

VI. APPOINTMENTS

A. Consider the Removal and/ or Appointment of a Municipal Court Judge.

Commissioner Leonardo "Lenny" Sanchez made a motion to appoint Nereida Singleterry and Karina De Luna for Municipal Court Judges, and was seconded by Mayor Mario Garza. Motion denied (2-3).

DISCUSSION: Mayor Mario Garza questioned Benjamin Arjona, City Manager, and Ricardo Palacios, City Attorney, if the judge issuing the blood order had to be a professional attorney. Mr. Palacios stated that they do not need to be licensed attorneys, as long as they are municipal judges. He mentioned that it's good that they are licensed lawyers because they understand the legal purpose of a blood warrant. But he will double-check the restrictions because he is seen Justices of the Peace participate in blood warrants and he knows that some elected judges are not authorized to sign off on a blood warrant. Commissioner Adina "Dina" Santillan expressed her desire for our courts to have a live session with the judge to guarantee that their schedule can accommodate them. Mayor Garza stated he believed that they need to follow what the law states.

Mayor Pro Tem Marco "Markie" Villegas made a motion to appoint Robert Garza for Municipal Court Judges, and was seconded by Commissioner Ernesto "Neto" Guajardo. Motion passed (3-2).

B. Consider the Removal and/or Appointment of Board Member(s) Related to the San Juan Economic Development Corporation.

Commissioner Ernesto "Neto" Guajardo made a motion to remove Pedro Contreras and appoint Armando Garza, then following Arturo Guajardo's resignation, Commissioner Guajardo appointed Commissioner Adina "Dina" Santillan to the EDC Board, which was seconded by Mayor Pro Tem Marco "Markie" Villegas. Mayor Mario Garza opposed the removal of Pedro Contreras. Motion passed (3-2).

VII. PUBLIC HEARING/ ORDINANCES

A. Hold a Public Hearing and Consider an Ordinance for a Rezoning Request from Single-Family Residence District (R-S) to Institutional District (IN) at 1212 S. Wyoming Avenue, Legally Described as Lots 23-26, Block I, L.F. Moore Subdivision, Block I, as Requested by Jesus Ramirez. *Tabled*

Commissioner Ernesto "Neto" Guajardo made motion to un tabled the item and was seconded by Mayor Pro Tem Marco "Markie" Villegas. Motion passed (5-0).

DISCUSSION: Daniel Tijerina, Director of Planning and Zoning, stated this is a rezoning request at 12th Street and Wyoming Avenue from single-family residential to institutional district, as requested by Jesse Ramirez. The property has two entrances and exits along Wyoming Road, and the surrounding properties are residential. Land use activities allowed in the institutional district are: public and private schools; community or other civic buildings, including museums, libraries, and auditoriums; Institutional of educational, charitable, or philanthropic nature, but not penal or mental institution; nursing or convalescent home. Mr. Tijerina further stated that staff mailed notices of the public hearing before the Planning and Zoning Commission to 27 property owners within a 200-foot radius and received no comments against or in favor. The notice of the public hearing was advertised in the Advance Newspaper on August 30, 2023. He stated staff recommended denial of the request because the future land use map designates this area for residential use. Also, there is a separate future land use map designation for institutional uses and some other items that came up.

Mayor Mario Garza opened the public hearing at 6:36 p.m.

Mark Alanis, a citizen of the City of San Juan, stated he is familiar with the home on Wyoming and 12th Street and is respectfully asking for the City Commission to deny this request due to the congested traffic that is going to cause. Dr. Narciso Garcia, Superintendent of Vanguard Academy, stated Mr. Ramirez wants to donate his home as a charitable donation to our school district, and right now they are looking into working with the school system where they will only have one school bus go in there three days a week to allow children that are most in need of special education to have the opportunity to learn lifelong skills. It will be a life house in the city of San Juan for 15 children. Dr. Garcia further stated that the children will use the main house for life skills because, someday, their parents will no longer be there for them. So, they are looking to teach them cooking, doing their bed, laundry, and washing dishes. In addition, they will utilize the outside of the house to teach them how to plant a garden, swim, play music, do fine arts, play guitar, sing, and do arts and crafts. Dr. Garcia concluded by stating that Mr. Ramirez has agreed to take care of any legal fees to be provided to the city of San Juan. San Juan residents stated that our subdivision has survived 50 years of zoning restrictions or zone changes, and the issue is the irrigation portion. He stated that once we start giving zoning restrictions and making changes to the subdivision that's 5 years old, we are going to have more proposals and zoning requests. But at this time, he is asking to consider the same recommendation for denial. A San Juan resident who lives in Iowa on 12th Street stated that he feels that it's hard to keep the traffic slow due to the school buses. He asked that they please consider their decision against the request because they do not need more traffic, especially since the canal is closed. Nadia Jimenez spoke on behalf of her parents, uncle, aunt, and neighbor, who are directly affected by this proposal because they live at the corner of the street and the canal. She read a statement presented by their traffic engineer. Patricia Longoria, who is representing Mr. Hector and Dolores Longoria, who reside at 313 E. 12th Street, Ms. Jimenez went ahead and read her statement as well. Mr. Robert Flores stated it's a great cause to help the children in our community, and it would be wonderful if Mr. Ramirez would consider selling the property instead and using the funds to get a better location. Ms. Alvarez stated that this is not a suitable location for this kind of endeavor, as admirable as it may be, and hopes that the City Commission takes into consideration all the concerns mentioned. Mary Gamboa, who resides on Wyoming Street, stated that we claim to be friendly; they consider Wyoming Street a friendly street, which is a very intimate community with friendly neighbors, and don't agree with the rezoning request. David Alvarado stated that this is not a bad project, but the location is not right. Mayor Pro Tem Marco "Markie" Villegas stated that based on the community and what has been discussed, he believes that Mr. Ramirez should consider selling the property and, as a city, accommodate Mr. Narciso Garcia in their endeavor.

Mayor Mario Garza closed the Public Hearing at 7:07 p.m.

Mayor Pro Tem Marco "Markie" Villegas made motion to approve the Planning and Zoning Commission recommendation for denial and was seconded by Mayor Mario Garza. Motion Passed (5-0).

- B. Hold a Public Hearing and Consider an Ordinance for a Conditional Use Permit to Operate "La Herencia Event Center" at 302 E. Business Highway 83 Suite 6, Legally Described as Lettered Blks (San Juan) West 165 feet of Lot 2 and West 165 Feet of Lot 3, Block A 2, as Requested by La Herencia Event Center, LLC.**

DISCUSSION: Daniel Tijerina, Director of Planning and Zoning stated that the applicant is taking over an event center at the San Juan Plaza located at the Southeast corner of Business Hwy 83 and Iowa Avenue. Mr. Tijerina further stated the commercial plaza has a total of twelve (12) suites in total, a parking area available and two entrances along Iowa Avenue. In addition, the proposed operation hours are Thursday to Sunday, from noon to midnight and are proposing to have two employees with no alcohol sales. Mt. Tijerina stated staff mailed a notice of the public hearing before the Planning and Zoning Commission to twenty-three (23) property owners within a two hundred (200) foot radius and received one email against this request. Notice of this public hearing was published in the Advance Newspaper on September 20, 2023.

Mayor Mario Garza opened the public hearing at 7:09 p.m.

Mayor Mario Garza closed the public hearing at 7:09 p.m.

Commissioner Ernesto "Neto" Guajardo made motion to approve and was seconded by Commissioner Adina "Dina" Santillan. Motion Passed (5-0).

- C. Hold a Public Hearing and Consider an Ordinance for a Rezoning Request for a Single-Family Residence District (R-S) to a Multi-Family Residence District (R-MF) of a 21.55-Acre Tract of Land for Lot 14, Stewarts Addition to the Conway Gardens Subdivision, Located at the Southeast Corner of Hall Acres and Stewart Road, as Requested by Esponjas Development. Ltd.

DISCUSSION: Daniel Tijerina, Director of Planning and Zoning, stated that this was a rezoning request for more development just south of Hall Acres inside Stewart Road, and it followed the comprehensive plan. Mr. Tijerina stated a public hearing was brought before the Planning Commission, and notices were mailed out. In addition, staff and the Planning Commission recommended approval of the rezoning request.

Mayor Mario Garza opened the public hearing at 7:10 p.m.

Mayor Mario Garza closed the public hearing at 7:10 p.m.

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

VIII. RESOLUTIONS

- A. Consideration and Action to Approve a Resolution Adopting and Implementing a Partial Amnesty Program to Waive Interest, Penalty Fees and Administrative Costs on Outstanding Mowing Charges.

DISCUSSION: Daniel Tijerina, Director of Planning and Zoning, stated this amnesty program is to help property owners who have accrued interest with the city due to mowing liens save interest penalty fees and administrative costs added to the expense. Mr. Tijerina informed the Commission that the program would commence on October 24, 2023, through May 31, 2024.

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

IX. DISCUSSION AND POSSIBLE ACTION ON THE FOLLOWING MATTERS:

- A. Consideration and Action to Amend the Travel and Training, Chapter 6, Work Environment, Sub-Chapter 6.06 Travel Section A. Allowable Expenses (1) Per Diem of the Personnel Policy Manual.

DISCUSSION: Leroy Gonzales, Director of Finance, stated this was for consideration to increase the per diem from \$40.00 to \$70.00 in the state and \$80.00 out of state. Mr. Gonzales informed the Commission that a survey was conducted with other cities, and they are comfortable with this amendment.

Commissioner Leonardo "Lenny" Sanchez made motion to approve and was seconded by Commissioner Ernesto "Neto" Guajardo. Motion Passed (5-0).

- B. Discussion and Possible Action to Contract TRIMAD CONSULTANTS, LLC. to Provide Engineering Services for Lift Station No. 6 Upgrade/Relocation.

DISCUSSION: Juan Carlos Martinez, Interim Director of Utilities, stated that TRIMAD will be collecting topographic data, conducting research, and reviewing relevant information, as well as preparing the plans and specifications for Lift Station #6. Mr. Martinez informed the commission that Lift Station #6 has reached its lifetime capacity and use. He further stated that a new lift station will be constructed at a new location already obtained from Oakridge Subdivision Development, approximately 1,100 feet south of the existing lift station. In addition, the project includes the construction of a new lift station, relocating all flows to the new site, removing the existing lift station, and preparing for future development within the area. It is anticipated that the new lift station will have a life expectancy of over 30 years. Mr. Martinez concluded by stating that funding is available under the American Rescue Plan (ARP).

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

X. CONTRACTUALS

- A. Consideration and Action to Approve the Memorandum of Understanding (MOU) of the "Handle with Care" Program Between the City of San Juan Police Department and PSJA ISD.

DISCUSSION: The Handle with Care program, according to Lieutenant Elias Lopez, comprises San Juan Police officers delivering a private notification to PSJA ISD whose kids may have suffered a traumatic situation that needed a police reaction in the neighborhood. Furthermore, after the traumatic experience, the trained personnel would give the needed support to the students at school. PSJA ISD students' names, DOBs, and school names will be released by email by SJPd.

Commissioner Leonardo "Lenny" Sanchez made motion to approve and was seconded by Mayor Mario Garza. Motion Passed (5-0).

CITY OF SAN JUAN
CITY COMMISSION MEETING
TUESDAY, OCTOBER 24, 2023

- B. Consideration and Action to Approve the Memorandum of Understanding on Continuing Education Units "CEU" between the City of San Juan Police Department and South Texas College.

DISCUSSION: Benjamin Arjona, City Manager stated that this MOU is to renewal.

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

- C. Consideration and Action to Approve the Memorandum of Understanding Between the City of San Juan Police Department, a Constituent of the Texas Anti-Gang Center of the Rio Grande Valley, and the City of Mcallen, Transfer of Equipment (LPR Speed Trailer).

DISCUSSION: According to Lieutenant Elias Lopez, the City of San Juan Police Department, which is a member of the RGV Texas Anti-Gang Center, has acquired a license plate reader speed trailer. Furthermore, the LPR trailer was acquired with funds provided by the City of McAllen to the RGV Anti-Gang. If granted, this MOU will enable the City of McAllen to complete the transfer of the LPR speed radar trailer to the City of San Juan Police Department. As project was obtained through the grant, no monetary match or City of San Juan money will be required. The LPR trailer is capable of reading passing vehicle speeds and presenting them to the drivers. This trailer will be placed across the City of San Juan.

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

- D. Consideration and Action on the Proposed Legal Services Contractual Agreement with Palacios Garza & Thompson, P.C. Regarding the New Hourly Rate.

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

XI. CONSENT AGENDA

- A. Consider Approval of the Tax Collection Report for the Month of September 30, 2023.
- B. Consider Second and Final Reading of an Ordinance Regarding a Conditional Use Permit for the Sale of Alcoholic Beverages at "Carlitos Snacks and Drinks" Located at 205 W. Nolana Avenue, Suite 14, Legally Described as Lot 1, San Juan Plaza Subdivision, as Requested by Carlitos Snacks and Drinks, LLC.
- C. Consider Second and Final Reading of an Ordinance Regarding a Conditional Use Permit for the Sale of Alcoholic Beverages (wine and beer) for On-Premise Consumption at "Tremendoz Drive-Thru" Located at 2201 N. Cesar Chavez Road, Legally Described as Lot 1, C&B Subdivision, as Requested by Tremendoz Drive Thru, LLC.
- D. Consider Second and Final Reading of an Ordinance Regarding a Conditional Use Permit to Operate a Group Home Child Daycare at 202 E. 14 1/2 Street, Legally Described as Lot 22, Lincoln Heights Subdivision, as Requested by Xochitl Rodriguez.
- E. 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) at the Property Legally Described as 7.47-Acre Tract of Land out of Lot 4, Block 39, Alamo Land and Sugar Company, as Requested by Gerardo Mireles.
- F. Consider Approval of the Budget Expenditure Report for the Month of August 31, 2023.
- G. Consider Approval of City Commission Meeting Minutes:
- April 11, 2023
- August 26, 2023

Commissioner Ernesto "Neto" Guajardo made motion to approve all items under consent agenda and was seconded by Mayor Pro Tem Marco "Markie" Villegas. Motion Passed (5-0).

XII. EXECUTIVE SESSION

Commissioner Ernesto "Neto" Guajardo made motion to enter executive session and was seconded by Mayor Pro Tem Marco "Markie" Villegas. Motion Passed (5-0).

- 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 §551.074 PERSONNEL MATTERS: Discuss the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or Dismissal of a Public Officer or Employee (Juan Carlos Martinez, Interim Director of Utilities).
2. Pursuant to Section §551.071 CONSULTATION WITH ATTORNEY; Discussion and Possible Action on Legal Issues Relating to Administrative Policies and/ or Procedures for Handling Monetary Transactions.
3. Pursuant to Section §551.071 CONSULTATION WITH ATTORNEY; Discussion and Possible Action Regarding Legal Issues Concerning Genesis/TXDOT Proposed Street Project.

XIII. RECONVENE

Commissioner Adina “Dina” Santillan made motion to reconvene at 8:24 p.m. and was Commissioner Ernesto “Neto” Guajardo. 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 Meetings, Subchapter E, Procedures Relating to Closed Meetings, and Requirements to Vote or Take Final Action in Open Meeting.
1. Pursuant to Section §551.074 PERSONNEL MATTERS: Discuss the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or Dismissal of a Public Officer or Employee (Juan Carlos Martinez, Interim Director of Utilities).

Commissioner Ernesto “Neto” Guajardo made motion to Appoint Juan Carlos Martinez for Director of Utilities and was seconded by Mayor Pro Tem Marco “Markie” Villegas. Motion Passed (4-0).

2. Pursuant to Section §551.071 CONSULTATION WITH ATTORNEY; Discussion and Possible Action on Legal Issues Relating to Administrative Policies and/ or Procedures for Handling Monetary Transactions.

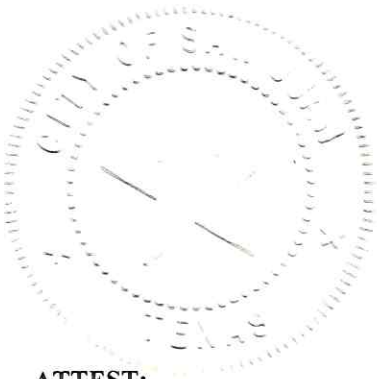
No action

3. Pursuant to Section §551.071 CONSULTATION WITH ATTORNEY; Discussion and Possible Action Regarding Legal Issues Concerning Genesis/TXDOT Proposed Street Project.

Commissioner Leonardo “Lenny” Sanchez made motion to approve as discussed under executive session and was seconded by Commissioner Adina “Dina” Santillan. Motion Passed (4-0).

XIV. ADJOURNMENT

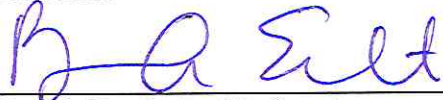
Commissioner Ernesto “Neto” Guajardo made motion to adjourn at 8:28 p.m. and was seconded by Commissioner Leonardo “Lenny” Sanchez. Motion Passed (4-0).



CITY OF SAN JUAN, TEXAS



Mario Garza, Mayor

ATTEST:


Brenda Escalante, City Secretary