

MINUTES OF A REGULAR MEETING OF THE CITY OF SAN JUAN COMMISSION

DATE:

Tuesday, February 14, 2017

TIME:

6:00 p.m.

PLACE:

San Juan Memorial Library
Multipurpose Meeting Room
1010 S. Standard
San Juan, Texas 78589

MEMBERS PRESENT:

San Juanita Sanchez, Mayor
Mario Garza, Mayor Pro-Tempore
Jesus Ramirez, Commissioner
Pete Garcia, Commissioner
Raudel Maldonado, Commissioner

MEMBERS ABSENT:

Javier Villalobos, City Attorney

STAFF PRESENT:

Benjamin Arjona, City Manager
Palmira Cepeda, Interim City Secretary
Juan Gonzalez, Chief of Police
Oscar Cuellar, San Juan EDC Director
Pablo Garza, Finance Director
Adelaida Cordero, Director of Human Resources
Armandina Sesin, Library Director
Patrick Willingham, Director of Parks and Recreation
Xavier Cervantes, Director of Planning
Carmen Gonzalez, Director of Sanitation
David Salinas, Director of Utilities
Rene Jaime, Purchasing/Risk Management
Mary Enriquez, Court Administrator
Husein Bakka, Director of Information Technology

GUESTS:

Mark Vega, General Manager, McAllen Public Utility
J. J. Rodriguez, Assistant General Manager, McAllen Public Utility
Mr. Navarro, Hidalgo County Elections Department
Jorge Flores, TeraCon Engineering Services
Isidoro Arjona, RabaKistner Consultants
Andres Palmas, MEG Engineers
Ms. Bagley, Bagley and Associates, David Cantu and Rick Ramirez

ORDER OF BUSINESS

I. CALL MEETING TO ORDER

Mayor San Juanita Sanchez called meeting to order at 6:00 p.m.

II. INVOCATION

Benjamin Arjona, City Manager led the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor San Juanita Sanchez led the Pledge of Allegiance.

IV. PUBLIC COMMENTS

V. PRESENTATIONS

- a. Presentation on Departmental Reports: Department of Planning and Zoning, Department of Parks and Recreation, San Juan Memorial Library, Department of Sanitation. (Benjamin Arjona, City Manager)

DISCUSSION: Mayor San Juanita Sanchez presented the item and asked if there were any questions on the departmental reports. Commissioner Raudel Maldonado asked Patrick Willingham, Director of Parks and Recreation on the status of the Assistant Director position. Mr. Willingham replied that the position was still open and they were reviewing applications. Commissioner Pete Garcia asked Carmen Gonzalez, Director of Sanitation if there were any issues with trash pickup, since the trash on Standard street was

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not picked up. Ms. Gonzalez stated that she had rented a truck to continue picking up the trash and she would look into it.

- b. Presentation on Hidalgo County Election Training on February 1st, 2017. (Palmira Cepeda, Interim City Secretary)

DISCUSSION: Mayor San Juanita Sanchez presented the item and asked Palmira Cepeda, Interim City Secretary if she had anything to add. Ms. Cepeda stated she had verified with the County on the Precincts and Annexation and the last day to sign up would be Friday 17, 2017 for the Election on May 6th.

VI. PUBLIC HEARING/ORDINANCES

- a. Conditional use Permit to Operate a Portable Food Concession stand (roasted corn) at 201 S. Nebraska Avenue, legally described as Lot 1, Block 10, San Juan Original Townsite Subdivision, as Requested by Norma Sanchez. (Xavier Cervantes, Director of Planning)

DISCUSSION: Mayor San Juanita Sanchez presented the item and Xavier Cervantes, Director of Planning gave presentation. Mr. Cervantes stated that the permit was being requested to be located at the Cosinita Restaurant parking lot. The proposed hours would be Monday through Sunday from 12:00 pm to 10:30 pm and 33 notices were mailed out to surrounding property owners. He added that they had a lot of support in favor of the business and it had been recommended for approval, stating that one board member voted against it.

Mayor Sanchez opened the public hearing for or against at 7:11 p.m.

Norma Sanchez owner of the Cosinita Restaurant stated that she was not related to Mayor Sanchez.

Commissioner Pete Garcia asked on what side would the corn machine be and Mr. Cervantes replied it was on the east side of the parking lot and that there weren't any issues with the traffic.

Mayor Sanchez closed public hearing at 7:14 p.m.

Motion was made by Commissioner Jesus Ramirez to approve and seconded by Commissioner Pete Garcia. Motion passed. (5-0)

- b. Conduct a Public Hearing and Consider Approval of a Resolution for the Adoption of the US 83/IH2 Expressway Corridor Study. (Xavier Cervantes, Director of Planning)

DISCUSSION: Mayor San Juanita Sanchez presented the item and Xavier Cervantes, Director of Planning stated that the San Juan Economic Development funded a study in cooperation with the City of San Juan Planning Department to develop a business plan for the Expressway 83 corridor area within the City of San Juan. Eighty-two property owners in the surrounding area were notified and there were several comments in favor of the request. During the February 2nd meeting the Planning and Zoning Commission unanimously recommended the adoption of the study.

Commissioner Raudel Maldonado stepped out of the meeting at 7:14 p.m.

Ms. Bagley with Bagley Associates commented that the study was needed due to the fact that some areas were not properly being utilized and other areas had the potential for new businesses.

Mayor San Juanita Sanchez opened public hearing at 7:16 p.m.

Mayor Sanchez stated that the corridor study may affect property that her family owns and she would not be engaging in the discussion.

David Cantu stated that he was happy for the direction the City was taking.

Rick Ramirez stated that the study was not necessary because the Directors, Mayor and Commission should be able to do it on their own.

Commissioner Pete Garcia stated that it has been over a year and nothing had been done regarding the study. He asked Ms. Bagley to state what kind of experience she had doing these type of studies.

Ms. Bagley stated that she only did studies and that she had done the comprehensive plan for the City of Pharr, Parks, trails plans and the City of Weslaco.

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Oscar Cuellar, Director of San Juan EDC stated that the study had been started prior to him becoming director and later stopped. He also mentioned that other property owners had come to him and expressed concerns regarding what kind of neighbors they would have.

Mayor Pro-Tempore Mario Garza closed public hearing at 7:29 p.m.

Motion was made by Commissioner Pete Garcia to approve and seconded by Commissioner Jesus Ramirez. Opposed by Mayor San Juanita Sanchez. Motion passed. (4-1)

- c. Conditional Use Permit for the Sale of Alcoholic Beverages for On-Premise Consumption at the Proposed “The Voodoo Lounge” located at 1618 N. Veteran’s Boulevard, Suite M, legally described as the West 335 feet, of the North 440 feet of Lot 12, Block 5, John Closner Subdivision, as Requested by Adan Palacios. (Xavier Cervantes, Director of Planning)

DISCUSSION: Mayor San Juanita Sanchez presented the item and Xavier Cervantes, Director of Planning stated the business was previously Artie’s place and Buffalo. The proposed days and hours of operation were Monday through Saturday from 12:00 p.m. to 2:00 a.m. and Sundays from 12:00 p.m. to 12:00 a.m. Notices were sent to surrounding property owner and no one spoke in opposition. The Planning and Zoning Commission recommended approval with a 6-1 vote.

Mayor San Juanita Sanchez opened public hearing at 7:30 p.m.

Adan Palacios stated that he fell in love with the area and he loves the community. He also commented that he appreciated all the help Mr. Cervantes has given him.

Public hearing was closed at 7:32 p.m.

Motion was made by Commissioner Pete Garcia to approve and seconded by Commissioner Jesus Ramirez. Motion passed. (5-0)

- d. Consideration and appropriate action, if any, to adopt an Ordinance calling for a General Election and Special Election pursuant to Chapter 41, Texas Election Code and Section 174.051, Texas Local Gov’t Code for the purpose of electing City Mayor, Commissioner Place 2, Place 3 and for the purpose of collective bargaining rights for the firefighters and police officers in the City of San Juan, Texas. (Palmira Cepeda, Interim City Secretary)

DISCUSSION: Mayor San Juanita Sanchez presented the item and stated that the item was for both petition and regular election. Mayor Pro-Tempore asked Mr. Navarro with the Hidalgo Elections Department if the item still needed to be discussed in Executive Session since everything had already been discussed. Mr. Navarro replied that he had been working closely with City Attorney Javier Villalobos and he had stated that since the votes and signatures were provided there was no need to continue the discussion in Executive Session.

Motion was made by Commissioner Pete Garcia to approve and seconded by Commissioner Jesus Ramirez. Motion passed. (5-0)

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

- a. Consideration and appropriate action, if any, to evaluate the Chapter 174, Texas Local Gov’t Code for the purpose of triggering a collective bargaining adoption election, to determine whether the statutorily required number of qualified voters specified by Section 174.051, Texas Local Gov’t Code to trigger such an election has been satisfied, and, if so, to certify the petitions. (Benjamin Arjona, City Manager)

DISCUSSION: Mayor San Juanita Sanchez presented the item and Mr. Navarro stated that the item was together with agenda item VI-d. Benjamin Arjona, City Manager stated that in the month of December, there was a petition for collective bargaining and the City was required to order an Election should the City receive signed petition of 5% or higher of qualified voters. Based on a report from the Hidalgo County Elections Department on a previous General Election a number of 7,680 votes had been counted and 399 voters signed the petition which was greater than 5%. Mr. Navarro added that under this item he was asking to accept the report in order to call an Election.

Motion was made by Commissioner Pete Garcia to approve and seconded by Commissioner Jesus Ramirez. Motion passed. (5-0)

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- b. Consider Approval of a Budget Amendment to the Fire Department Budget for Machine, Equipment and Other Equipment. (Tirso Garza, Fire Chief)

DISCUSSION: Mayor San Juanita Sanchez presented the item and Tirso Garza, Chief of Fire stated that they were doing a budget amendment to purchase firefighting gear. He also mentioned that they did daily inspections and noticed that 10 sets were getting close to in compliance and needed to be replaced. Chief Garza stated that the funds were from a payment that was due for a fire truck but the fire truck had been paid for. The cost of the equipment was \$26,000.

Motion was made by Commissioner Jesus Ramirez to approve and seconded by Commissioner Pete Garcia. Motion passed. (5-0)

VIII. CONTRACTUALS/RESOLUTIONS

- a. Consider Resolution Authorizing the Submission of an Application Under the 2018 Local Border Security Program Solicitation to the Governor's Office Homeland Security Grants Division. (Chanel Borrego, Grants and Contracts Coordinator)

DISCUSSION: Mayor San Juanita Sanchez presented the item and Chanel Borrego, Grants and Contracts Coordinator stated that the City was requesting \$95,000 to reimburse the City for personnel overtime and no match was required. The application was due March 30th, 2017 and would be from September 1st, 2017 through August 30th, 2018.

Motion was made by Mayor San Juanita Sanchez to approve and seconded by Commissioner Pete Garcia. Motion passed. (5-0)

- b. Consider Resolution Authorizing the City of San Juan to Submit an Application for Funding to the Office of the Governor, Homeland Security Division for the Hidalgo 2016 Operation Stonegarden Project. (Chanel Borrego, Grants and Contracts Coordinator)

DISCUSSION: Mayor San Juanita Sanchez presented the item and Chanel Borrego, Grants and Contracts Coordinator stated that they would begin the year with \$80,000 and it would be used to purchase one Dodge Charger for \$25,000, one mobile radio for \$4,000 and also used for operational overtime which would be \$50,000.

Motion was made by Commissioner Pete Garcia to approve and seconded by Commissioner Jesus Ramirez. Motion passed. (5-0)

- c. Consider Approval of the Amendments to Keep San Juan Beautiful By-Laws. (Carmen Gonzalez, Director of Sanitation)

DISCUSSION: Mayor San Juanita Sanchez presented the item and Carmen Gonzalez, Director of Sanitation stated that on February 10th, 2016 the by-laws were approved by the Commission. There were changes made and submitted for approval under membership appointments, terms of members, the officer terms and the forfeiture of the membership determination. She stated that the City Attorney had reviewed and approved the items.

Motion was made by Commissioner Jesus Ramirez to approve and seconded by Commissioner Pete Garcia. Motion passed. (5-0)

- d. Consider Resolution in Support of a Regional Potable Water Transmission Line, as requested by McAllen Public Utility (MPU). (Benjamin Arjona, City Manager)

DISCUSSION: Mayor San Juanita Sanchez presented the item and Mark Vega, General Manager for McAllen Public Utility stated that there was no financial commitment required. He stated it was a study they were conducting to see if the waterline access could be built and how much it would cost. The project consisted of extending a treated water line from the eastern edge of McAllen along the Jackson Ridge Road corridor and extending it east all the way to Donna, the study would take about four months.

Mario Garza, Mayor Pro-Tempore asked if a contract was needed and Mr. Vega replied that it would be and it would be up to the City on when and how much water they would need.

Motion was made by Mayor Pro-Tempore Mario Garza to approve and seconded by Commissioner Raudel Maldonado. Motion passed. (5-0)

- e. Consider and Approve Resolution by the City Commission of the City of San Juan, Texas Authorizing and Approving Publication of Notice of Intention to Issue Certificates of Obligation; Complying with the Requirements Contained in Securities and Exchange

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Commission Rule 15c2-12; And Providing an Effective Date. (Benjamin Arjona, City Manager)

DISCUSSION: Mayor San Juanita Sanchez presented the item and Benjamin Arjona, City Manager stated that the item had already been discussed in a previous meeting. He mentioned that Chris Vela and Arnold Cantu were present for any questions and the items that were approved were capital improvements, street projects, parks improvements and facilities improvements.

Motion was made by Commissioner Pete Garcia to approve and seconded by Commissioner Jesus Ramirez. Motion passed. (5-0)

- f. Preliminary and Final Plat Approval of the Montelongo Subdivision being a Re-subdivision of a 2.293-acre tract of land out of Lot 13, San Juan Hacienda Estates No. 1 Subdivision, located at the Northeast corner of Veteran's Boulevard and Hall Acres Road, as Requested by Melden & Hunt, Inc. (Xavier Cervantes, Director of Planning)

DISCUSSION: Mayor San Juanita Sanchez presented the item and Xavier Cervantes stated Mr. Montelongo was proposing to build a small truck stop with a small office and there were no sanitary sewer lines available. The applicant would have to get a septic tank and agreed to pay a fair share for future sewer connections. During the January 17th meeting the Planning and Zoning Commission unanimously recommended approval.

Motion was made by Commissioner Jesus Ramirez to approve and seconded by Commissioner Pete Garcia. Motion passed. (5-0)

- g. Preliminary and Final Plat Approval of the Minnesota Vegas Ranches Phase I Subdivision being a 8.894-acre tract of land out of Lot 7, Block 47, Alamo Land and Sugar Company's Subdivision, located approximately a half of a mile East of Raul Longoria, along the North side of Minnesota Road, as Requested by Quintanilla, Headley and Associates, Inc. (Xavier Cervantes, Director of Planning)

DISCUSSION: Mayor San Juanita Sanchez presented the item and Xavier Cervantes, Director of Planning stated that the applicant was requesting to subdivide 8.8 acres into 38 residential lots. He also mentioned that it would have two entrances along Minnesota Road. The subdivision will have North Alamo water lines and City of San Juan sewer lines.

Mayor San Juanita Sanchez commented that the Commission was only approving the subdivision with the requirements.

Motion was made by Commissioner Jesus Ramirez to approve and seconded by Commissioner Pete Garcia. Motion passed. (5-0)

- h. Consider Adoption of a Resolution Establishing the Budget for Fiscal Year 30 (2017) of the Hidalgo County Urban County Program. (Xavier Cervantes, Director of Planning)

DISCUSSION: Mayor San Juanita Sanchez presented the item and Xavier Cervantes, Director of Planning stated the Budget included \$20,000 for administrative expenses, \$4,000 for senior community outreach, \$7,500 for Amigos del Valle, \$7,500 for the Boys & Girls Club, \$5,000 for CASA of Hidalgo County, \$5,000 for Nuestra Clinica Del Valle, and \$247,535 for street improvements.

Motion was made by Commissioner Jesus Ramirez to approve and seconded by Commissioner Pete Garcia. Motion passed. (5-0)

- i. Preliminary and Final Plat Approval of the Golden Chick San Juan Subdivision, being a 1.828-acre tract of land out of Lot 19, Block 8, John Closner Subdivision, located at 1911 N. Raul Longoria Road, Requested by HL Engineering Group. (Xavier Cervantes, Director of Planning)

DISCUSSION: Mayor San Juanita Sanchez presented the item and Xavier Cervantes, Director of Planning stated Mr. Hernandez was proposing to subdivide 1.82 acres into two commercial lots. He mentioned that lot one was proposed for the restaurant and lot two was proposed for a commercial plaza or a separate business. Both lots were required to share the entrance along Raul Longoria and they would need to apply for a conditional use permit for the drive thru of the restaurant.

Motion was made by Mayor San Juanita Sanchez to approve and seconded by Commissioner Pete Garcia. Motion passed. (5-0)

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- j. Consider Selection and Authorizing the City Manager to enter into an agreement for Bank Depository Services. (Rene J. Jaime, Purchasing/Risk Manager)

DISCUSSION: Mayor San Juanita Sanchez presented the item and Rene Jaime, Purchasing/ Risk Manager stated that on November 2nd, 2016 and November 9th, 2016 staff advertised for request for sealed proposals #16-48-11-16 for depository services. He went on to say that they received proposals from Frost Bank, Lone Star National Bank, Plains Capital Bank and Wells Fargo Bank. All proposals were presented to Pablo Garza, Finance Director for review. Mr. Garza recommended continuing with Plains Capital Bank because of the interest rates they were currently offering.

Motion was made by Commissioner Pete Garcia to approve and seconded by Commissioner Jesus Ramirez. Motion passed. (5-0)

- k. Consider Selection and Authorizing the City Manager to Enter into a Contract for Geotechnical Services on a Rotating Basis. (Rene J. Jaime, Purchasing/Risk Manager)

DISCUSSION: Mayor San Juanita Sanchez presented the item and Rene Jaime, Purchasing/Risk Manager stated that on February 1st staff had met to review the submission from the engineering firms that submitted request for qualifications for geotechnical services 16-14-11-16. Based on the scores, the top three firms were M.E.G Engineering, RabaKistner Consultants, and TeraCon Engineering. Staff recommended approving City Manager to enter into contract with the top two firms for rotation and the third one in the event they are not able to negotiate a contract with one of the other two. Mayor San Juanita Sanchez stated that she would like to give the company's time to present and then the Commission will make the final decision.

Mr. Palmas with M.E G. Engineering stated that they have been in business for the past 35 years and they have done business with the City of San Juan. The staff consists of one engineer and six technicians and they have worked with Los Fresnos and Donna ISD. Their laboratory is situated in Harlingen. He also mentioned that they are a local Geotechnical company and they currently have 27 employees. They have been in business for 16 years and have worked with about 20 cities. They have had many projects with the City of San Juan and have been asked to do many evaluations. He added that 40% of his work has been with streets and they have attended all required meetings with the City.

Mr. Flores with TeraCon Engineering stated they are a local business from the City of Pharr and have previously worked with the City of San Juan. They are a national firm and have been in business since 1995 and have also worked with the PSJA school district.

Mr. Arjona with RabaKistner Consultants stated that they have been in business for over 25 years and his office is situated in Brownsville and Mexico. He stated they have many qualifications that other firms don't have and have done many projects for the City of McAllen, Hidalgo County and School districts.

Mayor San Juanita Sanchez asked Mr. Jaime if he remembers any of the firms doing projects with the City of San Juan and Mr. Jaime replied by saying no. Carmen Gonzalez, Director of Sanitation stated that she remembers working with some of the firms and she has had a good experience. Mayor Sanchez stated that she would like to see all three firms in rotation and put it in a motion.

Motion was made by Commissioner Raudel Maldonado to approve and seconded by Commissioner Pete Garcia. Motion passed. (5-0)

IX. CONSENT AGENDA

- a. Budget Expenditure Report as of December 31, 2016. (Pablo A. Garza, Director of Finance)

DISCUSSION: Mayor San Juanita Sanchez presented the item and there was no further discussion.

Motion was made by Commissioner Jesus Ramirez to approve and seconded by Commissioner Pete Garcia. Motion passed. (5-0)

- b. Consider and Approve an Ordinance of the City of San Juan, Texas, Prohibiting Smoking in Public Places and Places of Employment. (Mayor San Juanita Sanchez)

DISCUSSION: Mayor San Juanita Sanchez presented the item and Gilda Bowen with the Coalition stated that she would be providing No Smoking signs to the local businesses.

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Motion was made by Commissioner Jesus Ramirez to approve and seconded by Commissioner Pete Garcia. Motion passed. (5-0)

- c. Consider Adopting An Ordinance of the City of San Juan, Texas, Prohibiting The Increase of Personnel, or Payroll 60 Days Before The City of San Juan's Municipal Elections; Providing for Repealing, Savings and Severability Clauses; Providing For an Effective Date of This Ordinance; and Providing for The Publication of The Caption Hereof. (Mayor San Juanita Sanchez)

DISCUSSION: Mayor San Juanita Sanchez presented the item and there was no further discussion.

Motion was made by Commissioner Jesus Ramirez to approve and seconded Commissioner Pete Garcia. Motion passed. (5-0)

X. EXECUTIVE SESSION

- a. Attorney Consultation Pursuant to Section 551.071, Texas Gov't Code to Receive Legal Advice in Connection with the City's rights, duties, privileges, and obligations in response to a Petition to Hold an Adopted Election for Collective Bargaining status Pursuant to Chapter 174, Texas Local Gov't Code, and Related legal matters.

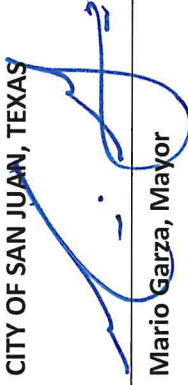
XI. RECONVENE

DISCUSSION: Executive Session was not required, was discussed during meeting.

XII. ADJOURNMENT 7:54 PM

Commissioner Pete Garcia motioned to adjourn meeting and seconded by Commissioner Jesus Ramirez. Motion passed. (5-0)

CITY OF SAN JUAN, TEXAS


Mario Garza, Mayor

ATTEST:


Diana H. Cavazos, City Secretary