

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

DATE:

Tuesday, May 23, 2017

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
Jesus Ramirez, Mayor Pro-Tempore
Raudel Maldonado, Commissioner
Pete Garcia, Commissioner

MEMBERS ABSENT:

Juan Gonzalez, Chief of Police
Javier Villalobos, City Attorney

STAFF PRESENT:

Benjamin Arjona, City Manager
Palmira Cepeda, Interim City Secretary
Oscar Cuellar, San Juan EDC Director
Leroy Gonzalez, Interim 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
Rene Jaime, Purchasing/Risk Manager
David Salinas, Director of Utilities
Mary Enriquez, Court Administrator

GUEST:

ORDER OF BUSINESS

I. CALL MEETING TO ORDER

Mayor Mario Garza called meeting to order at 6:00 p.m.

II. INVOCATION

Pastor Nuno Rodriguez led the invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Mario Garza led the Pledge of Allegiance.

IV. PRESENTATIONS

- a. Presentation on Departmental Reports: Municipal Court, Police Department, Department of Utilities, Fire Department, Department of Finance and Benjamin Arjona, City Manager.

DISCUSSION: Benjamin Arjona, City Manager presented the item and Commissioner Raudel Maldonado asked Mary Enriquez, Court Administrator how they were doing with the scofflaw. Ms. Enriquez stated that business slowed down due to being tax season but overall everything was working smooth.

Commissioner Pete Garcia asked for status on a hole at the park that was reported and kids were tripping. Mr. Arjona stated that he would be addressing the issue the following day.

Commissioner Garcia asked what the process was on the trash pickup at businesses. He stated that the owner of Esther's Beauty Shop complained that the trash trucks were breaking the parking lot. Carmen Gonzalez, Director of Sanitation stated she would make contact with the owner. Mayor Mario Garza asked for the schedule of the sweeper truck and Ms. Gonzalez stated that it was not being used during the week due to other trash trucks being down and she also wanted to focus on all the city trash being picked up. Commissioner Pete Garcia asked what the issue was with the brush pick up and why it was not being picked up and Ms. Gonzalez stated that they are on schedule. She further stated that the problem was that the day after brush pick up residents would put out more trash. She added that a Code Enforcement Officer was working with her staff in assisting them to get

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addresses on 18 homes that took out brush after they had already picked up. Mayor Garza asked if those residents were getting a citation and what was the City doing to fix the problem. Ms. Gonzalez stated that she wanted to work on a schedule aside from the regular schedule to be able to pick up items like mattresses and toilets on a quarterly basis.

Commissioner Raudel Maldonado asked for the status on Loma Linda Street. He mentioned that the street was in very bad shape and he has seen cars skid when it rains. Benjamin Arjona, City Manager stated that Loma Linda Street was the first one on the list to be fixed.

Mayor Pro-Tempore Jesus Ramirez asked what Paseo De Las Flores was lacking since the report stated 95% complete. Mr. Arjona stated that they were pending a pipe that goes under the canal. Mayor Pro-Tempore asked if they are at risk for flooding. Xavier Cervantes, Director of Planning stated that in case of the street flooding, the contractor would pump the water out and continue to do so until the project is completed.

V. PUBLIC HEARING/ORDINANCES

- a. Conduct a Public Hearing and Consider an Ordinance in First Reading Amending the Code of Ordinance at Appendix “A”, Unified Development Code, Chapter 2-Zoning Regulations, Article II, - Establishment of Districts and Boundaries for the Expressway Corridor District, Article IV, Expressway Corridor District Including Use and Area Regulations, Area and Heights Requirements, Definitions, Uses, Additional Requirements for Parking, Driveway, Landscaping and Architectural Standards. (Xavier Cervantes, Director of Planning)

DISCUSSION: Benjamin Arjona, City Manager presented the item and Xavier Cervantes, Director of Planning gave presentation. Mr. Cervantes stated that 478 letters were mailed out in regards to the public hearing and no one spoke in opposition of the Ordinance amendment. During the meeting, the Planning and Zoning Commission unanimously recommended approval during the April 6th meeting. He stated that they had been working on the plan for over two years and that the Ordinance will only allow architectural buildings.

Mayor Mario Garza opened the item for discussion for or against at 6:34 P.M. and asked if there were any members for or against the item. Mayor Garza asked if other Cities had a similar Ordinance and Mr. Cervantes replied that the City of San Juan was the first one and other cities had similar Ordinances. Mayor Garza closed discussion at 6:37 P.M.

Motion was made by Commissioner Mayor Pro-Tempore Jesus Ramirez to approve and seconded by Commissioner Raudel Maldonado. Motion passed. (4-0)

- b. Conduct a Public Hearing and Consider an Ordinance in First Reading for a Conditional Use Permit for the Operation of a Gasoline Service Station and for the Sale of Alcoholic Beverages for Off-Premise Consumption at the Proposed “Aziz Quick Stop” proposed for construction at the Northeast corner of Raul Longoria and Eldora Roads, legally described as a 1.78-acre tract of land out of Lot 14, Block 8, John Closner Subdivision, as Requested by Aziz Quick Stop, LLC. (Xavier Cervantes, Director of Planning)

DISCUSSION: Benjamin Arjona, City Manager presented the item and Xavier Cervantes, Director of Planning gave presentation. Mr. Cervantes stated that Mr. Treviño was requesting a permit for gasoline service for his business and the hours of operation would be for 24 hours/7 days a week. Letters were sent to 19 property owners and no comments were made in favor or against. The Planning and Zoning Commission recommended approval with a 6 to 1 vote.

Mayor Mario Garza opened the item for discussion at 6:39 P.M. Jesse Zambrano stated that the issue was the proximity to the school nearby. He stated that he was not for or against but to keep in mind the effect on Cantu Elementary which is the closest to the business. Mayor Garza stated that there was a Stripes store located at the corner of Steward and Old 83 and Austin Middle School was down the road. He went on to say that Juan Gonzalez, Chief of Police did not express any concerns regarding the location of the business. Ruben Navarro stated that the school district should implement more security if they had concerns or felt that the students wouldn't feel safe. He added that the City needs more businesses for the tax revenue and to fix the streets. EDC board member Eddie Garcia stated that there were 33 acres of land that the City did not make any money from due to a School and Church being there. Therefore, by allowing Mr. Treviño have a business; the City would gain 1 ½ acre of land that would become taxable. Commissioner Pete Garcia stated that they needed to discuss and take into consideration all concerns due to beer runs and accidents that could occur. Mayor Garza asked Mr. Cervantes what his thoughts were and Mr. Cervantes responded that he did not see any

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problem with the school being near the business since it was an elementary school and students still get dropped off and picked up.

Motion was made by Commissioner Raudel Maldonado to approve and seconded by Mayor Pro-Tempore Jesus Ramirez. Motion passed. (4-0)

VI. APPOINTMENTS

- a. Consider Removal and Appointment of Board Members related to the San Juan Economic Development Corporation Board. (Palmira Cepeda, Interim City Secretary)

DISCUSSION: Benjamin Arjona, City Manager presented the item and Palmira Cepeda, Interim City Secretary stated that she placed all the applications in a folder for the Commission to review. Commissioner Raudel Maldonado asked for clarification if they were making a Motion to remove and fill the position and Mayor Mario Garza responded that they were making a Motion to remove. He made the Motion to remove Adriana Salazar and Ms. Cepeda commented that Ms. Salazar had submitted her letter of resignation. Benjamin Arjona, City Manager mentioned the Motion would be to move and appoint and Mr. Maldonado made Motion to appoint Arturo Guajardo Jr.

Motion was made by Commissioner Raudel Maldonado to approve and seconded by Mayor Pro-Tempore Jesus Ramirez. Motion passed. (4-0)

- b. Consider Appointment of a Member of the City of San Juan Commission to the San Juan Economic Development Board as the City's Ex-Officio. (Palmira Cepeda, Interim City Secretary)

DISCUSSION: Benjamin Arjona, City Manager presented the item and Mayor Mario Garza made motion to appoint Mayor Pro-Tempore Jesus Ramirez.

Motion was made by Mayor Mario Garza to approve seconded by Commissioner Raudel Maldonado. Motion passed. (4-0)

- c. Consider Appointment to the Following Boards: Amigos Del Valle Board, Hidalgo County Metropolitan Planning Organization, and Lower Rio Grande Valley Development Council. (Palmira Cepeda, Interim City Secretary)

DISCUSSION: Benjamin Arjona, City Manager presented the item and Palmira Cepeda, Interim City Secretary stated that it would be one Motion for all Boards. Mayor Mario Garza made motion to nominate Commissioner Raudel Maldonado to the Amigos Del Valle Board, himself for the MPO Board and Mayor Pro-Tempore Jesus Ramirez for the Lower Rio Grande Valley Board.

Motion was made by Mayor Mario Garza to approve seconded by Commissioner Raudel Maldonado. Motion passed. (4-0)

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

- a. Discussion and Possible Action Regarding Contract with Perdue, Brandon, Fielder, Collins & Mott, L.L.P. for Legal Services in Connection with Delinquent Ad Valorem Taxes and Mowing Lien Assessments for the City of San Juan. (Benjamin Arjona, City Manager)

DISCUSSION: Benjamin Arjona, City Manager presented the item and Commissioner Pete Garcia asked who had placed the item on the agenda and Mr. Arjona responded that Mayor Pro-Tempore Jesus Ramirez had placed the item. Commissioner Garcia went on to say they needed three Commissioners to approve the item before placing it. The Item was tabled.

- b. Discussion and Possible Action Regarding Appointment of Legal Services in Connection with Delinquent Ad Valorem Taxes and Mowing Lien Assessments for the City of San Juan and Authorize City Manager to Execute an Agreement for Professional legal Services Relating Thereto. (Benjamin Arjona, City Manager)

DISCUSSION: Benjamin Arjona, City Manager presented the item and stated that item would be tabled because the previous item was tabled.

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- c. Process a Middle of the Year Budget Amendment for the General Fund, Utility Fund, Sanitation Fund, and the Miscellaneous Grant Fund. (Pablo A. Garza, Director of Finance)

DISCUSSION: Benjamin Arjona, City Manager presented the item and asked for Leroy Gonzalez, Interim Finance Director to give presentation. Mr. Gonzalez stated that the General Fund had \$216,326, Utility Fund had \$214,000 and the Solid Waste Fund had \$43,160. He went on to say that they were getting money from the General Fund for insurance costs, increasing line items for the Fire Department to pay a lease on a truck and for over time. The Miscellaneous Grant Fund was to record revenue coming in.

Motion was made by Commissioner Raudel Maldonado seconded by Commissioner Pete Garcia. Motion passed. (4-0)

- d. Discussion and Possible Action Regarding Agreement for Legal Services with the Law Office of Javier Villalobos, P.C., as General Counsel for the City of San Juan. (Benjamin Arjona, City Manager)

DISCUSSION: Benjamin Arjona, City Manager presented the item. Commissioner Pete Garcia asked if Mr. Villalobos had submitted a letter of resignation and Mr. Arjona replied he had spoken to Mr. Villalobos, therefore, he did not need to submit a letter of resignation. Commissioner Garcia nonetheless asked Mr. Villalobos for a letter of resignation because it was the proper thing to do. Mayor Mario Garza motioned to table the item.

Motion was made by Mayor Mario Garza seconded by Mayor Pro-Tempore Jesus Ramirez. Motion passed. (4-0)

- e. Discussion and Possible Action Regarding Appointment of the City Attorney, as General Counsel for City of San Juan, and Authorize City Manager to Execute an Agreement for Professional Legal Services Relating Thereto. (Benjamin Arjona, City Manager)

DISCUSSION: Mayor Mario Garza motioned to table the item.

Motion was made by Mayor Mario Garza to approve and seconded Mayor Pro-Tempore Jesus Ramirez. Motion passed. (4-0)

VIII. CONTRACTUALS/RESOLUTIONS

- a. Consider Awarding the Paving Improvements Phase 1 Project to 2GS, LLC dba Earthworks Enterprise out of Peñitas, Texas in the amount of \$1,425,557.75 or to IOC Construction out of Edinburg, Texas in the amount of \$1,432,233.25. (Xavier Cervantes, Director of Planning)

DISCUSSION: Benjamin Arjona, City Manager presented the item and Xavier Cervantes, Director of Planning gave presentation. Mr. Cervantes stated that Earthworks Enterprise would take approximately 300 calendar days to complete the project if the Commission were to choose them. IOC Construction is slightly more expensive with cheaper quality material and they would take approximately 100 calendar days to complete the project. He also mentioned that included in this project were Puerto Vallarta street and Cancun street to repave. Mayor Pro-Tempore Jesus Ramirez motioned to award the bid to Earthworks Enterprise.

Motion was made by Mayor Pro-Tempore Jesus Ramirez to approve and seconded Commissioner Raudel Maldonado. Motion passed. (4-0)

IX. CONSENT AGENDA

- a. Budget Expenditure Report-March 31, 2017
- b. Property Tax Collection Report- April 30, 2017

DISCUSSION: Benjamin Arjona, City Manager presented the item and Mayor Mario Garza asked if there was anything on the item that needed to be amended and asked if there was a Motion to approve.

Motion was made by Commissioner Pete Garcia to approve and seconded Commissioner Raudel Maldonado. Motion passed. (4-0)

X. EXECUTIVE SESSION 7:04 P.M.

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A. The City Commission will Convene in Executive Session, in Accordance with the Texas Open Meeting Act, Vernon's Texas Statutes and Codes Annotated, Government Code, Chapter 551 et seq:

1. Attorney Client Consultation Pursuant to 551.071 (2) Regarding the City's Legal Duties and Obligations Under Chapter 174 Texas Local Government Code And the Implementation of Collective Bargaining for the City's Police and Fire Civil Service Employees.
2. 551.074 to Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, Renumeration, or Dismissal of Public Officer or Employee.

DISCUSSION: Benjamin Arjona, City Manager presented the item and Commissioner Pete Garcia advised that the Commission should not discuss item A-2 since they had no legal counsel present. Mayor Mario Garza stated that they needed to let Mr. Arjona finish presenting the item and to note that they would not be discussing Item A-2. Mayor Garza stated that there would be no action taken on Item A-2 and proceeded to executive session at 7:04 P.M.

XI. RECONVENE 7:30 P.M.

DISCUSSION: Mayor Mario Garza stated that no action would be taken for item A-1.

XII. ADJOURNMENT

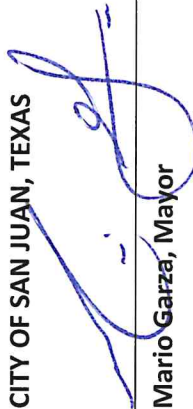
DISCUSSION: Mayor Mario Garza asked for a Motion to adjourn.

Commissioner Raudel Maldonado motioned to adjourn meeting and seconded by Mayor Pro-Tempore Jesus Ramirez. Motion passed. (4-0)

ATTEST:


Diana H. Cavazos, City Secretary

CITY OF SAN JUAN, TEXAS


Mario Garza, Mayor