

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

DATE:

Tuesday, November 14, 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
Jesse Ramirez, Mayor Pro-Tempore
Ernesto Guajardo, Commissioner
Pete Garcia, Commissioner
Raudel Maldonado, Commissioner
Rick Palacios, City Attorney

STAFF PRESENT:

Benjamin Arjona, City Manager
Diana Cavazos, City Secretary
Tirso Garza, Chief of Fire
Juan Gonzalez, Chief of Police
Leroy Gonzales, 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
Robert Rangel, 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

V. PRESENTATIONS

a. Planning and Zoning Monthly Report

Mayor Pro-Tem Ramirez asked Mr. Cervantes, Director of Planning on the delay with the Public Safety Building that should of been completed in November. Mr. Cervantes replied that it was due to the small details and then he asked Chief Gonzalez to elaborate. Chief Gonzalez stated that the architects were finishing up with the contractor and just a few minor things needed to get completed; mainly administrative things. Mayor Pro-Tem Ramirez then said if December 1st and Chief Gonzalez stated Yes, December 1st is the target date. The Internet is already in place, but we need to install the security cameras. Mayor Pro-Tem Ramirez thanked Chief Gonzalez for the update.

Mayor Pro-Tem Ramirez also mentioned that there were eight new businesses that had opened and wanted to know if they had spoken only to Mr. Cervantes, Director of Planning or in conjunction with EDC. Mr. Cervantes, Director of Planning replied that EDC was involved with some of them, but a lot of them were small businesses that would go into small suites. EDC is not involved with the small businesses, they go to the big businesses like Golden Chick or commercial plazas. This year we have a lot of construction within the City.

Mayor Pro-Tem Ramirez thanked Mr. Cervantes for the update. Mayor Pro-Tem Ramirez then mentioned the 13 structures that had been torn down but was wondering about the other 32 structures that were pending. Mr. Cervantes, Director of Planning stated that they needed permission in writing from the property owner. At times we are able to demolish as some properties are abandoned and no one is paying

CITY OF SAN JUAN
CITY COMMISSION MEETING
TUESDAY, November 14, 2017

the taxes. Eventually we do a tax foreclosure on the property and at that time the County, City and District become the new owners. Mayor Pro-Tem Ramirez then asked if the City recouped any of the expenses and Mr. Cervantes responded No, because in an effort to clean up the City we have been offering to demolish at no cost to the owner.

b. Sanitation Monthly Report

Mayor Pro-Tem Ramirez mentioned to Carmen Gonzalez, Director of Sanitation that he had read her memo and inquired on advertising in the Advance newspaper in regards to the brush pickup. Ms. Gonzalez, Sanitation Director stated that she needs to do a massive mail out because some of the residents are under the impression that they can throw loose leaves or three bags of leaves in the garbage and that is not feasible because it can ruin the garbage trucks. I would like to wait till the beginning of the new year to do this and also rethink the brush pickup schedule especially in the alleys because a lot of the residents think they have alleys and they are actually easements and they are closing them, making it dangerous for our truck drivers. Mayor Pro-Tem Ramirez thanked her for the updates.

c. Parks and Recreation Monthly Report

Mayor Pro-Tem Ramirez addressed Mr. Willingham, Director of Parks and Recreation thanking him for all the activities in the month of October. He stated they had out done themselves and Mr. Willingham thanked him for his words. Mayor Pro-Tem Ramirez then mentioned the chase that had happened during the Homecoming event noting that Chief Gonzalez had addressed the issue of security measures with his staff. Chief Gonzalez then stated that they were implementing new security measures to assure that our citizens and children were safe. Then Mayor Pro-Tem Ramirez told Mayor Garza that was all he had in reference to the reports.

Mayor Garza asked Carmen Gonzalez, Director of Sanitation if she had noticed the piles of brush and tree limbs a gentleman was cutting along Stewart Road. Ms. Gonzalez stated that she had and she had spoken to the gentleman and he had guaranteed her that he would pick it up and take it to the brush site.

Mayor Garza asked Mr. Willingham, Director of Parks and Recreation in reference to his report and the 5K event being incorporated with the Noche de Paz event. Mr. Willingham stated that they were looking at all of the 5K events and there's one already with the same name. We have discussed to have our own stand alone event around February. Mayor Garza also inquired about the time for the parade and Mr. Willingham stated that it would start at 6pm in front of the City Hall and continue north on Nebraska and then it will go west on First Street towards the park. Mayor Garza thanked him for the update.

Commissioner Garcia asked Carmen Gonzalez, Director of Sanitation how the new mixture for the potholes was working and Ms. Gonzalez responded that when they went to TML Houston they had met with a vendor from Road Rescue that sold asphalt in 70lb bags at \$11.00 the bag and it took care of 7 sq.ft. This is what we are putting in the potholes and it has been working great. This product is guaranteed for 1-2 years. Commissioner Garcia then stated that was good because this asphalt didn't stick to your hands much less to the tires.

VI. PUBLIC HEARINGS/ORDINANCES

- a. Conduct a Public Hearing and consider an Ordinance in First Reading for a Conditional Use Permit for the Sale of Alcoholic Beverages for Off-premise Consumption at the proposed "Tremendoz Drive-Thru" located at 2201 N. Cesar Chavez Road, legally described as Lot 1, C&B Subdivision, as requested by Bladinich Rodriguez.

Xavier Cervantes, Director of Planning stated that Mr. Rodriguez was requesting a conditional use permit for the sale of alcoholic beverages for off-premises consumption at the proposed "Tremendoz Drive Thru". Mr. Rodriguez is taking over the business that was open two years ago as C&B Drive-Thru located along the west side of Cesar Chavez. The applicant is proposing to sell alcoholic beverages Monday-Friday from 7am – 12am, Saturday from 7am-1am and Sundays from 12pm-12am. Three letters went out to surrounding property owners and there was no opposition. The City Commission recommended approval unanimously.

Mayor Garza opened item to the public at 6:20pm for or against.

Rick Ramirez stated that one person had asked him about the permits of alcoholic beverages and hours of sales. He stated he had been reading the rules and laws regarding the gap that we see on Sundays for the hours of service from 12pm-12am. Mr. Ramirez would like to propose an Ordinance that the City change the hours of sales during weekdays to 12pm-12am. This is for your consideration.

Mayor Garza asked if there were any questions from the Commission and Mayor Pro-Tem Ramirez asked if what had just been mentioned was an option. Mr. Cervantes responded yes, if that's a priority for the Commission. You could approve it subject to change in the hours and if greed it could be made a

CITY OF SAN JUAN
CITY COMMISSION MEETING
TUESDAY, November 14, 2017

condition. Mayor Pro-Tem Ramirez stated that he thought he made a valid point because he had heard about an accident where a high school student was going to school drunk around 7:30 in the morning. I would like to propose this, but I do not know if the Commission is in favor or not. Commissioner Maldonado asked what time Stripes started selling beer or alcohol and Mr. Cervantes responded normally 7 o'clock. Commissioner Maldonado stated that his concern was if the time changed from Saturdays at 10am to 12 noon it might hurt the business. Commissioner Garcia added, as it is they compete with HEB in a lot of their products.

Mayor Garza closed open item to the public at 6:25pm and asked if there was a motion to approve as is. Commissioner Garcia motioned to approve, seconded by Commissioner Maldonado. Motion passed. (4-1)

- b. Consider Adopting an Ordinance amending the City of San Juan Code of Ordinances Chapter 4 Business Regulations by adding Article 4.11 Grease Traps establishing the Installation, use, Maintenance Requirements, Monitoring, and Enforcement of Grease Traps and Interceptors for Commercial Businesses generating fats, oils, and/or Grease: providing for Penalties; providing for Injunctive Relief; Providing for Repealer Clause; Providing for a Savings Clause; Providing for Publication and an effective date.

Mr. Salinas stated that the Ordinance presented was to establish a rule in the code of ordinance that at the present time did not exist. This is so we can regulate the grease traps at commercial establishments, restaurants, industries and schools. To prevent the grease from overflowing into the PLOTW or the collection system and causing problems like what we saw on Cesar Chavez not long ago. At this moment these grease traps are being regulated through the Health Department –County, and we have no records on how often they're requiring those grease traps to be cleaned. This Ordinance will allow us to regulate it through the Code Enforcement Department. This way we have a cleanup schedule and a fine assigned to if they are not in compliance with the Ordinance.

Commissioner Garcia asked how often they cleaned it and Mr. Salinas responded that it all depends on the establishment, will be determined by the inspectors, but on average no longer than three months. Commissioner Garcia asked what would the fine be and Mr. Salinas responded that first a warning would be given so they could correct the problem, The initial fine would be \$1,000.00, second violation \$1,500 and the third violation would increase to \$2,000.00. Commissioner Maldonado asked if the warning would be a verbal or written warning and Mr. Salinas stated it would be a written warning. Commissioner Garcia asked about the cost to clean out a grease trap and Mr. Salinas responded it was around \$180.00 every three months. Mayor Pro-Tem Ramirez asked Mr. Cervantes if we had the manpower and Mr. Salinas responded that his Department would be assisting as part of that but it would get regulated during the building process.

Mayor Garza asked on what would be the next step if they refused to pay the \$1,000 fine and Mr. Salinas responded the Court. Fines would keep mounting until the amount reached \$2,000.00 then there would be civil and legal penalties and all that would be in the Ordinance.

Mayor Garza asked if there was a motion to approve. Mayor Pro-Tem Ramirez motioned to approve, seconded by Commissioner Garcia. Motion passed unanimously (5-0)

VII. DISCUSSION AND POSSIBLE ACTION ON THE FOLLOWING MATTERS:

- a. Consider the Approval of the Budget for Economic Development Corporation 2017-2018. Commissioner Garcia asked if it could be extended a little more and Mr. Cuellar responded that they had changed the format to add more line items and make it easier to see where we are spending the money. Commissioner Garcia asked if the \$18,000.00 for travel and training was the standard and Mr. Cuellar responded that they didn't have a line item and it was lumped together with other expenses. Commissioner Maldonado mentioned like the telephone that is \$6,500, what is the breakdown on that and Mr. Cuellar stated that it included the cellphones, tablets and the landlines as well as the ISP address for the internet.

Mayor Garza asked what had been spent to this point on training and Mr. Cuellar responded \$7,000.00 for two trainings, one in Houston and the other in Dallas. Mayor Garza then asked Mr. Cuellar to explain why he was asking for \$18,000 and Mr. Cuellar responded that it was to cover staff and board members for the whole 12 months.

Commissioner Garcia asked what were the \$2,000 memberships on and Mr. Cuellar stated they belonged to Rustic and the Rio Grande Chamber and a couple of other organizations.

Mayor Garza asked on the line item of \$2,000 that was for overtime and Mr. Cuellar responded it was a carryover from the previous budget. Mayor Garza stated that what he would want to see would be a comparison from last year to this year and Mr. Cuellar responded that he could show last year's budget but most of it had not been used because they were shut down for part of the year.

CITY OF SAN JUAN
CITY COMMISSION MEETING
TUESDAY, November 14, 2017

Commissioner Garcia asked who was the auditor for EDC and Mr. Cuellar responded that it was the same auditor as the City because the City does the bookkeeping and accounting for EDC. Commissioner Garcia asked Mr. Arjona if EDC was paying the City a certain amount for finance bookkeeping and Mr. Arjona responded yes, we are still doing that. Mr. Cuellar stated that on the budget it showed as accounting service \$12,000.00. On our MOU with the City it is for \$1,000.00 per month. Commissioner Maldonado asked what are Other Supplies on the Budget and Mr. Cuellar responded that sometimes knives, napkins, etc. are purchased for city events. Commissioner Garcia also asked what Meeting Expenses meant on the Budget and Mr. Cuellar responded that was when refreshments were served at City meetings. He also added that the Advertising category was used when the City advertised for bids as well as when ads were placed to announce certain projects. The category of City Events for \$30,000.00 is for the two events we helped to sponsor which were the Noche de Paz and the 4th of July.

Mayor Garza asked if there was a motion to approve. Mayor Pro-Tem Ramirez motioned to approve and motion not seconded. Motion denied.

VIII. CONTRACTUAL/RESOLUTIONS

- a. Consider Adoption of a Preliminary Budget for Fiscal Year 31 (2018) of the Hidalgo County Urban County Program.

Mr. Arjona, City Manager mentioned the preliminary Budget with the different entities asking for money but noted that just because it was requested did not mean it would get approved. The Commission can make a recommendation on the amount of money allotted to each agency. Mayor Pro-Tem Ramirez asked about the funding for the second Boys and Girls Club since it was not with Urban County would there be funds in the General Fund account and Mr. Arjona responded that there would be. Mr. Cervantes added that this year they were requesting \$13,500 but they were recommending \$7,500 for Alamo-San Juan. Mayor Garza asked if there was a motion to approve. Commissioner Garcia made motion to approve, seconded by Mayor Pro-Tem Ramirez. Motion passed unanimously. (5-0)

- b. Consider Preliminary and Final Plat Approval of the Hinojosa Acres Subdivision being a 2.0 acre tract of land out of Lot 7, Block 9, Block 13 and Lot 5, Block 13, John Closner Subdivision, located approximately 600 feet south of Moore Road along the east side of Nebraska Avenue as requested by Homero Gutierrez.

Mr. Cervantes stated that Mr. Foster had proposed to subdivide 2 acres into a one lot subdivision for Mr. Hinojosa to build on the property. The property is located 600 feet south of Moore Road along the east side of Nebraska; the property is currently outside of the City limits of San Juan. Sewer service is not available however water service is. A letter from the property owner requesting annexation to the City must be submitted prior to subdivision recording. It is noted that the project engineer is requesting the following variances: 1. to not have to connect to the city sewer system, 2. to not have to escrow funds for 10 feet of additional pavement curb and gutter and 5 foot sidewalk along the Frontage and South Nebraska Avenue, 3. to not have to submit a letter requesting annexation to the City of San Juan. During the meeting of October 19th, the Planning and Zoning Commission recommended approval of the subdivision subject to the list of conditions granting variance to item 1, item 2, but not granting variance to item 3.

Mayor Garza asked if there was a motion to approve. Mayor Pro-Tem Ramirez made motion to approve, seconded by Commissioner Guajardo. Motion passed unanimously. (5-0)

- c. Consider Approval of a Lease Agreement with the Pharr-San Juan-Alamo School District for the Future Sorensen Elementary School Neighborhood Park

Mr. Cervantes stated that in 2016 the City was awarded a \$160,000.00 grant from Texas Parks and Wildlife that needed to be matched with city funds towards the development of this future city school park that will be located at the southeast corner of Stewart and Sam Houston roads. In 2016 civil engineering students from UTRGV assisted the City with conceptual ideas for the park. The students gave a presentation to the Commission on September 27, 2016. The project is a partnership with the school district since the land belongs to the school district. To get the engineering started we need a lease agreement to be approved between the City and the School District. Both City and School District are now in agreement and if approved by the Commission, we can start with the engineering. Mr. Cervantes added that once we knew the School Board had approved it also, they could meet with the engineer. The engineering would take two or three months and then we would go out for bids, then construction another three or four months and hopefully it will be completed by summer of next year. We will be managing the construction because it is our grant.

Mayor Garza asked if there was a motion to approve. Commissioner Maldonado made motion to approve, seconded by Commissioner Garcia. Motion passed unanimously. (5-0)

- d. Consider Selection and Authorizing the City Manager to enter into a Contract Agreement for the Lease of Tabulation Equipment for the Special Election in January 2018.

CITY OF SAN JUAN
CITY COMMISSION MEETING
TUESDAY, November 14, 2017

Mr. Arjona, City Manager stated that the County was also having elections so they wouldn't have machines available. We have to contract out to the vendor who used to lease the equipment to the County. We have provided the proposal of different companies and it is just a matter of approving this company versus going with the County. Commissioner Maldonado asked what was the cost and Mr. Arjona responded \$26,000.00.

Mayor Garza asked if there was a motion to approve. Mayor Pro-Tem Ramirez made motion to approve, seconded by Commissioner Garcia. Motion passed unanimously. (5-0)

- e. Consider Resolution to cast votes for one or more candidates for the Hidalgo County Appraisal District Board of Directors for 2018-2019.

Mr. Arjona, City Manager stated that the City had received correspondence requesting that the City of San Juan cast all of its votes for one candidate or distribute them among any number of candidates. The City shall determine its vote by a written resolution and submitted to the Chief Appraiser before December 15, 2017. The Chief Appraiser will not count votes cast for someone not listed on the official ballot, the City has forty votes that can vote where there's eight. Rick Palacios, City Attorney stated that if there is a motion to either cast a vote for one or a couple of people we would need to have a second and then they would have to pass it. Whatever proposal made by this Council would need to be by majority. Mayor Pro-Tem Ramirez made motion to give all forty votes to Commissioner Garcia, seconded by Commissioner Guajardo. Motion passed. (4-1)

IX. CONSENT AGENDA

- a. Consider Adoption of an Ordinance in Second Reading for an Amendment to Appendix A, Unified Development Code, Chapter 2, Article IV, Section 11 of the San Juan Code of Ordinances to allow Car Wash Facilities in the Expressway Corridor District.

Mr. Arjona, City Manager stated that this would be the Second Reading that was brought up before you, First Reading was approved.

- b. Consider Adoption of an Ordinance in Second Reading granting to AEP Texas, Inc. Its Successors and Assigns, a non-exclusive franchise to Construct, Maintain and Operate Lines and Appurtenances and Appliances for conducting Electricity In, Over, Under and Through the Streets, Avenues, Alleys and Public Places of the City of San Juan, Texas.

- c. Consider an Ordinance in Second Reading for a Rezoning Request from Multi-Family Residence District (R-MF) to Single-Family Residence District (R-S) for a Property legally described as the West 0.0 acres out of Lot 1, Block 43, Alamo Land and Sugar Company's Subdivision, located approximately a quarter mile east of Raul Longoria along the south side of Nolana Avenue, as requested by Ricardo Salinas.

- d. Monthly Collection Report – September 2017.

- e. Approval of Minutes.

- 1. May 23, 2017
- 2. June 7, 2017
- 3. June 13, 2017
- 4. June 27, 2017
- 5. July 31, 2017

Mayor Garza asked if there was anything to amend and Mayor Pro-Tem Ramirez asked Diana Cavazos, City Secretary if she could correct June 27th minutes since it showed Commissioner Garcia present and also absent from the meeting.

Mayor Garza asked if there was a motion to approve. Mayor Pro-Tem Ramirez motioned to approve all items in Consent Agenda. Seconded by Commissioner Guajardo. Motion passed unanimously, (5-0)

X. EXECUTIVE SESSION

- a. The San Juan City Commission will convene into Closed Session pursuant to the Provision of the Chapter 551, Subchapter D, Exceptions to Requirements that Meetings be Open, Texas Government Code 550.071 (Consultation with Attorney) and Texas Government Code 551.072 (Deliberation regarding Real Property) as follows:

- 1. Discussion and Possible Action Regarding the Purchase, Exchange, Lease, or Value of Real Property, Tract 1 and Tract 2. (Pursuant to Texas Code 551.072 Deliberation about Real Property and 551.071 Consultation with Attorney)

CITY OF SAN JUAN
CITY COMMISSION MEETING
TUESDAY, November 14, 2017

XI. RECONVENE at 7:43pm

- 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 a Closed Meeting, 551, Requirements to Vote or Take Final Action in Open Meeting.

Commissioner Garcia motioned to approve as discussed in Executive Session regarding Tract 1 and Tract 2. Seconded by Commissioner Guajardo. Motion passed unanimously. (5-0)

XII. ADJOURNMENT

Commissioner Maldonado motioned to adjourn at 7:45pm and seconded by Commissioner Guajardo. Motion passed. (5-0)

CITY OF SAN JUAN, TEXAS

Mario Garza, Mayor

ATTEST:



Diana H. Cavazos, City Secretary