

MINUTES OF REGULAR MEETING OF THE CITY OF SAN JUAN COMMISSION

DATE:

Tuesday, March 13, 2018

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
Pete Garcia, Mayor Pro-Tempore
Lenny Sanchez, Commissioner
Jesse Ramirez, Commissioner
Rick Palacios, City Attorney

MEMBERS ABSENT:

Ernesto Guajardo, Commissioner

STAFF PRESENT:

Benjamin Arjona, City Manager
Diana Cavazos, City Secretary
Juan Gonzalez, Chief of Police
Tirso Garza, Chief of Fire
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
Rene Jaime, Purchasing/Risk Management
David Salinas, Director of Utilities
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

Shawn, a City of San Juan resident presented the name “Beto Aguirre” for the name of the Sport Complex. He stated that Mr. Aguirre worked for the Federal Government for many years and lived on West Texas Avenue. They graduated about the same time from the old PSJA High School and he passed away about five years ago.

Rick Ramirez came to speak about the Spring Break Step-Up program that was from March 3rd through March 17, 2018. The San Juan Police Department and other local law enforcement would be keeping the roads safe during Spring Break looking for speeders, drunk drivers and cellphone/texting violators. He stated that he had met with Mr. Arjona, City Manager regarding the Police Department using unmarked vehicles during this time. He went on to say that the Police Department would deny it but he had taken pictures in two separate incidents. He requested an investigation be conducted as to why unmarked police vehicles were being used.

V. PRESENTATIONS

- a. Presentation on Departmental Reports: Department of Planning and Zoning, Department of Sanitation, Library, Department of Parks and Recreation.

Benjamin Arjona, City Manager stated that Directors were available if there were any questions regarding the Departmental Reports.

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Commissioner Ramirez asked Mr. Cervantes, Director of Planning on the update of garbage rates for commercial accounts. Mr. Cervantes, Director of Planning addressed the Commission stating that there was an Ordinance to mandate all the businesses to come in to the City for garbage services. We have received a lot of businesses since the Ordinance was adopted, but there a few businesses that need a certain structure, certain pickup days or certain containers and we don't have those rates in our Ordinance. Therefore, we need to amend the Ordinance to have all the different possibilities that businesses might have. We need to give the businesses more options so that they don't have excuses coming to the City for garbage services. Commissioner Ramirez asked what were those options at the present time and Mr. Cervantes stated that he did not have that information with him but on the Ordinance the options did not fit the needs of the businesses. Mayor Pro-Tem Garcia stated that we would be more competitive if the customer had more choices. Mr. Cervantes agreed stating that businesses need service at different times and require different sizes of containers and that the idea to amend the Ordinance was to give all the options possible so that there would be no excuse for them to utilize the garbage services from the City. Mayor Pro-Tem Garcia asked if we were going to compare rates with the other companies they were using and Mr. Cervantes responded that in comparison we have come up with similar rates. Mayor Pro-Tem Garcia asked if they were similar rates to the competition and Mr. Cervantes responded they were not due to the City already having existing rates, but in-between ratios would be used.

Carmen Gonzalez, Director of Sanitation stated that most of the businesses with the exception of 3 or 4 were getting picked up three times a week and there were 3 or 4 businesses that required pickup services six times a week. She added that we didn't have an Ordinance to charge them for the additional services but we were giving them the courtesy because we want their business to continue in the City of San Juan. Ms. Gonzalez also mentioned that she had assigned pickup services for Saturdays. She met with Mr. Cervantes, Director of Planning to see if the Ordinance could be changed, asking for all 90 gallon containers to 8 cubic yarders to be picked up six times a week. Mayor Garza then asked if they were just talking about commercial containers and Carmen Gonzalez, Director of Sanitation responded yes because there were no residential.

Mayor Garza stated that with providing the businesses an extra day of garbage services, we were giving them the courtesy so they wouldn't go out and use another company and Carmen Gonzalez agreed. Commissioner Ramirez then stated that in reality, they were not suppose to provide the additional service because the Ordinance did not allow it. Carmen Gonzalez then stated that then what would we do with someone like Cano Produce that required a six day pickup. She met with Cano Produce and told them they would provide the service but the garbage rates would be amended and the additional day would be added. Xavier Cervantes, Director of Planning stated that they were waiting on Mr. Arjona, City Manager to approve the rates that were proposed and from there it would go for legal review, bringing it before the Commission in April. Mr. Palacios, City Attorney stated that it was very possible to get it for the next meeting. He added that it is a slight verification adding some rates for another day or even on the size of containers and once that was done the Ordinance would be reviewed and be ready.

Mayor Garza asked if there was anything else for the Directors. Commissioner Ramirez asked Ms. Sesin, Library Director why there were no training meetings scheduled for the month of March and she responded that there were some issues with mold. Mr. Arjona added that we had discussed accommodating them in the Multi-Purpose room. Mr. Jaime, Risk Manager also stated that we were waiting on TML to be able to move forward with the issue. Mr. Arjona mentioned that the last time we had some water coming into the room we were not aware of the mold until it was brought to our attention. We immediately contacted the proper staff to submit the claim and that is what we are working on right now. Commissioner Ramirez asked if that was the only room with mold and Mr. Arjona responded that as far as we knew, it was. Mr. Jaime, Risk Manager stated that they were also looking at the small training room and TML has already sent an adjuster to assess the situation. We also had a mold mediation company come in. Mr. Jaime stated that the City was waiting on TML to give an official response but more than likely we were going to need the assistance of the City Attorney. The roof is leaking and that is probably part of the problem because there might be other issues with our air conditioning that we need to look into; what the contractor did and what work was done. Mayor Pro-Tem Garcia asked how many years we had with this building and Mr. Jaime responded that it was about six or seven years old. Mr. Arjona, City Manager stated that he had not seen the contract but typically a roof lasts from 10 to 20 years. Commissioner Sanchez asked if the building was safe to occupy and Mr. Arjona responded that the building was safe but no one was allowed in the rooms where mold was detected. Commissioner Sanchez suggested we look at the warranty/insurance before it expires.

Mayor Garza stated that what we needed was a whole complete assessment of the facility, not just on that side. Mr. Jaime responded that TML called that they had received the adjusters report and they would provide us with a formal response. Mayor Garza asked if TML had assessed the complete building and Mr. Jaime responded yes because there were other areas where it appeared it was leaking. We went up to the roof and there were areas where they were concerned about the roofing.

Mayor Garza stated that if there were no other questions we would move to the next item on the agenda.

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- b. Presentation by the San Juan Royal Court on their 2nd Annual Easter Egg Hunt Event.

DISCUSSION: Xavier Cervantes, Director of Planning stated that he was representing the Lion's Club. The Queens of San Juan have a presentation on the 2nd Annual Easter Egg Hunt event.

Ms. Alyssa Guajardo introduced herself as the 2018 Miss San Juan, Ms. Garcia introduced herself as the 2018 Jr. Miss San Juan, Ms. Maddison introduced herself as 2018 Little Miss San Juan and Ms. Isabelle introduced herself as 2018 Miss Teen San Juan. Ms. Guajardo stated that they were there to talk about the 2nd Annual Easter Egg Hunt event. They are asking for donations and any donation would be appreciated. They were looking into renting moon jumps and popcorn machines. Mayor Garza asked by when did they need the donations and when was the deadline and Mr. Cervantes responded March 29th.

- c. Presentation by Hacedores de Suenos Baseball Academy

DISCUSSION: Martin Gamboa introduced himself. He is partnered with Hacedores de Suenos. His partner, David Burrough is in Mexico and was unable to attend but they are asking if they can bring in a baseball program to the City of San Juan. They are requesting the City's help in utilizing our parks. The Golden Prospect program is a structural system designed by International Baseball scout, Victor Brito. Basically, the plan is to bring professional baseball players from Venezuela and the Dominican Republic and we are requesting for you to let us borrow Mayfield Park in exchange to bringing the program to the community. We are planning on charging kids \$80 a month and on Spring Training we would only charge \$35 for kids to join. Mayor Mario Garza advised Mr. Gamboa to also speak to the PSJA School district and explain their plan since the City of San Juan had a partnership with them. He also added that they would have to discuss this with the Parks and Recreation Department to check on the costs of the maintenance of the fields.

VI. PUBLIC HEARING/ORDINANCES

- a. Conduct a Public Hearing and Consider Adoption of an Ordinance in First Reading for a Rezoning Request from Single-Family Residence District (R-S) to General Business District (C-2) for a property legally described as Lots A and 1, Hall Acres Estates Subdivision, located approximately a quarter of a mile West from Stewart Road, along the north side of Hall Acres Road, as requested by Hector Espino.

DISCUSSION: Benjamin Arjona, City Manager presented the item and Xavier Cervantes, Director of Planning stated that property owner is planning on using one of the buildings as an outdoor event center and the other lot for parking spaces. Letters were mailed out to six property owners within 200 feet and no comments in favor or against the request were received. He added that the Planning and Zoning Commission recommended approval during the meeting of March 1st 2018 in a 5 to 1 vote.

Mayor Mario Garza opened for public comments at 6:41 pm.

Mayor Pro-Tempore Pete Garcia asked if there would be enough parking available and Mr. Cervantes stated that the Event Center had been in business for a year and no problems had been reported due to parking. Mayor Mario Garza asked if any other type of complaints had been received and Mr. Cervantes replied that he had received a phone call from a concerned neighbor asking if his property taxes were going to go up but did not have a problem with the Event Center.

Mayor Mario Garza closed public comments at 6:42 pm.

Commissioner Jesus Ramirez Motioned to Approve and Seconded by Mayor Pro-Tempore Pete Garcia. Motion Passed (4-0)

- b. Conduct a Public Hearing and consider adoption of an Ordinance in First Reading for a rezoning request of Tract 1 – from General Business District (C-2) to Heavy Commercial District (C-3) of the East 250 feet of the East 311.14 feet of the north 140 feet of the south 940 feet of the North One – half of Lot 9, Block 8, John Closner Subdivision. Tract II – from Single-Family Residence District (C-2) to Heavy Commercial District (C-3) of the west 61.14 feet of the half of Lot 9, Block 8 and an irregular 2.70 acre tract of land out of Lot 9, Block 8, all out of John Closner Subdivision located approximately 750 feet north of Nolana Avenue, along the west side of Raul Longoria Road, as Requested by Garco Industries, Inc.

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DISCUSSION: Benjamin Arjona, City Manager presented the item and Xavier Cervantes, Director of Planning stated that if rezoning was approved by the City Commission, the property owner would be required to subdivide the property in order to do any improvements on the site. The surrounding properties consist of a single family residence district and commercial designation. He also mentioned the Spirit Truck Lines is located west of the property and another trucking company just north along Raul Longoria. Notices were mailed out to 14 owners within 200 feet and no comments were received. The Planning and Zoning Commission recommended approval unanimously during the March 1st meeting.

Mayor Mario Garza opened for public Comments at 6:44 pm.

The owner of Garco Industries stated that they were very excited to be coming to San Juan. Garco Industries has worked with sewer, water, storm and paving for 25 years.

Mayor Mario Garza closed public comments at 6:46 pm.

Commissioner Jesus Ramirez Motioned to Approve and Seconded by Mayor Pro-Tempore Pete Garcia. Motion Passed (4-0)

VII. APPOINTMENTS

- a. Consider Removal and Appointment of Board Members Related to the Housing Authority Board.

DISCUSSION: Benjamin Arjona, City Manager presented the item. Rick Palacios, City Attorney stated that the item had been previously tabled and that a vote needed to be made to untable the item.

Commissioner Jesus Ramirez Motioned to Approve and Seconded by Commissioner Leonardo Sanchez Garcia. Motion Passed (4-0)

DISCUSSION: Mayor Mario Garza stated that there was one seat and appointed Robert Loredó.

- b. Consider Appointments to the Comprehensive Plan Advisory Committee.

DISCUSSION: Benjamin Arjona, City Manager presented the item and stated that staff was recommending that the Committee was composed of three members of the Planning and Zoning Commission. He added that the Planning and Zoning Commission had already discussed on who they were going to appoint. Four members of the EDC Board were going to participate and five additional ones from the City Commission were going to decide.

Xavier Cervantes, Director of Planning stated that it was two projects in one. The consultant was going to work with Patrick Willingham, Director of Parks and Recreation and the Parks Board for the Parks Masterplan. He added that for the comprehensive plan a committee needed to be formed to meet once a month. At the end of the Study the Committee would make their recommendation to the Planning and Zoning Commission.

Mayor Pro-Tempore Pete Garcia stated that he had Commissioner Ernesto Guajardo's nomination since he was not present for the meeting. He went on to say that Commissioner Ernesto Guajardo appointed Cynthia Gutierrez. Mayor Pro-Tempore Pete Garcia appointed Eddie Rodriguez.

Commissioner Jesus Ramirez appointed Jennifer Villarreal.

Commissioner Leonardo Sanchez appointed Cesar Cantu.

Mayor Mario Garza appointed Elisa Yzaguirre.

Commissioner Jesus Ramirez Motioned to Approve and Seconded by Mayor Pro-Tempore Pete Garcia. Motion Passed (4-0)

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

- a. Consider Authorizing a Budget Amendment to the Library's Grants Fund in the amount of \$14,982.84.

DISCUSSION: Benjamin Arjona, City Manager presented the item and stated that the item was awarded by the County of Hidalgo to provide free library services.

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Commissioner Jesus Ramirez asked if it included free copies for students. Armandina Sesin, Library Director replied no and that it only included for free books and magazines. Mr. Arjona stated that they can look into the grant and check what the grant allows to do with the funds. Commissioner Ramirez stated that their library services had already been budgeted for and to double check if funds can be used towards fees. Ms. Sasin stated that she had done a survey around other libraries and stated that they all had fees and it was City Ordinance. Mr. Arjona stated that they can look into amending the Ordinance if they are able to use the grant money for fees. Mayor Pro-Tempore Garcia asked if there was an estimate of how much money goes into the account for copies. Ms. Sesin stated that her monthly report showed the money that gets deposited. Mayor Pro-Tempore Garcia added if he could get an estimate of only copies. Ms. Sesin responded that the amount revenue of copies made of coin operated or manual release was \$1,128 per month.

Mayor Pro-Tempore Pete Garcia Motioned to Approve and Seconded by Commissioner Jesus Ramirez. Motion Passed (4-0)

IX. CONTRACTUALS/RESOLUTIONS

- a. Consider Adoption of Resolution authorizing the Approval of the Second Certificate of Amendment of the Articles of Incorporation of the San Juan Economic Development Corporation.

DISCUSSION: Benjamin Arjona City Manager presented the item and stated that it was the second time it would get amended. It was first established in October 18, 1995 and it was amended on July 23, 2007 there was one ex-officio and 4 members. Now it is being amended to have three elected officials. Mayor Mario Garza asked if the three members would have voting power and Mr. Arjona replied by saying yes. Commissioner Jesus Ramirez asked if it was included and Mr. Arjona replied by stating that once approved they would move on with the Bylaws.

Mayor Pro-Tempore Pete Garcia Motioned to approve and Seconded by Commissioner Jesus Ramirez. Motion Passed (4-0)

- b. Consider Adoption of Resolution authorizing the Approval of the Second Amendment of the Bylaws of the San Juan Economic Development Corporation.

DISCUSSION: Benjamin Arjona City Manager presented the item and Rick Palacios, City Attorney stated that the Bylaws will be consistent with the Resolution of Articles of Incorporation.

Mayor Pro-Tempore Pete Garcia Motioned to Approve and Seconded by Commissioner Leonardo Sanchez. Motion Passed (4-0)

X. CONSENT AGENDA

- a. Meeting Minutes
 1. December 12, 2017
 2. December 18, 2017
 3. January 29, 2018
 4. February 13, 2018
 5. February 27, 2018

DISCUSSION: Benjamin Arjona City Manager presented the item and Mayor Mario Garza asked if any items needed to be removed. Commissioner Jesus Ramirez asked if the minutes for January 29th were in fact for the year 2018. Rick Palacios City Attorney asked for clarification and to confirm the dates. Diana Cavazos, City Secretary replied by stated that January and February minutes were in fact for 2018. Mr. Palacios went on to say that he would suggest the Commission to approve only the two December settings since they were not listed appropriately and to exclude January 29th, February 13th and February 27th and bring them back to the next meeting.

Commissioner Jesus Ramirez Motioned to Approve and Seconded by Mayor Pro-Tempore Pete Garcia. Motion Passed (4-0)

XI. EXECUTIVE SESSION 7:07 pm

- a. The San Juan 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 551.071 Consultation with Attorney) as follows:

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1. Discussion and possible action regarding legal issues concerning exempt employees (Pursuant to Texas Government Code 551.071 Consultation with Attorney; Closed Meeting)

DISCUSSION: Benjamin Arjona City Manager presented the item and Mayor Mario Garza asked for motion.

Commissioner Jesus Ramirez Motioned to Approve and Seconded by Mayor Pro-Tempore Pete Garcia. Motion Passed (4-0)

XII. RECONVENE 7:38 pm

- 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 Meeting, 551, Requirement to Vote or take Final Action in Open Meeting.

DISCUSSION: Mayor Mario Garza asked for a motion to reconvene.

Commissioner Jesus Ramirez Motioned to Approve and Seconded by Mayor Pro-Tempore Pete Garcia. Motion Passed (4-0)

DISCUSSION: Benjamin Arjona, City Manager stated that the item that was tabled for consent agenda minutes for January 29th, February 13th and February 27th were in fact correct on the agenda packet. Mr. Arjona asked if they could be brought back for approval.

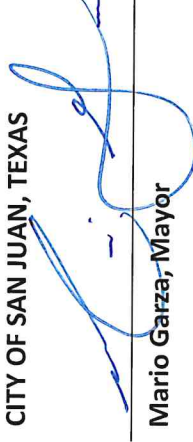
Commissioner Jesus Ramirez Motioned to Approve and Seconded by Mayor Pro-Tempore Pete Garcia. Motion Passed (4-0)

DISCUSSION: Mayor Mario Garza stated that there would be no action taken for executive session item a1.

XIII. ADJOURNMENT 7:39 pm

Commissioner Leonardo Sanchez Motioned to Adjourn and Seconded by Mayor Pro-Tempore Pete Garcia. Motion Passed (4-0)

CITY OF SAN JUAN, TEXAS



Mario Garza, Mayor

ATTEST:



Diana H. Cavazos, City Secretary