

MINUTES OF REGULAR MEETING OF THE CITY OF SAN JUAN COMMISSION

DATE: Tuesday, October 22, 2019

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
Leonardo “Lenny” Sanchez, Mayor Pro-Tempore
Jesus “Jesse” Ramirez, Commissioner
Ricardo Palacios, City Attorney
Criselda Palacios, City Attorney

STAFF PRESENT: Benjamin Arjona, City Manager
Diana Cavazos, City Secretary
Tirso Garza, Chief of Fire
Reymundo Casarez, Police Captain
Leroy Gonzalez, Director of Finance
Adelaida Cordero, Director of Human Resources
Armandina Sesin, Library Director
Patrick Willingham, Director of Parks & Recreation
Roberto Escobar, Director of Planning
Roel Garza, Director of Sanitation/ Public Works
Rene Jaime, Purchasing/Risk Management
David Salinas, Director of Utilities
Mary Enriquez, Court Administrator
Pat Karr, 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

No public comments.

V. PRESENTATIONS:

- A. Presentation on Departmental Reports: Department of Finance, Police Department, Municipal Court, Fire Department and Department of Utilities.

DISCUSSION: Commissioner Jesus “Jesse” Ramirez thanked Fire Chief Garza for the great job on the recent school presentations and stated the kids really enjoyed it. Mayor Mario Garza asked for the status with PAL which was being created for the City of San Juan to which Mr. Patrick Willingham, Director of Parks and Recreation responded at the moment the bylaws are being created and the plan is to present them to the commission at the first meeting in November. Mr. Willingham added at that point the board would have to be finalized to fully submit all the details to the National PAL for membership.

VI. PUBLIC HEARING/ORDINANCES:

- A. Hold a Public Hearing to Solicit Input from Interested Parties on the City of San Juan Needs under the Urban County Program Fiscal Year 33 (2020).

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DISCUSSION: Roberto Escobar, Director of Planning and Zoning stated for the fiscal year 33 (2020) for Urban County, there were \$284,782 funds available. Mr. Escobar added that in the previous year the money was used for administration, street improvements, donated to Amigos del Valle and Nuestra Clinica del Valle. Currently there are different organizations that are going to speak on possibly getting some funding.

Mayor Mario Garza opened the Public Hearing at 6:03 P.M.

Mr. Rey Hernandez on behalf of Nuestra Clinica del Valle thanked the City Commission for their contribution on the previous years under the Urban County CDBG program. Their primary goal for NCDV is to continue patient care adding more patients in the headquarters in San Juan. Mr. Hernandez further stated his purpose today was to respectfully ask the Commission for \$25,000 of funding from the CDBG Urban County Program to provide medical, dental and behavioral services for 300 uninsured patients. Mr. Hernandez added that otherwise these individuals would not have the means for medical care and moved on to thanked the Commission and said any support would be greatly appreciated.

Mrs. Fabiola Ramirez with Amigos del Valle thanked the commission for all their support and respectfully requested \$10,000 in CDBG funds to provide home delivered meals to eleven eligible citizens for 165 days. Mr. Escobar stated that CASA of Hidalgo County sent a letter requesting \$2,000.00 but they weren't able to come in. Mayor Mario Garza asked if the requests were standard to which Mr. Escobar responded he could go over the contributions provided the year before: Amigos del Valle \$7,500, Nuestra Clinica del Valle \$5,000, and CASA of Hidalgo County didn't receive any but this year they submitted a request. Commissioner Jesus "Jesse" Ramirez asked if the request were submitted in writing to which Mr. Escobar responded yes.

Mayor Mario Garza closed the Public Hearing at 6:07 P.M.

- B. Hold a Public Hearing for a Rezoning Request from Single-Family Residence District (R-S) to Neighborhood Commercial District (C-1) of Lot 18, Las Brisas de San Juan Subdivision, located at 1903 N. Raul Longoria Road, as Requested by Jazmin Rodriguez.

DISCUSSION: Roberto Escobar, Director of Planning and Zoning stated the application was for rezoning from single family residential district to neighborhood commercial district the property is across from Starlite Burger. Mr. Escobar further stated Ms. Jazmin Rodriguez submitted the application, the advertisement had been sent to the newspaper as well as letters within the 200 feet radius. Mr. Escobar further informed that they looked at the comprehensive plan and it does allow that zone change.

Mayor Mario Garza opened the Public Hearing at 6:08 P.M.

Commissioner Jesus "Jesse" Ramirez asked why there was one vote against it from the P&Z board to which Mr. Escobar responded the main issue was the size of the lot. Mr. Escobar stated he did let Ms. Rodriguez know once she applied for the building permit they would be able to review the size of lot and parking space. Mayor Pro-Tem Sanchez asked if this request was just for the rezoning to which Mr. Escobar responded yes.

Mayor Mario Garza closed the Public Hearing at 6:09 P.M.

Commissioner Jesus "Jesse" Ramirez made motion to approve and was seconded by Mayor Pro-Tem Leonardo "Lenny" Sanchez. Motion passed (3-0).

- C. Hold a Public Hearing for a Conditional Use Permit to allow a Mechanic Shop in a Commercial Area at property legally described as Lot 1, Vega Subdivision, located 3705 N. Raul Longoria Road, as Requested by Pedro Pestana.

DISCUSSION: Roberto Escobar, Director of Planning and Zoning stated the request was for a conditional use permit for a mechanic shop in a commercial area, located on Raul Longoria and Nolana which was submitted by Pedro Pestana. Mr. Escobar further stated Mr. Pestana had submitted the application along with the fee, advertisement had been submitted to the newspaper as well as letters send out within the 200 feet radius. Mr. Escobar added the nearest resident is 120 feet away and according to the city ordinance for C2, if they're going to have a mechanic shop, they need to get a conditional permit. They met all their city ordinance requirements and the commission for Planning and Zoning recommended approval.

Mayor Mario Garza opened the Public hearing at 6:11 P.M.

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Mayor Garza asked the requirements are discussed with individuals applying for permits to which Mr. Escobar responded they sat down with them or gave them a call.

Mayor Mario Garza closed the Public Hearing at 6:12 P.M.

Mayor Pro-Tem Leonardo “Lenny” Sanchez made motion to approve and was seconded by Commissioner Jesus “Jesse” Ramirez. Motion passed (3-0).

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

- A. Discussion and Possible Action to Approve the Electrical Repairs needed at the Wastewater Treatment Plant in the Amount of \$29,000.00 and Authorize the City Manager to Execute all Related Document and Budget Amendment as Needed.

DISCUSSION: David Salinas, Director of Utilities stated as you recall this was the third item for the repairs at the waste water plant from the water damage back in June. Mr. Salinas further stated these are the final numbers that were received for the electrical work although some language is included for possible budget amendment as needed. The reason is because the estimate that was given was based on the visual examination and the underground electrical had not been exposed therefore there might be additional needed. Mr. Salinas added he didn’t foresee it being greater than \$10,000 for additional work and with the commission’s approval he would like to get the work done.

Commissioner Jesus “Jesse” Ramirez made motion to approve and was seconded by Mayor Pro-Tem Leonardo “Lenny” Sanchez. Motion passed (3-0).

- B. Consider Authorizing the City Manager to Declare 36 seized and/or abandoned vehicles and one (1) City of San Juan 2006 Crown Victoria as Salvage and Surplus Property.

DISCUSSION: Rene Jaime, Purchasing Agent stated as per the Texas Local Government code 252 salvage property means personal property other than items routinely discarded as waste because of use time, accident or other cause is worn damaged or obsolete that is of no value for the purpose for which it was originally intended. The surplus and salvage property consists of seized and/or abandoned vehicles awarded by the Criminal District Attorney of Hidalgo County and 32 abandoned vehicles awarded by the City of San Juan Municipal Court and one City of San Juan 2006 Police Crown Victoria. Mr. Jaime added staff’s recommendation is to declare vehicles as salvage and surplus property to be auctioned and/or otherwise disposed of in the best interest of the City of San Juan and to authorize the City Manager to sell said vehicles in auction or otherwise dispose of unsold vehicles in the best interest of the City of San Juan. Mr. Jaime stated if the commission could consider a business that offers auction services from the City of San Juan. The rate they charge is standard and I would like authorization to use them again since as a service they allow the Police Department to store the vehicles there until we are approved to auction them. Mayor Mario Garza asked if that was the only business we’ve used to which Mr. Jaime responded the city has been working with them for years. Mayor Mario Garza asked for the business name to which Mr. Jaime responded it was Bond and Bond Auction located North of Cesar Chavez.

Benjamin Arjona, City Manager stated there were some vehicles that the city could use in other departments such as the Department of Utilities and Parks and Recreation. Mayor Pro Temp Leonardo “Lenny” Sanchez asked on seized vehicles if there’s a certain percentage that has to be given back to the District Attorney and if there was an agreement that states the city can use those vehicles to which Rick Palacios, City Attorney responded it was very possible there was a combined task force that seized the vehicles that would have to be reviewed. We should be able to retain the vehicle without paying out the District Attorney’s Office, but I would need more information. Mr. Jaime stated there were only 4 vehicles that are from the District Attorney’s Office. Mr. Palacios stated the City would still have to review which agencies were specifically involved with the seizure that information isn’t available right now. Mr. Arjona stated he had spoken to Chief Gonzalez and he said those vehicles were cleared. Captain Casarez stated the only ones that have to reimburse is the district attorney’s office once they are sold at auction and the abandoned vehicles were awarded by our Municipal Court Judge, those are allowable for use within the city.

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Mayor Pro-Tem Leonardo “Lenny” Sanchez made motion to approve with the recommendation that we follow Chapter 59 and was seconded by Commissioner Jesus “Jesse” Ramirez. Motion passed (3-0).

- C. Consider the Approval of a Budget Amendment in the Amount of \$2,950 out of General Fund Fire Department, TIFMAS Grant Assistant Program to the Fire Department.

DISCUSSION: Tirso Garza, Fire Chief stated this was a grant award through TEEKS, the only reason for the amendment was to have it payed up front and once they complete the course we’ll get reimbursed back the \$2,950.00.

Commissioner Jesus “Jesse” Ramirez made motion to approve and was seconded by Mayor Pro-Tem Leonardo “Lenny” Sanchez. Motion passed 3-0.

- D. Discussion and Possible Action to Authorize Mayor to Execute a Marketing Agreement by and Between the City of San Juan and Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America, a subsidiary of HomeServe USA Corp., to Offer Property Owners the Opportunity, but not the Obligation, to Purchase a Service Plan for Private Sewer and Water Line Laterals.

DISCUSSION: David Salinas, Director of Utilities stated if you recall four meetings ago the Utility Service Partners provided a presentation on an insurance that will be available to the citizens of San Juan on purchase at a fixed rate for the repair of source service lines from the city main line up to the house. Mr. Salinas added they also have a plan for lines inside the house both for water and sewer. Mr. Salinas stated the agreement had been reviewed with the City Attorney and are recommending approval. Also, there would be a small percentage the city would get for each one of the agreements that are purchased. Mayor Mario Garza asked if this was optional for the citizens to which Mr. Salinas responded that was correct. Mr. Salinas stated they would be taking care of everything; the only thing that had to be authorized is the logo that will go on the letter that is mailed out to the customers. Mayor Garza asked how they would be getting notified to which Mr. Salinas responded by a letter in English and Spanish. Mr. Salinas added Utility Service Partners would take care of all the marketing and there would be no cost to the city. Mr. Salinas stated the regulations had been reviewed and the city would not be providing any customer information, they would have to get it on their own because they do not meet the criteria under Texas Local Government Code for us to provide them account holders contact information.

Mr. Salinas stated if approved today it would be with the condition that the language that says we give up the right to trial by jury gets excluded. Criselda Palacios, City Attorney stated there was a couple of other revisions such as termination, the termination provision that allows the city to terminate the agreement giving 30 days but it would only be for material breach by giving them a 30 day notice. Ms. Palacios added if they want that change, which had been requested for them to change that portion but was left as it was, we can let them know it was approved but with that provision. Mayor Mario Garza asked if the citizen decides to go that route and purchase services how would they go about it to which Mr. Salinas responded they would fill out a contract and mail it back to Utility Services. Mr. Salinas added they would take care of it and collect the fees we would only partner up for the marketing and get a small percentage for each of the policies they sell. Mayor Garza asked if the city gets a percentage of each payment to which Mr. Salinas responded it would be 50 cents per payment per month. He added if they sell 3 policies per say they have the sewer, water and interior plumbing it would be roughly 50 cents for each one per month. Mayor Mario Garza asked for the record if it was optional to which Mr. Salinas responded it was completely optional. Mr. Salinas concluded the customer does not have to get it, if they don’t want it and if approved tonight he will make sure the language is change to the attorney’s recommendation. Mayor Garza asked if at this time it would be approved with the language it’s on to which Mr. Salinas responded it would be approved with the condition to remove the language to trial by jury and allow us to terminate without cost. Those would be the two material changes on the agreement.

Commissioner Jesus “Jesse” Ramirez made motion to approve with the recommendation from staff and was seconded by Mayor Pro-Tem Leonardo “Lenny” Sanchez. Motion passed 3-0.

VIII. CONSENT AGENDA:

- A. Tax Collection Report-September 2019

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B. Budget Expenditure Report-August 2019

- C. Meeting Minutes
- July 9, 2019
 - July 16, 2019
 - July 18, 2019
 - July 23, 2019

DISCUSSION: Benjamin Arjona, City Manager stated any item could be pulled to be discussed in order to make an adequate decision.

Mayor Pro Tem Leonardo “Lenny” Sanchez made motion to approve and was seconded by Commissioner Jesus “Jesse” Ramirez. Motion passed (3-0).

IX. EXECUTIVE SESSION:

- A. The San Juan City Commission will Convene in Executive Session, in Accordance with the Texas Open Meeting Act, Vernon’s Texas Statutes and Code Annotated, Government Code Chapter 551.071 and 551.074.

1. Pursuant to Section 551.071 Consultation with Attorney; Discussion and Possible Action Regarding Issues Concerning Takeover Agreement Between the City of San Juan and the Guaratee Company of North America USA Regarding 3.5 MGD Water Treatment Plant No. 2 Project (Bond No. SS70111645).
2. Pursuant to Section 551.074 Personnel Matters; Discussion, Deliberation and Possible Action Regarding Tirso Garza’s Grievance Matter.
3. Pursuant to Section 551.071 Consultation with Attorney; Discussion Regarding Issues Concerning Public, Private, Partnership (P3) Funding Resources.

Mayor Pro Tem Leonardo “Lenny” Sanchez made motion to enter into Executive Session at 6:26 p.m. and was seconded by Commissioner Jesus “Jesse” Ramirez. Motion passed (3-0).

X. RECONVENE:

- A. The City Commission will Reconvene in Open Session to Take Necessary Action if any, in Accordance with Chapter 551, Open Meeting Subchapter E, Procedures Relating to Closed Meeting 551, Requirements to Vote or Take Final Action in Open Meeting.

Commissioner Jesus “Jesse” Ramirez made motion to reconvene at 8:11 p.m. and was seconded by Mayor Pro Tem Leonardo “Lenny” Sanchez. Motion passed (3-0).

Mayor Mario Garza motion for item A1 under executive session for City Manager to enter into an agreement with any settlement regarding Texas Water Development Board and was seconded by Mayor Pro Tem Leonardo “Lenny” Sanchez. Motion passed (3-0). For item A2 and A3 no action at this time.

XI. ADJOURNMENT:

Mayor Pro Leonardo “Lenny” Sanchez made motion to adjourn at 8:12 p.m. and was seconded by Commissioner Jesus “Jesse” Ramirez. Motion passed 3-0.

CITY OF SAN JUAN, TEXAS

Mario Garza, Mayor

ATTEST:



Diana H. Cavazos, City Secretary