

MINUTES OF REGULAR MEETING OF THE CITY OF SAN JUAN COMMISSION

DATE:

Tuesday, February 26, 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
Jesus “Jesse” Ramirez, Commissioner
Ernesto “Neto” Guajardo, Commissioner
Leonardo “Lenny” Sanchez, 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, Director of Finance
Adelaida Cordero, Director of Human Resources
Armandina Sesin, Library Director
Patrick Willingham, Director of Parks & Recreation
Robert Escobar, Director of Planning & Zoning
Roel Garza, Director of Sanitation/ Public Works
Rene Jaime, Purchasing/Risk Management
Ramiro, 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 the meeting to order at 6:00 p.m.

II. INVOCATION

Benjamin Arjona, City Manager led the Invocation.

III. PLEDGE OF ALLEGIANCE

All led the Pledge of Allegiance.

IV. PUBLIC COMMENTS

Ramiro Castro Jr. recently spoke with the Commission regarding animal control concerns. He noted that he has not yet received an update regarding his neighbor, despite his ongoing efforts to resolve the issue.

V. PRESENTATIONS

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

DISCUSSION: Benjamin Arjona, City Manager City Manager Benjamin Arjona announced that a neighborhood clean-up is scheduled for March 9, 2019. Roel Garza, Director of Sanitation, identified five drop-off locations for trash, various materials, and tires:

- Raul Longoria Rd. (Fireman’s Park)
- 400 El Dora Road (Reed and Mock Elementary)
- PSJA ISD lot (515 E 495)
- San Juan Community Resource Center
- The park at 509 E. Earling Rd.

The clean-up will begin at these locations and move to different quadrants on a monthly basis.

Commissioner Jesus “Jesse” Ramirez questioned Fire Chief Tirzo Garza regarding delayed ambulance response times. The Fire Chief reported a total of seven delays. Commissioner Ramirez noted that several delays exceeded twenty minutes, with one exceeding thirty minutes, and requested an explanation for these figures. Fire Chief Garza stated that he is currently awaiting a response from the facility. He noted that recent personnel changes may have delayed the correspondence, but he committed to forwarding the explanation to the commission as soon as it is received.

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VI. PUBLIC HEARING/ORDINANCES

- A. Consider Adoption of an Ordinance in First Reading of the Rezoning Request from Single-Family Residence District (R-S) to Neighborhood Commercial District (C-1) for a Property Legally Described as Lots 3 and 4, Capri No. 2 Subdivision, Located at Corner of Pullin and FM 495, as Requested by Baltazar Alanis.

Mayor Mario Garza made motion to untangle this item and was seconded by Commissioner Jesus “Jesse” Ramirez. Motion passed (4-0)

DISCUSSION: Roberto Escobar, Director of Planning and Zoning informed the commission that while the area contains both residential and commercial properties, much of it is transitioning to a Neighborhood Commercial District. He noted that the city recommends approval of this zone change as it ensures continuity with the two lots to the north, allowing the applicant to create a larger business. Mr. Escobar also provided the requested meeting minutes in the packet. Commissioner Jesus “Jesse” Ramirez noted that the Planning and Zoning Commission previously motioned to deny the request. In response, City Attorney Rick Palacios advised that under the city charter and local government code, a four-fifths vote is required to overturn a denial from the Planning and Zoning Commission, unless a specific ordinance dictates otherwise by majority. Further inquiries were made regarding neighboring residential properties. Mr. Escobar clarified that manufactured homes are located to the south. Additionally, Commissioner Leonardo “Lenny” Sanchez and Commissioner Ramirez questioned the proposed entrance for the site. While the applicant initially looked at Pullin St., the commission discussed the possibility of requiring the main entrance to be located off 495 to minimize the impact on the nearby subdivision. Rick Palacios, City Attorney suggested that the commission could approve the request with the specific condition that the entrance be restricted to 495. Mr. Baltazar Alanis and his daughter, Lisa Alanis, were present to represent the application. Ms. Alanis informed the commission that they are willing to comply with any conditions imposed, including utilizing an entrance off 495 instead of the subdivision.

Commissioner Jesus Ramirez made a motion to approve the condition requiring the entrance to be located off 495 rather than through Pullin Street and was seconded by Commissioner Ernesto Guajardo. Motion passed (4-0)

- B. Special Use Permit for the Construction of a New Monopole Cell Tower and a Variance Request to the Zoning Ordinance to Allow the Construction of a 125 feet Monopole Tower within the 200 feet setback from a Residential Property legally described as Lot 2, Los Jardines Subdivision, as Requested by Branch Tower III, LLC.

DISCUSSION: Roberto Escobar, Director of Planning and Zoning, informed the City Commission regarding the building application submitted by Branch Towers for a 125-foot monopole tower. Mr. Escobar mentioned that application does not meet two specific requirements of the 1997 tower ordinance: property setbacks and the required 375-foot separation from nearby residences. Although the tower exceeds the 1,500-foot requirement for separation from other towers, the current non-compliance necessitates an appeal process through the City Council. During the meeting, Jarred Ledee, Executive Vice President and CEO of Branch Towers, presented the proposal. He noted that the site is intended to provide continuous Verizon coverage, particularly if nearby water tanks are eventually decommissioned. He also addressed safety concerns raised by Mayor Mario Garza regarding structural integrity during natural disasters, stating that the tower will meet all federal design standards and include breakpoints to manage structural failure. Additionally, Benjamin Arjona, City Manager clarified that, contrary to the presentation materials, there are currently no scheduled demolitions for any city water towers. The Commission also noted that one resident email regarding this matter was included in the meeting packet.

Commissioner Jesus “Jesse” Ramirez made motion to approve and was seconded by Commissioner Eduardo “Neto” Guajardo. Motion passed (4-0)

- C. Consider a Public Hearing and Ordinance in First Reading for a Conditional Use Permit for the Sale of Alcoholic Beverages for Off-Premise Consumption at “El Barrilito Drive-Thru” legally described as the Lot 5, McBride Subdivision, located at 901 W. FM 495, Suite 2, as Requested by Asael Solis.

DISCUSSION: Roberto Escobar, Director of Planning and Zoning, has informed the commission that “El Barrilito” Drive Thru is an existing business for off-premise consumption. Due to a change in ownership, the business is now required to apply for a conditional use permit. Mr. Escobar has sent out correspondence regarding the application fees. The requirements for approval include obtaining a TABC license and applying for an occupational license.

Mayor Mario Garza opened the Public Hearing at 6:28 p.m.

Mayor Mario Garza closed the Public Hearing at 6:29 p.m.

Commissioner Ernesto “Neto” Guajardo made motion to approve and was seconded by Commissioner Jesus “Jesse” Ramirez. Motion passed (4-0)

- D. Consider and Possible Action to Approve an Ordinance Abandoning a Street or Right-of-Way Exhibits “A” and “B”, as Described as the South Twenty-eight (S28’) feet of Lot Six (6), Burg Subdivision, an addition to the City of San Juan, Hidalgo County, Texas, as Recorded in Volume 1222, Page 565, Map Records of Hidalgo County, Texas as Requested by the Owner(s); Authorizing the Mayor to Execute any and all Necessary Transfer Documents for said

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Abandonment; Providing a Repealer Clause; Providing a Savings Clause; Providing for Effective Date; Providing for Publication; and Ordaining Other Provisions Related to the Subject Matter Hereof.

DISCUSSION: Director of Planning and Zoning, Robert Escobar, informed the commission that the subdivision plat located at Business 83 and King Road was originally approved on April 30, 2018, pending an ordinance to abandon the roadway. Mr. Escobar further stated that construction is currently stalled as the request involves abandoning a 20-foot section of the roadway. Of this, 15 feet would be dedicated to the city as an easement. Mr. Escobar noted that his recommendation depends on whether the city intends to use that easement. Benjamin Arjona, City Manager suggested that the council decide whether to abandon the street outright or recap a portion of the fair market cost. Mr. Arjona recommended pursuing a recap of those funds. Rene Barrera, representing the engineer, Mr. Barrera, explained that Mr. Garcia purchased the entire lot, including the 28-foot area in question. He emphasized that the abandonment is critical to the development, which is planned in two phases: 12 apartments on the first floor in Phase 1, and 12 on the second floor in Phase 2.

Based on what was discussed, Commissioner Jesus “Jesse” Ramirez made motion to approve as presented with the abandonment of the easement. Commissioner Ernesto “Neto” Guajardo seconded. Motion passed (4-0)

VII. CONTRACTUALS/RESOLUTIONS

- A. Consider a Resolution Authorizing the City Manager to Submit, Accept an Application for Funding to the Office of the Governor, Homeland Security Grant Division for the City of San Juan Law Enforcement Emergency Regional Response Team (LEERT) Enhancement Project – 2019 Great Project.

DISCUSSION: Juan Gonzalez, Chief of Police informed the commission regarding the annual grant application for our regional SWAT Team. This grant supports the collaboration of 24 different agencies and a total of 45 operators. Over the past year, our 30 operators successfully seized 18 assault rifles, 14 kilograms of methamphetamine, 6 kilograms of heroin, and \$1.3 million in U.S. currency. Chief Gonzalez, noted that this is a 100% grant, requiring no matching funds from the city.

Commissioner Leonardo “Lenny” Sanchez made motion to approve and was seconded by Commissioner Ernesto “Neto” Guajardo. Motion passed (4-0)

- B. Consider Resolution Authorizing the Submission of an Application Under the 2020 Local Border Security Program Solicitation to the Governor’s Office Homeland Security Grant Division.

DISCUSSION: Juan Gonzalez, Police Chief informed the commission that the Borderstar grant is a 100% grant with no required local match. In response to an inquiry from Commissioner Leonardo “Lenny” Sanchez regarding whether the funds included equipment, Chief Gonzalez clarified that this specific grant is strictly for overtime expenses.

Commissioner Leonardo “Lenny” Sanchez made motion to approve and was seconded by Commissioner Ernesto “Neto” Guajardo. Motion passed (4-0)

- C. Consider Resolution Authorizing the City Manager to Submit, Accept and Applications for Funding to the Office of the Governor, Criminal Justice Division for the City of San Juan Crime Victims Liaison Project.

DISCUSSION: Juan Gonzalez, Chief of Police informed the Commission of the need for an additional liaison, noting that the role requires a grant with a 20% match. Regarding funding for this match, Chief Gonzalez explained that forfeiture funds can be used if the position is held by law enforcement personnel; however, if filled by a civilian, the funding must come from the general fund. In response to Commissioner Leonardo “Lenny” Sanchez, the Chief confirmed the match would come from the forfeiture account for one year. Benjamin Arjona, City Manager added that the one-year grant match is estimated between \$8,500 and \$9,000. Chief Gonzalez further clarified that the total salary cost is approximately \$42,000, which includes necessary supplies and equipment funded through the Governor’s Office. Chief Gonzalez emphasized that while the San Juan Police Department already has one liaison, there is a clear need for another to work with local agencies. He noted that the Governor has made crime victim programs a priority for the state.

Commissioner Jesus “Jesse” Ramirez made motion to approve and was seconded by Commissioner Leonardo “Lenny” Sanchez. Motion passed (4-0)

- D. Consider Authorizing the City Manager to Enter Into an Agreement with Perez Consulting Engineers, LLC, for Water Treatment Plant No. 1 Equipment Replacement and Rehabilitation and Authorize the Mayor to Execute All Related Documents and Budget Amendment as Needed.

DISCUSSION: Benjamin Arjona, City Manager informed the Commission regarding the rehabilitation of the water treatment plant located behind City Hall. The project involves installing equipment to bring the plant back to standard operations. In response to an inquiry from Commissioner Jesus “Jesse” Ramirez regarding the source of funding, Mr. Arjona clarified that the project will be funded by the 2016-2017 bond. This funding has already been approved.

Commissioner Jesus “Jesse” Ramirez made motion to approve and was seconded by Commissioner Leonardo “Lenny” Sanchez. Motion passed (4-0)

- E. Reconsideration of Preliminary and final Plat Approval of the Kings Apartments Subdivision being a 0.905 acre tract of land being all of Lot 6, Burg Subdivision, as Requested by Barrera Infrastructure Group Inc.

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DISCUSSION: Robert Escobar, Director of Planning and Zoning informed the commission that item was presented to the City of San Juan Commission on April 30, 2018. Robert Escobar, Director of Planning and Zoning, informed the commission that the city has been meeting with the project engineer to discuss the abatement of the easement. The item was brought back for review due to drainage concerns. While the city currently requires a 10-year storm detention, recent weather patterns have led other counties to require a 50-year standard. Mr. Escobar noted that the proposed inlet would require the pipe to be extended 470 feet. Consequently, a variance is being requested to allow for on-site detention that bleeds to the roadway and eventually reaches the inlet. During the session, Commissioner Leonardo “Lenny” Sanchez inquired about how long water would remain stagnant on the street. Mr. Rene Barrera, representative for Mr. Marco Garcia, noted that neither the county nor the city allows for retention. The engineer was present to address further questions regarding these requirements and the proposed variance.

Commissioner Jesus “Jesse” Ramirez made motion to approve and was seconded by Commissioner Leonardo “Lenny” Sanchez. Motion Passed (4-0)

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

- A. Consider Declaring Real Property Sun Valley Estates #1 Lot 51, San Juan, Hidalgo County, Texas; AKA 908 Sunset Street, San Juan, Texas 78589-4302 as Surplus Property and Authorize the City Manager to Sell or Lease said Property.

DISCUSSION: Benjamin Arjona, City Manager has informed the Commission that this property is part of a subdivision acquired by the San Juan Police Department in December 2014. Juan Gonzalez, Chief of Police confirmed that the property was seized and subsequently awarded by the court. Mr. Arjona estimated the property's value at approximately \$20,000. In response to Commissioner Leonardo “Lenny” Sanchez’s inquiry regarding the auction process, Chief Gonzalez clarified that once the property is auctioned, the proceeds are used for law enforcement purposes, with a 33 percent share allocated to the District Attorney’s office.

Commissioner Leonardo “Lenny” Sanchez made motion to approve and was seconded by Commissioner Ernesto “Neto” Guajardo. Motion Passed (4-0)

- B. Consider Authorizing Staff to Submit the Revised Water Conservation and Drought Contingency Plan to the Texas Water Development Board.

DISCUSSION: Benjamin Arjona, City Manager has informed the Commission that the Texas Water Development Board is requesting the appointment of a Conservation Coordinator within the City. We are seeking approval to formally appoint Francisco Flores to this position, as he is currently performing these duties.

Commissioner Jesus” Jesse” Ramirez made motion to approve and was seconded by Commissioner Leonardo “Lenny” Sanchez. Motion Passed (4-0)

- C. Municipal Court Amnesty Program.

DISCUSSION: Judge Eloy Hernandez informed the commission of plans to reintroduce the amnesty program from March 1st through April 30th. Under this program, the court would waive fees associated with outstanding warrants or failure to appear, provided the underlying citations are paid in full. Judge Hernandez reported that the program has historically collected approximately \$50,000 per month. Currently, there is an estimated \$2.3 million in outstanding balances spanning the last 20 years, a figure that includes both city and state portions. Benjamin Arjona, City Manager confirmed the program will be promoted via the Advance, social media, Telemundo, Channel 5 News, and the city website. Judge Hernandez clarified that unlike the Scofflaw program—which requires a cleared agreement before renewing vehicle registrations or driver's licenses—the amnesty program allows individuals to resolve their citations directly at the Municipal Court. Mr. Arjona suggested working with our vendor to better identify and distinguish revenue specifically generated by the amnesty program for future analysis.

Commissioner Leonardo “Lenny” Sanchez made motion to approve and was seconded by Commissioner Ernesto “Neto” Guajardo. Motion Passed (4-0)

IX. CONSENT AGENDA

- A. Consider Second and Final Reading of an Ordinance for the Conditional Use Permit for the Sale of Alcoholic Beverages for On-Premise Consumption at Candlejas Event Center, LLC. located at 2103 N. Raul Longoria Road, legally described as Lot 11, Dos Arbolitos Plaza, as Requested by Looney Tunes Day Care Center, Inc.

- B. Monthly Collection Report – January 2019

- C. Budget Expenditure Report – January 2019

- D. Meeting Minutes

- August 14, 2018

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- September 18, 2018
- September 25, 2018
- October 22, 2018
- December 11, 2018

Commissioner Jesus “Jesse” Ramirez made motion to approve all items under consent agenda and was seconded by Commissioner Leonardo “Lenny” Sanchez. Motion Passed (4-0)

X. EXECUTIVE SESSION

Commissioner Jesus” Jesse” Ramirez made motion to enter executive session at 6:58 p.m. and was seconded by Commissioner Ernesto “Neto” Guajardo. Motion Passed (4-0)

A. The San Juan 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 551.071 and 551.074 (Consultation with Attorney and Texas Government Code).

1. Discussion and Possible Action Regarding the Appointment, Duties, Remuneration and/or Public Office or Employee: City Manager (Texas Government Code 551.074 Personal Matters; Closed Meeting)
2. Discussion and Possible Action Regarding Issues Concerning Takeover Agreement Between the City of San Juan and the Guaratee Company of North America USA Concerning 3.5 MGD Water Treatment Plant No. 2 Project (Bond No. SS70111645) (Texas Government Code 551.071 Consultation with Attorney; Closed Meeting).

XI. RECONVENE

Commissioner Ernesto “Neto” Guajardo made motion to reconvene at 7:14 p.m. and was seconded by Mayor Mario Garza. Motion Passed (4-0)

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.

1. Discussion and Possible Action Regarding the Appointment, Duties, Remuneration and/or Public Office or Employee; City Manager (Texas Government Code 551.074 Personnel Matters; Closed Meeting).

Mayor Mario Garza made motion to approve as discussed by City Manager and was seconded by Commissioner Ernesto “Neto” Guajardo. Motion Passed (4-0)

City Council, Rick Palacios advised to make motion to enter into Agreement between the City of San Juan and EDC.

Commissioner Ernesto “Neto” Guajardo made motion to approve and was seconded by Commissioner Jesus “Jesse” Ramirez. Motion Passed (4-0)

2. Discussion and Possible Action Regarding Issues Concerning Takeover Agreement Between the City of San Juan and the Guaratee Company of North America USA Concerning 3.5 MGD Water Treatment Plant No. 2 Project (Bond No. SS70111645) (Texas Government Code 551.071 Consultation with Attorney; Closed Meeting).

No Action was Taken

XII. ADJOURNMENT

Commissioner Ernesto “Neto” Guajardo made motion to approve adjourn at 7:15 p.m. and was seconded by Commissioner Jesus “Jesse” Ramirez. Motion Passed (4-0)

CITY OF SAN JUAN, TEXAS

ATTEST:



Brenda Escalante, City Secretary



Mario Garza, Mayor