



**TAKE NOTICE THAT A REGULAR MEETING
OF THE BOARD OF COMMISSIONERS
OF THE CITY OF PHARR, TEXAS
WILL BE HELD AT CITY HALL, COMMISSIONERS' ROOM,
118 S. CAGE BLVD., 2ND FLOOR, PHARR, TEXAS
COMMENCING AT 5:10 P.M. ON
MONDAY, SEPTEMBER 19, 2016**

The City of Pharr has called this meeting as allowed pursuant to Texas law, city charter, and Ordinance O-2015-28. The governing body may recess from day to day when it does not complete consideration of a particularly long subject as authorized by law. All persons desiring to address the governing body must register with the presiding city clerk prior to the scheduled meeting.

1. CALL TO ORDER:

- A) Roll call and possible action on the excusing of any absent member of the governing body.
- B) Pledge of Allegiance/Invocation.

2. PROCLAMATIONS:

- A) Proclamation proclaiming Red Ribbon Week.

3. CITY MANAGER'S REPORTS: *(City Manager's Administrative Reports and discussion, if any, with governing body. The City Manager may also assign a designated spokesperson for any particular listed topic)*

- A) City Engineer's Report
- B) Submission of August 2016 Tax Collection Report
- C) Submission of September 2016 Sales Tax Report
- D) City Events of Interest

4. PUBLIC COMMENTS/PUBLIC HEARINGS:

- A) **PUBLIC COMMENTS:** *(Ordinance No. O-2015-28) A registered speaker may speak on several items or topics of public concern; however, a speaker may not exceed three (3) minutes as a whole when addressing the board. A registered speaker may not donate time to another speaker. No more than five (5) registered persons may speak at a scheduled meeting. A sign-in form must be filled out prior to the meeting to allow the registered speaker to address the governing body.*

- B) **PUBLIC HEARING ON DEVELOPMENT SERVICES CASES:** *(Ordinance No. O-2015-28). A registered speaker during the public hearing may not exceed three (3) minutes when addressing the board. A sign-in form for participation in public a hearing shall be promulgated by the city clerk and be made available at the city clerk's office. The public hearing sign-in form shall include the person or entity's name, address, telephone number, other contact information, organization if applicable, and other notices, authorizations, and acknowledgements as may be allowed by law from time to time. No registered speaker may be allowed to address the governing body once the public hearing has closed.*
- C) **PUBLIC HEARING:** Solicitation of comments on the submission of a grant application to the Texas Parks & Wildlife Department (TPWD) to request funds to improve one or more city parks, the amount of funding available, eligible activities, and match requirements. (CDBG)
5. **CONSENT AGENDA:** *(All items listed under consent Agenda are considered to be routine and non-controversial by the Governing Body and will be enacted by one motion. Any Commissioner may remove items from the consent agenda by making such request prior to a motion and vote on the Consent Agenda)*
- A) Approval of minutes for August 15, 2016 – Regular Called Meeting; August 29, 2016 – Special Called Meeting; and September 6, 2016 – Regular-Special City Commission Meeting. (ADMINISTRATION)
- B) Consideration and action, if any, on Ordinance O-2013-32 amending and adopting the 2015 International Energy Conservation Code, excluding appendices RA and RB for the City of Pharr; providing for severability; providing for a penalty clause; and providing for publication and as effective date. (DEVELOPMENT SERVICES) **3rd & Final Reading**
- C) Consideration and action, if any, ratifying request from Pharr- San Juan-Alamo ISD for the use of the Boggus Ford Events Center on Thursday, September 15, 2016 for the PSJA Education Foundation annual event. (ADMINISTRATION)
- D) Consideration and action, if any, on request by Pharr Fire Department for street closure of the 100-200 blocks of West Newcombe and the 100-200 blocks of South Aster for the 15th Annual Fire Fest 2016 on Saturday, October 8, 2016. (FIRE)
- E) Consideration and action, if any, authorizing City Manager to advertise for proposals for ambulance services. (FIRE)
- F) Consideration and action, if any, authorizing City Manager to advertise for request for qualifications for professional energy consultant services. (ADMINISTRATION)

- G) Consideration and action, if any, authorizing City Manager to advertise for bids for the Purchase and Delivery of Construction Materials (TY F GR 3 Caliche), (Type D HMAC), (Type D Cold Mix), (Concrete Mix), (Reinforced Concrete Pipe, Manholes, Inlets), (Pavement Markings) for Public Works Annual Use FY 2016-2017. (ENGINEERING)
- H) Consideration and action, if any, authorizing Mayor and City Manager to sign Certificate of Alliance with the City of Culiacan, Sinaloa, Mexico to begin Memorandum of Understanding.
- I) Consideration and action, if any, on Development Services Cases:
1. D & G Saloon, LLC., d/b/a Capitolio Event Center, is requesting renewal of the Conditional Use Permit and Late Hours Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C) The property is legally described as La Quinta Subdivision, Replat Lots 52-55, Pharr, Hidalgo County, Texas. The property's physical address is 5950 South Cage Boulevard. **CUP#150749**
 2. Juanita Garza d/b/a Pharr West Club, LLC, is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). The property is legally described as Lot 3, Replat of Lot 1, Mexican Fiesta Subdivision, and Lot 1, Mexican Fiesta Unit #2 Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1302 West Nolana. **CUP#100728**
 3. Angel Villarreal and Maria C. Villarreal, representing VIGA Restaurants, Inc., d/b/a Villa del Mar Restaurant, are requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). The property is legally described as being Lot A, Providence Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 6400 South Cage Boulevard, Suites A & B. **CUP#110757**

PLATS:

4. Quintanilla Headley & Associates Inc., representing Esponjas Development, LTD., Cruz Cantu III, President, is requesting final plat approval of the proposed Medical Ridge Subdivision. The property is legally described as being a 21.12 acre tract of land out of Lot 8, Block 8, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas The property is located between the 1400 and 1600 Block of South Jackson Road. **SUB#150206**
5. Quintanilla Headley & Associates Inc., representing Esponjas Development, LTD., Cruz Cantu III, President, is requesting final plat approval of the proposed Tropic Star Estates Subdivision. The property is legally described as being a 1.845 acre tract of land out of the south 574.00 feet of Lot 1, Tropic Star Subdivision, Pharr, Hidalgo County, Texas The property is located within the 100 Block of East Tropic Star Road. **SUB#141027**

REGULAR AGENDA – OPEN SESSION:

6. ORDINANCES AND RESOLUTIONS:

- A) Consideration and action, if any, on Ordinance adopting tax rate for FY 2016-2017. (FINANCE)
- B) Consideration and action, if any, on Ordinance adopting and approving the budget for year beginning October 1, 2016 and ending September 30, 2017. (FINANCE)
- C) Consideration and action, if any, on Resolution to acquire property for public use (Corner Clips on Kelly and Veterans Blvd.). (DEV. SERVICES)
- D) Consideration and action, if any, on Resolution authorizing application for Local Park Grant Program. (CDBG)
- E) Consideration and action, if any, on Resolution appointing/re-appointing four (4) members to the Pharr Economic Development Corporation II Board of Directors. (PEDC II)

7. ADMINISTRATIVE:

- A) Consideration and action, if any, on incentive program for residential development. (PEDC II) (TABLED)
- B) Consideration and action, if any, on budget for Pharr Economic Development Corporation II FY 2016-2017. (FINANCE)
- C) Consideration and action, if any, on budget for Police Athletic League FY 2016-2017. (FINANCE)
- D) Consideration and action, if any, on budget for Tax Increment Reinvestment Zone No. 1 FY 2016-2017. (FINANCE)
- E) Consideration and action, if any, on budget for Pharr Public Facilities Corporation #1 FY 2016-2017. (FINANCE)
- F) Consideration and action, if any, on budget for Pharr Housing Finance Corporation FY 2016-2017. (FINANCE)
- G) Consideration and action, if any, on budget for Pharr Housing Finance Corporation Jackson Place Apartments FY 2016-2017. (FINANCE)
- H) Consideration and action, if any, on Change Order #1 in the deduct amount of -\$4,732.13 for the Concrete Repair Work for Single Machine Repaving Project Year 1 – Phase B. (ENGINEERING)

- I) Consideration and action, if any, on acceptance of the Concrete Repair Work for Single Machine Repaving Project Year 1 – Phase B with Artillery, L.L.C. and release final payment and retainage in the amount of \$66,131.91. (ENGINEERING)
- J) Consideration and action, if any, on selection of Independent Financial Advisor. (FINANCE)

8. CONTRACTS/AGREEMENTS:

- A) Consideration and action, if any, on agreement with Hollis Rutledge and Associates, Inc. for consulting services. (ADMINISTRATION)
- B) Consideration and action, if any, on agreement with Ezequiel Ordonez d/b/a Rio Regional Infrastructure Services, L.L.C. for professional consulting and lobbying services. (BRIDGE)
- C) Consideration and action, if any, on maintenance agreement with The Revenue Markets, Inc. (TRMI) for computerized toll collection system at the Pharr/Reynosa International Bridge. (BRIDGE)
- D) Consideration and action, if any, on maintenance agreement with Holt Power Systems for emergency generators at the Pharr/Reynosa International Bridge. (BRIDGE)
- E) Consideration and action, if any, terminating agreement with RJG Retirement Services, LLC as Agent of Record and continue with Lone Star Insurance Agency as the Sole Agent of Record for the City of Pharr. (HR)
- F) Consideration and action, if any, authorizing City Manager to contract engineering services for a Traffic Impact Analysis for West Dicker Road (FM 3072). (DEVELOPMENT SERVICES)
- G) Consideration and action, if any, on Memorandum of Understanding between the Federal Reserve Bank of Dallas, the Pharr-San Juan-Alamo Independent School District, and the University of Texas Rio Grande Valley for the Rio Grande Valley (DO4RGV) Demonstration Project. (ADMINISTRATION)
- H) Consideration and action, if any, on incentive agreement with Evergreen Cold Storage, LLC. (PEDC II) (TABLED)
- I) Consideration and action, if any, on incentive agreement for Project Pine. (PEDC II)
- J) Consideration and action, if any, on incentive agreement for Project Start. (PEDC II)

- K) Consideration and action, if any, amending 380 Comprehensive Economic Stimulus Agreement with Mayan Capital Marketing, L.L.C d/b/a Khan's Grill. (PEDC II)
- L) Consideration and action, if any, amending reimbursement contract between City of Pharr and Pharr Economic Development Corporation II for the Pharr Produce District Subdivision Phase 1. (PEDC II)
- M) Consideration and action, if any, on lease agreement with Rigo Eguia for PEDC II property located at 201 W Newcombe, Pharr, Texas. (PEDC II)

9. LEGAL:

- A) Attorney Update on Case No. C-3205-16-E D&M Ventures, LLC vs City of Pharr, Texas Pharr Housing Finance Corporation and PHFC Jackson Place Apartments Corporation. (LEGAL)
- B) Attorney update on Case No. CL-16-3135-F City of Pharr vs. Vecchio Motel. (LEGAL)

- 10. CLOSED SESSION:** *In accordance with Chapter 551 of the Texas Gov't. Code, the Pharr Board of Commissioners hereby gives notice that it may meet in a closed (non-public) executive session to discuss the items listed on the public portion of the meeting agenda, including items 5 - 9 in accordance with the following below:*

Pursuant to Section 551.071, the City may convene in a closed, non-public meeting with its attorney and discuss any matters related to **legal advice on Case No. C-3205-16-E D&M Ventures, LLC vs City of Pharr, Texas Pharr Housing Finance Corporation and PHFC Jackson Place Apartments Corporation; on Case No. CL-16-3135-F City of Pharr vs. Vecchio Motel concerning pending or contemplated litigation, settlement offer, and/or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.072, the City may convene in a closed, non-public meeting to discuss any matters related to **real property and deliberate the purchase, exchange, lease, or value of real property as such would be detrimental to negotiations between the City and a third party in an open meeting.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.074, the City may convene in a closed, non-public meeting to discuss any matters related to **appointment, employment, evaluation, reassignment, duties and discipline or dismissal of a public officer or employee and to hear any complaints or charges against an officer or employee.** The City and its attorney may also discuss such issues with the appropriate staff including members so as to obtain necessary and relevant information so that such discussion is informative and developed.

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Pursuant to Section 551.076, the City may convene in a closed, non-public meeting to discuss any matters on the **deployment, or specific occasions for implementation, of security personnel or devices**. The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.084, the City may convene in a closed, non-public meeting to discuss any matters involving an **investigation and may exclude a witness from hearing during the examination of another witness in the investigation**. The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.087, the City may convene in a closed, non-public meeting to discuss any matters regarding **economic development issues**. The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

11. RECONVENE into Regular Session, and consider action, if necessary on any item(s) discussed in closed session.

12. ADJOURNMENT.

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Clerk's Office at 956/402-4100 ext. 1003/1007 or FAX 956/702-5313 or E-mail hilda.pedraza@pharr-tx.gov or imelda.barrera@pharr-tx.gov for further information. Braille is not available.

I, the undersigned authority, do hereby certify that the above notice of said Regular Meeting of the City Commission of the City of Pharr was posted on the bulletin board at City Hall and on the City's web page at www.pharr-tx.gov. This Notice was posted on the 16th day of September, 2016, at 4:00 P.M. and will remain posted continuously for at least 72 hours preceding the scheduled time of said Meeting, in compliance with Chapter 551 of the Government Code, Vernon's Texas Codes, Annotated (Open Meetings Act).



WITNESS MY HAND AND SEAL, this 16th DAY OF SEPTEMBER 2016.

Hilda Pedraza

HILDA PEDRAZA, TRMC
CITY CLERK

I certify that the attached notice and agenda of items to be considered by the City Commission was removed from the bulletin board of City Hall on the _____ day of _____, 2016 by,

Title: _____