

**TAKE NOTICE THAT A REGULAR MEETING  
OF THE BOARD OF COMMISSIONERS  
WILL BE HELD AT CITY HALL, COMMISSIONERS' ROOM,  
118 S. CAGE BLVD., 2<sup>ND</sup> FLOOR, PHARR, TEXAS  
COMMENCING AT 5:00 P.M. ON  
TUESDAY, MARCH 2, 2010**

At any time during the course of this meeting, the Board of Commissioners may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the Board of Commissioners under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

The City of Pharr has called this meeting as allowed by law and charter. The Board may recess from day to day when it does not complete consideration of a particularly long subject as authorized by law.

1. Roll call-excuse members.
2. Pledge of Allegiance/Invocation.

**PROCLAMATION**

3. Proclamation proclaiming Antonio Victor Villegas, Jr. Day.

**ADMINISTRATIVE**

4. Consideration and action, if any on City Commission Meeting minutes: February 16, 2010 – Regular Called Meeting.
5. City Manager's Administrative Reports and discussion, if any, with City Commission. The City Manager may also assign a designated spokesperson for any particular topic.
  - a. City Engineer's Report - J. E. Saenz & Associates  
Pharr Wastewater Collection and Lift Station Improvement Project  
Sugar Road 1 (Sioux-Owassa)  
Owassa Road (ON HOLD)  
West Hall Acres Road
  - b. Project Engineer's Report – R. Gutierrez Engineering  
West Sioux Road

**PLANNING & ZONING**

6. Consideration and action on Planning & Zoning Cases:

**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:**

**PUBLIC HEARING:**

- a. Pappas Restaurants, Inc., d/b/a Pappadeaux Seafood Kitchen, has filed with the Planning and Zoning Commission a request for a 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 11.618 acres, Lot 6, Block 6, A.J. McColl Subdivision and 3.839 acres, Lots 1&2, John Makens Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1610 W. Expressway 83.
- b. Mauricio Jaramillo has applied for 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 1.01 Acres out of Lot 152, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1020 W. Ferguson.
- c. Mauricio Jaramillo, d/b/a Regency Hall is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Heavy Commercial District (H-C). The property is legally described as Lots 10 & 11, Maco Business Center Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 207 E. Ferguson Ave.
- d. The City of Pharr has filed with the Planning and Zoning Commission a rezoning request for tracts of land from an Agricultural Open-Space District (A-O) to a Heavy Commercial District (H-C). The properties are legally described as:
  - MCCOLL TRACT 1.14AC IRR TR-W267.65'-S214'-N319' LOT 8 BLK 11 LYING S OF CANAL 0.51AC NET
  - MCCOLL TRACT E90'-W357.65'-S195.27'-N274.54' LYING S OF CANAL-LOT 8 BLK 11 0.40AC
  - MCCOLL TRACT W300'-N149.35'-S895.95' LOT 8 BLK 11 5.0AC GR 4.64AC NET
  - MCCOLL TRACT W300'-N149.35'-S746.76' LOT 8 BLK 11 5.0AC GR 4.61AC NET
  - MCCOLL TRACT W300'-N149.35'-S448.06' LOT 8 BLK 11 5.0AC GR 4.86AC NET
  - MCCOLL TRACT W300'-N149.35'-S298.7' LOT 8 BLK 11 5.0AC GR 4.86 AC NET
  - MCCOLL TRACT W300'-S149.35' LOT 8 BLK 11 5.0AC GR 4.86AC NET
  - MCCOLL TRACT W300'-N149.35' LOT 7 BLK 11 5.0AC GR 4.86AC NET
  - MCCOLL TRACT W300'-S149.35'-N298.7' LOT 7 BLK 11 5.0AC GR 4.86AC NET
  - MCCOLL TRACT W300'-S74.67'-N373.37' LOT 7 BLK 11 2.50AC GR 2.43AC NET

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- MCCOLL TRACT W300'-S74.67'-N448.05' LOT 7 BLK 11 2.50AC GR 2.43AC NET
- MCCOLL TRACT W300'-S149.35'-N597.4' LOT 7 BLK 11 5.0AC GR 4.86AC NET
- MCCOLL TRACT W300'-S149.35'-N746.75' LOT 7 BLK 11 5.0AC GR 4.86AC NET
- MCCOLL TRACT W300'-S149.35'-N896.1' LOT 7 BLK 11 5.0AC GR 4.86AC NET
- MCCOLL TRACT W300'-S423.99' EXC SW 1AC/ IMP–LOT 7 BLK 11 14.19AC GR 12.47AC NET
- MCCOLL TRACT W300'-SW 1.0AC IMP LOT 7 BLK 11,

All tracts out of A.J. McColl Subdivision, Pharr, Hidalgo County, Texas;  
Located between the 5800 – 6600 Blocks of S. Jackson Rd.

- e. The City of Pharr has filed with the Planning and Zoning Commission a rezoning request for tracts of land from Agricultural Open-Space District (A-O) to a Heavy Commercial District (H-C) and for another tract of land from a Single-Family Residential District (R-1) to a Heavy Commercial District (H-C). The properties are legally described as:

- MCCOLL TRACT W300'-W798.27' LOT 6 BLK 12 23.87AC
- MCCOLL TRACT 1.00AC-N238.96' LOT 5 BLK 12 1.00AC NET
- MCCOLL TRACT S208.71'-N597.57'-W313.07' LOT 5 BLK 12 1.50AC GR 1.12AC NET
- MCCOLL TRACT W300'-N120.40'-S722.40'-W915.63' A/K/A TR 1 2.53AC GR 2.25AC NET
- MCCOLL TRACT W 0.53AC FOR IMPS-N120.4'-S602'-W915.63' A/K/A TR-2 LOT 5 BLK 12 0.42AC NET
- MCCOLL TRACT W110'-N120.5'-S602'-W915.63' EXC W0.53AC FOR IMPS A/K/A TR-2 LOT 5 BLK 12 2AC NET
- MCCOLL TRACT W300'-W915.63'-N60.2'-S481.63' LOT 5 BLK 12 A/K/A S1/2 TR 3 1.27AC GR 1.23AC NET
- MCCOLL TRACT W300'-W915.63'-N60.2'-S421.43' LOT 5 BLK 12 A/K/A N1/2 TR 3 1.23 AC NET
- MCCOLL TRACT W300'-N120.04'-S361.2'-W553.84' LOT 5 BLK 12 A/K/A TR 4 1.53AC GR 1.42AC NET
- MCCOLL TRACT LOT 5 BLK 12 W300'-N120.40'-S240.8'-W915.63' A/K/A TR 5 2.53AC GR 2.39AC NET,

All tracts out of A.J. McColl Subdivision, Pharr, Hidalgo County, Texas;  
The properties are located between the 8,200 – 9,000 Block of S. Jackson Rd. and

Rezoning request for another tract of land from a Single-Family Residential District (R-1) to a Heavy Commercial District (H-C), the legal description being Lot 1, A Rivas Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 8,900 Block of S. Jackson Rd.

- f. The City of Pharr has filed with the Planning and Zoning Commission a rezoning request for tracts of land from Agricultural Open-Space District (A-O) to a Heavy Commercial District (H-C). The property is legally described as the W300' Lot 7 Blk. 13, 49.19AC GR 38.68AC NET, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 9,400 – 9,800 Blocks of S. Jackson Rd.

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- g. The City of Pharr has filed with the Planning and Zoning Commission a rezoning request for a tract of land from Agricultural Open-Space District (A-O) to a Limited Industrial District (L-I). The property is legally described as the S150'-N320'-W350' EXC 18.75' X 350' LOT 6 BLK 13 1.05AC, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 9,800 Block of S. Jackson Rd.
- h. The City of Pharr has filed with the Planning and Zoning Commission a rezoning request for tracts of land from Agricultural Open-Space District (A-O) to a Heavy Commercial District (H-C). The property is legally described as the N660', Lot 1, 4.74 Ac Net, M P M Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 10,700 Block of S. Jackson Rd.

**REGULAR AGENDA**

**ORDINANCES AND RESOLUTIONS**

7. Consideration and action, if any, on Ordinance granting AEP Texas Central Company 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 Pharr until March 31, 2035.
8. Consideration and action, if any, on Ordinance prohibiting entry, possession, and sale of certain goods at city sponsored events.
9. Consideration and action, if any, on Ordinance amending Ordinance No. O-83-28 Pharr Fire Alarm Ordinance.
10. Consideration and action, if any, on Ordinance amending Ordinance No. O-83-28 Police Burglary and Robbery Ordinance.
11. Consideration and action, if any, on Resolution to close South Cage Blvd. (281) and E. Business 83 on Saturday, March 13, 2010 for 4<sup>th</sup> Annual 5k Saint Patrick's Day Run/Walk from 7:00 a.m. to 11:00 a.m.
12. Consideration and action, if any, on Resolution to close North Cage Blvd. (281) from Polk Ave. to Business 83 for the Annual Hub-Phestival Parade on Saturday, March 27, 2010 at 2:00 p.m.
13. Consideration and action, if any, on Resolution to close U.S. 281 (Cage Blvd.) on Saturday, March 27, 2010 and Sunday, March 28, 2010 from Bus. 83 south to Kelly Ave. (4 blocks) for the "HUB Phestival" from 4:00 a.m. (Sat.) to 12:00 noon (Sun).
14. Consideration and action, if any, on Resolution authorizing the Pharr Economic Development Corporation II Board of Directors to apply for a loan from the Rural Development Business and Cooperative Programs Intermediary Relending Program to fund a revolving loan program.

15. Consideration and action, if any, on Resolution amending the Articles of Incorporation of Pharr Economic Development Corporation II.

### **AGREEMENTS**

16. Consideration and action, if any, on proposal from Uretek USA for pavement and rehabilitation of bridge lanes.
17. Consideration and action, if any, on proposal related to 118 S. Cage Blvd. (Formerly Wells Fargo Bank).
18. Consideration and action, if any, on Interlocal agreements with Hidalgo County and Pharr-San Juan-Alamo Independent School District for West Hall Acres Road improvements.

### **MISCELLANEOUS**

19. Consideration and action, if any, on authorizing staff to advertise for Solicitation of Bids for Auctioneer for a public auction of surplus, unclaimed and seized property.

### **PURCHASING**

20. Consideration and action, if any, awarding bid for the West Sioux Road Paving and Drainage Improvements Project.
21. Consideration and action, if any, awarding bid for the West Hall Acres Road Improvements Project.
22. **EXECUTIVE 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 executive session to discuss the items listed on the public portion of the meeting agenda, including items 3 - 21 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 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 on **proposal related to 118 S. Cage Blvd. (Formerly Wells Fargo Bank), 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.

Pursuant to Section 551.075, the City may convene in a closed, non-public meeting to discuss any matters with any and all **employees to receive information or question the employees**. 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 551.076, 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 551.086, 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.

23. **RECONVENE** into Regular Session, and consider action, if necessary on any item(s) discussed in executive session.
24. Public Comments (Ordinance No. O-2010-05).
25. 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 956/702-5335 ext 112/113 or FAX 956/702-5313 or E-mail [hpedraza@pharr-tx.gov](mailto:hpedraza@pharr-tx.gov) or [shinojosa@pharr-tx.gov](mailto:shinojosa@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](http://www.pharr-tx.gov) This Notice was posted on the 26<sup>th</sup> day of February 2010, 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).

