

**TAKE NOTICE THAT A REGULAR-SPECIAL MEETING
OF THE BOARD OF COMMISSIONERS
WILL BE HELD AT CITY HALL, COMMISSIONERS' ROOM,
118 S. CAGE BLVD., 2ND FLOOR, PHARR, TEXAS
COMMENCING AT 6:00 P.M. ON
TUESDAY, MARCH 24, 2009**

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.
3. Public Comments (Ordinance No. O-2008-27).

PROCLAMATIONS

4. Presentation of Fair Housing Month Proclamation.

ADMINISTRATIVE

5. Consideration and action, if any on City Commission Meeting minutes: March 3, 2009 – Regular Called Meeting.
6. City Manager's Administrative Reports and discussion, if any, with City Commission.
 - a. City Engineer's Report - J. E. Saenz & Associates
 - Pharr Wastewater Collection and Lift Station Improvement Project
 - Pharr Bridge-North Bound Lanes
 - Raw Water Pump Station
 - Pharr Police Department Parking Lot
 - Sugar Road 1 (Sioux-Owassa)
 - Owassa Road (ON HOLD)
 - West Hall Acres Road (ON HOLD)
 - Pharr Police Department Master Plan
 - b. Submission of monthly report – Pharr Municipal Court
 - c. Submission of February 2009 Tax Collection Report
 - d. Submission of March 2009 Sales Tax Report
 - e. Submission of the comprehensive monthly financial report for the month of February 2009
 - f. Submittal of 2008 Racial Profiling Report

7. Consideration and action, if any, on budget amendments to the FY 08/09 Budget.

PLANNING & ZONING

8. 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. Luby's Cafeteria 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 Lots 5 & 6, Block 6, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 500 N. Jackson Road, Space F.
- b. Senobia Alvarez, d/b/a Martha's Sports Pub, is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Business District (C-2). Please schedule the annual fire re-inspection. The property is legally described as Lots 13-16, Block 32, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 410-D W. State Ave.
- c. Severo R. Cano has filed with the Planning and Zoning Commission a request for a change of zone from a Single-Family Residential District (R-1) to a General Business District (C). The property is legally described as the S146'-E411.58', Lot 34, L.R. Bell Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 513 North I Rd.
- d. Raul Fong, d/b/a D's Paradise, is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Business District (C-2). Please schedule the annual fire re-inspection. The property is legally described as Lot 14, Blk. 1, J. T. Doster Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 107 E. Park Avenue.

REGULAR AGENDA

ORDINANCES AND RESOLUTIONS

9. Consideration and action, if any, on Ordinance amending Ordinance No. O-2008-14 (Outdoor Sales). (Comm. Elizondo and Comm. Carrillo)
10. Consideration and action, if any, on first reading of Ordinance accepting request for voluntary annexation into the corporate limits of Lots 254 and 255, KELLY-PHARR SUBDIVISION, situated in Hidalgo County, Texas.

AGENDA REGULAR-SPECIAL MEETING
MARCH 24, 2009

11. Consideration and action, if any, on Resolution supporting the conversion of Veterans Boulevard ("I" Road), from U.S. 281 south to the Pharr City Limits, to an On-System Roadway.
12. Consideration and action, if any, on Resolution approving a wrecker rotation schedule.
13. Consideration and action, if any, on Resolution appointing two (2) members to the Building and Standards Commission.
14. Consideration and action, if any, on Resolution appointing One (1) member to the Community Development Council for census tract 214.
15. Consideration and action, if any, on Resolution authorizing continuation with the Canine Policing Agreement between P-SJ-A ISD and City of Pharr under the School Resource Officer Program for 2009-2010.
16. Consideration and action, if any, on Resolution authorizing City Manager to apply under the Cops Hiring Recovery Program.
17. Consideration and action, if any, on Resolution authorizing continuation of the Policing Agreement between P-SJ-A ISD and City of Pharr School Officer Resource Program for 2009-2010.

AGREEMENTS

18. Consideration and action, if any, on Interlocal Cooperation Agreements between the City of Pharr and County of Hidalgo for Colonia Access Program Projects for Jose Street and Reba Lane.
19. Consideration and action, if any, approving the Cross Border Regional Contingency Plan.
20. Consideration and action, if any, on request to contract Aquatic Excellence for Professional Services for the development of a Swimming Pool Feasibility Study.

MISCELLANEOUS

21. Consideration and action, if any, authorizing City Manager to advertise for bids for writing Standard Operating Procedures & City Policies.
22. Consideration and action, if any, authorizing City Manager to advertise for the construction of the W. Polk Waterline Upgrade Project.
23. Consideration and action, if any, awarding bid for downtown area street improvements (Single Machine Repaving).

AGENDA REGULAR-SPECIAL MEETING
MARCH 24, 2009

24. Consideration and action, if any, awarding bid for downtown street improvements Type "D" Hot Mix Asphaltic Concrete Overlay.
25. Consideration and action, if any, to terminate Bid No. 0809-01-517-0001 with Frontera Materials, Inc. in the amount of \$447,837.50 and authorize City Manager to re-advertise for the 2008 Street Paving Overlay Project.
26. Consideration and action, if any, for the approval of the Pharr Waste Water Collection Improvements Project – Phase 1A Change Order #3 in the amount of \$300,000.00.
27. Consideration and action, if any, for the approval of the Pharr Waste Water Collection Improvements Project – Phase 1B Change Order #3 in the amount of \$30,826.95.
28. Consideration and action, if any, for the approval of the Pharr Waste Water Collection Improvements Project – Phase 1C Change Order #1 in the amount of \$334,604.87.
29. Consideration and action, if any, for the Juan Balli Road Improvements Project - Change Order #2 in the amount of \$15,000.
30. Consideration and action, if any, on request from Pharr Housing Authority Scholarship Fund for a carnival permit (Heart of America) to be held March 25, through March 29, 2009 at 500 N. Jackson.
31. Consideration and action, if any, on appointment of the incorporators (3) for the new 4B Economic Development Corporation.

PURCHASING

32. Consideration and action, if any, on final payment to Wilber Smith Associates for the Comprehensive Parks Master Plan Update in the amount of \$3,000.

LEGAL

33. Consideration and action, if any, on Cause No. C-290-08-G, Hollis Rutledge & Associates, Inc. vs. City of Pharr, Leopoldo Palacios, et.al.
34. **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 - 33 in accordance with the following below:

AGENDA REGULAR-SPECIAL MEETING
MARCH 24, 2009

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 Cause No. C-290-08-G, Hollis Rutledge & Associates, Inc. vs. City of Pharr, Leopoldo Palacios, et.al.; 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 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.

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.

35. **RECONVENE** into Regular Session, and consider action, if necessary on any item(s) discussed in executive session.
36. **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@cityofpharr.com or shinojosa@cityofpharr.com 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.cityofpharr.com. This Notice was posted on the 20th day of March, 2009, 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 20th DAY OF MARCH, 2009.

for Sonia H. Padron
HILDA PEDRAZA, CITY CLERK

I certify that the attached notice and agenda of items to be considered by the City Commission was removed by me from the bulletin board of City Hall on the 3rd day of April, 2009.

Sonia H. Padron

Title: *Asst. City Clerk*