

**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 6:00 P.M. ON  
TUESDAY, APRIL 7, 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 Proclamation proclaiming the week of April 12-18, 2009 as National Community Development Week.
5. Presentation of Class of 1959 Day Proclamation.
6. Presentation of Proclamation proclaiming the week of April 12-18, 2009 as National Library Week.

**ADMINISTRATIVE**

7. Consideration and action, if any on City Commission Meeting minutes: March 24, 2009 – Regular Called Meeting.
8. 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  
Raw Water Pump Station  
Sugar Road 1 (Sioux-Owassa)  
Owassa Road (ON HOLD)  
West Hall Acres Road (ON HOLD)  
Pharr Police Department Master Plan

9. Presentation on delinquent tax collections report for the period of October 2008 thru February 2009 by delinquent tax attorneys.

**PLANNING & ZONING**

10. 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. Daniel Rivera III, representing Rivercup LLC., is requesting 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 Lots 5 & 6, Block 6, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 500 N. Jackson Rd., Suite C.
- b. Carolina Fernandez, d/b/a La Mexicana Restaurant, 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 The E2.5' of Lot 3, all of Lots 4-8, the W13' of Lot 9, the W31' of Lot 20, all of Lot 21, & the E46.2' of Lot 22, Block 1, Eula Young Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 709 W. Highway 83.

**Plat Approval:**

- c. Garza-Garza Consulting Engineers, representing Gustavo Rodriguez, is requesting preliminary and final plat approval of the proposed Re-subdivision of Lot 33, Sing's Subdivision. The property is legally described as a 2-acre tract of land, being all of Lot 33, Sing's Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 600 Blk. of W. Corpus St.
- d. Noe Garza Engineers, Inc., representing Pharr-San Juan-Alamo ISD, is requesting preliminary and final plat approval of the proposed P.S.J.A. High School No. 4 (Rancho Blanco) Subdivision. The property is legally described as a 75.23 acre tract of land Lot 253 a 25.23 ac., all of Lot 254, and the West 10 ac. of Lot 255, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 300 E. Rancho Blanco Rd.
- e. SAM Engineering & Surveying, Inc., representing Fred Harms, is requesting preliminary and final plat approval of the proposed AVL Subdivision. The property is legally described as a 4.13-acre tract of land out of Lot 169, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 1200 Blk. of W. Expressway 83.

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- f. Quintanilla, Headley and Associates, Inc., representing Hector Guerra, is requesting preliminary and final plat approval of the proposed Replat of Lots 9 & 10, Steel Horse Industrial Park Subdivision. The property is legally described as 1.85-acre tract of land, being all of Lots 9 and 10, Steel Horse Industrial Park Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 5704 N. Gumwood St.
- g. AGH Engineering & Surveying, representing Ignacio Martinez, is requesting preliminary and final plat approval of the proposed Machinery Subdivision. The property is legally described as a 5.0-acre tract of land out of Lots 261 and 268, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 4114 S. Cage Blvd.

**REGULAR AGENDA**

**ORDINANCES AND RESOLUTIONS**

- 11. Consideration and action, if any, on Ordinance amending Ordinance No. O-2008-14 (Outdoor Sales). (Comm. Elizondo and Comm. Carrillo)
- 12. Consideration and action, if any, on second 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.
- 13. Consideration and action, if any, on Ordinance amending Ordinance No. O-2008-43 for budget amendments to the FY 08/09 Budget.
- 14. Consideration and action, if any, on Resolution appointing two (2) members to the Building and Standards Commission.
- 15. Consideration and action, if any, on Resolution authorizing City Manager to enter into an agreement between Region VIII Education Service Center and the City of Pharr to participate in The Interlocal Purchasing System (TIPS) Program.

**AGREEMENTS**

- 16. Consideration and action, if any, authorizing City Manager to enter into an agreement with F.R.E.E. Inc. for misdirected sales tax audits and hotel audits.
- 17. Consideration and action, if any, authorizing City Manager to enter into an agreement with Utility Cost Management, LLC for Franchise Fee audits.

**MISCELLANEOUS**

- 18. Consideration and action, if any, on request for authorization from Knights of Columbus to partially close S. Ironwood Street for the St. Jude Catholic Church's Annual Jamaica on Sunday, April 26, 2009.

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19. Consideration and action, if any, authorizing City Manager to advertise for Request for Qualifications for auditing services.
20. Consideration and action, if any, on Sister Cities Event. (Comm. Quintanilla)
21. Consideration and action, if any, on Interlocal cooperation agreement for tax assessment and collection between the City of Pharr and the Hidalgo County Tax Assessor/Collector.
22. Consideration and action, if any, authorizing City Manager to advertise for the purchase of roll-off container(s) for the Public Works Pharr Recycle Center.
23. Consideration and action, if any, awarding Bid No. 0809-01-517-0006 for Citrus Bay Subdivision Drainage Improvements Project (materials only).

**LEGAL**

24. Consideration and action, if any, on City of Pharr v. Lucia and Thomas Herrera Cause No. CCD-1506-E; M-05-330.
25. **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 - 24 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 City of Pharr v. Lucia and Thomas Herrera Cause No. CCD-1506-E; M-05-330 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.**

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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.

26. **RECONVENE** into Regular Session, and consider action, if necessary on any item(s) discussed in executive session.
27. 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](mailto:hpedraza@cityofpharr.com) or [shinojosa@cityofpharr.com](mailto: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](http://www.cityofpharr.com). This Notice was posted on the 3<sup>rd</sup> day of April 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 3<sup>rd</sup> DAY OF APRIL 2009.**

  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Title: \_\_\_\_\_