

**TAKE NOTICE THAT A REGULAR 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, MAY 19, 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 May 24 through May 30, 2009 as Hurricane Awareness Week.

ADMINISTRATIVE

5. Consideration and action, if any on City Commission Meeting minutes:
May 5, 2009 – Regular Called Meeting, and May 12, 2009 – Special 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
Raw Water Pump Station
Sugar Road 1 (Sioux-Owassa)
Owassa Road (ON HOLD)
West Hall Acres Road (ON HOLD)
 - b. Submission of monthly report – Pharr Municipal Court
 - c. Submission of April 2009 Tax Collection Report
 - d. Submission of May 2009 Sales Tax Report

PLANNING & ZONING

7. 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. Guillermo Arratia, representing Omar and Nancy Mireles, is requesting a change of zone from an Agricultural Open-Space District (A-O) to a General Business District (C). The property is legally described as a 1.08-acre tract out of Lot 7, Block 5, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 3016 N. Jackson Rd.
- b. Oscar Barrera, d/b/a Texas Theater Ballroom, 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). The property is more fully described as Lots 10-12 and N11.5' of Lot 13, Block 1, J.T. Doster Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 115 E. Park.
- c. Federico R. Ruvalcaba, d/b/a El Rodeo Bar, 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 follows Lots 14 and 15, La Quinta Subdivision, Pharr, Hidalgo County, Texas. 5826 S. Cage Blvd.

Plat Approval:

- d. R. Gutierrez Engineering Corporation, representing Jose L. Lopez Suarez and Maria T. Martinez de Lopez, is requesting preliminary and final plat approval of the proposed Re-Subdivision of Willow Grove Subdivision. The property is legally described as a 4.25-acre tract of land out of Willow Grove Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 1200 Blk. of W. Sam Houston Ave.
- e. R. Gutierrez Engineering Corporation, representing Alfredo Palacios and Dina Palacios, is requesting preliminary and final plat approval of the proposed Palacios Estates Subdivision. The property is legally described as a 3.05-acre tract of land out of Lot 24, Sing's Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 3002 S. Canna St.

REGULAR AGENDA

ORDINANCES AND RESOLUTIONS

- 8. Consideration and action, if any, on Ordinance amending Ordinance No. O-92-51 (Taxicab Ordinance).

AGREEMENTS

9. Consideration and action, if any, on Interlocal cooperation agreement between the City of Pharr and the City of McAllen for the Dove Avenue (Owassa Road) expansion project.

MISCELLANEOUS

10. Consideration and action, if any, awarding bid for the West Polk Water Line Improvements Project.
11. Consideration and action, if any, awarding bid for the Pharr Waste Water Collection System & Lift Station Improvements Project Phase 1D.
12. Consideration and action, if any, awarding bid for the roll off containers for the Pharr Recycling Center.

PURCHASING

13. Consideration and action, if any, on Change Order #1 in the amount of \$56,350.00 for the Downtown Improvements project.
14. Consideration and action, if any, on Change Order #4 in the amount of \$250,856.12 for the Pharr Waste Water Collection & Lift Station Improvements Project Phase 1A.
15. Consideration and action, if any, on request from Pharr Police Department for the purchase of two vehicles.

LEGAL

16. Consideration and action, if any, on Stephanie Gower vs. City of Pharr Cause No. CL-08-2999-A.
17. Consideration and action, if any, on Hollis Rutledge and Associates, Inc. vs. City of Pharr Cause No. C-290-08-G.
18. **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 -17 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 Stephanie Gower vs. City of Pharr Cause No. CL-08-2999-A; Hollis Rutledge and Associates, Inc. vs. City of Pharr Cause No. C-290-08-G 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.

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

20. 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 15th day of May, 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 15th DAY OF MAY, 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 22nd day of May, 2009.



Title: Asst City Clerk