

**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 6:30 P.M. ON
TUESDAY, JUNE 2, 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 2010 Census as a top priority for all elected and appointed officials.

ADMINISTRATIVE

5. Consideration and action, if any on City Commission Meeting minutes:
May 19, 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
Raw Water Pump Station
Sugar Road 1 (Sioux-Owassa)
Owassa Road (ON HOLD)
West Hall Acres Road (ON HOLD)
7. Presentation by Up With People representatives for City of Pharr Week of Caring activities.

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. Maria Dolores Montenegro d/b/a Pato's Place is requesting a 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 legally described as Lot 29, Block 30, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 226 W. State Ave.
- b. Ramiro Armendariz d/b/a Jackie's Bar & Grill – Red Tape VI, 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 5-10, Blk. 1, Colonia Santa Barbara Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 819 W. Ferguson.

REGULAR AGENDA

ORDINANCES AND RESOLUTIONS

- 9. Consideration and action, if any, on Ordinance amending Ordinance No. O-92-51 (Taxicab Ordinance).
- 10. Consideration and action, if any, on Ordinance creating the Pharr Recycling Center.
- 11. Consideration and action, if any, on Resolution appointing one (1) member to the Civil Service Commission due to resignation.
- 12. Consideration and action, if any, on Resolution appointing/re-appointing two (2) members to the Board of Adjustment.
- 13. Consideration and action, if any, on Resolution appointing/re-appointing one (1) member to the Planning and Zoning Commission.
- 14. Consideration and action, if any, on Resolution adopting the One Year Action Plan FY 2009-2010 for submittal to HUD.

AGREEMENTS

15. Consideration and action, if any, on the 2009 Hidalgo County Interlocal Rural Emergency Agreement between Hidalgo County and the City of Pharr.
16. Consideration and action, if any, on agreement with Ricardo Rubiano and the City of Pharr for the re-negotiation of Wells Fargo Bank lease agreement.

MISCELLANEOUS

17. Consideration and action, if any, on selection of auditing firm for the City of Pharr's annual financial audit.
18. Consideration and action, if any, on request from FAME (Families Advocating Moral Entertainment) for use of the Pharr International Convention Center to conduct the 2010 FAME Awards Ceremony on February 24, 2010 and monetary donation in the amount of \$5,000.
19. Consideration and action, if any, on substantial amendment to the Action Plan 2008- American Recovery & Reinvestment Act of 2009 (CDBG-R).

PURCHASING

20. Consideration and action, if any, on final invoice to Sascon, Inc. in the amount of \$37,953.27.00 for the Juan Balli Street Improvement Project and retainage fee of 10% to be held until all legal documents are finalized.
21. Consideration and action, if any, on Change Order No.1 in the amount of \$104,156.25 for the Type "D" Hot Mix Asphaltic Concrete Overlay for Downtown Street Improvements - Material.
22. Consideration and action, if any, on Change Order No. 2 in the amount of \$7,863.60 for the Downtown Street Improvements Project.
23. Consideration and action, if any, on final invoice No.1 to Cutler Repaving, Inc. in the amount of \$323,221.74 for the Downtown Street Improvements Project and retainage fee of 10% to be held until all legal documents are finalized.
24. Consideration and action, if any, on Change Order No. 4 in the amount of \$420,265.79 for the Pharr Waste Water Collection Project – Phase 1B.

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 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.

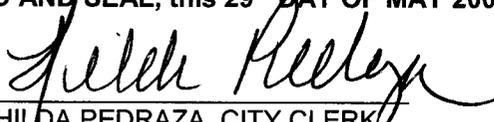
26. **RECONVENE** into Regular Session, and consider action, if necessary on any item(s) discussed in executive session.
27. Adjournment.

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

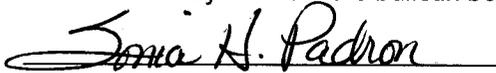
City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Clerk's Office at 956/702-5335 ext 112/113 or FAX 956/702-5313 or E-mail hpedraza@cityofpharr.com or 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 29th 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 29th 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 5th day of June, 2009.



Title: Asst. City Clerk