

**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, JUNE 16, 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).

ADMINISTRATIVE

4. 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 May 2009 Tax Collection Report
 - d. Submission of June 2009 Sales Tax Report
 - e. Parks and Recreation program update

PLANNING & ZONING

5. 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. RGV Pizza Hut, LLC d/b/a Pizza Hut of Pharr 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 East 125.0' of Lot 1, Palm Heights Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1001 W. Highway 83.
- b. Aurelio Cadena d/b/a Tejas 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 Lot 11, Maco Industrial Park Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1308 Maco Drive.
- c. Raul Fong d/b/a Junction Cafe 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 legally described as Lot 1, and the S7' of Lot 2, Blk. 1, J.T. Doster Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 11 S. Cage Blvd.
- d. Jose Chaparro is requesting a Conditional Use Permit to allow the sale of alcoholic beverages in a Planned Unit Development District (PUD). The property is legally described as Plantation South #1 Common Area. The property's physical address is 600 Plantation Dr.
- e. Rosa Anna Perez d/b/a Pharr International Convention Center 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 Lot 1, Tip-O-Tex Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 3000 N. Cage Blvd.
- f. George and Laura Thatcher are requesting a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in Limited Industrial District (L-I). The property is legally described as a 3.598-acre tract out of a certain 18.121 acre tract out of Lot 85, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 5419 N. Cage Blvd.
- g. Blanca Lopez 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 The S150' of Lots 9 and 10 and all of Lots 11, 12, 13, 14, Block 1, San Patricia Acres Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 915 W. Ferguson.
- h. Belia and Ruben Robledo are requesting a Life-of-the-Use Conditional Use Permit to allow a church in a Single-Family Residential District (R-1). The property is legally described as Lots 16, 17, 18, Block 3, Evans Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 256 W. Longoria.
- i. Jose Luis Olmos is requesting a change of zone from a Single Family Residential (Small Lot) District (R-1A) to a Single-Family Residential District (R-1). The property is legally described as Lot 3 and the N16.19' of Lot 4, Orange Heights Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 714 Esperanza.

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- j. Ernesto Vasquez is requesting a change of zone from an Agricultural Open-Space District (A-O) to a Limited Industrial District (L-I). The property is legally described as 148.61'-N387.57'-W355' and S358.61'-N597.57'-E1103.3', Lot 5, Block 12, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 8701 S. Jackson Rd.

Plat Approval:

- k. Quintanilla, Headley & Associates, Inc., representing Jose Luis Olmos, is requesting preliminary and final plat approval of the proposed Replat of Lots 3, 4, and the North Half of Lot 5, Orange Heights Subdivision. The property is legally described as a 0.264-acre tract of land being all of Lots 3, 4, and the North Half of Lot 5, Block 5, Orange Heights Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 700 Blk. of N. Esperanza St.
- l. Nain Engineering, L.L.C., representing Omar Mireles and Nancy Mireles, is requesting preliminary and final plat approval of the proposed Las Canteras Plaza Subdivision. The property is legally described as a 1.08-acre tract of land out of Lot 7, Block 5, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 3016 N. Jackson Rd.

REGULAR AGENDA

ORDINANCES AND RESOLUTIONS

6. Consideration and action, if any, on Ordinance amending Ordinance No. O-92-51 (Taxicab Ordinance). (Tabled)
7. Consideration and action, if any, on Ordinance creating the Pharr Recycling Center.
8. Consideration and action, if any, adopting an Ordinance for Article XVI - Irrigation Systems of Chapter 22, Building and Building Regulations of the City of Pharr Code of Ordinance.
9. Consideration and action, if any, on Resolution in support of the distribution of American Recovery and Reinvestment Act Funds.
10. Consideration and action, if any, on Resolution in opposition to commercial traffic on Anzalduas International Bridge.
11. Consideration and action, if any, on Resolution approving the 4B Articles of Incorporation with amended corporation name.

MISCELLANEOUS

12. Consideration and action, if any, on request by the Pharr Chamber of Commerce to reduce or waive green fees for the Mayor's All America City Golf Tournament on June 27, 2009 at Tierra Del Sol.

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13. Consideration and action, if any, on support by the City of Pharr for Hot-Trek 250 memorial fundraising event.
14. Consideration and action, if any, on proposal from McAllen Cable Network to surrender broadcasting operations during emergency situations.
15. Consideration and action, if any, on Energy Efficiency Block Grant project selections.
16. Consideration and action, if any, on selection of project(s) for ORCA grant funding application.
17. Consideration and action, if any, on selection of internet service provider at Pharr Memorial Library.

AGREEMENTS

18. Consideration and action, if any, on contract with ML Associates for professional services relating to the issuance and the amending of Presidential Permits by the United States Department of State.

PURCHASING

19. Consideration and action, if any, on Change Order No. 3 in the amount of \$51,525.20 for the Raw Water Pump Station improvements project.

LEGAL

20. Consideration and action, if any, on Hollis Rutledge and Associates, Inc. vs. City of Pharr Cause No. C-290-08-G.
21. Consideration and action, if any, authorizing litigation against Laughlin-Tyssen, Inc.

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 Hollis Rutledge and Associates, Inc. vs. City of Pharr Cause No. C-290-08-G; Laughlin-Tyssen, Inc. 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.

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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.

23. **RECONVENE** into Regular Session, and consider action, if necessary on any item(s) discussed in executive session.
24. 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 12th day of June, 2009, at 5:00 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 12th DAY OF JUNE, 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: _____