

**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, SEPTEMBER 1, 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. Consideration and action, if any on City Commission Meeting minutes:
August 4, 2009 – Regular Called Meeting and August 18, 2009 – Regular Called Meeting.
5. 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
Sugar Road 1 (Sioux-Owassa)
Owassa Road (ON HOLD)
West Hall Acres Road (ON HOLD)

PLANNING & ZONING

6. 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 Guadalupe Orozco, d/b/a Las Margaritas Restaurant, 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 7-10, Block 28, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 106 N. Cage Blvd.
- b. Heriberto Villarreal, d/b/a Restaurant Villa del Mar, 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 A, Providence Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 6400 S. Cage Blvd., Suite A.
- c. David E. Pena, Director of Administration for Red Robin, 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 2, Paradise Commercial Park Phase II Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 409 S. Jackson Rd.
- d. Rodolfo V. Garcia and Luis Roberto Garcia are 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 8 and 9, La Quinta Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 5814 S. Cage Blvd.

REGULAR AGENDA

ORDINANCES AND RESOLUTIONS

7. Consideration and action, if any, on Ordinance adopting tax rate for fiscal year 2009-2010.
8. Consideration and action, if any, on Ordinance amending Ordinance No. O-2009-26 (Wrecker Services).
9. Consideration and action, if any, on Resolution appointing six (6) entities to be included on the wrecker rotation lists. (TABLED)
10. Consideration and action, if any, on Resolution appointing/re-appointing Parks and Recreation Board members.
11. Consideration and action, if any, on Resolution authorizing Pharr Economic Development Corporation II Board of Directors to apply for a grant from the Rural Business Enterprise Grant to establish a Revolving Loan Program.

AGREEMENTS

12. Consideration and action, if any, on extension of Sludge Management Agreement between TERRA Renewal and the City of Pharr for the Waste Water and Water Plant.
13. Consideration and action, if any, on extension of chlorine agreement between the City of Pharr and Acetylene Oxygen Company.
14. Consideration and action, if any, on contract extension for the collection of delinquent fines, fees and court costs between City of Pharr and Ray, Wood & Bonilla.

MISCELLANEOUS

15. **PUBLIC HEARING:** Proposed Budget Fiscal Year 2009-2010 City of Pharr Budget.
16. Consideration and action, if any, authorizing City Manager to advertise for proposals for Catastrophic Event Debris Removal services.
17. Consideration and action, if any, approving and adopting swimming pool feasibility study.
18. Consideration and action, if any, on request from Pharr Police Department to accept Edward Byrne Memorial Justice Assistance Grant Program FY 2009 Award in the amount of \$25,208.00.

PURCHASING

19. Consideration and action, if any, on request from Pharr Police Department for the purchase of Desktop Computers in the amount of \$27,783.05.
20. Consideration and action, if any, on request from S.J. Louis (SJL) Construction for a reduction in retainage from 10% to 5% for the Waste Water Collection System & Lift Station Improvements project Phase 1B.
21. **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 - 20 in accordance with the following below:

AGENDA REGULAR MEETING
SEPTEMBER 1, 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 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.

22. **RECONVENE** into Regular Session, and consider action, if necessary on any item(s) discussed in executive session.
23. 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 28th day of August 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 28th DAY OF AUGUST 2009.

Hilda Pedraza
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: _____