

**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, OCTOBER 6, 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: September 15, 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. Ana Maria Sanchez Martinez d/b/a Los Martinez Mexican & Seafood 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 W396' of the S220' Exc. 0.63 acres of Lot 148, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The physical address is 101 E. Ferguson.
- b. Martha Hayungs, d/b/a The Practice Tee, is requesting renewal of the Conditional use Permit to allow the sale of alcoholic beverages for on-premise consumption in an Agricultural Open-Space District (A-O) and a General Business District (C). The property is legally described as 26.3 acres out of the East 35.96 acre tract out of Lots 7 and 8, Block 4, A.J. McColl Subdivision. The property's physical address is 1100 W. Nolana.

PLAT APPROVAL

- c. R. Gutierrez Engineering Corporation, representing Precinct No. 2, is requesting preliminary and final plat approval of the proposed Precinct No. 2, Office Complex Subdivision. The property is legally described as being a 10.75 acre tract of land out of Lot 229, Kelly-Pharr Subdivision, Pharr, Hidalgo County Texas. The property is located at the 300 Blk. Of W. Hall Acres Road. (TABLED)
- d. Melden & Hunt Inc., representing Fernando Lopez, is requesting preliminary and final plat approval of the proposed Parkview Terrace Subdivision. The property is legally described as being a resubdivision of 7.863 acre tract of land out of Lot 3, Block "C", Kelly-Pharr Subdivision, Pharr, Hidalgo County Texas. The property is located at the 200 Blk. of W. Audrey Avenue. (TABLED)

REGULAR AGENDA

ORDINANCES AND RESOLUTIONS

7. Consideration and action, if any, on Ordinance amending Ordinance No. O-2009-26 (Wrecker Services).
8. Consideration and action, if any, on Ordinance temporarily authorizing minimum lot area requirements for a medium density multi-family residential district (R-3) being all the lots of Sam Houston Heights Subdivision, Jackson South Estates, Los Senderos Subdivision, Providence Subdivision, Ferguson Paradise Estates, Talavera Estates, Los Muros Subdivision, Los Pinos Estates Phases I and II, Mayfair Subdivision and V.I.P. Estates. Also included will be the proposed Hacienda Santa Lucia Subdivision and La Antigua Estates, all recorded or will be recorded in Hidalgo County map records.
9. Consideration and action, if any, on Ordinance amending Ordinance No. O-2006-51 of the City of Pharr amending ordinance section A and B. Table 1-A residential rates, Table 1-B commercial rates Ordinance increasing garbage rates.

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10. Consideration and action, if any, on Ordinance amending Ordinance No. O-83-28 entitled "The Pharr Burglary, Robbery and Fire Alarm Ordinance".
11. **PUBLIC HEARING:** Solicitation of public comments on renewal, modification, or abolishment of a curfew ordinance for minors within the City of Pharr.
12. Consideration and action, if any, on Ordinance amending Ordinance No. O-90-41 "Curfew Ordinance".
13. Consideration and action, if any, on Resolution appointing entities to the wrecker rotation lists. (TABLED).
14. Consideration and action, if any, on Resolution declaring uncollectible accounts as bad debt.
15. Consideration and action, if any, on Resolution to enter into an agreement with the Texas Department of Transportation for Selective Traffic Enforcement Program "Click it or Ticket Project".
16. Consideration and action, if any, on Resolution to accept Grant Award under the FY09 Recovery Act Combating Criminal Narcotics Activity Stemming from the Southern Border of the United States: Combating Criminal Activity along the Southern Border in the amount of \$686,347.00.
17. Consideration and action, if any, on Resolution to accept the Office of Community Oriented Policing Services (COPS)-2009 Technology Program Grant Award for \$50,000.00.
18. Consideration and action, if any, on Resolution to re-schedule City Commission regular meeting of Tuesday, October 20, 2009.
19. Consideration and action, if any, on Resolution appointing/re-appointing one member to the Parks and Recreation Board.

AGREEMENTS

20. Consideration and action, if any, on contract between the City of Pharr and the Pharr Chamber of Commerce.
21. Consideration and action, if any, on contract with Ambiotec, Inc. for Strategic District Area Plan development.
22. Consideration and action, if any, on renewal of contract and setting of fees between Juan J. Hinojosa, P.C. and the City of Pharr.

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23. Consideration and action, if any, on appointment of Cafeteria Plan Administrator.
24. Consideration and action, if any, on agreement amendment for South Texas Conjunto Association headquarters.
25. Consideration and action, if any, on Contractual Agreement and Work authorization number one with SAMES INC for professional engineering services at the Pharr International Bridge for the Pharr Port of Entry Modernization Project.

MISCELLANEOUS

26. Consideration and action, if any, on submission of GASB 45 liability - City of Pharr Post Employment Health Benefit plan fiscal impact.
27. Consideration and action, if any, certifying a list for professional engineering services.
28. Consideration and action, if any, on request from Friends with Helping Hands for City department assistance for their Annual Cancer Walkathon on scheduled for Saturday, October 31, 2009.

PURCHASING

29. Consideration and action, if any, on final payment to Garco Industries, Inc. in the amount of \$23,172.50 for the Water Line Improvements on Polk Avenue and Dahlia Street.
30. Consideration and action, if any, on Change Order #4 final reconciliation of quantities resulting in reduction of contract amount of \$11,510.00 for the Pharr Raw Water Pump Station Improvements Project.
31. Consideration and action, if any, on final payment (invoice No. 11) to Ferguson Service Systems Inc. in the amount of \$54,139.11 for the Pharr Raw Water Pump Station Improvements Project.
32. Consideration and action, if any, on Change order No. 10 in the amount of \$27,546.46 for the Wastewater Collection and Lift Station Improvements, Phase 1B.
33. Consideration and action, if any, on Change order No. 5 in the amount of \$74,552.16 for the Wastewater Collection and Lift Station Improvements, Phase 1C.

LEGAL

34. Consideration and action, if any, on Hollis Rutledge and Associates, Inc. vs. City of Pharr, Leopoldo Palacios, et.al. Cause No. C-290-08-G.

35. **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 - 34 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, Leopoldo Palacios, et. al. 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.

- 36. **RECONVENE** into Regular Session, and consider action, if necessary on any item(s) discussed in executive session.
- 37. 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 2nd day of October 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 2ND DAY OF OCTOBER 2009.



for *Sonia H. Pachon, Ass't.*
HILDA PEDRAZA, TRMC
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 9th day of October, 2009.

Jillie Allroy
Title: City Clerk