

**TAKE NOTICE THAT A REGULAR-SPECIAL 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 27, 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 J. D. Salinas Day.

ADMINISTRATIVE

5. Consideration and action, if any on City Commission Meeting minutes: Tuesday, September 29, 2009 – Special Called Meeting and Tuesday, October 6, 2009 – Regular Called Meeting.
6. City Manager's Administrative Reports and discussion, if any, with City Commission. The City Manager may also assign a designated spokesperson for any particular topic.
 - a. City Engineer's Report - J. E. Saenz & Associates
 - b. Submission of monthly report –Pharr Municipal Court
 - c. Submission of September 2009 Tax Collection Report
 - d. Submission of October 2009 Sales Tax Report
 - e. Submission of the comprehensive quarterly financial report
7. Presentation by delinquent tax attorneys on the delinquent tax collections report for fiscal year October 2008 through September 2009.
8. Presentation by Hidalgo County Regional Mobility Authority on the Hidalgo County Loop and its alignment within the City of Pharr.

PLANNING & ZONING

9. 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. Jose A. de la Rosa has filed with the Planning and Zoning Commission a request for a change of zone from a Single-Family Residential District (R-1) to a General Business District (C). The property is legally described as Lots 63 and 64, Block 14, Hidalgo Park Estates Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 7401 St. Marie.
- b. Manuela Rios has filed with the Planning and Zoning Commission a request for a 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 Lots 13-16 and a portion of Lot 12, Block 32, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 410-D W. State Ave.
- c. Reynaldo Mata has filed with the Planning and Zoning Commission a request for a change of zone from an Agricultural Open-Space District (A-O) to a Medium Density Multi-Family Residential District (R-3). The property is legally described as Tract I being the S148.0'-N316.0'-W5 ac of Lot 222, and Tract II being the S148.0'-N464.0'-W5ac of Lot 222, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 1900 Block of S. Cypress.
- d. Action Career Training Limited has filed with the Planning and Zoning Commission a request for a change of zone form a General Business District (C) to a Heavy Commercial District (H-C). The property is legally described as a 1.25 ac tract out of Lot 8, Block 6, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1403 W. Ferguson.
- e. Armando & Adriana Hernandez have filed with the Planning and Zoning Commission a request from a change of zone from a Two-Family Residential District (R-2) to a Neighborhood Commercial District (N-C). The property is legally described as Lots 21 and 22, Block 12, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 132 E. Juarez.

PLAT APPROVAL

- f. Javier Hinojosa Engineering, representing Cruz Rey Mata Cantu, is requesting preliminary and final plat approval of the proposed Mata Estates Subdivision Phase II. The property is legally described as a tract of land containing 1.12 acres, also being a part or portion of Lot 222, Kelly-Pharr Subdivision Phase II, Pharr, Hidalgo County, Texas. The property is located at the 1900 Blk. of S. Cypress St

REGULAR AGENDA

10. Consideration and action, if any, on request by Manuela Rios d/b/a Andy's Bar for a Retail Dealer's On-Premise Late Hours License.

ORDINANCES AND RESOLUTIONS

11. Consideration and action, if any, on Ordinance amending Ordinance No. O-83-28 entitled "The Pharr Burglary, Robbery and Fire Alarm Ordinance".
12. **PUBLIC HEARING:** Solicitation of public comments on renewal, modification, or abolishment of a curfew ordinance for minors within the City of Pharr.
13. Consideration and action, if any, on Ordinance amending Ordinance No. O-90-41 "Curfew Ordinance".
14. Consideration and action, if any, on Ordinance amending Ordinance O-2008-12 Section 106-62. "Signs Classifications." (c) 8, of the Code of Ordinance Manual.
15. Consideration and action, if any, amending the Code of Ordinances of the City of Pharr by providing amendment to Article IX, Firefighters and Police Officers Civil Service Ordinance Exhibit "A" increasing the authorized number of positions for patrol officers.
16. Consideration and action, if any, on Resolution appointing entities to the wrecker rotation lists. (TABLED).
17. Consideration and action, if any, on Resolution authorizing the City of Pharr to enter into an agreement with the Texas Department of Public Transportation for a public event (Trinity Worship Center) in the city limits of Pharr.
18. Consideration and action, if any, on Resolution to re-schedule City Commission regular meeting of Tuesday, November 3, 2009.

AGREEMENTS

19. Consideration and action, if any, on agreement between the City of Pharr and LexisNexis Risk & Information Analytics Group Inc. ("LN") for nationwide public record information, document retrieval and related services.
20. Consideration and action, if any, on renewal of contract and setting of fees between Juan J. Hinojosa, P.C. and the City of Pharr.

AGENDA REGULAR-SPECIAL MEETING
OCTOBER 27, 2009

21. Consideration and action, if any, on agreement between the City of Pharr and EnerNOC, Inc. for internet based metering and communications systems.
22. Consideration and action, if any, on contractual agreement with CAXCAN Ingenieros Civiles to prepare preliminary cost estimates and preliminary designs for the 2nd span bridge project (Mexico side).
23. Consideration and action, if any, on acceptance of proposal from Parsons Commercial Roofing Inc. for the roofing of the Public Safety Building in the amount of \$129,529.00.
24. Consideration and action, if any, authorizing professional Engineering Services with J.E. Saenz & Associates for West Hall Acres Road Improvements.
25. Consideration and action, if any, authorizing an interlocal agreement with Hidalgo County for West Sioux Road Paving and Drainage Improvements.

MISCELLANEOUS

26. Consideration and action, if any, on request to proceed with the foreclosure process for eight properties as related to the weedy lot and demolition programs.
27. Consideration and action, if any, authorizing the Director of Public Works to act on behalf of the City of Pharr to file a grant application with the State Energy Conservation Office (SECO) for a stimulus fund grant for traffic signal project improvements.
28. Consideration and action, if any, on request for street closures from St. Anne's Catholic Church for its annual Jamaica, on Saturday and Sunday, November 7-8, 2009.
29. Consideration and action, if any, on request to advertise for Proposals for Qualified Structural Engineering Services for The Pharr International Bridge 2nd span project.
30. Consideration and action, if any, authorizing City Manager to advertise for bids for the W. Sioux Road Paving and Drainage Improvements.
31. Consideration and action, if any, on request to increase the passenger vehicle tolls for NON-AVI customers at the Pharr International Bridge effective December 1, 2009.

PURCHASING

32. Consideration and action, if any, on proposal from ADP for Human Resources Benefits Solution Service.
33. Consideration and action, if any, on Change order No. 1 in the credit amount of \$53,207.83 for the Wastewater Collection and Lift Station Improvements, Phase 1D.
34. **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 – 33 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.

AGENDA REGULAR-SPECIAL MEETING
OCTOBER 27, 2009

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.

- 35. **RECONVENE** into Regular Session, and consider action, if necessary on any item(s) discussed in executive session.
- 36. 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.

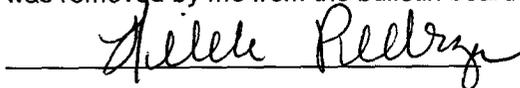
I, the undersigned authority, do hereby certify that the above notice of said Regular Meeting of the City Commission of the City of Pharr was posted on the bulletin board at City Hall and on the City's web page at www.cityofpharr.com. This Notice was posted on the 23rd day of October 2009, at 4:00 P.M. 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 23RD DAY OF OCTOBER 2009.



for 
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 30th day of October, 2009.

 Title: City Clerk