

**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, DECEMBER 15, 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: November 24, 2009 – Regular-Special Called Meeting.
5. 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
Pharr Wastewater Collection and Lift Station Improvement Project
Sugar Road 1 (Sioux-Owassa)
Owassa Road (ON HOLD)
West Hall Acres Road
 - b. Submission of monthly report –Pharr Municipal Court
 - c. Submission of November 2009 Tax Collection Report
 - d. Submission of December 2009 Sales Tax Report

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. Javier Aguirre 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 General Business District (C). The property is legally described as a 0.50 ac tract of land out of the E149'-N149'-S279', Lot 220, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 2104 S. Cage.
- b. Barrera Infrastructure Group, representing Esponjas Development, LTD, has filed with the Planning and Zoning Commission a request for a change of zone from a Medium Density Multi-Family Residential District (R-3) to a Single-Family Residential District (R-1). The property is legally described as Lots 2 through 31, La Antigua Estates Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 1600 to 1900 Block of W. Ventura.
- c. Barrera Infrastructure Group, representing Esponjas Development, LTD, has filed with the Planning and Zoning Commission a request for a change of zone from a Medium Density Multi-Family Residential District (R-3) to a General Business District (C). The property is legally described as Lots 1 and 32, La Antigua Estates Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 2000 Block of W. Ventura St.
- d. Arnold Willingham 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 the S47' of Lot 11, Block 177, Gregory Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 301 North Veterans ("I") Road.
- e. Barrera Infrastructure Group, representing Maximo Saenz, has filed with the Planning and Zoning Commission a request for a change of zone from a General Business District (C) to a High Density Multi-Family Residential District (R-4). The property is legally described as the South 3.18 ac of the NW5.0 ac, Lot 142, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 300 E. Sioux Road.
- f. Rolando Limon d/b/a Poncho's Restaurant is requesting a 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 7, Henderson Plaza Subdivision Phase II, Pharr, Hidalgo County, Texas. The property's physical address is 808 N. Cage Blvd.
- g. Manuel Salazar, d/b/a Beer Barn, is requesting a 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 31 & 32, Block 30, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 230 W. State Ave.

PLAT APPROVAL:

- a. B.I.G. Engineering, representing Maximo Saenz, is requesting preliminary and final plat approval of the proposed Magnolia Estates Subdivision. The property is legally described as re-subdivision of all of La Antigua Estates Subdivision, also being described as a 11.39 acres out of Lot 8, Block 9, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 2000 Blk. of W. Ventura Street.
- b. B.I.G. Engineering, representing Maximo Saenz, is requesting preliminary and final plat approval of the proposed Cypress Commercial Plaza Subdivision. The property is legally described as 5 acres (3.69 Ac. Net) being the West 330.0 feet of the North 660.0 feet of Lot 142, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 2700 Blk. of N. Cypress Street.

REGULAR AGENDA

7. Consideration and action, if any, on request by Rene Mendoza d/b/a Pizza Now! for a Retail Dealer's On-Premise Late Hours License.

ORDINANCES AND RESOLUTIONS

8. Consideration and action, if any, on Ordinance amending Ordinance No. O-83-28 entitled "The Pharr Burglary, Robbery and Fire Alarm Ordinance". (TABLED)
9. Consideration and action, if any, on Resolution appointing/re-appointing two (2) members to the Board of Adjustment.
10. Consideration and action, if any, on Resolution appointing/re-appointing four (4) members to the Planning and Zoning Commission.
11. Consideration and action, if any, on Resolution for authorization to enter into a K9 Policing Agreement between the PSJA Independent School District and the City of Pharr for the School Resource Officer Program for 2009-2010.
12. Consideration and action, if any, on Resolution for authorization to submit grant application to the Office of the Governor, Criminal Justice Division for the Gang Reduction Project.

AGREEMENTS

13. Consideration and action, if any, on agreement with Local Government Services, LLC for cable television franchise fee payment compliance service.

MISCELLANEOUS

14. Consideration and action, if any, on broadcasting the public comment portion of the City Commission meeting.
15. Consideration and action, if any, on one-time salary supplement for all city employees.
16. Consideration and action, if any, authorizing City Manager to advertise for bids for demolition of pool structures in preparation of the swimming pool renovation.
17. Consideration and action, if any, on request for authorization to enact eminent domain proceedings and condemnation by publication to acquire a 2.080 acre tract of land out of Lot 6, Block3, A.J. McColl Subdivision and 0.7789 acre tract of land out of Lot 6, Block3, A.J. McColl Subdivision necessary for the Dove/Owassa Rd. Expansion Project.
18. Consideration and action, if any, on request from South Texas Walking Club for assistance for traffic control and close three lanes of Ridge Road from S. Ironwood to S. Birch Street for the Texas Largest Judged 5k Racewalk on Saturday, January 2, 2010.

PURCHASING

19. Consideration and action, if any, on request from Pharr Police Department for the purchase of four (4) police units from HGAC in the amount of \$133,868.
20. Consideration and action, if any, on request from Pharr Police Department for the purchase of two (2) police canine units from HGAC in the amount of \$63,244.
21. Consideration and action, if any, on Change Order No. 7 in the amount of \$42,345.21 for the Wastewater Collection System and Lift Station Improvements Project Phase 1C.
22. Consideration and action, if any, on Change Order No. 7 in the amount of \$6,125.58 for the Wastewater Collection System and Lift Station Improvements Project Phase 1A.

LEGAL

23. Consideration and action, if any, on Wastewater Collection System and Lift Station Project Phase 1A.

24. **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 - 23 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 Wastewater Collection System and Lift Station Project Phase 1A 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.

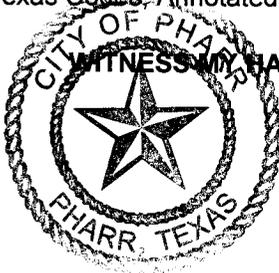
AGENDA REGULAR MEETING
DECEMBER 15, 2009

25. **RECONVENE** into Regular Session, and consider action, if necessary on any item(s) discussed in executive session.
26. 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 11th day of December 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 11th DAY OF DECEMBER 2009.

Hilda Pedraza

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 18th day of December, 2009.

Eric H. Padron

Title: Asst. City Clerk