

**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, APRIL 20, 2010**

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.

PROCLAMATIONS

3. Proclamation proclaiming the month of April as "Fair Housing Month".

ADMINISTRATIVE

4. Consideration and action, if any on City Commission Meeting minutes: April 6, 2010 – Regular 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 listed topic.
 - a. City Engineer's Report - J. E. Saenz & Associates
 - b. Submission of monthly report –Pharr Municipal Court
 - c. Submission of March 2010 Tax Collection Report
 - d. Submission of April 2010 Sales Tax Report
 - e. Submission of Quarterly Financial Report
 - f. City events of interest
 - g. Legislative/Project Update
6. Presentation by Good Samaritan Community Services RGV.
7. Presentation on the Delinquent Tax Collection Report for October 1, 2009 to March 31, 2010 by Perdue Brandon Fielder Collins & Mott, LLP, In Association with The Law Office of John David Franz.

PLANNING & ZONING

8. 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) Erika Padron has filed with the Planning and Zoning Commission a request for a change of zone from an Agricultural Open-Space District (A-O) and General Business District (C) to a Limited Industrial District (L-I). The property is legally described as the S5ac-W10ac, Lot 326, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 800 W. Dicker Road.
- b) Christina L. Stout 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 Two-Family Residential District (R-2). The property is legally described as the E160'=W577'-N146' & E110'-W527'-S632.72'-N778.72', Lot 253, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 2715 S. Cage Blvd.
- c) Rodolfo Anguiano d/b/a El Rincon Regio, 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 General Business District (C). The property is legally described as Lots 5 and 6, Ferguson Paradise Estates, Pharr, Hidalgo County, Texas. The property's physical address is 805 E. Ferguson.
- d) Sergio Garcia, d/b/a Tejano Saloon, 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 General Business District (C). The property is legally described as Lots 1, 2, and 4, Replat of Lot 1, Mexican Fiesta Subdivision Unit No. 1 and Lot 1, Mexican Fiesta Subdivision Unit No. 2, Pharr, Hidalgo County, Texas. The property's physical address is 1300 W. Nolana.
- e) Raul Fong d/b/a D's Paradise, 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 14, Block 1, J. T. Doster Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 107 E. Park Avenue.
- f) Raul Fong, d/b/a Junction Cafe, is requesting a renewal of his 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, Block 1, J.T. Doster Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 11 S. Cage Blvd.

- g) Luby's Cafeteria 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). Lots 5 & 6, Block 6, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 500 N. Jackson Road.

REGULAR AGENDA

ORDINANCES AND RESOLUTIONS

- 9. Consideration and action, if any, on Ordinance appointing Early Voting Ballot Board Judge for the General Municipal Election to be held on Saturday, May 8, 2010.
- 10. Consideration and action, if any, on Ordinance amending Section 18-1 of Chapter 18 of the City of Pharr Code of Ordinances (domestic fowl Ordinance).
- 11. Consideration and action, if any, on Resolution re-scheduling/cancelling the City Commission Meeting of Tuesday, May 4, 2010.

AGREEMENTS

- 12. Consideration and action, if any, on Agreement Renewal for Arbitrage Rebate Compliance Services between the City of Pharr and First Southwest Asset Management, Inc.
- 13. Consideration and action, if any, on proposal from Lone Star National Bank for lease space at 118 S. Cage (formerly Wells Fargo Bank).
- 14. Consideration and action, if any, on agreement with CGI Communications, Inc. for 10 one minute online videos.

MISCELLANEOUS

- 15. Consideration and action, if any, on request from Knights of Columbus to partially close S. Ironwood Street about 100' north of E. Sam Houston Avenue and about 50' south of E. Jones Street for their annual Jamaica on Sunday, May 16, 2010.
- 16. **PUBLIC HEARING:** Solicitation and comments on request from SUEMAUR EXPLORATION & PRODUCTION, LLC for a drilling permit for the Freeland, et al, Gas Unit #2 Well at a surface location of Lot 7, Block 12, of the A.J. McColl Subdivision, Pharr, Hidalgo County, Texas.
- 17. Consideration and action, if any, request from SUEMAUR EXPLORATION & PRODUCTION, LLC for a drilling permit for the Freeland, et al, Gas Unit #2 Well at a surface location of Lot 7, Block 12, of the A.J. McColl Subdivision, Pharr, Hidalgo County, Texas.

PURCHASING

18. Consideration and action, if any, on Change Order No. 9 in the amount of \$34,306.86 for the Wastewater Collection and Lift Station Improvements, Phase 1C.
19. Consideration and action, if any, on counter offer from property owners of W. Hall Acres Rd., Parcel 2 of the West Hall Acres Road Widening Project.
20. Consideration and action, if any, on counter offer from property owners of W. Hall Acres Rd., Parcel 3 of the West Hall Acres Road Widening Project.
21. Consideration and action, if any, awarding bid for the Security Camera System in association with the Pharr Port of Entry Modernization Project.
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 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.

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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. Public Comments (Ordinance No. O-2010-05).
25. 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@pharr-tx.gov or shinojosa@pharr-tx.gov 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.pharr-tx.gov. This Notice was posted on the 16th day of April 2010, 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 16TH DAY OF APRIL 2010.

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 _____ day of _____, 2010.

Title:_____