

**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 PM ON
TUESDAY, SEPTEMBER 7, 2010**

The City of Pharr has called this meeting as allowed pursuant to Texas law, City Charter, and Ordinance O-2010-32. The governing body may recess from day to day when it does not complete consideration of a particularly long subject as authorized by law.

On matters requiring a public hearing, all persons desiring to speak during a public hearing shall sign in with the city clerk no later than 5:00 p.m. or the close of business on the business day prior to the scheduled public hearing

1. Roll call and possible action on the excusing of any absent member of the governing body.
2. Pledge of Allegiance/Invocation.

PROCLAMATION

3. Proclamation No. 2010-14; Proclaiming Gerardo "Jerry" Jackson Day.

ADMINISTRATIVE

4. Consideration and action, if any, on meeting minutes of the governing body:
 - (a) August 17, 2010--Regular Called Meeting
 - (b) August 26, 2010--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 listed topic.
 - a. Engineer's Report - J. E. Saenz & Associates
 - Pharr Wastewater Collection and Lift Station Improvements Project
 - Sugar Road 1 (Sioux-Owassa)
 - Owassa Road (ON HOLD)
 - West Hall Acres Road
 - b. Project Engineer's Report – R Gutierrez Engineering
 - Sioux Rd
 - Traffic Signal Inventory
 - c. SAM Engineering and Surveying, Inc. Status Report
 - Sam Houston Boulevard Widening Project
 - Downtown Drainage Project (Pharr TDRA)
 - d. City Events of Interest
 - e. Legislative/Project Update
 - f. Status report on Pharr International Convention renovation project

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. Juanita Garza, d/b/a Pharr West Club, LLC, is requesting 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 Lot 3, RePlat of Lot 1, Mexican Fiesta Subdivision and Lot 1, Mexican Fiesta Subdivision No. 2, Pharr, Hidalgo County, Texas. The property's physical address is 1302 W. Nolana.
- 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.

PLAT APPROVAL

- d. Quintanilla, Headley and Associates, Inc., representing Michael McCann, is requesting preliminary and final plat approval of the proposed McCann Storage Units Subdivision. The property is legally described as a 5.0 acre tract of land being the north 5.0 acres of the south 10.0 acres of Lot 236, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 2802 S. Cage Blvd.
- e. Spoor Engineering Consultants, Inc., representing Dr. Paul Manoharon, is requesting preliminary and final plat approval of the proposed Nolana Loop Commerce Subdivision. The property is legally described as a 0.84 acre of land out of Lot 100, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 100 Blk. of E. Nolana Loop.

REGULAR AGENDA- OPEN SESSION

7. Consideration and action, if any, on request for late hours mixed beverage permit for Pharr West Club.

8. **PUBLIC HEARING:** Solicitation of comments from the general public for the proposed City of Pharr Budget FY 2010-2011.
9. **PUBLIC HEARING:** Solicitation of comments and concerns from the general public on the imposition of a moratorium on the issuance or renewal of permits or licenses for the sale or exchange of motor vehicles or motor vehicle parts or accessories including but not limited to tires.

ORDINANCES AND RESOLUTIONS

10. Consideration and action, if any, on ordinance amending Ordinance No-2007-29, as amended by O-2008-53; and O-2007-54, relating to sick leave pay-out under chapter 26 of the personnel policy & procedures manual; savings clause; severability clause; effective date; and publication.
11. Consideration and action, if any, on Ordinance setting the tax rate and levying ad valorem taxes for the City of Pharr, Texas beginning Fiscal Year October 1, 2010 and ending September 30, 2011.
12. Consideration and action, if any, on Resolution appointing an alternate member to Planning and Zoning Commission (tabled item).
13. Consideration and action, if any, on Resolution of the City of Pharr, Texas, determining a public necessity to acquire certain real properties; giving notice of an official determination to acquire real properties for a public purpose; establishing procedures for the acquisition of property; determining the estates to be acquired; establishing fair market values for the properties to be acquired, and directing the city manager or designee to communicate offers to owners for purchase of properties, appropriating funds, and authorizing condemnation proceedings by city attorney; ratification of prior acts.
14. Consideration and action, if any, on Resolution appointing/re-appointing Bridge Board Members.
15. Discussion and possible action, with Time Warner Cable Representatives and City of Pharr for underpayment of franchise fees.
16. Consideration and action, if any, on Resolution commencing legal proceedings against Time Warner Cable due to its default of Franchise Agreement and other obligations.
17. Consideration and action, if any, on Resolution on final acceptance of the Pharr Collection and Wastewater Improvements Project Phase 1B.

18. Consideration and action, if any, on Resolution authorizing Police Chief to submit an application to apply for Operation Stonegarden Grant and authorizing Interlocal Agreement with Hidalgo County for participation and acceptance of grant funding.

AGREEMENTS

19. Consideration and action, if any, authorizing City Manager to negotiate a contract with TNRIS for 2011 6" Digital Aerials.
20. Consideration and action, if any, authorizing City Manager to enter into an agreement/contract with Southwestern Tarrif Analyst for telecommunication fees audit.
21. Consideration and action, if any, on renewal or extension of agreement and contract amendment with South Texas Collections Joint Venture on delinquent, fines and fees.
22. Consideration and action, if any, authorizing Lease Agreement with Lone Star National Bank to occupy space at 118 South Cage Blvd.
23. Consideration and action, if any, on renewal and or extension of Health Insurance contract with Blue Cross-Blue Shield for FY 2010-2011.

PURCHASING

24. Consideration and action, if any, on Change Order No. 2 in the amount of \$2,112.00 for the West Sioux Road Paving & Drainage Improvements.
25. Consideration and action, if any, awarding bid for equipment and material for new air conditioning system.
26. Consideration and action, if any, on Change Order #5 in the amount of \$1,851.20 (Credit) for the Pharr Collection and Wastewater Improvements Project Phase 1D.
27. Consideration and action, if any, on Change Order #13 in the amount of \$209,222.00 (Credit) for the Pharr Collection and Wastewater Improvements Project Phase 1B.
28. Consideration and action, if any, on Change Order #11 in the amount of \$5,656.09 for the Pharr Collection and Wastewater Improvements Project Phase 1C.

29. Consideration and action, if any, on Final Payment including retain age in the amount of \$565,800.64 for the Pharr Collection and Wastewater Improvements Project Phase 1B.
30. Consideration and action, if any, authorizing the purchase of a police unit from HGAC utilizing grant monies from Operation Stonegarden.
31. Consideration and action, if any, authorizing the purchase of police officer duty weapons.
32. Consideration and action, if any, authoring the purchase of unmarked police vehicles from Buy Board in the amount of \$94,650.00.
33. Consideration and action, if any, authorizing City Manager to award bid for Workers Compensation Insurance.

MISCELLANEOUS

34. Consideration and action, if any, authorizing staff to advertise for Request for Proposals (RFP's) for a Web-Based Permitting System.
35. Consideration and action, if any, authorizing City Manager to advertise for a primary ISP provider for the City.
36. Consideration and action, if any, authorizing City Manager to advertise for Capital Lease Financing FY 2010-2011 capital equipment purchases.
37. Consideration and action, if any, authorizing City Manager to advertise for Statement of Qualifications' (SOQ's) for State Legislative Lobbying services.
38. Consideration and action, if any, authorizing City Manager or his designee to advertise for Health Insurance coverage for FY 2010-2011.
39. Consideration and action, if any, on official city adoption of Jackson Downtown Corridor and Bridge Industrial Area Economic Development Master Plans.
40. Consideration and action, if any, on request from Friends with Helping Hands for assistance from Pharr Police Department for their annual Cancer Walkathon scheduled October 30, 2010.
41. Consideration and action, if any, appointing a voting delegate and an alternate to cast the city's vote at the National League of Cities Annual Business Meeting on Saturday, December 4, 2010.

LEGAL

42. Consideration and action, if any, on Cause No. C-2179-09-F Erika De Leon vs City of Pharr.
43. **CLOSED 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 – 42 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 **litigation styled Cause No. C-2179-09-F Erika De Leon vs City of Pharr, discuss 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.

AGENDA REGULAR MEETING
SEPTEMBER 7, 2010

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.

44. **RECONVENE** into Regular Session, and consider action, if necessary on any item(s) discussed in executive session.
45. 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 3RD day of September 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 3rd DAY OF SEPTEMBER 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: _____