

**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, OCTOBER 5, 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. P-2010-15; Proclaiming "Jose Alfredo Jimenez" Day.

ADMINISTRATIVE

4. Consideration and action, if any, on meeting minutes of the governing body:
 - (a) September 7, 2010--Regular Called Meeting
 - (b) September 21, 2010--Regular Called Meeting
 - (c) September 23, 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

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. Lucia Rodriguez is requesting a change of zone from a Single-Family Residential District (R-1) to a Medium Density Multi-Family Residential District (R-3). The property is legally described as Lot 13, Beamsley Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1104 Kennedy.
- b. Francisco Espitia is requesting a change of zone from a Single-Family Residential District (R-1) to a General Business District (C). The property is legally described as Lot 12, Villas del Valle Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 524 Santa Angela.
- c. Garlo, LLC, c/o Modesto Manuel Garza and Jose Luis Montemayor, d/b/a Buck's Pizza, are requesting a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption. The property is legally described as Lot 1, Jackson Ridge Court Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1201 S. Jackson Rd., Unit 7.

PLAT APPROVAL

- d. Pape-Dawson Engineers, representing Todd A. Piland, Executive Vice President, is requesting preliminary and final plat approval of the proposed H.E.B. Pharr Subdivision. The property is legally described as being a 36.258 acres or 1,579,399 square ft more or less, a tract of land out of Lot 204, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1300 S. Cage Blvd.

REGULAR AGENDA- OPEN SESSION

ORDINANCES AND RESOLUTIONS

7. Consideration and action, if any, on Ordinance adopting the International Family of Codes 2006 edition as promulgated by the international code council (tabled item).

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8. Consideration and action, if any, on Ordinance for adoption and implementation 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.
9. Consideration and action, if any, on Ordinance amending Ordinance No.O-2010-44 for budget amendments to the FY 2009-2010.
10. Consideration and action, if any, on Ordinance amending Ordinance No. O-2010-38 adopting the red light camera system.
11. Consideration and action, if any, on Resolution for temporary closure of East Business 83 for the 2nd Annual Harvest Fest 5k Run/Walk from 7:00 a.m. – 11:00 a.m. on November 6, 2010 as requested by Trinity Worship Center.
12. Consideration and action, if any, on Resolution for temporary closure of US281Cage Blvd from Polk to Kelly for the Annual Veterans Day Parade scheduled November 6, 2010 from 3pm-6pm.
13. Consideration and action, if any, on Resolution for a Tax Increment Re-investment Zone

AGREEMENTS

14. Consideration and action, if any, on contract amendment No. 1 with Aquatic Excellence.
15. Consideration and action, if any, on renewal of Lease Agreement with E-Z-GO to replace the current fleet of golf carts at Tierra Del Sol Golf Club.
16. Consideration and action, if any, on cancellation of the concessionaire agreement for the Jose “Pepe” Salinas Memorial Civic Center.
17. Consideration and action, if any, on Memorandum of Understanding with the Hidalgo Police Department and the Hidalgo ISD allowing for the continuation of a “COPS in Schools Program” and Hidalgo ISD Elementary Schools located in the City of Pharr.

PURCHASING

18. Consideration and action, if any, on Change Order No. 3 in the amount of \$50,248.43 for the Wastewater Treatment Plant improvements project.
19. Consideration and action, if any, on Change Order No. 4 in the amount of \$0.00 for the Wastewater Treatment Plant improvements project.

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20. Consideration and action, if any, on Change Order No. 12 in the amount of \$51,333.07 for the Pharr Collection and Wastewater Improvements project Phase 1C.
21. Consideration and action, if any, awarding bid for Primary Internet Service Provider with MPLS Network.
22. Consideration and action, if any, awarding bid for Web-Based Permit System.
23. Consideration and action, if any, awarding bid for Workers Compensation.
24. Consideration and action, if any, on request from Police Department to purchase Gym equipment from Uptown Fitness in the amount of \$18,663.

MISCELLANEOUS

25. Consideration and action, if any, authorizing Kelly A. Michal-Davis, CEO Pharr Literacy Project, to submit application to USDA Rural Business Enterprise Grant for 2010.
26. Presentation by Pharr Literacy Project on use of building space located at 201-207 E. Park Avenue.
27. Consideration and action, if any, on request from the Pharr Literacy Project to close West park Avenue from Aster Street to the Stars Daycare Center on Saturday, October 9, 2010 from 4:00 p.m. to midnight.
28. Consideration and action, if any, on request to proceed with the foreclosure process in order to recover costs and expenditures related to the weedy lot and demolition program.
29. Consideration and action, if any, authorizing the submission of the Budget Document for FY 2010-2011 to the Government Finance Officers Association for the Distinguished Budget Award.
30. Consideration and action, if any, on request from Suemaur Exploration & Production for extension of drilling permit issued to drill the Freeland, et al Gas Unit #2 West located at Lot 7, Block 12 , A.J. McColl Subdivision.
31. Consideration and action, if any, on presentation and request by Pharr Leadership Class 23 for downtown plaza.
32. Consideration and action, if any, on incentive package for HEB.
33. Consideration and action, if any, authorizing City Manager to advertise for Request for Qualifications on Independent Health Insurance Consultants.

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34. Consideration and action, if any, authorizing City Manager to advertise for partially funded program health care services.
35. Consideration and action, if any, authorizing City Manager to advertise for Request for Qualifications for concessionaire services for the Pharr International Convention Center and the Jose "Pepe" Salinas Memorial Civic Center.
36. Consideration and action, if any authorizing City Manager to advertise for Request for Qualifications for Promotions Contractor for the Pharr International Convention Center.
37. Consideration and action, if any, authorizing City Manager to advertise for Request for Qualifications for City marketing program.
38. Consideration and action, if any, authorizing City Manager to advertise for naming rights for Pharr International Convention Center.
39. Consideration and action, if any, authorizing City Manager to advertise for signage rights for the Pharr International Convention Center.
40. Consideration and action, if any, on request from Police Department appointing members to the Pharr Photo Enforcement Traffic Safety Program Committee.

LEGAL

41. Consideration and action, if any, on Cause No. C-1390-05-H; *Limon vs. City of Pharr, Et Al.*
42. **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 – 41 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 Cause No. C-1390-05-H; *Limon vs. City of Pharr, Et Al.* matter related to **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.

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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.

43. **RECONVENE** into Regular Session, and consider action, if necessary on any item(s) discussed in executive session.
44. 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 1st day of October 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).

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WITNESS MY HAND AND SEAL, this 1st DAY OF OCTOBER 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: _____