

**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 12:00 NOON ON
TUESDAY, NOVEMBER 2, 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.

ADMINISTRATIVE

3. Consideration and action, if any, on meeting minutes of the governing body:
 - (a) October 5, 2010—Regular Called Meeting
 - (b) October 12, 2010—Special Called Meeting
4. City Manager's Administrative Reports and discussion, if any, with governing body. The City Manager may also assign a designated spokesperson for any particular listed topic.
 - a. City Engineer's Report - Bill Ueckert
 - b. 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
 - c. Project Engineer's Report – R. Gutierrez Engineering
 - Sioux Road
 - d. SAM Engineering and Surveying, Inc. Status Report
 - Sam Houston Boulevard Widening Project
 - Downtown Drainage Project (Pharr TDRA)
 - e. City Events of Interest
 - f. Legislative/Project Update
 - g. Status on Pharr International Convention Center renovation project

5. Consideration and action, if any, on acceptance of the 2010 Tax Roll.
6. Consideration and action, if any, on presentation on Delinquent Tax Services by Perdue, Brandon, Fielder, Collins, & Mott, LLP, In Association with The Law Office of John David Franz.

PLANNING & ZONING

7. 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. Gabriela's Heavenly Wings, d/b/a Wingstop Restaurant, 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 Lot 2, Pleasanton Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 2211 S. Cage Blvd., Suite 105.
- b. George and Laura Thatcher d/b/a JAGZ have filed with the Planning and Zoning Commission a request for renewal for the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Limited Industrial District (L-I). The property is legally described as a 3.598 acre tract out of a certain 18.121 acre tract out of Lot 85, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 5419 N. Cage Blvd.
- c. Lynn and Martha Hayungs are requesting a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in an Agricultural Open-Space District (A-O) and a General Business District (C). The property is legally described as 26.3 acres out of the East 35.96 acre tract out of Lots 7 and 8, Block 4, A.J. McColl Subdivision. The property's physical address is 1100 W. Nolana.

REGULAR AGENDA—OPEN SESSION

ORDINANCES AND RESOLUTIONS

8. Consideration and action, if any, on Resolution re-scheduling/cancelling the City Commission Meeting of Tuesday, November 16, 2010.
9. Consideration and action, if any, on the appointment of one (1) alternate member to the Planning and Zoning Commission.

AGREEMENTS

10. Consideration and action, if any, on request from the Pharr Literacy Project & Cultural Arts Center for renewal/extension of the Building Lease Agreement to January 1, 2012 for the use of the facility located at 201 to 207B W. Park Avenue (Old City Hall).
11. Consideration and action, if any, on Interlocal agreement between the City of Pharr and the Lower Rio Grande Valley Development Council for the Solid Waste Implementation Project Contract 11-21-G14.
12. Consideration and action, if any, on contractual agreement with UniFirst Service for rental of employee uniforms.
13. Consideration and action, if any, on Economic Development Incentive Agreement with HEB Grocery Company, LP.
14. Consideration and action, if any, on the Texas Forest Service Award – Type 6 Engine agreement.

PURCHASING

15. Consideration and action, if any, on request by Police Department for authorization to purchase one (1) speed trailer and three (3) hand held speed radar devices.
16. Consideration and action, if any, awarding bid for Capital Lease Financing FY 2010-2011 capital improvement purchases.
17. Consideration and action, if any, on Change Order #4 in the amount of \$615.50 for the W. Sioux Road Paving & Drainage Improvements Project.

MISCELLANEOUS

18. Consideration and action, if any, on request from St. Frances Xavier Cabrini Catholic Church for assistance from the Police Department during their annual Jamaica scheduled for Sunday, November 14, 2010 from 8:00 am to 10:00 pm.
19. Consideration and action, if any, on request from Jose M. Chapa d/b/a Heart of America Shows for a \$3,000 sponsorship donation and a partnership with the City of Pharr to allow a carnival to be held March 24, 2010 through April 3, 2011 at El Centro Mall during the City's Hub Phestival.
20. Consideration and action, if any, request to abandon street Right-of-Way being the South One-hundred (100) feet of North Dahlia Street.

LEGAL

21. Consideration and action, if any, on Cause No. C-1390-05-H; *Limon vs. City of Pharr, Et Al.*
22. **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 a closed (non-public) 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 Cause No. C-1390-05-H; Limon vs. City of Pharr, Et Al; 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
NOVEMBER 2, 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.

23. **RECONVENE** into Regular Session, and consider action, if necessary on any item(s) discussed in closed session.
24. 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 29th 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).

WITNESS MY HAND AND SEAL, this 29th 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: _____