



**TAKE NOTICE THAT A REGULAR MEETING
OF THE BOARD OF COMMISSIONERS
OF THE CITY OF PHARR, TEXAS
WILL BE HELD AT CITY HALL, COMMISSIONERS' ROOM,
118 S. CAGE BLVD., 2ND FLOOR, PHARR, TEXAS
COMMENCING AT 5:00 P.M. ON
TUESDAY, APRIL 2, 2013**

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. CALL TO ORDER:

- A) Roll call and possible action on the excusing of any absent member of the governing body.
- B) Pledge of Allegiance/ Invocation.

2. PROCLAMATIONS:

- A) Proclamation No. P-2013-05 proclaiming "PSJA North Lady Raider Powerlifting Team".

3. CITY MANAGER'S REPORTS: *(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) City Events of Interest
- C) Legislative/Project Update

4. 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)*

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- A) Approval of Minutes for March 19, 2013 - Regular Called Meeting.
- B) Consideration and action, if any, on request from the Knights of Columbus for partial street closure of South Ironwood for the St. Jude Catholic Church Annual Jamaica on Sunday, May 5, 2013 from 2:00 pm to 9:00 pm.
- C) Consideration and action, if any, finding and ratifying expiration of Agreement for Professional Services on Pharr Port Modernization Project with Sames, Inc.
- D) Consideration and action on Planning & Zoning Cases:
Public Hearing
 - 1. Raul Martinez, d/b/a The Fraternal Order of Eagles of Pharr, Texas, has filed with the Planning and Zoning Commission a request for 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 3, Block 58, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 305 S. Cage Blvd.
 - 2. AEC Engineering, Inc., representing Fernando Cesar Lozano, has filed with the Planning and Zoning Commission a request for a change of zone from Agricultural Open Space (A-O) to Heavy Commercial District (H-C). The property is legally described as being the North 5 acres tract of land out of Lot 325, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 7016 S. Cage Blvd.
 - 3. Martin Santos, d/b/a Stormy Colors Bar & Grill, has filed with the Planning and Zoning Commission a request for a Conditional Use Permit and Late Hours 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 15-19, Inclusive Block 4, Bustamante Subdivision, Unit No. 2, Pharr, Hidalgo County, Texas. The property is physically located at 802 E. Expressway 83, Suite H.
 - 4. Jose Erasmo Barrerea, d/b/a El Pato Lucas Bar, has filed with the Planning and Zoning Commission a request for a Conditional Use Permit and Late Hours 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 19, Block 2, Los Marineros Phase 1 Subdivision, Pharr, Hidalgo County, Texas. The property is physically located at 2304 S. Cage Blvd.
 - 5. Pastor Paul Estrada, representing McAllen Life Church, has filed with the Planning and Zoning Commission a request for a Conditional Use Permit for the Life-of-the-Use to allow a church in a General Business District (C). The property is legally described as Lot 26, Palm Valley Gardens Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 950 W. Nolana, Suite. A.

PLATS:

- 6. Melden & Hunt Inc., representing Herbert L. Levine, Manager, is requesting final plat approval of the proposed El Centro Mall No. 3 Subdivision. The property is legally described as being a 16.317 ac. out of Lot 6, Block 6, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 600 Blk. of N. Jackson Rd.

7. MGE, representing Pharr-San Juan-Alamo I.S.D., is requesting final plat approval of the proposed P.S.J.A. Ford Elementary Subdivision. The property is legally described as being a 19.43 acre tract of land out of Lots 30 and 31, L.R. Bell Development "E" Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 1200 Blk. of E. Polk Ave.

REGULAR AGENDA – OPEN SESSION:

5. ORDINANCES AND RESOLUTIONS:

- A) Consideration and action, if any, on Ordinance amending Ordinance No. O-52-14 (Noise Ordinance).
- B) Consideration and action, if any, on Resolution designating official representative and alternate representative to the Board of Directors of the Rio Grande Valley Communications Group.
- C) Consideration and action, if any, on Resolution approving the Advance Funding Agreement (AFA) – Owassa Road from Jackson Road to US 281 – CSJ #0921-02-140.
- D) Consideration and action, if any, on Resolution authorizing refinancing of note in the amount of \$4,250,000 and execution of necessary instruments related to the previous acquisition of real property from P-SJ-A ISD.

6. ADMINISTRATIVE:

- A) Consideration and action, if any, on Change Order #1 in the amount of \$500.00 for the West Veracruz Street and Drainage Improvement Project.
- B) Consideration and action, if any, on Change Order #2 in the deduct amount of \$8,417.80 and increase 77 days to the contract time for the West Veracruz Street and Drainage Improvement Project.
- C) Consideration and action, if any, on acceptance of the West Veracruz Street and Drainage Improvement Project and release of final payment in the amount of \$ 15,551.95.
- D) Consideration and action, if any, on hiring a consultant for the purpose of overseeing the greens renovation project at Tierra Del Sol Golf Club.

7. CONTRACTS/AGREEMENTS:

- A) Consideration and action, if any, on consulting agreement with TriStem for franchise fee audits.

- B) Consideration and action, if any, on amended and/or supplemental consulting agreement with Ezequiel Ordonez.
- C) Consideration and action, if any, on 2013-2017 Consolidated Plan and First-Year Action Plan Services.

8. **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 4 - 7 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.

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

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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.

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

10. **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 956/402-4100 ext 1003/1007 or FAX 956/702-5313 or E-mail hilda.pedraza@pharr-tx.gov or sonia.hinojosa@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 28th day of March 2013, at 5:00 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 28TH DAY OF MARCH 2013.



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 from the bulletin board of City Hall on the _____ day of _____, 2013 by,

Title: _____