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, FEBRUARY 4, 2014

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) Presentation of Proclamation proclaiming February 22, 2014 as Children's Advocacy Center, Estrella's House.

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 – St. Baldrick's Childhood Cancer Head-shaving Event
   C) Legislative/Project Update
   D) Comprehensive Quarterly Financial Report for FY 2013-2014 (1st Quarter – December 2013)

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)*

   A) Approval of Minutes for January 21, 2014 - Regular Called Meeting.

B) Consideration and action, if any, on street closure request from Good Samaritan Community Services for their Annual 5K Run/Walk scheduled for Saturday, April 12, 2014.

C) Consideration and action, if any, authorizing City Manager to advertise for bids for the South Pharr Sidewalk Improvements Project.

D) Consideration and action on Planning & Zoning Cases: **Public Hearing**

1. Ricardo Garza d/b/a Richard's, is requesting renewal of his 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 1 acre on the west side out of a 1.75 acre tract of land out of a certain 4.04 acres out of Lot 293, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 112 W. Juan Balli Rd.

2. Pizza Properties, Inc., d/b/a Peter Piper Pizza #63, has filed a request for 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 1, Pleasanton Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 2311 S. Cage Blvd.

3. Xoticas is requesting renewal of a Sexually Oriented Business License in a Limited Industrial District (L-I). The property is legally described as a 0.6081 acre tract of land out of a certain 0.88 acre out of Lot 100, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 4502 N. Cage Blvd.

4. Shots Main Event, d/b/a Main Event Entertainment, 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 being a 1.34 acre tract of land out of Lot 5, Block 6, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 500 North Jackson Road, Suite C.

PLATS:

5. Spoor Engineering Consultants, representing Rose Ting, is requesting final plat approval of the proposed Rose Garden Subdivision. The property is legally described as being a 1.00 acre tract of land out of Lot 6, Block 7, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 900 Blk. of S. Jackson Rd.

REGULAR AGENDA – OPEN SESSION:

5. ORDINANCES AND RESOLUTIONS:

A) Consideration and action, if any, on Ordinance amending Chapter 62, "Health and Sanitation" by adding Article III, "Mobile Food Vendors" to the Code of Ordinance of the City of Pharr to establish licensing and other regulatory requirements for Mobile Food vendors operating in the city; Providing for publication: providing for severability; Declaring a penalty; providing for the publication of the caption hereof, and ordaining other provisions related to the subject matter hereof.

B) Consideration and action, if any, on Ordinance of the City of Pharr, Texas directing the City Manager and designated personnel to vacate, abandon and close a portion of street Right-of-Way (15 feet) lying north of E. Eller Ave. on the west and east side of N. Huisache Ave. and between all of Lots 1 and 10 of Bustamante Subdivision Unit No. 2, Pharr, Hidalgo County, Texas, recorded August 11, 1980; finding that said Right-of-Way is no longer needed; ratification of prior acts; declaring an emergency and establishing an effective date.

C) Consideration and action, if any, on Ordinance for Texas Gas Service Company's franchise agreement.

D) Consideration and action, if any, on Resolution entering into an agreement with Texas Department of Transportation for closure of South US 281 and East Business 83 for the 8th Annual St. Patrick's Day 5K Run/Walk on Saturday, March 15, 2014 from 7:00 a.m. to 11:00 a.m.

E) Consideration and action, if any, on Resolution authorizing City Attorney and personnel to initiate eviction and other legal proceedings and notices related to city properties and facilities.

6. ADMINISTRATIVE:

A) Consideration and action, if any, on request by Shots Main Event, d/b/a Shots Main Event Entertainment for a mixed beverage late hours permit.

B) Consideration and action, if any, accepting and approving Audit for FY 2012-2013 presented by Oscar R. Gonzalez & Associates.

C) Consideration and action, if any, on academic initiative between the City of Pharr and The University of Texas-Pan American for online degree programs.

D) Consideration and action, if any, on request by Valley Metro for letter of endorsement for the 2014 Coordinated Call Grant Application – Jag Express-Purple Line.

E) Consideration and action, if any, awarding Bid No. 1314-01-512-0002 for the Moore Road Driveway at Pharr Police Department.

F) Consideration and action, if any, awarding Bid No. 1314-01-512-0003 for Purchase & Delivery of Construction Materials (Type D HMAC-limestone Aggregate, TY D Cold Mix, Type F Grade 3 Caliche).

G) Consideration and action, if any, on the creation of a non-profit organization to assist the logistics community.

7. CONTRACTS/AGREEMENTS:

A) Consideration and action, if any, on agreement with AEP Texas for 2014-2015 Score/City Smart Program.

B) Consideration and action, if any, on service agreement with Doctors Hospital at Renaissance, LTD for Pharr Fit Healthy Challenge.

C) Consideration and action, if any, on lease agreement with CopSync for office space located at 201 W. Newcombe (Park Ave.).

D) Consideration and action, if any, on performance agreement with R.N. Garcia Industries LLC d/b/a Pajaro Promotions for the City of Pharr Hub Phest event.

E) Consideration and action, if any, on Interlocal Agreement between City of Pharr, PSJA ISD, and Santa Ana National Wildlife Refuge Urban Program.

F) Consideration and action, if any, on addendum to Advance Funding Agreement with TxDOT for Sam Houston Project CSJ0921-02-256.

G) Consideration and action, if any, authorizing City Manager to negotiate a contract with Chris Lackey for supplemental damage claims.

H) Consideration and action, if any, authorizing City Manager to execute contract with ETC Human Resources for Human Resources in-service/ audit services.

I) Consideration and action, if any, authorizing City Manager to execute contract with Pro Active for roof repairs at Pharr Public Safety building according to Texas Local Government Code 252.22 (a)(3).

J) Consideration and action, if any, authorizing City Manager to amend contract with Pharr 83 Partners, LLC.

K) Consideration and action, if any, on contract with RGV VAPES for indoor signage at the Pharr Events Center.

L) Consideration and action, if any, on addendum to contract between City of Pharr and Boys & Girls Club to relinquish Boys and Girls Club South Unit at 302 E Las Milpas Road to the City of Pharr.

8. LEGAL:

A) Consideration and action, if any, on *City of Donna v. City of Pharr*; C-0228-13-I.

9. **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 - 8 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 *City of Donna v. City of Pharr*; C-0228-13-I 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 551.076, 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 551.087, 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.

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

11. **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 31st day of January 2014, 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 31ST DAY OF JANUARY 2014.

CITY OF PHARR
PHARR, TEXAS

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 _____, 2014 by,

_____ Title:_____