



**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 4:00 PM ON
MONDAY, JUNE 4, 2018**

The City of Pharr has called this meeting as allowed pursuant to Texas law, city charter, and Ordinance O-2015-28. The governing body may recess from day to day when it does not complete consideration of a particularly long subject as authorized by law. All persons desiring to address the governing body must register with the presiding city clerk prior to the scheduled meeting.

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. PUBLIC COMMENTS/PUBLIC HEARINGS:

A) PUBLIC COMMENTS: *(Ordinance No. O-2015-28) A registered speaker may speak on several items or topics of public concern; however, a speaker may not exceed three (3) minutes as a whole when addressing the board. A registered speaker may not donate time to another speaker. No more than five (5) registered persons may speak at a scheduled meeting. A sign-in form must be filled out prior to the meeting to allow the registered speaker to address the governing body.*

B) PUBLIC HEARING ON DEVELOPMENT SERVICES CASES: *(Ordinance No. O-2015-28). A registered speaker during the public hearing may not exceed three (3) minutes when addressing the board. A sign-in form for participation in public a hearing shall be promulgated by the city clerk and be made available at the city clerk's office. The public hearing sign-in form shall include the person or entity's name, address, telephone number, other contact information, organization if applicable, and other notices, authorizations, and acknowledgements as may be allowed by law from time to time. No registered speaker may be allowed to address the governing body once the public hearing has closed.*

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)*

AGENDA REGULAR MEETING
June 4, 2018

A) Presentation of check from City of Pharr to UTRGV.

B) City Engineer's Report.

C) City Events of Interest.

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) Consideration and action authorizing City Manager to advertise for bids for the Pharr Sports Complex and Witten Park Dugouts. (ENGINEERING)

B) Consideration and action authorizing City Manager to advertise for bids for construction materials for Public Works. (PUBLIC WORKS)

C) Consideration and action authorizing payment of construction materials purchased through expired public works contracts totaling \$82,825.15. (PUBLIC WORKS)

D) Consideration and action on Development Services Cases:

1. Monster Burger LLC, d/b/a Burgerim, has filed with the Planning and Zoning Commission a request for 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 being 0.053 acres more or less, out of Lot 2, Vaquero Addition Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1233 South Cage Boulevard, Suite 100. **CUP# 180528**

2. Genoveva Olivarez has filed with the Planning and Zoning Commission a request for a Life-of-the-Use Conditional Use Permit to allow an Oversized Storage Unit (larger than 120 square feet) in a Single-Family Residential District (R-1). The property is legally described as being Lot 84, Los Ebanos Subdivision Phase I, Pharr, Hidalgo County, Texas. The property's physical address is 710 Zavala Avenue. **CUP# 180531**

3. Maria Dolores Montenegro, d/b/a Pato's Place, is requesting 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 the West 8.6 feet of Lot 29 and all of Lot 30, Block 30, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 226 West State Avenue. **CUP#990583**

4. Alba Dora Pedraza, d/b/a Sepi's is requesting 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 20-22, Block 30, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 212 West State Street. **CUP#120423**

AGENDA REGULAR MEETING
June 4, 2018

5. Nelda Telles, has filed with the Planning and Zoning Commission a request for a Change of Zone from Two-Family Residential District (R-2) to Single-Family Residential District (R-1). The property is legally described as being N266'-W1.21 acres of the N6.21 acres of Lot 1, Gehlerts Subdivision, Pharr, Hidalgo County, Texas. The property is physically located 222 East Sam Houston. **COZ# 180529**

6. Rich Heritage Construction Inc. has filed with the Planning and Zoning Commission a request for a Change of Zone from Agricultural and/or Open Space District (A-O) to Medium Density Multi-Family Residential District (R-3). The property is legally described as being 4.85 acres, more or less, out of Lot 121, Kelly-Pharr Tract, Pharr, Hidalgo County, Texas. The property's physical address is 3401 North Sugar Road. **COZ#180532**

REGULAR AGENDA - OPEN SESSION:

5. ORDINANCES AND RESOLUTIONS:

A) Consideration and action, if any, on Ordinance amending Ordinance O-2016-17. **1st Reading** (DEVELOPMENT SERVICES)

B) Consideration and action, if any, on Resolution appointing/re-appointing one member to the Community Development Council. (GMCD)

C) Consideration and action, if any, on Resolution appointing/re-appointing one regular member to the Planning & Zoning Commission. (DEVELOPMENT SERVICES)

D) Consideration and action, if any, on Resolution determining a public necessity to acquire certain real property; giving notice of an official determination to acquire real property for public purpose; establishing procedures for the acquisition of market value for the property to be acquired; and directing the City Manager or designee to communicate offers to owners for purchase of property, appropriate funds, and authorizing condemnation proceeding by City Attorney, contingent on available funding. (DEVELOPMENT SERVICES)

6. CONTRACTS/AGREEMENTS:

A) Consideration and action, if any, on award of contract for the City of Pharr International Bridge Facility Expansion and Renovations. (Project No. 1718-70-510-C003-393) **(TABLED)** (ENGINEERING)

B) Consideration and action, if any, authorizing the City Manager to enter into an agreement with Walden Chemical dba Blue Water Pools as the Sole Source Provider of Accu-Tab Blue SI & Accu-Tab Calcium Hypochlorite Feed Systems for the Pharr Aquatic Center. (Project #1718-01-522-SP003-003) (PARKS)

C) Consideration and action, if any, authorizing City Manager to enter into a contract with CivicPlus (CivicHR) for subscription services for applicant tracking and employee onboarding. (Project #1718-01-526-IPQ014-002) (HR)

7. LEGAL:

A) Consultation and update by Legal concerning Heriberto De Leon v. Juan Guerra and Jose Villescascas, C-1691-18-C. (ADMINISTRATION)

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 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 551.076, 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
June 4, 2018

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.

9. RECONVENE: *into Regular Session, and consider action, if necessary on any items(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 imelda.barrera@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 June 2018 at 3:45 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 1st day of June 2018.


HILDA PEDRAZA, TRMC, CMC
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 _____, 20____ by,

Title: _____



AGENDA MEMORANDUM



BOARD: City Commission

AGENDA ITEM #: 2.A.

DATE SUBMITTED: May 30, 2018

MEETING DATE: June 4, 2018

FROM: Hilda Pedraza, City Clerk

DEPARTMENT: Administration

DIRECTOR:

Agenda Item: PUBLIC COMMENTS

Classification: Regular

(* If closed session, City Attorney must review and approve.)

Exclude Material from Public Packet? No

Reason:

Issue:

Financial Consideration:

Staff Recommendation:

Alternatives:

ROUTING:

Hilda Pedraza

Created/Initiated - 05/30/2018



AGENDA MEMORANDUM



BOARD: City Commission

AGENDA ITEM #: 2.B.

DATE SUBMITTED: May 30, 2018

MEETING DATE: June 4, 2018

FROM: Hilda Pedraza, City Clerk

DEPARTMENT: Administration

DIRECTOR:

Agenda Item: Public Hearing on Development Services Cases

Classification: Regular

(* If closed session, City Attorney must review and approve.)

Exclude Material from Public Packet? No

Reason:

Issue:

Financial Consideration:

Staff Recommendation:

Alternatives:

ROUTING:

Hilda Pedraza

Created/Initiated - 05/30/2018



AGENDA MEMORANDUM



BOARD: City Commission

AGENDA ITEM #: 3.A.

DATE SUBMITTED: May 31, 2018

MEETING DATE: June 4, 2018

FROM: Hilda Pedraza, City Clerk

DEPARTMENT: Administration

DIRECTOR:

Agenda Item: Presentation of check from City of Pharr to UTRGV.

Classification: Regular

(* If closed session, City Attorney must review and approve.)

Exclude Material from Public Packet? No

Reason:

Issue:

Financial Consideration:

Staff Recommendation:

Alternatives:

ROUTING:

Hilda Pedraza
City Management Office

Created/Initiated - 05/31/2018
Final Approval - 06/01/2018

Design Phase

- ☐ **PSJA Tri-City Pedestrian Safety Improvements Projects**
- ☐ **Pharr Pedestrian Connections**
- ☐ **Hi-Line Road Improvements From Jackson Rd to Veterans Rd (I-Road)**
- ☐ **Anaya Road Improvements From US 281 (Cage Blvd) to Veterans Rd (I-Road)**
- ☐ **W. Las Milpas Rd. Reconstruction**
- ☐ **Thomas Rd. Intersection Widening**
- ☐ **Downtown Pharr Lights (Polk to IH-2)**
- ☐ **Downtown Park**
- ☐ **Renovations of Jose "Pepe" Salinas Civic Center**
- ☐ **559 FY 15 DAP-Pharr-Reynosa Intl. Br. Northbound Lane and 2nd BSIF Exit**
- ☐ **559 FY 16 DAP-Pharr-Reynosa Intl. Br. (Dock Expansion, Cold Inspection Facility, & Ag Training Center & Lab)**
- ☐ **Bridge Facility Expansion & Toll Booth Improvements.**
- ☐ **Utility Relocation for Hike & Bike Tunnel under Veterans.**
- ☐ **St. Jude Overflow Parking**
- ☐ **Fire Station No. 1**

Construction Phase

- ☐ **Owassa Road Improvements**
- ☐ **Eldora Elevated Storage Tank Improvements**
- ☐ **Waterline Transmission Improvements**
- ☐ **Proposed Traffic Signal Improvements on Veterans Rd. at Kelly Ave. & Eldora Rd.**
- ☐ **Single Machine Repaving Project Year 2 Phase B**
- ☐ **Single Machine Repaving Project Year 3**
- ☐ **Pharr Nature and Birding Center**
- ☐ **Allen & William Arnold Park**
- ☐ **Dr. Long Park**
- ☐ **Fire Station No. 4**

DESIGN PHASE

Project Name:	PSJA Tri-City Pedestrian Safety Improvements Project
Design Engineer:	City of Pharr Engineering Department.
Description:	Construction of approximately 27,784 square yards of concrete sidewalks within the Cities of Pharr, San Juan & Alamo to make linkages to surrounding cities, schools, neighborhoods, public parks by extending sidewalks and closing gaps in service.
Status:	Coordinating with TXDOT to finalize the Advance Funding Agreement. Survey for the Project is approximately 100% Complete. Design is 50% Complete
Project Name:	Pharr Pedestrian Connections
Design Engineer:	City of Pharr Engineering Department.
Description:	The Project will provide pedestrians in the City of Pharr with facility improvements that will address the needs of seniors and persons with disabilities
Status:	Staff is coordinated interlocal agreement with LRGVDC.
Project Name:	Hi-Line Road Improvements From Jackson to Veterans
Design Engineer:	S&B Infrastructure, Ltd.
Description:	Approximately 2.3 miles of roadway improvements from Jackson Rd to Veterans Rd.
Status:	Coordinating with TXDOT to finalize the Advance Funding Agreement and Working on the Environmental and Final Alignment Selection. Public Hearing Scheduled for May 29th 2018

DESIGN PHASE

Project Name:	Anaya Rd. Improvements From US 281 (Cage Blvd.) to Veterans Rd. (I-Road)
Design Engineer:	S&B Infrastructure, Ltd.
Description:	Approximately 1.03 miles of roadway improvements from US 281 (Cage Blvd.) to Veterans Rd. (I-Road)
Status:	Coordinating with TXDOT to finalize the Advance Funding Agreement and Working on the Environmental and Final Alignment Selection
Project Name:	W. Las Milpas Rd. Reconstruction
Design Engineer:	R. Gutierrez Engineering
Description:	Reconstruction of W. Las Milpas Road
Status:	Staff is working on acquiring the additional right of way needed. Design is approximately 90% Complete
Project Name:	Thomas Rd. Intersection Widening
Design Engineer:	R. Gutierrez Engineering.
Description:	Widening of the Thomas Road Intersections at Cage Blvd. and Jackson Rd.
Status:	Design is 90% Complete
Project Name:	Downtown Pharr Lights (Polk to IH-2)
Design Engineer:	City of Pharr Engineering Department.
Description:	Installation of decorative street lights from Polk St. to IH-2
Status:	Staff is coordinating with AEP so they can provide and install the decorative lights turn key.
Project Name:	Downtown Park
Design Engineer:	City of Pharr Engineering Department.
Description:	A new City Park adjacent to City Hall
Status:	Project is on Hold

DESIGN PHASE

Project Name:	Renovations of Jose "Pepe" Salinas Civic Center
Design Architect:	Diseño
Description:	Renovations of an approximately 16,000 s.f. facility
Status:	Selective Demolition will begin in June 2018
Project Name:	559 FY 15 DAP- Pharr Reyonsa Intl. Br. Northbound lane and 2nd BSIF Exit
Design Engineer:	TEDSI/Half Associates
Description:	Addition on 2 northbound lanes and a 2nd BSIF Exit.
Status:	Design is at 100% completion. Currently under review by CBP, GSA, and TXDOT
Project Name:	559 FY 16 DAP- Pharr Reyonsa Intl. Br. (Dock Expansion, Cold Inspection Facility, and Ag Training Center and Lab)
Design Engineer:	Half Associates
Description:	Construcion of a dry Dock Expansion, Cold Inspection Facility, and Ag Training Center and Lab
Status:	Design is at 60% Completion. Under Review by GSA, CBP

DESIGN PHASE

Project Name:	Bridge Facility Expansion & Toll Booth Improvements.
Design Engineer:	The Warren Group
Description:	Renovation and Expansion of the existing Bridge Building Facility
Status:	Project is Scheduled to be awarded on 6-4-18 Commission Meeting
Project Name:	Utility Relocation for Hike & Bike Tunnel under Veterans.
Design Engineer:	S&GE
Description:	Design of a new grinder pump station to eliminate a sanitary sewer utility conflict that resulted from the proposed Hike and Bike Tunnel under I-Road
Status:	Project is Scheduled to be awarded on 6-4-18 Commission Meeting
Project Name:	St. Jude Overflow Parking
Design Engineer:	City of Pharr Engineering Department.
Description:	Construction of an overflow parking on the property adjacent to St. Jude Catholic Church. Size of Parking lot is approximately 2 acres.
Status:	Design is complete. Staff is working with Public Works on the construction of the new parking lot.
Project Name:	Fire Station No. 1
Design Engineer:	The Warren Group
Description:	Design of a new Fire Station No. 1 located on FM 495 and Knights Dr.
Status:	Site Location has been finalized, and final design has begun

CONSTRUCTION PHASE



Project Name:	Owassa Road Reconstruction and Widening		
Engineer:	Tedsi		
Contractor	IOC, Company		
Contract Amount	\$5,206,108	Contract Time (Days)	438
Notice to Proceed	3/23/2017	Contract Time Used:	99.09%
Description: Widening of Owassa Rd between Jackson Rd and US 281 Frontage, and various drainage improvements.			
Status: Construction is ongoing. Anticipate Completion by mid June 2018			
Pictures:			
 			

CONSTRUCTION PHASE

Project Name:	Eldora Elevated Storage Tank Improvements		
Engineer	SG&E, LLC		
Contractor	Landmark		
Contract Amount	\$2,735,000	Contract Time (Days)	365
Notice to Proceed	4/21/2017	Contract Time Used:	110.96%
Description: Build a new 1 Million Gallon Composite Elevated Storage Tank			
Status: Construction is ongoing. Expected completion date is May 20, 2018			
Pictures:			
			

CONSTRUCTION PHASE

Project Name:	Waterline Transmission Improvements		
Engineer	S&GE, LLC		
Contractor	Jimmy Closner & Sons		
Contract Amount	\$6,591,196	Contract Time (Days)	540
Notice to Proceed	3/15/2016	Contract Time Used:	149.44%
Description: Construction of a 20-in and 16-in water transmission main from the Water Treatment Plant (WTP) Booster Pump Station to the Expressway and JBJ Elevated Storage Tank.			
Status: Initial Scope of Work is complete. Pending the addition as a 24" Waterline that will run from Hi-Line to Military Hwy.			
Pictures: (None)			

CONSTRUCTION PHASE

Project Name:	Proposed Traffic Signal Improvements on Veterans Rd. at Kelly Ave. & Eldora Rd.		
Engineer	Aldaña Engineering & Traffic Design, LLC		
Contractor	D&G Energy Corporation		
Contract Amount	\$232,765	Contract Time (Days)	120
Notice to Proceed	7/31/2017	Contract Time Used:	253.33%
Description: This existing intersection is presently un-signalized. The proposed traffic signal will include traffic signal poles and arms, traffic signal controller & cabinet, foundations,			
Status: Project is complete, pending final closeout			
Pictures:			

CONSTRUCTION PHASE

Project Name:	Single Maching Repaving Project Year 2 Phase B		
Engineer	City of Pharr-Engineering Department		
Contractor	Cutler		
Contract Amount	\$810,073	Contract Time (Days)	90
Notice to Proceed	8/28/2017	Contract Time Used:	306.67%
Description: Repaving of residential streets, in North, Central and South Pharr			
Status: Construction is complete. Pending final reconciliation of quantities and project closeout.			
Pictures: (None)			

Project Name:	Single Maching Repaving Project Year 3		
Engineer	City of Pharr-Engineering Department		
Contractor	Cutler		
Contract Amount	\$810,073	Contract Time (Days)	90
Notice to Proceed	1/4/2018	Contract Time Used:	163.33%
Description: Repaving of residential streets, in North, Central and South Pharr			
Status: Construction is complete. Pending final reconciliation of quantities and project closeout.			
Pictures:			
			
			

CONSTRUCTION PHASE

Project Name:	Pharr Nature Birding Center		
Engineer	Halff Associates		
Contractor	Davila Construction		
Contract Amount	\$2,390,000	Contract Time (Days)	270
Notice to Proceed	2/20/2018	Contract Time Used:	37.04%
Description: Construction of a new park.			
Status: Construction is ongoing.			
Pictures:			
			

CONSTRUCTION PHASE

Project Name:	Allen & William Arnonld Park		
Engineer	Halff Associates		
Contractor	Davila Construction		
Contract Amount	\$2,200,000	Contract Time (Days)	270
Notice to Proceed	2/20/2018	Contract Time Used:	37.04%
Description: Construction of a new Park			
Status: Construction is ongoing.			
Pictures:			
			
			

CONSTRUCTION PHASE

Project Name:	Dr. Long Park		
Engineer	Half Associates		
Contractor	Davila Construction		
Contract Amount	\$1,500,000	Contract Time (Days)	270
Notice to Proceed	2/20/2018	Contract Time Used:	37.04%
Description: Construction of a new Park			
Status: Construction is ongoing.			
Pictures:			
			
			

Project Name:	Fire Station No. 4		
Engineer	Halff Associates		
Contractor	Davila Construction		
Contract Amount	\$1,500,000	Contract Time (Days)	270
Notice to Proceed	2/20/2018	Contract Time Used:	37.04%
Description: Construction of a new Fire Station in South Pharr			
Status: Construction is ongoing.			
Pictures:			
			
			



AGENDA MEMORANDUM



BOARD: City Commission

AGENDA ITEM #: 3.C.

DATE SUBMITTED: May 30, 2018

MEETING DATE: June 4, 2018

FROM: Hilda Pedraza, City Clerk

DEPARTMENT: Administration

DIRECTOR:

Agenda Item: City Events of Interest.

Classification: Regular

(* If closed session, City Attorney must review and approve.)

Exclude Material from Public Packet? No

Reason:

Issue:

Financial Consideration:

Staff Recommendation:

Alternatives:

ROUTING:

Hilda Pedraza

Created/Initiated - 05/30/2018



AGENDA MEMORANDUM



BOARD: City Commission

AGENDA ITEM #: 4.A.

DATE SUBMITTED: May 30, 2018

MEETING DATE: June 4, 2018

FROM: Omar Anzaldua, City Engineer

DEPARTMENT: Engineering

DIRECTOR: Omar Anzaldua

Agenda Item: Consideration and action authorizing City Manager to advertise for bids for the Pharr Sports Complex and Witten Park Dugouts.

Classification: Regular

(* If closed session, City Attorney must review and approve.)

Exclude Material from Public Packet? No

Reason: N/A

Issue:

This request is to advertise for bids for the construction of ten (10) new baseball dugouts to replace the existing dugouts at the Pharr Sports Complex and Witten Park.

Financial Consideration: Architect's Opinion of Probable Cost \$250,000

Staff Recommendation: Staff recommends approval.

Alternatives: None

ROUTING:

Omar Anzaldua

Created/Initiated - 05/30/2018

Omar Anzaldua

Approved - 05/31/2018

Sergio Alanis

Approved - 06/01/2018

Sandra Zamora

Approved - 06/01/2018

Karla Moya

New - 01/31/2018

City Management Office



AGENDA MEMORANDUM



BOARD: City Commission

AGENDA ITEM #: 4.B.

DATE SUBMITTED: May 30, 2018

MEETING DATE: June 4, 2018

FROM: Ricardo Pedraza, Public Works Director

DEPARTMENT: Public Works

DIRECTOR:

Agenda Item: Consideration and action authorizing City Manager to advertise for bids for construction materials for Public Works.

Classification: Consent

(* If closed session, City Attorney must review and approve.)

Exclude Material from Public Packet? No

Reason:

Issue:

Financial Consideration:

Staff Recommendation: Staff recommends approval.

Alternatives:

ROUTING:

Ricardo Pedraza

Created/Initiated - 05/30/2018

Sandra Zamora

Approved - 05/30/2018

Omar Anzaldua

Approved - 05/31/2018

Patricia Rigney

Approved - 05/31/2018

Karla Moya

Approved - 06/01/2018

City Management Office

Final Approval - 06/01/2018



AGENDA MEMORANDUM



BOARD: City Commission

AGENDA ITEM #: 4.C.

DATE SUBMITTED: May 30, 2018

MEETING DATE: June 4, 2018

FROM: Ricardo Pedraza, Public Works Director

DEPARTMENT: Public Works

DIRECTOR:

Agenda Item: Consideration and action authorizing payment of construction materials purchased through expired public works contracts totaling \$82,825.15.

Classification: Consent

(* If closed session, City Attorney must review and approve.)

Exclude Material from Public Packet? No

Reason:

Issue: Public Works purchased materials on an expired contract for various projects. The contract had been expired since September 2017 but the vendor still honored the prices of the expired contract. The price for caliche flex base on the expired contract is lower than any other vendor in the area. (attached is the last bid tabulation from 01-12-17)

Frontera Materials (Material from 02-01-18 to 03-31-18) - Veterans Road \$52,894.90, Frontera Materials (Material from 10-01-17 to 10-31-17) - Veterans Road \$3,656.56, Frontera Materials Paid 10-31-17 (Material From 12-28-16 To 07-26-17)-City Yard \$26,273.69

Financial Consideration:

Staff Recommendation: Staff recommends payment of materials used for various city projects that were purchased through the expired contract pricing as provided by Frontera Materials Inc. (The price for base from Frontera is lower than any other vendor in the area.)

Alternatives:

ROUTING:

Ricardo Pedraza
Sandra Zamora
Omar Anzaldúa
Patricia Rigney

Created/Initiated - 05/30/2018
Approved - 05/31/2018
Approved - 05/31/2018
Approved - 05/31/2018

Karla Moya
City Management Office

Approved - 06/01/2018
Final Approval - 06/01/2018

BID TABULATION

PROJECT: PURCHASE & DELIVERY OF CONSTRUCTION MATERIALS FOR PUBLIC WORKS ANNUAL USE FY 2016-2017

BID NO: TYPE F GRADE 3 CALICHE BASE - BID NO. 1617-01-528-0006

DATE: THURSDAY, JANUARY 12, 2017

TIME: 4:15 PM

LOCATION: CITY COMMISSION ROOM, 2ND FLOOR, PHARR CITY HALL

BASE BID				FRONTERA MATERIALS, INC.		UPPER VALLEY MATERIALS, LLC (CAPA)	
ITEM NO.	ITEM DESCRIPTION	ESTIMATED QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	TY F GR 3 CALICHE (DELIVERED)	5,000	TON	\$ 9.20	\$ 46,000.00	\$ 15.75	\$ 78,750.00
2	TY F GR 3 CALICHE (PICKED UP AT PLANT)	300	TON	\$ 4.00	\$ 1,200.00	\$ 3.75	\$ 1,125.00
TOTAL BASE BID				\$	47,200.00	\$	79,875.00
BID BOND (5%)				SUBMITTED		SUBMITTED	
ADDENDUM #1				ACKNOWLEDGED		ACKNOWLEDGED	



AGENDA MEMORANDUM



BOARD: City Commission

AGENDA ITEM #: 4.D.

DATE SUBMITTED: May 30, 2018

MEETING DATE: June 4, 2018

FROM: Hilda Pedraza, City Clerk

DEPARTMENT: Administration

DIRECTOR:

Agenda Item: Consideration and action on Development Services Cases:

Classification: Public Hearing

(* If closed session, City Attorney must review and approve.)

Exclude Material from Public Packet? No

Reason:

Issue:

Financial Consideration:

Staff Recommendation:

Alternatives:

ROUTING:

Hilda Pedraza

Created/Initiated - 05/30/2018



MEMORANDUM

DATE: MONDAY, JUNE 4, 2018

TO: MAYOR AND CITY COMMISSION

FROM: MELANIE CANO, DIRECTOR OF DEVELOPMENT SERVICES

THROUGH: JUAN GUERRA, CITY MANAGER

SUBJECT: CONDITIONAL USE PERMIT FOR ABC – FILE NO. CUP#180528 (BURGERIM)

GENERAL INFORMATION:

APPLICANT: Monster Burger LLC, d/b/a Burgerim, has filed with the Planning and Zoning Commission a request for Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C).

LEGAL DESCRIPTION: The property is legally described as being 0.053 acres more or less, out of Lot 2, Vaquero Addition Subdivision, Pharr, Hidalgo County, Texas.

LOCATION: The property's physical address is 1233 South Cage Boulevard, Suite 100.

ZONING: The property is currently zoned General Business District (C). The surrounding area is zoned General Business District (C) to the north and south and Single-Family Residential District (R-1) to the east and west. The area is generally designated for commercial use in the Land Use Plan.

NOTIFICATION OF PUBLIC: Eleven (11) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. Staff received no response to the letters or the legal notice.

COMMENTS:	POLICE CHIEF:	Recommends approval of the Conditional Use Permit
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FIRE DEPARTMENT: Recommends approval of the Conditional Use Permit

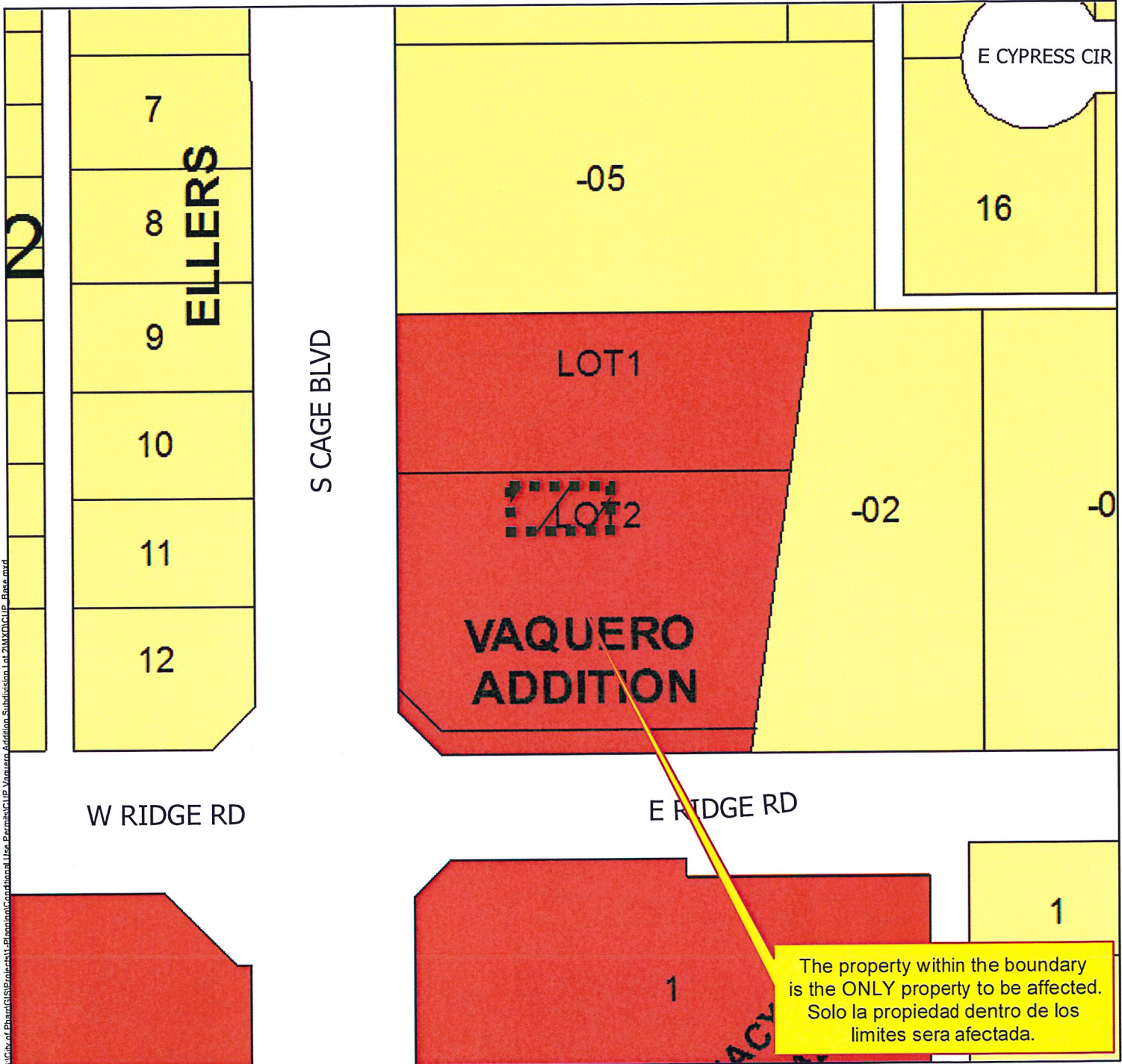
CODE COMPLIANCE DIVISION: Recommends approval of the Conditional Use Permit.

HEALTH DIVISION: Recommends approval of the Conditional Use Permit.

PLANNING DIVISION: Recommends approval of the Conditional Use Permit.

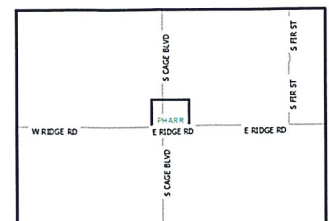
DEVELOPMENT SERVICES RECOMMENDATION: Development Services is recommending approval the request for Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C) subject to applicant and site being in compliance with all City Ordinances and City Department requirements.

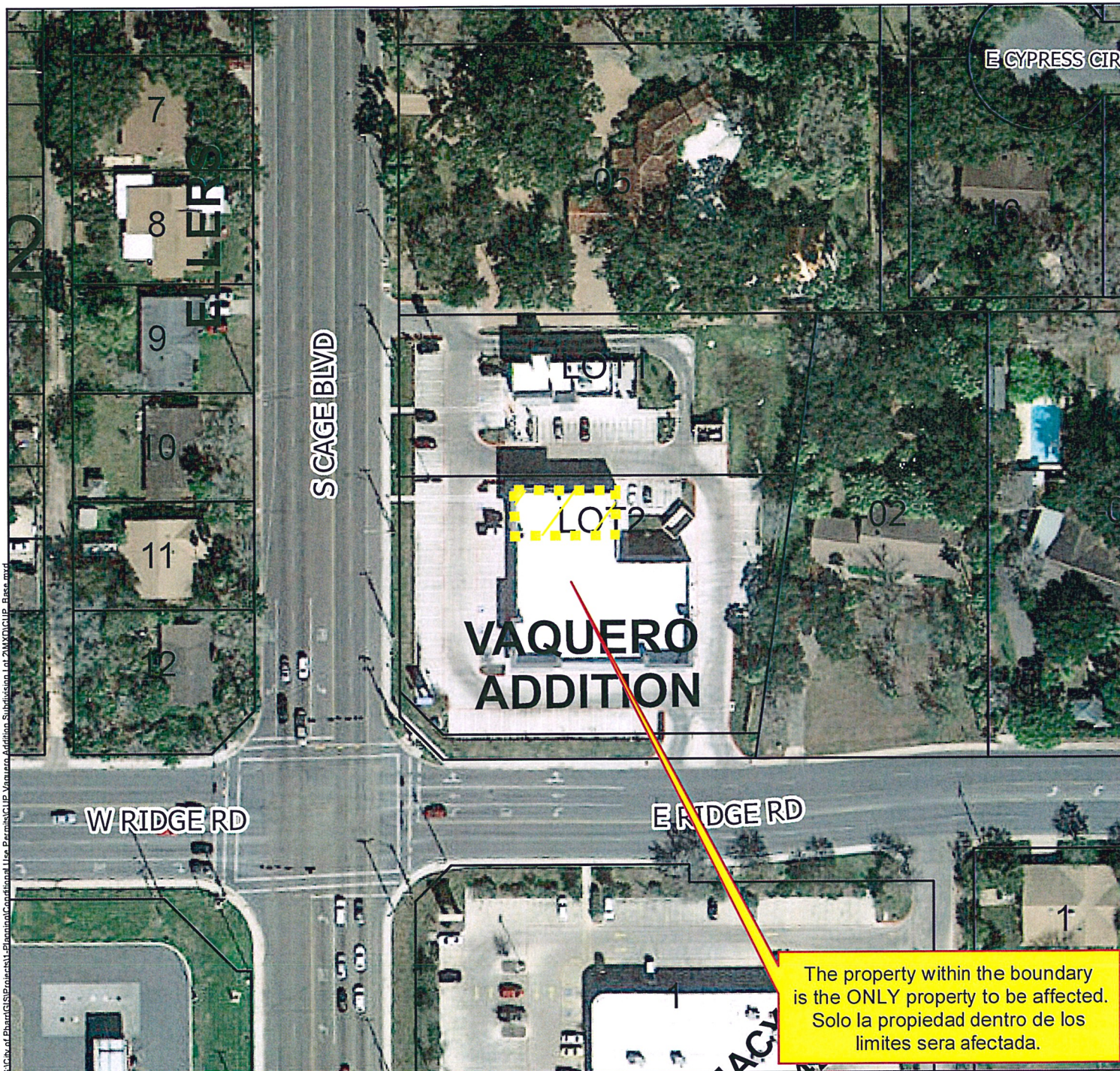
PLANNING & ZONING COMMISSION: Planning and Zoning Commission carried the motion by majority with six (6) of the members voting yea and one (1) member abstaining to approve the request for a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C) subject to site being in compliance with all City Ordinances and City Department requirements.



- | | | | |
|-----------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | Townhouse | Heavy Commercial | Valley View ISD |
| Single Family | HUD Code | Heavy Industrial | Planned Unit Development |
| Single Family Small Lot | Rail Road R.O.W. | Limited Industrial | |
| Two Family | Government Owned | Neighborhood Commercial | |
| Medium Density Multi-Family | General Business | Office Professional | |
| High Density Multi-Family | Business District | PSJA ISD | |
| Mobile Home | Drainage Easement | Hidalgo ISD | |

All information displayed on this map is subject to verification by field survey or by the agency responsible for maintaining the information. This map is intended for general information only.





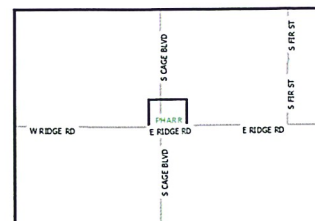
- Agricultural Open Space
- Single Family
- Single Family Small Lot
- Two Family
- Medium Density Multi-Family
- High Density Multi-Family
- Mobile Home

- Townhouse
- HUD Code
- Rail Road R.O.W.
- Government Owned
- General Business
- Business District
- Drainage Easement

- Heavy Commercial
- Heavy Industrial
- Limited Industrial
- Neighborhood Commercial
- Office Professional
- PSJA ISD
- Hidalgo ISD

- Valley View ISD
- Planned Unit Development

All information displayed on this map is subject to verification by field survey or by the agency responsible for maintaining the information. This map is intended for general information only.



PARTITION TYPE SCHEDULE

A-1.1

SHEET



DISTINCTIVE
DRAFTING & DESIGN L.L.C.

2404 S. EXPRESSWAY 83 SUITE # E
HARLINGEN, TX. 78552
OFFICE: (956) 425-7040
FAX: (956) 425-7714

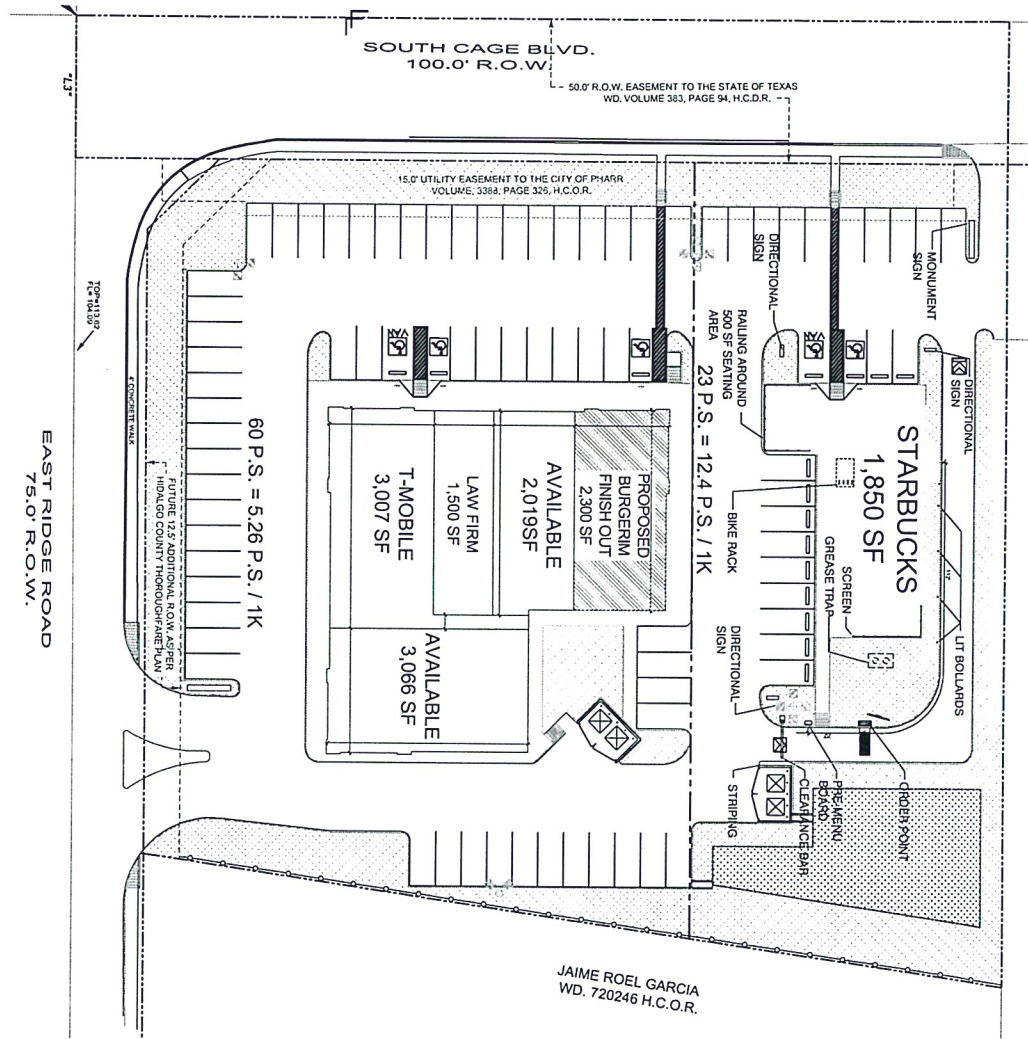
PROJECT :

1233 S. Cage Blvd.

DATE: 11-02-17

PLAN #0247-17

DISTINCTIVE DRAFTING & DESIGN HEREBY RESERVES ITS COMMON COPYRIGHT LAW & OTHER PROPERTY RIGHTS IN THESE PLANS & DESIGNS. THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY, WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION FROM DISTINCTIVE DRAFTING & DESIGN. DISTINCTIVE DRAFTING & DESIGN TAKES NO RESPONSIBILITY FOR THE CONSTRUCTION OF THE RESIDENCE OR BUILDING.



① SITE PLAN
SCALE: 1"=20'-0"

C-1

SHEET



DISTINCTIVE
DRAFTING & DESIGN L.L.C.

2404 S. EXPRESSWAY 83 SUITE # E
HARLINGEN, TX 78552
OFFICE: (956) 425-7040
FAX: (956) 425-7714

PROJECT:

1233 S. Cage Blvd.

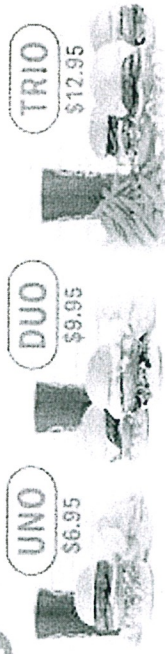
DATE: 11-02-17

PLAN #0247-17

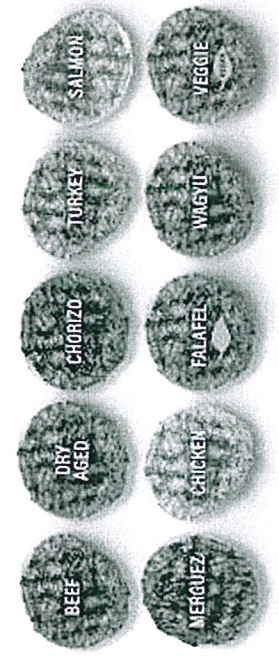
DISTINCTIVE DRAFTING & DESIGN HEREBY RESERVES ITS COMMON COPYRIGHT LAW & OTHER PROPERTY RIGHTS IN THESE PLANS & DESIGNS. THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY, WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION FROM DISTINCTIVE DRAFTING & DESIGN. DISTINCTIVE DRAFTING & DESIGN TAKES NO RESPONSIBILITY FOR THE CONSTRUCTION OF THE RESIDENCE OR BUILDING.



1 CHOOSE YOUR PACK



2 CHOOSE YOUR PROTEIN



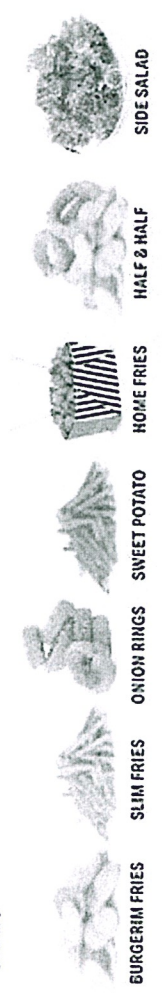
3 CHOOSE YOUR STYLE



COWBOY	CLASSIC	CALIENTE	CALIFORNIA
1/2 lb. Beef, Cheddar, Onion, Pickle, Mayo, 1/2 lb. Cheese	1/2 lb. Beef, Cheddar, Onion, Pickle, Mayo, 1/2 lb. Cheese	1/2 lb. Beef, Cheddar, Onion, Pickle, Mayo, 1/2 lb. Cheese	1/2 lb. Beef, Cheddar, Onion, Pickle, Mayo, 1/2 lb. Cheese
\$4.95	\$4.95	\$4.95	\$4.95

FREE TOPPINGS	EXTRAS +1.95	CHEESE +1.95	PREMIUMS +1.95
Shredded Lettuce, Cheddar, Red Onion, American Cheese, Pickle, Tomato, Grilled Onions, Pickles	Pineapple, Bacon, Sautéed Mushrooms, Braised Beef, Pickles, Jalapenos	Swiss, Cheddar, Bacon, Pickles, Prosciutto	Arancini, Fried Egg, Bacon

SIDES

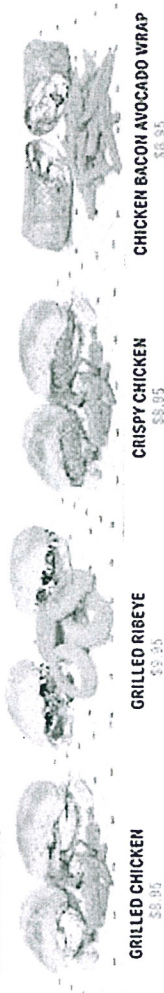


WINGS



6 PIECE WINGS	\$6.95
12 PIECE WINGS	\$10.95
CHICKEN STRIPS	\$5.95

SANDWICHES



SALADS



PANZANELLA SALAD \$8.95
Mediterranean salad with bread, olives, and feta cheese.

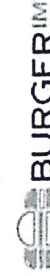
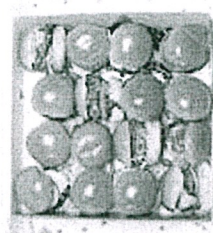
CAESAR SALAD \$7.95
Crisp romaine lettuce with Caesar dressing, croutons, and Parmesan cheese.

BURGER CHOPPED SALAD \$8.95
Ground beef, onion, ketchup, and cheese served in a bowl with lettuce and tomato.

BASKET SALAD \$8.95
A variety of meats, cheeses, and vegetables served in a basket with lettuce and tomato.

THE PARTY BOX \$44.95
Includes 12 wings, 12 fries, 12 onion rings, 12 sweet potato fries, 12 home fries, 12 burger fries, 12 slim fries, 12 onion rings, 12 sweet potato fries, 12 home fries, 12 burger fries, 12 slim fries.

THE FAMILY BOX \$29.95
Includes 6 wings, 6 fries, 6 onion rings, 6 sweet potato fries, 6 home fries, 6 burger fries, 6 slim fries.





MEMORANDUM

DATE: MONDAY, JUNE 4, 2018
TO: MAYOR AND CITY COMMISSION
FROM: MELANIE CANO, DEVELOPMENT SERVICES DIRECTOR
THROUGH: JUAN GUERRA, CITY MANAGER

SUBJECT: LIFE-OF-THE-USE CONDITIONAL USE PERMIT-OVERSIZED STORAGE UNIT FILE NO. CUP#180531

GENERAL INFORMATION:

APPLICANT: Genoveva Olivarez has filed with the Planning and Zoning Commission a request for a Life-of-the-Use Conditional Use Permit to allow an Oversized Storage Unit (larger than 120 square feet) in a Single-Family Residential District (R-1).

LEGAL DESCRIPTION: The property is legally described as being Lot 84, Los Ebanos Subdivision Phase I, Pharr, Hidalgo County, Texas.

LOCATION: The property's physical address is 710 Zavala Avenue.

ZONING: The property is currently zoned Single-Family Residential District (R-1). The surrounding area is zoned Single-Family Residential District (R-1) to the north, south, east and west. The area is generally designated for single-family residential use in the Land Use Plan.

NOTIFICATION OF PUBLIC: Forty-five (45) surrounding property owners were notified of the request by letter and a legal notice was published in the Advance News Journal. One person called in for information only.

FIRE DEPARTMENT: Recommends approval of the Conditional Use Permit

**CODE COMPLIANCE
DIVISION:**

Recommends approval with
conditions for the Conditional
Use Permit

PLANNING DIVISION:

Recommends approval with
conditions for the Conditional
Use Permit

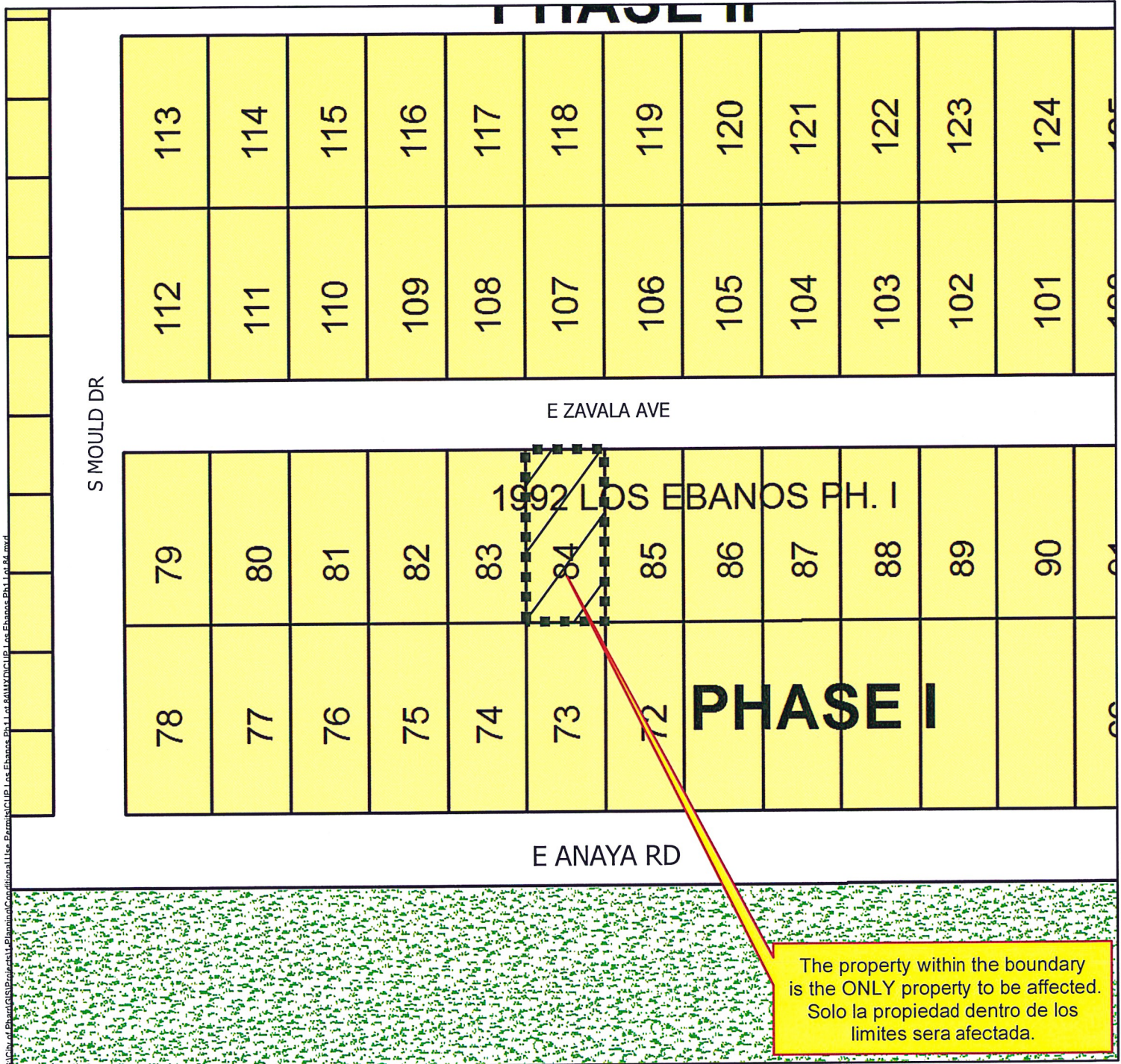
**DEVELOPMENT
SERVICES
RECOMMENDATION:**

Development Services is recommending approval the
request for Life-of-the-Use Conditional Use Permit an
Oversized Storage Unit (larger than 120 square feet) in a
Single-Family Residential District (R-1) subject to the
following conditions:

- 1) This permit shall be for the Life-of-the Use and issued to the current owner only;
- 2) The accessory use structure shall not have a separate electrical service;
- 3) No living amenities shall be installed in unit;
- 4) Applicant shall comply with all City of Pharr Ordinances and codes, any violation will terminate this Conditional Use Permit;
- 5) Applicant must acquire a building permit before start of construction;
- 6) Any request to revise, alter or amend the conditions or requirements shall require the applicant to apply for a new Conditional Use Permit;
- 7) The following shall be considered as grounds for the revocation of the Conditional Use Permit:
 - Any change in use or change in extent of use, area or location.
 - Failure to allow periodic inspections by representatives of the City of Pharr at any reasonable time.
 - Conditional Use Permits that have been revoked may not be applied for again until a period of one year has lapsed from the date of revocation.

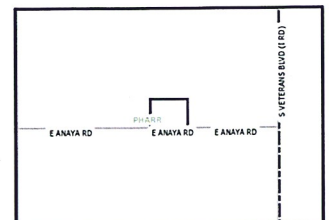
**PLANNING & ZONING
COMMISSION:**

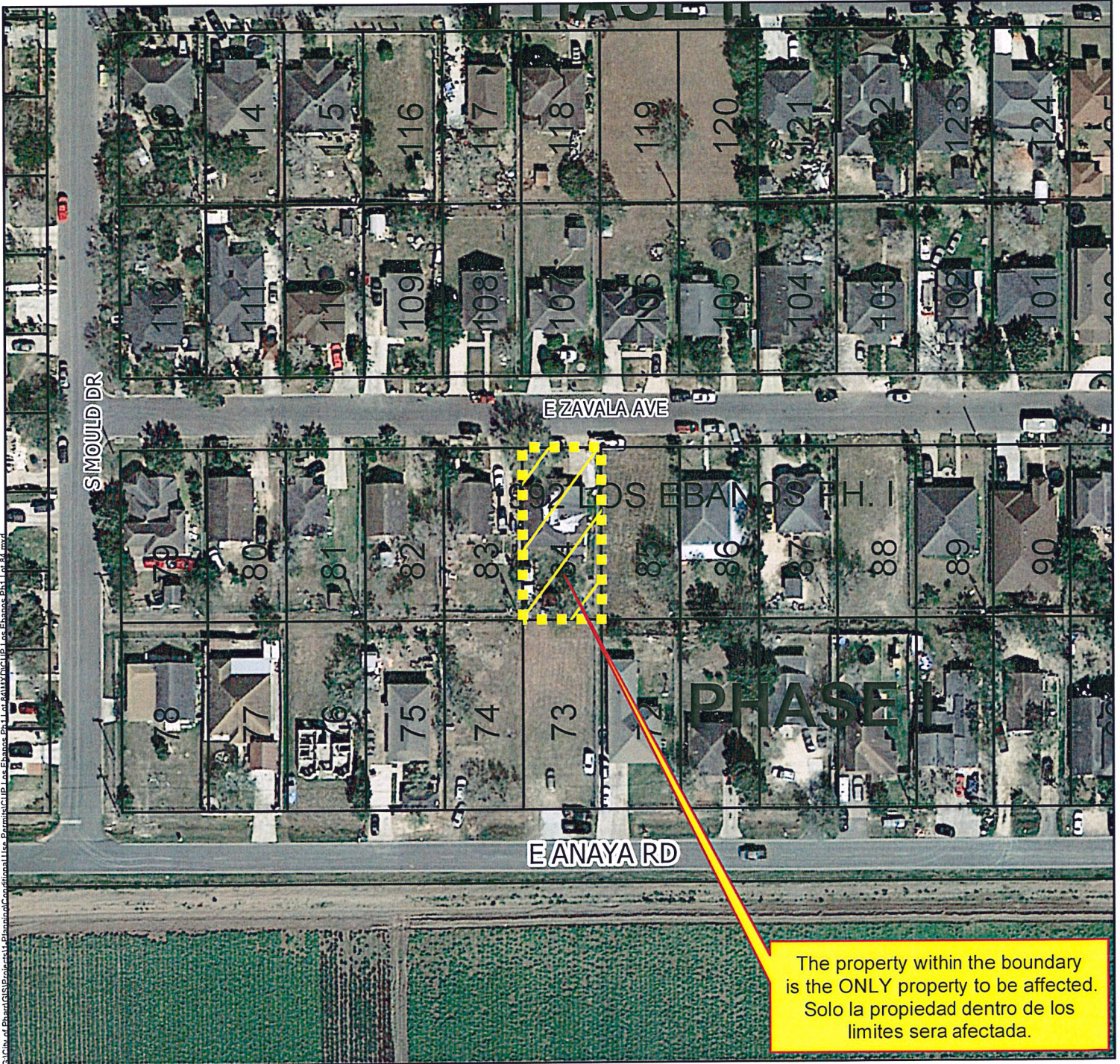
Planning and Zoning Commission carried the motion
unanimously to approve the request for a Life-of-the-Use
Conditional Use to allow an Oversized Storage Unit (larger
than 120 square feet) in a Single-Family Residential District
(R-1) subject to staff's recommendations.



- | | | | |
|-----------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | Townhouse | Heavy Commercial | Valley View ISD |
| Single Family | HUD Code | Heavy Industrial | Planned Unit Development |
| Single Family Small Lot | Rail Road R.O.W. | Limited Industrial | |
| Two Family | Government Owned | Neighborhood Commercial | |
| Medium Density Multi-Family | General Business | Office Professional | |
| High Density Multi-Family | Business District | PSJA ISD | |
| Mobile Home | Drainage Easement | Hidalgo ISD | |

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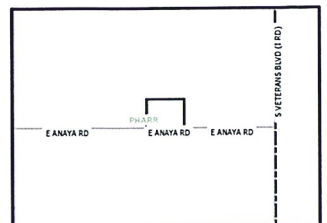


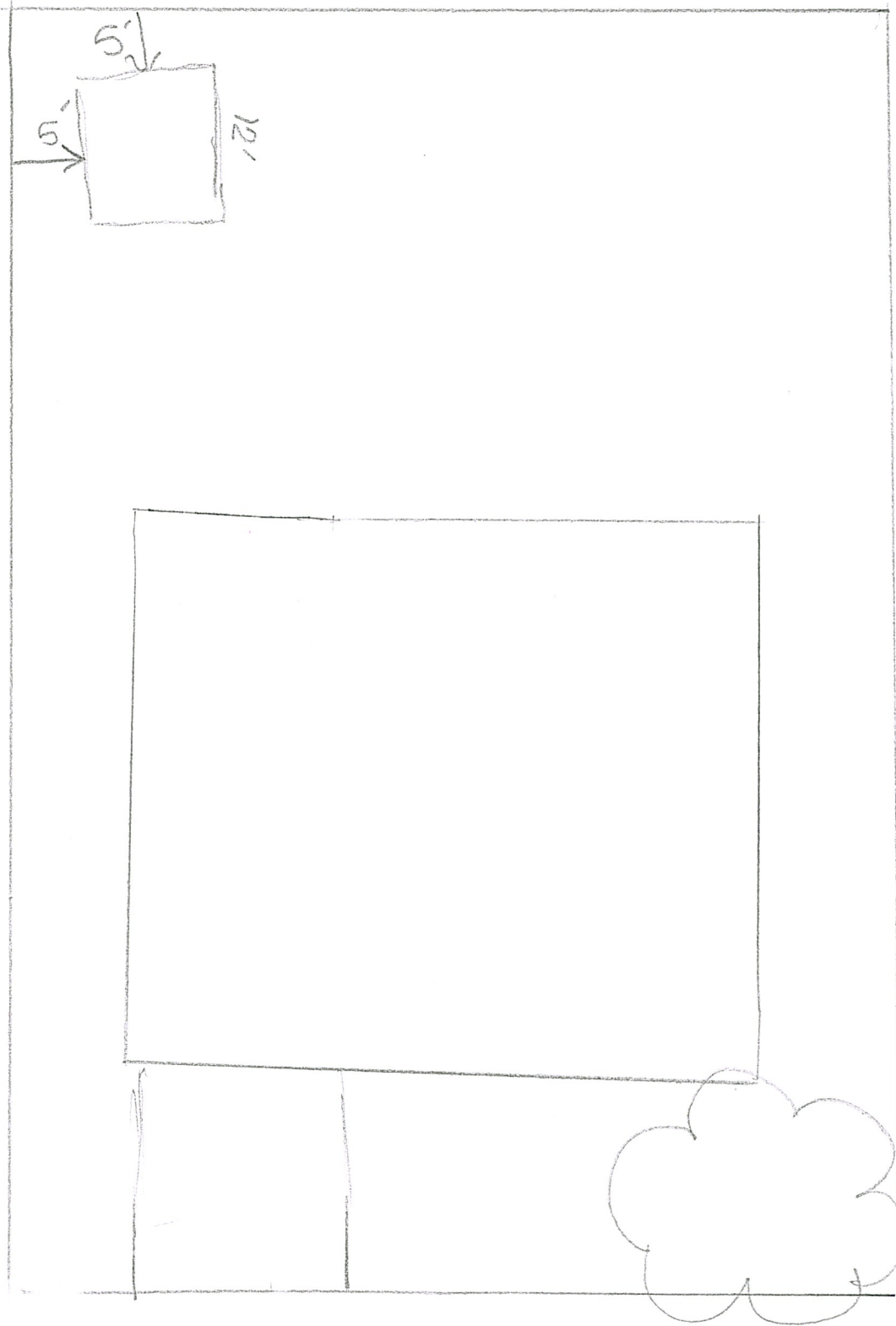


The property within the boundary
is the ONLY property to be affected.
Solo la propiedad dentro de los
limites sera afectada.

- | | | | |
|-----------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | Townhouse | Heavy Commercial | Valley View ISD |
| Single Family | HUD Code | Heavy Industrial | Planned Unit Development |
| Single Family Small Lot | Rail Road R.O.W. | Limited Industrial | |
| Two Family | Government Owned | Neighborhood Commercial | |
| Medium Density Multi-Family | General Business | Office Professional | |
| High Density Multi-Family | Business District | PSJA ISD | |
| Mobile Home | Drainage Easement | Hidalgo ISD | |

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to verification by field survey or by the agency
responsible for maintaining the information.
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Zavala Ave.





AGENDA MEMORANDUM



BOARD: City Commission

AGENDA ITEM #: 4.D.3.

DATE SUBMITTED: May 30, 2018

MEETING DATE: June 4, 2018

FROM: Angie Resio, Secretary

DEPARTMENT: Development Services

DIRECTOR: Melanie Cano

Agenda Item: Maria Dolores Montenegro, d/b/a Pato's Place, is requesting 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 the West 8.6 feet of Lot 29 and all of Lot 30, Block 30, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 226 West State Avenue. **CUP#990583**

Classification: Regular

(* If closed session, City Attorney must review and approve.)

Exclude Material from Public Packet? No

Reason: N/A

Issue: Maria Dolores Montenegro, d/b/a Pato's Place, is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Business District (C-2). **CUP#990583**

Financial Consideration: N/A

Staff Recommendation: Development Services Staff recommends approval of the 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) subject to site and applicant being in compliance with all City Ordinances and City Department requirements.

Alternatives: N/A

ROUTING:

Angie Resio
Roland Gomez
Melanie Cano
City Management Office

Created/Initiated - 05/30/2018
Approved - 05/31/2018
Approved - 05/31/2018
Final Approval - 06/01/2018



MAYOR Ambrosio "Amos" Hernández | CITY MANAGER Juan G. Guerra, CPA

COMMISSIONERS Eleazar Guajardo | Roberto "Bobby" Carrillo | Ramiro Caballero | Daniel Chavez | Ricardo Medina | Mario Bracamontes

Executive Summary Letter

June 4, 2018

Conditional Use Permit **Renewal** for ABC –

Pato's Place

Background:

Maria Dolores Montenegro, d/b/a Pato's Place, is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption. This request constitutes the 18th renewal for Pato's Place.

The property is located at 226 West State Avenue. It is zoned Business District (C-2) and is in conformance with the Future Land Use Plan. All required inspections have been conducted and have passed.

Recommendations:

Staff recommends **approval** of the renewal of the Conditional Use Permit to allow the sale of alcoholic beverage for on-premise consumption subject to the site and applicant being in compliance with all City Ordinances and City Department requirements.

P:\Admin\CUPS\ABC\ABC_MMontenegro dba PATOS PLACE_1999



Pharr

Development Services



MEMORANDUM

DATE: MONDAY, JUNE 4, 2018

TO: MAYOR AND CITY COMMISSION

FROM: MELANIE CANO, DIRECTOR OF DEVELOPMENT SERVICES

THROUGH: JUAN GUERRA, CITY MANAGER

SUBJECT: CONDITIONAL USE PERMIT RENEWAL FOR ABC FILE NO. CUP#990583 (PATO'S PLACE)
--

GENERAL INFORMATION:

APPLICANT: Maria Dolores Montenegro, d/b/a Pato's Place, is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Business District (C-2).

LEGAL DESCRIPTION: The property is legally described as the West 8.6 feet of Lot 29 and all of Lot 30, Block 30, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas.

LOCATION: The property's physical address is 226 West State Avenue.

ZONING: The property is currently zoned Business District (C-2). The surrounding area is zoned Business District (C-2) to the north and east. The property to the south and west is zoned General Business District (C). The area is designated for commercial use in the Land Use Plan.

COMMENTS:	POLICE CHIEF:	Recommends approval of the Conditional Use Permit.
------------------	----------------------	--

FIRE DEPARTMENT:	Recommends approval of the Conditional Use Permit.
-------------------------	--

**CODE COMPLIANCE
DIVISION:**

Recommends approval of
the Conditional Use Permit.

HEALTH DIVISION:

Recommends approval of
the Conditional Use Permit.

PLANNING DIVISION:

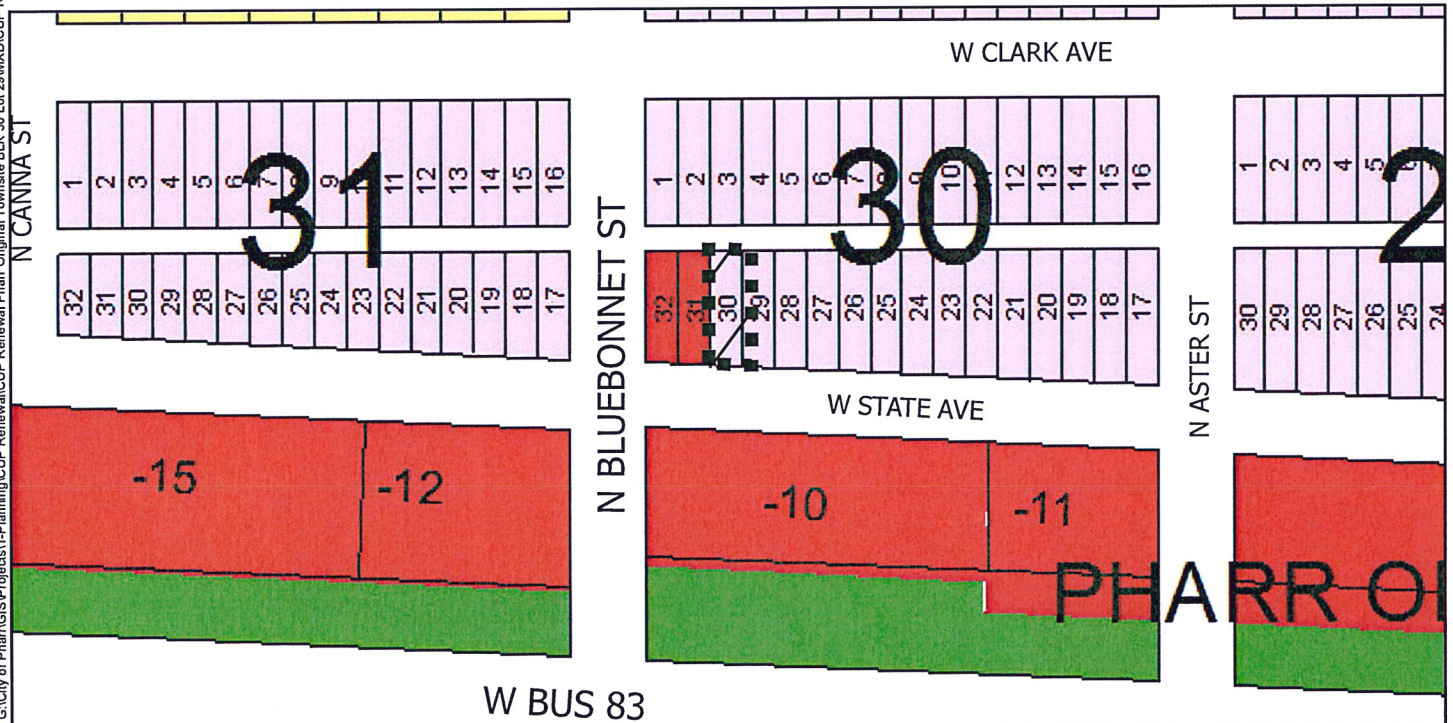
Recommends approval of
the Conditional Use Permit.

**DEVELOPMENT
SERVICES STAFF
RECOMMENDATIONS:**

Development Services Staff recommends **approval** of the request for renewal for the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Business District (C-2) subject to site and applicant being in compliance with all City Ordinances and City Department requirements.



G:\City of Pharr\GIS\Projects\1-Planning\CUP Renewal\CUP Renewal Pharr Original Townsite BLK 30 Lot 29.mxd



- | | | | | |
|-----------------------------|---------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | High Density Multi-Family | Government Owned | Heavy Industrial | Hidalgo ISD |
| Single Family | Mobile Home | General Business | Limited Industrial | Valley View ISD |
| Single Family Small Lot | Townhouse | Business District | Neighborhood Commercial | Planned Unit Development |
| Two Family | HUD Code | Drainage Easement | Office Professional | |
| Medium Density Multi-Family | Rail Road R.O.W. | Heavy Commercial | PSJA ISD | |





AGENDA MEMORANDUM



BOARD: City Commission

AGENDA ITEM #: 4.D.4.

DATE SUBMITTED: May 30, 2018

MEETING DATE: June 4, 2018

FROM: Angie Resio, Secretary

DEPARTMENT: Development Services

DIRECTOR: Melanie Cano

Agenda Item: Alba Dora Pedraza, d/b/a Sepi's is requesting 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 20-22, Block 30, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 212 West State Street. **CUP#120423**

Classification: Regular

(* If closed session, City Attorney must review and approve.)

Exclude Material from Public Packet? No

Reason: N/A

Issue: Alba Dora Pedraza, d/b/a Sepi's is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Business District (C-2). **CUP#120423**

Financial Consideration: N/A

Staff Recommendation: Development Services is recommending approval of the 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) subject to site and applicant being in compliance with all City Ordinances and City Department requirements.

Alternatives: N/A

ROUTING:

Angie Resio
Roland Gomez
Melanie Cano
City Management Office

Created/Initiated - 05/30/2018
Approved - 05/31/2018
Approved - 05/31/2018
Final Approval - 06/01/2018



MAYOR Ambrosio "Amos" Hernández | CITY MANAGER Juan G. Guerra, CPA

COMMISSIONERS Eleazar Guajardo | Roberto "Bobby" Carrillo | Ramiro Caballero | Daniel Chavez | Ricardo Medina | Mario Bracamontes

Executive Summary Letter

June 4, 2018

Conditional Use Permit **Renewal** for ABC –

Sepi's

Background:

Alba Dora Pedraza, d/b/a Sepi's, is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption. This request constitutes the 6th renewal for Sepi's.

The property is located at 212 West State Street. It is zoned Business District (C-2) and is in conformance with the Future Land Use Plan. All required inspections have been conducted and have passed.

Recommendations:

Staff recommends **approval** of the renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption subject to the site and applicant being in compliance with all City Ordinances and City Department requirements.

P:\Admin\CUPs\ABC\ABC_SEPI'S_A PEDRAZA_2012



MEMORANDUM

DATE: MONDAY, JUNE 4, 2018

TO: MAYOR AND CITY COMMISSION

FROM: MELANIE CANO, DIRECTOR OF DEVELOPMENT SERVICES

THROUGH: JUAN GUERRA, CITY MANAGER

SUBJECT: CONDITIONAL USE PERMIT RENEWAL FOR ABC – FILE NO. CUP#120423 (SEPI'S)
--

GENERAL INFORMATION:

APPLICANT: Alba Dora Pedraza, d/b/a Sepi's is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Business District (C-2).

LEGAL DESCRIPTION: The property is legally described as Lot 20-22, Block 30, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas.

LOCATION: The property's physical address is 212 West State Street.

ZONING: The property is currently zoned Business District (C-2). The property to the north, east and west is zoned Business District (C-2) and the property to the south is zoned General Business District (C). The area is generally designated for commercial use in the Land Use Plan.

COMMENTS:	POLICE CHIEF:	Recommends approval of the Conditional Use Permit.
------------------	----------------------	--

FIRE DEPARTMENT:	Recommends approval of the Conditional Use Permit.
-------------------------	--

**CODE COMPLIANCE
DIVISION:**

Recommends approval of
the Conditional Use Permit.

HEALTH DIVISION:

Recommends approval of
the Conditional Use Permit.

PLANNING DIVISION:

Recommends approval of
the Conditional Use Permit.

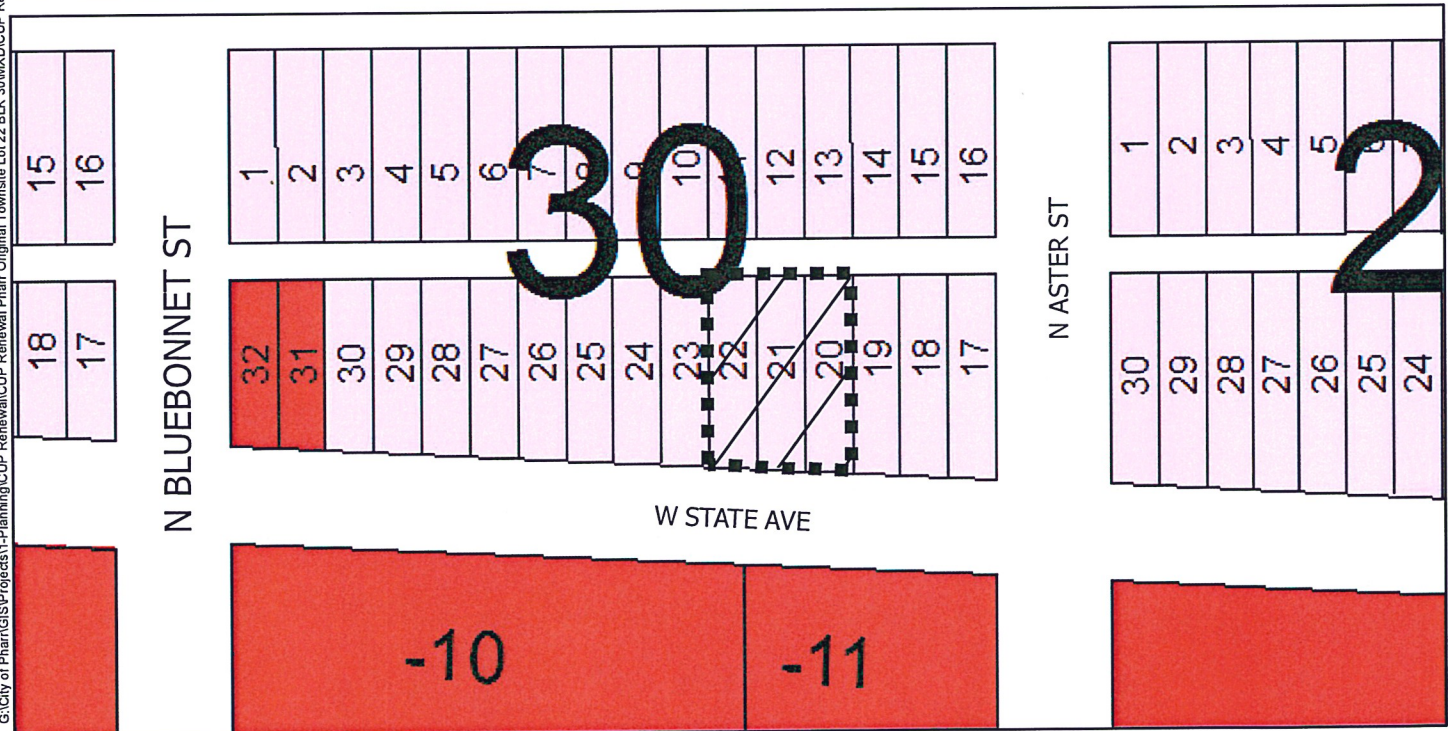
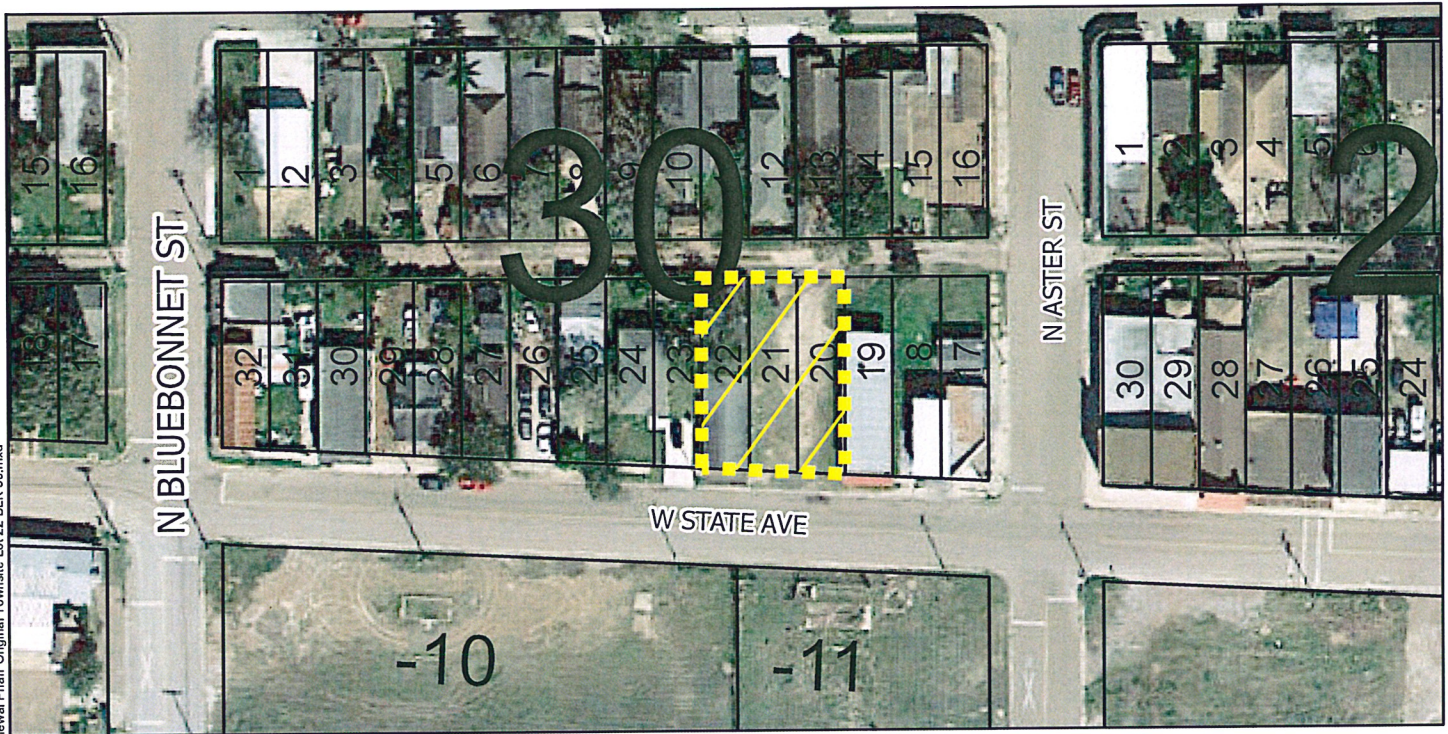
**DEVELOPMENT
SERVICES**

RECOMMENDATIONS:

Development Services is recommending **approval** of the 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) subject to site and applicant being in compliance with all City Ordinances and City Department requirements.



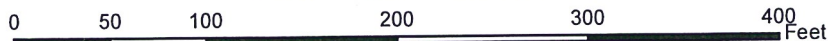
G:\City of Pharr\GIS\Projects\1-Planning\CUP Renewal\CUP Renewal Pharr Original Townsite Lot 22 BLK 30.mxd



- | | | | | |
|-----------------------------|---------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | High Density Multi-Family | Government Owned | Heavy Industrial | Hidalgo ISD |
| Single Family | Mobile Home | General Business | Limited Industrial | Valley View ISD |
| Single Family Small Lot | Townhouse | Business District | Neighborhood Commercial | Planned Unit Development |
| Two Family | HUD Code | Drainage Easement | Office Professional | |
| Medium Density Multi-Family | Rail Road R.O.W. | Heavy Commercial | PSJA ISD | |

Scale: 1 inch = 100 feet

City of Pharr, Texas
 Engineering Department
 956.702.5355



Date: 5/21/2018



STANDARDIZED RECOMMENDATION FORM

MEETING DATE: June 4, 2018

ROUTE TO BOARD:

☐ CITY COMMISSION

AGENDA ITEM:

COZ:#180529

PLANNING & ZONING COMMISSION

DATE SUBMITTED:

April 20, 2018

5. Applicant:

Nelda Telles, owner

6. Requested Action:

Re-zoning request from a Two-Family Residential District (R-2) to Single-Family Residential District (R-1).

7. Nature / Intent of Request:

In order to re-zone the property into a single-family district since plans have changed from previous years when she wanted to develop it into a multi-family.

8. Routing to Staff:

F. Melanie Cano, Director


Initials

5/25/18

☐ Approval ☒ Denial

G. Planning Staff Recommendations


Initials

5/25/18

☐ Approval ☒ Denial

H. Planning and Zoning Commission

Initials

5/29/18

☐ Approval ☒ Denial

I. City Attorney

Initials

Date _____

☐ Approval ☐ Denial

J. City Manager

Initials

Date _____

☐ Approval ☐ Denial



MEMORANDUM

DATE: MONDAY, JUNE 4, 2018
TO: MAYOR AND CITY COMMISSION
FROM: DEVELOPMENT SERVICES

SUBJECT: Re-zoning Request: From Two-Family Residential District (R-2) to Single-Family Residential District (R-1): Being the N266'-W1.21 acres of the N6.21 acres of Lot 1, Gehlerts Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 222 East Sam Houston. Avenue.
--

REZONING CHECKLIST / GOALS:

Comprehensive zoning and rezoning regulations and ordinances should be adopted and designed to facilitate, as much as possible, the following items:

1. To lessen congestion;
2. Secure safety from fire, panic and other dangers;
3. To promote health and general welfare;
4. To provide adequate light and air;
5. To protect the overcrowding of land and abutting traffic ways;
6. Avoid undue concentration of population, and;
7. To facilitate the adequate provisions of transportation, water, sewage, schools, parks, and other public requirements as per Local Government Code, Sect. 211.004.

DESCRIPTION OF PROPERTY:

Nelda Telles has filed with the Planning and Zoning Commission a request for a change of zone from Two-Family Residential District (R-2) to Single-Family Residential District (R-1).

The subject site is located on the south side of East Sam Houston Avenue with a physical address of 222 East Sam Houston Avenue. The property consists of one (1) tract of land legally described as being a N266'-W1.21 acres of the N6.21 acres of Lot 1, Gehlerts Subdivision, Pharr, Hidalgo County, Texas.

The property fronts East Sam Houston Avenue, an 80' major collector that runs east and west with a posted speed limit of 30 miles per hour or less as identified in the City of Pharr's Thoroughfare Plan.

The property is currently zoned Two-Family Residential District (R-2). The surrounding properties are zoned Single-Family Residential District (R-1) to the north, south, east and west. The property is generally designated for Right of Way use in the Land Use Plan.

The property was rezoned from Single-Family Residential District (R-1) to Two-Family Residential District (R-2) on November 05, 2012. On March 30, 1982, the surrounding properties to the north, south, east and west were zoned to Single-Family Residential District (R-1), when the city adopted the current Zoning Ordinance used today. There have been no other zoning requests within the general vicinity of the subject property since that time.

The owner of the property is requesting a change of zone to a Single-Family Residential District (R-1) since her plans to develop the home into a multi-family dwelling have changed and stated that the remainder of the home will only be used as storage.

The Single-Family District is intended to be composed of single-family dwellings together with public, denominational and private schools, churches and public parks essential to create basic neighborhood units. Areas that are zoned for this use shall have water, wastewater, drainage and access to paved streets based on single-family usage. It is intended for areas that are properly buffered from nonresidential uses, and protected from pollution and/or environmental hazards or from high volume of non-single-family traffic.

Twenty-five (25) letters were mailed out to the surrounding property owners and a legal notice was published in the Advance News Journal. Staff received no response to the letters or the legal notice.

Development Services is recommending **denial** as a single-family detached dwelling is a permitted use within a Two-Family Residential District (R-2). All evidence suggests that the dwelling is a duplex-type residential development which is defined as a building designed and/or occupied exclusively by two families living independently of each other; therefore, the requested use does not meet the restrictions and/or permitted uses of a single-family zone. The property meets area requirements has adequate ingress and egress. If approved, applicant must comply with all City Ordinances and City Department requirements.

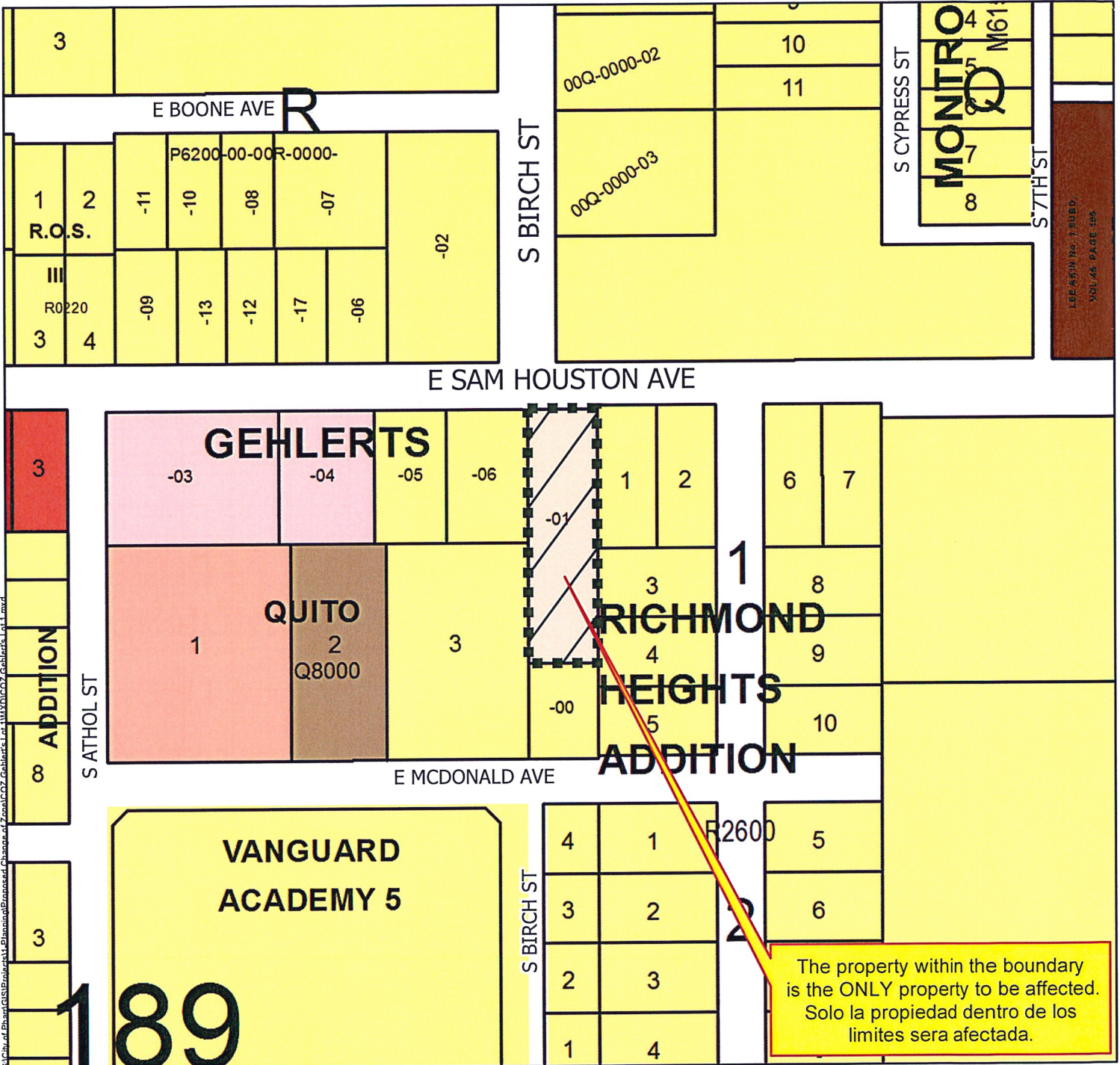
**PLANNING AND ZONING
COMMISSION:**

The Planning and Zoning Commission unanimously voted to deny the rezoning request Two-Family Residential District (R-2) to Single-Family Residential District (R-1).

CITY COMMISSION OPTIONS:

1. Approve the rezoning request;
2. Table the item for:
 - a) consideration by the full board;
 - b) additional information;
 - c) additional time for applicant and adjacent property owners to meet;
3. Disapprove the request.

Proposed Change of Zone
 Gehlert's Lot 1
 Nelda Telles
 (R-2 to R-1)



The property within the boundary
 is the ONLY property to be affected.
 Solo la propiedad dentro de los
 limites sera afectada.

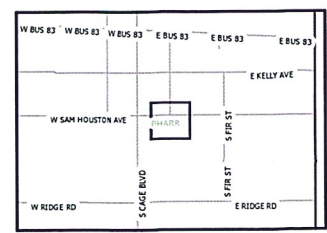
- | | | | |
|-----------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | Townhouse | Heavy Commercial | Valley View ISD |
| Single Family | HUD Code | Heavy Industrial | Planned Unit Development |
| Single Family Small Lot | Rail Road R.O.W. | Limited Industrial | |
| Two Family | Government Owned | Neighborhood Commercial | |
| Medium Density Multi-Family | General Business | Office Professional | |
| High Density Multi-Family | Business District | PSJA ISD | |
| Mobile Home | Drainage Easement | Hidalgo ISD | |

City of Pharr, Texas
 Engineering Department
 956.402.4242
 Date: 5/8/2018

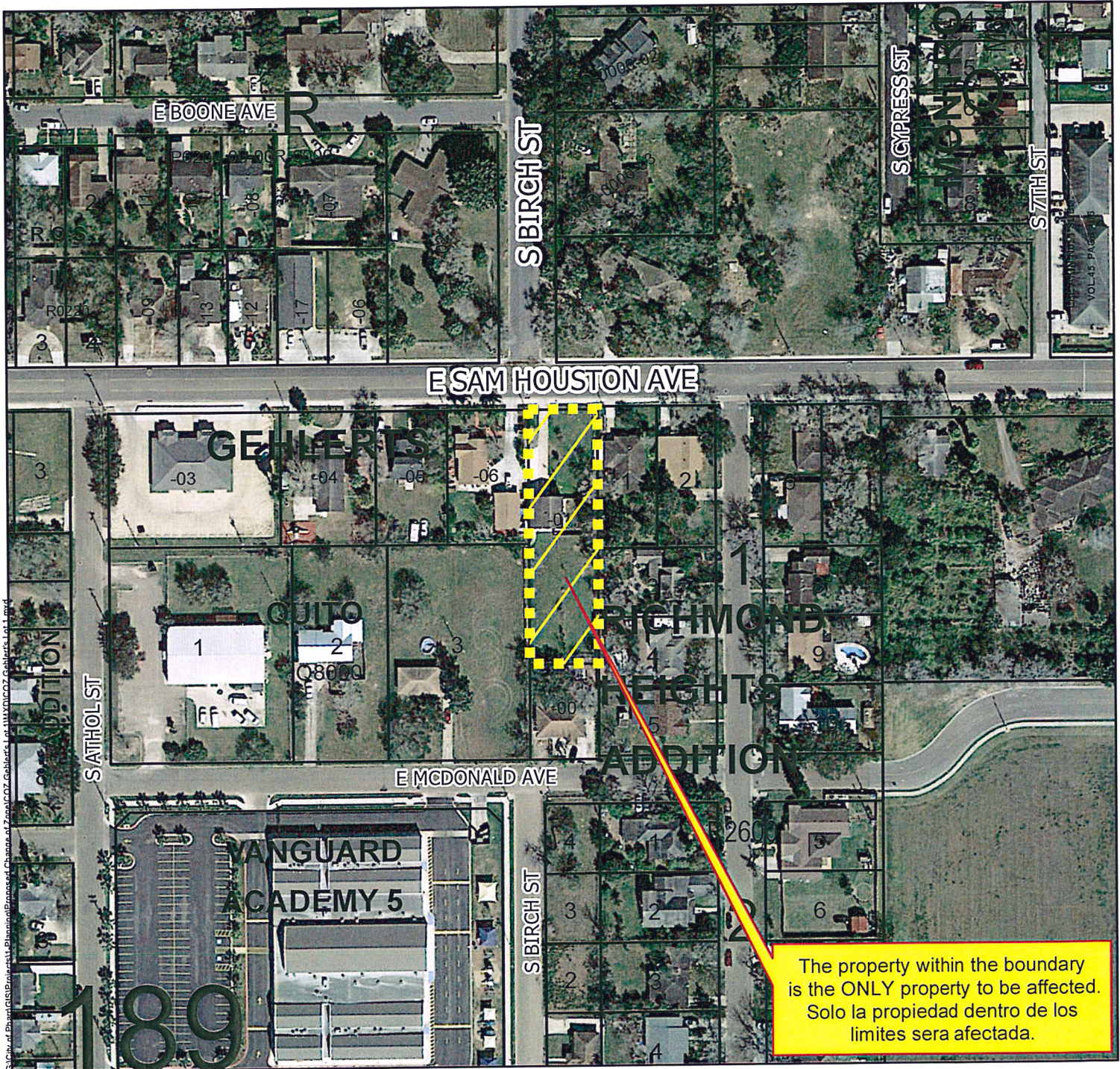
Scale: 1 inch = 150 feet



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 This map is intended for general information only.



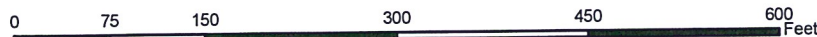
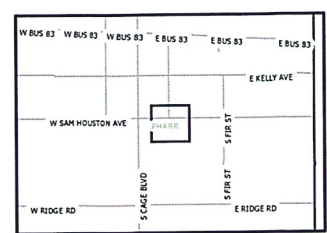
Proposed Change of Zone
 Gehlert's Lot 1
 Nelda Telles
 (R-2 to R-1)

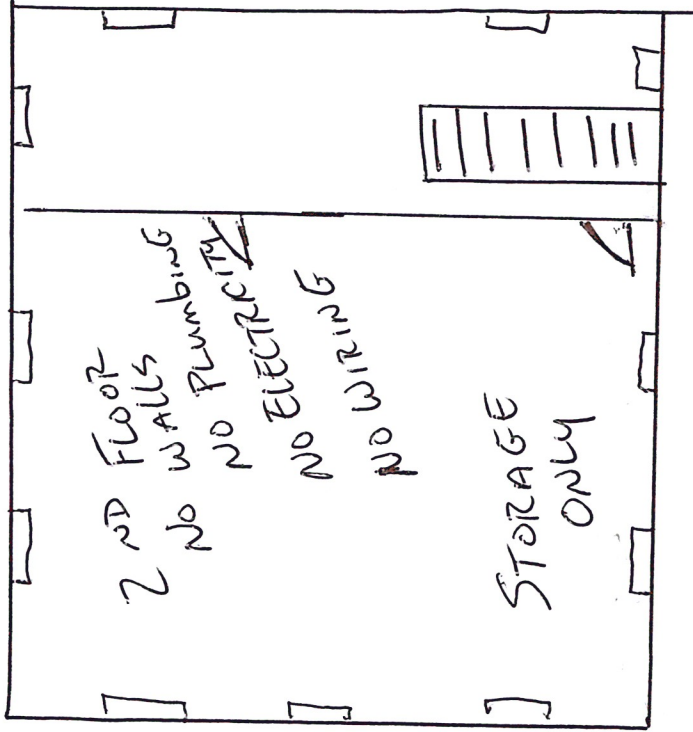
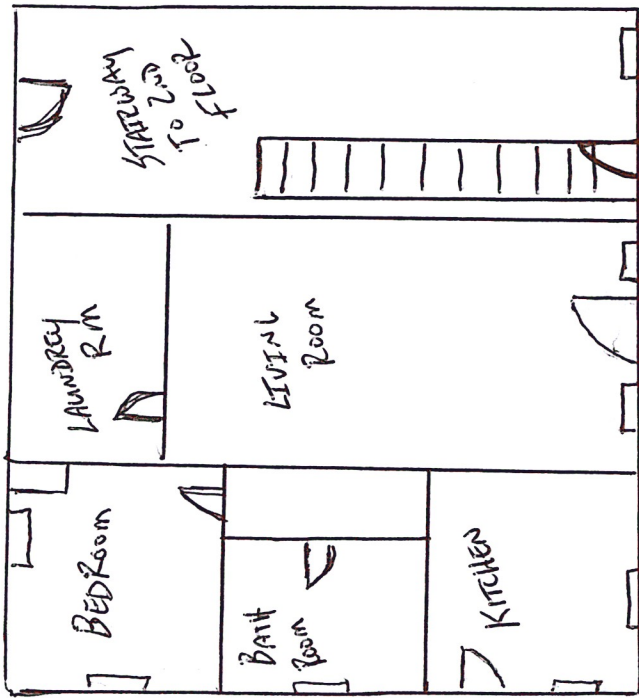


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 Solo la propiedad dentro de los limites sera afectada.



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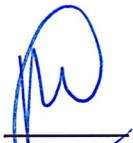










- | | | | |
|----|------------------------------------|---|---|
| 5. | Applicant: | Rich Heritage Construction Inc., owners. | |
| 6. | Requested Action: | Re-zoning request from Agricultural and/or Open Space District (A-O) to Medium Density Multi-Family Residential District (R-3). | |
| 7. | Nature / Intent of Request: | In order to develop the property into a medium-density multi-family residential subdivision. | |
| 8. | Routing to Staff: | | |
| | F. Melanie Cano, Director | 

Initials | <u>5/24/18</u> ☒ Approval ☐ Denial

Date |
| | G. Planning Staff Recommendations | 

Initials | <u>5/24/18</u> ☒ Approval ☐ Denial

Date |
| | H. Planning and Zoning Commission | _____
Initials | <u>5/29/18</u> ☒ Approval ☐ Denial

Date |
| | I. City Attorney | _____
Initials | _____ ☐ Approval ☐ Denial

Date |
| | J. City Manager | _____
Initials | _____ ☐ Approval ☐ Denial

Date |



Pharr

Development Services



MEMORANDUM

DATE: MONDAY, JUNE 4, 2018

TO: MAYOR AND CITY COMMISSION

FROM: DEVELOPMENT SERVICES

THROUGH: JUAN GUERRA, CITY MANAGER

SUBJECT: Re-zoning Request: from Agricultural and/or Open Space District (A-O) to Medium Density Multi-Family Residential District (R-3): Being 4.85 acres, more or less, out of Lot 121, Kelly-Pharr Tract, Pharr, Hidalgo County, Texas. The property's physical address is 3401 North Sugar Road.

REZONING EZONING CHECKLIST / GOALS:

Comprehensive zoning and rezoning regulations and ordinances should be adopted and designed to facilitate, as much as possible, the following items:

1. To lessen congestion;
2. Secure safety from fire, panic and other dangers;
3. To promote health and general welfare;
4. To provide adequate light and air;
5. To protect the overcrowding of land and abutting traffic ways;
6. Avoid undue concentration of population, and;
7. To facilitate the adequate provisions of transportation, water, sewage, schools, parks, and other public requirements as per Local Government Code, Sect. 211.004.

DESCRIPTION OF PROPERTY:

Rich Heritage Construction Inc. has filed with the Planning and Zoning Commission a request for a change of zone from Agricultural and/or Open Space District (A-O) to Medium-Density Multi-Family District (R-3).

The subject site is located on the west side of North Sugar Road with a physical address of 3401 North Sugar Road. The property consists of one (1) tract of land legally described as being 4.85 acres, more or less, out of Lot 121, Kelly-Pharr Tract, Pharr, Hidalgo County, Texas.

The property fronts North Sugar Road, a 70' minor collector, which runs north and south, with a posted speed limit of 30 miles per hour or less as identified in the City of Pharr's Thoroughfare Plan.

The property is currently zoned Agricultural and/or Open Space District (A-O). The surrounding properties are zoned Limited Industrial District (L-I) and Agricultural and/or Open Space District (A-O) to the north, Single Family Residential District (R-1) to the east and west and Agricultural and/or Open Space District (A-O) and Single-Family Residential District (R-1) to the south. The property is generally designated for single-family residential use in the Land Use Plan.

On November 03, 2014, the property to the north was re-zoned from General Business District (C) to Heavy Industrial District (H-I). On April 20, 2004, the property to the west was zoned Single-Family Residential District (R-1) and on December 04, 2001, the property to the east was also zoned Single-Family Residential District (R-1). The property to the south was annexed into the City of Pharr on October 07, 1986. There have been no other zoning requests within the general vicinity of the subject property since that time

The owner of the property is requesting a change of zone to a Medium-Density Multi-Family District (R-3) in order to develop the property into a thirteen (13) lot medium-density multi-family residential subdivision.

The medium-density multifamily district is established to provide adequate space and site diversification for medium-density areas that are a mixture of single-family, duplex, and multifamily dwelling units of up to eight units per lot. The area requirements in this district are based on multifamily dwelling units being built on smaller, individual lots and needing to coexist with single-family residences. This district should not run traffic over long distances of single-family residential-sized streets, or through single-family neighborhoods, and should be located close to arterials or collectors capable of carrying the additional traffic.

Fifty (50) letters were mailed out to the surrounding property owners and a legal notice was published in the Advance News Journal. Staff received no response to the letters or the legal notice.

Development Services is recommending approval of the request to re-zone to Medium-Density Multi-Family District (R-3) as the property meets area requirements and has adequate ingress and egress. If approved, applicant must comply with all City Ordinances and City Department requirements.

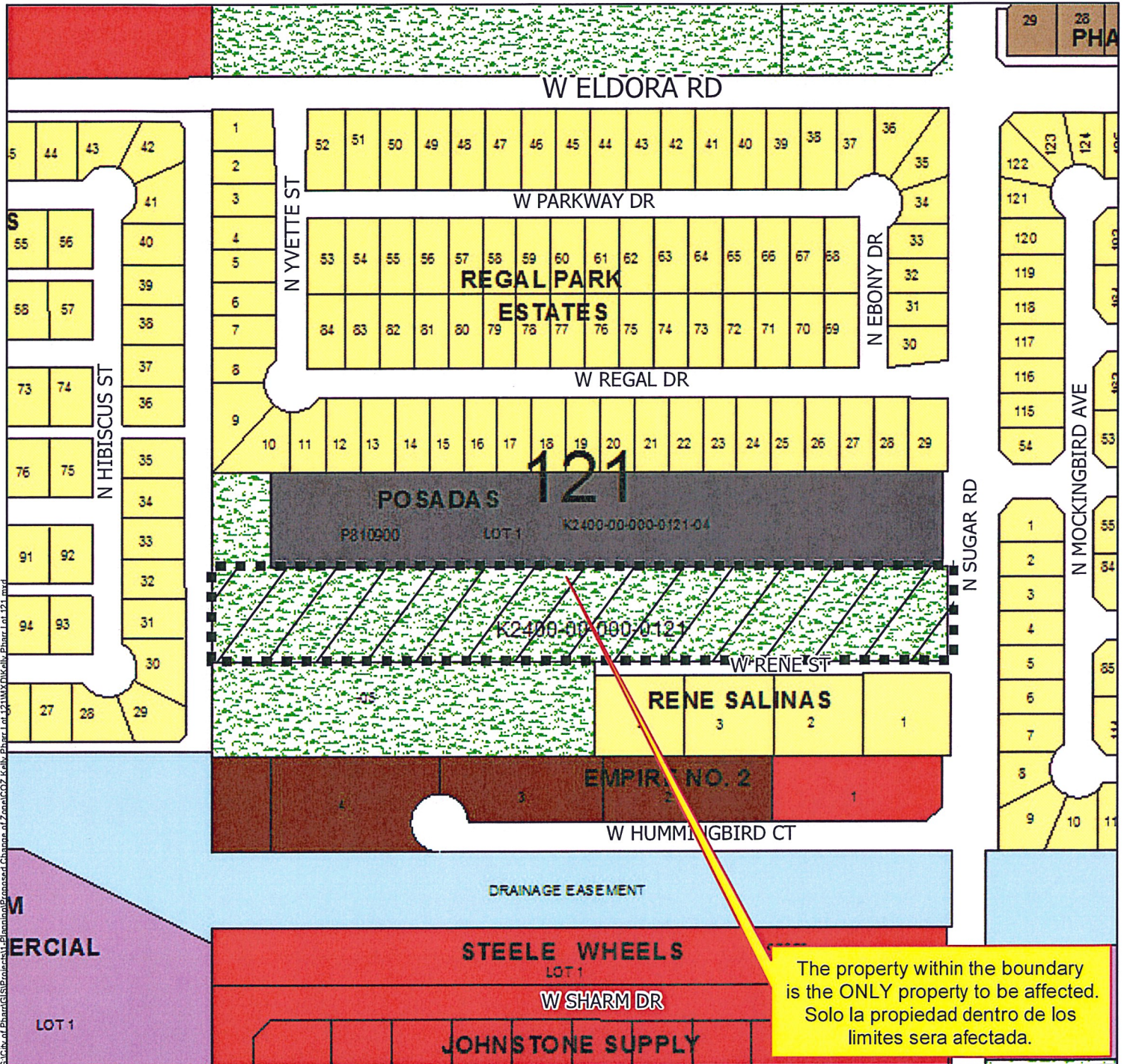
PLANNING AND ZONING COMMISSION:

The Planning and Zoning Commission unanimously voted to approve the rezoning request from Agricultural and/or Open Space District (A-O) to Medium-Density Multi-Family District (R-3) subject to staff's recommendations.

CITY COMMISSION OPTIONS:

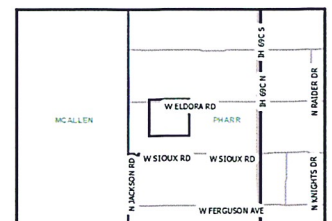
1. Approve the rezoning request;
2. Table the item for:
 - a) consideration by the full board;
 - b) additional information;
 - c) additional time for applicant and adjacent property owners to meet;
3. Disapprove the request.

Proposed Change of Zone
Kelly Pharr Lot 121
Rich Heritage Construction Inc.
(AO to R-3)



- | | | | |
|-----------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | Townhouse | Heavy Commercial | Valley View ISD |
| Single Family | HUD Code | Heavy Industrial | Planned Unit Development |
| Single Family Small Lot | Rail Road R.O.W. | Limited Industrial | |
| Two Family | Government Owned | Neighborhood Commercial | |
| Medium Density Multi-Family | General Business | Office Professional | |
| High Density Multi-Family | Business District | PSJA ISD | |
| Mobile Home | Drainage Easement | Hidalgo ISD | |

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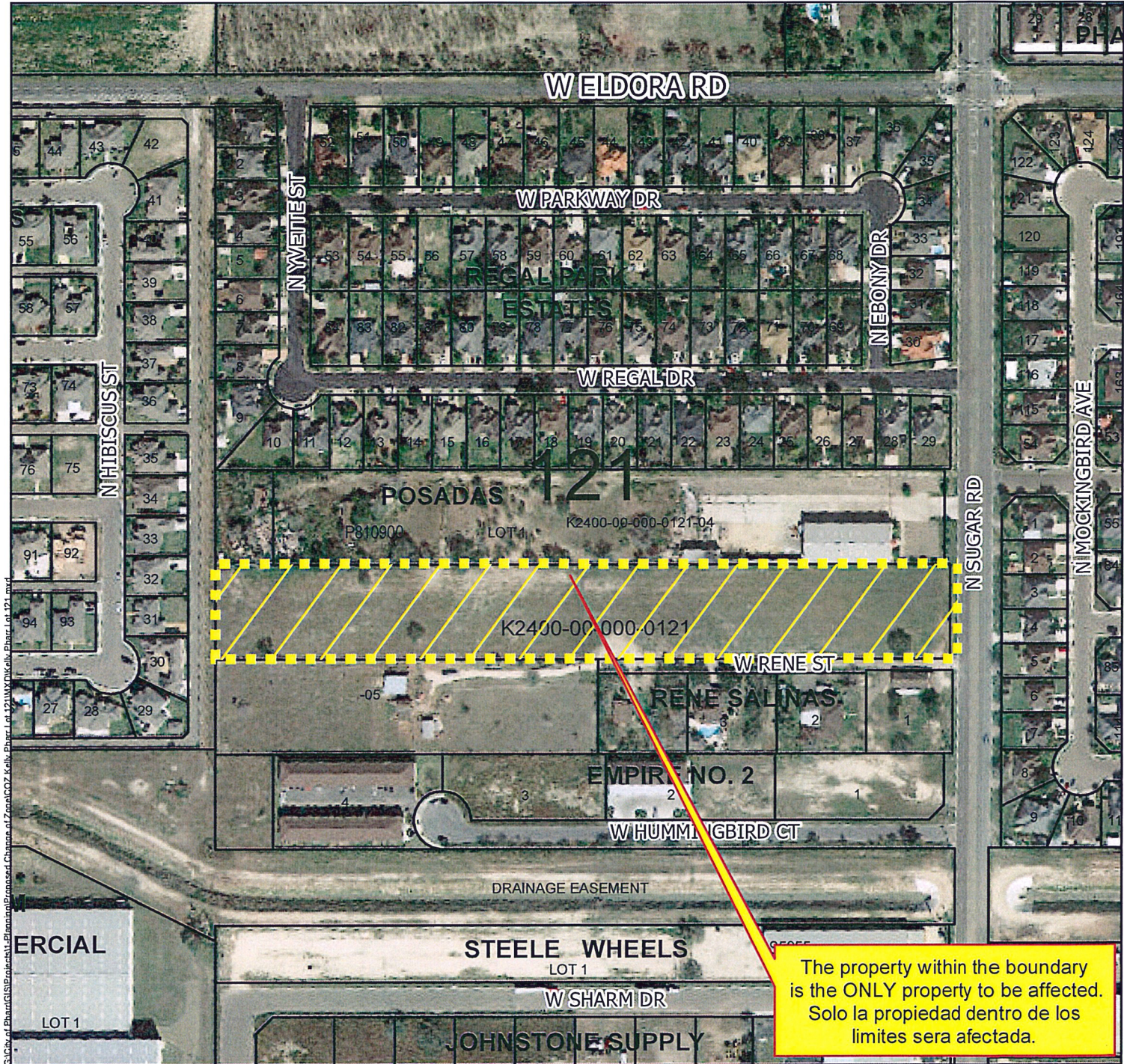
City of Pharr, Texas
Engineering Department
956.402.4242

Date: 5/10/2018

Scale: 1 inch = 250 feet



Proposed Change of Zone
 Kelly Pharr Lot 121
 Rich Heritage Construction Inc.
 (AO to R-3)



The property within the boundary
 is the ONLY property to be affected.
 Solo la propiedad dentro de los
 limites sera afectada.

- | | | | |
|-----------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | Townhouse | Heavy Commercial | Valley View ISD |
| Single Family | HUD Code | Heavy Industrial | Planned Unit Development |
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City of Pharr, Texas
 Engineering Department
 956.402.4242

Scale: 1 inch = 250 feet



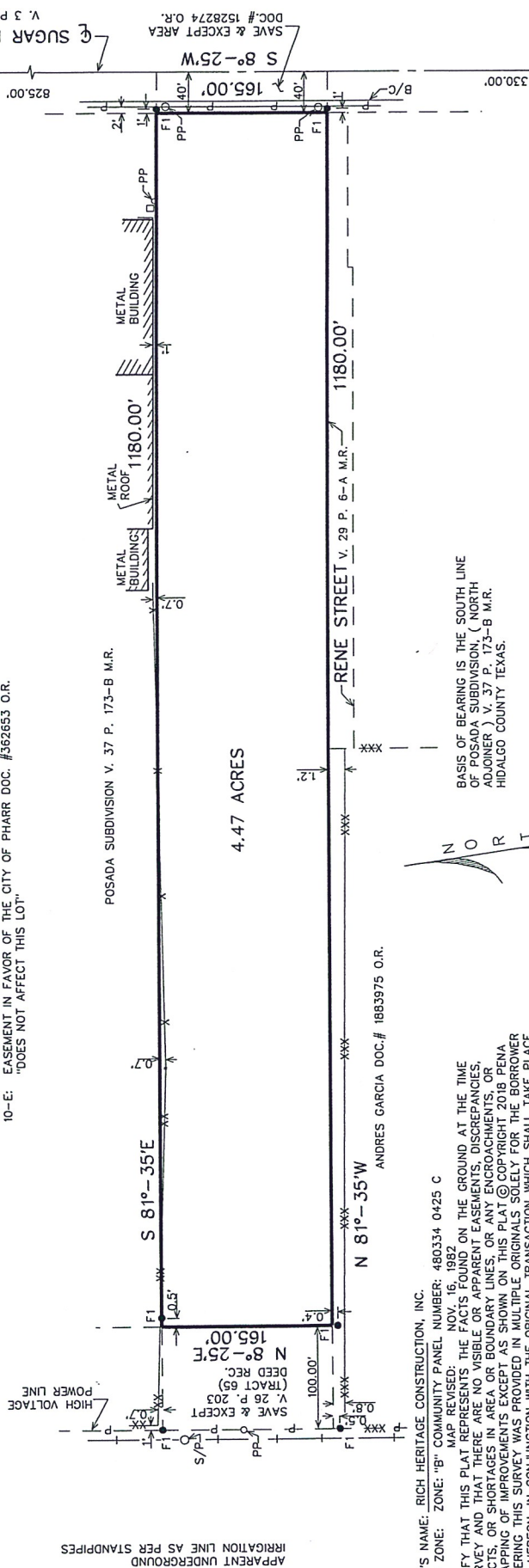
Date: 5/10/2018



EASEMENTS AS PER G.F. NO. 155284
EFFECTIVE DATE: DECEMBER 29, 2017
ISSUED DATE: JANUARY 8, 2018

- 10-A: STATUTORY EASEMENTS, RULES, REGULATIONS AND RIGHTS IN FAVOR OF HIDALGO COUNTY IRRIGATION DISTRICT No.2
- 10-C: BLANKET EASEMENT FOR ROADS AND CANAL RIGHT OF WAY TO LOUISIANA-RIO GRANDE CANAL CO. V. 29 P. 561 D.R.
- 10-D: BLANKET EASEMENT TO C.P.L. V. 890 P. 29 D.R.
- 10-E: EASEMENT IN FAVOR OF THE CITY OF PHARR DOC. #362653 O.R.

"DOES NOT AFFECT THIS LOT"



BUYER'S NAME: RICH HERITAGE CONSTRUCTION, INC.
FLOOD ZONE: "B" COMMUNITY PANEL NUMBER: 480334 0425 C
MAP REVISED: NOV. 16, 1982

I CERTIFY THAT THIS PLAT REPRESENTS THE FACTS FOUND ON THE GROUND AT THE TIME OF SURVEY AND THAT THERE ARE NO VISIBLE OR APPARENT EASEMENTS, DISCREPANCIES, CONFLICTS, OR SHORTAGES IN AREA OR BOUNDARY LINES, OR ANY ENCROACHMENTS, OR OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN ON THIS PLAT © COPYRIGHT 2018 PHARR ENGINEERING THIS SURVEY WAS PROVIDED IN MULTIPLE ORIGINALS SOLELY FOR THE BORROWER NAMED HEREON. IN CONJUNCTION WITH THE ORIGINAL TRANSACTION WHICH SHALL TAKE PLACE WITHIN 6 MONTHS AFTER THE SURVEY WAS PROVIDED. NO LICENSE HAS BEEN CREATED OR IMPLIED COPY THIS SURVEY. SURVEY VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE

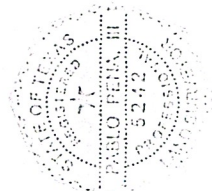
LEGAL DESCRIPTION: THE NORTH 5.00 ACRES OF THE SOUTH 15.00 ACRES OF LOT 121, KELLY-PHARR SUBDIVISION, HIDALGO COUNTY TEXAS, AS PER MAP THEREOF RECORDED IN VOLUME 3, PAGE 134, DEED RECORDS, HIDALGO COUNTY TEXAS.

SAVE & EXCEPT: THE WEST 100 FEET THEREOF, CLAIMED IN FEE SIMPLE BY HIDALGO COUNTY IRRIGATION DISTRICT No.2, AS SET FORTH IN VOLUME 26, PAGE 203 (TRACT 65), DEED RECORDS, HIDALGO COUNTY TEXAS.

SAVE & EXCEPT: THAT 0.152 ACRE TRACT OF LAND, CONVEYED UNTO THE CITY OF PHARR BY DEED DATED SEPTEMBER 26, 2005, FILED OCTOBER 4, 2005 UNDER DOCUMENT NUMBER 2005-1528274, OFFICIAL RECORDS, HIDALGO COUNTY TEXAS.

P. Peña

PABLO PEÑA III
REG. PROFESSIONAL LAND SURVEYOR No. 5242
DATE: 01-19-2018



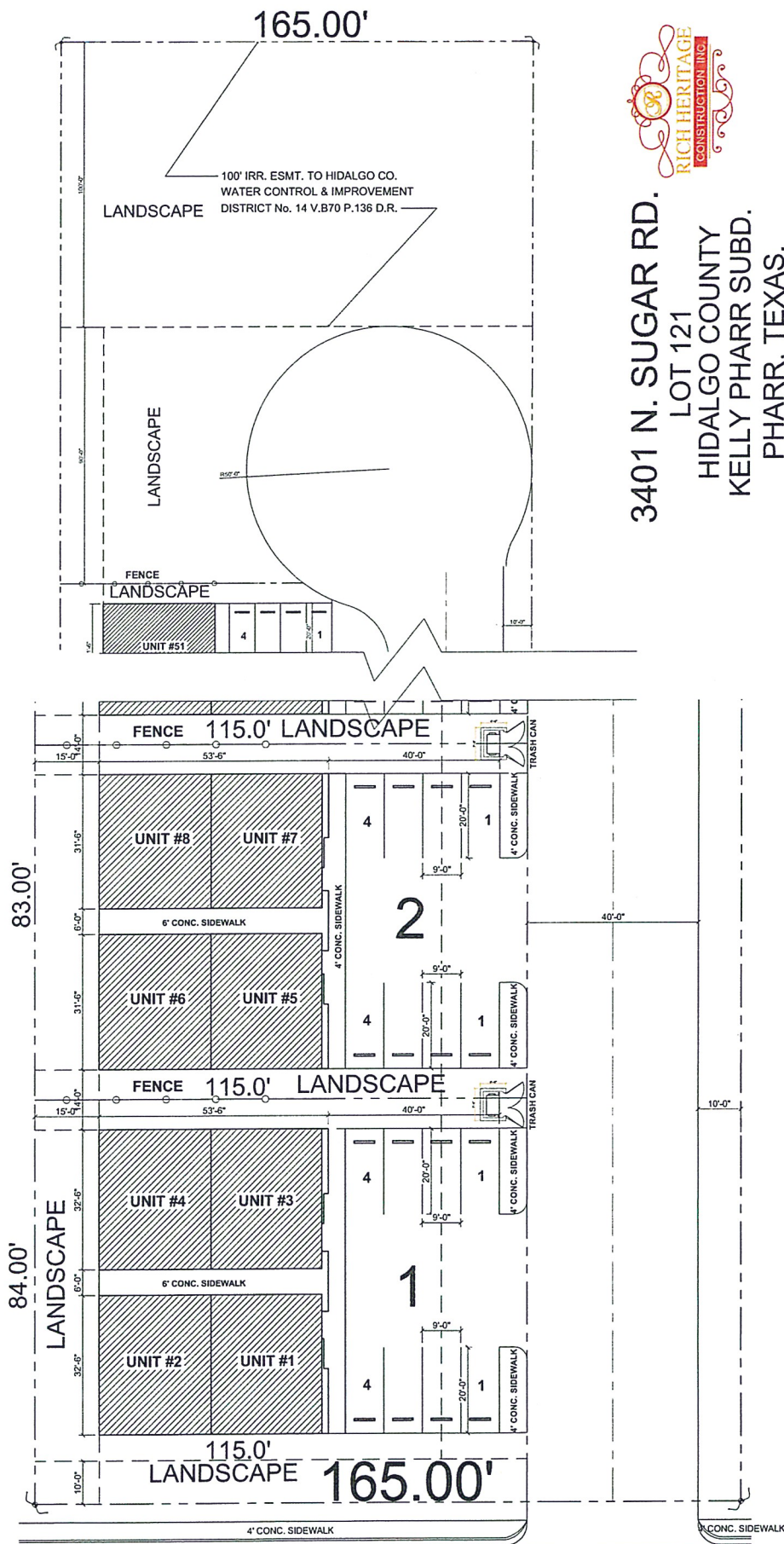
PEÑA ENGINEERING
POST OFFICE BOX 4320
MCALLEN TEXAS 78502
OFFICE (956) 682-8812
FAX (956) 631-7362
FIRM#10087200

LEGEND

- F1 - FOUND 1/2" DIAMETER IRON ROD
- R.O.W. - RIGHT-OF-WAY
- B/C - BACK OF CONCRETE CURB & GUTTER
- CONC. - CONCRETE
- M.R. - MAP RECORDS
- D.R. - DEED RECORDS
- O.R. - OFFICIAL RECORDS
- PP - POWER POLE
- S/P - IRRIGATION STANDPIPE
- P- - POWER POLE LINE
- X- - 4' BARBED WIRE FENCE
- XX- - 6' WROUGHT IRON FENCE
- XXX- - 5' HOGWIRE FENCE
- S.W.I. - STORM WATER INLET

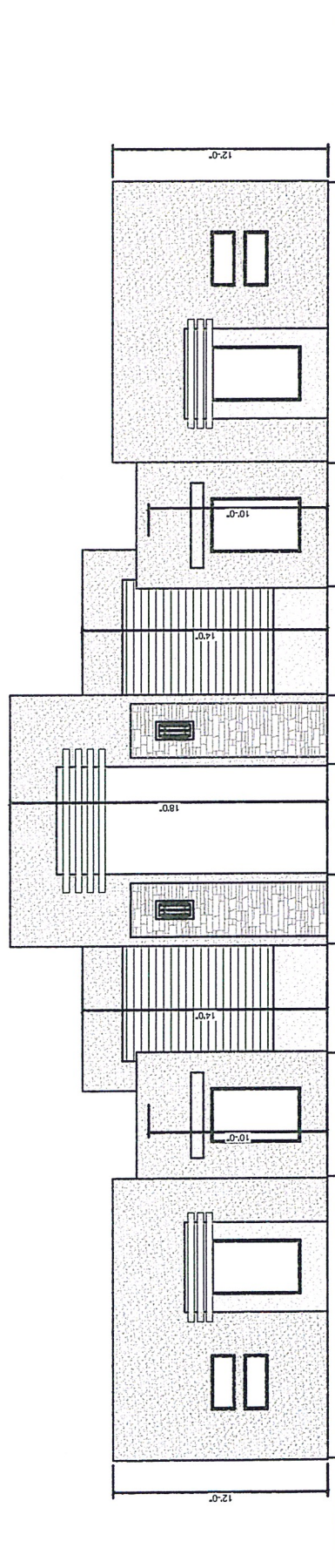
BASIS OF BEARING IS THE SOUTH LINE OF POSADA SUBDIVISION, (NORTH ADJOINER) V. 37 P. 173-B M.R. HIDALGO COUNTY TEXAS.

SCALE: 1" = 100'
JOB# - 62242
CAD5 - KELLY-121



RICH HERITAGE
CONSTRUCTION INC.

3401 N. SUGAR RD.
LOT 121
HIDALGO COUNTY
KELLY PHARR SUBD.
PHARR, TEXAS.





AGENDA MEMORANDUM



BOARD: City Commission

AGENDA ITEM #: 5.A.

DATE SUBMITTED: May 31, 2018

MEETING DATE: June 4, 2018

FROM: Rita Galvan, Secretary

DEPARTMENT: Development Services

DIRECTOR: Melanie Cano

Agenda Item: Consideration and action, if any, on Ordinance amending Ordinance O-2016-17. ***1st Reading***

Classification: Regular

(* If closed session, City Attorney must review and approve.)

Exclude Material from Public Packet? No

Reason:

Issue: The Board of Commissioners finds that businesses and public places will have the option to meet certain requirements and guidelines to allow them to designate smoking areas within their establishments.

Financial Consideration:

Staff Recommendation: Staff recommend approval.

Alternatives:

ROUTING:

Rita Galvan
Roland Gomez
Melanie Cano
Patricia Rigney
City Management Office

Created/Initiated - 05/31/2018
Approved - 06/01/2018
Approved - 06/01/2018
Approved - 06/01/2018
New -

ORDINANCE NO. O-2018- _____

AN ORDINANCE AMENDING ORDINANCE NO. O-2016-17; CHAPTER 62, "HEALTH AND SANITATION", ARTICLE VI, SMOKING REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF PHARR IN ORDER TO PROVIDE REGULATIONS PROHIBITING SMOKING OF TOBACCO PRODUCTS AND ELECTRONIC SMOKING MATERIALS IN CERTAIN ENCLOSED AND NON-ENCLOSED AREAS WITHIN THE CITY LIMITS; PROHIBITING SMOKING ON CITY PREMISES AND OTHER PROPERTY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR EFFECTIVE DATE AND PUBLICATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A PENALTY; PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, the City of Pharr is a home rule municipality established by its Charter and the laws of Texas;
and,

WHEREAS, it is the intent of the City to protect the health, safety, welfare, and wellbeing of its citizens;
and,

WHEREAS, the City of Pharr finds that amendment to the City's current smoking ordinance under Chapter 62, "Health & Sanitation", Article VI, Smoking Regulations is necessary to protect the public health and welfare by prohibiting smoking in some public places and places of employment.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, THAT:

ARTICLE VI, SMOKING REGULATIONS

SECTION 62-200. DEFINITIONS.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

BAR means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

BUSINESS means a sole proprietorship, partnership, joint venture, corporation, or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.

CIGARETTE VENDING MACHINE means any self-service device which, upon insertion of coin(s), paper currency, token(s), card(s) or key(s) or any other item(s) dispenses one (1) or more cigarettes, as defined above, provided that the term shall neither be deemed to include any machine that is in storage, in transit or

otherwise not set up for use and operation nor be deemed to include any machine that is situated on a train, bus or other public conveyance.

COMEDY CLUB means an establishment that is primarily used for live comedic entertainment.

EMPLOYEE means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.

EMPLOYER means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one (1) or more individual persons.

ENCLOSED AREA means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling.

HEALTH CARE FACILITY means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

PARK includes neighborhood/community/large urban/natural area and greenways/sports complex parks that are the basic unit of a park system and are recreational and social centers for those living in the nearby service area or from several neighborhoods and possibly may serve a broader community-based recreation need. Parks include areas that preserve unique landscapes and open spaces and include features that emphasize harmony with the natural environment. Parks include areas that accommodate group activities and recreational facilities, consolidated programmed athletic fields, and their associated facilities.

PLACE OF EMPLOYMENT means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.

PRIVATE CLUB means an organization, whether incorporated or not, which:

- (1) Is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times;
- (2) Is operated solely for a fraternal purpose but not for pecuniary gain;
- (3) Only sells alcoholic beverages incidental to its operation;
- (4) Conducts its affairs and management through a board of directors, executive committee, or similar body chosen by the members at an annual meeting;
- (5) Has established bylaws or a constitution to govern its activities; and
- (6) Has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.

PUBLIC PLACE means an enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, bars, bingo facilities, educational facilities, gaming facilities, health care facilities, hotels and motels, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.

RESTAURANT means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

RETAIL TOBACCO STORE means a retail store utilized primarily for the sale of tobacco products, smoking implements, or smoking accessories for on-premises consumption and in which the sale of other products is merely incidental, which shall include but not be limited to hookah lounges, cigar bars and humidors. In this definition, "primarily" means that the sale of tobacco products, smoking implements or smoking accessories shall be at least 65% of the total sales revenues

SHOPPING MALL means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

SERVICE LINE means any line at which one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money, including, but not limited to, ATM lines, concert lines, food vendor lines, movie ticket lines, and sporting event lines.

SMOKE means the gases, particles or vapors released into the air as a result of combustion, electrical ignition or vaporization, including from an electronic smoking device, when the purpose of the combustion, electrical ignition or vaporization is human inhalation of the gases, particles or vapors. Smoke does not mean the combustion of material solely for olfactory purposes that does not contain any tobacco or nicotine.

SMOKING means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, including electronic cigarette, pipe, or any other lighted or heated tobacco, nicotine or plant product intended for inhalation, in any manner or in any form, including vaping.

SPORTS ARENA means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

SECTION 62-201. APPLICATION OF CHAPTER TO CITY-OWNED FACILITIES.

All enclosed facilities, including buildings and vehicles owned, leased, or operated by the city, shall be subject to the provisions of this chapter.

SECTION 62-202. PROHIBITION OF SMOKING IN PUBLIC PLACES.

Smoking shall be prohibited in all enclosed public places within the city, including but not limited to, the following places:

- (1) Aquariums, galleries, libraries, and museums;
- (2) Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public, including but not limited to, professional offices, banks, laundromats, hotels, and motels;
- ~~(3)~~ **Bars;**
- (4) Billiard halls;
- (5) Bingo facilities;
- (6) Comedy clubs;
- (7) Convention facilities;
- (8) Elevators;
- (9) Facilities primarily used for exhibiting a motion picture, stage, drama, lecture, musical recital, or other similar performance;
- (10) Gaming facilities;
- (11) Health care facilities;
- (12) Childcare and adult day care facilities;
- (13) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities;
- (14) Polling places;
- (15) Public transportation facilities, including buses and taxicabs, and ticket, boarding, and waiting areas of public transit depots;
- (16) **Bars and** Restaurants, (except for outdoor seating areas **and as otherwise provided in Section 62-216**) designated as smoking in accordance with subsection 62-209~~(d)~~ (e);
- (17) Restrooms, lobbies, reception areas, hallways, and other common-use areas;
- (18) Retail stores;
- (19) Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the city or a political subdivision of the state when a public meeting is in progress, to the extent the place is subject to the jurisdiction of the city;
- (20) Shopping malls; and
- (21) Sports arenas, including enclosed areas in outdoor arenas.

SECTION 62-203. PROHIBITION OF SMOKING IN PLACES OF EMPLOYMENT.

- (a) Smoking shall be prohibited in all enclosed areas within places of employment. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, and all other enclosed areas.
- (b) This prohibition on smoking shall be communicated by employers to all existing employees by effective date of this chapter, and to all prospective employees upon their application for employment.
- (c) It shall be the responsibility of employers to provide a smoke-free workplace for all employees.

SECTION 62-204. DISTRIBUTION, DISPLAY AND SALE OF TOBACCO PRODUCTS, AND CIGARETTE MACHINES.

- (a) Distribution, display, and sale of smoking tobacco products or smoking paraphernalia on any public right-of-way, City Park or any city-owned building or facility is hereby prohibited.
- (b) Cigarette vending machines.
 - (1) Subject to the defenses provided in subsection (2) below, it shall be unlawful for any business owner, manager and employee in control of cigarette vending machines within the city to intentionally, knowingly, recklessly, or with criminal negligence allow the display or use of any cigarette vending machine upon any property within the city.
 - (2) It is a defense to prosecution under the provisions of this subsection (b) that:
 - a. The cigarette vending machine is situated in a premise where entry by any person under eighteen (18) years of age is prohibited by law, or
 - b. The cigarette vending machine is located in a workplace with the permission of the employer, provided that the employer has no persons under the age of eighteen (18) years employed at the workplace, and further provided that the cigarette vending machine is situated at a location within the workplace to which persons other than those employed at the workplace are not permitted to have access.
 - (3) Penalty. A violation of this subsection is hereby declared to be a misdemeanor crime, and upon conviction, shall be punishable by a fine of not more than two thousand dollars (\$2,000.00).

SECTION 62-205. PROHIBITION OF SMOKING IN OUTDOOR AREAS.

Smoking shall be prohibited in the following outdoor places:

- (1) Within a reasonable distance of twenty (20) feet outside entrances, operable windows and ventilation system of enclosed areas, where smoking is prohibited so as to ensure tobacco smoke does not enter those areas;

- (2) Zoo facilities and grounds;
- (3) In, and within twenty (20) feet of, all outdoor sports arenas, stadiums, and amphitheaters;
- (4) In, and within twenty (20) feet of, all outdoor public transportation stations, platforms, and shelters under the authority of the city;
- (5) In, and within twenty (20) feet of, all pavilions and playgrounds located within city- owned parks;
- (6) Within the public right-of-way and any seating located within the public right-of-way or on other city-owned property along the entire parade route of all city-sponsored parades for a period beginning two (2) hours before the start of each parade until one hour after the conclusion of each parade. This prohibition will not apply to those areas where smoking is permitted under 62-206(3) or to any other private property.

SECTION 62-206. WHERE SMOKING NOT REGULATED.

Notwithstanding any other provision of this chapter to the contrary, the following areas shall be exempt from the provisions of sections 62-202, 62-203 and 62-204:

- (1) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than twenty-five (25) percent of rooms rented to guests in a hotel or motel may be so designated;
- (2) Outdoor areas except those listed specifically in the provisions in section 62-205;
- (3) Outdoor seating areas of restaurants designated as smoking areas in accordance with subsection 62-209~~(d)~~ (e);
- (4) Private clubs in existence as of the effective date of this chapter, and as defined in 62-200, including Veterans of Foreign War (VFW) posts;
- (5) Private residences, except when used as a child care, adult day care, or health care facility;
- (6) Retail tobacco stores; provided, however, that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this chapter; and
- (7) Tobacco product manufacturing facilities.
- (8) Cigar Bars provided they receive more than 40% of their revenue from smoking and smoke related sales.
- (9) Golf courses between the tee of the first hole and the green of the final hole.
- (10) Any facility, if:
 - a. An enclosed non-smoking area is provided;
 - b. The smoking area is mechanically ventilated to prevent smoke from entering a nonsmoking area;

- c. Amenities such as restrooms, sales areas, and food service areas are all located in the nonsmoking area;
- d. No one under the age of 18 is admitted to the smoking area; and
- e. Employees are strictly prohibited from entering the smoking area during business hours.

SECTION 62-207. PERSONS UNDER AGE OF EIGHTEEN (18) YEARS IN SMOKING AREA.

Notwithstanding any other provision of this chapter, persons under the age of eighteen (18) years may be admitted in establishments, facilities or other areas that allow smoking in accordance with the provisions of this chapter if such persons are accompanied by their parent or legal guardian.

SECTION 62-208. DECLARATION OF ESTABLISHMENT AS NONSMOKING.

Notwithstanding any other provision of this chapter, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of subsection 62-209(a) and (b) of this chapter is posted.

SECTION 62-209. POSTING OF SIGNS.

- (b) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this chapter, by the owner, operator, manager, or other person in control of that place.
- (c) Every public place and place of employment where smoking is prohibited by this chapter shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.
- (d) All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by this chapter by the owner, operator, manager, or other person having control of the area.
- (e) Areas which are exempt from the provisions of sections 62-202 and 62-203 of this Chapter shall post a standard sign at each entrance, to be designated by the city informing potential patrons that the area allows smoking, and warning patrons of the negative health effects associated with secondhand smoke.
- (f) The city will provide the signs required under subsection 62-209~~(d)~~ (e) to the owners or operators required to comply with subsection 62-209~~(d)~~ (e) at a reasonable and appropriate cost.

SECTION 62-210. RETALIATION PROHIBITED.

No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this chapter or reports or attempts to prosecute a violation of this chapter.

SECTION 62-211. ENFORCEMENT.

- (a) The Police Department, Fire Department and Code Compliance Division, in addition to any

authority having jurisdiction to enforce city ordinances, shall have authority to enforce the provisions of this chapter.

- (b) Any citizen who desires to register a complaint under this chapter may initiate enforcement with the Police Department.
- (c) The Police Department, Fire Department and Code Compliance Division, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this chapter.
- (d) An owner, manager, operator, or employee of an establishment regulated by this chapter shall inform persons violating this chapter of the appropriate provisions thereof.
- (e) Notwithstanding any other provision of this chapter, an employee or private citizen may bring legal action to enforce this chapter.
- (f) In addition to the remedies provided by the provisions of this section, the Police Department, Fire Department, Code Compliance Division, or their designees, or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this chapter may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

SECTION 62-212. VIOLATIONS AND PENALTIES.

Any person, firm, corporation, agent, employer or employee who intentionally, knowingly, recklessly or with criminal negligence violates any provision of this chapter shall, upon conviction, be fined an amount not more than two hundred dollars (\$200.00); provided, however, that in the event a defendant has previously been convicted under this chapter, such defendant shall be fined an amount not more than five hundred dollars (\$500.00) for a second conviction hereunder, and shall be fined an amount not more than two thousand dollars (\$2,000.00) for a third conviction hereunder and for each conviction thereafter. Each day that a violation is committed or permitted to exist shall constitute a separate offense.

SECTION 62-213. ADDITIONAL FEES FOR RESTAURANTS.

A reasonable fee to cover staff costs associated with inspections and program expenses may be charged by the city to the owner or operator of a restaurant in order to establish that outdoor seating areas of restaurants designated as smoking areas are so designated in accordance with subsections 62-202(16) and 62-209 of this chapter.

SECTION 62-214. GOVERNMENTAL AGENCY COOPERATION.

The city manager shall annually request other governmental and educational agencies having facilities within the city to establish local operating procedures in cooperation and compliance with this chapter. This includes urging all federal, state, county and school district agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

SECTION 62-215. OTHER APPLICABLE LAWS.

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

SECTION 62-216. SMOKING IN BARS AND RESTAURANTS

- A. A bar or restaurant may provide separate indoor enclosed dining areas for smoking patrons.
- B. A bar or restaurant's smoking area must:
 - a. Be separated from all non-smoking areas by continuous wall; have a separate ventilation system; be maintained under negative pressure relative to adjacent areas, and minors shall not be permitted entry;
 - b. Be clearly designated by appropriate signs visible to patrons within the dining area indicating that the area is designated as a smoking area, and
 - c. Have ashtrays or other suitable containers for extinguishing smoking materials prior to entering a nonsmoking area.
- C. All areas of a bar or restaurant affected by this section, to which patrons have general access, including but not limited to, food order areas, food service areas and restrooms, shall be designated nonsmoking areas.
- D. It is an offense for anyone to smoke in any area of a bar or restaurant which is designated as a nonsmoking area.

SECTION II. REPEALER CLAUSE:

This Ordinance shall be cumulative of all other ordinances dealing with the same subject and any provision of any ordinance in direct conflict with any provision of this ordinance is hereby repealed and the provisions of this Ordinance shall supersede any provisions in conflict herewith; all provisions of any other ordinance not in conflict herewith shall remain in full force and effect.

SECTION III. SAVINGS CLAUSE:

If any section, part, or provision of this Ordinance is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Commission in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION IV. PUBLICATION AND EFFECTIVE DATE:

This Ordinance shall take effect 120 days after its passage and publication according to law.

SECTION V. CODIFICATION:

The contents of Section I of this Ordinance shall be published in the appropriate location of the Code of Ordinances of the City of Pharr, Texas.

SECTION VI. PROPER NOTICE AND MEETING:

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED ON THE FIRST READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the _____ day of _____, 2018.

CITY OF PHARR

AMBROSIO HERNANDEZ
MAYOR

ATTEST:

HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED ON THE SECOND READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the _____ day of _____, 2018.

CITY OF PHARR

AMBROSIO HERNANDEZ
MAYOR

ATTEST:

HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED ON THE THIRD AND FINAL READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the _____ day of _____, 2018.

CITY OF PHARR

AMBROSIO HERNANDEZ
MAYOR

ATTEST:

HILDA PEDRAZA, CITY CLERK



AGENDA MEMORANDUM



BOARD: City Commission

AGENDA ITEM #: 5.B.

DATE SUBMITTED: May 30, 2018

MEETING DATE: June 4, 2018

FROM: Sonia Barajas, CDBG Secretary

DEPARTMENT: GMCD

DIRECTOR: Raul Garza

Agenda Item: Consideration and action, if any, on Resolution appointing/re-appointing one member to the Community Development Council.

Classification: Regular

(* If closed session, City Attorney must review and approve.)

Exclude Material from Public Packet? No

Reason:

Issue: The Community Development Council has one (1) member whose term will expire on June 5, 2018, CT 215.

Financial Consideration:

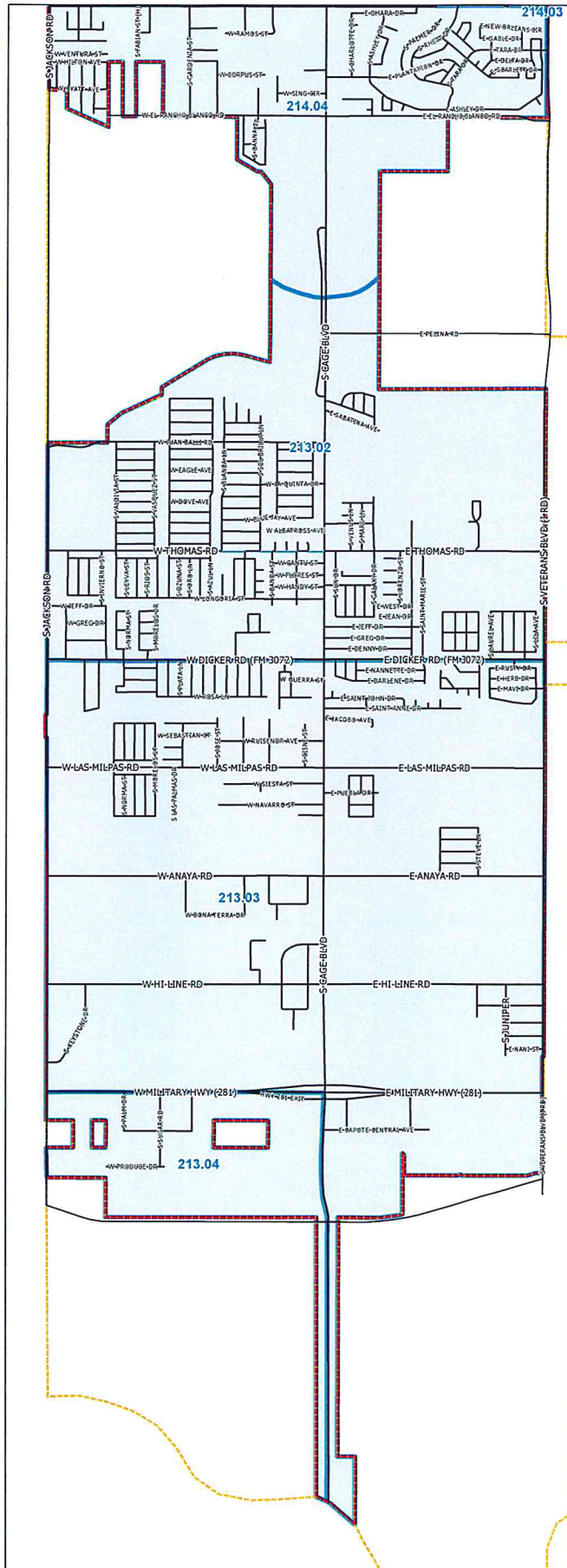
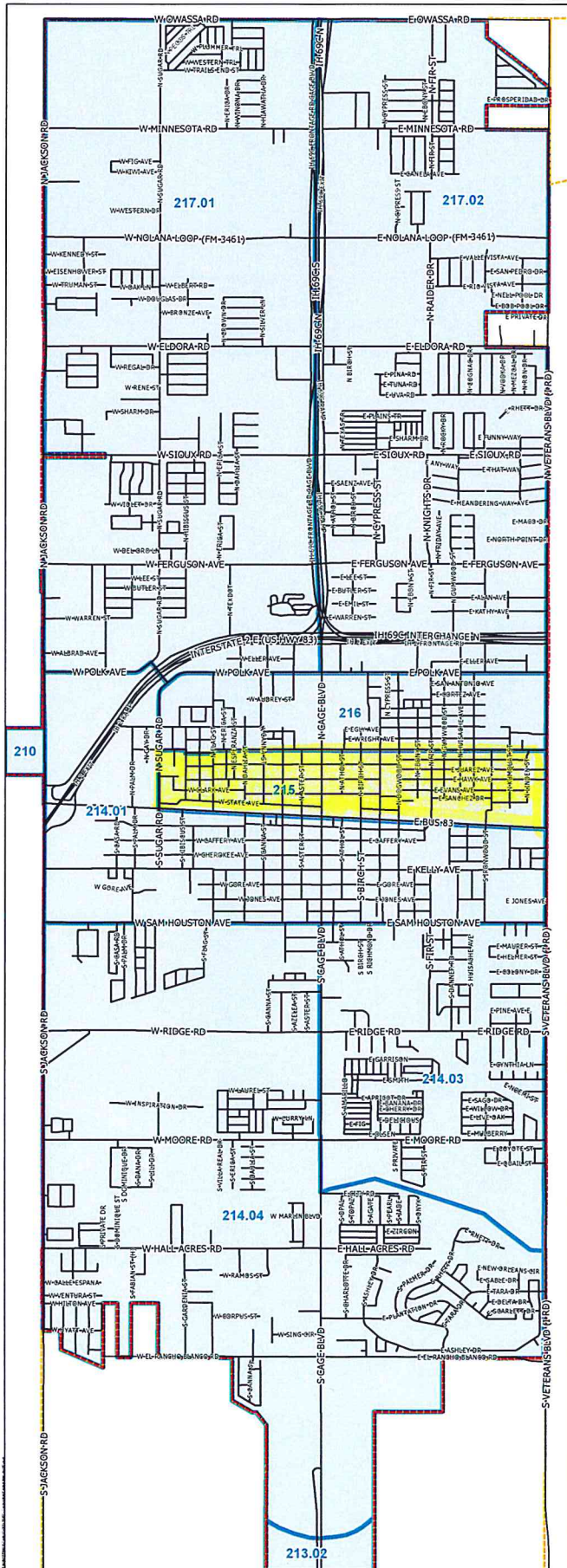
Staff Recommendation: GMCD Staff recommends re-appointment of one CDC member, CT215.

Alternatives:

ROUTING:

Sonia Barajas
Raul Garza
City Management Office

Created/Initiated - 05/30/2018
Approved - 06/01/2018
New -



2017

[illegible]

COMMUNITY DEVELOPMENT COUNCIL

APPOINTMENT SCHEDULE

	NAME	CENSUS TRACT	TERM	EXPIRATION DATE
1	Jose G. Rodriguez Chairman	213	3 Yrs	03-19-2019
2	Marco Gonzalez	216	3 Yr	03-19-2019
3	Danny Smith	216	3 Yrs	03-19-2019
4	Ruben Solis, Secretary	214	3 Yrs	03-19-2019
5	Rene Cantu	215	2 Yrs	06-05-2018
6	Belia Garcia	217	2 Yrs	03-19-2019
7	Rafael Rivera Member at Large	At large	2 Yrs	03-19-2019
8	Norma Treviño	215	1 Yr	03-19-2019
9	Joe Hinojosa	217	1 Yr	03-19-2019
10	Sally Saucedo	213	1 Yr	03-19-2019
11	Lucio Gaitan	214	2 Yr	03-19-2020

STATE OF TEXAS	§	
COUNTY OF HIDALGO	§	RESOLUTION
CITY OF PHARR	§	NO. <u>R-2018-</u>

WHEREAS, there is hereby created a City Community Development Council which serves in an advisory capacity to the Board of Commissioners, and its purpose is to gather and coordinate data, to assist in the development of a system of priorities in the area of Community Development for the City of Pharr; and

WHEREAS, the term of Rene Cantu (CT215) will expire on June 5, 2018; and

WHEREAS, one (1) member need to be appointed/re-appointed at this time.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, THAT:

The following residents of the City of Pharr are hereby appointed as members of the Community Development Council:

NAME	CENSUS TRACT	LENGTH OF TERM
1. _____	215	2-Year Term (to expire June 5, 2020)

PASSED, APPROVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 4th day of May, 2018.

CITY OF PHARR

Ambrosio Hernandez
Mayor

ATTEST:

Hilda Pedraza, City Clerk



AGENDA MEMORANDUM



BOARD: City Commission

AGENDA ITEM #: 5.C.

DATE SUBMITTED: May 30, 2018

MEETING DATE: June 4, 2018

FROM: Angie Resio, Secretary

DEPARTMENT: Development Services

DIRECTOR: Melanie Cano

Agenda Item: Consideration and action, if any, on Resolution appointing/re-appointing one regular member to the Planning & Zoning Commission.

Classification: Regular

(* If closed session, City Attorney must review and approve.)

Exclude Material from Public Packet? No

Reason:

Issue: Consideration and action, if any, on Resolution appointing/re-appointing one regular member to the Planning & Zoning Commission.

Financial Consideration:

Staff Recommendation: Development Services is recommending to appoint Guadalupe Cano as a regular member of the Planning and Zoning Commission.

Alternatives:

ROUTING:

Angie Resio
Roland Gomez
Melanie Cano
City Management Office

Created/Initiated - 05/30/2018
Approved - 06/01/2018
Approved - 06/01/2018
Final Approval - 06/01/2018

STATE OF TEXAS §
 §
CITY OF PHARR §

RESOLUTION NO. R-2018-__

WHEREAS, there is hereby a City Planning and Zoning Commission which shall function by making plans and acting as a Zoning Commission being composed of seven (7) members and four (4) alternates to be appointed by the Board of Commissioners, and

WHEREAS, the term of Thomas Greuner will expire on June 19, 2018; and

WHEREAS, appointment/re-appointment of one (1) regular member needs to be made at this time in accordance with City Ordinance No. O-2007-48 whereby a person, either citizen/resident or Pharr business owner, shall not serve as an officer or member on more than two (2) Pharr board or committee concurrently.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, THAT:

The following resident of the City of Pharr is hereby appointed/re-appointed as regular member of the Planning and Zoning Commission.

NAME:

LENGTH OF TERM

1. _____

2-year term (June 19, 2020)

PASSED, APPROVED AND MADE EFFECTIVE BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the ____ day of _____ 2018.

CITY OF PHARR

AMBROSIO HERNANDEZ, MAYOR

ATTEST:

HILDA PEDRAZA, CITY CLERK



AGENDA MEMORANDUM



BOARD: City Commission

AGENDA ITEM #: 5.D.

DATE SUBMITTED: June 1, 2018

MEETING DATE: June 4, 2018

FROM: Rita Galvan, Secretary

DEPARTMENT: Development Services

DIRECTOR:

Agenda Item: Consideration and action, if any, on Resolution determining a public necessity to acquire certain real property; giving notice of an official determination to acquire real property for public purpose; establishing procedures for the acquisition of market value for the property to be acquired; and directing the City Manager or designee to communicate offers to owners for purchase of property, appropriate funds, and authorizing condemnation proceeding by City Attorney, contingent on available funding.

Classification: Regular

(* If closed session, City Attorney must review and approve.)

Exclude Material from Public Packet? No

Reason:

Issue:

Financial Consideration:

Staff Recommendation:

Alternatives:

ROUTING:

Rita Galvan

Created/Initiated - 06/01/2018

Roland Gomez

Approved - 06/01/2018

Melanie Cano

Approved - 06/01/2018

Patricia Rigney

Approved - 06/01/2018

City Management Office

Final Approval - 06/01/2018



AGENDA MEMORANDUM



BOARD: City Commission

AGENDA ITEM #: 6.A.

DATE SUBMITTED: May 31, 2018

MEETING DATE: June 4, 2018

FROM: Omar Anzaldua, City Engineer

DEPARTMENT: Engineering

DIRECTOR: Omar Anzaldua

Agenda Item: Consideration and action, if any, on award of contract for the City of Pharr International Bridge Facility Expansion and Renovations. (Project No. 1718-70-510-C003-393) **(TABLED)**

Classification: Regular

(* If closed session, City Attorney must review and approve.)

Exclude Material from Public Packet? No

Reason:

Issue: The City's Capital Improvement Program includes expansion and renovations for the City of Pharr International Bridge Facility.

On March 29, 2018, formal bids were opened, with nine (9) respondents to the solicitation. The bids received ranged from \$879,000 to \$1,449,935 for the base bid. The bid proposal also included two alternate bid items.

Financial Consideration: Funding for the City of Pharr International Bridge Facility Expansion and Renovations Project is included in the CIP budget. Bid tabulation sheet is attached.

Staff Recommendation: Staff recommends award of contract for the City of Pharr International Bridge Facility Expansion and Renovations to the best qualified, responsive, and responsible low bidder D. Wilson Construction for their Base Bid and Alternate Bid #1 in the aggregate amount of \$1,048,599.00.

Alternatives: N/A

ROUTING:

Omar Anzaldua
Omar Anzaldua
Sandra Zamora

Created/Initiated - 05/31/2018
Approved - 05/31/2018
Approved - 05/31/2018

Karla Moya
City Management Office

Approved - 06/01/2018
Final Approval - 06/01/2018



BID OPENING: March 29, 2018 at 4:00 p.m.

LOCATION: City Commission Room

PROJECT NO.: 1718-70-510-C003-393 INTERNATIONAL BRIDGE FACILITY EXPANSION & RENOVATIONS

LINE	DESCRIPTION	U/M	QTY	★ RG ENTERPRISES EDINBURG, TX	NM CONTRACTING MISSION, TX	D.WILSON MCALLEN, TX	AFC BUILDERS PHARR, TX	HOLCHEMONT CONSTRUCTIO N MCALLEN, TX	CELSO GONZALEZ MISSION, TX	BUFFALO CONSTRUCTIO N WESLACO, TX	ICE INTERNATIONA L EDINBURG, TX	TRI-GEN CONSTRUCTION WESLACO, TX
1	BASE BID 5% BID BOND	LS	1	\$879,000.00	\$895,900.00	\$999,999.00	\$1,035,670.00	\$1,063,000.00	\$1,095,000.00	\$1,242,202.50	\$1,392,999.52	\$1,393,677.00
2	ALTERNATE 1 ADDITIONAL SIGN	LS	1	\$25,000.00	\$48,200.00	\$48,600.00	\$43,680.00	\$25,710.48	\$56,800.00	\$42,000.00	\$54,600.23	\$56,258.00
3	ALTERNATE 2 ALTERNATE CEILING	LS	1	\$18,500.00	(\$6,400.00)	(\$6,500.00)	(\$6,500.00)	(\$5,200.00)	(\$4,100.00)	(\$8,000.00)	(\$4,200.00)	\$8,325.00
4	TOTAL BASE BID + ALT.1	LS	1	★ \$904,000.00	\$944,100.00	\$1,048,599.00	\$1,079,350.00	\$1,088,710.48	\$1,151,800.00	\$1,284,202.50	\$1,447,599.75	\$1,449,935.00
5	GRAND TOTAL+BASE BID+ALT 1+ALT2	LS	1	\$922,500.00	\$937,700.00	\$1,042,099.00	\$1,072,850.00	\$1,083,510.48	\$1,147,700.00	\$1,276,202.50	\$1,443,399.75	\$1,458,260.00
NUMBER OF DAYS TO COMPLETE CONTRACT					182	165		185	271	270	180	165
BID BOND				YES	YES	YES	YES	YES	YES	YES	YES	YES
ADDENDUM 1-4				YES	YES	YES	YES	YES	YES	YES	YES	YES
EPLS VERIFICATION (3 LOW BIDS)				CONFIRMED	CONFIRMED	CONFIRMED						
TLIST VERIFICATION (3 LOW BIDS)				CONFIRMED	CONFIRMED	CONFIRMED						
FORM 1295				NOT SUBMITTED	NOT SUBMITTED	NOT SUBMITTED	NOT SUBMITTED	NOT SUBMITTED	NOT SUBMITTED	NOT SUBMITTED	NOT SUBMITTED	NOT SUBMITTED
HARDCOPY OF BID SUBMITTED				YES	YES	YES	YES	YES	YES	YES	YES	YES

**REMINDER: PURCHASING WILL VERIFY FIRST THREE LOW BIDDERS ARE NOT ON THE DEBARRMENT LIST (EPLS) & BID BONDS ARE LISTED ON DEPARTMENT OF TREASURY....sz



1801 South 2nd Street, Ste. 330 McAllen, TX 78503

May 22, 2018

Omar Anzaldua Jr., PE, CFM, PMP, CCM
City Engineer
City of Pharr
118 S. Cage Blvd. 1st Floor
Pharr, Texas 78577
956-402-4000, ext 1414

Re: City of Pharr International Bridge Facility Expansion and Renovations
Letter of recommendation

Dear Mr. Anzaldua:

We have evaluated the bids received on March 29, 2018 for the City of Pharr International Bridge Facility Expansion project. Nine bids were received for these projects with the three low bids ranging from \$904,000.00 to \$1,048,599.00.

The three low bids were carefully evaluated by City of Pharr and The Warren Group Architects representatives to determine the best qualified low bidder.

Our evaluation of the experience, reputation, availability and project turnover indicates that D. Wilson Construction Co. is the best qualified low bidder able to complete the work required. Therefore, we recommend the award of a contract for construction of the City of Pharr International Bridge Facility Expansion and Renovations to be granted to D. Wilson Construction Co. in the amount of \$1,048,599.00.

The Contractor shall achieve Substantial Completion of the entire Work not later than 165 calendar days from the date of commencement of the work.

Sincerely,

A blue ink signature of Laura Nassri Warren, AIA, written in a cursive style.

Laura Nassri Warren, AIA
President

CC: Sandra Zamora, CPM, Purchasing Director
File



AGENDA MEMORANDUM



BOARD: City Commission

AGENDA ITEM #: 6.B.

DATE SUBMITTED: May 30, 2018

MEETING DATE: June 4, 2018

FROM: Elva Guajardo, Administrative Assistant

DEPARTMENT: Parks

DIRECTOR: Sergio Alanis

Agenda Item: Consideration and action, if any, authorizing the City Manager to enter into an agreement with Walden Chemical dba Blue Water Pools as the Sole Source Provider of Accu-Tab Blue SI & Accu-Tab Calcium Hypochlorite Feed Systems for the Pharr Aquatic Center. (Project #1718-01-522-SP003-003)

Classification: Consent

(* If closed session, City Attorney must review and approve.)

Exclude Material from Public Packet? No

Reason:

Issue: The Pharr Aquatic Center requires equipment and chemicals for the proper maintenance and operation of the pools. Staff is requesting approval to enter into a 1-year service/supply contract with the Sole Source provider (Hidalgo County) Walden Pools dba Blue Water Pools to render services required for aquatic chemicals and supplies.

Financial Consideration: The overall annual cost for chemicals for the aquatic center maintenance shall be approximately \$65,000

Staff Recommendation: Staff recommends approval.

Alternatives: N/A

ROUTING:

Elva Guajardo

Created/Initiated - 05/30/2018

Sergio Alanis

Approved - 05/30/2018

Sandra Zamora

Approved - 05/31/2018

Karla Moya

Approved - 06/01/2018

City Management Office

Final Approval - 06/01/2018

City of Pharr Parks & Recreation

Pharr Aquatic Center

Service Agreement

AccuTab Chlorination System

Bluewater CAS is proposing the installation of Accu-Tab systems for the ongoing use of chlorinating the mechanical systems at the City of Pharr, TX Aquatic Center. The terms of this service agreement are outlined below.

Service Agreement Summary:

- Install four (4) Accu-Tab Calcium Hypochlorite feed systems
 - 3140AT(1), 3070AT(2), 1030PB(1)
- Installation includes all plumbing necessary for operation
 - Excludes electrical (20 amp service required)
- Provide training and start up support prior to opening
- Provide ongoing support/service for all installed equipment
 - No cost for replacement parts on chlorinators

Pricing & Delivery:

- Accu-Tab Blue SI 3" tablet -- \$2.40/lb. for 2018 season
 - Price escalation clause
 - No more than \$0.05/year for 2019 & 2020
- Tablet pricing excludes freight.
- Equipment Cost:
 - 3140AT -- \$3,685.00 (1 required)
 - 3070AT -- \$2850.00 (2 required)
 - 1030PB -- \$1720.00 (1 required)

Total Equipment Cost -- \$11,105.00

Installation Cost: \$2,400.00

Project Total: \$13,505.00

- BluewaterCAS will waive the total project cost of \$13,505.00 with the execution of the service agreement.

Agreement & Terms:

- Customer agrees that equipment remains property of Bluewater CAS for duration of service agreement
- Upon termination of service agreement, customer agrees that equipment will be returned to Bluewater CAS
- Termination of this agreement may be made by either organization with 30 days notice.
- City of Pharr agrees to purchase Accu-Tab Blue SI tablets exclusively from Bluewater CAS while equipment is in use
- Payment terms for all purchased product are net 30.
- Bluewater CAS to convey ownership of all equipment at the end of three (3) years of use at no charge to the City of Pharr.

Agreed by:

City of Pharr, TX

Date

Bluewater CAS

Date



Dan Mohr
Account Executive
Axiall, a Westlake Company
17803 Obelisk Bay Dr.
Cypress, Texas 77429
713.299.8641

May 11, 2018

Sandra Zamora
Purchasing Director
City of Pharr
118 S. Cage Blvd
Pharr, Texas 78577

Dear Sandra:

Axiall Corporation, a Westlake Company, the manufacturer of the Accu-Tab Tablet Chlorination System, distributes the system through a network of authorized Specialists. By selling through a network of authorized Specialists, Axiall's intention is to supply each end use customer with a qualified local supplier to service the chlorinators and supply Accu-Tab Blue SI tablets readily.

Walden Chemical/Bluewater Pools is the authorized Axiall Accu-Tab Chlorination System Specialist for the City of Pharr and Hidalgo County.

The Accu-Tab Chlorination System Includes:

- 1) Accu-Tab Chlorinators
- 2) Accu-Tab Blue SI Tablets – NSF 50 listed when used in conjunction with Accu-Tab Chlorinators

The use of any other tablets in an Accu-Tab Chlorinator will void the warranty, NSF certification, and also cause inadequate or over chlorination due to variation in dilution rate.

If you have any questions, please don't hesitate to call me at 713-299-8641. Axiall thanks you for your continued support of the Accu-Tab System.

Sincerely,

A handwritten signature in black ink that reads 'Dan L'.

Dan Mohr



AGENDA MEMORANDUM



BOARD: City Commission

AGENDA ITEM #: 6.C.

DATE SUBMITTED: May 24, 2018

MEETING DATE: June 4, 2018

FROM: Yesenia Ennis, Payroll Coordinator

DEPARTMENT: HR

DIRECTOR: Anali Alanis

Agenda Item: Consideration and action, if any, authorizing City Manager to enter into a contract with CivicPlus (CivicHR) for subscription services for applicant tracking and employee onboarding. (Project #1718-01-526-IPQ014-002)

Classification: Regular

(* If closed session, City Attorney must review and approve.)

Exclude Material from Public Packet? No

Reason:

Issue: The City of Pharr Human Resources Department will replace its existing applicant tracking / onboarding system with a more affordable and user friendly alternative.

Financial Consideration: Account #01-52600-5530
\$17,695.00

Staff Recommendation: Staff recommends approval and authorization to enter into a (1-year) contract with CivicPlus (CivicHR) for subscription services for applicant tracking and employee onboarding. Contract amount \$17,695.

Alternatives: NeoGov (Current Provider)

ROUTING:

Yesenia Ennis

Created/Initiated - 05/24/2018

Anali Alanis

Approved - 05/24/2018

Sandra Zamora

Approved - 05/24/2018

Karla Moya

Approved - 05/25/2018

Patricia Rigney

Approved - 06/01/2018

City Management Office

New -



Contact Information

Organization CITY OF PHARR

URL

Street Address 118 S CAGE BLVD

Address 2

City PHARR

State TX

Postal
Code 78577

CivicPlus provides telephone support for all trained clients from 7am –7pm Central Time, Monday-Friday (excluding holidays). Emergency Support is provided on a 24/7/365 basis for representatives named by the Client. Client is responsible for ensuring CivicPlus has current updates.

Emergency Contact & Mobile Phone ANALI ALANIS 956-340-5436

Emergency Contact & Mobile Phone

Emergency Contact & Mobile Phone

Billing Contact ANALI ALANIS

E-Mail ANALI.ALANIS@PHARR-TX.GOV

Phone 956-402-2600

Ext.

Fax

Billing Address 118 S CAGE BLVD, 4TH FLOOR

Address 2

City PHARR

ST TX

Postal
Code 78577

Tax ID # 74-6001875

Sales Tax
Exempt # 74-6001875

Billing Terms Annual

Account
Rep

Info Required on Invoice (PO or Job #) 170169

Contract Contact ANALI ALANIS

Email ANALI.ALANIS@PHARR-TX.GOV

Phone 956-402-2600

Ext.

Fax

Project Contact ANALI ALANIS

Email ANALI.ALANIS@PHARR-TX.GOV

Phone 956-402-2600

Ext.

Fax

**Exhibit A.1 – Statement of Work #1: CivicHR Subscription**

Annual Services Include the Following:		
Hosting Web/SQL Server Data Backup On-site security 24x365 Monitor Bandwidth-Router Traffic Fire Protection and Suppression Cooling AC power delivery via distributed redundant UPS systems Intrusion Detection & Prevention Antivirus Protection Upgrade Hardware	Application & Modules Install Service Patches for OS Upgrades Enhancements Fixes Improvements Development Testing Usage License Data & File Retention Standard Reporting	Support 7:00am – 7:00pm Central, Mon-Fri, excluding holidays, for authorized contact(s) Usability improvements Integrate new & upgraded services Proactive support for updates & fixes Training Resources, CivicPlus Help Center access
Premium Package	First Year Investment	Annual License Fee
Applicant Tracking Subscription + Up to two (2) customized online applications + Custom Internal Application + Job & Candidate Routing + Approval Workflow + Job Alerts + Minimum Qualifications + Email Templates + Client Control Settings + Multiple Advanced User Roles (Permission Based) + Unlimited number of Admin Users + Unlimited number of Hiring Manager Users	\$7,495	\$7,495
Applicant Tracking Implementation Full provisioning of your system with support for job detail import (if applicable), up to two (2) custom application development, user setup and system configuration	\$3,500	n/a
Employee Onboarding Subscription + Up to ten (10) customized onboarding forms + Standard Tax Forms + New Hire Task Assignment + Organization Wide Templates + Job Specific Templates + Form & Video Manager + Employee Orientation Portal + Unlimited number of Admin Users	\$3,700	\$3,700
Employee Onboarding Implementation	\$3,000	n/a
Virtual Training – Custom dedicated training for organization employees via web-based conferencing. Onsite system training is available at an additional cost.	8 hours for each module	8 hours each year of renewal
Webinars and Online Resources – Online group training via video demo or webinar. Sessions include but are not limited to; new feature roll-out review, industry topics and user refreshers.	Included and unlimited	Included and unlimited
Support – Q&A, troubleshooting and user assistance	Included and unlimited	Included and unlimited
Total	\$17,695	\$11,195



Subscription Terms & Conditions

Client Deliverable

1. Performance and payment under this SOW shall be subject to the terms & conditions of the Agreement by and between Pharr, TX ("Client") and CivicPlus, to which this SOW #1 is hereby attached.
2. This SOW #1 shall remain in effect for an initial term of one year (12 months) ("the SOW #1 Initial Term") from signing. In the event that neither party gives 60 days' notice to terminate prior to the end of the initial or any subsequent renewal term, this Agreement will automatically renew for an additional 1-year Renewal Term.
3. Invoicing shall begin upon the date of signing of this SOW #1.
4. Renewal Term Annual Services shall be invoiced on the date of signature of relevant calendar years. Annual services, including but not limited to hosting, support and maintenance services, shall be provisioned in accordance with this SOW #1 and shall be subject to a 5% annual increase beginning in Year 3 of service.
5. Customer shall provide accurate, current and complete information on Customer's legal business name, address, email address, and phone number, and maintain and promptly update this information if it should change.
6. This Agreement and attached SOW #1 is not a sale of the CivicHR or its associated applications and modules. CivicPlus owns the CivicHR and provides a right of use to the Client during the period of this Agreement. Rights are non-transferable. Upon full and complete payment of submitted invoices for the Project Development and launch of the website, Client will own the Customer Content. Client will not own the CivicHR software or its associated applications and modules.
7. Customer shall comply with all applicable local, state, and federal laws, treaties, regulations, and conventions in connection with its use of the Service.

Support

8. CivicPlus will provide unlimited telephone support Monday-Friday, 7:00 am – 7:00 pm (Central Time) excluding holidays, for authorized callers. Client is responsible for providing CivicPlus with authorized caller contact updates.
9. Support includes providing technical support of the CivicHR software and technical maintenance of Client's Career Portal website. Following initial setup, additional setup support may be contracted separately for an additional fee.
10. During the period of this agreement and subsequent annual renewals, CivicPlus warrants that it will, without additional charge to the Client, take action to correct any problems or defects discovered in the CivicHR software and reported to CivicPlus by the Client, such warranty to include ongoing maintenance upgrades and technical error correction.

Marketing

11. Client permits CivicPlus to include an example of the Client's Career Portal page and a link to the Client's website on the CivicPlus corporate website.
12. Client will make a reasonable attempt to work with CivicPlus, if requested, to create a news item to be released in conjunction with their project Go-Live date. Client will provide CivicPlus with contact information for local and regional media outlets. CivicPlus may use the press release in any marketing materials as desired throughout the term of this Agreement.

Acceptance

We, the undersigned, agreeing to the conditions specified in this document, understand and authorize the provision of services outlined in this Agreement.

Client	CivicPlus
By: _____	By: _____
Name: Juan G. Guerra	Name: _____
Title: City Manager	Title: _____
Date: _____	Date: _____



City of Pharr
Bid Tabulation

Summarized: May 24, 2018



PROJECT #1718-01-526-IPQ014-002

SUBSCRIPTION SERVICES, APPLICANT TRACKING & EMPLOYEE ON-BOARDING

Vendor		Location	Cost
CIVICPLUS, INC DBA CivicPlus	★	MANHATTAN, KS	★ \$17,695.00
NEOGOV		EL SEGUNDO, CA	\$20,583.75



Master Services Agreement

THIS Master Services Agreement ("Agreement") is agreed to by and between CivicPlus, Inc., d/b/a CivicPlus ("CivicPlus") and Pharr, TX ("Client") (jointly, "Parties") and shall be effective as of the later date of signing indicated at the end of this Agreement ("Effective Date").

RECITALS

WHEREAS, CivicPlus is engaged in the business of developing, marketing and selling custom community engagement and government management platforms and services that include but are not limited to web sites, web interfaces and portals and proprietary software systems and associated modules; in addition to project development, design, implementation, support and hosting services for same;

WHEREAS, Client wishes to engage in a relationship with CivicPlus for such services and/or license for use of proprietary software developed and owned by CivicPlus;

WHEREAS, Client and CivicPlus have agreed to certain terms as set forth in this Agreement by this written instrument duly executed by the Parties;

NOW, THEREFORE, Client and CivicPlus agree as follows:

Term & Termination

1. The term of this agreement shall begin at signing and last for one (1) year.
2. Either Party may terminate this Agreement or any associated SOW at the end of the Agreement term by providing the other Party with 30 days' written notice prior to the contract renewal date. Additionally, Client may terminate this Agreement for convenience upon 60 days' written notice.
3. Unless terminated by either Party pursuant to Section 2, this Agreement will renew another 1-year term, with the option to terminate for convenience upon 60 days' written notice.
4. Notwithstanding the above, in the event this Agreement or any SOW is terminated, any outstanding invoices for Project Development shall become due in full and any outstanding Annual Services shall be prorated from the beginning of the renewal term to the date of termination.
5. This Agreement is subject to budgetary constraints of the Client. Notwithstanding the foregoing, in the event of termination due to budgetary constraints, Client is still responsible for any outstanding invoices or future planned billing for any fees for initial work completed under the Project Development and Deployment and all such amounts owed shall become due immediately.

Statements of Work

6. CivicPlus agrees to perform services and/or produce deliverables in accordance with the Statement(s) of Work in consideration of the fees described in the same Statement(s) of Work. Multiple and successive Statement(s) of Work may be entered into hereto. Such Statement(s) of Work are incorporated into this Agreement by reference and subject to the terms & conditions contained herein pursuant to Section 23.

Invoicing & Payment Terms

7. Invoices shall be sent electronically in the manner described in the relevant Statement of Work. Upon request CivicPlus will mail invoices and the Client will be charged a \$5.00 convenience fee.
8. Payment shall be due 30 days from date of invoice. Unless otherwise limited by law, a finance charge of 1.5 percent (%) per month or \$5.00, whichever is greater, will be added to past due accounts. Payments received will be applied first to finance charges, then to the oldest outstanding invoice(s).
9. If a client change in timeline causes CivicPlus to incur additional expenses (i.e. airline change fees), Client agrees to reimburse CivicPlus for those fees. Not to exceed \$1,000 per CivicPlus resource per trip.

Ownership & Content Responsibility

10. Upon full and complete payment of submitted invoices for any SOW Project Development Fees, Client will own the Customer Content (defined as any website graphic designs, webpage or software content, module content, importable/exportable data, and archived information as created by CivicPlus on behalf of Client pursuant to this Agreement).
11. Upon completion of any SOW Project Development, Client will assume full responsibility for website, software or module content maintenance and administration. Client, not CivicPlus, shall have sole responsibility for the accuracy, quality, integrity, legality, reliability, appropriateness, and intellectual property ownership or right to use of all Customer Content.



Master Services Agreement for **Pharr, TX**

12. Client agrees that CivicPlus shall not migrate, convert, or port content or information that could reasonably be construed to be time-sensitive, such as calendar or blog content, in any project.
13. Client will make a reasonable attempt to work with CivicPlus, if requested, to create a news item to be released in conjunction with their project Go-Live date. Client will provide CivicPlus with contact information for local and regional media outlets. CivicPlus may use the press release in any marketing materials as desired throughout the term of this Agreement.

Intellectual Property & Ownership

14. Intellectual Property of any software or other original works created by CivicPlus prior to the execution of this Agreement ("CivicPlus Property") will remain the property of CivicPlus. Client shall not (i) license, sublicense, sell, resell, transfer, assign, distribute or otherwise commercially exploit or make available to any third party any CivicPlus Property in any way; (ii) modify or make derivative works based upon any CivicPlus Property; (iii) create Internet "links" to the CivicPlus Property software or "frame" or "mirror" any CivicPlus Property administrative access on any other server or wireless or Internet-based device; or (iv) reverse engineer or access any CivicPlus Property in order to (a) build a competitive product or service, (b) build a product using similar ideas, features, functions or graphics of any CivicPlus Property, or (c) copy any ideas, features, functions or graphics of any CivicPlus Property. The CivicPlus name, the CivicPlus logo, and the product and module names associated with any CivicPlus Property are trademarks of CivicPlus, and no right or license is granted to use them.

Indemnification

15. To the extent permitted by the law of Client's state, Client and CivicPlus shall defend, indemnify and hold the other Party harmless, its partners, employees, and agents from and against any and all lawsuits, claims, demands, penalties, losses, fines, liabilities, damages, and expenses including attorney's fees of any kind, without limitation, in connection with the operations of and installation of software contemplated by this Agreement, or otherwise arising out of or in any way connected with the CivicPlus provision of service and performance under this Agreement. This section shall not apply to the extent that any loss or damage is caused by the gross negligence or willful misconduct on the part of either party.

Liabilities

16. CivicPlus will not be liable for any act, omission of act, negligence or defect in the quality of service of any underlying carrier or other service provider whose facilities or services are used in furnishing any portion of the service received by the Client.
17. CivicPlus will not be liable for any failure of performance that is caused by or the result of any act or omission by Client or any entity employed/contracted on the Client's behalf.
18. Client agrees that it is solely responsible for any solicitation, collection, storage, or other use of end-users' Personal Data on any website or online service provided by CivicPlus. Client further agrees that CivicPlus has no responsibility for the use or storage of end-users' Personal Data in connection with the website or the consequences of the solicitation, collection, storage, or other use by Client or by any third party of Personal Data.
19. To the extent it may apply to any service or deliverable of any SOW, user logins are for designated individuals chosen by Client ("Users") and cannot be shared or used by more than one User. Client will be responsible for the confidentiality and use of User's passwords and user names. Client will also be responsible for all Electronic Communications, including those containing business information, account registration, account holder information, financial information, Client Data, and all other data of any kind contained within emails or otherwise entered electronically through any CivicPlus Property or under Client's account. CivicPlus will act as though Client will have sent any Electronic Communications it receives under Client's passwords, user name, and/or account number. Client shall use commercially reasonable efforts to prevent unauthorized access to or use of any CivicPlus Property and shall promptly notify CivicPlus of any unauthorized access or use of any CivicPlus Property and any loss or theft or unauthorized use of any User's password or name and/or user personal information.
20. Client shall comply with all applicable local, state, and federal laws, treaties, regulations, and conventions in connection with its use of any CivicPlus Property.

Force Majeure

21. No party shall have any liability to the other hereunder by reason of any delay or failure to perform any obligation or covenant if the delay or failure to perform is occasioned by force majeure, meaning any act of God, storm, fire, casualty, unanticipated work stoppage, strike, lockout, labor dispute, civic disturbance, riot, war, national emergency, act of public enemy, or other cause of similar or dissimilar nature beyond its control.

Taxes

22. It is CivicPlus' policy to pass through sales tax in those jurisdictions where such tax is required. If the Client is tax-exempt, the Client must provide CivicPlus proof of their tax-exempt status, within fifteen (15) days of contract signing, and this agreement



Master Services Agreement for **Pharr, TX**

will not be taxed. If the Client's state taxation laws change, the Client will begin to be charged sales tax in accordance with their jurisdiction's tax requirements and CivicPlus has the right to collect payment from the Client for past due taxes.

Other Documents

23. The following are to be attached to and made part of this Contract:

a. Exhibit A - Statement(s) of Work.

24. In the case of any conflict between the terms of this Agreement and any incorporated documents, such conflicts shall be resolved with the incorporated documents taking the following order of precedence:

a. This Master Services Agreement;

b. Exhibit A - Statement(s) of Work in descending order of execution (for example, the most recent SOW will control over other in the event of a conflict in terms).

Interlocal Purchasing Consent

25. This Agreement and any attached SOWs may be extended to any public entity in the State of Texas to purchase at SOW prices in accordance with the terms stated herein.

Miscellaneous Provisions

26. The invalidity, in whole or in part, of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

27. No amendment, assignment or change to this Agreement or any included SOW shall be effective unless by a written instrument executed by each of the Parties.

28. Each person signing this Agreement represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this Agreement. Each party represents and warrants to the other that the execution and delivery of the Agreement and the performance of such party's obligations hereunder have been duly authorized and that the Agreement is a valid and legal agreement binding on such party and enforceable in accordance with its terms.

Governing Law

29. The Parties agree that any and all suits for any and every breach of this Agreement shall be instituted and maintained in the courts in Hidalgo County, Texas. This Agreement shall be governed and construed in accordance with the laws of the State of Texas.

Acceptance

We, the undersigned, agreeing to the conditions specified in this document, understand and consent to the terms & conditions of this Agreement.

Client

CivicPlus

By:

By:

Name:

Name:

Title:

Title:

Date:

Date:

Sign and E-mail the entire contract with exhibits to:

Contracts@CivicPlus.com

We will e-mail a counter-signed copy of the contract back to you so we can begin your project.



CivicPlus does not require a physical copy of the contract, however, if you would like a physical copy of the contract, mail one (1) copy of the contract with original signature to:

CivicPlus Contract Manager
302 S. 4th Street, Suite 500
Manhattan, KS 66502

Upon receipt of signed original, we will counter-sign and return the copy for your files.



AGENDA MEMORANDUM



BOARD: City Commission

AGENDA ITEM #: 7.A.

DATE SUBMITTED: May 31, 2018

MEETING DATE: June 4, 2018

FROM: Hilda Pedraza, City Clerk

DEPARTMENT: Administration

DIRECTOR:

Agenda Item: Consultation and update by Legal concerning Heriberto De Leon v. Juan Guerra and Jose Villegas, C-1691-18-C.

Classification: Closed Session

(* If closed session, City Attorney must review and approve.)

Exclude Material from Public Packet? No

Reason:

Issue:

Financial Consideration:

Staff Recommendation:

Alternatives:

ROUTING:

Hilda Pedraza
Patricia Rigney
City Management Office

Created/Initiated - 05/31/2018
Approved - 06/01/2018
Final Approval - 06/01/2018