



**TAKE NOTICE THAT A REGULAR MEETING
OF THE BOARD OF COMMISSIONERS
OF THE CITY OF PHARR, TEXAS
WILL BE HELD AT CITY HALL, COMMISSIONERS' ROOM,
118 S. CAGE BLVD., 2ND FLOOR, PHARR, TEXAS
COMMENCING AT 5:00 PM ON
MONDAY, MARCH 13, 2017**

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

REGULAR AGENDA - OPEN SESSION:

2. ORDINANCES AND RESOLUTIONS:

A) Consideration and action, if any, on Resolution for exchange of land between the City of Pharr and the Pharr Housing Authority. (ADMINISTRATION)

3. ADMINISTRATIVE:

A) Consideration and action, if any, authorizing City Manager to advertise for Request for Proposals for Specifications Insurance Coverage and Third Party Claims Adjusting for Both Fully Insured and Self-Funded. (HUMAN RESOURCES)

4. CONTRACTS/AGREEMENTS:

A) Consideration and action, if any, awarding bid for West Moore Road Improvements Project Bid No. 1617-01-528-0025 to Texas Cordia Construction, LLC. (ADMINISTRATION)

B) Consideration and action, if any, on Agreement for exchange of land between the City of Pharr and the Pharr Housing Authority. (ADMINISTRATION)

C) Reconsideration and action, if any, on Letter of Intent for project Chili-Dip. (ADMINISTRATION)

D) Consideration and action, if any, on Letter of Intent for Project Two Step. (ADMINISTRATION)

5. LEGAL:

A) Consideration and action, if any, on settlement agreement with Transmaritime. (ADMINISTRATION)

6. CLOSED SESSION: *In accordance with Chapter 551 of the Texas Gov't. Code, the Pharr Board of Commissioners hereby gives notice that it may meet in a closed (non-public) executive session to discuss the items listed on the public portion of the meeting agenda, including items 5 - 10 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.

AGENDA REGULAR MEETING
March 13, 2017

Pursuant to Section 551.084, the City may convene in a closed, non-public meeting to discuss any matters involving an **investigation and may exclude a witness from hearing during the examination of another witness in the investigation**. The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.087, the City may convene in a closed, non-public meeting to discuss any matters regarding **economic development issues**. The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

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

8. 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-Special 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 10th Day of March, 2017, at 4:00 p.m. and will remain posted continuously for at least 72 hours preceding the scheduled time of said Meeting, in compliance with Chapter 551 of the Government Code, Vernon's Texas Codes, Annotated (Open Meetings Act).

WITNESS MY HAND AND SEAL, this 10th Day of March, 2017.

HILDA PEDRAZA, TRMC
CITY CLERK

I certify that the attached notice and agenda of items to be considered by the City Commission was removed from the bulletin board of City Hall on the _____ by,

Title: _____



AGENDA MEMORANDUM

BOARD: City Commission

AGENDA ITEM #: 2.A.

DATE SUBMITTED: March 9, 2017

MEETING DATE: March 13, 2017

FROM: Hilda Pedraza, City Clerk

DEPARTMENT: Administration

DIRECTOR: Edward Wylie

Agenda Item: Consideration and action, if any, on Resolution for exchange of land between the City of Pharr and the Pharr Housing Authority.

Classification: Regular

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

Exclude Material from Public Packet? No

Reason:

Issue: The City of Pharr along with the Pharr Housing Authority wish to exchange land for the mutual benefits of park expansion and drainage and low-cost housing. The Housing Authority wishes to build additional low-cost housing and the City wishes to expand the Victor Garcia Municipal Park to include drainage improvements for West Polk Avenue.

Financial Consideration: \$0

Staff Recommendation: Staff recommends approval

Alternatives: Denial

ROUTING:

Hilda Pedraza
Imelda Barrera

Created/Initiated - 03/09/2017
Final Approval - 03/10/2017

RESOLUTION NO. R-2017-____

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PHARR, TEXAS
AUTHORIZING THE EXCHANGE OF PROPERTY IN THE VICINITY OF WEST POLK AVENUE
WITH THE PROPERTY AT 211 W. AUDREY WITH THE PHARR HOUSING AUTHORITY; AND
AUTHORIZING THE MAYOR TO EXECUTE THE EXCHANGE AGREEMENT WITH THE
PHARR HOUSING AUTHORITY FOR SUCH PURPOSE**

WHEREAS, the City of Pharr (the "City") is a home rule municipality duly organized and existing under the laws of the State of Texas; and

WHEREAS, the Pharr Housing Authority (the "PHA") is an entity that provides a federally funded low rent public housing program that assists low income families with affordable housing units and is duly organized and existing under the laws of the State of Texas; and

WHEREAS, pursuant to the authority granted by Section 272.001(g) of the Texas Local Government Code, the City and PHA desire to make an exchange of the properties described in the Agreement for Exchange of Real Property (the "Agreement"), which is attached to and incorporated into this Resolution as Exhibit "1"; and

WHEREAS, the Texas Local Government code provides that a political subdivision may acquire or assemble land or real property interest, except by condemnation, and sell, exchange, or otherwise convey the land or interests to an entity for the development of low-income or moderate-income housing; and

WHEREAS, the City owns fee simple title to the real property described in Exhibit "A" (the "City Tract") appended to the attached Agreement; and

WHEREAS, the PHA owns fee simple title to the real property described in Exhibit "B" (the "PHA Tract") appended to the attached Agreement; and

WHEREAS, the City desires to acquire the PHA Tract for the public purpose of maintaining a regional public detention facility on that tract; and

WHEREAS, the PHA desires to acquire the City Tract for the development of low-income or moderate-income elderly housing; and

WHEREAS, the PHA's construction and development of low-income or moderate-income elderly housing will provide a public benefit to the City; and

WHEREAS, based on the foregoing, the City Council of the City of Pharr finds and determines that the City Tract and the PHA Tract, respectively, will carry out a purpose, when conveyed to the other, that benefits of public interest of each granting party; and that it is in the public interest of the City to acquire the PHA Tract.

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

SECTION 1. That the City Commission hereby finds and determines that the foregoing recitals are true and correct and are incorporated for all purposes to this Resolution.

SECTION 2. That the City Commission approves the transfer of the City Tract to the PHA in exchange for the transfer of the PHA Tract to the City.

SECTION 3. That the City Commission approves the terms and provisions of the Exchange Agreement attached hereto and incorporated herein, and authorizes the Mayor to execute the Exchange Agreement and all documents necessary to consummate the transactions contemplated therein including all documents necessary to transfer the City Tract to the PHA in exchange for the transfer of the PHA Tract to the City.

SECTION 4. That the Mayor is authorized to execute the deed appended as Exhibit "C" to the Agreement.

PASSED AND APPROVED this 13th day of March, 2017, by the Board of Commissioners of the City of Pharr, Texas.

CITY OF PHARR

Ambrosio Hernandez, Mayor

ATTEST:

Hilda Pedraza, City Clerk

(g) A political subdivision may acquire or assemble land or real property interest, except by condemnation, and sell, exchange, or otherwise convey the land or interests to an entity for the development of low-income or moderate-income housing. The political subdivision shall determine the terms and conditions of the transactions so as to effectuate and maintain the public purpose. If conveyance of land under this subsection serves a public purpose, the land may be conveyed for less than its fair market value. In this subsection, "entity" means an individual, corporation, partnership, or other legal entity.



AGENDA MEMORANDUM

BOARD: City Commission

AGENDA ITEM #: 3.A.

DATE SUBMITTED: March 8, 2017

MEETING DATE: March 13, 2017

FROM: Hilda Pedraza, City Clerk

DEPARTMENT: Human Resources

DIRECTOR: Anali Alanis

Agenda Item: Consideration and action, if any, authorizing City Manager to advertise for Request for Proposals for Specifications Insurance Coverage and Third Party Claims Adjusting for Both Fully Insured and Self-Funded.

Classification: Regular

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

Exclude Material from Public Packet? No

Reason:

Issue: We are requesting authorization to advertise for RFP – Specifications Insurance Coverage and Third Party Claims Adjusting for Both Fully Insured and Self-Funded in order to explore the benefits and cost effectiveness of converting all of the City's lines of insurance coverages from Fully-Insured to Self-Funded.

Financial Consideration:

To be determined, but due to our utilization history, we believe the City has the potential to save taxpayer dollars by converting from Fully-Insured to Self-Funded.

Staff Recommendation:

After carefully reviewing our claims utilization history against premiums paid as a Fully Insured entity, we recommend authorization to advertise for RFP – Specifications Insurance Coverage and Third Party Claims Adjusting for Both Fully Insured and Self-

Funded in order to fully research the benefits and money saving opportunities we may be able to achieve by converting to Self-Funded.

Alternatives:

The City can remain Fully-Insured and continue with automatic one year renewals with Texas Municipal League (TML) for all lines of coverage.

ROUTING:

Hilda Pedraza
Edward Wylie
Imelda Barrera

Created/Initiated - 03/08/2017
Approved - 03/08/2017
Final Approval - 03/08/2017



AGENDA MEMORANDUM

BOARD: City Commission

AGENDA ITEM #: 4.A.

DATE SUBMITTED: March 10, 2017

MEETING DATE: March 13, 2017

FROM: Hilda Pedraza, City Clerk

DEPARTMENT: Administration

DIRECTOR: Edward Wylie

Agenda Item: Consideration and action, if any, awarding bid for West Moore Road Improvements Project Bid No. 1617-01-528-0025 to Texas Cordia Construction, LLC.

Classification: Regular

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

Exclude Material from Public Packet? No

Reason:

Issue: The City of Pharr solicited bids to rehabilitate West Moore Road and widen both the Cage intersection and Jackson intersection to three lanes with a dedicated left turn lane. Bids were received on March 8th at 4 pm, we received two qualified bidders. Low bid was Cordia Construction, LLC. Melden and Hunt, the project engineers is recommending the low bidder be awarded the bid.

Financial Consideration:

\$332,153.00: Amount is budgeted in the Capital Improvements budget

Staff Recommendation: Staff recommends approval

Alternatives: Denial and rebid the item.

ROUTING:

Hilda Pedraza
Imelda Barrera

Created/Initiated - 03/10/2017
Final Approval - 03/10/2017



TBPE Firm # F-1435
TBPLS # 10096900

MELDEN & HUNT INC.

CONSULTANTS • ENGINEERS • SURVEYORS

FRED L. KURTH • ALLAN F. BOOE • KELLEY A. HELLER-VELA • ROBERTO N. TAMEZ • MARIO REYNA

March 9, 2017

Juan Guerra, City Manager
City of Pharr
118 S. Cage Blvd
Pharr, Texas 78577

RE: West Moore Road Improvements

Dear Mr. Guerra:

We received bids on the above referenced project on March 8, 2017. Two bids were received, one which was within the allocated budget. We recommend awarding the project to Texas Cordia Construction, LLC. of Edinburg, Texas for their low bid in the amount of \$332,153.00.

Attached is a copy of the bid tabulation for your information.

Respectfully Submitted,

Mario Reyna, P.E.
Project Engineer

MR:cs

Attachment

PROJECT NAME: WEST MOORE ROAD IMPROVEMENTS

DATE: 3-8-17 @ 4:00 PM @ PHARR CITY HALL

ITEM	DESCRIPTION	QUANTITY	UNIT
1	Excavation & grading	2,500	SY
2.	8" Compacted subgrade	2500	SY
3.	Lime	157	TNS
4.	10" Compacted crushed caliche base w/prime	2500	SY
5.	3" HMAC w/tack	2300	SY
6.	18" Curb & gutter	160	LF
7.	Salvage use of flexible pavements	15900	SY
8.	2" HMAC w/tack	15900	SY
9.	Striping	1	LS
10.	Caliche allowance	1100	TNS
11.	Betterment allowance	1	LS

<u>RESPONSIVE BIDDERS</u>		
<u>TEXAS CORDIA CONST</u>	<u>FOREMOST PAVING</u>	
<u>UNIT PRICE</u>	<u>ITEM TOTAL</u>	<u>UNIT PRICE</u>
\$ 4.00	\$ 10,000.00	\$ 7.70
\$ 2.00	\$ 5,000.00	\$ 6.25
\$ 219.00	\$ 34,383.00	\$ 177.00
\$ 9.00	\$ 22,500.00	\$ 14.00
\$ 19.00	\$ 43,700.00	\$ 19.00
\$ 17.00	\$ 2,720.00	\$ 32.00
\$ 1.50	\$ 23,850.00	\$ 3.50
\$ 10.00	\$ 159,000.00	\$ 9.00
\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
\$ 10.00	\$ 11,000.00	\$ 11.00
\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
\$	\$ 332,153.00	\$ 377,334.00
	30	60

TOTAL IMPROVEMENTS:

CALENDAR DAYS:



AGENDA MEMORANDUM

BOARD: City Commission

AGENDA ITEM #: 4.B.

DATE SUBMITTED: March 9, 2017

MEETING DATE: March 13, 2017

FROM: Hilda Pedraza, City Clerk

DEPARTMENT: Administration

DIRECTOR: Edward Wylie

Agenda Item: Consideration and action, if any, on Agreement for exchange of land between the City of Pharr and the Pharr Housing Authority.

Classification: Regular

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

Exclude Material from Public Packet? No

Reason:

Issue:

The City of Pharr along with the Pharr Housing Authority wish to exchange land for the mutual benefits of park expansion and drainage and low-cost housing. The Housing Authority wishes to build additional low-cost housing and the City wishes to expand the Victor Garcia Municipal Park to include drainage improvements for West Polk Avenue.

Financial Consideration: \$0

Staff Recommendation: Staff recommends approval.

Alternatives: Denial

ROUTING:

Hilda Pedraza

Edward Wylie

Imelda Barrera

Created/Initiated - 03/09/2017

Approved - 03/09/2017

Final Approval - 03/10/2017

STATE OF TEXAS

§

§

CITY OF PHARR, TEXAS

COUNTY OF HIDALGO

§

AGREEMENT FOR
EXCHANGE OF REAL PROPERTY

This agreement for the exchange of real property is made by and between the City of Pharr, Texas (the "City") and the Pharr Housing Authority (the "PHA").

Recitals

The City is a Texas home rule municipality duly organized and existing under and by virtue of the laws of the State of Texas.

The PHA is the an entity that provides a federally funded low rent public housing program that assists low income families with affordable housing units and is duly organized and existing under the laws of the State of Texas.

The City owns fee simple title to the real property legally described in Exhibit "A" (the "City Tract") appended to the attached agreement.

The PHA owns fee simple title to the real property legally described in Exhibit "B" (the "PHA Tract") appended to the attached agreement.

The City and the PHA desire and intend to make an exchange of the like-kind properties described in Exhibits "A" and "B" appended to this agreement.

The City desires to acquire the PHA Tract for the public purpose of maintaining a regional public detention facility on that tract.

The PHA desires to acquire the City Tract for the development of low-income or moderate-income elderly housing.

The PHA's construction and development of low-income or moderate-income elderly housing will provide a public benefit to the City.

The City Council of the City of Pharr finds and determines that the City Tract and the PHA Tract, respectively, will carry out a purpose, when conveyed to the other, that benefits of public interest of each granting party; and that it is in the public interest of the City to acquire the PHA Tract.

Accordingly, for Ten Dollars (\$10.00) and other good and valuable consideration, the City and PHA agree as follows:

Agreement, Terms and Conditions

1. The City agrees to transfer the real property described in Exhibit "A" to the PHA.
2. The PHA agrees to transfer the real property described in Exhibit "B" to the City.
3. The City warrants and represents to the PHA that, at time of closing, it will convey good and marketable fee simple title to the real property described in Exhibit "A" to PHA, free and clear of any encumbrances other than utility easements that will not interfere with PHA's use of the property as a low-income or moderate-income housing development.
4. The PHA warrants and represents to the City that, at time of closing, it will convey good and marketable fee simple title to the real property described in Exhibit "A" to City, free and clear of any encumbrances other than utility easements that will not interfere with City's use of the property as a regional public detention facility.
5. The closing under this agreement shall take place within thirty (30) days of the enactment of resolution of the City's City Council and PHA's Board approving this transaction. City shall, prior to enactment of resolution approving this transaction, fully comply with Chapter 272 of the Texas Local Government Code.

6. At closing, City shall deliver a deed in substantially the form as that appended to this agreement as Exhibit "C" to PHA; and, PHA shall deliver a deed in substantially the form as that appended to this agreement as Exhibit "D" to City.
7. PHA agrees that it will use the property in a manner that primarily promotes a public purpose of the City. If PHA conveys the Property, or an interest in the Property, to a third party, PHA first will make an affirmative finding that the use of the Property by the third party will be in a manner that primarily promotes a public purpose of the City, including but not limited to development of low-income or moderate-income housing. Such conveyance of the Property to a third party then must have final approval by City, by majority vote of its City Council, after an affirmative finding by the City Council that the conveyance to, and use of the property by, the third party primarily promotes a public purpose of City.
8. If PHA fails to use the Property in a manner that primarily promotes a public purpose of the City, then the Property shall automatically revert to the City. This reversionary interest is extinguished upon the conveyance of the Property in fee simple to a third party according to the guidelines and procedures described in Paragraph 7 herein.
9. Exhibits "A", "B", "C", and "D" and the Recitals set out above are incorporated in this agreement by reference for all purposes.
10. All closing costs, appraisal fees and survey costs shall be paid by the respective parties.
11. This agreement contains the complete agreement between the parties and cannot be modified except through the written agreement of the parties.
12. The terms of this agreement shall survive closing and shall not merge with any deeds delivered by the parties.

13. This agreement shall be construed and interpreted under and in accordance with the laws of the State of Texas, and, is wholly performable in Hidalgo County, Texas.

14. Any party to this agreement who is a prevailing party in a legal proceeding against the other party brought under or in relation to this agreement shall be entitled to recover from the other party reasonable attorney's fees and costs of litigation.

IN WITNESS WHEREOF, the CITY and the PHA have caused this Agreement to be executed by their authorized officers on this the _____ day of _____, 2017.

THE CITY OF PHARR

By: _____
Ambrosio "Amos" Hernandez, Mayor

Date: _____

ATTEST: _____
Hilda Pedraza, City Clerk

Approved as to Form:

Patricia Rigney, City Attorney

PHARR HOUSING AUTHORITY

By: _____
Pharr Housing Authority, Chairman

Date: _____

ATTEST: _____
, Secretary

Approved as to Form:

Maritza Carranza, Attorney for PHA



AGENDA MEMORANDUM

BOARD: City Commission

AGENDA ITEM #: 4.C.

DATE SUBMITTED: March 10, 2017

MEETING DATE: March 13, 2017

FROM: Hilda Pedraza, City Clerk

DEPARTMENT: Administration

DIRECTOR: Edward Wylie

Agenda Item: Reconsideration and action, if any, on Letter of Intent for project Chili-Dip.

Classification: Regular

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

Exclude Material from Public Packet? Yes

Reason: Closed session item

Issue: Item to be discussed during closed session.

Financial Consideration:

Staff Recommendation:

Alternatives:

ROUTING:

Hilda Pedraza

Imelda Barrera

Created/Initiated - 03/10/2017

Final Approval - 03/10/2017



AGENDA MEMORANDUM

BOARD: City Commission

AGENDA ITEM #: 4.D.

DATE SUBMITTED: March 9, 2017

MEETING DATE: March 13, 2017

FROM: Hilda Pedraza, City Clerk

DEPARTMENT: Administration

DIRECTOR:

Agenda Item: Consideration and action, if any, on Letter of Intent for Project Two Step.

Classification: Regular

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

Exclude Material from Public Packet? Yes

Reason: Closed session item

Issue: Item to be discussed during closed session.

Financial Consideration:

Staff Recommendation:

Alternatives:

ROUTING:

Hilda Pedraza

Edward Wylie

Imelda Barrera

Created/Initiated - 03/09/2017

Approved - 03/09/2017

Final Approval - 03/10/2017



AGENDA MEMORANDUM

BOARD: City Commission

AGENDA ITEM #: 5.A.

DATE SUBMITTED: March 9, 2017

MEETING DATE: March 13, 2017

FROM: Hilda Pedraza, City Clerk

DEPARTMENT: Administration

DIRECTOR: Patricia Rigney

Agenda Item: Consideration and action, if any, on settlement agreement with Transmaritime.

Classification: Closed Session

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

Exclude Material from Public Packet? Yes

Reason: Closed session item

Issue: Item to be discussed during closed session.

Financial Consideration:

Staff Recommendation:

Alternatives:

ROUTING:

Hilda Pedraza

Created/Initiated - 03/09/2017

Edward Wylie

Approved - 03/09/2017

Imelda Barrera

Final Approval - 03/10/2017