



**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, OCTOBER 21, 2019**

The City of Pharr has called this meeting as allowed pursuant to Texas law, city charter, and city ordinances. 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 board.

B) Pledge of Allegiance/Invocation.

2. PROCLAMATIONS:

A) Proclamation proclaiming Arbor Day.

3. PUBLIC TESTIMONY: *(Ordinance No. O-2019-30). A person intending on addressing the governing body may speak at a scheduled meeting of the governing body following registration with the presiding clerk and prior to the scheduled meeting. A registered speaker may speak only on items on the agenda and may not exceed 1.5 minutes when addressing the board regarding an agenda item. A registered speaker may not donate time to another speaker. A sign-in form for public testimony shall be promulgated by the presiding clerk and be made available at the city clerk's office. No registered speaker may be allowed to speak regarding an item once the public testimony portion of the agenda has ended.*

4. PUBLIC HEARINGS:

A) PUBLIC HEARING ON DEVELOPMENT SERVICES CASES: *(Ordinance No. O-2019-31). A registered speaker during the public hearing may not exceed 1.5 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*

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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.

5. CITY MANAGER'S REPORTS: *(City Manager's Administrative Reports and discussion, if any, with governing body. The City Manager may also assign a designated spokesperson for any particular listed topic)*

A) Submission of Sales Tax Collection Report for October 2019. (FINANCE)

B) Submission of Tax Collection Report for September 2019. (FINANCE)

C) City Events of Interest. (ADMINISTRATION)

6. CONSENT AGENDA: *(All items listed under consent Agenda are considered to be routine and non-controversial by the Governing Body and will be enacted by one motion. Any Commissioner may remove items from the consent agenda by making such request prior to a motion and vote on the Consent Agenda)*

A) Approval of Minutes for October 7, 2019 Regular Called Meeting. (ADMINISTRATION)

B) Consideration and action on request from Rick Quick Stop to close the 400 block of West State Avenue on Saturday, November 23, 2019 from 3:00 p.m. to 6:00 p.m. for their Annual Customer Appreciation Day. (ADMINISTRATION)

C) Consideration and action, if any, on Ordinance amending Ordinance O-2019-30 pertaining to public testimony. **(2nd Reading)** (ADMINISTRATION)

D) Consideration and action, if any, on Ordinance amending Ordinance O-2017-35 adding an Adverse Incident Pay Policy to the Personnel Policy Manual. **(3rd and Final Reading)** (HR)

E) Consideration and action, if any, on Ordinance repealing Ordinances O-2011-27 and O-2011-52 renaming Newcombe Ave. to its original street name Park Ave. **(3rd and Final Reading)** (DEVELOPMENT SERVICES)

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F) Consideration and action on Development Services Cases:

1. Topgolf USA Pharr, LLC., is requesting renewal of the Conditional Use Permit and Late Hours Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). The property is legally described as being a 15.347 acre tract of land, more or less, out of Lot 1, Top Golf Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 1900 Block of West Interstate Highway 2. **CUP#170846**

2. Stefano's Pizza Express 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 0.06 acres, more or less, out of Lot 4A, Replat of Vacated Car-Mel Subdivision, Vacated El Centro Mall No. 3 & 4 Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 500 North Jackson Road, Suite N-3. **CUP#190536**

G) PLATS:

1. Sam Engineering & Surveying, representing Jacinto Cano is requesting final plat approval of the proposed Crystal Cano Subdivision. The property is legally described as being a 1-Lot subdivision out of a 0.76 acre tract of land and being a part or portion of Lot 11, Sing's Subdivision, Pharr, Hidalgo County, Texas. The property is located at the 3100 Block of South Gardenia Street. **SUB#160720**

REGULAR AGENDA - OPEN SESSION:

7. ORDINANCES AND RESOLUTIONS:

A) Consideration and action, if any, on resolution authorizing and approving a Tax Exempt Loan Agreement with Lone Star National Bank for the Pharr Natatorium Project and the Note associated with such loan; and authorizing other matters relating thereto. (ADMINISTRATION)

B) Consideration and action on Resolution executing an Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for the Pharr Comprehensive Pedestrian Safety & Wellness Plan, CSJ: 0921-02-389. (ENGINEERING)

C) Consideration and action, if any, on Resolution appointing/re-appointing five (5) regular members and one (1) ex-officio member to the Tierra Del Sol Golf Club Advisory Board. (PARKS)

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)

8. ADMINISTRATIVE:

A) Consideration and action, if any, amending design-build Downtown Gateway and Lighting Improvements Project contract with International Consulting Engineers (ICE) for the installation of various City Hall and Gateway Monument sign lighting and controls systems (Project No.1819-39-510-S026-001). **(Tabled)** (ENGINEERING)

B) Consideration and action, if any, on Change Order No. 1 and acceptance of the W. Zaragosa Dr. and S. Sugar Rd. Concrete Paving Improvements Project as complete and authorization to release final payment and release of retainage in the amount of \$58,994.20 (Project # 1819-86-510-C010-202). (ENGINEERING)

C) Consideration and action, if any, on acceptance of the Moore Rd. 24" Sanitary Sewer Improvements (Emergency Repairs) (Project #1819-61-587-C003-001) and Release of Final Payment and Retainage in the amount of \$49,942.20. (ENGINEERING)

D) Consultation with the Board of Commissioners on the city's organizational structure. (ADMINISTRATION)

9. PURCHASING:

A) Consideration and action, if any, authorizing City Manager to purchase various lighting components for the lighting of City Hall and the Downtown Gateway Monument Project, through a TIPS Cooperative Contract. (Project No. 1819-01-528-P024-001) **(Tabled)** (ENGINEERING)

B) Consideration and action, if any, on acquisition of Hidalgo County Irrigation District #2 easement. (DEVELOPMENT SERVICES)

10. CONTRACTS/AGREEMENTS:

A) Consideration and action, if any, on renewal of agreement between City of Pharr and Peace & Thornton Partnership for Pharr Events Center overflow parking.(Project #1819-65-510-IPQ011-001) (EVENTS CENTER)

B) Consideration and action, if any, authorizing City Manager to negotiate and enter into a contract with Halff Associates for Professional Engineering Services for the City of Pharr Drainage Master Plan.(Project #1920-01-528-S006-001) (ENGINEERING)

C) Consideration and action, if any, authorizing City Manager amend the contract with Garcia Infrastructure Consultants, LLC. for additional construction management services of the Sanitary Sewer Utility Adjustments related to the Regional Linear Park Hike and Bike Trail, I-Road Tunnel Crossing conflict. (Project #1718-01-510-S025-001) (ENGINEERING)

11. LEGAL:

A) Consultation with legal regarding Cause No. C-4349-17-B, City of Pharr v. Saenz Utilities Contractors, et. al. (LEGAL)

12. 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 Board 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 Board 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.

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Pursuant to Section 551.074, the Board 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 Board 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 Board 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 Board 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.

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

14. ADJOURNMENT:

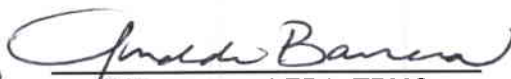
NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

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 18th day of October, 2019 at 3:30 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 18th day of October, 2019.




IMELDA BARRERA, TRMC
ASST. CITY CLERK

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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: _____