



**TAKE NOTICE THAT A SPECIAL 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
WEDNESDAY, APRIL 13, 2022**

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.

2. PUBLIC TESTIMONY: (Ordinance No. O-2019-45). 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. A person may sign up for public testimony beginning at the time the agenda is posted for the meeting. A person may not sign up later than one hour before the posted meeting is scheduled to begin. No registered speaker may be allowed to speak regarding an item once the public testimony portion of the agenda has ended.

REGULAR AGENDA - OPEN SESSION:

3. ORDINANCES AND RESOLUTIONS:

A) Consideration and action, if any, on Ordinance imposing a moratorium on applications and plans for development, permits, plats, verifications, rezoning, site plans and new or revised certificates of occupancy for multifamily developments within the City of Pharr. **(2nd and Final Reading)**
(DEVELOPMENT SERVICES)

4. 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.

AGENDA SPECIAL MEETING

April 13, 2022

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 551.076, 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.

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

6. 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.

AGENDA SPECIAL MEETING

April 13, 2022

I, the undersigned authority, do hereby certify that the above notice of said 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 8th day of April 2022 at 5:00 p.m. and will remain posted continuously for at least 72 hours preceding the scheduled time of said Meeting, in compliance with Chapter 551 of the Government Code, Vernon's Texas Codes, Annotated (Open Meetings Act).



WITNESS MY HAND AND SEAL, this 8th day of April 2022



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 #: 3.A.

DATE SUBMITTED: April 8, 2022

MEETING DATE: April 13, 2022

FROM: Iris Mata, Secretary

DEPARTMENT: Development Services

DIRECTOR: Roland Gomez

Agenda Item: Consideration and action, if any, on Ordinance imposing a moratorium on applications and plans for development, permits, plats, verifications, rezoning, site plans and new or revised certificates of occupancy for multifamily developments within the City of Pharr. *(2nd and Final Reading)*

Classification: Regular

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

Issue: The City of Pharr, Texas seeks to adopt and implement a moratorium on applications and plans for development, permits, plats, verifications, rezoning, site plans and new or revised certificates of occupant for multifamily developments within the City of Pharr.

Fiscal Consideration:

Staff Recommendation: Staff recommends approval.

Alternatives: n/a

Exclude Material from Public Packet? No

Reason: n/a

ROUTING:

Iris Mata
Roland Gomez
City Management Office

Created/Initiated - 4/8/2022
Approved - 4/8/2022
New - 1/1/1900

ORDINANCE NO. O-2022-_____

AN ORDINANCE OF THE CITY OF PHARR, TEXAS, IMPOSING A MORATORIUM ON APPLICATIONS AND PLANS FOR DEVELOPMENT, PERMITS, PLATS, VERIFICATIONS, REZONINGS, SITE PLANS AND NEW OR REVISED CERTIFICATES OF OCCUPANCY FOR MULTIFAMILY DEVELOPMENTS WITHIN THE CORPORATE CITY LIMITS OF PHARR; ADOPTING WRITTEN FINDINGS JUSTIFYING THE MORATORIUM; PROVIDING FOR WAIVERS AND LIMITED EXCEPTIONS TO THE MORATORIUM; AND ESTABLISHING AN EXPIRATION DATE.

WHEREAS, the City Commission and citizens of the City have concerns about the impacts of multifamily uses and developments on essential public facilities, resulting in the creation of shortages, unplanned needs and other inadequacies of public infrastructure and facilities, including but not limited to that related to traffic management, street infrastructure, park and open space, police, fire, code enforcement and data systems as well as other operational and oversight systems; and

WHEREAS, the City Commission and citizens of the City have concerns about the impacts of multifamily uses and developments creating a significant need for other public facilities, including but not limited to park and open space, police, fire, code enforcement and data systems as well as other operational and oversight systems and that the failure to provide these public facilities would result in an overcapacity of such public facilities or would be detrimental to the health, safety, and welfare of the residents of the City; and

WHEREAS, many intersections throughout the City are overwhelmed with traffic congestion during afternoons and evenings, and new multifamily zoned properties, including planned development zoned properties that include multifamily uses or multifamily components (hereinafter referred to collectively as "Multifamily Developments"), would significantly add to this problem unless a Traffic Impact Analysis requirement is implemented to analyze and mitigate the additional traffic added to these roadways by Multifamily Developments; and

WHEREAS, the City needs to determine the adequacy of the City's current regional wastewater facilities and the need beyond the estimated capacity that is expected to result from new multi-family developments; and

WHEREAS, the Texas Local Government Code ("LGC"), Subchapter E, "Moratorium on Property Development in Certain Circumstances," of Chapter 212, "Municipal Regulation of Subdivisions and Property Development," authorizes a municipality to adopt a moratorium on property development after proper notice and two public hearings; and

WHEREAS, at the request of the City Commission, City staff is currently reviewing and analyzing all Multifamily Developments to determine whether current classifications and standards are in the best interests of the public health, safety and welfare of the City; with focus upon the shortages and need for public infrastructure and facilities created by Multifamily Developments and those issues identified in LGC Sections 212.135(b) and 212.135l(b); and

WHEREAS, the Planning and Zoning Commission and the City Commission, in compliance with Chapter 212, Subchapter E, of the Texas Local Government Code, have given requisite notice by publication and otherwise, and after holding public hearings to afford a full and fair hearing to all property owners generally and to all persons, and in the exercise of its legislative discretion have concluded that a moratorium should be imposed on applications and plans for development, permits, plats, verifications, rezonings, site plans and new or revised certificates of occupancy for Multifamily Developments within the corporate city limits of Pharr; and

WHEREAS, two public hearings were held on the following dates: City Commission on April 4, 2022, and Planning and Zoning Commission on April 11, 2022; and

WHEREAS, attached Exhibit "A" provides an initial report, working plan and time schedule for the implementation of regulations to address the shortages and needs of public facilities created by Multifamily Developments, including comprehensive plan amendments and zoning or other ordinance changes to effectuate staff's recommendations; and

WHEREAS, based upon the information provided by staff, evidence provided by citizens at the public hearings and otherwise, the summary provided in Exhibit "A" as well as other reasonably available information (the "Evidence"), all of which is incorporated herein by reference, the City Commission makes the following findings required by Section 212.135 of the LGC:

- (1) The Evidence demonstrates the extent of need beyond the estimated capacity of existing essential public facilities that is expected to result from new Multifamily Developments, including:
 - (A) the public street facilities currently operating near, at, or beyond capacity;
 - (B) the portion of that capacity committed to Multifamily Developments; and
 - (C) the City's wastewater facilities are at capacity; and
 - (D) the current wastewater collection system has bottlenecks that threaten the proper operation of the City's regional wastewater system; and
 - (E) based on these bottlenecks and the contractual commitments that will utilize all additional capacity available to commit to development of lots.
- (2) The Evidence demonstrates that the moratorium must be citywide in its reach because the impacts of Multifamily Developments cannot be isolated to specific areas of the City, and is limited to prospective development; and

WHEREAS, the City Commission further finds, based upon the Evidence and as required by Section 212.1351 of the LGC, that the City's existing zoning, development and other regulations applicable to Multifamily Developments are inadequate to prevent that development from being detrimental to the public health, safety or welfare of the residents of the municipality, alternative methods of achieving the objectives the moratorium are unsatisfactory and the City Commission has approved a working plan and time schedule for achieving the objectives of the moratorium.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PHARR, TEXAS:

SECTION 1. That all of the above premises are hereby found to be true and correct legislative and factual findings of the City Commission and they are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. That a moratorium is hereby adopted and imposed on applications and plans for development, permits, plats, verifications, rezonings, site plans and new or revised certificates of occupancy for Multifamily Developments within the corporate city limits of Pharr, said moratorium to allow the Planning and Zoning Commission and the City Commission to review the Comprehensive Plan, the Zoning Ordinance, the Code of Ordinances and other ordinances and regulations of the City to consider appropriate amendments, if any, to the existing regulations for Multifamily Developments, and whether to adopt any new ordinances or regulations to regulate such uses. No new, expanded or modified Multifamily Developments are to be allowed within the corporate city limits of Pharr until said review is completed and the ordinances of the City are amended as necessary, or until this moratorium, including extensions, if any, shall have expired, whichever occurs first.

SECTION 3. That except as otherwise provided herein, after the effective date of, and extending for the duration of this moratorium (including any extensions hereto), no City employee, officer, official, agency, department, board or commission of the City shall accept for filing any application or plan for development for permits, plats, verifications, rezonings, site plans and new or revised certificates of occupancy for new, expanded or modified Multifamily Developments within the corporate city limits of Pharr. Any City employee, officer, official, agency, department, board or commission of the City in receipt of any such application or plan for development shall forward the same to the Director of Development Services (the "Director"), who shall review the application or plan for development to determine whether the application or plan for development is subject to this moratorium. Receipt of an application or plan for development for the limited purpose of such review shall not constitute filing or acceptance of the application or plan for development. In the event the Director determines that an application or plan for development is subject to the moratorium, the Director shall take no further action on the application or plan for development and shall reject the same, and shall return the application or plan for development to the person or entity attempting to file the same. Further, due to the inherent limitations for monitoring and oversight of applications submitted through Accela, the City's electronic development submittal and review software system, all applications or plans for development for new, expanded or modified Multifamily Developments shall be submitted exclusively in hardcopy paper format and not through Accela for the duration of this moratorium (including any extensions hereto). Any submittal or attempted submittal of any such application or plan for development through Accela is hereby rejected, regardless of whether the applicant receives subsequent acknowledgement or notice that such application or plan for development has been rejected, and neither the Director nor any other employee or official of the City shall be obligated to provide acknowledgement or notice of rejection to the electronic applicant.

SECTION 4. That an applicant for a development of Multifamily Developments as described herein may apply for a waiver to this moratorium by submitting a written request for waiver to the City Commission, which shall be voted on by the City Commission within twenty-one (21) days after receipt of the request, or within ten (10) days after receipt if the request for waiver is based on reasons provided in Section 212.137 of the LGC. The request shall be in writing and submitted to the City Secretary, who shall forward the request to the Director for processing and recommendation to the City Commission. The City Commission may authorize or deny the requested waiver, and if authorized, direct the applicable City official to accept a completed application and process the application subject to conditions necessary to ensure that the proposed development would not cause adverse effects to the surrounding property or the City's infrastructure and to carry out the spirit and purpose of this ordinance. The City Commission should not release the applicant from the requirements of this ordinance unless the applicant first presents credible evidence from which the City Commission can reasonably conclude that (1) the application of this ordinance to the applicant would be likely to deprive the applicant of rights protected by law; or (2) the proposed development is compatible with the land use in proximity to the proposed development and permitting the development to proceed would not cause adverse effects to surrounding property or the City infrastructure or be contrary to the spirit and purpose of this ordinance.

SECTION 5. That the provisions of this ordinance do not apply to any new, expanded or modified development or use that is being constructed or is to be constructed pursuant to an Economic Development 380 Agreement with the City of Pharr or any completed application or plan for development for a permit, plat, verification, rezoning, site plan or new or revised certificate of occupancy for any new, expanded or modified Multifamily Developments that were filed prior to April 7, 2022, such date being the fifth business day after the date on which the City published notice of public hearings to consider this ordinance.

SECTION 6. That the provisions of this ordinance do not apply to applications for roof, electrical, plumbing and mechanical permits for existing Multifamily Developments if the permits are required solely for property maintenance.

SECTION 7. That this ordinance shall expire upon one hundred and twenty (120) days after its adoption unless extended as allowed by applicable law.

SECTION 8. That for purposes of this moratorium, the terms set forth herein shall have the same meanings assigned by Chapter 212, Subchapter E, of the LGC, the Pharr Zoning Ordinance and Code of Ordinances of the City, except as otherwise provided herein. "Permit" shall mean a license, certificate, approval, registration, consent, permit or other form of authorization required by law, rule, regulation, order or ordinance that a person must obtain to perform an action or initiate, continue or complete a project for which the permit is sought, including a verification, contract or agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated or controlled by a regulatory agency.

SECTION 9. That as soon as practical after the adoption of this ordinance, the Director shall publish on the City of Pharr website an advisory for the convenience of the

public, which announces the moratorium on Multifamily Developments and provides information on the duration and applicability of the moratorium, the opportunity and procedures for submitting a request for a waiver, and other pertinent terms of this ordinance.

SECTION 10. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

PASSED AND APPROVED on first reading by the City Commission of the City of Pharr, Texas, on the _____ day of _____ 2022.

CITY OF PHARR

AMBROSIO HERNANDEZ
MAYOR

ATTEST:

HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED on second and final reading by the City Commission of the City of Pharr, Texas, on the _____ day of _____ 2022.

CITY OF PHARR

AMBROSIO HERNANDEZ
MAYOR

ATTEST:

HILDA PEDRAZA, CITY CLERK

Summary of Information

Traffic and Streets

Current City ordinances have no requirement for a Traffic Impact Analysis (TIA) for all multifamily development. Therefore, development of high densities of new residents in a given area will impact traffic flows and street operations with no established requirement for studying those impacts and mitigating them through needed modifications to the street system. These modifications improve traffic flow and safety in the immediate area of a development.

Many citizens have expressed concern about the ever increasing traffic congestion throughout the City. Major roadways, where multifamily developments tend to locate, have become increasingly congested. The Institute of Traffic Engineers (ITE) Trip Generation manual indicates that multi-family development generates 7.32 trips per day for low-rise, 5.44 for mid-rise and 4.45 for high-rise structures.

Developments that may include several hundred units, could add a few thousand trips to the roadway system. While many streets are designed for and capable of absorbing such increases in vehicular trips, many streets would be adversely affected by such traffic if standards are not in place to require improvements based on a TIA.

Roadway impact fees are charged to new multifamily development at a specified rate per dwelling unit. However, roadway impact fees are to pay for specific road infrastructure identified in the roadway impact fees Capital Improvements Plan. In addition, these funds go toward projects within a service area of approximately 15 square miles. In many cases, the improvements made by these funds, while benefitting the larger street system, will not mitigate the direct impacts to the street system on the periphery of any particular proposed multifamily development.

Sanitary Sewer

The City of Pharr has identified a need to prevent a shortage of essential public facilities, namely wastewater. There are some sanitary sewer lift stations that are at capacity that would not be able to handle the need of new multi-family developments. The City of Pharr has ensured that it provides superior wastewater service to its citizens in a timely manner, and in a way that allows it to be treated to the highest level required by the state and then reuse the effluent, further protecting the environment.

Open Space, Parks and Recreation

The Zoning Ordinance currently has standards for open space and specific standards for swimming pools and playgrounds in multifamily development. However, these requirements are insufficient for addressing actual number of dwelling units and ultimately people that will occupy a multifamily development. Additionally, citizens desire other types of outdoor amenities not provided for in the current ordinance. Without sufficient outdoor spaces and amenities and when public parks are not in very close proximity, individuals lack the important places needed for exercise and safe places for children to play outdoors.

Working Plan

- Research existing multifamily zoning regulations including open space requirements and density regulations, traffic management regulations, other city's regulations and any legal parameters
- Prepare options for Commission discussion
- Draft ordinance language for Planning and Zoning Commission and City Commission consideration

Time Schedule

March 31, 2022 – Notice of Public Hearing published in the Monitor

April 4, 2022 – 1st Public Hearing and 1st reading of ordinance City Commission

April 11, 2022 – 2nd Public Hearing Planning and Zoning Commission

April 12, 2022 – 2nd reading of ordinance City Commission



AGENDA MEMORANDUM



BOARD: City Commission

AGENDA ITEM #:

DATE SUBMITTED:

MEETING DATE: April 13, 2022

FROM: Hilda Pedraza, City Clerk

DEPARTMENT: Administration

DIRECTOR:

Agenda Item: 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.

Classification: Regular

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

Issue:

Fiscal Consideration:

Staff Recommendation:

Alternatives:

Exclude Material from Public Packet? No

Reason:

ROUTING:

Hilda Pedraza
Karla Saavedra
Patricia Rigney
City Management Office

Created -



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