



**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 17, 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.

B) Pledge of Allegiance/Invocation.

2. PROCLAMATIONS:

A) Proclamation proclaiming November 7-11, 2022 as Municipal Court Week.

B) Proclamation proclaiming October 17-21, 2022 as Chamber of Commerce Week.

3. 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.*

4. PUBLIC HEARINGS: *(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 presiding 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.*

A) Public hearing on development services cases.

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 2022.

B) City Events of Interest.

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 3, 2022 Regular Called Meeting.
(ADMINISTRATION)

B) Consideration and action, if any, on Ordinance amending Ordinance No. O-2019-36 Fee Schedule for building permits, plan review and land use development *(3rd & Final Reading)*. **This item supports SG - Sound Governance and Fiscal Sustainability.** (BUILDING AND CODE COMPLIANCE)

C) Consideration and action, if any, on Ordinance amending the Code of Ordinances Article V, Section 2-249 vital statistics records fees *(2nd Reading)*. **This item supports SG - Sound Governance and Fiscal Sustainability.** (ADMINISTRATION)

D) Consideration and action, if any, on Ordinance regarding Water Conservation and Drought Contingency Plan Stage 2 *(2nd Reading)*. **This item supports QL - Quality of Life.** (PUBLIC UTILITIES)

E) Consideration and action, if any, on Ordinance extending the boundaries of the present corporate limits of the City of Pharr, Texas and annexing new territory into the City of Pharr consisting of approximately 13.12 acres of land, more or less, out of Lot 249, Kelly Pharr Subdivision, generally located on the south side of West Javelina Drive, approximately 0.40 miles east of South Jackson Road, Extraterritorial Jurisdiction of the City of Pharr, Texas. *(2nd Reading)* **This item supports EV - Economic Vitality.** (DEVELOPMENT SERVICES)

F) Consideration and action, if any, on street closure request from Rick's Quick Stop for their Annual Customer Appreciation Day on November 19, 2022 from 3:00 p.m. to 6:00 p.m. **This item supports EV - Economic Vitality.** (ADMINISTRATION)

G) Consideration and action, if any, on request from American Legion Post 101 for the usage of the large hall at the Jose "Pepe" Salinas Recreation Center for twelve (12) events during the calendar year 2023. **This item supports QL - Quality of Life. (PARKS)**

H) Consideration and action, if any, on Development Services Cases:

1. Ruben Pacheco representing Encarlen, LTD, owner, has filed with the Planning and Zoning Commission a request for a Change of Zone from General Business District (C) to Townhouse Residential District (R-TH). The property is legally described as being 0.22 acres more or less, out of Lot 8, Block 9, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property is physically located within the 2500-2600 Block of South Salamanca Street. **This item supports EV - Economic Vitality.**

2. 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 Residential Multi-Family High Density District (R-MFHD). The property is legally described as being 0.28 acres, more or less, out of Lot 121, Kelly Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is physically located at 1506 West Heritage Drive. **This item supports EV - Economic Vitality.**

3. Elbow's Mac and Cheese Texas, LLC., has filed with the Planning and Zoning Commission a request for a 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 0.067 acres, more or less, out of Lot A, Medical Ridge Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1401 South Jackson Road, Suites 3 & 4. **This item supports EV - Economic Vitality.**

4. Tropical Snacks LLC., D/B/A Tropical Island has filed with the Planning and Zoning Commission a request for a Conditional Use Permit to allow the sale of alcoholic beverages for on premise consumption in a Heavy Commercial District (H-C). The property is legally described as being Lot B1, Northpoint Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1911 North Veterans Boulevard. **This item supports EV - Economic Vitality.**

5. I Cavazos Management, LLC., D/B/A Tropical Island #2, has filed with the Planning and Zoning Commission a request for a 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 Lot 2B, Re-subdivision of Lots 2 & 3, Jackson Ridge Court Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1801 West Ridge Road. **This item supports EV - Economic Vitality.**

REGULAR AGENDA - OPEN SESSION:

7. ORDINANCES AND RESOLUTIONS:

A) Consideration and action, if any, on Resolution authorizing the City of Pharr to enter into an agreement with the Texas Department of Transportation for closure of state roadways for public events. **This item supports QL - Quality of Life. (ADMINISTRATION)**

8. PURCHASING:

A) Consideration and action, if any, on the purchase of portable radios for the fire department from Motorola Solutions utilizing HGAC Contract RA05-21 in the amount of \$60,363.65. **This item supports SSC - Safe and Secure Community.** (FIRE)

9. CONTRACTS/AGREEMENTS:

A) Consideration and action, if any, on Amendment Number 1 to the Interlocal Agreement with the City of Alamo, City of San Juan, and Pharr-San Juan-Alamo (PSJA) Independent School District for the PSJA Tri-City Pedestrian Safety Improvements Project Phase I. **This item supports IF - Infrastructure.** (ENGINEERING)

B) Consideration and action, if any, on Amendment Number 6 in the amount of \$39,124.25 to the Professional Engineering Services Agreement with Structural Engineering Associates, Inc. (SEA) for the Pharr-Reynosa Bridge Expansion Presidential Permit Application. **This item supports IF - Infrastructure.** (ENGINEERING)

C) Consideration and action, if any, on Change Order Number 1 in the amount of \$37,288.96 for the purchase of one current model triple combination pumper for the fire department from Siddons Martin Emergency Group, LLC, utilizing BuyBoard contract number 651-21. **This item supports SSC - Safe and Secure Community.** (FIRE)

D) Consideration and action, if any, authorizing City Manager to extend the Service Contract with Denali Water Solutions, LLC from Russellville, AR for Sludge Management Services. **This item supports IF - Infrastructure.** (PURCHASING)

E) Consideration and action, if any, authorizing City Manager to renew the Service Contract with The Security Center, Inc. from Dallas, Texas for the preventative maintenance of the Drive-Thru lanes at City Hall and Communications Sub-Station. **This item supports SE - Service Excellence.** (PURCHASING)

F) Consideration and action, if any, on renewal of agreement between City of Pharr and the Pharr Community Theatre FY2022-2023 **This item supports QL - Quality of Life.** (LIBRARY)

G) Consideration and action, if any, ratifying renewal of License Agreement between City of Pharr and Bert Ogden Arena. **This item supports EV - Economic Vitality.** (ADMINISTRATION)

H) Consideration and action, if any, on renewal of Interlocal Agreement between the Pharr Police Department and South Texas Auto Theft Task Force. **This item supports SSC - Safe and Secure Community.** (POLICE)

I) Consideration and action, if any, on Memorandum of Understanding between Hidalgo Police Department and Pharr Police Department over Jurisdictional and Interagency Support. **This item supports SSC - Safe and Secure Community.** (POLICE)

J) Consideration and action, if any, authorizing City Manager to enter into a lease agreement with KYOCERA Document Solutions Southwest, LLC out of Irving, TX for leased multi-function printers including maintenance plan for city departments utilizing OMNIA Partners Co-op contract number R191102. **This item supports IF - Infrastructure.** (IT)

K) Consideration and action, if any, authorizing City Manager to enter into an agreement with Calix, Inc for the implementation of Support Cloud Operations software for [TeamPharr.Net](#). **This item supports IF - Infrastructure.** (IT)

L) Consideration and action, if any, authorizing City Manager to award Request for Proposal (RFP) for External Financial Auditor services for Fiscal Year 2021-2022. **This item supports SG - Sound Governance and Fiscal Sustainability.** (FINANCE)

M) Consideration and action, if any, authorizing City Manager to negotiate and enter into an agreement with Nsure HealthCare Services, INC., patient demographic software. **This item supports EV - Economic Vitality.** (EMERGENCY MEDICAL SERVICES)

10. LEGAL:

A) Consideration and possible action on items discussed in closed session relating to the pending litigation City of Pharr v. N. Cage Foods, LLC et. al., in the 92nd Judicial District Court of Hidalgo County, Cause No. C-0078-21-A; and Xoticas Rio Grande Valley, L.P. v. City of Pharr et al; in the United States District Court for the Southern District of Texas Laredo Division, Civil Action No. 5:21-CV-00120. (LEGAL)

11. 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:*

AGENDA REGULAR MEETING
October 17, 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.

1. Attorney client consultation pursuant to Section 551.071 to discuss the pending litigation City of Pharr v. N. Cage Foods, LLC et. al., in the 92nd Judicial District Court of Hidalgo County, Cause No. C-0078-21-A; and Xoticas Rio Grande Valley, L.P. v. City of Pharr et al; in the United States District Court for the Southern District of Texas Laredo Division, Civil Action No. 5:21-CV-00120. (LEGAL)

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.

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.

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

13. 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. 1016 / 1007 or FAX 956-702-5313 or E-mail hilda.pedraza@pharr-tx.gov and imelda.perez@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 14th day of October 2022 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 14th day of October 2022

Hilda Pedraza

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: _____