



**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 4:40 PM ON
MONDAY, DECEMBER 12, 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 Resolution authorizing contract for the lease of Jackson Place Apartments (ADMINISTRATION)

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.*

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**

AGENDA SPECIAL MEETING
December 12, 2022

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.

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.

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
December 12, 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 9th day of December 2022 at 4:10 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 9th day of December 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: December 9, 2022

MEETING DATE: December 12, 2022

FROM: Hilda Pedraza, City Clerk

DEPARTMENT: Administration

DIRECTOR: Anali Alanis

Agenda Item: Consideration and action, if any, on Resolution authorizing contract for the lease of Jackson Place Apartments

Classification: Regular

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

Issue: Contract for Lease Jackson Place Apartments

Fiscal Consideration:

Staff Recommendation: Approval.

Alternatives: N/A

Exclude Material from Public Packet? No

Reason: N/A

ROUTING:

Hilda Pedraza
Karla Saavedra
Patricia Rigney
City Management Office

Created/Initiated - 12/9/2022
New -

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PHARR, TEXAS AUTHORIZING THE APPROVAL OF THE PROPOSED CONTRACT FOR LEASE (JACKSON PLACE APARTMENTS) BY AND AMONG THE PHFC JACKSON PLACE APARTMENTS, A TXAS NONPROFIT CORPORATION, PHARR PUBLIC FACILITY CORPORATION #1, A TEXAS NONPROFIT PUBLIC FACILITY CORPORATION, AND JVI PHARR, LLC, A COLORADO LIMITED LIABILITY COMPANY (TOGETHER WITH ITS ASSIGNS).

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, PHFC Jackson Place Apartments, a Texas nonprofit corporation (the "PHFC") is a Texas nonprofit corporation and is duly organized and existing under the laws of the State of Texas; and

WHEREAS, Pharr Public Facility Corporation #1, is a Texas nonprofit public facility corporation (the "PPFC#1") and is duly organized under the laws of the State of Texas; and

WHEREAS, PHFC is the fee simple owner of certain real property located in Pharr, Hidalgo County, Texas, described in Exhibit "A" which is attached hereto and incorporated herein for all purposes (the "Property"); and

WHEREAS, the PHFC desires to enter into a certain Contract for Lease as owner, PPFC#1, as purchaser and lessor or landlord, and JVI Pharr, LLC, a Colorado limited liability company, as lessee or tenant, a copy of which is attached hereto as Exhibit "B" and incorporated herein for all purposes (the "Contract for Lease"); and

WHEREAS, the real property made the basis of the Lease is the Property referred to herein above and;

WHEREAS, pursuant to the authority granted by the Texas Local Government Code, the City desires to approve the Contract for Lease (Jackson Place Apartments); and

WHEREAS, based on the foregoing, the City Council of the City of Pharr finds and determines that the Contract for Lease benefits the public interest.

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

SECTION 1. That the City Council 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 Council approves the terms and provisions of the Contract for Lease

attached hereto and incorporated herein, and pursuant there to City Council approves the following with respect to the Contract for Lease:

- a. The President, any Vice President, the Secretary, the Treasurer, the Executive Director, any Assistant Secretary, or any of them, of the PHFC are hereby authorized to execute any and all documentation relating to the Contract For Lease.
- b. The President, any Vice President, the Secretary, any Assistant Secretary, the Treasurer, or any of them, and, if required by the form of the document, the Secretary and any Assistant Secretary, or any of them, of the PHFC are authorized and directed to modify, execute and deliver any of the documents to be signed by or consented to by the PHFC, and any and all certificates and other instruments necessary to carry out the intent thereof and hereof. The President, any Vice President, the Secretary, the Treasurer, any Assistant Secretary or any of them, are authorized to negotiate and approve such changes in, or additions to, the terms of any of the documents, including amendments, renewals, and extensions, as such officers shall deem necessary or appropriate upon the advice of counsel to PHFC and approval of the terms of any of the documents by such officers and the Board shall be conclusively evidenced by the execution and delivery of such documents.
- c. The officers of the Board, or any of them, of the PHFC are authorized to take any and all action necessary to carry out and consummate the transactions described in or contemplated by the documents approved hereby or otherwise to give effect to the actions authorized hereby and the intent hereof.
- d. The President, any Vice President, the Secretary, the Treasurer, the Executive Director, any Assistant Secretary, or any of them, of the PPFC#1 are hereby authorized to execute any and all documentation relating to the Contract For Lease.
- e. The President, any Vice President, the Secretary, any Assistant Secretary, the Treasurer, or any of them, and, if required by the form of the document, the Secretary and any Assistant Secretary, or any of them, of the PPFC#1 are authorized and directed to modify, execute and deliver any of the documents to be signed by or consented to by the PPFC#1, and any and all certificates and other instruments necessary to carry out the intent thereof and hereof. The President, any Vice President, the Secretary, the Treasurer, any Assistant Secretary or any of them, are authorized to negotiate and approve such changes in, or additions to, the terms of any of the documents, including amendments, renewals, and extensions, as such officers shall deem necessary or appropriate upon the advice of counsel to PPFC#1 and approval of the terms of any of the documents by such officers and the Board shall be conclusively evidenced by the execution and delivery of such documents.
- f. The officers of the Board, or any of them, of the PPFC#1 are authorized to take any and all action necessary to carry out and consummate the transactions described in or contemplated by the documents approved hereby or otherwise to give effect to the actions authorized hereby and the intent hereof.

SECTION 3. That the City Council approves the terms and provisions of the Contract for Lease attached hereto as Exhibit "B" and incorporated herein

PASSED AND APPROVED this _____ day of _____, 2022, by the Board of Commissioners of the City of Pharr, Texas.

CITY OF PHARR

Ambrosio Hernandez, Mayor

ATTEST:

Hilda Pedraza, City Clerk

EXHIBIT "A"

Jackson Place Subdivision - Being a 15.70-acre tract of land out of Lot Six (6), Block Five (5) A.J. McColl Subdivision, Pharr, Hidalgo County Texas. Recorded in the Hidalgo Country Map records on February 14, 2017, at 11:54 am, Instrument Number 2787139.

Physical Address being 1701 W. Sioux Road, Pharr, Hidalgo County Texas, 78577.

EXHIBIT “B”

(Attach Copy of Contract for Lease)



AGENDA MEMORANDUM



BOARD: City Commission

AGENDA ITEM #:

DATE SUBMITTED:

MEETING DATE: December 12, 2022

FROM: Hilda Pedraza, City Clerk

DEPARTMENT: Administration

DIRECTOR:

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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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