



**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, JANUARY 16, 2023**

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 January 2023 as Human Trafficking Awareness and Prevention Month. (POLICE)

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

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B) **Public Hearing:** Solicitation of comments from the general public on the Voluntary Annexation of 17.425 acres of land, more or less, out of Lots 6 and 7, out of the Re-subdivision of Closner Subdivision, generally located on the northeast corner of South Veterans Boulevard and East Military Highway, Extraterritorial Jurisdiction (ETJ) of the City of Pharr, Texas. **This item supports EV - Economic Vitality.** (DEVELOPMENT SERVICES)

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) City Events of Interest

B) Submission of Sales Tax Collection Report for January 2023.

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 January 3, 2023 Regular Called Meeting. **This item supports SG - Sound Governance and Fiscal Sustainability.** (ADMINISTRATION)

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

1. Sr. Cruda Ceviche and Micheladas, LLC., is requesting renewal of the 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 0.035 acres, more or less, out of Lot 1, Tropic Star Commercial Plaza, Phase I Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1501 South Cage Boulevard, Suite A. CUP#211065. **This item supports EV - Economic Vitality.** (DEVELOPMENT SERVICES)

2. 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 1.27 acre tract of land, more or less, out of Lot 1, Top Golf Pharr Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1901 West Interstate Highway 2. CUP#170846. **This item supports EV - Economic Vitality.** (DEVELOPMENT SERVICES)

REGULAR AGENDA - OPEN SESSION:

7. ORDINANCES AND RESOLUTIONS:

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A) Consideration and action if any, on Resolution authorizing the City of Pharr to execute an Interlocal Agreement with the County of Hidalgo for the Scofflaw Program. **This item supports SSC - Safe and Secure Community.** (MUNICIPAL COURT)

B) Consideration and action, if any, on Ordinance appointing a Deputy City Attorney-Prosecutor for the Pharr Municipal Court (Adoption on One Reading). **This item supports SG - Sound Governance and Fiscal Sustainability.** (LEGAL)

C) 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 17.425 acres of land, more or less, out of Lots 6 and 7, out of the Re-subdivision of Closner Subdivision, generally located on the northeast corner of South Veterans Boulevard and East Military Highway, Extraterritorial Jurisdiction of the City of Pharr, Texas. (1st Reading) **This item supports EV - Economic Vitality.** (DEVELOPMENT SERVICES)

8. ADMINISTRATIVE:

A) Consideration and action, if any, on Petition for request for election services pursuant to Section 31.095 of the Election Code. **This item supports SG - Sound Governance and Fiscal Sustainability.** (LEGAL)

B) Consideration and action, if any, on submission of the Substantial Budget and Program Amendment to the City of Pharr's Annual Action Plan for Program Years 2019 and 2020 and Citizen Participation Plan. **This item supports QL - Quality of Life.** (GMCD)

C) Consideration and action, if any, on the Proposed Expenditure Allocation Budget from the American Rescue Plan Act (ARPA) funding. **This item supports SG - Sound Governance and Fiscal Transparency.** (FINANCE)

9. PURCHASING:

A) Consideration and action, if any, on Change Order Number One in the amount of \$1,533.70 for the purchase of Seven (7) Mobile Data Terminals for use by the Fire Department on front line fire apparatus from GTS Technology Solutions out of Austin, TX utilizing Texas Department of Information Resources (DIR) Cooperative Purchasing Contract for a revised purchase amount of \$83,244.92. **This item supports SSC - Safe and Secure Community.** (FIRE)

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B) Consideration and action, if any, authorizing the Pharr Police Department to purchase 10 APX 6000 Motorola portable radios from Motorola Solutions utilizing HGAC Buy contract No. RA05-21. **This item supports SSC - Safe and Secure Community.** (POLICE)

10. CONTRACTS/AGREEMENTS:

A) Consideration and action, if any, on Service Agreement with the Deaf and Hard of Hearing Center for Sign Language interpreting services. **This item supports QL - Quality of Life.** (ADMINISTRATION)

B) Consideration and action, if any, on award of a supply contract for the purchase of Structural Firefighting Personal Protective Equipment for the Fire Department to multiple vendors. **This item supports SSC - Safe and Secure Community.** (FIRE)

C) Consideration and action, if any, on Change Order No. 1 in the amount of \$598,863.20 to the Professional Engineering Services Agreement with Cobb Fendley & Associates, Inc. for the City Wide Fiber Optic Project, TeamPharr.Net for additional scope of work **(TABLED)**. **This item supports IF - Infrastructure.** (IT)

D) Consideration and action, if any, on Property Access Agreement with Dragados/Pulice Joint Venture. **This item supports QL - Quality of Life.** (EMERGENCY MEDICAL SERVICES)

E) Consideration and action, if any, authorizing City Manager to terminate the contract for Sewer CCN Assistance with Freese and Nichols Inc. **This item supports IF - Infrastructure.** (PUBLIC UTILITIES)

F) Consideration and action, if any, on Agreement with Bickerstaff Heath Delgado Acosta, LLP for legal services for Pharr's Certificate of Convenience and Necessity (CCN). **This item supports QL - Quality of Life.** (ADMINISTRATION)

11. LEGAL:

A) Consultation with Legal and action, if any, on Attorney General Opinions OR2022-39154 and OR2022-38910. (ADMINISTRATION)

B) Attorney consultation pursuant to Section 551.071, Texas Gov't Code to receive legal advice in pending litigation styled and numbered, Xoticas RGV, LP vs City of Pharr, et. al., Case No. 5: 21-CV-00120 (USDC – SD – LAREDO DIVISION), and related legal issues. (LEGAL)

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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.

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:

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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 13th day of January 2023 at 3:45 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 13th day of January 2023

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: _____