



**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, APRIL 17, 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 the week of April 23-29, 2023 as National Crime Victims' Rights Week. (ADMINISTRATION)

B) Proclamation proclaiming the week of April 23-29 as National Library Week. (LIBRARY)

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.

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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 April 2023. **This item supports SG - Sound Governance and Fiscal Sustainability.**

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

1. Taqueria Tepeque Express, 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 0.041 acres, more or less, out of Lot 2, Hacienda Santa Lucia Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 701 East Nolana Loop, Suite #3A. CUP#230384 **This item supports EV - Economic Vitality.** (DEVELOPMENT SERVICES)

2. Emigdio "Milo" Salinas, P.E., representing Blu-Man Investments, LLC. 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 Limited Industrial District (L-I). The property is legally described as being 17.425 acres, more or less, out of Lot 6 and Lot 7, out of Re-subdivision of Closner Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is within the 10400 Block of South Veterans Boulevard. COZ#230382 **This item supports EV - Economic Vitality.** (DEVELOPMENT SERVICES)

3. Al Yazji Development LLC., representing ASAS ECO LLC., owners, 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 General Business District (C). The property is legally described as being 6.987 acres, more or less, out of Lot 7, Block 4, A.J. McColl Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 4800 North Jackson Road. COZ#230385 **This item supports EV - Economic Vitality.** (DEVELOPMENT SERVICES)

4. Macumba Paradise, LLC., d/b/a La Cabaña Sinaloense, 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 Lot 97, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is physically located at 1209 East Nolana Loop. CUP#160736 **This item supports EV - Economic Vitality.** (DEVELOPMENT SERVICES)

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5. LEM Group LLC, d/b/a The Bridge Bar, 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 0.099-acre tract of land, more or less, out of Lots 1 & 2, Luvil LLC Estates Subdivision, Pharr, Hidalgo County, Texas. The property is physically located at 508 West IH-2 Suites 12 & 13. CUP#210741 **This item supports EV - Economic Vitality.** (DEVELOPMENT SERVICES)

REGULAR AGENDA - OPEN SESSION:

7. ORDINANCES AND RESOLUTIONS:

A) Consideration and action, if any, on Ordinance amending Ordinance No. O-2023-09 Rental of Facilities (1st Reading). **This item supports QL - Quality of Life.** (PARKS)

B) Consideration and action, if any, on Ordinance amending Ordinance Nos. O-2023-11 and O-2023-14 appointing Presiding and Alternate Judges for the General Municipal Election on Saturday, May 6, 2023 (*Adoption on One Reading*). **This item supports SG - Sound Governance and Fiscal Sustainability.** (ADMINISTRATION)

C) Consideration and action, if any, on Resolution executing Amendment Number 1 to the Advance Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) for I Road, from Rancho Blanco to Dicker Road, Control Section Job (CSJ) Number 0921-02-363. **This item supports IF - Infrastructure.** (ENGINEERING)

D) Consideration and action, if any, on Resolution regarding AEP Texas Distribution Cost Recover Factors (DCRF) application and authorizing legal counsel to intervene and participate in the proceeding. **This item supports SG - Sound Governance and Fiscal Sustainability.** (ADMINISTRATION)

E) Consideration and action, if any, on Resolution appointing one (1) alternate member to the Planning and Zoning Commission. **This item supports SG - Sound Governance and Fiscal Sustainability.** (DEVELOPMENT SERVICES)

F) 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 a public purpose; establishing procedures for the acquisition of property; determining the estate to be acquired; establishing fair market value for the property to be acquired, and directing the city manager or designee to communicate offers to owners for purchase of property, appropriating funds, and authorizing condemnation proceedings by city attorney; ratification of prior acts. **This item supports QL - Quality of Life.** (ADMINISTRATION)

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G) Consideration and action, if any, on Resolution declaring two (2) surplus vehicles from the Emergency Medical Services (EMS) Department. **This item supports SG - Sound Governance and Fiscal Sustainability.** (EMERGENCY MEDICAL SERVICES)

8. CONTRACTS/AGREEMENTS:

A) Consideration and action, if any, on contract between City of Pharr and Garry Moore Amusements for carnival rides for the 2023 HubPhest. **This item supports QL - Quality of Life.** (ADMINISTRATION)

9. LEGAL:

A) Consultation with Legal on Xoticas Rio Grande Valley, L.P., et al, vs. The City of Pharr, et al. Civil Action No. 5:21-CV-00120. (LEGAL)

10. 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.

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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.

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

12. 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 April 2023 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 April 2023


HILDA PEDRAZA, TRMOCMC
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: _____