



**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, AUGUST 4, 2025**

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 August 2025 as UTRGV's 10th Year Anniversary Month.

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) City Engineer's Report

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 July 21, 2025 - Regular Called Meeting. **This item supports SG - Sound Governance and Fiscal Sustainability.** (ADMINISTRATION)

B) Consideration and action, if any, on Ordinance amending Ordinance No. O-2024-06 updating Procurement Policy Manual. **(2nd Reading) This item supports SE - Service Excellence.** (PURCHASING)

C) Consideration and action, if any, on Ordinance amending Ordinance No. O-2024-07 updating Procurement Card Policy Manual **(2nd Reading) This item supports SE - Service Excellence.** (PURCHASING)

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

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

1. Umiya Sushi Pharr, Inc., d/b/a Umiya Sushi, 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. The property is legally described as being Lots 4-A and 5-A, of Lots 4-A, 5-A, 6-A & 7-A, Paradise Commercial Park, an addition to the City of Pharr, Hidalgo County, Texas. The property is physically located at 601 South Jackson Road. CUP#250706 **This item supports EV - Economic Vitality.**

2. Antonio Rodriguez and Sylvia Rodriguez, d/b/a Verona Event Center II, LLC., are requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption. The property is legally described as being Lots 2 and 3, Maco Business Center Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 109 East Ferguson Avenue. CUP#100623 **This item supports EV - Economic Vitality.**

3. Double D's Nightlife Holdings LLC., DBA El Toxico Drive Thru, is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption. The property is legally described as being all of Lot 184, Valle De La Primavera Subdivision an Addition to the City of Pharr, Hidalgo County, Texas. The property is physically located at 6911 South Jackson Road. CUP#240612 **This item supports EV - Economic Vitality.**

F) PLATS:

1. Spoor Engineering Consultants, Inc., representing Adolfo Lozano, Agent for ASL Leasing, LLC., a Texas Limited Liability Company, is requesting final plat approval of the proposed Beamsley Subdivision, Lots 51A and 51B. The property is legally described as being a Replat of Lot 51, Pharr, Hidalgo County, Texas. The property is located within the 1100 Block of West Eisenhower Street. SUB#221034 **This item supports EV - Economic Vitality.**

2. Spoor Engineering, representing Ouida J. Hamlin, Trustee, Poncho's Holding, LLC, A Texas Limited Liability Company, is requesting final plat approval of the proposed SRS Subdivision. The property is legally described as being a 3.06 acre tract of land out of that portion of the South 330.0 feet of Lot 117, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 3700 Block of North IH 69C. SUB#250513 This item supports EV - Economic Vitality.

REGULAR AGENDA - OPEN SESSION:

7. ORDINANCES AND RESOLUTIONS:

A) Consideration and action, if any, on Ordinance creating Office of City Clerk Department. **(1st Reading) This item supports SG - Sound Governance and Fiscal Sustainability.** (ADMINISTRATION)

B) Consideration and action, if any, on Ordinance creating the Food Services Department. **(1st Reading) This item supports SG - Sound Governance and Fiscal Sustainability.** (ADMINISTRATION)

C) Consideration and action, if any, on Ordinance directing the City Manager to vacate, abandon, and close a 10 ft. by 270.29 ft. Alley Easement, consisting of 0.06 of an acre (2,702.90 square feet) located on Lot 14, Block 160, L.R. Bell Development "E", Pharr, Hidalgo County, Texas **(1st Reading). This item supports EV - Economic Vitality.** (DEVELOPMENT SERVICES)

D) Consideration and action, if any, on Resolution adopting the City of Pharr's One-Year Action Plan for Program Year 2025 to the U.S. Department of Housing and Urban Development (HUD). **This item supports QL-Quality of Life.** (GMCD)

8. ADMINISTRATIVE:

A) Presentation on the City of Pharr's Baldrige Journey to Excellence. **This item supports SE - Service Excellence.** (OSE)

9. PURCHASING:

A) Consideration and action, if any, on the purchase of Shaftless Screw Conveyor for Public Utilities from A-Squared Water Treatment, LLC from Edinburg, Texas in the amount of \$150,000.00 (The Interlocal Purchasing System #250104). **This item supports IF - Infrastructure.** (PUBLIC UTILITIES)

10. CONTRACTS/AGREEMENTS:

A) Consideration and action, if any, on a lease agreement between the City of Pharr and Seventh-Day Adventist Church for the use of parking lot. **This item supports QL - Quality of Life.** (IT)

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:*

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.

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 1007 or FAX 956-475-3442 or Email cityclerksoffice@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 1st day of August 2025 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 1st day of August 2025



IMELDA PEREZ, TRMC
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,

Name: _____

Title: _____



AGENDA MEMORANDUM



BOARD: BOARD OF COMMISSIONERS

AGENDA ITEM #: 2.A.

DATE SUBMITTED: July 25, 2025

MEETING DATE: August 4, 2025

FROM: Alessandra Garcia, Assistant City Clerk

DEPARTMENT: Administration

DIRECTOR: Imelda Perez

Agenda Item: Proclamation proclaiming August 2025 as UTRGV's 10th Year Anniversary Month.

Classification: Regular

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

Issue: Proclamation proclaiming August 2025 as UTRGV's 10th Year Anniversary Month.

Fiscal Consideration: N / A

Staff Recommendation: Presentation of Proclamation

Alternatives: N / A

Exclude Material from Public Packet? No

Reason: N / A

ROUTING:

Alessandra Garcia

Imelda Perez

City Management Office

Created/Initiated - 07/25/2025

Approved - 08/01/2025

Final Approval - 08/01/2025

Proclamation



WHEREAS, The University of Texas Rio Grande Valley is celebrating its 10th year anniversary in August 2025, known for its broad range of academic programs, affordable tuition, and supportive campus environment, The University of Texas Rio Grande Valley (UTRGV) is an award-winning institution that has conveyed more than 60,000 degrees since opening its door in 2015; and

WHEREAS, significant accomplishments during the university's first decade of operation include adding 42 new bachelor's, master's, doctoral, and professional degree programs and an increase in research expenditures of nearly 600 percent; ongoing student success is reflected in the university's record-breaking enrollment, retention, and graduation rates; and

WHEREAS, this exemplary institution made historic strides in medical education when it opened the only school of medicine in South Texas in 2016, and it has since expanded quality health care services in the region with 25 clinical care sites throughout the Rio Grande Valley; and

WHEREAS, UTRGV opened the state's first School of Podiatric Medicine in 2022 and will further expand student opportunities with the opening of the region's first comprehensive academic cancer and surgery center in 2025 and the state's second School of Optometry in 2027; and

WHEREAS, in 2021, the university's student body voted for a Division I Football Championship Subdivision team, and in the fall of 2025, the football team will kick off its inaugural season and establish the first Division I college football program at the university and in the region; and

WHEREAS, UTRGV has earned national acclaim for its commitment to value, social mobility, and economic impact and was ranked the #1 university in Texas in 2023 and 2024 by Washington Monthly magazine and the #1 best public university in Texas for value and social mobility by The Wall Street Journal, and further gained recognition as a community engaged university by the Carnegie Foundation.

NOW THEREFORE, I, Ambrosio Hernandez, Mayor of the City of Pharr, Texas by the authority vested in me and on behalf of the City Commission, do hereby proclaim the month of August 2025 as:

“10th Year Anniversary of UTRGV”

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Pharr to be affixed on this 4th day of August 2025.

CITY OF PHARR

Ambrosio Hernandez, Mayor

ATTEST:

Imelda Perez, City Clerk



AGENDA MEMORANDUM



BOARD: BOARD OF COMMISSIONERS

AGENDA ITEM #: 4.A.

DATE SUBMITTED: July 31, 2025

MEETING DATE: August 4, 2025

FROM: Alessandra Garcia, Assistant City Clerk

DEPARTMENT: Administration

DIRECTOR:

Agenda Item: Public hearing on development services cases

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:

Alessandra Garcia

Created/Initiated - 07/31/2025



AGENDA MEMORANDUM



BOARD: BOARD OF COMMISSIONERS

AGENDA ITEM #: 5.A.

DATE SUBMITTED: July 30, 2025

MEETING DATE: August 4, 2025

FROM: Maria Rangel, City Engineer

DEPARTMENT: Engineering

DIRECTOR: Pilar Rodriguez

Agenda Item: City Engineer's Report

Classification: Regular

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

Issue: N/A

Fiscal Consideration: N/A

Staff Recommendation: N/A

Alternatives: N/A

Exclude Material from Public Packet? No

Reason: N/A

ROUTING:

Maria Rangel
Pilar Rodriguez
City Management Office

Created/Initiated - 07/30/2025
Approved - 07/30/2025
Final Approval - 07/30/2025



Report on Capital Improvement Project Activity Construction – August 2025

**Interim City Engineer – Pilar Rodriguez, P.E.
Monday, August 04, 2025**



Pharr
Engineering



City Engineers Report

Engineer: Halff Associates, Inc.
Contractor: TBD
CM: Brownstone Consultants, LLC
Status:

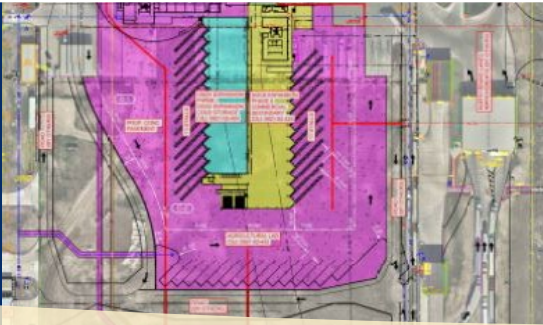
- Bid Opening for re-bid on Thur., June 20, 2024.
- Bid Analysis and recommendation sent to TxDOT for concurrence on Fri. July 05, 2024
- Received concurrence from TxDOT on Aug. 22, 2024.
- Awarded project at City Commission on Tue. Sept. 03, 2024.
- Pre-Construction Meeting was held on October 23, 2024.

Next Steps:

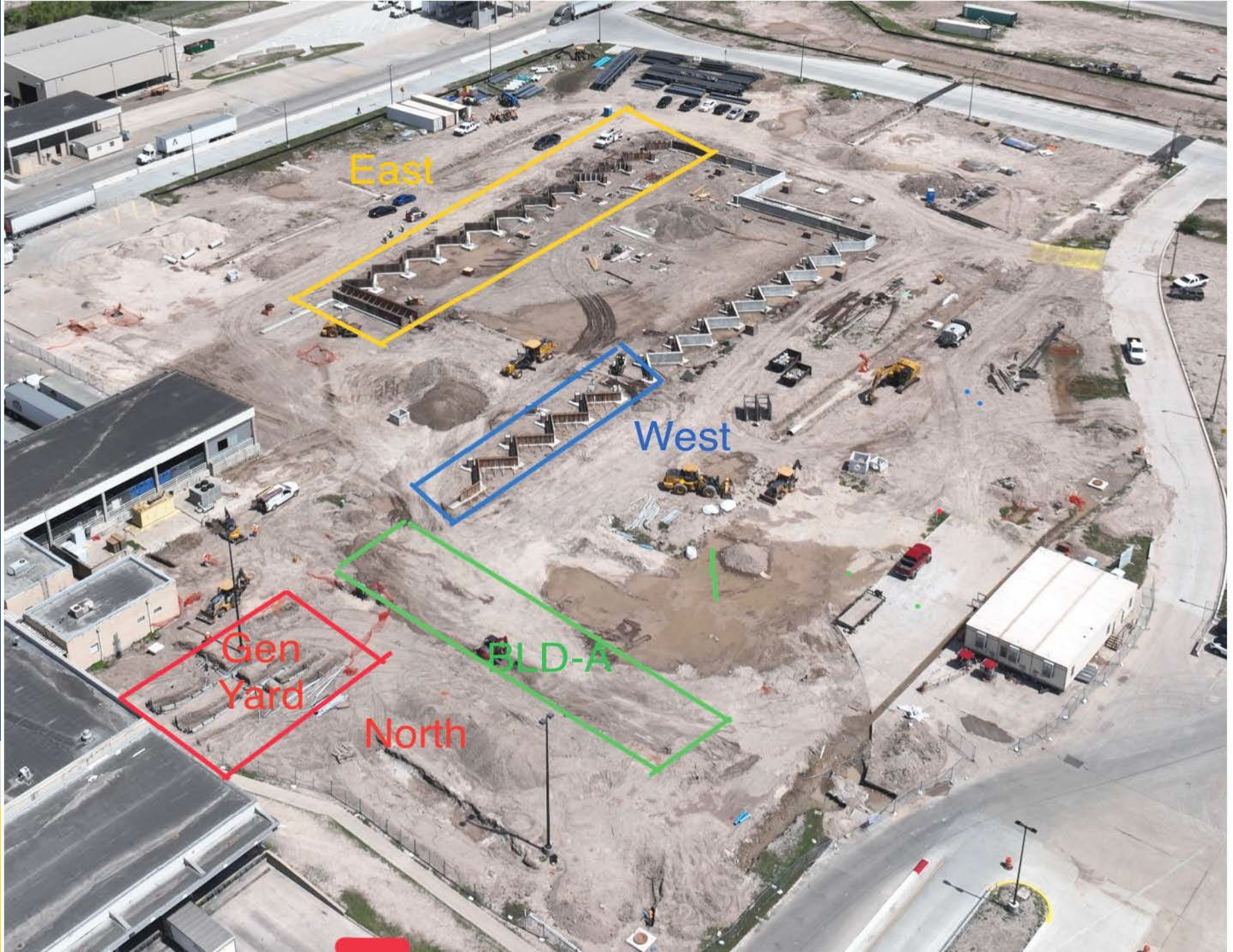
- Construction ongoing

Start Contract Time: November 04, 2024
Contract Time: 425 standard workweek days (22 mo.)
Time to Date (08/25/25): ~210 (49.4%)
End Contract Time: July 17, 2026 (latest schedule August 26, 2026)
Contract Amount: \$45,253,972.12
Change Orders: \$0
PCOs: 10, -\$65,808.44, +33 days
Total Paid to Date (1-8): \$9,614,391.07 (21.25%) (6/25/2025)
Latest Reimbursement Requests: #5 for \$1,888,418.99 (submitted 06/30/2025)

Month	Total Amount Paid to Date (%)	Total Time to Date (%)
November '24	1.0	3.5
December '24	1.7	8.7
January '25	5.1	14.1
February '25	9.2	19.1
March '25	12.2	23.8
April '25	14.8	29.2
May '25	16.6	34.1
June '25	21.3	39.5
July '25	TBD	44.5
August '25	TBD	49.4



Dock Expansion Phase I, II & Ag Lab (DAP FY 16)



East

West

Gen
Yard

SLD-A

North

Engineer: Structural Engineering Associates, Inc. (SEA)
CM: Brownstone Consultants, LLC
Contractor: IOC Company, LLC

Status:

- Project is under construction.
- OSB easements have been finalized. Light easements are being worked on.
- HCID No. 2 Agreement and Temporary Construction Permit were executed

Next Steps:

- Construction ongoing

Start Contract Time: August 05, 2024

Contract Time: 480 calendar days + 30 (int'l span, 2/25/25) + 15 (weather, SEJ, 5/19/2025) = 525

Time to Date (7/25/25): 385 calendar days (73.3%)

End Contract Time: January 12, 2026

Contract Amount: \$47,601,706.75

Change Orders: -\$824,457.60 (OSB, 2/25/25)
\$36,317.42 (SEJ, 05/19/2025)

Revised Contract: \$46,813,566.57

Total Paid to Date (1-11): \$23,753,628.99 (50.74%) (6/25/2025)

Latest Reimbursement Request: #10 (7/15/2025)

Month	Total Amount Paid to Date (%)	Total Time to Date (%)
August '24	5.63	4.17
September '24	6.92	10.63
October '24	9.98	16.88
November '24	15.83	23.33
December '24	20.02	29.58
January '25	23.14	36.04
February '25	28.40	42.5
March '25	34.26	45.49
April '25	40.25	51.6
May '25	46.42	57.45
June '25	50.74	61.71
July '25	TBD	67.43
August '25	TBD	73.33

International Bridge Expansion



Pharr
Engineering



DESIGN



07-15-2025 – Crews continue installing the overhang forms and railing.

International Bridge Expansion



Pharr
Engineering



DESIGN



07-25-2025 – Contractor poured 340.00 CY, covering a total area of 17,385 SF from Span 108-111.

International Bridge Expansion



Pharr
Engineering



DESIGN

Engineer: Javier Hinojosa Engineering
Contractor: NM Contracting LLC
CM: City of Pharr
Location: 10200 S. Juniper St.
Status:

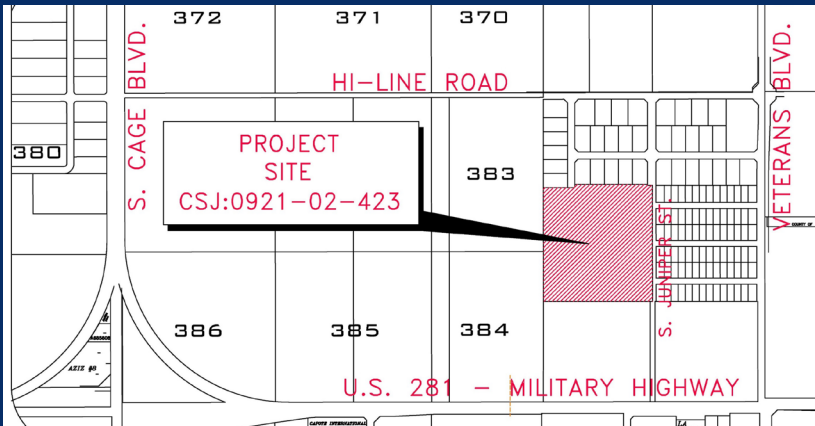
- Bid opening was on Thur., May 30, 2024, and a total of six (6) bids were received.
- City Commission awarded the project to NM Contracting on Monday, May 5, 2025
- Pre-Construction Meeting was held on Thursday, July 03, 2025.
- Contract time started Wednesday, July 16, 2025.

Next Steps:

- Contractor is clearing the property.

Start Contract Time: July 16, 2025
Contract Time: 275 standard workweek days
Time to Date (8/25/25): 28 (10.2%)
End Contract Time:
Contract Amount: \$11,888,058.76
Change Orders: \$0
Total Paid to Date: \$0.00
Latest Reimbursement Requests: \$0.00

Month	Total Amount Paid to Date (%)	Total Time to Date (%)
July '25	0.0	2.5
August '25	0.0	10.2



Commercial Vehicle Parking Area



DESIGN

Engineer: Garcia Infrastructure Consultants, LLC

Contractor: Mor-Wil, LLC

CM: City of Pharr

Notice to Proceed: September 16, 2024

Contract Time (MF): 450 calendar days (End December 10, 2025)

Time to Date (08/25/2025): ~343 days (76.2%)

Contract Amount: \$6,749,668.03

Change Orders: \$0

Current Contract: \$6,749,668.03

Total to Date (7/02/2025): \$1,832,803.47 (27%)

Description: Elimination of three lift stations and installation of gravity sanitary sewer lines in northwest and central Pharr.

Status: Construction is on-going. Contractor is working on W. El Dora Rd. and heading west towards N. Sugar Rd.

Month	Total Amount Paid to Date (%)	Total Time to Date (%)
September '24	0.0	2.0
October '24	0.0	8.7
November '24	0.0	15.6
December '24	0.0	22.2
January '25	0.0	29.1
February '25	10.4	36.0
March '25	18.3	42.2
April '25	22.2	49.1
May '25	22.2	55.8
June '25	22.2	62.7
July '25	27.2	69.3
August '25	TBD	76.2

Northwest & Central Collection System Improvements and Lift Station No. 1, 29 & 33 Elimination



Pharr
Engineering



CONSTRUCTION

WE ARE

**TEAM
PHARR**



DEPARTMENT MISSION STATEMENT

“To enhance health, safety and welfare in the City of Pharr by providing economical, responsive and effective professional engineering and GIS services for the planning, construction, and preservation of public infrastructure and improvement of quality of life.”



Pharr
Engineering



END



AGENDA MEMORANDUM



BOARD: BOARD OF COMMISSIONERS

AGENDA ITEM #: 5.B.

DATE SUBMITTED: August 1, 2025

MEETING DATE: August 4, 2025

FROM: Alessandra Garcia, Assistant City Clerk

DEPARTMENT: Administration

DIRECTOR:

Agenda Item: City Events of Interest

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:

Alessandra Garcia

Created/Initiated - 08/01/2025



AGENDA MEMORANDUM



BOARD: BOARD OF COMMISSIONERS

AGENDA ITEM #: 6.A.

DATE SUBMITTED: August 1, 2025

MEETING DATE: August 4, 2025

FROM: Alessandra Garcia, Assistant City Clerk

DEPARTMENT: Administration

DIRECTOR: Imelda Perez

Agenda Item: Approval of Minutes for July 21, 2025 - Regular Called Meeting.
This item supports SG - Sound Governance and Fiscal Sustainability.

Classification: Consent

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

Issue: Approval of Minutes for July 21, 2025 - Regular Called Meeting.

Fiscal Consideration: N / A

Staff Recommendation: Staff recommends approval of minutes as presented.

Alternatives: N / A

Exclude Material from Public Packet? No

Reason: N / A

ROUTING:

Alessandra Garcia
Imelda Perez
City Management Office

Created/Initiated - 08/01/2025
Approved - 08/01/2025
Final Approval - 08/01/2025

**MINUTES
BOARD OF COMMISSIONERS
REGULAR CALLED MEETING
MONDAY, JULY 21, 2025
118 SOUTH CAGE 2nd FLOOR**

The Board of Commissioners of the City of Pharr, Texas, met in a Regular Called Meeting on Monday, July 21, 2025 and following is the record of attendance.

BOARD OF COMMISSIONERS PRESENT: Comm. Michael Pacheco
Comm. Roberto Carrillo
Comm. Ramiro Caballero
Comm. Ricardo Medina
Comm. Daniel Chavez
Comm. Itza Flores

BOARD OF COMMISSIONERS ABSENT: Mayor Ambrosio Hernandez

STAFF PRESENT: Jonathan Flores, City Manager
David Friedlein, Assistant City Manager
Cynthia Garza, Assistant City Manager
Hilda Pedraza, Assistant City Manager
Imelda Perez, City Clerk
Pilar Rodriguez, Interim City Engineer
Jamison Merrick, Finance Director
Veronica Ramirez, HR Director
Juan Villescas, Municipal Court Judge
Juan Gonzalez, Chief of Police
Pilar Rodriguez, Fire Chief
Roland Gomez, Code Compliance Director
Kimberly Mendoza, Dev. Svcs. Director
Luis Marin, Public Works Director
Melanie Cano, O.S.E. Director
Ruben Rosales, Public Utilities Director
Isaac Escobedo, Parks & Rec. Asst. Director
Adolfo Garcia, Library Director
Jose Pena, I.T. Director
Javier Martinez, Bridge Assistant Director
Maritza Magallan, Interim Purchasing Dir.
Daniel Ramirez, EMS Chief
Yuri Gonzalez, Chief Comm. Officer
Kenneth Ennis, P.S. Communications Dir.
Niko Tapangan, Public Health Director
Victor Perez, PEDC Director
Abel Molina, Interim Special Events Director
Elizabeth Diaz, Grants Management Director

CITY ATTORNEY

Ricardo Rodriguez III, City Attorney

July 21, 2025

ITEM 1. CALL TO ORDER

A) ROLL CALL AND POSSIBLE ACTION ON THE EXCUSING OF ANY ABSENT MEMBER OF THE GOVERNING BOARD.

Mayor Pro Tem Pacheco called the meeting to order at 4:00 p.m. Roll call established a quorum.

Comm. Carrillo moved to excuse absent members. Comm. Medina seconded the motion and when put to a vote, it carried unanimously.

B) PLEDGE OF ALLEGIANCE/INVOCATION

David Friedlein, Assistant City Manager, led the pledge of allegiance and said the invocation.

ITEM 2. PUBLIC TESTIMONY

There were no comments from the public.

ITEM 3. CITY MANAGER'S REPORTS

A) SUBMISSION OF SALES TAX COLLECTION REPORT FOR APRIL, MAY, JUNE AND JULY 2025.

Jonathan Flores, City Manager, introduced the item. He briefly reported the City of Pharr showed an increase of 5.14% year to date true growth for the month of April, an increase of 4.36% year to date true growth for the month of May, an increase of 4.27% year to date true growth for the month of June, and an increase of 3.70% year to date true growth for the month of July 2025.

Jonathan Flores, City Manager, further stated Jamison Merrick, Finance Director, was in the audience and questions could be entertained at this time.

B) RECOGNITION OF GRADUATES FROM THE CERTIFIED PUBLIC MANAGER PROGRAM (CPM).

Jonathan Flores, City Manager, introduced the item. He congratulated Danny Ramirez, Jose Pena, Juan Gonzalez, Kimberly Mendoza, Luis Marin, Roland Gomez, Ruben Rosales, Sergio Alanis, and Sergio Vasquez for successful completing the Certified Public Manager Program from the University of Texas Rio Grande Valley.

C) CITY EVENTS OF INTEREST

Jonathan Flores, City Manager, called upon Yuri Gonzalez, Chief Communications Officer, for a report on upcoming city events.

July 21, 2025

Yuri Gonzalez, Chief Communications Officer, presented video recap of the Kerr County Pharr Emergency Response during the devastating flooding that took place in the Hill Country region in July 2025. She further presented video recaps of the Pet Wellness Fair on Saturday, July 12, 2025, and the Fresh on the Border Conference and Avocado Festival Artist Lineup Promo that took place on July 17, 2025.

Yuri Gonzalez, Chief Communications Officer, reported the Red Sand Project event hosted by the Pharr Police Department would take place on Wednesday, July 23, 2025 at Pharr City Hall at 3:00 p.m. She stated this event was to raise awareness about Human Trafficking and encouraged the public to attend.

Yuri Gonzalez, Chief Communications Officer, further reported Development Services would host the Our Pharr, Our Future Open House on July 24, 2025 from 5:00 p.m. to 7:00 p.m. at the Pharr Development and Research Center. She stated this would allow residents to provide input on future city projects and the opportunity to meet with city staff.

Yuri Gonzalez, Chief Communications Officer, also reported the annual Pharr Night Out event would take place on Tuesday, August 5, 2025 at Pharr Town Center – Main Event parking lot from 6:00 p.m. to 10:00 p.m. and stated there would be music, food, family fun, market vendors. She extended an invitation to everyone to attend.

Lastly, Yuri Gonzalez, Chief Communications Officer, reported the Night Under the Stars – Kids Edition event would take place on Friday, August 8, 2025 at City Hall Amphitheater at 8:00 p.m. She stated there would be live music, snacks, face painting and invited the public to attend.

ITEM 4. CONSENT AGENDA

- A) APPROVAL OF MINUTES FOR JULY 07, 2025 - REGULAR CALLED MEETING. THIS ITEM SUPPORTS SG - SOUND GOVERNANCE AND FISCAL SUSTAINABILITY. (ADMINISTRATION)**
- B) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NO. O-2021-09 STANDARDS MANUAL CONSTRUCTION AND DEVELOPMENT GUIDE. (3RD AND FINAL READING) THIS ITEM SUPPORTS EV - ECONOMIC VITALITY. (DEVELOPMENT SERVICES)**
- C) CONSIDERATION AND ACTION, IF ANY, AMENDING RESOLUTION NO. R-2024-17 FOR THE FY2025 OPERATION LONE STAR GRANT PROGRAM (GRANT #5059901), TO INCLUDE A REQUIRED ASSURANCE CLAUSE AS REQUESTED BY THE OFFICE OF THE GOVERNOR AND TO UPDATE THE CERTIFYING CITY CLERK. THIS ITEM SUPPORTS SSC - SAFE AND SECURE COMMUNITY. (POLICE)**

July 21, 2025

- D) **CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION AUTHORIZING PHARR POLICE DEPARTMENT TO SUBMIT AN APPLICATION TO THE OFFICE OF THE GOVERNOR PUBLIC SAFETY OFFICE (PSO) FOR THE FY2026 OPERATION LONE STAR GRANT PROGRAM (GRANT #5059902). THIS ITEM SUPPORTS SSC - SAFE AND SECURE COMMUNITY. (POLICE)**
- E) **CONSIDERATION AND ACTION, IF ANY, ON AMENDMENT NUMBER 3 WITH RRP CONSULTING ENGINEERS FOR THE HI-LINE EAST AND WEST ROAD PROFESSIONAL ENGINEERING SERVICE PROJECT IN THE AMOUNT OF \$238,261.92 THIS ITEM SUPPORTS INFRASTRUCTURE - IF. (ENGINEERING)**
- F) **PLATS:**
1. **PABLO SOTO JR., P.E., REPRESENTING ENRIQUE CASAS JR. AND LUZ VIRGINIA CASAS, OWNERS, REQUESTED FINAL PLAT APPROVAL OF THE PROPOSED RICK'S FOOD COURT STATE AVENUE SUBDIVISION. THE PROPERTY IS LEGALLY DESCRIBED AS BEING A 0.37 OF AN ACRE OF LAND OUT OF THE UNION PACIFIC RAILROAD RIGHT OF WAY, PHARR ORIGINAL TOWNSITE, HIDALGO COUNTY, TEXAS. THE PROPERTY IS LOCATED WITHIN THE 400 BLOCK OF WEST STATE STREET. SUB#240823 THIS ITEM SUPPORTS EV - ECONOMIC VITALITY.**

Jonathan Flores, City Manager, introduced consent agenda and recommended approval.

Comm. Chavez **moved** to approve as recommended. Comm. Carrillo seconded the motion and when put to a vote, it carried unanimously.

Ordinance No. O-2025-24 and Resolution Nos. R-2025-31 and R-2025-32 are filed with the City Clerk's Office.

REGULAR AGENDA - OPEN SESSION

ITEM 5. ORDINANCES AND RESOLUTIONS

- A) **CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NO. O-2024-06 UPDATING PROCUREMENT POLICY MANUAL. (1ST READING) THIS ITEM SUPPORTS SE - SERVICE EXCELLENCE. (PURCHASING)**

Jonathan Flores, City Manager, introduced the item and recommended approval.

Comm. Carrillo **moved** to approve. Comm. Caballero seconded the motion and when put to a vote, it carried unanimously.

July 21, 2025

- B) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NO. O-2024-07 UPDATING PROCUREMENT CARD POLICY MANUAL. (1ST READING) THIS ITEM SUPPORTS SE - SERVICE EXCELLENCE. (PURCHASING)**

Jonathan Flores, City Manager, introduced the item and recommended approval.

Comm. Carrillo moved to approve. Comm. Caballero seconded the motion and when put to a vote, it carried unanimously.

- C) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPOINTING / REAPPOINTING THREE (3) REGULAR MEMBERS OF THE BOARD OF ADJUSTMENT. THIS ITEM SUPPORTS SG - SOUND GOVERNANCE AND FISCAL SUSTAINABILITY. (DEVELOPMENT SERVICES)**

Jonathan Flores, City Manager, introduced the item and recommended the reappointment of Andres Zuniga, Carlos Ramirez, and Ruben Luna.

Comm. Carrillo moved to re-appoint Andres Zuniga, Carlos Ramirez and Ruben Luna to the Board of Adjustment. Comm. Flores seconded the motion and when put to a vote, it carried unanimously.

Resolution No. R-2025-33 is filed with the City Clerk's Office.

- D) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPOINTING/RE-APPOINTING ONE (1) REGULAR MEMBER TO THE BRIDGE BOARD. THIS ITEM SUPPORTS SG - SOUND GOVERNANCE AND FISCAL SUSTAINABILITY. (BRIDGE)**

Jonathan Flores, City Manager, introduced the item and recommended the reappointment of Lazaro Beas.

Comm. Chavez moved to re-appoint Lazaro Beas to the Bridge Board. Comm. Flores seconded the motion and when put to a vote, it carried unanimously.

Resolution No. R-2025-34 is filed with the City Clerk's Office.

- E) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE FOR THE FY2025 COPS HIRING PROGRAM TO FUND FIVE (5) FULL-TIME OFFICER POSITIONS. THIS ITEM SUPPORTS SSC - SAFE AND SECURE COMMUNITY. (POLICE)**

Jonathan Flores, City Manager, introduced the item and recommended approval.

July 21, 2025

Comm. Carrillo **moved** to approve. Comm. Flores seconded the motion and when put to a vote, it carried unanimously.

Resolution No. R-2025-35 is filed with the City Clerk's Office.

- F) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS FOR FUNDING UNDER THE BUILDING TEXAS BROADBAND WORKFORCE GRANT PROGRAM (RFA NO. BDO-NOFA-008) TO SUPPORT BROADBAND WORKFORCE DEVELOPMENT INITIATIVES. THIS ITEM SUPPORTS SE -SERVICE EXCELLENCE. (IT)**

Jonathan Flores, City Manager, introduced the item and recommended approval.

Comm. Chavez **moved** to approve. Comm. Flores seconded the motion and when put to a vote, it carried unanimously.

Resolution No. R-2025-36 is filed with the City Clerk's Office.

ITEM 6. CONTRACTS/AGREEMENTS

- A) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MILLENIUM ENGINEERS GROUP, INC. (MEG) IN THE AMOUNT OF \$105,473.00 FOR CONSTRUCTION MATERIAL TESTING SERVICES FOR THE COMMERCIAL VEHICLE PARKING PROJECT. THIS ITEM SUPPORTS IF- INFRASTRUCTURE. (ENGINEERING)**

Jonathan Flores, City Manager, introduced the item and recommended approval.

Comm. Carrillo **moved** to approve. Comm. Flores seconded the motion and when put to a vote, it carried unanimously.

ITEM 7. CLOSED SESSION

None

ITEM 8. RECONVENE

None

ITEM 9. ADJOURNMENT

There being no other business to come before the board, Comm. Carrillo **moved** to adjourn. Comm. Caballero seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 4:26 p.m.

CITY OF PHARR

AMBROSIO HERNANDEZ
MAYOR

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF PHARR**

ON THIS THE 21st DAY OF JULY 2025 the Board of Commissioners of the City of Pharr, Texas convened in a **REGULAR CALLED MEETING** at the Commissioner's Room located at 118 S. Cage, 2nd Floor, Pharr, Texas. The meeting being open to the public and notice of said meeting, giving the date, place, subject, hereof, having been posted in accordance with Chapter 551, Texas Government Code (Open Meetings Act) and there being present a quorum, I, **IMELDA PEREZ, CITY CLERK**, of the City of Pharr, Texas, certify that this is a true and correct copy of the minutes.

ATTEST:

IMELDA PEREZ, CITY CLERK

APPROVED:



AGENDA MEMORANDUM



BOARD: BOARD OF COMMISSIONERS

AGENDA ITEM #: 6.B.

DATE SUBMITTED: July 24, 2025

MEETING DATE: August 4, 2025

FROM: Alessandra Garcia, Assistant City Clerk

DEPARTMENT: Purchasing

DIRECTOR: Maritza Magallan

Agenda Item: Consideration and action, if any, on Ordinance amending Ordinance No. O-2024-06 updating Procurement Policy Manual. ***(2nd Reading) This item supports SE - Service Excellence.***

Classification: Regular

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

Issue: The Purchasing Department recommends amending the City's Procurement Policy Manual to strengthen internal control measures governing the purchasing process. The proposed updates are intended to enhance transparency, ensure compliance with applicable regulations, and align procurement practices with industry standards and best practices. The revisions will also serve to align the City's policy with recent changes introduced under both House Bill and Senate Bill legislation, which are scheduled to take effect on September 1, 2025.

Fiscal Consideration: N/A

Staff Recommendation: Staff recommends approval

Alternatives: N/A

Exclude Material from Public Packet? No

Reason: N/A

ROUTING:

Alessandra Garcia
Maritza Magallan
Hilda Pedraza
Ricardo Rodriguez
Jamison Merrick
City Management Office

Created/Initiated - 07/24/2025
Approved - 08/01/2025
Approved - 08/01/2025
Approved - 08/01/2025
Approved - 08/01/2025
Final Approval - 08/01/2025

ORDINANCE NO. O-2025-__

AN ORDINANCE AMENDING ORDINANCE NOS. O-2024-06; O-2021-38; O-2016-20; O-2015-29; O-2012-33; O-2010-29; AND 1985-8527, PROVIDING FOR THE DELEGATION OF THE DUTIES OF THE CITY MANAGER AS PURCHASING AGENT; ADOPTING THE CITY OF PHARR PURCHASING MANUAL AS THE AUTHORITATIVE GUIDE TO PURCHASING ACTIONS; INCLUSION IN PHARR CODE OF ORDINANCES; INCORPORATION OF OTHER ORDINANCES; REPEALING CONFLICTING ORDINANCES; SEVERABILITY; AND EFFECTIVE DATE

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

SECTION 1: The City Manager or his designated representative shall act as purchasing agent for the City and shall purchase all merchandise material and supplies needed by the City and will establish a suitable storehouse where such supplies shall be kept and from which the same shall be issued as needed. He shall adopt such rules and regulations as he shall deem necessary governing requisitions and business transactions between himself and the department heads, officers and employees of the City.

SECTION 2: REPEALING CLAUSE. This Ordinance, as well as the attached purchasing policies and procedures, shall be enforce and apply to all personnel and agents of the City of Pharr and vendors. This ordinance shall incorporate herein all other ordinances that exist in the Pharr Code of Ordinances not in direct conflict with this Ordinance as such are hereby abolished, and repealed to the extent of the conflict, and this Ordinance shall supersede any provisions in conflict herewith. All other provisions of the above-described ordinance shall remain in full force and effect.

SECTION 3: SEVERABILITY CLAUSE. If any section, part of provisions of this Ordinance is declared unconstitutional or invalid, such declaration shall not affect the validity of the remaining sections, parts or provision of this Ordinance.

SECTION 4: EFFECTIVE DATE. This Ordinance shall be read in three (3) separate readings and shall take effect on September 1, 2025, upon receiving final approval by the governing body following three (3) readings of the Board of Commissioners.

CONSIDERED PASSED AND APPROVED ON FIRST READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the ____ day of July, 2025.

CITY OF PHARR

Ambrosio Hernandez Mayor

ATTEST:

Imelda Barrera, City Clerk

CONSIDERED PASSED AND APPROVED ON SECOND READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the ____ day of August, 2025.

CITY OF PHARR

Ambrosio Hernandez, Mayor

ATTEST:

Imelda Barrera, City Clerk

CONSIDERED PASSED AND APPROVED ON THIRD AND FINAL READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the ____ day of August, 2025.

CITY OF PHARR

Ambrosio Hernandez, Mayor

ATTEST:

Imelda Barrera, City Clerk



Pharr
Purchasing



PROCUREMENT POLICY MANUAL

PHARR CITY HALL | 118 S. CAGE BLVD. PHARR, TX 78577
P.O. BOX 1729 | (956) 402-4231

AUGUST 2025



Pharr



MAYRA GOMEZ
PURCHASING DIRECTOR
Maritza Magallan
Interim Purchasing Director

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PURCHASING DEPARTMENT POLICIES AND PROCEDURES MANUAL

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CHAPTER I. INTRODUCTION

A. AUTHORITY

As per the City of Pharr's Code of Ordinances; Chapter 2 – Administration, Article IV – Finance, Division 2 – Purchasing, Sections 2-196 through 2-201. The Purchasing Agent by virtue of being the City Manager's designated representative shall have full authority to purchase or provide for the purchasing of merchandise, materials, services, supplies, and equipment for the use of all departments, commissions, and boards comprising the City government and shall establish a suitable storehouse where such supplies shall be kept and from which supplies shall be issued as needed. The Purchasing Agent shall establish Rules and Regulations deemed necessary to govern requisitions and business transactions between Department Heads, Officers, Employees of the City, as well as External Businesses. The Purchasing Agent shall have full authority towards monitoring the activity of all purchasing for the City of Pharr and keep proper documentation of same.

The Purchasing Department is located on the second floor of City Hall, City of Pharr. The Purchasing Department will provide assistance in all purchasing activities. Each department head is responsible for their department's purchases.

This Purchasing Policies and Procedures Manual is established as a guide and an introduction to Federal and State of Texas laws and regulations as set forth by the Federal Government and the State of Texas Local Government Code, City Charter, and City Ordinances. Furthermore,

this Policies and Procedures manual is not intended to be a manual on the law of contracts or constitute legal advice.

B. PURCHASING POLICIES & PROCEDURES MANUAL REVIEW

This Purchasing Policies and Procedures Manual will be reviewed at least annually and approved by the City Commission at least every four (4) fiscal years.

This manual cannot address every situation. When an unusual situation occurs, or a difficult legal problem arises, the City Manager, or his designee, may approve exceptions to this Policy, when in the best interest of the City, so long as the proposed exception(s) are consistent with local, State, and Federal laws. The final authority for City purchasing procedures is the law itself.

C. GOALS OF THIS POLICIES AND PROCEDURES MANUAL

The goals of the Purchasing Policies and Procedures Manual are to:

- Acquaint all persons (internal and external) in respect to the City's purchasing policies

and procedures;

- Attempt to gain the best value for every purchase;
- Provide added security in attempting to ensure public spending is not used to enrich Elected Officials or Government/City employees or to confer favors on favored constituents;
- Establish and maintain mutually strong business-like relationship(s) with all interested vendors;
- Ensure public funds are safeguarded. Although the purchasing office does not usually designate the types of purchases to be made, purchases are reviewed for completeness and are tested on a sample basis for adequate departmental purchasing methods compliance;
- Ensure fair and open competition among vendors; and
- Ensure local businesses have an added opportunity in the contract award process. This serves an interest of the City by supporting local vendors so that they stay in business.

D. CENTRALIZED PURCHASING DEPARTMENT

The Purchasing Department is the central authority for all purchasing activity over \$3,000.01. Some benefits of a centralized purchasing department include:

- A professional staff of buyers that are knowledgeable on the statutory requirements of public purchasing.
- Purchasing office personnel accumulate a solid foundation of knowledge and experience about public purchasing trends, prices, and vendors.
- It allows for the consolidation of smaller expenditures by individual departments into larger purchases for the entire City, resulting in lower unit prices and savings.
- Existing and potential vendors have a single, central link to the City's procurement process to facilitate consistent communication and understanding.
- Promotes a more efficient procurement process which will inspire public confidence in the public expenditures made by the City.

The Purchasing Department is responsible for assisting all City departments in the acquisition of goods and services in the most cost-effective manner. The Purchasing Department is the central point for all requisitions, purchase orders, service, supply, professional services, and construction related contracts.

It is the objective of the City's Purchasing Department to assure fair and open competition while maintaining a level playing field for all responsive and responsible vendors/contractors as they conduct business activities. The City of Pharr seeks to foster public confidence in the integrity of the city. The City of Pharr strives to adhere to all Federal, State of Texas laws, rules, and regulations as set forth in the State of Texas Local Government Code, and as published in the City of Pharr's Purchasing Policies and Procedures Manual and as approved by the City Commission.

This manual has been prepared to inform, to serve as a guide, and to instruct each department, division, and their staff of the many methods of procurement, as well as the duties and responsibilities affecting all those involved in the procurement process.

The City shall make expenditures to promote the best interests of the citizens of the City of Pharr. The City shall encourage free and unrestricted competition on all purchases, ensuring the taxpayers the best possible return on and use of their tax dollars. It shall be the policy of the City to fully comply with and make purchases or expenditures pursuant to this Manual which includes reference to policies, rules, regulations, procedures, City, State, and Federal law

E. GOALS OF THE PURCHASING DEPARTMENT

The goals of public purchasing:

- Purchase quality goods and services
- Obtain the best value for goods and services
- Encourage and promote interlocal cooperation among area agencies
- Accept delivery of goods and services when and where needed
- Assure a continuing supply of needed goods and services
- Guard against any misappropriation of any assets procured

CHAPTER II. DUTIES AND RESPONSIBILITIES

A. RESPONSIBILITIES OF THE PURCHASING DEPARTMENT

The Purchasing Department responsibilities include:

1. Recommend to the City Commission and City Manager those policies and procedures needed to ensure that goods are acquired, stored, disbursed, utilized, and disposed of in a uniform and economical manner.
2. Assist City departments and divisions in understanding established purchasing and warehousing policies and procedures to ensure that they are consistently followed. (note there is no centralized warehouse currently)
3. Assist City departments and divisions in any procurement needs.
4. Coordinate the publication of all Bid Notices regarding advertising, solicitations for competitive sealed bids, competitive sealed proposals, pre-bid conferences, pre-proposal conferences, bid openings, the receiving of proposals, the receiving of statements of qualifications, and the sale of surplus property and/or proper disposal of salvage materials.
5. Assist City departments and divisions in the preparation/presentation of recommendations for award of contract to the City Commission for all materials, equipment, supplies, services, and construction contracts.
6. Assist City departments and divisions in developing quality and quantity specifications for goods and services to be purchased along with required delivery schedules.
7. Encourage competition between vendors through negotiations, competitive bidding, and quantity buying by continuously monitoring requisitions by all departments to facilitate consolidation of purchases where possible.
8. Solicit, evaluate, and review recommendations from departments on bids, proposals, requests for quotes, and request for statements of qualifications received from vendors, suppliers, consultants, and/or contractors.
9. Explore the use of cooperative purchasing programs with the State of Texas and other Texas recognized government agencies at the local, State, and/or Federal level.

B. RESPONSIBILITIES OF CITY DEPARTMENT HEADS

The Department Heads should:

1. Familiarize themselves with the Purchasing Policies and Procedures Manual.
2. Ensure that all subordinates involved in the procurement process is/are introduced and familiarized with the City of Pharr's Purchasing Policies and Procedures Manual.
3. Review all Purchasing activities of all subordinates.
4. Select responsible and trustworthy individuals to participate in procurement activities.

5. Select responsible and trustworthy individuals to participate in the P-Card Program.
6. Provide sufficient internal departmental controls with separation of duties (where feasible) for requisition entry, requisition approval, receiving of goods and services, and payment of same.
7. Guard against misappropriation of City funds.
8. Facilitate cooperation with other City and governmental departments/units.
9. Maximize competition from responsible bidders seeking the best price for goods and/or services.
10. Safeguard public funds and receive the best value for the public dollar.
11. Never use public spending to enrich elected officials or City employees.
- ~~12.~~ Never make purchases for personal use in the City's name.

12.

C. RESPONSIBILITIES OF CITY DEPARTMENT REPRESENTATIVES (EMPLOYEES)

The City wants to promote and protect its governmental integrity. Public employees must, therefore, discharge their duties impartially to assure fair, competitive access to City procurement activities. All City Staff engaged in the procurement process for the City shall comply with the ethical standards set forth in the following section.

The employees of the City responsible for purchasing activities should:

1. Thoroughly familiarize themselves with the contents of the Purchasing Policies and Procedures Manual.
2. Employees should not obligate the City without a Purchase Order. (Emergency Purchases are Exempt under Emergency situations, as outlined in this manual).
3. Purchase the proper goods and/or services to suit the City's need(s); Employees should "Requisition" items with a complete, clear, concise description of the item(s), and/or service(s) needed including estimated quantities. Obtain proper approval of all "Request for Purchase" (Requisition) form and obtain a "Purchase Order" prior to ordering items and/or services.
4. Assist the Purchasing Department with accurate specifications that may require an engineering or technical background.
5. Supply the Purchasing Department with a list of anticipated requirements in advance to ensure the coordination of proper procurement activities.
6. Inform the Purchasing Department of any abnormal or unusual demands/needs.
7. Allow enough time for the Purchasing Department to review or obtain additional quotes, to issue a purchase order, and allow the successful vendor a reasonable time to make delivery.
8. Maximize competition from responsible bidders seeking the best price for goods and/or services.
9. Safeguard public funds and receive the best value for each public dollar spent.
10. Never use public spending to enrich elected officials or City employees.
11. Never make purchases for personal use in the City's name.
12. Follow the Procurement Card (P-Card) Guidelines insuring proper use of the P-Card for all expenses less than \$3,000.00.

CHAPTER III. PURCHASING ETHICS (FOR CITY REPRESENTATIVES & VENDORS)

City of Pharr representatives (Employees), as well as, vendors/entities conducting business with the City of Pharr are expected to conduct themselves in an ethical, fair, legal manner free of conflict of interests.

Representatives are expected to adhere to moral, professional, and legal standards of conduct in the fulfillment of their professional responsibilities.

The statutes governing local government purchasing impose criminal penalties for violating the provisions of the various laws enacted by the Legislature that govern purchasing. Any misuse of the City's purchasing power may convey legal ramifications which may affect current and/or future employment.

The City also requires ethical conduct from those who do business with the City. City representatives (employees) and vendors/entities are required to adhere to the following:

- Uphold all Federal, State, and Municipal laws, ordinances, policies and procedures of the City of Pharr
- Be honest and trustworthy
- Be dedicated to providing quality products/services
-

This Code of Ethics requires hard work, courage, and difficult choices. In the long run, however, representatives (employees) and citizens will always be better served by doing what is right, rather than what is expedient.

A. DISCLOSURE OF CERTAIN RELATIONSHIPS

Pursuant to Local Government Code Chapter 176, as amended, conflict of interest shall be disclosed when applicable to conflicts affecting members of the City Commission, officers, and employees of the City and shall comply with State law pertaining to conflicts of interest. Vendors or persons considering doing business with the City, including those who submit bids, proposals, and statements of qualification(s) on City contracts, make purchases of surplus City property, or

participate in any other purchase or sales transactions with the City, must disclose any potential conflict of interest (example: elected member/employee of the City that provide services to the City for compensation). The City may not disqualify the entities with a conflict of interest, so long as the conflict is disclosed.

It is the entity's responsibility to notify the City of a potential conflict of interest and to fill-out the proper questionnaire. It is the responsibility of the City's representative to inform the City Commission, City Manager, Deputy City Manager, City Secretary, and the Purchasing Department of a potential conflict of interest. Failure to do so results in a breach of ethics and may lead to legal repercussions.

Pursuant to the requirements of Section 176 of the Texas Local Government Code, conflict of interest questionnaires are due no later than the 7th business day after the person begins contract discussions or negotiations with the City or submits to the City an application, response to a request for proposals, request for statement of qualification, request for bid, correspondence, or another writing related to a potential agreement/contract with the City.

An offense under this chapter carries the following consequences (Refer to Section 176.013 for additional details):

- a Class C misdemeanor if the contract amount is less than \$1 million or if there is no contract amount for the contract;
- a Class B misdemeanor if the contract amount is at least \$1 million but less than \$5 million; or
- a Class A misdemeanor if the contract amount is at least \$5 million.

Conflict of interest forms are maintained by the City Clerk's Office. Forms are available on the City's website under Online Services, Document Center, Applications and Forms. Quick-link: <http://pharr-tx.gov/online-services/document-center/download-category/applications-forms/>

The forms required to comply with the above Local Government Code are also available on the Texas Ethics Commission website at https://www.ethics.state.tx.us/filinginfo/conflict_forms.htm.

B. CONFLICTS OF INTEREST

It shall be a breach of ethics for a City Employee to participate directly or indirectly in a procurement when the employee knows that:

- The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;
- A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or
- Any other person, business or organization with which the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

C. CERTIFICATE OF INTERESTED PARTIES

In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code. *Portions of the text of various subsection(s) have been amended by Acts 2017, 85th R.S., Ch. 526 (SB 255).* The law states that a governmental entity or State agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or State agency at the time the business entity submits the signed contract to the governmental entity or State agency.

The law applies (with a few exceptions) only to a contract between a business entity and a governmental entity or State agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least \$1 million. The disclosure requirement applies to a contract entered into on or after January 1, 2016.

The forms required to comply with the above House Bill 1295 are available on the Texas Ethics Commission website at <https://www.ethics.state.tx.us/File/>

D. PERSONAL GAIN

It shall be a breach of ethics to attempt to realize unauthorized personal gain through employment with the City or by any conduct inconsistent with the proper discharge of the employee's duties. Any personal gain by a representative of the City must be disclosed and a conflict-of-interest form submitted to the City.

E. INFLUENCE OF A PUBLIC EMPLOYEE

It shall be a breach of ethics to attempt to influence any City representative to violate the standards of conduct set forth by the City.

F. PARTICIPATING IN PROCUREMENTS WITH FAMILY

It shall be a breach of ethics for any representative of the City to participate directly or indirectly in procurement activity for the City, and failing to disclose it, when the employee knows that:

- The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement.
- A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or
- Any other person, business or organization with which the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

G. GRATUITIES

It shall be a breach of ethics of City employment to offer, give or agree to give any representative of the City or for any representative of the City to solicit, demand, accept or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or purchase

request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter pertaining to any program requirement or a contract or sub-contract, or to any solicitation or proposal therefore pending before the City.

H. KICKBACKS

It shall be a breach of ethics for any payment, gratuity or offer of employment to be made by or on behalf of a vendor, supplier, contractor, subcontractor, consultant, and/or sub-consultant under a contract to the prime contractor or higher tier subcontractor for any contract for the City of Pharr, or any person associated therewith, as an inducement for the award of a contract, subcontract, or order of any sort.

I. CONFIDENTIAL INFORMATION

It shall be a breach of ethics for any representative of the City to knowingly use confidential information for actual or anticipated personal gain, or for the actual or anticipated gain of any person, employee, and/or family member.

J. PURCHASE OF MATERIALS, EQUIPMENT, AND SUPPLIES FOR PERSONAL USE

No City representative may purchase City property for their own personal use unless it is purchased through the City's public auction or through the competitive sealed bid process of the City. This includes new and used equipment, materials, supplies, or property.

Public auctions are conducted by licensed auctioneer, after items have been declared "surplus" by the City Commission. Public auction(s) are advertised. If "surplus" items are to be sold through the competitive sealed bid process by the City, invitations to bids or requests for proposals will be advertised and issued in accordance with statutory requirements.

K. PRIVATE PURCHASES THROUGH CITY FACILITIES

No City representative may use the purchasing power of the City to make private purchases. In addition, they should not have private purchases sent to a City facility or City address C.O.D. to be paid for by a City representative.

City representative(s) are reminded that this Purchasing Policies and Procedures Manual cannot address every situation. When an unusual situation occurs, or a difficult legal problem arises, the City Manager, or his designee, may approve exceptions to this Policy, when in the best interests of the City, so long as the proposed exceptions are consistent with local, State, and Federal laws. The final authority for the City's purchasing policies and procedures is the law itself.

CHAPTER IV. STATUTORY LAWS AND LEGAL REQUIREMENTS

Texas purchasing law is in several places within the State of Texas Statutes. The Purchasing and Contracting Authority of Municipalities is primarily found in Chapter 252 of the Local Government Code (LGC). Statutes pertaining to both cities and counties, plus other types of local governments, are included in Chapter 271 of the Local Government Code. Conflicts of interest by local government officials are covered in Chapter 171 of the Local Government Code. Disclosure of Certain Relationships with Local Government Officials are covered in Chapter 176 of the Local Government Code.

Other valuable statutes pertaining to purchasing, payment, bonds, contracting, professional services, and other related topics are also found in the Local Government Code under Chapters such as: 2251, [2252](#), 2253, 2254, 2258, 2269 or in other parts of Vernon's Civil Statutes and Vernon's Texas Codes. Since the law is so fragmented, it is helpful to keep this listing handy noting pertinent statutes and where they can be found.

In the following sections we shall provide a general introduction to each act mentioned above. It should be noted that there are other laws at the State and Federal level and this is not an "all inclusive" list, just an introduction of some of the laws that govern municipal procurement. Another resource that can be used for reference is the Attorney General's Opinions; this is a very valuable and respected resource that offer's guidance in the interpretation and applicability of the law(s). Consult them whenever questions arise. The attorney general's opinions are available from:

**Attorney General of Texas
Opinion Committee
209 West 14th Street
Austin, TX 78701-1614**

Telephone (512) 463-1722 or 1-844-829-2843

<https://www.texasattorneygeneral.gov/opinion/index-to-opinions>

LAWS

A. LOCAL GOVERNMENT CODE CHAPTER 171 REGULATION OF CONFLICTS OF INTEREST OF OFFICERS OF MUNICIPALITIES, COUNTIES, AND CERTAIN OTHER LOCAL GOVERNMENTS

Local Government Code, Chapter 171 prohibits local public officials from discussing, deciding, or voting on issues that the local public official (Elected Officials and Appointed Officials) has a substantial interest in a business entity or Real Property.

There are two (2) types of conflict of interest:

1. Substantial interest in a Business Entity: Conflict due to a local public official's substantial financial interest in a *business entity* that has an issue before the governmental unit.
2. Substantial Interest in Real Property: Conflict due to a local public official's substantial financial interest in *real property* that would be affected by the governmental unit's action.

A person has a substantial interest in a business entity if the person:

1. owns 10 percent or more of the voting stock or shares of the business entity;
2. owns either 10 percent or more or \$15,000 or more of the fair market value of the business entity; or
3. receives funds from the business entity that exceed 10 percent of the person's gross income for the preceding year.

Prohibited Acts; Penalty.

(a) A local public official commits an offense if the official knowingly:

- (1) violates Section 171.004;
- (2) acts as surety for a business entity that has work, business, or a contract with the governmental entity; or
- (3) acts as surety on any official bond required of an officer of the governmental entity.

(b) An offense under this section is a Class A misdemeanor.

B. LOCAL GOVERNMENT CODE CHAPTER 252 PURCHASING AND CONTRACTING AUTHORITY FOR MUNICIPALITIES

Local Government Code, Chapter 252 outlines the competitive bidding requirements and the exemptions to competitive bidding. LGC 252 also provides that certain municipal charter provisions prevail over the statute. It covers areas such as public notice requirements, awarding bids, time warrants, changes to plans and specifications, the alternative competitive proposal for goods, services and civil construction contracts for \$1.5 million or less. This chapter also includes enforcement provisions including civil and criminal penalties for violations.

C. LOCAL GOVERNMENT CODE, CHAPTER 253 SALE OR LEASE OF PROPERTY BY MUNICIPALITIES AND CHAPTER 272 SALE OR LEASE OF PROPERTY BY MUNICIPALITIES, COUNTIES, AND CERTAIN OTHER LOCAL GOVERNMENTS

Local Government Code, Chapter 253 Sale or Lease of Property by Municipalities and Chapter 272 Sale or Lease of Property by Municipalities, Counties, and Certain Other Local Governments governs the terms, conditions and notice requirements which the City may convey, lease or sell real property owned by the City.

D. LOCAL GOVERNMENT CODE CHAPTER 271, SUBCHAPTER D. PURCHASING AND CONTRACTING AUTHORITY OF MUNICIPALITIES, COUNTIES, AND CERTAIN OTHER LOCAL GOVERNMENTS

Local Government Code, Chapter 271, Subchapter D provides for the extension of State contract prices/bids to participating local governments when the General Services Commissions considers it feasible.

E. LOCAL GOVERNMENT CODE CHAPTER 271, SUBCHAPTER F. PURCHASING AND CONTRACTING AUTHORITY OF MUNICIPALITIES, COUNTIES, AND CERTAIN OTHER LOCAL GOVERNMENTS

Local Government Code, Chapter 271, Subchapter F allows the City to participate in cooperative purchasing program(s) with another local government or a local government organization.

F. LOCAL GOVERNMENT CODE CHAPTER 271, SUBCHAPTER G. PURCHASING AND CONTRACTING AUTHORITY OF MUNICIPALITIES, COUNTIES, AND CERTAIN OTHER LOCAL GOVERNMENTS

Local Government Code, Chapter 271, Subchapter G allows the City to purchase goods or services available under Federal supply schedules of the United States General Services Administration (GSA) to the extent permitted by Federal law. (Schedule 70 Technology contracts, IT Products, Services, and Solutions; Schedule 84 Law Enforcement and Security Products, Services, and Solutions)

G. GOVERNMENT CODE 791 INTERLOCAL COOPERATION CONTRACTS

Government Code 791 Interlocal Cooperation Contracts authorizes local governments to enter into cooperative purchasing agreements and other agreements for government functions with one another and with agencies of the State. See Chapter 18 - Interlocal Cooperative Purchasing Agreements for more information regarding cooperative purchasing.

H. GOVERNMENT CODE 2161 HISTORICALLY UNDERUTILIZED BUSINESSES (HUBS)

Government Code 2161 Historically Underutilized Businesses authorizes a City, making an expenditure of more than \$3,000.00 but less than \$~~10050~~,000.00, shall contact at least two HUBs on a rotating basis, based on information provided by the Texas Comptroller's Office pursuant to Chapter 2161 of the Government Code (<http://cpa.state.tx.us/procurement/prog/hub/>). If the list fails to identify a HUB in the county in which the City is located, the City is exempt. TEX. LOC. GOV'T CODE §252.0215.

I. GOVERNMENT CODE 2251 PAYMENT FOR GOODS AND SERVICES

Government Code 2251 Prompt Payment Act stipulates that the City shall pay all payments owed not later than thirty (30) days after the goods or services are received, or the date that the invoice is received, whichever is later. This act also requires that when payment is not made as required, the City shall automatically add interest to the payment at the rate of one percent (1%) per month.

J. GOVERNMENT CODE 2253 PUBLIC WORK PERFORMANCE & PAYMENT BONDS

Government Code 2253 Public Work Performance & Payment Bonds requires payment and performance bonds for contracts on certain public works projects and sets the standards for when the bonds are required and the amount of the bond. The City of Pharr requires a Payment Bond and a Performance Bond, in the amount of 100% of the contract amount, on all contracts that will equal to or exceed \$50,000.00. Payment Bonds and Performance Bonds must be provided from a surety that is licensed in the State of Texas. In the event that the total amount bid is \$50,000.00 or less, the successful contractor has the option to enter into a "single payment contract" with the City of Pharr in lieu of a Payment Bond and Performance Bond.

K. GOVERNMENT CODE 2254 PROFESSIONAL AND CONSULTING SERVICES

Government Code 2254 Professional and Consulting Services, Subchapter A, Professional Services authorizes the procurement of professional services which states that professional services may not be awarded based on competitive bids. Instead, they must be awarded on the basis of demonstrated competence and qualifications to perform the services, so long as the professional fees are consistent with, and not higher than the published recommended practices and fees of the various professional associations and do not exceed any maximums provided by law.

Professional services refer to services that are either:

1. within the scope of the practice, as defined by State law, of accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, or professional nursing; or
2. provided in connection with the professional employment or practice of a person who is licensed or registered as one of the following: a certified public accountant, an architect, a landscape architect, a land surveyor, a physician, including a surgeon, an optometrist, a professional engineer, a State certified or State licensed real estate appraiser, or a registered nurse.

Professional Services are to be procured utilizing a 2-Step process. Below is a brief outline:

1. Step 1 - A Request for Qualifications (RFQ) is generally used for the procurement of professional services wherein the respondents provide statements of qualifications (Standard Form 330 is sometimes used). All responses are reviewed, evaluated, scored, and ranked based solely on the consultant(s) demonstrated competence and qualifications to perform the services.
2. Step 2 – Once respondents are scored and ranked from high to low. Negotiations can begin with the highest ranked firm to establish a fair and reasonable price.

The award of a professional services contract is based on (1) *demonstrated competence and qualifications to perform the services*, and (2) *a fair and reasonable price*. The professional fees under the contract may not exceed any maximum provided by law.

L. GOVERNMENT CODE 2254 PROFESSIONAL AND CONSULTING SERVICES, SUBCHAPTER B, CONSULTING SERVICES

Government Code 2254 Professional and Consulting Services, Subchapter B, Consulting Services authorizes the procurement of consulting services. "Consulting Service" means the service of studying or advising a State agency under a contract that does not involve the traditional relationship of employer and employee. An agency may contract with a consultant only if there is a substantial need for the consulting services and the agency cannot adequately perform the services with its own personnel or obtain the consulting services through a contract with a State governmental entity. Consulting services procurements are usually advertised as an "RFP" Request for Proposals solicitation. In selecting a consultant, a State agency shall: (1) base its choice on demonstrated competence, knowledge, and qualifications and on the reasonableness of the proposed fee for the services; and (2) if other considerations are equal, give preference to a consultant whose principal place of business is in the State or who will manage the consulting contract wholly from an office in the State.

M. GOVERNMENT CODE 2258 PREVAILING WAGE RATES

Government Code 2258 Prevailing Wage Rates requires paying the prevailing wage rates to laborers and mechanics employed by or on behalf of the City engaged in the construction of any public works. This applies both to contractors and subcontractors, and any lower-tier subcontractors. The wage rate for these jobs shall be not less than the general prevailing rate of per diem wages for similar work in the area the work is performed and not less than the general prevailing rate of per diem wages for legal holiday and overtime work. The public body awarding the contract must ascertain the prevailing wage rates for each type of workman or craftsman in the contract and must specify the wage rates in the bid specifications and in the contract itself. To determine the prevailing wage rate, the public body shall either conduct a survey of prevailing wages, in a manner complying with the Information Resources Management Act or shall adopt the prevailing wage rate as determined by the U.S. Department of Labor in accordance with the Davis Bacon Act, if the survey by the U.S. Department of Labor was conducted within the last three years.

The Federal Government requires the payment of Prevailing Wages for all Construction Contracts that have Federal funding that exceeds \$2,000.00, which includes Federal, State and local public works projects. The Federal Davis/Bacon Act was signed into law by President Hebert Hoover in 1931 and amended in 1935 with wage conditions and amended again in 1964 to include the consideration of fringe benefits.

Texas adopted a prevailing wage statute in 1933 that was titled Vernon's Civil Statutes 5159a and then amended and re-codified in 1995 to Texas Government Code Chapter 2258.

Chapter 2258 was amended by HB 2625 in the 80th Legislative Session in 2007. The Legislature removed language that restricted political subdivisions in the State from adopting or using the Federal Davis/Bacon Wage Determinations, if the publication of that survey was over three (3) old. Effective September 1, 2007, all political subdivisions in the State of Texas may adopt the Federal Davis/Bacon Wage Determinations and subsequent modifications without having to spend taxpayer dollars to conduct new wage surveys.

A. N. GOVERNMENT CODE 2269 CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS

Government Code 2269 Contracting and Delivery Procedures for Construction Projects governs the contracting and delivery procedures for facility construction contracts including alternative delivery methods for certain projects. When entering into a construction contract for a public facility, public work, or a public improvement the City may use alternative methods that provide best value for the City. However, the City must, before advertising, first determine the method that provides best value. The Competitive Sealed Bid/Proposal Method, Construction Manager-Agent Method, Construction Manager-At Risk Method, Design-Build Method and Job Order Contracting are part of this law.

CITY ATTORNEY REVIEW:

B. O. CITY ATTORNEY APPROVAL

In addition to the statutory requirements provided in this chapter, the following administrative legal requirements must be adhered to:

a) Review by the City Attorney

The City Attorney shall review all documents, contracts, and legal instruments in which the City may have an interest. Departments should allow at least ten (10) working days for the review of changes to standard contracts and at least thirty (30) working days for the review of all other non-standard documents.

b) Previously Reviewed Terms and Conditions

Purchase orders, supply and service agreements, and contracts containing only City of Pharr standard terms and conditions, which have once been approved by the City Attorney, are considered to have been reviewed by the City Attorney.

c) Contract Review Committee

Modified standard contracts, non-standard contracts, or any agreement bearing any special terms and conditions, not previously approved by the City Attorney, shall be submitted for approval by a contract review committee. This committee may consist of representatives from Legal, Risk Management, Purchasing, the requesting Department, Assistant Deputy City Manager, and City Manager.

CHAPTER V. PURCHASING THRESHOLDS

A. GENERAL INFORMATION

The City of Pharr Purchasing Department follows the procurement procedures outlined in Texas Local Government Code, Chapter 252 (Purchasing by Municipalities). This section serves as a guide for the acquisition of goods, non-professional and professional service contract(s).

B. REQUEST FOR PURCHASE FORM (REQUISITION FORM)

The Requisition Form is the official document used to request goods or services. It informs the Purchasing Department of a department's needs and authorizes them to begin the procurement process. Requisitions are for internal use only and should not be used by departments to place orders or arrange for delivery. All requisitions must follow the department's approval hierarchy and must also be entered into the City's Financial System for "electronic processing and approval".
~~The Requisition form is the source document for all purchasing activity. This form communicates a department's need(s) to the Purchasing Department and authorizes the Purchasing Department to enter into a contractual relationship for delivery of the goods and/or services. A requisition is for communicating internal requirements and should not be used by the departments for placing the order(s) and/or delivery of goods and/or services. The department requisition must be approved in accordance with the department's approval hierarchy. The~~

~~information called for on the requisition must also be entered into the City's Financial System for "electronic processing and approval."~~

C. REQUEST FOR AVAILABILITY OF FUNDS FORM-ROLLING STOCK (RFAOFF-ROLLING STOCK)

The Request for Availability of Funds form is to be utilized by the requesting departments when identifying their needs for the procurement of on-road and off-road vehicles. This is the initial form required in a formal solicitation process.

D. REQUEST FOR AVAILABILITY OF FUNDS FORM (RFAOFF)

The Request for Availability of Funds form is to be utilized by the requesting departments when identifying their needs for the procurement of Purchase, Service, Supply, and Construction related projects. This is the initial form required in a formal solicitation process.

E. PURCHASE ORDERS

A Purchase Order is a formal, binding, legal agreement issued by the City's Purchasing Department which may be used in lieu of a written contract for goods and/or services. A Purchase Order is requested by a departmental requisition that details the merchandise or services required. A purchase order is a contract between the City and a vendor. The contract is not binding until it is accepted by the vendor. The City will not recognize the issuance of orders by unauthorized individuals and payment of these types of obligations will not be approved. The Purchase Order authorizes the supplier to ship and invoice for the goods and/or services ordered. The primary purpose of the Purchase Order is to encumber the funds, document the procurement details, and it ensures payment to external vendors.

F. SEPARATE PURCHASES

Separate purchase means purchases, made separately, of items that in normal purchasing practices would be purchased as one purchase.

G. SEQUENTIAL PURCHASES

Sequential purchase means purchases, made over a period of time, of items that in normal purchasing practices would be purchased as one purchase.

H. COMPONENT PURCHASES

Component purchase means purchases of the component parts of an item that in normal purchasing practices would be purchased as one purchase.

At no time shall an employee intentionally, knowingly or willingly make or authorize separate, sequential, or component purchases to avoid competitive bidding requirements. In accordance with the Local Government Code, such offense is considered a Class B misdemeanor.

I. EXPENSES NOT REQUIRING PURCHASE ORDERS

- Utility services (example: water, electricity, gas, etc.)
- Payroll-related expenses (pension, some health insurance(s), etc.)

J. PURCHASING LIMITS

Purchases greater than \$0.01 but less than \$3,000 – require Informal Procurement

- No competitive quotes required.
- Primary use: P-Card; Alternate use: Purchase Order.
- Purchases must follow internal approval and documentation processes with Director signature
- Approvals Required: Department Director/Assistant Department Director

Purchases greater than \$3,000.01 but less than \$100,000 require Informal Competitive Bidding

- Document Requirement: Request for Purchase (Requisition Form) and Purchase order
 - Documentation of quotes and vendor responses must be provided.
 - Minimum of three (3) quotes (verbal, written, or electronic).
 - Must include outreach to at least two (2) Historically Underutilized Businesses (HUBs)
- Approvals Required: Department Director/Assistant Department Director, Purchasing Director

Purchases over \$100,000.01 require Formal Competitive Sealed solicitation.

- Document Requirement: Request for Availability of Funds Form (RFAOFF), Request for Purchase (Requisition Form) and Purchase order, and/or other documents as applicable.
- City Commission authorization required to solicit and award.
- Requires formal sealed bids or proposals.
- Advertisement in accordance with Texas Local Government Code 252.
- Applicable contracts may require bid security, performance bonds, and payment bonds (particularly for construction related contracts).
- This is a formal process managed by the Purchasing Department. The Department Director must submit technical specifications for solicitation purposes.
- Full documentation of solicitation, evaluation, and award must be maintained.
- Approvals Required: Department Director/Assistant Department Director, Purchasing Director, City Manager, City Commission

- ~~1) **Purchases greater than \$1.00 but less than \$2,000.00 – Require informal competitive bidding, quotation forms.** This is an informal process. Directors may make purchases less than \$2,000.00 (Primary Use: P-Card; Alternate Use: PO). Directors must approve invoices for payment (by way of signature) once the items are received and forward to Accounts Payable.~~
 - ~~• **Document (P-Card):** P-Card transaction and receipt(s)~~
 - ~~➤ **Approvals Required (P-Card):** Department Head/ADH, Cardholder, Department Administrators Assistant~~
 - ~~• **Document (PO):** PO, delivery ticket(s), invoice(s)~~
 - ~~➤ **Approvals Required (PO):** Department Head/ADH~~
- ~~2) **Purchases greater than \$2,000.01 but less than \$25,000.00 – Require informal competitive bidding (verbal, written, or electronic price quotations).** This is an informal process. The Department Head will validate the authenticity of the (3) quotations. Directors must approve invoices for payment (by way of signature) once the items are received and forward to Accounts Payable.~~
 - ~~• **Document:** Request for Purchase form (Requisition) and Purchase Order~~
 - ~~➤ **Approvals Required:** Department Head, Purchasing Director~~
- ~~3) **Purchases greater than \$25,000.01 but less than \$50,000.00 – Require competitive bidding (written or electronic price quotations).** This is an informal written process coordinated with the Purchasing Department. The Department Head will validate the authenticity of the (3) quotations. Directors must approve invoices for payment (by way of signature) once the items are received and forward to Accounts Payable.~~
 - ~~• **Document:** Request for Purchase form (Requisition) and Purchase Order~~
 - ~~➤ **Approvals Required:** Department Head, Purchasing Director, City Manager~~
- ~~4) **Purchases for \$50,000.01 or More – Require a formal competitive sealed solicitation. Requires City Commission authorization to advertise.** This is a formal process managed by the Purchasing Department. The Department Head must submit technical specifications for solicitation purposes.~~
 - ~~• **Document:** Request for Availability of Funds form (RFAOFF), Request for Purchase form (Requisition), and Purchase Order, other documents as applicable.~~
 - ~~➤ **Approvals Required:** Department Head, Purchasing Director, City Manager, City Commission~~
- 5)1) Procurement of Professional Services for More Than \$2,000.00 But Less Than \$50,000.00 – Require a Request for Qualification (RFQ) process in accordance with Chapter IX of this Manual (LGC 2254). This is an informal process managed by the Purchasing Department. The Department Head must submit technical requirements for solicitation purposes. Rotation List may be used (if applicable).**
 - Document:** Request for Purchase form (Requisition) and Purchase Order, other documents as applicable.
 - Approvals Required:** Department Head, Purchasing Director, City Manager

- 6)2) **Procurement of Professional Services \$50,000.01 or More – Require a Request for Qualification (RFQ) process in accordance with Chapter IX of this Manual (LGC 2254). Requires City Commission authorization to advertise.** This is a formal process managed by the Purchasing Department. The Department Head must submit technical requirements for solicitation purposes.
- **Document:** Request for Availability of Funds form, Request for Purchase form (Requisition) and Purchase Order, other documents as applicable.
 - **Approvals Required:** Department Head, Purchasing Director, City Manager, City Commission

CHAPTER VI. PURCHASE ORDER PROCESS

The Purchasing Department requires that Department(s) follow the Purchase Order process. All expenses to the City of Pharr should be accompanied by a “p-card transaction” (if expense is less than \$23,000.00) or a “Purchase Order” (if expense is over \$32,000.01). Purchase Orders are issued by the Purchasing Department after the electronic approvals of the Requisition accompanied by support documents are approved and converted to Purchase Order(s). All Requisitions require electronic approval by the Department Head and the Finance Director or his/her designated representative. All Requisitions over \$33,000.01 will require the Purchasing Department Head’s approval. If expense is going to exceed \$50,000.01, Requisition will require City Manager’s approval.

A. REQUEST FOR PURCHASE FORM (REQUISITION)

The Request for Purchase (Requisition) form is initiated by the department. The department is responsible for entering a purchase requisition in the City's financial management system. BEFORE requesting the purchase, the department is responsible to ENSURE that budgeted funds are available. All requisitions must include information as called for on the form in addition to support documentation (i.e., quotes, Requisition form in Acrobat form). Requisition must be submitted electronically by uploading the form through the City of Pharr's Financial Management System (Requisition will go through an electronic approval process).

B. PURCHASE ORDER

The Purchase Order (PO) form is centralized and issued by the Purchasing Department. Once a requisition is reviewed and approved by the Purchasing Department, a Purchase Order Number will be issued. The Purchase Order document will be forwarded to the Requesting Department for ordering purposes. On projects solicited by the Purchasing Department, the Purchase Order document will be forwarded to the vendor by Purchasing staff for commitment purposes (vendor shall be instructed to coordinate delivery of goods/services with the requesting department(s)).

C. RECEIVING AND INSPECTION

After an item is purchased, the task of receiving and inspection rests with all City representatives accepting the materials, goods, or supplies. This should be done as promptly as possible to take advantage of early payment discounts and/or to give Accounts Payable the processing time needed to avoid interest and penalties. All items must be inspected upon receipt, and whenever possible, in the presence of the vendor or shipper.

Inspection should include verification of:

- Correct delivery site
- Correct item(s)
- Correct quantities
- Correct PO number on the packing slip and/or invoice(s)
- Checking for damaged or defective goods
- Receiving Complete Orders (sign and date the packing slip and attach the packing slip to the signed invoice(s) and signed PO).
- Receiving Partial Orders (sign and date the partial packing slip, attach the signed and dated invoice(s) make a copy of the P.O. and cross out any items that are not received, sign and date the PO and submit to Accounts Payable for partial payment).
- Non-Compliant Deliveries:
- Non-Compliant Deliveries: All supplies, materials, and/or equipment received (on projects exceeding \$50,000.01) that are not in compliance with the contract, should be reported to the Purchasing Department in writing as soon as possible. All relevant documentation should be retained by the department. The Purchasing Department will notify the vendor and prescribe corrective action. Departments are responsible to communicate with vendor(s) regarding non-compliance for purchases less than \$50,000.00.
- Shortages, Damages, or Overages: Requesting departments should inspect items received on purchase orders promptly after receipt. If a shortage in items ordered or damage to items received is discovered, the department representative should contact the vendor immediately. If an overage in items is received, a determination of whether to keep overages of shipment and/or arrangements are to be made with the vendor to

return over shipment. (return authorization voucher and credit-memo(s) are to be obtained)

- Damage: Damaged freight should always be reported to the freight line, within the same day of the delivery, if possible. Types of damage:
 - i. Visible damage - If freight is visibly damaged, receiving personnel should instruct the freight line driver to note the damage on the freight bill and sign the freight bill.
 - ii. Concealed damage - If there has been concealed damage, save the shipping cartons. Notify the freight line and request an "inspection report of concealed damage." The receiving report should note the damage also.
- Packing Materials - All boxes and packing materials should be kept in the event of visible or concealed damage freight shipments.
- Returns: Damaged supplies, equipment, and/or materials should not be returned to the freight line, or the vendor. If the vendor requests return of the items, the Purchasing Department should be notified. The items should be returned after determining that a claim has been filed, and that authorization has been given by the vendor (return authorization voucher) and /or the Purchasing Department.

D. PURCHASE ORDER PAYMENT PROCESS

The timely processing of payments to vendors is addressed in Government Code, Chapter 2251 Prompt Payment Act which sets out:

- Required deadlines for payment to vendors;
- Requirements for vendors' payments to their subcontractors;
- Penalties for failure to comply with the Act; and
- Exceptions to the Act.

The law requires that the City pay all payments owed not later than thirty (30) days after the goods or services are received or the date that the invoice is received, whichever is later. It also requires that vendors follow the same rules for payments to their subcontractors.

When the City believes there is an error on an invoice received from a vendor, it has until the 21st day after receipt to notify the vendor of the dispute. Then, if the dispute is resolved in favor of the City, the vendor must submit a new invoice and the City has thirty (30) days from receipt of the new invoice in which to pay. If the dispute is resolved in favor of the vendor, interest is due from the original date the invoice became overdue.

Other times when the Act provides exceptions are:

- When there is a bona fide dispute between the City and a vendor, contractor, subcontractor or a supplier concerning the supplies, materials or equipment delivered or the services performed which causes the payment to be late
- When there is a bona fide dispute between the vendor and a subcontractor, or between a subcontractor and its supplier concerning the supplies, materials or equipment delivered or the services performed which causes the payment to be late;
- When the terms of a Federal contract, grant, regulation or statute prevent the City from making a timely payment with Federal funds; or

- When the invoice is not mailed to the proper office, if an office address is specified in the instructions on the purchase order.

Receiving Complete Orders (sign and date the packing slip, attach the packing slip to the original signed and dated PO, attach the signed and dated invoice, and submit paperwork to Accounts Payable for payment processing).

Receiving Partial Orders (make a copy of the original PO and cross-out any items that are not received, sign and date the partial packing slip, attach the signed and dated invoice, and submit paperwork to Accounts Payable for processing). The original PO will be submitted for the final payment of the PO.

Department Heads must sign and date all invoices being submitted for payment. Department Heads must sign, and date all PO's being submitted for partial and/or complete delivery payment.

E. INVOICES

An invoice is an itemized statement of merchandise or service provided by the vendor. Invoices are sent by the vendor for payment by the City after purchases are made. It contains the same information as the purchase order and is the means of settlement of financial obligations incurred when the PO is issued.

- All invoices received must be date stamped and initialed by the recipient.
- All invoices should reflect a distinct invoice number.
- All invoices should reflect the purchase order number.
- All invoices must be sent directly to the Accounts Payable Division where they are held until the PO receiving or partial (copy of original) has been processed.
- All invoices received by departments should be forwarded immediately to the Accounts Payable Division for prompt payment and to avoid interest penalty. Vendors should be notified that all future invoices are to be sent directly to the City of Pharr, Finance Department, Accounts Payable Division, 118 S. Cage Blvd., (2nd Floor), Pharr, TX 78577 (Telephone: 956-402-4150).
- Payment is overdue on the 31st day after the later of (Texas Government Code, Chapter 2251.021):
 - The date the City receives the goods under the contract
 - The date the performance of the service under the contract is completed; or
 - The date the City receives an invoice for the goods or services

F. CONSTRUCTION PAY APPLICATION

An application for payment is a construction document that outlines how a contractor will be paid. A Requisition and a Purchase Order is issued for construction and demolition related projects. They are typically accompanied by a "Schedule of Values" which outlines in detail the services and materials to be used in accordance with the executed contract agreement. This document is usually presented as a list and includes the description, unit price, unit of measure, and quantity of each item being furnished. Construction pay applications must be reviewed by and signed by the Contractor's authorized representative, this document must be notarized before it can be processed for

payment. If the City contracted a “consultant” for the project, the “consultant” must review and approve the “Pay Application” checking for accuracy. All construction related “Pay Applications” must be turned in to the City Engineer for review and approval by signature. Additional signors are required before payment can be released, these approvers are: City Manager, Assistant City Manager, Purchasing Director, and Finance Director. The City of Pharr has a standard Pay Application template which is provided to contractors to facilitate the payment process.

G. PROFESSIONAL SERVICES PAY APPLICATION

Consultants typically use their own formatted invoice to bill the City of Pharr for Professional Services. A Requisition and a Purchase Order is issued for consulting and professional services. Invoices for consulting and professional services must coincide with the contract agreement, this document typically outlines the tasks and/or milestones including the description, unit price, unit of measure and/or lump-sum amounts. These types of Pay Application must be reviewed and signed by the consultants authorized representative. All professional services pay applications for engineers and/or architects must be turned in to the City Engineer for review and approval by signature. Additional signors may be required before payment can be released, these approvers are: City Manager, Assistant City Manager, Purchasing Director, and Finance Director. The City of Pharr has a standard Pay Application template which is provided to consultants to facilitate the payment process.

CHAPTER ... ENFORCEMENT OF PROCUREMENT COMPLIANCE

Habitual Policy Violations and infractions: Failure to comply with established procurement policies and procedures will result in documented infractions. Departments that accumulate habitual discrepancies defined as repeated non-compliance or violations within a [specify time period, e.g., six-month] timeframe will be subject to a temporary suspension of procurement privileges.

- Upon [insert number, e.g., three] documented discrepancies within [insert timeframe], the department's procurement privileges will be suspended for one (1) month.
- During the suspension period, the Purchasing Department will assume full responsibility for processing all procurement activities on behalf of the affected department.
- The department will be required to submit all purchase requests and supporting documentation through the Purchasing Department for review, approval, and processing.
- Continued non-compliance may result in extended suspension periods or further administrative action, up to and including escalation to executive leadership.

The Purchasing Department will track and notify departments of all discrepancies and infractions and will work collaboratively to identify corrective actions and ensure future compliance.

CHAPTER VII. SOLICITATION PROCESS

The solicitation process is the documentation of the City's purchasing representative's attempt to purchase quality items and/or services at the best possible price available and or best value.

1. INFORMAL (UP TO \$3,000.00)

The requesting department may ask the vendor(s) to provide a verbal/written/electronic quote for the item(s) being purchased. Quotes may be documented on a Purchase Request form.

2. INFORMAL (BETWEEN \$3,000.01 - \$50,000.00)

The requesting department shall obtain (3) written or electronic quotes from vendors. A Purchase Request form (Requisition) must be submitted to the Purchasing Department along with supporting documents (quotes).

3. INFORMAL (BETWEEN \$50,000.01 - \$100,000.00)

Solicitations for these purchases shall be managed by the Purchasing Department. The requesting department shall submit a Request for Availability of Funds form (RFAOFF) along with semi-formal technical specifications to the Purchasing Department for review and solicitation purposes. The Purchasing Department will then prepare a solicitation document (based on the type of procurement) using the City's Online Procurement software. Once responses are obtained, they will be tabulated and sent to the department for review and recommendation. Departments shall be required to provide a written recommendation to the Purchasing Department for review and approval. Note: Depending on the type of purchase, City Commission approval may be required. A Purchase Request form (Requisition) must be submitted to the Purchasing Department in hardcopy form and electronically through the City's Financial Management System for further processing.

4. FORMAL (GREATER THAN \$100,000.01)

Solicitations for these purchases shall be managed by the Purchasing Department. The requesting department must seek the City Commission's approval to advertise. The requesting department shall submit a Request for Availability of Funds form (RFAOFF) along with formal solicitation specifications, requirements, and technical specifications to the Purchasing Department for review and solicitation purposes. The Purchasing Department will then prepare a solicitation document (based on the type of procurement). The Purchasing Department shall utilize the City's Online Procurement software to post the project, send out notifications/invitations. Once responses are obtained, they will be tabulated and sent to the department for review and recommendation. Departments shall be required to provide a written recommendation to the Purchasing Department for review and approval. A Purchase Request form (Requisition) must be submitted to the Purchasing Department in hardcopy form and electronically through the City's Financial Management System for further processing.

Below is a more detailed description of the Formal Solicitation process:

5. REQUIREMENTS UNDER STATE LAW

The Texas Local Government Code requires that before a municipality may enter into a contract that requires an expenditure of more than \$100,000.01 from one or more municipal funds, the municipality must comply with the procedure prescribed by Chapter 252.021 for competitive sealed bidding or competitive sealed proposals. The municipality may also elect to comply with a method described by Chapter 2269 Alternative Procurement methods

6. ADVERTISING AND ADVERTISING TIME REQUIREMENTS

Authorization to post/advertise a solicitation must be obtained from the City Commission. Section 252.041 of Chapter 252 requires that the solicitation be advertised publicly with notice of the time and place at which the bids will be publicly opened and read aloud. The public notice must be published at

least once a week for two (2) consecutive weeks in a newspaper published in the municipality that is listed as the City's paper of record (Advance News). The date of the first publication must be before the 14th day before the date set to publicly open the bids and read them aloud. In addition to the paper of record, the City, at its option, may also advertise online and with other publications and/or organizations. In addition, the advertisement for competitive sealed bids and the advertisement for competitive sealed proposals shall be handled in the same manner.

7. BID SPECIFICATIONS AND DEPARTMENT REQUISITIONS

All solicitations for competitive sealed bids and/or competitive sealed proposals must include a set of complete and detailed specification requirements of the item(s) and/or services to be purchased. THE CREATION OF THE SOLICITATION REQUIREMENTS IS THE SOLE RESPONSIBILITY OF THE REQUESTING DEPARTMENT. The Purchasing Department will assist the requesting department in any way necessary but will not be responsible for the final content of the solicitation document(s). The Purchasing Department shall be responsible for all remaining sections of the solicitation document including bid/proposal form, terms, conditions, and document requirements including any legal terminology required by law.

Vendors can be consulted as a source for technical specifications and/or pictured literature information as long as they are advised that a formal sealed bid/proposal process will be used, and the vendor cannot be treated with any type of favoritism. Solicitation documents and/or specifications used by other governmental entities or sources is also acceptable, and therefore, can be contacted if needed for assistance. In addition, the Purchasing Department can be contacted as a resource for providing assistance with regards to previously used specifications or research guidance.

To assure fair and competitive bids/proposals, brand names should not be used in specifications unless it is made clear to each bidder/respondent that the brand name is being used for reference only. This can be accomplished by adding an "or equal" statement behind the brand name. This statement will indicate to the bidder that other brand names will be considered if they offer specifications that are equal to or better than the specifications listed in the solicitation document. Brand names can be specified, as the only brand that will be accepted in cases where the brand specified is the only product that will work with the existing parts or equipment. Brand names can also be specified, when there are multiple dealers and/or distributors that can bid the brand being specified.

An approved Request for Availability of Funds (RFAOFF) form and Request for Purchase (Requisition) form must be submitted to the Purchasing Department for all formal solicitation for bids/proposals. The requisition must include the funding account number and budgeted amount authorized for the purchase. The requisition along with the specifications should be submitted for approval as called for in the Purchasing Policies and Procedures Manual. WITHOUT THE AUTHORIZED APPROVALS INDICATING SUFFICIENT FUNDS ARE AVAILABLE, THE PURCHASING DEPARTMENT WILL NOT PROCEED WITH THE SOLICITATION PROCESS. ANY UNBUDGETED SOLICITATIONS SHALL REQUIRE THE CITY MANAGER(S) WRITTEN APPROVAL.

8. BID PREPARATION AND ADMINISTRATION

All solicitation documents for competitive sealed bids and/or competitive sealed proposals will be preliminarily prepared by the requesting department and sent to the Purchasing Department

for posting. All projects that involve engineering and architectural design services shall be channeled through the City Engineer. The City Engineer shall be responsible for providing all necessary solicitation documents to the Purchasing Department.

9. The Purchasing Department is responsible for coordinating all dates for advertisements, pre-bid conferences, pre-proposal conferences, bid opening dates, proposal opening dates, and deadline dates. The Purchasing Department is responsible for posting solicitation documents, sending out solicitation invitations, and posting any related addendums on the City's Bidding Portal (website). On formal solicitations, a project number will be assigned. The Purchasing Director or his/her designee or the designee assigned to the project will be responsible for the bid/proposal opening and reading of the bids/proposals received (if a deadline date is set, no formal reading will take place). Once a complete audit and bid tabulation is completed by the Purchasing Department, the tabulation along with a memo requesting a department recommendation will be sent out to the requesting department. All bids/proposal responses shall be available on the City's Bidding Portal (website) for review by the requesting department. When all bids/proposals have been reviewed, the requesting department will be responsible for submitting to the Purchasing Department, a written recommendation for award of contract, along with background wording to be included in the agenda packet to the City Commission. The requesting department is responsible to prepare the agenda item in Civic Clerk for review and concurrence by the Purchasing Department. The Purchasing Department may provide guidance as necessary. **PRE-BID/PRE-PROSOSAL PROCEDURES**

- The Purchasing Director or his/her designee or the designee assigned to the project shall conduct the pre-bid/pre-proposal conference.
- The requesting Department Head or his/her designee is required to attend the meeting. The department representative shall be knowledgeable of the solicitation documents and shall be prepared to answer all questions that pertain to the specifications.
- If a contracted consultant is involved with the project, they are required to have representation available at the pre-bid/pre-proposal conference. Depending on the project at hand the consultant may be asked to take lead. If an Addendum is necessary, consultant is responsible to draft the Addendum for review and concurrence by the City.
- Typically, these meeting(s) are informal by nature, held to allow any interested concerns to ask any questions regarding the project at hand. Formal changes are sent out via an Addendum. Addendum(s) are posted on the City's Bidding Portal (website)
- Attendees are asked to introduce themselves and a sign-in sheet is passed around.

A general overview of the project is given, the documents are outlined, and the floor is opened for questions. Attendees are asked to post their questions on the City's Bidding Portal (website) for an informal response. Formal changes to solicitation documents are released through issuance of an Addendum.

10. "SINGLE BID POLICY" (APPLICABLE TO BID/PROPOSAL/STATEMENT OF QUALIFICATION)

It shall be the City of Pharr's "Single Bid Policy" that upon receipt of a "Single" bid, proposal, or statement of qualification submittal to automatically reject and reschedule solicitation dates. If the second time the City solicits for the same project, we receive for a second time a "Single" bid, proposal, or statement of qualification the Purchasing Department shall open, tabulate, and consider the response for possible award of contract.

If the Requesting Department(s) has/have an urgent need for the project, the Department Head may visit with the City Manager providing his/her justification and request the City Manager's authorization to open, tabulate, and consider the "Single" bid, proposal or statement of Qualification. The City Manager may or may not elect to present the "Single" bid to the City Commission at their regularly scheduled meeting for this determination. If the City Manager elects to present the "Single" bid, proposal or statement of qualification response to the City Commission, the submittal shall be opened, and consideration may be given to award a contract at their level (on the same date) or the Commission may direct staff to review and present a recommendation in a subsequent meeting.

11. BID/PROPOSAL OPENING PROCEDURES

Receiving competitive sealed bids and proposals must be done properly in order to ensure that no possibility of favoritism or even the appearance of favoritism exists.

Each bid or proposal must be turned in to the Purchasing Department in a sealed envelope, with the bid/proposal project identification number noted on the outside of the envelope/box. Only one bid/proposal should be submitted per envelope. If more than one bid/proposal is to be submitted, it is required that the vendor/respondent use separate envelopes for each one. The bid/proposal envelope/box should also bear the name of the respondent and the title of the project on the outside of the envelope/box. Upon receipt from the City the bid/proposal envelope/box should be initialed by recipient, time, and date stamped in the designated office as soon as it is received. The bid/proposal envelope should then be filed unopened together with the other bids/proposals for the same project number.

1. Bids/proposals are opened on the date and at the hour specified at the place named in the invitation published or as may be changed through formal Addendum. At specified bid/proposal closing time, a password-enabled employee in the Purchasing Department will open (unlock) the bids/proposals, a preliminary bid/proposal tabulation will be displayed electronically. The Purchasing Department staff shall download and print all bids/proposals and the bid/proposal tabulation summary assembled by City's service provider or purchasing staff. The printing of all bids/proposal shall occur in a controlled environment in the Purchasing Department. A bid/proposal submitted non-electronically within the bidding period will be considered as per the bid and proposal document terms and conditions. Vendors and the public are invited and encouraged to attend the bid/proposal opening. In case no observers attend the bid/proposal opening, the Purchasing Department always extends the invitation to the requesting department to send a member of their staff to witness the opening.

In order to establish a standardized format of bid/proposal openings the following procedures should be followed:

- 1) The Purchasing Director or his/her designee or the designee assigned shall conduct the bid/proposal opening(s). If a contracted consultant is involved with the project, they may be asked to conduct the bid/proposal opening(s).

- 2) In addition to the Purchasing Director or his/her representative, there will be at least one (1) other City employee from the requesting department.
- 3) All attendee(s) are asked to sign-in.
- 4) Purchasing staff will then open and read aloud all bid/proposal responses received by closing time and date to any interested parties present at the bid/proposal opening (Company names shall be read for proposals or statements of qualifications).
- 5) The recorder will document all information that is read at the bid/proposal opening and will confirm by tabulating all responses completely and truthfully.
- 6) At bid/proposal openings, the requesting department representative will act as the witness that all bids/proposals were read.
- 7) After award by City Commission, the City will post award tabulation on the Bidding Portal (website)

L . BID RECOMMENDATIONS AND STATE LAW REGARDING BID AWARDS

The requesting department is primarily/solely responsible for reviewing the respondents' offer(s). Requesting department is responsible to review all submittals, specifications offered in each bid/proposal to ensure the specifications/submittals meet the bid/proposal requirements. The requesting department must provide a review of any bid/proposal that did not meet the specifications. If recommending other than the low bid, the requesting department must provide written justification for their recommendation.

If the competitive sealed bidding requirement applies to the contract for goods or services, the bid/proposal offered meets the specifications requested, the recommendation may then be made based on the procedures set out in the State of Texas Local Government Code Chapter 252, Sub Chapter C, 252.043. Under this chapter entitled Award of Contract, the City may award the contract based on:

Sub-section (a) If the competitive sealed bidding requirement applies to the contract for goods or services, the contract must be awarded to the lowest responsible bidder or the bidder who provides goods or services at the best value for the municipality.

Sub-section (b) In determining the best value for the municipality, the municipality may consider:

- (1) the purchase price;
- (2) the reputation of the bidder and of the bidder's goods or services;
- (3) the quality of the bidder's goods or services;
- (4) the extent to which the goods or services meet the municipality needs;
- (5) the bidder's past relationship with the municipality;
- (6) the impact on the ability of the municipality to comply with laws and rules relating to contracting with historically underutilized businesses and non-profit organizations employing persons with disabilities;
- (7) the total long-term cost to the municipality to acquire the bidder's goods or services;
- and
- (8) any relevant criteria specifically listed in the request for bids or proposals.

Sub-section (c) Before awarding a contract under this section, a municipality must indicate in the bid specifications and requirements that the contract may be awarded either to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality.

Sub-section (f) The Governing body may reject any and all bids.

Sub-section (g) A bid that has been opened may not be changed for the purpose of correcting an error in the bid price. This chapter does not change the common law right of a bidder to withdraw a bid due to a material mistake in the bid.

Sub-section (h) If the competitive sealed proposals requirement applies to the contract, the contract must be awarded to the responsible offeror whose proposal is determined to be the most advantageous to the municipality considering the relative importance of price and the other evaluation factors included in the request for proposals.

M. COMPETITIVE SEALED PROPOSALS

Municipalities may use the Competitive Sealed Proposal procedure for high technology procurements. Local Government Code 252.021. High technology procurement is defined as the procurement of equipment, goods, or services of a highly technical nature, including, but not limited to: data processing equipment, software, and firmware used in conjunction with data processing equipment, telecommunications equipment, radio and microwave systems, and electronic distributed control systems (including building energy management systems), and technical services relating to such items.

Notice requirements for high technology proposals are the same as for general contracts. Requests for Proposal(s) solicitation documents must solicit proposals and must specify the relative importance of price and other evaluation factors. Evaluation factors and point scheme must be incorporated into the solicitation document. The City may hold discussions with respondents who submit proposals and are determined to be responsibly qualified for the award of the contract. Each respondent must be treated fairly and equally with respect to any opportunity for discussion and revision.

Proposals are evaluated one against the other, and then initially ranked. The proposals are then negotiated, and re-ranked. Further negotiations will be required, and a final recommendation is to be made to the City Commission for final award (formal solicitations). A department head or his designee may meet in private session with each proposer and negotiate for exactly what is needed. Negotiations are not limited to one meeting.

Offers shall be treated fairly and equally with respect to any opportunity for discussion and revision of proposals. To obtain the final offers, revisions may be permitted after submissions and before the award of the contract. Throughout the proposal process, information identified by the vendor as trade secrets or proprietary information, and contained in the proposals, must be kept confidential by law.

After proposals are received, the City may enter into negotiations with as many vendors as have submitted feasible proposals in order to arrive at the best possible proposal for each vendor.

N. PROJECT NUMBER SEQUENCES

Prior to 2018 the bid/project number consisted of four (4) sections totaling 13 digits. The first section consisted of four digits indicating the fiscal year. The second section consisted of two digits indicating the fund. The third section consisted of three digits identifying the requesting department's departmental account number. The last section consisted of the number of bids the City as a whole has managed throughout the fiscal year. The City Clerk's office was responsible for assigning the bid/project number to the requesting department.

The Purchasing Department is ~~now~~ responsible for assigning bid/project number(s).

Project numbers shall be assigned in the following manner, the first section four digits Fiscal Year i.e.: 2021. Second section two digits Fund i.e.: 01. Third section is the Department Number ie:517. The four section is the type of Project and sequence i.e.: P-Purchase, S-Service, SP-Supply, C-Construction, **A- Informal Price Quote**. Last section is the number of invitations sent. Example 1819-01-C001-115 which represents FY18-19, bids opened in January of 2019, this is the 1st construction project in fiscal year 18-19 and 115 invitations were sent out.

O. BID/PROPOSAL DISCREPANCIES AND DISQUALIFICATIONS (Technicality)

There are several reasons that require a bid/proposal to be disqualified. These reasons are as follows:

- 1) Any bid/proposal received that is not signed by an authorized company representative.
- 2) Any bid/proposal received that did not return required information such as addendum(s), contractors' statement of qualifications, or required certifications. This requirement may be waived as a technicality but must be approved, in writing, by the City Manager and City Attorney's office.

P. BID DISCREPANCIES AND DISQUALIFICATIONS (Non-Responsive)

1. Any bid/proposal received that did not return required information such as a bid/proposal bond.
2. Late bid/proposal or request for statement of qualifications.
3. Any bid/proposal with a mathematical discrepancy.
4. Bids/proposals where prices are conditional on award of another bid, bids/proposals subject to minimum order quantities, or when prices are subject to unlimited escalation or "all or none" clauses. If allowed by the specification, prices may be subject to escalation based on an independent wholesale or specified published index. (e.g., for oil and gas products, the net terminal price or current Oil Price Information Service index.)

Q. REJECTION OF BIDS, PROPOSALS, AND/OR STATEMENTS OF QUALIFICATIONS

The City of Pharr reserves the right to refuse and reject any or all bids, proposals, and/or statements of qualification, with or without cause, to waive any or all formalities, or technicalities, and to accept the bid, proposal, and/or statement of qualification to be the best and most advantageous to the City.

The City Commission may "Reject" of all bids, proposals, and/or statements of qualification for projects in excess of \$~~10050~~,000.01. The City Commission may delegate the "Rejection" of all bids, proposals, and/or statements of qualification to the Purchasing Agent for projects less than \$~~10050~~,000.00.

R. AGENDA REQUIREMENT RESPONSIBILITIES (ALL CAPITAL PURCHASES/PROJECTS)

All capital outlay item(s)/capital asset(s) to be purchased by the City must be submitted to the City Commission for approval. During the budget process, all capital item(s)/capital assets are budgeted and approved by the City Commission during the budget approval process. Any capital item(s)/capital asset(s) needed after the adopted budget process must be submitted to the City Commission (budget amendment process) for approval after ensuring adequate funds

are available. Approval/adoption of the budget does not authorize or establish contract(s), agreement(s), or automatic contract extensions. Expenses exceeding **\$100,000.01** require City Commission action.

The City Commission must approve, in advance, all capital expenditures for ~~\$50,000.01~~\$100,000.01 or more if the City Administration proposes to award the **bid to other than the low bidder meeting specifications**.

Any commitment(s), regardless of dollar amount, which require(s) a signed agreement, must be presented to the City Commission for official approval (City Attorney must pre-approve draft agreement).

S. BID/PROPOSAL TABULATIONS

Bid/Proposal tabulations shall be posted on the City's Bidding Portal (website). Award information shall be posted on the City's Bidding Portal (website).

T. RELEASE OF BID/PROPOSAL INFORMATION

All requests for historic information concerning a bid/proposal solicitation, specification requirements or other matters relating to bids/proposals of the City can only be conveyed via an open records request and should be made through the City Clerk's Office PIR process. All open records request forms are to be kept and filed in a manner that makes retrieval of the information that was requested and the information that was returned easily accessible.

U. BONDING REQUIREMENTS

To ensure that the successful bidder will enter into a contract with the City and complete the project as defined by the bid/proposal solicitation/specifications, bidders/respondents may be required to provide the City with surety bonds guaranteeing successful completion of the contract. There are three (3) types of surety bonds commonly used with City contracts; the bid/proposal bond, performance (and maintenance) bond, and the payment bond. A surety is a firm (usually an insurance company) that will guarantee that the bidder/respondent will perform as defined by the specifications. The City will only accept corporate sureties as bonding entities. Only Surety Companies licensed to operate in the State of Texas shall be acceptable. Personal sureties are unacceptable.

V. BID BOND/PAYMENT BOND/PERFORMANCE BOND

It is the City's option whether or not to require bidders/respondents to provide the City with a bid/proposal bond along with their bid/proposal submissions. State statutes do not address bid bonds for Municipalities.

The City of Pharr shall require a five (5) percent bid/proposal bond on projects for which the City solicits competitive sealed bids and/or proposals in order to deter the receiving of frivolous bids/proposals and to assure the City that the recommended bidder/respondent will enter into a contract with the City if tendered and shall comply with all specifications and/or delivery dates.

Construction Contracts (Heavy and Highway, Above-Surface Structures):

The City of Pharr shall require a five (5) percent (%) bid/proposal bond on all construction contracts that equal to or exceed \$50,000.01. All bid/proposal bonds for construction project(s) shall be in the form of a Cashier's Check or a Surety Bond issued by a Surety Company

licensed to operate in the State of Texas. Original Bid/Proposal bond(s) must be submitted with the bid/proposal response. The City reserves the right to require five (5) percent (%) bid/proposal bonds on constructions projects under \$50,000.00, but more than \$25,000.00. Bid/Proposal bonds shall be returned to all unsuccessful bidders/respondents. Bid/Proposal bond shall be returned to successful bidder/respondent upon execution of a contract.

Procurement of Rolling Stock

The City of Pharr shall require a five (5) percent bid/proposal bond to be submitted within ten (10) working days after official award of Purchase Contract for all Procurement(s) of Rolling Stock over \$50,000.01. All bid/proposal bonds provided to the City of Pharr shall be in the form of a Cashier's Check or a Surety Bond issued by a Surety Company licensed to operate in the State of Texas. No other forms of bid/proposal bonds shall be accepted. Bid/Proposal bond requirements shall not apply to Cooperative Contract purchases. Upon complete performance of contract, bid/proposal bond shall be returned to vendor(s).

Procurement of Equipment or High Technology Procurement(s)

The City of Pharr shall require a five (5) percent (%) bid/proposal bond on all High Technology procurement contracts that equal to or exceed \$50,000.01. All bid/proposal bonds provided to the City of Pharr shall be in the form of a Cashier's Check or a Surety Bond issued by a Surety Company licensed to operate in the State of Texas; bond must be submitted with the bid/proposal. No other forms of bid/proposal bonds shall be accepted. Bid/proposal bond requirements shall not apply to Cooperative Contract purchases. Upon complete performance of contract, bid/proposal bond shall be returned to vendor(s).

Procurement of Professional Services, Service Contracts, Supply Contracts, and some Construction related Services

The City of Pharr shall **not** require five (5) percent (%) bid bonds for Procurement of Professional Services, Service Contracts, Supply Contracts, and some Construction related Services such as: Janitorial Services, Uniform Cleaning Services, Weedy Lot Mowing, Various Types of Concrete Work, Striping Contracts, Flat Tire Repair, Supply Contracts for the Purchase of Tires, Janitorial Products, Traffic Control Products, Safety Boots, etc., as these items and/or services are typically ordered, purchased, and paid for on an "as needed" basis.

Special Circumstances:

The City of Pharr reserves the right to require bid/proposal bond(s) in amounts greater than five (5) percent (%) and/or to designate a specific dollar amount as a bid/proposal bond for projects not specifically outlined above (i.e., Fire Apparatus, Concessionaire Contracts, Revenue Generating Contracts, Sales Contracts, etc.)

Bid/Proposal bonds are issued by a Surety financially guaranteeing that the successful bidder/respondent will enter into an agreement with the City to perform the project or provide the service(s) as defined by the specifications/solicitation document(s). The City requires that the bid/proposal bond be accompanied with an appropriately completed "Power of Attorney" executing the bid/proposal bond for the bidder/respondent. As an alternative, the City may accept a cashier's check, with the City named as payee, to be held in escrow until the successful bidder signs and enters into the City's contract (in the case of a construction contract). In the case of Purchase, Sales, or other types of contracts the bid/proposal bond may be held until complete delivery and/or performance of the project is completed.

BID BOND AMOUNT: Typically, the bid/proposal bond (or cashier's check) is five percent (5%) of the total amount bid/proposed.

PUBLIC WORK CONTRACT: Is defined in Government Code 2253 it is generally understood to mean means a contract for constructing, altering, or repairing a public building or carrying out or completing any public work i.e.: construction, repair, or renovation of a structure, road, highway, or other improvement or addition to real property. Contracting for demolition of real property would also fall under this definition.

BONDING

By State Statute, any person, persons, firm, or corporation (prime contractor) entering into a contract with the City for the construction, alteration or repair of any public building or prosecution of completion of any public work, shall be required before commencing such work, to provide the following bonds, issued by a corporate Surety duly authorized and licensed to do business in the State of Texas in excess of \$100,000.00 must provide a Performance bond, and a Payment bond if the contract amount is in excess of \$50,000.01.

W. PERFORMANCE BOND

Performance bonds financially guarantee that once the successful bidder enters into a contract with the City to perform work, the contractor will complete the project. All performance bonds provided to the City of Pharr shall be in the form of a Surety Bond issued by a Surety Company licensed to operate in the State of Texas; bond must be submitted during contract execution stage. No other form performance bond(s) shall be acceptable. Original Performance Bond shall remain on file in the Purchasing Department (bond is not returned to vendor(s)/contractor).

PERFORMANCE BOND AMOUNT: Performance bonds must be written for one hundred percent (100%) of the total awarded contract price.

X. PAYMENT BOND

A payment bond will pay any outstanding bills for labor, materials, and supplies used in the City's project from the contractor's subcontractors and suppliers should the prime contractor default on their payment. All payment bonds provided to the City of Pharr shall be in the form of a Surety Bond issued by a Surety Company licensed to operate in the State of Texas; bond must be submitted during contract execution stage. No other form payment bond(s) shall be acceptable. Original Payment Bond shall remain on file in the Purchasing Department (bond is not returned to vendor(s)/contractor).

PAYMENT BOND AMOUNT: Payment bonds must be written for one hundred percent (100%) of the total awarded contract price.

Y. MAINTENANCE BOND

Maintenance bonds financially guarantee that the Contractor will maintain and keep in good repair the work contracted to be done and performed from the date of acceptance of the work by the City for a predetermined period of time (typically 1-yr). For public works projects, the bond would also include any necessary back filling that may arise because of sunken conditions in ditches.

The maintenance bond is designed to provide financial protection to the City for all defective conditions arising by reason of defective material, work, or labor performed by the Contractor. In

the event the Contractor does not fulfill its maintenance obligation, the bonding company will pay to maintain the project as defined in the contract specifications.

Z. CHANGE ORDERS

INFORMAL (up to \$3,000.00)

The department head has the authority to accept change orders on purchase, service, supply, or construction projects not to exceed overall single transaction limit of \$3,000.00 or less.

INFORMAL (between \$3,000.01 - \$50,000.00)

The Purchasing Director has the authority to accept change orders on purchase, service, supply, or construction projects not to exceed overall single transaction limit greater than \$3,000.01 and less than \$50,000.00 (excludes change orders for projects that were previously authorized by City Commission).

INFORMAL (between \$50,000.01 - \$100,000.00)

The Deputy City Manager has the authority to accept change orders on purchase, service, supply, or construction projects not to exceed overall single transaction limit greater than \$50,000.01 and less than \$100,000.00 (excludes change orders for projects that were previously authorized by City Commission).

FORMAL (greater than \$100,000.01)

After awarding contracts, in excess of \$100,000.01 (by the governing body) all change order requests to increase or decrease such contracts, regardless of dollar amount must be presented to the City Commission for approval (includes changes in number of days to complete the project).

After awarding a public works (construction) contract, the governing body may make changes to plans, specifications, time, and/or quantities if necessary, but the total contract amount may not be increased unless the increase will be paid from current funds or is provided for by issuing debt. If a change order involves a decrease or an increase of \$100,000.01 or less, the governing body may grant general authority to an administrative official of the municipality to approve the change orders. No increase of more than twenty-five (25) percent (%) of the original contract amount may be made, and the contractor must agree, in writing, to any decrease in the contract amount that is more than twenty-five (25) percent (%).

CHAPTER VIII. PROCUREMENT OF PROFESSIONAL SERVICES

All Professional and Consulting Services must be procured in accordance with Chapter 252 of the Texas Local Government Code, Chapters 2254 and 2269 of the Texas Government Code, as well as other applicable law, as amended.

A. POLICY

It shall be the policy of the City of Pharr to develop and follow a qualifications-based selection procedure, that complies with Federal, State, and Local laws, rules and regulations, when procuring Professional and Consulting services. These qualifications-based selection procedures shall require that a contract for professional and consulting services be awarded pursuant to a fair and open process based on qualifications and demonstrated competence. The fees for such services shall be established following selection of a firm through a negotiation process to determine a fair and reasonable price. Final contract negotiations exceeding \$50,000.01 shall require City Commission approval.

B. OBJECTIVE

It shall be the objective of the City of Pharr to select professional and consulting services based on competence and qualifications to perform the services needed, and to negotiate fair and equitable fees by utilizing solicitation and selection procedures that are professionally acceptable and that ensure open and free competition, so as to avoid any suggestion of unfair or unethical conduct.

C. PROCEDURES PROFESSIONAL SERVICES OF ARCHITECT, ENGINEER, OR LAND SURVEYOR

Pursuant to Government Code Chapter 2254, Subchapter A. Professional Services, Consultants shall be engaged on the basis of their qualifications and demonstrated competence to perform the services, with fees to be determined through negotiations following selection (professional fees under the contract may not exceed any maximum provided by law).

Formal solicitation for statements of qualifications shall be requested from a number of sources. Public announcements (Requests for statements of Qualifications - RFQ) shall be advertised, two (2) publications a week apart, in a newspaper of general circulation. The Public announcement shall be posted on the City of Pharr's website/portal. The public announcement shall include such information as the deadline date and time for submitting response, information regarding where a complete solicitation document can be obtained, a brief description of the services being requested, proposed project, and its location. Notice regarding Requests for statements of Qualification(s) shall be e-mailed to those consultants that are registered on the City of Pharr's list of potential sources.

D. EVALUATION CRITERIA (RFQ)

The Request for statements of Qualifications document shall incorporate the evaluation criteria and weight factors to be utilized by the Evaluation Committee in the review and recommendation.

The following are some example criteria:

- 1) Demonstrated competence on previous projects done for the City of Pharr;
- 2) Recent experience on other municipal projects comparable to the one being solicited;
- 3) Key personnel's professional background, caliber and availability for the proposed project.

E. SELECTION PROCEDURES

The City Manager or his designated representative shall assign the task of evaluating all the respondent's submittals to an evaluation committee comprised of no less than three (3) City employees. The employees making up the committee shall be those employees designated by the City Manager i.e., Deputy City Manager, City Engineer, Public Works Director, Public Utilities Director, Development Services Director and/or any additional member selected by the City Manager that can relate to and understand the entire scope of the project being proposed.

The evaluation committee shall assess weight factors to each of the approved factors. The evaluation committee shall work independent from each other in the first phase of the evaluation process. The evaluation committee shall then proceed to coordinate their weight factors aggregately.

Based on the committee's review, it is expected that several firms may be short-listed for further consideration and may be required to submit supplemental information. The three (3) respondents with the greatest number of points (weight factors) will make up the short list. This short list shall be submitted to the City Commission or the City Manager, as applicable, along with a written recommendation stating that the short list represents those consultants that best meet the qualifications and demonstrated competence. Additionally, after review of the findings of the committee selected by the City Manager, selected firms may be required to make a formal presentation before the Mayor and City Commission. Interviews with selected firms may or may not be requested by the City after the closing date. Selection may be made strictly from the information provided in the RFQ. However, the City of Pharr reserves the right to conduct interviews with and request presentations from any respondents.

The City Commission or City Manager, as applicable, may accept any of the proposed consultants or reject all and give authorization to the City Engineer to proceed with contract negotiations with the selected consultant.

Upon award by the City Commission or City Manager, as applicable, the City will enter into contract negotiations with the selected firm(s) for the purpose of reaching an agreement. If negotiation efforts are successful, a contract will be executed with this firm for the required services. If negotiations are unsuccessful, the City will terminate negotiation efforts formally and will open negotiations with next firm. This process will continue until negotiation efforts are successful. The City Commission decision will be final.

F. SCOPE OF SERVICES

The City Engineer shall proceed in providing the selected consultant with a "Scope of Services". This shall be a very important step towards reaching a complete and mutual understanding of the scope of services to be provided for the project. The scope of services shall be sufficiently detailed so that the selected consultant can make and submit a reasonable cost estimate to the City of Pharr.

The scope of services that will be provided to the selected consultant by the evaluation's committee may include but not be restricted to the following:

1. Design schedule
2. Special services required
3. Complexity of design
4. Safety and operational considerations
5. Environmental considerations
6. Survey and geotechnical testing requirements
7. Inspection services during construction
8. Quality control during construction
9. Preparation of forms, letters, and documents
10. Property map preparation

G. PROPOSED FEE SUBMITTAL

The selected consultant shall be required to submit to the City of Pharr the proposed fee and supporting cost breakdown. The selected consultant shall prepare and submit a detailed estimate of the hours and cost required for each of the major tasks. In addition to charges for labor, the consultant shall indicate the costs for subcontractors, travel, living expenses,

reproductions, and other out-of-pocket expenses expected to be incurred. The fee for the contract to be executed shall be on a lesser than an established fixed fee or a fee based on the negotiated percentage of actual construction cost.

Negotiations shall be based upon the data submitted by the consultant and an evaluation of the specific work hours required for each task. The City may subject the consultant's data to be compared to a technical/engineering analysis put together, as a preliminary cost estimate, by the City Engineer or a certified consultant. If a consultant's services were procured to put together the scope of services and do the cost comparisons against the selected consultant's proposed fee, then, the such consultant shall not have submitted a statement of qualifications themselves for this same project.

If a mutually satisfactory contract cannot be negotiated with the first-ranked consultant, by the City Engineer, he shall report such information to the City Commission or City Manager, as applicable, whom shall order the negotiations be terminated and the consultant shall be notified. Negotiations shall then be initiated with the consultant that was ranked second. This procedure shall be continued with the consultants in order of rank until a mutually satisfactory contract has been negotiated and finally approved by the City Commission or City Manager, as applicable. Once negotiations have been terminated with a firm and begun with another, the (negotiations) cannot be reopened with the previous consultant's firm.

The City of Pharr shall keep a record of the negotiations and same shall be made a part of the permanent contract file. This record shall contain sufficient detail to reflect any changes in the scope of the work controlling the establishment of the cost and other terms of the contract. An explanation shall be provided for any significant differences between the City of Pharr's original estimate and the cost finally agreed upon.

H. AGREEMENT

The approved selected firm will be asked to provide and negotiate scope and fee proposal. Once scope and fee proposal has been negotiated, the firm(s) must agree to enter into a professional services agreement. Selected consultant shall be required to maintain a current certificate of insurance on file for the duration of the project.

I. NOTIFICATION OF SELECTION

Upon completion of successful negotiations and an execution of a professional services contract, all consultants interviewed by the City of Pharr shall be informed, in writing, of the consultant selected for the project.

J. PROCEDURES FOR THE PROCUREMENT, MANAGEMENT AND ADMINISTRATION OF ENGINEERING DESIGN RELATED TO CONSULTANT SERVICES FOR FEDERALLY FOUNDED HIGHWAY PROGRAMS

The policies and procedures described in this manual have been adopted by the City of Pharr ("City") to comply with 23 CFR Part 172.5(c) which states that the contracting agency shall prepare and maintain written policies and procedures for the procurement, management, and administration of engineering and design related consultant services for federally funded highway programs.

The requirements are issued to ensure that a qualified consultant is obtained through an equitable qualifications-based selection procurement process, that prescribed work is properly accomplished in a timely manner, and at fair and reasonable cost.

The Texas Department of Transportation ("TxDOT") shall approve the written policies and procedures, including all revisions to such policies and procedures, of the City to assess compliance with Federal and State laws.

The City Manager or his/her designee shall administer and implement the provisions of this manual and other appropriate sections of 23 CFR 172 and the Brooks Act.

In accordance with 23 CFR Part 172.5(c), the following are the City's policies and procedures:

1) THE SOLICITATION—To evaluate the demonstrated competence and qualifications of consultants, the City shall solicit interest and invite consultants to submit their proposals to provide such professional services as specified in a Request for Proposals ("RFP") issued by the City.

- a) Procurement procedures shall involve a single step process with issuance of a Request for Proposal (RFP) to all interested consultants. The RFP shall be specific to the project, task, or service for the evaluation of a consultant's specific technical approach and qualifications.
- b) The RFP shall contain the following information:
 - i) A concise scope of work that identifies a set of deliverables that must be performed by the consultant during the contract time. To the extent practicable, the scope of work must detail the purpose and description of the project, services to be performed, deliverables to be provided, schedule for performance, and applicable standards, specifications, and policies;
 - ii) The qualifications-based evaluation factors and their relative weight of importance that will be used in the evaluation, ranking, and selection of consultants. The factors may include, but are not limited to, technical approach (e.g., project understanding, innovative concepts or alternatives, quality control procedures), work experience, specialized expertise, professional licensure, staff capabilities, workload capacity, and past performance.
- c) Each RFP shall contain the following information:
 - i) The contract type and method of payment;
 - ii) Any special provisions, assurances, and certifications associated with the solicited services, including the Conflict of Interest Questionnaire (Form 1295), a copy of which shall be included in the procurement packet;
 - iii) The contact and location from which perspective engineering and design related consultants may request the RFP;
 - iv) The date, time and place for receiving and opening responses to the solicitation and the name and position of the employee to whom the solicitations are sent.
- d) TxDOT must approve the RFP and any subsequent modifications prior to publishing notice.
- e) In lieu of publishing a notice of RFP, the city may publish the content of the RFP itself.
- f) The City shall publish on its website the solicitation at least fourteen (14) calendar days prior to the deadline for receiving responses.
- g) The City shall also solicit by public announcement, public advertisement, or any other public forum or method that assures qualified in-State and out-of-State consultants are given a fair opportunity to be considered for award of the contract. In the past, the City

has advertised in the Monitor Newspaper, The Advance Newspaper, and the Electronic State Business Daily.

- h) The City shall not require or accept concealed cost proposals. Any cost proposals received will be promptly returned.
- i) The deadline for submission of RFPs may be extended if the City Manager determines that the extension is in the best interest of the City of Pharr.
- j) The City shall retain documentation of solicitation in accordance with 2 CFR 200.333—Retention Requirements for Records. The provision includes the following:
 - i) All project records must be retained for a period of three (3) years from the date of submission of the final payment.
 - ii) All project records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.
 - iii) The City shall make all records accessible to TxDOT for the purpose of audits and reviews.

2) EVALUATION, RANKING, AND SELECTION OF CONSULTANTS—The City shall evaluate, rank, and select a consultant based on their demonstrated competence, qualifications to perform the services, and ability to perform the services in a timely manner and at a fair and reasonable price.

- a) The City shall select qualified providers of professional services by first submitting all responses to a selection committee (“Committee”) assigned by the City Manager for scoring of the responses based on the criteria published in the RFP. The Committee shall be composed of three (3) members and shall include at least one (1) licensed engineer. Members and alternates may include the City Engineer, Public Works Director, Development Services Director, or other employees experienced with engineering and design related consultant services and knowledgeable with the project’s scope.
- b) The Committee shall review, score, and rank responses to an RFP based on the criteria set forth in the RFP. No less than the top three (3) firms may be short listed to make a formal presentation before the Committee if the Committee determines it is needed based on size and complexity of the project. At least three (3) responses are required to satisfy the adequate number of qualified sources reviewed.
- c) In the instances where only two (2) qualified firms respond to the solicitation, the City may re-issue the solicitation or proceed with evaluation and selection if the solicitation did not contain criteria that arbitrarily limited competition.
- d) If only one (1) consultant responds to the solicitation, the City may re-issue the solicitation or follow a noncompetitive procurement procedure in which the City submits a justification letter to TxDOT for review and approval prior to negotiations with sole respondent.
- e) After scoring, the Committee shall submit final scores and ranks to the City Commission for approval to begin negotiations with the highest-ranking firm.

3) CONTRACT NEGOTIATIONS AND EXECUTION

- a) The City shall prepare an independent estimate breakdown of the work or labor hours, types of classifications of labor required, other direct costs, and consultant’s fixed fee

- for the defined scope of work, which shall serve as the basis for negotiations. This independent estimate shall be reviewed and approved by TxDOT prior to negotiations.
- b) The City shall determine cost allowances separately for contract costs such as indirect cost rates, direct salary or wage rates, fixed fee, and other direct costs.
 - c) The professional fees under the contract may be consistent with and must not be higher than the recommended practices and fees published by any applicable professional associations, and which are customary for the same or similar services. Fees may not exceed any maximum provided by law.
 - d) The City shall attempt to negotiate a contract with the most highly qualified firm. If the City is unable to negotiate a satisfactory contract with the firm, the City shall formally terminate negotiations and then undertake negotiations with the next most qualified firm. The City shall continue the process until a contract is entered into or until it determines that the services are no longer needed or cannot be procured in an economically feasible manner.
 - e) The City shall retain documentation of negotiation activities in accordance with 2 CFR 200.333—Retention Requirements for Records.
 - f) The City may terminate the procurement of professional services pursuant to this manual at any time upon determination that a continuation of the process is not in the City's best interest.
 - g) TxDOT must review and approve the rates, hours and contract prior to execution of the contract.
- 4) CONFLICT OF INTEREST**—The City shall take all reasonable steps to prevent, identify, and mitigate conflicts of interest for its officers, employees, agents, elected officials, consultants, and sub-consultants, and will promptly disclose any potential conflict of interest in writing to TxDOT.
- a) No employee, officer, agent, or elected official of the City shall participate in selection, or in the award or administration of a contract if a conflict of interest, real or apparent would be involved. Such a conflict arises when there is a financial or other interest in the consultant selected for award by:
 - i) The employee, officer, agent, or elected official.
 - ii) Any member of his or her family within the third degree of consanguinity or affinity, as determined under Chapter 573 of Government Code;
 - iii) His or her close friend or romantic partner; or
 - iv) An organization that employs or is about to employ any of the above
 - b) The City's officers, employees, agents, or elected officials shall neither solicit nor accept gratuities, favors, or anything of monetary value from consultants, potential consultants, or parties to sub agreements.
 - c) Affected City officers, employees, agents, and elected officials must disclose by submitting a Certificate of Interest Questionnaire (Form CIQ) to the City Manager within three (3) working days of discovery. The City shall promptly disclose the conflicts to TxDOT in writing.
 - d) The City requires that its consultant and subconsultants be able to work solely in the City's interest, without conflicting financial or personal incentives. Therefore, the consultant(s) that enters into a contract with the City must submit a Certificate of Interested Parties (Form 1295) to the City at the time the firm submits the signed contract to the City as required by State law.
 - e) The City reserves the right to disqualify any consultant or subconsultant, or to place contractual limits on work or on personnel, if there is a conflict of interest that might affect or might be seen to affect the consultants or subconsultants duty to act solely in the interest of the City.

- f) The City Manager shall ensure that any employee, officer, agent, or elected official with a conflict of interest is removed from participating in the procurement, management or administration of the contract.
- g) For the same project, the firm contracted to design cannot be contracted as the construction engineering and inspection firm.

Debarment

The City shall verify suspension and debarment actions and eligibility status of consultants and sub-consultants prior to entering into an agreement or contract by searching:

- a) System for Award Management (SAM) – U.S. government official website; and
- b) Texas Comptroller of Public Accounts – List of vendors debarred from doing business with the State of Texas.

5) CONTRACT ADMINISTRATION AND MONITORING

The City Manager shall assign a full-time employee, the Responsible Person in Charge (“RPIC”), who participated in the selection committee, and who is qualified to enforce the contract and ensure that the work delivered under contract is complete, accurate, and consistent with the terms, conditions, and specifications of the contract, to be in responsible charge. The RPIC’s responsibilities shall include:

- a) Administering inherently governmental activities including, but not limited to, contract negotiation, contract payment, and evaluation of compliance, performance, and quality of services provided by consultant;
- b) Being familiar with the contract requirements, scope of services to be performed, and products to be produced by the consultant;
- c) Being familiar with the qualifications and responsibilities of the consultant’s staff and evaluating any requested changes in key personnel;
- d) Scheduling and attending progress and project review meetings, commensurate with the magnitude, complexity, and type of work, to ensure the work is progressing in accordance with established scope of work and scheduled milestones;
- e) Ensuring consultant costs billed are allowable in accordance with the Federal cost principles and consistent with the contract terms as well as the acceptability and progress of the consultant’s work;
- f) Evaluating and participating in decisions for contract modifications; and
- g) Documenting contract monitoring activities and maintaining supporting contract records, as specified in 2 CFR 200.333—Retention Requirements for Records.

Disputes and failures will be subject to the provisions of the contract and will be handled as follows:

Errors and Omissions

- a) At any phase of the project, the RPIC shall notify the consultant of the error or omission in writing within five (5) business days of discovery.
- b) The consultant will be allowed fifteen (15) business days to respond to the RPIC and correct failure.
- c) Alternatively, the consultant may raise the issue with the City Manager and/or City Commission.
- d) The consultant will be responsible for costs incurred as a result of the error or omission in accordance with the professional service agreement and the following schedule:
 - a) Schematic Phase: Consultant shall cover one hundred percent (100%) of cost

- b) PS&E Phase: Consultant shall cover one hundred percent (100%) of cost
- c) Construction Phase: Consultant shall observe Section 11.6 of the Professional Service Agreement which says that if the cumulative cost of a change order resulting from an error or omission exceeds two percent (2%) of the original construction contract amount, the consultant shall be obligated to reimburse the City for one hundred percent (100%) of such excess cost. The consultant shall not be required to reimburse the City if the cumulative cost of design error or omission does not exceed two percent (2%) of the original construction contract amount.
- e) If the consultant does not respond and correct the failure in a satisfactory manner, the City may institute legal proceedings to collect damages.

Violations or Breach of Contract

- a) At any phase of the project, the RPIC shall notify the consultant of the violation or breach of contract in writing within five (5) business days of discovery.
- b) The consultant will be allowed fifteen (15) business days to respond and correct failure.
- c) If the consultant does not respond and correct the failure in a satisfactory manner, the City may take over the project and prosecute the work to completion.

Resolving Disputes

- a) All disputes in the procurement, management, and administration of engineering and design related consultant services must be submitted to the RPIC in writing within five (5) business days from onset of the dispute. Each written dispute must include the following information:
 - i) Name and address of the protester, and the vendor it represents, if different;
 - ii) The identification/reference number specified in the RFQ to identify the procurement in question;
 - iii) A statement of the grounds for protest; and
 - iv) All documentation supporting the protest.
 - b) A decision and response to the protest will be prepared by the RPIC within a reasonable time after receipt of a properly prepared written protest.
 - c) Appeals to the RPIC's decision and response must be made to the City Commission in writing within fifteen (15) business days after RPIC's decision and response are issued.
 - d) Written appeals must include all information contained in the original written protest, as well as any newly discovered documentation supporting the protest that was not reasonably available to the protester when the original protest was filed.
 - e) Subject to all applicable laws governing the City, the decision of the City Commission regarding the appeal shall be final.
- 6) CONTRACT COMPLETION—** At contract completion, the City will verify that all work has been completed correctly and satisfactorily, update contract records to reflect results, and archive information, including performance evaluations, for future use and in accordance with 2 CFR 200.333—Retention Requirements for Records. All information must be accounted for by RPIC with checklist, and made available to TxDOT for their review, concurrence, and use.

Performance Evaluation

- a) The RPIC shall complete an evaluation summarizing the consultant's performance on a contract within fifteen (15) business days after consultant's final pay application is approved by RPIC. The RPIC may complete interim performance evaluations based on the scope, complexity, and size of the contract. Additional evaluations may be completed to recognize outstanding performance, poor performance, or at the consultant's request based on possible improved performance.
- b) The City shall provide the consultant a copy of the performance evaluation and an opportunity to provide written comments to be attached to the evaluation.
- c) Completed performance evaluations shall be archived for consideration as an element of past performance in the future evaluation of the consultant to provide similar services.
- d) Performance Evaluations will be submitted to TxDOT for their review and record.

CHAPTER IX. INSURANCE REQUIREMENTS

INSURANCE REQUIREMENTS

The City requires proof of insurance for certain projects relating to construction and/or services.

Although not all coverages are required for every project (and limits will vary by exposure), understanding the coverages required by these policies is important to assure that all potential liabilities and exposures from the project are properly protected. Should any questions arise about the amounts of types of insurance requirements the initiating department should contact the Risk Manager's office for guidance.

Depicted below are the Standard Insurance Requirements for Construction/Services/Professional Services:

The Certificate of Insurance should be made to the City of Pharr, P.O. Box 1729, Pharr, TX 78577 (118 S. Cage Blvd, Purchasing Department 2nd Floor) and should reference the operation.

All certificates must be received prior to commencement of service/work. All Certificates of insurance shall be approved by the Purchasing Department **prior** to the commencement of any work.

In the event the insurance coverage expires prior to the completion of this contract, a renewal certificate shall be issued thirty (30) days prior to said expiration date. The City must be notified at least thirty (30) days prior to any material change in and/or cancellation and/or non-renewals of such policies.

The term "City" shall include The City of Pharr and their employees, officers, officials, agent, and volunteers in respect to the contracted services. Any failure on the part of the City to request required insurance documentation shall not constitute a waiver of the insurance requirement.

The City reserves the right to request higher types and limits for projects in excess of \$1,000,000.00.

During the term of the Contract, the successful contractor/respondent/selected firm shall acquire and maintain, for the duration of the contract period the following insurances:

- A. **Comprehensive Commercial General Liability:** The Contractor/Respondent/Selected Firm shall provide minimum limits of \$250,000 for each occurrence, \$500,000 annual aggregate combined single limit for bodily injury and property damage liability. This shall include premises/operations, independent contractors, products, completed operations, personal and advertising injury, and contractual liability. This insurance shall apply as primary insurance with respect to any other insurance or self-insurance programs maintained by the City and shall name the "City of Pharr" as an additional insured with a waiver of subrogation. The policy of insurance shall be written on an "occurrence" form.

Blanket "XCU" – Explosion, Collapse & Underground
Independent Contractors
Care, Custody and Control Contractual Liability

No endorsements excluding these coverage's are allowed.

Additional Insured Requirement:

To the fullest extent of coverage allowed under Chapter 151 of the Texas Insurance Code, the City of Pharr shall be included as additional insured under the CGL policy, using ISO Additional Insured Endorsements CG20101001 and CG20371001, or endorsements providing equivalent coverage, including products completed operations

- B. **Business Automobile Liability:** The Contractor/Respondent/Selected Firm shall maintain limits of no less than \$250,000 combined single limit per occurrence for bodily injury and property damage, and \$500,000 annual aggregate. This insurance shall apply as primary insurance with respect to any other insurance or self-insurance programs maintained by the City and shall name the "City of Pharr" as an additional insured with a waiver of subrogation. The policy of insurance shall be written on an "occurrence" form.

Applicable as long as no fragile or perishable products are transported; otherwise, Cargo Insurance is required.

Additional Insured Requirement:

To the fullest extent of coverage allowed under Chapter 151 of the Texas Insurance Code, the City of Pharr shall be included as additional insured under the CGL policy, using ISO Additional Insured Endorsements CG20101001 and CG20371001, or endorsements providing equivalent coverage, including products completed operations

Builder's Risk/Fire & Extended Coverage

The Contractor shall insure the building or other work included in this contract on an all-risk (special causes of loss) policy, with an insurance company or companies acceptable to the Owner. The amount of the insurance at all times to be at least equal to the amount paid on account of work and material and plus the value of the work or materials furnished or delivered but not yet paid for by the Owner. Builder's Risk Policies shall cover loss of materials by theft, vandalism, malicious mischief or other loss whether materials are incorporated in the work or not.

The policies shall be in the names of the City and the Contractor, as their interests may appear, and certificates of insurance shall be delivered to the Owner before monthly partial payments are made. The policy shall provide for the inclusion of names of all other contractors, subcontractors and other employed on the premises as ensured and shall stipulate that the insurance companies shall have no right to subrogation against any

contractors, subcontractors or other parties employed on the premises for any work building alterations, construction or erection to the described property.

- D. **Workers' Compensation:** The contractor/respondent/selected firm shall provide and maintain workers' compensation insurance for all employees in the full amount required by statute and full compliance with the applicable laws of the State of Texas. Employer's Liability insurance shall be provided in amounts not less than \$500,000 per accident for bodily injury by accident; \$500,000 policy limit by disease; and \$500,000 per employee for bodily injury by disease."

In addition, a Waiver of Subrogation Endorsement shall be provided by the contractor naming the City of Pharr in said policy for Worker's Compensation Insurance. Contractor/Respondent/Selected Firm shall further ensure that all of its sub-contractors maintain appropriate levels of workers' compensation insurance.

- E. **Professional Services - Insurance Provisions:** Errors & Omissions (Professional Liability): \$1,000,000 Each Claim Limit \$1,000,000 Aggregate Limit. If coverage is written on a claims made basis, the retroactive date shall be on or prior to the date of the contractual Agreement. The certificate of insurance shall state that the coverage is claims-made and include the retroactive date. The insurance shall be maintained for the duration of the contractual Agreement and for four (4) years following completion of the services provides under the contractual Agreement or for the warranty period, whichever is longer. An annual certificate of insurance submitted to the City shall evidence coverage.

- F. **Deductible Clause:** Contractor/Respondent/Selected Firm to declare self-insured retention or deductible amounts in excess of \$25,000.

- G. **Other Provisions:** All insurance carriers shall be rated A6 or better and be published on a current A.M. Best Rating Guide, or some other recognized equivalent rating service (e.g., Moody's, Standard & Poor's). The City may request a copy of the insurance policy according to the nature of the project. City reserves the right to accept or reject the insurance carrier. All Certificates of Insurance shall be provided on the Acord Form 25. All insurance requirements are imposed and must be complied with by any and all sub-contractors, and/or lower-tier sub-contractors. A copy of endorsements providing Additional Insured, Primary Insurance and Waiver of Subrogation wording shall be attached to the certificates of insurance.

CHAPTER X. EMERGENCY PURCHASES

The City may make emergency or exempted purchases without competitive bidding under specific circumstances. Purchases that are required immediately for purposes that could not reasonably have been foreseen are generally exempt from bids. They may be subject to other requirements, however, such as certification that an emergency exists. When it is necessary to preserve or protect the public health, competitive bidding requirements are waived regardless of how the conditions were brought about. If there is time to give proper notice and for an advertisement to be made, then it is not an emergency.

EMERGENCY PURCHASES

An emergency purchase occurs when the City must make the procurement quickly to prevent a hazard to life, health, safety, welfare. Emergencies may occur as the result of unforeseeable circumstances and may require an immediate response to avert an actual or potential public threat

or to avoid undue additional cost to the City, property or life, safety or welfare to person(s). Proper procurement planning for this anticipated business need is expected. Pending expiration of funds does not constitute an emergency, nor does poor planning.

The City Manager may delegate the authority to make emergency procurements, notwithstanding this delegation, emergency procurements are subject to rules and procedures. Upon request, the Purchasing Department will assist in advising department personnel on the proper procedures for emergency purchases, the Purchasing Department will not certify the existence of an emergency.

This section establishes procedures for the use of emergency purchases to procure goods or services, other than those constituting a public work, needed by the City to respond to an emergency.

An emergency purchase is defined as:

- 1) a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipalities residents or to preserve the property of the municipality; or
- 2) a procurement necessary to preserve or protect the public health or safety of the municipality's residents; or
- 3) a procurement necessary because of unforeseen damage to public machinery, equipment, or other property; and
- 4) which, due to circumstances beyond the City's control, must be procured immediately and without following established procurement procedures.

If an emergency exists, a written determination of the basis for the emergency and for the selection of a particular vendor shall be included in the procurement file. The notification must be provided as soon as reasonably practical given the nature of the emergency.

Notwithstanding the immediate nature of an emergency, all procurements conducted as emergencies should be made as competitive as possible under the circumstances. The agency should make a reasonable attempt to obtain at least three (3) informal bids. Expedited reviews are available upon request, emergency purchases of goods or services should not exceed the scope or duration of the emergency.

Procedures Responsibility

There are separate procedures to be followed for emergencies occurring during regular working hours and those occurring at all other times.

A. During regular working hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.), all emergency purchases are to be handled through the Purchasing Department. It will be left to the discretion of the Purchasing Department to either handle the purchase directly or to delegate authority to the requesting department. If the purchase is more than \$50,000.01, the Department Head (or designee) requesting the purchase is responsible for obtaining the approval of the City Manager (or designee) and the Purchasing Director prior to making the purchase. A copy of the approvals shall be forwarded to the Purchasing Department.

- 1) The Department Head will notify the Purchasing Department by telephone and e-mail immediately, with as much information as possible about the emergency purchase required, so that the purchasing action can be initiated immediately;
- 2) Simultaneously, a "Request for Purchase" form is to be prepared and hand-carried through the approval process;

- 3) The requesting Department Head (or designee) should contact as many vendors as necessary to arrange for the emergency purchase. If there is not enough time to get authorization, the purchase can be completed by telephone, and the purchase order can be completed after-the- fact and delivered to the vendor; and
- 4) If the buyer requests expedited delivery. The person making the requisition may be required to pick-up the emergency purchase from the vendor, if timely delivery is not available.

B. After regular working hours and on weekends and/or holidays, the following procedures shall apply:

1.) Emergency purchase may be authorized by the Department Head (or designee) requiring the purchase and confirmed by transmitting a purchase requisition noted as an "EMERGENCY" to the Purchasing Department. The requisition should be submitted no later than noon of the next normal workday, along with a brief, but complete, explanation of the emergency and justification for the procurement action taken.

The purchase requisition and explanatory information shall be approved by the initiating Department Head (or designee).

2) Within one (1) working day after the emergency procurement, the department shall notify the City Manager in writing of the procurement actions taken. A copy of the notification shall be forwarded to the Purchasing Department.

C. When purchasing support is unavailable, process "Emergency Purchase" as follows:

- 1) The department head shall take whatever steps are necessary to procure needed supplies, services, or equipment to relieve the emergency. If possible, only those goods or services needed during the evening, weekend, or holiday are procured; and
- 2) On the first working day following the emergency, the department head prepares a "Request for Purchase" form and hand carries it to the Purchasing Department.
- 3) The person making the purchase must attach the invoices, bills of materials, receipts and other pertinent documents related to the purchase.
- 4) The official in charge of the requesting department must certify in writing on the next working day, or as soon as possible, why the emergency purchase was necessary

All emergency purchases costing more than **\$100,000.01** must be ratified by the City Commission on the first possible (regularly) scheduled meeting date. The end user department shall prepare the Request for City Commission action item memorandum to ratify the contract and authorize payment. All ratifications require the approval of the City Manager (or designee) and the Purchasing Director.

The Department Head (or designee) shall be responsible for determining the validity of an emergency purchase request and shall be held fully accountable for any actions requested or subsequently taken to procure emergency goods or services

CHAPTER XI. SOLE SOURCE PURCHASES

Quotes are not required if the materials, goods, or supplies can only be purchased from a sole vendor, in other words, a sole source. Reasonable efforts must be made to ensure purchases from sole sources are correctly classified as such. Materials, goods, and/or supplies cannot be requested so as to remove other suitable alternative vendors/sources. Sole source purchases are subject to possible review by the City Attorney.

For a sole source purchase, at least one (1) of the following must exist:

- Available from only one source because of patents, copyrights, secret processes, or natural monopolies
- Films, manuscripts, or books
- Gas, water, and other utility services, (in most instances)
- Captive replacement parts or components for equipment
- Books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and
- Sole source purchases are approved only after the lack of alternate sources has been determined and proof of sole source is documented via memo by the department head.

The requesting department should do everything possible to strengthen the City's bargaining position. Costs related to procurement should always be considered before an order is issued. Post-purchase costs could include multi-year maintenance contracts, replacement parts or trade-in value.

Procedure for Sole Source Purchases

Sole source purchases are handled the same as other purchases, with these exceptions:

- 1) The Purchasing Director must approve all sole source purchases. The approval should be done before a Requisition is submitted, before a PO is issued and before a commitment is made to a vendor.
- 2) The Request for Purchase form (Requisition) is then completed in accordance with the standard purchasing procedures.
- 3) A sole source affidavit letter shall be required from the manufacturer, to be attached to the requisition.
- 4) If the item is a sole source purchase, the requesting department head must prepare a statement and attach it to the Requisition that says a sufficient number of vendors have been contacted to determine that only one practical source of supply exists or states the reasons only one source exists. This statement must be attached to the Requisition.

CHAPTER XII. COOPERATIVE PURCHASING PURCHASING THROUGH STATE CONTRACT OR STATE-RECOGNIZED COOPERATIVE CONTRACTS

Through cooperative purchasing, the City can save time and money in our purchasing procedures. The Local Government Code (§§271.081 - 271.083) provides for purchasing by the City through State-recognized cooperative contracts. This frequently saves time and effort in local purchasing. In addition, all statutory bidding requirements are satisfied when purchases are made through State contracts or State-recognized cooperative contracts, and the vendors are frequently the same ones with whom the City may have dealt with in the past.

There may be some drawbacks. Some prices on State or State-recognized cooperative contracts may not be as low as a locally solicited project. Requesting departments should also consider levels of service and other service related options not included on the contract or in the quoted price.

State Contract or State-recognized cooperatives contract(s) can be used in place of soliciting informal and/or formal quotes as established agencies have already awarded vendor contracts on a competitively solicited basis. These types of quotes should indicate the Co-Operative Agency

by name, co-operative contract number, purchase item description, unit price, total price and other pertinent details. Department should verify as much of the quote as possible by visiting the pertinent online website. The Contract Number, contract expiration dates, and contract details are usually available on the Cooperative Agencies website.

Purchases can be made through any of these Purchasing Cooperative Contracts (this list is not all inclusive, there are many co-operative agencies):

- TASB - BuyBoard Cooperative Purchasing
- DIR - Department of Information Resources - Information Technology and Services hardware and software contracts competitively awarded by DIR.
- H-GAC - Houston-Galveston Area Council
- NPPGov – National Purchasing Partners
- OMNIA Partners – (formerly National Purchasing Alliance)
- SAVVIK Buying Group (EMS, Fire, Law Enforcement)
- SOURCEWELL – Formerly NJPA – National Joint Powers Alliance
- STATE -Managed Term Contracts - Index of competitively awarded managed term contracts established for unique items for specific entities or distinct ordering processes. Customers will issue an internal purchase order.
- TARRANT – Tarrant County
- TCI – Texas Correctional Industries - Per the Texas Prison Made Goods Act, TCI manufactures goods and provides services to State and local government agencies, public educational systems and other tax-supported entities.
- TIBH – Texas Industries for the Blind and Handicapped (TIBH) offers products, services and temporary personnel services to State and local government entities through Statewide Community Rehabilitation Programs that employ Texans with disabilities.
- TIPS - The Interlocal Purchasing System
- TXMAS - Texas Multiple Award Schedule - Texas contracts established as an alternative procurement method. These contracts are based upon active General Services Administration's (GSA) Federal Supply Service or another State or local government entity, as authorized by Texas Government Code, Chapter 2155.
- TXSmartBuy Term Contracts - Index of competitively awarded term contracts with related terms and conditions, items, pricing and Contractors - purchased through the TxSmartBuy Online Ordering System.

The City of Pharr, as a local government, may purchase goods or services available under Federal supply schedules of the United States General Services Administration to the extent permitted by Federal law

CHAPTER XIII. PURCHASES OTHER THAN COOPERATIVE PURCHASING USING FEDERAL AND STATE GRANTS

A. GENERAL INFORMATION

This chapter applies to all City procurements made in whole or in part with money received from Federal and/or State grant programs. This includes grant funds that the City may receive directly, as well as, indirectly. An example of receiving indirect Federal grant money is when Federal transportation funding is disbursed to the City via the Texas Department of Transportation.

Some Federal Funding sources are:

CDBG – Community Development Block Grant
DOJ – Department of Justice
EDA – Economic Development Agency
EPA – Environmental Protection Agency
FEMA – Federal Emergency Management Agency
FHWA – Federal Highway Administration
FTA – Federal Transit Administration

Some State Funding sources are:

TXDOT – Texas Department of Transportation
TXP&WL – Texas Parks & Wildlife
TWDB – Texas Water Development Board

The requirements of this chapter must be met, as well as, all other applicable chapters in this manual.

Each procurement funded with (State and/or Federal) grant funds must comply with the terms of the specific grant involved. The department applying for and using grant money is ultimately responsible for complying with the grant terms and conditions. The awarded department is responsible to coordinate all procurement related activities with the Purchasing Department. The awarded department is responsible to coordinate relative activities with the Grants, Finance, Engineering, and other departments as necessary.

In cases where conflicts between the terms of the grant and this manual may exist, the stricter requirement(s) shall apply.

The City's Grant Department serves as a resource for all departments to use during the grant application process, procurement(s) with grant funds, and ongoing compliance with grant monitoring, and reporting requirements.

Department(s) that have been awarded grant funds are advised to coordinate all procurement activities with the Purchasing Department prior to beginning the solicitation process. The Purchasing Department must be notified of all proposed procurements that involve awarded grant funds.

Federal and State grant programs may have different and/or overlapping requirements.

B. FEDERAL GRANT REQUIREMENTS

The most common requirements that must be met when receiving Federal funds are:

- 1) System for Award Management (SAMs) – Exclusion Record Verification
- 2) Buy American Preference
- 3) Section 3 Preference
- 4) Davis-Bacon and Related Acts
- 5) Non-discrimination Clauses
- 6) Equal Opportunity Requirements (Fair Housing, Civil Rights Act, Americans with Disabilities Act)
- 7) Hiring of Veterans

This list is not all inclusive. It should be noted that not all requirements listed above may apply to a grant; therefore, the recipient department is responsible for doing all necessary research and ensuring compliance. Department(s) are highly encouraged to coordinate all activities with the Purchasing Department and the Grant Department when it comes to expending State and/or Federal Grant monies.

As we noted earlier in this manual the law very fragmented, there are many statutes, Federal regulations, and funding agencies with their own requirements. If your department is awarded a grant you are also encouraged to visit their website for procurement guidelines.

The following are some OMB circulars that should be consulted as a starting point in determining what requirements may apply to a Federal grant:

- 23 CFR 172 Procurement, Management, and Administration of Engineering and Design Related Services
- 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 2 CFR 225 - Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87)

2 CFR 200 is sometimes referred to as “The Super Circular” it is a final guidance that supersedes and streamlines requirements from OMB Circulars A-21, A-87, A-110, and A-122 (which have been placed in OMB guidance’s); Circulars A-89, A-102, and A-133; and the guidance in Circular A-50 on Single Audit Act follow-up.

C. SYSTEM FOR AWARD MANAGEMENT (SAM) CHECK

The System for Award Management (SAM) provides a single comprehensive list of individuals and firms excluded by Federal government agencies from receiving Federal contracts or federally-approved subcontracts and from certain types of Federal financial and non-financial assistance and benefits.

The Purchasing Department in conjunction with the recipient department must do a check on all prospective participants and may not contract with any entity or individual that has been found guilty of unfair business practices and subsequently debarred or suspended. Website is currently accessible at <https://www.sam.gov/SAM/>. This check must be done prior to the purchase of any Federal funding acquisition regardless of the purchasing method: contract, purchase order, procurement card, etc. Attach a copy of the screen indicating the vendor is not debarred at the time of the procurement and include that copy with the procurement records for audit and monitoring purposes. If the vendor is debarred, we cannot do business with that vendor.

D. CONFLICT OF INTEREST FOR FEDERAL GRANTS

Pursuant to 24 CFR Part § 85.36, no employee, officer for Federal Grants or agent of the grantee (City) or subgrantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- a. The employee, officer or agent,
- b. Any member of his immediate family,
- c. His or her partner, or

- d. An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The grantee's or subgrantee's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. Grantee and subgrantees may set minimum rules where the financial interest is not substantial, or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's and subgrantee's officers, employees, or agents, or by contractors or their agents. The awarding agency may in regulation provide additional prohibitions relative to real, apparent, or potential conflicts of interest.

CHAPTER XIV. EXEMPT PURCHASES

State law provides a number of exemptions to the competitive bidding process. Under the State of Texas' Professional Services Procurement Act, a contract for the purchase of a personal, professional or planning service(s) are exempt from competitive bidding requirements.

The City may not select providers of professional services based on competitive bids. In these situations, the City must make the selection and award based on demonstrated competence and qualifications for performing the services for a fair and reasonable price.

The professional fees under the contract must be consistent with the recommended practices and fees published by the applicable professional associations and may not exceed any maximum provided by law.

Professional services include:

- Accounting;
- Architecture;
- Landscape architecture;
- Land surveying;
- Medicine;
- Optometry;
- Professional engineering;
- Real estate appraisal; or
- Nursing

Professional services may include "members of disciplines requiring special knowledge or attainment and a high order of learning, skill and intelligence," according to the Texas Attorney General's Office.

Some of the areas not mentioned in the Professional Services Procurement Act that State Courts and Texas Attorneys General have ruled as excused under the professional and personal exemption include:

- Contracts for preparing tax rolls, tax reports, tax statements, inventory and proof rolls;
- Contracts involving the coordination of investigation of crimes;
- Contracts for services of a construction manager;
- Contracts for services of a third-party administrator of insurance benefits;
- Employment of an auditor; and
- Contracts for plat books and abstracts

Purchases Exempt from Competitive Bidding - Other Exemptions

The following is a list of other areas that are exempt from competitive bidding requirements.

1. a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality;
2. a procurement necessary to preserve or protect the public health or safety of the municipality's residents;
3. a procurement necessary because of unforeseen damage to public machinery, equipment, or other property;
4. a procurement for personal, professional, or planning services;
5. a procurement for work that is performed and paid for by the day as the work progresses;
6. a purchase of land or a right-of-way;
7. a procurement of items that are available from only one source, including:
 - a) items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;
 - b) films, manuscripts, or books;
 - c) gas, water, and other utility services
 - d) captive replacement parts or components for equipment;
 - e) books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and
 - f) management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits;
8. a purchase of rare books, papers, and other library materials for a public library;
9. paving drainage, street widening, and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements;
10. a public improvement project, already in progress, authorized by the voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;
11. a payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter 212;
12. personal property sold:
 - a) at an auction by a State licensed auctioneer;
 - b) at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code;
 - c) by a political subdivision of this State, a State agency of this State, or an entity of the Federal government; or
 - d) under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter 391;
13. services performed by blind or severely disabled persons;
14. goods purchased by a municipality for subsequent retail sale by the municipality;
15. electricity; or
16. advertising, other than legal notices.

CHAPTER XV. DISPOSAL OF SURPLUS/SALVAGE EQUIPMENT/MATERIAL

A. SURPLUS EQUIPMENT AND PROPERTY

Any property that is movable or not attached to the land (referred to as personal property) such as furniture, fixtures, vehicles, equipment, tools, instruments, clothing, or other such items of value, which has lost its useful value to the City or has become obsolete, may be disposed of by any of the following methods.

1. Sold competitively by accepting sealed bids or by public auction.
2. Traded in for new equipment or equivalent service;
3. Donated to an entity with City Commission approval;
4. Recycled

At the City Manager's discretion, the compiled list of items which are to be declared "obsolete" or "surplus" shall be placed on the City Commission agenda for proper approval and authorization by the Mayor and City Commissioners. Upon approval, items shall be marked for disposal through the sealed bid process, public auction, recycled, trade-in, or donated.

1. In the case that disposition is designated as "sealed bid or trade-in" the Purchasing Department shall send out formal sealed bid requests to all interested concerns and post bid package on the internet.
2. In the case that disposition is designated as public auction the Police Department shall coordinate all activities with the Purchasing Department and the auctioneer.
3. In the case that disposition is designated as recycled coordination shall be handled by the Public Works department coordinating with the Purchasing Department.
4. In the case that the disposition is donation the Purchasing Department shall coordinate with City Attorney and affected department.

B. SALVAGE MATERIAL

Disposal of salvage materials, scrap metals, copper, brass, etc., may be sold after attempting to obtain three (3) written offers. If disposition of "Salvage" items is unsuccessful the Purchasing Director shall request authorization from the City Manager to discard salvage/obsolete items.

C. SALE OF PERSONAL PROPERTY

Personal property does not include real estate such as land, including the building or improvements on it, or it's natural assets, such as minerals and water. The City may sell real property owned by the City by sealed bid under Local Government Code §272.001 or by public auction under this section.

To sell real property by public auction, the City must publish notice of the auction. According to Local Government Code, §253.008, the notice must be published once a week for at least three (3) consecutive weeks, with the first publication at least (20) days before the date the auction is held, in a newspaper of general circulation in both the county in which the City is located and the county in which the property is located. The notice must contain a description of the property, including location, and the date, time and location at which the auction is to be held.

CHAPTER XVI. CONTRACT RENEWALS

EXTENSIONS AND RENEWALS

The Requesting Department and the Purchasing Department are responsible for reviewing and monitor their contracts periodically to avoid contract expiration. If the contract has an option to

extend or renew, the Requesting Department must assess whether the option will be exercised by the City prior to the expiration of the current contract term. The number, length, and process for exercising renewals and extensions should be specified in the contract. The Requesting Department is responsible for notifying the Purchasing Department of the intent to extend the contract, at least sixty (60) days prior to the expiration. Determination to extend the contract shall be made upon discussion and mutual agreement between the Requesting Department, vendor under contract, the Purchasing Department and upper management (as applicable).

The Purchasing Department shall proceed in obtaining the Vendor's written agreement to extend. If the vendor agrees with the renewal, a renewal agreement must be executed by the Vendor and the City Manager (or designee). If the original agenda item included language for the option to extend with City Manager approval, then the Purchasing department shall proceed accordingly. Contract terms may vary depending on the contract. Typical terms are for one year, with the option to extend for two (2) years in one-year increments. It is recommended that contracts not exceed five (5) years, although in some cases the City may execute contracts more than this time period.

CHAPTER XVII. MISCELLANEOUS

A. SPONSORSHIPS

All Sponsorships, regardless of dollar amount, will require City Manager approval. Sponsorships over \$50,000.01 will require City Commission approval. A requisition is required to be submitted to the Purchasing Department for Sponsorships over \$2,000.01.

B. SALES TAX

The City of Pharr is exempt from all Federal Excise Tax and the State of Texas Limited Sales Excise and User Tax. All purchases should be tax exempt.

C. PREFERENCE TO LOCAL VENDORS

The City will always make every effort to purchase from Pharr vendors. This preference is deemed as being in the best interest of the City. Local vendors are afforded a 5% cost difference in comparison to non-Pharr vendors. This preference applies to items under the State of Texas bid mandated purchasing per section 3.B.

D. PURCHASING REQUIREMENTS – REPAIR & MAINTENANCE

Purchase of repair and maintenance services will require a PO to be issued. The requesting department in conjunction with the Service Center Supervisor will solicit an hourly rate from at least three (3) businesses. During the bidding process, the department must inform the vendors that priority will need to be given to emergency vehicle(s) or emergency equipment repair(s). The procurement of maintenance parts shall comply with the Purchasing Policies & Procedures as outlined in this manual.

As vehicles reach the threshold of miles or age of potential replacement, the Service Center Supervisor of the Public Works Department shall be responsible to perform a vehicle/off-road equipment maintenance evaluation to determine if replacement is warranted. If the evaluation proves the vehicle would be economical to retain for an additional year, the vehicle will be targeted for retention or reassignment. In some cases, it may be reassigned to other departments with "low usage" requirements. The Service Center Supervisor/Fleet Management Team will jointly review and approve all specifications for new vehicle/off-road equipment purchases. Depending on the availability of funds, vehicles and equipment which shall be replaced when they are at the end of

their economic life, no longer safe to operate, not reliable enough to perform their intended function, or there is a demonstrated cost savings to the City of Pharr.

All new on-road vehicle(s), emergency vehicles, and off-road equipment purchased shall be delivered to the Service Center for inventory processing. Title(s) and Certificates of Origin are to be turned over to the City of Pharr's Risk Manager.

The requesting Department Director/Representative, the Service Center Supervisor, and the Purchasing Director shall be responsible for reviewing all new vehicles and off-road equipment for specification compliance.

E. PROCUREMENTS REGARDING COMMUNICATION AND/OR HIGH-TECH ITEMS

City departments are advised that communication equipment such as: telephones, radios, computer software, computer hardware, and related peripheral items must be cleared through the Information Technology Department prior to finalizing a purchase. It is the Department Heads responsibility to ensure that communication and/or high-tech procurement of products and/or services are coordinated with the Information Technology Department.

F. PROCUREMENTS REGARDING BUILDING MAINTENANCE

City departments are advised that any building and/or facility maintenance and repair must be coordinated through the Parks & Recreation, Building Maintenance department. All quotes for such services shall be coordinated through the Parks & Recreation, Building Maintenance department. It is the Department Heads responsibility to ensure that selected contractor/vendor has been cleared through the Purchasing Department regarding insurance before performing any work. If the department will require demolition service(s) they must seek the approval of the City Engineer before proceeding. If anticipated construction, demolition, or remodeling work is more than \$25,000.00 the requesting Department should seek the approval of the City Engineer before proceeding.

G. EMPLOYEE REIMBURSEMENT FOR CITY EXPENSES

The City will reimburse purchases made by employees on behalf of City business. Items that are not reimbursable include: tobacco products, alcoholic beverages, and other questionable expenses. Questionable expenses will ultimately be decided upon by the City Manager. Depending on the dollar amount, Employee reimbursable expenses may be made through Petty Cash or Check Request.

H. ELECTRONIC PROCUREMENT POLICY

Electronic sealed bids (CSB & CSP), proposals (RFP), requests for statements of qualification (RFQ) shall be received electronically through the City of Pharr's Bidding Portal (website) in accordance with Section 252.0415 (a) of the Local Government Code requiring the identification, security, and confidentiality of electronic bids, proposals, or statements of qualification to remain effectively unopened until the proper date and time. (Bidding Portal has lock-box technology which requires (password) protected access to "un-lock" submittal(s).

I. IDENTICALS BIDS

Pursuant to Local Government Code 271.901, if the City receives two (2) or more bids from responsible bidders that are identical, in nature and amount, as the lowest and best bids, the

governing body shall enter into a contract with only one of those bidders and must reject all other bids.

If only one of the bidders submitting identical bids is a resident of the City, the City must select that bidder. However, if two or more of the bidders (or none of the bidders) are residents of the City, the City must select one of the bidders by the casting of lots.

For projects under \$50,000.00, the casting of lots is prescribed by the Purchasing Director in the presence of the Requesting Department Director (or designee). For projects over \$50,000.01, the casting of lots is prescribed by the Mayor and must be conducted in the presence of the governing body.

CHAPTER XVIII. PROTEST

A. BID PROTEST PROCEDURES

Protests shall be submitted in writing and filed with Purchasing Department. Protests will be handled as follows:

- Protests regarding the terms, conditions or specifications in the solicitation (pre-bid or pre-proposal protests) must be filed no less than five (5) business days before the opening of the bid or proposal.
- Protests regarding the evaluation of bids, qualifications, or proposals (pre-award protest) must be filed no later than three (3) business days prior to the City Commission meeting at which the award appears on the agenda.
- Protests made after City Commission's decision to award a contract must be received by the City no later than three (3) business days after the date of City Commission award. Protests may be hand-delivered by the Protester or the Protester's representative, or they may be mailed, but regardless of the method of delivery, they must be received by the City no later than the deadline(s) identified above.

B. PROTEST APPEALS

If the protesting vendor does not agree with the staff's recommendation, they may appeal to the City Commission in accordance with the procedures above. Protesting vendors must contact the City Secretary in order to be acknowledged and heard by City Commission at the first available Commissioner's meeting.

Departments should contact the vendor, or Purchasing Department, if materials and/or services are not received or performed by the due date. Always keep the Purchasing Department apprised of the situation.

Since there is no central receiving point, each department is responsible for inspecting, testing and receiving commodities and services. Any shortages, late deliveries, damaged merchandise or other problems relating to the vendors' performance should be reported to the Purchasing Department as soon as possible. Initially, affected Departments should call the Purchasing Department, and follow-up with a written explanation of the situation utilizing the Vendor Performance Form (available upon request from the Purchasing Department).

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AGENDA MEMORANDUM



BOARD: BOARD OF COMMISSIONERS

AGENDA ITEM #: 6.C.

DATE SUBMITTED: July 24, 2025

MEETING DATE: August 4, 2025

FROM: Alessandra Garcia, Assistant City Clerk

DEPARTMENT: Purchasing

DIRECTOR: Maritza Magallan

Agenda Item: Consideration and action, if any, on Ordinance amending Ordinance No. O-2024-07 updating Procurement Card Policy Manual **(2nd Reading)** *This item supports SE - Service Excellence.*

Classification: Regular

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

Issue: The Purchasing Department recommends amending the City's Procurement Card Policy Manual to strengthen internal control measures governing the purchasing process. The proposed updates are intended to enhance transparency, ensure compliance with applicable regulations, and align procurement practices with industry standards and best practices. The revisions will also serve to align the City's policy with recent changes introduced under both House Bill and Senate Bill legislation, which are scheduled to take effect on September 1, 2025.

Fiscal Consideration: N/A

Staff Recommendation: Staff recommends approval

Alternatives: N/A

Exclude Material from Public Packet? No

Reason: N/A

ROUTING:

Alessandra Garcia

Maritza Magallan

Hilda Pedraza

Ricardo Rodriguez

Jamison Merrick

City Management Office

Created/Initiated - 07/24/2025

Approved - 08/01/2025

Approved - 08/01/2025

Approved - 08/01/2025

Approved - 08/01/2025

New -

ORDINANCE NO. O-2025-__

AN ORDINANCE AMENDING ORDINANCE NOS. O-2024-06; O-2021-38; O-2016-20; O-2015-29; O-2012-33; O-2010-29; AND 1985-8527, PROVIDING FOR THE DELEGATION OF THE DUTIES OF THE CITY MANAGER AS PURCHASING AGENT; ADOPTING THE CITY OF PHARR PURCHASING MANUAL AS THE AUTHORITATIVE GUIDE TO PURCHASING ACTIONS; INCLUSION IN PHARR CODE OF ORDINANCES; INCORPORATION OF OTHER ORDINANCES; REPEALING CONFLICTING ORDINANCES; SEVERABILITY; AND EFFECTIVE DATE

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

SECTION 1: The City Manager or his designated representative shall act as purchasing agent for the City and shall purchase all merchandise material and supplies needed by the City and will establish a suitable storehouse where such supplies shall be kept and from which the same shall be issued as needed. He shall adopt such rules and regulations as he shall deem necessary governing requisitions and business transactions between himself and the department heads, officers and employees of the City.

SECTION 2: REPEALING CLAUSE. This Ordinance, as well as the attached purchasing policies and procedures, shall be enforce and apply to all personnel and agents of the City of Pharr and vendors. This ordinance shall incorporate herein all other ordinances that exist in the Pharr Code of Ordinances not in direct conflict with this Ordinance as such are hereby abolished, and repealed to the extent of the conflict, and this Ordinance shall supersede any provisions in conflict herewith. All other provisions of the above-described ordinance shall remain in full force and effect.

SECTION 3: SEVERABILITY CLAUSE. If any section, part of provisions of this Ordinance is declared unconstitutional or invalid, such declaration shall not affect the validity of the remaining sections, parts or provision of this Ordinance.

SECTION 4: EFFECTIVE DATE. This Ordinance shall be read in three (3) separate readings and shall take effect on September 1, 2025, upon receiving final approval by the governing body following three (3) readings of the Board of Commissioners.

CONSIDERED PASSED AND APPROVED ON FIRST READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the ____ day of July, 2025.

CITY OF PHARR

Ambrosio Hernandez Mayor

ATTEST:

Imelda Barrera, City Clerk

CONSIDERED PASSED AND APPROVED ON SECOND READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the ____ day of August, 2025.

CITY OF PHARR

Ambrosio Hernandez, Mayor

ATTEST:

Imelda Barrera, City Clerk

CONSIDERED PASSED AND APPROVED ON THIRD AND FINAL READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the ____ day of August, 2025.

CITY OF PHARR

Ambrosio Hernandez, Mayor

ATTEST:

Imelda Barrera, City Clerk



Pharr
Purchasing



PROCUREMENT CARD POLICY MANUAL

PHARR CITY HALL | 118 S. CAGE BLVD. PHARR, TX 78577
P.O. BOX 1729 | (956) 402-4231

SEPTEMBER 2025



Pharr



12/2/2024

PURCHASING DEPARTMENT

PROCUREMENT CARD POLICY MANUAL

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PROCUREMENT CARD POLICIES AND PROCEDURES

INTRODUCTION

Welcome to the City of Pharr's Procurement Card Program. This program is designed to reduce the flow of paperwork and at the same time provide better controls on all low-dollar purchases (purchases less than \$23,000.00) made at the department level. The Procurement Card can and may be utilized for larger purchases if approved by the City Manager.

~~The City of Pharr departments shall provide an opportunity for competitive bidding, on request(s) for informal verbal and/or written bids, proposals, and/or price quotations when the anticipated expense is expected to exceed \$2,000.00. Informal bids, proposals, and/or price quotations may be delivered electronically, by e-mail, fax, phone, by person, and/or courier. Informal price quotes must be listed in the comments area of the transaction detail. In a case of "emergency" the requirement for solicitation for bid(s), proposal(s), and/or request for informal price quotation(s) may be waived by the Department Director at the department level and must be documented accordingly. Departments shall be responsible for ensuring compliance with the Procurement Policy Manual (i.e., Insurance Requirements, State and Federal Funding Requirements, etc.)~~

The success of the Procurement Card Program and its continuing use depends on the participation and cooperation of all City employees that will be issued Procurement Cards. The primary responsibility for ensuring compliance with these Policies and Procedures belongs to the individual Department Directors. Department Directors shall ensure that Assistant Director/Manager/Supervisors and Cardholders are in strict compliance with this Procurement Card Manual.

A. GENERAL INFORMATION

The Procurement Card is a credit tool that is issued by a bank. This credit tool offers an extremely efficient and effective method of purchasing and paying for small dollar items with a not to exceed total value of \$23,000.00 per transaction.

In the rare instance that a vendor is not set up to accept credit cards, the department has the option of entering a small dollar amount Request for Purchase (Requisition) through the City's Financial Management system.

The Procurement Card shall enable employees of the City of Pharr to purchase non-restrictive commodities, by telephone, on the Internet, or in person, direct from the vendors. The Procurement Cards shall be issued in the employee's name and the City of Pharr's name shall be clearly indicated on each card.

All purchases made with the Procurement Card shall be paid by the bank that the City of Pharr contracts with for the Procurement Card Service. The Bank on contract will then bill the City of Pharr.

~~P-Card Use and Guidelines~~ P-CARD USE AND GUIDELINES

The P-Card is issued in the Cardholder's name with a unique number. All purchases made on the P-Card must be made by the individual to whom the card is issued. The Cardholder is responsible for the security of the Purchasing Card and the transactions made with it.

Failure to follow the guidelines of the P-Card Program could result in disciplinary action, including termination.

The P-Card is a corporate credit card that must only be used to make authorized City of Pharr purchases.

Cardholders may use the P-Card to purchase supplies, materials, and services to include reservations related to City business, which do not exceed the single dollar transaction limit that was established by Purchasing Director.

Cardholders must not exceed the maximum monthly dollar limit assigned to the P-Card in any given month without prior authorization from the Purchasing Director or designee.

It is the responsibility of the Cardholder to resolve any disputes with the Supplier. If a resolution cannot be reached, the Cardholder should report the problem to their Department P-Card Liaison for assistance.

The P-Card is **NOT** for **PERSONAL** use.

B. PROCUREMENT CARD PROGRAM DESIGNEE(S)

The City of Pharr's Procurement Card Program shall be utilized and/or administered by City employees in one of the following designations:

Commented [MM1]: Revisit this section

DEPARTMENT DIRECTOR

~~The Department Director shall select responsible and trustworthy individuals to participate in the P-Card Program. Department Director shall select Assistant Director, Manager(s), Supervisor(s) and Cardholder(s) to participate in the P-Card Program. In the absence of the Department Director, he/she may authorize his/her Assistant Director to approve P-Card transactions online and on paper. Under normal circumstances, the Department Director shall approve all P-Card transactions on the P-Card Program software, affix signature on receipts and support documentation for all cardholder(s) transaction(s). The Department Director shall ensure that all transactions are supported with proper documentation and that this documentation reaches the Finance Department (Accounts Payable) in an organized and timely manner. Department Director shall be responsible for providing sufficient internal department controls with separation of duties to guard against misappropriation of products and/or services. Periodic reporting shall be reviewed~~

~~monthly, quarterly, semi-annually, and annually for auditing, planning, and efficiency purposes.~~

~~The Department Director is responsible for selecting trustworthy staff to participate in the P-Card Program. This may include the Assistant Director, Managers, Supervisors, and Cardholders. If the Director is unavailable, they may authorize the Assistant Director to approve P-Card transactions online or in writing.~~

~~The Department Director is responsible for reviewing and approving all P-Card transactions in the software, signing receipts, and ensuring all supporting documentation is complete. These documents must be submitted to the Purchasing Department in a timely and organized manner. The Director must also maintain strong internal controls, including proper separation of duties, to prevent misuse of goods or services. Transaction reports should be reviewed regularly for audit, planning, and operational efficiency~~

ASSISTANT DIRECTOR/MANAGER/SUPERVISOR

Assistant Director/Manager(s)/Supervisor(s) shall be selected by their respective Department Director. In the absence of the Department Director, the Assistant Director may authorize and/or approve P-Card transactions. Assistant Director shall approve all P-Card transactions on the P-Card Program software, affix signature on receipts and support documentation for all cardholder(s) transaction(s). Assistant Director shall ensure that all transactions are supported with proper documentation and that this documentation reaches the Finance Department (Accounts Payable) in an organized and timely manner. Similarly, Assistant Director, Managers, and Supervisors shall be responsible for the activity of subordinates. Periodic reporting shall be reviewed monthly, quarterly, semi-annually, and annually for auditing, planning, and efficiency purposes.

CARDHOLDER

Cardholders shall be selected by their respective Department Director. City employees selected to participate as a "Cardholder" shall utilize the Procurement Card as a resource for non-routine purchases of authorized goods and services in strict compliance with the City of Pharr's Procurement Policy Manual. The Cardholder shall approve his/her transaction activity. The Cardholder is responsible for reviewing his/her transactions and shall report any suspicion of fraudulent activity to the Bank on record and to the Purchasing Department. The Cardholder is responsible for resolving disputes and issues associated with his/her P-card transactions. The Cardholder is responsible for reviewing periodic reporting for efficiency purposes.

PROGRAM ADMINISTRATOR (PURCHASING DEPARTMENT)

The Director of Purchasing and/or his/her designated representative shall administer the Procurement Card program for the City of Pharr and shall be the first point of contact regarding the proper use of the Procurement Card or the interpretation of the procurement card policy manual. The Program Administrator shall be completely knowledgeable of every aspect of the program and as such shall be responsible for all Cardholders in respect to the proper use of the Procurement Card. The program administrator shall approve and process p-card applications and shall provide p-card training.

FINANCE DEPARTMENT/PURCHASING DEPARTMENT – FISCAL MANAGEMENT ANALYST

The ~~Finance-Purchasing~~ Department shall be first point of contact for reconciliation, verification of purchase activities, and/or correct any problems in respect to account codes, hierarchy of

department account structure, disputes, etc. The FMA shall be the final approval of transactions on P-Card statement and shall be responsible for providing responses and required documentation related to the monthly p-card reports. The FMA shall be completely knowledgeable in every aspect of the program and must complete p-card training at least once every fiscal year.

✚ SEGREGATION OF DUTIES

To ensure proper internal controls, each department must maintain a separation of duties for the electronic review and approval of all transactions in the P-card program. Cardholder, Department Director and/or Assistant Director/Manager/Supervisor(s) must approve transactions in the Procurement Card program software. Under no circumstances should the same individual be the reviewer and the approver.

ISSUANCE OF PROCUREMENT CARDS

Procurement Cards (P-Cards) will be issued in the name of the individual employee and the City of Pharr. Any department may request that a Procurement Card be issued to a full-time, regular employee who:

- Has successfully passed his/her introductory employment period.
- Has been selected by the Department Director to perform procurement responsibilities on behalf of the department.
- Will procure goods and/or services strictly in accordance with the City's Procurement Policy Manual.

Department Directors are strongly encouraged to select only responsible, detail-oriented personnel for participation in the Procurement Card Program. Improper use of the P-Card, including non-compliance with policy, may result in disciplinary action and revocation of card privileges.

RENEWAL OF EXISTING PROCUREMENT CARD

Renewed procurement cards are automatically sent to the Purchasing Department thirty (30) days prior to the expiration date. The Purchasing Department shall notify individuals when cards are available to be picked up.

TERMINATED EMPLOYEES

When an employee separates from the City of Pharr, the Department Liaison must retrieve the P-Card and notify the P-Card Program Administrator. The Administrator will close the account in the banking system, properly dispose of the card, and file the confirmation in the Cardholder's records. When an employee is terminated or voluntarily separated from the City of Pharr, the P-Card must be turned into the Purchasing Department and cancelled.

Department Liaison secures P-Card from terminated employee and notifies the P-Card Program Administrator.

The p-card administrator shall cancel, shred and dispose of the card.

Program Administrator updates status for the Cardholder in the banking system and files confirmation in Cardholder's / Department's file as appropriate.

CRITERIA TO RECEIVE A PROCUREMENT CARD

To qualify for issuance of a P-Card, the following criteria must be met:

- The applicant must be a full-time employee of the City of Pharr with no less than six (6) months of continuous employment.
(This requirement may be waived under special circumstances by the City Manager.)
 - The applicant's request for a Procurement Card must be approved by their Department Director and submitted via the official application process (email).
 - The cardholder must be assigned to a department liaison, as designated by the Department Director. The liaison will serve as the point of contact for all procurement-related communication, transaction monitoring, and documentation tracking with the Cardholder, P-Card Administrator and Purchasing Analyst.
 - Mandatory Procurement Training & Testing Requirements:
 - Each individual cardholder must complete the annual Procurement Card Policy Training, hosted by the Purchasing Department.
 - If the cardholder has not attended an in-person training session, they are required to complete a Procurement Policy Assessment.
 - A minimum passing score of 80% is required.
 - If the cardholder does not pass, they may retake the test after one (1) week.
 - Upon successful completion and a passing score, the individual's P-Card application will be processed.
 - Failure to complete training or meet the minimum passing score will result in delayed or denied issuance of the Procurement Card.
- Each cardholder must sign a Cardholder Agreement (see Attachment "A") in the presence of their Department Director, Assistant Director, Supervisor, or the Procurement Card Administrator from the Purchasing Department.

D. ~~RENEWAL OF EXISTING PROCUREMENT CARD~~

- ~~Renewed procurement cards are automatically sent to the Purchasing Department thirty (30) days prior to the expiration date. The Purchasing Department shall notify individuals when cards are available to be picked up.~~

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E. ~~ISSUANCE OF PROCUREMENT CARDS~~

~~Cards will be issued in the name of the individual employee and the City of Pharr. Any Department may request a Procurement Card be issued to a full-time regular employee (who has successfully passed his/her introductory period), who has been selected by the Department Director to perform the duties of procuring goods and/or services for that department in strict compliance with the existing Procurement Policy Manual. We caution all Department Directors in their selection of responsible personnel for this program.~~

F. ~~CRITERIA TO RECEIVE A PROCUREMENT CARD~~

- ~~1) The applicant must be a full time employee of the City of Pharr, with no less than six (6) months of employment (Under special circumstances this requirement may be waived by the City Manager).~~

- ~~2) Applicant's request for a Procurement Card must be approved by his/her Department Director. (Request for Procurement Card shall be submitted in e-mailing via the application process.)~~
- ~~3) The applicant must be assigned to a department Admin Assistant selected by his/her Department Director.~~
- ~~4) Each individual cardholder must sign a Cardholder Agreement (see Attachment "A") in the presence of the Department Director, Assistant Director/Manager/ Supervisor or Procurement Card Administrator — Purchasing Department.~~



DEPARTMENT DIRECTOR RESPONSIBILITIES

- 1) Ensure that the Cardholder(s) and Department ~~Liaison Administrators Assistant~~ (s) comply with the Procurement Card Policies and Procedures as outlined in the Procurement Policy Manual.
- 2) Responsible for giving the City of Pharr assurance that the Cardholder(s) are in strict compliance with these Policies and Procedures.
- 3) Responsible for reviewing/approving transaction activity in the Procurement Card software, as well as in hard-copy form, ensuring proper support documentation is maintained and turned into the Finance Management Analyst in an organized and timely manner.
- 4) Responsible for being thoroughly familiar with the program guidelines.
- 5) Responsible for taking disciplinary action when necessary. A copy of the action form shall be submitted to the City Manager and/or Assistant City Manager, as required.
- 6) Responsible for obtaining the Procurement Card from cardholder upon termination of employment (resignation or termination) and returning the card to the Purchasing Department.
- 7) Responsible for obtaining the Procurement Card from cardholder upon transfer to other City of Pharr department and returning the card to the Purchasing Department.
- 8) Responsible for reviewing periodic reporting: monthly, quarterly, semi-annually, and annually for auditing, planning, and efficiency purposes (i.e., recommend item(s)).



ASSISTANT DIRECTOR/MANAGER/SUPERVISOR RESPONSIBILITIES

- 1) Ensure that the Cardholder(s) complies with the Procurement Card Policy Manual.
- 2) Responsible for being thoroughly familiar with the program guidelines.
- 3) Responsible for reviewing transaction activity and support documentation.
- 4) In the absence of the Department Director, the Assistant Director, is responsible for reviewing/approving transaction activity in the Procurement Card software, as well as in hard-copy form, ensuring proper support documentation is maintained and turned into the Finance Department in an organized and timely manner.
- 5) Responsible for reviewing periodic reporting: monthly, quarterly, semi-annually, and annually for auditing, planning, and efficiency purposes (i.e., recommend item(s)).



CARDHOLDER RESPONSIBILITIES

- 1) Responsible for ensuring that products and/or services are procured in strict compliance with the Procurement Policy Manual.
- 2) Ensure the Procurement Card is used for legitimate City business purposes.
- 3) Ensure that Insurance Requirements are met before services are rendered.
- 4) Responsible for ensuring that products and/or services being procured have been delivered and are accounted for.
- 5) Always maintain the Procurement Card in a secure location.
- 6) Must not allow other individuals to use their Procurement Card.

- 7) Must use the Procurement Card within its purchase limits and restrictions.
- 8) Receive and inspect all ordered materials and/or services for discrepancies.
- 9) Obtain, sign, and reconcile all receipts against corresponding weekly report.
- 10) Must match receipts to appropriate transaction(s), indicating proper charge-to account for expenses.
- 11) Must upload scanned receipts to Procurement Card software and check-off transaction approval noting price quotes obtained, charge-to account(s), etc.
- 12) Submit reconciled weekly report to Department Admin Assistants along with receipts, in an organized manner. If receipts are not submitted, a justification memo must accompany the weekly report.
- 13) Must never accept cash, gift cards, or gift certificates in lieu of credit to the Procurement Card.
- 14) Ensure that Sales Taxes are not charged (cardholder is responsible for obtaining City reimbursement of sales tax)
- 15) Immediately notify the Purchasing Department and bank institution of a lost or stolen Procurement Card.
- 16) Attempt to resolve disputes or billing errors, if any, with the vendor. The Finance Department must be notified of all disputes. All documentation concerning the disputed items will be turned into the Finance Department as soon as possible. Finance will follow dispute procedures.
- 17) Report any erroneous transactions to the Purchasing Department.
- 18) Report/notify fraudulent activity to Purchasing Department.
- 19) Report lost or stolen cards to the Purchasing Department and Bank on record.
- 20) Must return Procurement Card to Department [Admin Assistants Liaison](#) upon transfer to another department.
- 21) Must return Procurement Card to the Purchasing Department upon resignation/ termination of employment.
- 22) Must request a "new card" and turn-in "existing" Procurement Card if legal name changes. (i.e.: marriage, divorce, etc.).
- 23) Cardholders must review each transaction at least weekly thus indicating the transaction is valid.
- 24) Save all sale(s) receipts, credit-memos, and pertinent documentation.
- 25) If for some reason the cardholder does not have documentation of the transaction to send with the statement, the cardholder must try to obtain a copy and if this is not possible, details of the purchase must be attached via memorandum (with Department Director signature). The detail will include a description of each item, the number of items purchased, the unit cost, the date of purchase, the vendor name and why there is no supporting documentation. Continued incidents of missing documentation may result in disciplinary action.
- 26) The Cardholder is responsible for obtaining a credit memo from a supplier, when the merchandise that was purchased with the City P-Card is returned to the supplier. The credited amount will be applied to the cardholder's account. Cash refunds are prohibited.
- 27) Responsible to review periodic reporting: monthly, quarterly, semi-annually, and annually for auditing, planning, and efficiency purposes (i.e., recommend item(s)).

DEPARTMENT LIASON RESPONSIBILITIES

- 1) Coordinate meeting with card holders within the department for reconciling receipts against weekly reports.

- 2) Ensure that all complete and reconciled weekly reports are submitted monthly to the Finance-Purchasing Department, Fiscal Management Analyst for review and reconciliation by scheduled due date.
- 3) Responsible for verifying and/or changing accounting codes for all transactions, when necessary, on the weekly Department reports prior to the cut-off date established by the Procurement Card Program Administrator (Finance-Purchasing Analyst – FMA)
- 4) Must notify Procurement Card Program Administrator (Purchasing Department) of any purchase violations, lost or stolen cards.
- 5) Must advise Procurement Card Program Administrator (Purchasing Department) to cancel a Cardholder's card (i.e., department transfer, loss of Procurement Card privileges due to misuse/violations, etc.) with the approval of the Department Director.
- 6) Responsible for collecting and turning in "canceled procurement cards" to the Procurement Card Program Administrator (Purchasing Department).

K PROGRAM ADMINISTRATOR RESPONSIBILITIES (PURCHASING DEPARTMENT)

- 1) Responsible for Policy interpretations and/or clarifications.
- 2) Review Procurement Card applications turned in by the Departments for completeness of required information.
- 3) Approve application(s), request new, renewal, or replacement Procurement Card(s), and disburse upon receipt.
- 4) Responsible for training as to the proper use of the Procurement Card, Department Admin Assistants and Cardholder(s) and Department Liaisons before releasing Procurement Cards.
- 5) Responsible for having all Cardholders sign the Cardholder Agreement(s) signifying agreement with the terms of the Procurement Card Program.
- 6) Responsible for securing all canceled Procurement Cards and advising Bank (electronically).
- 7) Responsible for updating Procurement Card system, assigning access and removing users as necessary.
- 8) Responsible for maintaining Procurement Card Policies and Procedures updated.

L PROGRAM ADMINISTRATOR (FINANCE Purchasing – FISCAL MANAGEMENT ANALYST) RESPONSIBILITIES

- 1) Responsible for the training of all Department Liaisons, Admin Assistants and Cardholders in the proper way of reconciling and properly coding all transactions against weekly reports.
- 2) Understanding the electronic media that the City will use to communicate with the Bank on contract. Be familiar with all report formats to be used with the program.
- 3) Responsible for reconciling weekly transactions totals to Bank statement.
- 4) Responsible for advising of cut-off date for approvals and/or changes to default account code changes.
- 5) Notify the department when approved monthly department statements are not received. Responsible for preparing bill for payment to the Bank on contract.
- 6) Responsible for reconciling the hard copy of the bank's bill against the bank's electronic file and the transaction totals posted to the City's Financial Management system.
- 7) Responsible for establishing hierarchy of department account code structure.
- 8) Responsible for providing charge to chart of accounts for each respective department.
- 9) Keep all necessary documentation in respect to all transactions for audits by the internal and external auditors.

10) Report P-Card misuse to the [Finance-Purchasing Director](#) and ~~cc to the Purchasing Department~~

SECURITY OF THE PROCUREMENT CARD

–The Cardholder is responsible for the security of the P-card. It should be treated with the same level of care as the Cardholder would his/her own personal funds. Guard the account number, CVV, PIN, etc. carefully. It should not be posted in a work area or left in a conspicuous place. The card is to be used for City of Pharr business purposes only and only by the person named on the card.

P-CARD SAFEGUARDING PRACTICES

It is the cardholder(s) responsibility for safeguarding their Procurement Card at all times. To help protect your card and prevent misuse, follow these best practices:

- Keep a record of your account number, expiration date and phone number to report fraud in a secure place.
- Do not allow anyone to use the card on your behalf.
- Do not give your account number to anyone over the phone unless you've confirmed they are a reliable source. If you've never done business before with an entity, conduct on-line research prior to making a transaction.
- During a transaction, keep your eye on the card and ensure you get it back before you walk away.
- Keep the P-card in a safe place and only carry it with you when you need it.
- Draw a line through any blank spaces on the receipt.
- Reconcile all receipts.

REBATES AND PROMOTIONAL ITEMS

Any manufacturer rebates, credits, or promotional items received from a P-Card purchase must be credited back to the P-Card account. Supporting documentation for these transactions must be included with the cardholder's monthly statement. All rebates and promotional items become the property of the City of Pharr and are to be used by the respective department. Misuse of such items may result in disciplinary action

PROCUREMENT CARD DOLLAR LIMITS

Credit Limits shall be provided as follows:

Procurement Card Administrator: \$500,000

Department Director: \$15,000

Assistant Director: \$10,000

Other Staff: \$5,000

Single Credit Limit is \$3,000.00 for all P-Card holders, any purchase exceeding this threshold requires prior written approval from the City Manager.

Note: Procurement Card Administrator shall be responsible for all utility payments for the entire city and all waste management fees.

10)

SALES AND USE TAX

The City of Pharr is exempt from Texas Sales and Use Tax. This is noted on each card. The Cardholder should inform the vendor before making a transaction. If a supplier is requesting a tax-exempt number, please contact the Finance Department for the appropriate form. Be prepared to provide the SUPPLIER'S name and address, as well as a description of the purchase. It is recommended that Cardholders request the form prior to making a purchase.

MERCHANT CATEGORY CODE (MCC) BLOCKING

Merchant Category Codes (MCCs) describe the type of goods or services a vendor provides. If a purchase is made from a vendor with a blocked MCC, the transaction will be automatically declined (whether in person, online, or over the phone). The blocked MCC list is managed by the Program Administrator. Vendors are assigned these codes by their banks, and cardholders should be familiar with the blocked list to avoid issues. Merchant category codes (MCC) are codes that best describe what commodities or services the supplier provides. When using a Merchant Category Code listed on the blocked Merchant Category Code List, the transaction will be denied at the point-of-sale (in person, over the phone, or on the Internet). These categories listed on the blocked MCC List are maintained by the Program Administrator. Suppliers are assigned a MCC by their bank that best describes the commodity or service they provide. Cardholders should be familiar with this list.

CARD DECLINES

A P-Card transaction may be declined for the following reasons:

- The transaction is greater than the Cardholder's single transaction limit amount.
- The P-Card has reached its assigned monthly transaction limit amount.
- The Supplier's Merchant Category Code has been purposely excluded from the P-Card program by the City.
- The P-Card system has flagged a recent transaction and placed the card on "watch" of potential fraud.

In the event a decline occurs the Cardholder should contact the issuing bank, The Program Administrator or their Department Liaison to determine the reason for the decline. In most cases, the Cardholder should then contact the Purchasing Department to inform him/her of the decline, the reason, and to request resolution.

If purchase is attempted outside normal business hours, an alternate payment method should be found or the purchase should be terminated.

SPLIT TRANSACTIONS

CHARGES FOR AN ITEM MUST NOT BE SPLIT INTO SEPARATE PAYMENTS TO CIRCUMVENT THE SINGLE TRANSACTION LIMIT.

1. Always remember your single transaction limits when considering a purchase.
2. If your limit is not sufficient, do not continue with the purchase without having prior approval from the P-Card Administrator and verification that a one-time change to your profile has been made.
3. If purchase is made over the phone or internet, confirm full transactional pricing with shipping and handling before approving the charge. Be sure that the purchase excludes

sales and use tax and is not split into separate transactions. Some suppliers will take it upon themselves to split transactions in order to complete the sale.

4. Contact your P-Card Administrator or Department Liaison for assistance with reviewing your limits.
5. Purchases cannot be paid partially with a P-Card and partially with a Purchase Order (PO). All transactions must be completed as a single full payment

MEALS

Payment may be authorized for the actual cost of meals for elective and appointive officials and city employees, for business meetings or training sessions where attendance is advantageous to the City of Pharr, and where ALL of the following requirements are met:

1. The purpose of the meeting is to conduct official city business or to provide training to city employees or city officials; AND
2. The meals are an integral part of the business meeting or training session. Integral is defined as: "essential to completeness; part of the curriculum; formed as a unit with another part." AND
3. The meeting or training is a special situation or occasion outside of the normal daily business of city employees. City funds may not be used to provide meals for staff parties, routine staff meetings, routine departmental meetings, or any event deemed to be social in nature; AND
4. Approval is obtained prior to the meeting, as documented by a properly completed Request for Approval – Meals with Meetings form signed by the department director; AND
5. Any added tip may not exceed 15% of the cost of the food, excluding tax; AND
6. The city obtains an itemized receipt for the actual cost of the meals; AND Exceptions to these guidelines must be pre-approved by the City Manager.

When submitting receipts for authorized business meeting meals, cardholder shall indicate name of attendees and meeting purpose.

TRAVEL

Procurement cards may be used for *authorized travel-related expenses*, including but not limited to:

- Hotel lodging
- Parking fees
- Rental car services
- Transportation network companies (e.g., Uber, Lyft)

Note: Gratuities/tips associated with travel (e.g., rideshare) may be charged to the procurement card but must not exceed 15% of the transaction total.

PUBLIC SAFETY AND EMERGENCY RESPONSE TRAVEL

In special circumstances, designated employees within Public Safety departments including Police, Fire, EMS, and Communications may require temporary procurement card limit increases during deployment or emergency response events. These increases must be supported by written justification and approved by the City Manager. Approved limit changes will apply only for the duration of the deployment and must be used solely for travel-related expenses.

PURCHASE PROCEDURES

When making purchases whether in person, by phone, online, or by mail Cardholders must ensure proper documentation, tax exemption compliance, and accountability of City funds. The following practices apply:

Over The Counter Purchases:

- Review itemized receipts to ensure proper charges are shown.
- Retain the customer copy of the MasterCard transaction slip as proof of P-Card purchase.
- Obtain the itemized receipt for your records.
- If applicable, destroy carbon copies or materials displaying the full account number

Telephone Orders:

- Confirm with supplier that charges will be made only upon shipment of goods or when the service has been performed.
- Request supplier to send itemized invoice directly to the Cardholder.
- The supplier will not be allowed to keep the account number on file.

Online Order:

- Review the itemized order form to ensure proper charges are applied.
- Review the order form for Tax Exempt procedures. (May have to call prior to placing order.)
- Print a copy of the itemized order before confirmation and a copy of the order confirmation after submission.

Mail Order:

- You may have a different "Ship To" address than the billing address.
- Review the order form for accuracy.
- Review the order form for Tax Exempt procedures.
- Make a copy of the order form before mailing for record.

Indicate purpose of purchase on the p-card statement including all supporting information attached.

M. PROHIBITED USES OF PROCUREMENT CARD

Resulting in Disciplinary Action (only City Manager and/or Assistant City Manager can waive any of these prohibited uses).

- ~~1) The Procurement Card is used for personal or unauthorized purposes.~~
- ~~2) The Cardholder receives cash, gift cards, or certificates in lieu of credit.~~
- ~~3) The Cardholder purchases gift cards without proper written approval unless approved, in writing, by the City Manager and/or Assistant City Manager.~~
- ~~4) The Cardholder purchases gifts for employee annual events, promotional events, and/or Retirement parties, luncheons, or dinner.~~
- ~~5) The Cardholder allows the card to be used by another individual for valid purchases.~~
- ~~6) The Cardholder splits a purchase to circumvent the card limits.~~

- ~~7) The Cardholder uses another Cardholder's card to circumvent the authorized purchase limits assigned to either the Cardholder or the limitations of the Card.~~
- ~~8) The Cardholder fails to ensure the receipt of products and/or services procured with their card has been delivered and are accounted for.~~
- ~~9) The Cardholder refuses and/or fails to provide Department Administrator Assistant with required receipts.~~
- ~~10) The Cardholder refuses and/or fails to provide information about any specific purchase.~~
- ~~11) Sponsorship(s)/donation(s) are prohibited.~~
- ~~12) Alcohol Beverages are prohibited.~~

N. — MEALS

Payment may be authorized for the actual cost of meals for elective and appointive officials and city employees, for business meetings or training sessions where attendance is advantageous to the City of Pharr, and where ALL of the following requirements are met:

- ~~1. The purpose of the meeting is to conduct official city business or to provide training to city employees or city officials; AND~~
- ~~2. The meals are an integral part of the business meeting or training session. Integral is defined as: "essential to completeness; part of the curriculum; formed as a unit with another part." AND~~
- ~~3. The meeting or training is a special situation or occasion outside of the normal daily business of city employees. City funds may not be used to provide meals for staff parties, routine staff meetings, routine departmental meetings, or any event deemed to be social in nature; AND~~
- ~~4. Approval is obtained prior to the meeting, as documented by a properly completed Request for Approval — Meals with Meetings form signed by the department director; AND~~
- ~~5. Any added tip may not exceed 15% of the cost of the food, excluding tax; AND~~
- ~~6. The city obtains an itemized receipt for the actual cost of the meals; AND Exceptions to these guidelines must be pre-approved by the City Manager.~~

~~When submitting receipts for authorized business meeting meals, cardholder shall indicate name of attendees and meeting purpose.~~

O. — SPLIT TRANSACTIONS

~~CHARGES FOR AN ITEM MUST NOT BE SPLIT INTO SEPARATE PAYMENTS TO CIRCUMVENT THE SINGLE TRANSACTION LIMIT.~~

- ~~1. Always remember your single transaction limits when considering a purchase.~~
- ~~2. If your limit is not sufficient, do not continue with the purchase without having prior approval from the P-Card Administrator and verification that a one-time change to your profile has been made.~~
- ~~3. If purchase is made over the phone or internet, confirm full transactional pricing with shipping and handling before approving the charge. Be sure that the purchase excludes sales and use tax and is not split into separate transactions. Some suppliers will take it upon themselves to split transactions in order to complete the sale.~~
- ~~4. Contact your P-Card Administrator for assistance with reviewing your limits.~~

P. — P-CARD USE AND GUIDELINES

- ~~The P-Card is issued in the Cardholder's name with a unique number. All purchases made on the P-Card must be made by the individual to whom the card is issued. The Cardholder is responsible for the security of the Purchasing Card and the transactions made with it. Failure to follow the guidelines of the P-Card Program could result in disciplinary action, including termination.~~
- ~~The P-Card is a corporate credit card that must only be used to make authorized City of Pharr purchases.~~
- ~~Cardholders may use the P-Card to purchase supplies, materials, and services to include reservations related to City business, which do not exceed the single dollar transaction limit that was established by Purchasing Director.~~
- ~~Cardholders must not exceed the maximum monthly dollar limit assigned to the P-Card in any given month without prior authorization from the Purchasing Director or designee.~~
- ~~It is the responsibility of the Cardholder to resolve any disputes with the Supplier. If a resolution cannot be reached, the Cardholder should report the problem to their Department P-Card Liaison for assistance.~~
- ~~The P-Card is **NOT** for **PERSONAL** use.~~

~~**Q. SALES AND USE TAX**—THE CITY OF SAN PHARR IS EXEMPT FROM TEXAS SALES AND USE TAX. THIS IS NOTED ON EACH CARD. THE CARDHOLDER SHOULD INFORM THE VENDOR BEFORE MAKING A TRANSACTION. IF A SUPPLIER IS REQUESTING A TAX-EXEMPT NUMBER, PLEASE CONTACT THE FINANCE DEPARTMENT FOR THE APPROPRIATE FORM. BE PREPARED TO PROVIDE THE SUPPLIER'S NAME AND ADDRESS, AS WELL AS A DESCRIPTION OF THE PURCHASE. IT IS RECOMMENDED THAT CARDHOLDERS REQUEST THE FORM PRIOR TO MAKING A PURCHASE.~~

~~**R. SECURITY OF THE PROCUREMENT CARD**—THE CARDHOLDER IS RESPONSIBLE FOR THE SECURITY OF THE P-CARD. IT SHOULD BE TREATED WITH THE SAME LEVEL OF CARE AS THE CARDHOLDER WOULD HIS/HER OWN PERSONAL FUNDS. GUARD THE ACCOUNT NUMBER, CVV, PIN, ETC. CAREFULLY. IT SHOULD NOT BE POSTED IN A WORK AREA OR LEFT IN A CONSPICUOUS PLACE. THE CARD IS TO BE USED FOR CITY OF PHARR BUSINESS PURPOSES ONLY AND ONLY BY THE PERSON NAMED ON THE CARD.~~

~~**S. P-CARD SAFEGUARDING PRACTICES**~~

~~It is the cardholder(s) responsibility to safeguard the p-card.~~

Tips to Safeguarding the P-Card:

- ~~Keep a record of your account number, expiration date and phone number to report fraud in a secure place.~~
- ~~Do not allow anyone to use the card on your behalf.~~
- ~~Do not give your account number to anyone over the phone unless you've confirmed they are a reliable source. If you've never done business before with an entity, conduct on-line research prior to making a transaction.~~
- ~~During a transaction, keep your eye on the card and ensure you get it back before you walk away.~~

- Keep the P-card in a safe place and only carry it with you when you need it.
- Draw a line through any blank spaces on the receipt.
- Reconcile all receipts.

REBATES AND PROMOTIONAL ITEMS

Any manufacturer rebates or credits received by the Cardholder as a result of a P-Card transaction shall be credited to the P-Card. Documentation reflecting the transaction shall be included on the p-card statement. Any rebate and promotional type items received as the result of a P-Card transaction shall become the property of the City of San Pharr and utilized by the respective department. Misuse could result in disciplinary action.

CARD DECLINES

The following are some reasons that a P-Card transaction may be declined:

- The transaction is greater than the Cardholder's single transaction limit amount.
- The P-Card has reached its assigned monthly transaction limit amount.
- The Supplier's Merchant Category Code has been purposely excluded from the P-Card program by the City.

In the event a decline occurs the Cardholder should contact the issuing bank to determine the reason for the decline. In most cases, the Cardholder should then contact the Purchasing Department to inform him/her of the decline, the reason, and to request resolution.

If purchase is attempted outside normal business hours, an alternate payment method should be found or the purchase should be terminated.

MERCHANT CATEGORY CODE (MCC) BLOCKING

Merchant category codes (MCC) are codes that best describe what commodities or services the supplier provides. When using a Merchant Category Code listed on the blocked Merchant Category Code List, the transaction will be denied at the point of sale (in person, over the phone, or on the Internet). These categories listed on the blocked MCC List are maintained by the Program Administrator. Suppliers are assigned a MCC by their bank that best describes the commodity or service they provide. Cardholders should be familiar with this list.

RECEIPT AND RETURN OF GOODS

It is the Cardholder's responsibility to confirm receipt of goods and services and to follow up with Suppliers to resolve any delivery problems, discrepancies, and / or claims for damaged goods.

1. At the time of return, the Cardholder must request that the Supplier issue a MasterCard credit transaction slip in order to verify that credit was given. A credit memo showing the reason(s) for applying a credit to the transaction should also be requested. The Cardholder will be required to include this information on their monthly Transaction Report.

UNDER NO CIRCUMSTANCE SHOULD A CARDHOLDER ACCEPT CASH OR GIFTCARDS OR STORE CREDIT IN LIEU OF A P-CARD CREDIT RETURN.

TRANSACTION DOCUMENTATION AND RECONCILIATION REQUIREMENTS

All Procurement Card (P-Card) transactions including credit or return transactions, must be supported by valid and complete documentation and submitted in a timely manner to ensure compliance, transparency, and audit readiness. Not providing supporting documentation for all transactions within established deadlines is a Cardholder violation

Receipt Requirements:

- All original receipts must be initialed by the cardholder prior to being submitted to the assigned department liaison.
- Receipts must be itemized and clearly show the vendor name, date, description of purchase, and amount.

Reconciliation Form Requirements:

- A Reconciliation Form must be completed in full and submitted with the supporting receipts for each billing cycle.
- The form must be signed by the cardholder, department liaison, and Department Director.

Exceptions:

- If the cardholder is unavailable at the time of submission, the liaison must notate "Cardholder Not Available" in the signature field and retain any related documentation.
- If the Department Director is unavailable, the Assistant Director, Manager, or Supervisor may sign in lieu of the Director, provided there is written approval via email or a signed note attached to the statement.

The Department Liaison is responsible for submitting all reconciliation documents by the deadlines established by the Purchasing Department. All receipts and statements must be initialed by the Cardholder, and the reconciliation form must be signed by the Cardholder, Departmental Liaison, and Department Director. Failure to submit complete and accurate documentation on time may result in the temporary suspension of P-Card privileges.

Transaction Documentation Requirements

Every P-Card transaction, including credit or return transactions, must be supported by valid and complete documentation. Not providing supporting documentation for all transactions within established deadlines is a Cardholder violation. Documentation should show supplier name, itemized list, price, date, and proof of credit card payment.

Acceptable Supporting Documentation ~~is defined as one of the following:~~

- Detailed receipt and MasterCard transaction slip from the Supplier
- A packing slip which shows the cost of each item
- Order forms, or a copy of the form used to pay memberships, subscriptions, registration fees and similar items.

ITEMIZED ACCEPTABLE RECEIPT **Itemized Acceptable Receipt:**
Not Acceptable: **CREDIT CARD RECEIPT NOT ACCEPTABLE**

ITEMIZED RECEIPT		CREDIT CARD RECEIPT	
CHECK # 738719 DATE 6/18/12 TABLE # 67 TIME 3:53PM ITEMS ORDERED AMOUNT 2 ICE TEA 5.90 FOOD 5.90 TAX 0.56 TOTAL DUE 6.46 FOR RESERVATION CALL 425-255-8543 yankee.gr111@yahoo.com Find us on FACEBOOK Follow us on TWITTER		DATE 6/18/12 TIME 4:01:37PM MID 000018145227 0194508901 YankeeGr111 1 S. Grady Way Renton, WA 98055 425-783-1964 THANKS FOR VISITING THE YANKEE GRILL MetrcCa XXXXXXXXXX08540 S AUTH 054578 TBL 67 CHECK 738719 PRE-AUTH BNR LEAH AMOUNT 5.90 TAX 0.56 SUBTOTAL \$ 6.46 TIP \$ 1.00 TOTAL \$ 7.46 CUSTOMER COPY	

MODGO DONUTS
5411 BEACH BLVD
BUENA PARK, CA 90621
(714)523-7700

SALE

TID: 001 REF#: 00000007
Batch #: 859 16:18:30
02/18/19 V-CODE: M

APPR CODE: 05817C
VISA Manual CNP
*****5283

AMOUNT \$63.96

APPROVED

THANK YOU
PLEASE COME AGAIN

CUSTOMER COPY

PROHIBITED USES OF PROCUREMENT CARD

The following restrictions apply to all Procurement Card (P-Card) transactions. Cardholders are responsible for ensuring all purchases comply with these guidelines and applicable procurement laws. Violations may result in Disciplinary Action (**only City Manager and/or Assistant City Manager can waive any of these prohibited uses in writing prior to purchase**).

- 1) The Procurement Card is used for personal or unauthorized purposes.
- 2) The Cardholder receives cash, gift cards, or certificates in lieu of credit.
- 3) Purchasing gift cards is strictly prohibited unless prior written approval is obtained from the City Manager or Assistant City Manager for special occasions or seasonal purposes
- 4) Gifts for employee annual events, promotional events, and/or Retirement parties, luncheons, or dinner.
- 5) The Cardholder allows the card to be used by another individual for valid purchases.
- 6) No City employee shall be issued more than one procurement card.
- 7) The Cardholder splits a purchase to circumvent the card limits.
- 8) The Cardholder uses another Cardholder's card to circumvent the authorized purchase limits assigned to either the Cardholder or the limitations of the Card.
- 9) The Cardholder fails to ensure the receipt of products and/or services procured with their card has been delivered and are accounted for.
- 10) The Cardholder refuses and/or fails to provide Department Liaison with required receipts and information about any specific purchase
- 11) Sponsorship(s)/donation(s) are prohibited.
- 12) Alcohol Beverages are prohibited.

13) Technology

14) The use of Venmo, PayPal, Zelle or any other payment application, is prohibited

15) Amazon purchases can only be made through the City's Amazon Business Prime account handled by the Purchasing Department

16) Items not for official City business

17) Use with vendors under existing contracts or cooperative agreements, unless authorized (e.g., Fuel)

18) Software Services are prohibited??

19) Contractual services (e.g., janitorial, security, IT support, temp staffing, etc.)

20) Professional services (e.g., legal, engineering, architectural, consulting, auditing, etc.)

21) Construction services, including repairs, maintenance, remodels, or alterations to facilities or infrastructure



Note: These services must be procured through formal or informal procurement processes per Texas Local Government Code and City policy, and may require contracts, insurance verification, or bonds.



When making over-the-counter purchases:

1. Advise supplier that the City of Pharr is a Tax-exempt entity and confirm that no sales tax has been charged to the card before signing.

- ~~2. Review itemized receipts to ensure proper charges are shown.~~
- ~~3. Retain the customer copy of the MasterCard transaction slip as proof of P-Card purchase.~~
- ~~4. Obtain the itemized receipt for your records.~~
- ~~5. Ensure that all carbons showing full account number are destroyed.~~
- 6. Include all supporting information on the p-card statement.**
- ~~7. Indicate purpose of purchase on the p-card statement.~~

When placing a telephone order:

- ~~1. Confirm with supplier that charges will be made only upon shipment of goods or when the service has been performed.~~
- ~~2. Request supplier to send itemized invoice directly to the Cardholder.~~
- ~~3. Advise suppliers that the City of Pharr is a Tax exempt entity and confirm that no sales tax will be charged.~~
- ~~4. The supplier will not be allowed to keep the account number on file.~~
- ~~5. Indicate purpose of purchase on the p-card statement.~~

When placing an online order:

- ~~1. A copy of the order is printed (prior to order confirmation). Review the itemized order form to ensure proper charges are applied.~~
- ~~2. Review the order form for Tax Exempt procedures. (May have to call prior to placing order.)~~
- ~~3. A copy of the order confirmation is printed.~~
- 4. Include all documentation in p-card statement.**
- ~~5. Indicate purpose of purchase on the p-card statement.~~

When placing a mail order:

- ~~1. You may have a different "Ship To" address than the billing address.~~
- ~~2. Review the order form for accuracy.~~

- ~~3. Review the order form for Tax Exempt procedures.~~
- ~~4. Make a copy of the order form before mailing for record.~~
- ~~5. Include all documentation in P-card Statement.~~
- ~~6. Indicate purpose of purchase on the p-card statement.~~

PROGRAM INFRACTIONS

Failure to comply with the program guidelines or the purchasing Cardholder Agreement may result in one or more of the following circumstances:

- ~~a.~~ Oral or written warning.
- ~~b.~~ Cancellation of the card.
- ~~c.~~ Oral or written reprimand.
- ~~d.~~ Termination of employment.
- ~~e.~~

See below table for a sample of standard responses to an infraction. The severity of the infraction can affect the standard response. These are recommendations, but departments may establish internal disciplinary policies.

Type of Infraction	1st offense	2nd offense	3rd offense
Perpetrate a fraud or theft Card given to non City of Pharr employees to perpetrate fraud or theft	Card is canceled, employment terminated, possible criminal charges.	n/a	n/a
Taxes Charged	Department Director is contacted. A written warning to the Cardholder is required from Department.	Department Director is contacted; card suspended 30 days. Memo from Director will be required to reinstate.	Card is canceled.
Split Purchases	Department Director is contacted. A written warning to the Cardholder is required from Department.	Department Director is contacted; card suspended 30 days. Memo from Director will be required to reinstate.	Card is canceled.
Failure to turn in receipts	Written warning – CH should submit a memo to the P-Card Administrator with description of purchase and reason for missing receipt.	Second written warning and card suspended for 30 days.	Card is canceled.

TERMINATED EMPLOYEES

~~When an employee is terminated or voluntarily separated from the City of Pharr, the P-Card must be turned into the Purchasing Department and cancelled.~~

- ~~1. Department Liaison secures P-Card from terminated employee and notifies the P-Card Program Administrator.~~
- ~~2. The p-card administrator shall cancel, shred and dispose of the card.~~
- ~~3. Program Administrator updates status for the Cardholder in the banking system and files confirmation in Cardholder's / Department's file as appropriate.~~

PROCUREMENT CARD DOLLAR LIMITS

~~Credit Limits shall be provided as follows:~~

- ~~1. Procurement Card Administrator: \$500,000~~
- ~~2. Department Director: \$15,000~~
- ~~3. Assistant Director: \$10,000~~
- ~~4. Other Staff: \$5,000~~

~~Note: Procurement Card Administrator shall be responsible for all utility payments for the entire city and all waste management fees.~~

 **PROCUREMENT CARD PROGRAM CARDHOLDER AGREEMENT (ATTACHMENT “A”)**

 **APPLICATION FORM FOR A PROCUREMENT CARD (ATTACHMENT “B”)**

ATTACHMENT "A"



**CITY OF PHARR PROCUREMENT CARD PROGRAM
CARDHOLDER AGREEMENT**

I AGREE TO THE FOLLOWING REGARDING THE USE OF THE CITY OF PHARR PROCUREMENT CARD ASSIGNED TO ME FOR OFFICIAL CITY BUSINESS ONLY:

I understand that the City of Pharr is allowing me the privilege of being presented with a Procurement Card. This privilege represents trust and I am responsible and capable of protecting the City's assets.

I agree to comply with the terms and conditions of this Agreement, the Procurement Card Policy as well as the Purchasing Policies. I understand that the Procurement Card limit per transaction shall be \$3,000.00 or less. I also understand that I am not to split any transaction(s) in an attempt to circumvent the single transaction limit. I also understand that all transactions with a potential of exceeding \$3,000.00 must be submitted to the Purchasing Department via the requisition process.

I understand that I may not use the P-Card for personal purchases. I further understand that the P-Card cannot be used for purchasing items on the Prohibited Purchases/Exceptions List. Further, where the City of Pharr has approved Prime Vendor Contracts, purchases must be made from those contracted vendors. I further understand that the P-Card is to be used only by the named Cardholder and is not to be loaned to any person.

If the Card is lost, stolen or misplaced, I understand that it is my responsibility to immediately notify the Bank and the P-Card Administrator.

I acknowledge that I have read and understood the Procurement Card Policy Manual and have received training and/or passed the p-card test.

I acknowledge that the Procurement Card will not affect my personal credit rating.

I further acknowledge that I understand that improper use of this card may result in disciplinary action, up to and including termination of employment. Should I fail to use this card properly, I authorize the City of Pharr to deduct from my salary an amount equal to the total of the discrepancy. I also allow the City of Pharr to collect any amounts owed by me even if the City of Pharr no longer employs me.

I acknowledge that the City of Pharr may terminate my right to use this card at any time for any reason.

As Cardholder, I agree to surrender the P-Card to my department Liaison upon termination of employment or transfer between departments.

I acknowledge receipt of said Agreement and confirm, by my original signature below, that I am in full understanding of all requirements, term and conditions, in respect to the Procurement Card Program.

Date: _____

Cardholder Name (Printed)

Cardholder Signature

Department



**CITY OF PHARR PROCUREMENT CARD PROGRAM
CARDHOLDER AGREEMENT**

I AGREE TO THE FOLLOWING REGARDING THE USE OF THE CITY OF PHARR PROCUREMENT CARD ASSIGNED TO ME FOR OFFICIAL CITY BUSINESS ONLY:

I understand that the City of Pharr is allowing me the privilege of being presented with a Procurement Card. This privilege represents trust and I am responsible and capable of protecting the City's assets.

I agree to comply with the terms and conditions of this Agreement, the Procurement Card Policy as well as the Purchasing Policies. I understand that the Procurement Card limit per transaction shall be \$2,000.00 or less. I also understand that I am not to split any transaction(s) in an attempt to circumvent the single transaction limit. I also understand that all transactions with a potential of exceeding \$2,000.00 must be submitted to the Purchasing Department via the requisition process.

I understand that I may not use the P-Card for personal purchases. I further understand that the P-Card cannot be used for purchasing items on the Prohibited Purchases/Exceptions List. Further, where the City of Pharr has approved Prime Vendor Contracts, purchases must be made from those contracted vendors. I further understand that the P-Card is to be used only by the named Cardholder and is not to be loaned to any person.

If the Card is lost, stolen or misplaced, I understand that it is my responsibility to immediately notify the Bank and the P-Card Administrator.

I acknowledge that I have read and understood the Procurement Card Policy Manual and have received training and/or passed the p-card test.

I acknowledge that the Procurement Card will not affect my personal credit rating.

I further acknowledge that I understand that improper use of this card may result in disciplinary action, up to and including termination of employment. Should I fail to use this card properly, I authorize the City of Pharr to deduct from my salary an amount equal to the total of the discrepancy. I also allow the City of Pharr to collect any amounts owed by me even if the City of Pharr no longer employs me.

I acknowledge that the City of Pharr may terminate my right to use this card at any time for any reason.

As Cardholder, I agree to surrender the P-Card to my department Liaison upon termination of employment or transfer between departments.

I acknowledge receipt of said Agreement and confirm, by my original signature below, that I am in full understanding of all requirements, term and conditions, in respect to the Procurement Card Program.

Date:

Cardholder Name (Printed)

Cardholder Signature

Department

ATTACHMENT "B"



Pharr
Purchasing



APPLICATION FORM FOR A PROCUREMENT CARD

THIS FORM REQUIRES A SIGNATURE BY RESPECTIVE DEPARTMENT HEAD. THIS APPLICATION FORM MUST BE PROPERLY FILLED OUT TO ITS ENTIRETY. EACH APPLICATION FORM SHOULD REFLECT ONLY (1) ONE EMPLOYEE PER FORM (SELECTED BY THE DEPARTMENT HEAD). INCOMPLETE FORMS OR FORMS SUBMITTED WITHOUT DEPARTMENT HEAD SIGNATURE ARE **VOID AND SHALL BE DISCARDED**. SELECTED EMPLOYEE MUST BE A FULL-TIME REGULAR EMPLOYEE (EMPLOYED FOR AT LEAST 6 MONTHS). ALL FORMS ARE TO BE EMAILED TO: pcard@pharr-tx.gov

CARDHOLDER INFORMATION

DATE: _____

Name of Employee designated as Department Cardholder: _____

Employee #: _____ Employee's Position/Title: _____

Department/Division _____ Dept./Div. Acct # _____

Employee's length of employment months/years: _____ Phone #: _____

Employee Signature: _____ E-Mail: _____

DEPARTMENT INFORMATION

Department Submitting Request: _____

Department Telephone Number: _____ (956) _____ Department Name _____

Name of Department Head submitting application: _____

Department Head's signature: _____ Date: _____ Department Head Name _____

PURCHASING DEPARTMENT USE ONLY

Monthly P-Card Limit

Director: ☐ \$15,000 Asst. Director: ☐ \$10,000 Other: ☐ \$5,000 Specify Other Amount: \$ _____

Date Received: _____ Entered Card Request: _____

Processed By: _____



AGENDA MEMORANDUM



BOARD: BOARD OF COMMISSIONERS

AGENDA ITEM #: 6.D.

DATE SUBMITTED: July 31, 2025

MEETING DATE: August 4, 2025

FROM: Abel Molina, Special Events
Director

DEPARTMENT: Special Events

DIRECTOR: Abel Molina

Agenda Item: Consideration and action, if any, on a Resolution authorizing the City of Pharr to enter into an agreement with the Texas Department of Transportation to close state roadways for public events. **This item supports QL - Quality of Life.**

Classification: Regular

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

Issue:

In planning the Red Ribbon Week Parade & the innagural Nightmare on Cage Blvd 5k, the City of Pharr will be required to enter into agreements with the Texas Department of Transportation to temporarily close various state roadways for noted events. Staff is requesting approval of a resolution authorizing the application for the roadway closures.

Fiscal Consideration: N/a

Staff Recommendation: Staff recommends approval of the resolution for roadway closures for public events.

Alternatives: N/a

Exclude Material from Public Packet? No

Reason: N/a

ROUTING:

Abel Molina
David Friedlein
City Management Office

Created/Initiated - 07/31/2025
Approved - 08/01/2025
Final Approval - 08/01/2025

RESOLUTION R-2025

A RESOLUTION OF THE CITY OF PHARR TEXAS, AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF PUBLIC TRANSPORTATION FOR PUBLIC EVENT IN THE CITY LIMITS OF PHARR

The City of Pharr wishes to enter into an agreement with the State of Texas, acting by and through the Texas Department of Transportation, for temporary closure of a street for a public event.

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

The closure of US 281 (Cage Boulevard) from Polk Avenue to Ridge Road for the Red Ribbon Week Parade on Saturday, October 18, 2025, from 4:00 a.m. until 4:00 p.m.; and

The closure of South U.S. 281 (Cage Boulevard) and East Old Business 83 for the purpose of conducting the first Nightmare on Cage 5K Run/Walk on Saturday, October 25, 2025, from 2:00 p.m. until 11:59 p.m.

All rules and procedures of 43 Tex., Adm. Code, Section 22.12 have been established for the temporary closure of a segment of the State highway system and this agreement has been developed in accordance with the rules and procedures.

This resolution shall take effect immediately from and after its passage.

PASSED AND APPROVED this ____ day of August 2025, by the Board of Commissioners of the City of Pharr, Texas.



AGENDA MEMORANDUM



BOARD: BOARD OF COMMISSIONERS

AGENDA ITEM #: 6.E.

DATE SUBMITTED: August 1, 2025

MEETING DATE: August 4, 2025

FROM: Alessandra Garcia, Assistant City Clerk

DEPARTMENT: Administration

DIRECTOR:

Agenda Item: Consideration and action, if any, on Development Services Cases:

Classification: Public Hearing

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

Issue:

Fiscal Consideration:

Staff Recommendation:

Alternatives:

Exclude Material from Public Packet? No

Reason:

ROUTING:

Alessandra Garcia

Created/Initiated - 08/01/2025



AGENDA MEMORANDUM



BOARD: BOARD OF COMMISSIONERS

AGENDA ITEM #: 6.E.1.

DATE SUBMITTED: July 29, 2025

MEETING DATE: August 4, 2025

FROM: Kimberly Mendoza, Development Services Director

DEPARTMENT: Development Services

DIRECTOR: Kimberly Mendoza

Agenda Item: Umiya Sushi Pharr, Inc., d/b/a Umiya Sushi, 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. The property is legally described as being Lots 4-A and 5-A, of Lots 4-A, 5-A, 6-A & 7-A, Paradise Commercial Park, an addition to the City of Pharr, Hidalgo County, Texas. The property is physically located at 601 South Jackson Road. CUP#250706 **This item supports EV - Economic Vitality.**

Classification: Public Hearing

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

Issue: Umiya Sushi Pharr, Inc., d/b/a Umiya Sushi, 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).

Fiscal Consideration: N/A

Staff Recommendation: Development Services recommends approval of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C) subject to compliance with the listed conditions.

Planning and Zoning Commission Recommendation: At the Planning and Zoning Commission meeting of July 28, 2025, the Board voted unanimously to recommend approval of the request for a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C) subject to the applicant and site being in compliance with all City Ordinances and City Department requirements. There were six members present and voting.

Alternatives: N/A

Exclude Material from Public Packet? No

Reason: N/A

ROUTING:

Kimberly Mendoza
Ricardo Rodriguez

Created/Initiated - 07/29/2025
Approved - 07/30/2025

City Management Office

Final Approval - 07/30/2025



MEMORANDUM

DATE: MONDAY, AUGUST 4, 2025

TO: MAYOR AND CITY COMMISSION

FROM: JONATHAN B. FLORES, CITY MANAGER

SUBJECT: CONDITIONAL USE PERMIT FOR ABC – FILE NO. CUP#250706 (UMIYA SUSHI)
--

GENERAL INFORMATION:

APPLICANT: Umiya Sushi Pharr, Inc., d/b/a Umiya Sushi, 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).

LEGAL DESCRIPTION: The property is legally described as being Lots 4-A and 5-A, of Lots 4-A, 5-A, 6-A & 7-A, Paradise Commercial Park, an addition to the City of Pharr, Hidalgo County, Texas.

LOCATION: The property is physically located at 601 South Jackson Road.

ZONING: The property is currently zoned General Business District (C). The surrounding properties to the north, east, and south are zoned General Business District (C). The city limits lie to the west. This area is generally designated for commercial use in the Land Use Plan.

COMMENTS:	POLICE CHIEF:	Pending inspection of the Conditional Use Permit.
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FIRE DEPARTMENT:	Pending inspection of the Conditional Use Permit.
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CODE COMPLIANCE:	Pending inspection of the Conditional Use Permit.
-------------------------	---

HEALTH:

Pending inspection of the Conditional Use Permit.

DEVELOPMENT SERVICES:

Recommends approval of the Conditional Use Permit.

NOTIFICATION OF PUBLIC:

Six (6) surrounding property owners were notified of the request by letter on July 11, 2025, and a legal notice was published in the Advance News Journal on July 9, 2025. Staff received no response to the letter or legal notice.

DEVELOPMENT SERVICES RECOMMENDATION:

Development Services recommended **approval** of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). If approved, this item must comply with the following conditions:

PLANNING & ZONING COMMISSION:

At the Planning and Zoning Commission meeting of July 28, 2025, the Board voted unanimously to recommend approval of the request for a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C) subject to the applicant and site being in compliance with all City Ordinances and City Department requirements. There were six members present and voting.

Conditions of Conditional Uses Sec. 1.48(F) of the Zoning Ordinance: Establishments selling or distributing alcoholic beverages for consumption on premises:

1. An establishment that sells or allows the on-premises consumption of alcoholic beverages in the City of Pharr shall operate in a "C" zone, general business district; "C-2" zone, business district; "HC" zone, heavy commercial; "LI" zone, limited industrial; "HI" zone, heavy industrial; or in recreational facilities located within a private development.
2. In addition to the restricted locations as stated above, the above-mentioned establishments may be allowed to sell or allow the on-premises consumption of alcoholic beverages within 300 feet of a church, public or private school, or public hospital.

3. The establishment shall notify the church, public or private school, or public hospital, and the City of Pharr's Planning and Zoning department in written form of their interest in selling or consuming alcoholic beverages within 300 feet of such locations. If the church or school objects to the request, the City of Pharr's authorized designee may deny the request.
4. The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:
 - A. In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
 - B. If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.
5. For premises where minors are prohibited from entering the premises under V.T.C.A., Alcoholic Beverage Code § 109.53, the measurement of the distance between the premises and a public school shall be:
 - A. In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
 - B. If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.
6. In accordance with V.T.C.A., Alcoholic Beverage Code § 109.32, the above mentioned establishment businesses shall be not less than 300 feet from the nearest residential zone, unless located within a private development, or publicly owned building shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections, measured in a straight line or must provide sufficient buffering and sound insulation of the building such that the business is not visible and cannot be heard from such residential zone or publicly owned building and must be designed to prevent disruption of the character of adjacent residential areas. As applies to this provision, a street or alley does not constitute buffering and sound insulation. The above-mentioned

businesses, unless located within a private development, must be adjacent to or abutting a minor arterial street or a street of larger classification.

7. The above-mentioned establishment must meet lot size requirements in the zoning ordinance for all uses within this zone.
8. The above-mentioned establishment must provide parking sufficient to comply with all ordinance requirements.
9. The above-mentioned establishment shall restrict the number of persons within the building to those allowed by the city commission with the recommendation of the planning and zoning commission at the time of permit issuance, which number shall be determined by the commission after having taken into account the recommendations of the fire marshal, code enforcement officer [head building inspector], and director of planning. This number cannot exceed the number provided for in existing city ordinances.
10. The above-mentioned establishment shall take action to prevent and be designed to discourage criminal activities and vandalism both on site and on adjacent property by means of sufficient lighting, elimination of dark areas, and the orientation of the building such that it provides maximum visibility from a public street, unless located within a private development.
11. The above-mentioned businesses must make provisions to keep litter from being spread to adjacent streets and property.
12. Alcoholic beverage establishments shall fall into two categories: (A) Alcohol as a principle use where 51 percent or more of sales come from alcohol; or (B) Food as a principle use where 51 percent or more of sales are food related (a copy of the establishment's full menu must be provided for documentation).
13. The city reserves the right to approve, amend or deny any city regulation that may be allowed by the Texas Alcoholic and Beverage Code as may be amended from time to time. The City of Pharr shall also be authorized to carry out any and all duties and responsibilities as directed by the City of Pharr and as may be allowed by law. Should any person or establishment be found to have committed acts or allowed the commission of any act or condition found by the City of Pharr to be detrimental to the public health, safety, and welfare of the residents of the City of Pharr or persons located within corporate boundaries, the City of Pharr shall be authorized to take any action allowed by ordinance, state or federal law, or other regulation. These actions may include but not limited to quarantine, abatement of premises, closure, condemning, removal of dangerous substances and persons, and other preventive measures and actions.

CUP 250706

Lots 4-A & 5-A, of lots 4-A, 5-A, 6-A, & 7-A, Paradise
Commercial Park /601 S Jackson Rd

Umiya Sushi/Yan Huang

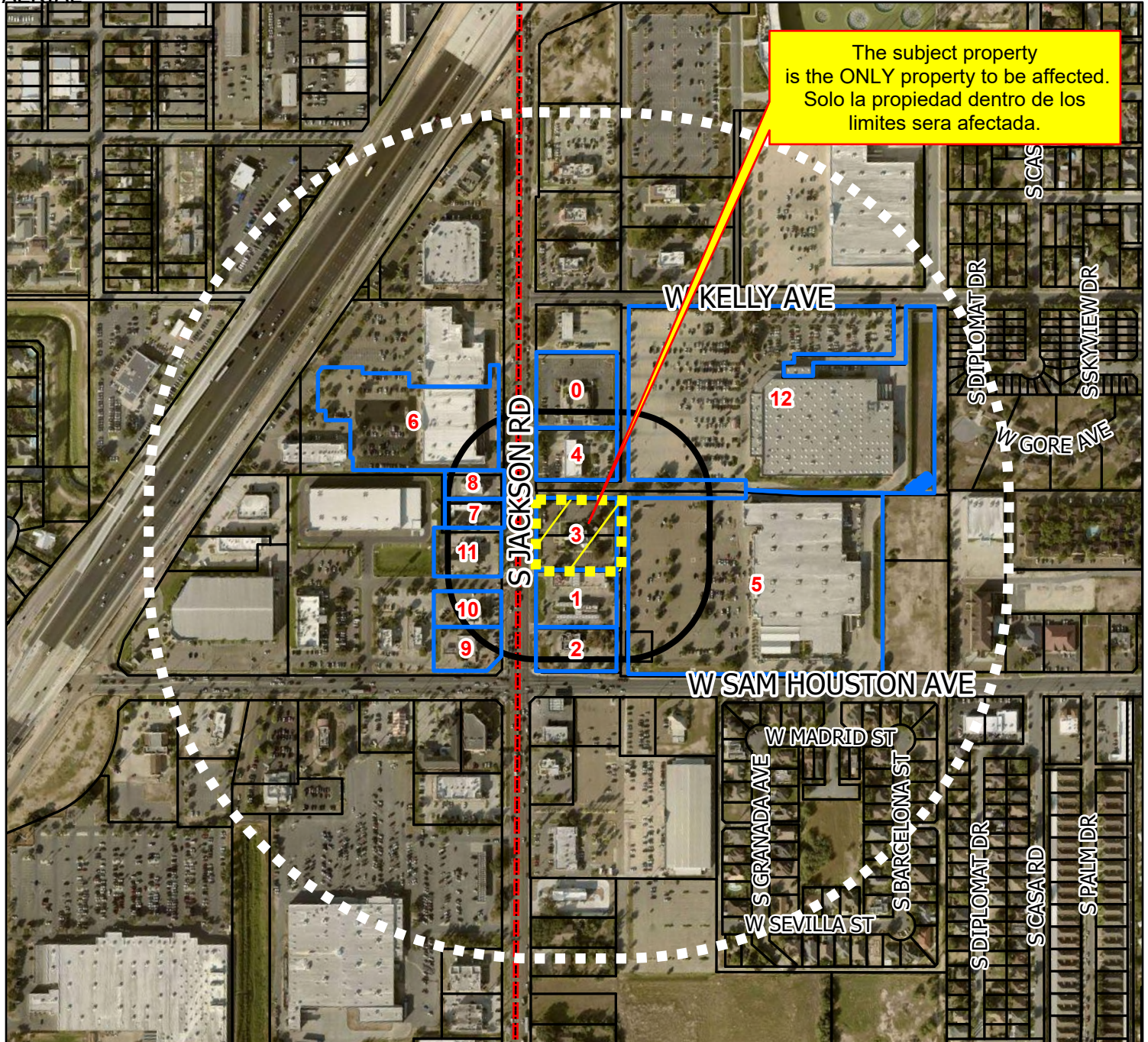
AERIAL



Pharr
Engineering



G:\City of Pharr\GIS\Projects\1-Planning\PRO Conditional Use Permits\CUP 250706 Lots 4-A and 5-A, of Lots 4-A, 5-A, 6-A & 7-A, Paradise Commercial Park, an addition to the City of Pharr, Hidalgo County, Texas\aprx\00_BASE Project File.aprx



- Pharr City Limit
- 300 ft. Notification Buffer
- Notified Properties
- Location
- Quarter_Mile_Radius

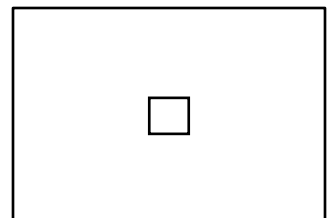
All information displayed on this map is subject to verification by field survey or by the agency responsible for maintaining the information. This map is intended for general information only.

City of Pharr, Texas
Engineering Department
956.402.4221

Date: 7/10/2025

Scale: 1:6,000

0 250 500 1,000 1,500 2,000 Feet



CUP 250706

Lots 4-A & 5-A, of lots 4-A, 5-A, 6-A, & 7-A, Paradise
Commercial Park /601 S Jackson Rd

Umiya Sushi/Yan Huang

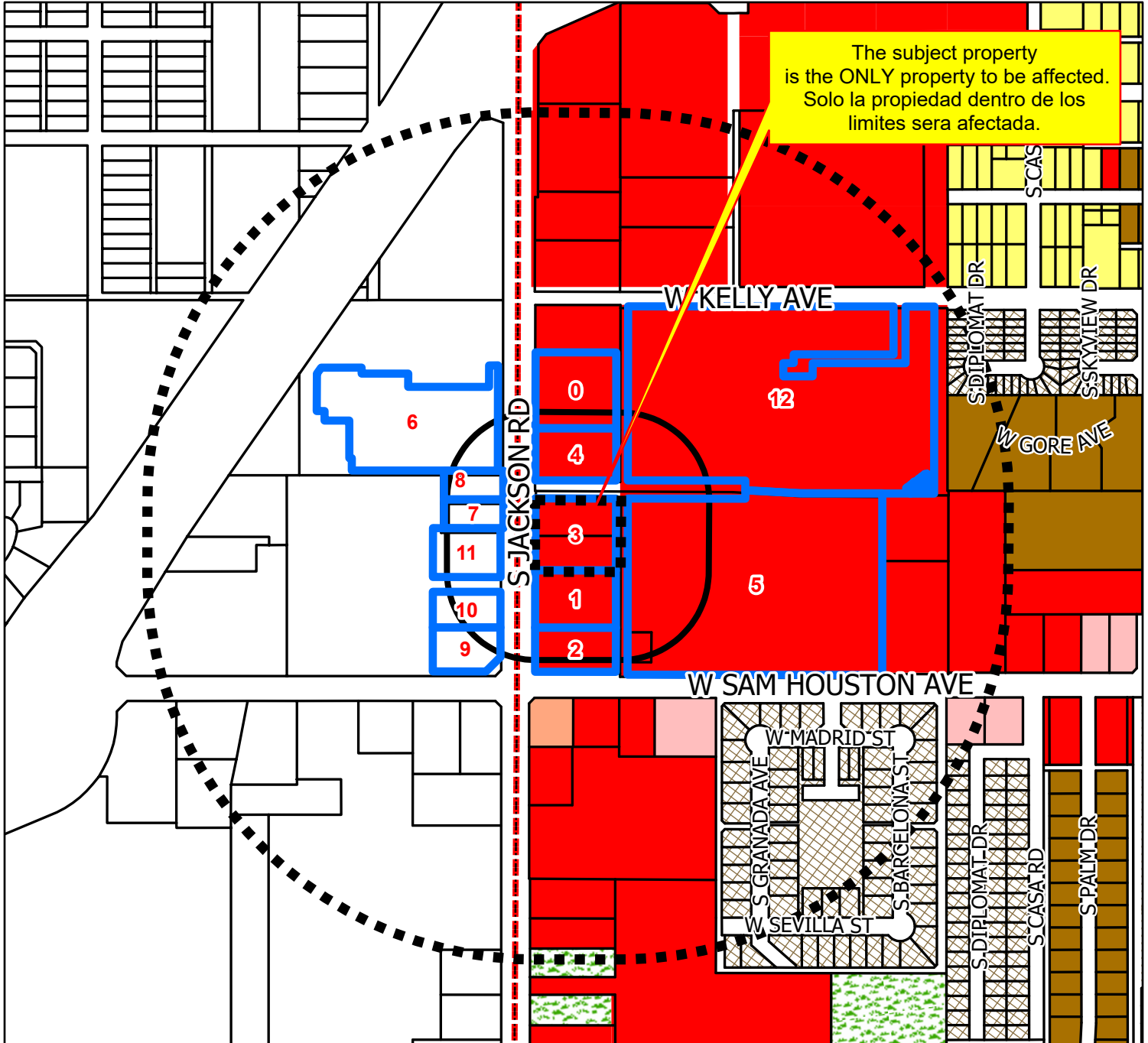
ZONING



Pharr
Engineering



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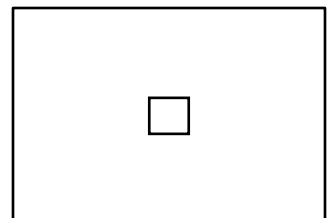
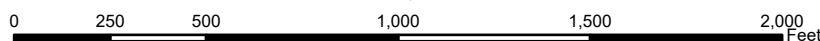
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- 300 ft. Notification Buffer
- Notified Properties
- Location
- Quarter_Mile_Radius

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City of Pharr, Texas
Engineering Department
956.402.4221

Date: 7/10/2025

Scale: 1:6,000



CUP 250706

Lots 4-A & 5-A, of lots 4-A, 5-A, 6-A, & 7-A, Paradise
Commercial Park /601 S Jackson Rd

Umiya Sushi/Yan Huang

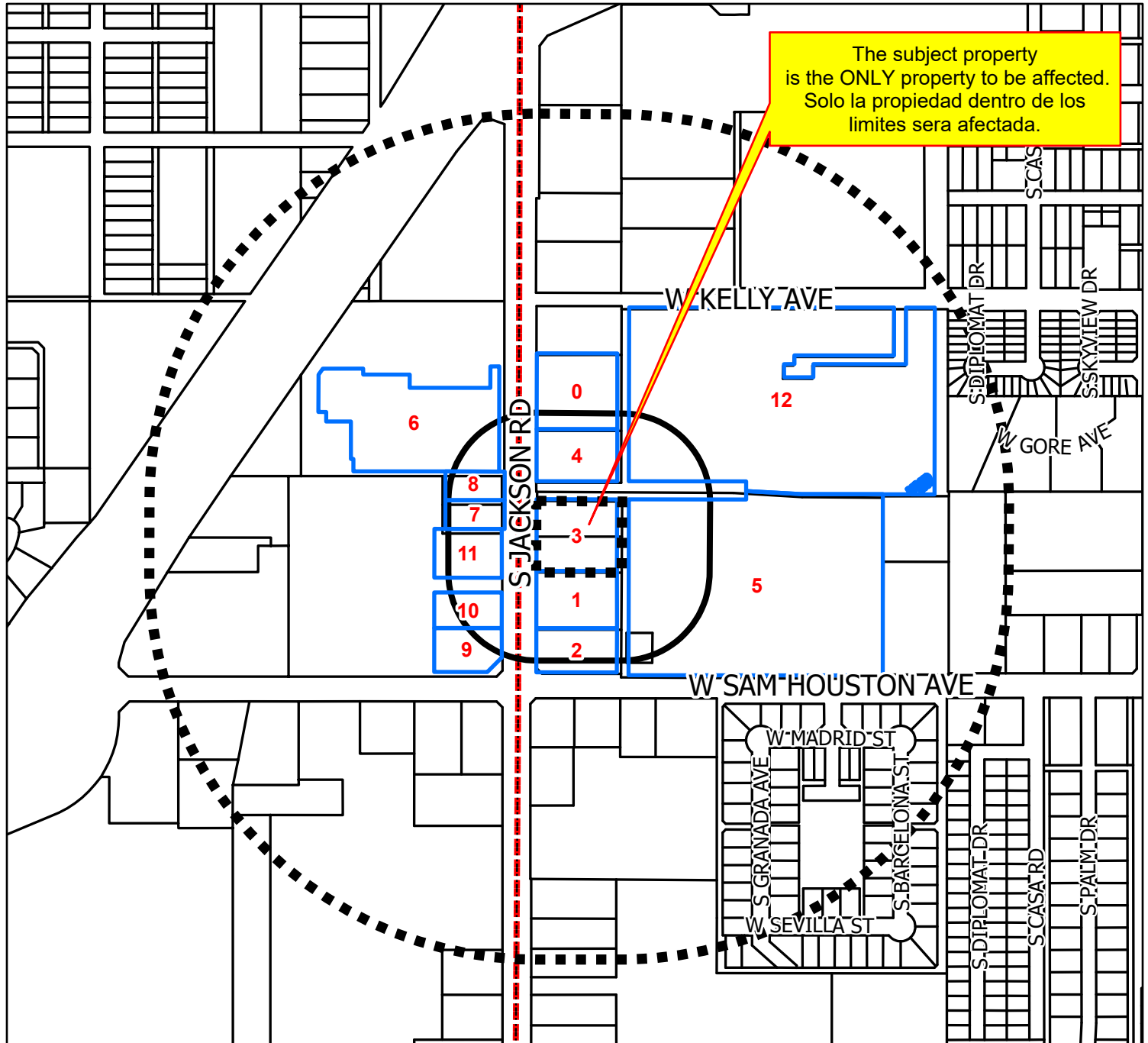
RADIUS



Pharr
Engineering



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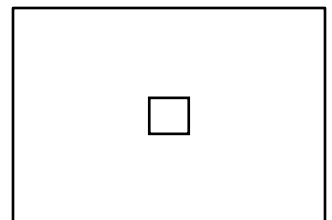
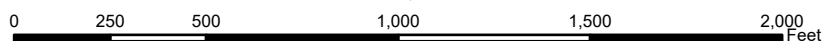
- Pharr City Limit
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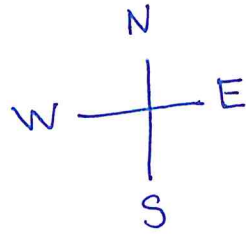
City of Pharr, Texas
Engineering Department
956.402.4221

Date: 7/10/2025

Scale: 1:6,000



A1
 PROPOSED FLOOR PLAN
 SCALE 3/8" = 1'-0"



PARKING

PARKING

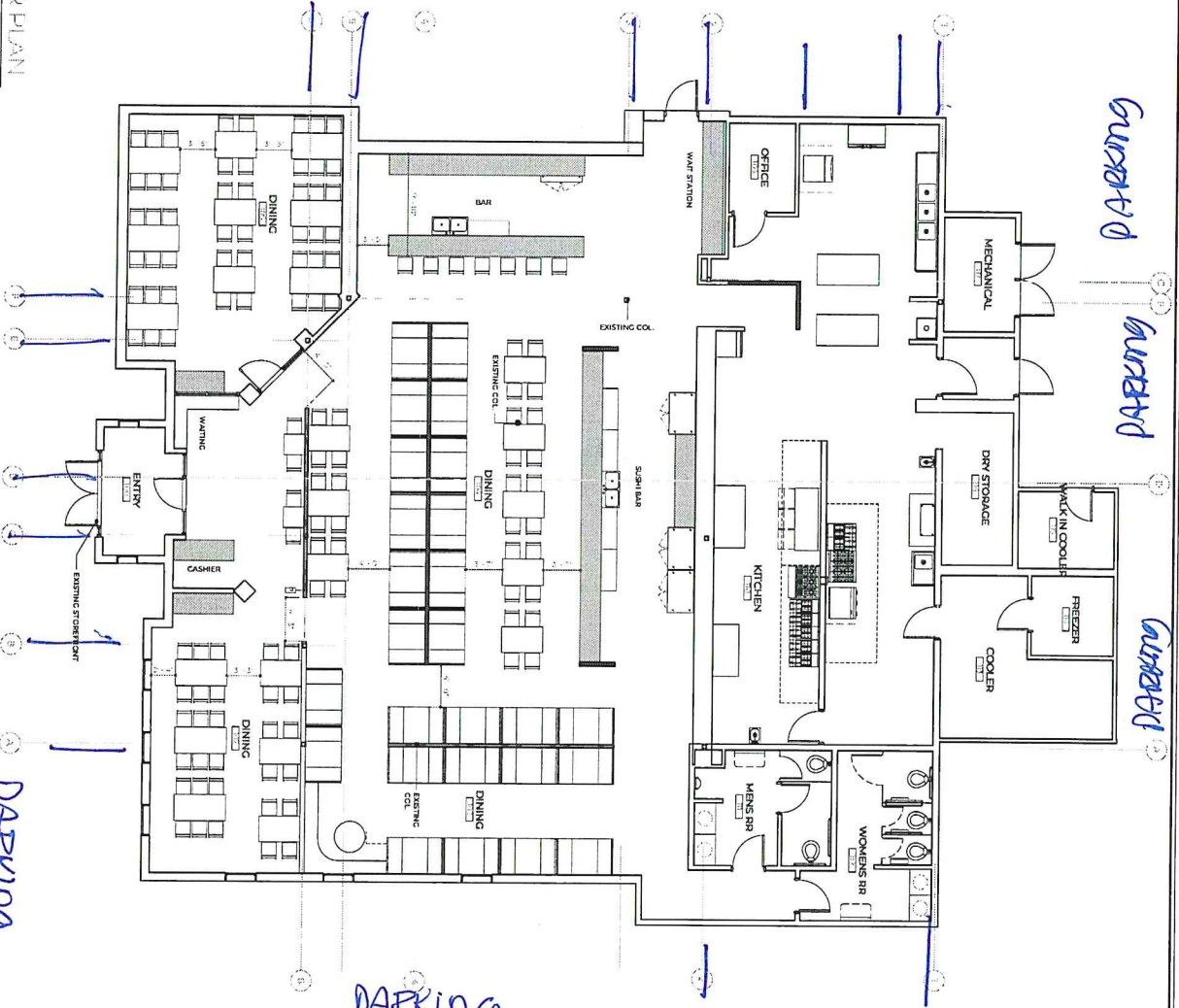
PARKING

PARKING

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PARKING

JACKSON



RAINE DESIGN LABS



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 THIS DOCUMENT IS INTENDED
 FOR INFORMATIONAL PURPOSES
 ONLY. IT IS NOT TO BE USED FOR
 CONSTRUCTION OR AS A BASIS
 FOR ANY OTHER ACTION.

REVISIONS

No. Date Description

NOTES

PROJECT No.

PROJECT

CLIENT

OWNER

DATE

STATUS

DATE

SCALE

A-05



Pharr
Development Services



Site Photo

601 South Jackson Road





AGENDA MEMORANDUM



BOARD: BOARD OF COMMISSIONERS

AGENDA ITEM #: 6.E.2.

DATE SUBMITTED: July 29, 2025

MEETING DATE: August 4, 2025

FROM: Kimberly Mendoza, Development Services Director

DEPARTMENT: Development Services

DIRECTOR: Kimberly Mendoza

Agenda Item: Antonio Rodriguez and Sylvia Rodriguez, d/b/a Verona Event Center II, LLC., are requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption. The property is legally described as being Lots 2 and 3, Maco Business Center Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 109 East Ferguson Avenue. CUP#100623
This item supports EV - Economic Vitality.

Classification: Regular

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

Issue: Antonio Rodriguez and Sylvia Rodriguez, d/b/a Verona Event Center II, LLC., are requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Heavy Commercial District (H-C). This request constitutes the 13th renewal for Verona Event Center II, LLC.

Fiscal Consideration: N/A

Staff Recommendation: Development Services recommends approval of the renewal request for the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Heavy Commercial District (H-C) subject to the site and applicant being in compliance with all City Ordinances and City Department requirements.

Alternatives: N/A

Exclude Material from Public Packet? No

Reason: N/A

ROUTING:

Kimberly Mendoza
Ricardo Rodriguez
City Management Office

Created/Initiated - 07/29/2025
Approved - 07/30/2025
Final Approval - 07/30/2025



MEMORANDUM

DATE: MONDAY, AUGUST 4, 2025

TO: MAYOR AND CITY COMMISSION

FROM: KIMBERLY MENDOZA, DIRECTOR OF DEVELOPMENT SERVICES

THROUGH: JONATHAN FLORES, CITY MANAGER

SUBJECT: CONDITIONAL USE PERMIT RENEWAL FOR ABC FILE NO. CUP#100623 (VERONA EVENT CENTER II, LLC)

GENERAL INFORMATION:

APPLICANT: Antonio Rodriguez and Sylvia Rodriguez, d/b/a Verona Event Center II, LLC, are requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Heavy Commercial District (H-C).

LEGAL DESCRIPTION: The property is legally described as being Lots 2 and 3, Maco Business Center Subdivision, Pharr, Hidalgo County, Texas.

LOCATION: The property's physical address is 109 East Ferguson Avenue.

ZONING: The property is currently zoned Heavy Commercial District (H-C). The surrounding area is zoned Heavy Commercial District (H-C) to the east and west, Single-Family Residential District (R-1) to the south and Single-Family Residential District for Small Lots (R-1A) to the north. The area is generally designated for commercial use in the Land Use Plan.

COMMENTS: **POLICE CHIEF:** Recommends approval of the Conditional Use Permit.

FIRE DEPARTMENT: Recommends approval of the Conditional Use Permit.

CODE COMPLIANCE: Recommends approval of the Conditional Use Permit.

HEALTH: Recommends approval of the Conditional Use Permit.

DEVELOPMENT SERVICES: Recommends approval of the Conditional Use Permit.

DEVELOPMENT SERVICES RECOMMENDATIONS: Development Services recommends **approval** of the renewal request for the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Heavy Commercial District (H-C) subject to the site and applicant being in compliance with all City Ordinances and City Department requirements.



Pharr



MAYOR Ambrosio Hernandez, MD

COMMISSIONERS Michael Pacheco | Roberto "Bobby" Carrillo | Ramiro Caballero, MD | Daniel Chavez | Ricardo Medina | Itza Flores

Executive Summary Letter

August 4, 2025

Conditional Use Permit **Renewal** for ABC –

Verona Event Center II, LLC

Background:

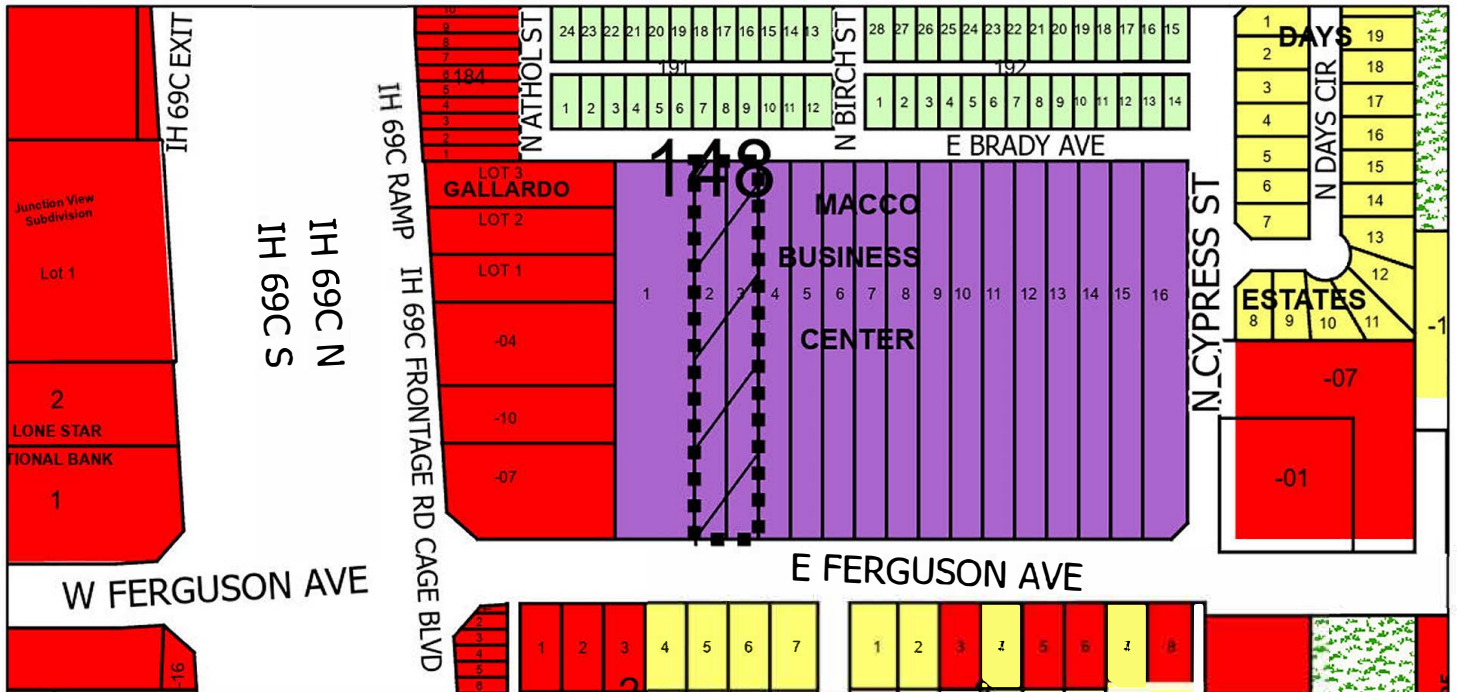
Antonio Rodriguez and Sylvia Rodriguez, d/b/a Verona Event Center II, LLC, are requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption. This request constitutes the 13th renewal for Verona Event Center II, LLC.

The property is located at 109 East Ferguson Avenue. It is zoned Heavy Commercial District (H-C) and is in conformance with the Future Land Use Plan. All required inspections have been conducted and have passed.

Recommendations:

Staff recommends **approval** of the renewal request for the Conditional Use Permit to allow the sale of alcoholic beverage for on-premise consumption subject to the site and applicant being in compliance with all City Ordinances and City Department requirements.

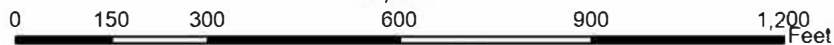
CUP Renewal
 109 E FERGUSON AVE
 ANTONIO RODRIGUEZ AND SYLVIA RODRIGUEZ
 d/b/a VERONA EVENT CENTER II



- | | | | |
|---------------------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | Townhouse | Drainage Easement | PSJA ISD |
| Single Family | HUD Code | Heavy Commercial | Hidalgo ISD |
| Single Family Small Lot | Rail Road R.O.W | Heavy Industrial | Valley View ISD |
| Residential Multi-Family | Government Owned | Limited Industrial | Planned Unit Development |
| Residential Multi-Family High Density | General Business | Neighborhood Commercial | |
| Mobile Home | Business District | Office Professional | |

City of Pharr, Texas
 Engineering
 Department
 956.402.4221

Scale: 1:3,600



Date: 08/30/2025



Pharr
Development Services



Site Photo

109 East Ferguson Avenue





AGENDA MEMORANDUM



BOARD: BOARD OF COMMISSIONERS

AGENDA ITEM #: 6.E.3.

DATE SUBMITTED: July 30, 2025

MEETING DATE: August 4, 2025

FROM: Kimberly Mendoza, Development Services Director

DEPARTMENT: Development Services

DIRECTOR: Kimberly Mendoza

Agenda Item: Double D's Nightlife Holdings LLC., DBA El Toxico Drive Thru, is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption. The property is legally described as being all of Lot 184, Valle De La Primavera Subdivision an Addition to the City of Pharr, Hidalgo County, Texas. The property is physically located at 6911 South Jackson Road. CUP#240612 **This item supports EV - Economic Vitality.**

Classification: Regular

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

Issue: Double D's Nightlife Holdings LLC., DBA El Toxico Drive Thru, 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). This request constitutes the 1st renewal for El Toxico Drive Thru.

Fiscal Consideration: N/A

Staff Recommendation: Development Services recommends approval of the renewal request for the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in the General Business District (C) subject to site and applicant being in compliance with all City Ordinances and City Department requirements.

Alternatives: N/A

Exclude Material from Public Packet? No

Reason: N/A

ROUTING:

Kimberly Mendoza
Ricardo Rodriguez
City Management Office

Created/Initiated - 07/30/2025
Approved - 07/30/2025
Final Approval - 07/30/2025



Pharr

Development Services



MEMORANDUM

DATE: MONDAY, AUGUST 4, 2025

TO: MAYOR AND CITY COMMISSION

FROM: KIMBERLY MENDOZA, DIRECTOR OF DEVELOPMENT SERVICES

THROUGH: JONATHAN B. FLORES, CITY MANAGER

SUBJECT: CONDITIONAL USE PERMIT RENEWAL FOR ABC FILE NO. CUP#240612 (EL TOXICO DRIVE THRU)
--

GENERAL INFORMATION:

APPLICANT: Double D's Nightlife Holdings LLC., DBA El Toxico Drive Thru, 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).

LEGAL DESCRIPTION: The property is legally described as being all of Lot 184, Valle De La Primavera Subdivision an Addition to the City of Pharr, Hidalgo County, Texas.

LOCATION: The property is physically located at 6911 South Jackson Road.

ZONING: The property and properties to the north and south are currently zoned General Business District (C). The adjacent zoning is Single-Family Residential District (R-1) to the east. The city limits lie to the west. The area is generally designated for commercial in the Land Use Plan.

COMMENTS:	POLICE CHIEF:	Recommends approval of the Conditional Use Permit.
	FIRE DEPARTMENT:	Recommends approval of the Conditional Use Permit.

CODE COMPLIANCE:

Recommends approval of the Conditional Use Permit.

HEALTH:

Recommends approval of the Conditional Use Permit.

DEVELOPMENT SERVICES:

Recommends approval of the Conditional Use Permit.

**DEVELOPMENT
SERVICES
RECOMMENDATIONS:**

Development Services recommends approval of the renewal request for the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in the General Business District (C) subject to site and applicant being in compliance with all City Ordinances and City Department requirements.



Pharr



MAYOR Ambrosio Hernandez, MD

COMMISSIONERS Michael Pacheco | Roberto "Bobby" Carrillo | Ramiro Caballero, MD | Daniel Chavez | Ricardo Medina | Itza Flores

Executive Summary Letter

August 4, 2025

Conditional Use Permit **Renewal** for ABC –

EL Toxico Drive Thru

Background:

Double D's Nightlife Holdings LLC., DBA El Toxico Drive Thru, is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption. This request constitutes the 1st renewal for El Toxico Drive Thru.

The property is located at 6911 South Jackson Road. It is zoned General Business District (C) and is in conformance with the Future Land Use Plan. All required inspections have been conducted and have passed.

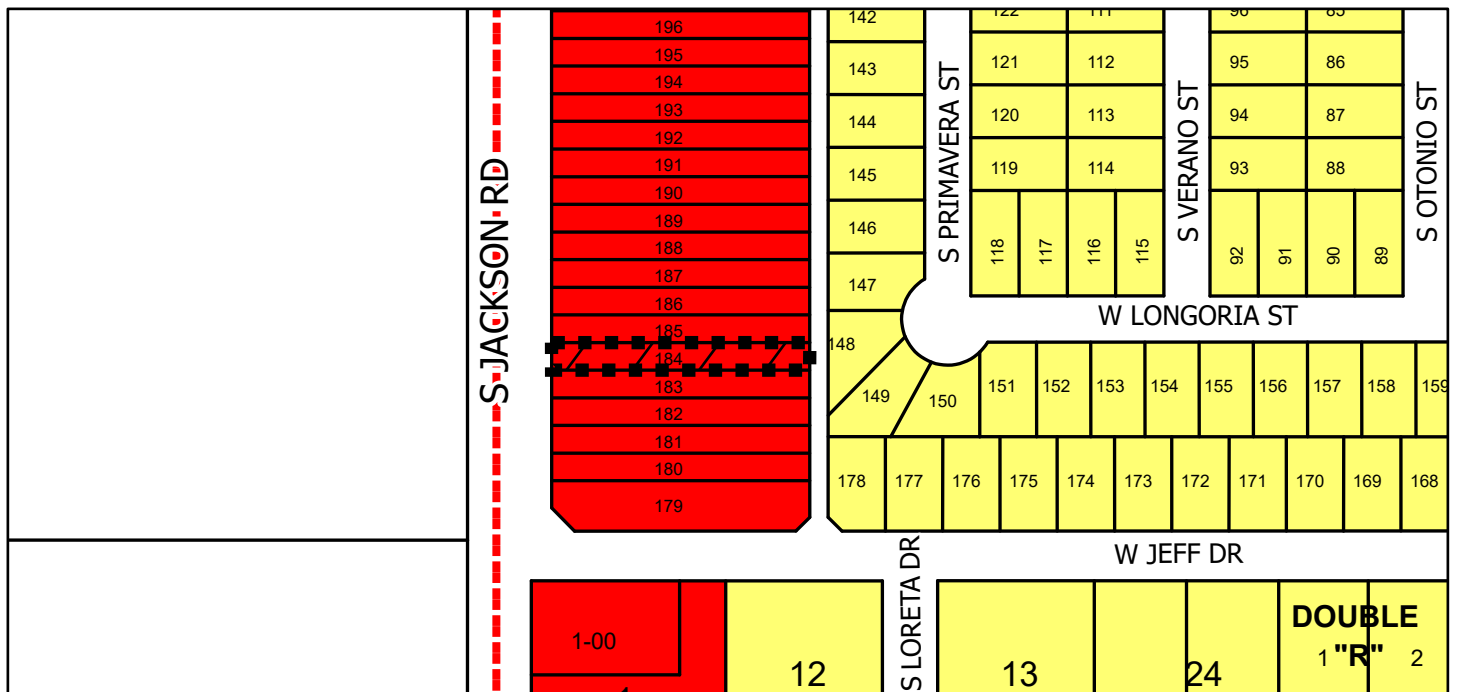
Recommendations:

Staff recommends **approval** of the renewal request for the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption subject to the site and applicant being in compliance with all City Ordinances and City Department requirements.

CUP Renewal
6911 S JACKSON
DOUBLE D'S NIGHTLIFE HOLDINGS DRIVE THRU/
DAVID ELLIOTT

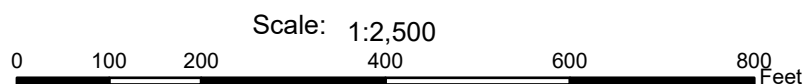


G:\City of Pharr\GIS\Projects\1-Planning\PRO CUP Renewal\CUP_RENEWAL 6911 S JACKSON RD DOUBLE D'S NIGHTLIFE HOLDINGS ALL OF LOT 184 VALLE DE LA PRIMAVERA00 Renewal Base.aprx



- | | | | |
|---------------------------------------|------------------|-------------------------|--------------------------|
| Subject Property | Mobile Home | Business District | Office Professional |
| Agricultural Open Space | Townhouse | Drainage Easement | PSJA ISD |
| Single Family | HUD Code | Heavy Commercial | Hidalgo ISD |
| Single Family Small Lot | Rail Road R.O.W | Heavy Industrial | Valley View ISD |
| Residential Multi-Family | Government Owned | Limited Industrial | Planned Unit Development |
| Residential Multi-Family High Density | General Business | Neighborhood Commercial | |

City of Pharr, Texas
Engineering Department
956.402.4221



Date: 6/30/2025



Pharr
Development Services



Site Photo

6911 South Jackson Road





AGENDA MEMORANDUM



BOARD: BOARD OF COMMISSIONERS

AGENDA ITEM #: 6.F.

DATE SUBMITTED: July 31, 2025

MEETING DATE: August 4, 2025

FROM: Alessandra Garcia, Assistant City Clerk

DEPARTMENT: Administration

DIRECTOR:

Agenda Item: PLATS:

Classification: Consent

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

Issue:

Fiscal Consideration:

Staff Recommendation:

Alternatives:

Exclude Material from Public Packet? No

Reason:

ROUTING:

Alessandra Garcia

Created/Initiated - 07/31/2025



AGENDA MEMORANDUM



BOARD: BOARD OF COMMISSIONERS

AGENDA ITEM #: 6.F.1.

DATE SUBMITTED: July 29, 2025

MEETING DATE: August 4, 2025

FROM: Kimberly Mendoza, Development Services Director

DEPARTMENT: Development Services

DIRECTOR: Kimberly Mendoza

Agenda Item: Spoor Engineering Consultants, Inc., representing Adolfo Lozano, Agent for ASL Leasing, LLC., a Texas Limited Liability Company, is requesting final plat approval of the proposed Beamsley Subdivision, Lots 51A and 51B. The property is legally described as being a Replat of Lot 51, Pharr, Hidalgo County, Texas. The property is located within the 1100 Block of West Eisenhower Street. SUB#221034
This item supports EV - Economic Vitality.

Classification: Regular

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

Issue: Spoor Engineering Consultants, Inc., representing Adolfo Lozano, Agent for ASL Leasing, LLC., a Texas Limited Liability Company, is requesting final plat approval of the proposed Beamsley Subdivision, Lots 51A and 51B.

Fiscal Consideration: N/A

Staff Recommendation: Development Services recommends final plat approval of the proposed Beamsley Subdivision, Lots 51A and 51B subject to the listed conditions.

Planning and Zoning Commission Recommendation: Being no discussion, the Planning and Zoning Commission voted unanimously to recommend approval of the final plat of the proposed Beamsley Subdivision Lots 51A and 51B at their meeting on July 28, 2025. There were six members present and voting.

Alternatives: N/A

Exclude Material from Public Packet? No

Reason: N/A

ROUTING:

Kimberly Mendoza
Ricardo Rodriguez
City Management Office

Created/Initiated - 07/29/2025
Approved - 07/30/2025
Final Approval - 07/30/2025



MEMORANDUM

DATE: MONDAY, AUGUST 04, 2025

TO: PLANNING AND ZONING COMMISSION

FROM: KIMBERLY MENDOZA, DIRECTOR OF DEVELOPMENT SERVICES

THROUGH: JONATHAN B. FLORES, CITY MANAGER

SUBJECT: BEAMSLEY SUBDIVISION LOTS 51A AND 51B
FILE NO. **SUB#221034**

GENERAL INFORMATION:

APPLICANT: Spoor Engineering Consultants, Inc., representing Adolfo Lozano, Agent for ASL leasing, LLC, A Texas Limited Liability Company, is requesting final plat approval of the proposed Beamsley Subdivision Lots 51A and 51B.

LEGAL DESCRIPTION: The property is legally described as being a Replat subdivision of Lot 51, Pharr, Hidalgo County, Texas.

LOCATION: The property is located within the 1100 Block of West Eisenhower Street.

ZONING: The property is currently zoned Residential Multi-Family High Density District (R-MFHD). The adjacent zones are Residential Multi-Family High Density District (R-MFHD) to the north and Single Family Residential District (R-1) to the east, south and west. The property is designated for multi-family residential use in the Land Use Plan.

PROPERTY PROPOSED USE: Existing apartment complex subdivision.

VARIANCES: None requested.

RECOMMENDATIONS: Development Services recommends final plat approval of the proposed Beamsley Subdivision Lots 51A and 51B subject to the following conditions:

**STREETS, PAVING
AND R.O.W.:** 1. In compliance.

EASEMENTS: 1. In compliance.

**SIDEWALK:
ADA:** 1. In compliance.

FIRE PROTECTION: 1. In compliance.

WATER: 1. In compliance.

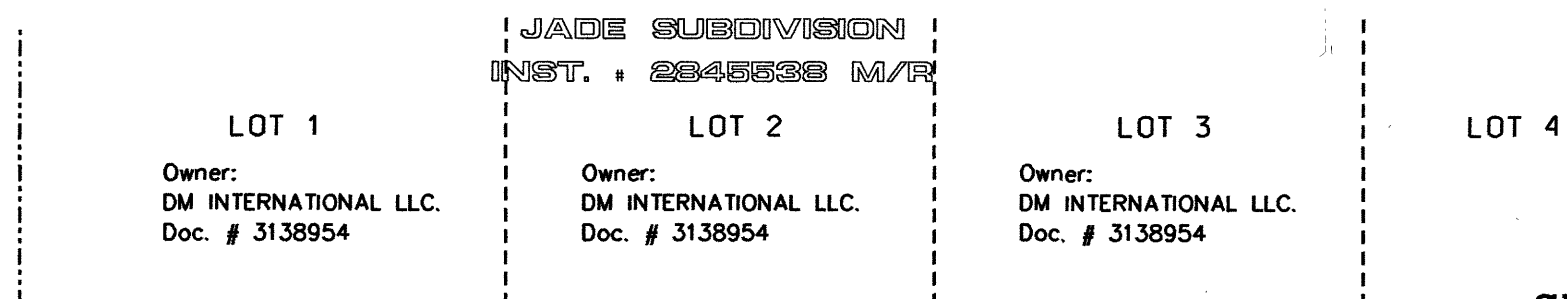
SEWER: 1. In compliance.

DRAINAGE: 1. In compliance.

OTHER: 1. In compliance.

PLANNING AND ZONING COMMISSION:

The Planning and Zoning Commission voted unanimously to approve final plat of the proposed Beamsley Subdivision Lots 51A and 51B at their meeting on July 28, 2025.



BEAMSLEY SUBDIVISION

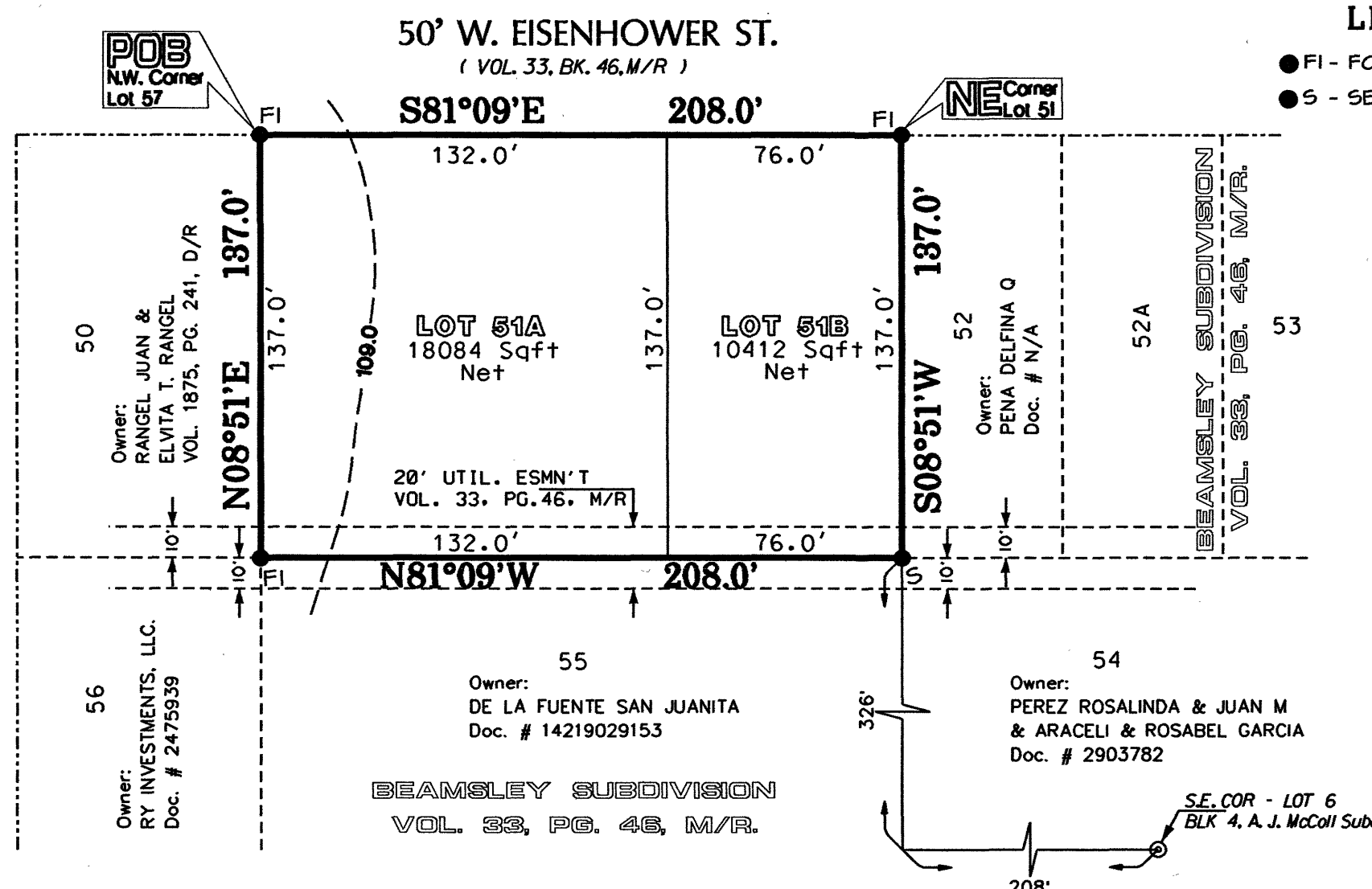
LOTS 51A AND 51B

City of Pharr, Texas

BEING A SUBDIVISION OF LOT 51,
BEAMSLEY SUBDIVISION,
CITY OF PHARR, HIDALGO COUNTY, TEXAS,
ACCORDING TO PLAT RECORDED IN
VOLUME 33, PAGE 46, MAP RECORDS,
HIDALGO COUNTY, TEXAS.
Containing 0.65 acre of land, more or less.

**SURVEY MONUMENT
LEGEND**

● FI - FOUND STEEL PIN
● S - SET STEEL PIN W/ CAP



LOCATION MAP

SCALE: 1"=500'

Prepared by:
Spoor Engineering Consultants, Inc.
Consulting Engineers - Civil Land Planning
FIRM # F-6003
202 South 4th Street McAllen, TEXAS 78501
SEC@spooreng.com (956) 683 1000

SEC INC.

STATE OF TEXAS:
COUNTY OF HIDALGO:

I, (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS **BEAMSLEY SUBDIVISION LOTS 51A AND 51B**, TO THE CITY PHARR, COUNTY OF HIDALGO, TEXAS, AND WHOSE NAME(S) IS (ARE) SUBSCRIBED HERETO, DOES (DO) HEREBY SUBDIVIDE SUCH PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

ASL LEASING, LLC, A TEXAS LIMITED LIABILITY COMPANY

By: **Adolfo Lozano**, Registered Agent
1614 Sheri Lee Drive
Mission, Texas 78572-3118

STATE OF TEXAS:
COUNTY OF HIDALGO:
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED **ADOLFO LOZANO**, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 2022.

NOTARY PUBLIC

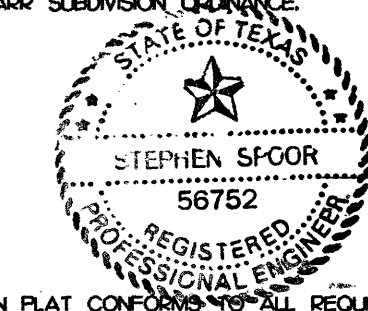
STATE OF TEXAS:
COUNTY OF HIDALGO:
I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PHARR, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

DANNY WYLE CHAIRMAN, PLANNING AND ZONING COMMISSION DATE

STATE OF TEXAS:
COUNTY OF HIDALGO:
I, THE UNDERSIGNED, **REYNALDO ROBLES**, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY ON THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION AND THAT ALL ASPECTS OF IT ARE IN ACCORDANCE WITH THE CITY OF PHARR SUBDIVISION ORDINANCE AND ALL STATE STATUTES GOVERNING SURVEYS

REYNALDO ROBLES, RPLS. #4032
ROBLES AND ASSOCIATES, PLLC - TEPELS FIRM 10096700
107 W. HUSACHE ST. WESLACO, TEXAS 78696

STATE OF TEXAS:
COUNTY OF HIDALGO:
I, THE UNDERSIGNED, **STEPHEN SPOOR**, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT, AND THAT ALL ASPECTS OF IT ARE IN ACCORDANCE WITH THE CITY OF PHARR SUBDIVISION ORDINANCE.



11-18-22
STEPHEN SPOOR, P.E. REGISTRATION No. 56752

I, THE UNDERSIGNED MAYOR OF THE CITY OF PHARR, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

ATTEST: CITY CLERK

AMBROSIO HERNANDEZ MAYOR, CITY OF PHARR DATE

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. WATER CODE 49.216(a) THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

By: **RAUL E. SESIN, PE, CFM** DATE
GENERAL MANAGER

THIS PLAT IS HEREBY APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT No.2 ON THIS _____ DAY OF _____, A.D. 2022

NO IMPROVEMENTS OF ANY KIND (INCLUDING WITHOUT LIMITATION TREES, FENCES, AND BUILDINGS) SHALL BE PLACED UPON HIDALGO COUNTY IRRIGATION DISTRICT NO. 2 RIGHTS OF WAY OR EASEMENTS

SECRETARY

PRESIDENT

NOTES:

1. MIN. FINISH FLOOR ELEVATION SHALL BE 18 INCHES ABOVE TOP OF CURB MEASURED AT FRONT CENTER OF LOT.
2. MINIMUM BUILDING SETBACK SHALL BE IN ACCORDANCE WITH CITY OF PHARR ORDINANCES. EXCEPT AS FOLLOWS:
A. - SIDE SETBACK FOR LOT 51A - 7 FEET
3. THIS PROPERTY FALLS IN ZONE "B" OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480334 0425 C. REVISED NOV. 16, 1982. B IS DESCRIBED AS AREAS BETWEEN THE 100 YEAR AND 500 YEAR FLOOD; OR AREAS SUBJECT TO 100 YEAR FLOODING WITH AVE. DEPTHS LESS THEN ONE FOOT; OR WHERE THE CONTRIBUTING DRAINAGE AREAS IS LESS THAN ONE SO. MILE, OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD.
4. A 5.0' SIDEWALK WITH ADA COMPLIANT WHEEL CHAIR RAMPS AND LANDINGS SHALL BE REQUIRED ALONG THE SOUTH SIDE OF W. EISENHOWER ST. AT BUILDING PERMIT STAGE.
5. STORM WATER DETENTION IS REQUIRED FOR THIS PROPERTY. THE ENGINEER OF RECORD FOR THIS SUBDIVISION PLAT HAS ESTIMATED THAT AN AREA OF APPROXIMATELY 0.025 ACRES AND A VOLUME OF 0.10 Ac. Ft. WILL BE REQUIRED FOR THIS USE. THIS IS AN ESTIMATE ONLY AND DETAILED ANALYSIS MAY REVEAL DIFFERENT REQUIREMENTS. NO BUILDING PERMIT SHALL BE ISSUED FOR THIS PLATTED PROPERTY UNTIL A STORM WATER DETENTION SYSTEM DESIGN HAS BEEN APPROVED BY THE CITY OF PHARR FOR THIS DEVELOPMENT.
6. NO STRUCTURE SHALL BE BUILT ON TOP OF ANY EASEMENT.
7. UNLESS OTHERWISE NOTED, ALL PROPERTY CORNERS ARE MONUMENTED BY A 1/2" DIAMETER BY 24" LONG STEEL ROD.
8. CITY OF PHARR BENCHMARK MONUMENT No. 57, SET BY J.E. SAENZ AND ASSOCIATES, INC., LOCATED AT W. NOLANA LOOP (F.M. # 3461) ELEV. 102.82 - N. 16610325.293, E. 1089083.521
9. LANDSCAPING IS REQUIRED IN ACCORDANCE WITH CITY OF PHARR ORDINANCES.
10. ADDITIONAL FIRE PROTECTION MAY BE REQUIRED DURING THE BUILDING PLAN REVIEW PHASE IN ORDER TO PROVIDE ANY ADDITIONAL FIRE PROTECTION REQUIREMENT.
11. ENFORCEMENT OF ALL PLAT NOTES AND DEDICATIONS SHALL BE THE RESPONSIBILITY OF THE AGENCY OR ENTITY TO WHOM THE DEDICATION IS GRANTED.

METES & BOUNDS

LOT 51, BEAMSLEY SUBDIVISION, CITY OF PHARR, HIDALGO COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 33, PAGE 46, MAP RECORDS, HIDALGO COUNTY, TEXAS.

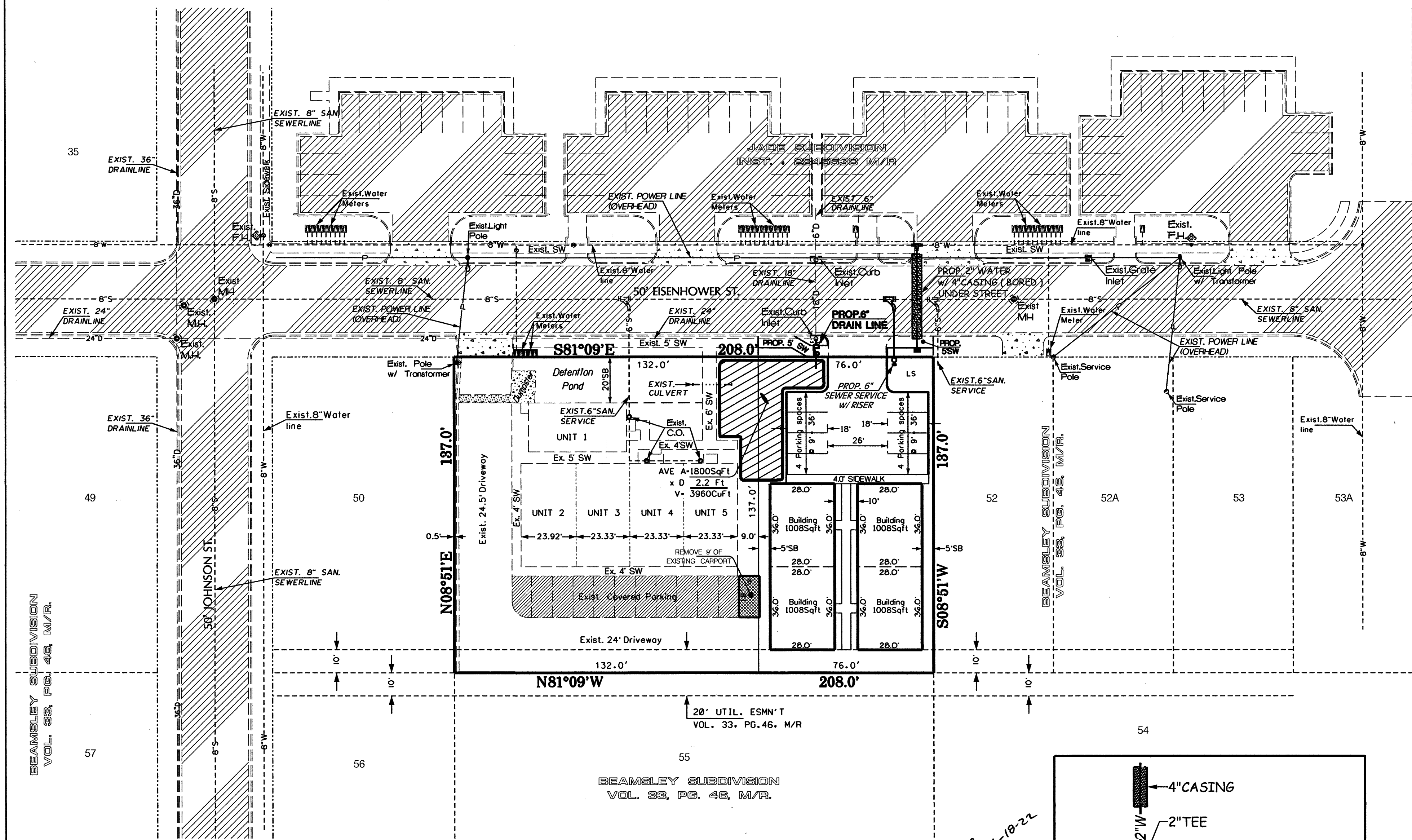
BEGINNING at a steel pin found the northwest corner of Lot 51, for the northwest corner of the following described tract of land, said point being on the South line of W. Eisenhower Street;
THENCE, with the North line of Lot 51, and the South line of W. Eisenhower Street, South 81 Deg. 09 Min. East, 208.0 feet to a steel pin found at the northeast corner of Lot 51, for the northeast corner hereof;
THENCE, with the East line of Lot 51, South 08 Deg. 51 Min. West, 137.0 feet to the southeast corner of Lot 51, for the southeast corner hereof;
THENCE, with the South line of Lot 51, North 81 Deg. 09 Min. West, 208.0 feet to the southwest corner of Lot 51, for the southwest corner hereof;
THENCE, with the west line of Lot 51, North 08 Deg. 51 Min. East, 137.0 feet to the POINT OF BEGINNING, containing 0.65 acre of land, more or less.

12. THE DEVELOPER SHALL BE RESPONSIBLE FOR DETAINING AND ACCOMMODATING MORE THAN THE DETAINED VOLUME SHOWN ON THIS PLAT IF IT IS DETERMINED, AT THE PERMIT STAGE, THAT THE DETENTION REQUIREMENTS ARE GREATER THAN STATED ON THIS PLAT, DUE TO THE IMPERVIOUS AREA BEING GREATER THAN THE PLAT ENGINEER CONSIDERED IN THE HYDRAULIC CALCULATIONS FOR THIS SUBDIVISION.

13. OWNERS ARE TO MAINTAIN DETENTION / RETENTION AREAS.

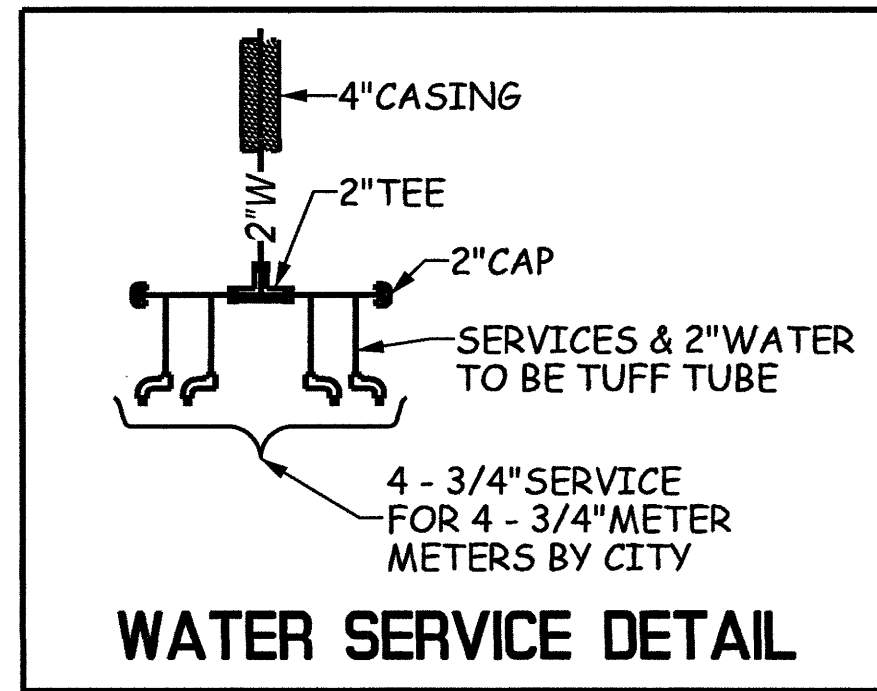
14. OWNERS ARE TO MAINTAIN RIGHT OF WAY AND PERIMETER OF SUBDIVISION.

15. EROSION AND SEDIMENT CONTROL DURING CONSTRUCTION SHALL BE IN ACCORDANCE WITH CURRENT TEXAS POLLUTION DISCHARGE ELIMINATION SYSTEM (TPDES).



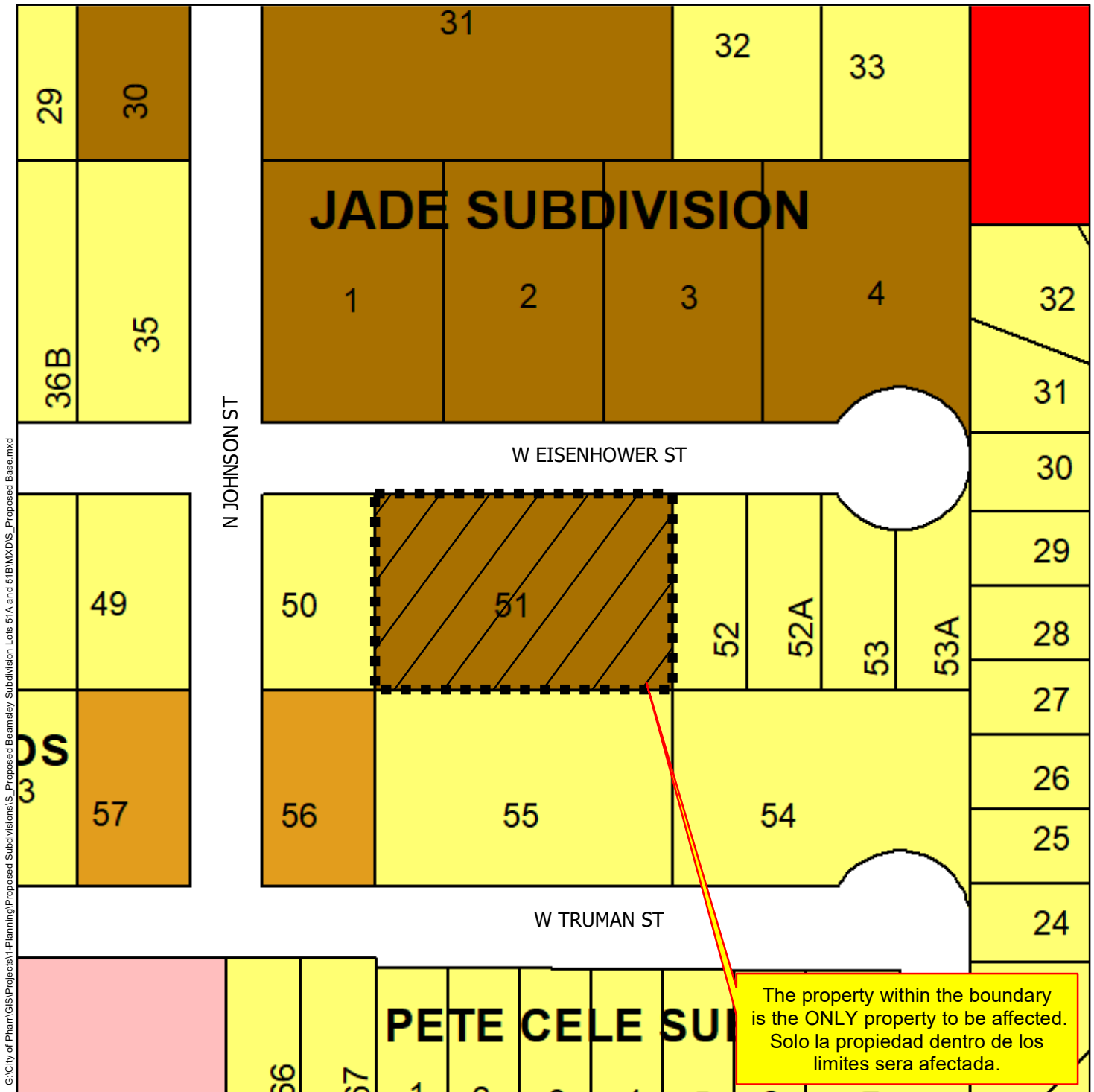
BEAMSLEY SUBDIVISION
VOL. 33, PG. 46, M/R.

BEAMSLEY SUBDIVISION
VOL. 33, PG. 46, M/R.





- | | | | |
|---------------------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | Townhouse | Drainage Easement | PSJA ISD |
| Single Family | HUD Code | Heavy Commercial | Hidalgo ISD |
| Single Family Small Lot | Rail Road R.O.W | Heavy Industrial | Valley View ISD |
| Residential Multi-Family | Government Owned | Limited Industrial | Planned Unit Development |
| Residential Multi-Family High Density | General Business | Neighborhood Commercial | |
| Mobile Home | Business District | Office Professional | |



- | | | | |
|---------------------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | Townhouse | Drainage Easement | PSJA ISD |
| Single Family | HUD Code | Heavy Commercial | Hidalgo ISD |
| Single Family Small Lot | Rail Road R.O.W | Heavy Industrial | Valley View ISD |
| Residential Multi-Family | Government Owned | Limited Industrial | Planned Unit Development |
| Residential Multi-Family High Density | General Business | Neighborhood Commercial | |
| Mobile Home | Business District | Office Professional | |



Pharr
Development Services



Site Photo

1100 Block of W. Eisenhower Street.





AGENDA MEMORANDUM



BOARD: BOARD OF COMMISSIONERS

AGENDA ITEM #: 6.F.2.

DATE SUBMITTED: July 29, 2025

MEETING DATE: August 4, 2025

FROM: Kimberly Mendoza, Development Services Director

DEPARTMENT: Development Services

DIRECTOR: Kimberly Mendoza

Agenda Item: Spoor Engineering, representing Ouida J. Hamlin, Trustee, Poncho's Holding, LLC, A Texas Limited Liability Company, is requesting final plat approval of the proposed SRS Subdivision. The property is legally described as being a 3.06 acre tract of land out of that portion of the South 330.0 feet of Lot 117, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 3700 Block of North IH 69C. SUB#250513 **This item supports EV - Economic Vitality.**

Classification: Regular

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

Issue: Spoor Engineering, representing Ouida J. Hamlin, Trustee, Poncho's Holding, LLC, A Texas Limited Liability Company, is requesting final plat approval of the proposed SRS Subdivision.

Fiscal Consideration: N/A

Staff Recommendation: Development Services recommends final plat approval of the proposed SRS Subdivision subject to the listed conditions.

Planning and Zoning Commission Recommendation: Being no discussion, the Planning and Zoning Commission voted unanimously to recommend approval of the final plat of the proposed SRS Subdivision at their meeting on July 28, 2025. There were six members present and voting.

Alternatives: N/A

Exclude Material from Public Packet? No

Reason: N/A

ROUTING:

Kimberly Mendoza
Ricardo Rodriguez
City Management Office

Created/Initiated - 07/29/2025
Approved - 07/30/2025
Final Approval - 07/30/2025



Pharr

Development Services



MEMORANDUM

DATE: MONDAY, AUGUST 04, 2025

TO: MAYOR AND CITY COMMISSION

FROM: KIMBERLY MENDOZA, DIRECTOR OF DEVELOPMENT SERVICES

THROUGH: JONATHAN B. FLORES, CITY MANAGER

SUBJECT: SRS SUBDIVISION
FILE NO. **SUB#250513**

GENERAL INFORMATION:

APPLICANT: Spoor Engineering, representing Ouida J. Hamilin, Trustee, Poncho's Holding, LLC, A Texas Limited Liability Company, is requesting final plat approval of the proposed SRS Subdivision.

LEGAL DESCRIPTION: The property is legally described as being a 3.06 acre tract of land out of that portion of the south 330.0 feet of Lot 117, Kelly-Pharr Subdivision, Pharr, Hidalgo County, Texas.

LOCATION: The property is located within the 3700 Block of North IH 69C.

ZONING: The property is currently zoned Limited Industrial District (L-I). The adjacent zones are Limited Industrial District (L-I) to the north, east, south and west. The property is designated for industrial use in the Land Use Plan.

PROPERTY PROPOSED USE: Warehouse and office.

VARIANCES: None requested.

RECOMMENDATIONS: Development Services recommends final plat approval of the proposed SRS Subdivision subject to the following conditions:

**STREETS, PAVING
AND R.O.W.:**

1. Streetlights shall be 250' max spacing, along frontage.
2. Shall obtain Rulis from TxDot for any work within TxDot R.O.W., if any

EASEMENTS:

1. No overlapping easements, if any.
2. Easements shall be 15' Exclusive to City of Pharr, for water or sewer lines within property, if any.
3. Show all the dedicated easements on the plat (label existing or dedicated by plat).

**SIDEWALK:
ADA:**

1. See attached comments.

FIRE PROTECTION:

1. See attached comments.

WATER:

1. See attached comments.
2. Waterline upgrade was escrowed: \$ 70,000.00, along frontage and W. Eldora Rd.
3. Follow City of Pharr construction standards manual.

SEWER:

1. See attached comments.
2. Follow City of Pharr construction standards manual.

DRAINAGE:

1. Provide approved drainage report.
2. See attached comments.

OTHER:

1. H.C.I.D. #2 verify with district for any comments.
2. Check spelling in the description of property.
3. Label all monuments, set or found.
4. Identify R.O.W., along W. Eldora Rd., County or HCID #2. and provide comments.
5. Developer to escrow the public improvements for recording of plat, escrow money will be returned once improvements are installed, inspected and completed.
6. Waterline upgrade was escrowed: \$ 70,000.00.
7. Staff comments attached.

PLANNING AND ZONING COMMISSION:

The Planning and Zoning Commission voted unanimously to approve final plat of the proposed SRS Subdivision at their meeting on July 28, 2025.

PLAT REVIEW MEETING FOR: *SRS SUBDIVISION*

COMMENTS:

Initials: J.R.

MAY 15, 2025

WATER:

- Easements will need to be 15' exclusive to the City of Pharr.
- Water line on Frontage will need to be 12" PVC C-900 as per City of Pharr Master Plan.
- Water line on W. Eldora will need to be upgrade from 12" asbestos to 12" PVC C-900.
- All fittings will need to be MJ (mechanical joint) with mega locks.
- Will need to obtain a RULIS permit from Tx. DOT for water line installation.
- Comments made may change depending on circumstances.
- Follow City of Pharr Construction Standards Manual.

SEWER:

- Ok as proposed.
- Manhole rim and lid will need to be composite base with City of Pharr logo.
- Comments made may change depending on circumstances.
- Follow City of Pharr Construction Standards Manual.

Developer/Owner/Responsible Party must comply with the conditions stated above. WATER METERS WILL NOT BE INSTALLED IF THERE IS A failure to comply with ANY OF THE conditions. METERS WILL BE INSTALLED UPON PAYMENT AND COMPLIANCE WITH ALL CONDITIONS STATED. By signing this you understand you must comply with the condition(s) or the water meter(s) will not be installed.

Print Name: _____

Signature: _____

Date: _____

STAFF REVIEW MEETING FOR: SRS SUBDIVISION

MEETING HELD ON: 05/12/2025

PLAT

1. Signature and seal from P.E. & R.P.L.S. is required.
2. Subdivision shall be required to have a private drainage easement for an on-site detention/retention pond and outfall. Private drainage easement can be acquired by separate instrument, at the time of building permit phase.
3. Provide a 15'-ft utility easement for 12"-in waterline.
4. Verify with Hidalgo County precinct 2 on right of way dedication.

SITE PLAN

1. Waterline along N. Cage Blvd. shall be required to be removed and replaced with 12"-in PVC line as per masterplan and shall be relocated into a 15'-ft utility easement dedicated to the City of Pharr. Provide waterline details if applicable.
2. Verify the location of the existing water valves.
3. Verify the material of the existing sanitary sewer line.
4. Provide comments from Hidalgo County precinct 2 on W. Eldora rd. widening.

DRAINAGE

1. Drainage report shall be reviewed and approved by HCDD No. 1.
2. On-site detention pond shall be required for this development, and must tie-in to a storm sewer system
3. Drainage plans for detention to be approved at building permit stage. FYI, only one 8-in bleeder is allowed for outfall to the city and Tx-Dot system.

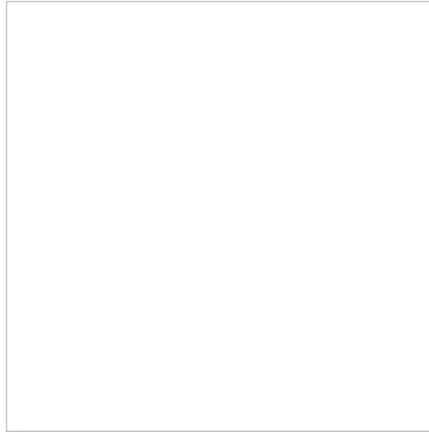
CLOSEOUT DOCUMENTS

- All As-builts must have the following requirements:
- As-builts must reflect current field changes. Mark all field changes as existing.
- Must be Geo referenced, and in an AUTOCAD file.
- Submit a physical and electronic copy (USB or CD).

STANDARD REQUIREMENTS

- **PRIOR TO SUBMITTING PRECONSTRUCTION PLANS, FIELD VERIFY ALL UTILITY TIE-INS FOR WATER, SEWER, AND STORM LINES.**
- Access road must follow City of Pharr standards for paving.
- Testing may be required for concrete, paving and backfilling items.
- Curb and gutter must meet design strength of 3000 psi and must include 3 #3 continuous rebar.
- Sidewalk must meet design strength of 3000 psi and must follow City design standard and ADA guidelines.
- Driveway shall have a design strength of 4000 psi and concrete drive shall meet the appropriate design strength to prevent damage. Must follow City design standard and ADA guidelines.
- Drainage headwall shall include a footing on top and shall be a minimum 18 inches long.
- Headwall width from edge to edge of discharge pipe shall be 18 inches minimum.
- Gate valve concrete collar dimensions shall be 30 inches x 30 inches x 6 inches.
- Proposed fire hydrants shall be 6 feet from back of curb.
- Fire hydrant detail preferred brand Mueller. (Note: connection from hydrant to valve box is mechanical joint to mechanical joint and from valve box to watermain is flange to flange).
- Show all utility crossings that may be present in this site plan.
- Sanitary sewer service wye requires concrete cradle.
- Provide Public Works discharge permit when discharging into City storm system.
- TCEQ requires 9'-ft separation between water and sewer lines. This includes manholes to be spaced out away from water lines.
- At time of subdivision completion all lots shall be required to provide positive drainage and outfall towards internal street and into nearest storm infrastructures.
- **SHOULD ANY DESIGN ISSUES OCCURE DURING CONSTRUCTION, IT IS THE RESPONSIBILITY OF THE ENGINEER ON RECORD TO ADDRESS THESE ISSUES AND COORDINATE WITH THE CONTRACTOR. ALSO PROVIDE REVISED PLANS TO ENGINEERING DEPARTMENT FOR REVIEW.**

LOCATION:
Innovation & Technology



REVIEWED BY:
GERARDO PADRON
BROADBAND GRADUATE ENGINEER
GERARDO.PADRON@PHARR-TX.GOV

STAFF REVIEW MEETING FOR: SRS SUBDIVISION MEETING HELD ON: 05/12/2025

Gerardo Padron
Broadband Grad Engineer
Innovation & Technology Department
O: 956-402-4900
Gerardo.padron@pharr-tx.gov
100 W Ferguson Ave
Pharr, TX 78577

Date: 05/09/2025
Preliminary:
Subdivision: SRS Subdivision

Plat Notes:
• No Notes

General Notes: Proposed Data/Telephone Access.

1. Data/Telephone Existing Access Point Location:

a. Three Access Points Estimated at coordinates: 26°13'37.41"N 98°10'46.02"W & 26°13'34.72"N 98°10'46.80"W & 26°13'35.01"N 98°10'51.00"W

Pharr Connect: Your Reliable Partner for Industrial Data Services**

Pharr Connect is a premier, dependable service designed to meet the diverse needs of the industrial community. Whether you require a primary data source or secondary support, Pharr Connect delivers exceptional services tailored to your business requirements. Here's why Pharr Connect stands out as the ideal solution for your data service needs:

1. Key Features and Benefits:

a. Unmatched Reliability: Pharr Connect serves as a trusted primary or secondary data source, ensuring uninterrupted access to critical information for your operations.

b. Strategic Location: Access our services conveniently at the following coordinates : 26°13'37.41"N 98°10'46.02"W & 26°13'34.72"N 98°10'46.80"W & 26°13'35.01"N 98°10'51.00"W.

This location provides seamless connectivity to data provided by the City of Pharr, ensuring efficiency and ease of use.

2. Minimal Construction Requirements:

a. With existing access points in close proximity, setup is quick and hassle-free, minimizing downtime and disruption

to your operations.

3. Customizable Plans and Competitive Rates: Our sales team is ready to work with you to develop a plan that fits your budget and business needs. Schedule a meeting today to discuss tailored rates and service options.

4. Commitment to Excellence: Pharr Connect is dedicated to providing exceptional service to the industrial community, ensuring your business stays connected, informed, and ahead of the competition.

Why Choose Pharr Connect?

- Proven Dependability: A track record of reliable service delivery.
- Convenient Access: Strategically located for easy connectivity.
- Cost-Effective Solutions: Competitive rates tailored to your needs.
- Minimal Setup: Leveraging existing infrastructure for quick deployment.
- Expert Support: A dedicated team committed to your success.

Pharr Connect is more than just a service—it's a partnership designed to empower your business with the data and connectivity you need to thrive. Contact us today to learn more and schedule a consultation with our sales team. Let Pharr Connect be the backbone of your industrial operations.

“Connect with Confidence. Choose Pharr Connect.”

Please let us know if additional details or clarification are required to proceed with this request.

LOCATION:
1015 E. FERGUSON
PHARR, TX 78577
PHONE: 956-402-4350



Pharr
Public Works



REVIEWED BY:
ERIK ESPINOZA
STORMWATER INSPECTOR
ERIK.ESPINOZA@PHARR-TX.GOV

STAFF REVIEW MEETING FOR: SRS SUBDIVISION MEETING HELD ON: 05/12/2025

Provide an approved sediment erosion control plan.

Submit an approved copy of your TCEQ Permits.

Must submit (1) digital copy in (USB) for review and three (3) hard copies of the Storm Water Pollution Prevention Plan at pre-construction meeting. Will be reviewed and must be approved Prior to any earthwork disturbance and Notice to Proceed (NTP) is issued.

Provide an approved sediment erosion control plan.

Submit an approved copy of your TCEQ Permits.

Must submit (1) digital copy in (USB) for review and three (3) hard copies of the Storm Water Pollution Prevention Plan at pre-construction meeting. Will be reviewed and must be approved Prior to any earthwork disturbance and Notice to Proceed (NTP) is issued.

LOCATION:
118 S. CAGE BLVD
3rd FLOOR
PHARR, TX 78577
PHONE: 956-402-4400



Pharr
Fire Department



REVIEWED BY:
JOSE GONZALEZ
FIRE INVESTIGATOR
JOSE.GONZALEZ@FD.PHARR-TX.GOV

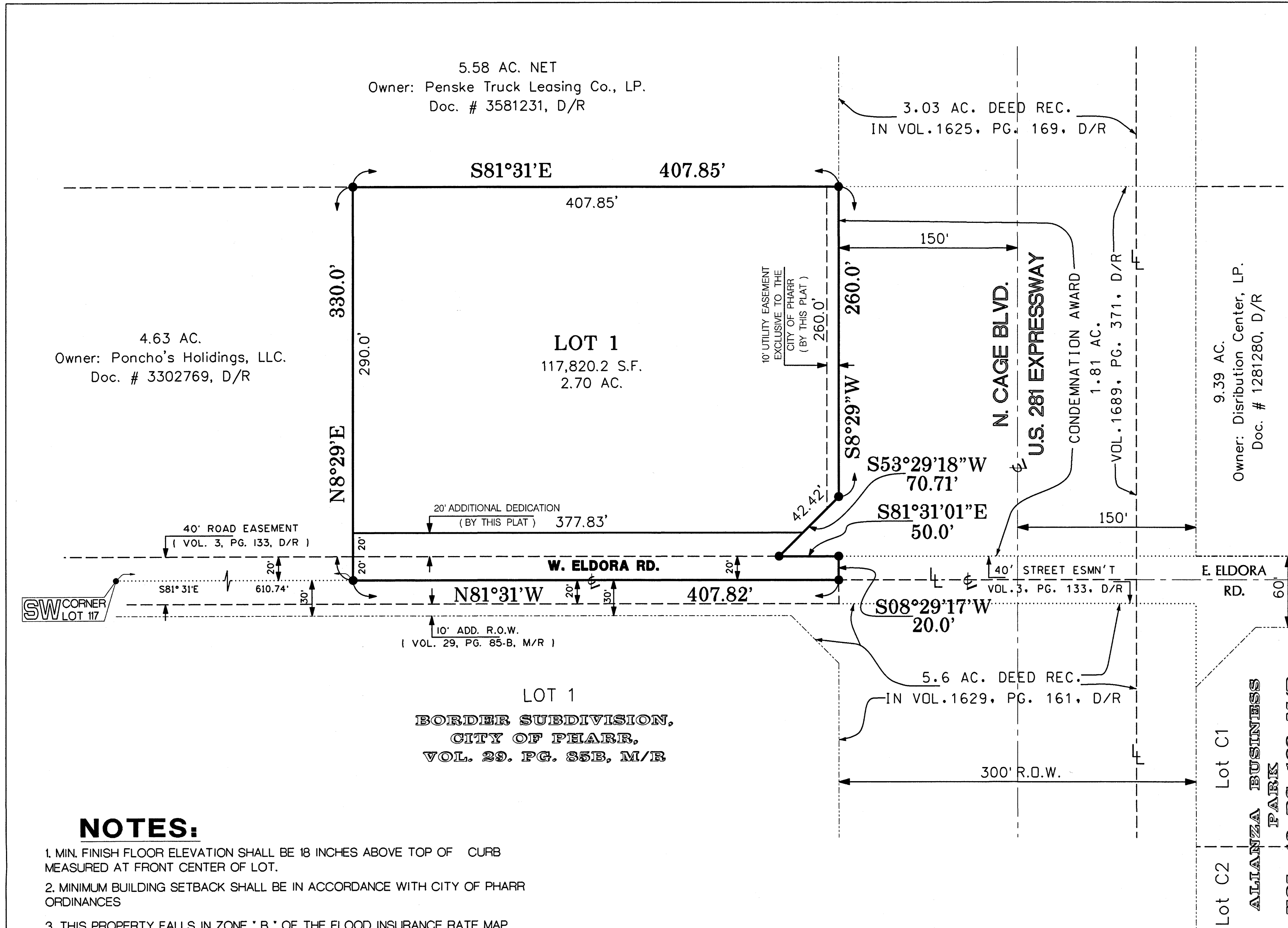
STAFF REVIEW MEETING FOR: SRS SUBDIVISION MEETING HELD ON: 05/12/2025

1. All designed waterlines shall be a minimum of eight (8) inches for residential and eight-twelve (8-12) inches in diameter for commercial and twelve (12) inches or better for industrial areas, unless fire flow requires larger lines for commercial areas.
2. All designed waterlines shall be looped on a Fire Department approved water main (Utilities shall be in place including fire hydrants before any construction above the slab).
3. Fire hydrant shall be installed at a maximum of 300 feet intervals in any mercantile district and every 600 feet in residential areas and shall be PAINTED SILVER in Color with a minimum arrangement being so as to have a hydrant available for distribution to hose to any portion of any building in the premises at distances not exceeding 400 feet, but in no case shall hose lengths be greater than 400 feet. The distance shall be measured on a roadway surface meeting the Fire Department access requirements of 503.1 International Fire Code 2018. Preferably Mueller Brand Fire Hydrant or equivalent.
4. All premises where building or portions of building are located more than 300 feet from a main street fire hydrant system shall be provided with approved on-site fire hydrant(s) and water mains capable of supplying adequate fire flow, approved by the Fire Officials.
5. Shall meet the Fire Flow rate of 20 psi of residual pressure for firefighting.
6. Street names shall be provided prior to or during the pre-construction meeting for review and approval. No street name shall be duplicated within the City of Pharr and its E.T.J. alignment of new streets with existing streets shall take precedence over new street name assignment.
7. During construction, when combustibles are brought on the site in such quantities as deemed hazardous by the Fire Official, access roads and a suitable temporary supply of water acceptable to the Fire Department shall be provided and maintained.
8. A \$25.00 fee for each BLUE MARKER to be affixed on pavement by city to indicate location of the fire hydrant. FIRE HYDRANT COLOR MAY BE YELLOW OR RED FROM MANUFACTURE AND FINISHED WITH A COAT OF ALUMINUM AS-PER CITY OF PHARR STANDARD SECTION IV-3. A.11.
9. Contractor testing waterlines shall dispose highly chlorinated water (Hazardous Waste).
10. Fire lanes must be painted RED: 15 feet on each side of hydrant (total of 30 feet). *With lettering at least 3 inches tall (FIRE LANE – TOW AWAY ZONE).
11. Any new subdivision with GATED COMMUNITY SECURITY SYSTEMS must obtain the Fire Department approved Knox Box Switch – Rapid Entry System made by the Knox Company (phone: 800-552-5669 * fax: 949-623-4647) or an approved Fire Department siren system before subdivision's final approval of 503.5 in International Fire Code 2018; where security gates are installed, with a minimum of 20 feet (6096 mm) clearance shall be maintained and a means for emergency operations shall be provided and maintained as approved by the Fire Official.
12. Designed fire lanes or roads deemed necessary for Fire Department access by the Fire Official shall be established and maintained in an operable condition. 503.1 International Fire Code 2018; all weather surfaces must be in place before any final inspection is approved. Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to the department apparatus by the way of an approved fire apparatus access road with an asphalt, or concrete driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.
13. Access road width with hydrant; where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders.
14. All water valves (hydrant and main) shall be open prior to final inspection.
15. Public Utilities personnel must be advised prior to opening and closing existing water valves.
16. Must meet City of Pharr Standards Manual Construction & Development Guide.

Additional Comments:

1. SHALL REPLACE THE EXISTING 8 INCH AC WATERLINE ON CAGE WITH A 12 INCH PVC WATERLINE.
2. SHALL REPLACE EXISTING FIRE HYDRANT WITH NEW FIRE HYDRANT.
3. SHALL PROVIDE FIRE HYDRANT DETAILS.

4. SHALL PROVIDE VALVE AND VALVE BOX DETAILS.



NOTES:

1. MIN. FINISH FLOOR ELEVATION SHALL BE 18 INCHES ABOVE TOP OF CURB MEASURED AT FRONT CENTER OF LOT.
2. MINIMUM BUILDING SETBACK SHALL BE IN ACCORDANCE WITH CITY OF PHARR ORDINANCES
3. THIS PROPERTY FALLS IN ZONE "B" OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480347 0005 C, REVISED OCT. 19, 1982. ZONE B IS DESCRIBED AS "AREA OF MODERATE FLOOD HAZARD, USUALLY THE AREA BETWEEN THE LIMITS OF THE 100-YEAR AND 500-YEAR FLOODS. B ZONES ARE ALSO USED TO DESIGNATE BASE FLOODPLAINS OF LESSER HAZARDS, SUCH AS AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD, OR SHALLOW FLOODING AREAS WITH AVERAGE DEPTHS OF LESS THAN ONE FOOT OR DRAINAGE AREAS LESS THAN 1 SQUARE MILE
4. A 5.0' SIDEWALK WITH ADA COMPLIANT WHEEL CHAIR RAMPS AND LANDINGS SHALL BE REQUIRED ALONG N. CAGE BLVD. AND ALONG W. ELDORA RD.
5. STORM WATER DETENTION IS REQUIRED FOR THIS PROPERTY. THE ENGINEER OF RECORD FOR THIS SUBDIVISION PLAT HAS ESTIMATED THAT AN AREA OF APPROXIMATELY 0.25 ACRES AND A VOLUME OF 0.62 Ac. Ft. WILL BE REQUIRED FOR THIS USE. THIS IS AN ESTIMATE ONLY AND DETAILED ANALYSIS MAY REVEAL DIFFERENT REQUIREMENTS. NO BUILDING PERMIT SHALL BE ISSUED FOR THIS PLATTED PROPERTY UNTIL A STORM WATER DETENTION SYSTEM DESIGN HAS BEEN APPROVED BY THE CITY OF PHARR FOR THIS DEVELOPMENT.
6. NO STRUCTURE SHALL BE BUILT ON TOP OF ANY EASEMENT.
7. UNLESS OTHERWISE NOTED, ALL PROPERTY CORNERS ARE MONUMENTED BY A 1/2" DIAMETER BY 24" LONG STEEL ROD.
8. CITY OF PHARR BENCHMARK, MONUMENT No. 55, SET BY J.E. SAENZ AND ASSOCIATES, INC., LOCATED AT U.S. 281 EXPRESSWAY (N. CAGE BLVD.) AND W. ELDORA RD. ELEV. 103.98 - N. 16607717.323, E. 1089266.325
9. EROSION AND SEDIMENT CONTROL DURING CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CURRENT T.P.D.E.S.
10. LANDSCAPING IS REQUIRED IN ACCORDANCE WITH CITY OF PHARR ORDINANCES.
11. ADDITIONAL FIRE PROTECTION MAY BE REQUIRED DURING THE PLAN REVIEW PHASE IN ORDER TO PROVIDE ANY ADDITIONAL FIRE PROTECTION REQUIREMENT.
12. ENFORCEMENT OF ALL PLAT NOTES AND DEDICATIONS SHALL BE THE RESPONSIBILITY OF THE AGENCY OR ENTITY TO WHOM THE DEDICATION IS GRANTED.
13. THE DEVELOPER SHALL BE RESPONSIBLE FOR DETAINING AND ACCOMMODATING MORE THAN THE DETAINED VOLUME SHOWN ON THIS PLAT IF IT IS DETERMINED, AT THE PERMIT STAGE, THAT THE DETENTION REQUIREMENTS ARE GREATER THAN STATED ON THIS PLAT, DUE TO THE IMPERVIOUS AREA BEING GREATER THAN THE PLAT ENGINEER CONSIDERED IN THE HYDRAULIC CALCULATIONS FOR THIS SUBDIVISION.
14. OWNERS ARE TO MAINTAIN DETENTION / RETENTION AREAS.
15. OWNERS ARE TO MAINTAIN RIGHT OF WAY AND PERIMETER OF SUBDIVISION.

METES & BOUNDS

A 3.06 ACRE TRACT OF LAND OUT OF THAT PORTION OF THE SOUTH 330.0 FEET OF LOT 117, KELLY PHARR SUBDIVISION, OF PORCIONES 69 AND 70, HIDALGO COUNTY, TEXAS, LYING WEST OF U.S. 281 EXPRESSWAY (IH 69C), MAP RECORDED IN VOLUME 3, PAGE 133 AND 134, DEED RECORDS, HIDALGO COUNTY, TEXAS.

BEGINNING at an iron pin set on the South line of Lot 117, South 81 Deg. 31 Min. East, 610.74 feet from the southwest corner of Lot 117, for the southwest corner of the following described tract of land, said point being in 40 foot W. Eldora Road;

THENCE, parallel to the West line of Lot 117, North 08 Deg. 29 Min. East, at 20.0 feet pass a steel pin found on the North line of W. Eldora Road, and at 330.0 feet a steel pin found on the North line of the south 330.0 feet of Lot 117, for the northwest corner hereof;

THENCE, with the North line of the south 330.0 feet of Lot 117, South 81 Deg. 31 Min. East, 407.85 feet to a point on the West line of U.S. 281 Expressway (IH 69C) for the northeast corner hereof;

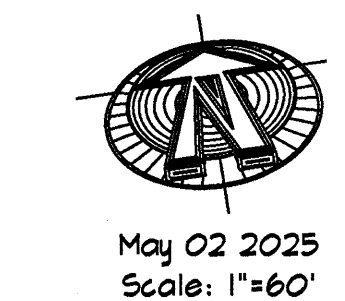
THENCE, with the West line of U.S. 281 Expressway (IH 69C) as follows,

South 08 Deg. 29 Min. West, 260.0 feet; and South 53 Deg. 29 Min. 18 Sec. West, 70.71 feet to a point on the North line of W. Eldora Road for an interior corner hereof;

THENCE, with the North line of W. Eldora Road, South 81 Deg. 01 Min. 31 Sec. East, 50.0 feet to a point for the most southerly northwest corner hereof;

THENCE, parallel to the East line of Lot 117, South 08 Deg. 29 Min. 17 Sec. West, 20.0 feet to a point on the South line of Lot 117, for the most southerly southeast corner hereof;

THENCE, with the South line of Lot 117, in W. Eldora Road, North 81 Deg. 31 Min. West, 407.82 feet the POINT OF BEGINNING, containing 3.06 acres of land, more or less, of which the south 20.0 feet, comprising 0.19 acre, lies in W. Eldora Road.



SRS SUBDIVISION

City of Pharr, Texas

BEING A SUBDIVISION OF A 3.06 ACRE TRACT OF LAND OUT OF THAT PORTION OF THE SOUTH 330.0 FEET OF LOT 117, KELLY PHARR SUBDIVISION, OF PORCIONES 69 AND 70, HIDALGO COUNTY, TEXAS, LYING WEST I.H. 69C (U.S. 281 EXPRESSWAY), ACCORDING TO MAP RECORDED IN VOLUME 3, PAGE 133 AND 134, DEED RECORDS, HIDALGO COUNTY, TEXAS.

STATE OF TEXAS;
COUNTY OF HIDALGO;
I, (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS " SRS SUBDIVISION ", TO THE CITY PHARR, COUNTY OF HIDALGO, TEXAS, AND WHOSE NAME(S) IS (ARE) SUBSCRIBED HERETO, DOES (DO) HEREBY SUBDIVIDE SUCH PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THERE IN EXPRESSED.

PONCHO'S HOLDINGS, LLC,
A Texas Limited Liability Company

By: Ouida J. Hamlin, Trustee
300 W. Eldora Rd
Pharr, Texas 78577

STATE OF TEXAS;
COUNTY OF HIDALGO;
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED OUIDA J. HAMILIN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE DAY OF 2025.

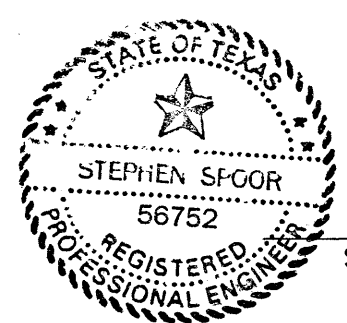
NOTARY PUBLIC

DANNY WYLIE CHAIRMAN, PLANNING AND ZONING COMMISSION DATE

STATE OF TEXAS;
COUNTY OF HIDALGO;
I, REYNALDO ROBLES, THE UNDERSIGNED, REGISTERED PROFESSIONAL LAND SURVEYOR #4032 IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE, AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

REYNALDO ROBLES, RPLS # 4032
ROBLES AND ASSOCIATE, PLLC
107 W. HUISACHE ST.
WESLACO, TEXAS 78596
TBPELS FIRM No. 10096700

STATE OF TEXAS;
COUNTY OF HIDALGO;
I, THE UNDERSIGNED, STEPHEN SPOOR, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT, AND THAT ALL ASPECTS OF IT ARE IN ACCORDANCE WITH THE CITY OF PHARR SUBDIVISION ORDINANCE.



05-02-25
STEPHEN SPOOR, P. E. REGISTRATION No. 56752

I, THE UNDERSIGNED MAYOR OF THE CITY OF PHARR, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF SUBDIVISION REGULATIONS OF THIS CITY WHERE IN MY APPROVAL IS REQUIRED.

ATTEST: CITY CLERK

AMEROSIO HERNANDEZ MAYOR, CITY OF PHARR DATE

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. WATER CODE 49.21(a) THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION. BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA, IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

By: RALL E. SESIN, P.E., C.F.M.
GENERAL MANAGER DATE

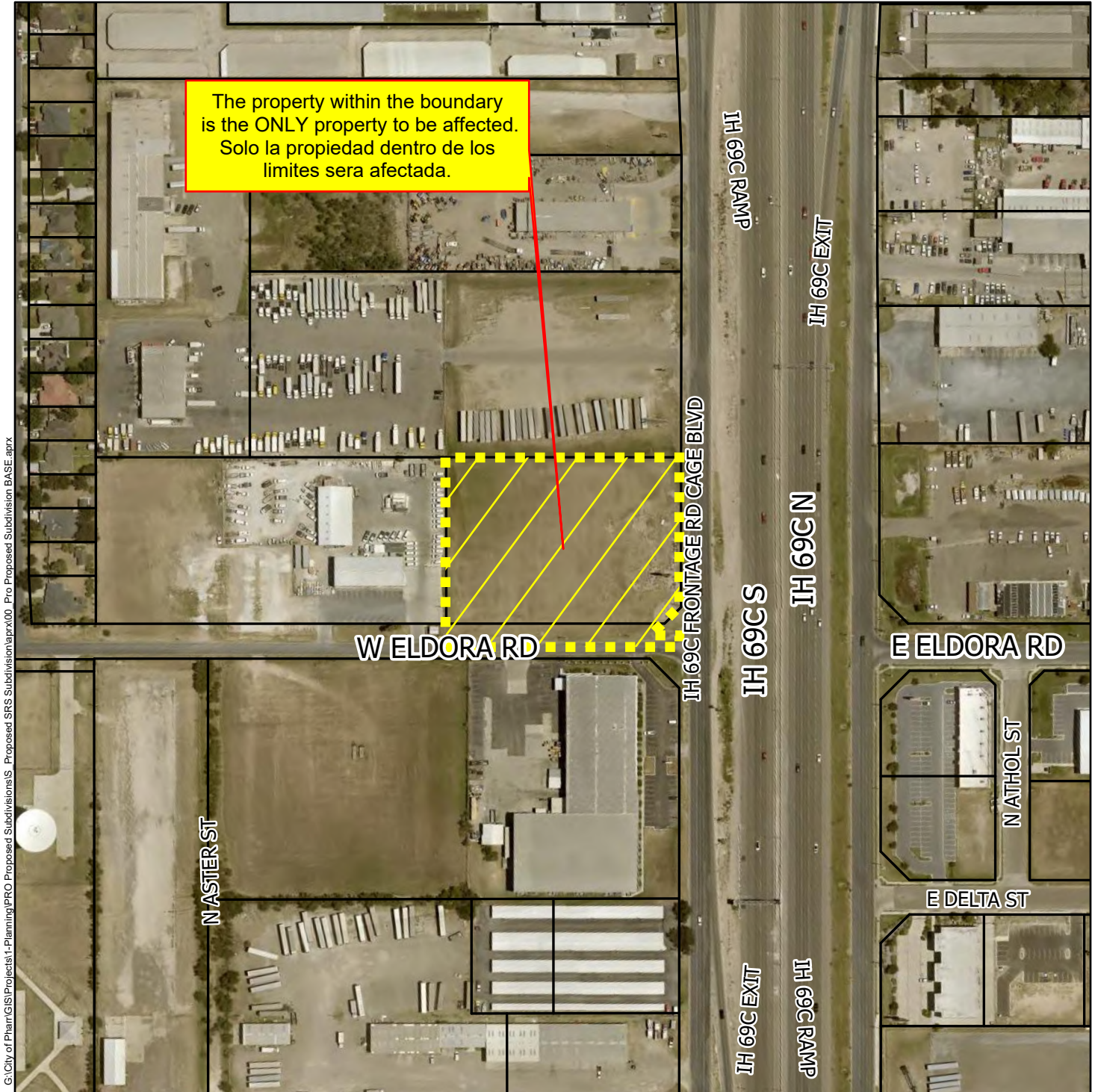
THIS PLAT IS HEREBY APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT No.2 ON THIS DAY OF A.D. 2025

NO IMPROVEMENTS OF ANY KIND (INCLUDING WITHOUT LIMITATION, TREES, FENCES, AND BUILDINGS) SHALL BE PLACED UPON HIDALGO COUNTY IRRIGATION DISTRICT NO. 2 RIGHTS OF WAY OR EASEMENTS

SECRETARY

PRESIDENT

AERIAL



 Subject Property
 Pharr City Limit

City of Pharr, Texas
Engineering Department
956.702.5355

Scale: 1:3,000

0 125 250 500 750 1,000 Feet



Date: 5/12/2025

The property within the boundary is the ONLY property to be affected.
Solo la propiedad dentro de los limites sera afectada.

W ELDORA RD

IH 69C FRONTAGE RD CAGE BLVD

IH 69C RAMP

IH 69C EXIT

IH 69C N

IH 69C S

N ASTER ST

E ELDORA RD

E DELTA ST

N ATHOL ST

- | | | | | | | | |
|---|--------------------------|---|---------------------------------------|---|--------------------|---|--------------------------|
|  | Subject Property |  | Residential Multi-Family High Density |  | General Business |  | Neighborhood Commercial |
|  | Pharr City Limit |  | Mobile Home |  | Business District |  | Office Professional |
|  | Agricultural Open Space |  | Townhouse |  | Drainage Easement |  | PSJA ISD |
|  | Single Family |  | HUD Code |  | Heavy Commercial |  | Hidalgo ISD |
|  | Single Family Small Lot |  | Rail Road R.O.W |  | Heavy Industrial |  | Valley View ISD |
|  | Residential Multi-Family |  | Government Owned |  | Limited Industrial |  | Planned Unit Development |

Scale: 1:3,000

0 125 250 500 750 1,000 Feet



Date: 5/12/2025



Pharr
Development Services



Site Photo

3700 Blk. of North IH 69C





AGENDA MEMORANDUM



BOARD: BOARD OF COMMISSIONERS

AGENDA ITEM #: 7.A.

DATE SUBMITTED: July 31, 2025

MEETING DATE: August 4, 2025

FROM: Alessandra Garcia, Assistant City Clerk

DEPARTMENT: Administration

DIRECTOR: Jonathan Flores

Agenda Item: Consideration and action, if any, on Ordinance creating Office of City Clerk Department. *(1st Reading)* This item supports **SG - Sound Governance and Fiscal Sustainability**.

Classification: Regular

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

Issue: An Ordinance creating the City Clerk's Office as an official department of its own.

Fiscal Consideration: N / A

Staff Recommendation: Staff recommends approval

Alternatives: Not create department

Exclude Material from Public Packet? No

Reason: N / A

ROUTING:

Alessandra Garcia

Created/Initiated - 07/31/2025

Hilda Pedraza

Approved - 08/01/2025

Ricardo Rodriguez

Approved - 08/01/2025

Jamison Merrick

Approved - 08/01/2025

City Management Office

New -

ORDINANCE NO: O-2025-

**AN ORDINANCE ESTABLISHING AN OFFICE OF CITY CLERK DEPARTMENT;
DEFINING DUTIES AND RESPONSIBILITIES; INCLUSION IN PHARR CODE OF
ORDINANCES; ADOPTION OF RELATED LAWS; RATIFICATION OF PRIOR ACTS;
REPEALING CONFLICTING ORDINANCES AND ESTABLISHING EFFECTIVE DATE**

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS
OF THE CITY OF PHARR, THAT:**

SECTION 1: DEPARTMENT ESTABLISHED.

The Office of City Clerk shall be created pursuant to the City charter, municipal chain of authority and city employment policy. This Ordinance and provisions herewith shall be included in the Pharr Code of Ordinances. All acts occurring prior to the effective date of this Ordinance shall be ratified and adopted.

SECTION 2: AUTHORIZATION.

The Office of City Clerk shall be authorized to carry out any and all duties and responsibilities as directed by the City of Pharr and as permitted by applicable federal, state, and local laws.

SECTION 3: CREATION AND DUTIES OF OFFICE OF CITY CLERK.

- (A) The Office of City Clerk is hereby created.
- (B) The creation of the following positions is authorized:
 - 1. One (1) City Clerk full-time exempt position and one (1) Assistant City Clerk full-time exempt position, both appointed by a majority vote of the Board of Commission; and
 - 2. Additional positions may be authorized by the Board of Commissioners based on operational needs and budget availability.
- (C) The department shall provide:
 - 1. Administrative support to the Board of Commissioners, City Manager's Office, and all city departments consistent with state law and city policy.
 - 2. Official record management of all municipal records.
 - 3. Handle public information requests under all applicable laws.
 - 4. Public meeting facilitation and documentation to accurately record the proceedings, preserve the minutes, ordinances, resolutions creating a public record of legislative actions.
 - 4. Ensures compliance with all municipal, state, and federal laws and regulations governing vital statistics.

5. Election administration by overseeing the administration of municipal elections to ensure fairness, impartiality and compliance with all applicable laws.
6. Perform other duties and responsibilities as deemed appropriate and lawful for the efficient operation of city government.

SECTION 4: FISCAL RESPONSIBILITY

The department shall operate within approved budget allocations and shall maintain appropriate financial records and controls as required by city policy and applicable law.

SECTION 5: CUMULATIVE.

This Ordinance shall be cumulative of all other ordinances dealing with the same subject and other ordinances in direct conflict with this Ordinance is herewith repealed and this Ordinance shall supersede and provisions in conflict herewith; all other provisions of the above-described ordinance shall remain in full force and effect.

SECTION 6: SEVERABILITY CLAUSE.

All ordinances in conflict with this ordinance are repealed. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part thereof. The effects of this Ordinance shall at all times be in compliance with state, federal, and other guidelines as directed.

SECTION 7: EFFECTIVE DATE; PUBLICATION.

This Ordinance shall be read in three (3) separate readings and shall take effect on October 1, 2025, upon receiving final approval of not less than a majority of all the members of the Board of Commissioners and executed by the Mayor and City Clerk in accordance with City of Pharr Charter. This Ordinance may be published, after passage, in one issue of the official paper.

SECTION 8: PROPER NOTICE AND MEETING.

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED ON THE FIRST READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the ____ day of ____, 2025.

CITY OF PHARR

AMBROSIO HERNANDEZ
MAYOR

ATTEST:

IMELDA PEREZ, CITY CLERK

PASSED AND APPROVED ON THE SECOND READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the ____ day of ____, 2025.

CITY OF PHARR

AMBROSIO HERNANDEZ
MAYOR

ATTEST:

IMELDA PEREZ, CITY CLERK

PASSED AND APPROVED ON THE THIRD AND FINAL READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the ____ day of ____, 2025.

CITY OF PHARR

AMBROSIO HERNANDEZ
MAYOR

ATTEST:

IMELDA PEREZ, CITY CLERK



AGENDA MEMORANDUM



BOARD: BOARD OF COMMISSIONERS

AGENDA ITEM #: 7.B.

DATE SUBMITTED: July 31, 2025

MEETING DATE: August 4, 2025

FROM: Alessandra Garcia, Assistant City Clerk

DEPARTMENT: Administration

DIRECTOR: Jonathan Flores

Agenda Item: Consideration and action, if any, on Ordinance creating the Food Services Department. *(1st Reading)* This item supports **SG - Sound Governance and Fiscal Sustainability**.

Classification: Regular

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

Issue: An Ordinance creating the Food Services Department as an official department of its own

Fiscal Consideration: N / A

Staff Recommendation: Staff recommends approval

Alternatives: Not create department

Exclude Material from Public Packet? No

Reason: N / A

ROUTING:

Alessandra Garcia

Created/Initiated - 07/31/2025

Hilda Pedraza

Approved - 08/01/2025

Ricardo Rodriguez

Approved - 08/01/2025

Jamison Merrick

Approved - 08/01/2025

City Management Office

New -

ORDINANCE NO: O-2025-

AN ORDINANCE ESTABLISHING THE FOOD SERVICES DEPARTMENT; DEFINING DUTIES AND RESPONSIBILITIES; INCLUSION IN PHARR CODE OF ORDINANCES; ADOPTION OF RELATED LAWS; RATIFICATION OF PRIOR ACTS; REVEALING CONFLICTING ORDINANCES AND ESTABLISHING EFFECTIVE DATE

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

SECTION 1: DEPARTMENT ESTABLISHED.

The Food Services Department shall be created pursuant to the City charter, municipal chain of authority and city employment policy. This Ordinance and provisions herewith shall be included in the Pharr Code of Ordinances. All acts occurring prior to the effective date of this Ordinance shall be ratified and adopted.

SECTION 2: AUTHORIZATION.

The Food Services Department is authorized to carry out all duties and responsibilities as directed by the City of Pharr and as permitted by applicable federal, state, and local laws, including but not limited to:

- (A) Operating food service establishments in compliance with Texas Department of State Health Services regulations.
- (B) Obtaining and maintaining all required permits, licenses, and certifications.
- (C) Managing departmental personnel, budget, and operations; and
- (D) Coordinating with other city departments as necessary.

SECTION 3: CREATION AND DUTIES OF FOOD SERVICES DEPARTMENT.

- (A) The Food Services Department is hereby created.
- (B) The creation of the following positions is authorized:
 - 1. One (1) Food Services Director full-time exempt position; and
 - 2. Additional positions may be authorized by the Board of Commissioners based on operational needs and budget availability.
- (C) The department shall provide the following services:
 - 1. Food services as a fast casual restaurant serving residents of the City of Pharr and visitors.
 - 2. Catering and food service support to other city departments for official functions and events.

3. Food and beverage assistance to other city departments as requested and approved.
4. Such other related services as may be directed by the City Manager.

(D) The department shall operate in accordance with:

1. All applicable health and safety regulations.
2. City purchasing and procurement policies.
3. Generally accepted food service industry standards.
4. City financial management and accounting procedures.

SECTION 4: FISCAL RESPONSIBILITY

The department shall operate within approved budget allocations and shall maintain appropriate financial records and controls as required by city policy and applicable law.

SECTION 5: CUMULATIVE.

This Ordinance shall be cumulative of all other ordinances dealing with the same subject and other ordinances in direct conflict with this Ordinance is herewith repealed and this Ordinance shall supersede and provisions in conflict herewith; all other provisions of the above-described ordinance shall remain in full force and effect.

SECTION 6: SEVERABILITY CLAUSE.

All ordinances in conflict with this ordinance are repealed. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part thereof. The effects of this Ordinance shall at all times be in compliance with state, federal, and other guidelines as directed.

SECTION 7: EFFECTIVE DATE; PUBLICATION.

This Ordinance shall be read in three (3) separate readings and shall take effect on October 1, 2025, upon receiving final approval of not less than a majority of all the members of the Board of Commissioners and executed by the Mayor and City Clerk in accordance with City of Pharr Charter. This Ordinance may be published, after passage, in one issue of the official paper.

SECTION 8: PROPER NOTICE AND MEETING.

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED ON THE FIRST READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the ____ day of _____, 2025.

CITY OF PHARR

AMBROSIO HERNANDEZ
MAYOR

ATTEST:

IMELDA PEREZ, CITY CLERK

PASSED AND APPROVED ON THE SECOND READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the ____ day of _____, 2025.

CITY OF PHARR

AMBROSIO HERNANDEZ
MAYOR

ATTEST:

IMELDA PEREZ, CITY CLERK

PASSED AND APPROVED ON THE THIRD AND FINAL READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the ____ day of _____, 2025.

CITY OF PHARR

AMBROSIO HERNANDEZ
MAYOR

ATTEST:

IMELDA PEREZ, CITY CLERK



AGENDA MEMORANDUM



BOARD: BOARD OF COMMISSIONERS

AGENDA ITEM #: 7.C.

DATE SUBMITTED: August 1, 2025

MEETING DATE: August 4, 2025

FROM: Kimberly Mendoza, Development Services Director

DEPARTMENT: Development Services

DIRECTOR: Kimberly Mendoza

Agenda Item: Consideration and action, if any, on Ordinance directing the City Manager to vacate, abandon, and close a 10 ft. by 270.29 ft. Alley Easement, consisting of 0.06 of an acre (2,702.90 square feet) located on Lot 14, Block 160, L.R. Bell Development "E", Pharr, Hidalgo County, Texas **(1st Reading)**. **This item supports EV - Economic Vitality.**

Classification: Regular

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

Issue: Consideration and possible action on an ordinance directing the City Manager to vacate, abandon, and close a 10 ft. by 270.29 ft. alley easement running east and west along the north boundary of the property located on Lot 14, Block 160, L.R. Bell Development "E".

Fiscal Consideration: N / A

Staff Recommendation: Staff recommends approval subject to the conditions as noted.

Alternatives: N / A

Exclude Material from Public Packet? No

Reason: N / A

ROUTING:

Kimberly Mendoza
Ricardo Rodriguez
City Management Office

Created/Initiated - 08/01/2025
Approved - 08/01/2025
Final Approval - 08/01/2025

ORDINANCE NO. O-2025-_____

AN ORDINANCE DIRECTING THE CITY MANAGER TO VACATE, ABANDON, AND, CLOSE A 10 FT. BY 270.29 FT. ALLEY EASEMENT, CONSISTING OF 0.06 OF AN ACRE (2,702.90 SQUARE FEET) LOCATED ON LOT 14, BLOCK 160, L.R. BELL DEVELOPMENT “E”, PHARR, HIDALGO COUNTY, TEXAS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 311.007 of the Texas Transportation Code, authorizes home-rule cities to vacate, abandon, or close a street or alley; and

WHEREAS, Section 272.001(b)(2) of the Texas Local Government Code authorizes the conveyance of streets and alleys owned in fee or used by easement to abutting property owners; and

WHEREAS, the City of Pharr has received a request from the sole abutting property owner, Hector Gutierrez (the “Requestor”) requesting that the City close, vacate, abandon and convey a 10 ft. by 270.29 ft. Alley Easement as more specifically described in Exhibit “A” and Exhibit “B” (the “Property”), which is attached hereto and incorporated herein for all purposes; and

WHEREAS, the respective utility companies and City departments have no objection to the abandonment as requested. However, Texas Gas Service is requesting that the 10 ft. Alley easement be converted to a 10 ft. public utility easement along the north side of the plat; and

WHEREAS, Waste Management is pending approval of the turning radius as part of the site plan; and

WHEREAS, Spectrum has no objection; however, they are requesting that the existing service lines located within the Alley easement to be abandoned be relocated at the owner’s expense. If approved, the ordinance is to take effect once all conditions have been met; and

WHEREAS, the City, after vetting the request and confirming with the respective City departments, has determined that the Property is no longer needed for a public Right-of-Way or any other public purpose and that it is in the public interest to close, vacate, abandon and convey the Property to the Requestor.

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

SECTION 1: That an Alley Easement being 10 ft. by 270.29 ft., consisting of 0.06 of an acre (2,702.90 square feet), located on the north side of Lot 14, Block 160, L.R. Bell Development “E”, Pharr, Hidalgo County, Texas; more fully described in Exhibit “A” and “Exhibit B” is hereby vacated, and closed as a public Alley Easement, Right-of-Way, and abandoned as such.

SECTION 2: SAVINGS CLAUSE.

Except as hereby amended, any provisions of the Code of Ordinances or directives of the City of Pharr, Texas, not in conflict with this Ordinance shall remain in full force and effect, unimpaired hereby.

SECTION 3: SEVERABILITY CLAUSE.

The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part thereof. The effects of this Ordinance shall at all times be in compliance with state, federal, local and other guidelines as directed.

SECTION 4: PUBLICATION.

The City Clerk shall provide for the publication of this Ordinance in the Official newspaper in accordance with the City Charter.

SECTION 5: EFFECTIVE DATE. This Ordinance shall go into effect when passed and approved by the Board of Commissioners following three (3) separate readings.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the City Commission of the City of Pharr, Texas, at which a quorum was present and which was held in accordance with Vernon's Texas Codes Ann., Government Code, Section 551.041 on the __ day of _____, 2025.

PASSED AND APPROVED ON THE FIRST READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the __ day of _____, 2025.

CITY OF PHARR

AMBROSIO "AMOS" HERNANDEZ, MAYOR

ATTEST:

IMELDA PEREZ, CITY CLERK

PASSED AND APPROVED ON THE SECOND READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the __ day of _____, 2025.

CITY OF PHARR

AMBROSIO "AMOS" HERNANDEZ, MAYOR

ATTEST:

IMELDA PEREZ, CITY CLERK

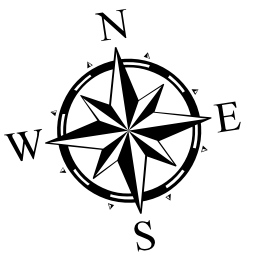
PASSED AND APPROVED ON THE THIRD READING BY THE BOARD OF COMMISSIONERS OF
THE CITY OF PHARR, TEXAS, on this the _____ day of _____, 2025.

CITY OF PHARR

AMBROSIO "AMOS" HERNANDEZ, MAYOR

ATTEST:

IMELDA PEREZ, CITY CLERK



Abandonment of public ROW easement

N VETERANS BLVD (I RD)

E ALAN AVE

 Location

 Pharr City Limit

Scale:1:400

0 15 30 60 90 120 Feet

City of Pharr, Texas
Engineering Department
956.402.4242

Date:7/30/2025

EXHIBIT "B"

A 10.0 FOOT BY 270.29 FOOT ALLEY EASEMENT (0.06 AC.) OUT OF LOT 14, BLOCK 160, L.R. BELL DEVELOPMENT "E", HIDALGO COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 5, PAGE 57, MAP RECORDS, HIDALGO COUNTY, TEXAS; SAID ALLEY EASEMENT AS SHOWN ON PLAT OF BAGWELL ACRES SUBDIVISION LYING NORTH OF UN-NUMBERED 0.86 ACRE TRACT, ACCORDING TO PLAT RECORDED IN VOLUME 13, PAGE 54, MAP RECORDS, HIDALGO COUNTY, TEXAS.

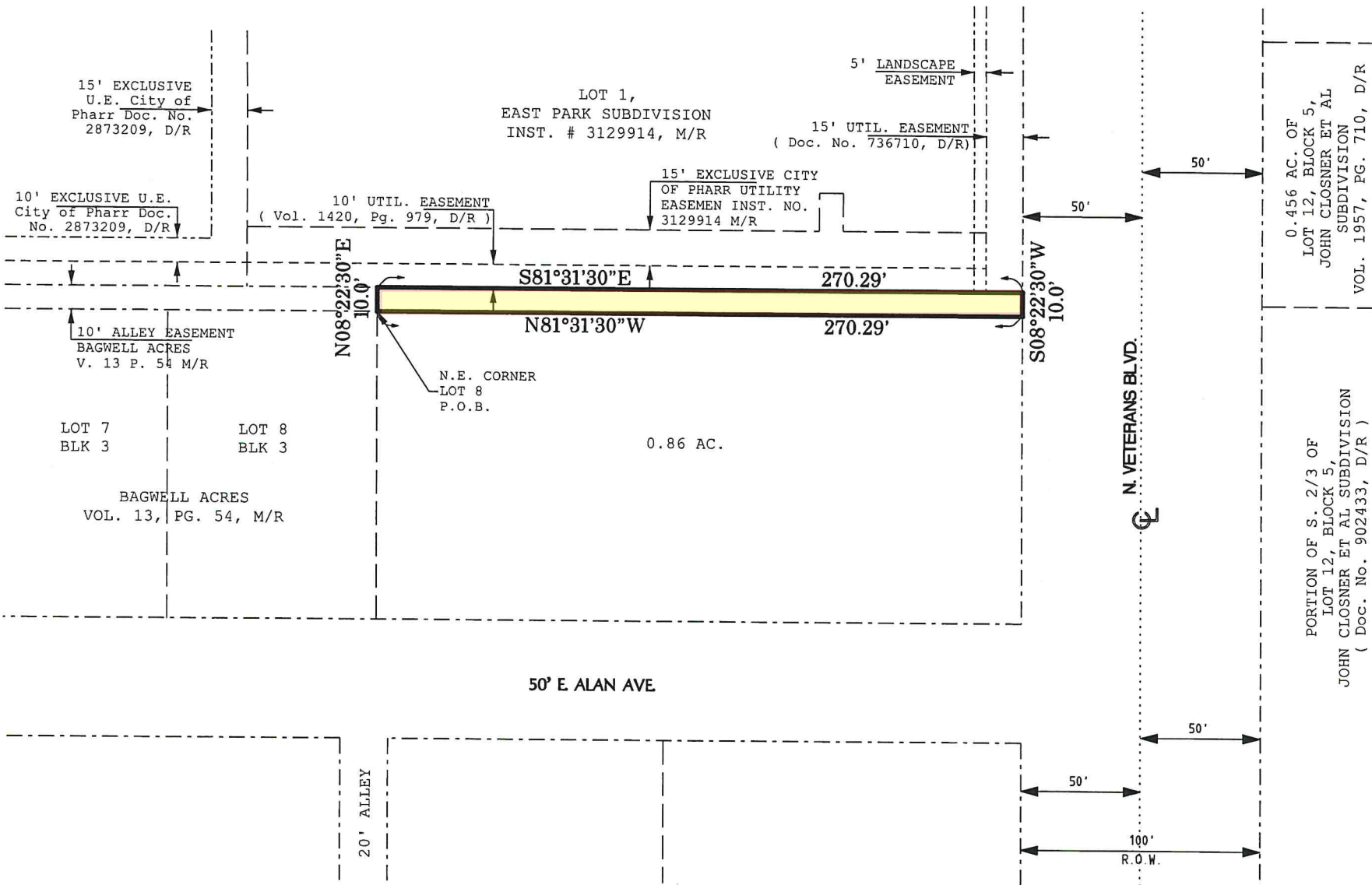
BEGINNING at the northeast corner of Lot 8, Block 3, Bagwell Acres, for the southwest corner of the following described tract of land; said point located on the south line of 10 foot alley easement;

THENCE, North 08 Deg. 22 Min. 30 Sec. North, 10.0 feet, to a point for the northwest corner hereof; said point located on the South line of Lot 1, East Park Subdivision, recorded in Instrument Number 3129914, Map Records, Hidalgo County, Texas;

THENCE, with the South line of said Lot 1, and the North line of 10 foot alley easement, South 81 Deg. 31 Min. 30 Sec. East, 270.29 feet, to a point for the northeast corner hereof; said point located on the West line of North Veterans Boulevard;

THENCE, with the West line of North Veterans Boulevard, South 08 Deg. 22 Min. 30 Sec. West, 10.0 feet, to a point for the southeast corner hereof;

THENCE, with the south line of said 10 foot alley easement, North 81 Deg. 31 Min. 30 Sec. West, 270.29 feet, the POINT OF BEGINNING, containing 0.06 Acres of land, more or less.



Prepared by:
Spoor Engineering Consultants, Inc.

Consulting Engineers - Civil Land Planning

FIRM # F-6003

202 South 4th. Street McAllen, Texas 78501

SEC@spooreng.com

(956) 683 1000



Date: 01 MAY 2024
 Scale: 1" = 60'

MAP OF



A 10.0 FOOT BY 270.29 FOOT ALLEY EASEMENT (0.06 AC.) OUT OF LOT 14, BLOCK 160, L.R. BELL DEVELOPMENT "E", HIDALGO COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 5, PAGE 57, MAP RECORDS, HIDALGO COUNTY, TEXAS; SAID ALLEY EASEMENT AS SHOWN ON PLAT OF BAGWELL ACRES SUBDIVISION LYING NORTH OF UN-NUMBERED 0.86 ACRE TRACT, ACCORDING TO PLAT RECORDED IN VOLUME 13, PAGE 54, MAP RECORDS, HIDALGO COUNTY, TEXAS



5602 E. Grimes Road
Harlingen, Texas 78550
956-444-3900 • texasgasservice.com

January 30, 2025

Spoor Engineering Consultants, Inc.
510 S. Broadway St.
McAllen, TX, 78501

**RE: No Conflict/Objection Letter – Conversion of 10-foot Alley
L.R. Bell Development “E” Subdivision, Lot 14
Pharr, Texas**

To whom it may concern,

Texas Gas Service, a Division of ONE Gas, Inc., (TGS), has reviewed your request regarding the proposed conversion of the existing 10-foot alley to a 10-foot public utility easement located along the north property line of Lot 14, of the L.R. Bell Development “E” subdivision in Pharr, Tx. TGS has confirmed it has a 2-inch gas main located within the existing 10-foot alley. The proposed conversion of the 10-foot alley to a 10-foot utility easement presents no conflicts at this time and TGS does not object to the proposed conversion.

Please note that TGS's non-objection to the current proposed construction in no way or manner serves as a waiver of any existing or future rights afforded TGS pursuant to any existing easements or rights of way or any other express or implied rights in law or equity, including the laws and regulations established by any designated utility easement. This letter does not relieve the property owner from any existing or future legal requirements, including calling Texas 811 for utility locates prior to excavation.

Should you have any questions or require additional information, please feel free to contact me at (956) 444-3967 or rene.casares@onegas.com.

Thank you,

Rene C. Casares, PE
Texas Gas Service – Engineering Manager RGV

Attachments:

1. Texas Gas Service System Map
2. Customer Provided Survey & Documentation

04/25/25

REF: SEC

Approximate address: 1313 Alan Avenue – 1.02 Acres L.R. Bell Subdivision – Proposed Alan Acre

To whom it may concern:

Spectrum currently has service lines in the existing alley at this location. Spectrum will require the service lines to be relocated at the Customers expense prior to consenting to the abandonment of the existing alley. An invoice for the relocation has been submitted to the Customer. Please if you have any questions, I can be reached at (956)410-9047 office hour's 7am-4pm Mon.-Fri. And my e-mail address is Edward.A.Rodriguez@Charter.com. Thanks.

Sincerely,

Edward Rodriguez

Construction Coordinator



AGENDA MEMORANDUM



BOARD: BOARD OF COMMISSIONERS

AGENDA ITEM #: 7.D.

DATE SUBMITTED: July 30, 2025

MEETING DATE: August 4, 2025

FROM: Cynthia Speedon, Administrative Assistant

DEPARTMENT: GMCD

DIRECTOR: Elizabeth Diaz

Agenda Item: Consideration and action, if any, on Resolution adopting the City of Pharr's One-Year Action Plan for Program Year 2025 to the U.S. Department of Housing and Urban Development (HUD). **This item supports QL-Quality of Life.**

Classification: Regular

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

Issue: No comments were received during the 30-day comment period. The Community Development Council approved on July 14, 2025. CDBG Staff recommends approval

Fiscal Consideration: N/A

Staff Recommendation: STAFF RECOMMENDS APPROVAL

Alternatives: N/A

Exclude Material from Public Packet? No

Reason: N/A

ROUTING:

Cynthia Speedon

Elizabeth Diaz

Ricardo Rodriguez

Jamison Merrick

City Management Office

Created/Initiated - 07/30/2025

Approved - 08/01/2025

Approved - 08/01/2025

Approved - 08/01/2025

Final Approval - 08/01/2025

STATE OF TEXAS

COUNTY OF HIDALGO

CITY OF PHARR

R E S O L U T I O N

NO. R-2025-_____

WHEREAS, the City of Pharr, Texas has received formal notification from the U.S. Department of Housing and Urban Development (HUD) on its Program Year (PY) 2025 One- Year Action Plan allocation, and

WHEREAS, the City of Pharr's One-Year Action Plan allocation for Program Year 2025 of the Community Development Block Grant (CDBG) Program has been set at \$1,201,828.00 by HUD; and

WHEREAS, the City of Pharr has followed its Citizens Participation Process in identifying the demands and needs of the residents to award CDBG funds to Community Development activities in the City as outlined in Exhibit "A".

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

SECTION 1: The Board of City Commissioners approves that the City of Pharr hereby submits its PY 2025 Community Development Block Grant One-Year Action Plan to the U.S. Department of Housing and Urban Development.

SECTION 2: The Mayor is hereby authorized to sign any and all documents in relation to the One-Year Action Plan and designate the City Manager as an alternate authorized signatory.

APPROVED AND ADOPTED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS ON THIS THE _____ DAY OF AUGUST 2025

CITY OF PHARR:

AMBROSIO HERNANDEZ, MAYOR

ATTEST:

IMELDA PEREZ,
CITY CLERK

EXHIBIT "A"

CITY OF PHARR, HIDALGO COUNTY, TEXAS 2025 ONE-YEAR ACTION PLAN

HUD MATRIX CODE	ACTIVITY DESCRIPTION	RECOMMENDATIONS
14C	<u>REHABILITATION: PUBLIC HOUSING MODERNIZATION</u> <i>Housing Authority Broadband</i> (Broadband Services)	\$100,000.00
03K	<u>STREET IMPROVEMENTS</u> <i>Public Works</i> Street improvements installation of solar light	\$ 50,00.00
03J	<u>WATER/SEWER IMPROVEMENTS</u> <i>Public Utilities</i> Upgrade of waterlines & fire hydrants	\$ 50,000.00
05A	<u>SENIOR SERVICES</u> <i>Amigos Del Valle</i> (Meals on Wheels) <i>Area Agency on Aging</i> (Medical Equipment Assistance) <i>Silver Ribbon</i> Utility Assistance LRGDVC-Aging and Disability Resource Center Resources to cover daily living expenses <i>Comfort House</i> Funds will be used on the partial salary one (1) Pharr patients' caregiver	\$ 35,000.00 \$ 25,000.00 \$ 5,000.00 \$ 5,000.00 \$ 5,000.00
05E	<u>TRANSPORTATION SERVICES</u> <i>Lower Rio Grande Valley Development Council</i> (Valley Metro Transit System)	\$ 55,274.20
05G	<u>SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE</u> <i>Women Together</i> (Funds will assist battered and abused women)	\$ 5,000.00
05N	<u>SERVICES FOR ABUSED AND NEGLECTED CHILDREN</u> <i>Children's Advocacy Center</i> (Funds will be used on partial 2 Forensic Interviewer Salaries) <i>CAMP University</i> Funds will assist supportive stipends/mileage for adv asst severely handicapped Pharr young adults <i>CASA DE HIDALGO</i> Funds will be used for supportive stipends/mileage of 2 court appointed social advocates	\$ 15,000.00 \$ 3,000.00 \$ 5,000.00

05Z	<u>OTHER PUBLIC SERVICES</u>	
	<i>AVE-Frontera</i>	\$ 6,500.00
	Funds will assist Pharr residents for counseling	
	<i>To Give International (Creative Arts Studio)</i>	\$ 6,500.00
	Funds will be used to assist Pharr residents with instrumental classes	
	<i>Sisters Inspiring Success</i>	\$ 3,000.00
	Assist unemployed women with full professional outfit for job	
	<i>The Health & Performing Arts Collective, Inc</i>	\$ 3,000.00
	Funds will be used to assist Pharr residents with Instrumental Classes	
	<i>Make a Wish Foundation</i>	\$ 3,000.00
	Supports children that are severely ill	
14A	<u>REHAB: SINGLE-UNIT RESIDENTIAL</u>	
	<i>Affordable Homes of South Texas Inc.</i>	\$ 30,000.00
	(Rehabilitation/Reconstruction Assistance)	
	<i>Emergency Repair Program</i>	\$ 201,288.20
	(Emergency Rehabilitation Assistance)	
19F	<u>PLANNED REPAYMENTS OF SECTION 108 LOAN</u>	
	15 TH Year Repayment	\$ 350,000.00
21A	<u>GENERAL PROGRAM ADMINISTRATION</u>	
	Planning and Administration	\$ 240,265.60

Allocation total \$ 1,201,828.00



AGENDA MEMORANDUM



BOARD: BOARD OF COMMISSIONERS

AGENDA ITEM #: 8.A.

DATE SUBMITTED: July 31, 2025

MEETING DATE: August 4, 2025

FROM: Melanie Cano, O.S.E. Director

DEPARTMENT: OSE

DIRECTOR: Melanie Cano

Agenda Item: Presentation on the City of Pharr's Baldrige Journey to Excellence. **This item supports SE - Service Excellence.**

Classification: Closed Session

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

Issue: N/A

Fiscal Consideration: N/A

Staff Recommendation: N/A

Alternatives: N/A

Exclude Material from Public Packet? No

Reason: N/A

ROUTING:

Melanie Cano

Melanie Cano

Hilda Pedraza

Ricardo Rodriguez

City Management Office

Created/Initiated - 07/31/2025

Approved - 07/31/2025

Approved - 08/01/2025

Approved - 08/01/2025

Final Approval - 08/01/2025



AGENDA MEMORANDUM



BOARD: BOARD OF COMMISSIONERS

AGENDA ITEM #: 9.A.

DATE SUBMITTED: July 31, 2025

MEETING DATE: August 4, 2025

FROM: Ruben Rosales, Public Utilities
Director

DEPARTMENT: Public Utilities

DIRECTOR: Ruben Rosales

Agenda Item:

Consideration and action, if any, on the purchase of Shaftless Screw Conveyor for Public Utilities from A-Squared Water Treatment, LLC from Edinburg, Texas in the amount of \$150,000.00 (The Interlocal Purchasing System #250104). **This item supports IF - Infrastructure.**

Classification: Regular

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

Issue: Staff is requesting authorization to purchase equipment for the Wastewater Treatment Plant in the amount of \$150,000.00 through The Interlocal Purchasing System (TIPS) Contract No. 250104. Project No. 2425-60-584-P12-01

Fiscal Consideration: N/A

Staff Recommendation: Staff recommends approval to purchase equipment.

Alternatives: N/A

Exclude Material from Public Packet? No

Reason: N/A

ROUTING:

Ruben Rosales
Ruben Rosales
Maritza Magallan
David Friedlein
Ricardo Rodriguez
Jamison Merrick
City Management Office

Created/Initiated - 07/31/2025
Approved - 07/31/2025
Approved - 08/01/2025
Approved - 08/01/2025
Approved - 08/01/2025
Approved - 08/01/2025
Final Approval - 08/01/2025



A-SQUARED WATER TREATMENT LLC
SOUTH TEXAS BRANCH

A-Squared Water Treatment, LLC
3206 East Richardson Rd.
Edinburg Texas 78542
Phone: 956-566-5032
The Interlocal Purchasing System (TIPS)
#250104

Attn: City of Pharr
Project: Wastewater Treatment Plant Conveyor.
Contact: Jesse Trejo

Date: 7-07-25
Quote No. JA-250616.0
Page: 1 of 2

Pursuant to your inquiry as referenced above, we are pleased to submit our proposal for your kind consideration. We appreciate your confidence in **A-Squared Water Treatment, LLC** to supply the best equipment and service available in the industry today.

Equipment Scope & Services Included –

Two (2) SC-320 Shaftless Screw Screenings Conveyor Scope of Supply

One (1) SC-320 Shaftless Screw Conveyors (304 SS) 11 feet long

One (1) SC-320 Shaftless Screw Conveyors (304 SS) 33 feet long

One (1) NEMA 4x 304SS Control Panel and two (2) NEMA 4x E-stop Stations

For the design and supply to jobsite of two (2) SC - 320 Shaftless Screw Screenings Conveyors. Overall length of each shaftless conveyor will be approximately 11' and 33'. Also, each conveyor will have a capacity of at least 140 cubic feet per hour. Horsepower Motors 2HP & 5HP

Total Net: \$150,000.00



A-SQUARED WATER TREATMENT LLC
SOUTH TEXAS BRANCH

A-Squared Water Treatment, LLC
3206 East Richardson Rd.
Edinburg Texas 78542
Phone: 956-566-5032
The Interlocal Purchasing System (TIPS)
#250104

Page 2

NOTES/EXCEPTIONS:

Unless specifically mentioned in this proposal for inclusion with proposed items, A-Squared Water Treatment, LLC has not included any other items or services. Items quoted are standard construction and paint unless otherwise noted. Motors sent in for rebuild that are "Listed Motors" i.e. UL, FM, etc. will not be re-certified unless specifically stated at time of repair. Any sale of goods is based on our "Standard Terms & Conditions of Sales", request copy if needed. Proposal is limited to the items and quantities listed. Neither verbal nor handwritten changes are acceptable. Any revision to proposal will be provided in a re-typed "revised" proposal.

The equipment is quoted with freight allowed to the jobsite. Current estimated delivery of items is running approximately ____ weeks after receipt of approved submittal drawings. **Please note lead time is estimated at time of quote and may differ at** time of order. Submittals can be furnished approximately ____ weeks after receiving acceptable purchase order.

Quote is valid for 60 days from original date.

We look forward to working with you on this and any future projects. If you have any questions or thoughts, please do not hesitate to call.

Sincerely,
Jesse Aguirre
Owner
M: 956.566.5032
jesse@a2watertreatment.com.com

APPROVED BY: _____

DATE: _____

EMAIL PO & VENDOR QUOTE TO: TIPSPO@TIPS-USA.COM

PO AND QUOTE MUST REFERENCE VENDOR TIPS CONTRACT NUMBER

ATTACH PO AS A PDF - ONLY ONE PO (WITH QUOTE) PER ATTACHMENT

Notice:

Many Vendors utilize specific warranties, subscription agreements, license agreements, EULA's, etc. ("Supplemental Agreements") when you purchase specific goods or services from that Vendor. Since the Supplemental Agreements do not necessarily apply to every Member, every jurisdiction, or every purchase, TIPS does NOT now negotiate the terms of those agreements on Members' behalf. If you are required to sign such a supplementary agreement by the TIPS Vendor, TIPS strongly encourages Members not to proceed with a purchase until they have carefully reviewed and negotiated all applicable Supplemental Agreements. TIPS recommends you work with your entity's legal counsel to ensure compliance with the legal requirements of your entity and your jurisdiction.

[TIPS Member PO Process](#)

OVERVIEW

DUE DILIGENCE

CONTACTS

PRINT PROFILE

PrintVENDOR **A-Squared Water Treatment LLC**

547 US HWY 83 S, Unit C Leakey TX, 78873

WEBSITE

SERVICE/PRODUCTS
DESCRIPTION Water and Wastewater equipment distributorCONTRACT: **25010401** Trades, Labor, and Materials (NON-JOC)End Date: Apr-30-2030 **EDGAR COMPLIANCE:** [View Doc.](#)



AGENDA MEMORANDUM



BOARD: BOARD OF COMMISSIONERS

AGENDA ITEM #: 10.A.

DATE SUBMITTED: July 30, 2025

MEETING DATE: August 4, 2025

FROM: Jose Pena, IT Director

DEPARTMENT: IT

DIRECTOR: Jose Pena

Agenda Item: Consideration and action, if any, on a lease agreement between the City of Pharr and Seventh-Day Adventist Church for the use of parking lot. **This item supports QL - Quality of Life.**

Classification: Regular

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

Issue: The City of Pharr is in need of additional parking for staff at the new Innovation Center. The agreement is to formalize the use of their parking lot.

Fiscal Consideration: \$10,000.00 for parking lot improvements

Staff Recommendation: Staff recommends approval.

Alternatives: NA

Exclude Material from Public Packet? No

Reason: NA

ROUTING:

Jose Pena
Hilda Pedraza
Ricardo Rodriguez
Jamison Merrick
City Management Office

Created/Initiated - 07/30/2025
Approved - 07/31/2025
Approved - 08/01/2025
Approved - 08/01/2025
Final Approval - 08/01/2025

LEASE AGREEMENT

THIS LEASE AGREEMENT ("Lease") effective as of the day of _____, July 2025, by and between TEXAS CONFERENCE ASSOCIATION OF SEVENTH DAY ADVENTISTS DBA. PHARR SEVENTH-DAY ADVENTIST CHURCH, whose address is 121 WEST POLK AVE., Pharr, Texas 78577, ("Landlord") and THE CITY OF PHARR, TEXAS, a home rule city and municipal corporation of Texas, hereinafter called ("Tenant").

WITNESSETH:

WHEREAS, Landlord currently owns land located at 121 W. Polk Avenue in Pharr, Texas; and

WHEREAS, Tenant deems it advantageous to the community to repave/resurface the existing parking lot (Exhibit "A") on Landlord's property and to lease said property for public use; and

NOW, THEREFORE, Landlord and Tenant for and in consideration of the covenants and mutual agreements hereinafter contained do hereby covenant and agree as follows:

ARTICLE I

PREMISES, TERMS, AND PRIVILEGES

1.01 LEASED AREA

Landlord does hereby lease the following real property and Tenant hereby leases the said real property from Landlord being generally described as KELLY PHARR LETTERED BLKS NW2AC OF LOT 1 BLK C, Pharr Hidalgo County Texas, more specifically depicted in the attached Exhibit "A".

Hereinafter the leased area is referred to as the "Premises" and the premises are leased unto Tenant in "AS IS" condition. Tenant has inspected the premises and accepts same in said condition.

1.02 TERM OF LEASE AND RENTAL OBLIGATION

This lease shall be for a term of 5 calendar years, commencing on **August 01, 2025**. The rent due or owing to Landlord shall be \$1.00 total during the term of the entire lease plus the improvements listed below.

1.03 USE OF PREMISES

The Premises shall be used exclusively as a parking lot, unless the Landlord consents to another use in a signed writing. The parking lot will be used Monday to Friday, Tenant shall have use of the entire Premises, save and except for four parking spaces which shall always be reserved for the Landlord's exclusive use. Landlord will have exclusive use of the Premises on Saturdays, and Tenant shall not have the use of the Premises on Saturdays.

Tenant shall utilize the Premises for parking and shall use the Premises for no other purpose. Tenant shall not use, or permit the use of, the Premises in any manner that results in waste of the Premises or constitutes a nuisance of any kind. Nor shall Tenant use, or permit the use of, the Premises for any illegal purpose. Tenant, at its expense, will comply, and will cause its officers, employees, agents, and invitees, to comply with all federal, state, municipal, fire underwriting, and other laws, ordinances, orders, rules or regulations applicable to the Premises. Tenant shall not engage in any activity which would cause Landlord's fire and extended coverage insurance to be cancelled, or the rate thereof to be increased.

Tenant shall indemnify and hold harmless Landlord for any loss or damage that occurs to any Tenant property on the Premises.

(a) In addition to \$1.00 rent, Tenant will make the following improvements, or caused to be made, on the Premises. Tenant shall repave or overlay/seal coat the existing parking lot within existing dimensions and repair or replace the concrete approaches and sidewalks. Repair or replacement will be at the tenant's sole discretion. Estimated cost of such improvements is roughly \$10,000.00. Tenant shall have full access and use of such improvements.

(b) Landlord agrees to maintain any improvements made on the Premises, at its own cost and to operate the Premises at all times in accordance with City ordinances and regulations.

1.04 MAINTENANCE

The Premises and surrounding areas, including drive aisles, throughways, curb cuts and the like now or hereafter existing upon the Premises shall be maintained in good condition and repair by, and at the sole cost and expense of Landlord.

1.05 NO ASSIGNMENT

Tenant shall not assign this Lease without the prior approval of Landlord. Landlord shall not be able to lease to any other tenant nor have more than one lease on this premise during the term of this Lease.

1.06 AD VALOREM TAXES

Landlord shall be responsible for ad valorem taxes, if any, assessed against the Premises, if any.

ARTICLE II

INDEMNITY, REPAIRS, ALTERATIONS AND INSURANCE

2.01 INDEMNITY

Tenant shall be responsible for the conduct and acts of its employees both on the Premises and Landlord's adjoining property at all times during Tenant's use and occupancy of the Premises and shall, to the extent permitted by law, hold and save harmless the Landlord from the claims of any and all such persons arising from such use and occupancy by Tenant.

TENANT AGREES TO INDEMNIFY, DEFEND, AND HOLD LANDLORD AND ITS REPRESENTATIVES, AGENTS AND EMPLOYEES HARMLESS AGAINST ANY AND ALL CLAIMS, DEMANDS, DAMAGES, COSTS AND EXPENSES INCLUDING REASONABLE ATTORNEY'S FEES AND LEGAL COSTS (COLLECTIVELY REFERRED TO AS "CLAIMS") ARISING FROM OR RELATING TO TENANT'S USE OF THE PREMISES, OR FROM ANY BREACH ON THE PART OF TENANT OF ANY CONDITIONS OF THIS LEASE AGREEMENT, OR FROM ANY ACT OR NEGLIGENCE OF TENANT, THEIR AGENTS, EMPLOYEES, SUBTENANTS, CONCESSIONAIRES, OR LICENSEES IN OR ABOUT THE PREMISES (WHETHER OR NOT LANDLORD, ITS AGENTS, CONTRACTORS, EMPLOYEES OR REPRESENTATIVES WERE NEGLIGENT, IN WHOLE OR IN PART, FOR SUCH CLAIMS). THE EXPRESSED INTENTIONS OF THE PARTIES ARE THAT THE TENANT'S INDEMNITY HEREIN WILL INDEMNIFY AND PROTECT THE LANDLORD, THEIR AGENTS, REPRESENTATIVES OR EMPLOYEES FROM THE CONSEQUENCES OF THEIR OWN NEGLIGENCE.

LANDLORD SHALL NOT BE LIABLE TO TENANT, OR TENANT'S EMPLOYEES, AGENTS, GUESTS, VISITORS, OR TO ANY OTHER PERSON WHOMSOEVER FOR ANY INJURY TO PERSON OR DAMAGE TO PROPERTY ON OR ABOUT THE LEASED PREMISES, AND TENANT RELEASES AND WAIVES ALL CLAIMS AGAINST LANDLORD FOR ANY SUCH INJURY OR DAMAGE. TENANT WAIVES ANY AND ALL RIGHTS, RECOVERY, CLAIMS, ACTIONS OR CAUSES OF ACTIONS AGAINST

LANDLORD, THEIR AGENTS, REPRESENTATIVES, OR EMPLOYEES, FOR ANY LOSS OR DAMAGE THAT MAY OCCUR TO THE LEASED PREMISES, OR ANY IMPROVEMENTS THERETO, OR ANY PERSONAL PROPERTY OF TENANT, BY REASON OF FIRE, THE ELEMENTS, OR ANY OTHER CAUSE WHICH COULD BE INSURED AGAINST BY TENANT UNDER THE TERM OF ITS FIRE AND EXTENDED COVERAGE INSURANCE POLICIES, REGARDLESS OF CAUSE OR ORIGIN, INCLUDING NEGLIGENCE OF LANDLORD, ITS AGENTS, OFFICERS OR EMPLOYEES. TENANT COVENANTS THAT NO INSURER SHALL HOLD ANY RIGHT OF SUBROGATION AGAINST LANDLORD, AND ALL SUCH INSURANCE POLICIES SHALL BE ENDORSED TO REFLECT SUCH WAIVER OF SUBROGATION.

2.02 TENANT INSURANCE

Tenant shall provide at its own expense and keep in force during the term of this Lease, for specific events, the following policies of insurance:

(a) General Liability

Tenant is a participant in the Texas Municipal League Risk Pool. The Risk Pool will issue a certificate noting the Landlord is the owner of the property. The limits of liability are set out in the Texas Tort Claims Act as \$250,000 per individual and \$500,000 per occurrence.

(b) Workers Compensation

Tenant shall provide a certificate from the Texas Municipal League evidencing that it has workers compensation insurance coverage with statutory limits as set by The State of Texas.

2.03 Landlord Insurance

Landlord shall cover the Premises against casualty loss during the Lease Term with coverage equal to an all-peril insurance. Notwithstanding the foregoing, Landlord shall not be responsible for insuring Tenant's personal property against loss or damage.

ARTICLE III

3.01 DEFAULT BY TENANT

It is agreed by Tenant that the violation of any of the terms and conditions set out in this lease, shall constitute ground for termination of the lease. Prior to termination, Landlord must give tenant a thirty (30) day written notice of intent to terminate and opportunity to cure. If Tenant does not cure the violation within thirty (30) days of notice of intent to terminate, Landlord may terminate lease at Landlord's sole option by giving Tenant thirty

(30) days' written notice of such termination. In the event Tenant defaults and fails to cure within the thirty (30) day notice period, Landlord's termination of the Lease shall not incur the buyout sum set forth in Section 3.02 below, and Landlord shall not pay Tenant any termination fee or sum.

3.02 LANDLORD RIGHT TO TERMINATE FOR CONVENIENCE

If Landlord wishes to terminate the Lease without cause at any time prior to its expiration, Tenant agrees that Landlord may buy out the remaining term of the Lease by paying tenant a buyout sum calculated as below, and in the following manner:

- (a) Give the Tenant Sixty (60) day written notice of intent to terminate Lease.
- (b) Multiply the remaining months of tenant's Lease times \$150.00 per month of the remainder of the term.

ARTICLE IV

MISCELLANEOUS

4.01 CONSTRUED PURSUANT TO TEXAS LAW

This lease shall be construed under and in accordance with the laws of the State of Texas, is performable in Hidalgo County, Texas, and venue for any litigation which might arise from the Lease shall be in Hidalgo County, Texas.

4.02 BINDING AGREEMENT

This agreement shall be binding upon and inure to the benefit of the parties hereto and their respective employees, agents, servants, legal representatives, and successors.

4.03 COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAWS

Tenant will keep and maintain the leased area in a clean and healthful condition and comply with the laws, ordinances, orders, rules and regulations (State, Federal, Municipal and other agencies or bodies having any jurisdiction hereof) with reference to use, conditions, or occupancy of the leased area.

4.04 HOLDING OVER

If Tenant remains in possession of the premises after the expiration of this lease, whether of the primary term or of any subsequent renewal term, then Tenant shall be deemed to be occupying the premises as a tenant at sufferance on a monthly basis, subject to all obligations specified in this lease.

4.05 NOTICES

Any and all notices required to be sent by one party to the other shall be sent either by certified mail, return receipt requested, or by fax, or by both, and addressed to the respective party as follows:

LANDLORD:

PHARR SEVENTH-DAY ADVENTIST
CHURCH
C/O Benjamin Valdez
121 W Polk Avenue
Pharr, Texas 78577

TENANT:

CITY OF PHARR
C/O Jonathan Flores
118 S. Cage Blvd
Pharr, Texas 78577

TEXAS CONFERENCE OF
SEVENTH-DAY ADVENTISTS
C/O Brian Jagrup
PO Box 800
1211 W Hwy 67
Alvarado, TX 76009

TEXAS CONFERENCE OF
SEVENTH-DAY ADVENTISTS
C/O Randy Terry
PO Box 800
1211 W Hwy 67
Alvarado, TX 76009

4.06 ENTIRE AGREEMENT

This Lease, including Exhibit A, constitutes the entire agreement of the parties. Paragraph captions in this Lease are for convenience of reading only, and do not limit nor amplify the provisions of the lease.

4.07 INCONSISTENCIES

Where there exists any inconsistency between this Agreement and other provisions of collateral Agreements that are made a part hereof by reference or otherwise, the provisions of this Agreement shall control.

4.08 BINDING NATURE

This Agreement shall not be binding upon the parties until it is approved and executed by all parties.

4.09 INVALIDITY AND SEVERABILITY

Each paragraph and provision hereof is severable from the entire Agreement and if any provision is declared invalid, the remaining provisions shall nevertheless remain in effect.

4.10 TERMINOLOGY AND DEFINITIONS

All pronouns used in this Agreement, whether used in the masculine, feminine, or neutral gender, shall include all other genders; the singular shall include the plural and the plural shall include the singular.

4.11 JURISDICTION

For disputes arising from or relate to this Lease, and In accordance with Texas Local Government Code Chapter 271, Owner expressly waives any and all of its immunities from lawsuit or damages, or both, as provided by the Texas law, as a public institution, whether granted by constitution, common law or statute. Any and all suits for any and every breach of this Agreement shall be instituted and maintained in Hidalgo County.

4.12 LAWS OF TEXAS

This Agreement shall be governed and construed in accordance with the laws of the State of Texas with venue in Hidalgo County, Texas. If either party is required to retain the services of an attorney to enforce this Lease, or to defend any cause of action, claim, or counterclaim, then the prevailing party shall be entitled to recover attorney's fees and costs incurred, in addition to other remedies to which such party is entitled under Texas law.

4.13 MODIFICATION OF AGREEMENT

No changes to this Agreement shall be made except upon written agreement of all parties. All modifications to this Agreement shall be in the form of Amendments signed by both parties hereto.

4.14 APPLICABILITY

This Agreement shall inure solely to the benefit of the parties hereto and not to any third-party recipients or suppliers of services.

4.15 RULE OF CONSTRUCTION

The parties hereto acknowledge that each party and its legal counsel have reviewed and revised this Agreement, and the parties hereby agree that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreements or any amendments or exhibits thereto.

4.16 MULTIPLE ORIGINALS

This Agreement, along with any exhibits, may be executed in multiple originals and each shall be of equal authority.

LANDLORD

PHARR SEVENTH-DAY ADVENTIST
CHURCH

By:  _____

Name, Title

Ryan Pool, Pastor

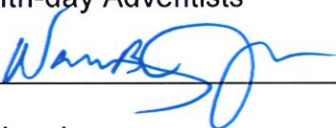
TENANT

CITY OF PHARR
A Texas Municipal Corporation

By: _____

Jonathan Flores, City Manager

Texas Conference Association of
Seventh-day Adventists

By:  _____

Brian Jagrup
Association Secretary

ATTEST:

Imelda Perez
City Secretary

Approved as to Form:

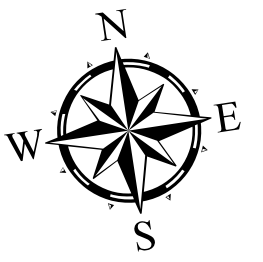
Ricardo Rodriguez, City Attorney



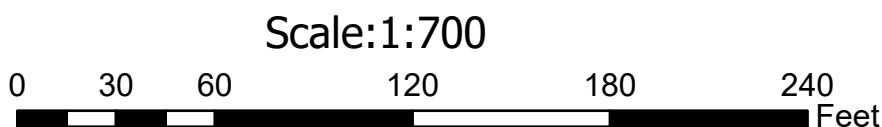
Pharr
Engineering



Exhibit A:
City of Pharr
121 W Polk Ave
Seventh-Day Adventist Church



- Location
- Pharr City Limit



City of Pharr, Texas
Engineering Department
956.402.4242

Date:5/7/2025