

**MINUTES OF PROCEEDINGS
CITY COMMISSION
Tuesday, January 26, 2010**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, January 26, 2010, at 6:30 P.M.** in the City Commission Meeting Room, 115 E. Commercial Avenue, La Feria, Texas 78559. The purpose of said meeting was to consider and take action on those items of City Business as was duly posted by agenda in accordance with State Open Meetings Law. The following City Commission members were present at said meeting.

Mr. Steve Brewer	Mayor
Ms. Lori Weaver	City Commissioner/Mayor Pro Tem
Mr. John Edward Betancourt	City Commissioner
Mr. John Hernandez	City Commissioner
Mr. Victor Gonzalez, Jr.	City Commissioner
Ms. Angelica P. Baldivia	City Commissioner

The following staff members were present.

Mr. Sunny K. Philip	City Manager
Mr. Miguel D. Wise	City Attorney
Ms. Darla Jones	Assistant City Manager
Ms. Maria Chavero	Finance Director
Ms. Olga Oberwetter	City Secretary

A copy of the signature roster of all others present is attached as a part of the minutes hereof.

At 6:30 P.M., Mayor Steve Brewer asked Commissioner Angelica P. Baldivia to give the invocation. After the invocation, Mayor Brewer led everyone present in reciting the Pledge of Allegiance to the Flag of the United States of America. He then declared that a quorum of the City Commission was present and called the meeting to order.

**REVIEW AND TAKE ACTION TO APPROVE MINUTES OF PROCEEDINGS
OF THE REGULAR MEETING OF THE CITY COMMISSION HELD ON
TUESDAY, JANUARY 12, 2010**

After review of the minutes, Commissioner Lori Weaver moved to approve the minutes of proceedings of the regular meeting of the City Commission held on Tuesday, January 12, 2010. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

**PUBLIC HEARING TO RECEIVE INPUT REGARDING A SPECIFIC USE
PERMIT REQUEST FROM ANGIE MARIE SALINAS FOR LATE HOURS ON-
PREMISE ALCOHOL CONSUMPTION AT A BAR LOCATED AT 312 WEST
FIRST STREET, LA FERIA, TEXAS**

City Manager Sunny K. Philip explained that the person who had made this request has withdrawn her request for late hours, but is still planning to operate the business until midnight. Mayor Steve Brewer declared the public hearing open at 6:34 P.M. Mr. Tony

Guevara spoke against the issuance of a specific use permit for late hours, and even though the request was withdrawn, he asked the Commission that if this request comes back up in the future, that the Commission deny the request. Commissioner Victor Gonzalez, Jr. inquired if this public hearing was legal since the person seeking the SUP had withdrawn the request. City Attorney Miguel D. Wise said the agenda included the public hearing item, and this is not in violation of the Open Meetings Act. City Manager Sunny K. Philip said there was one more letter that was received in the mail in regard to this public hearing and it was also against the late hours request. The letter was from Ms. Amalia Lozano, P.O. Box 1511042, Austin, Texas 78715. Assistant City Manager Ms. Darla Jones said she is one of the owners within the 200 foot radius. There being no other comments, Mayor Brewer declared the public hearing closed at 6:39 P.M.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY A SPECIFIC USE PERMIT REQUEST FROM ANGIE MARIE SALINAS FOR LATE HOURS ON-PREMISE ALCOHOL CONSUMPTION AT A BAR LOCATED AT 312 WEST FIRST STREET, LA FERIA, TEXAS

City Manager Sunny K. Philip recommended that this request be denied by official action so that it will require that the applicant wait another six months before they can apply for late hours again. Commissioner Victor Gonzalez, Jr. inquired if this would only apply to the same person making the request. Mr. Philip responded in the affirmative.

Commissioner Victor Gonzalez, Jr. moved to deny the Specific Use Permit for Angie Marie Salinas for late hours on-premise alcohol consumption at a bar located at 312 West First Street, La Feria, Texas. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission.

A RESOLUTION OF THE CITY OF LA FERIA, TEXAS HEREINAFTER REFERRED TO AS "APPLICANT," DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR, ACTING FOR, AND ON BEHALF OF THE APPLICANT IN DEALING WITH THE TEXAS PARKS & WILDLIFE DEPARTMENT, HEREINAFTER REFERRED TO AS "DEPARTMENT," FOR THE PURPOSE OF PARTICIPATING IN THE LOCAL PARK GRANT PROGRAM, HEREINAFTER REFERRED TO AS THE "PROGRAM"; CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE APPLICANT MATCHING SHARE IS READILY AVAILABLE; THE PARK SITE WAS DEDICATED FOR PERMANENT PUBLIC PARK AND RECREATIONAL USES FROM A PASSED GRANT PROGRAM WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT; AND CERTIFYING THAT THE APPLICATION HAS BEEN SUBMITTED TO THE APPROPRIATE REGIONAL COUNCIL OF GOVERNMENTS FOR THE TEXAS REVIEW AND COMMENT SYSTEM (TRACS) REVIEW

City Manager Sunny K. Philip explained that the City has had more than one public hearing on the Parks System. He said one was to amend the Parks' Master Plan and the other was to advertise the activities for improvement in each park. These public hearings will allow the City's application for funding to score higher. Commissioner John Hernandez moved to read the resolution by caption only, in lieu of reading it in its entirety. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission. City Attorney Miguel D. Wise read the caption of Resolution 2010-02. After reading of the caption, Commissioner John Hernandez moved to approve Resolution 2010-02 designating certain officials as being responsible

for, acting for, and on behalf of the applicant in dealing with the Texas Parks & Wildlife Department, hereinafter referred to as "Department," for the purpose of participating in the Local Park Grant Program, hereinafter referred to as the "Program"; certifying that the Applicant is eligible to receive program assistance; certifying that the Applicant matching share is readily available; the park site was dedicated for permanent public park and recreational uses from a passed grant program with the Texas Parks and Wildlife Department; and certifying that the application has been submitted to the appropriate Regional Council of Governments for the Texas review and comment system (TRACS) review. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY RESOLUTION RE-APPOINTING FIVE (5) MEMBERS TO THE PREVIOUSLY ESTABLISHED BOARD OF DIRECTORS FOR THE TAX INCREMENT REINVESTMENT ZONE NUMBER ONE, CITY OF LA FERIA DEVELOPMENT PROJECT

Board members Steve Brewer, Brad Shields, Lori Weaver, Betty Jo Dunlap, and Edna Tamayo were appointed to this board when it was first established in 2007. The board appointment is for a two year term and they are due for re-appointment. Commissioner Angelica P. Baldivia moved to read the resolution by caption only, in lieu of reading it in its entirety. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission. City Attorney Miguel D. Wise read the caption of Resolution 2010-03. After reading of the caption, Commissioner Angelica P. Baldivia moved to approve Resolution 2010-03 re-appointing five members to the previously established Board of Directors for the Tax Increment Reinvestment Zone Number One, City of La FERIA Development Project. The five members were the aforementioned members. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TEXAS DEPARTMENT OF RURAL AFFAIRS FOR A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) TO PROVIDE SOLAR POWER TO A NEW FACILITY AND INCORPORATE GREEN FEATURES THROUGHOUT THE FACILITY

City Manager Sunny K. Philip said that the City has the opportunity to apply to the Texas Department of Rural Affairs for a Texas Community Development Block Grant Program to provide solar power to a new facility and incorporate green features throughout the facility. Commissioner John Betancourt moved to read the resolution by caption only, in lieu of reading it in its entirety. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission. City Attorney Miguel D. Wise read the caption of Resolution 2010-04. After reading of the caption, Commissioner John Betancourt moved to approve Resolution 2010-04 authorizing the submission of an application to the Texas Department of Rural Affairs for a Texas Community Development Block Grant Program (TxCDBG) to provide solar power to a new facility and incorporate green features throughout the facility. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TEXAS

COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) FOR STORM WATER QUALITY IMPROVEMENT PROJECT IN LA FERIA, TEXAS AND AUTHORIZING CITY OFFICIALS TO EXECUTE DOCUMENTS PERTAINING TO THE APPLICATION AND FUNDING DOCUMENTS

City Manager Sunny K. Philip explained that there is an opportunity to receive \$300,000 from TCEQ for a retention area at the Nature Park. There would be no need for additional funds for a local match, as the money spent on the Nature Park recently would count as the match. Commissioner Lori Weaver moved to read the resolution by caption only, in lieu of reading it in its entirety. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission. City Attorney Miguel D. Wise read the caption of Resolution 2010-05. After reading of the caption, Commissioner Angelica P. Baldivia moved to approve Resolution 2010-05 authorizing the submission of an application to the Texas Commission on Environmental Quality (TCEQ) for Storm Water Quality Improvement Project in La FERIA, Texas and authorizing City officials to execute documents pertaining to the application and funding documents. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY ORDINANCE OF THE CITY OF LA FERIA SETTING OPERATING HOURS, USE AND FEES FOR THE USE OF THE PAVILION AT THE WILDLIFE AND NATURE PARK

City Manager Sunny K. Philip explained that this ordinance primarily deals with the Nature Park Pavilion, but it also includes other parks and some cleanup items. The last time that the City Commission approved hours and fees for parks, it was done by action only and an ordinance was not approved. Mr. Philip said that the Skateboard Park needs to be added to this ordinance as item #7. There is a fee structure for each park. Mr. Philip added that there is an Adult Day Care Center that is interested in renting the Nature Park Pavilion as their day out activity. Commissioner Angelica P. Baldivia moved to read the ordinance by caption only, in lieu of reading it in its entirety. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission. City Attorney Miguel D. Wise read the caption of Ordinance 2010-02. After reading of the caption, Commissioner Angelica P. Baldivia moved to approve Ordinance 2010-02 with the addition of the Skateboard Park as item #7. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY THE REQUEST BY KELLY-MILLER BROTHERS CIRCUS, LTD. TO CONDUCT A CIRCUS ON MARCH 8, 2010 AT THE LFIDC OWNED PROPERTY LOCATED ON INDUSTRIAL WAY TO BENEFIT THE EXPANSION OF THE BAILEY H. DUNLAP MEMORIAL PUBLIC LIBRARY

City Manager Sunny K. Philip explained that the information about the circus was included in the City Commission packet. The company will call the businesses and ask them to purchase tickets to the circus. The circus has agreed to donate a certain amount of their profits to the Library Expansion fund. There is some work that needs to be done by the City such as delivering the tickets to the businesses and picking up payment for the tickets purchased, selling tickets at the front office of City Hall, as well as providing assistance with sales at the door during the shows. Commissioner John Hernandez moved to approve the request by Kelly-Miller Brothers Circus, LTD. to conduct a circus on March 8, 2010 at the LFIDC owned property located on Industrial Way to benefit the

expansion of the Bailey H. Dunlap Memorial Public Library. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

MONTHLY FINANCIAL REPORTS FOR THE MONTH OF DECEMBER 2009

- **REVENUE AND EXPENDITURE REPORT**
- **PERFORMANCE INDICATORS**
- **INVESTMENT REPORT**
- **TAX COLLECTION REPORT**

Mayor Steve Brewer announced that these reports would be filed for audit.

EXECUTIVE (CLOSED) SESSION PURSUANT TO THE PROVISIONS OF THE OPEN MEETINGS LAW CHAPTER 551, GOVERNMENT CODE, VERNON'S TEXAS CODES ANNOTATED, IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN SECTION 551.072 TO DISCUSS PROPOSED PURCHASE/SALE OF REAL ESTATE BY THE LA FERIA INDUSTRIAL DEVELOPMENT CORPORATION/CITY OF LA FERIA; AND SECTION 551.087 TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATIONS

Mayor Steve Brewer declared the meeting in Executive Session at 7:09 P.M. After Executive Session deliberations, Mayor Brewer declared the meeting back in open session at 7:40 P.M.

CONSIDER AND TAKE ACTION DEEMED NECESSARY AS THE RESULT OF EXECUTIVE (CLOSED) SESSION DELIBERATIONS

There was no action necessary as a result of Executive Session deliberations.

REPORTS BY STAFF

- **Fiesta de La Feria**
- **TPWD Indoor Recreation Facility Grant**
- **Flood Protection Planning Study**

City Manager Sunny K. Philip reported on the following:

- The Fiesta Committee met today to discuss the Fiesta. At the next City Commission meeting, an item will be on the agenda for beer sales authorization.
- The old theater building is currently being painted to use as the Cultural Arts Center for performances by some local bands and folklorico dancers, during the Fiesta de La Feria.
- The Parks and Wildlife Department is recommending approving to the board of the City of La Feria's application for \$750,000 for an indoor recreation facility. Mayor Steve Brewer will be attending the Board Meeting in Austin on Thursday, January 28, 2010. This will be for a 12,000+ square foot building. Mr. Philip said there is a \$500,000.00 commitment from HUD for this facility and the City Commission has approved the submission of another application for \$500,000.00 from TDRA. Mr. Philip added that there is an attempt to see whether these funds can be matched by funds from USDA, and if so maybe a community center could be added as part of the package. This might delay the project a bit, but otherwise the local match would have to be raised by the City.
- There was a planning/workshop meeting held last week concerning the Flood Protection Planning Study, and a public hearing later in the day. The boundaries of the area being studied is on the south side by the Arroyo Colorado, on the north side

portion including Santa Rosa, on the east side going all the way to Tamm Lane, and on the west side up to the Hidalgo/Cameron County line. One of the biggest problems in this area is the Tio Cano area since it has no outlet to drain. The study is a highly technical item, but it is laying a good foundation for a drainage system for the entire area.

PUBLIC COMMENT

Mayor Steve Brewer declared the public comments session open. No one signed up to speak before the Commission, so Mayor Brewer declared the public comment session closed.

Commissioner John Betancourt thanked everyone for their presence, prayers and support during the past weeks on the passing of his mother, Maria Hernandez Betancourt.

ACTION FOR ADJOURNMENT

There being no further business to conduct, Commissioner John Hernandez moved to adjourn the meeting. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

ADJOURNMENT

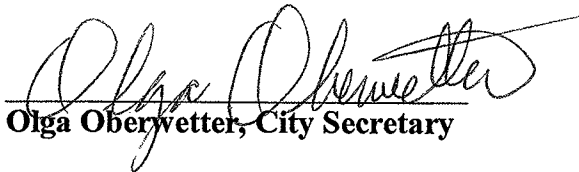
Mayor Steve Brewer adjourned the meeting at 7:48 P.M.

APPROVED:



Steve Brewer, Mayor

ATTEST:



Olga Oberwetter, City Secretary

These minutes were prepared and filed with the City of La Feria at 3:30 P.M. on February 6, 2010, as official record.



Olga Oberwetter, City Secretary

CITY COMMISSION REGULAR MEETING
AT THE
CITY COMMISSION MEETING ROOM
TUESDAY, JANUARY 26, 2010, AT 6:30 PM

WELCOME
PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1	Long Guevara	26402 N. White Ranch Rd.	La Feria
2	MB Wright		
3	Chie Ireland	713 Virginia	La Feria
4	Eva Munchea		
5	Liana Brewer		
6	Cynthia Cobanulua	27542 Rabbit Rd	
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