

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

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, October 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 – Late 7:00 P.M.
Ms. Angelica P. Baldivia	City Commissioner
Mr. John Hernandez	City Commissioner
Mr. Victor Gonzalez, Jr.	City Commissioner

The following staff members were present.

Mr. Sunny K. Philip	City Manager
Mr. Richard S. Talbert	City Attorney
Ms. Maria Chavero	Finance Director
Ms. Irene Szedlmayer	Planning and Community Dev. Dir.
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 6:40 P.M., Mayor Steve Brewer asked Commissioner Victor Gonzalez, Jr. 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.

At this point, Commissioner Lori Weaver moved to excuse Commissioner John Betancourt's absence from this meeting due to obligations at work. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present. (Note: Commissioner Betancourt was present at the meeting from 7:00 P.M. onward.)

Mayor Steve Brewer asked for a motion to move public comments to the front of the agenda so that Ms. Rose Maldonado could make her presentation to the Commission. Commissioner Lori Weaver moved to consider Public Comments out of sequence and to consider it at this point in the meeting. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present. Ms. Rose Maldonado introduced herself and Mr. Manuel Cruz with the Lower Rio Grande Valley Development Council. Ms. Maldonado has worked with Mr. Cruz to train and organize the Community Emergency Response Team (CERT) that would be activated to assist all other public personnel such as fire, police, or EMS. The CERT

team is not certified, but is trained in basic CPR, fire suppression, etc. Ms. Maldonado said the CERT team is eight strong, and they will be recruiting at the various City events such as Market Days, Winter Festival, and the Fiesta, and hope to add to their membership. Mr. Cruz presented some printed materials to City Secretary Olga Oberwetter who distributed copies to the City Commission. Ms. Maldonado presented the City with a proclamation for CERT to be accepted within the city. She said they are members of the Lower Rio Grande Valley Development Council, and they serve the three counties that the Council serves. Mr. Manuel Cruz added that just because this team was established did not mean that they are creating First Responders' role teams to mobilize whenever they want or at any place or location they want. He said they are a highly organized team that is made up of a combination of civilians and First Responders, and they are trained by First Responders, as well as Community Emergency Response Team (CERT) instructors who have a lot of experience on disaster management. Mr. Cruz applauded the citizens of La Feria for being proactive in learning about disaster management. Mr. Cruz said this is a federally funded program sponsored through FEMA, and currently they have around 200 volunteers. Mayor Brewer thanked Ms. Maldonado and Mr. Cruz for their presentation.

**REVIEW AND TAKE ACTION TO APPROVE MINUTES OF PROCEEDINGS  
OF THE REGULAR MEETING OF THE CITY COMMISSION HELD ON  
TUESDAY, OCTOBER 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, October 12, 2010. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

**REVIEW BID TABULATION AND TAKE ACTION TO AWARD CONTRACT  
TO THE LOWEST AND MOST QUALIFIED RESPONSIBLE BIDDER FOR  
THE PROPOSED 12" PRESSURE MAIN FOR IMPROVEMENTS TO THE  
LILAC AVENUE LIFT STATION FUNDED THROUGH THE TEXAS  
DEPARTMENT OF RURAL AFFAIRS COMMUNITY DEVELOPMENT BLOCK  
GRANT PROGRAM**

City Manager Sunny K. Philip explained that this project involves installing a new 12" sewer pressure main from the Lilac lift station all the way to the old wastewater treatment plant. There are two 10" lines existing now; one is a ductile line that is about 35 years old and needs to be replaced, and the other is a PVC line that was installed in 1987 and is in good shape. Mr. Philip reviewed the bid tabulation with the Commission and the bids were as follows.

R.M. Walsdorf, Inc. 10155 SH 48 Brownsville, TX 78521	\$390,523.97
Lazcon, Inc. 5845 E. 14 <sup>th</sup> Street Brownsville, TX 78521	\$432,518.25
M. F. Site P.O. Box 417 Weslaco, TX 78596	\$433,247.30

Saenz Utility  
22290 N. FM 88  
Edcouch, TX 78538

\$493,897.00

Garco Industries  
5842 S. Cage Blvd.  
McAllen, Texas 78502

\$499,449.25

Mr. Philip said this project will be funded through the Community Development Block Grant Program, and the low bidder was R.M. Walsdorf, Inc. with the bid of \$390,523.97. Commissioner Angelica P. Baldivia moved to award the contract to the lowest and most responsible bidder R. M. Walsdorf, Inc. in the amount of \$390,523.97. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO APPROVE OR DENY AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LA FERIA AND THE CITY OF HARLINGEN FOR THE USE OF THE CITY OF HARLINGEN RADIO SYSTEM AND AUTHORIZE THE PAYMENT OF FEES ASSOCIATED WITH THE USE OF THE SYSTEM**

City Manager Sunny K. Philip asked that this item be tabled, so that he would have an opportunity to discuss this with the County to consider a regional approach for the radio system. Commissioner Victor Gonzalez, Jr. moved to table this item until further notice. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission.

**PRESENTATION BY INNOVATIVE BLOCK OF SOUTH TEXAS ABOUT THE BUSINESS IN LA FERIA AND PLANS FOR EXPANSION, AND CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION OF THE CITY OF LA FERIA IN SUPPORT OF INNOVATIVE BLOCK OF SOUTH TEXAS**

Mr. David Riegert, President of Innovative Block of South Texas, said they are in an expansion mode in recycling and they are seeking support from the City, before going to the state to get the permit. Mr. Riegert presented a PowerPoint presentation of Innovative Block and said about half of the employees are from La Feria. Mr. Riegert said the expansion would mean about 35 new jobs. After the presentation, Commissioner John Betancourt moved to read the resolution by caption only, in lieu of reading it in its entirety. Commissioner Victor Gonzalez, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commission. City Attorney Richard S. Talbert read the caption of Resolution 2010-33. After reading of the caption, Commissioner Angelica P. Baldivia moved to approve Resolution 2010-33 in support of Innovative Block of South Texas expansion in recycling. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO APPROVE OR DENY RESOLUTION OF THE CITY OF LA FERIA REQUESTING THAT THE MEMBERS OF THE 82<sup>ND</sup> LEGISLATIVE SESSION OF THE STATE OF TEXAS SUPPORT LEGISLATION THAT INCREASES FUNDING FOR THE TEXAS RECREATION AND PARKS ACCOUNT LOCAL PARK GRANT PROGRAM AND THE TEXAS STATE PARK SYSTEM**

City Manager Sunny K. Philip said the resolution included in the package was a sample resolution, but it would be completed and prepared for signature. City Secretary Ms. Olga Oberwetter said the only changes would be that the blanks would be filled in with "La Feria" and the word "council" would be changed to "commission." Commissioner Victor Gonzalez, Jr. moved to read the resolution by caption only, in lieu of reading it in its entirety with the changes as presented by Ms. Oberwetter. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission. City Attorney Mr. Richard S. Talbert read the caption of Resolution 2010-34. After reading of the caption, Commissioner Victor Gonzalez, Jr. moved for the approval of Resolution 2010-34 requesting that the members of the 82<sup>nd</sup> Legislative Session of the State of Texas support legislation that increases funding for the Texas Recreation and Parks Account Local Park Grant Program and the Texas State Park System. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission.

**PUBLIC HEARING TO RECEIVE INPUT ON PROPOSED AMENDMENTS TO THE ZONING ORDINANCE FOR THE FOLLOWING:**

- A. TO TREAT "CHILD CARE CENTERS" THE SAME AS "PRE-SCHOOLS" AND "KINDERGARTENS" FOR PURPOSES OF ALLOWING THEM TO OPERATE IN RESIDENTIAL ZONES CONDITIONED UPON SUBMITTAL AND APPROVAL OF SPECIFIC USE PERMIT.**
- B. TO ESTABLISH THE MINIMUM SETBACKS IN THE MOBILE HOME ZONING DISTRICT.**
- C. TO DISTINGUISH BETWEEN PREMISES WHERE GAMING DEVICES ARE STORED AND PREMISES WHERE THEY ARE AVAILABLE FOR OPERATION BY THE PUBLIC.**
- D. TO PERMIT MASSAGE PARLORS IN COMMERCIAL ZONING DISTRICTS.**
- E. TO PROVIDE FOR ADJUSTMENT IN THE SPECIFIED FRONT SET-BACK ON BLOCKS OR IN NEIGHBORHOODS WITH EXISTING DEVELOPMENT.**

City Manager Sunny K. Philip asked Planning and Community Development Director Ms. Irene Szedlmayer to discuss this item. Ms. Szedlmayer said that the Planning and Zoning Commission met on October 18, 2010 to consider these items and voted unanimously to recommend to the City Commission all these items except for item C which is the game hall issue. Ms. Szedlmayer discussed each item at length and asked for direction from the City Commission as to how the City should proceed with this. Ms. Szedlmayer also reported that there had been an inquiry regarding tattoo studios, but the Planning and Zoning Commission denied approval of this item and did not wish to recommend it to the City Commission. The Commission was of the consensus that more research should be done in regards to the mobile home zoning district and that staff should look at other cities that are the same size as La Feria. Mayor Steve Brewer declared the public hearing open at 7:58 P.M. Ms. Mary Beth Wright inquired, in regards to the Child Care Centers, whether the amendment to the Zoning Ordinance on this item would mean that if someone wanted to locate a Child Care Center next to Ms. Weaver's home, that they could. Ms. Szedlmayer responded that they would have to request a Specific Use Permit and come before the City Commission for approval. Commissioner Victor Gonzalez, Jr. commented that if the majority of the Commission approved the SUP, then that scenario could happen. There being no further comments, Mayor Steve Brewer declared the public hearing closed at 8:05 P.M.

**CONSIDER AND TAKE ACTION TO APPROVE OR DENY AN ORDINANCE OF THE CITY OF LA FERIA AMENDING THE ZONING ORDINANCE IN REGARDS TO THE FOLLOWING:**

- A. **TO TREAT "CHILD CARE CENTERS" THE SAME AS "PRE-SCHOOLS" AND "KINDERGARTENS" FOR PURPOSES OF ALLOWING THEM TO OPERATE IN RESIDENTIAL ZONES CONDITIONED UPON SUBMITTAL AND APPROVAL OF SPECIFIC USE PERMIT.**
- B. **TO ESTABLISH THE MINIMUM SETBACKS IN THE MOBILE HOME ZONING DISTRICT.**
- C. **TO PERMIT MASSAGE PARLORS IN COMMERCIAL ZONING DISTRICTS.**
- D. **TO PROVIDE FOR ADJUSTMENT IN THE SPECIFIED FRONT SETBACK ON BLOCKS OR IN NEIGHBORHOODS WITH EXISTING DEVELOPMENT.**

Commissioner Lori Weaver moved to table this item until after a workshop could be held. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**MONTHLY FINANCIAL REPORTS FOR THE MONTH OF SEPTEMBER 2010**

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

Finance Director Ms. Maria Chavero reviewed the financial reports for the month of September 2010 with the City Commission. Ms. Chavero mentioned that this was the year-end report, since September 30 is the end of the fiscal year. She reviewed the year-to-date figures only, comparing the actual versus the budget figures. She then reviewed the City Investment Report, the Current Year Tax Collection Report, the Delinquent Tax Collection Report and the City Sales and Use Tax Comparison Report. After review and all question answered, Mayor 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 8:10 P.M. After executive session, Mayor Brewer declared the meeting back in open session at 8:48 P.M.

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

City Attorney Mr. Richard S. Talbert announced that there was one action item in regards to the Texas Department of Housing and Community Affairs (TDHCA) application for the purchase of five lots through the Neighborhood Stabilization Program (NSP). Those contracts are due to expire at the end of this month. TDHCA is not ready just yet.



Commissioner Lori Weaver moved to authorize the City Manager to use city funds to acquire the property, with such funds to be approximately \$85,000.00 (rough figure). Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

#### **REPORTS BY STAFF**

- **Water and Wastewater System Improvements**
- **Disaster Recovery Street Improvement Project Status**

City Manager Sunny K. Philip reported on the following:

- Water and Wastewater System Improvements Project – doing the inspection on the lift stations.
- Disaster Recovery – Street Improvements – The curb and gutter on North Parker Road has not been started yet.

#### **PUBLIC COMMENTS**

This item was taken out of sequence and covered before approval of the minutes.

#### **ACTION FOR ADJOURNMENT**

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

#### **ADJOURNMENT**

Mayor Steve Brewer adjourned the meeting at 8:53 P.M.

**APPROVED:**



Steve Brewer, Mayor

**ATTEST:**



Olga Oberwetter, City Secretary

These minutes were prepared and filed with the City of La Feria at 11:49 A.M. on November 2, 2010, as official record.



Olga Oberwetter, City Secretary

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

WELCOME  
PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1	Rose Maldonado	204 E Central Ave	956 535 0234
2	Manuel Cruz	31 N. 1st St, McAllen	956 682-5481
3	DAVID RIEGERT	240 E. 1st St, LF,	956 635 4205
4	Elsie Ireland	713 Virginia LF	956-797-2964
5	MB Wright		
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