

**MINUTES OF PROCEEDINGS
CITY COMMISSION
Tuesday, December 7, 2010**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, December 7, 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. Richard S. Talbert	City Attorney
Ms. Irene Szedlmayer	Planning and Community Dev. Dir.
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 6:50 P.M., Mayor Steve Brewer asked Commissioner Angelica P. Baldivia to give the invocation. Prior to the invocation, Ms. Baldivia asked all present for a moment of silence in honor of the 2,402 service personnel and the 57 civilians who died 69 years ago in the attack on Pearl Harbor, Hawaii. She reminded everyone that freedom is not free. After the moment of silence, Ms. Baldivia proceeded with 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, NOVEMBER 16, 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, November 16, 2010. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDERATION AND APPROVAL OF A RESOLUTION REQUESTING
FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT
BOARD FOR CONSTRUCTING VARIOUS PUBLIC IMPROVEMENTS TO THE**

CITY'S UTILITY SYSTEM; AUTHORIZING THE CITY'S FINANCIAL ADVISORS, BOND COUNSEL, AND ENGINEERS TO COORDINATE THE SUBMISSION OF THE APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD CONCERNING "CITY OF LA FERIA, TEXAS COMBINATION TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2011A (CLEAN WATER STATE REVOLVING FUND)"; AND OTHER MATTERS IN CONNECTION THEREWITH

City Manager Sunny K. Philip introduced Mr. Joe Winston and Mr. Juan Gamez with Sigler, Winston, Greenwood and Associates, and Ms. Ann Burger with First Southwest Company. Mr. Philip asked Ms. Burger to say a few words. Ms. Burger greeted the Commission and said that First Southwest Company serves as the City financial advisor and has been for many years. They assist in bond issues and are the advisors to the City pertaining to the Texas Water Development Board applications being submitted. Ms. Burger said she has been with First Southwest 25 years in June 2011. Mr. Philip then asked Mr. Joe Winston to say a few words about his firm. Mr. Winston said he and Juan Gamez have been working with Sunny on this project, and it is always a joy and a challenge to work on some of the projects, but it is a good challenge. Mr. Winston said he has been in the Valley since 1945. Mr. Philip explained that the City submitted an application to the Texas Water Development Board (TWDB) in the amount of \$24,168,624.00, but due to the ranking and the scoring system, the City will be able to submit an application at this time for projects totaling \$15,549,040. This is a combination of water and wastewater system improvements. This will be 100% loan forgiveness, and he credited Ms. Ann Burger for her assistance in convincing the TWDB to forego the requirement that the City take the remainder of the project as a loan. Mr. Philip also discussed the "shovel ready" concept. He said Sigler, Winston, Greenwood has invested a lot of time in designing the project. Mr. Philip presented a map and discussed the water and sewer improvements being proposed under this project, i.e., installation of 7.6 miles of sewer lines; building three lift stations; installing 10 miles of water mains; replacing 1.8 miles of asbestos cement type water mains with PVC pipe, with 20% increase in size; installing an ultra violet treatment system in the Water Treatment Plant to kill the bacteria; and buying and installing about 2,500 meters. Mayor Steve Brewer commended Juan Gamez for his expertise and thanked Mr. Winston for all their work. Commissioner John Betancourt 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 Mr. Richard S. Talbert read the caption of Resolution 2010-38. After reading of the caption, Commissioner John Betancourt moved to approve Resolution 2010-38 requesting financial assistance from the Texas Water Development Board for constructing various public improvements to the City's utility system; authorizing the City's Financial Advisors, Bond Counsel, and Engineers to coordinate the submission of the application to the Texas Water Development Board concerning "City of La Feria, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2011A (Clean Water State Revolving Fund)"; and other matters in connection therewith. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDERATION AND APPROVAL OF A RESOLUTION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD FOR CONSTRUCTING VARIOUS PUBLIC IMPROVEMENTS TO THE CITY'S UTILITY SYSTEM; AUTHORIZING THE CITY'S FINANCIAL

ADVISORS, BOND COUNSEL, AND ENGINEERS TO COORDINATE THE SUBMISSION OF THE APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD CONCERNING "CITY OF LA FERIA, TEXAS COMBINATION TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2011B (DRINKING WATER STATE REVOLVING FUND)"; AND OTHER MATTERS IN CONNECTION THEREWITH

This item was covered along with the previous item. Commissioner Angelica P. Baldivia moved to read the resolution 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 Mr. Richard S. Talbert read the caption of Resolution 2010-39. After reading of the caption, Commissioner Angelica P. Baldivia moved to approve Resolution 2010-39 requesting financial assistance from the Texas Water Development Board for constructing various public improvements to the City's utility system; authorizing the City's Financial Advisors, Bond Counsel, and Engineers to coordinate the submission of the application to the Texas Water Development Board concerning "City of La FERIA, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2011B (Drinking Water State Revolving Fund)"; and other matters in connection therewith. 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 A RESOLUTION OF THE CITY OF LA FERIA SEEKING DESIGNATION AS A MANAGEMENT AGENCY FOR WASTEWATER COLLECTION AND TREATMENT FOR THE SERVICE AREA COVERED BY THE CITY'S CERTIFICATE OF CONVENIENCE AND NECESSITY ISSUED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Commissioner Lori Weaver 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 Mr. Richard S. Talbert read the caption of Resolution 2010-40. After reading of the caption, Commissioner Lori Weaver moved to approve Resolution 2010-40 seeking designation as a Management Agency for wastewater collection and treatment for the service area covered by the City's Certificate of Convenience and Necessity issued by the Texas Commission on Environmental Quality. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

A RESOLUTION OF THE CITY OF LA FERIA, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTY; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE PROPERTY FOR THE WATER AND WASTEWATER SYSTEMS IMPROVEMENT PROJECTS; ESTABLISHING PROCEDURES FOR THE ACQUISITION OF PROPERTY; AND APPROPRIATING FUNDS

City Manager Sunny K. Philip explained that to accommodate the TWDB project of water and sewer system improvements, the City has to acquire certain property for the lift stations and easements, and the City Commission needs to approve a resolution determining a public necessity to acquire the property. The resolution has an attachment of 87 pages of metes and bounds, which were not printed for this item. Commissioner Victor Gonzalez, Jr. moved to read the resolution 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 Mr. Richard S. Talbert read the caption of Resolution 2010-41. After reading of the caption, Commissioner Victor Gonzalez, Jr. moved to approve Resolution 2010-41 determining a public necessity to acquire certain property; giving notice of an official determination to acquire property for the water and wastewater systems improvement projects; establishing procedures for the acquisition of property; and appropriating funds. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDER AND TAKE ACTION TO TERMINATE THE CONTRACT BETWEEN THE CITY OF LA FERIA AND MUNICIPAL SERVICES BUREAU FOR COLLECTION OF DELINQUENT FEES AND FINES ASSOCIATED WITH THE MUNICIPAL COURT AND DELINQUENT UTILITY BILLS AND ASSESSMENTS.

Commissioner Victor Gonzalez, Jr. moved to table this item. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission. This item was tabled until further notice.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY RESOLUTION AUTHORIZING THE ADD-ON FEE FOR THE COST OF COLLECTION FOR DELINQUENT MUNICIPAL COURT FINES AND ESTABLISHING AN EFFECTIVE DATE

Commissioner Victor Gonzalez, Jr. moved to table this item. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission. This item was tabled until further notice.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY RESOLUTION APPROVING CONTRACT FOR FINES, FEES FOR MUNICIPAL COURT, DELINQUENT UTILITY BILLS, AND ASSESSMENT COLLECTION SERVICES BETWEEN THE CITY OF LA FERIA AND LINEBARGER, GOGGAN, BLAIR AND SIMPSON, LLP.

Commissioner Victor Gonzalez, Jr. moved to table this item. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission. This item was tabled until further notice.

CONSIDER AND TAKE ACTION TO CONFIRM THE LFIDC REVOLVING LOAN TO THE LA FERIA ECONOMIC DEVELOPMENT CORPORATION FOR THE PURCHASE AND REHABILITATION OF THE MASONIC LODGE BUILDING

Commissioner Lori Weaver moved to confirm the LFIDC Revolving Loan to the La Feria Economic Development Corporation for the purchase and rehabilitation of the Masonic Lodge Building. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

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/DONATION 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 (Closed) Session at 7:25 P.M. After Executive Session deliberation, Mayor Brewer declared the meeting back in open session at 7:49 P.M.

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

There was no action needed as a result of the Executive Session deliberation.

REPORTS BY STAFF

- **WATER AND WASTEWATER IMPROVEMENT PROJECTS.**
- **DISASTER RECOVERY STREET IMPROVEMENT PROJECT
CONSTRUCTION PROGRESS**
- **CHRISTMAS PARADE AND WINTER FESTIVAL**

City Manager Sunny K. Philip reported on the following.

- The Filter Replacement Project at the Water Treatment Plant is moving along good, and it will be another 30 days to finish up the project.
- Staff is working with the bonding company on the SLC project. The revisions to the takeover agreement have been submitted.
- The Disaster Recovery Street Improvement Project on the north side of the Expressway - the contractor has finished the majority of the project.
- The pressure main from the Lilac Lift Station to the old Wastewater Treatment Plant is almost complete and what is lacking in that project is the odor control unit at the Lilac Lift Station due to lead time in getting the unit.
- The Christmas Parade will begin at 5:30 p.m. on Saturday, December 11, 2010

PUBLIC COMMENTS

Mayor Steve Brewer declared the public comments session open and acknowledged Ms. Elizabeth Perez. Ms. Perez identified herself as a licensed realtor and currently in the process of getting her degree in real estate, but her reason for being before the Commission tonight was that parents fear that their children's safety is being jeopardized in NFL Flag Football Program under the management and supervision of Alfonso Rodriguez. They are requesting a new manager, among other items, such as conducting background checks on officials and referees, and the certification of referees. Ms. Perez asked that park maintenance be improved due to all the holes in the ground caused by lack of irrigation. She accused Alfonso Rodriguez of having a conflict of interest because he has a son playing and a son as a referee. She also mentioned that there were negative comments in the social media sites and that two children had to be rushed to the emergency room during the NFL Flag Football Tournament. Ms. Perez presented the Commission with a petition for a new NFL Flag Football Director. No one else signed up to speak before the City Commission, so Mayor Brewer declared the public comment session closed.

ACTION FOR ADJOURNMENT

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

ADJOURNMENT

Mayor Steve Brewer adjourned the meeting at 7:58 P.M.

APPROVED:

Steve Brewer, Mayor

ATTEST:
Olga Oberwetter, City Secretary

These minutes were prepared and filed with the City of La Feria at 11:30 A.M. on January 10, 2011, as official record.


Olga Oberwetter, City Secretary

CITY COMMISSION REGULAR MEETING
AT THE
CITY COMMISSION MEETING ROOM
TUESDAY, DECEMBER 7, 2010, AT 6:30 PM

WELCOME
PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1	Allen Essex	VMS 1310 S. Commerce St Hgn, Texas 78557	873-0133
2	Rosa Turner		
3	Liana Brewer		
4	Elsie Ireland		
5	Elizabeth Perez		
6	Connie James		
7	Delores Fuller		
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