

**MINUTES OF PROCEEDINGS  
CITY COMMISSION  
Tuesday, February 23, 2010**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, February 23, 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. 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 Lori Weaver 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, FEBRUARY 9, 2010**

After review of the minutes, Commissioner John Betancourt moved to approve the minutes of proceedings of the regular meeting of the City Commission held on Tuesday, February 9, 2010. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

**DISCUSSION REGARDING BIDS RECEIVED ON THE FOLLOWING  
PROPERTIES STRUCK OFF TO CAMERON COUNTY, FOR ITSELF AND  
OTHER TAXING JURISDICTIONS FROM A TAX RESALE CONDUCTED ON  
NOVEMBER 3, 2009**

- **Legal Description: Tract One:** Lots 46 and 47, Block "T", Potter and Watson Addition, an addition to the City of La Feria, Cameron County, Texas, according to the map or plat

thereof, recorded in Volume 3, Page 27, Map Records of Cameron County, Texas. (Account No. 29-6600-0090-0460-00)

- **Legal Description:** Lot 36, Block "G", Potter and Watson Addition, an addition to the City of La Feria, Cameron County, Texas, as described in Volume 1389, Page 73, Deed Records of Cameron County, Texas. (Account No. 29-6600-0070-0360-00)
- **Legal Description:** Lots 27 and 28, Block 2, Dunn Acres Subdivision, an addition to the town of La Feria, Cameron County, Texas, as described in Volume 5037, Page 95, Official Records of Cameron County, Texas (Account No. 29-2640-0020-0270-00)
- **Legal Description:** Lot 36A, Hidden Acres, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 1, Page 472A, Map Records of Cameron County, Texas (Account No. 85-0160-0000-0361-00)
- **Legal Description:** Lot 7, Block "E", North East Addition, City of La Feria, Cameron County, Texas, as described in Volume 955, Page 748, Deed Records of Cameron County, Texas (Account No. 29-5940-0050-0071-00)
- **Legal Description:** The South one-half of Lot 10, Block "E", North East Addition, an addition to the city of La Feria, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 1, Page 30, Map records of Cameron County, Texas (Account No. 29-5940-0050-0101-00)

Mr. Jeff Garcia with the law firm of Linebarger Goggan Blair and Sampson LLP was present to review the private bids received on the tax resale conducted in November 2009. Mr. Garcia explained that the amount of taxes owed to the City in judgement value was \$8,134.91 and what the City would get from these bids was \$1,779.47, which was 22 cents on the dollar. Mr. Garcia said that the benefits of approving these bids tonight would be that the properties then go back on the tax rolls and the new owners begin to pay taxes. Mayor Brewer said the City Commission did not approve the bids the last time it was presented, and the City wanted to purchase the properties from the school and the county for housing development. He inquired what had happened to that. City Manager Sunny K. Philip said that at the last presentation, Mr. John Guevara was present and the City Commission rejected the bids with the idea that this would be a good opportunity to begin an affordable housing program. Mr. Philip said he contacted Mr. Guevara, but somehow there was no feedback. Mr. Philip added that La Feria has formed a non-profit group to promote housing and what the City is looking for is to purchase these properties to redevelop the area. Mr. Garcia explained that the City of La Feria would have to be present at the tax resale and have an authorized agent to purchase the property or submit a letter of offer. Then that offer would have to go before all the taxing entities for approval. Commissioner Lori Weaver moved to table this item until after Executive Session. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**DISCUSSION AND POSSIBLE ACTION ON THE RESOLUTION APPROVING THE VARIOUS BIDS RECEIVED ON THE TAX RESALE CONDUCTED ON NOVEMBER 3, 2009 FOR THE ABOVE MENTIONED PROPERTIES**

Commissioner Lori Weaver moved to table this item until after Executive Session. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**ANNUAL RACIAL PROFILING REPORT PRESENTED BY POLICE CHIEF DONATO GARCIA**

Police Chief Donato Garcia reviewed the 2009 Racial Profiling Report with the Commission. There were a total of 1,384 citations and 847 warnings. There were no racial profiling complaints.

**CONSIDER AND TAKE ACTION TO APPROVE OR DENY RESOLUTION OF THE CITY OF LA FERIA AUTHORIZING THE INCLUSION OF WEEKEND VOTING TO BE HELD ON SATURDAY, MAY 1 AND SUNDAY, MAY 2, 2010 AND DESIGNATING THAT THE EXTENDED HOURS (12-HOUR DAYS) BE HELD ON MONDAY, MAY 3 AND TUESDAY, MAY 4, 2010 FOR THE CITY GENERAL ELECTION 2010 AND ESTABLISHING HOURS FOR SATURDAY, MAY 1 TO BE FROM 10:00 A.M. TO 2:00 P.M. AND SUNDAY, MAY 2, FROM 2:00 P.M. TO 6:00 P.M.**

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 2010-06. After reading of the caption, Commissioner John Betancourt moved to approve Resolution 2010-06 authorizing the inclusion of weekend voting to be held on Saturday, May 1 and Sunday, May 2, 2010 and designating that the extended hours (12-hour days) be held on Monday, May 3 and Tuesday, May 4, 2010 for the City General Election 2010 and establishing hours for Saturday, May 1 to be from 10:00 A.M. to 2:00 P.M. and Sunday, May 2, from 2:00 P.M. to 6:00 P.M. 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 OF THE CITY COMMISSION OF LA FERIA, CAMERON COUNTY, TEXAS, ORDERING A GENERAL ELECTION IN THE CITY OF LA FERIA ON SATURDAY, MAY 8, 2010 FOR THE PURPOSE OF ELECTING A MAYOR AND A CITY COMMISSIONER FOR POSITION NUMBER ONE, AND A CITY COMMISSIONER FOR POSITION NUMBER TWO ON THE CITY COMMISSION TO HOLD OFFICE FOR A PERIOD OF THREE YEARS, DESIGNATING POLLING PLACES, PROVIDING FOR DESIGNATION OF OFFICERS FOR SUCH ELECTION, ORDERING NOTICE OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION, AND PROVIDING FOR OTHER MATTERS RELATING TO THE GENERAL ELECTION**

Commissioner Lori Weaver 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 2010-07. After reading of the caption, Commissioner Lori Weaver moved to approve Resolution 2010-07 of the City Commission of La Feria, Cameron County, Texas, ordering a General Election in the City of La Feria on Saturday, May 8, 2010 for the purpose of electing a Mayor and a City Commissioner for position number one, and a City Commissioner for position number two on the City Commission to hold office for a period of three years, designating polling places, providing for designation of officers for such election, ordering notice of election to be given as prescribed by law in connection with such election, and providing for other

matters relating to the General Election. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO APPROVE THE FIRST AMENDMENT TO THE FINAL FINANCE AND DEVELOPMENT PLAN CREATING A PROPERTY OWNERS ASSOCIATION FOR TAX INCREMENT REINVESTMENT ZONE NUMBER ONE CITY OF LA FERIA DEVELOPMENT PROGRAM**

City Manager Sunny K. Philip explained that the Tax Increment Reinvestment Zone Board met last week and approved an amendment to the Final Finance and Development Plan, which creates a Property Owners Association and the bylaws for the association. The creation of a Property Owners Association will score additional points on funding applications. Commissioner John Betancourt moved to approve the First Amendment to the Final Finance and Development Plan creating a Property Owners Association for Tax Increment Reinvestment Zone Number One City of La FERIA development program. 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 January 2010

- Revenue and Expenditure Report
- Performance Indicators
- Investment Report
- Tax Collection Report

Mayor Steve Brewer announced that the 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 551.071 TO CONSULT WITH CITY ATTORNEY REGARDING ISSUANCE OF SPECIFIC USE PERMIT TO ALLIED WASTE; 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 (Closed) Session at 7:18 P.M. After Executive Session deliberations, Mayor Brewer declared the meeting back in open session at 7:58 P.M.

After Executive Session deliberations, the Commission considered items 5 and 6 as follows:

**DISCUSSION REGARDING BIDS RECEIVED ON THE FOLLOWING PROPERTIES STRUCK OFF TO CAMERON COUNTY, FOR ITSELF AND OTHER TAXING JURISDICTIONS FROM A TAX RESALE CONDUCTED ON NOVEMBER 3, 2009**

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City Manager Sunny K. Philip said this was a discussion item only which was discussed prior to adjourning to the Executive Session and no action was necessary.

**DISCUSSION AND POSSIBLE ACTION ON THE RESOLUTION APPROVING THE VARIOUS BIDS RECEIVED ON THE TAX RESALE CONDUCTED ON NOVEMBER 3, 2009 FOR THE ABOVE MENTIONED PROPERTIES**

City Manager Sunny K. Philip recommended that the Commission deny the resolution. Commissioner Angelica P. Baldivia moved to deny the resolutions for the various bids received on the tax resale conducted on November 3, 2009 for the above mentioned properties. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

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

Commissioner Lori Weaver moved to appoint the City Manager to negotiate on behalf of the City for the purchase of property. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**REPORTS BY STAFF**

- **Fiesta de La Feria-February 27, 2010 – Visitors' Guide production – Fiesta Day activities – Program Outreach**
- **Kelly Miller Circus – March 8, 2010 ( Two performances 6:00 P.M. & 8:30 P.M.**
- **Water and Wastewater System Improvements Projects**
- **USDA Funding Applications**
- **Disaster Recovery Funded Projects**

City Manager Sunny K. Philip reported on the following:

- The Fiesta de La Feria will be held on Saturday, February 27, 2010. The visitor's guide publication contains the Fiesta Day activities in the centerfold of the guide. There are three stages, one on Commercial, one on Primrose, and one in the old theater building where the arts and crafts will be held.

- The Kelly Miller Circus is on March 8, 2010. There will be two performances, one at 6:00 P.M. and one at 8:30 P.M. Tickets are available at City Hall and the Library. This is a fundraiser for the Library.
- There will be a final inspection on March 4, 2010 on the water and wastewater system improvement projects. The completion deadline is March 31, 2010. Staff will be placing a resolution on the City Commission agenda to accept the wastewater treatment plant and the filter project at the next meeting.
- The effluent water coming from the new wastewater treatment plant is in full compliance with the TCEQ parameters. The application submitted to TCEQ for the renewal of the permit of the old wastewater treatment plant has been approved on the same parameters.
- SLC has made good progress on the sewer lines project. They are still behind approximately 30 days.
- One of the applications submitted to USDA was for solar power for City Hall, the library and the fire station. USDA has asked that the City submit a full application on this project. The City also submitted an application for a training facility and they have asked that the City submit a full application on this project, as well. All the other applications have been submitted to Temple for review.
- Disaster Recovery Funded Projects - Staff will be meeting with the engineering staff selected to do the environmental on the paving package on Friday.
- The City submitted an application for Solar Powered Street Lighting through Congressman Ruben Hinojosa's office.

#### **PUBLIC COMMENTS**

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.

#### **ACTION FOR ADJOURNMENT**

There being no further business to conduct, Commissioner John Betancourt 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 8:07 P.M.

**APPROVED:**



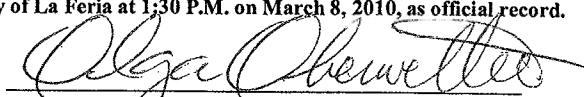
**Steve Brewer, Mayor**

**ATTEST:**



**Olga Oberwetter, City Secretary**

These minutes were prepared and filed with the City of La Feria at 1:30 P.M. on March 8, 2010, as official record.



**Olga Oberwetter, City Secretary**



**CITY COMMISSION REGULAR MEETING**  
**AT THE**  
**CITY COMMISSION MEETING ROOM**  
**TUESDAY, FEBRUARY 23, 2010, AT 6:30 PM**

WELCOME  
PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1	Liana Brewster		
2	Erin Kelly Wise		
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