

**MINUTES OF PROCEEDINGS
CITY COMMISSION
Tuesday, May 25, 2010**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, May 25, 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. 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 6:30 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, MAY 11, 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, May 11, 2010. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO APPROVE RESOLUTION ELECTING A
MAYOR PRO-TEMPORE OF THE CITY OF LA FERIA**

City Manager Sunny K. Philip explained that the City Charter requires that after the election, regardless of whether one was held or cancelled, a Mayor Pro-Tempore needs to be elected for the new year. Commissioner Angelica P. Baldivia nominated Commissioner Lori Weaver to be re-elected as Mayor Pro-Tempore. Commissioner Victor Gonzalez, Jr. seconded the nomination. There were no more nominations, so

Commissioner Angelica P. Baldivia moved to read the resolution by caption only. Commissioner Victor Gonzalez, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commission. City Attorney Miguel D. Wise read the caption of the resolution. After reading of the caption, Commissioner Angelica P. Baldivia moved to approve Resolution 2010-17 electing Commissioner Lori Weaver as the Mayor Pro-Tempore for the next year. Commissioner Victor Gonzalez, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY THE RENEWAL OF SPECIFIC USE PERMIT ISSUED TO R&R TAVERN FOR THE LATE HOUR OPERATION AND SALE OF ALCOHOLIC BEVERAGES

Planning and Community Development Director Irene Szedlmayer called attention to the first page of the Specific Use Permit (SUP) Item #3 and said that the date should be 2003 not 2006. She discussed that 24 parking spaces are required by ordinance for the business and that the property owner needs to paint the parking spaces on the parking lot to prevent the patrons from parking on the lawn. Ms. Szedlmayer added that she had included language from the noise ordinance on Item #22 which states that, "R & R shall adhere to the City Noise Ordinance, Section 8.03.001 of the Chapter 8 of the City's Code of Ordinance. That is, no noise, after 10:00 P.M. which can be heard more than twenty-five feet (25') from R & R Tavern, and which is at such level, intensity or duration to likely cause disturbance to persons of ordinary sensibilities or which is likely to prevent a person from obtaining reasonable and necessary sleep, rest and relaxation shall be permitted at R & R Tavern."

Ms. Szedlmayer also discussed the suggested hours of operation and said that State law allows late hours until 2:00 A.M. seven days a week. R & R is currently open 3:00 P.M. until 2:00 A.M. The City ordinance provides that even with a late hours permit, the business would be allowed to be open until 2:00 A.M. on Saturday only, and 1:00 A.M. on Sunday night through Friday night. Much discussion followed concerning the hours of operation and the Commission decided to table this item to allow staff to revise the ordinance relating to the sale and consumption of alcoholic beverages and also to revise the SUP. City Attorney Miguel D. Wise said that the ordinance could be changed to read 2:00 A.M. every day, and the City Commission could then regulate hours of operation for each business by Specific Use Permit. Commissioner Victor Gonzalez, Jr. moved to table this item and to revise the City's ordinance relating to the sale and consumption of alcoholic beverages to reflect State Law hours and providing for an SUP for late hours and that the SUP for R & R Tavern include the hours of operation to be Wednesday through Saturday open until 2:00 A.M., Sunday open until 12:00 A.M. and Monday and Tuesday open until 1:00 A.M. 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 A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LA FERIA (CITY) AND THE LA FERIA INDEPENDENT SCHOOL DISTRICT (LFISD) FOR THE CONSTRUCTION AND DEVELOPMENT OF IMPROVEMENTS TO SOUTH BEDDOES ROAD AND COST SHARING OF THE PROJECT BETWEEN THE CITY AND LFISD

City Manager Sunny K. Philip explained that the resolution included in the packet is to approve the Interlocal Agreement between the City of La FERIA and the LFISD regarding the construction and development of improvements to South Beddoes Road. The La

Feria School District is building a new elementary school, Sam Houston and planning to open that school in August 2010. Mr. Philip said that since the City does not have any funds available to make the street improvements, the school has agreed to pay half the costs of the improvements and the agreement calls for the LFISD to fund \$307,000 up front so that the street improvements can be finished in time for the school opening. The City will then issue Certificates of Obligation bonds and reimburse the school half of the street improvement costs. The street will be 40' wide with curb and gutter and drainage. The street will be paved to the south of the school and will be gravel up to the lift station. Mr. Philip said that the documents have been reviewed by the two attorneys (City and School) and bond counsel. The design has been completed, and the project is being advertised for bids to be publicly open on June 8, 2010 so the bids will be brought before the City Commission on June 8. Mr. Philip added that the new school will be equipped to be used as a shelter. Mayor Steve Brewer commented that the School and City need to work closer with each other so that when the school wishes to build another school, planning can take place for the infrastructure needed; it was fortunate that the City had the sewer project underway in the general vicinity of the new school or school could have been delayed by at least another year. 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 2010-18. After reading of the caption, Commissioner John Betancourt moved to approve Resolution 2010-18 approving an interlocal agreement between the City of La Feria and the La Feria Independent School District for the construction and development of improvements to South Beddoes Road and cost sharing of the project between the City and the LFISD. 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
INTERVENING IN THE TEXAS GAS SERVICE COMPANY'S REQUEST FOR
A COST OF SERVICE ADJUSTMENT TARIFF (COSA) FOR THE RIO
GRANDE VALLEY SERVICE AREA AND APPLICABLE TO THE
INCORPORATED AREAS OF ALAMO, ALTON, BROWNSVILLE, COMBES,
DONNA, EDCOUCH, EDINBURG, ELSA, HARLINGEN, HIDALGO, LA FERIA,
LA JOYA, LA VILLA, LAGUNA VISTA, LOS FRESNOS, LYFORD, MCALLEN,
MERCEDES, MISSION, PALM VALLEY, PALMHURST, PALMVIEW,
PENITAS, PHARR, PORT ISABEL, PRIMERA, PROGRESO, RANCHO VIEJO,
RAYMONDVILLE, RIO HONDO, SAN BENITO, SAN JUAN, SANTA ROSA,
AND WESLACO, TEXAS**

City Manager Sunny K. Philip explained that a copy of the correspondence received from Lloyd Gosselink Lawfirm was included in the packet. In the past, when the Gas Service Company filed a petition for increasing the rate, all the cities would join together and suspend the rate increase for a certain amount of time. Then they would negotiate with the Gas Company for a better rate. Mr. Philip said that this time they are following a different process under the COSA, going back and recovering some costs instead of looking at future increases. There is no need for cities to suspend an effective date as would be done in previous cases; however, if there is need for City action, a resolution will be presented to the Commission. Commissioner Lori Weaver moved to table this item until further notice. 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 APRIL 2010

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

Finance Director Ms. Maria Chavero reviewed the monthly and year-to-date figures for the month of April which reflected that at this point the budget is balanced. She then reviewed the year-to-date government-wide investment gain which was \$12,904.12 and the year-to-date government wide investment was \$3,764,724.99. Ms. Chavero then reviewed the Current Year Tax Collection and the Delinquent Tax Collection reports, as well as the Comptroller's City Sales and Use Tax Comparison Summary. Commissioner John Betancourt inquired about the increase in Workman's Comp claims as shown on the Performance Indicators. City Manager Sunny K. Philip said there was a rash of minor accidents, but nothing major. It included a bee attack, a toe injury, and some incidents involving some police arrests. 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 7:21 P.M. After Executive Session deliberations, Mayor Brewer declared the meeting back in open session at 8:07 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

- **Ground Breaking Ceremony for Little Lighthouse Children's Rehab Project**
- **Water and Wastewater Improvement Projects**
- **Ribbon Cutting for El Centro Foods on Saturday, June 5, 2010 at 10:00 A.M.**
- **Ribbon Cutting for Colonial Restaurant on Monday, June 7, 2010 at 10:00 A.M.**

City Manager Sunny K. Philip reported on the following:

- The City will be arranging a ground breaking ceremony for the Little Lighthouse Children's Rehab Project as soon as a date is selected.
- SLC, the contractor for the sewer line project, is moving along okay so the project may be complete in 30 or 40 days.
- The Filter Replacement Project work has not started yet, but the contractor has placed the order for the equipment.
- A group of people from EPA in Washington, DC and Region 6 in Fort Worth will visit La Feria. They will be touring San Benito, La Feria, and McAllen.

- El Centro Foods is having a Grand Re-Opening on Saturday, June 5, 2010 at 10:00 A.M. They have made a lot of major improvements to the store.
- The Colonial Restaurant will have a Grand Opening on Monday, June 7, 2010 at 10:00 A.M.

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 Angelica P. Baldivia moved to adjourn the meeting. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.


ADJOURNMENT

Mayor Steve Brewer adjourned the meeting at 8:09 P.M.

APPROVED:


Steve Brewer, Mayor

ATTEST:


Olga Oberwetter, City Secretary

These minutes were prepared and filed with the City of La Feria at 2:45 P.M. on June 5, 2010 as official record.


Olga Oberwetter, City Secretary

CITY COMMISSION REGULAR MEETING

AT THE
CITY COMMISSION MEETING ROOM
TUESDAY, MAY 25, 2010, AT 6:30 PM

WELCOME
PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1	Eva Marchen		
2	Teddy R. H. H.		
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