

**MINUTES OF PROCEEDINGS
CITY COMMISSION
Tuesday, June 8, 2010**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, June 8, 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 at the meeting is attached as a part of the minutes hereof.

At 6:30 P.M., Mayor Steve Brewer gave 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 25, 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, May 25, 2010. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

**REVIEW BID TABULATION AND AWARD CONTRACT TO THE LOWEST
AND MOST QUALIFIED RESPONSIBLE BIDDER FOR THE WIDENING AND
PAVING OF SOUTH BEDDOES ROAD**

City Manager Sunny K. Philip reviewed the bid tabulation for the bids received for the South Beddoes Road paving project. There were five bids received which were publicly opened at 10:00 a.m. today. Mr. Philip said this project would include the street paving, curb and gutter, drainage, and water line extension. The bids were as follows:

TEGA Construction, Inc. 4605 W. University Dr. Edinburg, TX 78539	\$276,903.81
Jimmy Closner & Sons Construction, Inc. P.O. Box 170 Mercedes, TX 78570	\$287,423.40
Leal Construction P.O. Box 157 Olmito, TX 78575	\$297,791.46
Mission Paving P.O. Box 949 Mission, TX 78573	\$333,327.45
JM Construction 3701 Jade Street Weslaco, TX 78596	\$346,552.00

Mr. Philip reviewed the additional information provided by the low bidder TEGA Construction, Inc. in regards to experience with similar projects. It was determined that the requirement of the specifications that called for experience in at least two similar projects was not met, and due to the urgency to complete the street paving prior to the beginning of the school year to allow access to the new Sam Houston Elementary School scheduled to open in August 2010, Mr. Philip and the engineer's recommendation was to go with the second lowest bidder who was Jimmy Closner & Sons Construction, Inc. in the amount of \$287,423.40. Jimmy Closner & Sons Construction, Inc. has done these types of projects before and has done work for the City of La Feria in the past. Commissioner Angelica P. Baldivia moved to award the contract to the second lowest and most qualified responsible bidder Jimmy Closner & Sons Construction, Inc. of Mercedes, Texas for the widening and paving of South Beddoes Road in the amount of \$287,423.40. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

REVIEW BID TABULATION AND AWARD CONTRACT TO THE LOWEST AND MOST QUALIFIED RESPONSIBLE BIDDER FOR THE CONSTRUCTION OF FIVE SINGLE FAMILY HOMES THROUGH FUNDING FROM THE OWNER OCCUPIED HOUSING REHABILITATION/ RECONSTRUCTION PROGRAM OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA)

City Manager Sunny K. Philip reviewed the bids received for the construction of five single family homes. He said Langford Community Management Services prepared the application for \$300,000, which later was increased to \$375,000 for the reconstruction of these homes funded through the Texas Department of Housing and Community Affairs (TDHCA). Megamorphosis Architecture and Interior Design designed three sets of plans and staff selected two; Plan A for four homes and Plan C for one home. Mr. Philip explained that the award of contract should be made subject to the contractor providing the required performance bond. The bids were as follows:

Bidder	Base Bid A	Base Bid C	Alternate 1 Foam Insulation	Alternate 2 1 Add. Restroom	Alternate 3 Concrete Drive	Alternate 4 Sod Grass
G & M Construction P.O. Box 969 Mercedes, 78570	\$312,800.00	\$70,150.00	\$ 550.00	\$2,500.00	\$1,700.00	\$1,500.00
Comm-Tech Group 6211 N. 42 nd Ln. McAllen, 78504	\$300,276.00	\$73,314.00	\$ 700.00	\$ 850.00	\$ 900.00	\$ 800.00
Construction Cynergy, LLC 3874 Limmer Loop Hutto, 78634	\$271,286.00	\$97,729.60	\$2,559.98	\$3,875.67	\$1,350.00	\$ 725.00
Architecture for Charity of Tex. 301 Mexico Blvd. A-3-A-212A Brownsville, 78520	\$223,796.28	\$54,133.61	\$1,410.40(C) \$1,340.82(A)	No Bid (C) \$1,589.27 (A)	\$ 634.00 (C) \$ 634.00 (A)	\$ 450.00 (C) \$ 450.00 (A)
J & B Remodelers 820 S. Louisiana Weslaco, 78596	\$189,200.00	\$47,300.00	\$ 800.00	\$3,800.00	\$1,800.00	\$2,300.00

Mr. Philip recommended award of contract to the low bidder J & B Remodelers in the amount of \$264,700.00 total which included the base bid for the four homes (\$189,200.00), the base bid for the one home (\$47,300.00), Alternate #1 for all five homes (\$4,000.00), Alternate #2 for all four Plan A homes (\$15,200), and Alternate #3 for all five homes (\$9,000.00). Commissioner Victor Gonzalez, Jr. moved to award contract to the low bidder J & B Remodelers in the amount of \$264,700.00 total which included the base bids and alternates 1, 2, and 3. 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 AN ORDINANCE OF THE CITY OF LA FERIA TEMPORARILY CLOSING CERTAIN AND SPECIFIED STREETS WITHIN THE LIMITS OF THE CITY OF LA FERIA AND MODIFYING TRAFFIC PATTERNS ON CERTAIN STREETS FOR THE PURPOSE OF ENSURING THE SAFETY AND GENERAL WELFARE OF THE PUBLIC DURING THE CITY OF LA FERIA'S FOURTH OF JULY PARADE AND CELEBRATION WHICH WILL BE HELD ON SATURDAY, JULY 3, 2010 AT THE VETERAN'S MEMORIAL SPORTS COMPLEX FROM 5:00 TO 10:00 P.M.

City Manager Sunny K. Philip explained that a copy of the ordinance was included in the Commission's packet and that it was similar to the ordinance approved in prior years for the July Fourth Celebration. Commissioner John Betancourt 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 2010-04. After reading of the caption, Commissioner Lori Weaver moved to approve Ordinance 2010-04 temporarily closing certain and specified streets within the limits of the city of La Feria and modifying traffic patterns on certain streets for the purpose of ensuring the safety and general welfare of the public during the City of La Feria's Fourth of July Parade and Celebration which will be held on Saturday, July 3, 2010 at the Veteran's Memorial

Sports Complex from 5:00 to 10:00 P.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 AN ORDINANCE OF THE CITY OF LA FERIA, TEXAS AUTHORIZING THE CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE VETERAN'S MEMORIAL SPORTS COMPLEX DURING THE HOURS OF CELEBRATION ON JULY 3, 2010 OR ON AN ALTERNATE DATE SELECTED BY THE EVENT PLANNING COMMITTEE FOR THE FOURTH OF JULY PARADE AND CELEBRATION

City Manager Sunny K. Philip explained that on previous years the City Commission approved the sale of alcohol as a fundraiser at the Veteran's Memorial Sports Complex during the Fourth of July Celebration. The sales did not yield a profit, so the Planning Committee was not planning to sell alcohol this year; however, an ordinance is needed to allow the consumption of alcohol at the park during the celebration. Commissioner Lori Weaver moved to read the ordinance 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 Ordinance 2010-05. After reading of the caption, Commissioner Lori Weaver moved to approve Ordinance 2010-05 authorizing the consumption of alcoholic beverages at the Veteran's Memorial Sports Complex during the hours of celebration on July 3, 2010 or on an alternate date selected by the Event Planning Committee for the Fourth of July Parade and Celebration. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDER AND TAKE ACTION TO APPROVE A FIREWORKS DISPLAY AS PART OF THE FOURTH OF JULY CELEBRATION TO BE HELD ON JULY 3, 2010 AT THE VETERANS MEMORIAL SPORTS COMPLEX

City Manager Sunny K. Philip explained that this action is needed to avoid being in violation of the City's ordinance that prohibits fireworks. Mayor Steve Brewer commented that the fireworks display was great last year and staff did a great job with it. Commissioner John Hernandez moved to approve a fireworks display as part of the Fourth of July Celebration to be held on July 3, 2010 at the Veterans Memorial Sports Complex. 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 ORDINANCE AMENDING CERTAIN PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF LA FERIA RELATING TO THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES DURING CERTAIN "LATE HOURS;" AND PROVIDING AN EFFECTIVE DATE

Planning and Community Development Director Irene Szedlmayer explained that the current ordinance regarding alcoholic beverages during "late hours" allows the sale of alcohol until 2 a.m. Saturday only, which technically would be 2 a.m. Sunday. On all other days, it allows the sale of alcoholic beverages until 1 a.m. The proposed ordinance will allow the sale of alcoholic beverages until 2 a.m. seven days a week; however, the City Commission will consider any requests for "late hours" on a case by case basis and they can establish the hours that would best protect the public's interests. Commissioner Lori Weaver moved to read the ordinance 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 Ordinance 2010-06. After reading of the caption, Commissioner Lori Weaver moved to approve Ordinance 2010-06 amending certain provisions of the Code of Ordinances of the City of La Feria relating to the sale and consumption of alcoholic beverages during certain "Late Hours;" and providing an effective date. 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 THE RENEWAL OF SPECIFIC USE PERMIT ISSUED TO R&R TAVERN FOR THE LATE HOUR OPERATION AND SALE OF ALCOHOLIC BEVERAGES AND AUTHORIZING THE MAYOR TO EXECUTE THE SUP ORDER

Planning and Community Development Director Irene Szedlmayer explained that the changes regarding late hours in the Specific Use Permit for R & R Tavern (from the one presented at the previous meeting) were on page 3, items 20 and 21. Item 20 permits the sale of alcohol until 2:00 a.m. on Wednesday, Thursday, Friday, and Saturday nights (from 12:00 midnight until 2:00 a.m. on Thursday, Friday, Saturday, and Sunday mornings). Item 21 permits the sale of alcohol until 1:00 a.m. on Sunday, Monday, and Tuesday nights (from 12:00 midnight until 1:00 a.m. on Monday, Tuesday, and Wednesday mornings). Commissioner Victor Gonzalez, Jr. moved to approve the renewal of the Specific Use permit issued to R & R Tavern for the late hour operation and sale of alcoholic beverages and authorizing the Mayor to execute the SUP Order. 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 AMENDING CERTAIN PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF LA FERIA RELATING TO THE JUNKED VEHICLES AND PROVIDING AN EFFECTIVE DATE

City Manager Sunny K. Philip explained that this ordinance is needed to clarify the language in Section 8.04.001 of the City of La Feria Code of Ordinances as regards the definition of a junked vehicle. The proposed ordinance requires that both the license plate sticker and inspection sticker be expired and that the vehicle also meet one of the other conditions as specified in the ordinance, before it can be tagged as a "junked vehicle." 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 2010-07. After reading of the caption, Commissioner Angelica P. Baldivia moved to approve Ordinance 2010-07 amending certain provisions of the Code of Ordinances of the City of La Feria relating to the junked vehicles and providing an effective date. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission.

At this point in the meeting, City Attorney Miguel D. Wise asked to go back to Item No. 10 of the agenda and stated that, "For legislative history purposes on the record, I want to establish that when the City Commission approved Ordinance 2010-06, that that ordinance requires that the tavern owner has an effective or unexpired or current retail dealers on-premise late hours license."

On Item No. 11 City Attorney Miguel D. Wise stated that, "For legislative history purposes on the record, as well, I want to establish that it is the order of this Commission

in issuing or granting this Specific use Permit that the person applying for the Specific Use Permit actually has a retail dealer's on-premise late hours license that is current and not expired and in the event that during the term of the Specific Use Permit that should that retailer lose that license that the SUP is revoked."

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 (closed) session at 7:28 P.M. After executive session deliberations, Mayor Brewer declared the meeting back in open session at 8:00 P.M.

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

Mayor Steve Brewer announced that there was one action necessary as a result of the executive (closed) session deliberations. City Manager Sunny K. Philip said that the City is contemplating the purchase of approximately 39 acres of property on the south side of town for future economic development and asked the Commission to authorize entering into a contract for said property owned by Ralph and Janet Brooks. Commissioner Angelica P. Baldivia moved to authorize the City Manager to enter into a contract for the purchase of approximately 39 acres of property on the south side of town for future economic development owned by Ralph and Janet Brooks. 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 WATER DEVELOPMENT BOARD FOR FUNDING THROUGH THE FLOOD MITIGATION ASSISTANCE PROGRAM

City Manager Sunny K. Philip explained that this resolution would authorize the submission of an application in the amount not to exceed \$22 million to the Texas Water Development Board for review by the Federal Emergency Management Administration (FEMA). (City Secretary Olga Oberwetter left the room at this point in the meeting to print out the resolution for distribution to the City Commission and staff.) Mr. Philip added that the idea is to buy out some of the properties that were damaged by flood waters and relocate the residents. The area could then be used for retention ponds for flood management. Action on this item was considered after the distribution of the resolution and completion of "Reports by Staff."

CONSIDER AND TAKE ACTION TO APPROVE OR DENY RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TEXAS DEPARTMENT OF RURAL AFFAIRS FOR FUNDING THROUGH THE DISASTER RECOVERY ENHANCEMENT PROGRAM

City Manager Sunny K. Philip asked that this item be tabled until further notice. Commissioner Angelica P. Baldivia moved to table this item. Commissioner Lori

Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission.

REPORTS BY STAFF

- **Ground Breaking Ceremony for Little Lighthouse Children's Rehab Project**
- **Summer Youth Program**
- **Aquatics Program**
- **Water and Wastewater Improvements Projects**
- **Safe Routes to School Grant**
- **La Feria visit from Environmental Protection Agency (EPA) officials from Washington, DC and Region 6 Office in Fort Worth, Texas**

City Manager Sunny K. Philip reported on the following:

- The City will schedule a Ground Breaking Ceremony for the Little Lighthouse Children's Rehab Project as soon as a convenient date is selected.
- The Summer Youth Program began on June 1 and will end on July 1. There are 246 children registered in the program. The school provides the breakfast and lunch for the participants and the City funds the Director and staff.
- The Aquatics Program flyer was included in the packet.
- The contractor doing the wastewater collection system is moving along good.
- The water plant filter replacement project has not been started yet, but the contractor has ordered all the items.
- A Safe Routes to School Grant was awarded to La Feria in the amount of \$500,000.00.
- La Feria had a visit from EPA officials from Washington, DC, the Region 6 Director and three of his associates, and one person from BECC. They were here to see what La Feria has done with the EDAP funding and also to see about future needs. They toured the wastewater treatment plant, the water treatment plant and the nature park.

After the reports by staff, Mayor Brewer called for action on Item 15.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD FOR FUNDING THROUGH THE FLOOD MITIGATION ASSISTANCE PROGRAM

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 Miguel D. Wise read the caption of Resolution 2010-19. After reading of the caption, Commissioner John Betancourt moved to approve Resolution 2010-19 authorizing the submission of an application to the Texas Water Development Board for funding through the Flood Mitigation Assistance Program. Commissioner Victor Gonzalez, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commission.

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 Lori Weaver 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 8:15 P.M.

APPROVED:



Steve Brewer, Mayor

ATTEST:



Olga Oberwetter, City Secretary

These minutes were prepared and filed with the City of La Feria at 9:15 A.M. on June 22, 2010, as official record.



Olga Oberwetter, City Secretary

CITY COMMISSION REGULAR MEETING

AT THE

CITY COMMISSION MEETING ROOM

TUESDAY, JUNE 8, 2010, AT 6:30 PM

WELCOME

PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1	Ms Wright		
2	E. Mancera		
3	Rosa Turner		
4	Liana Brewer		
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