

**MINUTES OF PROCEEDINGS  
CITY COMMISSION  
Tuesday, July 27, 2010**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, July 27, 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
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. 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 John Betancourt 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.

Commissioner Lori Weaver moved to excuse the absences of Commissioner John Hernandez and Commissioner Victor Gonzalez, Jr. from the previous City Commission meeting. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**REVIEW AND TAKE ACTION TO APPROVE MINUTES OF PROCEEDINGS  
OF THE REGULAR MEETING OF THE CITY COMMISSION HELD ON  
TUESDAY, JULY 13, 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, July 13, 2010. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

**REVIEW AND TAKE ACTION TO CONFIRM THE MINUTES OF  
PROCEEDINGS OF THE PREVIOUS SPECIAL MEETING OF THE LA FERIA**

**INDUSTRIAL DEVELOPMENT CORPORATION (LFIDC) HELD ON THURSDAY, JUNE 10, 2010**

After review of the minutes, Commissioner John Betancourt moved to approve the minutes of proceedings of the previous special meeting of the La Feria Industrial Development Corporation (LFIDC) held on Thursday, June 10, 2010. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

**PUBLIC HEARING TO RECEIVE INPUT REGARDING A REQUEST BY SANTIAGO LOYA, DBA VALLEY ENTERTAINMENT, TO RENEW THE SPECIFIC USE PERMIT (SUP) TO OPERATE A GAME HALL LOCATED AT 805 WEST BUSINESS HIGHWAY 83, LA FERIA, TEXAS**

Mayor Steve Brewer declared the public hearing open at 6:33 P.M. City Manager Sunny K. Philip said there had been no complaints filed concerning Valley Entertainment. Planning and Community Development Director Ms. Irene Szedlmayer presented a letter from Mr. Jimmy (Santiago) Loya requesting that the Commission, if granting his SUP, would also consider an extension on the hours of operation, from 12:00 A.M. to 2:00 A.M. on Friday and Saturday nights. She reviewed the zoning and the fees associated with operating a game hall, and said that Mr. Loya had paid all the fees today. Ms. Mary Beth Wright inquired as to the number of machines in the establishment. Mr. Philip responded that there were 70 machines. There being no further comments, Mayor Steve Brewer declared the public hearing closed at 6:36 P.M.

**CONSIDER AND TAKE ACTION TO APPROVE OR DENY REQUEST BY SANTIAGO LOYA, DBA VALLEY ENTERTAINMENT, TO RENEW THE SPECIFIC USE PERMIT (SUP) TO OPERATE A GAME HALL LOCATED AT 805 WEST BUSINESS HIGHWAY 83, LA FERIA, TEXAS, AND AUTHORIZING THE MAYOR TO EXECUTE THE SUP.**

City Manager Sunny K. Philip recommended the approval of the SUP to Santiago Loya, dba Valley Entertainment, with the addition of the extended hours if the Commission so desired. Planning and Community Development Director Ms. Irene Szedlmayer suggested the following amendments to the SUP: remove the requirement that all machines be in public view from the front door due to the partition that is in place to comply with the "no smoking area requirement" of the ordinance; suspend application of Section 6 (c) of the ordinance regarding 3 feet minimum spacing between machines; require that the operator maintain his state coin operated machine certification, the State Amusement Tax and Occupation Tax current or the SUP will be null and void. Mr. Philip reminded the Commission that the change on the 3-foot distance was made on the SUP and not the ordinance, and that by addressing these items on the SUP instead of the ordinance, the City Commission has the option to address each application and place the needed conditions to each case. Commissioner Angelica P. Baldivia inquired if the letter from Mr. Loya would suffice as the request for the additional hours or would he have to complete a new application for renewal. Mayor Steve Brewer responded that the letter would suffice and that the motion should be made with the extended hours, as well as the recommendations made by Ms. Szedlmayer. Commissioner Lori Weaver moved to approve the request by Santiago Loya, dba Valley Entertainment, to renew the Specific Use Permit (SUP) to operate a game hall located at 805 West Business Highway 83, La Feria, Texas, with the extended hours requested and the provisions stated by Ms. Szedlmayer, and authorizing the Mayor to execute the SUP. 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 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 INCLUDING THE CITY OF LA FERIA.**

City Manager Sunny K. Philip explained that the recommendation from the STAP attorneys was to take no action on this item, since the increase in the Cost of Service Adjustment Tariff (COSA) was small and to litigate a challenge to it would cost more than the increase. He introduced Mr. Dean La Fever, Director of Rio Grande Valley Texas Gas Service Company and asked if he would like to comment. Mr. La Fever responded that Mr. Philip had explained it well. Commissioner Lori Weaver moved to take no action on this item. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO ACCEPT THE CERTIFIED APPRAISAL ROLL SUBMITTED BY CAMERON APPRAISAL DISTRICT.**

City Manager Sunny K. Philip explained that the copy of the Certification submitted by the Appraisal District was included in the Commission packets. He discussed the net taxable value and said that the net taxable value figure would be used for calculating the Effective Tax Rate and the Rollback Tax Rate. Commissioner John Hernandez moved to accept the Certified Appraisal Roll submitted by Cameron Appraisal District. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO APPOINT THE CITY OF LA FERIA TAX ASSESSOR/COLLECTOR TO CALCULATE AND PUBLISH THE EFFECTIVE TAX RATE FOR TAX YEAR 2010.**

City Manager Sunny K. Philip explained that the appointment of a Tax Assessor/Collector is an annual event. Commissioner Lori Weaver moved to appoint City Manager Sunny K. Philip as the La Feria Tax Assessor/Collector to calculate and publish the Effective Tax Rate for the tax year 2010. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO APPROVE PROPOSED SCHEDULE FOR BUDGET DEVELOPMENT AND APPROVAL**

City Manager Sunny K. Philip said this schedule was prepared on the assumption that there would not need to be any special meetings held. After review of the schedule, Commissioner Victor Gonzalez, Jr. moved to approve the proposed schedule for budget development and approval. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO ACCEPT CERTIFICATION OF ANTICIPATED FY 2010/2011 TAX YEAR COLLECTION RATE**

Commissioner Lori Weaver moved to accept Certification of Anticipated FY 2010/2011 Tax Year Collection Rate. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO ACCEPT CERTIFICATION OF ANTICIPATED FY 2010/2011 DEBT SERVICE**

Commissioner John Hernandez moved to accept Certification of Anticipated FY 2010/2011 Debt Service. 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 ELECTING FOR THE CITY TO MAKE CURRENT SERVICE AND PRIOR SERVICE CONTRIBUTIONS TO THE CITY'S ACCOUNT IN THE MUNICIPAL ACCUMULATION FUND OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM AT THE ACTUARIALLY DETERMINED RATE OF TOTAL EMPLOYEE COMPENSATION**

City Manager Sunny K. Philip explained that the City joined the Texas Municipal Retirement System several years ago, with a one to one match, employee and city. The employees contribute 7% towards the plan, but the City's match is higher due to the prior service credit option and other factors. The statutory maximum set by the TMRS Act is 9.50%. If the TMRS minimum required contribution rate exceeds that limit, unless the City takes additional action as permitted under the TMRS Act, it will not be meeting the minimum contribution requirements to fund its TMRS plan. With the removal of the statutory rate limit, La Feria's full contribution rate for 2011 will be 11.78% and the phase-in rate will be 9.90% (these rates include the cost of Supplemental Death Benefits). Commissioner John Betancourt 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 2010-11. After reading of the caption, Commissioner John Betancourt moved to approve Ordinance 2010-11 electing for the City to make current service and prior service contributions to the City's account in the Municipal Accumulation Fund of the Texas Municipal Retirement System at the actuarially determined rate of total employee compensation. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

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

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

Finance Director Ms. Maria Chavero greeted the Commission and asked if any of them had any questions on the reports before she started the review of the monthly financial reports for the month of June 2010. Mayor Steve Brewer responded that the Warrants Performance Indicators on Page 9 of the report showed a very high number of warrants outstanding. Mayor Brewer asked what the plan would be to get those outstanding warrants in. Ms. Chavero said that the amnesty program is generally run during the early part of the year when people have received their income tax return checks and are more inclined to pay. Mayor Brewer said there are other companies that also collect warrants for a fee. Discussion followed as to the age of the warrants and whether or not some of the warrants need to be written off with concentration on those that can actually be collected. City Manager Sunny K. Philip said the City could look into three different options, one would be to see if a local company could do a better job of collecting; another would be to start a new program with the license or license registration. Other

discussion involved the drop in the number of water accounts. Finance Director Ms. Maria Chavero then reviewed the Budget vs. Actual Report, the Investment Report, current taxes collected and the delinquent taxes collected. She also reviewed the City's Sales and Use Tax Comparison Summary. After review, Mayor 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 551.072 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 that no Executive (Closed) Session would be needed. Commissioner John Betancourt moved to table this item. Commissioner Lori Weaver 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**

Since no Executive Session was held, there was no action needed for this item.

**REPORTS BY STAFF**

- **Ground Breaking Ceremony for Streets and Generators Project**
- **Water and Wastewater Improvement Projects and funding requests**

City Manager Sunny K. Philip reported on the following:

- The Ground Breaking Ceremony for the Generators and Streets Project was held yesterday (July 26, 2010). The contractor for the Streets Project, Leal Construction is working to complete 9<sup>th</sup> Street before school starts.
- The Water and Wastewater Improvements Projects – The City has applications pending before the Texas Water Development Board (TWDB), the United States Department of Agriculture (USDA), the Border Environment Cooperation Commission (BECC), and the North American Development Bank (NADB)

Mayor Steve Brewer congratulated City Staff for all their work for the rescheduled Fourth of July celebration.

Commissioner Victor Gonzalez, Jr. asked that the City contact Whataburger and work with them to monitor their sprinkler system so that it does not impact the newly paved 9<sup>th</sup> street.

The generators are on order, and it will be two or three months before they will start to be put in place.

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

**ADJOURNMENT**

Mayor Steve Brewer adjourned the meeting at 7:20 P.M.

**APPROVED:**


A handwritten signature in black ink, appearing to read "Steve Brewer", written over a horizontal line.

**Steve Brewer, Mayor**

**ATTEST:**

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**Olga Oberwetter, City Secretary**

These minutes were prepared and filed with the City of La Feria at 11:00 A.M. on August 9, 2010, as official record.

A handwritten signature in black ink, appearing to read "Olga Oberwetter", written over a horizontal line.  
**Olga Oberwetter, City Secretary**

**CITY COMMISSION REGULAR MEETING**

AT THE

CITY COMMISSION MEETING ROOM

**TUESDAY, JULY 27, 2010, AT 6:30 PM**

WELCOME

PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1	Robert Zuel		
2	Chimaco Gonzales		
3	Jimmy Loya		
4	MB Wright		
5	Stefania Trimboli		
6	Liana Brewer		
7	Weston Brewer		
8	Dean LaFave		
9	Lalo Sosa		
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