

**MINUTES OF PROCEEDINGS
CITY COMMISSION
Tuesday, September 28, 2010**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, September 28, 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
Ms. Maria Chavero	Finance Director
Ms. Irene Szedlmayer	Planning and Community Dev. Dir.
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 Hernandez 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, SEPTEMBER 14, 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, September 14, 2010. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO AUTHORIZE THE SUBMISSION OF
APPLICATIONS FOR FUNDING TO THE TEXAS WATER DEVELOPMENT
BOARD UNDER THE CLEAN WATER STATE REVOLVING LOAN FUND
PROGRAM AND THE DRINKING WATER STATE REVOLVING LOAN FUND
PROGRAM FOR WATER AND WASTEWATER SYSTEM IMPROVEMENTS.**

City Manager Sunny K. Philip referenced two invitation letters from the Texas Water Development Board (TWDB) which were received today and distributed to the City Commission tonight. Mr. Philip explained that the City applied for funding and the

amounts on the approved list are \$10,705,000.00 for Clean Water (sewer) and \$13,455,624.00 for Drinking Water for a total of \$24,160,624.00. The letters received from TWDB show that the amount of funding available at this time is \$8,381,340.00 for the Clean Water (sewer) and \$7,167,700.00 for Drinking Water for a total of \$15,549,040.00. Mr. Philip identified on a map some of the areas that would be improved using these funds. Two colonias would also be included in this project. They are the Alto Real and the Bixbie area colonias. Mr. Philip then introduced Mr. Juan Gamez with the engineering firm of Sigler Winston Greenwood & Associates, who was very instrumental in answering many of the technical questions. Mr. Philip said this is not a done deal yet, the City still needs to convince them that the City can do this in a short period of time; the project needs to be completed in two years. He also introduced Utilities Board members Betty Jo Dunlap and Adolfo Lopez. Mr. Lopez and Ms. Dunlap said a few words in support of the project. Commissioner Victor Gonzalez, Jr. moved to authorize the submission of applications for funding to the Texas Water Development Board under the Clean Water State Revolving Loan Fund Program and the Drinking Water State Revolving Loan Fund Program for water and wastewater system improvements. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

At this time, Mayor Steve Brewer introduced Mr. Julian Alvarez from Senator Kay Bailey Hutchison's office, who is a U. S. Senator in Washington, DC.

WORKSHOP:

- **CITY OF LA FERIA BUDGET FOR FISCAL YEAR 2010-2011**
- **CERTIFICATE OF OBLIGATION ISSUE 2010/2011**

City Manager Sunny K. Philip presented the City of La Feria Budget for fiscal year 2010-2011. He said that this is a balanced budget, and since the City has operated with a very lean budget, there is no room to make any cuts. Mr. Philip and Finance Director Ms. Maria Chavero reviewed the budget summary with the Commission. Among other items discussed, Mr. Philip said the budget includes an increase in water and sewer rates with residential water rates increasing by \$1.00 and sewer rates increasing by \$2.00; however, the tax rate will remain the same at \$0.70/100. The General Fund Budget for this fiscal year is \$3,958,794.00. Mr. Philip and Ms. Chavero also reviewed the Special Revenue Funds, the Capital Projects Funds, and the Component Units. The overall budget for this fiscal year is \$13,927,968.00 in revenues and \$15,453,912.00 in expenditures with total expenditures showing the use of prior year financing sources. Mr. Philip added that the City is looking at two additional bond issues because of improvements to a small park on the north side of town and improvements to the Sports Complex area. There will be approximately \$359,000.00 needed for the library expansion and also if the SECO grant is received, that will require a match of about \$400,000.00. There are also other applications pending with agencies that might require additional match. The Certificate of Obligations Issue of 2010/2011 is not included in this budget, and this item will be brought before the Commission at a later date. After review of the budget, Commissioner Victor Gonzalez, Jr. inquired if the budget included any increase for employees. The response was no, that there was no increase included. Commissioner Gonzalez said that the surplus of \$58,331.00 in the General Fund Budget should be used to give the employees an increase of at least one-percent. Ms. Maria Chavero said that 2 percent would be \$46,000.00. One and a half percent would be \$35,000.00. The Commission was of the consensus of increasing employees' pay by one and a half percent. There was no action necessary as a result of the workshop presentation.

CONSIDER AND TAKE ACTION TO APPROVE THE BUDGET FOR THE CITY OF LA FERIA FOR FISCAL YEAR 2010/2011

Commissioner Lori Weaver moved to approve the budget for the City of La FERIA fiscal year 2010/2011 with a 1 ½ % increase in pay for all employees. Commissioner Victor Gonzalez, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDER AND TAKE ACTION TO CONFIRM THE BUDGETS OF THE LA FERIA UTILITIES BOARD, LA FERIA INDUSTRIAL DEVELOPMENT CORPORATION, LA FERIA ECONOMIC DEVELOPMENT CORPORATION, THE LA FERIA PUBLIC LIBRARY AND THE LA FERIA TAX INCREMENT REINVESTMENT ZONE NO. 1 FOR FISCAL YEAR 2010/2011

City Manager Sunny K. Philip explained that these budgets are all included in the Budget Book distributed to the Commission, and were all reviewed tonight in the budget summary. Commissioner Angelica P. Baldivia moved to confirm the budgets of the La FERIA Utilities Board, La FERIA Industrial Development Corporation, La FERIA Economic Development Corporation, the La FERIA Public Library and the La FERIA Tax Increment Reinvestment Zone No. 1 for fiscal year 2010/2011. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDER AND TAKE ACTION TO APPROVE/DENY AN ORDINANCE OF THE CITY OF LA FERIA ESTABLISHING THE AD VALOREM TAX RATE, INCLUDING MAINTENANCE AND OPERATION AND INTEREST AND SINKING FUND TAX RATES FOR THE 2010 TAX YEAR, DISALLOWING DISCOUNT FOR EARLY PAYMENT OF 2010 TAXES AND AUTHORIZING THE TAX ASSESSOR /COLLECTOR TO COLLECT 2010 TAXES

City Manager Sunny K. Philip said this ordinance is similar to prior years' ordinances approved by the City Commission with the exception that the figures for maintenance and operations and the long-term debt retirement are different. The tax rate is the same of \$0.70 per \$100 of property value with \$0.3575/\$100 of said rate used for long-term debt retirement and the remaining \$0.3425/\$100 to be used for maintenance and operations. 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. Planning and Community Development Director Ms. Irene Szedlmayer read the caption of Ordinance 2010-14. After reading of the caption, Commissioner Victor Gonzalez, Jr. moved to approve Ordinance 2010-14 establishing the ad valorem tax rate, including maintenance and operation and interest and sinking fund tax rates for the 2010 tax year, disallowing discount for early payment of 2010 taxes and authorizing the Tax Assessor /Collector to collect 2010 taxes. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDER AND TAKE ACTION TO APPROVE/DENY A RESOLUTION OF THE CITY OF LA FERIA, TEXAS APPROVING THE TAX ROLL FOR THE CITY OF LA FERIA, AND AUTHORIZING THE TAX ASSESSOR/ COLLECTOR OF THE CITY OF LA FERIA TO IMPLEMENT AND BEGIN THE COLLECTION OF TAXES FOR TAX YEAR 2010

City Manager Sunny K. Philip said the Tax Roll for the City of La FERIA is \$1,243,364.00. 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. Planning and Community Development Director Ms. Irene Szedlmayer read the caption of Resolution 2010-26. After reading of the caption, Commissioner Lori Weaver moved to approve Resolution 2010-26 approving the tax roll for the City of La Feria, and authorizing the Tax Assessor/Collector of the City of La Feria to implement and begin the collection of taxes for 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/DENY AN ORDINANCE OF THE CITY OF LA FERIA AMENDING WATER AND SANITARY SEWER REGULATIONS; ESTABLISHING STANDARD RATES FOR WATER AND SANITARY SEWER SERVICES; PROVIDING FOR THE METERING OF WATER DELIVERED; SETTING ALL OTHER FEES AND CHARGES RELATED TO WATER AND SANITARY SEWER SERVICES; PROVIDING FOR A SAVING CLAUSE; PROVIDING FOR THE EFFECTIVE DATE; PROVIDING FOR THE PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

City Manager Sunny K. Philip said the ordinance calls for an increase in water rates of \$1.00 and an increase in sewer rates of \$2.00 in the residential categories. The Waterworks and Sewer System needs the increase to meet its financial obligations. 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. Planning and Community Development Director Ms. Irene Szedlmayer read the caption of Ordinance 2010-13. After reading of the caption, Commissioner Lori Weaver moved to approve Ordinance 2010-13 amending water and sanitary sewer regulations; establishing standard rates for water and sanitary sewer services; providing for the metering of water delivered; setting all other fees and charges related to water and sanitary sewer services; providing for a saving clause; providing for the effective date; providing for the publication and ordaining other matters related to the foregoing. 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 ESTABLISHING A REVISED FEE SCHEDULE AND BASIS OF CHARGES FOR CODE ENFORCEMENT RELATED CHARGES, INCLUDING MOWING AND NUISANCE REMOVAL

City Manager Sunny K. Philip asked Planning and Community Development Director Ms. Irene Szedlmayer to explain this item. Ms. Szedlmayer said that currently there is an amendment to the Code of Ordinances that establishes the fees that the City charges for items such as subdivision review, rezoning requests, building permit applications, etc. Staff is recommending that the new fee for code compliance activities on private property be increased from \$50.00 per lot to \$100.00 per lot, plus \$50.00 per employee hour. If heavy equipment is required, an additional fee will be charged for that. Mr. Philip said that there is a published rate for the equipment, which is a standard rate set by the State, and the City will follow that. Mayor Steve Brewer inquired whether the City looked at different rates for commercial lots. Ms. Szedlmayer responded that staff did not include that in the recommendation. Ms. Szedlmayer explained that the \$50.00 per employee hour fee would take into account the size of the lot. Mr. Philip said his recommendation would be to start with the new proposed fee structure, and if that still does not encourage

property owners to mow their properties, staff will revise the fee schedule. Commissioner Victor Gonzalez, Jr. 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. Planning and Community Development Director Ms. Irene Szedlmayer read the caption of Ordinance 2010-15. After reading of the caption, Commissioner John Hernandez moved to approve Ordinance 2010-15 establishing a revised fee schedule and basis of charges for Code Enforcement related charges, including mowing and nuisance removal. 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 INTERLOCAL AGREEMENT FOR COOPERATION & JOINT SPONSORSHIP – VALLEY METRO (FORMERLY RIO METRO) AND THE CITY OF LA FERIA, TEXAS TO CONTINUE PARTICIPATION IN THE REGIONAL PUBLIC TRANSPORTATION SYSTEM MANAGED BY THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL (LRGVDC) AND TO AUTHORIZE THE CONTRIBUTION OF \$3,742 FOR FY 2011, BEGINNING OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011

City Manager Sunny K. Philip recommended approval of the interlocal agreement. Commissioner Victor Gonzalez, Jr. moved to approve the Interlocal Agreement for Cooperation & Joint Sponsorship for Valley Metro (formerly Rio Metro) and the City of La Feria, Texas to continue participation in the Regional Public Transportation System managed by the Lower Rio Grande Valley Development Council (LRGVDC) and to authorize the contribution of \$3,742.00 for FY 2011, beginning October 1, 2010 through September 30, 2011. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDERATION OF AND POSSIBLE ACTION ON ANALYSIS OF IMPEDIMENTS OF FAIR HOUSING PLAN AND ACTION BY THE CITY OF LA FERIA TO AFFIRMATIVELY FURTHER FAIR HOUSING IN LA FERIA

City Manager Sunny K. Philip explained that Ms. Szedlmayer prepared the resolution and the Initial Analysis of Impediments of Fair Housing Plan. The plan is identified as an Initial Analysis, with the idea that it might need to be reviewed and amended again in a year or so. Ms. Szedlmayer requested some latitude to fill in a few places where she left a few blanks, for example, on page 10 and 11 she is trying to confirm the number of subsidized units that are in the city and also the number of section 8 vouchers. Ms. Szedlmayer said that she would also like to add two items to the plan which would be that the City continue to aggressively seek federal and state money that is available to construct and rehabilitate affordable housing, and that the City continue to aggressively seek federal and state money that is available for improving infrastructure in some of the areas that are outside the city limits to benefit low income residents inside and outside the city limits. Commissioner Angelica P. Baldivia 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. Planning and Community Development Director Ms. Irene Szedlmayer read the caption of Resolution 2010-30. After reading of the caption, Commissioner John Hernandez moved to approve Resolution 2010-30, with the additions requested by Ms. Szedlmayer, adopting the City of La Feria's Initial Analysis of Impediments to Fair Housing and Fair

Housing Action Plan. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC REGARDING THE CURFEW ORDINANCE FOR THE CITY OF LA FERIA

City Manager Sunny K. Philip explained that the notice for the public hearing was published in the newspaper. He said the City has had the curfew ordinance in existence for a number of years, and in his opinion, it is working well. Mayor Steve Brewer declared the public hearing open at 7:46 P.M. Police Chief Donato Garcia said the curfew ordinance is very effective. He said the siren goes off at 10:00 P.M. Sunday through Thursday, and at 11:00 P.M. on Friday and Saturday. He did not recommend any changes. There being no further comments, Mayor Brewer declared the public hearing closed at 7:48 P.M.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION OF THE CITY OF LA FERIA TO CONTINUE IN FORCE ORDINANCE 2001-17, THE CURFEW ORDINANCE, IN THE CITY OF LA FERIA

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. Planning and Community Development Director Ms. Irene Szedlmayer read the caption of Resolution 2010-27. After reading of the caption, Commissioner John Betancourt moved to approve Resolution 2010-27 to continue in force Ordinance 2001-17, the curfew ordinance, in the City of La Feria. 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 A RESOLUTION AGREEING TO MAINTAIN PROPOSED DRAINAGE IMPROVEMENTS CONSTRUCTED THROUGH THE TEXAS DEPARTMENT OF RURAL AFFAIRS DISASTER RECOVERY FUNDING

City Manager Sunny K. Philip explained that the reason for this resolution is that TDRA might ask the question as to who will maintain the drainage improvements. The City has resolutions from the County Drainage District #5 and Irrigation District #1 that they will maintain their facilities and the City of La Feria will maintain the new section. Commissioner John Hernandez 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. Planning and Community Development Director Ms. Irene Szedlmayer read the caption of Resolution 2010-28. After reading of the caption, Commissioner Angelica P. Baldivia moved to approve Resolution 2010-28 agreeing to maintain proposed drainage improvements constructed through the Texas Department of Rural Affairs Disaster Recovery funding. Commissioner Victor Gonzalez, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDER AND TAKE ACTION TO APPROVE CONTRACT BETWEEN THE CITY OF LA FERIA AND CAMERON COUNTY EMERGENCY SERVICES DISTRICT NO. 1 FOR FIREFIGHTING SERVICES TO UNINCORPORATED AREAS OF CAMERON COUNTY

City Manager Sunny K. Philip said that the contract has not been received from the county yet, so this item needs to be tabled. Commissioner John Betancourt moved to

table this item. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION AUTHORIZING THE CITY OF LA FERIA TO PARTICIPATE IN A GRANT APPLICATION BEING SUBMITTED BY TEXAS A & M UNIVERSITY - KINGSVILLE, (TAMUK) FOR POLLUTION CONTROL IN STORM WATER

City Manager Sunny K. Philip said the Commission had a copy of the resolution and a write up about the project proposing two parking lots. He said the match would come from the funding for the Boys and Girls Club Project. Mr. Philip asked Ms. Szedlmayer to explain the project. Ms. Szedlmayer said that Section 319 of the Clean Water Act addresses primarily the non point source pollution, all the runoff from parking lots, streets, lawns and farms that end up in the waterways. She said one of the ways to reduce pollution is to reduce the amount of storm water runoff, but also there are lots of best management practices that have been promoted over the last two decades, and this grant is proposing that some of best management practices be implemented at the two parking lots. Commissioner John Hernandez 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. Planning and Community Development Director Ms. Irene Szedlmayer read the caption of Resolution 2010-29. After reading of the caption, Commissioner Angelica P. Baldivia moved to approve Resolution 2010-29 authorizing the City of La Feria to participate in a grant application being submitted by Texas A & M University-Kingsville, (TAMUK) for pollution control in storm water. Commissioner Victor Gonzalez, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commission.

MONTHLY FINANCIAL REPORTS FOR THE MONTH OF JULY AND AUGUST 2010

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

The City Commission thanked Ms. Maria Chavero for the reports and Mayor Brewer announced that these 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

There was no need to go into Executive Session, so this item was tabled. 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.

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

There was no action needed on this item, since there was no Executive Session held.

REPORTS BY STAFF

- **Water and Wastewater System Improvements**
- **Disaster Recovery Street Improvement Project Status**
- **Disaster Recovery – Round 2 Funding Status**
- **Harlingen-San Benito MPO 101 Workshops**

City Manager Sunny K. Philip reported on the following:

- The water and wastewater system project was discussed earlier in the meeting.
- Disaster Recovery – Street Improvements – The project is going very slow, but the contractor is back working on the project.
- Disaster Recovery – Round II, Phase I – The Commission approved the resolution earlier in this meeting. The application is due on October 1, 2010 and most of the application is prepared.
- The Harlingen-San Benito MPO 101 Workshops flyer was included in the packet.

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

ADJOURNMENT

Mayor Steve Brewer adjourned the meeting at 8:03 P.M.

APPROVED:



Steve Brewer, Mayor

ATTEST:



Olga Oberwetter, City Secretary

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



Olga Oberwetter, City Secretary

CITY COMMISSION REGULAR MEETING
AT THE
CITY COMMISSION MEETING ROOM
TUESDAY, SEPTEMBER 28, 2010, AT 6:30 PM

WELCOME
PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1	Betty To DWLap	P.O. Box 995 La Fila	791-2561 work
2	Elsie Ireland	713 Virginia	797-2964 Home
3	Liana Brewer		
4	Rosa Turner		
5	Eva Menchaca		
6	MB Knight		
7	Adolfo Jr		
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