MINUTES OF PROCEEDINGS CITY COMMISSION Tuesday, January 11, 2011

Be it known that the City of La Feria City Commission met in regular session on Tuesday, January 11, 2011, 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 Hernandez

City Commissioner

Mr. Victor Gonzalez, Jr.

City Commissioner

Ms. Angelica P. Baldivia

City Commissioner

Absent:

Mr. John Edward Betancourt

City Commissioner

The following staff members were present.

Mr. Sunny K. Philip

City Manager

Mr. Richard S. Talbert

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 WORKSHOP MEETING OF THE CITY COMMISSION HELD ON TUESDAY, DECEMBER 7, 2010

After review of the minutes, Commissioner John Hernandez moved to approve the minutes of proceedings of the workshop meeting of the City Commission held on Tuesday, December 7, 2010. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

REVIEW AND TAKE ACTION TO APPROVE MINUTES OF PROCEEDINGS OF THE REGULAR MEETING OF THE CITY COMMISSION HELD ON TUESDAY, DECEMBER 7, 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,

December 7, 2010. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

REVIEW AND TAKE ACTION TO APPROVE MINUTES OF PROCEEDINGS OF THE REGULAR MEETING OF THE CITY COMMISSION HELD ON TUESDAY, DECEMBER 21, 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, December 21, 2010. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY RESOLUTION AUTHORIZING THE CITY OF LA FERIA TO ENTER INTO AN ADVANCE FUNDING AGREEMENT FOR THE SAFE ROUTES TO SCHOOL PROGRAM AND APPROVING THE AGREEMENT

City Manager Sunny K. Philip said a copy of the resolution and a copy of the agreement were in the packet for the Commission to review. He said the funding commitment is for \$500,000.00. The agreement is with the Texas Department of Transportation (TxDOT), and once it is fully executed, TxDOT will begin coordination with the City for the design and construction of the project. Commissioner Victor Gonzalez, Jr. 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 Commissioners present. City Attorney Mr. Richard S. Talbert read the caption of Resolution 2011-01. After reading of the caption, Commissioner Victor Gonzalez, Jr. moved to approve Resolution 2011-01 authorizing the City of La Feria to enter into an advance funding agreement with TxDOT for the safe routes to school program and approving the agreement. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY A REQUEST FROM KENNY'S FUNLAND TO OPERATE A CARNIVAL IN LA FERIA ON INDUSTRIAL WAY FROM FEBRUARY 3, 2011 THRU FEBRUARY 13, 2011, CLOSING AT 10:00 P.M. ON WEEKDAYS AND 12:00 MIDNIGHT ON WEEKENDS

City Manager Sunny K. Philip explained the request from Kenny's Funland to operate a carnival in La Feria from February 3, 2011 thru February 13, 2011. He said the contribution they make to the La Feria Industrial Development Corporation (LFIDC) for use of the lot will be used for the Library project. Mayor Steve Brewer thanked Ms. Kim Maples for all the help that she and her family have provided the City in various functions held throughout the years. The City held a very successful Winter Festival in December 2010 and part of that success was due to the participation of Kenny's Funland carnival rides. Commissioner John Hernandez moved to approve the request from Kenny's Funland to operate a carnival in La Feria on Industrial Way from February 3, 2011 thru February 13, 2011, closing at 10:00 P.M. on weekdays and 12:00 midnight on weekends. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

At this point, Planning and Community Development Director Irene Szedlmayer asked to consider agenda item number 11 out of sequence (approval of the plat for Magic Valley Subdivision) and before agenda item number 9 (public hearing for changing the zoning of

portion of the plat for Magic Valley Subdivision). Ms. Szedlmayer said that she learned from the Planning and Zoning Commission public hearing on this issue, that things would have run smoother if the order of these items had been changed. Commissioner Lori Weaver moved to change the order of the items on the agenda and consider item number 11 before item number 9. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION ON THE PROPOSED SUBDIVISION PLAT FOR MAGIC VALLEY SUBDIVISION, A 40.8-ACRE TRACT, BEING ALL OF BLOCK 10 OF COLLINS SUBDIVISION AND .314 ACRE TRACT OUT OF THE SOUTH 14 FEET OF BLOCK 12, COLLINS SUBDIVISION (ON N. RABB RD.)

Planning and Community Development Director Irene Szedlmayer showed the property She said the Planning and Zoning Commission voted in question on the map. unanimously to approve the final plat to the City Commission including the variance to the normal regulations. It is a one block subdivision, and they are dedicating an additional 10' of right-of-way to Rabb Road. The variance they are requesting is in regards to their drainage plan; they will retain on site all storm water for a 100 year storm or 5 acre feet. Ms. Szedlmayer added that the City engineer has reviewed and approved the drainage plan. Ms. Szedlmayer said that the irrigation ditch along the south side will be put into a concrete pipe. Magic Valley Concrete has gotten approval from the Irrigation District, and the Planning and Zoning Commission approval was subject to a written confirmation from the Irrigation District that they agreed to that plan. Commissioner Victor Gonzalez, Jr. moved to approve the subdivision plat for Magic Valley Subdivision, a 40.8-acre tract, being all of Block 10 of Collins Subdivision and .314 acre tract out of the South 14 feet of Block 12, Collins Subdivision (on N. Rabb Rd.) Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

PUBLIC HEARING TO RECEIVE INPUT REGARDING THE REQUEST BY RAMIRO J. FLORES AND RUFINO GARZA TO CHANGE THE ZONING OF ALL OF BLOCK 10, PLUS A .314 ACRE TRACT OUT OF THE SOUTH 14' OF BLOCK 12, OF THE COLLINS SUBDIVISION, CAMERON COUNTY, TX FROM "R-1" (SINGLE-FAMILY RESIDENTIAL) TO "I" (INDUSTRIAL)

Planning and Community Development Director Irene Szedlmayer explained that the property owners have agreed to re-zone only the five acres on the Southwest corner of their property, and to leave the remaining 35 acres, which is being farmed, as R-1 Zoning. She expects that the owners will be submitting a request to change the zoning on the 35 acres to Agriculture to reflect the actual land use. Mayor Steve Brewer declared the public hearing open at 6:45 P.M. and acknowledged Mr. Arnulfo De La Rosa who said he owned property on Rabb Road. Mr. De La Rosa's concerns were that the width of Rabb Road is only 16 feet and that concrete trucks are 10 to 11 feet wide and would force other traffic off the road. He said a fully loaded concrete truck weighs 80,000 lbs or 40 tons and this would destroy the infrastructure in place in that area. His other concern was that the pond would contain pollutants that would contaminate the well water. Mr. De La Rosa said the company has only three employees and that the City needs to consider all these concerns. Mayor Brewer thanked Mr. De La Rosa for his comments and acknowledged Mr. Armando Trevino, the A/R Manager for Magic Valley Concrete. Mr. Trevino responded to the comments that Mr. De La Rosa had made regarding the number of employees, the holding pond, and the Road. Mr. De La Rosa said they are not at full capacity; therefore, they only have three employees. He clarified

that the holding pond is not the full five acres and that the pond has been approved by the Texas Commission on Environmental Quality (TCEQ). Mr. Trevino said that Magic Valley Concrete also owns an asphalt company, and they have promised to the City to help with the materials to improve Rabb Road by providing the materials at cost to widen the road from their property line to the Expressway. Mr. Trevino said that their portion of the road they would widen on their own. Mr. Trevino added that they don't want to cause any problems for the residents of the area. Mr. De La Rosa said from the Expressway to Clark Road is 1.2 miles and all is 16 feet wide and when the cement trucks begin to travel north, they will be taking Rabb Road and that will be a problem.

Planning and Community Development Director Irene Szedlmayer said for the record that the notice of this public hearing and the public hearing before the Planning and Zoning Commission appeared in the *La Feria News*, and it was sent to 23 owners of property within 200 feet. This re-zoning to Industrial is consistent with the 2007–2025 Comprehensive Plan.

Commissioner Victor Gonzalez, Jr. said that the width of the trucks is less than eight feet and that anything over eight feet needs to stay on State Highways. Commissioner Baldivia inquired if the cement trucks would be limited to traveling south when leaving the plant. Commissioner Gonzalez responded that unless the County has a load limit on the road, the trucks would be free to travel either direction. There being no further comments, Mayor Steve Brewer declared the public hearing closed at 6:55 P.M.

CONSIDER AND TAKE ACTION TO APPROVE THE REQUEST BY RAMIRO J. FLORES AND RUFINO GARZA TO CHANGE THE ZONING OF ALL OF BLOCK 10, PLUS A .314 ACRE TRACT OUT OF THE SOUTH 14 FEET OF BLOCK 12, OF THE COLLINS SUBDIVISION, CAMERON COUNTY, TX FROM "R-1" (SINGLE-FAMILY RESIDENTIAL) TO "I" (INDUSTRIAL)

City Manager Sunny K. Philip explained that the approval of the zoning change needs to be done by ordinance and the ordinance to be considered on this item is Ordinance 2011-02. He added for the record that the Rabb Road area has been developing and that the La Feria Industrial Development Corporation purchased some properties there, and also there are some existing businesses. Mr. Philip said that Magic Valley Concrete has been in place before the City annexed that area, and what is taking place today is the compliance with the subdivision regulations and the proper zoning after annexation. Mr. Philip said that the City is raising money through a bond issue and one of the items identified to be covered by these funds is to add a lane to the Rabb Road area for safe passage. He said ideally the road needs to be reconstructed, and the goal would be to build it 60' wide, which would be two lanes and a turning lane, but until the area fully develops, this would not happen. Mr. Philip said staff's recommendation is approval for the zoning change, so that Magic Valley Concrete can comply with subdivision regulations and the area be properly zoned. Commissioner Angelica P. Baldivia 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 Commissioners present. City Attorney Mr. Richard S. Talbert addressed the Commission to call their attention to the fact that the agenda item calls for re-zoning all of Block 10, plus a .314 acre tract out of the South 14 feet of Block 12, of the Collins Subdivision, but through the work of the Planning and Zoning Commission and the Planning and Community Development Director, with the consent of the owner, they have adjusted this to only re-zone the five acres at this time. Mr. Talbert said this is not a problem under the Open Meetings Act, because the re-zoning is within the area that is named on the agenda. He added that Ms. Szedlmayer has a letter from the property owners agreeing to the change. Mr. Talbert also pointed out a "typo" on the second page of the ordinance under number 1 where it says SE corner it should say SW corner. Mr. Talbert then read the caption of Ordinance 2011-02. After reading of the caption, Commissioner John Hernandez moved to approve Ordinance 2011-02 approving the request by Ramiro J. Flores and Rufino Garza to change the zoning of only the five acres on the Southwest corner of their property, and to leave the remaining 35 acres, which is being farmed, as R-1 Zoning. Commissioner Victor Gonzalez, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION ON THE PROPOSED SUBDIVISION PLAT FOR MAGIC VALLEY SUBDIVISION, A 40.8-ACRE TRACT, BEING ALL OF BLOCK 10 OF COLLINS SUBDIVISION AND .314 ACRE TRACT OUT OF THE SOUTH 14 FEET OF BLOCK 12, COLLINS SUBDIVISION (ON N. RABB RD.)
This item was taken out of sequence and considered prior to the public hearing (see

Institem was taken out of sequence and considered prior to the public hearing (see discussion on prior page).

CONSIDER AND TAKE ACTION TO APPROVE THE PROPOSED AMENDED PLAT OF THE SUNFLOWER ESTATES SUBDIVISION, TO REMOVE CERTAIN PLAT RESTRICTIONS

Planning and Community Development Director Irene Szedlmayer explained that the Sunflower Estates Subdivision plat (Lion's Villa) contains one plat note (Plat note #8) which says that there shall be no curb cuts to Lion's Villa Avenue, nor any curb cuts to the west curb of Cub Circle. This note was included because initially those lots were intended to be developed for commercial purposes, and the developer wanted to limit the amount of through traffic or commercial traffic through residential lots. Ms. Szedlmayer said that now those lots that front on Canal Street will also be developed for residential purposes, and staff does not believe that that provision is necessary. She added that the intent is to have the architect and developer design the best neighborhood possible, so staff is recommending approval of an amended Sunflower Estates Subdivision plat where curb cuts will be permitted from the lots on Canal Street to Cub Circle. Ms. Szedlmayer said the limitation on curb cuts to Lion's Villa Avenue should remain in place for safe access to the development. The Planning and Zoning Commission considered this item and unanimously recommended that the City Commission approve this amendment. Commissioner Lori Weaver moved to approve the Amended Plat of the Sunflower Estates Subdivision, to remove certain plat restrictions. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

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 ANNUAL "FIESTA DE LA FERIA" CELEBRATION TO BE HELD ON SATURDAY, FEBRUARY 26, 2011

City Manager Sunny K. Philip said the ordinance is similar to the ones approved in prior years and asked the Commission to approve the ordinance so that the City can properly plan for the Fiesta. 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 Commissioners present. City Attorney Mr. Richard S. Talbert read the caption of Ordinance 2011-01. After reading of the caption, Commissioner Lori Weaver moved to approve Ordinance 2011-01 approving the temporary closing of 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 annual "Fiesta de La Feria" celebration to be held on Saturday, February 26, 2011. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY RESOLUTION APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BETWEEN THE REGION 4 EDUCATION SERVICE CENTER, WHICH SPONSORS THE COOPERATIVE PURCHASING NETWORK (TCPN), PROVIDING FOR A COOPERATIVE PURCHASING PROGRAM FOR GOODS AND SERVICES

City Manager Sunny K. Philip explained that this resolution is to ratify the agreement with Region 4 Education Service Center, which sponsors the Cooperative Purchasing Network (TCPN) which is similar to the Houston Galveston Area Council (HGAC) of Government Coop Program and the BuyBoard Program. The resolution authorizes the City Manager or Finance Director to sign off on the purchases under the TCPN program. 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 Commissioners present. City Attorney Mr. Richard S. Talbert read the caption of Resolution 2011-02. After reading of the caption, Commissioner Angelica P. Baldivia moved to approve Resolution 2011-02 approving the terms and conditions of an interlocal agreement between the Region 4 Education Service Center, which sponsors the Cooperative Purchasing Network (TCPN), providing for a cooperative purchasing program for goods and services. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR GRANT FUNDING TO THE TEXAS DEPARTMENT OF PUBLIC SAFETY DIVISION **EMERGENCY MANAGEMENT FOR** THE **PURCHASE** INSTALLATION OF **GENERATOR** TO **FACILITATE** THE USE OF CERTAIN SECTIONS OF THE SAM HOUSTON ELEMENTARY SCHOOL FACILITY AS A SHELTER DURING EMERGENCIES

City Manager Sunny K. Philip explained that the La Feria Independent School District (LFISD) built the Sam Houston Elementary School with the gymnasium area designed to be used as an emergency shelter, and they have designed an area for the placement of a generator, but due to lack of funds, the generator was not installed. The school has asked for assistance in securing funding for the purchase and installation of a generator at Sam Houston, and through a meeting with Mayor Brewer and Ken Jones of the Lower Rio Grande Valley Development Council, staff has identified that the Hazard Mitigation Grant Program at the state level may have some funding available for this type of project. The LFISD will pay for the 25% local match. The estimated cost for this project is \$160,000.00. 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 Commissioners present. City Attorney Mr. Richard S. Talbert read the caption of Resolution 2011-03. After reading of the caption, Commissioner Victor Gonzalez, Jr. moved to approve Resolution 2011-03 authorizing the submission of an application for grant funding to the Texas Department of Public Safety Division of Emergency Management for the purchase and installation of a generator to facilitate the use of certain sections of the Sam Houston Elementary School Facility as a shelter during emergencies. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR GRANT FUNDING TO THE TEXAS DEPARTMENT OF PUBLIC SAFETY DIVISION **EMERGENCY MANAGEMENT FOR** THE **PURCHASE** INSTALLATION OF TO REPLACE THE EXISTING A **GENERATOR** GENERATOR PROVIDING BACKUP POWER TO THE LA FERIA FIRE STATION, WHICH IS USED BY THE FIRST RESPONDERS **EMERGENCIES**

City Manager Sunny K. Philip explained that this application would provide for the purchase and installation of a generator to replace the existing generator at the Fire Station, which is used by the First Responders during emergencies. 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 Commissioners present. City Attorney Mr. Richard S. Talbert read the caption of Resolution 2011-04. After reading of the caption, Commissioner Lori Weaver moved to approve Resolution 2011-04 authorizing the submission of an application for grant funding to the Texas Department of Public Safety Division of Emergency Management for the purchase and installation of a generator to replace the existing generator providing backup power to the La Feria Fire Station, which is used by the First Responders during emergencies. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

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/DONATION 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 for Executive Session. Commissioner Lori Weaver moved to table this item. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

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

There was no action necessary for this item, since there was no Executive Session held.

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REPORTS BY STAFF

- WATER AND WASTEWATER IMPROVEMENT PROJECTS.
- <u>DISASTER RECOVERY STREET IMPROVEMENT PROJECT</u> <u>CONSTRUCTION PROGRESS</u>
- KELLY MILLER CIRCUS WEDNESDAY, FEBRUARY 16, 2011
- FIESTA DE LA FERIA SATURDAY, FEBRUARY 26, 2011
- LIBRARY EXPANSION PROJECT

City Manager Sunny K. Philip reported on the following.

- The City has successfully submitted the application to the Texas Water Development Board for water and wastewater improvements, and they are going through the review process.
- The Street Improvements Project is completed, and the contractor is in the cleanup process.
- The Kelly Miller Circus is coming to La Feria on February 16, 2011 and will benefit the library expansion project. The tickets will be sold at City Hall, the Bailey H. Dunlap Public Library and El Centro Foods.
- The Fiesta de La Feria will take place on Saturday, February 26, 20ll and the
 volunteers are selling advertisements for the directory as a fundraiser. The music
 lineup is complete and one of the changes is that there will only be one stage instead
 of two.
- The Library Expansion Project The City received some funding from USDA, but there also needs to be a local match and staff is working with Jeff Kuhn of Fulbright and Jaworski to prepare an ordinance to issue Certificates of Obligation to pay for the City's portion.

PUBLIC COMMENTS

Mayor Steve Brewer declared the public comments session open. No one signed up to speak before the City 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 Angelica P Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

ADJOURNMENT

Mayor Steve Brewer adjourned the meeting at 7:22 P.M.

APPROVED:

Steve Brewer, Mayor

ATTEST:

Olga Oberwetter, City Secretary

These minutes were prepared and filed with the City of La Feria at 5:30 P.M. on January 22, 2011 as official record.

Olga Oberwetter, City Secretary

CITY COMMISSION REGULAR MEETING

AT THE

CITY COMMISSION MEETING ROOM TUESDAY, JANUARY 11, 2011, AT 6:30 PM

WELCOME PLEASE SIGN IN

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