

**MINUTES OF PROCEEDINGS
CITY COMMISSION
Tuesday, December 6, 2011**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, December 6, 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 Edward Betancourt	City Commissioner
Mr. John Hernandez	City Commissioner
Ms. Angelica P. Baldivia	City Commissioner
Absent: Mr. Victor Gonzalez, Jr.	City Commissioner

The following staff members were present.

Mr. Sunny K. Philip	City Manager
Mr. Richard S. Talbert	City Attorney
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 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, NOVEMBER 15, 2011

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, November 15, 2011. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

REVIEW AND TAKE ACTION TO CONFIRM THE MINUTES OF PROCEEDINGS OF THE PREVIOUS REGULAR MEETING OF THE LA FERIA INDUSTRIAL DEVELOPMENT CORPORATION (LFIDC) HELD ON THURSDAY, OCTOBER 6, 2011

After review of the minutes, Commissioner Lori Weaver moved to confirm the minutes of proceedings of the previous regular meeting of the La Feria Industrial Development

Corporation (LFIDC) held on Thursday, October 6, 2011. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION ADOPTING THE LOWER RIO GRANDE VALLEY REGIONAL INTEROPERABILITY COMMUNICATION PLAN/STANDARD OPERATING PROCEDURES (SOP)

City Manager Sunny K. Philip explained that since the 911 terrorist attacks, everyone realized that communicating with other entities/agencies was extremely difficult. Therefore, there is a statewide effort to establish a communication system. He explained that in the packet of Standard Operating Procedures, there are diagrams with the towers and a circle around them, which means that that is the area where there is adequate communication when using portable radios. Mr. Philip said that there is a committee overseeing this program to make sure that it is developed on a regional basis, instead of on an individual basis. The eventual goal is to get to a point where there is enough coverage. Some years ago the cities of Harlingen, Brownsville, and Cameron County got together and formed their own communication system. In order to receive grant funding for radios, there needs to be this type of operating system in place. The City of La Feria received a grant of \$84,000.00 from Homeland Security for the purchase of radios, and there is additional money allocated for radios in the Bond Issue just completed. Staff will also be looking into more opportunities for grants to purchase more radios. Mr. Philip said that the Standard Operating Procedures document included in the packet to the Commission contained a few pages with blanks in it, but the Lower Rio Grande Valley Development Council would address that later; they just need to have the Resolution approved now, approving the plan and SOP. 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 Commissioners present. City Attorney Mr. Richard S. Talbert read the caption of Resolution 2011-49. After reading of the caption, Commissioner John Hernandez moved to approve Resolution 2011-49 adopting the Lower Rio Grande Valley Regional Interoperability Communication Plan/Standard Operating Procedures (SOP). 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 A RESOLUTION OF THE CITY OF LA FERIA, TEXAS DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTY, INCLUDING, IF NECESSARY, THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE PROPERTY FOR WATER SYSTEMS IMPROVEMENTS IN CONNECTION WITH ANTICIPATED IMPROVEMENTS TO THE WATER SYSTEM IN THE VICINITY OF KUBISKI, BIXBY, AND SOLIS ROADS BETWEEN U.S. EXPRESSWAY 83 ON THE NORTH AND U.S. BUSINESS HIGHWAY 83 ON THE SOUTH; ESTABLISHING PROCEDURES FOR THE ACQUISITION OF PROPERTY; AND APPROPRIATING FUNDS

City Manager Sunny K. Philip said that the details for the next three items (Agenda Items #'s 7, 8 and 9) would be explained under this agenda item. Mr. Philip introduced Mr. Bill Friend who has been hired as a Right-of-way Agent and Project Inspector for the purpose of acquiring rights-of-way and easements for all capital improvement projects.

Mr. Philip asked City Attorney Mr. Richard S. Talbert to explain the need for the resolution and the specific language needed in the motion. Mr. Talbert said that the last legislature took action to adopt statutes that would respond to recent U.S. Supreme Court rulings that said that a governmental entity may take private property for a public purpose and then turn that over to a private entity. The governmental entities were saying that economic development was a public purpose and therefore, if it was going to benefit the community, it would serve a public purpose. The legislators passed Senate Bill 18, which made a substantive change to require that the governmental entities can only take private property for public use and not public purpose. They also put in a lot of technical rules in the bill. They specifically excepted water, wastewater and drainage type projects from most of the rules, but not all of the rules. They also put in specific language for the motion and that has been passed out to the Commission tonight. This bill went into effect September 1, 2011. Mr. Talbert also discussed the process as far as filing a lawsuit to acquire the property through eminent domain and said that condemnation would only be used as the last resort. Mr. Philip said that this item pertains to easements in particular to the development of Another Closet. After discussion, Commissioner John Betancourt 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 2011-50. After reading of the caption, Commissioner John Betancourt moved to approve Resolution 2011-50 specifically including that the City of La Feria authorize the use of the power of eminent domain to acquire the properties described in such Resolution for use in improvements to the City's Water/Wastewater Capital Improvement Project, as set forth therein. 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 A RESOLUTION OF THE CITY OF LA FERIA, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTY, INCLUDING, IF NECESSARY, THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE PROPERTY FOR THE WATER AND WASTEWATER SYSTEMS IMPROVEMENTS PROJECTS THROUGHOUT THE CITY IN THE AREAS DEFINED BY THE DWSRF AND CWSRF PROJECTS BETWEEN THE CITY AND THE TEXAS WATER DEVELOPMENT BOARD; ESTABLISHING PROCEDURES FOR THE ACQUISITION OF PROPERTY; AND APPROPRIATING FUNDS

City Manager Sunny K. Philip explained that although the City is seeking donations for the easements, the City will purchase property for the construction of three lift stations in this project and the \$140,000.00 appropriated by this resolution is to ensure that the project moves forward. 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 Commissioners present. City Attorney Mr. Richard S. Talbert read the caption of Resolution 2011-51. After reading of the caption, Commissioner Angelica P. Baldivia moved to approve Resolution 2011-51 specifically including that the City of La Feria authorize the use of the power of eminent domain to acquire the properties described in such Resolution for use in improvements to the City's Water/Wastewater Capital Improvement Project, as set forth therein. 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 RESOLUTION OF THE CITY OF LA FERIA, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTY, INCLUDING, IF NECESSARY, THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE PROPERTY FOR THE DISASTER RECOVERY DRAINAGE PROJECT RELATING TO THE GRANT AGREEMENT – GLO CONTRACT NO. 12-211-000-5511 COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM BETWEEN THE GENERAL LAW OFFICE OF THE STATE OF TEXAS AND THE CITY OF LA FERIA, ESTABLISHING PROCEDURES FOR THE ACQUISITION OF PROPERTY; AND APPROPRIATING FUNDS

City Manager Sunny K. Philip explained that there are approximately 105 properties where easements would be required for this project and the amount appropriated by this resolution is \$1,838,137.00. 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 2011-52. After reading of the caption, Commissioner Lori Weaver moved to approve Resolution 2011-52 specifically including that the City of La FERIA authorize the use of the power of eminent domain to acquire the properties described in such Resolution for use in improvements to the City's Disaster Recovery Drainage Improvement Project relating to the Grant Agreement – GLO Contract No. 12-211-000-5511 Community Development Block Grant Disaster Recovery Program, as set forth therein. 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 DESIGNATING DECEMBER 10, 2011 AS THE DATE FOR THE 13TH ANNUAL CHRISTMAS PARADE IN LA FERIA AND AUTHORIZING THE TEMPORARY CLOSING OF CERTAIN AND SPECIFIED STREETS WITHIN THE CITY OF LA FERIA FOR THE PURPOSE OF ENSURING THE SAFETY AND GENERAL WELFARE OF THE PUBLIC DURING THE 13TH ANNUAL CHRISTMAS PARADE ON SAID DATE OR ANY OTHER ALTERNATE DATE SELECTED, AND AUTHORIZING THE CHRISTMAS PARADE PLANNING COMMITTEE TO SELECT AN ALTERNATE DAY IN THE EVENT OF INCLEMENT WEATHER

City Manager Sunny K. Philip explained that there was a change made to the ordinance whereby the City Manager would approve the date selected by the Planning Committee, because the Planning Committee is a volunteer committee and is not appointed by the City Commission. The City Commission is the body that governs the City Manager's activity. 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 Commissioners present. City Attorney Mr. Richard S. Talbert read the caption of Ordinance 2011-22. After reading of the caption, Commissioner Lori Weaver moved to approve Ordinance 2011-22 designating December 10, 2011 as the date for the 13th Annual Christmas Parade in La FERIA and authorizing the temporary closing of certain and specified streets within the City of La FERIA for the purpose of ensuring the safety and general welfare of the public during the 13th Annual Christmas Parade on said date or in the event of inclement weather any other

alternate date approved by the City Manager. 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 THE REVISED INTERLOCAL AGREEMENT – SCOFFLAW WITH CAMERON COUNTY AND THE CAMERON COUNTY TAX ASSESSOR-COLLECTOR APPROVED PREVIOUSLY BY THE CITY COMMISSION ON JULY 12, 2011 AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT AND TO TAKE ALL ACTION NECESSARY TO IMPLEMENT THE AGREEMENT

City Manager Sunny K. Philip said that this agreement was approved some time ago, but since then the County attorneys made some changes to it. Mr. Talbert has reviewed it and agrees with the changes. This will assist the City in the collection of traffic citations. Commissioner John Betancourt moved to approve the revised Interlocal Agreement – Scofflaw with Cameron County and the Cameron County Tax Assessor-Collector approved previously by the City Commission on July 12, 2011 and to authorize the City Manager to execute the agreement and to take all action necessary to implement 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 AN ORDINANCE OF THE CITY OF LA FERIA AMENDING CHAPTER 12 (TRAFFIC AND VEHICLES) AND APPENDIX A OF THE CODE OF ORDINANCES IMPOSING A FEE RELATED TO THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS OF CHAPTER 702 OF THE TEXAS TRANSPORTATION CODE, INCLUDING, BUT NOT LIMITED TO, THE INTERLOCAL AGREEMENT – SCOFFLAW BETWEEN THE CITY OF LA FERIA AND CAMERON COUNTY RELATED THERETO, AND ESTABLISHING AN EFFECTIVE DATE

City Manager Sunny K. Philip explained that this ordinance assesses the \$20.00 fee associated with the Scofflaw agreement with the County. 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 Commissioners present. City Attorney Mr. Richard S. Talbert read the caption of Ordinance 2011-23. After reading of the caption, Commissioner John Betancourt moved to approve Ordinance 2011-23 amending Chapter 12 (traffic and vehicles) and appendix A of the Code of Ordinances imposing a fee related to the administration and enforcement of the provisions of Chapter 702 of the Texas Transportation Code, including, but not limited to, the Interlocal Agreement – Scofflaw between the City of La Feria and Cameron County related thereto, and establishing an effective date. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO APPROVE THE REVISED FINAL PLAT FOR DEPOT SUBDIVISION, A 2.21 ACRE TRACT OF LAND LOCATED EAST OF FM506, NORTH OF THE RAILROAD TRACKS, WEST OF INNOVATIVE BLOCK, AND SOUTH OF FIRST STREET

Planning and Community Development Director Ms. Irene Szedlmayer explained that the City Commission approved this final plat at its October 25, 2011 meeting; however, there were a few items that were uncertain at that time. There were a few clean up items that were taken care of, but substantively the plat remains the same. Commissioner Lori

Weaver moved to approve the final plat for Depot Subdivision, a 2.21 acre tract of land located east of FM506, North of the railroad tracks, west of Innovative Block, and south of First Street. 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 A RESOLUTION OF THE CITY OF LA FERIA AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR GRANT FUNDING TO THE TEXAS GENERAL LAND OFFICE (GLO) UNDER DISASTER RECOVERY ROUND 2.2 FOR NON-HOUSING ACTIVITIES

City Manager Sunny K. Philip said that there would be no action needed for this item, since funding for this grant is not available.

REPORTS BY STAFF

- **Indoor Recreation Facility Construction Progress**
- **Air Conditioning Replacement Project funded through SECO**
- **Update on Christmas Parade and Winter Festival**
- **Update on Fiesta de La Feria 2012**
- **Update on Theatre in the Park**

City Manager Sunny K. Philip reported on the following:

- The Indoor Recreation facility is moving along good.
- Staff is waiting on the Comptroller's office to give a clearance on the exception of the SEER rating on the commercial units. Once that is received, the City will move forward with the air conditioning project to replace the units in City Hall, the Police Department and the Fire Station.
- The Christmas Parade and Winter Festival will be held on Saturday, December 10, 2011. Staff met with the Police Officers and went over the parade route. The Winter Festival will have the carnival rides and there are 12 vendors already signed up.
- The Fiesta de La Feria planning has started already and the music lineup has been confirmed at this time.
- The Theatre in the Park had to be moved indoors because the wind was very strong. Mr. Philip said he attended on Sunday and they had a good attendance. Commissioner Lori Weaver and Commissioner Angelica P. Baldivia said there were more attendees on Saturday. Mayor Brewer said to try to encourage the performances in the park.

PUBLIC COMMENTS

Mayor Steve Brewer declared the public comment session open. No one signed up to speak before the City Commission, so Mayor Brewer declared the public comment session closed.

CONSIDER AND TAKE POSSIBLE ACTION ON ATTENDANCE STATUS OF MAYOR AND/OR COMMISSIONERS

Commissioner Lori Weaver moved to approve Commissioner Victor Gonzalez, Jr.'s absence from this meeting. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

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 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 4:45 P.M. on January 7, 2012, as official record.


Olga Oberwetter, City Secretary



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CITY COMMISSION REGULAR MEETING
AT THE
CITY COMMISSION MEETING ROOM
TUESDAY, DECEMBER 6, 2011, AT 6:30 PM

WELCOME
PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1	<i>William B. ...</i>		
2	<i>Julie ...</i>		
3	<i>Bill French</i>		
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