

**MINUTES OF PROCEEDINGS  
CITY COMMISSION  
Tuesday, April 12, 2011**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, April 12, 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. 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 6:34 P.M., Mayor Steve Brewer asked Commissioner Lori Weaver 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, MARCH 22, 2011**

After review of the minutes, Commissioner Lori Weaver moved to approve the minutes of proceedings of the previous regular meeting of the City Commission held on Tuesday, March 22, 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, MARCH 3, 2011**

After review of the minutes, Commissioner John Hernandez moved to approve the minutes of proceedings of the previous regular meeting of the La Feria Industrial

Development Corporation (LFIDC) held on Thursday, March 3, 2011. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

**CONSIDER AND TAKE ACTION TO ACCEPT THE CITY OF LA FERIA  
COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR  
ENDING SEPTEMBER 30, 2010**

Mayor Steve Brewer welcomed Mr. Quentin Anderson of the accounting firm of Long Chilton, LLP. Mr. Quentin Anderson presented the annual financial report for the fiscal year ending September 30, 2010. He encouraged the Commission to take time to read the letter of transmittal on pages 9 thru 13, since it does a good job of explaining what has happened during the last fiscal year. Mr. Anderson referred to the Government Finance Officers Association (GFOA) Certificate awarded for last year's Comprehensive Annual Financial Report on page 14 and commended staff for meeting the highest standards in government accounting and financial reporting for a number of years. He then reviewed the Independent Auditor's Report on page 21 which renders the independent auditors opinion of the financial reports and noted that the letter states that in their opinion, "the basic financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of City of La Feria, Texas at September 30, 2010, and the respective changes in financial position and cash flows, where applicable, thereof for the year then ended, in conformity with accounting principles generally accepted in the United States of America." Mr. Anderson also discussed the Management Discussion and Analysis section which presents financial highlights and an overview of the financial statements. Mr. Anderson then reviewed the financial statements in detail with the Commission and stressed that the General Fund Balance needs to be increased every year, and the City should have a fund balance to operate the City for at least a three-month's period. Mr. Anderson also reviewed the component units audits which he said had each been presented to each board and approved. He also discussed major grants, as well as long-term debt. Mayor Steve Brewer thanked Mr. Anderson for his report. Commissioner Lori Weaver moved to accept the City of La Feria Comprehensive Annual Financial Report for the fiscal year ending September 30, 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 A RESOLUTION  
OF THE CITY OF LA FERIA, TEXAS SUPPORTING A VALLEY METRO JOB  
ACCESS AND REVERSE COMMUTE (JARC) PROJECT**

City Manager Sunny K. Philip explained that the City Commission in the past approved participation in a transit system in the community, and although it is going through the stages of trying to get more riders, it is a wonderful service for the community. The resolution and the correspondence from the Lower Rio Grande Valley Development Council seek support for expansion of this service to connect Cameron and Hidalgo Counties. Commissioner Angelica P. Baldivia 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 2011-12. After reading of the caption, Commissioner Lori Weaver moved to approve Resolution 2011-12 supporting a Valley Metro Job Access and Reverse Commute (JARC) Project.

Commissioner Victor Gonzalez, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

**CONSIDER AND TAKE ACTION TO ADOPT A PROCLAMATION IN RECOGNITION OF NATIONAL DONATE LIFE MONTH, PROCLAIMING THE MONTH OF APRIL 2011 AS "DONATE LIFE TEXAS MONTH" IN THE CITY OF LA FERIA AND AUTHORIZING AWARENESS EVENT IN THE COMMUNITY FOR FRIDAY, APRIL 15, 2011 AT 10:00 A.M.**

City Manager Sunny K. Philip said that Ms. Tricia Barrera with Organ Donation had planned to be here tonight but was unable to attend due to a scheduling conflict. He explained some of the statistics provided to him such as the Rio Grande Valley is the number one area for dialysis patients and also number one for diabetes patients. He said there are 3,000 people on the waiting list for a kidney and 4,000 people on the waiting list for other organs. Mr. Philip said that Public Works Director Javier Martinez's wife, Emma Martinez, is an organ donor and has donated a kidney. He said as a part of bringing awareness to the community about organ donation, a flag raising ceremony would be held on Friday, April 15, 2011 at 10:00 A.M. Mayor Steve Brewer said that one of the slogans says "Save Eight" because one donor can save up to eight lives. Commissioner Victor Gonzalez, Jr. moved to adopt the proclamation in recognition of National Donate Life Month, proclaiming the month of April 2011 as "Donate Life Texas Month" in the City of La Feria and authorizing awareness event in the community for Friday, April 15, 2011 at 10:00 a.m. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

**PUBLIC HEARING TO RECEIVE INPUT REGARDING THE REQUEST BY ALICIA WOODMAN NORIEGA, DBA BARCELONA SPORTING GOODS, FOR A SPECIFIC USE PERMIT (SUP) TO OPERATE A HOME OCCUPATION AS A SPORTING GOODS WHOLESALER AT 500 EAST MAGNOLIA STREET**

Planning and Community Development Director Ms. Irene Szedlmayer distributed a photograph of the delivery boxes at the front door and the driveway of the home in question and a copy of the letter received from Mr. Benigno Leal, Sr. in opposition to the home occupation. Ms. Szedlmayer said that home occupations are regulated through the Zoning Ordinance and the ordinance describes a home occupation primarily as an office or beauty salon; something that is not evident from the exterior of the home. Ms. Szedlmayer stated that 18 property owners within a 200 ft. radius of 500 East Magnolia Street were mailed notices of this public hearing, and it was also published in the *La Feria News*. Mayor Steve Brewer declared the public hearing open at 7:07 P.M. The owner of the property was present at the meeting, but said she had nothing to say. Paul Tarnowski said he owns an empty lot on Magnolia and is wondering where parking would be provided for this business and whether he would have to pay higher taxes if this area is zoned commercial. Commissioner Victor Gonzalez, Jr. asked Mrs. Noriega how long she has been operating this business from her home. Mrs. Noriega responded that it has been 6 to 8 months. City Manager Sunny K. Philip advised Mrs. Noriega to express her reasons to the Commission why they should approve her request. She said she didn't need for the Commission to approve this SUP because they were moving to Weslaco. More discussion followed concerning this request after which Mayor Brewer declared the public hearing closed at 7:12 P.M.

Since there were several questions concerning this SUP, Mayor Steve Brewer declared the meeting in executive session at 7:12 P.M. under Section 551.071 for consultation with

the City Attorney. Mayor Steve Brewer declared the meeting back in open session at 7:20 P.M.

**CONSIDER AND TAKE ACTION TO APPROVE OR DENY SPECIFIC USE PERMIT (SUP) REQUEST BY ALICIA WOODMAN NORIEGA, DBA BARCELONA SPORTING GOODS, FOR A SPECIFIC USE PERMIT (SUP) TO OPERATE A HOME OCCUPATION AS A SPORTING GOODS WHOLESALER AT 500 EAST MAGNOLIA STREET, AND AUTHORIZING THE MAYOR TO SIGN THE ORDER**

City Attorney Mr. Richard S. Talbert recommended to the City Commission to deny the request for the Specific Use Permit as it is beyond the scope of the Zoning Ordinance as approved by the City. Commissioner Victor Gonzalez, Jr. moved to deny the Specific Use Permit (SUP) request by Alicia Woodman Noriega, dba Barcelona Sporting goods, for a Specific Use Permit (SUP) to operate a home occupation as a sporting goods wholesaler at 500 East Magnolia Street. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

**CONSIDER AND TAKE ACTION TO SCHEDULE A JOINT WORKSHOP MEETING BETWEEN THE CITY COMMISSION OF THE CITY OF LA FERIA AND BOARD OF TRUSTEES OF THE LA FERIA INDEPENDENT SCHOOL DISTRICT ON JUNE 21, 2011 AND JULY 21, 2011**

City Manager Sunny K. Philip explained that the City and School had attempted to have a joint workshop last year, but it had not happened. City and School staff have been meeting regularly to discuss common issues and those in attendance have all agreed that the City Commission and the School Board of Trustees should have a joint workshop to discuss the Leadership La Feria Initiative, as well as other topics of common interests. Commissioner Lori Weaver moved to schedule a joint workshop meeting between the City Commission of the City of La Feria and Board of Trustees of the La Feria Independent School District on June 21, 2011 and July 21, 2011 at 6:30 P.M. at the Lee Facility located at 400 South West Street. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

**DISCUSSION REGARDING BIDS RECEIVED ON THE FOLLWING PROPERTIES STRUCK OFF TO CAMERON COUNTY, FOR ITSELF AND OTHER TAXING JURISDICTIONS FROM A TAX RESALE CONDUCTED ON NOVEMBER 2, 2010**

- **Legal Description: Tract One: Lots 56 and 57-B, Block 1, Potter-Watson Subdivision, Cameron County, Texas, according to the Map or Plat thereof, recorded in Volume 3, Page 27, Map Records of Cameron County, Texas (Account No. 29-6600-0090-0560-00)**
- **Legal Description: Lots 93, and 94, Block 3, Dunn Acres, Cameron County, Texas, according to the Map or Plat thereof, recorded in Volume 11, Page 62, Map Records of Cameron County, Texas (Acct. No. 29-2640-0030-0930-00)**
- **Legal Description: Lots 49 and 50, Block 2, Dunn Acres Subdivision, an addition to the City of La Feria, Cameron County, Texas, according to the Map or Plat thereof, recorded in Volume 11, Page 62, Map Records of Cameron County, Texas (Account No. 29-2640-0020-0490-00)**

City Manager Sunny K. Philip introduced Ms. Monica Solis with Linebarger Goggan Blair and Sampson, LLP, the City's tax attorneys. Mr. Philip said he had already told Ms. Solis that his recommendation to the City Commission would be to deny the bids received for these properties. Ms. Solis said she was present in case the City Commission had any questions regarding these properties. Commissioner Victor Gonzalez, Jr. asked for clarification as to why the City would deny these bids. Mr. Philip said that the City had incurred some costs in demolishing structures on these lots and the amount of the bids would not begin to recover some of the costs. There was no action needed on this item.

**DISCUSSION AND POSSIBLE ACTION ON THE THREE RESOLUTIONS APPROVING THE VARIOUS BIDS RECEIVED ON THE TAX RESALE CONDUCTED ON NOVEMBER 2, 2010 FOR THE ABOVE MENTIONED PROPERTIES**

Commissioner Angelica P. Baldivia moved to deny the three resolutions approving the various bids received on the tax resale conducted on November 2, 2010 for the above mentioned properties. 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 AN ORDINANCE OF THE CITY OF LA FERIA REGULATING ON-STREET PARKING ALONG A CERTAIN PORTION OF THE NORTH AND SOUTH SIDE OF THE 100 BLOCK OF EAST COMMERCIAL AVENUE FOR THE SAFETY AND WELFARE OF THE PUBLIC; PROVIDING FOR A PENALTY FOR VIOLATION AND PROVIDING AN EFFECTIVE DATE**

This item was tabled to allow staff to reconsider the number of parking spaces that would be time restricted by this ordinance. Commissioner Lori Weaver moved to table this item until the next meeting. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

**CONSIDER AND TAKE ACTION TO AUTHORIZE PARTICIPATION IN THE LAWSUIT PERTAINING TO THE CENSUS 2010 UNDERCOUNT OF LA FERIA RESIDENTS**

City Manager Sunny K. Philip said the correspondence from County Judge Carlos H. Cascos estimates that the cost of the lawsuit will be approximately \$90,000.00 and that this cost would be shared by all the cities participating in the lawsuit. Until the number of cities participating is known, there is no way of knowing exactly how much this will cost the City of La Feria. Commissioner Lori Weaver moved to authorize participation in the lawsuit pertaining to the Census 2010 undercount of La Feria residents. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

**SALE OF PROPERTY PURCHASED FOR THE NSP PROGRAM FROM THE CITY TO SOUTH TEXAS COLLABORATIVE FOR HOUSING DEVELOPMENT, INC.**

This item was considered after executive session. Commissioner Lori Weaver moved to consider this item after the executive session. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

**CONSIDER AND TAKE ACTION TO APPROVE PROFESSIONAL ENGINEERING SERVICES CONTRACT FOR DRAINAGE IMPROVEMENTS FUNDED THROUGH THE HAZARD MITIGATION GRANT PROGRAM**

City Manager Sunny K. Philip explained that the procurement process for professional engineering services for this project had been done some time ago along with the water and wastewater improvements project, and the City Commission had selected Sigler, Winston, Greenwood and Associates as the engineers for the water and wastewater. The contracts for the water and wastewater projects were completed and submitted to the Texas Water Development Board (TWDB) and now this project needs to get underway, so a contract needs to be negotiated. Commissioner Victor Gonzalez, Jr. moved to authorize the City Manager to negotiate a professional engineering services contract for drainage improvements with Sigler, Winston, Greenwood and Associates funded through the Hazard Mitigation Grant Program. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

**CONSIDER AND TAKE ACTION TO APPROVE PROFESSIONAL ADMINISTRATIVE SERVICES ASSOCIATED WITH THE HAZARD MITIGATION GRANT PROGRAM FOR DRAINAGE IMPROVEMENTS**

City Manager Sunny K. Philip said this is part of the same program as the previous item. He said Judy Langford of Langford Community Management Services was instrumental in preparing the application for the Hazard Mitigation Grant Program and he was recommending Langford Community Management Services to administer this grant. Commissioner Victor Gonzalez, Jr. asked if the fee for the administrative services would be paid by the grant and Mr. Philip respond in the affirmative. Commissioner Victor Gonzalez, Jr. moved to approve professional administrative services contract with Langford Community Management Services associated with the Hazard Mitigation Grant Program. 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 AMENDMENT TO PROFESSIONAL FINANCIAL ADVISOR SERVICES CONTRACT FOR THE TEXAS WATER DEVELOPMENT BOARD CLEAN WATER AND DRINKING WATER STATE REVOLVING LOAN FUND PROGRAM**

City Manager Sunny K. Philip said that the Texas Water Development Board (TWDB) requires that the application be prepared by a financial advisor, and during the selection process, the City Commission selected First Southwest Co. He recommended the addendum be approved so that it can be submitted to the TWDB. Commissioner Lori Weaver moved to approve the amendment to Professional Financial Advisor Services Contract with First Southwest Company for the Texas Water Development Board Clean Water and Drinking Water State Revolving Loan Fund Program. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

**CONSIDER AND TAKE ACTION TO CONFIRM THE SALE BY THE LA FERIA INDUSTRIAL DEVELOPMENT CORPORATION (LFIDC) OF LOT C-2 OF L.F.I.D.C. NORTH NO. 3 SUBDIVISION TO SOUTH TEXAS EMERGING MARKETS DEVELOPMENT FUND, INC.; AND FINANCING THEREOF**

City Manager Sunny K. Philip said this property will be sold to the non-profit South Texas Emerging Markets Development Fund, Inc. (STEMDF) and then STEMDF would sell this property to Orbit Broadband. Commissioner Angelica P. Baldivia moved to

confirm the sale by the La Feria Industrial Development Corporation (LFIDC) of Lot C-2 of L.F.I.D.C. North No. 3 Subdivision to South Texas Emerging Development Fund, Inc.; and financing thereof. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

**CONSIDER AND TAKE ACTION TO CONFIRM THREE ECONOMIC DEVELOPMENT LOANS APPROVED BY THE LA FERIA INDUSTRIAL DEVELOPMENT CORPORATION FROM THE REVOLVING LOAN FUND PROGRAM AT ITS BOARD MEETING HELD ON APRIL 7, 2011**

City Manager Sunny K. Philip said the copies of the three resolutions approved by the La Feria Industrial Development Corporation during its meeting of April 7, 2011 were included in the packet. He explained that the loans for \$5,000.00 and \$45,000.00 are to the non-profit South Texas Emerging Markets Development Fund, Inc. and the \$30,000.00 loan is to the non-profit South Texas Collaborative for Housing Development, Inc. Commissioner Victor Gonzalez, Jr. moved to confirm the three economic development loans approved by the La Feria Industrial Development Corporation from the Revolving Loan Fund Program at its board meeting held on April 7, 2011. 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**

Mayor Steve Brewer declared the meeting in executive session at 7:47 P.M. After executive session deliberation, Mayor Steve Brewer declared the meeting back in open session at 8:29 P.M.

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

There was no action necessary on this item as a result of executive session.

At this point, Commissioner Lori Weaver moved to excuse Commissioner John Betancourt's absence from the meeting due to work schedule conflict. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

Item 16 on the agenda was brought up for consideration at this time, and the action taken was as follows:

**SALE OF PROPERTY PURCHASED FOR THE NSP PROGRAM FROM THE CITY TO SOUTH TEXAS COLLABORATIVE FOR HOUSING DEVELOPMENT, INC.**

Commissioner Lori Weaver moved to authorize the City Manager to enter into a real estate contract for the lots acquired by the City for the NSP Program to the South Texas Collaborative for Housing Development, Inc. in accordance with the terms discussed in

executive session. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

**CONSIDER AND TAKE ACTION TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND PURCHASE CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) AUTHORITY FROM NORTH ALAMO WATER SUPPLY CORPORATION FOR CERTAIN AREAS LOCATED NEXT TO THE CCN ALLOCATED TO THE CITY OF LA FERIA**

Commissioner Lori Weaver moved to authorize the City Manager to negotiate and purchase Certificate of Convenience and Necessity (CCN) Authority from North Alamo Water Supply Corporation for certain areas located next to the CCN allocated to the City of La Feria. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

**REPORTS BY STAFF**

- **NATIONAL DAY OF PRAYER – MAY 5**
- **JULY 4<sup>TH</sup> CELEBRATION**

City Manager Sunny K. Philip reported on the following.

- The National Day of Prayer event will be held on May 5, 2011 at 9:00 A.M. at the flag pole at City Hall, and the City will sponsor a breakfast at Don Beto's Restaurant at 8:00 A.M. for invited guests as part of the celebration.
- The Planning Committee will begin to plan the 4<sup>th</sup> of July Celebration tomorrow, and one of the ideas being considered is whether to have the celebration on Saturday, July 2, 2011 or on Monday, July 4.

**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.

**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 Commission.

**ADJOURNMENT**

Mayor Steve Brewer adjourned the meeting at 8:32 P.M.

**APPROVED:**



Steve Brewer, Mayor

**ATTEST:**



Olga Oberwetter, City Secretary

These minutes were prepared and filed with the City of La Feria at 11:45 A.M. on April 19, 2011, as official record.



Olga Oberwetter, City Secretary



**CITY COMMISSION REGULAR MEETING**

AT THE

CITY COMMISSION MEETING ROOM

**TUESDAY, APRIL 12, 2011, AT 6:30 PM**

WELCOME  
PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1	Luis Guajardo	LRGVDC	969-5761
2	AW Noriega	500E. Magnolia	545-0549
3	Irma Tarnowski	P.O. Box 530503	364-0197
4	LALO SOSA		861-1470
5	Liana Brewer		
6	blake Arce		
7			
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