MINUTES OF PROCEEDINGS CITY COMMISSION Tuesday, May 24, 2011

Be it known that the City of La Feria City Commission met in regular session on Tuesday, May 24, 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
Ms. Lori Weaver
City Commissioner/Mayor Pro Tem
Mr. John Edward Betancourt
City Commissioner

Mr. John Hernandez

Ms. Angelica P. Baldivia

Mr. Victor Gonzalez, Jr.

City Commissioner

City Commissioner

The following staff members were present.

Mr. Sunny K. Philip City Manager
Mr. Richard S. Talbert City Attorney
Ms. Kin Mendoza Accountant

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 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, MAY 10, 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, May 10, 2011. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

PRESENTATION OF CERTIFICATE OF ELECTION TO DECLARED ELECTED OFFICIALS

City Manager Sunny K. Philip said there was no election held this year. Since the three incumbents were unopposed, the election was cancelled and the incumbents were declared elected. Mayor Steve Brewer presented the Certificate of Election to each of the declared elected officials: Commissioner Position 3, Lori Weaver; Commissioner Position 4, Victor Gonzalez, Jr.; and Commissioner Position 5, Angelica P. Baldivia.

OATH OF OFFICE ADMINISTERED TO THREE COMMISSIONERS ELECT: LORI WEAVER, VICTOR GONZALEZ, JR. AND ANGELICA P. BALDIVIA

Mayor Steve Brewer introduced Judge Adam Gonzalez who would administer the Oath of Office to the three commissioners elect. Judge Adam Gonzalez administered the Oath of Office to Commissioners Lori Weaver, Victor Gonzalez, Jr. and Angelica P. Baldivia. The three Commissioners will serve a three-year term, which will expire in May 2014.

CONSIDER AND TAKE ACTION TO APPROVE RESOLUTION ELECTING A MAYOR PRO-TEMPORE OF THE CITY OF LA FERIA

Commissioner Victor Gonzalez, Jr. nominated Commissioner Lori Weaver to serve as Mayor Pro-Tempore of the City of La Feria. Commissioner Angelica P. Baldivia seconded the nomination. Commissioner Weaver agreed to accept the nomination. Mayor Brewer called for any other nominations; there were none, and the nominations ceased. Since the election of Mayor Pro-Tempore is documented by resolution, Commissioner John Betancourt 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. City Attorney Mr. Richard S. Talbert read the caption of Resolution 2011-19. After reading of the caption, Commissioner John Betancourt moved to approve Resolution 2011-19 electing Commissioner Position 3 Lori Weaver as Mayor Pro-Tempore of the City of La Feria. 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 AN ORDINANCE OF THE CITY OF LA FERIA, TEXAS AUTHORIZING THE CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE VETERANS MEMORIAL SPORTS COMPLEX DURING THE HOURS OF CELEBRATION ON JULY 2, 2011 OR ON AN ALTERNATE DATE SELECTED BY THE EVENT PLANNING COMMITTEE FOR THE CITY OF LA FERIA INDEPENDENCE DAY CELEBRATION

City Manager Sunny K. Philip explained that in previous years, the Event Planning Committee has sold beer at this event as a fundraiser, but there were not enough sales to raise any funds. This is the second year that the Committee will not sell beer, but since alcoholic beverages are prohibited in the City parks, in order for people to be allowed to consume beer at the park during the Independence Day Celebration, the Commission needs to approve an ordinance allowing that. The ordinance states that the hours for alcoholic consumption at the Veterans Memorial Sports Complex will be from 12:00 p.m. to 10:30 p.m. during the Independence Day Celebration on July 2, 2011. The earlier hour is due to the barbecue cook off event (as part of the celebration) starting around 11:00 a.m. Commissioner Lori Weaver 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. City Attorney Mr. Richard S. Talbert read the caption of Ordinance 2011-06. After reading of the caption, Commissioner Victor Gonzalez, Jr. moved to approve Ordinance 2011-06 authorizing the consumption of alcoholic beverages at the Veterans Memorial Sports Complex during the hours of 12:00 p.m. to 10:30 p.m. on July 2, 2011, [provided that no glass containers are allowed as amended later on in this meeting], or on an alternate date selected by the Event Planning Committee for the City of La Feria Independence Day Celebration.

Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDER AND TAKE ACTION TO APPROVE A FIREWORKS DISPLAY AS PART OF THE CITY OF LA FERIA INDEPENDENCE DAY CELEBRATION TO BE HELD ON SATURDAY, JULY 2, 2011 AT THE VETERANS MEMORIAL SPORTS COMPLEX

City Manager Sunny K. Philip said that the Planning Committee has been meeting and planning to have a fireworks display on Saturday, July 2, 2011 as the final event of the Independence Day Celebration. Mr. Philip said that since fireworks are prohibited inside the La Feria city limits, the City Commission needs to approve the fireworks display, and the Event Planning Committee is asking for approval so that they can continue with the plans for the event. Commissioner Lori Weaver moved to approve a fireworks display as part of the City of La Feria Independence Day Celebration to be held on Saturday, July 2, 2011 at the Veterans Memorial Sports Complex. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDER PROPOSALS RECEIVED AND TAKE ACTION TO AWARD CONTRACT FOR ENGINEERING/ARCHITECTURAL SERVICES FOR THE LA FERIA SAFE ROUTES TO SCHOOLS PROJECT, CSJ: 0921-06-247 FUNDED THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION City Manager Sunny K. Philip explained that the City received a grant of \$500,000.00 through the Texas Department of Transportation (TxDOT) to install sidewalks to encourage students to walk to and from school. Base on TxDOT's and the City's procurement guidelines, the City advertised for proposals for qualifications for engineering/architectural services, and seven proposals were received. The seven firms responding to the request for proposals were: Melden & Hunt, Inc., 115 W. McIntyre, Edinburg, TX 78541; R. Gutierrez Engineering Corporation, 130 East Park Avenue, Pharr, TX 78577; Guzman & Munoz Engineering and Surveying, Inc., 2020 E. Expressway 83, Mercedes, TX 78570; TEDSI Infrastructure Group, 1201 E. Expressway 83, Mission, TX 78572; Aldana Engineering & Traffic Design, LLC, 720 S. Texas, Weslaco, TX 78596; HALFF Associates, Inc., 5000 West Military Highway, Suite 100, McAllen, TX 78501; and Sigler, Winston, Greenwood & Associates, 611 Bill Summers International Blvd., Weslaco, TX 78596. A committee scored the proposals, and the top three firms were Sigler, Winston, Greenwood & Associates; Aldana Engineering & Traffic Design, LLC; and HALFF Associates, Inc. The top three firms were invited to make a presentation before the committee. Mr. Philip acknowledged the presence of the top three firms at the meeting. The committee is recommending that the award go to Sigler, Winston, Greenwood and Associates along with Megamorphosis Architecture and Interior Design. Commissioner Angelica P. Baldivia moved to award contract for Engineering/Architectural Services for the La Feria Safe Routes to Schools Project, CSJ: 0921-06-247 funded through the Texas Department of Transportation to Sigler, Winston, Greenwood and Associates along with Megamorphosis Architecture and Interior Design pending TxDOT approval. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY RESOLUTION SEEKING PERMISSION FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS TO SEVER THE CONTRACT BETWEEN THE CITY OF LA FERIA AND THE COMMUNITY DEVELOPMENT

CORPORATION OF BROWNSVILLE AND ENTER INTO A CONTRACT BETWEEN THE CITY OF LA FERIA AND TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS PERTAINING TO THE NEIGHBORHOOD STABILIZATION PROGRAM 1 FUNDS IDENTIFIED FOR THE CITY OF LA FERIA

City Manager Sunny K. Philip explained that during the last economic turmoil of home foreclosures, the Federal government came up with a program called Neighborhood Stabilization Program, also known as the NSP program. There are a total of three rounds of funding available in the program. In the first round of funding, HUD looked at a study based on population and the percentage of homes being foreclosed, and Cameron County was identified as one of the counties with an increased number of foreclosures. Therefore, HUD allocated money based on that formula to Cameron County through the Texas Department of Housing and Community Affairs (TDHCA). Mr. Philip said he and Mayor Steve Brewer met with the County and were successful in their request that the City of La Feria be allowed to participate in the program. Since Cameron County has no experience in housing, they asked the Community Development Corporation of Brownsville (CDCB) to manage that program. The State of Texas through TDHCA entered into an agreement with the CDCB. The City of La Feria is a sub-grantee. The City of La Feria had asked for 1 million dollars, but it was awarded \$866,000.00. The City was not able to exercise the option of the foreclosed properties, so the next option is to improve the neighborhood by buying vacant lots and building homes to rent to low income residents. The CDCB does not want to have reporting responsibilities for 30 years, so TDHCA will allow the CDCB to write a letter to cancel the agreement with them and then TDHCA will sign an agreement directly with the City of La Feria. However, the City of La Feria cannot own rental properties, so a non-profit corporation would need to be engaged. The South Texas Collaborative for Housing Development, Inc. is a non-profit corporation that could own and manage these properties. Mr. Philip recommended approval of this resolution so that the City can move forward with its housing efforts. City Secretary Ms. Olga Oberwetter left the meeting at this point to retrieve the resolution for distribution to the City Commission and staff. Mr. Philip commented that if the City Commission approves this resolution, the next thing would be for staff to come up with a selection process to bring before the City Commission, so that the Commission will be able to officially designate the non-profit as the administrator of the program. Mayor Brewer asked for a motion to consider this item after item 12 since the discussion had already taken place, and while they are waiting for the resolution, the meeting could move forward. Commissioner Angelica P. Baldivia moved to take action on this item after item 12 (the next item on the agenda). Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission. (Caption for this item is repeated after the following item for purposes of the action taken.)

Commissioner Lori Weaver asked to be excused from the rest of the meeting at this point and exited the meeting room.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY RESOLUTION OF THE CITY OF LA FERIA, TEXAS AUTHORIZING REVIEW OF TEXAS GAS SERVICE COMPANY'S ("TGS") COST OF SERVICE ADJUSTMENT ("COSA") TARIFF; APPROVING OF A JOINT REVIEW OF TGS' APPLICATION ALONG WITH OTHER CITIES SERVED BY TGS; HIRING LEGAL AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND

DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING TGS TO REIMBURSE ALL REASONABLE COSTS ASSOCIATED WITH CITIES' EFFORTS IN THIS RATEMAKING EFFORT; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

City Manager Sunny K. Philip gave a brief explanation of this item. Commissioner John Betancourt 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 2011-21. After reading of the caption, Commissioner John Betancourt moved to approve Resolution 2011-21 authorizing review of Texas Gas Service Company's ("TGS") Cost of Service Adjustment ("COSA") tariff; approving of a joint review of TGS' application along with other cities served by TGS; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; requiring TGS to reimburse all reasonable costs associated with cities' efforts in this ratemaking effort; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

(FOLLOWING CAPTION RESTATED)

CONSIDER AND TAKE ACTION TO APPROVE OR DENY RESOLUTION
SEEKING PERMISSION FROM THE TEXAS DEPARTMENT OF HOUSING
AND COMMUNITY AFFAIRS TO SEVER THE CONTRACT BETWEEN THE
CITY OF LA FERIA AND THE COMMUNITY DEVELOPMENT
CORPORATION OF BROWNSVILLE AND ENTER INTO A CONTRACT
BETWEEN THE CITY OF LA FERIA AND TEXAS DEPARTMENT OF
HOUSING AND COMMUNITY AFFAIRS PERTAINING TO THE
NEIGHBORHOOD STABILIZATION PROGRAM 1 FUNDS IDENTIFIED FOR
THE CITY OF LA FERIA

Mayor Brewer returned to item 11 on the agenda for action to be taken. The discussion on this item was discussed earlier in the meeting. Commissioner John Betancourt 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 2011-20. After reading of the caption, Commissioner Victor Gonzalez, Jr. moved to approve Resolution 2011-20 seeking permission from the Texas Department of Housing and Community Affairs to sever the contract between the City of La Feria and the Community Development Corporation of Brownsville and enter into a contract between the City of La Feria and Texas Department of Housing and Community Affairs pertaining to the Neighborhood Stabilization Program 1 funds identified for the City of La Feria. 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 AN ORDINANCE OF THE CITY OF LA FERIA REPEALING ORDINANCE 2008-21, AMENDING CHAPTER 14, EXHIBIT A (ZONING ORDINANCE), AMENDING CHAPTER 4

(BUSINESS REGULATIONS) TO REGULATE GAME HALLS THEREUNDER; AND AMENDING APPENDIX A OF THE CITY OF LA FERIA CODE OF ORDINANCES TO ESTABLISH THE BUSINESS LICENSE FEE FOR GAME HALLS, THE OCCUPATIONAL TAX APPLICABLE TO GAMING DEVICES AND THE SPECIFIC USE PERMIT APPLICATION FEE FOR GAME HALLS

A brief discussion was held on this item, and it was determined that even though the Planning and Zoning Commission held a public hearing on this topic, the City Commission also needs to have a public hearing before they can take action on this ordinance. Commissioner John Hernandez moved to table this item until a later date to allow for republication of a public hearing and posting of a public hearing on the City Commission agenda. Commissioner Victor Gonzalez, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO TERMINATE THE CONTRACT BETWEEN THE CITY OF LA FERIA AND MUNICIPAL SERVICES BUREAU FOR COLLECTION OF DELINQUENT FEES AND FINES ASSOCIATED WITH THE MUNICIPAL COURT AND DELINQUENT UTILITY BILLS AND ASSESSMENTS

City Manager Sunny K. Philip explained that this item was placed on the City Commission agenda before, but the item was tabled at that time for further review. Mr. Philip said that the Municipal Services Bureau has been the collection agent for these fees for the City of La Feria for some time, but the City has learned that the firm of Linebarger, Goggan, Blair and Sampson has been doing this type of service for other cities with better results. The City would like to terminate the contract with the Municipal Services Bureau and enter into a contract with Linebarger, Goggan, Blair and Sampson. Commissioner Victor Gonzalez, Jr. moved to terminate the contract between the City of La Feria and the Municipal Services Bureau for collection of delinquent fees and fines associated with the Municipal Court and delinquent utility bills and assessments. 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 ORDINANCE AUTHORIZING THE ADD-ON FEE FOR THE COST OF COLLECTION FOR DELINQUENT MUNICIPAL COURT FINES AND ESTABLISHING AN EFFECTIVE DATE

City Manager Sunny K. Philip explained that City Attorney Mr. Richard S. Talbert modified the copy of the ordinance that was submitted in the package to the Mayor and City Commissioners. Mr. Talbert said that the Code of Ordinances, under Chapter 7, already has a provision for the 30 % add-on fee, and what was originally submitted by Linebarger in their proposal covered more that just fees and fines; it also got into other collection activities with the City. Mr. Talbert said he adjusted the proposed ordinance to cover amending Section 7.01 of the Code of Ordinances to better define when it is to cover the situations that is intended to be covered on the collection of those fines for the Municipal Court. Commissioner John Hernandez moved to read the ordinance 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 Commissioners present. City Attorney Mr. Richard S. Talbert read the caption of Ordinance 2011-08. After reading of the caption, Commissioner John Hernandez moved to approve Ordinance 2011-08 amending Section 7.01 of the La Feria Code of Ordinances relating to authorizing a collection fee in the amount of 30% of debts, costs and accounts receivable,

restitution and in cases where the accused has failed to appear to be used to defray the costs of hiring a collection firm, private vendor or attorney to collect such amounts due for delinquent Municipal Court fines. Commissioner Victor Gonzalez, Jr. 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 CONTRACT FOR FINES, FEES FOR MUNICIPAL COURT, DELINQUENT UTILITY BILLS, AND ASSESSMENT COLLECTION SERVICES BETWEEN THE CITY OF LA FERIA AND LINEBARGER, GOGGAN, BLAIR AND SAMPSON, LLP

City Manager Sunny K. Philip explained that a revised version of the agreement was distributed to the City Commission tonight. Mr. Philip also made a correction to Article 6, Page 3, the expiring term date on the contract; it should be May 31, 2014. City Attorney Mr. Richard S. Talbert said it is a 3-year original term contract and thereafter it renews automatically for one-year terms, unless either party gives 60 days written notice of termination. City Secretary Ms. Olga Oberwetter said that even though the agenda item calls for a resolution, there is no resolution for this item; it is only the contract that requires action by the City Commission. Commissioner John Betancourt moved to approve the contract for fines, fees for municipal court, delinquent utility bills, and assessment collection services between the City of La Feria and Linebarger, Goggan, Blair and Sampson, LLP. Commissioner John Hernandez seconded the motion, and the motion carried by a majority vote of the City Commissioners present. Commissioner Victor Gonzalez, Jr. was present, not voting.

MONTHLY FINANCIAL REPORTS FOR THE MONTH OF APRIL 2011

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

Mayor Steve Brewer thanked Accountant Ms. Kin Mendoza for the reports and 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 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

Commissioner John Betancourt moved to table this item since there was nothing to discuss in executive session. Commissioner Victor Gonzalez, Jr. 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

Commissioner John Betancourt moved to table this item. Commissioner Victor Gonzalez, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

Reports by Staff

• July 4th Celebration (Independence Day Celebration, July 2, 2011)

City Manager Sunny K. Philip reported on the following:

• The Independence Day Celebration will be held on Saturday, July 2, 2011, and this year's function is moving along good. There is a barbecue cook off planned, and all children's rides will be free.

Commissioner John Hernandez inquired about whether the City would be enforcing that no bottle containers would be allowed at the Veterans Memorial Park/Sports Complex during the Independence Day Celebration on July 2, 2011. Commissioner John Betancourt moved to go back to revisit item 8 to amend the motion made in regards to the consumption of alcoholic beverages during the Independence Day Celebration to prohibit glass containers. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present. Discussion on this issue was held and the consensus of the City Commission was to ban all glass containers. Commissioner John Hernandez moved to allow consumption of alcoholic beverages between the hours of 12:00 p.m. and 10:30 p.m. during the Independence Day Celebration on July 2, 2011, provided that no glass containers would be allowed. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

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 Victor Gonzalez, Jr. 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 7:15 P.M.

APPROVED:

Steve Brewer, Mayor

ATTEST:

Olga Oberwetter City Secretary

These minutes were prepared and filed with the City of La Feria at 1:00 P.M. on June 11, 2011, as official record.

Olga Oberwetter, City Secretary

CITY COMMISSION REGULAR MEETING

AT THE

CITY COMMISSION MEETING ROOM TUESDAY, MAY 24, 2011, AT 6:30 PM

WELCOME PLEASE SIGN IN

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