

**MINUTES OF PROCEEDINGS
CITY COMMISSION
Tuesday, June 14, 2011**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, June 14, 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
Mr. John Edward Betancourt	City Commissioner
Mr. John Hernandez	City Commissioner
Mr. Victor Gonzalez, Jr.	City Commissioner
Ms. Angelica P. Baldivia	City Commissioner

Absent: Ms. Lori Weaver City Commissioner/Mayor Pro Tem

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.

Commissioner Victor Gonzalez, Jr. moved to excuse Commissioner Lori Weaver's absence from this meeting. 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, MAY 24, 2011**

After review of the minutes, Commissioner John Betancourt moved to approve the minutes of proceedings of the previous regular meeting of the City Commission held on Tuesday, May 24, 2011. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

**PUBLIC HEARING TO RECEIVE INPUT ON A PROPOSED AMENDMENT TO
THE CITY OF LA FERIA SUBDIVISION ORDINANCE TO PROVIDE THAT**

THE CITY'S EXTRA-TERRITORIAL JURISDICTION (ETJ) FOR PURPOSES OF REVIEW AND APPROVAL OF SUBDIVISION PLATS SHALL BE FIVE MILES, AS PERMITTED BY TEXAS LOCAL GOVERNMENT CODE, §212.001

Planning and Community Development Director Ms. Irene Szedlmayer discussed this item with the Commission. Ms. Szedlmayer explained that for annexation purposes, the City of La Feria has a 1-mile ETJ, based on population. In 1987 the state legislature amended Chapter 212 which governs municipal regulations of subdivisions to provide that cities that have a population of at least 5,000 and are in a County that borders the Rio Grande River can adopt a 5-mile ETJ for the purpose of subdivision review. The City of La Feria did not adopt the 5-mile ETJ previously. Ms. Szedlmayer added that the City of Harlingen is a much larger city with an ETJ of 3 ½ miles for annexation purposes and a 5-mile ETJ for subdivision review and that if a subdivision is in both jurisdiction's ETJs, the larger city would be the one that would review the subdivision. Mayor Steve Brewer declared the public hearing open at 6:42 P.M. Discussion was held concerning an existing subdivision that was already in the process of being developed before they knew that they needed to be in compliance with the City of La Feria's subdivision ordinance. Ms. Szedlmayer said that a copy of the 5-mile ETJ map would be provided to the Cameron County Engineers Office, so that when the County receives inquiries they can direct them to the City of La Feria if it is in La Feria's jurisdiction. There being no further comments, Mayor Steve Brewer declared the public hearing closed at 6:46 P.M.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY ORDINANCE OF THE CITY OF LA FERIA AMENDING THE CITY'S SUBDIVISION ORDINANCE AUTHORIZING SUBDIVISION REVIEW BY THE CITY OF LA FERIA FOR THE CITY'S 5-MILE ETJ, RATHER THAN THE ONE-MILE ETJ AS IT CURRENTLY PROVIDES.

Commissioner John Hernandez 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 Commissioners present. City Attorney Mr. Richard S. Talbert read the caption of Ordinance 2011-09. After reading of the caption, Commissioner Victor Gonzalez Jr. moved to approve Ordinance 2011-09 authorizing subdivision review by the City of La Feria for the city's 5-mile ETJ, rather than the one mile ETJ as it currently provides. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

PUBLIC HEARING TO RECEIVE INPUT REGARDING A SPECIFIC USE PERMIT REQUEST FROM JESUS ANGEL GARZA, DBA THE LUCKY GAME ROOM, TO OPERATE A GAME HALL TO BE LOCATED AT 3708 WEST EXPRESSWAY 83, LA FERIA, TEXAS, WHICH PROPERTY IS ALSO KNOWN AS LOT 1, BLOCK 1, COMMERCIAL COVE SUBDIVISION

Since the Game Hall Ordinance is under review, this item was tabled by a motion by Commissioner John Hernandez and a second by Commissioner Angelica P. Baldivia. The motion carried by majority vote. Commissioner Victor Gonzalez, Jr. was present not voting.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY A SPECIFIC USE PERMIT (SUP) FOR JESUS ANGEL GARZA, DBA THE LUCKY GAME ROOM, TO OPERATE A GAME HALL TO BE LOCATED AT 3708 WEST EXPRESSWAY 83, LA FERIA, TEXAS, WHICH PROPERTY IS ALSO KNOWN

AS LOT 1, BLOCK 1, COMMERCIAL COVE SUBDIVISION, AND AUTHORIZING THE MAYOR TO ISSUE AN ORDER GRANTING OR NOT GRANTING THE SUP

Since the Game Hall Ordinance is under review, this item was tabled by a motion by Commissioner John Hernandez and a second by Commissioner Angelica P. Baldivia. The motion carried by majority vote. Commissioner Victor Gonzalez, Jr. was present not voting.

CONSIDER AND TAKE ACTION TO AWARD CONTRACT FOR THE PURCHASE AND DELIVERY TO THE CITY OF LA FERIA OF ONE (1) 8-INCH HORIZONTAL, SELF-PRIMING, CENTRIFUGAL, SOLIDS HANDLING, AIR COOLED, DIESEL ENGINE DRIVEN, PORTABLE PUMP ALL COMPLETE TO THE LOWEST AND MOST QUALIFIED BIDDER

City Manager Sunny K. Philip explained that a copy of the proposal received was included in the City Commission package. Specs were prepared and sent to three vendors. Only one quotation was received and that was from Pump and Power Equipment in the amount of \$42,166.51. Mr. Philip said this purchase is funded by using left over money from a current CDBG Program. Commissioner Victor Gonzalez, Jr. moved to award the contract for the purchase and delivery to the City of La Feria of one (1) 8-inch horizontal, self-priming, centrifugal, solids handling, air cooled, diesel engine driven, portable pump all complete to Pump and Power Equipment of McAllen in the amount of \$42,166.51 contingent on written confirmation from the Texas Department of Rural Affairs that the amendment to the performance statement to purchase the pump has been approved. 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 PURCHASE OF PORTABLE RADIOS FOR THE CITY OF LA FERIA

City Manager Sunny K. Philip explained that next year the law requires that the radios operate on a narrow band frequency. The City's current radios will not be able to meet the federal law requirement. Mr. Philip said the City has a grant in the amount of \$84,000.00 from Homeland Security for the purchase of new radios. There are two vendors selling the Motorola radios, one is South Texas Communications and the other is Tri-County Communications. South Texas Communications submitted a quote of \$86,451.25 for 36 radios, and Tri-County Communications submitted a quote of \$87,750.00 for 30 radios. Staff recommendation was to purchase the 36 radios for \$86,451.25 and the City's portion would be \$2,451.25. Mayor Steve Brewer discussed the usage fee that is being charged for the radios and wondered if negotiation would result in a lower fee. Mr. Philip said that a contract with the City of Harlingen would need to be negotiated. Commissioner John Betancourt moved to approve the purchase of portable radios for the City of La Feria from South Texas Communications in the amount of \$86,451.25 for 36 radios. 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 BUYOUT AND TRANSFER OF SERVICE AREA AGREEMENT BETWEEN THE CITY OF LA FERIA AND NORTH ALAMO WATER SUPPLY CORPORATION

City Manager Sunny K. Philip explained that at a previous meeting the City Commission considered this item and authorized the City Manager to negotiate a contract for the purchase of the CCN area. Based on the Commission's authorization, the City put some

money in escrow with their attorney. The North Alamo Water Supply Corporation's Board is meeting tonight and will consider the Buyout and Transfer of Service Area Agreement also. Commissioner John Betancourt moved to confirm the Buyout and Transfer of Service Area Agreement between the City of La Feria and North Alamo Water Supply Corporation. 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 TO ENTER INTO AN AGREEMENT THROUGH A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE SOUTH TEXAS CHAPTER OF THE AMERICAN RED CROSS FOR THE PERFORMANCE OF EMERGENCY MANAGEMENT FUNCTIONS AND/OR SERVICES REQUIRED OR AUTHORIZED BY THE DEPARTMENT OF HOMELAND SECURITY, OR THE LAWS OF THE STATE OF TEXAS, UNDER THE TERMS AND CONDITIONS PRESCRIBED IN THE MOU

Commissioner Angelica P. Baldivia move to authorize the City to enter into an agreement through a Memorandum of Understanding (MOU) with the South Texas Chapter of the American Red Cross for the performance of emergency management functions and/or services required or authorized by the Department of Homeland Security, or the laws of the State of Texas, under the terms and conditions prescribed in the MOU.

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**
- **TWDB**

City Manager Sunny K. Philip reported that the 4th of July Celebration is coming along good. An added activity is the Bar-B-Q Cook Off and there are several entries already. It looks like it will be a good event.

The Texas Water Development Board funding for the water and wastewater systems is moving forward, and Bond Counsel should be receiving the draft agreement tomorrow. Meanwhile the engineers are continuing with the design.

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 John Hernandez 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 7:10 P.M.

APPROVED:



Steve Brewer, Mayor

ATTEST:


Olga Oberwetter, City Secretary

These minutes were prepared and filed with the City of La Feria at 1:45 P.M. on July 25, 2011, as official record.


Olga Oberwetter, City Secretary

CITY COMMISSION REGULAR MEETING
AT THE
CITY COMMISSION MEETING ROOM
TUESDAY, JUNE 14, 2011, AT 6:30 PM

WELCOME
PLEASE SIGN IN

<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1 JESUS A. GARZA	611 UVALDE AVE	(956) 878-9509
2 ALEXIS MUNGUIA	611 UVALDE AVE	(956) 878-9509
3 Liana Brewer		
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