

**MINUTES OF PROCEEDINGS  
CITY COMMISSION  
Tuesday, June 28, 2011**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, June 28, 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
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 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.

**PUBLIC HEARING TO RECEIVE INPUT ON THE SPECIFIC USE PERMIT APPLICATION FILED BY GRANOS PROPERTIES, LTD. TO INSTALL A MANUFACTURED HOUSE TO SERVE AS GUEST QUARTERS AT 701 EAST EXPRESSWAY 83 IN LA FERIA**

Planning and Community Development Director Ms. Irene Szedlmayer explained that this property is the former LUV Home property located at 701 E. Expressway 83, La Feria, Texas (east of Parker Road). The owners, Granos Properties, LTD have three businesses in the Valley and plan to make the La Feria office their central office with 12 employees. They buy and sell grain and have seasons of intense activity. They are proposing to install a manufactured home at the location to have available as guest quarters for their employees and/or business guests who come in from Mexico. Ms. Szedlmayer said that the Zoning Ordinance allows guest's quarters in the C-2 General Commercial Zone with an SUP approved by the City Commission. She added that the notice of public hearing was published in the La Feria News (June 15, 2011) and also mailed to all property owners within the 200 foot radius. Only one inquiry was received

and ultimately they had no objection. Ms. Szedlmayer said that the property has public sewer service, but no public water service; they are relying on well water. She proposed that a sign be placed in the manufactured home that cautions the occupants that the water is not for drinking purposes. Ms. Szedlmayer also suggested that the duration of the stay be limited to a few days' stay. She said staff is recommending approval. Mayor Steve Brewer declared the public hearing open at 6:35 P.M. Ms. Barbara Miller said she and her husband own the property to the east of the Granos Properties and that they were neutral on this proposal. She would hope that the SUP is limited to employees and short stays because the accommodations would not work well for a family. Mayor Steve Brewer said he would encourage our visitors to stay at La Feria hotels. Ms. Joleigh Ares said she owns a mobile home distribution business in La Feria and she was in support of Granos Properties. Ms. Ares said they own 12 grain elevators in Mexico and they have two in Texas. She said the manufactured home they will be installing is a 16' x 76'. Discussion by the City Commission covered all aspects of the zoning ordinance requirements and such items as provisions for additional guest quarters that might be proposed by the business in the future. There being no further comments, Mayor Brewer declared the public hearing closed at 6:44 P.M.

**CONSIDER AND TAKE ACTION ON THE REQUEST BY GRANOS PROPERTIES, LTD TO INSTALL A MANUFACTURED HOUSE TO SERVE AS GUEST QUARTERS AT 701 EAST EXPRESSWAY 83 IN LA FERIA**

City Manager Sunny K. Philip commented that there are some other neighboring properties that have residences in the area, and that primarily the area is zoned Commercial. In response to Commissioner John Hernandez's question concerning the installation of mobile homes in the city, Mr. Philip said that the manufactured home will be used as an extension of their office. He said when businesses are in the construction phase, they normally have a manufactured building as an office on their property. Mr. Philip said that staff is recommending approval of the SUP and that if it turns out to be a permanent residence, the SUP can be voided. Mr. Philip also asked that a provision be added to the SUP that no fee is to be charged for the guest's stay. Commissioner Victor Gonzalez, Jr. moved to approve the SUP request by Granos Properties, LTD to install a manufactured house to serve as guest quarters at 701 East Expressway 83 in La Feria. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**WORKSHOP ON GAME HALLS**

City Manager Sunny K. Philip made a few opening remarks on this item and indicated that a short executive session would be held to consult with the City Attorney prior to taking action on a following item concerning the game hall ordinance. Mr. Philip said that the City of La Feria has a zoning ordinance that has a provision that allows game halls in the city with a Specific Use Permit (SUP) approved by the City Commission. Mr. Philip said that in the past at least on four occasions the La Feria Police Department has closed down the game halls for paying cash in amounts more than allowed by law while others have closed down on their own. Mr. Philip asked Planning and Community Development Director Ms. Irene Szedlmayer to review the highlights of the changes from Ordinance 2008-21 to the proposed ordinance. Ms. Szedlmayer reviewed all the changes proposed in the new ordinance and answered all questions posed by the City Commission. After a lengthy discussion on this topic, the City Commission went into Executive Session at 7:20 P.M. on a motion by Commissioner Lori Weaver and a second by Commissioner Angelica P. Baldivia. The motion carried by unanimous vote of the

City Commission. After executive session deliberation, Mayor Steve Brewer declared the meeting back in open session at 7:40 P.M.

**PUBLIC HEARING REGARDING REPEALING ORDINANCE 2008-21, AMENDING CHAPTER 14, EXHIBIT A (ZONING ORDINANCE) AMENDING CHAPTER 4 (BUSINESS REGULATIONS) TO REGULATE GAME HALLS**

Mayor Steve Brewer declared the public hearing open at 7:40 P.M. There were no comments from the public, so Mayor Brewer declared the public hearing closed at 7:40 P.M.

**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**

City Manager Sunny K. Philip said that staff and the City Commission have been discussing this issue at several meetings and during the workshop held tonight the existing ordinance and the proposed ordinance have been compared. Some of the changes include the increase in fees from the current level to a higher fee. Mr. Philip asked the City Commission for feedback as to what direction to take as the City has one application pending. Commissioner Victor Gonzalez, Jr. said staff needs to revisit this ordinance and he referenced items #3 and #4 on Ms. Szedlmayer's memo to the Commission. He suggested that staff see what other businesses that do this type of business in other cities have to pay, and that the hours of operation also be considered. Commissioner John Betancourt asked that the change of ownership be addressed to allow that any change of ownership would terminate the SUP immediately. There was no action on this item at this meeting. This item was tabled on a motion by Commissioner Victor Gonzalez, Jr. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO APPROVE RESOLUTION ACCEPTING GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR THE EXPANSION OF THE BAILEY H. DUNLAP MEMORIAL LIBRARY AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS PERTAINING TO THE GRANT FUNDING**

The grant amount to be provided by USDA for the expansion of the library is in an amount not to exceed \$464,431.00. Commissioner Angelica P. Baldivia 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 2011-22. After reading of the caption, Commissioner Victor Gonzalez, Jr. moved to approve Resolution 2011-22 accepting grant funds from the United States Department of Agriculture for the expansion of the Bailey H. Dunlap Memorial Library and authorizing the Mayor to execute all documents pertaining to the grant funding. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO APPROVE RESOLUTION AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING THE BAILEY H. DUNLAP PUBLIC LIBRARY FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION**

City Manager Sunny K. Philip said a copy of the resolution was included in the City Commission packet. The loan amount from the USDA is \$379,000.00. Commissioner John Betancourt 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 Commission. City Attorney Mr. Richard S. Talbert read the caption of Resolution 2011-23. After reading of the caption, Commissioner John Betancourt moved to approve Resolution 2011-23 authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending the Bailey H. Dunlap Public Library facility to serve an area lawfully within its jurisdiction. Commissioner Victor Gonzalez, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commission.

**MONTHLY FINANCIAL REPORTS FOR THE MONTH OF MAY 2011**

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

Mayor Steve Brewer thanked Finance Director Ms. Maria Chavero 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**

Mayor Steve Brewer declared the meeting in executive session at 7:50 P.M. After executive session, Mayor Steve Brewer declared the meeting back in open session at 8:05 P.M.

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

There was no action necessary as a result of executive session deliberation.

**Reports by Staff**

- **July 4<sup>th</sup> Celebration**

City Manager Sunny K. Philip reported on the following:

- The Independence Day Celebration will be held on Saturday, July 2, 2011 and the Bar-B-Q Cook Off has 18 teams signed up.

**PUBLIC COMMENTS**

Mayor Steve Brewer declared the public comment session open. Ms. Joleigh Ares distributed a package of information to the City Commission. She spoke regarding a customer that purchased a home from her business and asked for clarification as to what is required in order to receive a permit to move the home. No one else signed up to speak before the City Commission, so Mayor Steve 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 John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

**ADJOURNMENT**

Mayor Steve Brewer adjourned the meeting at 8:10 P.M.

**APPROVED:**




**Steve Brewer, Mayor**

**ATTEST:**

  
**Olga Oberwetter, City Secretary**

These minutes were prepared and filed with the City of La Feria at 5:30 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 28, 2011, AT 6:30 PM**

WELCOME  
PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1	Rosal Turner		
2	Liana Brewer		
3	FRANK GARCIA		
4	Barbara S. Miller	9871 Mile 1 1/2 E. Mercedes TX 78570-8198	956-245-8657
5	Ares		
6	SESUS RODRIGUEZ		
7	Alexis Munivia		
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