

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

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

Commissioner John Betancourt moved to excuse 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.

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, MAY 5, 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, May 5, 2011. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

REVIEW BID TABULATION AND TAKE ACTION TO AWARD CONTRACT TO THE LOWEST AND BEST QUALIFIED BIDDER FOR THE OWNER OCCUPIED REHABILITATION PROGRAM FUNDED THROUGH THE HOME PROGRAM

City Manager Sunny K. Philip reviewed the bid tabulation for the Owner Occupied Rehabilitation Program. He said this is the second attempt at trying to get this program going. The previous contractor withdrew from the project, and the City had to re-advertise for bids. The bid was for a minimum of two homes, but could be extended to five homes. There were nine contractors that picked up the bid package, but only one bid was received and that was from South Texas Home Improvements. There are two plans, and the bids received for each were Plan A, \$81,973.00 and Plan B, \$93,776.00. This bid is much higher than what was received previously and the Texas Department of Housing and Community Affairs (TDHCA) usually does not approve a bid this high. However, since two families have moved out of their homes and are renting or staying with relatives and waiting, time is of the essence, so City staff has requested that TDHCA approve the bid since it is the only bid received. The City is waiting for their approval, so staff's recommendation is that the City Commission approve this item subject to the approval of TDHCA. Commissioner Angelica P. Baldivia moved to award contract to the lowest and best qualified bidder for the Owner Occupied Rehabilitation Program funded through the HOME Program to South Texas Home Improvements in the amount of \$81,973.00 for Plan A and \$93,776.00 for Plan B subject to Texas Department of Housing and Community Affairs' (TDHCA) approval. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

REVIEW BID TABULATION AND AWARD CONTRACT TO THE LOWEST AND BEST QUALIFIED BIDDER FOR WATER, SEWER, STORM WATER AND STREET IMPROVEMENTS FUNDED THROUGH THE TEXAS CAPITAL FUND PROGRAM

City Manager Sunny K. Philip reviewed the bid tabulation for water, sewer, storm water and street improvements funded through the Texas Capital Fund Program. This is to provide the infrastructure for the Allied Waste Project. The four bids received were:

Saenz Utility 22290 N. FM88 Edcouch, TX 78538	\$263,746.00
Jimmy Closner & Sons P.O. Box 170 Mercedes, TX 78570	\$297,990.10
R.M. Waldorf, Inc. 10155 SH 48 Brownsville, TX 78521	\$332,645.60
J.M. Construction 3701 Jade Street Weslaco, TX 78596	\$414,371.00

Mr. Philip said the low bidder was Saenz Utility and they have done work for the City previously and have done a good job. Commissioner John Betancourt moved to award contract to the lowest and best qualified bidder for the Water, Sewer, Storm Water and Street Improvements funded through the Texas Capital Fund Program to Saenz Utility in the amount of \$263,746.00. 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 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 this item has been discussed at previous meetings and a workshop was held at the last meeting. City Attorney Mr. Richard S. Talbert has revised the ordinance to include the instructions that staff received from the City Commission. Mr. Philip said that currently, there is only one game hall within the city limits and an application for another one is pending. All the others around La Feria are outside the city limits and are governed by the county. Mr. Philip asked Mr. Talbert to highlight some of the changes in the ordinance. Mr. Talbert discussed that the reference to sexually oriented businesses relates to the permitting process only to make sure that the requirements for the sexually oriented businesses are in line with the requirements for game halls. Mr. Talbert said that Ordinance 2008-21 on game halls was adopted in 2008, but it was not codified in the City's Code of Ordinances and that has been included in this ordinance as Article 4.13. The ordinance defines two levels of gaming devices, Level One and Level Two and also two types of SUP's. Mr. Talbert said the City Commission retains the authority to impose any conditions or waive any requirements in the SUP. The fees required for these businesses were increased substantially. Mayor Brewer said that he receives calls from residents complaining about the game halls, but that the City can only control those that are within the city limits. 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 2011-10. After reading of the caption, Commissioner John Betancourt moved to approve Ordinance 2011-10 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. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

At this point, City Manager Sunny K. Philip suggested that agenda items #8 and #9 which would now be subject to the revised game hall ordinance be considered after the Executive Session Items #13 and #14. Commissioner John Betancourt moved to consider items #8 and #9 after the Executive Session Items #13 and #14. Commissioner John

Hernandez 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

This item was considered out of sequence, after the Executive Session, and the caption is restated at that point in the minutes.

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

This item was considered out of sequence, after the Executive Session, and the caption is restated at that point in the minutes.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY RESOLUTION AUTHORIZING (1) A MULTI-YEAR INTERLOCAL AGREEMENT WITH CAMERON COUNTY AND THE TEXAS DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH THE TEXAS TRANSPORTATION CODE TO DENY REGISTRATION OR RE-REGISTRATION OF VEHICLES IF THE REGISTERED OWNER HAS A WARRANT FOR DELINQUENT CLASS C MISDEMEANOR TRAFFIC OFFENSES FOR FAILURE TO APPEAR OR RESOLVE CASES AS PROVIDED IN CHAPTER 702 – REFUSAL TO REGISTER VEHICLE; (2) VEHICLE REGISTRATION DENIAL FOR OFFENDERS WHO FAIL TO PAY DELINQUENT CIVIL VIOLATIONS AS PROVIDED IN THE TRANSPORTATION CODE, CHAPTER 707 – ENFORCEMENT; (3) PAYMENT TO CAMERON COUNTY AND/OR DEPARTMENT OF TRANSPORTATION APPROPRIATE FEES CHARGES TO RECOVER COSTS AS BILLED FOR SCOFFLAW REGISTRATION DENIAL SERVICES; AND (4) FUTURE AGREEMENTS WITH OTHER TEXAS COUNTIES FOR DENIAL OF VEHICLE REGISTRATION FOR ELIGIBLE CLASS C MISDEMEANOR AND CIVIL CASES AS AUTHORIZED IN THE TRANSPORTATION CODE

City Manager Sunny K. Philip said that staff is recommending approval of the resolution only, since the copy of the interlocal agreement still needs to be reviewed by the county's legal department. This is another effort to try to collect delinquent fines. 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 Commissioners present. City Attorney Mr. Richard S. Talbert read the caption of Resolution 2011-24. After reading of the caption, Commissioner John Hernandez moved to approve Resolution 2011-24 authorizing (1) a multi-year interlocal agreement with Cameron County and the Texas Department of Transportation in accordance with the Texas Transportation Code to deny registration or re-registration of vehicles if the registered owner has a warrant for delinquent Class C

Misdemeanor traffic offenses for failure to appear or resolve cases as provided in Chapter 702 – Refusal to Register Vehicle; (2) vehicle registration denial for offenders who fail to pay delinquent civil violations as provided in the Transportation Code, Chapter 707 – Enforcement; (3) payment to Cameron County and/or Department of Transportation appropriate fees charges to recover costs as billed for Scofflaw registration denial services; and (4) future agreements with other Texas counties for denial of vehicle registration for eligible Class C Misdemeanor and civil cases as authorized in the Transportation Code. 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 INTERLOCAL AGREEMENT BETWEEN THE CITY OF LA FERIA AND THE CITY OF HARLINGEN FOR THE USE OF THE CITY OF HARLINGEN RADIO SYSTEM AND AUTHORIZE THE PAYMENT OF FEES ASSOCIATED WITH THE USE OF THE SYSTEM

City Manager Sunny K. Philip said that the Commission had a copy of the interlocal agreement and Mr. Talbert has reviewed the document. Mr. Philip said the agreement calls for \$20.00 per radio per month and that it is a reasonable agreement. Commissioner John Hernandez moved to approve the interlocal agreement between the City of La Feria and the City of Harlingen for the use of the City of Harlingen Radio System and authorize the payment of fees associated with the use of the system. 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 RESOLUTION ADOPTING THE SECTION 3 POLICY TO STRIVE TO ATTAIN GOALS FOR COMPLIANCE TO SECTION 3 REGULATIONS BY INCREASING OPPORTUNITIES FOR EMPLOYMENT AND CONTRACTING FOR SECTION 3 RESIDENTS AND BUSINESSES

City Manager Sunny K. Philip said the City Commission had a copy of the resolution and a copy of the Section 3 Policy, which is required by the grant programs. 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 2011-25. After reading of the caption, Commissioner Lori Weaver moved to approve Resolution 2011-25 adopting the Section 3 Policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 residents and businesses. 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, 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 7:21 P.M. After Executive Session deliberation, Mayor Brewer declared the meeting back in open session at 7:42 P.M.

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

Mayor Steve Brewer announced that no action was necessary as a result of Executive Session deliberation.

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

This was item #8 on the agenda, but was moved until after Executive Session. Mayor Steve Brewer declared the public hearing open at 7:43 P.M. A spokesperson for Mr. Jesus Angel Garza spoke in support of the family oriented business and said the family had complied with all the rules and they were in agreement with the new requirements. There being no further comments, Mayor Steve Brewer declared the public hearing closed at 7:46 P.M.

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

This was item #9 on the agenda, but was moved until after Executive Session. Planning and Community Development Director Ms. Irene Szedlmayer explained that a few stylistic changes were made to make the SUP more clear and accurate. Based on 25 parking spaces, the business can have 50 machines. The ordinance requires that the game hall has to be 660 feet from a residential zone and they meet that requirement. Also, it must be 500 feet from another game hall. The owner is asking that the 3 feet distance between machines be waived so that they can have the full 50 machines. They are also asking that the requirement of a separate handicap restroom be waived. Ms. Szedlmayer said that the fire marshall and the building inspector have been in the property and they have passed the certificate of occupancy for the business. Staff is recommending approval. Ms. Szedlmayer explained that the owners have submitted a personal check for the additional fees required under the new ordinance passed tonight, but the City Commission could require that a Cashier's Check be substituted for it tomorrow. Commissioner John Betancourt moved to approve SpecificUse 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 the SUP contingent on the check for the additional fees clearing the bank. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

REPORTS BY STAFF

• **INDEPENDENCE CELEBRATION**

City Manager Sunny K. Philip reported that the Independence Day Celebration was held even though there were three downpours during the day and people's spirits were still high. Mayor Brewer said that the fireworks were awesome and staff did a great job. Mr. Philip said there was a lot of work done by a lot of people behind the scenes to make it possible. Mayor Brewer commended Ben Guerrero and volunteers on doing a great job with the Bar-B-Q Cookoff.

Mayor Steve Brewer distributed a copy of the letter from the General Land Office announcing the grant award of \$18,474,242.00 for drainage improvements.

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.

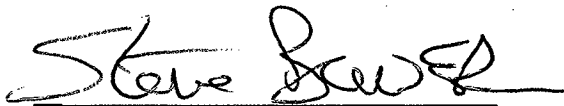
ACTION FOR ADJOURNMENT

There being no further business to conduct, Commissioner Angelica P. Baldivia moved to adjourn the meeting. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

ADJOURNMENT

Mayor Steve Brewer adjourned the meeting at 7:54 P.M.

APPROVED:


Steve Brewer, Mayor

ATTEST:


Olga Oberwetter, City Secretary

These minutes were prepared and filed with the City of La Feria at 10:45 A.M. on July 26, 2011, as official record.


Olga Oberwetter, City Secretary

CITY COMMISSION REGULAR MEETING
AT THE
CITY COMMISSION MEETING ROOM
TUESDAY, JULY 12, 2011, AT 6:30 PM

WELCOME
PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1	Alexis Munguia		878-9509
2	JESUS A. GARZA		"
3	Kendira Uya		956 793 0302
4	Ashley Berrones		956-320 3590
5	Eva Mancera		
6	Liana Brewer		
7	Rosa Yarnes		
8	Santiago Lopez		
9	H Lucas - American Legion		454-2283
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