

**MINUTES OF PROCEEDINGS  
CITY COMMISSION  
Tuesday, August 9, 2011**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, August 9, 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. 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 John Hernandez 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 Angelica P. Baldivia moved to excuse Commissioner John Betancourt's absence from this meeting. Commissioner John Hernandez 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, JULY 12, 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, July 12, 2011. 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 SPECIAL MEETING OF THE LA FERIA CITY COMMISSION AS A**

**JOINT MEETING WITH THE BOARD OF TRUSTEES OF THE LFISD HELD ON THURSDAY, JULY 21, 2011**

After review of the minutes, Commissioner Lori Weaver moved to approve the minutes of proceedings of the special meeting of the La Feria City Commission as a joint meeting with the Board of Trustees of the LFISD held on Thursday, July 21, 2011. 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, JULY 7, 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, July 7, 2011. 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 IMPLEMENTING GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT NUMBER 54 BY ADOPTING A FUND BALANCE POLICY, COMMITTING UNCLASSIFIED REVENUES FOR SPECIFIC PURPOSES, AND DELEGATING AUTHORITY FOR ASSIGNMENT OF ENDING FUND BALANCES**

City Manager Sunny K. Philip said that the City Auditor Quentin Anderson with the firm of Long Chilton LLP recommended that the City Commission consider and approve this resolution and policy. At the end of the year, the fund balance needs to be classified into one of the components of fund balance as described in the Fund Balance Policy attached as Exhibit A to Resolution 2011-30. Commissioner John Hernandez moved to read the resolution by caption only, in lieu of reading it in its entirety. Commissioner Victor Gonzalez, Jr. 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 2011-30. After reading of the caption, Commissioner John Hernandez moved to approve Resolution 2011-30 implementing Governmental Accounting Standards Board (GASB) Statement Number 54 by adopting a Fund Balance Policy, committing unclassified revenues for specific purposes, and delegating authority for assignment of ending fund balances. Commissioner Victor Gonzalez Jr. seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

**REVIEW STRATEGIES AND ACTION PLAN DEVELOPED FOR THE IMPLEMENTATION OF JOINT PROJECTS PRIORITIZED DURING THE WORKSHOP SESSION HELD ON JULY 21, 2011 BETWEEN THE CITY OF LA FERIA AND THE LA FERIA INDEPENDENT SCHOOL DISTRICT**

City Manager Sunny K. Philip said that the City Commission took part in a workshop session with the La Feria Independent School District, but each participant only worked on one initiative and did not get the benefit of seeing all the ideas that are being considered. He reviewed the lists of initiatives with the City Commission. The Top Priority Idea/Concept items included the following.

1. Initiative for Higher Education Facility

2. La Feria Youth Recreation Center & Other Topics
3. La Feria Wellness Center
4. Youth Leadership La Feria
5. Establishing Communication System
6. Leadership La Feria

At the workshop each initiative was discussed by groups of five to seven people to arrive at what steps to take to bring these ideas to fruition. Mr. Philip said he and Dr. Cortez would be meeting with the co-leaders to further discuss these ideas, and strategize as to when these ideas can be taken to the City Commission and the La Feria Independent School District Board of Trustees for each board's blessing. Discussion followed concerning the benefits to the community of having such a working relationship between the La Feria Independent School District and the City. The City Commission is very supportive of these ideas. The City has agreed to share the fee and travel expenses for the facilitator Ms. Rita Gibbs for the joint meetings. There was no action needed for this item.

**CONSIDER AND TAKE ACTION TO PURCHASE A USED GARBAGE TRUCK FOR THE SANITATION DEPARTMENT UNDER THE EMERGENCY PURCHASE OPTION**

City Manager Sunny K. Philip explained that there is a provision that if a purchase affects the health and safety of the community, which garbage and sanitation do, an item can be purchased through an emergency purchase option, without going out for bids. The garbage truck is a 2000 model, Crane Carrier Company, and has been tested for over a week by the Public Works Department, and they find that the truck is in good working order and performed well. The price is \$38,000.00 and it is being purchased from Saenz Equipment. Commissioner Angelica P. Baldivia moved to purchase a used garbage truck for the Sanitation Department under the emergency purchase option for a price of \$38,000.00. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

**REVIEW AND TAKE ACTION TO APPROVE BUDGET AMENDMENTS FOR FY 2010-2011**

Finance Director Ms. Maria Chavero reviewed the budget amendments with the City Commission and said she would be making the adjustment for the \$38,000.00 purchase of the garbage truck that was just approved. Ms. Chavero then reviewed the changes by departments. After review and all questions answered, Commissioner Victor Gonzalez, Jr. moved to approve the budget amendment for FY 2010-2011. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

**CONSIDER AND TAKE ACTION TO ACCEPT EFFECTIVE AND ROLLBACK TAX RATES, SCHEDULES AND FUND BALANCES PRESENTED BY TAX ASSESSOR/COLLECTOR**

City Manager Sunny K. Philip reviewed the tax calculations with the City Commission. Mr. Philip said that the maximum tax rate that the Commission could adopt for 2011 would be the rollback tax rate of .7132. Anything over that would give the residents the right to circulate a rollback petition to lower the tax rate. Mr. Philip said the effective tax rate was .7112. The City's current tax rate is \$0.70/\$100 and his recommendation would be to stay with the same tax rate. Commissioner Victor Gonzalez, Jr. moved to accept

the Effective and Rollback Tax Rates, Schedules and Fund Balances presented by the Tax Assessor/Collector. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

**DISCUSS AND TAKE ACTION TO APPROVE A PROPOSED TAX RATE FOR TAX YEAR 2011 (FISCAL YEAR 2011/2012)**

City Manager Sunny K. Philip explained that in order to determine whether the City needed to publish a public hearing notice and hold public hearings, the City Commission has to approve a proposed tax rate for tax year 2011 (fiscal year 2011/2012). Mr. Philip said that the City could increase the tax rate by one percent and that one percent increase would bring in an additional \$17,042.00 in revenue; however, he would not recommend the one percent increase, because of the stigma that comes along with any type of tax increase. City Attorney Mr. Richard S. Talbert advised the Commission that the motion could be to approve the tax rate not to exceed the Effective Tax Rate and that would give the City some flexibility. The Commission was concerned that if the tax rate was not increased whether the budget would be able to absorb the wage increase for employees and the increase in starting pay for the police officers. Mr. Philip said the City would love to give everyone a good increase; however, it also needs to be able to contain costs and maintain services and look at the long term and ensure that it will survive. Commissioner Victor Gonzalez, Jr. moved to approve a proposed tax rate not to exceed the Effective Rate of .7112. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

**CONSIDER AND TAKE ACTION TO TAKE A RECORD VOTE AND SCHEDULE PUBLIC HEARINGS IF THE PROPOSED TAX RATE WILL EXCEED THE ROLLBACK RATE OR THE EFFECTIVE TAX RATE (WHICHEVER IS LOWER)**

There was no action needed on this item.

**BUDGET WORKSHOP FOR THE CITY OF LA FERIA GENERAL FUND FOR FISCAL YEAR 2011-2012**

Finance Director Ms. Maria Chavero reviewed the proposed budget for FY 2011-2012 with the City Commission. Ms. Chavero said the proposed budget is figured using the current \$.70/\$100 tax rate. She said that the City needs to hire another accountant to help with the administration of the grants that the City has been awarded. City Manager Sunny K. Philip said that EMS has decided that they will do away with the helicopter and that would save the City a few dollars. Ms. Chavero said the City is contemplating contracting with the County for the collection of taxes. Mr. Philip said there would be two provisions he would like to see in the contract and one would be to retain the right of calculating the figures for the effective and rollback tax rates; the other would be to retain the right to appoint the delinquent tax attorney. Ms. Chavero said the budget includes one more employee for the parks department. Mr. Philip then discussed that the Texas Water Development Board has agreed to allow approximately \$200,000.00 for administration of the project and some of that money is reflected in the budget revenues. Mr. Philip said that the figures for the budget indicate a \$466,651.00 positive balance, but he said it would not be wise to spend it all right now. He said it would be some challenging years ahead to implement all the projects. Mr. Philip said he would like to finalize the budget process in the first meeting of September (September 13, 2011). There was no action needed on this item.

**REVIEW BID TABULATION AND TAKE ACTION TO AWARD CONTRACT  
TO THE LOWEST AND BEST BIDDER FOR THE CONSTRUCTION OF  
INDOOR RECREATION FACILITY AT 901 PANCHO MAPLES DRIVE**

City Manager Sunny K. Philip reviewed the bid tabulation for the construction of the Indoor Recreation Facility to be located at 901 Pancho Maples Drive. The bids were as follows:

HighMark Construction 2016 S. 45 <sup>th</sup> Street McAllen, TX 78503 956-451-3274	\$1,539,000.00
Peacock General Contractors P.O. Box 530098 Harlingen, TX 78553 956-423-6733	\$1,620,000.00
Cubco Construction, Inc. 1603 E. Price Road Brownsville, TX 78521 956-542-6680	\$1,715,000.00
Journeyman Construction, Inc. 200 S. 10 <sup>th</sup> Street, Ste. 701 McAllen, TX 78501 956-631-8555	\$1,718,000.00
Donald D. Ferguson, Inc. P.O. Box 3105 Brownsville, TX 78523 956-831-9347	\$1,740,000.00
Zimmerman Construction Co. P.O. Box 366 Burnet, TX 78611 512-756-8499	\$1,971,000.00
TopCon, Inc. 8901 N. 23 <sup>rd</sup> Street McAllen, TX 78504 956-631-6742	\$2,300,000.00

This is the base bid only. There are alternates #1 through #4 which could be added if the funds permit and there is also a deductive alternate #5 which could be deducted if asphalt is used to pave the parking lot in place of using pavers. Even after considering alternatives, HighMark Construction ranked as the low bidder. Mr. Philip recommended that the Commission award contract to HighMark Construction of McAllen, Texas. Commissioner Angelica P. Baldivia moved to award contract to HighMark Construction, the lowest and best-qualified bidder, for the construction of the Indoor Recreation

Facility located at 901 Pancho Maples Drive. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

### REPORTS BY STAFF

- Indoor Recreation Facility Bidding Process
- Air Conditioning Replacement Project funded through SECO
- Housing Rehabilitation Project
- Library Expansion Project

City Manager Sunny K. Philip reported on the following:

- The Indoor Recreation Facility contract was awarded tonight.
- Air Conditioning Replacement Project would replace the air conditioners at City Hall, the Police Department and the Fire Department.
- The Housing Rehabilitation Project is moving very slowly.
- The Library Expansion project is still under review by USDA.

### 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 Commissioners present.


### ADJOURNMENT

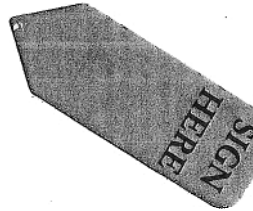
Mayor Steve Brewer adjourned the meeting at 7:52 P.M.

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 September 11, 2011, as official record.

  
Olga Oberwetter, City Secretary

**CITY COMMISSION REGULAR MEETING**

AT THE

CITY COMMISSION MEETING ROOM

**TUESDAY, AUGUST 9, 2011, AT 6:30 PM**

WELCOME

PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1	Vicki	Cavages	25333 Becklors Rd.
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