

**MINUTES OF PROCEEDINGS  
CITY COMMISSION  
Tuesday, October 9, 2012**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, October 9, 2012, 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
Mr. Victor Gonzalez, Jr.	City Commissioner
Ms. Angelica P. Baldivia	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 Waver 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, SEPTEMBER 11, 2012**

After review of the minutes, Commissioner John Betancourt moved to approve the minutes of proceedings of the regular meeting of the City Commission held on Tuesday, September 11, 2012. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

**REVIEW AND TAKE ACTION TO APPROVE MINUTES OF PROCEEDINGS  
OF THE REGULAR MEETING OF THE CITY COMMISSION HELD ON  
TUESDAY, SEPTEMBER 25, 2012**

After review of the minutes, Commissioner Lori Weaver moved to approve the minutes of proceedings of the regular meeting of the City Commission held on Tuesday, September 25, 2012. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**REVIEW AND TAKE ACTION TO CONFIRM THE MINUTES OF PROCEEDINGS OF THE PREVIOUS SPECIAL MEETING OF THE LA FERIA INDUSTRIAL DEVELOPMENT CORPORATION (LFIDC) HELD ON THURSDAY, AUGUST 30, 2012**

After review of the minutes, Commissioner Lori Weaver moved to confirm the minutes of proceedings of the previous special meeting of the La FERIA Industrial Development Corporation (LFIDC) held on Thursday, August 30, 2012. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

**REPORTS BY TXDOT ON LA FERIA RELATED PROJECTS AND DISCUSSION WITH THE CITY COMMISSION**

Mr. Juan A. Bernal, P.E., CFM, Transportation Engineer from the Pharr TxDOT office, reported that the Safe Routes to School Project (sidewalks) was awarded last month. Mr. Bernal said that on September 27, the TxDOT Commission met and approved all the contracts. TxDOT now needs to get all the paperwork ready and forward to the San Benito Area Office. Mr. Bernal said that it might take four or five weeks and then a preconstruction conference would be scheduled with City Manager Sunny K. Philip and Planning and Community Development Director Irene Szedlmayer. Mr. Bernal gave staff a brochure outlining the process involved with TxDOT projects. Mayor Steve Brewer thanked Mr. Bernal for his report.

**REVIEW BIDS RECEIVED AND CONSIDER AND TAKE ACTION TO AWARD CONTRACT FOR NSP CONTRACT NO 77090000194 FOR CONSTRUCTION OF 8 HOMES**

City Manager Sunny K. Philip explained that the City advertised for bids for the construction of eight homes through the NSP program. There were several contractors that picked up the package, but only one bid was received. That was from J.W. Turner Construction, Ltd. with the base bid for Plan A (without garage) at \$79,480.00 and the base bid for Plan A-2 (with garage) at \$81,980.00. Mr. Philip said an analysis was done on the bids including the additive alternates 1 (foam insulation), 2 (concrete drive), and 3 (sod grass) which would make the total cost of construction for the Plan A home at \$85,480.00 and the Plan A-2 home at \$87,980.00. Mr. Philip said the City is waiting on a response from TDHCA and will not proceed until approval is received from them. Mr. Philip said Mr. Talbert drafted a motion for this item. Mr. Talbert said that the motion addresses the contingency with the TDHCA approval, but that the motion is subject to the City Commission control and they may change it if they so wished. Commissioner Victor Gonzalez, Jr. requested that a listing of the locations for the homes and the square footage of the homes be provided at the next meeting of the City Commission.

Commissioner John Hernandez moved to authorize the City Manager to enter into a contract or contracts for the construction of not more than eight (8) homes pursuant to NSP Contract No. 77090000194 of the Texas Department of Housing and Community Affairs (TDHCA) to J. W. Turner Construction, Ltd. as the low bidder, on such terms and conditions as the City Manager deems to be in the best interest of the City, provided however, any such contract(s) amounts shall not exceed the bid(s) [including base bid plus all alternates] submitted to the City on October 8, 2012, by such low bidder, and, provided further, that the City Manager shall not enter into any such contract(s) until such time as the City Manager receives written confirmation from the TDHCA of the continued validity of such NSP Contract No. 77090000194 including written

authorization to proceed thereunder. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION ACCEPTING THE 2012 LBSP GRANT FOR THE AMOUNT OF \$15,000 FOR THE TEXAS DEPARTMENT OF PUBLIC SAFETY THROUGH THE TEXAS RANGER DIVISION FOR THE LOCAL BORDER SECURITY PROGRAM; AND DESIGNATING OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT AND OTHER NECESSARY DOCUMENTS BETWEEN THE CITY OF LA FERIA, TEXAS AND THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE LBSP**

City Manager Sunny K. Philip explained that the City Commission approved a similar resolution previously, but the Department now wants a resolution that shows the amount of the grant to be \$15,000.00 and that states that the City accepts the grant.

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 2012-42. After reading of the caption, Commissioner Victor Gonzalez, Jr. moved to approve Resolution 2012-42 accepting the 2012 LBSP grant for the amount of \$15,000 for the Texas Department of Public Safety through the Texas Ranger Division for the Local Border Security Program; and designating officials to execute an interlocal agreement and other necessary documents between the City of La Feria, Texas and the Texas Department of Transportation for the LBSP. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION OF THE CITY OF LA FERIA, TEXAS AUTHORIZING THE FILING OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION FOR PLANNING/CAPACITY BUILDING FUNDS TO THE TEXAS DEPARTMENT OF AGRICULTURE; AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

City Manager Sunny K. Philip explained that a public hearing on this project was held some time ago (September 11, 2012). He said the City approved a Comprehensive Plan in 2007 and most of the projects in the plan have been completed, so it is time to plan again. The grant application is for \$55,000.00 with a local match of \$11,000.00. It will take about a year to complete the planning. The application deadline is October 26, 2012.

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 2012-43. After reading of the caption, Commissioner John Hernandez moved to approve Resolution 2012-43 authorizing the filing of a Texas Community Development Block Grant Program application for Planning/Capacity Building Funds to the Texas Department of Agriculture; and authorizing the City Manager to act as the City's Executive Officer and authorized representative in all matters pertaining to the City's participation in the Community

Development Block Grant Program. Commissioner Victor Gonzalez, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION OF THE CITY OF LA FERIA, TEXAS AUTHORIZING THE FILING OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION FOR COMMUNITY DEVELOPMENT PROGRAM FUNDS TO THE TEXAS DEPARTMENT OF AGRICULTURE; AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

City Manager Sunny K. Philip explained that City Secretary Olga Oberwetter distributed a revised version of the Resolution because there was some wrong information in the one distributed in the City Commission package. This application is for an Ultra Violet System to disinfect the water and for cathodic protection for the clarifiers. The grant amount is \$215,382.00 and the City's match would be 50,000.00. Mr. Philip added that the County is preparing an application to benefit two of the west side colonias.

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 2012-44. After reading of the caption, Commissioner John Betancourt moved to approve Resolution 2012-44 authorizing the filing of a Texas Community Development Block Grant Program application for Community Development Program Funds to the Texas Department of Agriculture; and authorizing the City Manager to act as the City's Executive Officer and authorized representative in all matters pertaining to the City's participation in the Community Development Block Grant Program. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

**PUBLIC HEARING TO RECEIVE INPUT ON THE PROPOSED CHANGES TO THE CITY'S ZONING ORDINANCE, LA FERIA CODE OF ORDINANCES, CHAPTER 14: A) TO MODIFY THE REGULATIONS GOVERNING REQUIRED OFF-STREET PARKING IN THE R-1, R-2, R-3 AND D ZONING DISTRICTS; B) TO ESTABLISH REGULATIONS GOVERNING THE INSTALLATION AND MAINTENANCE OF FENCES IN RESIDENTIAL DISTRICTS**

Mayor Steve Brewer declared the public hearing open at 7:05 P.M. Planning and Community Development Director Ms. Irene Szedlmayer discussed that the existing ordinance requires two (2) off-street paved parking spaces for each single family dwelling or duplex and that those spaces be covered by a carport or enclosed in a garage. Ms. Szedlmayer said that her recommendation is that the existing requirement remain for R-1 zoning districts, but that R-2, R-3 and D zoning districts require two off-street parking spaces, but only one (1) to be covered by either a carport or garage. Ms. Szedlmayer also discussed her recommendation to make some modifications to the required minimum rear set-back when carports or garages are accessed through the rear. A brief discussion followed after which, City Manager Sunny K. Philip said that the discussion by Ms. Szedlmayer was in reference to Part A of the public hearing, off-street parking and that Part B, fences, would be discussed at a later workshop. Mayor Steve Brewer inquired of the public if there were any comments on either off-street parking or

fences; there were none, so Mayor Brewer declared the public hearing closed at 7:16 P.M.

**CONSIDER AND TAKE ACTION TO APPROVE OR DENY AN ORDINANCE TO AMEND THE CITY'S ZONING ORDINANCE, LA FERIA CODE OF ORDINANCES, CHAPTER 14, TO MODIFY THE REGULATIONS GOVERNING REQUIRED OFF-STREET PARKING IN THE R-1, R-2, R-3 AND D ZONING DISTRICTS**

Commissioner Victor Gonzalez, Jr. moved to read the ordinance by caption only, in lieu of reading it in its entirety. Commissioner Lori Weaver 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 2012-13. After reading of the caption, Commissioner Victor Gonzalez, Jr. moved to approve Ordinance 2012-13 amending the City's Zoning Ordinance, La Feria Code of Ordinances, Chapter 14, to modify the regulations governing required off-street parking in the R-1, R-2, R-3 and D zoning districts. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CITY COMMISSION WORKSHOP ON PROPOSED CHANGES TO THE CITY'S ZONING ORDINANCE, LA FERIA CODE OF ORDINANCES, CHAPTER 14, TO ESTABLISH REGULATIONS GOVERNING THE INSTALLATION AND MAINTENANCE OF FENCES IN RESIDENTIAL DISTRICTS IN THE CITY**

Planning and Community Development Director Ms. Irene Szedlmayer presented a PowerPoint presentation on fences which she said incorporated the recommendations received at prior meetings. The workshop was a lengthy discussion on all types of fences. There was no action needed as a result of the workshop. An ordinance will be presented for Commission consideration at a later date.

**CONSIDER AND TAKE ACTION TO ADOPT RESOLUTION ADOPTING A REVISED "SECTION 3 PLAN" TO GOVERN THE EXPENDITURE OF FEDERAL HOUSING AND COMMUNITY DEVELOPMENT FUNDS BY THE CITY OF LA FERIA**

Planning and Community Development Director Ms. Irene Szedlmayer explained that the City Commission approved a resolution in July 2011 adopting a Section 3 Plan, but some revisions are needed to ensure that, to the greatest extent feasible, the money spent provides job opportunities to the people in the area. Ms. Szedlmayer reviewed the goals of the Section 3 Plan and asked the Commission for their approval with authorization to allow staff to make minor revisions to the plan since the deadline is tomorrow. In addition to the minor revisions, Paragraph "I" would be replaced with the following language: "The City of La Feria will consider ability to successfully accomplish or exceed the Section 3 contracting and employments goals, set forth in paragraph E above, as a material factor in the evaluation of bidders' ability to perform the contract." Commissioner Victor Gonzalez, Jr. 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 2012-45. After reading of the caption, Commissioner Victor Gonzalez, Jr. moved to approve Resolution 2012-45 adopting a revised "Section 3 Plan" to govern the expenditure of federal housing and community development funds by the City of La Feria and to authorize revisions according to staff

recommendations. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

**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 (closed) session at 8:12 P.M. After executive session deliberation, Mayor Steve Brewer declared the meeting back in open session at 8:38 P.M.

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

There was no action needed on this item as a result of the executive session.

**REPORTS BY STAFF AND DISCUSSION WITH CITY COMMISSION**

- **Indoor Recreation Facility Construction Progress**
- **Water and Wastewater System Improvement Project**
- **Status of Drainage Improvements Project**
- **Status of Fire Station and Fire Substation Project**
- **Status of City Hall Expansion Project**
- **Status of Library Expansion Project**
- **Status of Solar Panel Projects for Water Treatment Plant and Wastewater Treatment Plant**

City Manager Sunny K. Philip reported on the following:

- The Indoor Recreation Facility – The project is almost complete.
- Water and Wastewater System Improvements Project – The City is waiting on the Texas Water Development Board to clear the Environmental Review and expects that it might be cleared by December 2012.
- Drainage Improvements Project – Staff is meeting on a regular basis to update the progress of the project.
- The Fire Station and Fire Substation delay on the project is that the property deed for the substation is not cleared yet.
- The City Hall Expansion – The contractor had some delays, but is now moving forward. They have said they would be finished by December 2012.
- Library Expansion – The contractor should be pouring the foundation this week.
- Solar Panels for the Water and Wastewater Treatment Plant – The system was placed online on September 13, 2012. Mr. Philip said that he might have given the Commission wrong information about the KW capacity for the solar panel system. He said that instead of 380 KW capacity, it is 291 KW capacity.

**CONSIDER AND TAKE POSSIBLE ACTION ON ATTENDANCE STATUS OF MAYOR AND/OR COMMISSIONERS**

All members of the City Commission were present at this meeting, so there was no action needed under this item.

**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 John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

**ADJOURNMENT**

Mayor Steve Brewer adjourned the meeting at 8:43 P.M.


**APPROVED:**


Steve Brewer, Mayor

**ATTEST:**


Olga Oberwetter, City Secretary

These minutes were prepared and filed with the City of La Feria at 8:45 A.M. on October 22, 2012, as official record.



Olga Oberwetter, City Secretary





**CITY COMMISSION REGULAR MEETING**  
AT THE  
CITY COMMISSION MEETING ROOM  
**TUESDAY, OCTOBER 9, 2012, AT 6:30 PM**

WELCOME  
PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1	JUAN BERNAL	TXDOT PHARR	956-702-6165
2	V. Betancourt		778-1376
3	MBWright	LFN	797-9920
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