

**MINUTES OF PROCEEDINGS  
CITY COMMISSION  
Tuesday, November 6, 2012**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, November 6, 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 – Late 6:35 PM
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. Irene Szedlmayer	Planning and Community Dev. Dir.
Ms. Paula Rodriguez	Capital Projects Coordinator
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, OCTOBER 23, 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, October 23, 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 REGULAR MEETING OF THE LA  
FERIA INDUSTRIAL DEVELOPMENT CORPORATION (LFIDC) HELD ON  
THURSDAY, OCTOBER 4, 2012**

After review of the minutes, Commissioner John Betancourt moved to confirm the minutes of proceedings of the previous regular meeting of the La Feria Industrial Development Corporation (LFIDC) held on Thursday, October 4, 2012. Commissioner

Lori Weaver 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**

There was no one present from the TxDOT office so there was no report from TxDOT on this item. However, Planning and Community Development Director Ms. Irene Szedlmayer said there would be a pre-construction conference on the Safe Routes to School Project in San Benito on November 7, 2012 in the morning.

**PUBLIC HEARING TO RECEIVE INPUT AND COLLECT EVIDENCE ON THE PROPERTIES LISTED BELOW WHICH STAFF HAS IDENTIFIED AS DILAPIDATED AND A NUISANCE AND TO CONSIDER DEMOLITION OR REPAIR OF THE FOLLOWING PROPERTIES:**

- A. Lots 60, 61 and 62, Block 3, Dunn Acres Subdivision, Cameron County, TX; aka 504 West 6<sup>th</sup> Street, La Feria, TX; owners: Miguel P. and Juan M. Trevino; and
- B. Lot 30, Block 1, Arroyo Alto Subdivision, Cameron County, TX; aka 113 Arroyo Street (formerly 12537 Arroyo Street), La Feria, TX; owner: Jose A. Rocha; and
- C. Lot 24, Blk 15, La Feria Original Townsite, Cameron County, TX; aka 108 W. Central Ave., La Feria, TX; owners: Anne Hopkins, Nancy Sue Clayton, Laura Nell Glasscock Burton (heirs of M.B. Glasscock).

Mayor Steve Brewer declared the public hearing open at 6:35 P.M. and began to hear comments on Section A. Ms. Esmeralda Galvan, daughter of Juan M. Trevino was present representing the property at 504 West 6<sup>th</sup> Street. She asked for additional time to take care of this property due to her parents having to go to Mexico, because her grandfather, who passed away a couple of weeks ago, was sick. Ms. Galvan said she and her husband were going to take over the property and demolish the house, but her husband was called away to work in New York after the disaster caused by Hurricane Sandy, and there was no set date as to when he would be back home. Planning and Community Development Director Ms. Irene Szedlmayer said that the proposed order is written to authorize that the owner of the property secure the property from unauthorized entry within 10 days and given 90 days for demolition from the date of execution of the order. Ms. Szedlmayer said that if the owner cannot meet these deadlines, they can come back before the City Commission in February 2013. City Manager Sunny K. Philip added that staff would talk to them outside the meeting to see if the City can do the work.

**Section B.** Planning and Community Development Director Ms. Irene Szedlmayer reported that she had visited the property today, 113 Arroyo Street, and it is in worse condition than the pictures that she presented. She said no one has lived in the property since 1999. The owner is Jose A. Rocha and the plat was filed in the late 70's, but the Title Company did not find a deed in his name. Mr. Rocha has a local mailing address and he received the notice of tonight's meeting. Ms. Szedlmayer recommended demolition and clearing of the lot within 30 days of the execution of the order.

**Section C.** Planning and Community Development Director Ms. Irene Szedlmayer reported that this property located at 108 W. Central Avenue is north of the library and is owned by the heirs of M. B. Glasscock. She said that no one has lived there since July 2002, but the taxes are current except for the 2012 taxes. The required notices were sent

and received by the owners of the property. Ms. Szedlmayer recommended demolition and clearing of the lot within 30 days of the execution of the order.

Planning and Community Development Director Ms. Irene Szedlmayer explained that the packet to the City Commission included documentation of the required notice to the property owners and pictures of the dilapidated properties.

There being no further comments to consider, Mayor Steve Brewer declared the public hearing closed at 6:49 P.M.

**CONSIDER AND TAKE ACTION TO APPROVE OR DENY AN ORDER OF THE CITY OF LA FERIA FINDING THAT EACH OF THE PROPERTIES LISTED BELOW CONSTITUTES A NUISANCE, REQUIRING THAT THEY BE REPAIRED OR DEMOLISHED, AND AUTHORIZING CITY STAFF TO TAKE SUCH ORDERED ACTION ON THE FOLLOWING PROPERTIES IF THE PROPERTY OWNERS FAIL TO DO SO:**

- A. Lots 60, 61 and 62, Block 3, Dunn Acres Subdivision, Cameron County, TX; aka 504 West 6th Street, La Feria, TX; owners: Miguel P. and Juan M. Trevino; and
- B. Lot 30, Block 1, Arroyo Alto Subdivision, Cameron County, TX; aka 113 Arroyo Street (formerly 12537 Arroyo Street), La Feria, TX; owner: Jose A. Rocha; and
- C. Lot 24, Blk 15, La Feria Original Townsite, Cameron County, TX; aka 108 W. Central Ave., La Feria, TX; owners: Anne Hopkins, Nancy Sue Clayton, Laura Nell Glasscock Burton (heirs of M.B. Glasscock).

Commissioner John Betancourt moved to approve an Order of the City of La Feria finding that each of the properties listed below constitutes a nuisance, requiring that they be repaired or demolished, and authorizing City staff to take such ordered action on the following properties if the property owners fail to do so: Section A. ordered to secure the property from unauthorized entry within 10 days, and demolish within 90 days or be back before the City Commission in February 2013; Section B. ordered to demolish and clear the property within 30 days; and Section C ordered to demolish and clear the property within 30 days. 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 AN ORDINANCE OF THE CITY OF LA FERIA TEMPORARILY CLOSING CERTAIN AND SPECIFIED STREETS WITHIN THE LIMITS OF THE CITY OF LA FERIA AND MODIFYING TRAFFIC PATTERNS ON CERTAIN STREETS FOR THE PURPOSE OF ENSURING THE SAFETY AND GENERAL WELFARE OF THE PUBLIC DURING THE ANNUAL "LIGHTING OF THE TREE" CELEBRATION TO BE HELD ON THURSDAY, NOVEMBER 8, 2012**

City Manager Sunny K. Philip reported that in the past there have been quite a number of people that have gathered for this event and in the interest of safety, it would be good to close the street for a few hours. Commissioner Lori Weaver moved to read the ordinance by caption only, in lieu of reading it in its entirety. Commissioner John Betancourt 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 2012-14. After reading of the caption, Commissioner Victor Gonzalez, Jr. moved to approve Ordinance 2012-14 temporarily closing certain and specified streets within the limits of the City of

La Feria and modifying traffic patterns on certain streets for the purpose of ensuring the safety and general welfare of the public during the annual "Lighting of the Tree" celebration to be held on Thursday, November 8, 2012. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

**REVIEW PROPOSALS RECEIVED AND TAKE ACTION TO AWARD CONTRACT TO THE MOST QUALIFIED ARCHITECTURAL/ENGINEERING SERVICES FIRM FOR PROFESSIONAL SERVICES IN REGARDS TO THE CONSTRUCTION OF TWO MONOLITHIC CONCRETE DOMES TO BE USED AS COMMUNITY SAFE ROOMS IN LA FERIA**

City Manager Sunny K. Philip and the City Commission reviewed the proposals that were received as a result of a Request for Proposals for Architectural and Engineering Services in regards to the construction of two monolithic concrete domes to be used as community safe rooms in La Feria. Mr. Philip said that because of the uniqueness of the dome structures, there are not many firms that have that type of experience, and the ideal process would be to select a firm that would team up with someone that has the experience in designing this type of structure. Mr. Philip recommended the firm of Megamorphosis, Inc., because they are teaming up with ES2, a firm that has done these types of structures throughout the world. Mr. Philip said the project needs to be completed within two years, and the clock started in July 2012. Commissioner Angelica P. Baldivia moved to authorize the City Manager to negotiate a contract with the most qualified architectural/engineering services firm for professional services in regards to the construction of two monolithic concrete domes to be used as community safe rooms in La Feria, Megamorphosis, Inc. 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 RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION'S TRANSPORTATION ENHANCEMENT PROGRAM REQUESTING FUNDS TO CONSTRUCT SIDEWALKS, COMMITTING CITY FUNDS TO MATCH THE AWARD FROM TXDOT, IF THE APPLICATION IS SUCCESSFUL, AND DESIGNATING THE CITY MANAGER AS THE CITY'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS IN CONNECTION WITH THIS APPLICATION AND THE IMPLEMENTATION OF THE PROGRAM**

City Manager Sunny K. Philip explained that this is a statewide competition. A revised construction costs for the project was presented at the meeting, which indicated that the total construction costs, plus TxDOT's 15% administrative fee totaled \$914,980.62. The City's share (20%) would total \$246,646.95. Mr. Philip said that a public hearing was conducted at a previous meeting and there were many comments received as to the need for this project. Commissioner Lori Weaver 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 2012-50. After reading of the caption, Commissioner Lori Weaver moved to approve Resolution 2012-50 authorizing the submission of an application to the Texas Department of Transportation's Transportation Enhancement Program requesting funds to construct sidewalks, committing City funds to match the award from TxDOT, if the application is successful, and designating the City Manager as the City's authorized representative in all matters in connection with this application and the implementation of the program. Commissioner

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

At this point in the meeting, Mayor Steve Brewer asked for a motion to move up Item 20 on the agenda. Commissioner Lori Weaver moved to consider Item 20 Public Comments out of sequence. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

### **PUBLIC COMMENTS**

Mayor Steve Brewer declared the public comments session open and acknowledged Mr. Charles Edelman who lives on Chelo Drive and was present to discuss Item 12 on the agenda regarding regulation of fences. Mr. Edelman asked that the City Commission take into consideration modifying the Building Code regarding fence codes and proposed that when a fence is already in existence on the rear property line that the City allow a fence to be constructed perpendicular across the utility easement, as long as, it would not impede access to the easement by utility workers. He suggested a swing gate, sliding gate, or a drop in section that could be lifted out. Mayor Brewer thanked Mr. Edelman for his comments. No one else signed up to speak before the City Commission, so Mayor Brewer declared the public comment session closed.

### **CONSIDER AND TAKE ACTION TO APPROVE OR DENY AN ORDINANCE OF THE CITY OF LA FERIA ESTABLISHING RULES AND STANDARDS FOR CONSTRUCTION AND MAINTENANCE OF FENCES AND WALLS IN RESIDENTIAL ZONES BY AMENDING CHAPTER 14, EXHIBIT A (ZONING ORDINANCE) OF THE CITY OF LA FERIA CODE OF ORDINANCES TO CREATE A NEW SECTION 4C (9); AND AMENDING SECTION 26 TO DEFINE CERTAIN NEW TERMS; AND AMENDING SECTION 3.05 (SUBSTANDARD BUILDINGS) TO CREATE A NEW SUB-SECTION 3.05.002(D); AND TO ESTABLISH AN EFFECTIVE DATE**

Commissioner Lori Weaver 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 Commission. City Attorney Mr. Richard S. Talbert read the caption of Ordinance 2012-15. After reading of the caption, Commissioner Lori Weaver moved to approve Ordinance 2012-15 establishing rules and standards for construction and maintenance of fences and walls in residential zones by amending Chapter 14, Exhibit A (Zoning Ordinance) of the City of La FERIA Code of Ordinances to create a new Section 4C (9); and amending Section 26 to define certain new terms; and amending Section 3.05 (Substandard Buildings) to create a new Sub-section 3.05.002 (D); and to establish an effective date. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

### **CONSIDER AND TAKE ACTION TO APPROVE/DENY MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LA FERIA AND THE LA FERIA INDEPENDENT SCHOOL DISTRICT REGARDING THE JOINT OPERATION OF THE LA FERIA INDOOR RECREATION CENTER FOR THE BENEFIT OF THE COMMUNITY**

This item was not ready for consideration by the City Commission. Commissioner Lori Weaver moved to table this item until further notice. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO ACKNOWLEDGE QUALIFICATION FOR "CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING" AWARDED TO THE CITY OF LA FERIA FINANCE DEPARTMENT FOR THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2011**

Finance Director Ms. Maria Chavero was not present at this meeting since she was attending a training seminar in Amarillo, Texas, but the City Commission acknowledged her good work along with staff support for financial reporting. Commissioner Angelica P. Baldivia moved to commend Finance Director Ms. Maria S. Chavero for attaining the achievement of the Certificate of Achievement for Excellence in Financial Reporting awarded to the City of La Feria Finance Department for the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2011. Commissioner Victor Gonzalez, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commission.

**PRESENTATION BEFORE THE CITY COMMISSION REGARDING THE ESTABLISHMENT OF A HIGHER EDUCATION FACILITY IN THE COMMUNITY AND CONSIDERATION OF ACTION TO COLLABORATE WITH THE LA FERIA INDEPENDENT SCHOOL DISTRICT FOR THE USE OF FACILITIES AND RESOURCES TO EFFECTUATE THE PROGRAM**

This item was discussed in Executive Session under Section 551.072 and Section 551.087.

**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 7:25 P.M. After executive session deliberation, Mayor Steve Brewer declared the meeting back in open session at 8:00 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**
- **Report on City of La Feria Shelters**
- **Lighting of the Tree – November 8, 2012 at 5:30 p.m.**

City Manager Sunny K. Philip reported that there was nothing new on this item to report other than the "Lighting of the Tree" which would be held on Thursday, November 8, 2012 at 5:30 p.m.

Mayor Steve Brewer reminded everyone that the Walk for Life would be held at the La Feria High School on Saturday, November 10, 2012 from 9:00 to 11:00 a.m. This is for organ donation.

Mayor Steve Brewer said that the American Cancer Society has also announced that they will be having the Relay for Life Walk in La Feria next year in April.

**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**

This item was taken out of sequence and considered after Agenda Item 11.

**ACTION FOR ADJOURNMENT**

There being no further business to conduct, Commissioner John Betancourt moved to adjourn the meeting. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**ADJOURNMENT**

Mayor Steve Brewer adjourned the meeting at 8:03 P.M.

**APPROVED:**



**Steve Brewer, Mayor**

**ATTEST:**



**Olga Oberwetter, City Secretary**

These minutes were prepared and filed with the City of La Feria at 11:45 A.M. on November 18, 2012, as official record.



**Olga Oberwetter, City Secretary**





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

WELCOME  
PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1	Esmeralda R. Galvan	P.O. Box 1884	(956) <del>600</del> 345-5431
2	Charles Edelman	200 W. Chelton Dr	956-797-1306
3	Raul Garcia Jr	14 Fern Meadows	463-4438
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