

**MINUTES OF PROCEEDINGS
CITY COMMISSION
Tuesday, April 24, 2012**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, April 24, 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. Irene Szedlmayer	Planning and Community Dev. Dir.
Ms. Maria Chavero	Finance Director
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 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.

**REVIEW AND TAKE ACTION TO APPROVE MINUTES OF PROCEEDINGS
OF THE REGULAR MEETING OF THE CITY COMMISSION HELD ON
TUESDAY, APRIL 10, 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, April 10, 2012. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

**DISCUSSION AND POSSIBLE ACTION TO SELECT DATES TO CONDUCT
THE CITY GENERAL ELECTION IN 2013 IN THE CITY OF LA FERIA**

City Manager Sunny K. Philip discussed the information submitted to the City Commission in their packets concerning the City's General Elections. Mr. Philip discussed that Senate Bill 100 which updates provisions of the Education Code, Election Code, Health and Safety Code, Local Government Code, and Water Code to implement

the federal Military and Overseas Voter Empowerment (MOVE) Act provides for deadlines for declaration of candidacy and ordering certain elections, uniform election date changes for certain local government elections, and terms of office for certain municipal elected officials. Mr. Philip explained that the City leases its voting equipment from the County and on even year elections, the County would not be able to provide the equipment for the City to hold its election. The AutoMark is the one machine that is mandatory for handicap accessibility and the counters provide for more accurate counting of votes since it is done electronically. If the City decides to keep its elections in May, it would cost approximately \$16,000.00 for one AutoMark and two counters. If the City moves its election to November as provided by Senate Bill 100, the City would be included in the same ballot as the County and State elections and may be placed at the end of the ballot. City Attorney Mr. Richard S. Talbert said that the Bill provides for a home-rule city to implement the change through the adoption of a resolution and that the change contained in the resolution would supersede a city charter provision that requires a different general election date or that requires the terms of the members of the governing body to be staggered. Mr. Philip said that this item was placed on the agenda for the Commission to start thinking about whether they would keep a May election date or move the election to November. The decision must be made before December 31, 2012. Mr. Talbert asked the Commission to communicate their wishes to Mr. Philip and him, so that they can make whatever necessary changes would be required. There was no action needed on this item at this meeting.

PUBLIC HEARING TO RECEIVE INPUT ON A REQUEST BY GEORGE E. LAZARO AND ESIQUIO R. LAZARO FOR A SPECIFIC USE PERMIT (SUP) TO OPERATE A PROFESSIONAL OFFICE WITHIN THE EXISTING STRUCTURE LOCATED ON LOTS 38 AND 39, THE EAST 15' OF LOT 37 AND THE WEST 18' OF LOT 40, BLOCK 11, LA FERIA ORIGINAL TOWNSITE (207 EAST MAGNOLIA AVENUE)

Mayor Steve Brewer declared the public hearing open at 6:47 P.M. City Attorney Mr. Richard S. Talbert brought to the attention of the City Commission that the public hearing notice that was published in the *La FERIA News* on April 11, 2012 stated the date of the public hearing in error, as "April 11, 2011." He said that the most conservative thing to do to avoid any challenge would be for the City to republish the notice with the year 2012. However, Mr. Talbert said that the other requirements of the regulation such as the individual noticing to every resident within 200 ft. were met and that substantial compliance with the noticing procedures was met. Mayor Steve Brewer stated that substantial compliance was met and asked for any comments. Ms. Betty Jo Dunlap spoke in favor of the office building, and said that she would urge the City Commission to use good judgement and wisdom and remember the residents around the area. Ms. Dunlap said the improvements have helped the neighborhood. Mayor Brewer said that he has noticed that other residents around the neighborhood have been making improvements to their properties also, and improving the overall look of the area. Planning and Community Development Director Ms. Irene Szedlmayer said that the application complies with all the zoning regulations. She said there was a little more concrete poured than was initially thought, but she said there are no restrictions on the amount of pavement that people put on their lot. She said it is a curb cut that triggers a permit requirement. Ms. Szedlmayer said her recommendation to the property owners is that they use shrubbery in place of a fence to soften the look of the concrete. There being no further comments from the audience, Mayor Brewer declared the public hearing closed at 6:56 P.M.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY A REQUEST BY GEORGE E. LAZARO AND ESIQUIO R. LAZARO FOR A SPECIFIC USE PERMIT (SUP) TO OPERATE A PROFESSIONAL OFFICE WITHIN THE EXISTING STRUCTURE LOCATED ON LOTS 38 AND 39, THE EAST 15' OF LOT 37 AND THE WEST 18' OF LOT 40, BLOCK 11, LA FERIA ORIGINAL TOWNSITE (207 EAST MAGNOLIA AVENUE) AND AUTHORIZE THE MAYOR TO EXECUTE THE SUP ORDER

City Manager Sunny K. Philip said that the City Commission had a copy of the SUP order and that in the future the zoning change and the SUP would be placed on the same agenda so that both items are taken care of at the same time, and it would not appear that the property owner was doing work before the SUP was issued. Mr. Philip also recommended that the SUP order be executed for a period of five years instead of one year, and that any business considered in a Light Commercial zone would be considered on a one to one basis as to the duration of the SUP order. Commissioner John Hernandez inquired whether the SUP was issued in the names of the two property owners and what would happen if they split. Mr. Philip said that the SUP is non-transferable and any change would require coming before the City Commission. City Attorney Mr. Richard S. Talbert said that for the record the ordinance states, "a Specific Use Permit shall have a term of not more than one year from the date granted by the City Commission, unless otherwise provided by the City Commission." Mr. Talbert said that if the Commission goes with the five-year period, it needs to be date specific. Commissioner Angelica P. Baldivia moved to approve the request by George E. Lazaro and Esiquio R. Lazaro for a Specific Use Permit (SUP) to operate a professional office within the existing structure located on Lots 38 and 39, the East 15' of Lot 37 and the West 18' of Lot 40, Block 11, La FERIA Original Townsite (207 East Magnolia Avenue) and authorize the Mayor to execute the SUP Order for a period of five years commencing April 25, 2012 through April 24, 2017. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission.

REVIEW AND DISCUSS POSSIBLE ADOPTION OF AN ORDINANCE OF THE CITY OF LA FERIA ON REGULATION OF PETS

City Manager Sunny K. Philip said that a copy of the ordinance recommended by the Lower Rio Grande Valley Development Council (LRGVDC) relating to the regulation of pets was included in the City Commission packet along with a copy of the La FERIA Code of Ordinances section regarding the regulation of pets in La FERIA for their review. Mr. Philip asked for any feedback from the Commission. Mayor Brewer said that the LRGVDC went through a one-year process to develop the new regulations and that they are recommending that all cities adopt this so that all cities are on the same page. Commissioner Victor Gonzalez, Jr. said he read through both of the ordinances and he felt that La FERIA's ordinance was about 20% better than the proposed ordinance. Planning and Community Development Director Ms. Irene Szedlmayer said that in one of the cities that she worked in, the animal control officers lobbied to eliminate the local license requirement, because the overwhelming majority of the pets in the city were not licensed, and they found it to be a discouragement when they had their free rabies clinics, because people from outside the city would only pay for the rabies vaccination, but the people within the city would have to come up with the money for the license and the rabies vaccination. Enforcement of the ordinance was discussed by the City Commission, and Commissioner Angelica P. Baldivia said she had recommended to staff that the animal control officer be scheduled to work different hours so that he could work

some evenings. There was no action needed on this item. Mr. Philip said staff would review this item and bring it back before the City Commission.

CONSIDER AND TAKE ACTION TO AUTHORIZE THE SALE OF THE HOUSE LOCATED ON THE PROPERTY IDENTIFIED FOR THE NORTHWEST PARK

City Manager Sunny K. Philip explained that the City purchased the property at the corner of West and Fourth Street and it had a house on it. He said that at one time, the housing nonprofit was considering purchasing the house, and it might still do that, but since it is in the City's name, the City needs to advertise for bids. Mr. Philip said there would be a minimum price set in the advertisement, and the bid needs to be above the minimum price set. Commissioner Angelica P. Baldivia moved to authorize staff to advertise for bids for the sale of the house located on the property identified for the Northwest Park. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY AN ORDINANCE ABANDONING ELECTRIC UTILITY EASEMENT RESERVED IN BLOCK A OF SUNFLOWER ESTATES SUBDIVISION

City Manager Sunny K. Philip explained the information distributed for this item. AEP did not use the easement that was granted for the Lion's Villa Subdivision, so the new property owner Duke's Highway, LP is requesting that the easement be abandoned. Mr. Philip said that this would be filed at the courthouse, so that there will be a record of it. Commissioner John Betancourt 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 2012-07. After reading of the caption, Commissioner John Betancourt moved to approve Ordinance 2012-07 abandoning the electric utility easement reserved in Block A of Sunflower Estates Subdivision. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission.

MONTHLY FINANCIAL REPORTS FOR THE MONTH OF MARCH 2012

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

Mayor Steve Brewer inquired of the Commission if they had any questions concerning the financial reports. No one had any questions, so he thanked Finance Director Ms. Maria Chavero for the reports and announced that these reports would be filed for audit.

REPORTS BY STAFF AND DISCUSSION WITH CITY COMMISSION

- **Indoor Recreation Facility Construction Progress**
- **Water and Wastewater Systems Improvements Project**
- **Drainage Improvements Project**
- **Status of Expansion of Library Project**
- **Status of Fire Station and Fire Substation Project**
- **Status of City Hall Expansion Project**
- **Status of Northwest Park Project**

City Manager Sunny K. Philip reported on the following.

- The Indoor Recreation Facility Construction – The contractor is doing the finishing touches on it. There will need to be an addendum for the parking lot improvements.
- The Texas Water Development Board has closed on the loans; the \$15 million plus has been deposited into an escrow account in the name of the City. The City has submitted the environmental report already and once the engineering feasibility report has been submitted, there will be a waiting period, but the City is hoping that the first bids will be open in August.
- The Drainage Improvement Project – The GLO is administering the project and they have been working very well with La Feria. Santa Rosa received a \$500,000 grant under the same GLO program and they ran into some issues with their project. The City of La Feria has submitted a revised performance statement that would connect the Santa Rosa project with the La Feria project.
- Library Expansion Project – USDA has granted permission for advertising for bids. It will be advertised on Sunday, April 29, 2012 and the bid opening will be on May 15, 2012.
- Fire Station and Substation – Design of the project is in progress.
- City Hall Expansion – Design of the project is in progress.
- Northwest Park Project – The architects are developing some conceptual plans.

Commissioner Victor Gonzalez, Jr. said that he had been approached by a teacher at one of the schools about providing a swing for a handicapped person and maybe the City could start at the Northwest Park and then as improvements are made to the other City parks, a handicapped swing could be added at each.

Commissioner Angelica P. Baldivia asked why there are no swings at the Tiny Town Park. City Manager Sunny K. Philip said he would check into it. Commissioner Victor Gonzalez, Jr. commented that the basketball courts are regulation size instead of being lower for the younger children. Commissioner John Hernandez asked why the park maintenance employees didn't report that the swings were missing.

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

There was no action needed on 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 Victor Gonzalez, Jr. 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 7:29 P.M.

APPROVED:




Steve Brewer, Mayor

ATTEST:


Olga Oberwetter, City Secretary

These minutes were prepared and filed with the City of La Feria at 1:30 P.M. on May 5, 2012, as official record.


Olga Oberwetter, City Secretary

CITY COMMISSION REGULAR MEETING
AT THE
CITY COMMISSION MEETING ROOM
TUESDAY, APRIL 24, 2012, AT 6:30 PM

WELCOME
PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1	JERRE LAZANO	600 PALM AVE	956-627-1139
2	DAN Campos	PO Box 530540	956-797-3411
3	BETTY JO DUNLAP	PO Box 995 La Feria	707-2272 797-2501
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