MINUTES OF PROCEEDINGS CITY COMMISSION Tuesday, June 26, 2012

Be it known that the City of La Feria City Commission met in regular session on <u>Tuesday, June 26, 2012, at 6:30 P.M.</u> 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 Ms. Lori Weaver Mr. John Edward Betancourt Mr. John Hernandez Mr. Victor Gonzalez, Jr. Ms. Angelica P. Baldivia	Mayor City Commissioner/Mayor Pro Tem City Commissioner City Commissioner City Commissioner City Commissioner City Commissioner
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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
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 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, JUNE 12, 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, June 12, 2012. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

PRESENTATION BY DAVID ALLEX, CHAIRMAN OF CAMERON COUNTY REGIONAL MOBILITY AUTHORITY (CCRMA) AND DISCUSSION WITH THE CITY COMMISSION ON SOUTH PADRE ISLAND 2ND ACCESS PROJECT AND THE CCRMA'S PLANS FOR THE WESTERN PORTION OF CAMERON COUNTY

Mayor Steve Brewer acknowledged and welcomed Mr. David Allex, Chairman of the Cameron County Regional Mobility Authority (CCRMA). Mr. Allex was present to discuss the need for support from local entities for the development of the second access to South Padre Island. He said that they would be talking to 60 entities to garner support for this project. Mr. Allex announced that there would be a public hearing at the South Padre Island Convention Center on July 17, 2012 to determine a preferred route for the project. He said this would be one of the most important things that would happen over the next 20 years in Cameron County, and it would build a world destination for South Padre Island and northern Cameron County. The plans are that the entrance to South Padre Island will be on the northern part of Cameron County. Mr. Allex introduced Mr. Richard Ridings, Senior Vice President with the consulting firm of HNTB headquartered out of Alexandria, VA He said they have offices all over the world and they specialize in toll roads and highway development. Mr. Allex said the second access to South Padre Island needs to be done for safety reasons, hurricane evacuation, and for the economic impact that it will bring to South Texas. He asked for approval of the resolution of support. Mayor Brewer thanked Mr. Allex for his presentation.

CONSIDER AND TAKE ACTION TO ADOPT A RESOLUTION IN SUPPORT OF THE CAMERON COUNTY REGIONAL MOBILITY AUTHORITY'S SOUTH PADRE ISLAND 2ND ACCESS PROJECT AND RECOMMENDED ALTERNATIVE AS IDENTIFIED IN THE DRAFT ENVIRONMENTAL IMPACT STUDY

City Manager Sunny K. Philip said the Commission had a copy of the resolution and asked that the Commission favorably consider approval. Commissioner John Betancourt 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 Commission. City Attorney Mr. Richard S. Talbert read the caption of Resolution 2012-33. After reading of the caption, Commissioner John Betancourt moved to approve Resolution 2012-33 in support of the Cameron County Regional Mobility Authority's South Padre Island 2nd Access Project and recommended alternative as identified in the Draft Environmental Impact Study. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

PRESENTATION BY KARA ALCOCER ON PUBLIC TRANSPORTATION OPERATIONAL ANALYSIS & IMPLEMENTATION PLAN (TRANSIT STUDY) UPDATE AND DISCUSSION WITH THE CITY COMMISSION

Mayor Steve Brewer recognized Ms. Kara Alcocer, with the San Benito Harlingen Metropolitan Planning Organization (MPO) who introduced herself and discussed the Operational Analysis and Implementation Plan which will evaluate the current transit routes in the area and recommend an implementation plan for the next ten years. The MPO covers the cities of Harlingen, San Benito, La Feria, Santa Rosa, Primera, Combes, Los Indios and Precinct 3 and 4 of Cameron County. The consultants will be checking whether buses are on time, where passengers are getting on or getting off. If different routes need to be addressed, more time stops, shelters, stop signs, all of this will be addressed in the new plan. The study will be completed by the end of December 2012. Ms. Alcocer said that they would be present at the La Feria Independence Day Celebration on June 30, 2012 with information, surveys and transit maps. They would also be present at the San Benito celebration on the same date. Ms. Alcocer said she rode the bus recently and talked to passengers and most of them want Saturday service.

Mayor Brewer thanked Ms. Alcocer and said that the Valley Metro System is a good deal for students or anyone who needs transportation.

PRESENTATION BY JOEL GARZA ON TRAFFIC LIGHT SYNCHRONIZATION STUDY UPDATE AND DISCUSSION WITH THE CITY COMMISSION

Mayor Steve Brewer acknowledged Mr. Joel Garza who is also with the MPO. Mr. Garza was present to discuss the Traffic Light Synchronization Study. He said that a year ago the MPO did a congestion management study in the area and based on that study, the engineer identified the top 10 most congested corridors and this study is to alleviate that congestion by optimizing the traffic light cycles. Mayor Brewer inquired if this study would include the FM 506 and the Expressway intersection. Mr. Garza responded that the study would include the intersections of Business 83 and Canal Street, FM 506 and Business 83 and FM 506 and Oleander. He said that he believed that the Expressway intersection was on the list for La Feria, but due to budget cuts, it was not included in this fiscal year's budget; maybe next year. The study should be complete by August.

CONSIDER AND TAKE ACTION TO CANCEL THE CITY COMMISSION MEETING OF JULY 10, 2012 DUE TO CONFLICT WITH THE TDHCA BOARD MEETING IN AUSTIN, TX AND THE NEED FOR CITY OFFICIALS TO ATTEND THE MEETING

City Manager Sunny K. Philip said that the TDHCA Board would be meeting on July 10, 2012, and there is a need for several of the City officials to be in attendance. In the meantime, if there is a need for a special meeting of the City Commission, one could be called. Commissioner John Hernandez moved to cancel the City Commission Meeting of July 10, 2012 due to the conflict with the TDHCA Board Meeting in Austin, TX and the need for City officials to attend the meeting. 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 OF THE CITY OF LA FERIA, TEXAS ANNEXING CERTAIN AREAS ADJACENT TO THE CITY BASED ON A REQUEST FROM THE OWNER OF THE PROPERTY FOR VOLUNTARY ANNEXATION OF THE PROPERTY INTO THE CITY LIMITS OF LA FERIA; EXTENDING THE BOUNDARIES AND EXTRA TERRITORIAL JURISDICTION OF THE CITY, TO INCLUDE SAID ANNEXED AREA WITHIN THE CORPORATE LIMITS OF THE CITY; GRANTING TO SAID ANNEXED AREA AND ALL OWNERS AND INHABITANTS THEREOF ALL THE RIGHTS AND PRIVILEGES ACCORDED TO CITIZENS OF THE CITY; BINDING SAID AREAS AND ALL OWNERS AND INHABITANTS THEREOF TO ALL RULES, ORDINANCES AND OTHER ACTS OF THE CITY, AND ESTABLISHING AN EFFECTIVE DATE City Manager Sunny K. Philip explained that this property is located at the corner of Mile 8 and FM 2556. It is the property that the South Texas Collaborative for Housing Development, Inc. purchased for housing development. Their board met and submitted a request to the City for voluntary annexation. The voluntary annexation guidelines stipulate that the City Commission has to hear their request within a certain period of time, and then the Commission has the option of approving an ordinance annexing the property. Commissioner Victor Gonzalez, Jr. inquired what benefit this would provide for the City. Mr. Philip said this would bring the property into the city limits and would provide 70 single home residences with water and sewer connections. The construction

would spur a growth pattern into the northwest part of town. The initial development will be on the northern side of the property. Commissioner Angelica P. Baldivia moved to read the ordinance 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 Commission. City Attorney Mr. Richard S. Talbert read the caption of Ordinance 2012-09. After reading of the caption, Commissioner Lori Weaver moved to approve Ordinance 2012-09 annexing certain areas adjacent to the City based on a request from the owner of the property for voluntary annexation of the property into the city limits of La Feria; extending the boundaries and extra territorial jurisdiction of the City, to include said annexed area within the corporate limits of the City; granting to said annexed area and all owners and inhabitants thereof all the rights and privileges accorded to citizens of the City; binding said areas and all owners and inhabitants thereof to all rules, ordinances and other acts of the City, and establishing an effective date. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

REVIEW, DISCUSS, AND CONSIDER AND TAKE ACTION TO APPROVE OR DENY RECOMMENDATION FROM THE CITY MANAGER TO DESIGNATE CERTAIN PUBLIC FACILITIES, EXISTING AND IN THE PROCESS OF DEVELOPMENT, IN HONOR OF CERTAIN INDIVIDUALS WHO HAVE CONTRIBUTED TO THE GENERAL WELL BEING OF THE CITY OF LA FERIA AND THE LA FERIA COMMUNITY

City Manager Sunny K. Philip addressed the Mayor and City Commissioners and said that this was an unusual item, but first of all he has had the most privilege to work with the City Commission since 1983, and he has seen some unique characters and most have served the community unselfishly. He said none of those people are asking for any recognition and most of them have been volunteer workers. And in rehashing that over in his mind for some time, he asked, "Well how do you bring that up? Do you wait for somebody to pass on to recognize what they have contributed to the community or do you acknowledge the fact that people have worked beyond the call of duty to do common good. So what I have done is based on my 30 years of getting to know the people and what it took to get the community moving, I have put together a list of individuals and brought before you for your review to see what can be done. I have not discussed this with any one of the City Commissioners, because if I do that, it would be a walking quorum type of situation. It is my humble recommendation to the Commission, but I strongly agree that this is a good approach. There could be a different argument saving how this can be done. The proposal is to name landmarks within the community in the names of people who served the community unselfishly and includes a list of possibly 34 different facilities with a lot of different names and some of the facilities include the names of the sitting commission members. You all have taken the high road always and have not wanted or even expressed any kind of interest in any recognition. I am hoping that you can reconcile this in your mind and take action to approve the proposal. It will not be coming from you, but it would be with your knowledge. This is not setting a precedence saying that from now onward this is the way it is going to be. It is brought to you for your consideration. There are so many ways to interpret it, but at the same time this is well thought out; I have been thinking about it for at least two months."

Mayor Brewer said that he would like to make a comment before getting into the discussion on this item. He said, "Someone told me things like this could be a real slippery slope and they certainly were not kidding." Mayor Brewer said that although

this item was placed on this agenda with the best intentions and with a clear conscience, he wanted to make it clear and on the record that he was extremely opposed to naming La Feria landmarks after people that are in office, an elected office at this time, or employed by the City. He said that if this were voted on, the Commission would be voting to name buildings after themselves, and if every Commission did that, they would be naming and renaming buildings, and that he thought that that sets a bad precedence. Mayor Brewer said that the plaque that is placed on each building when the projects are completed should suffice and that its a lot of recognition alone. Mayor Brewer said he and the Commissioners are doing what they were elected to do, working to make La Feria a better place, working to make La Feria what the citizens put them in office for. If after they are out of office and no longer elected officials and others are no longer employees of the City, and other people want to make a recognition of the work of all the years any commissioners or others have put in, he would have no problem down the road for other people to make that judgement. Mayor Brewer said he would be very uncomfortable voting on himself, because he is in office and he has never been a self-serving individual as far as the City goes, and that he definitely works very hard to make La Feria a better place. He said it is not the sitting Commission's place to make that call. Mayor Brewer said that in the future, the City could work on procedures or a plan or some criteria for naming facilities after people. He said that there are certainly many deserving people in the community who put in a lot of time and put in a lot of effort to make La Feria better, and that just to table this issue would not do enough, because if you table it, it has to come back. Mayor Brewer urged and pleaded with the Commission to make no decision and if there is a vote to please vote no, because he thinks it sets a very bad precedent. He said he didn't like the position it puts them in. Mayor Brewer said he realized they have worked hard and have done a lot of things from trash bash to painting graffiti, to doing all the things to make things better. Mayor Brewer said, "I vehemently disagree with naming anything after ourselves. I wish to leave that to other people at another time. I realize everyone has their own thoughts and comments, but I urge you to vote no on this item." Mayor Brewer then opened the floor for any comments from the Commissioners and they offered the following comments.

Commissioner Angelica P. Baldivia said, "I feel the same as Mayor Brewer. Mr. Philip, you meant it in good intentions, and I am honored. I think these years, the Commission has worked hard and very united, and we have moved forward in a sense that I am very proud and honored and humbled because of this. But number one is our City, and we work for and are here because of the citizens that voted us in and I feel like the Mayor. I think that later on if another committee or another council were to do that, I would accept it, but not at this time, we are here for our citizens."

Commissioner Victor Gonzalez, Jr. said, "Mr. Philip, I went up and down the list and your selections are awesome. There is no doubt that you hit just about everyone, maybe two or three names that I would change, but at this time, I will follow the rest of the Commission. I am going to vote no on it."

Commissioner Lori Weaver said, "I feel like we are repeating ourselves. I do agree that he did a very good job at putting everything together, and the discussion that you hear from each other is that it probably is something that should not happen at this time. The plaques do have our names on them, that shows that we were involved in it."

Commissioner John Hernandez said, "It is a very good gesture on Mr. Philip's part, and I feel the same way, I feel honored. I'm not saying I disagree with what he is trying to do, but the thing I think is that maybe a committee should be formed, not a big committee because there would be a lot of opinions, that would select the people they think deserve it. The only other thing that I would like to mention is that if there is a name that should be placed on these places, it should be Mr. Philip's because he is the one that has made it happen. You have been the driving force. I am honored, but I would really rather not be an active Commissioner when something is named in my honor. I agree with you, but I just don't think it is right, right now."

Commissioner John Betancourt said, "I just have one question. 'How big would my name be?' (Everybody laughed) No, Sunny, thank you very much. Thank you, but in my mind there are just so many more deserving people than me. And all I can say is thank you for even considering me, and I'm happy to be a part of the group that we've got here now, and we seem to work very well together, and we are not afraid to share our ideas. It is nice to come to these meetings and know that we are here to do what is right. The list of names is very impressive."

City Manager Sunny K. Philip acknowledged the Commissioners comments and said, "These are very respectful and admirable comments, and still I am not pushing for this after you expressed your comments, but at the same time it needs to be stated. You cannot always go with what somebody else does, and you've got to stop and think that if somebody is good why can you not explain to them that they have done very good. The whole idea of recognition is to inspire somebody else to do it, and if you can do it when that person can still talk, that is the best thing, not after they cannot say a word about it, and that is the reason that I have come up with this idea."

Mayor Brewer responded, "Your gesture is well thought out and there are certainly individuals out there who have put in a lot of time, and we certainly wouldn't mind looking at them on a one to one basis or location/relation basis, but in this context you are asking us to vote on ourselves and we can't do that."

In response to Mayor Brewer's request for options, City Attorney Mr. Richard S. Talbert said the Commission had the option of postponing for further study, approving it, not approving it, or approving a part of it. Mayor Brewer said he would recommend postponing for further study. Commissioner Victor Gonzalez, Jr. moved to postpone this item for further study. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

MONTHLY FINANCIAL REPORTS FOR THE MONTH OF MAY 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. Commissioner John Betancourt asked why there was such a drop on the garbage performance indicators from October to November 2011. Finance Director Ms. Maria Chavero said she would have to research that and get back with an answer, but it appears that it might be a transposition of the numbers. She said the only

information with her at this meeting is the May Financial information. Commissioner John Betancourt also inquired about the spike in the vehicle repairs performance indicator in March 2012. Ms. Chavero said that the vehicle repair figure fluctuates with the purchase of used vehicles since repairs need to be done. Mayor Brewer asked about tracking of the warnings issued by the Police Department. The warnings were on page 9 of this report. Mayor Brewer said the warnings have gone down, they need to be back up. Mayor Brewer thanked Finance Director Ms. Maria Chavero for the reports and announced that these reports would be filed for audit.

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

City Manager Sunny K. Philip said there was no need for an executive session and asked that this item be tabled. Commissioner Lori Weaver moved to table this item. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

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

Since there was not executive session, Commissioner Lori Weaver moved to table this item. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

At this point, Mayor Brewer asked for a motion to move Item #17, Public Comments, before Reports By Staff. Commissioner Lori Weaver made a motion to move Item #17, Public Comments, before the Reports By Staff item on the agenda. Commissioner John Betancourt 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 Ms. Ruth Dearinger from the VIP La Feria RV Park. Ms. Dearinger said that she had sent a letter to the Mayor and Commissioners last week. She said that two weeks ago tonight they had two break-ins in the park. They cut the fence and came in. By Friday of that week, she said she had calls from Iowa about the break-ins. Ms. Dearinger said that Winter Texans have a tendency to talk to each other and if she lost the Winter Texans, not only would she lose the business, but the City would be hit very hard with loss of revenues. She said they spend the money and they spend it in La Feria. Ms. Dearinger said she wanted the Commission to be aware of what is going on, because last week on Tuesday night again, they had four mobile homes hit and two of them were totally messed up. She said she has insurance claims pending, and she has two guys that are taking naps this afternoon so that they can be up all night, just in case the vandals decide to try for the third week in a row. She told the Commission that they needed more police force at night. Ms. Dearinger said she heard in the news today that a guy broke in at Pharr, and one got shot in the head, the other held at gunpoint, and the other one got away. She said she and her husband were wondering if these could be the same guys that have been hitting the VIP La Feria RV Park. She said she has two or three guys in the park that have guns, and she didn't want her residents to resort to that. Commissioner John Hernandez asked if the park was accessible to the police and Ms. Dearinger said the officers have the gate code so they can get in. There being no further comments, Mayor Brewer declared the public comment session closed.

REPORTS BY STAFF AND DISCUSSION WITH CITY COMMISSION

- Indoor Recreation Facility Construction Progress
- Water and Wastewater Systems Improvements 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 Construction Progress There has been a delay in AEP hooking up the power, but the contractor should be finishing up fairly soon.
- Water and Wastewater Systems Improvements Project Staff is having periodic meetings and making progress. This morning staff had a meeting to finalize the water meters to be replaced.
- The Drainage Improvement Project The City had a visit of 15 people total, some from Washington, D.C. HUD headquarters, some from Fort Worth, some from Houston and some from the Louisiana office. Initially, they wanted to do an audit about the filing system and documentation, but later they changed their mind and said they wanted a tour of the work done. Staff took them on a tour and put to use the bus the City procured from the LRGVDC. Then they joined staff at the Coffee Shop for dinner and they paid for their own dinner, but this allowed staff to continue the discussion on the project. It was a very productive meeting. There were some GLO staff in attendance also and staff asked about the release of the environmental review.
- Fire Station and Substation The project is moving along. The City has acquired the land on the south side of town.
- City Hall Expansion Staff is waiting for bond documents and the contract documents from the contractor.
- Library Expansion Project Staff submitted the contract documents to USDA, and they are waiting for their state review of the documents, so we can schedule a groundbreaking.
- Solar Panel Projects The contracts were executed on Friday, and today the order to proceed was issued to Meridian Solar, Inc. The deadline for completion is August 20, 2012, but staff will work with SECO to see if additional time can be granted.

Mayor Steve Brewer reminded everyone about the La Feria 6th Annual Independence Day Celebration to be held on Saturday, June 30, 2012 at the Veterans Memorial Park/Sports Complex. He said a donation for a large TV for the veterans only drawing was received and there would be a general drawing where the veterans would also be able to participate.

Finance Director Ms. Maria Chavero asked to clarify the question concerning the Financial Reports Performance Indicators on the Garbage item. She verified that the

figure was a transposition. It should have been 42 instead of 24. Ms. Chavero said this would be corrected for the next report.

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

There was no action needed on this item.

PUBLIC COMMENTS

This item was considered out of sequence prior to Reports by Staff.

ACTION FOR ADJOURNMENT

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

ADJOURNMENT

Mayor Steve Brewer adjourned the meeting at 7:22 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 July 22, 2012, as official record.

Olga Oberwetter, City Secretary

CITY COMMISSION REGULAR MEETING

AT THE

CITY COMMISSION MEETING ROOM TUESDAY, JUNE 26, 2012, AT 6:30 PM

WELCOME PLEASE SIGN IN

NAME	MAILING ADDRESS	HOME/WORK PHONE NO.
1 JOE DELAGA	RIA 271395.5	a)s 797-1062
2 Kara Alcoer	SOUETHEY 1	Ign. 216-5240
3 RICHARD RIdin	GS CCRMA/HNT	P 5547508
4 DAVID ALCES	CCRMH	425-6199
5 John HERAANDO	ZJR BOONKANS	as City
6 Ruth Dearinger	600 E Exp83 La Fer	ia TX 797-1401
7 Joel Gara	502 B. Tyles Harlinger	710-5241
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