

**MINUTES OF PROCEEDINGS  
CITY COMMISSION  
Tuesday, August 14, 2012**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, August 14, 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. 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, JULY 24, 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, July 24, 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, MAY 10, 2012**

After review of the minutes, Commissioner Angelica P. Baldivia moved to confirm the minutes of proceedings of the previous special meeting of the La Feria Industrial

Development Corporation (LFIDC) held on Thursday, May 10, 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**

Mr. Juan A. Bernal, P.E., CFM, Transportation Engineer from the Pharr TxDOT office, reported that last Friday he had written a letter to TxDOT justifying the need for an additional 15% grant funding for the Safe Routes to School Project for La Feria and that his request was approved. The grant amount for the La Feria Safe Routes to School Project will increase from \$500,000.00 to \$575,000.00. The requirement is that still La Feria needs to send a check in the amount of the cost overruns (\$124,756.95) to TxDOT, but at the end of the project the City will be reimbursed the \$75,000.00. Mayor Brewer inquired if work was still being done on the gas lines and telephone poles. Mr. Bernal said he had referred Irene Szedlmayer to the Assistant Area Engineer Ricardo S. Gallaga, Jr. who might be able to assist.

City Manager Sunny K. Philip discussed the need for the City to develop the skill in-house to do the environmental on TxDOT projects and to acquire the easements in order to expedite some of the projects. He said that typically projects would score higher in the ranking system. He said Mr. Bernal would get the City the contact information. Mr. Philip said this is the way to get TxDOT projects done sooner.

Mr. Bernal then reported on the installation of the traffic light at Beddoes Road. He said TxDOT already sent the request to the power company to connect to the traffic light. After it is connected, it will stay in a flashing mode for seven days so that people can get accustomed to the light. After seven days, it will go to regular mode, and after three weeks the construction company will remove the construction signs. Commissioner Victor Gonzalez, Jr. inquired if a sign would be posted giving a start date. Mr. Bernal said there would be the seven-day flashing light period, but he was not aware of any sign being posted. Mr. Philip said that the City was very pleased with the response time to the request for the traffic light. Mayor Steve Brewer thanked Mr. Bernal for his report.

**CONSIDER AND TAKE ACTION TO APPROVE OR DENY EXPENDITURE OF FUNDS IN CONNECTION WITH THE CONSTRUCTION OF SIDEWALKS UNDER THE SAFE ROUTES TO SCHOOL PROJECT FOR A TOTAL OF \$124,756.95 FOR ITEMS NOT ELIGIBLE FOR FEDERAL FUNDING PARTICIPATION AND CONSTRUCTION ENGINEERING AND CONTINGENCIES (NON-ELIGIBLE ITEMS)**

Commissioner Lori Weaver moved to approve expenditure of funds in connection with the construction of sidewalks under the Safe Routes to School Project for a total of \$124,756.95 for items not eligible for federal funding participation and construction engineering and contingencies (non-eligible items). Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A REQUEST FOR ADDITIONAL FUNDING TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE SAFE ROUTES TO SCHOOL COST OVERRUNS**

City Manager Sunny K. Philip said that Mr. Bernal said there was no need for a resolution, but just in case, staff would recommend that the Commission approve a resolution. Commissioner John Betancourt moved to read the caption of Resolution 2012-37, 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 Resolution 2012-37. After reading of the caption Commissioner John Betancourt moved to approve Resolution 2012-37 authorizing the City Manager to submit a request for additional funding to the Texas Department of Transportation (TxDOT) for the Safe Routes to School cost overruns. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission.

**REVIEW AND TAKE ACTION TO APPROVE BUDGET AMENDMENTS FOR FY 2011-2012**

Finance Director Ms. Maria Chavero and City Manager Sunny K. Philip asked that this item be tabled until a later meeting. This item was tabled on a motion by Commissioner Victor Gonzalez, Jr. and a second by Commissioner Lori Weaver. The motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO ACCEPT CERTIFICATION OF DEBT SERVICE REQUIREMENT FOR FY 2012/2013**

City Manager Sunny K. Philip explained the certification. He said that based on the bond payment the amount to be paid from property taxes is \$550,847.49. He said a list of all the bonds was also included in the Commission packet. Commissioner Victor Gonzalez, Jr. moved to accept the Certification of Debt Service Requirement for FY 2012/2013. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**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 as the Tax Assessor/Collector explained the effective tax rate, the rollback tax rate, schedules and fund balances. The effective tax rate for 2012 is \$0.6970/\$100 and the rollback tax rate is \$0.7449/\$100. If the City Commission decides to adopt the current tax rate of \$0.70 or to increase the tax rate by any amount more than the \$0.6970/\$100, the City has to conduct two public hearings which would be held on August 28, 2012 and September 4, 2012. This would require a Special meeting of the City Commission on September 4, 2012. Commissioner John Betancourt moved to accept the effective and rollback tax rates, schedules and fund balances presented by the Tax Assessor/Collector. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**DISCUSS AND TAKE ACTION TO APPROVE A PROPOSED TAX RATE FOR TAX YEAR 2012 (FISCAL YEAR 2012/2013)**

City Manager Sunny K. Philip said he would propose a tax rate of \$0.72/\$100. City Attorney Mr. Richard S. Talbert said the City could always go down from the 72 cents, but could not go higher than the 72 cents if that is the figure that is published. Whatever is published in the newspaper, that figure is the cap on the tax rate for this year.

Commissioner Lori Weaver moved to approve a proposed tax rate of \$0.72/\$100 for Tax Year 2012. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**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)**

City Manager Sunny K. Philip said the public hearings would be scheduled for August 28, 2012 and September 4, 2012. Commissioner John Betancourt moved to take a record vote and schedule the public hearings on August 28, and September 4, 2012. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

A record vote of all Commissioners was taken as follows:

Commissioner John Betancourt – AYE  
 Commissioner John Hernandez – AYE  
 Mayor Steve Brewer – The Mayor has no voting powers unless there is a tie.  
 Commissioner Lori Weaver – AYE  
 Commissioner Victor Gonzalez, Jr. – AYE  
 Commissioner Angelica P. Baldivia - AYE

**BUDGET WORKSHOP FOR THE CITY OF LA FERIA GENERAL FUND FOR FISCAL YEAR 2012-2013**

City Manager Sunny K. Philip said that staff did not have any numbers yet, but the purpose for this workshop was to hear from the Commission and identify any new programs. Commissioner John Betancourt said he always gets questions on Little League as to where the registration money goes. Mayor Brewer said this is a perfect thing that can be brought back at the next meeting. Commissioner John Hernandez inquired if department heads could make presentations about their departments to the City Commission such as the school gets reports from each school. Mayor Brewer said he would like to know if the school would be able to participate in the operation of the Recreation Center and at what level. He also would like to know if Allied Waste is any closer to construction. Planning and Community Development Director Irene Szedlmayer said they have told her that they would be submitting a building permit application next week; however, she said she has heard that before. Commissioner Victor Gonzalez, Jr. said he would like to have staff concentrate more on maintenance and operations, and have the city look healthy and clean. The fence around the Water Mill is rusty and looks bad, and there are other areas around town that need attention. Mayor Brewer said the Commission wants to be kept aware of what the status is of the projects that are in progress so that they can keep the public informed. Commissioner Angelica P. Baldivia said that she would agree with Commissioner Hernandez about having the department heads present a report to the Commission about their department activities. Mr. Philip responded that the difference is that at the schools each school has a Principal who is in charge of that school and has total responsibility for that school. The City has department heads who report to him, and if they were to come before the City Commission, they may not know how to field the questions posed to them. He asked the Commission to let him know if they have any questions, whether big or small and he would provide that information. Commissioner Victor Gonzalez, Jr. said other cities do

not require that their department heads be present at the meeting; he said there is communication between the departments and Sunny, and Sunny is doing a good job. The Commission would like to have a breakdown of the expenses of the different programs that are run by the city where the public has to pay a registration fee. Mr. Philip said that staff would provide that. Finance Director Ms. Maria Chavero inquired of Commissioner Victor Gonzalez, Jr. how he would like to see the information presented, because he was not in favor of the Line Item presentation. Ms. Chavero said she could do the budget by Function instead of Line Item. The Commission seemed to agree on the presentation by Function. There was no action needed as a result of this workshop.

**PUBLIC HEARING TO RECEIVE INPUT ON THE PROPOSED CITY OF LA FERIA FY 2012/2013 BUDGET**

Mayor Steve Brewer declared the public hearing open at 7:27 P.M. There was no one present to speak before the Commission on this item, so Mayor Brewer declared the public hearing closed at 7:27 P.M.

**PUBLIC HEARING TO RECEIVE INPUT ON THE PROPOSED PRECISION MOLD & TOOL APPLICATION TO THE TEXAS CAPITAL FUND PROGRAM ADMINISTERED BY THE TEXAS DEPARTMENT OF AGRICULTURE**

Mayor Steve Brewer declared the public hearing open at 7:27 P.M. City Manager Sunny K. Philip said that the City Commission approved a resolution at the last meeting for the submission of an application for Precision Mold and Tool to the Texas Capital Fund Program administered by the Texas Department of Agriculture; however, there is a requirement that the City have a public hearing prior to approving the resolution, so this is the public hearing and the next item will be the new resolution for the application submission. The business needs to hire at least 51% of low-income residents. In return the business gets a 0% interest loan for 15 years. Mr. Philip said in the past the City has submitted applications for Innovative Block for street improvements and water and sewer lines; Allied Waste for sewer lines and widening of the road. For the Little Lighthouse, the City built the building and is leasing it to them. They pay the principal every month with no interest for a 15-year period of time. For Precision Mold and Tool, the City built a street for them and for W.T. Liston, the City was able to build the road to the plant. Precision Mold and Tool is asking for \$750,000, but the State only has \$475,000 so that is what the application will be for. Commissioner Victor Gonzalez, Jr. inquired whether the Allied Waste Texas Capital Fund Project would have any impact on the City getting approved for the Precision Mold and Tool Project. Mr. Philip said that Allied Waste has hired the 30 employees that they have agreed to, and they have until November to be in compliance. There were no other comments on this item, so Mayor Brewer declared the public hearing closed at 7:33 P.M.

**CONSIDER AND TAKE ACTION TO APPROVE RESOLUTION OF THE CITY OF LA FERIA APPROVING AN APPLICATION FOR FUNDING THROUGH THE TEXAS DEPARTMENT OF AGRICULTURE TEXAS CAPITAL FUND PROGRAM IN SUPPORT OF PRECISION MOLD AND TOOL**

Commissioner Victor Gonzalez, Jr. moved to read the caption of Resolution 2012-38, 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 2012-38. After reading of the caption Commissioner John Betancourt moved to approve Resolution 2012-38 approving the submission of an application for funding through the Texas Department of

Agriculture Texas Capital Fund Program in support of Precision Mold and Tool. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**REVIEW AND DISCUSS FUNDING OPPORTUNITIES AVAILABLE THROUGH THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE INTENT TO SUBMIT APPLICATIONS FOR 2013/2014 COMMUNITY DEVELOPMENT, PLANNING, AND COLONIA FUNDING APPLICATIONS BY THE CITY AND/OR THROUGH CAMERON COUNTY**

City Manager Sunny K. Philip explained that the City has participated in the Community Development Program since 1984. Earlier the program used to be funded every year, but then the State changed the program to every two years, and there used to be seven applicants and now there are 15. The application due date for this year is October 26, 2012 for \$262,000. There will be a public hearing and the City Commission will need to approve a resolution for submission of the application. Staff is not sure what project will be funded with this grant, but in order to score high in the ranking, the City needs to propose a project such as water and sewer improvements. The County has the same option to apply for these funds, and one of the ideas is to ask the County to apply for funding for water and sewer lines for the Alto Real colonia. There is also a colonia funding program for \$500,000 but the City is not eligible to apply; it would have to be done through the County. The idea would be to pave the streets in La Feria Gardens, which are in horrible condition. These are extremely important projects for the City. Mr. Philip said that another application would be a Planning Grant. He said with all the large grants to improve drainage and water and sewer lines, most of the projects in the Comprehensive Plan are covered. He said Mr. Jim Delashaw has prepared the application for the planning grant in the past. There was no action needed on this item.

**CONSIDER AND TAKE ACTION TO APPOINT A NEW MEMBER TO THE LA FERIA INDUSTRIAL DEVELOPMENT CORPORATION (LFIDC) BOARD**

City Manager Sunny K. Philip said Mr. Arturo Martinez resigned from the LFIDC Board due to his health, and a new member needs to be appointed to fill the vacancy. Mr. Steven Salinas has agreed to serve on the LFIDC. Commissioner John Hernandez moved to read the resolution 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 Resolution 2012-39. After reading of the caption, Commissioner John Hernandez moved to approve Resolution 2012-39 appointing Steven Salinas as a new member to the LFIDC Board. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO APPROVE THE LA FERIA INDUSTRIAL DEVELOPMENT CORPORATION LOAN FUND PROGRAM GUIDELINES MODIFICATION**

City Manager Sunny K. Philip said the LFIDC Board met and made a recommendation to limit the term that a loan application can be kept in pending status to 60 days. Commissioner Lori Weaver moved to approve the La Feria Industrial Development Corporation Loan Fund Program Guidelines modification. 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 551.071 TO CONSULT WITH CITY ATTORNEY REGARDING THE TEXAS CAPITAL FUND PROGRAM IMPACT ON THE CITY OF LA FERIA; 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 7:47 P.M. After executive session deliberation, Mayor Steve Brewer declared the meeting back in open session at 8:32 P.M.

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

Mayor Steve Brewer announced that there was one action to be taken. Commissioner Lori Weaver moved to authorize the City Manager to proceed with the action discussed in executive session. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

**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**

City Manager Sunny K. Philip reported on the following:

- The Indoor Recreation Facility – They are doing the finishing work and within 30 days, they should be done.
- Water and Wastewater System Improvements Project – There are only a few easements to be acquired, but in the meantime, the City is waiting on the Texas Water Development Board to clear the Environmental Review.
- Drainage Improvements Project – There is an ongoing meeting and the City is submitting the 30% engineering design.
- 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 work has been started. Some of the material they needed to bring in and raise the foundation did not pass the test, so they had to find the right material.
- Library Expansion Groundbreaking is set for September 14, 2012 at 10:00 A.M.
- Solar Panels for the Water and Wastewater Treatment Plant – Expecting delivery of the solar panels and the framing on the 20<sup>th</sup> of August. They have installed the columns at the Wastewater Plant and they are now doing the installation at the

Water Plant. They are adding the ground cover. Mr. Philip has asked Mr. Pena, an electrician, to do special inspections on these projects.

- Report on City of La Feria Shelters – Have received the award, but the City has not received a contract yet. Staff will be bringing an ordinance before the City Commission at a later meeting, because this will require a special procurement process.

Commissioner John Hernandez inquired about the Theatre Building and the Masonic Bldg. Mr. Philip responded that the Theatre Building is secure and not leaking, however the Masonic Building is in bad condition and the LFIDC needs to do something about it.

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

**ADJOURNMENT**

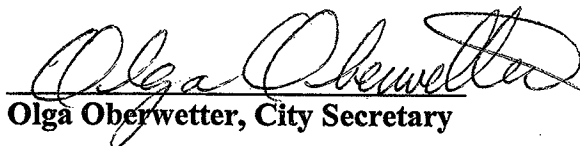
Mayor Steve Brewer adjourned the meeting at 8:44 P.M.

**APPROVED:**



**Steve Brewer, Mayor**

**ATTEST:**



**Olga Oberwetter, City Secretary**

These minutes were prepared and filed with the City of La Feria at 12:45 P.M. on August 25, 2012, as official record.



**Olga Oberwetter, City Secretary**



**CITY COMMISSION REGULAR MEETING**  
AT THE  
CITY COMMISSION MEETING ROOM  
**TUESDAY, AUGUST 14, 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   |                        | 956-702-6165               |
| 2  | Julie Cavazos |                        |                            |
| 3  |               |                        |                            |
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