

**MINUTES OF PROCEEDINGS
CITY COMMISSION
Tuesday, October 22, 2013**

Be it known that the City of La Feria City Commission met in regular session on Tuesday, October 22, 2013, 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
Ms. Angelica P. Baldivia	City Commissioner

ABSENT: Mr. Victor Gonzalez, Jr. 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. Paula Rodriguez	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 6:31 P.M., Mayor Steve Brewer gave 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.

SPECIAL PRESENTATION TO VIP/LA FERIA RV PARK

Mayor Steve Brewer and Michelle Villarreal, Legislative Director for State Representative Oscar Longoria presented a plaque to VIP/La Feria RV Park in recognition of being named the 2013 Medium Park of the Year. Ms. Villarreal said that Representative Oscar Longoria had a prior commitment and was not able to attend tonight, so she was here on his behalf. She then read the resolution from Representative Oscar Longoria, which stated the following: "Whereas, VIP/La Feria RV Park has been named the 2013 Medium Park of the Year by the Texas Recreational Vehicle Association; and Whereas, the Medium Park category recognizes facilities with 201 to 500 sites in making the selection; the TRVA reviewed entries from establishments across the Lone Star State. Candidates were evaluated for customer service, association involvement, operations excellence, promotion, management skills, community service, visual appeal and growth and innovation; and Whereas, managed by John and Ruth Dearing, VIP/La Feria RV Park is a full service facility that welcomes guests age 55

and older, its many amenities includes two pools and spas, a clubhouse, an exercise room, and scheduled group activities; moreover, the parks provide easy access to the area's cultural and recreation attractions. And Whereas, locally owned and operated businesses play a vital role in the prosperity of the Lone Star State and all those associated with VIP/La Feria RV Park, we take pride in its contribution to the La Feria community. Now, therefore, be it resolved that VIP/La Feria RV Park be congratulated on its selection of the 2013 Medium Park of the Year by the Texas Recreational Vehicle Association and that John and Ruth Dearing and their staff be extended sincere best wishes for continued success. From State Representative Oscar Longoria, The Texas House of Representatives." Mayor Steve Brewer said the City is very proud of VIP/La Feria RV Park and what they do and how they give back to the community. He thanked John and Ruth Dearing for all they do. A brief period was allowed for photographs.

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, SEPTEMBER 5, 2013

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, September 5, 2013. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

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 Toribio Garza is the new District Engineer. He used to work in the San Benito Area Office, then went to Austin, and has now returned as the District Engineer. The completion of the sidewalk project will be in about three weeks. The contractor will go back and address some of the owners concerns about their driveways. Mr. Bernal said the contractor and the Area Office brought up an issue about the concrete blocks that have not been installed. He asked if there was a timeline of when the City would start that work. Mr. Philip responded that the City will start on it pretty soon. The City wanted the contractor to finish the project before starting. Mr. Bernal asked if the City would be doing grass reseeding, because that was not part of the original contract. Once the contractor is finished, TxDOT will call the Texas Department of Licensing and Regulations (TDLR) to come do a final inspection. Mayor Brewer thanked Mr. Bernal for his report.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY RESOLUTION APPOINTING A NEW MEMBER TO THE ZONING BOARD OF ADJUSTMENTS

City Manager Mr. Sunny K. Philip explained that the copy of the resolution and the application submitted by Ms. Dilia Sanchez were included in the City Commission packet. Mr. Fernando Najjar, Jr. has advised that he would no longer be able to serve on the board. Ms. Dilia Sanchez would be replacing him on the Zoning Board of Adjustments. 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 2013-29. After reading of

the caption, Commissioner John Betancourt moved to approve Resolution 2013-29 appointing Ms. Dilia Sanchez as the new member to the Zoning Board of Adjustments replacing Mr. Fernando Najjar, Jr. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO APPROVE/DENY MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LA FERIA AND THE COMMUNITY LOAN CENTER CORPORATION TO PROVIDE FINANCIAL PRODUCTS AND SERVICES INCLUDING FINANCIAL LITERACY EDUCATION TO EMPLOYEES OF THE CITY OF LA FERIA

City Manager Mr. Sunny K. Philip explained that the Community Development Corporation of Brownsville is administering the Community Loan Center loans for employees and that the program is for small loans of \$1,000 or \$1,500 with payroll deductions. If the employee leaves and has a balance, the City has no obligation to the lender. Mr. Philip said this would help those employees whose credit does not allow them to get a loan from a bank, and help them out of a financial bind. He recommended approval of the Memorandum of Understanding. Commissioner John Betancourt moved to approve the Memorandum of Understanding between the City of La FERIA and the Community Loan Center Corporation to provide financial products and services including financial literacy education to employees of the City of La FERIA. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION OF THE CITY OF LA FERIA DESIGNATING DEPOSITORY SIGNATORIES FOR FIRST NATIONAL BANK

City Manager Mr. Sunny K. Philip explained that at a previous meeting, the City Commission approved a similar resolution for BBVA Compass. This is to add Planning and Community Development Director Ms. Paula Rodriguez as a signatory for First National Bank. Commissioner Angelica P. Baldivia 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 2013-30. After reading of the caption, Commissioner Angelica P. Baldivia moved to approve Resolution 2013-30 designating depository signatories for First National Bank. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

REVIEW BID TABULATION FOR PROPOSED WATER DISTRIBUTION IMPROVEMENTS PROJECT AND CONSIDER AWARD OF CONTRACT TO THE LOWEST, MOST QUALIFIED AND RESPONSIBLE BIDDER

City Manager Mr. Sunny K. Philip explained that the City applied for and received a grant from the Texas Water Development Board (TWDB) of \$15,000,000 for water and sewer system improvements. He said that the City went out for bids on the Proposed Water Distribution Improvements Project and nine bids were received. He reviewed the bid tabulation with the board members. The bids received were as follows.

Cornet Construction	\$2,006,850.90
P.O. Box 2048	
San Benito, TX 78586	

956-399-3743

TX Cordia Construction \$2,270,522.77
 3149-A Center Point Drive
 Edinburg, TX 78539
 956-627-6181

Saenz Utility Contractors \$5,504,293.00
 22290 N. FM 88 (\$2,241,941.50)*
 Edcouch, TX 78538
 956-262-8506

*This is the figure submitted by Saenz Utility Contractors. The \$5,504,293.00 was listed on the bid tabulation completed by Sigler, Winston, Greenwood & Associates after calculating a total for a line item that was also listed as a unit price by the number of units, which calculated to a much higher total for that line item.

The 5125 Company \$2,333,333.00
 1008 Doherty Ave.
 Mission, TX 78572
 956-583-5125

Reim Construction \$2,375,628.90
 9612 North Stewaet Rd.
 Mission, TX 78573
 956-580-2675

R.M. Walsdorf, Inc. \$2,493,226.45
 10155 Old State Highway 48
 Brownsville, TX 78521
 956-831-3984

FJW \$2,526,266.99
 1100 E. Jasmine Ave., Suite 102
 McAllen, TX 78501
 956-688-2397

DKIII Hornback \$2,574,589.04
 702 W Expressway 83, Suite 116
 Weslaco, TX 78596
 956-968-2829

Jimmy Closner & Sons Construction Co. \$3,171,785.00
 P.O. Box 170
 Mercedes, TX 78570
 956-565-2688

Discussion was held concerning the different areas in the city that would be part of this construction, and Mr. Philip explained the different areas where the lines would be installed. The low bidder was Cornet Construction of San Benito with the low bid of

\$2,006,850.90. Mr. Philip asked the City Commission to award the contract to the lowest, most qualified and responsible bidder Cornet Construction of San Benito, subject to the approval of the Texas Water Development Board (TWDB). Commissioner Angelica P. Baldivia moved to award the contract to the lowest most qualified and responsible bidder Cornet Construction of San Benito in the amount of \$2,006,850.90, subject to the approval of the TWDB. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the board members present.

CONSIDER AND TAKE ACTION TO APPROVE THE PURCHASE OF 2014 FORD ESCAPE FOR ADMINISTRATION USE

City Manager Mr. Sunny K. Philip said that currently the City is using a high mileage confiscated vehicle to run errands. The new vehicle is a 2014 Ford Escape that would be purchased through BuyBoard at a price of \$20,085.75. Commissioner John Betancourt moved to approve the purchase of a 2014 Ford Escape for administration use. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO APPROVE INTERLOCAL AGREEMENT BETWEEN THE CITY OF LA FERIA AND THE CITY OF MCALLEN FOR FY 2012 ASSISTANCE TO FIREFIGHTERS GRANT

City Manager Mr. Sunny K. Philip explained that this is an overall upgrade of radio equipment and that in order to get better volume pricing, cities receiving grant funding have opted to work with the City of McAllen and order the radios through them. The Interlocal Agreement is necessary to authorize the City of La Feria to participate with them. Commissioner Angelica P. Baldivia moved to approve the Interlocal Agreement between the City of La Feria and the City of McAllen for FY 2012 Assistance to Firefighters Grant. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY INTERLOCAL AGREEMENT FOR COOPERATION & JOINT SPONSORSHIP – VALLEY METRO (FORMERLY RIO METRO) AND THE CITY OF LA FERIA, TEXAS TO CONTINUE PARTICIPATION IN THE REGIONAL PUBLIC TRANSPORTATION SYSTEM MANAGED BY THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL (LRGVDC) AND TO AUTHORIZE THE CONTRIBUTION OF \$7,120.00 FOR FY 2013, BEGINNING OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014

City Manager Mr. Sunny K. Philip explained that this is the renewal for Valley Metro and the contribution for FY 2013 is \$7,120.00. Commissioner Lori Weaver moved to approve the Interlocal Agreement for Cooperation & Joint Sponsorship – Valley Metro (Formerly Rio Metro) and the City of La Feria, Texas to continue participation in the regional public transportation system managed by the Lower Rio Grande Valley Development Council (LRGVDC) and to authorize the contribution of \$7,120.00 for FY 2013, beginning October 1, 2013 through September 30, 2014. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

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 14, 2013

City Manager Mr. Sunny K. Philip said the Lighting of the Tree would be held on November 14, 2013 and the closing of the street is necessary for the public's safety. Commissioner John Betancourt moved to read the ordinance 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 Commissioners present. City Attorney Mr. Richard S. Talbert read the caption of Ordinance 2013-16. After reading of the caption, Commissioner John Betancourt moved to approve Ordinance 2013-16 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 14, 2013. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO APPROVE A RESOLUTION DOCUMENTING THE ANNUAL REVIEW AND APPROVING ANY MODIFICATION NECESSARY OF THE CITY OF LA FERIA INVESTMENT POLICY

City Manager Mr. Sunny K. Philip explained that there were no changes in the investment policy other than the dates. Commissioner John Betancourt moved to read the resolution 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 Commissioners present. City Attorney Mr. Richard S. Talbert read the caption of Resolution 2013-31. After reading of the caption, Commissioner John Betancourt moved to approve Resolution 2013-31 documenting the annual review and approving any modification necessary of the City of La FERIA Investment Policy. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO APPROVE/DENY "HALLOWEEN AT THE PARK PROGRAM" PLANNED TO BE HELD AT THE SPORTS COMPLEX ON SATURDAY, OCTOBER 26, 2013

City Manager Mr. Sunny K. Philip said this event was this coming Saturday, and staff has met to finalize plans. Mr. Frank Tamez, Recreation Services Manager was present at the meeting, and he invited all to come for a fun day for the entire family. He said this is a way to promote a safe Halloween. There will be vendors who will be giving away free candy. There will be a costume contest and a pumpkin carving contest. Commissioner Angelica P. Baldivia moved to approve the event "Halloween at the Park" planned to be held at the Sports Complex on Saturday, October 26, 2013. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO APPROVE/DENY BOXING EVENT AT THE RECREATION CENTER PLANNED FOR SATURDAY, NOVEMBER 16, 2013

City Manager Mr. Sunny K. Philip asked Recreation Services Manager Mr. Frank Tamez to discuss this event. Mr. Tamez said that this event will provide an economic impact on

the City. He said that boxers from Laredo, Corpus Christi and San Antonio are coming in on Friday, and weighing in on Saturday morning. This is a fundraiser for the Recreation Center, since it will receive 20% of the ticket sales and also all of the profit of the concession sales will go to the Recreation Center. Commissioner John Betancourt moved to approve the boxing event at the Recreation Center planned for Saturday, November 16, 2013. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

**CONSIDER AND TAKE ACTION TO APPROVE/DENY ORDINANCE
AMENDING CERTAIN PROVISIONS OF ORDINANCE 2013-13 TO RECTIFY
CLERICAL ERROR PERTAINING TO A DEVELOPMENT AGREEMENT**

City Manager Mr. Sunny K. Philip explained that at a previous meeting of the City Commission, the Commission approved an ordinance annexing the Rabb Road area and there was a property south of the wastewater treatment plant on the east side which was omitted in error. The property owner had indicated that he wanted to sign a Development Agreement, but had questions on it. Ordinance 2013-17 will correct the error and approve the property owners Development Agreement. Commissioner John Hernandez 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 Commissioners present. City Attorney Mr. Richard S. Talbert read the caption of Ordinance 2013-17. After reading of the caption, Commissioner John Hernandez moved to approve Ordinance 2013-17 amending certain provisions of Ordinance 2013-13 to rectify clerical error pertaining to a Development Agreement. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

MONTHLY FINANCIAL REPORTS FOR THE MONTH OF AUGUST 2013

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

Mayor Steve Brewer inquired if there were any questions regarding the financial reports; there were no questions, so the financial reports for the month of August 2013 were 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.**

This item was tabled on a motion by Commissioner John Betancourt and a second by Commissioner John Hernandez. The motion carried by unanimous vote of the City Commissioners present.

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

This item was tabled on a motion by Commissioner John Betancourt and a second by Commissioner John Hernandez. The motion carried by unanimous vote of the City Commissioners present.

REPORTS BY STAFF AND DISCUSSION WITH CITY COMMISSION

- Indoor Recreation Center Operation and the process to develop long range plan for the center
- Update on Drainage Project
- Water and Wastewater Systems Improvements Project
- Progress of Library Expansion Project
- Progress of Fire Station Expansion and Substation Project
- Status of Dome Construction Project
- Generator Purchase and Installation Project
- Sidewalk Improvement Project
- Light System Improvement Project for A.J. Wilson Field

City Manager Sunny K. Philip reported the following.

- Indoor Recreation Center Operation – Mr. Philip stated that the Grand Opening of the Recreation Center was a success. He then reviewed a list of activities planned for the recreation center. Commissioner John Betancourt asked that softball be added to the list.
- Update on Drainage Project - The contractor has not started yet.
- Water and Wastewater Systems Improvements Project – discussed earlier in the meeting.
- Progress of Library Expansion Project – The Grand Opening for the library has been postponed.
- Progress of Fire Station Expansion and Substation Project – USDA is moving forward with the project.
- Status of Dome Construction Project – The project was submitted for review and they had questions on it. They are requiring that the domes be hurricane and tornado proof shelters. Megamorphosis and the structural engineers are working on this and the final okay is needed before the City can advertise for bids. If the cost is higher than the budget, the City will ask for more grant money.
- Generator Purchase and Installation Project – The new generator has been install.
- Sidewalk Improvement Project – Mr. Juan Bernal from TxDOT reported on this earlier in the meeting.
- Light System Improvement Project for A.J. Wilson Field – This project is complete.

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

Commissioner Angelica P. Baldivia moved to excuse Commissioner Victor Gonzalez, Jr.'s absence from this meeting. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

PUBLIC COMMENTS

Mayor Steve Brewer declared the public comments session open. No one signed up to speak before the City Commission, so Mayor Steve 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 Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

ADJOURNMENT

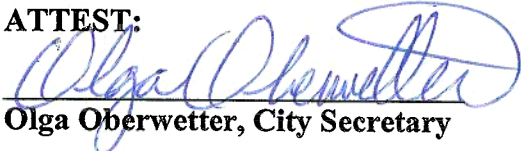
Mayor Steve Brewer adjourned the meeting at 7:48 P.M.

APPROVED:



Steve Brewer, Mayor

ATTEST:



Olga Oberwetter, City Secretary

These minutes were prepared and filed with the City of La Feria at 10:57 A.M. on November 11, 2013, as official record.



Olga Oberwetter, City Secretary

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CITY COMMISSION REGULAR MEETING
AT THE
CITY COMMISSION MEETING ROOM
TUESDAY, OCTOBER 22, 2013, 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	702-6108
2	Frank Tamez Jr	27992 FM 2551	202-4010
3	Ruth Dearinger	600 E Exp 83	913-702-4067
4	John Dearinger	600 E EXP 83	913-702-4027
5	AL L Linda Diemelt	600 E HWY 83	734-049656
6	Bonnie Black	600 E HWY 83	
7	FRANCES KAG	600 EXP 83	913-360-2075
8	Virginia Chism	600 E. Exp 83	573-3104196
9	Alfonso A. Gonzalez, P.E.	611 Bill Summers Blvd, ^{Westaco} TX.	(956) 968-2194
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