

**MINUTES OF PROCEEDINGS
CITY COMMISSION
Tuesday, December 17, 2013**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, December 17, 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 Hernandez	City Commissioner
Mr. Victor Gonzalez, Jr.	City Commissioner
Ms. Angelica P. Baldivia	City Commissioner

Absent: Mr. John Edward Betancourt City Commissioner

The following staff members were present.

Mr. Sunny K. Philip	City Manager
Mr. Richard S. Talbert	City Attorney
Ms. Paula Rodriguez	Planning and Comm. Dev. Director
Kin Mendoza	Assistant Finance Director
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 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.

**REVIEW AND TAKE ACTION TO APPROVE MINUTES OF PROCEEDINGS
OF THE SPECIAL MEETING OF THE CITY COMMISSION HELD ON
TUESDAY, NOVEMBER 12, 2013**

After review of the minutes, Commissioner Angelica P. Baldivia moved to approve the minutes of proceedings of the special meeting of the City Commission held on Tuesday, November 12, 2013. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

**REVIEW AND TAKE ACTION TO APPROVE MINUTES OF PROCEEDINGS
OF THE SPECIAL MEETING OF THE CITY COMMISSION HELD ON
WEDNESDAY, DECEMBER 4, 2013**

After review of the minutes, Commissioner John Hernandez moved to approve the minutes of proceedings of the special meeting of the City Commission held on Wednesday, December 4, 2013. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

REVIEW AND TAKE ACTION TO CONFIRM THE MINUTES OF PROCEEDINGS OF THE PREVIOUS REGULAR MEETING OF THE LA FERIA INDUSTRIAL DEVELOPMENT CORPORATION (LFIDC) HELD ON THURSDAY, OCTOBER 3, 2013

After review of the minutes, Commissioner Lori Weaver moved to confirm the minutes of proceedings of the previous regular meeting of the La FERIA Industrial Development Corporation (LFIDC) held on Thursday, October 3, 2013. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

REPORT BY TXDOT ON LA FERIA RELATED PROJECTS AND DISCUSSION WITH THE CITY COMMISSION

There was no representative present at this time.

SPECIAL PRESENTATION – REGIONAL ECONOMIC BENEFIT BY CONGRESSMAN FILEMON VELA’S OFFICE

There was no representative present at this time.

PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC REGARDING THE CURFEW ORDINANCE FOR THE CITY OF LA FERIA

City Manager Mr. Sunny K. Philip explained that this is the public hearing in regards to the curfew ordinance for the City of La FERIA. He said that a new ordinance would need to be adopted at a later time, since the third anniversary of the ordinance was September 11, 2013 and now it is December 2013. Mayor Brewer declared the public hearing open at 6:37 P.M and asked for comments. Mayor Brewer commented that the curfew ordinance has worked out very well. Mr. Philip said that the intent of the ordinance is not to penalize, but to intervene and contact the parents and release their children back to them. In response to the question of whether the siren has had any effect on the delinquencies, Mr. Philip said that it had. Mayor Steve Brewer declared the public hearing closed at 6:40 P.M.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION OF THE CITY OF LA FERIA TO CONTINUE IN FORCE ORDINANCE 2001-17, THE CURFEW ORDINANCE, IN THE CITY OF LA FERIA

City Attorney Mr. Richard S. Talbert advised the Commission that if they wished to approve Resolution 2013-34 as their support for the Curfew Ordinance, that they could do so, but a new ordinance would need to be adopted later. Commissioner Lori Weaver moved to read the resolution by caption only, in lieu of reading it in its entirety. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present. City Attorney Mr. Richard S. Talbert read the caption of Resolution 2013-34. After reading of the caption, Commissioner John Hernandez moved to approve Resolution 2013-34 authorizing to continue in force Ordinance 2001-17, the Curfew Ordinance, in the City of La FERIA until adoption of a new ordinance. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

Mr. Juan Bernal with TxDOT entered the meeting room at 6:36 P.M.during the previous agenda item, so Commissioner Lori Weaver moved to go back to item number seven for

a report from TxDOT. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

REPORT 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 the Safe Routes to School Project was complete. They were now waiting for the Texas Department of Licensing and Regulations to do their inspection. Mr. Bernal said that the Municipal Agreement needs to be signed by the City of La Feria and that basically what the agreement says is that the City of La Feria will do the maintenance of the sidewalks. Mr. Bernal reported that at a previous meeting an item was brought up in respect to a school sign placed at a location where a school does not exist anymore, and he said that the sign was placed according to the specs of the project, and that it was part of the grant. Mr. Bernal said he would schedule a meeting with Mr. Philip to finalize the funding of the project and the cost overruns, so that if any funds remained of the amount advanced, it would be refunded. Mayor Brewer inquired of Mr. Bernal who he should contact in regards to having TxDOT place a sign on Expressway 83 announcing Our Lady of the Lake University in La Feria or our State Representative Oscar Longoria who has an office in La Feria. Mr. Bernal said he would check into it and would report later. Commissioner Victor Gonzalez, Jr. inquired about the light at Beddoes and Business Highway 83 and asked if it was strictly on a timer. Mr. Bernal will check into this also. Mayor Brewer thanked him for his report.

CONSIDER AND TAKE ACTION TO APPROVE THE PRELIMINARY AND FINAL PLAT FOR THE EDUCATIONAL ENRICHMENT CENTER SUBDIVISION, AN 11.649 ACRE TRACT OF LAND LOCATED AT FM 506 AND DODD LANE

City Manager Mr. Sunny K. Philip reported that this is a four lot subdivision, one lot would be where the Dome would be constructed, one lot would be for the EDA building, and the other two lots would be available for future development. He said the plat meets the subdivision requirements, and it was approved by the Planning and Zoning Commission. Commissioner Victor Gonzalez, Jr. moved for the approval of the preliminary and final plat for the Educational enrichment Center Subdivision, an 11.649 acre tract of land located at FM506 and Dodd Lane. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO ACKNOWLEDGE QUALIFICATION FOR "CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING" AWARDED TO THE CITY OF LA FERIA FINANCE DEPARTMENT FOR THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2012

Mayor Steve Brewer congratulated Finance Director Ms. Maria Chavero for achieving this distinction of excellence in financial reporting for the seventh year in a row. Commissioner Angelica P. Baldivia moved to officially acknowledge this achievement. Commissioner Victor Gonzalez, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDER AND TAKE ACTION TO APPROVE KENNY'S FUNLAND REQUEST TO OPERATE A CARNIVAL ON INDUSTRIAL WAY (EAST OF

CHURCH'S FRIED CHICKEN AND SOUTH OF MCDONALD'S) FROM JANUARY 29 THROUGH FEBRUARY 9, 2014 (SETUP TO START ON JANUARY 26, 2014)

Ms. Kim Maples was present to answer any questions about this item. Mayor Steve Brewer thanked her and her family for participating in the City's Winter Festival. City Manager Mr. Sunny K. Philip asked that the LFIDC be named as an additional insured along with the City of La Feria since the LFIDC owns the land. Ms. Maples said that would be taken care of. Commissioner Lori Weaver moved to approve Kenny's Funland request to operate a carnival on Industrial Way (east of Church's Fried Chicken and South of McDonald's) from January 29 through February 9, 2014 (Setup to start on January 26, 2014). Commissioner Victor Gonzalez, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO APPROVE THE LEASE AGREEMENT WITH CAMERON COUNTY FOR THE LEASING OF THE ELECTION EQUIPMENT FOR THE CITY SPECIAL ELECTION TO ELECT A MAYOR TO BE HELD ON JANUARY 25, 2014

Commissioner Lori Weaver moved to approve the lease agreement with Cameron County for the leasing of the election equipment for the City Special Election to elect a mayor to be held on January 25, 2014. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO ENTER INTO AN INTERLOCAL AGREEMENT FOR RADIO SERVICE WITH THE RIO GRANDE VALLEY COMMUNICATIONS GROUP

City Manager Mr. Sunny K. Philip said a copy of the Interlocal Agreement was included in the packet for review. He said the City would pay a smaller fee per radio than previously paid to Harlingen. Commissioner Angelica P. Baldivia moved to enter into an Interlocal Agreement for Radio Service with the Rio Grande Valley Communications Group. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

REVIEW AND DISCUSS PROPOSED PURCHASE OF RADIO SYSTEM UPGRADE TO MEET THE NEEDS OF THE FIRST RESPONDERS, AND CONSIDER OPTIONS AND TAKE ACTION TO PURCHASE OR LEASE THE P25 SYSTEM/MCC 7500 DISPATCH CONSOLE MIGRATION RADIO SYSTEM AND MOBILE RADIOS FOR THE CITY OF LA FERIA

City Manager Mr. Sunny K. Philip explained the radio system upgrade. He said the City of Harlingen has invested the money and converted to the narrow band system and they no longer want to maintain the old system which La Feria is on. Mr. Philip discussed that the initial quote for the radio upgrade was \$900,000.00, and now the quote is \$385,664.99. Mr. Philip then introduced the vendor Mr. James Ewing with South Texas Communications who was present at this meeting. Mr. Ewing said that they have been in the Valley for 53 years and they represent Motorola. Mr. Ewing explained the coverage that would be provided by the new system and said there would be plenty of coverage and redundancy in the system so that the City would never be without coverage. Much discussion was held on this item and action for this was taken under the next item.

**CONSIDER AND TAKE ACTION TO APPROVE/DENY AGREEMENT
APPROVING LEASE PURCHASE TERMS OF THE RADIO SYSTEM
IMPROVEMENTS**

Commissioner Victor Gonzalez, Jr. moved to authorize the City Manager to negotiate the terms of the lease purchase of the Radio System Improvements for a better deal and to purchase the radio system by the deadline of January 20, 2014 not to exceed the contract price of \$385,664.99. 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 AMENDING CERTAIN PROVISIONS OF
ORDINANCE 2013-13 BY WHICH CERTAIN AREAS WERE ANNEXED INTO
THE CITY LIMITS OF THE CITY OF LA FERIA AND TO CORRECT NOTED
CLERICAL ERRORS**

City Manager Mr. Sunny K. Philip explained that there had been some areas annexed that were not correctly identified and therefore, may or may not have had notice. This is a corrective action to make sure that the properties listed as annexed are correct. After discussion, Commissioner Lori Weaver 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 2013-19. After reading of the caption, Commissioner Lori Weaver moved to approve Ordinance 2013-19 amending certain provisions of Ordinance 2013-13 by which certain areas were annexed into the City Limits of the City of La FERIA and to correct noted clerical errors. 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 AMENDING CERTAIN PROVISIONS OF
ORDINANCE 2013-15 BY WHICH CERTAIN AREAS WERE ANNEXED INTO
THE CITY LIMITS OF THE CITY OF LA FERIA AND TO CORRECT NOTED
CLERICAL ERRORS**

City Manager Mr. Sunny K. Philip said this is a similar situation as the previous item. After discussion, Commissioner Lori Weaver moved to read the ordinance by caption only, in lieu of reading it in its entirety. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present. City Attorney Mr. Richard S. Talbert read the caption of Ordinance 2013-20. After reading of the caption, Commissioner Lori Weaver moved to approve Ordinance 2013-20 amending certain provisions of Ordinance 2013-15 by which certain areas were annexed into the City Limits of the City of La FERIA and to correct noted clerical errors. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

**REVIEW BID TABULATION AND TAKE ACTION TO AWARD CONTRACT
FOR THE CONSTRUCTION OF TWO (2) COMMUNITY SAFE ROOMS
INCLUDING PARKING LOT, SITE LIGHTING, WALKWAYS, AND UTILITY
CONNECTIONS TO THE LOWEST, MOST QUALIFIED AND RESPONSIBLE
BIDDER**

City Manager Mr. Sunny K. Philip said the bid tabulation shows that the bids are higher than the amount of funding available. Funds available are \$3,150,000.00 and the City

Commission approved a match of \$1,050,000.00 for a total available of \$4,200,000.00. Texas Descon Construction is the apparent low bidder at \$5,083,000.00. And including architectural fees and testing, the shortfall is \$1,181,000.00. Mr. Philip said these are two buildings, one is 20,000 square feet and the other is 15,000 square feet. He said that FEMA is aware that the budgeted cost per square foot of \$120 is very low. They are willing to entertain some requests for additional funds and the maximum that the City can request is \$885,750.00 and the City would need to match \$295,250.00. Mr. Philip introduced Mr. John Percy, Architect with Megamorphosis, and asked him to discuss his conversation with Mr. Michael Khu who is administering this program for FEMA through the Texas Department of Safety. Mr. Percy said Mr. Khu was aware that the \$120 per square foot budget was not going to work. Mr. Khu's estimate was more like \$160 or \$170 per square foot. Mr. Percy said that the numbers in their estimate is about \$140 per square foot. He said that there was a Dome project in Edinburg that just came in at \$200 a square foot. Mr. Percy said that Megamorphosis designed the two La Feria DOMES to meet the bare minimum requirements of FEMA. Mr. Percy then congratulated the City of La Feria for winning a design award for the La Feria Recreation Center presented by the Lower Rio Grande Valley Chapter of the American Institute of Architects.

Mr. Philip recommended that there be no action to award the contract for the Domes at this time, since the full funding of the project is not available. Commissioner John Hernandez moved to table this item. 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 RESOLUTION SEEKING ADDITIONAL FUNDS FOR THE CONSTRUCTION OF SAFE ROOMS AND COMMITTING LOCAL FUNDS AS MATCH FOR THE PROGRAM

Commissioner Lori Weaver moved to read the resolution by caption only, in lieu of reading it in its entirety. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present. City Attorney Mr. Richard S. Talbert read the caption of Resolution 2013-35. After reading of the caption, Commissioner Angelica P. Baldivia moved to approve Resolution 2013-35 seeking additional funds for the construction of safe rooms and committing local funds as match for the program. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

REVIEW PROPOSALS RECEIVED AND TAKE ACTION TO AWARD CONTRACT FOR PROFESSIONAL ARCHITECTURAL SERVICES, FACILITY PLANNING, DESIGN, CONSTRUCTION INSPECTION AND PROJECT MANAGEMENT FOR A TEN CLASSROOM TECHNOLOGY & SUCCESS CENTER THAT IS APPROXIMATELY 10,804 SQUARE FEET

City Manager Mr. Sunny K. Philip said there were eleven proposals received and staff went through a scoring process and Megamorphosis won by one point. Commissioner Lori Weaver moved to declare Megamorphosis as the most qualified firm and authorize the City Manager to negotiate the contract for professional architectural services, facility planning, design, construction inspection and project management for a ten classroom Technology & Success Center that is approximately 10,804 square feet. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

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 Lori Weaver 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 Lori Weaver 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

- **Update on Drainage Improvement Project**
- **Water and Wastewater Systems Improvements Project**
- **Progress of Fire Station Expansion and Substation Project**
- **Status of Dome Construction Project**
- **Generator Purchase and Installation Project**
- **Sidewalk Improvement Project**
- **EDA Grant for Technology and Success Center**
- **Unger Park Improvement Project**
- **Trail Improvement Project**

City Manager Mr. Sunny K. Philip reported the following:

- On the Drainage Project there are three contracts out. One is to purchase the pump and the supplier from Florida will be coming on the week of January 13 for a demo of the pump, and the City is working with the Irrigation District to have a place at the reservoir area to conduct the demo. State staff from the Department of Emergency Management will also be coming, since they have funded a portion of the pump and the Rabb Road Improvements. The other project is the Levee Crossing and the contractor will start cutting the IBWC levee on January 13. It will take them about a month to cut it all the way down. They have started cleaning out the drainage and have installed a 16" pipe. The City was not able to acquire a property and had to take an alternate route on the project. Mr. Philip said staff has picked dates for the Kansas City Road Improvements, and would be advertising for bids soon. By February the City should receive the bids on it.
- Water and Wastewater Systems Improvements Project – the water meters and radios have been purchased, and Cornet Construction has been cleared by the Texas Water Development Board so they can move forward with the water line improvements.
- Fire Station Expansion and Substation Project – USDA is working on a schedule and the City wants to close on it before the end of December because the rates will change in January.
- The Dome Project – you heard a lot about the Dome project earlier in the meeting.

- Generator Purchase – the generator has been installed and what remains to be done is the barrier wall.
- Sidewalk Improvements – Mr. Bernal reported on it.
- EDA Technology Center – Making progress selecting the architect.
- Unger Park Improvements – Should be moving on this soon.
- Trail Improvements Project – Have not started on it. Still waiting to hear from Parks and Wildlife.

At this point Mr. Philip introduced Kin Mendoza and Esmeralda Sanchez. Mr. Philip said Kin has been here for a while, but Esmeralda Sanchez just joined the City and she has worked with GLO working with the drainage project. The Commission welcomed Ms. Esmeralda Sanchez.

Mayor Brewer asked about the 4th Street Park Project. Mr. Philip said that would be next in line.

The Library Project is not quite ready due to a delay in procuring the furniture.

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

Commissioner Lori Weaver moved to excuse Commissioner John Betancourt's absence from this meeting. Commissioner Angelica P. Baldivia 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 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 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 7:54 P.M.

APPROVED:

Steve Brewer, Mayor

ATTEST:

Olga Oberwetter, City Secretary

These minutes were prepared and filed with the City of La Feria at 7:45 P.M. on February 10, 2014 as official record.

Olga Oberwetter, City Secretary

CITY COMMISSION REGULAR MEETING
AT THE
CITY COMMISSION MEETING ROOM
WEDNESDAY, DECEMBER 17, 2013, AT 5:30 PM

WELCOME
PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1	<u>RENZO LOZANO III</u>		<u>156.428.1779</u>
2	<u>Kim J. Mendoza</u>		<u>956-797-2261</u>
3	<u>Kim Maple</u>		<u>957-343-7839</u>
4	<u>Ron Martin</u>		<u>512-801-4660</u>
5	<u>James Ewing</u>		<u>956-457-9825</u>
6	<u>Jana Smith</u>		<u>956-692-1225</u>
7	<u>Claudio Velasco</u>		<u>682 1225</u>
8	<u>John Pearcy</u>		<u>428.1779</u>
9	<u>JUAN BERNAL</u>		<u>702-6165</u>
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