

**MINUTES OF PROCEEDINGS  
CITY COMMISSION  
Tuesday, March 12, 2013**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, March 12, 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.

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 – Late 6:36 pm

Absent: Mr. Steve Brewer Mayor

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 6:31 P.M., Mayor Pro Tem Lori Weaver gave the invocation. After the invocation, Mayor Pro Tem Weaver led everyone present in reciting the Pledge of Allegiance to the Flag of the United States of America. She 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, FEBRUARY 12, 2013**

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, February 12, 2013. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

**REVIEW AND TAKE ACTION TO APPROVE MINUTES OF PROCEEDINGS  
OF THE REGULAR MEETING OF THE CITY COMMISSION HELD ON  
TUESDAY, FEBRUARY 26, 2013**

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,

February 26, 2013. Commissioner John Hernandez 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 REGULAR AND ANNUAL MEETING OF THE LA FERIA INDUSTRIAL DEVELOPMENT CORPORATION (LFIDC) HELD ON THURSDAY, JANUARY 3, 2013**

After review of the minutes, Commissioner Victor Gonzalez, Jr. moved to approve the minutes of proceedings of the previous regular and annual meeting of the La FERIA Industrial Development Corporation (LFIDC) held on Thursday, January 3, 2013. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

**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 sidewalks are moving along good and that the project would probably be completed by the end of September. He said he would set up a meeting next week with City Manager Sunny K. Philip, Planning and Community Development Director Irene Szedlmayer and the project manager to discuss change orders of the project. He also reported that the Transportation Enhancement Application for sidewalks has gone to the general pool and that a decision would probably be made in June or July 2013. There was no action needed on this item.

**CONSIDER AND TAKE ACTION TO CANCEL THE MAY 11, 2013 GENERAL ELECTION OF THE CITY OF LA FERIA IN ACCORDANCE WITH SECTION 2.051, SECTION 2.052, AND SECTION 2.053 OF THE TEXAS ELECTION CODE. (CONSIDERAR Y ADOPTAR MEDIDAS PARA CANCELAR LAS ELECCIONES GENERALES DE LA CIUDAD DE LA FERIA EL 11 DE MAYO DE 2013 EN CONFORMIDAD CON LA SECCIÓN 2.051 , SECCIÓN 2.052 , Y LA SECCIÓN 2.053 DEL CÓDIGO ELECTORAL DE TEJAS)**

City Manager Sunny K. Philip explained that the positions of Mayor, City Commissioner Position 1 and City Commissioner Position 2 were up for election this year. The incumbents all filed for their respective positions, and there were no opposing candidates, so by Election Code, the election can be cancelled and the incumbents declared as elected for another term of three years. Commissioner John Hernandez moved to accept the Certification of Unopposed Candidates as submitted by City Secretary/Human Resource Director Ms. Olga Oberwetter and approve the order to cancel the May 11, 2013 General Election of the City of La FERIA in accordance with Section 2.051, Section 2.052, and Section 2.053 of the Texas Election Code. Commissioner Victor Gonzalez, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commission. The incumbents will take the oath of office at the first meeting following the Election Day of May 11, 2013.

**CONSIDER AND TAKE ACTION TO ACCEPT THE RACIAL PROFILING REPORT PRESENTED BY POLICE CHIEF DON GARCIA.**

Police Chief Donato Garcia was present to review the Racial Profiling Report with the City Commission. He reviewed the summary report which reported each category in total. There were a total of 1,419 citations for calendar year 2012. Chief Garcia said he had not received any racial profiling complaints during the year. Commissioner John

Betancourt moved to accept the Racial Profiling Report as presented. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO APPROVE A RESOLUTION IN SUPPORT OF UNIVERSITY OF TEXAS CHANCELLOR FRANCISCO G. CIGARROA TO WORK WITH THE TEXAS LEGISLATURE TO ESTABLISH A NEW UNIVERSITY THAT INCLUDES THE UNIVERSITY OF TEXAS-PAN AMERICAN, THE UNIVERSITY OF TEXAS - BROWNSVILLE, AND A MEDICAL SCHOOL TO BE LOCATED IN THE RIO GRANDE VALLEY**

Commissioner Victor Gonzalez, Jr. 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 Commission. City Attorney Mr. Richard S. Talbert read the caption of Resolution 2013-07. After reading of the caption, Commissioner Victor Gonzalez, Jr. moved to approve Resolution 2013-07 supporting University of Texas Chancellor Francisco G. Cigarroa to work with the Texas Legislature to establish a new university that includes the University of Texas-Pan American, the University of Texas-Brownsville, and a medical school to be located in the Rio Grande Valley. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

**PUBLIC HEARING TO RECEIVE INPUT AND COLLECT EVIDENCE ON CERTAIN PROPERTIES THAT HAVE BEEN IDENTIFIED AS DILAPIDATED AND A PUBLIC NUISANCE AND ORDERING THEM TO BE REPAIRED OR DEMOLISHED, SAID PROPERTIES MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

- Taylor Acres Subdivision, Lot 5, Block 2, Cameron County, TX; 413 West 9th Street, La Feria, TX; owner: Bayside Capital Investment Group, LLC, Bay Harbor Islands, FL.
- Citrus Valley Subdivision, Lot 23, Cameron County, TX; 416 Cooper Lane, La Feria, TX; owner: James H. and Pat Meyer, same address.
- E.E. Evans Subdivision, 0.63 acres of Block 1, La Feria, TX; owner: Clyde R. Somers, 2013 East Bowie Ave., Harlingen, TX.
- Schmidt's Terrace Subdivision, 1/3 of Lot 1, Block A, Cameron County, TX; East Business Highway 83, La Feria, TX; owner: Gerardo Martinez, San Antonio, TX.

Mayor Pro Tem Lori Weaver declared the public hearing open at 6:47 P.M. Planning and Community Development Director Ms. Irene Szedlmayer clarified that the fourth item on the list, Schmidt's Terrace Subdivision, would not be considered at this public hearing, nor in the following action item as the wrong owner was noticed. The proper owner will be notified at a later date. Ms. Szedlmayer presented a PowerPoint presentation with photos that showed the condition of the aforementioned properties. On the property listed with the address of 413 West 9<sup>th</sup> Street, staff's first recommendation was for demolishing, but since there are various areas of the home that have been upgraded and repaired, staff's recommendation has changed to order the property to be secured and repaired, to record the order with the County, to direct Linebarger, the City's Delinquent Tax Attorney to file suit for foreclosure on tax arrears, and to revisit the property in six months or a year. Ms. Szedlmayer said that she had not received any response from any

of the owners noticed on this property. City Attorney Mr. Richard S. Talbert advised that the City has the option to secure the property and file a lien for the costs of securing it.

For the property on 416 Cooper Lane in Citrus Valley Subdivision, staff recommended demolition. Ms. Irene Szedlmayer explained that once the City Commission approves an order of demolition, the City has to give 30 days' notice to the owner of the property to demolish before the City takes action to demolish. There were several residents of Citrus Valley Subdivision present to speak on this property. Ms. Beverly Klebert asked that the unit be demolished. She said it is infested by animals. Ms. Laureta Foster added that the trees and brush keep falling on the fence of the next door neighbor. Mr. Tom Armstrong said he is in full support of the efforts of the City Commission to demolish the property on 416 Cooper Lane. One other resident said her concern was that the property is a fire trap.

For the property of 0.63 acres of land at 1900 W. Business 83, east of Beddoes Road, staff recommended demolition. There was no one present to speak for or against this property.

There being no further comments, Mayor Pro Tem Lori Weaver declared the public hearing closed at 7:33 P.M.

**CONSIDER AND TAKE ACTION TO APPROVE OR DENY AN ORDER OF THE CITY OF LA FERIA FINDING THAT CERTAIN PROPERTIES ARE A PUBLIC NUISANCE AND REQUIRING THAT THEY BE REPAIRED OR DEMOLISHED WITHIN A CERTAIN SPECIFIED PERIOD OF TIME, SAID PROPERTIES BEING:**

- Taylor Acres Subdivision, Lot 5, Block 2 Cameron County, TX; 413 West 9th Street, La Feria, TX; owner: Bayside Capital Investment Group, LLC, Bay Harbor Islands, FL.

Commissioner Victor Gonzalez, Jr. moved to approve an order authorizing the City to secure the property at 413 West 9<sup>th</sup> Street and place a lien on the property and if the property is not repaired within 90 days, to proceed with demolition. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

- Citrus Valley Subdivision, Lot 23, Cameron County, TX; 416 Cooper Lane, La Feria, TX; owner: James H. and Pat Meyer, same address.

Commissioner Victor Gonzalez, Jr. moved to approve an order for demolition of the property at 416 Cooper Lane in Citrus Valley Subdivision. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

- E. E. Evans Subdivision, 0.63 acres of Block 1, La Feria, TX; owner: Clyde R. Somers, 2013 East Bowie Ave., Harlingen, TX.

Commissioner Victor Gonzalez, Jr. moved to approve an order for demolition of the property of 0.63 acres of Block 1, La Feria, TX. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

- Schmidt's Terrace Subdivision, 1/3 of Lot 1, Block A, Cameron County, TX; East Business Highway 83, La Feria, TX; owner: Gerardo Martinez, San Antonio, TX.

Commissioner Victor Gonzalez, Jr. moved to table this item until proper noticing to the owner is completed. Commissioner John Betancourt 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 551.072 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 Pro Tem Lori Weaver declared the meeting in executive (closed) session at 7:37 P.M. After executive session deliberation, Mayor Pro Tem Weaver declared the meeting back in open session at 8:06 P.M.

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

Commissioner Angelica P. Baldivia moved to authorize the City Manager to enter into a Performance Agreement with the La FERIA Independent School District (LFISD) in relation to Our Lady of the Lake University as discussed in executive session. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO APPROVE REVISED LEASE TERMS WITH THE LFIDC FOR THE USE OF THE WAREHOUSE FACILITY ON WEST FIRST STREET**

City Manager Sunny K. Philip discussed the need to make some improvements to the warehouse facility on West First Street. He said the LFIDC owns the building and had planned to make roof repairs some time ago, but because of the economic downturn, it was not done. Mr. Philip said the plan is to move the City Public Works office to that facility to alleviate some of the parking problems on Commercial Avenue by City Hall. Currently, the City leases the property from the LFIDC and pays the LFIDC \$5,000.00 a month. The roof repairs would cost about \$90,000.00. Staff is asking that the City Commission authorize staff to enter into an agreement with the LFIDC and provide the \$90,000.00 up front so that the roof repairs can be made. After much discussion, Commissioner Victor Gonzalez, Jr. moved to approve the revised lease terms with the LFIDC and provide the \$90,000.00 up front for the use of the warehouse facility on West First Street. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**REPORTS BY STAFF AND DISCUSSION WITH CITY COMMISSION**

- Update on Drainage Project
- Water and Wastewater Systems Improvements Project, including bids for water meter purchase
- Progress of Library Expansion Project
- Progress of City Hall Expansion Project
- Progress of Fire Station Expansion and Substation Project
- Status of Dome Construction Project
- Generator Purchase Project

- Sidewalk Improvement Project
- CWSRP and DWSRP Applications Submitted
- Status of USDA Applications for Funding
- Status of EDA Application for Funding

City Manager Sunny K. Philip reported on the following.

- Update on Drainage Project – continuing with the monthly meetings and the Rabb Road Improvements, AN49 and the levee crossing have been environmentally cleared and 100% of the design has been approved by GLO. There are three sources of funding, i.e., HMGP, 1.8 million dollars; HMGP2, .5 million dollars; and GLO, 18 million dollars. Some of these funds are being used as a match for other projects. Thirty percent of the drawings have been developed and scheduled for submission. There are 11 properties yet to be acquired on the west side in order to get all the easements required by the project. Those people will be compensated based on the appraisal of the property.
- Water and Wastewater Systems Improvements Project – Staff is evaluating the bids received for the water meter project. The item will be placed on the agenda for the second meeting in March or the first meeting in April.
- Library Expansion Project – The project is moving good. It may be completed by May 27<sup>th</sup> as per change order #1.
- City Hall Expansion Project – This project is coming along very slowly.
- Fire Station Expansion and Substation Project – USDA is working on it.
- Dome Construction Project – Staff met with engineers and architects yesterday and they will come before the City Commission to make a presentation about the unique requirements of the project.
- Generator Purchase Project - the generator was ordered and has been received.
- Sidewalk Improvement Project – this was already discussed in TxDOT's report.
- CWSRP and DWSRP Project Funding - Applications have been submitted.
- USDA Funding – the application has been submitted for the south side dome project.
- EDA Application for Funding – for building to the side of the dome. They are asking for a full application.

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

Commissioner Victor Gonzalez, Jr. moved to approve Mayor Steve Brewer's absence from this meeting. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**PUBLIC COMMENTS**

Mayor Pro Tem Lori Weaver declared the public comments session open. There was no one present to speak before the Commission, so Mayor Pro Tem Weaver 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 Pro Tem Lori Weaver adjourned the meeting at 8:39 P.M.

**APPROVED:**

  
Lori Weaver, Mayor Pro Tem

**ATTEST:**

  
Olga Oberwetter, City Secretary

These minutes were prepared and filed with the City of La Feria at 7:40 P.M. on March 25, 2013, as official record.

  
Olga Oberwetter, City Secretary





CITY COMMISSION REGULAR MEETING  
 AT THE  
 CITY COMMISSION MEETING ROOM  
TUESDAY, MARCH 12, 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	PMADR- TXD04	956-702-6165
2	Cayetana Coza	J. Worlinton	956-341-3361
3	Betty Rand	208 Cooper Lane	956 797-1255
4	Tom & Sue Armstrong	201 Smith Cook & Lucia	956-797-2732
5	Jan & Ed Postal	101 Cooper Ln "	956 324 7409
6	Joyce Anemka	408 Cooper Ln.	218-301-9105
7	Herbert V. Hubert	404 " "	956-797-3318
8	Dave & Jeanne Bell	313 Lytle Circle	956-797-2488
9	Jan Chuck Adles	409 Cooper Lane	956-797-1438
10	Barbi Barber	PO Box 1223	956-454-2152
11	Amanda Rubio	26685 FM 506	956-797-2294
12	Laureta Foster	413 Cooper Ln	956 797 4923
13	Beverly Klevort	401 Cooper Lane	956 <del>956</del> 797-2728
14	Donald Thomas	400 Cooper Lane	(956) 793-2699
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16			
17			
18			