

**MINUTES OF PROCEEDINGS  
CITY COMMISSION  
Tuesday, April 23, 2013**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, April 23, 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 – Late 6:41 PM
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 6:31 P.M., Mayor Steve Brewer asked Commissioner Lori Weaver to give the invocation. After the invocation, Mayor Steve 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, APRIL 9, 2013**

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, April 9, 2013. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**PRESENTATION BY HARLINGEN/SAN BENITO MPO REGARDING THE SERVICE CHANGES IN ROUTE 44 (LA FERIA, SANTA ROSA AND PRIMERA TO HARLINGEN) TO AN “ON-DEMAND” SYSTEM, AND DISCUSSION AND POSSIBLE ACTION BY THE CITY COMMISSION**

City Manager Sunny K. Philip explained that staff may have jumped the gun and placed this item on the agenda, but he said it was for a good cause to have the opportunity for

discussion. Ms. Rebecca Castillo with the Harlingen-San Benito MPO reviewed the study titled, "Public Transportation Operational Analysis and Implementation Plan" prepared by Nelson Nygaard out of Seattle, Washington. This is a study of the nine member cities of the Harlingen-San Benito MPO and their transportation needs. A ridership snapshot was taken of the member cities and the study shows that some areas would be better served on an "on demand" service basis where the client would call 24 hours in advance and then they would be scheduled to be picked up. Valley Metro has been in operation for the past three years. Mayor Steve Brewer said that the City of La Feria would not want to go with the "on demand" type of service because that would be going backwards instead of forward, and he felt that the route service is very much needed in this community. Ms. Castillo said this concern was also voiced by the City of Los Fresnos, because they were also recommended for "on demand" service. Ms. Castillo said the recommendations in the study will be considered but they are not set in stone. Any input received from the cities will be considered by the Policy Board. Also study recommendations will be implemented after a complete budget analysis. Ms. Castillo said they would not make any changes to Route 44 unless they have coordinated with the City of La Feria and the other cities involved. City Manager Sunny K. Philip said that Tom Logan from Valley Metro was present and he asked Mayor Brewer to allow him to say a few words. Mr. Tom Logan said they were very glad to have the report prepared by Nelson Nygaard and that they would take the best out of it and implement it, but they would take into consideration the public officials comments. Planning and Community Development Director Ms. Irene Szedlmayer explained that Valley Metro has two routes that serve La Feria, one is Route 44 that goes from La Feria to Santa Rosa to TSTC and loops back around, and the other is Route 31 which connects La Feria residents to McAllen and Harlingen. She said one of the recommendations is for Route 31 to go directly to TSTC. And since Route 31 is the one with the most ridership the report recommends expanding the number of days and increasing the hours. Mr. Logan said Route 31 stops in Harlingen and Route 45 goes from Harlingen to Brownsville, and one of the recommendations is to make that one route that would be non-stop from McAllen to Brownsville. Mr. Philip said that even if one route is working better than the other, the smaller route serving the rural areas needs to survive. Commissioner Victor Gonzalez, Jr. inquired if there is a possibility to add a third route that would be an "on demand" route. Mr. Logan said that would be another option. Commissioner John Betancourt inquired if the MPO meetings were opened to the public, and Ms. Castillo responded that they were and that the next MPO meeting would be May 8, 2013. Mayor Brewer thanked Ms. Castillo and Mr. Logan for their presentation and comments.

**CONSIDER AND TAKE ACTION TO ACCEPT THE CITY OF LA FERIA  
COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR  
ENDING SEPTEMBER 30, 2012**

Mr. Quentin Anderson and Mr. Robert Rodriguez from the accounting firm of Long Chilton, LLP were present to review the annual financial report for the fiscal year ending September 30, 2012 with the City Commission. Mr. Anderson said most of the nearly 200 page report was prepared by the City's Finance Department. Mr. Anderson referred the City Commission to page 14 of the report, which is the GFOA Certificate of Achievement for Excellence in Financial Reporting. He said this award is given to government units whose comprehensive annual reports (CAFRs) achieve the highest standards in government accounting and financial reporting. Mr. Anderson said this is the ninth year in a row that the City has received this award. Mr. Anderson then referred

the Commission to the Independent Auditor's Report on page 21 through 23 which states that, "In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of City of La Feria, Texas at September 30, 2012, and the respective changes in financial position and cash flows, where applicable, thereof for the year then ended, in conformity with accounting principles generally accepted in the United States of America." Mr. Anderson reviewed the financial statements in detail discussing the changes in net assets and liabilities from prior years. He also referred to the Independent Auditors' Report on Internal Control over Financial Reporting and on Compliance and other matters based on an Audit of Financial Statements performed in Accordance with Government Auditing Standards which is on page 159. Mayor Brewer thanked Mr. Anderson for his report.

City Manager Sunny K. Philip acknowledged that Finance Director Ms. Maria S. Chavero has attained certification status as a financial officer and can now add the letters CGFO after her name. The City Commission congratulated Ms. Chavero on her accomplishments.

Commissioner John Betancourt moved to accept the City of La Feria Comprehensive Annual Financial Report for the fiscal year ending September 30, 2012. Commissioner Victor Gonzalez, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commission.

**REVIEW BID TABULATION FOR HOME PROJECT 1001442 AND TAKE ACTION TO APPROVE RESOLUTION AWARDDING CONTRACT TO THE LOWEST, MOST QUALIFIED BIDDER**

City Manager Sunny K. Philip explained that this HOME Project is for qualified people who own a home with no debts involved and if it is below the standards that the State is looking for, the home can be demolished and reconstructed. The five homes to be reconstructed are: 212 N. Canal Street, 316 4<sup>th</sup> Street, 222 W. 4<sup>th</sup> Street, 715 Avenue B, and 120 W. Jessamine. Three contractors submitted a bid and the bid total for all five homes were as follows:

	<u>Total Bid for 5 Homes</u>
Rigney Construction & Development, LLC 7011 N. Seminary Rd. Edinburg, Texas 78541 Phone: 956-638-6421	\$364,354.00
Rincones Group, Inc. P.O. Box 269 Sebastian, TX 78594 Phone: 956-571-8394	\$380,400.00
S-U-Nik Home Builders, LLC 105 E. Mile 11 Weslaco, TX 78596 Phone: 956-639-7568	\$477,860.00

The lowest bidder was Rigney Construction & Development, LLC with the bid of \$364,354.00 for the five homes including the Alternates 1 through 5. Commissioner Victor Gonzalez, Jr. voiced concern about drainage in the newly constructed homes since they will be built 18 inches above the existing curb and that drainage might be a problem causing the neighbors to flood. Mr. Philip said that the 18 inch requirement is within the Subdivision regulations and that the sloping will be such that the drainage will go to the streets and drain, and there should be no flooding to the nearby homes. City Attorney Mr. Richard S. Talbert pointed out that the City Commission previously approved the City to participate in the State Program and the City Manager should be authorized to execute documents up to five homes as long as it is in compliance with the State Program. Mr. Talbert said that TDHCA does all the closing documents and if for some reason they can't approve one of them, he should be authorized to approve up to five. 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 2013-11. After reading of the caption, Commissioner John Betancourt moved to approve Resolution 2013-11 awarding the contract for the HOME Project 1001442 for five homes to the lowest and most responsible bidder Rigney Construction & Development, LLC in the amount of \$364,354.00. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO APPROVE OR DENY RESOLUTION  
AUTHORIZING THE RECERTIFICATION OF A TEXAS HOME  
INVESTMENT PARTNERSHIPS PROGRAM RESERVATION SYSTEM  
PARTICIPANT AGREEMENT, AND AUTHORIZING THE CITY MANAGER  
TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED  
REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S  
PARTICIPATION IN THE HOME PROGRAM RESERVATION SYSTEM**

City Manager Sunny K. Philip said this is a continuation of the HOME program just approved. He said the State has gone to a reservation system and cities submit applications and if they have the money available the State will work with the cities. Mr. Philip said the good thing is that there is no requirement for the cities to provide a local match. Commissioner John Betancourt 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 2013-12. After reading of the caption, Commissioner John Betancourt moved to approve Resolution 2013-12 authorizing the recertification of a Texas HOME Investment Partnerships Program Reservation System Participant Agreement, and authorizing the City Manager to act as the City's Executive Officer and authorized representative in all matters pertaining to the City's participation in the Home Program Reservation System. 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 RESOLUTION  
AUTHORIZING THE RECERTIFICATION OF A TEXAS HOME  
INVESTMENT PARTNERSHIPS PROGRAM HOMEBUYER ASSISTANCE  
RESERVATION SYSTEM PARTICIPANT AGREEMENT, AND AUTHORIZING**

**THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN THE HOME PROGRAM RESERVATION SYSTEM**

City Manager Sunny K. Philip said this is to continue the Down Payment Assistance Program to residents. He said during the last round, the City was not able to extend this assistance to anyone, because even though staff took applications and the prospective buyers completed the training required, no one was able to identify a home and get financing. Mr. Philip pointed out that the \$80,000.00 mentioned in the resolution is to have the ability to fund the assistance up front to four homebuyers in the amount of up to \$20,000.00 and then request the reimbursement from the State. Commissioner John Hernandez 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 2013-13. After reading of the caption, Commissioner Lori Weaver moved to approve Resolution 2013-13 authorizing the recertification of a Texas Home Investment Partnerships Program Homebuyer Assistance Reservation System Participant Agreement, and authorizing the City Manager to act as the City's Executive Officer and authorized representative in the Home Program Reservation System. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

**CONSIDER AND TAKE ACTION TO APPROVE OR DENY RESOLUTION APPOINTING TWO NEW MEMBERS TO THE LA FERIA INDUSTRIAL DEVELOPMENT CORPORATION BOARD**

City Manager Sunny K. Philip introduced Ms. Candace Guillen who was present at the meeting and has agreed to serve on the La Feria Industrial Development Corporation Board. Mayor Brewer said both volunteer applicants Ms. Candace Guillen and Mr. Lloyd Betts are well qualified and he thanked them for agreeing to serve on the board. 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 2013-14. After reading of the caption, Commissioner Victor Gonzalez, Jr. moved to approve Resolution 2013-14 appointing Ms. Candace Guillen and Mr. Lloyd Betts to the La Feria Industrial Development Corporation Board. 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 AN ORDINANCE OF THE CITY OF LA FERIA ADOPTING A WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN FOR THE CITY OF LA FERIA TO PROMOTE RESPONSIBLE USE OF WATER AND TO ESTABLISH CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES INCLUDING RESTRICTIONS AND PROVIDING FOR PENALTIES AND/OR SEVERABILITY AND AN EFFECTIVE DATE.**

City Manager Sunny K. Philip explained that the Commission had a copy of the ordinance and the City of La Feria Water Conservation and Drought Contingency Plan. He said it is similar to the plans that have been approved in the past and the minor changes made are identified in red. Mr. Philip said the City always encourages water conservation and that the City has suspended the non-mandatory flushing of the hydrants. He said that so far the Irrigation District has not notified the City of any problems. Mr.

Philip said the plan has a 6 stage triggering system. He also said that at the next meeting, staff would be bringing before the Commission an application to the Department of Agriculture for a new water well. 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 Commission. City Attorney Mr. Richard S. Talbert read the caption of Ordinance 2013-04. After reading of the caption, Commissioner Angelica P. Baldivia moved to approve Ordinance 2013-04 adopting a Water Conservation and Drought Contingency Plan for the City of La Feria to promote responsible use of water and to establish criteria for the initiation and termination of drought response stages including restrictions and providing for penalties and/or severability and an effective date. Commissioner Lori Weaver seconded the motion, and the motion carried by unanimous vote of the City Commission.

#### **MONTHLY FINANCIAL REPORTS FOR THE MONTH OF MARCH 2013**

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

The financial reports for the month of March 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 551.071, CONSULTATION WITH CITY ATTORNEY RELATING TO CAPITAL FUND CONTRACTS REGARDING ALLIED WASTE AND THE LITTLE LIGHTHOUSE REHAB CENTER, AND PENDING LITIGATION: RONALD HAROLD CARTER VS. THE CITY OF LA FERIA, CAUSE #: 1:13-CV-0048; 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 7:39 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**

There was no action needed on this item as a result of executive session deliberations.

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

- Update on Drainage Project
- Water and Wastewater Systems Improvements Project
- Progress of Library Expansion Project
- Progress of City Hall Expansion Project
- Progress of Fire Station Expansion and Substation Project
- Generator Project
- Sidewalk Improvement Project

City Manager Sunny K. Philip reported on the following.

- Update on Drainage Project – The City is ready with the acquisition of easements on the west side and will be advertising for bids soon.
- Water and Wastewater Systems Improvements Project – Staff is finalizing review of the plans prepared by the contractors and the good thing is that these are two major projects with the Texas Water Development Bank and the money is in the bank, so that the City does not have to fund anything up front.
- Library Expansion – Rigney Construction is moving along with the final stages and the City closed the Library, yesterday, today and tomorrow (April 22, 23, and 24).
- City Hall Expansion – There are still a few items that need to be completed.
- Fire Station and Substation Expansion Project – USDA has submitted the closing instructions, but they are waiting on some answers from the architect.
- Generator Project – The generator has been received and it is stored at the warehouse. The City sent out request for proposals for the electrical work required for the generator to Metro Electric, Inc., 1901 Industrial Drive, McAllen, TX 78504; Pena's Electric, Inc., 23899 Wilcox Rd., Harlingen, TX 78552; #1 Quality Electric, Inc., 22784 San Miguel St., Harlingen, TX 78552; and Borchers Electric, 314 N. B. Street, Harlingen, TX 78550; and the City has selected Pena Electric, Inc. in the amount of \$33,794.00. The second request for proposals was for a wall to protect the generator.
- Sidewalk Improvement Project – The Contractor is working on it. There were some questions pertaining to the retaining walls, but a solution was found with TxDOT providing some of the material. Mayor Brewer asked if the letter to TxDOT had gone out already, and Planning and Community Development Director Ms. Irene Szedlemayer responded that she was waiting on Alfonso [Rodriguez] to confirm the dimensions before submitting the request.

Commissioner Victor Gonzalez, Jr. requested that at the next meeting Mr. Philip bring a report on the A.J. Wilson Lighting Project.

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

All Commission members were present so there was no action needed.

**PUBLIC COMMENTS**

Mayor Steve Brewer declared the public comments session open. No one signed up to speak before the 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 Commission.

**ADJOURNMENT**

Mayor Steve Brewer adjourned the meeting at 8:40 P.M.

APPROVED:



Steve Brewer, Mayor

**ATTEST:**

  
Olga Oberwetter, City Secretary

**These minutes were prepared and filed with the City of La Feria at 1:00 P.M. on May 12, 2013, as official record.**

  
Olga Oberwetter, City Secretary



**CITY COMMISSION REGULAR MEETING**  
AT THE  
CITY COMMISSION MEETING ROOM  
**TUESDAY, APRIL 23, 2013, AT 6:30 PM**

WELCOME  
PLEASE SIGN IN

<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1 Rebecca Castillo	502 E. Tyler St. Harlingen, TX	(956) 216-5242
2 Tom Logan	Valley Metro	956 969-5761
3 Rodney Gomez	510 S. Pleasantview Dr. Weslaco	956 969-5761
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