

**MINUTES OF PROCEEDINGS
CITY COMMISSION
Tuesday, April 9, 2013**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, April 9, 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 6:45 P.M.
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 Angelica P. Baldivia 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, MARCH 26, 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, March 26, 2013. Commissioner Angelica P. Baldivia 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 contractor is moving faster than expected and that the sidewalk project is looking very good. He said TxDOT met with City Manager Sunny K. Philip and Planning and Community Development Director Irene Szedlmayer regarding some cost

overruns and change orders relating to the rework of some driveways. Some residents have complained that the slope is too steep and TxDOT will go back and rework those driveways. That extra work will cost the City and part of the problem was that TxDOT did not do survey work on the project during development of the Engineering Plan. The change order will be handled at the end of the project. Commissioner Victor Gonzalez, Jr. inquired if the City Engineer could do some survey work in the remaining areas that will be covered under the sidewalk project, so that the contractor wouldn't need to change the driveway later and that the City wouldn't need to spend additional money if not needed. City Manager Sunny K. Philip said that TxDOT has a standard of 12 to 1 slope and the compromise reached was an 8 to 1 slope. Mr. Bernal said that the change orders would be covered by the \$124,000.00 that the City has deposited for cost overruns and that it would probably be half of that amount. In response to Commissioner Victor Gonzalez, Jr.'s question about other overruns, Mr. Bernal added that other areas that may cause project cost overruns are the areas where there is a need for a retaining wall. He said TxDOT has modular block walls that can be used for retaining walls. It would require that the City send a letter to TxDOT requesting modular block walls and including the location, the length and the height. Commissioner Victor Gonzalez, Jr. inquired about the cost of relocating utilities. Mr. Philip said that the gas and electric companies have paid for the relocation of their utilities and the City is paying for the relocation of water utilities. Mayor Brewer said he had received positive comments regarding the sidewalks. He thanked Mr. Bernal for his report.

DISCUSSION REGARDING BID(S) RECEIVED ON THE FOLLOWING PROPERTIES STRUCK OFF TO CAMERON COUNTY, FOR ITSELF AND OTHER TAXING JURISDICTIONS FROM A TAX RESALE CONDUCTED ON NOVEMBER 6, 2012

Legal Description: 1.00 ACRE, MORE OR LESS, SITUATED IN BLOCK 28, MINNESOTA-TEXAS LAND AND IRRIGATION COMPANY SUBDIVISION, CAMERON COUNTY, TEXAS, AS DESCRIBED IN DEED DATED JULY 11, 1980, FROM JUAN L. MORENO, JR. TO FRANCISCO TOVAR ET UX, IN VOLUME 1203, PAGE 439, DEED RECORDS OF CAMERON COUNTY, TEXAS (Acct. 85-5380-0280-0210-00)

Mr. Philip introduced Mr. John Guevara, delinquent tax attorney with Linebarger, Goggan, Blair & Sampson, LLP, who was present to discuss the bid received on the above mentioned property which is located on South FM 506 in the Santa Maria Independent School District. The amount of judgement was \$9,392.85; the cost of sale was \$1,147.00, and the amount of bid was \$6,900.00. The judgement amount for the City of La Feria was \$840.67 and the amount the City will receive from this sale will be \$517.77. City Manager Sunny K. Philip recommended approval of the resolution accepting the bid which action would be taken on the next item on the agenda. There was no action needed on this item as a result of the discussion.

DISCUSSION AND POSSIBLE ACTION ON THE RESOLUTION APPROVING THE BID(S) RECEIVED ON THE TAX RESALE CONDUCTED ON NOVEMBER 6TH, 2012 FOR THE ABOVE MENTIONED PROPERTIES

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 2013-10. After reading of the caption, Commissioner John Betancourt moved to approve Resolution 2013-10 approving the bid received on the tax resale conducted on November 6, 2012 for the property with legal

description of 1.00 acre, more or less, situated in Block 28, Minnesota-Texas Land and Irrigation Company Subdivision, Cameron County, Texas, as described in deed dated July 11, 1980, From Juan L. Moreno, Jr. to Francisco Tovar ET UX, in Volume 1203, Page 439, deed records of Cameron County, Texas (Acct. 85-5380-0280-0210-00). 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 AN ORDINANCE ANNEXING CERTAIN LAND OWNED BY THE CITY; EXTENDING THE BOUNDARIES AND EXTRA-TERRITORIAL JURISDICTION OF THE CITY; GRANTING TO SAID ANNEXED AREA AND ALL OWNERS THEREOF ALL THE RIGHTS AND PRIVILEGES ACCORDED TO CITIZENS OF THE CITY; BINDING SAID AREA AND ALL OWNERS THEREOF TO ALL RULES, ORDINANCES AND OTHER ACTS OF THE CITY, AND ESTABLISHING AN EFFECTIVE DATE

City Manager Sunny K. Philip explained the process of annexing the area for a voluntary annexation. He said that since the City owns the property which is within a "Development Agreement" ETJ area and it will be developed for the Fire Substation, the property must be annexed into the city limits. Commissioner John Hernandez 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 Commission. City Attorney Mr. Richard S. Talbert read the caption of Ordinance 2013-02. After reading of the caption, Commissioner Angelica P. Baldivia moved to approve Ordinance 2013-02 annexing certain land owned by the City; extending the boundaries and extra-territorial jurisdiction of the City; granting to said annexed area and all owners thereof all the rights and privileges accorded to citizens of the City; binding said area and all owners thereof to all rules, ordinances and other acts of the City, and establishing an effective date. 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 AN ORDINANCE ESTABLISHING GUIDELINES FOR PARTICIPATION WITH PUBLIC/PRIVATE NON-PROFIT ENTITIES FOR AFFORDABLE HOUSING AND ECONOMIC DEVELOPMENT

City Manager Sunny K. Philip explained that the ordinance establishes the guidelines for the participation with public/private non-profit entities for housing and economic development. 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 Commission. City Attorney Mr. Richard S. Talbert read the caption of Ordinance 2013-03. After reading of the caption, Commissioner John Hernandez moved to approve Ordinance 2013-03 establishing guidelines for participation with Public/Private Non-Profit Entities for affordable housing and economic development. 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 A RESOLUTION FOR THE SALE OF 10 RESIDENTIAL LOTS TO SOUTH TEXAS COLLABORATIVE FOR HOUSING DEVELOPMENT THAT WERE PURCHASED BY THE CITY ORIGINALLY FOR THE DEVELOPMENT OF HOMES THROUGH THE NEIGHBORHOOD STABILIZATION PROGRAM

City Manager Sunny K. Philip referenced the resolution which listed the properties that the City originally purchased for the Neighborhood Stabilization Program. He said that the costs mentioned in the resolution are the costs to the City. 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 Commission. City Attorney Mr. Richard S. Talbert read the caption of Resolution 2013-09. After reading of the caption, Commissioner Lori Weaver moved to approve Resolution 2013-09 authorizing the sale of 10 residential lots to South Texas Collaborative for Housing Development that were purchased by the City originally for the development of homes through the Neighborhood Stabilization Program. 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 551.072 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 7:04 P.M. After executive session deliberation, Mayor Steve Brewer declared the meeting back in open session at 7:36 P.M.

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

There was no action taken on this item.

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
- "AICP Community Planning Assistance Team" La Feria Neighborhood Plan

City Manager Sunny K. Philip reported on the following.

- Update on Drainage Project – The City is getting ready to advertise the first ad for the AN47 project.
- Water and Wastewater Systems Improvements Project – This is the 15 million dollar project. The City is also working with the County for improvements to the Alto Real Colonia. The City has submitted a revised application to USDA for funding for two lift stations in the colonias. The water meter bids were opened and staff still needs to analyze the bids.

- Library Expansion Project – The contractor has done an excellent job. Currently, waiting on the electrical connections.
- City Hall Expansion Project – Finally, staff is moving into the new areas. Work still needs to be done on a few more items.
- Fire Station Expansion Project – USDA wanted revisions on the plans and the architect delivered that. Should be moving to the closing.
- Dome Construction Project – The architect was here and presented a report on the Dome project at the last meeting.
- Generator Purchase Project – The generator has been received and the City is accepting proposals for the electrical and also for the screening wall with signs. It should be reported by the first meeting in May.
- Sidewalk Improvement Project – TxDOT updated the Commission on this at the beginning of the meeting.
- “AICP Community Planning Assistance Team” La Feria Neighborhood Plan – Mr. Philip referred to the memo prepared by Planning and Community Development Director Ms. Irene Szedlmayer and discussed the importance of planning and the role that it plays in the City’s ability to be successful when applying for grants. Commissioner John Hernandez said that when the team was down recently the meeting attendees had provided a lot of information.

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

There was no action needed on this item.

PUBLIC COMMENTS

Mayor Steve Brewer declared the public comments session open. There was no one present 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 John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commission.

ADJOURNMENT

Mayor Steve Brewer adjourned the meeting at 7:57 P.M.

APPROVED:




Steve Brewer, Mayor

ATTEST:



Olga Oberwetter, City Secretary

These minutes were prepared and filed with the City of La Feria at 1:19 P.M. on April 19, 2013, as official record.



Olga Oberwetter, City Secretary



CITY COMMISSION REGULAR MEETING
AT THE
CITY COMMISSION MEETING ROOM
TUESDAY, APRIL 9, 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		956-702-6100
2	John Guevara		956-546-1216
3	Capetano Guevara Jr.	news@lafecianews.net	
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