

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

Be it known that the City of La Feria City Commission met in regular session on Tuesday, July 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
Mr. John Hernandez	City Commissioner – Late: 6:35 PM
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 & Comm. Dev. 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 6:30 P.M., Mayor Steve Brewer asked Commissioner Lori Weaver 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, JUNE 25, 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, June 25, 2013. Commissioner Angelica P. Baldivia 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 SPECIAL MEETING OF THE CITY COMMISSION HELD ON
WEDNESDAY, JULY 3, 2013**

After review of the minutes, Commissioner Lori Weaver moved to approve the minutes of proceedings of the special meeting of the City Commission held on Wednesday, July

3, 2013. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

REVIEW BID TABULATION OF BIDS RECEIVED FOR THE LA FERIA FIRE STATION EXPANSION AND SUBSTATION, AND TAKE ACTION TO AWARD CONTRACT TO THE LOWEST, MOST QUALIFIED RESPONSIBLE BIDDER

City Manager Mr. Sunny K. Philip said the City advertised for bids for the Fire Station Expansion and Substation Project and seven contractors responded to the advertisement. The bids were as follows:

Vision Construction Company, Inc. 1603 N. Cage Blvd., Suite 1 Pharr, TX 78577 Phone: (956) 284-0775 Fax: (956) 724-4006	\$979,656.62
J-Con Construction, LLC 604 Palmview Drive Mission, TX 78572 Phone: (956) 227-3215 Fax: (956) 581-8892	\$989,000.00
W. Murray Thompson Construction Co., Inc. P.O. Box 632 San Benito, TX 78586 Phone: (956) 399-2212 Fax: (956) 399-2812	\$1,049,000.00
Rigney Construction & Development, LLC 7011 N. Seminary Rd. Edinburg, TX 78541 Phone: (956) 638-6421 Fax: (956) 287-1646	\$1,059,000.00
N.M. Contracting, LLC 2022 Orchid Ave. McAllen, TX 78504 Phone: (956) 631-5667 Fax: (956) 627-3959	\$1,060,000.00
Peacock General Contractors, Inc. P.O. Box 530098 Harlingen, TX 78553 Phone: (956) 423-6733 Fax: (956) 425-5683	\$1,066,000.00
Jones Construction 1015 N. Texas Blvd. Ste. 20B #323 Weslaco, TX 78596 Phone: (956) 497-4602	\$1,171,443.00

Fax: (956) 969-1741

Mr. Philip said the lowest bid was Vision Construction in the amount of \$979,656.62 to be completed in 120 days. Mr. Luis Garcia, Senior Project Manager with Vision Construction was present at the meeting and gave a brief overview of their company. Their Corporate Office is in San Antonio, but they have offices in Pharr, Laredo, and Del Rio. Mr. Garcia said his company is very comfortable with the number they have submitted and they have no doubt that they would be able to complete the project in 120 days. Staff recommended award of contract to the lowest bidder subject to Vision Construction providing the appropriate bonding and insurance and further references. Mrs. Angelica P. Baldivia moved to award contract to the lowest, most qualified responsible bidder Vision Construction in the amount of \$979,656.62 subject to the Company providing the appropriate bonding and insurance and further references. 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 OF THE CITY OF LA FERIA DECLARING CERTAIN EQUIPMENT AS SURPLUS PROPERTY AND AUTHORIZING THE SALE OF A 1995 FORD F-150 PICKUP TRUCK, V.I.N. 2FTDF15Y9SCA22630 AND A 1993 GMC 3500 PICKUP TRUCK, V.I.N. 1GDHK33N5PJ723431 TO THE LA FERIA INDEPENDENT SCHOOL DISTRICT

City Manager Mr. Sunny K. Philip explained that when the City Commission approved the previous budget, they approved new vehicles and the old vehicles they replaced are sitting in the warehouse. Mr. Philip said the La Feria Independent School District is interested in the used vehicles, and they have agreed to purchase the two vehicles mentioned above for the total sum of \$2,500.00. 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 2013-22. After reading of the caption, Commissioner John Betancourt moved to approve Resolution 2013-22 declaring the following two trucks as surplus property and authorizing the sale of a 1995 Ford F-150 Pickup Truck, V.I.N. 2FTDF15Y9SCA22630 and a 1993 GMC 3500 Pickup Truck, V.I.N. 1GDHK33N5PJ723431 to the La Feria Independent School District. Commissioner Victor Gonzalez, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LA FERIA AND THE LA FERIA INDEPENDENT SCHOOL DISTRICT (LFISD) REGARDING THE ESTABLISHMENT OF A HIGHER EDUCATION FACILITY IN THE COMMUNITY AND APPROVE COLLABORATION WITH THE LFISD FOR THE USE OF FACILITIES AND RESOURCES TO EFFECTUATE THE PROGRAM

City Manager Mr. Sunny K. Philip explained that this subject has been discussed for some time. He said the school attorney has not reviewed the Memorandum of Understanding (MOU) yet, and what he asked the Commission was to authorize the City Manager to submit the MOU to the school for their review and approval. Mayor Steve Brewer added that this would be good for the citizens of La Feria and will improve job opportunities and business development. Commissioner Lori Weaver moved to approve

a Memorandum of Understanding between the City of La Feria and the La Feria Independent School District (LFISD) regarding the establishment of a higher education facility in the Community and approve collaboration with the LFISD for the use of facilities and resources to effectuate the program and to authorize the City Manager to submit to the LFISD for their review and approval. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

PUBLIC HEARING ON THE REQUEST BY JUAN M. MARTINEZ, DBA SAFEGUARD PEST CONTROL, FOR A SPECIFIC USE PERMIT (SUP) TO OPERATE A DISTRIBUTION CENTER/WAREHOUSE ON THE EAST 200' OF LOT 1, BLOCK 1, PEACEFUL ACRES SUBDIVISION, ALSO KNOWN AS 1601 SOUTH PARKER ROAD

Mayor Steve Brewer declared the public hearing open at 6:49 P.M. Planning and Community Development Director Ms. Irene Szedlmayer explained that Mr. Martinez is negotiating an agreement with Kingdom Hall to utilize their driveway to access his property. Ms. Szedlmayer said that if for any reason the agreement does not go through that Mr. Martinez's property has enough space for construction of a driveway to provide access to his property. Ms. Szedlmayer recommended that the SUP be issued for a period of five years instead of the one year default to the SUP if the Commission does not state otherwise. There being no further comments, Mayor Steve Brewer declared the public hearing closed at 6:55 P.M.

CONSIDERATION AND POSSIBLE ACTION TO APPROVE A SPECIFIC USE PERMIT (SUP) FOR JUAN M. MARTINEZ, DBA SAFEGUARD PEST CONTROL, TO OPERATE A DISTRIBUTION CENTER/ WAREHOUSE ON THE EAST 200' OF LOT 1, BLOCK 1 PEACEFUL ACRES SUBDIVISION, ALSO KNOWN AS 1601 SOUTH PARKER ROAD AND AUTHORIZING THE MAYOR TO EXECUTE THE ORDER

Commissioner Lori Weaver moved to approve a Specific Use Permit (SUP) for Juan M. Martinez, dba Safeguard Pest Control, to operate a distribution center/ warehouse on the east 200' of Lot 1, Block 1 Peaceful Acres Subdivision, also known as 1601 South Parker Road and authorizing the Mayor to execute the Order. Commissioner Angelica P. Baldivia seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDERATION AND POSSIBLE ACTION ON A RESOLUTION DIRECTING THE CITY PLANNING DEPARTMENT TO PREPARE SERVICE PLANS FOR SEVERAL AREAS BEING CONSIDERED AND EVALUATED FOR POSSIBLE ANNEXATION TO THE CITY OF LA FERIA AND AUTHORIZING THE CITY MANAGER TO OFFER DEVELOPMENT AGREEMENTS TO OWNERS OF LAND APPRAISED FOR AD VALOREM TAX PURPOSES AS AGRICULTURAL AND TO EXECUTE ON BEHALF OF THE CITY SAID DEVELOPMENT AGREEMENTS, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE, SECTION 43.035

City Manager Mr. Sunny K. Philip explained that during the last three years the City of La Feria has not done any annexations, and the three year limit is about over. If the Commission approves this resolution, the City plans to have two public hearings, one on August 13, 2013 and the other on August 27, 2013, with the adoption of the ordinance to be on August 27, 2013. Ms. Irene Szedlmayer explained that based on the current size of the city which is 2,863 acres, the city can annex 859 acres or 30% of its land area. A lot

of the areas being proposed are Agricultural land and are eligible for Development Agreements, which even though the area may not be annexed into the city limits, it does extend the city limits. More discussion followed as to when the city needs to provide services to annexed areas. Ms. Irene Szedlmayer made a correction on Resolution 2013-23 which was to include the phrase, "to the same extent as similarly situated property elsewhere in the City" at the end of the fifth "WHEREAS". Commissioner Victor Gonzalez, Jr. 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 Resolution 2013-23. After reading of the caption, Commissioner Lori Weaver moved to approve Resolution 2013-23 as amended with the phrase of "to the same extent as similarly situated property elsewhere in the City" directing the City Planning Department to prepare service plans for several areas being considered and evaluated for possible annexation to the City of La Feria and authorizing the City Manager to offer Development Agreements to owners of land appraised for ad valorem tax purposes as Agricultural and to execute on behalf of the City said Development Agreements pursuant to Texas Local Government Code, Section 43.035. Commissioner Victor Gonzalez, Jr. 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 551.071, CONSULTATION WITH CITY ATTORNEY RELATING TO CAPITAL FUND CONTRACTS REGARDING ALLIED WASTE AND THE LITTLE LIGHTHOUSE REHAB CENTER; 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 7:17 P.M. After executive session deliberation, Mayor Steve Brewer declared the meeting back in open session at 8:25 P.M.

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

Commissioner Lori Weaver moved to authorize the City Manager to enter into a settlement agreement with the Texas Department of Agriculture as discussed in the executive session. Commissioner John Betancourt 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
- Progress of Library Expansion Project
- Progress of Fire Station Expansion and Substation Project
- Status of Dome Construction Project
- Status of Unger Park Project
- Generator Purchase Project
- Sidewalk Improvement Project

- Light System Improvement Project for A.J. Wilson Field
- Independence Day Celebration

City Manager Sunny K. Philip reported on the following.

- Update on Drainage Project – A pre-construction conference is scheduled for Tuesday afternoon.
- Water and Wastewater Systems Improvements Project – One more set of plans have been submitted to the Texas Water Development Board and the City is working on their comments.
- Library Expansion Project – The project is almost complete; there are some problems with the lighting levels where the elevator sits.
- Fire Station Expansion and Substation Project – Already discussed in previous item.
- Dome Construction Project – The architect has completed the design and it has been overnighted to the engineers.
- Status of Unger Park Project – The architects are designing the items and it might require additional funding.
- Generator Purchase Project – The contractor should be starting work soon.
- Sidewalk Improvement Project – The work has slowed down some because of the recent rains.
- Light System Improvement Project for A.J. Wilson Field – The City will be receiving delivery of the lights this week.
- Independence Day Celebration – The event was organized by volunteers and coordinated by Tabitha Outlaw; the fireworks were done by the La Feria Volunteer Fire Department and Alfonso Rodriguez and Public Works employees. There were 30 or 40 student volunteers and there were 23 participants in the barbecue cook off. It was a great event. Mayor Brewer suggested that the inflatables be available later at night since a lot of people come later in the evening.

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. 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 Lori Weaver moved to adjourn the meeting. Commissioner Angelica seconded the motion, and the motion carried by unanimous vote of the City Commission.

ADJOURNMENT

Mayor Steve Brewer adjourned the meeting at 8:32 P.M.


APPROVED:


Steve Brewer, Mayor

ATTEST:


Olga Oberwetter, City Secretary

These minutes were prepared and filed with the City of La Feria at 1:55 P.M. on July 17, 2013 as official record.


Olga Oberwetter, City Secretary

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CITY COMMISSION REGULAR MEETING

AT THE

CITY COMMISSION MEETING ROOM

TUESDAY, JULY 9, 2013, AT 6:30 PM

WELCOME
PLEASE SIGN IN

<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1. <u>JUAN M MARTINEZ</u>	<u>1601 S PALMER BL</u>	<u>778-7040</u>
2. <u>Yvonne G. Martinez</u>		<u>893-3111</u>
3. <u>Coyotana Garza</u>		<u>341-3361</u>
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