

**MINUTES OF PROCEEDINGS
CITY COMMISSION
Tuesday, August 13, 2013**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, August 13, 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
Mr. John Edward Betancourt	City Commissioner
Mr. John Hernandez	City Commissioner
Mr. Victor Gonzalez, Jr.	City Commissioner
Ms. Angelica P. Baldivia	City Commissioner

Absent: Ms. Lori Weaver City Commissioner/Mayor Pro Tem

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 6:31 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, JULY 23, 2013**

After review of the minutes, Commissioner Angelica P. Baldivia moved to approve the minutes of proceedings of the regular meeting of the City Commission held on Tuesday, July 23, 2013. Commissioner John Betancourt 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 MEETING OF THE LA
FERIA INDUSTRIAL DEVELOPMENT CORPORATION (LFIDC) HELD ON
THURSDAY, JUNE 6, 2013**

After review of the minutes, Commissioner Angelica P. Baldivia moved to approve the minutes of proceedings of the previous regular meeting of the La Feria Industrial Development Corporation (LFIDC) held on Thursday, June 6, 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 concrete blocks were still at the Pharr facility. Mayor Steve Brewer said that they would be picked up tomorrow. He said Innovative Block was concerned about the way the blocks were wrapped, but it would be taken care of and they would be picked up. Mr. Bernal said that the sidewalk work on the Safe Routes to School Project would be completed by late September or October 2013 per the contractor's schedule. Mr. Bernal said there is a change order pending, and once the project is complete the change order needs to be signed and submitted.

Mr. Bernal also reported that the Enhancement Sidewalk Project was not selected by the Commission for funding for the City of La Feria. He also said that Mr. Mario Jorge, the Pharr District Engineer will be leaving the Pharr District and moving on to San Antonio. Mayor Brewer thanked Mr. Bernal for his report.

PUBLIC HEARING ON THE PROPOSED ANNEXATION BY THE CITY OF LA FERIA OF APPROXIMATELY 272 ACRES OF LAND REFERRED TO AS THE "RABB ROAD ANNEXATION," THE GENERAL BOUNDARIES OF WHICH ARE AS FOLLOWS. THE NORTH, EAST AND SOUTH BOUNDARY IS THE CURRENT CITY LIMIT LINE. THE WEST BOUNDARY IS THE DRAINAGE DITCH WEST OF RABB ROAD (AN-49), SOUTH OF BUSINESS HIGHWAY 83, AND THE WEST BOUNDARY OF CITRUS GROVE SUBDIVISION, NORTH OF BUSINESS HIGHWAY 83

City Manager Mr. Sunny K. Philip made a few comments concerning the annexation of four different areas in the city. He explained that at a previous meeting the City Commission approved a resolution asking staff to look at the different areas for annexation, to prepare Service Plans and schedule public hearings. Mr. Philip said Planning and Community Development Director Ms. Irene Szedlmayer would be making a general presentation regarding each of the areas and then Mayor Brewer could open the public hearing for each area so that the public's input could be heard. Ms. Szedlmayer thanked everyone present for being at the public hearing. She explained that the City annexes for several reasons, such as being able to protect the area from undesirable land uses and to be able to exert some land use regulation and control and to engage in code enforcement. Another reason is to provide for more equitable sharing of the cost of municipal services, such as roads, streets, parks, and libraries from which people outside the city also benefit. Ms. Szedlmayer said cities also annex to increase the population and grow. Ms. Szedlmayer explained the four areas that are being considered for annexation and also explained the Development Agreements that are being executed by property owners that have land appraised as agricultural. She said the owner that executes a Development Agreement agrees that if for any reason the property described in the Development Agreement is developed, it is automatically annexed into the city limits. Ms. Szedlmayer then explained the Service Plans and announced that the Service Plans are posted on the City of La Feria's Website: www.cityoflaferia.com. After the

presentation, Mayor Steve Brewer declared the public hearing for the Rabb Road annexation open at 7:00 P.M. There was much discussion concerning the services that the City would be able to provide and what type of restrictions would be imposed on keeping of farm animals on their property after annexation. The following meeting attendees expressed their comments in regards to the annexation of their properties: Daniel Cizler, Tracy Gomez, Jean Burgoine, Cynthia Cobarrubias, Elizabeth Anguiano, Carlos Rodriguez, Paul Markowsky, George Lazaro, Juan Ochoa, James Johnston, and Juan Barco. Mayor Steve Brewer declared the public hearing on the Rabb Road annexation closed at 7:24 P.M.

PUBLIC HEARING ON THE PROPOSED ANNEXATION BY THE CITY OF LA FERIA OF APPROXIMATELY 98 ACRES OF LAND REFERRED TO AS THE "KELLY DRIVE ANNEXATION," THE GENERAL BOUNDARIES OF WHICH ARE AS FOLLOWS: BETWEEN THE SOUTH RIGHT-OF-WAY LINE OF U.S. BUSINESS HIGHWAY 83 AND THE SOUTH BOUNDARY OF BLOCK 6, BEAKLEY SUBDIVISION, FROM EXISTING CITY LIMITS ON THE WEST (CURVE IN KELLY DRIVE), TO THE WEST ROW LINE OF WHITE RANCH ROAD

Mayor Steve Brewer declared the public hearing on the Kelly Drive annexation open at 7:25 P.M. Mr. Jesus Martinez spoke about his right to raise cattle on his 9 plus acres. Ms. Szedlmayer responded that the Development Agreement that Mr. Martinez has been offered would allow him to raise his cattle. There being no other comments on Kelly Drive, Mayor Steve Brewer declared the public hearing on the Kelly Drive annexation closed at 7:30 P.M.

PUBLIC HEARING ON THE PROPOSED ANNEXATION BY THE CITY OF LA FERIA OF APPROXIMATELY 291 ACRES OF LAND REFERRED TO AS THE "FM 506 ANNEXATION," THE GENERAL BOUNDARIES OF WHICH ARE AS FOLLOWS. THE NORTHERN BOUNDARY IS THE SOUTH BOUNDARY OF CITRUS VILLAGE SUBDIVISION. THE EASTERN BOUNDARY IS THE EAST FM 506 RIGHT-OF-WAY LINE (CURRENT CITY LIMITS). THE WEST BOUNDARY IS THE WEST BOUNDARY OF THE MINNESOTA-TEXAS LAND AND IRRIGATION COMPANY SUBDIVISION TRACTS FRONTING ON FM 506. THE SOUTH BOUNDARY IS THE LINE BETWEEN BLOCKS 23 AND 25 OF THE MINNESOTA TEXAS LAND AND IRRIGATION CO. SUBDIVISION

Mayor Steve Brewer declared the public hearing on the FM 506 annexation open at 7:32 P.M. Mayor Steve Brewer asked for the location of the area to be annexed. Ms. Szedlmayer showed the area on the map. Ms. Cynthia Contreras inquired about keeping horses on their property of twenty acres. The Development Agreement would allow them to maintain the use of their property at its existing use at the time of annexation if the property is appraised as agricultural. There being no other comments on the FM 506 annexation, Mayor Steve Brewer declared the public hearing on the FM 506 annexation closed at 7:35 P.M.

PUBLIC HEARING ON THE PROPOSED ANNEXATION BY THE CITY OF LA FERIA OF APPROXIMATELY 321 ACRES OF LAND REFERRED TO AS THE "WEST BUSINESS 83 ANNEXATION," THE GENERAL BOUNDARIES OF WHICH ARE AS FOLLOWS. THE NORTHERN BOUNDARY IS THE CURRENT CITY LIMIT LINE. NORTH OF BUSINESS 83, THE WEST BOUNDARY IS THE EASTERN RIGHT-OF-WAY LINE OF MILE 3 EAST AND

KUBISKI ROAD AND THE EAST BOUNDARY IS THE EASTERN ROW OF FM 2556. SOUTH OF BUSINESS 83, THE WEST BOUNDARY IS THE EASTERN ROW LINE OF FM 2556 AND THE EAST BOUNDARY IS THE EASTERN BOUNDARY OF L & D RANCH SUBDIVISION

Planning and Community Development Director Ms. Irene Szedlmayer explained that staff sent out notices on this area on two different dates and the properties south of Business 83 received notices for today's public hearing (August 13, 2013) and the August 27, 2013 public hearing; and the properties on the north side of Business 83 received notices for the public hearings that will be held on August 27, 2013 and September 10, 2013. She asked for comments only from those people who own properties south of Business 83 for tonight's public hearing. Mayor Steve Brewer declared the public hearing on the West Business 83 annexation open at 7:39 P.M. Gail Brandt, Patty Raney, Climato Gonzales, Ray Markosky, Paul Markosky, Ray Cabrera, Pancho Cobarrubias, Robert Salazar, and Don Bennett, all spoke concerning this annexation and their concerns about drainage, water and sewer line hookups. Mr. Climato Gonzales inquired about the treatment of game halls within the city limits. Ms. Szedlmayer asked those present with specific questions about their individual properties to call her for discussion. There being no other comments on the south part of West Business 83 annexation, Mayor Steve Brewer declared the public hearing on the south part of West Business 83 annexation closed at 8:00 P.M.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY AN ORDINANCE OF THE CITY OF LA FERIA, TEXAS APPROVING A NEGOTIATED RESOLUTION BETWEEN CITY AND TEXAS GAS SERVICE ("TGS" OR "THE COMPANY") REGARDING THE COMPANY'S MAY 1, 2013 COST OF SERVICE ADJUSTMENT ("COSA") FILING

City Manager Mr. Sunny K. Philip explained that the Cities and the Texas Gas Service Company have reached a settlement regarding the Gas Company's COSA filing, and he asked the Commission to favorably consider approving Ordinance 2013-09.

Commissioner Victor Gonzalez, Jr. 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 Commissioners present. City Attorney Mr. Richard S. Talbert read the caption of Ordinance 2013-09. After reading of the caption, Commissioner Victor Gonzalez, Jr. moved to approve Ordinance 2013-09 approving a negotiated resolution between the City and Texas Gas Service ("TGS" or "The Company") regarding the Company's May 1, 2013 Cost of Service Adjustment ("COSA") filing. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO ACCEPT CERTIFICATION OF DEBT SERVICE REQUIREMENT FOR FY 2013-2014

City Manager Mr. Sunny K. Philip said a copy of the Certification of Debt Service Requirement for FY 2013-2014 was included in the City Commission package, along with the list of the payments required on the City's debt. Commissioner John Betancourt moved to accept the Certification of Debt Service Requirement for FY 2013-2014. Commissioner Victor Gonzalez, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO ACCEPT EFFECTIVE AND ROLLBACK TAX RATES, SCHEDULES AND FUND BALANCES PRESENTED BY TAX ASSESSOR/COLLECTOR

City Manager Mr. Sunny K. Philip discussed the effective and rollback tax rates, schedules and fund balances with the City Commission. Mr. Philip said the Effective Tax Rate is \$0.709317/\$100 and the Rollback Tax Rate is \$0.781751/\$100. If the City Commission approves no more than the Effective Tax Rate of \$0.709317/\$100, there would be no more public hearings required. Commissioner Angelica P. Baldivia moved to accept the Effective and Rollback Tax Rates, Schedules and Fund Balances presented by Tax Assessor/Collector. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

DISCUSS AND TAKE ACTION TO APPROVE A PROPOSED TAX RATE FOR TAX YEAR 2013 (FISCAL YEAR 2013/2014)

City Manager Mr. Sunny K. Philip explained the tax rates and what each rate would yield in added revenues. Commissioner John Betancourt moved to approve a proposed tax rate of no more than the Effective Tax Rate of \$0.709317/\$100. Commissioner Victor Gonzalez, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO TAKE A RECORD VOTE AND SCHEDULE PUBLIC HEARINGS IF THE PROPOSED TAX RATE WILL EXCEED THE ROLLBACK RATE OR THE EFFECTIVE TAX RATE (WHICHEVER IS LOWER)

There was no action needed on this item since the City Commission approved no more than the Effective Tax Rate of \$0.709317/\$100.

BUDGET WORKSHOP FOR THE CITY OF LA FERIA GENERAL FUND FOR FISCAL YEAR 2013-2014

Finance Director Ms. Maria Chavero presented the budget highlights for the new fiscal year. Ms. Chavero said the sales tax revenue is trending upwards by 3% and the tax revenue is budgeted using a tax rate of \$0.70/\$100. As reported earlier, the Effective Tax Rate is \$0.709317/\$100 and if the City adopts the Effective Tax Rate, the increase in revenue would be \$14,599 additional for the year. Ms. Chavero reported that the Fire Service contract with Cameron County is expected to be \$141,729. She also reported that there is \$128,000 in administration money for the next two years through the DRS210089 FEMA ADM Grant. For expenses, Ms. Chavero reported that expenses are expected to increase by at least 4% for the next year; salary increases would be anywhere from 1% to 3% and medical insurance renewal premiums came in at an 11.4% increase. There was no action needed on this item.

PUBLIC HEARING TO RECEIVE INPUT ON THE PROPOSED CITY OF LA FERIA FY 2013/2014 BUDGET

Mayor Steve Brewer declared the public hearing on the proposed City of La FERIA FY 2013/2014 Budget open at 8:30 P.M. Ms. Betty Jo Dunlap thanked the City Commission for all they do for La FERIA. There were no other comments, so Mayor Steve Brewer declared the public hearing closed at 8:31 P.M.

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 John Hernandez and a second by Commissioner John Betancourt. 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 John Hernandez and a second by Commissioner John Betancourt. The motion carried by unanimous vote of the City Commissioners present.

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
- Generator Purchase Project
- Sidewalk Improvement Project
- Light System Improvement Project for A.J. Wilson Field
- Texas Parks and Wildlife Development Trail System Grant Award
- EDA Grant for Technology and Success Center
- OLLU Ribbon Cutting – Sunday, August 18, 2013 at 3:00 P.M.

City Manager Sunny K. Philip reported on the following.

- Update on Drainage Project – At a previous City Commission Meeting when the award of contract was made, there was a base bid with concrete pipe and an alternate using HD pipe which would be a \$90,000.00 savings to the City. Staff is encouraging the contractor to look into it. They will put something together and then staff will bring this back to you at a future meeting. The roadways and railroad crossings would still be concrete pipe.
- Water and Wastewater Systems Improvements Project – Waiting on the final okay for the second set of bids to go out.
- Library Expansion Project – They have completed the work and staff went through a final inspection. The library staff is to get together with Olga Oberwetter and schedule a ribbon cutting.
- Fire Station Expansion and Substation Project – Reviewing the contract at this time so that it can be submitted to USDA.
- Dome Construction Project – The Architects are working on the questions they have asked.
- Generator Purchase Project – Moving along good.
- Sidewalk Improvement Project – Already covered earlier in the meeting.
- Light System Improvement Project for A.J. Wilson Field – They will start work on Thursday.

- Texas Parks and Wildlife Development Trail System Grant Award – This will require coordination with the GLO.
- EDA Grant for Technology and Success Center – This will come back before the Commission at a later meeting.
- OLLU Ribbon Cutting – Sunday, August 18, 2013 at 3:00 P.M. – Everyone was invited to attend.

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

Commissioner Angelica P. Baldivia moved to excuse Commissioner Lori Weaver's absence from this meeting. Commissioner John Hernandez 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 John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

ADJOURNMENT

Mayor Steve Brewer adjourned the meeting at 8:43 P.M.

APPROVED:

Steve Brewer, Mayor

ATTEST:

Olga Oberwetter, City Secretary

These minutes were prepared and filed with the City of La Feria at 10:30 P.M. on November 3, 2013 as official record.

Olga Oberwetter, City Secretary



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CITY COMMISSION REGULAR MEETING
AT THE
CITY COMMISSION MEETING ROOM
TUESDAY, AUGUST 13, 2013, AT 6:30 PM

WELCOME
PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1	Joe & Wally	P.O. Box 591	La Feria Tx
2	Neleta Peede	300 W. Magnolia Ave	956-245-3902
3	JUAN BERNAL	TXDOT-PHARD	956-702-6100
4	Carlos J. Rodriguez	2795 Celina	956-792-6578
5	Patti Raway	28219 S. SAMAR	LA FERIA TX 78559 956 330-6976
6	Jean Bourgoin	1920 W. Michigan Hastings, TX	244-0442
7	Betty Jo Dunlap	PO Box 995 LA FERIA TX	956-873-0297
8	Don & Elaine Bennett	10872 W. Bus 83	La Feria
9	Maria Levrrier	11639 Memorial DR.	La Feria, TX 78559
10	San Juanita Abais	27660 Rabb Rd	La Feria 778-3694
11	Mirtala Rodriguez	200 Deerfield Lane	264-4083
12	Oda Brandt	28270 Orange Grove Rd.	792-6436
13	Bill & Gail Brandt	28296 Orange Grove Road	357-0213
14	ROBERT SLIZIV	800 PARKER CIR	9562458018
15	Joe Orkoo	27879 Celina Orkoo	(956) 536-2920
16	Ralph Brudey	28352 FM 506	797-2319
17	Jarlett Brown		
18	Liana Mediano	28126 Orange Grove	622-9691

19 Elizabeth Anguiano

20 Cynthia Cobarrubias

21 Rosie + Pancho Cobarrubias

22 Anna R Center

23 Elizabeth Robn

24 Ray Markowsky

25 Josefa R Contreras

26 Cynthia R Contreras

27 Danny Cizler

28 Jesus Martinez

29 Clarence Douglas

30 George E Lazo - LAZAROS - FULCRUM CS

31 Jimmy Loya

32 Victor + Tracy Gomez

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