

**MINUTES OF PROCEEDINGS
CITY COMMISSION
Tuesday, January 13, 2015**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, January 13, 2015, 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. Esmeralda Lozano	City Commissioner/Mayor Pro Tem
	Mr. John Edward Betancourt	City Commissioner
	Mr. John Hernandez	City Commissioner
	Ms. Olga H. Maldonado	City Commissioner
	Mr. Julian Guevara, Jr.	City Commissioner
Absent:	Mr. Victor Gonzalez, Jr.	Mayor

The following staff members were present.

Mr. Sunny K. Philip	City Manager
Mr. Richard S. Talbert	City Attorney
Ms. Maria Chavero	Finance Director
Ms. Paula Rodriguez	Planning and Community Dev. Dir.
Ms. Esmeralda Sanchez	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 6:35 P.M., Mayor Pro Tem Esmeralda Lozano asked Commissioner Olga H. Maldonado to give the invocation. After the invocation, Mayor Pro Tem Lozano 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.

PUBLIC COMMENTS

Mayor Pro Tem Esmeralda Lozano declared the public comments session open and acknowledged Mrs. Mirtala Rodriguez who spoke in regards to her comments that she had addressed in a previous City Commission meeting. She said she was still waiting for an answer. No one else signed up to speak before the City Commission, so Mayor Pro Tem Esmeralda Lozano declared the public comment session closed.

**REVIEW AND TAKE ACTION TO APPROVE THE MINUTES OF
PROCEEDINGS OF THE REGULAR MEETING OF THE CITY COMMISSION
HELD ON TUESDAY, NOVEMBER 18, 2014**

After review of the minutes, Commissioner John Hernandez moved to approve the minutes of proceedings of the regular meeting of the City Commission held on Tuesday, November 18, 2014. Commissioner Julian Guevara, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

REVIEW AND TAKE ACTION TO APPROVE THE MINUTES OF PROCEEDINGS OF THE REGULAR MEETING OF THE CITY COMMISSION HELD ON TUESDAY, DECEMBER 16, 2014

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, December 16, 2014. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

City Manager Mr. Sunny K. Philip announced that he had promoted two employees: Mr. Heriberto "Beto" Ureste was promoted to Water and Wastewater Systems Director and Mr. Alfonso Rodriguez was promoted to Public Works Director. He said both gentlemen have been with the City of La Feria for 20 years, and he has confidence that they will work hand in hand to keep the City moving forward after the retirement of long time Public Works Director Javier F. Martinez. Mayor Pro Tem and the Commission congratulated the two new directors and asked that they come forward so they could shake their hand.

At this point in the meeting, Mayor Pro Tem Esmeralda Lozano announced that the meeting would go into executive session so that Attorney Alan Ozuna would be able to make it to another meeting tonight. Commissioner Olga H. Maldonado moved to consider the executive session item out of its normal agenda sequence. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

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 REGARDING PENDING LITIGATION, CAUSE 2014-DCL-07265, CONSUELO DE LA ROSA, LEONARDO MARTINEZ, JOSE GONZALEZ, BILLY GENE SCHWARZ, CAROL L. SCHWARZ VS. CITY OF LA FERIA IN THE 138TH DISTRICT COURT OF CAMERON COUNTY; SECTION 551.072 TO DISCUSS PROPOSED PURCHASE/SALE/DONATION OF REAL ESTATE BY THE LA FERIA INDUSTRIAL DEVELOPMENT CORPORATION/THE LA FERIA ECONOMIC DEVELOPMENT CORPORATION/CITY OF LA FERIA; AND SECTION 551.087 TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATIONS.

Mayor Pro Tem Esmeralda Lozano declared the meeting in executive session at 6:45 P.M. After executive session deliberations, Mayor Pro Tem Lozano declared the meeting back in open session at 7:42 P.M.

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

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

PUBLIC HEARING TO RECEIVE INPUT REGARDING THE TEXAS CAPITAL FUND PROGRAM ADMINISTERED BY THE TEXAS DEPARTMENT OF AGRICULTURE AND PROVIDE INFORMATION ABOUT ALL ELIGIBLE ACTIVITIES AND THE PAST USE OF FUNDS

City Manager Mr. Sunny K. Philip said that this has been discussed in prior meetings. There is a business that is interested in moving to La Feria, a car dealership. He said if the application is submitted for infrastructure, the business would not have to pay the money back; however, if it is submitted for real estate, the business would have to pay back the principal of the loan. Mayor Pro Tem Esmeralda Lozano declared the public hearing open at 7:45 P.M. There were no comments from the audience, so Mayor Pro Tem Esmeralda Lozano declared the public hearing closed at 7:45 P.M.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION OF THE CITY OF LA FERIA APPROVING AN APPLICATION FOR FUNDING THROUGH THE TEXAS DEPARTMENT OF AGRICULTURE TEXAS CAPITAL FUND PROGRAM

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 Commissioners present. City Attorney Mr. Richard S. Talbert read the caption of Resolution 2015-01. After reading of the caption, Commissioner John Hernandez moved to approve Resolution 2015-01 approving an application for funding through the Texas Department of Agriculture Texas Capital Fund Program. Commissioner Julian Guevara, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

PUBLIC HEARING TO RECEIVE INPUT REGARDING THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) PROGRAM ADMINISTERED BY THE TEXAS DEPARTMENT OF AGRICULTURE AND PROVIDE INFORMATION ABOUT LA FERIA'S HOUSING AND COMMUNITY DEVELOPMENT NEEDS, INFORMATION ABOUT ELIGIBLE ACTIVITIES, AMOUNT OF FUNDING AVAILABLE, AND THE PAST USE OF FUNDS

City Manager Mr. Sunny K. Philip explained that the City of La Feria has participated in the Community Development Block Grant Program since 1984. The current application is due on February 26, 2015 and the City could receive \$230,870.00 or more depending on how many cities participate in the program. The total funds allotted for the LRGVDC region is \$3,463,048.00. The funds would provide partial funding for the replacement of the water tank on Parker Road and Business 83. Mayor Pro Tem Esmeralda Lozano declared the public hearing open at 7:48 P.M. There were no comments from the audience, so Mayor Pro Tem Esmeralda Lozano declared the public hearing closed at 7:48 P.M.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION OF THE CITY OF LA FERIA APPROVING AN APPLICATION FOR FUNDING THROUGH THE TEXAS DEPARTMENT OF AGRICULTURE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Commissioner John Hernandez moved to read the resolution by caption only, in lieu of reading it in its entirety. Commissioner Olga H. Maldonado 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 Resolution 2015-02. After reading of the caption, Commissioner John Betancourt moved to approve Resolution 2015-02 approving an application for funding through the Texas Department of Agriculture Texas Community Development Block Grant Program. Commissioner Olga H. Maldonado seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

PUBLIC HEARING TO RECEIVE INPUT AND COLLECT EVIDENCE ON THE PROPOSED AMENDMENT OF THE CITY OF LA FERIA CODE OF ORDINANCES CHAPTER 3, ARTICLE 3.09 AND CHAPTER 14, EXHIBIT A, ZONING ORDINANCE, TO ALLOW A LIMITED NUMBER OF CHANGING ELECTRONIC VARIABLE MESSAGE (CVEM) SIGNS, INCLUDING DIGITAL MESSAGING SIGNS, WITHIN THE CITY LIMITS OF LA FERIA, TX UPON APPLICATION AND APPROVAL OF A SPECIFIC USE PERMIT

City Manager Mr. Sunny K. Philip explained that years ago, the City passed an ordinance prohibiting all the off site signs within the City. The Planning and Zoning Commission held a meeting yesterday (Monday, January 12, 2015) and they are recommending approval of certain changes to the Zoning Ordinance to allow a limited number of signs within the City under Specific Use Permit regulations. Mr. Philip said the public hearing is needed because the City is amending the Zoning Ordinance. Mr. Philip referred to the materials included in the packet regarding the sign company, and said the City has the option to advertise on these signs. All signs have to have a City message. Mr. Philip added that if the City Commission approves the ordinance, then the company can file an application for an SUP and that would come back before the City Commission at a later meeting. For now the company is offering the City the use of the sign in Mercedes to announce the Fiesta de La Feria. Mayor Pro Tem Esmeralda Lozano declared the public hearing open at 7:49 P.M. A representative of the company was present to answer questions posed by the City Commission. After discussion and all questions answered, Mayor Pro Tem Esmeralda Lozano declared the public hearing closed at 7:59 P.M.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY AN ORDINANCE OF THE CITY OF LA FERIA, TX, AMENDING THE CITY OF LA FERIA CODE OF ORDINANCES CHAPTER 3, ARTICLE 3.09 AND CHAPTER 14, EXHIBIT A, ZONING ORDINANCE, TO ALLOW A LIMITED NUMBER OF CHANGING ELECTRONIC VARIABLE MESSAGE (CVEM) SIGNS, INCLUDING DIGITAL MESSAGING SIGNS, WITHIN THE CITY LIMITS OF LA FERIA, TX UPON APPLICATION AND APPROVAL OF A SPECIFIC USE PERMIT

City Manager Mr. Sunny K. Philip announced that City Secretary Ms. Olga Oberwetter had distributed a revised copy of the ordinance that was included in the package. Commissioner John Betancourt moved to read the ordinance by caption only, in lieu of reading it in its entirety. Commissioner Olga H. Maldonado 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 2015-01. After reading of the caption, Commissioner Julian Guevara, Jr. moved to approve Ordinance 2015-01

amending the City of La Feria Code of Ordinances Chapter 3, Article 3.09 and Chapter 14, Exhibit A, Zoning Ordinance, to allow a limited number of Changing Electronic Variable Message (CVEM) signs, including Digital Messaging Signs, within the city limits of La Feria, TX upon application and approval of a Specific Use Permit. Commissioner Olga H. Maldonado seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY AN ORDINANCE OF THE CITY OF LA FERIA TEMPORARILY CLOSING CERTAIN AND SPECIFIED STREETS WITHIN THE LIMITS OF THE CITY OF LA FERIA AND MODIFYING TRAFFIC PATTERNS ON CERTAIN STREETS FOR THE PURPOSE OF ENSURING THE SAFETY AND GENERAL WELFARE OF THE PUBLIC DURING THE 2015 FIESTA DE LA FERIA AND CENTENNIAL CELEBRATION TO BE HELD ON FEBRUARY 27 & 28, 2015

City Manager Mr. Sunny K. Philip explained that the ordinance is needed for the closure of the streets during the Fiesta de La Feria and Centennial Celebration and that it was similar to the ordinances approved in the past years. Commissioner Olga H. Maldonado moved to read the ordinance by caption only, in lieu of reading it in its entirety. Commissioner Julian Guevara, Jr. 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 2015-02. After reading of the caption, Commissioner Olga H. Maldonado moved to approve Ordinance 2015-02 temporarily closing certain and specified streets within the limits of the City of La Feria and modifying traffic patterns on certain streets for the purpose of ensuring the safety and general welfare of the public during the 2015 Fiesta de la Feria and Centennial Celebration to be held on February 27 & 28, 2015. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDERATION AND APPROVAL OF A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF LA FERIA, TEXAS AUTHORIZING AND APPROVING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15C2-12; AND PROVIDING AN EFFECTIVE DATE

City Manager Mr. Sunny K. Philip explained that during the budget process, the City identified items that are needed by various departments of the City, and they were identified as being funded through the issuance of Certificates of Obligation. Mr. Philip said the good news is that there is no increase in taxes. On February 24, 2015, the Certificates of Obligation item will be brought before the City Commission for consideration. Commissioner John Hernandez moved to read the resolution by caption only, in lieu of reading it in its entirety. Commissioner Julian Guevara, Jr. 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 Resolution 2015-03. After reading of the caption, Commissioner Olga H. Maldonado moved to approve Resolution 2015-03 of the City of La Feria, Texas authorizing and approving publication of Notice of Intention to issue Certificates of Obligation; complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12; and providing an

effective date. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

DISCUSSION WITH CITY COMMISSION TO RECEIVE INPUT REGARDING THE CITY OF LA FERIA'S CENTENNIAL CELEBRATION WHICH WILL BE CELEBRATED IN 2015

City Manager Mr. Sunny K. Philip said this item and the item 19 are both relating to the Centennial Celebration which kick off will be held during the Fiesta de La Feria Celebration on February 27 & 28, 2015. He said the planning is going very good. He added that one of the changes that the City made this year was to hire Reva Ayala to sell the advertising for the Fiesta Directory, and she has done a very good job. There was no action needed on this item.

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 REGARDING PENDING LITIGATION, CAUSE 2014-DCL-07265, CONSUELO DE LA ROSA, LEONARDO MARTINEZ, JOSE GONZALEZ, BILLY GENE SCHWARZ, CAROL L. SCHWARZ VS. CITY OF LA FERIA IN THE 138TH DISTRICT COURT OF CAMERON COUNTY; SECTION 551.072 TO DISCUSS PROPOSED PURCHASE/SALE/DONATION OF REAL ESTATE BY THE LA FERIA INDUSTRIAL DEVELOPMENT CORPORATION/THE LA FERIA ECONOMIC DEVELOPMENT CORPORATION/CITY OF LA FERIA; AND SECTION 551.087 TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATIONS.

This item was considered out of sequence at an earlier point in the meeting.

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

This item was considered out of sequence at an earlier point in the meeting.

REPORTS BY STAFF AND DISCUSSION WITH CITY COMMISSION

- **UPDATE ON DRAINAGE IMPROVEMENT PROJECT**
- **WATER AND WASTEWATER SYSTEMS IMPROVEMENTS PROJECT**
- **STATUS OF SAFE ROOMS (DOMES) CONSTRUCTION PROJECT**

City Manager Mr. Sunny K. Philip reported the following:

- The drainage improvement project has been delayed due to the rainy weather.
- Water and Wastewater System Projects are moving along good.
- The Dome Project – There has been a delay on the dome projects. There will be a progress meeting tomorrow afternoon (January 14, 2015).

CONSIDER AND TAKE ACTION TO APPROVE OR DENY PURCHASE OF HAND HELD ADVERTISING FANS TO BE DISTRIBUTED IN ASSOCIATION WITH THE FIESTA DE LA FERIA/CENTENNIAL CELEBRATION PLANNED FOR FEBRUARY 27 & 28, 2015

This item was discussed at length and the consensus was that the Commission would go with the suggestion made by Mayor Victor Gonzalez, Jr. The sample fan configured by Mayor Gonzalez, shows the photos of the Mayor, Commissioners and City Manager on

one side and some historical information on the back side. Staff provided some samples of what a fan like that would cost. The City Commission agreed to let staff use their best judgment and order the fans to give away at the Fiesta. There was no action needed for this item.

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

Commissioner John Hernandez moved to excuse the absence from this meeting of Mayor Victor Gonzalez, Jr. Commissioner Olga H. Maldonado seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

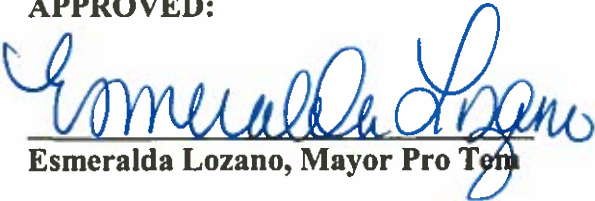
ACTION FOR ADJOURNMENT

There being no further business to conduct, Commissioner Olga H. Maldonado moved to adjourn the meeting. Commissioner Julian Guevara, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

ADJOURNMENT

Mayor Pro Tem Esmeralda Lozano adjourned the meeting at 8:36 P.M.

APPROVED:


Esmeralda Lozano, Mayor Pro Tem

ATTEST:


Olga Oberwetter, City Secretary

These minutes were prepared and filed with the City of La Feria at 7:30 P.M. on February 9, 2015, as official record.


Olga Oberwetter, City Secretary

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CITY COMMISSION REGULAR MEETING
AT THE
CITY COMMISSION MEETING ROOM
TUESDAY, JANUARY 13, 2015, AT 6:30 PM

WELCOME
PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1	Mitch Kely	200 Bearfield	(956) 264-4083
2	Delores Fuller	1000 S. Chelover	
3	CLARA JERKINS	AUSTIN TX	(512) 577-2118
4	Jorge Delgado	385 N. St ^{Dallas, TX} Bul St	214-953-4019
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