

**MINUTES OF PROCEEDINGS
CITY COMMISSION
Tuesday, April 28, 2015**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, April 28, 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.

Mr. Victor Gonzalez, Jr.	Mayor
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

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
Florence Reichle	Administrative Assistant

A copy of the signature roster of all others present is attached as a part of the minutes hereof.

At 6:33 P.M., Mayor Pro Tem Esmeralda Lozano called the meeting to order and stated the Mayor would be late and asked Commissioner John E. Betancourt to give the invocation. After the invocation, Mayor Pro Tem Lozano led 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. No one signed up to speak before the City Commission, so Mayor Pro Tem Lozano declared the public comments session closed.

REVIEW AND TAKE ACTION TO APPROVE THE MINUTES OF PROCEEDINGS OF THE REGULAR MEETING OF THE CITY COMMISSION HELD ON TUESDAY, APRIL 14, 2015

After review of the minutes, Commissioner Olga H. Maldonado moved to approve the minutes of proceedings of the regular meeting of the City Commission held on Tuesday, April 14, 2015. Commissioner John Hernandez seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC REGARDING A PROPOSED RESOLUTION IN SUPPORT OF CAMERON COUNTY IN THEIR EFFORT TO HAVE BILLS FILED IN THE 84th TEXAS LEGISLATURE BY SENATOR EDDIE LUCIO, JR. REPRESENTATIVE RENE OLIVEIRA, AND REPRESENTATIVE EDDIE LUCIO III TO ALLOW THE VOTERS OF CAMERON COUNTY TO DECIDE ON THE CREATION OF A HOSPITAL OR HEALTHCARE DISTRICT IN CAMERON COUNTY WHICH TAX RATE WOULD BE CAPPED AT AN ABSOLUTE MAXIMUM OF \$0.25 PER \$100 VALUATION

Mayor Pro Tem Esmeralda Lozano declared the Public Hearing open at 6:36 P.M. City Manager Mr. Sunny K. Philip explained that as requested by the City Commission a public hearing notice was advertised, and Mr. David Garcia from Cameron County was present to explain the concept of the Healthcare District. Mayor Pro Tem Lozano thanked Mr. Garcia for being present. Mr. Garcia introduced himself as the Interim Cameron County Administrator and thanked the Mayor and City Commissioners for the opportunity to address them. He then explained that Cameron County had been working on the proposal to look at the potential creation of a healthcare district for Cameron County. Cameron County today under statute collects ad valorem taxes from every owner in the County, and part of those taxes are used for indigent healthcare. One of the responsibilities is to ensure that a certain amount of money collected from the County is used to provide for the indigent population in the County. He acknowledged that there had been a lot of attention recently in Hidalgo County due to an election that they had regarding the potential to districting and a lot of information that was being put out with regards to the amount of cents per dollar level going to be allowed in Hidalgo County. Mr. Garcia further explained that the legislation before the State Legislature will only allow the voters/county to put together an election if there are at least 100 registered voters that have petitioned the County for an election. The City of South Padre Island, Port Isabel, Brownsville, Harlingen, and San Benito have all passed the resolution. Mr. Garcia added that the reason he was at City Hall was because the delegation in Austin wanted to try to get as much input from the communities in Cameron County as they move forward with their legislation. He added that Cameron County is in partnership with Valley Baptist Medical Center, and they are able to draw down monies to help pay for some of the indigent care. He was unsure of the match, maybe 50% match? Nonetheless, the partnership with Valley Baptist has worked well and with the streamlined process they now have a better system in place to ensure that everyone is getting paid and the services are being rendered. The other component to this is that a medical school will be coming to the Valley, and if arrangements would allow the use of our future resident doctors to help provide services, it would be a win-win for the future doctors in our community, and it would also provide services to this population that needs healthcare. Commissioner John E. Betancourt asked Mr. Garcia to clarify what he meant when he mentioned 100 total voters within the County or first per city within the county. Mr. Garcia said it would be 100 voters within the County and does not matter where they come from. Mr. Garcia said he failed to mention that everything is a work in progress and that he is not an expert in this field. Mr. Garcia explained that if this healthcare district is created there is a mandate to lower the County ad valorem tax rate equivalent to what would be used for the healthcare district.

Mayor Pro Tem Lozano asked about the match in funds between the County and Valley Baptist and the question of drawdown and how that currently works. Mr. Garcia said Valley Baptist has what is called "Rio Grande Valley Indigent Healthcare Corporation" and through that corporation they are able to work with their physicians to ensure that eventually they get reimbursed for the services they are providing. He was unsure of the reimbursement rate but there is legislation that is going to expire in 2016 that is a Medicaid Waiver 115 Program. If

that legislation or particular program continues there is still this opportunity for Valley Baptist to continue doing what they are doing in partnership with the County. If the waiver expires and it is not renewed through the Federal government then there is an opportunity to look at the alternative which would be the healthcare district.

Mayor Pro Tem Lozano asked Mr. Garcia to give a one or two sentence statement on what the benefit would be to the tax payers. Mr. Garcia said the benefits to the tax payers would be that the County would continue to assure that healthcare is provided, and that the tax payers know what amount of money is going for this service that by law the County has to provide to this population.

Commissioner John E. Betancourt reiterated that Mr. Garcia had mentioned that he is not an expert, but nonetheless asked what is the average that is actually going for patient care and to administration of this whole program? Is it ten (10) cents going to patients and the rest is all taking care of the employees, etc.? Mr. Garcia said today the collection rate is no way close to \$0.25 for indigent healthcare. The average would probably be three (3) cents to five (5) cents. Cameron County has about 8% of its budget for this service which is about \$3.5 million to \$5 million annually. The legislation calls for a rate of \$0.25 but he believes the range to be between four (4) cents to seven (7) cents. Twenty-five (25) cents was the number that was used in Austin and for the issue in Hidalgo County. Commissioner John E. Betancourt said that the same number was proposed there and Mr. Garcia concurred that \$0.25 was proposed. Mr. Garcia added he was unable to answer on the administration cost. Mr. Garcia said first the healthcare district has to be created, then the governance, and there has to be a board of directors put in place to set the tax rate. The board of directors has to decide if they are going to need some sort of administrative assistance and that is in the legislation to do the administration and the hiring of a healthcare district administrator. Mr. Garcia was not sure of what the cost would be at this point. He said that it would probably be a minimal cost in terms of the amount that would have to be collected to serve this population. He did not know what type of salary range etc. would be for this type of administrator.

Mayor Pro Tem Lozano asked Mr. Garcia for clarification that should this pass the ballot would it clearly stay at the quarter or does it increase when it gets to \$0.25 to the valuation of \$0.50 or \$0.75. Mr. Garcia said it would be clearly stated on the vote, and it cannot go higher than the \$0.25 mark because of the cap. Commissioner Olga H. Maldonado said it clearly states on the resolution that there is a cap. Commissioner John Hernandez added that it would not take long for the rate to go higher as they can start at \$0.04 - \$0.05 and go up.

Commissioner John E. Betancourt asked if the larger cities of Harlingen and Brownsville had signed off on this resolution. Mr. Garcia said every city had passed the resolution to look at the possibility of allowing the voters to have a referendum on this issue – to give the voters a chance to make the vote. San Benito was the first, then Harlingen, Port Isabel, and South Padre Island have passed the resolution and Brownsville passed it last week. Rio Hondo was supposed to have one today but it was not on the agenda and will do so in a couple of weeks.

Mayor Pro Tem Lozano asked if the Commissioners had any other questions to ask, and no one had any more questions. Mayor Pro Tem Lozano thanked Mr. Garcia for his time and presence. Since there were no comments from the public Mayor Pro Tem Lozano declared the public hearing closed at 6:50 P.M.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION OF THE CITY OF LA FERIA JOINING CAMERON COUNTY AND OTHER CITIES AND TOWNS THROUGHOUT CAMERON COUNTY EXPRESSING SUPPORT FOR THE BILLS FILED OR TO BE FILED IN THE 84th TEXAS LEGISLATURE BY SENATOR EDDIE LUCIO, JR., REPRESENTATIVE RENE OLIVEIRA, AND REPRESENTATIVE EDDIE LUCIO III TO ALLOW THE VOTERS OF CAMERON COUNTY TO DECIDE ON THE CREATION OF A HOSPITAL OR HEALTHCARE DISTRICT WHICH TAX RATE WOULD BE CAPPED AT AN ABSOLUTE MAXIMUM OF \$0.25 PER \$100 VALUATION

Commissioner John E. Betancourt 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 Commission. City Attorney Mr. Richard S. Talbert read the caption of Resolution 2015-04. After reading of the caption, Commissioner Guevara, Jr. moved to approve Resolution 2015-04 approving the City of La Feria joining Cameron County and other cities and towns throughout Cameron County expressing support for the bills filed or to be filed in the 84th Texas Legislature by Senator Eddie Lucio, Jr. Representative Rene Oliveira, and Representative Eddie Lucio III to allow the voters of Cameron County to decide on the creation of a hospital or healthcare district which tax rate would be capped at an absolute maximum of \$0.25 per \$100 valuation. Commissioner John E. Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION OF THE CITY OF LA FERIA, TEXAS, DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG) – TEXAS CAPITAL FUND (TCF) INFRASTRUCTURE DEVELOPMENT PROGRAM IN SUPPORT OF CARDENAS BMW

City Manager Mr. Sunny K. Philip explained that the City Commission had a copy of the notification from the Department of Agriculture and as reported earlier the State has approved the City's application for funding. Approval of a resolution which acknowledges the application and designates certain city employees to sign the documents is a requirement by the State. Commissioner John E. Betancourt 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 Commission. City Attorney Mr. Richard S. Talbert read the caption of Resolution 2015-05. After reading of the caption, Commissioner John E. Betancourt moved to approve Resolution 2015-05 approving designated authorized signatories for contractual documents and documents for requesting funds pertaining to the Texas Community Development Block Grant (TxCDBG) – Texas Capital Fund (TCF) Infrastructure Development Program in support of Cardenas BMW. 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 A REQUEST FOR A SPECIFIC USE PERMIT BY MEDIA CHOICE, LLC FOR THE PLACEMENT OF A CHANGING VARIABLE ELECTRONIC MESSAGING (CVEM) SIGN WITHIN THE CITY LIMITS OF THE CITY OF LA FERIA IN ACCORDANCE WITH CITY OF LA FERIA ORDINANCE 2015-01 AND AUTHORIZING THE MAYOR TO EXECUTE THE ORDER

City Manager Mr. Sunny K. Philip explained that this item would need to be tabled because of some discrepancy in the name on the documents, and that it will require a new public hearing with related notice identifying the same partnership on both the application and the lease for the Specific Use Permit. Commissioner John E. Betancourt moved to table this item. Commissioner Olga H. Maldonado seconded the motion, and the motion carried by unanimous vote of the City Commissioners present.

MONTHLY FINANCIAL REPORTS FOR THE MONTH OF MARCH 2015

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

Finance Director Ms. Maria Chavero reviewed the financial reports for the month of March 2015 with the City Commission. Ms. Chavero reviewed the Budget vs. Actual Report reviewing the monthly and the year-to-date figures for the month. She then reviewed the City Investment Report, the Current Year Tax Collection Report, the Delinquent Tax Collection Report, the Court Fines Collection Report and the City Sales and Use Tax Comparison Report. After review and all questions answered, Mayor Pro Tem Esmeralda Lozano announced that the reports would be 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 REGARDING LITIGATION, CAUSE 2014-DCL-07265, CONSUELO DE LA ROSA, LEONARDO MARTINEX, 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 6:59 P.M. After executive session deliberations, Mayor Pro Tem Lozano declared the meeting back in open session at 7:31 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.

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 on the following:

- Drainage Improvements – Viewing the project map on the screen, Mr. Philip pointed out the various components of the drainage improvement project. Two components are complete, pending closeout documentation. Two other components are near

completion and another is under construction. The final component is under procurement. Contractors are doing a good job and overall the projects are progressing well.

- Water and Wastewater Systems Improvements –TCEQ has approved the purchase for the UV system. This state-of-the art system will reduce chemical usage at the plant and also provide Contact Time Credits. TCEQ has issued an exemption, and the City will request sole source procurement from TWDB.
- The Safe Rooms – The contractor has completed the shotcrete in the ceiling and passed the inspections. The shotcrete at the second dome is almost complete. The general contractor is working on completing the flooring, door and windows. Both projects are expected to be completed on schedule.

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

There was no action needed on this item.

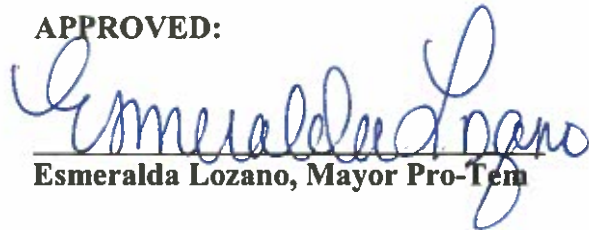
ACTION FOR ADJOURNMENT

There being no further business to conduct, Commissioner John E. Betancourt 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 8:10 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 4:30 P.M. on May 8, 2015 as official record.


 Florence Reichle, Administrative Assistant

CITY COMMISSION REGULAR MEETING
AT THE
CITY COMMISSION MEETING ROOM
TUESDAY, APRIL 28, 2015, AT 6:30 PM

WELCOME
PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1	<i>Robert Lee</i>		
2	<i>Randy Winston</i>	<i>611 Int. Blvd. Waco</i>	<i>968-2194</i>
3	<i>David Garcia</i>	<i>Cameron County</i>	<i>956-545-6112</i>
4	<i>Agustino</i>	<i>La Feria News</i>	<i>news@laferianews.net</i>
5	<i>Alfonso A. Gonzalez, P.E.</i>	<i>611 Int. Blvd. Waco TX.</i>	<i>968-2194</i>
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