

**MINUTES OF PROCEEDINGS
CITY COMMISSION
Tuesday, June 10, 2014**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, June 10, 2014, 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
Mr. Julian Guevara, Jr.	City Commissioner
Ms. Olga H. Maldonado	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. Kin Mendoza	Assistant 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 6:30 P.M., Mayor Victor Gonzalez, Jr. asked Commissioner Olga H. Maldonado to give the invocation. After the invocation, Mayor Victor Gonzalez, Jr. 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.

WORKSHOP FOR THE PURPOSE OF REVIEWING AND DISCUSSING THE ITEMS OF BUSINESS CONSIDERED AND ADOPTED DURING THE PREVIOUS CITY COMMISSION MEETINGS OF APRIL 8, 2014 AND MAY 13, 2014

City Manager Mr. Sunny K. Philip reviewed a Power Point presentation with the City Commission explaining the various items of the previous City Commission meetings of April 8, 2014 and May 13, 2014. Following the presentation there was a brief discussion and a few questions answered. There was no action needed on this item.

REVIEW AND TAKE ACTION TO APPROVE THE MINUTES OF PROCEEDINGS OF THE REGULAR MEETING OF THE CITY COMMISSION HELD ON TUESDAY, APRIL 8, 2014

Mayor Victor Gonzalez, Jr. stated that for the record the workshop was held due to the fact that three commissioners were elected after these two meetings were held. After review of the minutes, Commissioner Esmeralda Lozano moved to approve the minutes of proceedings of the regular meeting of the City Commission held on Tuesday, April 8, 2014. Commissioner Julian Guevara, Jr. 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 REGULAR MEETING OF THE CITY COMMISSION HELD ON TUESDAY, MAY 13, 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, May 13, 2014. Commissioner Olga H. Maldonado 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 REGULAR MEETING OF THE CITY COMMISSION HELD ON TUESDAY, MAY 27, 2014

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, May 27, 2014. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

REVIEW PROJECT DETAILS AND BID TABULATION FOR UNIT 2 DRAINAGE IMPROVEMENTS – NORTH TÍO CANO AREA TO SANTA ROSA AND CONSIDER AWARD OF CONTRACT TO THE LOWEST MOST QUALIFIED AND RESPONSIBLE BIDDER

City Manager Mr. Sunny K. Philip explained that this project deals with the City of Santa Rosa. The City received eight bids as follows:

<u>Company</u>	<u>Amount Bid</u>
Rojas Heavy Equipment, LLC dba Rojas Construction & Paving, LLC 240 Frontage Rd. Alamo, TX 78516 Phone: 956-787-8778	\$200,001.82
Mor-Wil, LLC 808 S. Shary Rd. Mission, TX 78575	\$209,581.30
RDH Site & Concrete 1201 E. Moore Rd. #89 Pharr, TX 78577 Phone: 956-502-5426	\$239,239.36

GP7 Construction, Inc. \$280,919.75
 304 Palo Verde
 Brownsville, TX 78521
 Phone: 956-789-7784

Saenz Brothers Construction, LLC \$349,812.00
 3226 N. Victoria Rd.
 Donna, TX 78537
 Phone: 956-464-3400

Clore Construction, LLC \$360,475.18
 21220 FM 1420
 Harlingen, TX 78550
 Phone: 956-748-4713

Jimmy Closner & Sons Construction Co., Inc. \$369,358.00
 P.O. Box 170
 Mercedes, TX 78570
 Phone: 956-565-2688

IOC Company, LLC \$373,639.75
 P.O. Box 4737
 Edinburg, TX 78540
 Phone: 956-380-2897

Mr. Philip explained that there was a discrepancy in the letter from the engineer in the amount of the low bid, and that it should be \$200,001.82 as shown in the bidder's proposal which was distributed to the Commission, instead of the \$185,745.82 shown in the letter. Commissioner Esmeralda Lozano inquired if the City had received written recommendation from the engineer, and Mr. Philip responded that he had spoken with Mr. Winston and that he was recommending Rojas Construction & Paving and would be submitting his written recommendation soon. Mr. Philip also said that the City would do its due diligence in making sure that the contractor provides a payment bond and a performance bond, and if they are not satisfactory, he would bring this item back before the Commission for their re-consideration. Commissioner Julian Guevara, Jr. moved to award contract to the lowest most qualified and responsible bidder Rojas Construction & Paving in the amount of \$200,001.82. Commissioner Esmeralda Lozano seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION OF THE CITY OF LA FERIA AUTHORIZING THE SUBMISSION OF A REQUEST FOR APPROVAL FROM THE TEXAS DIVISION OF EMERGENCY MANAGEMENT (TDEM) AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR REDUCTION OF THE TWENTY-FIVE PERCENT (25%) RETAINAGE REQUIREMENT TO FIVE PERCENT (5%) RETAINAGE FOR PAYMENT REIMBURSEMENT REQUEST TO THE CITY OF LA FERIA FOR THE PANCHO MAPLES FEMA SAFE ROOM PROJECT AND THE

**SOUTH MAIN FEMA SAFE ROOM PROJECT DUE TO THE ADVANCED
PROGRESS STATUS OF BOTH DOME PROJECTS**

City Manager Mr. Sunny K. Philip explained the retainage requirement on the dome projects and how the City would need to submit a resolution requesting a waiver of the 25% retainage and asking that the retainage be reduced to 5%. Since the grant is 75% with a 25% City match, an additional 25% retainage would create a hardship for the City. Commissioner Olga H. Maldonado moved to read the resolution 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 Resolution 2014-14. After reading of the caption, City Commissioner John Betancourt moved to approve Resolution 2014-14 authorizing the submission of a request for approval from the Texas Division of Emergency Management (TDEM) and the Federal Emergency Management Agency (FEMA) for reduction of the twenty-five percent (25%) retainage requirement to five percent (5%) retainage for payment reimbursement request to the City of La Feria for the Pancho Maples FEMA Safe Room Project and the South Main FEMA Safe Room Project due to the advanced progress status of both dome projects. 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
(LFIDC)/LA FERIA ECONOMIC DEVELOPMENT CORPORATION
(LFEDC)/CITY OF LA FERIA; AND SECTION 551.087 TO DISCUSS
ECONOMIC DEVELOPMENT NEGOTIATIONS**

There was no action needed on this item.

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

There was no action needed on this item.

**REVIEW, DISCUSS, AND CONSIDER AND TAKE ACTION TO APPROVE
MUTUAL RESCINDMENT OF THE CONTRACT AWARD FOR VISION
CONSTRUCTION COMPANY, INC. FOR THE CITY OF LA FERIA STATION
EXPANSION AND FIRE SUBSTATION PROJECT**

City Attorney Mr. Richard S. Talbert announced that City Manager Mr. Sunny K. Philip would like to meet in Executive Session for Consultation with the City Attorney in regards to this item. Commissioner Julian Guevara, Jr. moved to go into Executive Session under Section 551.071 Consultation with the City Attorney. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission. Mayor Victor Gonzalez, Jr. declared the meeting in Executive Session at 7:51 P.M. After Executive Session deliberations, Mayor Victor Gonzalez, Jr. declared the meeting back in open session at 8:08 P.M.

Commissioner Olga H. Maldonado moved to allow the City Manager to proceed as discussed in 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 Improvement Project**
- **Water and Wastewater Systems Improvements Project**
- **Status of Dome Construction Project**
- **EDA Grant for Technology and Success Center**
- **Unger Park Improvement Project**
- **Trail Improvement Project**
- **Library Grand Opening – Date: June 20, 2014 at 10:00 A.M.**
- **Home Program Construction for James Oates**

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

- The drainage project was already reviewed in the previous items.
- Water and Wastewater System Improvements – Cornet Construction is moving along okay.
- Dome Construction was already discussed in previous items.
- EDA Grant for Technology and Success Center – This was also discussed in previous items.
- Unger Park – The plan was presented during the workshop. There is no activity yet.
- Trail Improvement Project – A map was included in the report presented in the workshop.
- Library Grand Opening is on June 20, 2014 at 10:00 A.M. and staff is working on the event.
- Home Program Construction for James Oates – Mr. Philip presented a Power Point presentation regarding Mr. James Oates home constructed under the City's Home Program. He said there had been some discussion about Mr. Oates home at previous meetings and some discussion by Mr. Oates regarding his home, and this item was placed on the agenda so that the Commission would be aware of the program. Mr. Philip said the City has taken care of some of the issues that Mr. Oates brought to the City's attention, and some of those issues were genuine issues that needed to be taken care of. He said the City and the Home Program have their limitations as to what can be done and as confirmed by TDHCA's inspection, with the exception of the slope, the home meets minimum accessibility requirements. Mr. Philip thanked Assistant Finance Director Ms. Kin Mendoza who handled the program.

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

There was no action needed on this item.

PUBLIC COMMENTS

Mayor Victor Gonzalez, Jr. declared the public comments session open and acknowledged Mrs. Delores Fuller who spoke regarding the Police Department, the Municipal Court Judge and changing the Comment period time. No one else signed up to speak before the City Commission, so Mayor Gonzalez declared the public comment session closed.


ACTION FOR ADJOURNMENT

There being no further business to conduct, Commissioner John Hernandez moved to adjourn the meeting. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

ADJOURNMENT

Mayor Victor Gonzalez, Jr. adjourned the meeting at 8:29 P.M.

APPROVED:



Victor Gonzalez, Jr., Mayor

ATTEST:



Olga Oberwetter, City Secretary

These minutes were prepared and filed with the City of La Feria at 11:30 P.M. on June 21, 2014, as official record.



Olga Oberwetter, City Secretary

CITY COMMISSION REGULAR MEETING
AT THE
CITY COMMISSION MEETING ROOM
TUESDAY, JUNE 10, 2014, AT 6:30 PM

WELCOME
PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1	Deborah Fuller	1000 S. Chelo Dr	990-1862
2	Robert		
3	Sylvia Towne	405 W. Chelo Dr.	956-797-2415
4	Betty J O'Dunlap	PO Box 995	791-2272 / 797-2501
5	Mitch Adz	200 Bearfield Ln	264-4083
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