

**MINUTES OF PROCEEDINGS
CITY COMMISSION
Tuesday, September 23, 2014**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, September 23, 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
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
Ms. Olga Oberwetter	City Secretary
Mr. Alfonso Gonzalez	Sigler, Winston, Greenwood, & Associates

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 John Betancourt 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.

PUBLIC COMMENTS

Mayor Victor Gonzalez, Jr. declared the public comments session open and acknowledged Mrs. Delores Fuller. Mrs. Fuller spoke in regards to the sign that she had placed in front of her home and defended her right to have the sign under her freedom of speech granted by the U.S. Constitution. Mrs. Fuller also spoke of getting information about the number of warrants issued and how much money is received from the warrants. Her next concern was about the overgrown tree limbs and the damage that they do when they break off. She said she believed that the City should have an ordinance to protect

renters from slumlords. Mayor Gonzalez thanked Mrs. Fuller for her comments. No one else signed up to speak before the City Commission, so Mayor Gonzalez 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, SEPTEMBER 9, 2014

Commissioner Olga H. Maldonado asked for clarification from Mr. Talbert about the section in the minutes that read as follows, "Commissioner Maldonado asked if she could make a motion that she did not want to approve the budget but would approve it with stipulations. City Attorney Mr. Richard S. Talbert said she could not make a negative motion, she either approved it or not." Commissioner Maldonado asked how he knew that she was going to make a negative comment if he did not allow her to say anything. Mr. Talbert said that his recollection was that she was discussing making a motion with a negative condition. Commissioner Maldonado said she never said "negative" that Mr. Talbert was the one who said "negative" and that for the record what she meant to say was that she did approve the budget, but she wanted the subject of the Police Department pay issue brought back to see what could be done for the officers. Mr. Talbert said he understood it to be a negative motion, but that that is why he had also pointed out that the Commission has the opportunity to amend the budget at any time during the year. After the discussion, Commissioner John Hernandez moved to approve the minutes of proceedings of the regular meeting of the City Commission held on Tuesday, September 9, 2014. 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 RESOLUTION OF THE CITY OF LA FERIA, TEXAS, APPROVING THE TAX ROLL FOR THE CITY OF LA FERIA, AND AUTHORIZING THE TAX ASSESSOR/ COLLECTOR TO IMPLEMENT AND BEGIN THE COLLECTION OF TAXES FOR TAX YEAR 2014

City Manager Mr. Sunny K. Philip explained that the approval of this resolution is needed for the Cameron County Tax Assessor/Collector to proceed with sending out the tax notices and begin collecting the taxes. Commissioner John Hernandez 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 2014-23. After reading of the caption, Commissioner John Hernandez moved to approve Resolution 2014-23 approving the tax roll for the City of La Feria, and authorizing the Cameron County Tax Assessor/Collector to implement and begin the collection of taxes for the Tax Year 2014. Commissioner Olga H. Maldonado 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 DIRECTING THE CITY'S PLANNING DEPARTMENT TO PREPARE SERVICE PLANS FOR ONE AREA BEING CONSIDERED AND EVALUATED FOR POSSIBLE ANNEXATION TO THE CITY OF LA FERIA; 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; AND AUTHORIZING THE CITY MANAGER TO SCHEDULE ALL PUBLIC HEARINGS AND COMPLETE ALL PUBLIC NOTICES RELATED TO RECOMMENDED ANNEXATIONS

City Manager Mr. Sunny K. Philip explained that it is the practice of the City to review and consider an area to be annexed and for the City Commission to approve a resolution directing the City's Planning Department to prepare Service Plans and Development Agreements. He said the area being considered is South of Highway 281 and on the east side of Santa Maria. Mr. Philip said that the City has annexed all the way down to the river, and it has made a commitment to build a fire station to provide fire protection to the area. He said there is a school district there and some residences. He added that this is an area where the City can grow and have a business relationship with the country of Mexico. Mr. Philip explained that the property owners who use their property for agricultural purposes would be offered a Development Agreement. Under the Development Agreement the property owner would not pay City taxes as long as his property remains classified as agricultural use. Once the owner decides to develop the property, it would then be annexed into the city limits. Mr. Philip also explained the timeline provided to the Commission regarding the public hearings necessary to carry out the annexation and the need for a special City Commission meeting to be held on October 27, 2014 in order to conduct one of the public hearings, and the other public hearing will be held during the regular City Commission meeting of October 28, 2014. Mr. Philip commented that the survival of the city is through annexation. Commissioner Esmeralda Lozano asked for a copy of the Development Agreement and that was provided to all along with a copy of the Service Plan. After a few minutes for review of the documents and continued discussion, 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 2014-24. After reading of the caption, Commissioner John Hernandez moved to approve Resolution 2014-24 directing the City's Planning Department to prepare Service Plans for one area being considered and evaluated for possible annexation to the City of La Feria; 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; and authorizing the City Manager to schedule all public hearings and complete all public notices related to recommended annexations. Commissioner John Betancourt seconded the motion, and the motion carried by unanimous vote of the City Commission.

REVIEW BID TABULATION FOR BIDS RECEIVED FOR UNIT 3C EVANS/WILSON CANAL CROSSING AND CONSIDER AND TAKE ACTION TO AWARD CONTRACT TO THE LOWEST, MOST QUALIFIED AND RESPONSIBLE BIDDER

City Manager Mr. Sunny K. Philip reviewed the area for this section of the drainage project. Mr. Philip said that the funding is from the HMGP Program in the amount of \$1.8 million and the remainder from the Disaster Recovery Program from the General Land Office (GLO). The plans for the project were submitted to both agencies and they

have reviewed and approved them. Mr. Philip said there were four bids received and they were as follows.

<u>Company</u>	<u>Bid Amount</u>
Mor Wil, LLC 808 S. Shary Road Mission, TX 78572 (956) 551-2055	\$1,082,560.14
Clore Construction Co. 21220 FM 1420 Harlingen, TX 78550 (956) 748-4713	\$1,232,862.72
Reim Construction, Inc. 9612 N. Stewart Rd. Mission, TX 78573 (956) 580-2675	\$1,306,042.50
Foremost Paving P.O. Box 29 Weslaco, TX 78599 (956) 316-8900	\$1,688,795.00

The low bidder was Mor Wil, LLC and Alfonso Gonzales from Sigler, Winston, Greenwood and Associates reviewed and checked the references and everything checked out good. Commissioner John Betancourt inquired about Mor Wil's last job. Mr. Philip said they are currently doing a very large job in Brownsville, and that they have a licensed engineer on staff. The City engineer's and staff's recommendation was to award contract to the low bidder Mor Wil, LLC. Commissioner Olga H. Maldonado moved to award contract to the lowest, most qualified and responsible bidder Mor Wil, LLC of Mission, Texas in the amount of \$1,082,560.14. Commissioner Esmeralda Lozano seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDER AND TAKE ACTION TO APPROVE CONTRACT BETWEEN THE CITY OF LA FERIA AND CAMERON COUNTY EMERGENCY SERVICES DISTRICT NO. 1 FOR FIREFIGHTING SERVICES TO UNINCORPORATED AREAS OF CAMERON COUNTY

City Manager Mr. Sunny K. Philip explained that this contract is based on the number of calls made the previous year and this year's compensation is \$202,044.75 as noted on page 2 of the contract. Commissioner Esmeralda Lozano said that the contract still had Steve Brewer as the Mayor, and she wondered if the item needed to be tabled to get the contract corrected. City Attorney Mr. Richard S. Talbert said the contract could be "X'ed out" or "whited out." City Secretary Ms. Olga Oberwetter said she had already "whited out" the original contract and had notified the County of the correction. The contract that will be signed will have the correct name of Mayor Victor Gonzalez, Jr. Commissioner John Hernandez moved to approve the contract between the City of La FERIA and

Cameron County Emergency Services District No. 1 for firefighting services to unincorporated areas of Cameron County. Commissioner Olga H. Maldonado seconded the motion, and the motion carried by unanimous vote of the City Commission.

MONTHLY FINANCIAL REPORTS FOR THE MONTH OF AUGUST 2014

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

Finance Director Ms. Maria Chavero reviewed the financial reports for the month of August 2014 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. Commissioner John Betancourt inquired about the spike in the unidentified water on Page 17 of the report. City Manager Mr. Sunny K. Philip responded that the spike has to do with the City's construction activities taking place. He said there are miles of lines being installed and a lot of flushing of the lines taking place. Commissioner Esmeralda Lozano asked if there would be an opportunity to explain the changes shown on the graphs with a one liner or two line explanation. Ms. Chavero said that she could provide an executive summary of the changes. After review and all questions answered, Mayor Victor Gonzalez, Jr. 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 551.07L CONSULTATION WITH CITY ATTORNEY ON POSSIBLE LITIGATION; 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 Victor Gonzalez, Jr. declared the meeting in executive session at 8:00 P.M. After executive session deliberations, Mayor Victor Gonzalez, Jr. declared the meeting back in open session at 8:50 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 the following:

- The drainage project on Kansas City Road has been delayed because of the rainy weather.
- The contractor working on Rabb Road is taking longer than expected. Staff will meet with them tomorrow to make sure that they keep moving forward.
- Water and Wastewater System – The AC line project has started and water shut downs are being done at night to minimize the impact on the public.
- The state is reviewing the work to be done on the east side and the south side. It has been hard on the engineers. All the bids are coming in under the estimates.
- The Dome Project – The perimeter of the dome has been poured and the block will be delivered for the Pancho Maples dome this week. The block has holes in it, and all the holes will be filled with concrete. And every 24 inches they will pour another solid block of concrete.

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

There was no action needed on this item

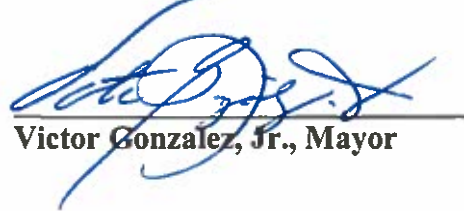
ACTION FOR ADJOURNMENT

There being no further business to conduct, Commissioner 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 Commission.

ADJOURNMENT

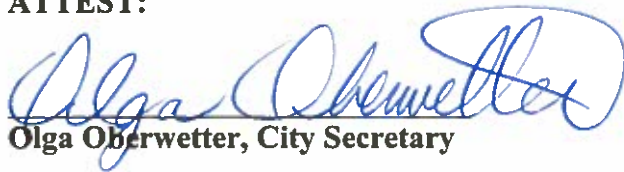
Mayor Victor Gonzalez, Jr. adjourned the meeting at 8:55 P.M.

APPROVED:



Victor Gonzalez, Jr., Mayor

ATTEST:



Olga Oberwetter, City Secretary

These minutes were prepared and filed with the City of La Feria at 8:35 A.M. on October 13, 2014, as official record.



Olga Oberwetter, City Secretary

CITY COMMISSION REGULAR MEETING
AT THE
CITY COMMISSION MEETING ROOM
TUESDAY, SEPTEMBER 23, 2014, AT 6:30 PM

WELCOME
PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
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