

**MINUTES OF PROCEEDINGS
CITY COMMISSION
Tuesday, May 26, 2015**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, May 26, 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 6:31 P.M., Mayor Pro Tem Esmeralda Lozano asked Commissioner John Betancourt to give the invocation. After the invocation, Mayor Pro Tem Esmeralda 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. No one signed up to speak before the 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, MAY 12, 2015

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 12, 2015. Commissioner Olga H. Maldonado seconded the motion, and the motion carried by unanimous vote of the City Commission present.

**REVIEW BID TABULATION AND CONSIDER AND TAKE ACTION TO
AWARD CONTRACT TO THE LOWEST MOST QUALIFIED AND
RESPONSIBLE BIDDER FOR THE UNGER PARK PROJECT**

City Manager Mr. Sunny K. Philip explained that as required by State law the City advertised for bids for the Unger Park Project and received six bids. Mr. Philip added that a copy of the bid tabulation, as well as copies of all bids received were provided to the City Commission in their packets. He said the City schedules a pre-bid meeting so that all the contractors can come and ask questions about the project. Mr. Philip said that the low bid was from Northridge Designs, and Eliud Garcia, owner of the company, was present to answer any questions. The next low bid was from Rivmor General Contractors, LLC. The six bids received were as follows:

<u>Company</u>	<u>Base Bid</u>
Northridge Designs, LLC 119 W. Van Buren, Ste. 103 Harlingen, TX 78550 Phone: (956) 536-1471	\$242,465.84
Rivmor General Contractors, LLC 611 N. McColl Rd., Ste. B McAllen, TX 78501 Phone: (956) 638-0661	\$328,000.00
HCM – Holchemont, LTD 900 N. Main St. McAllen, Texas 78501 Phone: (956) 686-2901	\$363,000.00
Pietra Construction, LLC 18703 Starbuck Road, Ste. 3 Harlingen, Texas 78552 (956) 412-1081	\$369,000.00
Alpha Building Corporation 222 E. Van Buren, Ste. 503 Harlingen, Texas 78550 Phone: (956) 622-3242	\$381,250.00
Rigney Construction & Dev., LLC 7011 N. Seminary Rd. Edinburg, TX 78541 Phone: (956) 638-6421	\$420,000.00

Mr. Philip explained that staff asked the Architect Mr. John Percy to compare the bids with his estimate of the project and to talk to the contractor as to how they can complete the project. Mr. Philip asked Mr. Percy to report on his reference calls. Mr. Percy reported that the first reference call he made was to his partner Meg Jorn of Megamorphosis who had worked with Northridge Designs and she had good remarks about their work. The other person Mr. Percy contacted was Mr. Danny Villarreal who used to be a principal in an architectural firm and now works for Cameron County in construction projects, and he indicated that they are a good firm and that he felt that they could do a good job on Unger Park. Commissioner Julian Guevara, Jr. inquired if they have ever worked on a park project. Mr. Percy responded that they had received a qualification statement and while there were no parks listed, there were other similar size projects completed. Mr. Philip asked Mr. Percy as to the difficulty to construct a park. Mr. Percy responded that it is not difficult at all. Mayor Pro Tem Esmeralda Lozano asked for a description of the project. Mr. Percy described the theme of the park as an Orange. The park design was shown on the screen, and Mr. John Percy reviewed all the components of the park and indicated the placement of the components on the screen.

City Manager Mr. Sunny K. Philip said funding for the park is through the Texas Parks and Wildlife Department and the remainder is from the City of La Feria. Mr. Percy said one of the comments during the review of the plan by the Texas Parks and Wildlife Department was their concern for lighting for safety of the park, so solar lights were included. Mr. Philip said that the City worked with AEP and they moved all the lines to the middle of the park at no cost to the City and the City's goal was to install security lights on the poles. So in addition to the solar lights, the park will have the AEP lights.

Mayor Pro Tem Esmeralda Lozano asked how the City decides what contractor gets the bid; whether there is a scoring sheet, lowest price or what? Mr. Percy said it is the lowest responsible bidder. Mr. Philip added that when the City advertises it advertises as the lowest responsible bidder and that the bottom line is the dollar amount. Mr. Philip said that he has known Eliud Garcia for some time and that he has the business background to manage such a project, and he is comfortable with the work that Mr. Garcia proposed. Mr. Philip called attention to the fact that the advertisement for bids also gives the option to the bidder to provide a bid bond issued by a bonding company or a cashier's check for 5% in lieu of a bond. Mr. Philip explained that after the City Commission approves the bid, the architect will prepare the contract, the contractor will need to get the insurance from the bonding company and submit to the City and the City will make sure that it is in the approved Treasury List.

Mayor Pro Tem Esmeralda Lozano inquired of Mr. Garcia how many people were on his team? Mr. Garcia said he has four employees and the rest of the people are contract labor or subcontractors. Mr. Garcia introduced himself as Eliud Garcia originally from Harlingen, but that he went off to school and did his undergraduate work at the University of North Texas and Mary Hardin Baylor and his graduate work at the University of North Texas in Public Administration. Mr. Garcia said that he met Mr. Philip years ago when Mr. Garcia was the Assistant City Manager for the City of San Benito and then interim City Manager also for San Benito. Prior to working for the City of San Benito, Mr. Garcia was the City Planner and Re-development Specialist for the City of Harlingen. He said he has also done work for the city of Denton, Lewisville, and

Carrollton. Mr. Garcia also said he and his sister have a Toshiba Dealership since 2001 and in 2006 he started Northridge Designs doing primarily commercial construction in the area. Mr. Garcia said he had completed 25 to 27 homes for the General Land Office (GLO) and everything was finished on time, as well as a 18,000 square foot dormitory for Valley Baptist Educational Center, as well as putting in playground equipment.

Commissioner Julian Guevara, Jr. inquired about bathrooms at the park, and Mr. Philip responded that it was not in the plans due to the amount of funding available for the park.

Commissioner John Betancourt said he was concerned that the number of days for completion of Unger Park was too few and Mr. Garcia said that he thought that 80 days were too many days.

Mayor Pro Tem Esmeralda Lozano suggested tabling this item due to the fact that she was not comfortable making this decision without having her questions answered and that she would prefer a workshop at the next meeting to discuss the bidding and procurement process. Mr. Philip said that Northridge Designs had submitted all necessary documents and that the City could not skip them and go to the next highest bidder without having good reason. Mr. Philip said that the Texas Roadhouse had selected Northridge Designs to build one of their chain stores and that spoke to the integrity of the contractor. Mr. Philip also referred to Mr. Garcia's experience building 27 homes for the GLO and how strict they are with construction of their houses.

After much more discussion, Commissioner John Betancourt moved to award the contract to the low bidder Northridge Designs, LLC in the amount of \$242,465.84. Commissioner John Hernandez seconded the motion, and the motion failed by a vote of 3 to 2. Commissioner Julian Guevara, Jr. and Commissioner Olga H. Maldonado voted against awarding the contract to the low bidder creating a tie in which case Mayor Pro Tem Esmeralda Lozano could cast a vote and she voted against awarding the contract to the low bidder citing the need for a workshop in the City's procurement process. Commissioner Julian Guevara, Jr. then moved to table this item. Commissioner Olga H. Maldonado seconded the motion, and the motion carried by a vote of 3 to 2. Commissioner John Betancourt and Commissioner John Hernandez voted against tabling the item creating a tie in which case Mayor Pro Tem Esmeralda Lozano could cast a vote and she voted to table the item.

PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC REGARDING A REQUEST FOR THE REPLAT OF LOT 5, BLOCK 2, LOBITAS ESTATES SUBDIVISION AND A 0.50 ACRE TRACT OF LAND OUT OF A 46.46 ACRE TRACT OF THE EAST ½ OF BLOCK 1, E.E. EVANS SUBDIVISION, LA FERIA, CAMERON COUNTY, TX.

City Manager Mr. Sunny K. Philip said that the Planning and Zoning Commission met earlier today and they have approved the plat and are recommending approval. Mayor Pro Tem Esmeralda Lozano declared the public hearing open at 7:29 P.M. There were no comments, so Mayor Pro Tem Lozano declared the public hearing closed at 7:29 P.M.

CONSIDER AND TAKE ACTION ON THE APPROVAL OF THE REPLAT OF LOT 5, BLOCK 2, LOBITAS ESTATES SUBDIVISION AND A 0.50 ACRE

TRACT OF LAND OUT OF A 46.46 ACRE TRACT OF THE EAST ½ OF BLOCK 1, E.E. EVANS SUBDIVISION, LA FERIA, CAMERON COUNTY, TX.

City Manager Mr. Sunny K. Philip said that staff is recommending approval of the replat. Commissioner Julian Guevara, Jr. moved to approve the replat of Lot 5, Block 2, Lobitas Estates Subdivision and a 0.50 acre tract of land out of a 46.46 acre tract of the East ½ of Block 1, E.E. Evans Subdivision, La Feria, Cameron County, TX. Commissioner Olga H. Maldonado seconded the motion, and the motion carried by unanimous vote of the City Commission present.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY AN ORDINANCE OF THE CITY OF LA FERIA ANNEXING 9.710 ACRES OF PROPERTY INTO THE CITY LIMITS OF LA FERIA THROUGH VOLUNTARY ANNEXATION AS REQUESTED BY THE PROPERTY OWNER

City Manager Mr. Sunny K. Philip explained that there are various ways for annexation into the city limits, and one of them is for the property owner to request a voluntary annexation in writing. The Rio Grande Valley Shrine Club has submitted a request for annexation of 9.710 acres of property. Mr. Philip explained that the annexation will have no financial impact on the City because they are a nonprofit entity. A revised ordinance was distributed to the Commission. Commissioner John Betancourt 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 Commission present. City Attorney Mr. Richard S. Talbert read the caption of Ordinance 2015-05 annexing 9.710 acres of property into the city limits of La Feria through voluntary annexation as requested by the property owner. After reading of the caption, Commissioner John Betancourt moved to approve Ordinance 2015-05 annexing 9.710 acres of property into the city limits of La Feria through voluntary annexation as requested by the property owner; extending the boundaries and extraterritorial jurisdiction of the City of La Feria, Texas, so as to include said annexed area within the corporate limits of the City of La Feria, Texas; granting to said annexed area and all owners and inhabitants thereof all the rights and privileges accorded to other citizens of the city of La Feria, Texas by virtue of such annexation; binding said areas and all owners and inhabitants thereof to all the acts, ordinances, and other rules of the City of La Feria, Texas, by virtue of such annexation, and establishing an effective date. Commissioner Olga H. Maldonado seconded the motion, and the motion carried by unanimous vote of the City Commission present.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION ELECTING A MAYOR PRO-TEMPORE OF THE CITY OF LA FERIA FOR 2015/2016

The City of La Feria's Home Rule Charter, Section 2.09 requires the City Commission to elect one member of the City Commission every year to serve as Mayor Pro Tempore to act in the Mayor's place and stead in the absence of the Mayor. Commissioner Julian Guevara, Jr. nominated Commissioner Esmeralda Lozano to continue to serve as Mayor Pro Tempore. Commissioner Olga H. Maldonado seconded the nomination. Nominations ceased. 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 Commission present. City Attorney Mr. Richard S. Talbert read the caption of Resolution 2015-06.

After reading of the caption, Commissioner Olga H. Maldonado moved to approve Resolution 2015-06 electing Commissioner Esmeralda Lozano as Mayor Pro Tempore Of the City of La Feria for 2015/2016. Commissioner Julian Guevara, Jr. seconded the motion, and the motion carried by unanimous vote of the City Commission present.

MONTHLY FINANCIAL REPORTS FOR THE MONTH OF APRIL 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 April 2015 with the City Commission. Ms. Chavero reviewed the Budget vs. Actual Report monthly and year-to-date figures. 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.

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 – At a previous meeting a drainage project was awarded to Balch Machines and staff was supposed to visit the site and call references, but due to the rainy weather visiting the site was not possible. Staff will be visiting the site in San Benito. Mr. Alfonso Gonzalez from Sigler Winston Greenwood reported on his reference calls and said the comments were all good for Balch Machines. The other projects, Foremost Company is waiting for some of the valves, and the Evans Canal Crossing is taking shape.
- Water and Wastewater Systems Improvements Project – The waterline replacement project is complete. The contractors are coming in the evening to hook up some of the lines so there will be some water shut downs. The Texas Water Development Board (TWDB) has cleared the sewer lines on FM 506, Kansas City Road and Beddoes Road and staff will be holding a preconstruction meeting and starting on that project soon. The water line project from the City to FM 2556 and Joett Road has also been cleared by the TWDB. The UV System has been ordered and the TWDB and the Department of Agriculture have approved the sole source procurement.
- The Safe Rooms – The contractors are working on the interior.

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

Commissioner Julian Guevara, Jr. moved to approve Mayor Victor Gonzalez, Jr.'s absence from this meeting. Commissioner Olga H. Maldonado seconded the motion, and the motion carried by unanimous vote of the City Commission 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 Commission present.

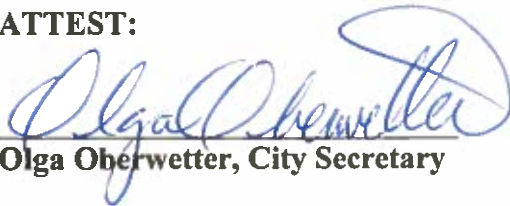
ADJOURNMENT

Mayor Pro Tem Esmeralda Lozano adjourned the meeting at 7:59 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 3:22 P.M. on June 17, 2015, as official record.


Olga Oberwetter, City Secretary



CITY COMMISSION REGULAR MEETING
AT THE
CITY COMMISSION MEETING ROOM
TUESDAY, MAY 26, 2015, AT 6:30 PM

WELCOME
PLEASE SIGN IN

	<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>HOME/WORK PHONE NO.</u>
1	Eliud Garcia	119 W. Van Buren Street #03	(956) 428-3454 EliudSGarcia@aol.com
2	RUBEN GONZALEZ	NORTHROBE DESIGN	956-739-2291
3	Carytanna	La Focia News	ncs@latricanews.net 956 968 2194
4	Alfonso A. Gonzalez	611 B. Summers Blvd.	alfonso@siglerwinstongreenwood.com
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