

**MINUTES OF PROCEEDINGS
CITY COMMISSION
Tuesday, April 26, 2016**

Be it known that the City of La Feria City Commission met in Regular Meeting on **Tuesday, April 26, 2016 at 6:30 PM** in the City Commission Meeting Room, 115 E. Commercial Avenue, La Feria, TX 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.

DETERMINE QUORUM PRESENT AND CALL MEETING TO ORDER - MAYOR

Mayor Gonzalez declared a quorum present and called the meeting to order.

Attendee Name	Title	Status	Arrived
John Betancourt	Commissioner Position 1	Absent	
John Hernandez	Commissioner Position 2	Absent	
Olga H. Maldonado	Commissioner Position 3	Present	
Julian Guevara Jr.	Commissioner Position 4	Present	
Esmeralda Lozano	Mayor Pro-Tem/Commissioner Position 5	Present	
Victor Gonzalez Jr.	Mayor	Present	

The following Staff members were present at said meeting:

Mr. Sunny K. Philip, City Manager
 Mr. Richard S. Talbert, City Attorney
 Ms. Paula Rodriguez, Planning and Community Development Director
 Ms. Kin Mendoza, Finance Director
 Ms. Esmeralda Sanchez, City Secretary

PUBLIC COMMENTS

Ms. Delores Fuller of 1000 Chelo Drive addressed the Commission. She asked the Commission to find out who told a person at the police station not to talk to her. When Ms. Fuller confronted the individual, she was told to "talk to the Chief." Ms. Fuller described a change in reaction towards her by her favorite cop and the dispatcher at the police station. She feels she was "stabbed in the heart" by these actions. She further stated she asked to "volunteer to clean the toilets" and had not heard back yet. She stated she is going to "do it" and see if she gets arrested, and will call the newspaper. Ms. Fuller will not bring drunk drivers to the Commission anymore, but will take them to the DA as advised by the Attorney General.

REVIEW AND TAKE ACTION TO APPROVE MINUTES OF PROCEEDINGS OF THE REGULAR MEETING OF THE CITY COMMISSION HELD ON TUESDAY, FEBRUARY 23, 2016.

The Commission reviewed and approved the minutes of the proceedings of the regular meeting of the City Commission held on Tuesday, February 23, 2016 as noted.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Esmeralda Lozano, Mayor Pro-Tem/Commissioner Position 5
SECONDER:	Olga H. Maldonado, Commissioner Position 3
AYES:	Maldonado, Guevara Jr., Lozano
ABSENT:	Betancourt, Hernandez

REVIEW AND TAKE ACTION TO APPROVE MINUTES OF PROCEEDINGS OF THE REGULAR MEETING OF THE CITY COMMISSION HELD ON TUESDAY, MARCH 8, 2016.

The Commission reviewed and approved the minutes of the proceedings of the regular meeting of the City Commission held on Tuesday, March 8, 2016 as noted.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Olga H. Maldonado, Commissioner Position 3
SECONDER:	Julian Guevara Jr., Commissioner Position 4
AYES:	Maldonado, Guevara Jr., Lozano
ABSENT:	Betancourt, Hernandez

REVIEW AND TAKE ACTION TO APPROVE MINUTES OF PROCEEDINGS OF THE REGULAR MEETING OF THE CITY COMMISSION HELD ON TUESDAY, MARCH 22, 2016.

A motion was made to table the minutes of the proceedings of the regular meeting of the City Commission held on Tuesday, March 22, 2016 as noted.

RESULT:	TABLED [UNANIMOUS]	Next: 5/10/2016 6:30 PM
MOVER:	Julian Guevara Jr., Commissioner Position 4	
SECONDER:	Olga H. Maldonado, Commissioner Position 3	
AYES:	Maldonado, Guevara Jr., Lozano	
ABSENT:	Betancourt, Hernandez	

CONSIDER AND TAKE ACTION TO APPROVE A RESOLUTION OF THE CITY OF LA FERIA, TEXAS FINDING THAT AEP TEXAS CENTRAL COMPANY'S APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

A copy of the resolution and supporting documentation from Lloyd Gosselink Attorneys at Law was included in the meeting packet for review. Mr. Philip explained that by taking this action the rate increase is suspended until legal counsel reached an agreement.

Following discussion, action was taken by the Commission as noted.

MOTION TO READ THE CAPTION OF RESOLUTION 2016-10

A motion was made to read the caption of Resolution 2016-10, seconded, and approved as noted.

Mr. Talbert proceeded to read the Caption of Resolution 2016-10.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Esmeralda Lozano, Mayor Pro-Tem/Commissioner Position 5
SECONDER:	Olga H. Maldonado, Commissioner Position 3
AYES:	Maldonado, Guevara Jr., Lozano
ABSENT:	Betancourt, Hernandez

MOTION TO APPROVE RESOLUTION 2016-10.

A motion was then made to approve Resolution 2016-10, seconded, and approved as noted.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julian Guevara Jr., Commissioner Position 4
SECONDER:	Olga H. Maldonado, Commissioner Position 3
AYES:	Maldonado, Guevara Jr., Lozano
ABSENT:	Betancourt, Hernandez

CONSIDER AND TAKE ACTION TO APPROVE A RESOLUTION TO CONFIRM THE PROFESSIONAL SERVICES CONTRACT AWARD FOR MANAGEMENT SERVICES FOR THE CITY OF LA FERIA HOME PROGRAM COMPETITIVE AWARD CONTRACT 2015-0098 AND RESERVATION SYSTEM PARTICIPANT AGREEMENT FOR THE HOME CONTRACT 2015-0009 FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA).

A copy of the resolution was included in the meeting packet for review. Mr. Philip explained the City's history of participating in the HOME program administered by the Texas Department of Housing and Community Development (TDHCA), funded by U.S. Housing and Urban Development (HUD). The City is currently participating under two contracts, one is a reservation system and the other is a competitive process. HUD provides guidelines for securing professional services for the HOME program which must be confirmed by the communities receiving funds. Resolution 2016-11 serves to confirm the actions taken by the City to award a contract for professional services to Langford Community Management Services to provide overall management of TDHCA contract 2015-0098 and 2015-0009.

Following discussion, action was taken by the Commission as noted.

MOTION TO READ THE CAPTION OF RESOLUTION 2016-11

A motion was made to read the caption of Resolution 2016-11, seconded, and approved as noted.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Esmeralda Lozano, Mayor Pro-Tem/Commissioner Position 5
SECONDER:	Olga H. Maldonado, Commissioner Position 3
AYES:	Maldonado, Guevara Jr., Lozano
ABSENT:	Betancourt, Hernandez

MOTION TO APPROVE RESOLUTION 2016-10.

A motion was then made to approve Resolution 2016-11, seconded, and approved as noted.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Esmeralda Lozano, Mayor Pro-Tem/Commissioner Position 5
SECONDER:	Julian Guevara Jr., Commissioner Position 4
AYES:	Maldonado, Guevara Jr., Lozano
ABSENT:	Betancourt, Hernandez

REVIEW TABULATION OF BIDS RECEIVED, CONSIDER, AND TAKE ACTION TO AWARD A CONTRACT FOR THE SANITARY SEWER IMPROVEMENTS TO WEST COLONIAS PHASE II TO THE LOWEST, RESPONSIVE, RESPONSIBLE, QUALIFIED BIDDER SUBJECT TO TEXAS WATER DEVELOPMENT BOARD APPROVAL.

A copy of each proposal received and the bid tabulation was included in the meeting packet. Mr. Philip discussed the elements of the project, including over 6,000 l.f of sanitary sewer line, one lift station, and sanitary sewer pressure main. The bid resulted in a high number of bidders submitting proposals. Sigler Winston Greenwood Engineering (SWG) has reviewed the documentation and in the bid documents there is language indicating the unit price is the basis of the bid tabulation. The bid tabulation identifies mathematical errors in yellow highlighting as corrected by SWG. The bid tabulation was reviewed. The amount bid by the low bidder is within the estimated budget of \$2,000,000 and additional items such as hook-up and SCADA improvements may be eligible for completion with the remaining funds.

Discussion then followed with Commissioner Maldonado raising concern over the \$96,000 mathematical error on the proposal submitted by Cornett Construction. Commissioner Lozano shared a lack of confidence in the contractor since the sealed bid proposal included errors and the possibility of such a lack of attention impacting construction. Mr. Philip and Mr. Talbert reviewed the procurement process with the Commission including the "sealed bid" process and use of the bid tabulation to correct such errors. Commissioner Maldonado questioned whether the City was bound to the incorrect amount in the proposal. Examples of errors in the bid tabulation by other contractors were also discussed followed by presentation of the bid specifications which define to the bidders that the unit price is ultimately what the construction amount will be based upon. Action taken by the Commission to award this contract to Cornett Construction is subject to approval by the Texas Water Development Board. These type of mathematical errors are not uncommon in the industry. In response to the possibility of rejecting the bids, Mr. Philip indicated that it is difficult to support a decision to bypass the low bidder and move to the next one due to a mathematical error. Mayor Gonzalez discussed the process indicating that the funding agency also reviews the numbers in the bid tabulation and will

address discrepancies with the City if necessary. If all bids are rejected and it goes out for rebid, the low bidder may have legal recourse if the specifications for the rebid are exactly the same as the current bid. There is not an apparent need to redesign the project therefore the bid specifications do not require changes. Cornett Construction has experience working with the City of La Feria for approximately 30 years with sewer and water projects. A concern over the inaccuracy of the submitted sealed bid proposals was discussed and disappointment by the Commission that a business would not be more careful with the numbers. Proper procurement processes were followed in securing this bid, there does not appear to be any bad intention on behalf of Cornett Construction, the process is fair and the engineers review the math which is what the funding agencies expect of us during the review process to clarify any issues before approval.

Following discussion, a motion was made with hesitation to award a contract to Cornett Construction for the Sanitary Sewer Improvements to the West Colonias Phase II project in the amount of \$1,885,628.16, subject to approval by the Texas Water Development Board, as noted.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Esmeralda Lozano, Mayor Pro-Tem/Commissioner Position 5
SECONDER:	Olga H. Maldonado, Commissioner Position 3
AYES:	Maldonado, Guevara Jr., Lozano
ABSENT:	Betancourt, Hernandez

REVIEW TABULATION OF BIDS RECEIVED, CONSIDER AND TAKE ACTION TO AWARD CONTRACT FOR FUEL SERVICE, GAS & DIESEL.

A copy of the sole bid proposal received and supporting documentation was included in the meeting packet. Goldstar is the current supplier and the rate of \$.0599 per gallon is what they are currently charging.

Following discussion, a motion was made to award a contract for fuel service, gas and diesel, to Goldstar Petroleum, Inc. At a cost of \$.0599 per gallon as noted.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Esmeralda Lozano, Mayor Pro-Tem/Commissioner Position 5
SECONDER:	Olga H. Maldonado, Commissioner Position 3
AYES:	Maldonado, Guevara Jr., Lozano
ABSENT:	Betancourt, Hernandez

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/LEASE/SALE/DONATION OF REAL ESTATE BY THE LA FERIA INDUSTRIAL DEVELOPMENT CORPORATION/THE LA FERIA ECONOMIC DEVELOPMENT CORPORATION/CITY OF LA FERIA; SECTION 551.087 TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATIONS; SECTION 551.074 TO DISCUSS PERSONNEL; SECTION 551.074 TO DISCUSS THE DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER.

Mayor Gonzalez declared the meeting in Executive (closed) session at 7:48 PM. He then declared the meeting back in open session at 9:12 PM.

RESULT: NO ACTION REQUIRED

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

Mayor Gonzalez declared no action was required as a result of executive session.

RESULT: NO ACTION REQUIRED

FINANCIAL REPORT FOR THE MONTH OF MARCH

- Sales Tax
- Property Tax
- Franchise Tax
- Performance Indicators

Agenda item #14, Financial Report for the Month of March was considered concurrently with Agenda Item #15 Review and Discuss City of La Feria Six Month Financial Performance Report.

A motion was made to table both items as noted.

RESULT:	TABLED [UNANIMOUS]	Next: 5/10/2016 6:30 PM
MOVER:	Olga H. Maldonado, Esmeralda Lozano	
SECONDER:	Julian Guevara Jr., Commissioner Position 4	
AYES:	Maldonado, Guevara Jr., Lozano	
ABSENT:	Betancourt, Hernandez	

REVIEW AND DISCUSS CITY OF LA FERIA SIX MONTH FINANCIAL PERFORMANCE REPORT.

Agenda item #14, Financial Report for the Month of March was considered concurrently with Agenda Item #15 Review and Discuss City of La Feria Six Month Financial Performance Report.

A motion was made to table both items as noted.

RESULT:	TABLED [UNANIMOUS]	Next: 5/10/2016 6:30 PM
MOVER:	Olga H. Maldonado, Commissioner Position 3	
SECONDER:	Julian Guevara Jr., Commissioner Position 4	
AYES:	Maldonado, Guevara Jr., Lozano	
ABSENT:	Betancourt, Hernandez	

REPORTS BY STAFF AND DISCUSSION WITH CITY COMMISSION.

- Drainage Improvement Projects

- Water/Wastewater Improvement Projects
- Carmen Tinajero-Tiny Town Memorial Park Rededication & Sign Unveiling
- Hazard Mitigation Action Plan Public Meeting
- Arroyo Colorado Trail Project

We have reported on the drainage, water and wastewater improvements underway in previous meetings.

The Carmen Tinajero-Tiny Town Memorial Park Rededication and Sign Unveiling is scheduled for Saturday, April 30, 2016. A copy of the revised sign as requested by the Commission was distributed. The program is being finalized. In addition to the new park sign, a smaller sign will be installed indicating Carmen's representation of the Pillar's of Character by serving her community.

The Hazard Mitigation Action Plan meeting and Arroyo Colorado Trail Project will be discussed at the next meeting.

RESULT: NO ACTION REQUIRED

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

A motion was made, seconded, and approved as noted to excuse the absence of Commissioner Betancourt and Commissioner Hernandez.

RESULT: APPROVED [UNANIMOUS]
MOVER: Esmeralda Lozano, Mayor Pro-Tem/Commissioner Position 5
SECONDER: Olga H. Maldonado, Commissioner Position 3
AYES: Maldonado, Guevara Jr., Lozano
ABSENT: Betancourt, Hernandez

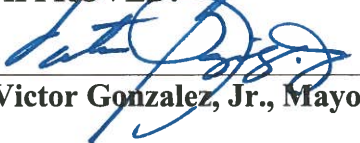
ACTION FOR ADJOURNMENT

RESULT: APPROVED [UNANIMOUS]
MOVER: Esmeralda Lozano, Mayor Pro-Tem/Commissioner Position 5
SECONDER: Olga H. Maldonado, Commissioner Position 3
AYES: Maldonado, Guevara Jr., Lozano
ABSENT: Betancourt, Hernandez

ADJOURNMENT

Mayor Gonzalez declared the meeting adjourned at 9:26 PM.

APPROVED:


Victor Gonzalez, Jr., Mayor

ATTEST:

Esmeralda R. Sánchez
Esmeralda R. Sánchez, City Secretary

These minutes were prepared and filed with the City of La Feria at 3:00 PM on Tuesday, May 10, 2016 as official record.

Esmeralda R. Sánchez
Esmeralda R. Sánchez, City Secretary