

**MINUTES OF PROCEEDINGS
CITY COMMISSION
Tuesday, August 11, 2015**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, August 11, 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 Betancourt	City Commissioner
Mr. Julian Guevara	City Commissioner

The following City Commission members were absent from said meeting.

Mr. John Hernandez	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. Paula Rodriguez	Planning & Community Dev. Director
Ms. Esmeralda Sanchez	City Secretary

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

At 6:32 P.M. Mayor Victor Gonzalez, Jr. asked Commissioner Esmeralda Lozano to give the invocation. After the invocation, Mayor Gonzalez 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 Gonzalez inquired about the public comment sign-up. No one signed up for public comments.

REVIEW AND TAKE ACTION TO APPROVE THE MINUTES OF PROCEEDINGS OF THE REGULAR MEETING OF THE CITY COMMISSION HELD ON TUESDAY, JULY 28, 2015

After review of the minutes, Commissioner Lozano moved to approve the minutes of proceedings of the regular meeting of the City Commission held on Tuesday, July 28,

2015. Commissioner Julian Guevara seconded the motion, and the motion carried by unanimous vote of the City Commission present.

PROCLAMATION DECLARING AUGUST 31, 2015 AS “THE UNIVERSITY OF TEXAS RIO GRANDE VALLEY DAY IN LA FERIA” AND FURTHER DELCARING THAT THE FLAG OF THE UNIVERSITY OF TEXAS RIO GRANDE VALLEY BE FLOWN WITHIN THE CITY ON AUGUST 31, 2015 IN SUPPORT OF THE UNIVERSITY.

Mr. Richard Sanchez, Associate Vice-President for Governmental Relations was present at the meeting on behalf of Guy Bailey, President of the University. Commissioner Lozano made a motion to approve the Proclamation, seconded by Commissioner Guevara, and the motion passed by unanimous vote of the City Commission present. Commissioner Lozano then read aloud the Proclamation. Mayor Gonzalez and Commissioners present signed the Proclamation and received UTRGV lapel pins as a token of appreciation from Mr. Sanchez to be distributed to the Commission. Mr. Sanchez thanked the Commission, expressed gratitude for the partnership with the City of La Feria, and informed the Commission that the Vaquero flag would be delivered at a later date to be flown on August 31, 2015. The Proclamation will be delivered after the entire Commission has signed the document.

A motion was made by Commissioner Lozano, seconded by Commissioner Guevara to consider items out of the agenda order by moving to Item No. 20. The motion passed by unanimous vote of the City Commission present.

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/THE LA FERIA ECONOMIC DEVELOPMENT CORPORATION/CITY OF LA FERIA; SECTION 551.087 TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATIONS; SECTION 551.074 TO DISCUSS PERSONNEL ISSUES; SECTION 551.074 TO DISCUSS THE DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER; AND SECTION 551.071 TO CONSULT WITH CITY ATTORNEY REGARDING CONTRACT CONSIDERATIONS PERTAINING TO CONSTRUCTION PROJECTS.

Mayor Gonzalez declared the meeting in Executive Session at 6:40 P.M. After Executive Session deliberations, Mayor Gonzalez declared the meeting back in open session at 7:20 P.M.

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

No action was needed on this item.

A motion was made by Commissioner Guevara, seconded by Commissioner Betancourt to consider items out of the agenda order by moving to Item No. 23. The motion passed by unanimous vote of the City Commission present.

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

Mayor Gonzalez entertained a motion to excuse Commissioner John Hernandez's absence due to vacation. The motion was made by Commissioner Lozano, seconded by Commissioner Guevara, and passed by unanimous vote of the City Commission present. Commissioner Maldonado was absent due to attendance at a training. A motion was made by Commissioner Guevara to excuse Commissioner Maldonado, seconded by Commissioner Betancourt, and passed by unanimous vote of the City Commission present.

Commissioner Betancourt informed the Commission that due to scheduling at his new job he will only be able to attend one City Commission meeting per month for a limited amount of time as allowed by his new employer. He was granted special leave to be absent from work from 6:00 PM to 8:30 PM for the meeting including the time to commute from work to La Feria City Hall.

Following Commissioner Betancourt's presentation, a motion was made by Commissioner, Guevara seconded by Commissioner Betancourt to consider items out of the agenda order by moving to Item No. 13. The motion passed by unanimous vote of the City Commission present.

CONSIDER AND TAKE ACTION TO ACCEPT THE CERTIFICATION REGARDING ANTICIPATED TAX COLLECTION RATE FOR TAX YEAR 2015 (FY 2015/2016).

City Manager Sunny K. Philip stated that the certification in the packet identified the projected tax collection percentage at 95. This item is needed for the calculation of the effective and rollback tax rates. A motion was made to accept the certification by Commissioner Betancourt, seconded by Commissioner Guevara. The motion passed by unanimous vote of the City Commission present.

CONSIDER AND TAKE ACTION TO ACCEPT THE CERTIFICATION OF DEBT SERVICE REQUIREMENT FOR FY 2015-2016.

Mr. Philip explained the packet includes a Certification of Debt Service and a list of bond payments for a total of \$958,666.91 including principal interest and all fees for the next fiscal year. A motion was made to accept the certification by Commissioner Guevara seconded by Commissioner Betancourt. The motion passed by unanimous vote of the City Commission present.

REVIEW, CONSIDER, AND TAKE ACTION TO ACCEPT EFFECTIVE AND ROLLBACK TAX RATES, SCHEDULES AND FUND BALANCES PRESENTED BY TAX ASSESSOR/COLLECTOR.

Effective tax rate calculation is a comparison to the tax revenue needed to run the City as is, provided no inflation or additional cost is incurred. Mr. Philip reviewed the worksheet provided, identifying various calculations and amounts including the tax rate ceiling, tax rate for 2014-15, tax exemptions, tax increment financing value, new improvements, the effective tax rate of .68 cents, current debt, operation allocation value, M&O rate of .22 cents, allowable increase maximum, and the amount needed to pay debt. The requirements of selecting a rate of .68 cents (effective rate) versus 76 cents (rollback rate) were explained and the information will be published in the newspaper and further discussed at a future public hearing.

A motion was made by Commissioner Lozano and seconded by Commissioner Guevara to accept the Effective and Rollback Tax Rates, Schedules and Fund Balances as presented. The motion passed by unanimous vote of the City Commission present.

DISCUSS AND TAKE ACTION TO APPROVE A PROPOSED TAX RATE FOR TAX YEAR 2015 (FISCAL YEAR 2015/2016).

Mr. Philip referenced the previous item regarding the effective and rollback tax rates. The current rate was identified as .71 cents providing a limited income. Consideration of the proposed rollback rate will allow further discussion at the public hearings and consideration by the Commission in future discussions.

City Attorney Rick Talbert further explained that setting the proposed rate at the rollback rate allows the Commission options to set the rate lower while limiting the higher end. However, the Commission can select a higher rate if so desired. No action was required.

CONSIDER AND TAKE ACTION TO TAKE A RECORD VOTE AND SCHEDULE PUBLIC HEARINGS IF THE PROPOSED TAX RATE WILL EXCEED THE ROLLBACK RATE OR THE EFFECTIVE TAX RATE (WHICHEVER IS LOWER).

Mr. Philip explained the requirements required for setting the tax rate. The Commission is required to record the vote in favor of or against setting the maximum rate of .760439 in order to schedule the public hearings for 8/25/15 and 9/1/15, with tax rate adoption on 9/8/15. Budget meetings and workshops may occur within the designated timeframes.

A motion was made by Commissioner Betancourt to set the proposed tax rate at .7604398 cents and to take a record vote, seconded by Commissioner Guevara. The vote was recorded as follows: Commissioner John Betancourt voted in favor of the motion, Commissioner Guevara voted in favor of the motion, Commissioner Lozano voted in favor of the motion. The motion passed by unanimous vote of the City Commission present.

Mayor Gonzalez returned to the agenda order taking up item No. 7.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF LA FERIA AND CAMERON COUNTY PERTAINING TO OPERATION STONEGARDEN FY2014.

Mr. Philip gave an explanation of Operation Stonegarden and after discussion with the City Commission, a motion was made by Commissioner Lozano seconded by Commissioner Guevara to approve and authorize the City Manager to execute the interlocal agreement in memorandum form as provided by Cameron County. The motion passed by unanimous vote of the City Commission present.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY AN AMENDED LEASE AGREEMENT BETWEEN THE CITY OF LA FERIA AND THE AMERICAN LEGION, POST 439 TO ACCOMMODATE THE FIRE STATION EXPANSION.

Mr. Philip informed the Commission that the current lease with the American Legion dated back to 1945. According to the details in the packet, Exhibit A shows a survey of the property identifying the leased space will be reduced to .84 acres from .93 acres. Entry will change to allow two-way access into the parking lot with restricted parking in designated areas to accommodate City of La Feria personnel and volunteer firefighters. Additional parking will be available across Commercial Avenue in the now vacant lot owned by the City of La Feria. The American Legion Commander has already signed the lease agreement. Mayor Gonzalez asked about funding of the project, to which Mr. Philip responded that it would be paid for with the recent bond. The additional parking lot on the vacant lot is not included in the design and will be developed in the future.

A motion was made by Commissioner Lozano and seconded by Commissioner Guevara to approve the amended lease agreement as presented. The motion passed by unanimous vote of the City Commission present. Commissioner Lozano then asked if we had spoken to the American Legion representatives. Mr. Philip responded affirmatively and indicated they were okay with the changes, sharing their main concern was access to parking by the American Legion members.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION OF THE CITY OF LA FERIA DESIGNATING DEPOSITORY SIGNATORIES FOR BBVA COMPASS BANK.

Due to the appointment of Esmeralda Sanchez as the new City Secretary, the signatory documentation must be resubmitted to BBVA Compass. A motion was made to read the caption of Resolution 2015-12 by Commissioner Lozano, seconded by Commissioner Betancourt. The motion passed by unanimous vote of the City Commission present.

Mr. Talbert proceeded to read the caption of Resolution 2015-12. A motion was made to approve Resolution 2015-12 by Commissioner Lozano, seconded by Commissioner Guevara. The motion passed by unanimous vote of the City Commission present.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION AUTHORIZING THE SUBMISSION OF A TEXAS HOME INVESTMENT PARTNERSHIPS PROGRAM APPLICATION TO THE TEXAS DEPARTMENT

OF HOUSING AND COMMUNITY AFFAIRS FOR PARTICIPATION IN THE HOME PROGRAM RESERVATION SYSTEM AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE HOME PROGRAM RESERVATION SYSTEM.

Mr. Philip gave an explanation of the HOME program and the contents of the resolution. He referenced the five homes built through this program and four additional applications submitted by approval of the City Commission. Upon discussion of the options available through this program, a motion was made to read the caption of Resolution 2015-13 by Commissioner Betancourt, seconded by Commissioner Guevara. The motion passed by unanimous vote of the City Commission present. Mr. Talbert proceeded to read the caption of Resolution 2015-13.

A motion was made to approve Resolution 2015-13 by Commissioner Betancourt, seconded by Commissioner Guevara. The motion passed by unanimous vote of the City Commission present.

REVIEW TABULATION OF BIDS RECEIVED, CONSIDER, AND TAKE ACTION TO AWARD A CONTRACT FOR THE NEW OFFICE AT THE WATER TREATMENT PLANT TO THE LOWEST, MOST QUALIFIED RESPONSIBLE BIDDER, AS THE CURRENT OFFICE SPACE IS GOING TO BE UTILIZED BY THE UPGRADE OF THE MOTOR CONTROL SYSTEM.

Mr. Philip informed the Commission that the Utilities Board met earlier and recommended award of the contract to JCON Construction. Mr. Philip explained that the current building although sturdy is not large enough to accommodate the upgrades to the motor control center and continue to serve as office space for the water plant personnel. The new office must be able to withstand hurricane force winds and the weight of a fallen tree the event of a storm since water plant personnel will be housed in such building during a storm event to assure continuity of water production. During Hurricane Dolly the water plant did not go off line due to the presence of water personnel on-site in the current office during the storm.

Mr. Philip reviewed the bid tabulation and informed the Commission that a meeting was held with the low bidder to review the bid and assure that they stood by their proposal to assure completion of the project in accordance with the plans and specifications.

Mr. Jaime Tijerina, JCON project manager was present and addressed the Commission. Mr. Tijerina responded to questions from the Commission regarding the following: major item which allowed JCON to submit a low bid, timeframe for completion, scheduling with other JCON projects including the La Feria Fire Station expansion and sub-station, late completion of work by subcontractors, references, timely reporting, and availability to answer questions in the future from the Commission.

Mr. Tijerina responded by stating the following: JCON was able to keep their bid low due to exclusive subcontractor pricing and completion of work “in-house”; this project has a 90 day duration; the Fire Station project will be on track with materials arriving soon, each project will be on slightly different schedules allowing the subs to work at one site and move on to the other site timely, all subs on this project are “known to JCON” indicating previous experience with the company; none of the subcontractors they use have ever been late in completing their work for JCON; references would say that JCON can perform in a “time crunch” and has the ability to complete their projects; Mr. Tijerina is the project manager, will be responsible for timely reporting, and to answer questions throughout the project as requested by the Commission.

Mr. Philip indicated that the new building will be located south of the building that houses the chemicals at the water plant; will support another fifteen (15) years of system expansion; and confirmed that there remains space at the water plant for future expansion. He also informed that Commission that a thorough review of JCON’s references and capability was exercised prior to awarding the fire station contract allowing a comfort level in awarding the contract for the new office.

A motion was made by Commissioner Betancourt and seconded by Commissioner Guevara to award the contract for construction of a new office building at the water treatment plant to JCON Construction in the amount of \$244,700 and to authorize the City Manager to execute said contract. The motion passed by unanimous vote of the City Commission present.

REVIEW TABULATION OF BIDS RECEIVED, CONSIDER, AND TAKE ACTION TO AWARD A CONTRACT FOR THE TECHNOLOGY & SUCCESS CENTER TO THE LOWEST, MOST QUALIFIED RESPONSIBLE BIDDER.

Mr. Philip explained that this 11,500 s.f. building will be located north of the dome on Main Street, sitting east to west. It will host Our Lady of the Lake University (OLLU) with ten (10) classrooms, office space, and a conference room. Economic Development Administration will fund \$1 million, City of La Feria bonds will fund approximately \$600,000 and the balance will contributed by OLLU. The architectural firm, Megamorphosis was represented by John Percy and Benito Lozano at the meeting. The low bidder was identified as Rigney Construction who also completed the library expansion. Rigney Construction was invited to the meeting, but not able to attend the meeting. In order to meet our commitment to OLLU, the project must be completed by June 30, 2015. Rigney indicated their completion date as June 30, 2016 in the proposal. The project will begin within ten days of issuing the notice to proceed. Commissioner Lozano inquired as to references contacted. Mr. Philip referenced the City’s direct experience with the Library expansion, five homes built for the HOME program, and Mr. Percy identified three other references and cited his business partners experience with the firm on a project in Harlingen. This project does not include parking.

A motion was made to award the contract for construction of the Technology & Success Center to Rigney construction for the base bid of \$1,925,000 by Commissioner Betancourt, seconded by Commissioner Lozano. The motion passed by unanimous vote of the City Commission present.

A motion was made by Commissioner Guevara seconded by Commissioner Betancourt to consider items out of the agenda order by moving to Item No. 19. The motion passed by unanimous vote of the City Commission present.

DISCUSSION OF REQUEST FOR QUALIFICATIONS FOR DELINQUENT AD VALOREM TAX COLLECTIONS.

Mr. Philip discussed the request for qualifications included in the packet and asked Mr. Talbert to provide further details regarding the percentage and amount to be charged by the selected firm. The process is in place to select an attorney and then negotiate the amount with the selected firm. Commissioner Lozano inquired whether a tax attorney was required or whether the City could exercise the option to seek out a CPA and negotiate with the County Tax Assessor-Collector for assistance. Mr. Talbert explained the City has a contract with the County Tax Assessor-Collector for the administrative affairs. The City also has a contract for collection services. A delinquent tax attorney is not required by law but resulting litigation will require a separate contract for legal services separate from the collection services. If the City contracts a delinquent tax attorney the collection and legal fees are incurred within one contract.

Commissioner Lozano also inquired about the RFQ schedule and expressed interest in advertising outside of the Valley and on TML. Mr. Philip responded that we will advertise through TML. In reference to firms outside of Valley, there should be a presence of the selected attorney in the Valley for effectiveness. Two items to note are that the notice will be published in the newspaper followed by the packages to be sent out. Publication of the notice allows firms to request the packet. Upon selection of the firm by the Commission there will be a contract between the City and the firm which will identify the details and the fee.

Although some firms may be located outside of the Valley they may have offices locally. The San Antonio Express is expensive. We will advertise in the Valley Morning Star and local newspaper, in addition to other identified firms, as well as TML. Due to timing constraints we want to move forward with the publication. Mr. Philip asked the Commission to review the packet and contact him. Mr. Talbert will also review the packet before distribution. No action was required.

Mayor Gonzalez returned to agenda item No. 21 and requested a motion to excuse Commissioner Betancourt. The motion was made by Commissioner Guevara and seconded by Commissioner Lozano. The motion passed by unanimous vote of the City Commission present.

ACTION FOR ADJOURNMENT

Due to a lack of quorum upon the departure of Commissioner Betancourt the meeting was adjourned. Any items not addressed in this meeting will be taken up at the next scheduled meeting, unless a special meeting is called.

ADJOURNMENT

Mayor Gonzalez adjourned the meeting at 8:05 P.M.

APPROVED:


Victor Gonzalez, Jr., Mayor

ATTEST:


Esmeralda R. Sánchez, City Secretary

These minutes were prepared and filed with the City of La Feria at 5:00 P.M. on August 23, 2015, as official record.


Esmeralda R. Sánchez, City Secretary