

**MINUTES OF PROCEEDINGS  
CITY COMMISSION  
Tuesday, August 25, 2015**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, August 25, 2015 at 6:35 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 Hernandez	City Commissioner
Mr. Julian Guevara Jr.	City Commissioner

The following City Commission members were absent from said meeting.

Mr. John Betancourt	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 S. Chavero	Finance Director
Ms. Paula Rodriguez	Planning & Community Dev. Director
Ms. Rose Saenz	Assistant Finance Director
Ms. Esmeralda R. Sánchez	City Secretary

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

At 6:35 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**

Public Comments were heard from two individuals.

Ms. Rina Y. Garza owns property at 13788 Kelly Dr. in La Feria, she resides at 105 Olive Grove in Mercedes. Ms. Garza spoke regarding a broken water line that has not been fixed. Mayor Gonzalez asked for the public comment roster, two persons signed up for public comments.

She stated the water line on her property in La Feria has been broken for 10 months and she has not been notified of a resolution yet. Mayor Gonzalez stated he thought the

problem had been fixed and that she was requesting payment for the water loss. Mayor Gonzalez will follow up with Ms. Garza.

Ms. Sylvia Towne resides at 405 W. Chelo Dr. in La Feria. She lives near three schools and is requesting consideration of stop signs to facilitate turning onto FM 506 from Chelo Drive. She stated it is difficult to get on FM 506 and requests a 3-way stop signs or something up to deter traffic a bit to access FM 506 from the following streets: Chelo, Bearfield, Angelita, and Pancho Maples. Mayor Gonzalez stated the City did not have control of FM 506, but will evaluate the situation further regarding Pancho Maples, west of FM 506.

**REVIEW AND TAKE ACTION TO APPROVE MINUTES OF PROCEEDINGS OF THE REGULAR MEETING OF THE CITY COMMISSION HELD ON TUESDAY, AUGUST 11, 2015**

Upon review, a motion was made by Commissioner John Hernandez and seconded by Commissioner Julian Guevara to approve the minutes of proceedings of the regular meeting of the City Commission held on Tuesday, August 11, 2015. The motion passed by unanimous vote of the City Commission present.

**DISCUSSION ON NORTHWEST PARK DEVELOPMENT CONCEPTS.**

City Manager Sunny K. Philip gave a brief overview of the Northwest Park stating that the last capital improvement budget included development of Northwest Park located on West Street and 4<sup>th</sup> Street. Since Unger Park is under construction, it is now time to begin work on Northwest Park. Mr. Philip introduced John Percy with Megamorphosis Architecture. Mr. Percy is the architect developing the Northwest Park concept. Mr. Percy stated the park site is a triangular shaped property. The City has made some improvements since the inception of the idea in 2012. Plans have been developed around a birding theme. The concept utilizes existing infrastructure on the property including concrete foundations that are in good shape and may be leveraged for play surfaces or gazebos rather than pouring new concrete as well as water meters that may be used for irrigation. The elements planned include two gazebos; planters made from tires turned inside out, trees for shade; additional sidewalk; play structure; monument sign; and landscaping. The Commission discussed including benches; raised concerns about the location of play structures relative to the streets; fencing around the basketball courts for safety; fencing around the perimeter of the park; concrete bollards; courts will not meet UIL standards and are meant strictly for recreational use; curfew and options to lock the park at certain hours. Plans are in the development phase. Ideas from the Commission are welcome and plans will be updated to include elements discussed. Mr. Percy stressed the idea of using local artisans in developing the park concept. There will be minimal play structures due to the size of the property. Mr. Philip suggested using pictures of birds to help conceptualize the theme. Mr. Percy reiterated the importance of signage to the theme. This park may develop into a walk park. Initially the thought was to expand the skate park, due to safety concerns that idea was not pursued. Mr. Percy plans to maintain the neighborhood lot lines into the placement of elements within the park. Although a planning group once suggested the redevelopment of the area surrounding this park, redevelopment is not viable at this time due to the economy, but may occur in the future. This kind of park will not compete well for state funds, therefore it will be funded by the City. Northwest Park Development was viewed as a good concept for the area. No action was required.

**REVIEW TABULATION OF BIDS RECEIVED, CONSIDER AND TAKE ACTION TO AWARD A CONTRACT FOR THE SANITARY SEWER IMPROVEMENTS TO WEST COLONIAS PHASE I TO THE LOWEST, RESPONSIVE, RESPONSIBLE, QUALIFIED BIDDER.**

A copy of the bid tabulation was provided for review. Mr. Philip reviewed the project stating this project is phase one of the efforts to extend sewer to the west part of town and a lift station on the west side of Rabb Road, south side of Business 83. Bids were submitted by eight contractors. Lowest bid was submitted by Prodigy Construction. A letter from Prodigy was distributed to the Commission telling the City their bid did not include "dewatering of the ground water" making their bid materially deficient. As a result the recommendation is to award the contract to the second low bidder, JM Construction, who has completed work for the City in the past. City Attorney Rick S. Talbert raised the issue of a bid bond required by each bidder. Prodigy's letter indicates they acknowledge there is a material problem with their bid, specifically with dewatering. The Commission has the option to enforce the bid bond but since it has not deterred the process, if the contract is awarded based on staff recommendation it should also include a release of the bid bond for bidders other than JM Construction. This project is awarded contingent upon funding approval by the Texas Water Development Board.

Following the discussion, a motion was made by Commissioner Lozano to award the contract for sanitary sewer improvements to West Colonias Phase I to the second lowest most qualified bidder, JM Construction in the amount of \$1,581,295 and to release bidders other than JM Construction from their bid bond. The motion was seconded by Commissioner Guevara, and passed by unanimous vote of the City Commission present

**REVIEW TABULATION OF BIDS RECEIVED, CONSIDER, AND TAKE ACTION TO AWARD A CONTRACT FOR THE UNIT 4A WILSON CANAL DRAINAGE IMPROVEMENTS TO THE LOWEST, RESPONSIVE, RESPONSIBLE, QUALIFIED BIDDER.**

A copy of the bid tabulation was provided for review with the low bid from Mor-Wil LLC. Mr. Philip explained the project and identified the location stating the work will be completed in conjunction with La Feria Irrigation District (LFID) to raise the canal bank approximately two feet. Basically the project involves improving a flat canal, widening and lining a narrow area that seeps, improving the crossing at Palis Drive. LFID will clear the brush and raise the bank through a separate contract. Utilizing the concept of pre-bid conference may help contractors prepare their bids giving the City the best cost. The City requested confirmation from the low bidder of their costs to support the low bid. This level of detail is bringing the City a savings of about \$1,000,000. Mor-Wil is currently doing a good job on another drainage project for the City. The recommendation is to award the contract to Mor-Wil LLC in the amount of \$1,253,978.80. Mr. Albert Garza was present to represent Mor-Wil LLC and confirmed their bid, stating they were confident in their ability to complete the job. The project engineer Mr. Alfonso Gonzalez, P.E. of Sigler Winston Green Engineering (SWG) responded to inquiries about the project indicating the length of the canal lining is approximately 5,280' / one mile, the LFID is not yet excavating the ditch but will start removing brush and shaping the canal soon, a testing lab will be testing compaction amount other elements, SWG will provide elevations, the project term is 180 calendar days. The contract will be signed within the next thirty (30)

days the start of construction will be based upon LFID's site preparation work and watering schedule before the canal is shut down for construction. A progress report was requested of SWG two meetings from this date. Mayor Gonzalez explained that this canal will continue to transport water, however in the event of an emergency, it will be used for drainage. This project is awarded contingent upon funding by the Texas General Land Office-Disaster Recovery Program.

A motion was made by Commissioner John Hernandez to award the contract for Unit 4A Wilson Canal Drainage Improvements to the low bidder, Mor-Wil LLC, in the amount of \$1,253,978.80. The motion was seconded by Commissioner Lozano and passed by unanimous vote of the City Commission present.

**REVIEW TABULATION OF PROPOSALS RECEIVED, CONSIDER, AND TAKE ACTION TO AWARD A CONTRACT FOR THE CITY OF LA FERIA EMPLOYEE GROUP HEALTH INSURANCE AND DESIGNATE AN AGENT FOR THE CITY OF LA FERIA.**

The Commission reviewed the tabulation of proposals received for employee group health insurance. The proposal from Allegian presented PPO and HMO options at the current deductible amount and at a higher deductible amount. The City has not opted for the HMO plan in the past however it is an option that will bring cost savings to the City. Offering both plans gives the employee an option to select a PPO and pay the difference in cost of the HMO base plan. Ms. Joannie Bianchini, current Allegian Insurance Agent further discussed the options available and clarified that the HMO plan provides coverage within the Rio Grande Valley (RGV). Coverage outside of the RGV includes emergency care or care that cannot be provided locally.

After discussion, Commissioner Lozano moved to table awarding the contract for group health insurance and designating an agent until the next Commission meeting scheduled for September 1, 2015. The motion was seconded by Commissioner Guevara and passed by unanimous vote of the City Commission present.

**BUDGET WORKSHOP-CITY OF LA FERIA BUDGET FOR FISCAL YEAR 2015-2016.**

The Commission reviewed the budget information presented and discussed details of the various departments and activities. The budget as presented reflected a deficit of \$563,094. An overview of the expenses identified the purchase of several items for public works to replace aged units, a 2% increase for all employees, and projected 4% increase in operating expenses, and an estimated 9.7% increase of medical insurance premiums.

A discussion regarding options to increase revenue included increasing rates for garbage collection, increasing rates for use of the municipal swimming pool, and collecting fees for use of the Recreation Center. In considering sustainability of the pool, the Commission discussed increased fees with group discounts and requested a facility use report to identify individual and rental usage. Discussion of the Recreation Center included the number of high school students and coaches employed for the various programs and cost sharing with the school district for summer programs. Additional items discussed about the recreation center included outreach, increased interaction with the students, tutoring, extended care programs, and joint ventures with the school district to increase traffic at the facility and

generate revenue. The suggestion to schedule summer tournaments with entry fees of approximately \$200 for the Pony League program next year was also raised, since none were held this season.

The budget needs streamlining, identifying savings and increasing revenue. An example to consider is the purchase of an incinerator to reduce the cost of disposing of the brush collected throughout the city. Discussion continued regarding the cost of cleaning storm drains which can be accomplished using the VACTOR truck to vacuum those inlets as well as the sewer lines. Open ditches are maintained through a contract with the La Feria Irrigation District. Republic Services aka Allied Waste generates funds through a .25 cent "tipping fee" imposed through the initial contract. That fee is negotiable at the time of contract renewal; the fee amounts to approximately \$24,000 per year for youth programs.

No official action was taken by the Commission as the result of the budget workshop.

**PUBLIC HEARING CONCERNING THE 2015 TAX YEAR PROPOSED PROPERTY TAX RATE FOR THE CITY OF LA FERIA.**

Mayor Gonzalez opened the public hearing at 8:20 PM. The proposed increase of .76 cents requires two (2) public hearings as identified in the newspaper publications. Ms. Sylvia Towne and Ms. Rina Garza inquired about the details of the current tax rate and the proposed increase. Mr. Philip responded to their questions identifying the current tax rate as .71 cents; the rate is per \$100 of the property value; discounts are in place for the elderly and disabled, as mandated by state law and a freeze imposed by the City of La Feria for residents over 65 years of age. Examples were given identifying the annual increase of a \$60,000 home from approximately \$428.15 to \$456.26. A clarification was made to state that increased property values were determined by the Cameron Appraisal District, not the City of La Feria. The public was informed that the Commission has not yet established the rate. With no further comments, the public hearing was closed at 8:35 PM.

No action of the Commission was take as the result of the public hearing.

**PUBLIC HEARING TO RECEIVE INPUT FOR THE PROPOSED CITY OF LA FERIA FISCAL YEAR 2015-2016 BUDGET.**

Mayor Gonzalez opened the public hearing at 8:36 PM to receive input for the proposed FY 2015-2016 budget. Based on the items discussed throughout the meeting the following comments ensued: Ms. Rina Garza inquired as to the need for a new sweeper; comments were made about chipping brush and mulch program not generating revenue for the City. Mayor Gonzalez recommended staff look into a grant for the purchase of an incinerator. Ms. Garza also inquired about funds for the Recreation Center from the Boys/Girls Club or United Way, to which Mayor Gonzalez responded no. With no further comments, the public hearing was closed at 8:40 PM.

No action of the Commission was take as the result of the public hearing.

**DISCUSSION REGARDING REQUEST FOR QUALIFICATIONS FOR DELINQUENT AD VALOREM TAX COLLECTIONS.**

The Commission reviewed the request for qualifications (RFQ) provided and made staff aware of changes to the packet. The RFQ will be re-advertised to assure proper procurement upon completion of requested changes to the packet.

No action of the Commission was taken as the result of the discussion.

**CONSIDER AND TAKE ACTION TO APPROVE OR DENY A PERMANENT ADDITION OF AN ITEM IN EXECUTIVE SESSION OF ALL CITY COMMISSION MEETINGS TO DISCUSS THE DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN SECTION 551-074 OF THE GOVERNMENT CODE.**

Commissioner Lozano stated that she and Commissioner Guevara submitted this request to the agenda to avoid last minute issues as a measure to “save time.” Mr. Talbert stated the item would be permanent until such time the Commission decided otherwise.

Commissioner Lozano made a motion to permanently add “discussion of the duties and responsibilities of the City Manager” to the executive session in accordance with the authority contained in section 551.074 of the Government Code. The motion was seconded by Commissioner Guevara. Commissioner Lozano and Commissioner Guevara voted “aye”, Commissioner Hernandez did not vote “aye”, the motion passed by a majority “aye” vote of the City Commissioners present.

**CONSIDER AND TAKE ACTION TO APPROVE OR DENY A PERMANENT ADDITION OF AN ITEM IN EXECUTIVE SESSION OF ALL CITY COMMISSION MEETINGS TO DISCUSS PERSONNEL IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN SECTION 551-074 OF THE GOVERNMENT CODE.**

Commissioner Lozano and Commissioner Guevara submitted this request to the agenda. The same discussion applies as in the previous agenda item regarding the permanent addition of this request to the Executive Session.

Commissioner Lozano made a motion to permanently add “discussion of personnel” to the executive session in accordance with the authority contained in section 551.074 of the Government Code. The motion was seconded by Commissioner Guevara. Commissioner Lozano and Commissioner Guevara voted “aye”, Commissioner Hernandez did not vote “aye”, the motion passed by a majority “aye” vote of the City Commissioners 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; AND SECTION 551.087 TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATIONS; SECTION 551.074 TO DISCUSS PERSONAL; 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 8:41 PM. After Executive Session deliberations, Mayor Gonzalez declared the meeting back in open session at 9:17 PM.

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

No action was required as a result of Executive (closed) Session.

**MONTHLY FINANCIAL REPORTS FOR THE MONTH OF JULY 2015**

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

Finance Director Maria S. Chavero reviewed the summary of financial reports presented in the meeting packet for the month of July 2015. After the report Mayor Gonzalez announced 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**
- **USDA COMPREHENSIVE PLANNING GRANT AWARD**

City Manager Mr. Sunny K. Philip reported that the drainage and water/waste water projects are moving forward. The most recent development in the water/waste improvements is awarding of the Sanitary Sewer to West Colonias Phase I project to JM Construction in an earlier agenda item. The safe rooms are under construction. The newest development is a grant award of \$64,000 from USDA for Comprehensive Planning. The City is going to work with USDA to reduce the match amount proportionate to the grant amount. A brief review of the procurement process for the Comprehensive Plan and Hazard Mitigation Action Plan followed. The USDA portion of the Comprehensive Plan will be fine tuned with the previously selected Consultant. The plan will be developed through our collaboration with the Consultant, who will put our ideas onto paper.

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

A motion was made by Commissioner Hernandez to excuse Commissioner John Betancourt's absence due to his work schedule and to excuse Commissioner Olga Maldonado's absence due to a death in her family. The motion was seconded by Commissioner Guevara and passed by unanimous vote of the City Commissioners present.

**ACTION FOR ADJOURNMENT**

There being no further business to conduct, Commissioner Hernandez moved to adjourn the meeting. Commissioner Guevara seconded the motion, and the motion passed by unanimous vote of the City Commissioners present.

**ADJOURNMENT**

Mayor Gonzalez adjourned the meeting at 9:33 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 7:30 P.M. on August 31, 2015, as official record.

  
Esmeralda R. Sánchez, City Secretary