

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

Be it known that the City of La Feria City Commission met in Regular Meeting on **Tuesday, July 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 Pro-Tem Esmeralda Lozano declared a quorum was present and called the meeting to order.

Attendee Name	Title	Status	Arrived
Olga H. Maldonado	Mayor	Absent	
Julian Guevara Jr.	Commissioner	Present	6:30 PM
Esmeralda Lozano	Commissioner	Present	6:30 PM
Eric Hoff	Commissioner	Present	6:30 PM
Jesse Zuniga	Commissioner	Present	6:30 PM
Victor Gonzalez Jr.	Commissioner	Present	6:30 PM

PUBLIC COMMENTS

Delores Fuller of 1000 S. Chelo Dr., La Feria, Texas addressed the Commission stating that normally when she would practice her speech prior to coming because she knew she would be cut off early and then she would just yell and scream because of that, but a certain person calmed her down and she has been coming to these meetings for 16 years. She stated that people ask why she attends and she said she never gave up because she wasn't alone, God was with her every step of the way. She congratulated the Commission because at the meeting where they fired Sunny she saw divine intervention that she thought she would never see in her own lifetime. Ms. Fuller drew attention to Agenda item number 13 not understanding why there was any problem with the City Attorney being fired, since he was Sunny's attorney and she doesn't understand why he can't be fired when Sunny was fired. She stated that the City Attorney should be fired based on 2 reasons; first, addressing Mayor Pro-Tem Lozano, at a City Commission Meeting where only John Hernandez, John Betancourt and Esmeralda Lozano were present. According to Ms. Fuller, Esmeralda Lozano motioned that they vote when there was no quorum and the City Attorney did not stop it. She also stated that Mayor Pro-Tem said she could not vote, but she did not know the rules. Ms. Fuller's second point concerned a meeting at which they discussed the contractor that always gets the low bid on water and sewer projects. According to Ms. Fuller the Commission had to vote on the contract without giving a reason why. Mrs. Fuller thanked the commission once more and said she would pray for them.

REVIEW PROPOSED NORTHWEST PARK IMPROVEMENTS WITH MEGAMORPHOSIS ARCHITECTS AND CONSIDER ACTION TO AUTHORIZE ADVERTISEMENT FOR BIDS FOR CONSTRUCTION OF THE PARK.

Commissioner Gonzalez asked City Attorney Richard Talbert if the City Commission could go into Executive Session regarding this item. Mr. Talbert said the Commission could go into Executive Session for Legal Consultation under Section 551.071 regarding legal questions, but not concerning any policy discussion concerning the park or of that nature. Commissioner Gonzalez stated he had 2 or 3 questions he considered legal questions. Mr. Talbert stated he doesn't know what the questions are, but at this point if they went into Executive Session and he did not feel they were appropriate he would let them know and they would return to the City Commission Meeting, but if they are appropriate he would answer them.

Mayor Pro-Tem Lozano declared the meeting in Closed Executive Session at 6:36 PM.

Mayor Pro-Tem Lozano declared the meeting back in Open Session at 6:44 PM.

Following Executive Session, a motion to table this item was made, seconded, and approved as noted.

RESULT:	TABLED [UNANIMOUS]	Next: 8/9/2016 6:30 PM
MOVER:	Victor Gonzalez Jr., Commissioner	
SECONDER:	Julian Guevara Jr., Commissioner	
AYES:	Guevara Jr., Hoff, Zuniga, Gonzalez Jr.	

CONSIDER AND TAKE ACTION TO ACCEPT THE CERTIFIED APPRAISAL ROLL SUBMITTED BY CAMERON APPRAISAL DISTRICT.

Interim City Manager, Esmeralda Sanchez reviewed the Certified Appraisal Roll provided by the Cameron County Appraisal District with the Commission. The 2016 taxable value is \$218,458,662, an increase of 4.3% over the 2015 value.

A motion to accept the Certified Appraisal Roll was made, seconded, and approved as noted.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julian Guevara Jr., Commissioner
SECONDER:	Eric Hoff, Commissioner
AYES:	Guevara Jr., Hoff, Zuniga, Gonzalez Jr.

CONSIDER AND TAKE ACTION TO CANCEL RESOLUTION 2016-16.

Mayor Pro-Tem Lozano read the following agenda items to be considered concurrently: Consider and Take Action to Cancel Resolution 2016-16 / Consider and Take Action to Approve a Resolution of the City Commission of the City of La Feria, Texas Authorizing the Submission of a Texas HOME Investment Partnerships Competitive Program Application to the Texas Department of Housing and Community Affairs for Participation in the HOME Program Competitive Award Contract; Authorizing the Interim 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 Competitive Contract Award / and Authorizing Approval and Adoption of a Language Access Plan / Consider and Take Action to Approve a Language Access Plan for the City of La Feria as Required for Participation with the Texas Department of Housing and Community Affairs (TDHCA) Home Program.

Specific action is included under the following two agenda items.

CONSIDER AND TAKE ACTION TO APPROVE A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LA FERIA, TEXAS AUTHORIZING THE SUBMISSION OF A TEXAS HOME INVESTMENT PARTNERSHIPS COMPETITIVE PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR PARTICIPATION IN THE HOME PROGRAM COMPETITIVE AWARD CONTRACT; AUTHORIZING THE INTERIM 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 COMPETITIVE CONTRACT AWARD; AND AUTHORIZING APPROVAL AND ADOPTION OF A LANGUAGE ACCESS PLAN.

This agenda item was discussed concurrently as described in previous agenda item.

Ms. Sanchez discussed the need to cancel Resolution 2016-16. The New Resolution 2016-17 needs to be approved naming the Interim City Manager as the authorized representative and adding the Language Access Plan as required by the HOME Program. The Language Access Plan is required by TDHCA as part of the Fair Housing Act to ensure that the City provides Fair Housing to people who speak languages other than English, which in our area is Spanish. This includes assistance, documents, hand-outs and flyers in both languages. Ms. Sánchez discussed the Language Access plan and how the City will provide training so that someone is available to assist customers when they come in to apply.

MOTION TO READ THE CAPTION OF RESOLUTION 2016-17.

Following discussion a motion to read the caption of Resolution 2016-17 was made, seconded, and approved as noted.

City Attorney, Richard Talbert read the caption of Resolution 2016-17.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Victor Gonzalez Jr., Commissioner
SECONDER:	Julian Guevara Jr., Commissioner
AYES:	Guevara Jr., Hoff, Zuniga, Gonzalez Jr.

MOTION TO APPROVE RESOLUTION 2016-17.

A motion to approve Resolution 2016-17 was made, seconded, and approved as noted.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julian Guevara Jr., Commissioner
SECONDER:	Jesse Zuniga, Commissioner
AYES:	Guevara Jr., Hoff, Zuniga, Gonzalez Jr.

CONSIDER AND TAKE ACTION TO APPROVE A LANGUAGE ACCESS PLAN FOR THE CITY OF LA FERIA AS REQUIRED FOR PARTICIPATION WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) HOME PROGRAM.

This agenda item was discussed concurrently as described in the previous two agenda items.

Resolution 2016-17 includes reference to the Language Access Plan requirement, thus separate action for this item was not required.

RESULT:	NO ACTION REQUIRED
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CLOSED EXECUTIVE SESSION: DELIBERATION UNDER SECTION 551.074 REGARDING PERSONNEL MATTER TO DELIBERATE THE APPOINTMENT, EVALUATION, DUTIES, AND COMPENSATION OF INTERIM CITY MANAGER ESMERALDA SANCHEZ, AND TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, AND DUTIES OF A PERMANENT CITY MANAGER.

Mayor Pro-Tem Lozano declared the meeting in Executive Session at 6:50 PM.

Mayor Pro-Tem Lozano declared the meeting back into Open Session at 8:11 PM.

RESULT:	NO ACTION REQUIRED
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CONSIDERATION AND POSSIBLE ACTION TO ESTABLISH COMPENSATION FOR INTERIM CITY MANAGER ESMERALDA SANCHEZ.

Following Executive Session, A motion to compensate Interim City Manager at a temporary salary of \$80,000 and a one time payment of \$1,577 effective immediately was made, seconded, and approved as noted.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Victor Gonzalez Jr., Commissioner
SECONDER:	Julian Guevara Jr., Commissioner
AYES:	Guevara Jr., Hoff, Zuniga, Gonzalez Jr.

CLOSED EXECUTIVE SESSION: ATTORNEY CONSULTATION PURSUANT TO SECTION 551.071 (1) CONTEMPLATED LITIGATION / SETTLEMENT OFFER AND SECTION 551.071(2), TEXAS GOVERNMENT CODE TO RECEIVE LEGAL ADVICE AND COUNSEL WITH RESPECT TO THE CITY'S RIGHT, DUTIES, PRIVILEGES, AND OBLIGATIONS IN CONNECTION WITH A CONTRACT OF EMPLOYMENT DATED APRIL 11, 1996 BETWEEN THE CITY OF LA FERIA, SIGNED BY THEN MAYOR PAUL F. BEECHNER, AND MR. SUNNY K. PHILIP.

Mayor Pro-Tem Lozano read the following agenda items to be considered concurrently: Closed Executive Session: Attorney Consultation Pursuant to Section 551.071 (1) Contemplated Litigation / Settlement Offer and Section 551.071(2), Texas Government Code to Receive Legal Advice and Counsel with Respect to the City's Right, Duties, Privileges, and Obligations in Connection with a Contract of Employment Dated April 11, 1996 Between the City of La Feria, Signed by Then Mayor Paul F. Beechner, and Mr. Sunny K. Philip; and Closed Executive Session: Attorney Consultation Pursuant to Section 551.071(2), Texas Government Code to Receive Legal Advice and Counsel with Respect to the Legal Status of Current City Attorney Richard Talbert Under the City Charter in View of the Dismissal of City Manager Sunny K. Philip.

Mayor Pro-Tem Lozano declared the meeting in Executive Session at 8:12 PM.

Mayor Pro-Tem Lozano declared the meeting back in Open Session at 9:07 PM.

RESULT:	NO ACTION REQUIRED
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CLOSED EXECUTIVE SESSION: ATTORNEY CONSULTATION PURSUANT TO SECTION 551.071(2), TEXAS GOVERNMENT CODE TO RECEIVE LEGAL ADVICE AND COUNSEL WITH RESPECT TO THE LEGAL STATUS OF CURRENT CITY ATTORNEY RICHARD TALBERT UNDER THE CITY CHARTER IN VIEW OF THE DISMISSAL OF CITY MANAGER SUNNY K. PHILIP.

Mayor Pro-Tem Lozano read the following agenda items to be considered concurrently: Closed Executive Session: Attorney Consultation Pursuant to Section 551.071 (1) Contemplated Litigation / Settlement Offer and Section 551.071(2), Texas Government Code to Receive Legal Advice and Counsel with Respect to the City's Right, Duties, Privileges, and Obligations in Connection with a Contract of Employment Dated April 11, 1996 Between the City of La Feria, Signed by Then Mayor Paul F. Beechner, and Mr. Sunny K. Philip; and Closed Executive Session: Attorney Consultation Pursuant to Section 551.071(2), Texas Government Code to Receive Legal Advice and Counsel with Respect to the Legal Status of Current City Attorney Richard Talbert Under the City Charter in View of the Dismissal of City Manager Sunny K. Philip.

Mayor Pro-Tem Lozano declared the meeting in Executive Session at 8:12 PM.

Mayor Pro-Tem Lozano declared the meeting back in Open Session at 9:07 PM.

RESULT:	NO ACTION REQUIRED
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CONSIDERATION AND POSSIBLE ACTION CONCERNING CONFIRMATION AND DESIGNATION OF ATTORNEY OF RECORD FOR THE CITY OF LA FERIA.

No action was taken on this agenda item.

RESULT: NO ACTION REQUIRED

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.

There being no items to discuss in Executive Session, Mayor Pro-Tem Lozano declared no action was needed.

RESULT: NO ACTION REQUIRED

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

There being no Executive Session, no action was needed on this item.

RESULT: NO ACTION REQUIRED

FINANCIAL REPORT FOR THE MONTH OF JUNE

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

A copy of the Financial Report was provided to the Commission. Following Finance Director Kin Mendoza's presentation, Commissioner Gonzalez asked if the reimbursement the City will be asking for from GLO will cover the deficiency. Ms. Mendoza stated it should cover at least a large percentage of it. Mayor Pro-Tem Lozano asked Ms. Mendoza to provide the amounts that the City is still waiting for and present at the next Meeting. There being no further questions, Mayor Pro-Tem Lozano declared the report filed for audit.

RESULT: NO ACTION REQUIRED

REPORTS BY STAFF AND DISCUSSION WITH CITY COMMISSION.

- Drainage Improvement Projects
- Water/Wastewater Improvement Projects
- Safe Rooms (Domes)
- Parking Lot for Main Street Safe Room and Technology & Success Center
- July 4th Celebration and BBQ Cook-Off Competition

Ms. Sanchez reported on the items identified as follows:

The Irrigation District work is pending change order approval.

Balch Machine is working on the crossing on White Ranch Road. They will contact the appropriate authorities concerning road closures, including schools, Police Department, Fire Department, and EMS. Farmers or Property owners in the area have been called and notified by the Contractor and Mr. Bill Friend, ROW Agent.

The Water/Wastewater projects are progressing. The Saenz Brothers project which includes a lift station and the work is about six weeks from completion. JM Construction has started on the Lift Station south of Business 83, west of Rabb Road. The Texas Water Development Board visited last week and were pleased with what they saw at the construction site.

Cornett Construction is waiting on the go ahead from TWDB. The City had to separate the change order items into two so that we can move forward with the SCADA.

Construction of the Safe Rooms (DOMES) is complete. The final inspection was done on July 15, 2016 by TDEM and they were very pleased with the buildings. The next step is to get the Certificate of Occupancy. The Contractor is waiting for the phone lines to be put in, which is scheduled for July 27th and 28th. We will be working with TDEM to prepare the documentation for the final closeout.

The contractor working on the parking lot anticipated being done this week, but will not finish until next week. The contractor will be leveling out the ground and putting in caliche and a temporary walkway so the students and staff for Our Lady of the Lake University can access the Technology and Success Center for classes on Saturday. The contractor was concerned about the base and wanted to make sure it was compacted before putting down asphalt.

OLLU will have classes starting on Saturday, July 30, 2016. The local offices have moved in and we are awaiting on a date for the grand opening sometime in September.

The Independence Day Celebration and BBQ Cook-off was a successful event. Many attendees were pleased with the addition of recognizing the Tournament Baseball and Softball Teams and the local 7 on 7 Flag Football Team. There was a a lot of positive feedback on the City Facebook Page. Mayor Pro-Tem Lozano commented on how impressed she was by the support the Veterans received from the attendees.

Alfonso Gonzalez from SWG Engineers commented on the project with the Railroad Company regarding the planking. The planking is installed and the contractors have been notified that the poles are being moved so they can complete pending work.

RESULT:	NO ACTION REQUIRED
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CONSIDER AND TAKE POSSIBLE ACTION ON ATTENDANCE STATUS OF MAYOR AND/OR COMMISSIONERS.

A motion was made, seconded and approved to as noted to excuse Mayor Olga H. Maldonado's absence from the meeting.

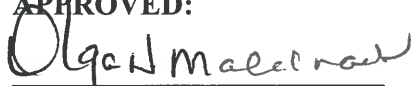
RESULT:	APPROVED [UNANIMOUS]
MOVER:	Victor Gonzalez Jr., Commissioner
SECONDER:	Julian Guevara Jr., Commissioner
AYES:	Guevara Jr., Hoff, Zuniga, Gonzalez Jr.

ACTION FOR ADJOURNMENT

A motion was made, seconded and approved to adjourn the meeting.

ADJOURNMENT

Mayor Pro-Tem Lozano declared the meeting adjourned at 9:23 PM.

APPROVED:

Olga H. Maldonado, Mayor

ATTEST:


Esmeralda R. Sánchez, City Secretary

These minutes were prepared and filed with the City of La Feria at 4:25 PM on August 9, 2016, as official record.


Esmeralda R. Sánchez, City Secretary