

**MINUTES OF PROCEEDINGS
CITY COMMISSION
Tuesday, July 28, 2015**

Be it known that the City of La Feria City Commission met in regular session on **Tuesday, July 28, 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 Hernandez	City Commissioner
Ms. Olga H. Maldonado	City Commissioner

The following City Commission members were absent from said meeting.

Mr. John Betancourt	City Commissioner
Mr. Julian Guevara	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 and Community Dev. Director
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 Victor Gonzalez, Jr. asked Commissioner Olga H. Maldonado 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 declared the public comments session open. Rudy Garza and Rina Garza residing at 13788 Kelly Drive addressed a broken water line situation at their address which has been lingering since November 2014. Mr. Garza explained that they received approval to receive Harlingen water service prior to City of La Feria utilities being installed in the area. Mr. Garza believes his water line may have been damaged by a contractor when the City of La Feria utilities were installed leading to a \$950 water bill from Harlingen. He indicated he met with City Manager Sunny K. Philip and Mr. Friend and are awaiting resolution to the matter.

Mayor Gonzalez said he was unaware of the situation. He will follow up with Mr. Philip and call Mr. Garza within a week. Mr. Garza thanked the Mayor and Commissioners for their time.

REVIEW AND TAKE ACTION TO APPROVE THE MINUTES OF PROCEEDINGS OF THE REGULAR MEETING OF THE CITY COMMISSION HELD ON TUESDAY, JULY 14, 2015

Commissioner Esmeralda Lozano requested an addition to the minutes regarding clarification of the need to select a contractor for the Comprehensive Strategic Plan pending award from USDA. After review of the minutes, Commissioner Lozano moved to approve the minutes with corrections of proceedings of the regular meeting of the City Commission held on Tuesday, July 14, 2015. Commissioner Maldonado seconded the motion, and the motion carried by unanimous vote of the City Commission.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION OF THE CITY OF LA FERIA RESCINDING RESOLUTION 2014-02 APPROVED BY THE CITY COMMISSION ON JANUARY 28, 2014 AND CANCELLING THE CITY OF LA FERIA'S PARTICIPATION IN THE DEVELOPMENT OF A HAZARD MITIGATION ACTION PLAN THROUGH THE COUNCIL OF CITIES HEADED BY THE CITY OF LOS FRESNOS, AS THE CITY OF LA FERIA RECEIVED A GRANT AWARD DIRECTLY FROM THE TEXAS DIVISION OF EMERGENCY MANAGEMENT

The original resolution and the revised version were included in the packet for clarification. To summarize, La Feria joined the council of small cities to submit an application for Hazard Mitigation Action Plan development to assure the City had a chance because the previous plan was submitted jointly and Cameron County and Harlingen recently submitted their own. Later, during a visit from the State agency [TDEM], we discussed our participation with the small cities and inquired whether we could submit our own, even though we were part of the Los Fresnos application. TDEM staff encouraged us to submit the application which was recommended for award and funded. During a meeting with TDEM staff in Austin we discussed being funded under two applications and asked for their recommendation. TDEM staff recommended we proceed on our own and send Los Fresnos a letter. We followed their recommendation, reported to the Commission, and placed this resolution on the agenda for Commission approval to clarify the issue. We are not withdrawing from the coalition with the other small cities, just not jointly developing the hazard mitigation action plan with the [Cameron County] small cities because we have our own grant funding and project work. Commissioner Lozano asked if this coalition for the hazard mitigation plan is separate from the small cities coalition. The City Manager explained that the small cities coalition includes a three county area versus this one which is only a few cities within Cameron County. Commissioner Lozano asked several questions and raised points of clarification to which Mr. Philip responded and referenced information in the packet.

Commissioner Lozano moved to read the caption of Resolution 2015-09, seconded by Commissioner Maldonado. The motion carried by unanimous vote of the City Commissioners present. City Attorney Richard S. Talbert read the caption of Resolution 2015-09. Commissioner Lozano moved to approve resolution 2015-09, seconded by Commissioner Maldonado. The motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY RESOLUTION ACCEPTING THE CATHODIC PROTECTION EQUIPMENT FOR CLARIFIERS AND ELEVATED STORAGE TANK IMPROVEMENT PROJECT COMPLETED BY CORRPRO WATERWORKS FUNDED BY TWDB DWSRF 62502 CID-07

City Manager Sunny K. Philip stated the resolution was included in the packet in the format required by TWDB to certify that the item is placed on the agenda and the project is completed. The cost of the project was \$71,655.00 and no change orders were needed. The project has been placed in service and is working.

Commissioner Lozano moved to read the caption of Resolution 2015-10, seconded by Commissioner John Hernandez. The motion carried by unanimous vote of the City Commissioners present. Mr. Talbert read the caption of Resolution 2015-10. Commissioner Hernandez made a motion with a second by Commissioner Maldonado to accept the construction completion of Cathodic Protection Equipment for Clarifiers and Elevated Water Storage Tank by CORRPRO Waterworks in compliance with Texas Water Development Board Drinking Water State Revolving Funds. The motion carried by unanimous vote of the City Commissioners present.

CONDIDER AND TAKE ACTION TO APPROVE OR DENY PURCHASE OF SEWER CLEANING MACHINE THROUGH BUYBOARD AND APPROVE RESOLUTION FINANCING THE PURCHASE THROUGH GOVERNMENT CAPITAL CORPORATION

City Manager Sunny K. Philip informed the Commissioners that the Utilities Board met earlier to consider this item and recommend the Commission favorably consider approving the purchase. He explained the need for the VACTOR truck stating the previous machine had been in service for about 10 years and is now beyond repair. This machine is used to clean up the mains and vacuum the sewer lines and is extremely important for the size of the City and the system we have in place. After discussing several purchase options and informing the Commission of the financing options through Government Capital Corporation, Mr. Philip asked the Commission to favorably consider the recommendation by the Utilities Board for the purchase of the VACTOR truck at a cost of \$304,675.00 financed for 10 years at a rate of 3.93% with the first payment due August 2016.

Commissioner Maldonado questioned the additional monthly revenue per sewer account shown on the tabulation. Mr. Philip explained that it was to show the additional payment share of \$1.39 per customer for ten years, but does not have an impact on increasing rates through this action. Rate changes are achieved through ordinances usually during the budget process. Commissioner Lozano asked about an opportunity for a better deal for the City, Mr. Philip said based on the financing rates this is the best option available. Mayor Gonzalez congratulated Public Works for making the truck last this long through efficient operator use.

Commissioner Maldonado made a motion to read the caption of 2015-11, seconded by Commissioner Hernandez and the motion carried by unanimous vote of the City Commissioners present. Mr. Talbert read the caption of Resolution 2015-11. A motion to approve resolution

2015-11 was made by Commissioner Maldonado and seconded by Commissioner Lozano. The motion carried by unanimous vote of the City Commissioners present.

CONSIDER AND TAKE ACTION TO APPROVE PROPOSED SCHEDULE FOR BUDGET DEVELOPMENT AND APPROVAL FOR THE CITY OF LA FERIA AND ITS SUBSIDIARIES

City Manager Sunny K. Philip outlined the tentative schedule for the budget process with at least two budget workshops and one additional workshop if needed. Budget discussions are inclusive of all city functions and subsidiaries. The proposed schedule is based upon required elements and timeframes to establish the tax rate and to notify the County by September 11, 2015.

Commissioner Lozano asked about advertising for the CPA or tax attorney through this process. Mr. Philip explained the CPA was selected and the City entered into a five year contract last year. Selection of a delinquent tax attorney firm will come in future meetings since it is not a budget item. Proposals for delinquent tax attorney will be addressed at the next meeting. After discussion regarding an opportunity for public input during the budget process, Mr. Philip stated that a budget schedule summary can be prepared and submitted for publication, including the public hearing dates.

Commissioner Maldonado made a motion to approve the proposed schedule for budget development for the City of La FERIA and its subsidiaries, second was made by Commissioner Lozano. The motion carried by unanimous vote of the City Commissioners present.

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

City Manager Sunny K. Philip referenced documentation and several items covered in the previous agenda item. The Appraisal District provided information under agenda Item No. 10. Mr. Philip explained the net taxable value, approved market value, exempt properties, and the amount available of \$208,387,142. The staff will be using the information provided to prepare the Effective Tax Rate Calculations. The information will be published in the newspaper as mentioned earlier and it will be brought back to the Commission at the next meeting for review and acceptance of that information as the basis to determine the need for a special meeting. The Appraisal District is the entity who is authorized to certify the value to the City Commission and taxing entities. Mr. Philip asked the Commission to consider accepting the information submitted by Cameron Appraisal District. Commissioner Hernandez asked about increased property taxes and where it was identified on the report. That information is not on the appraisal district report. Mr. Talbert explained that the Appraisal District assigns property values but does not raise taxes.

Commissioner Lozano made a motion to accept the certified appraisal roll submitted by Cameron Appraisal District, seconded by Commissioner Maldonado. The motion carried by unanimous vote of the City Commissioners present.

MONTHLY FINANCIAL REPORTS FOR THE MONTH OF JUNE 2015

Finance Director Maria Chavero reviewed the summary of financial reports for the month of June 2015 with the City Commission. Ms. Chavero reviewed the Budget vs. Actual Report reviewing the monthly and the year-to-date figures for the month. 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 Gonzalez announced that the reports would be filed for audit.

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

Mayor Gonzalez declared the meeting in Executive Session at 7:35 P.M. After Executive Session deliberations, Mayor Gonzalez declared the meeting back in open session at 8:45 P.M.

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

There was no action needed on this item.

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**
- **UNGER PARK GROUND BREAKING CEREMONY- AUGUST 4, 2015 AT 10:00AM**

City Manager Mr. Sunny K. Philip reported on the following:

Drainage Improvements: At the previous City Commission meeting the Commission awarded the contract for the Midway Improvement Project – Beddoes Road/Kelly Drive. The contract is under review and a pre-construction meeting will follow. Mr. Philip explained the project currently being advertised for a contractor to concrete line a portion of Wilson Canal and to install a wider crossing at Palis Drive. As previously discussed, we are intercepting the Tio Cano area to allow pumping of water into the Wilson Canal, directing water to the south, and emptying into the Arroyo Colorado area. The La Feria Irrigation District is going to do some of the improvements such as raising the canal banks two feet to assure the water is retained within the banks. Some work in this area is currently underway by Foremost Construction on a different contract. The Irrigation District will begin work raising the canal banks and the bid opening for the contractor portion of the work will be on August 6th to be awarded by the Commission in a later meeting. There is also construction by Walsdorf on the West side along the South Rabb Road area and Texas Cordia is finishing up the second phase of their contract in the Tamm Lane

area and they will also do the work in the Beddoes Road area. Mor-Wil is completing the work on the Evans Crossing as shown on the map. The tour of the sites is pending and will be rescheduled. The Kansas City road improvement project including some of the crossings is also being completed, pending final inspection and close-out.

Water and Wastewater Systems Improvement: The Commission approved close-out resolutions for two more of the contracts. Mr. Philip described the project location of remaining water and wastewater projects on the map. The latest project involves waterline work to be completed by Cornett Construction to the West Colonias area. The wastewater improvements on Main Street starting from Arroyo Heights north to the Dome area including a new lift station on Kansas City Road.

Mayor Gonzalez inquired about the new wastewater work to begin on South Main Street to hook up the residents on the south side of town, the Dome on Main Street, and the EDA building. Mr. Philip stated that the work on the south side of town will be completed by April 2016 through the contract awarded by the Commission earlier. The City will be advertising for another lift station on the west side on Kubiski Road so that we can complete the line on Bixby/Kubiski also.

There was a bid opening held today for an office building at the wastewater treatment. The current building was constructed in 1973 and does not leave enough room for the new electrical components and office space. This item will come before the Commission for consideration at a later date.

The other item we are exploring is the SCADA system for the water treatment plant. We want to explore different options. Once we have determined our needs, we will advertise for proposals.

Safe Rooms: We are expecting a change order to extend some of the time because of the delay in receiving the funds from the state level, rain days and different things. The revised construction completion date is expected by October 15, 2015.

Ground Breaking Ceremony for Unger Park: Unger Park Groundbreaking is planned for August 4th at 10:00 AM. Please mark your calendars. The sign with the map has been approved but not yet delivered. It will be completed and installed this week.

WORKSHOP TO DISCUSS SOFTWARE FOR CITY COMMISSION AGENDA AND MINUTES PREPARATION

City Manager Sunny K. Philip discussed a proposal to use a different agenda preparation package. The City of La Feria currently uses a program called INCODE by Tyler Technologies, an excellent software for accounting and utility billing. With the new technology available, a software package called Accela is being used by other cities and boards to help efficiently plan for a year of meetings. Comparable systems exist at higher costs such as INCODE at a cost of \$30,000. Accela is a web based program providing numerous information management options such as facilitating agenda and minutes preparation. In situations where the same information is presented to the Commission and Board, the information is entered once and populated into the applicable meeting documents. The documentation is readily available for distribution to the Commission or Board via personal device or if approved through a City purchased tablet with

Wi-Fi service. This program allows the user to view the documents, make notes for quick access, is searchable, facilitates review of indexed historical data, and will be accessible by our citizens. The software is offered on a one year lease at a cost of \$540 per month and can be utilized by all the departments, Commission, and Boards.

Commissioner Lozano raised concerns about the Accela software including the large scope of scanning the historical documentation and how it would be achieved; a comparison of accomplishing similar tasks through software offered by Microsoft Suite; using a company to scan everything; use of software by the department heads and available number of licenses; cloud storage offered through Accela; and a data backup system. Commissioner Maldonado clarified that this software will have multiple users with its license rather than an individual license for each computer. Mayor Gonzalez asked about having a Plan B if in the future this software does not meet our expectations.

Mr. Philip responded to all inquiries providing examples of usage; discussing the advantage to having a cloud based system allowing for a link on our website to make it accessible to the residents using public domain software; back-up protocols by Accela and the City. He further identified the software as a new efficient tool to plan ahead, facilitate distribution of documentation, keep well organized documentation, and save time and money in preparation of hard copies of the agenda packets. This item is for consideration by the Commission and is the beginning of automated improvements to the City's processes. Mr. Philip clarified Commissioner Maldonado's inquiry about the software helping Planning and Zoning by stating that those items were part of another package similar to what a larger city like San Antonio was using, and we were not yet ready for that part. Although Accela offers such options, some of the pricing may not be affordable for a small city.

After considerable discussion, Mr. Philip indicated the Accela software was a wonderful deal after 5-6 years of looking around. Commissioner Hernandez added that this software was a step forward in our effort to offer transparency in City government. Mayor Gonzalez shared his support of the transparency offered by this software investment. No action was necessary.

CONSIDER AND TAKE ACTION TO APPROVE OR DENY LEASE OF SOFTWARE FOR CITY COMMISSION AGENDA AND MINUTES PREPARATION

Commissioner Hernandez made a motion to approve lease of software for City Commission agenda and minutes preparation. Commissioner Maldonado seconded the motion. Commissioner Lozano voted not to approve the motion. Motion carried by a vote of 2 to 1.

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

Mayor Gonzalez asked City Secretary Olga Oberwetter to share information on Commissioner Betancourt's absence with the City Commissioners. Ms. Oberwetter reported that Commissioner Guevara called to inform her that he was returning from vacation and would not be in attendance. Commissioner Betancourt called to say that because of his new job and graveyard schedule he would need special permission to attend the City Commission meetings and they have only allowed him to make one of the City Commission meeting per month for one hour and a half. Commissioner Betancourt indicated he would review the agendas and attend meetings

accordingly with the most pressing issues. Commissioner Lozano asked if the situation was indefinite. Ms. Oberwetter indicated his schedule might change, but he is new to this job. Mayor Gonzalez entertained a motion to excuse Commissioner Guevara. Commissioner Esmeralda Lozano made a motion to excuse Commissioner Guevara's absence, seconded by Commissioner Maldonado. The motion carried by unanimous vote of the City Commissioners present.

The Commission agreed to allow Commissioner Betancourt an opportunity to explain the status of his job and the impact on his current position. Commissioner Hernandez and Commissioner Maldonado indicated the importance of his job and family. A motion was made to excuse Commissioner Betancourt by Commissioner Lozano, seconded by Commissioner Maldonado. The motion carried by unanimous vote of the City Commissioners present.

ACTION FOR ADJOURNMENT

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

ADJOURNMENT

Mayor Gonzalez adjourned the meeting at 9:43 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 2:30 P.M. on August 11, 2015, as official record.

Esmeralda R. Sánchez, City Secretary