

**MEMBERS PRESENT:**

Trini Lopez  
Sergio Cox  
Jesus S. Hernandez  
Tommy A. Faulkner  
Jose Hernandez Jr.

**MEMBERS ABSENT:**

Jesus Gandara Jr.

**STAFF PRESENT:**

Lorenza Fraire, Interim City Manager  
Gina Rodriguez, City Clerk  
Johanna Gonzalez, Receptionist  
Jerry Wallace, City Attorney

**CALL TO ORDER:**

The meeting was called to order at 5:38 p.m.

**ESTABLISHMENT OF QUORUM:**

A roll call was held and a quorum was established with four members present.

Mayor Trini Lopez- Gina, I posted an agenda last Friday for today at 5:30 p.m. do you have copies of it?

Gina Rodriguez- Mayor what you posted was a form Calling for a Special meeting not an actual agenda but this item and concern has been deferred to our legal counsel, Mr. Wallace?

Mr. Wallace- Yes. Mayor, I had looked for that in the posting window out here where was it posted?

Mayor Trini Lopez- It was posted over there at the City Administration Building.

Mr. Wallace- There are two (2) concerns with respect; one is whether or notice is adequate as a notice of special meeting and because it is not or couldn't be considered an addendum to the agenda that was already posted the first issue would be whether or not it would be sufficient with the language and it seems to indicate that it is a request for a special meeting but not notice to the public that there would be a special meeting.

Normally, the City publishes an agenda that says that there will be a Special meeting. The second thing is that it appears that it wasn't, because I looked right before the meeting; it appears that it was not posted here at City Hall and it is the traditional method to post it at both locations or at least here, I always look for the agenda when I come up and it was not posted for this meeting, so I would have some concerns about it being sufficient as a notice of a Special meeting and I don't think that it would be sufficient as an addendum to the agenda item. I know that we had that same issue with respect to an intent to amend a previous meeting.

Mayor Lopez- This is a copy of the document that I posted (See Exhibit "A") and as you can see I requested as the Mayor a Special Council meeting and I changed the dates, the time and so forth due to the fact that the City Clerk was not available, and the Assistant City Clerk although Council decided to bring her back the City Manager hasn't yet complied with City Council desire and therefore I posted it myself.

Mr. Wallace- But, it wasn't posted at City Hall.

Mayor Lopez- No.

Mr. Wallace- That's the....

Mayor Lopez- The one that is supposed to post it is the City Clerk or the Assistant City Clerk.

Mr. Wallace- Right, right.

Mayor Lopez- It is very regular what is happening and I'm very concerned and I am going to look for the legality of this document.

Ms. Rodriguez- May I?

Lorenza Fraire- May I have my copy sir.

Ms. Rodriguez- I have an extra copy. Just for the record Mr. Wallace I did ask my Supervisor if I could leave early on Friday which she did agree to. I did see Mayor Lopez throughout the day on Friday which he could have addressed that issue with me at that time but he never did.

Mayor Lopez- I'm, sorry?

Ms. Rodriguez- You never called for a Special meeting with me on Friday, on that date. Now, if you came into the office after the time I had requested to leave early by my Supervisor approved then that is another issue but it is not because I did not want to; it not an issue of... To me this is not an agenda, to me this does not constitute as an actual agenda. This is a form that is provided to all City Council members when you guys want to call for a special council meeting. True or not true?

During this time various Council members replied, true.

Ms. Rodriguez- If it's the Mayor one item has to be executed, turned in to the City Clerk along with the actual blank agenda item forms that you want the agenda to be of regardless of what it is. If it is three (3) Council members Mayor...

During this time Mayor Lopez interrupted and stated that unfortunately, I called around 4:30 p.m. and Johanna came looking for you and I was put on hold for about 10 minutes.

Ms. Rodriguez- Well your email said seven (7).

Mayor Lopez- I drove from here to the office when I got over there they told me that you just left.

Ms. Rodriguez- Exactly, I should have left at 4:00 p.m. sir.

Mrs. Fraire- She had requested to leave at 4:00 p.m.

Mayor Lopez- Excuse me Lorenza!

Mrs. Fraire- No excuse me Mayor because you are accusing us...

Sergio Cox- I was a witness to all this.

Mrs. Fraire- Okay, thank you Mr. Cox.

Ms. Rodriguez- Mr. Wallace could we be discussing this since if it is not posted on the agenda?

Mayor Lopez- When I called Johanna she told me that she would go looking for you and ten (10) minutes after when I got to the office they told me that you had just left.

Ms. Rodriguez- I was supposed to leave at 4:00 p.m. sir.

Mayor Lopez- Well, I don't know but my request as Mayor is for you to place an item on the agenda.

Ms. Rodriguez- Right, and you need to come and deliver that to me sir.

Mayor Lopez- Okay, well...

Ms. Rodriguez- You were not in the office at that time.

Mr. Cox- Point of order, point of order, this is not an item to be discussed (*unable to decipher since various individuals speaking at the same time*).

Mayor Lopez- Excuse me Mr. Cox I had not finished yet. Gina...

Mr. Cox- It does not need to be discussed in open forum.

Mrs. Fraire- This item is not on the agenda sir.

Ms. Rodriguez- I'm sorry am I personally being attacked at this time?

Mayor Lopez- I'm sorry?

Ms. Rodriguez- Am I personally being attacked at this time?

Mrs. Fraire- Yes, it sure looks like it.

Mayor Lopez- No, I'm asking why *(unable to decipher since various individuals speaking at the same time)*.

Mrs. Fraire- That item is not on the agenda sir.

Mayor Lopez- *(stated in spanish)* callate tu Lorenza.

Mr. Cox- Let's stick to the agenda please.

Mayor Lopez- When I spoke to Johanna she told me let look for her okay and in the meanwhile I was driving...

Ms. Rodriguez- I saw you past the railroads, yes I did sir there was traffic that day.

Mayor Lopez- So by then she had already told you that I was coming in to call for the special meeting.

Ms. Rodriguez- No sir, no sir. I have already told you and this Council that I had asked and requested permission from my Supervisor, Mrs. Lorenza Fraire, to leave early on Friday at 4:00 p.m.

Mayor Lopez- You told us that?

Ms. Rodriguez- I just told this Council.

Mayor Lopez- No, that day.

Ms. Rodriguez- I hadn't talked to you Mayor. I told you that this morning when you came and inquired.

Mr. Cox- Legal? This is a regular meeting to discuss an item on the agenda about a grant not to be sitting here and admonishing an employee in front of everybody.

Jesus S. Hernandez- Oh come on you do it all the time, you do it all the time.

Mr. Wallace- Technically, the method of resolving the issue would be a point of order and do the resolution at that point based upon on the current procedure... the only thing that you can discuss in a meeting is the item that is on the agenda or whether or not to put an item on a future agenda. Those would be the only things that you would be permitted to discuss in a regular; in any called meeting are the items on the agenda and whether or not to list items on a future agenda.

Mr. Cox- That is the point of order that I was trying to make.

Mayor Lopez- So whenever somebody calls for additional motions that are not on the agenda is not regular; is not right?

Mrs., Fraire- All you have to do is call for a point of order.

Mayor Lopez- I'm not talking to you Lorenza. Lorenza, I'm not talking to you stop interfering Lorenza.

Mr. Cox- The point of order here Mayor is that you are out of line because this is not on the agenda we're here to speak about the grant; we need to deal with it.

Mayor Lopez- I'm asking Mr. Attorney if my request is valid or not.

Mr. Wallace- What normally happens in my... and I don't think that there is any ordinance or written procedure but what I have asked the City Manager or City Department to do is that once a meeting is called if additional individuals submit items before and in time to place those items on the agenda for that meeting that they be placed on that agenda, but that's... there is authority in the City Charter to prescribe a procedure to that but to my knowledge it has never been done. So, what I have asked the City Administration to do is that when they have a call for a special meeting if they have additional items to come in that gives them enough time to list those items on the agenda that they be listed.

Mayor Lopez- I called at 4:30 p.m. that day. An hour before the 5:30 p.m.

Ms. Rodriguez- And I was out of the office Mr. Wallace.

Jesus S. Hernandez- I have a question for you? When was this item posted? Saturday? .

Mrs. Fraire- No, the thing is...

Jesus S. Hernandez- Because I got a call from Johanna that is why I am asking.

Ms. Rodriguez- For this? *(Then asked Johanna if she was at work on Saturday to which Johanna said no).*

Mrs. Fraire- But Mr. Hernandez...

Ms. Rodriguez- I'm sorry which one?

Mrs. Fraire- The other agenda was.

Ms. Rodriguez- No, he's asking me about my agenda right?

Mrs. Fraire- Which agenda are you asking for the one that we are on now or the one Mr. Lopez posted? Which agenda are asking about?

Jesus S. Hernandez- No, this one, this one here.

Mrs. Fraire- That was posted at?

Mr. Wallace- At 3:45 p.m.

Mrs. Fraire- 3:45 p.m. and Mr. Lopez didn't come in until...

Jesus S. Hernandez- It was posted at 3:45 p.m. but you called me on Saturday right?

Johanna Gonzalez- On Friday.

Mrs. Fraire- For the records Mr. Hernandez I did ask Mr. Lopez if I could assist him. He negated, he refused to even talk to me Mr. Hernandez. I asked Mr. Lopez if I could assist him and he said no.

Mayor Lopez- At what time?

Mrs. Fraire- As a matter of fact I even asked him for a copy of what he was posting on there and he didn't so I called P.D. P.D. came in and they are the one's that gave me a copy of this because Mayor refused to give me a copy. He threw the keys on the counter which he also refused to give to me Mr. Hernandez but in all due respect I did ask if I could assist. Mr. Cox was in my office at that time and Mr. Mayor only came in and says, "I need to talk to you", and I told him that I would get to him in a minute since Mr. Cox was in at that time.

Mayor Lopez- And at what time did you got out from Mr. Cox?

Mrs. Fraire- The thing is Mr. Hernandez that after I got out with Mr. Cox I did go to the Mayor and ask him if he needed my assistance and he refused sir. Let the record show that I did ask.

Mayor Lopez- Mrs. Fraire at what time did you come out of the office? At what time did you come out of your office? Mrs. Fraire, at what time did you come out of your office?

Mrs. Fraire- I don't remember but I think that it was after 5:00 p.m. sir because when you went down there it was about a quarter till five.

Mayor Lopez- I asked you at what time you came out.

Mrs. Fraire- It was about a quarter till five when you went to my office.

Mayor Lopez- I didn't come to your office.

Mrs. Fraire- Yes you did. Mr. Cox was in my office and you even said that you needed to talk to me that is all you said sir.

Mayor Lopez- Okay, okay so...

Jesus S. Hernandez- Let me ask you another question this was posted by Mayor Lopez in absence of City Clerk and if the Assistant City Clerk had been on leave and this Council has instructed you bring her back.

Mrs. Fraire- As a matter of fact Mr. Hernandez, I was telling Mayor if I could help him to fill it out because he failed to put in all of the requirements that are needed to legally post this thing and he refused again. He didn't even put a time here when he posted this on the agenda, there is no time on here at all. There is only a time for a meeting and he is a scheduling a meeting at the same time when one meeting was already posted. There was already a meeting posted at 5:30 p.m.

Jesus S. Hernandez- And what is the problem with that?

Mr. Cox- It's wrong.

Mayor Lopez- This is my agenda item that I posted it's for you Mrs. Fraire to provide City Council with a report on finances, balances, deposits, and (unable to decipher) of the grant and has been on the agenda for three (3) consecutive weeks.

Mrs. Fraire- No sir.

Mayor Lopez- And these guys here...

Mrs. Fraire- Special meetings

Mayor Lopez- Excuse me Mrs. Fraire.

Mrs. Fraire- Special meeting and you know I wanted to find out why you didn't put it in our regular meeting last month sir? You had the opportunity to do it, why didn't you do it?

Mayor Lopez- I had been asking for a special meeting.

Mrs. Fraire- No, why didn't you put it in our regular meeting?

Mayor Lopez- Mrs. Fraire it's my decision okay and you are here to obey me.

Mrs. Fraire- You want to manipulate because you put it at 1:00 p.m.

Mayor Lopez- Mrs. Fraire, it doesn't matter.

Mrs. Fraire- Yes it matters cause I think that all of Council...

Mr. Cox- Point of order, point of order could we get back to the business of the meeting.

Mayor Lopez- These three guys here are refusing to come here to a special meeting.

*During this time various individuals are speaking at the same time.*

Mayor Lopez- I just want you to know on the tape that these three (3) guys are refusing to come to a special meeting three (3) consecutive times.

Mrs. Fraire- And you are refusing to talk to me.

Mayor Lopez- Now let's go ahead and start with this meeting.

Jose Hernandez Jr. – Let's proceed (*unable to decipher*).

Ms. Rodriguez- Council we'll precede and start with the actual meeting for today, March 15, scheduled at 5:30 p.m. Regular Agenda item number five?

Mayor Lopez- Because you were not there on that day.

Ms. Rodriguez- Excuse me Mayor?

Mayor Lopez- Because you were not there that day (*unable to decipher*).

Mrs. Fraire- Just leave him alone.

Ms. Rodriguez- Okay, the record is reflective of that sir.

**REGULAR AGENDA:**

***DISCUSSION AND ACTION ON APPROVAL OF A RESOLUTION AUTHORIZING CONTRACT(S) WITH A BUILDING CONTRACTOR(S) FOR SIX (6) HOME REHABILITATION/RECONSTRUCTION PROJECTS UNDER THE TDHCA-OCC HOME GRANT PROGRAM IN ACCORDANCE WITH THE TDHCA-OCC HOME GRANT CONTRACT #: 1001065 EXECUTED BY TDHCA ON MARCH 5, 2009, WITH SAID HOME IMPROVEMENT CONTRACT (S) TO BE PAID FROM THE HOME GRANT FUNDS, NOT TO EXCEED \$375,000 DOLLARS.***

***SERGIO COX***

Mrs. Fraire- Okay, I have a question.

Mr. Cox- This is my item, this is my item Mayor and because I am not as familiar with grants as Mrs. Fraire is I am going to yield the floor to her and let her talk.

Mayor Lopez- I have a question for Mrs. Fraire.

Mr. Cox- You could ask her after her presentation Mayor.

*During this time various individuals are speaking at the same time.*

Mayor Lopez- Mrs. Fraire I have a question...

Mr. Cox- I asked for the presentation.

Mayor Lopez- Hold on Mr. Cox I am talking to Mrs. Fraire.

Mr. Cox- I'm sorry. I had the floor.

Mayor Lopez- Mrs. Fraire I have a question.

Mrs. Fraire- I believe that I was asked a question from a Council member in reference to the grant are you going to refuse for me to answer the question.

Jesus S. Hernandez- Yes of course he is the Mayor, he's overruled, have some respect.

Mayor Lopez- I'm asking you, what contractor are we contracting?

Mrs. Fraire- At this time Mr. Mayor we are not contracting anybody because if you are aware Mayor you were the Chief Executive of this grant and you have failed to administer this grant properly sir so I have taken over administering this grant and I would like to give a report on it right now if I may.

Mayor Lopez- Thank you. The true intention of this item it says a resolution authorizing contracts with a building contractor, who is that contractor?

Mrs. Fraire- May I give my report Mayor?

Mayor Lopez- I'm asking you.

Mrs. Fraire- I am going to answer that sir if you'll allow me.

Mayor Lopez- You have a name for it. Okay go for it.

Mrs. Fraire- No, I need to explain to Council since nobody seems to know what happened with this grant. This grant was initiated back in 2007 and this grant was funded for and it was under your...Council had given it to you as Chief Administrator of this grant and you failed. We are having problems and this is something that I have already brought to you before Council about the situations and problems that we've had up to this point.

Based on the fact that we are going into lame duck what we have to do now is go into a resolution so that we can get the contracts done. These contractors are for them to do these homes. These homes should have been done a long time ago. The notice of the funding available was way back in October of 2008.

The City then contracted Liz Barrera who was a former City employee during her employment with the City she was the City's Grant Writer. Mrs. Barrera is a highly qualified individual who was recommended by Mayor Trini Lopez during the design of this program Liz Barrera, Grant Writer, met periodically with Mr. Manny Soto, Mr. Sam Leony, Diana Marroquin, Carlos Najera, and Mayor Lopez participated in some of the meetings. Liz Barrera kept us all informed; and this is from Mrs. Diana Marroquin. Mrs. Barrera kept us all informed on what she was proposing all the time and Mr. Sam Leony at any point (*unable to decipher*) the Planning & Zoning Department to provide their services and in-kind were non-monetary contributions. During which time Liz Barrera designed this program with an in-kind scope of work to be provided by the Planning & Zoning Department as follows: Inspections, Work write ups, cost estimates, plans & specifications, and photographs. However, these things haven't been done. On February 11, 2010, we had met in order to get all of these done based on the bench mark, do you remember Mayor? (*Unable to decipher*). So at this time the only alternative that we have is to have a resolution because Council is going into lame duck to allow us to contract for these houses to be done. I had a resolution prepared by Mrs. Marroquin. He has the resolution prepared for us this evening due to the fact that this grant has not been administered properly (*unable to decipher*). I will have the legal attorney now read...

Jesus S. Hernandez- Mrs. Fraire I have a question for you. Do you we have the contract printed out?

Mrs. Fraire- No sir this is the problem Mr. Hernandez that we haven't even received all of the final inspections.

Jesus S. Hernandez- Have we put it in the newspaper for advertisement?

Mrs. Fraire- No the thing is that we don't have everything ready yet to go out for contract since we haven't received all of the plans for all of these houses, we're still not in compliance. Mr. Olague are we in compliance where we can go out for bids, have we received all of the plans for all these.

Anibal Olague- No.

Mrs. Fraire- They are still waiting sir that is the reason why we have to do it by resolution.

Mayor Lopez- So you are going to contract someone who is not tangible, someone who is not physical, is not present?

Mrs. Fraire- Well, once the Attorney can explain that to you why Mr. Mayor we are doing it this way I think you could understand...

Mayor Lopez- I heard you say that you are going to do it *(unable to decipher)*?

Mrs. Fraire- That's legal...

Jesus S. Hernandez- When you say we is this we or you?

Mrs. Fraire- When I say we I'm talking about my group that we have to do this grant in order to bring it up to par because it wasn't in compliance sir. We even asked for an extension because we could've lost this grant already okay. So what happened here due to failures within the administration at this time as you well know Mr. Hernandez Socorro has a history of losing money and this is the problem here at this point and I am trying to salvage what we have sir. In order for us to salvage it this is why we had asked legal counsel on it and he expressed to us that we could do it through resolution so I am putting it on legal counsel's hand.

During this time Mayor Trini Lopez asked Diana Marroquin to the podium.

Mrs. Fraire- Wait...

Mr. Cox- I have some questions to ask too she's not the only one under this meeting.

*During this time various individuals are speaking at the same time.*

Mrs. Fraire- No she's only here... what I had was given the presentation because I had asked her what had happened and this is what Mrs. Marroquin had provided me with however I did not go thru the whole thing there are still some other things that need to be *(unable to decipher)*.

Jose Hernandez Jr.- Before you proceed, Mrs. Fraire, who are the ones or the contractors were you given a list or tell me more do you still know who *(unable to decipher)*?

Mrs. Marroquin- We have no idea because we have to go out for bids first before we get them.

Tommy A. Faulkner- No not the... he means the houses, the people.

Mr. Wallace-The projects is what he is talking about.

Mrs. Marroquin- There is going to be a total of four (4) reconstructions for the maximum of \$80,000 dollars per home and two (2) rehabs.

Jose Hernandez Jr. - Did they apply?

Mrs. Marroquin- Have they what?

Jose Hernandez Jr. - Have they been selected?

Diana Marroquin- Yes and we determined eligibility.

Jose Hernandez Jr. - Do you have a list of names?

Mrs. Marroquin- We don't have it with us but we do have a list of names.

Jesus S. Hernandez- My name is still there right?

Mr. Cox- The six (6) qualified under...how many applied?

Mr. Olague- We had a long waiting list of people that came out through the different advertisement done by the media and different organizations. When we had all the families we did a pre-qualification process where we identified those who met the minimum requirements for the grant then the City put together a scoring meeting composed by different staff members and I developed a scoring criteria where we allocated another scoring depending on different needs such as families with children, low income, and the majority met the federal low income. From there we got the six (6) that were approved and that is where we are at.

Mayor Lopez- When was the last time that you met to select all these?

Mr. Olague- It was actually (*unable to decipher*).

Mrs. Fraire- I need to answer because this started in 2007...

Mayor Lopez- No, no, no. Maam, Mrs. Fraire, excuse me, no, no, no, I don't want you to answer.

Mrs. Fraire- He wasn't here at the time that the project started.

Mayor Lopez- My question was when was the time that you finalized in selecting these six (6) people?

Mr. Olague- When I started helping the City last year Mayor is when I helped them develop the scoring criteria and work with the different department heads to identify the six (6) families. Through the process I recommended that we maybe help not six (6) but ten (10) families; the top ten (10) that met the highest score.

Mayor Lopez- Hold on because she's talking. Are you done?

Mrs. Fraire- Well if you would let me address Council.

Mayor Lopez- Excuse me Mrs. Fraire, excuse me Mrs. Fraire. Go on Mr. Olague.

Mr. Olague- So when we had the top ten (10) highest scores we worked on all ten (10) files so in case one (1) of the files doesn't pass because of title issues or other issues that come during the qualifying process maybe income that maybe they started making more money and they don't qualify anymore then we would already have somebody already next up so that we won't have to start all over again. That's when Diana continued to work on that so she kept going from the waiting list that we had pre-qualified.

Mayor Lopez- But my question is very different. When was the time to finalize selecting the six (6) candidates? When did you guys... this group that you formed came to the conclusion that those six (6), the last of the six (6) families were contracted, when?

Mr. Olague- Diana?

Mrs. Marroquin- The contract was executed on March 5, we did not receive until after April 17, 2009, we cannot begin with the project until...

Mayor Lopez- I'm not asking...

Mrs. Marroquin- Yea, well that's the timeframe. We cannot proceed with the program until that is received the contract and we did not receive it until the end of April.

Mayor Lopez- Of last year?

Mrs. Marroquin- Yes sir. We selected six (6) families that were environmentally cleared and that is a long process now during the time that we had submitted the environmentals for clearance three (3) families dropped.

Mayor Lopez- That was on September or August or something like that?

Mrs. Marroquin- Around October-November.

Mayor Lopez- October of last year.

Mrs. Marroquin- Now what we had to do in order to start the whole process...

Mayor Lopez- Stop right there. So then right then and there because of those three (3) families that decided not participate put on hold or behind schedule or was it on schedule?

Mrs. Marroquin- That was the first obstacle.

Mayor Lopez- No, I'm asking. Was it still on schedule at the time they decided not to?

Mrs. Marroquin- No, no. The remaining three (3) applicants were on schedule.

Mayor Lopez- No, I'm talking about the process of the...

Mrs. Marroquin- Oh yes, yes, we were on schedule.

Mayor Lopez- We were on schedule?

Mrs. Marroquin- Yes, yes.

Mayor Lopez – For three (3) but we need to have a time frame period for us to submit the six (6).

Mrs. Marroquin- All six (6) were submitted, so we were on schedule with all six (6). The approved six (6) were on schedule and submitted for the environmental clearance.

Mayor Lopez- When?

Mrs. Marroquin- In November. At that point they dropped and what we had to do was start all over again on the process and what took us eight (8) months according to our bench mark we had to do everything in three (3) months and we did do that.

Mayor Lopez- Excuse me and how much time you spend out of the three (3) months.

Diana Marroquin- Out of the what?

Mayor Lopez- How much time you spend to select the additional three (3).

Mrs. Marroquin- We had to do the process all over again.

Mayor Lopez- I know, how much time did it take...

*During this time various individuals are speaking at the same time.*

Mrs. Fraire- With all due respect Mayor I am responsible for this program and I am the one that is directing her why don't you recognize me Mayor?

Mayor Lopez- So when you did decide to select the additional three (3) to complete the six (6) when was that date?

Mrs. Marroquin- Okay we started with the marketing to select an additional three (3) on November 19, 2009 thru December 10, 2009 that was just the marketing; that is just when we accepted applications. After we accepted applications we determined their eligibility, we reviewed the applications and scored them, we also cleared with the title company and we did the environmental.

Mayor Lopez- And it was already January or December?

Mrs. Marroquin- January.

Mayor Lopez- Council, Lorenza has been here

Mr. Cox- In September

Mayor Lopez- Attacking that we failed to comply...

Mr. Cox- That we failed to reach the bench mark sir. That is what I heard her say.  
Jesus S. Hernandez- Let him finish.

Mayor Lopez- So, what Diana is telling us is that because of those three (3) families that decided not to participate that the additional time had to be used. So, it's not because of (*unable to decipher*). It's because those three (3) families put us behind since but that is what Lorenza is saying right?

Mrs. Fraire- If you would let me talk. You are accusing me...

Mr. Faulkner- On all the benchmarks were they ever met and signed by the Mayor to be turned in on time or not?

Mrs. Marroquin- We met all of our deadlines until benchmark. We had a six (6) month bench mark which was on September 2009 and we met that benchmark. Then we had an eight (8) month bench mark on November 2009 and we met that benchmark. Then beside the three (3) that had dropped that is when we got behind. THDCA knew that we were behind and we were advised by them to pick them up so that is why we were working on it. On the twelve (12) month benchmark which was in the beginning of March we did not meet that benchmark. Right now we are pending the information from the Planning Department and without that information we cannot go out for bids. I think that we (*unable to decipher*) the extension but we do need plans and specifications and without them we cannot go out for bids.

Mayor Lopez- Mr. Leony could you please come forward?

Jesus S. Hernandez- Can I ask a question? It's a very simple one. How many homes are there for this rehab?

Mrs. Marroquin- Six (6).

Jesus S. Hernandez- Just six (6)? You should have some more.

Mrs. Fraire- The thing is, may I explain to you Mr. Hernandez if you would provide me the opportunity?

Jesus S. Hernandez- No, the reason why I am saying this is because I think that we should help more than six (6) people then if we lost three (3) of them then we could possible help out more.

Mrs. Marroquin- That is what TDHCA allowed us to do up to six (6).

Mrs. Fraire- You need to understand one thing Mr. Hernandez that when you go out for a grant what you do is that you submit a needs assessment. A needs assessment was done and based on that needs assessment is how they came up with these six (6) people. Based on the needs assessment they did the preliminary from the six (6) people. At that time qualified for the grant however of the six (6) people that qualified for the grant three (3) of them dropped and this was from the preliminary back in 2007-2008 okay.

However the actual grant documentation that needs to be submitted to TDHCA was not submitted properly. We did not meet all of our benchmarks based on the fact that the three (3) people dropped and in fact we were behind on a benchmark because we had applied for six (6) people. As long as we had three (3) people on we could get some monies for those three (3) people and not for the six. At this point these three (3) people who had already qualified would need the floor plans and everything for reconstructing their homes which we still don't have. Now, we have been asking for this way back since February 12, February 25, and (*unable to decipher*). This has been the problem and Mayor is aware that we were not in compliance with all of the benchmarks because he received a letter back on January the 5<sup>th</sup>, saying that we did not submit the benchmark. He is aware that we did not meet the benchmark. He did not even sign...

Mayor Lopez- For your information Mrs. Fraire, Council members and others...

Mrs. Fraire- No sir for your information

Mayor Lopez- Excuse me, excuse me Mrs. Fraire, you are getting out of order maam.

Mrs. Fraire- You are the one getting out of order.

Mayor Lopez- You are out of order. I'm going to have to...So; Mrs. Diana Marroquin has just stated to Council that we were on compliance until January. Excuse me Mrs. Fraire...

Mr. Cox- What is all this arguing bout Trini? If it's a grant for \$375,000 dollars why are you arguing about the little (*unable to decipher*) when all we could be getting \$375,000 dollars. What are you trying to do here?

Mayor Lopez- She's accusing you Council members and me.

Mr. Cox- You are the Chief Executive Officer...but we can correct it Trini (*stated in spanish*) por favor.

Mayor Lopez- Mrs. Marroquin remember that you went with Marisela and when you came I told you that I was looking for you to get information on the grant benchmark and in the end of January you were in at Mrs. Marin's office and I was asking you for information for me to sign this document right? And Mrs. Fraire told you not to answer to me. Am I right?

Mrs. Marroquin- Right.

Mayor Lopez- Okay, thank you.

Mr. Cox- Because she has to follow the chain of command Mayor. Because she has to follow the chain of command Mayor.

Jesus S. Hernandez- The question was for her not you.

Mayor Lopez- Mr. Leony okay you are being accused over here do you have anything else to provide; information.

Sam Leony- Yes sir.

Mrs. Fraire- We are here for the grant we are not here accusing.

Mr. Leony- In my opinion let's continue with this grant because we are wasting a lot of time accusing us and each other.

Jesus S. Hernandez- Right.

Mr. Leony- Let's finish it and if for some reason someone needs a clarification we can do it later on.

Mr. Cox- I need a clarification now. She made the statement that the Planning & Zoning Department had not provided her with information that she needed in order to finish up with the grant which falls under your department. Do you have it already sir?

Mr. Leony- We are twicking the last drawings; the last information that she requested. Let me tell you we needed to have that information way in advance not from February 26.

Mayor Lopez- Of last year?

Mr. Leony- Yes. That grant was approved on February 20, 2009. The money was received on March 2009. Why were we requested to do this information to do the plans and specifications after January 10<sup>th</sup>? What happened to all those months before?

Mr. Cox- Well, maybe we need to have an investigation as to what happened there, I don't know. The point that I am asking now sir, is if you have it ready now is do you have it ready to go so that we can get in on this grant on time to get some money.

Mr. Leony- I'm working on the last drawing sir and that information will be ready for tomorrow.

Mr. Cox- So it will be ready tomorrow?

Mrs. Marroquin- The reason why we hadn't requested any sooner was because we needed to determine which families we were assist before we did that. We needed to know what we needed to request first.

Mayor Lopez- So, it's not Mr. Leony's fault that he hadn't been provided the information to you because he doesn't have the addresses to go from.

Mrs. Marroquin- Well we had already provided it as to the question of the information. In the past the former in the past HOME program we had never had a problem before with the duration of the time. We would get the information quicker.

Mrs. Fraire- This is not a new program.

Mayor Lopez- Upon requested right?

*During this time various individuals are speaking at the same time.*

Mrs. Fraire- The thing is Mr. Hernandez is that I brought before you documents that we were behind and the Planning & Zoning wasn't presenting the information on time. Mayor is trying to make it look like we were not getting it on time. Well let me tell you Mr. Hernandez we were. One of the things that I want you all Council to understand is that they were involved in the beginning of it and in the beginning it told you what it required. It's not that we didn't give him any information he was part of the whole grant concept. It's just like the same with the Safe Routes to School we even had the same program for the Safe Routes to School and him saying that he was not aware of it and he had been a part of the Safe Routes to School.

Jesus S. Hernandez- Mrs. Fraire, now you are attacking Mr. Leony.

Mayor Lopez- Mrs. Fraire you are responsible for the grant since September, since September.

Mrs. Fraire- No you were.

*During this time various individuals are speaking at the same time.*

Mr. Cox- ...because when you guys were the majority you guys never told us anything, you didn't tell the rest of us. You should have brought it to our attention.

*During this time various individuals are speaking at the same time.*

Jesus S. Hernandez- Mrs. Fraire how time do we have for this grant? One (1) month? Two (2) months?

Ms. Rodriguez- I'm sorry Mayor? I couldn't hear his question.

Jesus S. Hernandez- My question was how much time do we have left? Is it one (1) month, two (2) months, or a year? There's a window right here.

Mrs. Fraire- Mr. Olague asked for an extension and has an explanation for it.

Mayor Lopez- Mrs. Fraire just answer the question.

Mr. Olague- Based on the benchmark letter you received of not being in compliance with the benchmark we got together and developed another time frame. We will still be okay but we really need to get things out which is the item on the agenda. The second letter submitted that I provided you with is a draft letter to request no an extension but a measure of extension for an additional thirty (30) days so that we can catch up with the grant. The item on the agenda is to request authorization as recommended by the legal counsel to allow us to go out for bids eventhough we would be in the lame duck period where the City can have or follow the procedure that they had implemented and come back to you.

Mr. Cox- How much is it going to cost us the City of Socorro? What is the City part on this grant?

Mr. Olague then asked Mrs. Marroquin if it was 10%.

*During this time various individuals are speaking at the same time.*

Mrs. Marroquin- The City's match is \$46,875 dollars.

Mr. Olague- That is broken down (unable to discifer) through different items that we are going to do in house.

Mr. Cox- So, it could be less then? It should be less then if we do our own in-kind.

Mr. Olague- The work write up, the floor plans and different activities to be done by Mr. Leony's office as in-kind are valued at \$46,875 dollars in order to meet the match in order for us not to pay cash.

Mr. Cox- No cash included okay that's my point.

A motion was made by Tommy A. Faulkner seconded by Sergio Cox.

Mayor Lopez- How is this going to work?

Mr. Olague- Well we ask the Counsel to explain to you the process because we had requested this...

Mayor Lopez- Yes, because I need an explanation because these guys have already voted but they do not what the heck they are going to vote on. Okay Mr. Jerry?

Mr. Wallace- Okay, you've already talked about the dates so I won't try to go through those and I don't have all of those at hand. Previously you approved this grant. As part of the grant you entered into a contract with the granting authority which is the Texas Department Housing and Community Affairs to administer the grant. Part of that obligation that was in that contract was that you would identify these families and that you would enter into contracts to make these home improvements so technically it could be argued that you have already made this obligation because you entered into a contract initially to do this. Since that time you have been able to identify the families and you have been able to identify the amount of money that would be involved in the process. What you have not been able to do as of this day is to identify the amount that would be applicable to each one of the projects because you don't have the bids in yet. So what we suggested the lame duck provision prohibits you from approving contracts within 45 days from the general election until the inauguration of the new officers. You have the authority to delegate certain things to the city staff. Our solution to that was two fold. First of all it appears that you have already contracted to do this for one thing. We knew that we would know that the gross amount of contract of the grant was \$390,000 dollars and we knew that there was \$15,000 dollars allocated for administrative expenses by the City. We knew that it left \$375,000 dollars that would be applicable to the projects. What we have done is prepare a resolution residing the history of the matter listing specifically the six (6) projects to be included by name and address referencing and memorializing the fact that the city had obligated itself to do this some time ago and listing the fact that \$375,000 dollars was available to complete the improvements identified and indicating that the city would approve advertisement of bids, the execution of contracts for the home improvements, and then authorizing the advertisement for the improvements and then delegating to the City's Grant staff and the City staff the authority to enter into contracts for those projects in an amount not to exceed the \$375,000 dollars and in accordance with the grant contract and then indicating that any excess funds remaining, and I added this because I was just trying to cover it, indicating that any excess funds remaining after the bidding and execution of the construction contracts authorized should be used in accordance with the terms and requirements of the grant contract and the city's Grant department be and is hereby authorized to request additional time and or take any other action necessary to identify additional projects or to re-direct any remaining grant funds in anyway permitted by the grant contract and approved by the Texas Department of Housing and Community Affairs.

What I wanted to do if you got lucky and ended up with \$25,000 or \$30,000 dollars in excess monies left over after you did these bids to go ahead and authorize the staff to go ahead and do whatever was necessary to keep it instead of giving it back to the Department of Housing and Community Affairs.

Mayor Lopez- I have a concern? By the time it publicizes for contractors and documents of the bids we are going to be in lame duck period and the City Charter does not allow Council eventhough they are voting the way they want, these guys here, that the City Charter does not allow the City Council to violate the City Charter itself.

Mr. Wallace- The City Charter does not allow the City Council to violate the City Charter that is correct.

Mayor Lopez- Okay. So Council cannot act against the City Charter. So if we are going to be going out for bids during lame duck we are going to be in violation.

Mr. Wallace- What the City Charter states is that you will not approve contracts within 45 days you are actually approving contracts with the successful bidders and delegating the authority to city staff.

Mayor Lopez- No sir, no sir. We are approving to go out for contracts but not contract. Right now we are approving to go out for bids and to go out for contracts.

Jesus S. Hernandez- (*unable to decipher*).

Mr. Wallace- What this resolution does is approve the contracts for these six (6) projects and establish the amount of those contracts. Now the allocation between the projects would be determined based on bids but you can authorize and delegate to your city staff the authority to complete those bids and complete those contracts on that basis. It's the best thing that you can do given your situation with the lame duck provision. One of the things that I have been told by city staff is that it may be possible for you to complete the bidding process in this type thing in time to know the exact amounts. The reason I understand why they wanted to go forward tonight because if something goes array and they can't complete that process they want to go ahead and make sure that these contracts are approved before the lame duck timeline.

Mr. Cox- When is lame duck?

Mayor Lopez- It would be March 22<sup>nd</sup>, before, 25 days before...

Ms. Rodriguez- I believe that it is the 24<sup>th</sup>, March 24<sup>th</sup>

Mayor Lopez- Excuse me. Today is the 15<sup>th</sup>, do you think that you are going to complete the process of going out for bids in 9 days?

Mrs. Fraire- If we have all of the support from the staff in complying their portion of the grant sir I see no problem. The problem is that we have had problems in the various departments in completing their portion of the grant sir. As we're trying to do is trying to rescue this grant by trying to do everything...

Mayor Lopez- I know, I know, I'm talking about the time frame.

Mrs. Fraire- Excuse me let me finish sir, excuse me let me finish you gave me the floor sir.

Mayor Lopez- You think that in nine (9) days you can do it? How many times do we have to advertise Ms. Gina?

Ms. Rodriguez- Based on the purchasing policy that Council amended you can do a minimum of fourteen (14) days.

Mayor Lopez- Okay fourteen (14) days and nine (9) days are left.

Mr. Cox- We are going to try to salvage what we can. Mr. Attorney can you go ahead and make the motion the way that Mr. Faulkner needs to address it and include the fact that since it has to be signed today the 15<sup>th</sup> day of March, and if our Mayor refuses to sign it that our Mayor ProTem be allowed to sign the resolution in the motion please so that we can see to it that it gets taken care of.

Mayor Lopez- You're asking him to make the motion.

Mr. Cox- I'm asking him to write up the motion; we need to address the resolution.

Ms. Rodriguez- Mayor?

Mayor Lopez- Ms. Gina.

Ms. Rodriguez- Just for clarification, just to confirm with legal and with Diana Marroquin when you were trying to discuss the agenda item, the resolution that we have before us Mr. Wallace, this is the way that I understood it. That it would permit for the Grants Department to go out and advertise for the contractor's right?

Mr. Wallace- Yes, Right, right, right.

Ms. Rodriguez- Eventhough there is only nine (9) days left and you know how the purchasing policy calls for a minimum of fourteen (14)?

Mr. Wallace- What it does is approve the contracts for those properties is what it does. That the amounts of those individuals would need to be determined based upon the bid process.

Ms. Rodriguez- That's for advertising and for them to allow to be awarded also during that time frame.

Mr. Wallace- No, you have to do the fourteen (14) days you cannot shorten it.

Ms. Rodriguez- No, I mean between lame duck, sorry.

Mr. Olague- Just for clarification I think all of us understand what the resolution states. My understanding of the resolution says that if Council passes this resolution they are delegating and giving the department the authority to continue with the process and award those contracts not to exceed the amount of the grant allocation.

Ms. Rodriguez- Even if it is lame duck?

Mr. Olague- Right even if its lame ducks because they will not be making the decision if they are delegating that responsibility to the staff that is based on the legal recommendation.

We are looking for ways to save this money because if we wait until after the lame duck I can assure you that we are not going to get anything. All we are doing today is giving the department the authority to make and follow this process and award the contracts not to exceed the amount of the grant.

Ms. Rodriguez- And by you entering into that resolution with today's date would allow you to do so based on legal counsel.

Mr. Olague- The reason why we needed signed very soon is because on Wednesday we have the State of Texas coming in to monitor the grant and depending on that evaluation we will know if we can continue or deobligate the funding. If we get de-obligated that would be the last HOME program that we'll probably see for a few years.

Jesus S. Hernandez- I have a question for Gina. Gina how much time do we need for advertisement? Five days or ten days in the legal ad?

Ms. Rodriguez- Without the resolution it is a minimum of fourteen (14) days.

Jesus S. Hernandez- And with a resolution?

Ms. Rodriguez- No, no it's still the same but you don't have that time constraint anymore because you would be covered by the resolution during your lame duck period.

Jesus S. Hernandez- So, it could be fourteen (14) days or four (4) weeks.

Ms. Rodriguez- No, there's not going to be a rush as if you didn't have a resolution by you adopting the resolution today it secures Council and Staff that they can actually award during the lame duck period without the advertisement legalities of it being an issue.

Jesus S. Hernandez- I'm afraid that we might have some bidders come in and award the bid before the fourteen (14) days.

Ms. Rodriguez- No you can't do that. That's based on the specifications. We always put in our specifications when they are going to be closed and opened for the bids and then after that Council would determine the award.

Mayor Lopez- But then it is going to be lame duck.

Ms. Rodriguez- This would cover your lame duck period. This is giving you an excuse; not an excuse per say.

Mayor Lopez- You cannot violate the City Charter.

Mr. Faulkner- I would like to be recognized Mayor because the resolution that the attorney said will cover us eventhough it is in lame duck.

Mayor Lopez- Have you already checked this with TDHCA Mr. Attorney?

Mr. Wallace- No I have not.

Mayor Lopez- Okay. Then tomorrow morning I will be contacting TDHCA.

Mr. Cox- DO you not want this grant Trini?

Mayor Lopez- I'm sorry?

Mr. Cox- DO you not want this grant?

*During this time various individuals are speaking at the same time.*

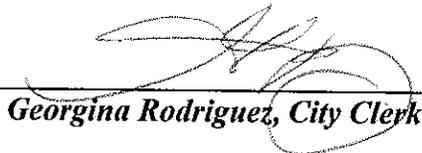
A motion was made by Tommy A. Faulkner seconded by Sergio Cox to *approve a Resolution authorizing HOME Program contracts and authorizing the Mayor or Mayor Pro Tem to execute the Resolution on behalf of the City of Socorro, Texas by today March 15, 2010 for item number five (5).* Motion carried with Sergio Cox, Jose Hernandez Jr., Tommy A. Faulkner, and Jesus S. Hernandez voting aye, and Jesus Gandara Jr. absent. Motion passed.

**ADJOURN:**

A motion was made by Tommy A. Faulkner seconded by Jose Hernandez Jr. to *Adjourn* at 6:32 p.m. Motion carried with Sergio Cox, Jose Hernandez Jr., Tommy A. Faulkner, and Jesus S. Hernandez voting aye, and Jesus Gandara Jr. absent. Motion passed.



***Trini Lopez, Mayor***



***Georgina Rodriguez, City Clerk***

***April 1, 2010***

***Date when minutes were approved:***