

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

Be it known that the City of La Feria City Commission met in Regular Meeting on **Tuesday, January 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 Gonzalez declared a quorum was present and called the meeting to order.

Attendee Name	Title	Status	Arrived
John Betancourt	Commissioner Position 1	Absent	
John Hernandez	Commissioner Position 2	Present	
Olga H. Maldonado	Commissioner Position 3	Present	
Julian Guevara Jr.	Commissioner Position 4	Absent	
Esmeralda Lozano	Mayor Pro-Tem/Commissioner Position 5	Present	
Victor Gonzalez Jr.	Mayor	Present	

**STAFF MEMBERS PRESENT**

The following Staff members were present at said meeting:

Mr. Sunny K. Philip, City Manager  
 Mr. Richard S. Talbert, City Attorney  
 Ms. Paula Rodriguez, Planning and Community Development Director  
 Ms. Kin Mendoza, Finance Director  
 Ms. Esmeralda Sanchez, City Secretary

**PUBLIC COMMENTS**

Ms. Delores Fuller of 1000 S. Chelo Drive addressed the Commission during public comments. She stated her concern over the number of parks in the City, the amount of money the City contributed to the new park, and care of the existing parks. Ms. Fuller talked the park bathrooms being dirty and felt that the parks should not be opened if the bathrooms are not clean. She also stated there should be security cameras at the parks. The Nature Park is a dusk to dawn park because there is not lighting on the trails. Ms. Fuller stated she was speaking for the Veterans and they felt "cheated" because they did not have a picnic table or shelter at the Veterans Park. Ms. Fuller further mentioned that we needed police cars which were on the agenda and we needed more police officers. Ms. Fuller wants to know how citizens can talk to the Commission, because citizens tell her they have concerns and don't know their phone numbers.

**REVIEW AND TAKE ACTION TO APPROVE MINUTES OF PROCEEDINGS OF THE REGULAR MEETING OF THE CITY COMMISSION HELD ON TUESDAY, JANUARY 12, 2016**

A motion to table the minutes was made, seconded, and passed as noted.

<b>RESULT:</b>	TABLED [UNANIMOUS]
<b>MOVER:</b>	Esmeralda Lozano, Mayor Pro-Tem/Commissioner Position 5
<b>SECONDER:</b>	Olga H. Maldonado, Commissioner Position 3
<b>AYES:</b>	Hernandez, Maldonado, Lozano
<b>ABSENT:</b>	Betancourt, Guevara Jr.

**WORKSHOP TO PROVIDE UPDATED INFORMATION REGARDING USE OF ACCELA LEGISLATIVE MANAGEMENT SOFTWARE BY ACCELA STAFF**

A training session was led by Joe Palladino, Accela software trainer, via conference call. Mr. Palladino reviewed features of the software with the Commission as they followed on their respective tablets. He pointed out the features of the agenda packet including options for utilizing different views to facilitate review by the user and the options for taking notes within the software per user. Following the presentation, Mayor Gonzalez declared the workshop closed.

<b>RESULT:</b>	NO ACTION REQUIRED
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**DISCUSSION REGARDING BIDS RECEIVED ON LA FERIA NORTHEAST NORTH ½ OF LOT 22, BLOCK E; NORTH 33 FEET OF LOT 18, BLOCK 21, ORIGINAL TOWNSITE; LOT 30, BLOCK 1, ARROYO ALTO SUBDIVISION; AND 1.314 ACRES BLOCK 1, L.R. BEDDOES SUBDIVISION STRUCK OFF TO CAMERON COUNTY, FOR ITSELF AND OTHER TAXING JURISDICTIONS FROM A TAX RESALE CONDUCTED ON NOVEMBER 3, 2015.**

Four properties with the following legal descriptions were foreclosed on tax sale: La Feria Northeast North 1/2 of Lot 22, Block E; North 33 Feet of Lot 18, Block 21, Original Townsite; Lot 30, Block 1, Arroyo Alto Subdivision; and 1.314 Acres Block 1, L.R. Beddoes Subdivision. Mr. Philip discussed the status of the properties and explained that they were sold through the Sheriff's sale on the Courthouse steps. Since these properties were foreclosed while Linebarger Gogan Blair & Sampson (Linebarger) were retained as tax attorneys, the resale is their responsibility. Attorneys from the firm were present for the discussion. An analysis of each bid received and supporting documentation was provided to the Commission. Commissioner Lozano noted corrections to the documents presented in the packet, the corrections as noted were included in the revised documents. Following discussion, Mayor Gonzalez declared no action was required.

<b>RESULT:</b>	NO ACTION REQUIRED
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**CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION ACCEPTING THE BIDS RECEIVED ON THE TAX RESALE CONDUCTED ON NOVEMBER 3, 2015 FOR LA FERIA-NORTHEAST NORTH ½ OF LOT 22, BLOCK E**

**CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION ACCEPTING THE BIDS RECEIVED ON THE TAX RESALE CONDUCTED ON NOVEMBER 3, 2015 FOR NORTH 33 FEET OF LOT 18, BLOCK 21, ORIGINAL TOWNSITE**

**CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION ACCEPTING THE BIDS RECEIVED ON THE TAX RESALE CONDUCTED ON NOVEMBER 3, 2015 FOR LOT 30, BLOCK 1, ARROYO ALTO SUBDIVISION**

**CONSIDER AND TAKE ACTION TO APPROVE OR DENY A RESOLUTION ACCEPTING THE BIDS RECEIVED ON THE TAX RESALE CONDUCTED ON NOVEMBER 3, 2015 FOR 1.314 ACRES BLOCK 1, L.R. BEDDOES SUBDIVISION**

The Commission discussed the tax sale of the properties under a previous agenda item. Mayor Gonzalez declared all four resolutions be considered concurrently and read each item aloud. Resolutions 2016-01, 2016-02, 2016-03, and 2016-04 called for the approval of bids received on the tax resale conducted November 3, 2015 for the following properties, respectively: Resolution 2016-01, La Feria-Northeast North 1/2 of Lot 22, Block E; Resolution 2016-02, North 33 Feet of Lot 18, Block 21, Original Townsite; Resolution 2016-03, Lot 30, Block 1, Arroyo Alto; Resolution 2016-04, 1.314 Acres Block 1, L.R. Beddoes Subdivision. A motion was made and seconded to read the caption of each resolution as noted.

**READ THE CAPTION OF RESOLUTIONS 2016-01, 2016-02, 2016-03, AND 2016-04**

Motion to read the caption of Resolutions 2016-01, 2016-02, 2016-03, and 2016-04 passed as noted.

Mr. Talbert proceeded to read the caption of each Resolution identified.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Esmeralda Lozano, Mayor Pro-Tem/Commissioner Position 5
<b>SECONDER:</b>	Olga H. Maldonado, Commissioner Position 3
<b>AYES:</b>	Hernandez, Maldonado, Lozano
<b>ABSENT:</b>	Betancourt, Guevara Jr.

**APPROVE RESOLUTIONS 2016-01, 2016-02, 2016-03, AND 2016-04**

Following the reading of each caption by Mr. Talbert. A motion was made, seconded, and passed as noted.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Esmeralda Lozano, Mayor Pro-Tem/Commissioner Position 5
<b>SECONDER:</b>	Olga H. Maldonado, Commissioner Position 3
<b>AYES:</b>	Hernandez, Maldonado, Lozano
<b>ABSENT:</b>	Betancourt, Guevara Jr.

**WORKSHOP TO DISCUSS OPEN CARRY LAW**

A discussion was held regarding the open carry law that went into effect January 1, 2016 in Texas.

Mr. Philip discussed efforts to date including appropriate signage. Plans for a workshop to inform the community and business owners will be scheduled at a later date. Police Chief Don Garcia was also present and informed the Commission that all officers attended a recent seminar about the new law and while it is not Constitutional, it is still state law and requires a license. Commissioner Lozano requested the City reach out to faith leaders, school officials, and local businesses. Efforts will be made to promote an awareness throughout the Community about the new law. The City is not the authority on this subject. The recent seminar for police and staff cost \$20 per person. We will look for someone to offer a community seminar for a single fee. Commissioner Maldonado stated the public should know about the new law, and the City does not want the liability of being the authority, but rather should promote an awareness by sharing information and posting signs. Mr. Talbert referenced a recent TML paper on this issue and indicated there are still many questions to address. Mayor Gonzalez stated the purpose of the workshop was to have a discussion about how to address the new law moving forward. A copy of the handout and sign in sheet from the "Open Carry Law" seminar was provided to the Commission. Mayor Gonzalez declared no action was required as a result of the workshop.

<b>RESULT:</b>	<b>NO ACTION REQUIRED</b>
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**DISCUSS AND TAKE ACTION TO APPROVE OR DENY POSTED SIGNS TO PROHIBIT CONCEALED AND OPEN CARRY HANDGUNS FROM THE CITY COMMISSION/MUNICIPAL COURT ROOM AND OTHER LOCATIONS WHERE SUCH PUBLIC MEETINGS TO CONDUCT BUSINESS OF THE CITY MAY BE HELD.**

A discussion was held regarding the signs to prohibit concealed and open carry handguns from the City Commission/Municipal Courtroom and other locations where public meetings to conduct City business are held. A sample of the signs in English and Spanish signs prohibiting concealed and open carry of handguns pursuant to Sections 30.06 and 30.07 of the penal code were provided to the Commission. The law indicates that the City cannot unreasonably limit concealed and open carry of handguns. The discussion included whether the prohibition in other areas of City Hall. Reference was made to TML Attorney Scott Houston's Q/A paper on the TML website.

Following discussion, a motion was made, seconded, and passed as noted to approve the posted signs prohibiting concealed and open carry handguns from the City Commission/Municipal Court Room and other locations where such public meetings to conduct business of the City may be held.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	Hernandez, Maldonado, Lozano
<b>ABSENT:</b>	Betancourt, Guevara Jr.

**CONSIDER AND TAKE ACTION TO AUTHORIZE PURCHASE OF POLICE UNITS**

A memo was distributed to the Commission describing the existing patrol units age, type, miles and recommendation for use in consideration of the purchase of four new vehicles. The recommendation made in the memo was for the purchase of three Dodge Chargers and one Form F-150 at a cost of \$105,072.59 plus \$46,088.79 for the appropriate equipment. Consideration was given to the need for flooding situations and accessibility to flooded areas in high profile vehicles. The purchase of the F-150 will allow for at least two high profile vehicles in flooding situations.

4x4 vehicles are not needed, but the vehicles should have a V-8. The Mayor pointed out that the vehicles should allow quick entry by all officers. The budget includes funding for two vehicles and due to savings from award of grants for otherwise budgeted items (i.e. radios) there is additional savings for the other vehicles. Commissioner Lozano suggested identifying opportunities in the next budget cycle to replace other units and raised concern over assigning and overusing the units, calling for officers to be careful with their speed due to potential for rollovers. In addition, the importance of maintenance reports was stressed to be vigilant of mechanical problems. Commissioner Maldonado asked whether an attempt has been made to purchase vehicles with Stonegarden funds. The City has not purchased vehicles through Stonegarden funds in recent years. At this time the City does receive Stonegarden funding, but it is not for the purchase of vehicles, only for overtime pay. Mayor Gonzalez asked Chief Garcia to maintain records on who uses what vehicle and when, in an effort to control mileage. According to Chief Garcia it is difficult to contain the mileage now, but once the new units arrive, there will be a plan in place to monitor mileage, maintenance, and overall use.

Following discussion, a motion was made, seconded, and passed as noted to approve the purchase of three Dodge Chargers and one Ford F-150, all to be fully equipped for the police department.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	Hernandez, Maldonado, Lozano
<b>ABSENT:</b>	Betancourt, Guevara Jr.

**CONSIDER AND TAKE ACTION TO SELECT CAMERON COUNTY ELECTIONS DEPARTMENT TO ADMINISTER THE CITY OF LA FERIA GENERAL ELECTION SCHEDULED FOR MAY 7, 2016 AND AUTHORIZE CITY MANAGER TO NEGOTIATE AND EXECUTE CONTRACT WITH CAMERON COUNTY ELECTIONS ADMINISTRATOR**

A general election is scheduled for May 7, 2016 to elect a Mayor, Commissioner Position 1, and Commissioner Position 2. Cameron County Elections is administering the bond election for La Feria Independent School District. Mr. Philip explained the benefits of having the County administer the election. Benefits include cost savings, increase of voter turnout with the joint school district election at a single polling location, and access to electronic database allowing improved access to verification of voter information. A copy of the contract for election services was reviewed by Mr. Talbert and provided to the Commission for review. Following discussion, a motion was made, seconded, and passed as noted.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Olga H. Maldonado, Commissioner Position 3
<b>SECONDER:</b>	John Hernandez, Commissioner Position 2
<b>AYES:</b>	Hernandez, Maldonado, Lozano
<b>ABSENT:</b>	Betancourt, Guevara Jr.

**CONSIDER AND TAKE ACTION TO APPROVE A RESOLUTION ORDERING THE CITY OF LA FERIA GENERAL ELECTION SCHEDULED FOR MAY 7, 2016**



Resolution 2016-05 ordering the General Election for the City of La Feria was provided to the Commission. Mr. Philip reviewed the revisions submitted by Mr. Talbert including identifying the City Secretary as the custodian of records after the election instead of the County. The City Manager and City Secretary attended the Secretary of State's election seminar in December to prepare for the general election. A motion was made to read the caption as noted.

**READ THE CAPTION OF RESOLUTION 2016-05**

A motion to read the caption of Resolution 2016-05 passed as noted.

Mr. Talbert proceeded to read the caption of Resolution 2016-05.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Esmeralda Lozano, Mayor Pro-Tem/Commissioner Position 5
<b>SECONDER:</b>	Olga H. Maldonado, Commissioner Position 3
<b>AYES:</b>	Hernandez, Maldonado, Lozano
<b>ABSENT:</b>	Betancourt, Guevara Jr.

**APPROVE RESOLUTION 2016-05 ORDERING THE CITY OF LA FERIA GENERAL ELECTION SCHEDULED FOR MAY 7, 2016.**

Following the reading of the caption of Resolution 2016-05 by Mr. Talbert, a motion was made, seconded, and passed as noted to approve the Resolution.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	John Hernandez, Commissioner Position 2
<b>SECONDER:</b>	Olga H. Maldonado, Commissioner Position 3
<b>AYES:</b>	Hernandez, Maldonado, Lozano
<b>ABSENT:</b>	Betancourt, Guevara Jr.

**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; SECTION 551.071 TO DISCUSS CONTEMPLATED LITIGATION**

Mayor Gonzalez declared the meeting in Executive Session at 8:04 PM. Mayor Gonzalez resumed the open meeting at 5:57 PM.

<b>RESULT:</b>	<b>NO ACTION REQUIRED</b>
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**CONSIDER AND TAKE ACTION DEEMED NECESSARY AS THE RESULT OF EXECUTIVE (CLOSED) SESSION DELIBERATIONS**

A motion was made, seconded, and passed as noted to allow the City Manager to enter into a lease agreement with Our Lady of the Lake University as discussed in Executive Session.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Esmeralda Lozano, Mayor Pro-Tem/Commissioner Position 5
<b>SECONDER:</b>	Olga H. Maldonado, Commissioner Position 3
<b>AYES:</b>	Hernandez, Maldonado, Lozano
<b>ABSENT:</b>	Betancourt, Guevara Jr.

**DISCUSS AND TAKE ACTION TO APPROVE A RESOLUTION CREATING A NEIGHBORHOOD EMPOWERMENT ZONE IN THE CITY OF LA FERIA AND ESTABLISHING AN EFFECTIVE DATE**

A copy of Resolution 2016-06 creating a Neighborhood Empowerment Zone to promote creation of affordable housing in the zone, an increase in economic development in the zone, an increase in the quality of social services, education or public safety provided to residents of the zone, or the rehabilitation of affordable housing in the zone. Attachment "A" included with the Resolution defined the area as 15.42 gross acres along the north side of Expressway 83 bordered on the east by Kansas City Road. This resolution allows the City to consider incentives enabling provisions and sets the foundation for potential to take action at a later date. A motion was made and seconded to read the caption of Resolution 2016-05 as noted.

**READ THE CAPTION OF RESOLUTION 2016-06**

A motion to read the caption of Resolution 2016-06 passed as noted. Mr. Talbert then read the caption of Resolution 2016-06.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Esmeralda Lozano, Mayor Pro-Tem/Commissioner Position 5
<b>SECONDER:</b>	Olga H. Maldonado, Commissioner Position 3
<b>AYES:</b>	Hernandez, Maldonado, Lozano
<b>ABSENT:</b>	Betancourt, Guevara Jr.

**APPROVE RESOLUTION 2016-06 APPROVING THE CREATION OF A NEIGHBORHOOD EMPOWERMENT ZONE IN THE CITY OF LA FERIA AND ESTABLISHING AN EFFECTIVE DATE.**

Following the reading of the caption, a motion was made, seconded, and passed as noted to approve creation of a Neighborhood Empowerment Zone in the City of La Feria and establishing an effective date.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Esmeralda Lozano, Mayor Pro-Tem/Commissioner Position 5
<b>SECONDER:</b>	Olga H. Maldonado, Commissioner Position 3
<b>AYES:</b>	Hernandez, Maldonado, Lozano
<b>ABSENT:</b>	Betancourt, Guevara Jr.

**FINANCIAL REPORT FOR THE MONTH OF DECEMBER**

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

Financial report for the month of December was presented by Finance Director, Kin Mendoza. Ms. Mendoza reviewed the monthly and year to date revenues and expenditures, performance measures, sales tax report, and court fine collections. Commissioner Lozano requested clarification of what is meant by the Library performance indicator "materials borrowed." Clarification of these performance measures will be sought and presented to the Commission at a later date. Following discussion Mayor Gonzalez declared the financial report to be filed for audit.

<b>RESULT:</b>	<b>NO ACTION REQUIRED</b>
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### **REPORTS BY STAFF AND DISCUSSION WITH CITY COMMISSION**

- Drainage Improvement Projects
- Water and Wastewater Systems Improvements Project
- Status of Safe Rooms (Domes) Construction Project
- Fire Station Expansion & Substation
- Commercial Avenue Parking Lot
- Technology & Success Center
- Comprehensive Plan/Strategic Plan
- Hazard Mitigation Action Plan
- 2016 Fiesta de La Feria
- Grant Awards
- HOME Program
- Local Border Security Program
- Criminal Justice Division Body-Worn Cameras

Mr. Philip reported on the projects as follows:

The drainage projects continue to move forward, with periodic meetings scheduled. The previously scheduled visits to the project sites have been rescheduled for February. Two contractors are currently working on the water and wastewater improvements. A third contractor, JM Construction, is pending TWDB approval to begin construction. Phase II of the sanitary sewer improvement project will be bid out separately. A punch list for the safe rooms is scheduled for the end of February. The foundation has been poured at the fire station and testing of the concrete will follow. The parking lot on Commercial Avenue has been completed. The technology and success center is on target for a June 30, 2016 completion date; the contractor is doing a good job. The comprehensive plan is currently underway. Public participation was good at the public hearing on January 25, 2016. The public is encouraged to complete the Hazard Mitigation Plan survey. A copy of the survey in English and Spanish was provided for review. Plans for the 2016 Fiesta de La Feria are currently underway. Copies of various Fiesta event registration forms were provided to the Commission. Grant awards were received for three programs. The City was awarded \$197,000 for two homes through the TDHCA HOME program. A Border Star grant was awarded for \$15,000 for overtime costs. The police department has also been awarded funds for body worn cameras from the Criminal Justice Division of the Governor's Office. Copies of the



available notices were included for review. Commissioner Maldonado stated that Mercedes PD will host a mandatory training for Body-Cams. Concern regarding the impact of the open carry law on the Fiesta was raised. Signs will be posted to prohibit concealed and open carry as allowed by law. Comments about the comprehensive plan public hearing included the following: prefer to have the power point available during the session, better to have lights on during the presentation, to maximize discussion it might be a good to have breakout sessions, presenters were good, map should be more accessible to participants. Mayor Gonzalez asked about the parking lot for the dome on Main Street. A design and cost estimate has been provided. Construction of the parking lot will begin when the heavy machinery is out of the work site. A request will be made to TXDOT to widen the road and install curb and gutter.

Following discussion, Mayor Gonzalez declared no action was required as a result of the reports.

<b>RESULT:</b>	<b>NO ACTION REQUIRED</b>
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**CONSIDER AND TAKE POSSIBLE ACTION ON ATTENDANCE STATUS OF MAYOR AND/OR COMMISSIONERS**

A motion was made, seconded, and passed as noted to excuse the absences of Commissioner John Betancourt and Commissioner Julian Guevara.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Esmeralda Lozano, Mayor Pro-Tem/Commissioner Position 5
<b>SECONDER:</b>	Julian Guevara Jr., Commissioner Position 4
<b>AYES:</b>	Hernandez, Maldonado, Lozano
<b>ABSENT:</b>	Betancourt, Guevara Jr.

**ACTION FOR ADJOURNMENT**

A motion was made, seconded, and passed as noted to adjourn the meeting.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Esmeralda Lozano, Mayor Pro-Tem/Commissioner Position 5
<b>SECONDER:</b>	Olga H. Maldonado, Commissioner Position 3
<b>AYES:</b>	Hernandez, Maldonado, Lozano
<b>ABSENT:</b>	Betancourt, Guevara Jr.

**ADJOURNMENT**

Mayor Gonzalez declared the meeting adjourned at 9:30 PM.

**APPROVED:**

  
Victor Gonzalez, Jr., Mayor

**ATTEST:**

  
Esmeralda R. Sánchez, City Secretary

These minutes were prepared and filed with the City of La Feria at 8:00 PM on April 11, 2016, as official record.

Esmeralda R. Sánchez  
Esmeralda R. Sánchez, City Secretary