

**MINUTES OF PROCEEDINGS  
CITY COMMISSION REGULAR MEETING  
Tuesday, September 12, 2017**

Be it known that the City of La Feria City Commission met in Regular Session on **Tuesday, September 12, 2017, at 6:30 P.M.** in the City Commission Meeting Room, 115 E. Commercial Avenue, La Feria, and 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.

**DETERMINE QUORUM PRESENT AND CALL MEETING TO ORDER – MAYOR**

Mayor Olga H. Maldonado declared a quorum present and called the meeting to order.

Attendee Name	Title	Status
Olga H. Maldonado	Mayor	Absent
Jesse Zuniga	Commissioner	Present
Eric Hoff	Mayor Pro-Tem/Commissioner	Present
Julian Guevara, Jr.	Commissioner	Present
Esmeralda Lozano	Commissioner	Present
Donato Garcia	Commissioner	Present

The following staff members were present at said meeting:

Mr. Jaime Sandoval, City Manager  
Ms. Rebecca Hayward, City Attorney  
Ms. Amanda Morales, City Secretary  
Mr. Frank Rios, Finance Director

**4. PUBLIC COMMENTS.**

There were no comments from the public.

**5. ANNOUNCEMENTS**

Mayor Pro-Tem Hoff informed the audience that the police and fire departments were accepting donations for the victims of Hurricane Harvey.

**6. CONSENT AGENDA:**

**A. APPROVAL OF MINUTES FOR CITY COMMISSION MEETINGS HELD AUGUST 16, 2017, AUGUST 22, 2017 AND AUGUST 29, 2017.**

Commissioner Lozano made a motion to approve all items under consent agenda as presented. The motion was seconded by Commissioner Guevara and passed unanimously.

Commissioner Lozano made a motion to move to agenda item 11. Commissioner Guevara seconded the motion and it passed unanimously.

**11. CONSIDERATION AND POSSIBLE ACTION TO RENAME 5TH STREET TO JAVIER VEGA, JR. STREET.**

Javier Vega, Jr. was a border patrol officer and resident of La Feria who was killed while fishing with his family. Commissioner Garcia made a motion to rename 5<sup>th</sup> Street to Javier Vega, Jr. Street. The motion was seconded by Commissioner Zuniga and passed unanimously.

7. **PUBLIC HEARING TO RECEIVE INPUT ON PROPOSED ON ORDINANCE 2017-12 ADOPTING SMOKING REGULATIONS FOR THE CITY OF LA FERIA.**

Mayor Pro-Tem Hoff opened the public hearing at 6:39 p.m.

The Commander of the American Legion said that he is opposed to the smoking regulations because of the effect it would have on his business. He stated that if people are not allowed to smoke they will not patronize bars in La Feria. Commissioner Lozano explained that the American Legion and similar establishments are exempt from the regulations in the proposed ordinance. Teresa Flores also expressed concern that business would be adversely effected by the smoking ban. Juan Tovar spoke in favor of the ordinance and asked that organizations like the American Legion not be excluded from the regulations. Mayor Pro-Tem Hoff stated that he had spoken to the owners of the bars in town regarding the regulations and they all said they were against it because they are sure they would lose business if people were not allowed to smoke indoors. Yolanda Shoffeit spoke in favor of the smoking regulations because of the example that smoking in public sets for children. Candy Barley spoke in favor of the ordinance because as a health provider she is familiar with the health problems associated with second hand smoke. Ernie Ramon was also in favor of the ordinance and said that he does not agree that a smoking ban would be bad for businesses. Berta Cavazos of the Department of State Health Services said that she was in favor of smoking regulations in bars to protect the health of people who work in bars and restaurants from the effects of second and third hand smoke inhalation. Jerry Saavedra of the American Heart Association spoke on the health effects of second hand smoke on hospitality workers and stated that the ordinance does not ban smoking completely within the City, it only requires that smokers step outside to smoke. He also noted that similar ordinances in other communities did not harm businesses. Barbara Barboro spoke in favor of the ordinance because she and her husband would like to be able to enjoy a night out at the bars in La Feria rather than having to go to Harlingen, but can't because they have health conditions that are effected by the smoke. Jose Cavazos also spoke in favor of the ordinance and said that when he is out in Harlingen, where a similar ban is in place, the bars and restaurants are all full and have not been adversely effected by the regulations. Minnie Tinker spoke against the ordinance because businesses do not need any more regulations from the City. Mary Maris spoke in favor of the smoking regulations because she said it is not fair that non-smoking customers' health is effected because smokers do not want to step outside to smoke. Marilyn Royal said she was in favor of the ban because she and he husband are from Nebraska, where a state-wide smoking ban is in place, and they have not seen any harm to businesses there as a result of the regulations. She also said that she would actually begin going to the establishments in La Feria rather than other cities if the Ordinance was passed. Barbara Griffith also said that she and her friends as well as many other winter Texans would spend more money in La Feria rather than travel to other cities for entertainment if the smoking ban was approved. Eileen Bailey was also in favor of the smoking ban and said it may actually increase business at the bars and restaurants in La Feria since more winter Texans with health conditions would be able to spend time and money here rather than in other cities. Mayor Pro-Tem Hoff closed the public hearing at 7:48 p.m.

8. **CONSIDERATION AND POSSIBLE ACTION ON ORDINANCE 2017-12 ADOPTING SMOKING REGULATIONS FOR THE CITY OF LA FERIA.**

Commissioner Guevara made a motion to table this item until more information could be presented to the Commission. The motion was seconded by Commissioner Lozano. Commissioners Lozano and Guevara voted in favor of the measure and Commissioners Garcia and Zuniga voted against it. The motion was defeated by a tiebreaking vote against by Mayor Pro-Tem Hoff.

Commissioner Zuniga made a motion to deny the ordinance adopting smoking regulations for the City of La Feria. The motion was seconded by Commissioner Garcia and passed with Commissioner Zuniga, Commissioner Garcia and Mayor Pro-Tem Hoff voting in favor and Commissioners Guevara and Lozano voting against it.

**9. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE MODIFICATION AND TERMS OF THE PROMISSORY NOTE ENTERED INTO WITH ANITA GAY DIESLING.**

Commissioner Lozano made a motion to approve the modification and terms of the promissory note entered into with Anita Gay Diesling. The motion was seconded by Commissioner Guevara and passed unanimously.

**10. CONSIDERATION AND POSSIBLE ACTION ON EMPLOYEE HEALTH INSURANCE.**

The City's insurance broker Joannie Bianchini-Dunn addressed the Commission and explained that the City's former provider Allegian had been acquired by Blue Cross Blue Shield of Texas. The monthly cost of coverage for all full-time employees will increase by 15%. Commissioner Lozano made a motion to approve the plan offered by Blue Cross Blue Shield for employee health insurance. The motion was seconded by Commissioner Zuniga and passed unanimously.

Mayor Pro-Tem Hoff called the meeting into Executive Session at 8:07 p.m. Commissioner Lozano left the meeting and did not return.

**12. CLOSED EXECUTIVE SESSION**

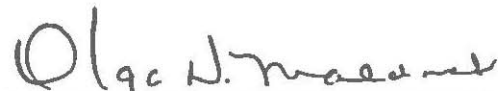
**A. ATTORNEY CONSULTATION PURSUANT TO SECTION 551.071(1), TEXAS GOV'T CODE IN CONNECTION WITH PENDING LITIGATION STYLED AND NUMBERED PHILLIP V CITY OF LA FERIA, CAUSE NO. 17-CV-110 (U.S.D.C. – BROWNSVILLE DIV.); AND LA FERIA V STCHDI, CAUSE NO. 2017-DCL-02925 (107TH JUD. DIST. CRT. – CAMERON COUNTY, TEXAS), AND RELATED LEGAL MATTERS.**

There was no action taken in executive session. Mayor Pro-Tem Hoff called the meeting back to order at 8:15 p.m.

**13. ADJOURN.**

There being no further business to discuss, Commissioner Zuniga made a motion to adjourn the meeting. The motion was seconded by Commissioner Guevara and passed unanimously.

APPROVED:

  
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 Olga H. Maldonado, Mayor

ATTEST:

  
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 Amanda Morales, City Secretary