

**MERCEDES CITY COMMISSION  
REGULAR MEETING  
OCTOBER 2, 2017 – 6:00 P.M.  
MERCEDES CITY HALL - COMMISSION CHAMBERS**

<b>MEMBERS PRESENT:</b>	<b>Ruben Guajardo</b>	<b>Mayor Pro-Tem</b>
	<b>Howard Wade</b>	<b>Commissioner</b>
	<b>Leo Villarreal</b>	<b>Commissioner</b>
	<b>Cris De Leon Hernandez</b>	<b>Commissioner</b>
	<b>Sergio Zavala</b>	<b>Interim City Manager</b>
	<b>Juan R. Molina</b>	<b>City Attorney</b>
	<b>Arcelia L. Felix</b>	<b>City Secretary</b>
<b>MEMBERS ABSENT:</b>	<b>Henry Hinojosa</b>	<b>Mayor</b>

**Staff:** Mecca Henry, Joselynn Castillo and Melissa Ramirez from EDC.

Mayor Pro-Tem Guajardo read a proclamation dedicated to Mr. Mario Palacios for the accomplishments and community service he has provided to the little league and youth baseball league.

**1.) CALL MEETING TO ORDER.**

Mayor Pro-Tem Guajardo welcomed everyone to the meeting and called the meeting to order at 6:03 p.m.

**2.) ESTABLISH QUORUM.**

All members of the Commission were present, except Mayor Hinojosa, which constituted a quorum.

**3.) INVOCATION.**

Mr. Winston said the invocation.

**4.) PLEDGE OF ALLEGIANCE.**

Commissioner Wade led in the Pledge of Allegiance.

**5.) OPEN FORUM-**

Jose Gomez addressed the Commission about Notes 1 and 2 and the final budget workshop discussion and recommended a town hall meeting.

Petra Vidales expressed her concern to the Commission about some acres that will be exchanged between DCM and the City and also recommended a town hall meeting.

**6.) CONSENT AGENDA (ORDINANCE NO. 98-21):**

**A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING (S) HELD SEPTEMBER 19, 2017. B.) REQUEST APPROVAL TO WITHDRAW PRIOR ACTION REGARDING BOND COUNSEL TO KEEP FULBRIGHT & JAWORSKI. C.) REQUEST APPROVAL OF CONTRACT WITH PALM VALLEY ANIMAL SHELTER. D.) REQUEST APPROVAL OF WORK EXPERIENCE AGREEMENT WITH STATE OF TEXAS WORKFORCE COMMISSION. E.) REQUEST APPROVAL OF CHANGE ORDER NO. 8 TO CONTRACT WITH O.G. CONSTRUCTION. F.) APPROVAL OF PROJECT AGREEMENT WITH VIDA. (#2017/10/02) G.) APPROVAL TO RESCHEDULE REGULAR MEETING OF NOVEMBER 7<sup>TH</sup> TO NOVEMBER 6<sup>TH</sup>.**

Commissioner Villarreal made a motion approve all items under consent except 6E which is Change Order No. 8 to contract with O.G Construction. After some discussion, Mr. Munoz stated that the change orders are approved by City Commission and the change orders are for extra work done, rain days, and change order no.8 is the final change. Commissioner Hernandez seconded the motion to approve items under consent agenda A-D and F – G and to table item E. The motion passed with Commissioner Wade voting nay.

**7.) PRESENTATION OF REPAYMENT AGREEMENT(S) NOTES BY DEVELOPMENT CORPORATION OF MERCEDES, INC.**

Melissa Ramirez from the DCM addressed the Commission about an agreement that will balance the books for all parties which include the City of Mercedes, DCM, and MIF. The DCM has created a payment plan that will pay both outstanding notes by 2018. They will do this by selling real estate and 50% will be earmarked and go directly towards the debt and the remaining 50% will be split with 75% to the DCM and 25% to MIF until the \$127,000 is recouped. At a question by Commissioner Hernandez, Mr. Molina stated that the remaining 50% can be split 50/50 instead of 75/25. Manuel Garza asked to speak before the Commission on the issue and Mayor Pro-Tem Guajardo agreed. Mr. Garza stated that there was nothing in writing on the amount being paid. At a question by Mr. Garza, Mr. Molina stated that they will have in writing that the DCM will not spend any money until the debt is paid.

**8.) DISCUSSION AND POSSIBLE ACTION ON APPOINTMENT OF THE MERCEDES HISTORIC PRESERVATION COMMISSION.**

The terms of office for Mercedes Historic Preservation Committee members Lorri Marchant, Steven L. McGarraugh, Cherity Ysquierdo, and Dahlia de la Cerda will soon expire. Ms. Marchant, Mr. McGarraugh and Ms. Ysquierdo desire reappointment and Ms. de la Cerda does not wish to be reappointed. Commissioner Villarreal made a motion to reappoint Ms. Lorri Marchant, Mr. Steven L. McGarraugh, and Ms. Cherity Ysquierdo and accept the resignation of Ms. Dahlia de la Cerda. Commissioner Wade seconded the motion which passed unanimously.

**9.) DISCUSSION AND POSSIBLE ACTION OF REQUEST BY LAUREN K. CHRISTY OF JONES, GALLIGAN, KEY & LOZANO TO WAIVER ALL MOWING LIENS AND RELATED COSTS AGAINST LOT 12, BLOCK 1, RODEL ADDITION.**

Mr. Zavala informed the Commission that a letter was received by Ms. Christy about considering waiving the mowing liens, which were not disposed of in the tax sale. Mr. Zavala stated that the annual letters and the calculated cost incurred letters were being mailed to the wrong address. Mr. Zavala recommended to dismiss the interest fees of \$2,273.68 but keep the valid liens and filing fees which total \$1,742.13. Commissioner Villarreal made a motion to accept Mr. Zavala's recommendation as stated and assess the fee in the amount of \$1,742.13 for the mowing liens and filing fees. Commissioner Hernandez seconded the motion which passed unanimously.

**10.) DISCUSSION AND POSSIBLE ACTION TO SELECT THREE CONSULTING ENGINEER FIRMS (ROTATION).**

Mr. Zavala addressed the Commission saying that the City had received the following 16 proposals for engineering firms: Cruz-Hogan, Javier Hinojosa Engineering, M. Garcia Engineering, So. TX Infrastructure Group, R. Gutierrez Engineering, Sigler, Winston, & Greenwood, Rio Delta Engineers, Perez Consulting Engineers, Garver, LeFevre, Fulcrum Consulting Services, Dannenbaum Engineers, Ambiotec Group, Melden & Hunt, Guzman & Munoz, & TEDSI Infrastructure. Mr. Zavala recommended that Sigler, Winston, & Greenwood, LeFevre Engineering, and Javier Hinojosa Engineering be selected as rotating engineers.

Mr. Winston from Sigler, Winston, & Greenwood was present to provide the Commission some information about the firm's history. Mr. Richard LeFevre from LeFevre Engineering was present to provide the Commission some information about the firm's history.

Commissioner Villarreal made a motion to select LeFevre, Sigler, Winston, & Greenwood, and Gutierrez Engineer with LaFevre being the engineer of record. Commissioner Hernandez seconded the motion. At a question by Commissioner Wade, Mr. Zavala stated that Gutierrez Engineering had small projects in their portfolio and some pending litigation with one city. Commissioner Wade stated he would like to see LeFevre and Sigler, Winston, & Greenwood as the engineering firms but would not like Gutierrez Engineering due to the pending litigation. Following this discussion, the vote was taken and the motion passed unanimously.

Mayor Pro-Tem Guajardo called meeting into Executive Session at 6:53pm.

Prior to going into executive session Mr. David Garza asked a question regarding notifying the County about bankruptcy liens and Mr. Molina answered his question.

Commissioner Wade made a motion to come out of Executive Session at 6:55 pm. Commissioner Hernandez seconded the motion which passed unanimously. Mr. Molina stated that in addition to the executive session items read by Mayor Pro-Tem an executive session addendum regarding Project Assured Land Development would also be discussed. Mayor Pro-Tem Guajardo called meeting back into Executive Session at 6:57 pm.

**15.) EXECUTIVE SESSION:**

- DISCUSSION REGARDING DUTIES AND RESPONSIBILITIES OF THE ASSISTANT CITY MANAGER. – SECTION 551.074, TEXAS GOVERNMENT CODE ANNOTATED. – PERSONNEL.
  - DISCUSSION REGARDING PROJECT RAYBEC – ECONOMIC DEVELOPMENT – SECTION 551.087, TEXAS GOVERNMENT CODES ANNOTATED. – ECONOMIC DEVELOPMENT.
  - DISCUSSION REGARDING PROJECT H. REYNOSO – ECONOMIC DEVELOPMENT – SECTION 551.087, TEXAS GOVERNMENT CODES ANNOTATED. – ECONOMIC DEVELOPMENT.
  - DISCUSSION REGARDING PROJECT L. GALVAN – ECONOMIC DEVELOPMENT – SECTION 551.087, TEXAS GOVERNMENT CODES ANNOTATED. – ECONOMIC DEVELOPMENT.
  - DISCUSSION REGARDING PROJECT A. LAKHANI – ECONOMIC DEVELOPMENT – SECTION 551.087, TEXAS GOVERNMENT CODES ANNOTATED. – ECONOMIC DEVELOPMENT.
  - DISCUSSION REGARDING PROJECT LM – ECONOMIC DEVELOPMENT – SECTION 551.087, TEXAS GOVERNMENT CODES ANNOTATED. – ECONOMIC DEVELOPMENT.
- ADDENDUM : - DISCUSSION REGARDING PROJECT ASSURED LAND DEVELOPMENT – ECONOMIC DEVELOPMENT – SECTION 551.087, TEXAS GOVERNMENT CODES ANNOTATED. – ECONOMIC DEVELOPMENT.

Mayor Pro-Tem Guajardo called the meeting to order at 9:39 pm.

**16.) DISCUSSION AND POSSIBLE ACTION REGARDING ITEM(S) DISCUSSED IN EXECUTIVE SESSION.**

Mayor Pro-Tem Guajardo made a motion to table Project Raybec. Commissioner Villarreal seconded the motion which passed unanimously. Mayor Pro-Tem Guajardo made a motion to table Project H. Reynoso. Commissioner Hernandez seconded the motion which passed unanimously. No action will be taken on Project L. Galvan. Mayor Pro-Tem Guajardo made a motion to approve Project A. Lakhani as discussed in executive session. Commissioner Wade seconded the motion which passed unanimously. Mayor Pro-Tem Guajardo made a motion to table Project LM. Commissioner Wade seconded the motion which passed unanimously. Mayor Pro-Tem Guajardo made a motion to table Project Assured Land Development. Commissioner Villarreal seconded the motion which passed unanimously.

**18.) ADJOURN.**

Commissioner Wade made a motion to adjourn. Commissioner Villarreal seconded the motion which passed unanimously. Meeting was adjourned at 9:41pm.