

**MERCEDES CITY COMMISSION
REGULR MEETING
SEPTEMBER 5, 2017 – 6:00 P.M.
MERCEDDES CITY HALL - COMMISSION CHAMBERS**

MEMBERS PRESENT:	Henry Hinojosa	Mayor
	Ruben Guajardo	Mayor Pro-Tem
	Howard Wade	Commissioner
	Leo Villarreal	Commissioner
	Cris De Leon Hernandez	Commissioner
	Daniel Tijerina	City Manager
	Juan R. Molina	City Attorney

MEMBERS ABSENT: NONE

Staff: Marisol Vidales, Nereida Perez, Tommy Ureste, Sergio Zavala, Rolando Maldonado, Joselynn Castillo and Melissa Ramirez from EDC.

1.) CALL MEETING TO ORDER.

Mayor Hinojosa welcomed everyone to the meeting and called the meeting to order at 6:00 p.m.

2.) ESTABLISH QUORUM.

All members of the Commission were present, which constituted a full quorum.

3.) INVOCATION.

Pastor Rick Lavell said the invocation.

4.) PLEDGE OF ALLEGIANCE.

Mayor Pro-Tem Guajardo led in the Pledge of Allegiance.

5.) OPEN FORUM-

Velda Garcia voiced her concern about considering hiring citizens of Mercedes to work for the City. Miguel Loya expressed his gratitude to the Commission for approving the setback for accessory buildings. David Garza addressed the Commission on a project regarding housing being built in Mercedes and believed the City should not help fund this project if asked.

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

A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING (S) HELD AUGUST 15, AND AUGUST 29, 2017. B.) APPROVAL OF REQUEST TO DECLARE SURPLUS INVENTORY AND AUTHORIZE DISPOSAL. C.) APPROVAL OF REQUEST BY INOCENCIO LOPEZ FOR USE OF CIVIC CENTER BBQ AREA FOR MEDICAL FUNDRAISER. D.) APPROVAL OF REQUEST TO ADVERTISE FOR RFP'S FOR ARCHITECTURAL SERVICES FOR THE MERCEDES SPORTS COMPLEX COMMUNITY PARK.

Mayor Pro-Tem Guajardo made a motion to approve items under consent agenda. Commissioner Villarreal seconded the motion which passed unanimously.

Mayor Hinojosa opened the Public Hearing at 6:07pm

7.) PUBLIC HEARING REGARDING 2017 TAX YEAR PROPOSED PROPERTY TAX RATE FOR THE CITY OF MERCEDES.

-Jose Gomez addressed the Commission against the proposed tax rate. At a question, Mr. Tijerina explained that the money from the revenue will be used for the needs of the City. Mr. Gomez also asked about 2 notes that are due to the City. At another question, Mr. Tijerina explained that there are currently 16 participants from Mercedes enrolled in the VIDA program.

-Yolanda Molina addressed the Commission saying she is against the proposed tax rate. Ms. Molina asked that the sidewalks be fixed for the children of the community. Mayor Hinojosa stated that the sales tax money can only be used for Economic Development. At a question, Mr. Tijerina explained that sidewalks were included in the proposed budget.

-Ramon Mejia addressed the Commission against the proposed tax rate due to citizens unable to afford the increase.

-Dalia Pena addressed the Commission against the proposed tax rate. Ms. Pena expressed her concern on spending the City has done in the past.

-Esmeralda Guerrero addressed the Commission against the proposed tax rate and no improvements have been made to the City to bring in businesses that will bring in revenue.

-Hilario Pena addressed the Commission against the proposed tax rate. Mr. Pena voiced his concern that the citizens could use a break from all the taxes.

At a call for other comments, none were offered and Mayor Hinojosa closed the Public hearing at 6:52pm.

8.) PRESENTATION REGARDING AMERICAN LEGION POST 172 VETERANS DAY PARADE.

Mr. Alonzo Calvillo, First Sgt. Joe Sanchez and Mr. Juan Moya were present to give a presentation and invite the Commission to the Veteran's Day Parade on November 11, 2017.

9.) PUBLIC HEARING ON BUDGET FOR FISCAL YEAR 2017-2018.

Mayor Hinojosa opened the Public Hearing at 6:58pm. Mayor Hinojosa closed the Public Hearing at 6:59pm. Mayor Hinojosa re-opened the Public Hearing at 7:00pm.

David Garza addressed the Commission on his concern for the employees and would like to see the Commission budget for a raise. At a question, Commissioner Wade clarified after 10 years the City would receive 100 percent of the sales tax beginning December 2016. Mr. Garza asked what the money for the KMB is used for and Mr. Tijerina stated the money is budgeted for the events the committee holds. At a question, Mr. Tijerina stated the City is contributing \$45,000 to the VIDA program. Mr. Garza expressed his concern with the Municipal Court System.

At a call for additional comments none were offered and Mayor Hinojosa closed the public hearing on Budget for fiscal year 2017-2018 at 7:16pm.

10.) PRESENTATION BY THE GORDIAN GROUP.

Doug Rockstead and John Castillo from the Gordian Group were present for a presentation to the Commission. Mr. Rockstead addressed the Commission that the Gordian Group will review any proposals received by a contractor within their network on any renovation or maintenance project the City submits. The Gordian Group will negotiate, get pricing, itemize, and review cost to ensure there will be no hidden fees. This is all free of charge to the City. Mr. Castillo stated they bring in a contractor within their network to assess the building and the Gordian Group will then do the specifications.

11.) DISCUSSION AND POSSIBLE ACTION OF PRELIMINARY AND FINAL PLAT OF SAMUEL RAMIREZ SUBDIVISION, 1.32 ACRES OUT OF LOT 2, BLK. 65, CAPISSALLO DISTRICT SUBDIVISION, NEWLY ANNEXED ZONING DISTRICT.

Mr. Zavala proposed to the Commission that there be an open cut with pavement restored for the water and sewer line which will be provided by the City. In other findings, Mr. Zavala stated there should be a plat note requiring a minimum 6 ft. fence buffer and a street light will need to be installed. At a question, Mr. Zavala stated the project may be completed within the next 60 days. Mayor Pro-Tem Guajardo made a motion to approve Samuel Ramirez Subdivision. Mayor Hinojosa seconded the motion which passed unanimously.

12.) DISCUSSION AND POSSIBLE ACTION OF PRELIMINARY AND FINAL PLAT OF HACIENDA OLIVIA, 15.187 ACRES BEING A PART OF LLANO GRANDE GRANT BEING A PORTION OF LOT 7, BLOCK 67 OF CAPISSALLO DISTRICT SUBDIVISION, CLASS "A-2" SINGLE FAMILY RESIDENTIAL DISTRICT.

Mr. Zavala informed the Commission that this proposed development reflects 47 lots which exceed the minimum width. Mr. Zavala went on to say there will be temporary cul-de-sacs, water and sewer will be provided by the City of Mercedes with a proposed lift station. At a question, Mr. Zavala stated that the incorrect lots have already been corrected. Mayor Pro-Tem Guajardo made a motion to approve preliminary and final plat of Hacienda Olivia. Commissioner Wade seconded the motion which passed unanimously.

13.) DISCUSSION AND POSSIBLE ACTION OF FIRST READING OF ORDINANCE NO. 2017-08 DEEMED "THE MINOR PLAT PROCESS" TO FACILITATE THE PLAT APPROVAL PROCESS ON DEFINED MINOR PLATS PURSUANT TO SEC. 212.0065 OF THE TX LOCAL GOVT. CODE.

Mr. Zavala addressed the Commission that they will need to appoint two officers that will be in charge of approving the minor plat process. Mr. Zavala proposed to the Commission that they appoint the City Manager and the Assistant City Manager as the officers. Mayor Pro-Tem Guajardo made a motion to approve the first reading of Ordinance No. 2017-08. Commissioner Villarreal seconded the motion which passed unanimously.

14.) DISCUSSION AND POSSIBLE ACTION OF FIRST READING OF ORDINANCE NO. 2017-09 ESTABLISHING AN ASSISTED LIVING FACILITY AS A CONDITIONAL USE PERMIT IN CERTAIN ZONING DISTRICTS.

Mr. Zavala informed the Commission that the Assisted Living Facility will be for the elderly and disabled and one must apply to become a resident of the facility. Mr. Zavala stated that the certain zoning districts will be residential. Mayor Pro-Tem Guajardo made a motion to approve first reading of Ordinance No. 2017-09. Commissioner Villarreal seconded the motion which passed unanimously.

15.) DISCUSSION AND POSSIBLE ACTION OF FIRST READING OF ORDINANCE NO. 2017-10 AMENDING ZONING ORDINANCE #26, AS AMENDED, TO INCLUDE THAT ALL NEW BUSINESSES IN MERCEDES SECURE A BUSINESS LICENSE.

Mr. Zavala informed the Commission that Ordinance No. 2017-10 will be a safe guard measure to secure that all businesses will be in compliance with City regulations. Commissioner Wade made a motion to approve the first reading of Ordinance No. 2017-10. Mayor Pro-Tem Guajardo seconded the motion which passed unanimously.

16.) DISCUSSION AND POSSIBLE ACTION OF FIRST READING OF ORDINANCE NO. 2017-11 APPROVING BURN PERMIT POLICIES FOR MERCEDES, TEXAS.

Mr. Zavala informed the Commission that the burn permit will not be for residential areas or the burning of household garbage. The burn permit will allow for the burning of trees, brush, or raw vegetation. Mayor Pro-Tem Guajardo made a motion to approve first reading of Ordinance No. 2017-11. Commissioner Wade seconded the motion which passed unanimously.

17.) DISCUSSION AND POSSIBLE ACTION TO ADOPT AN ASBESTOS REPORT POLICY.

Mr. Zavala informed the Commission that not all Commercial permits can mandate an asbestos report. Mr. Zavala stated that the planning director will assess the documents to determine if an asbestos report is needed and keep a log of the information. Mayor Pro-Tem Guajardo made a motion to approve and adopt an asbestos report policy. Commissioner Wade seconded the motion which passed unanimously.

18.) DISCUSSION AND POSSIBLE ACTION OF FIRST READING OF ORDINANCE NO. 2017-12 TO NO IMPOSE WINDSTORM NOR ENGINEERED DESIGN REQUIREMENTS TO CERTAIN LIMITED STRUCTURAL ADDITIONS AND NON-LIVING AUXILIARY STRUCTURES.

Mr. Zavala informed the Commission that in the past the City would impose a windstorm or engineered design requirement for all structure additions. This ordinance will not impose this requirement to small structures and car ports of 500 sq. ft. or less in size. Mayor Hinojosa raised the question whether imposing windstorm was a Federal requirement. Mayor Pro-Tem Guajardo made a motion to approve first reading of Ordinance No. 2017-12 contingent upon the question previously raised being answered. Commissioner Villarreal seconded the motion which passed unanimously.

19.) DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION 2017-11 TO DECLARE 36 ACRES OF THE MERCEDES SPORTS COMPLEX COMMUNITY PARK AS WETLANDS/ OPEN SPACE/ PARKLAND AS REQUIRED BY THE TEXAS PARKS AND WILDLIFE DEPARTMENT AS IT RELATES TO THE CITY OF MERCEDES' APPROVED TP&WD GRANT.

Commissioner Wade made a motion to approve Resolution 2017-11. Mayor Pro-Tem Guajardo seconded the motion which passed unanimously.

20.) DISCUSSION AND POSSIBLE ACTION TO WITHDRAW PRIOR ACTION REGARDING ANIMAL IMPOUNDMENT REQUEST FOR PROPOSALS.

City Manager Tijerina informed the Commission that going out for proposals for animal impoundment would be costly to the City and recommends proceeding with the City of Weslaco. Mayor Pro-Tem made a motion to rescind his previous motion to go out for proposals regarding animal impoundment. Mayor Hinojosa seconded the motion which passed unanimously. This allows the City to continue with the City of Weslaco.

21.) DISCUSSION AND POSSIBLE ACTION TO WITHDRAW PRIOR ACTION REGARDING FINANCIAL ADVISOR REQUEST FOR PROPOSALS.

Mr. Tijerina recommended to the Commission to proceed with financial advisor. Mayor Pro-Tem Guajardo made a motion to rescind his previous motion to go out for proposals regarding financial advisor. Commissioner Villarreal seconded the motion which passed unanimously. This will allow the City to continue with the financial advisor.

22.) DISCUSSION AND POSSIBLE ACTION REQUIRING PREAPPROVAL BY THE CITY COMMISSION OF PURCHASES OVER \$10,000 BY THE DEVELOPMENT CORPORATION OF MERCEDES, INC. AND THE CITY.

City Manager Tijerina addressed the Commission that the Development Corporation of Mercedes, Inc. and the City previously would make purchases of up to \$10,000 without approval by the Commission. At a question by Commissioner Hernandez, Mr. Tijerina stated this would be effective immediately. Mayor Pro-Tem Guajardo made a motion to require the Development Corporation of Mercedes, Inc and the City of Mercedes to request pre-approval of purchases over \$10,000. Commissioner Hernandez seconded the motion which passed unanimously.

Mayor Hinojosa called the meeting into executive session at 8:20 pm. No action will be taken during Executive Session.

23.) EXECUTIVE SESSION:

-DISCUSSION CONCERNING SPORTS COMPLEX. – SECTION 551.087, TEXAS GOVERNMENT CODES ANNOTATED – ECONOMIC DEVELOPMENT.

-DISCUSSION REGARDING DUTIES AND RESPOSIBILITIES OF THE CITY MANAGER. – SECTION 551.074, TEXAS GOVERNMENT CODE ANNOTATED. – PERSONNEL.

Mayor Hinojosa called the meeting to order at 10:52 pm.

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

No action was taken on the item concerning the Sports Complex. Mayor Hinojosa made a motion that City Manager Tijerina and City Attorney Molina look into the matter discussed in executive session. Mayor Pro-Tem Guajardo seconded the motion which passed unanimously.

25.) ADJOURN.

Mayor Hinojosa made a motion to adjourn. Mayor Pro-Tem Guajardo seconded the motion which passed unanimously. Meeting was adjourned at 10:54 pm.