

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

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

Staff: Marisol Vidales, Mecca Henry, and Joselynn Castillo

1.) CALL MEETING TO ORDER.

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

2.) ESTABLISH QUORUM.

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

3.) INVOCATION.

Reverend Jaques said the invocation.

4.) PLEDGE OF ALLEGIANCE.

Commissioner Villarreal led in the Pledge of Allegiance.

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

A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING (S) HELD NOVEMBER 21, 2017. B.) APPROVAL OF 2017 ANNUAL TAX ROLL TOTALS (#2017/12/05A) C.) APPROVAL OF 2018 LBSP RESOLUTION. D.) APPROVAL OF USE SAFEDOME FOR REGIONAL TMRS SEMINAR ON JAN 30, 2018. E.) APPROVAL OF ICMA LOAN PROGRAM (#2017/12/05B) F.) APPROVAL OF ENGINEERING CONTRACT WITH SIGLER, WINSTON & GREENWOOD. (#2017/12/05C).

Commissioner Villarreal made a motion to approve items under consent agenda. Commissioner Wade seconded the motion which passed unanimously.

Mayor Hinojosa opened the public hearing at 6:02 pm.

6.) PUBLIC HEARING TO CONSIDER A REZONING APPLICATION FOR 1.0 ACRE OF THE SOUTH 3 ACRES OF THE WEST 20 ACRES, LOT 5, BLOCK 42, CAPISSALLO DISTRICT SUBDIVISION; FROM CLASS "A-2" SINGLE FAMILY RESIDENCE DISTRICT TO CLASS "B" BUSINESS DISTRICT – APPLICANT RAYBEC MERCEDDES, LLC.

Mr. Zavala addressed the Commission about a 1 acre tract that is part of 6 acres that was previously approved for development, however the approval expired after 1 year. Mr. Zavala stated that after review the current "A-2" Single Family district did not permit apartment which was being proposed by Raybec. The applicant must apply to rezone the area to Class C Business District.

With no citizens speaking for or against the rezoning application, Mayor Hinojosa closed the Public hearing at 6:05 pm.

Mayor Hinojosa opened the public hearing at 6:05 pm.

7.) PUBLIC HEARING TO CONSIDER A REZONING APPLICATION FOR 16.896 ACRES OUT OF LOTS 1, 2, 7, AND 8, BLOCK 41, CAPISSALLO DISTRICT SUBDIVISION; FROM CLASS "N" DISTRICT TO CLASS "A-2" SINGLE FAMILY RESIDENCE DISTRICT – APPLICANT IS JAMES W. TURNER.

Mr. Zavala addressed the Commission about a proposed development of 78 single family lots and rezoning from Class "N" Newly annexed to Class "A-2" Single Family Residence to complement the current residential neighborhood. The P&Z Commission held a public hearing and no opposition was voiced.

Mr. Jose Gomez questioned the Commission about the general area of where this is located, Mayor Hinojosa explained it is south of the Fernandez House.

With no further questions or comments, Mayor Hinojosa closed the public hearing at 6:08 pm.

8.) FIRST READING OF ORDINANCE NO. 2017-20 AMENDING ZONING ORDINANCE NO. 26, AS AMENDED TO CHANGE DISTRICT FROM CLASS "A-2" SINGLE FAMILY

RESIDENCE DISTRICT TO CLASS "B" BUSINESS DISTRICT FOR A 1.0 ACRE TRACT OF THE SOUTH 3 ACRES OF THE WEST 20 ACRES, LOT 5, BLOCK 42, CAPISALLO DISTRICT SUBDIVISION AND CHANGE THE ZONING DISTRICT FROM CLASS "N" DISTRICT TO CLASS "A-2" SINGLE FAMILY RESIDENCE DISTRICT FOR 16.896 ACRES OUT OF LOTS 1, 2, 7, AND 8, BLOCK 41, CAPISALLO DISTRICT SUBDIVISION.

Commissioner Wade made a motion to approve the first reading of Ordinance No. 2017-20 amending ordinance No.26. Commissioner Villarreal seconded the motion which passed unanimously.

9.) DISCUSSION AND POSSIBLE ACTION OF FINAL PLAT APPROVAL OF MID VALLEY MEADOWS PHASE II, BEING 16.895 ACRES OF LOTS 1, 2, 7, AND 8, BLOCK 41, CAPISALLO DISTRICT SUBDIVISION.

Mr. Zavala addressed the Commission about the proposed development of 78 residential lots that comply with the requirements of the Class "A-2" single family residential district. The developer will stub water and sewer lines to the South for future looping and provide a fence buffer along the southern side due to railroad hazards. Mr. Zavala recommends approval with complying with water rights to City of Mercedes, 4' sidewalks along all streets, comply with streetlight policy, and provide signed and sealed 'as-builts' of all the infrastructure including an electronic file. Commissioner Wade made a motion to approve the final plat of Mid Valley Meadows Phase II. Commissioner Villarreal seconded the motion which passed unanimously.

10.) DISCUSSION AND POSSIBLE ACTION TO AMEND THE MERCEDES SUBDIVISION ORDINANCE NO. 82-35 TO MANDATE 5' SIDEWALKS ALONG ALL NON-MINOR RESIDENCIAL STREETS; TO MANDATE THAT 4' SIDEWALKS BE REQUIRED ALONG ALL MINOR STREETS; AND THAT THE MAXIMUM STREET PAVEMENT WIDTH BE 38' FOR LOTS ZONED OR DESIGNATED FOR MULTI-FAMILY/DUPLEX-4PLEX USES. #2017

Mr. Zavala addressed the Commission about amending the Mercedes Subdivision Ordinance No. 82-35. Amending the Ordinance to mandate 5' sidewalks on non-minor streets, 4' sidewalks on minor streets, and a minimum 38' street width will enhance the quality of life and safer travel. Commissioner Villarreal made a motion to approve amending the Mercedes subdivision Ordinance No. 82-35. Commissioner Wade seconded the motion which passed unanimously.

11.) DISCUSSION AND POSSIBLE ACTION TO ADOPT POLICY ON USAGE OF CITY'S FACILITIES BY CHARITABLE AND/OR NON-PROFIT ORGANIZATIONS, OR OTHER GROUPS WITH CIVIC PURPOSES.

Mr. Zavala addressed the Commission about adopting policy to give authority to the City Manager's Office to approve requests for usage of the City's facilities and maximize services to civic and religious groups Commissioner Wade made a motion to approve item 11. Commissioner Villarreal seconded the motion which passed unanimously.

12.) DISCUSSION AND POSSIBLE ACTION TO APPROVE POLICY FOR THE DEVELOPMENT CORPORATION OF MERCEDES INDUCED HOME DEVELOPMENT INCENTIVE PROGRAM.

Mr. Zavala addressed the Commission about a concept the DCM induced to provide incentives for contractors and builders. They must build 10 single family homes in Mercedes and complete the project along with receiving a Certificate of Occupancy by the City within 1 year from the date the permit was issued. In doing so, the builder will be awarded \$7500 per home. Commissioner Villarreal made a motion to approve the Home Development Incentive Program. Mayor Hinojosa seconded the motion which passed unanimously.

13.) DISCUSSION AND POSSILBE ACTION TO APPOINT AND.OR RE-APPOINT 4 MEMBERS TO THE KEEP MERCEDES BEAUTIFUL BOARD.

Mr. Zavala addressed the Commission that there are three terms that have expired and two vacancies. In speaking with the members whose terms had expired they have all expressed interest in being reappointed and Ms. Monica Galvan desires to be on the board and fill a vacancy. Commissioner Wade made a motion to appoint Ms. Galvan as a new member and reappoint Mr. Armando Garcia, Mr. Enrique Longoria, and Mr. Jonathan Munoz. Commissioner Villarreal seconded the motion which passed unanimously.

14.) DISCUSSION AND POSSILBE ACTION TO APPROVE AN ORDINANCE TO ABANDON ALLEY ROWS TO THE ADJOINING WEST REAR SIDE OF LOTS 12-15, AND 34-38, BLOCK 101, MERCEDES ORIGINAL TOWNSITE; AND ABANDONING ALLEY ROW ALONG THE EAST FRONT SIDE OF LOTS 34 THROUGH 38, MERCEDES ORIGINAL TOWNSITE; AND CONSIDERING TO ABANDON A DEAD-END STREET ROW ALONG THE SOUTHERN PERIMETER OF SAID BLOCK 101, MERCEDES ORIGINAL TOWNSITE.

Assistant City Manager MR. Zavala addressed the Commission about abandoning the alleys or the dead-end street near Alicia's Restaurant. In assessing the area, there is an active 8" sanitary sewer line in the middle of the alley which must be reserved to keep the line active.

Commissioner Villarreal made a motion to approve an ordinance to abandon alley ROWs. Commissioner

Wade seconded the motion which passed unanimously.

15.) REQUEST OT HAVE THE CITY COMMISSION AUTHORIZE THE ASSISTANT CITY MANAGER TO ISSUE A BUILDING PERMIT ON A TRACT NOT (YET) ON A RECORDED PLAT BEING A 1.0 ACRE TRACT OF LAND OF THE S. 3 ACRES OF THE WEST 20 ACRES OF LOT 5, BLOCK 42, CAPISSALLO DISTRICT SUBDIVISION.

Mr. Zavala addressed the Commission about authorizing the Assistant City Manager to issue a Building Permit for the apartment complexes on the above-described property subject to no occupancy being issued unless there is a recorded plat.

Commissioner Wade made a motion to approve authorizing the Assistant City Manager to issue a building permit. Commissioner Villarreal seconded the motion which passed unanimously.

16.) OPEN FORUM-

Jose Gomez addressed the Commission about the DCM audit report. Mr. Gomez stated he has filed a complaint against Mr. Zavala for not disclosing the Audit.

Miguel Loya addressed the Commission about a concern in his neighborhood. Mr. Loya stated there is a vehicle parked on the side of the street that is obstructing the view at a stop sign.

Mayor Hinojosa called meeting into Executive Session at 6:33 pm.

17.) EXECUTIVE SESSION:

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

- DISCUSSION REGARDING THE DCM FORENSIC AUDIT PREPARED BY BURTON MCCUMBER & CORTEZ, LLP. – SECTION 551.071 TEXAS GOVERNMENT CODES ANNOTATED – POSSIBLE LITIGATION.

- DISCUSSION REGARDING PROJECT REYNOSO – UPDATE – SECTION 551.087, TEXAS GOVERNMENT CODES ANNOTATED – ECONOMIC DEVELOPMENT.

Mayor Hinojosa called the meeting to order at 7:35 pm.

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

Commissioner Wade made a motion to proceed as discussed in executive session. Commissioner Villarreal seconded the motion which passed unanimously.

19.) ADJOURN.

Commissioner Wade made a motion to adjourn. Commissioner Villarreal seconded the motion which passed unanimously. Meeting was adjourned at 7:36 pm.