

**MERCEDES CITY COMMISSION  
REGULR MEETING  
DECEMBER 19, 2017 – 6:00 P.M.  
MERCEDDES CITY HALL - COMMISSION CHAMBERS**

<b>MEMBERS PRESENT:</b>	<b>Henry Hinojosa Ruben Guajardo Howard Wade Leo Villarreal Cris De Leon Hernandez</b>	<b>Mayor Mayor Pro-Tem Commissioner Commissioner Commissioner</b>
	<b>Sergio Zavala Arcelia Felix Juan R. Molina</b>	<b>Assistant City Manager City Secretary City Attorney</b>
<b>MEMBERS ABSENT:</b>	<b>NONE</b>	

**Staff: Marisol Vidales and Nereida Perez.**

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

Mayor Hinojosa welcomed everyone 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.**

Reverend Juan de los Santos said the invocation.

**4.) PLEDGE OF ALLEGIANCE.**

Commissioner Howard Wade led in the Pledge of Allegiance.

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

**A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING (S) HELD DECEMBER 5, 2017.**

**B.) SECOND AND FINAL 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. C.) SECOND AND FINAL READING OF**

**ORDINANCE NO. 2017-21 AMENDING MERCEDES SUBDIVISION ORDINANCE NO. 82-35 TO MANDATE 5’ SIDEWALKS ALONG ALL NON-MINOR RESIDENTIAL 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. D.) SECOND AND FINAL READING OF ORDINANCE NO. 2017-22 ABANDONING 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. E.)**

**APPROVAL OF ENGINEERING CONTRACT WITH R. GUTIERREZ ENGINEERING. (#2017/12/19)**

**F.) APPROVAL OF AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF HIDALGO AND CITY OF MERCEDES REGARDING DELINQUENT TAX ATTORNEY’S**

**MONTHLY FEES TO BE PAID DIRECTLY BY THE COUNTY OF HIDALGO. G.) APPROVAL TO RENEW THE CONSULTING CONTRACT FOR HOLLIS RUTLEDGE & ASSOCIATES, INC. FROM**

**JANUARY, 2018 TO JANUARY, 2019.**

Mayor Pro-Tem Guajardo made a motion to approve all items under consent agenda and asked Hollis Rutledge to explain what has been done in the community. Commissioner Villarreal seconded the motion which passed unanimously.

Mr. Rutledge provide a handout to the Commission and proceeded to address the Commission regarding the awards and grants they have obtained for the City of Mercedes.

**6.) PRESENTATION BY SUPPLEMENTAL HEALTH INSURANCE BROKERS AND POSSIBLE ACTION ON SELECTION OF BROKER(S).**

Mr. Zavala addressed the Commission about the proposals received from Colonial and All State.

Mr. Dion Chavez, a representative for Colonial Life, presented to the Commission the company's history and the coverages which would be provided.

Ms. Yvonne Ortegon, a representative for All State, presented to the Commission the history of the company, coverage and benefits available.

After some discussion, the presentation made for Colonial Life by Dion Chavez for the supplemental insurance was accepted with Commissioner Hernandez making the motion and Commissioner Wade seconding the motion. The motion passed with Mayor Pro-Tem Guajardo voting nay.

**7.) DISCUSSION AND ACTION TO CONSIDER THE RENEWAL OF CONTRACT FOR SOLID WASTE (TRASH & BRUSH) SERVICES BETWEEN THE CITY OF MERCEDES AND WASTE CONNECTIONS OF TEXAS.**

Mr. Zavala addressed the Commission regarding the contract with Waste Connections to reconsider the terms of service to be every two years. Mr. Zavala stated that the City imposes a flat rate per customer fee for the brush and bulky items from which Waste Connections does not receive funds. Waste Connections proposed a contract renewal allocating the monthly levied fee for the 326 commercial accounts. After review, Mr. Zavala stated that the fees have not been raised since 2012 and recommends renewal for two years with the CPI adjustments and imposing the \$3 fee for commercial brush pick-ups. Mayor Pro-Tem Guajardo asked that large accounts such as the schools be removed from the commercial accounts and they be provided with roll offs because the large accounts are taking away from the residential area.

Mayor Pro-Tem Guajardo made a motion to approve a two year contract renewal with Waste Connections as stated. Commissioner Wade seconded the motion which passed unanimously.

**8.) DISCUSSION AND POSSIBLE ACTION TO APPROVE ASSURED LAND DEVELOPMENT (ISRAEL PEREZ) TO PARTICIPATE IN THE HOME DEVELOPMENT INCENTIVE PROGRAM (HDIP); AND TO PROCESS THE 1<sup>ST</sup> PAYMENT THAT IS COMPLIANT TO THE HDIP POLICIES FOR HOME BUILT AT 811 IRMA, MERCEDES, TX.**

Mayor Pro-Tem Guajardo made a motion to approve assured land development to participate in the home development incentive program and to process the 1<sup>st</sup> payment that is compliant to the HDIP policies for the home built at 811 Irma. Commissioner Villarreal seconded the motion which passed unanimously.

**9.) DISCUSSION AND POSSIBLE ACTION TO AMEND THE ZONING ORDINANCE TO INCLUDE "TEMPORARY STRUCTURES USED FOR TEMPORARY PURPOSES" IN THE NEWLY ANNEXED ZONING DISTRICT.**

Mr. Zavala addressed the Commission about amending the zoning ordinance. Mr. Zavala spoke about a family whose property was zoned newly annexed, and the family cannot apply for rezoning as it would cause spot zoning. Mr. Zavala is requesting approval to amend the zoning ordinance to include temporary structures used for temporary purposes in the newly annexed zoning district. Commissioner Wade made a motion to approve item 9 as recommended. Commissioner Villarreal seconded the motion which passed unanimously.

**10.) DISCUSSION AND POSSIBLE ACTION OF ORDINANCE NO. 2017-23 ADOPTING UPDATED BUILDING & OTHER RELATED PROPERTY COSTRUCTION AND MAINTENANCE CODES.**

Mr. Zavala addressed the Commission saying the current building codes being used have not been updated since 2012. In order to better serve the citizens, Mr. Zavala proposes to update building and other related property construction and maintenance codes. At a question, Mr. Zavala stated the codes that are not applicable will not be enforced. Mayor Pro-Tem Guajardo made a motion to approve ordinance no. 2017-23.

Commissioner Villarreal seconded the motion which passed unanimously.

**11.) DISCUSSION AND POSSIBLE ACTION ON ORDINANCE TO AMEND TRUCK ROUTE ORDINANCE NO. 2014-10, TO INCLUDE A NEW ROUTE THROUGH THE PERIMETER AND INTERNAL STREETS OF THE MERCEDES INDUSTRIAL PARK. ORDINANCE NO. 2017-24.**

Mr. Zavala addressed the Commission about an alternate truck route for the Industrial Park. The route is currently being constructed to go around the residential area on Vermont Ave. Commissioner Wade made a motion to approve item 11 as presented. Mayor Pro-Tem Guajardo seconded the motion which passed unanimously.

**12.) DISCUSSION AND POSSIBLE ACTION ON APPOINTMENT/REAPPOINTMENT OF MEMBERS TO THE MERCEDES INDUSTRIAL FOUNDATION BOARD.**

Mr. Zavala addressed the Commission about the members in the Mercedes Industrial Foundation Board. All current members whose terms are expiring expressed interest to be reappointed. At a question, Mr. Zavala stated there were other citizens interested in serving on the MIF board and will bring in their applications at the following meeting.

Mayor Hinojosa made a motion to table the appointment/ reappointment until January 2018. Mayor Pro-Tem Guajardo seconded the motion which passed unanimously.

**13.) DISCUSSION AND POSSIBLE ACTION TO CONSIDER APPROVING A MEMORANDUM OF UNDERSTANDING AND PERFORMANCE AGREEMENT TO MERCEDES INVESTMENTS, LP**

**(MR. KAMEL) ON THE HARBOR PROJECT ON A PART OF PROPERTY DESCRIBED AS A 17.34 ACRE TRACT OUT OF 17.338 ACRES, OUT OF LOTS 5 & 6, BIXBY SUBDIVISION.**

Mr. Zavala addressed the Commission about the Memorandum of Understanding and Performance Agreement on the Harbor Project. The Memorandum of Understanding includes 4 acre tract to build a Microbrewery and Tap Room, water and sewer to the facilities, man-made lake to be completed within 60 months; and on the 13.34 acre to include pad sites, restaurants, retail areas, and lake to be completed in 60 months. If not completed within the time period, developer will pay to the City \$50,000 for each acre not developed. In the Performance Agreement the City and HCDD#1 will relocate the open ditch to perimeter west of tract; the developer will build the brewery within 12 months and hire 14 permanent full time and 60 part-time jobs, and taxes shall be imposed for the investment projects. Mr. Molina stated all obstacles have been straightened out and all legal documentation is in order. Mayor Pro-Tem Guajardo made a motion to approve item 13 as presented. Commissioner Villarreal seconded the motion which passed unanimously.

**14.) DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION TO AUTHORIZE THE TEXAS COALITION FOR AFFORDABLE POWER (TCAP) TO NEGOTIATE AFFORDABLE POWER FOR THE LOWEST POSSIBLE RATE FOR THE TENURE OF 2018 THROUGH 2022 OR TO HAVE THE CITY OF MERCEDES ON ITS OWN SOLICIT FOR ELECTRICAL POWER.**

Mr. Zavala addressed the Commission about the Texas Coalition for Affordable Power. TCAP negotiates with electrical providers to get the City the lowest rates available. Although the City of Mercedes can go on its own to solicit for proposals, the City may not be able to locate the lowest prices. Mr. Zavala stated that by adopting the resolution TCAP will continue to find the best electrical provider for the City of Mercedes. Mayor Pro-Tem Guajardo made a motion to adopt the resolution with TCAP. Commissioner Wade seconded the motion which passed unanimously.

**15.) DISCUSSION AND POSSIBLE ACTION TO ADOPT AMENDMENT TO THE LIBRARY POLICIES REGARDING LIBRARY BEHAVIOR.**

Mr. Zavala addressed the Commission about the library policy on adult behavior. Mayor Pro-Tem Guajardo made a motion to adopt the library policy as written on behavior. Commissioner Wade seconded the motion which passed unanimously.

**16.) DISCUSSION AND POSSIBLE ACTION TO APPROVE THE INSTALLATION OF 2 SPEED HUMPS AT CERTAIN JUNCTURES OF EAST 10<sup>TH</sup> STREET TO MAXIMIZE TRAFFIC SAFETY (NORTH OF MISD STADIUM)**

Mr. Zavala addressed the Commission that there was a policy already in place that he was not aware of. Mayor Pro-Tem Guajardo made a motion to approve this item and add all the schools subject to policy amendment which Mr. Zavala will bring back to the Commission. Commissioner Wade seconded the motion which passed unanimously.

**17.) PRESENTATION OF MONTHLY REPORTS.**

Monthly reports are included for the Commission's review.

Mayor Pro-Tem Guajardo made a motion to deviate from the agenda to allow the Commission to take a picture with a candidate running for county office. Mayor Hinojosa seconded the motion, which passed unanimously.

**18.) OPEN FORUM-**

Miguel Loya addressed the Commission about his concern over pending litigation.

Esmeralda Guerrero addressed the Commission about her concern with Little Nashville expenses.

Ms. Vidales and Ms. Pena were not allowed to address the Commission because they did not speak about the topics they had signed up to speak on.

Manuel Garza addressed the Commission about the audit.

The Mayor did not allow Mr. Gomez to speak and asked him to meet with the Assistant City Manager in regards to his request for refund.

Mayor called meeting into executive session at 7:26 pm. No action will be taken in Executive Session.

**19.) EXECUTIVE SESSION:**

- DISCUSSION REGARDING DUTIES AND RESPONSIBILITIES OF THE ASSISTANT CITY MANAGER. – SECTION 551.074, TEXAS GOVERNMENT CODE ANNOTATED. – PERSONNEL.**
- DISCUSSION REGARDING PROJECT HEALTH – SECTION 551.087 TEXAS GOVERNMENT CODES ANNOTATED – ECONOMIC DEVELOPMENT.**
- DISCUSSION REGARDING PROJECT ASSURED LAND DEVELOPMENT – SECTION 551.087, TEXAS GOVERNMENT CODES ANNOTATED – ECONOMIC DEVELOPMENT.**
- DISCUSSION REGARDING STAR EMS – SECTION 551.071 TEXAS GOVERNMENT CODES ANNOTATED. – POSSIBLE LITIGATION.**

Mayor Hinojosa called the meeting back to order at 9:01 pm.

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

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

**21.) ADJOURN.**

Mayor Hinojosa made a motion to adjourn. Commissioner Villarreal seconded the motion which passed unanimously. Meeting was adjourned at 9:02 pm.