

**MERCEDES CITY COMMISSION  
REGULAR MEETING  
OCTOBER 17, 2017 – 6:00 P.M.  
MERCEDES CITY HALL - COMMISSION CHAMBERS**

<b>MEMBERS PRESENT:</b>	<b>Henry Hinojosa</b>	<b>Mayor</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>

**MEMBERS ABSENT:**       None

**Staff:** Nereida Perez, Mecca Henry, and Joselynn Castillo.

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

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

**2.) ESTABLISH QUORUM.**

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

**3.) INVOCATION.**

Mr. Jose Gomez said the invocation.

**4.) PLEDGE OF ALLEGIANCE.**

Commissioner Hernandez led in the Pledge of Allegiance.

**5.) OPEN FORUM-**

Jose Gomez addressed the Commission and asked that the Commission allow them to speak prior to them entering executive session. Petra Vidales addressed the Commission regarding a meeting by the DCM that the interim director had stated was held on a Saturday and also regarding 200 acres. Ms Esmeralda Guerrero addressed the Commission regarding former City Manager Daniel Tijerina at which point Mayor Pro-Tem Guajardo stated that this was regarding personnel. She then also asked for a town hall meeting. Mr. Manuel Garza addressed the Commission regarding the payment of the notes. City Attorney Molina agreed to meet with Mr. Garza to discuss this matter.

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

**A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING (S) HELD OCTOBER 2, 2017. B.) RATIFY APPROVAL OF S&B INFRASTRUCTURE, LTD. FOR “ON-CALL” PROFESSIONAL SERVICES. C.) APPROVAL OF CONTRACT(S) WITH LEFEVRE ENGINEERING, SIGLER, WINSTON, & GREENWOOD AND GUTIERREZ ENGINEERING. D.) APPROVAL OF REQUEST BY PASTOR EDDIE WALTERS TO USE CIVIC CENTER PAVILION ON NOV. 11, 2017 AND WAIVE FEES. E.) APPROVAL OF REQUEST BY PASTOR LORI DE LOS SANTOS TO USE CIVIC CENTER ON OCTOBER 27, 2017 AND WAIVE FEES.**

Mayor Pro-Tem Guajardo made a motion to approve the items under consent except item 6B- the work will be done by the engineers which are on rotation. Commissioner Wade stated that on item 6C he noted that Lefevre had included \$3,000 monthly fee to be lead engineer and the former city engineer was getting \$600 a month for city engineer services, and asked whether the fee could be negotiated. Mr. Milo Salinas representing LeFevre stated that the \$3,000 fee included 18 hours of engineering time per month; however the retainer amount is negotiable. Assistant City Manager will be reviewing and negotiating the fees. After discussion, Commissioner Wade seconded the motion which passed unanimously

**7.) PUBLIC HEARING TO SOLICIT INPUT ON THE CITY’S NEEDS UNDER THE URBAN COUNTY PROGRAM FISCAL YEAR 30 (2017).**

Mayor Hinojosa opened the public hearing at 6:22 P.M. The City is expecting to receive \$248,834 based on last year’s allocation. Ms. Monica Villarreal from Amigos Del Valle addressed the Commission requesting funding in the amount of \$11,500 for take care of meal needs for 14 home bound people. Ms. Lucy Torres from Nuestra Clinica Del Valle addressed the Commission requesting funding in the amount of \$15,000 to provide services. Mr. Jesus Sanchez from Estrella’s Clinic also requested \$5,000 funding for services for child abuse cases. Ms. Esmeralda Guerrero addressed the Commission requesting funding for the city’s parks and recreation. Ms. Yolanda Molina addressed the Commission asking about the City’s revamping of the parks. There being no further comments, Mayor Hinojosa closed the public hearing at 6:36 PM

**8.) PRESENTATION BY MR. MICHAEL ANZALDUA FROM FAMILY HERITGE AND POSSIBLE ACTION.**

Mayor Pro-Tem Guajardo made a motion to solicit RFQs for supplemental insurance and not proceed with the presentation. Commissioner Villarreal seconded the motion, which passed unanimously.

**9.) REQUEST BY MS. SYLVIA CASTILLO TO DISCUSS SOUTH MARYLAND SANITARY SEWER ISSUE.**

Mr. Zavala stated that Ms. Castillo had requested discussion on the lack of sanitary sewer along a certain section of Maryland Ave. Mayor Hinojosa stated that this had been discussed before and is being looked at. He proceeded to make a motion to not proceed on this matter, since the City is working on that. Commissioner Hernandez seconded the motion which passed with Commissioner Wade voting Nay.

**10.) DISCUSSION AND POSSIBLE ACTION TO ALLOCATE \$50,000 FROM THE HOTEL/MOTEL TAX TO THE MERCEDES HISTORIC PRESERVATION GRANT FOR FY 2017-2018.**

Ms. Vidales addressed the Commission requesting \$50,000 from the Hotel/Motel tax to the Mercedes Historic Preservation for fiscal year 2017-2018. The funds are used to restore the historical integrity of designated historical properties. Commissioner Wade made a motion to allocate \$50,000 from the hotel/motel tax to the Mercedes Historic Preservation grant for FY 2017-2018. Commissioner Villarreal seconded the motion which passed unanimously.

**11.) DISCUSSION AND POSSIBLE ACTION TO SELECT FIRM FOR AUDITING SERVICES FOR THE CITY OF MERCEDES.**

The firms of CRI and Luis C. Orozco, CPA submitted proposals for auditing services for the City. Staff is recommending that CRI be selected to perform the auditing services for the City. Mayor Pro-Tem Guajardo made a motion to select the firm of Luis C. Orozco, CPA. Commissioner Villarreal seconded the motion, which passed unanimously.

**12.) DISCUSSION AND POSSIBLE ACTION TO SELECT FIRM FOR ARCHITECT SERVICES FOR THE CITY OF MERCEDES-SPORTS COMPLEX.**

Mr. Zavala addressed the Commission saying that the City had received the following six statement of qualifications for architectural services for the City of Mercedes sports complex: Milnet Architectural Services; Gignac Architects; Alvarado Architects & Assc., Inc; Gomez, Mendez, Saenz; Sam Garcia Architect and Negrete & Kolar Architects. Mr. Zavala recommended that Negrete & Kolar Architects be selected as the architect. Mayor Pro-Tem Guajardo made a motion to select Sam Garcia Architect for architectural services for the City of Mercedes' sports complex. Commissioner Villarreal seconded the motion which passed unanimously.

**13.) DISCUSSION AND POSSIBLE ACTION TO SELECT FIRM TO PROVIDE WORKERS' COMPENSATION INSURANCE.**

Mr. Zavala addressed the Commission saying that the City had received the following two proposals for Workers Compensation: Shepard, Walton, King and Montalvo Insurance. Due to the large number of members in the provider list, Mr. Zavala recommended that Shepard, Walton, King be selected to provide the worker's compensation services for the City. Mr. Ramon Montalvo from Montalvo Insurance was present to provide the Commission some information about the company.

Mayor Pro-Tem Guajardo made a motion to select Ramon Montalvo to provide the workers compensation service for the City of Mercedes. Mayor Hinojosa seconded the motion, and it passed unanimously.

**14.) DISCUSSION AND POSSIBLE ACTION OF ORDINANCE NO. 2017-15 APPROVING TEXAS GAS SERVICE COST OF SERVICE ADJUSTMENT.**

The City's rate consultants have recommended approval of Texas Gas Service negotiated lower rates. Mayor pro-Tem Guajardo made a motion to approve the first reading of Ordinance No. 2017-15 approving Texas Gas Service cost of service adjustment. The motion died for lack of a second.

Prior to going into Executive Session Mayor Pro-Tem Guajardo made a motion to go back to Item #14 Mayor Hinojosa seconded the motion and the commission went back to Item #14.

Mayor Pro-Tem Guajardo made a motion to approve the first reading of Ordinance No. 2017-15 approving Texas Gas Service cost of service adjustment. Commissioner Wade seconded the motion which passed unanimously.

**15.) DISCUSSION AND POSSIBLE ACTION OF ORDINANCE NO. 2017-16 AMENDING SUBDIVISION ORDINANCE NO. 40 ESTABLISHING THE "SINGLE LOT VARIANCE PROCESS."**

Mr. Zavala addressed the Commission saying that the City's current policy under the Subdivision Ordinance required the owner of a single tract which has paved public frontage and frontage to water and sewer, is required to record a one-lot plat before a building permit is issued. He proceeded to go over the process which is cumbersome and expensive, with the fees ranging from \$5,000 to \$10,000. He is recommending a better process proposing a Single Lot Variance process that will have the same effect as if recording a one-lot plat, with the fee being proposed at \$50.00.

Commissioner Wade made a motion to approve the first reading of Ordinance No. 2017-16 amending Subdivision Ordinance No. 40, establishing the "Single Lot Variance Process". Mayor Pro-Tem Guajardo seconded the motion, which passed unanimously.

**16.) DISCUSSION AND POSSIBLE ACTION TO CONSIDER AMENDING THE HEALTH AND SANITATION ORDINANCE NO. 2012-05 TO DELETE THE LEVYING OF "INTEREST" IN THE**

**CODE ENFORCEMENT PROCESS OF SAID ORDINANCE AND TO PROVIDE FOR AN ADMINISTRATIVE REVIEW POLICY OF MOWING LIEN FILES. (First reading of Ordinance)**

Mr. Zavala addressed the Commission going over the process of the "Weedy Lot Ordinance" which includes regulations to reimburse the City for mowing the grass of weedy lots. The property owner should reimburse the City for the mowing work, and if the payment is not made, a lien is filed against the property. A large amount of the costs is interest, which continues to accrue. Staff is recommending that the interest from the Weedy Lot Ordinance be deleted and that a policy be approved to facilitate the review and administrative resolution of properties which have clouded mowing liens and interest.

Mayor Hinojosa made a motion to accept staff's recommendation to amend the health and sanitation ordinance No. 2012-05 to delete the levying of "interest" in the code enforcement process of said ordinance and to provide for an administrative review policy of mowing lien files. Mayor Pro-Tem Guajardo seconded the motion, which passed unanimously.

**17.) DISCUSSION AND POSSIBLE ACTION ON ORDINANCE TO AMEND PERSONNEL POLICIES TO INCLUDE POLICIES REGARDING CITY STAFF'S CHILD PRESENCE AT CITY OWNED NON-RECREATIONAL BUILDING DURING THE WORKDAY. (First reading of Ordinance)**

Mr. Zavala recommended that the City's personnel policies be amended to address the issue of city staff's children being in and around the workplace.

Mayor Pro-Tem made a motion to amend the City's Personnel policies to include a policy regarding city staff's children being at city hall during the workday. Mayor Hinojosa seconded the motion, which passed unanimously.

**18.) DISCUSSION AND POSSIBLE ACTION ON APPOINTMENT OF AN EMERGENCY MANAGEMENT COORDINATOR.**

Mr. George Garrett, Jr. was serving as the City's Emergency Management Coordinator and his contract had expired in March, 2017. Mr. Zavala recommended that the contract with George Garrett, Jr. not be renewed and appoint Fire Chief Tommy Ureste, and prorate the fee for 17 days in October and provide a stipend for Mr. Ureste at the next meeting. Mayor Hinojosa made a motion to appoint Mr. Tommy Ureste as the Emergency Management Coordinator. Commissioner Wade seconded the motion, asking whether Mr. Ureste had the certifications. The motion passed unanimously.

**19.) PRESENTATION OF DEPARTMENT MONTHLY REPORTS AND DEVELOPMENT CORPORATION OF MERCEDES, INC. MONTHLY REPORTS.**

The monthly reports were provided to the City Commission for their review.

Mayor Hinojosa called meeting into Executive Session at 7:15 pm. No action will be taken during Executive Session.

Mr. Jose Gomez asked whether they could address the Commission prior to them going into executive session, at which Mayor Hinojosa said no.

**20.) EXECUTIVE SESSION:**

- DISCUSSION REGARDING DUTIES AND RESPONSIBILITIES OF THE ASSISTANT CITY MANAGER. – SECTION 551.074, TEXAS GOVERNMENT CODE ANNOTATED. – PERSONNEL.
- DISCUSSION REGARDING PROJECT CORTINO'S – ECONOMIC DEVELOPMENT – SECTION 551.087, TEXAS GOVERNMENT CODES ANNOTATED. – ECONOMIC DEVELOPMENT.
- DISCUSSION REGARDING O.G. CONSTRUCTION. – SECTION 551.071, TEXAS GOVERNMENT CODES ANNOTATED. – POSSIBLE LITIGATION.

Mayor Hinojosa called the meeting to order at 9:00 pm.

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

Commissioner Wade made a motion to proceed as discussed in Executive Session. Mayor Pro-Tem Guajardo seconded the motion which passed unanimously.

**22.) ADJOURN.**

Mayor Hinojosa made a motion to adjourn. Mayor Pro-Tem Guajardo seconded the motion which passed unanimously. Meeting was adjourned at 9:41pm.