

**MERCEDES CITY COMMISSION  
REGULAR MEETING  
MARCH 6, 2018 – 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>Leandro Villarreal</b>	<b>Commissioner</b>
	<b>Cristella De Leon Hernandez</b>	<b>Commissioner</b>
	<b>Sergio Zavala</b>	<b>Assistant 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:** Marisol Vidales, Jose Figueroa, 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.**

Assistant City Manager Sergio Zavala said the invocation.

**4.) PLEDGE OF ALLEGIANCE.**

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

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

**A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING (S) HELD FEBRUARY 20, 2018. B.) SECOND AND FINAL READING OF ORDINANCE NO. 2018-05 AMENDING BUDGET FOR FISCAL YEAR 2017-2018. C.) RATIFY PURCHASE OF GRINDER, IRRIGATION LINE AND MOLD ASBESTOS ASSESSMENT. D.) APPROVAL OF E-RATE INTERNET SERVICE CONTRACT TO SMARTCOM TELEPHONE, LLC FOR MERCEDES LIBRARY SYSTEM. E.) APPROVAL OF MEMORANDUM OF AGREEMENT BY AND BETWEEN THE CITY OF MERCEDES AND THE UTRGV FOR DEVELOPMENT, DESIGN, AND DELIVERY OF A DRAINAGE CAPSTONE PROJECT. F.) APPROVE RESOLUTION # DISSOLVING AN INTER-JURISDICTION INTENT BY AND BETWEEN THE CITY OF MERCEDES AND THE CITIES OF DONNA'S AND WESLACO'S EMERGENCY MANAGEMENT PROGRAMS.**

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

**6.) PRESENTATION BY KEEP MERCEDES BEAUTIFUL (KMB) COMMITTEE ON RECENT CLEAN-UP SERVICE PROJECT.**

Joe Martinez addressed the Commission about cleaning up the City and the Clean Street Initiative Project. Mr. Martinez spoke about the areas they were able to clean, the volunteers, and the amount of trash that was removed.

**7.) DISCUSSION AND POSSIBLE ACTION TO APPROVE HOUSING AGREEMENT FOR MEDCARE AMBULANCE SERVICE AT THE MERCEDES FIRE DEPARTMENT BUILDING BEING 105 NORTH OHIO, MERCEDES, TX.**

Mr. Zavala addressed the Commission about the housing for the Med Care Ambulance Services. Mr. Zavala proposed a \$1,600 fee per month for housing the ambulances at the Mercedes Fire Department. Mayor Pro-Tem Guajardo made a motion to approve the Housing Agreement with Med Care with a \$1,600 monthly fee. Commissioner Wade seconded the motion which passed unanimously.

**8.) DISCUSSION AND POSSIBLE ACTION TO FURTHER GUIDE CONSULTANT ARMANDO MARTINEZ ON MATTERS PERTAINING TO MERCEDES' AMBULANCE SERVICE PROJECT.**

Mr. Armando Martinez addressed the Commission about the Mercedes Ambulance Service Project. Mr. Armando Martinez and the Commission had a lengthy discussion pertaining to the purchase of an ambulance versus leasing, personnel, and potential revenue. Commissioner Wade and Mayor Hinojosa expressed their concern on the matter. Mayor Pro-Tem Guajardo made a motion to authorize Assistant City Manager to proceed to have a workshop. Commissioner Wade seconded the motion which passed unanimously.

**9.) DISCUSSION AND ACTION TO RE-CONSIDER AWARD FOR THE 'IRRIGATION LINE RE-ROUTE PROJECT' AS ORIGINALLY CONSIDERED ON FEB. 20, 2018.**

Mr. Zavala addressed the Commission about Diamond Plastics' who did not meet the specs due to a pipe that was rated at 80 psi instead of 100 psi. Agua Works was contacted and they provided a lower bid for a higher rated pipe. Commissioner Wade made a motion to cancel the award to Diamond Plastics and award to Agua Works. Mayor Pro-Tem Guajardo seconded the motion which passed unanimously.

**10.) DISCUSSION AND POSSIBLE ACTION TO AWARD CONTRACT TO PROVIDE COMPREHENSIVE SERVICE FOR THE CODIFICATION OF CITY ORDINANCES.**

Mr. Zavala addressed the Commission about the proposals for the Code of Ordinances which was last updated in 1979. The City received 3 bids from Franklin Legal Publishing whose bid was \$8,950, MuniCode whose bid was \$15,950, and American Legal Publishing whose bid was \$27,795. Commissioner Wade made a motion to award the contract for codification of City Ordinances to Franklin Legal Publishing. Mayor Pro-Tem Guajardo seconded the motion which passed unanimously.

**11.) DISCUSSION AND ACTION ON CONTRACT WITH ARCHITECT SAM GARCIA FO PHASE 1-B OF THE MERCEDES SPORTS COMPLEX PROJECT AS FUNDED BY THE TEXAS PARKS & WILDLIFE DEPARTMENT.**

Mayor Hinojosa made a motion to table. Mayor Pro-Tem Guajardo seconded the motion which passed unanimously.

**12.) DISCUSSION AND ACTION TO INITIATE REZONING TO CLASS "B" BUSINESS ZONING DISTRICT FOR PROPERTIES ALONG THE SOUTHERN PERIMETER OF U.S. BUSINESS HWY 83 BETWEEN 1 MILE EAST ROAD AND FM 491.**

Mr. Zavala addressed the Commission about initiating rezoning of properties along the southern perimeter of U.S Business Hwy. 83. Mr. Zavala stated these properties are not conducive to residential use and should be rezoned to Class "B" Business Zoning District and if approved, staff can begin the rezoning process. Mayor Pro-Tem Guajardo made a motion to approve the initiation of the rezoning process. Commissioner Villarreal seconded the motion which passed unanimously.

**13.) DISCUSSION AND ACTION TO AWARD CONTRACT TO R. GUTIERREZ ENGINEERING TO ASSESS AND DESIGN STORM SEWER IMPROVEMENTS AND SANITARY SEWER IMPROVEMENTS FOR THE CAPISALLO TERRACE SUBDIVISION.**

Assistant City Manager Sergio Zavala addressed the Commission about awarding the contract to R. Gutierrez to assess and design storm sewer and sanitary sewer improvements for Capisallo Terrace Subdivision. Mr. Zavala stated that R. Gutierrez Engineering will need to assess the drainage ditches, drainage swales, and sewer. They will also need to serve all 120 lots and if possible, any un-developed properties. Mr. Gutierrez's proposed contract reflects a \$29,964 figure. Mr. Zavala's only concern was to change the wording on part 4 of the contract to state this work order shall become effective on the date approved "and executed". Mayor Hinojosa recommended Mr. Gutierrez to meet with County Commissioner David Fuentes do to the piping issues. Commissioner Villarreal made a motion to approve the contract to R. Gutierrez Engineering as stated. Mayor Pro-Tem Guajardo seconded the motion which passed unanimously.

**14.) DISCUSSION AND ACTION TO AMEND ZONING ORDINANCE NO. 26, AS AMENDED, TO INCLUDE "TEMPORARY STRUCTURES USED FOR TEMPORARY PURPOSES" IN THE CLASS 'A' BUSINESS ZONING DISTRICT. (1<sup>ST</sup> Reading)**

Mr. Zavala addressed the Commission about amending Zoning Ordinance No. 26 to include a Conditional Use Permit for "Temporary Structures used for Temporary Purposes." This will allow Class "A" Business Zone District to apply for the permit without going through a rezoning process, should they qualify. Mayor Pro-Tem Guajardo made a motion to approve amending Zoning Ordinance No. 26. Commissioner Villarreal seconded the motion which passed unanimously.

**15.) DISCUSSION AND ACTION TO AMEND SIGN ORDINANCE NO. 2000-03 TO INCREASE THE HEIGHT OF GROUND POLE SIGNS ALONG THE EXPRESSWAY CORRIDOR. (1<sup>ST</sup> Reading)**

Mr. Zavala addressed the Commission about increasing the height for a ground pole sign from 60 ft. to 80 ft. which will maximize the visibility of traffic to Mercedes business attractions. Commissioner Wade made a motion to approve increasing the height of ground signs as stated. Commissioner Villarreal seconded the motion which passed unanimously.

**16.) DISCUSSION AND ACTION TO AMEND ORDINANCE NO. 2000-12 WHICH REGULATES THE PARKING OF TRACTOR TRAILERS. (1<sup>ST</sup> Reading)**

Mr. Zavala addressed the Commission on amending Ordinance No. 2000-12 regulating the parking of Tractor Trailers. The new Ordinance specifies that paved parking will be imposed via the building permit process for structures that induce occupancy. The new ordinance will regulate residential street parking, temporary parking, and parking on commercially/industrially zoned properties. Commissioner Villarreal made a motion to approve amending Ordinance No. 2000-12. Mayor Hinojosa seconded the motion which passed with Mayor Pro-Tem Guajardo voting nay.

Mayor Hinojosa called the meeting into Executive Session at 6:55 P.M.

**17.) EXECUTIVE SESSION:**

- DISCUSSION REGARDING DUTIES AND RESPONSIBILITIES OF THE ASSISTANT CITY MANAGER. – SECTION 551.074, TEXAS GOVERNMENT CODE ANNOTATED. – PERSONNEL.
- DISCUSSION OF WALKING TRAIL. – SECTION 551.071 TEXAS GOVERNMENT CODE ANNOTATED. – POTENTIAL LITIGATION.
- DISCUSSION AND UPDATE REGARDING OLD WATER IRRIGATION DISTRICT OFFICE. – SECTION 551.087 TEXAS GOVERNMENT CODES ANNOTATED. – ECONOMIC DEVELOPMENT.
- DISCUSSION AND UPDATE REGARDING ACTION BY THE MERCEDES INDUSTRIAL FOUNDATION. – SECTION 551.087 TEXAS GOVERNMENT CODES ANNOTATED. – ECONOMIC DEVELOPMENT.
- DISCUSSION REGARDING MERCEDES INVESTMENTS, LP PROJECT (KAMEL). – SECTION 551.087, TEXAS GOVERNMENT CODES ANNOTATED. – ECONOMIC DEVELOPMENT.

Mayor Hinojosa called meeting back to order at 8:16 P.M.

**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.

**9.) ADJOURN.**

Mayor Hinojosa made a motion to adjourn. Commissioner Villarreal seconded the motion which passed unanimously. Meeting was adjourned at 8:17 P.M.