

Item 5 A

**MERCEDES CITY COMMISSION
REGULAR MEETING
MAY 15, 2018 – 6:00 P.M.
MERCEDES CITY HALL - COMMISSION CHAMBERS**

MEMBERS PRESENT:	Henry Hinojosa	Mayor
	Ruben Guajardo	Mayor Pro-Tem
	Howard Wade	Commissioner
	Leandro Villarreal	Commissioner
	Cristella De Leon Hernandez	Commissioner
	Sergio Zavala	Assistant City Manager
	Juan Molina	City Attorney
	Arcelia L. Felix	City Secretary

MEMBERS ABSENT: NONE

Staff: Nereida Perez, Jose Figueroa, David Lopez, Marisol Vidales, and Joselynn Castillo.

1.) CALL MEETING TO ORDER.

Mayor Henry 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 Jacques said the invocation.

4.) PLEDGE OF ALLEGIANCE.

Commissioner Hernandez led in the Pledge of Allegiance.

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

A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING (S) HELD MAY 1, 2018. B.) SECOND AND FINAL READING OF ORDINANCE NO. 2018-16 REZONING FROM CLASS "B-1" TWO-FAMILY RESIDENTIAL TO CLASS "L" LOCAL RETAIL THE FOLLOWING PROPERTY BEING THE W. 103.6' OF LOT 5, BLOCK 10, CHAPMAN SUBDIVISION. C.) SECOND AND FINAL READING OF ORDINANCE NO. 2018-17 REZONING FROM NEWLY ANNEXED TO CLASS "B" BUSINESS TO THE FOLLOWING CONTIGUOUS TRACTS AS ONE PUBLIC HEARING ITEM BEING AS FOLLOWS:

- a) CAPISALLO W. 1190'-N 50'-S 462' LOT 7 BLK 66 1.37 AC NET
- b.) CAPISALLO 0.16 AC LOT 7 BLK 66 A/K/A LOT 28 GREENTREE SUBD
- c.) CAPISALLO 0.11 AC LOT 7 & 0.23 AC LOT 8 BLK 66 A/K/A LOTS 25 THRU 27 GREENTREE SUBD.
- d.) CAPISALLO 0.58 AC-3.04 AC LOT 8 BLK 66 A/K/A LOTS 20 THRU 24 GREENTREE SUBD
- e.) CAPISALLO 0.23 AC-3.04 AC LOT 8 BLK 66 A/K/A LOTS 18 & 19 GREENTREE SUBD.
- f.) CAPISALLO 0.23 AC -3.04 AC LOT 8 BLK 66 A/K/A LOTS 16 & 17 GREENTREE SUBD.
- g.) CAPISALLO 0.11 AC -3.33 AC LOT 8 BLK 66 A/K/A LOT 15 GREENTREE SUBD.
- h.) CAPISALLO 0.2296 AC-3.04 AC LOT 8 BLK 66 A/K/A LOTS 13 & 14 GREENTREE SUBD.
- i.) CAPISALLO 0.44 AC -1.31 AC -3.04 AC LOT 8 BLK 66 A/K/A LOTS 10 THRU 12 GREENTREE SUBD.
- j.) CAPISALLO 0.1148 AC -3.04 AC LOT 8 BLK 66 A/K/A LOT 9 GREENTREE SUBD.
- k.) CAPISALLO 0.1148 AC -3.04 AC A/K/A LOT 8 BLK 66 GREENTREE SUBD.
- l.) CAPISALLO N100'-S512'-E380' LOT 8 BLK 66 A/K/A LOTS 1 THRU 7 GREENTREE SUBD. D.) SECOND AND FINAL READING OF ORDINANCE NO. 2018-18, AMENDING ORDINANCE NO. 2018-12, SETTING FORTH A DEPOSIT AMOUNT FOR UN-METERED (WATER WELL) LOTS CONNECTED TO THE CITY'S WASTEWATER SYSTEM. E.) SECOND AND FINAL READING OF ORDINANCE NO. 2018-19, AMENDING ANIMAL CONTROL ORDINANCE NO. 2013-12 AND 2015-04 TO PROVIDE COMPREHENSIVE ANIMAL CONTROL REGULATIONS. F.) SECOND AND FINAL READING OF ORDINANCE NO. 2018-20, AMENDING SOLID WASTE ORDINANCE NO. 2005-14 TO CONVEY AUTHORITY TO THE CITY'S HEALTH OFFICIAL TO ASSESS AND POSSIBLY UPGRADE THE GARBAGE BIN SIZE AND/OR FREQUENCY OF COLLECTION FOR OVERFLOWING GARBAGE BUSINESS OR APARTMENT SITES.

Mr. Zavala addressed the Commission stating that he received a petition from the citizens within a 200' radius from property being W. 103.6' of Lot 5, Block 10, Chapman subdivision. The petition mandates 20% or more of the citizens signature in writing, in order to require the 4/5 vote in order for the rezone to pass. The petition received by Mr. Zavala had 30% of the signatures. Mr. Zavala recommended opening up the floor for those for and against the rezone. Mayor Hinojosa opened the public hearing at 6:08 P.M. for agenda item 5B rezoning form Class "B-1" Two-Family residential to Class "L" Local Retail.

-Ms. Deliah Gonzalez addressed the Commission and stated the reasons why she was against the rezoning.

-Mr. Mark Van Berg addressed the Commission that he is in favor of the rezone.

-Ms. Esmeralda Guerrero addressed the Commission that she is in favor of the rezone for the city to grow.

-Ms. Anne Halen addressed the Commission that she is against the rezone.

Mayor Hinojosa closed the Public Hearing at 6:19 P.M.

Mayor Hinojosa opened the Public Hearing at 6:20 P.M for item 5C rezoning from newly annexed to Class "B" Business.

-Ms. Anne Halen addressed the Commission her opposition for the rezone on all the properties on Greentree Subdivision.

-Ms. Emma Gonzalez addressed the Commission and stated the reason why she is against the rezone.

-Ms. Esmeralda Guerrero stated to the Commission her opposition for the rezone.

Mayor Hinojosa closed the public hearing at 6:25 P.M.

Commissioner Wade made a motion to approve items A, D, E, F and vote separately on B and C. Mayor Pro-

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

approve items 5B and 5C. Commissioner Villarreal seconded the motion which passed with Commissioner

Wade and Commissioner Hernandez voting nay. Mr. Zavala stated the rezone for item B and C did not pass due to the Commission not meeting the 4/5 vote.

6.) PRESENTATION BY TONY SANCHEZ ON MEMORIAL DAY CEREMONY SCHEDULED FOR MONDAY, MAY 28, 2018, J.A. GARCIA AMERICAN LEGION POST 172.

Tony Sanchez invited the Commission and citizens to the Memorial Day event they will be hosting in front of City Hall on Monday, May 28, 2018 at 11:00 A.M. Mr. Juan Moya provided a handout to the Commission and stated there are some Mercedes Fallen Heros that were not included on the monument which include Thomas Marroquin and Michael Cinco. Mr. Moya informed the Commission the timeline of the ceremony.

7.) DISCUSSION AND POSSIBLE ACTION TO AWARD BASEBALL FIELD USE CONTRACT(S).

Mr. Zavala addressed the Commission about the applicant James Pike requesting to use the 2 northern Fields who has 27 to 30 teams which is about 400 children. No other leagues are requesting to use those fields. The 2 competing leagues are the Mercedes Pony League and Mercedes Youth Sports. The Mercedes Pony League consists of 11 teams with 12 to 16 players per team. The Mercedes Youth Sports has 5 teams with 12 players per team. The City reserves the right to use the fields for city events. Mr. Zavala stated the team that is not awarded the contract can still approach the team with the contract to assimilate into their schedule. Staff recommendation is to award the contract to Mercedes Little League and Mercedes Pony League. Mayor Pro-Tem Guajardo made a motion to award the contract to Mercedes Little league and Mercedes Pony league giving the opportunity to Mercedes Youth sport to coexist with the other league. Motion died due to lack of a second. Commissioner Villarreal made a motion to approve the award of the baseball field contract as recommended by staff. Commissioner Hernandez seconded the motion which passed unanimously.

8.) DISCUSSION AND ACTION TO APPOINT OR RE-APPOINT A MEMBER TO THE BUILDING & STANDARDS COMMISSION.

Mr. Zavala informed the Commission that he would like to activate the Building & Standards Commission. Current member Jose Muniz's term has expired and he wishes to continue serving on the Board. There are currently 4 alternates, those being Esmeralda Guerrero, John Gonzalez, Juan Martinez, and Mario Ramirez. Commissioner Wade made a motion to re-appoint Jose Muniz and continue with the alternates. Mayor Hinojosa seconded the motion which passed with Commissioner Hernandez and Commissioner Villarreal voting nay.

9.) PRESENTATION OF MONTHLY DEPARTMENTAL REPORTS.

The monthly reports are included for the Commission to review.

Mayor Hinojosa called the meeting into Executive Session at 6:49 P.M. No action will be taken inside executive session.

10.)EXECUTIVE SESSION:

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

-DISCUSSION REGARDING RIO GRANDE VALLEY PREMIUM OUTLETS – SECTION 551.071 TEXAS GOVERNMENT CODES ANNOTATED- POSSIBLE LITIGATION.

-DISCUSSION REGARDING THOMAS P. CHAMPION, JR. – SECTION 551.072 TEXAS GOVERNMENT CODES – REAL ESTATE.

-DISCUSSION OF DAVITA, INC. – SECTION 551.087, TEXAS GOVERNMENT CODES ANNOTATED – ECONOMIC DEVELOPMENT – SECTION 551.072 TEXAS GOVERNMENT CODES ANNOTATED – REAL ESTATE.

-DISCUSSION OF HILLWOOD ENTERPRISES, L.P. – SECTION 551.087, TEXAS GOVERNMENT CODES ANNOTATED – ECONOMIC DEVELOPMENT. – SECTION 551.072 TEXAS GOVERNMENT CODES ANNOTATED – REAL ESTATE.

Mayor Hinojosa called the meeting back to order at 8:15 P.M.

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

Mayor Pro-Tem Guajardo made a motion to proceed as discussed in executive session on the updated information. Commissioner Wade seconded the motion which passed unanimously.

12.) ADJOURN.

Mayor Hinojosa made a motion to adjourn. Mayor Pro-Tem Guajardo seconded the motion which passed unanimously. Meeting was adjourned at 8:16 P.M.