

**MERCEDES CITY COMMISSION
REGULAR MEETING
SEPTEMBER 18, 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, Marisol Vidales, and Joselynn Castillo.

1.) CALL MEETING TO ORDER.

Mayor Hinojosa welcomed everyone to the meeting 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.

Commissioner Leo Villarreal led in the Pledge of Allegiance.

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

A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING (S) HELD SEPTEMBER 4, AND SEPTEMBER 11, 2018. B.) SECOND AND FINAL READING OF ORDINANCE NO. 2018-32 ON BUDGET AMENDMENT FOR FISCAL YEAR 2017-2018. C.) SECOND AND FINAL READING OF ORDINANCE NO. 2018-33 AMENDING ORDINANCE NO. 2016-14 TO ADJUST THE WATER AND SANITARY SEWER RATES DURING THE NEXT FOUR YEARS. D.) APPROVAL OF REQUEST BY MERCEDES HIGH SCHOOL BAND BOOSTERS. E.) EXTENSION OF CONTRACTS: (1.) JUAN R. ALVAREZ (MUNICIPAL COURT JUDGE) (2.) BETTS OIL & BUTANE, INC. (FUEL PURCHASE SUPPLIER) (3.) FULBRIGHT & JAWORSKI, LLP (BOND COUNSEL) (4.) SAMUEL GARCIA (ARCHITECT) (5.) GUTIERREZ ENGINEERING (ENGINEERING SERVICES) (6.) LEFEVRE ENGINEERING (ENGINEERING SERVICES) (7.) SIGLER, WINSTON, & GREENWOOD ENGINEERING (ENGINEERING SERVICES) (8.) MED-CARE EMS (AMBULANCE) (9.) WESLACO, CITY OF (ANIMAL IMPOUNDMENT FEE) (10.) PERDUE, BRANDON, FIELDER, COLLINS & MOTT, LLP (DLQT. TAX/OTHER FEES ATTORNEY) (11.) TML-IRP (LIABILITY/E&O/PHYSICAL, PROPERTY/MOBILE/ FLOOD) (12.) TEXAS NATIONAL BANK (DEPOSITORY BANK SERVICES) (13.) UNIFIRST (UNIFORM/SUPPLIES)

Commissioner Wade made a motion to approve items A-D under consent agenda. Mayor Pro-Tem Guajardo seconded the motion, which passed unanimously. Mayor Pro-Tem Guajardo made a motion to the extension of contracts (E)1-13. Commissioner Villarreal seconded the motion which passed unanimously.

6.) PRESENTATION BY LAUREN PITTS REGARDING CITY PUBLIC SAFETY ISSUES.

Ms. Lauren Pitts addressed the Commission regarding speed limits, street lighting, speed bumps, an accident, bike lanes, and hazardous roads in the City. Mayor Hinojosa thanked Ms. Pitts for expressing her concerns and said that their hearts go out to the young man involved in the accident and went over the penalty for staying after a meeting is adjourned.

7.) DISCUSSION AND ACTION TO CONSIDER RECOGNIZING THE LONGTIME EFFORTS OF BASEBALL COACH TEO MARTINEZ.

Mr. Zavala addressed the Commission about Coach Teo Martinez. Mr. Martinez helped the baseball little league and was a coach for 20 years even after being stricken with cancer. Mr. Zavala stated they would like a plaque at Collier Park to recognize Coach Martinez. Carmen, Eddie, and Kevin Martinez were present and his sons spoke about their father who was a business man and whom they described as unselfish, good character, and caring. Mayor Hinojosa made a motion to approve recognizing baseball coach Teo Martinez. Mayor Pro-Tem Guajardo seconded the motion which passed unanimously. Commissioner Wade expressed his thanks to the family of Coach Martinez for his dedication to the community and the children.

8.) PUBLIC HEARING ON PROPOSED BUDGET FOR FISCAL YEAR 2018-2019.

Mayor Hinojosa opened the public hearing on the budget for fiscal year 2018-2019 at 6:14 pm.

-Esmeralda Guerrero commented to the Commission that she was unaware of when the workshops were held.

-Todd Breland addressed the Commission about promoting the City.

-Leonel Benavidez addressed the Commission about consistency, budgeting accordingly, Police Department budget, debt from the City, certificate of obligations, bonds, loans, taxes, open forum, a dangerous bridge

needing a sidewalk, and potholes. Mayor Hinojosa said that the bridge Mr. Benavidez was talking about belongs to the County but the City has tried getting a sidewalk.

-Amanda Quiroga addressed the Commission about reconsidering extending the contract with Med-Care saying that Med-Care had not provided service to her father. Mayor Hinojosa asked for a special meeting the following week regarding Ms. Quiroga's concern.

At a call by Mayor Hinojosa for further comments, none were offered and Mayor Hinojosa closed the Public Hearing at 6:24 pm.

9.) FORMAL ACTION ON FIRST READING OF ORDINANCE NO. 2018-34 ADOPTING THE BUDGET FOR FISCAL YEAR 2018-2019.

Mr. Zavala addressed the Commission saying that the budget must be adopted by Ordinance. Mayor Pro-Tem Guajardo made a motion to approve the first reading of Ordinance No. 2018-34 adopting the budget for fiscal year 2018-2019. Commissioner Villarreal seconded the motion which passed unanimously.

10.) FORMAL ACTION ON FIRST READING OF ORDINANCE NO. 2018-35 ADOPTING THE 2018 TAX RATE.

Mr. Zavala addressed the Commission stating that the tax rate was factored into the budget to remain the same at 0.745. Mayor Pro-Tem Guajardo made a motion to approve the first reading of Ordinance No. 2018-35 adopting the 2018 tax rate (0.745). Commissioner Wade seconded the motion which passed unanimously.

11.) DISCUSSION AND POSSIBLE ACTION ON ADOPTING THE BUDGET FOR THE DEVELOPMENT CORPORATION OF MERCEDES, INC. FOR FISCAL YEAR 2018-2019.

Melissa Ramirez addressed the Commission about the budget for the DCM. Ms. Ramirez stated the bond payment is included and a \$2,000 increase for the Administrative Assistant. Commissioner Wade made a motion to approve the budget for the DCM. Mayor Hinojosa seconded the motion which passed by a vote of 4 to 0 due to Mayor Pro-Tem Guajardo stepping out for a moment.

12.) DISCUSSION AND POSSIBLE ACTION ON ORDINANCE TO AMEND PEDDLERS CODE TO INCLUDE THAT THE APPLICANT PROVIDE A CRIMINAL BACKGROUND HISTORY AS A PART OF THE APPLICATION PROCESS; AND TO UPDATE THE PEDDLERS' FEE.

Mr. Zavala addressed the Commission regarding updating the Peddler's Code and included a proposed ordinance. The previous code is from 1950, and he said that the new code will require the peddler to provide a criminal background. Mr. Zavala recommends an increase for the peddler's fee's to \$20 per day, \$50 per week, and \$120 per month. At a question by Mayor Hinojosa, Mr. Zavala stated that a peddler is someone that sells door to door. Mayor Pro-Tem Guajardo asked if this would affect the Garage Sales at which Mr. Zavala said no. Mayor Pro-Tem Guajardo made a motion to approve amending peddler's code. (First reading of Ordinance). Commissioner Villarreal seconded the motion which passed unanimously.

13.) DISCUSSION AND POSSIBLE ACTION ON ORDINANCE TO AMEND CURFEW ORDINANCES 83-37 AND 93-09 TO INCLUDE PREVAILING PROVISIONS OF THE LOCAL GOVERNMENT CODE TO REQUIRE INTERMITTENT REVIEW OF JUVENILE CURFEW ORDINANCES.

Mr. Zavala informed the Commission about changes needed to the current Curfew Ordinance from 1983. Mr. Zavala stated that in 1995 the Local Government Code required holding public hearings every 3 years before adoption date for any changes to the ordinance, assess whether the ordinance is effective or problematic, and if not in compliance the ordinance will automatically expire. Mayor Pro-Tem Guajardo made a motion to amend the curfew ordinance to include prevailing provisions of the local government code. (First reading of Ordinance). Commissioner Wade seconded the motion which passed unanimously.

14.) DISCUSSION AND POSSIBLE ACTION ON PROPOSED TRANSFER AGREEMENT WITH MID VALLEY NURSING AND REHAB FACILITY DURING DISASTER AND/OR EMERGENCY EVENTS.

Mr. Zavala addressed the Commission about an agreement with Mid Valley Nursing and Rehab Facility during disaster or emergency events. The Rehab Facility's responsibility would be to notify EMC Tommy Ureste of the likelihood of evacuation and when the decision had been made to evacuate and they will need to provide the medications, supplies, equipment and medical records. The City's responsibility will be to provide the contact person which will be the EMC, direct the residents to shelters, and provide clean and safe shelters. Mr. Zavala stated the agreement is on an annual basis and may be terminated with a 30 day written notice. Mayor Pro-Tem Guajardo made a motion to approve the transfer agreement with Mid Valley Nursing and Rehab Facility. Commissioner Wade seconded the motion which passed unanimously.

15.) PRESENTATION OF END-OF-YEAR REPORT BY VIDA (VALLEY INITIATIVE FOR DEVELOPMENTS & ADVANCEMENT).

Ms. Priscilla Alvarez, Executive Director, presented to the Commission an end of year report. Ms. Alvarez informed them about a national study where VIDA was the only group selected in the State of Texas. The study shows the effectiveness of the program, the number of students that stay and finish their credentials and the wages earned after school. Ms. Alvarez said the benchmark was for 8 students but were able to help 16 students with the City's investment.

16.) MONTHLY DEPARTMENT REPORTS.

The monthly reports are provided for the Commission to review.

Mayor Hinojosa called the meeting into executive session at 6:41 P.M. No action will be taken during this time.

17.) EXECUTIVE SESSION:

-DISCUSSION REGARDING DUTIES AND RESPONSIBILITIES OF THE ASSISTANT CITY MANAGER. -

SECTION 551.074, TEXAS GOVERNMENT CODE ANNOTATED. – PERSONNEL.

-DISCUSSION REGARDING CAUSE NO. C-3152-18-G JOAQUIN AYALA VS. CITY OF MERCEDES, TX –

SECTION 551.071 TEXAS GOVERNMENT CODES ANNOTATED – LITIGATION.

ADDENDUM

**-DISCUSSION REGARDING A PROPOSED AGREEMENT WITH SOCCER ACADEMY AND LEAGUE
PROJECTED TO USE THE MERCEDES SPORTS COMPLEX – ECONOMIC DEVELOPMENT – SECTION
551.087, TEXAS GOVERNMENT CODES ANNOTATED – ECONOMIC DEVELOPMENT.**

Mayor Hinojosa called the meeting back to order at 7:29 P.M.

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

Mayor Hinojosa made a motion to proceed as discussed in executive session. Mayor Pro-Tem Guajardo seconded the motion which passed unanimously.

19.) ADJOURN.

Mayor Hinojosa made a motion to adjourn the meeting. Commissioner Wade seconded the motion which passed unanimously.