



Mayor Oscar D. Montoya  
Mayor Pro-Tem Joe Martinez  
Commissioner Armando Garcia

Commissioner Jacob Howell  
Commissioner Ruben Saldana  
City Manager Alberto Perez

MERCEDES CITY COMMISSION  
SPECIAL MEETING  
AUGUST 17, 2022 – 6:00 P.M.  
MERCEDES CITY HALL – COMMISSION CHAMBERS  
400 S. OHIO AVE., MERCEDES, TX 78570

“At any time during the course of this meeting, the City Commission may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the City Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during the course of this meeting, the City Commission may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code.”

- 1. **Call Meeting to Order**
- 2. **Establish Quorum**
- 3. **Invocation**
- 4. **Pledge of Allegiance**
- 5. **Open Forum-**

Maximum length of time of forum is forty-five minutes with individual presentations limited to a maximum of five minutes. The City Commission can take no formal action on any city related matter discussed during the open forum. Persons who wish to participate in this portion of the meeting shall sign up as they arrive, indicating the topic about which they wish to speak. No one will be able to sign up **AFTER 5:50 PM**. The information required for signing up must be completed by that time. No public comments will be allowed during any agenda item unless recognized by the Mayor or if the item requires a public hearing. State your name and address before beginning your presentation.

There can be no comments about specific employees. By Charter, the City Manager is exclusively given authority over personnel matters, including complaints against city personnel. All complaints against city personnel will be addressed pursuant to Mercedes Personnel Policies. Comments must not be repeated and the Commission is not required to answer any question from the public. Any person who decides to directly question any member of the City Commission will be asked to discontinue their comments. The City Secretary’s office representative will be responsible for notifying each presenter that their five-minute time limit has expired.

- 6. **Ordinances/Resolutions:** *Present, Discuss, Consider, and Possibly Take Action Regarding:*
  - a. Public Hearing and First reading of Ordinance 2022-18 amending the City of Mercedes Subdivision Ordinance. (ACM)
- 7. **Adjournment**

Notice is hereby given that the City Commissioners of the City of Mercedes, Texas will meet in a **Special Meeting** on Wednesday, August 17, 2022 at 6:00 P.M. Said meeting will be conducted in the Commission Chambers of the City Hall located at 400 S. Ohio, Mercedes, Texas for the purpose of considering and taking formal action regarding the items listed above. This notice is given in accordance with Vernon’s Texas Codes Annotated, Texas Government Code, Section 551.001 et. Seq.

WITNESS MY HAND AND SEAL OF THE CITY THIS THE 12<sup>TH</sup> DAY OF AUGUST, 2022.

ATTEST:

*Joselynn Castillo*  
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Joselynn Castillo, City Secretary  
Time of Posting: 7:55P.M.

**ACCESSIBILITY STATEMENT**

**The City of Mercedes recognizes its obligations under the Americans with Disabilities Act of 1990 to provide equal access to individuals with disabilities. Please contact the City Manager’s Office at (956) 565-3114 at least 48 hours in advance of the meeting with requests for reasonable accommodations, including requests for a sign language interpreter.**

ORDINANCE NO. 2022-18

AN ORDINANCE AMENDING THE CITY OF MERCEDES SUBDIVISION ORDINANCE TO ENFORCE SUBDIVISION PLATS AND RULES IN THE CITY'S EXTRATERRITORIAL JURISDICTION; PROVIDING FOR PUBLICATION; PROVIDING FOR A **PENALTY NOT TO EXCEED \$2,000 PER VIOLATION THEREOF; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF.**

**WHEREAS** Section 212 of the Texas Local Government Code authorizes the City of Mercedes to adopt rules governing plats and subdivisions of land within the City's jurisdiction, including the City's Extraterritorial Jurisdiction, to promote the health, safety, morals or general welfare of the City and the safe, orderly, and healthful development of the municipality; and

**WHEREAS**, pursuant to this authorization, the City of Mercedes has adopted the Subdivision Ordinance to accomplish these purposes and to therefore serve the public; and

**WHEREAS**, The City Commission of the City of Mercedes desires to make amendments and to simplify the Subdivision Ordinance to continue accomplishing these purposes and so better serve the public; and

**NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MERCEDES, TEXAS, THAT:**

**Section 1.** The Subdivision Ordinance and the Standard Design Manual shall apply and be enforced in the Extraterritorial Jurisdiction of the City of Mercedes where applicable.

**Section 2.** Street Standard in City Limit and Extraterritorial Jurisdiction

*(a) Streets.*

(1)*Street layout.* Adequate streets shall be provided by the developer and the arrangement, character, extent, width, grade, and location of each shall conform to the major thoroughfare plan in the transportation chapter of the current comprehensive plan of the city and shall be considered in relation to existing and planned streets, to topographical conditions, to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets. Local street layout shall be devised for the most advantageous current and future development of the entire neighborhood/area, as determined by the Planning Director. Subdivisions that adjoin state roads must adhere to TxDOT's Access Management Manual.

(2)*Relation to adjoining street system.* Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued as much as possible. and shall be at least as wide as such existing streets and in alignment therewith.

- (3)*Projection of streets.* Where adjoining areas are not subdivided, the arrangement of streets in the subdivision being considered shall make provisions for the proper projection of these streets into unsubdivided areas adjacent to it in the most logical and orderly fashion possible.
- (4)*Street jogs.* All street jogs shall be approved by the Planning Director and in no case will street jogs with centerline offsets of less than 125 feet measured centerline to centerline be allowed.
- (5)*Perimeter streets.* When a perimeter street of a subdivision is deficient, the developer shall either improve the perimeter street or deposit an amount into escrow.
- (6)*Street intersections.* Street intersections shall be as nearly at right angles as practicable.
- (7)*Dead-end streets.* Dead-end streets shall be prohibited, except where necessary to provide for future extension of streets, in which case they may be designed to extend no longer than 150 feet (per fire department requirement Standard 1141 NFPA).
- (8)*Cul-de-sacs.* Temporary or permanent cul-de-sac streets shall in no case exceed 400 feet in length. The cul-de-sac bulb shall have a right-of-way of 100 feet in the turnaround and paved not less than 80 feet in diameter in residential areas, and a right-of-way of 120 feet and a paved turnaround of not less than 100 feet in diameter in commercial and industrial areas. The measurement of a cul-de-sac shall be taken from the centerline of the nearest intersecting street to the center point of the cul-de-sac turnaround. Subdivisions with more than one cul-de-sac shall have all cul-de-sacs connect with a perpendicular street within the subdivision.
- (9)*Access points.* Any residential subdivision with 30 or more lots must have a minimum of two points of access entrances. Where two entrances are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. Additional entrances may be required as recommended by a traffic impact analysis. Access points for proposed streets must adhere to TxDOT's Access Management Manual.
- (10)*Local streets.* Local streets shall be laid out so as to discourage their use by through traffic.

### **Section 3. Fines and Penalties**

In response to a violation of any provision of Section 13-52 of this Ordinance, the City may impose the following fines and penalties:

- A. A fine of two thousand dollars (\$2,000) for each separate offense or violation.
- B. The City is also authorized to take any other action, or exercise any other remedy or assess any other fines or penalties as may be allowed or permitted at law or in equity.
- C. Any and all remedies shall be cumulative and two or more remedies may be exercised at the same time.

### **Section 4. Severability.**

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, subdivision, section or part of this Ordinance or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or

unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder of this Ordinance, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Ordinance or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 5.** Effective Date.

This Ordinance shall become effective ten (10) days after publication in a newspaper having substantial, continuous circulation within the City.

**PASSED AND APPROVED ON FIRST READING THIS THE 17<sup>TH</sup> DAY OF AUGUST, 2022.**

**PASSED, APPROVED, AND ADOPTED ON SECOND READING THIS THE 6<sup>TH</sup> DAY OF SEPTEMBER, 2022.**

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Oscar D. Montoya Sr., Mayor

ATTEST:

APPROVED:

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Joselynn Castillo, City Secretary

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Martie Garcia-Vela, City Attorney