

MERCEDES CITY COMMISSION
SPECIAL MEETING
AUGUST 28, 2023 – 6:30 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-**
6. **Executive Session: Chapter 551, Texas Government Code, Section 551.071 (Consultation with Attorney), Section 551.072 (Deliberation regarding Real Property), Section 551.074 (Personnel Matters) and Section 551.087 (Economic Development)**
 - a. Discussion with City Manager regarding personnel matters. – Section 551.074
 - b. Consultation with Attorney regarding update on litigation – Section 551.071
 - c. Consultation with Attorney and Financial Advisors regarding Tax Rate – Section 551.071
 - d. Consultation with Attorney and City Manager regarding Insurance Assistance – Section 551.071
7. **Open Session: Present, Discuss, Consider, and Possibly Take Action Regarding:**
 - a. Item A from Executive Session
 - b. Item B from Executive Session
 - c. Item C from Executive Session
 - d. Item D from Executive Session
8. **Consent Agenda:**
 - a. Approval of Second and Final Reading of Ordinance 2023-07 to rezone Garden Park Lot 11 Block 19 from Class “B” Two Family Residential to Class “B” Business Applicant: Juan B. Vargas
 - b. Approval of Second and Final Reading of Ordinance 2023-08 to rezone Mercedes Original Townsite Lot 6 Block 21 from Class “B” Two Family Residential to Class “C” Apartment Applicant: Mercedes Metro Investments – Mark Van Berg
 - c. Approval of Second and Final Reading of Ordinance 2023-09 to rezone South Campacuas ADDN E101.80’ - W316.80’ N CLN FT Lot 136, 1.06 Acres from Class “B” Business to Class “C” Apartment District Applicant: John & Maida Pajares
9. **Ordinances/Resolutions: Present, Discuss, Consider, and Possibly Take Action Regarding:**
 - a. PUBLIC HEARING regarding the proposed tax rate for Tax Year 2023.
 - b. Approval of first reading and second reading as per section 2.13 of the City Charter to adopt Ordinance 2023-11 levying ad valorem taxes for the Tax Year 2023 for Maintenance & Operations of the Municipal Government of the City of Mercedes, Texas for the Fiscal Year 2024 (Record Vote Required)
 - c. Approval of first reading and second reading as per section 2.13 of the City Charter to adopt Ordinance 2023-11 providing for the Interest and Sinking Fund for the Fiscal Year 2024, of the Municipal Government of the City of Mercedes, Texas General Obligation Bonds. (Record Vote Required)
10. **Adjournment**

Notice is hereby given that the City Commissioners of the City of Mercedes, Texas will meet in a **Special Meeting** on Monday, August 28, 2023 at 6:30 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 25TH DAY OF AUGUST, 2023.

ATTEST:



Joselynn Castillo, City Secretary
Time of Posting: 4:25 P.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. 2023- 07

AN ORDINANCE CHANGING THE CLASSIFICATION FOR ZONING PURPOSES OF THE FOLLOWING TRACT OF LAND: GARDEN PARK LOT 11 BLOCK 19 FROM CLASS "B" TWO FAMILY RESIDENCE TO CLASS "B" BUSINESS DISTRICT; PROVIDING FOR A SAVINGS AND REPEAL CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 9th day of January, 2023 a public hearing was held for the purpose of hearing any objections as to why: **GARDEN PARK LOT 11 BLOCK 19**, Mercedes, Hidalgo County, Texas, should be rezoned and classified as follows: from a Class "B" Two Family Residence to a Class "B" Business.

WHEREAS, the City Commission at its Regular Meeting of August 15, 2023, having considered the rezoning of the above-described property as listed in the foregoing section and having heard the pros and cons as to such rezoning request, is of the opinion that the aforementioned rezoning is in the best interest of the City of Mercedes, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MERCEDES, TEXAS:

Section 1 Garden Park Lot 11 Block 19 Mercedes, Hidalgo County, Texas, should be rezoned and classified as follows: from a Class "B" Two Family Residence to a Class "B" Business.

Section 2: That the aforementioned rezoning of the above property be incorporated into the official map of the City of Mercedes, Texas by the City Planner of said City.

Section 3: That if any provision, section, subsection, phrase, paragraph, sentence, clause or portion of this Ordinance shall for any reason be declared invalid, such invalidity shall not affect the remaining provisions of this Ordinance or their application of persons or sets of circumstances and to this end, all provisions of this Ordinance or parts of Ordinances in conflict herewith are hereby repealed.

Section 4: This Ordinance shall become and be effective in accordance with the City Charter of the City of Mercedes, Texas and the laws of the State of Texas.

PASSED, APPROVED AND ADOPTED ON FIRST READING THIS THE 15th DAY OF AUGUST 2023.

PASSED, APPROVED AND ADOPTED ON SECOND READING THIS THE ____ DAY OF _____, 2023.

CITY OF MERCEDES

Oscar D. Montoya, Sr., Mayor

ATTEST:

APPROVED AS TO FORM:

Joselynn Castillo
City Secretary

Martie Garcia Vela
City Attorney

ORDINANCE NO. 2023- 08

AN ORDINANCE CHANGING THE CLASSIFICATION FOR ZONING PURPOSES OF THE FOLLOWING TRACT OF LAND: MERCEDES ORIGINAL TOWNSITE LOT 6 BLOCK 21 FROM CLASS "B" TWO FAMILY RESIDENCE TO CLASS "C" APARTMENT; PROVIDING FOR A SAVINGS AND REPEAL CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 20th day of March, 2023 a public hearing was held for the purpose of hearing any objections as to why: **MERCEDES ORIGINAL TOWNSITE LOT 6 BLOCK 21**, Mercedes, Hidalgo County, Texas, should be rezoned and classified as follows: from a Class "B" Two Family Residence to a Class "C" Apartment.

WHEREAS, the City Commission at its Regular Meeting of August 15, 2023, having considered the rezoning of the above-described property as listed in the foregoing section and having heard the pros and cons as to such rezoning request, is of the opinion that the aforementioned rezoning is in the best interest of the City of Mercedes, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MERCEDES, TEXAS:

Section 1 Mercedes Original Townsite Lot 6 Block 21 Mercedes, Hidalgo County, Texas, should be rezoned and classified as follows: from a Class "B" Two Family Residence to a Class "C" Apartment.

Section 2: That the aforementioned rezoning of the above property be incorporated into the official map of the City of Mercedes, Texas by the City Planner of said City.

Section 3: That if any provision, section, subsection, phrase, paragraph, sentence, clause or portion of this Ordinance shall for any reason be declared invalid, such invalidity shall not affect the remaining provisions of this Ordinance or their application of persons or sets of circumstances and to this end, all provisions of this Ordinance or parts of Ordinances in conflict herewith are hereby repealed.

Section 4: This Ordinance shall become and be effective in accordance with the City Charter of the City of Mercedes, Texas and the laws of the State of Texas.

PASSED, APPROVED AND ADOPTED ON FIRST READING THIS THE 15th DAY OF AUGUST 2023.

PASSED, APPROVED AND ADOPTED ON SECOND READING THIS THE ____ DAY OF _____, 2023.

CITY OF MERCEDES

Oscar D. Montoya, Sr., Mayor

ATTEST:

APPROVED AS TO FORM:

Joselynn Castillo
City Secretary

Martie Garcia Vela
City Attorney

ORDINANCE NO. 2023- 09

AN ORDINANCE CHANGING THE CLASSIFICATION FOR ZONING PURPOSES OF THE FOLLOWING TRACT OF LAND: SOUTH CAMPACUAS ADDN E101.80'-W316.80'N CLN FT LOT 136, 1.06 ACRES FROM CLASS "B" BUSINESS TO CLASS "C" APARTMENT DISTRICT; PROVIDING FOR A SAVINGS AND REPEAL CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 8th day of May, 2023 a public hearing was held for the purpose of hearing any objections as to why: **SOUTH CAMPACUAS ADDN E101.80'-W316.80'N CLN FT LOT 136**, Mercedes, Hidalgo County, Texas, should be rezoned and classified as follows: 1.06 Acres from a Class "B" Business to a Class "C" Apartment District.

WHEREAS, the City Commission at its Regular Meeting of August 15, 2023, having considered the rezoning of the above-described property as listed in the foregoing section and having heard the pros and cons as to such rezoning request, is of the opinion that the aforementioned rezoning is in the best interest of the City of Mercedes, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MERCEDES, TEXAS:

Section 1 South Campacuas ADDN E101.80'-W316.80'N CLN FT Lot 136 Mercedes, Hidalgo County, Texas, should be rezoned and classified as follows: 1.06 Acres from a Class "B" Business to a Class "C" Apartment District.

Section 2: That the aforementioned rezoning of the above property be incorporated into the official map of the City of Mercedes, Texas by the City Planner of said City.

Section 3: That if any provision, section, subsection, phrase, paragraph, sentence, clause or portion of this Ordinance shall for any reason be declared invalid, such invalidity shall not affect the remaining provisions of this Ordinance or their application of persons or sets of circumstances and to this end, all provisions of this Ordinance or parts of Ordinances in conflict herewith are hereby repealed.

Section 4: This Ordinance shall become and be effective in accordance with the City Charter of the City of Mercedes, Texas and the laws of the State of Texas.

PASSED, APPROVED AND ADOPTED ON FIRST READING THIS THE 15th DAY OF AUGUST 2023.

PASSED, APPROVED AND ADOPTED ON SECOND READING THIS THE ____ DAY OF _____, 2023.

CITY OF MERCEDES

Oscar D. Montoya, Sr., Mayor

ATTEST:

APPROVED AS TO FORM:

Joselynn Castillo
City Secretary

Martie Garcia Vela
City Attorney



AGENDA ITEM NO. 9

CONSENT ITEM: No

DATE: August 28, 2023

FROM: Alberto Perez, City Manager

ITEM: **B. Approval of first reading and second reading as per section 2.13 of the City Charter to adopt Ordinance 2023-11 levying ad valorem taxes for the Tax Year 2023 for Maintenance & Operations of the Municipal Government of the City of Mercedes, Texas for the Fiscal Year 2024 (Record Vote Required)**

BACKGROUND INFORMATION:

This ordinance is to approve the tax rate of \$0.7750 per \$100. The Tax Rate did not increase, it remained the same as last year. The M&O Tax rate is \$0.4974. Although the tax rate remained the same, there is an increase of 13 percent due to the property values increasing.

**Property Values are not determined by the City of Mercedes.

BOARD REVIEW/CITIZEN FEEDBACK:

ALTERNATIVES/OPTIONS:

FISCAL IMPACT:

Proposed Expenditure/(Revenue):	Account Number(s):

Finance Review by:

LEGAL REVIEW:

ATTACHMENTS:

- 1.) Ordinance 2023-11

DRAFT MOTION: I move that the property tax rate be increased by the adoption of a tax rate of \$0.7750, which is effectively a 13 percent increase from the no-new-revenue tax revenue.

ORDINANCE NO. 2023-11

AN ORDINANCE LEVYING AN AD VALOREM TAX OF ZERO DOLLARS AND SEVEN HUNDRED SEVENTY-FIVE (\$0.7750) CENTS ON THE ONE HUNDRED DOLLAR (\$100.00) VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CITY OF MERCEDES, TEXAS; REAL, PERSONAL AND MIXED FOR THE YEAR 2023, FOR THE PURPOSE OF PAYING INTEREST ON AND PROVIDING A SINKING FUND FOR THE REDEMPTION OF ITS OUTSTANDING BONDS AND OTHER OBLIGATIONS AND FOR CURRENT EXPENSES AS NECESSARY AND IN THE BEST INTEREST OF THE TAXPAYERS OF SAID CITY. THE TAX RATE WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS; PROVIDING FOR PENALTIES AND INTERST ON DELINQUENT TAXES; AND A DATE SAME SHALL BECOME DELINQUENT; PROVIDING A PERCENTAGE OF DISTRIBUTION OF THE SPECIFIED RATE; PROVIDING FOR A SAVINGS AND REPEAL CLUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MERCEDES, TEXAS THAT:

SECTION1: An ad valorem tax of ZERO DOLLARS AND SEVEN HUNDRED SEVENTY FIVE (\$0.7750) CENTS on the One Hundred dollar (\$100.00) valuation based on 100% of actual values, of all taxable property within the City limits of Mercedes, Texas; real, personal and mixed, as said values are fixed and certified by the Chief Appraiser of Hidalgo County be, and the same is hereby levied for and on behalf of said City for the year 2023 for the purpose of paying interest on and providing a Sinking Fund, and for the current expenses as necessary and in the best interest of the taxpayers of the said City.

SECTION 2: If any person fails to pay their taxes on or before the 31st day of January, 2024, penalties and interest will accrue as defined in the Property Tax Code.

SECTION 3: The specified rate of zero dollars and seven hundred seventy-five (\$0.7750) cents above levied shall be distributed as follows:

To the special interest and sinking fund for the servicing and redemption of outstanding general obligation bonds and all other obligation of said City of Mercedes, Texas. 0.2776 Cents
To the General Fund of the City of Mercedes, Texas 0.4974 Cents

SECTION 4: If any section, subsection, phrase, sentence, clause or provision of this Ordinance shall be declared invalid for any reason, such invalidity shall not affect the remaining provisions of this Ordinance or their applications to other personal or sets of circumstances, and to this end all provisions of this Ordinance are declared to be severable; and Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 5: This Ordinance shall become and be effective in accordance with the City Charter of the City of Mercedes, Texas and the laws of the State of Texas.

PASSED, APPROVED, AND ADOPTED ON FIRST READING THIS THE 28TH DAY OF AUGUST, 2023.

PASSED, APPROVED, AND ADOPTED ON SECOND READING THIS THE 28TH DAY OF AUGUST, 2023.

Oscar D. Montoya, Sr., Mayor

ATTEST:

APPROVED:

Joselynn Castillo, City Secretary

Martie Garcia-Vela, City Attorney