



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  
OCTOBER 3, 2022 – 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-**

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 6:20 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. **Presentations:**

- a. Recognition of Genevive Vallejo
- b. Border Affairs – Grant Update

7. **Consent Agenda:** *(All matters listed under Consent Agenda are considered to be routine by the Governing Body and will be enacted by one motion. There will be no separate discussion of these items; however, if discussion is desired, that item(s) will be removed from the Consent Agenda and will be considered separately.)*

- a. Approval of Minutes for Meeting(s) held August 23, 2022 & September 20, 2022
- b. Second and Final Reading of Ordinance 2022-21 to Rezone Mercedes Original Townsite Lot 14 Blk 123 from Class “B” Two Family Residence to Class “C-1” Apartment District. Applicant Israel Formacio
- c. Second and Final Reading of Ordinance 2022-22 to Rezone Lot 132, Block 112, South Campacuas Addition Tract 1 (7.374 Acres), Part of a Called 28.56 Acres from Class “N” Newly Annexed to Class “LI” Light Industrial. Applicant John M. Harrison
- d. Second and Final Reading of Ordinance 2022-23 to Rezone Grosshouser’s Subdivision 222.05 Feet West of Lot 5 and 6 from Class “C” Apartment District to Class “B” Business. Applicant Tiki Land Company LLC

8. **City Manager Comments:**

- a. Update on Manhole Cover Project (Martinez & Howell), Breast Cancer Awareness walk, Fire Department Recognition

9. **Ordinance/Resolutions:** *Present, Discuss, Consider, and Possibly Take Action Regarding:*

- a. Ordinance 2022-24 to Convey the Abandoned Alley located at 0.069 of one-acre (3,000 Sq. Ft.) of Land, being a portion of a 20’ Public Alley located between Missouri avenue and Texas Avenue of the Original townsite of Mercedes to the Development Corporation of Mercedes (J. Ramirez)
- b. Ordinance 2022-25 on Conveyance of Property to the Development Corporation of Mercedes described as Lot 20, Valle De Palmas Subdivision, Unit 2 (J. Ramirez)

10. **Management Item(s):** *Present, Discuss, Consider, and Possibly Take Action Regarding:*

- a. Sidewalk improvements and curb scraping around the City. (Comm. Martinez & Howell)
- b. Repairs to San Jacinto Ave in the Queen City Subdivision. (Comm. Martinez & Garcia)

c. Request to Recognize Ms. Amanda McBroom and set a date for recognition. (A. Perez)

**11. Bids/Contracts:** *Present, Discuss, Consider, and Possibly Take Action Regarding:*

a. Awarding a contract for the Police Department Renovation Project. (J. Ramirez)

**12. 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 regarding the deliberation of real property Mercedes PD – Section 551.072

b. Consultation with Attorney regarding Police Department personnel – Section 551.071 & 551.074

**13. Open Session:** *Discuss, Consider, and Possibly Take Action Regarding*

a. Item A from Executive Session

b. Item B from Executive Session

**14. Adjournment**

Notice is hereby given that the City Commissioners of the City of Mercedes, Texas will meet in a **Special Meeting** on Monday, October 3, 2022 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 30<sup>TH</sup> DAY OF SEPTEMBER, 2022.

ATTEST:

  
\_\_\_\_\_  
Jose Lynn Castillo, City Secretary  
Time of Posting: 6:05 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.**

**MERCEDES CITY COMMISSION  
WORKSHOP MEETING  
AUGUST 23, 2022 – 6:30 P.M  
MERCEDES CITY HALL – COMMISSION CHAMBERS**

<b>MEMBERS PRESENT:</b>	Oscar D. Montoya Sr. Joe Martinez Ruben Saldana Armando Garcia Jacob Howell	Mayor Mayor Pro-Tem Commissioner Commissioner Commissioner
<b>STAFF PRESENT:</b>	Alberto Perez Javier Ramirez Meredith Hernandez Joaquin Hernandez Javier Campos Kristine Longoria Marisol Vidales Ervin Vilchis Richard Morin Pedro Estrada	City Manager Asst. City Manager Chief Accountant Public Works Director Fire Chief Human Resources Library Director IT Director Rec. Director Police Chief

**1. CALL MEETING TO ORDER**

Mayor Montoya welcomed everyone and called the meeting to order at 6:30 P.M.

**2. ESTABLISH QUORUM**

All members of the Commission were present which constitutes a full quorum.

**3. INVOCATION**

Commissioner Saldana said the invocation.

**4. PLEDGE OF ALLEGIANCE**

Commissioner Garcia led in the Pledge of Allegiance.

**5. OPEN FORUM**

- Mr. Fred Money stated the Public Works Department deserve a raise.
- Mr. Ramon Mejia shared a verse from the bible. He added the cost of living is rising and everyone deserves to get raise. Mr. Mejia started addressing the City Manager, Mayor Montoya tried to explain that he cannot direct his comments to an employee. Mr. Mejia continued to speak over the Mayor.
- Mr. Jacob Howell spoke about drainage improvements, sandbags and thanked the employees for their hard work. Mr. Howell thanked several employees in public works. He would like bike patrol in the police department and include a patch in remembrance of David Gobellan who passed away.
- Mr. Adrian Saucedo expressed his concern with Capisallo Terrace not having sanitary sewer. He stated the subdivision gets flooded and with septic tanks it makes it unsanitary. Mr. Saucedo stated that the laborers are out in the heat for \$10 per hour. He stated he will not be silenced.
- Mr. Joaquin Hernandez expressed his concern with the Commission. He stated the employees came to express their concern with their pay at the previous budget meeting. He stated there is an abuse of authority and cannot stop the employees from speaking at meetings.

- Mr. Jaime Contreras asked about the difference between Mr. Mejia and Mr. Howell if they both spoke about employees. Mayor Montoya explained to not bash or disparage an employee. He stated that an increased was promised to the employees and it was approved on the agenda. He added that the employees make \$10 per hour and work in the weather conditions.

**6. PRESENTATION:**

**a. 2<sup>nd</sup> Presentation and Discussion regarding the proposed budget for FY 2022-2023.**

Ms. Meredith Hernandez addressed the Commission about the changes to the budget. She stated that they made the changes as stated at the previous meeting by the Commission regarding sidewalks. They included a line item and allocated \$150K for sidewalks. There was a \$250K increase for the Capisallo Terrace Project. Mr. Perez explained that there are funds coming in for the Capisallo Terrace Project. At a question, Ms. Hernandez stated the increases were budgeted and were at the requests from the department heads. Ms. Hernandez stated the budget went from \$12.2Million in FY 21-22 to \$14.5 Million in FY 22-23 and added that the budget is balanced. The lowest paid department is public works. Mr. Perez stated the employees receiving an increase will not receive a one time pay in December.

Mayor Pro-Tem Martinez motioned to go into executive session. Commissioner Garcia seconded.

The commission went into executive session at 7:14 p.m.

Mayor Montoya called the meeting back to order at 8:03 p.m.

**7. ADJOURNMENT.**

Mayor Montoya adjourned the meeting at 8:04 p.m.

**MERCEDES CITY COMMISSION  
REGULAR MEETING  
SEPTEMBER 20, 2022 – 6:30 P.M.  
MERCEDES CITY HALL – COMMISSION CHAMBERS**

<b>MEMBERS PRESENT:</b>	Oscar D. Montoya Sr.	Mayor
	Joe Martinez	Mayor Pro-Tem
	Jacob Howell	Commissioner
	Armando Garcia	Commissioner
	Ruben Saldana	Commissioner

<b>STAFF PRESENT:</b>	Alberto Perez	City Manager
	Martie Garcia Vela	City Attorney
	Joselynn Castillo	City Secretary
	Javier Ramirez	Asst. City Manager
	Ervin Vilchis	I.T. Liaison
	Kristine Longoria	Human Resources
	Nereida Perez	Finance Director

**OTHERS PRESENT:** Juan Vega Jr., Aaron Villarreal, Jose Hernandez, Isaias Rodriguez, Jesus Rodriguez, Francisco Sanchez, Salvador Gonzalez, Oscar Lopez, Joseph Trevino, Roy Rocha

**1. CALL MEETING TO ORDER**

Mayor Montoya welcomed everyone and called the meeting to order at 6:30 P.M.

**2. ESTABLISH QUORUM**

All members of the Commission were present which constitutes a full quorum. Mayor Pro-Tem Martinez arrived during open forum.

**3. INVOCATION**

Commissioner Saldana said the invocation.

**4. PLEDGE OF ALLEGIANCE**

Commissioner Howell led in the Pledge of Allegiance.

**5. OPEN FORUM**

- Ms. Jessica Pena expressed her concern with the city. She suffered a substantial loss. An inspection was done before a permit was issued. What training did the person have? Many questions were asked regarding the permit process. During construction the city did not do a drive by to ensure the work was performed. What will be done to make sure the issue does not happen again. She stated that Bison was not to do work in the City. They were following state protocols. The school did not have any roof issues and then stated they did not require an emergency shut down. She stated that the City said the building was condemned. She stated that no one from planning contacted her to inform her what can be done to secure the building to avoid further collapse. The City failed the historical building. The engineer report was obtained.
- Mr. Ramon Mejia provided a document to the Commission. Mercedes belongs to the people. Mr. Mejia stated that the minutes voted to approve the Elidafest, city issued a check for 15K and the event was a month in have after. Every expenditure must be put on heads in bed. This event was not to attract people to stay overnight. The second part is to delegate hotel tax money to another entity. There is no contract for this event. The flyer states that the official hotel is located in McAllen, Texas. Why does the City commission not oversee the actions by the City Manager and Assistant City manager? What other matters are they doing illegally. He stated that this was against the law and will hear it from the state.

- Mr. Jose M. Gomez April meeting item 9a the City Manager set some customer service standard. He stated that the City does not answer the phones. Take ownership, if they have taken ownership through absolute power then they do not have to worry about the citizens. He stated he contacted a Commissioner and stated the I&S has increased and asked that the Commission explain how it increased if the tax rate has remained the same. He stated that the budget should be discussed out in the open.
- Ms. Yolanda Molina expressed her concern with a levee and the traffic in the area. Ms. Molina has been a member of the community for 74 years. She stated the respect for the Community is no longer there. She stated if they speak up then they may get arrested. She is worried about the policemen if the city is paying enough. Ms. Molina expressed her concern with sidewalks on Hidalgo street. There is only a small sidewalk in the area and no one cares. She stated there are standards in meetings. There is an attire and hats are not appropriate.
- Ms. Velda Garcia expressed her concern with the Police Department. The fence was locked when she had a meeting at the PD. She stated that the calls are not answered at PD and City hall.
- Mr. Joaquin Hernandez stated that PD has not been paid for Elida Fest. He asked for a meeting about not paying the officers. City approved funds for manpower of Elidafest. He asked where is the money. He stated that they selected Municipal services and they do not have a master license. Is the Commission ok with doing nothing? If the Commission doesn't have the courage to do what they are supposed to. He stated there was no contract with Elida Fest and they did not pay the police officers. The city is wasting the money and nothing has been done about Capisallo Terrace. He stated they would contact the state and report the city and get the building shut down. Mercedes does not want this management.
- Mr. Jaime Contreras spoke about the budget and expressed his concern on the increases for public works. He stated that a commissioner told his wife that the public works will not be receiving any stipends and does not think that's right. He stated that a certain individual was investigated and terminated. He was terminated for wiring and finding information on a certain individual. He stated the whole commission is elected to serve.
- Mr. Joel Ruiz expressed how happy he is with the growth in Mercedes. The first growth was the outlet and was able to have 4 job opportunities. He stated the growth will give other residents the opportunity for the same excitement he had and the job opportunities. He stated that visitors and residents will have a broader range of options. He looks forward to more growth in Mercedes.

**6. CONSENT AGENDA**

- a. Approval of minutes for Meeting held September 6 & September 13, 2022.**
- b. Second and Final Reading of Ordinance No. 2022-19 to Adopt the Tax Rate for FY 2022-2023**
- c. Second and Final Reading of Ordinance No. 2022-20 to adopt the FY 202-2023 budget**

Mayor Pro-Tem Martinez motioned to approve all items. Commissioner Saldana seconded. Upon a called vote, the motion passed unanimously.

**7. CITY MANAGER COMMENTS**

- a. Update on the Status of the A/C units**

Mr. Ramirez stated some A/C Units were replaced in the Library and the City Hall. There is another unit they are looking to repair but does not have an end time. The dome A/C is being repaired by Texas Air System. There were estimates previously provided costing the city over \$150K and now the cost is \$18K. The company is a sole source and the AC units currently do not have warranty. The \$150 was for new units and the engineer reviewed it and recommended repairs. Mr. Perez stated that workmanship is usually warranted for one year.

**8. ORDINANCES/RESOLUTIONS**

- a. **Ordinance 2022-21 to Rezone Mercedes Original Townsite lot 14 Blk 123 from Class “B” Two Family Residence to Class “C-1” Apartment District Applicant Israel Formacio**

Commissioner Howell made a motion to approve. Commissioner Saldana seconded. Commissioner Howell stated it would increase revenue. Upon a called vote, the motion passed unanimously.

- b. **Ordinance 2022-22 to Rezone Lot 132, Block 112, South Campacuas Addition Tract 1 (7.374 Acres), Part of a Called 28.56 Acres from Class “N” Newly Annexed to Class “L1” Light Industrial Applicant John M. Harrison**

Commissioner Saldana motioned to approve. Mayor Pro-Tem Martinez seconded. Commissioner Howell asked the location. Commissioner Saldana stated this is on Mile 2 W. Upon a called vote, the motion passed unanimously.

- c. **Ordinance 2022-23 to Rezone Groussouser’s Subdivision 222.05 Feet West of Lot 5 and 6 from Class “C” Apartment District to Class “B” Business. Applicant Tiki Land Company**

Commissioner Howell motioned to approve. Mayor Pro-Tem Martinez seconded. Commissioner Howell stated this is an opportunity for the city to grow and increase revenues. Mr. Ramirez stated that this is on FM491 and Mile 8.

#### 9. **MANAGEMENT ITEMS:**

- a. **Researching for a K-9 Unit and Bike Patrol for the Police Department.**

Commissioner Howell and Commissioner Garcia placed this item on the agenda. Commissioner Howell would like to see a bike patrol for PD and a K-9 unit. He wants the city to provide resources for the police officers. Commissioner Howell would like three officers and a dog and get training for the officers. Safety is a priority for Commissioner Howell. Commissioner Howell stated there are grants to fund these positions. Commissioner Howell motioned to move forward with researching the costs. Mayor Pro-Tem Martinez seconded. Mayor Pro-Tem Martinez stated the training, costs and the requirements to have a K-9 Unit. The dog is also an officer. Commissioner Howell stated that the city will not need to rely on other cities to provide the K-9 unit. Upon a called vote, the motion passed unanimously.

#### 10. **BIDS/CONTRACTS**

- a. **FY 2022-2023 Interlocal Agreement between the City of Mercedes and the County of Hidalgo Urban County Program**

Mr. Ramirez stated this interlocal is for the urban county program and is done every year. Commissioner Saldana motioned to approve. Commissioner Garcia seconded. Commissioner Saldana stated the county received \$7.5 Mil and the City of Mercedes only received \$257K. Mayor Montoya stated that the money belongs to the Precinct and they decide how much goes to each city. Commissioner Saldana stated his appreciation to the detail in the urban county agreement and funds. Mr. Perez stated the funding is going to streets lights and parks. Upon a called vote, the motion passed unanimously.

- b. **Approval of Interlocal Agreement between the County of Hidalgo and the City of Mercedes for the Dawson Rd. Improvements.**

Commissioner Saldana motioned to approve. Commissioner Garcia seconded. Upon a called vote, the motion passed unanimously. Commissioner Saldana asked for the potential start date for the project. Mr. Perez stated they are ready to start but are waiting for the urban county funds which is now approved. Mr. Ramirez stated they should start in the next two weeks. Upon a called vote, the motion passed unanimously.

#### 11. **MONTHLY DEPARTMENTAL REPORTS**

Included in the packet was the August monthly report for PD, PW, Library, Rec Center, Finance, Planning, City Secretary/HR/PIO, & Fire. Commissioner Saldana asked about Page 119 (Public Works report) the “22” for the Citizen collection station. Mr. Ramirez stated that the Citizen

collection station is open on Friday and Saturday. On page 149 regarding the finance, Commissioner Saldana stated he would like a status report on the audit findings and what was addressed. Ms. Perez stated that three issues have been corrected and two are still pending. Looking at hiring more staff to assist in programming fixed assets and the TIRZ account. Mr. Perez stated that if they cannot find someone they can outsource the service to get them up to date and then hire. Mr. Perez stated they are still in communication with TIRZ to clear up the issue. Commissioner Howell asked about revenues, are we still in the positive, Ms. Perez stated yes. Ms. Perez stated she will notify the City Manager if the city is not meeting the revenues then the city will need to cut back on expenses. Ms. Longoria stated there are 7 positions open on patrol. Ms. Perez stated that the funds allocated for the positions get used for overtime. Mr. Sanchez stated that the turn over is a problem everyone is facing. Mayor Pro-Tem Martinez motioned to go into executive. Commissioner Saldana seconded. Upon a called vote, the motion passed unanimously at 7:33 P.M.

**12. EXECUTIVE SESSION:**

- a. Discussion regarding de-annexing of real property – Section 551.072**
- b. Discussion regarding the deliberation of real property – Section 551.072**
- c. Deliberation of real property regarding economic development – Section 551.072 & 551.087**

Mayor Montoya called the meeting back to order at 9:31 P.M.

**13. OPEN SESSION**

- a. Item A from Executive Session**  
No action was taken on this item.
- b. Item B from Executive Session**  
No action was taken on this item.
- c. Item C from Executive Session**

Commissioner Howell made a motion to proceed as discussed in executive session.

Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

**14. ADJOURNMENT**

Mayor Pro-Tem Martinez motioned to adjourn the meeting. Commissioner Garcia seconded.

Upon a called vote, adjourned at 9:31 P.M.

**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE CHANGING THE CLASSIFICATION FOR ZONING PURPOSES OF THE FOLLOWING TRACT OF LAND: MERCEDES ORIGINAL TOWNSITE LOT 14 BLK 123, FROM CLASS "B" TWO FAMILY RESIDENCE TO CLASS "C-1" APARTMENT DISTRICT; PROVIDING FOR A SAVINGS AND REPEAL CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on the 12<sup>th</sup> day of September, 2022 a public hearing was held for the purpose of hearing any objections as to why: **MERCEDES ORIGINAL TOWNSITE LOT 14 BLK 123**, Mercedes, Hidalgo County, Texas, should be rezoned and classified as follows: from a Class "B" Two Family Residence to a Class "C-1" Apartment District.

**WHEREAS**, the City Commission at its Regular Meeting of September 20<sup>th</sup>, 2022, 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 14 Blk 123, Mercedes, Hidalgo County, Texas, should be rezoned and classified as follows: from a Class "B" Two Family Residence to a Class "C-1" 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 20<sup>th</sup> DAY OF SEPTEMBER 2022.**

**PASSED, APPROVED AND ADOPTED ON SECOND READING THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

**CITY OF MERCEDES**

\_\_\_\_\_  
**Oscar D. Montoya, Sr., Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Joselynn Castillo**  
**City Secretary**

\_\_\_\_\_  
**Martie Garcia Vela**  
**City Attorney**

**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE CHANGING THE CLASSIFICATION FOR ZONING PURPOSES OF THE FOLLOWING TRACT OF LAND: LOT 132, BLOCK 112, SOUTH CAMPACUAS ADDITION TRACT 1 (7.374 ACRES, PART OF A CALLED 28.56 ACRES, FROM “N” NEWLY ANNEXED TO CLASS “LI” LIGHT INDUSTRIAL; PROVIDING FOR A SAVINGS AND REPEAL CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on the 12<sup>th</sup> day of September, 2022 a public hearing was held for the purpose of hearing any objections as to why: **BLOCK 112, SOUTH CAMPACUAS ADDITION TRACT 1 (7.374 ACRES, PART OF A CALLED 28.56 ACRES**, Mercedes, Hidalgo County, Texas, should be rezoned and classified as follows: from a Class “N” Newly Annexed to a Class “LI” Light Industrial.

**WHEREAS**, the City Commission at its Regular Meeting of September 20<sup>th</sup>, 2022, 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** **BLOCK 112, SOUTH CAMPACUAS ADDITION TRACT 1 (7.374 ACRES, PART OF A CALLED 28.56 ACRES**, Mercedes, Hidalgo County, Texas, should be rezoned and classified as follows: from a Class “N” Newly Annexed to a Class “LI” Light Industrial.

**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 20<sup>th</sup> DAY OF SEPTEMBER 2022.**

**PASSED, APPROVED AND ADOPTED ON SECOND READING THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

**CITY OF MERCEDES**

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**Oscar D. Montoya, Sr., Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

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**Joselynn Castillo**  
**City Secretary**

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**Martie Garcia Vela**  
**City Attorney**

**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE CHANGING THE CLASSIFICATION FOR ZONING PURPOSES OF THE FOLLOWING TRACT OF LAND: GROSSHAUSER’S SUBDIVISION 222.05 FEET WEST OF LOTS 5 AND 6, FROM CLASS “C” APARTMENT TO CLASS “B” BUSINESS DISTRICT; PROVIDING FOR A SAVINGS AND REPEAL CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on the 12<sup>th</sup> day of September, 2022 a public hearing was held for the purpose of hearing any objections as to why: Grosshauser’s Subdivision 222.05 feet West of Lots 5 and 6, Mercedes, Hidalgo County, Texas, should be rezoned and classified as follows: from a Class “C” Apartment to a Class “B” Business District.

**WHEREAS**, the City Commission at its Regular Meeting of September 20<sup>th</sup> , 2022, 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:** GROSSHAUSER’S SUBDIVISION 222.05 FEET WEST OF LOTS 5 AND 6, FROM CLASS “C” APARTMENT TO CLASS “B” BUSINESS DISTRICT, Mercedes, Hidalgo County, Texas, should be rezoned and classified as follows: from a Class “C” Apartment to a Class “B” Business 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 20<sup>th</sup> DAY OF SEPTEMBER 2022.**

**PASSED, APPROVED AND ADOPTED ON SECOND READING THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

**CITY OF MERCEDES**

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**Oscar D. Montoya, Sr., Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

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**Joselynn Castillo**  
**City Secretary**

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**Martie Garcia Vela**  
**City Attorney**

**CONSENT ITEM : NO**

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**DATE:** September 28, 2022

**FROM:** Commissioner Howell and Commissioner Martinez

**ITEM:** Request for update on Manhole Cover Project

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**BACKGROUND INFORMATION:** The city initiated a project to replace manhole covers in areas that are prone to water infiltration and leaks. In addition, due to water infiltration there have been occasions where manhole covers pop off during heavy rain events thus risking someone accidentally falling into the manhole. The new manhole covers seal the manhole thus preventing water infiltrating the system and are also secured with screws so that they do not pop off due to potential water infiltration issues.

**BOARD REVIEW/CITIZEN FEEDBACK:** N/A

**ALTERNATIVES/OPTIONS:** N/A

**FISCAL IMPACT:** N/A

**LEGAL REVIEW:** Martie Vela-Garcia

**ATTACHMENTS:** N/A

**DRAFT MOTION:**

**Summary of Manhole Covers as of 9/29/22**

<b>Manhole Covers</b>	
Total of manhole covers procured (see Payment Request 1-6-22)	(115 at \$ 308.00 and 15 @ \$425.00) 130 = \$41,785.00
Manhole Covers installed by City Staff (see report dated January 27, 2022)	26
Manhole Covers installed by contractor (see Req #22-33985)	50 manhole covers @ \$750 each = \$37,500.00
Manhole Covers installed by contractor (see invoice#638 dated 5/2/22)	11 manhole covers @ \$750 each = \$8,250
Manhole Covers on hand as of 9/29/22	18
Number of missing manhole covers	25
Total cost of missing manhole covers (3 @ 425 22@308)	<b>\$8,073</b>

<b>Cement</b>	
cement purchased \$3955.90 (3/1/22, 2/2/22, 1/25/22)	\$3,955.90
cement purchase \$2,598.40 (4/6/22)	
<b>***cement purchases are still under review</b>	
Total spoiled cement bags 183	183 @ \$11.49 = <b>\$2,102.67</b>







CONSENT ITEM :

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**DATE:** September 28, 2021  
**FROM:** Alberto Perez  
**ITEM:** City Manager Comments

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**BACKGROUND INFORMATION:**

The Texas Commission on Fire Protection conducted an audit of our Fire Department on 9/26/22. The Audit was completed successfully with no findings. This is a huge accomplishment given the mission of Fire Service in Texas requires the following of strict rules and enhancement of safety of Texas Firefighters.

Congratulations to Chief Campos for his leadership and all Fire Fighting personnel who keep Mercedes residents safe.

**BOARD REVIEW/CITIZEN FEEDBACK:** N/A

**ALTERNATIVES/OPTIONS:** N/A

**FISCAL IMPACT:** N/A

**LEGAL REVIEW:** Martie Garcia-Vela

**ATTACHMENTS:** N/A

**DRAFT MOTION:** N/A



## TEXAS COMMISSION ON FIRE PROTECTION

TIM GARDNER, COMPLIANCE OFFICER  
PHONE: (512) 944-3109  
P.O. BOX 2286, AUSTIN, TEXAS 78768-2286  
AUSTIN HQ PHONE: (512) 936-3838

September 27, 2022

Javier Campos, Fire Chief  
Mercedes Fire Department  
105 N Ohio Ave.  
Mercedes, Texas 78570

Chief Campos:

I am pleased to report that no violations were noted following the compliance inspection conducted at your agency on September 26, 2022. I will note that your agency has met the compliance requirements, and this inspection cycle is closed.

Once again, I want to thank you for the kind cooperation I received during the compliance inspection process. I also extend my personal thanks to you, for your continued dedication and support toward the mission of the fire service in Texas, and the regulations that enhance the safety of Texas firefighters.

Please contact me at [tim.gardner@tcfp.texas.gov](mailto:tim.gardner@tcfp.texas.gov) or 512-944-3109 if you have any questions or comments regarding the Texas Commission on Fire Protection.

Sincerely,

*Tim Gardner*

Tim Gardner, Compliance Officer  
Texas Commission on Fire Protection  
San Antonio Field Office

**ORDINANCE NO. 2022-24**

**AN ORDINANCE OF THE CITY OF MERCEDES, TEXAS. FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRES THE CONTINUED EXISTENCE OF THE ALLEY ABUTTING THE PROPERTY DESCRIBED AS 0.069 OF ONE-ACRE (3,000 SQ. FT.) OF LAND, BEING A PORTION OF A 20' PUBLIC ALLEY LOCATED BETWEEN MISSOURI AVENUE AND TEXAS AVENUE OF THE ORIGINAL TOWNSITE OF MERCEDES, AS SHOWN ON A MAP RECORDED IN VOLUME U, PAGES 19-20, H.C.D.R; VACATING AND ABANDONING SAID ALLEY, AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST; RESPECTFULLY, CONVEYING THE SAID ABANDONED ALLEY TO THE DEVELOPMENT CORPORATION OF MERCEDES; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.**

**WHEREAS**, the City Commission of the City of Mercedes, Texas finds that public convenience and necessity no longer require the continued existence of the alley abutting the property described as 0.069 of one-acre (3,000 Sq. Ft.) of Land, being a portion of a 20' Public Alley located between Missouri avenue and Texas Avenue of the Original townsite of Mercedes, as shown on a map recorded in volume u, pages 19-20, H.C.D.R, Mercedes, Hidalgo County, Texas and for the reason that the same is no longer needed by the City, now, therefore;

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

**Section 1.** The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** The city Commission of the City of Mercedes, Texas hereby finds and determines that public convenience and necessity no longer require the continued existence of that portion of alley described below in Section 3 hereof.

**Section 3.** The alley abutting the property more particularly described as 0.069 of one-acre (3,000 Sq. Ft.) of Land, being a portion of a 20' Public Alley located between Missouri avenue and Texas Avenue of the Original townsite of Mercedes, as shown on a map recorded in volume u, pages 19-20, H.C.D.R, located within the City of Mercedes, Hidalgo County, Texas is hereby vacated and abandoned, Attached hereto as "Exhibit A" and "Exhibit B" .

**Section 4.** The Mayor and City Secretary are hereby authorized to execute and attest, respectively, any documents abandoning the alley abutting the property described in Section 3 and conveying the said abandoned alley to the Development Corporation of Mercedes.

**Section 5.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction,

shall not affect, impair, or invalidate this ordinance as a whole or in any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Commission of the City of Mercedes, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 6.** This Ordinance shall become effective upon final reading and adoption of this Ordinance when the caption hereof is caused to be published once in the official newspaper of the City, by the City Secretary, as required by law.

**PASSED AND APPROVED ON FIRST READING THIS THE 3<sup>RD</sup> DAY OF OCTOBER, 2022.**

**PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING THIS THE 18<sup>TH</sup> DAY OF OCTOBER, 2022.**

\_\_\_\_\_  
Oscar D. Montoya Sr., Mayor

APPROVED:

ATTEST:

\_\_\_\_\_  
Joselynn Castillo, City Secretary

\_\_\_\_\_  
Martie Garcia-Vela, City Attorney

RIO DELTA SURVEYING  
FIRM #10013900  
24593 FM 88, MONTE ALTO, TX 78538  
(TEL) 956-380-5154 (FAX) 956-380-5156

0.069 OF ONE ACRE (3,000 Sq. Ft.) OF LAND, BEING A PORTION OF A 20' PUBLIC ALLEY LOCATED BETWEEN MISSOURI AVENUE AND TEXAS AVENUE OF THE ORIGINAL TOWNSITE OF MERCEDES, AS SHOWN ON A MAP RECORDED IN VOLUME U, PAGES 19-20, H.C.D.R.. SAID 0.069 OF ONE ACRE (3,000 Sq. Ft.) OF LAND, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON ROD AT THE SOUTH WEST CORNER OF LOT 9 BLOCK 46 (ALONG THE NORTH RIGHT-OF-WAY LINE OF HIDALGO STREET), ORIGINAL TOWNSITE OF MERCEDES, AS SHOWN ON A MAP RECORDED IN VOLUME U, PAGES 19-20, H.C.D.R., FOR AN EXTERIOR AND SOUTH EAST CORNER OF THIS TRACT OF LAND;

1. THENCE, S 88° 45' 58" W, A DISTANCE OF 20.00 FEET TO A SET IRON ROD AT THE SOUTH EAST CORNER OF LOT 10 BLOCK 46 (ALONG THE NORTH RIGHT-OF-WAY LINE OF HIDALGO STREET), ORIGINAL TOWNSITE OF MERCEDES, AS SHOWN ON A MAP RECORDED IN VOLUME U, PAGES 19-20, H.C.D.R., FOR AN EXTERIOR AND SOUTH WEST CORNER OF THIS TRACT OF LAND;
2. THENCE, N 01° 14' 02" W, ALONG THE WEST LINE OF EXISTING 20.00 FOOT ALLEY, ORIGINAL TOWNSITE OF MERCEDES, AS SHOWN ON A MAP RECORDED IN VOLUME U, PAGES 19-20, H.C.D.R., PASS A FOUND IRON ROD AT 50.00 FEET (NE CORNER LOT 10, SE CORNER LOT 11 BLOCK 46), PASS A FOUND IRON ROD AT 75.00 FEET ALONG SAID LOT 11 BLOCK 46, PASS THE NE CORNER LOT 11, SE CORNER LOT 12 BLOCK 46 AT 100.00 FEET, AND CONTINUING FOR A TOTAL DISTANCE OF 150.00 FEET TO AN EXTERIOR AND NORTH WEST CORNER OF THIS TRACT OF LAND;
3. THENCE, N 88° 45' 58" E, A DISTANCE OF 20.00 FEET TO A SET IRON ROD ALONG THE EAST LINE OF EXISTING 20.00 FOOT ALLEY, ORIGINAL TOWNSITE OF MERCEDES, AS SHOWN ON A MAP RECORDED IN VOLUME U, PAGES 19-20, H.C.D.R. (NW CORNER LOT 7, SW CORNER LOT 6 BLOCK 46), FOR AN EXTERIOR AND NORTH EAST CORNER OF THIS TRACT OF LAND;
4. THENCE, S 01° 14' 02" E, ALONG THE EAST LINE OF EXISTING 20.00 FOOT ALLEY, ORIGINAL TOWNSITE OF MERCEDES, AS SHOWN ON A MAP RECORDED IN VOLUME U, PAGES 19-20, H.C.D.R., PASS A THE SW CORNER LOT 7, NW CORNER LOT 8 BLOCK 46 AT 50.00 FEET, PASS THE SW CORNER LOT 8, NW CORNER LOT 9 BLOCK 46 AT 100.00 FEET, AND CONTINUING FOR A TOTAL DISTANCE OF 150.00 FEET, RETURNING TO A FOUND IRON ROD AT THE SOUTH WEST CORNER OF LOT 9 BLOCK 46 (ALONG THE NORTH RIGHT-OF-WAY LINE OF HIDALGO STREET), AND POINT OF BEGINNING, CONTAINING 0.069 OF ONE ACRE (3,000 Sq. Ft.) OF LAND, MORE OR LESS.



09-16-22

BEARING BASIS  
NAD83 TEXAS STATE PLANES,  
SOUTH ZONE, US FOOT



# EXHIBIT B



**SCALE: 1"=20'**

NAD83 TEXAS STATE PLANES,  
SOUTH ZONE, US FOOT

## LEGEND

- ○ FOUND/SET IRON ROD
- ⊙ ▲ FOUND NAIL/SPINDLE
- ⊗ FOUND X CUT ON CONCRETE



I, JOSE MARIO GONZALEZ, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE, THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON, SEPTEMBER 12, 2022, UNDER MY SUPERVISION; THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE; THAT THE PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR LAND TITLE SURVEYS".

09-16-22

JOSE MARIO GONZALEZ  
REG. PROFESSIONAL LAND  
SURVEYOR No. 5571

DATE:

LOT 13  
LOT 12

LOT 6  
LOT 7

**N88° 45' 58"E  
20.00'**

LOT 12, BLOCK 46  
ORIGINAL TOWNSITE OF MERCEDES  
VOLUME U, PAGES 19-20 H.C.D.R.

LOT 7, BLOCK 46  
ORIGINAL TOWNSITE OF MERCEDES  
VOLUME U, PAGES 19-20 H.C.D.R.

LOT 12  
LOT 11

LOT 7  
LOT 8

**N1° 14' 02"W 150.00'**

**S1° 14' 02"E 150.00'**

LOT 11, BLOCK 46  
ORIGINAL TOWNSITE OF MERCEDES  
VOLUME U, PAGES 19-20 H.C.D.R.  
SRA JUANITA ESCOBAR and  
Husband, JOSE M. ESCOBAR  
Doc. # 2008-1910321 H.C.D.R.

LOT 8, BLOCK 46  
ORIGINAL TOWNSITE OF MERCEDES  
VOLUME U, PAGES 19-20 H.C.D.R.

LOT 11  
LOT 10

LOT 8  
LOT 9

**S88° 45' 58"W  
20.00'**

**P.O.B.**

SOUTHWEST CORNER OF LOT 9,  
BLOCK 46 ORIGINAL TOWNSITE OF  
MERCEDES VOL. U, PG. 19-20, H.C.D.R.  
NORTH R.O.W.

LOT 10, BLOCK 46  
ORIGINAL TOWNSITE OF MERCEDES  
VOLUME U, PAGES 19-20 H.C.D.R.  
PRIMERA, GLEBESIA BAUTISTA MEXICANA  
VOL. 1368, PAGE 852, H.C.D.R.

LOT 9, BLOCK 46  
ORIGINAL TOWNSITE OF MERCEDES  
VOLUME U, PAGES 19-20 H.C.D.R.

**H I D A L G O S T .**  
( 6 0 . 0 0 ' P U B L I C R . O . W . )

0.069 OF ONE ACRE (3,000 Sq. Ft.) OF LAND,  
BEING A PORTION OF A 20' PUBLIC ALLEY  
LOCATED BETWEEN MISSOURI AVENUE & TEXAS AVENUE  
OF THE ORIGINAL TOWNSITE OF MERCEDES,  
AS SHOWN ON A MAP RECORDED IN  
VOLUME U, PAGES 19-20, H.C.D.R.



**RIO DELTA SURVEYING**  
FIRM #10013900

24593 FM 88, MONTE ALTO, TX 78538  
(TEL) 956-380-5154 (FAX) 956-380-5156  
EMAIL: MARIO@RIODELTASURVEYING.COM

**JOB# RIO/AEC 1132.040**

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**23**

SHEET 1 OF 1

**ORDINANCE NO. 2022-25**

**AN ORDINANCE OF THE CITY OF MERCEDES, TEXAS, PROVIDING FOR THE CONVEYANCE OF LOT 20, VALLE DE PALMAS SUBDIVISION, UNIT 2, AN ADDITION TO THE CITY OF MERCEDES, HIDALGO COUNTY, TEXAS TO THE DEVELOPMENT CORPORATION OF MERCEDES; PROVIDING FOR CONVEYANCE BY GENERAL WARRANTY DEED; PROVIDING FOR EXECUTION OF A DEED AND RELATED CLOSING DOCUMENTS; AUTHORIZING THE MAYOR OR MAYOR PRO-TEM TO ENTER INTO AGREEMENT WITH THE DEVELOPMENT CORPORATION OF MERCEDES, CONCERNING THE CONVEYANCE OF REAL PROPERTY; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Mercedes “City” desires to continue to protect and ensure the public health, safety, and welfare of its residents and businesses by effectively managing the City’s real property interests that are held in trust for the public; and

**WHEREAS**, the City Charter, Section 2.12, requires that any conveyance of land be approved and authorized by ordinance; and

**WHEREAS**, the City Commission determined that the Property is not needed for City purposes and desires to convey the property to the Development Corporation of Mercedes.

**NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Mercedes, Texas:**

**Section 1.** Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Commission and made a part hereof for all purposes and findings of fact.

**Section 2.** The City Commission of the City of Mercedes hereby authorizes the City Attorney to prepare all documents necessary to convey the property to the Development Corporation of Mercedes and that the City Manager is authorized to execute any such documents on behalf of the City.

**Section 3.** Description. The property described as Lot 20, Valle De Palmas Subdivision, Unit 2, an Addition to the City of Mercedes, Hidalgo County, Texas, according to the Map or Plat thereof, recorded in Volume 24, Page 147-B, Map Records of Hidalgo County, Texas.

**Section 4.** Severability. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

**Section 5.** Effective Date. This Ordinance will take effect upon its adoption by the City Commission in accordance with Section 2.12 of the City Charter.

**PASSED AND APPROVED THIS 3<sup>RD</sup> DAY OF OCTOBER, 2022.**

**PASSED, APPROVED, AND ADOPTED THIS 18<sup>TH</sup> DAY OF OCTOBER, 2022.**

CITY OF MERCEDES, TEXAS

\_\_\_\_\_  
Oscar D. Montoya Sr., Mayor

ATTEST:

\_\_\_\_\_  
Joselynn Castillo, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Martie Garcia-Vela, City Attorney

**CONSENT ITEM :**

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**DATE:** October 3, 2022

**FROM:** Javier Ramirez

**ITEM:** Awarding a contract for the Police Department Renovation Project

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**BACKGROUND INFORMATION:**

City directed City Manager to go out for Bids for the Police Department Renovations

Two bidders responded (Gerlach Builders and TRI-GEN Construction)

**BOARD REVIEW/CITIZEN FEEDBACK:** N/A

**ALTERNATIVES/OPTIONS:** N/A

**FISCAL IMPACT:** N/A

**LEGAL REVIEW:**

**ATTACHMENTS:** N/A

**DRAFT MOTION:**