

**MERCEDES CITY COMMISSION
REGULAR MEETING
FEBRUARY 19, 2013 – 6:00 PM
MERCEDES CITY COMMISSION CHAMBERS**

MEMBERS PRESENT:	Henry Hinojosa	Mayor
	Leonardo Garcia, Jr.	Mayor Pro-Tem
	Rodolfo Z. Rodriguez	Commissioner
	Dianna G. Tovar	Commissioner
	Jose M. Gomez	Commissioner
	Ricardo Garcia	City Manager
	Arcelia L. Felix	City Secretary
	Juan Molina	City Attorney

MEMBERS ABSENT: None

Staff: Michelle Leftwich, Jesse Villarreal, Antonio Aguilar, Olga Rosas, Marisol Vidalses, and Olga Maldonado .

1.) CALL MEETING TO ORDER.

Mayor Hinojosa called the meeting to order at 6:00 p.m.

2.) ESTABLISH QUORUM.

All members of the Commission were present at the meeting.

3.) INVOCATION

Commissioner Gomez said the invocation.

4.) PLEDGE OF ALLEGIANCE.

Commissioner Tovar led the pledge of Allegiance.

5.) OPEN FORUM.

Commissioner Jose Gomez addressed the Commission regarding Roberts Rules of Order. Mr. Joe Perez addressed the Commission saying he was again coming before saying that six months ago he'd had a problem with the sewer. At this point, Mayor Hinojosa stopped Mr. Perez, and told him that he could not be helped, had talked about this previously and called Chief Maldonado to escort Mr. Perez from the podium. Mr. Jesus Noriega addressed the Commission providing them an update of TxDot projects in the area.

6.) CONSENT AGENDA (ORDINANCE NO. 98-21): A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING(S) HELD FEBRUARY 5, 2013; B.) SECOND AND FINAL READING OF ORDINANCE NO. 2013-01 CALLING THE 2013 CITY OFFICERS ELECTION. C.) APPROVAL OF REQUEST FOR USE OF CIVIC CENTER ON MARCH 23, 2013 BY SON-RISE WORSHIP CENTER. D.) APPROVAL OF PROPOSAL BY RBC CAPITAL MARKETS FOR FINANCIAL ADVISOR SERVICES FOR TEXAS WATER DEVELOPMENT PROJECT-CWSRF LOAN 76642. (#2013/02/19A). E.) APPROVAL OF ENGAGEMENT LETTER WITH FULBRIGHT & JAWORSKI SELECTION FOR BOND COUNSEL SERVICES FOR TEXAS WATER DEVELOPMENT PROJECT-CWSRF LOAN 76642. (#2013/02/19B). F.) APPROVAL OF INTERLOCAL AGREEMENT WITH COUNTY OF HIDALGO FOR OPERATION STONEGARDEN GRANT(#2013/02/19C). G.) APPROVAL OF LETTER OF SUPPORT FOR MERCEDES HOUSING AUTHORITY. H.) APPROVAL OF CONTRACT WITH UNIFIRST FOR UNIFORM SERVICE (#2013/02/19D).

At a question by Mayor Pro-Tem Garcia on item 6E, Mr. Garcia stated that this had to do with the ongoing project with the Texas Water Development Board and that Fulbright & Jaworski had been selected as bond counsel for the project. At a question by Commissioner Tovar on item 6G regarding a letter of support for the Housing Authority, Mr. Garcia informed her that a prior request for a letter of support had been from a private developer with a monetary commitment from the City. At a comment from Commissioner Rodriguez saying that the engineer contract was not on the agenda, Mr. Garcia stated that he had not had an opportunity to meet with Mr. Lefevre to go over the contact, however it had been added as an addendum to the agenda. Mayor Pro-Tem Garcia made a motion to approve the items listed under consent expect item 6G. Commissioner Tovar seconded the motion, which passed unanimously.

6G.) APPROVAL OF LETTER OF SUPPORT FOR MERCEDES HOUSING AUTHORITY

Mr. Horacio Pequeno, Housing Authority director addressed the Commission informing them that the housing authority was requesting a letter of support to proceed with the disposition application. The housing authority proposes to build 40 new apartments at 10th & Washington, which has been vacant for 15 years. He went over the number of units and the number of bedrooms the units would have. Commissioner Gomez stated that he would like a transitional program where the tenants would eventually own the homes. Mr. Pequeno informed him that such a program existed, however, some tenants chose not to make the transition.

7.) PRESENTATION AND POSSIBLE ACTION REGARDING SPONSORSHIP FOR RELAY FOR LIFE OF THE MID VALLEY.

Mr. David Garza addressed the Commission requesting sponsorship for the relay for life of the mid valley. He said that the relay would be held at the Stockshow grounds this year. He added that 95% of the funds goes for research. Mayor Pro-Tem Garcia made a motion to approve \$5,000 to the Relay for Life of the Mid-Valley to be used for advertising. Commissioner Tovar seconded the motion, which passed unanimously.

8.) DISCUSSION AND POSSIBLE ACTION OF REQUEST BY SMOKIN ON THE RIO BBQ COOK-OFF FOR SPONSORSHIP.

A representative from Smokin on the Rio addressed the commission regarding sponsorship for the Smokin on the Rio. Mr. Garcia said that \$1,500 had been included in the budget. Commissioner Rodriguez made a motion to approve \$1,500 for Smokin on the Rio to be used for advertising. Mayor Pro-Tem Garcia seconded the motion, which passed unanimously.

9.) DISCUSSION AND POSSIBLE ACTION OF PRELIMINARY AND FINAL APPROVAL FOR RIO RICO NORTH SUBDIVISION, BEING 50 ACRES OF LOT 11 AND ALL OF LOT 12, OUT OF CAPISALLO DISTRICT SUBDIVISION, HIDALGO COUNTY, TEXAS.

The property is located north of Mile 4 North on Baseline Road, outside the city limits with the 50 acre tract being subdivided into 10 lots for single family development. On February 5th, the property was granted a variance to the 3:1 lot ratio. Water service will be from Military Highway Water Supply and sewer service will be by way of septic tanks.

The subdivision was reviewed and approved, with conditions, by Planning and Zoning. Staff recommends approval contingent upon the following being addressed: show paving width on Rio Rico and Baseline Roads; Show topographical information on preliminary plat and signature lines are not needed on the preliminary plat, label as preliminary plat; Utilities can be shown on the preliminary plat as well; show fire hydrant plan. Hydrants need a minimum of 500 gallons of water per minute; water main shall be at least 8"; label the property line between David E. Jones and Jerry Neil Leavell; Label the point of commencing and the point of beginning; There are two benchmark#2. Re-label Baseline Road benchmark; show the adjoiner across Baseline Road and FM 491; check the legal description and remove the question marks in description; submit original tax certificates, plat recording fee, original approved drainage plan, original mylar for signatures, two copies of as-builts for construction improvements. Commissioner Rodriguez made a motion to approve the preliminary and final plat for Rio Rico North Subdivision contingent upon the staff items listed above. Mayor Pro-Tem Garcia seconded the motion, which passed unanimously.

10.) DISCUSSION AND POSSIBLE ACTION ON VIDEOTAPING OF ALL REGULAR, EMERGENCY AND SPECIAL COMMISSION MEETING AND WORKSHOPS THAT CAN BE PLACED ON YOUTUBE TO BE VIEWED BY THE PUBLIC.

Commissioner Gomez and Mayor Pro-Tem Garcia had asked this item be placed on the agenda. They would like for the meetings to be video taped and put on YouTube for the residents to be able to view them. Commissioner Gomez asked that staff look into the cost and operation of doing this and said that other cities televise the meetings. He asked that staff see what could be done with what we have. There was also discussion on the liability issue of video-taping the meetings.

Mayor Hinojosa made a motion to take no action on this item. Commissioner Rodriguez seconded the motion, which passed unanimously.

11.) DISCUSSION AND POSSIBLE ACTION ON FIRST READING OF ORDINANCE NO. 2013-02 REGARDING POLITICAL SIGNS.

Ms. Leftwich stated that the proposed ordinance was a combination of suggestions from citizens. Staff, as well has looked at the proposed recommendations. She said that one of the changes being proposed by the citizens to be removed would be left in due to safety concerns. She went over the rest of the policy and Commissioner Rodriguez asked that the ordinance be both for early voting and on election day. Commissioner Rodriguez made a motion to approve the first reading of Ordinance No. 2013-02 regarding political signs. Commissioner Tovar seconded the motion, which passed unanimously.

12.) DISCUSSION AND POSSIBLE ACTION REGARDING CONTRACT WITH COUNTY OF HIDALGO ELECTIONS DEPARTMENT FOR 2013 CITY OFFICER'S ELECTION. (#2013/02/19E).

The County had not forwarded a copy of the contract for the upcoming elections, and Commissioner Tovar proceeded to table this item. Commissioner Rodriguez seconded the motion, which passed unanimously.

13.) DISCUSSION AND POSSIBLE ACTION OF FIRST READING OF ORDINANCE NO. 2013-02 APPROVING THE DR. HECTOR P. GARCIA MEMORIAL LIBRARY MANUAL AND REPEALING ORDINANCE NO. 36..

Library Director, Marisol Vidales, informed the Commission that the current library ordinance states that the library board is responsible for the staff and budget and is proposing a new ordinance that reflects the current operations of the library within the City. Commissioner Tovar made a motion to approve the first reading of Ordinance No. 2013-02 approving the library manual and repealing ordinance No. 36. Commissioner Rodriguez seconded the motion which passed unanimously.

14.)DISCUSSION AND POSSIBLE ACTION ADOTPING POLICIES FOR THE HECTOR P. GARCIA MEMORIAL LIBRARY.

Ms. Vilades is requesting Commission approval for the policies for the Library. The Library Board has reviewed the policies at a prior meeting and are recommending Commission approval.

Commissioner Tovar made a motion to adopt the policies for the Hector P. Garcia Memorial Library. Mayor Pro-Tem Garcia seconded the motion which passed unanimously.

15.) DISCUSSION AND POSSIBLE ACTION OF RESOLUTION #2013-02 IN SUPPORT OF LEGISLATION TO CONSOLIDATE FACILITIES AND PROGRAMS OF THE UNIVERSITY OF TEXAS – PAN AMERICAN, UNIVERSITY OF TEXAS AT BROWNSVILLE AND REGIONAL ACADEMIC HEALTH CENTER.

The Lower Rio Grande Valley Development Council is requesting the adoption of a resolution supporting legislation to consolidate the facilities and programs of the University of Texas-Pan American, University of Texas at Brownsville, and the Regional Academic Health Center into a single institution.

Commissioner Rodriguez made a motion to approve Resolution #2013-02 in support of legislation at stated above. Mayor Pro-Tem Garcia seconded the motion which passed unanimously.

16.) DISCUSSION AND POSSIBLE ACTION ADOPTING THE WORKPLAN AND BUDGET FOR URBAN COUNTY YEAR 26 (2013).

Mayor Pro-Tem Garcia made a motion to adopt the workplan and budget for urban county year 26 (2013) with the allocated amount being \$278,900 and include the following: street improvements bond payment (\$144,811), Senior Services - Amigos Del Valle (\$10,000); Senior services Senior Community Outreach (\$7,500); Abused and Neglected Children - Children's Advocacy Center of Hidalgo County(\$10,000); Youth Services - Mercedes recreation center (\$7,500); Public Service -Library Services (\$12,000); fire station equipment (\$85,289), & general administration (\$1,800). Commissioner Tovar seconded the motion, and it passed unanimously.

17.) APPOINTMENT OF MEMBER TO THE KEEP MERCEDES BEAUTIFUL COMMITTEE.

There are currently two board vacancies on the Keep Mercedes Beautiful Committee and Mrs. Amenda Martinez is interested in serving. Commissioner Tovar made a motion to appoint Mrs. Amenda Martinez to the Keep Mercedes Beautiful Committee. Commissioner Rodriguez seconded the motion, which passed unanimously.

18.) AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF MERCEDES, TEXAS AUTHORIZING THE ISSUANCE OF "CITY OF MERCEDES, TEXAS UTILITY SYSTEM REVENUE BONDS, SERIES 2013"; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS, BY A FIRST AND PRIOR LIEN ON AND PLEDGE OF THE PLEDGED REVENUES OF THE CITY'S COMBINED UTILITY SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SUCH BONDS, INCLUDING THE APPROVAL OF AN APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SUCH BONDS; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND AN ESCROW AGREEMENT; COMPLYING WITH THE REQUIREMENTS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; COMPLYING WITH THE REGULATIONS PROMULGATED BY THE TEXAS WATER DEVELOPMENT BOARD; AND PROVIDING FOR AN EFFECTIVE DATE. ORDINANCE NO. 2013-03.

Mr. Garcia stated that the city applied for funding to repair and upgrade lift stations and repair and upgrade sanitary sewer lines throughout the city. The funding will be a \$3,255,000 loan along with a forgiveness loan for the amount of \$1,395,000. After the approval of the Ordinance, it will be forwarded to the Attorney General's office and Texas Water Development Board for review and approval. He added that the Texas Water Development Board along with the City's financial advisors will proceed with the sale of the bonds taking place in April.

Commissioner Tovar made a motion to approve an Ordinance authorizing the issuance of City of Mercedes, Texas Utility System Revenue Bonds, Series, 2013. Commissioner Rodriguez seconded the motion, which passed unanimously.

ADDENDUM

-DISCUSSION AND POSSIBLE ACTION ON CONTRACT WITH LEFEVRE ENGINEERING & MANAGEMENT CONSULTING, LLC.

The City Commission had selected Lefevre Engineering & Management Consulting. A draft contract has not been reviewed by staff and Mr. Garcia said that he would like a few days to meet with Mr. Lefevre and negotiate the fees. At a question y Commissioner Rodriguez, the city attorney said that there was nothing wrong with the contract form; however, the city manager was asking for time to review substantive matter. At a question by Mayor Hinojosa, Mr. Garcia said that the contract would be reviewed by the next meeting. He also agreed to call Mr. Lefevre and meet with him on Friday. There were some questions for Mr. LeFevre by Commissioner Gomez and Mayor Pro-Tem Garcia.

Mayor Hinojosa made a motion that no action would be taken on this item at this time to allow City Manager time to meet with Mr. Lefevre this Friday and that the contract will be placed on the next city commission agenda. Commissioner Gomez seconded the motion which passed unanimously with Commissioner Rodriguez and Commissioner Tovar voting against the motion.

-DISCUSSION AND POSSIBLE ACTION ON FINANCIAL PARTICIPATION WITH COUNTY OF HIDALGO AND TEXAS DEPARTMENT OF TRANSPORTATION ON MILE 2 WEST PROJECT.

Mr. Raul Lozano, representing the County, was present for this item. The City has been working on this project for several years. The first phase has been completed and the second phase will cover the area from Mi. 12 North to Expressway frontage road. Have had meetings with county and are looking at a bid date of March or April of this year. Construction has increased over that period of time so local participation has also increased. The current estimated budget for the city's propose budget is \$342,366.36. Congressional appropriation was given twice and TXDot as well has assisted the City. Over the last year has secured \$11 million for additional improvements from TXDot.

Mayor Pro-Tem Garcia made a motion to approve the City's financial participation with the County of Hidlago and TXDot on Mile 2 West project. Commissioner Tovar seconded the motion, which passed unanimously.

Mayor Hinojosa called the meeting into Executive Session at 7:30 P.M. No action will be taken during Executive Session

19.) EXECUTIVE SESSION: - DISCUSSION REGARDING DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER. - TEXAS GOVERNMENT CODE, SECTION 551.074 - PERSONNEL; - DISCUSSION REGARDING PERSONNEL. - TEXAS GOVERNMENT CODE, SECTION 551.074 - PERSONNEL.

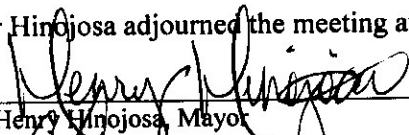
After executive session, Mayor Hinojosa called the meeting back to order at 9:24 P.M.

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

No action will be taken on the items discussed in executive session.

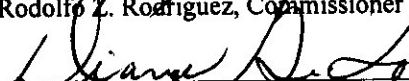
21.) ADJOURN.

There being no further business to discuss, Mayor Hinojosa adjourned the meeting at 9:25 P.M.

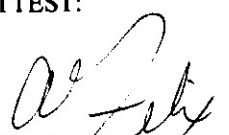

Henry Hinojosa, Mayor

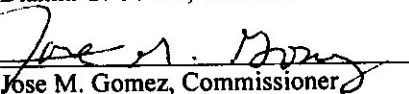

Leonard Garcia, Jr. Mayor Pro-Tem


Rodolfo Z. Rodriguez, Commissioner


Dianna G. Tovar, Commissioner

ATTEST:


Arcelia L. Felix, City Secretary


Jose M. Gomez, Commissioner