

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

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:** Dianna G. Tovar Commissioner

Staff: Michelle Leftwich, Victor Gonzalez, Antonio Aguilar, Olga Rosas, James Cooper and Jaime Garcia .

**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 except Commissioner Dianna G. Tovar.

**3.) INVOCATION**

Commissioner Gomez said the invocation.

**4.) PLEDGE OF ALLEGIANCE.**

Commissioner Rodriguez led the pledge of Allegiance.

**5.) OPEN FORUM.**

Members of the Music Festival were present to personally thank the Commission for their contribution to the organization and proceeded to present a plaque to the Commission and Mr. Garcia. They said that the organization had contributed \$32,500 this past year. Mr. Jesus Noriega with TXDot proceeded to go over the status of the two projects they are working on in Mercedes and he also passed out information on alcohol related injuries due to driving after having drinking. Joe Perez addressed the Commission regarding his trying to address the Commission at a prior meeting, saying that the Mayor had stopped him. He asked that the Commission do something about it because he felt he could speak on any topic and further asked that the item be put on the next agenda.

**6.) CONSENT AGENDA (ORDINANCE NO. 98-21): A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING(S) HELD MARCH 5, 2013; B.) APPROVAL OF CONTRACT WITH INSIGHT PUBLIC SECTOR FOR TECHNICAL SUPPORT AND MAINTENANCE OF E-RATE ELIGIBLE EQUIPMENT – 2013/03/19A. C.) APPROVAL OF CONTRACT WITH SMARTCOM TELEPHONE, LLC FOR E-RATE INTERNET SERVICES CONTRACT. (#2013/03/19B). D.) APPROVAL OF INTERLOCAL AGREEMENT WITH HIDALGO COUNTY LIBRARY SYSTEM (#2013/03/19C). E.) APPROVAL OF REQUEST FOR USE OF CIVIC CENTER ON SATURDAY, APRIL 13, 2013 BY MERCEDES ISD EARLY COLLEGE ACADEMY. F.) APPROVAL OF REQUEST FOR USE OF CIVIC CENTER ON MARCH 28, 2013 BY MERCEDES ISD HINOJOSA ELEM.**

At a question by Mayor Pro-Tem Garcia on item 6C, Michelle Leftwich said that the library received partial funding for the internet services. Mayor Pro-Tem Garcia made a motion to approve the items listed under consent. Commissioner Rodriguez seconded the motion, which passed unanimously.

**7.) PRESENTATION BY MPO REGARDING BICYCLE SAFETY/SAFE PASSING AWARENESS.**

Ms. Mary Escalon from Hidalgo County MPO was present to show a video on Bicycle Safety and Safe Passing Awareness.

**8.) DISCUSSION AND POSSIBLE ACTION AMENDING THE WORKPLAN AND BUDGET FOR URBAN COUNTY YEAR 26 (2013). AMENDED RESOLUTION #2013-04.**

Mr. Garcia informed the Commission that Urban County had notified the cities that the funding had been reduced as had been anticipated. The amended resolution indicates the workplan with the funds being reduced from the fire department. Commissioner Rodriguez made a motion to approve the amended Urban County workplan for year 26 as presented. Mayor Pro-Tem Garcia seconded the motion, which passed unanimously.

**9.) DISCUSSION AND POSSIBLE ACTION AMENDING FY 2012-13 INVESTMENT POLICY #2013-03/19D.**

Finance Director, Antonio Aguilar reported that the previous investment policy included the services of Patterson and Associates; however, the City was no longer using their services, but using the Pool as had been done previously. The amended policy reflects that change. Commissioner Rodriguez made a motion to approve the fiscal year 2012-2013 investment policy including the change to remove Patterson and Associates. Mayor Pro-Tem Garcia seconded the motion, which passed unanimously.

**10.) DISCUSSION AND POSSIBLE ACTION ADOPTING FIRE DEPARTMENT STANDARD OPERATING GUIDELINES AND VOLUNTEER BY-LAWS.**

Fire Chief Jaime Garcia presented the standard operating guidelines as well as the volunteer by-laws. He said that the guidelines include requirements by Texas Department of Fire Protection. He added that the volunteers also were recommending changes to their by-laws. Commissioner Rodriguez made a motion to adopt the fire department standard operating guidelines and volunteer by-laws. Mayor Pro-Tem Garcia seconded the motion, which passed unanimously.

**11.) DISCUSSION AND POSSIBLE ACTION OF BIDS RECEIVED FOR 17<sup>TH</sup> STREET UTILITY RELOCATION PROJECT.**

The following three bids were received for the relocation of utilities on 17<sup>th</sup> street project: G.A.S Enterprises Inc.(\$217,100), Go Underground (\$248,471.98), and R.M. Walsdorf, Inc. (\$502,874.99). Mr. Amado with Guzman & Munoz informed the Commission that he had contacted the references provided by G.A.S. and the people had responded well. The funds for this project will come from the utility balance since this had not been a budgeted item. Mayor Pro-Tem Garcia made a motion to award the bid submitted by G.A.S. in the amount of \$217,100 as recommended by staff. Commissioner Rodriguez seconded the motion, which passed unanimously.

**12.) DISCUSSION AND POSSIBLE ACTION OF RESOLUTION NO. 2013-05 REGARDING WATER ALLOCATION.**

The Lower Rio Grande Valley Development Council is requesting a resolution of support to ask that Mexico release some of the water allocation as defined in the 1944 Treaty. Commissioner Rodriguez made a motion to approve resolution #2013-05 regarding water allocation. Mayor Pro-Tem Garcia seconded the motion, which passed unanimously.

**ADDENDUM: STATUS ON PROGRESS OF VIDEOTAPING COMMISSIONERS MEETING: PRICING UPDATE OR REPORTS**

Mr. Garcia stated that staff had looked into the cost of very basic equipment to record the meetings, however said that the taping would be comparable to a home movie recording, and the quality of the recording may or may not be good. The IT staff will continue looking at the costs for other options. Mayor Hinojosa said that the costs could be considered during the budget process. Mayor Hinojosa reported that the second item under the addendum which was Executive Session to meet with EDC President Rudy Salinas would not be discussed.

Mayor Hinojosa called the meeting into Executive Session at 6:30 P.M. No action will be taken during Executive Session

**13.) 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. DISCUSSION REGARDING ACQUISITION OF EASEMENT(S) - SHUAIB-SECTION 551.071 TEXAS GOVERNMENT CODES ANNOTATED. - POTENTIAL LITIGATION; DISCUSSION REGARDING PROJECT 1,2,3 - ECONOMIC DEVELOPMENT - SECTION 551.087, TEXAS GOVERNMENT CODES ANNOTATED -ECONOMIC DEVELOPMENT; DISCUSSION REGARDING ACQUISITION OF REAL ESTATE - SECTION 551.072 TEXAS GOVERNMENT CODES ANNOTATED-REAL ESTATE.**

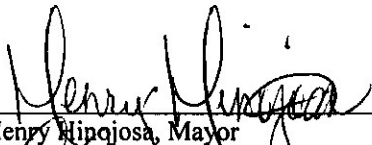
After executive session, Mayor Hinojosa called the meeting back to order at 8:46 P.M.

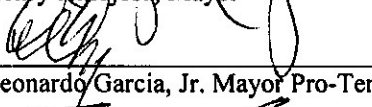
**14.) DISCUSSION AND POSSIBLE ACTION REGARDING ITEM(S) DISCUSSED IN EXECUTIVE SESSION.**


No action will be taken on the items regarding duties and responsibilities of the City Manager and personnel. On the items regarding: -Shuaib and the acquisition of easement, -Project 1 and -acquisition of real estate Mayor Hinojosa made a motion to authorize the City Manger and City Attorney to proceed as discussed in executive session. Commissioner Rodriguez seconded the motion, and it passed unanimously.

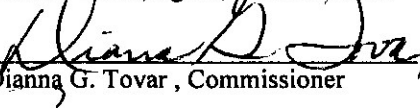
**15.) ADJOURN.**

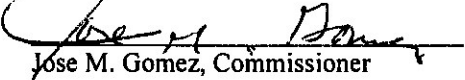
There being no further business to discuss, Mayor Pro-Tem Garcia made a motion to adjourn. Commissioner Rodriguez seconded the motion and it passed unanimously and the meeting adjourned at 8:48 P.M.

  
Henry Hinojosa, Mayor

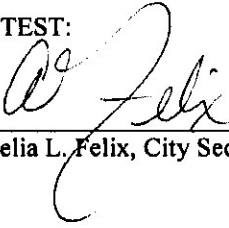
  
Leonardo Garcia, Jr. Mayor Pro-Tem

  
Rodolfo Z. Rodriguez, Commissioner

  
Dianna G. Tovar, Commissioner

  
Jose M. Gomez, Commissioner

ATTEST:

  
Arcelia L. Felix, City Secretary