

MERCEDES CITY COMMISSION
REGULAR MEETING
SEPTEMBER 3, 2013 -6:00 P.M.
MERCEDES CITY HALL - COMMISSION CHAMBERS

MEMBERS PRESENT:

Henry Hinojosa	Mayor
Jose M. Gomez	Mayor Pro-Tem
James Howard Wade, Jr.	Commissioner
Ruben Guajardo	Commissioner
Rodolfo Z. Rodriguez	Commissioner
Ricardo Garcia	City Manager
Juan Molina	City Attorney

MEMBERS ABSENT: none

Staff: Michelle Leftwich, Amanda Morales, Marisol Vidales, Jesse Villarreal, Jaime Garcia, and Tony Aguilar.

1.) CALL MEETING TO ORDER.

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

2.) ESTABLISH QUORUM.

A Quorum of the Commission was present.

3.) INVOCATION.

Commissioner Gomez made the invocation.

4.) PLEDGE OF ALLEGIANCE.

Commissioner Rodriguez led the pledge of allegiance.

5.) OPEN FORUM-

Esmer Guerrero asked the commission to take action to remove some members of the EDC board of Directors or change the by-laws of the EDC. She also said that Star EMS was doing a very good job and asked that the Commission look into getting new patrol units for the Police Department.

David Garza updated the Commission on the progress of a home being built for Mr. Vera. He also asked when the Capital improvement fee would be removed from the water bills. He also spoke against the School District's upcoming bond election.

6.) CONSENT AGENDA (ORDINANCE NO. 98-21):

A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING (S) HELD AUGUST 20, 2013. B.) SECOND AND FINAL READING OF ORDINANCE NO. 2013-14 ADOPTING SETTLEMENT OF TEXAS GAS SERVICE RATES. C.) REQUEST APPROVAL BY MERCEDES TIGER BAND FOR USE OF MERCEDES CIVIC CENTER ON SEPTEMBER 20TH. D.) REQUEST APPROVAL BY VICTORY OUTREACH FOR USE OF CIVIC CENTER ON SEPTEMBER 16, 17, 18, 19 AND 20. E.) APPROVAL OF CONTRACT EXTENSION WITH JUAN R. ALVAREZ (MUNICIPAL COURT JUDGE) #2013/09/03A F.) APPROVAL OF CONTRACT EXTENSION WITH EDUARDO CABALLERO (HEALTH OFFICER) #20 13/09/03B. G.) APPROVAL OF CONTRACT EXTENSION WITH FULBRIGHT JAWORKSKI, LLP (BOND COUNSEL). #2013/09/03C. H.) APPROVAL OF CONTRACT EXTENSION WITH GUZMAN & MUNOZ (CITY ENGINEER). #20 13/09/03D. I.) APPROVAL OF CONTRACT EXTENSION WITH HARLINGEN HUMANE SOCIETY FOR ANIMAL SHELTER. #2013/09/03E. J.) APPROVAL OF CONTRACT EXTENSION WITH LINEBARGER, GOGGAN BLAIR & SAMPSON (DLQT TAX/FEE ATTORNEY). #2013/09/03F. K.) APPROVAL OF CONTRACT EXTENSION WITH MCAFEE INSURANCE (GOVERNMENT CRIME INSURANCE). #20 13/09/03G. L.) APPROVAL OF CONTRACT EXTENSION WITH MATA, GARCIA ARCHITECTS (CITY ARCHITECT) #20 13/09/03H. M.) APPROVAL OF CONTRACT EXTENSION WITH JUAN R. MOLINA (CITY ATTORNEY). #2013/09/03I. N.) APPROVAL OF CONTRACT

EXTENSION WITH PALM VALLEY ANIMAL CENTER (ANIMAL ADOPTION). #2013/09/03J. O.) APPROVAL OF CONTRACT EXTENSION WITH RBC-DAIN RAUSCHER, INC. (FINANCIAL ADVISORS). #2013/09/03K. P.) APPROVAL OF CONTRACT EXTENSION WITH STAR E.M.S. (AMBULANCE SERVICE).#2013/09/03L. Q.) APPROVAL OF CONTRACT EXTENSION WITH TML-IRP - LIABILITY&OLPHYSICAL, PROPERTY/MOBILE/FLOOD) #2013/09/03M. R.) APPROVAL OF CONTRACT EXTENSION WITH SHEPARD WALTON KING (WORKER'S COMP) #2013/09/03N. S.) APPROVAL OF CONTRACT EXTENSION WITH CUELLAR & ASSOCIATES (INSURANCE AGENT) #2013/09/03O. T.) APPROVAL OF CONTRACT EXTENSION WITH CUELLAR & ASSOCIATES (SUPPLEMENTAL INSURANCE) #2013/09/03P.

Commissioner Rodriguez made a motion to approve all items under consent with a correction to the minutes for the meeting(s) held August 20, 2013 and the contract extension for Star EMS changed from one year to two years and section 17 of the contract be changed to say that "the City has the right to terminate this contract with just cause only." The motion was seconded by Mayor Pro-Tem Gomez and passed with Commissioner Guajardo voting against it.

7.) SECOND PUBLIC HEARING TO SOLICIT COMMENTS REGARDING THE PROPOSED ANNEXATION OF THREE TRACTS OF LAND DESCRIBED AS FOLLOWS:

TRACT ONE: BEING A 558.61 ACRES TRACT OF LAND COMPRISED OF FARM TRACTS 1004, 1005, 1015, 1016, 1017, 1027, 1029, 1090, 1091,1092, 1093, 1094, 1140 OUT OF THE WEST AND ADAMS TRACTS, ACCORDING TO VOLUME 2, PAGES 34-37, MAP RECORDS OF HIDALGO COUNTY, TEXAS, AND LOTS 3, 4, 5,6,7,10, 11, 12, L3, 14 AND 15, BLOCK 12, OUT OF THE SOUTH CAMPACUAS ADDITION TO THE CAPISALLO DISTRICT OF THE LAND OF THE AMERICAN RIO GRANDE LAND AND IRRIGATION COMPANY, ACCORDING TO VOLUME 1, PAGE 1, MAP RECORDS OF HIDALGO COUNTY, TEXAS BOUNDED ON THE NORTH SIDE BY MILE 6 NORTH, THE CURRENT CITY LIMITS OF MERCEDES ON THE EAST, SOUTH TO THE LEVEE AND MILE 3 ON THE WEST.

TRACT TWO: BEING A 322.90 ACRES TRACT OF LAND COMPRISED OF FARM TRACTS 1023, 1024, 1025, 1034, 1035, 1036 AND PART OF 1099, AND 1100 OUT OF THE WEST AND ADAMS TRACTS, ACCORDING TO VOLUME 2, PAGES 34-37, MAP RECORDS OF HIDALGO COUNTY, TEXAS ALSO ALL OR PARTS OF LOTS 6,11, AND 14, BLOCK 1L3, ALL OR PARTS OF LOTS 6, 11, AND 14, BLOCK 114, OUT OF THE CAMPACUAS ADDITION TO THE CAPISALLO DISTRICT OF THE LAND OF THE AMERICAN RIO GRANDE LAND AND IRRIGATION COMPANY, ACCORDING TO VOLUME 1, PAGE 2, MAP RECORDS OF HIDALGO COUNTY, TEXAS BOUNDED ON THE NORTH BY MILE 8 NORTH, MILE 2 ½ WEST ON THE EAST, MILE 6 NORTH ON THE SOUTH, AND MILE 2 ½ WEST ON THE WEST.

TRACT THREE: BEING A 669.26 ACRES TRACT OF LAND COMPRISED OF FARM TRACTS, 1057, 1058, 1059, AND 1060, OUT OF THE WEST AND ADAMS TRACTS, ACCORDING TO VOLUME 2, PAGES 34-37, MAP RECORDS OF HIDALGO COUNTY, TEXAS, ALL OR PART OF LOT 3, BLOCK 101, ALL OR PARTS OF LOTS 4,5, AND 12, BLOCK 102, ALL PARTS OF LOTS 1 AND 2 BLOCK 114, ALL OR PARTS OF LOTS 7,8,9, 10, 15 AND 16, BLOCK 115, ALL OR PARTS OF LOTS 6, 11,14, 15 AND 16, BLOCK 116, OUT OF THE CAMPACUAS ADDITION TO THE CAPISALLO DISTRICT OF THE LAND OF THE AMERICAN RIO GRANDE LAND AND IRRIGATION COMPANY, ACCORDING TO VOLUME 1, PAGE 2, MAP RECORDS OF HIDALGO COUNTY, TEXAS BOUNDED ON THE NORTH BY MILE 10 NORTH, SOUTH TO MILE 9 ¼ MILE NORTH THEN EAST TO MILE 1 ¼ WEST SOUTH TO MILE 8 ½ NORTH THEN WEST TO MILE 2 WEST, SOUTH TO MILE 7 ½ MILE NORTH WEST TO MILE 2 ½ WEST NORTH TO MILE 8 ¾ NORTH THEN EAST TO MILE 2 WEST, NORTH TO MILE 9 NORTH THEN WEST TO MILE 2 ¾ WEST THEN NORTH TO MILE 10 NORTH.

Mayor Hinojosa opened the Public Hearing at 6:14 PM. Martina Hill spoke against the annexation and asked specifically about the City services that will be available to those living in the area proposed for annexation. In response to a question, Assistant City Manager Michelle

Leftwich responded that the City did not currently have any plans to build any fire or police substations in that area. After some further discussion, mayor Hinojosa closed the public hearing at 6:30 PM.

8.) PUBLIC HEARING ON BUDGET FOR FISCAL YEAR 2013-2014.

Mayor Hinojosa opened the public hearing at 6:30 PM. David Garza asked the Commission whether the Capital improvement fee that is currently added to utility bills will be removed. There were no other comments from the audience and the public hearing was closed at 6:35 PM.

9.) DISCUSSION AND POSSIBLE ACTION ON FIRST READING OF ORDINANCE NO. 2013-15 ADOPTING THE BUDGET FOR FISCAL YEAR 2013-2014.

Mayor Pro-Tem Gomez made a motion to table this item and schedule a workshop for Monday September 9, 2013 at 5:30 PM. The motion was seconded by Commissioner Rodriguez and passed unanimously.

10.) DISCUSSION AND POSSIBLE ACTION ON FIRST READING OF ORDINANCE NO. 2013-16 ADOPTING THE 2013 TAX RATE.

This is an ordinance levying an ad valorem tax of seventy-seven and five hundredths (\$0.775) Cents on the one hundred dollar (\$100) valuation of all taxable property within the City of Mercedes, Texas. Commissioner Rodriguez made a motion to approve the first reading of Ordinance No. 2013-16 – adopting the 2013 Tax Rate. The motion was seconded by Commissioner Guajardo and passed unanimously.

11.) DISCUSSION AND POSSIBLE ACTION ON ADOPTING THE EMPLOYEE SCHEDULE AND 2013-2014 BUDGET FOR THE DEVELOPMENT CORPORATION OF MERCEDES, INC.

Mayor Pro-Tem Gomez made a motion to table this item. The motion was seconded by Commissioner Rodriguez and passed unanimously.

12.) DISCUSSION AND POSSIBLE ACTION ON FIRST READING OF ORDINANCE NO. 2013-17 ADOPTING UTILITY RATES.

Commissioner Rodriguez made a motion to approve the first reading of Ordinance No. 2013-17 – adopting utility rates. Commissioner Wade seconded the motion and it passed unanimously.

13.) DISCUSSION AND POSSIBLE ACTION OF UTILITY EASEMENT IN FORMERLY ABANDONED STARR STREET RIGHT-OF-WAY NEAR THE EXPRESSWAY AND PATRICIA STREET.

Commissioner Rodriguez made a motion to approve the utility easement in formerly abandoned Starr Street right-of-way near the expressway and Patricia Street. The motion was seconded by Commissioner Guajardo and passed unanimously.

14.) DISCUSSION AND POSSIBLE ACTION ON APPOINTMENT RE-APPOINTMENT OF KEEP MERCEDES BEAUTIFUL MEMBERS.

There are eight board appointments to Keep Mercedes Beautiful set to expire on September 15th. Current members Armando Garcia, Dora Gomez, and Dalia Pena are interested in continuing to serve on the board. Applications were received from Petra Vidales, George Cadengo, Roy Cavazos, James Richardson, and Yolanda C. Molina. Commissioner Rodriguez made a motion to approve the reappointment to the Keep Mercedes Beautiful Committee of Armando Garcia, Dora Gomez, and Dalia Pena; and the appointment for Petra Vidales, George Cadengo, Roy Cavazos, James Richardson, and Yolanda C. Molina. The motion was seconded by Commissioner Wade and passed unanimously.

15.) PRESENTATION OF AUDIT PROPOSALS SUBMITTED FOR AUDITING SERVICES.

Quentin Anderson of Long, Chilton LLP, Rudy Salinas and Cheryl Bellamy of Salinas, Allen & Schmitt, LLP; and Ben Pena of Burton, McCumber & Cortez, LLP all made presentations on behalf of their firms. There was no action taken on the item.

16.) DISCUSSION AND POSSIBLE ACTION ON OLD DEBT REGARDING LA HERENCIA APARTMENTS AND NORTH ALAMO WATER SUPPLY CORPORATION FOR GARBAGE COLLECTIONS.

North Alamo Water Supply Corporation has an agreement with the City of Mercedes to sell them water which they re-sell to La Herencia Apartments through their system. When the apartments were annexed, the city started providing water and billing them through north Alamo water Supply. The apartments should have been billed for trash service at this time but somehow North Alamo continued to pay the city for the trash service without billing the apartments. The total bill for trash service comes to \$59,165. North Alamo water Supply Company has agreed to pay on third of the amount (\$19,725) so that the debt can be cleared. Commissioner Rodriguez made a motion to approve accepting the \$19,725 and clearing the old debt regarding La Herencia apartments and North Alamo Water Supply corporation for garbage collections. The motion was seconded by Commissioner Guajardo and passed unanimously.

Mayor Hinojosa called the meeting into Executive session at 7:35 PM.

17.) 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 DEVELOPMENT CORPORATION OF MERCEDES. INC. EXECUTIVE DIRECTOR. - TEXAS GOVERNMENT CODE, SECTION 551.074 - PERSONNEL.

-DISCUSSION REGARDING ECONOMIC DEVELOPMENT PROJECT (JAIME FLORES) - ECONOMIC DEVELOPMENT. - SECTION 551.087, TEXAS GOVERNMENT CODES ANNOTATED - ECONOMIC DEVELOPMENT.

There was no action taken during Executive Session.

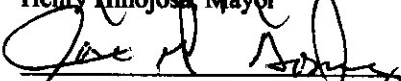
18.) DISCUSSION AND POSSIBLE ACTION REGARDING ITEM(S) DISCUSSED IN EXECUTIVE SESSION.

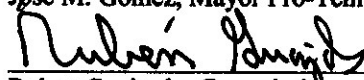
There was no action taken on this item.

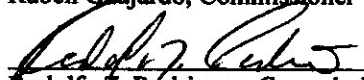
19.) ADJOURN.

Commissioner Rodriguez made a motion to adjourn the meeting at 8:50 PM. The motion was seconded by Commissioner Wade and passed unanimously.


Henry Hinojosa, Mayor


Jose M. Gomez, Mayor Pro-Tem


Ruben Guajardo, Commissioner


Rodolfo Z. Rodríguez, Commissioner


James Howard Wade, Jr., Commissioner

ATTEST:


Arcelia L. Felix, City Secretary