

MERCEDES CITY COMMISSION
REGULAR MEETING
NOVEMBER 19, 2013 -6:00 P.M.
MERCEDES CITY HALL - COMMISSION CHAMBERS

MEMBERS PRESENT:

Henry Hinojosa	Mayor
Jose M. Gomez	Mayor Pro-Tem
Ruben Guajardo	Commissioner
James Howard Wade, Jr.	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, Chief Maldonado, Hernan Gonzalez 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 Rodriguez led the invocation.

4.) PLEDGE OF ALLEGIANCE.

Commissioner Wade led the pledge of allegiance.

5.) OPEN FORUM-

Alonzo Calvillo thanked the Commission for their help with the American Legion's Veterans Day events.

Ramon Mejia asked the commission to consider adding more explanation to the agenda items so that citizens are better informed on what the Commission is taking action on.

Joe Perez asked that the agendas for City Commission and other Board meetings be published in the Mid-Valley Town Crier and that the agenda packet be made available to everyone at no cost.

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

A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING (S) HELD NOVEMBER 5, 2013.
B.) APPROVAL OF ADVANCE FUNDING AGREEMENT WITH TXDOT FOR TRANSPORTATION ENHANCEMENT GRANT PROJECT. (MERCEDES LANDSCAPE ENTRYWAY). (#2013/11/19A). C.) APPROVAL OF 2013 ANNUAL TAX ROLL TOTALS. D.) APPROVAL OF REQUEST FOR USE OF CIVIC CENTER ON DECEMBER 22ND BY RIO LIFE COMMUNITY CHURCH. E.) REQUEST APPROVAL OF CHANGE ORDER NO.3 TO CONTRACT WITH ZIWA CORP. DEDUCTIONS FROM ALLOWANCES, INCREASING CONTRACT TIME (#2013/11/19B) F.) REQUEST APPROVAL OF CHANGE ORDER NO.1 TO CONTRACT WITH O.G. CONSTRUCTION FOR ADDITION OF SEWER LINE EXTENSION (#2013/11/19C). G.) REQUEST AUTHORIZATION TO ADVERTISE FOR STATEMENT OF QUALIFICATIONS FOR UPDATE OF CITY'S AND OTHER DEPARTMENT'S WEBSITE. H.) REQUEST AUTHORIZATION TO ALLOW CITY MANAGER TO SUBMIT GRANT APPLICATION FOR SOLID WASTE GRANT THROUGH LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL. (#2013/11/19D).

Commissioner Wade noted a correction to item #10 on the minutes for the meeting held November 5, 2013.

Commissioner Rodriguez made a motion to approve all items under Consent Agenda with the correction noted be Commissioner Wade. The motion was seconded by Commissioner Wade and passed unanimously.

7.) CONSIDERATION AND APPROVAL OF AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF MERCEDES, TEXAS AUTHORIZING THE ISSUANCE OF "CITY OF MERCEDES, TEXAS PUBLIC PROPERTY FINANCE CONTRACTUAL OBLIGATIONS, SERIES '20L3", LEVYING AN ANNUAL AD VALOREM TAX, WITHIN THE LIMITATIONS PRESCRIBED BY LAW, FOR THE PAYMENT OF THE CONTRACTUAL OBLIGATIONS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE CONTRACTUAL OBLIGATIONS; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE AND INVESTMENT LETTER; COMPLYING WITH THE REQUIREMENTS IMPOSED BY THE LETTER OF REPRESENTATIONS PREVIOUSLY EXECUTED WITH THE DEPOSITORY TRUST COMPANY; AND PROVIDING AN EFFECTIVE DATE. (ORDINANCE NO. 2013-24).

Dusty Traylor of RBC Capital Markets presented the bids received by TIB- The Independent Bankers Bank,

Regions Bank, Bank of Texas, BBVA Compass Bank, and BB&T Governmental Finance. Mr. Traylor recommended that the Commission accept the bid submitted by TIB- The Independent Bankers Bank. Commissioner Wade made a motion to accept the bid submitted by TIB and approve Ordinance No. 2013-24 Authorizing The Issuance Of "City Of Mercedes, Texas Public Property Finance Contractual Obligations, Series 2013", levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the contractual obligations; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the contractual obligations; authorizing the execution of a paying agent/registrars agreement and a purchase and investment letter; complying with the requirements imposed by the letter of representations previously executed with the depository trust company; and providing an effective date. The motion was seconded by Commissioner Guajardo and passed unanimously.

8.) CONSIDERATION AND APPROVAL OF AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF MERCEDES, TEXAS AUTHORIZING THE ISSUANCE OF "CITY OF MERCEDES, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013", LEVYING AN ANNUAL AD VALOREM TAX, WITHIN THE LIMITATIONS PRESCRIBED BY LAW, FOR THE PAYMENT OF THE BONDS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE BONDS; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, A PURCHASE AND INVESTMENT LETTER, AND AN ESCROW DEPOSIT LETTER; COMPLYING WITH THE REQUIREMENTS IMPOSED BY THE LETTER OF REPRESENTATIONS PREVIOUSLY EXECUTED WITH THE DEPOSITORY TRUST COMPANY; AND PROVIDING AN EFFECTIVE DATE. (ORDINANCE NO. 2013-25).

Mr. Traylor again presented the bids submitted by TIB- The Independent Bankers Bank(2.49%), BB&T Governmental Finance (2.49%), Regions Bank (2.6115%), and Zions Bank (2.9098%). Again, he is recommending the low bidder TIB. Commissioner Rodriguez made a motion to accept the bid submitted by TIB-The Independent Bankers Bank and approve Ordinance No. 2013-25, authorizing the issuance of "City Of Mercedes, Texas General Obligation Refunding Bonds, Series 2013", levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the bonds; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the bonds; authorizing the execution of a paying agent/registrars agreement, a purchase and investment letter, and an escrow deposit letter; complying with the requirements imposed by the letter of representations previously executed with the depository trust company; and providing an effective date. The motion was seconded by Commissioner Guajardo and passed unanimously.

9.) - PUBLIC HEARING REGARDING THE ESTABLISHMENT OF MERCEDES HISTORIC OVERLAY DISTRICT #1 CONSISTING OF PROPERTIES LOCATED AT 236 S. MISSOURI AVE. AND 300-441 S. MISSOURI AVE., MORE PARTICULARLY DESCRIBED AS W 100'-S95', BLOCK 10, MERCEDES ORIGINAL TOWNSITE SUBDIVISION, LOTS 13-18, BLOCK 15; LOTS 1-5, BLOCK 16; LOTS 1-6, BLOCK 21 AND LOTS 7-12, BLOCK 22, MERCEDES ORIGINAL TOWNSITE SUBDIVISION, MERCEDES, HIDALGO COUNTY, TEXAS THE ENTITY MAKING THE REQUEST IS CITY OF MERCEDES.

Mayor Hinojosa opened the public hearing at 6:27 P.M. Berta and Gina Cantu of 305 S. Missouri spoke against the Historic overlay district. They claimed to have spoken to several other homeowners in the proposed area and presented a petition against the proposed re-districting. Jose Muniz , a member of the historic preservation Commission, said that some of the claims the Cantus were making about the details of the overlay district were false. He offered to go with Michelle Leftwich and Marisol Vidales to meet with the homeowners one-on-one. Ramon Mejia stated that he is in favor of the historic overlay district, but would like more details about the plans. Mayor Hinojosa closed the public hearing at 6:58P.M.

- DISCUSSION AND POSSIBLE ACTION OF FIRST READING OF ORDINANCE NO. 2013-26 ESTABLISHING MERCEDES HISTORIC OVERLAY DISTRICT #1 CONSISTING OF PROPERTIES LOCATED AT 236 S. MISSOURI AVE. AND 300-441 S. MISSOURI AVE., MORE PARTICULARLY DESCRIBED AS W 100'-S95', BLOCK 10, MERCEDES ORIGINAL TOWNSITE SUBDIVISION, LOTS 13-18, BLOCK 15; LOTS 1-5, BLOCK 16; LOTS 1-6, BLOCK 21 AND LOTS 7-12, BLOCK 22, MERCEDES ORIGINAL TOWNSITE SUBDIVISION, MERCEDES, HIDALGO COUNTY, TEXAS. Commissioner Rodriguez made a motion to table this item until city staff has met with all of the homeowners in the proposed overlay district area. Mayor Hinojosa seconded the motion and it passed unanimously.

10.) APPROVAL OF RESOLUTION #2013-09 APPOINTING LIBRARIAN AS HISTORIC PRESERVATION OFFICER. (ASST. CITY MANAGER)

Commissioner Rodriguez made a motion to approve Resolution # 2013-09 appointing the office of Library Director as Historic Preservation Officer. Mayor Hinojosa seconded the motion and it passed unanimously.

11.) DISCUSSION AND POSSIBLE ACTION OF FIRST READING OF ORDINANCE NO. 2013-27 - ESTABLISHING FEES AUTHORIZED BY TEXAS ALCOHOLIC BEVERAGE CODE.

Commissioner Rodriguez made a motion to approve the first reading of Ordinance No. 2013-27- establishing fees authorized by Texas Alcoholic Beverage Code. The motion was seconded by Mayor Hinojosa and it passed unanimously.

Mayor Hinojosa called the meeting into Executive Session at 7:02 P.M.

12.) 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 ANNEXATION. (CAUSE NO. C-5929-13-H- SECTION 55L.071 TEXAS GOVERNMENT CODES ANNOTATED. - LITIGATION.

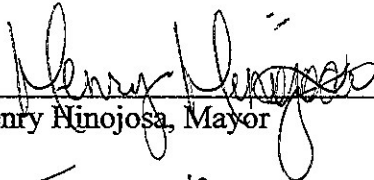
There was no action taken during Executive Session. Mayor Hinojosa called the meeting back to order at 9:34 P.M.

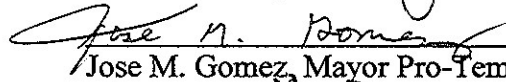
13.) DISCUSSION AND POSSIBLE ACTION REGARDING ITEM(S) DISCUSSED IN EXECUTIVE SESSION.

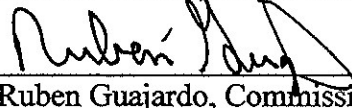
Commissioner Guajardo made a motion to instruct staff to proceed as discussed in Executive Session. The motion was seconded by Commissioner Rodriguez and passed unanimously.


14.) ADJOURN.

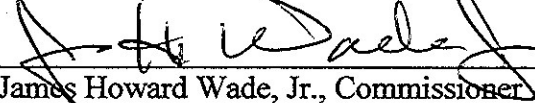
There being no further business to discuss, Mayor Hinojosa adjourned the meeting at 9:35 P.M.


Henry Hinojosa, Mayor

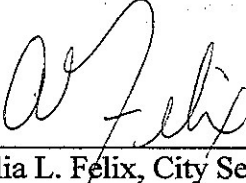

Jose M. Gomez, Mayor Pro-Tem


Ruben Guajardo, Commissioner


Rodolfo Z. Rodriguez, Commissioner


James Howard Wade, Jr., Commissioner

ATTEST:


Arcelia L. Felix, City Secretary