

**MERCEDES CITY COMMISSION  
REGULAR MEETING  
APRIL 1, 2014 – 6:00 PM  
MERCEDES CITY COMMISSION CHAMBERS**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:** None

Staff: Michelle Leftwich, Jesse Villarreal, Marisol Vidales, Olga Maldonado, Frank Rios; Hernan Gonzalez and Alicia Aguilar.

Prior to the start of the meeting Mayor Hinojosa honored the following students for being members of the "2013-2014 AR Millionaire Reading Club": Victoria Garcia, Roan Galvan, Leonel Silvestre, and Emilio Bocanegra.

**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 Wade led the pledge of Allegiance.

**5.) OPEN FORUM.**

Mr. Jodie Martinez addressed the Commission on his and his supporters behalf, asking them to consider amending Section 9 of Ordinance No. 2013-12 by changing the required 150' to 50'. The following people also addressed the commission in favor of amending Ordinance No. 2013-12 in support of Mr. Martinez' request: Juan O. Martinez, Jr., Jesus Ruelas, J. O. Martinez. Ms. Juanita Mariscal spoke against the ordinance being amended saying that Mr. Martinez knew that the area was residential when he bought the property. Mr. David Mariscal also spoke against the ordinance being amended as did Ms. Dora Marroquin, Mr. Rex Owens, and Mr. Salvador Garcia. Mr. Leo Hernandez addressed the Commission wanting to know if he had to fence in the 150' radius, at which he was asked to contact Ms. Leftwich. Mr. Ramon Mejia addressed the Commission saying that the City needs to come with a solution to this issue. Ms. Esmeralda Guerrero addressed the Commission asking them not to hang up on constituents' calls and she also expressed concern with the EDC and the loan awarded to Charles Bertholf and to Javier Martinez. Ms. Rhonda Ramirez addressed the Commission saying she had attended the EDC meeting on March 19<sup>th</sup> and was concerned about the loan being given to Mr. Charles Bertholf. Ms. Petra Vidales addressed the Commission regarding comments made by Greg Abbott and other corruption issues. Mr. Joe Martinez addressed the Commission and the audience inviting them to attend the annual Earth Day on April 12<sup>th</sup> at the civic center. Mr. Joe Perez addressed the Commission regarding a court complaint. Mr. David Garza addressed the Commission regarding the lighting near the city shop; one of the generators not working; invited everyone, including the candidates to a forum to be held April 21<sup>st</sup>; said that when Chief Lucio was chief of police and had filed to run for public office he had been asked to resign; and he also talked about Type A sales tax and the allowable uses.

**6.) CONSENT AGENDA (ORDINANCE NO. 98-21): A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING(S) HELD MARCH 18, 2014; B.) REQUEST APPROVAL FOR USE OF CIVIC CENTER BY RIO LIFE CHURCH ON APRIL 13. C.) SECOND AND FINAL READING OF ORDINANCE NO. 2014-03 ESTABLISHING HISTORIC OVERLAY DISCTRICT #1.D.)APPROVAL OF INTERLOCAL AGREEMENT WITH HIDALGO COUNTY LIBRARY SYSTEM (#2014/04/01A). E.) REQUEST APPROVAL FOR USE OF CIVIC CENTER BY CHAMBER OF COMMERCE. F.) APPROVAL OF REQUEST BY RELAY FOR LIFE FOR SPONSORSHIP. G.) RQUEST APPROVAL FOR USE OF CIVIC CENTER OR LIBRARY BY RESTORING FAMILIE SUPPORT GROUP..**

Commissioner Rodriguez made a motion to approve the items listed under consent. Commissioner Wade seconded the motion which passed with Mayor Pro-Tem abstaining from item 6B because he belongs to that church.

**7.) DISCUSSION AND POSSIBLE ACTION OF BIDS RECEIVED FOR SAFE SHELTER OFF-SITE IMPROVEMENT PROJECT (8' GRAVITY SANITARY SEWER LINE) URBAN COUNTY PROGRAM.**

The following bids were received for the 8" gravity sanitary sewer line – safe shelter off-site improvement project under the urban county program: Saenz Utility Contractors, LTD - \$55,042.76; The 5125 Company - \$75,125; Jimmy Closner & Sons Construction Company, Inc. - \$79,050; GP7 Construction - \$89,150; Balch Machine Company - \$102,583.52; and 2GS, LLC - \$108,710. The City engineers have reviewed the bids, references and company information and recommend that the bid be awarded to low bidder. Commissioner Rodriguez made a motion to accept city engineer's recommendation and approve the bid submitted by Saenz Utility Contractors, LTD for the base bid amount of \$55,042.76 Commissioner Guajardo seconded the motion which passed unanimously.

**8.)DISCUSSION AND POSSIBLE ACTION AUTHORIZING CITY MANAGER TO ASSIGN AN EASEMENT TO THE HIDALGO CAMERON COUNTY IRRIGATION DISTRICT #9 ON THE DOME SHELTER PROPERTY.**

Mrs. Leftwich informed the Commission that the irrigation district has an irrigation line that cuts through the dome shelter project and must be relocated. The metes and bounds of the description of an easement have been prepared that will allow the line to run along the edge of the property and not interfere with the parking lot or building. Authorizing the city manager to execute this document will dedicate that easement and the document will be recorded. Commissioner Guajardo made a motion to authorize the city manager to assign an easement to the Hidalgo Cameron County Irrigation District #9 on the dome shelter property. Commissioner Wade seconded the motion, and it passed unanimously

Commissioner Guajardo made a motion and Mayor Pro-Tem Gomez seconded the motion which passed unanimously to deviate from the agenda and go to the following second addendum item: **ADDENDUM: DISCUSSION AND POSSIBLE ACTION ON REPLACING ARMANDO LOPEZ FROM EDC BOARD (MAYOR PRO-TEM GOMEZ AND COMMISSIONER RODRIGUEZ)**

Mayor Pro-Tem Gomez said that the Commission had heard from some people on two projects that the Development Corporation had approved. He said that a letter was presented on a request for a loan; however, the loan requires a different application. He subsequently found out that the only requirement for a loan is a letter. By seeing this, he said that he feels there is no structure, and sound decisions cannot be made without structure. He said that he had made the motion to put him on the Development Corporation of Mercedes, Inc. board, and Mayor Pro-Tem Gomez proceeded to make a motion to remove Armando Lopez from the Development Corporation of Mercedes, Inc. board. Commissioner Rodriguez seconded the motion, which did not pass with Mayor Pro-Tem Gomez and Commissioner Rodriguez voting in favor of the motion and Commissioner Guajardo, Commissioner Wade and Mayor Hinojosa voting against the motion. At this time Armando Lopez addressed the audience about his service and commitment on the Commission.

Commissioner Guajardo made a motion to go back to the regular agenda. Mayor Pro-tem Gomez seconded the motion which passed unanimously.

**9.) DISCUSSION AND POSSIBLE ACTION OF DEVELOPMENT AGREEMENT BETWEEN THE DEVELOPMENT CORPORATION OF MERCEDES, INC., AND THE CITY OF MERCEDES REGARDING HISTORIC CITY HALL.**

Mr. Hernan Gonzalez addressed the Commission saying that at their last meeting, the EDC board had approved to enter into an interlocal agreement with the City commission to allow the Development Corporation to determine the feasibility of restoring and repurposing the Historic city hall building.

Commissioner Guajardo made a motion to enter into an interlocal agreement with the Development Corporation of Mercedes, Inc. regarding the Historic city hall building. Commissioner Rodriguez seconded the motion which passed unanimously.

**10.) PRESENTATION OF DEVELOPMENT CORPORATION OF MERCEDES, INC. EXECUTIVE DIRECTOR'S REPORT.**

Mr. Hernan Gonzalez gave the monthly executive director's report. He said a delegation from San Pedro Coahuila, Mexico had visited in order to try and establish a Sister City relationship. There are new boots being put up as part of the ongoing "Botas de Mercedes". In addition Mr. Gonzalez was featured on the television segment of "Con mi Gente". The Chamber of Commerce annual banquet was a success. He talked about the events at the stockshow which included the annual stock show, the chamber of commerce banquet and "Smoking on the Rio".

At this time Commissioner Guajardo thanked Mr. Gonzalez and apologized to Mr. Armando Lopez.

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

**11.) 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 551.071 TEXAS GOVERNMENT CODES ANNOTATED. - LITIGATION; DISCUSSION REGARDING MUNICIPAL COURT CAUSE #1441, TICKET #CE0416 - JODIE O. MARTINEZ - , TEXAS GOVERNMENT CODE, SECTION 551.071 POTENTIAL LITIGATION.**

After executive session, Mayor Hinojosa called the meeting back to order at 9:14 P.M.

**12.) DISCUSSION AND POSSIBLE ACTION REGARDING ITEM(S) DISCUSSED IN EXECUTIVE SESSION.**  
No action will be taken on the items discussed in executive session.

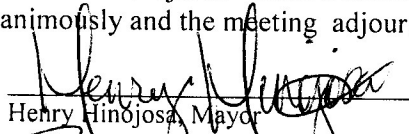
**ADDENDUM: DISCUSSION AND POSIBLE ACTION TO AMEND ORDINANCE NO. 2013-12 (J. GOMEZ AND R. RODRIGUEZ); DISCUSSION AND POSSIBLE ACTION TO CONSIDER REQUEST BY JODIE O. MARTINEZ FOR RELEASE OR PARTIAL RELEASE OF LIENS FOR PROPERTY AT 624 SAN JACINTO STREET**

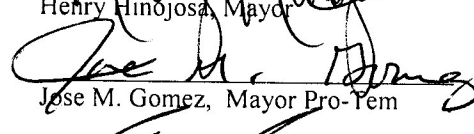
Commissioner Rodriguez made a motion to amend ordinance No.2013-12 by amending section 9 by reducing the distance of 150' to 50'. The motion died for lack of a second.

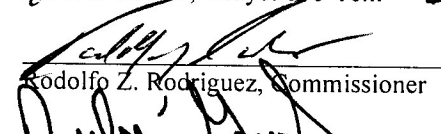
Ms. Michelle Leftwich addressed the Commission saying that Mr. Jodie O. Martinez was requesting a release or partial release of \$3,140.70 lien on Los 1-4, Block 1 of Queen City property ID 264304, 264305, and 264306. She recommended that the interest, filing fees and other fees be waived, and that 50% of the mowing fee also be waived. Therefore, the amount to be paid will be \$1,323.36. Mayor Hinojosa so moved. Commissioner Rodriguez seconded the motion and it passed unanimously.

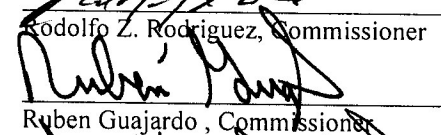
**15.) ADJOURN.**

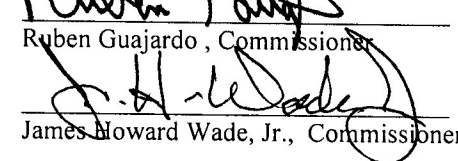
There being no further business to discuss, Commissioner Guajardo made a motion to adjourn. Commissioner Rodriguez seconded the motion and it passed unanimously and the meeting adjourned at 9:16.p.m.

  
Henry Hinojosa, Mayor

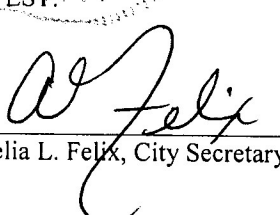
  
Jose M. Gomez, Mayor Pro-Tem

  
Rodolfo Z. Rodriguez, Commissioner

  
Ruben Guajardo, Commissioner

  
James Howard Wade, Jr., Commissioner

ATTEST:

  
Arcelia L. Felix, City Secretary