

MERCEDES CITY COMMISSION
REGULAR MEETING
MAY 21, 2013 – 6:00 PM
MERCEDES CITY HALL – COMMISSION CHAMBERS

MEMBERS PRESENT:

Henry Hinojosa	Mayor
Jose M. Gomez	Commissioner
Rodolfo Z. Rodriguez	Commissioner
Dianna G. Tovar	Commissioner
James Howard Wade, Jr.	Commissioner
Ricardo Garcia	City Manager
Juan Molina	City Attorney

MEMBERS ABSENT: NONE

Staff: Michelle Leftwich, Amanda Morales, Marisol Vidales, Jesse Villarreal, and Olga Maldonado

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 Tovar made the invocation.

4.) PLEDGE OF ALLEGIANCE.

Commissioner Wade led the pledge of allegiance.

5.) OPEN FORUM-

There were no public comments.

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

A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING (S) HELD MAY 7, 2013. B.) SECOND AND FINAL READING OF ORDINANCE NO. 2013-06 CALLING THE 2013 RUNOFF ELECTION. C.) APPROVAL OF LIBRARY HOURS FROM JUNE 1 TO AUGUST 31, 2013.

Commissioner Rodriguez made a motion to approve all items under consent, with some changes to the dates specified in Ordinance No. 2013-06. The motion was seconded by Commissioner Tovar and passed unanimously.

7A.) PUBLIC HEARING AND FORMAL ACTION REGARDING A RE-ZONING FROM "B TWO FAMILY RESIDENCE" TO "B-BUSINESS" LOCATED AT 438 JONES, MORE PARTICULARLY DESCRIBED AS LOT 4 BLOCK 17, GARDEN PARK SUBDIVISION. THE PERSON MAKING THE REQUEST IS JOSE ANGEL TREVINO

- B. DISCUSSION AND POSSIBLE ACTION OF FIRST READING OF ORDINANCE NO. 2013-07 CHANGING THE CLASSIFICATION FOR ZONING PURPOSES OF THE FOLLOWING TRACT OF LAND: LOT 4 BLOCK 17, GARDEN PARK SUBDIVISION FROM "B TWO FAMILY RESIDENCE" TO "B-BUSINESS"

A. Mayor Hinojosa opened the public hearing at 6:04 PM. Mr. Jose Angel Trevino explained that he was requesting the re-zone from B- Two Family Residence to B-Business so that he can open a drive-thru at 438 Jones. There were no other comments from the audience and the public hearing was closed at 6:08 PM.

B. Commissioner Rodriguez made a motion to approve the first reading of Ordinance No. 2013-07 changing the classification for zoning purposes of the following tract of land: Lot 4 Block 17, Garden Park subdivision from "B two family residence" to "B-business". The motion was seconded by Commissioner Wade and passed unanimously.

8.) PUBLIC HEARING AND FORMAL ACTION FOR A VARIANCE REQUEST TO THE SIGN ORDINANCE #2000-03 ARTICLE V, SECTION V(2)(E) REGARDING MAXIMUM POLE SIGNAGE HEIGHT FOR A PYLON SIGN LOCATED AT 360 N. TEXAS, MORE PARTICULARLY DESCRIBED AS LOT I, BLOCK 45, MERCEDES ORIGINAL TOWNSITE SUBDIVISION, MERCEDES, HIDALGO COUNTY, TEXAS. THE ENTITY MAKING THE REQUEST IS MCCLURE RETAIL ADVISORS AND/OR ITS ASSIGNS.

Mayor Hinojosa opened the public hearing at 6:12 PM. Ms. Leftwich explained that the request for a variance was due to the business' sign not being visible to traffic on the expressway due to two large billboards on either side of it. A taller sign in the area will allow it to be seen more clearly. There were no comments from the

audience and the public hearing was closed at 6:15 PM. Commissioner Rodriguez made a motion to approve a variance request to the sign Ordinance #2000-03 article v, section v(2)(e) regarding maximum pole signage height for a pylon sign located at 360 N. Texas, more particularly described as Lot I, Block 45, Mercedes Original Townsite subdivision, Mercedes, Hidalgo County, Texas. Commissioner Tovar seconded the motion and it passed unanimously.

9.) DISCUSSION AND POSSIBLE ACTION OF FIRST READING OF POLITICAL SIGN ORDINANCE NO. 2013-08 AND REPEALING POLITICAL SIGN ORDINANCE NO. 2013-02.

Commissioner Gomez made a motion to not approve the first reading of political sign Ordinance No. 2013-08 and repealing Political Sign Ordinance No. 2013-02. The motion was seconded by Commissioner Wade. Mayor Hinojosa and Commissioners Tovar and Rodriguez voted against the motion, which died. Commissioner Rodriguez made a motion to approve the first reading of Political Sign Ordinance No. 2013-08 and repealing Political Sign Ordinance No. 2013-02. The motion was seconded by Commissioner Tovar and passed with Mayor Hinojosa voting in favor of it and Commissioners Gomez and Wade voting against it.

10.) DISCUSSION AND POSSIBLE ACTION OF RESOLUTION #2013.-07 REGARDING RATE FILING BY TEXAS GAS SERVICE.

Mr. Ken Jones of the Rio Grande Valley Development Council explained that the resolution would allow the Development Council and the City of Weslaco to work on behalf of the City of Mercedes and other valley cities to secure the most reasonable utility rates for all customers. Commissioner Tovar made a motion to approve Resolution #2013-07 regarding rate filing by Texas Gas Service. The motion was seconded by Commissioner Rodriguez and passed unanimously.

11.) PRESENTATION OF FORENSIC AUDIT.

Ben Pena of Burton, McCumber & Cortez presented the finding of that firm's forensic audit of the Payroll, Public Works, and Utility Departments. In the payroll department there were three instances of overtime not having been authorized and 12 employees were found to have been paid in excess of ten thousand dollars more than their budgeted salaries. The overages are due to overtime paid to those employees. In the Public Works Department the accounting software used to keep track of the inventory was not implemented for the first six months of the year and therefore analytical roll forward of inventory was not possible. A 100% physical inventory will be conducted on a quarterly basis. There were no discrepancies in the Utility Department. Mr. Pena stated that the findings were normal based on his experience with other audits.

12.) FORMAL APPROVAL OF FORENSIC AUDIT.

Commissioner Rodriguez made a motion to approve the Forensic audit. The motion was seconded by Commissioner Wade and passed unanimously.

13.) CONSIDERATION AND APPROVAL OF A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF MERCEDES, TEXAS APPOINTING THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., DALLAS, TEXAS AS THE SUCCESSOR PAYING AGENT/REGISTRAR FOR CERTAIN CURRENTLY OUTSTANDING INDEBTEDNESS OF THE CITY; AUTHORIZING THE CITY'S MAYOR, CITY MANAGER OR CITY SECRETARY TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE REPLACEMENT OF BBVA COMPASS BANK, HOUSTON, TEXAS AS THE CITY'S PAYING AGENT/REGISTRAR; AND OTHER MATTERS IN CONNECTION THEREWITH.

Commissioner Rodriguez made a motion to approve a resolution by the City Commission of the City of Mercedes, Texas appointing the bank of New York Mellon Trust Company, N.A. , Dallas, Texas as the successor paying agent/registrar for certain currently outstanding indebtedness of the city ; authorizing the City's Mayor, City manager or City Secretary to take all actions necessary to effectuate the replacement of BBVA Compass Bank, Houston, Texas as the City's paying agent/registrar; and other matters in connection therewith. The motion was seconded by Commissioner Tovar and passed unanimously.

Mayor Hinojosa called the meeting into executive session at 7:03 PM.

14.) 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 REAL ESTATE - SECTION 551.072 TEXAS GOVERNMENT CODES ANNOTATED - REAL ESTATE.

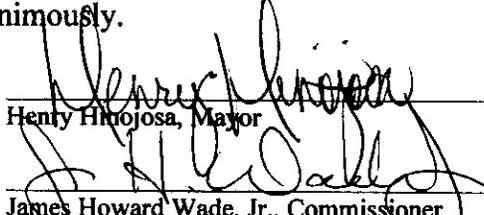
There was no action taken during executive session. Mayor Hinojosa called the meeting back to Order at 8:47 PM.

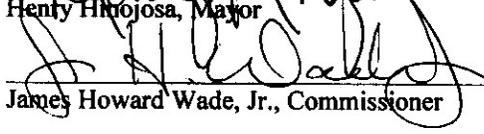
15.) DISCUSSION AND POSSIBLE ACTION REGARDING ITEM(S) DISCUSSED IN EXECUTIVE SESSION.

Commissioner Tovar made a motion to instruct the City Manager and City attorney to proceed as discussed in executive session. The motion was seconded by Commissioner Rodriguez and passed unanimously.

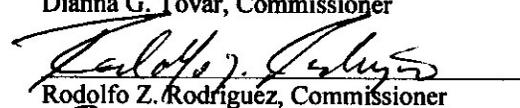
16.) ADJOURN.

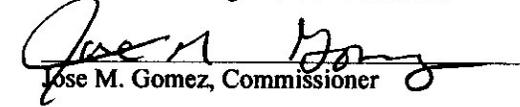
Commissioner Rodriguez made a motion to adjourn the meeting at 8:48 PM. The motion was seconded by Commissioner Wade and passed unanimously.


Henry Hinojosa, Mayor

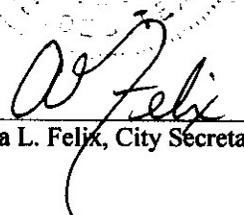

James Howard Wade, Jr., Commissioner

Dianna G. Tovar, Commissioner


Rodolfo Z. Rodriguez, Commissioner


Jose M. Gomez, Commissioner

ATTEST:


Arcelia L. Felix, City Secretary

