

MERCEDES CITY COMMISSION
REGULAR MEETING
AUGUST 6, 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, Olga Maldonado, Olga Rosas 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.

Mario Ramirez made the invocation.

4.) PLEDGE OF ALLEGIANCE.

Commissioner Rodriguez led the pledge of allegiance.

5.) OPEN FORUM-

Esmeralda Guerrero praised Star EMS for their quick response and service during a recent emergency. She also asked the commission to reconsider the appointments to the EDC board of directors and reinstate Leo Villarreal and Dalia de la Cerda.

Yolanda C. Molina read a statement regarding the responsibilities of the elected and appointed officials of the City.

David Garza spoke about the City's Water conservation plan, the Capital Improvement fee added to water bills, the results of a recent audit of the EDC, and the appointments to the EDC Board of Directors.

Mario Ramirez invited the Mayor and Commissioners to attend a prayer service for the start of the school year.

6.) CONSENT AGENDA (ORDINANCE NO. 9S-21):

A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING (S) HELD JULY 16, 2013. B.) APPROVAL OF CHANGE ORDER TO CONTRACT WITH CLORE CONSTRUCTION, LLC. (#2013/08/06A). C.) APPROVAL OF INTERLOCAL AGREEMENT WITH LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL FOR E911 PUBLIC SAFETY ANSWERING POINT SERVICES (#2013/08/06B). D.) APPROVAL OF CHANGE ORDER TO CONTRACT WITH REIM CONSTRUCTION. (#2013/08/06C). E.) APPROVAL OF REQUEST BY MERCEDES I.S.D. FOR USE OF BOTTOM PART OF CIVIC CENTER ON AUGUST 6, 2013. F.) APPROVAL OF REQUEST BY MERCEDES I.S.D. FOR USE OF BBQ PITS AT CIVIC CENTER AUGUST 18-19. G.) SECOND AND FINAL READING OF ORDINANCE NO. 2013-11 RE-ZONING LOT 4-11, BLOCK 122, MERCEDES ORIGINAL TOWNSITE SUBDIVISION, MERCEDES, HIDALGO COUNTY, TEXAS FROM "B TWO FAMILY RESIDENCE" TO "C-1 APARTMENTS"

Commissioner Guajardo made a motion to approve items 6A through 6G as read. The motion was seconded by Commissioner Rodriguez and passed unanimously.

7.) PRESENTATION OF AUDIT REPORT ON EDC LOANS.

Quentin Anderson of Long Chilton, LLP presented observations, findings and recommendations regarding their audit of the loan portfolio of the Mercedes Economic development Corporation. Mr. Anderson noted that there were no standardized checklists or guidelines for loan rates or terms. The audit also found that there was no way for the loan requirements to be monitored. There were small discrepancies in the accounting records due to a coding error in City's software. That issue has been corrected by City staff. Mr. Anderson also presented sample loan documentation to be used in the future.

City staff has already implemented many of the recommendations made in the audit.

8.) PUBLIC HEARING REGARDING URBAN COUNTY PROPOSED PROGRAM AMENDMENT TO PROGRAM YEAR 25 (2012).

Mayor Hinojosa opened the public hearing at 6:36 PM. City Manager Ricardo Garcia said, "the City Commission approved the Urban County Program allocating funding for the water line extensions to the proposed dome shelter north of town. Now that we have started the engineering phase, there may be some money left over on that line item so that we may be able to do some sewer line improvements as well. This will not add any money. We are just adding sewer improvements to the line item so that if there is money left over, we would be able to use it and finish out the Urban County funds." There were no comments from the audience and the Public hearing was closed at 6:40 PM.

- DISCUSSION AND POSSIBLE ACTION REGARDING URBAN COUNTY PROPOSED PROGRAM AMENDMENT TO PROGRAM YEAR 25 (2012).

Commissioner Rodriguez made a motion to approve the Urban County program amendment to program year 25 (2012). The motion was seconded by Commissioner Wade and passed unanimously.

9.) PUBLIC HEARING REGARDING ABANDONMENT OF UNUSED SECTION OF RIGHT-OF-WAY ON STARR STREET BETWEEN ILLINOIS AVENUE AND BASELINE ROAD AND TO RETAIN AN EASEMENT FOR THE EXISTING SEWER LINE.

Mayor Hinojosa opened the public hearing at 6:40 PM. Assistant City Manager Michelle Leftwich explained that HCCID #9 is currently designing a replacement to the main aqua duct spanning Anacuitas creek near the Expressway and Starr street. They have requested that the city abandon the section of Starr Street between the end of Starr Street at Compass Bank and the other side of the canal going east. The City will request to retain an easement for the sewer line that runs through the right-of-way. This is all being done on the form of an Ordinance. At a call for comments from the audience, none were offered and the Public Hearing was closed at 6:42 PM.

-DISCUSSION AND POSSIBLE ACTION REGARDING ABANDONMENT OF UNUSED SECTION OF RIGHT-OF-WAY ON STARR STREET BETWEEN ILLINOIS AVENUE AND BASELINE ROAD AND TO RETAIN AN EASEMENT FOR THE EXISTING SEWER LINE. (ORDINANCE 2013-13)

Commissioner Rodriguez made a motion to approve the abandonment of unused section of right-of-way on Starr Street between Illinois Avenue and Baseline Road and to retain an easement for the existing sewer line (Ordinance 2013-13). The motion was seconded by Commissioner Guajardo and passed unanimously.

10.) PUBLIC HEARING REGARDING REPEAL OF ORDINANCE NO. 2012-17 IN ITS ENTIRETY AND REPLACE WITH AMENDED ORDINANCE.

Mayor Hinojosa opened the public hearing at 6:44 PM. Ms. Leftwich explained that when the City adopted Ordinance No. 2012-17 it was based on the model recommended by the Council of governments. While the new Ordinance has streamlined the vicious dog procedures, some things that worked well in the previous version were left out. In this version of the Ordinance three definitions have been added and, several nuisance items have been added to Section 8, and Section 9 on prohibited animals was added.

At a comment from the audience regarding complaints about a vicious animal, Ms. Leftwich explained that all complaints filed with city staff are investigated. The public hearing was closed at 6:48 PM.

- DISCUSSION AND POSSIBLE ACTION OF FIRST READING OF ORDINANCE NO. 2013-12 REPEALING ORDINANCE NO. 2012-17 IN ITS ENTIRETY AND INCORPORATING REGULATIONS FOR TREATMENT OF LIVESTOCK AND DOMESTIC AND WILD ANIMALS AND FOWL.

Commissioner Rodriguez made a motion to approve the first reading of Ordinance No. 2013-12 – repealing Ordinance No. 2012-17 in its entirety and incorporating regulations for treatment of livestock and domestic and wild animals and fowl. Commissioner Guajardo seconded the motion and it passed unanimously.

11.) REQUEST BY GL TEXAS KAJUKENBO & VALDIVIA'S LITTLE KENPO.

GL Texas Kajukenbo & Valdivia's Little Kenpo participates in tournaments to benefit the Light of Hope and is requesting a donation from the city. Commissioner Guajardo made a motion to approve the same \$300 contribution that was given directly to the Light of Hope in previous years. Commissioner Wade seconded the motion and it passed unanimously.

12.) DISCUSSION AND POSSIBLE ACTION ON APPOINTMENT OF EDC BOARD MEMBER JOEL QUINTANILLA TO REPLACE DALIA DE LA CERDA.

Mayor Pro-Tem Gomez requested that this item be placed on the agenda. Mayor Pro-Tem Gomez wanted to rescind his vote in favor of appointing Joel Quintanilla to the EDC Board of Directors because

Mr. Quintanilla had not submitted a formal application for a place on the board. City Attorney Juan Molina explained that Mayor Pro-Tem could not, at this time, rescind his vote because he had not made the motion or the second. He also explained that an application was not always required for placement on any city boards or committees. After some discussion about the bylaws of the Development Corporation of Mercedes, it was Mayor Hinojosa asked that an item be placed on the agenda for the next City Commission meeting to discuss and take possible action on the removal and appointment of members to the EDC Board of Directors. There was no action taken on this item.

13.) DISCUSSION AND POSSIBLE ACTION OF CLAIM BY MR. AND MRS. ELIBORIO PEREZ CONCERNING A TAX ISSUE.

Mr. And Mrs. Perez claim that there was an error made at the Hidalgo County tax office that caused them to be charged for unpaid taxes as far back as 2000. They are asking that the Commission waive the penalties and interest assessed on a principal tax levy of \$271.90. Commissioner Guajardo made a motion to instruct the Hidalgo County Tax office to waive all interest and fees, and for Mr. And Mrs. Perez to be responsible for \$271.90 in taxes owed. The motion was seconded by Commissioner Rodriguez and passed unanimously.

Mayor Hinojosa called the meeting into Executive Session at 7:10 PM.

14.) EXECUTIVE SESSION:

-DISCUSSION REGARDING DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER. - TEXAS GOVERNMENT CODE, SECTION 551.074 - PERSONNEL.

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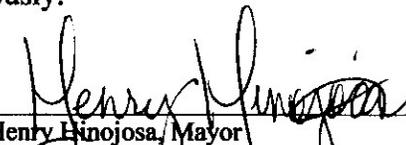
There was no action taken during Executive Session.

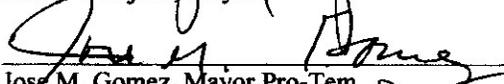
15.) DISCUSSION AND POSSIBLE ACTION REGARDING ITEM(S) DISCUSSED IN EXECUTIVE SESSION.

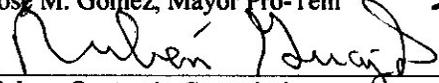
The meeting was called back to order at 9:15 PM. There was no action taken on this item.

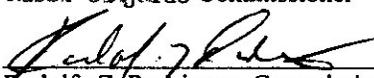
16.) ADJOURN.

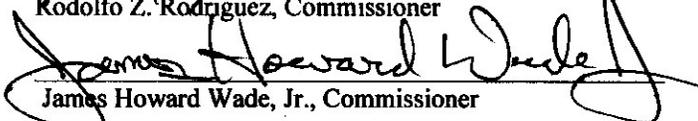
Commissioner Wade made a motion to adjourn the meeting. The motion was seconded by Commissioner Rodriguez and passed unanimously.


Henry Hinojosa, Mayor

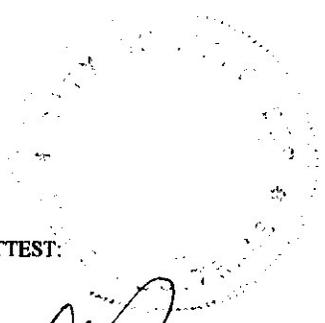
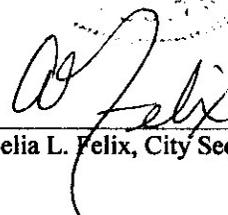

Jose M. Gomez, Mayor Pro-Tem


Ruben Guajardo Commissioner


Rodolfo Z. Rodriguez, Commissioner


James Howard Wade, Jr., Commissioner

ATTEST:



Arcelia L. Felix, City Secretary