

**MERCEDES CITY COMMISSION
REGULAR MEETING
MAY 1, 2018 – 6:00 P.M.
MERCEDES CITY HALL - COMMISSION CHAMBERS**

MEMBERS PRESENT:	Ruben Guajardo	Mayor Pro-Tem
	Howard Wade	Commissioner
	Leandro Villarreal	Commissioner
	Cristella De Leon Hernandez	Commissioner
	Sergio Zavala	Assistant City Manager
MEMBERS ABSENT:	Henry Hinojosa	Mayor

Staff: Nereida Perez, Jose Figueroa, David Lopez and Joselynn Castillo.

1.) CALL MEETING TO ORDER.

Mayor Pro-Tem Guajardo welcomed everyone and called the meeting to order at 6:00 p.m.

2.) ESTABLISH QUORUM.

Four members of the Commission were present, which constituted a quorum.

3.) INVOCATION.

Assistant City Manager Sergio Zavala said the invocation.

4.) PLEDGE OF ALLEGIANCE.

Mayor Pro-Tem Ruben Guajardo led in the Pledge of Allegiance.

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

A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING (S) HELD APRIL 17, 2018. B.) SECOND AND FINAL READING OF ORDINANCE NO. 2018-14 RATIFY BUDGET AMENDMENT PROCESSING BY INTERIM CITY MANAGER'S PROCUREMENT OF NEEDED PIPE FIXTURES FOR TIME-SENSITIVE IRRIGATION LINE RELOCATE PROJECT FOR THE MERCEDES LIGHT INDUSTRIAL PARK. C.) SECOND AND FINAL READING OF ORDINANCE NO. 2018-15 AMENDING ORDINANCE NO. 93-A REGULATING THE USE OF FIREWORKS. D.) APROVAL OF REQUEST TO DECLARE SURPLUS INVENTORY AND AUTHORIZE DISPOSAL (BOND & BOND AUCTION). E.) REQUEST AUTHORIZATION TO SUBMIT AND ACCEPT VEHICLE MONITORS GRANT TO BE USED FOR REPLACEMENT CAMERAS FOR POLICE UNITS. RESOLUTION #2018-07.

Commissioner Wade stated a correction in the minutes under item 6, the presenter was Joe Martinez not Joe Flores. Commissioner Wade made a motion to approve all items under consent agenda with the correction to the minutes. Commissioner Villarreal seconded the motion which passed unanimously.

6.) PUBLIC HEARING REZONING FROM CLASS "B-1" TWO-FAMILY RESIDENTIAL TO CLASS "L" LOCAL RETAIL THE FOLLOWING PROPERTY BEING THE W. 103.6' OF LOT 5, BLOCK 10, CHAPMAN SUBDIVISION; APPLICANT IS MARK VAN BERG. (INTERIM CITY MANAGER) -FIRST READING OF AN ORDINANCE – REZONING FROM CLASS" B-1" TWO-FAMILY RESIDENTIAL TO CLASS "L" LOCAL RETAIL THE FOLLOWING PROPERTY BEING THE W. 103.6' OF LOT 5, BLOCK 10, CHAPMAN SUBDIVISON.

Mr. Zavala addressed the Commission about the neighboring properties zoning districts. Mr. Zavala stated the planning and zoning commission denied the rezoning and he recommends denial.

Mayor Pro-Tem Guajardo opened the public hearing at 6:07 P.M.

Mark Van Berg was present to address the Commission, Mr. Van Berg stated he would like the property rezoned to Class "L" Local retail for light commercial use, the property to the north is currently zoned Class "B" Business and the high traffic is good for business and the most attractive use of the property would be commercial use. Mr. Van Berg stated he intends to go to the Highway department and ask for a cut but it's up to them to approve it.

Jesse Izaguirre stated he was in favor of rezoning the property.

Charles Bertholf addressed the Commission that he is in favor as Mr. Van Berg would clean up the property which will help beautify Mercedes. Mr. Bertholf stated traffic would be minimal and will create jobs and recommends approval to help Mercedes grow.

Esmeralda Guerrero addressed the Commission that she is in favor of rezoning the property.

Luis Garcia stated to the Commission that he is in favor of the rezone due to Mr. Van Berg fixing up the property.

After no further comments from the public, Mayor Pro-Tem Guajardo closed the public hearing at 6:19 P.M. At a question, Mr. Van Berg stated his request was previously denied by the Planning and Zoning Board due to traffic safety. Mayor Pro-Tem Guajardo made a motion to approve rezoning from Class "B-1" Two-Family Residential to Class "L" Local Retail. Commissioner Wade seconded the motion which passed unanimously.

7.) PUBLIC HEARING REZONING FROM NEWLY ANNEXED TO CLASS "B" BUSINESS TO THE FOLLOWING CONTIGUOUS TRACTS AS ONE PUBLIC HEARING ITEM BEING AS FOLLOWS:

- A.) CAPISALLO W. 1190'-N 50'-S 462' LOT 7 BLK 66 1.37 AC NET
 - B.) CAPISALLO 0.16 AC LOT 7 BLK 66 A/K/A LOT 28 GREENTREE SUBD
 - C.) CAPISALLO 0.11 AC LOT 7 & 0.23 AC LOT 8 BLK 66 A/K/A LOTS 25 THRU 27 GREENTREE SUBD.
 - D.)CAPISALLO 0.58 AC-3.04 AC LOT 8 BLK 66 A/K/A LOTS 20 THRU 24 GREENTREE SUBD
 - E.) CAPISALLO 0.23 AC-3.04 AC LOT 8 BLK 66 A/K/A LOTS 18& 19 GREENTREE SUBD.
 - F.) CAPISALLO 0.23 AC -3.04 AC LOT 8 BLK 66 A/K/A LOTS 16 & 17 GREENTREE SUBD.
 - G.) CAPISALLO 0.11 AC -3.33 AC LOT 8 BLK 66 A/K/A LOT 15 GREENTREE SUBD.
 - H.) CAPISALLO 0.2296 AC-3.04 AC LOT 8 BLK 66 A/K/A LOTS 13 & 14 GREENTREE SUBD.
 - I.) CAPISALLO 0.44 AC -1.31 AC -3.04 AC LOT 8 BLK 66 A/K/A LOTS 10 THRU 12 GREENTREE SUBD.
 - J.) CAPISALLO 0.1148 AC -3.04 AC LOT 8 BLK 66 A/K/A LOT 9 GREENTREE SUBD.
 - K.) CAPISALLO 0.1148 AC -3.04 AC A/K/A LOT 8 BLK 66 GREENTREE SUBD.
 - L.) CAPISALLO N100'-S512'-E380' LOT 8 BLK 66 A/K/A LOTS 1 THRU 7 GREENTREE SUBD
- APPLICANT: CITY INITIATED (INTERIM CITY MANAGER)

-FIRST READING OF AN ORDINANCE REZONING FROM NEWLY ANNEXED TO CLASS "B" BUSINESS TO THE FOLLOWING CONTIGUOUS TRACTS AS ONE PUBLIC HEARING ITEM BEING AS FOLLOWS:

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Mr. Zavala addressed the Commission about the City's application to rezone from newly annexed to Class "B" Business along highway 83 in order to help businesses start without having to apply for a rezone.

Mayor Pro-Tem Guajardo opened the public hearing at 6:28 P.M.

No comments were made for or against the rezone.

Mayor Pro-Tem Guajardo closed the public hearing at 6:29 P.M.

Mayor Pro-Tem Guajardo made a motion to approve the ordinance rezoning from newly annexed to Class "B" Business. Commissioner Wade seconded the motion. Commissioner Wade stated he would like a discussion on the item. At a question, Mr. Zavala informed the Commission on the different options on the depth of the properties, due to an open canal. Option 1 is to put it underground which there would be a cost to the city, Option 2 is to reduce the setbacks and interlock the alleys for dumpster service and keep the driveways on the east and west to keep away from business highway 83. After some discussion, the motion passed unanimously.

8.) DISCUSSION AND POSSIBLE ACTION TO APPROVE AMENDED BASEBALL LEASE CONTRACT AND TO DISCERN WHETHER OR NOT TO HAVE A SPECIAL CITY COMMISSION MEETING TO REVIEW & AWARD BASEBALL CONTRACT(S) TO INTERESTED APPLICANTS. (INTERIM CITY MANAGER)

Mr. Zavala informed the Commission that the city will entertain applications to award a contract to one league. There is no conflict with the little league as there is only one league using the north baseball field. Mr. Zavala stated the conflict lies with the pony league since there are two leagues utilizing the same field. Awarding a contract to one league will allow for an organized play schedule and the second league may merge with the league who was awarded the contract if they wish to do so. The applicants must turn in a one page summary for the Commission to review along with the application. There was some discussion on whether or not the two leagues can remain separate teams, the best way to utilize the fields, and the concession issues.

Mayor Pro-Tem Guajardo made a motion to approve the amended contract. Commissioner Villarreal seconded the motion which passed unanimously.

9.) DISCUSSION AND POSSIBLE ACTION TO ADOPT AN ORDINANCE SETTING FORTH A DEPOSIT AMOUNT FOR UN-METERED (WATER WELL) LOTS CONNECTED TO THE CITY'S WASTEWATER SYSTEM. (AMENDING ORDINANCE NO.2018-12) (INTERIM CITY MANAGER)

Mr. Zavala explained to the Commission that the Ordinance will set an identical deposit as all the other metered lots. Mayor Pro-Tem Guajardo made a motion to approve the ordinance setting forth a deposit amount for un-

metered lots connected to the City's wastewater system. Commissioner Wade seconded the motion which passed unanimously.

10.) DISCUSSION AND POSSIBLE ACTION ON ORDINANCE AMENDING ANIMAL CONTROL ORDINANCES NO. 2013-12 AND 2015-04 TO PROVIDE COMPREHENSIVE ANIMAL CONTROL REGULATIONS. (PUBLIC WORKS DIRECTOR)

Mr. Figueroa addressed the Commission about amending the animal control ordinance to provide comprehensive regulations. The regulations include providing a limit, regulation on owner responsibility, microchips set for January 1, 2019, business permits for kennels, penalty assessment for violations, and enhancing the criteria for impoundment. At a question, Mr. Zavala stated it will be mandatory to enforce the microchip on cats and dogs to help them reunite with their owners. Mr. Figueroa stated the microchip can be placed at the same time as the vaccination and the \$25 fee of the microchip can be offset when finding the owners. Commissioner Villarreal made a motion to approve the ordinance but excluding cats from being microchipped. Mayor Pro-Tem Guajardo seconded the motion which passed unanimously.

11.) DISCUSSION AND POSSIBLE ACTION TO PROPOSED ORDINANCE AMENDING SOLID WASTE ORDINANCE NO. 2005-14 TO CONVEY AUTHORITY TO THE CITY'S HEALTH OFFICIAL TO ASSESS AND POSSIBLY UPGRADE THE GARBAGE BIN SIZE AND/OR FREQUENCY OF COLLECTION FOR OVERFLOWING GARBAGE BUSINESS OR APARTMENT SITES. (INTERIM CITY MANAGER)

Mr. Zavala addressed the Commission about picking up overflowing trash, and the frequency of trash pick-up for landlords and tenants. Mr. Zavala stated the ordinance was last changed 13 years ago and the City Manager's office will determine the size upgrade, frequency of collection and the relocation of the bins. At a question, Mr. Zavala informed the city will follow through with a letter. Commissioner Wade made a motion to approve the ordinance amending solid waste ordinance no. 2005-14 and to include a 3 day notification period. Commissioner Villarreal seconded the motion which passed unanimously.

Mayor Pro-Tem Guajardo called the meeting into Executive Session at 7:09 P.M. No action will be taken inside executive session.

12.) EXECUTIVE SESSION:

- DISCUSSION REGARDING DUTIES AND RESPONSIBILITIES OF THE ASSISTANT CITY MANAGER. – SECTION 551.074, TEXAS GOVERNMENT CODE ANNOTATED. – PERSONNEL.
- DISCUSSION OF PROJECT HUMMINGBIRD – SECTION 551.087, TEXAS GOVERNMENT CODES ANNOTATED – ECONOMIC DEVELOPMENT.

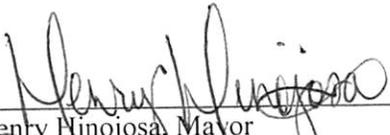
Mayor Pro-Tem Guajardo called the meeting back to order at 8:30 P.M.

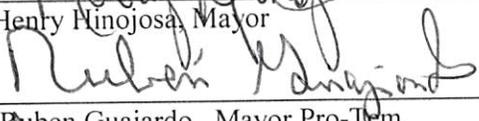
13.) DISCUSSION AND POSSIBLE ACTION REGARDING ITEM(S) DISCUSSED IN EXECUTIVE SESSION.

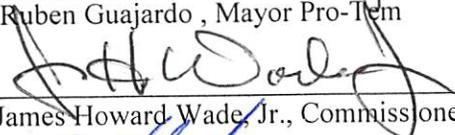
Mayor Pro-Tem Guajardo made a motion to review the contract on the Baseball Fields on May 15, 2018 at the next regular meeting. Commissioner Wade seconded the motion which passed unanimously.

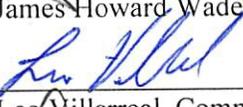
14.) ADJOURN.

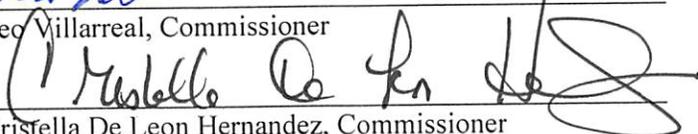
Commissioner Wade made a motion to adjourn. Commissioner Villarreal seconded the motion which passed unanimously. Meeting was adjourned at 8:31 P.M.


Henry Ninojosa, Mayor

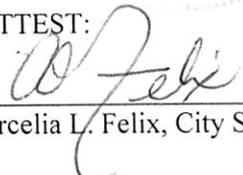

Ruben Guajardo, Mayor Pro-Tem


James Howard Wade, Jr., Commissioner


Leo Villarreal, Commissioner


Cristella De Leon Hernandez, Commissioner

ATTEST:


Arcelia L. Felix, City Secretary

