

**MERCEDES CITY COMMISSION  
REGULAR MEETING  
NOVEMBER 6, 2019 – 6:00 P.M.  
MERCEDES CITY HALL – COMMISSION CHAMBERS**

<b>MEMBERS PRESENT:</b>	Henry Hinojosa	Mayor
	Leandro Villarreal	Mayor Pro-Tem
	Leonel Benavidez	Commissioner
	Cristella De Leon Hernandez	Commissioner
	Jose M. Gomez	Commissioner
<b>STAFF PRESENT:</b>	Sergio Zavala	City Manager
	Anthony Troiani	City Attorney
	Joselynn Castillo	City Secretary
	Nereida Perez	Finance Director
	Jose Figueroa	Public Works Director
	Dagoberto Chavez	ACM/Police Chief
	Marisol Vidales	Library Director

Francisco Sanchez, Kristine Longoria, Albert Agueros, Oscar Gonzalez, Luz Oviedo, Juan Vega, Juan Vega Jr., Timothy Tipton, Ysidro Lopez, Daniel Sustaita, Abel Gonzalez, Dianna Garza, Rebeka Moreno, Juan Velez, Pablo Velez, Isidro Alvarado, Hortencia De La Fuente, and Robert Martinez.

**1.) CALL MEETING TO ORDER.**

Mayor Hinojosa welcomed everyone to the meeting and called the meeting to order at 6:00 P.M.

**2.) ESTABLISH QUORUM.**

All members of the Commission were present which constituted a full quorum and welcomed back Commissioner Cristella Hernandez.

**3.) INVOCATION.**

Reverend Nava was voice for those present by expressing an inspired invocation.

**4.) PLEDGE OF ALLEGIANCE.**

Commissioner Benavidez led in the Pledge of Allegiance.

**5.) OPEN FORUM-**

- Mr. Mike Vargas expressed his concerns regarding his violent neighbor and his disappointment in the City due to the incidents that have occurred since 2017.
- Mr. Jacob Howell's topic of discussion was on utilizing the recourses of the city. He explains his concerns if the city finding ways to improve and help the city grow.
- Commissioner Gomez spoke as a citizen of Mercedes and expresses his concerns about the hiring of administrators.

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

**A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING (S) HELD OCTOBER 15 & 17, 2019.**

Commissioner Benavidez stated a correction in the minutes on item 7 of the October 15 regarding asking for more information instead of more time.

After a brief discussion, Mayor Pro-Tem Villarreal made a motion to approve the items under consent agenda with corrections stated by Commissioner Benavidez. Commissioner Gomez seconded the motion. Upon a called vote, the motion passed unanimously.

**7.) CITY MANAGER COMMENTS.**

Mr. Zavala let the city meeting know about having a Veterans celebration on Sunday November 10<sup>th</sup> 2019, the Ribbon Cutting at Fed Ex facility that will include a tour of the facility. Mr. Zavala commented about a petition that was filed to the City Secretary office but was determined insufficient.

**8.) PRESENTATION AND UPDATE BY ARMANDO MARTINEZ ON FIRE/EMS SERVICES. (ARMANDO MARTINEZ)**

State Rep. Armando Martinez updated the Commission that the City has collected \$81,860.97 as of November 5, 2019. Mr. Martinez stated the City's biller found other government insurances can be utilized to collect the funds and is projected to bring in an average of \$15,000 to \$20,000. At a question, Mr. Martinez informed that the EMS was able to collect from Molina, Cigna & Health Springs and were allowed to back date and bill those that received services prior to the contract being signed. Mr. Martinez stated he can provide a monthly report to the Commission.

**9.) DISCUSSION AND ACTION TO ENTER INTO AN INTER LOCAL AGREEMENT FOR AMBULANCE SERVICES BETWEEN THE CITY OF MERCEDES AND THE HIDALGO COUNTY EMERGENCY SERVICES DISTRICT #2. (ARMANDO MARTINEZ)**

Mr. Martinez explained to the Commission that the initial 30 day agreement for the delta area was for \$14,166.67 per month. He stated the City did not need to cover all 30 days due to the delta area finding a provider in 8 days. Mr. Martinez stated that with the agreement being approved the City would get reimburse for the 8 days they provided the services in the amount of \$3,726.00 if not approved then the City would not get reimbursed and would help out through the mutual aid agreement. The total cost to the City in overtime was \$4,475.00, fuel was \$50/day, supplies was \$200.00, and the City ran 23 calls in 8 days which averaged 3 calls per day, the total cost was \$5,125.88. The City will receive revenues of \$11,500 for billing, \$3,726 in reimbursement for the services plus the \$4,166.67 for covering the fire district, which is a net gain of \$14,266.79.

Mr. Martinez stated the Interlocal Agreement is to provide EMS services up to Mile 14.

After a brief discussion, Mayor Pro-Tem Villarreal made a motion to approve item 9. Commissioner Hernandez seconded the motion. Upon a called vote, the item was approved unanimously.

**10.) DISCUSSION AND POSSIBLE ACTION ON ORDINANCE TO ESTABLISH THE FIRE DEPARTMENT EMS FUND WITH RELATED STRUCTURE ON WITHDRAWALS, EXPENDITURES, ETC. (ARMANDO MARTINEZ)**

Mr. Martinez informed the Commission that the fund will allow for the EMS to be self-sustaining. Mr. Martinez stated all capital expenses will be presented to the Commission. At a question, the money will be its own fund and will not be part of the general fund. Ms. Nereida Perez stated it would help to separate the fund in order to see what is being collected and spent. At a question, Ms. Perez stated the expenditures and collections can be added to the monthly reports.

After a brief discussion, Commissioner Hernandez made a motion to approve item 10. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the motion passed unanimously.

Mr. Edelmiro Dominguez expressed his gratitude to Mr. Martinez and the EMS staff for their professionalism, sensitivity to patients and expedience.

**11.) PRESENTATION AND UPDATE BY SIGLER, WINSTON & GREENWOOD ON THE WATER WELL REHABILITATION PROJECT.**

Isaac Huacaja updated the Commission on the water well rehabilitation project. Mr. Huacaja stated the process to remove the mineral buildup, which includes scrubbing the buildup, video inspections, a controlled sonic blast to remove the buildup and then cleaning the well out. The next process is finding the pump for the well and finally the electrical wiring. The Well can produce 2 Mil gallons of water per day which equates to 30% of the City's water. The City will save money on chemical treatment and sludge disposal.

At a question by Mr. David Garza, Mr. Huacaja stated the blasts are minor and after inspecting the well, and stated there is a warranty period. Mr. Huacaja stated the well is still not in service and the water is clean.

Mayor Hinojosa opened the Public Hearing at 6:54 P.M.

**12.) PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION ON PROPOSED REZONING OF LOTS 14 & 15, BLOCK 128, MERCEDES ORIGINAL TOWNSITE, FROM CLASS "B" TWO FAMILY RESIDENTIAL TO CLASS "C" APARTMENT.**

Mr. Zavala stated the lots are on the Northeast corner of 10<sup>th</sup> and Texas. The surrounding areas are Class B Two family residential and to the south is Business district. The P & Z reviewed a duplex design and the current zoning allows for the duplex and need common parking. The P & Z board voted against the rezone.

Ms. Ashely Gonzalez expressed the issue regarding with the parking lot and expressed the triplex as a new submittal.

Mr. Zavala recommends that the triplex submittal be reviewed by the P & Z board to assess the information.

At a call, no further comments were made.

Mayor Hinojosa closed the Public Hearing at 7:00 P.M.

Commissioner Benavidez made a motion to send the item back to P & Z for review. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the item was approved unanimously.

**13.) DISCUSSION AND POSSIBLE ACTION TO SELECT FIRM TO PROVIDE WORKERS COMP SERVICES.**

Mr. Zavala stated the City received a proposal from TML-IRP and Montalvo Insurance. Mayor Hinojosa stated the firms have 5 minutes for a presentation.

TML-IRP was not present.

Montalvo Insurance – Mr. Montalvo was present and stated they have provided worker’s comp for the City for 3 years, offers loss control, and the City received a check for \$12,000, they can do walk-throughs.

After brief discussion, Mayor Pro-Tem Villarreal made a motion to award Montalvo insurance for Workers Compensation. Commissioner Benavidez seconded the motion. Upon a called vote, the item passed unanimously.

**14.) DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSALS RECEIVED FOR CITY’S HEALTH INSURANCE.**

Mr. Zavala stated the City received a proposal from TML Health Benefits and from Humana. Mayor Hinojosa stated the firms have 5 minute presentation.

- TML HB was not present.

- Humana – Mr. Greg Chandler was present and informed the Commission of the network, benefits, providers, hospitals, doctor on demand, Insurance education programs, and Go360.

After discussion, regarding the deductible, medications, co-pays, and the benefits, Commissioner Hernandez made a motion to select Humana. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the motion passed unanimously.

**15.) DISCUSSION AND POSSIBLE ACTION TO APPROVE CONTRACT FOR ARCHITECTURAL SERVICES FROM GOERO INTERNATIONAL, LLC FOR RENOVATING THE PUBLIC WORKS BUILDING AT 2314 N. FM 491, MERCEDES, TEXAS INTO A PUBLIC SAFETY (PD) DEPARTMENT FACILITY.**

Mr. Zavala stated the Commission approved GOERO for the work on the public safety building. The contract was reviewed by Legal and recommends approval. At a question, Mr. Brian Godinez stated the project would be in phases therefore, the contract says to be determined for phase two due to phase one not being executed yet. City Attorney Troiani stated the contract is legal if the project will be in phases. The Commission will decide if they would like to continue with phase two after phase one is completed.

After discussion, Mayor Pro-Tem Villarreal to approve item 15. Commissioner Benavidez seconded the motion. Upon a called vote, the motion was unanimously approved.

**16.) DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE STAFF TO SEEK REQUESTS FOR PROPOSALS FOR ENGINEERING SERVICES FOR A FEDERAL ROAD WIDENING PROJECT, 1 MILE EAST ROAD PURSUANT TO THE CITY’S ADVANCED FUNDING AGREEMENT WITH TXDOT.**

Mr. Mike Mesa provided the Commission with a history of the project. The project purpose is to expand Mile 1 E from and 2 lane to a 4 lane from Business 83 to mile 8. The City has 10 years to finish the project which started in 2011 and will end in July of 2021. Phase one was budgeted for \$1.7 mil with the City’s share being \$889,908. The money the City is responsible for is the Right-of-Way. The City has \$376,000 left to complete the project. Mr. Mesa stated he is now seeking approval to go out for RFP’s. Mr. Mesa recommends approaching the MPO for ROW monies.

After discussion, Mayor Pro-Tem Villarreal to approve item 16. Commissioner Hernandez seconded the motion. Upon a called vote, the item passed unanimously.

**17.) DISCUSSION AND POSSIBLE ACTION TO APPROVE WORK AUTHORIZATION FOR SIGLER, WINSTON & GREENWOOD TO SEEK FUNDING FROM THE TEXAS WATER DEVELOPMENT BOARD FOR SANITARY SEWER IMPROVEMENTS FOR THE CAPISALLO TERRACE AREA.**

Mr. Zavala stated the City would like to engage Sigler, Winston & Greenwood to secure funding from TWDB for Sanitary Sewer Improvements. At a question, Mr. Zavala stated the funding would be a low interest loan from the TWDB. Commissioner Gomez stated the loan is in the amount of \$2.2 Mil Dollars. Mr. Zavala stated the CO funds could be used for other projects.

After discussion, Mayor Pro-Tem Villarreal made a motion to approve item 17. Commissioner Benavidez seconded the motion. Upon a called vote, the item passed unanimously.

**18.) DISCUSSION AND POSSIBLE ACTION ON CONTRACT BETWEEN THE CITY OF MERCEDES AND**

**SIGLER, WINSTON & GREENWOOD REGARDING THE SANITARY SEWER IMPROVEMENTS FOR THE CAPISALLO TERRACE AREA.**

Mr. Zavala informed the Commission the SWG was awarded for the Sewer Improvements in the Capisallo Terrace Area. All the comments by legal were complied with except for a one section regarding Section E of the Contract. SWG responded that Paragraph E is subject to the completion of the project. Isaac Huacuja stated their here to help the City and are willing to comply.

After a brief discussion, Mayor Pro-Tem Villarreal made a motion to approve item 18 with the approval and review of the City Attorney. Commissioner Benavidez seconded the motion. Upon a called vote, the item passed unanimously.

**19.) DISCUSSION AND ACTION TO APPROVE THE PURCHASE OF INVENTORY ITEMS FOR THE UTILITIES DIVISION OF PUBLIC WORKS.**

Mr. Figueroa stated the parks inventory is running low and supplies are needed to connect water and sewer services. The list of supplies was provided to the Commission. The amount is for \$25,548.11 from Ferguson Waterworks which is on Buyboard. At a question, Mr. Figueroa stated the pricing is the reason they are recommending Ferguson and the supplies would cover 3 to 4 months.

After a brief discussion, Mayor Pro-Tem Villarreal made a motion to approve item 19. Commissioner Benavidez seconded the motion. Upon a called vote, the item passed unanimously.

**20.) DISCUSSION AND ACTION TO AUTHORIZE STAFF TO SOLICIT SEALED BIDS FOR IMPROVEMENTS ON THE AERATION DITCH AT THE WASTEWATER TREATMENT PLANT.**

Mr. Figueroa stated Public works is seeking authorization to solicit sealed bids on the Aeration Ditch improvements. At a question, Mr. Figueroa stated it would be \$60K to \$70K to replace the rotors. Mr. Figueroa stated aeration is not cost effective to install but would be cost effective on maintenance. Commissioner Gomez requested that Mr. Figueroa provide more information on the items being sought and prices.

Commissioner Gomez made a motion to table item 20. Upon a call for a second, no second was made, therefore, the motion died.

After discussion, Commissioner Benavidez made a motion to approve item 20 and for Mr. Figueroa to provide the information Commissioner Gomez requested. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the item was unanimously approved.

**21.) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION TO ADOPT THE CITY OF MERCEDES' 2019 10-YEAR PARK AND OPEN SPACE MASTER PLAN.**

Mr. Mike Mesa addressed the 10 Year action plan and are estimating to go out for a \$100,000 in grant money due to a 50/50 match. Mr. Mesa stated the park plan will focus on the smaller parks and neighborhoods.

After a brief discussion, Mayor Pro-Tem Villarreal made a motion to approve item 21. Commissioner Benavidez stated that he agreed on starting with the small parks. Commissioner Benavidez seconded the motion. Upon a called vote, the item passed unanimously.

**22.) DISCUSSION AND REQUEST FOR DIRECTION ON PROPOSED CITIZEN COMPLAINT POLICY, CREATING A CITIZEN'S COMPLAINT OVERSIGHT COMMITTEE.**

Mr. Zavala stated that a process should be in place for the Citizens' complaints and concerns. A draft of the policy was provided to the Commission. Commissioner Hernandez recommends each Commission member appoint someone to the Committee. Ms. Rosa Dominguez stated the draft policy will allow for a formal process to help the departments on resolving and responding to complaints. Ms. Dominguez stated the complaints for police departments would stand alone due to their code of conduct. Commissioner Benavidez stated the timeliness of the complaints should be implemented. Mayor Pro-Tem Villarreal recommended a customer service rep. be part of the Committee.

Commissioner Hernandez requested a monthly report of the complaints. Ms. Dominguez stated she has a process on reporting the complaints to the Commission.

**23.) DISCUSSION AND POSSIBLE ACTION ON PROPOSED BUDGET AMENDMENT ORDINANCE ON WAGES TO THE CITY'S LABOR AND CLERICAL WORK FORCE.**

Mr. Zavala stated that the budget amendment would be to increase wages to the City's laborers and Clerical work. The adjustment would be a 3% increase, there are surplus monies in the budget that will allow the increase. Commissioner Gomez commented about the placing of items on the agenda due to the policy requiring two Commissioners to place an item on the agenda.

After a brief discussion, Commissioner Hernandez made a motion to approve item 23. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the item was unanimously approved.

Mayor Hinojosa called the meeting into Executive Session at 8:25 P.M.

**24.) EXECUTIVE SESSION:**

**-DISCUSSION REGARDING PROJECT J. SAN MIGUEL – SECTION 551.087, TEXAS GOVERNMENT CODES ANNOTATED – ECONOMIC DEVELOPMENT.**

**- ECONOMIC DEVELOPMENT: PRESENTATION BY HOLLIS RUTLEDGE & ASSOCIATES REGARDING THE PROPOSED RESTORATION OF THE HISTORIC CITY HALL/FIRE HOUSE – SECTION 551.087, TEXAS GOVERNMENT CODES ANNOTATED – ECONOMIC DEVELOPMENT.**

Mayor Hinojosa called the meeting back to order at 9:11 P.M.

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

Mayor Hinojosa made a motion to table Project San Miguel. Commissioner Hernandez seconded the motion. Upon a called vote, the motion passed unanimously.

Regarding the Proposed Restoration of the Historic City Hall/Fire house, Mayor Hinojosa made a motion for legal counsel to review the contract and application to see whether or not the commission can continue with the USDA.

Commissioner Gomez seconded the motion. Upon a called vote, the item was unanimously approved.

**26.) ADJOURN.**

Mayor Hinojosa made a motion to adjourn. Commissioner Benavidez seconded the motion. The meeting was adjourned at 9:12 P.M.

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Henry Hinojosa, Mayor

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Leo Villarreal, Mayor Pro-Tem

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Cristella De Leon Hernandez, Commissioner

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Leonel Benavidez, Commissioner

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Jose M. Gomez, Commissioner

ATTEST:

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Joselynn Castillo, City Secretary