

**MERCEDES CITY COMMISSION  
REGULAR MEETING  
MARCH 17, 2020 – 6:00 P.M.  
MERCEDES CITY HALL – COMMISSION CHAMBERS**

<b>MEMBERS PRESENT:</b>	Henry Hinojosa	Mayor
	Leandro Villarreal	Mayor Pro-Tem
	Cristella De Leon Hernandez	Commissioner
	Leonel Benavidez	Commissioner
	Jose M. Gomez	Commissioner

**MEMBERS ABSENT:** NONE

<b>STAFF PRESENT:</b>	Sergio Zavala	City Manager
	Anthony Troiani	City Attorney
	Joselynn Castillo	City Secretary
	Nereida Perez	Finance Director
	Dagoberto Chavez	ACM/Police Chief
	Orlando Diaz	Lieutenant
	Marisol Vidales	Library Aide
	Hugo Perales	I.T Director
	Jose Figueroa	Public Works Director
	Javier Campos	Interim Fire Chief
	Kristine Longoria	City Secretary Clerk

Other Staff Present: Francisco Sanchez, Danny Longoria, Gerardo Ramirez, Jessica Cavazos, Antonio Montelongo, and Arnoldo Galvan,

**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.

**3.) INVOCATION.**

Reverend Juan De Los Santos was voice for those present by expressing an inspired invocation.

**4.) PLEDGE OF ALLEGIANCE.**

Commissioner Gomez led in the Pledge of Allegiance.

**5.) PRESENTATION OF PROCLAMATION FOR MR. JESUS TREVINO.**

Mr. Armando Martinez recognized Mr. Jesus Trevino for his 48 years of service as a Basketball official and presented him with a resolution and a Texas Flag that was flown over the Texas Capitol.

Mayor Hinojosa presented Mr. Trevino with a proclamation from the City and Commission and named March 17, 2020 as Jesus Trevino Day.

Mayor Hinojosa informed the public about several meetings regarding the Coronavirus. Mayor Hinojosa signed a Declaration of Local Disaster due to Public Health Emergency. There will be a special meeting on March 20, 2020 to extend the declaration.

**6.) OPEN FORUM-**

- Mr. Miguel Loya expressed his concern regarding floods and clean ditches. Mr. Loya named several ditches that have debris and would like the ditches cleaned and the compartment doors to remain open to prevent flooding.
- Mr. Ramon Mejia's topic was regarding trash and debris in Mercedes. Mr. Mejia stated the Citizen Collection Station is available for dumping the trash. Mr. Mejia informed the Commission of Juan Antonio Flores, who goes around picking up the trash to leave at the Collection station.
- Ms. Esmeralda Cano Guerrero commended the Commission for approving the EMS services. Ms. Guerrero expressed her gratitude with the service and stated she feels safe and comfortable.

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

**A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING (S) HELD MARCH 3, 2020.**

Mayor Pro-Tem Villarreal made a motion to approve item 7A. Commissioner Benavidez commented that the item regarding the Administrator of Records contract with Armando Martinez, was to be corrected to remove the creation of an Ambulance service. Mr. Troiani stated the language can be removed but it will not affect the terms due to the contract being approved at the previous meeting. Mayor Hinojosa stated to remove the sentence regarding the creation of ambulance service. Commissioner Hernandez seconded the motion. Upon a called vote the item was passed unanimously.

**8.) CITY MANAGER COMMENTS.**

Mr. Zavala commented about the following items:

Hurricane Preparedness

Mr. Mejia's topic on open forum about Mr. Flores

The census 2020 and the importance of the count.

COVID-19 meeting with county officials

Continuity plans from the Department Heads for Health measures.

At a question, Mr. Zavala stated there are to be no mass gatherings of 50 or more. Court is suspended until April 29, the Easter Event is canceled, met with DCM for Little Nashville and the Banquet is now closed. Mr. Zavala informed everyone that water will not be shut down for those that cannot pay due to the need of washing hands to prevent the spread of the virus.

Police Chief Chavez stated an emergency post will be placed at City hall for citizens to dispatch PD to that location.

The emergency post will have a camera as well.

Commissioner Benavidez stated he would like a meeting about what the City is gathering and would like to be involved to help the residents and families.

**9.) PRESENTATION AND UPDATES BY LEMC ON VARIOUS MERCEDES PROJECTS.**

Mr. Juan Morales presented to the Commission updates on the various projects by LEMC which include the following:

Discharge Permit Renewal

Detention Ponds

Bond Improvement Project which include the design of the industrial drainage plan.

Projects under constructions including Lift station rehab project, Lyons Street sanitary sewer.

At a question, Mr. Figueroa stated they began cleaning the ditches Mr. Loya spoke about and explained the process and restrictions. Commissioner Benavidez commented about the ditch behind collier park, at which, Mr. Figueroa stated that is top priority. Commissioner Gomez asked about the work being done on Lyons Street. Mr. Zavala stated someone had requested water hydrants and the lines are being extended.

**10.) PRESENTATION AND UPDATE REPORT BY ARCHITECT SAM GARCIA ON THE MERCEDES SPORTS COMPLEX PROJECT.**

Mr. Sam Garcia was not present.

**11.) DISCUSSION AND ACTION TO APPROVE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF MERCEDES AND THE RESEARCH, APPLIED TECHNOLOGY, EDUCATION, AND SERVICE (RATES) D.B.A RATES/RGV TO COMPLY WITH TCEQ'S PHASE II STORMWATER RULES. (#2020/03/17A)**

Mr. Figueroa addressed the Commission regarding the memorandum agreement between the City of Mercedes and RATES. The agreement will continue to benefit the City to comply with the rules from TCEQ. Mr. Figueroa stated the cost is \$15,876 per year for a 5-year contract and the City will hold a permit with TCEQ for that length of time.

Mr. Figueroa proposed to include a term on the agreement that will provide a yearly update by RATES.

Mayor Pro-Tem Villarreal made a motion to approve Item 11. At a question by Commissioner Benavidez, Mr.

Figueroa stated the City would need to comply with the services on their own if the Commission decide to remove the contract. Mr. Figueroa stated the service has been good and they provide education to schools. Commissioner Hernandez seconded the motion. Upon a called vote, the item passed unanimously.

**12.) DISCUSSION AND POSSIBLE ACTION TO APPROVE PAYMENT OF GEO TECH (LAB TESTING) SERVICES FEES FOR LEMC VARIOUS PROJECTS.**

Mr. Zavala addressed the Commission regarding Geo Tech Services for the streets. Geo Tech info is vital in order to make sure the streets are complied with and will inform of what is needed to maximize the street and keep it from breaking. LEMC has overseen the Geo Tech data to make sure the City receives the best construction project for the service provided. Mr. Zavala stated the service would have warranty and recommends approval. At a question, Mr. Zavala stated he was not sure as to why the service took long.

After discussion, Mayor Pro-Tem Villarreal made a motion to approve item 12. Commissioner Hernandez seconded the motion. Upon a called vote, the item passed unanimously.

**13.) DISCUSSION AND POSSIBLE ACTION TO APPOINT OR REAPPOINT 2 SEATS TO THE PLANNING AND ZONING COMMISSION; AND 2 ALTERNATES TO THE ZONING BOARD OF ADJUSTMENTS.**

Commissioner Gomez made a motion to table. Commissioner Hernandez seconded. Upon a called vote the item passed unanimously.

**14.) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION THAT AUTHORIZES SUBMISSION OF GRANT APPLICATION TO THE GOVERNOR'S OFFICE OF HOMELAND SECURITY GRANTS DIVISION FOR THE BORDER ZONE FIRE DEPARTMENT PROGRAM.**

Mr. Campos stated there would need to be an amendment to the resolution from submission to acceptance. Mr. Campos stated the Legislature awarded a grant for border cities to respond to the rural areas. On October 2019, the Fire Department submitted a grant for an all-terrain vehicle. In February 2020 the City of Mercedes was awarded a grant at 100% in the amount of \$71,538. Only 11 entities were awarded the 100%. The vehicle will allow to transport equipment, supplies and people to the ambulance.

After discussion, Mayor Pro-Tem Villarreal made a motion approve item 14 with corrections sited. Commissioner Hernandez seconded the motion. Upon a called vote, the motion passed unanimously.

**15.) DISCUSSION AND POSSIBLE ACTION ON ORDINANCE FOR RIGHT OF WAY EXCAVATIONS, ESTABLISHING A PERMIT PROCESS AND FEE; AUTHORIZING A STREET DAMAGE FEE TO SECURE THE INTEGRITY OF EXCAVATED CITY STREETS, SIDEWALKS, AND ALLEYS; AND ADOPTING RELATED MEASURES TO MAINTAIN THE CITY'S ROWS.**

Mr. Figueroa stated that currently there is no ordinance regulating utility cuts by a third party. The lack of regulations has become problematic to the City. The City has made an investment through the certificates of obligation for the overlay projects and reconstructions. The Public Works department proposed the ordinance to establish a proper process to be followed when excavating. Mr. Figueroa proposed to create a fund for the maintenance of the streets, sidewalks and alleys. Some of the conditions of the ordinance are as follows: Prohibit the excavation of City ROW's without a permit, establishes a street damage fee and sets forth requirements for maintenance and warranty for work done. At a question, Mr. Figueroa stated the ordinance will follow the standard development manual.

After a brief discussion, Commissioner Benavidez made a motion to approve item 15. Commissioner Gomez seconded the motion. Upon a called vote, the item was approved unanimously.

**16.) DISCUSSION AND POSSIBLE ACTION TO APPROVE BUDGET AMENDMENTS PROPOSED BY PUBLIC WORKS.**

Mr. Figueroa addressed the Commission regarding budget amendments for the parks and grounds division.

Equipment needed are weed eaters, lawn mowers, tree trimmers and saws in order for the parks division to maintain the parks in good condition. The budget amendment is in the amount of \$11,000 from the full time employees to parks and maintenance.

Commissioner Hernandez made a motion to approve item 16. Commissioner Benavidez seconded the motion. Upon a called vote, the item passed unanimously.

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

Mr. Figueroa informed the Commission of the items needed for the utilities division. The items needed are for waterline extension and sewer collapse. The quote is for \$59,807 from Ferguson Waterworks who is on buyboard. A quote from Aguaworks was attached for the Commission's review, however, Ferguson was the lowest quote.

Commissioner Hernandez made a motion to approve item 17. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the item was passed unanimously. Commissioner Benavidez asked that the City look into how many other areas are lacking utility services.

**18.) DISCUSSION AND POSSIBLE ACTION TO APPROVE ALCOHOL BEVERAGES AT LITTLE NASHVILLE EVENTS AT HEB PARK GROUNDS**

Mr. Zavala informed the Commission about the meetings with the Mayor and Chamber regarding moving Little Nashville to the HEB Park and approve having alcoholic beverages at the Park. Mayor Pro-Tem Villarreal made a motion to approve item 18. Commissioner Hernandez seconded the motion. Upon a called vote, the item passed unanimously.

**19.) DISCUSSION AND POSSIBLE ACTION ON PROPOSED ORDINANCE TO REPEAL ORDINANCE NO. 2017-07 REGARDING UTILITY SERVICE STEWARDSHIP.**

Mr. Zavala addressed the Commission about the ordinance passed in 2017 to have the City incur all cost to the utility service connections from the main water line and sewer trunk line for single residential homes. The service has caused a strain and has depleted the utility fund. The proposed ordinance will require the resident to have the plumber they hire to connect the service to the main line. Mr. Zavala stated there may be circumstances that he will need to review, for example if an elderly couple needs help, then the City Manager may make the decision. Commissioner Benavidez made a motion to approve item 19. Mayor Pro-Tem Villarreal commented that the City Inspector and Utility Supervisor will need to review the site before the lines are covered. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the item passed unanimously.

**20.) DISCUSSION AND POSSIBLE ACTION ON CONTRACT OT RENEW TROIANI & SOSSI PLLC LEGAL SERVICES FOR MERCEDES' CITY COMMISSION. (#2020/03/17B)**

Commissioner Gomez made a motion to advertise for Legal Services. Commissioner Benavidez seconded the motion. Mr. Zavala informed the Commission that the contract expired March 26, 2020. Upon a called vote, the motion failed 2 to 3 vote.

Mayor Pro-Tem Villarreal made a motion to approve item 20. Commissioner Hernandez seconded the motion. Commissioner Benavidez stated he had email documentation on open records that are not being followed, request for advise that has not been answered, text messages without responses and item that are being requested to be placed on the agenda and are not. Mayor Hinojosa stated there have been an overwhelming amount of open records coming in and the attorney's handle legal matters. Commissioner Gomez stated he was not part of some of the decisions regarding the legal matters. Upon a called vote, the item was approved with Commissioner Benavidez and Commissioner Gomez voted nay. Mr. Troiani stated that open records are handled by the City Secretary's office. Mr. Troiani addressed the comment by Commissioner Benavidez regarding placing items on the agenda. Mr. Troiani stated the Commission have been counseled repeatedly on placing sensitive items on the agenda.

**21.) DISCUSSION AND POSSIBLE ACTION REGARDING INTO CONTRACT WITH COUNTY OF HIDALGO ELECTIONS DEPARTMENT FOR THE 2020 CITY OFFICER'S ELECTION (#2020/03/17C)**

Mr. Zavala informed the Commission of the contract with the County of Hidalgo Elections Department. The Contract is in the amount of \$23,081.93 for the May 2020 Election. Ms. Castillo added that the Elections Department stated that STC would like to use the City's Facilities and in doing so will share the cost between the two entities. Commissioner Hernandez made a motion to table item 21. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the item was passed unanimously.

**22.) DISCUSSION AND POSSIBLE ACTION TO SET WORKSHOP DATE/TIME TO REVIEW CURRENT FY BUDGET'S MID-YEAR STATUS; AND TO DISCUSS DIRECTION ON VARIOUS HEAVY EQUIPMENT NEEDS AND OTHER PROGRAMS.**

Mr. Zavala addressed the Commission regarding setting a date for a mid-year budget workshop and discuss the needs of the City including heavy equipment for the sanitary sewer project and the remodeling of the Public Works building, among others. Mr. Zavala proposed having the workshop on April 14<sup>th</sup> or the first week of April. Commissioner Benavidez made a motion to approve item 22. Commissioner Gomez seconded the motion. Upon a called vote, the item was passed unanimously.

**23.) DISCUSSION AND POSSIBLE ACTION TO MAINTAIN THE CONFIDENTIALITY AND INTEGRITY OF ACTIVE LAW ENFORCEMENT INVESTIGATIONS AND THE PRIVACY INTEREST OF CITIZENS WHO ARE THE FOCUS OF SUCH INVESTIGATIONS.**

Mr. Troiani informed the Commission regarding open records request for active investigations. Mr. Troiani stated the City is to protect the law enforcement officers, and if needing information on cases for a project, the requests can be made with the County Court system for cases that have already had a ruling. Mr. Chavez voiced his concern on the threats to officers if members of the Commission are requesting the information. At a question, Mr. Chavez stated the information being requested pertains to certain officers and certain offenses. Commissioner Benavidez stated he has requested information but he is not requesting information that are active investigations. Commissioner Gomez stated that open records allow individuals to get records; however, Commissioner Gomez stated that it seems the

Commission is requesting information that is not releasable, then the matter should be discussed in executive session. Commissioner Gomez made a motion to not approve item 23. Commissioner Benavidez stated that the information requests have not been sent to the Attorney General of an opinion. Commissioner Benavidez seconded the motion. Upon a called vote, the item failed with a vote of 2 to 3.

Mayor Pro-Tem Villarreal made a motion to approve item 23. Commissioner Hernandez seconded the motion. Upon a called vote, the item passed with Commissioner Gomez and Commissioner Benavidez voting nay. Commissioner Benavidez requested that more of the request be sent for an AG's Opinion.

**24.) TABLED: DISCUSSION AND POSSIBLE ACTION ON REQUEST BY GM ENGINEERING & SURVEYING FOR A PLAT APPROVAL EXTENSION FOR HACIENDA OLIVIA SUBDIVISION**

Mayor Pro-Tem Villarreal made a motion to un-table item 24. Commissioner Hernandez seconded the motion. Upon a called vote the item passed unanimously.

At a question by Commissioner Benavidez, Mr. Zavala stated the lab testing is included in the Commission packet and emphasized the importance of lab testing the street to make sure its properly made. Hacienda Olivia subdivision was approved in 2018 and an amendment was made to allow an extension on the plat with Commission approval. Mr. Zavala stated the request from GM Engineering was included in the packet. Mr. Zavala's recommendation for approval with it being retroactive to December 2018. The approval will allow for a longer warranty period and the developer was receptive to it. At a question, Mr. Zavala stated the lab testing has been done but has not been recorded yet.

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

**25.) DEPARTMENT MONTHLY REPORTS**

Department monthly reports are included in the packet for Commission review. Mr. Zavala complimented the Public Works department.

Mayor Hinojosa called the meeting into Executive Session at 7:52 PM

**26.) EXECUTIVE SESSION:**

- 1.) CITY MANAGER CONTRACT
- 2.) TIGER CROSSING RESIDENTS REQUEST FOR 2<sup>ND</sup> EXIT POINT BY CITY PURCHASING RESIDENTIAL LOT ALONG NORTHERN PERIMETER
- 3.) ATTORNEY CLIENT CONSULTATION PURSUANT TO §551.129 REGARDING PRIVILEGED COMMUNICATIONS IN EXECUTIVE SESSION SUBJECT TO TEXAS GOVERNMENT CODE 551.074 – THE IMPORTANCE OF COMPLIANCE WITH TEX. GOV'T CODE §551.146; TEX. PENAL CODE §12.22

Mayor Hinojosa called the meeting back to order at 8:55 P.M.

**27.) GENERAL SESSION (RECONVENE): ACTION ON ITEMS 1, 2 AND 3 PRESENTED FOR DISCUSSION IN EXECUTIVE SESSION.**

Mayor Hinojosa made a motion to approve the City Manager's Contract. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the item was passed with Commissioner Gomez and Commissioner Benavidez voting nay.

No motion was made on Item 2 of executive session, therefore, the motion failed.

No action was taken on item 3 of executive session.

**28.) ADJOURN.**

Commissioner Benavidez made a motion to adjourn. Mayor Hinojosa seconded the motion. The meeting was adjourned at 8:58 PM.