

**MERCEDES CITY COMMISSION
REGULAR MEETING
OCTOBER 2, 2018 – 6:00 P.M.
MERCEDES CITY HALL – COMMISSION CHAMBERS**

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

MEMBERS ABSENT: NONE

Staff: Nereida Perez, Tommy Ureste, Salvador Hernandez, Ravyn Hinojosa, and Joselynn Castillo.

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 said the invocation.

4.) PLEDGE OF ALLEGIANCE.

Commissioner Howard Wade led in the Pledge of Allegiance.

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

B.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING (S) HELD SEPTEMBER 18, AND SEPTEMBER 19, AND SEPTEMBER 27, 2018. B.) SECOND AND FINANL READING OF ORDINANCE 2018-36 TO AMEND PEDDLERS CODE TO INCLUDE THAT THE APPLICANT PROVIDE A CRIMINAL BACKGROUND HISTORY AS A PART OF THE APPLICATION PROCESS; AND TO UPDATE THE PEDDLERS' FEE. C.) SECOND AND FINAL READING OF ORDINANCE NO. 2018-37 TO AMEND CURFEW ORDINANCES 83-37 AND 93-09 TO INCLUDE PREVAILING PROVISIONS OF THE LOCAL GOVERNMENT CODE TO REQUIRE INTERMITTENT REVIEW OF JUVENILE CURFEW ORDINANCES. D.) APPROVAL OF ENGAGEMENT LETTER WITH BURTON, MCCUMBER & LONGORIA, LLP FOR FY 2017-2018 AUDIT. E.) APPROVAL OF EXTENSION OF CONTRACT WITH JUAN R. MOLINA FOR CITY ATTORNEY SERVICES.

Commissioner Hernandez made a motion to approve items A-D and to table item E. Commissioner Villarreal seconded the motion with passed unanimously.

6.) CONSIDERATION AND APPROVAL OF A RESOLUTION (#2018-11) BY THE CITY COMMISSION OF THE CITY OF MERCEDES, TEXAS AUTHORIZING AND APPROVING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15C2-12; AND PROVIDING AND EFFECTIVE DATE.

Mr. Zavala addressed the Commission regarding Certificates of Obligation. Mr. Zavala stated the NOI is not to exceed the amount of \$10 Mil and the Certificates of Obligation is to be used for constructing street improvements, purchase and improve the City's utility system, constructing storm and drainage improvements, purchase of public safety vehicles and public works vehicles. Mr. Zavala added to include the purchase of ambulance and EMS equipment, the resolution also includes the purchase of materials, equipment, machinery for capital improvements, and the payment of professional services for design, construction, project management, and financing for the projects. At a question, Mr. Zavala stated why the ambulance and EMS equipment was not already included but with the motion can be added. Mayor Pro-Tem Guajardo made a motion to proceed without exceeding \$10 Mil and to include the ambulance and EMS equipment. Commissioner Wade seconded the motion which passed unanimously. Mayor Pro-Tem Guajardo asked about the resolution for reimbursement to the City at which they will discuss at a future meeting.

7.) DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSALS RECEIVED FOR CITY'S WORKER'S COMP INSURANCE.

Mr. Zavala addressed the Commission about the City receiving two proposals for Workers Comp. The bids came from TML-IRP for \$85,259.02 with quarterly payments of \$21,749.75 and Montalvo Insurance Agency with Texas Mutual Insurance Company for \$46,202 for in network and \$52,425 out of network. This amount does not include the additional fire fighters to be hired – that payroll amount will be adjusted at a later date. Commissioner Wade made a motion to go with Montalvo Insurance Agency out of network for \$52,425. Mayor Pro-Tem Guajardo seconded the motion which passed unanimously. The additional payroll for the new firefighters/EMS will be adjusted at a later date.

8.) DISCUSSION AND POSSIBLE ACTION ON FINAL CHANGE ORDER(S) FOR CONTRACTOR JIMMY CLOSNER & SONS CONSTRUCTION COMPANY ON THE CITY OF MERCEDES' LIGHT INDUSTRIAL PARK IMPROVEMENTS.

Mr. Zavala addressed the Commission regarding the final change order for Jimmy Closner & Sons for the Mercedes Industrial Park Improvements. Mr. Zavala stated there has been no response from AT&T for

removing or relocating some poles. The project included the necessary removal of the line of trees in the ROW of Mile 1 West but was not shown on the contract. Any findings have been rectified by the Contractor. Commissioner Wade made a motion to approve item 8. Mayor Pro-Tem Guajardo seconded the motion which passed unanimously.

9.) DISCUSSION AND POSSIBLE ACTION TO REVOKE THE AWARDED BID FOR REMEDIATION OF POLICE DEPARTMENT BUILDING; AND TO AUTHORIZE TO SOLICIT FOR SEALED BIDS OF NEEDED REMEDIATION SERVICE.

Mr. Zavala addressed the Commission about revoking the awarded bid for remediation of the police department. Mr. Zavala stated the firm cannot do the assessment and be awarded the bid for the same project and to seek bids for the process. Mayor Pro-Tem Guajardo asked legal a question regarding the health and safety of employees. City Attorney Juan Molina stated there needs to be a reason to go to the next highest bidder. There was some discussion regarding having to publish, waiting period, health concerns, and an emergency meeting. Commissioner Wade made a motion to revoke the awarded bid for remediation of police department and to have an emergency meeting. Commissioner Villarreal seconded the motion which passed unanimously.

10.) DISCUSSION AND POSSIBLE ACTION TO ADOPT AN ORDINANCE ESTABLISHING AN AMBULANCE SERVICE IN AND ON BEHALF OF THE CITY OF MERCEDES.

Mr. Zavala addressed the Commission about an ordinance to establish an ambulance service in the City of Mercedes. The ordinance provides for an Ambulance Advisory Board of 7 members to oversee the performance and complaints of service calls. The service will consist of 2 fully equipped ambulances, personnel to be house at the Fire Department, and overseen by EMC/Fire Chief Tommy Ureste. Mayor Pro-Tem Guajardo made a motion to adopt ordinance establishing an ambulance service in and on behalf of the City of Mercedes. Commissioner Wade seconded the motion which passed unanimously.

11.) APPROVAL OF RESOLUTION #2018-12A ATTESTING THAT THERE ARE NOT INTERMENTS OF RECORD AT THE MERCEDES LIGHT INDUSTRIAL PARK SUBDIVISION PHASE ONE.

City Attorney Juan Molina addressed the Commission regarding two lots by the cemetery. Mr. Molina stated this would save the city \$300,000 and will allow a \$10 mil deal with Mr. Burman who is the developer. The Sierra title company had a concern regarding interment. Mr. Molina stated he met with Pete Murphy, Title Examiner for Sierra title, to take care of the whole subdivision with a moreover clause which in terms stated no interments exist. Mayor Pro-Tem Guajardo made a motion to approve the resolution 2018-12A. Commissioner Villarreal seconded the motion which passed unanimously.

Mayor Hinojosa called the meeting into executive session at 6:23 P.M. No action will be taken during this time.

12.) EXECUTIVE SESSION:

- DISCUSSION REGARDING DUTIES AND RESPONSIBILITIES OF THE ASSISTANT CITY MANAGER. – SECTION 551.074, TEXAS GOVERNMENT CODE ANNOTATED. – PERSONNEL.
- DISCUSSION REGARDING MED-CARE AMBULANCE SERVICE – SECTION 551.071 TEXAS GOVERNMENT CODES ANNOTATED. – POTENTIAL LITIGATION.
- DISCUSSION REGARDING DEVELOPMENT CORPORATION OF MERCEDES, INC. MARKETING PLAN – ECONOMIC DEVELOPMENT – SECTION 551.087, TEXAS GOVERNMENT CODES ANNOTATED – ECONOMIC DEVELOPMENT.

Mayor Hinojosa called the meeting back to order at 7:32 P.M.

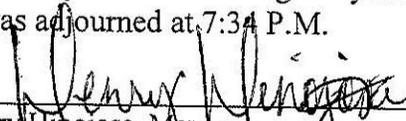
13.) DISCUSSION AND POSSIBLE ACTION REGARDING ITEM(S) DISCUSSION IN EXECUTIVE SESSION.

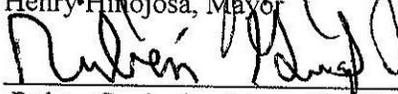
Mayor Hinojosa made a motion to continue with Med-Care but that the identified ambulance employee is not to be assigned to Mercedes as agreed by Ms. Amanda Powell and Virginia Ledesma. Mayor Pro-Tem Guajardo seconded the motion which passed unanimously.

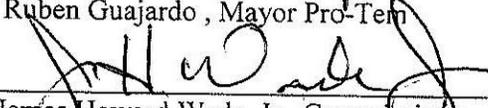
Mayor Hinojosa made a motion to proceed with marketing plan as discussed in executive session. Mayor Pro-Tem Guajardo seconded the motion which passed unanimously.

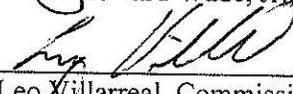
19.) ADJOURN.

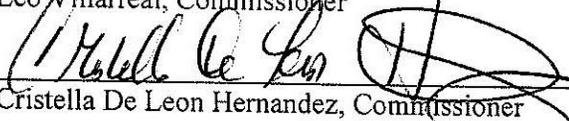
Mayor Hinojosa made a motion to adjourn the meeting. Mayor Pro-Tem Guajardo seconded the motion which passed unanimously. Meeting was adjourned at 7:34 P.M.

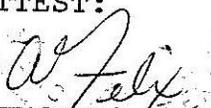

Henry Hinojosa, Mayor


Ruben Guajardo, Mayor Pro-Tem


James Howard Wade, Jr., Commissioner


Leo Villarreal, Commissioner


Cristella De Leon Hernandez, Commissioner

ATTEST:

Arcelia L. Felix
City Secretary