

**MERCEDES CITY COMMISSION  
REGULAR MEETING  
FEBRUARY 18, 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
	Marisol Vidales	Library Aide
	Hugo Perales	I.T Director
	Kristine Longoria	City Secretary Clerk

Juan Vega Jr, Gerardo Garza, Ysidro Lopez, Ricardo Garcia, Jose Luis Celedon, Fermin Morales, Oscar Gonzalez, Isidro Alvarado, Albert Agueros, Luz Oviedo, Daniel Sustaita, Jose Pedraza, Juan Martinez, Roel Vera, Ruben Gonzalez, Miguel Mar, Jorge Saenz, Orlando Diaz, Enrique Espinoza, and Mary Salinas

**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.**

City Manager, Sergio Zavala was voice for those present by expressing an inspired invocation.

**4.) PLEDGE OF ALLEGIANCE.**

Mayor Pro-Tem Villarreal led in the Pledge of Allegiance.

**5.) OPEN FORUM-**

- Mr. Guadalupe Moreno expressed his concern on flooding and would like information on the City's plan to improve infrastructure. Mr. Moreno expressed his discontent with the City Manager's contract.
- Ms. Alexis Reyes and Jacqueline Read expressed their concern regarding Carson & Barnes Circus and requested the City to discontinue services due to their animal cruelty violation.
- Mr. Jacob Howell commented about accountability, transparency, and honesty which builds trust. Mr. Howell recommended budgeting for the future, supporting employees and stated that communication is needed between management, commission and citizens.
- Mr. Marcelo Garcia expressed his concern regarding a complaint he filed. Mr. Garcia commented about an incident between himself and a Commissioner which in turn became a complaint and then stated he was promoted. Mr. Garcia stated the city is not an equal opportunity employment.
- Mr. David Garza commented about Charter issues, the removal of the Capital Improvement fee and asked if the attorney's will be getting back to him regarding the restitution on the fee. Mr. Garza stated the Charter states the City Manager will do the hiring not the Department Heads and stated the City is in violation of the Charter. Mr. Garza stated the City is in violation of the Charter regarding the City Manager contract.

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

**A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING (S) HELD JANUARY 28 AND FEBRUARY 4, 2020.**

- B.) SECOND AND FINAL READING OF ORDINANCE 2020-02 TO AMEND THE CITY OF MERCEDES' SUBDIVISION ORDINANCE TO ADD A PROVISION FOR EXTENDING A SUBDIVISION PLAT'S APPROVAL.**
- C.) APPROVAL OF E-RATE INTERNET SERVICE CONTRACT TO SMARTCOM TELEPHONE, LLC FOR DR. HECTOR P. GARCIA MEMORIAL LIBRARY.**
- D.) APPROVAL OF RESOLUTION #2020-03 ACCEPTING STONEGARDENT GRANT #3172804**
- E.) APPROVAL TO RE-VERIFY THE ALLOCATION OF QUARTERLY PAYMENTS TO THE HIDALGO COUNTY APPRAISAL DISTRICT (HCAD)**

Ms. Marisol Vidales addressed the Commission regarding the E-Rate Internet Service Contract for the Library. Ms. Vidales stated the current contract is with Smartcom for \$599 per month for 200 mb. The Library received a bid from Foremost for \$495 per month for 200 mb and from Smartcom for \$549 for 500 mb. Ms. Vidales recommends selecting Smartcom due to the higher megabites and they are the current provider and will not need to change providers which may have a break in service. At a question, Ms. Vidales informed the Commission of the average of users for wifi and computers and the usage. Ms. Vidales stated the cost would be decreasing.

Commissioner Gomez had a question regarding the Stonegarden grant dates. Mr. Chavez stated the City would get reimbursed if the grant is awarded, the money has not been spent but items are being looked at for the use of the grants. At a question by Commissioner Benavidez, Mr. Chavez stated a tower with cameras and emergency telephone pole. Commissioner Benavidez stated he would like more detailed discussion on the minutes for items 9 and 12.

Mayor Pro-Tem Villarreal made a motion to approve all items under consent agenda. The motion died.

Commissioner Gomez made a motion to approve items 6 A-C and E and vote on D separately. Commissioner Benavidez seconded the motion. Upon a called vote, the item passed. Mayor Pro-Tem Villarreal voted against. Commissioner Gomez made a motion to not approve item 6D. At a question by Commissioner Benavidez, Mr. Zavala explained that the grant is an opportunity to get reimbursed for the items that would be purchased for emergencies. The motion died due to the lack of a second. Mayor Pro-Tem Villarreal made a motion to approve item 6D. Commissioner Hernandez seconded the motion. Upon a called vote, the item was approved. Commissioner Gomez voted against.

#### **7.) CITY MANAGER COMMENTS.**

Mr. Zavala stated that last week the had a meeting with the County for some vacant property. The property can be used for a detention pond. Collier Park is the lowest point for flood waters and there is property that can be excavated for detention purposes. Mr. Zavala stated there is an easement between Tangerine and FedEx that the owners will allow the City to add a pipe for drainage in that area. Union Pacific Railroad has property on 1<sup>st</sup> St from N. Missouri Ave. to N. Vermont which will be on the next agenda to be discussed in Executive Session for negotiating for the property. Regarding the concern on Carson and Barnes, Mr. Zavala stated the Zoning Ordinance can be amended so that the Circus require a conditional use permit and all the proper inspections will be done including the treatment of animals. At a question, Mr. Zavala stated there are 4 detention ponds proposed.

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

Mr. Hilario Ortiz presented to the Commission the projects that are currently underway. The projects discussed Maryland detention pond, Commissioner Benavidez asked about the timeline for the project. Mr. Zavala stated the property where the pond is being proposed is County property and the County is receptive for an MOU for the detention pond. The 2019 bond improvement projects under design are the Mercedes Water Treatment Plant – Solid Removal, Industrial Park Drainage Plan. The 2019 bond improvement projects under construction are the Lift Station Rehab and Lyons Street Sanitary Sewer Improvements. Commissioner Benavidez stated the change order does not have details and should be provided 72 hours before the meeting for review. Mr. Ortiz explained that the pumps were being replaced and at that time the panel was discovered that it was not functioning. At a question, Mr. Zavala stated the details in the change order were provided the day at the meeting and forwarded to the Commission. At a question by Commissioner Benavidez, Mr. Ortiz stated that the pump went out on about Monday or Tuesday of the week before. Commissioner Gomez asked if there is something that is needed to keep the pumps from burning out. Commissioner Benavidez asked about Lyons street 2-week timeline. Mr. Ortiz stated they have been notified and the should be complete by March 2. Mr. Ortiz provided the work authorizations which included Camino Real.

#### **9.) PRESENTATION OF MOBILE SURVEILLANCE TOWER AND EMERGENCY POLE EQUIPMENT PACKAGE FOR DISCUSSION AND POSSIBLE ACTION TO COMPLY WITH THE TERMS OF THE 2018 STONEGARDEN GRANT.**

Mr. Chavez presented to the Commission the mobile surveillance towers that will be up to 35 ft. tall and will be equipped with 2 cameras and 1 infrared camera that will be used for emergencies. Mr. Chavez stated the emergency

pole package is also equipped with an enclosed camera for surveillance and emergency purposes. The pole is equipped with a push button that will transfer called to the Mercedes communications department. Mr. Chavez provided the Commission with 3 estimates and Tough Dog Security Company was the lowest bidder. After a brief discussion, Commissioner Hernandez made a motion to approve item 9. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the item was passed. Commissioner Gomez voted against. Mr. Zavala asked Mr. Chavez to provide the information with the packet. Commissioner Benavidez asked about the compliance with the grant. Mr. Chavez stated there is still time to comply.

**10.) DISCUSSION AND POSSIBLE ACTION ON PROPOSED CHANGE ORDER BY LEMC FOR THE LIFT STATION REHABILITATION PROJECT**

Mr. Hilario Ortiz addressed the Commission about the change order no. 2 for lift station 29, 5, 19, 20 and 30 in the amount of \$219,400. At a question by Commissioner Hernandez, Mr. Ortiz stated the amounts at question were approved in the previous change order and agreed to provide the timeline of the incidents. Items in the packet with the exception of item 9 and 10 are part of the first change order. Mr. Ortiz stated the 3<sup>rd</sup> party is with Jacobs, who is manning the lift stations. It was stated that this should be the last change order. At a question by Commissioner Benavidez, Mr. Ortiz said the amount of lift stations have remained the same from the original project, the only changes are the issues that come up while the stations are being repaired.

Commissioner Benavidez made a motion to approve Item 10 with the understanding that the information be provided with the packet. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the item was passed unanimously.

**11.) DISCUSSION AND POSSIBLE ACTION TO ENGAGE THE “PAYMENT GROUP” AS THE VENDOR TO FACILITATE PAYMENTS TO THE MUNICIPAL COURT, WATER BILLS, AND OTHER CITY SERVICE PROVIDERS.**

Ms. Nereida Perez addressed the Commission regarding vendors for credit card payment through the website online payments. Currently the customer pays 3% for every \$100. The payment group rate is 2.95% across the board for all payments. The live phone payments will have a higher rate of 5% due to the payment being with a live person. Ms. Perez stated web payments are available and also auto draft. There is an estimate of \$22,000 to \$25,000 of savings per year for the City depending on the maintenance fee.

After discussion, Commissioner Benavidez made a motion to approve item 11. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the item passed unanimously.

**12.) DISCUSSION AND POSSIBLE ACTION TO CONSIDER RESCINDING AWARD TO INFRAMARK FOR WATER & WASTE UTILITY MANAGEMENT SERVICES FOR CITY OF MERCEDES, AND TO AUTHORIZE STAFF TO RE-SOLICIT FOR SAME OR SIMILAR SERVICES.**

Mr. Zavala informed the Commission that the city previously awarded the Water Utility Management services bid to Inframark. Mr. Zavala asked for the contract from Inframark. The firm asked for 30 days to review the water and utility services in order to input the number in the contract. Mr. Zavala stated the Commission may rescind the award and resoliciting for bids or retain Inframark and assess their not-yet-submitted rates.

After brief discussion, Commissioner Hernandez made a motion to rescind the bid from Inframark and authorize staff to resolicit. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the motion passed unanimously.

**13.) DISCUSSION AND POSSIBLE ACTION TO APPOINT AN ALTERNATE BOARD MEMBER TO THE MERCEDES HISTORIC PRESERVATION COMMISSION.**

Ms. Marisol Vidales addressed the Commission about appointing an alternate board member to the Mercedes Historic Preservation Commission. Ms. Vidales recommends appointing Ms. Donna Otto as the alternate.

After discussion, Mayor Pro-Tem Villarreal made a motion to appoint Ms. Donna Otto as alternate member. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

**14.) PRESENTATION AND POSSIBLE ACTION TO AUTHORIZE STAFF TO SEEK BIDS FOR ANIMAL CONTROL SERVICES.**

Mr. Figueroa addressed the Commission regarding soliciting for bids for Animal Control Services including holding, quarantine, and disposal. There was discussion regarding compliance with Texas Code. Mr. Figueroa stated that the firm must have the proper license to operate for the services.

Commissioner Benavidez made a motion to approve item 14. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the item was approved unanimously.

Mr. David Garza posed a question regarding no kill shelters and disposal. Mr. Figueroa stated the State of Texas does not require the services to be no kill and stated there is a place in Public Works for the disposal of carcasses.

**15.) DISCUSSION AND POSSIBLE ACTION TO APPROVE PURCHASE ORDER TO REPAIR LIGHTING AT COLLIER PARK.**

Mr. Figueroa informed the Commission that the lighting at Collier Park are inadequate for night games. The City received 2 bids from the following:

Facility Solutions Group	\$13,156.00 (on Buyboard)
EZ Signs	\$33,544.10

After a brief discussion, Mayor Pro-Tem Villarreal a motion to approve and award the bid to Facility Solutions Group for \$13,156.00 with the condition that the warranty information be provided to Commission. Commissioner Benavidez seconded the motion. Upon a called vote, the item passed unanimously.

**16.) DISCUSSION AND POSSIBLE ACTION TO APPROVE A BUDGET AMENDMENT TO PAY FOR REPAIRS TO LIGHTING AT COLLIER PARK BASEBALL FIELDS.**

Mr. Figueroa stated to the Commission that a budget amendment will be needed in order to pay for the lighting repairs at Collier Park.

Mayor Pro-Tem Villarreal made a motion to approve the budget amendment. Commissioner Benavidez seconded the motion. Upon a called vote, the item was approved unanimously.

**17.) DISCUSSION AND POSSIBLE ACTION TO AMEND ORDINANCE ON WAGES TO THE CITY'S LABOR AND UTILITY WORKFORCE**

Mr. Zavala informed the Commission that at the previous meeting they agreed on providing a 3% adjustment for the Labor and Utility workforce. The amendment is for \$13,434.32.

Commissioner Hernandez made a motion to approve the ordinance. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote the item was approved unanimously.

At a question by Commissioner Benavidez, Mr. Zavala stated the adjustment will benefit 14 employees.

**18.) MONTHLY DEPARTMENT REPORTS.**

The monthly reports are included in the packet for the Commission to review.

Mayor Hinojosa called the meeting into Executive Session at 7:33 PM.

**19.) EXECUTIVE SESSION:**

**A.) CONSULTATION WITH LEGAL COUSEL PURSUANT TO TEXAS GOVERNMENT CODE 551.071(1)(A) REGARDING CONTEMPLATED LITIGATION, AND PURSUANT TO TEXAS GOVERNMENT CODE 551.071 (2) TO RECEIVE LEGAL ADVICE AND INFORMATION PROTECTED BY THE ATTORNEY CLIENT COMMUNICATION PRIVILEGE.**

**B.) DELIBERATION PURSUANT TO TEXAS GOVERNMENT CODE 551.074 TO DELIBERATE THE APPOINTMENT, EMPLOYMENT AND DUTIES OF THE CITY MANAGER AND PURSUANT TO TEXAS GOVERNMENT CODE 551.071 (2) TO RECEIVE LEGAL ADIVCE FROM CITY ATTORNEY REGARDING SAME.**

Mayor Hinojosa called the meeting back to order at 9:45 P.M.

**20.) ACTION ON ITEMS IN EXECUTIVE SESSION**

**A.) POSSIBLE ACTION TO PROVIDE AUTHORIZATION TO CITY ATTORNEY REGARDING EXECUTIVE SESSION ITEM (A).**

Mayor Hinojosa made a motion to proceed as discussed in Executive Session. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the item was approved unanimously.

**B.) ACTION TO APPROVE A CONTRACT OF EMPLOYMENT WITH THE CITY MANAGER.**

Mayor Hinojosa made a motion to approve the contract of employment subject to review. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the item passed. Commissioner Benavidez and Commissioner Gomez voted against.

**21.) ADJOURN.**

Commissioner Benavidez made a motion to adjourn. Mayor Pro-Tem Villarreal seconded the motion. The meeting was adjourned at 9:47 P.M.