

**MERCEDES CITY COMMISSION
REGULAR MEETING
DECEMBER 3, 2019 – 6:00 P.M.
MERCEDES CITY HALL – COMMISSION CHAMBERS**

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

STAFF PRESENT:	Sergio Zavala	City Manager
	Anthony Troiani	City Attorney
	Joselynn Castillo	City Secretary
	Nereida Perez	Finance Director
	Dagoberto Chavez	ACM/Police Chief
	Tommy Ureste	Fire Chief/EMC
	James Cooper	Lieutenant
	Ravyn Hinojosa	CM Administrative Clerk
	Mary Salinas	Grants Coordinator

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 Benavidez led in the Pledge of Allegiance.

5.) OPEN FORUM-

- Mr. Jacob Howell expressed his concerns regarding shelter for the citizens during the winter weather.
- Mr. David Garza stated his concerns regarding the audit, the open meetings act, open forum, and contractual services.
- Ms. Monica Dominguez voiced her concern with sewer issues on Georgia St.

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

- A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING (S) HELD NOVEMBER 6, 2019. B.) SECOND AND FINAL READING OF ORDINANCE NO. 2019-23 TO ESTABLISH THE FIRE DEPARTMENT EMS FUND WITH RELATED STRUCTURE ON WITHDRAWALS, EXPENDITURES, ETC. C.) SECOND AND FINAL READING OF ORDINANCE NO. 2019-24 PROPOSED BUDGET AMENDMENT ON WAGES TO THE CITY'S LABOR AND CLERICAL WORKFORCE. D.) APPROVAL OF 2019 ANNUAL TAX ROLL TOTALS.**

Mayor Pro-Tem Villarreal made a motion to approve all items under consent agenda. Commissioner Hernandez seconded the motion. Upon a called vote, the motion passed unanimously.

7.) CITY MANAGER COMMENTS.

Mr. Zavala addressed the concerns voiced during open forum, which included the Dome being available for the public during the cold, the storm improvements for the dome, the audit, and the sewer issues. There was discussion regarding when the audit will be presented to the Commission.

8.) DISCUSSION AND POSSIBLE ACTION TO APPROVE AFFILIATION AGREEMENTS WITH THE WESLACO FIRE DEPARTMENT EMS, THE RIO GRANDE VALLEY COLLEGE FOR EMS TRAINING SERVICES, AND SOUTH TEXAS COLLEGE (STC).

State Rep. Armando Martinez informed the Commission that the agreement will allow STC students to view the equipment and go on a ride along for experience. Mr. Martinez provided the Commission with a liability waiver for the students and stated that STC will insure the students. The agreement will allow 8 of the City of Mercedes firefighters to attend the paramedic classes for their certification.

After discussion regarding the contract, Mayor Pro-Tem Villarreal made a motion to approve item 8. Commissioner Benavidez seconded the motion. Upon a called vote, the item was unanimously approved.

9.) DISCUSSION AND POSSIBLE ACTION TO ENTER INTO AN AGREEMENT WITH OFFICE ALLY, INC. AND THE CITY OF MERCEDES IN ORDER TO MAXIMIZE REIMBURSEMENTS TO CITY OF EMS SERVICE COST INCURRED.

Mr. Armando Martinez informed the Commission that Office Ally, Inc. is a clearing house that will help the City receive the revenues for EMS services. There was discussion regarding the Company's BBB rating and complaints. Mr. Martinez stated that the Biller has previously worked with the company and has not had any issues therefore, recommends the agreement.

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 and Commissioner Benavidez and Commissioner Gomez voted against.

10.) PRESENTATION AND UPDATE BY ACM/PD CHIEF REGARDING CRIME STOPPERS PROGRAM, AND OTHER PD RELATED ADJUSTMENTS.

Police Chief Chavez updated the Commission on the Crime Stoppers program. Mr. Chavez stated the Bylaws have been submitted to the Secretary of State. Mr. Chavez addressed that an officer will be assigned to receive the tips, the calls can be anonymous, tips can also be submitted online, the conversations will be recorded, and the vehicles will be patrolling in two weeks. Other PD related topics discussed was the relocation of the police officers, the number of officers on patrol, the equipment needed for the Police officers, and reserve officers.

Ms. Rosa Dominguez made a recommendation to have an orientation for the Commission and the Public to meet the officers and see the equipment and the process the officers go through for a call.

Ms. Yolanda Molina questioned the safety of any vests that may be expired. Mr. Chavez stated all the officers on shift have bullet proof vests and they can protect the officers.

11.) DISCUSSION AND POSSIBLE ACTION REGARDING CONTRACT FOR CONSULTANT SERVICES BETWEEN HOLLIS RUTLEDGE & ASSOCIATES, INC. AND THE CITY OF MERCEDES.

Mr. Hollis Rutledge and Frank San Martin presented to the Commission the terms and conditions on the contract. Mr. Rutledge stated the amount will remain the same as it has for the past five years. Mr. Rutledge stated the rate of return is \$22 for every dollar the City pays. He provided a list of the employees in firm.

Mr. San Martin provided the Commission with the grants that have been approved, applied for, and in the process of submitting. He informed the Commission of the process and the waiting period and the amounts granted.

After discussion, Mayor Pro-Tem Villarreal made a motion to approve the contract for Consultant Services with Hollis Rutledge & Associates and the City of Mercedes. Commissioner Benavidez seconded the motion. Upon a called vote, the item passed with Commissioner Gomez voting nay.

11 A.) PRESENTATION BY R. GUTIERREZ ENG. ON TRANSITION PLAN FOR CITY TAKEOVER OF ITS WATER & WASTE WATER FACILITIES.

Mr. David Salinas informed the Commission of his history with Water & Waste Water Facilities. At a question Mr. Salinas stated the process for assessing the facility and the costs and risks for taking over the facilities. There was discussion on the lift stations, salaries for the employees, directors, supervisors, minimum requirements for the facility, the requirements by TCEQ, prices for the chemicals and vendors, fuel costs, and the current contract due to the certifications.

No action was needed on this item. After discussion, the Commission decided to conduct a workshop.

11 B.) DISCUSSION AND POSSIBLE ACTION TO AWARD UTILITY MANAGEMENT SERVICES TO MERCEDES MANAGEMENT COMPANIES OF CITY'S WATER & WASTEWATER PLANTS.

Mr. Zavala stated the Commission instructed staff to solicit bids for Water & Wastewater plant utility management services. The City received two bids from Infamark and Jacobs.

Infamark – Mr. Oswaldo stated there is no cost to assess the building, they will comply with TCEQ, they have 200 facilities in the state of Texas with Weslaco being the only one in the Valley. At a question, Mr. Oswaldo stated that most contracts are 5 years with 5 additional years. There was discussion regarding wages for licensed operators and administrative costs. Mayor Pro-Tem Villarreal stated he contacted the City of Weslaco and the Mayor is happy with the firm. Mr. Oswaldo stated there are no lawsuits pending.

Jacobs – Mr. Joe Ramos stated they have engineers, consultants, 10 operators, 3 licensed, all certified in Water treatment, and stated the average salaries for the employees. There was discussion regarding the employees, lift stations, and prices. Commissioner Hernandez stated this would be a study of the facilities to compare with the cost if the City will do the takeover.

After discussion, Mayor Pro-Tem Villarreal made a motion to award Infamark with the understanding the City has the right to reject if the City does the takeover. Commissioner Gomez recommends to table the item until the new Commission start. Commissioner Hernandez seconded the motion. Upon a called vote, the item was approved with Commissioner Gomez voting nay.

12.) DISCUSSION AND POSSIBLE ACTION ON REQUEST BY QUINTANILLA, HEADLEY & ASSOCIATES TO HAVE MERCEDES ALLOW WESLACO TO SOLELY ACT ON SUBDIVISION PLAT WITH JOINT JURISDICTIONAL BOUNDARIES.

Mr. Zavala provided a map to view the area. The request by Quintanilla, Headley & Associates is to allow Weslaco to review the subdivision. Mr. Zavala stated there are 27 lots in the ETJ.

Mr. Israel Coronado stated the flooding issues should be addressed in the area and recommends waiting for the County bonds to be in place.

Mr. Zavala recommends that Weslaco act on the subdivision for utilities.

After brief 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 ON PROPOSAL TO PURCHASE TWO PERISTALTIC PUMPS FOR CHEMICAL INJECTION (WATER TREATMENT).

Mr. Joe Ramos presented the request for two peristaltic pumps for chemical injection. Mr. Ramos stated they requested two pumps due to two being out of service. The quotes are from:

USA Blue Book - \$11,842.70

Pollard Water - \$12,860.62

Jah-Con - \$13,600.00

After discussion, Mayor Pro-Tem Villarreal made a motion to select USA Blue Book in the amount of \$11,842.70. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

14.) DISCUSSION AND POSSIBLE ACTION ON CONTRACT FOR MUNICIPAL COURT JUDGE JUAN ALVAREZ.

Mr. Juan Alvarez stated one of the changes is he deleted the part where he must attend 4 hearings or the amount will be deducted. There was discussion regarding the number of cancellations for hearings, the arraignments, payments and his job duties.

After discussion, Mayor Hinojosa made a motion for the contract to remain the same as his previous contract for a two-year term. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote the item was unanimously approved.

15.) DISCUSSION AND POSSIBLE ACTION ON CONTRACT WITH MUNICIPAL COURT PROSECUTOR DAVID GORENA.

Mr. Zavala stated the contract for Mr. Gorena needs renewal.

Mayor Pro-Tem Villarreal to approve and keep the current contract with Municipal Court Prosecutor David Gorena. Commissioner Benavidez seconded the motion. Upon a called vote, the item passed unanimously.

16.) DISCUSSION AND POSSIBLE ACTION TO APPROVE MOA WITH RESEARCH, APPLIED, TECHNOLOGY, EDUCATION AND SERVICES TO ASSIST IN THE PREPARATION OF SUPPLEMENTAL ENVIRONMENTAL PROGRAM APPLICATION TO SUBMIT TO TCEQ.

Mr. Zavala RATES is helping the City on a project approved by TCEQ. The censer will help understand the flood water in the area and will alert staff if the flood levels.

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.

17.) DISCUSSION AND ACTION TO APPOINT A NEW MEMBER TO THE PLANNING & ZONING COMMISSION.

Commissioner Hernandez made a motion to appoint Ms. Rosa Dominguez to the Planning & Zoning Board. Mayor Hinojosa seconded the motion. Upon a called vote, the item was unanimously approved.

18.) DISCUSSION AND POSSIBLE ACTION TO APPOINT THREE MEMBERS TO THE ZONING BOARD OF ADJUSTMENTS.

Mr. Zavala stated Mr. Acosta resigned from ZBA, Mary Salas, and David Mariscal both expressed interest in continuing serving on the board.

After a brief discussion, Commissioner Hernandez made a motion to appoint David Mariscal as the regular member on the ZBA and Ms. Salas as the alternate member. Commissioner Gomez seconded the motion. Upon a called vote, the item passed unanimously.

19.) DISCUSSION AND POSSIBLE ACTION TO COVEY PUBLIC LOTS AKA LOTS 19 & 20, BLOCK 70, MERCEDES ORIGINAL TOWNSITE, AS POSTED 'FOR SALE' VIA SEALED BID; OR IF NOT AWARDED, THEN POSSIBLE AUTHORIZE STAFF TO RESOLICIT.

Mr. Zavala stated the City received two bids for Lots 19 & 20. The bids came from:

Tomas Curiel - \$10,000 for both lots

Isaac Huacuja - \$5,500 for both lots

After a brief discussion, Commissioner Gomez made a motion to resolicit for bids. Commissioner Hernandez seconded the motion. Upon a called vote, the item was unanimously approved.

20.) DISCUSSION AND POSSIBLE ACTION TO APPROVE CONTRACT CHANGE ORDER (DEDUCTION) ON WATER WELL REHAB PROJECT.

Mr. Isaac Huacuja stated the change order is in the best interest to the city and gives the City a credit of \$25k.

After a brief discussion, Commissioner Hernandez made a motion to approve item 20. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the item passed unanimously.

21.) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION TO CAST MERCEDES' ASSIGNED NUMBER OF VOTES FOR NOMINEES SHOWN ON THE OFFICIAL BALLOT FOR THE BOARD OF DIRECTORS OF THE HIDALGO COUNTY APPRAISAL DISTRICT.

Commissioner Hernandez made a motion to assign 25 votes to Monte Churchill for the Board of Directors of the Hidalgo County Appraisal District. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the item was unanimously approved.

22.) DISCUSSION AND POSSIBLE ACTION TO CAST SIX (6) VOTES FOR THE MERCEDES AREA CHAMER OF COMMERCE BOARD OF DIRECTORS.

No Action was taken on this item.

23.) DISCUSSION AND POSSIBLE ACTION TO RATIFY 'APPROVAL' OF HEALTH INSURANCE CONTRACT WITH HUMANA.

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. Commissioner Benavidez stated that the City may not have received as many bids due to the City opting out of an agent of record.

24.) DISCUSSION AND POSSIBLE ACTION TO RATIFY 'APPROVAL' OF WORKMAN'S COMP CONTRACT WITH MONTALVO INSURANCE AGENCY.

Commissioner Hernandez made a motion to approve item 24. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the item was approved unanimously.

25.) DISCUSSION AND POSSIBLE ACTION ON CITY ABSORBING WATER UTILITY COSTS FOR BASKETS FULL (MERCEDES FOOD PANTRY PROGRAM).

Ms. Nereida Perez informed the Commission that the City has absorbed the utility costs for Baskets Full and would like to continue.

Commissioner Benavidez made a motion to approve absorbing the water utility costs for Baskets Full. Mayor Pro-

Tem Villarreal seconded the motion. Upon a called vote, the item was unanimously approved.

26.) DISCUSSION AND ACTION TO APPROVE CHANGE ORDERS ON PACKAGE 1 STREET OVERLAY PROJECTS THAT REFLECT CEDAR AND MISSOURI STREET IMPROVEMENTS.

Mayor Pro-Tem Villarreal made a motion to approve the change order on package 1 street overlay projects. Commissioner Benavidez seconded the motion. Upon a called vote, the item was passed unanimously.

27.) DEPARTMENT MONTHLY REPORTS.

Department monthly reports are included in the packet for Commission’s review.

28.) DISCUSSION AND POSSIBLE ACTION ON LEMC ENGINEERING CONTRACT (JOSE GOMEZ/ LEONEL BENAVIDEZ).

Commissioner Gomez stated that Richard LeFevre is no longer with the firm therefore, recommends to cancel the Contract. Mr. Zavala stated that in 2017 the Commission approved the City to have 3 engineering firms and LeFevre was one that was selected.

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

Mayor Hinojosa called the meeting into Executive Session at 9:08 PM.

29.) EXECUTIVE SESSION:

-CONSULTATION WITH LEGAL COUSEL PURSUANT TO TEXAS GOVERNMENT CODE 551.071(2) FOR THE PURPOSE OF RECEIVING PRIVILEGED ATTORNEY CLIENT COMMUNICATIONS AND PURSUANT TO TEXAS GOVERNMENT CODE 551.071(1) REGARDING TO ANTICIPATED LITIGATION.

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

-POTENTIAL LITIGATION: DISCUSSION AND REQUEST FOR DIRECTION ON THE CAPITAL IMPROVEMENT FEE AS SECURED FROM 2004 THROUGH 2013.

-DISCUSSION REGARDING DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER. SECTION 551.074, TEXAS GOVERNMENT CODE ANNOTATED - PERSONNEL

-DISCUSSION AND POSSIBLE ACTION FOR DISCIPLINARY ACTION OF THE CITY MANAGER.

Mayor Hinojosa called the meeting back to order at 11:07 P.M.

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

-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 passed unanimously.

-Mayor Hinojosa made a motion to table for more information. Commissioner Benavidez seconded the motion. Upon a called vote, the item was unanimously approved.

-Mayor Pro-Tem Villarreal made a motion for legal to continue. Mayor Hinojosa seconded the motion. Upon a called vote, the item was approved unanimously.

-No action

-Commissioner Gomez to dismiss the City Manager through disciplinary action. Commissioner Benavidez commented about information for the Commission. Commissioner Benavidez seconded the motion. Upon a called vote, the motion failed Commission

31.) ADJOURN.

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

Henry Hinojosa, Mayor

Leo Villarreal, Mayor Pro-Tem

Cristella De Leon Hernandez, Commissioner

Leonel Benavidez, Commissioner

Jose M. Gomez, Commissioner

ATTEST:

Joselynn Castillo, City Secretary