

**MERCEDES CITY COMMISSION
REGULAR MEETING
MAY 19, 2020 – 1:00 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

MEMBERS ABSENT: NONE

STAFF PRESENT: Sergio Zavala City Manager
Anthony Troiani City Attorney
Joselynn Castillo City Secretary
Dagoberto Chavez ACM/Police Chief
Hugo Perales I.T Director

1) CALL MEETING TO ORDER

Mayor Hinojosa called the meeting to order at 1:00 PM

2) ESTABLISH QUORUM

All members of the Commission were present which constitutes a quorum.

3) INVOCATION

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

4) PLEDGE OF ALLEGIANCE

Commissioner Gomez led in the pledge of allegiance.

At this time Commissioner Gomez motioned to move to items 8 and 9 so that after the presentations any citizens that were waiting in the hallway may be present in the meeting. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

5) OPEN FORUM-

- Ms. Laura Alvarado provided her recommendations for better response times during Hurricane Season and asked for the meetings to be moved back to 6:00 PM.

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

A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING HELD APRIL 30, AND MAY 5, 2020.

B.) SECOND AND FINAL READING OF ORDINANCE NO. 2020-07 ON PROPOSED ORDINANCE TO RECOVER CITY COSTS OF WATER METERS, ASSOCIATED FIXTURES, AND INSTALLATION SERVICES

C.) APPROVAL OF YEARLY FEE FOR COLLECTION OF TAXES

Commissioner Benavidez stated a correction on item 8 on the May 5th meeting that the amount in revenues was \$35k. Commissioner Benavidez had a correction on item 12 that he stated it was a complaint policy and oversight committee.

Commissioner Benavidez made a motion to approve all items under consent agenda with corrections stated. Mayor Hinojosa seconded the motion. Upon a called vote, the item was passed unanimously.

7) CITY MANAGER COMMENTS.

Mr. Zavala commented about continuing wearing facial masking and social distancing which has help Mercedes flatten the curve. Mr. Zavala also commented about a disturbing video on facebook and stated that both people in

the assault were in custody. Commissioner Benavidez stated he presented a formal information report and since then has received harassment calls.

At this time Mr. Juan Morales was not present and the Commission continued with item 9.

8) PRESENTATION AND UPDATE BY LEMC ON VARIOUS CITY PROJECTS

Mr. Juan Morales updated the Commission on the various project for the City which include the Maryland/4th St. detention pond, the Mercedes Water Treatment plant, Industrial Park Drainage Plan, Lyons St. Sanitary Sewer project, Camino Real road improvements, and discussed the FedEx Pond. This is a presentation item, no action required.

At this time, the Commission went back to item 5 and continued with the agenda.

9) PRESENTATION BY PUBLIC WORKS DIRECTOR REGARDING DRAINAGE IMPROVEMENTS, DRAINAGE PREPARATIONS, AND OTHER RELATED INFORMATION.

Mr. Figueroa presented to the Commission the drainage improvement, preparations and informed them of Hurricane season and the storm categories. Commissioner Benavidez stated that Mr. Figueroa's presentation was great and recommends putting it on the City's website.

At this time, they called for Mr. Juan Morales. Mr. Morales was present and the Commission continued with item 8.

10) DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE STAFF TO PURSUE TWDB GRANT/LOAN FLOOD INFRASTRUCTURE FUNDING PROGRAM FOR VARIOUS DRAINAGE RELATED PROJECTS.

Mr. Zavala informed the Commission of a TWDB grant/loan. The grant is 34% and the remainder is a loan with 0% interest for a time period of 10 to 30 years with no payments for 2 years. Mr. Isaac Huacuja presented to the Commission some of the projects that they are considering for the grant/loan which include the pumping stations at Collier Park, FedEx site inclusive of storm pipe from Tangerine, Garza street drainage plan, 14th St. Detention pond and the Railroad ROW detention Pond. Mr. Huacuja stated the deadline to submit is June 15th and the amount awarded depended on the amount of the project being considered.

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

11) DISCUSSION AND POSSIBLE ACTION TO APPROVE STAFF TO APPLY FOR THE TSLAC CARES GRANT.

Library Director Marisol Vidales informed the Commission about the TSLAC CARES Grant. She stated the State is giving funding to libraries in which they need to apply. The application is due May 31, 2020 and would like to apply for \$14,900. Ms. Vidales listed some items that the library is considering to purchase with the funds.

Commissioner Benavidez made a motion to approve staff to apply for the TSLAC CARES Grant. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the item was unanimously approved.

12) DISCUSSION AND POSSIBLE ACTION TO RE-CLASSIFY THE 'ASSISTANT FIRE CHIEF' POSITION TO 'FIREFIGHTER/EMT'

Fire Chief Javier Campos Jr. addressed the Commission on re-classifying the Assistant Fire Chief position to Firefighter/EMT. After evaluating the duties, the administrative duties will be distributed between the Lieutenants and will allow for more man power for the Fire/EMS calls.

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

13) DISCUSSION AND POSSIBLE ACTION ON REQUEST BY MR. JUAN CRUZ OF 215 POCO LANE, MERCEDES, TX FOR THE CITY TO CONSIDER CONVEYING PUBLIC PARK PROPERTY FOR PRIVATE RESIDENTIAL PURPOSES ADJOINING CRUZ'S PROPERTY, BEING A PORTION OF GOZA PARK

Mr. Zavala stated that the owner requested part of the park property due to his property being in a cul-de-sac and is oddly shaped. Mr. Zavala stated the City is not interested in selling part of the park, therefore, it was brought to the Commission.

Mayor Pro-Tem Villarreal made a motion to not approve item 13. Commissioner Benavidez seconded the motion. Upon a called vote, the item passed unanimously.

14) DISCUSSION AND POSSIBLE ACTION TO APPROVE A LRGVDC GRANT PROGRAM, AS ADMINISTERED BY THEIR AREA AGENCY ON AGING, TO BENEFIT IDENTIFIED MERCEDES' ELDERLY DURING THE COVID-19 PANDEMIC

Mr. Mike Mesa addressed the Commission on a grant to hire 3 people at 30 hours per week to help the elderly with groceries and household chores to help reduce the risk of them getting sick due to the virus. Commissioner Gomez made a motion to approve item 14. Commissioner Benavidez seconded the motion. Upon a called vote, the item passed unanimously.

15) DISCUSSION AND POSSIBLE ACTION ON PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MERCEDES AND THE TEXAS COALITION FOR AFFORDABLE POWER, INC. (TCAP)

Mr. Zavala informed the Commission of the agreement between the City of Mercedes and TCAP was provided. Mr. Zavala stated that the Texas Coalition for Affordable Power helps cities to have a higher measure of negotiating leverage to secure the most cost-effective energy. Mayor Pro-Tem Villarreal made a motion to approve the TCAP agreement. Mayor Hinojosa seconded the motion. Upon a called vote, the item passed unanimously.

16) DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE STAFF TO SEEK SEALED BIDS FOR ROTORS NEEDED TO REPAIR SEWER FACILITY.

Mr. Zavala informed the Commission of the rotors needing to be replaced in the sewer treatment process. He stated 3 rotors need to be replaced, each rotor costs about \$27,000 which equals \$81,000 in total. Mayor Pro-Tem Villarreal made a motion to approve. Mayor Hinojosa seconded the motion. Upon a called vote, the item was approved unanimously.

17) DISCUSSION AND POSSIBLE ACTION ON ORDINANCE TO APPROVE AN UPDATED WATER CONSERVATION PLAN

Mr. Zavala addressed the Commission about an ordinance updating the water conservation plan. The plan will allow for the Public water system to seek financial assistance. Mayor Pro-Tem Villarreal made a motion to approve item 17. Commissioner Benavidez seconded the motion. Upon a called vote, the item was passed unanimously.

18) DISCUSSION AND POSSIBLE ACTION TO AWARD BID FOR SEWER LINE PIPE BURSTING AND SEWER LINE REPLACEMENT PROJECT, INCLUSIVE OF SEWER SERVICE RE-CONNECTIONS AT BLOCK 10, GARDEN PARK SUBDIVISION

Mr. Zavala informed the Commission that the City received 2 bids for the sewer line pipe bursting, replacement projects from the following:

Salazar Utility Construction	\$51,020
OMT Utilities	\$58,500

Salazar Utility can begin work on May 26 and will complete in July 10 with one-year warranty. OMT Utilities can begin on June 1 and will end on July 16 with one-year warranty.

After brief discussion, Mayor Pro-Tem Villarreal made a motion to select Salazar Utilities in the amount of \$51,120.00. Commissioner Hernandez seconded the motion. Upon a called vote, the item was unanimously approved.

19) MONTHLY DEPARTMENT REPORTS

The monthly reports are provided in the packet for Commission to review. No action required.

Mayor Hinojosa called the meeting into executive session at 3:28 PM.

20) EXECUTIVE SESSION:

- **CONSULTATION WITH LEGAL COUNSEL PURSUANT TO TEXAS GOVERNMENT CODE 551.071 (1) (A) UPDATE REGARDING PENDING AND CONTEMPLATED LITIGATION, PURSUANT TO TEXAS GOVERNMENT CODE 551.071 (2). THE COMMISSION IS TO RECEIVE**

**LEGAL ADVICE AND INFORMATION PROTECTED BY THE ATTORNEY CLIENT
COMMUNICATION PRIVILEGE RELATED TO PENDING LITIGATION INVOLVING TEXAS
VALLEY COMMUNITIES FOUNDATION D/B/A TEXAS POLYTECHNIC INSTITUTE.**

Mayor Pro-Tem Villarreal called the meeting back to order at 3:53 PM.

21) GENERAL SESSION (RECONVENE): POSSIBLE ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION.

No action was taken on the items discussed in executive session. Commissioner Benavidez stated he would like to be updated on information on litigation.

22) ADJOURN

Commissioner Benavidez made a motion to adjourn. Commissioner Hernandez seconded the motion. Upon a called vote, the item was passed unanimously. The meeting was adjourned at 3:55 PM.