

**MERCEDES CITY COMMISSION  
REGULAR MEETING  
JULY 2, 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

Sergio Zavala City Manager  
Arcelia L. Felix City Secretary  
Anthony Troiani City Attorney

**MEMBERS ABSENT:** Ruben Guajardo Mayor Pro-Tem

**Staff:** Dagoberto Chavez, Nereida Perez, Jose Figueroa, 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.**

Dr. Rene Vega said the invocation.

**4.) PLEDGE OF ALLEGIANCE.**

Commissioner Gomez led in the Pledge of Allegiance.

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

**A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING(S) HELD JUNE 18, 2019. B.) DISCUSSION AND ACTION TO AMEND CITY COMMISSION PROCEDURE FOR CITY COMMISSION MEETINGS REGARDING MOTIONS TO CONSIDER TO ADD A SECTION ENTITLED MOTIONS FOR RECONSIDERATION.**

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

**6.) CITY MANAGER COMMENTS.**

Mr. Zavala had no comments.

**7.) PRESENTATION BY VIDA FOR FUNDING FOR FY 19-20.**

No one from VIDA was present. No action needed.

**8.) DISCUSSION AND ACTION TO AMEND CITY COMMISSION PROCEDURE FOR CITY COMMISSION MEETINGS REGARDING MOTIONS TO CONSIDER TO ADD A SECTION ENTITLED MOTIONS FOR RECONSIDERATION.**

Commissioner Gomez posed a question to legal at which Mr. Troiani stated that in order to have consistency only the prevailing member can bring items back. Mr. Troiani continued with the City cannot overturn longstanding contracts with a new administration which can open the City to litigation. Commissioner Gomez provided the citizens with examples of the items that he would like for reconsideration. Commissioner Benavidez stated this item is placed on the agenda now because he had items for reconsideration and stated it would be fixed later. Commissioner Hernandez continued by emphasizing on the legal opinion and continued by making a motion to approve amending City Commission procedures for City Commission meetings regarding motion to consider to add a section entitled motions for reconsideration. Mayor Pro-Tem Villarreal seconded the motion. The motion passed 3 to 2 with Commissioner Gomez and Commissioner Benavidez voting nay.

**9.) DISCUSSION AND POSSIBLE ACTION TO ENGAGE LEFEVRE ENGINEERING (LEMC) TO DEVELOP AND PROVIDE A DEVELOPMENT STANDARDS MANUAL.**

Mr. Zavala addressed the Commission about a development standards manual. The manual will have standards for waterlines, fire hydrants, sewer lines, sewer manholes, drainage inlets, drainage storm lines, pavement thickness for streets, and depths of caliche material & geo-tech rating. Mr. Zavala stated that with the manual there will be consistency and professionalism even with changing staff. The proposal is from LEMC in the amount of \$15,000 and to provide various copies and it should include sidewalk and crosswalk standards, assimilate or improve the street hump policy, provide a paved alley standard, and outline the intervals between streetlights. At a question by Commissioner Benavidez, Mr. Gaona stated that other cities do have a standards manual and it will benefit the City to develop one.

Mayor Pro-Tem Villarreal made a motion to approve engaging LeFevre Engineering to develop and provide a development standards manual. Commissioner Benavidez seconded the motion which passed unanimously.

**10.) DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE STAFF TO SOLICIT FOR ENGINEERING RFQ'S TO PREPARE A DRAINAGE MASTER PLAN.**

Mr. Zavala informed the Commission of the need of a Master Drainage Plan. The plan should include showing all existing drainage improvements, drainage ditches, ponds, gates and pumps, show elevations of Mercedes area, recommended location of needed ditches, storm lines, provide drainage policies and/or update our policies, and include protocol of action during urgent storm events. Mr. Zavala added the document would be vital for proper planning and budgeting and may attract State funding for storm improvements. At a question by Commissioner Benavidez, Mr. Zavala stated there was no current drainage master plan. Commissioner Benavidez said he is aware of a plan that is 4 or 5 years old at which Mr. Zavala asked him to table the item and to provide him with a copy. Mayor Hinojosa stated that there are still drainage requirements that contractors need to follow when developing an area. Mayor Pro-Tem Villarreal stated that this Master Plan was asked for after the June 2018 flood not the June 2019 flood. Mayor Pro-Tem Villarreal made a motion to approve authorizing staff to solicit for engineering RFQ's to prepare a Drainage Master Plan. Commissioner Benavidez seconded the motion which passed unanimously.

**11.) DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE STAFF TO SOLICIT FOR COMPETITIVE BIDS FOR THE LYON STREET IMPROVEMENTS.**

Mr. Zavala informed the Commission about the emergency meeting held June 28, 2019. Mr. Zavala stated there was a high risk of sewer and sanitary sewer pipes at Lyon subdivision. Mayor Hinojosa made a motion to approve soliciting for bids for the Lyon Street Improvements. Mayor Pro-Tem Villarreal seconded the motion which passed unanimously.

**12.) DISCUSSION AND POSSIBLE ACTION TO SOLICIT RFQ'S TO PREPARE PLANS TO PROVIDE SANITARY SEWER TO CAPISSALLO TERRACE.**

Mr. Zavala addressed the Commission regarding soliciting RFQ's to prepare plans to provide sanitary sewer to CapiSSallo Terrace. R. Gutierrez is the engineer given the task which is to provide a general examination of what it would take to provide the services. Mr. Zavala stated the subdivision was annexed in 2016 with 124 recorded lots. The initial estimate by R. Gutierrez reflected approximately \$1 Million in cost and included a new lift station. Mr. Zavala stated that new developers can be imposed a reimbursement fee to the City so we can re-capture some of this investment. Mr. Zavala stated the County of Hidalgo is designing a drainage plan for this area and the re-built of streets will follow. If the Commission move forward on the sanitary sewer plan completed, bid-out, and awarded so that the sewer construction may be completed next year. Mr. Zavala stated the engineering fee will be over \$50k, therefore, soliciting for RFQ's for construction plans. Mayor Hinojosa made a motion to approve item 12. Commissioner Benavidez seconded the motion which passed unanimously.

**13.) DISCUSSION AND POSSIBLE ACTION TO REQUEST BY ALBERT CANO TO HAVE BBQ COMPETITION AT HEB PARK IN AUGUST, 2019 WHERE ALCOHOLIC BEVERAGES (BEER) WILL BE AVAILABLE TO COMPETING TEAMS ONLY.**

Mr. Zavala addressed the Commission regarding the request by Albert Cano to have a BBQ Competition at the HEB Park on August 16, and 17, 2019 to raise funds for medical costs for his family. The event is just a competition and no plates will be sold to the public. Mr. Zavala stated that due to the consumption of alcohol by competing teams, the items needs to be approved by Commission. At a question by Commissioner Gomez, Mr. Cano stated there is no alcohol being sold only the competitors will be drinking. There was discussion regarding the responsibility of the alcohol consumption and restrictions and tabling the items. City Attorney Troiani stated restrictions can be set by the Commission. Mr. Cano stated approval is needed 2 months in advance to get IBCA sanctioned and if not approved today, would like to remove it from the agenda. There was continued discussion on the consumption of alcohol at the event. Commissioner Hernandez made a motion to approve item 13. Mayor Pro-Tem Villarreal seconded the motion. The motion passed 4 to 1 with Commissioner Gomez voting nay.

**14.) DISCUSSION AND POSSIBLE ACTION ON ORDINANCE TO PROVIDE DISCRETIONARY AUTHORITY TO THE CITY MANAGER'S OFFICE TO CONSIDER GIVING HOURS OFF TO AFFECTED STAFF DURING "SEVERE WEATHER" EVENT.**

Mr. Zavala informed the Commission that due to the rain event in June 2019, City facilities lost power, internet and phone lines. There is no policy on severe weather events at which the time the employees are unable to come into work would be taken from the employees' vacation time. The proposed ordinance will provide the City Manager's Office with discretionary authority to have the hours be paid as 'severe weather hours' and not from the employees earned vacation hours. Commissioner Hernandez made a motion to approve the Ordinance. Mayor Pro-Tem Villarreal seconded the motion which passed unanimously.

**15.) DISCUSSION AND POSSIBLE ACTION ON APPOINTMENT OF TWO NEW MEMBERS TO THE KEEP MERCEDES BEAUTIFUL COMMITTEE.**

Mr. Zavala informed the Commission of two vacancies on the KMB Committee. Mayor Hinojosa stated there were two applicants by the names of Lupita Valdez and Hector Castillo whom are both residents of Mercedes. Commissioner Hernandez made a motion to appoint Lupita Valdez and Hector Castillo to the two vacancies. Mayor Pro-Tem Villarreal seconded the motion which passed unanimously.

**16.) APPOINTMENT OF ONE MEMBER TO THE DEVELOPMENT CORPORATION OF MERCEDES, INC. (DCM).**

Mr. Zavala informed the Commission about a vacancy left by Rogelio "Andy" Ortega in which was set to expire in December 2019. Commissioner Gomez made a motion to appoint Manuel Garza to the DCM Board. Commissioner Benavidez seconded the motion which passed unanimously.

**17.) TABLED: DISCUSSION AND POSSIBLE ACTION TO RATIFY THE CITY MANAGER'S ACTION TO APPROVE BUY BOARD PURCHASE OF PRE-FABRICATED METAL PAVILLION AND FABRICATED CANOPIES WITH METAL FRAME FOR PICNIC SHELTERS AND ACCESSIBLE PLAYGROUND WITH ACCESSIBLE GLIDER FOR THE MERCEDES SPORTS COMPLEX PHASE 1.**

Commissioner Gomez made a motion to remove item 17 from the table. Mayor Pro-Tem Villarreal seconded the motion which passed unanimously.

Sam Garcia informed the Commission that the City could save money by going through a buy-board vendor. Commissioner Gomez asked and was provided information regarding how much money was set aside for shade structures and was informed that the City was coming under that money set aside. Commissioner Benavidez also asked that he wanted more oversight from the Commission. Following the discussion more information would be provided to the Commission. No action was taken on the item.

**18.) 'PUBLIC' NOTICE OF THE RELOCATION OF THE MERCEDES POLICE DEPARTMENT AND LOCATION OF SUBSTATION.**

Mayor Hinojosa stated this is not a discussion item. No action taken.

**19.) DISCUSSION AND POSSIBLE ACTION TO APPROVE THE REQUEST FOR SPONSORSHIP FOR TEXAS STREET FESTIVAL WITH CONDITIONS MADE AVAILABLE FOR REVIEW.**

City Attorney stated that due to Item 8 on the agenda this item is moot.

**20.) DISCUSSION AND POSSIBLE ACTION ON THE CURRENT CHRISTMAS TREE CONTRACT.**

City Attorney stated that due to Item 8 on the agenda the item is moot.

**21.) DISCUSSION AND POSSIBLE ACTION TO REQUEST RFP'S FOR THE PURCHASE OF PRE-FABRICATED METAL PAVILION AND FABRIC CANOPIES WITH METAL FRAME FOR PICNIC SHELTERS AND ACCESSIBLE PLAYGROUND WITH ACCESSIBLE GLIDER FOR THE MERCEDES SPORTS COMPLEX PHASE 1.**

Mayor Hinojosa stated this item is moot.

**22.) DISCUSSION AND POSSIBLE ACTION FOR THE ALLOCATION OF FUNDS FOR "CONSTRUCTING DRAINAGE AND STORM DRAINAGE IMPROVEMENTS," FROM THE CERTIFICATES OF OBLIGATION, SERIES 2018.**

Commissioner Benavidez stated there are drainage issues and the City only designated \$80K to \$89K for drainage improvements. Commissioner Benavidez would like to allot leftover monies for drainage improvements. Mayor Hinojosa stated it could be done once they have the amounts of monies leftover. Commissioner Benavidez made a motion to table item 22. Mayor Hinojosa seconded the motion which passed unanimously.

**23.) DISCUSSION AND POSSIBLE ACTION TO REPLACE EDC BOARD MEMBER (ORTEGA'S PLACE) TO**

This item was voted on earlier on the agenda. No action.

**24.) DISCUSSION AND POSSIBLE ACTION ON LEANDRO "LEO" VILLARREAL LEGAL FEES TOTALING \$28,061.69 PAID FOR BY THE CITY OF MERCEDES IN "RICARDO & DAHLIA GARCIA VS. CITY OF MERCEDES (LEANDRO VILLARREAL)" LAWSUIT.**

City Attorney stated that due to Item 8 on the agenda the item is mute. Commissioner Benavidez stated the item was placed on the agenda to see if it was done lawfully. City Attorney Troiani advised that the council at the time made the legal opinion and the item was voted on by the previous Commission. Mayor Hinojosa stated the City depends on the legal advice of the Attorney and base the decision on their opinion.

**25.) OPEN FORUM.**

Mr. Jacob Howell addressed the Commission about flood and drainage issues and educating the community on preparedness.

Mr. Juan Garcia expressed to the Commission his concern about flooding on Anacuitas St. and the phone lines being down during the flood.

Ms. Raquel De los Santos addressed the Commission about flood issues, her family being disabled, and the flood gates.

Ms. Sylvia Adalverde expressed her concern on the Anacuitas flooding.

Ms. Carmen Galindo expressed her concern on the Capisallo Terrace Subdivision flooding.

Mr. Adrian Saucedo expressed his concern on the flooding and asked for help from the Commission.

Mr. Miguel Loya addressed the Commission about the suppression of Open Forum.

Ms. Dalia Pena signed up but declined to speak.

Ms. Monica Dominguez expressed her concern on the flooding on Georgia St.

Mr. Israel Coronado addressed the Commission about bringing the community together and help citizens with the demolition.

Ms. Rachel Davila expressed her concern on the flooding, flood gates, and an emergency plan.

Ms. Nereida Anguiano expressed her concern on the sewer improvements to Capisallo Terrace.

Mayor Hinojosa called the meeting into executive session at 7:30 pm. No action will be taken at this time.

26.)EXECUTIVE SESSION:

- DISCUSSION WITH CITY ATTORNEY PURSUANT TO: REGARDING INTERLOCAL AGREEMENT TO ENSURE COMPLIANCE WITH STATUTORY AND PROCEDURAL GUIDELINES RELATED TO PUBLIC SAFETY AND LAW ENFORCEMENT PROCEDURES. PURSUANT TO SECTION 551.071, TEXAS GOV'T CODE ANNOTATED.
- CONSULTATION WITH LEGAL COUNSEL PURSUANT TO TEXAS GOVERNMENT CODE 551.071 TO RECEIVE LEGAL ADVICE REGARDING A MATTER PROTECTED BY THE ATTORNEY CLIENT COMMUNICATIONS PRIVILEGE REGARDING THE DUTIES AND RESPONSIBILITIES OF THE CITY COMMISSION
- CONSULTATION WITH LEGAL COUNSL PURSUANT TO TEXAS GOVERNMENT CODE 551.071 TO RECEIVE LEGAL ADVISE REGARDING A MATTER PROTECTED BY THE ATTORNEY CLIENT COMMUNICATIONS PRIVILEGE REGARDING THE DUTIES AND RESPONSIBILITIES OF THE CITY ATTORNEY.

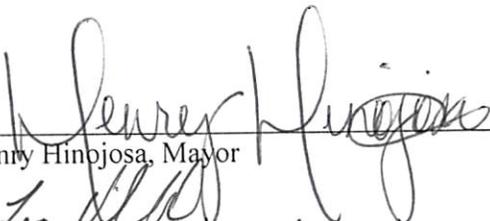
Mayor Hinojosa called the meeting back to order at 8:34 P.M.

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

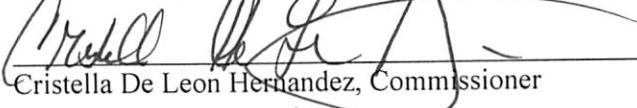
No Action was taken on the items discussed in executive session.

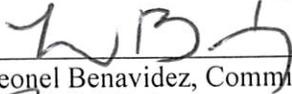
28.)ADJOURN.

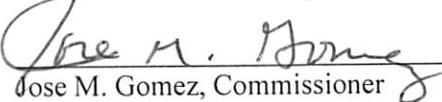
Mayor Pro-Tem Villarreal made a motion to adjourn the meeting. Mayor Hinojosa seconded the motion, which passed unanimously. The meeting adjourned at 8:35 P.M.

  
Henry Hinojosa, Mayor

  
Leo Villarreal, Mayor Pro-Tem

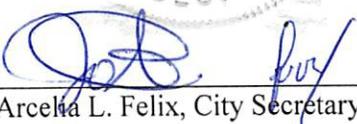
  
Cristella De Leon Hernandez, Commissioner

  
Leonel Benavidez, Commissioner

  
Jose M. Gomez, Commissioner



ATTEST:

  
Arcelia L. Felix, City Secretary