

**MERCEDES CITY COMMISSION
REGULAR MEETING
JUNE 4, 2019 – 6:00 P.M.
MERCEDES CITY HALL – COMMISSION CHAMBERS**

MEMBERS PRESENT:	Ruben Guajardo	Mayor Pro-Tem
	Howard Wade	Commissioner
	Leandro Villarreal	Commissioner
	Cristella De Leon Hernandez	Commissioner
	Sergio Zavala	City Manager
	Anthony Troiani	City Attorney

MEMBERS ABSENT: Henry Hinojosa Mayor

Staff: Dagoberto Chavez, Nereida Perez, Marisol Vidales, Tommy Ureste, Javier Campos, Jose Figueroa, Olga Maldonado, Eduardo Trevino and Joselynn Castillo.

1.) CALL MEETING TO ORDER.

Mayor Pro-Tem Guajardo welcomed everyone to the meeting and called the meeting to order at 6:00 p.m.

2.) ESTABLISH QUORUM.

Four members of the Commission were present which constituted a quorum.

3.) INVOCATION.

Pastor Jacques said the invocation.

4.) PLEDGE OF ALLEGIANCE.

Commissioner Villarreal led in the Pledge of Allegiance.

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

A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING(S) HELD MAY 21, 2019. B.) SECOND AND FINAL READING OF ORDINANCE NO. 2019-11 AMENDING THE ZONING ORDINANCE TO INCLUDE A MODERATE DENSITY-SINGLE FAMILY RESIDENTIAL ZONING DISTRICT. C.) RATIFY APPROVAL OF REQUEST TO PURCHASE EQUIPMENT FOR 10 POLICE UNITS. D.) APPROVAL OF CHANGE ORDER FOR PAVING OVERLAY PROJECT PACKAGE #2.

Commissioner Benavidez stated the bid received was in the amount of \$49,929 for the purchase of equipment for 10 police units and asked if the City received any other bids. Mayor Pro-Tem Guajardo stated the bid came from buyboard, at which the City Attorney Troiani added that Buyboard is a competitive process and is an acceptable bid.

Commissioner Benavidez asked why purchase equipment and not use the monies from the CO's to correct past issues and necessities. Mayor Pro-Tem Guajardo stated that is a different matter and the item is for the purchase of equipment for ten police units. Commissioner Benavidez asked Mr. Zavala to inform the citizens of the change order at which Mr. Zavala stated the change order was due to some issues that are not foreseen. Mr. Isreal Gaona provided the Commission with a handout that includes the amounts of the project and the savings comparison. Mr. Gaona stated that three projects came in under budget and one project went over budget.

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

6.) CITY MANAGER COMMENTS.

Mr. Zavala stated there were no comments.

7.) UPDATE ON FIRE/EMS (AMBULANCE) SERVICE BY ADMINISTRATOR OF RECORD ARMANDO “MANDO” MARTINEZ.

Mr. Armando Martinez addressed the Commission about the ambulance service. He discussed the ribbon cutting, the regional dispatch center, incorporating the same CAD system, EMS service calls received, transportation of patients, response and scene times. At a question, Mr. Martinez stated the EMS service is only a 911 service for emergencies only and Hidalgo County EMS has a unit at the Fire Department for standby.

8.) DISCUSSION AND POSSIBLE ACTION TO TERMINATE SERVICES FOR MED-CARE AMBULANCE SERVICES.

Mr. Martinez informed the Commission that the services with Med-Care are no longer needed due to the City having the resources to respond to calls. Mr. Zavala stated that the contract with Med-Care would be retro-actively terminated as of May 18, 2019. Mr. Martinez stated that Med-Care expressed interest in assisting the City if need be. At a question by Mayor Pro-Tem Guajardo, Mr. Martinez informed that the City passed an ordinance to allow ambulance services to request a permit to provide services for non-emergencies. Commissioner Villarreal made a motion to approve terminating Med-Care effective May 18, 2019. Commissioner Hernandez seconded the motion, which passed unanimously.

9.) UPDATE AND PRESENTATION BY RAMIRO GUTIERREZ ON UPCOMING DRAINAGE DESIGN IMPROVEMENTS IN AND AROUND THE CAPISALLO TERRACE SUBDIVISION.

Ramiro Gutierrez addressed the Commission regarding the flooding issue in the middle of the Capisallo Terrace subdivision. Mr. Gutierrez proposed expanding the ditch to the north and east of the subdivision for a detention pond, acquire the ROW on the north side, and stated the construction to start sometime next year. At a question, Mr. Gutierrez said he may have amounts for the project in about 4 to 5 months. Mr. Zavala commented to Mr. Gutierrez to come back at a later meeting for an update due to the monies coming from the county. Commissioner Villarreal asked what the current plans for the flooding are due to hurricane season coming up. Mr. Gutierrez stated in order to help the flooding, the City must make sure all the inlets and ditches are cleaned. There was some discussion regarding numbers for the sewer in the area, sewer projects in other areas, a future workshop, a crossing on Mile 2 and pumping water out, and a contingency plan to alleviate the flooding in the subdivision.

10.) UPDATE AND PRESENTATION BY SIGLER, WINSTON & GREENWOOD ON (1) THE CIVIC CENTER IMPROVEMENTS AND (2) THE WATER WELL RESTORATION PROJECT.

Isaac Huacaja, a representative from Sigler, Winston & Greenwood updated the Commission on the Civic Center Improvement project and the Water Well Restoration project. Mr. Huacaja informed the Commission about the paving, electrical, irrigation, and landscaping at the Civic Center. At a question, Mr. Huacaja stated that the cost of the improvement project is \$250,000, accent lighting has not been placed yet, and improvements might be complete by the end of June and will only have the permanent power supply pending installation. Mayor Pro-Tem Guajardo allowed Mr. Morales to pose a question about the sound system. Mr. Huacaja stated that the bands that will be performing will need to bring their own equipment for sound. There was a question from the audience about a screen for Movies at the Park, at which it was stated that question will be addressed in the future.

Mr. Isaac Huacaja addressed the Commission regarding the Water Well restoration project. Mr. Huacaja stated the project began May 20, 2019 and provided the contractor with a notice to proceed. The screen, casing, brush, and video inspections have been conducted. Mr. Huacaja explained the photos in his presentation which included, clearing the debris, inserting the camera into the well, the plugged holes in the well, and the mineral build up. The contractor is Bell Water Well Services of Elsa and the contract amount is about \$330,000. At a question, Mr. Huacaja stated the Water Well was dormant for 3 to 4 years. Mayor Pro-Tem Guajardo stated the Water Well Restoration project would help increase the quality of the water usage and will help save the City money. Mr. Huacaja informed the Commission that currently the well is dormant due to build up and with the rehab project, it will be able to increase another 30 to 40% which will produce about 1,400 gallons per minute. At a question, Mr. Huacaja stated the contract is for 100 days from the date the notice to proceed was given.

11.) PRESENTATION OF DELINQUENT TAX COLLECTIONS AND FINE/FEE REPORTS, OCTOBER 1, 2018 THROUGH APRIL 30, 2019.

Hiram Gutierrez presented to the Commission the delinquent tax collection and fine/fee report for October 1, 2018 to April 30, 2019. Mr. Gutierrez informed the Commission that Purdue, Brandon, Fielder, Collins & Mott, LLC work with the citizens to collect the delinquent taxes. He stated they have made contact with 1,446 tax payers, sent 297 notices of delinquencies, entered into payment agreements with seven tax payers on over \$34,950 in base tax, filed 54 original petitions involving over \$621,000 owed to the city, and filed four proofs of claims in bankruptcy court. Mr. Gutierrez informed the Commission that they were able to collect \$84,966 in base tax, \$33,238 in penalties and interest, totaling \$113,000 owed to the City. Mr. Gutierrez continued to inform the Commission about percentage of tax roll collected, the factors of the reduction and collection rate, the delinquency amount went from \$925,000 in the previous year to \$890,000 this year, and the deferral for elders over 65 or are disabled that cannot be collected.

12.) DISCUSSION AND POSSIBLE ACTION ON AUTHORIZING ALCOHOLIC BEVERAGES AT THE HEB PARK FOR A JULY 4TH CELEBRATORY EVENT.

Mr. Zavala informed the Commission about authorizing alcoholic beverages for the July 4th event at the HEB Park. The City previously approved an ordinance allowing the consumption of alcoholic beverages with City Commission approval. Mr. Zavala stated the approval will be for the July 4th event only. At a question by Commissioner Benavidez, Mr. Zavala stated the area will be from the parking lot to the north. Commissioner Villarreal made a motion to approve item 12. Mayor Pro-Tem Guajardo seconded the motion, which passed unanimously.

13.) DISCUSSION AND POSSIBLE ACTION ON ORDINANCE TO PERMIT A TENURE OF ALLOWANCE FOR PRE-FABRICATED CARPORTS IN RESIDENTIAL SETTINGS.

Mr. Zavala addressed the Commission about an elderly couple that would like to purchase a pre-fabricated steel carport due to medical conditions. The Ordinance will allow the carport on a temporary condition of 36 months and will be brought before the Commission after but not later than the 35th month to see if its working and helping the Citizens. Commissioner Villarreal asked about the setbacks at which Mr. Zavala stated the carport will not need to meet requirements due to the structure being temporary. Commissioner Villarreal made a motion to approve the ordinance. Commissioner Benavidez seconded the motion which passed unanimously.

14.) DISCUSSION AND POSSIBLE ACTION TO CONVERT PURCHASING AGENT POSITION BACK TO AN ACCOUNTANT POSITION WITH A CONCENTRATION ON FIXED ASSETS.

Nereida Perez addressed the Commission regarding converting the purchasing agent position back to an accountant position with concentration on fixed assets. Ms. Perez stated that the Commission approved converting the accountant position to purchasing agent due to helping staff with procurement policies. Due to the purchasing agent focusing on the procurement, the fixed assets part of the job did not get updated. Ms. Perez stated that converting the position back to accountant with concentration on fixed assets will allow the city to have inventory of all city property. At a question by Mr. Zavala, Ms. Perez stated she had confidence in her staff to handle the purchasing aspect of the position. Mayor Pro-Tem Guajardo stated that a new position is not being created just changing the job title and description. Commissioner Villarreal made a motion to approve converting the purchasing agent position back to an accountant position with a concentration on fixed assets. Mayor Pro-Tem Guajardo seconded the motion, which passed unanimously.

15.) DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE DISPOSITION (AUCTION) OF SEIZED VEHICLE.

Chief Olga Maldonado addressed the Commission about getting authorization to dispose (auction) seized vehicle. At a question, Chief Maldonado stated there are three vehicles that have been awarded. Commissioner Villarreal made a motion to authorize the disposition of seized vehicle. Mayor Pro-Tem Guajardo seconded the motion, which passed unanimously.

16.) TABLED: DISCUSSION AND POSSIBLE ACTION TO APPROVE THE REQUEST FOR SPONSORSHIP FOR TEXAS STREET FESTIVAL.

Commissioner Villarreal made a motion to remove item 16 from the table. Mayor Pro-Tem Guajardo seconded the motion, which passed unanimously.

Mr. Zavala stated that in speaking with the City Attorney, it was said to fund the sponsorship for the Texas Street Festival. Mr. Zavala stated that the Chamber is requesting \$30,000, and award \$16.1 thousand to the Chamber as administrator with the condition the funds be used for Hotel/ Motel activities. The City Attorney stated the City will be

funding a portion of the request from the Hotel/Motel fund and have a service contract with the Chamber of Commerce. At a question, the City Attorney stated the funds need to be separated to comply with law. Mr. Zavala stated the contract will be presented to the Chamber for their approval. At a question, the City Attorney stated the service contract will have the requirements and will have that an itemized list of the funds be provided to the City. Commissioner Benavidez made a motion to approve the request for sponsorship for Texas Street Festival with the inclusion of the itemized list of services and approval of the contract with the City to be administrators of the money. Commissioner Villarreal seconded the motion, which passed unanimously.

17.)OPEN FORUM.

Ms. Esmeralda Guerrero addressed the Commission about an item on a previous meeting regarding open forum.

Mayor Pro-Tem Guajardo called the meeting into executive session at 7:15 pm. No action will be taken at this time.

18.)EXECUTIVE SESSION:

- ATTORNEY CONSULTATION PURSUANT TO SECTION 551.071, TEXAS GOV'T CODE ANNOTATED TO PROVIDE LEGAL ADVICE IN CONNECTION WITH PENDING LITIGATION, CAUSE NO. CL-19-2686A.

-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.

-DISCUSSION REGARDING PROJECT CANADA – SECTION 551.087, TEXAS GOVERNMENT CODES ANNOTATED – ECONOMIC DEVELOPMENT.

Mayor Pro-Tem Guajardo called the meeting back to order at 9:25 P.M.

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

On the item regarding pending litigation Cause No. CL-19-2686A, Mayor Pro-Tem Guajardo made a motion to approve as discussed in Executive Session. Commissioner Hernandez seconded the motion, which passed unanimously.

On the item regarding statutory and procedural guidelines related to Public Safety and Law enforcement procedures, Mayor Pro-Tem Guajardo made a motion to approve as discussed in executive session. Commissioner Benavidez seconded the motion, which passed unanimously.

On the item regarding project Canada, Mayor Pro-Tem Guajardo made a motion authorizing city manager, city staff and EDC to proceed as discussed in executive session to make this project a reality. Commissioner Villarreal seconded the motion, which passed with Commissioner voting Nay.

20.)ADJOURN.

Mayor Pro-Tem Guajardo made a motion to adjourn the meeting. Commissioner Villarreal seconded the motion, which passed unanimously. The meeting adjourned at 9:27 P.M.