

**MERCEDES CITY COMMISSION  
REGULAR MEETING  
MARCH 19, 2019 – 6:00 P.M.  
MERCEDES CITY HALL – COMMISSION CHAMBERS**

<b>MEMBERS PRESENT:</b>	Henry Hinojosa	Mayor
	Ruben Guajardo	Mayor Pro-Tem
	Howard Wade	Commissioner
	Leandro Villarreal	Commissioner
	Cristella De Leon Hernandez	Commissioner
	Sergio Zavala	City Manager
	Arcelia L. Felix	City Secretary
	Anthony Troiani	City Attorney

**MEMBERS ABSENT:** None

**Staff:** Nereida Perez, Marisol Vidales, Jose Figueroa, Olga Maldonado, Saul Rodriguez 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.**

Reverend Nava 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 MARCH 5, 2019. B.) APPROVAL OF REQUEST TO AUTHORIZE STAFF TO SOLICIT BIDS REGARDING THE REGIONAL WATER WELL REHAB PROJECT. C.) RATIFY APPROVAL OF CITY MANAGER'S ACTION TO PROCURE A STORAGE BUILDING TO BE USED FOR SHELTERING PERSONNEL AT CITIZENS COLLECTION STATION (CCS) SITE.**

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

**6.) CITY MANAGER COMMENTS.**

Mr. Zavala informed the Commission about the improvements done to the library's flooring.

**7.) PRESENTATION AND UPDATE BY LEFEVRE ENGINEERING ON VARIOUS CITY PROJECTS.**

Israel Gaona from LeFevre Engineering presented updates on project packages One, Two, and Three, the Boyd Subdivision project, the Mercedes and Weslaco Waterline interconnect, and Lorenzana project. He addressed the progress of the projects, the list of the streets, the timeline, the contractors and weather days. There was some discussion regarding having to bore, and reluctant property owners on the waterline interconnect project. Mr. Richard LeFevre addressed the Commission about a bond project issue. Mr. LeFevre discussed the removal and disposal of sludge and getting authorization from the city to solicit manufactures to look at the issue. There was some discussion regarding the overlay projects, addressing potholes, and the usage and storage of the milling. Mr. Figueroa informed the Commission of the types of mix used for the potholes.

**8.) DISCUSSION AND POSSIBLE ACTION TO AMEND DRAINAGE POLICY MANDATING PROJECT ENGINEER TO CALCULATE FOR A 50-YEAR STORM EVENT FOR NEW SUBDIVISIONS.**

Mr. Zavala addressed the Commission regarding amending the drainage policy for new subdivisions. Mr. Zavala stated that in increasing the detention capacity, it would save the City's drainage infrastructure from being taxed due to rainwaters being detained within the new subdivision. The ordinance would increase the project engineers to design the new subdivisions to detain at least the rainfall from 50-year storms. Commissioner Wade made a motion to approve amending drainage policy for new subdivision. Mayor Pro-Tem Guajardo seconded the motion, which passed unanimously.

**9.) PRESENTATION AND UPDATE BY BURTON, MCCUMBER, AND LONGORIA ON STATUS OF CITY'S ANNUAL AUDIT.**

Auditor was not present. No action necessary.

**10.) DISCUSSION AND POSSIBLE ACTION TO APPROVE UPDATED PROCEDURES FOR SELECTION AND CONTRACTING OF PROFESSIONAL SERVICE PROVIDERS FOR FEDERAL ROAD PROJECTS.**

Mike Mesa addressed the Commission regarding updating procedures of professional services for federal road projects. Commissioner Villarreal made a motion to approve updated procedures for selection and contracting of professional service providers for federal road projects. Commissioner Wade seconded the motion, which passed unanimously.

**11.) DISCUSSION AND POSSIBLE ACTION TO AMEND THE CITY'S ORGANIZATIONAL STRUCTURE TO MOVE THE MUNICIPAL COURT TO THE PLANNING DEPARTMENT.**

Commissioner Wade made a motion to table item 11. Mayor Pro-Tem Guajardo seconded the motion, which passed unanimously.

**12.)DISCUSSION AND POSSIBLE ACTION TO AMEND THE SIDE YARD BUILDING SETBACK ON ALL DISTRICTS WHEN UNIQUE LAND USE FEATURES ARE EVIDENT ON ADJOINING PROPERTIES.**

Mr. Zavala addressed the Commission regarding amending the side yard setbacks. Mr. Zavala provided examples of the unique conditions that may occur and stated the amendment will allow the setback to be adjusted to not less than 4 ft. and will retain the integrity of the fire break distance rule. Mayor Pro-Tem Guajardo made a motion to approve amending the side yard building setback on all districts when unique land use features are evident on adjoining properties. Commissioner Villarreal seconded the motion, which passed unanimously.

**13.)DISCUSSION AND POSSIBLE ACTION TO AMEND ORDINANCE NO. 2016-17 TO INCREASE THE PERIMETER RADIUS TO QUALIFY TOW TRUCK COMPANIES FOR CONSIDERATION TO BE ON THE CITY'S ROTATION LIST.**

Mr. Zavala addressed the Commission about increasing the perimeter radius for Tow Truck Companies to be considered being on the City's rotation list. Mr. Zavala stated the increase would be from 3 miles to a 4 mile radius. Chief Maldonado explained how a tow truck company is currently on the list but outside the 3 mile radius. There was some discussion regarding increasing the radius to 5 miles. Commissioner Villarreal commented that the company already on the list can remain on the list and if approved the 4 mile radius would be enforced. Commissioner Villarreal made a motion to approve amending Ordinance No. 2016-17 to increase the perimeter radius to 4 miles for Tow Truck companies to be considered on the City's rotation list. Mayor Pro-Tem Guajardo seconded the motion, the motion passed with Commissioner Hernandez voting nay.

**14.) DISCUSSION AND POSSIBLE ACTION ON APPOINTMENT OF CRIME STOPPERS BOARD OF DIRECTORS.**

Chief Maldonado addressed the Commission about the appointment of a crime stoppers board. At a question, Chief Maldonado stated the Commission can decide how many members will be on the board and provided a sample of the application. Chief Maldonado recommended that the members be finger printed. There was some discussion about the application wording, notifying the applicants about the finger printing, and posting the announcement. City Attorney Troiani recommended tabling the appointment in order to advertise for interested citizens. Commissioner Wade made a motion to table the appointment of a Crime Stoppers board of directors. Commissioner Villarreal seconded the motion, which passed unanimously.

**15.) DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE MONTH OF APRIL AS AN OFFICIAL AMNESTY PERIOD.**

Chief Maldonado informed the Commission that no one took advantage of the amnesty program held in February and would like to continue the program again in the month of April. Chief Maldonado stated they would be advertising the program again. Commissioner Wade made a motion to authorize the month of April as an official amnesty period. Mayor Pro-Tem Guajardo seconded the motion, which passed unanimously.

**16.)DISCUSSION AND POSSIBLE ACTION ON MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MERCEDES AND THE CITY OF WESLACO FOR DISPATCH SERVICES AS IT RELATES TO MERCEDES' AMBULANCE SERVICE.**

Mr. Zavala informed the Commission about the Memorandum of Understanding with the City of Weslaco for dispatch services. Mr. Zavala stated the City of Weslaco has had ambulance services since the 80's and have the experience and skill set to help the City of Mercedes. The MOU includes a month rental fee of \$500.00 for a 2 year term, with an option for 2 year extensions. Mayor Pro-Tem Guajardo made a motion to approve the MOU with the City of Weslaco for dispatch services as it relates to Mercedes' Ambulance service. Commissioner Wade seconded the motion, which passed unanimously.

**17.)DISCUSSION AND POSSIBLE ACTION TO APPROVE VENDOR FOR THE PURCHASE IN CONCEPT OF SERVICE FOR ELECTRICAL WORK AT THE MARYLAND LIFT STATION.**

Mr. Figueroa addressed the Commission about seeking a contractor to perform the electrical installation on the Maryland lift station. The City received 2 quotes: JC Electric in the amount of \$43,497.91 and ET Electric for \$48,042.91. The quotes included labor, parts, and AEP fee for converting from a single to a tri-phase on the power line. Mayor Pro-Tem Guajardo made a motion to approve JC Electric to provide service for electrical work at the Maryland Lift Station for \$43,497.91. Commissioner Villarreal seconded the motion, which passed unanimously.

**18.)DISCUSSION AND POSSIBLE ACTION ON THE CITY'S PUBLIC WORKS DEPARTMENT SEEKING PROPOSALS FROM APPROPRIATELY LICENSED AND QUALIFIED COMPANIES WITH A DEMONSTRATED TRACK RECORD TO PROVIDE FULL SERVICE HEATING, VENTILATION AND AIR CONDITIONING MAINTENANCE SERVICES (HVAC).**

Mr. Figueroa addressed the Commission about seeking proposals for HVAC maintenance services. Mr. Figueroa stated the maintenance would be to City Hall, Public Works, Recreation Buildings (including the Safety Dome), Police Station, Fire Station, and Library. The services would help reduce breakdowns, lower utility bills, reduce maintenance cost, and extend the life of the equipment. Mr. Figueroa requested a panel to be appointed to review the proposals which include Richard Morin, Marisol Vidales, Nereida Perez, Tommy Ureste, and Jose Figueroa. Mayor Pro-Tem Guajardo made a motion to approve authorizing the Public Works department to seek proposals for HVAC maintenance services to City buildings. Commissioner Wade seconded the motion, which passed unanimously. At a question, Mr. Figueroa stated the notice will be posted online and in the newspaper.

**19.) TABLED: DISCUSSION AND POSSIBLE ACTION TO APPROVE PURCHASE OF VACUUM TRUCK.**

Mayor Pro-Tem Guajardo made a motion to un-table item 19. Commissioner Villarreal seconded the motion, which passed unanimously.

Mr. Figueroa informed the Commission that at a previous meeting the Commission decided to seek prices of a new vacuum truck and get more information on the used vacuum truck by Kinloch Equipment & Supply, Inc. for \$145,000.00. Mr. Figueroa stated the City received 3 quotes for a new vacuum truck from Freightliner of Austin for \$363,634.00, Kinloch Equipment & Supply for \$374,498.00, and from Bucher Municipal for \$450,000.00. Mr. Figueroa told the Commission the yard capacity of each truck and about a water recycling feature on the Bucher Municipal. There was some discussion regarding the location for maintenance, the warranty for the new vacuum truck, the capacity and the price. Commissioner Wade made a motion to select Freightliner of Austin for \$363,634.00. Mayor Pro-Tem Guajardo seconded the motion, the motion passed with Mayor Hinojosa voting nay.

**20.) TABLED: DISCUSSION AND REQUEST FOR DIRECTION REGARDING CHRISTMAS 2019 EXTERIOR DÉCOR.**

Mayor Pro-Tem Guajardo made a motion to un-table item 20. Commissioner Villarreal seconded the motion, which passed unanimously.

A short video was played for everyone to view. Ms. Vidales addressed the Commission about purchasing new décor for Christmas. Some of the items to be replaced are the street crossings and the outdoor Christmas Ribbon tree. Ms. Vidales stated the price for the Ribbon tree is \$65,000 with a leasing option of 3 years and 2 year warranty. There was some discussion regarding the pricing, leasing options, panel tree, ribbon tree, the street crossings and the life expectancy. Commissioner Wade stated the City has not purchased any Christmas decorations in many years. Commissioner Wade made a motion to purchase 8 street crossings and the ribbon tree with the lease purchase of \$107,000 or the outright at \$92,601.00. Commissioner Villarreal seconded the motion, which passed with Mayor Hinojosa voting nay.

**21.) DEPARTMENT REPORTS.**

Department reports are included in the packet for the Commission to review.

**22.) OPEN FORUM.**

Mr. Jose Gomez informed the Commission his concern about graffiti and the restrooms at the Civic Center.

Mr. Alvaro Gonzalez addressed the Commission regarding sewer issues on his recently purchased property.

Mr. Miguel Loya declined to speak.

Ms. Dalia Pena addressed the Commission regarding reimbursements. City Attorney Troiani informed Ms. Pena that she cannot speak about specific employees. Ms. Pena stated she would speak at a future meeting..

Ms. Lucy Delgado informed the Commission about animal control issues regarding cats and dogs and recommended bringing awareness to educate the citizens.

Mr. Leonel Benavidez addressed the Commission regarding the use of public money for private use.

Mayor Hinojosa called the meeting into executive session at 7:19 pm. No action will be taken at this time.

**23.) EXECUTIVE SESSION:**

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

**-DISCUSSION REGARDING PROJECT A. VASQUEZ – SECTION 551.087, TEXAS GOVERNMENT CODES ANNOTATED – ECONOMIC DEVELOPMENT.**

**-ATTORNEY CONSULTATION PURSUANT TO SECTION 551.071, TEXAS LOCAL GOV'T CODE TO PROVIDE LEGAL ADVICE IN CONNECTION WITH PENDING LITIGATION STYLED AND NUMBERED AS FOLLOWS: RICARDO GARCIA V CITY OF MERCEDES, ET. AL., CAUSE NO. C-2093-17-A (92<sup>ND</sup> JUD. DIST. COURT – HIDALGO COUNTY, TEXAS)**

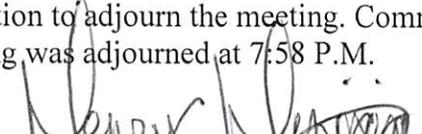
Mayor Hinojosa called the meeting back to order at 7:57 P.M.

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

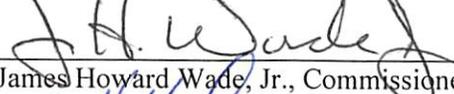
No action taken on the items discussed in executive session.

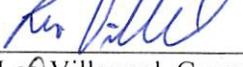
**25.) ADJOURN.**

Mayor Hinojosa made a motion to adjourn the meeting. Commissioner Wade seconded the motion, which passed unanimously. Meeting was adjourned at 7:58 P.M.

  
Henry Hinojosa, Mayor

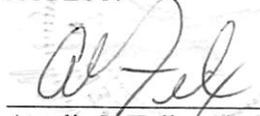
  
Ruben Guajardo, Mayor Pro-Tem

  
James Howard Wade, Jr., Commissioner

  
Leo Villarreal, Commissioner

  
Cristella De Leon Hernandez, Commissioner

ATTEST:

  
Arcelia L. Felix, City Secretary

