

**MERCEDES CITY COMMISSION
REGULAR MEETING
JULY 16, 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
Anthony Troiani City Attorney

MEMBERS ABSENT: NONE

Staff: Dagoberto Chavez, Nereida Perez, Marisol Vidales, Tommy Ureste, Javier Campos, Hugo Perales 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.

At this time four members of the Commission were present which constituted a quorum.

3.) INVOCATION.

Reverend Juan De Los Santos led the invocation. All those in attendance participated in the reverent act

4.) PLEDGE OF ALLEGIANCE.

Commissioner Villarreal led in the Pledge of Allegiance.

Commissioner Hernandez made a motion to hear item 18 before consent agenda. Commissioner Gomez seconded the motion which passed unanimously.

18.) DISCUSSION AND POSSIBLE ACTION TO MOVE THE "OPEN FORUM" AGENDA ITEM UP ON THE AGENDA TO FOLLOW THE PLEDGE OF ALLEGIANCE.

At this time Commissioner Benavidez arrived. Mayor Pro-Tem Villarreal made a motion to move the "Open Forum" agenda item up to follow the Pledge of Allegiance. Commissioner Hernandez seconded the motion which passed unanimously.

25.) OPEN FORUM.

Mr. Edelmiro Dominguez addressed the Commission regarding concerns about speeding, unusable sidewalks, and Ordinance 2004-23 fee for capital improvements.

Mr. Miguel Loya expressed his concern regarding item 8, Ordinance No. 2002-04, and fixing drainage issues.

Ms. Julianne Moore expressed her concern about the speed limit on Mile 2 E, brush pick up issues, and food truck sales.

Ms. Rachel Avila expressed her concerns about flooding and drainage issues.

Mr. David Garza addressed the Commission regarding water and sewer services at 2190 W. Business 83.

Mr. Jacob Howell addressed the Commission on his approval of open forum being moved and having single member districts.

Ms. Monica Dominguez addressed the Commission regarding flooding and drainage issues.

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

A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING(S) HELD JULY 2, AND JULY 8, 2019.

B.) SECOND AND FINAL READING OF ORDINANCE NO. 2019-13 TO PROVIDE DISCRETIONARY AUTHORITY TO THE CITY MANAGER'S OFFICE TO CONSIDER GIVING HOURS OFF TO AFFECTED STAFF DURING "SEVERE WEATHER" EVENT.

Commissioner Hernandez stated there needed to be a correction on the minutes of July 2, 2019. Mayor Pro-Tem Villarreal made a motion to approve items under consent agenda with corrections to the minutes as just stated. Commissioner Hernandez seconded the motion which passed unanimously.

6.) CITY MANAGER COMMENTS.

Mr. Zavala informed the Commission regarding a bee incident and recommended that the general public alert the fire department of any bees. Mr. Zavala explained the communication issues faced during the flood, and will seek measures so communications will not fail. He also informed all of the Movies at the Park event being held at the improved HEB Park, and the July 4th event. Mr. Zavala stated that Mr. Dagoberto Chavez has been appointed Police Chief and will have a swearing in ceremony on July 18, 2019.

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

Commissioner Gomez stated that he and Commissioner Benavidez requested Mr. Richard LeFevre to be present for the presentation. Israel Gaona stated Mr. LeFevre was unable to attend but he is licensed to practice under a professional engineer and is authorized to do the presentation. Commissioner Gomez stated he would like to wait for Mr. LeFevre to ask questions. There was discussion regarding the structure of LeFevre Engineering, the requested presenter, Mr. Richard LeFevre, the present representative Israel Gaona. Mr. Zavala reminded those present that Israel Gaona has been providing detailed reports for months, and has been doing a good job at it. If there are questions, Mr. Zavala felt comfortable that Mr. Gaona could satisfactorily reply. The City Attorney advised Mr. Gaona was able to proceed. Mr. Gaona updated the Commission on overlay packages 1, 2, and 3, Lorenzana Waterline, and Liftstation Rehab Project. Mayor Hinojosa allowed a citizen in the audience to ask when the loop would be done on Lorenzana St. Mr. Gaona explained they have not reached Lorenzana Street yet, but would be there soon, i.e., the work was done to the east of Lorenzana for the tying loop. Mayor Hinojosa stated they had to go a different route.

8.) DISCUSSION AND POSSIBLE ACTION TO REPEAL ORDINANCE NO. 2002-04 AN ORDINANCE THAT PROVIDES THE OPPORTUNITY FOR THE CITY TO PAY FOR A COMMISSIONER'S HEALTH INSURANCE.

Commissioner Hernandez stated she requested the amount paid for health insurance from 2013-2018 which totaled \$66,482 per year, with an average of \$6,000 per year per Commissioner. Commissioner Gomez stated he had applied to receive the Insurance. There was discussion regarding the wording of the item and the rates affecting the employees. Mayor Pro-Tem Villarreal made a motion to approve repealing Ordinance No. 2002-04. Commissioner Hernandez seconded the motion which passed with Commissioner Gomez voting against.

9.) PRESENTATION BY MIKE MESA ON UPDATE TO THE FLOOD MITIGATION PROJECT (DR4377).

Mr. Mike Mesa updated the Commission regarding 2 pro-bono projects which started last June. Mr. Mesa stated FEMA will pay 75% of cost and City to pay 25% of acquiring/preparing a large caliche pit for detention use. Mr. Mesa contacted Hidalgo County, Precinct #1, and Drainage District No 1 for what assistance they can provide. Drainage District agreed to do the excavation work for the drainage ditch, which can be used toward the 25% match. Mr. Mesa stated they will soon meet with the property owner.

10.) DISCUSSION AND POSSIBLE ACTION ON BUDGET AMENDMENT ORDINANCE TO TRANSFER FUNDS FORM VARIOUS DEPARTMENTS FOR NEEDED BUILDING AIR CONDITIONERS AND MAINTENANCE OF VEHICLES IN STREETS.

No action was taken on this item since the Department Head was not present.

11.) DISCUSSION AND POSSIBLE ACTION TO APPROVE QUOTE FOR 10TH STREET GRINDER PUMP PACKAGE.

Mr. Zavala informed the Commission that, as previously discussed and approved, 3 quotes were obtained for the grinder pump for the 10th Street project with the intention to provide sewer services to several needful properties in the area.

The quotes acquired were the following;

Liberty Pumps	\$10,682.00
Xylem Water Solutions	\$16,800.00
Pumps of Houston	\$7,712.00

Mr. Zavala stated quotes were received only for the pumps. Public Works will obtain quotes for the labor to install the pumps. Commissioner Leonel Benavides made a motion to approve item # 11. Commissioner Cris Hernandez seconded the motion which passed unanimously.

12.) DISCUSSION AND POSSIBLE ACTION TO ACT ON R. GUTIERREZ PROPOSAL TO PREPARE CONTRUCTION PLANS FOR SIDEWALK IMPROVEMENTS EAST OF RIO RICO/10TH TO CHACON MIDDLE SCHOOL, INCLUSIVE OF UTILITY ADJUSTMENTS.

Mr. Zavala addressed the Commission regarding the need to provide sidewalks along 10th Street, from Rio Rico to Chacon Middle School. It is a high pedestrian area being between the High school and the middle school. R Gutierrez Engineering is one of the 3 rotating Engineers being used by the City. R Gutierrez will prepare construction plans since there may be waterlines in the area. Commissioner Gomez asked regarding the bridge in the area and how that would affect the sidewalks. Mayor Hinojosa stated they are meeting with Hidalgo County Precinct # 1 for assistance regarding a walking bridge. Commissioner Leonel Benavidez made a motion to approve item 12. Commissioner Cris Hernandez seconded the motion which passed unanimously.

13.) DISCUSSION AND POSSIBLE ACTION TO ACT ON PROPOSAL FROM LEFEVRE ENGINEERING TO PREPARE DRAINAGE PLANS FOR GARZA/MARYLAND STREET AREA.

Mr. Zavala stated that last year, and again a few weeks ago, the 500 year storm hit the particular area where severe flooding occurred. In response to a post-storm call, the area of Garza and Maryland were walked by staff to visually assess the storm system and gain some preliminary perspective of how to improve it. In order to effectively assess, engineering has to get into the weeds, check elevations, find storm lines, ROW's outfall, etc. LeFevre Engineering has a proposal to do just this. LEMC has provided a proposal of \$29,400 to study this area in detail, and prepare construction plans. Commissioner Hernandez made a motion to approve item 13. Mayor Pro-Tem Leo Villarreal seconded the motion which passed unanimously.

14.) DISCUSSION AND POSSIBLE ACTION TO ACT ON R. GUTIERREZ PROPOSAL TO PREPARE CONSTRUCTION PLANS FOR SANITARY SEWER, WITH A LIFT STATION, TO SERVE PROPERTIES THAT INCLUDE W. BUS. HWY 83 TRACTS.

Mr. Zavala informed the Commission that in the area of West Hwy 83, that included the Wes-Mer Drive Inn and other commercial properties to the west leading to Cortino's. These tracts do not have any sanitary sewer. R. Gutierrez is one of the 3 rotating engineers that Mercedes has used. Mr. Gutierrez has provided a proposal to study the area, and prepare construction plans to be used in this effort to provide sewer. Commissioner Hernandez made a motion to approve item 14. Mayor Pro-Tem Villarreal seconded the motion which passed unanimously.

15.) DISCUSSION AND POSSIBLE ACTION ON ORDINANCE TO ESTABLISH CREDIT FOR WATER DISPOSAL FEE FOR ABOVE-GROUND SWIMMING POOLS.

Mr. Zavala informed the Commission that a few weeks ago, he was approached by a resident that they were going to fill up an above ground pool and if it was possible to have the City "Credit" their water bill since, once the pool use was done, the water will be spilt on the private property (which is typical). In other words, the water used would not be transmitted to the City's sewer system which is one of the assumed "user" fees in our policies. In pondering his with staff, it seems reasonable to credit the water bill. The ordinance is currently geared to a maximum of twice a year credit. We'll see how this 2x/year formula may work, but if there is a need to subsequently adjust it in the future, we can always consider that. Mayor Hinojosa stated pool water is usually not emptied once it is filled. Mayor Pro-tem Villarreal stated this would affect above ground pools, but a resident should request the City to do a reading before and after filling the pool. Mayor Pro-Tem Villarreal made a motion to approve item # 15. Commissioner Cris Hernandez seconded the motion. Motion passed 4 to 1. Mayor Hinojosa voted against.

16.) DISCUSSION AND POSSIBLE ACTION ON PROPOSED BUDGET AMENDMENT TO ADD ONE FULL-TIME PARAMEDIC TO THE FIRE/EMS STAFF.

Fire Chief Tommy Uresti informed the Commission regarding a grant received to hire 9 people and are seeking to hire an additional Fire Fighter/EMS due to an increase in number of calls for EMS. Commissioner Cris Hernandez made a motion to approve item # 16. Mayor Pro-tem Leo Villarreal seconded the motion which passed unanimously.

17.) DISCUSSION AND POSSIBLE ACTION TO RATIFY THE CITY MANAGER'S ACTION TO APPROVE THE BUY BOARD PURCHASE OF PRE-FABRICATED AND/OR PRE-ENGINEERED METAL PAVILION AND FABRIC CANOPIES WITH METAL FRAME FOR PICNIC SHELTERS AND ACCESSIBILITY PLAYGROUND WITH ACCESSIBLE GLIDER FOR THE MERCEDES SPORTS COMPLEX PHASE 1.

Mr. Zavala informed the commission that Architect Sam Garcia was present to answer any questions. Commissioner Benavides stated the Commission realizes this is a time sensitive project, but, he felt that the Commission should have been notified if a purchase is over \$50,000.00. Mayor Hinojosa stated the Commission was notified before he came on board. Commissioner Hernandez asked if staff is recommending this company. Mr. Zavala affirmed this. Commissioner Gomez asked if any payment has been made to Mueller, since it stated the purchase of the building will be made by the City. Mr. Zavala said no payment has been made. Commissioner Cris Hernandez made a motion to approve item # 17. Mayor Pro-Tem Villarreal seconded the motion 3-2. Commissioner Gomez and Commissioner Benavides voted against the item.

19.) DISCUSSION AND POSSIBLE ACTION REGARDING DEADLINE TO SUBMIT AGENDA ITEMS FOR CITY COMMISSION MEETINGS AS ADOPTED BY CITY COMMISSION OCTOBER 15, 1996.

Mayor Pro-tem Leo Villarreal stated that agenda items are still being added on Friday afternoon, and are not giving time for the City Attorney to review the material. Commissioner Benavides asked if there is a last minute change, would it be allowed to be added to the agenda. Mayor Pro-tem Villarreal stated a special meeting can be called for special items. Commissioner Hernandez made a motion to approve item # 19. Mayor Pro-tem Leo Villarreal seconded the motion which passed unanimously.

20.) DISCUSSION AND POSSIBLE ACTION FOR A BUDGET WORKSHOP TO ALLOCATE FUNDING FOR DRAINAGE AND DRAINAGE IMPROVEMENTS FROM CERTIFICATES OF OBLIGATION SERIES 2018.

Mayor Hinojosa stated there will be a budget meeting scheduled for late July. This can be discussed at the regular budget workshop. City Attorney stated that if this item was going to be addressed at the budget workshop, there is no need to discuss it today.

21.) DISCUSSION AND POSSIBLE ACTION REGARDING INTERLOCAL AGREEMENT TO ENSURE COMPLIANCE WITH STATUTORY AND PROCEDURAL GUIDELINES RELATED TO DUTIES AND RESPONSIBILITIES OF THE CITY ATTORNEY.

Mayor Hinojosa stated this item is moot since there is no "Interlocal Agreement" with the City Attorney.

22.) DISCUSSION AND POSSIBLE ACTION TO HIRE A CIVIL ENGINEER CONSULTANT.

Mayor Hinojosa stated this item is moot. All contracts will be seen for renewal or not in the Commissioner August meeting.

23.) DISCUSSION AND POSSIBLE ACTION REGARDING INTERLOCAL AGREEMENT WITH WASTE CONNECTIONS TO ENSURE COMPLIANCE WITH DUTIES AND RESPONSIBILITIES.

Mayor Hinojosa stated this item is moot since there is no "Interlocal Agreement" with Waste Connections.

24.) DEPARTMENT REPORTS.

Reports are included in the packets for Commission to review.

Mayor Hinojosa called the meeting into Executive Session at 7:25 pm..

26.)EXECUTIVE SESSION:

- CONSULTATION WITH LEGAL COUNSEL CONCERNING MATTERS PROTECTED BY THE ATTORNEY CLIENT COMMUNICATIONS PRIVILEGE AND ATTORNEY WORK PRODUCT PRIVILEGE PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071.
- CONFERENCE WITH LEGAL COUNSEL PURSUANT TO TEX. LOCAL GOV'T CODE 551.071 REGARDING CONTEMPLATED LITIGATION.

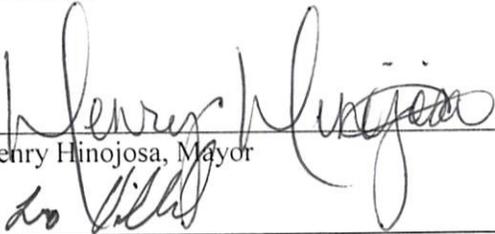
Mayor Hinojosa called the meeting back to order at 7:41 P.M.

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

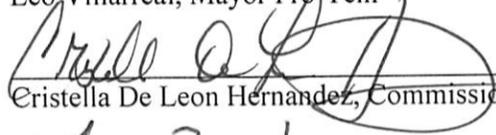
No Action was taken on the items discussed in Executive Session.

28.)ADJOURN.

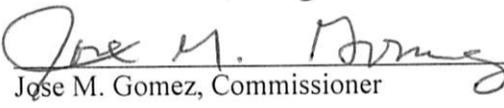
Mayor Pro-Tem Villarreal made a motion to adjourn the meeting. Commissioner Benavides seconded the motion, which passed unanimously. The meeting adjourned at 7:42 P.M.


Henry Hinojosa, Mayor


Leo Villarreal, Mayor Pro Tem

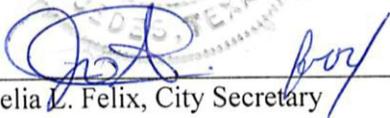

Cristella De Leon Hernandez, Commissioner


Leonel Benavidez, Commissioner


Jose M. Gomez, Commissioner



ATTEST:


Arcelia L. Felix, City Secretary