

**MERCEDES CITY COMMISSION  
REGULAR MEETING  
MAY 5, 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 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 Hernandez led in the pledge of allegiance.

**5) OPEN FORUM-**

- Mr. Daniel Valdez expressed his concerns regarding officer's safety and liability on missing portable radios and the dirt issue on the agenda item 13.
- Mr. David Garza expressed his disapproval on item 13 regarding the dirt and item 14 on the operations of water wastewater facilities services.

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

**A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING HELD APRIL 21, 2020.**

Mayor Pro-Tem Villarreal made a motion to approve all items under consent agenda. Commissioner Hernandez seconded the motion. Upon a called vote, the item was passed unanimously.

Commissioner Benavidez asked about the minutes for April 28 & 30, 2020. City Secretary agreed that they would be placed on the next agenda.

**7) CITY MANAGER COMMENTS.**

Mr. Zavala commented about the facial masking being highly recommended.

**8) PRESENTATION OF EMS QUARTERLY REPORT BY ARMANDO 'MANDO' MARTINEZ, EMS ADMINISTRATOR OF RECORD.**

Mr. Armando Martinez presented to the Commission the quarterly report for EMS Service. He stated the EMS Department will complete its first year in service on May 18. The total monies collected since May 2019 to December 2019 was \$233,833.44. Mr. Martinez continued stating the totals for January to April 28, 2020 is \$98,819.80 and with an Optum stimulus check in the amount of \$6,555.13 which makes a total of \$339,208.37 in revenue since in operation. The City is making about \$35,000 in revenues per month in EMS Services.

**9) DISCUSSION AND ACTION TO AUTHORIZE STAFF TO APPLY FOR THE TEXAS BOOK FESTIVAL GRANT**

Ms. Vidales addressed the Commission to seek authorization to apply for the Texas Book Festival Grant. She stated the application is due May 15, 2020 and will be focusing on the Adult Fiction collection. The grant is in the amount of \$2,500. Ms. Vidales said with the 2,339 books weeded, they now have a total collection of 3,294 adult fiction books. There is no match required for the grant, however, Ms. Vidales stated book plates would need to be purchased from the processing budget.

Commissioner Benavidez made a motion to approve item 9. Commissioner Gomez seconded the motion. Upon a called vote, the item was approved unanimously.

**10) DISCUSSION AND POSSIBLE ACTION ON PROPOSED ORDINANCE TO RECOVER CITY COSTS OF WATER METERS, ASSOCIATED FIXTURES, AND INSTALLATION SERVICES.**

Mr. Zavala informed the Commission that the City had not previously imposed any water meter costs which has been depleting the utility fund. The Ordinance proposes to recover the full cost of water meters, recover the full cost of fixtures to install, and recover administrative costs and installation costs.

Mayor Pro-Tem Villarreal made a motion to approve item 10. Commissioner Hernandez seconded the motion. Upon a called vote, the item was passed unanimously. Commissioner Benavidez noted that there are other policies that have been pending.

**11) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION TO DENY AEP'S APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVER FACTORS (DCRF)**

Mr. Zavala addressed the Commission regarding a resolution to deny AEP's increased DCRF. The increase will be \$1.83 per customer's bill. The resolution must adopt the resolution by June 2, 2020. The Company would reimburse the city for expenses.

Mayor Pro-Tem Villarreal made a motion to approve the resolution to deny AEP's Application to amend its DCRF. Commissioner Hernandez seconded the motion. Upon a called vote, the item was unanimously approved.

**12) POSSIBLE ACTION TO IMPLEMENT CITY OF MERCEDES RESOLUTION NO. 2020-07 CREATING A CITY MANAGER ADVISORY GROUP.**

Mr. Zavala advised the Commission that the advisory group will consist of 6 persons which include, two community members appointed by the Mayor with Commission approval, a member from the Chamber, Development Corporation, the City Manager or designee and Chief of Police. The group will allow community involvement and input. Mr. Troiani stated that an advisory group is being recommended due to concerns of a complaint committee and the separation of powers between the City Commission and City Manager. Commissioner Benavidez stated that it was a complaint policy and an oversight committee. There was discussion regarding the complaint policy, selection authority of the Mayor, the number of community members in the group, and Commission making recommendations or citizens going through the application process. Mr. Troiani stated the Commission can vote for or against the Mayor's recommendations. Mr. Zavala was advised to communicate with DCM and Chamber for their nominations.

After a brief discussion, Mayor Hinojosa made a motion to approve the implementation of the advisory group and appoint Fernando Flores and Mario Dominguez Sr. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the item passed. Commissioner Benavidez and Commissioner Gomez voted against.

**13) POSSIBLE ACTION TO ENACT CITY OF MERCEDES RESOLUTION NO. 2020-08 RATIFYING ACTIONS OF THE CITY MANAGER DISPOSING OF DIRT IN LOW LYING AREAS OF THE CITY FOR PURPOSES OF FLOOD CONTROL.**

Mr. Zavala addressed the Commission regarding ratifying the City Manager's action of disposing of dirt in low lying areas for flood control. Due to the flooding in 2018 and 2019, public works did excavate resulting in an excess of dirt. The surplus dirt was not needed for City purpose. There was discussion regarding the legality of the authorization by Commission through text. Mr. Troiani asked if the Commission was aware of them participating in a meeting when asked for their opinion at which the Commission said no.

After discussion, Mayor Hinojosa made a motion to approve item 13. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the item passed. Commissioner Benavidez and Commissioner Gomez voted against.

**14) TABLED” DISCUSSION AND POSSIBLE ACTION TO SELECT UTILITY MANAGEMENT FIRM TO MANAGE THE CITY OF MERCEDES’ WATER & WASTEWATER FACILITIES, INCLUSIVE OF ALL LIFT STATIONS, WATER TOWERS, AND OTHER SIMILAR UTILITY FACILITIES.**

Commissioner Benavidez made a motion to un-table item 14. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote the item passed unanimously.

There was a brief discussion on the vendors qualifications. Mr. Zavala stated that the vendors were qualified. Mayor Pro-Tem Villarreal made a motion that the existing RFQ be amended to provide that the purpose of the RFQ will be to prescreen qualified vendors who will then receive invitations to submit requests for proposals to operate maintain and manage the water, wastewater, and lift stations within the city of Mercedes. The Second motion was that the City Manager invite all vendors who qualified under the RFQ to submit requests for proposals to operate maintain and manage the water, wastewater and lift stations within the city and that those RFP’s be issued by the City on or about June 1, 2020. The third motion was that the City Manager engage our City Attorneys in issuing the requests for proposals and they not be issued without approval of City Attorney. Commissioner Hernandez asked if the companies have all been in the state of Texas for at least 5 years. Mr. Zavala stated that he believes that they are all qualified but if there is something that disqualifies them, he would inform the Commission. There was discussion regarding the process of the RFQ and RFP. Commissioner Hernandez seconded the motion. Upon a called vote, the item passed unanimously.

**15) EXECUTIVE SESSION: (NO SPECIFIC ITEMS ARE ANTICIPATED. EXECUTIVE SESSION IS AVAILABLE TO THE EXTENT NECESSARY TO PRESERVE THE ATTORNEY CLIENT PRIVILEGE).**

No Action due to no need for executive session.

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

**17) ADJOURN**

Mayor Pro-Tem Villarreal made a motion to adjourn. Commissioner Benavidez seconded the motion. Upon a called vote, the item was passed unanimously. The meeting was adjourned at 1:53 PM.