

**MERCEDES CITY COMMISSION  
REGULAR MEETING  
SEPTEMBER 17, 2019 – 6:00 P.M.  
MERCEDES CITY HALL – COMMISSION CHAMBERS**

<b>MEMBERS PRESENT:</b>	Henry Hinojosa Leandro Villarreal Leonel Benavidez	Mayor Mayor Pro-Term Commissioner
<b>MEMBERS ABSENT:</b>	Jose M. Gomez Cristella De Leon Hernandez	Commissioner Commissioner
<b>STAFF PRESENT:</b>	Sergio Zavala Joselynn Castillo Anthony Troiani Jose Figueroa Nereida Perez Marisol Vidales Dagoberto Chavez Tommy Uresti James Cooper Rayven Hinojosa Jerry Ramirez Isaias Rodriguez	City Manager Interim City Secretary City Attorney Public Works Director Finance Director Library Director ACM/Police Chief Fire Chief Sgt. City Manager Secretary Investigator Investigator

**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.**

Three commissioners of the Commission were present which constituted a quorum.

**3.) INVOCATION.**

City Manager Sergio Zavala led the invocation. All those in attendance participated in the reverent act.

**4.) PLEDGE OF ALLEGIANCE.**

Mayor Pro-Tem Villarreal led in the Pledge of Allegiance.

City Attorney Troiani read the following statement on the agenda:

**The City of Mercedes provides a Public Comment period at the beginning of each meeting to provide the public with an opportunity to address issue of public concern.**

**The City encourages all members of the public to utilize this opportunity to comment at the time. The City does not provide for any other time for public comment during the meeting except a member of the public may address the Commission regarding a specific topic where that matter is set for public hearing.**

**5.) OPEN FORUM-**

- Ramon Mejia shared his opinion on the situation that occurred prior to the start of the meeting and read verses from the bible.
- Edelmiro Dominguez expressed his concerns and observations about the September 3, 2019 meeting. He suggested the City implement a procedure to respond to speed bump requests.
- Dalia Vela lives on Beech St and has concerns regarding potholes and paving.
- Juan Quinones signed up to speak in open forum, when called to speak, Mr. Quinones was not present.
- Dalia Pena expressed her concern on the hiring of Department Heads and spoke about the Police Chief.
- Miguel Loya voices his concerns regarding past city meetings.
- David Garza voiced his opinions regarding last meeting and last meeting's agenda.

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

- A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETINGS HELD SEPTEMBER 3<sup>RD</sup> AND 10<sup>TH</sup>, 2019.**
- B.) SECOND AND FINAL READING OF ORDINANCE NO. 2013-18 TO RE-CATEGORIZE THE LEVIED "CAPITAL IMPROVEMENT FEE" TO A "UTILITY MAINTAINANCE FEE".**

Commissioner Benavidez would like to clarify for the record that as per the City Attorney, he (Commissioner Benavidez) is asking that he be tried by his fellow commissioner in public that does not open it up to public comment. Commissioner Benavides stated that on Marcelo Garcia's complaint, he clarified to the Attorney that he contacted TML about the rookie part of complaint and that he said "I don't even know if he qualifies". Commissioner Benavidez stated to include Commissioner Gomez's statement that he should've received the complaints due to his name being on the complaint and therefore, he feels ambushed.

After brief discussion, Commissioner Villarreal motioned to approve all items under consent agenda with corrections stated by Commissioner Benavidez. Mayor Hinojosa seconded the motion. Upon a called vote, the item was unanimously approved.

**7.) CONSIDERATION AND ACTION TO ADOPT CITY OF MERCEDES RESOLUTION 2019-10 CENSURING CITY COMMISSIONER LEONEL BENAVIDEZ FOR MISTREATMENT OF CITY EMPLOYEE AND UNTRUTHFULNESS. (MAYOR)**

Mayor Hinojosa motioned to table this item. Mayor Pro-Tem Villarreal seconded the motion, which passed with Commissioner Benavidez abstaining from the vote.

**8.) CONSIDERATION AND ACTION TO ADOPT RESOLUTION 2019-11 TO SET A HEARING PURSUANT TO MERCEDES CITY CHARTER SECTION 2.07 FOR PROCEEDING TO REMOVE/FOREITURE OF OFFICE OF CITY COMMISSIONER LEONEL BENAVIDEZ AND TO PROVIDE FOR PUBLICATION OF SAME. (MAYOR)**

Mayor Hinojosa motioned to table this item. Mayor Pro-Tem Villarreal seconded the motion, which passed with Commissioner Benavidez abstaining from the vote.

**9.) CITY MANAGER COMMENTS.**

- K&B group –Adopting a highway.
- Met with an architect on public works building
- First street railroad- spoke with Patrick Johnson
- Notified the public that the recycling bin has been moved to the Library

**10.) DISCUSSION AND POSSIBLE ACTION TO CONSIDER ADJUSTING THE TIME ALLOTTED CITIZENS TO SPEAK DURING OPEN FORUM. (CITY MANAGER)**

Mr. Zavala stated this item was brought forward at the previous meeting by Commissioner Gomez, however, recommends tabling the item due to two Commissioners not present.

Mayor Pro-Tem Villarreal motioned to table this item. Mayor Hinojosa seconded the motion. Upon a called vote the item was approved 3-0.

**11.) UPDATE BY LEMC ON VARIOUS CONSTRUCTION PROJECTS FUNDED BY CERTIFICATES OF OBLIGATION.**

Israel Gaona updated the Commission on the street overlay projects packages 1, 2 & 3, the Lorenzana Waterline project, which all lines have been placed and will be recorded, the Lift station rehab project, parts are needed to be ordered and need to be received, and the Lyons Street sanitary improvement project, working on brown water and removing/replacing existing lines. The Lyons street project is scheduled to be complete January 2020. Mayor Hinojosa asked Israel Gaona to briefly explain as to why the city has not been able to pave roads in areas. He explained that due to the county replacing drainage and sewer pipes it would have to wait. Mayor Hinojosa did explain that paving will be done.

**12.) PRESENTATION BY JOE MARTINEZ ON BEHALF OF THE MERCEDES HIGH SCHOOL CLASS OF 2000 REGARDING THE “NO SURRENDER, NO RETREAT MAURO VASQUEZ JR MEMORIAL SCHOLARSHIP” FUNDING EVENT.**

Joe Martinez and Janet Guerrero presented to the Commission an event called “A Night in Las Vegas” to be held October 5, 2019 at the Rio Grande Valley Livestock show grounds. Each ticket is \$50 and will provide food and door prizes. All proceeds will benefit The Mauro Vasquez Jr scholarship, who was an educational pillar in the community. A qualified candidate of the Class of 2020 will receive the scholarship with the condition of attending UTRGV. Mr. Martinez is also requesting for October 5<sup>th</sup> to be proclaimed as Mauro Vasquez Jr Day. Mayor Hinojosa advised that a scholarship for a C average student would also be something to consider. No action required for this item.

**13.) PRESENTATIONS BY LEGAL FIRMS TO BE ENGAGED AS MERCEDES’ MUNICIPAL COURT JUDGE FOLLOWING PRESENTATIONS BY REPRESENTATIVE ATTORNEY.**

Mr. Zavala informed the Commission that the City received statement of Qualifications for Municipal Court Judge from the following:

- Rene Arnaldo Flores III
- Orlando Jimenez
- Miguel Wise

Mayor Hinojosa allowed each representative a 3 minute presentation which included them informing the Commission of their background, job performance and job qualifications.

No Action required for this item.

**14.) PRESENTATIONS BY LEGAL FIRMS TO BE ENAGED AS MERCEDES’ COURT PROSECUTOR FOLLOWING PRESENTATIONS BY REPRESENTATIVE ATTORNEY.**

Mr. Zavala informed the Commission that the City received Statement of Qualifications for Municipal Court Prosecutor from the following:

- David Goren

Orlando Jimenez

Mayor Hinojosa allowed each representative a 3 minute presentation going over their background and job qualifications. No Action was required for this item.

**15.) PRESENTATION BY FULCRUM ARCHITECTS REGARDING U.S.D.A. GRANT APPLICATIONS TO RESTORE THE HISTORIC CITY HALL/FIRE STATION.**

Representatives from Fulcrum were not present for the meeting.

**16.) PUBLIC HEARING ON PARKS AND OPEN SPACE MASTER PLAN TO SOLICIT THE PUBLIC'S INPUT ON MERCEDES' PRIORITY GOALS & OBJECTIVES AS THEY RELATE TO THE CITY'S PARK AND RECREATION OPEN SPACE.**

Mayor Hinojosa opened the public hearing at 7:05 pm.

Mr. Mike Mesa provided a list of the 3 priorities for the Master Parks Plan based on the Citizens comments from the first public hearing. Some of the priorities included the following:

Rehabilitation and upgrade existing parkland area, development of a walking trail/biking trail, and expand indoor recreation activities.

Israel Coronado expressed concerns on park trails and lights. Mr. Mesa noted it was part of the priorities.

No more comments were provided, therefore, Mayor Hinojosa closed the public hearing at 7:07 pm.

**17.) DISCUSSION AND POSSIBLE ACTION TO APPROVE SUBMITTAL OF GRANT APPLICATION FOR THE RUDOLF STEINER CHARITABLE TRUST. (LIBRARY DIRECTOR)**

Marisol Vidales on behalf of the library would like to apply for this grant to help renovate the City library. Deadline is September 29, 2019 for the amount of \$10,300.00. Grant would help renovate for example removing the carpet and adding tile.

Mayor Pro-Tem Villarreal made a motion to approve this item. Commissioner Benavidez seconded the motion. Upon a called vote, the item was approved unanimously.

**18.) DISCUSSION AND POSSIBLE ACTION TO SELECT A DEPOSITORY FOR THE CITY OF MERCEDES. (FINANCE DIRECTOR)**

Nereida Perez presented the two banks who submitted information.

1. Plains Capital Bank
2. Texas National Bank

Ms. Perez stated the banks were rated on a points scale and there was a 26 point difference between the banks. Ms. Perez recommended Texas National Bank due to Plains Capital only having an ATM in the City.

Mayor Pro-Tem Villarreal motioned to continue with Texas National Bank as city depository. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed 3-0.

**19.) DISCUSSION AND POSSIBLE ACTION TO PURCHASE OF LP 15 CARDIAC MONITORS. (FIRE CHIEF)**

Chief Ureste presented a bid from Stryker on backup heart monitors for \$65,000.00 which will be purchased from the current budget for FY 18-19.

Mayor Pro-Tem Villarreal motioned to approve the bid from Stryker for \$65,000.00. Commissioner Benavidez seconded the motion. Upon a called vote, the item was approved unanimously 3-0.

**20.) DISCUSSION AND POSSIBLE ACTION TO APPOINT MEMBERS TO THE MERCEDES 2020 CENSUS COUNT COMMITTEE. (CITY MANAGER)**

City Manager Sergio Zavala has named interested candidates that wish to serve on the 2020 Census Committee. Mr. Justin Cadena, Mr. Tony Sanchez, Mr. Adan Cantu, Mr. Armando Lopez, current member Mr. Manuel Garza, and Mr. Romulo Sanchez. Mayor Hinojosa stated Mr. Claudio Hinojosa also expressed interest in serving on the board. Ms. Rosa Dominguez expressed concern as to why no females were on the board. City Manager did confirm that there is no minimum amount of candidates who can join and others are welcome to submit their application.

Mayor Pro-Tem Villarreal made a motion to appoint the 7 candidates. Commissioner Benavidez seconded the motion. Upon a called vote, the motion was unanimously approved 3-0.

**21.) DISCUSSION AND POSSIBLE ACTION ON A ORDINANCE TO REPEAL ORDINANCE NO.2013-18 TO THUS DELETE THE LEVIED "CAPITAL IMPROVEMENT FEE" (CITY MANAGER)**

Mr. Zavala informed the Commission that the Capital improvement fee was used for repairs and proceeded to name the improvements. There was discussion regarding the ordinance that was approved under consent agenda of this meeting and the ordinance that will repeal the fee. Mr. Zavala clarified that if the repeal ordinance is passed the fee would be removed in totality.

Commissioner Benavidez motioned to table this item. Mayor Hinojosa seconded the motion. Upon a called vote, the item passed unanimously.

**22.) DISCUSSION AND ACTION TO APPROVE THE USE OF C.O. FUNDS FOR THE PERMEABLE SIDEWALK ON 5<sup>TH</sup> AND ILLINOIS ST. (PUBLIC WRKS DIRECTOR)**

Mr. Figueroa informed the Commission about using C.O Funds for the permeable sidewalk on 5<sup>th</sup> St. and Illinois St. Labor would be provided by City employees and the cost is \$26,319.99. Mr. Figueroa stated they will meet the requirements set by TCEQ.

Mayor Pro-Tem Villarreal motioned to approve this item. Commissioner Benavidez seconded the motion. Upon a called vote, the item was unanimously approved.

**23.) DISCUSSION AND ACTION TO APPROVE QUOTE FOR REHABILITATION OF LIFT STATION #26 (PUBLIC WORKS DIRECTOR)**

Mr. Figueroa informed the Commission of the quotes received for rehabilitation of lift station #26. The quotes are as follows:

Southern Trenchless (buyboard)	\$86,100
PEGA Utilities, LLC	\$77,540
OMT Utilities	\$73,350

Mr. Figueroa stated the lift station can deteriorate if not repaired.

After a brief discussion, Mayor Pro-Tem Villarreal motioned to select OMT Utilities for \$73,350. Commissioner Benavidez seconded the motion. Upon a called vote, the motion was unanimously approved.

**24.) DISCUSSION AND ACTION TO APPROVE QUOTE FOR PIPE BURSTING IN THE ALLEY BETWEEN GEORGIA ST AND WASHINGTON ST.; AND THE ONE BETWEEN VIRGINIA ST AND GEORGIA ST. (PUBLIC WORKS DIRECTOR)**

Mr. Figueroa informed the Commission about receiving a quote for a pipe bursting in the alley between Georgia St. and Washington St. and the one between Virginia St. and Georgia St. Only one firm submitted a quote which was Southern Trenchless Solutions in the amount of \$48,225.50.

After brief discussion, Mayor Pro-Tem Villarreal motioned to select Southern Trenchless Solutions for \$48,225.50. Mayor Hinojosa seconded the motion. Upon a called vote, the motion was unanimously approved.

**25.) DISCUSSION AND ACTION TO APPROVE QUOTE FOR REPAIRS ON SEWER LINE LOCATED BETWEEN TEXAS AVE AND MISSOURT ST FROM 5<sup>TH</sup> TO 6<sup>TH</sup> ST. (PUBLIC WORKS DIRECTOR)**

Mr. Figueroa informed the Commission that 285 Ft of pipe is needed to be replaced and upgraded. The Bids submitted are as follows;

Salazar Utilities	\$40,665.00
McAllen Multi-Services	\$42,075.00
PEGA Utilities	\$45,000.00

After a brief discussion, Mayor Pro-Tem Leo Villarreal motioned to select Salazar Utilities and was 2<sup>nd</sup> by Commissioner Leonel Benavidez. Upon a called vote, the item was passed unanimously.

**26.) DISCUSSION AND POSSIBLE ACTION TO CREATE POLICY FOR THE CITY OF MERCEDES FOR THE PROCESSING OF COMPLAINTS MADE BY RESIDENTS OF MERCEDES. (COMMISSIONER BENAVIDEZ & COMMISSIONER GOMEZ)**

Commissioner Benavidez stated he placed this item on the agenda in order to have a process for complaints and provide good service.

Commissioner Benavidez to table this item due to Commissioner Gomez not being present. Mayor Hinojosa seconded the motion. Upon a called vote, the motion was unanimously approved.

**27.) TABLED: DISCUSSION AND POSSIBLE ACTION ON DEVELOPMENT CORPORATION OF MERCEDES FY 2019-2020 BUDGET. (DCM DIRECTOR)**

Mayor Pro-Tem Villarreal motioned to un-table this item. Commissioner Benavidez seconded the motion, which passed unanimously.

Ms. Melissa Ramirez presents adjustments that were added to budget regarding uses of cash and sales tax revenue as discussed in the joint workshop.

Mayor Pro-Tem Villarreal motioned to approve the DCM budget for FY 19-20. Commissioner Benavidez seconded the motion. Upon a called vote, the motion was unanimously approved.

**28.) TABLED: DISCUSSION AND POSSIBLE ACTION ON MARKETING PLAN BUDGET AS PROPOSED BY THE DEVELOPMENT CORPORATION OF MERCEDES FOR FY 2019-2020.**

Mayor Pro-Tem Villarreal moved to un-table this item. Commissioner Benavidez seconded the motion, which was approved unanimously.

Ms. Melissa Ramirez presented the adjustments made on the Marketing plan as requested by the City Commission at the Joint Workshop.

Commissioner Benavidez motioned to approve the marketing plan as presented. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote the item was unanimously approved.

**29.) DEPARTMENT MONTHLY REPORTS**

Department reports are included for the Commission to review.

Mayor Hinojosa called the meeting into executive session at 7:46 pm.

**30.) EXECUTIVE SESSION:**

- **DELIBERATION REGARDING TEXAS GOVERNMENT CODE 551.074 TO DELIBERATE PERSONNEL MATTERS TO UNAPPOINT OR DISMISS THE CITY MANAGER (COMMISSIONER BENAVIDEZ AND COMMISSIONER GOMEZ)**

Mayor Hinojosa called the meeting back to order at 7:55 pm.

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

Commissioner Benavidez made a motion to table item 31. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the item was unanimously approved.

**32.) ADJOURN.**

Commissioner Benavidez motioned to adjourn. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the meeting was adjourned at 7:56 pm.