

**MERCEDES CITY COMMISSION
REGULAR MEETING
JULY 20, 2021 – 6:00 P.M.
MERCEDES CITY HALL – COMMISSION CHAMBERS**

MEMBERS PRESENT:	Oscar D Montoya	Mayor
	Joe Martinez	Mayor Pro-Tem
	Leonel Benavidez	Commissioner
	Jacob Howell	Commissioner
	Jose M. Gomez	Commissioner
STAFF PRESENT:	Alberto Perez	City Manager
	Anthony Troiani	City Attorney
	Joselynn Castillo	City Secretary
	Kristine Longoria	City Secretary Assistant
	Axel Vallejo	City Manager Secretary
	Javier Chapa	I.T Director
	Ervin Vilchis	I.T Liaison
	Joaquin Hernandez	Public Works Director
	Nereida Perez	Finance Director
	Jose Macias	Chief of Police
	Javier Campos	Fire Chief
	Richard Morin	Recreational Director

1.) CALL MEETING TO ORDER

Mayor Montoya welcomed everyone and called the meeting to order at 6:00 P.M.

2.) ESTABLISH QUORUM

All members of the Commission were present which constitutes a full quorum.

3.) INVOCATION

Commissioner Gomez said the invocation.

4.) PLEDGE OF ALLEGIANCE

Commissioner Benavidez led in the Pledge of Allegiance.

5.) OPEN FORUM

- Reverend Dave Dillon from first Methodist church extended an invitation to the Commission for help with the Community.
- Mr. Leonel Benavidez spoke about public service and drainage engineering plans. Requested plans from the engineers and found plans for drainage. He stated efficient work needs to be done. Maintain the infrastructure for drainage which is a main concern of the city. He stated there is political faction where the commission has to enforce. Commissioners needs to lead by example. Mr. Benavidez stated that some staff are hired and contributed to the Mayors campaign. There was an elderly lady that needed help. City needs to get with KMB to help elderly citizens to help keep their areas clean. Positions filled in the last several months, need to make sure that we are making the right choices. Need to make sure we follow procedures.
- Ms. Amanda Martinez addressed the Commission regarding concerns regarding weedy lots and social media. City will provide written notice to weedy lots and giving them 10 day to comply. There was a social media post regarding a weedy lot and there was film of the two Commissioners that were using a recording device. The Commissioners should know the city policies and charter and should have known of the regulations. Do you want Mercedes to fail or to Grow? Make the children proud.
- Ms. Esmeralda Guerrero expressed her concerns and opinions to the Commission. She stated the City needs to be careful with who they hire in the City. Some staff have shady

- backgrounds. A commissioner was wrongfully accused by previous staff and the commissioner had to seek legal advice. The City needs change, be united, stop corruption.
- Ms. Dalia Pena asked how she can beautify her corner of the world. She stated she saw staff with a backhoe picking up debris from a citizen's sidewalk.
 - Mr. Leo Villarreal addressed the Commission regarding the duties and responsibilities of the City Council. Commissioners are held at a higher standard. He received a call regarding a city commissioner and a hit and run. Police were called for the accident however there was no report of the accident. The Commissioner goes to the citizen and makes an agreement to pay for the damages but did not follow through.
 - Ms. Jessica Lopez addressed the Commission regarding an issue that occurred on July 13, 2021. She came back from a family vacation and noticed her grass was really high and knew that it needed to be taken care of. She stated that the next morning she was receiving many calls regarding the tall grass. She stated she was appalled at the social media post which included a photo of her home. She stated a charcoal gray Ford F-150 that paused in front of the home and the passenger signaled to go around the block to take a better photo. Ms. Lopez stated that these Commissioners have crossed a line and her children are asking why their home is Facebook. As adults we set the example. City leaders need to also lead by example. She stated this is causing division.

6.) ITEMS ON THE REGULAR AGENDA

- Ms. Cristella Hernandez addressed the Commission regarding the items for 12A, 12B, 12C, and 12D. She stated that the bid specs did not request a malpractice insurance. She stated they had 9 firms apply when she was on the Commission. She added that the Chamber and the City Manager can do public relations. She asked if it was necessary to hire a PR Group. She stated that all the contracts were on the agenda at the same time and they received their contract and how much was budgeted. She recommends opening the bids for 30 days. Consider the employees and raises for the employees.

7.) PRESENTATIONS

A.) PRESENTATION BY VIDA (PRISCILLA ALVAREZ)

Ms. Felida Villarreal from VIDA presented to the Commission the things the City's contribution assist. They were able to assist 15 residents and were able to get the students an average income of \$60K. The Return of Investment is 1 to 14. Ms. Angela Saenz is a student and stated that she didn't qualify for financial aid but VIDA was able to help her, she stated that she is 2 months away from completing nursing school. She added that VIDA has been a support system for her during work stress and home stress. They keep up with the students even after students graduate. Requesting a grant award of \$50K from the City to assist 10 residents. Commissioner Benavidez asked if it could be more than 10 residents. Ms. Villarreal stated yes, they usually supersede the benchmark. Commissioner Howell asked if there are adult education to receive a GED. The majority of the residents are from 25 to 50 years of age. Commissioner Gomez asked if any were hired in the City.

B.) PRESENTATION BY GOERO ON THE PD BUILDING STATUS (BRIAN GODINEZ)

Mr. Brian Godinez provided 2 handouts. They were engaged to do a full assessment of the building including walls, roof, interior and exterior, and the plumbing system and air quality. They provided a recommendation and stated that the building can be utilities and brought back to its original intent but will need remediation. There were no as built drawings of the police Department. They did a 3D scan of the building. Mr. Godinez will go over the as built, program of spaces, probable cost of construction and proposed project schedule.

As Built: He provided floor plans, site plans, ceiling plan, elevations, and roof plans. This gives an accurate measurement of the rooms.

Program of Space: The department square footage is broken up into seven sections for the building based on the departments. The total square footage is 12,720. They used a 26% grossing factor which allows for the walls, the walk ways, etc. The footage helps determine what to cost would be for the project.

Probable Cost of Construction: Mr. Godinez recommended to not remodel the building, it cost \$1.694 mil to bring it up to code and up to its original intent and ready for occupancy. If the City remodels the building it will increase the cost and remove it from its original intent. Mr. Godinez proposed that the project can be done in a year and a half. When they hired Terracon to do the assessment, they stated it would be \$1.4 Mil to bring it to code but their proposal did not include renovating walls and escalation of prices in the future. The report includes a Project Contingency of 8% but may come down as the project gets closer. There is a cost of \$391k for redoing the sewer system at worst case scenario. The renovation cost is at \$265K which was not part of Terracon's assessment because after they do the remediation, a wall may have to be taken down and a new one takes its place. All together the total is \$1.694.429 Mil and is strictly remediation, abatement and renovation.

Proposed Project Schedule: They provided a schedule of 18 months not including unforeseen circumstances. At a question by Commissioner Howell, Mr. Godinez stated it would cost about \$3.5 Mil to redo the building. What is the potential of the asbestos and mold coming back to the building? Mr. Godinez stated that the abatement team will comply with federal regulations to remove anything there. The HVAC system and plumbing system will be new. Mr. Perez stated that something to consider is substations. Mayor Pro-Tem Martinez recommends having the PD in a centralized location.

8.) CONSENT AGENDA

A.) APPROVAL OF MEETING MINUTES FOR JUNE 15 & JULY 6, 2021.

B.) SECOND AND FINAL READING OF ORDINANCE NO. 2021-07 TO CONVEY CITY-OWNED PROPERTIES, BEING LOT 20, BLOCK 70, MERCEDES ORIGINAL TOWNSITE TO PURCHASER FOR VALUE VIA SEALED BIDS.

C.) SECOND AND FINAL READING OF ORDINANCE NO. 2021-08 TO REZONE LOT 1, BLOCK 104 SOUTH CAMPACUAS ADDITION FROM CLASS "N" NEWLY ANNEXED TO CLASS "C" APARTMENT.

D.) SECOND AND FINAL READING OF ORDINANCE NO. 2021-09 AMENDING ORDINANCE #26 TO ESTABLISH REALISTIC BUILDING SETBACK PARAMETERS FOR OPEN CARPORT STRUCTURES.

E.) APPROVAL OF 3RD QUARTERLY INVESTMENT REPORT.

Mayor Pro-Tem Martinez motion to approve all items under consent. Commissioner Benavidez seconded the motion. Commissioner Benavidez stated that item of June 15. Mayor Pro-Tem Martinez stated there was no charge for agenda items. Upon a called vote, the motion passed unanimously.

9.) CITY MANAGER COMMENTS

1.) STATUS OF RAILROAD/STREET REPAIR AT MILE 1 ½ 2.) BRUSH COLLECTION 3.) STATUS OF CODE ENFORCEMENT RELATING TO STRAY ANIMALS 4.) MERCEDES 1ST ANNUAL MARKET DAYS 5.) BACKFLOW PREVENTER 6.) FLOOD RELATED UPDATE-COMMUNITY ASSISTANCE UPDATE, BACKFLOW PREVENTER, MANHOLE COVERS.

1.) Mr. Perez stated they have been in communication with the Railroad company. Mr. Hernandez reached out the Railroad switching company and they stated that the items have been on back order and should be receiving in two weeks.

2.) Mr. Perez stated that Waste Connections is back on schedule. They have been working closely with them and have started sending notices why their items are not being picked up. The piles of brush are getting smaller. Commissioner Benavidez stated that they did request

the City Manager to get prices for a 3rd party service. Mr. Perez stated that is being worked on and there is an item on 11J. Commissioner Benavidez made a motion to move to item 11J. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

- 3.) Mr. Perez stated animal control has been very active. The animal control report is in the monthly report for the police department.
- 4.) Mr. Perez stated that on July 17, 2021 the City had a Market Days Event and will continue every month on the third Saturday.
- 5.) Mr. Perez stated they can combine items 5 and 6. Mr. Perez informed the Commission that in the rain event they worked closely with IBWC. Gate 160 allows water to flow into the City. The gate has always been open and they allowed the City to close the gate to prevent that rain water from coming into the City. Mr. Perez stated they will be meeting again with IBWC to see why they want to keep the gate open. Mayor Montoya stated that water from Anacuitas drain (Melton Park). The city is also working with the city of Weslaco. Commissioner Benavidez stated that this is the main gate that the citizens want open. There are some gates north of the city that can be used. He stated that if the water can be moved north by the dome area. Commissioner Benavidez would like a tanker truck to be invested in. Mr. Hernandez stated that there is a backflow and not all the situations require the gate to be open. There is a backflow preventer that cost \$40 that citizens can purchase to help prevent backflow. The covers for manholes need to be sealed and locked. This will prevent water from going into the system and start sewer back- ups. Mayor Montoya clarified that some areas flood and after the rain is over some residents are still suffering.

Mayor Pro-Tem Martinez made a motion to move to other drainage items 11H and 11I. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

10.) ORDINANCES AND RESOLUTIONS

A.) APPROVAL OF RESOLUTION 2021-21 TO ACCEPT THE AMERICAN RESCUE PLAN (ARPA) FUNDING

Commissioner Benavidez motioned to approve. Commissioner Howell seconded. Upon a called vote, the motion passed unanimously.

B.) APPROVAL OF RESOLUTION 2021-22 AUTHORIZING A DEPOSITORY FUND FOR THE AMERICAN RESCUE PLAN.

Commission Benavidez motioned to approve. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

11.) MANAGEMENT ITEM(S)

A.) DISCUSSION AND POSSIBLE ACTION TO NOMINATE A CITY REPRESENTATIVE TO THE AMIGOS DEL VALLE BOARD OF DIRECTORS.

Mayor Pro-Tem Martinez nominated Commissioner Gomez. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously.

B.) DISCUSSION AND POSSIBLE ACTION ON CITY ENGINEER RAMIRO GUTIERREZ

Commissioner Gomez was requesting an update on the projects they have done in the last two years. Mayor Pro-Tem Martinez motion to table this item and item 11C. Commissioner Howell seconded the motion. Commissioner Benavidez stated that there were a lot of projects at the time they were approved. He stated that the budget is tight and if there is a need for the engineers. City can go for bids for engineers for the CO's. Mayor Montoya stated that the item needs to be worded differently. City Attorney recommends wording it to have them present. Mayor Montoya stated to bring them in.

C.) DISCUSSION AND POSSIBLE ACTION ON LEMC CIVIL ENVIRONMENTAL

The motion was made with item 11B.

D.) DISCUSSION AND POSSIBLE ACTION TO APPROVE THE GUN-TRADE OF (23) DEPARTMENT ISSUED WEAPONS IN EXCHANGE FOR (14) GLOCK 22 GEN 4 .40 S&W PISTOLS.

Officer Ruben Pena stated that he reviewed the inventory and they had weapons that are Gen 3. There is no money taken out of the budget and will just be a trade. These weapons are surplus items. There will be 25 officers without Gen 4 weapons. Commissioner Benavidez made a motion to approve. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

E.) DISCUSSION AND POSSIBLE ACTION TO DIRECT CITY MANAGER TO RESEARCH OPTIONS TO ALLEVIATE FLOODING ISSUES ON VERMONT AND HWY 83.

The FEMA dome water has nothing to do with the Vermont water flooding. Commissioner Benavidez stated that water can be pumped west. Mr. Huacuja stated they need help from TxDOT.

F.) DISCUSSION AND POSSIBLE ACTION TO DIRECT CITY MANAGER TO DEVELOP SHORT TERM AND LONG TERM DRAINAGE SOLUTIONS TO ALLEVIATE CITY FLOODING

Mr. Perez addressed the Commission to develop a plan for short and long-term solutions to alleviate city flooding. Mr. Isaac Huacuja stated that there is no drainage master plan, the item the Commission is referring to is a map. Mayor Pro-Tem Martinez asked if the map will be helpful for drainage. The old map shows the manholes and inlets. Mr. Huacuja stated that the map is still helpful because the system has not changed. Commissioner Benavidez asked if there are more maps or notes at the next meeting. Mayor Montoya clarified that the GIS Mapping will help with flow and measurements. Mr. Huacuja stated that the map is 20 years old and is relevant because the city has not invested in the city's drainage system. Mayor Pro-Tem Martinez made a recommendation to have town hall meetings and take a proactive approach with flood victims of Mercedes. Commissioner Benavidez motion to have a workshop. Commissioner Gomez requested a tour of the drainage area to get familiar with the system. Commissioner Gomez went out to certain areas to see what areas flood and the reason they are flooding. He stated he noticed a lot of debris in those areas. Mr. Perez stated he took snapshots of the areas. Mayor Montoya requested a tour with the persons in charge of drainage to explain the system and to have a workshop. Commissioner Benavidez stated that the meeting was about gathering information from people that know about the system. Commissioner Howell provided a handout on how to potentially maximize the tax dollar. 32 cent for public works and infrastructure projects, 25 cents for public safety, 16 cents for operating costs and payroll, 10 cents for library and parks and rec. 3 cents to savings account and 14 cents for economic development. Commissioner Howell made a motion to approve this item as worded. Commissioner Benavidez rescinded his motion previous motion and seconded the motion made by Commissioner Howell. Upon a called vote, the motion passed unanimously.

G.) DISCUSSION AND POSSIBLE APPROVAL FOR SETTING UP AT&T GPS SERVICES

Mr. Perez recommends to bring back at a future meeting.

H.) DISCUSSION AND POSSIBLE APPROVAL OF PROCUREMENT OF GENERATORS TO SUPPORT LIFT STATION OPERATION WHEN ELECTRICAL OUTAGES ARE EXPERIENCED.

Commissioner Howell made a motion to approve item 11H. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously.

I.) DISCUSSION AND POSSIBLE APPROVAL OF RINGS AND COVERS FOR SANITARY SEWER MANHOLES.

Commissioner Benavidez motioned to approve item 11I. Commissioner Howell seconded. Upon a called vote, the motion passed unanimously.

Mayor Pro-Tem Martinez moved to item 11F as it relates to drainage.

J.) DISCUSSION AND POSSIBLE APPROVAL OF INCREASING THE COST OF BRUSH COLLECTION BY \$86,320.

Mr. Perez stated that the Waste Connections provided an estimate to increase the number of trucks in the City. He stated that he is waiting on other estimates from third parties. Commissioner Howell stated that his neighborhood has not had a brush truck go by and citizens are being charged. Commissioner Benavidez recommends looking at the map that Waste Connections looks at they go by to see if the newly annexed areas are being picked up. Mr. Perez stated that citizens need to report to the city if their brush has not been by in four months. Commissioner Benavidez stated Mile 2 West has issues with brush pick up. Mayor Pro-Tem Martinez stated that some people still have brush from the freeze and stated there are volunteer groups and everyone should get together to come up with a solution. Mayor Pro-Tem Martinez motioned to direct the City Manager to get with the Public Works Director to collect brush. Commissioner Benavidez seconded the motion. Mr. Perez stated there is a city-wide clean-up plan but was in conflict with the KMB board. The Commission were all in agreement.

12.) BIDS/CONTRACTS

A.) DISCUSSION AND POSSIBLE ACTION TO SELECT A CITY ATTORNEY AND DIRECT CITY MANAGER TO EXECUTE CONTRACT.

Mayor Pro-Tem Martinez made a motion to go with Martie Garcia-Vela. Commissioner Howell seconded the motion. Mayor Pro-Tem Martinez stated that Ms. Garcia Vela will be firm and fair. Mr. Humberto Silva addressed the commission for questions and introduced himself. Commissioner Benavidez asked for their success and failures. Mr. Silva stated they give quality representation and has 30 years of experience. Mr. Jones stated that his biggest failure is an issue that occurred in the City of Mercedes in 1997 and 1998. Commissioner Howell rescinded his motion. Mayor Pro-Tem Martinez rescinded his motion as well. Commissioner Howell motioned to table. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed. Mayor Montoya voted against.

B.) DISCUSSION AND POSSIBLE ACTION TO SELECT A PUBLIC RELATIONS GROUP AND DIRECT CITY MANAGER TO EXECUTE CONTRACT.

Commissioner Benavidez stated there are budget constraints. Mayor Montoya stated that Mercedes needs to be marketed. There was discussion regarding DCM taking the incurred costs for this service. Commissioner Howell made a motion to approve. The motion failed due to lack of second. Mayor Pro-Tem Martinez motioned to have DCM pay for the services. Commissioner Gomez seconded. The City Attorney advised that their motion is not part of the agenda and would need to bring the item back for approval. Mayor Montoya stated the motion died.

C.) DISCUSSION AND POSSIBLE ACTION TO SELECT AN AUDITING SERVICE GROUP AND DIRECT THE CITY MANAGER TO EXECUTE A CONTRACT.

Commissioner Benavidez is familiar with BML. Commissioner Benavidez motioned to select BML for Auditing services. Commissioner Benavidez rescinded his motion. Mr. Milo Martinez presented his firm to the Commission. The following firms bid for Auditing Services:

Burton, McCumber & Longoria, LLP	\$80,000
Raul Hernandez & Company, P.C	\$61,500
Cascos & Associates, P.C	\$67,000
Martinez, Rosario & Company	\$51,740

Commissioner Benavidez made a motion to select BML for \$80,000. Mayor Pro-Tem Martinez seconded the motion. Mr. Perez stated that he recommends Raul Hernandez and Company. Upon a called vote, the motion passed unanimously.

D.) DISCUSSION AND POSSIBLE ACTION ON CONTRACTS:

a. JUAN ALVAREZ (CITY JUDGE)

Commissioner Benavidez made a motion to renew. Commissioner Howell seconded the motion. Upon a called vote, the motion passed 4 to 1. Commissioner Gomez voted against.

b. PERDUE, BRANDON, FIELDER, COLLINS & MOTT, LLC (DLQT. TAX)

Commissioner Benavidez recommends to go out for RFP/RFQ. Mayor Pro-Tem Martinez made a motion to renew. Commissioner Howell seconded the motion. Commissioner Benavidez stated that there are staff on this firm that needs to be paid and would like a report on the collections for the year. Upon a called vote, the motion passed. Commissioner Gomez and Benavidez voted against. Commissioner Gomez would like a performance report of the contract service.

c. SWG (CITY ENGINEER)

Commissioner Benavidez made a motion to continue with SWG. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously.

d. TIF SERVICES – LANCE ELLIOTT (ANNEX/DEANNEX)

Commissioner Benavidez motioned to go out for RFP/RFQ. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

e. MONTALVO INSURANCE

Mayor Pro-Tem Martinez made a motion to continue with Montalvo Insurance for Workers Comp Services. Commissioner Howell seconded. Upon a called vote, the motion passed unanimously.

ADDENDUM

E.) CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN INTERIM FINANCIAL ADVISOR.

Mayor Pro-Tem Martinez made a motion to approve. Commissioner Howell seconded the motion. Mr. Bobby Villarreal from Estrada and associates provided a background on their firm and services. There was discussion on HB 1869. City Attorney stated that this is an interim contract and it would be ok if the commission enter into this contract although it's over the \$50K threshold because the city will go for RFP. Upon a called vote, the motion passed unanimously.

13.) FUTURE AGENDA ITEMS

Commissioner Benavidez asked to bring back the policy and procedure on the Fire/EMS.

14.) MONTHLY DEPARTMENTAL REPORTS

Monthly reports are included in the packet for the commissioner's review.

Mayor Montoya called the meeting into executive session at 9:14 P.M.

15.) EXECUTIVE SESSION

A.) CONSULTATION WITH LEGAL REGARDING PAYBEC, LLC – ECONOMIC DEVELOPMENT, POTENTIAL LITIGATION.

B.) DISCUSSION REGARDING THE DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER – 551.074 PERSONNEL MATTERS (POLICE DEPARTMENT)

Mayor Montoya called the meeting back to order at 10:03 p.m.

Commissioner Howell requested an update from finance on how we are on the budget for future agenda items.

16.) OPEN SESSION

A.) DISCUSSION AND POSSIBLE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION ITEMS A & B.

16A) Commissioner Benavidez made a motion to proceed as discussed in executive session for City Manager and City Attorney to communicate with Raybec. Mayor Pro-Tem Martinez second the motion. Upon a called vote, the motion passed. Commissioner Gomez voted against.

16B) Commissioner Benavidez made a motion to communicate with Police Chief regarding drugs. Commission Howell seconded the motion. Upon a called vote, the motion passed unanimously.

17.) ADJOURNMENT

Commissioner Benavidez motion to adjourn. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously. The meeting adjourned at 10:05 p.m.