

**MERCEDES CITY COMMISSION
REGULAR MEETING
SEPTEMBER 21, 2021 – 6:30 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
	Martie Garcia-Vela	City Attorney
	Joselynn Castillo	City Secretary
	Ervin Vilchis	I.T Liaison
	Joaquin Hernandez	Public Works Director
	Nereida Perez	Finance Director
	Roy Quintanilha	Chief of Police
	Marisol Vidales	Library Director
	Richard Morin	Recreation Director
	George Diaz	Police Officer
	Axel Vallejo	City Manager Assistant

1.) CALL MEETING TO ORDER

Mayor called meeting to order at 6:30 pm.

2.) ESTABLISH QUORUM

All members of the commission were present.

3.) INVOCATION

Commissioner Gomez said the invocation.

4.) PLEDGE OF ALLEGIANCE

Commissioner Benavidez led in the Pledge of Allegiance.

5.) OPEN FORUM

- a. Ms. Dalia Pena addressed issues with regard to Historical Preservation Commission. Ms. Pena stated that she was informed that Ms. Molina was appointed and Ms. Pena and Mr. Martinez were alternates. She stated that changes were made to disqualify Ms. Molina and herself Ms. Pena. She added that Ms. Pena stated she was part a committee before and she is here to make a difference in the community.
- b. Ms. Yolanda Molina addressed the Commission by giving a brief background of her life. Ms. Molina is concerned about the City of Mercedes, she stated that she wishes that the Commission can see things a little different. The Commission was voted by the Community and added she wants to serve this community. She stated that she got to serve in a world congress.
- c. Ms. Velda Garcia addressed the Commission regarding sidewalks. Ms. Garcia would like to get people together to help clean the curbs and gutters. Mile 2 ½ east does not have sidewalks and there is brush on the side of the road but there is no water line. She stated she would like a sign stating no dumping.
- d. Mr. Vernon Hoover addressed the Commission by stating that being in leadership is making hard decisions. The ones that voted to improve the streets and drainage, he would like to say that those that voted for it can face the people time after time. For those that voted against can stand and explain their decision. Mr. Hoover stated that he was sent to valley Baptist, the ambulance turned and hit a pothole that is still there today, the EMT

was trying to put an IV in his arm and he added he is grateful that EMS staff took care of him.

- e. Ms. Esmer Guerrero expressed her concern about the bond money. In 2018, David Fuentes did a presentation regarding drainage and sewage. Mr. Fuentes stated that they received \$180 Mil and the city would get \$80 Mil but now the project is going to be worked on in 2022. The Commission was voted to help the City and need to get to work. Ms. Guerrero stated shame on the Commission for doing what they did to the two lady's that want to serve on the Historical Preservation Commission.

6.) ITEMS ON THE REGULAR AGENDA

- a. No one signed up.

7.) PRESENTATIONS

A.) PRESENTATION ON THE RAILROAD CROSSING ON MILE 1 ½ EAST, UPDATE ON THE MAINTENANCE OF DITCHES AND INLETS, STATUS UPDATE ON STREET POTHoles, STREET IMPROVEMENTS, AND STREET EQUIPMENT.

Mr. Perez stated that this item was brought by Commissioners Martinez, Howell and Benavidez. Mr. Joaquin Hernandez presented to the Commission the conditions of the Railroad Crossing on Mile 1 ½ East. The City had to push the Railroad Commission to work on this part of the crossing. This is \$35,000. The previous commission pushed for this and Commissioner Benavidez met with the City manager when he started on this project and that is why the ditches and drainage was placed on the agenda many times to continue bringing it up. There was a map of the ditches, the blue lines are by the drainage district, the magenta is the irrigation district. Commissioner Benavidez stated the City Commission approved interlocal agreements for the maintenance of the ditches. Commissioner Benavidez stated if the City does not have the interlocal in place, then we will not get paid for cleaning it. Mr. Hernandez provided a map of the alley cleaning and curb scraping. The City is targeting the high traffic area. Mr. Hernandez stated the list of streets they have cleaned the alleys and curb scraping. The curb scraping is done with the backhoe and staff is putting round-up. Mayor Pro-Tem Martinez would like staff to be consistent with the curb scraping and cleaning of the inlets to always be prepared for hurricane season. Commissioner Howell stated there is a plan in place with the CIP and CAP and school initiative. Mayor Montoya stated that an interlocal agreement is great but the city will need to use their employees and equipment to maintain those areas that belong to the drainage or irrigation or county and will be taking the staff away from potholes. City will need to haul away trees, trash, sludge and mud in buggies which the city does not have. Commissioner Benavidez stated that the interlocal is for a 10 foot perimeter for that specific inlet to maintain and clean that inlet that belong to district 9 and irrigation district (outfalls). The paver will be purchased but will need an additional \$15000 which will come from the new fiscal year and will be ordered in October. The width of the paver is 12 ft and it adjusts from 5 ft to 12 ft wide. Mayor Pro-Tem Martinez asked what the process is regarding issue calls for Public Works. Mr. Perez stated that there is a work order process and it provides a log. There was discussion regarding 311 process and the Mayor encouraged citizens to use the 311 system. Mayor Pro-Tem Martinez would like staff to call the customer back and ask for their experience. Commissioner Benavidez would like the city to publish the work orders that Public Works is doing through the 311 report. Commissioner Gomez stated that this should already be in place and the City Manager should have the customer service in place.

8.) CONSENT AGENDA:

A.) APPROVAL OF BUDGET AMENDMENT FOR THE MERCEDES POLICIE DEPARTMENT VEHICLES.

B.) APPROVAL OF ITEMS FOR SURPLUS FOR AUCTION.

C.) ACCEPTANCE OF THE GRANT AWARD OF \$442,612 FOR THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION FUNDING

OPPORTUNITY NO. BOR-DO-20-F003 – WATERSMART DROUGHT RESPONSE PROGRAM: NEW WATER WELL FOR DROUGHT RESILIENCY.

D.) DISCUSSION AND POSSIBLE ACTION ON THE PROPOSED MOU WITH THE HIDALGO COUNTY SHERIFF’S OFFICE FOR OFFICER TRAINING.

Item 8C. – Mr. Isaac Huacuja stated that the city was selected and \$442,612 was approved for the project and is for the new water well. Mr. Huacuja stated that having an additional water well decreases usage on the amount of water from the canal. The funding pays for 50% of the project and the City would need to put in 50%. The fund is a matching fund dollar for dollar and can be paid with the Certificates of Obligation. Mayor Montoya stated that this is needed during a time of drought. Commissioner Howell made a motion to approve item 8C. The application was submitted on August 2020 for drought resiliency. The only source of water other than ground water is surface water comes from the irrigation canal. The current water well is not enough and can only provide about 30 to 40% of the demand. Cost of treatment is reduced by having a water well. The current water well is about 25 years. The existing well is closer to the end of its lifespan. This is a nationwide grant that was awarded to the City of Mercedes. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously. This may not affect this year’s fiscal budget.

Item 8A. – Chief Quintanilha stated the budget amendment is for the vehicles to be repaired. Commissioner Benavidez made a motion to approve. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

Item 8D. - The MOU is with the Sheriff’s office to train officers and all TCOLE hours will be accounted for. There is no cost to the city and the training will be free. Commissioner Benavidez motion to approve. Commissioner Howell seconded. Mayor Montoya abstained due to him working in the Sheriff’s Office and falls under his department but will not be involved. Upon a called vote, the motion passed, 4 to 1 passed unanimously.

Item 8B - Mr. Joaquin Hernandez had items that are needing surplus. Commissioner Howell motion to approve. Commissioner Gomez stated that the form does not have a date of purchase. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed and Commissioner Gomez voted against.

9.) CITY MANAGER COMMENTS:

A.) UPDATE ON CITY PROJECTS

B.) STATUS ON PROCESS TO DETERMINE COSTS ASSOCIATED WITH BOTH THE WATER AND WASTE WATER TREATMENT PLANTS AND ASSOCIATED COMPONENTS.

A.) Mr. Perez updated the Commission on the current city projects which included the water rate study, outlet mall update, printer contract, railroad crossing, water leak at FM 491, manhole repair and curb scraping, alley cleaning and pot holes.

B.) Commissioner Gomez spoke to USW and asked for an assessment of the needs for the whole facility. Commissioner Gomez stated lift station No. 10 needs to be assessed. \$54 Mil is the amount of needs for the water and waste water. Commissioner Gomez wants to know what the \$54 Mil is going to cover. Commissioner Benavidez wants accountability. Commissioner Howell stated that the Commission is committed to doing things right.

10.) ORDINANCE/RESOLUTIONS:

A.) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 2021-27 REGARDING A GLOBAL OPIOID SETTLEMENT.

Mr. Perez stated that the state of Texas and the attorney general negotiated on behalf of the cities and came to a settlement. The City will need to decide if we would like to be part of it or are in favor. Commissioner Howell stated that the city can be awarded some monies from this settlement. Commissioner Howell made a motion to approve. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously.

B.) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 2021-28 FOR THE PREPARATION AND SUBMISSION OF THE APPLICATION FOR FUNDING THE PROPOSED WATER RESERVOIR UNDR FUNDING OPPORTUNITY NO. R22AS00020 – WATERSMART DROUGHT RESPONSE PROGRAM; DROUGHT RESILIENCY PROJECTS FOR FY2022.

Mr. Huacuja addressed the Commission that this is the same funding opportunity from 2020. This is for a water reservoir and can pursue up to \$2 mil. The application requires that the city adopt a resolution approving the application. The application is due October 5, 2021. This is for storage location of raw water for droughts if something happens to the surface water. Commissioner Howell asked is this could be used for land acquisition. Mr. Huacuja stated that the fund is for anything that is related to drought response. Acquiring land may be done. Commissioner Benavidez made a motion to approved. Commissioner Howell seconded. This can be paid in 3 to 4 years. Upon a called vote, the motion passed unanimously.

11.) ACTION ITEM(S):

A.) DISCUSSION AND POSSIBLE ACTION ON SPONSORSHIP REQUEST FOR 2021 FIESTA DEL RIO BY SOTR FOR \$12,500.

Commissioner Benavidez stated that there should be a process in place for an entity to place an item on the agenda. Mr. Saldana addressed the Commission requesting sponsorship and are expecting 100 teams for a BBQ cookoff. Commissioner Benavidez asked if this event is replacing Smoking on the Rio. He stated no that smoking on the rio is a different event and will continue. The average team is 5 members with each family bringing their family. There was discussion regarding where the funding will be from if from hotel/motel funds. Commissioner Howell made a motion to approve using hotel/motel funds. Mayor Pro-Tem Martinez seconded. Commissioner Gomez stated that the streets needs fixing and would prefer the funding to be used for potholes. Upon a called vote, the motion passed with Commissioner Gomez voted against.

B.) PREVIOUSLY TABLED: DISCUSSION AND ACTION TO APPOINT MEMBERS TO THE MERCEDES HISTORIC PERSERVATION COMMISSION.

Ms. Vidales stated she spoke to Ms. Molina and Ms. Pena. Ms. Vidales stated that there is one member that meets the criteria. Commissioner Benavidez made a motion to untable. Commissioner Howell seconded. Upon a called vote, the motion passed unanimously. The bylaws include a list of requirements for the members to be on the board. Mr. Ayala is an architect, Ms. White is a real estate broker, Mr. Martinez is an owner of a historical site. The current members are willing to step down into the alternate positions for the qualified members to be on the board. Mayor Pro-Tem Martinez asked what is needed to change the bylaws. Ms. Vidales stated that the bylaws went to the Texas historical commission and the members need to be there to apply and become a certified entity which will allow for the city to apply for grants that are not currently available. Mayor Pro-Tem Martinez made a motion to accept Mr. Ayala, Mr. White, and Mr. Martinez and then come back and revisit the alternates. Commissioner Benavidez seconded the motion. Commissioner Benavidez stated he would like Ms. Molina and Mr. Serna to be alternates. Commissioner Gomez wants to do right by the citizens that want to volunteer for the committees. Ms. Vidales stated she contacted them to see if they met any of the criteria and would go back to the Commission to see who will be appointed. There was discussion on the bylaws and appointment. Commissioner Benavidez rescinded his second. Commissioner Howell seconded the motion by Mayor Pro-Tem Martinez. Upon a called vote, the motion passed. Commissioner Benavidez and Commissioner Gomez voted against.

C.) DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE CITY MANAGER TO GO OUT FOR RFQ/RFP'S FOR PROFESSIONAL SERVICES FOR THE ABATEMENT OF ASBESTOS, MOLD AND LEAD IN THE POLICE DEPARTMENT BUILDING.

Mr. Perez stated this is for the process to remove the asbestos, mold and lead. Mayor Pro-Tem Martinez made a motion to approve. Commissioner Benavidez seconded. Commissioner Gomez has an issue with the wording of the item because its giving the city manager more authority. Upon a called vote, the motion passed unanimously. This item is only to go out for RFP's.

D.) DISCUSSION AND POSSIBLE ACTION TO DIRECT CITY MANAGER TO WORK WITH PARKS AND RECREATION AND LEGAL ON DEVELOPING/ MAINTAINING A SCHEDULE FOR ALL CITY PARKS, LIMIT USE OF CITY FIELDS, AND ENSURING THE CITY IS ABSOLVED OF ALL LIABILITY.

There is only an agreement with a 501-C organization and requested a schedule in case there are other individuals interested in using their fields. Mayor Pro-Tem Martinez would like the City to consider the 501-C. When going into for profit is where the issue will be. The 501-C leagues are not for profit and all the money goes back to the kids. The pony league raises money for the kids but the fields are in bad condition and the city should not allow the leagues for profit. Mayor Montoya stated that there are other leagues like adult leagues and soccer leagues and added that the City should be scheduled by staff. He stated that the city can consider it at a later time because there could be revenues. Commissioner Howell would like to table this item for more information and a proposal. The city can charge the leagues that are for profit. Mayor Pro-Tem Martinez made a motion to move forward and develop a plan and will not affect the current league. Commissioner Howell seconded. Commissioner Benavidez was made aware that there are coaches that have coached 4 or 5 years and only use the fields for a limited amount of times. It was stated that other leagues cannot take priority over local. Upon a called vote, the motion passed unanimously.

12.)BIDS/CONTRACTS:

A.) DISCUSSION AND POSSIBLE ACTION TO APPROVE DIRECTING CITY MANAGER AND LEGAL TO CONTRACT TERRACON TO PERFORM PROFESSIONAL SERVICES INVOLVING THE POLICE DEPARTMENT BUILDING.

Terracon has been involved and are aware of the issues with the PD Building. They can help specify the requirements and make sure the federal laws are complied with and will help with the process. Mayor Pro-Tem Martinez made a motion to approve. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously.

B.) DISCUSSION AND POSSIBLE ACTION ON INTERLOCAL AGREEMENT BETWEEN HIDALGO COUNTY PRECINCT 1 AND THE CITY OF MERCEDES FOR MILE 1 EAST PROJECT.

Mr. Perez stated there is activity on the Mile 1 east project. The Commission voted for the county to take over the project. There was opportunity for additional funding of \$500k. Commissioner Howell made a motion to approve. Mayor Pro-Tem Martinez seconded. Commissioner Benavidez stated the city cost is \$4 mil but will be done in phases and within the phases there will be funding through grants. Upon a called vote, the motion passed unanimously.

13.)MONTHLY DEPARTMENT REPORTS

Provided in the packet for review.

Mayor Montoya called the meeting into executive session at 9:09 pm.

14.)EXECUTIVE SESSION

A.) DISCUSSION REGARDING PROJECT TRAVEL CENTER – PERFORMANCE AGREEMENT BETWEEN DCM AND ARADI HOLDINGS, LLC FOR REIMBURSEMENT OF INVESTMENT FOR CAPTIAL INFRASTRUCTURE WITHIN CITY OF MERCEDES TIRZ NO. 1 PURSUANT TO TEXAS GOV'T CODE 551.087 ECONOMIC DEVELOPMENT.

B.) DISCUSSION REGARDING PROJECT TRAVEL CENTER TENANT PURSUANT TO TEXAS GOV'T CODE 551.087 ECONOMIC DEVELOPMENT

Mayor Montoya called the meeting back to order at 9:38 P.M.

15.) OPEN SESSION

A.) DISCUSSION AND POSSIBLE ACTION ON EXECUTIVE SESSION ITEM A.

Commissioner Benavidez made a motion to approve the performance agreement. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

B.) DISCUSSION AND POSSIBLE ACTION ON EXECUTIVE SESSION ITEM B.

Commissioner Benavidez approved the incentive in the amount of \$250k. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

16.) FUTURE AGENDA ITEMS.

Master Parks Plan and what would it take to have a parks and rec director.

Interlocals for the maintenance of inlets for 10 ft perimeter.

Promote Mercedes businesses.

17.) ADJOURNMENT

Commissioner Benavidez made a motion to adjourn. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously. The meeting adjourned at 9:42 PM.