

**MERCEDES CITY COMMISSION
REGULAR MEETING
SEPTEMBER 1, 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
STAFF PRESENT:	Sergio Zavala	City Manager
	Anthony Troiani	City Attorney
	Joselynn Castillo	City Secretary
	Nereida Perez	Finance Director (webex)
	Dagoberto Chavez	Police Chief/ACM
	Jose Figueroa	Public Works Director
	Javier Campos	Fire Chief/EMC
	Armando Martinez	Admin of Records/EMS
	Yomeida Trevino	Waste Connections
	Jason Rowe	Waste Connections
Melissa Ramirez	DCM Director	

1) CALL MEETING TO ORDER

Mayor Hinojosa called the meeting to order at 1:00 PM

2) ESTABLISH QUORUM

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

3) INVOCATION

City Manager Zavala said the invocation.

4) PLEDGE OF ALLEGIANCE

Commissioner Benavidez led in the pledge of allegiance.

At this time, Mayor Hinojosa called for a moment of recognition for Mr. John Allen who demonstrated a heroic act by prohibiting a gunman at the Walmart from firing at innocent people.

5) OPEN FORUM

- There were no citizens signed up for open forum.

At this time, Commissioner Gomez made a motion to move to item 18 and then proceed with the agenda. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the motion passed unanimously.

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

- A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING(S) HELD AUGUST 18, 2020.**
- B.) SECOND AND FINAL READING ON AN ORDINANCE AMENDING ORDINANCE NO. 2020-01 DECLARING AN ELECTION TO BE HELD IN THE CITY OF MERCEDES ON NOVEMBER 3, 2020, WITH REVISED EARLY VOTING DATES.**

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

7) CITY MANAGER COMMENTS

Mr. Zavala commented on the following: budget overage, completing the census, and Covid updates.

8) PRESENTATION OF QUARTERLY FIRE/EMS REPORT BY MR. ARMANDO ‘MANDO’ MARTINEZ.

Mr. Armando Martinez presented to the Commission the quarterly report for EMS. He provided the total revenue amount received up until September. Mayor Hinojosa asked Mando to elaborate the difference between a deficit and a debt. Mr. Martinez clarified that EMS is not in a deficit, that the \$88,000 for the start-up of the EMS is a debt. Mr. Martinez added that EMS is self-sustained. Commissioner Benavidez asked for a collection rate on a monthly basis. Mr. Martinez responded that he can calculate it and provide it to the Commission. No Action is required for this item.

9) PRESENTATION AND UPDATE BY WASTE CONNECTION ON BRUSH PICK-UP SERVICES.

Mr. Jason and Ms. Yomeida from Waste Connections presented to the Commission an update on the brush pick up schedule. They stated the service was behind due to the Hurricane and rainfall that had occurred. The City was getting 5 times the amount of waste that the City usually gets and they increased the amount of trucks coming on the weekends. They continued by adding they would post the quantities of trash and they stated they would be back on schedule by October 1, 2020. No Action is required for this item.

Mayor Hinojosa opened the Public Hearing at 2:10 PM.

10) PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION ON PROPOSED ORDINANCE TO REZONE LOTS 1 & 42, BK 1, AND LOTS 1 & 14, BK 3, MERCEDES ESTATES, FROM CLASS “N” NEWLY ANNEXED TO CLASS “C-1” APARTMENT DISTRICT.

Mr. Zavala addressed the Commission regarding the rezone and its best use. He stated the properties are 4 separate lots, the lots are sized for commercial or multi-family apartment use. The applicant intends to build 1 story 4plexes or 1 story 6plexes. Mr. Zavala stated that the P&Z board tendered a 3 to 1 vote against the rezone, therefore, the Commission must have a 4 to 5 vote for approval.

Mr. Robert Calvillo from Affordable Homes was present and stated the Apartment complex’s will be brick homes with 2, 4, or 6 plex’s.

There were no comments from the public. Mayor Hinojosa closed the public hearing at 2:20 pm.

Mayor Pro-Tem Villarreal made a motion to approve the Ordinance to rezone. The motion died due to lack of a second. No further motion was made.

11) DISCUSSION AND ACTION TO APPROVE BID TO REPAIR WASTE WATER TREATMENT PLANT ROTORS.

Mr. Figueroa addressed the Commission regarding the bids received for the repair of five rotors, the bids were as follows:

RGV Industrial Machine	\$216,350.00
American Water Services	\$323,250.00

Mr. Figueroa stated a third bid was received by International Machine Shop for \$192,775.00, however; their bid was missing warranty and bond information.

After discussion, Mayor Pro-Tem Villarreal made a motion to approve the bid from RGV Industrial Machine in the amount of \$216,350. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

12) DISCUSSION AND POSSIBLE ACTION ON ORDINANCE TO UPDATE THE CITY OF MERCEDES’ DROUGHT CONTINGENCY PLAN.

Mr. Zavala addressed the Commission about updating the Drought Contingency Plan for the City of Mercedes.

Mr. Zavala stated water is a necessary commodity and a plan needs to be in place when drought conditions exist. The Texas Water Code and TCEQ require a plan and in doing so, the City may take advantage of funding programs administered by the Texas Water Development Board. The plan includes stages of drought, measures to be imposed by the City, and enforcement.

After discussion, Mayor Pro-Tem Villarreal made a motion to approve item 12. Commissioner Hernandez seconded the motion. Upon a called vote, the motion passed unanimously.

13) DISCUSSION AND POSSIBLE ACTION FOR THE CITY OF MERCEDES TO, AS AN OPTION, PROVIDE SURPLUS DIRT FROM DRAINAGE CONSTRUCTION PROJECT(S) TO MERCEDES RESIDENTS.

Mr. Zavala informed the Commission about the several drainage construction projects for detention ponds. He stated that the projects would result in a surplus of dirt. Mr. Zavala stated if the Commission is receptive of providing the surplus dirt to residents, it could help the residents that are affected by flooding in low lying areas. The dirt would be stockpiled and Citizens could help themselves to the dirt. It was stated that the dirt could be available to all citizens not just residents of Mercedes.

Commissioner Benavidez made a motion to approve item 13. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the motion passed unanimously.

14) DISCUSSION AND POSSIBLE ACTION TO AMEND THE SMALL BUSINESS ASSISTANCE CARES RELIEF REGULATION REGARDING THE NUMBER OF FULL TIME EMPLOYEES.

DCM Director Melissa Ramirez addressed the Commission regarding increasing the maximum number of employees from 9 to 15. This will allow for other small businesses to apply for assistance. Ms. Ramirez stated that about 5 businesses have been denied due to the employee cap.

After discussion, Mayor Pro-Tem Villarreal made a motion to approve item 14. Commissioner Hernandez seconded the motion. Upon a called vote, the motion passed unanimously.

15) DISCUSSION AND POSSIBLE ACTION TO DESIGNATE A CHAIRPERSON FOR THE CITY MANAGER'S ADVISORY GROUP (CMAG).

Mr. Zavala informed the Commission that they have previously approved and established the City Manager's Advisory Group. As per the guidelines, the Mayor shall designate a Chairperson for the Board from the members on the board.

Mayor Hinojosa designated Fernando Flores as the Chairperson for the City Managers Advisory Group. Mayor Hinojosa's designation was sustained by the Commission.

16) DISCUSSION AND POSSIBLE ACTION ON ELECTION OF THE BOARD OF TRUSTEES FOR TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL.

Ms. Castillo informed the Commission that the TML-IRP Board of Trustees assists with deciding rates, policies and return of equity for worker's comp, property and liability insurance.

Commissioner Gomez made a motion to elect all the incumbance for place 1, 2, 3, and 4. Mayor Hinojosa seconded the motion. Upon a called vote, the motion passed unanimously.

17) DISCUSSION AND POSSIBLE ACTION REGARDING A RESOLUTION OF THE CITY OF MERCEDES, TEXAS APPROVING THE RESOLUTION OF THE BOARD OF DIRECTORS OF THE DEVELOPMENT CORPORATION OF MERCEDES, INC. REGARDING THE MODIFICATION OF THE DEVELOPMENT CORPORATION OF MERCEDES, INC JUNIOR LIEN SALES TAX REVENUE BONDS, TAXABLE SERIES 2016; AND AFFIRMING AND APPROVING OTHER MATTERS RELATED THERETO (POSSIBLE EXECUTIVE SESSION ITEM)

Mr. Figueroa addressed the Commission that the City only received one bid for the rotor repair. The bid was not complete and is seeking to re-solicit for bids. Mr. Figueroa stated that the specs were updated to be clear.

Mayor Pro-Tem Villarreal made a motion to approve item 17. Mayor Hinojosa seconded the motion. Upon a called vote, the motion passed unanimously.

18) DISCUSSION AND POSSIBLE ACTION ON ARCHITECT'S PROPOSAL FOR ADDITIONAL SERVICES PURSUANT TO THE MERCEDES-ERO CONTRACT VIA SECTION 4.2 AND 11.3.

Mr. Zavala addressed the Commission about the additional services pursuant to the ERO Contract. Mr. Zavala stated the amount for a specialist to come and asses the PD building to see what is salvageable and provide a value to, is \$5,000 and a 10% fee from ERO which would equate to \$5,500. Mr. Zavala stated that Terracon would do the feasibility study on the building and would cost \$34,617 with ERO's 10% fee of \$3,147.

Mr. Eli Ochoa from ERO stated there was an odor in the building and has spoken to Terracon about doing a smoke test or water test on the pipe. There was discussion regarding the assessments previously done on the building, the pricing and the budget.

After discussion, Mayor Pro-Tem Villarreal made a motion to table item 18. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

19) TABLED: DISCUSSION AND ACTION TO APPROVE QUOTATION FOR CARES VEHICLES FOR PUBLIC WORKS.

Mayor Pro-Tem Villarreal made a motion to un-table item 19.

Mr. Figueroa previously addressed the Commission regarding the purchase of a Nissan Frontier through CARES funding. Upon request by the Commission, Mr. Figueroa presented the price for a new vehicle. The 2020 Frontiers were all in the \$30,000.00 range. Mr. Figueroa further researched and received 3 price quotes for a 2020 Ford Ranger, which are as follows:

Boggus Motors	\$23,054.00
Tipton Ford	\$26,740.00
Ford Cardenas	\$33,025.00

After brief discussion, Commissioner Hernandez made a motion to approve the quote from Boggus Motors in the amount of \$23,054.00. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the motion passed unanimously.

Mayor Pro-Tem Villarreal made a motion to un-table item 20. Commissioner Hernandez seconded the motion. Upon a called vote, the motion passed unanimously.

20) TABLED: REVIEW AND POSSIBLE ACTION ON CONTRACTS:

(EXPIRE 9/30/2020)

- (1.) FULBRIGHT & JAWORSKI, LLP (BOND COUNSEL)
- (2.) CARR RIGGS & INGRAM (AUDITORS)
- (3.) GUTIERREZ, R. ENGINEERING (ENGINEERING SERVICES)
- (4.) LEMC ENGINEERING (ENGINEERING SERVICES)
- (5.) SIGLER, WINSTON & GREENWOOD ENGINEERING (ENGINEERING SERVICES)
- (6.) PERDUE, BRANDON, FIELDER, COLLINS & MOTT, LLP (DELQT. TAX/OTHER FEES ATTORNEY)
- (7.) TML-IRP (LIABILITY/E&O/PHYSICAL, PROPERTY/MOBILE/FLOOD)
- (8.) CITY OF WESLACO (ANIMAL IMPOUNDMENT SERVICES)

At a question, Mr. Zavala recommends approval of all contracts. Mayor Pro-Tem Villarreal made a motion to approve all contracts. Mr. Troiani stated there was some recommended changes to some of the contracts. Mayor Pro-Tem Villarreal amended his motion that contracts 1-8 be approved with changes recommended by legal. Commissioner Hernandez seconded the motion. Upon a called vote, the motion passed. Commissioner Benavidez and Commissioner Gomez voted against. Commissioner Benavidez stated he would like the contracts as stated by legal and Commission Gomez voted against due to LEMC.

Mayor Hinojosa called the meeting into executive session at 3:07 PM.

21) EXECUTIVE SESSION:

- **DISCUSSION PURSUANT TO TEXAS GOVERNMENT CODE 551.087 REALTY TO PROJECT RESIDENCY TO DELIBERATE OFFER OF FINANCIAL OR OTHER INCENTIVE.**
- **DISCUSSION PURSUANT TO TEXAS GOVERNMENT CODE 551.072 TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE ON VALUE OF REAL ESTATE.**

Mayor Hinojosa called the meeting back to order at 3:26 pm.

22) DISCUSSION AND POSSIBLE ACTION ON PROJECT RESIDENCY.

Mayor Pro-Tem Villarreal made a motion to approve item 22. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

23) DISCUSSION AND POSSIBLE ACTION ON REAL ESTATE.

Mayor Pro-Tem Villarreal made a motion to approve item 23. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

24) ADJOURN

Commissioner Benavidez made a motion to adjourn. Commissioner Hernandez seconded the motion. Upon a called vote, the motion passed unanimously. The meeting was adjourned at 3:27 P.M.

Henry Hinojosa, Mayor

ATTEST:

Joselynn Castillo, City Secretary