

**MERCEDES CITY COMMISSION
REGULAR MEETING
OCTOBER 20, 2020 – 1:00 P.M.
MERCEDES CITY HALL – COMMISSION CHAMBERS**

MEMBERS PRESENT:

Henry Hinojosa	Mayor
Leandro Villarreal	Mayor Pro-Tem
Cristella Hernandez	Commissioner
Leonel Benavidez	Commissioner
Jose M. Gomez	Commissioner

STAFF PRESENT:

Sergio Zavala	City Manager
Joselynn Castillo	City Secretary
Anthony Troiani	City Attorney
Dagoberto Chavez	Police Chief/ACM
Frankie San Martin	HR&A Representative
Isaac Huacuja	SWG Representative

OTHERS PRESENT: Via Webex: Raquel Hinojosa, Melissa Ramirez, Nereida Perez, Josh Berevowsky Veola Representatives, Chris Gutschow USW Representative, Edward Schwab Inframark Representative, Steven Carpenter Jacobs Representative, and Ramon Montalvo Montalvo Insurance.

1.) CALL MEETING TO ORDER

Mayor Hinojosa called the meeting to order at 1:00 P.M.

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 Gomez led in the pledge of allegiance.

5.) OPEN FORUM-

- Ms. Raquel Hinojosa addressed the Commission regarding Raquel's Daycare to be categorized as business due to the business being in a residential area.
- Mr. Leonel Benavidez informed the Commission about election code section 86.006. Mr. Benavidez encouraged the Community to call the elections department if Candidates visit their home offering help with the ballot.

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

A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING HELD OCTOBER 2, 6, & 9, 2020.

B.) FY 19-20 4TH QUARTER INVESTMENT REPORT

Commissioner Hernandez made a motion to approve all the items under consent agenda. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

7.) CITY MANAGER COMMENTS

Water issue with irrigation district and railroad company to mow the grass.

8.) PRESENTATION BY HOLLIS RUTLEDGE & ASSOCIATES (HRA) REGARDING CARES FUNDING & PROJECTIONS; & POSSIBLE PROGRAMMING ADJUSTMENTS IF DEEMED NEEDFUL

Mr. Frankie San Martin informed the Commission that the City has submitted \$1.4 million to the County. The County awarded the City with \$1.8 million. Mr. San Martin stated the City would have a balance of \$24K not including the Small Business or Individual Assistance program. There was discussion regarding the Individual Assistance applications. Mr. Zavala stated about 24 were approved and the ones not approved were due to the applicants living outside city limits. Commissioner Hernandez asked if the funds that are not used can be transferred to the Police and Fire Departments pay. Mr. San Martin stated the changes Commissioner Hernandez stated can be made. No action is required for this item.

9.) DISCUSSION AND POSSIBLE ACTION TO AMEND THE SMALL BUSINESS ASSISTANCE CARES RELIEF REGULATION TO INCLUDE ‘BUSINESSES IN A RESIDENTIAL SETTING’ TO BE CONSIDERED FOR SUCH RELIEF AWARD

Mr. Zavala addressed the Commission that the Small Business Program regulations currently state the only business applications would be “*businesses in a business setting*”. Mr. Zavala stated that DCM Board favored amending the regulations to allow a business in a RESIDENTIAL setting may qualify for relief consideration if it has lawfully existed for at least 20 years. Mayor Pro-Tem Villarreal made a motion to approve. Commissioner Hernandez stated she would like for DCM to outreach to other businesses in a residential setting.

Mayor Pro-Tem Villarreal amended his motion to help the businesses that were lawfully created with EDC to do outreach to the other businesses. Commissioner Hernandez seconded the motion. Upon a called vote, the motion passed unanimously.

10.) DISCUSSION AND POSSIBLE ACTION TO APPROVE SUBMITTAL OF THE FOLLOWING FORMS AS THEY RELATE TO THE FLOOD INFRASTRUCTURE FUND (FIF) APPLICATION PROCESS: 1) APPLICATION AFFIDAVIT; 2) APPLICATION RESOLUTION-CERTIFICATE OF SECRETARY; 3) FLOOD APPLICATION AFFIDAVIT; 4) APPLICATION FILING AND AUTHORIZED REPRESENTATIVE RESOLUTION

Mr. Zavala addressed the Commission regarding the Flood Infrastructure Fund which helps with flood infrastructure planning and improvements. The City currently does not have a GIS mapping of its drainage facilities. The mapping will assist the City in addressing current and future drainage infrastructure needs. The funding will be \$50K loan from the CO funds and \$25K grant. Mr. Isaac Huacuja stated that this would help the City know when and where to invest the money on the drainage system.

Mayor Pro-Tem Villarreal made a motion to approve item 10. Mayor Hinojosa seconded the motion. Upon a called vote, the motion passed unanimously.

11.) DISCUSSION AND POSSIBLE ACTION TO RENEW MONTALVO INSURANCE FOR WORKER’S COMPENSATION SERVICES

Ms. Castillo informed the Commission about the contract for Worker’s compensation. She stated the City has been with Montalvo since 2017. The amount for the Out-of-network is \$67,263 annually or \$5,609.73 per month or the In-Network amount of \$59,275 annually or \$4,943.54 per month. Ms. Castillo stated the City currently has an out-of-network coverage and if approved this will be a one-year contract.

Commissioner Hernandez made a motion to renew the out of network agreement with Montalvo Insurance. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

12.) DISCUSSION AND POSSIBLE ACTION TO AWARD CONTRACT TO A FIRM TO PROVIDE UTILITY OPERATION & MANAGEMENT SERVICES.

Commissioner Benavidez made a motion to table item 12. Commissioner Gomez seconded the motion. Upon a called vote, the motion failed. Commissioner Hernandez, Mayor Pro-Tem Villarreal and Mayor Hinojosa voted against. Commissioner Benavidez stated he would like to see the presentations from each company and for the new commission to vote on this item.

Mayor Pro-Tem Villarreal made a motion to approve USW for the operations and management of the Water and Wastewater sewer plant. Commissioner Hernandez seconded the motion. Upon a called vote, the motion passed. Commissioner Benavidez and Commissioner Gomez voted against.

13.) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION AUTHORIZING THE CREATION OF THE RIO GRANDE VALLEY REGIONAL 9-1-1 EMERGENCY COMMUNICATIONS DISTRICT, AS REQUESTED BY THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL

Mr. Zavala stated the Resolution is to establish a local regional emergency communications district and for the funds form 911 to come back to the valley for needful improvements and to enhance services.

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

14.) DISCUSSION AND POSSIBLE ACTION ON PROPOSED INTERLOCAL AGREEMENT BETWEEN THE CITY OF MERCEDES AND THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL- PUBLIC SAFETY- EMERGENCY COMMUNICATIONS/9-1-1 DIVISION FOR OBTAINING ACCURATE STREET ADDRESSES

Mayor Pro-Tem Villarreal made a motion to table item 14 as requested by LRGVDC 911. Commissioner Hernandez seconded the motion. Upon a called vote, the motion passed unanimously.

15.) DISCUSSION AND POSSIBLE ACTION TO APPROVE TRANSFER OF THE ANIMAL CONTROL DIVISION FROM THE PUBLIC WORKS DEPARTMENT TO THE MERCEDES POLICE DEPARTMENT

Mr. Figueroa addressed the Commission about moving the animal control division from Public Works to the Police Department. Mr. Figueroa stated that there are better funding and grants available if the division is under PD. Commissioner Benavidez expressed his concern regarding the efficiency of the Police Department. Police Chief Chavez stated there would not have issues overseeing the Animal Control Division.

Commissioner Benavidez made a motion for the Animal Control Division to remain with Public Works. Commissioner Gomez seconded the motion. Upon a called vote, the motion failed. Commissioner Hernandez, Mayor Pro-Tem Villarreal and Mayor Hinojosa voted against. Mayor Hinojosa stated that the Animal Control Division will be moved to PD.

16.) DISCUSSION AND ACTION TO APPROVE A PRICE QUOTATION FOR REMOVAL AND REPLACEMENT OF A COLLAPSED WATER LINE AT VIRGINIA/FRONTAGE ROAD

Mr. Figueroa informed the Commission about a service interruption due to a water break. He stated there was an Asbestos Cement line that had irreparable damage. Staff obtained 3 price quotes from the following:

McAllen Multi Service	\$36,600.00
Salazar Utility Construction Inc.	\$41,800.00
OMT Utilities	\$43,750.00

Mayor Pro-Tem Villarreal made a motion to approve McAllen MultiService bid for \$36,600. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

17.) DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE STAFF TO SEEK SEALED BIDS FOR THE PROCUREMENT OF COLD PATCH, HOT PATCH, TACK OIL, LIMESTONE, SAND, WASHSTONE, AND CONCRETE

Mr. Figueroa addressed the Commission about seeking bids for yearly services for cold patch, hot patch, tack oil, limestone, sand, washstone, and concrete. Having these services would help expedite work and improve efficiency. The bids will be for the items separately. At a question, Mr. Figueroa stated the items will be purchased as needed.

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

18.) DISCUSSION AND POSSIBLE ACTION TO ADJUST THE BASE PAY FOR LABOR & BASIC SECRETARIAL STAFF

Mr. Zavala informed the Commission that the previous raise was for the employee and not the position. The adjustment for consideration would be for the base pay of the position. The employee will start at the original base pay and then increase if the employee completes the probationary period. Ms. Perez stated that the amount of the increase for the positions requested will be \$8,670.83.

Commissioner Benavidez made a motion to approve item 18. Commissioner Hernandez seconded the motion. Upon a called vote, the motion passed unanimously.

19.) DISCUSSION AND POSSIBLE ACTION ON ORDINANCE AMENDING ZONING ORDINANCE NO.26, AS AMENDED, TO REQUIRE A MINIMUM TEN-FOOT SIDE YARD BUILDING SETBACK ON ALL CORNER LOTS IN ALL DISTRICTS

Mr. Zavala informed the Commission that the City does not have the authority to impose the standard 10ft. corner side yard setback. Currently the requirement is 3ft or 7 ft corner side yard setback. Mr. Zavala stated the 10ft distance is typical in all cities and historically the city has been imposing the 10ft setback. The ordinance will allow staff to impose the 10ft setback to corner side lots proposed building structure.

Commissioner Benavidez made a motion to approve item 19. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the motion passed unanimously.

20.) MONTHLY DEPARTMENT REPORTS

Monthly Reports are in the packet for the Commission to review.

Mayor Hinojosa called the meeting into executive session at 2:27 P.M.

21.) EXECUTIVE SESSION: -DISCUSSION REGARDING DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER. - SECTION 551.074, TEXAS GOVERNMENT CODE ANNOTATED. – PD TRANSITION PROTOCOL AND IMPLEMENTATION.

Mayor Hinojosa called the meeting back to order at 2:43 P.M.

22.) DISCUSSION AND POSSIBLE ACTION ON EXECUTIVE SESSION ITEMS

Commissioner Benavidez made a motion to start the process of transitioning the PD to 2314 N. FM 491. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the motion passed. Commissioner Gomez voted against.

23.) ADJOURN

Commissioner Benavidez made a motion to adjourn. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the motion passed unanimously. The meeting was adjourned at 2:44 P.M.