

**MERCEDES CITY COMMISSION
REGULAR MEETING
FEBRUARY 15, 2022 – 6:30 P.M.
MERCEDES CITY HALL – COMMISSION CHAMBERS**

MEMBERS PRESENT:	Oscar D. Montoya Sr.	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
	Javier Ramirez	Asst. City Manager
	Ervin Vilchis	I.T Liason
	Briana Casares	Public Information Officer
	Axel Vallejo	Executive Admin. Asst.
	Ruben Pena	Officer
	Orlando Diaz	Sergeant
	Javier Campos	Fire Chief
	Marisol Vidales	Library Director
	Joaquin Hernandez	Public Works Director
	Richard Morin	Recreation Director
	Nereida Perez	Finance Director

OTHERS PRESENT: Marco Arredondo Energy Rep, Adam Arredondo Energy Rep, Ramon Mejia, Isaac Huacuja, Commander Moya, Mr. Robert Eilers, Mr. Eugenio Gene Saenz Jr, Mr. Ramiro Aldape, Mr. Gil Flores, Mr. Herberto Beto Carr, Mr. Jose Cantu Jr., and Mr. Jesus Galvan.

1.) CALL MEETING TO ORDER

Mayor Montoya welcomed everyone and called the meeting to order at 6:30 p.m.

2.) ESTABLISH QUORUM

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

3.) INVOCATION

Mayor Pro-Tem Martinez said the invocation.

4.) PLEDGE OF ALLEGIANCE

Commissioner Howell led in the Pledge of Allegiance.

At this time, Mayor Montoya presented and read the proclamation to the longest living veterans in Mercedes.

5.) OPEN FORUM

- Mr. Mejia addressed the Commission about the American dream, bringing business into Mercedes and providing services. Mr. Mejia expressed his disapproval with de-annexing a business in Mercedes due to no services provided. Mr. Mejia would like the city to speed up the process to de-annex so the citizen can get county services. Mr. Mejia has had to report his neighbor due to loud music. Mr. Mejia's third concern

was about his neighbors barbeque pit was left on overnight, was smoking and was left unattended. He stated that the Fire Marshal reached out to Mr. Mejia on another day for that fire.

6.) PRESENTATIONS:

a. UPDATE ON PARKS MAINTENCE

Mr. Hernandez addressed the safety concerns at the HEB Park, they removed corroded steps on the play area and new swings were ordered for all parks. The City has been cleaning graffiti at the parks, painting the restrooms and rails, installed new dispensers and lightbulbs. Carpet grass was installed at the Collier Park detention ponds. Mayor Pro-Tem Martinez stated that Fields 1 and 2 were being worked on and field 3 & 4 are next to be enhanced. Mayor Pro-Tem Martinez discussed safety, would like to know what the city is doing to help prevent the graffiti and possibly fence the parks that have been targeted. Interim Chief Sanchez stated they placed a watch tower at the parks. The restrooms are open from 8 to 5 p.m. due to concerns that occur after hours. Saladino Park was targeted for graffiti. The fence is low on the Saladino Park and are being jumped over. Commissioner Benavidez expressed his concern with safety. He stated that now staff has to take time to address the issues and takes them away from other projects. He is glad the rust was addressed. Cameras will be installed at the parks, lighting was replaced. Poly fencing was replaced, and sidewalks were power washed. Red Dirt was purchased and there was saving of \$85 per yard to \$10 per yard. The dugouts and benches were replaced at field 1. The parks division only has 5 employees and are in charge of tree trimming, cutting the grass, etc. Commissioner Benavidez stated that he demanded a report on the parks and Mr. Hernandez stated he had been working on the parks report prior to the request.

7.) Consent Agenda

a. APPROVAL OF MINTUES FOR MEETING(S) HELD FEBRUARY 1, 2022 & FEBRUARY 4, 2022.

b. SECOND AND FINAL READING OF ORDINANCE NO. 2022-01 REGARDING THE 2022 CITY COMMISSION ELECTION FOR PLACE 2 AND PLACE 4.

c. SECOND AND FINAL READING OF ORDINANCE NO 2022-02 TO REZONE J.A. CHAPMAN'S SUBDIVISION LOT 1-5 BLOCK 6 FROM CLASS "N" NEWLY ANNEXED TO CLASS "B" BUSINESS: APPLICANT – CHARLES G. AND JULIA ANN BERTHOLF.

d. APPROVAL OF BUDGET AMENDMENT FORM PARKS & RECREATION BUDGET TO PUBLIC WORKS ADMINISTRATION FOR PUBLIC WORKS OFFICE CLERK.

Mayor Pro-Tem Martinez motioned to approve items A – C and discussed item D separately. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously.

D.) Mr. Hernandez stated that the position was there but was not budgeted in the new fiscal year. They moved one position from parks to fund the office clerk. There would be only one person in admin pushing the work orders and answering phone calls. This position needs to be funded fully. Mr. Hernandez stated there is a need for a person in the admin office. Commissioner Benavidez made a motion

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

8.) CITY MANAGER COMMENTS:

a. UPDATE ON REPLACEMENT OF MANHOLE COVERS

Manhole Cover, 24 manhole covers have been installed out of the 130 manhole covers. Mr. Ramirez stated there are plans to contract someone to install the manhole covers. Mr. Ramirez stated that it would need to be under \$20,000. There are no TCEQ violations on the manhole covers. If the covers are not replaced there can be a sanitary sewer overflow. Commissioner Benavidez stated that the electrical can go out and back up.

b. INTRODUCTION OF THE PUBLIC INFORMATION OFFICER AND UPDATE ON RECENT ACTIVITY.

Mr. Perez informed the Commission of the Public Information Officer Ms. Brianna Casares. Ms. Casares addressed the Commission regarding her duties. She informed the commission of the community engagement increase. An Instagram account was created to reach the younger demographic.

c. UPDATE ON THE ANACUITAS RDF PROJECT

Mr. Isaac Huacuja addressed the Commission regarding drainage improvement to Anacuitas junction. The City engineers reached out to the drainage district and they were in process of starting a similar project and allowed the drainage district to spear head the project. The city will pursue an interlocal agreement to allow the drainage district to proceed with the project. The three-part agreement will be between the city and irrigation district for land and the drainage district will do the work. There will be additional detention for water storage. The storage of water will alleviate the flooding that occurs on Dawson Rd. and the northeastern part of Mercedes. Commissioner Gomez asked if gate 160 is best to be closed during the rain. Mr. Huacuja stated there are conduits and some of the elevations have changed which can cause backflow very early in a rain event every situation will need to be assessed during rain events to decide if it should be closed or open. Commissioner Benavidez motioned to move to item 11E. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously. There will be an area for collection and one area for drainage. Mr. Huacuja recommends a detention storage. Mr. Hernandez stated that staff has begun cleaning the citizen collection station for the Anacuitas drainage project.

11E.) DISCUSSION AND POSSIBLE ACTION TO PROCEED WITH INTERLOCAL AGREEMENT WITH DRAINAGE DISTRICT #1 FOR ANACUITAS RDF PROJECT.

Mayor Pro-Tem Martinez would like to know the impact on the citizen collection station. Commissioner Benavidez motion to approve. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously

d. UPDATE ON METER WARRANTY

Mr. Ramirez addressed the Commission regarding the warranty on the meters. The AMI meters are full replacement for 10 years and pro-rated after for 20 years.

9.) ORDINANCES/RESOLUTIONS:

- a. **DISCUSSION AND POSSIBLE ACTION ON FIRST READING OF ORDINANCE NO. 2022-03 TO REZONE CAPISSALLO LOT 11 BLOCK 66 FROM CLASS “N” NEWLY ANNEXED TO CLASS “B” TWO FAMILY APPLICANT: ROSALINDA H. FORSYTHE, EXECUTRIX OF ROY B. HERERA.**

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

- b. **DISCUSSION AND POSSIBLE ACTION ON FIRST READING OF ORDINANCE NO. 2022-04 TO REZONE CAPISSALLO LOT 1 BLK 65 & 15.85 ACRES OF LOT 2 BLK 65 FROM CLASS “N” NEWLY ANNEXED TO CLASS “A-1” SINGLE FAMILY RESIDENCE DISTRICT APPLICANT: VALLEY RANCH ESTATES MERCEDESLLC.**

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

10.) **MANAGEMENT ITEMS**

- a. **DISCUSSION AND POSSIBLE ACTION TO SELECT A FIRM FOR ENERGY REPRESENTATIVE SERVICES AND AUTHORIZE THE CITY MANAGER TO NEGOTIATE A CONTRACT.**

Commissioner Benavidez motioned to postpone because the motion was for RFQ and RFP. Commissioner Gomez seconded. Upon a called vote, the motion passed unanimously. Mr. Perez stated that the company will not be paid by the city but the rates saving.

- b. **DISCUSSION AND POSSIBLE ACTION TO APPROVE SEEKING RFP’S FOR THE POLICE DEPARTMENT REMEDIATION AND ABATEMENT.**

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

- c. **DISCUSSION AND POSSIBLE ACTION TO APPROVE THE GUN-TRADE OF (21) DEPARTMENT ISSUED WEAPONS IN EXCHANGE FOR (6) GLOCK 22 GEN 4.40 S&W PISTOLS.**

Officer Ruben Pena addressed the Commission regarding a gun trade for the Police Department. Commissioner Howell motioned to approve. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously.

- d. **DISCUSSION AND POSSIBLE ACTION TO APPROVE ADVERTISING FOR BIDS FOR THE CONSTRUCTION OF CAPISSALLO TERRACE SANITARY SEWER IMPROVEMENTS.**

Mr. Huacuja is seeking authorization to advertise for bids. Commissioner Benavidez motioned to approve. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

- e. **DISCUSSION AND POSSIBLE ACTION ON APPROVE TO GO OUT FOR BIDSON THE REPLACEMENT FOR THE CITY HALL ROOF.**

Mr. Hernandez is seeking to go out for bids on the replacement of the roof. New leaks appear. Commissioner Howell motioned to approve. Mayor Pro-Tem Martinez seconded. Mayor Pro-Tem Martinez asked if we are checking for mold due to the ongoing leaks that occur during the rain event. Mr. Hernandez stated that they are looking at mold assessment for the floor but the ducts were assessed

and there was no mold. Commissioner Howell recommends using the insurance. Upon a called vote, the motion passed unanimously.

f. DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF CLEARGOV BUDGETING SOFTWARE AND BUDGET AMENDMENT.

Ms. Perez addressed the Commission. The budgeting process is entered manually. Exporting from Incode to excel doesn't export easily. This software will be able to update the data for however many years we want to go back to, department heads can have access. Commissioner Benavidez motioned to approve.

Commissioner Howell seconded. This was not allocated and is a new software.

Mr. Perez stated that ClearGov will assist the city be more transparent in the budget process. Upon a called vote, the motion passed unanimously.

g. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PURCHASE OF THE MEMORIAL PLAQUE FOR RESIDENTS OF MERCEDES WHO DIED FROM COVID-19.

Mayor Pro-Tem Martinez motioned to approve. Commissioner Benavidez seconded. Mayor Pro-Tem Martinez expressed his gratitude for the hard work the committee did for this memorial. Commissioner Benavidez stated the members are Richard Morin, Javier Campos, Joaquin Hernandez, Commissioner Gomez and Commissioner Benavidez. Mr. Ramirez stated the funds can come from the community events line item. The account should have about \$4,000 left. Upon a called vote, the motion passed unanimously.

h. DISCUSSION AND POSSIBLE ACTION TO RESEARCH SERVICE OPTIONS FOR AN UNPAVED ROAD WITHIN THE CITY LIMITS OF MERCEDES – CHAPMAN STREET.

Mayor Pro-Tem Martinez made a motion to approve. Commissioner Benavidez seconded. Mayor Pro-Tem Martinez is happy this item was placed on the agenda and is much needed for the residents living in that area. Commissioner Benavidez stated he and Commissioner Gomez placed this item on the agenda and the item is to look at options due to budget being tight and bring back with the options to paving this road. Upon a called vote, the motion passed unanimously.

i. DISCUSSION AND POSSIBLE ACTION TO INCREASE THE STAND-BY PAY AMOUNT FOR THE PUBLIC WORKS EMPLOYEES.

Commissioner Benavidez and Gomez placed this item on the agenda.

Commissioner Benavidez motion to begin to look at how the city can increase the stand-by pay. Mayor Pro-Tem Martinez seconded. Commissioner Benavidez stated that the stand-by pay has been at \$35. Mayor Pro-Tem Martinez asked what is the cost of the stand-by employee. Mr. Hernandez stated that the employees get their 40 hours but being on call gives the employee \$35 for being on stand-by for that one week. 3 employees are on call and get paid even if they get no calls or several calls. The employees still get paid overtime for attending calls during standby. Commissioner Howell would like it to be included with the pay-scale. Commissioner Benavidez amended his motion to bring this item back with the research what other cities are doing and what the city can do. Commissioner Benavidez withdrew his motion and then motioned to postpone and bring it back at the next meeting with supporting information. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

- 11.) **BIDS/CONTRACTS:**
- a. **DISCUSSION AND POSSIBLE ACTION TO AWARD REBID CONTRACT FOR THE REHABILITATION AND IMPROVEMENTS TO THE STORM WATER PUMP STATION AT COLLIER PARK – PHASE 2.**
Mr. Huacuja stated there was a bid opening due on February 3. A bid tabulation was provided. The price did decrease from the previous bids. All bids were complete. Municipal services were recommended by the City engineer which is the lowest bidder. Mayor Pro-Tem Martinez motioned to approve city engineer recommendation. Commissioner Benavidez seconded. Commissioner Gomez stated he attended the bid opening and Municipal services lowered their bids about \$18,000 from their first bid. Commissioner Gomez stated his concern is that the bid came in low and if awarded, they will have change orders after. Mr. Perez stated that they cannot go over a 25% change order. Upon a called vote, the motion passed 4 to 1. Commissioner Gomez voted against.
- b. **DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF INTERLOCAL COOPERATION AGREEMENT BETWEEN THE COUNTY OF HIDALGO, TEXAS AND THE CITY OF MERCEDES, TEXAS ON BEHALF OF DR. HECTOR P. GARCIA MEMORIAL LIBRARY IN ORDER TO PROVIDE LIBRARY SERVICES TO COUNTY RESIDENTS.**
Ms. Vidales stated this is a yearly agreement which helps pay for ILS and the remainder is divided between the libraries. Commissioner Benavidez motioned to approve. Commissioner Howell seconded. Upon a called vote, the motion passed unanimously.
- c. **DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CONTRAT WITH AMBIOTEC.**
Commissioner Howell motioned to approve. Mayor Pro-Tem Martinez seconded. Commissioner Benavidez stated this agreement is for the TCEQ Self-Audit. Mr. Perez stated that this is to be proactive. Upon a called vote, the motion passed unanimously.
- d. **DISCUSSION AND POSSIBLE ACTION TO RENEW THE AGREEMENT FOR EMS BILLING SPECIALIST SERVICES.**
Fire Chief Campos addressed the Commission regarding renewing the agreement with the City Billing specialist. Mayor Pro-Tem Martinez motioned to approve. Motion dies for lack of a second. Commissioner Howell made a motion to postpone for the next City Meeting. Commissioner Benavidez seconded. The motion died.
- e. **DISCUSSION AND POSSIBLE ACTION TO PROCEED WITH INTERLOCAL AGREEMENT WITH DRAINAGE DISTRICT #1 FOR ANACUITAS RDF PROJECT.**
This item was discussed at the beginning of the meeting.
- 12.) **MONTHLY DEPARTMENT REPORTS**
Reports are included in the packet for Commission review. No action required.

Commissioner Benavidez motioned to go into executive session. Commissioner Gomez seconded. Upon a called vote, the motion passed unanimously. The meeting went into executive session at 8:30 P.M.

- 13.) **EXECUTIVE SESSION:**
- a. **CONSULTATION WITH CITY ATTORNEY RELATING TO PERSONNEL MATTERS (SECTION 551.071 AND SECTION 551.074, TEX. GOV'T CODE)**
 - b. **CONSULTATION WITH ATTORNEY REGARDING UPDATE ON LEGAL MATTERS – SECTION 551.071 TEXAS GOV'T CODE ANNOTATED**
- 14.) **OPEN SESSION:** Mayor Montoya called the meeting back to order at 9:22 P.M.
- a. **DISCUSSION AND POSSIBLE ACTION ON ITEM A LISTED IN EXECUTIVE SESSION**
No action was taken on this item.
 - b. **DISCUSSION AND POSSIBLE ACTION ON ITEM B LISTED IN EXECUTIVE SESSION.**
No action was taken on this item. Commissioner Benavidez made a motion to have an update from legal on the next meeting. Commissioner Gomez seconded. Upon a called vote, the motion passed unanimously.
- 15.) **ADJOURNMENT**
Mayor Montoya adjourned the meeting at 9:25 P.M.