

**MERCEDES CITY COMMISSION
REGULAR MEETING
MAY 18, 2021
MERCEDES CITY HALL – COMMISSION CHAMBERS**

MEMBERS PRESENT:	Oscar Montoya	Mayor
	Joe Martinez	Mayor Pro-Tem
	Leonel Benavidez	Commissioner
	Jacob Howell	Commissioner
	Jose M. Gomez	Commissioner
 STAFF PRESENT:	 Alberto Perez	 City Manager
	Joselynn Castillo	City Secretary
	Anthony Troiani	City Attorney
	Kristine Longoria	City Secretary Clerk
	Axel Vallejo	City Manager’s Secretary
	Ervin Vilchis	IT Liaison
	Joaquin Hernandez	PW Director
	Javier Campos	Fire Chief/EMC
	Jose Macias	Police Chief
	Nereida Perez	Finance Director
	Monica Rodriguez	Planning Admin Asst.
	Richard Morin	Recreational Director
	Orlando Diaz	Police Sargent

1) CALL MEETING TO ORDER

Mayor Montoya called the meeting to order at 6:00 PM.

2) ESTABLISH QUORUM

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

3) INVOCATION

Commissioner Howell said the invocation.

4) PLEDGE OF ALLEGIANCE

Mayor Montoya led in the Pledge of Allegiance.

5) OPEN FORUM

- Mr. Jose Gomez addressed the Commission about placing items on the agenda. He stated he had requested items to be placed on the agenda and they were not added to the agenda. He continued by stating he never received a phone call from staff or management on the items not being on the agenda.
- Mr. Jacob Howell addressed the Commission regarding brush pick up services. He stated the City is working on having policies and procedures in place for accountability, accuracy, efficiency, quality of life and infrastructure. Mr. Howell said the Commission doesn’t always agree but the goal is to make Mercedes better and be solution driven.
- Mr. Leonel Benavidez addressed the Commission about clarification on the discussion of legal fees. He stated he requested for Mr. Pagan to reach out to TML and ask for the final decision. Mr. Pagan wrote a memorandum for him to be reimbursed. Mr. Benavidez requested the item to be placed on the agenda. During the agenda item words were used like

cut check and that was incorrect, no check was cut. He wanted accountability and to discuss it in public.

- Ms. Monica Dominguez addressed the Commission about a health issue at her home. She stated she has been flooded twice and nothing has been done. Ms. Dominguez stated that when it floods the sewer water comes up and the smell stays in their home. She added that she has lost everything two time already and recommends the purchase of a backup generator for the lift stations.
- Mr. Romulo Sanchez thanked the Commission for their support to have the Army assist in the Stock Show Parade.

6) PRESENTATIONS

A.) FIRE, POLICE AND PUBLIC WORKS DEPARTMENT STORM REPORT.

Fire Chief Campos, Police Chief Macias and Public Works Director Hernandez provided to the Commission a timeline of events during the storm of May 1, 2021. The report included wind speeds, number of phone calls and text messages from Code Red, calls for fire/EMS increased, placing stop signs, officers' duties during the storm, dispatch duties, documentation of damages, and public works staff duties. The commission had discussion on potential disruption of communications, what worked and what didn't work and how can we improve the services to help mitigate flooding.

B.) WASTE CONNECTIONS REPORT ON BRUSH PICKUP

Ms. Yomeida Garcia and Mr. Jason Rowe addressed the Commission the brush pick up. They stated the process in which they pick up the brush and them place it in a container. They pick up 3 cubic yards per home. Ms. Garcia stated they are on a delayed schedule due to the Emergency Order in place for the storm events. The average is 60 hauls per month at 230 tons. For the Winter storms they had 250 hauls at 1,057 tons. Ms. Garcia stated all the Cities have excessive brush and the City normally has one truck but is currently using two to three trucks. There was discussion on having the strike team assist and possibly hiring another company to assist on the brush collection.

7) CITY MANAGER COMMENTS

1.) UPDATE ON WATER LOSS

Mr. Perez informed the Commission that interviews were conducted and Mr. Hernandez was the best qualified. Mr. Joaquin Hernandez stated that his goal is to be better prepared, make sure there is enough help with maintaining the canals and have equipment ready and contact other entities for help. Mayor Montoya welcomed Mr. Hernandez. Mayor pro-tem Martinez congratulated Mr. Hernandez and welcomed him. Mr. Perez asked the public to assist the City in documenting the issues with trash and brush pick up and when they start to fall behind. Asking that the public do their part to keep Mercedes beautiful. All commissioners congratulated, Commissioner Benavidez stated that there is not much experience so has to question but hopes for the learning curve to be short. Mr. Perez stated that Mr. Hernandez is the best qualified and made this selection based on that. Commissioner Gomez stated he is looking forward to his knowledge with TxDot.

2.) UPDATE ON SLUDGE REMOVAL

Mr. Perez stated he spoke with the water plant operator and they are spending over ½ mil per year to remove sludge. He received a detailed report. In 2020 the water well came back on line, the quality of the water well is high quality; however, sludge amounts didn't go down. Mr. Perez stated that the canal hadn't been drenched in a long time. The retention can be used for water storage during droughts for a 7 to 10 day supply.

3.) DISCUSS JOB FAIR ON MAY 21, 2021

Mr. Perez stated that all the businesses are lacking employees. The City coordinated with workforce for a job fair. He stated there would be 23 employers at the fair and all citizens are welcome.

4.) UPDATE ON 1ST CITY FOOD BANK DISTRIBUTION AND FUTURE DATES

Mr. Perez updated the Commission on the first food bank distribution for 500 families. He stated the National Guard, City employees, and the food bank helped out with the distribution. The next food distribution will be announced on social media. Mayor Montoya stated the City cares about its citizens. Commissioner Benavidez stated to report to the media what the City has done. Mayor Pro-Tem Martinez that the food will help the families and that no kid should go hungry.

5.) SALES TAX REVENUE UPDATE

Mr. Perez stated that the City had the 2nd highest sales tax revenue of \$702K. He added that the bridge has not been opened yet and the revenues are just from locals.

6.) DEVELOP QUARTERLY PROCESS TO IDENTIFY UNUSED FUNDS

Commissioner Howell wants a comb and sweep of each department for any available unused funds to go to the purchase of a backhoe. Commissioner Benavidez stated he is pushing for a workshop to identify issues and needs.

8) ORDINANCES AND RESOLUTIONS

A.) CONSIDERATION AND POSSIBLE ACTION ON RESOLUTION #2021-16 TO APPROVE THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY

Sgt. Diaz addressed the Commission about an agreement between TxDOT and the City for street closures for parade. There is a high school parade scheduled for June 3. Commissioner Benavidez made a motion to approve. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously.

9) MANAGEMENT ITEMS

A.) DISCUSSION AND POSSIBLE ACTION REGARDING OPEN RECORDS REQUESTS FOR COMMISSIONERS

Mr. Perez addressed the Commission regarding open records requests from the Commission. At this time the commissioners are not charged for open records and would like to charge the fee to all requestors including Commissioners. Mr. Perez provided a list of open records requests from the Commission. Commissioner Gomez stated he requests information through open records to help the residents and added that knowledge is power. Mayor Montoya stated that this item is to charge because it takes valuable man power and resources. Mayor Pro-Tem Martinez stated that if it doesn't pertain to the agenda then the items should be charged but not for agenda related information. Commissioner Howell made a motion to approve. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed. Commissioner Gomez voted against.

B.) DISCUSSION AND POSSIBLE ACTION ON MILE 9 NORTH MEADOWS PRE-FINAL PLAT APPROVAL

Mayor Pro-Tem Martinez made a motion to approve item 9B. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously. The Planning and Zoning Board approved this unanimously. The Developer needs to follow City and County regulations. Mr. Alfonso Quintanilla agrees with the recommendation. Mr. Quintanilla stated there is an existing drain ditch on the east and will be building a ditch on the west side as required by the City and County. The drain ditch is designed for a 50 year storm event. Street lights are a requirement by the County.

**C.) DISCUSSION AND POSSIBLE ACTION TO REZONE-EAST MERCEDES LOT 8
BLK 4**

Mr. Perez stated that the Planning and Zoning Board approved the rezone with a vote of 4 to 1. Only 8 lots will be rezoned and there is water and sewer. The developer is proposing duplexes. Commissioner Howell made a motion to approve the rezone. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously. Commissioner Gomez asked if there is a street or alley in front. The street is Kansas Ave.

**D.) DISCUSSION AND POSSIBLE ACTION BY THE COMMISSION TO INITIATE
DRAINAGE IMPROVEMENTS FOR THE CITY OF MERCEDES**

Commissioner Benavidez stated he would like to look at potential areas to improve drainage. He would like the City to compliment on the projects that the County is doing in the City and see how the City can help. Commissioner Howell made a motion to approve and then retracted his motion. Commissioner Benavidez stated he wants to look at what is going to be done for the Anacuitas area to help with drainage at the Collection station and to compliment that project. Commissioner Benavidez made a motion to allow the engineers to look into what the County is doing and come back with an update, follow up with IBWC and look at an interlocal agreement and provide a vector truck. Commissioner Howell seconded the motion. Mr. Isaac Huacuja stated they have already reached out to IBWC for a meeting for roles and responsibilities of the drainage outfalls to be notified. Mr. Huacuja stated that currently funding is not available until July for Capisallo Terrace and it was approved by Commission for CO's funding. He added that SWG is working on Sanitary Sewer at Capisallo Terrace and not drainage. Upon a called vote, the motion passed unanimously.

**E.) DISCUSSION AND POSSIBLE ACTION REGARDING WATER STORAGE
CAPABILITIES.**

Mr. Perez informed the Commission that raw water storage is a critical component for the City. Commissioner Howell made a motion to implement a plan to go in the direction for a raw water reservoir. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

**F.) DISCUSSION AND POSSIBLE ACTION ON IMPACT OF LAWN MOWING
DEBRIS IN THE STREETS AND STORM DRAINS CREATING BUILDING UP
(IMPOSITION OF FINE OF \$50 TO \$250)**

Commissioner Gomez stated that the grass from lawn mowing gets blown into the street and into the drain. He would like to implement an ordinance to have citizens clean up their grass and rake it. The fine could be on a violations scale with a fine up to \$250. Mayor Pro-Tem Martinez stated business could have a higher fee. The Commission would like Code Enforcement to do a quarterly report for the citations given. Mr. Perez stated he would need to get with Code Enforcement on the cost for the city to enforce the ordinance, in order to decide. Commissioner Benavidez recommended that the ordinance follow the brush schedule. Commissioner Howell made a motion to table this item. He then rescinded his motion to approve and draft a data analysis and ordinance. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

**G.) DISCUSSION AND POSSIBLE ACTION TO PURCHASE GENERATORS FOR LIFT
STATIONS #1, #2, #3, #5 AND #8.**

Commissioner Gomez stated that there is an urgent need for a generator on Lift Station #1 and would like to look at purchasing one. Commissioner Gomez made a motion to authorize the City Manager to do an emergency purchase of generator for LS #1 and plan for the rest of

the LS. Mr. Isaac Huacuja stated there is a shortage on generators and would like the Commission to consider a leasing option on a temporary term. Commissioner Gomez added to his motion authorizing a leasing option if needed. Commissioner Howell seconded the motion and stated to inspect other areas for costs analysis. Upon a called vote, the motion passed unanimously.

H.) DISCUSSION AND POSSIBLE ACTION BY THE COMMISSION ON THE NEEDS ASSESSMENT CONDUCTED FOR ALL OF THE DEPARTMENTS OF THE CITY OF MERCEDES.

Mr. Perez stated he is still going through the departments needs assessment list to make sure they have everything they need. Commissioner Benavidez asked if there was anything that was urgent. Mr. Perez stated there is a need for a backhoe, library roof repair, and AC unit at City Hall. Mr. Perez added the AC is at \$16K and the roof repair is at a higher cost. There was discussion on the guidelines for the funding and what it can be used for. Commissioner Benavidez motioned for a workshop as soon as the information on the funding is available. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

10) BIDS AND CONTRACTS

A.) DISCUSSION AND POSSIBLE ACTION TO APPROVE WORKFORCE SOLUTIONS WORK SUBSIDIZED EMPLOYMENT AGREEMENT

Ms. Castillo addressed the Commission regarding the contract with Workforce Solutions. Ms. Castillo stated there is no cost to the city and the agreement would be for work experience.

B.) DISCUSSION AND POSSIBLE ACTION ON CONTRACT WITH BORDER AFFAIRS, LLC FOR GRANT WRITING SERVICES.

Mr. Perez informed the Commission that Border Affairs would be managing the grants for the city from cradle to grave. He added that it would involve project reviews, development and management.

Mayor Pro-Tem Martinez made a motion to approve the contract with Border Affairs, LLC for grant writing services. Commissioner Howell seconded the motion. Upon a called vote, the motion passed. Commissioner Gomez voted against.

Commissioner Gomez stated he googled the firm and it stated the company was created in April 2021. Mr. Humberto Garza from Border Affairs stated he was part owner of another firm and has a government background.

Mayor Pro-Tem Martinez asked how would he make Mercedes priority. Mr. Garza stated he looks at the City's projects and looks for funding in different areas based on the needs of the City. He added that the City will need guidance on CARES funding because of their strict guidelines.

Commissioner Benavidez asked if he had a criminal background at which Mr. Garza stated that he did not.

Commissioner Gomez asked for a certification to handle money to ensure no misappropriations of funds and asked for the amount of compensation. Mr. Garza stated that he has worked for government agencies for many years and would do grants for the congressman. Commissioner Benavidez and Mayor Pro-Tem Martinez stated the compensation amount is on page 83 which is the amount up to \$7000 on the work order.

11) FUTURE AGENDA ITEMS

Mayor Montoya stated to have an item for contracting an agent of record.

Commissioner Howell would like to look at potential land to leverage, solar panels, investment opportunities and a food park in Mercedes.

Mayor Pro-Tem Martinez would like an update on the Police Department Building. Commissioner Benavidez wants to look at heavy equipment, workshops for Fire/EMS and finance, and would like the budget packets.

12) MONTHLY DEPARTMENT REPORTS

Fire Chief Campos informed the Commission that home bound patients have been vaccinated, over 50 elderly were vaccinated.

Mayor Montoya called the meeting into executive session at 9:26 PM.

13) EXECUTIVE SESSION

A.) CONSULTATION AND DISCUSSION ON ECONOMIC DEVELOPMENT PROJECT TRAVEL CENTER (EDC)(SECTION 551.087)

B.) CONSULTATION AND DISCUSSION ON PRIVILEGED ATTORNEY CLIENT COMMUNICATION

C.) CONSULTATION AND DISCUSSION REGARDING ROLE OF THE CITY COMMISSION AND CITY STAFF (DIRECTING STAFF SECTION 551.074)

D.) DISCUSSION REGARDING THE DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER AND THE INCLUSION OF SUPPORTING DOCUMENTATION FOR ALL ITEMS TO BE PLACED ON THE AGENDA BY STAFF & CITY COMMISSIONERS (SECTION 551.074)

E.) CONSULTATION WITH ATTORNEY REGARDING COMPLIMENTARY TICKETS TO THE 82ND ANNUAL RIO GRANDE VALLEY LIVESTOCK SHOW AND RODEO (SECTION 551.071)

F.) CONSULTATION WITH ATTORNEY REGARDING R. GUTIERREZ ENGINEERING CONTRACT. (SECTION 551.071)

Mayor Montoya called the meeting back to order at 11:27 PM.

14) OPEN SESSION

A.) DISCUSSION AND POSSIBLE ACTION ON ITEM S IN EXECUTIVE SESSION A, B, C, D, E AND F.

Item 13A – Commissioner Benavidez made a motion to instruct the EDC to offer a \$10,000 incentive to Travel Center. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

Item 13B – Mayor Pro-Tem Martinez made a motion to have the City Manager proceed as discussed in executive session. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

Item 13C – No action was taken on this item.

Item 13D – Commissioner Benavidez stated that Mr. Perez relayed some concerning effort to improve and precautions were addressed. No action required.

Item 13E – No action was taken on this item.

Item 13F – Commissioner Benavidez made a motion for the City Manager to proceed as discussed in executive session. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously.

15) ADJOURNMENT

Commissioner Benavidez made a motion to adjourn. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously. The meeting adjourned at 11:31 pm.