

MERCEDES CITY COMISSION
REGULAR MEETING
JUNE 1, 2021 AT 6:00 PM
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 (webex)
	Axel Vallejo	City Manager’s Secretary
	Marisol Vidales	Library Director
	Ervin Vilchis	IT Liaison
	Joaquin Hernandez	PW Director
	Javier Campos	Fire Chief/EMC
	Jose Macias	Police Chief
	Graciela Alanis	Chief Accountant
	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. Commissioner Benavidez arrived at 6:03 PM.

3) INVOCATION

Commissioner Gomez said the invocation.

4) PLEDGE OF ALLEGIANCE

Mayor Pro-Tem Martinez led in the Pledge of Allegiance.

5) OPEN FORUM

- Ms. Jovanna Trevino addressed the Commission about employment. She stated her husband was interrogated during an interview with the Mercedes Police Department. She stated that other officers have records and derogatory marks in their files and are still employed, she added that her husband has been blacklisted and hasn’t found a job.
- Mr. Ramon Mejia stated the law states we are innocent until proven guilty. He showed a photo to the Commission of a resident putting caliche in a ditch blocking the water flow and wants to see action.

At this time, Mayor Montoya moved to item 12A.

6) ITEMS ON THE REGULAR AGENDA

Mr. Perez stated that this item is for the public to speak on items on the agenda. No one signed up for this item.

7) PRESENTATIONS

A.) TEXAS GENERAL LAND OFFICE

Texas General Land Office Mr. Elijah Casas and Mr. Troy Dorman. Mr. Dorman is the Assistant project manager. The housing and urban development provided funding to the state of Texas for the flood events. The current project comes out of the 2015 and 2016 flood events. Mr. Dorman presented the planning and intergovernmental team members. GLO is a planning team to design and oversee planning studies to collect, analyze, and communicate disaster-related data to assist decision makers to better protect Texans from future disasters. They evaluate actual risk, support cost effective mitigation strategies and determine funding sources for future projects. Mr. Dorman provided the strategic framework which includes stakeholder engagement, data collection, risk analysis, alternative analysis, and funding & technical assistance. Mr. Dorman stated there are 4 regional flood study areas east, central, west and south region. Commissioner Howell asked about the funding. Mr. Dorman stated that having enough of the analysis ready could be a shovel ready project. Mr. Dorman informed the Commission of the team for LRGVDC Region Study. A regional flood study encompassing Hidalgo, Willacy, Cameron and Starr Counties. Mr. Perez asked if there was any funding available or projects to be completed prior to March 2025. The project is budgeted at \$10M with a 5-phase study with an end date of March 2025. Mayor Montoya asked a question, Mr. Gorman stated there is another program that the state will create a clearing house to help get those projects funded. Mayor Pro-Tem Martinez asked how long the studies are good for. Mr. Gorman stated the study would be valid for 20 years for the projects. Mr. Gorman stated the Texas disaster information system is a web-based database designed to support preparedness, response, recovery and mitigation for the state of Texas. There is a regional flood planning effort going on. The river basin flood studies and the regional flood planning studies will work together to not duplicate work. The regional flood plan will roll up to the state flood plan. The levels of detail depend on schedule and level of effort. Mayor Pro-Tem Martinez asked if GLO will be working alongside the Urban County Program. Mr. Gorman stated that they would be working with the county. Mr. Casas stated that they ensured that every single entity had a point of contact. Mr. Gorman stated the plan study group will also be doing outreach. Mayor Pro-Tem Martinez asked about HUD reviewing the 2018 and 2019 flood. Mr. Casas stated there is no timeline yet but when information does become available it will be his responsibility to inform the city. The timeline includes stakeholder engagement and data collection starting in spring 2021. In August 2022 the draft regional flood plan is due to the Texas water development board.

B.) CONCEPTUAL PLANS FOR DRAINAGE IMPROVEMENTS AROUND DOME AREA

Commissioner Gomez asked if SWG is charging the city for being at the meeting. Mr. Huacuja stated they bill hourly, and they may be putting an hour time for being at the meeting. Commissioner Gomez asked the R. Gutierrez engineer to be at the Commission meeting. Mr. Perez stated that he asked Mr. Huacuja to be at the meeting to address this item and the other issue was that the Commissioner asked an engineer to be there without City Manager approval which pays the invoice. Mr. Huacuja presented to the Commission the northwest drainage improvements near the dome area. This is a concept plan because the engineering has not been conducted to see if it can be done. There is usable land owned by the city by the hiking trails. There are 4 existing culverts that belong to IBWC. No land acquisition will be needed. There was a previous plan for a pond in the area. Having the pond in the area, the culverts could be used for the water flow and mitigation. Mr. Huacuja would need authorization from the Commission to assess the area and provide a cost estimate. A field data collection may be done by the city. Acquire funding to reimburse the city for the

project. Commissioner Benavidez stated that the area floods within 30 to 40 minutes. Mayor Montoya stated that although it is not a retention pond, it still holds water and will help mitigate the flood water. Mr. Huacuja stated they could collect data within the week if approved by commission. The intent is to do the work inhouse. Connecting those culverts will help alleviate the flooding in that area. The bulk of the price would be the excavation and could reduce the cost if done in-house.

C.) DRAINAGE IMPROVEMENTS NEAR CITIZEN COLLECTION STATION

The next project is Anacuitas junction drainage improvements. This is also a conceptual idea; this property is owned by the City and is located at an important junction and is the main drainage system of the city. Mayor Montoya stated that we need to look at capacity and flow.

D.) CONCEPTUAL PLANS FOR SLUDGE DISPOSAL AND WATER RESERVOIR

Mr. Perez is looking at lowering the cost of sludge disposal & implementing a raw water reservoir. Options 1 to do nothing and continue as is. This cost is high is because there is a lot of water and being billed by milage and disposal fee cost by weight to take it to another location. Option 2 is the project proposed. The land application area which the city needs a permit. This will allow the city to have an area where the sludge can be dumped and then plow the area to put the sludge within the ground and is safe. Drying beds that allow the sun to dry and can eliminate the cost of hauling. Commissioner Howell stated the city could be saving \$250 to \$300k. There was a question if there would there be an odor and how safe is it. Mr. Huacuja stated there are different sludge from wastewater and water and it is safe for the water sludge. Commissioner Gomez asked how much property the city needs for this. Mr. Perez stated this is just for the sludge from the water plant. City could acquire land only big enough for the drying beds. This would require the land application site. It would be beneficial to acquire more land that needed for future use. Mr. Perez stated there is another plan for a drought plan to have a reservoir in case the of contamination of water and drought. Commissioner Benavidez asked to bring this item back for action. The city could acquire property just for the drying beds but recommends more land for future projects like reservoir. Mayor Montoya stated that the sludge hauling costs the city money.

Mayor Montoya moved to item 11E at this time.

- 8) CONSENT AGENDA:** *(All matters listed under Consent Agenda are considered to be routine by the Governing Body and will be enacted by one motion. There will be no separate discussion of these items; however, if desired, that item(s) will be removed from the Consent Agenda and will be considered separately.)*

A.) APPROVAL FOR MINUTES APRIL 20, 2021 AND MAY 4, 2021

Commissioner Benavidez made a motion to approve item 8A. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

B.) SECOND AND FINAL READING OF ORDINANCE NO. 2021-04 TO REZONE-EAST MERCEDES LOT 8 BLK 4

Mayor Pro-Tem Martinez made a motion to approve ordinance no. 2021-04. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously. Commissioner Benavidez asked about a street that does not exist but there is parking in that area.

C.) POSSIBLE ACTION OF APPROVAL OF BUDGET AMENDMENT FOR THE POWER OUTAGE REPAIR AT CITY HALL

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

D.) POSSIBLE ACTION OF APPROVAL OF BUDGET AMENDMENT FOR THE LIBRARY ROOF

Commissioner Benavidez stated this item was an emergency. He asked Mr. Troiani if that needs to be posted. Mr. Troiani stated that this is to allow the City Manager to provide information of mass notice. Mayor Montoya stated he declared it an emergency and allows the City Manager to take a action. Mr. Troiani stated the mayor has power in emergency situations. Commissioner Gomez stated he requested what has been done before to the roof. Ms. Vidales stated that only part of the roof was repaired in October 2020. The other part of the roof was to hold for another 2 to 3 years but with more recent rains the roof is not holding up. There are leaks in the children's area, cataloging, Texas room, and computer area. Mayor Pro-Tem Martinez stated there is already the PD building that was neglected so approves fixing the library before the building gets worse. Mr. Perez stated that the expense is because the solar panels need to be removed and has proposed moving the solar panels to another location like the City hall solar panels which will help with any future issues with the roof. Commissioner Howell asked the Attorney to look at the warranty. These are new issues with more leaks. They are redoing the whole roof and keeping the same vendor.

Commissioner Howell made a motion to approve. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed with Commissioner Gomez voting against. Commissioner Benavidez stated that there was a group message that was against the law.

E.) APPROVAL TO DISPOSE OF SURPLUS ITEMS

Mayor Pro-Tem Martinez made a motion to approve item 8E. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously. Commissioner Benavidez asked if this would be on for the auction, at which it was stated yes, the items for surplus would be for the auction.

9) CITY MANAGER COMMENTS

1.) DISCUSS OUTLET MALL GRAND OPENING

Mr. Perez stated a new store opened at the outlets and that the first day they opened they sold more than the other vendors in the state.

2.) REPORT ON HOW OTHER CITIES CONFIGURE/SUPPORT EMS

Mr. Perez stated that they looded at how other cities are set up for EMS. Mr. Campos reached out to other city-based EMS services. The fire budget is under the general fund and EMS has its own fund. The fire and EMS are under the general fund and salaries are all paid by the Fire Department budget. The City of Mercedes has salaries in the general fund and certification pay is out of the EMS fund. Mr. Campos stated there are two bond payments form the EMS Fund. Commissioner Benavidez asked about the responsibility for the city to have more oversight. Mayor Montoya stated that the City Manager is in charge and the Fire Chief. Any expense follows the procurement process.

3.) COLLIER PARK PROGRESS

Mr. Perez stated the city has been working on the retention pond at collier park and staff is working on the project to not have that expense. The city is continuing with this project to help drain the water quicker. The city is working with other entities. Mayor Montoya stated that the streets are part of the drainage system which help move the water. Pumps get turned off if there is not enough water it could burn the pump.

4.) FIRE TRAINING PROGRAM

Fire Chief Campos stated the trainings were outsourced. He added there is a process and on May 6, 2021, they were approved and are now a fire academy. They need to develop a program and syllabus. Chief Campos stated the biggest hurdle is personnel due to the shortage of paramedics. The basic EMT can administer 6 drugs, intermediate can run about 16 drugs.

5.) PROCESS FOR FUTURE AGNEDA ITEMS

Mr. Perez stated staff is working on the process to avoid duplication of agenda items, moving to gmail and to centralize the agenda items and create a place to send the email.

Commissioner Benavidez stated that the City Secretary provided the Commission with an agenda item write up form for their items.

10) ORDINANCES AND RESOLUTIONS

**A.) CONSIDERATION AND POSSIBLE ACTION ON RESOLUTION 2021-18
ACCEPTING STONEGARDEN GRANT FY 18 #3172804**

Police Chief Macias stated that a Skywatch tower is to be purchased with the grant funds. The bid is for \$33K. Commissioner Benavidez made a motion to approve. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously.

11) MANAGEMENT ITEMS

**A.) DISCUSSION AND POSSIBLE ACTION TO APPOINT OR RE-APPOINT 3 SEATS
TO THE LIBRARY BOARD.**

The Library board has to appoint or re-appoint three seats. Ms. Mirta Flores stated she would be resigning. Mayor Pro-Tem Martinez made a motion to renew two members and appoint a new member. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously.

**B.) DISCUSSION AND POSSIBLE ACTION ON MEMBER RENEWAL FOR
BUILDINGS AND STANDARDS COMMISSION**

Ms. Mary Salinas stated the members for the Building and Standards Board are expired. Commissioner Howell made a motion to appoint Ms. Esmer Guerrero and Mr. John Gonzalez. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

**C.) DISCUSSION AND POSSIBLE ACTON TO APPOINT A NEW MEMBER TO THE
KEEP MERCEDES BEAUTIFUL COMMITTEE**

KMB received one application from Ms. Kathy Crowder. Mayor Pro-Tem Martinez made a motion to approve. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

**D.) DISCUSSION AND POSSIBLE ACTION ON EMS ADMINISTRATOR OF RECORD
AGREEMENT RESPONSIBILITIES**

Commissioner Benavidez stated that City contracts for Administrator of Records and would like to go over contract details on audit findings. Commissioner Benavidez stated the part of the contract which include item 1 of responsibilities, item 20 Shall oversee all ambulance operations for the City of Mercedes Fire Department. Mr. Campos stated he oversees the EMS operations. Commissioner Benavidez wants specifics. Mr. Campos stated he is the Fire Chief and Mr. Martinez just oversees the operations are in compliance however the fire chief is the department head. He oversees the Q A process. Mr. Martinez is the one responsible for compliance with the state. Mayor Montoya stated that in emergency services you need multiple people in charge. Commissioner Benavidez stated the audit finding of the

communication with finance and fire/ems. He requested a workshop with Finance and Fire/EMS to hear and address any issues. Mr. Perez stated that any time you have a contract there needs to be information flow. Commissioner Benavidez stated there were no reports of what was being billed only what was being paid. Commissioner Howell stated that it was just a timing issue. Mr. Campos stated that the finding from the audit is concerning but will be working to get the information and will work on correcting any issues. Commissioner Benavidez made a motion to direct the City Manager to get the information to Chief. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

E.) DISCUSSION AND POSSIBLE ACTION ON PLAN OF ACTION FOR DRAINAGE IMPROVEMENTS AS APPROVED BY THE COMMISSION 5/18/21.

Commissioner Benavidez motioned to proceed as discussed and proceed with the conceptual plan for the dome area, contact IBWC for the use of the culverts and the collection station area on data analysis to gather information for potential retention pond. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously. Mr. Perez stated they have had communication with IBWC on items they will be collaborating with for pumps and permits to acquire in order to prepare for rainfall.

At this time, the Commission went back to item 8 and proceed with the agenda.

F.) DISCUSSION AND POSSIBLE ACTION OF THE POSSIBLE PURCHASE OF A SANDBAG MACHINE.

Mr. Hernandez is requesting the purchase of a sandbag machine and can bag 350 to 400 bags per hour. It cost about \$5,700. Commissioner Howell made a motion to approve. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously. Mr. Hernandez stated there is a skit steer.

G.) DISCUSSION AND POSSIBLE ACTION REGARDING THE STATUS AND/OR UPDATE OF MERCEDES MASTER PARKS PLAN

Mayor Pro-Tem Martinez stated the Master Park Plan was approved previously and would like to have plans for the smaller parks as well. Mr. Perez stated he has not finished completing the review of the park and would like to sit down with Mayor Pro-Tem Martinez to review. Mayor Pro-Tem Martinez wants the Parks and Rec board to have more authority. Mayor Montoya wants the process to get the board going again. No action was taken on this item.

H.) DISCUSSION AND POSSIBLE ACTION TO APPROVE EMERGENCY REPAIR FOR COLLAPSED SANITARY SEWER MANHOLE LOCATED ½ MILE EAST.

Mr. Hernandez is requesting the approval of an emergency repair to the collapse sanitary sewer on ½ mile east. Commissioner Howell made a motion to approve. Commissioner Benavidez seconded the motion. Commissioner Gomez asked if he is recommending the \$76,500 is for the replacement with the fiber glass manhole. Commissioner Howell amended his motion to go with the lowest bidder of \$76,500. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed. Commissioner Gomez voted against. Mr. Perez stated that they will make sure they meet TCEQ requirements. Both quotes have fiber glass manhole. Commissioner Gomez changed his vote to in favor.

I.) DISCUSSION AND POSSIBLE ACTION TO APPROVE OF GORMAN RUPP PUMP FOR SANITARY SEWER EMERGENCIES

Mr. Hernandez is requesting to purchase a pump for sanitary sewer emergencies. Commissioner Benavidez made a motion to approve. Commissioner Howell seconded the motion. Commissioner Gomez asked how many pumps does the City own. Mr. Hernandez stated that the City does not have a pump for sanitary sewer. Mr. Perez stated that the pump

could be used whenever there is a bypass. The pumps the city have are not designed for sewer. Recommending the Gorman Rupp from buyboard. Upon a called vote, the motion passed unanimously.

J.) DISCUSSION AND POSSIBLE ACTION TO APPROVE OF GORMAN RUPP PUMPS TO ALLEVIATE WATER DRAINAGE ISSUES

Mr. Hernandez stated this is for storm and are requesting two pumps. Commissioner Benavidez made a motion to approve. Commissioner Howell seconded. The pump will be on a trailer with DOT license. Upon a called vote, the motion passed unanimously. Mr. Perez stated that the City doesn't have pumps that can be mobile. City requested pumps loan to us and the city needs to be prepared. Commissioner Howell stated that to rent a pump cost more than to purchase. Mayor Montoya stated that it's not the entities that do not want to lend us the pump but they need to prioritize.

K.) DISCUSSION AND POSSIBLE ACTION TO APPROVE OF BACKHOE & MOTOR GRADER PURCHASE

Public Works Director Hernandez is requesting approval of purchase of backhoe and motor grader. Mayor Pro-Tem Martinez made a motion to approve. Commissioner Benavidez asked where the funding is coming from. Mr. Perez stated that the line of credit can be used. The other option is funds from the government but the money is not here yet. Amount is \$406,166.68. Mayor Montoya asked for a reimbursement resolution. Mr. Perez asked if the vendors can delay the billing for later. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

L.) DISCUSSION AND POSSIBLE ACTION TO APPROVE AUCTIONEER SERVICES WITH GALINDO AUCTIONS, LLC.

Mayor Pro-Tem Martinez made a motion to approve item 11L. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

M.) DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATION TO REMOVE A DCM BOARD MEMBER

Mr. Perez stated that an issue has been brought up regarding a DCM Board member. There was an incident where something was tossed and the behavior is unacceptable. Commissioner Benavidez asked if this has been brought to the member's attention and to legal. Ms. Ramirez stated he has been publicly addressed and privately addressed on the behavior. Commissioner Howell asked legal of any liabilities. Commissioner Howell motion to remove this person. Mr. Troiani stated that there have been additional activities reported and its up to the Commission to make a decision and can be a hostile environment. Mayor Montoya asked if the person could be names. Mr. Troiani stated that the individual is not an employee therefore this item is not on executive session. Mayor Pro-Tem Martinez read some items on the complaint against Mr. David Garza. There could be potential liability on him meeting with a developer. Mayor Pro-Tem Martinez seconded the motion. Commissioner Gomez asked if Mr. Garza was provided these complaints. Mr. Perez stated that he was present for one issue that he had to call to Mr. Garza's attention at which point his demeanor changed. Commissioner Howell does not want this type of environment for staff. Commissioner Benavidez stated that as a commission there has been vulgar language and does not find it acceptable for Mr. Garza to throw a phone. Commissioner Gomez stated he does not approve of Mr. Garza calling her a glorified secretary. Upon a called vote, the motion passed unanimously.

N.) DISCUSSION AND POSSIBLE ACTION TO APPROVE EQUIPMENT NEEDS ASSESSMENT LIST.

Mr. Perez stated he met with the department to assess their needs and gave a priority list. Commissioner Benavidez made a motion to approve according to the City Managers priority list. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

12) BIDS AND CONTRACTS

A.) DISCUSSION AND POSSIBLE ACTION TO AMEND THE ERO CONTRACT AND STATUS UPDATE ON THE ASSESSMENT OF THE POLICE DEPARTMENT BUILDING.

Mr. Brian Godinez and Mr. Juan Cantu, ERO Architects, updated the Commission on the status of the Police Department building. ERO was contracted for the assessment of the PD Building to see the options the City can take. There are two options from the feasibility study, Option 1 was to add detention area with remodeling which came out to over \$2.4 Mil which was over budget. Option 2 was to not include a sally port with 4 holding cells and little remodeling which came out to over \$800K. Mr. Zavala had requested a proposal to see if the current pd building could be used and to assess the air quality. Proposals were submitted and were not asked to proceed until October 2020. Some of the hardware was able to be used. Mr. Pagan authorized the assessment of the PD Building. The building assessment – Air quality there is asbestos, would need remediation and abated to remove the mold in the building. Entering that building, personnel should wear a mask. \$875K to replace HVAC, Roof, and other aspects of the building. ERO stated that the building and the detention jail doors can be used. Mr. Godinez would like to propose an electronic file of the building because there are no prints of the building. Services would measure the building, meet with the Police Department and come back within 30 days. The Cost of construction would be \$1.6Mil worst case scenario. Commissioner Howell asked the for the difference in cost between the Ohio PD and the 491 PD. The 491 PD would cost \$2.4 Mil and renovating the Ohio PD is \$1.6 Mil at most. Commissioner Benavidez stated he did not consider the \$2.4 Mil because it was adjusted to \$875K. Mr. Godinez stated the \$875K would be for additional 4 cells with no sally port and the building would be a disconnect so it would be downsizing from 10 Cells at Ohio PD. Mayor Montoya stated a sally port is when a police officer has a person, they have no place to park the vehicle and bring the offender in. Commissioner Benavidez asked where the money would come from. Mr. Perez stated that amount could be from the next budget and there are federal funds coming in and certificates of obligation. Mr. Godinez stated this could be done in phases and can be budgeted in 2 fiscal years. Mayor Pro-Tem Martinez asked about the timeframe. Mr. Godinez stated that he needs to meet with PD. Commissioner Benavidez motioned to approve. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously. Mr. Perez stated that he would like the commission to take into consideration the price of material will go up.

At this time, the Commission proceeded with the agenda in order. The Commission moved to item 6.

13) 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.