

**MERCEDES CITY COMMISSION
REGULAR MEETING
APRIL 5, 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
	Axel Vallejo	Executive Admin. Asst.
	Kristine Longoria	Human Resources
	Ervin Vilchis	IT Assistant
	Blanca Sanchez	Interim Chief of Police
	Nereida Perez	Finance Director
	Joaquin Hernandez	Public Works Director
	Richard Morin	Recreation Direction

OTHERS PRESENT: Commissioner David Fuentes(County), Mr. Raul Cecin(County), Mr. Jaime Salazar(County), Mr. Eric Ramirez (Valiant), Mr. Juan Galvan (Valiant), Ms. Jessica Harris (Harris), Tom Brys (Harris), Deng Lin (Harris), Mr. Marco Arredondo(Arredondo),

1.) Call Meeting to Order

Mayor Montoya welcomed everyone and called the meeting to order at 6:30 pm

2.) Establish Quorum

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

3.) Invocation

Mayor Pro-Tem Martinez said the invocation.

4.) Pledge of Allegiance

Mayor Montoya led in the Pledge of Allegiance.

5.) Open Forum-

- Ms. Jovana Garcia spoke about Sgt. Jim Cooper. She stated that other officers for Mercedes were not present at his funeral. She stated that Sgt. Cooper served the City of Mercedes for 21 years. Ms. Trevino stated that the City is heartless, shameful, and have no spine. She will be spending the rest of the day with Sgt. Cooper's son.

At this time, Mayor Pro-Tem Martinez motioned to move to the presentation by David Fuentes and then the presentations by the Energy firms. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously.

8.) Presentations

B.) Update from Hidalgo County Drainage District on 2018 Bond Projects for Drainage improvements.

Commissioner David Fuentes addressed the Commission about projects the county is working on in the area around Mercedes. Mr. Raul Cecin and Mr. Jaime Salazar addressed the Commission about the projects and provided a summary of the projects. Some of the Projects

include Anacuitas drainage (3-part project - RDF project), east Mercedes ditch 23 (2 stages Ash and Beech Ave.), Indian Hills (2-part project), Mercedes Gate Structure (Gate 3), and the 2018 Bond program website. Mr. Cecin provided a detailed presentation of each project and phases and plans for improving the capacity of the ditches. At a question, Mr. Cecin stated that the structure alone cost about \$1.5 million. Commissioner Benavidez stated that they presented in March of 2021 and there were some delays that were out of their control. He added that a report helps on the project. Commissioner Fuentes stated that with ARPA funds there are at about \$20 Mil funds and that about one third of the funds received went to the City of Mercedes. Mr. Fuentes stated that when they go into condemnation it could take about four to five months which will cause a delay while that is processed. Mayor Montoya recommended for the citizens to visit their website for the project information. Mayor Montoya stated that the funds were for projects outside the City and the City's job is to connect to the county drainage projects. The projects are to increase the capacity of the water and to take the water out of the residents' homes. Commissioner Gomez thanked Commissioner Fuentes for the report. Commissioner Benavidez commended Commissioner Fuentes for providing the report on a short notice. Commissioner Fuentes stated that he is constant communication with Mr. Perez on the projects.

A.) Presentation by the Energy Firms

Each firm made a 5-minute presentation about their services followed by a Q&A.

- Mr. Eric Ramirez from Valiant Energy addressed the Commission about their services and programs. They have 15+ years in the business and are from Pharr. He stated that they Market research, Energy Procurement and Supply management. He spoke about TDSP charge, 100% swing, and Blend and Extend which is sometimes overlooked by legal. Mr. Ramirez stated their goal is to save the city money and they are a Turn-Key Operation. Mr. Ramirez informed the Commission of the amounts they have recouped for other cities. No questions were asked.
- Ms. Jessica Harris from Harris Energy Solutions addressed the Commission about their services with Mr. Deng Lin and Mr. Tom Brys. Ms. Harris stated they are a woman owned small business and opened in 2017. She stated the importance of quality control and there are no conflicts of interest. Ms. Harris informed the Commission of their mission for Mercedes. Ms. Harris stated they are a Texas based small business and will negotiate the fee structure for the City. No questions from the Commission.
- Mr. Marco Arredondo addressed the Commission about the services they can provide for the city. He worked for AEP until 1996 and he became a liaison for cities to the energy providers. They are a family owned engineering and energy consultant business. Mr. Adam Arredondo is the local consultant from Brownsville. He stated that energy has gone up about half a cent higher. He stated they will go out and take photos of every meter in the city and create a map. Mr. Arredondo stated that if the city is constructing they can get involved to make sure the building gets built as green as possible to save energy. He stated that being engineers and they can check where there may be deficiencies on lighting. No questions.

Commissioner Benavidez stated that the firms talked about the plans they can do but want to see it. He would like to see the work presented to the City, their plan to compare would be more effective. Commissioner Benavidez motioned to go into executive session. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously. The meeting went into executive session at 7:40 pm.

6.) Executive Session:

- a. Discussion regarding duties and responsibilities and evaluation of the City Manager - Section 551.071 Texas Gov't Code Annotated – Personnel
- b. Discussion regarding Project Drive-In - Section 551.087 Texas Gov't Code Annotated - Economic Development Negotiations

- c. Update and discussion of project updates regarding Economic Development - Section 551.087 Texas Gov't Code Annotated - Economic Development (Comm. Benavidez & City Manager)
- d. Consultation with Attorney regarding Park Waiver - Section 551.071 Texas Gov't Code Annotated - Consultation with Attorney

Mayor Montoya called the meeting back to order at 9:16 p.m.

7.) Open Session:

A.) Discussion and Possible Action on item A listed in executive session.

Mayor Pro-Tem Martinez made a motion to approve to consider to take possible action by attorney. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously.

B.) Discussion and Possible Action on item B listed in executive session.

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

C.) Discussion and Possible Action on item C listed in executive session.

Commissioner Benavidez motioned to direct City Manager to develop a report once a month for executive session. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

D.) Discussion and Possible Action on item D listed in executive session.

No action was taken on this item.

9. Consent Agenda:

a. Approval of Minutes for Meeting(s) held March 15, 2022.

b. Second and final reading of Ordinance No. 2022-06 regarding water and sewer tapping fees and water right fees.

Mayor Pro-Tem Martinez motioned to approve all items under consent. Commissioner Benavidez seconded. Upon a called vote, the motion passed. Commissioner Gomez voted against item 9B.

10. City Manager Comments:

a. Update on TCEQ cost(s) for remediation and/or preventative measures (Comm. Howell & Martinez)

Mr. Javier Ramirez stated that the 13 violations would have been a total of \$25K for each violation which would be \$325K for all violation per day. Mr. Perez stated that there are many streets that flood and the flood waters can push the manhole covers off the street. The new covers are sealed and screwed on to prevent them from coming out during floods. All 50 manholes have been completed. No action required.

b. Update on Park Waiver

Mr. Perez addressed the Commission about the park waiver for interested parties wanting to use the fields. Mr. Ramirez stated that the Planning department will be in charge of permitting the fields. No action required.

11. Ordinances/Resolutions:

a. Discussion and Possible Action on first reading of Ordinance No. 2022-07 approving the grass clippings ordinance (Comm. Gomez)

Mr. Perez stated that Commissioner Gomez and Benavidez requested an ordinance to keep the inlets clean. Commissioner Gomez motioned to approve. Mayor Pro-Tem

Martinez seconded. Commissioner Benavidez asked that the public be educated on the ordinance. Upon a called vote, the motion passed unanimously.

b. Discussion and Possible Action to Approve Resolution 2022-05 on Giveaway of Excavated Dirt from Detention Pond A at Collier Park (PW Director)

Mr. Hernandez is requesting the giveaway of dirt from Detention pond A. This will help residents to elevate their low-lying properties. The residents will need to load their vehicles on their own. Commissioner Howell motioned to approve. Mayor Pro-Tem Martinez seconded. Mr. Hernandez stated that there is now an excess of dirt. Upon a called vote, the motion passed unanimously.

12. Management Item(s):

a. Discussion and Possible Action to Approve the Purchase of a New Pacifictek PV500 Vacuum Excavator (PW Director)

Mr. Hernandez is requesting approval of the purchase of a sewer machine to help prevent sewer backup to homes. The vendor is on buyboard. The tank has 500 gallons, 200 gallons of pressure water. Commissioner Benavidez motioned to approve. Mayor Pro-Tem Martinez seconded. There are certain alleys that are narrow making it difficult for the vactor truck to access the area. The vactor truck is for main sewer lines and the new machine will be for sewer service line with a lesser pressure to clean the lines. This will be funded with the 2021 CO funds and was part of the needs list. Upon a called vote, the motion passed unanimously.

b. Discussion and Possible Action of a Budget Amendment Request for the Planning Department (ACM)

Mr. Ramirez addressed the Commission regarding reallocating funds for the new GIS system for sewer and water lines. They will move funds to IT budget from the planning budget. Commissioner Benavidez motioned to approve. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

c. Discussion and Possible Action to reappoint members to the Library Board. (Library Director)

Ms. Vidales stated the board members that terms are up are Ms. Benadict, Ms. Goldsberry, Ms. Cruz, and Ms. Marchant. Commissioner Howell made a motion to approve the reappointment for all members. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously.

d. Discussion and possible action to create an ordinance and/or policy for Mercedes residents that the City approved to be de-annexed. (Comm. Benavidez & Gomez)

Commissioner Benavidez motioned to approve a policy or ordinance to have a policy in place for de-annexation. Mr. Perez stated that there is a process in the charter for de-annex. Mr. Perez stated that the commission approved to move forward with acquiring the easements in the area to provide services. Mr. Perez stated that he met with Mr. Garza regarding sewer services being provided in the area stating. Commissioner Benavidez rescinded his motion. No action was taken.

13. Bids/Contracts

a. Discussion and Possible Approval of the contract renewal for Medical Director for the City of Mercedes. (Fire Chief)

Fire Chief Campos stated the agreement is for 2 years and recommends approval. Commissioner Benavidez made a motion to approve. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

b. Discussion and Possible Action to Approve the contract with Hidalgo County Elections Department and estimate for the May 7, 2022 City of Mercedes Election. (City Secretary)

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

c. Discussion and Possible Action on Awarding Contract for Asbestos Abatement and Mold Remediation at Police Department. (ACM)

Mr. Ramirez addressed the Commission about the bids for asbestos and mold remediation. The City only received one bid and Terracon recommends to proceed with R&L abatement. Mayor Pro-Tem Martinez made a motion to approve. Commissioner Howell seconded. Legal stated that the bid did go through the bidding process and the City can proceed. Commissioner Benavidez stated this is to get the work done not to do a study. Upon a called vote, the motion passed unanimously.

14. Adjournment

Mayor Montoya adjourned the meeting at 9:49 PM.