

**MERCEDES CITY COMMISSION  
REGULAR MEETING  
AUGUST 18, 2020 – 1:00 P.M.  
MERCEDES CITY HALL – COMMISSION CHAMBERS**

**MEMBERS PRESENT:** Henry Hinojosa Mayor  
Leandro Villarreal Mayor Pro-Tem  
Leonel Benavidez Commissioner  
Cristella De Leon Hernandez Commissioner (webex)  
Jose M. Gomez Commissioner

**STAFF PRESENT:** Sergio Zavala City Manager  
Anthony Troiani City Attorney (webex)  
Joselynn Castillo City Secretary  
Dagoberto Chavez Police Chief/ACM  
Jose Figueroa Public Works Director  
Javier Campos Fire Chief/EMC  
Frank San Martin HR&A Representative (webex)  
Armando Martinez Admin. Of Records (webex)

**1) CALL MEETING TO ORDER**

Mayor Hinojosa called the meeting to order at 1:00 PM

**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**

- No citizens signed up for Open Forum.

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

**A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING(S) HELD AUGUST 4 & 10, 2020.**

**B.) APPROVAL OF RESOLUTION 2020-11 ACCEPTING OPERATION STONEGARDEN #3172805**

Mayor Pro-Tem Villarreal made a motion to approve all items under consent. Commissioner Gomez stated that the Jacobs Contract expires September 2020 not 2021. Mr. Zavala agreed and stated it was a typo. Commissioner Benavidez stated some corrections to the minutes of August 4, 2020 to include legal review. Commissioner Hernandez seconded the motion. Upon a called vote, the item passed unanimously.

**7) CITY MANAGER COMMENTS**

Mr. Zavala commented about the sandbag event including census event. The last day to do the census is in October. Mr. Zavala stated that most audit findings have been resolved and others are being worked on. He stated there is a budget workshop on August 19, 2020 at 1:00 pm and updated the Commission on the COVID reports.

**8) DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE STAFF TO SOLICIT BIDS FOR 2 HEART MONITORS.**

Mr. Armando Martinez addressed the Commission regarding 2 Heart Monitors. He stated the heart monitors will be used to outfit the all-terrain and new ambulance.

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

**9) DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE STAFF TO PURCHASE 3 PORTABLE REHAB TENTS BY SUNBELT INFLATABLE TENTS WITH CARES FUNDING**

Fire Chief Campos informed the Commission of use of the portable rehab tents by saying they would help with mass care, screening and staging. Fire Chief Campos received 3 quotes from the following:

Shelter Structures	\$57,375.00
Sunbelt Inflatable Tents	\$90,417.00
Ins' Tents	\$114,465.00

After checking references and the bid, Fire Chief Campos recommends the 2<sup>nd</sup> lowest bidder (sunbelt). There was discussion regarding warranty which was included in the bid, documentation on the research for the Companies, timeline to receive the tents, the trailer to hold the 3 tents and generators, the budget approved for the tents (\$110,000) and the material of the tents.

After discussion, Mayor Pro-Tem Villarreal made a motion to approve the bid from Sunbelt Inflatable tents for \$90,417.00. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

**10) DISCUSSION AND POSSIBLE ACTION TO VOTE ON A PROPOSED TAX RATE FOR 2020.**

Ms. Nereida Perez informed the Commission that the proposed tax rate for 2020 is 0.7575 for every \$100. The current tax rate is 0.7450 for every \$100. At a question, Ms. Perez stated that if the tax rate remains the same the City could lose \$80K in revenues from the General Fund. Ms. Perez commented that the City rating is based on the amount of reserves.

After a brief discussion, Commissioner Benavidez made a motion for the tax rate to remain at 0.745. Commissioner Gomez seconded the motion. Upon a called vote, the motion passed unanimously.

**11) DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE DISPOSITION (AUCTION) OF SEIZED VEHICLES.**

Police Chief Chavez addressed the Commission regarding disposing and auctioning four seized vehicles: 2004 Cadillac, 2002 Dodge Ram Pick-up, 2006 Dodge Grand Caravan, and a 2007 Chevrolet HHR. At a question, Chief Chavez stated the vehicles are in bad condition and not worth keeping due to rust and mileage. Chief Chavez stated he does have a vehicle that can be used by City hall.

After discussion, Mayor Pro-Tem Villarreal made a motion to approve item 11. Commissioner Hernandez seconded the motion. Upon a called vote, the motion passed unanimously.

**12) DISCUSSION AND POSSIBLE ACTION TO APPROVE QUOTATION FOR PUBLIC WORKS' VEHICLE TO BE PAID FOR THROUGH CARES FUNDS**

Mr. Figueroa notified the Commission about the quotes for a Public Works vehicle. The quotes are from:

Bert Ogden	\$24,999.99
Charlie Clark	\$25,600.00
Carvana	\$26,990.00

Mr. Figueroa stated they all have mileage in the 3,000s. Mr. Zavala stated the Budgeted amount from the CARES fund is \$25,000.

After discussion, Mayor Pro-Tem Villarreal made a motion to table for price quotes for new vehicles. Commissioner Hernandez seconded the motion. Upon a called vote, the motion passed unanimously.

**13) DISCUSSION AND POSSIBLE ACTION ON ORDINANCE TO AMEND ORD. NO. 2020-01 DECLARING AN ELECTION TO BE HELD IN THE CITY OF MERCEDES ON NOVEMBER 3, 2020, WITH REVISED EARLY VOTING DATES.**

Ms. Castillo informed the Commission that the Ordinance for calling the election needed to be amended to reflect the new Early Voting dates from October 13 to October 30 and Election Day November 3, 2020.

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

**14) DISCUSSION AND POSSIBLE ACTION TO AMEND, CLARIFY, IMPLEMENT OR REVISE COMPLAINT POLICY ENACTED OCTOBER 1, 2020.**

City Attorney Troiani stated that this was a different item than the policy that was approved and turned into the City Manager's Advisory Group. Commissioner Benavidez stated he would like a timeline to respond to the

complaints and dialog with the citizen making the Complaint. Mr. Zavala stated that every issue is different so the timeline may vary but there is communication with the citizens. Commissioner Benavidez added that he would like monthly reports on the complaints.

Mayor Hinojosa made a motion for the policy to remain the same and it be understood that the Commission would be informed. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the motion passed unanimously.

**15) TABLED: DISCUSSION AND POSSIBLE ACTION TO FILL ONE VACANCY TO THE DEVELOPMENT CORPORATION OF MERCEDES (DCM) BOARD OF DIRECTORS.**

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

Commissioner Benavidez made a motion to appoint Mr. Edelmiro Dominguez to board. Commissioner Gomez seconded the motion. Upon a called vote, the motion did not pass. Mayor Hinojosa, Mayor Pro-Tem Villarreal, and Commissioner Hernandez voted against.

Mayor Pro-Tem Villarreal made a motion to appoint Ms. Peggy Marie Chavez-Yanez. Commissioner Hernandez seconded the motion. Upon a called vote, the item passed 3 to 2. Commissioner Benavidez and Commissioner Gomez voted against.

**16) REVIEW AND POSSIBLE ACTION ON CONTRACTS:**

(EXPIRE 9/30/2020)

- (1.) FULBRIGHT & JAWORSKI, LLP (BOND COUNSEL)
- (2.) CARR RIGGS & INGRAM (AUDITORS)
- (3.) GUTIERREZ, R. ENGINEERING (ENGINEERING SERVICES)
- (4.) LEFEVRE ENGINEERING (ENGINEERING SERVICES)
- (5.) SIGLER, WINSTON & GREENWOOD ENGINEERING (ENGINEERING SERVICES)
- (6.) PERDUE, BRANDON, FIELDER, COLLINS & MOTT, LLP (DELQT. TAX/OTHER FEES ATTORNEY)
- (7.) TML-IRP (LIABILITY/E&O/PHYSICAL, PROPERTY/MOBILE/FLOOD)
- (8.) CITY OF WESLACO (ANIMAL IMPOUNDMENT SERVICES)

(EXPIRE 11/2020)

- (9.) MONTALVO INSURANCE – TEXAS MUTUAL WORKER’S COMP
- (10.) HUMANA (HEALTH INSURANCE)
- (11.) WASTECONNECTIONS OF TEXAS (SOLID WASTE SERVICES)

(EXPIRE 2021)

- (12.) TRIOIANI & SOSSI LAW (CITY ATTORNEY)
- (13.) MCAFEE INSURANCE (GOVERNMENT CRIME INSURANCE)
- (14.) JACOBS (CH2MHIL) (OMI, INC) (WATER/WASTEWATER PLANT)
- (15.) JUAN R. ALVAREZ (MUNICIPAL COURT JUDGE)

(EXPIRE 2022)

- (16.) RBC – DRAIN RAUSCHER, INC (FINANCIAL ADVISORS)

CONSULTANTS:

- (17.) LANGLEY & BANACK, INC. (POST ETJ-ANNXTN & DE-ANNXTN LEGAL SERVICES)
- (18.) ARMANDO MARTINEZ (ADMIN OF RECORD/EM. MED. SERVICES)
- (19.) DR. ANDREW LEVINE – MEDICAL DIRECTOR
- (20.) HOLLIS RUTLEDGE (PLANNING, MARKETING & GOVN’T RELATIONS)
- (21.) TIF SERVICES OF SOUTH TEXAS (TIRZ SERVICES)
- (22.) DAVID R. GORENA (CITY PROSECUTOR)
- (23.) RABA KISTNER (GEO TECH LAB TESTING)
- (24.) TERRACON (GEO TECH LAB TESTING)
- (25.) PSI (GEO TECH LAB TESTING)

City Attorney Troiani stated he would like to send notices to the Firms to submit new contracts. The Contract remained tabled.

**17) MONTHLY DEPARTMENT REPORTS.**

Monthly reports are provided in the packet for the Commission to review.

Mayor Hinojosa called the meeting into executive session at 1:46 pm.

**18) EXECUTIVE SESSION:**

- **DISCUSSION REGARDING DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER – SECTION 551.072, TEXAS GOVERNMENT CODE ANNOTATED – VALUE OF PROPERTY (FEASIBILITY CITY JAIL)**
- **CONSULTATION WITH LEGAL PURSUANT TO TEXAS GOVERNMENT CODE 551.071(2) FOR THE PURPOSE OF RECEIVING PRIVILEGED ATTORNEY CLIENT COMMUNICATIONS AND PURSUANT TO TEXAS GOVERNMENT CODE 551.071(1) REGARDING TO ANTICIPATED LITIGATION.**

Mayor Hinojosa called the meeting back to order at 2:14 pm.

**19) GENERAL SESSION (RECONVENE):**

No action was taken on the items discussed in executive session.

**20) ADJOURN**

Mayor Pro-Tem Villarreal made a motion to adjourn. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously. The meeting was adjourned at 2:14 P.M.

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Henry Hinojosa, Mayor

ATTEST:

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Joselynn Castillo, City Secretary