

**MERCEDES CITY COMMISSION
REGULAR MEETING
AUGUST 4, 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
	Jose M. Gomez	Commissioner
STAFF PRESENT:	Sergio Zavala	City Manager
	Anthony Troiani	City Attorney
	Joselynn Castillo	City Secretary
	Nereida Perez	Finance Director (webex)
	Dagoberto Chavez	Police Chief/ACM
	Jose Figueroa	Public Works Director
	Mary Salinas	Grant Coordinator
	Frank San Martin	HR&A Representative

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

- Mr. Juan Gutierrez expressed his concern with taxation and flooding in Mercedes and asked about the City's plan to improve the flooding issue.

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

A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING(S) HELD JULY 21 & 29, 2020.

B.) SECOND AND FINAL READING ON ORDINANCE 2020-11 TO APPROVE THE SETTLEMENT TERMS AND RATE TARIFFS AS THEY RELATE TO THE TGS COSA RATE INCREASE MATTER.

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

D.) APPROVAL OF QUARTERLY INVESTMENT REPORT 3RD QUARTER.

Mayor Pro-Tem Villarreal made a motion to approve all items under consent. Commissioner Hernandez seconded the motion. Upon a called vote, the item passed unanimously. Commissioner Benavidez stated that invoices be provided to the Commission regarding the Stonegarden resolution. Commissioner Benavidez also commented about CO funds in the Quarterly Report, Camino Real Project, and would like to improve drainage issues.

7) CITY MANAGER COMMENTS

Mr. Zavala updated everyone on the COVID pandemic and the amount of deaths. He informed of the City's safety measures taken. During the storm the dome was open for COVID positive patients. Mr. Zavala also express his appreciation to the City Staff for their efforts during the hurricane.

8) PRESENTATION BY PUBLIC WORKS DIRECTOR COMMENTS ON RECENT TROPICAL CLIMATE EVENT (HURRICANE HANNA)

Public Works Director Figueroa informed the Commission of the preparations by the Public Works department for Hurricane Hanna on July 24 through July 26, 2020. Rain totals reaching 13 to 15 inches, winds at almost 50 mph and a tornado on Saturday was reported. Some of the actions taken before the storm include inlet cleaning and informing the public of debris. After the storm pumps were deployed and Mr. Figueroa stated there was improvement to the previous 2 years' floods. After the storm of August 1, 2020, the Public works department cleaned debris. Mayor Pro-Tem Villarreal commended the first responders for all their efforts. Commissioner Gomez recognized the citizens that helped out after the storm. Commissioner Benavidez also commended the first responder and it was stated that the water drained and didn't go into the homes. Mr. Figueroa addressed the concern expressed in open forum and provided the way the drainage system flows after a storm. Mayor Hinojosa advised to call Pct. 1 to improve drainage on the eastern part of Hidalgo County as they have for western Hidalgo County. Commissioner Hernandez also expressed her gratitude to the Public Works Department. Mr. Figueroa continued by saying that sandbags can be recycled and used again and stated that the City is spraying for mosquitos, and they are dropping pellets in standing water for the mosquitos.

At this time Commissioner Benavidez made a motion to move to item 22. Commissioner Gomez seconded the motion. Upon a called vote, the motion passed unanimously.

9) PRESENTATION BY HOLLIS RUTLEDGE & ASSOCIATES ON CARES ACT OVERSIGHT

Mr. Frank San Martin presented to the Commission that the City was awarded \$1,892,856.00. The amount includes payroll \$738,360.39 and purchase orders in the amount of \$566,361.61. Mr. San Martin stated that Congress is debating a stimulus and the rules may relax on the use of the funds. The deadline to expend the funds is August 31, 2020 and all the items have already been approved by the County. Commissioner Benavidez stated that the Hidalgo County Legal team is reviewing the items submitted. No action was taken on this item.

10) DISCUSSION AND POSSIBLE ACTION ON 'MERCEDES-SMALL BUSINESS ASSISTANCE PROGRAM' GUIDELINES AND APPLICATION PROCESS.

Mr. Zavala informed the Commission of the Small Business guidelines. The application will be posted and small business can apply for assistance. The amount is \$3,000 for businesses with 1 to 3 employees and \$5,000 for businesses with 4 to 9 employees. The applications will be reviewed by the DCM and Hollis Rutledge & Associates. The amounts were determined by what the other Cities are using. After a brief discussion, Commissioner Benavidez made a motion to approve item 10. Mayor Hinojosa seconded the motion. Upon a called vote, the motion passed unanimously.

11) DISCUSSION AND POSSIBLE ACTION TO FILL ONE VACANCY TO THE DEVELOPMENT CORPORATION OF MERCEDES (DCM) BOARD OF DIRECTORS.

Mr. Zavala read part of the DCM Guidelines regarding being a resident of the City. There is a vacancy left by Mr. Manuel Garza who moved away. After discussion, Mayor Pro-Tem Villarreal made a motion to table item 11. Commissioner Hernandez seconded the motion. Upon a called vote, the motion passed. Commissioner Benavidez and Commissioner Gomez voted against.

12) DISCUSSION AND POSSIBLE ACTION ON PROPOSED MORATORIUM FOR SOUND PERMITS AS A COVID-19 SAFETY MEASURE TO MINIMIZE 'GATHERINGS'

Mr. Zavala stated that in order to not encourage gathering, the City is proposing a stop on the issuance of sound permits. The stop will be temporary and the permits can still be issued for the campaign vehicles. After discussion, Commissioner Hernandez made a motion to approve item 12. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the motion passed unanimously.

13) DISCUSSION AND POSSIBLE ACTION TO APPROVE THE AMENDMENT OF THE COOPERATION AGREEMENT BETWEEN THE CITY OF MERCEDES AND THE COUNTY OF HIDALGO'S URBAN COUNTY PROGRAM FOR THE YEARS 2021-2023.

Grant Coordinator Salinas stated that the County of Hidalgo amended a portion of the cooperation agreement for the urban county program. Mr. Zavala stated that there was a City that decided to go on their own and it did not go well. Mr. Zavala recommends approval.

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 ON HIDALGO COUNTY 2020-2021 URBAN COUNTY INTERLACAL AGREEMENT.

Ms. Mary Salinas stated the City was awarded \$270,886 with 4 years to expend the funds. The City will not be penalized if the funds are not expended in 2021.

Commissioner Benavidez made a motion to approve item 14. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the motion passed unanimously.

15) DISCUSSION AND POSSIBLE ACTION ON REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES FOR PROJECT SPECIFIC ADMINISTRATIVE SERVICES.

Mr. Zavala addressed the Commission on the Mile 1 Street Widening Project. Management is requesting to seek RFQ for professional services in order to meet all qualifications. Commissioner Benavidez expressed concern with the project amount and would like RFP's to have the cost for the project.

Mayor Pro-Tem Villarreal made a motion to approve item 15. Commissioner Hernandez seconded the motion. Upon a called vote, the item passed 3 to 2. Commissioner Benavidez and Commissioner Gomez voted against.

16) DISCUSSION AND ACTION TO APPROVE EXPENDITURE OF GRANT FUNDED IN PART BY LRGVDC AREA AGENCY ON AGING.

Ms. Salinas stated that the City was awarded \$19,698 to help the elderly with a match of \$3,599 from the City. The program was to have services for the elderly. The City was awarded the funds in May and the City has received only one applicant. Mr. Zavala stated that we have minimal applicants due to the intensity of the pandemic. Commissioner Hernandez would like an update in the future on applicants and services.

Mayor Pro-Tem Villarreal made a motion to approve item 16. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

17) DISCUSSION AND ACTION TO REJECT BIDS FOR THE REPAIR OF ROTORS AT SEWER FACILITIES AND RE-AUTHORIZE STAFF TO SEEK NEW SEALED BIDS FOR THE NEEDED REPAIRS.

Mr. Figueroa addressed the Commission that the City only received one bid for the rotor repair. The bid was not complete and is seeking to re-solicit for bids. Mr. Figueroa stated that the specs were updated to be clear.

Mayor Pro-Tem Villarreal made a motion to approve item 17. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

18) DISCUSSION AND ACTION TO APPROVE EXPENDITURE FOR WATER DISTRIBUTION PUMP FOR THE WATER TREATMENT PLANT.

Mr. Figueroa stated that a water distribution pump needs replacing. The City received bids from the following:

Dynamic Pump System	\$16,049.57 plus Shipping \$500, total \$16,549.57
Pumps of Houston	\$21,084.00
Smith Pump Co.	\$24,911.00

Mayor Pro-Tem Villarreal made a motion to approve item 18 with the understanding to bring it back to commission if there is an administrative fee from Jacobs. Commissioner Hernandez seconded the motion. Upon a called vote, the motion passed unanimously.

19) DISCUSSION AND ACTION TO APPROVE EXPENDITURE FOR WORK ORDER AND ALERT PROGRAM.

Mr. Figueroa informed the Commission of a work order program called see, click, fix. The program is used on the phone and citizens can report any issues and a work order would be created. The price is \$17,000 annually for 12 licenses. Mr. Zavala also stated that the program used GIS location so if they report something that doesn't belong to the City, then the issue will use the location to send it to the correct City or County using the program.

After brief discussion, Mayor Pro-Tem Villarreal made a motion to approve item 19. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

20) DISCUSSION AND ACTION TO APPROVE EXPENDITURE FOR SILENT PUMP FOR THE LIFT STATION #9.

Mr. Figueroa addressed the Commission about a request for a silent pump for lift station #9 in the amount of \$2,500 since January 2020. The City pump has been fixed and is needing to pay Odessa pump for the silent pump rental.

Mayor Pro-Tem Villarreal made a motion to approve item 20. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

21) DISCUSSION AND POSSIBLE ACTION TO FORMALIZE APPROVED POLICIES: RESIDENT COMPLAINT POLICY (APPROVED 10/1/2019) AND INTERNAL PROCURMENT POLICY (APPROVED 8/20/2019)

Commissioner Benavidez made a motion to un-table item 21. 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.

22) DISCUSSION AND POSSIBLE ACTION REGARDING THE MAINTAINING OF DITCHES WITHIN THE CITY LIMITS OF MERCEDES.

Commissioner Benavidez placed this item on the agenda to get a schedule on the maintenance of ditches. Mr. Figueroa stated that there is only one ditch that belongs to the City and they are maintained 1 time per year. The ditch is located behind Collier Park. Mr. Figueroa stated that the rest of the ditches are cleaned based on observation of trash. Commissioner Benavidez asked for the cleaning schedule from the Drainage District. Mr. Figueroa said that the City does not currently have the equipment and personnel or a place for disposal of the trash found in the ditches. At a question, Mr. Figueroa stated that a backhoe costs \$80k and an excavator costs about \$100K. No action was taken on this item.

At this time the Commission went back to Item 9 and proceeded with the agenda.

23) 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) (expires Sept. 2020)
- (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)

Commissioner Hernandez made a motion to table item 23. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the motion passed unanimously.

24) MONTHLY DEPARTMENT REPORTS.

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

25) GENERAL SESSION (RECONVENE):

No action due to no Executive session.

26) ADJOURN

Commissioner Benavidez made a motion to adjourn. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the motion passed unanimously. The meeting was adjourned at 2:54 P.M.