

**MERCEDES CITY COMMISSION  
REGULAR MEETING  
OCTOBER 1, 2019 – 6:00 P.M.  
MERCEDES CITY HALL – COMMISSION CHAMBERS**

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

**MEMBERS ABSENT:** NONE

**STAFF PRESENT:** Sergio Zavala City Manager  
Joselynn Castillo City Secretary  
Anthony Troiani City Attorney  
Nereida Perez Finance Director  
Dagoberto Chavez ACM/Police Chief  
Tommy Uresti Fire Chief  
Hugo Perales I.T.  
George Diaz Sgt.  
Ravyn Hinojosa City Manager Secretary  
Francisco Sanchez Police Officer

**1.) CALL MEETING TO ORDER.**

Mayor Hinojosa welcomed everyone to the meeting and called the meeting to order at 6:00 p.m.

**2.) ESTABLISH QUORUM.**

Four members of the Commission were present which constituted a quorum.

**3.) INVOCATION.**

Reverend Jacquez led the invocation. All those in attendance participated in the reverent act.

**4.) PLEDGE OF ALLEGIANCE.**

Commissioner Gomez led in the Pledge of Allegiance.

At this time, Commissioner Benavidez arrived.

**5.) OPEN FORUM-**

- Ms. Velda Garcia expressed disappointment and fear of recent violation of first amendment (freedom of speech) on September 17<sup>th</sup>, 2019 Commission meeting.
- Ms. Aileen Luna was called by Mayor Hinojosa, but declined to speak.
- Ms. Diana Garza expressed her disappointment with the city in regards to the issue on September 17, 2019.
- Mr. Miguel Loya was called by Mayor Hinojosa, but declined to speak.
- Ms. Dalia Pena voiced she feels the citizens are being silenced.
- Mr. Lawrence Serna was called to speak, but was not present to do so.
- Mr. David Garza voiced his concern regarding the City Charter procedures on open meetings and tabled items.
- Mr. Israel Coronado spoke about item 15 on the agenda and would like the Commission to remove the \$2.00 fee.

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

**A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETINGS HELD SEPTEMBER 17<sup>th</sup>, 2019.**

Mayor Hinojosa stated a correction on item 25 to include that the item was passed unanimously.

Commissioner Gomez posed a question to legal counsel. City Attorney Troiani stated that the meeting of September 17, 2019 was, in fact, legal.

After brief discussion, Commissioner Villarreal motioned to approve all items under consent agenda with corrections stated by Mayor Hinojosa. Mayor Hinojosa seconded the motion. Upon a called vote, the item was passed with Commissioner Gomez voting against.

**7.) CITY MANAGER COMMENTS**

Mr. Zavala stated he received a letter from Tony Sanchez from the American Legion, JA Garcia post 72. The letter was to inform all citizens of the Veterans Day event they will be having on November 9<sup>th</sup> and November 10, 2019. On November 9, 2019 there will be a parade and on November 10, 2019 they will be hosting a dinner ceremony honoring the veterans of Mercedes.

**8.) DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION REFLECTING SUPPORT FOR PROPOSITION 8, WHICH INCLUDES CREATION OF THE FLOOD INFRASTRUCTURE FUND (FIF) (PCT. 1 COMMISSIONER DAVID FUENTES)**

PCT. 1 Commissioner David Fuentes stated that in 2018 a bond was approved for Drainage and flood relief. Mr. Raul Cesin informed everyone present of the projects approved for the City of Mercedes. Mr. Cesin stated there are 2 projects for Mercedes that were approved by the voters, which include Project A, Anacuitas drain and Project 10, East Mercedes for Capisallo Terrace Area. The third project being addressed is South Mercedes Drain and Project FM 1425. The projects will include additional infrastructure, improving and widening the ditches and developing detention facilities for flood water. At a question. Mr. Cesin stated most projects have proposed start date for 2020.

Pct. 1 Commissioner Fuentes stated the state is recommending allocating \$793 Mil for infrastructure specifically for flood relief. Mr. Fuentes continued by stating if the Proposition is approved in November, the state will need to create a fund that will be managed by the Texas Water Development Board.

There was discussion regarding the application process, partnerships, TxDot drainage issues, funding, bond monies, grants, the different size of pipes, and retention ponds.

Commissioner Benavidez made a motion to approve the resolution in support of Proposition 8. Mayor Pro-Tem Villarreal seconded the motion. Upon a called vote, the item was unanimously approved.

**9.) DISCUSSION AND POSSIBLE ACTION TO APPOINT A MUNICIPAL COURT JUDGE (CITY MANAGER)**

City Manager Zavala informed the Commission that in the August 6, 2019 meeting the City Commission voted to go for RFPs for Judge. On September 17<sup>th</sup> there were presentations by Rene Armando Flores III, Orlando Jimenez & Miguel Wise. Judge Alvarez did not submit RFQ's for reappointment.

Mayor Pro-Tem Villarreal made a motion to appoint Orlando Jimenez as municipal court judge. The motion died due to the lack of a second.

After a brief discussion Commissioner Gomez made a motion to appoint Judge Juan R. Alvarez. Mayor Hinojosa seconded the motion. Upon a called vote, this item was unanimously approved.

**10.) DISCUSSION AND POSSIBLE ACTION TO APPOINT A MUNICIPAL COURT PROSECUTOR (CITY MANAGER)**

Mr. Zavala stated that at a previous meeting there were two presentations for Municipal Court Prosecutor by David Gorena and Orlando Jimenez.

Commissioner Benavidez made a motion to appoint David Gorena. Commissioner Gomez seconded the motion. Upon a called vote, the item was passed unanimously.

**11.) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION TO APPOINT CANDIDATES FOR THE BOARD OF DIRECTORS OF THE HIDALGO COUNTY APPRAISAL DISTRICT FOR 2020-21. (CITY MANAGER)**

Mr. Zavala stated the Commission can nominate up to 5 candidates for the Appraisal district board and that Mr. Albert Cano submitted an application for the board.

After a brief discussion, Commissioner Gomez made a motion to appoint Albert Cano. Commissioner Benavides seconded the motion. Mr. Zavala stated the Commission can nominate 4 more citizens to the board. Commissioner Hernandez nominated David Garza. Mayor Hinojosa asked for volunteers from the citizens present.

After a brief discussion, Mayor Hinojosa made a motion to appoint David Garza, Ramon Mejia, Dalia Pena, and Diana Garza as candidates for board of directors of the Hidalgo County Appraisal District 2020-21. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

**12.) DISCUSSION AND POSSIBLE ACTION TO CONTINUE RECEIVING A SHARE OF BINGO PRIZE FEE FUNDS BY A MAJORITY VOTE (VIA HB 914) (CITY MANAGER)**

Mr. Zavala stated if the City desires to continue receiving a share of the prize from Bingo awards, the City Commission must vote on the item and must notify the Lottery Commission by November 1, 2019.

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

**13.) DISCUSSION AND ACTION TO APPOINT NEW MEMBER(S) TO THE COMPLETE COUNT CENSUS COMMITTEE. (CITY MANAGER)**

Mr. Zavala stated there are currently five members on the complete count census committee. The City received an application from Esmeralda Cadena & Claudio Hinojosa. Mr. Zavala said the first meeting will be held October 10, 2019 at 5:30 P.M. in the Commission Room.

After a brief discussion, Mayor Pro-Tem Villarreal made a motion to appoint Esmeralda Cadena and Claudio Hinojosa to the committee. Commissioner Benavidez seconded the motion. Upon a called vote, the item was unanimously approved.

**14.) TABLED: DISCUSSION AND POSSIBLE ACTION TO CONSIDER ADJUSTING THE TIME ALLOTTED CITIZENS TO SPEAK DURING OPEN FORUM. (CITY MANAGER)**

Mayor Pro-Tem Villarreal made a motion to un-table this item. Mayor Hinojosa seconded the motion, which passed unanimously.

Mr. Zavala informed the Commission that the items were brought forward at a previous meeting to consider adjusting the time for open forum.

Commissioner Gomez made a motion to go to increase the time of individual presentation to 5 minutes and to increase the total amount of time to 45 minutes for the open forum. Mayor Hinojosa seconded the motion. Upon a called vote, the item was approved unanimously.

**15.) TABLED: DISCUSSION AND POSSIBLE ACTION ON AN ORDINANCE TO REPEAL ORDINANCE NO. 2013-18 TO THUS DELETE THE LEVIED 'CAPITAL IMPROVEMENT FEE'. (CITY MANAGER)**

Commissioner Benavidez made a motion to un-table item 15. Mayor Hinojosa seconded the motion, which passed unanimously.

Mr. Zavala stated that the fee was used for utility maintenance. Mr. Zavala explained that at a workshop there was discussion that if the fee were to be removed, adjustments would be made to either increase the rates or adjust staffing or hours in order to balance the budget.

Commissioner Gomez exclaimed that there was an 11% increase in the water rate in 2018 therefore, Commissioner Gomez made a motion to repeal Ordinance No. 2013-18 to delete the levied Capital Improvement Fee. Commissioner Benavidez seconded the motion. Upon a called vote, the item passed with Mayor Pro-Tem Villarreal voting against.

At a question by David Garza, Mr. Zavala stated that the both the Capital Improvement Fee and Utility Maintenance fee were one in the same, therefore, both will be repealed. Mr. Garza informed the Commission that a lawsuit is filed for restitution for the fee.

Mr. Edelmiro Dominguez asked for clarification on the fee. Mayor stated that the fee was included in the budget and adjustments will need to be made to balance the budget.

**16.) TABLED: DISCUSSION AND POSSIBLE ACTION TO CREATE POLICY FOR THE CITY OF MERCEDES FOR THE PROCESSING OF COMPLAINTS MADE BY RESIDENT(S) OF MERCEDES. (COMMISSIONER BENAVIDEZ & COMMISSIONER GOMEZ)**

Commissioner Benavidez made a motion to un-table item 16. Commissioner Gomez seconded the motion, which passed unanimously.

Commissioner Benavidez stated he put this item on the agenda to create a process for complaints submitted by residents. Commissioner Benavidez recommends creating an oversight committee, setting a time frame, and would like the City Attorney to help with the wording. Mr. David Garza would like a process for complaints against the Commission. Ms. Rosa Dominguez stated she has helped with Citizens' complaints and offered her assistance. After a brief discussion, Commissioner Benavidez made a motion to create a policy for the processing of Citizens' complaints. Commissioner Gomez seconded the motion. Upon a called vote, the item was unanimously approved.

Mayor Hinojosa called the meeting into Executive Session at 7:10 P.M. Commissioner Gomez stated he would like Executive Session to be recorded. Mayor Hinojosa stated that request would need Commission approval and it is not currently on the agenda for discussion.

**17.) EXECUTIVE SESSION:**

**-DISCUSSION AND POSSIBLE ACTION TO UNAPPOINT CITY MANAGER – SECTION 3.01 CITY CHARTER.**

**-DISCUSSION AND POSSIBLE ACTION REGARDING THE CITY MANAGER ON DUTIES AND RESPONSIBILITIES IN REVIEW FOR THE COMPLIANCE OF LAWFUL PROCEDURES BEFORE, DURING AND AFTER REGULAR CITY MEETING HELD SEPTEMBER 17, 2019 – ARTICLE III, SECTION 3.04.**

No action will be taken during this time.

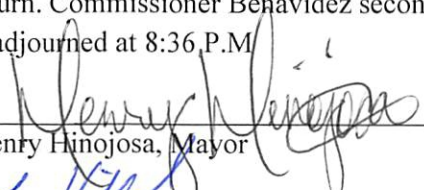
Mayor Hinojosa called the meeting back to order at 8:35 P.M.

**18.) DISCUSSION AND POSSIBLE ACTION REGARDING ITEM(S) DISCUSSED IN EXECUTIVE SESSION**

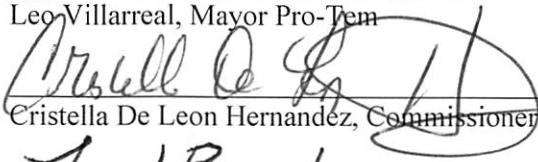
Commissioner Gomez made a motion to un-appoint City Manager for reasons discussed in Executive Discussion. Commissioner Benavidez commented that items were discussed and he brought forth items as well. Commissioner Gomez's motion died due to the lack of a second.

**19.) ADJOURN**

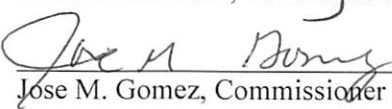
Mayor Pro-Tem Villarreal made a motion to adjourn. Commissioner Benavidez seconded the motion. Upon a called vote, the item passed unanimously. The meeting adjourned at 8:36 P.M.

  
Henry Hinojosa, Mayor

  
Leo Villarreal, Mayor Pro-Tem

  
Cristella De Leon Hernandez, Commissioner

  
Leonel Benavidez, Commissioner

  
Jose M. Gomez, Commissioner

ATTEST:

  
Joselyn Castillo, City Secretary

