



Mayor Oscar D. Montoya
 Commissioner Joe Martinez
 Commissioner Armando Garcia

Commissioner Dr. Jacob Howell
 Mayor Pro-Tem Dr. Ruben Saldana
 City Manager Alberto Perez

MERCEDES CITY COMMISSION
 REGULAR MEETING
 JUNE 4, 2024 – 6:30 P.M.
 MERCEDES CITY HALL – COMMISSION CHAMBERS
 400 S. OHIO AVE., MERCEDES, TX 78570


“At any time during the course of this meeting, the City Commission may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the City Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during the course of this meeting, the City Commission may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code.”

1. **Call Meeting to Order**
2. **Establish Quorum**
3. **Invocation**
4. **Pledge of Allegiance**
5. **Open Forum-**
6. **Presentations:**
 - a. Presentation from Prime Health
7. **Ordinances/Resolutions:**
 - a. Approval of Resolution 2024-18 denying the rate increase for AEP
8. **Consent Agenda:**
 - a. Approval of Minutes for Meeting(s) held May 21, 2024
 - b. Approval of second and final reading of Ordinance 2024-04 regarding Recreation Center Fees
 - c. Approval of second and final reading of Ordinance 2024-05 regarding the Solid Waste Fees
9. **Management Items: Present, discuss, consider and possibly take action regarding:**
 - a. Basketful’s request for donation
 - b. Request for vehicle from Amigos Del Valle
10. **Executive Session: Chapter 551, Texas Government Code, Section 551.071 (Consultation with Attorney), Section 551.072 (Deliberation regarding Real Property), Section 551.074 (Personnel Matters) and Section 551.087 (Economic Development)**
 - a. Discussion with City Manager regarding personnel matters – Section 551.074
 - b. Consultation with Attorney regarding update on litigation -Section 551.071
 - c. Deliberation pursuant to Tex. Gov’t Code 551.087 regarding economic negotiations and about real property pursuant to Tex. Gov’t Code 551.072. Consultation with legal counsel to receive communication protected by attorney client communication privilege pursuant to Tx. Gov’t Code 551.071 (2) regarding same.
 - d. Consultation with legal counsel regarding pending litigation pursuant to Tex. Gov’t Code 551.071 (1) (a) and (b).
 - e. Consultation with legal counsel pursuant to Tex. Gov’t Code 551.071 (1)(a) and (b) and Tex. Gov’t Code 551.071 (2) and regarding real property pursuant to Tex. Gov’t Code 551.072
11. **Open Session:**
 - a. Possible Action pertaining to executive session item a
 - b. Possible Action pertaining to executive session item b
 - c. Possible Action pertaining to executive session item c
 - d. Possible Action pertaining to executive session item d
 - e. Possible Action pertaining to executive session item e
12. **Adjournment**

Notice is hereby given that the City Commissioners of the City of Mercedes, Texas will meet in a **Regular Meeting** on Tuesday, June 4, 2024 at 6:30 P.M. Said meeting will be conducted in the Commission Chambers of the City Hall located at 400 S. Ohio, Mercedes, Texas for the purpose of considering and taking formal action regarding the items listed above. This notice is given in accordance with Vernon’s Texas Codes Annotated, Texas Government Code, Section 551.001 et. Seq.

WITNESS MY HAND AND SEAL OF THE CITY THIS THE 31ST DAY OF MAY, 2024.

ATTEST:



 Joselynn Castillo, City Secretary
 Time of Posting: 7:00 P.M.

ACCESSIBILITY STATEMENT

The City of Mercedes recognizes its obligations under the Americans with Disabilities Act of 1990 to provide equal access to individuals with disabilities. Please contact the City Manager’s Office at (956) 565-3114 at least 48 hours in advance of the meeting with requests for reasonable accommodations, including requests for a sign language interpreter.

Item 6A



Agenda Item Request

Deadline for submission: Wednesday at 2 o'clock on the week prior to the Council Meeting.

Requestor Name: Ruben Saldana Co-Requestor: Armando Garcia

Telephone No. (for clarifications) 956.373.1824

Meeting Date: June 4, 2024

Agenda Topic: Presentation from Prime Health

Request (please be specific)

Prime Health owns and operates Knapp Hospital and owns/operates the new Mercedes-based Urgent Care Center collaboratively with UT Health. Presentation will provide the City Commission with an update on operations of this new facility along with future plans and opportunities for improved public services related to health care and related services

Attachments: Yes No

Notes such as changes to meeting dates, cancelation of request, etc. (Please Initial)


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5/30/2024 10:42:26 -05:00
Signature

Armando Garcia 
Digital Signer: Armando Garcia
DN: E=agarcia@cityofmercedes.com, CN=Armando
o Garcia
Date: 5/30/2024 10:45:06 -05:00
Co-signature

RESOLUTION NO. 2024-18

A RESOLUTION OF THE CITY OF MERCEDES, TEXAS FINDING THAT AEP TEXAS INC.'S REQUESTED INCREASE TO ITS ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

WHEREAS, on or about February 29, 2024, AEP Texas Inc. ("AEP Texas" or "Company"), pursuant to Public Utility Regulatory Act ("PURA") §§ 33.001 and 36.001 filed with the City of Mercedes ("City") a Statement of Intent to change electric delivery rates in all municipalities exercising original jurisdiction within its service area, effective April 4, 2024; and

WHEREAS, the City is an electric utility customer of AEP Texas and a regulatory authority over the rates and charges of AEP Texas within the City; and

WHEREAS, the City is a member of the Cities Served by AEP Texas ("Cities"), a membership of similarly situated cities served by AEP Texas that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in AEP Texas' service area; and

WHEREAS, Cities is an intervenor in the parallel proceeding at the Public Utility Commission of Texas to review AEP Texas' filing; and

WHEREAS, pursuant to its exclusive original jurisdiction over AEP Texas' rates and operations within city limits, the City previously suspended the effective date of the Company's requested rate increase; and

WHEREAS, PURA § 33.023 provides that costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility; and

WHEREAS, the City's attorneys and consultants recommend that the City deny the application.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MERCEDES, TEXAS:

SECTION 1. That the rates proposed by AEP Texas in an application submitted to the City by the Company on or about February 29, 2024, are hereby found to be unreasonable, and are denied.

SECTION 2. That the Company shall continue to charge its existing rates for transmission and distribution service to customers with the City.

SECTION 3. That Cities' reasonable rate case expenses shall be reimbursed by AEP Texas within 30 days of presentation of an invoice to AEP Texas.

SECTION 4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law, and that the public notice was given of the time, place, and purpose of said meeting, as required.

SECTION 5. A copy of this Resolution shall be sent to AEP Texas, care of Jennifer Frederick, American Electric Power Company, 400 West 15th Street, Suite 1520, Austin, Texas 78701 (aepaustintx@aep.com), and to Thomas Brocato at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (tbrocato@lglawfirm.com).

PASSED AND APPROVED this 4th day of June, 2024.

Oscar D. Montoya Sr., MAYOR

ATTEST:

Joselynn Castillo, City Secretary

APPROVED AS TO FORM:

Martie Garcia-Vela, City Attorney

**MERCEDES CITY COMMISSION
REGULAR MEETING
MAY 21, 2024 – 6:30 P.M.
MERCEDES CITY HALL – COMMISSION CHAMBERS**

MEMBERS PRESENT:	Oscar D. Montoya Sr. Ruben J. Saldana Armando Garcia Joe Martinez	Mayor Mayor Pro-Tem Commissioner Commissioner
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MEMBERS ABSENT:	Jacob Howell	Commissioner
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STAFF PRESENT:	Alberto Perez Martie Garcia Vela Joselynn Castillo Javier Ramirez Meredith Hernandez Richard Morin Marisol Vidales Michael Rocha Juan Vasquez	City Manager City Attorney City Secretary Asst. City Manager Asst. Finance Director Recreational Director Library Director I.T Specialist I.T Tech
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1. CALL MEETING TO ORDER

Mayor Montoya welcomed everyone and called the meeting to order at 6:30 P.M.

2. ESTABLISH QUORUM

Three members were present which constitutes a quorum. Commissioner Martinez arrived during open forum. Commissioner Howell was absent.

3. Invocation

Commissioner Saldana said the invocation.

4. Pledge of Allegiance

Commissioner Garcia led in the pledge of allegiance.

5. Open Forum-

- Mr. Joe and Mary Cano thanked Mr. Perez and Mr. Ramirez for the opportunity to speak and requested assistance in obtaining a new van for Amigos del Valle. The current van has a non-functional air conditioner, is not ADA compliant, lacks a wheelchair lift, and has mechanical issues. Ms. Cano noted that people from the center are concerned because they want to attend events but are unable to due to disabilities and the cramped space of the van. The city last purchased a van in 2009, and they requested the city to issue RFP’s for a new van. Commissioner Martinez arrived during this discussion.

6. PRESENTATIONS:

a. Proclamation for El Fenix Café

Mayor Montoya spoke about the award received from the historical commission for El Fenix Café remaining open during the COVID-19 pandemic. He read the proclamation in honor of the café. Ms. Dalia Carr expressed gratitude, mentioning her parents' dream to pass on to their children and emphasized the good nature of the people of Mercedes who know them personally. She stated that she is honored to receive the proclamation. Additionally, she mentioned that they are closed on Mondays but remain open on holidays, operating from 7:30 a.m. to 2:00 p.m.

b. Presentation by Aztlan Animation Studio & Educational Institute

Mr. Lupe Casarez gave a brief presentation about the upcoming launch of phase one of their project, which includes a summer program aimed at at-risk populations. This phase involves introducing the public to art through a collaboration with the library, merging technology with the community to offer art and education via animation. Phase two will incorporate illustration and animation into story development, while phase three will bring in cartoonists and illustrators to inspire youth to pursue both introductory and professional training in animation, illustration, and product development. In response to a question, Mr. Casarez stated that the program can be adjusted to fit any age group and, although they focus on at-risk populations, it will be open to everyone.

c. Presentation update on Capisallo Terrace Project

Mr. Ramirez stated the Capisallo Terrace Project is almost complete. The engineer could not make the meeting today. The sewer collection line, all the connections are up to the lots and the lift station is complete. The next step is connecting the properties to the service lines. They are about three weeks away from being done. The sewer line is installed and are working on replacing 800 leaner feet of curb and gutter. The street should be complete in the following two weeks.

d. Presentations on summer programs for the library and rec center

Ms. Marisol Vidales on the Summer Reading Program:

Ms. Marisol Vidales informed the Commission about the summer reading program at the library, themed "Adventure begins at your library" for children, young adults, and adults. Participants need a library card in good standing. Registration began on May 20, 2024, and the program runs from June 3 to June 28, 2024. The program includes toddler challenges with raffle submissions, a reward for children who read 15 books, and a requirement for adults and teens to read three books and provide

summaries. The program also features craft days and movie days. Although they have raised over \$1,000, they aim to raise \$4,000 for an end-of-year event. Additionally, a free technology camp for ages 11 and up will be provided, with training for library staff to sustain the program.

Mr. Richard Morin on Summer Programs:

Mr. Richard Morin spoke about various summer programs offered by the city in partnership with United Way, which has audited them and approved a full allocation of \$35,000 for next year. The summer program runs from June 3 to August 8, 2024. It includes a summer food nutrition program open to the community from June 3 to July 16, 2024, with MYB donating meals for children afterward. They have partnered with the library and fire department to provide tours for children. The foster grandparent program offers mentoring and tutoring, and the Jr. Staff program teaches job skills. There is a free game room for kids, youth soccer leagues for ages 5-12, a men's basketball league, and co-ed volleyball for adults. They need TASSO officials for adult league officiating.

Mr. Lee Puckett on the Aquatics Program:

Mr. Lee Puckett, the pool manager, provided updates on the aquatics program. The pool has new filtration systems and three new motors, with a total of seven lifeguards for the year. Swimming lessons and pool party bookings will run from June 5 to August 9. They are experimenting with modified hours and considering later pool hours, though there are concerns about lighting for late hours. Mayor Montoya noted that the pool was built in 1980.

7. ORDINANCES/RESOLUTIONS:

a. Approval of first reading of ordinance 2024-04 regarding Recreation center fees

Mr. Richard Morin proposed an increase in the fees for the summer program. The current fee is \$50, and the requested new fee is \$70. Commissioner Martinez motioned to approve the ordinance with the fee increase. Commissioner Garcia seconded. Upon a called vote, the motion passed unanimously.

8. CONSENT AGENDA

a. Approval of Minutes for Meeting(s) held April 16, 2024 and May 7, 2024

b. Approval of items for surplus to be auctioned

Commissioner Martinez motioned to approved both items under consent agenda. Commissioner Garcia seconded. Upon a called vote, the motion passed unanimously.

9. MANAGEMENT ITEMS: *Present, discuss, consider and possibly take action regarding:*

a. Approval to authorize Financial Advisors to go out for CO funds

This item was postponed for the next meeting.

b. Basketsful request for donation

This item was tabled due to no one from Basketsful being present.

c. Request for vehicle from Amigos Del Valle

Mr. Perez stated we need to get with legal to make sure this can be done. Commissioner Martinez stated that at their last meeting amigos del valle from other locations are requesting similar items from the cities the other locations are at. The commission advised to come back with more information.

d. Public hearing regarding solid waste fees

Mayor Montoya opened the public hearing at 7:32 p.m. There were no comments. Mayor Montoya closed the public hearing at 7:34 p.m.

i. Approval of first reading of ordinance 2024-05 regarding the solid waste fees

Mayor Pro-Tem Saldana motioned to approve the first reading of the ordinance and forgo the reading. Commissioner Martinez seconded. Upon a called vote, the motion passed unanimously.

e. Approval of appointment to the Mercedes Historical Preservation Commission.

Ms. Vidales stated they received two applications from Ms. Kristen Gutierrez and Mr. Jordan Reyes-Kennedy. Ms. Kristen N. Gutierrez is an Attorney and Ms. Vidales recommended appointing Ms. Gutierrez for the attorney position on the board and have Mr. Jordan Reyes-Kennedy assist when needed. Commissioner Martinez motioned to approve Ms. Vidales' recommendation. Commissioner Garcia seconded. Upon a called vote, the motion passed unanimously.

10. BIDS/CONTRACTS: *Present, discuss, consider and possibly take action regarding:*

a. Approval of contract with Televon

Mr. Michael Rocha informed the commission about issues with the Police Department's move, which required contacting Televon. While Televon is currently working on the servers, they need additional help with hardware. The proposed amendment will change their monthly retainer from \$7500 to \$4500 and shift their role from maintaining the servers to assisting with hardware maintenance. Commissioner Martinez motioned to approve the amendment, and Commissioner Garcia seconded the motion. The motion passed unanimously.

b. Approval of agreement with North Alamo Water Supply Corporation for Mile 2 E Meadows Subdivision

Mr. Ramirez addressed the commission regarding Mile 2 East Meadows subdivision. It's a subdivision in the City's ETJ with 122 lots. The subdivision will only be provided with sewer services, and water will be supplied by North Alamo Water Supply. The Fire Department will be responsible for the area; therefore, the fire hydrants will be used for filling only. Commissioner Martinez motioned to approve the agreement. Mayor Pro-Tem Saldana seconded. Upon a called vote, the motion passed unanimously.

c. Approval to authorize City Manager to enter into negotiations and execute contract for GIS Mapping Services

Mr. Ramirez stated that the City went out for bids for GIS Mapping and is recommending SAM for the GIS solutions. The city reached out to their references and received positive feedback about their services, noting that SAM's work was on schedule and within budget. Commissioner Martinez inquired if evaluations were conducted for every firm. Mr. Ramirez noted that some engineering firms do GIS work occasionally, while others specialize in it. Two firms primarily focus on GIS. SAM, based in Austin, TX, and other locations, is a national firm specializing in GIS. All firms claim they can handle the work, but SAM performs it daily. Their staff is very knowledgeable and experienced, having completed over 800 GIS projects for water and wastewater. Ms. Erin Allen informed the Commission about SAM's services and showcased one of their projects with another city. She explained how the system works, its capabilities, and how it can help the city save costs by providing detailed reports. Mayor Pro-Tem Saldana motioned to approve. Commissioner Garcia seconded. Upon a called vote, the motion passed unanimously.

d. Approval to authorize City Manager to enter into negotiations and execute contract for Groundwater Availability Study and Supply Well

Mr. Ramirez stated that the City solicited bids for the design and development of a water well and a groundwater availability study. Three engineering firms submitted bids, and two met the criteria: having designed at least three wells and conducted two studies. The firms that met these criteria were Melden & Hunt and Freese and Nichols. Melden & Hunt will subcontract the hydrogeologist, while Freese and Nichols will handle everything in-house. In response to a question, Mr. Ramirez explained that Guzman and Munoz did not meet the criteria listed in the RFQ.

Freese and Nichols was present to answer any questions, noting their experience with a hydraulic study in Pharr. Melden & Hunt, represented by Mike Hernandez, is working on a water development well just east of Mercedes. They provided a brief summary of the cities they have worked with. In response to a question, Mr. Hernandez stated that they collaborate with other firms to secure a hydrogeologist specialist. While they can handle the engineering aspects of well design, the hydrogeologist identifies the best locations for water. Mayor Pro-Tem Saldana motioned to approve. Commissioner Garcia seconded. Upon a called vote, the motion passed unanimously.

e. Approval of agreement with Galindo Auctions

Mayor Pro-Tem Saldana moved to approve the agreement. Commissioner Garcia seconded. Upon a called vote, the motion passed unanimously.

f. Consulting Agreement between the City of Mercedes and Valiant Energy Sources, LLC

Mr. Perez stated that the city currently has a contract until 2028, but they are planning for the future. Valiant aims to assist with addressing the city's lighting issues, including those at the pool and in subdivisions. They are paid by the retail electric provider and offer a turnkey operation. Their services include conducting audits for the city, management, and consulting to help the city save money. Valiant handles PUC taxes, street lighting projects, and the addition of LED lighting. These services are free to the client as they are considered professional services and do not require going through the RFP process. They are compensated 1 Millicent by the light company, not by the city. Commissioner Garcia motioned to approve. Mayor Pro-Tem Saldana seconded. Upon a called vote, the motion passed unanimously.

11. DEPARTMENTAL MONTHLY REPORT

Mayor Pro-Tem Saldana expressed appreciation for the painting of the bridges and noted that the public works report is easier to read. Mr. Perez explained that there is an operational process in place to identify the priority scheme for every work order that comes in. Mayor Montoya inquired about the animal control report. Mr. Perez stated that, in terms of equipment, the animal control department is up to speed. In response to a question, Mr. Perez mentioned that the RC mower is unreliable and will need to be replaced.

Commissioner Martinez motioned to go into executive session. Commissioner Garcia seconded. Upon a called vote, the motion passed unanimously at 8:30 p.m.

12. EXECUTIVE SESSION: Chapter 551, Texas Government Code, Section 551.071 (Consultation with Attorney), Section 551.072 (Deliberation regarding Real Property), Section 551.074 (Personnel Matters) and Section 551.087 (Economic Development)

a. Discussion with City Manager regarding personnel matters – Section 551.074

b. Consultation with Attorney regarding update on litigation -Section 551.071

Mayor Montoya called the meeting back to order at 9:56 p.m.

13. OPEN SESSION:

a. Item A from Executive Session
No Action

b. Item B from Executive Session
No Action

c. Item C from Executive Session
No Action

d. Item D from Executive Session

Mayor Pro-Tem Saldana moved to approve the city manager to enter into negotiations. Commissioner Martinez seconded. Upon a called vote, the motion passed unanimously.

e. Item E from Executive Session
No Action

14. ADJOURNMENT

Commissioner Martinez motioned to adjourn. Commissioner Garcia seconded. Upon a called vote, the motion passed unanimously at 9:58 p.m.

ORDINANCE NO. 2024-04

AN ORDINANCE ESTABLISHING RATES FOR THE RECREATIONAL CENTERS; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES THEREOF, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Mercedes, Texas is a Home Rule City that will, from time to time asses and adopt ordinances for the use of city facilities; and

WHEREAS, the City Commission of the City of Mercedes has deemed it necessary to establish fees for the use of the Recreational facilities

NOW, THEREFORE BE IT ORDAINED, BY THE CITY COMMISSION OF THE CITY OF MERCEDES:

SECTION 1.

That the Program Fee chart will be attached as “Exhibit A” to this ordinance.

SECTION 2.

That all conflicting ordinances or parts thereof are hereby repealed, and that if any section, subsection, phrase, sentence, clause or provision of this ordinance shall be declared invalid for any reason, such invalidity shall not affect the remaining provisions of this Ordinance or their application to other persons or sets of circumstances, and to this end all provision of this Ordinance are declared to be severable and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3.

This ordinance will become effective upon its passage by the City Commission and in accordance with the laws of the State of Texas and the City Charter of the City of Mercedes, Texas.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 22nd day of May, 2024.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 4th day of June, 2024.

Oscar Montoya, Mayor
City of Mercedes

ATTEST:

Approved as to form:

Joselynn Castillo, City Secretary

Martie Garcia Vela, City Attorney

“EXHIBIT A”

Fees

Programs	Days	Time	Months	Fee
After-School Program	Monday thru Friday	3:30 p.m. to 6:00 p.m.	August thru May	\$25.00 per Month
Summer Program Includes Breakfast and Lunch	Monday thru Thursday	8:00 a.m. to 5:00 p.m.	June & July	\$70.00 per Month

Leagues

	Sport	Fee
Youth Leagues (Seasonal)	Flag Football / Volleyball / Basketball / Soccer	\$50.00 per child
Adult Leagues (Seasonal)	CO-ED Volleyball	\$250.00 per team
	Men’s Basketball	\$300.00 per team

Aquatics Summer Program

	Days	Times	Fees
Public Use	Wednesday – Fridays	2:00 p.m. to 5:00 p.m.	\$2.00 per person
Rentals	Saturdays & Sundays	3:00 p.m. – 5:00 p.m. or 6:00 p.m. to 8:00 p.m.	\$275 for 2 hours (\$75.00 Deposit)

ORDINANCE NO. 2024-05

AN ORDINANCE REPEALING ORDINANCE 2022-11 BY THE CITY COMMISSION OF THE CITY OF MERCEDES, DEFINING THE VARIOUS KINDS OF SOLID WASTE, THE MANNER AND WHERE IT MUST BE PLACED FOR COLLECTIONS; PROVIDING REGULATIONS FOR COLLECTING SAME AND PROHIBITING THE PLACING OF SOLID WASTE OR ANY ARTICLE OR MATERIAL IN THE STREETS AND ALLEYS OF THE CITY OF MERCEDES, PROVIDING FOR SERVICE CHARGES; PROHIBITING THE MEDDLING, SCATTERING CONTENTS, PILFERING OR JUNKING WITH GARBAGE CONTAINERS, TRASH OR RUBBISH RECEPTACLES, PROHIBITING THE COLLECTION OF GARBAGE, TRASH OR RUBBISH BY OTHER THAN CITY FORCES WITHIN THE CITY LIMITS; PRESCRIBING A PENALTY; PROVIDING A SAVINGS AND REPEAL CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mercedes, Texas adopted Ordinance No. 2022-11 in order to establish minimum criteria and regulations for the orderly disposal, containment, and collection of trash and garbage generated from Mercedes' properties; and,

WHEREAS, the City of Mercedes, Texas adopted Ordinance No. 2022-11 to upgrade the aforementioned regulations to better serve the general public by not having, in certain circumstances, a seemingly continuous flow of trash onto the streets and other properties of Mercedes.

NOW, THEREFORE, BE IT ORDAINED by the City of Mercedes, County of Hidalgo, State of Texas, that:

SECTION 1: This Ordinance shall be known as the "Solid Waste Ordinance of the City of Mercedes". The word "premises" as used in this ordinance shall be taken to mean business houses, boarding houses, offices, theaters, hotels, restaurants, cafes, eating houses, tourist courts, apartments, sanitariums, rooming houses, schools, private residences, vacant lots and all other places within the city limits of the city of Mercedes, where garbage, trash or rubbish accumulates in ordinary quantities.

The various kinds of solid waste shall be defined as follows:

Kitchen garbage as used in this Ordinance is meant dry kitchen refuse, all meat, vegetable and fruit refuse, small dead animals and dead fowls from any premises within the city limits.

Dry kitchen refuse as used in this ordinance is mean the solids after the liquid or slop has been drained off.

Trash as used in this ordinance is meant paper of all kinds, rags, old clothing, paper containers, old rubber, boxes, barrels, crates, feathers, grass, tree limbs from any premise within the city limits.

Rubbish as used in this ordinance is meant tin cans, bottles, glass, scrapes or iron, tin, wire or any other metals from any premises within the city limits.

SECTION 2: It shall be the duty of every person, firm or corporation owning operating, leasing or renting any premises, or any place where “kitchen garbage” accumulates, to provide a portable garbage can and the daily accumulation of kitchen garbage and dry kitchen refuse shall be placed in this garbage can. It shall also be the duty of every person, firm, or corporation owning, managing operating, leasing or renting any premises to place garbage cans inside the curb line of the street at a place designated by the City or by any business designated or contracted by the City.

SECTION 3: Places of wholesale accumulation, such as killing and dressing plants for fowl, wholesale fruit and vegetable houses, storage and other places, where the daily accumulation of kitchen garbage, trash and rubbish is more than the ordinance quantities, are not included in the service furnished by the City.

SECTION 4: Heavy material such as brick, broken concrete, lumber, ashes, clinkers, cinders, dirt and plaster, sand or gravel, automobile frames, dead trees, and other bulky, heavy material shall be disposed at the expense of the owner, by the owner, at a place designated by the City.

SECTION 5: Manure from cow lots, horse stables, poultry yards, pigeon lofts, tires, and waste oils from garages or filling stations shall be disposed of at the expense of the party responsible for same, by that party, in accordance with applicable laws.

SECTION 6: There will be no collection of kitchen garbage, trash or rubbish where same is not prepared for collection and placed as designated by the terms of this failure to comply with this provision will be an offence and each day’s failure to comply will constitute a separate offense and referred to the Municipal court.

SECTION 7: The placing of kitchen garbage, trash or rubbish or any article, thing or material, in any street or alley which may constitute a traffic hazard within the city limits is prohibited.

SECTION 8: The meddling with garbage containers, trash or rubbish receptacles or any other way pilfering, scattering contents or junking in any alley or street within the city limits is prohibited.

SECTION 9: Garbage containers shall be kept in sanitary condition and closed tightly. The contents of all receptacles shall be so protected that the wind cannot blow out and scatter same over streets, alleys and premises of the city.

SECTION 10: Existing hotels, restaurants, cafes, boarding houses, apartments, and tourist camps, have made arrangements for daily collection of trash and general garbage from the solid waste company designated or authorized by the City. Charges for collection shall be made accordingly. The city declares that if it is discovered that should such private arrangements between the above business owners, landlords, or managers and the solid waste company not be sufficient due to consistently overflowing garbage containers, then the City's Health Officer in conjunction with the City Manager's Office, shall have the authority to upgrade the size and/or frequency of the Class I bin container, as described in Attachment "A" to more adequately serve the business owner, tenant(s), and the general public. In this regard and specifically for apartments, the following guideline may be considered in a 'round-up' assessment and in any combination to satisfactorily comply with the intent of this provision: every 4 apartments to have 1 six-yard bin collected three times a week; every 10 apartments to have 1 eight-yard bin collected three times a week; 40 apartments to have 3 six-yard binds collected three times a week. This schedule is a general guideline to more properly assess the garbage needs of the apartments, and is not necessarily a mandate. Finally, in a responsible effort to minimize the effect of the garbage's odor that will emanate to adjoining properties from such bins, the City's Health Official Shall have the delegated authority to relocate the bin or bins to location(s) that will be further distant to adjoining residential structures, and that will also be convenient for all occupants, tenants, and/or the city's solid waste collection company.

SECTION 11: There shall be charges, assessed and collected from each person, firm or corporation within the city limits. The following monthly service charges for garbage will be made in accordance with the attached "Schedule A":

After adoption of this ordinance each business or commercial house will be placed within one of the foregoing classes. The City manager may, from time to time, reclassify any or all business or commercial houses as in his option is just and necessary. The above charges shall be billed each month as a separate item on the water bill of all residences and business or commercial houses having a water meter, and shall be paid contemporaneously with said water bill, otherwise service will be discontinued. In cases where a residence or commercial house has no water meter, said charges shall be billed each month by United States Mail and shall be paid within 15 days from the date of such monthly bill, otherwise service will be discontinued. All sums of money collected hereunder shall go into the General Fund of the City.

SECTION 12: Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not more than \$200.00 and each day such violation continues shall constitute a separate offense.

SECTION 13: The City Inspector and/or Code Enforcement Officer shall have the authority to issue a citation for violation of the terms and conditions of this Ordinance and any subsequent amendments, pursuant to Local Government Code, Chapter 54.

SECTION 14: That all ordinances, or parts of ordinances in conflict herewith are hereby repealed. That if any portion, section, subsection, phrase, sentence, or clause of this ordinance shall be declared invalid for any reason, such invalidity shall not affect the remaining provisions of this Ordinance or their applications to other persons or sets of circumstances, and to this end, all provisions of this Ordinance are declared to be severable.

SECTION 15: That this Ordinance shall become and be effective in accordance with the City Charter of the City of Mercedes, Texas and the laws of the State of Texas. Ordinance 2022-11 is expressly herewith repealed.

PASSED AND APPROVED ON FIRST READING THIS THE 21ST DAY OF MAY, 2024.

PASSED, APPROVED AND ADOPTED ON SECOND READING THIS THE 4TH DAY OF JUNE, 2024.

Oscar D. Montoya Sr., Mayor

ATTEST:

Joselynn Castillo, City Secretary

Martie Garcia-Vela, City Attorney

ATTACHMENT “A”

SCHEDULE OF FEES

(Effective Date: 05/21/2024)

RESIDENTIAL

All permanent living units (Home, Trailer Homes, Apartments, etc.) Street, alley, or central complex pick-up service – Rate: \$12.72 per month per unit
Additional containers shall be charged: \$5.72 per month per unit

COMMERCIAL

Class I

Dumpster Bins – Businesses using dumpster bins will be charged on a monthly basis according to the fees below. Each business will select the dumpster size and pick-up frequency and sign an agreement to that affect.

BIN SIZE	PICK UP FREQUENCY PER WEEK					
	1X	2X	3X	4X	5X	6X
YARDS						
3	\$103.91	\$186.92	\$270.89	\$353.68	\$436.88	\$524.00
4	\$121.08	\$216.74	\$312.68	\$410.20	\$504.57	\$599.89
6	\$154.98	\$276.41	\$399.81	\$259.52	\$645.83	\$767.65
8	\$187.32	\$328.19	\$485.35	\$634.14	\$779.23	\$925.36

Class II

Hand-held Small commercial – a monthly charge of twenty dollars and twenty-two cents (\$20.22) for a single 96-gallon Additional containers will be provided as needed, and an additional charge of \$16.79 per month per cart shall be paid. The containers will be picked up once a week.

Mercedes Baskets Full Inc.
400 W. 6th St.
Po Box 24
Mercedes, TX 78570

05/02/2024

INVOICE

City of Mercedes contribution to Mercedes Baskets Full Inc. food pantry for food distribution to the needy for Mercedes Baskets Full Inc. fiscal year October 2023 through September 2024.

Non departmental budget summary, fiscal year 2022 – 2023, Item Number 01-540-2061.

City of Mercedes contribution: \$20,000.00 (Twenty thousand dollars)

Respectfully submitted,



Ramiro Alvarado,
Mercedes Baskets Full Inc.
(956) 332-6115

~~RAMIRO ALVARADO~~
RAMALVA4@AOL.COM

Mercedes Baskets Full Inc.
400 W. 6th St.
Po Box 24
Mercedes, TX 78570
David Dillon, President, Board of Directors
1 (512) 757-4558

May 3, 2024

2022 – 2023 status report to the City of Mercedes

Once again, the Board of Directors of Mercedes Baskets Full wishes to thank the Mayor, the City Council, and the City Manager for the city's \$20,000.00 dollar contribution for our 2023 – 2024 Fiscal Year.

As you will note in the attached food distribution report, the city's contribution allows our food pantry to distribute food items on a weekly basis to those Mercedes families and individuals in need of assistance.

This year, between October 2022 and end of September 2023 an average of 288 families received food assistance once per month. These 288 Mercedes families consist of an average of 618 adults and 239 children. That is an average of 857 persons served each month.

Application forms are used to establish a family's eligibility and applicants must show proof of address in Mercedes or its Postal Zip Code. Financial eligibility is established through guidelines provided by the Food Bank of Rio Grande Valley and are based on US Federal Poverty Guidelines. Applications are renewed each year in June and July to ensure continued eligibility.

We also serve families on an emergency basis. If a family has suffered loss through fire, or weather-related conditions or a catastrophic loss of income due to illness, we assist for a determined period of time (usually 3 to 6 months) and extend the assistance when the conditions warrant.

Though rare, we have assisted some homeless persons when approached for help.

Volunteers receive orientation on subjects such as non-discrimination, the treatment of applicants, food storage requirements. Though Mercedes Baskets Full does not handle or serve prepared meals, at least one member of the staff must have a Food Handler's Certificate.

36th ANNIVERSARY: Mercedes Baskets Full opened its doors to help those in need on May 16, 1988. It is operated by a board of directors and volunteer workers, none of whom are paid. The board meets quarterly starting in October and volunteers work an average of 6 to 8 hours per week. Recently retired volunteers served those in need at Mercedes Baskets Full for 15 to 25 years. Current volunteers have served from 1 to 17 years with one volunteer currently serving her 30th year.

The City's assistance for our 2023 – 2024 Fiscal Year will allow us to continue serving those Mercedes families and individuals currently on our distribution list and any new applicants that may be added in the future.

Mercedes Baskets Full Inc.
Food Distribution Report October 2022 through September 2023

Month	Families		Adults		Children	
	2022-2023	2023-2024	2022-2023	2023-2024	2022-2023	2023-2024
October	279	326	598	681	66	313
November	280	326	610	687	58	345
December	274	318	604	665	90	294
January	270	301	589	639	275	318
February	283	333	606	701	269	329
March	275	321	587	683	279	287
April	307	325	617	690	322	312
May	301		647		308	-
June	308		665		326	-
July	299		641		305	-
August	277		582		276	-
September	308		672		297	-
Total Families and Individuals Served	3461	2250 To date	7418	4746 To date	2871	2211 To date

The number of Families, Adults, and Children who have applied for food assistance has increased in the last 12 months. We believe this may be due in part to the temporary increase in SNAP benefits and stimulus check distributions being decreased or eliminated altogether coupled with the increased cost of groceries and other goods due to the current economic conditions.

Though the pandemic conditions have decreased, we are aware of the possibilities of RSV, Flu and periodic Covid cases and advise our clients to maintain social distancing on a voluntary basis.

Respectfully Submitted,



Ramiro Alvarado
Vice-President, Mercedes Baskets Full
(956) 332- 6115 ramalva4@aol.com



212 W. 18th St.
Mission, Texas 78572

Phone: (956) 213-9400

Fax: (956) 213-8119

www.advrgv.org

May 6, 2024

Alberto Perez
City Manager
City of Mercedes
400 South Ohio
Mercedes, TX 78570

Dear Mr. Perez:

I hope this letter finds you well. I am writing on behalf of Amigos Del Valle, Inc. Villas Residencial (Casa De Amigos #7) located in the great City of Mercedes. Amigos Del Valle, Inc. is a non-profit organization that provides Senior services such as Congregate Meals, Home Delivered Meals, Housing, and Transportation in the Rio Grande Valley.

This letter is to request assistance in purchasing a new 12 passenger transportation van for the community we serve there at Villas Residencial. As you may be aware, our organization plays a vital role in keeping seniors active and independent for as much as possible by providing the services I mentioned in the paragraph above. Our current transportation van is a 2009 model that was partially funded by the City of Mercedes at that particular time and is now facing much wear and tear. We hope the city would consider assisting us in significantly enhancing our transportation service with hopes of recruiting more seniors to come to Mercedes with much improved transportation for the senior community. The new van would allow us to take seniors to get the necessities they need as well as take fun outings such as the local restaurants, stores, parks, and city events.

If you require any further information or would like to discuss this matter in more detail, please do not hesitate to contact me at 956-213-9400 or aguerra@advrgv.org.

Thank You for considering our request and your support is invaluable to us and greatly appreciated.

Respectfully,

Alejandro Guerra
Executive Director
Amigos Del Valle, Inc.
956-213-9400
aguerra@advrgv.org