

**MERCEDES CITY COMMISSION
REGULAR MEETING
DECEMBER 16, 2020 – 6:00 P.M.
MERCEDES CITY HALL – COMMISSION CHAMBERS**

MEMBERS PRESENT: Oscar Montoya Mayor
Leonel Benavidez Commissioner
Jose M. Gomez Commissioner
Joe Martinez Newly Elected Commissioner
Jacob C. Howell Newly Elected Commissioner

STAFF PRESENT: Sergio Zavala City Manager
Joselynn Castillo City Secretary
Anthony Troiani City Attorney
Mark Sossi City Attorney
Nereida Perez Finance Director (webex)
Hugo Perales I.T Director
Jose Figueroa Public Works Director

1) CALL MEETING TO ORDER

Mayor Montoya called the meeting to order at 6:00 PM

2) ESTABLISH QUORUM

3 members of the Commission were present which constitutes a quorum.

3) INVOCATION

City Manager Zavala said the invocation.

4) PLEDGE OF ALLEGIANCE

Commissioner Gomez led in the Pledge of Allegiance.

5) CANVASS THE RETURNS OF THE 2020 CITY OFFICER’S RUNOFF ELECTION FOR COMMISSIONER PLACE 1 AND COMMISSIONER PLACE 3 AND DECLARING THE RESULTS.

Mayor Montoya stated the following are the official results for the runoff election held Tuesday, December 8, 2020:

COMMISSIONER PLACE 1

<u>NAME</u>	<u>Mail</u>	<u>Early Voting</u>	<u>Election Day</u>	<u>Total</u>	
Melissa Rincon		125	313	120	558
Jacob C. Howell		153	501	148	802

COMMISSIONER PLACE 3

<u>NAME</u>	<u>Mail</u>	<u>Early Voting</u>	<u>Election Day</u>	<u>Total</u>	
David Garza		128	328	101	557
Joe Martinez		149	488	167	804

268 votes were cast on election day; 816 votes were cast during early voting; 278 absentee ballots and no provisional votes were cast.

Jacob C. Howell received the majority of the votes for Commissioner Place 1. Joe Martinez received the majority of the votes for Commissioner Place 3.

6) ADMINISTER THE OATH OF OFFICE TO NEWLY ELECTED COMMISSIONER PLACE 1 AND COMMISSIONER PLACE 3.

Judge Jaime Tijerina, Justice 13th COA administered the Oath of Office to Commissioner-Elect Jose Manuel Martinez Jr.

Judge Patricia Y. O’Cana-Olivarez administered the Oath of Office to Commissioner Elect Jacob C. Howell.

7) DISCUSSION AND POSSIBLE ACTION TO ADJUST THE MEETING ‘START’ TIME FOR REGULAR COMMISSION MEETINGS.

Commissioner Benavidez made a motion to approve changing the meeting start time to 6:00 PM. Commissioner Gomez seconded the motion. Upon a called vote, the motion passed unanimously.

There was discussion regarding moving the meetings to another location, the occupancy and the safety of the citizens.

8) DISCUSSION AND POSSIBLE ACTION ON ORDINANCE TO APPOINT 5 MEMBERS TO THE BOARD OF DIRECTORS TO MERCEDES’ TAX INCREMENT REINVESTMENT ZONE (“TIRZ”) NUMBER ONE.

Mr. Zavala informed the Commission that the members of the TIRZ board is the Commission and one member from the County. With a new Commission newly elected, it is in the City’s best interest to appoint the new Commission to the TIRZ Board of Directors.

Commissioner Benavidez made a motion to approve item 8. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously.

Mayor Montoya called the meeting into Executive Session at 6:32 PM.

9) EXECUTIVE SESSION:

- A. DELIBERATION PURSUANT TO TEXAS GOVERNMENT CODE 551.074 RELATED TO PERSONNEL MATTERS AND THE DESIGNATION OF AN INTERIM CITY MANAGER AND CONSULTATION WITH LEGAL FOR THE PURPOSE OF RECEIVING PRIVILEGED ATTORNEY CLIENT COMMUNICATIONS PURSUANT TO TEXAS GOVERNMENT CODE 551.071;**
- B. DISCUSSION ON PD EQUIPMENT, CAMERAS, RESOURCES AND OPERATIONAL STATUS RELATED TO INTERLOCAL AGREEMENT PURSUANT TO TEXAS GOVERNMENT CODE 551.076. DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS AND CONSULTATION WITH LEGAL FOR THE PURPOSE OF RECEIVING PRIVILEGED ATTORNEY CLIENT COMMUNICATIONS PURSUANT TO TEXAS GOVERNMENT CODE 551.071; AND**
- C. DISCUSSION REGARDING INFORMATION REQUESTED ON THE TERMINATION OF MERCEDES INTERLOCAL AGREEMENT REGARDING PD PURSUANT TO TEXAS GOVERNMENT CODE 551.076. DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDIT AND CONSULTATION WITH LEGAL FOR THE PURPOSE OF RECEIVING INFORMATION REGARDING PRIVILEGED ATTORNEY CLIENT COMMUNICATIONS PURSUANT TO TEXAS GOVERNMENT CODE 551.071.**

Mayor Montoya called the meeting back to order at 7:55 PM.

10) DISCUSSION AND POSSIBLE ACTION ON ITEM 9.A; DISCUSSION AND POSSIBLE ACTION ON ITEM 9.B; AND DISCUSSION AND POSSIBLE ACTION AS TO ITEM 9.C.

- A. Commissioner Benavidez made a motion to table because the issue is lack of experience in the Department Head level and information that they don’t have to make the decision. There was not a second to the motion, therefore; the motion died. Commissioner Martinez made a motion to select Kevin Pagan and have the City Manager and Legal approach him on the terms of the agreement. Commissioner Howell seconded the motion. Upon a called vote, the motion passed. Commissioner Benavidez and Commissioner Gomez voted against. Commissioner Gomez stated he would prefer applicant Juan Guerra.
- B. No action was taken on this item.
- C. No action was taken on this item.

11) ADJOURN

Commissioner Benavidez made a motion to adjourn. Commissioner Martinez seconded the motion. Upon a called vote, the motion passed unanimously. The meeting adjourned at 8:01 pm.