

**MERCEDES CITY COMMISSION
REGULAR MEETING
SEPTEMBER 7, 2021 – 6:00 P.M.
MERCEDES CITY HALL – COMMISSION CHAMBERS**

MEMBERS PRESENT:	Oscar D Montoya	Mayor
	Joe Martinez	Mayor Pro-Tem
	Leonel Benavidez	Commissioner
	Jacob Howell	Commissioner
	Jose M. Gomez	Commissioner
STAFF PRESENT:	Alberto Perez	City Manager
	Anthony Troiani	City Attorney
	Joselynn Castillo	City Secretary
	Kristine Longoria	City Secretary Assistant
	Axel Vallejo	City Manager Secretary
	Javier Chapa	I.T Director
	Ervin Vilchis	I.T Liaison
	Joaquin Hernandez	Public Works Director
	Nereida Perez	Finance Director
	Roy Quintanilha	Chief of Police
	Javier Campos	Fire Chief
	Richard Morin	Recreational Director

1.) CALL MEETING TO ORDER

Mayor Montoya welcomed everyone and called the meeting to order at 6:02 P.M.

2.) ESTABLISH QUORUM

All members of the Commission were present which constitutes a full quorum.

3.) INVOCATION

Mayor Pro-Tem Martinez said the invocation.

4.) PLEDGE OF ALLEGIANCE

Mr. Vernon Hoover led in the Pledge of Allegiance.

5.) OPEN FORUM

- Ms. Joselynn Castillo, City Secretary, read a statement from a citizen regarding the EMS Services. She stated that it is important to continue having EMS and not contract the service out because the citizen lost her mother several years back because the ambulance took 45 minutes to an hour to arrive at her mothers' home.

6.) ITEMS ON THE REGULAR AGENDA

- No one signed up for this item.

Mayor Montoya asked to move item 7(1), 9E and 10D to executive session due to the wording and the previous discussion. Commissioner Benavidez stated that previous contractor for the ARPA is less than the current contractor. Commissioner Benavidez motioned to go into executive session. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously. The Commission went into executive session at 6:11 p.m.

Mayor Montoya called the meeting back to order at 6:56 p.m.

7.) CITY MANAGER COMMENTS

- 1.) UPDATE ON APPROVED CONTRACT FOR CITY ATTORNEY. 2.) UPDATE ON THE AGREEMENT WITH MISD FOR RESOURCE OFFICERS.**

- 1.) Mr. Perez stated that the City Attorney contract has been reviewed by Mr. Troiani and Ms. Garica-Vela has accepted all the recommendations.
- 2.) Police Chief Quintanilha informed the Commission about the agreement with MISD for resource officers. He stated that some of the changes they are recommending is that the MISD pay, not only salaries and overtime, but to pay for cost of fuel, maintenance and to have a 12-month contract. MISD is also requesting another officer. No action is required for City Manager comments.

8.) ORDINANCES AND RESOLUTIONS

A.) PUBLIC HEARING ON THE PROPOSED TAX RATE FOR 2021

Mayor Montoya opened the public hearing at 7:01 p.m. No citizens commented on this item. Mayor Montoya closed the public hearing at 7:04 p.m.

- FORMAL ACTION ON FIRST READING OF ORDINANCE NO. 2021-11 ADOPTING THE 2021 TAX RATE.

Commissioner Benavidez stated that the previous motion was to increase the tax rate by 2 cents and it was changed to 3 cents. Mr. Don Gonzalez updated the commission on collection rate which is calculated at 100 percent, however, the city collection rate is at 95% so the tax rate should be more than 3 cents and include the water and sewer increase. Mayor Pro-Tem Martinez made a motion to approve the first reading of ordinance no. 2021-11. Commissioner Howell seconded the motion. Upon a called vote, the motion passed 3 to 2. Commissioner Benavidez and Commissioner Gomez voted against.

B.) PUBLIC HEARING ON THE PROPOSED BUDGET FOR FISCAL YEAR 2021-2022.

Mayor Montoya opened the public hearing at 7:17 p.m. No comments were made by the public. Mayor Montoya closed the public hearing at 7:20 p.m.

- FORMAL ACTION ON FIRST READING OF ORDINANCE ON. 2021-12 ADOPTING THE BUDGET FOR FISCAL YEAR 2021-2022.

Mayor Pro-Tem Martinez made a motion to approve the first reading of the ordinance adopting the budget for FY 21-22. Commissioner Howell seconded the motion. Upon a called vote, the motion passed 3 to 2. Commissioner Benavidez and Commissioner Gomez voted against. Commissioner Benavidez stated he is not approving because of concerns with Hazardous Conditions in areas where the children are at. He added that the school district is requesting another officer and the city is not making cuts where they can be made.

C.) PUBLIC HEARING ON THE PROPOSED WATER RATES.

Mayor Montoya opened the public hearing at 7:23 p.m. No citizens commented on this item. Mayor Montoya closed the public hearing at 7:27 p.m.

- FORMAL ACTION ON FIRST READING OF ORDINANCE NO. 2021-13 ADOPTING THE WATER AND SEWER RATES FOR 2021.

Ms. Perez clarified that OCL and ICL mean Outside and Inside City limits. Mr. Perez stated that a list of needs was provided to the commission with level of priority listed. Commissioner Benavidez stated that the commission decides how much to increase and does not believe that the city should be going out for loans. Commissioner Howell made a motion to approve. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed 3 to 2. Commissioner Gomez and Commissioner Benavidez voted against.

D.) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2021-25 TO NOMINATE UP TO FIVE CANDIDATES FOR THE ELECTION OF BOARD OF DIRECTORS FOR THE HIDALGO COUNTY APPRAISAL DISTRICT.

Mayor Pro-Tem Martinez made a motion to table. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously.

E.) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2021-26 REQUESTING AUTHORIZATION FOR GATE 160 FROM IBWC.

Mr. Perez stated that the Commission wanted staff to contact IBWC regarding the flood gate. Mayor Pro-Tem Martinez motion to approve. Commissioner Gomez seconded the motion. Upon a called vote, the motion passed unanimously.

F.) CONSIDERATION AND APPROVAL OF A RESOLUTION RELATING TO ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS RELATING TO CONSTRUCTING VARIOUS CITY IMPROVEMENTS FORM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE.

Mr. Perez stated that this item died at the last meeting. Mr. Troiani stated that there is no prevailing party. Two Commissioner's would need to bring it back.

G.) DISCUSSION AND POSSIBLE ACTION TO TEMPORARILY MOVE REGULAR MEETING TIME FROM 6:00 P.M. ON THE FIRST AND THIRD TUESDAY OF THE MONTH TO 6:30 P.M. ON THE FIRST AND THIRD TUESDAY OF THE MONTH.

Commissioner Gomez motioned to approve the time change and recommends making the agenda's shorter. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

9.) MANAGEMENT ITEM(S)

A.) DISCUSSION AND POSSIBLE ACTION ON THE PROPOSED BUDGET FOR DCM FY 21-22.

Ms. Melissa Ramirez informed the Commission about the marketing plan and budget for DCM. Mayor Pro-Tem Martinez made a motion to approve the proposed budget for DCM. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously. Commissioner Benavidez asked about mileage.

B.) DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF NEW APPOINTMENT AND RE-APPOINTMENT OF MEMBERS TO THE KEEP MERCEDES BEAUTIFUL COMMITTEE.

Mayor Pro-Tem Martinez abstained from the vote. Mr. Hernandez stated that there is 1 vacancy and 4 members are going to expire. Ms. Melissa Rincon, Ms. Amenda Martinez, Ms. Laura Lopez and Ms. Cathy Cowden. Ms. Janett Scofield and Ms. Graciela Flores applied to fill the vacancy. Commissioner Benavidez abstained from the vote. Mayor Montoya made a motion reappoint the current members and to have Ms. Graciela Flores fill the vacancy. Commissioner Howell seconded the motion. Upon a called vote the motion passed. Two Commissioners abstained. Commissioner Howell would like the P&Z to amend their bylaws to include more members.

C.) PRESENTATION, DISCUSSION AND POSSIBLE ACTION ON DIRECTING CITY MANAGER AND EDC TO PURSUE BIG BOX RETAIL STORES TO CREATE JOBS AND IMPROVE THE QUALITY OF LIFE TO MERCEDES RESIDENTS.

Commissioner Howell addressed the Commission regarding the city's finances. He stated he wants to help move the city forward. He believes in increasing big box stores will create jobs. Commissioner Howell would like to direct the City Manager and EDC to go after more chain stores to bring them to Mercedes. Commissioner Benavidez made a motion to approve. He then amended his motion to include reports. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

D.) DISCUSSION AND POSSIBLE ACTION ON DIRECTING CITY MANAGER AND LEGAL TO NEGOTIATE WITH OUTLET MALL OWNERS ON THE CITY YEARLY SALES TAX PAYMENT WITH CONSIDERATION OF THE CURRENT ECONOMY AND CONTINUES COVID VARIANT IMPACT.

Mr. Perez informed the Commission about the letter that will be sent to the Outlet mall. It has been reviewed and approved by legal and the request is to change the amount of payment. Commissioner Howell made a motion to approve. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

E.) DISCUSSION AND POSSIBLE ACTION FOR THE COMMISSION TO REVIEW AND DETERMINE PAYMENT STRUCTURE AMOUNT FOR AMERICAN RESCUE PLAN AND OTHER GRANTS INITIATED BEFORE BORDER AFFAIRS, LLC CONTRACT WITH THE CITY OF MERCEDES.

Commissioner Benavidez stated he placed the item on the agenda because the ARPA funds was approved prior to the Border Affairs contract for grant writing. It was stated that the work is not only to the funds approved but the management of the monies after they arrive. Commissioner Benavidez made a motion to direct legal team to review and see if there is anything they can negotiate and possible bring it back in executive session and have border affairs available. City Attorney recommended to amend his motion and instruct legal to review the payment and bring it back to the Commission. Commissioner Benavidez amended his motion to approve with legal recommendation. The motion died due to the lack of a second.

F.) DISCUSSION AND POSSIBLE ACTION TO CONSIDER SPONSORING THE MERCEDES TIGER BAND.

The Mercedes Tiger Band Booster submitted a request for sponsorship of \$200.00. Commissioner Howell made a motion to approve. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously. Commissioner Gomez stated that the City does not have funds for the sponsorship. Mayor Montoya stated he would provide the funds for the sponsorship.

10.) BIDS/CONTRACTS

A.) DISCUSSION AND POSSIBLE ACTION ON A CONTRACT FOR CITY OF MERCEDES COPIER SERVICES.

Mr. Chapa addressed the Commission regarding Copier services. Mr. Chapa informed the Commission about the price of contract, price per copy, service and equipment. The bidders were Ricoh, Laser Lux, and A&A Copier & Supplies. Mr. Chapa recommends going with the lowest bidder which is Ricoh. Mayor Pro-Tem Martinez made a motion to go with Laser Lux. Commissioner Gomez seconded the motion. Upon a called vote, the motion passed unanimously.

B.) DISCUSSION AND POSSIBLE ACTION ON A CONTRACT FOR INTERNET SERVICES.

Commissioner Benavidez made a motion to approve SmartCom @ 50 MB. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

C.) DISCUSSION AND POSSIBLE ACTION TO APPROVE THE SUBAWARD AGREEMENT BETWEEN THE CITY OF MERCEDES ON BEHALF OF THE MERCEDES POLICE DEPARTMENT AND THE INSTITUTE FOR INTERGOVERNMENTAL RESEARCH (IIR) IN THE SOUTHWEST BORDER RURAL LAW ENFORCEMENT ASSISTANCE PROGRAM.

Commissioner Benavidez made a motion to approve the agreement and authorize the City Manager to sign. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

D.) DISCUSSION AND ACTION TO (MOTION FOR RECONSIDERATION) ON MARTIE GARCIA VELA P.C. EMPLOYMENT CONTRACT WITH THE CITY OF MERCEDES.

Commissioner Gomez stated that there were issues with the contract and added that the Commission should have reviewed the contract, discussed and then move forward. It was stated that the contract was reviewed by legal and Ms. Garcia-Vela agreed to the

recommendations by legal and the contract was corrected. Commissioner Gomez made a motion to reconsider the contract with Ms. Garcia-Vela. Commissioner Benavidez seconded the motion. Upon a called vote, the motion failed. Commissioner Howell, Mayor Pro-Tem Martinez, and Mayor Montoya voted against. Commissioner Benavidez stated that they did not have the contract prior to the meeting and added that it's a concern and there are red flags. Mr. Troiani stated he has reviewed the contract and provided his recommendation regarding records and insurance. Ms. Garcia-Vela stated she complied with the recommendations by legal.

11.) FUTURE AGENDA ITEMS

The Commission would like a leakage report, flood gate resolution update and to upload the packages to the website.

Mayor Montoya called the meeting into executive session at 8:51 P.M.

12.) EXECUTIVE SESSION

A.) DISCUSSION REGARDING PROJECT MD PURSUANT TO TEXAS GOV'T CODE 551.087 ECONOMIC DEVELOPMENT

B.) DISCUSSION REGARDING PROJECT TRAVEL CENTER PURSUANT TO TEXAS GOV'T CODE 551.087 ECONOMIC DEVELOPMENT.

C.) DISCUSSION WITH ATTORNEY PURSUANT TO TEXAS GOVERNMENT CODE 551.071(1)(A) REGARDING LITIGATION, AND PURSUANT TO TEXAS GOVERNMENT CODE 551.071(2) TO RECEIVE LEGAL ADVICE AND INFORMATION PROTECTED BY THE ATTORNEY CLIENT PRIVILEGE REGARDING PENDING MATTERS AND HOW TO PROCEED.

Mayor Montoya called the meeting back to order at 9:49 p.m.

Commissioner Howell requested an update from finance on how we are on the budget for future agenda items.

13.) OPEN SESSION

A.) DISCUSSION AND POSSIBLE ACTION ON EXECUTIVE SESSION ITEM A.

B.) DISCUSSION AND POSSIBLE ACTION ON EXECUTIVE SESSION ITEM B.

C.) DISCUSSION AND POSSIBLE ACTION ON EXECUTIVE SESSION ITEM C.

13A) Mayor Pro-Tem Martinez made a motion to proceed as discussed in executive session. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously.

13B) Mayor Pro-Tem Martinez made a motion to approve as discussed in executive session. Mayor Pro-Tem Martinez rescinded his motion to approve the \$200k incentive for project travel center and to break ground by the first quarter of 2022. Commissioner Howell seconded. Upon a called vote, the motion passed unanimously.

13C) Commissioner Benavidez moved for Troiani and Sossi to continue the cases they are working on and Ms. Garcia Vela to work on the new cases. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

14.) ADJOURNMENT

Commissioner Benavidez motion to adjourn. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously. The meeting adjourned at 9:51 p.m.