

**MERCEDES CITY COMMISSION  
REGULAR MEETING  
FEBRUARY 1, 2022 – 6:30 P.M.  
MERCEDES CITY HALL – COMMISSION CHAMBERS**

<b>MEMBERS PRESENT:</b>	Oscar D. Montoya Sr.	Mayor
	Jose Martinez	Mayor Pro-Tem
	Leonel Benavidez	Commissioner
	Jacob Howell	Commissioner
	Jose M. Gomez	Commissioner
<b>STAFF PRESENT:</b>	Alberto Perez	City Manager
	Martie Garcia-Vela	City Attorney
	Joselynn Castillo	City Secretary
	Javier Ramirez	Asst. City Manager
	Joaquin Hernandez	Public Works Director
	Blanca Sanchez	Interim Police Chief
	Nereida Perez	Finance Director
	Richard Morin	Recreation Director
	Orlando Diaz	Sergeant
	Ervin Vilchis	I.T Director
	Kristine Longoria	Asst. City Secretary

**OTHERS PRESENT:** Jovana Garcia (Candidate), Emily Hernandez (MECA Student), Noe Garcia (MECA Student), Marina Tamez (MECA Student), Edward Martinez (MECA Asst. Principle), Hiram Gutierrez (Delqt. Tax Attorney), Isaac Huacuja (City Engineer), David Garza (Resident)

**1.) CALL MEETING TO ORDER**

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

**2.) ESTABLISH QUORUM**

Four members of the Commission were present. Commissioner Benavidez arrived during open forum which constitutes a full quorum.

**3.) INVOCATION**

Mayor Pro-Tem Martinez said the invocation.

**4.) PLEDGE OF ALLEGIANCE**

Commissioner Gomez led in the Pledge of Allegiance.

**5.) OPEN FORUM**

- Ms. Jovana Garcia expressed her concerns with drainage issues throughout the City. She provided recommendations to assist with the drainage issues. She recommended cisterns and permeable pavement. Ms. Garcia spoke about the city parks and the concern to include ADA compliant equipment.

Commissioner Howell motioned to move to item 10H. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

**10H.) DISCUSSION AND POSSIBLE ACTION TO APPROVE THE MERCEDES EARLY COLLEGE STUDENTS TO POST POSITIVE SIGNS AROUND THE CITY OF MERCEDES.**

Commissioner Howell motioned to approve. Ms. Emily Hernandez, Noe Diaz, Mariana Tamez from Mercedes Early College Academy. Proposed putting posters of positive messages around the City. To encourage citizens to be better. Asst. Principle of Mercedes Early College informed the Commission about the request from the students to put the positive messages out. Mr. Perez stated that any signs would need to follow the regulations. Mayor Pro-Tem Martinez seconded. Mayor Montoya congratulated

the students on their leadership and their presentation. Commissioner Howell expressed how proud he was of the students. Upon a called vote, the motion passed unanimously.

**6.) Presentations:**

**a. PRESENTATION BY PERDUE, BRANDON, FIELDER, COLLINGS & MOTT, LLC.**

Mr. Hiram Gutierrez presented to the Commission the delinquent tax from 10/1/2020 to 9/30/2021. He stated they have mailed over 3,000 letters on the delinquent taxes. They have entered 18 payment agreements. Payment agreements in \$20,963. Six properties went for tax sales and payments were made in full in the amount of \$22,866.97. Mr. Gutierrez stated they are the bankruptcy representative for the City. There have been collections for the City in the amount of \$257,459. The First quarter of the fiscal year 10/1/2021 to 12/31/2021 there was a collection of \$62,158. At a question, Mr. Gutierrez stated that the mailed responses are minimal and move to the next step of home visits. He added that most of the delinquencies are from elderly population that are on deferrals due to age. There are two ways to tackle the delinquent tax roll, by dollar amount and years of delinquency. Mr. Gutierrez explained the deferral process and the process to remove a deferral. The City Collection is about 20 percent. At a question, Mr. Gutierrez stated that there are orphan accounts, they are working with the appraisal district to clean up the accounts. Commissioner Gomez stated that the City should not be in the business of taking properties away. Commissioner Howell stated for the record, at the last moment it's either the court house or the city takes it over and it's about finding solutions to get the job done. Mr. Gutierrez stated that the county developed a program that will allow the people to pay that became delinquent due to COVID. Mayor Pro-Tem Martinez wants an analysis of the properties that are delinquent and abandoned and to take that property and make something good. Commissioner Benavidez noticed that there are no previous years and would like the report from previous years prior to the pandemic. Mr. Gutierrez provided a report of collection from 2014 to 2021 for a comparison of the years and amounts collected.

**b. UPDATE ON STATUS OF CURRENT TCEQ VIOLATIONS TO ENSURE COMMUNITY SAFETY AND SUPPORTING FUTURE DEVELOPMENT.**

Mr. Ramirez informed the Commission of the TCEQ violations. The clarifier, the oxidation ditch. The clarifier has ground water infiltration which is a violation. At a question, Mr. Isaac Huacuja stated that the clarifier has been out of service for about a decade. The mechanism inside needs to be replaced. Mr. Huacuja stated it would take a few months to repair. The clarifier provides about 1 Million gallons. Mr. Ramirez stated that if this clarifier is back in service will bring the City back to where the city should be. At a question, Mr. Perez stated that this was part of the self-reporting to TCEQ. Mr. Perez stated that the majority of the issues have been corrected and there are currently four issues still pending to be fixed. Mr. Huacuja stated that during his tenure he had not been asked to look at the issue with the clarifier until Mr. Perez came in. The last potential violation is the drying beds. All waste needs to be put through a treatment process and cannot be dumped. Commissioner Benavidez stated that the issue is unacceptable. The violation has been an issue since 2018 and now the City is acting to address the issue by cleaning it out. Mr. Ramirez stated that they are requesting an extension for an additional four months.

**7.) CONSENT AGENDA**

**a. APPROVAL OF MINTUES FOR MEETING(S) HELD NOVEMBER 23, 2021, DECEMBER 21, 2021, JANUARY 4, 2022 & JANUARY 18, 2022.**

**b. APPROVAL OF AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY**

Mayor Pro-Tem Martinez made a motion to approve item A and B and move up item 9B. Commissioner Howell seconded. Commissioner Benavidez stated that there was verbiage by the mayor regarding HB 2840 and would like to add to the minutes. Mayor Pro-Tem Martinez rescinded his motion to approve with changes. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously.

**9B.) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2022-01 APPROVING THE TEMPORARY CLOSURE OF THE STATE RIGHT-OF-WAY.**

Mayor Pro-Tem Martinez made a motion to approve. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously. Commissioner Gomez asked about overtime. Interim Police Chief Sanchez stated that all intersections need to be covered and the employees on shift are only 4 to 5 employees so the other shifts will need to be present at the parade.

**8.) CITY MANAGER COMMENTS:**

**1.) UPDATE ON PARKS BOARD**

Mr. Perez stated the city will be advertising the opening on the park board.

**2.) ARP FUNDS UPDATE**

There was a presentation on the check of the ARP funds. Mr. Perez stated that the amount awarded was to be split in two payments. The first amount was \$2 Mil and the next amount is \$2 Mil.

**3.) UPDATE ON NEW PW EQUIPMENT**

Mr. Hernandez informed the Commission of the equipment that has arrived that was purchased with CO funds. The paver, roller, sweeper and lift were purchased. The lift can be used for several projects. New toolboxes and tools were purchased for the employees to use at work. The grapple for the backhoe will be used to pick up bulky items, the diagnostics tablet was purchased for the mechanics. Mr. Perez stated that the employee safety is of concern and the new equipment will help and be more efficient. The equipment does have warranty. Mayor Pro-Tem Martinez would like to look at the extension to clean out some of the ditches.

**9.) ORDINANCES/RESOLUTIONS:**

**a. DISCUSSION AND POSSIBLE ACTION ON FIRST READING OF ORDINANCE NO. 2022-01 REGARDING THE 2022 CITY COMMISSION ELECTIONS FOR PLACE 2 AND PLACE 4.**

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

b. This item was discussed earlier in the meeting

**c. DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 2022-02 ADOPTING THE WORK PLAN FOR URBAN COUNTY PROGRAM YEAR 35 (2022)**

Mayor Pro-Tem Martinez motioned to approve resolution. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously.

**10.)MANAGEMENT ITEMS:**

**a. DISCUSSION AND POSSIBLE ACTION TO SELECT A VEHICLE MONITORING AND DATA SERVICES PROVIDER.**

Mr. Ramirez recommends Verizon for monitoring and data service providers for city vehicles. Mayor Pro-Tem Martinez made a motion to approve going with Verizon. Commissioner Benavidez seconded. This will track the driving habits for the city employees. Commissioner Howell asked if this will help save the city money by tracking their driving. The services will include five tablets for free and \$30 per month for service. Mr. Perez stated that this item has been on the agenda several times but were looking for better alternatives. Upon a called vote, the motion passed unanimously.

**b. DISCUSSION AND POSSIBLE ACTION TO SOLICIT REQUEST FOR QUALIFICATIONS FOR SPECIALIZED ENGINEERING SERVICES.**

Mr. Ramirez stated that the City is on the verge to experience rapid growth. All the growth is coming to a concentrated area that lacks infrastructure. Commissioner Howell motioned to approve. The motion dies for lack of second. No further motions were made.

**c. DISCUSSION AND POSSIBLE ACTION TO AUTHROIZE CITY MANAGER TO SEEK I.T CONTRACTING SERVICES.**

Mr. Perez stated that the City does not have an IT director and the city needs expertise. Mr. Perez is looking to go out to provide services to take care of the servers.

Commissioner Benavidez made a motion to approve and come back and report.

Commissioner Howell seconded. Mayor Pro-Tem Martinez asked how its being advertised. The position has been posted and are now being posted on indeed.

Commissioner Benavidez amended his motion to approve and to post in the local newspaper. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

**d. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PURCHASE OF AMI WATER METERS.**

Mr. Ramirez stated that the city currently has mechanical meter. The accuracy slows down over time. There is an ultrasonic meter that is in stock and at the same price as the current. Mr. Ramirez stated that this is for new installations only and will not be replacing all meters. Commissioner Benavidez made a motion to approve. Mayor Pro-Tem Martinez seconded. This meter is more modern and efficient. The vendor has enough for the 51 installations. At a question, Mr. Ramirez stated that there is warranty on the current meters but the new meter is for new installations not to replace the current meters. Mr. Perez stated that the employees have to redo the work because the readings are wrong. The current meters vendor does not have meters to replace any bad meters so purchasing the new meters will help get meters for the residents waiting to get one. Upon a called vote, the motion passed unanimously.

**e. DISCUSSION AND POSSIBLE ACTION TO CREATE A BUSINESS SERVICES TAB LINK ON THE CITY OF MERCEDES WEBSITE THAT PROVIDES INSTURCTIONS, INFORMATION AND HELPFUL RESOURCES FOR BUSINESS OWNERS.**

Commissioner Benavidez stated he put this on the agenda. Other cities provide this to assist with information for new business. There are tabs on how to start a business, small business owners. Mayor Pro-Tem Martinez motioned to approve. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously.

**f. DISCUSSION AND POSSIBLE ACTION ON DAVID GARZA’S REQUEST FOR DE-ANNEXATION.**

Commissioner Benavidez motioned to untable. Commissioner Gomez seconded. Upon a called vote, the motion passed unanimously.

Commissioner Benavidez brought the item back to see where the city is at for this request from Mr. David Garza. Mr. Garza stated this was the second time he requested to be placed on the agenda. Commissioner Benavidez stated that he was tagged by Mr. Garza and took initiative to place the item on the agenda. Commissioner Gomez co-signed because the item was placed on the agenda and no action was taken. Mr. Perez stated that Mr. Garza was placed on the agenda in November. Mr. Perez stated that there is a way to get Mr. Garza services but needs to get the easements from neighbors to go and put the line in the easement. Mr. Garza stated he is asking for de-annexation not for services. There was discussion on the length of time it has taken to give Mr. Garza services. Mr. Perez stated that there was no record of a request for permits from Mr. Garza. Mr. Perez asked if Mr. Garza would give up his easement if he wants to proceed with the de-annexation to provide services to properties further west. Mayor Montoya stated it was wrong that nothing was done in the past but are looking at providing services now.

Commissioner Benavidez motioned for City Manager to prepare the documentation necessary to de-annex Mr. Garza with Legal team for the easement. If there is no easement there is no de-annexation. Commissioner Howell seconded. Upon a called vote, the motion passed. Mayor Pro-Tem Martinez voted against. Commissioner Benavidez amended his motion to gather the information on paper and review at the next regular meeting. Commissioner Howell seconded. The motion passed 4 to 1. Mayor Pro-Tem Martinez voted against.

**g. DISCUSSION AND POSSIBLE ACTION TO GET THE SERVICE STATUS OF PROPERTIES THAT HAVE BEEN ANNEXED AND PROVIDE SERVICES ACCORDINGLY.**

Commissioner Benavidez would like to gather the information to know the status of the residents still needing city services. He wants to see if there are any other subdivisions that are having the same issue as Mr. Garza and Capisallo Terrace. Commissioner Benavidez made a motion for the City Manager to do the research and gather the data. Commissioner Gomez seconded. Upon a called vote, the motion passed unanimously.

**h. This item was discussed earlier in the meeting.**

**i. DISCUSSION AND POSSIBLE ACTION TO DIRECT CITY MANAGER TO WORK ON DEVELOPING A PAY SCALE THAT IS COMPETATIVE AND THAT CAN BE SUPPORTED BY OUR BUDGET.**

Mayor Pro-Tem Martinez asked the City Manager to do an analysis of the pay grade to make sure the staff is being paid accordingly. Commissioner Benavidez made a motion to approve. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously. Commissioner Howell would like the talent to stay in Mercedes.

**j. DISCUSSION AND POSSIBLE ACTION TO DIRECT CITY MANAGER TO SOLICIT RFP'S FOR REPAIRS, MAINTENANCE, AND INSPECTION OF MERCEDES ELEVATED STORAGE TANKS.**

Commissioner Benavidez motioned to approve. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

**11.) EXECUTIVE SESSION**

Commissioner Benavidez motioned to go into executive session. Commissioner Howell seconded. called the meeting into executive session at 8:19 p.m.

**a. DISCUSSION REGARDING DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER – SECTION 551.074 TEXAS GOV'T CODE ANNOTATED – PERSONNEL MATTERS.**

**b. CONSULTATION WITH ATTORNEY REGARDING UPDATE ON LEGAL MATTERS – SECTION 551.071 TEXAS GOV'T CODE ANNOTATED – CONSULTATION WITH ATTORNEY**

**c. DISCUSSION REGARDING PROJECT MD – SECTION 551.087 TEXAS GOV'T CODE ANNOTATED – ECONOMIC DEVELOPMENT**

**d. DISCUSSION REGARDING PROJECT J. DUENAS – SECTION 551.087 TEXAS GOV'T CODE ANNOTATED – ECONOMIC DEVELOPMENT.**

Mayor Montoya called the meeting back to order at 9:37 P.M.

**12.) OPEN SESSION: DISCUSSION AND POSSIBLE ACTION ON ITEMS LISTED IN EXECUTIVE SESSION.**

**a. No action was taken on executive session item a.**

**b. Commissioner Benavidez made a motion to proceed with the directive as discussed in executive session. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.**

**c. Commissioner Howell motioned to instruct the City Manager to proceed as discussed in executive session. Commissioner Benavidez seconded. Upon a called vote the motion passed 4 to 1. Commissioner Gomez voted against.**

- d. Commissioner Benavidez made a motion to approve the loan in the amount of \$50,000. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously.

**13.)ADJOURNMENT**

Mayor Pro-Tem Martinez made a motion to adjourn. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously. The meeting was adjourned at 9:39 P.M.