

**MERCEDES CITY COMMISSION
REGULAR MEETING
OCTOBER 19, 2021 – 6:30 P.M.
MERCEDES CITY HALL – COMMISSION CHAMBERS**

MEMBERS PRESENT:	Oscar D. Montoya Sr.	Mayor
	Joe Martinez	Mayor Pro-Tem
	Leonel Benavidez	Commissioner
	Jose Gomez	Commissioner
	Jacob Howell	Commissioner
STAFF PRESENT:	Alberto Perez	City Manager
	Martie Garcia Vela	City Attorney
	Joselynn Castillo	City Secretary
	Joaquin Hernandez	Public Works Director
	Javier Chapa	I.T Director
	Marisol Vidales	Library Director
	Ervin Vilchis	I.T Liaison
	Nereida Perez	Finance Director
	Axel Vallejo	City Manager Secretary
	Martin Johnson	Asst Rec. Director

1.) CALL MEETING TO ORDER

Mayor Montoya called the meeting to order at 6:30 pm.

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

Commissioner Benavidez led in the Pledge of Allegiance.

5.) OPEN FORUM

- Ms. Yolanda Molina thanked the department of maintenance due to their wonderful job of cleaning the sidewalk. She expressed her concern with the City not having funds but providing funding to organizations. Ms. Molina stated the commission is to take care of the people and added that the citizens do not matter to the employees. Ms. Molina said the citizens are the ones signing the employee's paychecks. The Commission was selected by the people. She added that what you do during your time is what is important.

6.) PRESENTATIONS:

A.) PRESENTATION BY HIDALGO COUNTY REGARDING THE SCOFFLAW PROGRAM (HIDALGO COUNTY)

Chief Quintanilha stated that the Commission asked the City look into Scofflaw. Ms. Claudia Salinas from Hidalgo County Scofflaw presented the Program to the Commission. The Program is a state opted program that allows the state to deny vehicle registrations. There are 11 cities enrolled in the program. Mr. Worthy stated it would be \$20.00 per case. The \$20 service fee is added to the citation amount and the constituent would be paying that fee not the City. Commissioner Benavidez stated that his concern would be the time of adjustment for the constituents. Mr. Quintanilha stated that there is over \$346,000 in outstanding fines. In 2000, the city had over \$700K in outstanding fines. This is the alternative to putting someone in jail. Under the agreement, it indicates the judge may dismiss the \$20.00 fee. Mr. Worthy stated the program is very user friendly. Mr. Santos Castilleja graciously invited the Commission to join the program and the City's get about 30% of the delinquencies back. Transportation Code 702 was read to the Commission. This is for a traffic law violation only. A resolution will need to be passed along with the credit card authorization. All peace officers will need to provide a warning that their vehicle may not be registered. Chief Quintanilha recommended to move to Item 9A and 11A. Commissioner Howell made a motion to move to item 9A. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

At this time the Commission moved to item 9A.

B.) PRESENTATION ON THE MAINTENANCE OF DRAINAGE CANALS (PW DIRECTOR)

Mr. Joaquin Hernandez presented to the Commission the maintenance of the drainage ditches. He provided a map of the drainage ditches that belong to the drainage district and irrigation district. Mr. Hernandez informed the Commission of the depth and width of the ditches and provided the reach of the excavators. The city does not have a long arm mower. Orange street ditch will need permission from the school district to go onto their property to clean but will only be able to do half of the ditch. Commissioner Benavidez wants an efficient solution to maintain the ditches on the water flow. It was more cleaning out the ditches not really excavating and also to prim the areas. Mayor Montoya stated that once the excavator is up and running then it needs to go back to Collier Park and finish that project first. Commissioner Benavidez stated that interlocal is not for maintaining the entire ditch only where the water flows in and out. Commissioner Benavidez stated that the City is not providing the Commission with options like attachments to the equipment.

7.) CONSENT AGENDA:

A.) APPROVAL OF MINUTES FOR MEETING(S) HELD AUGUST 13, 2021 AND AUGUST 17, 2021.

B.) APPROVAL TO REAPPOINT EXISTING MEMBER TO THE MERCEDES HISTORIC PRESERVATION COMMISSION (MHPC)

C.) APPROVAL OF ITEMS FOR SURPLUS.

D.) APPROVAL OF 4TH QUARTERLY INVESTMENT REPORT

Mayor Pro-Tem Martinez made a motion to approve. Commissioner Howell seconded. Commissioner Benavidez asked about the \$273K amount withdrawn on the Quarterly investment report. Ms. Perez stated that was for the bond payment. Bond payments are made in February and August. Upon a called vote, the motion passed unanimously.

8.) CITY MANAGER COMMENTS:

A.) UPDATE ON STATUS OF MASTER DRAINAGE PLAN, DEVELOPMENT OF COST ESTIMATES FOR STREET, WATER DISTRIBUTION AND WATER COLLECTIONS (SEWER) IMPROVEMENTS (COMM. HOWELL & MARTINEZ). B.) UPDATE ON WORKER'S COMPENSATION AGREEMENT WITH MONTALVO INSURANCE.

A.) Mr. Isaac Huacuja updated the Commission on drainage mapping that the city undertook. The Drainage GIS Mapping, the city is between 30 and 50% complete. The report was submitted to the Texas Water Development board. Mr. Huacuja provided examples of the mapping for pipes, manholes, and inlets. The pipe will include what its made of, the length, material, diameter, flow up stream, etc. The Southwest quadrant has been mapped and working on the north west quadrant and then will proceed with the other quadrants. The mapping will help identify drainage issues and problem areas and the areas lacking storm drainage. The performance period should end in March 2022 but should be complete before then. He also provided the street paving assessment for capital improvement plan. Mr. Huacuja stated the city should have a 5 year improvement plan. They discussed prioritizing 5 to 6 streets. Mayor Pro-Tem Martinez would like a priority list of the streets he added Washington street by the school. The City needs to select how much funding will be allocated to streets, drainage, etc. Commissioner Benavidez asked for some of the data to come back to the Commission for action. Mr. Huacuja informed the Commission of the Water Distribution system assessment and Sanitary Sewer Collection system assessment. He stated the Commission need to consider the fluctuation of prices. Mayor Montoya asked if the GIS mapping system software is being purchases so that our system is always up-to-date. The GIS mapping is only for storm sewer system and once completed will move to the water distribution and sanity sewer system. The GIS mapping will be sent to be filed with the state and will be a live-in working document where the city can update as the city installs more lines.

B.) No action

9.) ORDINANCE/RESOLUTIONS:

A.) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 2021-31 AUTHORIZING THE CITY OF MERCEDES TO EXECUTE THE INTERLOCAL AGREEMENT WITH THE COUNTY OF HIDALGO AS IT RELATES TO SCOFFLAW. (POLICE CHIEF)

The system will still need to be integrated and it will not happen overnight. It will need to go to Commissioner's Court for approval as well. Commissioner Howell motion to approve and move forward

with the process. Commissioner Benavidez seconded the motion and the public is priority and to notify the public. This is strictly for moving violations. There is an out clause in the agreement. Upon a called vote, the motion passed unanimously.

At this time, Commissioner Benavidez made a motion to move to Item 11A. Commissioner Gomez. Seconded. Upon a called vote, the motion passed unanimously.

B.) 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 FROM 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. Bobby Villarreal and Don Gonzalez with Estrada Hinojosa. Mr. Villarreal moved to Page 2 of the handout he provided to the Commission. Mr. Villarreal stated the City adopted the 3.92 and the 13.00 water increase. Slide 3 includes the bond proceeds which are \$8.2 Million and provided the breakdown. The two bids were received by Amegy Bank and Loan Star National Bank. The rates for Amegy bank is 2.45 percent and Loan Star National Bank cannot refinance until 7 years. Amegy bank has the lower interest rate and has favorable terms to refinance. Slide 4 – The scenarios were run at 4%- the Principal and interest payments. Column 1 is the self-supporting debt will help the utilities sustain itself. Mr. Villarreal stated the Commission voting on the bank. Commissioner Howell motion to go with Amegy Bank. Mayor Pro-Tem Martinez seconded. Commissioner Gomez stated he voted against the CO's and asked Legal if there are issues with him voting. Upon a called vote, the motion passed unanimously.

C.) CONSIDERATION OF BIDS RELATING TO THE SALE OF OBLIGATIONS DESIGNATED AS "CITY OF MERCEDES, TEXAS COMBINATION TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2021", CONSIDERATION AND APPROVAL OF FINANCIAL ADVISOR'S RECOMMENDATION CONCERNING THIS MATTER; AND OTHER MATTERS IN CONNECTION THEREWITH.

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

D.) CONSIDERATION AND APPROVAL OF AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF MERCEDES, TEXAS COMBINATION TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2021", PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND FURTHER SECURING SAID CERTIFICATES BY A LIEN ON AND PLEDGE OF THE PLEDGED REVENUE S OF THE SYSTEM; AUTHORIZING THE EXECUTION OF ANY NECESSARY ENGAGEMENT AGREEMENTS WITH THE CITY'S FINANCIAL ADVISORS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro-Tem Martinez made a motion to approve. Commissioner Howell seconded. Upon a called vote, the motion passed unanimously. Mr. Gonzalez and Mr. Villarreal thanked the Commission and commended the City Manager and Finance Director for their work.

E.) DISCUSSION AND POSSIBLE ACTION TO DIRECT CITY MANAGER TO WORK WITH LEGAL TO DEVELOP TRAINING FOR CITY COMMISSION ON ROBERTS RULES OF ORDER (COMM. MARTINEZ & HOWELL)

Mayor Pro-Tem Martinez informed the Commission about attending the TML meeting. He attended a meeting on Robert's Rules of Order the section 2.11 subsection B. He would like a more structured meeting. Mayor Pro-Tem Martinez made a motion to have the City Manager get with legal to have a workshop on Robert's Rules of Order. Commissioner Gomez asked if legal will charge at which Ms. Garcia-Vela will be providing the workshop at no cost. Commissioner Howell seconded. Upon a called vote, the motion passed unanimously.

10.) ACTION ITEM(S):

A.) DISCUSSION AND POSSIBLE ACTION ON FUNDING REQUEST FROM VIDA

Mr. Perez stated that VIDA is asking for \$50K but it recommending \$20K. Commissioner Benavidez

made a motion to approve the \$20,000. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

B.) DISCUSSION AND POSSIBLE ACTION TO ALLOW THE PROPOSED DEVELOPMENT FOR WINSTON TRACT TO BE FILED WITH THE CITY OF WESLACO & HIDALGO COUNTY FOR SUBDIVISION REVIEW. (PW DIRECTOR)

Mr. Hernandez presented a development that is south of Mira Vista phase II. The City of Mercedes will not review the development plans. Commissioner Howell made a motion to approve. Mayor Pro-Tem Martinez seconded the motion. Commissioner Gomez asked if it would benefit Mercedes or Weslaco more. Mr. Hernandez stated that the proposed lots that fall within the City of Mercedes will be the City of Mercedes. The City of Weslaco and the City of Mercedes do not have the same requirements. The taxes will still come to the City of Mercedes. Water and sewer will be provided by Weslaco. Upon a called vote, the motion passed unanimously.

C.) DISCUSSION AND POSSIBLE ACTION TO ADDRESS SAFETY HAZARDS IN CITY PARKS INCLUDING PLAYGROUND EQUIPMENT (COMM. BENAVIDEZ & GOMEZ)

Commissioner Benavidez stated he is emphasizing on the playground equipment due to the sets being rusted or molded. He would like to maintain the walking trails and the playground equipment. If there is equipment that we cannot get to then put tape around it. Commissioner Gomez expressed his concern on the playground equipment which are rusted and sharp. If the equipment is dangerous then the City should go and close them off and possibly replace certain sections. Mr. Hernandez stated there are \$30K for park maintenance which include restroom maintenance, lights, graffiti, and playgrounds. Commissioner Benavidez made a motion to do an assessment to address safety hazards at city parks. Commissioner Gomez seconded. Upon a called vote, the motion passed unanimously.

D.) DISCUSSION AND POSSIBLE ACTION TO MEMORIALIZE MERCEDES RESIDENTS WHO HAVE DIED DUE TO COVID-19. (COMM. BENAVIDEZ & GOMEZ)

Commissioner Benavidez asked to recognize the Citizens that have passed away from COVID perhaps have a plaque with the amount of deaths. Commissioner Benavidez motioned to direct management to create a committee to come up with options and cost and to have two community members. Commissioner Gomez seconded. Upon a called vote, the motion passed unanimously.

11.) BIDS/CONTRACTS:

A.) DISCUSSION AND POSSIBLE ACTION ON ENTERING INTO AN AGREEMENT WITH THE COUNTY OF HIDALGO, TEXAS TAX ASSESSOR COLLECTOR, HAMER ENTERPRISES AND THE CITY OF MERCEDES FOR PARTICIPATION IN THE SCOFFLAW (POLICE CHIEF)

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

Commissioner Benavidez motioned to move to item 9B, C & D. Commissioner Howell seconded. Upon a called vote, the motion passed unanimously.

Commissioner Gomez asked if he was part of the executive session item. Commissioner Gomez asked that he would like the city to appoint legal representation to him at the City's expense. Ms. Garcia Vela stated she provided Commissioner Gomez with her legal advice. Commissioner Gomez stated he does not want to have the discussion in open session. Commissioner Howell seconded the motion.

Commissioner Gomez does not want to participate in executive session. Commissioner Howell rescinded his motion. Mayor Pro-Tem Martinez made a motion to have this item discussed in executive session. The motion died for lack of a second. Commissioner Gomez motioned to table executive session item A. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed with Commissioner Howell and Mayor Montoya voting against.

Mayor Pro-Tem Martinez motioned to table all items under executive session. Commissioner Howell seconded. Upon a called vote, the motion passed unanimously.

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 AND CONSIDERATION REGARDING ROLE OF CITY COMMISSION (INTERFERING WITH CITY MANAGER RESPONSIBILITIES)

B.) CONSULTATION WITH ATTORNEY REGARDING LEGAL MATTERS PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071

13.) OPEN SESSION:

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

14.) FUTURE AGENDA ITEMS

Commissioner Gomez asked for the Commission to vote on providing the funding for an attorney of Commissioner Gomez's choice.

Commissioner Benavidez inquired the procedures are to null the contract for City Attorney. If there is newly acquired information it can be brought back. Ms. Garcia Vela stated there are no new findings the case is 3 years old.

15.) ADJOURNMENT

Commissioner Howell made a motion to adjourn. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously. The meeting adjourned at 8:45 pm.