

MERCEDES CITY COMMISSION
REGULAR MEETING
NOVEMBER 2, 2021-6:30 P.M.
MERCEDES CITY HALL – COMMISSION CHAMBER

| | | |
|------------------------|---------------------|--------------------------|
| MEMBER 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 via Webex |
| | Joselynn Castillo | City Secretary |
| | Kristine Longoria | Assistant City Secretary |
| | Joaquin Hernandez | Public Works Director |
| | Javier Campos | Fire Chief |
| | Javier Chapa | I.T. Director |
| | Nereida Perez | Finance Director |
| | Roy Quintanilla | Police Chief |
| | Ervin Vilchis | I.T. Liaison |
| | Axel Vallejo | City Manager Secretary |
| | Mary Salinas | Planning Secretary |

1.) CALL MEETING TO ORDER

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

2.) ESTABLISH QUORUM

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

3.) INVOCATION

Commissioner Gomez said the invocation.

4.) PLEDGE OF ALLEGIANCE

Commissioner Benavidez led in the pledge of allegiance.

5.) OPEN FORUM

- Ms. Esmer Guerrero thanked the Police Department. She stated an incident that occurred where she needed to call the Police department because of Leandro Villarreal. She added that the Police officers are young and polite and efficient. Ms. Guerrero stated that if another incident happens she will not be taking it lightly and feels all should be treated with respect. Ms. Guerrero expressed her concern with Commissioner Gomez item that was on the previous agenda. She stated that it seems like retaliation against him for notifying the citizens.
- Mr. Ramon Mejia addressed the Commission about tax payer's money. Money makes the world go around but does not grow on trees. Mr. Mejia read a scripture to the Commission Mathew 5:25. The questions should be asked especially when using or spending tax payers' monies.

6.) CONSENT AGENDA:

- a. APPROVAL OF MINUTES FOR MEETING(S) HELD AUGUST 5, 2021 AND AUGUST 24, 2021.
- b. APPROVAL OF ITEMS FOR SURPLUS
- c. APPROVAL OF AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY

Mayor Pro-Tem Martine made a motion to approve all items under consent agenda. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously. Commissioner Benavidez mentioned that the minutes are behind on the agenda.

7.) CITY MANAGER COMMENTS:

Mayor Montoya stated that the National Night out was a huge success and commended the staff. Commissioner Gomez asked if the National Night out was the Halloween Bash and added that he does not participate in Halloween due to his beliefs, therefore, he did not attend.

8.) ORDINANCE/RESOLUTIONS:

a. **CONSIDERATION AND POSSIBLE ACTION ON RESOLUTION 2021-32 TO APPROVE OPENING A BANK ACCOUNT RELATED TO THE CERTIFICATES OF OBLIGATION.**

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

b. **DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 2021-33 APPROVING THE HAZARD MITIGATION PLAN FOR THE CITY OF MERCEDES.**

Fire Chief Campos stated a workshop was held for the hazard mitigation plan. The 5-year plan will be submitted. Commissioner Howell made a motion to approve. The plan will assist with funding and can help assist with getting grants approved. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously.

c. **DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 2021-34 TO CAST ALLOTTED 25 VOTES FOR CANDIDATES FOR THE HIDALGO COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS.**

The resolution is to cast the 25 votes the city has to vote for the Hidalgo County Appraisal District Board of Directors. The Commission agreed to have 5 votes each. Commissioner Howell gave his five votes for Mr. Jose Olivarez. Mayor Pro-Tem Martinez selected Mr. Eddy Bentacourt, Commissioner Benavidez voted to give his five votes to Mr. Richard Garza, Commissioner Gomez voted for Mr. Rodgers P. Truitt and Mayor Montoya voted for Mr. Amado Requenez. Mayor Pro-Tem made a motion to select the candidates giving them five (5) votes a piece. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously.

d. **DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2021-15 APPROVING THE PERSONNEL POLICY MANUAL.**

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

9.) ACTION ITEM(S):

a. **DISCUSSION AND ACTION ON APPROVAL FOR CITY TO CONTINUE TO ABSORB COST OF UTILITIES FOR BASKETS FULL.**

Mr. Perez stated that the budget is tight and does not recommend. Commissioner Benavidez made a motion to approve the funding. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

b. **DISCUSSION AND POSSIBLE ACTION ON ATTORNEY'S FEE FOR LEGAL REPRESENTATION FOR COMMISSIONER JOSE M. GOMES AS PER CITY CHARTER SECTION 4.03 CHIEF LEGAL ADVISER TO THE CITY COMMISSION.**

Commissioner Gomez stated that this item is on the agenda due to criminal accusations from the City manager. Commissioner Gomez stated he could have used the whistle

blower's act. Commissioner Gomez stated that he reported to TCEQ for the health and safety of the community. Commissioner Gomez motioned to approve receiving legal representation. Commissioner Benavidez seconded the motion. Commissioner Benavidez stated that this could happen to any one of the Commission members. He added that due to no affidavits and criminal accusations the member of the Commission should be helped. Commissioner Benavidez stated that Commissioner Gomez should be allotted some representation due to the accusations. Mayor Montoya stated that the Commission never got to discuss the information in executive session. He added that he never intended to get rid of anybody because the commission as a whole has to vote on it. Mayor Montoya stated that a question was asked about the allegations and a response was provided by legal. Commissioner Howell stated that the information was provided to the Commission but never got to hear Commissioner Gomez's side of the story due to the Commission voting to not go into executive session. Commissioner Howell also expressed that he was not trying to get rid of Commissioner Gomez. Mayor Pro-Tem Martinez stated that there is no amount for the attorney charges and if approved the attorney can come back with a large amount. Commissioner Gomez stated that there is an average charge. He added that he has an amount of \$200.00 and \$300.00 per hour. Mayor Pro-Tem Martinez stated that the City attorney is on contingency. Commissioner Benavidez stated that the item was an action item that implicated that he violated the City Charter which forfeits the seat. Mayor Montoya stated that the commission needs to place it on the agenda very specifically that the Commission will be removing which was not the case. Mayor Montoya stated that the Commission cannot act on their own by directing staff. Commissioner Benavidez stated that the phone call from Commissioner Gomez made to the employee was not to direct him. Mayor Montoya ended the discussion by stating that none of the Commission members should be operating in that fashion. Upon a called vote, the motion died 2 to 3. Mayor Montoya, Mayor Pro-Tem Martinez and Commissioner Howell voted against.

c. **DISCUSSION AND POSSIBLE ACTION ON DAVID GARZA'S REQUEST FOR DE-ANNEXATION**

Mr. David Garza is requesting to De-annex his property to do construction and get permits. He expressed that City Manager has not provided the commission with information regarding his item.

Commissioner Howell made a motion for the City manger to research the de-annexation. Mayor Pro Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

d. **DISCUSSION AND POSSIBLE ACTION TO DIRECT CITY MANAGER TO WORK WITH PLANNING DEPARTMENT IN ANALYZING AND PROPOSING UPDATES OR CONSIDERING TO REZONE POTENTIAL PROPERTIES FOR BUSINESS PURPOSES.**

Commissioner Howell would like to revise and make Mercedes business friendly.

Commissioner Howell made a motion to direct the City manager to work with planning department to analyze and propose updates considering to rezone potential properties for business purposes. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

10.)BIDS/CONTRACTS:

a. **DISCUSSION AND POSSIBLE ACTION ON MEMORANDUM OF UNDERSTANDING TO DESIGNATE PARKING SPACES FOR VETERANS**

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

b. **PUBLIC HEARING: COUNTY OF HIDALGO URBAN COUNTY PROGRAM FISCAL YEAR (35) 2022-2023 NEEDS ASSESSMENT**

Mayor Montoya opened the public hearing at 7:30 pm. No citizens spoke during this item. Mayor Montoya closed the public hearing at 7:38 p.m.

c. **DISCUSSION AND POSSIBLE ACTION ON FISCAL YEAR 2021-2022 INTERLOCAL AGREEMENT BETWEEN THE CITY OF MERCEDES AND THE COUNTY OF HIDALGO URBAN COUNTY PROGRAM.**

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

d. **PRESENTATION, DISCUSSION AND POSSIBLE ACTION TO SELECT A CONSULTING FIRM FOR A WATER & WASTEWATER SEWER RATE STUDY.**

Presentation by Willdan in person and Capex on webex Angie Flores for Raftelis. Commissioner Benavidez made a motion to select Willdan. Commissioner Gomez seconded. Upon a called vote, the motion died 2 to 3. Mayor Pro Tem Martinez motioned to move forward with Capex. Commissioner Howell seconded the motion. Upon a called vote, the motion carried 3 to 2. Commissioner Benavidez and Commissioner Gomez voted against.

11.) FUTURE AGENDA ITEMS

The city to mark or stripe the parking in front of the cleaners and Formacios.

Parks and public safety.

Bring duties and responsibilities of the city manager to discuss issues.

Having a lottery for the election sites/campaign spots at the Civic center when election season begins to avoid the fighting.

ADDENDUM

10 E.) DISCUSSION AND POSSIBLE ACTION ON BLUE CROSS BLUE SHIELD AGREEMENT TO RENEW OR TO SEEK RFPs/RFQS

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

12.) ADJOURNMENT

Commissioner Benavidez made a motion to adjourn. Mayor Pro-Tem seconded. Upon called vote the motion passed unanimously. The meeting adjourned at 8:22 pm.