

**MERCEDES CITY COMMISSION
REGULAR MEETING
APRIL 20, 2021 – 6:00 P.M.
MERCEDES CITY HALL – COMMISSION CHAMBERS**

MEMBERS PRESENT: Oscar Montoya Mayor
Joe Martinez Mayor Pro-Tem
Leonel Benavidez Commissioner
Jacob Howell Commissioner
Jose M. Gomez Commissioner

STAFF PRESENT: Alberto Perez City Manager
Joselynn Castillo City Secretary
Anthony Troiani City Attorney
Ervin Vilchis IT Liaison
Abel Gonzalez Interim Public Works Director
Javier Campos Fire Chief/EMC
Jose Macias Police Chief
Marisol Vidales Library Director
Nereida Perez Finance Director
Monica Rodriguez Acting Planning Director
Richard Morin Recreation Director

OTHERS PRESENT: Axel Vallejo City Manager Secretary
Orlando Diaz Sgt. Police Dept.

1) CALL MEETING TO ORDER

Mayor Montoya called the meeting to order at 6:00 P.M.

2) ESTABLISH QUORUM

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

3) INVOCATION

Commissioner Howell said the invocation.

4) PLEDGE OF ALLEGIANCE

Commissioner Benavidez led the Pledge of Allegiance.

5) OPEN FORUM-

- Ms. Cristella Hernandez addressed the Commission regarding Item 9H. She proceeded to advocate for the Employees to receive a salary increase. She stated that if the City can find the money she agrees that the City should provide the increase and believes the Directors should request raises for their employees.
- Mr. David Garza addressed the Commission regarding the agenda, flooding and property. He proceeded to read HB 2840 regarding citizen comments at the beginning or during the agenda items. He stated that the citizens should be allowed to comment any time while the item is being acted on. Mayor Montoya stated that open forum will be at the beginning of the meeting. Mr. Garza stated that he will file a complaint to District Attorney and other agencies if need be. He stated that the City is behind on digging the retention ponds and the City has always lost property and money due to the floods. He wants the City to do a better job and make good decisions and added that the Commission decisions affect citizens.
- Ms. Yolanda Molina addressed the Commission regarding community concerns. She stated that Mercedes has gone from top to bottom. Citizens feel neglected by the Commission and should serve the whole community not just pick and choose. She stated that Hidalgo street has many issues, cars park however they want and are not being cited. Wishes the City the best but is not seeing the difference. She stated that, as a whole the Commission has failed Mercedes and the people have given up.

Commissioner Howell made a motion to move up the addendum item 6C. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously. The Commission request some documentation for item 6C and continued to item 6A until the documents on EMS services was provided.

6.) PRESENTATIONS:

A.) UPDATE ON MERCEDES CITY PROJECTS FROM CITY ENGINEER - SWG

Isaac Huacuja from SWG presented an update on Citywide Infrastructure assessments. Mr. Huacuja stated the objective is to assess various infrastructure components, to identify needs, problem areas, upgrades, repairs, or expansion. The projects include the Water Distribution System Rehabilitation, Sanitary Sewer Collection System Rehabilitation, Water Treatment Plant Upgrades and Lift Station Rehabilitation to complete a preliminary assessment of the City's water distribution needs, determine the scope of work and complete a cost estimate for the work. He stated that the ponds should be easy to maintain by PW. There was a concern with the safety of the little league, he stated the Little league should not be affected. Mr. Huacuja stated he is working with staff to identify the critical locations in need of a generator for primary lift stations and water treatment plant.

Some of the proactive drainage efforts are to ensure drainage system is clear of obstruction for storm season, conduct assessment on the status of the drainage system and coordinator with IBWC for drainage outfalls. At a question, about the impact on the residents, he stated it is important to move that water out as fast as possible. Collier Park Drainage Improvements was pushed to be done prior to the Hurricane season.

Construction phase to start July 2021. Time frame for completion is 3 months. Collier Park Phase 2 is the pump station and the proposed drainage flow rate is approximately 4.25 MGD. Pumps have long leave time due to COVID. The City is looking to allocate the monies for the pump to order prior to the start so that there is no lag time. Site Assessment is ready to start and it took a while due to the lack of funding. Commissioner Benavidez stated that there is a combination of things that have prolonged the process. It was very important that the City approved the resolution on the CO's. The portable pump will be freed to be used where needed once the pump station is done. Commission asked to provide the sq. mile radius or roof top count on the residents it will help. 10th street. Pump station to start August 2021 with a 4-month completion time. Southwest Regional storm water detention Facility which is currently under construction. HCCID#9 started excavation on April 15, 2021. This is a priority to assist the City with this project. SW Regional Storm water estimated start date is April 2021 and estimated construction timeframe is July 2021. The Irrigation district will do the heavy excavation other items will be done by the City. In a major storm event the water in the ditch rises and the retention pond for SWRS will be excavated enough to relieve some of the flooding. Storm Sewer and Drainage System GIS Hydraulic Mapping. A grant was awarded to the City in January. It was formally approved on April 6, 2021. Waiting on TWDB on closing the grant. City started the grant application process in June 2020. Commissioner Howell wants PW to follow up on the maintenance to be ready for Hurricane season. Mr. Perez stated a schedule will be put together for staff to follow. Start date is May 2021 and timeframe is till January 2022. Mayor Pro-Tem Martinez recommended having an event where citizens can attend the project areas and to provide a walk through and presentation of the projects. Commissioner Benavidez asked that this be placed on the state of the City brochure.

The Commission then proceed to item 6C.

B.) MIDPOINT UPDATE OF DEPARTMENT FINANCES AND AUDIT – FINANCE DIRECTOR

Ms. Perez presented the General fund and Utility Fund. General Fund has 19 departments. PW is the Uniforms and printing is at 50.98%. Building Maintenance was over budget at 72% due to some unforeseen issues with Library Café, Roof and Fire Electrical issues. City has not budgeted for renovations due to COVID. Janitorial supplies have increased due to Cintas items costing more than Gulf Coast. Commissioner Howell asked that we look at Net operating incomes to find some funds. Mr. Perez stated he recommends having multiple contracts to choose from the company that may be at a lesser price. Vehicle Maintenance is at 56.53% with major expenses at PD and Fire. Not expecting the fund to go over budget. PD is in line with last year and last year they did not go over budget. Mayor Pro-Tem Martinez asked if Fire Vehicles are out of Commission and how can the Commission help. Fire Chief Campos stated that the primary truck has been out of service for 82 days. They are going after 2 grants and looking at a leasing program. Time to replace the 1992 truck. \$11962.00 for the repair on the one fire truck. Commissioner Howell asked to provide a cost comparison. Commissioner Benavidez asked for the need's assessment. Mayor Montoya stated that repair is cheaper than buying new. Total revenues collected provided. Utility Billing is at 51.71% due to waiving the credit card fee due to COVID. Public Works needs a backhoe. Commissioner Howell would like the City to look into paying extra to the interest. The City doesn't pay interest on the Outlets. First 3 years is at 20% and then after at 100%. Mayor Montoya asked, \$15000 on the credit Card Fee. Audit should be finalized this month. TWDB has been notified that the audit still needs to be finalized.

ADDENDUM:

C.) QUARTERLY FIRE/EMS REPORT BY EMS COORDINATOR MR. ARMANDO "MANDO" MARTINEZ.

Mr. Martinez presented the quarterly update on EMS. 179 in October. Moved to item 6A. Mr. Martinez ESD 50k contract to cover that area. Collection on categories. Total will be 55,198 ESD 21k Private pays. Collected as of today. 16K for March but not all have been collected and will be on the next quarterly report. 1137 calls total up to date. 200 calls per month on average. Average 45 calls per month in the County Area. Mr. Perez asked a question, Mr. Martinez stated we can have a comparison on calls on years. More calls in winter months due to colds and illnesses related to weather. Mayor Pro-Tem Martinez asked about the little to no complaints on the Fire/EMS personnel and service and commended Mr. Martinez and Fire Chief Campos for their service. Commissioner Gomez stated that the reports are good but every call requires money and that's why the Commission ask for the report. Mr. Perez is doing an analysis to compare with cities similar to Mercedes to see where we are and what we can do different. Mr. Martinez stated that other Cities run the department like Mercedes with Fire/EMS services. The City is modeled after the other cities. The money that comes in is overseen by Finance and does not go directly to the Fire Department. City was recertified and all personnel have continuing education and they are regulated by the Federal government due to Medicaid and Medicare. Commissioner Benavidez stated that the response and quality is there in our personnel. Response time is 6 minutes. The City of Mercedes has always been a mobile intensive care unit. Every time a unit responds there is revenue. Finance handles all the finances regarding the billing for EMS. Commissioner Howell asked about the fire academy. Mr. Martinez stated that having a Fire Academy is in the works.

At this time, Commission proceeded with item 6B.

7.) CONSENT AGENDA: *(All matters listed under Consent Agenda are considered to be routine by the Governing Body and will be enacted by one motion. There will be no separate discussion of these items; however, if discussion is desired, that item(s) will be removed from the Consent Agenda and will be considered separately.)*

A.) APPROVAL OF MINUTES FROM MARCH 13, 16, 23 AND APRIL 6, 2021

B.) APPROVAL OF FY 20-21 2ND QUARTER INVESTMENT REPORT

C.) APPROVAL OF VIDA JAN-MARCH 2021 QUARTERLY EXPENDITURE REPORT

D.) APPROVAL OF DECEMBER 2020 RUNOFF ELECTION COSTS.

Commissioner Benavidez stated a correction to the minutes of March 16, 2021 items 9D, E, and G. The minutes stated that the motion to go into executive session was by Commissioner Benavidez but it was recommended by Mr. Pagan to go into Executive Session. Commissioner Benavidez made a motion to approve all items under consent agenda with corrections stated. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

8.) CITY MANAGER COMMENTS

Mr. Perez stated setting the foundation is a crucial part. Look at the worksheet Mr. Perez provided on his comments. Making sure we meet our goals and do things right the first time. Taking ownership, what did we learn and how will we improve. Customer Service is key and being responsive to the citizens. The services will be standardized. Following up on a problem. Employee development plan with formal training and provide oversight and help employees improve. Weekly status report for communication flow. Commissioner Benavidez asked that the reports be emailed to the Commission. Expectations for Employees. Mr. Perez recognized Mr. Abel Gonzalez as the interim Public Works Director and provided a Bio for Mr. Gonzalez. Mr. Gonzalez stated he will do his best and is here for the Citizens. Mr. Perez provided the vacancies for the City. Mr. Perez went through the Personnel Manual and provided recommendations to the Committee. Mr. Perez started meeting with department heads and is going after the big-ticket items for each department. PW needs a dog pound. Looking to improve operations in each department. Planning process for staff to be prepared for threats. Mr. Perez stated the City went out for grant writers to not use tax dollars. Commissioner Howell stated that he would like more than 1 grant writer. Mr. Perez reached out to the Food Bank and they offered and sent 3 pallets with face masks face shields and hand sanitizer. He will be reaching out to the elderly to meet them and help out.

9.) Management Item(s):

A.) DISCUSSION AND POSSIBLE ACTION TO APPOINT ONE (1) ALTERNATE TO THE ZONING BOARD OF ADJUSTMENTS

Ms. Rodriguez stated that there is a vacancy for an alternate on the ZBA board and Mr. Julian Valdez applied. Commissioner Benavidez made a motion to appoint Mr. Julien Valdez to the Zoning Board of Adjustments. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously. Ms. Rodriguez is working on updating and training the members.

B.) DISCUSSION AND POSSIBLE ACTION REGARDING STATUS OF HIDALGO ST. BETWEEN N. OHIO AVE. & N. ILLINOIS AVE.

Ms. Rodriguez stated the item was to discuss the closure between Ohio and Illinois. The cost to reopen is in the packet. It currently shows as a public street. No Action was taken on this item.

C.) DISCUSSION AND POSSIBLE ACTION TO APPROVE PROCUREMENT PROCESS FOR APPROVAL OF EXPENDITURES CHARGED TO EGRANTS FOR OPERATION STONEGARDEN FY 18 #1372804

Sgt. Diaz stated the grant was previously approved and obtained a surveillance tower and a vehicle. There was \$33,125.10 of the funds were not used. The funds will be used to purchase a third surveillance tower. Commissioner Benavidez made a motion to approve item 9C. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously.

D.) DISCUSSION AND POSSIBLE ACTION TO APPROVE TEXAS STREET FESTIVAL, HOTEL/MOTEL BUDGET AMENDMENT

Ms. Ramirez addressed the Commission regarding a budget amendment request for the Chamber to host the Texas Street Festival. The Chamber is requesting to increase the Texas street Festival by \$30k from the Little Nashville line item for a total \$50K in the Texas Street Festival line item. Commissioner Howell made a motion to approve. Upon a called vote, the motion passed unanimously.

E.) DISCUSSION AND POSSIBLE ACTION TO APPROVE SPONSORSHIP REQUEST FOR MUJERES UNIDAS 2021 VIRTUAL WALK IN HER SHOE 5K

Commissioner Howell stated this is a great group of ladies, advocates of domestic violence and would like to help out for this event. It was stated that the funding will be from the General fund if approved. Mayor Montoya recommends \$5k donation. Mujeres Unidas helps out with travel, counseling, and housing for victims of violence. Mayor Pro-Tem Martinez for \$5k.

F.) DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE PAYMENT OF LEGAL EXPESES FOR COMMISSIONER BENAVIDEZ, AS A CITY EXPENSE

Commissioner Benavidez cannot participate in the discussion. Mr. Troiani informed the Commission of the events leading up to lawsuit filed by Commissioner Benavidez. 1. Commissioner Benavidez needed to defend himself. 2. Commissioner Benavidez sued and did not prevail in the Court of Law. Arnold Aguilar was the City's attorney on this case. Mr. Troiani stated there is no legal opinion due to the court ruling. Mr. Troiani stated that TML did not pay due to Commissioner Benavidez not prevailing. The action taken by the Commission is different from the Court Ruling and TML ruling. There was an agenda item at a meeting but no action was taken on that meeting to sanction Commissioner Benavidez. Commissioner Benavidez filed a TRO which stopped any action by the Commission and never happened. The Court dismissed the Case. Commissioner Gomez stated that the City Attorney's asked

that the City should not pursue this and the Commission proceeded and that is why Commissioner Benavidez had to file his suit. Mr. Troiani stated this item is at the Commission for them to decide if this is a reimbursable expense from the City as his role as a City Commissioner. The City Commission needs to decide. \$9,278.39 is the cost incurred. Legal Counsel represents the City Commission as a whole and not individual. The person bringing the liability is a City Commissioner therefore, TML needed to protect the City rather than the Commissioner. Commissioner Gomez provided information on a former Commissioner that was not an elected official at the time of the suit. The City paid \$75k in attorney fees. Commissioner Howell made a motion to table this item for more information. Commissioner Gomez stated that Mr. Pagan stated that Commissioner Benavidez should be paid. Mr. Troiani stated Commissioner Benavidez did the right thing to bring this item to the Commission but the item is for the Commission to decide. Mayor Pro-Tem Martinez stated if there is no court order, ordering to pay then the person should pay for their legal fees. Mr. Troiani stated that legally he has no entitlement for reimbursement but the Commission as a body needs to make a decision. MPT seconded. Passed. Commissioner Gomez opposed. Commissioner Benavidez abstained.

G.) DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE CITY OF MERCEDES TO INITIATE A STATE OF THE CITY ADDRESS FOR 2020-2021 FISCAL CALENDAR YEAR

Mayor Pro-Tem Martinez wants to do a state of the city address to highlight the good things that the City is doing. MPT Motion to start preparations. LB seconded. PU. Once staff has a packet together it will be provided to the Commission.

H.) DISCUSSION AND POSSIBLE ACTION ON A POTENTIAL SALARY INCREASE FOR CITY EMPLOYEES (HOWELL & MARTINEZ)

Commissioner Howell believes the employees need to be taken care of and proposed a salary increase. JH motion Wants staff to research to provide an increase for the City Employees at whatever is feasible. Research and identify and provide a percentage on the increase. LB seconded. PU.

I.) DISCUSSION AND POSSIBLE ACTION TO PARTNER WITH WORKFORCE SOLUTIONS TO SUPPORT THE CREATING OF JOBS WITHIN THE CITY OF MERCEDES (HOWELL & MARTINEZ)

Commissioner Howell wants to partner up with workforce Solutions to help with job loss. JH motion to partner up with WFS. Commissioner Benavidez seconded the motion. PU.

J.) DISCUSSION AND POSSIBLE ACTION TO PARTNER WITH THE FOOD BANK TO DEVELOP PLANS FOR FOOD DISTRIBUTION WITHING THE CITY OF MERCEDES AND ITS EXTRATERRITORIAL JURISDICTION.

Mr. Perez reached out to the food bank and are willing to work with the City. Start distribution and start with the most needy neighborhoods. No cost to the City but will need support from City on the distribution. Start on May 12, July 21, Sept. 1, Oct. 13 and December 8. Commissioner Benavidez motion to approve. Commissioner Howell seconded. JH ask for help from the local church's. Passed Unanimously.

MPT untable. LB seconded. Passed U.

10.) TABLED ITEMS:

A.) CONSIDERATION AND POSSIBLE ACTION TO RENEW THE CONTRACT WITH LANGLEY AND BANACK, INC. (LEGAL SERVICES IN CONNECTION WITH THE WESLACO-MERCEDES ETJ, ANNEXATIONS & UTILITY SYSTEM BOUNDARIES ISSUES)

Mr. Perez stated this is an ongoing process. MPT motion to approve. JH seconded Passed unanimously.

Mayor Montoya called the meeting into executive session at 7:06 PM.

11.) FUTURE AGENDA ITEMS:

Mayor Montoya wants to move on the dogs. Dogs are being picked up, there are programs out there to do spay and neutering. There is a large number of opossum's being picked up. Mr. Perez stated he is looking for the adoption approach for adoptable animals. Dog bites have a process. Mayor Montoya wants for staff to train members of boards. Mr. Perez stated that a City engineer needs to be engaged to review the items before the item goes to the P&Z board. Mayor Montoya wants to clean up the boards and committees. Commissioner Howell wants code enforcement to do their part to help our city. Can we renew or have a strategy in place for promoting economic development in Mercedes. Remove unclear laws and policies. Commissioner Benavidez wants the project west of Fedex retention pond. Review resolutions and policies. Complaint policy that was approved. Whats the turn around time on the complaints. Attorney fees should be in open session and he requested that the item be on the agenda.

12.) MONTHLY DEPARTMENT REPORTS

Commissioner Benavidez on weedy lot invoices, wants to see the previous months wants trending and ROI. Commissioner Benavidez wants to separate the received and responded on open records report. Work orders. Commissioner Howell would like an update on the streets. Commissioner Benavidez asked about Court Revenue. Mr. Perez stated he is looking at getting a program for zoom and camera.

Commissioner Benavidez made a motion to go into Executive Session. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously. The meeting was called into executive session at 9:08 PM.

13.) Executive Session:

- A.) CONSULTATION AND DISCUSSION ON ECONOMIC DEVELOPMENT PROJECT SPORTS COMPLEX (SECTION 551.087)**
- B.) CONSULTATION AND DISCUSSION ON POSSIBLE ACQUIRING REAL ESTATE WITHIN THE CITY TO PROMOTE ECONOMIC DEVELOPMENT. (SECTION 551.072 AND SECTION 551.087)**

Mayor Montoya called the meeting back to order at 10:08 PM.

14.) OPEN SESSION:

- A.) DISCUSSION AND POSSIBLE ACTION ON ITEM A AND B OF EXECUTIVE SESSION.**

No action was taken on items A & B from executive session. Commissioner Benavidez stated that there has been better communication but the communication needs to be improved in executive session. MPT Martinez seconded. Passed unanimously.

15.) ADJOURNMENT

Commissioner Banavidez made a motion to adjourn. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously. The meeting adjourned at 10:10 PM.

Oscar D. Montoya Sr., Mayor

Joe Martinez, Mayor Pro-Tem

Leonel Benavidez, Commissioner

Jacob Howell, Commissioner

Jose M. Gomez, Commissioner

ATTEST:

Joselynn Castillo, City Secretary