

**MERCEDES CITY COMMISSION
REGULAR MEETING
NOVEMBER 16, 2021 – 6:30 P.M.
MERCEDDES CITY HALL – COMMISSION CHAMBERS**

1.) CALL MEETING TO ORDER

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

2.) ESTABLISH QUORUM

Four members of the Commission were present which constitutes a quorum. Mayor Pro-Tem Martinez arrived later during the meeting.

3.) INVOCATION

Commissioner Gomez said the invocation.

4.) PLEDGE OF ALLEGIANCE

Ms. Ana Tanguma, school board president led in the pledge of allegiance.

At this time, Mayor Montoya moved to item 6A.

5.) OPEN FORUM

- Ms. Esmer Guerrero thanked the Mercedes Police Department for their professionalism and advice when she had an incident with a former Commissioner.
- Mr. Jacob Howell spoke about being there for one another and having pride in Mercedes. He thanked the Community, football team, band, police, fire for the safety of the community.

6.) PRESENTATIONS:

a. RECOGNITION OF MERCEDES EARLY COLLEGE ACADEMY

Mayor Montoya presented to the Mercedes Early College Academy a proclamation for best high school and gold award.

At this time, the commission moved to item 5 and proceeded with the agenda.

7.) CONSENT AGENDA:

- a. APPROVAL OF MINUTES FOR MEETING(S) HELD AUGUST 31, 2021.**
- b. APPROVAL OF RESOLUTION FOR LOCAL BORDER SECURITY PROGRAM AND DESIGNATING THE AUTHORIZED OFFICIAL.**
- c. SECOND AND FINAL REALDING OF ORDINANCE NO. 2021-15 APPROVING THE PERSONNEL POLICY MANUAL.**

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.

8.) CITY MANAGER COMMENTS:

a. TREE LIGHTING CEREMONY

Mr. Perez stated there will be a tree lighting event. Ms. Vidales stated that the tree lighting will begin at 6 pm to 8:30 pm. She stated the tree lighting will be at 7 pm, there will be vendors and invited the Commission to assist in the countdown.

b. UPDATE ON CITY PARKS MAINTENANCE

Mr. Hernandez updated the Commission on the maintenance of the park. He informed the Commission with a list of importance to fix the issues stated. Mayor Pro-Tem Martinez asked if the parks will be ready by little league season and wants the restrooms to be fixed. Mayor Montoya wants the grass watered. Mr. Perez stated that a waiver is being put into place soon for the use of the little leagues. Commissioner Benavidez wants to stay on course as far as priority and public safety.

9.) ACTION ITEM(S):

a. **DISCUSSION AND POSSIBLE ACTION TO SOLICIT RFP/RFQ'S FOR ENERGY CONSULTANT FOR POTENTIAL SAVINGS.**

Mr. Perez stated that the intent is to save the City money. During the freeze the city was hit hard and this is to potentially save money. Commissioner Benavidez stated that the City should be going for RFP/RFQ for Reps. Mayor Pro-Tem Martinez made a motion to go for RFPs for a Rep. Commissioner Howell seconded. Upon a called vote, the motion passed unanimously.

b. **DISCUSSION AND POSSIBLE ACTION TO SELECT A FIRM TO CONDUCT THE TCEQ SELF-AUDIT.**

Mr. Perez stated that the city went out for the TCEQ self-audit. The bidders are SWG and Ambiotec. Isaac Huacuja from SWG stated he would like to continue working with the City and are currently working with the City and are familiar with the infrastructure of the city. Mr. Huacuja stated that SWG has not worked on a Self-audit but knows the regulations because they build structures from scratch. Mr. Carlos Marin from Ambiotec addressed the Commission about the staff on his team. He stated that he has staff that have worked with TCEQ and enforcement. Mr. Marin stated they are working with other cities on a self-audit. Commissioner Howell asked for their years of experience for fixing TCEQ – he stated its over 150 years. Commissioner Gomez stated he was impressed with Ambiotec with their knowledge. Commissioner Gomez made a motion to go with Ambiotec. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

c. **DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PURCHASE OF GORMAN RUPP PUMPS FOR LIFT STATIONS.**

Mr. Perez stated that the Commission approved 2 generators at \$605,000 but continued looking for a better deal. The pumps are customized to continue running if the lift station goes down. Mr. Hernandez addressed the Commission to purchase 5 pumps. The material and installation will be 8 to 12 weeks with 5-year warranty. Commissioner Benavidez made a motion to approve. Mayor Pro-Tem Martinez seconded the motion.

Commissioner Gomez asked for lift station 1, Mr. Perez stated that each lift station should have 2 to 3 pumps. Mr. Hernandez stated the difference between the pumps and the generators. The areas being targeted are the ones that are more sustainable to issues. Commissioner Howell asked about repair costs, Mr. Hernandez stated that it would be cheaper to use the pumps. Commissioner Howell would like the savings to go to the infrastructure. Commissioner Benavidez thanked staff for staying on task and being efficient. Upon a called vote, the motion passed unanimously.

d. **DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PURCHASE OF USED EQUIPMENT USING 2018 CERTIFICATES OF OBLIGATION.**

Mr. Hernandez requested the purchase of a paver in a previous meeting. The drum roller, sweeper, boom lift and paver will be more cost efficient. Commissioner Howell made a motion to approve. Commissioner Benavidez seconded. Mayor Pro-Tem Martinez asked if the equipment has warranty, at which Mr. Hernandez stated no. The paver needed repairs and asked if they could fix or bring down the price and they restored the paver to almost new. Commissioner Gomez asked if the other equipment has issues to and Mr. Hernandez stated that he is made sure the items worked. There was discussion on the warranty and repairs for the equipment. Commissioner Howell rescinded his motion to approve and get warranty on the equipment. Commissioner Benavidez seconded the motion. Legal stated that item will need to go out for bids. Due to legal response the item was tabled.

e. **DISCUSSION AND POSSIBLE ACTION ON ANNUAL APPROVAL OF THE CITY OF MERCEDES INVESTMENT POLICY AND STRATEGY.**

Ms. Perez addressed the Commission of the annual renewal of the investment policy. Commissioner Benavidez made a motion to approve. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

f. **DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF MOBILE MINI STORAGE RENTAL.**

Chief Quintanilha stated the need for a mobile mini is for the storage of evidence. Commissioner Benavidez made a motion to approve Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

g. **DISCUSSION AND POSSIBLE ACTION TO MOVE FORWARD WITH THE CITY ACCEPTING CRYPTOCURRENCY FOR PAYMENT OF UTILITIES USING BIT PAY.**

Commissioner Howell stated being forward thinking is important. This item represents plans for tomorrow. Commissioner Howell made a motion to approve the City of Mercedes accept the crypto currency for payment of utilities. Mayor Pro-Tem Martinez seconded. Commissioner Gomez asked if the City is ready for these changes. Mr. Perez stated the world is changing, it is worth looking into and would prefer to do some research on the change process in value. Commissioner Howell stated that this is for the future. Ms. Perez stated that at this moment the city cannot use crypto currency due to cyber security. Commissioner Howell changed his motion to move forward with researching and identifying possibilities of crypto currency. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

h. **DISCUSSION AND POSSIBLE ACTION TO ACCEPTED THE REQUEST FROM GENESIS RESBYTERIAN CHURCH REGARDING THE USE OF THEIR PARKING LOT.**

Mr. Perez stated that this is for the lighting of the Christmas tree. There is an open field owned by a church and stated the city can use the lot for parking as long as the city mows. Mayor Pro-Tem Martinez made a motion to approve. Commissioner Howell seconded. Upon a called vote, the motion passed unanimously.

10.)BIDS/CONTRACTS:

a. **DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF INTERLOCAL COOPERATION AGREEMENT BETWEEN HIGALGO COUTNY AND THE CITY OF MERCEDES.**

Chief Quintanilha stated that there is a need for vehicles for the investigator. They are being given 5 cars. Commissioner Benavidez made a motion to approve. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

11.) MONTHLY DEPARTMENTAL REPORTS

Commissioner Benavidez stated that the drug arrests have gone down this month. He would like the Police Department to look at the drug problems. Mr. Quintanilha stated that the numbers have decreased due to patrol doing their job. Commissioner Benavidez wants to make sure the PD is still going after the drugs. Area checks increased because officers are checking the buildings. PD will include a YTD report and crime rating.

Mayor Montoya called the meeting into executive session at 7:58 pm. Commissioner Gomez stated that one of the items is regarding him.

12.)EXECUTIVE SESSION:

a. **DISCUSSION REGARDING DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER WITH REGARDS TO THE POLICE DEPARTMENT – TEXAS – GOV'T CODE 551.074 – PERSONNEL MATTERS**

b. **LEGAL CONSULTATION ON ALL ONGOING LITIGATION OR PENDING LITIGATION AND POTENTIAL LITIGATION WITH THE CITY OF**

MERCEDES – TEXAS GOV'T CODE 551.071 – ATTORNEY COMMUNICATION.

- c. **CONSULTATION REGARDING THE CITY ATTORNEY BILING REPORT AND CONTRACTUAL OBLIGATIONS – TEXAS GOV'T CODE 551.071 – CONSULTATION WITH ATTORNEY**
- d. **TABLED: CONSULTATION AND DISCUSSION REGARDING ROLE OF CITY COMMISSION (INTERFERING WITH CITY MANAGER RESPONSIBILITIES) – TEXAS GOV'T CODE 551.074 – PERSONNEL MATTERS.**

Mayor Montoya called the meeting back to order at 9:24 pm.

13.) OPEN SESSION:

DISCUSSION AND POSSIBLE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION.

- a. Commissioner Benavidez made a motion to move forward as discussed in executive session. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.
- b. No action was taken on this item.
- c. No action was taken on this item.
- d. Commissioner Benavidez reached out to TML- as far as executive session, there has to be a policy in place for the commission to take any action on a commissioner. There has to be a policy that commission violated. No action was taken on this item. Commissioner Gomez asked if this item will be back on the agenda. Ms. Garcia Vela stated that if there is new alleged conduct then it can go back on the agenda but not on this same topic. Commissioner Gomez stated that the City Manager and him need to sit down and discuss the issue together.

14.) FUTURE AGENDA ITEMS.

Mayor Pro-Tem Martinez – looking at the charter and future agenda items. Legal stated that her recommendation would be to remove future agenda items from the agenda because there is no topic.

15.) ADJOURNMENT

Commissioner Benavidez made a motion to adjourn. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously. The meeting was adjourned at 9:34 pm.