

**MERCEDES CITY COMMISSION
REGULAR MEETING
NOVEMBER 7, 2023 – 6:30 P.M.
MERCEDES CITY HALL – COMMISSION CHAMBERS**

MEMBERS PRESENT: Oscar D. Montoya Sr. Mayor
Dr. Ruben Saldana Mayor Pro-Tem
Armando Garcia Commissioner
Joe Martinez Commissioner
Dr. Jacob Howell Commissioner

STAFF PRESENT: Alberto Perez City Manager
Martie Garcia-Vela City Attorney
Joselynn Castillo City Secretary
Javier Ramirez Asst. City Manager
Nereida R. Perez Finance Director
David Jimenez I.T Manager
Javier Campos Fire Chief/EMC

OTHERS PRESENT: Ruth Valdez

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 which constitutes a quorum.
Commissioner Martinez was stuck in traffic and arrived later in the meeting.

3. INVOCATION

Ms. Saenz from the American Legion said the invocation.

4. PLEDGE OF ALLEGIANCE

Mr. Tony Sanchez led in the pledge of allegiance.

5. PRESENTATIONS:

a. Proclamation in memory of Master Sergeant Juan Moya Sr.

Ms. Garcia addressed the Commission and pinned a poppy flower on the Mayor and provided a flower to each member of the Commission. The poppy is memoriam of the American Legion Family. The Flower is a significance of the blood shed in the field. Ms. Garcia read a poem. Mayor Montoya read the proclamation and said a few words in remembrance of Master Sergeant Moya. Commissioner Howell said a few words to the family. Commissioner Garcia stated the MSG Moya was awarded the Man of the Year in 2020. Mayor Pro-Tem Saldana stated we lost an icon in MSG Moya.

6. OPEN FORUM:

No one signed up to speak during open forum.

7. CONSENT AGENDA:

- a. Approval of Minutes for Meeting(s) held October 16, 2023 and October 30, 2023

- b. Approval of budget amendment for building maintenance
 - c. Approval of budget amendment for planning department
- Commissioner Garcia motioned to approve item 7A, B and C. Mayor Pro-Tem Saldana seconded. Upon a called vote, the motion passed unanimously.

8. CITY MANAGER COMMENTS:

a. Moving meeting date for January 2, 2024 to January 4, 2024

Mr. Perez informed the Commission that the regular meeting of January 2 will be moved to January 4, due to City offices being closed for New Year on January 1 and January 2, 2024.

9. ORDINANCE/RESOLUTIONS:

a. Approval of Resolution 2023-20 for the Temporary Closure of State Right-of-Way for Christmas Parade

b. Approval of Resolution 2023-21 for the Temporary Closure of State Right-of-Way for Marathon

Commissioner Howell motioned to approve items 9A & B. Commissioner Garcia seconded. Upon a called vote, the motion passed unanimously.

c. Approval of Resolution 2023-22 adopting procedures for open forum

Commissioner Garcia motioned to approve. Mayor Pro-Tem Saldana seconded. Commissioner Howell was concerned regarding the time limit of 3 minutes and expressed it should stay at 5 minutes. Mayor Montoya stated that this resolution is for education to inform the public of the rules of open forum. Mayor Pro-Tem Saldana stated the only changes are the 5 minutes to 3 minutes and the Mayor is allowed to extend the time of the speaker. He agrees to keeping the items limited to agenda items to allow for addressing questions during the items discussion. Commissioner Howell stated that in congress and state reps the public gets 5 minutes. Legal stated that the resolution has a typo for 2 minutes on item 4 of the resolution and should be 3 minutes. Commissioner Martinez stated that the majority of cities have a 3-minute time limit. All concerns said during open forum is taken seriously. Upon a called vote, the motion passed 4 to 1. Commissioner Howell voted against.

d. Approval of Resolution 2023-23 to submit votes for the Hidalgo County Appraisal District Board of Directors

Mayor Pro-Tem Saldana abstained from the vote as he is on the ballot. Mayor Montoya stated that the Board of Directors are the voice for the people at the Appraisal District. Commissioner Martinez motioned for 20 votes to Mayor Pro-Tem Saldana and 10 for Mr. Joe Olivarez. Commissioner Garcia seconded. Upon a called vote, the motion passed 4 to 1.

10. MANAGEMENT ITEMS:

a. Approval of Agreement for the Temporary Closure of State Right-of-Way for Christmas Parade

b. Approval of Agreement for the Temporary Closure of State Right-of-Way for Marathon

Commissioner Martinez motioned to approve items 10A & B. Commissioner Garcia seconded. Upon a called vote, the motion assed unanimously.

c. Approval to allow City Manager to enter into contract for recommended insurance carriers for RFP 2023-004 Group Health/Dental/Vision/RX Insurance

Commissioner Howell motioned to approve. Commissioner Martinez seconded. Mr. Perez stated he considered the changes and increases and selected the best option for the employees. Ms. Yvonne Ortegon stated the recommendations for Health is BCBS who is in the incumbent. There is a \$5 increase in copay and 10% increase in coinsurance but other items will remain the same. The recommendation for Dental was Delta Dental and for Vision was Eyetopia. Ms. Ortegon recommended going out for bids again next year for a lower rate on health insurance. Upon a called vote, the motion passed unanimously.

Commissioner Martinez motioned to go into executive session. Commissioner Garcia seconded. Upon a called vote, the motion passed unanimously. The meeting went into executive session at 7:30 P.M.

11. EXECUTIVE SESSION:

- a. Discussion with City Manager regarding personnel matters – Section 551.074**
- b. Consultation with Attorney regarding update on litigation – Section 551.071**
- c. Consultation with Attorney regarding contract for services – Section 551.071**

12. OPEN SESSION: Mayor Montoya called the meeting back to order at 9:15 P.M.

a. Item A from Executive Session

No action

b. Item B from Executive Session

Mayor Pro-Tem Saldana motioned to proceed with attorney with litigation. Garcia seconded. Legal stated a resolution is needed to C-1567-20-J City of Mercedes v. Fugarte. Mayor Pro-Tem Saldana amended his motion to direct the Attorney to pursue in litigation on C-1567-20-J City of Mercedes V. Fugarte and the resolution be limited to 10 Days. Commissioner Garcia seconded. Upon a called vote, the motion passed unanimously.

c. Approval of Sludge Removal Equipment for Water Treatment Plant and authorizing City Manager to finalize going out for bids

No Action

13. ADJOURNMENT

Commissioner Martinez motioned to adjourn. Commissioner Garcia seconded. Upon a called vote, the motion passed unanimously. The meeting adjourned at 9:17 P.M.