

**MERCEDES CITY COMMISSION
REGULAR MEETING
JANUARY 19, 2021 – 6:00 P.M.
MERCEDES CITY HALL – COMMISSION CHAMBERS**

MEMBERS PRESENT:	Oscar Montoya Joe Martinez Leonel Benavidez Jacob Howell Jose M. Gomez	Mayor Mayor Pro-Tem Commissioner Commissioner Commissioner
STAFF PRESENT:	Kevin Pagan Joselynn Castillo Anthony Troiani Nereida Perez Hugo Perales Jose Figueroa Jose Macias Javier Campos	Interim City Manager City Secretary City Attorney Finance Director (webex) I.T Director PW Director Police Chief Fire Chief
OTHERS PRESENT:	Isaac Huacuja Isauro Trevino Armando Martinez	SWG Rep R. Gutierrez Rep (webex) Admin of Records (webex)

1) CALL MEETING TO ORDER

Mayor Montoya called the meeting to order at 6:00 PM

2) ESTABLISH QUORUM

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

3) INVOCATION

Commissioner Benavidez said the invocation.

4) PLEDGE OF ALLEGIANCE

Mayor Pro-Tem Martinez led in the Pledge of Allegiance.

5) OPEN FORUM-

- No citizen signed up for open forum.

6) CONSENT AGENDA (ORDINANCE. 98-21):

A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING HELD JANUARY 5 & 12, 2021.

B.) SECOND AND FINAL READING OF ORDINANCE NO. 2021-01 TO AMEND ZONING ORDINANCE NO. 26, AS AMENDED, TO REDUCE THE FRONT YARD BUILDING SET BACK FROM THIRTY FEET “30” TO TWENTY-FIVE FEET “25” IN CERTAIN RESIDENTIAL ZONING DISTRICTS.

C.) APPROVAL OF RESOLUTION NO. 2021-01 ACCEPTING OPERATION STONEGARDEN #3172806

D.) APPROVAL OF FY 20-21 1ST QUARTER INVESTMENT REPORT

- a.) Commissioner Benavidez made a motion to approve item 6A. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously.
- b.) Commissioner Benavidez made a motion to approve item 6B. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.
- c.) Commissioner Howell made a motion to approve item 6C. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.
- d.) Mayor Pro-Tem Martinez made a motion to approve item 6D. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

7) CITY MANAGER COMMENTS

Interim City Manager Pagan informed the Commission of workshops he is working on setting up. The workshops will be department heads to give a presentation following questions by the Commission. Mr. Pagan also stated that he would be placing an item on the next agenda regarding TCCFUI. Mr. Pagan also informed the Commission that he would like to start a social media committee.

8) PRESENTATION BY VIDA ON THE FINAL 2020 QUARTERLY EXPENDITURE REPORT

No representative from VIDA was present. This is no action item.

9) PRESENTATION BY FIRE/EMS ADMINISTRATOR OF RECORD ARMANDO "MANDO" MARTINEZ OF LAST QUARTERLY REPORT

State Representative Armando Martinez presented to the Commission a report on Fire/EMS services for the last quarter. Mr. Martinez stated that the City was successful in obtaining grants that allowed the City to acquire an ATV unit and 1 additional ambulance for COVID response with UV filtration and disinfecting lighting. Mr. Martinez stated there were 2177 calls in the last quarter. He added that the total income received for the FY 2020 was \$585,235.19 with total revenues of \$250,964.96. Mr. Martinez informed the Commission of the training for continuing education, creating a fire house training program in-house. Some of the goals stated were to have all personnel to be trained paramedics, replace 1 engine, purchase a ladder truck and build a new fire station on the north side of town. At a question, Mr. Martinez said they are working on approval from the state to create a training facility and charge fees, which will bring in more revenue. He continued that ladder trucks are also needed for horizontal buildings as well. Commissioner Benavidez asked about the totals, Mr. Martinez stated that the City is generating between \$38k to \$41k per month. This is a no action item.

10) PUBLIC HEARING TO SOLICIT INPUT FOR THE NEEDS ASSESSMENT FOR FISCAL YEAR 34 (2021)

Ms. Salinas was standing by the door for any citizen interested in providing their input for the funds. Mayor Montoya opened the public hearing at 6:30 P.M.

No Citizens spoke during the public hearing.

Mayor Montoya closed the public hearing at 6:46 P.M.

11) DISCUSSION AND POSSIBLE ACTION REGARDING GRANTS WRITING CONTRACTS AND CONSULTANTS.

Mr. Pagan informed the Commission that at the previous meeting the Commission voted to negotiate with Hollis Rutledge & Associates for Grant writing services. HR&A provided the City with a letter declining the contract with a \$2,000 retainer. Mr. Pagan stated he was seeking direction from the Commission on which way to proceed. Mr. Pagan advised that the City could go for RFQ's or reconsider the monthly retainer amount. There was discussion regarding having an in-house grant writer, the amount of grant writers needed, and the grant writing process.

Mayor Pro-Tem Martinez made a motion to seek RFQ's for grant writing services. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

12) DISCUSSION AND POSSIBLE ACTION TO APPROVE THE INTERLOCAL AGREEMENT BETWEEN WESLACO AND MERCEDES FOR THE HOUSING OF THE PRISONERS.

Police Chief Macias addressed the Commission regarding a new contract with the City of Weslaco for the housing of the Prisoners. Mr. Macias stated some of the changes to the agreement were a flat rate of \$54 per day which will allow for a 24-hr. hold. This would allow the City to have enough time to magistrate an individual. Mr. Pagan added that the new agreement has better outlined guidelines.

Commissioner Benavidez made a motion to approve the agreement with Weslaco and have a monthly report from the department on the housing of the prisoners. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously.

13) DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION RELATED TO CITY MANAGER AUTHORITY

Commissioner Gomez addressed the Commission regarding the creation of a resolution related to the City Manager's authority. Commissioner Gomez stated that the previous City Manager made poor decisions on the appointments of staff. He continued that the city charter states the City Manager shall contact the City

Commission on any decisions. The commission agreed that there is a need for better communication between the City Manager and the Commission. Mr. Troiani stated that the City Manager is hired by the Commission to oversee the staff and if the Commission wish to make a change then the Charter will need to be amended by a special election.

After discussion, Commissioner Benavidez made a motion to prepare a resolution for the City Manager to inform the City Commission and include weekly reports and to bring it back to the Commission for approval.

Commissioner Gomez seconded the motion. There was a short discussion regarding the motion. The City Attorney recommended having a policy in place rather than a resolution.

Commissioner Benavidez amended his motion to make their discussion a policy and procedure. Commissioner Gomez seconded the motion. Upon a called vote, the motion passed unanimously.

14) DISCUSSION AND UPDATE ON UPCOMING INFRASTRUCTURE PROJECTS, STREET IMPROVEMENTS AND FUNDS

Mr. Pagan informed the Commission that the City is in the process of setting up workshops with each department. He recommended that the information requested by the Commission on this item would be presented at the Public Works workshop.

Mayor Pro-Tem Martinez made a motion to table this item for the workshop with the Public Works Department.

Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

The Commission expressed some of the issues they would like expressed which include the following:

15) DISCUSSION AND POSSIBLE RECOGNITION OF THE ATHLETICS PROGRAM AND ADMINISTRATION AT MISD FOR INSPIRING MERCEDES DURING COVID-19

Commissioner Howell addressed the Commission regarding recognizing MISD and the athletics program for inspiring the community and giving them hope.

Commissioner Howell made a motion to create a formal or informal recognition to the athletics program and teachers. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously. Mr. Troiani stated a proclamation can be done. Commissioner Gomez stated that the City should recognize other members of the community for their efforts during COVID.

16) MONTHLY DEPARTMENT REPORTS

Department reports are included in the packet for the Commission to review.

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 went into executive session at 7:43 pm.

17) EXECUTIVE SESSION:

- a. CONSULTATION WITH LEGAL COUNSEL REGARDING LEGAL ISSUES RELATED TO TERMINATION OF CONTRACT WITH CITY OF WESLACO RELATED TO HOUSING OF PRISONERS (T.G.C 551.071)**
- b. CONSULTATION WITH LEGAL PURSUANT TO TEXAS GOVERNMENT CODE 551.071 (2) FOR THE PURPOSE OF RECEIVING PRIVILEGED ATTORNEY CLIENT COMMUNICATIONS AND PURSUANT TO TEXAS GOVERNMENT CODE 551.071 (1) REGARDING PENDING AND ANTICIPATED LITIGATION. (COMPREHENSIVE LITIGATION UPDATE)**
- c. CONSULTATION WITH LEGAL PURSUANT TO TEXAS GOVERNMENT CODE 551.071 (2) FOR THE PURPOSE OF RECEIVING PRIVILEGED ATTORNEY CLIENT COMMUNICATIONS (JANUARY 3, 2021, REPORT OF INDIVIDUAL ON CITY PROPERTY)**
- d. DELIBERATION PURSUANT TO TEXAS GOVERNMENT CODE 551.072 TO DISCUSS THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL ESTATE. (220 PATRICIA AVE.)**
- e. DELIBERATION PURSUANT TO TEXAS GOVERNMENT CODE 551.072 TO DISCUSS THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL ESTATE. (120 N. VIRGINIA)**
- f. CONUSLTATION WITH LEGAL COUSEL REGARDING LEGAL ISSUES RELATED TO THE HIRING OF THE CITY MANAGER. (T.G.C 551.071 & 551.074)**

Mayor Montoya called the meeting back to order at 9:28 pm.

18) DISCUSSION AND POSSIBLE ACTION ON EXECUTIVE SESSION ITEMS 17A, 17B, 17C, 17D, 17E, & 17F.

- a. No Action
- b. Mr. Troiani stated the motion would be to pursue litigation in Hidalgo County and authorize the City Manager to confer with the City Attorney. Commissioner Howell so moved. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously. Commissioner Benavidez stated that they did receive the information they had requested.
- c. No Action
- d. Commissioner Howell made a motion to authorize the City Manager and City Attorney to proceed on the Donation to the City. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.
- e. Commissioner Benavidez made a motion to authorize staff to begin the process to potentially sell the property. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.
- f. No Action.

19) ADJOURN

Commissioner Benavidez made a motion to adjourn. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously. The meeting adjourned at 9:31 pm.