

**MERCEDES CITY COMMISSION
REGULAR MEETING
OCTOBER 5, 2021 – 6:30 P.M.
MERCEDES CITY HALL – COMMISSION CHAMBERS**

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

STAFF PRESENT:	Alberto Perez	City Manager
	Martie Garcia Vela	City Attorney
	Joselynn Castillo	City Secretary
	Marisol Vidales	Library Director
	Axel Vallejo	City Manager Secretary
	Javier Chapa	I.T Director
	Ervin Vilchis	I.T Liaison
	Joaquin Hernandez	Public Works Director
	Nereida Perez	Finance Director
	Roy Quintanilha	Chief of Police
	Blanca Sanchez	Asst. City Manager
	Richard Morin	Recreational Director

1.) CALL MEETING TO ORDER

Mayor Montoya called the meeting to order at 6:30 p.m.

2.) ESTABLISH QUORUM

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

3.) INVOCATION

Mayor Pro-Tem Martinez said the invocation.

4.) PLEDGE OF ALLEGIANCE

Commissioner Gomez led the Pledge of Allegiance.

5.) OPEN FORUM-

- Asst. Chief Blanca Sanchez addressed the commission regarding the Mercedes Police Department National Night Out on Saturday October 30, 2021 at the Outlet Mall.

6.) CONSENT AGENDA:

A.) APPROVAL OF MINUTES FOR MEETING(S) HELD JULY 20 & AUGUST 3, 2021

B.) DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF INTERLOCAL AGREEMENT FOR POLICE SERVICES WITH MERCEDES ISD.

C.) APPROVAL OF ITEMS FOR SURPLUS.

A.) Commissioner Benavidez made a motion to approve item A with correction on the August 3rd meeting. He stated that Commissioner Gomez asked legal a question which included the words pending and previous litigation. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

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

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

7.) CITY MANAGER COMMENTS:

A.) MHA PRESENTS COVID-19 VACCINATION CLINIC FLYER B.) PERSONNEL POLICY MANUAL C.) MASTER PARK PLAN D.) UPDATE ON CITY PROJECTS AND EVENTS

A.) Mercedes Housing Authority will have a COVID-19 Vaccination Clinic.

B.) Mr. Perez stated that the personnel policy was included for review and will be placed on the

next agenda for Commission action.

C.) Mr. Perez informed the Commission about the master park plan. He included it for Commission review and recommendations and to be brought back for approval. Mayor Pro-Tem Martinez recommends approving the Park Plan to proceed with possible funding. Mr. Perez stated there are some issues that need to be addressed. Mayor Montoya asked to also bring the Parks Board back for appointments. Mayor Pro-Tem Martinez asked that we include some ADA accessible playgrounds. Mayor Pro-Tem Martinez asked that our grants writer work on this.

D.) Mr. Perez stated that some material has come in for potholes. There is a priority list for those streets with higher traffic. Mr. Perez stated there is a long-term plan that's in place but until the equipment comes in. Mayor Pro-Tem Martinez asked the Public Works Director for the difference between the street repairs. Mr. Hernandez stated that there are streets that need caliche prior to adding the asphalt. There are smaller potholes that need about an inch of asphalt. Commissioner Benavidez stated that he agrees with the higher traffic areas to be made priority and is advocating that the public contact the city for their concerns regarding the streets. Mayor Pro-Tem Martinez stated that the City has a 311 app and encourages the citizens to download it. Mr. Perez provided a list of the future agenda items with dates on when they are proposed to be on the agenda. Commissioner Benavidez asked for a date on the interlocal agreements.

8.) ORDINANCE/RESOLUTIONS:

A.) CONSIDERATION AND ACTION TO APPROVE RESOLUTION 2021-30 DIRECTING THE MERCEDES CITY MANAGER TO EXECUTE A TIRZ AGREEMENT WITH ARADI HOLDINGS FOR THE TRAVEL CENTER PROJECT

Commissioner Howell made a motion to approve resolution 2021-30. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

9.) ACTION ITEM(S):

A.) DISCUSSION AND ACTION ON AMENDMENTS TO THE BYLAWS OF THE DEVELOPMENT CORPORATION OF MERCEDES

Ms. Ramirez stated the DCM board acted to amend the bylaws. Ms. Ramirez stated some of the significant changes to the bylaws. The sections include 3.03, 3.09, 4.01 and 4.02. Mayor Pro-Tem Martinez made a motion to approve. Commissioner Benavidez seconded. Ms. Ramirez stated that this will help maintain the integrity of the board and to help run the board effectively. Upon a called vote, the motion passed unanimously.

B.) DISCUSSION AND POSSIBLE ACTION ON THE REAPPOINTMENT TO THE MERCEDES HOUSING AUTHORITY BOARD OF COMMISSIONERS

Mayor Montoya stated that she instructed the Housing Authority board to maintain their appointment. No action required as this is under the Mayor's authority.

C.) PREVIOUSLY TABLED: DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2021-25 TO NOMINATE UP TO FIVE CANDIDATES FOR THE ELECTION OF BOARD OF DIRECTORS FOR THE HIDALGO COUNTY APPRAISAL DISTRICT.

Mayor Pro-Tem Martinez made a motion to un-table. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously. Mayor Montoya nominated Mr. Joe Olivarez for the board of directors for the Hidalgo County Appraisal District. Commissioner Howell made a motion to approve the nomination by Mayor Montoya. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously.

10.) BIDS/CONTRACTS:

A.) DISCUSSION AND POSSIBLE ACTION REGARDING THE ERO CONTRACT AMENDMENT FOR THE ESTIMATED BUDGET FOR THE COST OF WORK FOR THE POLICE DEPARTMENT BUILDING RENOVATION

Mr. Perez stated that there was an amendment to the price for the ERO contract. Commissioner Benavidez made a motion to approve the amendment. Commissioner Howell seconded. Upon a called vote, the motion passed unanimously. It was stated that the amendment is a decrease in price.

B.) DISCUSSION AND POSSIBLE ACTION TO ENTER INTO A LOCAL AGREEMENT BETWEEN THE CITY OF MERCEDES POLICE DEPARTMENT AND THE OFFICE OF CRIMINAL DISTRICT ATTORNEY OF HIDALGO, TEXAS, HEREINAFTER CALLED STATES ATTORNEY PURSUANT TO CHAPTER 59 OF THE TEXAS GOVERNMENT CODE OF CRIMINAL PROCEDURES

Chief Quintanilha stated that this item is a standard agreement and is being updated. Commissioner Benavidez made

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

12A.) Mayor Montoya asked if the City Attorney would like to discuss item 11A to be discussed in open session. Commissioner Benavidez provided some documentation to the Commission. Commissioner Benavidez stated they interviewed Ms. Vela, Commissioner Gomez asked in the August 3, if there were any pending or previous lawsuits with Ms. Vela's firm at which Ms. Vela stated no. Commissioner Benavidez continued that there is a lawsuit that was filed in April of 2021. On August 17 in executive session Ms. Vela was asked if she worked with her brother and Ms. Vela stated that she has never worked with her brother and the lawsuit includes her and her brother, which Commissioner Benavidez is concerned with because he would like the truth. The City Attorney is to protect the City of Mercedes. Commissioner Benavidez stated that the City is in litigation with the prior City Attorney. He added that when someone lies the trust and confidence is lost. Commissioner Benavidez made a motion in the best interest in the City of Mercedes to annul the contract with the City Attorney Martie Garcia-Vela. Mayor Montoya stated he would like to remove himself from this item. Commissioner Gomez seconded the motion. Ms. Vela stated that the question was if there was anything filed against her or her law firm partners. She continued that her brother has his own company. Ms. Vela stated that she has filed a lawsuit against the ISD for breach of contract. She added that there was another lawsuit between attorneys. Mayor Pro-Tem Martinez stated that this is the second time this is on the agenda and does not want the Commission to continue if they are attacking someone which could get the City in trouble. Mayor Pro-Tem Martinez stated that the attorneys are fighting over fees and that should not be the reason to remove her from the position. Commissioner Howell stated this is targeting. Commissioner Benavidez stated that the Attorney did not review the contract for the new city attorney and was voted on with legal review and the prior attorney had corrections to the contract. Commissioner Gomez stated that the legal fees include lawsuits that the previous city attorney was charging for. He added that there is litigation with Mr. Juan Molina and that is why he is cautious with the City Attorney services. Mayor Pro-Tem Martinez stated that the Commission is not being cautious by placing this on the agenda to rescind or annul the contract. Upon a called vote, the motion failed. 2-3.

Mayor called the meeting to executive session at 7:24 pm.

11.) EXECUTIVE SESSION: CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY), SECTION 551.074 (PERSONNEL MATTERS) AND SECTION 551.087 (ECONOMIC DEVELOPMENT)

- A.) DISCUSSION AND CONSIDERATION TO RESCIND AND OR ANNUL CONTRACT FOR LEGAL SERVICES WITH MARTIE GARCIA-VELA, PC ON THE BASIS OF MISREPRESENTATION PURSUANT TO TEXAS GOV'T CODE 551.074 – PERSONNEL MATTERS**
- B.) DISCUSSION RELATING TO THE SALE OF REAL ESTATE FOR MERCEDES ORIGINAL TOWNSITE S 885.5' -E 110' BLK 2 – SECTION 551.072 – REAL PROPERTY**
- C.) DISCUSSION REGARDING PROJECT DRIVE-IN PURSUANT TO TEXAS GOV'T CODE 551.087 – ECONOMIC DEVELOPMENT**
- D.) CONSULTATION WITH ATTORNEY REGARDING PENDING MATTERS PURSUANT TO TEXAS GOV'T CODE 551.071 – PENDING LITIGATION**

Mayor called the meeting back to order at 8:28 pm.

12.) OPEN SESSION:

A.) DISCUSSION AND POSSIBLE ACTION ON EXECUTIVE SESSION ITEM A.

This item was discussed before going into executive session.

B.) DISCUSSION AND POSSIBLE ACTION ON EXECUTIVE SESSION ITEM B.

Commissioner Benavidez made a motion to approve as discussed in executive session and go into negotiations. Commissioner Howell seconded. Upon a called vote, the motion passed unanimously.

C.) DISCUSSION AND POSSIBLE ACTION ON EXECUTIVE SESSION ITEM C.

Commissioner Benavidez made a motion to approve a shared incentive between the City and DCM in the amount of \$150K. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

D.) DISCUSSION AND POSSIBLE ACTION ON EXECUTIVE SESSION ITEM D.

Commissioner Benavidez made a motion to proceed as discussed in executive session. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

13.) FUTURE AGENDA ITEMS

- Sidewalk repairs (Mayor Pro-Tem Martinez)
- Park Hazards to bring back and take care of issues. (Commissioner Benavidez)
- City to look into land acquisition for city use or development. (Commissioner Howell)

14.) ADJOURNMENT

Commissioner Benavidez made a motion to adjourn. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously. The meeting was adjourned at 8:33 P.M.