

**MERCEDES CITY COMMISSION
REGULAR MEETING
APRIL 7, 2020 – 1:00 P.M.
MERCEDES CITY HALL – COMMISSION CHAMBERS**

MEMBERS PRESENT: Henry Hinojosa Mayor
Leandro Villarreal Mayor Pro-Tem
Leonel Benavidez Commissioner
Cristella De Leon Hernandez Commissioner
Jose M. Gomez Commissioner

MEMBERS ABSENT: NONE

STAFF PRESENT: Sergio Zavala City Manager
Anthony Troiani City Attorney via Zoom
Joselynn Castillo City Secretary
Dagoberto Chavez ACM/Police Chief
Hugo Perales I.T Director

STAFF ALTERNATING: Javier Campos Int. Fire Chief
Marisol Vidales Library Director
Jose Figueroa Public Works Director

1) CALL MEETING TO ORDER

Mayor called the meeting to order at 1:00 PM

2) ESTABLISH QUORUM

All members of the commission were present; full quorum

3) INVOCATION

Commissioner Jose Gomez was voice for those present by expressing an inspired invocation.

4) PLEDGE OF ALLEGIANCE

Commissioner Benavidez led in the pledge of allegiance.

5) OPEN FORUM

- Ms. Jovana Garcia expressed her concern with the water bills. Ms. Garcia recommended that the city use the \$2 fee that had been imposed to cover the bills for those without a job during this COVID time. She stated the City is not shutting off water but the bill will still need to be paid.
- Mr. Marcelo Garcia expressed his concern on the bullet proof vests and stated that no city has an Assistant Police Chief. He expressed that the Police Department personnel are not wearing N95 masks and commented about a TCOLE meeting.

6) CONSENT AGENDA (ORDINANCE NO. 98-21):

- A) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING(S) HELD MARCH 17, 20 & 23, 2020.**
- B) SECOND AND FINAL READING OF ORDINANCE NO. 2020-04 FOR RIGHT-OF-WAY EXCAVATIONS, ESTABLISHING A PERMIT PROCESS AND FEE; AUTHORIZING A STREET DAMAGE FEE TO SECURE THE INTEGRITY OF EXCAVATED CITY STREETS, SIDEWALKS, AND ALLEYS; AND ADOPTING RELATED MEASURES TO MAINTAIN THE CITY'S ROWS.**
- C) SECOND AND FINAL READING OF ORDINANCE NO. 2020-05 TO REPEAL ORDINANCE NO. 2017-07 REGARDING UTILITY SERVICE STEWARDSHIP.**

Mayor Pro-Tem Villarreal made a motion to approve items A, B and C. Commissioner Hernandez seconded the motion. Commissioner Benavidez commented about item 6 of the previous meeting regarding the mile 1 project and stated he would like Mr. Mesa's response added to reflect the City Commission is able to be part of the negotiations. Upon a called vote, the item was unanimously approved.

7) CITY MANAGER COMMENTS

Mr. Zavala stated he met with EMC Campos on the PPE stock, addressed the concern by Ms. Garcia in open forum and stated that the city may need to pro-rate the balance over several months. Commissioner Benavidez commented about item 6 regarding the minutes; he stated that on item 23 on the Policy, if there were any changes and would need to see before being voted on.

8) DISCUSSION AND POSSIBLE ACTION TO APPROVE E-RATE CATEGORY 2 CONTRACT TO BARCOM TECHNOLOGY SOLUTIONS FOR DR. HECTOR P. GARCIA MEMORIAL LIBRARY

Ms. Vidales informed the commission about the E-Rate fund year 23. There are \$73K in available funds for 7/1/2020 to 2021. The City received 1 bid from Barcom Technology for a new firewall, replace 1 switch, 5 access points, and 2 battery backups. The total cost is \$23,911, E-Rate covers \$18,357 and the City would need to cover the rest of the cost of \$5,584.28. At a question by Commissioner Benavidez, Ms. Vidales stated the City can only apply 2 time every 5 years for Equipment. Ms. Vidales stated at E-Rate will not cover the entire cost for the Firewall. Commissioner Benavidez stated that the City can use the county or state funds due to the budget freeze. Commissioner Benavidez made a motion to approve contingent upon using state and county funds for the cost. Mayor Hinojosa seconded the motion. Upon a called vote, the item was approved unanimously.

9) DISCUSSION AND POSSIBLE ACTION TO APPOINT, AND/OR RE-APPOINT, FOUR (4) MERCEDES HISTORIC PRESERVATION COMMISSION MEMBERS.

Ms. Vidales informed the commission of the expired terms for the historical board. Ms. Vidales stated there are no applicants. Mayor Pro-Tem Villarreal made a motion to reappoint Lorri Merchant, Cherity Ysquierdo, Lawrence Serna, and Sylvia Carlin. Commissioner Benavidez seconded the motion. Upon a called vote, the item was unanimously approved.

10) DISCUSSION AND POSSIBLE ACTION TO APPROVE CHANGES TO THE MERCEDES HISTORIC PRESERVATION COMMITTEE GRANT PROCESS.

Ms. Vidales addressed the Commission of the application for the historical properties. The application was established in 2013 and adjustments have been made. The application cannot be from a board member due to conflict of interest, the sale of property will need to be in the applicant's name for 3 years instead of 2 years, will need 3 quotes for material for the property and the applicant must be present at the meetings regarding their property. Ms. Vidales added the funds are from hotel/motel tax. Mayor Pro-Tem Villarreal made a motion to approve item 10. Mayor Hinojosa seconded the motion. Upon a called vote, the item passed unanimously.

11) DISCUSSION AND ACTION TO APPROVE AN ORDINANCE ESTABLISHING AND FUNDING THE PUBLIC WORKS DEPARTMENT STREET MAINTENANCE FUND.

Mr. Figueroa informed the Commission that the Ordinance to establish a street damage fee, grounds and policies was previously approved. This item will allow the establishment of a fund designated to a Public Works street maintenance fund and street expenses. At a question by Commissioner Gomez, Mr. Figueroa stated the fee schedule was in the ordinance and the permit and fee is to be done by the Contractor. Mayor Pro-Tem Villarreal made a motion to approve item 11. Commissioner Gomez seconded the motion. Upon a called vote, the item was approved unanimously.

12) DISCUSSION AND POSSIBLE ACTION TO APPROVE AMENDED MERCEDES POLICE DEPARTMENT POLICIES AND PROCEDURES.

Mr. Chavez presented to the Commission the Police Department Policies. Commissioner Gomez asked a question, at which Mr. Chavez stated the policies were provided to legal. Commissioner Benavidez made a motion to table item 12 and bring back with the before having a strikethrough and the new addition next to it. At a question by Commissioner Hernandez, Mr. Zavala stated it was sent to legal several times, agrees legal should review and also agrees with the strikethrough suggestion by Commissioner Benavidez. Mr. Chavez stated that the policy needs to be implemented due to the current policy giving some officers authority to carry only one weapon. Mr. Troiani stated if the Commission approve he can provide their thoughts and approval. Commissioner Benavidez stated he would like to see what changes were made. At a question, Mr. Zavala recommends approval subject to legal approval and to have PD highlight in yellow, the changes that have been made. Commissioner Benavidez stated if the policies were urgent why are they receiving them 5 months later. Commissioner Gomez stated he would like legal opinion in writing. Commissioner Benavidez made a motion to table and bring back right away. Commissioner Gomez seconded the motion. Upon a called vote, the motion failed with Commissioner Hernandez, Mayor Pro-Tem Villarreal and Mayor Hinojosa voting against. Mayor Pro-Tem Villarreal made a motion to approve with pending approval from legal in writing and the highlighted corrections to be provided to the Commission. Commissioner Hernandez seconded the motion. Upon a called vote, the item passed with Commissioner Benavidez and Commissioner Gomez voting against.

13) TABLED: DISCUSSION AND POSSIBLE ACTION TO APPOINT OR REAPPOINT TWO (2) MEMBERS TO THE PLANNING AND ZONING COMMISSION; AND TWO (2) ALTERNATES TO THE ZONING BOARD OF ADJUSTMENTS.

Mayor Pro-Tem Villarreal made a motion to un-table item 13. Commissioner Hernandez seconded the motion. Upon a called vote the item passed unanimously. Commissioner Gomez stated honorable people who are willing to serve are needed for the P&Z board. Commissioner Gomez made a motion to appoint Mr. Lawrence Serna to

replace Mr. Alonzo Calvillo in the Planning and Zoning board and to keep Mr. Miguel Loya. Commissioner Benavidez seconded the motion. Upon a called vote the item passed unanimously. Mayor Pro-Tem Villarreal made a motion to reappoint Mirta Flores and add Alonzo Calvillo to the Zoning Board of Adjustments board. Commissioner Hernandez seconded the motion. Upon a called vote, the item passed unanimously.

Mayor called the meeting into executive session at 1:57 PM.

14) EXECUTIVE SESSION: CONSULTATION WITH LEGAL COUNSEL PURSUANT TO TEXAS GOVERNMENT CODE 551.071 (1)(A) REGARDING CONTEMPLATED ACTION PURSUANT TO TEXAS GOVERNMENT CODE 551.071(2) TO RECEIVE LEGAL ADVICE AND INFORMATION PROTECTED BY ATTORNEY CLIENT COMMUNICATION PRIVILEGE REGARDING TO THE ACQUISITION AND DISSEMINATION OF PROTECTED INFORMATION.

Mayor Pro-Tem Villarreal called the meeting back to order at 2:31 P.M.

15) GENERAL SESSION (RECONVENE): POSSIBLE ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION.

No action was taken on the items discussed in executive session.

16) ADJOURN.

Commissioner Hernandez made a motion to adjourn. Commissioner Benavidez seconded the motion. Upon a called vote, the item passed unanimously. The meeting adjourned at 2:32 P.M.