

**MERCEDES CITY COMMISSION
SPECIAL MEETING
DECEMBER 7, 2021 AT 6:30 P.M
MERCEDDES CITY HALL – COMMISSION CHAMBERS**

MEMBERS PRESENT:	Oscar Montoya	Mayor
	Joe Martinez	Mayor Pro-Tem
	Leonel Benavidez	Commissioner
	Jacob Howell	Commissioner
	Jose M. Gomez	Commissioner
STAFF PRESENT:	Alberto Perez	City Manager
	Joselynn Castillo	City Secretary
	Martie Garcia-Vela	City Attorney
	Marisol Vidales	Library Director
	Ervin Vilchis	IT Liaison
	Joaquin Hernandez	PW Director
	Javier Campos	Fire Chief/EMC
	Roy Quintanilha	Police Chief
	Nereida Perez	Finance Director
	Richard Morin	Recreational Director
	George Diaz	Police Officer

1) CALL MEETING TO ORDER

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

2) ESTABLISH QUORUM

Four members of the Commission were present. Mayor Pro-Tem Martinez arrived during item 6A.

3) INVOCATION

Commissioner Gomez said the invocation.

4) PLEDGE OF ALLEGIANCE

Commissioner Howell led in the Pledge of Allegiance.

5) OPEN FORUM

- Ms. Lucy Delgado spoke about a video posted on Facebook by Mayor Pro-Tem Martinez. She commends Mayor Pro-Tem Martinez for speaking out about the parks and potholes. She added that he is very passionate about the parks and streets and the city. Ms. Delgado wants the Commission to look into how many grants there have been for parks.

6) CONSENT AGENDA:

a. APPROVAL OF MINUTES FOR MEETING(S) HELD SEPTEMBER 7, 2021.

Commissioner Benavidez stated that the minutes should be the minutes from the previous meeting. Commissioner Benavidez made a motion to approve. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously.

7) CITY MANAGER COMMENTS

a. FOOD DISTRIBUTION

Mr. Perez stated that the next food distribution will be December 8, 2021.

b. UPDATE ON STREET REPAIRS

Commissioner Howell made a motion to combine items 7B and 9F as they both relate to potholes. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously.

Mr. Joaquin Hernandez informed the Commission of the pothole patching cases. He stated there were 24 closed cases and 3 open cases in November. In October to November

there were 6 requests and 18 work orders. Mr. Hernandez provided a comparison from the previous year on material used to the current fiscal year. Commissioner Benavidez stated that they requested more service for the streets and its good to see its getting done. At this time, the Commission, moved to item 9F.

c. ANNOUNCEMENT OF THE NEW ASST. CITY MANAGER

Mr. Ramirez stated he has come with many years of experience and has overseen the Sharyland water and wastewater treatment plant. Mayor Montoya and the Commission welcomed Mr. Ramirez. Commissioner Benavidez stated there was a need for an Assistance City Manager.

d. AGENDA PACKAGES TO BE POSTED FOR THE PUBLIC

The agenda packages have been posted on the website as of this meeting.

e. UPDATE ON ORDINANCE ON DEBRIS

Commissioner Gomez stated that the grass clippings have been in the works. Ms. Castillo stated she will meet with Commissioner Gomez on the ordinance to verify all concerns are addressed.

8) ORDINANCE/RESOLUTIONS:

a. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION ON FIRST READING OF ORDINANCE NO. 2021-16 TO REZONE MERCEDES MEMORIAL CEMETERY AN IRR TR-E240.85' -N427.46' LOT 1 3.33 AC GR 3/22AC NET FROM CLASS "B" TWO FAMILY RESIDENCE TO CLASS "B" BUSINESS DISTRICT

Mayor Montoya opened the Public Hearing at 7:22 P.M.

Commissioner Gomez stated that the property owner stated there was no sewer line and the engineer stated that the property owner will need to pay for the connection. Mr. Hernandez stated that there are services in the area but the property owner will need to connect.

- Mr. Mejia asked where the property is located. The property is currently a family and the new owner would to change the zone to business. Mr. Mejia stated he is in favor of having more businesses in Mercedes.

Mayor Montoya closed the Public Hearing at 7:23 P.M.

Commissioner Howell made a motion to approve the first reading. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed 4 to 1.

Commissioner Gomez voted against.

9) ACTION ITEM(S)

a. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PURCHASE OF A NEW FIRE TRUCK OUTFITTED WITH FIRE EQUIPMENT WITH CO FUNDING.

Fire Chief Campos is requesting a new engine. The new engine will be fully equipped. Commissioner Benavidez motioned to approve. Commissioner Howell seconded the motion. The Fire department has a 1992 Engine and a 2013 Engine as the primary. The engine was out of service for 160 days out of the year and have has to use the 1992 engine. There were issues with the 2013 engine as early as 2015. Chief Campos stated that the new engine is a need and was part of his need's assessment. The funding will come from the Certificates of Obligation Series 2021. Upon a called vote, the motion passed unanimously.

b. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PURCHASE OF A NEW VEHICLE FOR THE FIRE MARSHAL.

The Fire Marshal needed a vehicle and uses the Malibu that is assigned to City Hall. The vehicle is inadequate to hold the equipment needed for the Fire Marshal during investigation and inspections. Mayor Pro-Tem Martinez made a motion to approve. Commissioner Howell seconded. Mr. Campos stated that the vehicle will have the

reporting system needed to input the information from his calls. Upon a called vote, the motion passed unanimously.

At this time, Commissioner Benavidez motioned to move to items 9L, M and N. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

c. DISCUSSION AND POSSIBLE ACTION TO FILL DITCH WITH DIRT BETWEEN 10TH ST. TO 6TH ST. ON WESTSIDE OF FLORIDA ST. FOR A SIDEWALK.

Commissioner Benavidez stated that some of the fencing goes all the way to the curb and on the other side of the street there is a ditch. He is concerned about the kids that walk in that area. Commissioner Benavidez made a motion to allocate dirt to that area. Mayor Pro-Tem Martinez seconded. There is no sidewalk on either side of that street. Mr. Huacuja stated the ditch has some drainage purposes and a pipe was needed for waters. There was previously proposed a walking trail on Florida and Capisallo but was not pursued. Mayor Pro-Tem Martinez was concerned for the kids safety and placing dirt for walking. Commissioner Benavidez stated it was not to cover the ditch just fill it with dirt. Commissioner Gomez stated that the previous issue was buying dirt but now we have dirt from our retention ponds. Mayor Montoya would like to look at all options. Chief Quintanilha stated that making that street a one way would be easier. Mr. Hernandez stated that the easement belongs to the irrigation district. Commissioner Benavidez stated he is open to tabling the item. Mayor would like to postpone this item for the next. Commissioner Benavidez rescinded his motion to direct the City Manager to look at the options. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

d. DISCUSSION AND POSSIBLE ACTION REGARDIN CITY COMMISSIONERS DRUG TESTING.

Commissioner Benavidez stated this item was tabled. Commissioner Benavidez motioned to offer volunteer drug testing for Commission. Commissioner Gomez seconded the motion. Mayor Pro-Tem Martinez stated that the Commission cannot force another Commissioner to take a drug test and cannot ask them to reveal the results due to HIPPA. The Commission cannot remove another commissioner. Upon a called vote, the motion failed. Mayor Montoya, Mayor Pro-Tem Martinez and Commissioner Howell voted against.

e. DISCUSSION AND POSSIBLE ACTION TO FORM A MEMORIAL COMMITTEE FOR RESIDENTS WHO DIED AS A RESULT OF COVID-19.

Commissioner Benavidez would like to be part of the committee. Mayor Montoya nominated Commissioner Benavidez and Commissioner Gomez and three staff members. Commissioner Benavidez made a motion to approve the nomination by Mayor Montoya. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

f. DISCUSSION AND POSSIBLE ACTION FOR RESOURCES NEEDED TO REPAIR POTHOLES AS THEY POSE A HAZARD IN AND AROUND SCHOOL ZONES AND NARROW HIGHWAYS.

Commissioner Benavidez asked if the city needs resources. Mr. Perez stated that there are vacancies, the city is working on going out for bids for equipment. Mr. Hernandez stated that the city currently uses cold mix but is proposing a new mix that would work better for the streets and working to get a roller for the street. Commissioner Benavidez stated that he submitted to the auditors that there was a pothole patch truck that was approved but not purchased. Mr. Hernandez stated the paver would be better than the patch truck. Commissioner Benavidez made a motion in support of the public works department resources. Mayor Pro-Tem Martinez stated that South Washington has potholes near

Travis Elementary. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously.

At this time, the Commission moved to proceed with the agenda item 7C.

g. DISCUSSION AND POSSIBLE ACTION TO DIRECT CITY MANAGER TO DEVELOP A “SISTER CITY” PLAN THAT INCORPORATES ATTRACTING TOURISM, INCREASE SHOPPING IN MERCEDES AND POTENTIAL MUTUAL AID PLANS WITH CITIES ACROSS THE BORDER.

Commissioner Howell made a motion to develop a sister city plan. Mayor Pro-Tem Martinez seconded the motion. Commissioner Benavidez stated that EDC works with marketing and tourism. Commissioner Howell stated that a large portion of the city revenues are from visitors from Mexico. Upon a called vote, the motion passed unanimously.

h. DISCUSSION AND POSSIBLE ACTION TO DIRECT CITY MANAGER TO WORK WITH EDC ON DEVELOPING A YEARLY FAÇADE PROGRAM TO IMPROVE BUSINESSES IN MERCEDES DOWNTOWN AREA.

Commissioner Howell made a motion to approve directing city manager to work with EDC to develop a façade program to improve businesses in the Mercedes downtown area. Mayor Pro-Tem Martinez seconded. This will attract people to the downtown area and businesses to come in. Upon a called vote, the motion passed unanimously.

i. DISCUSSION AND POSSIBLE ACTION TO DIRECT CITY MANAGER TO DEVICE A PRIORITY ORDER AND PROGRAMMED UPDATES OF PROJECTS INVOLVING THE APPROVED CERTIFICATES OF OBLIGATION FUNDS AND GRANTS.

Commissioner Howell made a motion to approve a priority program for the projects. Mayor Pro-Tem Martinez seconded. Mayor Pro-Tem Martinez wants Capisallo Terrace as a priority and making the Police Department centrally located. Upon a called vote, the motion passed unanimously.

j. DISCUSSION AND POSSIBLE ACTION TO USE ALLOCATED FUNDS FOR PARKS, RECREATION FACILITY IMPROVEMENTS FORM THE COMMUNITY DEVELOPMENT BLOCK GRANT ON THE WATER COLLIER SPORTS COMPLEX, AND SALADINO PARK.

Mayor Pro-Tem Martinez attached a letter referencing park’s needs. Several parks have been neglected. There was a grant in the county of hidalgo. He is asking that the commission approve that that money be allocated for the two parks stated above. Commissioner Howell seconded the motion. Mayor Pro-Tem Martinez want to upgrade the restrooms. Commissioner Benavidez stated all the parks are neglected and that they need lighting, HEB park needs speed bumps. Mayor stated this is not about allocating city funds, it’s about allocating grant funding. Upon a called vote, the motion passed unanimously.

k. DISCUSSION AND POSSIBLE ACTION TO CREATE A PUBLICIE INFOMRAITON OFFICER (PIO) POSITION.

Mr. Perez stated the city lacks in putting information out on time, there are opportunities for PSA. This is to have a common message for the city. Commissioner Howell made a motion to approve. Mayor Pro-Tem Martinez seconded. Mayor Montoya stated that some people are still not receiving the information and this position will assist in getting information out to the community. Commissioner Gomez asked if the commission will be restricted from posting themselves at which the response was no the commission has their first amendment right. This position is for city statements and information. A position will be removed for this position so it is not a new position and will not allocate more funding, it will be within budget. Upon a called vote, the motion passed 3 to 2.

Commissioner Benavidez and Commissioner Gomez voted against.

I. DISCUSSION AND POSSIBLE ACTION ON APPROVAL TO ADVERTISE FOR BIDS FOR COLLIER PARK DRAINAGE IMPROVEMENTS PHASE II PROJECT.

Mr. Perez stated that one of the goals is to target areas that need to be completed prior to hurricane season. Mr. Isaac Huacuja stated that the engineering plans have been completed and are ready to move on the construction. He stated that the water flows west in that area to the ditch which flows south. The drainage ditch gets overwhelmed which causes flooding, the pump will push water west to assist with flooding in conjunction with the south flowing water. Mayor Montoya stated that this should affect people as far as Business 83 to Texas Ave. There are areas that the street dips and collects water, Mr. Huacuja stated that the inlets are needed in the low spots. Commissioner Howell made a motion to approve going out for bids. Commissioner Benavidez seconded the motion and commended Mr. Huacuja on his work for the City. Upon a called vote, the motion passed unanimously.

m. DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF THE REHABILITATION OF WWTP CLARIFIER NO. 1, INCLUDING ENGINEERING WORK AUTHORIZATION AND ADVERTISING FOR CONSTRUCTION BIDS.

Mr. Huacuja showed photos of the clarifier. It has a ground water problem and the clarifier has been out of service, the issues have been addressed to TCEQ. There is a need to repair the equipment. Commissioner Benavidez asked how long Mr. Huacuja has known about the issues and he stated since around April and have been discussing the issues with management and have cleaned it out, assessed, and now needs repair and wants to go out for bids to bring this back online. Commissioner Benavidez made a motion to approve. Commissioner Howell seconded. Upon a called vote, the motion passed unanimously.

n. DISCUSSION AND POSSIBLE ACTION TO PROCEED WITH WORK AUTHORIZATION FOR PLANNING AND DESIGN OF SLUDGE MANAGEMENT SYSTEM FOR THE WTP.

Commissioner Benavidez made a motion to approve. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously. Funding for the water well grant should be coming in after the agreement. Land needs to be secured to do the improvements and can have the water well at that location. Mr. Huacuja stated that there is an advantage to having the water well with the land acquired. Mr. Perez stated that the city is pulling water out of the canal. Every time the water is pulled, sludge is coming with it. There is a cost associated with cleaning out the sludge. Currently there is no space to treat the sludge or to separate the water from the sludge which is costing the city money. Mr. Perez stated that with these improvements, the city will be saving money. At this time, the commission moved to item 9C and proceeded with the agenda.

10) BIDS/CONTRACTS:

a. DISCUSSION AND POSSIBLE ACTION TO MIGRATE INCODE TO A CLOUD-BASED SERVICE.

Ms. Nereida Perez stated that the server is at its end of life and will need to be upgraded. It is more feasible to move to the cloud based. Chief Quintanilha stated that the CAD system has been going down and going cloud based will assist. Commissioner Benavidez made a motion to approve. Mayor Montoya would like to look into migrating the whole city. Commissioner Benavidez amended his motion to include the whole city cloud based. Commissioner Benavidez amended his motion to have finance migrate incode and to look into doing the whole city. Mayor Pro-Tem Martinez seconded. Upon a called vote the motion passed unanimously.

11) EXECUTIVE SESSION:

Mayor Pro-Tem Martinez motioned to go into executive session. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously. The meeting went into executive session at 9:05 P.M.

- a. **DISCUSSION REGARDING DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER WITH REGARDS TO THE POLICE EPARTMENT – TEXAS GOV'T CODE 551.074 – PERSONNEL MATTERS**
- b. **LEGAL CONSULATION ON ALL ONGOING LITIGIATION OR PENDING LITIGATION AND POTENTIAL LITIGATION AND CONFLICT OF INTEREST BETWEEN COMMISSION AND POLITICAL SUPPORTERS INVOLVED IN LITIGATION AND CONFIDENTIALITY WITH THE CITY OF MERCEDES – TEXAS GOV'T CODE 551.071 – ATTORNEY COMMUNICATION.**
- c. **DISCUSSION REGARDING THE CITY MANAGER NOT ASSISTING ELECTION CANDIDATES DURING WORKING HOURS – TEXAS GOV'T CODE 551.074 – PERSONNEL MATTERS.**
- d. **DISCUSSION AND POSSIBLE ACTION ON APPROVED ACTION TAKEN BY THE CITY COMMISSION REGARDING LEANDRO “LEO” BILLARREAL’S PAID LEGAL FEES AND REIMBURSEMENT OPTIONS.**

Mayor Montoya called the meeting back to order at 10:46 P.M.

12) OPEN SESSION: DISCUSSION AND POSSIBLE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION.

- a. 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.
- b. Commissioner Benavidez made a motion to proceed as discussed in executive session and take action. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.
- c. No action was taken on this item.
- d. No action was taken on this item.

13) 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 10:48 P.M.