

**MERCEDES CITY COMMISSION
REGULAR MEETING
JUNE 15, 2021 AT 6:00 PM
MERCEDES 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
	Anthony Troiani	City Attorney (webex)
	Nereida Perez	Finance Director
	Axel Vallejo	City Manager’s Secretary
	Marisol Vidales	Library Director
	Ervin Vilchis	IT Liaison
	Joaquin Hernandez	PW Director
	Javier Campos	Fire Chief/EMC
	Jose Macias	Police Chief
	Orlando Diaz	Police Sargent

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

Commissioner Howell led in the Pledge of Allegiance.

5) OPEN FORUM

- Mr. David Garza expressed his concern with his removal from the DCM Board.
- Mr. Leonel Benavidez expressed his concern with the process for placing items on the agenda and information requested through open records and stated he filed a complaint with the Attorney General’s office.

6) ITEMS ON THE REGULAR AGENDA

No one signed up for this item.

7) PRESENTATIONS

A.) UPDATE ON BRUSH PICK UP FROM WASTE CONNECTIONS

Mr. Perez presented to the Commission the report for Waste Connections. The report included the comparison between the brush pick-up from Hurricane Hannah and the recent Winter Storm. There was discussion regarding the amount of brush pick-up, fees for the service for extra brush trucks in the city, the brush fee for citizens and the possibility of

contracting a company to assist in the brush pick up. There were concerns about the brush not being picked up and educating the citizens to follow the brush schedule when trimming their trees. It was stated that some brush has not been picked up due to the location of the brush.

- 8) **CONSENT AGENDA:** *(All matters listed under Consent Agenda are considered to be routine by the Governing Body and will be enacted by one motion. There will be no separate discussion of these items; however, if desired, that item(s) will be removed from the Consent Agenda and will be considered separately.)*

A.) **ACTION TO AUTHORIZE STAFF TO EXPEND AWARDED OPERATION STONEGARDEN GRANT FY 20 #3172806 MONIES TO PURCHASE VEHICLE FOR POLICE PURPOSES**

B.) **ACTION TO AUTHORIZE STAFF TO EXPEND AWARDED OPERATION STONEGARDEN GRANT FY 18 #3172804 MONIES TO PURCHASE MOBILE SURVEILLANCE TOWER**

Mayor Pro-Tem Martinez made a motion to approve all items under consent agenda. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

- 9) **CITY MANAGER COMMENTS**

1.) **FINANCING INFORMATION FOR MOTOR GRADER AND BACKHOE**

Mr. Perez stated that the city is waiting on funds from the federal government and in the meantime, there is a need for equipment. The Commission approved the purchase of a motor grader and backhoe and Mr. Perez stated that the city received a low interest rate and will use the financing option for the purchase. Mr. Hernandez stated that the equipment can be used for the retention ponds currently not completed.

2.) **OWNERSHIP OF HIDALGO ST.**

Mr. Perez informed the Commission that the city abandoned the rights to the street. Mr. Troiani agreed that the city abandoned the street. At a question, Mr. Perez stated that the street is in private property and the property owner will need to fix any water or sewer issues within the property.

3.) **PROCESS ON BUDGETED ITEMS**

Mr. Perez addressed the Commission regarding the process for budgeted items. The Commission approves the budget and items still go to the Commission for approval although it was budgeted. There was discussion regarding an emergency fund and informing the commission of items purchased over \$10K. The previous threshold was \$50K and the procurement policy was changed to get approval from the commission on all items over \$10K for more oversight of the city's purchases.

- 10) **ORDINANCES AND RESOLUTIONS**

A.) **PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION ON REZONING ORDINANCE TO REZONE LOTS 22-31 & 36-52 FROM CLASS "N" NEWLY ANNEXED TO CLASS "C" APARTMENT DISTRICT; MIRA VISTA PHASE II ORDINANCE NO. 2021-05, APPLICANT RED ROCK REAL ESTATE DEVELOPMENT GROUP, LTD**

Mr. Hernandez informed the Commission about Mira Vista Phase II. He stated that the project is in the middle of the City of Mercedes and the City of Weslaco's jurisdiction. Water and Sewer will be provided by the City of Weslaco. There are 35 lots in the City of Mercedes.

Mayor Montoya opened the public hearing at 6:56 p.m.

- Ms. Cristella Hernandez asked how long the City of Weslaco will continue to provide water and sewer services. It was stated that there is an agreement for Weslaco to provide the utility services until the city of Mercedes adds the utility lines.

- Mr. David Garza stated that after an area is annexed, the city needs to put utility services within 3 years. Mr. Troiani stated that the area will have utility services provided by the City of Weslaco.
- Ms. Cristella Hernandez expressed her concern with which city the children will be attending school.

No further comments were made; therefore, Mayor Montoya closed the public hearing at 7:01 p.m.

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

At this time Mayor Montoya moved to item 11F.

B.) APPROVAL OF FIRST READING OF ORDINANCE NO. 2021-06 TO CONVEY CITY-OWNED PROPERTIES, BEING LOTS 19 & 20, BLOCK 70, MERCEDES ORIGINAL TOWNSITE TO PURCHASERS FOR VALUE VIA SEALED BIDS.

Mr. Troiani stated that the Commission awarded Lot 19 to the highest bidder, Ms. Renata Ledesma in February 2020. He added that the conveyance has not been completed due to the sale needing an Ordinance to formalize the bid. Mr. Troiani read the ordinance.

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

11) MANAGEMENT ITEMS

A.) DISCUSSION AND POSSIBLE ACTION IN FORMULATING A PLAN OF ACTION SURROUNDING CODE ENFORCEMENT AND THE ENFORCEMENT OF CITY ORDINANCES WITHIN THE CITY OF MERCEDES.

Mr. Perez stated he is looking at formulating a plan for code enforcement now that the Judge is back in operation. Mr. Perez stated the judge can now look at the violations from code enforcement.

Mayor Pro-Tem Martinez made a motion to formulate a plan of action. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously.

Commissioner Gomez recommends having staff pick up bulk items and take it to the collection station. There was discussion regarding the repercussions for code violations, reinforcing the code and the cases that staff gets and the number of the cases that are resolved.

B.) DISCUSSION AND POSSIBLE ACTION TO PROVIDE THE CITY COMMISSION MEETING'S AGNEDA PACKETS TO THE PUBLIC ON THE CITY OF MERCEDES WEBPAGE ON THE DAY OF THE MEETIN'S PUBLIC POSTING.

Commissioner Benavidez recommends staff to place the agenda packets on the website for citizens to review. He added that HB 2840 allows citizens to speak on agenda items and its important for them to have the information from the packet.

Commissioner Benavidez made a motion to approve putting the agenda packets on the website. Commissioner Gomez seconded the motion. Upon a called vote, the motion passed unanimously.

Mr. Troiani added that Executive Session items and privileged items will not be on the website. Mr. Perez stated that at this time the website does not have the capacity to upload large files like the agenda packets.

C.) DISCUSSION AND POSSIBLE ACTON TO APPROVE THE PURCHASE OF JOHN DEERE ZERO TURN TRACTORS AND JOHN DEERE GATOR

Mr. Hernandez stated that this purchase is to maintain the city parks. The current equipment is for residential use and these items are for commercial use. Mayor Pro-Tem Martinez made

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

D.) DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PURCHASE OF UTILITY TRAILERS.

Mr. Hernandez addressed the Commission regarding 2 utility trailers to transport tractors and move brush. One trailer is 18ft and the other is 16 ft.

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

Commissioner Gomez asked if this was on buyboard.

Mr. Perez stated that the city only has one trailer, and a staff member has to be driving around to deliver the equipment.

E.) DISCUSSION AND POSSIBLE ACTION ON INVOICE FOR CHAMBERS FOR MOVIES AT THE PARK

Ms. Perez informed the Commission that the Chambers is requesting \$4,000 for movies at the park. Due to Covid no funds were budgeted, and they will be from the general fund.

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

F.) DISCUSSION AND POSSIBLE ACTION ON RIVERSTONE ESTATES PHASE II – PRELIMINARY FINAL PLAT APPROVAL

Commissioner Benavidez made a motion to approve the preliminary final plat for Riverstone estates phase II. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously. It was stated that these are high end homes, appraised at \$200K with 14 homes.

At this time, the commission moved back to item 10B and proceeded with the agenda.

G.) DISCUSSION AND POSSIBLE ACTION TO CHARGE A FEE ON ALL REQUESTS FOR RECORDS

Mr. Perez addressed the Commission on the number of requests for information staff receives. He would like the Commission to consider charging on all requests for records from the Commission. It was previously approved that the Commission may request records at no cost if it was agenda related. After a brief discussion, Commissioner Benavidez made a motion to table this item and enact a policy. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

H.) DISCUSSION AND POSSIBLE ACTION TO APPROVE A GORMAN RUPP PUMP FOR SANITARY SEWER EMERGENCIES

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

It was stated that a 6 in. pump was previously approved however, after checking the flow rate, the need was for an 8 in. pump.

I.) CONSIDERATION AND POSSIBLE ACTION ON APPROVAL OF PUMPS FOR PUMPING STATION AT COLLIER PARK.

Commissioner Howell made a motion to approve the pump for the pumping station at collier park. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

J.) DISCUSSION AND POSSIBLE ACTION ON APPORVAL TO DIRECT CITY MANAGER TO DEVELOP A CITY IMPROVEMENT PLAN AND CITY ACTION PLAN WITH REGARDS TO CITY INFRASTRUCTURE, STREETS, WATER/SEWER PLANTS, CITY BUILDINGS AND PARKS.

Commissioner Howell stated he would like a City Improvement Plan (CIP) to identify the issues the city is facing and develop a plan of action to correct the issues.

Commissioner Howell made a motion to approve a city improvement plan and city action plan. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

12) BIDS AND CONTRACTS

A.) DISCUSSION AND POSSIBLE ACTION TO RENEW THE AGREEMENT WITH LONESTAR LOGOS MANAGEMENT FOR 2022.

Mr. Perez stated that lone star logos is the advertisements that are off the expressway and the contract needs renewal.

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

B.) DISCUSSION AND POSSIBLE ACTION TO SECURE BIDS FOR AUDIT SERVICES.

Staff is requesting to go out for bids for audit services.

Mayor Pro-Tem Martinez made a motion to approve going out for bids. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously.

C.) DISCUSSION AND POSSIBLE ACTION ON INTERLOCAL AGREEMENT WITH COUNTY OF HIDALGO FOR THE USE OF THEIR EQUIPMENT AND MATERIALS

Mr. Perez stated that the agreement will be for the use of equipment and material from Hidalgo County. Commissioner Benavidez made a motion to approve the interlocal agreement with the County of Hidalgo. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously.

D.) APPROVAL OF AGREEMENT BETWEEN THE CITY OF MERCEDES AND TEXAS DIVISION OF EMERGENCY MANAGEMENT "TDEM" IN RELATION TO WINTER STORM (DR-4586) GRANT TERMS AND CONDITIONS.

TDEM is an agreement for funds from grant opportunities.

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

13) FUTURE AGENDA ITEMS

Commissioner Benavidez would like a future agenda item on the procurement process on purchases over \$10K and reports and to bring back the tabled items, needs assessment, city revenue optimizing strategy and reports to be forwarded to the Commission.

Commissioner Howell would like items on food trailer restrictions to be lifted for the food park and time frame on the streets to be fixed.

14) MONTHLY DEPARTMENT REPORTS

Mayor Montoya commended the Police Department and Dispatch with regards to animal control. He stated they are averaging 180 dogs picked up including dead dogs in two weeks. Chief Macias stated that patrol officers respond to animal calls and that there several different types of dog breeds being picked up.

Mayor Montoya called the meeting into executive session at 8:18 p.m.

15) EXECUTIVE SESSION:

- A.) CONSULTATION WITH LEGAL COUNSEL PURSUANT TO TEXAS GOVERNMENT CODE 551.071 TO RECEIVE COMMUNICATION PROTECTED BY THE ATTORNEY CLIENT COMMUNICATIONS PRIVILEGE AND REGARDING REASONABLY ANTICIPATED LITIGATION.**
- B.) DISCUSSION WITH LEGAL COUNSEL REGARDING THE BASIS TO REMOVE DCM BOARD MEMBER**
- C.) DISCUSSION WITH LEGAL COUNSEL REGARDING ATTORNEY'S FEES PAID ON BEHALF OF COMMISSION CANDIDATE, LEANDRO "LEO" VILLARREAL**

Mayor Montoya called the meeting back to order at 11:02 p.m.

16) OPEN SESSION:

A.) DISCUSSION AND POSSIBLE ACTION ON ITEM(S) IN EXECUTIVE SESSION – ITEM A, B & C.

- a.) Commissioner Benavidez made a motion to have a meeting with the service provider and department heads with EMS. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.
- b.) No action was taken on this item.
- c.) Commissioner Gomez made a motion for the City Attorney to recover the funds for this case. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

17) 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 adjourned at 11:04 pm.