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**The State of Texas
The County of San Patricio
The city of Mathis**

**Regular Meeting
February 11, 2019**

In accordance with the Texas Open Meetings Act, Chapter 551.041 of the Texas Government Code, the City Council of the City of Mathis held a **Regular Meeting** at 7:00 P.M. on **Monday, February 11, 2019**, at City Hall-Annex, 401 E. San Patricio Avenue. **Public Notice** was hereby given that the City Council may elect to go into closed session at any time during the meeting in order to discuss matters listed on the agenda concerning personnel, consultation with the city attorney, real estate acquisition, or other purposes authorized under the "Open Meetings Act". In the event the City Council elects to go into closed session regarding an agenda item; the purpose of the closed session and the section of the Open Meetings Act authorizing the session will be publicly announced by the presiding officer.

Mayor Ciri Villarreal led the invocation followed by the Pledge of Allegiance.

1. Roll call to determine presence of a quorum.

Mayor Ciri Villarreal, Councilwoman Sandra Quinones, Councilwoman Eufemia Nieto and Mayor Pro Tem David Garcia.

Absent: Councilman Abel Trejo and Councilwoman Rosalinda Pena

City Staff Present: City Manager Michael Barrera, City Secretary Mary Acosta Gonzales, Finance Director Caron S. Vela, EMS Director Paul Pulley, Chief Pedro Saenz and Public Works Director Gary Paredez. Other City Staff were not required to attend.

Guests: Nytas Burnell, Steve D. Cervantes, Fidel Jimenez, Frances Gonzales, Amanda Rodriguez, Isabel Rivera, Tommy Patterson, Pat Doherty, Al Pacheco, Melissa Rodriguez, Tiffany Rodriguez, Andromada Vallejo, Rosendo Rodriguez, Frank Hodiness, Lupe Holdiness, Jordan Veliz, Dalia DeLeon, Ernest Garza, Melissa Jimenez and Char Brown.

2. Call to order.

With a quorum of the Council Members present, the Regular Meeting was called to order by Mayor Ciri Villarreal at 7:01 p.m.

The City Council of the City of Mathis will discuss and act on the following:

3. Consider approval of minutes for January 14, 2019.

MOTION: Councilwoman Eufemia Nieto motioned to approve the minutes of January 14, 2019. The motion was seconded by Councilwoman Sandra Quinones and the motion carried 3-0.

4. Consider order of the May 4, 2019 General Election by Resolution R-19-02-09.

MOTION: Mayor Pro Tem David Garcia motioned to approve Resolution R-19-02-09 calling order of the May 4, 2019 General Election. The motion was seconded by Councilwoman Eufemia Nieto and the motion carried 3-0.

5. Consider proclamation in recognition of the Otila M. Carrillo Neighborhood Park.

MOTION: Councilwoman Sandra Quinones motioned to approve the proclamation honoring Otila M. Carrillo and renaming Horton Park as the Otila M. Carrillo Neighborhood Park. The motion was seconded by Councilwoman Eufemia Nieto and the motion carried 3-0.

6. Citizen presentation from the floor.

Al Pacheco addressed the Council in regards to the completion of his review concerning citation complaints from citizens that referenced unprofessionalism by some officers and questionable traffic citations. However, over the course of his review, other concerns were raised that would require an investigation; regarding the outcome from a previous council meeting where the City Manager was directed to continue a professional development of the Police Chief and correct any inconveniences. Mr. Pacheco stated that concerns from the community questioned the meaning of inconveniences by clarification. As a result, Mr. Pacheco stated that he wanted to bring forth five issues to the Council's attention:

- 1. While a few people file complaints, numerous citizens voice their concerns about the trivial traffic stops and unprofessional behavior by some officers; and most of those officers have already departed.*
- 2. A former female employee complained about the Police Chief, using foul language, creating an uncoordinated work environment in the work place and she had been employed by the City for about nine years.*
- 3. A former Police Officer complained of intimidation and possible sexual harassment and a hostile work environment created by the Police Chief; these are serious charges.*
- 4. Problems the Police Department has had for some time; 100% turnover in staff of Police Officers. During the last time, the Chief mentioned that he knew all the businesses and visited them on a regular basis and it was mentioned in open session. As a result, Mr. Pacheco queried Mr. Cortez, Mr. Cunningham, Mr. Serna, Mr. Noel, Mr. Tate and they didn't even know what the Chief's name is.*
- 5. Mr. Pacheco stated that Chief Saenz mentioned he had community policing. However; community policing is non-existing and has been for some time because when you have 100% turnover there's no way you can do community policing.*

In summary, Mr. Pacheco stated that the City has a young, first-time Police Chief who in his opinion lacks management experience and has been unable to sustain a stable workforce. Based on employee testimony, it appears the Chief uses intimidation tactics. In his unprofessional opinion, Mr. Pacheco stated that the complaints sited by former employees and officer turnover should be investigated by an independent investigator; otherwise employees will not file grievances, they will just leave. In turn Mr. Pacheco further stated that when we refuse to believe a problem doesn't exist within an organization, no amount of training, technical equipment, new vehicle, salary increases will improve the workplace. Mr. Pacheco strongly recommended that an investigation by an outside source be conducted because we have a problem.

Fidel Jimenez, addressed the Council beginning with specifically addressing Mayor Villarreal, by referring to a previous meeting, Mayor Villarreal insulted and humiliated him; further stating, "you don't have the right to open your mouth", and suggested the Mayor to read the little booklets that says the U.S. Constitutions that are in City Hall; to pick one up and read it. Mr. Jimenez stated that the Council should be ashamed with having the City Manager and a Police Chief that has killed a man and in three to four days was put back to work without an investigation. Mr. Jimenez further stressed how the Council as a whole should be ashamed, and to send the Police Chief for anger management training is poor; after having people who have accused him of sexual abuse, abuse of power, humiliation and everything else. Mr. Jimenez further stressed how the council has been elected by the town to take care of the people; stating, "I don't care if you don't like it, I'm telling you like I see it. I'm like the umpire, I call the ball a ball and a strike a strike and you my friend you're a ball, not a strike right now".

Char Brown, MEDC Board Vice-President, addressed the Council by stating that Mathis is the only city of the nine cities of San Patricio County that do not pay into SPCEDC dues. Mrs. Brown expressed that the MEDC has worked very hard and it's a shame that the City has not continued to pay those dues and that it's a poor reflection to the City. Mrs. Brown stressed that at some point Mathis will benefit from the contribution and requested that the City reconsider paying the membership dues.

7. Open public hearing.

The public hearing began at 7:18p.m.

8. Conduct a Public Hearing offering the general public the opportunity to make comments and ask questions concerning a proposed Rezone request of the property located on West San Patricio Avenue, more fully described as 50x100 Lts. 5 & 6, Blk. 7 Dougherty & Roots-Mathis 0.23 acres situated in San Patricio County, Texas; (residential to commercial).

Mr. Barrera informed the Council that Amanda Rodriguez is the owner of the above described property and plans on developing the property into a beverage barn/drive thru. The property is currently zoned for R-1, Residence Occupancy which does not allow for commercial business. Ms. Rodriguez is requesting a rezone of the property to B-1 Business to allow her to move the project forward to completion.

Mayor Pro Tem Garcia questioned up to where are the boundaries of business district due to a previous business building located across the street. Mayor Villarreal expressed concerns with the drive thru located on that corner due to the San Patricio Ave. being a two-way highway and people trying to make a left turn. Mayor Pro Tem Garcia questioned how big the drive thru plans to be. Ms. Rodriguez stated that the barn would be accessed by turning off of San Patricio Ave., into an area of the barn that would allow up to four vehicles to access and exiting on to Perez St.

With no further questions or discussion among the Council or general public, Mayor Villarreal closed the public hearing.

9. Conduct a Public Hearing offering the general public the opportunity to make comments and ask questions concerning a proposed Replat and variance request of Lts 1 & 2 Blk 54 Mathis 0.21 acres.

With the public hearing beginning at 7:28p.m., Mr. Barrera informed the Council that Mr. Steve Cervantes' family has purchased the two lots at the intersection of Hackberry St. and Nueces St. There exists three buildings on the two lots, one of which is built as a duplex that crosses the property lines of the two lots. The family wants to rent out the properties as individual residences and have asked for guidance on an appropriate strategy for platting and zoning the properties. Staff has reviewed the business plan and determined replatting the two properties to a single lot and allowing for a variance to R3, multifamily residence would be the best platting and zoning classification for renting out the buildings. Mr. Cervantes has asked for Council review and approval of his plan prior to investing the money to replat and remodel the buildings. Staff is recommending approval of the plan which would replat the two lots into a single lot and allow for the variance to multifamily.

Mayor Villarreal questioned the big building, verifying if it is a duplex; to which Mr. Cervantes confirmed that it is and plans to keep it as is, with the understanding of bringing it up to standards, allowing for renting. Mayor Pro Tem Garcia questioned the timeline for completion; to which Mr. Cervantes stated possibly sometime in August due to the amount of work needed on the dilapidated property.

With no further discussion or questions from the general public, Mayor Villarreal closed the public hearing.

10. Conduct a public hearing to review the City's program performance including the actual use of the TxCDBG funds regarding the 2016 TxCDBG Downtown Revitalization contract #7216282 and the 2016 Small and Micro Enterprise Revolving Fund contract #7216352.

The public hearing began at 7:33p.m., Mr. Barrera stated that the City awarded the 2016 Downtown Revitalization contract to DMB Construction on April 23, 2018, in the amount of \$303,928; of which \$250,000 was reimbursed by TxCDBG program and an additional \$13,000 was a City local match contributed as well as \$40,000 was local match from MEDC. In addition, \$35,000 for engineer services and \$25,000 for administration services was also provided by MEDC. In summary of all costs for the project was \$363,931.

Mr. Dowler addressed the Council in regards to the Small and Micro Enterprise Revolving Fund (SMRF) contract, stating that as a result of the City being awarded the contract for the Downtown Revitalization project, MEDC became eligible to receive the SMRF funds, which are a capitalization of a revolving loan fund. The City approved an agreement with MEDC for the 2016 SMRF contract on December 12, 2016. The agreement assigned the MEDC as the Administrator of the fund whereby a grant application was made on behalf of the City to the TDA. Additional duties of the MEDC were to solicit applications for loans and process according to the guidelines established by the TDA. Mr. Dowler stated that funds were spent in a form of loans to nine different businesses; which have created seven new full time jobs and all loans are still current. The MEDC also contributed \$15,000 as a required match and MEDC made an additional \$40,000 in funds available to the revolving loan fund. Today there is an outstanding balance of \$150,000 in the nine loans that are being repaid back to different business participating in the program.

With no further discussion or questions from the general public, Mayor Villarreal closed the public hearing.

11. Close public hearing.

The public hearings concluded at 7:37p.m.

12. Consider motion approving the proposed Business Development Plan for Amanda Rodriguez.

Mr. Barrera stated that the proposed business plan enclosed is for a Beverage Barn/Drive Thru. If approved, the business owner plans to sale cold drinks including beer and cigarettes from the property. The distance to the nearest church is more than the 300ft. requirement under TABC and city's ordinance. Mr. Barrera recommends to replat the property into one single parcel and approving for a variance allowing to do the B-1 District. Mayor Pro Tem Garcia questioned the timeline for the development; to which Ms. Rodriguez stated sometime next year allowing her time to prepare. Mayor Pro Tem Garcia questioned once building permits are being pulled will there be someone verifying the setbacks for the development. Mr. Barrera clarified that the City has Bureau Veritas as an outside inspector who will verify the project is in line with the city's Ordinance and building codes.

MOTION: Mayor Pro Tem David Garcia motioned to approve the business plan concept for Amanda Rodriguez. The motion was seconded by Councilwoman Eufemia Nieto and the motion carried 3-0.

13. Discussion and motion approving a proposed business development plan for Magnificent Seven Trust.

Mr. Barrera stated that the Mr. Cervantes has purchased the two lots at the intersection of Hackberry St. and Nueces St. There exists three buildings on the two lots, one of which is built as a duplex that crosses the property lines of the two lots. The family wants to rent out the properties as individual residences and have asked for guidance on an appropriate strategy for platting and zoning the properties. Staff has reviewed the business plan and determined replatting the two properties to a single lot and allowing for a variance to R3, multifamily residence would be the best platting and zoning classification for renting out the buildings. Mr. Cervantes has asked for Council review and approval of his plan prior to investing the money to replat and remodel the buildings.

MOTION: Councilwoman Sandra Quinones motioned to approve the business development plan to replat the two lots into a single lot and allow for the variance to multifamily for Magnificent Seven Trust. The motion was seconded by Councilwoman Eufemia Nieto and the motion carried 3-0.

14. Discussion and motion accepting the Fiscal Year 2014-2015 Audit Report.

Ernest R. Garza, CPA, stated that in planning and performing the audit of the financial statements of the City, as of and for the year ended September 30, 2015, it was considered that the City's internal control over financial reporting as a basis for designing their auditing procedures for the purpose of expressing an opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, the audit does not express an opinion on the effectiveness of the City's internal control. Overall, the City is making great strides in the post audit period to correct the past audits.

MOTION: Councilwoman Sandra Quinones motioned to accept the Fiscal Year 2014-2015 Audit Report. The motion was seconded by Councilwoman Eufemia Nieto and the motion carried 3-0.

15. Consider motion approving a Professional Services Contract with Ernest R. Garza, CPA, for audit services for the fiscal years ending 2017 and 2018 for a fee of \$60,000.

Mr. Barrera informed the Council that the City has contracted with Ernest Garza & Company, PC, CPA (firm) to perform our audits through fiscal year ending of 2016. This award will retain his services for the remaining two years that are due to be completed.

MOTION: Mayor Pro Tem David Garcia motioned to approve a Professional Services Contract with Ernest R. Garza, CPA, for audit services for the fiscal years ending 017-2018 for a fee of \$60,000. The motion was seconded by Councilwoman Eufemia Nieto and the motion carried 3-0.

16. Discussion and motion rejecting all bids received for the Olivo Street and N. Bee Street Rehabilitation Street Project.

Mr. Barrera informed the Council that the City requested pricing for street and utility work that includes installing a six (6) inch water line from Magnolia Street to Hwy 359, removal of existing street pavement on N. Bee Street and Olivo Street, mixing a 4% slurry mix with the existing base, spreading a two (2) inch layer of hot mix asphalt for the street and drainage ditch work that will address some of the flooding in the area. Bids received range from a low of \$327,227.50 to a high of \$666,546. However, the budgeted funds for the project are only \$287,582. Therefore, staff is recommending all bids be rejected to allow staff to revise the bid structure and award criteria to ensure the City receives a qualified company to do the specialized work and evaluate bids under a base bid and additive alternate approach. The new bid structure could provide some savings to the project by having City staff do a portion of the work required.

MOTION: Councilwoman Sandra Quinones motioned to reject all bids received for the Olivo Street and N. Bee Street Rehabilitation Street Project. The motion was seconded by Councilwoman Eufemia Nieto and the motion carried 3-0.

17. Discussion and motion approving a Professional Services contract with LJA Engineering for engineering design and coordination services for the TxDOT's 2017 Transportation Alternative Set-Aside Program for a fee in the amount of \$77,930.

Mr. Barrera stated that the City issued a request for Qualification to several Engineering Firms who have done work for the City in the past. Four qualification statements were received and staff committee scored the qualification statements with the composite scores shown on the attached matrix. LJA Engineering received the highest score and therefore are recommended for award.

MOTION: Councilwoman Sandra Quinones motioned to approve a Professional Services contract to LJA Engineering for engineering design and coordination services for the TxDOT's 2017 Transportation Alternative Set-Aside Program for a fee in the amount of \$77,930. The motion was seconded by Councilwoman Eufemia Nieto and the motion carried 3-0.

18. Consider motion appointing three (3) members to serve a two-year term on the Mathis Economic Development Corporation Board.

Mrs. Gonzales informed the Council that three member terms of the EDC Board have expired and require reappointment. The three members that are up for reappointment are Elvira Chavez, Frank Galvan and Michelle Herrera. With no one from the general public submitting interest to serve on the board, staff recommends approving the reappointments of the current three members.

MOTION: Councilwoman Eufemia Nieto motioned to approve the reappointments of Elvira Chavez, Frank Galvan and Michelle Herrera to serve a two-year term on the MEDC Board. The motion was seconded by Mayor Pro Tem David Garcia and the motion carried 3-0.

19. Discussion and motion approving the Grace Lutheran Property Donation of Lots 9, 10 & 11 Blk 3, by Resolution No. R-19-02-11.

Mr. Dowler informed the Council that the Grace Lutheran Church had originally intended to donate the three lots back to their central council. However their council rejected it because it was too small of property to manage from a long distance; therefore the Church considered donating the property to MEDC with no restrictions.

MOTION: Councilwoman Sandra Quinones motioned to approve Resolution No. R-19-02-11 approving the Grace Lutheran Property Donation of Lots 9, 20 & 11 Blk 3. The motion was seconded by Councilwoman Eufemia Nieto and the motion carried 3-0.

20. Consider motion approving resolution No. R-19-02-10 accepting an offer made by Randy Waid in the amount of \$8,500.00 for the purchase of a tax sale property legally described as described as Lots 3, Block 2, W.A. McNabb Addition #2, owned in trust by the San Patricio County taxing authorities.

MOTION: Councilwoman Eufemia Nieto motioned to approve Resolution No. R-19-02-10 accepting an offer in the amount of \$8,500.00 for the purchase of a tax sale property as legally described above. The motion was seconded by Councilwoman Sandra Quinones and the motion carried 3-0.

21. City Manager's Report and all matters pertaining thereto:

Doug Dowler, MEDC Executive Director

- Mathis Economic Development Corporation monthly update

Mr. Dowler recapped on the Ribbon Cutting ceremony from the Downtown Sidewalk project in January. He reported on the presentation of the Mathis Health Clinic Project; stating that construction slated to begin February 18th. He included updates regarding the Housing Development, the MEDC's Facebook policy; Legislative Agenda; San Patricio Coalition for Port Governance and upcoming events.

Gary Paredez, Public Works Director

- Public Works performance report

Mr. Paredez reported for the month of December 2018. There were 8 water leaks, and 36 sewer stoppages. The water treatment plant production the plant raw water meter was 18,337,000 with a total water production of 16,669,000 gallons which is a 25% capacity of the plant. The wastewater treatment plant had a total of 19.344 MG total water treated which is 66% of capacity. For the street department, there were 1,580 potholes patched with cold mix; and no block were scheduled in December for curb cleaning. In utilities, there were 60 disconnects; 21 reconnects and 39 still disconnected. The Permits department issued 11 permits and collected \$1,542.70.

Paul Pulley, EMS Director

- Emergency Medical Service performance report

Mr. Pulley reported for the month of December, 2018; reporting 146 calls, 110 transports and 16 mutual aid. Locations of service were 72 in Mathis and 74 in County with a 7.54 response time. The revenue collected was \$46,990.78 received; less fees of \$5,019.95 with a net to the City of \$41,970.83.

- Parks Division performance report

Mr. Pulley gave an over view of all City Parks and other areas that his crew consisting of two full time employees maintain.

Caron S. Vela, Finance Director

- Special Revenue Variance Report

Mrs. Vela reported \$159,815 in total revenues for the Debt Service Fund with \$140,438 in total expenses; leaving revenues over/under expenses at \$19,378. A total of \$90,473 in total revenues for the Street Improvement Fund with \$14,658 in total expenses; leaving revenues over/under expenses at \$75,815. A total of \$39,241 in total revenues for the Hotel/Motel Fund with \$35,632 in total expenses; leaving revenues over/under expenses at \$3,609. A total of \$36,902 in total revenues for the Festivals & Events with \$45,196 in total expenses; leaving revenues over/under expenses at (\$8,294

- Audit Status Report

Mrs. Vela informed the Council that the 2015-2016 trial balance report is getting ready to be turned over to the Auditor.

Mary A. Gonzales, City Secretary

- City Council Quarterly Calendar

Mrs. Gonzales reviewed the projected agenda items for the upcoming meetings scheduled for the second meeting in February through March.

22. City Council requests for future Agenda Items.

Mayor Pro Tem David Garcia requested the City Manager to meet with the City Attorney to discuss option allowed to address Mr. Pacheco's concerns mentioned in public forum. An update was also requested regarding the Little League Fields and MISD.

Mayor Ciri Villarreal asked for a follow-up regarding the street lamps along Hwy 359 and Loop 459.

23. Adjourn

With no further items to discuss, Mayor Ciri Villarreal requested a motion to adjourn the Council meeting at 8:54 p.m.

MOTION: Councilwoman Sandra Quinones motioned to adjourn the meeting. The motion was seconded by Councilwoman Eufemia Nieto and the motion carried 3-0.

PASSED AND APPROVED ON THIS THE 25th DAY OF February, 2019.

UPON THE MOTION OF Mayor Pro Tem David Garcia

SECONDED BY Councilwoman Sandra Quinones AND ADOPTED

BY A VOTE OF 3 TO 0.

ATTEST:


Mary Acosta Gonzales, City Secretary


Ciri Villarreal, Mayor

