

**MERCEDES CITY COMMISSION
SPECIAL MEETING
FEBRUARY 23, 2021 – 6:00 P.M.
MERCEDES CITY HALL – COMMISSION CHAMBERS**

MEMBERS PRESENT:	Oscar Montoya Joe Martinez Leonel Benavidez Jacob Howell Jose M. Gomez	Mayor Mayor Pro-Tem Commissioner Commissioner Commissioner
STAFF PRESENT:	Kevin Pagan Joselynn Castillo Anthony Troiani Nereida Perez Hugo Perales Jose Figueroa Javier Campos Melissa Ramirez	Interim City Manager City Secretary City Attorney Finance Director I.T Director PW Director Fire Chief DCM Director (webex)
OTHERS PRESENT:		

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 lead the Pledge of Allegiance.

5) OPEN FORUM-

- Mr. David Garza informed the commission of House Bill 2840 regarding public comments. He stated the commission should be informed and would an update on the Charges filed by the citizens regarding the \$2 water bill fee.
- Mr. Ramon Mejia welcomed the new Commission and stated that the decisions they make affect the citizens. He expressed his concerns about having meetings at a bigger location.
- Mr. Jacob Howell expressed gratitude to the community for coming together during this crisis.
- Ms. Cristella De Leon Hernandez addressed the Commission regarding items 9and 10. She asked the commission to think about their decisions and said does the City Attorney provide knowledge, represent the City’s best interest, is professional, have a positive attitude and effective communication. She stated that the commission agreed to move forward with the lawsuits and the money was budgeted. Ms. Hernandez recommended that the Commission continue with the current City Attorney.
- Ms. Laura Alvarado informed the Commission that she provided the Citizens with information to help replace the food lost due to the freeze. Ms. Alvarado was concerned that she received calls that library staff was telling citizens they did not qualify for the help from Health and Human Services. She was also concerned that staff had private citizens phone numbers and were calling them.

6) CONSENT AGENDA (ORDINANCE. 98-21):

A.) APPROVAL OF MINUTES FOR CITY COMMISSION MEETING HELD FRBRUARY 2 AND 9, 2021.

Commissioner Benavidez stated some corrections to the minutes of February 2, 2021. He stated item 17, the discussion was to use the Urban County funds for Streets. Item 19 was Mr. Pagan speaking not Mr. Sossi and to include the word “Final” in the Contingent Agreement.

Commissioner Benavidez made a motion to approve consent agenda with corrections stated by him. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously.

Mr. Pagan asked to move to item 19. At this time, the Commission moved to item 19.

7) CITY MANAGER COMMENTS

Interim City Manager Pagan informed the Commission that the next department workshops will be Fire/EMS Department, Finance Department, followed by Library Department. He stated the Commissioner will be doing announcements on the City's Facebook page, the City meetings are now open to the public and lastly City Manager interviews will be set up and posted.

8) DISCUSSION AND POSSIBLE ON MARKETING CAMPAIGN TO PROMOTE MERCEDES TO THE RGV MARKET

Ms. Ramirez, DCM Director, addressed the Commission regarding a marketing campaign to promote Mercedes to the RGV Market. She stated the marketing committee vetted various television stations including Entravision, KVEO, KRGV and Spectrum. Spectrum was able to identify and reach the RGV Premium Outlet shopper. The agreement will provide commercials from March to December for \$25,839.85 which is within budget.

Commissioner Howell made a motion to approve item 8. Commissioner Benavidez seconded the motion. Mr. David Garza stated that the EDC board has not discussed this item. Commissioner Howell rescinded his motion to table the item until the EDC board has reviewed this item. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

9) CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE ISSUANCE OF RFP/RFQ FOR GENERAL LEGAL SERVICES.

Commissioner Benavidez motioned to defer the issuance for RFP/RFQ for legal services until the contingent agreement is approved by the Attorney General. Mayor Pro-Tem Martinez seconded the motion. Mr. Pagan stated that this item is regarding general legal services for the City and the City Attorney stated that his firm did not want to extend their contract for legal services which will expire March 17, 2021. He continued stating that the next item is regarding the contingent agreement. Commissioner Benavidez stated that the Attorney agreed to a month to month agreement. Commissioner Benavidez stated he wanted legal services that were familiar with the City's lawsuits. There was discussion regarding to continue with the current legal services or to go out for RFP/RFQ's. Mr. Troiani stated he would be willing to negotiate with the Interim City Manager.

After discussion, Commissioner Benavidez made a motion to defer the issuance of RFP for legal services until the Contingency fee agreement is approved by the AG's Office and once finalized then bring it back on the agenda and to remain with legal counsel services with Troiani & Sossi Law. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed. Mayor Montoya voted against.

10) CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE ISSUANCE OF RFP/RFQ FOR CONTINGENCY CONTRACT FOR LEGAL SERVICES UNDER SECTION 2254 OF THE TEXAS GOVERNMENT CODE FOR CONTINGENT FEE LEGAL SERVICES RELATED TO CERTAIN PENDING LITIGATION

Commissioner Benavidez made a motion to reject the issuance of RFP/RFQ's and bring back what the Commission unanimously agreed upon at the meeting of February 2, 2021 to enter into a contingency fee agreement with Troiani & Sossi for ongoing litigation and to finalize that process and post required notices and to have a contract to protect the city with outside legal counsel. Mayor Pro-Tem Martinez seconded the motion.

Upon a called vote, the motion passed. Mayor Montoya voted against. Mr. Pagan stated the contingency agreement needs to be finalized and the outside legal firm will assist with the agreement due to the City Attorney's being a party in the agreement. Mayor Montoya said the contingency agreement relieves the City of funding for the lawsuits and saves the City money from having to pay the legal fees up front. Mr. Troiani stated that the City has a strong case and has recovered funds in the amount of \$138k. It was stated that the City should not go out for RFPs until the contingency fee has been solidified.

11) DISCUSSION REGARDING THE TEXAS OPEN MEETINGS ACT AND TEXAS PUBLIC INFORMATION ACT

Mr. Pagan informed the Commission that there are trainings for Newly elected officials. Commissioner Benavidez stated there is also continued education hours and video training on the AG's website. Mr. Pagan stated he can set a workshop for the City Commission to have a training. No action is required for this item.

12) DISCUSSION AND POSSIBLE ACTION REGARDING THE HIRING OF A PERMENANT CITY MANAGER, INCLUDING BUT NOT LIMITED TO THE COMMENCEMENT OF CITY COMMISSION INTERVIEWS FOR APPLICANTS.

Mr. Pagan informed the Commission that the City is ready to start conducting interviews with the City Manager applicants. The backgrounds have been done and management would like to know the start date for the interviews.

Commissioner Benavidez made a motion for the Commission to interview all applicants presently on file for the City Manager position between now and the second meeting on March 16, 2021. Commissioner Gomez seconded the motion. Upon a called vote, the motion passed unanimously. Mr. Pagan stated that one person listed had verbally informed him that they would be withdrawing their application.

13) DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPER PROCEDURE OR THE RETENTION OF OUTSIDE LEGAL COUNSEL REGARDING CONFIDENTIAL MATTERS

Commissioner Benavidez stated that there are contracts in place now to protect the City council with outside legal services and would like to see the contract.

Commissioner Benavidez made a motion that any decision to acquire outside legal counsel come to the City Commission for approval and require a retention agreement approved by the City Commission. Commissioner Gomez seconded the motion. Upon a called vote, the motion passed unanimously.

There was discussion regarding the time frame (retention) for the outside legal counsel.

14) DISCUSSION AND POSSIBLE ACTION REGARDING DUTIES AND RESPONSIBILITY OF THE CITY MANAGER PER MERCEDES CITY CHARTER, ARTICLE III.

Commissioner Benavidez wants to know where the City is on items discussed in executive session. Commissioner Benavidez stated that items were put on the agenda and have not been brought back. Mayor Montoya stated that this item will be discussed in executive session.

15) DISCUSSION AND UPDATE ON HIRING OF GRANT WRITERS/ CONSULTANTS.

Mr. Pagan informed the Commission that the City received one response for grant writing services from Grantscribe from Atlanta. Mr. Pagan stated the date is closed and will discuss this proposal at the next agenda. The Commission can decide to proceed or reject or open up the RFP again. Commissioner Howell recommended having grant writers from Texas. Mr. Pagan stated the City can have more than one firm working for the City. Mayor Pro-Tem Martinez asked about any pending grants. Mr. Pagan asked staff to make sure the rolling grants do not get overlooked. Mr. Pagan recommends looking for new money. No action required.

16) UPDATE, CONSIDERATION AND POSSIBLE ACTION REGARDING PARKS AND RECREATION COMMITTEE

Mr. Pagan stated the Parks and Recreation is a committee that has been inactive.

Commissioner Benavidez made a motion to reactivate the Parks and Recreation committee. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously. Mayor Pro-Tem Martinez stated he would like the Commission to give more authority to the board rather than just give recommendations.

17) UPDATE AND DISCUSSION REGARDING ECONOMIC DEVELOPMENT MATTERS.

Commissioner Howell stated he would like to bring more businesses to Mercedes. He wants to revamp Mercedes 100 or incentives for businesses. Ms. Ramirez stated that there are incentives posted on the website for businesses to apply. Ms. Ramirez continued that the link has been provided to the board members since November, they market Mercedes on a broker website, are on Team Texas at the Governor's Office and stated that lawsuits have been filed for those that have not paid their loans. At a question, Ms. Ramirez stated the EDC meetings are on the third Wednesday of the month at 11:30 am. Commissioner Benavidez stated he met with Ms. Ramirez regarding ongoing projects and added that the City has invested on one project (Davita) and wants a balanced approach by taking care of what the City currently has and also building more. He would like EDC to do more outreach.

18) FUTURE AGENDA ITEMS

Mr. Pagan informed the Commission that if any member of the Commission has items to place on the agenda, they are welcome to contact him to discuss and if appropriate, he can place it on the agenda. Future agenda items, this would allow the Commission to share what they would like on future agenda, then the Commission can discuss it at the meetings during this item.

Mayor Pro-Tem Martinez wants to discuss hurricane awareness.

Commissioner Benavidez wants to discuss items from the Public Works workshop and would like to update the policy to be able to add items to the agenda after the Wednesday deadline. The priority is the things that have acted on already like the communication policy between the City Manager and Commission.

Commissioner Howell would like to discuss targeting drainage and infrastructure issues before hurricane season. What we are doing and what are we going to do to address those issues. Commissioner Howell wants to have an action item on the Go Green Mercedes Campaign and wants job creation in Mercedes and partner with Texas Workforce Commission.

19) CONSIDERATION AND POSSIBLE ACTION REGARDING LOCAL DISASTER DECLARATION AND REPORT RELATED TO COLD WEATHER EVENT

Fire Chief Campos did not recommend extending the local disaster declaration. Chief Campos prepared a power point presentation that included a day by day synopsis of the weather event. He stated the City sheltered 45 people on February 16, 2021, at one point all lift stations were down, Public Works had pumps to keep the lift stations going. Commissioner Benavidez asked if the QR code can be posted at several businesses in the City for people to scan and get assistance. Commissioner Howell thanked the first responders and stated he would like a plan in place for the elderly and disabled by identifying the homes and doing welfare checks during disaster events. Chief Campos informed the Commission about CodeRed which will allow the City to send mass texts to the citizens.

At this time the Commission went back to item 7 and continued with the agenda.

20) MONTHLY REPORTS

The monthly reports are provided in the packet.

Mayor Pro-Tem Martinez made a motion to go into executive session at 8:20 PM. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously. Mr. Troiani stated that items 12 and 14 will also be discussed in executive session.

21) EXECUTIVE SESSION:

- a. DISCUSSION WITH CITY ATTORNEY REGARDING ACTIVE PENDING LITIGATION PURSUANT TO TEXAS GOVERNMENT CODE 551.071(1)(A), AND TO RECEIVE PRIVILEGED ATTORNEY CLIENT COMMUNICATIONS PURSUANT TO TEXAS GOVERNMENT CODE 551.071(2)**

Mayor Montoya called the meeting back to order at 9:44 PM.

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

For item 12, Commissioner Benavidez made a motion to interview all applicants between now and March 16, 2021 at 9:00 AM on Saturdays until all applicants have been interviewed and in the order in which they applied. Commissioner Howell seconded the motion.

For Item 14, the City Commission direct the City Manager to complete any work he is doing to A. the City Commission with regards to improve the agenda items and in the selection process of the City Manager to then bring back items that need the Commission final approval before the end of his current three-month contract according to the vote of the Commission.

Item A: No action.

23) ADJOURN

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 9:48 pm.