



Mayor Oscar D. Montoya  
Mayor Pro-Tem Joe Martinez  
Commissioner Leonel Benavidez

Commissioner Jacob Howell  
Commissioner Jose M. Gomez  
City Manager Alberto Perez

MERCEDES CITY COMMISSION  
REGULAR MEETING  
FEBRUARY 1, 2022 – 6:30 P.M.  
MERCEDDES CITY HALL – COMMISSION CHAMBERS  
400 S. OHIO AVE., MERCEDDES, TX 78570

“At any time during the course of this meeting, the City Commission may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the City Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during the course of this meeting, the City Commission may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code.”

- 1.) **Call Meeting to Order**
- 2.) **Establish Quorum**
- 3.) **Invocation**
- 4.) **Pledge of Allegiance**
- 5.) **Open Forum-**

Maximum length of time of forum is forty-five minutes with individual presentations limited to a maximum of five minutes. The City Commission can take no formal action on any city related matter discussed during the open forum. Persons who wish to participate in this portion of the meeting shall sign up as they arrive, indicating the topic about which they wish to speak. No one will be able to sign up **AFTER 6:20 PM**. The information required for signing up must be completed by that time. No public comments will be allowed during any agenda item unless recognized by the Mayor or if the item requires a public hearing. State your name and address before beginning your presentation.

There can be no comments about specific employees. By Charter, the City Manager is exclusively given authority over personnel matters, including complaints against city personnel. All complaints against city personnel will be addressed pursuant to Mercedes Personnel Policies. Comments must not be repeated and the Commission is not required to answer any question from the public. Any person who decides to directly question any member of the City Commission will be asked to discontinue their comments. The City Secretary's office representative will be responsible for notifying each presenter that their five-minute time limit has expired.

6.) **Presentations:**

- A.) Presentation by Perdue, Brandon, Fielder, Collins, & Mott, LLC.
- B.) Update on status of current TCEQ Violations to ensure community safety and supporting future development. (Asst. City Manager)

7.) **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 discussion is desired, that item(s) will be removed from the Consent Agenda and will be considered separately.)*

- A.) Approval of Minutes for Meeting(s) held November 23, 2021, December 21, 2021, January 4, 2022 & January 18, 2022.
- B.) Approval of Agreement for the Temporary Closure of State Right-of-Way. (PD)

8.) **City Manager Comments:**

- 1.) Update on Parks Board
- 2.) ARP Funds Update
- 3.) Update on New PW Equipment

9.) **Ordinances/Resolutions:**

- A.) Discussion and Possible Action on first reading of Ordinance No. 2022-01 regarding the 2022 City Commission Elections for Place 2 and Place 4. (City Secretary)
- B.) Discussion and Possible Action on Resolution No. 2022-01 approving the Temporary Closure of state Right-of-Way. (PD)
- C.) Discussion and Possible Action on Resolution No. 2022-02 adopting the Work Plan for Urban County Program Year 35 (2022)

**10.) Management Item(s):**

- A.) Discussion and Possible Action to Select Vehicle Monitoring and Data Services Provider (Asst. City Manager)
- B.) Discussion and Possible Action to Solicit Request for Qualifications for Specialized Engineering Services. (Asst. City Manager)
- C.) Discussion and Possible Action to authorize City Manager to seek I.T contracting services. (City Manager)
- D.) Discussion and Possible Action to approve the purchase of AMI Water Meters. (Asst. City Manager)
- E.) Discussion and Possible Action to create a Business Services tab link on the City of Mercedes Website that provides instructions, information and helpful resources for business owners. (Comm. Benavidez & Comm. Gomez)
- F.) Discussion and Possible Action on David Garza's request for de-annexation. (Comm. Benavidez & Comm. Gomez)
- G.) Discussion and Possible Action to get the service status of properties that have been annexed and provide services accordingly. (Comm. Benavidez & Comm. Gomez)
- H.) Discussion and Possible Action to approve the Mercedes Early College students to post positive signs around the City of Mercedes. (Comm. Howell & Martinez)
- I.) Discussion and Possible Action to direct City Manager to work on developing a pay scale that is competitive and that can be supported by our budget.(Comm. Howell & Martinez)
- J.) Discussion and Possible Action to direct City Manager to solicit RFP's for repairs, maintenance, & inspection of Mercedes Elevated Storage Tanks. (City Manager)

**11.)Executive Session: Chapter 551, Texas Government Code, Section 551.071 (Consultation with Attorney), Section 551.072 (Deliberation regarding Real Property), Section 551.074 (Personnel Matters) and Section 551.087 (Economic Development)**

- A.) Discussion regarding duties and responsibilities of the City Manager - Section 551.074 Texas Gov't Code Annotated - Personnel Matters.
- B.) Consultation with Attorney regarding update on legal matters - Section 551.071 Texas Gov't Code Annotated - Consultation with Attorney
- C.) Discussion regarding Project MD - Section 551.087 Texas Gov't Code Annotated - Economic Development.
- D.) Discussion regarding Project J. Duenas - Section 551.087 Texas Gov't Code Annotated - Economic Development.


**12.) Open Session: Discussion and Possible Action on item(s) listed in executive session.**

**13.) Adjournment**

Notice is hereby given that the City Commissioners of the City of Mercedes, Texas will meet in a **Regular Meeting** on Tuesday, February 1, 2022 at 6:30 P.M. Said meeting will be conducted in the Commission Chambers of the City Hall located at 400 S. Ohio, Mercedes, Texas for the purpose of considering and taking formal action regarding the items listed above. This notice is given in accordance with Vernon's Texas Codes Annotated, Texas Government Code, Section 551.001 et. Seq.

WITNESS MY HAND AND SEAL OF THE CITY THIS THE 28<sup>TH</sup> DAY OF JANUARY, 2022.

ATTEST:

  
\_\_\_\_\_  
Joselynn Castillo, City Secretary  
Time of Posting: 6:45 P.M.

**ACCESSIBILITY STATEMENT**

**The City of Mercedes recognizes its obligations under the Americans with Disabilities Act of 1990 to provide equal access to individuals with disabilities. Please contact the City Manager's Office at (956) 565-3114 at least 48 hours in advance of the meeting with requests for reasonable accommodations, including requests for a sign language interpreter.**

**CONSENT ITEM :**

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**DATE:** January 27, 2022  
**FROM:** Alberto Perez  
**ITEM:** Management Items

**Update on status of current TCEQ Violations to ensure community safety and supporting future development.**

**Howell/Martinez**

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**BACKGROUND INFORMATION:**

The city has received several TCEQ Violations that we need to ensure they are properly and timely addressed to avoid any future TCEQ violation and/or fines.

**BOARD REVIEW/CITIZEN FEEDBACK:** N/A

**ALTERNATIVES/OPTIONS:** N/A

**FISCAL IMPACT:**

contact clarifier repair	Sewer Plant	\$ 125,000
weir and clarifier repairs	Sewer Plant	\$ 40,000
chainlink repair at Sewer Plant	Sewer Plant	\$ 5,000
clarifier cleaning	Sewer Plant	\$ 5,600

**LEGAL REVIEW:** Martie Vela-Garcia

**ATTACHMENTS:** N/A

**DRAFT MOTION:**

**MERCEDES CITY COMMISSION  
SPECIAL MEETING  
NOVEMBER 23, 2021 – 6:30 P.M.  
MERCEDES CITY HALL – COMMISSION CHAMBERS**

<b>MEMBERS PRESENT:</b>	Oscar D Montoya Joe Martinez Leonel Benavidez Jacob Howell Jose M. Gomez	Mayor Mayor Pro-Tem Commissioner Commissioner Commissioner
<b>STAFF PRESENT:</b>	Alberto Perez Martie Garcia-Vela Joselynn Castillo Javier Chapa Ervin Vilchis Orlando Diaz Nereida Perez Blanca Sanchez Javier Campos	City Manager City Attorney (webex) City Secretary I.T Director I.T Liaison Sergeant Finance Director Interim Chief of Police Fire Chief

**1.) CALL MEETING TO ORDER**

Mayor Pro-Tem Martinez welcomed everyone and called the meeting to order at 6:31 P.M.

**2.) ESTABLISH QUORUM**

Three members of the Commission were present which constitutes a quorum. Mayor Montoya and Commissioner Howell arrived during item 6B.

**3.) INVOCATION**

Commissioner Gomez said the invocation.

**4.) PLEDGE OF ALLEGIANCE**

Commissioner Benavidez led in the Pledge of Allegiance.

**5.) OPEN FORUM**

No resident signed up for open forum.

**6.) ORDINANCES/RESOLUTIONS:**

**a. APPROVAL OF RESOLUTION 2021-37 FOR TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY.**

The temporary closure of state right-of-way is for the Christmas Parade. Commissioner Benavidez made a motion to approve. Commissioner Gomez seconded. At a question about the cost, Sgt. Diaz stated there is an estimated cost of \$4,000 for additional overtime personnel not on duty and the Christmas parade will need increased man power due to the parade being a large event. Upon a called vote, the motion passed unanimously.

**b. APPROVAL OF RESOLUTION 2021-38 AUTHORIZING THE GRANT SUBMISSION FOR BOARDER ZONE FIRE DEPARTMENTS FY 2022.**

Fire Chief Campos stated the grant will be used for a pick-up truck to be used in rural areas. Commissioner Benavidez made a motion to approve. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

**c. APPROVAL OF RESOLUTUION 2021-39 AUTHORIZING THE GRANT SUBMISSION FOR BODY-WORN CAMERA GRANT PROGRAM FY 2022.**

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

**7.) BIDS/CONTRACTS:**

**a. DISCUSSION AND POSSIBLE APPROVAL OF SERVICE PLAN CONTRACT WITH STRYKER FOR LIFEPAK-15 CARDIAC MONITORS.**

Fire Chief Campos informed the Commission that this item is a service contract for the maintenance of the cardiac monitors. The contract has an expiration date in 2024. Chief Campos explained to the Commission the use of the cardiac monitors and stated that the cost is within budget. Mayor Pro-Tem Martinez made a motion to approve.

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

**8.) ADJOURNMENT**

Mayor Pro-Tem Martinez motioned to adjourn. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously. The meeting adjourned at 6:46 p.m.

**MERCEDES CITY COMMISSION  
REGULAR MEETING  
DECEMBER 21, 2021 – 6:30 P.M.  
MERCEDES CITY HALL – COMMISSION CHAMBERS**

<b>MEMBERS PRESENT:</b>	Oscar D Montoya	Mayor
	Joe Martinez	Mayor Pro-Tem
	Leonel Benavidez	Commissioner
	Jacob Howell	Commissioner
	Jose M. Gomez	Commissioner
<b>STAFF PRESENT:</b>	Alberto Perez	City Manager
	Martie Garcia Vela	City Attorney
	Joselynn Castillo	City Secretary
	Javier Ramirez	Asst. City Manager
	Marisol Vidales	Library Director
	Ervin Vilchis	I.T Liaison
	Joaquin Hernandez	Public Works Director
	Nereida Perez	Finance Director
	Orlando Diaz	Sergeant
	George Diaz	Bailiff

**1.) CALL MEETING TO ORDER**

Mayor Montoya called the to order at: 6:30 pm.

**2.) ESTABLISH QUORUM**

All members of the Commission were present which constitutes a full quorum.

**3.) INVOCATION**

Commissioner Gomez said the invocation.

**4.) PLEDGE OF ALLEGIANCE**

Mayor Pro-Tem Martinez led in the pledge of allegiance.

**5.) OPEN FORUM**

- Ms. Esmer Guerrero expressed her concern regarding agenda item 8F. She stated the City and the School should be separate. Ms. Guerrero added that the City Attorney should be reviewing the agenda to keep the city from potential liabilities.
  - Mr. Jaime Castaneda spoke regarding his wrongful arrest. Arrested in donna and judge gave him a gag order and is violating his rights on freedom of speech. He stated his attorney has now filed his suit in federal court. Mr. Castaneda was arrested for speaking out about a pedophile. He stated he will continue to do what is right for the students.
- Commissioner Benavidez stated that HB2840 allows citizens to criticize elected officials.

**6.) CONSENT AGENDA:**

- a. APPROVAL OF MINUTES FOR MEETING(S) HELD SEPTEMBER 14, 2021, SEPTEMBER 21, 2021, AND OCTOBER 5, 2021.**

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

- b. SECOND AND FINAL READING OF ORDINANCE 2021-16 TO REZONE MERCEDES MEMORIAL CEMETERY ANIRR TR-E240.85' – W435.85' – N427.46' LOT 1 3.33 AC GR3.22AC NET FROM CLASS "B" TWO FAMILY RESIDENCE TO CLASS "B" BUSINESS DISTRICT.**

Commissioner Benavidez made a motion to approve item 6B. Commissioner Howell seconded. Upon a called vote, the motion passed unanimously.

**7.) CITY MANAGER COMMENTS:**

**a. REPORT ON COVID-19 MEMORIAL COMMITTEE MEMBERS AND SCHEDULED ACTIONS**

Commissioner Benavidez stated he had a meeting with the Committee regarding the placement of the memorial. He added that they are looking at brass as the material. Commissioner Benavidez stated there was no funding allocated but he will be donating \$500 for the project. Commissioner Benavidez stated its important for the people who lost their loved ones to have a place of acknowledgement. No action required.

**b. REPORT ON STREET REPAIRS FOR PUBLIC AWAREMENESS OF SCHEDULE AND PROJECTIONS.**

Mr. Hernandez presented an update on potholes. He informed that as of November there were 38 work orders from the 311 app, of the 31, 27 were completed. The potholes that are pending is due to the recent rain that occurred over the weekend. Mayor Montoya showed his appreciation to the streets crew. At a question, Mr. Hernandez stated he received a truck load of asphalt and can last about 2 weeks, he also added that they prioritize the high traffic areas and school zones. No action required

**c. REPORT ON VACANCIES IN ALL DEPARTMENTS**

Ms. Castillo informed the Commission of the current vacancies for each department. The department with the most vacancies was public works which had 7 vacancies. No action required.

**8.) ACTION ITEM(S):**

**a. DISCUSSION AND POSSIBLE ACTION TO APPOINT OR REAPPOINT MEMBERS FOR THE DCM BOARD.**

Mayor Pro-Tem Martinez made a motion to reappoint all three individuals. Commissioner Howell seconded. Commissioner Benavidez would like to consider other applicants that can be better qualified and publicize the opening of the positions. Ms. Ramirez stated that each term is 2 years and can stay for 6 years total. She stated that City Hall will receive the applications. Upon a called vote, the motion passed 3 to 2. Commissioner Benavidez and Gomez voted against.

**b. DISCUSSION AND POSSIBLE ACTION TO PROCEED WITH #PLANTWILDFLOWERS GRANT APPLICATION**

Ms. Vidales informed the Commission of a grant opportunity that is available in the amount of \$1000 and is related to the pollination of bees. The grant is due December 31, 2021 and there is no match. Commissioner Benavidez made a motion to approve. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

**c. DISCUSSION AND POSSIBLE ACTION TO APPROVE DR. HECTOR P. GARCIA MEMORIAL LIBRARY TO REGISTER THE CITY OF MERCEDES WITH THE FRONT DOOR CYBERGRANTS ORGANIZATION.**

Ms. Vidales addressed the Commission about a Walmart grant the library would apply to for the summer reading program. She stated the grant is no longer available through Walmart and now would need to register with the Front Door CyberGrant to apply for the Walmart grant. Commissioner Benavidez made a motion to approve. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

**d. DISCUSSION AND POSSIBLE ACTION TO DIRECT CITY MANAGER TO REACH OUT TO THE OUTLET MALL FOR CONSIDERATION IN SETTING UP ELECTRICVECHILE (EV) RECHARGING STATIONS (I.E. TESLA CHARGING STATIONS)**

Commissioner Howell made a motion for City Manager to reach out to Outlet for EV charging stations. Mayor Pro-Tem Martinez seconded. Mayor Pro-Tem Martinez stated that there are more electric vehicles on the road now and recharging stations would help to accommodate the electric vehicles. Mayor Montoya would like to look for grants to help rather than just telling the outlet mall to get the charging station. Commissioner Howell stated people will stay while charging and buy from the mall. Commissioner Gomez stated that the Outlet mall is its own entity and cannot force the outlet to purchase it. Mayor Montoya stated that there are grants that may be available. Mayor Pro-Tem Martinez asked for City Manager to look at other stores that have the stations. Commissioner Benavidez recommends automotive charging stations rather than include a vendor name in the item. Upon a called vote, the motion passed 4 to 1. Commissioner Gomez voted against.

**e. DISCUSSION AND POSSIBLE ACTION TO DIRECT CITY MANAGER TO COORDINATE WITH WASTE CONNECTIONS TO SETUP A LOCATION FOR THE RECYCLING OF CHRISTMAS TREES.**

Mayor Pro-Tem Martinez stated that there is no place to throw out the Christmas tree. There is an area next to the community garden to dispose of and turn the trees into mulch. Mr. Armando Garcia, chairman for KMB informed the Commission of a community clean up on January 8, 2022. KMB will be collecting the trees and then turn to mulch and will be giving it to the citizens for free. Commissioner Gomez asked if there is a cost due to Waste Connections being part of the wording. City has the mulch machine. KMB has taken the initiative to mulch the trees rather than have Waste Connections take the trees. Mr. Hernandez will set markers to drop off the trees. There is no cost to the City. No action was taken on this item due to the City providing the mulch services.

**f. DISCUSSION AND POSSIBLE ACTION TO DIRECT CITY MANAGER TO WORK WITH OUR SCHOOL SUPERINTENDENT TO DEVELOP PROGRAMS AND PRACTICES TO PREVENT SCHOOL VIOLENCE.**

Commissioner Howell motion to approve and direct City Manager to work with Superintendent to develop programs and practices to prevent school violence. Mayor Pro-Tem Martinez seconded. Mayor Pro-Tem Martinez stated that there have been several threats and wants to formulate a plan of action. He added that should the City have an active shooter then everyone should have a plan in place and be prepared. Commissioner Howell said this is working with the school district and wants a plan in place. This is to educate the kids and public. He added that it is about working together with the School district because City Police will need to be responding to any calls. Commissioner Gomez stated that the School district is a separate entity from the City and are intruding with the entity. Commissioner Benavidez stated that the package is posted on the website and it states addressing disruptive students. Commissioner Howell motioned to table. Commissioner Benavidez seconded. City Attorney Garcia-Vela stated that this is asking the City Manager to work with the Superintendent and she can say no. Mayor Pro-Tem Martinez stated that this is to be prepared prior to something happening. This item is about school safety that all the commission will be on board to keep children safe. Upon a called vote, motion carried to table.

**g. DISCUSSION AND POSSIBLE ACTION AS PER CITY CHARTER SECTION 3.03 (CITY MANAGER DESIGNATE, SECTION 3.04 APPOINT ADMINISTRATIVE OFFICERS, SUBJECT TO APPROVAL BY CITY COMMISSION. ASSISTANT CITY MANAGER.**

Commissioner Gomez question on the appointment of administrative officer. The Charter states subject to approval by Commission. Mayor Pro-Tem Martinez stated that the section Commissioner Gomez is referring to is Acting City Manager. Mayor Pro-Tem Martinez read the charter section 2.05 that the Commission cannot dictate a department

head. Commissioner Gomez stated that administrative officers are few. Mayor Pro-Tem Martinez motioned to drop the item. Commissioner Howell seconded. City Attorney Garcia-Vela stated that the City Manager is the chief administrative officer.

Commissioner Benavidez stated that on January the 19<sup>th</sup> item 13 the prior city manager hired a department head and the commission was not fond of that and it was brought to the commission. He added that there was a policy approved for the commission to be informed of decision. No action was taken on this item.

**h. DISCUSSION AND POSSIBLE ACTION AS PER CITY CHARTER SECTION 3.03 (CITY MANAGER DESIGNATE, SECTION 3.04 APPOINT ADMINISTRATIVE OFFICERS, SUBJECT TO APPROVAL BY CITY COMMISSION. POLICE CHIEF APPOINTMENT (NEW PD CHIEF)**

No action. Commissioner Benavidez said the commission can make a recommendation but cannot dictate the appointment

**i. DISCUSSION AND POSSIBLE ACTION ON POTENTIAL NEEDS IDENTIFIED IN POLICE DEPARTMENT AND PUBLIC WORKS.**

Commissioner Benavidez stated that on December 9 he had a walk through of the PD and Public Works building. Mr. Perez stated that the needs assessment was done during the budgetary process. During the fiscal year there are assessments due to issues that were not planned. Commissioner Benavidez motioned to get the report together. Mr. Perez stated that there is no issue to report to the Commission. Commissioner Benavidez would like a quarterly report on the needs assessment. Commissioner Benavidez wants an update on the list of needs that were provided. Mr. Perez stated there are critical components to the PD building before doing the remediation. The remediation cannot start until all evidence in the building is secured. Mr. Perez stated that the list of projects was provided at the last or previous meeting to last. Commissioner Howell stated that the staff deserve the best and need the proper resources. Commissioner Benavidez stated that the backhoe was being repaired and didn't see the sweeper, the new vac truck has a more powerful pressure and wants an update of the equipment needing repair. Mr. Hernandez stated that there was only one zero turn tractor and one trailer but with the CO funds the Public Works department was able to purchase more equipment. Public Works now only needs a 3500 truck to pull a trailer which was included in the CO's. Commissioner Benavidez motion to get update on needs assessment for PD and Public Works.

Commissioner Gomez seconded. Upon a called vote, the motion passed unanimously.

**j. DISCUSSION AND POSSIBLE ACTION TO CREATE POLICY AND PROCEDURES PERTAINING CITY ATTORNEY DUTIES AND RESPONSIBILITIES.**

Commissioner B stated that the city attorney represents the City. This is to create a policy on legal. In the past, there has been reports that the cities got that they are lacking policies and the City Charter does not have all the needs the City may need from the City Attorney. He wants to look at the job description and bring back. Commissioner Benavidez wants to be informed and not run into liabilities. Commissioner Benavidez would like to review current job description for the City Attorney. Commissioner Gomez seconded. Mr. Perez stated the City Attorney has a contract and does not have a job description. Mayor Montoya stated that this should've been done during the contract process. Commissioner Benavidez amended his motion to review the goals and objectives on the duties and responsibilities of the City Attorney. Commissioner Benavidez stated they can look at it down the road. Commissioner Gomez seconded. Upon a called vote, the motion died 2 to 3. Mayor Montoya, Mayor Pro-Tem Martinez and Commissioner Howell voted against.

**9.) BIDS/CONTRACTS:**

- a. **DISCUSSION AND POSSIBLE ACTION ON THE BI-ANNUAL INTERLOCAL AGREEMENT 2022-2024, BETWEEN THE RIO GRANDE VALLEY 9-1-1 AND THE CITY OF MERCEDES, POLICE DEPARTMENT FOR 9-1-1 SERVICES**  
This item is a renewal on 911 services. Commissioner Benavidez motioned to approve. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.
- b. **DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF MEMORANDUM OF UNDERSTANDING FOR DIGITAL NAVIGATOR BETWEEN DR. HECTOR P. GARCIA MEMORIAL LIBRARY AND TEXAS STATE LIBRARY AND ARCHIVES COMMISSION (TSLAC)**  
Ms. Vidales informed the Commission that a signed MOU is needed in order to proceed with the acceptance of the grant. The total amount awarded is \$70000. Commissioner Benavidez motioned to approve. Commissioner Howell seconded. Upon a called vote, the motion passed unanimously.

#### **10.) MONTHLY DEPARTMENTAL REPORTS**

Monthly reports are included for the Commission to review. No action required.

Mayor Montoya called the meeting into executive session at 8:07 pm. Commissioner Gomez stated that one of the items is regarding him.

#### **11.)EXECUTIVE SESSION:**

- a. **DISCUSSION REGARDING DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER WITH REGARDS TO THE POLICE DEPARTMENT – TEXAS – GOV'T CODE 551.074 – PERSONNEL MATTERS**
- b. **DISCUSSION AND POSSIBLE ACTION ON DUTIES AND RESPONSIBILITIES OF THE CITY MANAGER WITH REGARDS TO ONGOING REPORTING ISSUES NEEDING TO BE ADDRESSED TO FOLLOW THE MERCEDES CITY CHARTER 3.04 "POWERS AND DUTIES OF THE CITY MANAGER" – TEXAS GOV'T CODE 551.074 – PERSONNEL MATTERS**
- c. **DISCUSSION AND POSSIBLE ACTION REGARDING DUTIES AND REPOSIBILITIES OF THE CITY ATTORNEY.**

Mayor Montoya called the meeting back to order at 9:14 pm.

#### **12.)OPEN SESSION:**

##### **DISCUSSION AND POSSIBLE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION A, B, AND C.**

- a. No action was taken on this item and everyone was informed accordingly.
- b. Commissioner Benavidez stated there was good dialog and proceeded to make the motion to proceed as discussed in executive session. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.
- c. Commissioner Benavidez made a motion to proceed as discussed in executive session. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

#### **13.)ADJOURNMENT**

Commissioner Benavidez made a motion to adjourn. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously. The meeting was adjourned at 9:15 pm.

**MERCEDES CITY COMMISSION  
REGULAR MEETING  
JANUARY 4, 2022 – 6:30 P.M.  
MERCEDES CITY HALL – COMMISSION CHAMBERS**

<b>MEMBERS PRESENT:</b>	Jose Martinez Leonel Benavidez Jacob Howell Jose Gomez	Mayor Pro-Tem Commissioner Commissioner Commissioner (Webex)
<b>MEMBERS ABSENT:</b>	Oscar D. Montoya Sr.	Mayor
<b>STAFF PRESENT:</b>	Alberto Perez Martie Garcia-Vela Javier Ramirez Joselynn Castillo Joaquin Hernandez Nereida Perez Orlando Diaz Blanca Sanchez Ervin Vilchis Marisol Vidales	City Manager City Attorney Asst. City Manager City Secretary Public Works Director Finance Director Sergeant Interim Chief of Police Interim IT Director Library Director

**1.) CALL MEETING TO ORDER**

Mayor Pro-Tem Martinez called the meeting to order at 6:30 p.m.

**2.) ESTABLISH QUORUM**

Four members of the Commission were present. Commissioner Gomez joined via webex. Mayor Montoya was absent.

**3.) INVOCATION**

Commissioner Benavidez said the invocation.

**4.) PLEDGE OF ALLEGIANCE**

Commissioner Howell led in the pledge of allegiance.

**5.) OPEN FORUM**

No one signed up

**6.) CONSENT AGENDA:**

**a. APPROVAL OF MINUTES FOR MEETING(S) HELD OCTOBER 19, 2021.**

**b. APPROVAL OF ITEMS FOR SURPLUS TO BE AUCTIONED.**

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

**7.) CITY MANAGER COMMENTS**

**1.) PROGRESS REPORT ON MANHOLE COVERS**

Mr. Perez stated that the City purchased manhole covers to assist during rainfall events. Mr. Hernandez stated that 12 manhole covers have been replaced out of 130. The goal is to do two per week. Mr. Hernandez stated that the manhole covers were to prevent backflow from sewer and prevent the manhole covers from coming out during flooding. Commissioner Howell asked if a third party can assist. Mr. Perez stated that due to the vacancies there may be an option to contract but he is still looking at the options.

**8.) MANAGEMENT ITEM(S):**

**a. DISCUSSION AND POSSIBLE ACTION TO DIRECT CITY MANAGER TO WORK WITH MERCEDES CHAMBER OF COMMERCE AND MERCEDES ECONOMIC DEVELOPMENT CORPORATION ON EXPLORING ALL AVAILABLE OPTIONS TO ENHANCE THE CITY OF MERCEDES OPPORTUNITIES IN KEEPING THE DOWNTOWN AREA ACTIVE WITH BUSINESSES AND OVERALL PLANNED GROWTH/DEVELOPMENT OF OUR CITY.**

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

**b. DISCUSSION AND POSSIBLE ACTION TO REPLACE /APPOINT MAYOR PRO-TEM.**

Commissioner Gomez stated that he would like to replace the Mayor Pro-Tem because Mayor Pro-Tem Martinez has been appointed for one year. Commissioner Gomez made a motion to appoint Commissioner Gomez as Mayor Pro-Tem. Commissioner Benavidez seconded. Commissioner Gomez stated that all the members should have an opportunity to serve as Mayor Pro-Tem. Mayor Pro-Tem Martinez stated he would like to continue serving as Mayor Pro-Tem. Upon a called vote, the motion died due to a tie two to two vote. Commissioner Howell and Mayor Pro-Tem Martinez voted against.

#### **ADDENDUM:**

- **REPORT ON BORDER AFFAIRS, LLC REGARDING ARP MONIES RECEIVED AND USED FOR THE CITY OF MERCEDES**

Mr. Garza was not available due to COVID. The report will be provided when he is available.

- **UPDATED REPORT ON CRITICAL PARK ITEMS PREVIOUSLY REPORTED NEEDING REPAIRS**

Mr. Hernandez stated that they have been working on several fields, painted the restrooms, fixed electrical lights, ordered swings for all city parks, ordered a power washer, etc. The Public Works workhouse is being cleaned and some playground equipment was there and can use some of that new equipment for the parks. Commissioner Benavidez stated that there are playsets that have mildew. Mr. Hernandez stated that the power washer is for those playsets to be cleaned. At a question, Mr. Hernandez stated that they will be replacing the fencing at some of the parks. Commissioner Howell spoke about a cracked basketball court, the equipment, and the basketball court at the Civic Center. Mr. Hernandez stated that the tennis coating is a different material and can get price quotes and added that staff has done the striping at the basketball courts. The Commission thanked the Public Works Department.

- **REPORT ON THE PROGRESS AND SCHEDULE OF PUBLIC WORKS SERVICES INCLUDING ALLEY SCRAPING, STREET MAINTENANCE AND DRAIN INLET CLEANING.**

Mr. Hernandez stated in the last meeting that there were 21 pending work orders and currently has 3 open work orders for potholes. Staff has addressed 22 work orders for the alleys and have 1 pending. Mr. Hernandez stated that the residents are responsible for half of the alley but staff will be assisting. Mr. Hernandez encouraged residents to report any issues. Mr. Perez stated the best way to report is with a smart phone through the 311 app. Mr. Hernandez stated the drain inlet cleaning is on hold do to other work that takes priority because it affects residents.

#### **9.) BIDS/CONTRACTS:**

- a. **DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE STAFF TO EXPEND AWARDED SUBAWARD AGREEMENT BETWEEN THE CITY OF MERCEDES ON BEHALF OF THE MERCEDES POLICE DEPARTMENT AND THE INSTITUTE FOR INTERGOVERNMENTAL RESEARCH (IIR) IN THE SOUTHWEST BORDER RURAL LAW ENFORCEMENT ASSISTANCE PROGRAM MONIES TO PURCHASE IN-CAR COMPUTERS AND ASSOCIATED EQUIPMENT AND PERIPHERALS.**

Commissioner Howell made a motion to approve. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously. Sgt. Diaz informed the Commission of process and award for this agreement. He stated that in total it took about one year and a half to get this award agreement. This will equip 13 units to be able to give tickets on the spot.

Mayor Pro-Tem called the meeting into executive session at 7:05 p.m.

#### **10.)EXECUTIVE SESSION**

- a. **DISCUSSION REGARDING PROJECT MD – SECTION 551.087 TEXAS GOV'T CODE ANNOTATED – ECONOMIC DEVELOPMENT.**
- b. **DISCUSSION REGARDING SALE OR CONVEYANCE OF REAL ESTATE MERCEDES ORIGINAL TOWNSITE S. 88.5' – E110' BLK 2 – SECTION 551.072 TEXAS GOV'T CODE ANNOTATED – DELIBERATION OF REAL PROPERTY**

#### **ADDENDUM**

- c. PRELIMINARY DISCUSSION REGARDING LEGAL MATTERS ON ALL LITIGATION BY RESPONSIBLE LAW FIRMS IN PREPARATION FOR JANUARY 18<sup>TH</sup> LEGAL UPDATES MEETING – SECTION 551.071 TEXAS GOV'T CODES ANNOTATED – CONSULTATION WITH ATTORNEY.**

Mayor Pro-Tem Martinez called the meeting back to order at 8:08 p.m.

**11.)OPEN SESSION:**

**DISCUSSION AND POSSIBLE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION.**

- a.** Commissioner Benavidez motioned to proceed as discussed in executive session. Commissioner Howell seconded and to provide documentation. Upon a called vote, the motion passed unanimously.
- b.** Commissioner Benavidez made a motion to proceed as discussed in executive session. Commissioner Howell seconded. Upon a called vote, the motion passed unanimously.
- c.** Commissioner Benavidez made a motion to proceed as discussed and include investigative process. Commissioner Howell seconded. Upon a called vote, the motion passed unanimously.

Commissioner Benavidez asked for a future item to be informed on projects to move forward and disclose and if there are any cases that implicate the commission.

**12.)ADJOURNMENT**

Commissioner Benavidez motioned to adjourn. Commissioner Howell seconded. Upon a called vote, the motion passed unanimously. The meeting adjourned at 8:11 p.m.

**MERCEDES CITY COMMISSION  
REGULAR MEETING  
JANUARY 18, 2022 – 6:30 P.M.  
MERCEDES CITY HALL – COMMISSION CHAMBERS**

<b>MEMBERS PRESENT:</b>	Oscar D. Montoya Sr. Joe Martinez Leonel Benavidez Jacob Howell Jose M. Gomez	Mayor Mayor Pro-Tem Commissioner Commissioner Commissioner
<b>STAFF PRESENT:</b>	Alberto Perez Martie Garcia-Vela Joselynn Castillo Marisol Vidales Richard Morin Nereida Perez Ervin Vilchis Orlando Diaz Blanca Sanchez Javier Ramirez Joaquin Hernandez George Diaz	City Manager City Attorney City Secretary Library Director Recreation Director Finance Director Interim IT Director Sergeant Interim Chief of Police Asst. City Manager Public Works Director Bailiff

**1.) CALL MEETING TO ORDER**

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

**2.) ESTABLISH QUORUM**

Four Members of the Commission were present. Commissioner Benavidez arrived during the Invocation.

**3.) INVOCATION**

Mayor Pro-Tem Martinez said the Invocation.

**4.) PLEDGE OF ALLEGIANCE**

Commissioner Howell led the Pledge of Allegiance.

**5.) OPEN FORUM**

No Members of the public signed up for open forum.

At this time, Mr. Perez requested to move into executive session to discuss all items. Commissioner Howell moved to approve. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

Mr. Perez stated he would also like to discuss item 10B in executive session to consult with legal pursuant to Texas Government Code 551.071. Commissioner Benavidez motioned to approve. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously. The meeting was called into executive session at 6:33 p.m.

**6.) PRESENTATIONS**

**a. PRESENTATION ON 1<sup>ST</sup> QUARTER BUDGET STATUS**

Ms. Perez addressed the Commission regarding the first quarter budget status. Ms. Perez provided a breakdown of the general fund, utility fund based on percentages and dollars. The presentation included the balance for the departments. Ms. Perez stated that most budgets are on track with the year and provided the budget items that are over budget. There was discussion on the revenues. Ms. Perez stated that the city received the \$2.0 mil

in ARPA funds and informed the commission of the amounts earmarked. Ms. Perez presented the CO funds Series 2021 and provided the list of items to be purchased with the funds for the first quarter.

**b. PRESENTATION ON GRANTS (HUMBERTO GARZA, BORDER AFFAIRS LLC)**

Mr. Humberto Garza addressed the commission regarding the grants done by Border Affairs for the City of Mercedes. Mr. Garza provided a handout to the Commission. Mr. Garza stated they review grants, help administer the compliance of grants, grant writing, and project development. Mr. Garza stated many grants require a match and stated that there are funding opportunities for 2022 for parks and added that the City adopt a Master Park Plan. Mr. Garza informed the Commission of the grants the City is currently pursuing. Commissioner Benavidez stated for the record that Mr. Garza gets direction from Administration and the Commission as a whole. Mr. Garza stated that he refers to management prior to doing any work to get approval. Mayor Pro-Tem Martinez stated for the record that he speaks to Mr. Perez in conjunction with Mr. Garza regarding the parks. Mr. Garza commended Sgt. Diaz for his work on grants. Mr. Garza stated that he has a flat fee on his contract and if he would like to receive a percentage, his contract states he will need to get commission approval. Mr. Garza discussed the grants he is working on for the Police Department and the Fire Department. Mr. Garza stated the city is moving in the right direction. At a question, Mr. Garza stated the City pays a monthly fee for his services and added that he has received \$42K since June and does “cradle to grave” with regards to grants. Mr. Garza stated that he is in the business of receiving grants not just submitting and is still pending the return of the grants because he has only been here six months. Mr. Garza stated that in order to get the larger grants like Texas Parks and Wildlife, he looks to make sure the City has at least 80 percent of the funding if it’s a reimbursable fund.

**c. PRESENTATION ON REHABILITATION AND IMPROVEMENTS TO THE STORM WATER PUMP STATION AT COLLIER PARK PHASE 2, COLLIER PARK PHASE 1 UPDATE, GIS MAPPING UPDATE, & FEMA DOME AREA DRAINAGE UPDATE**

Mr. Huacuja addressed the Commission regarding storm water pump station which serves the southwestern quadrant of the City. It will help mitigate flooding in the area. Taking advantage of the existing structures and pipes which saved time and money. Restoring the existing concrete structure, installing two new pumps, pump controls and piping. Mr. Perez stated that the pumps will automatically turn on and off. The pumps will have a float to detect the elevation of the water and turn on and off. The Collier Park Drainage Improvements Phase 1 service area will affect approximately 982 homes. Mr. Huacuja stated that there will still be pockets of water in low lying areas but the pump and drainage improvements will assist with the water flow. Commissioner Benavidez stated that the Commission already voted to have communication with IBWC on the flood gate 160. Mr. Huacuja stated that there has been great progress on the retention ponds and the slop is very gradual and the water will not be stagnant and will flow out. Mr. Hernandez stated they placed erosion control blankets and are looking at laying seeds for grass to grow. GIS Mapping is at 60% to 75% complete for data collection and mapping the storm drainage. The GIS Mapping can be placed on the website to view the piping information for the storm sewer and can be read through a software and can map the pipes out and can be seen in virtual reality. The next item is FEMA Dome Drainage update. The scope of work includes a low point and works in the favor of the city to move the storm water west. They are proposing piping to have a western flow into the ditch to flow north. Mr. Huacuja stated if the ditch is not in place then having a pump to move the water into the floodway to assist the flooding during moderate to heavy rain.

Mayor Pro-Tem Martinez motioned to move to item 10C. Commissioner Benavidez seconded. PU

**7.) CONSENT AGENDA**

- a. APPROVAL OF MINUTES FOR MEETING(S) HELD NOVEMBER 2, 2021, NOVEMBER 16, 2021, AND DECEMBER 7, 2021.**
- b. APPROVAL OF ANNUAL RACIAL PROFILING REPORT**
- c. APPROVAL OF 1<sup>ST</sup> QUARTER INVESTMENT REPORT**

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

**8.) CITY MANAGER COMMENTS:**

**I. CITY HALL UPDATE**

Mr. Perez stated that the siding of City Hall has been replaced and the lighting has been enhanced. The next step is looking at the roof, flooring and doors.

**II. LIBRARY A/C UPDATE**

Library was due for a new A/C unit.

**III. SALES TAX UPDATE**

Mr. Perez did a sales tax comparison for the current and previous year. He stated there was a 33% increase in sales tax revenue and every month the percentage increased. Despite COVID the sales have been strong especially since the ports have been opened.

**9.) MANAGEMENT ITEM(S):**

- a. DISCUSSION AND POSSIBLE ACTION ON FINAL PLAT APPROVAL FOR SERVICE CENTER SUBDIVISION 10.50 ACRE TRACT OF LAND BEING 10.10 ACRES OUT OF LOT 13 AND 0.40 ACRE OUT OF LOT 14, BLOCK 27 CAPISALLO DISTRICT SUBDIVISION.**

Commissioner Benavidez made a motion to authorize the City Manager to finalize the plat approval process. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously. The Mayor will sign off.

At this time, Mayor Montoya moved to the presentations. Prior to the presentation set up, the commission moved to item 13A.

- b. DISCUSSION AND POSSIBLE ACTION TO DIRECT CITY MANAGER TO COLLABORATE WITH MERCEDES CHAMBER OF COMMERCE AND MERCEDES ECONOMIC DEVELOPMENT CORPORATION ON EXPLORING AVAILABLE OPTIONS TO DESIGNATE AN AREA OF DOWNTOWN MERCEDES FOR A CULTURAL AND ENTERTAINMENT DISTRICT.**

Commissioner Howell made a motion to approve. Commissioner Gomez seconded. Commissioner Gomez asked if there is area for the cultural location. Commissioner Howell stated there may be several areas to look at and will go with management recommendation. Mr. Perez stated that Hotel/Motel funds can be used. Commissioner Gomez stated the city doesn't have funds. Commissioner Howell stated that designating an area would not cost the city funds. Mayor Montoya stated that the City would identify an area and can pitch the idea to investors. Commissioner Benavidez stated there are grants. Upon a called vote, the motion passed unanimously.

- c. DISCUSSION AND POSSIBLE ACTION TO DIRECT CITY MANAGER TO WORK WITH MERCEDES ECONOMIC DEVELOPMENT CORPORATION ON EXPLORING AVAILABLE OPTIONS TO EXPAND THE MERCEDES BUSINESS OPPORTUNITY ZONE AND USE OF 380 AGREEMENTS.**

Commissioner Howell motioned to direct City Manager to work with EDC to expand the Mercedes Business Opportunity. Mayor Pro-Tem Martinez seconded. Commissioner Gomez expressed his concern with the funding for the project. Commissioner Howell stated this is to designate an area as a Mercedes Business opportunity zone to be available

for grants specifically designated for businesses. Upon a called vote, the motion passed unanimously. Commissioner Benavidez asked for management to provide their recommendation.

**d. DISCUSSION AND POSSIBLE ACTION TO SOLICIT REQUEST FOR QUALIFICATIONS FOR GEOTECHNICAL SERVICES.**

Mr. Ramirez stated the City needs a rotation list for geotechnical services. The standard design manual includes a requirement for testing for new developments and improvement of streets. Commissioner Howell motioned to approve. Commissioner Benavidez seconded. Upon a called vote, the motion passed unanimously.

**10.)BIDS/CONTRACTS:**

**a. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PURCHASE OF USED HEAVY EQUIPMENT FOR PUBLIC WORKS USING THE 2018 CO FUNDS.**

Mr. Hernandez stated that a paver was going to be purchased. The City only received 2 bids from Rojas and Cooper Company. Mr. Hernandez is requesting to purchase the equipment and to go with Rojas Equipment. The equipment to be purchased are a lift, a 3-ton roller, street sweeper, and asphalt paver. Commissioner Benavidez made a motion to approve. Mayor Pro-Tem Martinez seconded. Commissioner Benavidez amended his motion to approve Rojas equipment. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously.

**b. DISCUSSION AND POSSIBLE ACTION TO AWARD COLLIER PARK PUMP STATION PROJECT TO LOWEST QUALIFIED BIDDER.**

This item was discussed in executive session. No action.

**c. DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE CITY MANAGER TO NEGOTIATE AND EXECUTE INTERLOCAL AGREEMENT WITH IRRIGATION DISTRICT FOR EXCAVATION ASSISTANCE ON FEMA DOME AREA DRAINAGE UPDATE.**

Commissioner Benavidez motioned to approve. Mayor Pro-Tem Martinez seconded.

Upon a called vote, the motion passed unanimously.

**11.)DEPARTMENT MONTHLY REPORTS**

The department reports are included for the Commission to review. No action required.

Mayor Montoya called the meeting into executive session at 6:33 pm. Item 12 was moved to the beginning, after open forum.

**12.)EXECUTIVE SESSION:**

**a. SECTION 551.071 – CONSULTATION WITH LEGAL REGARDING PENDING LITIGATION BEING HANDLED BY TML COUNSEL; MR. TROIANI UPDATE ON LITIGATION AND OPEN RECORDS REQUEST.**

**b. SECTION 551.071 – CITY ATTORNEY LITIGATION UPDATE**

**c. DISCUSSION REGARDING PROJECT TRAVEL CENTER CODE 551.087 (EDC AND DEVELOPER)**

Mayor Montoya called the meeting back to order at 8:08 p.m.

**13.)OPEN SESSION: DISCUSSION AND POSSIBLE ACTION ON ITEM(S) LISED IN EXECUTIVE SESSION.**

Mayor Montoya stated there was no action on items discussed in executive session.

Commissioner Benavidez stated that on Item 12A, the Commission gave direction to the City Attorney on what to provide so that the City can act. The City attorney stated that the item Commissioner Benavidez is talking about is not item 12A. Mayor Montoya stated that it is not an action item.

Mayor Montoya called to move to item 9A. Commissioner Benavidez so moved. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously. Go to item 9A.

- a. Commissioner Benavidez motioned to proceed as discussed in executive session. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

**14.)ADJOURNMENT**

Commissioner Benavidez made a motion to adjourn. Mayor Pro-Tem Martinez seconded. Upon a called vote, the motion passed unanimously. The meeting adjourned at 10:09 P.M.

**CONSENT ITEM: YES**

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**DATE:** February 1, 2022**FROM:** Orlando Diaz, Sergeant Mercedes Police Department**ITEM:** Approval of Agreement for the Temporary Closure of State Right-of-Way

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**BACKGROUND INFORMATION:** The Mercedes Police Department respectfully requests the approval of Agreement for the Temporary Closure of State Right-of-way in order to aid with traffic control during the 83<sup>rd</sup> Annual Rio Grande Valley Livestock Show Parade.

**BOARD REVIEW/CITIZEN FEEDBACK:** N/A

**ALTERNATIVES/OPTIONS:** N/A

**FISCAL IMPACT:**

**Proposed Expenditure/(Revenue):**

\$ 4,223.45

**Account Number(s):**

01-522-1011

**Finance Review by:**

**LEGAL REVIEW:**

**ATTACHMENTS:**

1. Agreement for the Temporary Closure of State Right-of-way
2. Road Closure & Map
3. Resolution
4. Traffic Control Agreement

**DRAFT MOTION:**

**Tuesday, February 1, 2021**

**Mayor**

**City Manager**

**Commissioners**

**Good evening,**

**As an agreement made between TXDOT and The City of Mercedes Police Department is requesting that this resolution be passed for a temporary road closure permit for the 83<sup>rd</sup> Annual Rio Grande Valley Livestock Show Parade which will be held on Saturday, March 12<sup>th</sup>, 2022 at 10:00 A.M. Road closures will start at 07:00 AM and end at approximately 12:00 PM. It will start at the 600 Block of South Texas Avenue and will go north on Texas up to the Rio Grande Valley Livestock Show located at 1000 N. Texas Ave.**

**(19) Officers will be assigned to specific areas of concern:**

<b>Assigned Post: Officer Ruben Pena</b>	<b>N. Texas Ave. / FM 491</b>
<b>Assigned Post: Officer George Diaz</b>	<b>N. Texas Ave. / Anacuitas St.</b>
<b>Assigned Post: Inv. Pedro Estrada</b>	<b>N. Texas Ave. / WB Frontage Rd.</b>
<b>Assigned Post: Sgt. Francisco Sanchez</b>	<b>N. Texas Ave. / EB Frontage Rd.</b>
<b>Assigned Post: Inv. Urbano Lopez</b>	<b>N. Texas Ave. / Starr St</b>
<b>Assigned Post: Officer Donato Torres</b>	<b>N. Texas Ave. / Cameron St.</b>
<b>Assigned Post: Inv. Gerardo Ramirez</b>	<b>N. Texas Ave. / Cameron St.</b>
<b>Assigned Post: Cpl. Andres Soto</b>	<b>N. Texas Ave. / Hidalgo St</b>
<b>Assigned Post: Inv. Danny Longoria</b>	<b>N. Texas Ave. / Hidalgo St</b>
<b>Assigned Post: Officer Esteban Ozuna</b>	<b>N. Texas Ave. / W. 1<sup>st</sup>. St</b>
<b>Assigned Post: Officer Raymundo Sanchez</b>	<b>S. Texas Ave. / Business 83</b>
<b>Assigned Post: Officer Felipe Sanchez</b>	<b>S. Texas Ave. / Business 83</b>
<b>Assigned Post: Officer Jose Lopez</b>	<b>S. Texas Ave. / Business 83</b>
<b>Assigned Post: Inv. Roy Rocha</b>	<b>S. Texas Ave. / 5<sup>th</sup> Street</b>
<b>Assigned Post: Inv. Aaron Villarreal</b>	<b>S. Texas Ave. / 5<sup>th</sup> Street</b>
<b>Assigned Post: Asst. Chief Sanchez</b>	<b>S. Texas Ave. / 6<sup>th</sup> Street</b>
<b>Assigned Post: Officer Alejandro Bocanegra</b>	<b>W. 6<sup>th</sup> Street / S. Missouri Ave.</b>
<b>Assigned Post: Officer Victor Zavala</b>	<b>W. 6<sup>th</sup> Street / S. Ohio Ave.</b>
<b>Assigned Post: Officer Salvador Gonzalez</b>	<b>S. Texas Ave. / W. 10<sup>th</sup> St.</b>

**(4) Additional officers will be available to assist if necessary. Patrol primary duties & responsibilities**

**(A-Shift): 07:00 A.M. – 03:00 P.M.**

**Officer Angel Yerena**

**Officer Angel Salazar**

**Officer Oscar Lopez**

**Officer LeRoy Hernandez**

STATE OF TEXAS           §

COUNTY OF               §

**AGREEMENT FOR THE TEMPORARY CLOSURE  
OF STATE RIGHT-OF-WAY**

**THIS AGREEMENT** is made by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the "State," and the City Of Mercedes, a municipal corporation, acting by and through its duly authorized officers, hereinafter called the "City."

**W I T N E S S E T H**

**WHEREAS**, the State owns and operates a system of highways for public use and benefit, including Mercedes, in Hidalgo, County; and

**WHEREAS**, the City has requested the temporary closure of (Texas Ave.), from 600 Block of S. Texas Ave. to the 1000 Block of N. Texas Ave. for the purpose of the 83<sup>rd</sup> Annual Rio Grande Valley Livestock Show Parade, as described in the attached "Exhibit A," hereinafter identified as the "Event;" and

**WHEREAS**, the Event will be located within the City's incorporated area; and

**WHEREAS**, the State, in recognition of the public purpose of the Event, wishes to cooperate with the City so long as the safety and convenience of the traveling public is ensured and that the closure of the State's right-of-way will be performed within the State's requirements; and

**WHEREAS**, on the \_\_\_\_\_ day of \_\_\_\_\_ of 2022, the City Commission passed Resolution \_\_\_\_\_ / Ordinance No. \_\_\_\_\_, attached hereto and identified as "Exhibit B," establishing that the Event serves a public purpose and authorizing the City to enter into this agreement with the State; and

**WHEREAS**, 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of a segment of the State highway system; and

**WHEREAS**, this agreement has been developed in accordance with the rules and procedures of 43 TAC, Section 22.12;

**NOW, THEREFORE**, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

**A G R E E M E N T**

**Article 1. CONTRACT PERIOD**

This agreement becomes effective upon final execution by the State and shall terminate upon completion of the Event or unless terminated or modified as hereinafter provided.

## **Article 2. EVENT DESCRIPTION**

The description of the Event, including the proposed schedule of start and stop times,

approximate number of people attending the Event, and equipment involved shall be attached hereto and identified as "Exhibit C."

## **Article 3. OPERATIONS OF THE EVENT**

**A.** The City shall assume all costs for the operations associated with the Event, to include but not limited to, plan development, materials, labor, public notification, providing protective barriers and barricades, protection of highway traffic and highway facilities, and all traffic control and temporary signing.

**B.** The City shall submit to the State for review and approval the construction plans, if construction or modifications to the State's right-of-way is required, the traffic control and signing plans, traffic enforcement plans, and all other plans deemed necessary by the State.

**C.** The City will not initiate closure prior to 24 hours before the scheduled Event and all barriers and barricades will be removed and the highway reopened to traffic within 24 hours after the completion of the Event.

**D.** The City will provide adequate enforcement personnel to prevent vehicles from stopping and parking along the main lanes of highway right-of-way and otherwise prevent interference with the main lane traffic by both vehicles and pedestrians. The City will prepare a traffic enforcement plan, to be approved by the State in writing at least 48 hours prior to the scheduled Event. Additionally, the City shall provide to the State a letter of certification from the law enforcement agency that will be providing traffic control for the Event, certifying that they agree with the enforcement plan and will be able to meet its requirements.

**E.** The City hereby assures the State that there will be appropriate passage allowance for emergency vehicle travel and adequate access for abutting property owners during construction and closure of the highway facility. These allowances and accesses will be included in the City's traffic control plan.

**F.** The City will avoid or minimize damage, and will, at its own expense, restore or repair damage occurring outside the State's right-of-way and restore or repair the State's right-of-way, including roadway and drainage structures, signs, and pavement, etc. to a condition equal to that existing before the closure, and, to the extent practicable, restore the natural environment, including landscape features.

## **Article 4. OWNERSHIP OF DOCUMENTS**

Upon completion or termination of this agreement, all documents prepared by the City will remain the property of the City. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use.

## **Article 5. TERMINATION**

**A.** This agreement may be terminated by any of the following conditions:

- (1) By mutual written agreement and consent of both parties.
- (2) By the State upon determination that use of the State's right-of-way is not feasible or is not in the best interest of the State and the traveling public.
- (3) By either party, upon the failure of the other party to fulfill the obligations as set forth herein.
- (4) By satisfactory completion of all services and obligations as set forth herein.

**B.** The termination of this agreement shall extinguish all rights, duties, obligations and liabilities of the State and City under this agreement. If the potential termination of this agreement is due to the failure of the City to fulfill its contractual obligations as set forth herein, the State will notify the City that possible breach of contract has occurred. The City must remedy the breach as outlined by the State within ten (10) days from receipt of the State's notification. In the event the City does not remedy the breach to the satisfaction of the State, the City shall be liable to the State for the costs of remedying the breach and any additional costs occasioned by the State.

#### **Article 6. DISPUTES**

Should disputes arise as to the parties' responsibilities or additional work under this agreement, the State's decision shall be final and binding.

#### **Article 7. RESPONSIBILITIES OF THE PARTIES**

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

#### **Article 8. INSURANCE**

**A.** Prior to beginning any work upon the State's right-of-way, the City and/or its contractors shall furnish to the State a completed "Certificate of Insurance" (TxDOT Form 1560, latest edition) and shall maintain the insurance in full force and effect during the period that the City and/or its contractors are encroaching upon the State right-of-way.

**B.** In the event the City is a self-insured entity, the City shall provide the State proof of its self-insurance. The City agrees to pay any and all claims and damages that may occur during the period of this closing of the highway in accordance with the terms of this agreement.

#### **Article 9. AMENDMENTS**

Any changes in the time frame, character, agreement provisions or obligations of the parties hereto shall be enacted by written amendment executed by both the City and the State.

#### **Article 10. COMPLIANCE WITH LAWS**

The City shall comply with all applicable federal, state and local environmental laws, regulations, ordinances and any conditions or restrictions required by the State to protect the natural environment and cultural resources of the State's right-of-way.

#### **Article 11. LEGAL CONSTRUCTION**

In case one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions hereof and this agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

**Article 12. NOTICES**

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified U.S. mail, postage prepaid, addressed to such party at the following respective addresses:

<b>City:</b>	<b>State:</b>
<u>City of Mercedes</u>	<u>Texas Department of Transportation</u>
<u>400 South Ohio Avenue, Mercedes, TX</u>	_____
<u>78570</u>	_____
_____	_____

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Either party hereto may change the above address by sending written notice of such change to the other in the manner provided herein.

**Article 13. SOLE AGREEMENT**

This agreement constitutes the sole and only agreement between the parties hereto and supersedes any prior understandings or written or oral agreements respecting the within subject matter.

**IN TESTIMONY WHEREOF**, the parties hereto have caused these presents to be executed in duplicate counterparts.

**THE CITY OF MERCEDES**

Executed on behalf of the City by:

By \_\_\_\_\_

Date: February 1, 2022

Typed or Printed Name and Title: Orlando Diaz

Sergeant

**THE STATE OF TEXAS**

Executed for the Executive Director and approved for the Texas Transportation and Mercedes for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By \_\_\_\_\_  
District Engineer

Date \_\_\_\_\_

By \_\_\_\_\_  
Director of Maintenance

Date \_\_\_\_\_

Agreement No. \_\_\_\_\_

**Exhibit A**

**(SEE ATTACHED ROUTE MAP AND ROAD CLOSURES)**



# MERCEDES POLICE DEPARTMENT

2314 N. FM 491 Rd.  
Mercedes, Texas 78570  
(956) 565-3102 Fax (956) 565-2583

Blanca I. Sanchez  
Interim Chief of Police

*Tuesday, February 1, 2022*

*To: Texas Department of Transportation*

*From: Sergeant Orlando Diaz*

*Re: Agreement for the Temporary Closure of State Right-of-Way*

## **Exhibit A**

### **ROAD CLOSURE EVENT NAME AND DATE**

**NAME:** 83<sup>rd</sup> Annual Rio Grande Valley Livestock Show Parade

**DATE OF CLOSURE:** SATURDAY, MARCH 12, 2022

**TIME OF CLOSURE:** 10:00 A.M. – 12:00 P.M.

Sgt. Orlando Diaz

Directions from 600 South Texas Ave, Mercedes, Texas 78570 to 1000 North Texas Ave. Mercedes Texas



# 83<sup>rd</sup> Annual RGVLS Parade

**Saturday, March 12<sup>th</sup>, 2022**

**(Traffic Control)**

**07:00 AM – 12:00 PM**

	<b>INTERSECTION: (West of Roadway)</b>	<b>DEPARTMENT:</b>	<b>DEPARTMENT:</b>	<b>INTERSECTION: (East of Roadway)</b>
	ROVER	Sgt. O. Diaz	Sgt. I. Rodriguez	
1.	N. Texas Ave. / Hill St.	PUBLIC WORKS	PUBLIC WORKS	N. Texas Ave. / Hill St.
2.	N. Texas Ave. / Webb St.	PUBLIC WORKS	PUBLIC WORKS	N. Texas Ave. / Webb St.
3.	N. Texas Ave. / Duval St.	PUBLIC WORKS	PUBLIC WORKS	N. Texas Ave. / Duval St.
4.	N. Texas Ave. / Anacuitas St.	Mercedes PD (139) R. Pena	Mercedes PD (121) G. Diaz	N. Texas Ave. / N. 491
5.	N. Texas Ave. / WB Frontage Rd.		Mercedes PD (138) Pedro Estrada Public Works (Cones)	N. Texas Ave. / WB Frontage Rd.
6.	N. Texas Ave. / EB Frontage Rd.	Mercedes PD (105) Sgt. F. Sanchez Public Works (Cones)		N. Texas Ave. / EB Frontage Rd.
7.			Mercedes PD (210) U. Lopez	Starr St. / N. Texas Ave.
8.	N. Texas Ave. / Cameron St. (Fred Loya)	Mercedes PD (124) Donato Torres	Mercedes PD (202) Gerardo Ramirez	N. Texas Ave. / Cameron St. (Juanito's Rest.)
9.	N. Texas Ave. / W. Hidalgo St.	Mercedes PD (110) Cpl. Andres Soto	Mercedes PD (206) Danny Longoria	N. Texas Ave. / W. Hidalgo St.
10.	N. Texas Ave. / W. First St.	Mercedes PD (134) Esteban Ozuna	Assisting Agency	N. Texas Ave. / W. First St.
11.	S. Texas Ave. / Railroad St.	PUBLIC WORKS	PUBLIC WORKS	S. Texas Ave. / Railroad St.
12.	S. Texas Ave. / W. Business 83	Mercedes PD (140) Raymundo Sanchez Felipe Sanchez (141)	Mercedes PD (136) Jose Lopez	S. Texas Ave. / W. Bus 83
13.	S. Texas Ave. / W. Third St.	PUBLIC WORKS	Assisting Agency	S. Texas Ave. / W. Third St.
14.	S. Texas Ave. / W. Fourth St.	PUBLIC WORKS	Assisting Agency	S. Texas Ave. / W. Fourth St.
15.	S. Texas Ave. / W. Fifth St.	Mercedes PD (207) Roy Rocha	Mercedes PD (209) Aaron Villarreal	S. Texas Ave. / W. Fifth St.
16.	S. Texas Ave. / W. Sixth St.	Mercedes PD (102) Chief Sanchez	Mercedes PD (102) Chief Sanchez	S. Texas Ave. / W. Sixth St.
17.	W. Sixth St. / S. Missouri Ave.	Mercedes PD (122) Alejandro Bocanegra	Mercedes PD (123) Victor Zavala	W. Sixth St. / S. Ohio Ave.
18.	S. Texas Ave. / W. Tenth St.	Mercedes PD (130) Salvador Gonzalez	PUBLIC WORKS	S. Texas Ave. / W. Tenth St.

Agreement No. \_\_\_\_\_

**Exhibit B**

**(SEE ATTACHED RESOLUTION)**

**(SEE ATTACHED TRAFFIC CONTROL AGREEMENT)**



# MERCEDES POLICE DEPARTMENT

2314 N. FM 491 Rd.  
Mercedes, Texas 78570  
(956) 565-3102 Fax (956) 565-2583

Blanca I. Sanchez  
Interim Chief of Police

Tuesday, February 1, 2022

*To: Texas Department of Transportation*

*From: Sergeant Orlando Diaz*

*Re: Agreement for the Temporary Closure of State Right-of-Way*

## Exhibit C

The Mercedes Police Department will be providing law enforcement personnel to conduct traffic control for the 83<sup>rd</sup> Annual Rio Grande Valley Livestock Show. The parade is being held on Saturday, March 12, 2022 and it is scheduled to begin at 10:00 A.M.

  
Sgt. Orlando Diaz



## MPD Employee Expenditure

The following is a list of officers who are assigned to work the 83<sup>rd</sup> Annual Rio Grande Valley Livestock Show Parade on Saturday, March 12, 2022. Note: Overtime expenditure estimate subject to change.

	Employee	Price
1.	Asst. Chief Blanca Sanchez	249.75
2.	Sgt. Isaias Rodriguez	202.08
3.	Sgt. Orlando Diaz	202.08
4.	Sgt. Francisco Sanchez	202.08
5.	Cpl. Andres Soto	181.64
6.	Comm. Supervisor Juan Flores	109.57
7.	Inv. Antonio Montelongo	178.01
8.	Officer Ruben Pena	172.56
9.	Officer George Diaz	172.56
10.	Inv. Pedro Estrada	178.01
11.	Inv. Urbano Lopez	178.01
12.	Officer Donato Torres	172.56



## MPD Employee Expenditure

13.	Inv. Gerardo Ramirez	178.01
14.	Inv. Danny Longoria	178.01
15.	Officer Esteban Ozuna	172.56
16.	Officer Raymundo Sanchez	172.56
17.	Officer Felipe Sanchez	172.56
18.	Officer Jose Lopez	172.56
19.	Inv. Roy Rocha	178.01
20.	Inv. Aaron Villarreal	178.01
21.	Officer Alejandro Bocanegra	172.56
22.	Officer Victor Zavala	172.56
23.	Officer Salvador Gonzalez	172.56
24.	Office Manager Ravyn Hinojosa	104.58
TOTAL EXPENDITURE:		<b>\$ 4,223.45</b>

**ORDINANCE NO. 2022-\_\_**

**AN ORDINANCE DECLARING AN ELECTION TO BE HELD IN THE CITY OF MERCEDES, TEXAS FOR THE PURPOSE OF ELECTING A COMMISSIONER PLACE #2, AND A COMMISSIONER PLACE #4, OF SAID CITY; PROVIDING FOR THE GIVING OF NOTICE OF ELECTION; PROVIDING FOR APPOINTING OFFICERS AND SETTING OUT THEIR POWERS, DUTIES, COMPENSATION, AND MANNER OF ELECTION; PROVIDING THAT NO IRREGULARITY IN SAID NOTICE SHALL INVALIDATE SAID ELECTION; PROVIDING THE METHOD OF HAVING THE CANDIDATES' NAMES PLACED UPON AND WITHDRAWN FROM THE OFFICIAL BALLOT; AUTHORIZING AND INSTRUCTING THE MAYOR, CITY SECRETARY AND THE CHIEF OF POLICE TO PERFORM THEIR RESPECTIVE DUTIES IN CONNECTION WITH SAID ELECTION; PROVIDING FOR A SAVINGS AND REPEAL CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MERCEDES, TEXAS:**

That an election shall be held in the City of Mercedes, Texas on the first Saturday of May, the same being May 7, 2022 for the purpose of electing a Commissioner Place #2 and a Commissioner Place #4, of said City, such election to be held at the Mercedes Civic Center located at 520 East Second, Mercedes, Texas from seven o'clock in the morning until seven o'clock in the evening, and that notice of the same shall be given by the City Secretary by posting a properly executed copy of this election ordinance and notice for a period of thirty (30) days before the date of said election, or for any period required by law at City Hall in Mercedes, Texas, and;

That the voting at said election shall be by means of voting machines on election day and paper ballots for early voting by mail, and by means of voting machine for early voting by personal appearance. Early voting shall commence April 25, 2022 at the Mercedes Civic Center, 520 East Second, Mercedes, Texas and shall continue until May 3, 2022.

That the compensation of the presiding judge, alternate judge and clerks shall be set per the contract with the Hidalgo County Elections Administrator, the election official who delivers the returns of the election immediately after the votes have been tallied shall be paid the rate assigned as judge or clerk for that service, and shall also return all election supplies not used with the returns of said election. The powers and duties of the aforementioned presiding officers and clerks shall be those prescribed by the Texas Election Code.

That no irregularity in the notice herein provided shall invalidate said notice, and; that any candidate for City Commission may have their name placed on the official ballot by complying with the provision of the City Charter, and with the pertinent provisions of the Texas Election Code, and;

That any candidate for the City Commission may name poll watchers as provided in the Texas Election Code.

That the names of all those candidates who have filed their applications to have their name placed on the official ballot as candidates shall be posted by the City Secretary at a conspicuous place in the City Secretary's office, from and after which time said application is received. Any such candidate may cause their name to be withdrawn at any time from the official ballot before the official ballots are prepared, by complying with the pertinent provisions of the Texas Election Code, and

**BE IT FURTHER ORDAINED**, that the Mayor, City Secretary, and Chief of Police be and they are hereby authorized and instructed to perform their respective duties in connection with said election imposed upon them by this Ordinance, the City Charter of the City of Mercedes, Texas, and the Texas Election Code, and;

That if any section, subsection, phrase, sentence, clause or provision of the Ordinance shall be declared invalid for any reason, such invalidity shall not affect the remaining provisions of this Ordinance or their application to the other persons or sets of circumstances, and to this end, all provisions of this Ordinance are declared severally, and Ordinance or parts of Ordinances in conflict herewith are hereby repealed.

This notice shall become effective in accordance with Article II, Section 2.13 of the City Charter of the City of Mercedes, Texas.

Passed and approved on first reading this the 1<sup>st</sup> Day of February, 2022.

Passed, Approved and adopted on second reading this the 15<sup>th</sup> Day of February, 2022.

ATTEST:

\_\_\_\_\_  
Joselynn Castillo, City Secretary

\_\_\_\_\_  
Oscar D. Montoya Sr., Mayor

APPROVED:

\_\_\_\_\_  
Martie Garcia-Vela, City Attorney

**RESOLUTION: \_\_\_\_\_**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MERCEDES, TEXAS TO ENTER INTO AN AGREEMENT WITH THE STATE OF TEXAS THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE TEMPORARY CLOSURE OF THE INTERSTATE 2 FROM 600 S. TEXAS AVE. TO 1000 N. TEXAS FOR ACTIVITIES ASSOCIATED WITH THE 83<sup>RD</sup> ANNUAL RIO GRANDE VALLEY LIVESTOCK SHOW PARADE.

WHEREAS, the City Commission of the City of Mercedes wishes to cooperate with the State of Texas for the safety and convenience of the traveling public; and

WHEREAS, the City of Mercedes requests the temporary closure of the following highway on MARCH 12<sup>TH</sup>, 2022 for activities associated with the 83<sup>rd</sup> Annual Rio Grande Valley Livestock Show Parade from 10:00 AM until 12:00 PM.

WHEREAS, the events will be located within the City of Mercedes incorporated area and the closure will be performed in accordance with the State's requirements;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MERCEDES, TEXAS:

That at the regular meeting of the Mercedes City Commission held on the 1<sup>st</sup> of February 2022, this resolution was adopted in accordance with Chapter 43, Texas Administrative Code, Section 22.12, and to comply with the rules and procedures established by said chapter and section, and the City Manager is hereby authorized to sign the temporary right of way closure agreement with the State of Texas. This resolution is adopted so that the 83<sup>RD</sup> ANNUAL RIO GRANDE VALLEY LIVESTOCK SHOW PARADE may be conducted on March 12<sup>th</sup>, 2022 in the Agreement for the Temporary Closure of State Right of Way (43 TAC, Section 22.12).

Passed and approved on this the \_\_\_\_\_ Day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Oscar Montoya, Mayor

ATTEST:

\_\_\_\_\_  
Joselynn Castillo, City Secretary

---

**Bids/Contracts**

---

**DATE:** February 2, 2022**FROM:** Mary Salinas, Administrative Assistant**ITEM:** Resolution adopting the Work Plan for Urban County Program Year 35 (2022)

---

**BACKGROUND INFORMATION:** The City of Mercedes has gone through the required public participation on the needs assessment cycle for CDBG funding FY 35 (2022). The City of Mercedes has received a submittal letter of request for UC funding from the following organizations: Amigos Del Valle, Inc. in the amount of \$15,000 for home delivered meals; The Children's Advocacy Center of Hidalgo County, Inc. in the amount of \$2,500 for assisting abused and victimized children; Nuestra Clinica Del Valle in the amount of \$15,000 for medical and dental services to adults and children. The proposed allocated amount for the Fiscal Year 35 (2022) is **\$269,965**. The listed table shows the current and proposed budget by staff

**BOARD REVIEW/CITIZEN FEEDBACK:** Choose an item.**ALTERNATIVES/OPTIONS:****FISCAL IMPACT:****Proposed Expenditure/(Revenue):****Account Number(s):**

---

**Finance Review by:****LEGAL REVIEW:****ATTACHMENTS:****Staff Recommendation:** Approval of Work Plan and Budget for Urban County Program Year 35 (2022).

**Resolution # 2022- \_\_\_\_\_**

**A RESOLUTION ADOPTING THE WORKPLAN AND BUDGET FOR URBAN COUNTY PROGRAM YEAR 35 (2022)**

**WHEREAS:** The City of Mercedes is participating in the Urban County Program, and

**WHEREAS:** The City of Mercedes conducted a Public Hearing on November 2, 2021 at the Mercedes City Hall to solicit on community need in compliance with SDBG requirements'

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MERCEDES, TEXAS THAT;**

The Urban County Work-Plan and budget for Year Thirty –Five (2022) is hereby adopted as follows;

**Year 35 (2022)**

<b><u>PROGRAM ACTIVITY</u></b>	<b><u>BUDGET</u></b>
Street Improvements Project	\$145,465.00
Senior Services (Amigos del Valle)	\$15,000.00
Abused and Neglected Children (Children’s Advocacy Center of Hidalgo County, Inc.)	\$ 2,500.00
Health Services (Nuestra Clinica del Valle)	\$15,000.00
Public Services-General (Dr. Hector P. Garcia Memorial Library)	\$15,000.00
Fire Station/Equipment	\$20,000.00
Parks, Recreation Facility Improvements	\$54,000.00
<b><u>General Program Administration</u></b>	<b><u>\$ 3,000.00</u></b>
<b>TOTAL:</b>	<b>\$269,965.00</b>

**PASSED, APPROVED AND ADOPTED THIS THE 2<sup>nd</sup> DAY OF FEBRUARY, 2022.**

\_\_\_\_\_  
**Oscar Montoya, Mayor**

\_\_\_\_\_  
**Joselynn Castillo, City Secretary**

**Management Items**

---

**DATE:** February 1, 2022

**FROM:** Javier Ramirez, Assistant City Manager

**ITEM:** **Discussion and Possible Action to Select Vehicle Monitoring and Data Services Provider**

---

**BACKGROUND INFORMATION:**

The City of Mercedes currently has 91 vehicles and equipment that are able to utilize monitoring services. The vehicle monitoring and driver software will monitor and record metrics that will be analyzed to improve driver safety and vehicle asset management.

Proposals were obtained from AT&T and Verizon.

The City currently uses SeeClickFix (311) for Public Works work management (work orders). To maximize on the software's capabilities and provide efficiency, work orders can be created and closed 100% electronically with a tablet. Data services are required for tablet use in the field.

**Staff Recommendation:**

Staff recommends approval to add additional services to the current Verizon services contract for vehicle monitoring and tablets.

---

**Management Items**

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**DATE:** February 4, 2022  
**FROM:** Javier A. Ramirez, Assistant City Manager  
**ITEM:** Discussion and Possible Action to Solicit Request for Qualifications for Specialized Engineering Services.

---

**BACKGROUND INFORMATION:**

The City of Mercedes would like to solicit Statement of Qualifications for selecting a pool of qualified Engineering Firms to provide Specialized Engineering Services to the City of Mercedes on an as-needed basis. The RFQ intends to create a list of qualified firms and award for as-needed services in a timely and efficient manner.

The objective of this RFQ is to select a group of professional engineering firms qualified to provide services necessary to complete specialized studies, master plans, plan reviews, analyses, designs, rehabilitations and upgrades of The City of Mercedes public infrastructure, including water and wastewater treatment plants.

**Staff Recommendation:**

Staff recommends approval to solicit qualifications for specialized engineering services.

CONSENT ITEM :

---

**DATE:** January 28, 2022

**FROM:** Alberto Perez

**ITEM:** Action Item:

Discussion and possible action to authorize City Manager to go out for IT contracting services.

---

**BACKGROUND INFORMATION:**

Recently we lost our IT Director, despite that we have posted the position on Indeed, we need someone for the interim to manage critical security patches as some of the critical servers are at end of life software wise.

**BOARD REVIEW/CITIZEN FEEDBACK:** N/A

**ALTERNATIVES/OPTIONS:** N/A

**FISCAL IMPACT:** N/A

**LEGAL REVIEW:** Martie Vela-Garcia

**ATTACHMENTS:** N/A

**DRAFT MOTION:**

---

Choose an item.

---

**DATE:** February 1, 2022

**FROM:**

**ITEM:** Discussion and Possible Action to Approve AMI Water Meter

---

**BACKGROUND INFORMATION:**

The Public Utility currently uses Sensus SR2 AMI mechanical positive displacement water meters for most residential and commercial water accounts. Lead times on the Sensus meter have been substantial and have caused a backlog of 51 meter connections dating back to June 2021.

The Kamstrup meter is an ultrasonic meter that has no mechanical parts and is an industry leader in accuracy and sensitivity of water flows. The Kamstrup water meter can sense and record flows down to 1/16 of a gallon. These meters are currently in stock to meet the backlog demand.

The Kamstrup and Sensus AMI systems can operate concurrently.

**Staff Recommendation:**

Staff recommends approval of the Kamstrup AMI meter, collectors, and software.

February 1, 2022 – MERCEDES REGULAR CITY COMMISSION MEETING



Agenda Items:

Open Session:

Item  
10E

- **Discussion and Possible Action to create a Business Services tab link on the City of Mercedes Website that provides instructions, information and helpful resources. (Comm. Benavidez and Comm. Gomez)**

Notes: Images will be attached to this item on how Cities are helping businesses via their City Page with tab links resources, commercial and retail information and instructions on how to start a business. Providing business with this information will be helpful and show great initiative and support on our part.

Item  
10F

- **Discussion and Possible Action on David Garza's request for De-annexation. (Comm. Benavidez and Comm. Gomez)**

Notes: This item was brought before the Commission on 11/2/2021 with Commission action for City Manager to research de-annexation.

Item  
10G

- **Discussion and Possible Action to get the service status of properties that have been Annexed and provide services accordingly . (Comm. Benavidez and Comm. Gomez)**

Notes: It has been brought to the attention of the City that there are properties that have been annexed but are not receiving City services. Considering property taxes provide funding for the City of Mercedes it is important for the City in return to provide services to its residents accordingly.

Commissioner Place 2, Leonel Benavidez

A handwritten signature in blue ink, appearing to be "L Benavidez", written over a horizontal line.

Commissioner Place 4, Jose M. Gomez

A handwritten signature in blue ink, appearing to be "Jose M. Gomez", written over a horizontal line.

## Small Business Resources

Item 10 E

Thinking about opening a small business? Start here:

How to Start a Business in  >

### Help for small or new businesses

The Small Business Development Center (SBDC) at  City College is a great local resource, providing one-on-one counseling and introductory business training seminars in:

Marketing  
Financing  
Business start-up  
International trade  
Procurement programs

The LBCC center is part of  regional small business development programs, which are part of the U.S. Small Business Administration's national network of centers.

Visit the SBDC website >

Lakewood businesses should learn more about the Greater  Chamber of Commerce and the many services it offers.

Visit the  Chamber website >

### Job creation and retention help

The  County Workforce Investment Board can help with:

Business to Business resource links  
No cost staffing assistance, recruitment, screening and referral of qualified job applicants  
Corporate-Driven Customized Training  
On-the-job training  
State Funded On-Site Customized Training  
Employee skill assessments  
Labor market information  
Professional transition & downsizing assistance

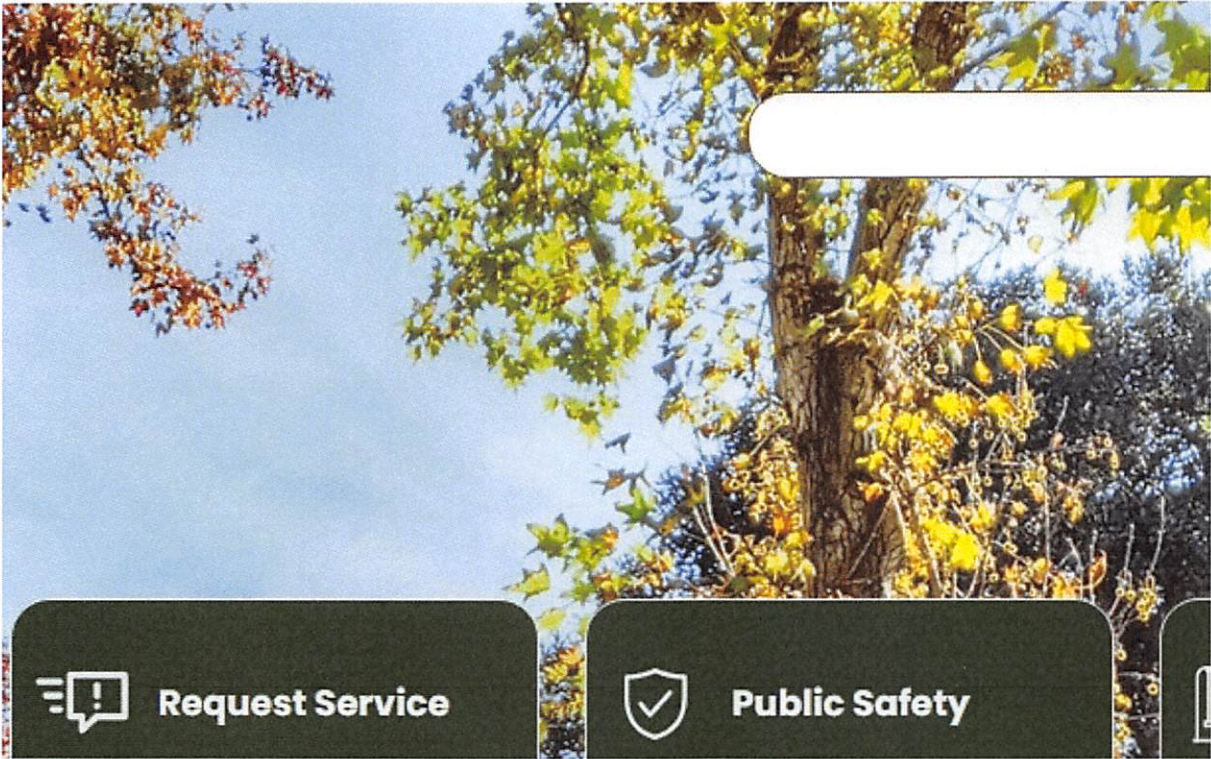
Visit  website >

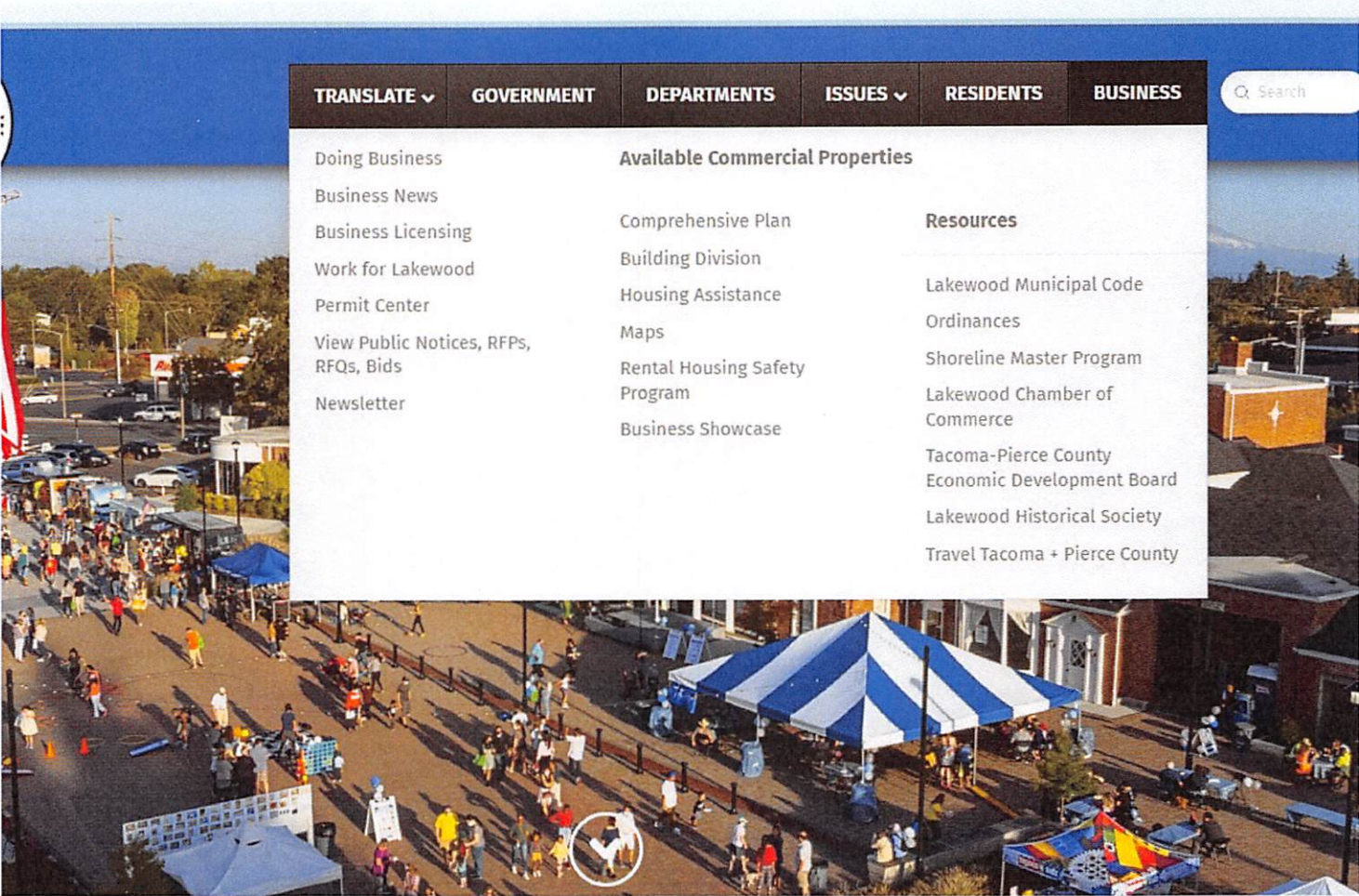
### Other resources

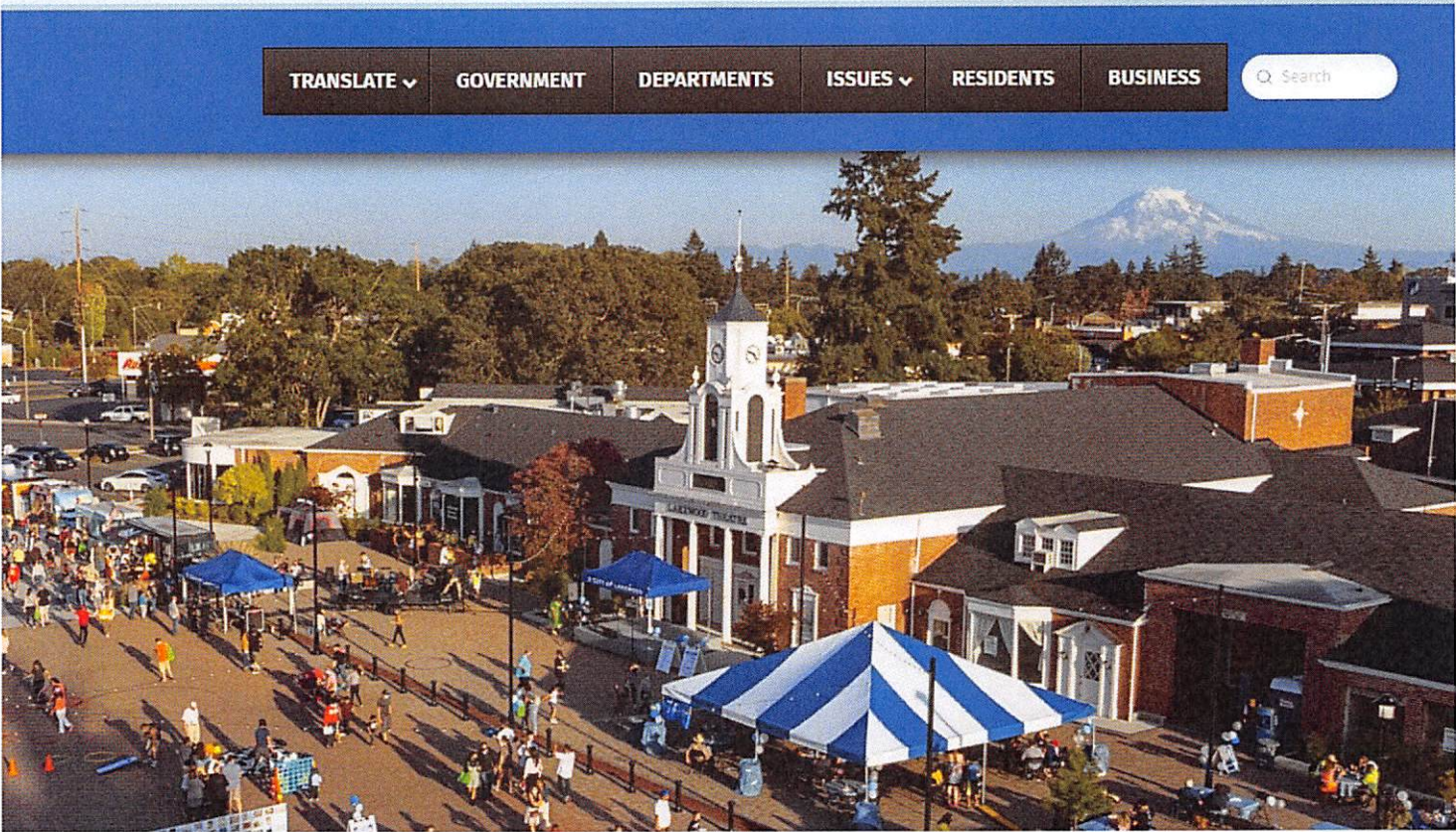
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such event the City shall have the power to reimburse itself for the cost of such improvement in the same amount and in the same manner as if the work had been performed by a successful bidding contractor.

#### SECTION 1.04 EXTENSION OR DETACHMENT OF BOUNDARIES:

(A.) The City Commission shall have the power by ordinances to fix the boundary limits of the City of Mercedes; and to provide for the alteration, and extension of said boundary limits, the detachment of territory and the annexation of additional territory lying adjacent to the City, with or without the consent of the territory and inhabitants annexed or detached. Before the City may institute annexation or detachment proceedings, the City Commission shall provide an opportunity for all interested persons to be heard at a public hearing to be held not more than twenty (20) days nor less than ten (10) days prior to institution of such proceedings. Notice of such hearing shall be published in a newspaper published in the City of Mercedes, or if none, in a newspaper having general circulation in the City and in the territory proposed to

be annexed or detached. The notice shall be published at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to the hearing. However, amendments not affecting the boundary limits set forth in the proposed ordinance may be incorporated into the proposed ordinance without the necessity of re-publication of said notice. Annexation or detachment of territory by the City shall be brought to completion within ninety (90) days of the date on which the City Commission institutes annexation or detachment proceedings or be null and void. Provided, however, any period of time which the City is restrained or enjoined from annexing or detaching any such territory by a court of competent jurisdiction shall not be computed in such ninety (90) day limitation period. Upon final passage of any such ordinance, the corporate limits of the City shall thereafter include (exclude) the territory so annexed (detached); and when any additional territory has been so annexed, the same shall be part of the City of Mercedes, and the inhabitants thereof shall be entitled to all the rights and privileges of all citizens, and shall be bound by the acts and ordinances, resolutions; and regulations of the City. Upon the final adoption of any ordinance detaching territory from the City, the corporate limits of the City shall be reduced by the territory so detached, but said territory shall still be liable for its pro rata share of any debts incurred while said area was part of said City, and the City shall continue to levy, assess, and collect taxes on the property within said territory to pay the indebtedness incurred while said area was a part of the City as though the same has not been excluded from the boundaries of the City.

#### (B.) ANNEXATION BY ANY OTHER METHOD PROVIDED BY LAW

Additional territory may also be annexed to the City in any manner and by any procedure that may now be provided by law or that may be hereafter provided by law. Same shall be in addition to the methods hereinabove provided.

#### (C.) EXTENSION OF MUNICIPAL UTILITIES

The City shall within the time limits prescribed by state law, provide or cause to be provided such area with governmental and proprietary services, the standard and scope of which are substantially equivalent to the standard and scope of governmental and proprietary services furnished by the City in other areas of the City which have characteristics or topography patterns of land utilization, and population density similar to that of the particular area annexed. Should the City fail to extend or provide for such extension within three (3) years, the owners of the annexed territory may petition the City Commission to de-annex the territory. If the City Commission fails to act on said petition within three (3) months of the date of filing, the owners may then resort to suit in district court to require de-annexation.

CONSENT ITEM :

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**DATE:** January 27, 2022

**FROM:** Howell/Martinez

**ITEM:** Action Item:

Discussion and possible action to approve allowing the Mercedes Early College students to post positive signs around the City of Mercedes.

Howell/Martinez

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**BACKGROUND INFORMATION:**

**BOARD REVIEW/CITIZEN FEEDBACK:** N/A

**ALTERNATIVES/OPTIONS:** N/A

**FISCAL IMPACT:**

**LEGAL REVIEW:** Martie Vela-Garcia

**ATTACHMENTS:** N/A

**DRAFT MOTION:**

**CONSENT ITEM :**

---

**DATE:** January 27, 2022

**FROM:** Howell/Martinez

**ITEM:** Action Item:

**Discussion and possible action to direct City Manager to work on developing a pay scale that is competitive and that can be supported by our budget.**

**Howell/Martinez**

---

**BACKGROUND INFORMATION:**

Recently we had vacancies within the Fire Department/EMS that were not filled for at least eight to ten months. This was due to other cities having higher paying wages. With consideration to an adjustment that was made, Fire/EMS no longer have vacancies which supports maintaining competitive wages.

**BOARD REVIEW/CITIZEN FEEDBACK:** N/A

**ALTERNATIVES/OPTIONS:** N/A

**FISCAL IMPACT:** To be determined based on recommended adjustments.

**Administrative staff supports analyzing and developing a pay scale that can be maintained within our budgetary constraints.**

**LEGAL REVIEW:** Martie Vela-Garcia

**ATTACHMENTS:** N/A

**DRAFT MOTION:**

**CONSENT ITEM :**

---

**DATE:** January 28, 2022

**FROM:** Alberto Perez

**ITEM:** Action Item:

Discussion and possible action to direct City Manager to solicit RFP's for repairs, maintenance & inspection of Mercedes Elevated Storage Tanks.

Howell/Martinez

---

**BACKGROUND INFORMATION:**

Inspection of tanks was performed on June 2021. The water tanks need to be maintained and inspected on a yearly basis in order to be in compliance with TCEQ.

**BOARD REVIEW/CITIZEN FEEDBACK:** N/A

**ALTERNATIVES/OPTIONS:** N/A

**FISCAL IMPACT:** N/A

**LEGAL REVIEW:** Martie Vela-Garcia

**ATTACHMENTS:** N/A

**DRAFT MOTION:**