

**MERCEDES CITY COMMISSION
SPECIAL MEETING
FEBRUARY 9, 2021 – 6:00 P.M.
MERCEDES CITY HALL – COMMISSION CHAMBERS**

MEMBERS PRESENT: Oscar Montoya Mayor
Joe Martinez Mayor Pro-Tem
Leonel Benavidez Commissioner
Jacob Howell Commissioner
Jose M. Gomez Commissioner

STAFF PRESENT: Kevin Pagan Interim City Manager
Joselynn Castillo City Secretary
Anthony Troiani City Attorney
Hugo Perales I.T Director
Jose Figueroa PW Director
Mark Sossi City Attorney

OTHERS PRESENT: Ramiro Gutierrez R. Gutierrez Rep
Isaac Huacuja SWG Rep
Oscar Garza KCI Rep
Mark Swaim Attorney
Isaac Tawil Attorney

1) CALL MEETING TO ORDER

Mayor Montoya called the meeting to order at 6:00 PM

Mr. Pagan informed that Commission that Item 5 and 6 will have no action and would like the Commission to move to item 4 before item 2. At this time the Commission moved to item 4.

2) DISCUSSION AND POSSIBLE ACTION REGARDING PUBLIC WORKS DEPARTMENT PLANS & PROJECTS

Public Works Director Figueroa informed the Commission of the Public Works Goals, Projects, and budget. Mr. Figueroa addressed the budget amount for projects and the divisions in his department. The Commission asked about vehicle maintenance, lighting issues and work orders. Mr. Figueroa spoke about the parks division, drainage program, capisallo terrace sanitary sewer project, 311 program, hurricane preparedness, the process for water breaks, GIS mapping for the storm sewer system, retention ponds, and the pro-patch. Commissioner Benavidez stated there was funding from the County that the City has been waiting on for 2 years and would like the City Manager to contact the County for the funding. Mr. Figueroa continued to address the recycling site, Mercedes EOC and the CCS plans.

Commissioner Howell wants to do a go green campaign to promote the recycling and would like to look into getting more bins. He visited a trailer park and saw a lot of trash and tires. Mr. Fig stated that Code Enforcement is looking into the issue.

Commissioner Benavidez stated he reached out to Mr. Zavala in November on this ongoing issue.

Mayor Pro-Tem Martinez asked where are we taking the recycling bins. Mr. Fig stated that the bins are being taken to McAllen.

Mayor Montoya stated that its difficult to have a place to take tires.

Engineer Oscar Garza presented the Mile 1 east project. Starts at business 83 and ends on mile 8. He has developed a master contract approved by TxDOT. TxDOT is waiting on the City to decide and has been identified as the local government program. Commissioner Benavidez stated they were never informed of how much it would cost the City at which he stated it would be \$11 Million. His concern was that the cost was more than initially anticipated. Commissioner Benavidez stated he would like more information to make a better decision. Mr. Pagan stated he would also like more information to see what the City would need to invest. AFA was executed in 2011. There has been money spent on the project and anything that has been spent by TxDOT the city is now responsible 100% of what TxDOT has invested in the project. If the City does not pursue the project then the City will need to reimburse TxDOT what they have already spent. If the City does not pursue then it will be

difficult in the future to get help again. Commissioner Benavidez commented about the caliche pit. It was stated that the next step is for the City to decide if they will be continuing with the project. It will be 1.4 cents per dollar for the design which is a good deal. Mayor Montoya stated that we need to have a shovel ready project. Mayor Montoya asked if the 1.4 cents per dollar is for what was already spent or for current and moving forward? Mr. Garza stated that's the current AFA reflects for \$698K. He added that this is currently not funded for construction just the design. Commissioner Howell asked to bring mile 1 project back with the pros and cons of the project. Mayor Montoya called for a 5-minute break and come back to continue with streets. At this time City Manager asked to move to item 3 and then return to the presentation. Mr. Figueroa then continued with future projects in the Streets and Utilities department. He stated that the city currently has enough employees to maintain. He would like more staff to help out if the staff need to work nights to not disrupt service to the community. He provided a list of street projects in 2021 and 2022 and 2023. Mr. Figueroa provided a 3-year plan and stated he has a 5 year plan he would like to publish soon. Mr. Figueroa stated that the main priority would be to repair 10th street. He addressed the future projects for drainage for collier park pump station, drainage improvements for Vermont. Another project is the Mercedes Hike and Bike Trail, Mercedes Arbor Day (Tree City USA), and Low Volume Transfer Station. He would like to adopt the MERM and Departmental Improvements. Mr. Pagan recommends using funded depreciation for the purchase of a new piece of equipment. He stated to start that year or next year to start a funding account and over time when it comes time to replace the equipment then you will have the funds in the depreciation fund to purchase a new one. Mr. Figueroa discussed the departmental needs including equipment, fleet, personnel and public awareness. Commissioner Benavidez would like Mr. Figueroa to bring back what equipment is needed and personnel. Mr. Figueroa stated that there are 12 employees in utilities that are split between water and sewer, that leaves 6 for sewer and 6 for water with 77 miles of water lines. Mr. Pagan stated that he will be contacting the railroad company regarding a retention pond and commended the PW staff. Irrigation district is working on their drainage and is a joint effort to make sure the outfalls are free from debris. Mayor Montoya asked to give a percentage of the drainage cleaning and provide that to the public with a countdown for hurricane season. Commissioner Benavidez stated that orange street was put on the agenda by him and Commissioner Gomez to have an interlocal agreement for the cleaning of the ditches. Mayor Montoya stated that citizens could report it on the 311 system or call city hall to start a work order for the cleaning of the ditches. No action was taken.

3) CONSIDERATION AND POSSIBLE ACTION TO APPROVE QUOTATION FOR PARTS TO REPAIR DAMAGED BACKHOE.

Mr. Figueroa informed the Commission of a backhoe needing repair.

MPE is in the RGV and provided a bid in the amount of \$10,022.34. He stated that this is easier to return if it is defective.

Commissioner Howell made a motion to approve MPE for \$10,022.34. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously

4) DISCUSSION AND POSSIBLE ACTION TO APPROVE THREE CONTINGENCY FEE AGREEMENTS WITH THE LAW FIRM OF TROIANI AND SOSSI, PLLC FOR ONGOING PLAINTIFF'S LITIGATION.

Interim City Manager Pagan addressed the Commission regarding a contingency fee agreement he was asked to pursue by the Commission for the City Attorneys. He stated there are 3 litigation issues that he would like the City Attorney's to pursue. He stated that he reached out to another attorney named Mark Swaim to help out with the contingency agreement with the current City Attorney. Mr. Mark Sossi stated that the issue with a contingency fee is that the City Attorney absorbs the cost of the litigation case if they come out unsuccessful. The City Attorney's showed concern with an outside source having preview of the City of Mercedes litigation and recommends having a confidentiality agreement with the outside source. There was discussion on the concerns of the City Commission, City Manager and the City Attorney. The City Commission agreed that they want what is best for the City of Mercedes.

Commissioner Benavidez made a motion to have the City Manager along with legal advice, create a contract to protect the City Commission with outside parties. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously.

5) EXECUTIVE SESSION:

a. DISCUSSION REGARDING PERSONNEL ISSUE (T.G.C 551.074)

6) DISCUSSION AND POSSIBLE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION.

a. No Action.

7) ADJOURN

Commissioner Benavidez made a motion to adjourn. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously. The meeting adjourned at 9:10 pm.