

**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.	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
	Marisol Vidales	Library Director
	Richard Morin	Recreation Director
	Nereida Perez	Finance Director
	Ervin Vilchis	Interim IT Director
	Orlando Diaz	Sergeant
	Blanca Sanchez	Interim Chief of Police
	Javier Ramirez	Asst. City Manager
	Joaquin Hernandez	Public Works Director
	George Diaz	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 slope 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.