

**MERCEDES CITY COMMISSION
REGULAR MEETING
MARCH 2, 2021 – 6:00 P.M.
MERCEDES CITY HALL – COMMISSION CHAMBERS**

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

1) CALL MEETING TO ORDER

Mayor Montoya called the meeting to order at 6:03 PM

2) ESTABLISH QUORUM

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

3) INVOCATION

Commissioner Benavidez said the invocation.

4) PLEDGE OF ALLEGIANCE

Commissioner Benavidez lead the Pledge of Allegiance.

5) OPEN FORUM-

- No Members of the public signed up for open forum.

Interim City Manager Pagan requested to move to item 13B because legal counsel was present. Mayor Pro-Tem Martinez made a motion to move to item 13B. Commissioner Howell seconded the motion. Upon a called vote the motion passed unanimously. The meeting went into Executive Session at 6:06 PM. After the discussion on Item 13B, the Commission went to item 14B for action.

6) CITY MANAGER COMMENTS

Mr. Pagan spoke about the departmental workshops. He stated Fire was deferred to a later date and the following workshops will be Finance followed by Library. He stated the Commission will post for a special meeting to conduct interviews for City Manager starting March 6 then March 13 and then March 16. Mr. Pagan stated that Fire/EMS agreed to be on-site at the Stock show.

7) PUBLIC HEARING: The Public Hearing was opened at 6:28 PM. No members of the public spoke on these items.

A.) DISCUSSION AND POSSIBLE ACTION ON PROPOSED ORDINANCE TO REZONE LOTS 1 & 42, BLK 1, AND LOTS 1& 14, BLK 3, MERCEDES ESTATES, FROM CLASS “N” NEWLY ANNEXED TO CLASS “C-1” APARTMENT DISTRICT.

Ms. Rodriguez addressed the Commission regarding property to be rezoned from Newly Annexed to Apartment District. She stated this is the best zone for the land due to the lots being too big for Single Family Residential. The lots are 15,212 square feet. Ms. Rodriguez stated that P&Z voted 3 to 1 against the rezone. The Commission would need at least a 4 to 5 vote in favor of the rezone for it to pass.

Commissioner Benavidez made a motion to approve. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously. Mr. Calvillo (Developer) stated that the plan was to create duplex's or 4-plexes and they provide a program to help people transition into home ownership.

B.) DISCUSSION AND POSSIBLE ACTION ON PROPOSED ORDINANCE TO REZONE CAPISSALLO .23 AC – 3.04 AC LOT 8 BLK 66 A/K/A LOTS 16 & 17 GREENTREE SUBD. FROM CLASS “N” NEWLY ANNEXED TO CLASS “B” BUSINESS DISTRICT

Ms. Rodriguez stated that P&Z denied this request. There was discussion to approve this item subject to include utilities by the contractor. Ms. Rodriguez stated that the contractor must include utilities in their plan. Commissioner Howell made a motion to approve. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

8) BIDS/CONTRACTS:

A.) CONSIDERATION AND POSSIBLE ACTION REGARDING RESPONSES TO RFP'S FOR GRANT WRITING CONSULTING SERVICES

Commissioner Howell made a motion to stand with Grantscribe. Mr. Pagan stated that the proposal is on a retainer of \$1000 per month for twelve months and they will help staff look for grants that the City would be eligible for. If there is a grant the City would like to pursue a new contract will be written for that grant and

will be brought to the commission for approval. Mr. Pagan recommends to continue seeking more grant writing services. Mayor Pro-Tem Martinez stated he would like a company from Texas. Commissioner Howell made a motion to postpone and open the RFP for more firms. Commissioner Gomez seconded the motion. Upon a called vote, the motion passed unanimously.

B.) CONSIDERATION AND POSSIBLE ACTION TO EXECUTE A MONTH TO MONTH CONTRACT FOR GENERAL COUNSEL SERVICES WITH LAW FIRM TROIANI AND SOSSI, PLLC.

Mr. Troiani and Mr. Sossi provided the City with a letter of extension for General Counsel Services. The agreement is for 90 days from the date the contingency fee is submitted or the Attorney General's office approves the contingency fee.

Commissioner Howell made a motion to approve the extension for General Counsel Services. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

9) PROJECTS:

A.) CONSIDERATION AND POSSIBLE ACTION REGARDING PROCESS TO MOVE FORWARD ON MILE 1 (MPO) PROJECT

Mr. Oscar Garza from KCI addressed the Commission regarding the Mile 1 street improvement project. The street is currently a two-way street without a bike lane or left or right turning lane. The project will provide drainage infrastructure, bring in sales tax revenue and economic development in the area. Mr. Garza stated if the city decides to continue with the project it would strengthen the City's opportunity to get funding for future project. He also recommended doing the project in segments. The total estimated cost for the project from start to finish is \$5,659,627 and the City's cost is 1.4% of the funds.

Commissioner Howell made a motion to stand with the project. Commissioner Benavidez seconded the motion with the understanding to have an ILA in place. Upon a called vote, the motion passed unanimously.

B.) CONSIDERATION AND POSSIBLE ACTION REGARDING COMPLETION OF MARYLAND/COLLIER PARK RDF

Mr. Pagan stated he is looking to prioritize the projects. Mr. Figueroa said he would like authorization to pursue and Interlocal Agreement at a price same or below the contractor. If approved, then bring it to the commission.

Mayor Pro-Tem Martinez made a motion to enter into negotiations for an ILA. Commissioner Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

C.) CONSIDERATION AND POSSIBLE ACTION TO PROCEED WITH PLANS AND SEEKING FUNDING FOR COLLIER PARK PUMP STATION

Mr. Figueroa addressed the Commission regarding seeking funding for Collier Park pump station. The pump station will help mitigate flooding that occurs between Business 83 and 14th St. and Mathis to Texas.

Commissioner Benavidez made a motion to approve item 9C. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously.

D.) CONSIDERATION AND POSSIBLE ACTION TO ENTER INTO NEGOTIATIONS FOR ACQUISITION OF PROPERTY AND FUNDING FOR UNION PACIFIC PROPERTY AND RELATED RDF PROJECT.

Mr. Pagan stated he is seeking approval to enter into negotiation with the Railroad Company for the acquisition of property. At a question, Mr. Figueroa stated this was previously approved, however, communications stopped and now staff is seeking approval to proceed.

Commissioner Howell made a motion to approve item 9D. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

10) MANAGEMENT ITEM(S):

A.) CONSIDERATION AND POSSIBLE ACTION ON APPOINTMENT OF ONE MEMBER TO THE KEEP MERCEDES BEAUTIFUL COMMITTEE AND REAPPOINT CURRENT MEMBERS

Ms. Rodriguez stated that two members of the KMB Committees term have expired and there is one vacant seat. Ms. Rodriguez recommends appointing Ms. Melissa Rincon to the vacant seat and reappointing Ms. Amanda Martinez and Ms. Diana Munoz.

Commissioner Benavidez made a motion to approve the recommendation. Commissioner Howell seconded the motion. Upon a called vote, the motion passed. Mayor Pro-Tem Martinez abstained from the vote.

B.) CONSIDERATION AND POSSIBLE ACTION ON POLICY DIRECTIVE RELATED TO CITY MANAGER AND CITY CHARTER

There was discussion regarding how often the City Manager will provide the Commission with updates. The draft policy states to provide the Commission with possibly weekly update and added that the word possible was placed in the policy for cases like the freeze or when the email system is down and the City Manager is unable to inform the Commission with an update.

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

11) TABLED ITEM(S):

A.) DISCUSSION AND POSSIBLE ACTION ON MARKETING CAMPAIGN TO PROMOTE MERCEDES TO THE RGV MARKET

Commissioner Benavidez made a motion to untable item 11A. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

Ms. Ramirez stated that the commercials will be for the Outlet Mall and the funding will come from the Hotel/Motel fund. She stated the Marketing Committee has reviewed the item and added that DCM would cover the production cost.

Commissioner Howell made a motion to approve item 11A. Mayor Pro-Tem Martinez seconded the motion. Upon a called vote, the motion passed unanimously.

12) FUTURE AGENDA ITEMS

Mr. Pagan provided a list of future agenda items with tentative dates for discussion. Mayor Pro-Tem Martinez requested to move Hurricane awareness up to an earlier date. Commissioner Howell requested to move job creation to an earlier date and to add infrastructure and drainage improvements for future discussion. Commissioner Benavidez requested to follow up on pending drainage projects with Hidalgo County and to get a timeline on the projects.

Mr. Pagan stated he could request a joint meeting with the County. No Action required.

Mayor Pro-Tem Martinez made a motion to go into executive session for items 13A and 13C. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously. The meeting went into executive session at 7:41 PM.

13) EXECUTIVE SESSION:

- a. CONSULTATION WITH LEGAL COUNSEL REGARDING STATUS OF CERTAIN LEGAL CASES RELATED TO SEPTEMBER 2019 INCIDENT (T.G.C 551.071)**
- b. CONSULTATION WITH SPECIAL COUNSEL REGARDING PROCESS FOR ENTERING INTO CONTINGENT FEE CONTRACT AND STATUS OF NEGOTIATIONS RELATED TO SAME (T.G.C 551.071)**
- c. CONSULTATION AND DISCUSSION REGARDING CITY MANAGER HIRING PROCESS, INCLUDING LEGAL ISSUES AND BACKGROUND PROCESS (T.G.C 551.071 AND 551.074)**

Mayor Montoya called the meeting back to order at 8:15 PM.

14) DISCUSSION AND POSSIBLE ACTION ON EXECUTIVE SESSION ITEM A, B, AND C.

14B.) Interim City Manager recommended that the Commission instruct the Interim City Manager to go forward with the posting requirements and prepare a resolution. Motion was to approve. Seconded the motion. Upon a called vote the motion passed unanimously.

Mr. Pagan recommended moving to item 8B. At this time the Commission moved to item 8B.

14A & C.) No action was taken on these items.

15) ADJOURN

Mayor Pro-Tem Martinez made a motion to adjourn. Commissioner Howell seconded the motion. Upon a called vote, the motion passed unanimously. The meeting adjourned at 8:15 PM.

Oscar D. Montoya Sr., Mayor

Joe Martinez, Mayor Pro-Tem

Leonel Benavidez, Commissioner

Jacob Howell, Commissioner

Jose M. Gomez, Commissioner

ATTEST:

Joselynn Castillo, City Secretary