

**MERCEDES CITY COMMISSION
REGULAR MEETING
MARCH 16, 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
	Kristine Longoria	City Secretary Clerk
	Anthony Troiani	City Attorney
	Ervin Vilchis	IT Liaison
	Jose Figueroa	Public Works Director/Deputy EMC
	Javier Campos	Fire Chief/EMC
	Jose Macias	Police Chief
	Nereida Perez	Finance Director
	Monica Rodriguez	Acting Planning Director

1) CALL MEETING TO ORDER

Mayor Montoya called the meeting to order at 6:00 P.M.

2) ESTABLISH QUORUM

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

3) INVOCATION

Mayor Pro-Tem Martinez said the invocation.

4) PLEDGE OF ALLEGIANCE

Mayor Montoya led the Pledge of Allegiance.

5) OPEN FORUM-

1. David Garza expressed his concerns regarding two commissioners placing items on the Agenda as per the City Charter.

6.) PRESENTATIONS:

A.) PROCLAMATION PRESENTATION

This presentation item has been postponed till further notice due to the Spring Break vacation for the school district.

B.) WORKFORCE SOLUTIONS PRESENTATION

This presentation has been rescheduled to April 5, 2021.

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 FEBRUARY 23, 2021 AND MARCH 2, 6, 2021

B.) AN 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.

C.) AN 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

D.) APPROVAL OF RESOLUTION 2021-06 ACCEPTING LOCAL BORDER SECURITY PROGRAM #4259701

E.) DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION # 2021-07 TO ACCEPT SUBAWARD GRANT APPLICATION FROM THE BUREAU OF JUSTICE ASSISTANCE (BJA), OFFICE OF JUSTICE PROGRAMS, U.S. DEPARTMENT OF JUSTICE AND DESIGNATING THE CITY MANAGER AS AUTHORIZED OFFICIAL FOR GRANT.

Mayor Pro-Tem Martinez made a motion to approve Consent Agenda items 7A-7E. Commissioner Jacob Howell seconded the motion. Upon a called vote, the motion passed unanimously.

8.) CITY MANAGER COMMENTS

Mr. Pagan mentioned that COVID protocol would be discussed with the commission.

9.) BIDS/CONTRACTS:

A.) CONSIDERATION AND POSSIBLE ACTION REGARDING A RESOLUTION AND A CONTINGENT FEE AGREEMENT WITH THE FIRM OF TROIANI AND SOSSI PLLC. PLEASE SEE NOTICE PURSUANT TO TEXAS GOVERNMENT CODE 2254.1036 ATTACHED HERETO.

Mr. Pagan recommended for the agreement and resolution to be approved to be sent to the District Attorney office. Commissioner Gomez asked for a brief explanation on what was being approved in which the City Manager explained that the current City Attorney will represent the City on different law suits on a Contingency Fee Agreement where they will bear the risk and cost percent of litigation including the expenses and will continue prosecuting the lawsuits on the Cities behalf. If they are successful, they will receive a percentage of recovery which will be 35% to compensate for their time. If the law suits do not produce a recovery, then the tax payers won't owe any money. Mayor Pro-Tem Martinez made a motion to approve item 9A. Commissioner Leonel Benavidez seconded the motion. Upon a called vote, the motion passed unanimously.

B.) CONSIDERATION AND APPROVAL OF INTERLOCAL COOPERATION PROVIDING FOR PARTICIPATION IN A REGIONAL WATERSHED FLOOD PROTECTION PLANNING STUDY

The City of Harlingen approached the City to participate in a drainage survey study. The study allows leverage on some city money into a study in which is being supported by the state and to a regional drainage study that will allow the city to be part of in order to obtain federal money. The study will cost \$62,900.00 to participate but will probably cost less due to some participation the city can provide. Commissioner Jacob Howell made a motion to approve item 9B. Commissioner Leonel Benavidez seconded the motion. Upon called vote, the motion passed unanimously.

C.) CONSIDERATION AND POSSIBLE ACTION TO RENEW THE CONTRACT WITH LANGLEY AND BANAK, INC (LEGAL SERVICES IN CONNECTION WITH THE WESLACO-MERCEDES ETJ, ANNEXATION & UTILITY SYSTEM BOUNDARIES ISSUES)

Mr Pagan recommended to be approved to continue the services. Commissioner Gomez made a motion table item 9C. Mayor Pro-Tem seconded the motion. Upon called vote, motion passed unanimously.

D.) CONSIDERATION AND POSSIBLE ACTION REGARDING EMPLOYMENT OF CITY MANAGER

Upon recommendation from Mr. Pagan, Commissioner Leonel Benavidez made a motion to move items 9D, 9E and 9G to be discussed in executive session. Commissioner Jacob Howell seconded the motion. Upon called vote, motion passed unanimously.

E.) CONSIDERATION AND POSSIBLE ACTION REGARDING INTERM CITY MANAGER'S CONTRACT

Upon recommendation from Mr. Pagan, Commissioner Leonel Benavidez made a motion to move items 9D, 9E and 9G to be discussed in executive session. Commissioner Jacob Howell seconded the motion. Upon called vote, motion passed unanimously.

F.) CONSIDERATION AND POSSIBLE ACTION TO APPROVE CONTRACT WITH GRANTSCRIBE, LLC FOR GRANT CONSULTING SERVICES AND TO EXTEND RFP FOR GRANT WRITING RELATED CONSULTING SERVICES.

Grantscribe submitted a formal proposal prior the date line in which Mr Pagan discussed what they offered. Grantscribe will meet with staff, do assessments and will conduct scanning's of federal and regional grants that the City might be eligible for. Mr. Pagan recommended to authorize and enter a non-exclusive contract with Grantscribe for a 1-year period for a modest price and to re-issue out RFQ/RFP for grant writers. He also recommended to go with Grantscribe because the company gives a 60-day trial run in case the customer is not satisfied. Commissioner Leonel Benavidez made a motion to approve both moving forward with re-issuing

RFQ/RFP for grant writers and working with Grandscribe for the time being. Commissioner Howell seconded the motion. Upon called vote, motion passed unanimously.

G.) CONSIDERATION AND POSSIBLE ACTION REGARDING IT SUPPORT SERVICES AND CONTRACT.

Upon recommendation from Mr. Pagan, Commissioner Leonel Benavidez made a motion to move items 9D, 9E and 9G to be discussed in executive session. Commissioner Jacob Howell seconded the motion. Upon called vote, motion passed unanimously.

10.) Projects:

A.) Discussion regarding 'Go Green' Mercedes Project.

'Go Green' Mercedes Project is an item that was brought forward by Commissioner Jacob Howell to improve the City of Mercedes. Acting Planning Director Monica Rodriguez mentioned that the city still has Keep Mercedes Beautiful is still active and could use the organization to jump start the 'Go Green' Mercedes Project. Public Works Director Jose Figueroa proposed a Blue Bag Initiative which is recycling program to help with waste around the City. What the Blue Bag Initiative will do is help with the collection of waste around the city. The City does have a small recycling area across City Hall where citizens can haul items they no longer need. He also mentioned that he would like to make the city a Tree City USA. Commissioner Jacob Howell mentioned that littering and tire dumping has been a big issue in the City and Mayor Pro-Tem expressed that the best thing is for the public to report illegal dumping.

11.) Management Item(s):

A.) Discussion and Possible Action regarding the request to waive the fee to reapply for a rezone for Lot 1, Bock 104, South Campacuas Addition.

Miss Rodriguez mentioned that the applicant has previously applied for a rezone back in October 2020 and mentioned that P&Z denied it on a 4 to 1 vote and was taken to Commission was voted on 3 to 2 but did not meet the minimum votes of 5 to 6. Mr. Pagan mentioned that he decided to bring back this item because he was not sure why it was not approved and recommended for this item to be reconsidered again since its development. Commissioner Jacob Howell made a motion to approve item 11A. Commissioner Leonel Benavidez seconded the motion. Upon called vote, motion passed unanimously.

B.) Discussion and Action to Appoint or Re-appoint 2 seats on the Planning and Zoning Commission; and 1 Alternate to the Zoning Board of Adjustments.

Miss Rodriguez mentioned that no applications were submitted at this time. Commissioner Gomez mentioned he that the city can benefit from appointing citizens who want to be involved. Commissioner Gomez made a motion to replace Mr. Gonzales and Mr. Rodriguez with Mary Salas and David Mariscal. Commissioner Leonel Benavidez seconded the motion. Upon called vote, motion passed unanimously.

C.) Monthly Department Reports

Commissioner Leonel Benavidez mentioned that the response time for dispatch is 3 minutes and 11 seconds and Fire/EMS 6 minutes which was good.

12.) Future Agenda Items

Mr. Pagan mentioned that the Drainage District will come by on April 6th for a workshop. He hopes for workforce to reschedule for the next meeting. Commissioner Benavidez mentioned he would like to add the Historical Preservation Policy to see what adjustments can be made. Commissioner Gomez would like to add to the agenda to look and see if the street between Ohio and Illinois can be open up again. Commissioner Jacob Howell would like City and EDC can look into investment opportunities and the purchase of leverage for properties, land and store front to help business opportunity. Commissioner Leonel Benavidez would like to also include and discuss any Interlocal Agreements for the cleaning of ditches that don't pertain to the City of Mercedes. Mayor Montoya would like to start looking into a public information system.

Mayor Montoya called the meeting into executive session at 7:06 PM.

13.) Executive Session:

A.) Consultation with City Attorney regarding legal aspects of Easement Dedication Agreement (T.G.C. 551.071)

B.) Consultation with City Attorney regarding legal aspect of Governor's Emergency Order (T.G.C. 551.071)

C.) Deliberation pursuant to Texas Government Code 551.074 Regarding the appointment, duties and evaluation of a public officer, specifically the City Manager appointment of the Police Chief. (Gomez & Benavidez)

Mayor Montoya called the meeting back to order at 9:15 PM.

14.) Discussion and Possible Action on Executive Session Items A, B and C

9G.) Commissioner Leonel Benavidez made a motion to approve item 9G with the amount discussed. Mayor Pro-Tem Joe Martinez seconded the motion. Upon called vote, motion passed unanimously.

13B.) Commissioner Jacob Howell made a motion to approve item 13B to develop a safety plan to open up Mercedes. Commissioner Leonel Banavidez seconded the motion. Upon called vote, motion passed unanimously.

9D.) Mayor Pro-Tem Joe Martinez made a motion to contact and set up an interview for the candidates. Commissioner Leonel Benavidez seconded the motion. Upon called vote, motion passed unanimously.

9E.) Mayor Pro-Tem Joe Martinez made a motion to extend Interim City Manager Kevin Pagans contract for 30 days. Commissioner Jacob Howell seconded the motion. Upon called vote, motion passed unanimously.

13C.) Not action was made on this item.

13A.) Mayor Pro-Tem made motion for Mr. Pagan or City Attorney contact property owner. Commissioner Jacob Howell seconded the motion. Upon called vote, motion passed unanimously

15.) ADJOURN

Commissioner Leonel Banavidez made a motion to adjourn. Mayor Pro-Tem Joe Martinez seconded the motion. Upon a called vote, the motion passed unanimously. The meeting adjourned at 9:20 PM.