

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
JANUARY 9, 2012 4:30 P.M.
MISSION CITY HALL**

PRESENT:

Norberto Salinas, Mayor
Maria Elena Ramirez, Councilwoman
Ruben D. Plata, Councilman
Norie Gonzalez Garza, Councilwoman
Leo Olivarez, Mayor Pro Tem
David Guerra, City Attorney
Anna Carrillo, City Secretary
Julio Cerda, City Manager

ABSENT:

ALSO PRESENT:

Kathy Olivarez, Progress Times
Corina Lopez, La Joya ISD
David Escalera
Bill Filut
Robert L. Rivera

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Sonia Carnes, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Bobby Salinas, Planning Dept.
Roberto Salinas, Public Works Director
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Gilbert Sanchez, Fire Marshal
Rick Saldana, Fire Chief
Eduardo Belmarez, Purchasing Director
Robert Dominguez, Asst. Chief of Police
Martin Garza, Interim Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Julian Gonzalez, Parks & Rec. Director
Juan C. Avila, B & G Club Director
Robert Hinojosa, Risk Manager
Jesse Lerma, Civil Service Director
Roland Rodriguez, I. T. Director
Jonathan Wehrmeister, Judge
Cassandra Karl, Museum Director
Mayra Rocha, Library Director
John Hernandez, City Engineer

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:30 p.m.

2. Pledge Allegiance and Invocation

Mayor Salinas led the meeting with the pledge of allegiance and City Manager Julio Cerda gave the invocation.

3 Proclamation – LJISD School Board Recognition Month

City Secretary Anna Carrillo read the proclamation for LJISD School Board Recognition Month.

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Corina Lopez of LJISD received the proclamation.

Mayor Pro Tem Leo Olivarez moved to approve the proclamation as presented. Motion was seconded by Councilman Ruben Plata and approved unanimously 5-0.

4 Proclamation – MCISD School Board Recognition Month

Mrs. Carrillo read the proclamation for MCISD School Board Recognition Month.

Cornelio Gonzalez Superintendent of MCISD received the proclamation.

Mayor Pro Tem Olivarez moved to approve the proclamation as presented. Motion was seconded by Councilman Plata and approved unanimously 5-0.

5 Proclamation – SISD School Board Recognition Month

Mrs. Carrillo read the proclamation for SISD School Board Recognition Month.

Rick Longoria Board President of SISD received the proclamation.

Mayor Pro Tem Olivarez moved to approve the proclamation as presented. Motion was seconded by Councilman Plata and approved unanimously 5-0.

6. Departmental Reports

Councilwoman Norie Gonzalez Garza moved to approve the departmental reports as presented. Motion was seconded by Councilman Plata and approved unanimously 5-0.

7. Report from the Greater Mission Chamber of Commerce

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on the chamber events that had recently taken place and on upcoming events to include the ribbon cutting for the University of Phoenix as well as the Health Fair being held on January 15, 2012.

8. Citizens Participation

None

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Conditional Use Permit: Texas Citrus Fiesta Fun Fair, Lots 4-5, Block 147; Lots 7-12, Block 158; Lots 1-12, Block 174; Lots 7-12, Block 175, Mission Original Townsite; & La Lomita Plaza inclusive of Dunlap's ROW from 11th to Loop 374; Tom Landry's ROW from Conway to the alley alignment of Block 175, Mission Original Townsite; Catholic War Veteran's ROW from Dunlap to the alley alignment of Block 158, Mission Original Townsite; and Loop 374's ROW from Conway to the alley alignment of Block 147, Mission Original Townsite, C-3, January 28, 2012, Texas Citrus Fiesta (c/o Berta H. Filut)**

Texas Citrus Fiesta organizers would be having their annual 'Fun Fair' event on Saturday, January 28, 2012. They were proposing to use a barricaded Dunlap Avenue as an area for vendors. The fun fair would also have an area for crafts located east of the Chamber of

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Commerce building and La Lomita Plaza (Leo Pena Park) would be used for the ‘Vaqueros’ cook-off and food vendors.

There would be continual trash pick-up throughout the event. Viewing the Site Plan, the Texas Citrus Fiesta proposes to close 4 streets:

- Tom Landry from Perkins Avenue to Conway Avenue
- Business Highway 83 from Perkins Avenue to Conway Avenue
- Catholic War Veterans Blvd. from Perkins Avenue to Dunlap Avenue
- Dunlap Avenue from Tom Landry Avenue to Business Highway 83

The street closures would help ensure the safety of the patrons and those working in the Fun Fair (Note: TxDOT approval was required for the closure of Business Highway 83 and Tom Landry.) The hours of operation would be from 10:00 a.m. to 10:00 p.m. Parking for this event would be provided east and north of the Chamber of Commerce building and east of Fallas Paredes. The Zoning code required the ‘Fun Fair’ to be a minimum of 300’ separation from residentially used property from lot line to lot line. There were several residential properties within this radius; thus a waiver of the separation requirement needed consideration. Chapter 10 – Amusements and Entertainment: Security would be evident as in past events via Mission Police Department Officers (as hired by Texas Citrus Fiesta). Restrooms would be available in the Crafts area, Vendors on Dunlap, and the Vaqueros (Leo Pena Park) location. All provisions of the Chapter 10 Mission Code of Ordinances – Amusements and Entertainment – would be complied with.

The primary issue here was traffic safety to the event’s pedestrians. With sufficient professional security, barricades, lighting, & Texas Citrus Fiesta monitoring, this event had the potential to be very successful and well attended in Mission’s downtown district. Texas Citrus Fiesta had assured the City that all aspects of security would be taken care of. There was no public opposition during 1/4/12 P&Z’s hearing. P&Z unanimously recommended approval as per staff’s recommendation.

Staff Recommendation: Approval subject to: 1) TxDOT approval of the street closures for Business Highway 83 and Tom Landry; 2) No objection to waiver of the 300’ separation requirement; 3) Must comply with the Fire and Health Codes; and 4) Must comply with Noise, Amusement and Entertainment, and any other related Codes.

Staff and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the request.

There were no comments.

Councilwoman Maria Elena Ramirez moved to approve the Conditional Use Permit as presented. Motion was seconded by Councilman Plata and approved unanimously 5-0.

2.0 Disposition of Minutes

2.1 City Council Meeting – December 19, 2011

Councilwoman Garza moved to approve the minutes as presented. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

3.0 Acknowledge Receipt of Minutes

3.1 Boys & Girls Club of Mission

Councilwoman Garza moved to acknowledge the receipt of minutes for the Boys & Girls Club of Mission for the meeting of October 6, 2011. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.0 Approvals and Authorizations

4.1 Adoption of Ordinance # 3723 for CUP for the Texas Citrus Fiesta Fun Fair, Lots 4-5, Block 147; Lots 7-12, Block 158; Lots 1-12, Block 174; Lots 7-12, Block 175, MOT; & La Lomita Plaza inclusive of Dunlap's ROW from 11th to Loop 374; Tom Landry's ROW from Conway to the alley alignment of Block 175, MOT; Catholic War Veteran's ROW from Dunlap to the alley alignment of Block 158, MOT; and Loop 374's ROW from Conway to the alley alignment of Block 147, MOT, January 28, 2012

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt Ordinance No. 3723 for CUP for the Texas Citrus Fiesta Fun Fair, Lots 4-5, Block 147; Lots 7-12, Block 158; Lots 1-12, Block 174; Lots 7-12, Block 175, MOT; & La Lomita Plaza inclusive of Dunlap's ROW from 11th to Loop 374; Tom Landry's ROW from Conway to the alley alignment of Block 175, MOT; Catholic War Veteran's ROW from Dunlap to the alley alignment of Block 158, MOT; and Loop 374's ROW from Conway to the alley alignment of Block 147, MOT, January 28, 2012. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3723

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE TEXAS CITRUS FIESTA FUN FAIR, LOTS 4-5, BLOCK 147; LOTS 7-12, BLOCK 158; LOTS 1-12, BLOCK 174; LOTS 7-12, BLOCK 175, MISSION ORIGINAL TOWNSITE; & LA LOMITA PLAZA INCLUSIVE OF DUNLAP'S ROW FROM 11TH TO LOOP 374; TOM LANDRY'S ROW FROM CONWAY TO THE ALLEY ALIGNMENT OF BLOCK 175, MISSION ORIGINAL TOWNSITE; CATHOLIC WAR VETERAN'S ROW FROM DUNLAP TO THE ALLEY ALIGNMENT OF BLOCK 158, MISSION ORIGINAL TOWNSITE; AND LOOP 374'S ROW FROM CONWAY TO THE ALLEY ALIGNMENT OF BLOCK 147, MISSION ORIGINAL TOWNSITE, JANUARY 28, 2012

4.2 Award bid for the purchase of Ultraviolet Lamps for Waste Water Dept.

On November 14, 2011, City Council authorized staff to solicit bids for the purchase of UV Lamps for Waste Water Department. The City of Mission had accepted and opened three (3) bid responses for UV Lamps. Staff recommended award bid to American Air & Water Inc. in the amount of \$28,200.00 who was the lowest responsible bidder meeting all the Terms & Conditions and Specifications.

Staff and City Manager recommended approval.

Councilman Plata moved to approve to award bid for the purchase of Ultraviolet Lamps for Waste Water Dept. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.3 Authorization to purchase via a state approved contract a Security Camera System for the Main Police Station

The City of Mission Police Department was requesting authorization to purchase a Security Camera System for the main police station. Some of the components of the security camera system at the main police station were not operational. The analog system was placed into use eleven (11) years ago and staff had been experiencing a number of issues with cameras, monitors, controllers, and the main server that operated the system. In an effort to have a secure facility monitored through the newest digital technology, the Mission Police Department was requesting to purchase a new security camera system. The new security camera system would be purchased through the Federal Drug Forfeiture accounts at a cost of \$112,691.87 (HGAC Contract #SE05-10).

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to purchase via a state approved contract a Security Camera System for the Main Police Station. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.4 Budget Amendments: General Fund and Utility Fund

Finance Director Janie Flores presented the budget amendments BA – 2012-11 thru BA – 2012-14 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve all of the budget amendments except for those regarding “Various Departments”, in the General Fund’ and “Administration Department”, in the Utility Fund. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.5 Tax Collection Report – November, 2011

Mrs. Flores presented the Tax Collections Report for November, 2011 for approval.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve the Tax Collections Report for November, 2011. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.6 Authorization for Mission Fire Department to submit Application to Emergency Management Performance Grant Program

The Mission Fire Department was seeking authorization to submit a grant application to the Texas Division on Emergency Management Fiscal Year 2012 Emergency Management Performance Grant (EMPG). This grant provided federal funding to assist the local government in developing and carrying out emergency management programs. The funding would be utilized to pay for a portion of the salaries of the City’s Emergency Management staff. The City of Mission had been the recipient of the EMPG grant for over 20 years.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize for Mission Fire Department to submit application to Emergency Management Performance Grant Program. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.7 Board Appointment – Citizens Advisory Committee

The appointment was for the following position:

Citizens Advisory Committee: Southwest area: Re-appoint Roel Rivera

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve the Board Appointment – Citizens Advisory Committee. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.8 Approval of Second Amendment to Inter-local Governmental Agreement for sewage Transportation and Treatment Services between the cities of McAllen and Mission

The cities of McAllen and Mission were currently working under an inter-local agreement signed by both parties on or about April 14, 2003, and amended on February 27th, 2009. This amendment was for the City of Mission, currently providing sanitary sewer services in areas where the City of McAllen had no sewer lines at present, to authorize the city of McAllen to handle all administrative activities including the billing and collection of sewer charges. Neither the original agreement nor the amendment authorize the City of McAllen to bill and collect charges on behalf of the City of Mission. This amendment would allow the City of McAllen to be reimbursed for the services of processing, collecting and remitting these fees on behalf of the City of Mission. Once approved this would be forwarded to the City of McAllen and the McAllen PUB for their approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Second Amendment to Inter-local Governmental Agreement for sewage Transportation and Treatment Services between the cities of McAllen and Mission. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.9 Confirmation of appointment by City Manager under Civil Service Law Section 143.013(a)(1) of Interim Police Chief Martin Garza

Confirmation was being requested on the appointment by City Manager of Interim Police Chief Martin Garza as required by Section 143.013(a)(1) of the Texas Local Government Code, in order to confer upon the Interim Police Chief all statutory authority contained in the civil service statute with regard to employment actions. Section 143.013(a)(1) required not only appointment by the City Manager, but also confirmation by the City Council.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Confirmation of appointment by City Manager under Civil Service Law Section 143.013(a)(1) of Interim Police Chief Martin Garza. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.10 Award proposal for the additions to the Kika De La Garza Building

On November 14, 2011, City Council authorized staff to re-solicit bids for the construction of the Kika De La Garza Building. The City of Mission had accepted and opened seven (7) proposals for the additions to the Kika De La Garza Building. Said proposals were evaluated and ranked by the architect for this project. Staff adopted said evaluation rankings and recommended that council adopted said rankings as well and award the proposal to the highest ranking offeror being Tri-Gen Construction, LLC who was proposing the best value for the City.

Staff and City Manager recommended approval.

Councilman Plata moved to approve to award proposal for the additions to the Kika De La Garza Building. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.11 Budget Amendments: Hotel/Motel, Capital Projects Fund

Mrs. Flores presented the budget amendments BA – 2012-15 thru BA – 2012-16 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve budget amendments BA – 2012-15 thru BA – 2012-16. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.12 November 2011 Financial Statements

Mrs. Flores presented the November 2011 Financial Statements for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the November 2011 Financial Statements. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.13 Authorization to solicit bids for Waterline Improvement Materials for Highland Park Project

Staff was seeking authorization to solicit bids for the purchase of Waterline Materials for Highland Park Project. Project entailed the extension of a 16” Waterline Infrastructure from US expressway 83 to Laredo St. along Highland Park to complete loop system.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to solicit bids for Waterline Improvement Materials for Highland Park Project. Motion was seconded by Councilman Plata and approved unanimously 5-0.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

None

At 5:12 p.m., Councilman Plata moved to convene into executive session. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

7.0 Executive Session pursuant to V.T.C.A. Gov. Code Sec. 551.001

7.1 Consultation with Attorney Sec. 551.071

Deliberation regarding real property Sec. 551.072

A. Inspiration Road project and other matters incident there to

7.2 Consultation with Attorney Sec. 551.071

A. Claim against El Valle De Luna Mobile Home Park

7.3 Personnel matters Sec. 551.074

A. City Manager's Employment Agreement

7.4 The City Council will reconvene in open session to take any actions necessary

At 5:46 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

On item 7.1-A, no action was taken.

On item 7.2-A, no action was taken.

On item 7.3-A, Councilman Plata moved to approved City Manager's Employment Agreement with a salary increase at \$174,000 per year effective January 9, 2012 and extend contract thru October 15, 2012. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

8.0 Adjournment

At 5:47p.m., Councilwoman Garza moved for adjournment. Motion was seconded by Councilman Plata and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary