

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
JANUARY 26, 2015 4:30 P.M.
MISSION CITY HALL**

PRESENT:

Norberto Salinas, Mayor
Jessica Ortega-Ochoa, Councilwoman
Ruben D. Plata, Councilman
Norie Gonzalez Garza, Mayor Pro Tem
Dr. Armando O'caña, Councilman
David Guerra, City Attorney
Anna Carrillo, City Secretary
Martin Garza, Jr., City Manager

ABSENT:

ALSO PRESENT:

Kathy Olivarez, Progress Times
Julio Cerda
Gen Long
Maxi Lou Link
Jaime Gutierrez
Richard Perez
Jim & Beth Barnes
Felix Puente
Henry Rodriguez
Jaime Carranza
Julio Cerda
Nancy Collier
Sylvia Vick
D. Cameron
Joe Sanchez
Fred Kurth
Jaime Gutierrez
Anna Whitfield
Maria R. Burandi
Jesus Bonnelos Jr.

STAFF PRESENT:

Carmen Morales, Administrative Assistant
Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Danny Tijerina, Planning Director
Jose Angel Garza, Asst. Planning Director
Rene Lopez, Jr., Interim Fire Chief
Gilbert Sanchez, Fire Marshal
Robert Dominguez, Chief of Police
Randy Perez, Interim Finance Director
Roberto Salinas, Public Works Director
Juan Pablo Terrazas, City Engineer
Mario Flores, Golf Course Director
Joanne Longoria, CDBG Director
Eduardo Belmarez, Purchasing Director
Luduvico Martinez, B & G Club Director
Noemi Munguia, HR Director
Robert Hinojosa, Risk Manager
Jesse Lerma, Civil Service Director
Roland Rodriguez, I. T. Director
Luis Contreras, Museum Director
Mayra Rocha, Library Director
Jonathan Wehrmeister, Judge
Charles Longoria, Media Relations
Alex Meade, MEDC Chief Exec. Officer
Elizabeth Hernandez, Executive Secretary
Joel Lralde, Asst. Chief of Police
Guadalupe Garcia, Parks & Rec. Director

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:37 p.m.

2. Pledge Allegiance and Invocation

Mayor Salinas led the meeting with the pledge of allegiance and City Manager Martin Garza, Jr. gave the invocation.

3. Proclamation – Dr. Cleo Dawson-Smith Day

Robert Dominguez Chief of Police read the proclamation Dr. Cleo Dawson-Smith Day.

Councilman Ruben D. Plata moved to approve the Proclamation – Dr. Cleo Dawson-Smith Day. Motion was seconded by Councilman Dr. Armando O’caña and approved unanimously 5-0.

4. Presentation of Mission Police Explorer Post 1908

Chief of Police Roberto Dominguez presented the Mission Police Explorer Post 1908 to the Mayor and Council.

5. Report from the Greater Mission Chamber of Commerce

George Myers, CEO of the Greater Mission Chamber of Commerce reported on the chamber events that had recently taken place and on a successful Welcome Back Winter Texan event. He also advised Mayor and Council on upcoming events.

6. Departmental Reports

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

7. Citizens Participation

None

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Rezoning: The S. 2.5 acres of Lot 22, New Caledonia Unit No. 3 Subdivision, from AO-I (Agricultural Open Interim) to C-3 (General Business), Felix Puente Adoption of Ordinance # 4188 approving 1.1A**

On January 14, 2015 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The property was located at the NE corner of Moorefield Road and Mile 3 Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval of the C-3 zone.

Staff Recommendation: Approval of C-3 zone

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the rezoning and to adopt Ordinance No 4188 Rezoning: The S. 2.5 acres of Lot 22, New Caledonia Unit No. 3 Subdivision, from AO-I (Agricultural Open Interim) to C-3 (General Business) as recommended. Motion was seconded by Councilwoman Jessica Ortega-Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4188

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING THE S. 2.5 ACRES OF LOT 22, NEW CALEDONIA UNIT NO. 3 SUBDIVISION, FROM AO-I (AGRICULTURAL OPEN INTERIM) TO C-3 (GENERAL BUSINESS)

2.0 Disposition of Minutes

2.1 City Council Meeting – January 12, 2015

Councilman Plata moved to approve the minutes as presented. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.0 Acknowledge Receipt of Minutes

3.1 Parks and Recreation Board – December 10, 2014

Citizen’s Advisory Committee – December 9, 2014

Mission Civil Service Commission – November 21, 2014

**Shary Golf Advisory Board – September 16, 2014 and
November 12, 2014**

Planning and Zoning Commission – November 19, 2014

Mission Historical Museum – December 15, 2014

Speer Memorial Library – December 16, 2014

Councilman Plata moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.0 Approvals and Authorizations

4.1 Preliminary Plat Approval: Mountain View Subdivision, Ph. II, A 20.67 acre tract of land out of Lot 30-3, West Addition to Sharyland Subdivision, R-1, Developer: TDB Properties, LTD, Engineer: Quintanilla, Headley & Associates

On January 14, 2015 the Planning and Zoning Commission convened and approved the Preliminary and Final Plat for Mountain View Subdivision, Ph. II. The proposed subdivision was located at the NE corner area of Mile 2 and Los Ebanos. The P&Z board unanimously recommended approval as per Staff’s recommendation.

Staff Recommendation: Approval subject to: 1) pay street widening and 5’ sidewalk costs along Los Ebanos Road.

City Manager recommended approval.

Councilman Plata moved to approve the Preliminary Plat Approval: Mountain View Subdivision, Ph. II, A 20.67 acre tract of land out of Lot 30-3, West Addition to Sharyland Subdivision, R-1 as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.2 Amendment of Preliminary Plat Approval of Upper Rockingham Subdivision, A 5.748 acre tract of land out of Lot 281, John H. Shary Subdivision, R-1A, Developer: Charles Carter Dev., L.P., Engineer: South Texas Infrastructure Group, to not require Mile 2 Road's escrow for remaining widening

On December 15, 2014 the City Council convened and approved the Preliminary Plat for Upper Rockingham Subdivision. The proposed subdivision was located at the SE area of Stewart Road and Mile 2 Road. The developer, Mr. Carter, was now requesting that the Council consider waiving 2 Mile Road's escrow for remaining widening.

Upper Rockingham Subdivision had 261.50' of frontage onto 2 Mile. The new 48' back to back pavement section left a balance of 8 ½ ' along the north and south sides. Since staff did not foresee additional widening along Mile 2 in the near future, the additional 8 ½' pavement section be placed in escrow at \$38.44 a linear foot.

Staff Recommendation: Preliminary plat approval subject to not require Mile 2 Road's escrow.

City Manager recommended approval.

Councilman Plata moved to approve the amendment of Preliminary Plat Approval of Upper Rockingham Subdivision, A 5.748 acre tract of land out of Lot 281, John H. Shary Subdivision, R-1A, Developer: Charles Carter Dev., L.P., Engineer: South Texas Infrastructure Group, to not require Mile 2 Road's escrow for remaining widening as recommended by staff. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.3 Authorization to award bid to replace ceiling at Former Central Fire Station

On October 27, 2014 City Council gave authorization to solicit bids to replace ceiling at Former Central Fire Station. The City of Mission had accepted and opened five (5) bid responses for this project. Staff was recommending awarding bid to Mahan Foundation & Contractors who was lowest responsible bidder meeting all specifications in the amount \$15,000. Bid tabulation with breakdown totals was provided.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to award bid to replace ceiling at Former Central Fire Station as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.4 Approval of Resolution # 1396 of the City Council of the City of Mission, Texas, naming the 1st Street Park the Arnulfo "Tatan" Rodriguez, Jr. Park

At the January 14, 2015 meeting of the Mission Parks and Recreation Advisory Board, the Board passed a motion to recommend to the Mission City Council that it name 1st Street Park, the Arnulfo "Tatan" Rodriguez, Jr. Park.

Staff Recommendation: Authorization to name 1st Street Park Arnulfo "Titan" Rodriguez, Jr.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Resolution No. 1396, of the City Council of the City of Mission, Texas, naming the 1st Street Park the Arnulfo “Tatan” Rodriguez, Jr. Park. Motion was seconded by Councilwoman Ochoa and approved 4-0, with Councilman O’cana abstaining.

RESOLUTION # 1396

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS NAMING 1ST STREET PARK IN HONOR OF THE LATE ARNULFO “TATAN” RODRIGUEZ, JR.

4.5 Tax Collections Report – December, 2014

Interim Finance Director Randy Perez presented the Tax Collections Report for December, 2014 for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Tax Collections Report for December, 2014 as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.6 December 2014 Financial Statements

Mr. Perez presented the December 2014 Financial Statements for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the December 2014 Financial Statements as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.7 Authorization to accept the Walmart Foundation Grants from the Walmart Foundation Facility #6850

Staff was requesting authorization to accept four \$1,000 grants from the Walmart Foundation Facility #6850 (Walmart Neighborhood Market). The following departments were awarded \$1,000 each: The Police Department, Fire Department, Boys and Girls Club, and Speer Memorial Library. The departments would be utilizing the grant funds to purchase supplies and equipment. Staff was requesting authorization to accept the Walmart Foundation Grants.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to accept the Walmart Foundation Grants from the Walmart Foundation Facility #6850 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.8 Authorization to submit a grant application for the Texas Recreational Trails Fund Grant from the Texas Parks and Wildlife Department

The Texas Parks and Wildlife Department administers the National Recreational Trails Fund in Texas under the approval of the Federal Highway Administration. This federally funded program receives its funding from a portion of federal gas taxes paid on fuel used in non-highway recreational vehicles for recreational trail projects. Staff was requesting authorization to

submit a grant application to the Texas Parks and Wildlife. The grant amount was \$132,000 and there was a 20% cash or in-kind match to the City.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve authorization to submit a grant application for the Texas Recreational Trails Fund Grant from the Texas Parks and Wildlife Department as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.9 Approve New Sanitation Rates to be charged to the City of Mission by Allied Waste Services for all Commercial Accounts

Current contract provisions between the City and Allied Waste Services (AWS) stipulate that AWS was allowed to increase the rates they charge the City for commercial trash collection services on a yearly basis based on the increase in the Consumer Price Index (CPI) for the previous twelve (12) month period. The City was in receipt of correspondence from AWS whereby they were providing notice on the CPI for 2015 based on the preceding twelve (12) month period. The CPI increased by an adjusted 0.004%, which was well under the contract's CPI maximum of 4%. This increase would not require an increase in the rates the City charges customers at this time. Provided for the Council's consideration was a copy of AWS's correspondence, CIP information for 2014 and copy of the contract provisions in question.

Based on the information provided by AWS and reviewed by staff, it was recommended that the City approve the new rates.

Staff Recommendation: Approve as presented

City Manager recommended approval.

Councilman Plata moved to approve new sanitation rates to be charged to the City of Mission by Allied Waste Services for all Commercial Accounts as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.10 Authorization to purchase portable light towers for The Mission Police Department through a state approved contract (Buyboard Contract # 424-13)

The City of Mission Police Department was requesting authorization to purchase a total of two (2) portable light towers via a state approved contract (Buyboard Contract # 424-13). Our police department was awarded a Homeland Security Grant through the Texas Department of Public Safety entitled the State Homeland Security Program grant (SHSP). Our request for the purchase of the two (2) portable light towers had been submitted to Texas DPS through the State Preparedness Assessment Reporting System, SPARS. The total amount of the expenditure would be \$18,150.46. This expenditure would be paid with the SHSP grant funds.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve authorization to purchase portable light towers for the Mission Police Department through a state approved contract (Buyboard Contract # 424-13) as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.11 Authorization to purchase portable radios for the Mission Police Department through a state approved contract (HGAC #RA05-12)

The City of Mission Police Department was requesting authorization to purchase a total of eight (8) portable radios via a state approved contract (HGAC #RA05-12). Our police department was awarded a Homeland Security Grant through the Texas Department of Public Safety entitled the Law Enforcement Terrorism and Prevention Activity Grant (LETPA). Our request for the purchase of the portable radios had been submitted to Texas DPS through the State Preparedness Assessment Reporting System, SPARS. The total amount of the expenditure would be \$39,230.00. This expenditure would be paid with the LETPA grant funds.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve authorization to purchase portable radios for the Mission Police Department through a state approved contract (HGAC #RA05-12) as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.12 Authorization to declare surplus and donate Bullet Proof Vests to Sister Cities

The City of Mission Police Department was requesting authorization to declare surplus a total of one hundred (100) bullet proof vests for the purpose of donating them to Sister Cities. All surplus bullet proof vests had exceeded the five (5) year recommended use NIJ standards. These vests could be of valuable assistance to our law enforcement counterparts in our respective sister cities that did not have any form of protection with regards to personal body armor.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to declare surplus and donate Bullet Proof Vests to Sister Cities as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.13 Approval of an Interlocal Agreement (1) One Year Extension between the City of Mission and Texas A&M University-Kingsville

The City of Mission was currently a member of the Lower Rio Grande Valley Storm water Task Force via an Interlocal Agreement between the City of Mission and Texas A&M-Kingsville University (TAMUK). Section 2.02 of the existing agreement allowed for a one year extension upon written and mutual consent from the City of Mission and TAMUK. The 1 Year extension of this agreement entailed continuous participation in the regional task force which aids the City with compliance of TCEQ and federal EPA laws and regulations.

Staff Recommendation: Approval of a (1) one year Agreement Extension.

City Manager recommended approval.

Councilman Plata moved to approve Interlocal Agreement (1) One Year Extension between the City of Mission and Texas A&M University-Kingsville as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.14 Authorization to surplus Johnston Street Sweeper/vacuum and authorize Mayor to donate to another political subdivision or Sister City

The City of Mission Public Works Department was requesting authorization to surplus a 2006 Johnson Street Sweeper/Vacuum Freightliner (Vin # 1FVACXDC97HX49517/533440). The City of Mission had used this equipment for approximately 8 years and it not cost effective to continue repairing and maintaining equipment for daily operations.

Staff Recommendation: Authorization to surplus and authorize Mayor to donate

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve authorization to surplus Johnston Street Sweeper/vacuum and authorize Mayor to donate to another political subdivision or Sister City as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.15 Approve request of Hidalgo County Irrigation District No. 6 to utilize City's long range excavator to conduct maintenance operations at District's facilities and authorize City Manager to negotiate and execute an interlocal agreement incident thereto

Hidalgo County Irrigation District No. 6 had requested to utilize the City's long range excavator to conduct maintenance operations at District's facilities. Staff was requesting authorization for the City Manager to negotiate and execute an interlocal agreement with HCID #6.

City Manager recommended approval.

Councilman O'cana moved to approve request of Hidalgo County Irrigation District No. 6 to utilize City's long range excavator to conduct maintenance operations at District's facilities and authorize City Manager to negotiate and execute an interlocal agreement incident thereto as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.16 Approval of Change Order No. 1 for Sanitary Sewer Improvements at Oleander Subdivision Project with J CON Construction, LLC

Change Order # 1 was a request for the City of Mission to accept a credit for \$ 104,353.00 from the contract amount of \$169,613.25 for Oleander Subdivision Project. Original contract included sanitary sewer improvements, pavements repairs and Overlay of Oleander Drive. The change order would include the use of credit, \$104,353.00 and additional \$38,967 to the widening of Oleander Drive from 20 feet to 29ft with a 2" Overlay with all incidental costs included. Change Order was under the 25% limit, at 22.97% from the original contract cost, set by the Texas Governmental Code

Staff Recommendation: Approval Change Order No. 1

City Manager recommended approval.

Councilwoman Ochoa moved to approve Change Order No. 1 for Sanitary Sewer Improvements at Oleander Subdivision Project with J CON Construction, LLC as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.17 Authorization to declare items as surplus and donate to our Sister Cities

Mission Fire Department was seeking approval to declare the provided list of items as surplus. Items had been acquired by the department over the years through purchase. All items had been determined to be no longer of use to the department. Staff was requesting to donate these items to our Sister City Committee for distribution to various Sister Cities in Mexico. These donations would be a great asset to their communities and would be greatly appreciated.

City Manager recommended approval.

Councilman O'cana moved to approve authorization to declare items as surplus and donate to our Sister Cities as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.18 Budget Amendments – General Fund, Capital Projects Fund, Designated Purpose Fund, MEDC Fund

Mr. Perez presented the budget amendment BA–2015-31 thru BA–2015-36 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve budget amendment BA–2015-31 thru BA–2015-36 as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

Mr. Garza introduced Mr. Guadalupe Garcia, Parks & Recreation Director and Mr. Jose Angel Garza, Assistant Planning Director.

6.2 Mayor's Comments

None

Mayor Salinas asked council to go into executive session pursuant to V.T.C.A. Gov. Code Sec. 551.001 for items 7.1-A, 7.1-B and 7.2-A of the agenda.

At 5:25 p.m., Councilman O'cana moved to convene into executive session. Motion was seconded by Councilman Plata 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

A. Proposed Agreement with Agua Special Utility District regarding litigation styled Ex Parte Agua Special Utility District in the 250th District Court of Travis County, Texas and other matters incident thereto

B. Renovations to North Side Swimming Pool and related facilities, and proposed negotiations with Mission Consolidated Independent School District regarding future status and maintenance of said pool and related facilities

7.2 Consultation with Attorney Sec. 551.071

Deliberation regarding real property Sec. 551.072

A. Lease with the Mission Society of the Oblate Fathers of Texas regarding Oblate Park

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

At 6:29 p.m., Councilman Plata moved to reconvene in open session to take action on items 7.1-A, 7.1-B and 7.2-A. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

On item 7.1-A, no action was taken.

On item 7.1-B, no action was taken.

On item 7.2-A, no action was taken.

8.0 Adjournment

At 6:30 p.m., Mayor Pro Tem Garza moved for adjournment. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary