

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
OCTOBER 14, 2013 4:30 P.M.  
MISSION CITY HALL**

**PRESENT:**

Norberto Salinas, Mayor  
Maria Elena Ramirez, Councilwoman  
Ruben D. Plata, Councilman  
Norie Gonzalez Garza, Mayor Pro Tem  
Dr. Armando O'cana, Councilman  
David Guerra, City Attorney  
Anna Carrillo, City Secretary  
Martin Garza, Jr., City Manager

**ALSO PRESENT:**

Kathy Olivarez, Progress Times  
Jim Brunson, Progress Times  
Julie Silva, The Monitor  
Maria E. Salinas  
Julio Cerda  
Eric Ybarra  
Victor H. Garcia  
Juan Alonzo  
Alex Meade  
Leo Longoria  
Terri Plata  
Mission Police Officers

**ABSENT:**

**STAFF PRESENT:**

Nelia Hernandez, Asst. City Secretary  
Aida Lerma, Deputy City Manager  
Guillermo Seguin, Deputy City Manager  
Alex Hernandez, Planning Dept.  
Bobby Salinas, Asst. Planning Director  
Roberto Salinas, Public Works Director  
Paul Schaefer, Golf Course Director  
Joanne Longoria, CDBG Director  
Rick Saldana, Fire Chief  
Gilbert Sanchez, Fire Marshal  
Eduardo Belmarez, Purchasing Director  
Robert Dominguez, Interim Chief of Police  
Janie Flores, Finance Director  
Randy Perez, Asst. Finance Director  
Julian Gonzalez, Parks & Rec. Director  
Luduvico Martinez, B & G Club Director  
Noemi Munguia, HR Director  
Robert Hinojosa, Risk Manager  
Roland Rodriguez, I. T. Director  
Luis Contreras, Museum Director  
Mayra Rocha, Library Director  
Elizabeth Hernandez, Executive Secretary  
Jonathan Wehrmeister, Judge

**1. Call to order**

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:34 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.

At 4:35 p.m., Mayor Salinas requested to continue onto item 4.1 of the agenda.

### **3. Presentation of Certificate of Achievement to Finance Department**

City Manager Garza advised Mayor Salinas and City Council that the City of Mission Finance Department had received the Certificate of Achievement for excellence in financial reporting by the Government Finance Officers Association in the United States and Canada for the 12<sup>th</sup> consecutive year.

### **4. Report on Mission Economic Development Corporation Projects**

Alex Meade, CEO of Mission Economic Development Corporation briefed the council on MEDC current projects.

### **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 upcoming events that would be taking place in the near future.

### **6. Departmental Reports**

Councilwoman Maria Elena Ramirez moved to approve the departmental reports as presented. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

### **7. Citizens Participation**

None

#### **1.0 Public Hearing**

##### **1.1 Planning & Zoning Recommendations**

##### **A. Conditional Use Permit: Storage Units for Lease on Property Zoned AO-I, 2545 E. Griffin Parkway, Lot 2, 3A Subd., AO-I, Move-It Self Storage c/o Eric Ybarra Adoption of Ordinance # 4003 approving 1.1A**

On September 25, 2013 the Planning and Zoning Commission convened and approved the conditional use permit request mentioned above, which was located ¼ west of Taylor Road along the north side of Griffin Parkway. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval as per staff's recommendation.

Staff Recommendation: Approval for 3 years.

City Manager recommended approval.

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

Mr. Joseph Campos Garza, project engineer was in favor of request.

Councilman Plata moved to approve the CUP and to adopt Ordinance No 4003 Conditional Use Permit: Storage Units for Lease on Property Zoned AO-I, 2545 E. Griffin Parkway, Lot 2, 3A Subd., AO-I, Move-It Self Storage. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**ORDINANCE NO. 4003**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A CONDITIONAL USE PERMIT FOR STORAGE UNITS FOR LEASE  
ON PROPERTY ZONED AO-I, 2545 E. GRIFFIN PARKWAY, LOT 2, 3A SUBDIVISION

**B. Rezoning: the North 300' of Lot 3, The Retreat at Cimarron, from R-3 (Multi-Family Residential) to C-3 (General Business), Desarrollos Mosi, LLC, Sergio Molina c/o Veronica de la Fuente  
Adoption of Ordinance # \_\_\_\_\_ approving 1.1B**

On August 28, 2013 the Planning and Zoning Commission convened and approved the original rezoning request to C-3. The property was located on the SE corner of Glasscock Road and Expressway 83. There was no public opposition during the P&Z Mtg. The Board recommended approval of the rezoning 6-1.

At the City Council meeting on September 9, 2013, Council expressed an inclination to rezone to C-2 contingent upon TxDOT approving an entrance off of the feeder road between Brazos and Glasscock but not C-3 and tabled the item. Staff had met with the owner of the property and he was now requesting a C-2 zoning.

Staff and City Manager recommended denial.

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

Mr. Julio Cerda of 900 S. Stewart Rd. Suite 1, who was representing the owner was in favor of the request.

After much discussion from the Council and Mr. Cerda, Mayor Salinas recommended no action be taken on this item.

At 5:08 p.m., Mayor Salinas requested to continue onto item 5.1 of the agenda.

**2.0 Disposition of Minutes**

**2.1 City Council Meeting – September 23, 2013  
Special Meeting – October 8, 2013**

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

**3.0 Acknowledge Receipt of Minutes**

- 3.1 Mission Civil Service Commission – August 1, 2013**
- Speer Memorial Library Board – August 20, 2013**
- Zoning Board of Adjustments – August 21, 2013**
- Mission TIRZ – August 27, 2013**
- Mission Redevelopment Authority – August 27, 2013**
- Traffic Safety Committee Special Meeting – September 4, 2013**
- Juvenile Justice and Delinquency Prevention – September 4, 2013**
- Planning and Zoning Commission – September 9, 2013 and September 11, 2013**

Councilman Plata moved to acknowledge the receipt of minutes as presented. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

#### **4.0 Approvals and Authorizations**

##### **4.1 Confirmation of appointment by City Manager under Civil Service Law Section 143.013(a)(1) and swearing in of Police Chief Roberto Dominguez**

Confirmation was being requested on the appointment by City Manager of Police Chief Roberto Dominguez as required by Section 143.013(a)(1) of the Texas Local Government Code, in order to confer upon the 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 Recommendation: Confirmation of Appointment & Swearing In.

Councilman Dr. Armando O'cana moved to approve the Confirmation of appointment by City Manager under Civil Service Law Section 143.013(a)(1) and swearing in of Police Chief Roberto Dominguez. Motion was seconded by Councilman Ruben Plata and approved unanimously 4-0.

Chief Dominguez was sworn in by Judge Horacio Pena.

Relatives, friends and co-workers of Chief Dominguez were present expressing their support.

At 4:46 p.m., Mayor Pro Tem Norie Gonzalez Garza joined the meeting.

At 4:48 p.m. Mayor requested to continue with item #3 of the agenda.

##### **4.2 Preliminary Plat Approval: Tierra Linda Subd., A 5.02 acre tract of land out of Lot 26-1, W.A.S. Subd., R-2, Developer: Francisco Ruiz, Engineer: Vanguard Engineering**

On October 9, the Mission Planning and Zoning Commission convened and approved the Preliminary Plat Approval for Tierra Linda Subdivision. The property was located ¼ mile north of Griffin Parkway along the east side of Inspiration Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval as per staff's recommendations

Staff Recommendation: Approval subject to: 1) No objection to the variances requested by the developer; 2) Payment of the sewer capital recovery, reimbursement & park fees; 3) Escrow the widening costs for Inspiration Road; 4) Provide the water district exclusion; and 5) Comply with any other format findings.

City Manager recommended approval.

Councilwoman Ramirez moved to approve Preliminary Plat Approval: Tierra Linda Subd., A 5.02 acre tract of land out of Lot 26-1, W.A.S. Subd., R-2, Developer: Francisco Ruiz, Engineer: Vanguard Engineering. Motion was seconded by Councilman Plata and approved unanimously 5-0.

##### **4.3 Request authorizing City Manager to utilize credit card rewards points for employee development and incentive program**

The City of Mission secured a credit card last year to pay accounts payable with vendors that would accept credit card payments. The credit card offered reward points that could be redeemed for merchandise, travel rewards, gift cards, and more that can be utilized for staff development and incentives such as the leadership & motivational speaker, employees recognition, etc.

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Staff Recommendation: Approval authorizing City Manager to utilize credit card rewards points for employee development and incentive program.

City Manager recommended approval.

Councilman O'cana requested staff to provide a semiannual report of the incentive program.

Councilman Plata moved to authorize City Manager to utilize credit card rewards points for employee development and incentive program. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

### **4.4 Approval of Intergovernmental Cooperative Agreement with Palm Valley Animal Center for the operation of a Regional Animal Shelter**

From 1986 through September 30, 2012, the City of Mission had inter local agreements with Palm Valley Animal Center in which animals that needed to be quarantined were delivered to the Palm Valley Animal Center and in some cases animals were also transported to the Center to relieve overcrowding in the City's kennels.

The partnership with Palm Valley Animal Shelter would allow the City of Mission to increase awareness of a regional animal shelter; increase pet adoptions and relieve overcrowding in City's Kennels.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Intergovernmental Cooperative Agreement with Palm Valley Animal Center for the operation of a Regional Animal Shelter. Motion was seconded by Councilman Plata and approved unanimously 5-0.

### **4.5 Authorization to accept the 2013 State Homeland Security Grant**

The Mission Fire Department was seeking authorization to accept the 2013 State Homeland Security Grant in the amount of \$ 12,000.00. The Grant funding would be utilized by the Mission Fire Department Dive Team to purchase replacement and add equipment.

Staff Recommendation: Authorization to accept.

City Manager recommended approval.

Councilman Plata moved to authorize to accept the 2013 State Homeland Security Grant. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

### **4.6 Authorization for Lease to Purchase of a Spartan 1250 gpm Fire Apparatus via HGAC for the Fire Department**

Mission Fire Department was seeking authorization to purchase via State approved HGAC contract Number FS 12-11 for a lease to purchase of a Spartan 1250 gpm Fire Apparatus to be used by the Fire Department in the amount of \$ 368,865.00

Staff Recommendation: Authorization to Lease/Purchase thru HGAC.

City Manager recommended approval.

Councilman Plata moved to authorize lease to Purchase of a Spartan 1250 gpm Fire Apparatus via HGAC for the Fire Department. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.7 Accept donation of two (2) buses from Mission CISD and donate to Angostura, Sinaloa, Mexico**

Mission CISD Board of Trustees met on October 9, 2013 and approved a donation of two (2) school buses to the City of Mission as requested by Mayor Norberto Salinas. The buses would be donated to the Sister City of Angostura, Sinaloa, Mexico

Staff Recommendation: Accept donation of two school buses and donate to Angostura, Sinaloa, Mexico

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the donation of two (2) buses from Mission CISD and donate to Angostura, Sinaloa, Mexico. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.8 Authorize Mission Economic Development Corporation CEO to execute a Consultant Agreement between Mission Economic Development Corporation and Ricardo A. Perez & Associates**

This contract was presented and approved by the Mission Economic Development Board of Directors at their Special Meeting of September 4, 2013.

Staff Recommendation: Authorize CEO to Execute Consultant Agreement.

City Manager recommended approval.

Councilman Plata moved to authorize Mission Economic Development Corporation CEO to execute a Consultant Agreement between Mission Economic Development Corporation and Ricardo A. Perez & Associates. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.9 Authorization to accept the Securing Adolescents Futures with Encouragement and Enforcement (SAFE) grant from the Office of the Governor Criminal Justice Division**

The City of Mission Police Department was requesting authorization to accept the Securing Adolescents Futures with Encouragement and Enforcement (SAFE) grant from the Office of the Governor Criminal Justice Division. The total grant award was \$63,444.44. The City of Mission was responsible for a cash match in the amount of \$6,344.44 that would be funded from the State Drug Forfeiture accounts for the purchase of equipment and training. The \$57,100.00 from the Criminal Justice Division would be utilized to fund the SAFE Officer that would be assigned to the Mission Municipal Court to assist juveniles through the completion of their court ordered mandates in an effort to avoid reentering the Criminal Justice System. Staff was respectfully requesting authority to accept the grant.

Staff Recommendation: Staff was respectfully requesting authorization to accept the Securing Adolescents Futures with Encouragement and Enforcement (SAFE) grant from the Office of the Governor Criminal Justice Division.

City Manager recommended approval.

Councilman O'cana moved to authorize to accept the Securing Adolescents Futures with Encouragement and Enforcement (SAFE) grant from the Office of the Governor Criminal Justice Division. Motion was seconded by Councilman Plata and approved unanimously 5-0.

At 5:32 Councilman Plata stepped out of the meeting.

**4.10 Authorization to enter into a Interlocal Cooperation Agreement between the City of Mission, Texas and the County of Hidalgo, Texas authorizing disbursement of 2012 Stonegarden Grant funds**

The Mission Police Department was requesting authorization to enter into an Interlocal Cooperation Agreement between the City of Mission and the County of Hidalgo, Texas. The agreement authorized disbursement of 2012 Stonegarden grant funds to the Mission Police Department and sets all grant guideline to be followed. The total amount of the grant award for the City of Mission Police Department is \$170,523.61. Our organization would be tasked with patrol duties in an effort to secure our border. Our police officers would be paid overtime with the aforementioned grant funds. Additionally, the grant funds would also be utilized to purchase a total of three (3) Chevrolet Tahoes with all required equipment. Staff was seeking a favorable recommendation.

Staff Recommendation: Staff was respectfully requesting authorization to enter into the Interlocal Cooperation Agreement between the City of Mission, Texas and the County of Hidalgo, Texas.

City Manager recommended approval.

Councilman O'cana moved to authorize to enter into a Interlocal Cooperation Agreement between the City of Mission, Texas and the County of Hidalgo, Texas authorizing disbursement of 2012 Stonegarden Grant funds. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

**4.11 Authorization to enter into a contract between the City of Mission and Mary Ann Peralez to serve as Technical Supervisor for Alcohol Breath Test Program services**

The City of Mission Police Department was requesting authorization to enter into a contract between the City of Mission and Mary Ann Peralez to serve as Technical Supervisor for Alcohol Breath Test Program services. Ms. Mary Ann Peralez, DBA was a sole source vendor for breath test services in Hidalgo, Willacy, Cameron and Starr Counties. It was the responsibility of Ms. Peralez to assure the operation of the Intoxilyzer 5000 for use by Mission Police Officers who were tasked with testing persons arrested for the offense of Driving While Intoxicated. The total amount for the yearly contract was \$11,000.00. Staff was respectfully requesting authorization to enter into contract with Ms. Mary Ann Peralez.

Staff Recommendation: Staff was respectfully requesting authorization to enter into a contract between the City of Mission and Mary Ann Peralez to serve as Technical Supervisor for Alcohol Breath Test Program services.

City Manager recommended approval.

Councilwoman Ramirez moved to authorize to enter into a contract between the City of Mission and Mary Ann Peralez to serve as Technical Supervisor for Alcohol Breath Test Program services. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

At 5:34 Councilman Plata rejoined the meeting.

**4.12 Authorization to execute second-one year renewal option for Electrical Repair & Maintenance Services for Water Treatment Plants, Waste Water Treatment Plant, and Water Distribution Divisions**

On October 2011, the City of Mission entered into a contract with Fred's Electric Service Inc., for licensed electricians to perform electrical repairs, and maintenance on an "as needed" basis at the Water Treatment Plants, Waste Water Treatment plant, and water Distribution Divisions. The contract terms were for one year with two one-year renewal options based on a 0% increase in price. Fred's Electric Service Inc., has opted to hold price the same with no increase. Staff was seeking authorization to extend contract for second-one year renewal option with Fred's Electric Service Inc. This agreement would extend the contract from October 29, 2013 through October 28, 2014.

Staff Recommendation: Authorization to extend contract for second-one year renewal option with Fred's Electric Service Inc.

City Manager recommended approval.

Councilman O'cana moved to authorize to execute second-one year renewal option for Electrical Repair & Maintenance Services for Water Treatment Plants, Waste Water Treatment Plant, and Water Distribution Divisions. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**5.0 Unfinished Business**

**5.1 Public Hearing Re-Designation of Land Use: Lot 3, Block 5, Fairway Estates, from PUD (Un-Designated) to PUD (Single Family Residential), Jose Francisco Cano, Adoption of Ordinance # 4004 approving 5.1**

On September 11, 2013 the Planning and Zoning Commission convened in order to consider the Re-designation of Land Use request mentioned above, which was located 350' west of Bryan Road along the South side of Ursula Street. There was no public opposition during P&Z Meeting, however staff received 1 written letter in opposition. The Board unanimously recommended approval as per staff's recommendations.

Staff and City Manager recommended approval.

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

Mr. Alex Moreno representing the applicant was in favor of the request.

Councilman Plata moved to approve the Re-Designation and to adopt Ordinance No. 4004 Re-Designation of Land Use: Lot 3, Block 5, Fairway Estates, from PUD (Un-Designated) to PUD (Single Family Residential). Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.



**ORDINANCE NO. 4004**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A RE-DESIGNATION OF LAND USE FOR LOT 3, BLOCK 5, FAIRWAY  
ESTATES, FROM PUD (UN-DESIGNATED) TO PUD (SINGLE FAMILY RESIDENTIAL)

At 5:12 p.m., Mayor Salinas requested to continue with item 2.1 of the agenda.

**6.0 Routine Matters**

**6.1 City Manager's Comments**

None

**6.2 Mayor's Comments**

None

At 5:37 p.m., Councilman O'cana moved to convene into executive session pursuant to V.T.C.A. Gov. Code Sec. 551.001. 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. Claims regarding Public Safety Building and issues incident there to**

**7.2 Consultation with Attorney Sec. 551.071**

**Deliberation regarding real property Sec. 551.072**

**Tax Resale Bids on the following Properties:**

- A. West 1/2 of Lot 3, Dillard Subdivision**
- B. Lot 13, Saint Ann Park Subdivision**
- C. Parcel of land out of Northwest corner of Lot 16-3, W.A.S. Subdivision**
- D. North 425 feet of Lot 20, Melba Carter Subdivision**
- E. Lot 1, Block 183, Original Townsite of Mission**
- F. Lot 1, Block 3, Oakwood Estates Subdivision**
- G. Lot 10, Block 157, Original Townsite of Mission**
- H. Portion of Lots 1, 2 and 3, lying East of the Southern Pacific Railroad, Block 157, Original Townsite of Mission**

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

At 6:17 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

On item 7.1-A, Councilman O'cana moved to authorize City Manager to negotiate for more particular details in so far as how they would satisfy the claim. Motion was seconded by Mayor Pro Tem Garza, and approved unanimously 5-0.

On item 7.2, Mayor Pro Tem Garza moved to authorize the sale of the following tax resale properties subject to the City recouping its maintenance cost on the property after they were struck off to the taxing bodies of the sheriff's sale. Motion was seconded by Councilman Plata, and approved unanimously 5-0.

On item 7.2-A, West 1/2 of Lot 3, Dillard Subdivision \$6,400.

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On item 7.2-B, Lot 13, Saint Ann Park Subdivision \$6,800.

On item 7.2-C, Parcel of land out of Northwest corner of Lot 16-3, W.A.S. Subdivision \$4,100.

On item 7.2-D, North 425 feet of Lot 20, Melba Carter Subdivision \$5,000.

On item 7.2-E, Lot 1, Block 183, Original Townsite of Mission \$6,500.

On item 7.2-F, Lot 1, Block 3, Oakwood Estates Subdivision \$5,200.

On item 7.2-G, authorize Mayor to make a bid for the purchase of Lot 10, Block 157, Original Townsite of Mission.

On item 7.2-H, authorize Mayor to make a bid for the purchase of Portion of Lots 1, 2 and 3, lying East of the Southern Pacific Railroad, Block 157, Original Townsite of Mission

**8.0 Adjournment**

At 6:20 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary