

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
MARCH 23, 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'cana, Councilman
David Guerra, City Attorney
Anna Carrillo, City Secretary
Martin Garza, Jr., City Manager

ABSENT:

ALSO PRESENT:

Kathy Olivarez, Progress Times
Vincent Huebinger
Allen Males
Elizabeth Charies
Monica Garza
Joe Sanchez
Jim & Beth Barnes
Alma Nunes
Cristina Martinez Jr.
Andrew Ramos
Isaac Herebia
Yara Corbitt
J. Gonzalez
Juan Eliseo Gonzalez
Agusin Soto
Priscilla Martinez
Tranquilino Guerrero
Jaime Gutierrez
Fred Kurth

STAFF PRESENT:

Carmen Morales, Administrative Asst.
Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
J.J. Rodriguez, Deputy City Manager
Danny Tijerina, Planning Director
Jose Angel Garza, Asst. Planning Director
Roberto Salinas, Public Works Director
Mario Flores, Golf Director
Joanne Longoria, CDBG Director
Rene Lopez, Fire Chief
Gilbert Sanchez, Fire Marshal
Eduardo Belmarez, Purchasing Director
Robert Dominguez, Chief of Police
Randy Perez, Finance 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
Elizabeth Hernandez, Executive Secretary
Juan Pablo Terrazas, City Engineer

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:40 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 – Doctors’ Day

Anna Carrillo, City Secretary read the proclamation Doctors’ Day.

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

4. Proclamation – HEB 110th Anniversary

Anna Carrillo, City Secretary read the proclamation HEB 110th Anniversary.

Mayor Pro Tem Norie Gonzalez Garza moved to approve the Proclamation – HEB 110th Anniversary. Motion was seconded by Councilman Plata and approved unanimously 5-0.

5. Proclamation – Fair Housing Month

Joanne Longoria, CDBG Director read the proclamation Fair Housing Month.

Councilman Plata moved to approve the Proclamation – Fair Housing Month. Motion was seconded by Councilwoman Jessica Ortega-Ochoa and approved unanimously 5-0.

6. 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. He also advised Mayor and Council on upcoming events.

7. Departmental Reports

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

8. Citizens Participation

Jim Barnes, McAllen/Hidalgo Tea Party President spoke about against the Health Care District Bill #1596.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Rezoning: A 0.06 acre out of Lot 13, Expressway Business Park Phase VIII, from I-1 (Light Industrial) to C-4 (Heavy Commercial), Vincent Gerard & Associates, Inc.**

Adoption of Ordinance # 4201 approving 1.1A

On March 11, 2015 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The property was located approximately 700’ west of Commerce Drive (LFD’s Warehouse). There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval of the C-4 zone.

Staff Recommendation: Approval of C-4 zone

City Manager recommended approval.

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

There were no comments.

Councilman O'cana moved to approve the rezoning and to adopt Ordinance No 4201 Rezoning: A 0.06 acre out of Lot 13, Expressway Business Park Phase VIII, from I-1 (Light Industrial) to C-4 (Heavy Commercial), Vincent Gerard & Associates, Inc. as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4201

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING A 0.06 ACRE OUT OF LOT 13, EXPRESSWAY BUSINESS
PARK PHASE VIII, FROM I-1 (LIGHT INDUSTRIAL) TO C-4 (HEAVY COMMERCIAL)

- B. Rezoning: A .50 acre tract of land out of the East 10 acres of the North 15 acres out of Lot 23-4, West Addition to Sharyland Subdivision, from AO-I (Agricultural Open Interim) to R-3 (Multi-Family Residential), Tranquilino Guerrero
Adoption of Ordinance # _____ approving 1.1B**

On March 11, 2015 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The property was located approximately 300' east of Holland Avenue along the south side of W. 20th Street. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval of the R-3 zone.

Staff Recommendation: Approval of R-3 zone

City Manager recommended approval.

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

Julie Gonzalez was present to state her concern over the children's safety and traffic overflow if this item was approved.

Councilman O'cana moved to deny the Rezoning: A .50 acre tract of land out of the East 10 acres of the North 15 acres out of Lot 23-4, West Addition to Sharyland Subdivision, from AO-I (Agricultural Open Interim) to R-3 (Multi-Family Residential). Motion was seconded by Mayor Pro Tem Garza and denied unanimously 5-0.

- C. Conditional Use Permit: To Construct a new Telecommunications Tower on property zoned C-4 (Heavy Commercial), A 0.06 acre out of Lot 13, Expressway Business Park Phase VIII, I-1 (C-4 proposed), Vincent Gerard & Associates, Inc.
Adoption of Ordinance # 4202 approving 1.1C**

On March 11, 2015 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The subject site was located approximately 700' East of Commerce Drive. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff Recommendation: Approval for life of use

City Manager recommended approval.

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

Mr. Vince G. Huebinger stated that he was representing Vincent Gerard, Verizon Wireless, the land owner and was present to answer any questions from the Council.

Councilman Plata moved to approve the cup and to adopt Ordinance No 4202 Conditional Use Permit: To Construct a new Telecommunications Tower on property zoned C-4 (Heavy Commercial), A 0.06 acre out of Lot 13, Expressway Business Park Phase VIII, I-1 (C-4 proposed), Vincent Gerard & Associates, Inc. as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4202

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT TO CONSTRUCT A NEW
TELECOMMUNICATIONS TOWER ON PROPERTY ZONED C-4 (HEAVY
COMMERCIAL), A 0.06 ACRE OUT OF LOT 13, EXPRESSWAY BUSINESS PARK PHASE
VIII

2.0 Disposition of Minutes

2.1 City Council Meeting – March 12, 2015

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

3.0 Acknowledge Receipt of Minutes

3.1 Shary Golf Advisory Board – January 13, 2015

and February 10, 2015

Civil Service Commission – January 29, 2015

Citizen’s Advisory Committee Special Meeting – January 20, 2015

Mission Economic Development Corporation – February 17, 2015

Speer Memorial Library Board – February 17, 2015

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: Mission Valley Subdivision, A 7.765 acre out of Lot 296 and out of a 50’ Abandoned Canal ROW, John H. Shary Subdivision, R-1 Developer: Lana S. Heina & Marion D. Heina, Engineer: Melden & Hunt, Inc.

On March 11, 2015 the Planning and Zoning Commission convened and approved the Preliminary and Final Plat for Mission Valley Subdivision. The proposed subdivision was located approximately 350’ north of East Bluebonnet Lane along the west side of Taylor Road. The applicant was requesting a variance to allow the subdivision to be private and gated. The P&Z board unanimously recommended approval as per Staff’s recommendation.

Staff Recommendation: Approval including variance

City Manager recommended approval.

Councilman Plata moved to approve the Preliminary Plat Approval: Mission Valley Subdivision, A 7.765 acre out of Lot 296 and out of a 50' Abandoned Canal ROW, John H. Shary Subdivision, R-1 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.2 Preliminary and Final Plat Approval: Stewart Oaks Subdivision, A 4.60 acre tract of land out of Lot 261, and an Abandoned Canal ROW adjacent to Lot 261, John H. Shary Subdivision, R-1A, Developer: Meza Homes, Inc. Engineer: Javier Hinojosa Engineering

On March 11, 2015 the Planning and Zoning Commission convened and approved the Preliminary and Final Plat for Stewart Oaks Subdivision. The proposed subdivision was located ½ mile north of Griffin Parkway along the east side of Stewart Road. It was noted that this plat was granted Preliminary Plat Approval by City Council on 1/13/14, and all utilities and streets were in place. The applicant was requesting the following variances: 1) to allow the subdivision to be private and gated, 2) to allow a cul-de-sac longer than 600' and a street off-set less than 125', and 3) a variance from the lot length requirement. The P&Z board unanimously recommended approval as per Staff's recommendation.

Staff Recommendation: Approval including variances

City Manager recommended approval.

Councilman Plata moved to approve the Preliminary and Final Plat Approval: Stewart Oaks Subdivision, A 4.60 acre tract of land out of Lot 261, and an Abandoned Canal ROW adjacent to Lot 261, John H. Shary Subdivision, R-1A as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.3 Approval of Ordinance # 4203 amending Sections 1.2, 1.42(3), 1.43(3), 1.44(3), 1.44A(3) 1.45(3), 1.46(3), and 1.56 of "Appendix A – Zoning" of the Code of Ordinances to define and include "Mobile Food Unit" as a Conditional Use within the C-2, C-3, C-4, C-5, I-1, and I-2 Zoning Districts

On March 13, 2015 the Planning and Zoning Commission convened and approved the proposed amendment to Sections 1.2, 1.42(3), 1.43(3), 1.44(3), 1.44A(3), 1.45(3), 1.46(3), and 1.56 of "Appendix A – Zoning" of the Code of Ordinances to define and include "Mobile Food Unit" as a Conditional Use within the C-2, C-3, C-4, C-5, I-1, and I-2 Zoning Districts. The purpose of the ordinance was to: 1) amend the definitions sections of the Zoning Code to add Mobile Food Unit, 2) amend the applicable zoning districts to permit Mobile Food Units as a Conditional Use, and 3) to amend the Conditional Use Permit Section of the Zoning Code to provide a catchall phrase outlining the requirements for such uses. The P&Z board unanimously recommended approval as per Staff's recommendation.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to approve Ordinance No. 4203 amending Sections 1.2, 1.42(3), 1.43(3), 1.44(3), 1.44A(3) 1.45(3), 1.46(3), and 1.56 of “Appendix A – Zoning” of the Code of Ordinances to define and include “Mobile Food Unit” as a Conditional Use within the C-2, C-3, C-4, C-5, I-1, and I-2 Zoning Districts as recommended. Motion was seconded by Councilman O’cana and approved unanimously 5-0.

ORDINANCE NO. 4203

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING SECTIONS 1.2, 1.42(3), 1.43(3), 1.44(3), 1.44A(3), 1.45(3), 1.46(3), AND 1.56 OF “APPENDIX A – ZONING” OF THE CODE OF ORDINANCES TO DEFINE AND INCLUDE “MOBILE FOOD UNIT” AS A CONDITIONAL USE WITHIN THE C-2, C-3, C-4, C-5, I-1, AND I-2 ZONING DISTRICTS; PROVIDING FOR REQUIRED CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING A PUBLICATION DATE

4.4 Approval of request by Sharyland Independent School District to use Mission Boys & Girls Club Gym at Bannworth Park for early voting and Election Day for May 9, 2015 Board of Trustee Election

Sharyland ISD had submitted a request for the use of the Mission Boys & Girls Club Gym at Bannworth Park for early voting and Election Day for SISD Board of Trustee Election of May 9, 2015.

The use of the facility was being requested from Monday, April 27 thru Tuesday, May 5, 2015 for early voting and on Saturday, May 9, 2015 for Election Day.

Staff and City Manager recommended approval.

Councilman Plata moved to approve request by Sharyland Independent School District to use Mission Boys & Girls Club Gym at Bannworth Park for early voting and Election Day for May 9, 2015 Board of Trustee Election as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.5 Authorization to approve substantial completion for Streetscape improvements project at Conway Ave.

Staff was seeking authorization to approve substantial completion for streetscape improvements project at Conway Ave. consisting of new sidewalks, ramps, crosswalks, lighting and landscape.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve authorization to approve substantial completion for Streetscape improvements project at Conway Ave as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.6 Authorization to Solicit Bids for “Housing Assistance Program – Phase 14-I”

CAC met on January 20, 2015 and approved staff’s recommendation to provide assistance for reconstruction of seven (7) homes through the CDBG program.

Reconstruction:

613 Granjeno Ave. – 3 bdrm 2 bath, 1100 sq ft

903 W 2nd St – 2 bdrm 1 ½ bath, 970 sq ft

116 Oblate – 3 bdrm 2 bath, 1100 sq ft

826 Pueblo St. – 2 bdrm 1 ½ bath, 970 sq ft

611 Pedro St – 3 bdrm 2 bath, 1100 sq ft

115 Citriana St – 2 bdrm 1 ½ bath, 970 sq ft

3705 Garza St – 2 bdrm 1½ bath, 970 sq ft

Staff Recommendation: Solicit Bids for “Housing Assistance Program Phase 14-I”

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to Solicit Bids for “Housing Assistance Program – Phase 14-I” as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.7 Tax Collections Report – February, 2015

Finance Director Randy Perez presented the Tax Collections Report for February, 2015 for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the Tax Collections Report for February, 2015 as recommended. Motion was seconded by Councilman O’cana and approved unanimously 5-0.

4.8 Budget Amendments – Designated Purpose Fund

Mr. Perez presented the budget amendments BA–2015-38 thru BA–2015-39 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to approve budget amendments BA–2015-38 thru BA–2015-39 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.9 February 2015 Financial Statements

Mr. Perez presented the February 2015 Financial Statements for approval.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to approve the February 2015 Financial Statements as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

At 5:26 p.m., Councilman Plata stepped out of the meeting.

4.10 Authorization to declare items as surplus and sell same by On-Line Auction

Staff was seeking approval to declare the provided list of items as surplus. Items had been acquired by the City over the years through purchase, contribution, donation assignment and confiscation. All items had been determined by Department Directors and their staff to be of no use to the City.

Staff Recommendation: Approval to declare list of items as surplus and sell them via On-Line Auction

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve authorization to declare items as surplus and sell same by On-Line Auction as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

4.11 Award bid for Arnulfo "Tatan" Rodriguez, Jr. Park Landscaping

On February 23, 2015, City Council authorized staff to solicit bids for Landscape Materials for Arnulfo "Tatan" Rodriguez, Jr. Park, which included 12 oak trees, 275 Oleander and 5 Texas Sabals. The City of Mission had accepted and opened four (4) bid responses for these materials. RG Enterprises LLC failed to acknowledge addendum #1, hence bid was non-responsive. Staff recommended awarding bid to Southern Landscapes who was the lowest responsive and responsible bidder and met all specifications.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve to award bid for Arnulfo "Tatan" Rodriguez, Jr. Park Landscaping as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

At 5:27 p.m., Councilman Plata rejoined the meeting.

4.12 Hearing on Responsibility for Texas Cordia Construction, LLC regarding its bid for Water and Sewer Line Relocation and Upgrade Project at Mile 2 North

On December 22, 2014, City Council authorized staff to solicit bids for Water and Sewer line upgrade and relocation improvements at Mile 2 North. The City had accepted and opened eight bid responses for this project. The low bidder was Texas Cordia Construction, LLC whose bid came in at \$794,811.00. The second lowest bidder was the 5125 Company whose bid came in at \$795,125.00. At the council meeting of March 12, 2015, council expressed concerns as to the responsibility of Texas Cordia Construction, LLC. Consequently council proposed to award the bid to The 5125 Company and set March 23, 2015, at 4:30 o'clock pm, at City Council Chambers at City Hall, Mission, Texas, as the date, time and place for a hearing in which Texas Cordia Construction, LLC would be given the opportunity to show evidence of its responsibility.

I now ask you, Mayor and Council, to recognize and invite Texas Cordia to present any evidence it may have concerning its responsibility relevant to its qualifications to successfully complete this project if it was awarded the bid.

Yara Corbitt, President of the Texas Cordia Construction Company was present to elaborate to Council its qualifications to successfully complete the project if they were awarded the bid.

No action was taken on this item; only hearing on responsibility for Texas Cordia Construction, LLC regarding its bid for Water and Sewer Line Relocation and Upgrade Project at Mile 2 North.

City Attorney David Guerra advised council to discuss this item and item 4.13 during executive session under the “Consultation with Attorney” exception before considering these items in open session.

At 5:30 p.m., Councilman Plata moved to convene into executive session pursuant to V.T.C.A. Gov. Code Sec. 551.001. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.13 Bid for Water and Sewer Line Relocation and Upgrade Project at Mile 2 North (City Attorney may ask City Council to go into executive session on this item under the “Consultation with Attorney” exception before considering this matter in open session)

Now that the hearing in the preceding agenda item had been presented, council may either reject all bids or authorize staff to re-solicit bids, or determine which of the two lowest bidders was the lowest responsible bidder, Texas Cordia Construction, LLC or the 5125 Company, and award to lowest responsible bidder. This item was now before Council.

At 6:02 p.m., Councilman O’cana moved to reconvene in open session. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

Mayor Salinas recommended to award bid to the 5125 Company whose bid came in at \$795,125.00.

Councilman O’cana moved to approve to re-bid for Water and Sewer Line Relocation and Upgrade Project at Mile 2 North. Motion was seconded by Councilman Plata and approved 3-2 with Mayor Salinas and Mayor Pro Tem Garza against.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager’s Comments

None

6.2 Mayor’s Comments

None

7.0 Adjournment

At 6:05 p.m., Councilman O'cana moved for adjournment. Motion was seconded by Councilman Plata and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary