

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
MARCH 28, 2011 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
Jim Brunson, Progress Times
Jim & Beth Barnes
Richard Perez
Cathy Garcia
Sandra Vecchio
Matt Ruszczach
Isaac Torres
Pat Townsend

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Carmen Morales, Administrative. Asst.
Aida Lerma, Deputy City Manager
Sonia Carnes, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sergio Zavala, Planning Director
Roberto Salinas, Public Works Director
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Eduardo Belmarez, Purchasing Director
Leo Longoria, Chief of Police
Martin Garza, Asst. Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Julian Gonzalez, Parks & Rec. Director
Mayra Rocha, Library Director
Juan C. Avila, B & G Club Director
Noemi Munguia, HR Director
Robert Hinojosa, Risk Manager
Cassandra Karl, Museum Director
Jesse Lerma, Civil Service Director
Gilbert Sanchez, Fire Marshal
Jonathan Wehrmeister, Judge
Rick Saldana, Fire Chief
Jody Tittle, Mission Police P. I. Officer

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:33 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 – Welcome Home Vietnam Veterans Day

City Secretary Anna Carrillo read the proclamation.

Bryan Godinez received the proclamation.

Mayor Pro Tem Leo Olivarez moved to approve the Proclamation – Welcome Home Vietnam Veterans Day as presented. Motion was seconded by Councilwoman Norie Gonzalez Garza and approved unanimously 5-0.

4. Proclamation – Crime Victims’ Rights Week

Mrs. Carrillo read the proclamation.

Chief of Police Leo Longoria received the proclamation.

Councilman Ruben D. Plata moved to approve the Proclamation – Crime Victims’ Rights Week as presented. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

5. Proclamation – Public Safety Telecommunicators Week

Mrs. Carrillo read the proclamation.

Chief Longoria received the proclamation.

Councilwoman Maria Elena Ramirez moved to approve the Proclamation – Public Safety Telecommunicators Week as presented. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

6. Departmental Reports

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

7. Citizens Participation

Isaac Torres thanked the City and the Boys and Girls Club for their support and presented them with a frame from his USAA Championship.

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on a successful seminar on doing business with the City of Mission and the upcoming Business Expo to be held in April.

Isaac Rosales, Vice President of FCCLA from Sharyland ISD requested for City Council to consider approval of a no texting and driving ordinance.

1.0 Public Hearing

None

At 4:52 p.m. Mayor Salinas requested to go onto item 4.12 of the Agenda.

2.0 Disposition of Minutes

- 2.1 City Council Meeting – March 14, 2011,
Special Emergency City Council Meeting – March 15, 2011
Special City Council Meetings – March 21, 2011 and March 23, 2011**

Councilwoman Ramirez 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 Zoning Board of Adjustments - January 19, 2011
Planning and Zoning Commission - February 23, 2011
Shary Golf Advisory Board - February 8, 2011
Parks and Recreation Board - February 8, 2011
Speer Memorial Library Board - February 15, 2011**

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

4.0 Approvals and Authorizations

4.1 Requesting authorization to submit a Target Grant for the Speer Memorial Library

Staff requested to submit a Target Grant in the amount of \$2,000.

The grant would be used for supplies and books for Library Literacy programs for the children.

Staff and City Manager recommended approval.

Councilwoman Garza moved to authorize request to submit a Target Grant for the Speer Memorial Library. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.2 Audit Contract for FY 2010-11

The City Council was required by the City Charter Section 3.14 to have an independent audit of the books of accounts, records, and transactions of all the administrative departments of the City at least yearly.

In addition to the City's Financial Statements, the Auditors also conduct an audit on the MEDC's Financial Statements, plus prepare the 990 for MEDC and the 990ez for the Mission Boys and Girls Club Organization.

Mayor Salinas asked if the city could extend the current contract with Long Chilton, LLP. Janie Flores, Finance Director stated that there was an option to the current RFP that allowed a one year extension to the existing contract.

Councilwoman Garza moved to extend the current contract with Long Chilton, LLP for an additional year. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.3 Authorize Investment Officers to contract Investment Broker/Dealers to invest City of Mission Funds

As per City's Investment Policy Section "C Authorized Financial Dealers and Institutions":

All investments made by the City would be made through either the City's banking services bank or approved broker/dealer. The Investments Officers would review the list of broker/dealers annually.

A list of the least three qualified broker/dealers would be maintained in order to assure competitive bidding. All broker/dealers shall provide the City with references from public entities which they were currently serving.

City staff had been investing City Funds in CD's, TEXPOOL, and Money Market Accounts; however, these instruments had been paying very low yields. The City needed to meet necessary cash flow needs, increase earnings on its investments, and most importantly ensure that all funds were secured. In order to do this, the City's investment portfolio needed to be diversified.

Propose Broker/Dealers:

BBVA Compass

Multi-Bank Securities, Inc.

Coastal Securities, Inc.

First National Bank Trust Department

First National Bank Wealth Management Department

Mayor Salinas requested for staff to advise before contracting with Broker/Dealers.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize Investment Officers to contract Investment Broker/Dealers to invest City of Mission Funds. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.4 Tax Collections Report – February, 2011

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

Staff and City Manager recommended approval.

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

4.5 February 2011 Financial Statements

Mrs. Flores presented and recommended approval of the Financial Statement for February 2011.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the February 2011 Financial Statement as presented. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.6 Bid for the "Purchase and Delivery of Mowers" for Parks & Recreation Department

On December 20, 2010, City Council authorized staff to solicit bids for the purchase of Mowers. The City of Mission had accepted and opened three (3) bid responses. Staff recommended awarding to Amigo Power and Equipment whose bid was \$9,831.00 and was the lowest responsible bidder meeting all specifications.

Staff Recommendation: Authorization to award to Amigo Power and Equipment in the amount of \$9,831.00.

Staff and City Manager recommended approval.

Councilman Plata moved to approve bid for the “Purchase and Delivery of Mowers” for Parks & Recreation Department. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.7 Bid for “Housing Assistance Program – Housing Rehabilitation Phase 10-I R”

On February 28, 2011 City Council authorized staff to re-bid two (2) rehabilitation homes. The City of Mission had accepted and opened five (5) bid responses for this project. Staff recommended awarding 820 Reynosa to Aguirre Framing & Construction who met all the Terms & Conditions and Specifications. Staff was also requesting to reject and rebid the project located at 326 Carolina Rd. because contractor exceeded the 15% staff cost estimate. Four contractors failed to comply with general terms and conditions, therefore had been found non-responsible. CAC met on Tuesday, March 22, 2011 and approved staff’s recommendation as follows.

Aguirre Framing & Construction - \$24,499

820 Reynosa - \$24,499

326 Carolina Ave – Reject and re-bid, as contractor exceeded the 15% from staffs cost estimate, as required in Housing Assistance Program guidelines (currently being reviewed).

The city had been utilizing 75% of the annual CDBG allocation for several years for reconstruction projects. Since 1999, a total of 324 families to date had been provided some form of housing assistance. Out of the 324 families, 183 families were provided with reconstruction assistance while 141 families were provided with rehabilitation assistance (including CDBG-R, CDBG-DR and SSBG funds).

Staff Recommendation: Authorization to Award 820 Reynosa to Aguirre Framing & Construction and reject and rebid for 326 Carolina Rd.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve to award bid for 820 Reynosa project to Aguirre Framing & Construction. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

Mayor Pro Tem Olivarez moved to approve to reject and rebid the 326 Carolina Rd. project. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.8 Bid for “Housing Assistance Program – Housing Rehabilitation Phase 10-1 DR”

On February 28, 2011 City Council authorized staff to re-bid five (5) rehabilitation projects. The City of Mission had accepted and opened three (3) bid responses for this project. Staff recommended to award bid to Aguirre Framing & Construction who met all the Terms & Conditions and Specifications. Two contractors failed to comply with general terms and conditions, therefore had been found non-responsible. Staff was also requesting to reject and rebid the project located at 169 S Mayberry Rd as there was no bid submitted from a responsible contractor. CAC met on Tuesday, March 22, 2011 and approved staff’s recommendation as follows.

Aguirre Framing & Construction - \$97,998
3507 N Mayberry Rd - \$24,499
106 Citriana - \$24,499
1220 Blue Rock - \$25,000
1029 Perez - \$24,000

169 S Mayberry – Re-bid project

The city had been utilizing 75% of the annual CDBG allocation for several years for reconstruction projects. Since 1999, a total of 324 families to date had been provided some form of housing assistance. Out of the 324 families, 183 families were provided with reconstruction assistance while 141 families were provided with rehabilitation assistance (including CDBG-R, CDBG-DR and SSBG funds).

Staff Recommendation: Authorization to Award to Aguirre Framing & Construction as stated above and Reject and Re-bid project located at 169 S. Mayberry Rd.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve to award bid for the following projects : 3507 N. Mayberry Rd., 106 Citriana, 1220 Blue Rock, and 1029 Perez to Aguirre Framing & Construction. Motion was seconded by Councilman Plata and approved unanimously 5-0.

Councilman Plata moved to approve to reject and rebid the 169 S Mayberry project. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.9 Board Appointment – Tax Increment Reinvestment Zone (TIRZ)

This appointment was to replace the position vacated by Joe Roseland who had resigned.

Mayor Salinas recommended Keri Aman who resides at 2504 Wernecke. Term of appointment was through December 31, 2012.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the appointment of Keri Aman as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.10 Approval of Ord. # 3635 granting a wet designation for 103 E. 30th St., De Alba Wine & Liquor

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ord. No. 3635 granting a wet designation for 103 E. 30th St., De Alba Wine & Liquor. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

ORDINANCE NO. 3635

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS AMENDING ORDINANCE NO.780 DESIGNATING PLACES WHERE BEER
AND OTHER ALCOHOLIC BEVERAGES MAY BE SOLD WITHIN THE CORPORATE
LIMITS OF THE CITY OF MISSION TO INCLUDE THE PREMISES LOCATED AT
103 E. 30TH ST., DE ALBA WINE & LIQUOR

4.11 Approval of Resolution # 1283 supporting the submission of a grant application to the Office of the Attorney General's Crime Victim Services Division for the 2012-13 OVAG Grant

The Mission Police Department requested the approval of a resolution in support of the submission of a grant application to the Office of the Attorney General's Crime Victim Services Division for the 2012-2013 OVAG Grant. The grant was a two year grant for FY 2011 – 2012 and FY 2012 – 2013. The total amount of the grant was \$84,000.00. There was no cash match required by the City of Mission. The grant would allow the Mission Police Department to continue the services provided by our Crime Victim Liaison program. Staff was requesting a favorable recommendation for the purpose of continuing their Crime Victim Liaison program.

Staff Recommendation: Approval of a resolution supporting the submission of a grant application to the Office of the Attorney General's Crime Victim Services Division for the 2012 – 2013 OVAG Grant.

Staff and City Manager recommended resolution approval.

Mayor Pro Tem Olivarez moved to approve Res. No. 1283 supporting the submission of a grant application to the Office of the Attorney General's Crime Victim Services Division for the 2012-13 OVAG Grant. Motion was seconded by Councilman Plata and approved unanimously 5-0.

RESOLUTION NO. 1283

SUPPORTING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE ATTORNEY GENERAL'S CRIME VICTIM SERVICES DIVISION OF THE 2012-13 OVAG GRANT

4.12 Approval of Resolution # 1282 approving the issuance of Mission Economic Development Corporation relating To the issuance of its solid waste disposal revenue bonds (Dallas Clean Energy McCommas Bluff, LLC Project) Series 2011; and authorizing, ratifying, confirming and approving other matters in connection therewith

It was requested that the City Council of the City of Mission, Texas approve the Resolution passed by the Mission Economic Development Corporation with respect to Dallas Clean Energy, LLC.

Due to current market conditions it had been determined that an additional investment bank, First Southwest Securities, would be needed to place the approximately \$40.2 million of bonds for Dallas Clean Energy. All other aspects of the transaction were similar to what had previously approved by the City of Mission. The addition of an investment bank required the City of Mission's approval; therefore, it was being requested to approve the Resolution.

Lee McCormick, President of Community Development Associates, had facilitated the application by Dallas Clean Energy, LLC. for assistance under the MEDC Private Activity Bond Program.

Staff Recommendation: Approval of Resolution

Staff and City Manager recommended resolution approval.

Mayor Pro Tem Olivarez moved to approve Res. No. 1282 approving the issuance of Mission Economic Development Corporation relating to the issuance of its solid waste disposal revenue bonds (Dallas Clean Energy McCommas Bluff, LLC Project) Series 2011; and authorizing, ratifying, confirming, and approving other matters in connection therewith. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

RESOLUTION # 1282

RESOLUTION APPROVING RESOLUTION #2011-01
OF MISSION ECONOMIC DEVELOPMENT CORPORATION RELATING TO THE
ISSUANCE OF SOLID WASTE DISPOSAL REVENUE BONDS (DALLAS CLEAN
ENERGY MCCOMMAS BLUFF, LLC PROJECT) SERIES 2011; AND AUTHORIZING,
RATIFYING, CONFIRMING AND APPROVING OTHER MATTERS IN CONNECTION
THEREWITH

At 4:54 p.m. Mayor Salinas requested to continue with item 2.1 of the agenda.

4.13 Approval of Resolution # 1284 of the City Council of the City of Mission, Texas rescinding Resolution No. 686 thereby divesting the Mission Economic Development Authority (MEDA) of all of its authority to exercise economic development activities, calling for an inventory of MEDA's assets and liabilities, directing the conveyance of assets and the assumption of liabilities, delegating to Mission Economic Development Corporation (MEDC) economic development activities, creating certain personnel positions, and authorizing employment agreements and the lease of said employees to MEDC

The Resolution rescinds Resolution 686 divesting the Mission Economic Development Authority (MEDA) of all of its authority to exercise economic development activities, calling for an inventory of MEDA's assets and liabilities, directing the conveyance of assets and the assumption of liabilities, delegating to Mission Economic Development Corporation (MEDC) economic development activities, creating certain personnel positions, and authorizing employment agreements and the lease of said employees to MEDC.

Staff Recommendation: Approval of Resolution

Staff and City Manager recommended resolution approval.

RESOLUTION NO. 1284

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
RESCINDING RESOLUTION NO. 686 THEREBY DIVESTING THE MISSION ECONOMIC
DEVELOPMENT AUTHORITY (MEDA) OF ALL OF ITS AUTHORITY TO EXERCISE
ECONOMIC DEVELOPMENT ACTIVITIES, CALLING FOR AN INVENTORY OF MEDA'S
ASSETS AND LIABILITIES, DIRECTING THE CONVEYANCE OF ASSETS AND THE
ASSUMPTION OF LIABILITIES, DELEGATING TO MISSION ECONOMIC
DEVELOPMENT CORPORATION (MEDC) ECONOMIC DEVELOPMENT ACTIVITIES,
CREATING CERTAIN PERSONNEL POSITIONS, AND AUTHORIZING EMPLOYMENT
AGREEMENTS AND THE LEASE OF SAID
EMPLOYEES TO MEDC

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

None

At 5:13 p.m., Councilwoman Ramirez 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 Private consultation with the City Attorney Sec. 551.071

A. Claim against Antonio Zamarron dba Zamarron Construction

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

At 5:19 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, Councilwoman Garza moved to authorize the City Manger to settle claim in the amount of \$34, 092.93 with Zamarron Construction. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

8.0 Adjournment

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

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary