

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
APRIL 09, 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
Armando Ocana
Rec. Dr. Robert Lopez
Rosa Gonzalez
Richard Perez
Alex Meade
Gail Burkhardt, The Monitor
Jim Brunson, Progress Times

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Sonia Carnes, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sergio Zavala, Planning Director
Alex Hernandez, 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
Martin Garza, Interim Chief of Police
Robert Dominguez, Asst. Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Julian Gonzalez, Parks & Rec. Director
Juan C. Avila, B & G Club Director
Noemi Munguia, HR Director
Robert Hinojosa, Risk Manager
Jesse Lerma, Civil Service Director
Roland Rodriguez, I. T. Director
Jonathan Wehrmeister, Judge
Cassandra Karl, Museum Director
Belinda Garza, Speer Memorial Library
John Hernandez, City Engineer
James Cardoza, Emergency Mngmt. Coord.

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 Julio Cerda gave the invocation.

3. Proclamation – Fair Housing Month and CDBG Week

City Secretary Anna Carrillo read the proclamation for Fair Housing Month and CDBG Week.

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

4. Proclamation – Crime Victims’ Rights Week

Mrs. Carrillo read the proclamation for Crime Victims’ Rights Week.

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

5. Proclamation – Public Safety Telecommunicators Week

Mrs. Carrillo read the proclamation for Public Safety Telecommunicators Week.

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

6. Proclamation – 100th Anniversary-El Mesias United Methodist Church

Mrs. Carrillo read the proclamation for the 100th Anniversary-El Mesias United Methodist Church.

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

Rev. Dr. Robert Lopez received the proclamation.

At 4:49 p.m. Mayor Salinas continued with Citizens Participation.

7. Departmental Reports

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

8. 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.

9. Citizens Participation

Tomas Tijerina from Renee’s of Sharyland requested for citizens of Mission to participate in One Day without Shoes to raise awareness for those unfortunate who do not have shoes.

Tony Cordova, 1600 Vintage Lane requested answers to the flooding in Golden Crest Subdivision and requested to be on the agenda at the next council meeting.

At 5:06 p.m. Mayor Salinas continued with the Departmental Reports on the agenda.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Sabor Amor Restaurant, 4001 S. Shary Rd., Suite 700, being Lot 1, Tech Center No. 2 Subd.

The 2,400 sq. ft. restaurant site was proposed within an existing commercial plaza located on the SE corner of San Mateo and Shary Road. Access to the site was available from the primary driveway from Shary Road, or from other driveways from San Mateo or from San Gabriel. The applicant wished to open her restaurant and offer beer and wine with meals.

- Hours of Operation: Tuesday through Thursday from 11 a.m. to 11 p.m.; Friday & Saturday from 12 p.m. to 12 a.m.; and Sunday from 12 pm. to 6 p.m. Alcoholic beverages would only be served during allowable State selling hours.
- Staff: 3 (initially)
- Parking: In reviewing the floor plan, there were 32 total seating spaces for the restaurant, which required 11 parking spaces (32 seats/3 = 10.6 parking spaces). It was noted that the parking area was held in common (150 existing parking spaces) and was shared with other businesses.
- Sale of Alcohol: There were no churches or public/private schools within 300' of the subject site, thus being compliant to Chapter 6, Section 6-4.

There was no public opposition during the 3/28/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to: 1) a 1 year re-evaluation to assess this new operation; and 2) must acquire a business license.

City Manager recommended approval.

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

There were no comments.

Councilwoman Garza moved to approve the Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Sabor Amor Restaurant, 4001 S. Shary Rd., Suite 700, being Lot 1, Tech Center No. 2 Subd.. Motion was seconded by Councilman Plata and approved unanimously 5-0.

2.0 Disposition of Minutes

2.1 City Council Meeting – March 26, 2012

Councilwoman 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 Zoning Board of Adjustments – January 25, 2012 Citizen's Advisory Committee – February 16, 2012 Speer Memorial Library Board – February 21, 2012

Mission Economic Development Corporation – February 21, 2012

Mission Tax Increment Reinvestment Zone – February 28, 2012

Mission Redevelopment Authority – February 28, 2012

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 Adoption of Ordinance # 3762 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages-Sabor Amor Restaurant, 4001 S. Shary Rd., Suite 700, being Lot 1, Tech Center No. 2 Subd.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt Ordinance No. 3762 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages-Sabor Amor Restaurant, 4001 S. Shary Rd., Suite 700, being Lot 1, Tech Center No. 2 Subd. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3762

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES – SABOR AMOR RESTAURANT, 4001 S. SHARY ROAD, SUITE 700, BEING LOT 1, TECH CENTER NO. 2 SUBDIVISION

4.2 Authorization to purchase via State Approved Contract One (1) vehicle for the Planning Dept.

During the 2011-2012 budgetary process, an approved amount was allocated to secure one vehicle for the Planning Department. The vehicle would replace a truck that would be re-assigned to the Parks Department. Staff was seeking authorization to purchase via state approved Buy Board Contract #358-10 for a Ford F150 Regular Cab in the amount of \$18,058.25.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to purchase via State Approved Contract One (1) vehicle for the Planning Dept. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.3 Authorization to solicit bids for Corrosion Inhibitor for North and South Water Plants

Staff was seeking authorization to solicit bids for the purchase of Corrosion Inhibitor. Chemical was needed by the Public Works Department for daily water treatment. Public Works Department had opted not to exercise the one year renewal on their current contract, due to the 7.5% increase in price from General Chemical.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to solicit bids for Corrosion Inhibitor for North and South Water Plants. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.4 Approval of request by County of Hidalgo Elections Dept. to use City Facilities for early voting and election day for May 12, 2012 Sharyland ISD Board of Trustee Elections, for May 29, 2012 Primary-Democratic and Republican Election, for July 31, 2012 for Primary Runoff and November 6, 2012 for General Election

There was a request for the use of the Sharyland Fire Station #3 for early voting and election day for SISD Board of Trustee Election of May 12, 2012.

There was also the early voting and election day request for the use of Mission City Hall, Sharyland Fire Station #3 and Kika de la Garza building for the May 29, 2012 Primary-Democratic and Republican Election, July 31, 2012 Primary Runoff and November 6, 2012 General Election.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the request by County of Hidalgo Elections Dept. to use City Facilities for early voting and election day for May 12, 2012 Sharyland ISD Board of Trustee Elections, for May 29, 2012 Primary-Democratic and Republican Election, for July 31, 2012 for Primary Runoff and November 6, 2012 for General Election. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.5 Approval of Interlocal Agreement between City of Mission and Sharyland Independent School District to conduct joint elections in accordance with Texas Education Code Section 11.0581

The interlocal agreement was in accordance with Texas Education Code Section 11.0581 which stated that the voters of the joint election shall be served by a common place.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Interlocal Agreement between City of Mission and Sharyland Independent School District to conduct joint elections in accordance with Texas Education Code Section 11.0581. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.6 Approval of Ordinance # 3763 of the City Council of the City of Mission, Texas amending Section 7 of Ordinance No. 3742, to extend the hours of early voting for the General Election to be held on May 12, 2012

The Mission City Council at the February 13, 2012 City Council meeting approved Ordinance # 3742 calling a General Election for May 12, 2012. The hours for early voting were presented and approved.

The County of Hidalgo would be conducting early voting at Shary Fire Station for the Sharyland ISD School Board election and would be open until 6 p.m. from May 1 thru May 7th therefore, staff was requesting consideration of extending the hours at City Hall and Shary Fire Station for the City of Mission General Election until 6 p.m. on the above mentioned dates to coincide with the hours the County was conducting early voting.

Early voting hours would be as follows:

Monday, April 30, 2012 – 7 a.m. – 7 p.m.
Tuesday, May 1, 2012 – 8 a.m. – 6 p.m.
Wednesday, May 2, 2012 – 8 a.m. – 6 p.m.
Thursday, May 3, 2012 – 8 a.m. – 6 p.m.
Friday, May 4, 2012 – 8 a.m. – 6 p.m.
Saturday, May 5, 2012 – 8 a.m. – 6 p.m.
Monday, May 7, 2012 – 8 a.m. – 6 p.m.
Tuesday, May 8, 2012 – 7 a.m. 7 p.m.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3763 of the City Council of the City of Mission, Texas amending Section 7 of Ordinance No. 3742, to extend the hours of early voting for the General Election to be held on May 12, 2012. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

ORDINANCE NO. 3763

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS AMENDING SECTION 7 OF ORDINANCE NO. 3742, TO EXTEND
THE HOURS OF EARLY VOTING FOR THE GENERAL ELECTION TO BE
HELD ON MAY 12, 2012

4.7 Authorization to solicit bids or purchase via a State Approved Contract for four (4) Level A Flash Haz-Mat Suits for the Mission Fire Dept.

The Mission Fire Department was seeking authorization to solicit bids or purchase via State Approved Contract, four (4) Level A Flash Haz-Mat Suits to be used by the Mission Fire Department Hazard Material Response Team which was part of the LRGVDC Regional Response Group. The funding was from the 2011 State Home Land Security Grant.

Staff and City Manager recommended approval.

Councilwoman Garza moved to authorize to solicit bids or purchase via a State Approved Contract for four (4) Level A Flash Haz-Mat Suits for the Mission Fire Dept. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.8 Award Bid for “Repairs of Manholes” for the Public Works Dept.

On February 13, 2012, City Council authorized staff to solicit bids for Repair of Manholes. The City of Mission had accepted and opened three (3) bid responses for the repair of three manholes and one optional manhole. Staff was recommending awarding to Closner Construction Co. L.C., whose bid was \$34,000 for all four manholes and was the lowest responsible bidder meeting all specifications.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve to award bid to Closner Construction Co. L.C. for “Repairs of Manholes” for the Public Works Dept. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.9 Authorization to enter into an Interlocal Cooperation Agreement between the City of Mission and the Lower Rio Grande Development Council

The City of Mission Emergency Management Division was requesting to enter into an inter-local agreement between the City of Mission and the Lower Rio Grande Development Council. The purpose of this agreement was to allow the LRGVDC to release one (1) 30 KW portable generator and one (1) 6000K light tower to the City of Mission; in return staff agreed to participate in a Regional Response to both man-made and natural disasters if requested under the regions mutual aid process. FEMA would retain ownership until April 15, 2015 at which time the City of Mission would obtain ownership of the equipment. The equipment had a total value of \$28,992.33

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to enter into an Interlocal Cooperation Agreement between the City of Mission and the Lower Rio Grande Development Council. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.10 Authorization to cancel award to Anttara Construction on bid for “Housing Assistance Program-Phase 11-I” at 1216 Miller Ave., forfeit check in lieu of bid bond and award to another bidder

On February 27, 2012 City Council gave authorization to award the contract for “Housing Assistance Program – Phase 11-I for 1216 Miller Ave”. Contract was awarded to Anttara Construction for a total of \$41,400. As per paragraph 20(a), of the “Terms and Conditions,” Performance and Payment Bonds are to be submitted to the City of Mission within 7 calendar days from Notice of Award. Notice of award was signed on March 5, 2012.

Mr. Ramses Flores was given until March 12, 2012 to submit Payment Bond and failed to provide the payment bond as required by City of Mission Purchasing Terms and Conditions and Housing guidelines. CAC met on March 27, 2012 and approved staff’s recommendation to cancel the award to Anttara Construction, proceed with collection on cashier check for the amount of \$2,070.00 (equivalent to 5% of the total amount of the bid) and award bid to the next lowest responsible bidder G & G Contractors for a total of \$41,590.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to cancel award to Anttara Construction on bid for “Housing Assistance Program-Phase 11-I” at 1216 Miller Ave., forfeit check in lieu of bid bond and award to G & G Contractors. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.11 Award bid for the installation of a King Ranch Fence separating Mission Nature Trails and Skeet and Trap Club

On March 12, 2012, City Council authorized the solicitation of bids for materials and labor for the installation of a King Ranch Fence at the Mission Nature Park. The City of Mission had

opened and accepted six (6) bid responses for the installation of the King Ranch Style Fence. Encino Commercial Contracting was found non-responsive for not submitting a bid bond or cashier's check for 5% of the total amount of the bid.

Staff was recommending awarding the project to Central Fence & Supply, Ltd., the lowest responsible bidder meeting all specifications. The City of Mission would contribute \$7,000 towards materials, \$700 towards gates and \$8,966 towards labor. The Skeet and Trap Club would be responsible for \$3,833.00. The total linear footage of the fence was 9,315.1.

Staff Recommendation: Award bid to Central Fence & Supply, Ltd. in the amount of \$20,499.00.

City Manager recommended approval.

Councilman Plata moved to approve to award bid for the installation of a King Ranch Fence separating Mission Nature Trails and Skeet and Trap Club. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.12 Authorization to retire Police K-9 Nikki from active duty and authorization to have K-9 Officer adopt Police Dog

The Mission Police Department was requesting authorization to retire Police K-9 Nikki from active duty and authorization to have K-9 Officer adopt the police dog, Nikki. Nikki, a German Shepherd was purchased by the Mission Police Department in 2005. She had served the citizens of Mission for the past seven (7) years. Dr. Diane DeBruyn at the Mission Veterinary Hospital diagnosed Nikki with osteoarthritis in May of 2011. Her condition had deteriorated since then and she can no longer perform the duties required of a Police K-9. Nikki's handler, Mission Police Officer Charles Lopez was willing to continue to care for Nikki after retirement if approved. Staff was respectfully requesting authorization to retire Nikki from active duty and to authorize the adoption of Nikki by Mission Police Officer Charles Lopez.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to retire Police K-9 Nikki from active duty and authorize to have K-9 Officer Charles Lopez adopt Police Dog. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.13 Authorization to purchase two (2) Police Dogs from lowest responsible bidder and to execute agreement incident thereto

The City of Mission Police Department was requesting authorization to purchase two (2) Police Dogs from the lowest responsible bidder and to execute agreement incident thereto. On 02/13/2012 authorization was granted to the Mission Police Department to solicit bids for the purchase of two police dogs. The organization received three (3) bids for the purchase of a Bomb K-9 and a Patrol K-9. Staff was requesting that Crusade K-9 Academy, the lowest responsible bidder be awarded the bid for the purchase of the two (2) K-9's. The total amount of the purchase was \$17,000.00. The K-9's would be purchased through their Federal Sharing Account. In addition, due to the amount of the purchase, both the CMBL and the HUB vendor listing were researched, however, there were no K-9 vendors found.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to purchase two (2) Police Dogs from lowest responsible bidder and to execute agreement incident thereto. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.14 Authorization to grant Right-of-Entry Permit to the United States of America to place radio equipment on water towers belonging to the City of Mission

The City of Mission Police Department was requesting authorization to grant a Right-Of-Entry Permit to the United States of America to place radio equipment on water towers belonging to the City of Mission. The equipment would be placed on two water towers owned by the City of Mission from April 01, 2012 through September 30, 2012.

Staff and City Manager recommended approval.

Councilwoman Garza moved to authorize to grant Right-of-Entry Permit to the United States of America to place radio equipment on water towers belonging to the City of Mission. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.15 Authorize MEDC CEO to execute Work Authorization #1-Contract for Engineering Services and Agreement for Professional Services with L&G Engineering related to FM 494 (Shary Road) Traffic Improvement Project

On Jan. 3, 2012, the Mission EDC Board authorized the publication of a public hearing (January 24, 2012) for the purpose of amending their FY 2011-12 Budget to create a Mission Corridors Infrastructure Fund in an amount not to exceed \$1,000,000. City Council approved the MEDC FY 2011-12 Budget Amendment at their March 26, 2012 meeting. Mission EDC would like to engage L&G Engineering services for the FM 464 (Shary Road) Traffic Improvement project. The total cost of the project WOULD be shared with TxDOT and the Hidalgo County MPO (HCMPO). The breakdown WAS as follows:

	HCMPO - \$168,000.00
	TxDOT - \$243,593.14
	MEDC - \$142,597.72
Total Project Cost:	\$554,190.85

Staff and City Manager recommended approval.

Mayor Salinas commended L& G Engineering for their work in acquiring a majority of the funding for the project.

Councilman Plata moved to authorize MEDC CEO to execute Work Authorization #1-Contract for Engineering Services and Agreement for Professional Services with L&G Engineering related to FM 494 (Shary Road) Traffic Improvement Project. Motion was seconded by Councilwoman Ramirez and approved 4-0 with Councilwoman Garza abstaining.

4.16 Approval of Development Agreement between Mission EDC and Superior Oil Express

On Jan. 3, 2012, the Mission EDC Board authorized the publication of a public hearing (January 24, 2012) for the purpose of amending their FY 2011-12 Budget to create a Mission Corridors Infrastructure Fund in an amount not to exceed \$1,000,000. City Council approved the MEDC FY 2011-12 Budget Amendment at their March 26, 2012 meeting. Superior Oil Express was

requesting reimbursement of offsite infrastructure improvements assistance under the Mission Corridors Infrastructure Funds.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Development Agreement between Mission EDC and Superior Oil Express. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.17 Authorization to solicit bids for Ammonium Sulfate for North and South Water Plants

Staff was seeking authorization to solicit bids for the purchase of Ammonium Sulfate. Chemical was needed by the Public Works Department for daily water treatment. Public Works Department had opted not to exercise the one year renewal on their current contract, due to the 5% increase in price from General Chemical.

Staff and City Manager recommended approval.

Councilwoman Garza moved to authorize to solicit bids for Ammonium Sulfate for North and South Water Plants. 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

Mr. Cerda thanked the Public Works Department, Parks Department, Police Department and Fire Department for their efforts during the recent storm.

6.2 Mayor's Comments

Mayor Salinas admired city staff for doing a good job during the storm.

At 5:41 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

A. City of Mission/Mission Economic Development Corporation v Mission Economic Development Authority, Inc.

B. Construction contract with Topcon, Inc. for Park Improvements

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

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

On item 7.1-A, no action was taken.

Minutes, 4/09/12 Pg. 11

On item 7.1-B, Councilman Plata moved to authorize Jones, Galligan, Key & Lozano to contact the bonding company to terminate contract and to pursue the completion of the project as soon as possible with no further funding to be given to TopCon. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

8.0 Adjournment

At 6:05 p.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