

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
JULY 28, 2014 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
Yesenia Salais
Jim Beth Barnes
Leo Rodriguez
Joe Sanchez
Raymond Longoria
Pedro Cantu
Marco Ramirez
David Perez
Opal Billman
Anabel Ramirez
Pat Townsend
Shane & Robbin Salas
Debbie Alvarez
Juan Eliseo Gonzalez Jr.
Shaine Mata
John R. Guerra

STAFF PRESENT:

Carmen Morales, Administrative Asst.
Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
J.J. Rodriguez, Deputy City Manager
Elizabeth Hernandez, Executive Secretary
Danny Tijerina, Planning Director
Bobby Salinas, Asst. Planning Director
Mario Flores, Interim Golf Director
Joanne Longoria, CDBG Director
Eduardo Belmarez, Purchasing Director
Robert Dominguez, Chief of Police
Joel Laralde, Asst. 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
Jesse Lerma, Civil Service Director
Roland Rodriguez, I. T. Director
Luis Contreras, Museum Director
Mayra Rocha, Library Director
Humberto Garcia, Media Relations Officer
Juan Pablo Terrazas, City Engineer

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:32 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 – National Night Out

Robert Dominguez Chief of Police read the proclamation National Night Out.

Councilman Ruben D. Plata moved to approve the Proclamation – National Night Out. Motion was seconded by Councilman Dr. Armando O’cana and approved unanimously 5-0.

4. 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.

5. 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.

6. Citizens Participation

Opal Billman, 301 N. Shary Road spoke about arbitrage.

Erica O’Cana, 103 S. Ebano spoke about changing the meeting to a later time to receive more participation from the public.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. **Rezoning: A 6.299 acre tract of land out of Lot 5, Miller Bros, Nursery Re-Subdivision, from AO-1 (Agricultural Open Interim) to R-1 (Single Family Residential), Nora Avila, Adoption of Ordinance # 4125 approving 1.1A**

On July 9, 2014 the Planning and Zoning Commission convened and recommended approval of the R-1 zone. The property was located approximately 300’ south of Mile 2 south of Hillcrest Drive. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval R-1 zone.

Staff Recommendation: Approval of R-1 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 4125 Rezoning: A 6.299 acre tract of land out of Lot 5, Miller Bros, Nursery Re-Subdivision, from AO-1 (Agricultural Open Interim) to R-1 (Single Family Residential) as recommended. Motion was seconded by Councilwoman Jessica Ortega-Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4125

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING A 6.299 ACRE TRACT OF LAND OUT OF LOT 5, MILLER BROS. NURSERY RE-SUBDIVISION, FROM AO-I (AGRICULTURAL OPEN INTERIM) TO R-1 (SINGLE FAMILY RESIDENTIAL)

B. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Asadero Los Cabritos Restaurant, 1512 E. Expressway 83, Suite 104, Lot 3, Stewart Plaza Subdivision, C-3, Asadero Los Cabritos Restaurant, Adoption of Ordinance # 4126 approving 1.1B

On July 9, 2014 the Planning and Zoning Commission convened and recommended approval to the conditional use permit request mentioned above, which was located on the SW corner of Stewart Road and Expressway 83. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for 1 year.

Staff Recommendation: Approval for 1 year

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 CUP and to adopt Ordinance No. 4126 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Asadero Los Cabritos Restaurant, 1512 E. Expressway 83, Suite 104, Lot 3, Stewart Plaza Subdivision, C-3 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4126

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 – ASADERO LOS CABRITOS RESTAURANT, 1512 E. EXPRESSWAY 83, SUITE 104, LOT 3, STEWART PLAZA SUBDIVISION

C. Conditional Use Permit: To Install a Portable Building for Sales Office Use – Toexsa, LLC, 1517 E. Expressway 83, Lot 3, Henry Saenz Subdivision, C-4, Global Business Professionals, Adoption of Ordinance # 4127 approving 1.1C

On July 9, 2014 the Planning and Zoning Commission convened and recommended approval to the conditional use permit request mentioned above, which was located 1700' east of Bryan Road along the north side of Expressway 83. There was no public opposition during the P&Z Mtg. The Board voted unanimously recommended approval for 1 year.

Staff Recommendation: Approval for 1 year subject to: 1) the portable building to be skirted, 2) re-stripe parking lot, 3) install a fence, and 4) providing a new seal coat on parking.

City Manager recommended approval.

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

Marco Ramirez spoke in favor of the request.

Mayor Pro Tem Garza moved to approve the CUP and to adopt Ordinance No. 4127 Conditional Use Permit: To Install a Portable Building for Sales Office Use – Toexsa, LLC, 1517 E. Expressway 83, Lot 3, Henry Saenz Subdivision, C-4 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4127

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT TO INSTALL A PORTABLE BUILDING FOR SALES OFFICE USE, 1517 E. EXPRESSWAY 83, LOT 3, HENRY SAENZ SUBDIVISION

2.0 Disposition of Minutes

2.1 City Council Meeting – July 14, 2014

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 Zoning Board of Adjustments – May 21, 2014

Planning and Zoning Commission – June 25, 2014

Mission Historical Museum – June 23, 2014

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 Set Public Hearing date for FY 2014-15 Annual Budget

City Manager was requesting to set the Public Hearing on FY 2014-15 Annual Budget on Monday, August 25, 2014 as required by City Charter.

The public hearing was to give interested parties the opportunity to be heard.

The public hearing date, time and location would be published in the local newspaper.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve the Public Hearing date for Monday, August 25, 2014 for FY 2014-15 Annual Budget as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.2 Tax Collections Report – June, 2014

Randy Perez, Assistant Finance Director presented the Tax Collections Report for June, 2014 for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the Tax Collections Report for June, 2014 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.3 June 2014 Financial Statements

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

Staff and City Manager recommended approval.

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

4.4 Approval of Collection of Taxes Contract between the County of Hidalgo and City of Mission for taxable year 2014

As per Clause VI, Consideration of Collection Taxes Contract between the County of Hidalgo and City of Mission, the City must be advised of the fee for collection for the next taxable year.

The fee for taxes collected from October 1st through September 30, 2015, would increase 5% from \$69,458 to \$72,936. The County had not increased the rate since October 2010.

Staff and City Manager recommended approval.

Councilman Plata moved to approve collection of Taxes Contract between the County of Hidalgo and City of Mission for taxable year 2014 as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.5 Acceptance of Quarterly Report of Investments for the Quarter ending June 30, 2014 and Interest Earned for Nine Months Ending June 30, 2014

Acceptance of quarterly report required by the Public Funds Investment Act Section 2256.023 of the Texas Government Code on the total investments for the quarter ending June 30, 2014. The total investments purchased were \$904.94 and none of the investments matured, leaving a total of \$29,188,907.77 in outstanding investments for the quarter ending June 30, 2014. The total interest earned on all funds year to date was \$112,933.67.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve acceptance of Quarterly Report of Investments for the Quarter ending June 30, 2014 and Interest Earned for Nine Months Ending June 30, 2014 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.6 Budget Amendments – General Fund and Capital Projects Fund

Mr. Perez presented the budget amendments BA–2014-71 thru BA–2014-72 to the City Council for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve budget amendments BA–2014-71 thru BA–2014-72 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.7 Authorization to enter into an Interlocal Agreement with Harris County Department of Education (Choice Partners Cooperative)

Staff was seeking authorization to enter into an interlocal cooperative agreement with Harris County Department of Education (Choice Partners) for future acquisitions of Facility Services, Technology, Supplies, and Services. Pursuant to the Interlocal Cooperation Act, Chapter 791, Subchapter 271(c), of the Texas Government Code, "A local government that purchased goods or services under this subchapter satisfied any state law requiring the local government to seek competitive bids for the purchase of goods or services.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to enter into an Interlocal Agreement with Harris County Department of Education (Choice Partners Cooperative) as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.8 Authorization to accept the 2015 Tobacco Prevention and Control Branch Tobacco Enforcement Program grant from the Texas Department of State Health Services

The Mission Police Department was requesting authorization to accept the 2015 Tobacco Prevention and Control Branch Tobacco Enforcement Program grant from the Texas Department of State Health Services. The \$3,750.00 grant funds would be utilized to enforce compliance with state tobacco laws. The grant would require the Mission Police Department to conduct 50 Controlled Buy/Sting operations and conduct follow-up investigations on tobacco permitted retail outlets in the city. There were no local match funds required for this grant by the City of Mission.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve authorization to accept the 2015 Tobacco Prevention and Control Branch Tobacco Enforcement Program grant from the Texas Department of State Health Services as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.9 Bid for the sale of Real Property, to wit: 0.529 acre, more or less, tract of land out of a 20.0 acre tract of land out of Lot 8 Blk. 4, Lot 1 Blk 5, and Lot 1 Blk. 17 John Closner Subdivision, as described by metes and bounds in document #508473, Hidalgo County, Clerk's Office in Hidalgo Co. and all of Lot 89, Shary Palms, Unit III, an addition to the City of Mission, Hidalgo County, Texas, according to the map or plat recorded in Volume 29, Page 178-B, Map records in the Office of the County Clerk of Hidalgo County, Texas

The Mission Police Department was granted authorization to solicit bids for the sale of the aforementioned properties by the City of Mission City Council, on Monday, May 27th, 2014. The City of Mission had accepted and opened two (2) bid responses for the 0.529 acre, more or less track of land in the City of Edinburg. Additionally, the City of Mission had received one (1) bid response for the Lot 89 Shary Palms that included a home in the City of Mission. Staff recommended awarding the bid describing the property in Edinburg, Texas to Mr. Leonardo Salinas who was the highest bidder at \$35,000.00 (Appraised value- \$20,083.00). With regard to the City of Mission property, staff recommended that city council reject the bid from Mr. Glenn

Sohl at \$34,116.00 based on the fact that the property in question was appraised at a value of \$121,487.00 by the County of Hidalgo Tax Office (\$36,260.00- value of land- \$85,227.00 value of home). The Mission Police Department requested authorization to resolicit for bids on the City of Mission property if bid was rejected as recommended.

Staff and City Manager recommended approval as recommended by Police Department.

Councilman Plata moved to award the said bid for the sale of said 0.529 acre, more or less, tract of land out of a 20.0 acre tract of land out of Lot 8 Blk. 4, Lot 1 Blk 5, and Lot 1 Blk. 17 John Closner Subdivision, as described by metes and bounds in document #508473, Hidalgo County, Clerk's Office in Hidalgo Co. to Leonardo Salinas for \$35,000, and to reject the bid of Glenn Sohl for the sale of said Lot-89, Shary Palms, Unit III, an addition to the City of Mission, Hidalgo County, Texas, according to the map or plat recorded in Volume 29, Page 178-B, Map records in the Office of the County Clerk of Hidalgo County, Texas, and to authorize the re-solicitation of bids for said Lot-89. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.10 Authorization to award bid for Wash Pad building for the Sanitation Department

On February 24, 2014 City Council gave authorization to solicit bids for wash pad building for the Sanitation department future site. The City of Mission had accepted and opened six (6) bid responses for this project. Staff was recommending awarding bid to Gomez Construction, Inc. who was lowest responsible bidder meeting all specifications in the amount of \$63,542.00. Provided was Bid tabulation with breakdown totals.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve authorization to award bid for Wash Pad building for the Sanitation Department as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.11 Approval of Supplemental Work Authorization #2 pertaining to Work Authorization #11 with L&G Engineering for the Inspiration Rd. Extension Project

Supplemental Work Authorization No. 2 increased the amount by \$838,902.00 due to the modification of providing Right-of-Way Acquisition Services of 38 additional parcels and 3 easements for the revised schematics and environmental document to include a Bicycle Lane as required by TxDOT.

Work Authorization #11 had increased from \$2,436,960.00 to \$3,275,682.00.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Supplemental Work Authorization #2 pertaining to Work Authorization #11 with L&G Engineering for the Inspiration Rd. Extension Project as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.12 Authorization to solicit bids to seal coat Keralum and St. Marie Ave. from 1st to 15th Street

Staff was seeking authorization to solicit bids to seal coat Keralum and St. Marie Ave from 1st to 15th St. due to previous storm drainage improvement project. This work would extend the life of the pavement and make it uniform.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve authorization to solicit bids to seal coat Keralum and St. Marie Ave. from 1st to 15th Street as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.13 Discussion and action to change street name from Selena Street (west of Shary Rd.) to E. 1st Street

There was an E-W stubbed street currently identified as 'Selena Street' at a length of 1,320'; it would continue, upon further development, to serve as an east-west collector from Glasscock Rd. to Shary Rd. Staff was requesting to change the existing 'Selena Street' to E. 1st Steet. The reason for the request was due to the future street alignment ultimately connecting to the existing alignment of 1st Street located on the west side of Mission – exhibit was provided. This street was also the dividing line for addresses located North and South. If 'approved', Staff would forward letters of address correction to effected property owners, if any, as well as the Post Office, & 911. The Streets Department would also replace street signs within a reasonable tenure to acclimate people to the change.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve discussion and action to change street name from Selena Street (west of Shary Rd.) to E. 1st Street as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.14 Presentation of the Preliminary Budget for Fiscal Year 2014-2015

As per City Charter, the City Manager, between sixty (60) and ninety (90) days prior to the beginning of each fiscal year, should submit to the Council a proposed budget, which budget should provide a complete financial plan for the fiscal year.

Presented was the Preliminary Budget with staff's recommendations.

Staff and City Manager recommended approval.

Councilman O'cana moved to acknowledge presentation of the Preliminary Budget for Fiscal Year 2014-2015 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

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 item 7.1-A of the agenda.

At 5:04 p.m., Mayor Pro Tem Garza 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. Lucia Ledezma v City of Mission, Texas, Omar Diaz de Villegas, Chief Martin Garza, Jr. and Robert Dominguez

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

At 5:16 p.m., Councilman Plata moved to reconvene in open session to take action on the above mentioned item. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

On item 7.1-A, no action was taken.

8.0 Adjournment

At 5:17 p.m., Councilman Plata moved for adjournment. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary