

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
AUGUST 22, 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
Bernie Saenz
Linda Castaneda
Israel Longoria
Ramiro R. Soliz
Antonio Palomo
Pedro Ayala
Eduardo Castillo
Francisco Oliver Angel
Hector Cavazos
Shaine Mata
Ben D. Olivarez

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Carmen Morales, Adm. Asst
Aida Lerma, Deputy City Manager
Sonia Carnes, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sergio Zavala, Planning Director
Bobby Salinas, 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
Leo Longoria, Chief of Police
Robert Dominguez, Asst. Chief of Police
Martin Garza, Asst. Chief of Police
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
Belinda Garza, Library Manager
Janie Flores, Finance Director
Linda Castaneda, Museum

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:35 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. Departmental Reports

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

4. Report from the Greater Mission Chamber of Commerce

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on several events held during the week and upcoming events to include the membership drive held on Tuesday, August 23, 2011.

5. Citizens Participation

Bernie Saenz gave a report on Project VIDA and thanked the council for their support.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Discussion and Action to Adopt Ordinance # 3668 to abandon Pino Street between Blocks 10 & 11, Granjeno Street between Blocks 7 & 10; and 10' Alleys in Blocks 7, 10, & 11, Alta Vista Subdivision

Our Lady of Holy Rosary Catholic Church desired to build a new church to the open area at SE Mayberry/Laredo. Upon further investigation, staff discovered that the church was desired to be over ROWs and alleys of the above Blocks that had never been abandoned from the 1928-recorded plat. These portions of Pino and Granjeno Streets, and alleys have never been used as such. There was no public utility within these ROWs.

There was a public hearing held by P&Z on 8/10/11 on the 'proposed abandonment'; there was no opposition. The P&Z unanimously recommended approval of this item.

Note: In 2009, the City Council set a policy that any proposed abandonment of public ROW were to follow the public hearing process; thus, public notification procedures were implemented, i.e. notice to owners within a 200' radius, plus publication of such "ROW abandonment" in the City's newspaper of local circulation.

Staff Recommendation: Approve ordinance to abandon ROW.

Staff, P & Z and City Manager recommended approval.

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

Mr. Antonio Palomo of 602 Pino Street had a concern if the change was going to affect him.

Councilwoman Maria Elena Ramirez moved to approve Ordinance No. 3668 to abandon Pino Street between Blocks 10 & 11, Granjeno Street between Blocks 7 & 10; and 10' Alleys in

Blocks 7, 10, & 11, Alta Vista Subdivision as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3668

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION ABANDONING PORTIONS OF PINO AND GRANJENO STREETS AND ALLEYS BETWEEN AND IN BLOCKS 7, 10, AND 11, ALTA VISTA SUBDIVISION, MISSION, HIDALGO COUNTY, TEXAS

B. Rezoning: Lot 1, Oleander Estates, Unit "A" Subdivision, R-1 to C-3, Leticia Lopez, c/o Hector Cavazos (City Attorney may ask Council to go into Executive Session prior to considering this matter in open session.)

The subject site was located on the NE corner of Oleander Drive and Moorefield Road.

Surroundings zones included: Agricultural Open Interim (AO-I) to the north; Single Family Residential (R-1) to the east; Single Family Res (R-1) to the south; ETJ to the west (though had estate residence).

Surroundings land uses included: Agricultural to the north, Open Acreage to the east, Single Family Residential to the west; Single Family Res to the south.

The FLUM reflected a Low Density Residential (LD) status which usually would depict R-1.

There was a Pre-existing Metal Building at the site. The surrounding land uses were comprised of estate residential settings.

There was no public opposition during the 8/10/11 P&Z's hearing where P&Z voted to deny the C-3 application.

(Note: to rezone this C-3, a 4/5ths vote to over-ride was required).

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

There were no comments.

Staff Recommendation: Denial

City Manager recommended approval.

At 4:46 p.m. Mayor Salinas requested that council go into executive session prior to considering this item and item 4.13 in open session pursuant to V.T.C.A. Gov. Code Sec. 551.071, Consultation with Attorney. Council did and thereafter returned to the item in open session.

At 4:46 p.m., Councilman Plata moved to convene into executive session for this item and item 4.13 of the agenda . Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

At 5:01 p.m., Councilman Plata moved to reconvene in open session to take action on items 1.1B and 4.13 of the agenda. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

Councilman Plata moved to approve Mr. Hector Cavazos' rezoning request: Lot 1, Oleander Estates, Unit "A" Subdivision, R-1 to C-3. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

Mayor Salinas noted that the 5-0 vote over-rides the Planning and Zoning and Staff's recommendation.

C. Conditional Use Permit: Institutional Use – Church on Property Zoned R-1, Lots 1-20, Block 7, Lots 1-20, Block 10, & Lots 1-20, Block 11, Alta Vista Subdivision, R-1, Our Lady of Holy Rosary Church

The site was located at the NE corner of Matamoros and Mayberry Road. The property had an existing church located on the eastern area of the site and had frontage along Mayberry, Laredo, and Matamoros. A new 15,540 sq. ft. church facility was being proposed on the western area of the site with access to Matamoros Street and Laredo from two 36' driveways. The existing buildings would be used for gospel lesson classes and typical Parish Hall use.

The parking requirements for a church were based on 1 space for every 4 seats in the main auditorium. The proposed number of seating spaces in the main auditorium was 840, which would require 210 parking. The plan was compliant with code.

The applicant was exceeding code by providing 15% green area along with the installation of shade trees and shrubs.

The facilities required the formal, abandonment of recorded ROWs (streets & 10' alleys), which was a separate item on this same agenda.

Other comments included:

- Days/Hours of Operation: Monday – Friday 9:00 a.m. to 12:00 p.m. & 1:00 p.m. to 5:00 p.m. (Services) Saturday from 6:00 p.m. to 7:00 p.m. and Sunday 7:00 a.m. to 2:30 pm. & 7:00 p.m. to 8:00 p.m.
- A Drainage plan must have been submitted for review by the City Engineer

There was no public opposition during the 8/10/11 P&Z's hearing. P&Z unanimously recommended approval.

Staff Recommendation: Approval subject to abandoning recorded ROWs of the affected Blocks, and submitting a drainage plan for review by the City Engineer.

Staff, P & Z and City Manager recommended approval.

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

There were no comments.

Councilwoman Norie Gonzalez Garza moved to approve Conditional Use Permit: Institutional Use – Church on Property Zoned R-1, Lots 1-20, Block 7, Lots 1-20, Block 10, & Lots 1-20,

Block 11, Alta Vista Subdivision, R-1, Our Lady of Holy Rosary Church as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

D. Conditional Use Permit: To Add New Equipment & Co-locate Antennas onto the Existing Self-Support Tower, 206 E. Trinity Street, Lot 14-7, West Addition to Sharyland, I-1, Life of Use, T-Mobile, c/o Wes Webber

The site was located approximately 500' east of Conway along the south side of Trinity Street. T-Mobile was in the process of upgrading their wireless communications network in the area and was proposing to add a new shelter; and an antenna within the existing self-support tower. The shelter would be placed outside any easements and exceeded applicable building setbacks. Access to the site was provided through a 20' wide road easement from Trinity to the site. There was no public opposition during 8/10/11 P&Z's hearing. P&Z unanimously recommended approval.

Staff, P & Z and City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Olivarez moved to approve Conditional Use Permit: To Add New Equipment & Co-locate Antennas onto the Existing Self-Support Tower, 206 E. Trinity Street, Lot 14-7, West Addition to Sharyland, I-1 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

E. Conditional Use Permit: Portable Building for the Sale of Sno-cones and Snacks, 1511 N. Conway Avenue, Lots 9 & 10, Block 243, Mission Original Townsite Subdivision, C-3, Life of Use, Israel Longoria

The site was located near the SW corner of Kika De La Garza Loop and Conway Avenue. This conditional use permit was approved by City Council on 6/26/08 with the following conditions: 1) obtain a business license, 2) no separate sign, except within the existing tenant sign, 3) the hours of operation must coincide with Mi Rey Music Store for restroom purposes (The applicant owns and operates "Mi Rey Music" which had restroom facilities available for customers or employees if needed), and 4) 3 year re-evaluations.

The applicant had complied with all requirements and proposes to continue his operation from the existing 8' x 6' portable building. The hours of operation were: Every day from 9:00 a.m. to 7:30 p.m. There were 12 parking spaces serving the site, which were sufficient to accommodate all 3 businesses. There was no public opposition during 8/10/11 P&Z's hearing. P&Z unanimously recommended approval.

Staff Recommendation: Approval subject to continued 3 year re-evaluations.

Staff, P & Z and 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 Conditional Use Permit: Portable Building for the Sale of Sno-cones and Snacks, 1511 N. Conway Avenue, Lots 9 & 10, Block 243, Mission Original Townsite Subdivision, C-3 as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

2.0 Disposition of Minutes

2.1 City Council Meeting – August 8, 2011

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

3.0 Acknowledge Receipt of Minutes

3.1 Mission Redevelopment Authority – June 28, 2011

Mission Tax Increment Reinvestment Zone – June 28, 2011

Parks & Recreation Meetings – March 8, 2011, May 10, 2011 and June 14, 2011

Mission Historical Museum Meeting – June 8, 2011

Shary Golf Course – May 24, 2011

Citizen’s Advisory Committee Special Meetings – June 7, 2011, and July 6, 2011

Mayor Pro Tem Olivarez 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 # 3669 for Rezoning Lot 1, Oleander Estates, Unit “A” Subdivision, from R-1 to C-3

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3669 for Rezoning Lot 1, Oleander Estates, Unit “A” Subdivision, from R-1 to C-3 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3669

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MISSION, TEXAS GRANTING A REZONING LOT 1, OLEANDER ESTATES
UNIT “A” SUBDIVISION, FROM R-1 TO C-3

4.2 Adoption of Ordinance # 3670 for Conditional Use Permit for Institutional Use – Church on Property Zoned R-1, Lots 1-20, Block 7, Lots 1-20, Blocks 10, & Lots 1-20, Block 11, Alta Vista Subdivision

Staff and City Manager recommended ordinance approval.

Councilwoman Garza moved to approve Ordinance No. 3670 for Conditional Use Permit for Institutional Use – Church on Property Zoned R-1, Lots 1-20, Block 7, Lots 1-20, Blocks 10, & Lots 1-20, Block 11, Alta Vista Subdivision as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3670

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR INSTITUTIONAL USE – CHURCH ON PROPERTY ZONED R-1, LOTS 1-20, BLOCK 7, LOTS 1-20, BLOCK 10, & LOTS 1-20, BLOCK 11, ALTA VISTA SUBDIVISION

4.3 Adoption of Ordinance # 3671 for Conditional Use Permit to Add New Equipment & Co-locate onto the Existing Self-Support Tower, 206 E. Trinity Street, Lot 14-7, West Addition to Sharyland Subdivision

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3671 for Conditional Use Permit to Add New Equipment & Co-locate onto the Existing Self-Support Tower, 206 E. Trinity Street, Lot 14-7, West Addition to Sharyland Subdivision as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3671

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT TO ADD NEW EQUIPMENT & CO-LOCATE ANTENNAS ONTO THE EXISTING SELF-SUPPORT TOWER, 206 E. TRINITY STREET, LOT 14-7, WEST ADDITION TO SHARYLAND SUBDIVISION

4.4 Adoption of Ordinance # 3672 for Conditional Use Permit for a Portable Building for the Sale of Sno-cones and Snacks, 1511 N. Conway Avenue, Lots 9 & 10, Block 243, Mission Original Townsite Subdivision

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3672 for Conditional Use Permit for a Portable Building for the Sale of Sno-cones and Snacks, 1511 N. Conway Avenue, Lots 9 & 10, Block 243, Mission Original Townsite Subdivision as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

ORDINANCE NO. 3672

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A PORTABLE BUILDING FOR THE SALE OF SNO-CONES AND SNACKS, 1511 N. CONWAY AVENUE, LOTS 9 & 10, BLOCK 243, MISSION ORIGINAL TOWNSITE SUBDIVISION

4.5 Write-off uncollectable utility accounts receivable

On September 27th, 2010, the City Council authorized the write-off of 20+ years' worth of utility accounts that were deemed uncollectable. As part of that write-off, these accounts were sent to Preston, Powers, and Stone, LLC, the contracted collection agent, in an attempt to try and collect on some of these amounts. As mentioned at that time, the plan was to bring to the City Council accounts, over one year old, to be written off and submitted to Preston, Powers, and Stone, LLC beginning on February 14, 2011 staff presented to the City Council and received

approval of accounts written off for the period of October 2009 through December 2009. The accounts were for the six month period of January 2010 through June 2010.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve to write-off uncollectable utility accounts receivable as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.6 Approval to accept donation of ambulance from Hidalgo County Emergency Service Foundation and Airmed of South Texas on behalf of Kenneth Ponce, Chief Administrator

Staff was requesting to accept donation of ambulance to the City of Mission and our sister City Committee. On April of 2011 Staff had accepted a donation from MedCare Ambulance, due to unforeseen circumstances MedCare had been unable to comply with the donation. Therefore requests were made to other ambulance providers, and to our good fortune Kenneth Ponce, Chief Administrator of Hidalgo County Emergency Service Foundation and Airmed of South Texas answered our request and was in the position to donate an ambulance for us to utilize as desired.

Staff and City Manager recommended approval.

Councilman Plata moved to accept donation of ambulance from Hidalgo County Emergency Service Foundation and Airmed of South Texas on behalf of Kenneth Ponce, Chief Administrator as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.7 Authorization to declare surplus and donate ambulance to Cassimiro Castillo, Jalisco

Staff was requesting approval to declare surplus and to donate ambulance to our Sister City of Cassimiro Castillo, Jalisco to continue our program of work of our Sister City Committee. Mayor Salinas had received a request from Mayor Olguin during their participation at our Annual Mayor's International Brunch in January and that request became reality today. The ambulance would be a great asset to their community and would be greatly appreciated.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to declare surplus and donate ambulance to Cassimiro Castillo, Jalisco as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.8 Authorization to solicit bids or purchase via a State Approved Contract for three (3) Sets of Rescue Tools (Jaws of Life, for the Mission Fire Department)

Mission Fire Department was seeking authorization to solicit bids or purchase through a State Approved Contract for three (3) sets of rescue tools, (Jaws of Life).

These tools would replace three (3) current sets that were over 15 years old and were constantly having maintenance issues.

Staff and City Manager recommended approval.

Councilwoman Garza moved to solicit bids or purchase via a State approved contract for three (3) Sets of Rescue Tools as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.9 Authorization for the Mission Fire Department to join the City of McAllen for the 2011 Assistance of Fire Fighters for Regional Communication Equipment

The Mission Fire Department was seeking authorization to join in with the City of McAllen in applying for the 2011 Assistance to Fire Fighters Grant for Regional Communication Equipment. The Mission Fire Department was requesting (38) thirty-eight mobile radios at an approximate cost of \$4,500.00 per mobile radio (\$171,000.00), and (58) fifty-eight portable radios at an approximate cost of \$5,500.00 per portable radio (\$319,000.00), for an approximate total cost of the Grant of \$490,000.00. This Grant was a 20% match of total award. Should the Grant be awarded, Mission's 20% share would be approximately \$98,000.00. This would allow us to be in compliance with the Radio Interoperability Requirements. The City of McAllen asked the City of Edinburg, Pharr, Hidalgo and the cities that were members of the Rio Grande communication Group to join us.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize the Mission Fire Department to join the City of McAllen for the 2011 Assistance of Fire Fighters for Regional Communication Equipment as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.10 July 2011 Financial Statements

Mrs. Flores presented and recommended approval of the Financial Statements for July, 2011.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the July 2011 Financial Statements as presented. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.11 Approval of Adoption of Rates for Fiscal Year 2011-2012 for Shary Municipal Golf Course

The 2011-2012 Fiscal Year rates for Shary Municipal Golf Course were presented for consideration and approval. Rate schedule included an increase in membership fees, cart fees and green fees. Shary Municipal Golf Course was still below competitive pricing in surrounding golf courses. The Mission resident discount on green fees and cart fees was still in effect. The rates would take effect October 1, 2011.

Staff, Golf Course Advisory Board and City Manager recommended approval.

Councilwoman Garza moved to approve increase of rates with the exception of no increase in green fees for Fiscal Year 2011-2012 for Shary Municipal Golf Course. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.12 Appointment of Primary and Alternate Representatives to serve on the RGV Jr. Golf Association

RGV Jr. Golf Association was now a formerly recognized board, therefore the association was requesting for Shary Municipal Golf Course to appointment a Primary and Alternate representative for the association.

Shary Golf Course Advisory Board had recommended Paul Schaefer, Golf Director be appointed the primary representative and Mario Flores, Assistant Golf Director as the alternate representative.

Staff and City Manager recommended approval of appointment.

Councilman Plata moved to approve the appointment of Primary and Alternate Representatives to serve on the RGV Jr. Golf Association as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.13 Approve change order #1 for Topcon, Inc. for City of Mission Park Improvements (City Attorney may ask Council to go into Executive Session prior to considering this matter in open session.)

At 4:46 p.m. Mayor Salinas requested that council go into executive session prior to considering this item in open session pursuant to V.T.C.A. Gov. Code Sec. 551.071, Consultation with Attorney. Council did and thereafter returned to the item in open session.

Time extension was being requested by Topcon, Inc. to the Contingency Allowance, Betterment Fund and Inclement Weather for a total of 48 days. Substantial completion date was expected to be on September 21, 2011.

Julian Gonzalez, Parks and Recreation Director gave a presentation of what Topcon, Inc. was requesting City Council to approve.

Mayor Salinas wanted to make it known that after September 21st, the City would be exercising the right of liquidating damages of \$1,000 a day for the project.

Councilman Plata moved to approve change order #1 for Topcon, Inc. for City of Mission Park Improvements. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

At 5:06 p.m., Council continued with item 1.1D of the agenda.

4.14 Authorization to enter into an Inter-local Cooperation Contract with the Texas Department of Public Safety For the purchase of law enforcement equipment

The Mission Police Department was requesting authorization to enter into an Inter-local Cooperation Contract with the Texas Department of Public Safety for the purchase of law enforcement equipment. In order for the Mission Police Department to be able to purchase law enforcement equipment directly from the Texas Department of Public Safety, an inter-local agreement had to be in place before any orders could be processed.

The equipment in question was limited to intoxilyzer mouthpieces, alcohol blood test kits, gunshot residue kits, urine specimen kits, syringe transport tubes, portable breath mouthpieces and other DWI related forms.

Staff and City Manager recommended approval.

Councilwoman Garza moved to enter into an Inter-local Cooperation Contract with the Texas Department of Public Safety For the purchase of law enforcement equipment as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.15 Authorization to accept the 2012 Victim Coordinator and Liaison Grant (VCLG) Program Grant from the Office Of the Attorney General, Crime Victim Services Division

The Mission Police Department was requesting authorization to accept a Victim Coordinator and Liaison Grant from the Office of the Attorney General, Crime Services Division. The grant was a one-year grant for FY 2011-2012. The total amount of the grant was \$42,000.00. 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 and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to accept the 2012 Victim Coordinator and Liaison Grant (VCLG) Program Grant from the Office Of the Attorney General, Crime Victim Services Division as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.16 Authorization to accept a grant from the Texas Department of Public Safety's Texas Ranger Division for the FY 2010-2011 Local Border Security Program

The Mission Police Department was requesting authorization to accept a grant from the Texas Department of Public Safety's Texas Ranger Division for the FY 2010-2011 Local Border Security Program. The grant award was \$12,096.00 and there is no cash match required from the City of Mission. The grant award would be utilized to enhanced patrol operations along the Texas-Mexico Border to include Southbound Operations at Anzaldua's Bridge.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to accept a grant from the Texas Department of Public Safety's Texas Ranger Division for the FY 2010-2011 Local Border Security Program as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.17 Approval of Ordinance # 3673 of the City Council of the City of Mission, Texas amending Sections 42-413 (c) and 42-441 (a) of its Code of Ordinances relating to Food Handlers and Food Handling Certification

Staff was requesting amendments as follows:

Food Manager's Permit increased the fee from \$15.00 to \$30.00
Food Handler's Permit increased from \$5.00 to \$15.00

Food Handlers Sanitation training required every two years to ensure employee performance of their duties in accordance with food service sanitation ordinances, rules and regulations.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3673 of the City Council of the City of Mission, Texas amending Sections 42-413 (c) and 42-441 (a) of its Code of Ordinances relating to Food Handlers and Food Handling Certification as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3673

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
AMENDING SECTIONS 42-413(C) AND 42-441(A) OF ITS CODE OF ORDINANCES
RELATING TO FOOD HANDLERS AND FOOD HANDLING CERTIFICATION

At 5:33 p.m. Councilman Plata stepped out of the meeting

4.18 Authorization to Purchase via State Approved Contract for Computer Hardware and Software

On June 11, 2011 City Council authorized staff to solicit bids or purchase via State Approved Contract for various Computer Hardware and Software. Staff was seeking authorization to purchase via state approved DIR-SDD-890-TX contract through Dell Marketing, L.P. for the purchase of Servers, Console with Keyboard, 20 Desktop Computers, Projector, Sheet-Fed Scanner, Tape Backup External 800 gb, 1.6 tb compressed, 800 gb tape and Other Miscellaneous Items.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to Purchase via State Approved Contract for Computer Hardware and Software as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.19 Authorization to Execute First-One Year Renewal Option for Chlorine Gas for North and South Water Plants.

In 2010, the City of Mission entered into agreement with Acetylene Oxygen Company (AOC) for the purchase of Chlorine Gas. The contract terms were for one year with two one-year renewal options based on 5% increase in price. The price would remain the same. Staff was seeking authorization to extend contract for first-one year renewal option with Acetylene Oxygen Company (AOC). This agreement would extend Bid No 11-019-11-12 from October 1, 2011 through September 30, 2012.

Staff and City Manager recommended approval.

Councilwoman Garza moved to authorize to Execute First-One Year Renewal Option for Chlorine Gas for North and South Water Plants as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.20 Authorization to Execute Second-One Year Renewal Option for Calcium Hypochlorite for Wastewater Treatment Plant.

In 2009, the City of Mission entered into agreement with Chemrite for the purchase of Calcium

Hypochlorite. The contract terms were for one year with two one-year renewal options based on 5% increase in price. The price would remain the same. Staff was seeking authorization to extend contract for second-one year renewal option with Chemrite. This agreement would extend Bid No 09-183-05-04 from October 1, 2011 through September 30, 2012.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to Execute Second-One Year Renewal Option for Calcium Hypochlorite for Wastewater Treatment Plant as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

At 5:36 p.m. Councilman Plata rejoined the meeting

4.21 Authorization to Execute First-One Year Renewal Option for Liquid Emulsion Polymer for Wastewater Treatment Plant and Water Plant.

In 2010, the City of Mission entered into agreement with Atlantic Coast Polymers Inc. for the purchase of Liquid Emulsion Polymer. The contract terms were for one year with two one-year renewal options based on 5% increase in price. The price would increase 5% as stipulated in the original bid. Staff was seeking authorization to extend contract for first-one year renewal option with Atlantic Coast Polymers. This agreement would extend Bid No 11-07-11-12 from October 1, 2011 through September 30, 2012.

Staff and City Manager recommended approval.

Councilwoman Garza moved to authorize to Execute First-One Year Renewal Option for Liquid Emulsion Polymer for Wastewater Treatment Plant and Water Plant. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

Councilwoman Garza moved to rescind motion for the authorization of the First One Year Renewal Option for Liquid Emulsion Polymer for Wastewater Treatment Plant and Water Plant based on the discussion of item 4.24. Motion was seconded by Councilman Plata and approved unanimously 5-0.

Councilwoman Garza moved to go out for bids for Liquid Emulsion Polymer. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.22 Authorization to Execute First-One Year Renewal Option for Odor Control for Wastewater Treatment Plant and Lift Stations.

In 2010, the City of Mission entered into agreement with Blue Star Chemical Company for the purchase of Odor Control. The contract terms were for one year with two one-year renewal options based on zero percent increase in price. The price would remain the same. Staff was seeking authorization to extend contract for first-one year renewal option with Blue Star Chemical Company. This agreement would extend Bid No 11-028-11-12 from October 1, 2011 through September 30, 2012.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to Execute First-One Year Renewal Option for Odor Control for Wastewater Treatment Plant and Lift Stations as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.23 Authorization to Execute First-One Year Renewal Option for Polymer for North and South Water Plants

In 2010, the City of Mission entered into agreement with Fort Bend Services Inc. for the purchase of Polymer. The contract terms were for one year with two one-year renewal options based on 7% increase in price. The price would remain the same. Staff was seeking authorization to extend contract for first-one year renewal option with Fort Bend Services Inc. This agreement would extend Bid No 11-024-11-12 from October 1, 2011 through September 30, 2012.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to Execute First-One Year Renewal Option for Polymer for North and South Water Plants as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.24 Authorization to Execute First-One Year Renewal Option for Powdered Activated Carbon for North and South Water Plants.

In 2010, the City of Mission entered into agreement with Envirogreen Chemicals, LLC for the purchase of Powdered Activated Carbon. The contract terms were for one year with two one-year renewal options based on 3% increase in price. The price would increase 3% as stipulated in the original bid. Staff was seeking authorization to extend contract for first-one year renewal option with Envirogreen Chemicals, LLC. This agreement would extend Bid No 11-018-11-12 from October 1, 2011 through September 30, 2012.

Staff and City Manager recommended approval.

After further discussion of item 4.24 Mayor Salinas asked if there were any other renewal items that had been approved which included an increase. Purchasing Director Belmarez advised council that item 4.21 renewal had an increase. After further discussion a motion was made to rescind the approval of item 4.21 and authorize to go out for bids.

Councilwoman Garza moved to go out for bids for Powdered Activated Carbon for North and South Water Plants. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.25 Authorization to Execute First-One Year Renewal Option for Sodium Chlorite for North and South Water Plants.

In 2010, the City of Mission entered into agreement with Siemens Water Technologies for the purchase of Sodium Chlorite. The contract terms were for one year with two one-year renewal options based on 3.6% increase in price. The price would increase 3.6% as stipulated in the original bid. Staff was seeking authorization to extend contract for first-one year renewal option with Siemens Water Technologies. This agreement would extend Bid No 11-020-11-12 from October 1, 2011 through September 30, 2012

Councilwoman Garza moved to go out for bids for Powdered Activated Carbon for North and South Water Plants of the agenda. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.26 Authorization to solicit bids for Chemical Reagents for the Public Works-North and South Water Treatment Plants

Staff was seeking authorization to solicit bids for the purchase of Chemical Reagents. Chemical Reagents were needed by the Public Works Department for the treatment of its Water Treatment Plants for daily operations. Public Works Department had opted not to exercise the one year renewal on the current contract with USA Blue Book, due to the substantial projected increase in quantities because of the North Water Treatment Plant Expansion Project.

Staff and City Manager recommended approval.

At 5:48 p.m. Councilwoman Garza stepped out of the meeting.

Mayor Pro Tem Olivarez moved to authorize to solicit bids for Chemical Reagents for the Public Works-North and South Water Treatment Plants as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.27 Authorization to solicit bids for Copper Sulfate Chemical for the Public Works Water Treatment Plant

At 5:49 p.m. Councilwoman Garza rejoined the meeting.

Staff was seeking authorization to solicit bids for the purchase of Copper Sulfate Chemical. Chemical was needed by the Public Works Department for the treatment of its Water Treatment Plant for daily operations. Public Works Department had opted not to exercise the one year renewal on our current contract with Chameleon Industries because the current chemical had failed to perform the form, fit and function of the specifications for raw water algae control.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for Copper Sulfate Chemical for the Public Works Water Treatment Plant as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.28 Authorization to solicit bids for Liquid Aluminum Sulfate for North and South Water Plants

Staff was seeking authorization to solicit bids for the purchase of Liquid Aluminum Sulfate. Chemical was needed by the Public Works Department for the treatment of its Water Treatment Plants for daily operations. Public Works Department had opted not to exercise the one year renewal on our current contract, due to the high increase in price from Altiviva Corporation and the considerable increase in estimated quantities because of the new City of Mission water plant.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to solicit bids for Liquid Aluminum Sulfate for North and South Water Plants as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

At the recommendation of City Attorney David Guerra it was requested for the council to make a motion for all of the previous items presented that may have included an increase on the renewals be rescinded and authorize to go out for bids. Councilwoman Ramirez moved to approve to go out for bids for any items Purchasing Director Belmarez presented to Council that had an increase. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.29 Authorization to Cancel Award to Jurado Builders, Collect \$1,140.00 Guaranty, and Re-solicit Bids for “Housing Assistance Program-Housing Rehabilitation Phase 10-II DR”

On July 11, 2011 City Council gave authorization to award the contract for “Housing Assistance Program – Housing Rehabilitation Phase 10-II DR for 1600 Doherty Avenue”. Contract was awarded to Jurado Builders for a total of \$22,800. The Purchasing Department provided verbal notification to Mr. Joe Juardo, owner, on July 14, 2011, of the award and the requirements. As per paragraph 20(a), of the “Terms and Conditions,” Performance and Payment Bonds were to be submitted to the City of Mission within 7 calendar days from Notice of Award. Notice of award was signed on July 14, 2011.

Thru the CDBG Dept, Mr. Jurado was given until 08-12-2011 to submit Payment Bond. Mr. Jurado was given ample time and failed to provide the payment bond as required by Housing Guidelines Texas General Land Office (TGLO) and City of Mission Purchasing Terms and Conditions. CAC met on August 18, 2011 and approved staff’s recommendation as stated above

Staff and City Manager recommended cancelling the award to Jurado Builders, preceded with collection on cashier check for the total dollar amount of \$1,140.00, which was equivalent to 5% of the total amount of the bid and re-solicited for bids.

Councilman Plata moved to authorize to Cancel Award to Jurado Builders, Collect \$1,140.00 Guaranty, and Re-solicit Bids for “Housing Assistance Program-Housing Rehabilitation Phase 10-II DR” as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.30 Water Treatment Plant Expansion Change Order No. 3

Change Order No. 3 entailed additional improvements to the North Water Plant and South Water Plant to include items as specified. Change Order #3 would increase current contract amount from \$7,034,695 to \$7,588,780 (\$554,085 increase). Original contract was for \$6,207,000. To date the change orders are under the 25% limit (at 22.2%) from original contract cost set by the Texas Governmental Code. In addition the contract time would increase 155 days.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Water Treatment Plant Expansion Change Order No. 3 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.31 Host Agency Agreement with AARP-Senior Community Service Employment Agency

SCSEP is a short-term, work training program that prepares participants for unsubsidized employment.

SCSEP participants were considered to be in training status while participating with the organization.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Host Agency Agreement with AARP-Senior Community Service Employment Agency as recommended. Motion was seconded by Mayor Pro Tem Olivarez 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

At 5:57 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 Alton v City of Mission**
- B. City of Mission/Mission Economic Development Corporation v Mission Economic Development Authority, Inc.**
- C. Application for building permit at 2308 Orange Ave.**

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

At 6:27 p.m., Councilwoman Ramirez 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.

On item 7.1-B, no action was taken.

On item 7.1-C, no action was taken.

8.0 Adjournment

At 6:27 p.m., Councilman Plata moved for adjournment. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary