

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
MARCH 12, 2015 4:30 P.M.
MISSION CITY HALL**

PRESENT:

Norberto Salinas, Mayor
Jessica Ortega-Ochoa, Councilwoman
Ruben D. Plata, Councilman
Norie Gonzalez Garza, Mayor Pro Tem
Dr. Armando O'caña, Councilman
David Guerra, City Attorney
Anna Carrillo, City Secretary
Martin Garza, Jr., City Manager

ALSO PRESENT:

Kathy Olivarez, Progress Times
Norma Cruz
Steven Alaniz
April Chapa
Joe Sanchez
Pat Espericueta
Rey Lopez

ABSENT:

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
J.J. Rodriguez, Deputy City Manager
Elizabeth Hernandez, Executive Secretary
Danny Tijerina, Planning Director
Jose Angel Garza, Asst. Planning Director
Rene Lopez, Jr., Interim Fire Chief
Robert Dominguez, Chief of Police
Randy Perez, Finance Director
Roberto Salinas, Public Works Director
Juan Pablo Terrazas, City Engineer
Mario Flores, Golf Course Director
Joanne Longoria, CDBG Director
Eduardo Belmarez, Purchasing Director
Luduvico Martinez, B & G Club Director
Noemi Munguia, HR Director
Robert Hinojosa, Risk Manager
Jesse Lerma, Civil Service Director
Roland Rodriguez, I. T. Director
Luis Contreras, Museum Director
Mayra Rocha, Library Director
Jonathan Wehrmeister, Judge
Charles Longoria, Media Relations
Alex Meade, MEDC Chief Exec. Officer

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. 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 and on a successful Mission Day at the Capitol. He also advised Mayor and Council on upcoming events.

4. Presentation – Bentsen Palm Park Canopies

JP Terrazas, City Engineer gave a presentation on the completed Canopies at Bentsen Palm Park.

5. Departmental Reports

Mayor Pro Tem Norie Gonzalez Garza moved to approve the departmental reports as presented. Motion was seconded by Councilman Dr. Armando O’cana and approved unanimously 5-0.

6. Citizens Participation

None

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Ranch House Burgers, 409 N. Bryan Road, Suites 104 & 105, Lot 1, City Plaza Subdivision, C-3, Steve Alaniz

Adoption of Ordinance # 4198 approving 1.1A

Adoption of Ordinance # 4199 approving wet zone

On February 25, 2015 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The subject site was located within a commercial plaza located on the Northwest corner of Matamoros Street and Bryan Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

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 Ruben Plata moved to approve and adopt Ordinance No. 4198 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Ranch House Burgers, 409 N. Bryan Road, Suites 104 & 105, Lot 1, City Plaza Subdivision, C-3, as recommended. Motion was seconded by Councilwoman Jessica Ortega-Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4198

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 – RANCH HOUSE BURGERS, 409 N.
BRYAN ROAD, SUITES 104 & 105, LOT 1, CITY PLAZA SUBDIVISION

Councilman Plata moved to approve and adopt Ordinance No. 4199 granting a wet designation for 409 N. Bryan Road, Suites 104 & 105, Lot 1, City Plaza Subdivision, C-3, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4199

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 409 N. BRYAN ROAD, SUITES 104 & 105, LOT 1, CITY PLAZA SUBDIVISION

**B. Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – La Mansion Ballroom, 507 N. Conway, Lot 8, Block 92, Mission Original Townsite Subdivision, C-3
Adoption of Ordinance # 4200 approving 1.1B**

On February 25, 2015 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit renewal. The property was located just of the NW corner of Conway and 5th Street. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for 3 years.

Staff Recommendation: Approval for 3 years.

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 and adopt Ordinance No. 4200 Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – La Mansion Ballroom, 507 N. Conway, Lot 8, Block 92, Mission Original Townsite Subdivision, C-3, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4200

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT RENEWAL FOR THE SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES – LA MANSION BALLROOM, 507 N. CONWAY, LOT 8, BLOCK 92, MISSION ORIGINAL TOWNSITE SUBDIVISION

2.0 Disposition of Minutes

2.1 City Council Meeting – February 23, 2015

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

3.0 Acknowledge Receipt of Minutes

- 3.1 Speer Memorial Library Board – January 20, 2015**
- Mission Redevelopment Authority – January 27, 2015**
- Mission Tax Increment Reinvestment Zone – January 27, 2015**
- Planning & Zoning Commission – February 11, 2015**

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 Confirmation of appointment by City Manager under Civil Service Law Section 143.013(a)(1) and swearing in of Fire Chief Rene Lopez, Jr.

Confirmation was being requested on the appointment by City Manager of Fire Chief Rene Lopez, Jr. as required by Section 143.013(a)(1) of the Texas Local Government Code, in order to confer upon the Fire Chief all statutory authority contained in the civil service statute with regard to employment actions. Section 143.013(a)(1) required not only appointment by the City Manager, but also confirmation by the City Council.

Staff Recommendation: Confirmation of Appointment & Swearing In.

City Manager recommended approval.

Councilman O'cana moved to approve confirmation of appointment by City Manager under Civil Service Law Section 143.013(a)(1) and swearing in of Fire Chief Rene Lopez, Jr., as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

Chief Lopez was sworn in by Councilman O'cana.

Relatives, friends and co-workers of Chief Lopez were present expressing their support.

4.2 Renewal of Lease Agreement with Macedonio Gonzalez on Lot 20, Block 173 Mission Original Townsite.

The agreement with Macedonio Gonzalez was related to the parking lot use behind the city Building located at 117 E. Tom Landry. Original agreement was entered in April 2002; lease agreement is up for renewal. Lease agreement was for \$2,200 a year.

Staff Recommendation: Approval of Lease Agreement.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve renewal of Lease Agreement with Macedonio Gonzalez on Lot 20, Block 173 Mission Original Townsite, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.3 Authorization to execute Data Use Agreement between the Texas Health and Human Services Enterprise and the City of Mission

Pursuant to changes in federal law, the Texas Department of State Health Services (DSHS), as part of the Health and Human Services Enterprise, was requiring municipalities to execute the attached Data Use Agreement (DUA) for its contracts or agreements under which DSHS provides, gives access to, or transmits Confidential Information to a municipality.

The City of Mission receives birth and death records which are confidential and therefore this Data Use Agreement was required to be executed in order to comply with federal law.

Staff Recommendation: Authorization to execute Date Use Agreement with HHS.

City Manager recommended approval.

Councilman Plata moved to authorize to execute Data Use Agreement between the Texas Health and Human Services Enterprise and the City of Mission, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.4 Board Appointment – Youth Advocacy Advisory Board

Youth Advocacy Advisory Board: Appoint April Renee Chapa to replace Veronica Vela who resigned from the board, term to expire December 31, 2015.

Staff Recommendation: To approve Board Appointment as recommended by Mayor Norberto Salinas

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the Board Appointment – Youth Advocacy Advisory Board, as recommended. Motion was seconded by Councilman O’cana and approved unanimously 5-0.

4.5 Authorization to grant Right-of-Entry Permit to the Federal Government 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 Federal Government 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 March 01, 2015 through March 01, 2017.

Staff Recommendation: Staff was respectfully requesting authorization to grant a Right-of-Entry Permit to the Federal Government to place radio equipment on water towers.

City Manager recommended approval.

Councilman O’cana moved to authorize to grant Right-of-Entry Permit to the Federal Government to place radio equipment on water Towers belonging to the City of Mission, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.6 Approval of Annual Hidalgo County Library System Interlocal Agreement

Hidalgo County requested that we approve our annual interlocal with them.

This was the basic agreement that allowed the County to continue to pay funds on behalf of and disburse funds to our library for contractual services and library materials.

Staff Recommendation: Approval of Annual Hidalgo County Library System Interlocal Agreement.

City Manager recommended approval.

Councilman Plata moved to approve the Annual Hidalgo County Library System Interlocal Agreement, as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.7 Authorization to Purchase Equipment via State Approved Contract for the Public Works Department

Staff was seeking authorization to purchase via Buy Board for Capital Outlay Equipment for the North Water Treatment Plant.

Staff Recommendation: Authorization to purchase via Buy Board Contract #418-13.

City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to purchase equipment via State Approved Contract for the Public Works Department, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.8 Authorize the City of Mission to enter into an agreement with Mr. Apolonio Chapa for Planning and Utility Services

Authorization was being requested for the City of Mission to enter into an agreement with Mr. Apolonio Chapa to review plans of new residential subdivisions, commercial development and provide utility location services to the City. Mr. Chapa had 38 years experience in the utility field and was uniquely qualified to locate water, sanitary sewer, and drainage lines within the City of Mission.

Staff Recommendation: Authorize to enter into agreement with Apolonio Chapa.

City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize the City of Mission to enter into an agreement with Mr. Apolonio Chapa for Planning and Utility Services, as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

4.9 Authorize staff to reject and resolicit for bids for inlets, manholes and 18" to 36" reinforce concrete pipe

Staff was seeking authorization to reject and resolicit bids for Storm Drainage Materials. Staff received three (3) bid responses. Lowest bidder (HD Supply Waterworks) did not meet material specifications and other two vendors (CAPA and L&R Precast Concrete) did not meet Terms &

Conditions in bidding all specific material Items.

Staff Recommendation: Reject and Resolicit for bids.

City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize staff to reject and resolicit for bids for inlets, manholes and 18” to 36” reinforce concrete pipe, as recommended. Motion was seconded by Councilman O’cana and approved unanimously 5-0.

4.10 Authorization to terminate contract with Verizon and to enter into a contract with SPRINT for mobile phone services for the City of Mission via HGAC Contract

Staff was seeking authorization to enter into a HGAC Contract No. CW10-14 with Sprint for mobile phone services for the City of Mission.

In this competitive mobile phone service market, the City had been given the opportunity to save up to 35% on the annual mobile phone service which could be a potential of almost \$20,000 over the next 2 years. Additionally, the City of Mission would receive all new equipment at no cost to include accessories (Otter boxes) for the devices. Sprint’s plan included unlimited text, talk & data and direct connect PTT and WiFi calling.

There were no early termination fees with the current provider as it was on a DIR contract.

Staff Recommendation: Approval to purchase mobile phone services via HGAC Contract with Sprint.

City Manager recommended approval.

Councilman Plata moved to authorize to terminate contract with Verizon and to enter into a contract with Sprint for mobile phone services for the City of Mission via HGAC Contract, as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.11 Authorize staff to reject and resolicit for bids for weedy lot abatement

Staff was seeking authorization to reject and resolicit bids for weedy lot abatement. Staff received three (3) bid responses. Lowest bidder did not have references or experience doing weedy lot abatement and pricing for the next lowest bidder was not fair and reasonable in comparison with other municipalities pricing and with internal cost estimate.

Staff Recommendation: Reject and resolicit for bids.

City Manager recommended approval.

Councilman Plata moved to authorize staff to reject and resolicit for bids for weedy lot abatement, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.12 Approval to purchase Benches and Trash Receptacles from a sole source vendor

Staff was recommending the purchase of 21 Benches and 10 Trash Receptacles from Paul E. Allen Co., a sole source vendor. Pursuant to Texas Local Government Code Section 252.022 General Exemptions (7) a procurement of items that were available form only one source,

including: (A) items that were available from only one source because of patents, copyrights, secrete processes, or natural monopolies and (D) captive replacement parts or components for equipment; 18 Benches and 10 Trash Receptacles would be installed at Arnulfo “Tatan” Rodriguez Jr. Park for the improvements and beautification of the park and 3 benches would be installed at various locations along Conway Ave. These items would match and complement the existing products already in use in the downtown streetscape project, providing a unified look for the city site furnishings.

Staff Recommendation: Authorization to purchase Benches and Trash Receptacles from a Sole Source Vendor.

City Manager recommended approval.

Councilman Plata moved to approve to purchase benches and trash receptacles from a sole source vendor, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.13 Authorization to solicit bids to seal coat damaged pavement on an as needed basis

Staff was seeking authorization to solicit bids to seal coat asphalt pavement streets through-out the City of Mission for Public Works Department. The objective was to obtain services for seal coat to cover repairs, maintenance, extend the life of the pavement and make it uniform through-out the City of Mission on an as “needed basis”.

Staff Recommendation: Solicit for Bids.

City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to solicit bids to seal coat damaged pavement on an as needed basis, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.14 Rescind bid award for ceiling at Former Central Fire Station, enforce collection of bid bond, and authorize solicitation for re-bid

On January 26, 2015 City Council awarded the bid to replace the ceiling at Former Central Fire Station to Mahan Foundation & Contractor. However, the contractor failed to submit Certificate of Insurance within the allotted time as per our terms and conditions. Staff was recommending to collect on the \$1,000 bid bond submitted by the contractor, rescind bid and authorize solicitation for re-bid.

Staff Recommendation: Collect on bid bond, Rescind bid awarded to Mahan Foundation & Contractor and Authorize solicitation to re-bid.

City Manager recommended approval.

Councilman Plata moved to approve to rescind bid award for ceiling at Former Central Fire Station, enforce collection of bid bond, and authorize solicitation for re-bid, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.15 Authorization to award bid for Water and Sewer line relocation and upgrade Project at Mile 2 North (City Attorney may ask City Council to go into executive session on this item under the “Consultation with Attorney” exception before considering this matter in open session)

City Attorney David Guerra asked that Council go into executive session under the “consultation with attorney” exception prior to considering this item in open session and advised Council that they could consider Executive Session items 7.1A, 7.2A, and 7.2B at the same time.

At 5:11 p.m., Councilman Plata moved to convene into executive session. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

After reconvening in open session, City Attorney David Guerra announced that on December 22, 2014 City Council gave authorization to solicit bids for Water and Sewer line upgrade and relocation improvements at Mile 2 North. The City of Mission had accepted and opened eight (8) bid responses for this project. The lowest bidder was Texas Cordia Construction, LLC and the next lowest bidder was The 5125 Company. He thereafter announced that the Council had concerns about the responsibility of Texas Cordia Construction, LLC.

Councilman Ruben Plata moved to propose to award the bid to The 5125 Company and set March 23, 2015 at 4:30 P.M. at City Council Chambers located at City Hall, Mission, Texas, as the time and place for a hearing at which Texas Cordia Construction, LLC would be given the opportunity to show its responsibility, as recommended by City Attorney. Motion was seconded by Councilman O’cana 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

7.0 Executive Session pursuant to V.T.C.A. Gov. Code Sec. 551.001

7.1 Consultation with Attorney Sec. 551.071

Deliberation regarding real property Sec. 551.072

A. Tax Resale Bid on the North 50’ of Lot 6, Block “C” Cinco de Mayo Ranch, Mission Hidalgo County Texas.

7.2 Consultation with Attorney Sec. 551.071

A. Concerns regarding CWV Service Center Building and Renovations Contract and any action regarding the surety

B. Completion of Park Improvement Projects at Bannworth and CWV Parks

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

At 6:03 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

Minutes, 03/12/15 Pg. 10

On item 7.1-A, Mayor Pro Tem Garza moved to reject the bid. Motion was seconded by Councilman O'cana and the motion to reject was approved unanimously 5-0.

On item 7.2-A, no action was taken.

On item 7.2-B, no action was taken.

8.0 Adjournment

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

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary