

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
JULY 11, 2016 4:30 P.M.
MISSION CITY HALL**

PRESENT:

Norberto Salinas, Mayor
Jessica Ortega-Ochoa, Councilwoman
Norie Gonzalez Garza, Mayor Pro Tem
Dr. Armando O'caña, Councilman
Abiel Flores, City Attorney
Jaime Tijerina, Deputy City Attorney
Anna Carrillo, City Secretary
Martin Garza, Jr., City Manager

ALSO PRESENT:

Kathy Olivarez, Progress Times
Dianaly De Hoyos
Bob Henderson, RBC Capital Markets
Dusty Taylor, RBC Capital Markets

ABSENT:

Ruben D. Plata, Councilman

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Randy Perez, Deputy City Manager
Elizabeth Hernandez, Executive Secretary
Angie Vela, Asst. Finance Director
Danny Tijerina, Planning Director
Jaime Acevedo, Asst. Planning Director
Noemi Munguia, HR Director
Eduardo Belmarez, Purchasing Director
Roland Rodriguez, I. T. Director
Juan Pablo Terrazas, City Engineer
Rene Lopez, Jr., Fire Chief
Robert Dominguez, Chief of Police
Jonathan Wehrmeister, Judge
Mario Flores, Golf Course Director
Luduvico Martinez, B & G Club Director
Brad Bentsen, Parks & Recreation Director
Mayra Rocha, Library Director
Cesar Gutierrez, Sanitation Director
Alex Meade, MEDC Chief Exec. Officer
Charlie Longoria, Media Relations
Jesus Gonzalez, Police Officer
Paula Banda, Administrative Asst.
Adela Ortega, Mission Food Pantry Mngr.
Gabriel Ramirez, CDBG Dept.

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:39 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

Josh Stockel CEO from the Greater Mission Chamber of Commerce reported on the chamber events that had recently taken place. Mayor and City Council were advised about upcoming ribbon cuttings and events to include the Chef's BBQ Throwdown & Car Show to be held on Saturday, July 30. This scholarship fundraiser was to benefit students from Mission CISD and Sharyland ISD.

4. Departmental Reports

Councilman Dr. Armando O'cana moved to approve the departmental reports as presented. Motion was seconded by Councilwoman Jessica Ortega-Ochoa and approved unanimously 4-0.

5. Citizens Participation

None

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. **Conditional Use Permit: Zarah's Tacos Mobile Food Unit, # 808 S. Shary Road, Lot 5A, Cimarron Crossing Ph II Subdivision, C-3, Zarah Investments and Adoption of Ordinance # 4370 approving 1.1A**

On July 11, 2016 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The subject site was located 500' south of Expressway 83 along the west side of Shary Road. This CUP was last approved on 5/26/15 for 1 year, and this would be the second renewal. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for 6 months.

Staff Recommendation: Approval for 6 months.

City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Norie Gonzalez Garza moved to approve the cup and to adopt Ordinance No. 4370 Conditional Use Permit: Zarah's Tacos Mobile Food Unit, # 808 S. Shary Road, Lot 5A, Cimarron Crossing Ph II Subdivision, C-3, for 6 months as recommended by staff. Motion was seconded by Councilman O'cana and approved unanimously 4-0.

ORDINANCE NO. 4370

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR ZARAH'S TACOS MOBILE FOOD UNIT,
808 S. SHARY ROAD, LOT 5A, CIMARRON CROSSING PH. II SUBDIVISION

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Mayor Salinas asked Council to go into Executive Session

At 4:45 p.m., Councilman O'cana moved to convene into executive session pursuant to V.T.C.A. Gov. Code Sec. 551.001 for items 4.4, 7.1-A. and 7.2-A. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

At 5:27 p.m., Councilman O'cana moved to reconvene in open session. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

Mayor Salinas continued on with item 2.1 of the agenda.

2.0 Disposition of Minutes

2.1 City Council Regular Meeting – June 27, 2016

Mayor Pro Tem Garza moved to approve the minutes as presented. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

3.0 Acknowledge Receipt of Minutes

3.1 Mission Economic Development Corporation –April 27, 2017, Special Meeting May 12, 2016 & Regular Meeting & Public Hearing, May 17, 2016

Mission Redevelopment Authority – May 31, 2016

Mission Tax Increment Reinvestment Zone – May 31, 2016

Speer Memorial Library Board – May 17, 2016

Mayor Pro Tem Garza moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

4.0 Approvals and Authorizations

4.1 Discussion and Action to Adopt Ordinance # 4371 to impose a moratorium on the issuance of permits for mobile food units and portable buildings for the use of preparation and/or sale of food and beverages within city limits of Mission

Staff was seeking approval for imposition of a moratorium on the issuance of permits for mobile food units and portable buildings for the use of preparation and/or sale of food and beverages within the city limits of Mission. Staff had determined that it would be in the best interest of the citizens of Mission to impose a moratorium for a period of 180 days. The temporary suspension of permits for mobile food units and portable buildings for the use of preparation and/or sale of food and beverages would allow the City of Mission to study the current state of the regulations and develop a comprehensive plan to address concerns.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve Ordinance No. 4371 to impose a moratorium on the issuance of permits for mobile food units and portable buildings for the use of preparation and/or sale of food and beverages within city limits of Mission, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

ORDINANCE NO. 4371

AN ORDINANCE OF THE CITY OF MISSION, TEXAS, IMPOSING A MORATORIUM ON THE ISSUANCE OF PERMITS FOR MOBILE FOOD UNITS AND PORTABLE BUILDINGS FOR THE USE OF PREPARATION AND/OR SALE OF FOOD AND BEVERAGES WITHIN MISSION CITY LIMITS; ESTABLISHING STATUS QUO FOR 180 DAYS OR UNTIL ADOPTION AND IMPLEMENTATION OF NEWLY CREATED REGULATIONS; MAKING FINDINGS AND PROVISIONS; ESTABLISHING EFFECTIVE DATE

4.2 Sign Code Variance Request to Install a digital face on the west facing panel of a proposed Billboard Sign located approximately one quarter mile east of Stewart Road along the south side of U.S. Expressway 83 being a tract of land located on United Irrigation District Canal ROW between Lots 161 & 162, John H. Shary Subdivision, as requested by MediaChoice

Staff was in receipt of a variance request to install a 14' x 48' Digital Billboard Sign at the location described above as requested by the applicant. Section 86-155 (5) (F) of the Sign Code States: No billboard signs shall have any LED lights, and electronic or motorized motion components of faces.

The proposed billboard met Texas Department of Transportation sign code, digital, and spacing requirements. Furthermore, the billboard met the City's spacing requirements as well.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve Sign Code Variance Request to Install a digital face on the west facing panel of a proposed Billboard Sign located approximately one quarter mile east of Stewart Road along the south side of U.S. Expressway 83 being a tract of land located on United Irrigation District Canal ROW between Lots 161 & 162, John H. Shary Subdivision, as requested by MediaChoice, as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

4.3 Approval of Resolution # 1464 , A resolution approving Resolution No. 2016-04, a resolution of the Board of Directors of City of Mission Economic Development Corporation adopted on June 28, 2016, authorizing and approving a Project and a Loan (and Terms Thereof) in the Amount of Six Million Dollars to Finance the Purchase and Development of Certain Real Property, Approving the Execution and Delivery of Loan Documents Relating Thereto, Delegating Authority to the Chief Executive Officer to Consummate the Loan and Containing Other Matters Related Thereto

MEDC CEO Alex Meade was requesting that Mission City Council approve Mission EDC's resolution authorizing him to execute a loan with Frost Bank to purchase real property for retail development.

Mr. Meade was present at the meeting to answer any questions City Council members may have.

Staff Recommendation: Approval of Resolution.

City Manager recommended approval.

Councilman O'cana moved to approve Resolution No. 1464, A resolution approving Resolution No. 2016-04, a resolution of the Board of Directors of City of Mission Economic Development Corporation adopted on June 28, 2016, authorizing and approving a Project and a Loan (and Terms Thereof) in the Amount of Six Million Dollars to Finance the Purchase and Development of Certain Real Property, Approving the Execution and Delivery of Loan Documents Relating Thereto, Delegating Authority to the Chief Executive Officer to Consummate the Loan and Containing Other Matters Related Thereto, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

RESOLUTION NO. 1464

A RESOLUTION APPROVING RESOLUTION NO. 2016-04, A RESOLUTION OF THE BOARD OF DIRECTORS OF CITY OF MISSION ECONOMIC DEVELOPMENT CORPORATION, ADOPTED JUNE 28, 2016, AUTHORIZING AND APPROVING A PROJECT AND A LOAN (AND TERMS THEREOF) IN THE AMOUNT OF SIX MILLION DOLLARS TO FINANCE THE PURCHASE AND DEVELOPMENT OF CERTAIN REAL PROPERTY, APPROVING THE EXECUTION AND DELIVERY OF LOAN DOCUMENTS RELATING THERETO, DELEGATING AUTHORITY TO THE CHIEF EXECUTIVE OFFICER TO CONSUMMATE THE LOAN AND CONTAINING OTHER MATTERS RELATED THERETO

4.4 Ordinance # _____ Authorizing Issuance, Sale And Delivery of City Of Mission, Texas Combination Tax And Revenue Certificates of Obligation, Series 2016; Payable from The Levy Of A Direct And Continuing Annual Ad Valorem Tax within The Limits Prescribed by Law and A Limited Pledge of The Net Revenues From The City's Waterworks and Sewer System; Prescribing The Terms and Form Thereof; Providing For The Payment of the Principal Thereof and Interest Thereon; Authorizing the Execution of a Purchase Contract to be Used In Connection with the Sale of the Certificates; and Making Other Provisions Regarding Such Certificates and Matters Incident Thereto

No action was taken on this item.

4.5 Ordinance # 4372 Authorizing the Issuance, Sale And Delivery of City of Mission, Texas General Obligation Refunding Bonds, Series 2016; Levying a Continuing Direct Annual Ad Valorem Tax; Authorizing the Refunding of Certain Outstanding Obligations; Authorizing Awarding Sale of Bonds to Offeror of Best Bid; the Subscription and Purchase of Certain Federal Securities, and Making Other Provisions Regarding Such Bonds and Matters Incident Thereto

The action required in this item was the approval of the mentioned above caption order in order to authorize the refunding of the outstanding Certificate of Obligation Series 2005A, Certification of Obligation Series 2007, Certificates of Obligation Series 2009 and General Obligation Refunding Bonds Series 2009 to complete the formal process for the bond financing.

Bob Henderson, RBC Capital Markets (financial advisor) was present along with a representative of Ramirez & Guerrero, LLP, Bond Council to the City.

Staff and City Manager recommended approval.

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Councilman O’cana moved to approve Ordinance No. 4372 Authorizing the Issuance, Sale And Delivery of City of Mission, Texas General Obligation Refunding Bonds, Series 2016; Levying a Continuing Direct Annual Ad Valorem Tax; Authorizing the Refunding of Certain Outstanding Obligations; Authorizing Awarding Sale of Bonds to Offeror of Best Bid; the Subscription and Purchase of Certain Federal Securities, and Making Other Provisions Regarding Such Bonds and Matters Incident Thereto, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

ORDINANCE NO. 4372

ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF CITY OF MISSION, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX; AUTHORIZING THE REFUNDING OF CERTAIN OUTSTANDING OBLIGATIONS; AUTHORIZING AWARDING SALE OF BONDS TO OFFEROR OF BEST BID; THE SUBSCRIPTION AND PURCHASE OF CERTAIN FEDERAL SECURITIES, AND MAKING OTHER PROVISIONS REGARDING SUCH BONDS AND MATTERS INCIDENT THERETO

4.6 Authorization to solicit bids for Stop Loss Insurance

In 2015, the City of Mission entered into a contractual agreement with HCC (Houston Casualty Company) for Stop Loss Insurance. Due to industry standards, the contract term was for one (1) year. Stop Loss insurance was needed for the 2016-2017 fiscal year to cap any excess cost exceeding our specific deductible for medical and prescription costs. Staff was seeking authorization to solicit bids and authorize the City’s agent, GEF Financial Group, to conduct solicitation for Stop Loss Insurance.

Staff Recommendation: Authorize Ricardo Filizola, GEF Financial Group to solicit bids for Stop Loss Insurance.

City Manager recommended approval.

Councilman O’cana moved to authorize Ricardo Filizola, GEF Financial Group to solicit bids for Stop Loss Insurance, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

4.7 Authorization to award bid for St. Claire Road Widening Improvements

On May 23, 2016 City Council authorized staff to solicit bids for the St. Claire Rd. Widening Improvements. The City of Mission had accepted and opened seven (7) bid responses for this project. Staff recommended awarding base bid of \$91,679.00 to RDH Site and Concrete, LLC, who was the lowest responsible bidder meeting all specifications. There was a bid tabulation and recommendation letter from Melden & Hunt, Inc.

Staff Recommendation: Authorization to Award Bid to RDH Site and Concrete, LLC.

City Manager recommended approval.

Councilman O’cana moved to authorize to award bid for St. Claire Road Widening Improvements to RDH Site and Concrete, LLC, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

4.8 The Mission Police Department is requesting authorization to re-enter into a Inter-local Agreement for the Educational Resource Officer Program between the City of Mission and the Sharyland Independent School District for the 2016-2017 school year

The Mission Police Department was requesting authorization to re-enter into a Inter-local Agreement for the Educational Resource Officer Program between the City of Mission and the Sharyland Independent School District for the 2016-2017 school year. A total of six (6) police officers would be assigned to the school district during the school year. The total amount of the Inter-local agreement was \$319,701.28. Staff was recommending a favorable recommendation for the purpose of continuing the Educational Resource Officer Program at the Sharyland ISD.

Staff Recommendation: A favorable recommendation was requested for the ERO Program.

City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to re-enter into a Inter-local Agreement for the Educational Resource Officer Program between the City of Mission and the Sharyland Independent School District for the 2016-2017 school year, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

4.9 Approval of Ordinance No. 4373 providing for a Three-Way Stop intersection at Holland Avenue and Cleo Dawson Street

The Mission Police Department received a request for approval of an ordinance establishing a Three-Way Stop Intersection of Holland Avenue and Cleo Dawson Street. There had been numerous complaints by other motorist in regards to not being able to turn either right or left from the 700 block of Cleo Dawson Street onto Holland Avenue. On July 5, 2016 the Traffic Safety Committee reviewed the concerns and voted unanimously to recommend the placing of a three-way stop intersection. The request was being forward to you for your review and consideration.

Staff Recommendation: Staff was respectfully requesting an adoption of Ordinance No.4373 Providing for a three-way stop sign

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Ordinance No. 4373 providing for a Three-Way Stop intersection at Holland Avenue and Cleo Dawson Street, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

ORDINANCE NO. 4373

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, PROVIDING FOR A TRAFFIC CONTROL DEVICE BEING A THREE-WAY STOP INTERSECTION AT HOLLAND AVENUE AND CLEO DAWSON STREET; PROVIDING FOR INSTALLATION OF SAID TRAFIC CONTROL DEVICES BEING STOP SIGNS AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCE OF THE CITY OF MISSION IN REGARDS TO PENALTY FOR VIOLATION APPLICABLE THERETO;

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4.10 May 2016 Financial Statements

Assistant Finance Director Angie Vela presented the May, 2016 Financial Statements for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the May 2016 Financial Statements, as presented. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

4.11 Budget Amendments – MEDC Fund, MEDC Capital Projects Fund

Assistant Finance Director Vela presented the budget amendments BA-16-43 thru BA-16-44 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman O’cana moved to approve budget amendments BA-16-43 thru BA-16-44, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

**4.12 Authorization to solicit bids for the purchase of “Safe-Fall Material” for existing
playscapes for City Parks**

Staff was seeking authorization to solicit bids for the purchase of “Safe-Fall Material,” for existing playscapes for various parks throughout the city that had been worn and eroded thru the years. Material would be acquired for durability, drainage, and accessibility.

Staff Recommendation: Approval to solicit for bids.

City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to solicit bids for the purchase of “Safe-Fall Material” for existing playscapes for City Parks, as recommended. Motion was seconded by Councilman O’cana and approved unanimously 4-0.

4.13 Authorization to solicit bids for sandblasting materials

Staff was seeking authorization to solicit bids for crushed glass medium for sandblasting of metal surfaces for preparation of park pavilions for painting.

Staff Recommendation: Authorization to solicit bids.

City Manager recommended approval.

Councilman O’cana moved to authorize to solicit bids for sandblasting materials, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

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 (2)

A. Consultation with attorney regarding legal authority and requirements for enacting ban and adopting fees for single-use plastic bags.

7.2 Deliberations about Real Property Sec. 551.072

A. Consideration of Bids for Tax Resale for the following properties:

T-1277-11-B

Tract 1: Lot 1, Palm Village Subdivision, Unit 1, and addition to the City of Mission, Hidalgo County, Texas, according to the Map or Plat thereof, recorded in Volume 20, Page 40, Map Records of Hidalgo County, Texas. *P1800-01-000-0001-00*

Tract 2: Lot 4, Palm Village Subdivision, Unit 1, an addition to the City of Mission, Hidalgo County, Texas according to the Map or Plat thereof, recorded in Volume 20, Page 40, Map Records of Hidalgo County, Texas. *P1800-01-000-0004-00*

T-951-11-J

Lot 19, Spanish Groves Subdivision, a subdivision in Hidalgo County, Texas, according to the Map or Plat thereof, recorded in Volume 44, Page 85, Plat records of Hidalgo County, Texas. *S5303-00-000-0019-00*

T-561-08-A

Lot 7, Block 13, Southwest Addition, Hidalgo County, Texas, as per Map recorded in Volume 12, Page 36, Map records, Hidalgo County, Texas. *S5250-01-013-0007-00*

T-207-10-G

0.19 Acres, more or less, out of Lot 182, John H. Shary Subdivision, a subdivision to Hidalgo County, Texas, as described in Volume 2800, Page 622, Official Records of Hidalgo County, Texas. *S2950-00-000-0182-57*

On item 7.1-A, no action was taken.

On item 7.2-A, Mayor Pro Tem Garza moved to approve Resolution No. 1465 accepting the bids as submitted and further authorize mayor to execute all tax resale deeds conveying the approved property, with the exception of the tract of land in tax case T-207-10-G." Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

RESOLUTION NO. 1465

ACCEPTING THE BIDS AS SUBMITTED AND FURTHER AUTHORIZE MAYOR TO EXECUTE ALL TAX RESALE DEEDS CONVEYING THE APPROVED PROPERTY, WITH THE EXCEPTION OF THE TRACT OF LAND IN TAX CASE T-207-10-G"

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At 5:51 p.m., Councilman O'cana moved for adjournment. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary