

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
OCTOBER 26, 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
Abiel Flores, City Attorney
Jaime Tijerina, Deputy City Attorney
Anna Carrillo, City Secretary
Martin Garza, Jr., City Manager

ABSENT:

ALSO PRESENT:

Kathy Olivarez, Progress Times
Jaime Gutierrez
Felipe Cavazos
Lee McCormick
Talisa McVea
Fred Kurth
Jorge Martinez
EJ Vazquez

STAFF PRESENT:

Carmen Morales, Administrative Asst.
Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Randy Perez, Deputy City Manager
Danny Tijerina, Planning Director
Pat Martinez, Planning Department
Roberto Salinas, Public Works Director
Mario Flores, Golf Director
Joanne Longoria, CDBG Director
Rene Lopez, Fire Chief
Gilbert Sanchez, Fire Marshal
Eduardo Belmarez, Purchasing Director
Robert Dominguez, Chief of Police
Joel Laralde, Asst. Chief of Police
Tony Garcia, Asst. Chief of Police
Luduvico Martinez, B & G Club Director
Noemi Munguia, HR Director
Robert Hinojosa, Risk Management Director
Roland Rodriguez, I. T. Director
Luis Contreras, Museum Director
Mayra Rocha, Library Director
Elizabeth Hernandez, Executive Secretary
Juan Pablo Terrazas, City Engineer
James Cardoza, Emergency Mngmt. Coord.
Brad Bentsen, Parks & Recreation Director
Cesar Gutierrez, Sanitation Director
Daniel Silva, MEDC

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:33 p.m.

At 4:33 p.m., Councilman Dr. Armando O'caña stepped out of the meeting.

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. Tomas Tijerina – Thanksgiving Table at Renee’s

Tomas Tijerina requested assistance from the City to participate in the 10th Annual Thanksgiving Table at Renee’s. He requested assistance from the Police, Fire and Parks & Recreation Department.

4. Report from the Greater Mission Chamber of Commerce

George Meyers, CEO from the Greater Mission Chamber of Commerce reported on the chamber events that had recently taken place. He also advised Mayor and Council on upcoming events.

At 4:40 p.m., Councilman O’caña rejoined the meeting.

5. Departmental Reports

Mayor Pro Tem Norie Gonzalez Garza moved to approve the departmental reports as presented. Motion was seconded by Councilman O’cana and approved unanimously 4-0.

6. Citizens Participation

Aida Lerma, Deputy City Manager introduced a delegation from Irapuato Guanajuato, Puerto Vallarta, Jalisco and Francisco I. Madero, Coahuila.

At 4:43 p.m., Councilwoman Jessica Ortega-Ochoa joined the meeting.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Adoption of Ordinance # 4284 Abandoning Right of Way Easement on a 1.194 acre tract of land out of Lots 16-8 & 16-9, West Addition to Sharyland Subdivision

On October 14, 2015 the Planning and Zoning Commission held a Public Hearing to consider a request from Melden & Hunt to abandon a right-of-way easement on 1.194 acre tract of land out of Lots 16-8 & 16-9, West Addition to Sharyland Subdivision. The property was located near the SW corner of Business Park Drive and U.S. Expressway 83. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval of the request.

Staff and City Manager recommended approval of ordinance.

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

There were no comments.

Councilman Ruben D. Plata moved to approve Ordinance No. 4284 Abandoning Right of Way Easement on a 1.194 acre tract of land out of Lots 16-8 & 16-9, West Addition to Sharyland Subdivision as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4284

AN ORDINANCE VACATING, AND ABANDONING A RIGHT OF WAY EASEMENT BEING A 1.194 ACRE TRACT OF LAND OUT OF LOTS 16-8 & 16-9, WEST ADDITION TO SHARYLAND SUBDIVISION, CITY OF MISSION, HIDALGO COUNTY, TEXAS

- B. Conditional Use Permit: Sale & On-Site Consumption of Alcohol – IncrediBowl, 2140 E. Business Highway 83, Lots 1 & 2, Grapefruit Bowl, Inc. Subdivision, C-4, Spare Time Concessions, Adoption of Ordinance # 4285 approving 1.1B**

On October 14, 2015 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The property was located approximately 400' east of Ragland Road on the South side of Business Highway 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, waiver of the 300' separation requirement, and hours of operation to be until 12:00 a.m.

City Manager recommended approval of ordinance.

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

There were no comments.

Councilman Plata moved to approve the cup and to adopt Ordinance No 4285 Conditional Use Permit: Sale & On-Site Consumption of Alcohol – IncrediBowl, 2140 E. Business Highway 83, Lots 1 & 2, Grapefruit Bowl, Inc. Subdivision, C-4, Spare Time Concessions as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4285

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE SALE & ON-SITE CONSUMPTION OF ALCOHOL – INCREDIBOWL, 2140 E. BUSINESS HIGHWAY 83, LOTS 1 & 2, GRAPEFRUIT BOWL, INC. SUBDIVISION

- C. Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcohol – Mis Antojos – La Casa Antigua Restaurant, 1505 N. Conway, Lots 7 & 8, Block 243, Mission Original Townsite Subdivision, C-3, Margarita Nino, Adoption of Ordinance # 4286 approving 1.1C**

On October 14, 2015 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The subject site was located at the NW corner of Conway and W. 15th 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 of ordinance.

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

There were no comments.

Mayor Pro Tem Garza moved to approve the cup and to adopt Ordinance No 4286 Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcohol – Mis Antojos – La Casa Antigua Restaurant, 1505 N. Conway, Lots 7 & 8, Block 243 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4286

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE SALE & ON-SITE CONSUMPTION OF ALCOHOL – MIS ANTOJOS – LA CASA ANTIGUA RESTAURANT, 1505 N. CONWAY, LOTS 7 & 8, BLOCK 243, MISSION ORIGINAL TOWNSITE SUBDIVISION

D. Mission Economic Development Corporation Tax Exempt Revenue Bonds (EWM P1, LLC or Enviro Water Minerals)

Public Hearing: A public hearing with respect to the issuance of one or more series of bonds at one time or from time to time in an aggregate principal amount not to exceed \$50,000,000, by the Mission Economic Development Corporation. The proceeds of the bonds would be loaned to EWM P1, LLC to finance or refinance costs of acquiring, constructing, rehabilitating, developing, improving and equipping land, capital improvements, infrastructure and equipment with respect to certain facilities for the processing, treating and furnishing of water located at 3640 Global Reach, El Paso, Texas 79925, which was adjacent to the Kay Bailey Hutchison Desalination Plant.

Provided was a copy of the ad that was published in The Monitor on October 2, 2015.

The public hearing was to give citizens the opportunity to be heard.

Staff Recommendation: Public hearing only

Mayor Salinas asked if there were any comments for or against this public hearing.

There were no comments.

No action was taken on this item since it was only a public hearing.

2.0 Disposition of Minutes

2.1 City Council Meeting – October 12, 2015

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 Mission Historical Museum – September 22, 2015

Parks and Recreation Board – September 9, 2015

Mission Civil Service Commission – August 20, 2015

Mayor Pro Tem Garza moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.0 Approvals and Authorizations

4.1 Final Plat Approval: Retama Village Phase IV Subd., a 7.128 acre tract out of Lot 31, Bentsen Grove Addition “E”, PUD Developer: Rhodes Enterprises Engineer: Melden & Hunt

On March 25, 2015 the Planning and Zoning Commission convened and approved the Preliminary and Final Plat for Retama Village Phase IV Subdivision. The proposed subdivision was located on the SE corner of Military and Bentsen Palm Drive. The P&Z board unanimously recommended approval as per Staff’s recommendation.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the Preliminary Plat Approval: Retama Village Phase IV Subd., a 7.128 acre tract out of Lot 31, Bentsen Grove Addition “E”, PUD as presented. Motion was seconded by Councilman O’cana and approved unanimously 5-0.

4.2 Authorization to accept the FY 2015 (HSGP) Homeland Security Grant Program

The Office of Emergency Management Division was seeking authorization to accept the Homeland Security Grant Program (HSGP) for Fiscal Year 2015 in the amount of \$ 80,998.00. The monies from the grant would be used to enhance and sustain the Mission Fire Department Dive Team with new equipment to be used locally and regionally for any event where the need for rapid rescue, reconnaissance and recovery may be needed.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to accept the FY 2015 (HSGP) Homeland Security Grant Program as recommended. Motion was seconded by Councilman O’cana and approved unanimously 5-0.

4.3 Authorization to continue Agreement with G&K Services for the lease and repair of all firefighter personnel uniforms

Mission Fire Department was seeking authorization to continue current lease agreement with G&K Services for the lease and repair of all fire personnel uniforms. This would be the third year of the three year term of the agreement approved by City Council on 10/28/13 via Buy Board No. 416-12.

Staff and City Manager recommended approval.

Councilman O’cana moved to approve authorization to continue Agreement with G&K Services for the lease and repair of all firefighter personnel uniforms as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.4 Authorization to enter into a repair contract agreement with Heil of Texas via Buyboard contract

Sanitation department was seeking authorization to enter into a repair contract agreement with Heil of Texas via Buyboard contract 425-13. Repairs would include service rates and parts for side loaders and brush trucks. Contract would be from November 1, 2015 to September 30, 2016.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to enter into a repair contract agreement with Heil of Texas via Buyboard contract as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.5 Authorization to enter into a maintenance contract agreement with Rush Truck Centers of Texas L.P. via Buy Board for the Sanitation Department

Sanitation department was seeking authorization to enter into a maintenance contract agreement via buy board contract 430-13 with Rush Truck Centers of Texas L.P.; Regular maintenance would include service rates and parts for side loaders and brush trucks with the Sanitation department. Maintenance Contract would be from October 1, 2015 to September 30, 2016.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve authorization to enter into a maintenance contract agreement with Rush Truck Centers of Texas L.P. via Buy Board for the Sanitation Department as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.6 Approval of Work Authorization No. 21 with L&G Engineering for GIS Project

Phase XI Integrating GIS Datasets project entailed the gathering and maintenance of datasets as well as upgrading the data project. L&G Engineering in association with La Playa Mapping would be involved with the development and deployment of the City-wide GIS System.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve work authorization No. 21 with L&G Engineering for GIS Project as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.7 Authorization to Execute First One Year Renewal Option with First Vehicle Services

The contract terms were for three years with two one-year renewal options based Consumer Price Index % increase. Staff was seeking authorization to extend contract for the first one year renewal option with First Vehicle Service.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to Execute First One Year Renewal Option with First Vehicle Services as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.8 Acceptance of Quarterly Report of Investments for the Quarter ending September 30, 2015 and interest earned for twelve months ending September 30, 2015

Acceptance of quarterly report by the Public Funds Investment Act Section 22556.023 of the Texas Government Code on the total investments for the quarter ending September 30, 2015. The total investments purchased were \$418.41 and the amount of the investments matured was \$1,596,361.11, leaving a total of \$15,320,074.35 in outstanding investments for the quarter ending September 30, 2015. The total interest earned on all funds year-to-date was \$230,844.94.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the Quarterly Report of Investments for the Quarter ending September 30, 2015 and interest earned for twelve months ending September 30, 2015 as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

4.9 Contract Renewal with INCODE, a Sole Source Vendor, for the City's On-line Payment Software for Utility Billing Payments

Staff was requesting authorization to engage INCODE, a sole source vendor, for a one-year renewal of an existing contract for the on-line payment software linked through the City's website to facilitate the payment of utility bills. The renewal of this contract included the monthly fee of \$920 to remain the same for the renewal period from October 1, 2015 thru September 30, 2016.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Contract Renewal with INCODE, a Sole Source Vendor, for the City's On-line Payment Software for Utility Billing Payments as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

4.10 Approval of Resolution No. 1415 authorizing the Mission Police Department to submit an Agreement for the Temporary Closure of State Right-of-Way to the Texas Department of Transportation for the Sharyland High School Homecoming Parade

The Mission Police Department was requesting approval of a resolution for the purpose of submitting an Agreement for the Temporary Closure of State Right-of-Way to the Texas Department of Transportation for the Sharyland High School Homecoming Parade to be held on November 05, 2015. The parade would commence at the Sharyland High School parking lot and proceed north on Sharyland Road to East Griffin Parkway, east on Griffin Parkway to Taylor Road, south on Taylor Road to the 1100 block of Taylor Road. The parade would end at the Richard Thompson Football Stadium. The agreement was required by the Texas Department of Transportation for the temporary closure. The Mission Police Department would be responsible for securing the Sharyland High School Homecoming Parade route to ensure the safety of both motorists and pedestrians alike.

Staff and City Manager recommended approval of ordinance.

Councilman Plata moved to approve Resolution No. 1415 authorizing the Mission Police Department to submit an Agreement for the Temporary Closure of State Right-of-Way to the Texas Department of Transportation for the Sharyland High School Homecoming Parade as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

RESOLUTION NO. 1415

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AUTHORIZING THE SUBMITTAL TO THE TEXAS DEPARTMENT OF TRANSPORTATION BY THE MISSION POLICE DEPARTMENT OF AN AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT OF WAY OF SHARYLAND ROAD (BOTH NORTHBOUND LANES OF TRAVEL) BETWEEN THE 1100 BLOCK OF SHARYLAND ROAD AND EAST GRIFFIN PARKWAY. PROCEEDING EAST ON GRIFFIN PARKWAY (BOTH EASTBOUND LANES OF TRAVEL) BETWEEN SHARYLAND ROAD AND TAYLOR ROAD FOR THE SHARYLAND HIGH SCHOOL HOMECOMING PARADE AND AUTHORIZING THE ISSUANCE OF A PUBLIC PERMIT THEREFORE

4.11 Authorization to accept the donation of 100 Live Oak Trees

L. Castillo Corporation would like to donate 100 Live Oak trees to the City of Mission. These trees were approximately 5"-6" in diameter and between 11ft – 12 ft tall and 8 ft wide at the top. These trees would be replanted at various parks and designated areas identified by the Parks & Recreation Department.

While the trees were a 100% a donation, the City would be responsible for the extraction fee (payable to the donor) of \$60 per tree as well as the transportation and replanting. In accordance with the procurement process, we had requested quotes for the extraction services and paying the donor would be the most responsible. The extraction fee cost would be \$6,000. The value of this donation was approximately \$25,000.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to accept the donation of 100 Live Oak Trees as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.12 Approval of Resolution # 1416 a Resolution of the City Council of the City of Mission Approving the Issuance of Mission Economic Development Corporation Revenue Bonds on behalf of EWM P1, LLC or Enviro Water Minerals Project

Lee McCormick, President of Community Development Associates, LLC had facilitated the issuance of Revenue Bonds in an aggregate principal amount not to exceed \$50,000,000 to EWM P1, LLC or Enviro Water Minerals Project.

Mr. McCormick would be present at the meeting to answer any questions City Council had. Provided was a staff report and proposed resolution.

Staff and City Manager recommended approval of resolution.

Councilman O'cana moved to approve Resolution No. 1416 a Resolution of the City Council of the City of Mission Approving the Issuance of Mission Economic Development Corporation Revenue Bonds on behalf of EWM P1, LLC or Enviro Water Minerals Project as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

RESOLUTION # 1416

**RESOLUTION APPROVING THE ISSUANCE OF
MISSION ECONOMIC DEVELOPMENT CORPORATION REVENUE BONDS
IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$50,000,000**

4.13 Approval to purchase a Bentley License from a sole source vendor

Staff was recommending to purchase the programs of MicroStation and GeoPAK from Bentley a sole source vendor. Pursuant to Texas Local Government Code Section 252.022 General Exemptions (7) a procurement of items that were available from only one source, including: (A) items that were available from only one source because of patents, copyrights, secret processes, or natural monopolies and (D) captive replacement parts or components for equipment;

These programs were needed for internal design and cost estimates for future development projects. Provided was a sole source letter from the vendor, Bentley and a listing of the programs to be purchased.

Staff and City Manager recommended approval.

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

Councilman O'cana moved to approve to remove from table item 5.1 of the agenda. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

5.0 Unfinished Business

5.1 Ordinance # 4287 Amending Personnel Policy Manual for Employees of the City of Mission

In reviewing the City's Personnel Policy Manual, staff had proposed a number of revisions/updates in accordance with updated laws and legal recommendation. Provided was a list of revisions. The proposed ordinance would amend and restate the PPM effective 10/12/2015. A committee, who were listed, reviewed said revisions, and concurred with the recommendations to approve said policy revisions. Staff recommended approval of the proposed revisions.

Staff Recommendation: Approval of Ordinance amending PPM effective 10/12/2015

City Manager recommended approval of ordinance.

Councilman O'cana moved to approve to adopt Ordinance No 4287 Amending Personnel Policy Manual for Employees of the City of Mission as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4287

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS,
AMENDING ORDINANCE NO. 3833 TO AMEND AND RESTATE THE PERSONNEL
POLICY MANUAL FOR EMPLOYEES OF THE CITY OF MISSION, TEXAS; PROVIDING
FOR A PUBLICATION CLAUSE AND AN EFFECTIVE DATE**

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

Councilman Plata thanked Mayor David Gustavo Flores and his wife Bibi Delgado de Flores for their assistance and hospitality during their recent visit to Francisco I. Madero.

Mayor Salinas asked Council to go into Executive Session pursuant to V.T.C.A. Gov. Code Sec. 551.001 under "Consultation with Attorney" for item 7.1-A of the agenda.

At 5:23 p.m., Councilman O'cana 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 (1)

A. Discussion for the purpose of facilitating legal advice regarding McEwen vs. City of Mission, et. al. (C-5987-14-G).

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

At 5:36 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

On item 7.1-A no action was taken.

8.0 Adjournment

At 5:36 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