NOTICE OF REGULAR MEETING MISSION CITY COUNCIL NOVEMBER 24, 2014 4:30 P.M. MISSION CITY HALL

PRESENT: ABSENT:

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 Norberto Salinas, Mayor Jessica Ortega-Ochoa, Councilwoman

ALSO PRESENT:

Kathy Olivarez, Progress Times
Jim & Beth Barnes
Gustavo Martinez
Joe Sanchez
D. Garza
Ivan Garcia
Pilar Gonzalez
Miguel A. Garcia
Jaime Gutierrez
John R. Guerra, D.O.

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 Bobby Salinas, Asst. Planning Director Rene Lopez, Jr., Interim Fire Chief Gilbert Sanchez, Fire Marshal Robert Dominguez, Chief of Police Janie Flores, Finance Director Randy Perez, Asst. Finance Director Roberto Salinas, Public Works Director Juan Pablo Terrazas, City Engineer Mario Flores, Golf Course Director Eduardo Belmarez, Purchasing Director Luduvico Martinez, B & G Club Director Noemi Munguia, HR Director Robert Hinojosa, Risk Manager Roland Rodriguez, I. T. Director Luis Contreras, Museum Director Mayra Rocha, Library Director Jonathan Wehrmeister, Judge Daniel Silva, Chief Operating Officer

1. Call to order

With a quorum being present, Mayor Pro Tem Norie Gonzalez Garza called the meeting to order at 4:30 p.m.

2. Pledge Allegiance and Invocation

Mayor Pro Tem Garza 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.

4. Departmental Reports

Councilman Ruben Plata moved to approve the departmental reports as presented. Motion was seconded by Councilman Dr. Armando O'cana and approved unanimously 3-0.

5. Citizens Participation

None

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Conditional Use Permit: Manufacturing and Re-packaging of Dips in a C-3 Zone, 2401 S. Shary Road, Ste. K, Lot 1, Riverside Plaza at Sharyland Subdivision & Lot 33, Riverside Estates at Sharyland Subdivision, Ph. I, C-3, Mrs. Maria Del Pilar Gonzalez

Adoption of Ordinance # 4167 approving 1.1A

On November 19, 2014 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The property was located on the SE corner of San Miguel Drive and Shary 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 rezoning request.

Applicant Maria Del Pilar Gonzalez thanked the council.

Councilman Plata moved to approve the cup and to adopt Ordinance No. 4167 Conditional Use Permit: Manufacturing and Re-packaging of dips in a C-3 Zone, 2401 S. Shary Road, Ste. K, Lot 1, Riverside Plaza at Sharyland Subdivision & Lot 33, Riverside Estates at Sharyland Subdivision, Ph. I, C-3, as recommended. Motion was seconded by Councilman O'cana and approved unanimously 3-0.

ORDINANCE NO. 4167

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE MANUFACTURING AND REPACKAGING OF DIPS IN A C-3 ZONE, 2401 S. SHARY ROAD, STE. K, LOT 1, RIVERSIDE PLAZA AT SHARYLAND SUBDIVISION AND LOT 33, RIVERSIDE ESTATES AT SHARYLAND SUBDIVISION, PH. I

2.0 Disposition of Minutes

2.1 City Council Meeting – November 10, 2014

Councilman O'cana moved to approve the minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 3-0.

3.0 Acknowledge Receipt of Minutes

3.1 Mission Civil Service Commission – October 24, 2014
Mission Historical Museum Board Meeting – October 13, 2014
Citizen's Advisory Committee Special Meeting – September 22, 2014
Comments:

Councilman Plata moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilman O'cana and approved unanimously 3-0.

4.0 Approvals and Authorizations

4.1 Homestead Exception Variance: David Garza Subdivision, The N. 2.502 ac. of the S. 5 Ac. out of Lot 58, New Caledonia Subdivision, Unit No. 1, Suburban ETJ,

Developer: David Garza,

Engineer: Rio Delta Engineering

On November 19, 2014 the Planning and Zoning Commission convened and approved the Homestead Exception Variance for David Garza Subdivision. The 1 lot plat was located approximately ½ a mile north of Mile 2 along the west side of Schuerbach Road. The P&Z board unanimously recommended approval as per Staff's recommendation.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve the Homestead Exception Variance: David Garza Subdivision, The N. 2.502 ac. of the S. 5 Ac. out of Lot 58, New Caledonia Subdivision, Unit No. 1, Suburban ETJ, Developer: David Garza, Engineer: Rio Delta Engineering. Motion was seconded by Councilman Plata and approved unanimously 3-0.

4.2 Cancel 2nd December regular City Council meeting scheduled for December 22, 2014 and reschedule December 8, 2014 meeting to December 15, 2014

The office of the City Manager was requesting the cancellation of the second regular City Council meeting scheduled for December 22, 2014 and to reschedule the meeting of December 8, 2014 to December 15, 2014.

A special meeting will be held if the need arises.

Staff and City Manager recommended approval.

Councilman Plata moved to approve to cancel 2nd December regular City Council meeting scheduled for December 22, 2014 and reschedule December 8, 2014 meeting to December 15, 2014. Motion was seconded by Councilman O'cana and approved unanimously 3-0.

4.3 Authorization to retire Police K-9 Tiko from active duty and authorization to have K-9 Officer Roque Vela adopt Tiko subject to the signing of hold harmless agreement

The Mission Police Department was requesting authorization to retire Police K-9 Tiko from active duty and additionally, staff was also requesting authorization to have K-9 Officer Roque Vela adopt Tiko subject to the signing of hold harmless agreement. Tiko, a yellow Labrador retriever was born on January 14, 2003 and was donated to the Mission Police Department by Lackland Air Force Base in San Antonio, Texas in April of 2004. In February 2008, Tiko was assigned to his current partner, Officer Roque Vela. During his tenure with our organization,

Tiko had been responsible for the seizure of over 55,000 lbs. of marihuana, 70 kilos of cocaine, 90 kilos of meth, 2 million in U.S. currency and numerous vehicles that have been awarded to the police department. Mission Veterinary Hospital Veterinarian Diane Debruyn, D.V.M. diagnosed Tiko with a lesion in his lumbar area. Tiko's condition resulted in chronic arthritic changes to his back that was painful and limited his mobility. Based on Tiko's current condition, Dr. Diana Debruyn was recommending that Tiko be retired. Staff concurred with Dr. Debruyn and respectfully requested that K-9 Tiko be officially retired from the Mission Police Department and request that Officer Roque Vela be authorized to adopt Tiko to continue caring for Tiko's needs.

Staff Recommendation: Authorize the retirement of K-9 Tiko and authorize the adoption of Tiko by Mission Police Officer Roque Vela subject to the signing of a hold harmless agreement.

City Manager recommended approval.

Councilman O'cana moved to authorize to retire Police K-9 Tiko from active duty and authorization to have K-9 Officer Roque Vela adopt Tiko subject to the signing of hold harmless agreement. Motion was seconded by Councilman Plata and approved unanimously 3-0.

4.4 Authorization to purchase bulletproof vests via a state Approved contract (TXMAS-9-84010)

The City of Mission Police Department was requesting authorization to purchase a total of forty (40) bulletproof vests from Lone Star Uniforms, Inc., a state contract vendor. The bulletproof vests would be purchased for the purpose of replacing bulletproof vests currently in use by Mission Police Officers that were five (5) years old. The industry standard was five years of life for any bulletproof vest. The bulletproof vests to purchase met all National Institute of Justice standards. The vests would be purchased through the Designated Purpose Fund at a cost of \$30,060.00 (TXMAS-9-84010). A total of \$28,394.82 would be paid through the Bulletproof Vests Grant Program. The remaining balance of \$1,665.18 would be paid through the Federal Drug Forfeiture Account.

Staff Recommendation: Staff was respectfully requesting authorization to purchase the forty (40) bulletproof vests via the state approved contract.

City Manager recommended approval.

Councilman O'cana moved to authorize to purchase bulletproof vests via a state approved contract (TXMAS-9-84010). Motion was seconded by Councilman Plata and approved unanimously 3-0.

4.5 Authorization to enter into a Frequency Reconfiguration Agreement between the City of Mission and Nextel of Texas, Inc.

The City of Mission Police Department was requesting authorization to enter into a Frequency Reconfiguration Agreement between the City of Mission and Nextel of Texas, Inc. The Mission Police Department with the assistance of Mr. James R. Hobson from the law firm of Best Best and Krieger LLP negotiated the terms of the Frequency Reconfiguration agreement. Based on the agreement Nextel of Texas, Inc. agreed to reimburse the City of Mission a total of \$71,859.20 for the use of police personnel to assist with the reconfiguration of police and fire department mobile/portable radios and the purchase of equipment. Additionally, Nextel of Texas, Inc. would pay Motorola, the vendor \$300,032.14 for the work they would be responsible for in the

reconfiguration of the City of Mission police /fire radios and finally, Nextel Operations of Texas Inc., would pay the attorney fees of \$20,600.00 to Best Best and Krieger. The City of Mission would not incur any fees for the reconfiguration of either police or fire department portable/mobile radios. All expenditures would be paid by Nextel of Texas, Inc.

Staff Recommendation: Staff was respectfully requesting authorization to enter into a Reconfiguration Agreement between the City of Mission and Nextel of Texas. Inc.

City Manager recommended approval.

Councilman O'cana moved to authorize to enter into a Frequency Reconfiguration Agreement between the City of Mission and Nextel of Texas, Inc. Motion was seconded by Councilman Plata and approved unanimously 3-0.

4.6 Authorization to enter into a contract between the City of Mission and Mary Ann Peralez to serve as Technical Supervisor for Alcohol Breath Test Program services

The City of Mission Police Department was requesting authorization to enter into a contract between the City of Mission and Mary Ann Peralez to serve as Technical Supervisor for alcohol Breath Test Program services. Ms. Mary Ann Peralez, DBA was a sole source vendor for breath test services in Hidalgo, Willacy, Cameron and Starr Counties. It was the responsibility of Ms. Peralez to assure the operation of the Intoxilyzer 5000 for use by Mission Police Officers who were tasked with testing persons arrested for the offense of Driving While Intoxicated. The total amount for the yearly contract was \$11,000.00. Staff was respectfully requesting authorization to enter into contract with Ms. Mary Ann Peralez.

Staff Recommendation: Staff was respectfully requesting authorization to enter into a contract between the City of Mission and Mary Ann Peralez to serve as Technical Supervisor for Alcohol Breath Test Program services.

City Manager recommended approval.

Councilman Plata moved to authorize to enter into a contract between the City of Mission and Mary Ann Peralez to serve as Technical Supervisor for Alcohol Breath Test Program services. Motion was seconded by Councilman O'cana and approved unanimously 3-0.

4.7 Authorization to purchase via a state approved contract, a total of five (5) patrol units and all the necessary police equipment to equip the five (5) new patrol units (Buyboard Contract # 430-13)

The City of Mission Police Department was requesting authorization to purchase five (5) new patrol units and all the necessary police equipment for the new police units via a state approved contract (Buyboard Contract #430-13). The five (5) police units will be purchased utilizing the City of Mission Asset Replacement Fund at a cost of \$147,200.00 and any police equipment would be purchased through the Mission Police Department's State Drug Forfeiture account.

Staff Recommendation: Staff was respectfully requesting authorization to purchase via a state approved contract, a total of five (5) patrol units and all the necessary equipment to equip the five (5) new patrol units.

City Manager recommended approval.

Councilman O'cana moved to authorize to purchase via a state approved contract, a total of five (5) patrol units and all the necessary police equipment to equip the five (5) new patrol units (Buyboard Contract # 430-13). Motion was seconded by Councilman Plata and approved unanimously 3-0.

4.8 Approval of the Certified 2014 Tax Roll Totals

Approval of the Certified 2014 Tax Roll for the City of Mission as per Section 26.09 (e) of the Texas Property Tax Code.

Total Taxable Value: \$3,540,518,418

2014 Total Tax Ley: \$18,277,993

Distribution of Levy:

M&O \$14,585,754 I&S \$ 3,692,239

TOTAL TAX LEVY \$18,277,993

Staff and City Manager recommended approval.

Councilman O'cana moved to approve the Certified 2014 Tax Roll Totals as presented. Motion was seconded by Councilman Plata and approved unanimously 3-0.

4.9 Tax Collections Report – October, 2014

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

Staff and City Manager recommended approval.

Councilman O'cana moved to approve the Tax Collections Report for October, 2014 as recommended. Motion was seconded by Councilman Plata and approved unanimously 3-0.

4.10 Budget Amendments – Utility Fund, Solid Waste Fund, Police State Fund, Police Federal Sharing Fund, Designated Purpose Fund, 2007 CO Bond Funds, 2009 CO Bond Funds, 2012 CO Bond Funds, CDBG

Assistant Finance Director Perez presented the budget amendments BA–2015-06 thru BA-2015-21 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve budget amendments BA–2015-06 thru BA-2015-21 as recommended. Motion was seconded by Councilman O'cana and approved unanimously 3-0.

4.11 Approval of Change Order No. 2 for City of Mission Downtown Streetscape Mobility Project

Staff was seeking authorization to allow for an additional thirty-two (32) days for the completion

of improvements and reconstruction for the Downtown Streetscape Project. Additional days were being requested based on contract provisions that permit days to be added to the contract due to actions beyond the control of the contractor, such as inclement weather. Rainy conditions had been limited until the second half of September which resulted in construction delays. The project management firm, L&G Engineering, had reviewed the contractor's request and issued a favorable recommendation for additional days. City staff concurred with the request and recommendation.

Staff Recommendation: Approval of Change Order #2

City Manager recommended approval

Councilman O'cana moved to approve Change Order No. 2 for City of Mission Downtown Streetscape Mobility Project. Motion was seconded by Councilman Plata and approved unanimously 3-0.

4.12 Authorization to transfer park zone funds from Northwest Park Zone to Southwest Park Zone for the Bentsen Palm Regional Park

Staff was requesting authorization to transfer funds from the Northwest Park Zone to the Southwest Park Zone for the Bentsen Palm Regional Park these funds would be used for the construction of proposed shade canopies. (Fund request \$26,000.00).

Staff Recommendation: Approval to transfer funds.

City Manager recommended approval.

Councilman O'cana moved to authorize to transfer park zone funds from Northwest Park Zone to Southwest Park Zone for the Bentsen Palm Regional Park. Motion was seconded by Councilman Plata and approved unanimously 3-0.

4.13 Budget Amendment – Park Dedication Fund

Assistant Finance Director Perez presented the budget amendment BA–2015-21 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve budget amendment BA–2015-21as recommended. Motion was seconded by Councilman Plata and approved unanimously 3-0.

City Attorney David Guerra asked the council to discuss item 4.14 during executive session under the "Consultation with Attorney" exception before considering these item in open session.

At 5:07 p.m., Mayor Pro Tem Garza continued with item 4.15 of the agenda.

4.14 Bid to construct shade canopies at the Bentsen Palm Community Park located on South Inspiration

City Council gave authorization to solicit bids to construct shade canopies at the Bentsen Palm Community Park located on South Inspiration. The City of Mission had accepted and opened

seven (7) bids responses for this project. Staff was recommending awarding bid to G&G Construction subject to representation by the contractor indicating the subcontractor to be used. Who was the lowest responsible bidder meeting all specifications in the amount \$79,740.

Staff Recommendation: Award bid to G&G Construction subject to representation by the contractor indicating the subcontractor to be used.

City Manager recommended approval.

Councilman O'cana moved to approve bid to construct shade canopies at the Bentsen Palm Community Park located on South Inspiration, as recommended by staff. Motion was seconded by Councilman Plata and approved unanimously 3-0.

4.15 Authorization to purchase equipment via State Approved Contract for the Public Works Department

Staff was seeking authorization to purchase via state approved cooperative contracts for Capital Outlay Equipment for Streets and Drainage Department.

Staff Recommendation: Authorization to purchase via state approved Buy Board contracts 373-11, 430-13 and 420-13.

City Manager recommended approval.

Councilman O'cana moved to authorize to purchase equipment via State Approved Contract for the Public Works Department. Motion was seconded by Councilman Plata and approved unanimously 3-0.

4.16 Authorization to Solicit for bids for the purchase of Cold Water Meters for the Public Works Department

Staff was seeking authorization to solicit bids for the purchase of Cold Water Meters. Meters were needed by the Public Works department to replace nonfunctioning meters and for new developments. Purchases would be made on an "as need" basis. The contract terms would be for one year with one-year renewal option.

Staff Recommendation: Authorization to Solicit for Bids.

City Manager recommended approval.

Councilman O'cana moved to authorize to solicit for bids for the purchase of Cold Water Meters for the Public Works Department. Motion was seconded by Councilman Plata and approved unanimously 3-0.

4.17Authorization to Solicit for bids for the purchase of Waterline Maintenance Supplies for the Public Works Department

Staff was seeking authorization to solicit bids for the purchase of Waterline Maintenance Supplies. Waterline Maintenance Supplies were needed by the Public Works Department for the water distribution system daily maintenance operations. Purchases would be made on an "as need" basis. The contract terms would be for one year with one-year renewal option.

Staff Recommendation: Authorization to Solicit for Bids.

City Manager recommended approval.

Councilman Plata moved to authorize to solicit for bids for the purchase of Waterline Maintenance Supplies for the Public Works Department. Motion was seconded by Councilman O'cana and approved unanimously 3-0.

4.18 Authorization to Solicit for bids for the purchase of Meter Connect Supplies for the Public Works Department

Staff was seeking authorization to solicit bids for the purchase of Meter Connect Supplies. Meter Connect supplies were needed by the Public Works department for new water meter connections and repairs. Purchases would be made on an "as need" basis. Purchases would be made on an "as need" basis. The contract terms would be for one year with one-year renewal option.

Staff Recommendation: Authorization to Solicit for Bids.

City Manager recommended approval.

Councilman Plata moved to authorize to solicit for bids for the purchase of Meter Connect Supplies for the Public Works Department t. Motion was seconded by Councilman O'cana and approved unanimously 3-0.

4.19 Approve First Reading of Ordinance Granting to AEP-Texas Central Company, a Non-Exclusive Franchise to Construct, Maintain and Operate Lines and Appurtenances and Appliances for Conducting Electricity in, Over, Under and Through the Streets, Avenues, Alleys and Public Places of the City of Mission, Texas

On December 20, 2004, the City of Mission granted AEP-Texas Central Company a non-exclusive franchise to construct, maintain and operate power lines and related infrastructure for the purposes of conducting electricity in, over, under and through the City streets, avenues, alleys and public places within the city's corporate limits. The franchise agreement was set to expire on December 31, 2014. As contemplated in the current franchise agreement, AEP-Texas had expressed its interest to renew the agreement with the City for a period of ten (10) years.

It was further noted that City Charter provisions stipulate that, "all ordinances granting,

amending, renewing, or extending franchises for public utilities shall be read at two (2) separate regular meetings of the City Council, and shall not be finally passed until thirty (30) days after the first reading; and no such ordinance shall take effect until thirty (30) days after its final passage; and the full text of such ordinances shall be published once within fifteen (15) days following the first reading in a newspaper of general circulation within the City of Mission, and the expense of such publication shall be borne by the proponent of the franchise."

The second and final reading of the Ordinance was scheduled for December 15, 2014 with the effective date of the agreement after December 24, 2014.

Staff Recommendation: Hold first reading of the subject Ordinance in accordance with the City Charter.

City Manager recommended approval.

No action was taken on this item since it was only the first reading of the Ordinance.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

City Manager Garza advised that Mayor Salinas was unable to attend Council meeting due to him being on official city business in Mexico City for Anzalduas Bridge southbound traffic. Thanked staff and agencies who participated in the City's 2nd Annual Thanksgiving Holiday Giveaway where 50 families were given a Thanksgiving meal. Presented Retired Fire Chief Ricardo Saldana with a Fire Chief's ring and announced the closing of City Hall on November 27th and 28th for Thanksgiving Holiday.

6.2 Mayor's Comments

None

Mayor Pro Tem Garza asked council to go into executive session pursuant to V.T.C.A. Gov. Code Sec. 551.001 for items 4.14, 7.1-A, 7.1-B, 7.1-C, 7.1-D and 7.2-A of the agenda.

At 5:18 p.m., Councilman O'cana moved to convene into executive session. Motion was seconded by Councilman Plata and approved unanimously 3-0.

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

- 7.1 Consultation with Attorney Sec. 551.071
 - A. Request by Jesus Mendoza for Teleconference appearance before City Council
 - **B.** Concerns regarding CWV Service Center Building and Renovations Contract and any action regarding the surety
 - C. Escrows deposited by Domit Land & Development and Anzalduas Business Park, LP
 - D. Ex Parte Agua Special Utility District in the 250th District Court of Travis County, Texas and other matters incident thereto
- 7.2 Consultation with Attorney Sec. 551.071
 - Deliberation regarding real property Sec. 551.072
 - A. Sale of property located at 801 Nueces Street, being Lot 24, Block 2, ERDAHL Subdivision as recorded in Page 14, Volume 5, HCMR
- 7.3 The City Council will reconvene in open session to take any actions necessary

At 6:51 p.m., Councilman O'cana moved to reconvene in open session to take action on items 4.14, 7.1-A, 7.1-B, 7.1-C, 7.1-D and 7.2-A. Motion was seconded by Councilman Plata and approved unanimously 3-0.

On item 7.1-A, City Attorney David Guerra stated that when Mr. Mendoza made the request he briefed the law regarding this request and made a determination that the Texas Open Meetings Law does not authorize members of the public to address the governmental body at public

meetings via telephone conference. The Texas Attorney General's office and the Texas Municipal League Legal Division agreed with the City Attorney's recommendation. Therefore from a legal standpoint it is advised to deny the request. Councilman O'cana would like the record to show that all correspondence sent by Mr. Mendoza have been forwarded to the City Council. Councilman O'cana moved to deny the request by Jesus Mendoza for Teleconference appearance before City Council. Motion was seconded by Councilman Plata and denied unanimously 3-0.

On item 7.1-B, Councilman O'cana moved to authorize Attorneys to take all actions necessary to have the surety complete the CWV Service Center Project. Motion was seconded by Councilman Plata and approved unanimously 3-0.

On item 7.1-C, Councilman O'cana moved to authorize the City Attorney to file an interpleader action for the distribution of these funds. Motion was seconded by Councilman Plata and approved unanimously 3-0.

On item 7.1-D, no action was taken.

On item 7.2-A, no action was taken.

8.0 Adjournment

At 6:56 p.m., Councilman O'cana moved for adjournment. Motion was seconded by Councilman Plata and approved unanimously 3-0.