

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
APRIL 23, 2012 4:30 P.M.
MISSION CITY HALL**

PRESENT:

Norberto Salinas, Mayor
Maria Elena Ramirez, Councilwoman
Ruben D. Plata, Councilman
Norie Gonzalez Garza, Councilwoman
Leo Olivarez, Mayor Pro Tem
David Guerra, City Attorney
Anna Carrillo, City Secretary
Julio Cerda, City Manager

ABSENT:

ALSO PRESENT:

Kathy Olivarez, Progress Times
Gail Burkhardt, The Monitor
Dr. Armando Ocana
Frank Jimenez
Rose Ramirez
Leti Salinas
Erika Salinas
Tony Cordova
Rene De La Cruz
Husbaldo Salazar
Carmen Mendoza
Ryan Burch
Jim Brunson
Richard Perez
Alex Meade

STAFF PRESENT:

Carmen Morales, Administrative Asst.
Nelia Hernandez, Asst. City Secretary
Sonia Marroquin, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sergio Zavala, Planning Director
Alex Hernandez, Planning Dept.
Joanne Longoria, CDBG Director
Roberto Salinas, Public Works Director
Paul Schaefer, Golf Course Director
Gilbert Sanchez, Fire Marshal
Rick Saldana, Fire Chief
Eduardo Belmarez, Purchasing Director
Robert Dominguez, Asst. Chief of Police
Martin Garza, Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Julian Gonzalez, Parks & Rec. Director
Juan C. Avila, B & G Club Director
Noemi Munguia, HR Director
Robert Hinojosa, Risk Manager
Jesse Lerma, Civil Service Director
Roland Rodriguez, I. T. Director
Jonathan Wehrmeister, Judge
Cassandra Karl, Museum Director
Mayra Rocha, Library Director
John Hernandez, City Engineer

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:30 p.m.

2. Pledge Allegiance and Invocation

Mayor Salinas led the meeting with the pledge of allegiance and City Manager Julio Cerda gave the invocation.

3. Proclamation – Motorcycle Safety and Awareness Month

City Secretary Anna Carrillo read the proclamation Motorcycle Safety and Awareness Month.

Representative from Biker's for Christ received the proclamation.

Councilwoman Maria Elena Ramirez moved to approve the proclamation as presented. Motion was seconded by Mayor Pro Tem Leo Olivarez and approved unanimously 3-0.

At 4:33 p.m., Councilwoman Norie Gonzalez Garza joined the meeting.

4. Proclamation – Elder Abuse Prevention Month

Mrs. Carrillo read the proclamation for Elder Abuse Prevention Month.

Frank Jimenez from Adult Protective Services received the proclamation.

Mayor Pro Tem Olivarez moved to approve the proclamation as presented. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

5. Proclamation – National Police Week

Mrs. Carrillo read the proclamation for National Police Week.

Chief of Police Martin Garza received the proclamation.

Councilwoman Garza moved to approve the proclamation as presented. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

At 4:38 p.m., Councilman Ruben D. Plata joined the meeting.

6. Departmental Reports

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

7. Report from the Greater Mission Chamber of Commerce Ruszczak

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on the chamber events that had recently taken place.

8. Citizens Participation

Ryan Burch TxDOT representative gave a brief update on the Bryan Road Project, he stated that the first phase of the bridge was complete and the final completion was scheduled to be completed by the end of November.

1.0 Public Hearing

1.1A. Proposed Action Plan FY' 12-13

After consideration of public service agency and department requests, the Citizens Advisory Committee made their recommendations for the proposed Action Plan FY 2012-2013 during their meeting held on April 10, 2012. As required by HUD, a notice for public hearing was published in the Progress Times on April 20, 2012 to announce a public hearing and thirty day comment period to solicit comments on the funding allocations for next fiscal year. The department would accept comments through the end of the comment period May 21, 2012.

Staff Recommendation: Public hearing item only

City Manager recommended approval.

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

There were no comments.

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

2.0 Disposition of Minutes

**2.1 City Council Meeting – April 9, 2012 and
City Council Special Meeting – April 16, 2012**

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

3.0 Acknowledge Receipt of Minutes

**3.1 Zoning Board of Adjustments – March 21, 2012
Parks and Recreation Board Meetings – January 11, 2012,
February 15, 2012 and March 21, 2012
Boys & Girls Club of Mission – March 22, 2012**

Councilman Plata moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilwoman 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 Police Chief Martin Garza**

Confirmation was being requested on the appointment by City Manager of Police Chief Martin Garza as required by Section 143.013(a)(1) of the Texas Local Government Code, in order to confer upon the Police 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 and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve appointment by City Manager under Civil Service Law Section 143.013(a)(1) and swearing in of Police Chief Martin Garza as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.2 Report and possible action on 1600 Vintage Lane

Memo to Management regarded the concerns voiced by Mr. Tony Cordova during the last City Council meeting. A summary was as follows:

- Golden Crest had no inlets; it was approved with above surface flow only (plat was developed in the late 70's)
- Golden Crest's surface flow was directed to pass by the front of Cordova's property, and to the corner side of Cordova's lot to an inlet along Stewart Road (NOTE: inlet was built during Stewart's widening)
- Mr. Cordova's property was inherently the lowest in the subdivision
- There was no rain water inside Mr. Cordova's house
- Mr. Cordova's house had a sunken tub that was about 2' below the curb's elevation
- Chief Building Official Joe Hernandez recommended that a back-wash (flap) valve be installed to prevent any further storm water from infiltrating into his sunken tub; Mr. Cordova agreed to install this fixture to his private sewer service line

Staff Recommendation: Staff was conveying its findings/visit.

No action was taken on this item.

4.3 Authorization to cancel City Council meeting scheduled for May 14, 2012 and reschedule May 28, 2012 meeting to May 29, 2012

Staff was requesting the cancellation of the first regular City Council meeting scheduled for May 14, 2012 due to City elections. If the need arises a special meeting would be scheduled at a later date. Staff was also requesting to reschedule the May 28 meeting to Tuesday, May 29 due to City Hall being closed for Memorial Day Holiday.

City Manager recommended approval.

Councilwoman Garza authorized to cancel City Council meeting scheduled for May 14, 2012 and reschedule May 28, 2012 meeting to May 29, 2012 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.4 Approval of Ordinance # 3764 authorizing issuance, sale and delivery of City of Mission, Texas Combination Tax and Revenue Certificates of Obligation, Series 2012; 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 not to exceed \$1,000; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; authorizing the execution of a purchase agreement to be used in connection with the sale of the certificates; and making other provisions regarding such certificates and matters incident thereto.

As per the City Council meeting on February 13, 2012, City Manager's office was granted the authority to proceed with the bond financing of the following project: Inspiration Road Widening Project.

The action required in this item was the approval of the mentioned above caption order in order to authorize sale of bonds to complete the formal process for the bond financing.

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

Staff Recommendation: Authorization of ordinance for sale of issuance of Texas Combination Tax and Revenue Certificates of Obligation, Series 2012; not to exceed \$2,750,000.

City Manager recommended ordinance approval.

Councilman Plata moved to adopt Ordinance No. 3764 authorizing issuance, sale and delivery of City of Mission, Texas Combination Tax and Revenue Certificates of Obligation, Series 2012; 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 not to exceed \$1,000; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; authorizing the execution of a purchase agreement to be used in connection with the sale of the certificates; and making other provisions regarding such certificates and matters incident thereto as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

ORDINANCE NO. 3764

ORDINANCE AUTHORIZING ISSUANCE, SALE AND DELIVERY OF CITY OF MISSION, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2012; 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.

4.5 Approval of Ordinance # 3765 authorizing the issuance, sale and delivery of City of Mission, Texas, General Obligation Refunding Bonds, Series 2012; levying a continuing direct annual ad valorem tax; authorizing the refunding of certain outstanding obligations; authorizing the execution of a purchase agreement; approving an official statement, execution of an escrow and trust agreement, 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 2003 to complete the formal process for the bond financing.

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

Staff Recommendation: Authorization of ordinance for the General Obligation Refunding Bonds Series 2012.

City Manager recommended ordinance approval.

Financial Advisor Bob Henderson elaborated on the refunding bonds and answered any questions Mayor or Council had in respects to this item.

Councilman Plata moved to adopt Ordinance No. 3765 authorizing the issuance, sale and delivery of City of Mission, Texas, General Obligation Refunding Bonds, Series 2012; levying a continuing direct annual ad valorem tax; authorizing the refunding of certain outstanding obligations; authorizing the execution of a purchase agreement; approving an official statement, execution of an escrow and trust agreement, 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 Mayor Pro Tem Olivarez and approved unanimously 5-0.

ORDINANCE NO. 3765

ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF CITY OF MISSION, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX; AUTHORIZING THE REFUNDING OF CERTAIN OUTSTANDING OBLIGATIONS; AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT; APPROVING AN OFFICIAL STATEMENT, EXECUTION OF AN ESCROW AND TRUST AGREEMENT, THE SUBSCRIPTION AND PURCHASE OF CERTAIN FEDERAL SECURITIES, AND MAKING OTHER PROVISIONS REGARDING SUCH BONDS AND MATTERS INCIDENT THERETO.

At 5:29 p.m., Mayor Salinas stepped out of the meeting.

4.6 March 2012 Financial Statements

Finance Director Janie Flores presented the March 2012 Financial Statements for approval.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the March 2012 Financial Statements. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.7 Acceptance of Quarterly Report of Investments for the Quarter ending March 31, 2012 and Interest Earned for Six Months Ending March 31, 2012

Acceptance of quarterly report required by the Public Funds Investment Act Section 2256.023 of the Texas Government Code on the total investments for the quarter ending March 31, 2012. The total investments purchased were \$7,015,125.04 and the amount of maturing investments was \$2,726,005.82 leaving a total of \$32,878,933.61 in outstanding investments for the quarter ending March 31, 2012. The total interest earned on all funds year to date was \$43,486.97.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve the Quarterly Report of Investments for the Quarter ending March 31, 2012 and Interest Earned for Six Months Ending March 31, 2012 as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.8 Approval of Collection of Taxes Contract between the County of Hidalgo and City of Mission for taxable year 2012.

As per Clause VI, Consideration of Collection Taxes Contract between the County of Hidalgo and City of Mission, the City must be advised of the fee for collection for the next taxable year.

The fee for taxable year 2012 would remain the same as Tax Year 2011 at \$69,458.00 or \$5,788.17 per month effective September 1, 2012.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Collection of Taxes Contract between the County of Hidalgo and City of Mission for taxable year 2012 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.9 Approval of Lease Agreement with TexasSweet Citrus Marketing, Inc. and the City of Mission for office space for Mission Economic Development Corporation and Mission Redevelopment Authority.

The lease agreement between the City of Mission and TexaSweat expired April 30, 2012. The City of Mission rented space from TexaSweat to house the Mission EDC and Mission Redevelopment Authority staff. If approved, the new 36 month lease agreement would be from May 1, 2012 through April 30, 2015. The new lease agreement terms were the same as the expiring lease agreement terms.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Lease Agreement with TexasSweet Citrus Marketing, Inc. and the City of Mission for office space for Mission Economic Development Corporation and Mission Redevelopment Authority as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.10 Authorization to submit the 2012 Local Border Security Program Grant to the Texas Department of Public Safety's Texas Ranger Division

The Mission Police Department was requesting authorization to submit the 2012 Local Border Security Program Grant to the Texas Department of Public Safety's Texas Ranger Division. If awarded, overtime funds would be provided to the Mission Police Department to patrol the City of Mission with emphasis on Local Border Security issues, to include conducting southbound operations at the Anzaldua's International Bridge. The total amount of the grant requested was \$225,626.08. There was no cash match required for this grant.

City Manager recommended approval.

Councilman Plata moved to authorize to submit the 2012 Local Border Security Program Grant to the Texas Department of Public Safety's Texas Ranger Division as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.11 Authorization to execute a Texas State and Local Law Enforcement Release with National Geographic

The Mission Police Department was requesting authorization to execute a Texas State and Local Law Enforcement Release with National Geographic. The Mission Police Department had been asked to participate in a nationally televised television show called, "Border Wars." National Geographic would have a film crew ride-a-long with Mission Police Officers to record live video of actual police calls for service in the City of Mission. Upon legal reviews of the release from counsels representing National Geographic and the City of Mission, staff was recommending that you authorize the execution of the aforementioned document.

City Manager recommended approval.

Councilwoman Garza moved to authorize to execute a Texas State and Local Law Enforcement Release with National Geographic as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.12 Approval of Resolution # 1313 of the City Council of the City of Mission, Texas extending Ordinance No. 2717 (Magic Valley Electric Co-op Franchise Agreement) until July 1st, 2012

The City's current franchise agreement with MVEC approved by Ordinance number 2717 expired on February 13, 2012. This resolution would extend the agreement until such time as a new agreement was adopted and approved.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Resolution No. 1313 of the City Council of the City of Mission, Texas extending Ordinance No. 2717 (Magic Valley Electric Co-op Franchise Agreement) until July 1st, 2012 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

RESOLUTION NO. 1313

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
EXTENDING ORDINANCE NO. 2717 (MAGIC VALLEY ELECTRIC CO-OP FRANCHISE
AGREEMENT) UNTIL JULY 1st, 2012

4.13 First reading of Ordinance # _____ approving the renewal of City of Mission, Texas Franchise Agreement with Magic Valley Electric Co-op, (MVEC)

The City's current franchise agreement with MVEC approved by Ordinance number 2717 expired on February 13, 2012. The new agreement mirrors the just expired agreement and provided for the continued receipt of franchise fees generated by MVEC on electric utility billings. As per the City Charter, the following needed to occur:

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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. No public utility franchise shall be granted for a term of more than twenty (20) years nor be transferable except with the approval of the City Council expressed by ordinance.

The only action required at this meeting was the first reading of the caption of the ordinance with a statement that the full ordinance was available for inspection at the office of the City Secretary. This Ordinance took effect on July 1st, 2012.

No action was taken on this item; this was only a 1st reading.

4.14 Authorization to solicit bids for the installation of Sanitary sewer (2) pumps at Wastewater Plant Main Lift Station

Staff was seeking authorization to solicit bids for the installation of two new sanitary sewer pumps. Existing pump parts had become obsolete for repair and maintenance. It was not cost effective to continue repairing existing pumps versus replacing them.

City Manager recommended approval.

Councilwoman Garza moved to authorize to solicit bids for the installation of Sanitary sewer (2) pumps at Wastewater Plant Main Lift Station as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.15 Authorization to solicit bids for “Housing Assistance Program – Phase 11-II”

CAC met on March 27, 2012 and approved staff’s recommendation to provide assistance for the reconstruction of three (3) homes and rehabilitation of one (1) home through the CDBG program as followed:

Reconstruction:

- 108 North St - 2 bedrooms
- 1401 Ray Circle - 2 bedrooms
- 1309 N Holland - 2 bedrooms

Rehabilitation:

- 1010 Berry

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for “Housing Assistance Program – Phase 11-II” as recommended. Motion was seconded by Councilwoman Garza 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

Mayor Pro Tem Olivarez congratulated the Sharyland ISD Soccer Team for their State Championship win. Councilman Plata congratulated the Police Department on their Crime Victims Ceremony which was held on Sunday, April 22.

7.0 Adjournment

At 5:41 p.m., Councilwoman Ramirez moved for adjournment. Motion was seconded by Councilman Plata and approved unanimously 4-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary