NOTICE OF REGULAR MEETING MISSION CITY COUNCIL MAY 26, 2009 4:30 P.M. MISSION CITY HALL

PRESENT: **ABSENT:**

Norberto Salinas, Mayor 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

ALSO PRESENT:

Kathy Olivarez, Progress Times **Crystal Santos** Cathy Garcia M. Ortegon Norma L. Basaldua Silvia Herrera Maxi Lou Link Arlene Rivera

David Gutierrez Ryan Krause Miguel Aguilera Myriam Triana Sandra Vecchio

Andy Hernandez Carlos Antunez Mauricio Paredes Roberto Triana Maggie Birmingham

June Flint

Pat Townsend, Jr. Rose Rodriguez Raymond Longoria

Fred Kurth Ben Olivarez

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary Sonia Carnes, Deputy City Manager Guillermo Seguin, Deputy City Manager Aida Lerma, Deputy City Manager Sergio Zavala, Planning Director Roberto Salinas, City Engineer Paul Schaefer, Golf Course Director Joanne Longoria, CDBG Director Gilbert Sanchez, Fire Marshal Ruben Diaz, Public Works Director Victor Gonzalez, Streets Director Elizabeth Cabrera, Purchasing Director

Leo Longoria, Chief of Police

Robert Dominguez, Asst. Chief of Police Martin Garza, Asst. Chief of Police Janie Flores, Finance Director Randy Perez, Accountant

Julian Gonzalez, Parks & Rec. Director

Adela Ortega, Museum Director

Mayra Rocha, Speer Memorial Library Jesse Lerma, Civil Service Director

Omar Garcia, Boys & Girls Club Director

Roland Rodriguez, D.P. Manager Noemi Munguia, HR Director

1. Call to order

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

Pledge Allegiance and Invocation

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

A moment of silence was observed in memory of Councilman Celestino Ramirez.

3. Presentation of \$5,000 Stipends to Mission High School Teachers

Deputy City Manager Aida Lerma presented stipends to two (2) high school teachers.

4. Departmental Reports

Mayor Pro Tem Leo Olivaez moved to approve the departmental reports as presented. Motion was seconded by Councilman Ruben Plata and approved unanimously 4-0.

5. Citizens Participation

Sylvia Herrera, of 2104 E. 22^{nd} expressed concerns regarding the gate at Palm Valley Church being opened and creating excessive traffic in their neighborhood.

Norma Basaldua, stated that her property was directly behind the church and was experiencing various problems with the gate being open at Palm Valley Church.

A representative of Palm Valley Church discussed the plans for the development of the church and agreed to close the gate until it would be considered by city council.

Mauricio Paredes, owner of Sharyland Storage requested consideration of an inflatable sign for his business.

A citizen from 1803 E. 21st St., expressed his concern regarding speeding drivers around this area and requested speed bumps be placed on this street.

Norma Canales, of 3102 Melody Lane expressed her sorrow on the recent death of Councilman Celestino Ramirez.

Cathy Garcia, 1409 Dons Drive gave thanks on behalf of the Board of Directors of the Mission Chamber of Commerce for their support for a successful Gala.

At 4:52 Councilwoman Norie Gonzalez Garza joined the meeting.

1.0 Public Hearing

1.1 A. Public Hearing for Substantial Amendment to the CDBG One Year Action Plan 2008-09

The American Recovery and Reinvestment Act of 2009 provided an additional \$225,188 to the One Year Action Plan 2008-09. Through this funding, entitlement communities were required to process a substantial amendment to the current Action Plan. A second public hearing was being held to solicit input on the proposed use of the funds. The comment period will end on June 1, 2009. As per City Council directive, it was being proposed to utilize these funds to provide rehabilitation assistance for eligible low income families who resided within the city limits of Mission. It was being proposed that this program be maintained separate from the current waiting list and to accept applications, screen the applicants for eligibility and provide assistance to those who qualified until the funds were exhausted. The current rehabilitation program guidelines would be used to qualify for this program.

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

There were none.

There was no action taken on this item. This was only a public hearing.

2.0 Disposition of Minutes

2.1 City Council Meeting – May 11, 2009 and Special Meeting – May 18, 2009

Councilwoman Garza moved to approve the minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 4-0.

3.0 Acknowledge Receipt of Minutes

3.1 Citizen's Advisory Committee – April 21, 2009

Councilwoman Garza moved acknowledge the receipt of minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.0 Approvals and Authorizations

4.1 Authorization to submit a grant application for the Target Community Grant 2009

The Mission Historical Museum was seeking authorization to submit a grant application for the Target Community Grant 2009. The Target Grant Program was focusing on three areas such as Arts, Early Childhood Reading, and Family Violence Prevention. The Grant had a minimum of \$1,000 to a maximum of \$3,000 and there was no cash match to the city.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve authorization to submit a grant application for the Target Community Grant 2009. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.2 April 2009 Financial Statements

Mrs. Janie Flores, Finance Director presented the Financial Statements for April, 2009, for acceptance.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Financial Statements for April, 2009, as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.3 Tax Collections Report – April, 2009

Mrs. Flores presented the Tax Collections Report for April, 2009, for acceptance.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Tax Collections Report for April, 2009, as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.4 Approval of Res. # <u>1235</u> authorizing the intervention in AEP Texas Central Company's and AEP Texas North Company's request for approval of an Advanced Metering System

The City of Mission was a member of South Texas Aggregation Project, Inc. ("STAP"). On April 20, AEP Texas Central Company and AEP Texas North Company filed with the Public Utility Commission of Texas an application for approval of deployment plan and requested for surcharge for an Advanced metering System within their service areas. The City of Mission was

a member of the Steering Committee of Cities served by AEP Texas Central and would cooperate with other cities to hire and direct legal counsel and consultants to prepare a common response and to negotiate with the company and direct any necessary litigation. In summary, AEP was granted approval by the legislature in 2005 to install "smart meters" (meters which did not require a field person to read the meter rather the meter readings were electronically uploaded to a central AEP facility). Consumers would have pay the cost of the smart meters and such charges would be paid out during and event year period. The scheduled fee rate was \$3.25 per month for the first four years and \$2.71 per month for the remaining seven years. The Resolution authorized the city to be represented, along with other member cities, in order to lower the planned rate charge and to get assurances that the meters would work as represented by AEP. The cost of representation was paid by the consumers.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Res. No. 1235 authorizing the intervention in AEP Texas Central Company's and AEP Texas North Company's request for approval of an Advanced Metering System. Motion was seconded by Councilman Plata and approved unanimously 4-0.

RESOLUTION NO. 1235

RESOLUTION OF THE CITY OF MISSION AUTHORIZING INTERVENTION IN AEP TEXAS CENTRAL COMPANY'S AND AEP TEXAS NORTH COMPANY'S REQUEST FOR APPROVAL OF AN ADVANCED METERING SYSTEM (AMS) DEPLOYMENT PLAN AND REQUEST FOR AMS SURCHARGES FILED AT THE PUBLIC UTILITY COMMISSION OF TEXAS; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY AEP TEXAS CENTRAL COMPANY AND STEERING COMMITTEE OF CITIES SERVED BY TEXAS NORTH COMPANY TO REVIEW THE APPLICATION, HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THE RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO LEGAL COUNSEL

4.5 The Mission Police Department is requesting Authorization to re-enter into a Contract Services Agreement between the City of Mission and the Mission Consolidated Independent School District

The Mission Police Department was requesting authorization to re-enter into a Contract Services Agreement between the City of Mission and the Mission Consolidated Independent School District for the 2009-2010 school year. The contract was for the delivery of services by the Mission Police Department to Mission CISD through the Education Resource Officer Program. A total of nine (9) police officers would be assigned to the school district during the school year and a one (1) police officer would be assigned to the summer school program. The total of the contract was \$451,114.00. Staff was recommending a favorable recommendation for the purpose of continuing the Education Resource Officer Program at Mission CISD.

Councilman Plata moved to approve the Mission Police Department authorization to re-enter into a Contract Services Agreement between the City of Mission and the Mission Consolidated Independent School District. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.6 The Mission Police Department is requesting Authorization to re-enter into a Contract Services Agreement between the City of Mission and the Sharyland Independent School District

The Mission Police Department was requesting authorization to re-enter into a Contract Services Agreement between the City of Mission and the Sharyland Independent School District for the 2009-2010 school year. The contract was for the delivery of services by the Mission Police Department to Sharyland ISD through the Education Resource Officer Program. A total of six (6) police officers would be assigned to the school district during the school year. The total of the contract was \$295,709.00. Staff was recommending a favorable recommendation for the purpose of continuing the Education Resource Officer Program at Sharyland ISD.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Mission Police Department authorization to re-enter into a Contract Services Agreement between the City of Mission and the Sharyland Independent School District. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.7 Approval to purchase Five Motorola Digital Repeaters through a HGAC Contract

The City of Mission Police Department was requesting approval to purchase a total of five digital repeaters through a HGAC Contract. The Five additional repeaters would be added to our existing analog/digital system to provide more space in our Motorola SmartNet Trunked Radio System to assist both the Mission Police department and Fire Department. Grant funds from the Office of the Governor's 2008 Homeland Security Grant would pay for the first \$175,000 and the remaining balance of \$19,969.08 would be paid through our local State Forfeiture Accounts.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the purchase of five Motorola Digital Repeaters through a HGAC Contract. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.8 Approval of Res. # <u>1236</u> authorizing the Mission Police Department to submit the Mission Police Department's Operation Patrol Fleet Grant to the Office of the Governor's Criminal Justice Division

The Mission Police Department was requesting approval of a resolution for the purpose of submitting the Mission Police Department's Operation Patrol Fleet Grant to the Office of the Governor's Criminal Justice Division. The grant application request was for the purchase of five (5) Police Crown Victoria patrol units. The total amount of the grant request was \$113,285.00 and there was no cash match that was required for this grant. Staff was seeking a favorable recommendation.

Councilman Plata moved to approve Res. No. 1236 authorizing the Mission Police Department to submit the Mission Police Department's Operation Patrol Fleet Grant to the Office of the Governor's Criminal Justice Division. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

RESOLUTION NO. 1236

CITY OF MISSION APPROVES SUBMISSION OF THE GRANT APPLICATION FOR THE MISSION POLICE DEPARTMENT'S OPERATION PATROL FLEET GRANT TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION

4.9 Authorize to renew the Rural Emergency Services Contract with Hidalgo County

Mission Fire Department was seeking authorization to renew the Rural Emergency Services contract between the City of Mission and Hidalgo County, to provide emergency services to the unincorporated areas such as the City of Palmhurst, Granjeno and the surrounding area of the City of Mission. Included in this contract were rate changes (increase) of 39% for a response to a major incident and a 4% rate change (increase) for response to a minor incident. The changes in rates were as follows:

•	Any fire(s)	\$720.00 to \$1,000.00
•	Mutual Aid	\$575.00 to \$600.00
•	Wash Down(s)	\$345.00 to \$425.00
•	Traffic Control	\$230.00 to \$275.00
•	Service Calls	\$115.00 to \$125.00

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to renew the Rural Emergency Services Contract with Hidalgo County. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.10 Bid for the purchase of Chemicals for the North Side & Mayberry Swimming Pools

On April 25, 2009 City Council authorized staff to solicit bids for the purchase of Chemicals for North Side & Mayberry Swimming Pools. The City of Mission had received and opened four (4) bid responses for this item. Staff was recommending awarding to overall low bidder, ACS Networks Inc, for a cost as follows:

Calcium Hypochlorite Tablets - \$282.00/100LB Bucket Muriatic Acid - \$87.50 30/GL Barrel Isocyanuric Acid Powder - \$2.30/LB Sodium Bicarbonate (Baking Soda) \$.69/LB

Estimated cost based on historical usage was \$31,630.50. Initial cost had been estimated and budgeted at \$30,000.

Councilman Plata moved to authorize bid for the purchase of Chemicals for the North Side & Mayberry Swimming Pools. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.11 Bid for the purchase of Acid Wash Services for North Side Water Treatment Plant

On January 26, 2009 City Council authorized staff to solicit bids for the purchase of Acid Wash Services for North Side Water Treatment Plant. The City of Mission had received and opened one (1) bid response for this service. Staff was recommending awarding to sole bidder, Siemens Water Technologies, for a total cost of \$29,616. Initial cost had been estimated and budgeted at \$31,130.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize bid for the purchase of Acid Wash Services for North Side Water Treatment Plant. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.12 Bid for the purchase of Calcium Hypochlorite for Waste Water Treatment Plant

On March 25, 2009 City Council authorized staff to solicit bids for the purchase of calcium hypochlorite for Wastewater Treatment Plant. The City of Mission had received and opened four (4) bid responses for this item. Staff was recommending awarding to overall low bidder, Chemrite Inc., for a cost of \$1.389 per pound. The total estimated cost per year would have been \$21,000. Initial cost had been estimated and budgeted at \$29,616.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize bid for the purchase of Calcium Hypochlorite for Waste Water Treatment Plant. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.13 Bid for the purchase of a storage tank for the Water Plant

On November 24, 2008 City Council authorized staff to solicit bids for the purchase of a storage tank for the Water Plant. The City of Mission had received and opened four (4) bid responses for this service. Staff recommended rejecting the bid responses and forgoing the formal bidding process. Staff believed it was in the City's best interest to instead follow a less formalized process of attaining quotes and felt that quotes could be attained for less than the required \$25,000. Initial cost had been estimated and budgeted at \$25,000.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to reject bids for the purchase of a storage tank for the Water Plant. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.14 Approval of Change Order No. 1 for Bentsen Palm Park – Recreational Improvements

Change Order #1 was a request for a decrease in contract dollar amount for the Bentsen Palm Park – Recreational Improvements. This decrease was due to the omission of item #18 – Form & place sidewalks, of the attached spreadsheet. The decrease was for \$8,300.00. Staff along with

Melden and Hunt, Inc. was seeking approval of Change Order #1. This decrease to the contract would change the total contract price from \$366,600.00 to \$358,300.00.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize approval of Change Order No. 1 for Bentsen Palm Park – Recreational Improvements. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.15 Authorization to solicit bids for "Housing Assistance Program Phase 08-II"

CAC met on Tuesday, May 12, 2009, and approved staff's recommendation to provide assistance for the reconstruction of seven (7) homes contingent upon eligibility, title search and completion of environmental review process:

Reconstruction:

*219 Rio St	- 2 Bedrooms	215 Erma	- 2 Bedrooms
2511 Ala Blanca	- 2 Bedrooms	119 Oblate	- 2 Bedrooms
4002 Lopez	- 3 Bedrooms	418 St. Marie	- 2 Bedrooms
815 Nueces	- 2 Bedrooms		

^{*}Hardship Case

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for "Housing Assistance Program Phase 08-II". Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.16 Bid for Employee Uniform Rental & Services for Various Departments

On March 25, 2009 City Council authorized staff to solicit bids for Employee Uniform Rental & Services for Various Departments. The City of Mission had received and opened two (2) bid responses for this item. Staff recommended rejecting the bid responses and rebidding. First low bidder did not submit a bid bond and the bid response amount from the second low bidder was substantially greater than the budget set aside for this project. The total estimated cost for the year would have been for \$60,017.88.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to reject bids for Employee Uniform Rental & Services for Various Departments. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.17 Bid for overlay of various streets throughout the City of Mission

On April 27, 2009, City Council authorized staff to solicit bids for overlay of streets. The City of Mission had accepted and opened six (6) bid responses for this project. Staff along with Javier Hinojosa Engineer was recommending awarding to the first low bidder, Mission Paving Company, for a total overall cost of \$309,499.98/ton. Initial cost was estimated and budgeted at \$500.000.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize bid for overlay of various streets throughout the City of Mission. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.18 Consideration of Substantial Amendment to the CDBG One Year Action Plan 2008-09

The American Recovery and Reinvestment Act of 2009 was provided to stimulate the economy by promoting energy efficiency and creating jobs, supporting shovel ready projects and assisted housing improvements and promoting stable communities and helping families hardest hit by the economic crisis. In implementing these funds, communities must ensure transparency and accountability. Through this funding, entitlement communities are required to process a substantial amendment to the current One Year Action Plan to include the city's allocation of \$225,188. The amendment to the Action Plan is due in HUD by June 5, 2009 and will be required to obligate 50% of the funds within 120 days of the receipt of the grant agreement.

As per City Council directive, it is being proposed to utilize all funds to provide rehabilitation assistance for eligible low income families who reside within the city limits of Mission. The current rehabilitation program guidelines will be used to qualify for this program. This program will be maintained separate from the current waiting list. A public notice will be provided to advise that the department will accept applications, screen the applicants for eligibility, ensure compliance with federal requirements, and provide assistance to those who qualify until the funds are exhausted.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize consideration of Substantial Amendment to the CDBG One Year Action Plan 2008-09. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.19 Approve change order for H L Projects & Construction for Housing Assistance at 1301 Doherty St.

The City Manager was requesting that this applicant's home be allowed the installation of 12" dirt bearm and rain gutter to the north and west sides of home. The reason for this request was due to a complaint from the neighbor regarding her concern for rain water running into her property due to the elevation of this home. This home was under construction through the City's Housing Assistance program and was in compliance with all building codes and city ordinances. As per the guidelines, the City Manager has the authority to increase approved loans by no more than 10% of the contract amount awarded if an unforeseen requirement during the construction phase mandates such an increase. The change orders was as follows:

1301 Doherty (2 bedroom home): Contract amount \$39,950 Change order <u>\$750</u>

Total amount \$40,700

Councilman Plata moved to approve change order for H L Projects & Construction for Housing Assistance at 1301 Doherty St. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.20 Approval of Resolution # 1237 declaring the adoption of Municipio de Ciudad Madero Tamaulipas, Mexico as a Sister City

Approval to declare the adoption of Ciudad Madero, Mexico as a Sister City. Authorizing Mayor Salinas to act as the official representative of Mission to carry out this program.

Mayor Sergio Arturo Posadas Lara and a delegation from Cd. Madero will be guests on June 5, 2009 at which time the declaration and adoption of Ciudad Madero, Mexico as our sister city will be made official.

The Sister City Concept was inaugurated by the President of the United States in 1956 to establish greater friendship and understanding between the people of the United States and other nations through the medium of direct personal contact. That the Council on behalf of the people of Mission accepts the people of Ciudad Madero, Mexico to participate with Mission as its Sister City for the purpose of creating greater mutual understanding between the peoples of our two great cities and nations.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Resolution No.1237 declaring the adoption of Municipio de Ciudad Madero Tamaulipas, Mexico as a Sister City. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

RESOLUTION NO. 1237

THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS DECLARES THE ADOPTION OF CIUDAD MADERO, TAMAULIPAS MEXICO AS A SISTER CITY

Councilman Plata moved to approve to remove item 5.1 from table. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

5.0 Unfinished Business	
5.1 Approval of Res. #	_ to Declare Mission's Population

5.1 Approval of Res. # _____ to Declare Mission's Population of being over 50,000 for ETJ Purposes

There was no action was taken on this item.

6.0 Routine Matters

6.1 City Manager's Comments

City manager informed of Leadership Mission having their event at Cimarron on Thursday at 6:30 p.m.

6.2 Mayor's Comments

None

At 5:51 p.m., Councilman Plata moved to convene into executive session. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

- 7.0 Executive Session pursuant to V.T.C.A. Gov. Code Sec. 551.001
- 7.1 Private consultation with the City Attorney Sec. 551.071
 - A. Claims regarding Ord. # 3448 vacating and abandoning public alley adjoining Lots 4-8, Block 3, Justintowne Subdivision, Mission, Hidalgo County, Texas
 - **B.** Vacancy on City Council
- 7.2 Purchase, exchange, lease or value of real property Sec. 551.072
 - A. Parcel #1 and Parcel #33 regarding Mile 2 North Rd. Project
- 7.3 The City Council will reconvene in open session to take any actions necessary

At 6:02 p.m., Mayor Pro Tem Olivarez moved to reconvene in open session. Motion was seconded by Councilman Plata and approved unanimously 4-0.

On item 7.1-A, no action was taken.

On item 7.1-B, City Attorney David Guerra stated that the vacancy on the City Council occasioned by the death of Councilman Celestino Ramirez will be filled within 120 days as prescribed by law, by special election.

On item 7.2-A, no action was taken.

8.0 Adjournment

At 6:03 p.m., Councilman Plata moved for adjournment. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

	Norberto Salinas, Mayor
TTEST:	
nna Carrillo, City Secretary	