



AGENDA

Pursuant to V.T.C.A. Gov. Code Section 551.001 et. seq., the City Council of the City of Mission, Texas will hold a special meeting on **Tuesday, September 05, 2023 at 12:00 p.m.** at the Mission Council Chambers, 1201 E. 8th Street, Mission, Texas and by Teleconference to consider the following matters:

The public dial information to participate in the telephonic meeting is as follows:

Time: **Tuesday, September 05, 2023 12:00 PM Central Time**

<https://us02web.zoom.us/j/9904662781?pwd=SGVIL3JZRFRVdENzWXI5VUxFT1ZUQT09>

Or Dial by telephone - +1 346 248 7799 US - Meeting ID: 990 466 2781 - Password: 833227

Meeting ID: 990 466 2781 - Password: 833227

At any time during the course of the posted meeting, the Mission City Council may retire into Executive Session under Texas Government Code 551.071 to confer with legal counsel on any subject matter on this agenda in which the duty of the attorney to the City Council under Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during this meeting, the City Council may retire to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more exceptions to the Texas Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code.

SPECIAL MEETING

CALL TO ORDER AND ESTABLISH QUORUM

DISCLOSURE OF CONFLICT OF INTEREST

AGENDA ITEMS

1. Discussion and action, if any, related to amending City Code of Ordinances, Chapter 118 (Vehicles for Hire) Article III (Wreckers), Section 118-81 (Definitions), 118-85 (Establishing a limit on the number of wrecker companies), Section 118-111 (Required; application; information), Section 118-112 (Requirement for Issuance), Section 118-114 (Permit fee), Section 118-115 (Revocation of permit; hearing), Section 118-151 (Identification of wrecker service company), Section 118-152 (Safety precautions), 118-158 (Response to calls), Section 118-159 (Wrecker rotation list), Section 118-160 (Storage Yard), and Section 118-191 (Maximum rates for wrecker service); and adoption of Ordinance # _____. City Attorney V. Flores

UNFINISHED BUSINESS

2. TABLED 08/28/2023: Authorization to Award Agent of Record – Munguia
3. TABLED 08/28/2023: Authorization to Award International RX Services - Munguia

EXECUTIVE SESSION

1. Closed session pursuant to Tex. Gov't Code Section 551.071 (Consultation with City Attorney) related to pending litigation; specifically, City of Mission vs. Warehouse Event Center, LLC DBA Blackout Private Social Club and MGV Investment Group, LLC (Cause No. C-3374-23-M, 476th District Court) (City Attorney V. Flores)

POSSIBLE ACTION ON ANY ITEM(S) AS DISCUSSED IN EXECUTIVE SESSION

1. Consideration and action, if any, related to claims, requests and/or demands resulting from City of Mission vs. Warehouse Event Center, LLC DBA Blackout Private Social Club and MGV Investment Group, LLC (Cause No. C-3374-23-M, 476th District Court)

ADJOURNMENT

C E R T I F I C A T E

I, the undersigned City Secretary do certify that the above notice of meeting was posted on the bulletin board of City Hall, 1201 E. 8th Street, Mission, Texas on this the 01st day of September, 2023 at 3:30 p.m.



Anna Carrillo, City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations for a disability must be made 48 hours prior to this meeting. Please notify the City Secretary's Office at 580-8668.

NOTICE OF SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF MISSION

Notice is hereby given that on the **05th day of September, 2023** the City Council of the City of Mission will hold a special meeting at 12:00 p.m. at 1201 E. 8th Street, Mission, Texas and by Teleconference to consider the following matters. The subjects to be discussed are listed on the agenda, which is attached to and made a part of this Notice.

If, during the course of the meeting covered by this Notice, the City Council should determine that a closed or executive meeting or session of the Council is required, then such closed or executive meeting or session as authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001 et seq., will be held by the Council at the date, hour and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the Council may conveniently meet in such closed or executive meeting or session concerning any and all purposed permitted by the Act, including, but not limited to the following sections and purposes.

Texas Government Code Section:

- 551.071(1) (2) Consultation with Attorney.
- 551.072 Deliberation regarding real property.
- 551.073 Deliberation regarding prospective gifts.
- 551.074 Personnel matters.
- 551.076 Deliberation regarding security devices or security audits.
- 551.0785 Deliberations involving medical or psychiatric records of individuals.
- 551.084 Investigation; exclusion of witness from hearing.
- 551.087 Deliberation regarding economic development negotiations
- 551.088 Deliberation regarding test item.

Should any final action, final decision, or final vote be required in the opinion of the City Council with regard to any matter considered in such closed or executive meeting or session, then the final action, final decision, or final vote shall be either:

- (a) in the open meeting covered by the Notice upon the reconvening of the public meeting; or
- (b) at a subsequent public meeting of the City Council upon notice thereof; as the Council shall determine.

On this the **01st day of September, 2023** this Notice was emailed to news media who had previously requested such Notice and an original copy was posted on the bulletin board at City Hall, 1201 E. 8th Street at 3:30 p.m. on said date.



Anna Carrillo, City Secretary



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: September 5, 2023

PRESENTED BY: Victor Flores, City Attorney

AGENDA ITEM: Discussion and action, if any, related to amending City Code of Ordinances, Chapter 118 (Vehicles for Hire) Article III (Wreckers), Section 118-81 (Definitions), 118-85 (Establishing a limit on the number of wrecker companies), Section 118-111 (Required; application; information), Section 118-112 (Requirement for Issuance), Section 118-114 (Permit fee), Section 118-115 (Revocation of permit; hearing), Section 118-151 (Identification of wrecker service company), Section 118-152 (Safety precautions), 118-158 (Response to calls), Section 118-159 (Wrecker rotation list), Section 118-160 (Storage Yard), and Section 118-191 (Maximum rates for wrecker service); and adoption of Ordinance # _____. City Attorney V. Flores

NATURE OF REQUEST:

Ordinance revisions attached.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Seeking Council Direction

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager's Recommendation: Seeking Council Direction *RP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ORDINANCE NO. ____

OF THE CITY OF MISSION, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 118 (VEHICLES FOR HIRE) ARTICLE III (WRECKERS), SECTION 118-81 (DEFINITIONS), 118-85 (ESTABLISHING A LIMIT ON THE NUMBER OF WRECKER COMPANIES), SECTION 118-111 (REQUIRED; APPLICATION; INFORMATION), SECTION 118-112 (REQUIREMENT FOR ISSUANCE), SECTION 118-114 (PERMIT FEE), SECTION 118-115 (REVOCAION OF PERMIT; HEARING), SECTION 118-151 (IDENTIFICATION OF WRECKER SERVICE COMPANY), SECTION 118-152 (SAFETY PRECAUTIONS), 118-158 (RESPONSE TO CALLS), SECTION 118-159 (WRECKER ROTATION LIST), SECTION 118-160 (STORAGE YARD), AND SECTION 118-191 (MAXIMUM RATES FOR WRECKER SERVICE), AND PROVIDING THE FOLLOWING: ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.

WHEREAS, the City of Mission, as a home-rule municipality, has the power and authority of local self-government pursuant to Article XI, Section 5 of the Texas Constitution; and

WHEREAS, the Mission City Council finds that it is necessary to preserve the city's public safety to amend and update the City's Code of Ordinances, as provided herein below, in order to further clarify the standards for non-consent vehicle tows in the City of Mission, Texas.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT:

Section 1: Enactment: Chapter 118 of the City of Mission's Code of Ordinance is hereby amended as outlined in Exhibit A, attached hereto and incorporated herein for all purposes.

Section 2. Repealer: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

Section 3: Severability: Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

Section 4: Codification: The City Secretary is hereby directed to record and publish the attached regulations in the City's Code of Ordinances.

Section 5: Effective Date: This Ordinance shall be effective immediately upon passage and publication.

Section 6: Proper Notice and Meeting: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the

time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

CONSIDERED, PASSED, AND APPROVED this 5th day of September, 2023.

Norie Gonzalez-Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

APPROVED AS TO FORM:

Victor A. Flores, City Attorney

ARTICLE III. WRECKERS

DIVISION 1. GENERALLY

Sec. 118-81. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accident means any occurrence which renders a vehicle wrecked or disabled.

Disabled vehicle means a vehicle which has been rendered unsafe to be driven as the result of some occurrence other than a wreck including, but not limited to, mechanical failure or breakdowns, fire, vandalism or a vehicle which is in a safe driving condition, but the owner is not present, able or permitted to drive as to reasonably necessitate that the vehicle be removed by a wrecker.

Owner means any person who holds the legal title of a vehicle or who has the right of possession thereof, or the legal right of control of a vehicle.

Permit means authorization granted by the city under the provisions of this article to engage in towing from the wrecker rotation lists in the city.

Permit holder means any person possessing a current, valid permit to engage in towing from the wrecker rotation lists in the city.

Person means any company, partnership, corporation or individual.

Storage yard means the site to which a permit holder shall tow and store vehicles picked up under the provisions of this article. The site shall be enclosed by a privacy fence at least six feet in height and gates that are chained and locked to ensure 24-hour security. The site shall be located within ~~the a~~ [City of Mission commercially zoned district limits](#) or its two-mile extraterritorial jurisdiction.

Vehicle means every device in or by which any person or property is or may be transported or drawn upon a street, roadway or thoroughfare, except devices used exclusively upon stationary rails or tracks. The term shall also include trailers and semitrailers.

Wrecked vehicle means a vehicle that has been damaged as a result of overturning or colliding with another vehicle or object so as to reasonably necessitate that the vehicle be removed by a wrecker.

Wrecker means a motor vehicle designed to be used primarily for moving or towing disabled or wrecked vehicles.

Wrecker business means the business of towing or removing vehicles on public streets, regardless of whether the purpose of the towing is to remove, repair, wreck, store, trade or purchase such vehicle, when the towing is done to remove a wrecked or disabled vehicle from the scene of a collision at the instance or request of the owner thereof, or the police department or fire department, or to remove a vehicle from an unlawfully parked position at the instance or request of the police department or fire department.

Wrecker company means any person engaged in the wrecker business.

Wrecker office means a building located in ~~the a~~ [City of Mission commercially zoned district limits](#) or in the city's two-mile ETJ housing all permit holders, records, phones and personnel, [and must be accessible to the public](#)

with normal business hours—Monday through Friday, 8:00 a.m. through 12:00 p.m. and 1:00 p.m. through 5:00 p.m.; Saturday from 8:00 a.m. through 12:00 p.m. and any hours on Sundays and legal holidays with the same being posted in the building, [or as otherwise required by state law](#).

Wrecker rotation list means the light-duty and heavy-duty rotation lists of companies prepared and used as provided by the police and fire departments.

Wrecker service means the business of towing or removing disabled or wrecked vehicles from streets at the request of the police department or the vehicle owner.

(Code 1976, § 35-1; Ord. No. 2624, § 1, 12-11-2000; Ord. No. 4330, § 2.1., 3-14-2016)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 118-82. Purpose of article.

The operation of emergency wreckers and emergency service in the city requires regulation in order to avoid competitive speeding by wreckers to the scene of accidents or collisions, and is necessary in order to avoid traffic hazards and to minimize the danger of injury to persons and damage to property.

(Code 1976, § 35-2)

Sec. 118-83. Article provisions cumulative.

The provisions of this article shall be cumulative of all laws of the state and the United States governing the subject matter of this article.

(Code 1976, § 35-3)

Sec. 118-84. Penalty for violation of article.

- (a) Any owner, agent, driver or operator of a wrecker found guilty of violating this article or any of its provisions on complaint filed in the municipal court shall, upon a finding of guilty, be fined not less than \$1.00 nor more than \$500.00, and each day of the violation shall constitute a separate offense.
- (b) In addition to the penal remedy for the preceding paragraph, the city shall be entitled to injunctive or other civil remedy in any court of competent jurisdiction in accordance with the laws of the state.

(Code 1976, § 35-4; Ord. No. 2624, § 1, 12-11-2000)

Sec. 118-85. Establishing a limit on the number of wrecker companies.

- (a) The number of wrecker companies/[businesses](#) on the light-duty rotation [list shall be up to 12. Any such selections to the rotation list shall receive a recommendation from City Manager, Chief of Police and Secretary that is submitted to the City Council for approval. Appointment and/or removal of any wrecker company/business to or from the light-duty rotation list shall require a minimum of three \(3\) votes of the City Council.](#) ~~list shall be based on the annual population census at one wrecker company per each full 10,000 residents in population; provided, however, that the current list of 11 wrecker companies on the light duty rotation list may be maintained until attrition has reduced the number to the maximum established in the preceding sentence.~~

- (a.1) The number of wrecker companies on the heavy-duty rotation list shall be based on the annual population census at one wrecker company per each full 35,000 residents in population. No person shall be allowed to

have more than one listing on the heavy-duty rotation list, whether in the person's own name, or any other assumed/business name.

- (b) The city planning department is hereby charged with the responsibility of the determining the yearly population of the city. Such report shall be generated within the first six months of each calendar year. Such population report shall thereafter be approved by the city council at a regular meeting. Staff shall not increase the number of wrecker companies until such population report has received the approval of the city council.

(Code 1976, § 35-5; Ord. No. 2867, 9-8-2003; Ord. No. 4330 , §§ 2.2., 2.3., 3-14-2016)

Secs. 118-86—118-110. Reserved.

DIVISION 2. PERMITS

Sec. 118-111. Required; application; information.

No person may engage in wrecker service in the city without first obtaining a permit to do so from the city secretary. Every person desiring to provide such wrecker service within the city may apply for a permit to operate as an authorized wrecker service company from the city secretary for each wrecker proposed to be operated. For each wrecker for which a permit is sought, the applicant must submit the following:

- (1) The name, address, telephone number and state driver's license number of the owner of the wrecker;
- (2) The name, address, telephone number and state driver's license number of the operator and/or wrecker company;
- (3) The trade name under which the wrecker service will operate;
- (4) The name and type of wrecker to be operated;
- (5) An agreement that the applicant will participate in the wrecker rotation list;
- (6) A certificate showing the vehicle is adequately covered by a public liability and property damage insurance; as prescribed in section 118-112(2);
- (7) A statement that the wrecker service will provide wrecker service on a 24-hour basis, seven days a week;
- (8) The type of wrecker service to be provided, i.e., light-duty or heavy-duty;
- (9) Wrecker company owner/operators will submit a notarized certificate provided by the city secretary. This form will list and certify that the wrecker company owners and that each driver:
 - a. Has not been convicted, ~~at any time~~ over the past ten (10) years of a felony offense;
 - b. Is not on probation for any criminal offense above the grade of a class C misdemeanor;
 - c. Has not been convicted of a class A misdemeanor offense within the last 12 months;
 - d. Has not been convicted of a class B misdemeanor offense within the last six months;
 - e. Has not been convicted of the offense of driving while intoxicated or driving under the influence of drugs within the last 24 months;

- f. That updated notarized forms, listing personnel changes will be submitted to the city secretary within three days, providing personnel additions and deletions by the wrecker company owners; and
- g. That no permit authorizing the operation of a wrecker business and no permit authorizing the operation of a wrecker on the streets of the city shall be issued or reissued, if wrecker company owners and/or wrecker drivers are in violation of the provisions of this section. In addition, valid wrecker permits ~~will may~~ be ~~immediately~~ revoked or suspended as provided in this ordinance, ~~if wrecker company owners and/or wrecker drivers are found to be in violation of the provisions of this section, and/or the wrecker company owner fails to notify the city secretary of violations of the provisions of this section.~~

(10) All wrecker permits shall be displayed visibly on each wrecker operated in the city.

The city secretary/or city manager may also require any additional information of an applicant deemed necessary.
(Code 1976, § 35-11)

Sec. 118-112. Requirement for issuance.

After the city manager, chief of police and city secretary have reviewed and approved the application, a permit shall be issued for authorization to engage in the wrecker business to all applicants complying with the provisions of this article, and shall issue a permit for all wreckers of such applicants so complying. No permit authorizing the operation of a wrecker business and no permit authorizing the operation of a wrecker on the streets of the city shall be issued unless the following requirements are met:

- (1) *Wrecker specifications.* Every wrecker proposed to be used by the applicant shall comply with the following minimum requirements:
 - a. Each light-duty shall not be less than three-quarter-ton in size and equipped with at a minimum, booster brakes.
 - b. Each heavy-duty wrecker shall not be less than 2½ tons in size and equipped with at a minimum, booster brakes.
 - c. Each light-duty wrecker shall be equipped with a power operated winch, winch line ~~and boom~~, with a factory-rated lifting capacity of not less than 5,000 pounds, single-line capacity.
 - d. Each heavy-duty wrecker shall be equipped with a ~~power operated winch, winch line and boom~~, with a factory-rated ~~lifting~~ capacity of not less than 32,000 pounds, ~~single-line capacity~~.
 - e. Each wrecker shall carry as standard equipment: a tow bar, towing dollies, safety chains, jack stands, a fire extinguisher, wrecking bar, broom, shovel and flares.
 - f. Each wrecker shall be equipped with two-way radio equipment communication which is capable of providing two-way voice communication with either the applicant's base station or the police station.
 - g. Each wrecker and all of its equipment shall be in a safe and good working condition.
- (2) *Insurance.* The applicant shall procure and keep in full force and effect a policy of public liability and property damage insurance issued by a casualty insurance company authorized to do business in the state and in the standard form approved by the board of insurance commissioners of the state, with the insured provision of such policy including the city as an insured, and the coverage provision insuring the public from any loss or damage that may arise to any person or property by reason of the amount of recovery on each wrecker shall be in limits ~~of not less than the following sums as established by TDLR~~ as established by TDLR.

~~For damages arising out of bodily injury to or death of one person in any one accident \$50,000.00~~

~~For damages arising out of bodily injury to or death of two or more persons in any one accident 100,000.00~~

~~For injury to or destruction of property in any one accident 25,000.00~~

- (3) *Permanent location of wrecker service office, storage yard and wreckers.* The applicant shall present evidence that such wrecker company shall have a permanently located wrecker office, storage yard, and wreckers within ~~the city limits~~ a City of Mission commercially zoned district or its two-mile extraterritorial jurisdiction, so that the wrecker can speedily and efficiently respond when called by the police or fire departments for service.
- (4) *Taxes.* No delinquent taxes shall be due the city upon any wrecker, wrecker office or storage yard for which such permit or license is sought, and the owner thereof shall not have failed to render the same for ad valorem taxation.
- (5) *Inspection of wrecker.* Each permit for a wrecker vehicle shall state that such wrecker has been inspected and approved under the direction of the department of public safety, and a current inspection sticker shall be affixed to the inside of the windshield of the appropriate wrecker vehicle.

(Code 1976, § 35-12)

Sec. 118-113. Operation of wrecker without permit prohibited; permit nontransferable; expiration.

- (a) No person shall operate a wrecker on the public streets of the city unless a permit to engage in the wrecker business has been issued to the owner of such wrecker.
- (b) No permit shall be transferable, and every permit shall expire at midnight on December 31 of the calendar year in which it was issued.

(Code 1976, § 35-13)

Sec. 118-114. Permit fee.

The annual fee for a wrecker company to provide wrecker service for the city shall be ~~\$15~~100.00 for each wrecker which is to be used. Such fee shall defray the cost of inspection and shall be payable at the time of application. No refund of this fee will be made under any circumstance.

(Code 1976, § 35-14)

Sec. 118-115. Revocation of permit; hearing.

~~If the~~The Police Chief shall notify the City Council of any violations of this ordinance by any wrecker company/business. chief of police Upon receiving such notice and recommendation from the Police Chief, the City Council, by the affirmation of three (3) votes, ~~believes or has reason to believe~~ may determine that an authorized wrecker company/business has violated any of the terms or provisions of this article, ~~he shall have the right and duty to file a complaint with the municipal court in accordance with section 118-84 and/or to recommend to the city council that the license or permit of such wrecker company be~~ and ~~revoked (or suspended)~~ the license or permit of such wrecker company/business. ~~In the event of such recommendation, the wrecker company shall have the right to a hearing before the board after five days' written notice of such hearing setting forth the time and place~~Any such revocation or suspension as outlined in this subsection shall require a public hearing before City

Created: 2022-07-11 12:18:25 [EST]

(Supp. No. 25)

[Council, in accordance with the City's Code of Ordinances](#). ~~After such hearing of the evidence and testimony presented by either or both sides, the city council can revoke or suspend the permit of the offender if~~ [If the City Council it finds/determines that](#) such action to be necessary, [receiving the required number of votes in favor](#), and [then](#) its decision in this matter shall be final.

(Code 1976, § 35-15)

Secs. 118-116—118-150. Reserved.

ARTICLE IV. OPERATION OF WRECKER SERVICE

Sec. 118-151. Identification of wrecker service company.

Every wrecker [vehicle](#) shall ~~be painted permanently displayed~~ on the door thereof the name of the owner or the trade name under which the owner operates, together with the owner's telephone numbers; ~~(limiting of three telephone numbers)~~ ~~with the first being a Mission number~~, and [a](#) wrecker identification number (i.e. Wrecker #1, #2, etc.). The letters mentioned in this section shall be not less than four inches in width and the numbers not less than 2½ inches in height.

(Code 1976, § 35-20; Ord. No. 2624, § 1, 12-11-2000)

Sec. 118-152. Safety precautions.

Each wrecker company permittee shall follow standard safety precautions and operation procedures generally recognized in the wrecker business to and from and at the scene of an accident or collision and shall comply with all traffic code ordinances of the city and state traffic laws. Each wrecker company at the scene of an accident or collision shall promptly remove all debris from accidents and collisions occurring on the public right-of-way.

[Each wrecker company/business shall at all times comply with all requirements of applicable governing/administrative entities as well as applicable provisions of federal, state and local laws, rules, and regulations, including among others the Texas Occupations Code, Texas Department of Licensing and Regulation \(TDLR\), Texas Local Government Code, Texas Administrative Code, Texas Transportation Code, Code of Federal Regulations, and the City of Mission's Code of Ordinances. Violations of any of the applicable requirements, rules, or regulations may subject the wrecker company/business to removal or suspension from the wrecker rotation list or as otherwise subject to other penalties, including those listed under Section 118-84.](#)

(Code 1976, § 35-21)

Sec. 118-153. Wreckers to be summoned by police or fire department.

No person shall drive a wrecker to or near the scene or site of an accident or collision on the streets of the city unless such person has been called to the scene by the police department or fire department of the city; provided, however, that when it is necessary to prevent death or bodily injury to any person involved in an accident or collision, the prohibition of the section shall be inapplicable. The owner or operator of a wrecker shall not use or act upon any information received on the shortwave frequency of the police or fire department of the city for his own benefit or the benefit of any other person in connection with the operation of a wrecker business unless the owner or operator was called or summoned by the city police or fire department. If any wrecker appears at the scene of an accident or collision, the owner or operator of which was not specifically called by the

(Supp. No. 25)

Created: 2022-07-11 12:18:25 [EST]

city police or fire department, it shall be conclusively presumed that such owner or operator unlawfully intercepted and acted upon the information transmitted by the police or fire department on its radio frequency.

(Code 1976, § 35-22)

Cross reference(s)—Police, ch. 78.

Sec. 118-154. Soliciting wrecker business at scene of accident.

No person may solicit in any manner, directly or indirectly, on the streets of the city, the business of towing a vehicle which is wrecked or disabled on any street, regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading or purchasing the vehicle. Proof of presence of a wrecker or motor vehicle owned or operated by a person engaged in the wrecker business, either as owner, operator, employee or agent, on a street in the city at or near the scene or site of an accident which has not been called to the scene by the police department within 30 minutes after the occurrence of an accident, is prima facie evidence of solicitation in violation of this section.

(Code 1976, § 35-23)

Sec. 118-155. Soliciting by advertising at scene of accident.

No person may solicit any business at or near the scene of an accident which deals directly or indirectly with the towing, removing, repairing, wrecking, storing, trading, or purchase of a wrecked or disabled motor vehicle, trailer or semitrailer on the streets or sidewalks of the city, nor may a person solicit the business of towing, buying or offering to buy a wrecked or disabled motor vehicle, vehicle trailer or semitrailer on the streets, sidewalks or any public place in the city, by distributing an advertisement, advertising a repair shop, garage, or place of business where the wrecked or disabled motor vehicle, vehicle trailer or semitrailer may be repaired, stored, wrecked, traded or purchased. Proof of the unauthorized presence of a person engaged in the business of towing, repairing, wrecking, storing or offering to purchase or trade for a wrecked or disabled motor vehicle, vehicle trailer, or semitrailer at or near the scene of an accident is prima facie evidence of solicitation in violation of this section.

(Code 1976, § 35-24)

Sec. 118-156. Interception of police or fire department radio messages.

No owner of a wrecker company not licensed by the city shall intercept any message emanating through the medium of the city police or fire department radio frequency or divulge or publish the existence, contents, substance, purpose, effect or meaning of such intercepted communication; and no person not being entitled thereto shall receive or assist in receiving any such message and use the same, or any information contained therein, for his own benefit or for the benefit of another person.

(Code 1976, § 35-25)

Cross reference(s)—Police, ch. 78.

Sec. 118-157. Wrecker selection by owner of vehicle.

When a police officer is investigating an accident determines that any vehicle which has been involved in a collision or accident upon a public street is unable to proceed safely under its own power, or when the owner thereof is physically unable to drive such vehicle, the officer shall request the owner to name the wrecker company the owner desires to remove the vehicle. When the owner has named the wrecker company desired the

police officer shall communicate that fact immediately to police department headquarters, and it shall be the duty of the officer receiving such information at headquarters to call the designated company or authorized agent of the company to send a wrecker to the scene of the accident or collision.

(Code 1976, § 35-26)

Sec. 118-158. Response to calls.

It shall be the duty of every wrecker operator to answer any call made by the police department or fire department on a 24-hour basis, seven days a week. Every call for wrecker service shall be responded ~~to within 15 minutes on~~ timely and on a consistent basis. However, exceptions may be made to this if unforeseen or extenuating circumstances are involved. The ~~chief of police responding police officer and/or its corresponding shift supervisor~~ shall determine whether those circumstances were in fact just reason for not providing adequate response time. If the police officer and/or its corresponding shift supervisor, within their sole discretion, determines that the wrecker company/business originally called did not, or could not, "timely arrive," then the wrecker company/business originally called shall lose its turn in the then running wrecker rotation list (as the officer or dispatcher will then advance to the next wrecker company/business on the list), and may only receive a rotation call again, during the next rotation cycle per its customary turn.

(Code 1976, § 35-27)

Sec. 118-159. Wrecker rotation list.

- (a) The city secretary shall provide the police department two lists of eligible wreckers (one for light-duty wrecker service and the other for heavy-duty wrecker service) to be used in providing wrecker service for the city. Each list shall be presented in alphabetical order, based on the name of each respective wrecker company/business as recorded with the Texas Secretary of State's Office. One list shall be made for light-duty wrecker service and the second list shall be for heavy-duty wrecker service.
- (b) A wrecker being called from the wrecker rotation list is referred to as a rotation pull. When a wrecker is needed, the investigating officer will communicate the need for a wrecker to the police dispatcher on duty. On receiving this communication, the dispatcher shall call the first wrecker company on the rotation list to remove the vehicle to a place designated by the officer. On each succeeding ~~communications~~ call for wrecker service, the next wrecker company on the list is assigned. If an answer cannot be reached by the dispatcher, he/she shall call the next succeeding wrecker company on the list. The dispatcher shall keep proper rotation of each call on the master rotation list.
- (c) Rotation on the list shall be alphabetical continuous rotation, with each wrecker company holding a permit called in sequence from the top of the alphabetical rotation list. When called, the wrecker company on top of the list shall then be placed on the bottom of the list, and the rotation shall be continuous. Each wrecker company shall be issued a maximum of ~~three~~ five permits. As each new wrecker company becomes qualified, it shall be placed at the end of the list.
- (d) A heavy-duty wrecker shall be called from the wrecker rotation list under any of the following circumstances:
 - (1) A tandem-axle drive tractor is involved;
 - (2) A safety officer or other appropriate official of a damaged or disabled vehicle's company requests a heavy-duty wrecker unless honoring the request would result in unreasonable delay in clearing the street; and
 - (3) The investigating police officer determines that a heavy-duty wrecker is required.

(Code 1976, § 35-28; Ord. No. 4330 , § 2.4., 3-14-2016)

Sec. 118-160. Storage yard.

- (a) Unless otherwise directed by the individual in control of the towed vehicle the wrecker shall deliver the towed vehicle to the wrecker company storage yard. Fees for storage of vehicles removed or towed shall be as set by the ~~city council~~ [state's regulating agencies](#). Before any owner can reclaim any towed vehicle from the storage yard, he must pay all of the applicable storage and towing fees. In the event the vehicle is never claimed it shall be disposed of as prescribed by the Texas Abandoned Motor Vehicle Act V.T.C.A., Transportation Code § 63.001 et seq.
- (b) The storage yard does not have to be at the same location as the wrecker company's office, but shall be located within ~~the city limits~~ [a City of Mission commercially zoned district](#) or its two-mile extraterritorial jurisdiction.

(Code 1976, § 35-29; Ord. No. 4330 , § 2.5., 3-14-2016)

Sec. 118-161. Police officer not to influence selection of wrecker service; may direct that vehicle be taken to the city pound.

No police officer investigating or present at the scene or site of any wreck, accident or collision on a public street shall, directly or indirectly, either by word, gesture, sign or otherwise recommend to any person the name of any particular person engaged in the wrecker business or repair business; provided, however, that any police officer, may direct that any vehicle, whether towed by a wrecker selected by the owner of the vehicle or from the wrecker rotation list, shall be taken by the driver of the wrecker towing the vehicle directly to the city pound or other location designated by the officer and there held by the city for any lawful purpose.

(Code 1976, § 35-30)

Cross reference(s)—Police, ch. 78.

Secs. 118-162—118-190. Reserved.**ARTICLE V. RATES AND FEES¹****Sec. 118-191. Maximum rates for wrecker service.**

The maximum rates or fees authorized to be charged for wrecker service are as follows:

- (1) Towing a [light duty](#) wrecked ~~, disabled~~ ~~vehicle or illegally parked vehicle~~, ~~24 hours a day~~ shall be ~~\$100~~ [\\$50.00, per wrecker vehicle. Unless otherwise provided by this ordinance, these rates shall include all costs for towing and sweeping/cleaning accident scenes free from accident debris and fluids; however, costs for cleaning up hazardous materials by other state laws are not included.](#)
- (2) If a vehicle is so disabled as to require the use of special equipment, a \$50.00 charge will be assessed. A flatbed tow truck will not be considered special equipment unless special circumstances arise and are authorized by the Mission Police Department.

¹Cross reference(s)—Finance, § 2-231 et seq.

- (3) Unless otherwise governed by Section 118-158 and such a determination is made by the responding police officer and/or its corresponding shift supervisor, a wrecker company/business Answering a valid call and going to scene of an accident or collision, but service is refused by the vehicle owner, the wrecker dispatched will be placed back ~~on rotation~~ as the next called wrecker company/business on the rotation list. Then, the respective rotation list shall resume as originally slated. Generally, the owner of a vehicle that is subject to a non-consent tow may refuse service from the city's wrecker rotation list only if requested promptly (as determined by the responding police officer). However, if the responding officer determines (a) that the refusal by the vehicle owner was not timely or (b) that the towing of the vehicle (as coordinated by the owner) was not removed in a timely manner, then the officer shall comply with the wrecker rotation list process as established herein.
- (4) Rural service. A rate of \$15.00 will be assessed when a wrecker service company is required to leave the city limits. In addition, a wrecker company will assess a charge of \$2.00 per mile upon returning with a towed vehicle.
- (5) Notification to registered owner via certified letter \$50.00
- (6) Towing related to Aany person arrested on an alcohol-related incident, i.e.; (driving while intoxicated, public intoxication and related Texas Alcohol Beverage Commission violations) will not be able to recover the towed vehicle until six hours after the initial arrest. All light-duty alcohol tows related such alcohol-related incidents or disabled vehicle tows shall be \$350, per wrecker vehicle, inclusive of all fees.
- (7) Heavy-duty private property tows. All heavy-duty private property tow fees shall be in accordance with the Texas Administrative Code Title 16 Part 4 Chapter 86.
- (8) Heavy-duty non-consent wrecker fees. All heavy-duty non-consent wrecker fees shall be as follows: governed through the Texas Department of Licensing and Regulation.

~~Heavy-duty wrecker fees (vehicles in excess of 33,000 lbs.)\$600.00~~

~~Combination/tractor (loaded)\$1,000.00~~

~~Combination (loaded)\$1,350.00~~

~~Work time\$400.00 hr./truck~~

~~Winching\$200.00 hr./truck~~

~~Hookup\$150.00~~

~~Labor\$100.00 hr./personnel~~

~~Waiting time\$125.00 hr.~~

~~Mileage\$6.00 mile (round trip)~~

~~Air supply\$100.00~~

~~Drive shaft removal\$50.00~~

~~Axel removal\$100.00~~

~~Brake chamber release\$25.00/chamber~~

~~Snatch block\$50.00/block~~

~~Heavy-duty rollback\$200.00~~

(Code 1976, § 35-31; Ord. No. 2624, § 1, 12-11-2000; Ord. No. 3777, § 1, 5-29-2012; Ord. No. 4330, §§ 3.1., 3.2., 3-14-2016)

Sec. 118-192. Fees for impoundment or storage of vehicles to be in addition to other penalties for violation of traffic code.

The owner of any vehicle impounded under the provisions of the traffic code of the city shall pay, in addition to any other penalty which may be charged against him for any violation of the traffic code, the cost of impounding, moving and storing his vehicle, which cost shall not exceed the maximum rate allowable under this article for the type of service provided.

(Code 1976, § 35-32)



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: September 05, 2023
PRESENTED BY: Noemi Munguia, Human Resources Director
AGENDA ITEM: TABLED 08/28/2023: Authorization to Award Agent of Record – Munguia

NATURE OF REQUEST:

On March 27, 2023, City Council authorized staff to solicit Request for Bids for Agent of Record. The City of Mission accepted nine (9) bid responses. Staff is seeking City Council direction.

BUGETED: FY23-24 **FUND:** Group Health **ACCT. #:** 19-410-56010
BUDGET: \$500,000 **EST. COST:** \$ **CURRENT BUDGET BALANCE:** \$500,000

BID AMOUNT: \$

STAFF RECOMMENDATION:

Staff is seeking City Council direction.

Departmental Approval: Purchasing, Finance

Advisory Board Recommendation: N/A

City Manager’s Recommendation: Seeking City Council direction.

RECORD OF VOTE: **APPROVED:** _____
 DISAPPROVED: _____
 TABLED: _____

_____ AYES
 _____ NAYS
 _____ DISSENTING _____

BID NAME/NUMBER: 23-504-08-04 / Agent of Record

OPEN DATE: August 04, 2023 2:00 PM CST



Vendor Name:	Newkirk & Newkirk, Inc.	GMFE Group, DBA GEF Insurance	Financial Benefit Services	Salazar Insurance Group, LLC.	Anchor Benefits Group
Street address:	3101 N. Jackson Rd.	50 W. Morrison Rd., Ste. B	2175 N. Glenville Dr.	611 E. Loop 499	2216 Royal Palm Dr.
City, State:	McAllen, TX 78501	Brownsville, TX 78520	Richardson, TX 75082	Harlingen, TX 78550	Mission, TX 78572
Phone:	(956) 664-0200	(956) 943-9131	(469) 385-4640	(956) 425-8573	(956) 644-2725
Fax:	(956) 664-0203	(956) 280-5812	(469) 385-4641	(956) 428-0027	
Contact:	Pierre Newkirk, Pres.	Flavio Gonzalez	Coby James	Joe Salazar III, CEO	David H. Martinez
Email:	pnew102292@aol.com	ricardo.filizola@geffinancial.com	cobyj@fbsbenefits.com	jsalazar@sig-rgv.com	DMar2588@gmail.com

DESCRIPTION:	UOM	Estimated number of Employees	Rate	Extended Rate per Year	Rate	Extended Rate per Year	Rate	Extended Rate per Year	Rate	Extended Rate per Year	Rate	Extended Rate per Year
Provide commission PEPM for Services related to the scope of work.	PEPM	686	2% of total premiums paid	#VALUE!	\$0.74	\$6,091.68	\$10.00	\$82,320.00	\$10.00	\$82,320.00	\$0.00	\$0.00
Addendums												
1st. Year renewal			3.0%		0.00%		0.0%		0.00%		0.00%	
2nd. Year renewal			5.0%		0.00%		0.0%		0.00%		0.00%	

Apparent lowest bidder: Anchor Benefits Group

Review Notes: Newkirk & Newkirk failed to provide a definite rate.



BID NAME/NUMBER:

OPEN DATE:

Vendor Name:	Ortegon Insurance Agency, LLC.	VCM Insurance Group	Lone Star Insurance Serivces	Bob Trevino Insurance / Workplace Benefit Advisors	Pete Jaramillo Insurance Services
Street address:	505 S. Texas Blvd.	506 W. University	520 E. Nolana, Ste. 110	819 N. Veterans Blvd.	315 N. Shary Rd.
City, State:	Weslaco, TX 78596	Edinburg, TX 78539	McAllen, TX 78504	Pharr, TX 78577	Mission, TX 78572
Phone:	(956) 373-1109	(956) 330-4396	(956) 682-1722	(956) 781-7771	(956) 580-1066
Fax:	(956) 375-2414		(956) 682-1742	(956) 781-9318	(956) 519-0331
Contact:	Yvonne M. Ortegon	Dustin Garza, VP	Ruben Garza, CIC	Alberto Trevino	Pete Jaramillo
Email:	yvonne@ortegonagency.com	dustin@vcminsurance.com	garzar@lonestar-ins.com	konig@bobtrevinoinsurance.com	PeteInsurance@MSN.com

DESCRIPTION:	UOM	Estimated number of Employees	Ortegon Insurance Agency, LLC.		VCM Insurance Group		Lone Star Insurance Serivces		Bob Trevino Insurance / Workplace Benefit Advisors		Pete Jaramillo Insurance Services	
			Rate	Extended Rate per Year	Rate	Extended Rate per Year	Rate	Extended Rate per Year	Rate	Extended Rate per Year	Rate	Extended Rate per Year
Provide commission PEPM for Services related to the scope of work.	PEPM	686	\$6.50	\$53,508.00	\$0.75	\$6,174.00	\$2.00	\$16,464.00	\$2.50	\$20,580.00	\$1.46	\$12,018.72
Addendums												
1st. Year renewal			0.00%		0.0%		10.00%		2.50%		3.00%	
2nd. Year renewal			0.00%		0.0%		10.00%		2.50%		3.00%	

Apparent lowest bidder:

Review Notes:



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: September 5, 2023
PRESENTED BY: Noemi Munguia, Human Resources Director
AGENDA ITEM: TABLED 08/28/2023: Authorization to Award International RX Services - Munguia

NATURE OF REQUEST:

On June 26, 2023, City Council authorized staff to solicit for proposals for International Sourcing of FDA Approved Prescription Drugs. A total of 2 proposals were received. After careful evaluation and assessment, staff is recommending we award to International Rx Services for a three (3) year term with two (2) one-year renewal options.

BUGETED: FY 23-24 **FUND:** Group Health **ACCT. #:** 19-410-56010
BUDGET: \$ 500,000 **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$500,000.

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: Finance, Purchasing

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____
 DISAPPROVED: _____
 TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

PROPOSAL NAME/NUMBER: 23-490-08-02 / International Sourcing of FDA Approved Prescription Drugs



OPEN DATE: August 02, 2023 2:00 PM CST

Evaluator		
Noemi Munguia / Nereyda Pena / Robert Hinojosa	Ezeiza Garcia	David Flores

Proposer	Rating	Rating	Rating	Average	Notes:
International Rx					
Sec. A. Member Experience: (20 points max)	20	20	18		<p>Strengths: (NMNPRH) US Call Center/available 24/7, Member capture rate-92%, Customer Service initiatives, Multilingual capabilities, 13 Pharmacies, located in Canada, Australia, New Zealand, EU countries, Japan; Access to major drug class, Exb C Drug list & Top 50, Provided estimated cost savings \$109,099 (EG) US respondents (US based call center), reference DHR & City of McAllen, also available 24hrs., 13 pharmacy sources, 2 to 5 days; Has access to Ozempic & a competitive price, specific savings guarantee, provided drug list provided cost savings, very detailed. (DF) Comprehensive, 13 pharmacies listed, Detailed list., member captive rate 92%, Extended Savings \$109K, specific Savings guarantee provided.</p> <p>Weaknesses: (NMNPRH) 4-7 days turnaround time, 5 days Texas, (EG) (DF)</p> <p>Comments: (NMNPRH) (EG) (DF)</p>
Sec. B. Logistics: (20 Points max)	20	20	18		
Sec. C. Drug Selection: (20 Points max)	20	20	18		
Sec. D. Financial Proposal: (40 Points max)	37	37	37		
Total Score	97	97	91	95.00	
Rockstar Acquisition Corporation					
Sec. A. Member Experience: (20 points max)	7	5	15		<p>Strengths: (NMNPRH) Pharmacists available for emergency calls., average turnaround between order intake, order shipment and order delivery is Next Day. 2-5 days delivery, 10,000 Drugs (EG) (DF)</p> <p>Weaknesses: (NMNPRH) No US call center, No member capture rate provided. Monday to Friday 9am - 5pm Pacific. Access to only one pharmacy, No access to Ozempic, Trulicity, and Mounjaro. Did not provide drug list. no cost savings estimate. (EG) Canada respondents, only 1 pharmacy source, does not have access to major drug class, 4 to 7 days turnover., Does not have access to Ozempic, Also no specific savings guarantee, did not provide drug list. (DF) not much detail, one pharmacy listed, stated they have access to over 10,000 med, but no detail provided., no specific plan, no specific savings guarantee.</p> <p>Comments: (NMNPRH) (AV) (DF)</p>
Sec. B. Logistics: (20 Points max)	5	5	10		
Sec. C. Drug Selection: (20 Points max)	5	5	15		
Sec. D. Financial Proposal: (40 Points max)	40	40	40		
Total Score	57	55	80	64.00	