

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
AUGUST 23, 2010 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

ALSO PRESENT:

Kathy Olivarez, Progress Times
Robert Salinas
Jorge Flores
Orlando Montalvo
Darrin Mettlach
Juan Olaguibel

ABSENT:

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Sonia Carnes, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sergio Zavala, Planning Director
Alex Hernandez, Planning Dept.
Roberto Salinas, City Engineer
Paul Schaefer, Golf Course Director
Gilbert Sanchez, Fire Marshal
Rick Saldana, Fire Chief
Glorina Flores, Purchasing Buyer
Leo Longoria, Chief of Police
Robert Dominguez, Asst. Chief of Police
Martin Garza, Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Julian Gonzalez, Parks & Rec. Director
Mayra Rocha, Speer Memorial Library
Juan C. Avila, B & G Club Director
Noemi Munguia, HR Director
Rosie Salazar, Risk Manager
Jesse Lerma, Civil Service
Julian Gonzalez, Parks & Rec. Director
Roland Rodriguez, IT Director
Gabriel Ramirez, Housing Coordinator
Jonathan Wehrmeister, Judge

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:39 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. Departmental Reports

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

4. Presentation of City of Mission TAAF Participants

Paul Schaefer, Golf Course Director gave the presentation of the Golf Medal Recipients.

5. Citizens Participation

Roberto Salinas, President of IGNC invited the council to a convention that would be held on October and requested assistance with vans & drivers.

Nestor Cervantes from Ciudad Madero made a presentation regarding a clinic that was being constructed and asked for assistance with the equipment.

Juan Olaguibel, Acting Bridge Board Director introduced himself to the council.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

None

2.0 Disposition of Minutes

2.1 City Council Meeting – August 9, 2010

Councilwoman Norie Gonzalez Garza 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 Parks & Recreation Board Meeting – June 8, 2010 Shary Golf Course Advisory Board – June 22, 2010 Civil Service Commission – June 11, 2010

Councilwoman Garza moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.0 Approvals and Authorizations

4.1 Request by Dr. Zarzar to have City Council authorize City Manager to issue building permit for Medical Office Building a 0.78 acre tract of a 2.51 acre tract, Lot 25-5, W.A.S. aka 612 West Griffin Parkway

Dr. Zarzar had filed for a building permit to build his new medical suite(s) valued at \$646,000 at the above property undergoing the subdivision process. Since all utilities and paved public access were evident, the plat had been administratively approved via prevailing ordinances. The doctor desired to commence construction of the 9680 sq. ft. structure which would take 4 months to build.

Staff and City Manager recommended approval.

Councilwoman Maria Elena Ramirez moved to approve request by Dr. Zarzar to have City Council authorize City Manager to issue building permit for Medical Office Building a 0.78 acre tract of a 2.51 acre tract, Lot 25-5, W.A.S. aka 612 West Griffin Parkway. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.2 Authorization to enter into a Interlocal Cooperation between the City of Mission and the County of Hidalgo, Texas regarding disbursement of Stonegarden Award

The Mission Police Department was requesting authorization to enter into an Interlocal Cooperation Agreement between the City of Mission and the County of Hidalgo, Texas. The agreement was for the disbursement of the 2009 Stonegarden award. The total amount of the grant award for the City of Mission Police Department was \$164,294.95. These grant funds would be utilized to purchase two (2) fully equipped Police Trucks and police equipment. Staff was seeking favorable recommendation.

Staff and City Manager recommended approval

Councilman Plata moved to authorize to enter into an Interlocal Cooperation between the City of Mission and the County of Hidalgo, Texas regarding disbursement of Stonegarden Award. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.3 Bid for Sale of Real Properties confiscated by Mission Police Department

On February 22, 2010, City Council authorized staff to re-solicit bids for sale of the two (2) remaining properties confiscated by the Mission Police Department. The City of Mission had accepted and opened two (2) bid responses for this project. Staff was recommending awarding one (1) property to highest bidder meeting all requirements – Mr. Charles Trimble for a total cost of \$67,250.00 and rebidding the remaining property.

Award bid to the highest bidder as follows:

Charles Trimble - Total - \$67,250.00

Property location: 2200 E. 19th Street

Property description: Lot 89, Shary Palms, Unit III, Mission, Hidalgo County, Texas

Staff and City Manager recommended approval

Mayor Pro Tem Olivarez moved to approve bid for Sale of Real Properties and to rebid the remaining property confiscated by Mission Police Department. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.4 Bids for “Housing Assistance Program – Housing Rehabilitation Phase 09-II-R”

On May 26, 2010, City Council authorized staff to solicit bids for two (2) rehabilitation homes. The City of Mission had accepted and opened six (6) bid responses for this project. CAC met on Tuesday, August 17, 2010 and approved staff’s recommendation to award bids to the lowest responsible bidders as follows:

Rehabilitation:

Rolando's General Construction – Total - \$18,000
811 W 2nd St

JD Villarreal Construction – Total - \$4,700
312 Alma

The city had been utilizing 75% of the annual CDBG allocation for several years for reconstruction projects. Since 1999, a total of 266 families to date had been provided some form of housing assistance. Out of the 266 families, 174 families were provided with reconstruction assistance while 92 families were provided with rehabilitation assistance (including CDBG-R, CDBG-DR and SSBG funds).

In addition, Gamboa Construction sought to withdraw its bid.

Staff and City Manager recommend approving Gamboa Construction's request for withdrawal of bid and authorizing release of cashier's check to Gamboa, and authorize to award bid as recommended.

Councilman Plata moved to approve bid for "Housing Assistance Program – Housing Rehabilitation Phase 09-II-R." Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.5 Bids for "Housing Assistance Program – Housing Rehabilitation Phase 09-III SS"

On July 26, and August 9, 2010 City Council authorized staff to solicit bids for fourteen (14) and four (4) roof repair/replacement. The City of Mission had accepted and opened seven (7) bid responses for this project. CAC met on Tuesday, August 17, 2010 and approved staff's recommendation to award bids to the lowest responsible bidders as follows:

Cevilla Investments – Total - \$7,405

2305 Briarwood
2313 Gold

Artex Industrial Products – Total - \$23,789.49

1323 Francisco
1712 W 21st St
305 Slabough
1010 Berry
1507 Yolanda
508 Glasscock
218 E El Rancho
303 Paseo Tranquilidad
215 Miller
1015 E 1st

Del Sol Homes – Total - \$15,720.19

1803 Thornton
218 Doherty
117 Ebano
214 N Slabough
2009 Peace
1011 Blake

The city had been utilizing 75% of the annual CDBG allocation for several years for reconstruction projects. Since 1999, a total of 266 families to date had been provided some form of housing assistance. Out of the 266 families, 174 families were provided with reconstruction

assistance while 92 families were provided with rehabilitation assistance (including CDBG-R, CDBG-DR and SSBG funds).

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Staff and City Manager recommended approval

Councilwoman Garza moved to approve bids for “Housing Assistance Program – Housing Rehabilitation Phase 09-III SS”. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.6 Approval of Ordinance # 3572 providing for new Residential and Apartment Sanitation rates and an effective date

Ordinance amending Section 1 of Ordinance 3540 provided for new residential and apartment garbage rates and provided for an effective date.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3572 providing for new Residential and Apartment Sanitation rates and an effective date. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3572

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS AMENDING SECTION 1 OF ORDINANCE 3540 PROVIDING FOR NEW
RESIDENTIAL AND APARTMENT GARBAGE RATES AND PROVIDING FOR AN
EFFECTIVE DATE

4.7 Tax Collection Report – July, 2010

Mrs. Janie Flores, Finance Director presented the Tax Collections Report for July, 2010, for acceptance.

Acceptance of monthly property tax report for the month of July 2010. The 2009 total adjusted tax levy was \$17,379,817.59 and the amount of the collections as of July 31, 2010 was \$16,289,487.45 which represented 93.73% of the total tax levy.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Tax Collections Report for July, 2010, as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.8 July 2010 Financial Statements

Mrs. Flores presented the Financial Statements for July, 2010, for acceptance.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Financial Statements for July, 2010, as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.9 Approval or Ordinance # 3573 terminating the automatically repeating allowance of increased prior and current service annuities under the Texas Municipal Retirement System, and establishing an effective date for the Ordinance

The City of Mission's current Unfunded Actuarial Liability was \$16,025,420 based on the current retirement plan and the full rate that the City should contribute was 14.10%. Texas Municipal Retirement System had allowed the City to contribute less than the full rate. For Fiscal Year 2010, the City had been contributing a phase-in rate of 12.25%; however, by contributing a lower amount than the current full rate of 14.10%, the City was incurring a higher liability and the contribution rate would continue to increase.

One of the plan provisions was an Annual Cost of Living Adjustment (COLA) to retirees and beneficiaries of deceased members. The current COLA was 70% of the Consumer Price Index. By removing the COLA, the City's Unfunded Actuarial Liability would be reduced to \$9,004,136 and the full contribution rate would be 10.35% for Fiscal Year 2011. This rate was lower than the current contribution rate of 12.25%; thus saving the City approximately \$300,000 for all funds combined.

The effective date of the Ordinance would be December 1, 2010.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ordinance No. 3573 terminating the automatically repeating allowance of increased prior and current service annuities under the Texas Municipal Retirement System, and establishing an effective date for the Ordinance. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3573

AN ORDINANCE TERMINATING THE AUTOMATICALLY REPEATING ALLOWANCE OF INCREASED PRIOR AND CURRENT SERVICE ANNUITIES UNDER THE TEXAS MUNICIPAL RETIREMENT SYSTEM, AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE

4.10 Authorization for the Mission Fire Department to submit an application to the 2010 FEMA SAFER Grant

Mission Fire Department was seeing authorization to submit an application to FEMA for the 2010 Staffing for Adequate Fire & Emergency Response (SAFER) Grant. The American Recovery and Reinvestment Act of 2009 waived the prescribed cost-share for the SAFER grantees receiving awards from the FY 2010 appropriations. Therefore, there was no required cost sharing, matching, or cost participation for the Hiring of Firefighters Activity of the FY 2010 SAFER grants. Of the actual salary and benefits for the SAFER-funded firefighters, 100 percent would be fully funded for the two-year period of performance.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize for the Mission Fire Department to submit an application to the 2010 FEMA SAFER Grant. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.11 Authorization to accept the 2010 Texas Intrastate Fire Mutual Aid System (TIFMAS) Grant Award

On June 14, 2010, the Mission Fire Department was authorized to submit an application for the Texas Forest Service 2010 TIFMAS Grant by the City Council. In response to this authorization, the Mission Fire Department came before the council, requesting authorization to accept the 2010 TIFMAS grant award in the amount not to exceed \$100,000.00. The grant would pay 100% of the cost of a fully equipped Type 6 Engine/Wildland Firefighting unit, including an installed radio package and loose equipment complement for the Fire Department to respond to local incidents, Regional Mutual Aid incidents, Regional Multiple Alarm incidents, Emergency events threatening properties vital to National Defense, Critical infrastructure, or important Military Installations, Training of firefighters, would also serve to act as a temporary standby unit for a regular use unit out of service. There was no cost match required.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to accept the 2010 Texas Intrastate Fire Mutual Aid System (TIFMAS) Grant Award. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.12 Change Order #1 for Shary Municipal Golf Course Improvements Phase II

Peacock General Contractors was requesting additional funds in the amount of \$5,716.94. Funds would be used to replace three lights including the applied tinting and to remove the interior concealed rod panics and replace with new devices to include new panic and housings. Change Order No. 1 would increase original contract cost from \$1,234,300.00 to \$1,240,016.94. Change Order # 1 was under the 25% limit from original contract cost set by the Texas Governmental Code.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Change Order #1 for Shary Municipal Golf Course Improvements Phase II. Motion was seconded by Councilwoman Plata and approved unanimously 5-0.

4.13 Bid for reparation of roof for the City of Mission building located at 117/121 E. Tom Landry

On July 26, 2010, City Council authorized staff to re-solicit bids for reparation of the roof for the City of Mission building located at 117 / 121 E. Tom Landry which housed the offices of U.S. Congressman Henry Cuellar and State Representative Kino Flores. The City of Mission had accepted and opened four (4) bid responses for this project. Staff along with Gomez, Mendez, Saenz, Inc, (Project Architects) recommended awarding to the low bidder meeting all specifications and terms and conditions, to Sean Andrew Construction for a total overall cost of \$43,000.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve bid for reparation of roof for the City of Mission building located at 117/121 E. Tom Landry. Motion was seconded by Councilwoman Plata and approved unanimously 5-0.

4.14 Authorize Mayor to execute renewal contract with the Department of State Health Services, Bureau of Vital Statistics

This was a continuation of the existing contract with the Department of State Health Services, Bureau of Vital Statistics for the issuance of out of town Vital Records. Term of the agreement was thru August 31, 2012. With this service out of town birth certificates were purchased for \$24.00 each with \$1.83 per record going to the state for search and issuance through the state data-base. This fiscal year staff had issued 490 records to date via the remote system at a total revenue to the city of \$10,863.30.

Staff and City Manager recommended approval.

Councilwoman Garza moved to authorize Mayor to execute renewal contract with the Department of State Health Services, Bureau of Vital Statistics. Motion was seconded by Councilwoman Plata and approved unanimously 5-0.

4.15 Authorize City Manager to engage professional services with Olson Engineering for Structural Material Condition Assessment of Oblate Novitiate Towers

A Structural Material Condition Assessment Investigation would be conducted of the condition of the Towers portion of the Oblate Novitiate building that recently burned in the La Lomita Historic District in order to determine the possibility of rehabilitation of the towers. Cost of the agreement was for \$9,000.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize City Manager to engage professional services with Olson Engineering for Structural Material Condition Assessment of Oblate Novitiate Towers. Motion was seconded by Councilwoman Plata and approved unanimously 5-0.

4.16 Authorization to solicit proposals for depository bank services

The City's current depository contract would terminate 11/30/10. As per Local Government Code Section 105, the City must request proposals for depository bank services.

Staff and City Manager recommended approval.

Councilwoman Garza moved to authorize to solicit proposals for depository bank services. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.17 Board Appointment – Mission Economic Development Corporation

This appointment was to replace the position that was held by Mr. John Martin who resigned.

Mayor Salinas appointed Mr. David de Anda, Jr.

Staff and City Manager recommended to approve appointment as recommended by Mayor Salinas.

Councilman Plata moved to approve Board Appointment – Mission Economic Development Corporation. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.18 Approval of Ordinance # 3574 Regulating Non-living Accessory structures within certain residential zones

In an effort to have accessory structures such as carports and garages to acclimate more into residential areas instead of them 'sticking out like sore thumb', the proposed ordinance was being proposed. For example, an accessory structure such as a carport:

- *shall be built with like material as the primary home,
- *shall be a minimum 80% similar architectural style as the primary home, and
- *shall not exceed 800 square feet.

This ordinance should have accessory structures such as carports and garages to blend in more, preserve property values, and maintain a harmonious neighborhood.

Staff and City Manager recommended approval.

Councilman Plata moved to approve of Ordinance No. 3574 Regulating Non-living Accessory structures within certain residential zones. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

ORDINANCE NO. 3574

AN ORDINANCE REGULATING THE SIZE OF NON-LIVING ACCESSORY STRUCTURES WITHIN RESIDENTIAL ZONES TO BE COMPATIBLE AS TO TYPE OF CONSTRUCTION, AND/OR SQUARE FOOTAGE; PROVIDING FOR A PUBLICATION CLAUSE AND AN EFFECTIVE DATE

4.19 Request for direction on restricting sheet metal-type Buildings along major commercial corridors

Due to several recent sheet-metal commercial structures along Conway and Griffin Parkway, the aesthetic commercial ambience that Mission desired to promote could be strengthened if Mission adopted architectural restrictions prohibiting such buildings along such corridors that could also include the Expressway, Shary Road, U.S. Business Highway 83, and the Anzalduas Highway.

At this time, staff was seeking direction from the City Council on whether staff should pursue legislating such measures.

No action was needed on this item; it was for discussion purpose only.

4.20 Amendment of Change Order No. 3 for 2010 Street Overlay Project

Amendment of 2010 Street Overlay project to include Speer Memorial Library Parking Lot Overlay. Estimated cost was \$ 35,500.00. This was an amendment and not a new change order as no additional monies were required.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve amendment of Change Order No. 3 for 2010 Street Overlay Project. Motion was seconded by Councilman Plata and approved unanimously 5-0.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

Mr. Cerda mentioned that with the start of the school year the police department was addressing traffic issues to insure the safety of the students.

6.2 Mayor's Comments

None

At 5:38 p.m., Mayor Pro Tem Olivarez moved to convene into executive session. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

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

Purchase, exchange, lease, or value of real property Sec. 551.072

A. Possible acquisition of the properties described as follows, WAS 3.03 Ac. SW – Old C/R/W Lot 15-3; WAS 19.95 Ac. – S.E. of Canal Lot 14-2 19.95 Ac. Net; WAS 5.60 Ac. Lot 14-3

B. Utility easement being a 0.1421 of an acre out of Lot 31-3, West Addition to Sharyland Subdivision

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

At 5:53 p.m., Mayor Pro Tem Olivarez moved to reconvene in open session. Motion was seconded by Councilman Plata and approved unanimously 5-0.

No action was taken on item 7.1-A.

No action was taken on item 7.1-B.

8.0 Adjournment

At 5:53 p.m., Councilman Plata moved for adjournment. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary