

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
AUGUST 9, 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  
Darrell Davis, Attorney  
Anna Carrillo, City Secretary  
Julio Cerda, City Manager

**ALSO PRESENT:**

Kathy Olivarez, Progress Times  
Dr. Armando Ocana  
Maxilou Link  
Ray Perez  
Virginia & Pat Townsend  
Pat Townsend, Jr.  
Julian Fontana  
Cathy Garcia  
Fred L. Kurth  
Raul Garcia, Jr.  
Sandra Vecchio  
Leo Sanchez  
Mr. & Mrs. Divino

**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  
Bobby Salinas, Planning Dept.  
Roberto Salinas, City Engineer  
Paul Schaefer, Golf Course Director  
Joanne Longoria, CDBG Director  
Gilbert Sanchez, Fire Marshal  
Rick Saldana, Fire Chief  
Victor Gonzalez, Streets Director  
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  
Adela Ortega, Museum Director  
Mayra Rocha, Speer Memorial Library  
Juan C. Avila, Interim B & G Club Director  
Noemi Munguia, HR Director  
Rosie Salazar, Risk Manager  
Jesse Lerma, Civil Service  
Liz Garcia, Engineering Dept.  
Becky Ramiez, H.R. Dept.

**1. Call to order**

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:35 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 Presentation of Asia Kayla T. Divino, Miss Texas Princess Division**

Mrs. Anna Carrillo, City Secretary gave presentation of five year old Asia Kayla T. Divino, who had been crowned National American Miss Texas Princess Division.

### **4. Departmental Reports**

Councilwoman Norie Gonzalez Garza moved to approve the departmental reports as presented. Motion was seconded by Councilwoman Maria Elena Ramirez and approved unanimously 4-0.

### **5. Citizens Participation**

Virginia Townsend from 1603 Vintage Lane spoke in regards to having a nature center in Mission.

Councilman Ruben Plata joined the meeting at 4:43 p.m.

#### **1.0 Public Hearing**

##### **1.1 Planning & Zoning Recommendations**

###### **A. Rezoning: A 9.00 Acre tract of land out of Lot 226, John H. Shary Subd., AO-I to R-1A, Sharyland ISD**

The subject site was located at the SW corner of Taylor and Sunset Lane. The surrounding zones included (R-1A) Large Lot Single Family Residential to the north, west, and south, and City of McAllen to the east.

The surrounding land use was residential in all directions. The site was currently open acreage, which was currently utilized by SISD for band practice and other outdoor activities.

The Future Land Use Map reflected a Lower Density (LDA) designation for this area.

The proposed zone complied with the City's Future Land Use Map, area residential uses, and the predominant R-1A zoning. There was no public opposition at P&Z's 7/28/10 hearing. The P&Z unanimously approved the R-1A zoning change.

Staff, P & Z and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the rezoning request.

Councilwoman Garza moved to approve Rezoning: A 9.00 Acre tract of land out of Lot 226, John H. Shary Subd., AO-I to R-1A, Sharyland ISD. Motion was seconded by Mayor Pro Tem Leo Olivarez and approved unanimously 5-0.

###### **B. Rezoning: A 1.779 acre tract out of Lot 205, John H. Shary Subd., AO-I to C-3, Homer Jasso**

The subject site was located 400' south of Business 83 along the east side of a widened Shary Road. The surrounding zones included (C-2) Neighborhood Commercial to the north; (R-1) Single Family Residential to the east; (C-4) Heavy Commercial to the west; and (AO-I) Agricultural Open Interim to the south.

The surrounding land uses consisted of an auto parts retail store (Advanced Auto Parts) to the north, open acreage to the south, residential to the east, and a tractor retail store (Weaks Martin) to the west. The subject site was vacant.

The Future Land Use Map reflected a General Commercial (GC) designation along this Shary Road corridor.

At the P&Z's July 28<sup>th</sup> public hearing, a residential neighbor was not opposed to the rezoning but voiced a concern that the Superior Oil business that Mr. Jasso desired was clean and there would be no oil spills, open storage of parts, fumes, etc. The applicant testified on July 28<sup>th</sup> that his similar business in Edinburg (Sugar Road) was always clean, was similarly next to a residential area (like this Mission site) and that he had "never received a complaint" on regarding the lack of maintenance to his business premises. Mr. Jasso then "guaranteed" that his Mission site would be consistently clean & maintained 'or else people would not come for service'. Thereafter, the P&Z unanimously approved the C-3 rezoning application.

Staff, P & Z and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the rezoning request.

Mayor Pro Tem Olivarez moved to approve Rezoning: A 1.779 acre tract out of Lot 205, John H. Shary Subd., AO-I to C-3, Homer Jasso. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

### **C. Public Hearing on FY 2010-2011 preliminary budget**

The City's preliminary budget for FY 2010-2011 was presented on Monday, July 26, 2010.

This was the opportunity for citizens to speak on the preliminary budget.

Mayor Salinas asked if there were any comments regarding this Public Hearing.

There were no comments.

No action was needed for this item.

## **2.0 Disposition of Minutes**

### **2.1 City Council Meeting – July 26, 2010**

Councilwoman 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 Mission Redevelopment Authority – June 22, 2010**

#### **Mission Tax Increment Reinvestment Zone – June 22, 2010**

#### **Planning and Zoning Commission – July 14, 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 Adoption of Ord. # 3571 for Rezoning: A 9.00 acre tract of land out of Lot 226, John H. Shary Subd., AO-I to R-1A, and A 1.779 acre tract out of Lot 205, John H. Shary Subd., AO-I to C-3**

Staff and City Manager recommended approval.

Councilman Plata moved to approve adoption of Ord. No. 3571 for Rezoning: A 9.00 acre tract of land out of Lot 226, John H. Shary Subd., AO-I to R-1A, and A 1.779 acre tract out of Lot 205, John H. Shary Subd., AO-I to C-3. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

**ORDINANCE NO. 3571**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,  
TEXAS GRANTING REZONING A 9.00 ACRE TRACT OF LAND OUT OF  
LOT 226, JOHN H. SHARY SUBDIVISION FROM AO-I TO R-1A;  
AND A 1.779 ACRE TRACT OUT OF LOT 205, JOHN H. SHARY SUBDIVISION  
FROM AO-I TO C-3

**4.2 Final Plat Approval: San Marino Subd., Phase II, 4.16 acre being a Replat of Lot 6 & 7, Sharyland Plantation Village Saddle Club, PUD, Developer: Hunt Valley Dev. I, LLC, Engineer: Halff Associates**

The proposed subdivision was located in the SW area of Shary Road and Los Milagros. The entire 24 lot subdivision was approved by the City Council on 11/26/07, however only Phase I was recorded. Since well over 2 years had elapsed, Re-approval was being sought. Phase II consisted of 11 residential lots, with lot sizes ranging from 12,500 sq.ft. to 20,993 sq.ft. These lots were consistent to the surrounding area and complied with the PUD guideline for "Low Density" being 12,000 sq.ft.

When construction for San Marino, Phase I was done; the utilities for the entire subdivision were installed and approved by Public Works. An existing 8" water line system provided service to all lots with 3 hydrants located via direction from the Fire Marshal's office. Inter-looping existed between the perimeter 8" line on Solera (west), & 2 points at Shary's 16" line.

An existing 8" sewer system provided service to all lots as it tied into the existing 8" network along El Jardin. The capital sewer recovery fee of \$4,800.00 was already paid by the developer during Phase I.

There was an existing 50' ROW/32' B-B street, with 10'/15' U.E. on both sides ending in a cul-de-sac. No additional ROW dedication was required on the perimeter streets. There were 2 common areas within this phase. Storm drainage existed through a series of existing 36", 30" & 24" storm lines which connected into 5' X 2' box culverts leading into Hunt's existing ditch system. The P&Z unanimously approved the plat on July 28, 2010.

Staff and City Manager recommended approval.

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Councilwoman Ramirez moved to approve Final Plat Approval: San Marino Subd., Phase II, 4.16 acre being a Replat of Lot 6 & 7, Sharyland Plantation Village Saddle Club, PUD, Developer: Hunt Valley Dev. I, LLC, Engineer: Half Associates. Motion was seconded by Councilman Plata and approved unanimously 5-0.

### **4.3 Final Plat Approval: Shary Villas Subd., Phase II, 5.416 acres out of Lot 245, John H. Shary Subd., R-1, Developer: Mike Moffitt Engineer: Melden & Hunt, Inc.**

The proposed subdivision was given Preliminary Approval by the Council on 7/12/10 pending the extension of service lines. That work had been completed and approved by Public Works. The proposed subdivision consisted of 13 SF Residential lots.

An existing 8" water line system provided service to all lots with existing hydrants located via direction from Fire Marshal. The system was looped with an existing 10" line located on Shary Rd. and was also looped to an existing 8" line via Hackberry Manor's network.

An existing 8" sewer line provided service to all lots as it tied to an existing 8" sewer network along the east side of Grapefruit Dr. and flowed south to Shary Villas, Ph. I's network.

The subdivision would dedicate an additional 10' of ROW to comply with the MPO's thoroughfare plan. Grapefruit and E. 22<sup>nd</sup> St. were both existing streets. Storm drainage was accomplished through an existing series of 24" storm lines.

Since the pending utility work was completed, staff could consider Final Plat Approval.

Staff Recommendation: Approval subject to: 1) Payment of the Park Fees, Drainage Reimbursement, Capital Sewer Recovery Fees, and 2) Water District Exclusion.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Final Plat Approval: Shary Villas Subd., Phase II, 5.416 acres out of Lot 245, John H. Shary Subd., R-1, Developer: Mike Moffitt Engineer: Melden & Hunt, Inc. Motion was seconded by Councilman Plata and approved unanimously 5-0.

### **4.4 Approval of Subrecipient Agreement with the County of Hidalgo for the provision of youth services "Boys & Girls Club of Mission Jensen Unit"**

Subrecipient Agreement was for the provision of supplies and salaries for staff that provided the educational, recreational, and social activities for the youth in the area. The subrecipient agreement was approved by Commissioners Court on July 1, 2010.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Subrecipient Agreement with the County of Hidalgo for the provision of youth services "Boys & Girls Club of Mission Jensen Unit." Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.5 Approval to enter Interlocal Agreement between City of Mission and Sharyland ISD to jointly undertake the youth services at Martinez and Jensen Elementary**

Approval to enter into Interlocal Agreement between City of Mission and Sharyland ISD to jointly undertake the youth services of Mission Boys & Girls Club at Martinez Elementary where it provided after school programs for the area youth.

Jensen Elementary was contingent upon approval of the Subrecipient Agreement between the City of Mission and the County of Hidalgo.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve to enter into Interlocal Agreement between City of Mission and Sharyland ISD to jointly undertake the youth services at Martinez and Jensen Elementary. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.6 Approval to enter Interlocal Agreement between City of Mission and Mission CISD to jointly undertake the youth services at Leal Elementary**

Approval to enter into Interlocal Agreement between City of Mission and Mission CISD to jointly undertake the youth services of the Mission Boys & Girls Club of America at Leal Elementary where it provided after school programs for the area youth.

Staff and City Manager recommended approval.

Councilman Plata moved to approve to enter into Interlocal Agreement between City of Mission and Mission CISD to jointly undertake the youth services at Leal Elementary. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.7 Authorization to solicit bids or purchase via State approved contract for a chassis and flat bed for a large brush truck**

The Mission Fire Department was seeking authorization to solicit bids or purchase via State contract for a chassis and a flat bed for a large brush truck. In 2007, the Fire Department received a grant from the Texas Commission on Fire Protection to purchase an 800 gallon Skid Firefighting unit to be placed on a flat bed chassis. At that point in time, the Fire Department was able to obtain a military type truck from the Mission Police Department. During this time staff had encountered many problems in locating the parts needed for this unit in order to repair it. In order for the Fire Department to retain full use of a fully functioning skid unit, staff were requesting a chassis and a flat bed to mount the skid unit on. Funds would be reimbursed by 2010 Certificate of Obligation that would be issued in September 2010.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to solicit bids or purchase via State approved contract for a chassis and flat bed for a large brush truck. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.8 Authorization to solicit bids or purchase via State approved contract for a fire apparatus**

The Mission Fire Department was seeking authorization to solicit bids or purchase via State contract for a fire apparatus. This new fire apparatus would replace an older fire apparatus. Staff was also looking into the possibility of using the older fire apparatus as a trade in. Funds would be reimbursed by the 2010 Certificate of Obligation that would be issued in September 2010.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to solicit bids or purchase via State approved contract for a fire apparatus. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.9 Appointment of City Representative and Alternate to serve on the Board of Directors for Amigos Del Valle for 2010-2011**

On an annual basis the City of Mission appointed a City Representative and Alternate to serve on the Amigos del Valle board. The Term of this appointment was from October 1, 2010 thru September 30, 2011.

Amigos Del Valle was requesting the appointment of a representative and alternate for Fiscal Year 2010-11.

Recommendation was made to appoint Councilwoman Norie Gonzalez Garza as City Representative and Deputy City Manager Aida Lerma as the alternate. Mayor Norberto Salinas served as Member Emeritus.

Staff and City Manager recommended approval.

Councilman Plata moved to approve appointment of City Representative and Alternate to serve on the Board of Directors for Amigos Del Valle for 2010-2011 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.10 Budget Amendments: PD Federal Sharing Fund, General Fund, Designated Purpose Fund, and Hotel/Motel Fund**

Janie Flores, Finance Director presented the budget amendments BA-94 thru BA-97 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve budget amendments BA-94 thru BA-97. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.11 Discussion on proposed 2010 Tax Rate and Take Record Vote**

In accordance with Texas Property Tax Code, Mission's 2010 effective tax rate was 0.5732/\$100.

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If the proposed 2010 tax rate exceeded the rollback rate of 0.5986/\$100 or the effective rate of 0.5732/\$100, whichever was lower, the governing body must take a record vote and schedule a public hearing for the proposed tax rate.

Staff and City Manager recommended approval of proposed tax rate at 0.5566.

There was a unanimous vote by the Council to approve the proposed tax rate at 0.5566.

### **4.12 Schedule public hearings on 2010 proposed tax rate**

No action was taken on this item.

### **4.13 Approval of Proposed Revisions to the Health Insurance Benefits Plan for City of Mission Employees**

Last year, the City amended its health insurance plan by increasing in-network coverage from 75% to 80% and decreasing pharmacy out-of-pocket costs to the employees while maintaining the same insurance premium rates employee's had paid since 2006.

This year, in response to growing medical claims, prescription costs, and compliance with mandatory Health Care Reform changes; City staff, in conjunction with the Third Party Administrator (TML), had finalized the proposed health insurance plan revisions. The revisions of the plan included:

- Revisions:
  - Increase dependent age limit to 26 years of age if dependent child was not eligible for employer group health plan benefits from their own employer; regardless of student status
  - Increase Coverage of preventive health services from \$300 per calendar year to 100% per calendar year
  - Reduce Flexible Spending Account (Flex Card) maximum contribution from \$1500 to \$1000
  - Switch Pharmacy Benefit Administrator from Scriptcare to Restat via Texas Municipal League (TML) to reduce prescription administrative costs
  - Restructure Pharmacy co-pay for Brand Name drugs from \$25 to (greater of \$25 or 20%) and maintain generic drugs at \$10
  - Increase the monthly cost of the employee's share of dependent coverage:
    - Employee & Child(ren) from \$271.60 to \$300.00 (\$28.40 increase/ month)
    - Employee & Spouse from \$353.14 to \$400.00 (\$46.86 increase/month)
    - Employee & Family from \$409.08 to \$475.00 (\$65.92 increase/month)
- Maintain:
  - In-Network Coverage at 80/20
  - In-Network Maximum Out-of-Pocket Expense per Calendar Year at \$2,000 (Individual) and \$4,000 (Family)
  - In-Network Deductibles at \$500 (Individual) and \$1,000 (Family)
  - Three tiers of Dependent Coverage – Employee + Child(ren), Employee + Spouse, Employee + Family

Staff and City Manager recommended approval.



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Mayor Salinas stated that the city could not continue to supplement health insurance costs for employee family coverage. Mayor Salinas recommended beginning the process to remove this policy that is currently in place for next fiscal year.

Councilman Plata moved to approve Proposed Revisions to the Health Insurance Benefits Plan for City of Mission Employees. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

### **4.14 Authorization to solicit bids for “Vending Services” for City of Mission Buildings**

Authorization to solicit bids for “Vending Services.” Vending services were necessary to provide employees and customers access to snacks via vending machines. The City received a commission from each sale.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to solicit bids for “Vending Services” for City of Mission Buildings. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

### **4.15 Authorization to Solicit Bids – “HAP-HRH Phase 09-III SS” (Revision)**

CAC would be meeting to consider staff’s recommendation to include four additional applicants for roof repair assistance. The four (4) additional addresses to be included with the phase approved on 7/26/10 were as follows:

Rehabilitation (Roof repair):

2313 Gold

214 N Slabough

2009 Peace

1011 Blake

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to Solicit Bids – “HAP-HRH Phase 09-III SS” (Revision). Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

### **4.16 Approve change order #2 for Del Sol Homes Construction for Housing Assistance at 803 Cynthia (City Attorney may ask Council to go into executive session prior to considering this matter in open session)**

The following unforeseen problem was discovered the rehabilitation of CDBG applicant’s home located at 803 Cynthia:

- 1) The existing kitchen sink drain had been cancelled prior to the rehab project; the drain had been overridden to flow to the exterior rather than the sewer system. It was required to have all drains connected for sanitary purposes.

As per the guidelines, the City Manager had the authority to increase approved loans by no more than 10% of the contract amount awarded if unforeseen requirements during the construction phase mandated such an increase. The change order was as follows:

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803 Cynthia (Rehabilitation):

Other Project Costs	\$558.34
Contract amount	\$23,000.00
Change order #1	\$1,401.00
Change order #2	\$ 260.00
Total amount	\$25,219.34

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve change order #2 for Del Sol Homes Construction for Housing Assistance at 803 Cynthia. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

**5.0 Unfinished Business**

None

**6.0 Routine Matters**

**6.1 City Manager's Comments**

None

**6.2 Mayor's Comments**

None

**7.0 Adjournment**

At 5:31 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary