

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
FEBRUARY 8, 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

**ABSENT:**

**ALSO PRESENT:**

Kathy Olivarez, Progress Times  
Maxilou Link  
James Harris  
Luis Barbosa  
Serilo Diaz  
Janelle Valdez  
Sasha Landeros  
Nyssa G. Sanchez  
Norma Meza  
Darla Osuna  
Alejandra Alvarez  
Anabel Hinojosa  
Diana Duran  
Sandra Arjona  
Monica Montoya  
Lizette Cantu  
Hollis Rutledge, Jr.  
Javier S.  
Pat Townsend, Jr.  
Javier Hernandez  
Robert L. Rivera  
Yolanda A. Flores

**STAFF PRESENT:**

Nelia Hernandez, Asst. City Secretary  
Sonia Carnes, Deputy City Manager  
Guillermo Seguin, Deputy City Manager  
Sergio Zavala, Planning Director  
Ray Elvira, Planning Department  
Roberto Salinas, City Engineer  
Paul Schaefer, Golf Course Director  
Joanne Longoria, CDBG Director  
Gilbert Sanchez, Fire Marshal  
Rick Saldana, Fire Chief  
Ruben Diaz, Public Works Director  
Victor Gonzalez, Streets Director  
Elizabeth Cabrera, Purchasing Director  
Leo Longoria, Chief of Police  
Martin Garza, Chief of Police  
Janie Flores, Finance Director  
Randy Perez, Accountant  
Julian Gonzalez, Parks & Rec. Director  
Adela Ortega, Museum Director  
Juan C. Avila, Interim B & G Club Director  
Roland Rodriguez, D.P. Manager  
Noemi Munguia, HR Director  
Jonathan Wehrmeister, Judge  
Mayra Rocha, Speer Memorial Library  
Angie Vela, Finance Dept. / Accountant  
Glorina Flores, Purchasing Dept. / Buyer

**1. Call to order**

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

**2. Pledge Allegiance and Invocation**

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

### 3. Proclamation – “FCCLA Week”

Mrs. Anna Carrillo, City Secretary read the proclamation.

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

### 4. Departmental Reports

Councilwoman Ramirez moved to approve the departmental reports as presented. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

### 5. Citizens Participation

None

#### 1.0 Public Hearing

##### 1.1 Planning & Zoning Recommendations

###### **A. Rezoning: A 1.01 acre tract out of the South 9.25 acres of the North 18.5 acres of Lot 29-7, W.A.S, AO-I to C-3, Rosa Soberon**

The subject site was located approximately 700 feet north of Mile 2 North along the east side of Conway (SH 107). The surrounding zones included C-3 (General Business) to the south and AO-I (Agricultural Open Interim) to all other directions. The surrounding land uses consisted of a church to the east a single-family residence and a car sales lot to the west, and a funeral home to the south. The subject tract currently had a vacant convenience store. The Future Land Use Map reflected a General Commercial (GC) designation along the Conway frontage. The subject property should have been changed to C-3 due to FLUM compliance; adjoining C-3 zone to the south, and frontage to a major thoroughfare. There was no public opposition at P&Z’s 1/27/10 hearing. The P&Z unanimously approved of the zoning change.

Staff and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the request. There was none.

Mayor Pro Tem Olivarez moved to approve rezoning: A 1.01 acre tract out of the South 9.25 acres of the North 18.5 acres of Lot 29-7, W.A.S, AO-I to C-3, Rosa Soberon. Motion was seconded by Councilwoman Ramirez and approved unanimously 3-0.

###### **B. Conditional Use Permit: To Co-locate antenna on the existing self-support tower and install a 10’ x 16’ communications equipment cabinet, 2309-B North Shary Road, Lot 1, R.C. Vacker Subd., C-3, Life of Use, AT & T Wireless**

The subject site was located near the NW corner of Shary Road and U.S. Expressway 83. AT & T Wireless was in the process of improving their wireless communications network in South Texas by co-locating onto the existing self-support tower AT&T would also construct a new 10’ x 16’ cabinet at the fenced-in compound area. There were existing shelters for various communications providers and the 100’ high telecommunications antenna. There was no public opposition at P&Z’s 1/27/10 hearing. The P&Z unanimously approved of the conditional use permit as noted below.

Staff Recommendation: Approval for life of use.

Staff and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the CUP request. There was none.

Councilwoman Ramirez moved to approve the Conditional Use Permit: To Co-locate antenna on the existing self-support tower and install a 10' x 16' communications equipment cabinet, 2309-B North Shary Road, Lot 1, R.C. Vacker Subd., C-3, Life of Use, AT & T Wireless. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

**C. Conditional Use Permit: 'Restaurant in Property Zoned Neighborhood Commercial' 104 North Mayberry Suite 'A' Lot 52, Mayberry Plaza # 2 Subd., C-2, Life of Use, Luis Barbosa**

The property was at the NE corner of Mayberry and 1<sup>st</sup> Street. On Lot 52 there was an existing building with 3 suites thereon. The applicant had been operating a BBQ Restaurant from this Neighborhood Commercial (C-2) zoned property for one year and needed the City's renewal consideration. The days and hours of operation were Monday through Saturday from 11:00 a.m. to 8:00 p.m. Mr. Barbosa and 3 full-time employees ran this establishment. No alcoholic beverages were sold.

Viewing the floor plan, the existing 500 sq.ft. suite had a total of 6 tables and 23 seats. A field visit revealed that there were 17 parking spaces held in common for this development. There was a concern voiced at P&Z's hearing from the adjoining flower shop on the BBQ's Smoke going inside their shop. The owner of the restaurant said she would take care of it though she had not been previously alerted by the shop owner. The P&Z unanimously approved of the conditional use permit as noted below.

Staff Recommendation: Approval subject to a three year re-evaluation to continue monitoring this CUP operation.

Staff and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the CUP request. There was none.

Mayor Pro Tem Olivarez moved to approve the Conditional Use Permit: 'Restaurant in Property Zoned Neighborhood Commercial' 104 North Mayberry Suite 'A' Lot 52, Mayberry Plaza # 2 Subd., C-2, Life of Use, Luis Barbosa. Motion was seconded by Councilwoman Ramirez and approved unanimously 3-0.

**D. Conditional Use Permit: Home Occupation—"Notary Service & Preparation of Income Tax Forms," 2606 North Shary Road, being a 4.11 acre tract of land out of Lot 265, John H. Shary Subd., AO-I, Life of Use, Lupita Ramon**

This CUP was awarded to Mrs. Ramon on February 8, 2006 and again on August 8, 2007 with these conditions: 1) compliance with section 1.56-1 of the Zoning Ordinance, 2) acquisition of a business license, and 3) a 2 year re-evaluation. Since this CUP was awarded staff, had not received any complaints or concerns from this location.

The subject site was located ¼ mile North of Griffin Parkway (FM 495) along the east side of Shary Road. Mrs. Ramon had an estate size lot fronting 190' along Shary Road, with a depth of 1110'. Mrs. Ramon had a 1200' sq.ft. personal office that was being used for this home

occupation (formerly a 3 car garage). The office operated Monday through Saturday from 6:00 p.m. thru 9:00 p.m. Mrs. Ramon was the only employee running this home occupation. There was an existing paved parking area which accommodates up to 8 cars for customer parking. Mrs. Ramon had alerted staff that traffic was minimal, and strictly by appointment only. Mrs. Ramon had alerted staff that the income tax preparation was only done during January through April and the notary services was year round. There was no public opposition at P&Z's 1/27/10 hearing. The P&Z unanimously approved of the conditional use permit as noted below.

Staff Recommendation: Approval; re-evaluate in 3 year intervals

Staff and City Manager recommended approval.

At 4:41 p.m. Councilwoman Norie Gonzalez Garza joined the meeting.

Mayor Salinas asked if there were any comments for or against the CUP request. There was none.

Councilwoman Ramirez moved to approve the Conditional Use Permit: Home Occupation– “Notary Service & Preparation of Income Tax Forms,” 2606 North Shary Road, being a 4.11 acre tract of land out of Lot 265, John H. Shary Subd., AO-I, Life of Use, Lupita Ramon. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

## **2.0 Disposition of Minutes**

### **2.1 City Council Meeting – January 25, 2010 and Special City Council Meeting – January 28, 2010**

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

## **3.0 Acknowledge Receipt of Minutes**

### **3.1 Planning and Zoning Commission – January 6, 2010 Mission Redevelopment Authority – November 16, 2009 Mission Tax Increment Reinvestment Zone – November 16, 2009 Shary Golf Advisory Board – November 18, 2009 and December 22, 2009 Boys & Girls Club of Mission – December 19, 2009**

Mayor Pro Tem Olivarez moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

## **4.0 Approvals and Authorizations**

### **4.1 Adoption of Ord. # 3538 for Rezoning A 1.01 acre tract out of the South 9.25 acres of the North 18.5 acres of Lot 29-7, W.A.S. Subd., AO-I to C-3**

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ord. No. 3538 for rezoning A 1.01 acre tract out of the South 9.25 acres of the North 18.5 acres of Lot 29-7, W.A.S. Subd., AO-I to C-3. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**ORDINANCE NO. 3538**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING FOR A 1.01 ACRE TRACT OUT OF THE SOUTH 9.25 ACRES OF THE NORTH 18.5 ACRES OF LOT 29-7, WEST ADDITION TO SHARYLAND, AO-I TO C-3

**4.2 Adoption of Ord. # 3539 for CUP for “To Co-locate Antenna on the existing self-support tower & install a 10’ x 16’ communications equipment cabinet’ at 2309-B N. Shary Road, being Lot 1, R.C. Vacker Subd., for “Restaurant in Property Zoned Neighborhood Commercial,’ 104 N. Mayberry, Suite ‘A,’ Lot 52, Mayberry Plaza # 2 Subd., and Home Occupation – ‘Notary Service & Preparation of Income Tax Forms,’ 2606 N. Shary Road, being a 4.11 acre tract of land out of Lot 265, J.H.S. Subd.**

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ord. No. 3539 for CUP for “To Co-locate Antenna on the existing self-support tower & install a 10’ x 16’ communications equipment cabinet’ at 2309-B N. Shary Road, being Lot 1, R.C. Vacker Subd., for “Restaurant in Property Zoned Neighborhood Commercial,’ 104 N. Mayberry, Suite ‘A,’ Lot 52, Mayberry Plaza # 2 Subd., and Home Occupation – ‘Notary Service & Preparation of Income Tax Forms,’ 2606 N. Shary Road, being a 4.11 acre tract of land out of Lot 265, J.H.S. Subd. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

**ORDINANCE NO. 3539**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMITS FOR ‘TO CO-LOCATE ANTENNA ON EXISTING SELF-SUPPORT TOWER & INSTALL A 10’ X 16’ COMMUNICATIONS EQUIPMENT CABINET’ AT 2309-B N. SHARY ROAD, BEING LOT 1, R.C. VACKER SUBDIVISION, ‘RESTAURANT IN PROPERTY ZONED NEIGHBORHOOD COMMERCIAL, 104 N. MAYBERRY, SUITE ‘A’, LOT 52, MAYBERRY PLAZA # 2 SUBDIVISION, AND A HOME OCCUPATION – ‘NOTARY SERVICE & PREPARATION OF INCOME TAX FORMS’, 2606 N. SHARY ROAD, BEING A 4.11 ACRE TRACT OF LAND OUT OF LOT 265, JOHN H. SHARY SUBDIVISION

**4.3 Variance request by Edwin Cruz to allow a Residential Driveway off of Lot 26, La Tierra De Los Encinos directly onto Mayberry Rd. (arterial street)**

The double-frontage Lot was 1800’ north of Griffin Parkway along the west side of Mayberry Rd. (within La Tierra De Los Encinos Subd.). The Lot was irregularly-shaped. The property’s access was along Keralum Ave. The following disclosed the recent dialogue between Mr. Cruz & Staff:

- The applicant built a 2 car garage, an above ground pool, and a second story deck to the home’s rear that leads to the pool area; these improvements were done without required permits.
- Mr. Cruz inquired of possible access off of Mayberry Rd. Staff mentioned that plat note 10 of La Tierra De Los Encinos states: ‘No entry/exit to any lots from Mayberry Rd.’; and Sec. 98-134 Streets (o) Marginal Access Streets read as follows: “Where a subdivision had frontage on or borders an arterial street, the planning and zoning commission may have required marginal access on the subdivision side of the arterial street.” The marginal access was Keralum.

- Mr. Cruz proceeded to inform us that he was a retired veteran, who was 100% permanently disabled and unemployable. He mentioned that his (VA Physician) recommended swimming exercises in order to avoid the risk of total paralysis thus the need for the swimming pool.

The required permits were imposed to verify safety (electrical) and structural integrity of the improvements. Since the applicant was a retired & (totally) disabled veteran with very unique health conditions, the P&Z unanimously approved his request with strict guidelines as shown below.

Staff Recommendation: Approval subject to: 1) a legal agreement, to be recorded with the County Clerk's Office, stating the City's indemnification, 2) that the driveway was granted due to the owner's health conditions, 3) said approval would not be transferable to future owner(s) others, 4) when the need was no longer required due to the unique health issue, that the subsequent owner shall re-seal the driveway and fully buffer Mayberry Road, and 5) having this applicant escrow the sidewalk re-construction costs (\$130 total).

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve variance request by Edwin Cruz to allow a Residential Driveway off of Lot 26, La Tierra De Los Encinos directly onto Mayberry Rd. (arterial street). Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

#### **4.4 Request by Mario & Leticia Garcia to have Private Bollards over Public Right of Way at 319 Glasscock Rd.**

City Attorney David Guerra requested the council to consider this item under executive session pursuant to V.T.C.A. Gov. Code Sec. 551.071, Private consultation with the City Attorney.

The Garcia's had approached the city in an effort to seek assistance to further protect their property & family. Their home, with wrought-iron fencing, was at the SW corner of Glasscock Road and 4<sup>th</sup> Street. Glasscock Road was an arterial where there were no 'stops' between the Expressway and Bus. Hwy. 83; thus the traffic was quite swift.

Sec. 94-4 of Mission's Code of Ordinances said "it shall be unlawful for any person within the city without obtaining a permit to erect any fence, wall, hedge, structure or any other character of obstruction over, on or across any public property, way, alley, street, sidewalk."

In an effort to magnify the safety of the Garcia's with bollards that would not impede the city's use of its ROW, staff did not object so long as the typical hold harmless document was executed.

Staff and City Manager recommended approval – record Hold Harmless document.

After reconvening from executive session, Mayor Pro Tem Olivarez moved to deny the request by Mario & Leticia Garcia to have Private Bollards over Public Right of Way at 319 Glasscock Rd. due to liability issues for the city. Motion was seconded by Councilwoman Ramirez and denied unanimously 5-0

#### **4.5 Discussion and Action to Authorize Staff to Pursue Annexation of Lots 7-10, Mission Farm Estates, and Acreage of the U.S. Fish & Wildlife (between Lots 9 & 10, Mission Farm Estates and the Rio Grande)**

The area of proposed annexation was 434 acres and was approximately 1500' south of the intersection of One Mile Road South and Abram Road – along the East side of Abram Road – all the way southward to the Rio Grande. The area was predominantly vacant and un-developed. The largest tract on the southernmost perimeter was designated as Fish and Wildlife sanctuary.

Once staff confirmed that prevailing annexation statutes could be complied with, staff desired the council's authorization to pursue annexation of the above properties.

Staff and City Manager recommended approval.

Councilwoman Garza moved to authorize staff to pursue annexation of Lots 7-10, Mission Farm Estates, and Acreage of the U.S. Fish & Wildlife (between Lots 9 & 10, Mission Farm Estates and the Rio Grande). Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

#### **4.6 Request by owners from Glasscock South Subd. to have the City Council Re-consider the 1994-Approved Street Connection of the 'Future Union Street' to Selena Street**

On March 28, 1994, the City Council approved Melden & Hunt's Planning Study on proposed street alignments which included the future extension of Union onto Selena Street.

The adjoining neighborhood to the south was Glasscock South Subdivision – Staff had been provided with a letter/ signatures petitioning the Council to "Not have Union connect onto Selena Street."

In Staff's assessment, Union was a minor residential street; thus, 'killing' the future connection would not be detrimental to traffic pattern efficiency.

Staff Recommendation: Approval of nullifying the future Union Street connection to Selena.

Staff and City Manager recommended approval to nullify.

Councilwoman Garza moved to authorize request by owners from Glasscock South Subd. to have the City Council re-consider the 1994-approved street connection of the 'Future Union Street' to Selena Street. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

#### **4.7 Discussion and action to approve Ord.#3540 providing for new sanitation rates and an effective date**

Under the city's contract with BFI/Allied Waste, BFI was authorized to increase the rates they charge the city for trash collections services, each year, based on the increase in the Consumer Price Index, (CPI) for the preceding 12 months period. The CPI for the preceding 12 month period increased by an adjusted 4.64%, however the contract caps BFI's increases based on the CPI to no more than 4%. Based on the information provided by BFI and reviewed by staff, it was recommending that the City adjust the sanitation rates it charges its customers, by 4% to reflect BFI's increase.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ord. No. 3540 providing for new sanitation rates and an effective date. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**ORDINANCE NO. 3540**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
PROVIDING FOR NEW GARBAGE RATES; AND PROVIDING FOR AN  
EFFECTIVE DATE

**4.8 Authorization to solicit bids for the TDRA Supplemental Recovery grant Project-  
Street Improvements**

Overall project entailed the reclamation of existing asphalt and Caliche (flex base), proposal of 1.5"-2" ACP pavement with 8" of Caliche Construction, including adjustment of Manholes, water valves and replacement of Valley Gutters at various streets throughout the City. Project award was subject to environmental clearance.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to solicit bids for the TDRA Supplemental Recovery grant Project-Street Improvements. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

**4.9 Budget Amendments: General Fund and Hotel / Motel Fund**

Mrs. Flores presented the budget amendments BA-52 thru BA-56 to the City Council for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve budget amendments BA-52 thru BA-56. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

**4.10 Acceptance of Comprehensive Annual Financial Report for Fiscal Year ended 9/30/09**

Mrs. Janie Flores, Finance Director presented the Comprehensive Annual Financial Report for Fiscal Year ending 9/30/09 for acceptance. Mr. Ruben Moreno, Long Chilton, LLP representative briefly read over the audit report.

Staff and City Manager recommended approval.

At 5:10 p.m. Councilman Ruben Plata joined the meeting

Councilwoman Garza moved to accept the Comprehensive Annual Financial Report for Fiscal Year ending 9/30/09. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.11 Authorization to adopt Ord. # 3541 reducing speed from 30 mph to 20 mph at Wagon  
City South Subd.**

The Mission Police Department was requesting authorization to reduce speed from 30 mph to 20 mph at Wagon City South Subdivision. On January 19, 2010, the Traffic Safety Committee met regarding a request from residents from Wagon City Subdivision to reduce speed. Our department was requesting the reduction to 20 mph.

Staff and City Manager recommended approval.



Councilwoman Garza moved to adopt Ord. No. 3541 reducing speed from 30 mph to 20 mph at Wagon City South Subd. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**ORDINANCE NO. 3541**

AN ORDINANCE OF THE CITY OF MISSION, TEXAS PROVIDING FOR TRAFFIC CONTROL AS FOLLOWS: THAT NO VEHICLE MAY PROCEED AT A SPEED IN EXCESS OF TWENTY (20) MILES PER HOUR ALONG ANY ROADWAY WITHIN WAGON CITY SOUTH SUBDIVISION (BUNDLE WAGON DRIVE, TACK DRIVE, COVER WAGON DRIVE, BOOT DRIVE, STAGE COACH DRIVE, BUCK BOARD DRIVE, CHUCK WAGON DRIVE, AND SPUR DRIVE). PROVIDING FOR THE INSTALLATION OF SAID TRAFFIC CONTROL DEVICES AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO:

**4.12 Authorization to adopt Ord. # 3542 reducing speed from 30 mph to 20 mph at Wagon City North Subd.**

The Mission Police Department was requesting authorization to reduce speed from 30 mph to 20 mph at Wagon City North Subdivision. On January 19, 2010, the Traffic Safety Committee met regarding a request from residents from Wagon City Subdivision to reduce speed. Our department was requesting the reduction to 20 mph.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to adopt Ord. No. 3542 reducing speed from 30 mph to 20 mph at Wagon City South North. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**ORDINANCE NO. 3542**

AN ORDINANCE OF THE CITY OF MISSION, TEXAS PROVIDING FOR TRAFFIC CONTROL AS FOLLOWS: THAT NO VEHICLE MAY PROCEED AT A SPEED IN EXCESS OF TWENTY (20) MILES PER HOUR ALONG ANY ROADWAY WITHIN WAGON CITY NORTH SUBDIVISION (AXLE DRIVE, WHEEL DRIVE, BOOT DRIVE, HUB DRIVE, TACK DRIVE, RIM DRIVE, HARNESS DRIVE, AND SADDLE DRIVE) PROVIDING FOR THE INSTALLATION OF SAID TRAFFIC CONTROL DEVICES AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO:

**4.13 Authorization to solicit bids for the purchase of Waterline Material for the new Bryan Road Overpass at U.S. Expressway 83 and for Anzalduas Highway**

Staff was seeking authorization to solicit bids for the purchase of waterline material for new Bryan Road Overpass at U.S. Expressway 83 and Construction of Anzalduas Highway. The material would be used to adjust and improve the existing water system and increase water pressure in the area.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved authorize to solicit bids for the purchase of Waterline Material for the new Bryan Road Overpass at U.S. Expressway 83 and for Anzalduas Highway. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.14 Inter-local governmental agreement between City of Mission and Region VIII Education Service (ESC8) to gain access to their competitively bid contracts**

The City of Mission had access and took advantage of several competitively bid contracts through the State of Texas, Buyboard, HGAC, etc. Staff would like to further expand the access to these contracts. Staff was seeking approval of Inter-local contract agreement between City of Mission and Region VIII Education Service Center (ESC8). This agreement would allow staff to take advantage of some of these services and provide opportunities for greater efficiency and economy in acquiring goods and services. This agreement provided fair and reasonable assurances to both entities. There was no cost associated with signing this agreement.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Inter-local governmental agreement between City of Mission and Region VIII Education Service (ESC8) to gain access to their competitively bid contracts. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**4.15 Bid for “Housing Assistance Program Phase 09-I”**

On January 4, 2010, City Council authorized staff to solicit bids for four (4) reconstruction homes. The City of Mission had accepted and opened five (5) bid responses for this project. Staff was recommending awarding to low bidder meeting all requirements – Aguirre Construction for a total cost of \$163,700.

CAC met on Tuesday, February 2, 2010 and approved staff’s recommendation to award bids to the lowest bidder as follows:

Aguirre Construction: - Total – \$163, 700.00

Construction:

1004 Hidalgo	-2 Bedrooms
321 Alma	-2 Bedrooms
1125 N. Los Ebanos	-3 Bedrooms
208 North St.	-2 Bedrooms

The City had been utilizing 75% of the annual CDBG allocation for several years for reconstruction projects. Since 1999, a total of 253 families to date had been provided some form of housing assistance. Out of the 253 families were provided with reconstruction assistance while 83 families were provided with rehabilitation assistance (including emergency repair).

Staff and City Manager recommended approval.

Councilman Plata moved to approve bid for “Housing Assistance Program Phase 09-I”. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

#### **4.16 Approval of Annual Hidalgo County Library System Interlocal Agreement**

Hidalgo County requested that staff approve the annual interlocal with them.

This was the basic agreement that allowed the County to continue to pay funds on behalf of and disburse funds to the library for contractual services and library materials.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Annual Hidalgo County Library System Interlocal Agreement. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

#### **4.17 Approval of Interlocal Agreement with Dustin Michael Sekula Memorial Library**

City of Edinburg / Dustin Michael Sekula Memorial Library requested that staff approve the interlocal with them.

This Interlocal was made available to share library resources and technical expertise using their Library Union Automation System.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Interlocal Agreement with Dustin Michael Sekula Memorial Library. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

#### **5.0 Unfinished Business**

None

#### **6.0 Routine Matters**

##### **6.1 City Manager's Comments**

Mr. Cerda congratulated Mayor Salinas and the council for reaching the fund balance.

##### **6.2 Mayor's Comments**

None

At 5:25 p.m., Councilman Plata moved to convene into executive session. Motion was seconded by Councilwoman Ramirez 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**

- A. Application for permit for temporary outdoor display and sale of Valentine related merchandise**
- B. Previously Assisted Housing Residents – Taxes and Insurance**
- C. Matters relating to Presidential Permit regarding Mission International Bridge**
- D. Potential claim by Officer Arturo Hernandez**

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

At 6:24 p.m., Councilwoman Garza moved to reconvene in open session. Motion was seconded by Councilman Plata and approved unanimously 5-0.

On item 7.1-A, Mayor Pro Tem Olivarez moved to deny the request for a permit for temporary outdoor display and sale of Valentine related merchandise, since this was not allowable under city ordinances. Motion was seconded by Mayor Salinas and approved unanimously 5-0.

No action was taken on item 7.1-B.

On item 7.1-C, Mayor Pro Tem Olivarez moved to authorize the City Manager to protect the existing Presidential Permit regarding the Mission International Bridge and to authorize the City Attorney to hire a Washington D.C. Public Regulatory Attorney and for the council to delegate the power to consent to the City Attorney's choice of that attorney to the Mayor. Motion was seconded by Councilman Plata and approved unanimously 5-0.

On item 7.1-D, Mayor Pro Tem Olivarez moved to authorize to settle the potential claim by Officer Arturo Hernandez for \$24,211.00. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**8.0 Adjournment**

At 6:32 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary