

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
JULY 26, 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  
Alvaro Valenzuela  
Josean Perez  
Debra Lee Rodriguez  
Triple Threat Mission All-Stars Team  
Amparo Olivarez  
Pat Townsend Jr.  
Paul Vazaldua

**STAFF PRESENT:**

Nelia Hernandez, Asst. City Secretary  
Hernestina Esparza, Administrative Asst.  
Sonia Carnes, Deputy City Manager  
Guillermo Seguin, Deputy City Manager  
Sergio Zavala, Planning Director  
Bobby Salinas, Subdivision Coordinator  
Paul Schaefer, Golf Course Director  
Joanne Longoria, CDBG Director  
Rick Saldana, Fire Chief  
Gilbert Sanchez, Fire Marshal  
Glorina Flores, Purchasing Buyer  
Noemi Munguia, HR Director  
Robert Dominguez, Asst. Chief of Police  
Martin Garza, Asst. Chief of Police  
Janie Flores, Finance Director  
Rolando Rodriguez, DP Manager  
Julian Gonzalez, Parks & Rec. Director  
Adela Ortega, Museum Director  
Mayra Rocha, Speer Memorial Library  
Jesse Lerma, Civil Service Director  
Juan C. Avila, Interim Boys & Girls Club Director

**1. Call to order**

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:32 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 – “MDA – Fill the Boot Days”**

Anna Carrillo, City Secretary read the proclamation.

Mayor Pro Tem Leo Olivarez moved to approve the proclamation as presented. Motion was seconded by Councilwoman Norie Gonzalez Garza and approved unanimously 4-0.

#### 4. Departmental Reports

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

#### 5. Citizens Participation

At 4:38 Councilman Ruben Plata joined the meeting.

County Judge Rene Ramirez, congratulated the city for all of their assistance with Hurricane Alex and the flooding situation. He especially congratulated City Manager Julio Cerda and Chief Ricardo Saldana for their assistance.

Lety Ibarra, presented the Triple Threat All-Star Baseball team who would be traveling to National competition and thanked the city for their assistance.

#### 1.0 Public Hearing

##### 1.1 Planning & Zoning Recommendations

##### **A. Conditional Use Permit: To Modify Equipment & Co-locate Antennas into the Existing Self-Support Tower, 2309B N. Shary Rd., Lot 1, Vacker Subd., C-3, Life of Use, San Antonio MTA, DBA Verizon Wireless**

The subject site was located near the NW corner of Shary Road and U.S. Expressway 83. Verizon was in the process of improving their wireless communications network in South Texas and throughout the Rio Grande Valley. Verizon desired to modify its equipment and Co-locate onto the existing self-support tower. Currently there were existing shelters for various communications providers and the 100' high telecommunication antenna. Access to the site was provided through a record of 20' access/utility easement located on the north side of the property which leads up to the antenna site. The proposed modifications were within the lease site and exceeded all building setback requirements. There was no public input at P&Z's hearing. The P&Z voted unanimously to approve the conditional use permit.

Staff, P&Z and City Manager recommended approval.

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

Councilman Plata moved to approve Conditional Use Permit to Modify Equipment and Co-locate Antennas into the Existing Self-Support Tower, 2309B N. Shary Road, Lot 1, Vacker Subdivision, C-3, Life of Use, San Antonio MTA Verizon Wireless. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

##### **B. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Dai Tung Restaurant, 2402 Brock St., Ste. A, Lots 21 & 22, Shary Business Center Subd., C-3, Li Min-Do**

The 4,550' sq. ft. restaurant site was located within a commercial plaza approximately 420' south of Griffin Parkway along the east side of Shary Road.

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- Hours of Operation: Everyday from 11:00 a.m. to 9:30 p.m. Alcoholic beverages would only be served during allowable State selling hours.
- Staff: 16 employees
- Parking: There were 140 total seating spaces, which require 47 parking spaces. It was noted that the parking area was held in common and was shared with other businesses.

Since there were no churches or schools within 300' of the subject site and the sale of alcohol was not the primary use, staff did not object to the proposal. There was no public input at P&Z's hearing. The P&Z voted unanimously to approve the conditional use permit as recommended by staff.

Staff, P&Z and City Manager recommended approval subject to 1.) 1 year re-evaluation to assess the operation, 2.) update their Business License to include this new property, and 3.) wet zone the site.

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

Councilwoman Ramirez expressed her concern since there were several businesses in the area where children were present during the day.

Councilwoman Garza moved to approve Conditional Use Permit Sale & On-Site Consumption of Alcoholic Beverages – Dai Tung Restaurant, 2402 Brock Street, Suite A, Lots 21 & 22, Motion was seconded by Mayor Pro Tem Olivarez and approved 4-1 with Councilwoman Ramirez dissenting.

#### **C. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Smoking Aces, 2518 E. Highway Business 83, Lot 14, J.E. Leslie Subd., C-3, Michael Aguilar**

The subject site was located approximately 300' west of Taylor Road along the south side of Business 83. A CUP for the sale of alcohol was previously approved on January 14, 2009. Mr. Aguilar and his partners had been operating Smoking Aces Sports Bar over the past year without any major incidents. Mr. Aguilar was seeking approval during this re-evaluation.

- Hours of Operation: Everyday from 11:30 a.m. to 2:00 a.m. Alcoholic beverages would only be served during allowable State selling hours.
- Staff: 12 employees
- Parking: In reviewing the floor plan, there were 120 total seating spaces, which required 40 parking spaces. The parking area had 54 lighted parking spaces.

On January 8, 2007 City Council approved the CUP which was imposed various requirements which included: Sidewalks along Business 83, Security Lighting, Perimeter Fencing, Professional Security on-site during Friday-Sunday's evening hours from 7 p.m. to ½ an hour past closing, must have perpetual annual re-evaluation, etc. As of this write-up, they were in compliance would all other items except the annual renewal of the CUP. There was no public input at P&Z's hearing. The P&Z voted unanimously to approve the conditional use permit.

Staff, P&Z and City Manager recommended approval subject to 1 year re-evaluation as per City Council's action on January 8, 2007.

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

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Councilwoman Ramirez moved to approve Conditional Use Permit Sale & On-Site Consumption of Alcoholic Beverages – Smoking Aces, 2518 E. Highway Business 83, Lot 14, J.E. Leslie Subdivision, C-3, Michael Aguilar. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**2.0 Disposition of Minutes**

**2.1 City Council Meeting – July 12, 2010**

Mayor Pro Tem Olivarez moved to approve the minutes as presented. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**3.0 Acknowledge Receipt of Minutes**

**3.1 Planning and Zoning Commission – June 23, 2010**

**Citizen’s Advisory Committee – Special Meeting June 17, 2010**

**Mission Economic Development Corporation – June 15, 2010**

Mayor Pro Tem Olivarez moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

At 4:51 Mayor Salinas asked to go to item 4.22.

**4.0 Approvals and Authorizations**

**4.1 Adoption of Ord. # 3569 for CUP To Modify Equipment & Co-locate Antennas into the Existing Self-Support Tower, 2309B N. Shary Rd., Lot 1, Vacker Subd.; Sale & On-Site Consumption of Alcoholic Beverages – Dai Tung Restaurant, 2402 Brock St., Ste. A, Lots 21 & 22, Shary Business Center Subd.; and Sale & On-Site Consumption of Alcoholic Beverages – Smoking Aces, 2518 E. Highway Business 83, Lot 14, J.E. Leslie Subd.**

Staff, P&Z and City Manager recommended approval.

Councilwoman Garza moved to approve adoption of Ordinance No.3569 for CUP to Modify Equipment and Co-locate Antennas into the Existing Self-Support Tower, 2309B N. Shary Road, Lot 1, Vacker Subdivision, Sale & On-Site Consumption of Alcoholic Beverages – Dai Tung Restaurant, 2402 Brock Street Suite A, Lots 21 & 22, Shary Business Center Subdivision, and Sale & On-Site Consumption of Alcoholic Beverages – Smoking Aces, 2518 E. Highway Business 83, Lot 14, J.E. Leslie Subdivision. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3569**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMITS TO MODIFY EQUIPMENT & CO-LOCATE ANTENNAS INTO THE EXISTING SELF-SUPPORT TOWER, 2309B N. SHARY ROAD, LOT 1, VACKER SUBDIVISION; SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES – DAI TUNG RESTAURANT, 2402 BROCK ST., SUITE A, LOTS 21 & 22, SHARY BUSINESS CENTER SUBDIVISION; AND SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES – SMOKING ACES, 2518 E. HIGHWAY BUSINESS 83, LOT 14, J.E. LESLIE SUBDIVISION

**4.2 Preliminary Plat Approval: Elite Village Subd., Phase II, Texas Gardens Subd., Rural ETJ, Developer: Top Fruit, Inc., Laura Coffman, Vice-President  
Engineer: Quintanilla, Headley, & Associates**

The proposed subdivision was located approximately ¼ a mile north of Mile 4 along the west side of Texan Road. The subdivision consisted of a total of 35 lots. The lot sizes range from 21, 840 sq. ft. to 28,416 sq. ft. The water CCN belongs to AGUA SUB. On October 26, 2009, the City Council rescinded Resolution No. 1088 relating to the imposition of a moratorium on the approval of residential subdivisions to be serviced by La Joya Water Supply established as AGUA.

The developer was proposing to address water by tapping into an existing 8" AGUA waterline located along the east side of Texan Road in the southeastern perimeter of the subdivision, then running an 8" line west into the proposed subdivision. The developer was providing three (3) fire hydrants.

The sanitary sewer service for this subdivision was addressed by individual on site sewage facilities of a standard design septic tank and drain field on each lot, thus meeting the City's minimum requirements for sewage facilities within the Rural E.T.J. This area was not within the City of Mission's Sewer CCN. The nearest sewer line was 3.28 miles away.

Access for this subdivision would be via a 50 ROW, 32' B-B residential street off of Texan Road, which would stub out to the west for future connection by others. Staff notes that the temporary cul-de-sac was being dedicated/shown on the plat and paved to facilitate turnarounds. Drainage for the subdivision was proposed through the use of swales located in the rear of each property. The P&Z voted unanimously to approve the plat.

Staff, P&Z and City Manager recommended approval subject to 1.) Developer meeting the Model Subdivision Rules, and 2.) Meet street name alignment policy.

Councilwoman Ramirez moved to approve Preliminary Plat Approval Elite Village Subdivision Phase II A 20 ac. tract of land being all of Lots 27 & 28, Block 6, Texas Gardens Subdivision as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**4.3 Report on the City of Mission's Agreement with Hunt Valley Development on annual transferring of Water Rights**

As the City Council was aware, the City of Mission had a long-standing agreement with Hunt Valley Development to annually transfer any water rights of recorded plats within their development. During the period of July 1, 2009 to June 30, 2010, Hunt Valley Development recorded six (6) new subdivisions, which were calculated to require a dedication of 49.21 ac-ft of water rights.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the report on the City of Mission's Agreement with Hunt Valley Development on annual transferring of Water Rights as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**4.4 Set Public Hearing date for FY 2010-11 Annual Budget**

City Manager was requesting to set the Public Hearing on FY 2010-11 Annual Budget on Monday, August 9, 2010 as required by City Charter.

The public hearing was to give interested parties the opportunity to be heard.

The public hearing date, time and location would be published in the local newspaper.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Public Hearing date for FY 2010-11 for the Annual Budget on Monday, August 9, 2010 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.5 Adoption of Ord. # 3570 granting a wet designation for 2402 Brock St. Ste. A, Lots 21 & 22, Sharyland Business Center Subd.**

Staff was requesting the above mentioned property be wet zoned for Sale & On-Site Consumption of Alcoholic Beverages.

**ORDINANCE NO. 3570**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING ORDINANCE NO.780 DESIGNATING PLACES WHERE BEER AND OTHER ALCOHOLIC BEVERAGES MAY BE SOLD WITHIN THE CORPORATE LIMITS OF THE CITY OF MISSION TO INCLUDE THE PREMISES LOCATED AT 2402 BROCK STREET, SUITE A, LOTS 21 & 22, SHARY BUSINESS CENTER SUBDIVISION

**4.6 June 2010 Financial Statements**

Mrs. Janie Flores, Finance Director presented the Financial Statements for June 2010, for acceptance.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve the Financial Statements for June 2010, as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**4.7 Tax Collection Report – June, 2010**

Mrs. Flores presented the Tax Collections Report for June, 2010, for acceptance.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Tax Collection Report for June, 2010, as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.8 Budget Amendments: Designated Purpose Fund, General Fund**

Mrs. Flores presented the budget amendments BA-89 thru BA-93 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve budget amendments BA-89 thru BA-93. Motion was seconded by Councilman Plata and approved unanimously 5-0.

At 5:05 p.m. Mayor asked to go to item 4.18.

**4.9 Acceptance of Quarterly Report of Investments for the Quarter ending June 30, 2010 and Interest Earned for Nine Months Ending June 30, 2010**

Acceptance of quarterly report required by the Public Funds Investment Act Section 2256.023 of the Texas Government Code on the total investments for the quarter ending June 30, 2010. The total investments purchased were \$7,268,744.42 and the amount of maturing investments was \$15,748,208.63 leaving a total of \$28,696,418.29 in outstanding investments for the quarter ending June 30, 2010. The total interest earned on all funds year to date was \$63,657.68

Staff and City Manager recommended approval.

Councilman Plata moved to accept the Quarterly Report of Investments for the quarter ending June 30, 2010 and Interest Earned for nine Months ending June 30, 2010 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

At 5:11p.m. Mayor Salinas stepped out of the meeting.

**4.10 Authorization to accept the 2011 Tobacco Compliance Grant from the Texas Comptroller of Public Accounts**

The Mission Police Department was requesting authorization to accept a Tobacco Compliance Grant from the Texas Comptroller of Public Accounts. The \$5,000.00 grant would be utilized to enforce compliance with State Tobacco laws. The grant also provided for consistent compliance education of tobacco retailers and court personnel concerning tobacco laws. There was no local match required for this grant by the City of Mission.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve authorization to accept the 2011 Tobacco Compliance Grant from the Texas Comptroller of Public Accounts as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.11 Authorization to purchase Motorola Radio Equipment for the New Police Substation located on Military Highway and Glasscock Rd., via an HGAC Contract**

The City of Mission Police Department was requesting authorization to purchase Motorola Radio Equipment for the New Police Substation located on Military Highway and Glasscock Road via an HGAC Contract. The Motorola Radio Equipment would be mounted on the Police/Fire Radio Tower and would also be located inside the Police substation Dispatch Room. The equipment would be utilized to dispatch emergency calls for service. The total expenditure for this project was \$127,095.46.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve authorization to purchase Motorola Radio Equipment for the New Police Substation located on Military Highway and Glasscock Road, via a HGAC Contract as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.12 Authorization to purchase Uninterrupted Power Supply (UPS) for the New Police Substation on Military Highway and Glasscock Rd., via a DIR Contract**

The City of Mission Police Department was requesting authorization to purchase an Uninterrupted Power Supply (UPS) for the New Police Substation on Military Highway and Glasscock Road via a DIR contract. The UPS would be utilized by the police department to power critical areas of the Police Substation in case of a power outage. The total expenditure for this project was \$69,650.19.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve authorization to purchase Uninterrupted Power Supply (UPS) for the New Police Substation on Military Highway and Glasscock Road, via a DIR Contract as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.13 Authorization to purchase Lap Top Computers via a DIR Contract**

The City of Mission Police Department was requesting authorization to purchase a total of twenty-one (21) Lap Top Computers for our patrol units via a DIR Contract. The Lap Top Computers would be utilized by patrol officers inside their patrol units to complete offense reports, incidents reports and also to have the ability to inquire on drivers licenses and vehicle registration information. The Mission Police Department would utilize grant funds from the Police Department Border Initiative Grant from the Office of the Governor's Criminal Justice Division to purchase the aforementioned equipment. The total expenditure for this project was \$93,260.00.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve authorization to purchase Lap Top Computers via a DIR Contract as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.



**4.14 Authorization to purchase L-3 Digital Video Recorders via state approved contract or a sole source vendor (City Attorney may ask Council to go into executive session prior to considering this matter in open session)**

City Attorney David Guerra requested that prior to considering this item in open session, the council go into the executive session, pursuant to V.T.C.A. Gov. Code Sec. 551.071, Private consultation with the City Attorney.

After reconvening from executive session, the council considered the item in open session.

The City of Mission Police Department was requesting authorization to purchase a total of thirty (30) L-3 Digital Video Recorders for our patrol units via state approved contract of a sole source vendor. The digital video cameras would be utilized by patrol officers to record contracts with the general public in compliance with the Texas Racial Profiling Laws. The Mission Police Department would utilize grant funds from the Police Department Border Initiative Grant from the Office of the Governor's Criminal Justice Division to purchase the aforementioned equipment. The total expenditure for this project was \$83,653.86.

Staff and City Manager recommended approval.

After reconvening from executive session Councilman Plata moved to approve authorization to purchase L-3 Digital Video Recorders via state approved contract of a sole source vendor as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**4.15 Authorization to purchase Desk Top Computers for the New Police and Fire Substations on Military Highway and Glasscock Rd. via a DIR Contract and a TCPN Contract**

The City of Mission Police Department was requesting authorization to purchase a total of twenty-nine (29) Desk Top Computers, monitors, key boards and related hubs and wiring runs for the New Police and Fire Substation on Military Highway and Glasscock Road via a DIR contract. The Desk Top Computers would be utilized by both police and fire personnel in order to conduct normal operations. The total expenditure for this project was \$30,474.35.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to purchase Desk Top Computers for the New Police and Fire Substations on Military Highway and Glasscock Road via a DIR Contract and a TCPN Contract as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**4.16 Authorization to Solicit Bids – "Housing Assistance Program – HRH Phase 09-III SS"**

Citizen's Advisory Committee (CAC) met on July 26, 2010 to consider staff's recommendation to provide assistance for the roof repair at the following fourteen (14) addresses:

Rehabilitation (Roof repair):

1803 Thornton St  
1323 Francisco St  
1712 W 21<sup>st</sup> St  
218 Doherty  
2305 Briarwood  
305 Slabough

1010 Berry  
1507 Yolanda St  
508 Glasscock  
218 E El Rancho  
303 Paseo Tranquilidad  
215 Miller  
1015 E 1<sup>st</sup> St  
117 Ebano

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to solicit bids for Housing Assistance Program HRH Phase 09-III SS as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.17 Bid for “Housing Assistance Program – Housing Rehabilitation Phase 09-II”**

On May 26, 2010, City Council authorized staff to solicit bids for nine (9) reconstruction homes subject to title clearance. The City of Mission had accepted and opened five (5) bid responses for this project. Citizen’s Advisory Committee (CAC) to consider staff’s recommendation to award bids to the lowest responsible bidders as follows:

Artex Industrial Products – \$178,400

\*1222 Perkins 2 bdrm  
4010 Beatty 2 bdrm  
500 San Antonio 2 bdrm  
619 Granjeno 3 bdrm

JD Villarreal Construction - \$199,000

205 Donna 2 bdrm  
208 Bertha 2 bdrm  
617 Granjeno 2 bdrm  
302 Palma 2 bdrm  
2001 Perkins 2 bdrm

\*Hardship case – Fire occurred December 10, 2009

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.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve bids for Housing Assistance Program – Housing Rehabilitation Phase 09-II as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.18 Bid for City of Mission Park Improvements at Banworth and Catholic War Veterans Parks**

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On July 15, 2010, selected City Staff and a Gomez Mendez Saenz Inc. representative met to review all bids submitted of the City of Mission Park Improvements Projects at Banworth and Catholic War Veterans Parks. The project included a gymnasium and covered swimming pool at Banworth Park. The project also included a gymnasium, skate board stations and swimming pool renovation to the existing pool at C.W.V. after reviewing all responsive bids, staff was seeking authorization to award Topcon, Inc in the base bid amount of \$4,300,000.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve bid for City of Mission Park Improvements at Banworth and Catholic War Veterans Parks as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

At 5:10p.m. Mayor Salinas asked to go back to item 4.9.

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

On July 12, 2010, staff reviewed all bids submitted for the reroofing project located at 117/121 E. Tom Landry. Due to budget limitations, it was staffs recommendation that all bids be rejected so that specifications may be re-evaluated and re-advertised.

Staff and City Manager recommended reject and re-bid.

Councilman Plata moved to approve to reject and re-bid for the reparation of roof for the City of Mission building located at 117/121 E. Tom Landry as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

### **4.20 Proposed Testing Schedule Change for 2010-11 for the Mission Fire Department**

1. Staff was requesting approval to change staffs proposed promotional examination schedule for 2010-11. Staff had initially submitted a proposed schedule during the budget process that reflected a Captain's exam around December 2010 and a LT's exam around March 2011. Due to the opening of Fire Station #5, Chief Saldana and Mr. Cerda were requesting that staff be prepared to have eligibility lists available for all positions as soon as possible. If approved staff would return to the Civil Service Commission and advise them of the wished of City Council and start to prepare for the exams to be conducted as soon as possible.
2. If approved by Council and the commission and in order to comply with Civil Service law (CH143.029), staff would be able to conduct the exams on or about late November or early December.
3. Staff had a Deputy Chief exam scheduled for July 29 and an Engineer's exam scheduled for September 23, all eligibility lists would be ready by January 1, 2011.

No action was taken on this item.

### **4.21 Authorize the City of Mission to enter into a Memorandum of Understanding (MOU) with the Texas Department of Public Safety to establish an office in the Vacant Mission Fire Department building located at 500 East Tom Landry**

Earlier this year, the Texas Department of Public Safety (DPS) approached City Administration to establish an office in the Mission, Texas geographical area. It was determined that establishing an office in the vacant Mission Fire Department building, located at 500 East Tom Landry, would be mutually beneficial for the City of Mission. The Texas Department of Public Safety agreed to be responsible for proper maintenance and upkeep of the building until termination of the MOU.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize the City of Mission to enter into a Memorandum of Understanding with the Texas Department of Public Safety to establish an office in the vacant Mission Fire Department building located at 500 East Tom Landry as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**4.22 Consider and approve Resolution # 1271 authorizing the publication of the City's Notice of Intent to Issue Certificates of Obligation in an amount not to exceed \$3,500,000 as authorized under state law for purposes of paying contractual obligations of the City to be incurred for certain projects and to pay for the cost of issuance of the certificates of obligations and making other provisions regarding matters incident thereto**

The action required on this item was the formal process for bond financing for drainage improvements and purchase of equipment.

Staff and City Manger recommended approval.

Mayor Pro Tem Olivarez moved to approve Resolution No. 1271 authorizing the publication of the City's Notice of Intent to Issue Certificates of Obligation in an amount not to exceed \$3,500,000 as authorized under state law for purposes of paying contractual obligations of the City to be incurred for certain projects and to pay for the cost of issuance of the certificates of obligations and making other provisions regarding matters incident as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**RESOLUTION NO. 1271**

**A RESOLUTION AUTHORIZING PUBLICATION OF THE CITY'S NOTICE OF INTENT TO ISSUE CERTIFICATES OF OBLIGATION IN AN AMOUNT NOT TO EXCEED \$3,500,000 AS AUTHORIZED UNDER STATE LAW FOR PURPOSES OF PAYING CONTRACTUAL OBLIGATIONS OF THE CITY OT BE INCURRED FOR CERTAIN PROJECTS AND TO PAY FOR THE COST OF ISSUANCE OF THE CERTIFICATES OF OBLIGATIONS AND MAKING OTHER PROVISIONS REGARDING MATTERS INCIDENT THERETO**

At 4:55p.m. Mayor Salinas asked to go back to item 4.1.

**4.23 Presentation of the Preliminary Budget for Fiscal Year 2010-11**

As per City Charter, the City Manager must present a preliminary budget 60 days before the next fiscal year.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the presentation of the Preliminary Budget for Fiscal Year 2010-11 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

#### **4.24 Approval of Memorandum of Understanding between the City of Mission with Johnson Controls**

Johnson Controls Memorandum of Understanding with the City of Mission would allow energy experts including Professional Electrical and Mechanical Engineers to assess the use of energy at the City of Mission as well as provide City leaders information how they can measure savings by implementing equipment that would use less energy, clean our environment, and provide a better quality of life for the future of Mission.

The activities that were set forth in this Memorandum of Understanding included an assessment of GHG Emissions which displayed the use of energy by the city. The assessment was an estimated cost of \$25,000.00 and was being provided to the City of Mission as an in-kind contribution to be displayed in the EPA application "Climate Showcase Communities Grant.

One should add that the measurement of GHG Emissions was an EPA grant requirement and staff was fulfilling that requirement with this contribution by Johnson Controls. This MOU did not obligate the City to any purchases. It was a mere assessment of where the City was at on energy use and how it can save energy and energy costs.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve of Memorandum of Understanding between the City of Mission with Johnson Controls as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

### **5.0 Unfinished Business**

None

### **6.0 Routine Matters**

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

None

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

Mayor Pro Tem Olivarez thanked the city for their contribution to the Triple Threat Baseball Team and congratulated the coaches and team for all of their hard work.

At 5:29 p.m., Councilman Plata moved to convene into executive session. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**7.0 Executive Session pursuant to V.T.C.A. Gov. Code Sec. 551.001**

**7.1 Private consultation with the City Attorney Sec. 551.071**

**A. Consultation with legal counsel regarding status of SOAH Docket Nos. 582-08-3825 and 582-09-3548, TCEQ Docket Nos. 2008-0955-UCR and 2009-0350-UCR, Application of the City of Alton and Application of the City of Mission to Amend CCN Nos. 20809 and 20768 respectively.**

**B. Consultation with legal counsel regarding possible settlement via interlocal agreement of SOAH Docket No. 582-09-5330; TCEQ Docket No. 2009-0847-UCR; Petition of the City of Mission, Certificate of Convenience and Necessity (CCN) No. 20768, for a Cease and Desist Order against the City of Alton, CCN No. 20809, in Hidalgo County, Texas**

**7.2 Private consultation with the City Attorney Sec. 551.071**

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

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

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

At 6:13 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

No action was taken on item 7.1-A.

On item 7.1-B, Councilman Plata moved to authorize the execution of agreement provided City of Alton approves within one week of the City of Mission's approval. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

No action was taken on item 7.2-A.

**8.0 Adjournment**

At 6:15 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary