

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
OCTOBER 11, 2010 4:30 P.M.  
MISSION CITY HALL**

**PRESENT:**

Norberto Salinas, Mayor  
Maria Elena Ramirez, Councilwoman  
Norie Gonzalez Garza, Councilwoman  
Leo Olivarez, Mayor Pro Tem  
David Guerra, City Attorney  
Anna Carrillo, City Secretary  
Julio Cerda, City Manager

**ABSENT:**

Ruben D. Plata, Councilman

**ALSO PRESENT:**

Kathy Olivarez, Progress Times  
Roy Salinas  
Jim Barnes  
Beth Barnes  
Tomas Tijerina  
Sylvia Vick  
George S. Olivarez  
Raul Garcia, Jr.  
Pat Townsend, Jr.  
Nora Biraghi  
Paul Vazaldua  
Rebecca Regalado

**STAFF PRESENT:**

Nelia Hernandez, Asst. City Secretary  
Aida Lerma, Deputy City Manager  
Sonia Carnes, Deputy City Manager  
Sergio Zavala, Planning Director  
Bobby Salinas, Planning Dept.  
Roberto Salinas, Public Works Director  
Paul Schaefer, Golf Course Director  
Joanne Longoria, CDBG Director  
Gilbert Sanchez, Fire Marshal  
Rick Saldana, Fire Chief  
Glorina Flores, Purchasing Buyer  
Robert Dominguez, Asst. Chief of Police  
Martin Garza, Chief of Police  
Janie Flores, Finance Director  
Randy Perez, Accountant  
Julian Gonzalez, Parks & Rec. Director  
Belinda Garza, Library  
Juan C. Avila, B & G Club Director  
Noemi Munguia, HR Director  
Jesse Lerma, Civil Service  
Jonathan Wehrmeister, Judge  
Liz Garcia, Engineering Dept.  
Roland Rodriguez, I.T. Director

**1. Call to order**

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:34 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**

Councilwoman Maria Elena Ramirez moved to approve the departmental reports as presented. Motion was seconded by Mayor Pro Tem Leo Olivarez and approved unanimously 4-0.

#### 4. Citizens Participation

Sylvia Vick, 1506 Oak Drive requested assistance with vehicles traveling fast on Mayberry Rd. from Business 83 to Expressway 83.

Tomas Tijerina requested the City's participation for the 5<sup>th</sup> Annual Thanksgiving Table at Renee's

##### 1.0 Public Hearing

##### 1.1 Planning & Zoning Recommendations

##### A. Rezoning: A . 58 acre tract out of Lot 184, John H. Shary Subd., AO-I to C-3, Tres Rios, LLC

The subject site was in the NW area of Selena St. and Shary road. The surrounding zones included (C-3) General Business to the north and east, and (AO-I) Agricultural Open Interim to the west and south. The surrounding land uses consisted of a commercial plaza to the north, a trailer park to the west, open acreage to the east across Shary Road, and finally a small portion of surplus city owned property to the south. The subject site was currently open acreage.

The Future Land Use Map reflected a General Commercial (GC) designation along the Shary Road frontage. The C-3 proposal was directly consistent to the GC designation. The lot fronted Shary Road a widened major commercial corridor; C-3 was consistent to numerous commercial zonings and land uses along this corridor. There was no public opposition at P&Z's 9/22/10 hearing. The P&Z unanimously approved the C-3 zone.

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 . 58 acre tract out of Lot 184, John H. Shary Subd., AO-I to C-3, Tres Rios, LLC. Motion was seconded by Councilwoman Norie Gonzalez Garza and approved unanimously 4-0.

##### B. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Restaurant Vallarta, 2707 E. Griffin Parkway, Lot 11, Adam's Crossing Subd., Elizabeth Perez

The 1,065' sq. ft. restaurant site was located within a commercial plaza located in the NW area of Taylor Road and Griffin Parkway.

- Hours of Operation: Everyday from 10:00 a.m. to 10:00 p.m. Alcoholic beverages would only be served during allowable State selling hours.
- Staff: 6 employees
- Parking: In reviewing the floor plan, there were 46 total seating spaces, which required 15 parking spaces. The parking area was held in common (132 existing parking spaces) and was shared with other businesses.
- Alcoholic Beverages: This request was compliant to Sec. 6-4, which required that no alcohol beverages be sold within 300' to a church, public school, private school or public hospital. There were none of these land uses within the above radius.

The intent was to establish a family oriented seafood restaurant where alcoholic beverages would be available to customers. Please notice the closing hour, which was further indicative of their

target market, i.e. family ambience. There was no public opposition at P&Z's 9/22/10 hearing. The P&Z unanimously approved the conditional use permit.

Staff Recommendation: Approval subject to: 1) acquisition of a business license, and 2) 1 year Re-evaluation.

Staff, P & Z and City Manager recommended approval.

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

Councilwoman Ramirez moved to approve Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Restaurant Vallarta, 2707 E. Griffin Parkway, Lot 11, Adam's Crossing Subd., Elizabeth Perez. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

**C. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Buffalo Wings and Rings, 907 S. Shary Rd., Lot 2A, Colorado Subd., Alejandro Espinosa**

This CUP was originally approved by CC on 9-28-09. The 5,171' sq. ft. restaurant site was located on the NE corner of Shary Road and Colorado St.

- All parking, landscaping, and sign codes were being met.
- The hours of operation were: Sunday – Thursday from 11:00 a.m. to 12:00 a.m. and Friday & Saturday from 11:00 a.m. to 2:00 a.m. Alcoholic beverages were only served during allowable State selling hours.
- There were no churches or schools within 300' of the subject site and the sale of alcohol was not the primary use.
- There had been no negative incidents relating to the CUP within the past year.

There was no public opposition at P&Z's 9/22/10 hearing. The P&Z unanimously approved the conditional use permit application.

Staff Recommendation: Approval subject to a 3 year re-evaluation tenure.

Staff, P & Z and City Manager recommended approval.

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

Councilwoman Garza moved to approve Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Buffalo Wings and Rings, 907 S. Shary Rd., Lot 2A, Colorado Subd., Alejandro Espinosa. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

**D. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages and Drive-Thru Service Window – Taqueria La Mexicana, 305 W. Griffin Parkway, Lot 1-E, Re-Subdivision Mission Park Plaza, Jorge L. Garza**

This CUP was originally approved by CC on 7-13-09 with a 1 year re-evaluation to assess the new operation. The site of Taqueria La Mexicana was located 650' west of the Conway along the south side of Griffin Parkway. The applicant had a 4,930 sq. ft. building with a drive-thru window and menu board on the east side of the building. Access to the site was provided

through an existing 25' entrance from Griffin Parkway. The (10') drive-thru lane was located along the south and east side of the building with the window's location stacking 5+ vehicles. The applicant was also requesting renewal for the sale & on-site consumption of alcohol with meals.

The number of parking spaces required for a building this size was 45. The applicant was providing 71 spaces exceeding code. It was also noted that the parking area was held in common and access to the site was provided through existing, interlocking parking lot from Dollar General and a commercial plaza.

**Other Comments:**

- Days/Hours of Operation: Sunday – Thursday from 10:30 a.m. to 11:00 p.m. and Friday & Saturday from 10:30 a.m. to 12:00 a.m. Alcoholic beverages area only served during allowable State selling hours.
- Staff: 50 employees
- There were no churches or schools within 300' of the subject site and the sale of alcohol was not the primary use.
- There had been no negative incidents relating to the CUP within the past year.

There was no public opposition at P&Z's 9/22/10 hearing. The P&Z unanimously approved the conditional use permit application.

Staff Recommendation: Approval subject to a 3 year re-evaluation tenure.

Staff, P & Z and City Manager recommended approval.

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

Councilwoman Ramiez moved to approve Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages and Drive-Thru Service Window – Taqueria La Mexicana, 305 W. Griffin Parkway, Lot 1-E, Re-Subdivision Mission Park Plaza, Jorge L. Garza. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

**E. Conditional Use Permit to Re-Activate a Recreational Development, Mr. Fun's in an AO-I Zone, 2575 E. Griffin Parkway, Lot "A", Park Subd., AO-I, Life of Use, Roy Salinas**

Mr. Salinas desired to re-open Mr. Fun's located approximately 700' west of Taylor Road along the north side of Griffin Parkway. The previous operator ceased operations at least since March 2010. Access to the site was from a single 24' driveway cut to FM 495. All facilities existed which included a 7500 sq.ft. building which was used for parties, arcade use, etc. There was a mini putt-putt golf course & a go-kart track to the NE of the complex.

The applicant had the following proposed days/hrs of operation:

Monday thru Thursday	3 pm til 10 pm	
Fridays	3 pm til midnight	THE GO-KART TRACK WOULD CLOSE
Saturdays	1 pm til midnight	ONE HOUR PRIOR TO THE CLOSING
Sundays	1 pm til 10 pm	TIME SHOWN

Desiring a family ambience, Mr. Salinas indicated that he did not intend to sell any alcoholic beverages from the premises. Also, we noted that the paved parking was compliant to our parking codes.

Sect. 1.56-1 required such amusement developments to be at least 300 feet from residential areas though the P&Z recommended waiver to the City Council which had ultimate authority. The

P&Z Commission had scheduled a special meeting on Oct. 11<sup>th</sup> at noon to deliberate over this item; thus, their recommendation would be provided at the City Council meeting.

Staff Recommendation: Approval subject to: 1) waiver of the 300' separation requirement that such amusements must be from recreational areas, 2) a 1-year re-evaluation of this new operation, 3) parking to be re-stripped, and 4) comply with the City's Sign Ordinance.

Staff, P & Z and City Manager recommended approval.

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

Mayor Pro Tem Olivarez moved to approve Conditional Use Permit to Re-Activate a Recreational Development, Mr. Fun's in an AO-I Zone, 2575 E. Griffin Parkway, Lot "A", Park Subd., AO-I, Life of Use, Roy Salinas. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

## **2.0 Disposition of Minutes**

### **2.1 City Council Meeting – September 27, 2010 and Special City Council Meeting – September 28, 2010**

Councilwoman Garez 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 Boys and Girls Club of Mission – May 27, 2010**
- Speer Memorial Library Board – August 17, 2010**
- Civil Service Commission – August 20, 2010**
- Mission Tax Increment Reinvestment Zone – August 31, 2010**
- Mission Redevelopment Authority – August 31, 2010**
- Planning and Zoning Commission – September 8, 2010**

Councilwoman Garza 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. # 3587 for Rezoning A 0.58 acre tract out of Lot 184, J.H.S. Subd. from AO-I to C-3**

Staff and City Manager recommended ordinance approval.

Councilwoman Garza moved to approve adoption of Ord. No. 3587 for Rezoning A 0.58 acre tract out of Lot 184, J.H.S. Subd. from AO-I to C-3. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

**ORDINANCE NO. 3587**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING A 0.58 ACRE TRACT OUT OF LOT 184, JOHN H. SHARY SUBDIVISION, FROM AO-I TO C-3

**4.2 Adoption of Ord. # 3588 for CUP for the Sale and On-Site Consumption of Alcoholic Beverages – Restaurant Vallarta, 2707 E. Griffin Parkway, Lot 11, Adam’s Crossing Subd.**

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Olivarez moved to approve adoption of Ord. No. 3588 for CUP for the Sale and On-Site Consumption of Alcoholic Beverages – Restaurant Vallarta, 2707 E. Griffin Parkway, Lot 11, Adam’s Crossing Subd. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**ORDINANCE NO. 3588**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES – RESTAURANT VALLARTA, 2707 E. GRIFFIN PARKWAY, LOT 11, ADAM’S CROSSING SUBDIVISION

**4.3 Adoption of Ord. # 3589 for CUP for the Sale and On-Site Consumption of Alcoholic Beverages – Buffalo Wings and Rings, 907 S. Shary Rd., Lot 2A, Colorado Subd.**

Staff and City Manager recommended ordinance approval.

Councilwoman Ramirez moved to approve adoption of Ord. No. 3589 for CUP for the Sale and On-Site Consumption of Alcoholic Beverages – Buffalo Wings and Rings, 907 S. Shary Rd., Lot 2A, Colorado Subd. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

**ORDINANCE NO. 3589**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE SALE AND ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES – BUFFALO WINGS AND RINGS, 907 S. SHARY ROAD, LOT 2A, COLORADO SUBDIVISION

**4.4 Adoption of Ord. # 3590 for CUP for the Sale and On-Site Consumption of Alcoholic Beverages and Drive-Thru Service Window – Taqueria La Mexicana, 305 W. Griffin Parkway, Lot 1-E, Re-Subdivision Mission Park Plaza**

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Olivarez moved to approve adoption of Ord. No. 3589 for CUP for the Sale and On-Site Consumption of Alcoholic Beverages – Buffalo Wings and Rings, 907 S. Shary Rd., Lot 2A, Colorado Subd. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

**ORDINANCE NO. 3590**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A CONDITIONAL USE PERMIT FOR THE SALE & ON-SITE  
CONSUMPTION OF ALCOHOLIC BEVERAGES AND DRIVE-THRU SERVICE  
WINDOW – TAQUERIA LA MEXICANA, 305 W. GRIFFIN PARKWAY, LOT 1-E, RE-  
SUBDIVISION MISSION PARK PLAZA

**4.5 Adoption of Ord. # 3591 to Re-Activate a Recreational Development, Mr. Fun’s in an AO-I Zone, 2575 E. Griffin Parkway, Lot “A”, Park Subd.**

Staff and City Manager recommended ordinance approval.

Councilwoman Garza moved to approve adoption of Ord. No. 3591 to Re-Activate a Recreational Development, Mr. Fun’s in an AO-I Zone, 2575 E. Griffin Parkway, Lot “A”, Park Subd. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

**ORDINANCE NO. 3591**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A CONDITIONAL USE PERMIT TO RE-ACTIVATE A RECREATIONAL  
DEVELOPMENT, MR. FUN’S IN AN AO-I ZONE, 2575 E. GRIFFIN PARKWAY, LOT  
“A”, PARK SUBDIVISION, AO-I

**4.6 Adoption of Ord. # 3592 to Abandon the 6’ Utility Easement along the Northern Perimeter of Lot 1, Whitney-Ross Subd. (City Attorney may ask Council to go into executive session prior to considering this matter in open session)**

At 5:00 p.m. City Attorney David Guerra requested that council go into executive session prior to considering this matter in open session pursuant to V.T.C.A. Gov. Code Sec. 551.071, Private consultation with the City Attorney. Council did and thereafter returned to the item in open session.

Staff received a request last year from Spoor Engineering to abandon the 6’ utility easement along the north side of the above 1-lot subdivision. In the e-mail communications, staff alerted him that due to the recorded ‘fee title’ dedication of public areas, that City Attorney David Guerra had counseled that the only legal way to non-associate this easement from the city was either to 1) go out for bids, or 2) have an appraisal done and sell it.

Though there were no current utility lines in this easement, there was vast un-developed acreage behind Whitney Ross that would need easement access to Taylor Road in order to tie into city water and city storm lines since all of Taylor’s access was consumed by home frontages.

We noted that the 6’ easement was also the mandatory 6’ side yard building setback, i.e. it was the same area; thus, it was not depreciating the Whitney-Ross property in any way and could not be built on either.

NOTE: Whitney-Ross had a 10’ utility and irrigation easement along the southern perimeter thus being shared with irrigation purposes/line work or the possibility of such.

Staff and City Manager recommended ordinance denial.

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Mayor Pro Tem Olivarez moved to deny adoption of ordinance to abandon the 6' Utility Easement along the Northern Perimeter of Lot 1, Whitney-Ross Subd.. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

**4.7 Approval of Ord. # 3592 granting a wet designation for 2707 E. Griffin Parkway, Lot 11, Adam's Crossing Subd., Restaurant Vallarta**

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

CUP was approved by the Council at this meeting

Staff and City Manager recommended ordinance approval.

Councilwoman Garza moved to approve adoption of Ord. No. 3592 granting a wet designation for 2707 E. Griffin Parkway, Lot 11, Adam's Crossing Subd., Restaurant Vallarta. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**ORDINANCE NO. 3592**

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 2707 E. GRIFFIN PARKWAY, LOT 11, ADAM'S CROSSING SUBD., RESTAURANT VALLARTA

**4.8 Authorization to enter into a Lease Agreement with G&K Services for work uniform for Firefighters**

Mission Fire Department was seeking authorization to enter in a Lease Agreement with G&K Services for work uniforms for Firefighters. This agreement would be for three (3) twelve (12) month terms. The uniforms were of nomex material.

Each firefighter would be issued Five (5) shirts and pants; the Administration and Prevention staff would be issued seven (7) shirts and pants.

This lease agreement was via a state approved contract Buy Board Bid No. 340-10 in the amount of \$23,314.72

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to enter into a Lease Agreement with G&K Services for work uniform for Firefighters. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**4.9 Authorization to purchase portable radios and mobile radios from Command Communications via state approved Texas DIR contract**

On September 13, 2010 the Mission City Council authorized the Mission Fire Department to seek bids or purchase via state approved contract for the purchase of portable and mobile radios.



The Mission Fire Department was seeking authorization to purchase sixteen (16) mobile radios at \$2,994.95 each for a total of \$47,919.20 and seventeen (17) portable radios at \$2,794.95 for a total of \$47,514.15 for a grand total of \$95,433.35. The radios would be purchased via Texas DIR Vendor # 1742798977100, Contract # DIR-SIDD 1012. These radios would be funded through the 2010 Certificate of Obligations that were issued in September 2010.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to purchase portable radios and mobile radios from Command Communications via state approved Texas DIR contract. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**4.10 Ord. # 3593 Approval of Classified Positions for the Mission Police Department for FY 2010-11**

As required by Chapter 143 of the Texas Local Government Code, classified positions had to be approved by governing body on a yearly basis. Ordinance would expire on September 30, 2011.

Staff and City Manager recommended ordinance approval.

Councilwoman Garza moved to approve adoption of Ord. No. 3593 approval of Classified Positions for the Mission Police Department for FY 2010-11. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

**ORDINANCE NO. 3593**

AN ORDINANCE ADOPTING THE CLASSIFICATIONS FOR THE MISSION POLICE DEPARTMENT FOR FISCAL YEAR 2010-2011.

**4.11 Ord. # 3594 Approval of Base Salaries incentive package for the Mission Police Department FY2010-11**

As Required by Chapter 143 of the Texas Local Government Code. Base salaries and incentive pay package had to be approved by governing body on a yearly basis. Ordinance expires on September 30, 2011.

Staff and City Manager recommended ordinance approval.

Councilwoman Ramirez moved to approve adoption of Ord. No. 3594 approval of Base Salaries incentive package for the Mission Police Department FY2010-11. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

**ORDINANCE NO. 3594**

AN ORDINANCE PROVIDING FOR THE BASE SALARIES FOR CIVIL SERVICE EMPLOYEES OF THE MISSION POLICE DEPARTMENT; PROVIDING FOR EMPLOYEE INCENTIVE PAY FOR MEMBERS OF THE MISSION POLICE DEPARTMENT SUCH INCENTIVE PAY BEING LONGEVITY PAY, SENIORITY PAY, CERTIFICATION PAY, EDUCATIONAL PAY, ASSIGNMENT PAY, AND CLOTHING ALLOWANCE; ESTABLISHING THE RATE OF PAY FOR SUCH INCENTIVE PAYS, ESTABLISHING THE CRITERIA FOR QUALIFICATIONS FOR SUCH PAY; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATING TO THE SUBJECT MATTER THEREFORE

**4.12 Ord. # 3595 Approval of Classified Positions for the Mission Fire Department FY 2010-11**

As per Chapter 143 of the Texas Local Government Code, classified positions had to be approved for every FY. Ordinance would expire on September 30, 2011

Staff and City Manager recommended ordinance approval.

Councilwoman Garza moved to approve adoption of Ord. No. 3595 approval of Classified Positions for the Mission Fire Department FY 2010-11. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

**ORDINANCE NO. 3595**

AN ORDINANCE ESTABLISHING THE CLASSIFICATIONS FOR THE MISSION FIRE DEPARTMENT FOR THE FISCAL YEAR 2010-2011

**4.13 Ord. # 3596 Approval of Base Salaries and incentive package for the Mission Fire Department FY 2010-11**

As Required by Chapter 143 of the Texas Local Government Code. Base salaries and incentive pay package had to be approved by governing body on a yearly basis. Ordinance expires on September 30, 2011.

Staff and City Manager recommended ordinance approval.

Councilwoman Garza moved to approve adoption of Ord. No. 3596 approval of Base Salaries and incentive package for the Mission Fire Department FY 2010-11. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

**ORDINANCE NO. 3596**

AN ORDINANCE PROVIDING FOR THE BASE SALARIES FOR CIVIL SERVICE EMPLOYEES OF THE MISSION FIRE DEPARTMENT; PROVIDING FOR EMPLOYEE INCENTIVE PAY FOR MEMBERS OF THE MISSION FIRE DEPARTMENT SUCH INCENTIVE PAY BEING LONGEVITY PAY, SENIORITY PAY, CERTIFICATION PAY, EDUCATIONAL PAY, AND ASSIGNMENT PAY; ESTABLISHING THE RATE OF PAY FOR SUCH INCENTIVE PAYS, ESTABLISHING THE CRITERIA FOR QUALIFICATIONS FOR SUCH PAY; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATING TO THE SUBJECT MATTER THEREFORE

**4.14 Award Depository Bank Contract**

As required by the Public Funds Investment Act, the City solicited, received, and opened proposals on September 22, 2010 for Depository Bank Services. The City received two proposals, one from First National Bank, and one from BBVA Compass Bank. The information contained in both proposals regarding interest to be paid to the City by the bank on the City's funds on deposit was very similar.

Acomparative summary of the fees to be charged for banking services used by the City was provided to the council for review. The charges were based on actual bank activity collected for the 12 month period of September 2009 – August 2010. Based on the information, it appeared

that BBVA Compass Bank's fees for these services were more favorable than First National Bank.

Staff Recommendation: After evaluating all factors associated with this proposal, including potential earnings and scheduled fees to be charged by both banks and applying them to the services currently used by the City, it appeared that the proposal submitted by BBVA Compass Bank provided the better option for the City.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve to Award Depository Bank Contract. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

#### **4.15 Status update on Mission Go Green Project**

Paul Vazaldua of Vazaldua and Associates presented an update on the Mission Go Green Project.

No action was taken on this item.

#### **5.0 Unfinished Business**

None

#### **6.0 Routine Matters**

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

None

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

None

At 5:21 p.m., Mayor Pro Tem Olivarez 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. Adolfo Ruben Sanchez vs City of Mission**

**B. City of Mission vs Alejandro Gonzalez**

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

At 5:23 p.m., Councilwoman Ramirez moved to reconvene in open session. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

On item 7.1-A, Councilman Garza moved to approve City Attorney's selection of Ivan Perez of Jones, Galligan, Key & Lozano, L.L.P. to represent the City. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

On item 7.2-A, Mayor Pro Tem Olivarez moved to approve City Attorney's selection of Attorney Bettye Lynn of Lynn, Pham, and Ross as lead counsel and R.D. Guerra of Willitte and Guerra as local counsel to represent the City. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**8.0 Adjournment**

At 5:57 p.m., Councilwoman Garza 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