

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
AUGUST 12, 2013 4:30 P.M.
MISSION CITY HALL**

PRESENT:

Norberto Salinas, Mayor
Maria Elena Ramirez, Councilwoman
Ruben D. Plata, Councilman
Norie Gonzalez Garza, Mayor Pro Tem
Dr. Armando O'cana, Councilman
David Guerra, City Attorney
Anna Carrillo, City Secretary
Martin Garza, Jr., Interim City Manager

ABSENT:

ALSO PRESENT:

Jim Brunson, Progress Times
Orlando Montalvo
Ramiro Leal III
Armando Garrigos
Lupe Ozuna
Letty Lozano
Joel A. Gonzalez
Florenca Alaniz
Yesenia B. Garcia
Matt Munoz
Samuel Hernandez
Jaime Ayala
Arnold Cavazos
Henry Gilmore
Jim & Beth Barnes
Norma Jimenez
Fred Kurth
Romeo De La Garza
Julio Cerda
Alex Meade

Sandra Vecchio
James Cardoza
Cesar Gutierrez
Amanda Zamora
Father Oliver
Eufemia P. Garza
Rosie Penoli
Sara Penoli
David Penoli
Severo Rodriguez

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Guillermo Seguin, Deputy City Manager
Danny Tijerina, Planning Director
Bobby Salinas, Asst. Planning Director
Roberto Salinas, Public Works Director
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Gilbert Sanchez, Fire Marshal
Robert Dominguez, Interim Chief of Police
Janie Flores, Finance Director
Randy Perez, Asst. Finance Director
Julian Gonzalez, Parks & Rec. Director
Luduvico Martinez, B & G Club Director
Noemi Munguia, HR Director
Robert Hinojosa, Risk Manager
Roland Rodriguez, I. T. Director
Luis Contreras, Museum Director
Mayra Rocha, Library Director
Elizabeth Hernandez, Executive Secretary
Jonathan Wehrmeister, Judge

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 Interim City Manager Martin Garza, Jr. gave the invocation.

3. Plaque presentation by Mission Housing Authority

Mayor Norberto Salinas and Mission Housing Authority Executive Director Joel Gonzalez presented the family of the late Jose Israel Garza, Sr. a plaque for his years of service as Housing Authority Member and Chairman.

4. Presentation of Shary Golf Course TAAF Participants

Paul Schaefer, Golf Director for Shary Municipal Golf Course introduced Coach Tomas O'cana who presented the participants who placed in the TAAF events.

5. Departmental Reports

Councilman Ruben Plata moved to approve the departmental reports as presented. Motion was seconded by Councilwoman Maria Elena Ramirez and approved unanimously 5-0.

6. Report from the Greater Mission Chamber of Commerce

Chris Gonzalez of the Greater Mission Chamber of Commerce reported on the chamber events that had recently taken place.

7. Citizens Participation

Jim Barnes spoke in regards to freedom to bear arms.

John Burns of 1709 E. 21st Street asked why an arrest warrant issued back in 2001 was not processed.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Rezoning: Lots 1-20, Block 7, Lots 1-20, Block 10, & Lots 1-20 Block 11, Alta Vista Subd., R-1 (Single Family Residential) to P (Public Zone), Holy Rosary Church,
Adoption of Ordinance # 3963 approving 1.1A**

On July 24, 2013 the Planning and Zoning Commission convened in order to consider the rezoning request mentioned above, which was located at the NE corner of Matamoros and Mayberry Road. There was no public opposition during P&Z 7/24/13 Mtg. The Board unanimously recommended approval as per staff's recommendations.

Staff and City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Norie Gonzalez Garza moved to approve the rezoning and to adopt Ordinance No 3963 Rezoning: Lots 1-20, Block 7, Lots 1-20, Block 10, & Lots 1-20 Block 11, Alta Vista Subd., R-1 (Single Family Residential) to P (Public Zone). Motion was seconded by Councilman Dr. Armando O'cana and approved unanimously 5-0.

ORDINANCE NO. 3963

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING LOTS 1-20, BLOCK 7, LOTS 1-20, BLOCK 10, & LOTS 1-20,
BLOCK 11, ALTA VISTA SUBDIVISION, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO
P (PUBLIC ZONE)

B. Rezoning: Lots 9-11, Block 7, South Bryan Ridge Subd. No. 2, R-1 (Single Family Residential) to C-3 (General Business), LE Ortiz Investments, LLC, c/o Teodula Cruz, Adoption of Ordinance # 3964 approving 1.1B

On July 24, 2013 the Planning and Zoning Commission convened in order to consider the rezoning request mentioned above, which was located at the NW corner of Sonora Street and Bryan Road. There was no public opposition during P&Z 7/24/13 Mtg. The Board unanimously recommended approval for C-2 as per staff's recommendations.

Staff Recommendation: Approval for C-2 zone.

City Manager recommended approval.

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

There were no comments.

Councilwoman Ramirez moved to approve the rezoning and to adopt Ordinance No 3964 Rezoning: Lots 9-11, Block 7, South Bryan Ridge Subd. No. 2, R-1 (Single Family Residential) to C-2 zone, (Neighborhood Commercial) as recommended by staff. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3964

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING LOTS 9-11, BLOCK 7, SOUTH BRYAN RIDGE SUBDIVISION
NO. 2, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO C-2 (NEIGHBORHOOD
COMMERCIAL)

C. Conditional Use Permit: Drive-Thru business, 501 N. Inspiration Rd., Lot 61, Georgeanna Estates Subd., C-3, Ramiro Leal, Adoption of Ordinance # 3965 approving 1.1C Adoption of Ordinance # 3966 approving Wet Zone

On July 24, 2013 the Planning and Zoning Commission convened in order to consider the conditional use permit request mentioned above, which was located on the NW corner of Inspiration Road and Cuesta Del Sol. There was no public opposition during P&Z 7/10/13 Mtg. The Board unanimously recommended approval as per staff's recommendations.

Staff Recommendation: Approval for 1 year.

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the CUP and to adopt Ordinance No 3965 Conditional Use Permit: Drive-Thru business, 501 N. Inspiration Rd., Lot 61, Georgeanna Estates Subd., C-3, as recommended by staff. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3965

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU BUSINESS, 501 N. INSPIRATION ROAD, LOT 61, GEORGEANNA ESTATES SUBDIVISION

Councilman Plata moved to adopt Ordinance No. 3966 granting a wet zone designation for Drive-Thru business, 501 N. Inspiration Rd., Lot 61, Georgeanna Estates Subd., C-3., as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3966

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 501 N. INSPIRATION ROAD

2.0 Disposition of Minutes

**2.1 City Council Meeting – July 22, 2013 and
Special City Council Meeting – August 1, 2013**

Councilman Plata 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 Mission Redevelopment Authority – June 25, 2013
Mission Tax Increment Reinvestment Zone – June 25, 2013
Planning & Zoning Commission – July 10, 2013**

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

4.0 Approvals and Authorizations

**4.1 Request to have the City Council waive the 300' separation requirement between the existing Bryan Elementary School and the proposed New Wal-Mart Neighborhood Market Store that sells alcohol for Off-site consumption of alcoholic beverages only at 1006 N. Bryan Rd., being 7.73 acres out of Lot 21-11, WAS Subdivision
Adoption of Ordinance # 3967 approving Wet Zone**

Wal-Mart Neighborhood Market Store was proposing a new location at 1006 N. Bryan Road. Bryan Elementary School was located immediately North of the site. Wal-Mart if allowed would sell alcohol for Off-site consumption only.

Sec. 6-4 (a) said “Unless waived by the City Council based on special or extenuating circumstances, the sale of all alcoholic beverages within 300’ of any school within the corporate limits of the city, was hereby prohibited.”

Staff Recommendation: Approval of request based on special and extenuating circumstances.

City Manager recommended approval.

Councilman Plata moved to approve the request to have the City Council waive the 300' separation requirement between the existing Bryan Elementary School and the proposed New Wal-Mart Neighborhood Market Store that sells alcohol for Off-site consumption of alcoholic beverages only at 1006 N. Bryan Rd., being 7.73 acres out of Lot 21-11, WAS Subdivision and to adopt Ordinance No. 3967 granting a wet zone designation, as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3967

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
1006 N. BRYAN ROAD

**4.2 Request to have the City Council waive the 300' separation requirement between the existing Lucille Pearson Elementary School and the proposed Retail Store that sells Alcohol for Off-site consumption of alcoholic beverages only at 1310 W. Expressway 83, being 33.92 acres out of Lots 18-3 & 19-3, WAS Subdivision
Adoption of Ordinance # 3968 approving Wet Zone**

Brown & Ortiz, P.C. was proposing a retail store at 1310 W. Expressway 83. Lucille Pearson Elementary School was located to the NE area of the site within the 300'. This retail store, if allowed, would sell alcohol for Off-site consumption only.

Sec. 6-4 (a) said "Unless waived by the City Council based on special or extenuating circumstances, the sale of all alcoholic beverages within 300' of any school. Within the corporate limits of the city, was hereby prohibited."

Staff Recommendation: Approval of request based on special and extenuating circumstances.

City Manager recommended approval.

Councilwoman Ramirez moved to approve the request to have the City Council waive the 300' separation requirement between the existing Lucille Pearson Elementary School and the proposed Retail Store that sells Alcohol for Off-site consumption of alcoholic beverages only at 1310 W. Expressway 83, being 33.92 acres out of Lots 18-3 & 19-3, WAS Subdivision and to adopt Ordinance No. 3968 granting a wet zone designation, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3968

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
1310 W. EXPRESSWAY 83

4.3 Request by Schlumberger Technology Corporation to install a Groundwater Monitoring Well in Public ROW between Lots 10 & 11, Shary Meadows Subd.

- ❖ Staff received a permit to install a groundwater monitoring well by the above firm to be located within the Shary Meadows development.
- ❖ The well would have a depth of an estimated 30'- 40' and have a top/cover that would be flush with the ground.
- ❖ Their proposal was certainly not a sight obstruction and would not interfere with city utilities.
- ❖ This proposal was identical to the proposals approved by the City Council on May 30, 2006 & April 12, 2010.
- ❖ Similar to the April '10 item, Staff did not object so long as an identical Hold Harmless document was recorded.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the request by Schlumberger Technology Corporation to install a Groundwater Monitoring Well in Public ROW between Lots 10 & 11, Shary Meadows Subd. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

4.4 Authorization for the Mission Fire Department to submit an application to FEMA for Fiscal Year 2013 staffing for adequate Fire & Emergency Response (SAFER) Grant

The Mission Fire Department was seeking authorization to submit a grant application to the Federal Emergency Management Agency FY 2013, Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program. Staff would be applying for four (4) Fire Fighter positions. This was a two (2) year grant that would pay for salaries, benefits and protective gear for those positions awarded. This was a 100%, fully funded grant for the two year period. It would not require any match from the City. Hollis Rutledge and Associates would be performing the grant application.

Staff and City Manager recommended authorization to submit.

Councilman O'cana moved to authorize for the Mission Fire Department to submit an application to FEMA for Fiscal Year 2013 staffing for adequate Fire & Emergency Response (SAFER) Grant. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.5 Authorization to solicit bids for the purchase and delivery of Athletic League Uniforms for the Boys & Girls Club

Staff was seeking authorization to solicit bids for the purchase and delivery of Athletic League Uniforms for the Boys and Girls Club. Uniforms were needed by the Boys and Girls Club for seasonal athletic leagues. This would be done in an effort to secure fair and reasonable pricing for one year base with two-one year renewal options.

Staff Recommendation: Authorization to solicit bids.

City Manager recommended approval.

Councilman O'cana moved to authorize to solicit bids for the purchase and delivery of Athletic League Uniforms for the Boys & Girls Club. Motion was seconded by Councilman Plata and approved unanimously 5-0.

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

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

Staff Recommendation: Approval of Interlocal Agreement.

City Manager recommended approval.

Mayor Pro Tem Garza 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 Councilman Plata and approved unanimously 5-0.

4.7 Approval to enter into Interlocal Agreement between City of Mission and Sharyland ISD to jointly undertake the youth services at Jessie Jensen Elementary

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

Staff Recommendation: Approval of Interlocal Agreement.

City Manager recommended approval.

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

4.8 Authorization to enter into an Interlocal Agreement for Enhanced 911 Public Safety Answering Point Services between the Lower Rio Grande Valley Development Council and the City of Mission, Texas

The Mission Police Department was requesting authorization to enter into an Interlocal Agreement for Enhanced 911 Services. PSAP Equipment and Addressing/Addressing Maintenance with the Lower Rio Grande Valley Development Council. The Agreement outlined the responsibilities of each entity for the purpose of complying with Chapter 771 of the Health and Safety Code. The primary purpose of the agreement was to outline both entity's responsibilities in maintaining Enhanced 911 Services, the equipment utilized for operating the city's 911 system to include all addressing equipment and maintenance. If approved, the Interlocal Agreement would be valid from September 01, 2013 until August 31, 2015. Staff was seeking a favorable recommendation.

City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to enter into an Interlocal Agreement for Enhanced 911 Public Safety Answering Point Services between the Lower Rio Grande Valley Development Council and the City of Mission, Texas. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.9 Authorization to solicit bids for Polymer for Public Works Department

Staff was seeking authorization to solicit bids for the purchase of Polymer. Chemical was needed by the Public Works Department Water Treatment Plants for daily operations.

Staff Recommendation: Authorization to solicit bids for Polymer.

City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for Polymer for Public Works Department. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.10 Authorization to solicit bids for Chlorine Gas for Public Works Department

Staff was seeking authorization to solicit bids for the purchase of Chlorine Gas. Chemical was needed by the Public Works Department Water Treatment Plants for daily operations.

Staff Recommendation: Authorization to solicit bids for Chlorine Gas.

City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for Chlorine Gas for Public Works Department. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.11 Authorization to solicit bids for Powdered Activated Carbon for Public Works Department

Staff was seeking authorization to solicit bids for the purchase of Powdered Activated Carbon. Chemical was needed by the Public Works Department Water Treatment Plants for daily operations. Public Works Department had opted not to exercise the one year renewal on our current contract, due to vendor (Standard Purification) asking for a 5% increase in price and not the 1% increase set by contract.

Staff Recommendation: Authorization to solicit bids for Powdered Activated Carbon.

City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for Powdered Activated Carbon for Public Works Department. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.12 Award bid for the sale of Real Property described as 1.56 acres, more or less, out of Lot 161, John H. Shary Subdivision, and also out of Lot 1, Praxedis Garza Subdivision, Hidalgo County Texas

On July 8, 2013, City Council authorized staff to solicit bids for the sale of 1.56 acre tract, more or less out of Lot 161, John H. Shary Subdivision, and also out of Lot 1, Praxedis Garza Subdivision, Hidalgo County Texas, reserving a drainage easement of approximately .45 acre with the solicitation for bids having a minimum bid of \$85,000.00. The City of Mission had accepted and opened one (1) bid response. Staff was recommending awarding to The Garrigos Herverrt Family Limited Partnership whose bid came in at \$90,000.00.

Staff Recommendation: Authorization to award to The Garrigos Herverrt Family Limited Partnership.

City Manager recommended approval.

Councilman Plata moved to approve to award bid for the sale of Real Property described as 1.56 acres, more or less, out of Lot 161, John H. Shary Subdivision, and also out of Lot 1, Praxedis Garza Subdivision, Hidalgo County Texas, as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.13 Approval of Ordinance # 3969 of the City Council of the City of Mission, Texas, (“CITY”) approving a negotiated resolution between the CITY and Texas Gas Service (“TGS” or “THE COMPANY”) regarding THE COMPANY’S May 31, 2103 Cost of Service Adjustment (“COSA”) filing; Declaring existing rates to be unreasonable; Adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; Providing for the recovery of the CITY’S reasonable and necessary rate case expenses; Adopting a savings clause; Determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; Declaring an effective date; Repealing any prior ordinances inconsistent with this Ordinance; And requiring delivery of this Ordinance to THE COMPANY and the CITY’S legal counsel

On May 1, 2013 Texas Gas Service Company, (TGS) filed its annual Cost of Service Adjustment tariff. Initially, TGS was asking for an increase in TGS revenues of \$1,667,656. The cities attorney, Mr. Geoffrey Gay and consultant Mr. Karl J. Napela, settled on an increase of revenues in the amount of \$1,597,656. Their recommendation was to adopt an Ordinance which adopted the new tariffs.

Staff Recommendation: Approval as presented.

City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3969, as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 3969

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, (“CITY”) APPROVING A NEGOTIATED RESOLUTION BETWEEN CITY AND TEXAS GAS SERVICE (“TGS” OR “THE COMPANY”) REGARDING THE COMPANY’S MAY 1, 2013 COST OF SERVICE ADJUSTMENT (“COSA”) FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; PROVIDING FOR THE RECOVERY OF THE

CITY'S REASONABLE AND NECESSARY RATE CASE EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; REPEALING ANY PRIOR ORDINANCES INCONSISTENT WITH THIS ORDINANCE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE CITY'S LEGAL COUNSEL.

4.14 AEP Texas Central Company's (TCC) application to modify its Energy Efficiency Cost Recovery Factor (EECRF) pending before the Texas Public Utility Commission

In AEP TCC's pending application before the Texas PUC, they agree to reduce their request for an increase in their EECRF by \$90,000 as well as reallocating \$585,000 in costs from the transmission class to other customer classes consistent with a new PUC rule adopted last year. The agreement would also require a reallocation of evaluation, measurement, and verification costs between commercial and primary classes. Under the proposal, AEP TCC would pay Cities' rate case expenses incurred during last year's EECRF case, and under the PUC rules, Cities' expenses for this year's case would be considered in next year's case.

The law firm of Lloyd, Gosselink Rochelle, & Townsend, P.C., representing all the cities including Mission, feels that this was an acceptable resolution to this case and the \$585,000 allocation issue would increase costs for the other customer classes above those originally proposed by AEP TCC's filing. As mentioned above this outcome was required by a new PUC rule and it was highly likely to occur if this case proceeded to litigation.

Staff Recommendation: The City's attorneys; Lloyd, Gosselink, Rochelle & Townsend, P.C., recommended to not continue litigation, and also recommended that the Cities' not sign the settlement, and instead simply state that the Cities are unopposed to the settlement and do not seek a hearing on the case.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve staff's recommendation: The City's attorneys; Lloyd, Gosselink, Rochelle & Townsend, P.C., recommended not continue litigation, and also recommended that the Cities' not sign the settlement, and instead simply state that the Cities are unopposed to the settlement and do not seek a hearing on the case. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.15 Budget Amendments: Designated Purpose Fund

Randy Perez, Assistant Finance Director presented the budget amendment BA-2013-52 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve budget amendment BA-2013-52 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.16 Authorization to extend contract with Arbitrage Compliance Specialists, Inc. for arbitrage services for an additional one year term

The City was required to perform an annual arbitrage calculation on all its bond issues in order to determine if any funds were due to the I.R.S. under Section 148 of the I.R.S. Code.

The City's contract with Arbitrage Compliance Specialists, Inc. would expire on September 30, 2013; however, the contract had the option to extend for one more year. Staff was asking authorization to exercise this option and extend the contract for one more year. Fees would remain the same.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to extend contract with Arbitrage Compliance Specialists, Inc. for arbitrage services for an additional one year term. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.17 Approval of Interlocal Agreement between City of Mission and Sharyland Independent School District regarding the Natatorium Facility at Bannworth Park

Sharyland ISD and City desired to enter into the Interlocal Agreement for the purpose of use of the Natatorium Facility at Bannworth Park. The agreement was for one year.

Staff Recommendation: Approval of Interlocal Agreement.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the Interlocal Agreement between City of Mission and Sharyland Independent School District regarding the Natatorium Facility at Bannworth Park. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.18 Discussion and action on proposed 2013 Tax Rate and Take Record Vote

In accordance with the Texas Property Tax Code, Mission's 2013 effective tax rate of \$0.5330 per \$100 valuation was published on August 9, 2013.

If the proposed 2013 tax rate exceeded the rollback rate of \$0.5522 per \$100 valuation or the effective rate of \$0.5330 per \$100 valuation, whichever was lower, the governing body must take a record vote and schedule a public hearing for the propose tax rate.

The city's current tax rate was \$0.5288 per \$100 valuation.

Staff Recommendation: Propose tax rate and take record vote.

Mayor Salinas proposed a property tax rate of \$0.5288 for 2013.

There was a unanimous record vote by the council to approve the proposed tax rate at \$0.5288 for 2013.

4.19 Schedule public hearings on 2013 proposed tax rate

No action was needed due to proposed tax rate not exceeding the rollback rate or the effective tax rate.

4.20 Authorization to accept the 2014 Tobacco Enforcement Grant from Texas State University and enter into an Interlocal Cooperation Contract

The Mission Police Department was requesting authorization to accept the 2014 Tobacco Enforcement Grant from Texas State University and enter into an Inerlocal Cooperation Contract. The \$2,925.00 grant would be utilized to enforce compliance with State Tobacco laws. The grant would require the Mission Police Department to conduct 39 Controlled Buy/Sting operations and conduct follow-ups on tobacco permitted retail outlets. There was no local match required for this grant by the City of Mission.

Staff Recommendation: Authorization to accept the \$2,925.00 grant from Texas State University and enter into an Interlocal Cooperation Contract for the 2014 Tobacco Enforcement Grant.

City Manager recommended approval.

Councilman O'cana moved to authorize the Mission Police Department to accept the 2014 Tobacco Enforcement Grant from Texas State University and enter into an Interlocal Cooperation Contract. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.21 Award Bid for Keralum and St. Marie Ave. Drainage Improvements

City Council authorized staff to solicit bids for Drainage Improvements at Keralum and St. Marie Ave (1st to 15th St). The City of Mission had accepted and opened eight (8) bid responses for the drainage improvements. Staff was recommending awarding bid to Roth Excavating, Inc. whose total base bid was \$1,090,050.00 and was the lowest responsible bidder meeting all specifications.

Staff Recommendation: Award bid to Roth Excavating, Inc. in the amount of \$1,090,050.00.

City Manager recommended approval.

Councilwoman Ramirez moved to approve to award bid for Keralum and St. Marie Ave. Drainage Improvements, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.22 Request by Valley View Estates Lot Owners Association, Inc. to replace the existing "Chain Link Fence" along "Glasscock Road" Right of Way

The Valley View Estates HOA had filed a written request to replace approximately 750' of the existing chain link fence along Glasscock Road, on the west side of the subdivision.

The existing chain link fence was in very poor condition, due to vehicles damaging the fence. The desire from the residents of Valley View Estates was to have it replaced to improve its aesthetics and maximize security.

Pursuant to previous such approvals of fencing over public ROWs, a Hold Harmless document should be signed and recorded to memorialize the mutual agreement.

Staff Recommendation: Approval subject to recording a Hold Harmless Agreement.

City Manager recommended approval.

Councilman Plata moved to approve the request by Valley View Estates Lot Owners Association, Inc. to replace the existing "Chain Link Fence" along "Glasscock Road" Right of Way, subject to recording a Hold Harmless Agreement, as recommended by staff. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

Mayor Pro Tem Garza moved to approve to remove from table item 5.1 of the agenda. Motion was seconded by Councilman Plata and approved unanimously 5-0.

5.0 Unfinished Business

5.1 Preliminary Plat Approval: David Reyna Mobile Home & R.V. Subd., A 2.122 acre tract of land out of Lot 22-1, West Addition to Sharyland Subd., R-4, Developer: David Reyna, Engineer: Melden & Hunt, Inc.

On July 10, 2013 the Planning and Zoning Commission convened in order to consider the Preliminary Plat Approval for David Reyna Mobile Home & R.V. Subdivision. The property was located approximately 300' east of Inspiration Road along the north side of Barnes Street. There was no public opposition during City Council 4/22/13 Mtg. The Board unanimously recommended approval as per staff's recommendations.

Staff Recommendation: Approval subject to: 1) no objection to the 3 proposed variances; 2) compliance with the Model Subdivision Rules; 3) must meet private street maintenance and hold harmless requisites; and 4) exclusion from the water district.

City Manager recommended approval.

Councilman Plata moved to approve the Preliminary Plat Approval: David Reyna Mobile Home & R.V. Subd., A 2.122 acre tract of land out of Lot 22-1, West Addition to Sharyland Subd., R-4, Developer: David Reyna, Engineer: Melden & Hunt, Inc., with the revisions made of the increase in the square footage, width of each lot and lot depth to 93'; meeting both square footage and lot width requirements on the internal and corner lot as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

None

At 5:29 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 Consultation with Attorney Sec. 551.071

- A. Claim by Municipal Trucks and Equipment LLC regarding 1997 Ford Vac Truck**
- B. City of Mission vs BFI Waste Services of Texas, LP, dba Republic Services of Rio Grande Valley**

7.2 Personnel matters Sec. 551.074

- A. Discussion and possible appointment of City Manager**
- B. Set Compensation for City Manager**

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

Minutes, 08/12/13 Pg. 14

At 5:58 p.m., Councilwoman Ramirez moved to reconvene in open session. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

On item 7.1-A, no action was taken.

On item 7.1-B, no action was taken.

On item 7.2-A, Councilman O'cana moved to approve the appointment of Martin Garza, Jr. as City Manager with Mayor Salinas to negotiate contract.

On item 7.2-B, no action was taken.

8.0 Adjournment

At 5:59 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary