

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
SEPTEMBER 12, 2011 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
Gail Burkhardt, The Monitor
Daniel Silva
Brice Chandler
Fred Kurth

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
Leo Longoria, Chief of Police
Robert Dominguez, Asst. Chief of Police
Martin Garza, Asst. Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Julian Gonzalez, Parks & Rec. Director
Juan C. Avila, B & G Club Director
Noemi Munguia, HR Director
Robert Hinojosa, Risk Manager
Jesse Lerma, Civil Service Director
Roland Rodriguez, I. T. Director
Jonathan Wehrmeister, Judge
Cassandra Karl, Museum Director
Mayra Rocha, Library Director

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:38 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 Norie Gonzalez Garza moved to approve the departmental reports as presented. Motion was seconded by Mayor Pro Tem Leo Olivarez and approved unanimously 5-0.

4. Report from the Greater Mission Chamber of Commerce

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on several events held during the week and advised of the 8th Annual Blues Festival to be held this month. He also presented the Mayor with gifts that were brought back from the recent Sister City trip taken to Cassimiro Castillo, Jalisco.

5. Citizens Participation

None

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Dai Tung Restaurant, 2402 Brock St., Suite A, Lots 22 & 23, Shary Business Center Subd., C-3, Life of Use, 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. The City previously approved this conditional use permit in July 2010, where a 1-year re-evaluation was mandated in order to assess the operation. Staff also requested a report from the Police Department to see if there were any issues with this business in relation to the sale and on-site consumption of alcohol. Asst. Chief Robert Dominguez researched the site for any incidents and found that there were no reports.

- Hours of Operation: Every day from 11:00 a.m. to 9:30 p.m. Alcoholic Beverages will only be served during allowable State selling hours.
- Staff: 16 employees
- Parking: There were 140 total seating spaces, which require 47 parking spaces (140 seats/1 space for every 3 seats = 46.6 parking spaces). It was noted that the parking area was held in common (153 existing parking spaces) and was shared with other businesses.

Since there had been no issues at this family-oriented restaurant, the conditional use permit should be approved. There was no public opposition during 8/24/11 P&Z's hearing.

Staff Recommendation: Approval subject to a 3-year re-evaluation to assure continued compliance.

Staff, P&Z and City Manager recommended approval.

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

There were no comments.

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Mayor Pro Tem Olivarez moved to approve Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Dai Tung Restaurant, 2402 Brock St., Suite A, Lots 22 & 23, Shary Business Center Subd., C-3. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

B. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Mariscos El Mar Seafood Restaurant, 2500 E. Expressway 83, Ste. 100, Lot 5-B, Sharyland Place Subd., C-3, Life of Use, Armando Trevino

The 1,500 sq. ft. restaurant site was located within the Kohl's Commercial Plaza approximately ¼ mile east of Shary Road along the south side of Expressway 83. P&Z previously approved this conditional use permit on 5/26/10 with the conditions of wet zoning the property, acquiring a business license, and a 1 year re-evaluation. Staff requested a report from the Police Department to see if there were any issues with the business in relation to the sale and on-site consumption of alcohol. Asst. Chief Robert Dominguez researched the site for any incidents and found that there was none reported.

- Hours of Operation: Monday – Thursday & Sunday from 10:00 a.m. to 10:00 p.m.
Friday & Saturday from 10:00 a.m. to 11:00 p.m.
- Staff: 5 employees
- Parking: In reviewing the floor plan, there were 64 total seating spaces, which require 21 parking spaces (64 seats/1 space for every 3 seats = 21.3 parking spaces). It was noted that the parking area was held in common (657 existing parking spaces) and was shared with other businesses. The parking area was also connected and had access to Wal-Mart's existing, interlocking parking lots.
- Sec.6-4: This request was compliant to Sec. 6-4, which require that no alcoholic beverages be sold within 300' of a church, public or private school, or public hospital. There were none of these land uses within the above radius (measured door to door for church or hospital; measured lot line to lot line from schools).
- There was a sign code violation where staff mailed a letter to reconcile to Code; i.e., they placed some off-premise signs along Expressway/Shary Road. Upon re-inspection, staff found that the signs had been removed.

There was no public opposition during 8/24/11 P&Z's hearing.

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

Staff, P&Z and City Manager recommended approval.

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

There were no comments.

Councilman Ruben Plata moved to approve Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Mariscos El Mar Seafood Restaurant, 2500 E. Expressway 83, Ste. 100, Lot 5-B, Sharyland Place Subd., C-3. Motion was seconded by Councilwoman Marie Elena Ramirez and approved unanimously 5-0.

C. Conditional Use Permit: To have a Guest House, 2709 E. 2 Mile Rd, 11.04 acres out of Lot 296, John H. Shary Subd., AO-I, Life of Use, Paula Price

This 11-acre site was located at the NW corner of Mile 2 and Taylor Road. The site had the owner's single-family residence and a second mobile home residence that was previously approved in 2007 as a guesthouse.

This mobile home residence was previously approved as a second home for the applicant to provide health care for her parents. After the passing of both parents, the applicant wished to keep the mobile home as a guest home in order to have visiting relatives' stay for short periods of time during the course of the year. The mobile home measured 27' x 56', had skirting and was connected to the primary structure's utilities i.e., did not have independent services, and was exceeding all setbacks requirements. There was also a recorded affidavit stating that the mobile home could only be used as a guesthouse. There was no public opposition during the 8/24/11 P&Z's hearing

Staff Recommendation: Approval subject to: 1) a 3 year re-evaluation 2) continued linked utility and electrical connections, and 3) not to be used for rental purposes (Doc. # 1805620).

Staff, P&Z and City Manager recommended approval.

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

There were no comments.

Councilwoman Garza moved to approve Conditional Use Permit: To have a Guest House, 2709 E. 2 Mile Rd, 11.04 acres out of Lot 296, John H. Shary Subd., AO-I. Motion was seconded by Councilman Plata and approved unanimously 5-0.

At 4:50 p.m. Mayor Salinas requested to go to items 4.13, 4.14, and 4.15 of the agenda.

2.0 Disposition of Minutes

2.1 City Council Special Meeting – August 16, 2011 and Regular City Council Meeting – August 22, 2011

Councilwoman Ramirez moved to approve the minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 4-0.

3.0 Acknowledge Receipt of Minutes

3.1 Speer Memorial Library – June 21, 2011

Mission Economic Development Corporation – July 19, 2011

Mission Tax Increment Reinvestment Zone – July 26, 2011

Mission Redevelopment Authority – July 26, 2011

Zoning Board of Adjustments – June 15, 2011 and Special Meeting – July 13, 2011

Planning and Zoning Commission – July 27, 2011 and August 10, 2011

Councilman Plata 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 Ordinance # 3677 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Dai Tung Restaurant, 2402 Brock St., Suite A, Lots 22 & 23, Shary Business Center Subdivision

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Olivarez moved to approve Ordinance No. 3677 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Dai Tung Restaurant, 2402 Brock St., Suite A, Lots 22 & 23, Shary Business Center Subdivision. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3677

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 – DAI TUNG RESTAURANT, 2402 BROCK ST., SUITE A, LOTS 22 & 23, SHARY BUSINESS CENTER SUBDIVISION

4.2 Adoption of Ordinance # 3678 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Mariscos El Mar Seafood Restaurant, 2500 E. Expressway 83, Ste. 100, Lot 5-B, Sharyland Place Subd.

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Olivarez moved to approve Ordinance No. 3678 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Mariscos El Mar Seafood Restaurant, 2500 E. Expressway 83, Ste. 100, Lot 5-B, Sharyland Place Subd. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3678

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 – MARISCOS EL MAR SEAFOOD RESTAURANT, 2500 E. EXPRESSWAY 83, STE. 100, LOT 5-B, SHARYLAND PLACE SUBDIVISION

4.3 Adoption of Ordinance # 3679 for CUP to have a Guest House, 2709 E. 2 Mile Rd., 11.04 acres out of Lot 296, J.H.S. Subd.

Staff and City Manager recommended ordinance approval.

Councilwoman Ramirez moved to approve Ordinance No. 3679 for CUP to have a Guest House, 2709 E. 2 Mile Rd., 11.04 acres out of Lot 296, J.H.S. Subd. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3679

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT TO HAVE A GUEST HOUSE, 2709 E.
2 MILE ROAD, 11.04 ACRES OUT OF LOT 296, JOHN H. SHARY SUBDIVISION

4.4 Preliminary Plat Approval: Las Estrellas Subd. No. I, 15.50 ac. tract being the N. ½ of Lot 67, Nick Doffing Company Subd., No. 3, and all of Lot 67, Nick Doffing Subd. No. 4, Rural ETJ Developer: GARCO, Ltd. Engineer: Quintanilla, Headley & Associates

The subdivision was located approximately ½ mile north of Mile 5 along the west side of Minnesota Road. The subdivision consisted of 26 lots, where Lots 1, 25, & 26 shall have the option of being used for commercial or multi-family purposes. All other lots shall be used for residential purposes.

Water: The water CCN belonged to AGUA SUD. The developer was providing water by connecting to an existing 8" water line located along the west side of Minnesota Road and extending a new 8" line west into the proposed subdivision, also providing waterline extensions to the north and south for future connections by others. The developer was proposing to install 2 new hydrants.

Sewer: Sanitary sewer service for this subdivision would be addressed by individual on site sewage facilities (OSSF) of a standard design septic tank and drain field on each lot. Each lot met or exceeded the County's typical ½ acre standard where septic tanks were permitted. This area was not within the City of Mission's Sewer CCN. (Note: Mission sewer was 1.62 miles away).

Street & Storm Drainage: The plat dedicated an additional 15' on the perimeter Minnesota Road to equate to 40' ROW from centerline; thus in compliance to MPO requisites. The lots would be fronting 50' ROW 32' B-B paved streets built to the County's construction specifications. There were also two street stubs (along the western area), one to the north and one to the south, which would maximize emergency traffic circulation. Temporary cul-de-sacs would be in place at the stubbed ends until such future development occurs. No residential access would be allowed from Lots 1 & 25 onto Minnesota Road. Drainage for the subdivision is proposed through the use of swales located in the rear of each property, and had been approved by the HCDD #1

The Planning and Zoning unanimously approved of the plat.

Staff and City Manager recommended approval subject to meeting the Model Subdivision Rules, and complying with the street alignment policy.

Mayor Pro Tem Olivarez moved to approve Preliminary Plat Approval: Las Estrellas Subd. No. I, 15.50 ac. tract being the N. ½ of Lot 67, Nick Doffing Company Subd., No. 3, and all of Lot 67, Nick Doffing Subd. No. 4. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.5 Approval of Resolution # 1297 expressing the city's nomination for the Appraisal District Board of Directors for 2012 - 2013

The Hidalgo County Appraisal District had invited Valley cities to submit nominations for Board of Directors for 2012-2013. Nominations needed to be received by the Appraisal District by October 15, 2011. Mayor Salinas was recommending the nomination of Amador Requenez for council consideration.

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Staff and City Manager recommended approval.

Councilman Plata moved to approve Resolution No. 1297 expressing the city's nomination for the Appraisal District Board of Directors for 2012 - 2013. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

RESOLUTION NO. 1297

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
EXPRESSING ITS NOMINATION FOR APPRAISAL DISTRICT DIRECTORS FOR 2012-
2013 ON THE HIDALGO COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS

4.6 Authorization to enter into a partnership with Caring Senior Service

The Mission Fire Department, Fire Prevention Bureau was seeking authorization to enter into a partnership with Caring Senior Service. This program would emphasize reaching older adults on fire and fall prevention. The partnership would implement the Remembering When Program through an outreach that would include home visits, nursing homes, home health care agencies and other organizations.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to enter into a partnership with Caring Senior Service. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.7 Approval of Ordinance # 3680 for Classified positions for the Mission Police Department for FY 2011-12

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 will expire on September 30, 2012.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ordinance No. 3680 for classified positions for the Mission Police Department for FY 2011-12. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3680

AN ORDINANCE ESTABLISHING THE CLASSIFICATIONS FOR THE MISSION POLICE
DEPARTMENT FOR THE FISCAL YEAR 2011-2012

4.8 Approval of Ordinance # 3681 for Base salaries and incentive package for the Mission Police Department FY 2011-12

As Required by Chapter 143 of the Texas Local Government Code. Base salaries and incentive pay package must be approved by governing body on a yearly basis. Ordinance expires on September 30, 2012.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ordinance No. 3681 for base salaries and incentive package for the Mission Police Department FY 2011-12. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3681

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.

4.9 Approval of Ordinance # 3682 for Classified positions for the Mission Fire Department for FY 2011-12

As per Chapter 143 of the Texas Local Government Code, classified positions have to be approved for every FY. Ordinance would expire on September 30, 2012.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3682 for classified positions for the Mission Fire Department for FY 2011-12. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3682

AN ORDINANCE ESTABLISHING THE CLASSIFICATIONS FOR THE MISSION FIRE DEPARTMENT FOR THE FISCAL YEAR 2011-2012

4.10 Approval of Ordinance # 3683 for Base salaries and incentive package for the Mission Fire Department FY 2011-12

As Required by Chapter 143 of the Texas Local Government Code. Base salaries and incentive pay package must be approved by governing body on a yearly basis. Ordinance expires on September 30, 2012.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3683 for base salaries and incentive package for the Mission Fire Department FY 2011-12. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3683

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.

4.11 Budget Amendments: Designated Purpose Fund, General Fund, and Utility Fund

Finance Director Janie Flores presented the budget amendments BA-64 thru BA-65 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve budget amendments BA-64 thru BA-65. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.12 Tax Collections Report – July, 2011

Mrs. Flores presented the Tax Collections Report for July, 2011 for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Tax Collections Report for July, 2011. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.13 Approval of Ordinance # 3674 adopting the Fiscal Year 2011 – 2012 Annual Budget

Staff and City Manager recommended ordinance approval.

Councilwoman Garza moved to approve Ordinance No. 3674 adopting the Fiscal Year 2011 – 2012 Annual Budget. Motion was seconded by Councilman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3674

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF MISSION FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012; APPROPRIATING MONEY TO A DEBT SERVICE FUND TO PAY INTEREST AND PRINCIPAL DUE ON THE CITY'S INDEBTEDNESS; AND ADOPTING THE ANNUAL BUDGET OF THE CITY OF MISSION FOR THE 2011 – 2012 FISCAL YEAR

4.14 Approval of Ordinance #3675 adopting the Tax Rate

The Tax Rate for the fiscal year 2011 – 2012 was \$0.5388 per \$100 property value. In addition to establishing the tax rate, this ordinance provided a \$10,000 exemption for the elderly and a \$10,000 exemption for the disabled. The City would also continue the tax freeze established in 2005 for the elderly and disabled, ensuring the total amount of ad valorem taxes paid would not increase.

I & S Rate	\$0.1167
M & O Rate	<u>\$0.4221</u>
Total Tax Rate	\$0.5388

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3675 adopting the Tax Rate. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

ORDINANCE NO. 3675

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
LEVYING AN AD VALOREM TAXES FOR USE AND SUPPORT OF THE MUNICIPAL
GOVERNMENT OF THE CITY OF MISSION FOR THE FISCAL YEAR 2011-2012;
PROVIDING FOR APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES;
PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME SHALL BECOME
DELINQUENT IF NOT PAID; AND PROVIDING FOR EXEMPTIONS FOR THE ELDERLY
AND FOR THE DISABLED

4.15 Approval of Ordinance # 3676 adopting the Mission Economic Development Corporation Fiscal Year 2011 – 2012 Annual Budget

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3676 adopting the Mission Economic Development Corporation Fiscal Year 2011 – 2012 Annual Budget. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3676

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
ADOPTING APPROPRIATIONS FOR THE SUPPORT OF THE MISSION ECONOMIC
DEVELOPMENT CORPORATION FOR FISCAL YEAR BEGINNING OCTOBER 1, 2011
AND ENDING SEPTEMBER 30, 2012

At 4:53 p.m. Mayor Salinas recommended to go to item 4.31 of the agenda.

4.16 Authorization to accept the FY – 2011 Edward Byrne Memorial Justice Assistance (JAG) Formula Program Grant from the U.S. Department of Justice, Bureau of Justice Assistance

The Mission Police Department was requesting authorization to accept the FY - 2011 Edward Byrne Memorial Justice Assistance (JAG) Formula Program Grant from the U.S. Department of Justice, Bureau of Justice Assistance. The City of Mission Police Department had been awarded the aforementioned grant totaling \$10,244.00. It was the intention of our organization to utilize the funding to purchase police portable radios. There was no cash match required for this particular grant program.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize staff to accept the FY – 2011 Edward Byrne Memorial Justice Assistance (JAG) Formula Program Grant from the U.S. Department of Justice, Bureau of Justice Assistance. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.17 Authorization to enter into a Interlocal Agreement for Radio Service with the Rio Grande Valley Communications Group

The Mission Police Department was requesting authorization to enter into a Interlocal Agreement for radio service with the Rio Grande Valley Communications Group. On July 11, 2011 the City of Mission became a member of the RGV Communications Group for the purpose of having access to a Regional Public Safety Communications System. It was our intent to place up to fifty portable radios on the Regional Communications System. Our organization will in the future continue to place portable radios on the system based on our needs assessment of our organization and those of the Mission Fire Department. This would allow both Mission Police and Fire Departments access to this Valley-Wide Seamless Communications System.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize staff to enter into a Interlocal Agreement for Radio Service with the Rio Grande Valley Communications Group. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.18 Authorization to enter into an Agreement with Mary Ann Peralez, an independent contractor, as the Technical Supervisor for our Alcohol Breath Test Program

The Mission Police Department was requesting authorization to enter into an agreement with Mary Ann Peralez, an independent contractor, as the Technical Supervisor for our Alcohol Breath Test Program. Mary Ann Peralez was the local Technical Supervisor for our Intoxilyzer 500, the instrument utilized by Mission Police Officers to offer breath test to those individuals arrested for the offense of Driving While Intoxicated. Ms. Peralez was the only sole source contractor in South-Texas authorized by the Texas Department of Public Safety to service and maintain the Intoxilyzer 5000. The City of Mission Police Department based on the agreement would pay for the Technical Supervisors services a total of \$10,000.00 for the FY 2011 – 2012. The agreement would renew for an additional year unless either party terminates by providing no less than 90 days written notice prior to the end of the contract year.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize staff to enter into an agreement with Mary Ann Peralez, an independent contractor, as the Technical Supervisor for our Alcohol Breath Test Program. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.19 Authorization to solicit bids and or purchase three (3) police units via a state approved contract for the Mission Police Department

The Mission Police Department was requesting authorization to solicit bids and or purchase three (3) police units via a state approved contract for the Mission Police Department. These new police units would be purchased to replace current units in our fleet that needed to be replaced based on high mileage and mechanical failures.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to solicit bids and or purchase three (3) police units via a state approved contract for the Mission Police Department. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.20 Requesting Authorization for the City of Mission Fire Department to enter into an Interlocal Agreement with Hidalgo County for Rural Emergency Service

Mission Fire Department was seeking authorization for the City of Mission and Hidalgo County to enter into an Interlocal Cooperation Agreement for Rural Emergency Services. The City of Mission and Hidalgo County have had this agreement for many years and renew on a year to year basis. This Agreement will now be a two (2) year Agreement ending December 31, 2013. The other changes were that all grass/brush wild land fire would be paid at \$1,000.00 and cleaned up the Definitions section. Those were the major changes to the Interlocal Agreement.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize for the City of Mission Fire Department to enter into an Interlocal Agreement with Hidalgo County for Rural Emergency Service. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.21 Request to Authorize the City of Mission Fire Dept. to submit a Grant Application for the 2011 Assistance to Fire Fighters Grant

The Mission Fire Department was seeking authorization to submit a Grant Application for the 2011 Assistance to Fire Fighters Grant in the amount of \$726,000.00. This Grant was a 20% match of the total award amount. The City's share if awarded would be \$145,200. These were the fundable activities the Department would be applying for. Fire Fighter Training, \$60,000.00; Fire Fighter Wellness, \$64,000.00; Fire Fighting Equipment, \$511,000 and EMS Equipment, \$91,000.00.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize the City of Mission Fire Dept. to submit a Grant Application for the 2011 Assistance to Fire Fighters Grant. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.22 Authorization to solicit bids for Electrical Repair & Maintenance Services for Water Treatment Plants, Waste Water Treatment Plant, and Water Distribution Divisions

Staff was seeking authorization to solicit bids for Electrical Repair & Maintenance Services for the Public Works Department. The objective was to obtain services of licenses electricians to perform electrical repairs, and maintenance on a "as needed" basis at the Water Treatment Plants, Waste Water Treatment plant, and Water Distribution Divisions for one-year with two one year renewal options. This was being request in an effort to secure fair and reasonable pricing.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for Electrical Repair & Maintenance Services for Water Treatment Plants, Waste Water Treatment Plant, and Water Distribution Divisions. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.23 Authorization to solicit bids for the purchase of Flexible Base Commercial Caliche for Streets, Utility and Wastewater Departments

Staff was seeking authorization to solicit bids for the purchase of Flexible Base Commercial Caliche for Streets, Utility and Wastewater Departments. Flexible Base Commercial Caliche would be used for daily operations to include shaping, grading roadbeds, preparing shoulders, filling and repairing holes in roadways. Public Works Department had opted not to exercise the second-one year renewal on the current contract, due to Frontera Materials, Inc. not being able to hold their pricing firm.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for the purchase of Flexible Base Commercial Caliche for Streets, Utility and Wastewater Departments. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.24 Authorization to solicit bids for the purchase of Hot & Cold Mix Asphalt for Streets, Utility and Wastewater Departments

Staff was seeking authorization to solicit bids for the purchase of Hot and Cold Mix Asphalt for Streets, Utility and Wastewater Departments. Hot & Cold Mix Asphalt would be used for daily operations to include pothole repairs and street, alley paving/overlays, etc. Public Works Department had opted not to exercise the second-one year renewal on the current contract, due to Frontera Materials, Inc. not being able to hold their pricing firm.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for the purchase of Hot & Cold Mix Asphalt for Streets, Utility and Wastewater Departments. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.25 Authorization to solicit bids for Meter Connect Supplies for Water Distribution Division

Staff was seeking authorization to solicit bids for the purchase of Meter Connect Supplies. Meter Connect Supplies were needed by the Public Works Department for the treatment of its Water Treatment Plants for daily operations. Public Works Department had opted not to exercise the one year renewal on our current contract, due to ACT Pipe and Supply not being able to hold their pricing firm.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to solicit bids for Meter Connect Supplies for Water Distribution Division. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.26 Authorization to solicit bids for Waterline Maintenance Supplies for Water Distribution Division

Staff was seeking authorization to solicit bids for the purchase of Waterline Maintenance Supplies. Waterline Maintenance Supplies were needed by the Public Works Department for the treatment of its Water Distribution Division for daily operations. Public Works Department had

opted not to exercise the one year renewal on the current contract, due to HD Supply Waterworks not being able to hold their pricing firm because of dramatic increase in cost from their suppliers.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to solicit bids for Waterline Maintenance Supplies for Water Distribution Division. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.27 Authorization to Execute First-One Year Renewal Option for Cold Water Meters for Public Works (Water Distribution) Department

In 2010, the City of Mission entered into agreement with US Metering & Technology for the purchase of Cold Water Meters. The contract terms were for one year with two one-year renewal options based on 3% increase in price. The price would remain the same. Staff was seeking authorization to extend contract for first-one year renewal option with US Metering & Technology. This agreement will extend Bid No 11-015-10-20 from October 1, 2011 through September 30, 2012.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to Execute First-One Year Renewal Option for Cold Water Meters for Public Works (Water Distribution) Department. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.28 Approval of Change Order No. 1 for a Reduction from the Contract Amount and add an Additional Manhole to be Repaired

Change Order # 1 was a request for the City of Mission to accept a credit and make a reduction of \$4,937.87 from the contract amount of \$52,438.75 for Repair of Manholes. Contractor was

awarded the contract for the installation of five pre-cast fiber glass manholes along Frontage & Stewart. Enviro Remediation furnished four (4) manholes that did not meet the dimensions as per specifications, said four pre-cast fiber glass manholes were rejected by the City. The four (4) pre-cast fiber glass manholes were furnished by the City in order to avoid delay in completion and acceptance of the project.

The change order also included a price increase of \$10,673.38 for an additional Manhole along Stewart Rd. that was found to need immediate repair and replacement due to deterioration and potential cave in. The new revised contract amount with the \$10,673.38 increase would be \$58,174.26.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Change Order No. 1 for a Reduction from the Contract Amount and add an Additional Manhole to be repaired. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.29 Request by Bert Ogden to have City Council Issue a Ground Pole Sign Permit at 1400 E. Expressway 83 (City Attorney may ask Council to go into Executive Session prior to considering this matter in open session.)

At 4:55 p.m., Mayor Salinas recommended that council go into executive session prior to considering this item in open session pursuant to V.T.C.A. Gov. Code Sec. 551.071, Consultation with Attorney. Council did and thereafter returned to the items in open session.

The Bert Ogden site was at the SE corner of Expressway 83/Bryan Road. The previous 'Hummer' sign was proposed to be removed, and a new 'Infiniti' sign installed. However, they called back and said they'd rather install a new Infiniti sign instead. However, they didn't want to remove the old Hummer sign because it was too costly; thus, their proposal was to build a new 'Infiniti' ground pole sign 50' from the old Hummer sign that says 'Infiniti'.

Viewing the exhibit, there were 3 ground pole signs that seemed equally distant from each other that advertised Chevrolet Bert Ogden, Cadillac Bert Ogden, and Infiniti Bert Ogden (Note: the other signage was related to services, i.e., 'Certified Used Vehicles', & 'Trucks Bert Ogden').

Sec. 86-155 (f) said that a Ground Pole Sign was permitted; in the case of a multiunit building (like a strip retail center), one ground or tenant sign would be allowed per site'-this seemed to indicate that for each 'building' or 'business', one ground pole sign could be permitted. The easternmost building already had an Infiniti sign (the old Hummer sign) thus the dilemma of having 2 ground pole signs for Infiniti 50' away from each other.

Sec. 86-7 (2) said that the Zoning Board of Adjustments (ZBA) was the board empowered by the Council to consider requests to increase the number of permanent signs on any premises by not more than one. Thus, the option available was to have the applicant approach the ZBA for consideration in having 2 ground pole signs for the same Infiniti business.

Staff Recommendation: to follow code thus approach ZBA for consideration.

City Manager recommended approval.

Councilwoman Garza moved to approve request by Bert Ogden to have City Council Issue a Ground Pole Sign Permit at 1400 E. Expressway 83. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.30 Approval of Resolution # _____ supporting the Regional Planning Consortium of Rio South Texas to submit a Grant application to the Department of Housing & Urban Development

The Regional Planning Consortium of Rio south Texas was initially formed in response to the Notice of Funding Availability from the Department of Housing and Urban Development Sustainable Communities Regional Planning Grant Program and consists of government entities and non-profit partners.

The City of Mission considered supporting the Regional Planning Consortium of Rio South Texas in seeking financial aid through a grant application for the 2011 Sustainable Communities Regional Planning Grant Program to create a Regional Plan for Sustainable Development that included six Livability Principles defined by the partnership which were:

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- Provide more transportation choices
- Promote equitable, affordable housing
- Enhance economic competitiveness
- Support existing communities
- Coordinate policies and leverage investments
- Value communities and neighborhoods

Staff and City Manager recommended approval.

Ms. Amanda Longoria from the Hidalgo County MPO and staff of the Regional Consortium was present to answer questions from the council.

Mayor Salinas expressed his concern about the effect that this would have on the CDBG applications. He also mentioned that this would only create more problems to the city and did not understand why staff needed to do this if what was been done and how it was getting done was working already.

Mayor Pro Tem Olivarez moved to approve the resolution supporting the Regional Planning Consortium of Rio South Texas to submit a Grant application to the Department of Housing & Urban Development. Motion died for lack of second.

4.31 Clarification of Action on approval of Agent(s) for Voluntary Insurance Products for FY 2011-12

During the explanation of this item on August 16, 2011, it was mentioned that the existing AFLAC policies would be grandfathered for purposes of payroll deduction. The approved voluntary insurance agent, First National Bank via Colonial Life, clarified to staff that the enrollment process they were providing to the City as part of their award would not allow for this. Hence this clarification, that AFLAC policies will not be grandfathered for payroll deduction. However, as with all the voluntary insurance carrier(s) that the employees had policies with in FY 2010-2011, the employees had the option to remain with the current carrier(s) and pay the carrier(s) directly for their policies.

Staff Recommendation: Clarification of action to exclude AFLAC premiums from payroll deductions.

Staff and City Manager recommended approval.

Councilman Plata moved to approve clarification of action on approval of agent(s) for Voluntary Insurance Products for FY 2011-12. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

Mayor Salinas recommended that council go into executive session prior to considering items 4.29 and 4.32 in open session pursuant to V.T.C.A. Gov. Code Sec. 551.071, Consultation with Attorney. Council did and thereafter returned to the items in open session.

At 4:55 p.m., Mayor Pro Tem Olivarez moved to convene into executive session for items 4.29, 4.32 and 7.1-A & B of the agenda. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.32 Authorization to solicit bids for the sale of Lot 5, Silverado South, an addition to City of Palmhurst, Hidalgo County, Texas (City Attorney may ask Council to go into Executive Session prior to considering this matter in open session.)

The Mission Police Department was requesting authorization to solicit bids for the sale of Lot 5, Silverado South addition to City of Palmhurst, Hidalgo County Texas.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for the sale of Lot 5, Silverado South, an addition to City of Palmhurst, Hidalgo County, Texas. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

At 5:08 Councilwoman Garza stepped out of the meeting.

Council continued with items 7.1-A & B of the agenda.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

None

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

7.1 Consultation with Attorney Sec. 551.071

A. Golf Pro Contract

B. Claim of Church of Jesus Christ of Latter-day Saints on CUP denial

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

At 5:05 p.m., Mayor Pro Tem Olivarez moved to reconvene in open session to take action on items 4.29, 4.32 and 7.1-A & B of the agenda. Motion was seconded by Councilman Plata and approved unanimously 5-0.

On item 7.1-A, Mayor Pro Tem Olivarez moved to authorize the renewal of the golf pro contract for next fiscal year on the same terms. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

On item 7.1-B, no action was taken.

At 5:09 p.m., Mayor Salinas recommended to continue with item 4.2 of the agenda.

8.0 Adjournment

At 5:46 p.m., Councilman Plata moved for adjournment. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary