

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
SEPTEMBER 27, 2010 4:30 P.M.
MISSION CITY HALL**

PRESENT:

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

ABSENT:

ALSO PRESENT:

Kathy Olivarez, Progress Times
Jim Barnes
Beth Barnes
Cathy Garcia
Chris R. Garza
Justin Garza
Christopher Garza
Alicia R. Requenez
Pete Requenez
Miriam Garza
Larissa Garza
Crystal Santos
Jessica Leija
Cynthia Requenez
Ben D. Olivarez
Hollis Rutledge
Robert Rivera
Rev. Linda Whitworth-Reed
Rev. David Reed
Michael Vincent Ochoa
Antonio Reyna III

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Sonia Carnes, Deputy City Manager
Guillermo Seguin, 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
Rick Saldana, Fire Chief
Glorina Flores, Purchasing Buyer
Leo Longoria, Chief of Police
Robert Dominguez, Asst. Chief of Police
Martin Garza, Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Julian Gonzalez, Parks & Rec. Director
Mayra Rocha, Library Director
Juan C. Avila, B & G Club Director
Noemi Munguia, HR Director
Rosie Salazar, Risk Manager
Roland Rodriguez, I.T. Director
Linda Castaneda, Museum

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:33 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

Mayor Pro Tem Leo Olivarez moved to approve the departmental reports as presented. Motion was seconded by Councilwoman Norie Gonzalez Garza and approved unanimously 5-0.

4. Citizens Participation

MaxiLou Link asked those in attendance to stay after the Council meeting for a dedication of a sculpture.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: A 0.78 acre tract out of Lot 25-5, West Addition to Sharyland Subd., AO-I to C-3, Francisco J. Zarzar

The subject site was located 800' east of Holland Road along the north side of Griffin Parkway. The surrounding zones included (R-1) Single Family Residential to the North and (AO-I) Agricultural Open Interim to the East, West, and South. The surrounding land uses consisted of single-family homes to the north and south across Griffin Parkway, and undeveloped properties to the east & west.

The Future Land Use Map reflected a General Commercial (GC) designation along the Griffin Parkway frontage. C-3 zone was well within the land use parameters of the GC designation. The lot fronted Griffin Parkway, 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 9/8/10 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.

Councilwoman Maria Elena Ramirez moved to approve Rezoning: A 0.78 acre tract out of Lot 25-5, West Addition to Sharyland Subd., AO-I to C-3, Francisco J. Zarzar. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

B. Conditional Use Permit: Drive-thru Service Window and the Sale & On-Site Consumption of Alcoholic Beverages at Taco Palenque, 2420 E. Expressway 83, Being Lot 5-C, Sharyland Place Subd., C-3, Life of Use, Cesar Cardenas

The site of El Taco Palenque was located ¼ mile east of Shary Road along the south side of Expressway 83, north of Kohl's. The applicant was proposing to build a new 5,939 sq.ft. restaurant (with sprinkler system) with a drive-thru service window. Access to the site was provided through an existing off-site entrance located 42' from the site. The (12') drive-thru lane was shown along the south and east sides of the building with the window's location stacking 5 + vehicles. The applicant was also requesting a CUP for the sale and on-site consumption of alcohol with meals. There were no churches or schools within 300' of the subject site.

The number of parking spaces required for a building this size was 79. The applicant was providing 55 spaces on-site and would use (Kohl's) common parking lot. The applicant was providing over the minimum 22 % landscaping, but should provide 4 additional (3" caliper) shade trees.

- Days / Hours of operation: Open 24hrs. – Everyday. Alcoholic beverages would only be served for on-site dining.
- Staff: 50 employees
- A 6' opaque buffer was required around the trash bin perimeter.
- City Engineer would ensure that proper drainage calculations and requirements were met.

- Separate permits were required for any proposed signage and must comply with the City's Sign Ordinance.
- A business license was required prior to occupancy.

There was no public opposition at P&Z's 9/8/10 hearing. The P&Z unanimously approved the conditional use permit.

Staff Recommendation: Approval subject to: 1) provide copy of lease when renewing to verify common parking affordability, 2) 1 year re-evaluation to assess this new operation, 3) wet zone the site, 4) provide a 6' buffer along trash bin area, 5) drainage plan to be approved by the City Engineer, 6) must comply with landscaping and sign codes as cited above, and 7) acquire a business license.

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: Drive-thru Service Window and the Sale & On-Site Consumption of Alcoholic Beverages at Taco Palenque, 2420 E. Expressway 83, Being Lot 5-C, Sharyland Place Subd., C-3, Life of Use, Cesar Cardenas. Motion was seconded by Councilman Ruben Plata and approved unanimously 5-0.

C. Conditional Use Permit: Second Residence to Maximize Health Care and General Assistance to Elderly Parents at 406 W. 22nd St., being Lot D, Northside Subd., No 2, R-1, David Garza

This CUP was approved by the City Council on 9/10/07. The site was located at the NE corner of Peace Avenue and W. 22nd Street. Mr. Garza had his 16' X 74' mobile home on the property since the CUP was first approved in 2004. The applicant resided therein to be vigilant to his parents' health care, and currently his mom was still undergoing dialysis three times a week and was in need of assistance on a daily basis. Upon a site inspection, staff interviewed the applicant's mother where she stated that her son had continued to help her with her dialysis. We attested that no complaints had been registered since the mobile home was moved in. The mobile home's utilities were linked to the primary home. There was no public opposition at P&Z's 9/8/10 hearing. The P&Z unanimously approved the conditional use permit application.

Staff Recommendation: Approval subject to: 1) 3 year re-evaluation to assess the health care need, 2) once the need was no longer evident, the structure was to be removed within 30 calendar days and replaced with similar type grass (sod), and 3) not to be used as a rental structure.

Staff, P & Z and City Manager recommended approval.

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

Councilman Plata moved to approve Conditional Use Permit: Second Residence to Maximize Health Care and General Assistance to Elderly Parents at 406 W. 22nd St., being Lot D, Northside Subd., No 2, R-1, David Garza. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

2.0 Disposition of Minutes

2.1 City Council Meeting – September 13, 2010

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 Zoning Board of Adjustments – May 19, 2010,
August 18, 2010**

Planning & Zoning Commission – August 25, 2010

Shary Golf Advisory Board – July 20, 2010 and August 24, 2010

Parks & Recreation Board – August 10, 2010

Councilman Plata moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.0 Approvals and Authorizations

4.1 Adoption of Ord. # 3583 for Rezoning A 0.78 acre tract out of Lot 25-5, WAS from AO-I to C-3

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Olivarez moved to approve adoption of Ord. No. 3583 for Rezoning A 0.78 acre tract out of Lot 25-5, WAS from AO-I to C-3. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3583

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING A 0.78 ACRE TRACT OUT OF LOT 25-5, WEST ADDITION TO SHARYLAND SUBDIVISION, FROM AO-I TO C-3

4.2 Adoption of Ord. # 3584 for CUP for a Drive-Thru Service Window and The Sale and On-Site Consumption Of Alcoholic Beverages at Taco Palenque, 2420 E. Expwy. 83, Lot 5-C, Sharyland Place Subd., C-3

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve adoption of Ord. No. 3584 CUP for a Drive-Thru Service Window and The Sale and On-Site Consumption of Alcoholic Beverages at Taco Palenque, 2420 E. Expwy. 83, Lot 5-C, Sharyland Place Subd., C-3. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

ORDINANCE NO. 3584

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE DRIVE-THRU SERVICE WINDOW & THE SALE AND ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES AT TACO PALENQUE, 2420 E. EXPRESSWAY 83, LOT 5-C, SHARYLAND PLACE SUBDIVISION, C-3

4.3 Adoption of Ord. # 3585 for CUP for a Second Residence to Maximize Health Care and General Assistance to Elderly Parents at 406 W. 22nd St., Lot D, Northside Subd., No. 2, R-1

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve adoption of Ord. No. 3585 for CUP for a Second Residence to Maximize Health Care and General Assistance to Elderly Parents at 406 W. 22nd St., Lot D, Northside Subd., No. 2, R-1. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

ORDINANCE NO. 3585

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A SECOND RESIDENCE TO MAXIMIZE HEALTH CARE AND GENERAL ASSISTANCE TO ELDERLY PARENTS AT 406 W. 22ND STREET, LOT D, NORTHSIDE SUBDIVISION NO. 2, R-1

4.4 Preliminary Plat Approval: Las Palmas Del Norte No. 3, Ph. I Subd., 3.327 Ac. Tract of land being a part or portion Of Porcion 50, Rural ETJ, Developer: Oscar & Nora Linda Garza, Engineer: Javier Hinojosa Engineering

The subdivision was located approximately 705 feet east of Palm Drive along the south side of Mile 5. This 4 lot subdivision was Phase I of the overall acreage. All lots exceeded the County's ½ acre minimum; they all fronted public streets where TXDOT's access management policies would be imposed. It was expected that if commercially used, the parking lots would be linked by having cross-access maneuverability. Sidewalks would also be paved as a part of the County building permit process. A Master Plan of the overall acreage reflected how the residential layout would fit in the area.

The lots faced Mile 5, a future 120' ROW 81' B/B paved street. An additional 25' was being dedicated along Mile 5 in order to meet the MPO's Thoroughfare Plan. There was also a proposed 50' ROW 32' B/B street stubbed to the south for future extension, to be built to the County's construction specifications. Drainage for the subdivision was proposed through the use of swales located in the rear of each property as permitted under County guidelines.

The water CCN belonged to SWSC. The developer was providing water by connecting to an existing 6" water line located along the north side of Mile 5 and extending a new 8" line south through the proposed subdivision, leaving a stub out for future extension into the remaining acreage.

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 exceeded the County's typical ½ acre standard where septic tanks were permitted. (NOTE: Mission sewer lines were .84 miles away). The P&Z unanimously approved the plat.

Staff Recommendation: Approval subject to meeting the Model Subdivision Rules and submittal of 'As-Builts' when done.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Preliminary Plat Approval: Las Palmas Del Norte No. 3, Ph. I Subd., 3.327 Ac. Tract of land being a part or portion Of Porcion 50, Rural ETJ, Developer: Oscar & Nora Linda Garza, Engineer: Javier Hinojosa Engineering. Motion was seconded by Councilwoman Ramirez and approved 4-0 with Councilwoman Garza abstaining.

4.5 Discussion and Action to add Honorary Name of “Pedro Requenez, Sr. Rd.” on Moorefield Rd. from U.S. Business Hwy 83 northward to U.S. Expwy. 83 (Mission city limits only)

There was a written petition, dated September 20, 2010, from the Requenez family requesting that the City of Mission consider the honorary street name of ‘Pedro Requenez, Sr. Rd.’ for Moorefield Road from U.S. Business Highway 83 northward to U.S. Expressway 83, a distance of 1833’.

Mr. Pedro Requenez, Sr., purchased 35 acres adjoining the City of Mission 35 years ago and worked hard in the oilfield industry. The majority of the 35 acres was adjacent to this segment of Moorefield Road and was still retained by the Requenez family members.

There would be no impact to Mission residents, i.e., there would be no change of addresses for the honorary street name designation.

This entire segment of Moorefield was inside Mission’s city limits via Annexation Ordinance # 1096 (8/27/1981).

Staff and City Manager recommended approval.

Councilman Plata moved to approve to add Honorary Name of “Pedro Requenez, Sr. Rd.” on Moorefield Rd. from U.S. Business Hwy 83 northward to U.S. Expwy. 83 (Mission city limits only). Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.6 Approval of Ord. # 3586 granting a wet designation for 2420 E. Expressway 83, Lot 5-C Sharyland Place Subd., Taco Palenque

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.

Mayor Pro Tem Olivarez moved to approve Ord. No. 3586 granting a wet designation for 2420 E. Expressway 83, Lot 5-C Sharyland Place Subd., Taco Palenque. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3586

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
2420 E. EXPRESSWAY 83, LOT 5-C SHARYLAND PLACE SUBD.,
TACO PALENQUE

4.7 Approval of Publicity and Tourism Agreement with the Greater Mission Chamber of Commerce, Inc.

Approval of Publicity and Tourism Agreement with the Greater Mission Chamber of Commerce, Inc. for Fiscal Year 2010-11. These were funds that were received from the Hotel Motel Occupancy Tax under VATS Tax Code, Section 351.101 to use hotel occupancy tax funds for attracting and promoting tourism and the convention and hotel industry.

The 2010-2011 agreement was to be effective October 1, 2010 through September 30, 2011 in the amount of \$275,000.

Staff and City Manager recommended approval.

Mr. Matt Ruszczak gave a presentation on the budget request.

Councilwoman Garza moved to approve the Publicity and Tourism Agreement with the Greater Mission Chamber of Commerce, Inc. with an adjustment to change the amount to \$325,000. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.8 Tax Collections Report – August, 2010

Mrs. Janie Flores, Finance Director presented the Tax Collections Report for August, 2010, for acceptance.

Acceptance of monthly property tax report for the month of August 2010. The 2009 total adjusted tax levy was \$17,379,892.24 and the amount of the collections as of August 31, 2010 was \$16,403,112.13 which represented 94.38% of the total tax levy.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Tax Collections Report for August, 2010, as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.9 August 2010 Financial Statements

Mrs. Flores presented the Financial Statements for August, 2010, for acceptance.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Financial Statements for August, 2010, as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.10 Discussion and action to declare items on the attached list as surplus and authorize staff to hold an auction scheduled for Saturday, October 23, 2010 to dispose of referred to items

The City had developed a list of items to be declared as surplus and no longer useable by the City. These items had been acquired by the City over the years through purchase, contribution, donation assignment, and confiscation. All items had been determined by Department Directors and their staff to be of no use to the City and recommended their removal from the City's books.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve to declare items on the list as surplus and authorize staff to hold an auction scheduled for Saturday, October 23, 2010 to dispose of referred to items. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.11 Write-off uncollectable utility accounts receivable

The City had accrued delinquent amounts in its utility billing system over the past 20+years. Those amounts were reflected on the City's Utility Fund balance sheet. While the City had set up a reserve for these un-collectable amounts, proper accounting suggested writing them off the City's balance sheet to reflect actual true receivables. By approving this write-off, amounts could then be forwarded to an outside collection agency for appropriate action. This item was requesting to write-off un-collectible accounts through September 30, 2009.

In order to maintain a good record of "true" receivables, staff would propose to council the write-off of accounts deemed to be un-collectible and over one year old beginning in January 2011.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez questioned the removal of these accounts from the books.

Councilwoman Garza moved to approve to write-off un-collectable utility accounts receivable. Motion was seconded by Mayor Salinas and approved 4-1, with Mayor Pro Tem Olivarez dissenting.

4.12 Discussion and action to write-off uncollectable NSF checks

As of August 31, 2010, the City had approximately \$9,407.67 in un-collectable NSF checks, of this amount \$8,258.67 represented amounts through September 30, 2008. This amount had accrued since 1996. These checks had been submitted to the Hidalgo County District Attorney's office where they continue collection efforts for two years after the check has been submitted to them. After two years the checks are returned to us. These checks were reflected on the City's General Fund, Golf Course Fund, and Recreation Fund balance sheets as actual true receivables. By approving this write-off, staff will then forward them to an outside collection agency for appropriate action.

In order to maintain a good record of "true" receivables, staff would propose to council the write-off of NSF checks deemed to be un-collectible and over two years old on an annual basis, beginning September 2011.

Staff and City Manager recommended approval.

Councilman Plata moved to approve to write-off un-collectable NSF checks. Motion was seconded by Councilwoman Ramirez and approved 4-1, with Mayor Pro Tem Olivarez dissenting.

4.13 Discussion and action to enter into agreement with Preston, Powers and Stone, LLC for the collection of delinquent amounts owed to City

The City had accrued delinquent amounts in its utility billing system over the past 20+years. These accounts were from customers that had utility service with the City and had either had their account closed due to non-payment or had just moved out and left us with a balance after applying any deposit on hand. Staff collected over 96% of the utility accounts.

This agreement would authorize Preston, Powers, and Stone, LLC to under take any proper and legal action to attempt to collect on these accounts. Staff would be forwarding any account that had remained delinquent over one year to Preston, Powers, and Stone, LLC on a quarterly basis. The agreement was open ended, but the City could opt out by giving 30 days notice.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez questioned why the city was not going out for bids for this service.

Councilman Plata moved to approve to enter into agreement with Preston, Powers and Stone, LLC for the collection of delinquent amounts owed to City. Motion was seconded by Councilwoman Garza and approved 4-1, with Mayor Pro Tem Olivarez dissenting.

4.14 Bid for City of Mission Stewart Road Drainage Improvements

On June 28, 2010, City Council authorized staff to solicit bids for City of Mission Stewart Road Drainage Improvements. The City Of Mission had accepted and opened nine (9) bid responses for this project. Staff along with Javier Hinojosa Engineering, Project Engineers, recommended awarding to the low bidder meeting all specifications, terms, and conditions, The 5125 Company for a total overall cost of \$ 393,333.33. Funding would be through the 2010 Certificates of Obligation.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve bid for City of Mission Stewart Road Drainage Improvements. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.15 Bid for the City of Mission 1st Street, Citriana Drive and Dunlap Avenue (4th Street to 1st Street) Drainage Improvements

On June 28, 2010, City Council authorized staff to solicit bids for City Of Mission Drainage Improvements for 1st Street, Citriana Drive and Dunlap Avenue (4th Street to 1st Street). The City of Mission had accepted and opened seven (7) bid responses for this project. Staff along with Javier Hinojosa Engineering, Project Engineers, recommended awarding to the low bidder meeting all specifications, terms and conditions to Garco Industries for a total overall cost of \$548,897.50.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve bid for the City of Mission 1st Street, Citriana Drive and Dunlap Avenue (4th Street to 1st Street) Drainage Improvements. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.16 Authorization to extend contract for one year for Calcium Hypochlorite for Wastewater Treatment Plant

In 2009, the City of Mission entered into agreement with Chemrite for the purchase of Calcium Hypochlorite. The contract terms were for one year with two one-year optional extension based on 0% increase in price. The price would remain the same. Staff was seeking authorization to extend contract for one year with Chemrite. This agreement would extend Bid No 09-183-05-04 from October 1, 2010 through September 30, 2011.

Staff and City Manager recommended approval.

Mayor Salinas recommended going out for bids instead of extending the contract.

Councilwoman Ramirez moved to approve to go out for bids for Calcium Hypochlorite for Wastewater Treatment Plant instead of extending the contract with Chemrite. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.17 Authorization to extend contract for one year for Copper Sulfate for North and South Water Plant

In 2009, the City of Mission entered into agreement with Chameleon Industries Inc. for the purchase of Copper Sulfate. The contract terms were for one year with two one-year optional extension based on 0% increase. The price would remain the same for the purchase of Copper Sulfate. This agreement would extend Bid #10-002-09-10 for fiscal year October 1, 2010 through September 30, 2011.

Staff and City Manager recommended approval.

Mayor Salinas recommended going out for bids instead of extending the contract.

Councilwoman Ramirez moved to approve to go out for bids for Copper Sulfate for North and South Water Plant instead of extending the contract with Chameleon Industries Inc. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.18 Authorization to extend contract for one year for Chemicals at North and South Water Plants

In 2009, the City of Mission entered into agreement with General Chemical for the purchases of the chemicals listed below: The contract terms were for one year with two one-year optional extensions based on 0% increase. The price would remain the same for these chemicals. Terms of Contract: October 1, 2010 through September 30, 2011.

Ammonium Sulfate
Corrosion Inhibitor: Genhib 190
Polymer: (P825)
Liquid Aluminum Slufate

Staff and City Manager recommended approval.

Mayor Salinas recommended going out for bids instead of extending the contract.

Councilwoman Ramirez moved to approve to go out for bids for Chemicals at North and South Water Plants instead of extending the contract with General Chemical. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.19 Authorization to extend contract for one year for Liquid Emulsion Polymer for Wastewater Treatment Plant

In 2009, the City of Mission entered into agreement with Fort Bend Services, Inc. for the purchase of Liquid Emulsion Polymer. The contract terms were for one year with two one-year optional extension based on 0% increase. The price would remain the same for the purchase of Liquid Emulsion Polymer. This agreement will extend Bid No. #09-007-10-16 from October 1,

2010 through September 30, 2011.

Staff and City Manager recommended approval.

Mayor Salinas recommended going out for bids instead of extending the contract.

Councilwoman Ramirez moved to approve to go out for bids for Liquid Emulsion Polymer for Wastewater Treatment Plant instead of extending the contract with Fort Bend Services, Inc. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.20 Authorization to extend contract for one year for Powdered Activated Carbon for North & South Water Plant

In 2009, the City of Mission entered into agreement with Carbon Activated Corp. for the purchase of Powdered Activated Carbon. The contract terms were for one year with two one year optional extensions based on 2.9412% increase per pd. which was below the 7% increase in bid 10-001-09-11 making the cost per pound \$.70. Last year's price per pd. was \$.68. The agreement would extend from October 1, 2010 through September 30, 2011.

Staff and City Manager recommended approval.

Mayor Salinas recommended going out for bids instead of extending the contract.

Councilwoman Ramirez moved to approve to go out for bids for Powdered Activated Carbon for North & South Water Plant instead of extending the contract with Carbon Activated Corp. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.21 Authorization to extend contract for one year for Sodium Chlorite for North and South Water Plants

In 2009, the City of Mission entered into agreement with Siemens Water Technologies for the purchase of Sodium Chlorite. The contract terms were for one year with two one-year optional extensions based on 5% increase in price per liquid pound of Sodium Chlorite which was currently \$0.562. the new price would be \$0.590 per liquid pound. Terms of Contract: October 1, 2010 to September 30, 2011.

Staff and City Manager recommended approval.

Mayor Salinas recommended going out for bids instead of extending the contract.

Councilwoman Ramirez moved to approve to go out for bids for Sodium Chlorite for North and South Water Plants instead of extending the contract with Siemens Water Technologies. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.22 Authorization to extend contract for one year for Odor Control for Water Distribution, Wastewater Plant, and Pre-Treatment Plant

In 2009, the City of Mission entered into agreement with Staples Facility Solutions for the purchase of Odor Control. The contract terms were for one year with two one-year optional extension based on 0% increase. The price would remain the same for the purchase of Odor Control. This agreement would extend Bid #09-006-10-16 from October 1, 2010 through

September 30, 2011.

Staff and City Manager recommended approval.

Mayor Salinas recommended going out for bids instead of extending the contract.

Councilwoman Ramirez moved to approve to go out for bids for Odor Control for Water Distribution, Wastewater Plant, and Pre-Treatment Plant instead of extending the contract with Staples Facility Solutions. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.23 Authorization to extend contract for one year for Chlorine Gas for North and South Water Plants

In 2009, the City of Mission entered into agreement with Acetylene Oxygen Company for the purchase of Chlorine Gas. The contract terms were for one year with two one-year optional extension based on 0% increase. The price would remain the same for the purchase of Chlorine Gas. This agreement would extend Bid #10-006-09-11 for fiscal year October 1, 2010 through September 30, 2011.

Staff and City Manager recommended approval.

Mayor Salinas recommended going out for bids instead of extending the contract.

Councilwoman Ramirez moved to approve to go out for bids for Chlorine Gas for North and South Water Plants instead of extending the contract with Acetylene Oxygen Company. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.24 Authorization enter into a memorandum of understanding between the City of Mission and the Lower Rio Grande Valley Development Council for the use of RAD-57 monitoring

The Mission Fire Department was seeking authorization to enter into a M.O.U. between the City of Mission and the LRGVDC for the use of a RAD-57 monitoring equipment, this equipment was a hand held carbon monoxide monitor. This would allow the fire department to monitor the high levels of carbon monoxide that was being released in the events such as manmade or natural disasters or in emergencies, in order to save lives and protect the public health. The City of McAllen, Weslaco, Harlingen, Brownsville and Pharr would also receive the same monitor as part of the Regional Haz-Mat Response Teams

Staff and City Manager recommended approval.

Councilwoman Garza moved to authorize to enter into a memorandum of understanding between the City of Mission and the Lower Rio Grande Valley Development Council for the use of RAD-57 monitoring. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.25 Authorization to apply for a grant through Fire House Subs Public Safety Foundation

The Mission Fire Departments was seeking authorization to submit a grant to Fire House Subs Public Safety Foundation for six (6) (AED's) automated external defibrillators at a cost of \$1,350.00 each for a total of \$8,100.00 there was no matching funds required. This AED's were assigned to each fire station and command unit and used when staff was dispatched to a call of a

heart attack situation. Four (4) of the current ones that staff had would no longer be supported by manufacturer due to the new technology.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to apply for a grant through Fire House Subs Public Safety Foundation. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.26 Authorization to extend the contract with Mission Paving Co. for the TDRA Street Improvement Grant Project

Staff was requesting authorization to extend the contract with Mission Paving Co. for the TDRA Street Improvement Grant Project for an additional 90 calendar days. The extension was required due to the unanticipated pending drainage improvements that would intersect with a portion of 1st Street between Conway and Mayberry. The only section that needed to be completed for the TDRA Street Improvement Project was 1st Street from Conway to Bryan Road.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to extend the contract with Mission Paving Co. for the TDRA Street Improvement Grant Project. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.27 Approve and ratify Resolution # 1272 on Notice of Intent to issue Certificates of Obligation

To clarify that the Certificates of Obligation included \$1,000 pledge from the City's waterworks and sewer system.

Staff and City Manager recommended approval.

Councilman Plata moved to approve and ratify Resolution No. 1272 on Notice of Intent to issue Certificates of Obligation. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

RESOLUTION 1272

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

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

None

At 5:31 p.m., Councilman Plata moved to convene into executive session. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

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

7.1 Private consultation with the City Attorney Sec. 551.071

- A. Jaime Garza et al, vs City of Mission et al**
- B. Claim regarding mowing lien on 5.25 Ac. out of Lot 24-2 WAS**
- C. Claim by Clarissa Y. Martinez regarding driveway repair at 1805 Highland Park**

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

At 6:00 p.m., Councilwoman Ramirez moved to reconvene in open session. Motion was seconded by Councilman Plata and approved unanimously 4-0.

On item 7.1-A, Councilman Plata moved to approve to hire the law firm of Willette and Guerra to represent the City and the City Council. Motion was seconded by Councilwoman Ramirez and approved 4-0.

On item 7.1-B, Councilwoman Garza moved to authorize City Manager to settle the claim by releasing the liens on the mentioned property. Motion was seconded by Councilman Plata and approved 4-0.

On item 7.1-C, Councilwoman Ramirez moved to authorize the settlement of the claim in an amount of \$2,832 upon receiving a release. Motion was seconded by Councilman Plata and approved 4-0.

8.0 Adjournment

At 6:03 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary