

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
AUGUST 8, 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:

Jim Brunson, Progress Times
Gail Burkhardt, The Monitor
Shaine Mata
Mario Lizcano
John Ebner
Melvin Thompson
Mayra Rangel
Jorge & Soledad Gonzalez
April Chapa
Gloria Cavazos Davila
Richard Perez
Fred Kurth
Pete Jaramillo
Matt Ruszczak
Sandra Veccio
Alex Meade

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Sonia Carnes, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Alex Hernandez, Planning Dept.
Bobby Salinas, Planning Dept.
Roberto Salinas, Public Works Director
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Rick Saldana, Fire Chief
Eduardo Belmarez, Purchasing Director
Leo Longoria, Chief of Police
Robert Dominguez, Asst. Chief of Police
Martin Garza, Asst. Chief of Police
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
Belinda Garza, Library
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. Presentation by the Mission Allstars Triple Threat

Mission Allstars Triple Threat team players along with their coaches thanked the Mayor and council for their support during the competition held in Round Rock, Texas.

4. Departmental Reports

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

5. 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 upcoming events to include the Buenas Tardes Luncheon, Financial Workshops, and Texas Friendly Certification.

6. Citizens Participation

Alex Meade, MEDC Executive Director reported on the ICSC Hispanic Conference held last week in San Antonio, Texas.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: the North 158' of the East 256' out of Lot 17-2, West Addition to Sharyland Subd., AO-I to R-1, Jorge & Soledad Gonzalez

The subject site was located 300' south of Industrial Way along the west side of Los Ebanos Road. The surrounding zones included Light Industrial (I-1) to the north; Single Family Residential (R-1) to the east; Agricultural Open Interim (AO-I) to the west and south. The surrounding land uses included Commercial Business (Sheds by George) on the north; Single Family Residential Neighborhood to the east; Open Acreage to the west and south. The FLUM showed a Moderate Density (MD) designation. There was an existing home on the property, which the applicant desired to remodel. In this regard, the lending company insisted that the property be residentially zoned first. R-1 would not be detrimental to the general area. There was no public opposition during the 7/27/11 P&Z's hearing. The P&Z unanimously recommended approval.

Staff, P & Z and City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Leo Olivarez moved to approve Rezoning: the North 158' of the East 256' out of Lot 17-2, West Addition to Sharyland Subd., AO-I to R-1 as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

At 4:44 p.m., Councilman Ruben Plata joined the meeting.

B. Conditional Use Permit: Sale and On-Site Consumption of Alcoholic Beverages – Shotz Bar and Grill, 2530 E. Griffin Parkway, Suite “C”, Lot 12, Sharyland Plaza Subd., C-3, Life of Use, Aurelio Garza

The subject site was located approximately 200’ east of Hackberry along the south side of Griffin Parkway. A CUP for the sale of alcohol was previously approved by the City Council at this site on 1/25/10 when it was in operation under Mr. Otoniel Martinez; however, Shotz had been closed since October 2010. Now, Mr. Garza wished to re-open the establishment. Mr. Garza would not have a full menu; however, would be offering such finger foods as wings, panchos, etc. He also mentioned that he may offer burgers in the future.

- Hours of Operation: Monday through Sunday from 3:00 p.m. to 2:00 a.m. Alcoholic beverages would only be served during allowable State selling hours.
- Staff: 10 employees
- Parking: Viewing the floor plan, the building had a total of 109 seating spaces, which required 36 parking spaces (109 seats/1 space for every 3 seats = 36.3 parking spaces). It was noted that the parking area was held in common and was shared with other businesses.
- Section 1.56-2 of the Zoning Code cites that ‘Bars’ must be 300’ from the nearest residence, church, school, or publicly owned property. There was a residential subdivision located within 300’; FYI, P&Z and the Council waived this separation requirement in the CUP’s previous approval.
- Noise: In speaking to the applicant there would be certain nights where there may be a D.J. or Karaoke. The applicant must comply with the noise code. If there are unresolved noise issues, Staff would approach the applicant to induce full compliance.
- Planning asked PD for a report of incidents (if any) and Assistant Chief Martin Garza mentioned a complaint of a lost wallet back on 4/25/09; other than that, no other complaints had been reported.

There was no public opposition during P&Z’s 7/27/11 official hearing. P&Z unanimously recommended approval for 6 months and re-evaluate at that time.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation to assess this new operation, 2) no objection to waiving the 300’ separation requirement, 3) must comply with the noise code, 4) obtain a business license, and 5) remove non-conforming sign (unless already done so).

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 Ramirez moved to approve Conditional Use Permit: Sale and On-Site Consumption of Alcoholic Beverages – Shotz Bar and Grill, 2530 E. Griffin Parkway, Suite “C”, Lot 12, Sharyland Plaza Subd., C-3 subject to a 1 year re-evaluation. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

C. Discussion and Action on Proposed Ord. #3663 to Prohibit Recreational Vehicles (RVs) 34' or longer from parking on front yard/driveways of properties zoned Single Family Residential (R-1)

On July 11, 2011, the City Council held a public hearing to consider whether or not RVs parked on R-1 zoned properties should be allowed or not. The City Council decided to remand this item back to the P&Z Commission to also include other residential zones such as the Large Lot Single Family Residential (R-1A) district, the Townhouse (R-1T) district, the Duplex-Fourplex (R-2) district, and the Multi-Family (R-3) Residential district.

A week later, on July 18, 2011, Planning Director Sergio Zavala was instructed by Management to only pursue the RV parking regs to the R-1 district as we had before but to only prohibit the larger-type of RVs such as those 34' and above. In other words, the smaller RVs would still be permitted to be parked on their front driveway.

The intent of this hearing was to consider the following revised code as directed by Management: There was to be no consideration to widen the scope of the RV regs at this time. The proposed code would only be under R-1 to add Section 1.371-4 (d):

Prohibited Uses:

(d) A recreational vehicle, which includes travel trailers, pickup coaches, motor homes, dependent trailers, or self-contained trailers, that are 34' or longer shall not be parked or stored within the front yard area inclusive of any paved driveway; it is further asserted that such recreational vehicles shall not be parked alongside any public or private street unless it is for temporary loading and unloading which must be completed within 48 continuous hours.

What was being promoted by the above amendment was to promote R-1's aesthetics and was purely a quality of life. There was public opposition during P&Z's 7/27/11 official hearing. P&Z unanimously recommended denial.

City Manager recommended approval.

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

Mr. John Ebner of 2407 Mimosa spoke against the request and explained how this was going to affect him.

Mr. Melvin Thompson of 1604 E. 24th ½ St. also spoke against the request, even though the ordinance did not affect him at this time.

City Attorney David Guerra recommended Mayor and council to go into executive session if they weren't going to act on what P&Z did, prior to taking any final action on this item in open session.

Ms. Sandra Vecchio of 1711 Terrace voiced her concern and wanted to make sure this ordinance would not affect her subdivision.

Mayor Salinas affirmed that this ordinance would only affect the R-1's (small 50' x 100' lots) and not the larger lots.

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At 5:02 p.m., Mayor Salinas called for an executive session on this item and other items included in the agenda, subject to V.T.C.A. Gov. Code Sec. 551.001, Councilman Plata moved to convene into executive session. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

At 5:34 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

Councilwoman Ramirez moved to adopt Ordinance No. 3663 to prohibit recreational vehicles (RVs) 34' or longer from parking on front yard/driveways of properties zoned Single Family Residential (R-1). Motion was seconded by Councilman Plata and approved 4-1 with Mayor Pro Tem Olivarez dissenting.

ORDINANCE NO. 3663

AN ORDINANCE TO PROHIBIT RECREATIONAL VEHICLES FROM BEING PARKED AND/OR STORED ON THE FRONT YARD/DRIVEWAYS OF PROPERTIES ZONED SINGLE FAMILY RESIDENTIAL; AND PROVIDING FOR A PUBLICATION PROVISION

D. Public Hearing on FY 2011-2012 preliminary Budget and possible action

The City's preliminary budget for FY 2011-2012 was presented on Monday, July 25, 2011.

This was the opportunity for citizens to speak on the preliminary budget.

Mayor Salinas asked if there were any questions on the preliminary budget.

There were no comments.

No action was taken on this item; this was only a public hearing.

At 5:37 Mayor Salinas asked to go to item 4.20 of the agenda.

2.0 Disposition of Minutes

2.1 City Council Meeting – July 25, 2011

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

3.0 Acknowledge Receipt of Minutes

3.1 Civil Service Commission – June 10, 2011

Mission Economic Development Corporation – June 21, 2011

Planning and Zoning Commission – July 13, 2011 and Special Meeting July 20, 2011

Councilwoman Garza 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. #3664 for Rezoning the North 158' of the East 256' out of Lot 17-2, W.A.S. Subd., from AO-I to R-1

Staff and City Manager recommended ordinance approval.

Councilwoman Garza moved to approve Ordinance No. 3664 for rezoning the North 158' of the East 256' out of Lot 17-2, W.A.S. Subd., from AO-I to R-1. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3664

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING THE NORTH 158' OF THE EAST 256' OUT OF LOT 17-2, WEST ADDITION TO SHARYLAND SUBDIVISION, FROM AO-I TO R-1

4.2 Adoption of Ord. #3665 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Shotz Bar and Grill, 2530 E. Griffin Parkway, Suite “C”, Lot 12, Sharyland Plaza Subd.

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Olivarez moved to approve Ordinance No. 3665 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Shotz Bar and Grill, 2530 E. Griffin Parkway, Suite “C”, Lot 12, Sharyland Plaza Subd. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3665

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 – SHOTZ BAR & GRILL, 2530 E. GRIFFIN PARKWAY, SUITE “C”, LOT 12, SHARYLAND PLAZA SUBDIVISION

4.3 Final Plat Approval: Eduardo’s No. 10 Subdivision, 50.719 ac. Tract being all of Lots 67 & 68, Block 2, and a portion of Lot 65 & 66, Block 3, La Homa Ranch Citrus Groves Unit No. 1, Rural ETJ Developer: Aniceto Izaguirre Engineer: Izaguirre Engineering Group, Inc.

On February 28, 2011, the City of Mission City Council approved the preliminary plat of Eduardo’s No. 10 Subdivision located approximately $\frac{3}{4}$ of a mile south of Mile 7 (FM 492) along the east side of La Homa Road allowing the developer to proceed with the construction of the infrastructure – the improvements had been completed and approved by County of Hidalgo.

To summarize, the Rural ETJ plat consisted of 84 lots, where each lot met or exceeded the County’s typical $\frac{1}{2}$ acre requirement. All lots front 50’ ROW 32’ B/B paved streets built to the County’s construction specifications also providing a street stub to the south (Las Mitras St.) for future developments. Drainage for the subdivision was provided through the use of swales located in the rear of each lot as approved by Hidalgo County Drainage District #1 (12-10-10). The lots were served via a 6” SWSC water lines and individual on-site sewage facilities (OSSF) of a standard design septic tank and drain field on each lot. This area was not within the City of Mission’s Sewer CCN. (Note: Mission sewer is 2.23 miles away).

Since the Rural ETJ plat met prevailing subdivision regulations and construction standards, it was now ready for Final Plat Approval.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Final Plat Approval: Eduardo's No. 10 Subdivision, 50.719 ac. Tract being all of Lots 67 & 68, Block 2, and a portion of Lot 65 & 66, Block 3, La Homa Ranch Citrus Groves Unit No. 1, Rural ETJ as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.4 Appointment of City Representative and Alternate to serve on the Board of Directors for Amigos Del Valle for 2011-2012

On an annual basis the City of Mission appoints a City Representative and Alternate to serve on the Amigos del Valle board. The Term of this appointment is from October 1, 2011 thru September 30, 2012.

Amigos Del Valle was requesting the appointment of a representative and alternate for Fiscal Year 2011-12.

The current Board Representative was Councilwoman Norie Gonzalez Garza and the Alternate was Deputy City Manager Aida Lerma. Mayor Norberto Salinas serves as Member Emeritus.

Staff and City Manager recommended approval of appointment of city representative and alternate.

Councilman Plata moved to approve appointment of Councilwoman Norie Gonzalez Garza as city representative and Deputy City Manager Aida Lerma as alternate to serve on the Board of Directors for Amigos Del Valle for 2011-2012. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.5 Approval of Ord. #3666 granting a wet designation for 100 West Expressway 83, Walgreens

Owner was requesting the above mentioned property be wet zoned for Wine and Beer Retailer's Off-Premise Permit.

Staff and City Manager recommended ordinance approval.

Councilwoman Garza moved to approve Ordinance No. 3666 granting a wet designation for 100 West Expressway 83, Walgreens. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3666

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 100 W EXPRESSWAY 83

4.6 Authorize City Manager to engage IKON Office Solutions, Inc. for professional services to perform Document imaging for Vital Statistics Department

IKON Office Solutions, Inc. would assist in document scanning of birth and death records for the Vital Statistics Department for the preservation of vital records. Services would be performed onsite.

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As per Texas Administrative Code Chapter 25, Section §181.23(a) The Local Registrar is responsible for preserving the vital records. Birth, death and fetal death certificates are permanent records. Local registration officials shall establish and maintain an index of all vital records filed within their local registration area.

This would allow the Vital Statistics Department to be in compliance with State requirements to have three versions of vital records. Approximately 60,000 documents would be scanned into the Fortis System. Estimated time for completion of the project was 4 months at a cost of \$4,200 per month.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize City Manager to engage IKON Office Solutions, Inc. for professional services to perform Document imaging for Vital Statistics Department. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.7 Approval of Memorandum of Understanding with Mission Consolidated School District in regards to the use of the Shary Municipal Golf Course

The City of Mission and Mission CISD have developed a memorandum of understanding where the parties agreed to the following:

- CITY agreed to:
 - Provide an area designated under the Shary Municipal Golf Course Clubhouse for the storage of Golf Clubs and Bags which could be secured.
 - Golf Course Employees would not have access to unlock storage area.
 - Cage would be open from 7:00 a.m. to closing of the clubhouse.

- Mission CISD agreed to:
 - Only school coaches would have key to access cage area.
 - Ensure no student was allowed in area without a coach present.
 - Informing students and parents that only the coach had a key and golf course employees did not have access to area.
 - School would indemnify and hold golf course harmless, to the extent permitted by law, from injury and/or damage (any resulting or related claim, action, loss, liability, or reasonable expense, including attorney's fees and other fees and court and other costs) occurring as a result of such storage. Nothing in this agreement would be construed to waive, modify, or amend and legal defense available to MCISD, including but not limited to governmental immunity.

- The MOU would be effective August 22, 2011.

Staff and City Manager recommended approval of Memorandum of Understanding.

Councilman Plata moved to approve the Memorandum of Understanding with Mission Consolidated School District in regards to the use of the Shary Municipal Golf Course. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.8 Approval of Memorandum of Understanding with Sharyland School District in regards to the use of the Shary Municipal Golf Course

The City of Mission and Sharyland ISD have developed a memorandum of understanding where the parties agreed to the following:

- CITY agreed to:
 - Provide an area designated under the Shary Municipal Golf Course Clubhouse for the storage of Golf Clubs and Bags which could be secured.
 - Golf Course Employees would not have access to unlock storage area.
 - Cage would be open from 7:00 a.m. to closing of the clubhouse.

- Sharyland ISD agreed to:
 - Only school coaches would have key to access cage area.
 - Ensure no student was allowed in area without a coach present.
 - Informing students and parents that only the coach had a key and golf course employees did not have access to area.
 - School would indemnify and hold golf course harmless, to the extent permitted by law, from injury and/or damage (any resulting or related claim, action, loss, liability, or reasonable expense, including attorney's fees and other fees and court and other costs) occurring as a result of such storage. Nothing in this agreement would be construed to waive, modify, or amend and legal defense available to MCISD, including but not limited to governmental immunity.

- The MOU would be effective August 22, 2011.

Staff and City Manager recommended approval of Memorandum of Understanding.

Councilman Plata moved to approve the Memorandum of Understanding with Sharyland School District in regards to the use of the Shary Municipal Golf Course. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

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

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

Staff and City Manager recommended approval.

Councilman Plata 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 Councilwoman Ramirez and approved unanimously 5-0.

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

Approval to enter Interlocal Agreement between City of Mission and Sharyland ISD to jointly undertake the youth services of Mission Boys & Girls Club at Martinez & Jensen Elementary where it provides after school programs for the area youth.

Staff and City Manager recommended approval.

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

4.11 The Mission Police Department is requesting authorization to re-enter into a Inter-local Agreement for the G.R.E.A.T. Program between the City of Mission and the Mission Consolidated Independent School District for the 2011-2012 school year

The Mission Police Department was requesting authorization to re-enter into a Inter-local Agreement for the G.R.E.A.T. Program between the City of Mission and the Mission Consolidated Independent School District for the 2011-2012 school year. The contract was for the delivery of services by the Mission Police Department to Mission CISD through the G.R.E.A.T. Officer Program. A total of four (4) police officers would be assigned to the school district during the school year to deliver the G.R.E.A.T curriculum to elementary students, junior high students, and to parents. The total amount of the Inter-local agreement was \$205,033.00. Staff was recommending a favorable recommendation for the purpose of continuing the G.R.E.A.T. Program at Mission CISD.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize the Mission Police Department to re-enter into a Inter-local Agreement for the G.R.E.A.T. Program between the City of Mission and the Mission Consolidated Independent School District for the 2011-2012 school year. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.12 The Mission Police Department is requesting authorization to re-enter into a Inter-local Agreement for the Educational Resource Officer Program between the City of Mission and the Mission Consolidated Independent School District for the 2011-2012 school year

The Mission Police Department was requesting authorization to re-enter into a Inter-local Agreement for the Educational resource Officer Program between the City of Mission and the Mission Consolidated Independent School District for the 2011-2012 school year. The contract was for the delivery of services by the Mission Police Department to Mission CISD through the Educational Resource Officer Program. A total of nine (9) police officers would be assigned to the school district during the school year to provide police services through the Educational Resources Officer Program. The total amount of the Inter-local agreement was \$444,667.00. Staff was recommending a favorable recommendation for the purpose of continuing the Education Resource Officer Program at Mission CISD.

Staff and City Manager recommended approval.

Councilwoman Garza moved to authorize the Mission Police Department to re-enter into a Inter-local Agreement for the Educational Resource Officer Program between the City of Mission and the Mission Consolidated Independent School District for the 2011-2012 school year. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.13 Authorization to solicit bids for the purchase and delivery of Athletic League Uniforms for the Boys and 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 and City Manager recommended approval.

Councilwoman Garza moved to authorize to solicit bids for the purchase and delivery of Athletic League Uniforms for the Boys and Girls Club. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.14 Approval of Ordinance #3667 of the City Council of the City of Mission, Texas amending section 114-54 of its Code of Ordinances; amending customer classes; eliminating the “Outside” and “Other” City sewer rate, and providing for the method of calculating sewer charges; establishing a monthly minimum sewer charge; and providing for an effective date

The City’s Sewer Rate Ordinance provides for both an “Inside” and “Outside” the city rate. The “Inside” the city rate is a base rate of \$7.95 and a volumetric charge of \$1.45 per thousand gallons of water billed. The “Outside” the city rate is a base rate of \$10.95 and a volumetric charge of \$2.15 per thousand gallons of water billed. The amendment would provide for the “Inside” the city rate to be used to calculate and charge all users of the City of Mission sewer system.

Staff and City Manager recommended ordinance approval.

Mayor Salinas clarified that the citizens that live outside city limits don’t have a choice for a second water meter that is used to water their lawns and helps keep the sewer rate from increasing drastically every year; and that this was the reason why this ordinance was been implemented to help them with their sewer rates.

Councilman Plata moved to approve Ordinance No. 3667 of the City Council of the City of Mission, Texas amending section 114-54 of its Code of Ordinances; amending customer classes; eliminating the “Outside” and “Other” City sewer rate, and providing for the method of calculating sewer charges; establishing a monthly minimum sewer charge; and providing for an effective date. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO.: 3667

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
AMENDING SECTION 114-54 OF ITS CODE OF ORDINANCES; AMENDING
CUSTOMER CLASSES; ELIMINATING THE “OUTSIDE” AND “OTHER” CITY SEWER
RATE,; PROVIDING FOR THE METHOD OF CALCULATING SEWER CHARGES;
ESTABLISHING A MONTHLY MINIMUM SEWER CHARGE; AND PROVIDING FOR AN
EFFECTIVE DATE

4.15 Discussion and action on proposed 2011 Tax Rate and Take Record Vote

In accordance with the Texas Property Tax Code, Mission's 2011 effective tax rate of .5588/\$100 was published on August 5, 2011.

If the proposed 2011 tax rate exceeds the effective rate of .5588 or the rollback rate of .7246, whichever was lower, the governing body must vote to place a proposal to adopt the rate at a future meeting.

Staff and City Manager recommended approval of proposed tax rate.

Mayor Salinas proposed a property tax rate of .5388 for 2011 which indicated lowering the taxes by two cents from the effective tax rate of .5588; he also mentioned a 3% pay increase for employees across the board.

Mayor Salinas moved to approve the proposed .5388 Tax Rate. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

There was a unanimous record vote by the council to approve the proposed tax rate at .5388.

4.16 Schedule public hearings on 2011 proposed tax rate

No action was taken on this item.

At 6:17 p.m. Councilwoman Garza stepped out of the meeting.

4.17 Approval of Interlocal Agreement between Hidalgo County Drainage District No. 1 and the City of Mission

Hidalgo County Drainage District and City desire to cooperate in making needed drainage improvements to the Mission Lateral drainage ditch and the Mission Stub drain ditch to consist of cleaning and excavating the Mission Lateral ditch from Bentsen Road west approximately two (2) miles and to clean and excavate the Mission Stub drain ditch from Expressway 83 to the Mission Inlet these improvements would improve drainage in this area.

The Drainage District shall perform the Mission Lateral Work and the Mission Stub Work in accordance with engineering plans and specifications procured by the Drainage District at the Drainage District's cost and expense.

City would remove and dispose of all excavated material generated by the Drainage District in performing the Mission Lateral Work and the Mission Stub Work at City's cost and expense.

City Manager recommended approval of Interlocal Agreement.

Mayor Salinas recommended the City Manager to write a letter to the County Commissioner advising that he would like to help, but the drainage belongs to the county and it's their responsibility to maintain and operate this project at 100%.

Councilman Plata moved to deny the Interlocal Agreement between Hidalgo County Drainage District No. 1 and the City of Mission. Motion was seconded by Councilwoman Ramirez and denied unanimously 4-0.

4.18 Award bid for TDRA Supplemental Recovery Grant Project – Street Improvements Amendment

On December 20, 2010, City Council authorized staff to solicit bids for TDRA Supplemental Recovery Grant Project – Street Improvements Amendment. The City of Mission had accepted and opened seven (7) bid responses for this project. Staff along with Camacho-Hernandez &

Associates, Project Engineers, recommended awarding to the low bidder meeting all specifications, terms, and conditions, Rojas Heavy Equipment, LLC (dba Rojas Construction & Paving) for a total overall cost of \$434,080.00. The following are the streets for this project:

- 2½ Street from San Antonio Ave. to Toledo Ave.
- 4th Street from San Antonio to Glasscock Rd.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve to award bid for TDRA Supplemental Recovery Grant Project – Street Improvements Amendment. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.19 Authorization for the acceptance of final completion of Fire & Police Substations located at South Glasscock and Military Road

Staff was recommending the acceptance of final completion of the Police/Fire Substation located at 2801 East Military Road.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize the acceptance of the final completion of Fire & Police Substations located at South Glasscock and Military Road. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.20 Award contracts for Employee Health Benefits and authorize City Manager to execute contracts incident thereto

On April 25, 2011, City Council authorized staff to solicit Request for Proposals (RFP's) for Employee Insurance Benefits (i.e., Third Party Administrator (TPA) services, PPO Network, PBM, Stop Loss carrier, Section 125 Administrator, fully insured dental, Life, AD&D, & Long-term Disability).

Numerous proposals were submitted (12-Medical, 10-Stop Loss, 8-Dental, & 9-Life/AD&D/LTD) & opened on June 27, 2011. The Health Benefits Review Committee comprised of the Deputy City Manager Sonia Carnes, H.R. Director, Purchasing Director, Fire Chief, and Police Chief evaluated all proposals submitted. All proposals were evaluated on set criteria outlined in the RFP. In the case of the TPA proposals, 6 vendors were short-listed for interview and those vendors underwent a finalist interview on July 22, 2011.

After careful evaluation and assessment, the Health Benefits Review Committee deemed that the following recommendation(s) for award would be the best and most advantageous to the City of Mission as per Local Government Code 252.043(h), "Award of Contract":

- Third Party Administrator, PPO Network, PBM, Section 125 Administrator – Blue Cross Blue Shield
- Stop Loss Administrator/Carrier – Blue Cross Blue Shield / ING
- Fully Insured Dental – Ameritus (Ameritus Agent Pete Jaramillo)
- Life, AD&D, & LTD - Lincoln Financial

Staff and City Manger recommended approval.

Mayor Salinas emphasized that he wanted to make sure the Health Benefits Review Committee's recommendation was in the best interest to the employees and not the city's, also that the city was still going to be subsidizing part of the family and dependents insurance.

Councilwoman Garza moved to approve to award contracts for Employee Health Benefits and authorize City Manager to execute contracts incident thereto as recommended by staff. Motion was seconded by Councilman Plata and approved unanimously 5-0.

At 5:53 Mayor asked to continue with item 2.1 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. City of Mission/Mission Economic Development Corporation v Mission Economic Development Authority, Inc.**
- B. Claim by Evangelina Garcia**
- C. Construction contract with Topcon, Inc. for Park Improvements**

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

At 5:34 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

On item 7.1-A, no action was taken.

On item 7.1-B, Councilwoman Garza moved to authorize City Manager to settle claim by Evangelina Garcia in the amount of \$150.01. Motion was seconded by Councilman Plata and approved unanimously 5-0.

On item 7.1-C, no action was taken.

8.0 Adjournment

At 6:23 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