

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
FEBRUARY 27, 2012 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
Ricardo Perez, MEDC Consultant
Maxilou Link
Jose Aguilar
Valente Olivarez Jr.
Juan Garcia
Cathy Garcia
Sandra Vecchio
Matt Ruszczak, CEO, Chamber of Commerce
Daniel Silva, MEDC

STAFF PRESENT:

Carmen Morales, Administrative Asst.
Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Sonia Carnes, Deputy City Manager
Sergio Zavala, Planning Director
Alex Hernandez, Planning Dept.
Joanne Longoria, CDBG Director
Roberto Salinas, Public Works Director
Paul Schaefer, Golf Course Director
Gilbert Sanchez, Fire Marshal
Rick Saldana, Fire Chief
Eduardo Belmarez, Purchasing Director
Martin Garza, Interim 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
Belinda Garza, Library Manager

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:35 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. Proclamation - NEA's Read Across America

City Secretary Anna Carrillo read the proclamation for NEA's Read Across America.

Mayor Pro Tem Leo Olivarez moved to approve the proclamation as presented. Motion was seconded by Councilman Ruben D. Plata and approved unanimously 4-0.

4. Proclamation – Shriners and IHOP'S National Pancake Day for Children

Mrs. Carrillo read the proclamation for Shriners and IHOP'S National Pancake Day for Children.

Paul Underwood, Jim Fox and Gilbert Medina received the proclamation.

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

5. Departmental Reports

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

6. Presentation by TxDOT on Bryan Road Bridge Demolition

Engineer Valente Olivarez Jr. gave a presentation on the status of the Bryan Road Bridge Demolition. He explained the dates, times and sections of the demolition project to begin on March 7, 2012 with the demolition expected to be completed in 6 days.

At 4:45 p.m., Councilwoman Norie Gonzalez Garza joined the meeting.

7. Report from the Greater Mission Chamber of Commerce

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on the recent chamber events that had recently taken place and on a successful Small Business Seminar, Heroes Opportunities Fair, American Advertising Foundation and Winter Texan Fiesta, he also thanked the Police Department, Fire Department and Parks and Recreation for their help with the Winter Texan Fiesta.

8. Citizens Participation

None

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: Lot 85, Inspiration Manor Subdivision, R-4 to R-1, Brenda Garcia

The subject site was located 200' north of Leandro Street along the east side of Inspiration Road. The site's dimensions exceeded R-1 (inner lot) area requirements where the subject lot was 97.03' wide x 168.87' in depth or 16,296 sq. ft. (Note: Min. R-1 is 60' width; 100' depth; 6,000 sq. ft.).

The surrounding zones included Agricultural Open Interim (AO-I) to the north; Mobile and Modular Home (R-4) to the east and south; and Single Family Residential (R-1) to the west. The

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surrounding land uses consisted of single family homes to the west and north, and mobile homes to the east and south. The subject site currently had a weathered mobile home. The Future Land Use Map reflected a Moderate Density (MD) designation.

R-1 was within the FLUM parameters of the MD designation. R-1 seemed reasonable due to the following:

- Since the perimeter lot fronts Inspiration Road, it didn't 'mingle' significantly to the rest of the mobile home development.
- Exceeded the minimum R-1 lot dimensions of 60' X 100'.
- There was existing single family homes adjacent to the north and west of the lot.
- A single family residence tended to increase in value and should thus be beneficial to the general area.

There was no public opposition during the 2/8/12 P&Z's hearing. P&Z unanimously recommended approval.

Staff and City Manager recommended approval.

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

There were no comments.

Councilwoman Ramirez moved to approve the Rezoning: Lot 85, Inspiration Manor Subdivision, R-4 to R-1 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

B. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – La Fogata, 300 N. Shary Road, being Lot 1, El Lugar Subdivision, C-3, La Fogata

The site was located 1/3 mile north of Expressway 83 along the east side of Shary road. La Fogata was a family oriented Mexican restaurant and bar. La Fogata's business license, which included a bar area, was acquired on 1/24/11, and was now seeking renewal of their CUP.

- Hours of Operation: Mondays – Saturdays from 7:00 a.m. to 12:00 a.m., and Sundays from 7:00 a.m. to 10:00 p.m.
- Staff: 114
- Parking: The existing 21,553 sq.ft. building had a grand total of 357 seating spaces which required 119 parking spaces (357/3 seats). There were a total of 168 parking spaces exceeding code by 49 spaces.
- Section 1.56-3 of the Zoning Code cites that "Bars" must be 300' from the nearest residence, church, school, or publicly owned property. There was one single family home and several mobile homes within 300'; however, P&Z and the Council waived this separation requirement in the CUP's previous approval, and there hadn't been any complaints related to the alcohol's use.

The Mission PD reviewed the records on La Fogata and there were no incidents regarding the bar/alcohol use. There was no public opposition during 2/8/12 P&Z's hearing. P&Z unanimously recommended approval as per staff's recommendation.

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Staff Recommendation: Approval subject a 13 month re-evaluation inclusive of waiving the 300' separation.

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 the Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – La Fogata, 300 N. Shary Road, being Lot 1, El Lugar Subdivision, C-3 as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

2.0 Disposition of Minutes

2.1 City Council Meeting – February 13, 2012

City Attorney David Guerra addressed the Mayor and Council to advise them of the correction that was made on page 60 of the minutes.

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

3.0 Acknowledge Receipt of Minutes

3.1 Speer Memorial Library Board – December 20, 2011

Boys & Girls Club of Mission – January 12, 2012

Planning and Zoning Commission – January 25, 2012

Shary Golf Advisory Board – January 10, 2012

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

4.0 Approvals and Authorizations

4.1 Approval of Ordinance # 3744 for Rezoning Lot 85, Inspiration Manor Subdivision, from R-4 to R-1

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt Ordinance No. 3744 for Rezoning Lot 85, Inspiration Manor Subdivision, from R-4 to R-1 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3744

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING TO LOT 85, INSPIRATION MANOR SUBDIVISION, FROM R-4
TO R-1

4.2 Approval of Ordinance # 3745 for Conditional Use Permit for the Sale & On-Site Consumption of Alcoholic Beverages – La Fogata at 300 N. Shary Road, being Lot 1, El Lugar Subdivision

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Olivarez moved to adopt Ordinance No. 3745 for Conditional Use Permit for the Sale & On-Site Consumption of Alcoholic Beverages – La Fogata at 300 N. Shary Road, being Lot 1, El Lugar Subdivision as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

ORDINANCE NO. 3745

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 AT LA FOGATA, 300 N. SHARY ROAD, BEING LOT 1, EL LUGAR SUBDIVISION

4.3 Request for Direction to Initiate ‘Squaring off’ Annexations to Properties Described as Lots 1-6, BK 1; Lots 1-6, BK 3; Part of Lot 7, BK 5; Part of Lot 1, Lot 3, Part of Lot 4, & Lots 5-8, BK 7; Bk 9; and Eastern Part of BK 11, Del Monte Orchards Company Subdivision No. 1

This was an information item where Staff was seeking direction.

The areas of possible annexation included 155.66 acres of which 19.21 acres were voluntary. The area marked as Tract A was at the SW juncture of Bus. HWY 83 & Schuebach; and the area of Tract B was at the western alignment of Mile One South Road & Schuerbach (95.31 acres).

There was an irregular area annexed in 2003 that bordered the 2 Tracts. The area was predominantly vacant and un-developed. It seemed reasonable to have had the city have full jurisdiction on both sides of the street.

At this time, Staff was seeking direction on whether to initiate annexation to both Tracts to thus ‘square off’ our city limits along Schuerbach Road.

Staff noted that Mission’s last annexation was on May 26, 2010.

Staff and City Manager recommended approval.

Councilwoman Garza moved to authorize to Initiate ‘Squaring off’ Annexations to Properties Described as Lots 1-6, BK 1; Lots 1-6, BK 3; Part of Lot 7, BK 5; Part of Lot 1, Lot 3, Part of Lot 4, & Lots 5-8, BK 7; Bk 9; and Eastern Part of BK 11, Del Monte Orchards Company Subdivision No. 1 as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.4 Request by Agape Christian School to Install a Temporary Banner Sign on City Fence on Street Right-of-Way at the NW corner of Stewart Road & 24th Street

Agape Christian School desired to have a temporary sign on the City’s perimeter chain link fence at the NW corner of Stewart Road/24th Street. The banner sign reflected the private school’s

desire to 'register' for the subsequent school year thus would be on the fence until the end of May 2012. The sign was sized at 3' wide by 6' in length.

Staff did not object to the banner sign since it would be temporary, and would not create a sight obstruction. Via typical policy, a hold harmless document should be signed.

Staff Recommendation: Approval subject to a hold harmless document being signed/recorded.

City Manager recommended approval.

Councilman Plata moved to approve Request by Agape Christian School to Install a Temporary Banner Sign on City Fence on Street Right-of-Way at the NW corner of Stewart Road & 24th Street as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.5 Approval of the Planning Department's Population Determination for 2011 as it Relates to any Potential Increase to the Number of Wrecker Companies and Taxicabs Serving the City

Pursuant to Sec. 118-85 (b) of the Vehicles for Hire Code on Wreckers, & Ordinance #3313 for taxicabs, the Planning Department was required to annually estimate the City's population for the previous year in order to monitor the number of wrecker companies and taxicabs that could be authorized to work in the City of Mission.

As you may recall, the U.S. Census Bureau provided Mission with 77,058 population via the 10-year census – this was the 'recognized' population last year for 2010. With this base figure and calculating the population influx via new dwellings, mobile homes, apartments, annexations if any, etc. Planning believed that an accurate estimate at the end of 2011 was 79,097 (+2039 population increase).

The population noted above would not induce the increase to the # of wreckers since the current 'permitted' number was 11 (NOTE: wreckers were increased in 10,000 pop increments; thus, once Mission was at 120,000 in population, then 1 additional wrecker could be permitted).

The population noted above would not induce the increase to the # of taxis since the current 'permitted' number was 4 (NOTE: taxicabs were increased in 20,000 pop increments or "major fraction" thereof; thus, once Mission was at 90,000 in population, then 1 additional taxicab could be permitted. i.e., 90,000 divided by 20,000 increment = 4.5 which was then rounded off to 5).

At this time, Planning deemed that Mission's estimated population at the end of 2011 was 79,097.

Staff Recommendation: Approve the 2011 population estimate of 79,097.

City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Planning Department's Population Determination for 2011 as it relates to any Potential Increase to the Number of Wrecker Companies and Taxicabs Serving the City as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.6 January 2012 Financial Statements

Finance Director Janie Flores presented the January 2012 Financial Statements for approval.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve the January 2012 Financial Statements. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.7 Tax Collections Report – January, 2012

Mrs. Flores presented the Tax Collections Report for January, 2012 for approval.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Tax Collections Report for January, 2012. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.8 Budget Amendments: General Fund, Utility Fund, Drainage Assessment Fund, Designated Purpose Fund and Park Dedication Fund

Mrs. Flores presented the budget amendments BA–2012-21 thru BA–2012-25 to the City Council for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve budget amendments BA–2012-21 thru BA–2012-25. Motion was seconded by Mayor Salinas and approved unanimously 5-0.

4.9 Resolution # 1309 Authorizing the filing of a Grant Application with the LRGVDC for the Regional Solid Waste Grants Program

A resolution of the City Council of the City of Mission, Texas authorizing the filing of the grant application with the Lower Rio Grande Valley Development Council for the Regional Solid Waste Grants Program; authorizing the Mayor to act on behalf of the City in all matters related to the applications; and pledging that if a grant was received, the City would comply with the grant requirements of the LRGVDC, the Texas Commission of Environmental Quality, and the State of Texas. The amount of the grant was \$30,000 and there was no cash match.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Resolution No. 1309 authorizing the filing of a Grant Application with the LRGVDC for the Regional Solid Waste Grants Program as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

RESOLUTION 1309

RESOLUTION OF THE CITY OF MISSION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL FOR A REGIONAL SOLID WASTE GRANTS PROGRAM GRANT; AUTHORIZING NORBERTO SALINAS, MAYOR TO ACT ON BEHALF OF THE CITY OF MISSION IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF A GRANT IS RECEIVED THE CITY OF MISSION WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE LRGVDC, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS.

4.10 Write-off uncollectable utility accounts receivable

Back on September 27th, 2010, the City Council authorized the write-off of 20+ years' worth of utility accounts that were deemed uncollectable. As part of that write-off, these accounts were to be sent to Preston, Powers, and Stone, LLC, the contracted collection agent, in an attempt to try and collect on some of these amounts. As mentioned at that time, the plan was to bring to the City Council accounts, over one year old, to be written off and submitted to the collection agency. A summary of the accounts to be written off at that time were presented. These accounts were for the three (3) month period of October 2010 through December 2010.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve to write-off uncollectable utility accounts receivable as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.11 Approval of Annual Hidalgo County Library System Interlocal Agreement

Hidalgo County requested that staff approve the annual interlocal with them.

This was the basic agreement that allowed the County to continue to pay funds on behalf of and disburse funds to our library for contractual services and library materials.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Annual Hidalgo County Library System Interlocal Agreement as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.12 Award bid for "Housing Assistance Program Phase 11-I"

On November 8, 2011 City Council authorized staff to solicit bids for one (1) rehabilitation home and six (6) reconstructions. The City of Mission had accepted and opened three (3) bid responses for these projects. Staff recommended awarding to Anttara Construction for the reconstruction of one (1) home and to G&G Contractors for the reconstruction of five (5) homes. Both Anttara Construction and G&G Contractors had met all the Terms & Conditions and Specifications and came within budget. Staff was also requesting to reject and rebid the project located at 2409 Paseo Encantado St. because contractors exceeded the 15% from staff's cost estimate as per Housing Assistance Program Guidelines. CAC met on February 16, 2012 and approved staff's

recommendation as indicated below and approved as follows:

Anttara Construction - \$41,400
1216 Miller Ave. - \$41,400

G&G Contractors - \$209,750
623 Oblate Ave. - \$42,490
119 Leal St. - \$40,190
922 Rankin St. - \$46,190
1809 Cheril Rd. - \$40,190
1507 Yolanda St.- \$40,690

*2409 Paseo Encantado St. requested to Reject and Re-solicit for Bids.

The city had been utilizing 75% of the annual CDBG allocation for several years for reconstruction projects. Since 1999, a total of 342 families to date had been provided some form of housing assistance. Out of the 342 families, 197 families were provided with reconstruction assistance while 146 families were provided with rehabilitation assistance (included CDBG-R, CDBG-DR and SSBG funds).

Staff Recommendation: Authorization to Award to Anttara Construction and G&G Contractors and to Reject and Re-solicit for bids the project at 2409 Paseo Encantado St.

City Manager recommended approval.

Councilwoman Ramirez moved to approve to award bid to Anttara Construction and G&G Contractors and to Reject and Re-solicit bids for the project at 2409 Paseo Encantado Street as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.13 Authorization to purchase maintenance equipment via bids or State Cooperative Agreement for City of Mission Parks, Right-of-Ways, and Facilities

The Parks & Recreation Department was seeking authorization to purchase maintenance equipment via bids or State Cooperative Agreement for parks, right-of-ways, and facilities. Staff had provided a list of capital outlay equipment for review and approval.

City Manager recommended approval.

Councilwoman Garza moved to approve to purchase maintenance equipment via bids or State Cooperative Agreement for City of Mission Parks, Right-of-Ways, and Facilities as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.14 Approval of Resolution # 1310 for, adopting ethical, and training standards for juvenile case managers employed by the governing body

Whereas, the 82nd Texas Legislative enacted Senate Bill 61, which required a governing body employing a juvenile case manager to adopt, reasonable rules for juvenile case managers that provided for a code of ethics, educational pre-service and in-service training standards, and training in relevant substantive areas.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Resolution No. 1310 for, adopting ethical, and training standards for juvenile case managers employed by the governing body as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

RESOLUTION NO. 1310

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AUTHORIZING THE ADOPTION OF A CODE OF ETHICS AND MINIMUM TRAINING STANDARDS FOR JUVENILE CASE MANAGERS EMPLOYED BY THE CITY OF MISSION, PROVIDING IMPLEMENTATION OF THE SAME, AND PROVIDING FOR PERIODIC REVIEW TO ENSURE IMPLEMENTATION OF THESE STANDARD

4.15 Authorization to reject and re-solicit bids for Athletic League Uniforms for Baseball and Softball Leagues for Boys & Girls Club

On August 8, 2011, City Council authorized staff to solicit bids for the purchase of Athletic League Uniforms for Baseball and Softball for Boys & Girls Club seasonal athletic leagues. The City of Mission had accepted and opened three (3) bid responses for Athletic League Uniforms for Baseball and Softball Leagues. Staff was seeking authorization to reject and re-solicit bids since all bidders were found non-responsive for not submitting a bid bond or cashier's check for 5% of the total amount of the bid.

City Manager recommended approval.

Councilwoman Ramirez moved to authorize to reject and re-solicit bids for Athletic League Uniforms for Baseball and Softball Leagues for Boys & Girls Club as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.16 Board Appointment – Planning and Zoning Commission

This appointment was to replace the following position:

Planning and Zoning Commission: Replace Luanne Caudle due to absences: Mayor Salinas was recommending appointing Ned Sheats term to expire 12/31/2013.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the board appointment of Ned Sheats in the Planning and Zoning Commission Board as recommended by Mayor Salinas. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.17 Authorization to issue permits to Ambulance Providers

On Thursday, February 16, 2012, the City of Mission Ambulance Board met to review Ten (10) Ambulance Company Permit Applicants to conduct operations in the City of Mission. The following Ambulance Companies were approved by the Ambulance Board. RGV EMS, Summit EMO, Absolute EMS, Atsems, Elite EMS, Hidalgo County EMS, AAA Ambulance, and Riverside EMS.

These companies had met all insurance requirements and application requirements. Two of the applications did not have their complete insurance requirements.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to issue permits to Ambulance Providers as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.18 Approval of Resolution # 1311 authorizing publication of the City's Notice of Intent to Issue Certificates of Obligation as authorized under state law for purposes of paying contractual obligations of the City to be incurred for a project and to pay for the cost of issuance of the certificates of obligations and making other provisions regarding matters incident thereto

The Resolution authorized the publication of the City's Notice of Intent to issue Certificate of Obligations in an amount not to exceed \$2,750,000. The tax exempt obligations would be used for the design, acquisition and construction of the Inspiration Road Widening Project in cooperation with the Texas Department of Transportation.

Bob Henderson, RBC Capital Markets (financial advisor), was present along Attorney Chuy Ramirez of Ramirez & Guerrero, LLP, Bond Council to the City.

Financial Advisor Bob Henderson elaborated on the publication of the City's Notice of Intent to issue Certificate of Obligations in an amount not to exceed \$2,750,000 and that April 9th, 2012 would be the date council would take final action.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Resolution No. 1311 authorizing publication of the City's Notice of Intent to Issue Certificates of Obligation as authorized under state law for purposes of paying contractual obligations of the City to be incurred for a project and to pay for the cost of issuance of the certificates of obligations and making other provisions regarding matters incident thereto as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

RESOLUTION NO. 1311

A RESOLUTION AUTHORIZING PUBLICATION OF THE CITY'S NOTICE OF INTENT TO ISSUE CERTIFICATES OF OBLIGATION IN AN AMOUNT NOT TO EXCEED \$2,750,000 AS AUTHORIZED UNDER STATE LAW FOR PURPOSES OF PAYING CONTRACTUAL OBLIGATIONS OF THE CITY TO BE INCURRED FOR A PROJECT AND TO PAY FOR THE COST OF ISSUANCE OF THE CERTIFICATES OF OBLIGATIONS AND MAKING OTHER PROVISIONS REGARDING MATTERS INCIDENT THERETO

4.19 Approval of Resolution # 1312 dissolving the Texas Regional Cultural Education Facilities Finance Corporation

The Texas Regional Cultural Education Facilities Finance Corporation decided to dissolve the Corporation due to its impact on bank qualified debt.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Resolution No. 1312 dissolving the Texas Regional Cultural Education Facilities Finance Corporation as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

RESOLUTION NO. 1312

RESOLUTION APPROVING DISSOLUTION OF THE TEXAS REGIONAL CULTURAL EDUCATION FACILITIES FINANCE CORPORATION AND MATTERS RELATED THERETO

4.20 Approval of Interlocal Agreement between the County Of Hidalgo and the City of Mission to widen and reconstruct Mile 2 North

TxDOT, HCMPO, the City of Mission and County of Hidalgo had identified the need to widen and reconstruct Mile 2 North from an existing two-lane rural roadway to a four-lane curb and gutter facility. And had allocated Federal, State and local funds to fully fund the acquisition of right of way, adjustment of utilities and construction of the corridor road the segment of the project from SH 107 to Moorefield Road was within the corporate limits of Mission while the segment from Moorefield to La Homa Road lied within the County jurisdiction.

The County agreed to provide Mission and TxDOT the PS&E necessary to complete the section of the Road improvements from Inspiration Road to La Homa Road.

The City agreed to provide at its cost the development of schematics, preliminary office right of way mapping, hydrologic map for identification of proposed outfalls, preliminary utility research, the required public involvement, and completion of the environmental document for the Road. The City also agreed to provide, its costs, PS&E from SH 107 to Inspiration Rd.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Interlocal Agreement between the County Of Hidalgo and the City of Mission to widen and reconstruct Mile 2 North as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.21 Request by Mission Consolidated Independent School District to use City Hall facilities for early voting for Board of Trustees election of May 12, 2012

Mission Consolidated Independent School District requested to use City Hall facilities for early voting for MCISD Board of Trustee election on May 12, 2012.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the request by Mission Consolidated Independent School District to use City Hall facilities for early voting for Board of Trustees election of May 12, 2012 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.22 Amendment to Change Order No. 4 for Water Treatment Plant Expansion project

Amendment to Change Order No. 4 entailed the reduction of \$7,615.00 out of the final approved contract. Contract amount would be reduced from \$7,743,350 to \$7,735,735 and increased

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contract time from 779 days to 845 days from previous approved Change Order No. 4. To date changed orders were under the 25% limit (at 24.62%) from the original contract cost set by the Texas Governmental Code.

Staff and City Manager recommended approval.

Councilman Plata moved to approve amendment to Change Order No. 4 for Water Treatment Plant Expansion project as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

None

At 5:33 p.m., Councilman Plata moved to convene into executive session. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

Mr. Guerra advised the council that Councilwoman Ramirez was a relative of the variance request on item 7.1B and would not be participating in that action.

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

7.1 Consultation with Attorney Sec. 551.071

A. Claim on property out of Lot 23-6, WAS, being a part of Kika de la Garza Loop

B. Variance request for Housing Assistance Program Applicant at 122 S. Keralum St.

C. City of Mission/Mission Economic Development Corporation v Mission Economic Development Authority, Inc.

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

At 6:02 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, Councilman Plata moved to authorize City Manager to handle claim on property out of Lot 23-6 WAS. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

On item 7.1-B, Councilman Plata moved to approved the variance request at 122 S. Keralum from a 2 bedroom to a 3 bedroom. Motion was seconded by Mayor Pro Tem Olivarez and approved 4-1 with Councilwoman Ramirez abstaining from voting and deliberation on this item.

On item 7.1-C, no action was taken.

8.0 Adjournment

At 6:03 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary