

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
JULY 25, 2011 4:30 P.M.  
MISSION CITY HALL**

**PRESENT:**

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

**ABSENT:**

**ALSO PRESENT:**

Kathy Olivarez, Progress Times  
Oscar J. Hinojosa  
Isaac Torres  
Tony Torres  
Marc Torres  
Kenneth Ennis  
Danny Carrera  
Ashley Carrera  
Norma Carrera  
Beverly Allin  
Agustin Martinez  
Jim & Beth Barnes  
Irene Reyes  
Robert L. Rivera  
Joe B. Garza  
Jeff Underwood  
Ruben Canales

**STAFF PRESENT:**

Nelia Hernandez, Asst. City Secretary  
Carmen Morales, Administrative Asst  
Aida Lerma, Deputy City Manager  
Sonia Carnes, Deputy City Manager  
Sergio Zavala, Planning Director  
Bobby Salinas, Planning Dept.  
Roberto Salinas, Public Works Director  
Paul Schaefer, Golf Course Director  
Joanne Longoria, CDBG Director  
Eduardo Belmarez, Purchasing Director  
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

**1. Call to order**

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:42 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 – Isaac Torres**

City Secretary Anna Carrillo read the proclamation.

Isaac Torres received the proclamation.

Mayor Pro Tem Leo Olivarez moved to approve the Proclamation. Motion was seconded by Councilwoman Maria Elena Ramirez and approved unanimously 5-0.

#### **4. Departmental Reports**

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

#### **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 Economic Summit Conference.

#### **6. Citizens Participation**

Lic. Fernando Arana from Villa del Carbon Mexico gave a presentation and invited the Mayor and Council to visit their city and requested the re-establishment the sister city relationship.

##### **1.0 Public Hearing**

##### **1.1 Planning & Zoning Recommendations**

##### **A. Rezoning: A .29 acre tract of land out of Lot 19-3, West Addition to Sharyland Subdivision, AO-I to R-1, Tony Martinez**

The subject site was located 850' north of Expressway 83 along the east side of Los Ebanos Road. This site underwent the Single Lot Variance process in efforts to comply with subdivision requirements. The surrounding zones were Agricultural Open Interim (AO-I) to the north, south, and east and Mobile & Modular Home (R-4) to the west. The surrounding land uses included single-family residence to the north, open acreage to the east, mobile homes/RV's to the west, and open acreage/residential to the south. The site had an old home that was demolished and the applicant desired to build a new house. R-1 would not be detrimental to the general area. There was no public opposition during the 7/13/11 P&Z's hearing. The P&Z unanimously recommend approval.

Staff, P & Z and City Manager recommended approval.

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

There were no comments.

Councilwoman Garza moved to approve the rezoning of .29 acre tract of land out of Lot 19-3, West Addition to Sharyland Subdivision, AO-I to R-1 as recommended. Motion was seconded by Councilman Ruben D. Plata and approved unanimously 5-0.

##### **B. Rezoning: The West 125' of Lot 85, Mission Acres Subdivision, C-2 to R-1, Agustin Martinez**

The subject site was located at the SE corner of Blake and Adams. It had 125' of frontage on Blake, and 120' frontage to Adams. The surrounding zones included Single Family Residential (R-1) in all directions. The surrounding land uses included open acreage to the west and single

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family residential in all other directions. The subject site had a home with an addition which was previously a convenience store. The Future Land Use Map showed a Low Density (LD) Residential. The R-1 application was consistent to the surrounding land uses, surrounding zonings, and the FLUM. There was no public opposition during the 7/13/11 P&Z hearing. P&Z unanimously recommend approval.

Staff, P & Z and City Manager recommended approval.

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

There were no comments.

Councilwoman Ramirez moved to approve the rezoning of the West 125' of Lot 85, Mission Acres Subdivision, C-2 to R-1 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

### **C. Rezoning: 2.41 acres consisting of all the West 236.67' of Lot 1, Falcon Bank – Sharyland Subdivision, C-4 to R-3, New Millennium L. Investments, Inc.**

The subject site was located ¼ mile south of Business 83 along the west side of Shary Road. This property did not front Shary. The surrounding zones included: Heavy Commercial (C-4) to the North, South, and East; it was Agricultural Open Interim (AO-I) to the west. The surrounding land uses consisted of a commercial business to the north, a heavy equipment sales business to the south, open acreage to the west and east. The subject site was currently open. The Future Land Use Map reflected a General Commercial (GC) designation. The subject site would have frontage to a new city street via the subdivision process, and would not front Shary Road. Condo's (a multi-family residential setting) was not an un-common land use to have as an adjoining neighbor to commercial areas. Also, R-3 was a viable transitioning land use being one step away from a major thoroughfare. There was no public opposition during the 7/13/11 P&Z hearing. P&Z unanimously recommend approval.

Staff, P & Z and City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the rezoning of 2.41 acres consisting of all the West 236.67' of Lot 1, Falcon Bank – Sharyland Subdivision, C-4 to R-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 – July 11, 2011 and Special City Council Meetings – July 15, 2011 and July 18, 2011**

Councilman 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 Planning and Zoning Commission – June 22, 2011 Mission  
Historical Museum – June 8, 2011**

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

**4.0 Approvals and Authorizations**

**4.1 Adoption of Ordinance # 3657 for Rezoning A .29 acre tract of land out of Lot 19-3,  
West Addition to Sharyland Subd., AO-I to R-1**

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Olivarez moved to approve Ordinance No. 3657 rezoning a .29 acre tract of land out of Lot 19-3, West Addition to Sharyland Subd., AO-I to R-1 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3657**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
MISSION, TEXAS GRANTING A REZONING A .29 ACRE TRACT OF  
LAND OUT OF LOT 19-3, WEST ADDITION TO SHARYLAND SUBDIVISION,  
AO-I TO R-1

**4.2 Adoption of Ordinance # 3658 for Rezoning the West 125' of Lot 85, Mission Acres  
Subd., C-2 to R-1**

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3658 rezoning the West 125' of Lot 85, Mission Acres Subd., C-2 to R-1 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**ORDINANCE NO. 3658**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
MISSION, TEXAS GRANTING A REZONING THE WEST 125'  
OF LOT 85, MISSION ACRES SUBDIVISION, C-2 TO R-1

**4.3 Adoption of Ordinance # 3659 for Rezoning 2.41 acres consisting of all the West  
236.67' of Lot 1, Falcon Bank - Sharyland Subdivision, C-4 to R-3**

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3659 rezoning 2.41 acres consisting of all the West 236.67' of Lot 1, Falcon Bank - Sharyland Subdivision, C-4 to R-3 as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

**ORDINANCE NO. 3659**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING 2.41 ACRES CONSISTING OF ALL OF THE WEST 236.67' OF LOT 1, FALCON BANK – SHARYLAND SUBDIVISION, C-4 TO R-3

**4.4 Preliminary Plat Approval: Samantha Subdivision, 10 acres being all of Lot 32, Block 16, Texan Gardens Subdivision, Rural ETJ, Developer: Juan Ortiz, Engineer: Javier Hinojosa Engineering**

The 10 acre site was 600' north of 4 Mile Road along the west side of Texan Road, and was in Mission's Rural ETJ. Additional ROW was dedicated pursuant to the MPO Thoroughfare Plan being 50' ROW centerline for Texan Road. The street system reflected a primary cul-de-sac and a stub to the south to be extended by others and interface eventually to 4 Mile Road - - the street proposal complied with the prevailing standards & requirements of the County, i.e., 50' ROW w/32' B-B pavement section.

The engineer's drainage report (Flood Zone X) reflected a series of side/rear swales, as maintained by the property owners (see plat note #25), had been reviewed/approved by the Hidalgo County Drainage District #1. All 15 lots were compliant to the minimum ½ acre requirement where septic tanks would be used.

AGUA SUD had an existing 8" water line along Texan Road that would be tapped-into by the developer's new 8" system to serve all the lots (stubbing the water line to the southern street stub, too). There were 3 fire hydrants placed at junctures approved by the Fire Marshal's office. This plat complies with Mission's standards for rural ETL subdivisions. The P&Z unanimously approved the plat on 7/13/11.

Staff Recommendation: Approval of Preliminary Plat subject to resolving minor format findings, e.g., fixing spelling in plat notes, etc.

Staff and City Manager recommended approval.

Councilman Plata moved to approve grant Preliminary Plat Approval: Samantha Subdivision, 10 acres being all of Lot 32, Block 16, Texan Gardens Subdivision, Rural ETJ, Developer: as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.5 Final Plat Approval: Elite Village Subdivision Phase II, 20 acres being all of Lots 27 & 28, Block 6, Texan Gardens Subdivision, Rural ETJ, Developer: Top Fruit, Inc., Laura Coffman, Vice-Pres., Engineer: Quintanilla, Headley & Associates**

On July 26, 2010, the Mission City Council conveyed Preliminary Plat Approval of the Elite Village Subdivision located at 4 ¼ mile north Texan Road allowing the developer to proceed with the construction of the infrastructure – the improvements had been completed as attested by the inspecting agency being the County of Hidalgo.

To summarize, the Rural ETJ plat consisted of 35 lots that would have public access via a paved 32' B-B street with a temporary cul-de-sac to be extended westward by others. The plat had accompanying swales for drainage – the drainage report had been approved by Godfrey Garza, Hidalgo County District #1 Manager on 6/11/10. The lots would be served via an 8" water line with 3 hydrants shown, too. Septic tanks would be used to all lots meeting or exceeding the ½ acre rule.

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

Staff and City Manager recommended approval.

Councilman Plata moved to approve Final Plat Approval Elite Village Subdivision Phase II, 20 acres being all of Lots 27 & 28, Block 6, Texan Gardens Subdivision, Rural ETJ, as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

**4.6 Final Plat Approval: Taurus Estates No. 20 Subdivision, 10 acres being Lot 6, Miller Bros. Nursery, R-1 & C-2, Developer: Leonel Bazan Engineer: Melden & Hunt**

This subdivision, located at the SE corner of 2 Mile/Moorefield, was given re-approval by the Council during your last regular meeting. It reflected 34 lots (R-1); and 1 corner lot zoned Neighborhood Commercial (C-2).

Taurus Estates No. 20 had accelerated their efforts to complete the lingering findings (flushing out the sewer lines, bacti testing, paid for streetlighting, etc.).

As indicated last time, the park fees, the capital sewer recovery fees, street signage fees, water district exclusion, etc., have already been complied with.

Once again, we've enclosed the Council's original approval back in Oct. 2006 fyi.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Final Plat Approval of Taurus Estates No. 20 Subdivision, 10 acres being Lot 6, Miller Bros. Nursery, R-1 & C-2 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.7 Final Plat Approval: Las Palmas del Norte Phase 3, Ph. I Subdivision, 3.327 acres being a part or portion of Porcion 50, Rural ETJ, Developer: Oscar & Nora Linda Garza, Engineer: Javier Hinojosa Engineering**

This subdivision, located to the SE area of 5 Mile/Palm Drive, was given Preliminary Plat approval on September 27, 2010 thus allowed the subdivision to be constructed as proposed. It reflected 4 lots, and stub street to be extended for subsequent phases.

The County of Hidalgo had overseen the street's construction; and the new 8" water line tied to the existing 6" line had been approved by the SWSC. Septic tanks would be used and those costs had been provided to the County of Hidalgo.

Correspondence of approval had been provided documenting that the subdivision has complied with prevailing subdivision codes.

The next step was for the City Council to provide Final Plat Approval so that the plat could be released for recording.

Staff and City Manager recommended approval.

City Attorney David Guerra stated that Councilwoman Garza had filed an affidavit of substantial interest therefore she would not be participating in the deliberation of the item.

Councilman Plata moved to approve Final Plat Approval of Las Palmas del Norte Phase 3, Ph. I Subdivision, 3.327 acres being a part or portion of Porcion 50, Rural ETJ, as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0 with Councilwoman Garza abstaining.

**4.8 Discussion and Action on Proposed Ordinance # 3660 Amending the Zoning Code to Include ‘Gun Shooting Range’ as a Conditional Use Permit in the General Business (C-3) Zoning District**

The City of Mission was approached by a local businessman desiring to build a shooting range. This topic had been the subject of several meetings involving the City Manager’s Office, the City Attorney’s Office, the Police Department, the Fire Department, and the Planning Department.

It’s the consensus of staff that new regulations were needed if Mission would consider allowing such a proposed facility. It was quickly determined that this possible amenity should be a ‘conditional use’ so that the public hearing process would be a forum to inform/educate adjoining property owners regarding the CUP merits of the facility.

In assessing ‘conditional use’ regulations that would be reasonable for the operator but also for the surrounding properties, below are those measures proposed to be incorporated into our zoning ordinance:

(Proposed) Section 1.56-10, Zoning Ordinance, Gun Shooting Range:

1. Gun Shooting Range must be an indoor, non-smoking, facility where the actual discharging of firearms would take place.
2. Sound abatement technology to be properly used so that the total noise decibel level would not be over 70 decibels at a distance of 200’ from the facility.
3. Unless otherwise approved by the City Council, the hours of operation for a facility located within 300’ of residential properties shall not be after 8 p.m.
4. The Backstop(s) and Bullet Trap(s) must be pre-approved by the City of Mission.
5. There shall absolutely be no alcohol permitted on the property inclusive of BYOB proposals.
6. The Ventilation system must be engineered to safeguard the patrons, et. al., from exposure to lead; said ventilation system must comply with all prevailing regulations.
7. Internal ‘Rules and Regulations’ to be enforced by the operator were to be filed with the City of Mission for review, to include but not be limited to their re-loading policy, storage of gun powder (location/quantity), patrons wearing ear/eye protection, a Maintenance Plan to assure that the equipment was functionally safe and in order, etc.
8. Must comply with all prevailing County, State, and/or Federal regulations; to include but not be limited to the Resource Conservation & Recovery Act (RCRA).\*

9. Other measures that the City of Mission perceived was reasonable, to include but not be limited to regulating the hours of operation, to maximize the health and safety of the patrons and/or the surrounding neighbor(s).

The above requirements are typical to an applicant desiring an indoor shooting range. Any CUP must be first presented to the Planning Staff for pre-clearance (PD/Fire to review proposal at this stage, too). Thereafter, the matter would be presented to the P&Z where the adjoining public would be invited to the forum for their input. Thereafter, the City Council would review it in a second public hearing and then determine whether to approve it or not. Staff believed that the above regulations were reasonable, and should maintain the quality of life in Mission while enhancing education and firearms skills of its patrons.

There was no public opposition during P&Z's 7/13/11 official hearing. P&Z unanimously recommend approval.

\*Resource Conservation & Recovery Act (RCRA) was passed in 1976; it provided cradle-to-grave coverage of hazardous wastes, i.e., the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA regulations applied to indoor (and outdoor) ranges.

Following was a list of the most important activities that are covered:

- a) Transportation of the used filters from indoor ranges to their disposal/recycling point.
- b) Recycling of lead shot or bullets.
- c) Shipment and disposal of lead-contaminated soil, etc.

Staff Recommendation: Approval of amendment.

Staff and City Manager recommended ordinance approval.

Councilwoman Garza moved to approve adoption of Ord. No. 3660 Amending the Zoning Code to Include 'Gun Shooting Range' as a Conditional Use Permit in the General Business (C-3) Zoning District as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

### **ORDINANCE NO. 3660**

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF MISSION, TEXAS TO INCLUDE A 'GUN SHOOTING RANGE' AS CONDITIONAL USE IN THE GENERAL BUSINESS DISTRICT; TO ESTABLISH BASIC REGULATIONS THAT SUCH USES MUST COMPLY WITH IF APPROVED; TO AMEND EXISTING GUN DISCHARGE ORDINANCE(S) TO ALLOW FOR SUCH A CONDITIONAL LAND USE; PROVIDING FOR A CODIFICATION PROVISION; AND PROVIDING FOR A PUBLICATION DATE

#### **4.9 June 2011 Financial Statements**

Mr. Randy Perez presented and recommended approval of the Financial Statement for June, 2011.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the June 2011 Financial Statement as presented. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.



#### **4.10 Tax Collections Report – June, 2011**

Mr. Perez presented the Tax Collections Report for June, 2011 for approval.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Tax Collections Report for June, 2011 as presented. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

#### **4.11 Acceptance of Quarterly Report of Investments for the Quarter ending June 30, 2011 and Interest Earned for Nine Months Ending June 30, 2011**

Acceptance of quarterly report required by the Public Funds Investment Act Section 2256.023 of the Texas Government Code on the total investments for the quarter ending June 30, 2011. The total investments purchased were \$10,982,574.99 and the amount of maturing investments was \$1,101,976.35 leaving a total of \$29,486,311.24 in outstanding investments for the quarter ending June 30, 2011. The total interest earned on all funds year to date was \$68,995.60.

Mr. Perez presented and recommended approval of the Quarterly Report of Investments for the Quarter ending June 30, 2011 and Interest earned for nine months ending June 30, 2011.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Quarterly Report of Investments for the Quarter ending June 30, 2011 and Interest earned for nine months ending June 30, 2011 as presented. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

#### **4.12 Set Public Hearing date for FY 2011-12 Annual Budget**

City Manager was requesting to set the Public Hearing on FY 2011-12 Annual Budget on Monday, August 8, 2011 as required by City Charter.

The public hearing was to give interested parties the opportunity to be heard.

The public hearing date, time and location was to be published in the local newspaper.

Councilwoman Garza moved to approve August 8, 2011 as the Public Hearing date for FY 2011-12 Annual Budget as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

#### **4.13 Award contract for Casing Spacers and End Seals for Bryan Road and Expressway 83 project**

On May 25, 2011 City Council authorized staff to solicit bids for Casing Spacers and End Seals for Bryan Road and Expressway 83 Project for the Public Works Department. The City of Mission had accepted and opened three (3) bid responses for this solicitation. Staff recommended awarding contract for Casing Spacers and End Seals to HD Supply Waterworks who was the lowest responsible bidder in the amount of \$7,558.46.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve to award contract for Casing Spacers and End Seals for Bryan Road and Expressway 83 project as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.14 Approval to purchase Wallace & Tiernan Dry Chemical Feed System from a sole source vendor**

Staff was recommending the purchase of Wallace & Tiernan Dry Chemical Feed System from a sole source vendor. Pursuant to Texas Local Government Code Section 252.022 General Exemptions (7) a procurement of items that were available from only one source, included: (A) items that were available from only one source because of patents, copyrights, secret processes, or natural monopolies and (D) captive replacement parts or components for equipment;

These items would be used by the North Water Treatment Plant to update existing and unusable equipment. There was a sole source letter from the manufacturer, Siemens Water Technologies, and a listing of the equipment to be purchased.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the purchase of a Wallace & Tiernan Dry Chemical Feed System from a sole source vendor as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**4.15 Authorization to award bid for Pre-Employment Screenings**

On June 13, 2011 City Council authorized staff to solicit bids for Pre-Employment Screening services due to current vendor providing notification that their facility would be closing. Pre-Employment screening included urine drug screening, medical physicals, and pre-placement screenings for all new potential candidates, per Personnel Policy Manual chapter 2, section 1.2, "Physical Exam." The City of Mission had accepted and opened four (4) bid responses for this solicitation. Staff recommends awarding contract for Pre-Employment Screenings to PCI (Preventative Care Institute) who was the lowest responsible bidder.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to award bid for Pre-Employment Screenings as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**4.16 Authorize City Manager to engage Gomez, Mendez, Saenz, Inc. for Professional Services for Kika de la Garza Building Expansion and authorization to solicit bids for said expansion**

Authorization was being requested to engage Gomez, Mendez, Saenz, Inc. for Architectural services for the expansion of the Kika de la Garza building located at 921 East 12<sup>th</sup> Street (leased to the Upper Valley Art League).

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize City Manager to engage Gomez, Mendez, Saenz, Inc. for Professional Services for Kika de la Garza Building Expansion as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

Councilwoman Garza moved to solicit bids for said expansion as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

#### **4.17 Budget Amendments: Hotel/Motel Tax Fund and Capital Projects Fund**

Mr. Perez presented the budget amendments BA- 62 thru BA63 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve budget amendments BA- 62 thru BA 63 as presented. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

#### **4.18 Approval of Annual Hidalgo County Library System Interlocal Agreement**

Hidalgo County requested that staff approve our 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 Ramirez moved to approve the approval of Annual Hidalgo County Library System Interlocal Agreement as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **4.19 Approval of Annual Interlocal Agreement with City of Edinburg/Dustin Michael Sekula Memorial Library**

Dustin Michael Sekula Memorial Library requested that staff approve our annual interlocal with them.

This was the basic agreement that allowed the Edinburg library to continue to provide hosting the Library Union Automation System and share library resources and technical expertise under the Provisions of the Texas Interlocal cooperation Act ("the Act," Section 791.001 et seq. of the Texas Government Code).

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the approval of Annual Interlocal Agreement with City of Edinburg/Dustin Michael Sekula Memorial Library as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

#### **4.20 Authorization to accept the 2011 Enforcing the Underage Drinking Laws Block Grant from the Texas Alcoholic Beverage Commission**

The Mission Police Department was requesting authorization to accept the 2011 Enforcing the Underage Drinking Laws Block grant from the Texas Alcoholic Beverage Commission. The grant funds would be utilized for overtime to enforce underage drinking laws. The total amount of the grant was \$15,000.00. There was no cash match required by the City of Mission.

Staff and City Manager recommended approval.

Councilwoman Garza moved to accept the 2011 Enforcing the Underage Drinking Laws Block Grant from the Texas Alcoholic Beverage Commission as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**4.21 Authorization to submit a grant application to the Texas Department of Public Safety Texas Ranger Division for the “Local Border Security Program for FY 2010-2011”.**

The Mission Police Department was requesting authorization to submit a grant application to the Texas Department of Public Safety Texas Ranger Division for the “Local Border Security Program for FY 2010-2011”. The Texas Department of Public Safety Texas Ranger Division had requested our participation in this border initiative. Mission Police Officers would be tasked with patrol duties along the Texas-Mexico border to continue our enforcement efforts with the U.S. Border Patrol and the Texas Department of Public Safety to include Southbound Operations at Anzaldua’s Bridge. The State Grant Funds would pay for the police officers overtime hours to work this border grant. The total amount of the grant application is \$74,959.20. There was no cash match required from the City of Mission.

Staff and City Manager recommended approval.

Councilwoman Garza moved to authorize to submit a grant application to the Texas Department of Public Safety Texas Ranger Division for the “Local Border Security Program for FY 2010-2011” as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

At 5:47 Councilwoman Garza stepped out of the meeting.

**4.22 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 Sharyland 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 Sharyland Independent School District for the 2011-2012 school year. The Inter-local agreement was for the delivery of services by the Mission Police Department to Sharyland ISD through the Education Resource Officer Program. A total of six (6) police officers would be assigned to the school district during the school year. The total amount of the Inter-local agreement was \$295,629.00. Staff was recommending a favorable recommendation for the purpose of continuing the Education Resource Officer Program at Sharyland ISD.

Staff and City Manager recommended approval subject to changes from Sharyland ISD’s Attorney and City Attorney David Guerra.

Mayor Pro Tem Olivarez 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 Sharyland Independent School District for the 2011-2012 school year subject to Sharyland ISD's and City Attorney's approval. Motion was seconded by Councilman Plata and approved unanimously 4-0.

At 5:51 Councilwoman Garza rejoined the meeting.

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

The Mission Police Department was requesting authorization to enter into an Interlocal Agreement for Enhanced 911 Services, PSAP Equipment and Addressing/Addressing Maintenance with the Lower Rio Grande Valley Development Council. The agreement outlined the responsibilities of each entity for the purpose of complying with Chapter 771 of the Health and Safety Code. The primary purpose of the agreement was to outline both entities' responsibilities in maintaining Enhanced 911 Services, the equipment utilized for operating the city's 911 system included all addressing equipment and maintenance. If approved, the Interlocal Agreement would be valid from September 01, 2011 until August 31, 2013. Staff was seeking a favorable recommendation.

Staff and City Manager recommended approval.

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

**4.24 Approval of Ordinance # 3661 regulating speed on South FM 494 between the 5100 to the 5300 Block**

The Mission Police Department received a request from the Juan Diego Academy to regulate speed on South FM 494 between the 5100 Block to the 5300 Block based on the opening of the new Juan Diego Academy Catholic Regional High School. The speed on South FM 494 between the 5100 to the 5300 block in either direction would be thirty five (35) mph during the days and school hours that Juan Diego Academy had school in session. The decrease in speed around the school would assist with motor vehicle safety.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3661 regulating speed on South FM 494 between the 5100 to the 5300 Block as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**ORDINANCE NO. 3661**

AN ORDINANCE OF THE CITY OF MISSION, TEXAS PROVIDING FOR TRAFFIC CONTROL AS FOLLOWS: THAT NO VEHICLE MAY PROCEED AT A SPEED IN EXCESS OF THIRTY-FIVE (35) MILES PER HOUR ALONG THE 5100 BLOCK THROUGH THE 5300 BLOCK OF SOUTH FM 494 IN EITHER DIRECTION DURING THE DAYS AND SCHOOL HOURS THAT JUAN DIEGO ACADEMY CATHOLIC REGIONAL HIGH SCHOOL HAS SCHOOL IN SESSION, PROVIDING FOR THE INSTALLATION OF SAID TRAFFIC CONTROL DEVICES AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO:

**4.25 Approve Agreement to extend and ratify agreement between the Cities of McAllen and Mission regarding areas in each city's Certificate of Convenience and Necessity, (CCN) jurisdiction to be served by the other city**

On or about July 9, 2009, the City of McAllen and the City of Mission entered into an agreement regarding areas in each city's CCN jurisdiction to be served by the other city. This agreement included a provision that required the obligations of the agreement be accomplished by September 15, 2009. Unforeseen circumstances had prevented the accomplishment of the obligation by the deadline. Neither party had been damaged by the failure to complete the obligation by the deadline. All parties believed that an extension of the deadline until September 15, 2012 is recommended.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve agreement to extend and ratify agreement between the Cities of McAllen and Mission regarding areas in each city's Certificate of Convenience and Necessity, (CCN) jurisdiction to be served by the other city as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

**4.26 Approve Ordinance # 3662 of the City Council of the City of Mission, Texas (Mission), amending Article III of Chapter 114 of its Code of Ordinances by adding as Section 119 the content of Sections 106-181 through 106-196, inclusive, of the Code of Ordinances of the City of McAllen, Texas (McAllen), in areas within the city limits of Mission wherein McAllen is the holder of the sewer CCN and where the aforementioned sections of McAllen's ordinance requires compliance therewith in order for McAllen to provide sanitary sewer services to those areas; and providing for an effective date, and authorizing the City Attorney to provide a statement required by TCEQ in regard thereto.**

In order for the City of McAllen to provide sanitary sewer services to customers located within the City of Mission but within the City of McAllen's sewer CCN, it must have in place the legal authority and responsibility to perform the technical and administrative activities necessary for the implementation of a pre-treatment program. The City of Mission needed to adopt into its Sanitary Sewer Ordinance the City of McAllen's pre-treatment requirements. This action would affect the areas where the City of McAllen, McAllen Public Utility was providing sanitary sewer

services to Mission customers currently in place as well as any future customers which may connect now or in the future.

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Olivarez moved to approve Ordinance No. 3662 of the City Council of the City of Mission, Texas (Mission), amending Article III of Chapter 114 of its Code of Ordinances by adding as Section 119 the content of Sections 106-181 through 106-196, inclusive, of the Code of Ordinances of the City of McAllen, Texas (McAllen), in areas within the city limits of Mission wherein McAllen is the holder of the sewer CCN and where the aforementioned sections of McAllen's ordinance requires compliance therewith in order for McAllen to provide sanitary sewer services to those areas; and providing for an effective date, and authorizing the City Attorney to provide a statement required by TCEQ in regard thereto as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

**ORDINANCE #3662**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS (MISSION), AMENDING ARTICLE III OF CHAPTER 114 OF ITS CODE OF ORDINANCES BY ADDING AS SECTION 119 THE CONTENT OF SECTIONS 106-181 THROUGH 106-196, INCLUSIVE, OF THE CODE OF ORDINANCES OF THE CITY OF MCALLEN, TEXAS (MCALLEN), IN AREAS WITHIN THE CITY LIMITS OF MISSION WHEREIN MCALLEN IS THE HOLDER OF THE SEWER CCN AND WHERE THE AFOREMENTIONED SECTIONS OF MCALLEN'S ORDINANCE REQUIRES COMPLIANCE THEREWITH IN ORDER FOR MCALLEN TO PROVIDE SANITARY SEWER SERVICES TO THOSE AREAS; AND PROVIDING FOR AN EFFECTIVE DATE

**4.27 Presentation of the Preliminary Budget for Fiscal Year 2011-12**

As per City Charter, the City Manager must present a preliminary budget 60 days, before the next fiscal year.

Presented was the preliminary budget with recommendations.

Mayor Salinas said preliminary budget for FY 2011-12 is the same budget approved for FY 2010-11.

No action was needed on this item. This was only for presentation purposes.

**4.28 Final Plat Approval: Marbella Phase II Subd., 20.48 Acres out of Lots 83 & 84, J.H.S. Subd., PUD (High Density), Developer: Hunt Valley Development I, LLC, Engineer: Halff Associates**

The Mission City Council conveyed Preliminary Plat Approval of the overall Marbella Subdivision (overall 36.42 acres - - Phase I's 15.94 acres already recorded) to allow it to move into construction. The improvements for the overall 104 lot development (53 lots in this 2<sup>nd</sup> phase) had been completed as attested by the attached Memo of Approval from the Public Works Department. This Phase II reflected the balancing 20.48 acres.

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To summarize improvements, the internal 8" water line system had been looped to perimeter 16" and 8" water lines. Also, on sanitary sewer, the developer's 8" system had been inspected and approved as it is also tied into the existing 15" sewer system. The Capital Sewer Recovery Fees have been paid, too (\$10,600).

The streets had been paved to 32' B-B with the street paving standards being complied with as attested by L&G's lab testing results. The storm system was also completed having a combination of 36", 30", and 24" storm lines that lead to Hunt's regional ditch system.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Final Plat Approval Marbella Phase II Subd., 20.48 Acres out of Lots 83 & 84, J.H.S. Subd., PUD (High Density), as recommended. Motion was seconded Mayor Pro Tem Olivarez 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 6:00 p.m., Councilman Plata moved to convene into executive session. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

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

**7.1 Consultation with Attorney Sec. 551.071**

- A. **City of Mission/Mission Economic Development Corporation v Mission Economic Development Authority, Inc.**

**7.2 Consultation with Attorney Sec. 551.071**

**Personnel matters Sec. 551.074**

- A. **Hiring Labor Attorney to review Personnel Policy Manual**

**7.3 Consultation with Attorney Sec. 551.071**

**Deliberation regarding real property Sec. 551.072**

- A. **Sale of 0.031 acre, more or less, out of South 50 feet of East 330 feet of Lot 261, John H. Shary Subdivision, Hidalgo County, Texas**

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

At 6:16 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

On item 7.1-A, no action was taken.



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On item 7.2-A, Councilman Plata moved to authorize the hiring of Bettye Lynn, labor attorney to review the Personal Policy Manual. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

On item 7.3-A, Mayor Pro Tem Olivarez moved to deny sale of 0.031 acre, more or less, out of South 50 feet of East 330 feet of Lot 261, John H. Shary Subdivision, Hidalgo County, Texas. Motion was seconded by Councilman Plata and denied unanimously 5-0.

**8.0 Adjournment**

At 6:17 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary