

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
APRIL 12, 2010 4:30 P.M.  
MISSION CITY HALL**

**PRESENT:**

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

**ALSO PRESENT:**

Kathy Olivarez, Progress Times  
Mike Guerrero  
Pat Townsend, Jr.  
Amador Requenez  
Sandra Vecchio  
Alfonso Quintanilla  
Ruben D. Gonzalez  
Chris Voss  
Jaime Sanchez  
Rosie L. Sanchez  
Rick Gaytan  
Dago Chavez  
Cathy Garcia  
Jeff Underwood  
Ben D. Olivarez  
Maggie Birmingham  
Michael Silva  
Raul Garcia, Jr.  
Jorge Flores  
Fred L. Kurth  
Joshua Vernan  
Arlene Rivera  
Armando Ocana  
O. J. Guerrero

**ABSENT:**

**STAFF PRESENT:**

Nelia Hernandez, Asst. City Secretary  
Sonia Carnes, Deputy City Manager  
Guillermo Seguin, Deputy City Manager  
Sergio Zavala, Planning Director  
Bobby Salinas, Planning Dept.  
Roberto Salinas, City Engineer  
Paul Schaefer, Golf Course Director  
Joanne Longoria, CDBG Director  
Gilbert Sanchez, Fire Marshal  
Rick Saldana, Fire Chief  
Ruben Diaz, Public Works Director  
Victor Gonzalez, Streets Director  
Elizabeth Cabrera, Purchasing Director  
Leo Longoria, Chief of Police  
Robert Dominguez, Asst. Chief of Police  
Martin Garza, Chief of Police  
Janie Flores, Finance Director  
Julian Gonzalez, Parks & Rec. Director  
Adela Ortega, Museum Director  
Mayra Rocha, Speer Memorial Library  
Juan C. Avila, Interim B & G Club Director  
Noemi Munguia, HR Director  
Jonathan Wehrmeister, Judge  
Rosie Salazar, Risk Manager  
Glorina Flores, Purchasing Dept.  
Jesse Lerma, Civil Service Director

**1. Call to order**

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:34 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 – Medical Laboratory Professionals Week**

City Secretary, Mrs. Anna Carrillo read the proclamation for Medical Laboratory Professionals Week.

Staff and City Manager recommended approval.

Mayor Pro Tem Leo Olivarez moved to approve the proclamation as recommended. Motion was seconded by Councilman Ruben Plata and approved unanimously 5-0.

### **4. Proclamation – Public Safety Telecommunications Week**

Mrs. Carrillo read the proclamation for Public Safety Telecommunications Week.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the proclamation as recommended. Motion was seconded by Councilwoman Norie Gonzalez Garza and approved unanimously 5-0.

### **5. Departmental Reports**

Councilwoman Garza moved to approve the departmental reports as presented. Motion was seconded by Councilwoman Maria Elena Ramirez and approved unanimously 5-0.

### **6. Citizens Participation**

Maggie Birmingham, thanked the Mayor and Council for paving the streets at Wagon City South.

Jaime Sanchez from 4306 Canadiana Lane expressed his gratitude with a recent complaint regarding unsafe buildings.

Jesse Lerma from 1510 Inspiration Rd. reported on a successful Trash Bash that was held on Saturday, April 10 and thanked City Department heads, staff, and Wal-Mart for all of their help and support.

Pat Townsend, Jr. from 2305 Fox Run a member of the citizens group against Collective Bargaining asked the council to address the comments being made.

Chris Voss, from 1611 Crowne Pointe extended an invitation to the forum regarding Collective Bargaining to be held at the Mission Chamber of Commerce on Tuesday, April 13.

#### **1.0 Public Hearing**

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

- A. Rezoning: A 59.16 Ac. tract being all of Lots 7 & 8, Block 3, all of Lots 1 through 8, Block 5, all of Lot 2 and portions of Lots 1, 3, & 4, Block 7, Del Monte Orchard Co. Subd. No. 1, AO-I to R-1, El Capote Inc.**

The subject site was located approximately 2,000 feet south of Business 83 along the west side of Schuerbach Road. The surrounding zones included R-1 (Single Family Residential) to the East; all other directions were outside of the City Limits. The existing land uses included the Hidalgo County Health Clinic on the north; residential homes to the east; a combination of SF homes and

vacant land to the west and south. The proposed R-1 zone complied with the City's Future Land Use Map, which reflected a Low Density (LD) residential designation. There was no public opposition at P&Z's 3/24/10 hearing. The P&Z unanimously approved the rezoning application.

Staff, P & Z and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the rezoning request. There was none.

Councilman Plata moved to approve rezoning: A 59.16 Ac. tract being all of Lots 7 & 8, Block 3, all of Lots 1 through 8, Block 5, all of Lot 2 and portions of Lots 1, 3, & 4, Block 7, Del Monte Orchard Co. Subd. No. 1, AO-I to R-1, El Capote Inc. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**B. Conditional Use Permit: Changeable Copy Sign, Lot 5, El Pueblo Subd. Phase I, C-3, Life of Use, Valley Sign and Lighting**

The McDonald's site was located approximately 1,200' east of Conway Blvd. along the north side of Expressway 83, along the frontage Rd. The applicant was proposing to replace an existing mechanical message board (a sign you change manually) with a new Electronic Message Board (EMB).

Art. II, Sec. 86-41 Sign Types of the Mission Sign Code stated: Changeable copy sign meant a sign or portion thereof with characters, letters, or illustrations that could be changed or rearranged without altering the face or surface of the sign. A sign on which the only copy that changed was an electronic or mechanical indication... Such changeable copy signs were deemed a conditional use requiring the approval of the appropriate boards.

The new EMB was proposed to be a 4' X 8' (32 square ft.) sign. The maximum size allowed was 40 square feet.

A similar changeable copy sign was recently approved by the City Council on 8/24/09 along the expressway (Bert Ogden Kia / Mazda), where the owners replaced an existing EMB with a LED sign.

There was no public opposition at P&Z's 3/24/10 hearing. The P&Z unanimously approved of the conditional use permit.

Staff, P & Z and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the cup request. There was none.

Councilwoman Ramirez moved to approve Conditional Use Permit: Changeable Copy Sign, Lot 5, El Pueblo Subd. Phase I, C-3, Life of Use, Valley Sign and Lighting. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**C. Conditional Use Permit: Drive-Thru Service (Sliding Door), Lot 1, River Oaks Plaza Subd., C-3, Life of Use, Juan S. Rodriguez**

The site was located on the SE corner of Griffin Parkway and Umbel St. (about 1,050 feet west of Glasscock Road). The applicant was proposing to build a new Dry Cleaning Business with a drive thru service sliding door. Access to the site would be provided off of both Griffin Parkway

and Umbel Road with 30' driveways. The building measured 30' X 93' for a total of 2,790 square feet. The number of parking spaces required for this size building was 10. It was noted that the parking area was held in common (348 existing parking spaces) and was shared with other businesses.

The proposed location of the sliding door would provide stacking for approximately two vehicles. Staff and P&Z recommended that there be stacking for at least three vehicles to reduce the risk of a 3<sup>rd</sup> stacked vehicle from impeding access from Umbel St.

The applicant should also provide the curbing along the parking area leading up to the building to create an island to help guide traffic through the drive-thru.

- Days / Hours of operation: Monday through Saturday from 9 a.m. to 6 p.m.
- Staff: 3 employees
- Sidewalks had been provided along Griffin Parkway and Umbel St.
- Additional landscaping would be required both for aesthetics along the frontage of Griffin Parkway and Umbel St. and to help provide screening to the apartments located south of the property.
- Comply with the City's Sign Ordinance
- A business license was required prior to occupancy.

There was no public opposition at P&Z's 3/24/10 hearing. The P&Z unanimously approved of the conditional use permit as noted below.

Staff Recommendation: Approval subject to: 1) relocate service sliding door to allow 3<sup>rd</sup> stacked vehicle, 2) acquire a business license, 3) provide curbing to create an island to help guide traffic through the drive-thru lane, and 4) provide additional landscaping as noted.

Staff, P & Z and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the cup request. There was none.

Mayor Pro Tem Olivarez moved to approve Conditional Use Permit: Drive-Thru Service (Sliding Door), Lot 1, River Oaks Plaza Subd., C-3, Life of Use, Juan S. Rodriguez. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**D. Discussion and Action to Amend Section 1.40-2h, Zoning Ordinance # 1128, as amended, to Delete Stored Recreational Vehicles from Meeting Building Setbacks**

The 'Mobile Home Zoning District' (R-4) under the Permitted Uses, Item (h), included that parked or stored recreational vehicles 'must meet the building setbacks' of the R-4 district. Staff believed that the amendment was needed for the following points:

- ❖ The amendment would improve our zoning code by eliminating un-necessary confusion, i.e., 'why do (mobile) RVs needed to meet building setbacks on R-4 lots but not on R-1/R-1A lots?'
- ❖ This amendment would allow R-4 zoned lots to be directly consistent (acclimate) with the rest of Mission's residential zoning districts.
- ❖ If left 'as was', some R-4 lots would theoretically have to park their RVs on the public street to avoid being cited because their stored RV could not meet the building setbacks if parked on the lot.

- ❖ On May 28, 2008, the P&Z Commission unanimously approved a very similar amendment but under the R-5 zoning district. The P&Z's favorable recommendation was later unanimously sustained by the City Council on June 9, 2008 by their adoption of Ordinance # 3357. Since that passage, there had been zero issues from the R-5 community. Staff anticipated the same level of zoning understanding with this amendment.

P&Z held a public hearing on 3/24/10 with no public input. P&Z recommended the propose ordinance.

Staff, P & Z and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the request. There was none.

Councilwoman Garza moved to approve to amend Section 1.40-2h, Zoning Ordinance # 1128, as amended, to Delete Stored Recreational Vehicles from Meeting Building Setbacks. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

- E. Public Hearing: Proposed Annexation of the following areas: Tract 1: A total of 459.11 acres consisting of the following: The Eastern 300' of Lots 1, 2, 3, & 4, and the E. 300' of the South 655' of Lot 5, Crane Subd.; Lots 7, 8, 9, & 10, Mission Farm Estates; and 246.81 acres of the U.S. Fish & Wildlife Property being immediately south of Lots 9 & 10, Mission Farm Estates all the way southward to the Rio Grande**

Viewing the vicinity map, the area of proposed annexation was 459.11 acres and commenced approximately 1500' south of the intersection of One Mile South and Abram Road and continued southward to the Rio Grande. The area was predominantly vacant and un-developed though parts of a cemetery and a residential use was also included. The largest tract on the southernmost perimeter was designated as Fish & Wildlife sanctuary.

The 2<sup>nd</sup> public hearing would be on April 26, 2010.

Staff, P & Z and City Manager recommended: Hold 1<sup>st</sup> public hearing.

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

Mr. Hiroche Jose Date who owned a property at Abram expressed his and his brothers disapproval on the proposed annexation.

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

## **2.0 Disposition of Minutes**

### **2.1 City Council Meeting – March 22, 2010 and Special Meetings – March 16 and 29, 2010**

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

**3.0 Acknowledge Receipt of Minutes**

- 3.1 Mission Economic Development Corporation January 19, 2010**  
**Citizen’s Advisory Committee – February 16, 2010 and March 9, 2010**  
**Boys and Girls Cub of Mission – February 25, 2010**  
**Zoning Board of Adjustments – February 17, 2010**  
**Planning and Zoning Commission – March 10, 2010**

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

**4.0 Approvals and Authorizations**

- 4.1 Adoption of Ord. # 3552 for Rezoning A 59.16 Ac. tract being all of Lots 7 & 8, Block 3, all of Lots 1 through 8, Block 5, all of Lots 2 and portions of Lots 1, 3, & 4, Block 7, Del Monte Orchard Co. Subd. No.1, AO-I to R-1, El Capote Inc.**

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve adoption of Ord. No. 3552 for rezoning A 59.16 Ac. tract being all of Lots 7 & 8, Block 3, all of Lots 1 through 8, Block 5, all of Lots 2 and portions of Lots 1, 3, & 4, Block 7, Del Monte Orchard Co. Subd. No.1, AO-I to R-1, El Capote Inc. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3552**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING A 59.16 AC. TRACT BEING ALL OF LOTS 7 & 8, BLOCK 3, ALL OF LOTS 1 THROUGH 8, BLOCK 5, ALL OF LOT 2 AND PORTIONS OF LOTS 1, 3, & 4, BLOCK 7, DEL MONTE ORCHARD CO. SUBDIVISION NO. 1, AO-I TO R-1

- 4.2 Adoption of Ord. # 3553 for CUP for “Changeable Copy Sign”, Lot 5, El Pueblo Subd. Phase I, and “Drive-Thru Service (Sliding Door)”, Lot 1, River Oaks Plaza Subd.**

Staff and City Manager recommended approval.

Councilman Plata moved to approve adoption of Ord. No. 3553 for CUP for “Changeable Copy Sign”, Lot 5, El Pueblo Subd. Phase I, and “Drive-Thru Service (Sliding Door)”, Lot 1, River Oaks Plaza Subd. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**ORDINANCE NO. 3553**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR “CHANGEABLE COPY SIGN”, LOT 5, EL PUEBLO SUBDIVISION PHASE I, AND “DRIVE-THRU SERVICE (SLIDING DOOR)”, LOT 1, RIVER OAKS PLAZA SUBDIVISION

**4.3 Approval of Ord. # 3554 amending Zoning Ordinance No. 1128, as amended to delete parked or stored Recreational Vehicles, Motor Homes, or other vehicles from meeting building setbacks in the mobile home district**

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ord. No. 3554 amending Zoning Ordinance No. 1128, as amended to delete parked or stored Recreational Vehicles, Motor Homes, or other vehicles from meeting building setbacks in the mobile home district. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**ORDINANCE NO. 3554**

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1128, AS AMENDED, TO DELETE PARKED OR STORED RECREATIONAL VEHICLES, MOTOR HOMES, OR OTHER VEHICLES FROM MEETING BUILDING SETBACKS IN THE MOBILE HOME DISTRICT; AND PROVIDING A CODIFICATION CLAUSE; AND PROVIDING A PUBLICATION DATE

**4.4 Request by Hunt Valley Development to have the City of Mission accept Los Nogales Park and El Sendero Park as ‘Public City Parks’**

Hunt Valley Development was asking that the City of Mission accept the above parks.

Pursuant to our Park Dedication Ordinance, a developer that desired to ‘dedicate’ acreage to the City for park purposes required the advisory recommendations from both the Planning & Zoning Commission and the Parks & Recreation Board.

The P&Z met on Jan. 27<sup>th</sup>, & the Parks & Recreation Board convened on Feb. 9<sup>th</sup>. After assessing Hunt’s proposal, both boards tendered a recommendation to ‘accept’ both areas as ‘City Parks’.

**SYNOPSIS OF THE 2 PARKS**

Los Nogales Park was 2.1 acres; located near the Santa Fe/San Roman intersection; accessibility was extremely good via public streets; and there were 2 primary gathering areas with a soccer field in its mid-area with perimeter concrete sidewalks.

El Sendero Park was 1.7 acres; located near the Santa Fe/Santa Rocio intersection; accessibility was extremely good via public streets; there were 3 primary gathering areas with playground equipment all linked via waving concrete sidewalks; landscaping was good.

Staff Recommendation: Approval subject to having the City Attorney prepare the required dedicatory paperwork, i.e., replacement deed document without the maintenance agreement.

Staff and City Manager recommended approval.

Councilman Plata moved to approve request by Hunt Valley Development to have the City of Mission accept Los Nogales Park and El Sendero Park as ‘Public City Parks’. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

At 5:20 p.m. Mayor Salinas requested to go to item 4.15 of the agenda.

**4.5 Final Plat Approval: Eduardo's No. 9 Subd., 23.56 Acre tract being all of Lots 66 & 67, Block 1, La Homa Ranch Citrus Groves Unit No. 1, Rural ETJ, Developer: Aniceto Izaguirre Engineer: Izaguirre Engineering Group, Inc.**

This subdivision received Preliminary Plat Approval from the Council on 9/14/09. The plat was located approximately 3,500 feet south of Mile 7 (FM 492) along the west side of La Homa Road. The subdivision consisted of 38 lots, where Lots 1 & 2 and 32 through 38 had the option of being used for commercial or multi-family purposes.

The water CCN belonged to SWSC. The developer had installed the waterline system via the City's Approval.

Sanitary sewer service for this subdivision had been addressed by individual on-site sewage facilities (OSSF) of a standard design septic tank and drain field on each lot.

The lots faced a 50' ROW 32' B/B paved street built to the County's construction specifications. Prosperidad Drive would have a temporary cul-de-sac located at the western perimeter of the subdivision to allow for future extension of the street through future developments. There were also two 50' residential streets in a cul-de-sacs off of Prosperidad Drive. No residential access would be allowed from Lots 1 & 2 and 32 through 38 onto La Homa Road. Drainage for this subdivision was proposed through the use of swales located in the rear of each property as permitted under County guidelines as shown on the HCDD#1 approved drainage report. The P&Z unanimously approved the plat subject to staff's recommendations.

Staff Recommendation: Approval subject to meeting the Model Subdivision Rules, and typical County Codes.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Final Plat Approval: Eduardo's No. 9 Subd., 23.56 Acre tract being all of Lots 66 & 67, Block 1, La Homa Ranch Citrus Groves Unit No. 1, Rural ETJ, Developer: Aniceto Izaguirre Engineer: Izaguirre Engineering Group, Inc. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.6 PRELIMINARY Plat Approval: Hacienda San Jose Subd., Phase I, A 66.44 acre tract of land being all of Lots 7 & 8, Block 3, all of Lots 1-8, Block 5, and all of Lot 2 and portions of Lots 1, 3, & 4, Block 7, Del Monte Orchard Co. Subd., No. 1, R-1 (proposed), Developer: El Capote, Inc., Richard Hernandez, President Engineer: Quintanilla, Headley, and Associates**

The subject site was located approximately 2000' south of Business 83 along the west side of Schuerbach Road. The subdivision consisted of 191 residential lots all fronting public streets with pavement widths compliant to our codes. The Subdivision Ordinance cited that a cul-de-sac should not accommodate more than 25 homes....Del Oro Drive proposed to accommodate 26 homes; since it was only 1 additional home, P&Z tendered a favorable action to allow it. Staff noted that the longer Camino Grande had incorporated a knuckle roundabout to facilitate larger vehicle turnaround which had been a good method used to accomplish this.

WATER: The water CCN belonged to AGUA SUD. The developer was proposing to provide water service via a new 8" network tied into an existing 12" line located along the west side of Scott Lane. Hydrants would be located pursuant to the direction of the Fire Marshal.

SEWER: This plat was in AGUA SUD's wastewater (sewer) CCN. The City of Mission had a 2003 interlocal agreement with AGUA SUD (then it was LJWSC) to be able to serve developing properties in each others sewer CCN. In conferring with Gen. Mngr. Frank Flores, AGUA would honor this agreement and consent to this subdivision being served by Mission's sanitary sewer system. In that regard, all lots would be served with Mission sewer. They were proposing to install a series of 8" sewer lines within the subdivision, connecting into an existing sewer lift station located east of the subdivision via a 12" line. The \$200/Lot capital sewer recovery fee would be imposed ( $\$200.00 \times 191 = \$38,200.00$ ).

STREETS & STORM DRAINAGE: The developer was proposing 50' ROW, 32' B/B streets within the subdivision, with 1 street being paved at 37' B/B to act as a collector between Scott Lane and Schuerbach Road. ROW dedication to the perimeter along Schuerbach Road (40' from center) and Scott Lane (30' from center) complied with the MPO Thoroughfare Plan. Drainage was proposed by installing a series of 24" R.C.P. lines and Type "A" inlets that would flow toward the eastern area of the subdivision and outfall into a 125' HCDD # 1 Canal ROW.

OTHER COMMENTS: Install or Escrow street widening for Schuerbach Road (1,651.77' X \$55.90/L.F. = \$92,336.24); Install or Escrow street widening for Scott Lane (2,194.00' X \$35.36/L.F. = \$77,576.79); Escrow Park Fees (191 Lots X \$300.00 = \$53,300.00); Install or Escrow Street Lighting; Install or Escrow 5' sidewalks along Schuerbach Road (1,540.00') and Scott Lane (1,494.03') (3,034.03' X \$12.00/L.F. = \$36,408.36); Exclusion from the Water District; and Submit Voluntary Annexation. The P&Z unanimously approved the plat on March 24<sup>th</sup>.

Staff Recommendation: Approval subject to: 1) no objection to the 26<sup>th</sup> home on Del Oro Drive nor to the knuckle turnaround at Camino Grande, 2) install or escrow the street widening and 5' sidewalks for Schuerbach Road and Scott Lane, 3) pay Capital Sewer Recovery Fees and Park Fees, 4) provide exclusion from the water district, and 5) comply with format findings.

At 5:30 p.m. Councilman Plata stepped out of the meeting.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve preliminary plat approval: Hacienda San Jose Subd., Phase I, A 66.44 acre tract of land being all of Lots 7 & 8, Block 3, all of Lots 1-8, Block 5, and all of Lot 2 and portions of Lots 1, 3, & 4, Block 7, Del Monte Orchard Co. Subd., No. 1, R-1 (proposed), Developer: El Capote, Inc., Richard Hernandez, President Engineer: Quintanilla, Headley, and Associates. Motion was seconded by Councilman Plata and approved unanimously 5-0.

At 5:30 p.m. Councilman Plata stepped out of the meeting.

**4.7 Approval of Ord. # 3555 granting to Sharyland Utilities, L.P., a Limited Partnership, duly organized under the laws of the State of Texas, an Electric Power Delivery Franchise**

Approval of Ordinance No. 3555 granting to Sharyland Utilities, L.P., a Limited Partnership, duly organized under the laws of the State of Texas, an Electric Power

Delivery Franchise. The first reading was on February 22, 2010; second reading was on March 8, 2010 the ordinance would be effective 30 days after its final passage.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ord. No. 3555 granting to Sharyland Utilities, L.P., a Limited Partnership, duly organized under the laws of the State of Texas, an Electric Power Delivery Franchise. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**ORDINANCE NO. 3555**

AN ORDINANCE GRANTING TO SHARYLAND UTILITIES, L.P., A LIMITED PARTNERSHIP DULY ORGANIZED UNDER THE LAWS OF THE STATE OF TEXAS, AN ELECTRIC POWER DELIVERY FRANCHISE  
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION TEXAS:

**4.8 Authorize change in location of April 26, 2010 City Council meeting to Mission Chamber of Commerce Building**

Staff was requesting to change the location of the April 26, 2010 City Council meeting to the Chamber of Commerce building located at 202 W. Tom Landry since early voting would be taking place at Council Chambers on this date.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved authorize change in location of April 26, 2010 City Council meeting to Mission Chamber of Commerce Building. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

**4.9 Tax Collections Report – February, 2010**

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

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Tax Collection Report for February, 2010, as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

At 5:32 p.m. Councilman Plata rejoined the meeting.

**4.10 Budget Amendments: Utility Fund, General Fund, PD State Sharing Fund, and Boys & Girls Club**

Mrs. Flores presented the budget amendments BA-72 thru BA-77 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve budget amendments BA-72 thru BA-77. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **4.11 Approval of Collection of Taxes Contract between the County of Hidalgo and City of Mission for taxable year 2010**

As per Clause VI, Consideration of Collection Taxes contract between the County of Hidalgo and City of Mission, the City must be advised of the fee for collection for the next taxable year. The fee for taxable year 2010 would be \$69,458 effective September 1, 2010, an increase of \$3,308.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Collection of Taxes Contract between the County of Hidalgo and City of Mission for taxable year 2010. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

#### **4.12 Authorize City Manger to redeem the 2006A Revenue Bond (Governor's Loan)**

Authorize City Manager to redeem the 2006A Revenue Bond (Governor's Loan), which was issued on 11/30/2006 for \$8,765,000. The Bonds were designated to pay the construction of improvements and expansions of the Water/Sewer System. The bonds also had a variable interest rate and both principal and interest payments were done monthly. The City would save approximately \$1.8 million in interest and fees.

The Bonds had an optional Redemption Clause: "The City may, at its option, redeem the Bonds, in whole or in part prior to maturity on any Interest Payment Date at the option of the City upon not less than 10 days written notice, if partial redemption, or not less than 45 days notice if otherwise, to the Corporation and the TEXCAP Trustee at the redemption price equal to the principal amount to be so redeemed plus accrued interest to the redemption date."

Approximately \$1.5 million had been spent on water lines, issuance cost, equipment, and engineering fees for the expansion of the water plant. The Bonds had an outstanding principal balance of \$7,227,280 as of 3/02/10.

The City had obtained a zero interest loan from the Texas Water Development Board for the expansion of the Water Plant. The Jr. Lien Revenue Bond was closed on 12/30/09 for \$8,285,000.

Staff and City Manager recommended approval.

Councilman Plata moved authorize City Manger to redeem the 2006A Revenue Bond (Governor's Loan). Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

#### **4.13 Acceptance of the Shary Golf Course Irrigation Project and Reconciliation of Final Quantities**

Gomez, Mendez, Saenz, Inc, Architect, with the City of Mission had conducted a final construction inspection and found project 100% complete meeting Design Plans and Specifications. Final reconciliation of quantities increased contract by \$20,489.80, total cost of project would increase from \$1,329,900.00 to \$1,350,389.80 documentation reflected cost adjustments.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve acceptance of the Shary Golf Course Irrigation Project and Reconciliation of Final Quantities. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.14 Discussion and action to approve an Identity Theft Prevention Program policy as required by the Federal Trade Commission**

The Federal Trade Commission (FTC) had issued what were known as the “Red Flag” requirements for financial institutions and creditors to help cut down on identity theft. The City of Mission was considered a creditor due to its utility billing operation and as such was required to create, adopt, and implement policies and procedures which would provide adequate though not absolute safeguards regarding sensitive information such as social security numbers, drivers license numbers, and the like. A policy had been developed and circulated among the appropriate staff for implementation.

Staff and City Manager recommended approval.

Councilman Plata moved to approve an Identity Theft Prevention Program policy as required by the Federal Trade Commission. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.15 Authorization to solicit bids or purchase via a state approved contract the furniture for the Mission Police/Mission Fire Department Substation(s) on Military Highway and Glasscock Rd.**

The Mission Police Department was requesting authorization to solicit bids or purchase via a state approved contract the furniture for the Mission Police / Mission Fire Substation(s) on Military Highway and Glasscock Road. The construction of these two facilities would require furniture for both police and fire staff to conduct normal operations.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids or purchase via a state approved contract the furniture for the Mission Police/Mission Fire Department Substation(s) on Military Highway and Glasscock Rd. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.16 Authorization to solicit bids or purchase via a state approved contract a telephone system for the Mission Police/Mission Fire Department Substations on Military Highway and Glasscock Rd.**

The Mission Police Department was requesting authorization to solicit bids or purchase a state approved contract a telephone system for the Mission Police / Mission Fire Substation(s) on Military Highway and Glasscock Road. The Mission Police Substation and the Fire Substation would each need a telephone system in order to facilitate normal operations.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to solicit bids or purchase via a state approved contract a telephone system for the Mission Police/Mission Fire Department Substations on Military Highway and Glasscock Rd. Motion was seconded by Mayor Pro Tem Olivarez approved unanimously 5-0.

**4.17 Authorization to purchase a security system for the Mission Police/Mission Fire Department Substation(s) on Military Highway and Glasscock Rd.**

The Mission Police Department was requesting authorization to purchase a security system for the Mission Police / Mission Fire Substation(s) on Military Highway and Glasscock Road. The purchase would include entry/exit proximity system for primary entry/exit doors, indoor and outdoor security cameras, and fire systems for both facilities.

Staff and City Manager recommended approval.

Councilwoman Garza moved to authorize to purchase a security system via HGAC or state approved contract for the Mission Police/Mission Fire Department Substation(s) on Military Highway and Glasscock Rd. Motion was seconded by Mayor Pro Tem Olivarez approved unanimously 5-0.

**4.18 Authorization to accept the Border Initiative Grant from the Office of the Governor's Criminal Justice Division**

The Mission Police Department was requesting authorization to accept a Border Initiative Grant from the Office of the Governor's Criminal Justice division. The grant was for the purpose of purchasing three (3) fully equipped patrol cars, the purchase of lap top computers for the marked police units and the funding for a Crime Analyst. The \$250,000.00 grant allocations was providing \$205,000.00 for the purchase of the patrol units and camera equipment, and a total of \$45,000.00 to fund a Crime Analyst. There was no cash match required for this grant. Staff was requesting respectfully requesting approval to accept the grant.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to accept the Border Initiative Grant from the Office of the Governor's Criminal Justice Division. Motion was seconded by Councilwoman Ramirez approved unanimously 5-0.

At 5:23 p.m. Mayor Salinas requested to continue with item 4.5 of the agenda.

**4.19 Authorization to solicits bids for "Housing Assistance Program-Housing Rehabilitation Phase 09-DR"**

CAC met on Tuesday, March 23, 2010, and approved staff's recommendation to provide assistance for the rehabilitation of three (3) homes subject to environmental clearance. These monies were provided through the stimulus fund awarded to the City.

Rehabilitation:

934 Lee Street  
920 Bryce  
1812 Joanna Ave

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to solicit bids for “Housing Assistance Program-Housing Rehabilitation Phase 09-DR”. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.20 Bid for Sale of Real Property described as the West 50’ of Lot 57, Block 1 of the Mission Acres Subd. located on the Southeast corner of Barnes & Adams**

Staff was seeking authorization to solicit bids for sale of property owned by the City of Mission. This property was located on the southeast corner of Barnes & Adams. The following was the legal description: The west fifty feet (W. 50’) of Lot 57, Block one (1) of the Mission Acres Subdivision of Lands, in Hidalgo County, Texas (Deed Doc. #13237.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve bid for Sale of Real Property described as the West 50’ of Lot 57, Block 1 of the Mission Acres Subd. located on the Southeast corner of Barnes & Adams. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.21 Discussion and Action on petition submitted by Mission Police Association to be recognized as a bargaining agent for all police officers in the City of Mission as per Chapter 142.053 of the Texas Local Government Code**

The petition submitted by the Mission Police Association on March 24, 2010 requesting to be recognized as the bargaining agent for all police officers in the City of Mission. The petition contained 82 signatures of police officers which represented 65.5% of the police officers of the City of Mission.

Texas Local Government Code Chapter 142.053 stated that not later than the 30th day after the date the governing body of a municipality received from a police officers association a petition signed by the majority of all police officers, excluding the head of the law enforcement agency for the municipality and excluding the employees exempt under Section 142.058(b), that requested recognition of the association as the sole and exclusive bargaining agent for all the police officers employed by the municipality, excluding the head of the law enforcement agency for the municipality and excluding the exempt employees, the governing body shall approve one of the following:

- (1) grant recognition of the association as requested in the petition and determine by majority vote that a public employer may meet and confer under this subchapter without conducting an election by the voters in the municipality under Section 142.055; or
- (2) defer granting recognition of the association and order an election by the voters in the municipality under Section 142.055 regarding whether a public employer may meet and confer under this subchapter; or
- (3) order a certification election under Section 142.054 to determine whether the association represents a majority of the affected police officers.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the petition submitted by Mission Police Association to be recognized as a bargaining agent for all police officers in the City of Mission as per Chapter 142.053 of the Texas Local Government Code. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.22 Final Plat Approval: Marbella Subd. Phase I, 15.94 Acres out of Lots 83 & 84, J.H.S. Subd., PUD (High Density), Developer: Hunt Valley Development I, LLC Engineer: Halff Associates**

Mr. Paul Curtin of Sharyland Plantation had asked for Final Plat Approval for PHASE I of Marbella Subdivision. The City Council approved the Preliminary Plat on March 8, 2010 for the overall 104 lot development. Phase I involved 51 lots. Hunt Valley desired to record the plat now during the ongoing construction of the infrastructure by providing a bond to financially secure the improvements. If approved and recorded thereafter, no building permits could be issued until all utility & street improvements were approved of in writing.

The developer would install an internal 8" water line system looped to perimeter 16" and 8" water lines being previously approved by the City's Public Works Office & the Fire Marshal.

On sewer, the developer was installing an internal 8" sewer system to provide this service to all lots – their system tied into the existing 15" sewer network along the west side of the property. The City's capital sewer recovery fee would be imposed to the residential lots at \$200/lot x 104 lots = \$20,800.

The streets would be paved to 32' B/B with the central collector meeting mission's collector street standard. The ROW dedication along Shary Road met the MPO Thoroughfare Plan. Storm drainage was accomplished through a series of 36", 30", & 24" storm lines, which led into Hunt's regional ditch system.

The bond had to be approved by the City Attorney.

Staff Recommendation: Approval subject to the City Attorney approving the bond.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Final Plat Approval: Marbella Subd. Phase I, 15.94 Acres out of Lots 83 & 84, J.H.S. Subd., PUD (High Density), Developer: Hunt Valley Development I, LLC Engineer: Halff Associates. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**4.23 Authorization to seek Request for Qualifications (RFQ's) for engineering services for 2 Mile West from Conway to La Homa Rd.**

No action was taken on this item.

**4.24 Approval of negotiated contract with Melden & Hunt for the Sewer Plant Expansion Project**

On June 22, 2009, City Council authorized City Manager to negotiate contract with Melden & Hunt regarding the Sewer Plant Expansion project. The expansion was to the existing wastewater treatment plant to increase its existing capacity from 9.0 MGD to 13.5 MGD. At the existing projected rate of growth this would allow us to treat our sewer until the year 2034.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve negotiated contract with Melden & Hunt for the Sewer Plant Expansion Project. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **4.25 Change Order No. 2 for 2010 Street Overlay Project**

Addition of Meadow Way from Lakwe View Drive to River Bend drive would increase contract total amount by \$38,000.00. Change Order No. 2 would increase original contract cost from \$787,126.24 to \$825,126.24. (change orders # 1 and # 2 are 8.9% original contract price) which was under the 25% limit from original contract cost set by the Texas Governmental Code.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Change Order No. 2 for 2010 Street Overlay Project. Motion was seconded by Councilman Plata and approved unanimously 5-0.

Councilwoman Garza moved to approve to remove from table item 5.1 of the agenda . Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

### **5.0 Unfinished Business**

#### **5.1 Request by ARCADIS Geraghty & Miller to Install a Groundwater Monitoring Well in Public ROW being north of Lot 12, Shary Meadows Subdivision**

- ❖ Staff had received a permit to install a groundwater monitoring well by the above firm to be located within the Shary Meadows development.
- ❖ The well would have a depth of 40' and have a top/cover that would be flush with the ground.
- ❖ Their proposal was certainly not a sight obstruction and would not interfere with city utilities.
- ❖ This proposal was identical to the proposal approved by the City Council on May 30, 2006.
- ❖ Similar to the May '06 item, Staff did not object so long as an identical Hold Harmless document was recorded.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve request by ARCADIS Geraghty & Miller to Install a Groundwater Monitoring Well in Public ROW being north of Lot 12, Shary Meadows Subdivision. Motion was seconded by Councilman Plata and approved unanimously 5-0.

### **6.0 Routine Matters**

#### **6.1 City Manager's Comments**

None

**6.2 Mayor's Comments**

None

At 5:59 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 Private consultation with the City Attorney Sec. 551.071**

**A. Request by Cavazos Family to have city pave private access easement in newly annexed area out of Lot 32-2, W.A.S.**

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

At 6:13 p.m., Councilwoman Ramirez moved to reconvene in open session. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

On item 7.1-A, Councilwoman Garza moved to approve city to pave access provided that the City gets the title to the easement. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**8.0 Adjournment**

At 6:13 p.m., Mayor Pro Tem Olivarez moved for adjournment. Motion was seconded by Councilman Plata and approved unanimously 5-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary