

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
NOVEMBER 24, 2008 4:30 P.M.
MISSION CITY HALL**

PRESENT:

Norberto Salinas, Mayor
Ruben D. Plata, Councilman
Norie Gonzalez Garza, Councilwoman
Leo Olivarez, Mayor Pro Tem
Esmeralda Garcia, Attorney
Anna Carrillo, City Secretary
Julio Cerda, City Manager

ABSENT:

Celestino Ramirez, Councilman
David Guerra, City Attorney

ALSO PRESENT:

Kathy Olivarez, Progress Times
Peter Peck
Julia Stanion Peck
Guadalupe G. Salinas
Veronica Salinas
Irma Flores
Rolando Garcia
J. Encarnacion Calderon
Tom and Maggie Birmingham
Pat Townsend, Jr.
Dianna Reed
Arlene Rivera
Linda Castaneda

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Aida Lerma, Public Relations Director
Sergio Zavala, Planning Director
Jaime Acevedo, City Planner
Roberto Salinas, City Engineer
Joanne Longoria, CDBG Director
Rick Saldana, Fire Chief
Gilbert Sanchez, Fire Marshal
Ruben Diaz, Public Works Director
Victor Gonzalez, Streets Director
Elizabeth Cabrera, Purchasing Director
Rosie Salazar, Risk Manager
Janie Flores, Finance Director
Julian Gonzalez, Parks & Rec. Director
Adela Ortega, Museum Director
Rusty Dove, Library Director
Omar Garcia, Boys & Girls Club Director
Leo Longoria, Chief of Police
Roland Rodriguez, D.P. Manager
Jonathan Wehrmeister, Judge

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:32 p.m.

2. Pledge Allegiance and Invocation

Mayor Salinas led the meeting with the pledge of allegiance and City Manager Julio Cerda gave the invocation.

3. Departmental Reports

Mayor Pro Tem Leo Olivarez moved to approve the departmental reports as presented. Motion was seconded by Councilman Ruben Plata and approved unanimously 3-0.

4. Citizens Participation

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Mr. Ben Olivarez with the Museum Board, thanked Mayor Salinas, the City Council and everyone from City of Mission who participated and helped in the Museum Gala. He also gave a brief report on the outcome of the event.

Mrs. Aida Lerma, announced that it was only two (2) weeks away from the grand finale of the Centennial Year Celebration. She also presented to the Council the actual invitation to the Mayor's Centennial Ball that will take place on Saturday, December 6, 2008.

Irma Flores, International Social Worker for Management Sciences for Development in Washington D. C., addressed the Council to advise them of their 1st major project which will take place here in the City of Mission next Tuesday, December 2, 2008 to learn about the juvenile services.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Proposed Annexation of the following areas: Tract A: Acreage out of Lot 29-7, 30-7, 30-8, WAS including Ocana Subd., Tract B: Valle Hermoso Estates, Sno-Bird Estates, Val's Kountry Corral being all of Lot 39 and the North part of Lot 38, Bentsen Groves #2 Subd., including all or parts of Lots 34 & 35, Bentsen Groves #2 Subd.**

The properties were adjacent to Mission City Limits and City Water and City Sewer was used and /or was available.

Staff, P&Z and City Manager recommended approval.

Mayor Salinas recommended waiting for 2nd Public Hearing scheduled for December 8th, 2008.

2.0 Disposition of Minutes

2.1 City Council Meeting – November 10, 2008 and Special Meeting – November 17, 2008

Councilwoman Norie Gonzalez Garza moved to approve the minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 4-0.

3.0 Acknowledge Receipt of Minutes

3.1 Zoning Board of Adjustments – September 17, 2008 Mission Civil Service Commission – October 29, 2008

Councilwoman Garza moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.0 Approvals and Authorizations

4.1 Request by Sharyland Storage, LLC, to have City Council authorize City Manager to issue building permit for storage units at the un-recorded Lot 1, Sharyland Storage Subd.

The owner of Sharyland Storage had filed for a building permit to build new storage units next to the adjoining ones to the West. The new phase of units was valued at \$170,000. Utilities were available and paved public access was evident thru their driveway to Business Highway 83 already. The plat had been administratively approved via prevailing ordinances and all codes

would be complied with prior to recording including water district exclusion and incurring the capital sewer recovery fees.

As the City had done with others, staff did not object subject to our comments below.

Staff recommendation: No objection subject to 1) no occupancy until plat had been recorded.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve request by Sharyland Storage, LLC, to have City Council authorize City Manager to issue building permit for storage units at the un-recorded Lot 1, Sharyland Storage Subd. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.2 Action to Authorize Mayor to sign letter to the City of McAllen to extend Mission's Water and Wastewater CCNs into McAllen's Jurisdiction between GSA & Shary Rd

Hunt Valley had forwarded a letter dated Nov. 19, 2008 citing the "crucial" need for Mission and McAllen to come up with an agreement on utility servicing the approximate 300 acres East of the GSA facility and Shary Road. There was a significant manufacturer that was very interested to locate in this area; thus, the dire need for a prompt reply.

Mission officials re-visited with McAllen's City Manager and their PUB Manager wherein it was again posited that since Mission had the water and sewer lines in the immediate vicinity, that logistically it'd be most feasible for Mission to serve this acreage currently in McAllen's water and sewer CCN's. In consideration of Mission serving this substantial area though, it was deemed best to have said acreage de-certified from McAllen and certified into Mission's water and wastewater CCN's and for this to be a part of any such agreement with McAllen.

We alerted the City Council that McAllen's staff had long ago analyzed and prepared their own engineering models for projecting water and sewer service into this acreage by them factoring in Mission's oversized water lines and Mission's lift station's capacity. In other words, McAllen knew that Mission would be the regional utility service provider for this sector. Both cities only needed to finalize CCN boundaries to assure any potential industrial manufacturers, as well as Hunt Valley, that we had the same mutually beneficial goal.

At that time, a letter was to be generated from the City of Mission to McAllen citing the above intent and authorizing Mayor Salinas to sign such a letter.

Staff and City Manager recommended authorize Mayor Salinas to sign letter as described above.

Mayor Pro Tem Oivarez moved to approve action to authorize Mayor to sign letter to the City of McAllen to extend Mission's Water and Wastewater CCNs into McAllen's Jurisdiction between GSA & Shary Rd. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.3 Adoption of Ordinance # 3417 to abandon a portion of Drainage Easement as Dedicated by the Solera II Subd. Plat

Staff had received a request to have the City consider abandoning a small portion of drainage easement as dedicated in the Solera II Subdivision plat. As seen in the excerpt of the recorded plat, Hunt Valley dedicated a drainage easement in varying widths of 225' to over 300'. Hunt Valley proposed this abandonment to better reconcile their forthcoming phased Antigua plat to the meandering lakeshore; and actually, most of the subject property would be re-dedicated as drainage easement but not all of it.

There would have been no impact at all whatsoever to the regional drainage of Sharyland Plantation.

Staff and City Manager recommended Approval of ordinance.

Councilwoman Garza moved to approve Adoption of Ordinance No. 3417 to abandon a portion of Drainage Easement as Dedicated by the Solera II Subd. Plat. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE # 3417

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION ABANDONING A PORTION OF A PERIMETER DRAINAGE EASEMENT DEDICATED TO THE GENERAL PUBLIC OUT OF SHARYLAND PLANTATION VILLAGE SOLERA SUBDIVISION PHASE II, MISSION, HIDALGO COUNTY, TEXAS

4.4 Approval of Res.# 1216 adopting Cover the Border Mitigation Action Plan 2007-2012

In 2006 a grant was awarded to H2O partners to conduct a Hazardous Mitigation Action Plan for the border areas, which included the tri counties of the LRGVDC and its communities. This plan was completed and sent to FEMA for approval. The next step was for the local jurisdiction to approve the resolution authorizing the Cover the Border Hazard Mitigation Action Plan 2007-2012 which would pertain to the region to include the City of Mission. This plan identified 36 Regional Mitigation Actions and 6 mitigations actions were identified for the City of Mission by the City's Emergency Management Coordinator, which were such as flood prone areas, drainage issues and areas of improvement to avoid major property damages to the City of Mission and residents. This would allow the City of Mission to apply for hazards grant program thru the Governor's Division of Emergency Management. Through this grant program the City may mitigate any problematic areas.

Staff and City Manager recommended approval of resolution.

Councilwoman Garza moved to approve Res. No. 1216 adopting Cover the Border Mitigation Action Plan 2007-2012. Motion was seconded by Councilman Plata and approved unanimously 4-0.

RESOLUTION # 1216

RESOLUTION OF THE CITY OF MISSION ADAPTING "COVER THE BORDERHAZARD MITIGATION ACTION PLAN, 2007 -2012"

4.5 Authorization to accept a Bulletproof Vest Partnership Grant from the Office of Justice Program's Bureau of Justice Assistance

The Mission Police Department was requesting authorization to accept a Bulletproof Vest Partnership Grant from the Office of Justice Program's Bureau of Justice Assistance. The grant would allow our organization the opportunity to purchase bulletproof vests for our police officers for half of the sale price. The Bureau of Justice Assistance would provide \$6,900.00 for the purchase of the vests through the grant and the City of Mission Police Department would provide a cash match of another \$6,900.00. The total amount of \$13,800.00 would allow us the opportunity to purchase a total of thirty (30) bulletproof vests. The cash match amount of \$6,900.00 would be obtained from the police departments' own general account.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to accept a Bulletproof Vest Partnership Grant from the Office of Justice Program's Bureau of Justice Assistance. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.6 Authorization to solicit bids for the purchase of a storage tank for the Water Plant

Staff was seeking authorization to solicit bids for the purchase of a doubled walled 9,100 gallon bulk storage tank. This tank would be used for storage of the aluminum sulfate for the Water Plant Department. Due to the growth of the City of Mission the need for more storage was needed in order to keep up with the demands of the North Side Water Plant. The volume of water needed was now greater and as such the need for the aluminum sulfate needed to prepare the water was much higher. This storage tank would also prepare the North Side Water Treatment Plant for the planned expansion.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for the purchase of a storage tank for the Water Plant. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.7 Bid for Electrical Repair and Maintenance for Public Works' Departments

On May 27, 2008 City Council authorized staff to solicit bids for electrical services for Public Works' Departments. The City of Mission had accepted and opened two (2) bid responses for this project. Staff was recommending awarding to low bidder Fred's Electrical Service, Inc for an estimated total cost of \$200,000.00.

Staff and City Manager recommended approval.

Councilman Plata moved to approve bid for electrical repair and maintenance for Public Works' Departments. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.8 Bid for the purchase of Commercial Grade Caliche (flex base) for Public Works' Departments

On September 22, 2008 City Council authorized staff to solicit bids for the purchase of commercial grade caliche (flexbase) for Public Works' Departments. The City of Mission had accepted and opened one (1) bid response for this project. Staff was recommending awarding to low bidder Frontera Materials, Inc. for a total cost of \$48,000.

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Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Bid for the purchase of Commercial Grade Caliche (flex base) for Public Works' Departments. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.9 October 2008 Financial Statements

Finance Director, Mrs. Janie Flores presented the Financial Statements for October 2008, for acceptance.

Staff and City Manager recommended approval.

Councilman Plata moved to approve October 2008 Financial Statements. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.10 Budget Amendments – CDBG, General Fund, Designated Purpose Fund, Utility Fund, 2003 PFCO, 2005 CO, 2005A CO, and 2007 CO

Mrs. Flores presented the budget amendments BA-09, BA-010, BA-011, BA-012, BA-013, BA-014, BA-015, BA-016, BA-017, BA-018, BA-019, BA-020, and BA-021 to the City Council for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve budget amendments BA-09, BA-010, BA-011, BA-012, BA-013, BA-014, BA-015, BA-016, BA-017, BA-018, BA-019, BA-020, and BA-021. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.11 Budget Amendments – General Fund and Designated Purpose Fund

Mrs. Flores presented the budget amendments BA-023, BA-024, and BA-025 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve budget amendments BA-023, BA-024, and BA-025. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.12 Budget Amendments: Recognize fiscal year 9/30/08 encumbrances adjustments as per audit requirements

Mrs. Flores presented the budget amendments BA-22 to the City Council for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve budget amendments BA-22. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.13 Resolution # 1217 delegating to City Manager Authority to act on release of liens, and delegation of same to Chief Municipal Court Judge; and to ratify such actions that may have occurred thus far

Ordinance #3359 (of Chapter 42) was approved on June 9, 2008 where it said that the City Council 'may delegate' authority to the City Manager to release liens on weedy lots when justified to do so; however, the Council had yet to officially authorize the City Manger to do so. In that same #3359, it said that 'with the City Council's approval, the City Manager may also delegate this discretionary authority to the Municipal Court Judge'

This proposed ordinance would 1) delegate the authority to the City Manager to release liens when justified to do so, 2) approved the same delegation from the City Manger to the Municipal Court Judge, and 3) ratified any action that had thus far been taken by the City Manager and/or the Municipal Court Judge prior to this formal authorization.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Resolution No 1217 delegating to City Manager Authority to act on release of liens, and delegation of same to Chief Municipal Court Judge; and to ratify such actions that may have occurred thus far. Motion was seconded by Councilman Plata and approved unanimously 4-0.

RESOLUTION # 1217

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
AUTHORIZING THE CITY MANAGER TO RELEASE LIENS CREATED UNDER
CHAPTER 42 OF THE CODE OF ORDINANCES OF THE CITY OF MISSION, TEXAS,
COMMONLY KNOWN AS THE WEEDY LOT ORDINANCE, PURSUANT TO SECTION 43
OF SAID CHAPTER 42, AND APPROVING THE CITY MANGER'S DELEGATION OF
THE AUTHORITY TO THE CHIEF MUNICIPAL COURT JUDGE

4.14 Request by Weingarten dba Conway Partners, LTD to have City Council consider waiving Weedy Lot Fee to the E. 199.8' of the W. 399.64' of the S. 1090', Lot 25-6 W.A.S.

Weingarten (Conway Partners) owned acreage to the NW of Conway/FM 495 where part of it was agriculturally zoned (which imposed a 36" threshold for a weedy lot) and where the subject property was commercially zoned (where the threshold for violation was 12"). Weingarten was asking the City to waive \$159,23 of outstanding weedy lot fees. This property was part of the property that the Texas Citrus Fiesta used during their annual carnival events.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Request by Weingarten dba Conway Partners, LTD to have City Council consider waiving Weedy Lot Fee to the E. 199.8' of the W. 399.64' of the S. 1090', Lot 25-6 W.A.S. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.15 Approval of Resolution # 1218 suspending the December 29, 2008 effective date of Texas Gas Service Company's requested rate change to permit the city time to study

the request to establish reasonable rates, authorizing cooperation with other Valley Cities to form the Valley Cities Gas Coalition, to hire legal and consulting services and participate in the cost sharing of expenses

Recently Texas Gas service notified cities in the Lower Rio Grande Valley of the Gas Reliability Infrastructure Program (GRIP) filing that took place on October 30, 2008. The filing was entitled "Interim Rate Adjustment Tariff". If Texas Gas Service's request was approved in its entirety, all customers in the Lower Rio Grande Valley would be assessed a surcharge every month until the Company's next general rate case. The proposed monthly surcharge was \$0.37 on all residential customers, \$2.39 for commercial customers, \$2.24 for public authorities and \$6.05 for industrial customers.

LRGVDC Board of Directors met and approved recommending to its member governments to adopt a resolution to suspend the rate increase in order to allow time to review this proposed increase.

The firm of Lloyd Gosselink, Attorneys at Law had been engaged to conduct the review. The City of Mission's cost share based on population would be \$1,335.00.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Resolution No. 1218 suspending the December 29, 2008 effective date of Texas Gas Service Company's requested rate change to permit the city time to study the request to establish reasonable rates, authorizing cooperation with other Valley Cities to form the Valley Cities Gas Coalition, to hire legal and consulting services and participate in the cost sharing of expenses. Motion was seconded by Councilman Plata and approved unanimously 4-0.

RESOLUTION # 1218

A RESOLUTION BY THE CITY OF MISSION, TEXAS SUSPENDING THE DECEMBER 29, 2008 EFFECTIVE DATE OF TEXAS GAS SERVICE COMPANY'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; AUTHORIZING COOPERATION WITH OTHER CITIES IN THE RIO GRANDE VALLEY SERVICE AREA TO FORM THE VALLEY CITIES GAS COALITION TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION, AUTHORIZING INTERVENTION IN ADMINISTRATIVE AND COURT PROCEEDINGS INVOLVING THE PROPOSED RATE ADJUSTMENT; REQUIRING REIMBURSEMENT OF CITIES' REASONABLE RATE CASE EXPENSES; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

City Manager wished everyone a Happy Thanksgiving and informed that the City Offices would be closed Thursday and Friday.

6.2 Mayor's Comments

Mayor Salinas informed Museum Director, Adela Ortega and City Manager that he wanted the wall on Conway and Tom Landry Street next to Yoli's store fixed as soon as possible.

At 5:12 p.m., Mayor Pro Tem OLivarez moved to convene into executive session. Motion was seconded by Councilman Plata and approved unanimously 4-0.

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

7.1 Personnel or to hear complaints against personnel, Sec. 551.074

A. Approval of Professional Services Contract for Mark Sossi, P.C.

7.2 Purchase, exchange, lease or value of real property, Sec. 551.072

A. Purchase of Property for Events Center.

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

At 5:24 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

On Item 7.1-A, Mayor Pro Tem Olivarez approved to continue services with Mark Sossi, P.C. Motion was seconded by Councilman Plata and approved unanimously 4-0.

On item 7.2-A, no action was taken.

8.0 Adjournment

At 5:26 p.m., Councilman Plata moved for adjournment. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary