

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
APRIL 13, 2009 4:30 P.M.
MISSION CITY HALL**

PRESENT:

Norberto Salinas, Mayor
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:

Celestino Ramirez, Councilman

ALSO PRESENT:

Kathy Olivarez, Progress Times
Marilou Liuk
Arlene Rivera
John Harriott
Maggie Birmingham
Mrs. Robert Flint
Rose Dramond
Ramona Diaz
Juan Moreno
Ofelia G. Moreno
Jose Moreno
Ivan Perez
Bernie Pena
Rick Gaytan
Pablo Saldivar
Gloria Contreras
Rene Ramirez, Sr.
Ricardo Delgado
Raul Garcia, Jr.
Stan Jacobson
Pat Townsend, Jr.
Roel Rivera

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Sonia Carnes, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sergio Zavala, Planning Director
Bobby Salinas, Subdivision Coordinator
Roberto Salinas, City Engineer
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Elizabeth Cabrera, Purchasing Director
Leo Longoria, Chief of Police
Robert Dominguez, Asst. Chief of Police
Martin Garza, Asst. Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Adela Ortega, Museum Director
Rusty Dove, Library Director
Omar Garcia, Boys & Girls Club Director
Roland Rodriguez, D.P. Manager
Jonathan Wehrmeister, Judge
Noemi Munguia, HR Director

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:30 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 – CDBG Week & Fair Housing Month

City Secretary, Mrs. Anna Carrillo read the proclamation for CDBG Week and Fair Housing Month.

Staff and City Manager recommended approval.

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

4. Proclamation – Public Safety Telecommunications Week

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

Staff and City Manager recommended approval.

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

5. Proclamation – Crime Victims Rights Week

Mrs. Carrillo read the proclamation for Crime Victims Rights Week.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the proclamation as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

6 Proclamation – Medical Laboratory Professionals Week

Mrs. Carrillo read the proclamation for Medical Laboratory Professionals Week.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the proclamation as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

7 Departmental Reports

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

8. Citizens Participation

Maxi Lou Link presented the Mayor and Council with a frame of Chimney Park.

Omar Garcia, Director of Boys and Girls Club invited the Mayor and Council to the 1st Annual Little League Opening Day Ceremony that would take place on Saturday, April 18th at 10:00 a.m.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Proposed Annexation of the following areas: Tract A: A 38.85 ac. Tract of land out of Lot 30-3; 38.51 ac. tract of land out of Lot 29-4; the NE 2.93 ac. of 29-3; Lot 30-4 (to include Lot 1, Escobar/Rios Elementary School Subd.); Lot 31-3 (to include Lots 1-15, Moreno Subd.), West Addition to Sharyland; Lots 29-42, & Lots 43 (to include Lots 1 & 2, Ojeda Subd.); & 44 (to include Lots 1 & 2, Godina Subd.), Bell-Woods Co's. Subd. "C", and Lots 45, 46, 47 (to include Lots 1-10, Jessan Subd.), & 48, Bell Woods Co. Subd. "D", Vol. 5, Page 34 Tract B: A 10.98**

ac. tract of land out of Lot 13-12, West Addition to Sharyland, and 15.27 ac. out of Lot 131, John H. Shary Subd.

A 2nd public hearing would be held on April 27, 2009.

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

John Harriot of 3417 Trosper Rd, asked if there was a master plan for Trosper Rd. and how was it going to affect his taxes, and what services would be provided.

Mayor Salinas answered that city taxes would be imposed but they were lower than the county taxes. The services provided would be whatever services were provided to other properties in the city like police and fire protection.

No action was taken on this item.

B. A Public Hearing on the Edward Byrne Memorial Justice Assistance (JAG) Formula Program Grant and the expenditure of \$37,418.00 in grant funds

The Mission Police Department was requesting the opening of a Public Hearing on the Edward Bryne Memorial Justice Assistance (JAG) Formula Program Grant and the expenditure of \$37,418.00. The City of Mission Police Department had been awarded the aforementioned grant amount and plans to utilize the grant funds on the purchase of Police Mobile Radios. In accordance with the grant requirements, the Mission Police Department was requesting public input regarding the utilization of these grant funds for the purchase of the Police Mobile Radios.

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

There were none.

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

2.0 Disposition of Minutes

2.1 City Council Meeting – March 25, 2009

Councilwoman 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 Mission Economic Development Corp. –February 17, 2009

Shary Golf Advisory Board – February 25, 2009

Mission Boys & Girls Club – February 26, 2009

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 Hunt Valley Development for and Extension of ‘Approved’ Final Plat of Sharyland Plantation Village Valencia Phase IV Subdivision, a 1.118 acre tract of land Of Lot 82, JHS, PUD Developer: Hunt Valley Industrial I, LP Engineer: Halff Associates

On June 11, 2007, the City Council conveyed Final Plat Approval to Valencia Subdivision. This fourth phase completed the recording of the entire Valencia community, i.e., the 1st, 2nd, and 3rd phases had already been recorded.

The 5-lot fourth phase was towards the NE area of San Mateo and Grand Canal Drive.

Valencia's 8" water and 8" sewer improvements had been inspected and approved with services provided to each of the 5 lots. The city's paving codes and 24" plus storm improvements had also been installed and approved, too. The Capital Sewer Recovery fee had been imposed, too.

Staff recommended approval of extension retroactive to the expiration date of July 2008.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve request by Hunt Valley Development for and extension of 'Approved' Final Plat of Sharyland Plantation Village Valencia Phase IV Subdivision, a 1.118 acre tract of land Of Lot 82, JHS, PUD Developer: Hunt Valley Industrial I, LP Engineer: Half Associates. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.2 Lease Agreement between the City of Mission and Upper Valley Art League, Inc. for the rental of the Kika de la Garza Building

This was an agreement between the City of Mission and the Upper Valley Art League, Inc. for the rental of the Kika de la Garza Building located at 921 E. 12th St. for a rental amount of \$1.00 a year.

The City would be responsible for all reasonable utility services and maintenance and repair of the building.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Lease Agreement between the City of Mission and Upper Valley Art League, Inc. for the rental of the Kika de la Garza Building. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.3 Approval of Res. # 1229 in support of the Hidalgo Loop Project

The Hidalgo County Regional Mobility Authority (RMA) was a regional mobility authority authorized to address mobility issues in and around Hidalgo County. The RMA had committed to develop the Hidalgo Loop that would serve the needs of all the citizens of Hidalgo County.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Res. No. 1229 in support of the Hidalgo Loop Project. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

RESOLUTION NO. 1229

Resolution of Support of the Hidalgo Loop Project

4.4 Approval of Res. # 1230 naming a Deputy Registrar for City of Mission Vital Statistics Division

This resolution named Nelia Hernandez, Deputy Registrar for the City of Mission Vital Statistics Division under the supervision of the City Secretary. Ms. Hernandez had already been registered with the State Bureau of Vital Statistics and this resolution satisfied the requirement of naming deputy registrars.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Res. No. 1230 naming a Deputy Registrar for City of Mission Vital Statistics Division. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

RESOLUTION NO. 1230

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS NAMING
A DEPUTY FOR VITAL STATISTICS DEPARTMENT

4.5 Lease Agreement between the City of Mission and Texas Citrus Fiesta, Inc., for the rental of the building at 220 E. 9th St.

This was an agreement between the City of Mission and the Texas Citrus Fiesta, Inc. for the rental of the Building located at 220 E. 9th St. (previous Chamber of Commerce Building) for a rental amount of \$10.00 a year. Lease agreement was for one year with an automatic renewal for an additional year on each March 9 thereafter up to and including March 9, 2013.

The Texas Citrus Fiesta would be responsible for all utility services and maintenance and repair of the building.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Lease Agreement between the City of Mission and Texas Citrus Fiesta, Inc., for the rental of the building at 220 E. 9th St. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.6 Approval of Ord. # 3445 granting a wet designation for 1004 W. Kika de la Garza, One Buk Stop

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

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve of Ord. No. 3445 granting a wet designation for 1004 W. Kika de la Garza, One Buk Stop. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3445

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING ORDINANCE NO. 780 DESIGNATING PLACES WHERE BEER AND OTHER ALCOHOLIC BEVERAGES MAY BE SOLD WITHIN THE CORPORATE LIMITS OF THE CITY OF MISSION TO INCLUDE THE PREMISES LOCATED AT 1004 W. KIKA DE LA GARZA.

4.7 Acceptance of Quarterly Report of Investments for the Quarter ending March 31, 2009 and Interest Earned for Six Months Ending March 31, 2009

Mrs. Flores presented the Quarterly Report of Investments for the quarter ending March 31, 2009 and interest earned for six months ending March 31, 2009.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve acceptance of Quarterly Report of Investments for the quarter ending March 31, 2009 and interest earned for the six months ending March 31, 2009. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.8 Approval of Res. # 1231 of the City Council of the City of Mission amending Resolution No. 1201 amending The Public Funds Investments Policy

As per Chapter 2256 of the Texas Government Code, known as "Public Funds Investment Act", the City was required to adopt the investment policy on an annual basis through resolution.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Res. No. 1231 of the City Council of the City of Mission amending Resolution No. 1201 amending The Public Funds Investments Policy. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

RESOLUTION NO. 1231

A RESOLUTION OF THE MISSION CITY COUNCIL AMENDING RESOLUTION NO. 1201 AMENDING THE PUBLIC FUNDS INVESTMENT POLICY

4.9 Budget Amendments: Golf Course Fund, Aquatics Fund, Municipal Court Technology Fund, Designated Purpose Fund, Records Preservation Fund, Debt Service Fund and General Fund

Mrs. Flores presented the budget amendments BA-50 thru BA-56 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve budget amendments BA-50 thru BA-56 as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved Unanimously 4-0.

4.10 Approval of Collection of Taxes Contract between the County of Hidalgo and City of Mission for taxable Year 2009

As per Clause VI, Consideration of Collection Texas Contract between the County of Hidalgo and City of Mission, the City must have been advised of the fee for collection for the next taxable year.

The fee for taxable year 2009 would have been \$66,150.00 effective September 1, 2009. There was no increase from last year's fee.

Staff and City Manager recommended approval

Councilwoman Garza moved to approve the Collection of Taxes Contract between the County of Hidalgo and City of Mission as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.11 Approval to purchase Datamatic Meter Reading System for Utility Billing from a sole source vendor

Staff was recommending the purchase of Roadrunner Handheld/Mobile Equipment from a sole source vendor. Pursuant to Texas Local Government Code Section 252.022 General Exemptions (7) a procurement of items that was available from only one source, including: (A) items that were available from only one source because of patents, copyrights, secret processes, or natural monopolies and (D) captive replacement part or components for equipment;

These items would be used by the Utility Billing Department to update existing and unusable equipment.

Staff and City Manager recommended approval.

Councilman Plata moved to approve to purchase Datamatic Meter Reading System for Utility Billing from a sole source vendor. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.12 Authorization to submit the Edward Byrne Memorial Justice Assistance (JAG) Formula Program Grant to the U.S. Department of Justice, Bureau of Justice Assistance

The Mission Police Department was requesting authorization to submit the Edward Byrne Memorial Justice Assistance (JAG) Formula Program Grant to the U.S. Department of Justice, Bureau of Justice Assistance. The City of Mission Police Department had been awarded the aforementioned grant totaling \$37,418.00. It was the intention of our organization to utilize the funding to purchase Police Mobile Radios. There was no cash match required for this particular grant program. Staff was seeking a favorable recommendation.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve authorization to submit the Edward Byrne Memorial Justice Assistance (JAG) Formula Program Grant to the U.S. Department of Justice, Bureau of Justice Assistance. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.13 Authorization to submit the 2009 Click It or Ticket Grant Application to the Texas Department of Transportation

The Mission Police Department was requesting authorization to submit the 2009 Click It or Ticket Grant application to the Texas Department of Transportation. The 2009 Click It or Ticket Grant was designed to provide grant monies to increase seat belt enforcement for both adults and young children throughout our community. The grant amount was \$11,969.16 that would be utilized for enforcement purposes. There was no cash matches required for this particular grant program. Staff was seeking a favorable recommendation.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve authorization to submit the 2009 Click It or Ticket Grant Application to the Texas Department of Transportation. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.14 Approval of Res. # 1232 authorizing the Mission Police Department to submit a Other Victim Assistance Grant (OVAG) application to the Office of the Attorney General, Crime Victim Service Division

The Mission Police Department was requesting authorization to submit an Other Victim Assistance Grant (OVAG) application to the Office of the Attorney General, Crime Victim Services Division and designate Mayor Norberto Salinas as the Authorized Official for the grant. The two year, \$100,000.00 grant would have been utilized to pay for the salary of a Crime Victim Liaison and for required training. There was no cash match required by the City of Mission on this grant. Staff was seeking a favorable recommendation.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Res. No. 1232 authorizing the Mission Police Department to submit an Other Victim Assistance Grant (OVAG) application to the Office of the Attorney General, Crime Victim Service Division. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

RESOLUTION # 1232

4.15 Authorization to submit a Grant Application to the U.S. Department of Justice, Bureau of Justice Assistance for the State and Local Law Enforcement Assistance Program

The Mission Police Department was requesting authorization to submit a grant application to the U.S. Department of Justice, Bureau of Justice Assistance for the State and Local Law Enforcement Assistance Program: Combating Criminal Narcotics Activity Stemming from the Southern Border of the United States Competitive Grant. Our organization would be applying for overtime funds to increase police enforcement efforts in and around the new port of entry, the purchase of two (2) additional Skywatch towers and twenty-five (25) portable radios. The total amount of our grant request was \$753,220.00. There was no cash match required for this particular grant program. Staff was seeking favorable recommendation.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve authorization to submit a Grant Application to the U.S. Department of Justice, Bureau of Justice Assistance for the State and Local Law Enforcement Assistance Program . Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.16 Authorization to enter into an Interlocal Cooperation Agreement Between the City of Mission, Texas and The County of Hidalgo, Texas

The Mission Police Department was requesting authorization to enter into an Interlocal Cooperation Agreement between the City of Mission and the County of Hidalgo, Texas. The

agreement was for the disbursement of the 2008 Stonegarden award. The total amount of the grant award for the City of Mission Police Department was \$105,000.00. These grant funds would be utilized to purchase a Mesh-Network System (video surveillance and data ports) to monitor the new Anzaldua's International Bridge and some of our city parks. Staff was seeking favorable recommendation.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve authorization to submit a Grant Application to the U.S. Department of Justice, Bureau of Justice Assistance for the State and Local Law Enforcement Assistance Program. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.17 Authorization to submit a grant application for the Energy Efficiency and conservation Block Grant

The American Recovery and Reinvestment Act of 2009, had appropriated funding for the Department of Energy to issue/award formula-based grants under the Energy Efficiency and Conservation Block Grant Program. As per formula-based grant, the City of Mission had an allocation amount of \$629,500. Staff was seeking authorization to submit a grant application. There was no cash match to the City.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to submit a grant application for the Energy Efficiency and conservation Block Grant. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.18 Authorization to submit application for Recovery Act National Youth Mentoring Program 2009

The Boys and Girls Club of Mission was seeking authorization to submit a grant application for OJP Recovery Act National Youth Mentoring Program 2009. Recovery Act Youth Mentoring Program was part of a National Youth Mentoring (Stimulus Funding) Program. The Program was intended to fund club sites that must have implemented and reported performance measures on at least one Evidence-Based Program, and committed to maintain other essential services without interruption by continuing to operate a Unit-level operational status. There were no matching funds.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve authorization to submit application for Recovery Act National Youth Mentoring Program 2009. Motion was seconded Councilman Plata by and approved unanimously 4-0.

4.19 Authorization to seek Request for Qualifications (RFQ's) for engineering services for proposed Wastewater Treatment Plant Expansion

Staff was requesting authorization to seek RFQ's for engineering services for proposed Wastewater Treatment Plant Expansion.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve authorization to seek Request for Qualifications (RFQ's) for engineering services for proposed Wastewater Treatment Plant Expansion. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

None

At 5:14 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 Private consultation with the City Attorney Sec. 551.071

A. City of Peñitas Annexation Proposal

B. Sewer CCN matters between the City of Mission and the City of Alton

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

At 5:46 p.m., Councilwoman Garza 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 moved to direct staff to do what was necessary to maintain Mission's ETJ in regards to Peñitas proposed annexation. Motion was seconded by Councilman Plata and approved unanimously 4-0.

On Item 7.1-B, Councilwoman Garza moved to authorize the filing with TCEQ to cease and desist Alton's infringement onto Mission's Sewer CCN. Motion was seconded by Councilman Plata and approved unanimously 4-0.

8.0 Adjournment

At 5:47 p.m., Councilwoman Garza moved for adjournment. Motion was seconded by Councilman Plata and approved unanimously 4-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary