

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
AUGUST 10, 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

ALSO PRESENT:

Kathy Olivarez, Progress Times
Maria Elena Ramirez
Julian Fontana
Steve Ferguson
Ryan Kravie
John and Norma Milford
Mitch Idol
Mrs. Bermingham
J. Flint
Ruby E. Thompson
Ann Owen
Rodd Drabing
Jorge Flores
Sandra Vechio
Arlene Rivera
Fred Kurth
Ben D. Olivarez

ABSENT:

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Sonia Carnes, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Aida Lerma, Deputy City Manager
Roberto Salinas, City Engineer
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Gilbert Sanchez, Fire Marshal
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, Asst. Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Julian Gonzalez, Parks & Rec. Director
Mayra Rocha, Speer Memorial Library
Omar Garcia, Boys & Girls Club Director
Roland Rodriguez, D.P. Manager
Noemi Munguia, HR Director
Bobby Salinas, Planning Dept.
Rick Saldana, Fire Chief
Jaime Acevedo, Planning Dept.
Rosie Salazar, Risk Manager

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. Departmental Reports

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

4. Presentation on “Curbing Hunger” Drive

Tomas Tijerina thanked Mayor Salinas, Council, and Staff for their help with a successful event. The Food Pantry was filled twice over with donations received

5. Presentation of TAAF Participants

The participants who received metals at the recent TAAF games were introduced to the Council.

6. Citizens Participation

Chief of Police, Leo Longoria advised that the Police Department had been named agency of the year by TxDot.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Conditional Use Permit: New Institutional Facility and associated non-residential parking on property zoned AO-I, being 7.4 acres out of Lot 241, John H. Shary Subdivision, AO-I, Life of Use, Palm Valley Church

The site was 1200’ east of Stewart Road along the south side of Griffin Parkway. The applicant had purchased the property to the south of their existing facility wherein the City Council approved their 1-Lot plat a few meetings ago. Palm Valley Church (PVC) had also purchased the acreage between the residentially developed subdivision to the SW of their property and intended to use this property in association with their institutional expansion plans.

Access to the site would continue to be from Griffin Parkway but a new driveway leading to Stewart Road was also proposed. This secondary access point would have helped dilute exiting from Griffin Parkway and deflected any traffic from the R-1T development to the north. Staff recommended that the elongated 24’ driveway leading to Stewart Road be paved, however at this time or, at the very least, have it paved within 6 months after CUP approval.

The new facility would have had a 2000 seat auditorium. The existing building had an auditorium (non-fixed seating) of at least 800 seats that would have had also been used by the youth at the same time as the 2000 seat auditorium. The 800 seats, IF all used by the youth, would have required 100 parking spaces (1 parking space/8 seats). The 2000 seat facility required 500 parking spaces (1 parking space/4 seats). Also, when factoring in the estimated 8 classrooms that would have also been used at the same time as the others, this would have required about 8 parking spaces (1.5/parking spaces per classroom x 8 = 12 spaces). Total parking required would have been 612 paved parking spaces. The parking that was proposed was 427 or 185 short of Code.

When viewing the site plan, the area marked as ‘Staging Area’ was proposed to have 97 spaces, and the area marked as ‘Milling Site’ was proposed to have 108; these areas equated to 205 parking spaces that would comply with code. However, PVC proposed not to pave this area at

that time but merely kept it in hard surface condition (millings, compacted caliche). There was intent to pave it in the future when the auxiliary building would be finalized (which would have required further CUP consideration at that time). Staff reluctantly consented to the interim of un-paved parking but strongly recommended substantial landscaped buffering (oleanders, etc.) especially to the north since the townhouse lots would have the prevailing wind 'dust' go to their properties. In conferring with PVC, they agree that landscaping would have been provided as indicated.

One of the major concerns expressed by area residents had been drainage. Regarding this CUP, a detention pond was along the southern side of their property (north of the dead-end street) and, as water raised, the storm would have been diverted via 18" storm lines to the existing 18" system along the commercial alley. Engineering had viewed this concept and it met with City code since the 18" line acted like a 'bleeder' line being that it was detained on the PVC site for a longer period of time before reaching the public storm system. Our city engineer was available to reply to any questions on how the drainage would have functioned.

In regard to construction of the 2000 seat facility, PVC proposed to use the newly bought acreage as a staging area which staff did not object to as long as it was consistently watered down to prevent dusting the adjoining neighborhoods. If concerns were expressed and the area was not watered, 'Stop Work' orders may be imposed to maximize protection of the residential ad joiners.

Insofar as the facility, they complied with building setbacks and the Fire Marshal had met with them several times regarding the required sprinkler system, location of hydrants, etc. Of course, our water and sewer utilities were very capable of serving the site.

The P&Z had a special meeting Thursday, August 6th, and conditionally approved the CUP subject to Staff's recommendations. There was neighborhood concern regarding drainage, though.

Staff Recommendation: Approval subject to: 1) no objection to having un-paved parking spaces in 'Staging Area' and 'Millings Area' but must heavily landscape buffer to adjoining residential areas especially to the north, 2) pave the 24' maneuvering lane leading to Stewart Road prior to Final Occupancy, 3) have their drainage solution approved by the City Engineer, 4) Any internal security lighting must have been downcast into the Palm Valley Church site so as to minimize light-spillover onto area residences, and 5) Life of Use.

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 Norie Gonzalez Garza moved to approve Conditional Use Permit: New Institutional Facility and associated non-residential parking on property zoned AO-I, being 7.4 acres out of Lot 241, John H. Shary Subdivision, AO-I, Life of Use, Palm Valley Church. Motion was seconded by Councilman Plata and approved unanimously 4-0.

B. Expansion of the Water Treatment Plant for the Development Board ARRA DWSRF funding

The public hearing was regarding the expansion of the Water Treatment Plant for the Texas Water Development Board ARRa DWSRF funding.

The purpose of the public hearing was to discuss the potential environmental impact of the project and alternatives relating to the project. The cost of the project would have been \$8,285,000.00.

This was the opportunity for the citizens to speak regarding this project.

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.

C. Public Hearing on FY 2009 – 2010 preliminary Budget

The City's preliminary budget for FY 2009 – 2010 was presented on Monday, July 27, 2009.

This was the opportunity for citizens to speak on the preliminary budget.

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

Mike Silva, President of the Fire Fighters Association asked what the proposed budget for the firefighters was.

John Milford spoke in support of the budget.

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

2.0 Disposition of Minutes

2.1 City Council Meeting – July 27, 2009

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

3.0 Acknowledge Receipt of Minutes

3.1 Shary Golf Advisory Board – June 17, 2009

Traffic Safety Committee – February 10, 2009 and July 21, 2009

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

4.0 Approvals and Authorizations

4.1 Adoption of Ord. # 3470 for CUP for New Institutional Facility and Associated Non-Residential Parking on Property Zoned AO-I, being 7.4 acres Out of Lot 241, John H. Shary Subdivision

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ord. No. 3470 for CUP for New Institutional Facility and Associated Non-Residential Parking on Property Zoned AO-I, being 7.4 acres Out of Lot 241, John H. Shary Subdivision. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3470

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A NEW INSTITUTIONAL FACILITY AND ASSOCIATED NON-RESIDENTIAL PARKING ON PROPERTY ZONED AO-I, BEING 7.4 ACRES OUT OF LOT 241, JOHN H. SHARY SUBDIVISION

4.2 Final Plat Approval: Palm Valley Church Subdivision, 2.50 acres, Lot 241, J.H.S., R1-A, Developer: First Assembly of God Consultant: J.A. Garza Associates, LLC

The 1-lot subdivision was given Preliminary Plat Approval by the City Council on June 22, 2009. The plat was located 1000' east of Stewart Road along the south side of FM 495.

Pursuant to Sec. 98-232 on providing security in lieu of construction, Palm Valley Church had given the city 100% of the infrastructure's cost of \$41,458 (escrowed) plus paid all city subdivision fees being \$1,875 for the capital sewer recovery fee, and \$2,167.84 to the 'City' for storm reimbursement.

Since all was accounted for, the next step was for the City Council awarding Final Plat Approval so they could proceed to record.

Staff noted that the 8" water line system would have been looped to area 8' lines and hydrants were shown via the direction of the Fire Marshal. Palm Valley Church would have also connected to the 8" sewer network.

On drainage, they had extend 18" lines into the existing 18" storm system to the NW.

We noted that the City Council approved the Preliminary Plat on June 22, 2009.

Staff and City Manager recommended approval; infrastructural costs escrowed 100%, and all fees paid.

City Manager recommended approval subject to having a cul-de-sac or a hammerhead to help with the turnaround at 22nd Street's Juncture with the property.

Councilman Plata moved to approve City Manager's recommendation on the Final Plat Approval: Palm Valley Church Subdivision, 2.50 acres, Lot 241, J.H.S., R1-A, Developer: First Assembly of God Consultant: J.A. Garza Associates, LLC. Motion was seconded by Councilwoman Garza and approved 3-0 with Mayor Pro Tem Olivarez voting against this recommendation.

4.3 Variance Request by the North American Butterfly Association (NABA) to use Septic Tank inside Mission City Limits for new Welcome Center

The North American Butterfly Association (NABA) had been constructing a Welcome Center on their property being the SE corner of Schuerbach Road/Old Military Road. The location of the sanitary sewer lines was very distant.

Sec. 98-6 (a) said, "No permit shall be issued within the city for the installation of septic tanks upon any lot in a subdivision."

In conferring with NABA agents, they desired the City Council's consideration for a variance at this time so as to allay concerns over this matter.

In view of the location of the sewer lines, staff did not object.

NOTE: Their existing building was using septic tanks.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Variance Request by the North American Butterfly Association (NABA) to use Septic Tank inside Mission City Limits for new Welcome Center. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.4 Request by Palm Valley Church to have City Council authorize City Manger to issue Building Permit for New Church Facility at the un-recorded Lot 1, Palm Valley Church Subdivision

Palm Valley Church desired to start construction to build a new church and associated parking at the un-recorded Palm Valley Church Subdivision. The plat was approved by the City Council a few meetings ago and their contractor was proceeding in the construction of the related utilities.

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

Staff Recommendation: No objection subject to no occupancy until 1) all utilities were approved, 2) the plat had been recorded, and 3) all conditions of the CUP were fully complied with.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Request by Palm Valley Church to have City Council authorize City Manger to issue Building Permit for New Church Facility at the un-recorded Lot 1, Palm Valley Church Subdivision. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.5 Final Plat Approval: Diana Cardenas Estates, 6.48 Acres out of Lot 28, Nick Doffing Subdivision, Rural ETJ, Developer: Diana G. Cardenas Engineer: Vanguard Engineering

This plat was given Preliminary Plat Approval by the City Council on July 27, 2009 allowing the development to quickly finalize installation of the septic tanks and water meters.

This plat received the required State (TWDB) clearance letter 'no objection'. This Final Plat consideration reflected the improvements meeting prevailing codes.

- Diana Cardenas Estates had 3 lots all meeting the county's ½ acre standard.
- 8" water lines existed to serve the area.
- The septic tank systems had been installed and approved by county officials.
- The drainage swales were constructed to county specifications.

With required utility/septic tanks being 'approved', this plat only needed the City Council's official 'Final Plat Approval' for recording.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Final Plat Approval: Diana Cardenas Estates, 6.48 Acres out of Lot 28, Nick Doffing Subdivision, Rural ETJ, Developer: Diana G. Cardenas Engineer: Vanguard Engineering. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.6 Discussion and Action to Approve Annexation Schedule for Area South of 3 Mile Rd. between Inspiration Rd and ¼ Mile West of Los Ebanos Rd.; and Lots 2, 3, 4, & 6, out of Mission Farm Estates

In the City of Mission's efforts to continue to square off our city limits where sanitary sewer and/or city water lines were evident, this annexation schedule was being proposed in that regard.

'Tract A' comprised of 150.79 acres being the area south of 3 Mile Road between Inspiration Road and ¼ mile west of Los Ebanos Road. There were several residences and several estate settings, as well. This entire area was in Mission's sewer CCN and some sewer lines were already evident.

'Tract B' comprised of 176.92 acres being the area north of Military Road and Bates Road.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Annexation Schedule for Area South of 3 Mile Rd. between Inspiration Rd and ¼ Mile West of Los Ebanos Rd.; and Lots 2, 3, 4, & 6, out of Mission Farm Estates. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.7 Plat Approval Extension and Final Plat Approval: The Oaks at Holland II 5 acres, which includes Lot 17, The Oaks at Holland Subd., and being a part of Lot 25-5, W.A.S., R-1 Developer: Taylor Road Properties

The Oaks at Holland II was given Preliminary Plat Approval by the City Council on April 9, 2007 allowing the development to go forth into construction. Since more than 1 year has elapsed but construction had steadily progressed, Council's action this afternoon should have included 'Plat approval extension to August 30, 2009'.

Briefly, all lots complied with prevailing R-1 standards, and all 3 streets met the ROW and pavement width requirements. New 8" water lines had been installed, inspected, and approved with hydrants location at junctures directed by the Fire Marshal. New 8" sanitary sewer lines were installed, too. The \$3,200 capital sewer recovery fee had been applied. Drainage reflected new 24" lines diverting runoff northward to the open ditch just south of the Edinburg Canal.

The Public Works Department had provided a Memo of Approval for the utilities and street/storm work noted above.

Other typical standards relating to park fees and water district exclusion had also been applied.

Staff and City Manager recommended approval of Final Plat subject to the plat approval extension to August 30, 2009.

Councilwoman Garza moved to approve Plat Approval Extension and Final Plat Approval: The Oaks at Holland II 5 acres, which included Lot 17, The Oaks at Holland Subd., and being a part of Lot 25-5, W.A.S., R-1 Developer: Taylor Road Properties. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.8 Authorization to accept the 2009 Emergency Management Performance Grant (EMPG)

The City of Mission Fire Department was requesting authorization to accept a grant from the 2009 Emergency Management Performance Grant Program administered by the Governor's Division of Emergency Management in the amount of \$21,112.00. The funding would have been utilized to pay for a portion of the salaries of the City's emergency management staff (Administrative Assistant and Fire Chief). There was no cost match required from the City for participating in this program.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve authorization to accept the 2009 Emergency Management Performance Grant (EMPG). Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.9 The Mission Police Department is requesting authorization to accept a Other Victim Assistance Grant (OVAG) from the Office of the Attorney General, Crime Victim Services Division

The Mission Police Department was requesting authorization to accept a Other Victim Assistance Grant (OVAG) from the office of the Attorney General, Crime Services Division. The grant was a two year grant for FY 2009 – 2010 and By 2010 – 2011. The total amount of the grant was \$96,537.00. There was no cash match required by the City of Mission. The grant would have allowed the Mission Police Department to continue the services provided by our Crime Victim Liaison program. Staff was recommending a favorable recommendation for the purpose of continuing the Crime Victim Liaison Program.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to accept a Other Victim Assistance Grant (OVAG) from the Office of the Attorney General, Crime Victim Services Division. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.10 Budget Amendments: 2005A Certificate of Obligation, 2007 Certificate of Obligation, Records Preservation Fund, and Cemetery Trust Fund

Mrs. Janie Flores, Finance Director presented the budget amendments BA-81 thru BA-83 to the City Council for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve budget amendments BA-81 thru BA-83 as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.11 Approval of Res. # 1239 of the City Council of the City of Mission amending Res. #1231 regarding the Public Funds Investment Policy

To incorporate the modification to the Investment Policy which was approved by Council on July 27, 2009. Chapter 2256 of the Texas Government Code required that the investment policy be adopted on an annual basis by rule, order, ordinance or resolution and any modifications to the policy also be adopted in the same manner.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Res. No. 1239 of the City Council of the City of Mission amending Res. #1231 regarding the Public Funds Investment Policy. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

RESOLUTION NO. 1239

A RESOLUTION FO THE MISSION CITY COUNCIL AMENDING RESOLUTION NO. 1231
AMENDING THE PUBLIC FUNDS INVESTMENT POLICY

4.12 Bid for Contractor for the City of Mission Shary Golf Course New Irrigation System

On July 13, 2009, City Council authorized staff to solicit bids for a new irrigation system for the City of Mission – Shary Golf Course. The City of Mission had opened five (5) proposals for this project. Proposals were rated using evaluation criteria, which included Price Construction Experience, Construction Performance, and Financial Strength of the contractor. A three member committee met to evaluate each proposal and ranked them accordingly. The committee recommended awarding to Landscapes Unlimited, for a total cost of \$1,329,900.00. Landscaped Unlimited was also the low bidder for this project. Initial cost was estimated and budgeted at \$1.8 million.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve bid for contractor for the City of Mission Shary Golf Course New Irrigation System. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.13 Authorization to solicit bids for the purchase of sodium chlorite for the North and South Water Treatment Plants

Staff was seeking authorization to solicit bids for the purchase of sodium chlorite for the North and South Water Treatment Plants. The sodium chlorite was used as the main disinfectant for the North and South Water Treatment Plants. The solicitation of bids was for FY 09-10 and contingent upon budget approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to solicit bids for the purchase of sodium chlorite for the North and South Water Treatment Plants. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.14 Authorization to submit a grant application for FY 2010 (PDM) and Repetitive Flood Claims (RFC) grant program

Staff was seeking authorization to submit a grant application for the FY 2010 Pre-Disaster Mitigation (PDM) and Repetitive Flood Claims (RFC) grant programs for the State of Texas. A PDM grant provided FEMA funds for implementing mitigation projects addressing natural hazards or for developing local mitigation plans. The RFC grant provided FEMA funds for projects that reduced or eliminated the long – term risk of flood damage to structures. The grant had a 25% local match.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to submit a grant application for FY 2010 (PDM) and Repetitive Flood Claims (RFC) grant program. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.15 Authorize Mayor to execute Amendment No. 4 to Reimbursement Agreement between Mission Redevelopment Authority, Reinvestment Zone Number One and City of Mission

Authorize Mayor to execute Amendment No. 4 to reimbursement agreement between Mission Redevelopment Authority, Reinvestment Zone Number One, and City of Mission. The Reimbursement Agreement was approved by the Mission City Council on September 12, 2005. The agreement was being revised to include additional costs related to the Fire Station #5 / Police Substation.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve to authorize Mayor to execute Amendment No. 4 to Reimbursement Agreement between Mission Redevelopment Authority, Reinvestment Zone Number One and City of Mission. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.16 Approval of Res. # 1240 requesting financial assistance from the Texas Water Development Board; authorizing the filing of an application and designating the Mayor as the authorized representative

This resolution requested financial assistance from the Texas Water Development Board in an amount not to exceed \$8,285, 000.00 to provide for the costs of the Water Treatment Plant and designating Mayor Norberto Salinas as the authorized representative.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Res. No. 1240 requesting financial assistance from the Texas Water Development Board; authorizing the filing of an application and designating the Mayor as the authorized representative. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

RESOLUTION NO. 1240

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT
BOARD; AUTHORIZING THE FILING OF AN APPLICATION FOR ASSISTANCE; AND
MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

4.17 Discussion and Action on request by Tomas Tijerina for assistance of city services during the Thanksgiving Table at Renee's on November 26, 2009

Tomas Tijerina of Renee's of Sharyland was proposing to provide over 1000 needy persons with a hot Thanksgiving Meal on Thanksgiving Day.

Mr. Tijerina was requesting the assistance of the police, fire, and parks department to help with traffic control and any other matters that may arise.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the request by Tomas Tijerina for assistance of city services during the Thanksgiving Table at Renee's on November 26, 2009. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.18 Discussion on proposed 2009 Tax Rate and Take Record Vote

In accordance with the Texas Property Tax Code, Mission's 2009 effective rate of .5701 (whichever was lower) the governing body must have taken a record vote and schedule a public hearing for the proposed tax rate.

The city's current tax rate was .5666.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to set the proposed 2009 Tax Rate at .5566. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.19 Schedule public hearings on 2009 proposed tax rate

Two public hearings were required to be held if the tax rate was to exceed the rollback rate or the effective tax rate (whichever was lower). Staff was recommending setting the public hearings on August 24, 2009 at 4:30 p.m. and the second public hearing on Monday, August 31, 2009 at 4:30 p.m.

No action was taken on this item since the proposed 2009 Tax Rate did not exceed the effective tax rate.

4.20 Bid for Employee Insurance Benefits Contracts and Authorize City Manager to execute said contracts

On July 13, 2009, the Risk Management & Employee Benefits Department sought authorization from City Council to solicit bids for purchase via any state approved contract for employee insurance benefits. In conjunction with the Purchasing Department, an advertisement following procurement guidelines and timeframes were published in the Monitor seeking bids for insurance benefits.

Numerous bids were submitted and opened on Monday, August 3, 2009. After a diligent evaluation and assessment of various plans, city staff (Risk Manager, Deputy City Manager, Purchasing Director, City Manager) recommended awarding the most advantageous medical plans, selected through competitive bidding or purchased via state approved contract as follows:

- Group Self – Funded Employee HEALTH Insurance to the Texas Municipal League Intergovernmental Risk Pool (TML – IEBP).
- Group Self – Funded Employee DENTAL Insurance to the Texas Municipal League Intergovernmental Risk Pool (TML – IEBP).

An Interlocal Agreement was also being authorized to be executed by the City Manger and TML – IEBP. The health and dental plan documents would consist of enriched medical and dental benefits while still bringing cost – savings to the City. In lieu of renewing with America’s Choice Health Plans (ACH), a 45 – day written notice would have been sent to terminate.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve bid for Employee Insurance Benefits Contracts and Authorize City Manager to execute said contracts. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.21 Authorize Chief of Police to partner with Mission Regional Medical Center in the Sexual Assault Nurse Examiner Program

Staff was requesting to partner with Mission Regional Medical Center by contributing a sum of \$25,000.00 towards the purchase of the Digital Forensic Imaging System. The instrument was vital in the collection of evidence in sexual assault cases which was vital in the prosecution.

Staff and City Manager recommended approval.

Councilman Plata moved approve to authorize Chief of Police to partner with Mission Regional Medical Center in the Sexual Assault Nurse Examiner Program. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.22 Approval of Ord. # 3471 amending Chapter 114, Article V, Division 2, Drought Contingency and Water Conservation Plan; Section 114-222 of the Code Of Ordinance Manual to incorporate the changes satisfying the revised requirements of the TAC Charter 288

Updated requirements of The Texas Commission on Environmental Quality (TCEQ) mandated municipal water suppliers to meet all the minimum requirements under TCEQ rules, Title 30 Texas Administrative Code (TAC) Chapter 288; specific, quantified five-year and ten-year targets for water savings must have been included in the Water Conservation Plan; metering devises must have been described and regularly calibrated within an accuracy of plus or minus 5% to account for water diverted from the supply source; measures must have been implemented to determine and control unaccounted – for water; any water supply contract entered into or renewed after the official adoption or amended Water Conservation Plan, must have required that the wholesale customer developed and implemented Water Conservation measures in accordance with 30 TAC Chapter 288.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved approve Ord. No. 3471 amending Chapter 114, Article V, Division 2, Drought Contingency and Water Conservation Plan; Section 114-222 of the Code Of Ordinance Manual to incorporate the changes satisfying the revised requirements of the TAC Charter 288. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3471

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING CHAPTER 114, ARTICLE V, DIVISION 2, DROUGHT CONTINGENCY AND WATER CONSERVATION PLAN; SECTION 114-222 OF THE CODE OF ORDINANCE MANUAL TO INCORPORATE THE CHANGES SATISFYING THE REVISED REQUIREMENTS OF THE TITLE 30 TEXAS ADMINISTRATIVE CODE (TAC) CHAPTER 288 AS FOLLOWS

4.23 Interlocal Cooperation Agreement between Hidalgo County and City of Mission Road Improvements (Los Ebanos Road)

An Amendment to the Interlocal Cooperation Agreement between the County of Hidalgo and the City of Mission in relation to the joint undertaking of road improvements on Los Ebanos Road a distance of approximately $\frac{3}{4}$ of a mile from Old Military Road to the north.

The County would provide all labor, equipment, and engineering and the City would provide all materials necessary to complete the project.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved approve the Interlocal Cooperation Agreement between Hidalgo County and City of Mission Road Improvements (Los Ebanos Road). Motion was seconded by Councilman Plata and approved unanimously 4-0.

5.0 Unfinished Business

5.1 Request by La Hacienda Property Owners Association to Have City Council Authorize City Manager to Issue Building Permit on City ROW for a Community Service Sign (& small bench) at NW Stewart Road/23rd Place Juncture

Mayor Pro Tem Olivarez moved to remove item form the table. Motion was seconded by Councilman Plata and approved unanimously 4-0.

There was no further need for City Council's action.

After the last City Council meeting, Planning met with La Hacienda and they had since decided to place their community sign entirely on private property.

The owner of the private lot was very receptive in having the community sign on the southeastern most area of his corner lot.

This was provided for information only.

No action was taken on this item.

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

Mayor Salinas informed of the Mayor's Prayer Luncheon that was going to take place at Cimarron on Tuesday, August 18, 2009.

At 5:58 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 Purchase, exchange, lease, or value of real property Sec. 551.072

A. Purchase offers on tax resale properties

7.2 Private consultation with the City Attorney Sec. 551.071

A. Consultation with legal counsel regarding State Office of Administrative Hearings Docket Number 582-08-3825/TCEQ Docket Number 2008-0955-UCR

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

At 6:20 p.m., Mayor Pro Tem Olivarez moved to reconvene in open session. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

On item 7.1-A, Mayor Pro Tem Olivarez moved to authorize the sale of the City's interest in the following tax resale properties: 505 Oblate Ave., Lot 8, Block 89, Original Townsite in the amount of \$15,000.00; 206 Bertha Ave., Lot 45, Freeway Subd. Unit No. 5 in the amount of \$5,000.00; 417 N. Nicholson Ave., The South ½ of Lot 11, Block 71, Original Townsite in the amount of \$2,700.00; 1618 Oblate, Lot 1, Block 1, Blake Addition in the amount of \$6,000.00; and 1323 Perkins Ave., The West 60 ft. of Lot 11, Block 213, Original Townsite in the amount of \$3,400.00. Motion was seconded by Councilman Plata and approved unanimously 4-0.

No Acton was taken on item 7.2-A.

8.0 Adjournment

At 6:21 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