



NOV 13 2013

OR

November 13, 2013

Guadalupe V. Garcia  
UCP Coordinator II  
Urban County Program  
3304 West Alberta Road  
Edinburg, Texas 78539

Re: Budget & Program Amendment for 2008 Water & Sewer Improvement Funds

Dear Mrs. Garcia,

This is to inform you that a public hearing for Budget & Program Amendment was held at a Special City Council meeting on September 19, 2013. At this time, the City of Donna would like to request that Urban County proceed with the process and request approval by Hidalgo County Commissioners Court for Budget & Program Amendment for the 2008 Water & Sewer Improvement funds in the amount of \$26,975.77. These funds will be utilized by Hidalgo County Pct. #1 for Street Improvements project for Victoria Road.

If you have any questions or require additional information, you may contact my office at (956) 464-6917.

Sincerely,

Fernando Flores  
Planning Director

CC: Oscar Ramirez, City Manager  
Laura Balderrama, Planning/CDBG Coordinator  
Jaime Garza, UCP Coordinator, Pct. #1

# THE MONITOR

## PUBLISHER'S AFFIDAVIT

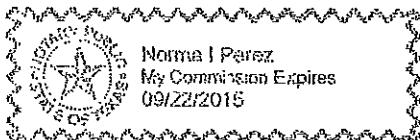
State of Texas  
County of Hidalgo

SANDRA PEREZ, being duly sworn on his/her oath states that he/she is a Sales Representative of *THE MONITOR* and that the attached notice appeared in the following issues:

September 15, 2013

Subscribed and sworn to before me this the 23rd day of September A.D. 2013

*Norma I. Perez*  
Notary Public, Hidalgo County



## PUBLIC HEARING NOTICE CITY OF DONNA

Published On: September 16, 2013

### BUDGET & PROGRAM AMENDMENT

In compliance with Community Development Block Grant (CDBG) requirements, City of Donna will conduct a Public Hearing to solicit input from interested parties on the City's proposed budget & program amendment to its Urban County Program, Year 21 (2008).

En cumplimiento de los requisitos Community Development Block Grant (CDBG), Ciudad de Donna llevará a cabo una audiencia pública para solicitar la opinión de las partes interesadas en la propuesta de modificación del presupuesto y programa de la Ciudad para su Programa Urbano del Condado de Hidalgo, año 21 (2008).

The Public Hearing will be held on Thursday, September 19, 2013 at 6:00 P.M. at the City of Donna City Hall located at 307 S. 12th Street, Donna Texas 78537.

La Audiencia Pública se llevará a cabo en Jueves, 19 de septiembre año 2013 a las 6:00 PM en la ciudad de Donna City Hall ubicado en 307 S. 12th Street, Donna de Texas 78537.

Existing	Year 21 (2008) Activities	Proposed
\$-26,975.77	Water/Sewer Improvements (-26,975.77)	\$ 0.00
\$ 0.00	Street Improvements (+26,975.77)	\$26,975.77
<b>\$26,975.77</b>	<b>TOTALS:</b>	<b>\$26,975.77</b>

The proposed amendment will decrease the water/sewer improvements line item and increase the Street Improvements line item to include a new street improvements project. The city will allocate additional funding for Victoria Road for the reconstruction of Victoria Road from Business 83 to Sites Road (approximately 1 mile). The County Engineer will design and supervise the completion of the project accordingly. Construction may be provided by the county and city labor and equipment. Project will include but is not limited to: caliche base, paving materials, drainage, construction testing fees, advertisements and any other related appurtenances as it pertains to the completion of the project and its surrounding and abutting areas.

La enmienda propuesta disminuirá los fondos para alcantarillado mejoras rubro del agua y el aumento sería para la calle Mejoras para incluir un nuevo proyecto de mejoras de la calle. La ciudad va a destinar fondos adicionales para la reconstrucción de Victoria Road del Business 83 a Sites Road (aproximadamente 1 milla). El Ingeniero del Condado diseñará y supervisará la elaboración del proyecto correspondiente. La construcción puede ser proporcionada por el condado y la ciudad para la mano de obra y equipos. Proyecto incluirá, pero no se limitan a: Base de caliche, materiales de pavimentación, drenaje, honorarios de la prueba de construcción, anuncios y cualesquiera otras dependencias relacionadas en lo que respecta a la realización del proyecto y que está alrededor y áreas colindantes.

Accommodations for individuals with handicaps shall be provided upon request. Alojamiento para las personas con discapacidad se puede proporcionar a petición.

Las presentaciones se harán en español para aquellas personas que así lo deseen.

For more information, please come by our office at:  
Para obtener más información, por favor venga a nuestra oficina localizada: 3304 West Alberta Road, Edinburg, Texas 78539 or call (956) 787-8127.

Written comments may be forwarded to:  
Los comentarios escritos pueden ser enviados a:  
**Mayor/Alcalde:** David S. Simmons, City of Donna

# AGENDA

**NOTICE OF A  
SPECIAL CITY COUNCIL MEETING  
OF THE CITY OF DONNA  
THURSDAY, SEPTEMBER 19, 2013 – 6:00 PM**

Pursuant to Chapter 551, Title 5 of the Texas Government Code and Texas Open Meetings Act, notice is hereby given that the City Council of the City of Donna, Texas will convene a Special Meeting at City Hall located at 307 S. 12<sup>th</sup> Street, on Thursday, September 19, 2013 at 6:00 pm for the purpose of discussing the following items:

- I. Roll Call and establish quorum.
- II. Presentation by Elvia Caballero Lopez on Governmental Relations proposal.
- III. Public Hearing for the proposed Budget & Program Amendment for Urban County Program Year 21 (2008). CLOSE PUBLIC HEARING
- IV. Consideration and possible action on Resolutions:
  - A. 2013-30 Authorizing the opening of a bank account for the city's Accounts Payable transactions within the General Fund.
  - B. 2013-31 Directing the Planning Director to prepare a Municipal Service Plan and set public hearings for the proposed annexation of Track IV and Track V.
  - C. 2013-32 Annual Review of the City's Investment Policy.
  - D. 2013-33 Opposing the Texas Dept. of Transportation "Highway Transfer Turnback Program" along with the Cities of San Juan, Pharr, Alamo, Weslaco, Mercedes & Edinburg.
- V. Consideration and possible action on Amendment #3 to TXDOT'S Advance Funding Agreement (CSJ 0921-02-107) regarding the Donna-Rio Bravo International Border Crossing.
- VI. Consideration and possible action on Ordinances:
  - A. F-2013-09-174 Adopting the City of Donna FY 2013-2014 Budget.
  - B. F-2013-09-175 Adopting the City of Donna 2013 Property Tax Rate
  - C. P-2013-09-176 Approving Police Department TCLEOSE Certification pay.
- VII. Executive Session as authorized by Chapter 551 of the Texas Government Code:

Pursuant to Section 551.071, the City may convene in a closed, non-public meeting with its attorney and discuss any matters related to legal advice on pending or contemplated litigation, settlement offer, and/or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. The City and its attorney may also discuss such issues with the appropriate staff so as to obtain

necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.072, the City may convene in a closed, non-public meeting to discuss any matters related to real property and deliberate the purchase, exchange, lease, or value of real property as such would be detrimental to negotiations between the City and a third party in an open meeting. The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.074, the City may convene in a closed, non-public meeting to discuss any matters related to appointment, employment, evaluation, reassignment, duties and discipline or dismissal of a public officer or employee and to hear any complaints or charges against an officer or employee. The City and its attorney may also discuss such issues with the appropriate staff including members so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.076, the City may convene in a closed, non-public meeting to discuss any matters on the deployment, or specific occasions for implementation, of security personnel or devices. The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.084, the City may convene in a closed, non-public meeting to discuss any matters involving an investigation and may exclude a witness from hearing during the examination of another witness in the investigation. The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.087, the City may convene in a closed, non-public meeting to (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1). The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

#### **Regular Session**

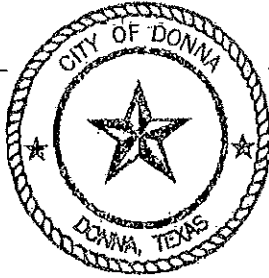
**VIII. Consideration and possible action, if necessary, on item(s) discussed in executive session.**

**IX. Adjourn.**

I, the undersigned authority, do hereby certify that the above notice is a true and correct copy of said notice and that said notice was posted on the bulletin board and was also posted outside City of Donna City Hall, a place convenient and readily accessible to the general public at all times and said notice was posted on **Monday, September 16, 2013 at 5:00 p.m.** and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

WITNESS MY HAND AND SEAL, this 16<sup>th</sup> day of September 2013.

Martha Alvarado  
Martha Alvarado  
City Secretary



#### ACCESSIBILITY STATEMENT

The City Hall Building is wheelchair accessible; the entry ramp is located at the front and back of the building. Accessible parking spaces are also available in that area. Sign interpretative services for City Council Meetings must be made 48 hours in advance of the Council Meeting. Call the City Secretary's Office at (956) 464-3314 or TDD 1-800-735-2989.



STATE OF TEXAS

CERTIFICATION OF COPY  
OF PUBLIC RECORD

CITY OF DONNA

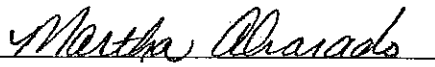
Before me, the undersigned authority, personally appeared Martha Alvarado, who, being by me duly sworn deposed as follows:

My name is Martha Alvarado. I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated.

I am a custodian of the records of the City of Donna, Hidalgo County, Texas. Attached hereto is a copy of the minutes of the Donna City Council Special Meeting held on November 19, 2013. Said minutes will be presented for approval at the Regular City Council Meeting of December 3, 2013.

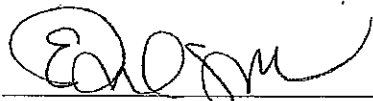
I further certify, in the performance of the functions of my office that said document is an official record from the public office of the City Secretary, City of Donna, Hidalgo County, Texas, and is public record, kept in said office and appear of record in said office.

In witness whereof, I have hereunto set my hand and affixed the official seal of said office this the 21<sup>st</sup> day of November 2013.

  
\_\_\_\_\_  
Martha Alvarado  
City Secretary

Sworn to and subscribed before me on the 21<sup>st</sup> day of November 2013.



  
\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires: December 15, 2014

State of Texas  
County of Hidalgo  
City of Donna

Special Council Meeting  
Tuesday 5:30 PM  
November 19, 2013

On this the 19<sup>th</sup> day of November 2013 the Donna City Council convened in special session at City Hall located at 307 S. 12th Street with the following:

Present:	David Simmons	Mayor
	Jose G. Garza, Jr.	Mayor Pro-Tem
	Sonia Gallegos	Councilwoman
	Simon Saucedo	Councilman
	Irene Muñoz	Councilwoman
	Oscar E. Ramirez	City Manager
	Eddy Treviño	City Attorney
	Martha Alvarado	City Secretary
Absent:	None	

Others present were: Fernando Flores, Planning Director; Marga Lopez, Asst. Planning Director; David Vasquez, Finance Director; Greg Ayala, Grants & Community Dev. Manager; Elizabeth Boyce, Office Manager.

#### **I. Roll Call and establish quorum.**

City Secretary called roll and the aforementioned members of the City Council being present constituted a quorum at which time Mayor Simmons called the meeting to order.

#### **II. Consideration and possible action on Resolutions:**

- A. 2013-40 directing the Planning Director to prepare a Municipal Service Plan and set public hearings for the proposed annexation of 2014 Tract I (2 Mile) and Tract IV (a).**

**RESOLUTION NO. 2013-40  
Tract I (2 Mile) Mile 11-13 North on FM 493  
Tract IV (a)-(1 Mile) 2 of 2 South on FM 493**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DONNA, TEXAS, SETTING THE DATES AND TIMES FOR PUBLIC HEARINGS REGARDING THE PROPOSED ANNEXATION OF APPROXIMATELY 376.97 ACRES OF LAND AND DIRECTING THE PLANNING DEPARTMENT TO PREPARE A PLAN OF SERVICES FOR SAID ANNEXATION.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DONNA, TEXAS:**

Section 1. The City Council of the City of Donna hereby declares its intention to institute proceedings to annex to the City the territory generally described as 376.97 acres of land situated in Hidalgo County, Texas, and being out of the and made a part hereof by the passage of an ordinance of annexation extending the general corporate limits of the City of Donna for all purposes to include such territory. A map of such proposed annexation is attached hereto as Exhibit "A" and made a part hereof for all purposes.

Section 2. The City Council of the City of Donna hereby calls two (2) public hearings at which all interested persons shall have the right and opportunity to appear and be heard upon such proposal to annex the territory described above. The first public hearing shall be held in the

City Council Meeting Room, 307 S. 12<sup>th</sup> Street, Donna, Texas at 10:00 a.m. on December 18, 2013. The second public hearing shall be held at the City Council Meeting Room, 307 S. 12<sup>th</sup> Street, Donna, Texas, at 5:30 p.m. on December 18, 2013. The annexation proceeding, of which notice of intention to annex is given by this Resolution, shall be instituted not less than twenty (20) days nor more than forty (40) days subsequent to such public hearings.

Section 3. The City Secretary of the City of Donna is hereby directed to cause notices of such public hearings to be given by publication in a newspaper having general circulation within the City of Donna and within the territory proposed to be annexed, the publication of notice of each public hearing to be made at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to the day of that public hearing.

Section 4. The Planning Department is hereby directed to cause to be prepared a service plan that provides for the extension of municipal services to the territory that is proposed to be annexed. The proposed service plan shall be made available for public inspection and shall be explained to the inhabitants of the territory at the public hearings called herein. Such service plan shall be prepared in accordance with the provisions of Chapter 43 of the Texas Local Government Code.

**CONSIDERED, PASSED AND APPROVED** on this 19<sup>th</sup> day of **November 2013**, at a special meeting of the City Council of the City of Donna, at which a quorum was present and which was held in accordance with Chapter 551, Texas Government Code.

/s/ David S. Simmons  
Mayor

Attest:

/s/ Martha Alvarado  
City Secretary

City Manager informed Council this resolution would allow the Planning Department to begin the annexation process for approximately 376.97 acres of land identified as Tract I (2 Mile) and Tract IV (A). The resolution also sets the public hearings to take place on December 18, 2013. With no further comments, Councilwoman Muñoz motioned and Mayor Pro-Tem Garza seconded to approve Resolution 2013-40 as presented. The motion carried unanimously.

**B. 2013-41 Accepting resignation and/or revocation of TIRZ #2 Board Members Place 2 and Place 4 and appointing new members.**

**RESOLUTION NO. 2013-41**

**A RESOLUTION IN ACCORDANCE WITH CHAPTER 311 OF THE TEXAS TAX CODE AND THE DONNA CODE OF ORDINANCES PROVIDING FOR THE CONFIRMATION OF APPOINTMENT FOR POSITIONS 2 AND 5 OF THE TAX INCREMENT REINVESTMENT ZONE NUMBER TWO BOARD OF DIRECTORS FOR THE CITY OF DONNA, TEXAS.**

**WHEREAS**, Chapter 311 of the Tax Code provides for the creation of a Board of Directors to govern the Tax Increment Reinvestment Zone; and

**WHEREAS**, the City of Donna on May 14th, 2008, in Ordinance P-2008-05-64, created "Tax Increment Reinvestment Zone Number Two, City of Donna Texas"; and

WHEREAS, pursuant to §311.009(b) the Board of Directors consists of Nine (9) members, six members appointed by the City, one member appointed by the County, one member appointed by the state representative, and one appointed by the state senator; and

WHEREAS, Place 2 and Place 4 Board Members have resigned and/or agent status has been revoked and unexpired positions need to be filled;

WHEREAS, the City Council of the City of Donna, Texas, desires to confirm the recommended appointments of Place 2 and Place 4 Board Members.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DONNA, TEXAS THAT:**

1. Terry Goss is hereby confirmed appointed as the Place 2 member of the City of Donna, Texas Tax Increment Reinvestment Zone Number Two. The term of office shall expire on May 14, 2014.
2. Nick Rhodes is hereby confirmed appointed as the Place 4 member of the City of Donna, Texas Tax Increment Reinvestment Zone Number Two. The term of office shall expire on May 14, 2014
3. It is hereby found and determined that the individuals being appointed have met the statutory requirements of §311.009 (e) (2)

**PASSED, APPROVED and ADOPTED** on this 19<sup>th</sup> day of November 2013.

/s/ DAVID S. SIMMONS, Mayor

ATTEST:

/s/ MARTHA ALVARADO, City Secretary

REVIEWED FOR ADMINISTRATION:

/s/ OSCAR RAMIREZ, City Manager

REVIEWED AS TO FORM AND LEGALITY:

/s/ EDDY TREVINO, City Attorney

City Manager informed Council this resolution was to accept the resignation of two TIRZ #2 Board Members and to appoint their replacements. Recommendations were submitted for Place 2 and Place 4 as mentioned in the resolution. Councilwoman Muñoz asked how many members were on the Board. City Manager stated there were a total of nine members of which six are appointed by the City, one County appointee, one state representative's office appointee and one state senator's office appointee. The board members serve a two year term but the members being recommended will finish the vacant terms that expire in May 2014. There being no further comments, Mayor Pro-Tem Garza motioned and Councilwoman Gallegos seconded to approve Resolution 2013-41 as presented. The motion carried unanimously.

- C. 2013-42 Approving Donna Irrigation District's voluntary petition to extend the City of Donna's extraterritorial jurisdiction (ETJ).

**RESOLUTION 2013-42**

**A RESOLUTION OF THE CITY OF DONNA, TEXAS PROVIDING FOR THE EXPANSION OF EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF DONNA, TEXAS, THROUGH VOLUNTARY PETITION BY PROPERTY OWNER; THE TERRITORY FOR EXPANSION OF THE CITY'S ETJ IS CONTIGUOUS AND ADJACENT TO THE CURRENT BOUNDARY LIMITS OF THE CITY OF DONNA.**

WHEREAS, the city of Donna, pursuant to Texas Local Government Code, Section 42.022 (b), desires to expand the city's ETJ to include a tract of land that is contiguous and adjacent to its present corporate boundaries; and

WHEREAS, on voluntary petition "Exhibit A" by the property owner(s), the following tract located in Donna, Texas, Hidalgo County, as shown in "Exhibit B-1" will expand the City of Donna ETJ; and

WHEREAS, on the 19<sup>th</sup> of November 2013, the City of Donna heard the petition and the arguments for and against the expansion of the City of Donna ETJ pursuant to Section 42.022 (b) of the Texas Local Government Code.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DONNA, TEXAS:

SECTION 1: The following real property and territory lying contiguous and adjacent to the current city limit boundaries is hereby added for expansion of the ETJ for the City of Donna, Texas.

SECTION 2: The real property shown in "Exhibit B-1" and with approval of the resolution shall expand and be part of the ETJ of the City of Donna, Texas.

SECTION 3: The City Engineer is hereby authorized and directed to revise the city maps so as to add thereto the expansion of the city's ETJ boundaries.

CONSIDERED, PASSED AND APPROVED on this 19<sup>th</sup> day of November 2013, at a special meeting of the City Council of the City of Donna, at which a quorum was present and which was held in accordance with Chapter 551, Texas Government Code.

/s/ David S. Simmons  
Mayor

Attest:

/s/ Martha Alvarado  
City Secretary

City Manager stated the Donna Irrigation District had submitted a voluntary petition for the expansion of the city's extraterritorial jurisdiction. The item was approved by the Donna Irrigation District Board of Directors. With no further comments, Councilman Saucedo motioned and Mayor Pro-Tem Garza seconded to approve Resolution 2013-42 as presented. The motion carried unanimously.

**III. Consideration and possible action on request by the Donna Band Boosters Club for street closure and waiver of fees for the use of the Donna Square Park for a fall festival on November 23, 2013.**

City Manager stated the Donna Band Boosters Club had submitted a request for a waiver of the fees to use the Donna Square Park on November 23, 2013 to hold a fall festival fundraiser. The organization had initially requested authorization to close Main Street but had withdrawn that part of the request. They have decided to keep the festival within the park. They will have some assistance from the school district's police personnel. Public works department will be closing off the entrance and exit to the park for the safety of the attendees. With no further comments, Councilwoman Gallegos motioned and Councilwoman Muñoz seconded to approve the request by the Donna Band Boosters Club for waiver of fees for the use of the Donna Square Park for a fall festival on November 23, 2013. The motion carried unanimously.

**IV. Consideration and possible action on Urban County Program Year 21 (2008) budget & program amendment.**

City Manager informed Council that staff was requesting authorization to re-direct about \$26,975.77 from the water & sewer line item to the street improvements line item. The funds would be utilized by Hidalgo County Precinct 1 in for the Victoria Road street improvements project. The street improvements would be made to Victoria Road from Bus. 83 to Stites Road. Some discussion was held in regards to extending the city's sewer services to that area but at this time, the city is not in the position to fund the sewer extension. With no further comments, Councilwoman Gallegos motioned and Councilwoman Muñoz seconded to approve the Urban County Program Year 21 (2008) budget amendment as presented. The motion carried unanimously.

**V. Adjourn.**

There being no further business, Councilman Saucedo motioned and Councilwoman Gallegos seconded to adjourn the meeting. The motion carried unanimously.

**CERTIFICATION**

These minutes of the Special Meeting of the City Council held November 19, 2013 were approved

on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Signed on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
David S. Simmons  
Mayor

Attest:

\_\_\_\_\_  
Martha Alvarado  
City Secretary