

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
MAY 26, 2010 4:30 P.M.
MISSION CITY HALL**

PRESENT:

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

ABSENT:

ALSO PRESENT:

Kathy Olivarez, Progress Times
Carlos Graza
Elvira Ruiz
Fernando Torres
Roger Powell
Marsha Eli Marino
Noel Garza
Christian Garza
Jaime De La Garza
Gricell De La Garza
Norma Leal
Flor Edith Benavides
Idolina Hernandez
Francisco J. Martinez
Hugo Sepulveda
Gisela Perez
Yolanda Carazos
Laura Gonzalez
Katherine Y. Gonzalez
Fred Kurth
Ryan Krause
Aaron Baill
Ofelia Pena Perez
Richard Hernandez
Maxi Lou Link

STAFF PRESENT:

Hernestina Esparza, Administrative Asst.
Aida Lerma, Deputy City Manager
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
Rick Saldana, Fire Chief
Ruben Diaz, Public Works Director
Victor Gonzalez, Streets Director
Glorina Flores, Purchasing Department
Noemi Munguia, HR 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
Rolando Rodriguez, DP Manager
Julian Gonzalez, Parks & Rec. Director
Adela Ortega, Museum Director
Belinda Garza, Speer Memorial Library
Jonathan Wehrmeister, Judge
Juan C. Avila, Interim Boys & Girls Club Director

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:35 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. Swearing in of Councilwoman Norie Gonzalez Garza, City Council, Place 3

Councilwoman Norie Gonzalez Garza was sworn in by Judge Jonathan Wehrmeister

4. 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 5-0.

5. Citizens Participation

Ofelia Pena Perez, invited City Council to Memorial Day Ceremony on Monday, May 31, 2010.

John Johnson, presented recognition to Chief Leo Longoria for excellent service.

Roger Powell, requested city to do something about the flooding on 4th Street.

Maxi Lou Link invited City Council to the exhibit of Carlos Alberto Garcia Salazar from Ciudad Madero.

Marsha Marino, 1801 E. 23rd complained about the lack of maintenance of the pond in La Hacienda Subdivision.

Richard Hernandez, President of Boy & Girls Club, JC Avila, Interim Director and Omar de Leon introduced the Club's scholarship recipients.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: Lot 1, Renell Subd., AO-I to C-1, Jaime De La Garza (Centro Familiar Cristiano "El Buen Pastor")

The subject site was located 850' north of Mile 2 North along the east side of Conway (SH 107).

The surrounding zonings included Agricultural Open Interim (AO-I) to the north, east, and west, and General Commercial (C-3) and Townhouse Residential (R-1T) to the south.

The surrounding land uses consisted of a funeral home and townhouses to the south; a vacant gasoline station to the west; a single-family home and open acreage to the east; and a hardware store and open acreage to the north.

The subject site had an assembly building. The Future Land Use Map reflected a General Commercial (GC) designation along the Conway frontage.

There was no public opposition at P&Z's hearing.

The P&Z unanimously approved of the C-1 rezoning since there was compliance to the FLUM, it fronted major thoroughfare, some adjoiners were commercial users, the C-1 was a low-keyed commercial zone, and the assembly building had been used for previous non-residential uses.

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Staff, P&Z and City Manager recommended approval.

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

Mayor Pro Tem Olivarez moved to approve the rezoning as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

B. Rezoning: Lot 9, Block 5, Taurus Estates No. 9 Subd. Phase I, R-2 to C-2, Arturo Bermejo

At 5:04 p.m. Mayor Salinas stepped out of the Meeting.

The subject site was at approximately 1500' south of 3 Mile Road along the west side of Inspiration Road. It was at the NW corner of Inspiration/Azalea Street. The subject property had the following dimensions: 134' x 147' (0.45ac.). The Neighborhood Commercial (C-2 zone) usually had mom & pop shops that serve the general vicinity. The surrounding zonings included Duplex-4plex (R-2) to the north, south, and to the east; to the west across the alley were lots zoned SF Residential (R-1). Regarding land uses, there were apartments to the north, south & east; to the west were SF homes. The FLUM reflected a Moderate Density Residential (MD) designation. Features Favoring the C-2 proposal included the following:

- A. The site had substantial frontage to Inspiration Road, a future major thoroughfare via the County of Hidalgo's MPO Thoroughfare Map, i.e., 100' ROW with an ultimate 65' B-B street.
- B. The site was a corner lot that was typical of such C-2 zoned sites; furthermore, Azalea Street was approximately at the ¼ mile mark, was over 2000' long, & was a residential collector that tied Inspiration Road to Moorefield Road, an arterial street.
- C. The site had access to a paved public alley which was a typical feature for commercial uses in general; this was vital for garbage service & enhances (staff) parking.
- D. There were two (2) other C-2 zones sites in this general vicinity being at the SW corner of Clavelle/Inspiration; and at the NW corner of Orquidea/Inspiration; the Bermejo site was rezoned, then C-2 sites appear equally distant from each other including the C-3 zoned convenience stores located at 3 Mile Road & at 2 Mile /Inspiration, i.e., not clustered.

There was no public opposition at P&Z's hearing. The P&Z unanimously approved of the C-2 rezoning.

Staff, P&Z and City Manager recommended approval.

Mayor Pro Tem Olivarez asked if there were any comments for or against the zoning request. There was none.

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

C. Rezoning: Lots 1-3, Premier Subd., AO-I to C-3, Aaron Munoz

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The subject site was located approximately 1,000' east of Inspiration Road along the south side of Mile 3 Road.

The surrounding zones included: E.T.J. to the north; Agricultural Open Interim to the south, east and west.

The land uses included: Residential to the north, east and west; and open acreage to the south. The Site had a commercial plaza.

The Future Land Use Map reflected a General Commercial (GC) designation along the Mile 3 frontage.

The subject property was changed to C-3 due to FLUM compliance, frontage to a major TxDOT road (120' ROW) was more appropriate for a commercial use, and the subject property had a commercial building.

There was no public opposition at P&Z's hearing. The P&Z unanimously approved of the C-3 rezoning.

Staff, P&Z and City Manager recommended approval.

Mayor Pro Tem Olivarez asked if there were any comments for or against the zoning request. There was none.

Councilwoman Garza moved to approve the rezoning as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

D. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages for a Nightclub – Bar Cavern, 1626 E. Griffin Parkway, Lots 2-4, Stewart Village Subd., C-3, Life of Use, Fernando Torres

At 5:12 Mayor Salinas joined the meeting.

The proposed nightclub was located 300' east of Stewart Road along the south side of Griffin Parkway. The 4,000 sq. ft. nightclub would be sharing an existing building with a 5000 sq. ft. daycare (Kids Rock).

- Days/Hours of Operation: Everyday from 10:00 a.m. to 2:00 a.m. Where the earlier hours would be optional for special 'booked' events, meeting, etc.
- Staff: 31 employees (10 security guards, 12 servers/bus boys, 6 bar staff, & 3 DJs).

The Mission Zoning Code Section 1.56 (3a) Bars, cocktail lounges, taverns, cantinas, saloons, dancehalls, discotheques, discos or nightclubs states:

“The property line of the lot of any of the above-mentioned businesses, especially those businesses which have late hours (after 10:00 p.m.) must be at least 300 feet from the nearest residence, church, school or publicly owned property.”

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The proposed nightclub was 173' from the Episcopalian Church property was located directly north of the proposed site. The intent of this code was to distance a nightclub and its effects from a religious/family environment.

With regard to parking:

- ❖ The total parking required of the built-out commercial suites w/100% occupancy was (est.) at 505.
- ❖ Total parking available was 517.
- ❖ Total required nightclub was 99.
- ❖ Total needed w/nightclub was 604 though staff noted that most of the commercial users would be 'closed' when the nightclub was open.

There was public concern at P&Z's hearing. The P&Z voted 4-3 to approve the conditional use permit subject to waiving the 300' separation code, and a 1-year re-evaluation.

Staff and City Manager recommended denial.

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

Ryan Krause representative from Palm Valley Church spoke against the CUP request.

Aaron Balli spoke against the CUP request.

Elvira Ruiz spoke in favor of the CUP request.

Councilman Plata moved to deny the CUP Sale & On-Site Consumption of Alcoholic Beverages for a Nightclub – Bar Cavern, 1626 E. Griffin Parkway, Lots 2-4, Stewart Village Subdivision as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

E. Ord. # _____ to abandon and vacate Cummings Avenue between Block 148 and 149, Mission Original Townsite

At 5:16 p.m. Councilman Plata left the meeting.

Pursuant to last year's directive, the public hearing process had been activated to consider the abandonment of the area of Cummings. Staff discovered that the old Cummings Avenue ROW had not been formally abandoned though it had never been used as a public street. There were no utilities within the ROW either.

At P&Z's public hearing, there was commentary supporting the abandonment.

Staff and City Manager recommended approval to abandon and vacate Cummings Avenue.

Mayor Pro Tem Olivarez moved to deny the abandon and vacate Cummings Avenue between Block 148 and 149, Mission Original Townsite as recommended. Motion was seconded by Councilwoman Garza and denied unanimously 4-0.

F. Public Hearing for Proposed Regional Consolidated Plan and Strategy 2010-2012/One Year Action Plan FY 2010-11

The proposed Regional Consolidated Plan & Strategy 2010-2012/One Year Action Plan FY 2010-2011 was approved during the April 26, 2010 City Council meeting and published in the Progress Times on April 30, 2010. It was required to conduct a public hearing during the thirty (30) day comment period to solicit comments on the Regional Consolidated Plan and Strategy and on the recommended funding allocations for city departments and public service agencies for next fiscal year. The department accepted comments through the end of the comment period May 31, 2010.

Mayor Salinas asked if there were any comments. There was none.

No action was taken on this item.

G. Public Hearing on the Edward Byrne Memorial Justice Assistance (JAG) Formula Program Grant and the expenditure of \$10,260.00 in grant funds

The Mission Police Department was requesting the opening of a Public Hearing on the Edward Byrne Memorial Justice Assistance (JAG) Formula Program Grant and the expenditure of \$10,260.00. The City of Mission Police Department had been awarded the aforementioned grant amount and plan to utilize the funding to purchase Police Mobile Printers for the utilization in marked Mission Police Units. There was no cash match required for this particular grant program.

Mayor Salinas asked if there were any comments. There was none.

No action was taken on this item.

2.0 Disposition of Minutes

**2.1 City Council Meeting – April 26, 2010
Special Meeting – May 17, 2010**

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

3.0 Acknowledge Receipt of Minutes

**3.1 Citizen's Advisory Committee – April 20, 2010
Boys & Girls Club of Mission – March 25, 2010
Speer Memorial Library Board – January 19, February 16, and March 16, 2010
Mission Economic Development Corporation – March 16, 2010**

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

4.0 Approvals and Authorizations

4.1 Adoption of Ord. # 3558 for Rezoning: Lot 1, Renell Subd., AO-I to C-1; Lot 9, Block 5, Taurus Estates No. 9 Subd. Phase I, R-2 to C-2; and Lots 1-3, Premier Subd., AO-I to C-3

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ordinance No. 3558 for rezoning Lot 1, Renell Subdivision, AO-I to C-1; Lot 9, Block 5, Taurus Estates No. 9 Subdivision Phase I, R-2 to C-2; and Lots 1-3, Premier Subdivision AO-I to C-3 as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3558

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING REZONINGS FOR LOT 1, RENELL SUBDIVISION, AO-I TO C-1; LOT 9, BLOCK 5, TAURUS ESTATES NO. 9 SUBDIVISION PHASE I, R-2 TO C-2; AND LOTS 1-3, PREMIER SUBDIVISION, AO-I TO C-3

4.2 Adoption of Ord. # _____ for CUP for the Sale & On-Site Consumption of Alcoholic Beverages for a Night-club-Bar Cavern, 1626 E. Griffin Parkway, Lots 2-4, Stewart Village Subd.

No action was taken on this item.

4.3 Adoption of Annexation Ord. # 3559 for the following areas of 459.11 acres consisting of the following: The Eastern 300' of Lots 1, 2, 3, & 4, and the E. 300' of the South 655' of Lots 5, Crane Subd.; Lots 7, 8, 9, & 10, Mission Farm Estates; and 246.81 acres of the U.S. Fish & Wildlife Property being immediately south of Lots 9 & 10, Mission Farm Estates all the way southward to the Rio Grande

This was the last step of the annexation cycle. Two public hearings were held & annexation was instituted on May 17th. This step would have the Council consider approving the Annexation Ordinance

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ordinance No. 3559 of Annexation for the following areas of 459.11 acres consisting of the following: The Eastern 300' of Lots 1, 2, 3, & 4, and the E. 300' of the South 655' of Lots 5, Crane Subdivision; Lots 7, 8, 9, & 10, Mission Farm Estates; and 246.81 acres of the U.S. Fish & Wildlife Property being immediately south of Lots 9 & 10, Mission Farm Estates all the way southward to the Rio Grande as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3559

AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MISSION, COUNTY OF HIDALGO, STATE OF TEXAS, BEING DESCRIBED AS: A TOTAL OF 459.11 ACRES CONSISTING OF THE FOLLOWING: THE EASTERN 300' OF LOTS 1, 2, 3, & 4, AND THE EAST 300' OF THE SOUTH 655' OF LOT 5, CRANE SUBDIVISION; LOTS 7, 8, 9, & 10, MISSION FARM ESTATES; AND 246.81 ACRES OF THE U.S. FISH & WILDLIFE PROPERTY BEING IMMEDIATELY SOUTH OF LOTS 9 & 10, MISSION FARM ESTATES ALL THE WAY SOUTHWARD TO THE RIO GRANDE

4.4 Final Plat Approval & Request for Plat Approval Extension: Palomar Subd., S. 8.57 Acres of the N. 27.15 Acres of Lot 35-4, W.A.S. Subd., Suburban ETJ, Developer: Omar Garcia, O.G. Construction Engineer: Melden & Hunt, Inc.

This plat was given Preliminary Plat Approval by the City Council on December 8, 2008 allowing the 41-lot development to go into construction. The typical 1-year 'approval tenure' expired on December 8, 2009; thus, 7 additional months were needed to record this plat. Palomar reflected the following:

- ❑ 8" water lines w/3 hydrants were extended; Sharyland Water Supply Corporation was the provider.
- ❑ 8" sanitary sewer lines were installed; the CSR fee of \$750/lot = \$30,750 was required.
- ❑ Internal 32' B-B streets had been lab-tested & comply with prevailing paving codes; widening of Trosper would be escrowed.
- ❑ The 24", 30" & 42" storm lines were constructed via MHI's plans outfalling to an open ditch belonging to the HCDD#1.

With all improvements completed, the plat needed the City Council's 'plat approval 7-month extension retroactive to December 2009' and the Council's 'Final Plat Approval' for recording.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Final Plat Approval & Request for Plat Approval Extension for Palomar Subdivision, S. 8.57 acres of the N. 27.15 acres of Lot 35-4, W.A.S. Subdivision ETJ as recommended. Motion was seconded by Councilwoman Garza and approved 3-1 with Mayor Salinas dissenting.

4.5 Final Plat Approval: Amistad Subd., 13.81 Acres being all of Lot 270 and the N. 3.81 Acres of Lot 268, Bentsen Groves Subd. Unit "C" Rural ETJ Developer: Pablo Munoz Engineer: R.E. Garcia & Associates

This Rural ETJ plat was given Preliminary Plat Approval by the City Council on July 27, 2009 allowing the development to go forth into construction. This Final Plat consideration viewed the improvements meeting prevailing codes.

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- ❑ Amistad had 23 lots all meeting the county's ½ acre standard.
- ❑ 8" water lines have been installed (SWSC linework).
- ❑ The septic tank systems have been installed and approved by county officials – see memo of approval as attached.
- ❑ The drainage swales are constructed to county specifications; road-side ditch has been re-constructed to county specifications.

With the improvements approved, Amistad only needed the City Council's official 'Final Plat Approval' for recording.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Final Plat Approval for Amistad Subdivision, 13.81 acres being all of Lot 270 and the N. 3.81 acres of Lot 268, Bentsen Grove Subdivision, Unit "C" Rural ETJ as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.6 Election of Mayor Pro-Tem

In accordance with Section 3.05 of the City Charter, the City Council, at its first meeting after election of Councilpersons, shall elect one of its numbers Mayor Pro Tem and he shall perform all the duties of the Mayor in the absence and disability of the Mayor.

Councilwoman Ramirez move to elect Councilman Olivarez as Mayor Pro Tem. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.7 Approval of Ord. # 3560 granting a wet designation for 2301 N. Shary Rd., Walgreens

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

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ordinance No. 3560 granting a wet designation for 2301 N. Shary Road Walgreens as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3560

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 LIMIST OF THE CITY OF MISSION TO INCLUDE THE PERMISES LOCATED AT 2301 N. SHARY ROAD

4.8 Approval of Ord. # 3561 granting a wet designation for 201 S. Inspiration Rd., Fiesta Grocery

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

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ordinance No. 3561 granting a wet designation for 201 S. Inspiration Road Fiesta Grocery as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

ORDINANCE NO. 3561

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 PERMISES LOCATED AT 201 S. INSPIRATION ROAD.

4.9 Approval of Ord. # _____ granting a wet designation for 1626 E. Griffin Parkway, Lots 2-4, Stewart Village Subd.

No action was taken on this item.

4.10 Resolution # 1265 Authorizing the filing of a Grant Application with the LRGVDC for the Regional Solid Waste Grants Program

A resolution of the City Council of the City of Mission, Texas authorizing the filing of the grant application with the Lower Rio Grande Valley Development Council for the Regional Solid Waste Grants Program; authorizing the City Manager to act on behalf of the City in all matters related to the applications; and pledging that if a grant was received, the City would comply with the grant requirements of the LRGVDC, the Texas Commission of Environmental Quality, and the State of Texas. The amount of the grant was \$30,000 and there was no match.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Resolution No. 1265 authorizing the filing of a Grant Application with the LRGVDC for the Regional Solid Waste Grants Program as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

RESOLUTION NO. 1265

RESOLUTION OF THE CITY OF MISSION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL FOR A REGIONAL SOLID WASTE GRANTS PROGRAM GRANT; AUTHORIZING JULIO CERDA, CITY MANAGER TO ACT ON BEHALF OF THE CITY OF MISSION IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF A GRANT IS RECEIVED THE CITY OF MISSION WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE LRGVDC, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS.

4.11 Resolution # 1266 Authorizing and designating the Mayor and City Manager as the authorized signatories of the City of Mission for the Texas Department of Rural Affairs Grant

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A resolution of the City Council of the City of Mission, Texas authorizing and designation the Mayor and City Manager as the authorized signatories for all required documentation from the Texas Department of Rural Affairs to execute the grant program; authorizing the Mayor and City Manager to act on behalf of the City in all matters related to the grant and would comply with the grant requirements.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Resolution No. 1266 authorizing and designating the Mayor and City Manager as the authorized signatories of the City of Mission for the Texas Department of Rural Affairs Grant as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

RESOLUTION NO. 1266

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AUTHORIZING NORBERTO SALINAS, MAYOR AND JULIO CERDA, CITY MANAGER TO ACT ON BEHALF OF THE CITY OF MISSION IN ALL MATTERS RELATED TO THE TEXAS DEPARTMENT OF RURAL AFFAIRS GRANT REQUIREMENTS; AND DESIGNATE NORBERTO SALINAS, MAYOR AND JULIO CERDA, CITY MANAGER AS THE AUTHORIZED SIGNATORIES FOR ALL REQUIRED DOCUMENTATION FOR THE TEXAS DEPARTMENT OF RURAL AFFAIRS GRANT.

4.12 A Resolution # 1267 of the City Council of the City of Mission amending Resolution No. 1239 amending the Public Funds Investment 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.

Mayor Pro Tem Olivarez moved to approve Resolution No. 1267 of the City Council of the City of Mission amending Resolution No. 1239 amending the Public Funds Investment Policy as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

RESOLUTION NO. 1267

A RESOLUTION OF THE MISSION CITY COUNCIL AMENDING RESOLUTION NO. 1239 AMENDING THE PUBLIC FUNDS INVESTMENT POLICY

4.13 Budget Amendments: Utility Fund, General Fund, and Capital Projects

Mrs. Janie Flores, Finance Director presented the Budget Amendments BA-78 thru BA-81 to the City Council for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Budget Amendments BA-79 thru BA-81 as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.14 Tax Collections Report – April, 2010

Mrs. Flores presented the Tax Collections Report for April, 2010, for acceptance.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Tax Collection Report for April, 2010, as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.15 April 2010 Financial Statements

Mrs. Flores presented the Financial Statements for April 2010, for acceptance.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve the Financial Statements for April 2010, as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.16 Approval of Ord. # 3562 providing for a Four-Way Stop Intersection at Solar Drive and Miller Ave.

The City of Mission Police Department received a request for approval of an ordinance establishing a 4-Way Stop intersection at Solar Drive and Miller Avenue. The residents in the surrounding area were concerned with the traffic coming from Veterans Memorial High School and Mims Elementary School in the mornings and afternoons. The increase in traffic density within the subdivision and the surrounding area had brought about concerns for the safety of motorist and pedestrians alike. The implementation of the 4-Way Stop intersection would assist in regulating the flow of traffic, which in turn would assist in making the roadway safer to travel.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ordinance No. 3562 providing for a Four-Way Stop Intersection at Solar Drive and Miller Avenue as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3562

AN ORDINANCE OF THE CITY OF MISSION, TEXAS PROVIDING FOR A TRAFFIC CONTROL DEVICE BEING A FOUR-WAY STOP SIGN INTERSECTION AT SOLAR DRIVE AND MILLER AVENUE; PROVIDING FOR INSTALLATION OF SAID TRAFFIC CONTROL DEVICES BEING STOP SIGNS AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO

4.17 Approval of Ord. # 3563 providing for a Stop Inter-section at San Antonio Ave. and Village Square

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The City of Mission Police Department received a request for approval of an ordinance establishing a Stop intersection at San Antonio Avenue and Village Square. Residents in the area requested a Stop Intersection based on the increased volume of traffic exiting the Village Square area and affecting traffic on San Antonio Avenue. The increase in traffic density within the subdivision had brought about concerns for the safety of motorist. The implementation of the Stop intersection would assist in regulating the flow of traffic, which in turn would assist in making the roadway safer to travel.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ordinance No. 3563 providing for a Stop Inter-section at San Antonio Avenue and Village Square as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3563

AN ORDINANCE OF THE CITY OF MISSION , TEXAS PROVIDING FOR A TRAFFIC CONTROL DEVICE BEING A STOP SIGN INTERSECTION AT SAN ANTONIO AVENUE AND VILLAGE SQUARE; PROVIDING FOR INSTALLATION OF SAID TRAFFIC CONTROL DEVICES BEING A STOP SIGN AND PROPER SIGNANGE THEROF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPICABLE THERETO

4.18 Authorization to accept 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 accept 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 \$10,260.00. It was the intention of the Mission Police Department organization to utilize the funding to purchase Police Mobile Printers. 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 Edward Byrne Memorial Justice Assistance (JAG) Formula Program Grant to the U.S. Department of Justice, Bureau of Justice Assistance as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.19 Change Order No. 1 for the New Fire and Police Substations located at 4500 S. Glasscock Rd.

The addition of a Radio Tower to be purchased and installed to provide both police and fire radio communications. The contract would increase by a total of \$102,640.00. Change Order No. 1 would increase the original contract cost from \$1,906,074.00 to \$2,008,714.00. The Change Order was under the 25% limit (at 5.1%) from the original contract cost set by the Texas Government Code.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Change Order No. 1 for the New Fire and Police Substations located at 4500 S. Glasscock Road as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.20 Authorization to solicit bids or purchase via a state approved contract a total of three (3) police vehicles

The City of Mission Police Department was requesting authorization to solicit bids or purchase via a state approved contract, a total of three (3) police vehicles. The three (3) vehicles would be purchased utilizing funds from the Border Initiative Grant awarded to the Mission Police Department organization from the Office of the Governor's Criminal Justice Division.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to solicit bids of purchase via a state approved contract a total of three (3) police vehicles as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.21 Authorize City Manager to Engage Javier Hinojosa Engineering for Professional Services for storm sewer design

Staff recommended authorization to engage Javier Hinojosa Engineering for engineering plans and specifications to upgrade the storm drainage system at Mission's downtown area. (Citriana St., Bahia St., Mesquite St., Ebanco St., Huisache St., Encino St., Retama St., Coma St., Rio St., Doherty St., Miller St., Oblate St., St Marie Ave & Francisco St.)

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize City Manager to Engage Javier Hinojosa Engineering for Professional Services for storm sewer design and to include 4th Street as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.22 Approval of Memorandum of Understanding with Sharyland School District regards to the use of the Shary Municipal Golf Course

The City of Mission and Sharyland ISD had developed a memorandum of understanding where the parties agreed to the following:

City agreed to:

- Provide driving range privileges and playing privileges to the said High School for the 2010-2011 School year (August 30, 2010 to May 27, 2011) on days that the Shary Municipal Golf Course was regularly opened.
- Provide driving range privileges and playing privileges to each of the said Junior High for the period of March 14, 2010 to May 27, 2010, on days that Shary Municipal Golf Course was regularly opened.

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Sharyland ISD agreed to:

- Pay the City of Mission (Shary Golf Course) the sum of \$150.00 for playing privileges and \$125.00 for driving range privileges per high school player and \$50.00 for playing and driving range privileges per junior high school player within thirty (30) days after signing the MOU.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Memorandum of Understanding with Sharyland School District regards to the use of the Shary Municipal Golf Course as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.23 Approval of Memorandum of Understanding with Mission Consolidated School District regards to the use of the Shary Municipal Golf Course

The City of Mission and Mission CISD had developed a memorandum of understanding where the parties agreed to the following:

City agreed to:

- Provide driving range privileges and playing privileges to each of the said High Schools for up to twenty (20) players per high school for the 2010-2011 School year (August 30, 2010 to May 27, 2011) on days that the Shary Municipal Golf Course was regularly open.
- Provide driving range privileges and playing privileges to each of the said Junior High and Middle Schools for up to fifteen (15) players per junior high and middle school for the period of March 14, 2011 to May 20, 2011, on days that Shary Municipal Golf Course was regularly open.

Mission CISD agreed to:

- Pay the City of Mission (Shary Golf Course) the sum of \$11,400.00 within thirty (30) days after signing the MOU

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Memorandum of Understanding with Mission Consolidated School District regards to the use of the Shary Municipal Golf Course as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.24 Approve change order for Del Sol Homes Construction for Housing Assistance at 803 Cynthia

The following unforeseen areas were discovered during the rehabilitation of CDBG applicant's home located at 803 Cynthia:

1) upon removing the brick veneer, there was no wall sheathing which was not noticeable during the initial inspection; 2) the insulation had been weathered and deteriorated which required replacement for the outer wall; 3) the ceiling sheetrock was not properly fastened and needed to be replaced throughout the home;

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As per the guidelines, the City Manager had the authority to increase approved loans by no more than 10% of the contract amount awarded if unforeseen requirements during the construction phase mandated such an increase. The change order was as follows:

803 Cynthia (Rehabilitation):

Other Project Costs	\$558.34
Contract amount	\$23,000.00
Changer order	<u>\$1,401.00</u>
Total amount	\$24,959.34

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve change order for Del Sol Homes Construction for Housing Assistance at 803 Cynthia as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.25 Authorization to solicit bids for “Housing Assistance Program Phase 09-II”

Citizens Advisory Committee (CAC) met on Tuesday, May 11, 2010, and approved staff’s recommendation to provide assistance for the reconstruction of nine (9) homes subject to eligibility, title and environmental clearance.

Reconstruction:

*1222 Perkins	-2 Bedrooms
4010 Beatty	-2 Bedrooms
205 Donna	-2 Bedrooms
500 San Antonio	-2 Bedrooms
208 Bertha	-2 Bedrooms
617 Granjeno	-2 Bedrooms
619 Granjeno	-3 Bedrooms
302 Palma	-2 Bedrooms
2001 Perkins	-2 Bedrooms

*Hardship case – Fire occurred December 10, 2009

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to solicit bids for “Housing Assistance Program Phase 09-II” as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.26 Acceptance of Housing Assistance Program applicants-Housing Rehabilitation through the Social Services Block Grant Program

Citizens Advisory Committee (CAC) met on April 20, 2010 and May 11, 2010, and approved staff’s recommendation to provide assistance for the roof repair of six (6) and two (2) homes, respectively:

Rehabilitation (Roof repair):

1500 Yolanda St
126 S. Nicholson St
1007 W 25th
1817 Holland Ave
3303 Crisantema
113 S Francisco
1305 E Ray Circle
126 N Nicholson

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve acceptance of Housing Assistance Program applicants-Housing Rehabilitation through the Social Services Block Grant Program as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.27 Authorization to solicit bids for “Housing Assistance Program-Housing Rehabilitation Phase 09-II R”

Citizens Advisory Committee (CAC) met on Tuesday, May 11, 2010, and approved staff’s recommendation to provide assistance for the rehabilitation of three (3) homes subject to eligibility and title clearance.

Rehabilitation:

419 Oblate
811 W 2nd St
312 Alma

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to solicit bids for “Housing Assistance Program-Housing Rehabilitation Phase 09-II R” as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.28 Bids for “Housing Assistance Program – Housing Rehabilitation Phase 09-I DR”

On April 12, 2010, City Council authorized staff to solicit bids for three (3) rehabilitation projects subject to environmental clearance. The City of Mission had accepted and opened four (4) bid responses for this project. Citizens Advisory Committee (CAC) met on Friday, May 21, 2010 and approved staff’s recommendation to award bids to the lowest responsible bidder as follows:

Aguirre Framing & Construction – Total \$51,258

934 Lee Street
920 Bryce
1812 Joanna Ave

Staff and City Manager recommended approval.

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Mayor Pro Tem Olivarez moved to approve bid for “Housing Assistance Program-Housing Rehabilitation Phase 09-I DR” to Aguirre Framing & Construction being the lowest bidder as recommended. Motion was seconded by Mayor Salinas and approved unanimously 4-0.

4.29 Approval of Resolution # 1268 Hike & Bike Trail Improvements

Requesting approval of Resolution for the Texas Department of Transportation 2009-2010 Statewide Transportation Enhancement Program Call. Resolution reflected City Manager to act as the Authorized Representative regarding the City’s participation in the Enhancement Program and City’s participation of 20% as match requirement for the grant.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Resolution No. 1268 Hike & Bike Trail Improvements as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

RESOLUTION NO. 1268

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE TEXAS
DEPARTMENT OF TRANSPORTATION 2009-2010 STATEWIDE TRANSPORTATION
ENHANCEMENT PROGRAM CALL AND AUTHORIZING THE CITY MANAGER TO ACT
AS THE AUTHORIZED REPRESENTATIVE REGARDING THE CITY’S PARTICIPATION
IN THE ENHANCEMENT PROGRAM

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager’s Comments

City Manager announced that City Hall would be closed on Monday, May 31, 2010 due to Memorial Day.

6.2 Mayor’s Comments

Mayor Salinas requested to get the drainage issues worked out.

At 6:21 p.m., Mayor Pro Tem Olivarez moved to convene into executive session. Motion was seconded by Councilwoman Garza 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. Claim for sewer collection charges against Ricardo Gonzalez

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

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At 6:46 p.m., Councilwoman Garza moved to reconvene in open session. Motion was seconded by Councilwoman Ramirez and approved unanimously 3-0.

On item 7.1-A, Councilwoman Garza moved to Authorize City Attorney to pursue claim against Ricardo Gonzalez. Motion was seconded by Councilwoman Ramirez and approved unanimously 3-0.

8.0 Adjournment

At 6:47 p.m., Councilwoman Garza moved for adjournment. Motion was seconded by Councilwoman Ramirez and approved unanimously 3-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary