

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
JUNE 14, 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

ALSO PRESENT:

Kathy Olivarez, Progress Times
Rene De La Cruz
Jeff Underwood
Arlene Rivera
Jose R. Mendez
Pat Townsend, Jr.
Albert Ocana

ABSENT:

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Sonia Carnes, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sergio Zavala, Planning Director
Bobby Salinas, Planning Dept.
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 Buyer
Leo Longoria, Chief of Police
Robert Dominguez, Asst. Chief of Police
Martin Garza, Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Julian Gonzalez, Parks & Rec. Director
Mayra Rocha, Speer Memorial Library
Juan C. Avila, Interim B & G Club Director
Roland Rodriguez, D.P. Manager
Noemi Munguia, HR Director
Jonathan Wehrmeister, Judge
Elizabeth Garza, Engineering Dept.
Jesse Lerma, Civil Service Director
Leo Zamora, Executive Dept.

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:31 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

Councilwoman Norie Gonzalez Garza moved to approve the departmental reports as presented. Motion was seconded by Councilwoman Maria Elena Ramirez and approved unanimously 5-0.

4. Citizens Participation

Parks and Recreation Director Julian Gonzalez, introduced Ofelia Perez and Jorge Chapa who presented and award to Mr. Dean Pavanon for his continuing participation in the Leo Pena Memorial Day 5 K Run.

Pastor Obed Jimenez of El Divino Redentor Church extended an invitation to everyone present to the last day of the 40 days of Prayer Service that would be held on June 15, 2010 at 1020 Los Ebanos Rd. at 7:00 p.m.

Arturo Lerma and son of Troop 83 recognized and awarded Chief Leo Longoria with an Honorary Eagle Award for all his support to the troop.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: A 2.69 acre tract of land out of Lot 29-7, W.A.S. Subd., AO-I to R-3, Frances Garcia

The site with the owner's home was 850' east of Conway along the north side of 2 Mile Road. The surrounding zones included AO-I to the north, east, & west; R-1 to the south.

The area's land uses reflected vacant acreage to the north, homes to the west, Valley Paving to the adjoining east, & an elementary school & a day-care to the south.

The site fronted 2 Mile Road which is currently being widened but whose long-range requirement would be 100' ROW with a paved major thoroughfare section. The E-W 2 Mile would be increasing traffic flow more efficiently where apartments were not an un-common user.

The site was also next to a (grandfathered) Heavy Commercial user in Valley Paving which would likely continue to exist; and the day-care to the south would only compliment the needs of the apartment's tenants (as well as the general area).

Five townhouse owners objected to the R-3 request (18%); and 5 owners (18%) adjoining the applicant tract supported the R-3.

P&Z had 2 hearings on this matter where they voted unanimously in favor of R-3.

Staff recommendation: Approval (Note: if approved, the platting process would be the next step in the development process).

Staff, P & Z and City Manager recommended approval.

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

Mr. Rene de la Cruz from 3308 N. Conway spoke against the request.

Mr. Rene Barrera who was representing Ms. Francis Garcia spoke in favor of the request.

Councilman Ruben Plata moved to approve Rezoning: A 2.69 acre tract of land out of Lot 29-7, W.A.S. Subd., AO-I to R-3, Frances Garcia. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

B. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages, Mariscos El Mar Seafood Restaurant, 2500 E. Expwy 83, Ste. # 100, Lot 5-B, Sharyland Place Subd., C-3, Life of Use, Armando Trevino

The proposed 1500' sq. ft. seafood restaurant was located within the Kohl's commercial plaza approximately ¼ mile east of Shary Road along the south side of Expressway 83. Access to the site was currently from the north (Expressway) driveway, and an interfaced driveway onto Wal-Mart's maneuvering lanes.

The intent was to establish a small family-oriented seafood restaurant where alcoholic beverages would be available to customers. The closing hour was further indicative of their target market, i.e., family ambience.

- Hours of operation: Monday – Thursday & Sunday – 10:00 a.m. until 10:00 p.m.
Friday and Saturday – 10:00 a.m. until 11:00 p.m.
- Staff: 5 employees
- Parking: Viewing the floor plan, there were 64 total seating spaces requiring 21 parking spaces. It was noted that the 657 parking spaces were held in common. The parking was also connected to Wal-Mart's existing parking lot.
- Sec. 6-4: This request was compliant to Sec. 6-4 which required that no alcoholic beverages be sold within 300' from a church, public school, private school, or public hospital. There were none of these land uses within the above radius (measured door-to-door for church or hospital; measured lot line-to-lot line for schools).

There was no public input at P&Z's 5/26/10 hearing. The P&Z voted unanimously to approve the conditional use permit.

Staff Recommendation: Approval subject to: 1) wet-zoning the site (in coordination with the City Secretary's Office), 2) acquisition of a business license, and 3) 1 year re-evaluation to assess this new operation.

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 Garza moved to approve Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages, Mariscos El Mar Seafood Restaurant, 2500 E. Expwy 83, Ste. # 100, Lot 5-B, Sharyland Place Subd., C-3, Life of Use, Armando Trevino. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

C. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages, Antojitos Mexicanos, 301 W. Griffin Parkway, Ste. #1, Lot 1-D, Mission Park Plaza Subd., C-3, Life of Use, Antojitos Mexicanos

The 1,402' sq.ft. restaurant site was located within a commercial plaza approximately 800' west of Conway Ave. along the south side of Griffin Parkway. Access to the site was currently from Griffin Parkway and an interfaced driveway onto Church's (restaurant) maneuvering lanes.

The intent was to establish a small family-oriented Mexican Food restaurant where alcoholic beverages would be available to customers.

- Hours of operation: Everyday – 11:00 a.m. to 11:00 p.m., alcoholic beverages would only be served during allowable State selling hours.
- Staff: 10 employees
- Parking: Viewing the floor plan, the 1,402' sq.ft. would require 19 parking spaces. It was noted that the parking area was held in common (78 existing parking spaces) and was shared with other businesses.
- Sec. 6-4: This request was compliant to Sec. 6-4 which required that no alcoholic beverages be sold within 300' from a church, public school, private school, or public hospital. There were none of these land uses within the above radius (measured door-to-door for church or hospital; measured lot line-to-lot line for schools).

There was no public input at P&Z's 5/26/10 hearing. The P&Z voted unanimously to approve the conditional use permit.

Staff Recommendation: Approval subject to: 1) wet-zoning the site (in coordination with the City Secretary's Office), and 2) 1 year re-evaluation to assess this new operation.

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.

Mayor Pro Tem Leo Olivarez moved to approve Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages, Antojitos Mexicanos, 301 W. Griffin Parkway, Ste. #1, Lot 1-D, Mission Park Plaza Subd., C-3, Life of Use, Antojitos Mexicanos. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

D. Conditional Use Permit: Changeable Copy Sign, Lots 1 & 2, Grapefruit Bowl, Inc., C-4, Life of Use, Gulf Coast Sign

The site was located approximately 1,200' east of Glasscock Road along the south side of Business 83. The applicant was proposing to replace an existing mechanical message board with a new LED message board for Valley Bowl.

Art. II, Sec. 86-41 Sign Types of the Mission Sign Code stated: Changeable copy sign meant a sign or portion thereof with characters, letters, or illustrations that could be changed or rearranged without altering the face or surface of the sign. A sign on which the only copy that changed was an electronic or mechanical indication...Such changeable copy signs...were deemed a conditional use requiring the approval of the appropriate boards.

The new LED sign measured 3.3' X 8.5' (approx. 28 square ft.) sign. The maximum size allowed was 40 square feet, thus in compliance to code. The LED sign height was proposed to be 15'. The maximum height allowed for a changeable copy sign was 20', also in compliance with the sign code.

There was no public input at P&Z's 5/26/10 hearing. The P&Z voted unanimously to approve the conditional use permit.

Staff Recommendation: Approval subject to acquiring a sign permit

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.

Councilman Plata moved to approve Conditional Use Permit: Changeable Copy Sign, Lots 1 & 2, Grapefruit Bowl, Inc., C-4, Life of Use, Gulf Coast Sign. Motion was seconded by Councilwoman Garza and approved unanimously 5-0

2.0 Disposition of Minutes

2.1 City Council Meeting – May 26, 2010

Councilwoman Garza moved to approve the minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 5-0.

3.0 Acknowledge Receipt of Minutes

3.1 Mission Tax Increment Reinvestment Zone –April 16, 2010

Mission Redevelopment Authority – April 16, 2010

Mission Civil Service Commission – April 30, 2010

Zoning Board of Adjustments – March 24, 2010 & April 21, 2010

Planning and Zoning Commission – April 28, 2010 & May 12, 2010

Councilwoman Garza moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.0 Approvals and Authorizations

4.1 Adoption of Ord. # 3564 for Rezoning: A 2.69 acre tract of land out of Lot 29-7, W.A.S. Subd., AO-I to R-3

Staff and City Manager recommended approval.

Councilman Plata moved to approve adoption of Ord. No. 3564 for Rezoning: A 2.69 acre tract of land out of Lot 29-7, W.A.S. Subd., AO-I to R-3. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3564

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING REZONING A 2.69 ACRE TRACT OF LAND OUT OF LOT 29-7, WEST ADDITION TO SHARYLAND SUBDIVISION, AO-I TO R-3

4.2 Adoption of Ord. # 3565 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages, Mariscos El Mar Seafood Restaurant, 2500 E. Expwy 83, Ste. # 100, Lot 5-B, Sharyland Place Subd.; Sale & On-Site Consumption of Alcoholic Beverages, Antojitos Mexicanos, 301 W. Griffin Parkway, Ste. 1, Lot 1-D, Mission Park Plaza Subd.

Staff and City Manager recommended approval.

Councilman Plata moved to approve adoption of Ord. No. 3565 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages, Mariscos El Mar Seafood Restaurant, 2500 E. Expwy 83, Ste. # 100, Lot 5-B, Sharyland Place Subd.; Sale & On-Site Consumption of Alcoholic Beverages, Antojitos Mexicanos, 301 W. Griffin Parkway, Ste. 1, Lot 1-D, Mission Park Plaza Subd. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

ORDINANCE NO. 3565

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMITS FOR 'SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES', MARISCOS EL MAR SEAFOOD RESTAURANT, 2500 E. EXPRESSWAY 83, STE. #100, LOT 5-B, SHARYLAND PLACE SUBDIVISION; 'SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES', ANTOJITOS MEXICANOS, 301 W. GRIFFIN PARKWAY, SUITE # 1, LOT 1-D, MISSION PARK PLAZA SUBDIVISION

4.3 Adoption of Ord. # 3566 for CUP for Changeable Copy Sign at Lots 1 & 2, Grapefruit Bowl, Inc.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve adoption of Ord. No. 3566 for CUP for Changeable Copy Sign at Lots 1 & 2, Grapefruit Bowl, Inc. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3566

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR CHANGEABLE COPY SIGN AT LOTS 1 & 2, GRAPEFRUIT BOWL, INC

4.4 Request by Hunt Valley Development for an Extension of 'Approved' Final Plat of Sharyland Plantation Village Los Cabos Subd., a 43.80 acre out of Lots 62, 72, 82, 83, John H. Shary, PUD, Developer: Hunt Valley Industrial I, LP Engineer: Half Associates

On February 11, 2008, the City Council conveyed Preliminary Plata Approval to Los Cabos Subdivision (formerly named Las Brisas Subdivision). The standard 1-year approval expired on February 2009 being almost 16 months ago. Hunt Valley desired the Council's Final Approval until August 1, 2010 so that they could forward their Letter of Credit or bond as financial security for the required improvements of Los Cabos' phased development. Some of the major features of the plat included the following:

- ❖ Los Cabos was located north of the B.L. Gray campus (¼ mi. N. of FM 1016)
- ❖ When fully developed, it would contain 142 lots with various greenbelt & common areas
- ❖ Internal 8" water lines would be interlocked onto the perimeter/existing 12" water line
- ❖ A total of 11 fire hydrants would be installed
- ❖ 8" & 12" sewer lines would be installed to be connected to the existing 15" line
- ❖ Capital sewer recover fees of \$28,400 would be imposed throughout the phased plats
- ❖ There were 2 points of access (from Glasscock & from a future San Mateo)

- ❖ Drainage would be diverted through a series of 24", 30", 36", & 42" storm lines into Hunt's regional drainage ditch system.

Staff Recommendation: Approval of Hunt's Request subject to City Attorney approving LOC/Bond.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Request by Hunt Valley Development for an Extension of 'Approved' Final Plat of Sharyland Plantation Village Los Cabos Subd., a 43.80 acre out of Lots 62, 72, 82, 83, John H. Shary, PUD, Developer: Hunt Valley Industrial I, LP Engineer: Half Associates. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.5 Approval of Ord. # 3567 granting a wet designation for 301 W. Griffin Parkway, Ste. 1, Lot 1-D, Mission Park Plaza Subd., Antojitos Mexicanos and 2500 E. Expwy 83, Ste. 100, Lot 5-B, Sharyland Place Subd., Mariscos El Mar Seafood Restaurant

Staff was requesting the above mentioned properties be wet zoned for Sale & On-Site Consumption of Alcoholic Beverages. CUP's were approved by the Council at this meeting.

Staff and City Manager recommended approval.

Councilman Plata moved to approve of Ord. No. 3567 granting a wet designation for 301 W. Griffin Parkway, Ste. 1, Lot 1-D, Mission Park Plaza Subd., Antojitos Mexicanos and 2500 E. Expwy 83, Ste. 100, Lot 5-B, Sharyland Place Subd., Mariscos El Mar Seafood Restaurant. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3567

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING ORDINANCE NO.780 DESIGNATING PLACES WHERE BEER AND OTHER ALCOHOLIC BEVERAGES MAY BE SOLD WITHIN THE CORPORATE LIMITS OF THE CITY OF MISSION TO INCLUDE THE PREMISES LOCATED AT 301 W. GRIFFIN PARKWAY, STE. 1, LOT 1-D, MISSION PARK PLAZA SUBD., ANTOJITOS MEXICANOS AND 2500 E. EXPRESSWAY 83, STE. 100, LOT 5-B, SHARYLAND PLACE SUBD., MARISCOS EL MAR SEAFOOD RESTAURANT

4.6 Budget Amendments: Utility Fund, General Fund, PD Federal Sharing Fund, Boy's & Girl's Club Fund, Designated Purpose Fund, and CDBG

Janie Flores, Finance Director presented the budget amendments BA-82 thru BA-88 to the City Council for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve budget amendments BA-82 thru BA-88. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.7 Authorization to renew the Inter-local Cooperation Agreement between the City of Mission and Hidalgo County for Rural Emergency Services

The Mission Fire Department was seeking authorization to renew the Inter-local agreement with Hidalgo County for Rural Emergency Services in the unincorporated areas, such as the City of Palmhurst, Granjeno. No changes were made to the Inter-local contract from the previous year.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to renew the Inter-local Cooperation Agreement between the City of Mission and Hidalgo County for Rural Emergency Services. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.8 Authorization for the Mission Fire Department to submit an application to the 2010 Assistance to Fire Fighters Grant

The Mission Fire Department was seeking authorization to submit a grant application to the US Department of Homeland Security FY 2010 Assistance to Firefighters Grant. This grant provided financial assistance to help fire departments meet their firefighting and emergency response needs. Staff was seeking funding for developing and implementing a Firefighter Wellness and Fitness Program. This grant had a cost share of 10% of the total project cost.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize for the Mission Fire Department to submit an application to the 2010 Assistance to Fire Fighters Grant. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.9 Authorization for the Mission Fire Department to submit an application to the Texas Forest Service (Texas Intrastate Fire Mutual Aid System (TIFMAS) Grant Assistance

The Mission Fire Department was seeking authorization to submit a grant application to the Texas Forest Service TIFMAS Grant Assistance Program. This grant would provide a 100% grant for the standardized NWCG Type 6 Engine (small brush truck). This grant had no cost share.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize for the Mission Fire Department to submit an application to the Texas Forest Service (Texas Intrastate Fire Mutual Aid System (TIFMAS) Grant Assistance. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.10 Authorization to solicit bids or purchase via State approved contract for a complete radio dispatch console

The Mission Fire Department was seeking authorization to solicit bids or purchase via State contract for a complete radio dispatch console. This console came with radios, gateways, switching system and incoding system. This project would be funded through funds from the 2008 State Homeland Security Program. There was no cost match associated with this request.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids or purchase via State approved contract for a complete radio dispatch console. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.11 Authorization to purchase three (3) police vehicles via Buy Board contract

The City of Mission Police Department was requesting authorization to purchase three (3) police vehicles via Buy Board contract. The three (3) police vehicles, Two (2) Ford Crown Victoria's (\$45,492.00) and one Ford F150 Truck (\$21,077.00) would be utilized for police operations. These vehicles would be purchased utilizing grant funds from the Office of the Governors Criminal Justice Division's Border Initiative Grant. The total expenditure for all three (3) police vehicles was \$66,569.00.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to purchase three (3) police vehicles via Buy Board contract. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.12 Authorization to purchase Mesh-Network cameras from Red Moon, Inc. through a State of Texas DIR Contract

The City of Mission Police Department was requesting authorization to purchase Mesh Network cameras via a State of Texas DIR Contract. The camera systems would be utilized to monitor activities at city parks, neighborhoods, and shopping centers. The total amount of the expenditure was \$39,377.52. These three (3) cameras would be added to our existing Mesh-Network system in order to increase the amount of areas of coverage. The utilization of this system was used to respond to incidents in progress, as the system was being monitored and recorded at our Central Police Station.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to purchase Mesh-Network cameras from Red Moon, Inc. through a State of Texas DIR Contract. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.13 Housing Assistance Program Housing Rehabilitation Phase 09-I applicant located at 820 Reynosa

On March 22, 2010, City Council awarded a bid to GMH Construction for 820 Reynosa subject to title clearance. Sixty days had elapsed since the date of award; however, the applicant had not been able to provide title clearance. Therefore, staff had informed the contractor that the city would not hold the bid. The applicant would be placed back on the list until able to provide clearance. At which time, the project would be re-bid.

No action was taken on this item.

4.14 Authorization to solicit bids for reparation of roof for the City of Mission building located at 117 / 121 E. Tom Landry

Staff was seeking authorization to solicit bids for reparation of the roof for the City of Mission building located at 117 / 121 E. Tom Landry which housed the offices of U.S. Congressman Henry Cuellar and State Representative Kino Flores. The roof underwent severe damage during Hurricane Dolly and was in need of repair

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for reparation of roof for the City of Mission building located at 117 / 121 E. Tom Landry. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.15 Approval of Resolution # 1269 accepting temporary road easement for St. Claire Street extension and authorization to construct roadway

With construction on Bryan Road and Expressway 83 affecting Mission Regional Medical Center and other businesses south of the expressway, an alternate access to the area was a major need. The attached resolution provided an interim solution until road construction was complete on the Anzalduas Highway project.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Resolution No. 1269 accepting temporary road easement for St. Claire Street extension and authorization to construct roadway. Motion was seconded by Councilman Plata and approved unanimously 5-0.

RESOLUTION NO. 1269

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS,
ACCEPTING THE TEMPORARY ROAD EASEMENT FOR THE ST. CLAIRE STREET
EXTENSION AND AUTHORIZATION TO CONSTRUCT THE ROADWAY

5.0 Unfinished Business
None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

Mayor Salinas thanked everyone for all their support and prayers during his recent surgery.

7.0 Adjournment

At 5:15 p.m., Councilwoman Garza moved for adjournment. Motion was seconded by Councilman Plata and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary