

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
OCTOBER 29, 2008 4:30 P.M.
MISSION CITY HALL**

PRESENT:

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

ABSENT:

Celestino Ramirez, Councilman

ALSO PRESENT:

Kathy Olivarez, Progress Times
Rudy Garcia
Hilario Barrera
Arlene Rivera
Cathy Garcia
Arturo Casanova
Daniel Silva
Joel A. Garcia, Jr.
J.C. Avila
Michele Mendoza
Edith Sanchez
Herminio Sanchez
Rosario Hickle

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Aida Lerma, Public Relations Director
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
Gilbert Sanchez, Fire Marshal
Ruben Diaz, Public Works Director
Victor Gonzalez, Streets Director
Elizabeth Cabrera, Purchasing Director
Rosie Salazar, Risk Manager
Robert Dominguez, Asst. Chief of Police
Janie Flores, Finance Director
Julian Gonzalez, Parks & Rec. Director
Adela Ortega, Museum Director
Rusty Dove, Library Director
Jesse Lerma, Civil Service Director
Omar Garcia, Boys & Girls Club Director

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:32 p.m.

2. Pledge Allegiance and Invocation

Mayor Salinas led the meeting with the pledge of allegiance and City Manager Julio Cerda gave the invocation.

3. Proclamation – Sharyland ISD Education Foundation Week

Anna Carrillo, City Secretary read the proclamation.

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

4. Departmental Reports

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

5. Citizens Participation

Mrs. Aida Lerma thanked and acknowledged Juanita Chapa, President of the local chapter and Robert and Bea Salinas for a successful IGNC Conference.

At 4:38 Mayor Salinas requested to go to Item 4.26.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: S. 163.5' of the W. 1332.5' (4.92 Acres) of Lot 26-1, WAS Subd., R-1 to AO-I Juan Carlos De La Garza

The subject site was located ¼ north of Griffin Parkway (FM 495) along the east side of Inspiration Road. The surrounding zonings included Mobile Modular Home (R-4) to the north, and Agricultural Open Interim (AO-I) to all other directions. The previous owner rezoned the 5 acres to Single Family Residential (R-1) with intentions of subdividing but did not pursue that development. Mr. De La Garza, the new owner, was requesting that these 5 acres be rezoned to their original AO-I zoning since he had no full development intent until several years from now. The AO-I proposal merely restored and reflected its current 'open' use. There was no public opposition at P&Z's 10/15/08 hearing. The P&Z unanimously approved the rezoning.

Staff, P&Z and City Manager recommended approval.

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

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

B. Conditional Use Permit Appeal: 'Sale and on-site consumption of alcoholic Beverages' at Juancho's Bar & Grill (Nightclub), 1900 W. Griffin Parkway, Lots 4 & 5, Inspiration Point Phase I, C-3 Life of Use, Hilario Barrera

On Oct. 15, 2008, the P&Z held a public hearing on the renewal of the CUP for Juancho's Mexican Restaurant, which is now Juancho's Bar & Grill with a nightclub effect on some nights and did not approve of it. The site was at the NW area of Inspiration/FM 495. In conferring with the applicant 2 weeks ago over this, they cited the following:

- Days/hrs: Mon.-closed, Tues. 11a.m.-9a.m., Wed. 11a.m.-midnight, Thurs.-Sat. 11a.m.-2a.m., Sun. 11a.m.-7p.m. (NOTE: applicant would have liked to be open until 2a.m. for 'special private events' on Tues.-Wed. too)
- 4 men on security on Thursday thru Saturday
- Metal detector was used by door man to maximize security to site and patrons
- Door man had counter to 'count' patrons to assure that they did not exceed occupancy load

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- Security lighting had been installed in the back of site as well as in front to maximize security
- Video camera had been installed to maximize security to property & patrons
- Staff was acutely alerted by owners/management that rear door was not to be blocked; was easily accessible
- Owner cited that since opened, there had been no graffiti/vandalism to rear residential fences, etc.

In similar bar & grills near residential areas, the City had approved them, e.g., 1999 Hotties; 2001 Chango Jerry's; 2002 La Tejana Steak House; 2007 Traditions; 2007 Smokin Aces; 2007 Shotz Bar & Grill.

There was no public opposition at the P&Z hearing.

Staff Recommendation: Since added measures had been activated and in light of our previous action to similar others, staff had no objections subject to the following: 1) waive the 300' separation that such a bar/nightclub must be from residential areas, 2) comply with Fire Marshal's maximum occupancy levels, 3) no objection to hours cited above, 4) have security on-site until ½ hour past closing on Thurs.-Sat. 5) comply with Noise Ordinance 6) re-evaluate CUP in October 2009 to assess 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 Olivarez moved to approve the CUP as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

C. Conditional Use Permit: Drive-Thru Convenience Store, 210 N. Conway, Lot 4, Block 50, MOT, C-3, Life of Use, Andres Adame

The City Council approved the CUP on July 9, 2007; since after 1 year and not activated, CUP re-approval was mandatory. The property was located approximately 100' North of 2nd Street on the East side of Conway Avenue. The applicant's proposal was to construct a 38' x 50' Drive-Thru Convenience Store. The hours of operation would be Sunday through Friday from 10:00 a.m. to 12:00 a.m., and Saturday from 10:00 a.m. to 1:00 a.m. There would be two full-time employees. Patrons would predominantly use the drive-thru; however, typical parking was also available.

In reviewing the site plan, a total of 5 parking spaces were proposed where 5 were required. Traffic would enter off of Conway Avenue and travel East and park within the spaces provided in the front of the building or go into the drive-thru lane. Two cars could utilize the lane at one time. Traffic that went thru the drive-thru would exit onto the paved alley. P&Z suggested that a speed bump be provided to maximize protection to passersby and the residence to the East.

The minimum landscaping required was 5% of the total lot size with a combination of trees, plants, shrubs, and grass. Based on the applicant's calculations, the landscaping code would be exceeded. Since the site currently had some large trees, at least 2 large trees would be preserved. Finally, there was an existing gas meter located at the NE corner of the property. If approved,

this meter would likely need to be relocated or bollards installed. There was no public opposition at P&Z's 10/15/08 hearing. The P&Z unanimously approved the conditional use permit subject to staff's recommendation.

Staff Recommendation: Approval subject to compliance with the following conditions: 1) directional arrows/signage installed within the drive-thru lane, 2) compliance with landscape code, 3) acquisition of a Business License, 4) compliance with sign ordinance, 5) transferability to others, 6) a buffer along the southern western boundary of the lot, and 7) speed bump prior to entering alley.

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 the CUP as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

D. Conditional Use Permit: "Daycare Center in a Residential Zone", 2012 N. Inspiration Rd., A 1 acre tract of land out of Lot 24-1, WAS, R-1 Life of Use, Arturo & Norma Casanova

This daycare had been in operation since June 2001. Originally it started as a CUP for a home occupation and most recently it was approved by City Council (for 1-year) on September 10, 2007 as a Home Occupation wherein no one would reside. Section 1.56-1g stated: the Planning & Zoning Commission could, under extenuating or special circumstances unique to the home occupation, recommended waiver of this provision on a temporary or permanent basis to the city council who shall have, the ultimate authority on the matter. With regards to proposed variances to subsections 1.56-1(a), (d), and/or (f), a minimum of 90 percent of the property owners within the 200' mail out radius shall have provided written support of the proposed home occupation variance.

The applicant was now requesting that his CUP be granted for life of use rather than having a re-evaluation clause. Staff preferred a 3-year tenure to keep monitoring area land use changes that may induce further transitioning. The applicants were receptive to this 3-year re-evaluative tenure.

The subject site was approximately ¼ mile South of Griffin Parkway (FM 495) along the east side of Inspiration Road. The daycare had a total of 2,500 sq. ft. of livable area. The site plan had a total of seven rooms and 1 kitchen for the desired use. As far as parking, there were a total of 10 parking spaces for staff and customers as well. The applicant desired to continue to care for 50 children with a staff of 10. The days and hours of operation were Monday thru Friday from 6:30 a.m. to 7:30 p.m., and Saturday from 8:00 a.m. to 5:00 p.m. All DHS licenses and City requirements had been complied with. Additionally, the applicant had again collected over 90% of the required signatures. There had been no recorded complaints filed to the City regarding this operation. There was no public opposition at P&Z's 10/15/08 hearing. The P&Z unanimously approved the conditional use permit subject to staff's recommendation.

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Staff Recommendation: Approval subject to: 1) continue to comply with all applicable state and federal requirements for the proposed use, which included DHS certification, and 2) 3 year re-evaluation to assess land use changes.

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 Olivarez moved to approve the CUP as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

E. Conditional Use Permit: ‘Sale and On-Site consumption of Alcoholic Beverages’ at the Wing Stop Restaurant, 301 W. Griffin Parkway, Suite 6, Lot 1B, Mission Park Plaza Subd., C-3 Life of Use, Wing Stop

The property was located approximately 750’ West of Conway along the South side of Griffin Parkway (FM 495) within an existing commercial complex that had 10 lease spaces. The Wing Stop was a family friendly restaurant that sold a different variety of wings (different flavors), French fries, dips, and sauces, rolls, etc. It was reported to staff that the sale of alcohol at this restaurant constituted only 4-6% of their gross sales.

The existing hours of operation were 7 days a week from 11 a.m. to 12 midnight with a total of 12-17 employees. The restaurant consisted of 2,000 sq. ft. floor area. There were a total of 16 tables and 50 seats.

A total of 17 parking spaces were required for this establishment. The total number of parking spaces held in common at this development were 78 where 72 were required, thereby exceeding code by 6. It was noted that no other restaurants would be permitted hereafter, because of the parking would not be sufficient thereafter. A site visit revealed that the Baptist Church at the SW corner of Conway and Griffin Parkway was 965’ East of the proposed restaurant (measured door to door). After a year in operation there had been no violation reports from Fire or P.D. regarding this operation. There was no public opposition at P&Z’s 10/15/08 hearing. The P&Z unanimously approved the conditional use permit subject to staff’s recommendation.

Staff Recommendation: Approval for a tenure of 3 years where after re-evaluation would occur.

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 Olivarez moved to approve the CUP as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

2.0 Disposition of Minutes

2.1 City Council Minutes – October 13, 2008

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

3.0 Acknowledge Receipt of Minutes

- 3.1 Zoning Board of Adjustments – August 6, 2008,**
- Planning & Zoning Commission – August 27, 2008**
- Planning & Zoning Commission – September 17, 2008**
- Parks and Recreation Board Meeting - September 9, 2008**
- Citizen’s Advisory Committee Special Meeting – September 16, 2008**
- Shary Golf Advisory Board – September 17, 2008**
- Mission Civil Service Commission – September 24, 2008**

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

4.0 Approvals and Authorizations

- 4.1 Adoption of Ord.# 3407 for Rezoning S. 163.5’ of the W. 1332.5’ (4.92 Acres) of Lot 26-1 WAS Subd., R-1 to AO-I**

Staff, P&Z and City Manager recommended approval.

Councilman Plata moved to approve Ord. No. 3407 for rezoning S. 163.5’ of the W. 1332.5’ (4.92 Acres) of Lot 26-1 WAS Subd., R-1 to AO-I. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

ORDINANCE NO. 3407

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING REZONING THE S. 163.5’ OF THE W. 1332.5’ (4.92 ACRES) OF LOT 26-1, WEST ADDITION TO SHARYLAND SUBDIVISION, FROM R-1 TO AO-I

- 4.2 Adoption of Ord.# 3408 for CUP for the ‘Sale & On-Site Consumption of Alcoholic Beverages’ at Juancho’s Bar & Grill (Nightclub), 1900 W. Griffin Parkway, being Lots 4&5, Inspiration Point Ph. I**

Staff, P&Z and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ord. No. 3408 for CUP for the ‘Sale & On-Site Consumption of Alcoholic Beverages’ at Juancho’s Bar & Grill (Nightclub), 1900 W. Griffin Parkway, being Lots 4&5, Inspiration Point Ph. I. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

ORDINANCE NO. 3408

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING CONDITIONAL USE PERMITS FOR THE SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES AT JUANCHO’S BAR & GRILL (NIGHTCLUB), 1900 W. GRIFFIN PARKWAY, LOTS 4 & 5, INSPIRATION POINT PHASE I

- 4.3 Adoption of Ord.# 3409 for CUP for a Drive-Thru Convenience Store, 210 N. Conway, Lot 4, Block 50, MOT, and a Daycare Center in a Residential Zone, 2012 N. Inspiration Rd. A 1 acre tract of land out of Lot 24-1, WAS**

Staff, P&Z and City Manager recommended approval.

Councilman Plata moved to approve Ord. No. 3409 for CUP for a Drive-Thru Convenience Store, 210 N. Conway, Lot 4, Block 50, MOT, and a Daycare Center in a Residential Zone, 2012 N. Inspiration Rd. A 1 acre tract of land out of Lot 24-1, WAS. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

ORDINANCE NO. 3409

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING CONDITIONAL USE PERMITS FOR A DRIVE-THRU CONVENIENCE STORE, 210 N. CONWAY, LOT 4, BLOCK 50, MISSION ORIGINAL TOWNSITE, AND A DAYCARE CENTER IN A RESIDENTIAL ZONE, 2012 N. INSPIRATION ROAD, A 1 ACRE TRACT OF LAND OUT OF LOT 24-1, WEST ADDITION TO SHARYLAND

4.4 Adoption of Ord.# 3410 for CUP for the Sale and On-Site Consumption of Alcoholic Beverages at the Wing Stop Restaurant, 301 W. Griffin Parkway, Suite 6, Lot 1B, Mission Park Plaza Subd.

Staff, P&Z and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ord. No. 3410 for CUP for the Sale and On-Site Consumption of Alcoholic Beverages at the Wing Stop Restaurant, 301 W. Griffin Parkway, Suite 6, Lot 1B, Mission Park Plaza Subd. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3410

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING CONDITIONAL USE PERMITS FOR THE SALE AND ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE WING STOP RESTAURANT, 301 W. GRIFFIN PARKWAY, SUITE 6, LOT 1B, MISSION PARK PLAZA SUBDIVISION

4.5 Request by Joe Rodriguez to build natural stone landscape improvements including a retaining wall over a 20' drainage easement, which includes a 10' utility easement on Lot 10, Sharyland Plantation Village, Antigua Ph. II Subd.

On Aug. 25, 2008, the City Council denied the original request from Mr. Rodriguez wherein retaining walls were proposed to be on both North and South sides of Lot 10's lakefront area. In negotiating a solution between Mr. Rodriguez and Hunt Valley Development, they had compromised. They had agreed that a wall structure improvement would be allowed on the North side but not on the South side.

We noted the following:

- There were no city utilities in rear easement.
- The Antigua Streets were private.
- The subject lakefront was on a private lake.
- The proposal would not be disruptive to the subject property nor adjoining others.

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- Plat note #11 assured control of the easement to any utility holder to remove any impediment to assure service etc.

Staff had recommended approval in Aug. 25th since this was similar to others we had previously entertained. Since the proposal had been scaled down a bit, staff did not object.

Staff Recommendation: Approval subject to recording enclosed hold harmless document.

Staff and City Manager recommended approval.

Councilman Plata moved to approve request by Joe Rodriguez to build natural stone landscape improvements including a retaining wall over a 20' drainage easement, which includes a 10' utility easement on Lot 10, Sharyland Plantation Village, Antigua Ph. II Subd. subject to letter of approval from Hunt Valley Development. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.6 Request by Developer Manuel Perez for extension of 'Approved' Preliminary Plat of Las Villas of Sharyland Subd., a 5.636 acre tract of land being all of Lots 89 and 92 & a 50' x 306.28' strip of abandoned Canal ROW, R-3 Developer: Grande Valley Builders Engineer: Flores Engineers

On October 8, 2007, the City Council conveyed Preliminary Plat Approval to this 1-lot plat, 128 apartments where looped water lines, and typical extension of sewer and storm would have been provided. The Capital Sewer Recovery fee would equate to \$12,320 and the park dedication fee would have been \$38,400. Of course, Lucksinger would have been widened via our prevailing street standards, too.

The developer cited in his Oct. 9, 2008 written request that he desired an additional 8 months for which staff did not object.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve request by Developer Manuel Perez for extension of 'Approved' Preliminary Plat of Las Villas of Sharyland Subd., a 5.636 acre tract of land being all of Lots 89 and 92 & a 50' x 306.28' strip of abandoned Canal ROW, R-3 Developer: Grande

Valley Builders Engineer: Flores Engineers. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.7 Discussion and Action to Dedicate Easement to AEP to Service the City Hall's Annex Building at Lot 9 & 10, Block 175, MOT

AEP required a 10' utility easement in order for them to provide electrical service to the City Hall's Annex Building (Chamber of Commerce) at the above property. Since underground service was designed (and not overhead), AEP's policy was to secure such an easement.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve discussion and action to dedicate easement to AEP to service the City Hall's Annex Building at Lot 9 & 10, Block 175, MOT. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.8 Adoption of Ord.# _____ Amending the Zoning Ordinance# 1128 to include Regulatory Guidelines for Non-residential parking by larger vehicles in relation to Section 110-384

As discussed at the last City Council meeting on amending Section 110-384, this related proposal provided the regulatory parameters for Non-residential parking that would be considered during the required CUP public hearing process.

When a CUP was filed for 'Non-residential parking for an 18 wheeler' for example, this ordinance would be the prevailing regulations by which they would be governed and acclimate into their (normally) residential area. They would include the following:

- Initial approved tenure of 1 year max; subsequent renewals no more than 3 years (changes in area).
- Minimum net size of any applicant site to be not less than ½ acre.
- 8' masonry buffer of where the vehicle(s) would be parked; painted and front hedge landscaped.
- Specific parking area to be not less than 150' to any area home (unless waiver signed by neighbor).
- Number of 18-wheelers to be no more than 3 per approved site.
- Maximum of 2 approved CUPs for each 10-acre development; 2 max on any cul-de-sac street, too.
- Additional street lighting can be imposed due to larger vehicle driving (or light upgrades, too).
- Additional signage may be imposed to, in order to maximize traffic safety.
- Pro rata share of street overlying may be imposed during CUP's evaluation due to intense weight of such vehicles on (normally) minor residential streets.

Staff and City Manager recommended approval.

After further discussion Councilwoman Garza moved to table the item. Motion was seconded by Councilman Plata and approved unanimously 4-0

4.9 Authorize the City of Mission Fire Department to enter into an inter local agreement between the Fire Departments of the Cities of Edinburg, Linn San Manuel, Pharr and the City of McAllen for an award of regional radio interoperable communications grant from FEMA Assistance to Firefighters Grant Program

The City of Mission Fire Department was seeking authorization to enter into an inter local agreement between the Fire Departments of the Cities of Edinburg, Linn San Manuel, Pharr, City of McAllen and the U.S. Department of Homeland Security (DHS). Federal Emergency Management Agency (FEMA) created the Assistance to Firefighters Grant Program, whereas the cities agreed to submit a joint regional application for funding under the Firefighter Operations and Safety Program. The cities were awarded funds to purchase interoperable communications equipment. The grant request was \$814,000.00 (100%) The grant that was awarded was for \$651,000.00 (80%). The local cities shared portions of \$162,800.00 (20%). The City of Mission share of the 20% was \$37,600.00.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize the City of Mission Fire Department to enter into an inter local agreement between the Fire Departments of the Cities of Edinburg, Linn San Manuel, Pharr and the City of McAllen for an award of regional radio interoperable communications grant from FEMA Assistance to Firefighters Grant Program subject to, funds be used from existing Fire Department's budget. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.10 Approval of Ord.# 3411 granting a wet designation for 2002 N. Conway, Suite B Conway Plaza Subd., Solera Wine and Liquor

Owner was requesting the above-mentioned property be wet zoned for Wine and Beer Off Premise Permit for Solera Wine and Liquor Store, which was being relocated to the above mentioned address

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ord. No. 3411 granting a wet designation for 2002 N. Conway, Suite B Conway Plaza Subd., Solera Wine and Liquor. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3411

AN ORDINANCE OF THE CITY CONCIL 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 2002 N. CONWAY,
SUITE B, CONWAY PLAZA SUBDIVISION

4.11 Approval of Ord.# 3412 granting a wet designation for 808 S. Shary Rd., Suite 4, Zarah's Meat Market

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

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ord. No. 3412 granting a wet designation for 808 S. Shary Rd., Suite 4, Zarah's Meat Market. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3412

AN ORDINANCE OF THE CITY CONCIL 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 808 S. SHARY ROAD,
SUITE 4 ZARAH'S MEAT MARKET

4.12 Approval of Joint Resolution# _____ between the City of Mission and the Chamber of Commerce authorizing the conveyance of the present Chamber of Commerce Building and authorizing the execution of a lease for the housing of the Chamber of Commerce

Approval of Joint Resolution was being requested between the City of Mission and the Chamber of Commerce. The Chamber of Commerce would convey to the City its facilities located at 220 E. 9th Street in turn the City would rent to the Chamber of Commerce the City's facilities that were presently under construction, which was located at 202 W. Tom Landry Street. The term of the lease was for 99 years at an annual rent of \$10.00. The Chamber would obtain and pay all utility services, repair, replace, and maintain the premises.

Staff and City Manager recommended approval.

No action was taken on this item.

4.13 Approval of Change Order No. 1 for the Shary Rd. Elevated Water Storage Tank

Change Order #1 was a request for a 14-day calendar extension to the original contract time for the Shary Road Elevated Water Storage Tank. This extension was being requested due to several days of rain during the months of September and October. A two-week extension to the contract would change the completion date from October 30, 2008 to November 13, 2008.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Change Order No. 1 for the Shary Rd. Elevated Water Storage Tank. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.14 Approval of Change Order No. 2 for the South Bryan Lift Station Project by R.P. Constructors Inc.

Change Order #2 was for the reconciliation of final quantities for the South Bryan Lift Station. The contract price of \$722,271 had been decreased by \$15,000 (electrical allowance). The revised contract price amounts to \$707,271.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Change Order No. 2 for the South Bryan Lift Station Project by R.P. Constructors Inc. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.15 Acceptance of Quarterly Report of Investments for the Quarter ending September 30, 2008 and Interest Earned for the twelve month ending September 30, 2008

Mrs. Flores presented the Quarterly Report of Investments for the quarter ending September 30, 2008 and Interest Earned for the twelve month ending September 30, 2008.

Staff and City Manager recommended approval.

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Mayor Pro Tem Olivarez moved to approve Acceptance of Quarterly Report of Investments for the Quarter ending September 30, 2008 and Interest Earned for the twelve month ending September 30, 2008. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.16 Tax Collections Report – September, 2008

Mrs. Flores presented the Tax Collections Report for September 2008, for acceptance.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Tax Collections Report for September, 2008. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.17 Amendments(s) (#6) To local City of Mission Civil Service Rules

We were requesting approval to amend the local City of Mission Civil Service Rules. The Civil Service Commission met and unanimously approved to amend the local rules on September 24, 2008. The amendment(s) included the following:

1. Section 6.01 – Extension of probationary period for non-certified individuals to 18 months.
2. Section 7.02 – Examination notices would allow for Civil Service Director to designate deadlines for entry level and promotional examinations with the approval of Civil Service Commission.
3. Section 10.051 – Police Chief would have the right to reinstate an individual who is in good standing and licensed back to the position of police officer within one (1) year of resignation.

Staff and City Manager recommended approval.

Councilwoman Garza requested to have section 10.051 to read Police Chief would have the authority to reinstate an individual who is in good standing and licensed back to the position of police officer within one (1) year of resignation.

Mayor Pro Tem Olivarez moved to approve Amendments(s) (#6) to local City of Mission Civil Service Rules with the above-mentioned change. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.18 Consideration of Appeals/Variations for Housing Assistance Program Applicant

During a meeting held on October 14, 2008, CAC made the following recommendation for the Housing Assistance program applicant listed below:

- Approve appeal/variance and place on Housing Assistance Program Waiting list:
- A) 924 Pueblo; (Income limits)

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve consideration of Appeals/Variances for Housing Assistance Program Applicant. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.19 Approval of Ord.# 3413 creating a Youth Advocacy Advisory Board, prescribing the membership on and specifying the duties of the board

The attached ordinance created the Youth Advocacy Advisory Board for the Boys & Girls Club of Mission. The board shall have consisted of nine members. The members of the board were to be appointed by the Mayor and the City Council for 2-year term.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ord. No. 3413 creating a Youth Advocacy Advisory Board, prescribing the membership on and specifying the duties of the board. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3413

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
CREATING A YOUTH ADVOCACY ADVISORY BOARD, PRESCRIBING THE
MEMBERSHIP ON AND SPECIFYING THE DUTIES OF THE BOARD

4.20 Appointments – Mission Boys and Girls Club

On August 25, 2008 the City Council approved the transferring of all of the club's activities and assets to the City of Mission.

Board appointments whose terms were to expire were recommended as follows:

Rick Acevedo, 1201 Oak Street, Mission, term to expire December 31, 2010

Dr. Sonia Trevino, 1901 Royal Palm, Mission, term to expire December 31, 2010

Appointment of Lilia Ledesma, as pro bono attorney for the Boys and Girls Club during its transition into a City Department, but no later than December 31, 2008.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Appointments to the Mission Boys and Girls Club. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.21 Budget Amendments – General Fund, PD- State Sharing Fund, Utility Fund

Mrs. Flores presented the budget amendments BA-2 and BA-3 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve budget amendments BA-2 and BA-3 with the exception of the General Fund. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.22 Authorization to lease/purchase via state approved contract for golf carts for the Golf Course

Staff was seeking authorization to lease/purchase via any state approved contract for golf carts for the City of Mission - Golf Course. These golf carts would be used to replace older and unserviceable golf carts that were needed for the golf course. This equipment would be funded by M.E.D.C. for four (4) years as approved by the M.E.D.C. meeting on October 21, 2008.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to lease/purchase via state approved contract for golf carts for the Golf Course as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.23 Authorization to lease/purchase via state approved contract for golf and turf equipment for the Golf Course

Staff was seeking authorization to lease/purchase via any state approved contract for golf and turf equipment for the City of Mission - Golf Course. This equipment would be used to replace unserviceable equipment that was needed for daily operations. This equipment would be funded by M.E.D.C. for four (4) years as approved by the M.E.D.C. meeting on October 21, 2008.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve authorization to lease/purchase via state approved contract for golf and turf equipment for the Golf Course. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.24 Bid for the purchase of waterline materials for the Water Tower on two (2) Mile Line for Public Works

On September 22, 2008 City Council authorized staff to solicit bids for the purchase of waterline materials for the water tower on Two Mile Line. The City of Mission had accepted and opened three (3) bid responses for this project. Staff was recommending awarding to low bidder – Ferguson Water Works for a total cost of \$24,240.68.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Bid for the purchase of waterline materials for the Water Tower on two (2) Mile Line for Public Works. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.25 Bid for chemicals for Public Works' Departments

On September 08, 2008 City Council authorized staff to solicit bids for the purchase of chemicals for Public Works' Departments. The City of Mission had accepted and opened eight (8) bid responses for this project. Staff was recommending awarding as follows:

Liquid Copper Sulfate: Low bidder – Hydro Plus, Ltd. at \$1.60/lb.
 1st & 3rd Low bidders did not provide bid bond or cashier's check.
 *2nd Low bidder did not meet specifications.

Powdered Activated Carbon: Reject and Re-bid

1st low bid did not provide a bid bond.

*2nd Low bidder – did not meet specifications.

*3rd Low bidder did not meet specifications.

Liquid Emulsion Polymer: 1st Low bidder – Fort Bend Services, Inc. at \$1.33/lb.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to reject and re-bid for item #2 of the chemicals for Public Works' Departments. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

Councilwoman Garza moved to approve items #1 and #3 of the chemicals for Public Works' Departments. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.26 Approval of contract for professional services with L&G Engineering related to proposed overpass of US 83 at Bryan Rd.

Mayor Salinas had productively looked into the continuation of the upgrading of the Anzalduas Conector just as he previously had with the Phase I and II of this highway that would be under construction. Mr. Jacinto Garza with L & G Engineers would explain the process that would be taking place. Mayor Salinas had taken this funding to MEDC and gotten the approval from the board to use EDC funding for Phase I of this project.

The contract was for schematic, public involvement, right of way map and an environmental assessment for acceptance by the Texas Department of Transportation.

Attached was a contract dated August 14, 2001 whereby L&G Engineering was authorized to be the engineering firm to perform additional engineering services for the City on TxDOT related projects as requested by the City Manager.

Staff and City Manager recommended approval.

Councilman Plata moved to approve contract for professional services with L&G Engineering related to proposed overpass of US 83 at Bryan Rd. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.27 Authorization to allow City Manager to enter into an agreement with Melden & Hunt, Inc. for feasibility study for the Special Events Center

Staff was seeking authorization to allow City Manager to enter into an agreement with Melden & Hunt, Inc. for feasibility study for the Special Events Center

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve authorization to allow City Manager to enter into an agreement with Melden & Hunt, Inc. for feasibility study for the Special Events Center. Motion was seconded by Councilman Plata and approved unanimously 4-0.

5.0 Unfinished Business

5.1 Remove from table: Adoption of Ord.# ____ Amending Section 110-384 (b)(6) of the Traffic and Vehicle Code to include ‘unless otherwise provided by an approved CUP’ citing a controlled possibility of where 18-wheelers may park

This item remained on the table.

6.0 Routine Matters

6.1 City Manager’s Comments

None

6.2 Mayor’s Comments

None

At 5:55 p.m., Councilman Plata 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. Liquidated damages clause regarding City’s purchase of a Crimson Fire Star Series Pumper on a Spartan Metro Star Chassis

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

At 6:04 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

On Item 7.1-A Mayor Pro Tem Olivarez moved to authorize to charge \$100.00 per day in liquidated damages on the City’s purchase of a Crimson Fire Star Series Pumper on a Spartan Metro Star Chassis. Motion was seconded by Councilman Plata and approved unanimously 3-0.

8.0 Adjournment

At 6:05 p.m. Councilman Plata moved for adjournment. Motion was seconded by Mayor Pro Tem Olivarez approved unanimously 3-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary