

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
JANUARY 12, 2009 4:30 P.M.  
MISSION CITY HALL**

**PRESENT:**

Norberto Salinas, Mayor  
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  
Ruben D. Plata, Councilman

**ALSO PRESENT:**

Kathy Olivarez, Progress Times  
Ricardo Martinez  
R. Garcia  
J.E. Calderon  
Hector Cavazos  
Angelica Vela  
Carolyn Burt  
Gary Burt  
Arlene Rivera  
Steve Ferguson  
Craig Verley  
Cathy Garcia  
Tom and Maggie Birmingham  
Pat Townsend, Jr.  
Fred Kurth

**STAFF PRESENT:**

Nelia Hernandez, Asst. City Secretary  
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  
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  
Randy Perez, Accountant  
Julian Gonzalez, Parks & Rec. Director  
Adela Ortega, Museum Director  
Mayra Rocha, Speer Memorial Library  
Jesse Lerma, Civil Service Director  
Omar Garcia, Boys & Girls Club Director  
Martin Garza, Asst. Chief of Police  
Roland Rodriguez, D.P. Manager  
Jonathan Wehrmeister, Judge  
Noemi Munguia, HR Director

**1. Call to order**

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:30 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 School Board Recognition Month  
Mission Consolidated Independent School District**

**Sharyland Independent School District  
La Joya Independent School District**

City Secretary, Anna Carrillo read the proclamation for School Board Recognition Month.

Mayor Pro Tem Leo Olivarez moved to approve the proclamation as presented. Motion was seconded by Councilwoman Norie Gonzalez Garza and approved unanimously 3-0.

**4. Departmental Reports**

Mayor Pro Tem Olivarez moved to approve the departmental reports as presented. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

**5. Citizens Participation**

Mr. Ricardo Martinez from 101 Perez St. requested extra security at Leo Pena Plazita.

Mr. Nick Espinoza from Mission Regional Medical Center, extended invitation to Mayor and Council to attend the Health Fair taking place on Sunday, January 18, 2009 in conjunction with the Chamber of Commerce.

Fire Chief, Ricardo Saldana, thanked the Mayor and Council for the support extended in the recent passing of Firefighter, Ignacio Cantu.

**1.0 Public Hearing**

**1.1 Planning & Zoning Recommendations**

**A. Rezoning: Lot 1, First Assembly of God Church Subd., & a 2.50 acre tract of land out of Lot 241, JHS Subd., AO-I/R-1T to R-1, First Assembly of God Church**

The subject site was located approximately 950' East of Stewart Road along the South side of Griffin Parkway. The surrounding zonings included General Commercial (C-3) to the West, Single Family Residential (R-1) to the South, Duplex-Fourplexes Residential (R-2) and Mobile and Modular Home (R-4) to the East. There was a mixture of commercial uses to the North. The rezoning complies with the City's Future Land Use Map, which reflects a Public (P) designation. The First Assembly of God Church was currently located on this property. Churches in general were considered as 'public' uses. The R-1 zone would reconcile the elongated institutional site with surrounding residential zones on the southern portion. There was no public opposition at P&Z's 12/10/08 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 Councilwoman Garza and approved unanimously 3-0.

**B. Rezoning: A 1.59 acre tract of land out of Lot 28-9, WAS Subd., AO-I to C-2 J. Hector Cavazos**

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The subject site was located at the SE corner of Mile 2 Road and Mayberry Road (arterial street). The surrounding zonings included Single Family Residential (R-1) to the West and to the South and Agricultural Open-Interim (AO-I) to all other directions. There was an extensive institutional use located directly to the West (Veterans Memorial High School). The Future Land Use Map showed the area as a Low Density Residential (LD) designation. Below please find what Mission had done to similar corner properties along 2 Mile Road.

Area	Location	Approved by P&Z	Approved by C.C.
Mile 2 & Moorefield	Lot 1, Empire Subd.	3/13/02 (C-3)	3/25/02 (C-3)
Mile 2 & Moorefield	Lot 1, Taurus Est. #20	7/12/06 (C-2)	7/24/06 (C-2)
Mile 2 & Inspiration	Lots C1-C14, Taurus Est. #3	9/23/08 (C-3)	10/12/98 (C-3)
Mile 2 & Inspiration	Lots 170 & 171, Taurus Est. #2	8/22/07 (C-3)	9/10/07 (C-3)
Mile 2 & Inspiration	Lot 1, Gomez Est.	5/25/94 (C-2)	6/13/94 (C-2)
Mile 2 & Los Ebanos	Lots A-H, Mountain View Subd.	1/23/08 (C-3)	2/11/08 (C-3)
Mile 2 & Los Ebanos	Southwest Hay & Feed Co.	4/12/06 (C-3 mid)	4/24/06 (C-3 mid)
Mile 2 & Conway	Lot 1, Peter Piper Pizza	1/23/08 (C-3)	2/11/08 (C-3)
Mile 2 & Shary Rd.	Lot 1, El Tigre # 2	7/12/06 (C-2)	7/24/06 (C-2)
Mile 2 & Shary Rd.	Lot 1, Shary Springs	1/12/05 (C-2)	1/24/05 (C-2)

There were objections expressed at P&Z's 12/10/08 hearing. The P&Z unanimously approved the C-2 rezoning, though.

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 Councilwoman Garza and approved unanimously 3-0.

**C. Rezoning: Lot 28, & the West ½ of Lot 29, Ala Blanca Subd., Unit #2, R-1 to C-2 Gloria Trevino**

The subject site was located 400' East of Paloma Street along the South side of Expressway 83. The surrounding zonings included Single Family Residential (R-1) to the West, South, and East and to the North is U.S. Expressway 83. The City of Mission had approved other commercial zones within the same area primarily because of the Expressway's frontage. C-2 did not appear to be an objectionable change. There was no public opposition at P&Z's 12/10/08 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.

Councilwoman Garza moved to approve the rezoning as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

**D. Conditional Use Permit: Carnival & Fun Fair, 12.5 Acres of Lot 25-6, WAS Subd., January 18-February 3, 2009, AO-I/C-3, Texas Citrus Fiesta**

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The subject site was located near the NW corner of Conway Avenue and Griffin Parkway (F.M. 495). Texas Citrus Fiesta Organizers had been given permission to have the carnival on the vacant lot just north of the Old Carl's Supermarket on the dates of January 18 through February 3, 2009 and the Fun Fair just West of the Old Carl's Supermarket on the dates of January 27 through February 1, 2009. Approximate hours of operation would be from 5:30 p.m. to 10:30 p.m. on the weekdays and 1:00 p.m. to 11:30 p.m. on weekends. Parking, restrooms, and security requirements would be complied with as they have in the past. All insurance provisions to Chapter 6 – Amusements – would need to be complied with, too.

The proposed site was outside the 300' separation code that such amusements should be away from residential areas. The vacant Carl's Supermarket parking lot would facilitate parking for this event. Also, staff had encouraged that "No Parking" signs be placed along Conway and FM 495. Early morning trash pick-up would also be the norm during the Heart of Americas Carnival's stay. There was concern expressed at P&Z's 12/10/08 hearing from the rental storage units (trash) which concern was allayed. 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) installation of a perimeter fence/debris stop, and 2) include the City of Mission as an additional insured.

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 3-0.

### **E. Conditional Use Permit: 'Sale & On-Site Consumption of Alcoholic Beverages' at "Cocina Del Caribe" Restaurant, 523 N. Conway Ave., Lot 12, Block 92, MOT Subd., C-3, Cocina Del Caribe**

The property was at the SW corner of Conway Avenue and 6<sup>th</sup> Street. Currently on Lot 12 there was an existing building with 3 suites thereon. The applicant would be converting one of the suites into a Cuban Food Restaurant and was proposing the sale and on-site consumption of alcohol. The restaurant would be open every day from 7:00 a.m. to 9:00 p.m. Alcoholic beverages would only be served during the allowable State selling hours and only in the dining area. There are no schools, parks, and places of worship, within 300'. Our Lady of Guadalupe Catholic Church was 300' 4" to the front door.

In reviewing the floor plan, the existing 1,414 sq. ft. suite had a total of 5 tables that sat 4 and 12 booths that could accommodate 4 people each for a grand total of 68 seating spaces in the dining area. Since the building existed (though remodeled) it was exempt from parking by Code. Nevertheless, a 10-space parking lot had been provided. We noted that a City parking lot at the NW corner of Conway and 6<sup>th</sup>, which had an additional 44 parking spaces, was also available. All building, fire, health, landscaping, and sign codes were being met. There was no public opposition at P&Z's 12/10/08 hearing. The P&Z unanimously approved the conditional use permit subject to staff's recommendation.

Staff Recommendation: Approval subject to: 1) acquisition of a business license, 2) wet zoning the property, 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.

Mayor Pro Tem Olivarez moved to approve the CUP as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

**F. Adoption of Ordinance # 3428 to Amend Future Land Use Map within the boundaries of Expressway 83/One Mile South Rd. to the North, Bryan Rd. to the East, Mile 2 South Rd. to the South, and Inspiration Rd. to the West, to include Lot 12-1, WAS**

A brief synopsis of Staff's recommendation was as follows:

SITE LOCATION	FROM/TO	JUSTIFICATION
Meadow Creek Country Club	LD/HD to PUD	Since Meadow Creek was a PUD, there were varied uses that complemented each other.
Expressway Frontage west of Conway	HC to GC	Certain areas were zoned C-3 and should have been re-designated to GC. Not envisioned to be zoned C-4.
Property E. of Meadow Creek & North of Mile 2 South	None to LD	This property was currently outside of the City Limits; LD would currently be the best designation for this area due to open acreage away from S. Conway.
SE Corner of Conway and Experessway 83	AO to HC	To be reconciled to match existing zoning and land uses.
Earnhard Subdivision (Melba Carter)	LD to I	Though there were several homes within this area, this particular subdivision was surrounded by existing Industrial uses to the north, east and south, it was located just east of the City Waste Water Facility, and it was bi-sected by a drainage canal. Also, the railroad adjoined it on the west & the perimeter north.
SE area of Trinity and Conway	None to I	The existing FLUM did not consider this area. The current zoning for this area was Light Industrial; Reconcile only
SW area of Trinity & Bryan	None to GC	The existing FLUM did not consider this area. The current zoning for this area was Light Industrial but Medical Offices exist; thus GC was appropriate.
SW area of Bryan Road to Exp. 83	HC to GC	Mission Hospital; zoned C-3: Designated as GC was more suitable
NW area of Conway and Mile 2 South	None to GC	The existing FLUM did not consider this area. Since Conway was a Major Arterial and there would be future commercial development in the southern alignment along Conway, this area (@ 600' depth) should have been GC.

There was no public opposition at P&Z's 12/10/08 hearing. The Planning and Zoning Commission voted unanimously to approve the amendments as recommended by staff.

Staff, P&Z and City Manager recommended approval.

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

Councilwoman Garza moved to approve adoption of Ordinance No. 3428 to Amend Future Land Use Map within the boundaries of Expressway 83/One Mile South Rd. to the North, Bryan Rd. to the East, Mile 2 South Rd. to the South, and Inspiration Rd. to the West, to include Lot 12-1, WAS. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

**ORDINANCE NO. 3428**

AN ORDINANCE UPDATING THE FUTURE LAND USE MAP OF THE CITY OF MISSION, TEXAS WITHIN THE BOUNDARIES OF EXPRESSWAY 83/ONE MILE SOUTH ROAD TO THE NORTH, BRYAN ROAD TO THE EAST, MILE 2 SOUTH ROAD TO THE SOUTH, AND INSPIRATION ROAD TO THE WEST, TO INCLUDE LOT 12-1, WEST ADDITION TO SHARYLAND

**2.0 Disposition of Minutes**

**2.1 City Council Meeting – December 8, 2008 and Special Meeting – December 29, 2008**

Councilwoman Garza moved to approve the minutes as presented. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

**3.0 Acknowledge Receipt of Minutes**

**3.1 Citizen's Advisory Committee – October 14, 2008  
Speer Memorial Library Board – November 18, 2008**

Councilwoman Garza moved to acknowledge the receipt of minutes as presented. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

**4.0 Approvals and Authorizations**

**4.1 Adoption of Ordinance # 3429 for Rezoning of Lot 1, First Assembly of God Church Subd, & a 2.5 acre tract of land out of Lot 241, JHS Subd., AO-I/R-1T to R-1; and Lot 28 & the W ½ of Lot 29, Ala Blanca Subd. Unit #2, R-1 to C-2**

Staff, P&Z and City Manager recommended approval.

Councilwoman Garza moved to approve adoption of Ordinance No. 3429 for Rezoning of Lot 1, First Assembly of God Church Subd, & a 2.5 acre tract of land out of Lot 241, JHS Subd., AO-I/R-1T to R-1; and Lot 28 & the W ½ of Lot 29, Ala Blanca Subd. Unit #2, R-1 to C-2. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

**ORDINANCE NO. 3429**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING REZONING OF LOT 1, FIRST ASSEMBLY OF GOD CHURCH SUBDIVISION & A 2.5 ACRE TRACT OF LAND OUT OF LOT 241, JOHN H. SHARY SUBDIVISION, AO-I/R-1T TO R-1; AND LOT 28 & THE WEST ½ OF LOT 29, ALA BLANCA SUBDIVISION UNIT #2, R-1 TO C-2

**4.2 Adoption of Ordinance # 3430 for Rezoning A 1.59 acre of land out of the Northwest corner of Lot 28-9, WAS Subd., AO-I to C-2**

Staff, P&Z and City Manager recommended approval.

Councilwoman Garza moved to approve adoption of Ordinance No. 3430 for Rezoning A 1.59 acre of land out of the Northwest corner of Lot 28-9, WAS Subd., AO-I to C-2. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

**ORDINANCE NO. 3430**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING REZONING OF A 1.59 ACRE OF LAND OUT OF THE NORTHWEST CORNER OF LOT 28-9, WEST ADDITION TO SHARYLAND SUBDIVISION

**4.3 Adoption of Ordinance # 3431 for CUP for a Carnival & Fun Fair 12.5 Acres of Lot 25-6 WAS Subd.**

Staff, P&Z and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve adoption of Ordinance No. 3431 for CUP for a Carnival & Fun Fair 12.5 Acres of Lot 25-6 WAS Subd.. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

**ORDINANCE NO. 3431**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING CONDITIONAL USE PERMIT FOR A CARNIVAL & FUN FAIR 12.5 ACRES OUT OF LOT 25-6, WEST ADDITION TO SHARYLAND SUBDIVISION

**4.4 Adoption of Ordinance # 3432 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages at ‘Cocina Del Caribe’ Restaurant, 523 N. Conway Ave. Lot 12, Block 92, MOT Subd.**

Staff, P&Z and City Manager recommended approval.

Councilwoman Garza moved to approve Adoption of Ordinance No. 3432 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages at ‘Cocina Del Caribe’ Restaurant, 523 N. Conway Ave. Lot 12, Block 92, MOT Subd. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

**ORDINANCE NO. 3432**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE SALE AND ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES AT ‘COCINA DEL CARIBE’ RESTAURANT, 523 N. CONWAY AVENUE, LOT 12, BLOCK 92, MISSION ORIGINAL TOWNSITE SUBDIVISION

**4.5 Adoption of Annexation Ordinance # 3433 for the following areas: Tract A: The N. 9.32 acres of Lot 29-7; the NE 0.60 acre of the NE 1.68 acre tract out of the N 8.46 acres, Lot 29-8; all of Lots 30-7 and all of Lot 30-8 (save that portion out of Lot 1, Pueblo de Paz Subd.), WAS including the entire perimeter of Mayberry Road’s ROW equating to 1.442 acres. Tract B: Lots 1-10, Valle Hermoso Estates; Lots 1-20, Sno-Bird Estates; Val’s Kountry Corral being all of Lot 39 and the North part of Lot 38, Bentsen Groves #2 Subd.; All of Lot 35, and the NE 2 acres of Lot 34, Bentsen Groves #2 Subd. including the entire perimeter of Bentsen Palm Drive’s ROW equating to 3.306 acres**

Staff, P&Z and City Manager recommended approval.

Councilwoman Garza moved to approve Adoption of Annexation Ordinance No. 3433 for the following areas: Tract A: The N. 9.32 acres of Lot 29-7; the NE 0.60 acre of the NE 1.68 acre tract out of the N 8.46 acres, Lot 29-8; all of Lots 30-7 and all of Lot 30-8 (save that portion out of Lot 1, Pueblo de Paz Subd.), WAS including the entire perimeter of Mayberry Road's ROW equating to 1.442 acres. Tract B: Lots 1-10, Valle Hermoso Estates; Lots 1-20, Sno-Bird Estates; Val's Kountry Corral being all of Lot 39 and the North part of Lot 38, Bentsen Groves #2 Subd.; All of Lot 35, and the NE 2 acres of Lot 34, Bentsen Groves #2 Subd. including the entire perimeter of Bentsen Palm Drive's ROW equating to 3.306 acres. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

**ORDINANCE NO. 3433**

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 TRACT A: THE N. 9.32 CRES OF LOT 29-7; THE NE 0.60 ACRE OF THE NE 1.68 ACRE TRACT OUT OF THE N. 8.46 ACRE, LOT 29-8; ALL OF LOTS 30-7; AND ALL OF LOT 30-8 (SAVE THAT PORTION OUT OF LOT 1, PUEBLO DE PAZ SUBDIVISION), WEST ADDITION TO SHARYLAND INCLUDING THE ENTIRE PERIMETER OF MAYBERRY ROAD'S ROW EQUATING TO 1.442 ACRES. TRACT B: LOTS 1-10, VALLE HERMOSO ESTATES; LOTS 1-20, SNO-BIRD ESTATES; VAL'S KOUNTRY CORRAL BEING ALL OF LOT 39 AND THE NORTH PART OF LOT 38, BENTSEN GROVES # 2 SUBDIVISION; ALL OF LOT 35, AND THE NE 2 ACRES OF LOT 34, BENTSEN GROVES # 2 SUBDIVISION INCLUDING THE ENTIRE PERIMETER OF BENTSEN PALM DRIVE'S ROW EQUATING TO 3.306 ACRES.

**4.6 Request by Aladdin Villas Property Owners Association to have City Council authorize City Manager to issue building permit for a Community Service Ground Pole sign at 414 N. Stewart Rd. juncture**

Planning had received a written request by the Aladdin Villas development to place a sign announcing their activities and seasonal events where said sign would be installed in Stewart Road's ROW. Ordinance #3414 (Nov. 10, 2008) was passed to specifically provide for such requests.

Insofar as their request, AV proposed a 4' high x 8' long ground pole sign with 24" clearance from the ground to the bottom of the sign. The location of the sign would be 15' from the edge of pavement, and was not a sight obstruction. Staff did not foresee the sign as a traffic safety issue as that time.

Staff had the following comments on the A Villas proposal:

- Sign shall always be subject to removal at owner's expense with 30 days notice
- Execute and record hold harmless document in deed records indemnifying city of the private sign in public ROW
- Similar to others, this sign was intended as a community service to the general public and was not to advertise any private service or product
- Size was not obstructive and was consistent with other signs
- The sign was to be maintained by AV to be aesthetic as well as the surrounding grounds (A Villas had mowed that portion of Stewart Road's ROW for years)



Staff, P&Z and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Request by Aladdin Villas Property Owners Association to have City Council authorize City Manager to issue building permit for a Community Service Ground Pole sign at 414 N. Stewart Rd. juncture. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

**4.7 Approval of Ordinance # 3434 granting a wet designation for 523 N. Conway Ave., “Cocina Del Caribe” Lot 12, Block 92, MOT Subd.**

Owner was requesting the above-mentioned property be wet zoned for Wine and Beer On Premise Permit for Cocina Del Caribe.

Staff, and City Manager recommended approval.

Councilwoman Garza moved to approve Ordinance No. 3434 granting a wet designation for 523 N. Conway Ave., “Cocina Del Caribe” Lot 12, Block 92, MOT Subd. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

**ORDINANCE NO. 3434**

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 523 N. CONWAY AVENUE, LOT 12, BLOCK 92, MISSION ORIGINAL TOWNSITE SUBDIVISION

**4.8 Board Appointments – Building Board of Adjustments, Citizens Advisory Committee, Civil Service Commission, Mission Economic Development Corporation, Mission Historic Preservation Commission, Parks & Recreation Board, Planning & Zoning Commission, Shary Golf Course Advisory Board, Speer Memorial Library Board, Tax Increment Reinvestment Board (TIRZ), Traffic Safety Committee, Zoning Board of Adjustments**

For review was the list of Board and Committee Appointments to expire December 31, 2008, along with the recommendation of Mayor Salinas.

**BOARD AND COMMITTEE APPOINTMENTS  
TERMS TO EXPIRE 12/31/2008**

	<u>Willing to Continue</u>	<u>Expiration Date</u>
<b><u>BUILDING BOARD OF ADJUSTMENTS</u></b>		
• Rene de la Cruz, P O Box 228	No	12/31/2008
• Doyle W. Scott, 1023 Oblate	No	12/31/2008
• Ken Jones, 913 E. 11 <sup>th</sup>	Yes	12/31/2008

**MAYOR’S RECOMMENDATION: Reappoint Ken Jones; Appoint Thomas Birmingham and O.J. Morales**

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CITIZENS ADVISORY COMMITTEE

- |   |                                    |            |
|---|------------------------------------|------------|
| • Carlos Lopez, 1407 Betty Drive - (NE)         | Yes                                | 12/31/2008 |
| • Yolanda Martinez, 1713 W. Griffin Pkwy.- (NW) | Yes                                | 12/31/2008 |
| • Humberto Villarreal, 626 Leal – (SW)          | No                                 |            |
| • Jose Garza, 102 Greenlawn - (NW)              | Yes                                | 12/31/2008 |
| • Oton Guerrero, 801 Country Club - (NE)        | Yes                                | 12/31/2008 |
| • Melida Guzman, 1024 Rio Balsas Dr. - (SE)     | Yes                                | 12/31/2008 |
| • Linda Castaneda, 810 Alameda Dr. - (NE)       | <u>RESIGNED EXPIRES 12/31/2009</u> |            |

MAYOR’S RECOMMENDATION: Reappoint Carlos Lopez, Yolanda Martinez, Jose Garza, Oton Guerrero and Melida Guzman; Appoint Hector Leal for the NE area and Jennifer Rubio for SW

CIVIL SERVICE COMMISSION

- Jerry Saenz, 1211 N. Conway

MAYOR’S RECOMMENDATION: Reappoint Jerry Saenz

MISSION ECONOMIC DEVELOPMENT CORPORATION

- |   |     |            |
|---|-----|------------|
| • Joel A. Gonzalez, Secretary, 906 E. 8 <sup>th</sup> St. REPLACE WITH LINDA REQUENEZ ROSSBOROUGH |     |            |
| • Cathy Garcia, 1409 Don’s Drive  | Yes | 12/31/2008 |
| • Ricardo Martinez, 2212 N. Bryan Rd.   | Yes | 12/31/2008 |
| • Joe Roseland, 820 Volz Lane   | Yes | 12/31/2008 |
| • John Martin, Treasurer, 3302 N. Glasscock   | Yes | 12/31/2008 |
| • Polo de Leon, 1810 N. Inspiration   | Yes | 12/31/2008 |

MAYOR’S RECOMMENDATION: Reappoint Cathy Garcia, Ricardo Martinez, Joe Roseland, John Martin and Polo de Leon; Appoint Linda Requenez Rossborough

MISSION HISTORIC PRESERVATION COMMISSION

- Julie Saenz, 1211 N. Conway
- Rebecca Crook, 2008 N. Bryan Rd

MAYOR’S RECOMMENDATION: Reappoint Julie Saenz and Rebecca Crook

PARKS AND RECREATION BOARD

- |                               |     |            |
|-------------------------------|-----|------------|
| • Rolando Barrera, 512 Miller | Yes | 12/31/2008 |
| • Cris Voss, 611 Crown Pointe | Yes | 12/31/2008 |
| • Demetrio Gaona, 1037 Adams  | Yes | 12/31/2008 |

MAYOR’S RECOMMENDATION: Reappoint Rolando Barrera, Cris Voss and Demetrio Gaona

PLANNING & ZONING COMMISSION

- |   |     |            |
|---|-----|------------|
| • Ned Sheats, 2005 E. 29 <sup>th</sup> Street | Yes | 12/31/2008 |
| • Marisela G. Marin, 419 Rio Grande Drive,    | Yes | 12/31/2008 |
| • Henry Rodriguez, 305 St. Marie              | Yes | 12/31/2008 |

MAYOR’S RECOMMENDATION: Reappoint Ned Sheats, Marisela G. Marin and Henry Rodriguez

SHARY GOLF COURSE ADVISORY BOARD

- |                                   |     |            |
|-----------------------------------|-----|------------|
| • Charles Zey, 405 Violet         | Yes | 12/31/2008 |
| • Thomas M. Lee, 2801 Santa Lydia | Yes | 12/31/2008 |
| • Luis Ortega, 1310 Francisco     | Yes | 12/31/2008 |

MAYOR'S RECOMMENDATION: Reappoint Charles Zey, Thomas M. Lee and Luis Ortega

SPEER MEMORIAL LIBRARY BOARD

- |                                      |     |            |
|--------------------------------------|-----|------------|
| • Michael Manuel, 2103 Carioca Dr.   | Yes | 12/31/2008 |
| • Beth Blanton, 1302 St. Marie       | Yes | 12/31/2008 |
| • Jeanette Garza, 3105 Flamingo Ave. | Yes | 12/31/2008 |

MAYOR'S RECOMMENDATION: Reappoint Michael Manuel, Beth Blanton and Jeanette Garza

TAX INCREMENT REINVESTMENT BOARD (TIRZ)

- |   |     |            |
|---|-----|------------|
| • Richard Hernandez, 1301 E. 24 <sup>th</sup> Street. | Yes | 12/31/2008 |
| • Joe Roseland, 820 Volz Lane                         | Yes | 12/31/2008 |

MAYOR'S RECOMMENDATION: Reappoint Richard Hernandez and Joe Roseland

TRAFFIC SAFETY COMMITTEE

- |  |          |            |
|--|----------|------------|
| • Luis Dovalina, 1812 Miller                 | Yes      | 12/31/2008 |
| • Agustin Espericueta, 1713 E. Gastel Circle | Deceased | 12/31/2008 |
| • Arturo Molina, 2025 School Lane            | Yes      | 12/31/2008 |

MAYOR'S RECOMMENDATION: Reappoint Luis Dovalina and Arturo Molina; Appoint Asst. Chief Martin Garza

ZONING BOARD OF ADJUSTMENTS

- |                                   |     |            |
|-----------------------------------|-----|------------|
| • Kathy Olivarez, 1701 Miller     | Yes | 12/31/2008 |
| • Raul Sesin, 1708 Thornwood Dr.  | Yes | 12/31/2008 |
| • Keri Amen, 1926 E. Griffin Pkwy | Yes | 12/31/2008 |

Alternates

- |   |        |            |
|---|--------|------------|
| • Rosie Zapata, 2308 E. Griffin Pkwy.     | Moved  | 12/31/2008 |
| • VACANT Term to expire December 31, 2009 | Vacant |            |

MAYOR'S RECOMMENDATION: Reappoint Kathy Olivarez, Raul Sesin and Keri Amen; Appoint Daniel Tijerina and Jon D. Lowen

Staff, and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Board Appointments as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

**4.9 Authorization request by State Representative Ismael "Kino" Flores for Lease Agreement at 121 E. Tom Landry**

## **Minutes, 1/12/09, Pg. 12**

House of Representatives' district office had provided the City of Mission with the contract that the Committee on House Administration approved for office leases.

State Representative Kino Flores was leasing the office located at 121 East Tom Landry. The lease agreement was for two years expiring on January 13, 2011 at a cost of \$250.00 per month.

Staff, and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve authorization request by State Representative Ismael "Kino" Flores for Lease Agreement at 121 E. Tom Landry. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

### **4.10 Authorization for Mayor to submit Rio Grande Valley Walk of Fame Nominee**

The City of Hidalgo was requesting for the City of Mission to submit a name from our community leaders to be inducted to the Rio Grande Valley Walk of Fame.

The induction was to take place during the Border Fest Festivities, which was the first weekend in March.

Staff, and City Manager recommended approval.

Councilwoman Garza moved to approve authorization for Mayor to submit Rio Grande Valley Walk of Fame Nominee. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

### **4.11 November 2008 Financial Statements**

Finance Director, Mrs. Janie Flores presented the Financial Statements for November 2008, for acceptance.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve November 2008 Financial Statements. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

### **4.12 Tax Collections Report – November, 2008**

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

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Tax Collection Report for November, 2008, as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

### **4.13 Budget Amendments – CDBG, Designated Purpose Fund**

Mrs. Flores presented the budget amendments BA-028, BA-029, BA-030, and BA-031 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve budget amendments BA-028, BA-029, BA-030, and BA-031. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

**4.14 Authorization to solicit bids for the purchase of Waterline Material for 2 Mile Rd. and Military Parkway**

Staff was seeking authorization to solicit bids for the purchase of waterline material for 2 Mile Road and Military Parkway. The waterline materials would be installed along 2 Mile Road and Military Parkway (FM 1016). On 2 Mile Road the materials would connect an existing 12" Waterline on Mayberry Avenue to an existing 12" Waterline on Las Colinas Subdivision. On Military Parkway the materials would connect to an existing 12" Waterline on Schuerbach Road to an existing 12" Waterline on Inspiration Road. These improvements would increase water pressure and loop the water system. The Revenue Bond would be used to fund this project.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve authorization to solicit bids for the purchase of Waterline Material for 2 Mile Rd. and Military Parkway. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

**4.15 Authorization to solicit bids for the purchase of Sewer Line Material for 12" Force Main**

Staff was seeking authorization to solicit bids for the purchase of Sewer Line Material for 12" Force Main. The 12" Force Main would connect the North Bryan Lift Station to the Wastewater Treatment Plant. This improvement would allow waste from the North Bryan Lift Station to bypass the South Bryan Lift Station and go directly to the Wastewater Treatment Plant. The Revenue Bond would be used to fund this project.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve authorization to solicit bids for the purchase of Sewer Line Material for 12" Force Main. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

**4.16 Bid for Chemicals for Public Works' Departments**

On October 29, 2008 City Council authorized staff to solicit bids for the purchase of powered activated carbon for Public Works' Departments. The City of Mission had accepted and opened two (2) bid responses from the same vendor for this project. Staff was recommending rejecting and re-bidding this item. Bidder did not provide a bid bond and did not meet specifications.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve to reject and re-bid for chemicals for Public Works' Departments. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

**4.17 Authorization to solicit for bids for the Construction of the Expansion to the North Water Treatment Plant**

Staffs in conjunction with the appointed engineers, Melden & Hunt were seeking authorization to solicit bids for the construction of the expansion to the North Water Treatment Plant. This expansion to the North Water Treatment Plant would increase the capacity by 6 million gallons a day for a total overall capacity of 25.9 million gallons a day. This project would also include additional water lines to various locations throughout the city and would allow the City to provide service and remain in compliance with TCEQ regulations until the year 2012 based on current development growth. The Revenue Bond would be used to fund this project.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve authorization to solicit for bids for the construction of the expansion to the North Water Treatment Plant. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

**4.18 Approval to purchase an AFIX Fingerprinting System from a sole source vendor**

The City of Mission Police Department was requesting authorization to purchase an AFIX Fingerprinting System from a sole source vendor. Pursuant to Texas Local Government Code Section 252.022 General Exemptions (7) a procurement of items that were available from only one source including: (A) items that were available from only one source because of patents, copyrights, secret processes, or natural monopolies. The AFIX Fingerprinting System was such an item that would be utilized to fingerprint all prisoners booked in the City of Mission City Jail. The purchase included all the hardware and software, technical support and training. The AFIX System would integrate to our existing New World Software and to the Texas Department of Public Safety fingerprinting system in Austin, Texas. The total expenditure for this equipment would be \$112,850.00. This expenditure would all be paid from the 2008 Border Security Equipment and Technology Grant from the Office of the Governor's Division of Emergency Management.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve to purchase an AFIX Fingerprinting System from a sole source vendor. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

**4.19 Approval to purchase an IDENTIX Fingerprint Comparison System from a sole source vendor**

The City of Mission Police Department was requesting authorization to purchase an IDENTIX Fingerprinting Comparison System from a sole source vendor. Pursuant to Texas Local Government Code Section 252.022 General Exemption (7) a procurement of items that are available from only one source including: (A) items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies.

The IDENTIX Fingerprint Comparison System was such an item designed to work with the AFIX Digital Fingerprinting System to compare latent fingerprints found at individual crime scenes to fingerprints located in our database and the database maintained by the Texas Department of Public Safety in Austin, Texas. The purchase included all the hardware and software, technical support and training. The IDENTIX System would integrate to our existing New World Software, to the AFIX

software and again, to the Texas Department of Public Safety fingerprinting system in Austin. The total expenditure for this equipment would be \$66,640.13. This expenditure would all be paid from the 2008 Border Security Equipment and Technology Grant from the Office of the Governor's division of Emergency Management.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve to purchase an IDENTIX Fingerprint Comparison System from a sole source vendor. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

**4.20 Approval of Resolution # 1220 authorizing the Mission Police Department to submit an Agreement for the Temporary Closure of State Right-Of-Way to the Texas Department of Transportation for the Texas Citrus Fiesta Parade**

The City of Mission Police Department was requesting approval of a resolution for the purpose of submitting an Agreement for the Temporary Closure of State Right-Of-Way to the Texas Department of Transportation for the Texas Citrus Fiesta Parade. The agreement was required by the Texas Department of Transportation for the closure of Conway Avenue. Our organization along with other city departments would be responsible for securing the parade route to ensure the safety of both motorists and pedestrians.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Resolution No. 1220 authorizing the Mission Police Department to submit an Agreement for the Temporary Closure of State Right-Of-Way to the Texas Department of Transportation for the Texas Citrus Fiesta Parade. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

**RESOLUTION NO. 1220**

**AUTHORIZING THE MISSION POLICE DEPARTMENT TO SUBMIT AN AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE TEXAS CITRUS FIESTA PARADE**

**4.21 Presentation by Texas Municipal League Intergovernmental Risk Pool Discovery Team**

When compared to other member cities of the Texas Municipal League, the City of Mission demonstrated areas of disproportionate frequency and severity of workers' compensation claims. The TML-IRP Discovery Team assisted the City of Mission in a proactive and comprehensive process to identify service plan recommendations to improve performance. With the participation and commitment of City Manager Julio Cerda and Risk Manager Rosie Salazar, the Discovery Team visited various city departments on October 30, 31, and November 1, 2007. Action plan items and recommendations were developed during these visits. The recommendations were communicated to all directors during a return visit on December 4, and December 5, 2007.

On October 7, 2008, a follow-up review of the recommendations was conducted by TML Loss Prevention Representative Art Alvarez. Among his findings included: the City working diligently to meet the time requirements; that the City implemented a return-to-work policy which effectively reduced the number loss time claims; and a city-wide departmental implementation of an Accident Prevention Plan which contains activities such as safety/training meetings, accidents (trends), analysis, inspections, etc., currently being worked on to updated the City of Mission's Safety Program.

In an effort to reduce claims and insurance contributions, the City Manager included safety as one of the fiscal year goals for all departments. Also, the Risk Management Department commenced the distribution of a monthly loss prevention safety flyer entitled, "Loss Prevention Bulletin", to inform/educate employees in

different areas of safety and/or health topics. Lastly, the drug and alcohol testing policy was amended and approved to assure a clear and consistent policy that identifies classes of employees as D.O.T. and/or Safety Sensitive when conducting random testing, post-accident testing, and post-injury testing.

There was no action required for this item

**4.22 Change Order No. 1 for City Hall Annex**

Change Order No. 1 entailed additional work to seal coat the existing north parking area and additional electrical work requested by AEP.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Change Order No. 1 for City Hall Annex. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

**4.23 Interlocal Agreement by and between City of Mission and Texas A&M University-Kingsville for Representative Appointment to Regional Task Force**

An interlocal agreement between the City and Texas A&M Kingsville to continue participating in the regional task force formed to respond and aid compliance with TCEQ Phase II Storm Water Rules and other pertinent issues as needed. Since its inception in 2002 the Task Force had assisted member cities in complying with the Texas Pollutant Discharge Elimination System (TPDES). The Funding requested by the interloal agreement included a membership fee of \$8,750 and an additional fee of \$7,500 that would support the activities.

The representative appointment to the Regional Task Force would be Roberto Salinas, City Engineer who would be attending all meetings. The alternate appointment would be JoAnn serna.

Staff and City Manager recommended approval.

After further discussion Councilwoman Garza moved to table the item. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0

**4.24 Resolution # 1221 Supporting Improvements on U.S. Highway 281**

Various governmental entities, chambers of commerce and economic development corporations had joined together along the route of U.S. Highway 281 to support increased funding from federal and state sources for four specific projects: 1) a series of overpasses through Falfurrias; 2) improvements to be

determined through/around Premont; 3) an overpass at Ben Bolt; and 4) improved connectors on U.S. 59 to IH-37 in George West. The funding needed was to be as much as \$200M, with \$100M of that requested in the federal stimulus package. The supporting entities had been asked to adopt similar resolutions, which will be presented to state and federal authorities.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Resolution No. 1221 supporting improvements on U.S. Highway 281. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

**RESOLUTION NO. 1221**

**SUPPORTING IMPROVEMENTS ON U.S. HIGHWAY 281**



**5.0 Unfinished Business**

None

**6.0 Routine Matters**

**6.1 City Manager's Comments**

City Manager introduced Noemi Munguia as the new Human Resource Director.

**6.2 Mayor's Comments**

None

At 5:39 p.m., Mayor Pro Tem Olivarez moved to convene into executive session. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

**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. Mission Public Safety Building**

**B. Resale of Struck Off Ad Valorem Tax Properties – Lot 45, Freeway Subd. Unit #5, Mission, Hidalgo County Texas and Lot 8, Block 89, Original Townsite, Mission, Hidalgo County Texas**

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

At 6:05 p.m., Councilwoman Garza moved to reconvene in open session. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

On item 7.1-A, no action was taken.

On Item 7.1-B, Councilwoman Garza moved to deny both offers on Lot 45, Freeway Subd. Unit #5, Mission, Hidalgo County Texas and Lot 8, Block 89, Original Townsite, Mission, Hidalgo County Texas. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

**8.0 Adjournment**

At 6:06 p.m., Mayor Pro Tem Olivarez moved for adjournment. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary