

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
SEPTEMBER 28, 2009 4:30 P.M.
MISSION CITY HALL**

PRESENT:

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

ABSENT:

ALSO PRESENT:

Kathy Olivarez, Progress Times
Francis M. Ciancarelli
Diego Salinas
Erika Garza
Arlene Rivera
Jessica Leija
Daniel Silva
Alejandro Espinosa
Dago Chavez
Joe Phillips

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Hernestina Esparza, Administrative Asst.
Aida Lerma, Deputy City Manager
Sonia Carnes, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sergio Zavala, Planning Director
Bobby Salinas, Subdivision Coordinator
Roberto Salinas, City Engineer
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Rick Saldana, Fire Chief
Gilbert Sanchez, Fire Marshal
Ruben Diaz, Public Works Director
Victor Gonzalez, Streets Director
Elizabeth Cabrera, Purchasing Director
Noemi Munguia, HR Director
Rosie Salazar, Risk Manager
Robert Dominguez, Asst. Chief of Police
Janie Flores, Finance Director
Rolando Rodriguez, DP Manager
Julian Gonzalez, Parks & Rec. Director
Adela Ortega, Museum Director
Mayra Rocha, Speer Memorial Library
Jonathan Wehrmeister, Judge
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. Departmental Reports

Councilwoman Norie Gonzalez Garza moved to approve the departmental reports as presented. Motion was seconded by Mayor Pro Tem Leo Olivarez and approved unanimously 5-0.

4. Citizens Participation

Joe Phillips, thanked the Mayor and City Council for sending representatives from the City to the Netherlands for the unveiling of a monument honoring Pvt. Albert Strahler, Jr. of Mission

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Conditional Use Permit: to keep a 7' x 8' Portable Building for the Sale of Hamburgers, Hotdogs, & Tacos at E-Z Mart Convenience Store, 1500 W. Business Hwy. 83 Lot A, Mission Acres Subd., C-3, Raul Martinez, Jr.

Mr. Raul Martinez desired a CUP to continue the use of a 7' x 8' portable metallic building used for the sale of hamburgers, hotdogs, and tacos at the E-Z Mart Convenience Store located at 1500 W. Business Hwy. 83. Entrance to this site was derived from two driveway cuts along Los Ebanos, and two from Business Highway 83. Mr. Martinez desired to be open Thursday through Sunday from 6:00 p.m. to 11:00 p.m., a total of 20 hours per week. Mr. Martinez would have two other part-time employees as the only employees. The portable building was located along the west side of the store.

There was a total of 16 striped parking spaces included 1 handicap parking space at the E-Z Mart Convenience Store for which all 11 were required for the store's use, however, a total of 24 were available when factoring the parking under the canopies; thus, parking was satisfactory to our codes.

Staff had been alerted by TXDOT that the permit application for the construction of sidewalks along Business 83 was not feasible due to the limited space. There was no public opposition at P&Z's hearing. The P&Z unanimously approved the conditional use permit.

Staff, P&Z and City Manager recommended approval subject to 1) installation of vinyl slats on the chain link fence in garbage area within 45 days, 2) the acquisition of a new business license, and 3) 3 year re-evaluation.

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

Councilwoman Maria Elena Ramirez moved to approve the CUP to keep a 7' x 8' Portable Building for the Sale of Hamburgers, Hotdogs, and Tacos at E-Z Mart Convenience Store, 1500 W. Business Hwy. 83 Lot A, Mission Acres Subdivision as recommended. Motion was seconded by Councilman Ruben D. Plata and approved unanimously 5-0.

B. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages at Buffalo Wings & Rings Restaurant & Bar, 907 S. Shary Rd., W. 294.13' of Lot 2A, Colorado Subd., Amended, C-3, Alejandro Espinosa

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The property was at the NE corner of Shary Road and Colorado Street. There was a 5,171 sq. ft. building under construction on Lot 2A for the proposed restaurant operation. The proposed days and hours of operation were Sunday thru Thursday from 11:00 a.m. to 12:00 a.m., and Friday and Saturday from 11:00 a.m. to 2:00 a.m. There were no residences, schools, parks, or places of worship within 300 feet.

In reviewing the floor plan, the 5,171 sq. ft. building would have two hundred and thirty-seven (237) seating spaces in the dining and bar area. One Parking space for every three (3) seats equates to seventy-nine (79) parking spaces required. A total of three (3) handicap parking spaces and ninety-one (91) regular parking spaces were proposed for the development, exceeding code by 15.

Access to the site would be from a 30' driveway to Shary Road a second 25' driveway to Colorado Street. The restaurant would also interface with Holiday Inn Express. All building, fire, landscaping, and sign codes would be complied with.

There was no public opposition at P&Z hearing. The P&Z unanimously approved of the conditional use permit.

Staff, P&Z and City Manager recommended approval subject to 1) acquisition of a business license, 2) wet zoning the property, and 3) 1 year re-evaluation after new operation activated.

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

Councilwoman Garza moved to approve the CUP Sale and On-Site consumption of Alcoholic Beverages at Buffalo Wings & Rings Restaurant & Bar, 907 S. Shary Road W. 294.13' of Lot 2A, Colorado Subdivision as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

2.0 Disposition of Minutes

2.1 City Council Minutes – September 14, 2009

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

3.0 Acknowledge Receipt of Minutes

3.1 Speer Memorial Library Board – August 18, 2009

Boys & Girls Club of Mission – May 28, 2009

Citizens Advisory Committee – July 7, 2009

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

4.0 Approvals and Authorizations

4.1 Approval of Ord. # 3496 for CUP to keep a 7' x 8' Portable Building for the Sale of Hamburgers, Hotdogs, & Tacos at E-Z Mart Convenience Store, 1500 W. Business Hwy. 83, Lot A, Mission Acres Subd.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3496 for CUP to keep a 7' x 8' Portable Building for the Sale of Hamburgers, Hotdogs, and Tacos at E-Z Mart Convenience Store, 1500 W. Business Hwy. 83 Lot A, Mission Acres Subdivision as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

ORDINANCE NO. 3496

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT TO KEEP A 7' X 8' PORTABLE BUILDING FOR THE SALE OF HAMBURGERS, HOTDOGS, AND TACOS AT E-Z MART CONVENIENCE STORE, 1500 W. BUSINESS HWY. 83; LOT A, MISSION ACRES SUBDIVISION

4.2 Approval of Ord. # 3497 for CUP for Sale & On-Site Consumption of Alcoholic Beverages at Buffalo Wings & Rings Restaurant & Bar, 907 S. Shary Rd., W. 294.13' of Lot 2A, Colorado Subd., Amended

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3497 for CUP for Sale and On-Site Consumption of Alcoholic Beverages at Buffalo Wings & Rings Restaurant & Bar, 907 S. Shary Road, W. 294.13' of Lot 2A, Colorado Subdivision as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3497

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES AT BUFFALO WINGS & RINGS RESTAURANT & BAR, 907 S. SHARY ROAD, WEST 294.13' OF LOT 2A, COLORADO SUBDIVISION AMENDED

4.3 Approval of Ord. # 3498 Amending Ord. # 2905 that Adopts the 2009 International Fire Code and the International Building Code, Among other Codes, to not require an Automatic Sprinkler System in Pre-Existing Buildings used for Restaurants

At 4:40 p.m. Councilman Plata stepped out of the Meeting.

The 2009 International Fire Code and the 2009 International Building Code mandated that any new restaurant over 100 in occupancy must provide an automatic sprinkler system regardless whether the building was new or 20 years old.

The proposed ordinance to 'Not require an automatic sprinkler system on existing buildings' reflected a cooperative & business-friendly amendment to help dormant buildings that may now desire to re-open as restaurants with over 100 in occupancy.

In making the change, Mission would remove a major obstacle for mom and pop businesses that want to re-open their existing buildings for neighborhood restaurants that may seat over 100.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ordinance No. 3498 Amending Section 903.2.1.2. Group A-2 of the 2009 International Fire Code and the 2009 International Building Code to not require an Automatic Sprinkler System in Pre-Existing Restaurant Buildings as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3498

AN ORDINANCE AMENDING ORDINANCE NO. 2905 ADOPTING THE 2009 INTERNATIONAL FIRE CODE AND INTERNATIONAL BUILDING CODE, AMONG OTHER CODES, TO NOT REQUIRE AN AUTOMATIC SPRINKLER ON PRE-EXISTING BUILDINGS USED FOR RESTAURANTS; PROVIDING FOR A SEVERABILITY PROVISION; AND PROVIDING FOR A PUBLICATION PROVISION

4.4 Discussion and Action to Approve Annexation Schedule of the following areas: Area 1: All of Lots 32-1, 32-2, 31-2, and the North 30 Acres of Lot 30-2, West Addition to Sharyland (to include all of Lots in Basham No. 2 Subd., Vela-Zamora Subd., Alex Cavazos Subd., and Premier Subd.); and Area 2: Lots 2, 3, 4, & 6, Mission Farm Estates

Attached was the annexation schedule forwarded for review and approval.

Area 1 to the NW finalized the City's latest effort to square-off the city limits in this direction.

Area 2 included the Frontage Power Facility of the City's side.

Approving the schedule would allow staff to send letters to all the owners of the new schedule.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez move to approve annexation schedule of the following Area 1: All of Lots 32-1, 32-2, 31-2, and the North 30 Acres of Lot 30-2, West Addition to Sharyland to include all of Lots in Basham No. 2 Subdivision, Vela-Zamora Subdivision, Alex Cavazos Subdivision, and Premier Subdivision and Area 2: Lots 2, 3, 4, & 6, Mission Farm Estates as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.5 August 2009 Financial Statements

At 4:43 Councilman Plata joined the meeting.

Mrs. Janie Flores, Finance Director presented the Financial Statements for August, 2009, for acceptance.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve the Financial Statements for August, 2009, as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.6 Tax Collections Report – August, 2009

Mrs. Flores presented the Tax Collections Report for August, 2009, for acceptance.

Acceptance of monthly property tax report for the amount of August, 2009. The 2008 total adjusted tax levy was \$ 17,308,177.30 and the amount of the collections as of August 31, 2009 was \$16,152,129.19 which represented 93.32% of the total tax levy. In comparison to prior year, the amount of property tax collected as of August 31, 2008 was \$ 14,876,419.85 which represented 93.54% of the total tax levy.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Tax Collections Report for August, 2009, as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.7 Budget Amendments – General Fund, Utility Fund,

Mrs. Flores presented the budget amendments BA-91 thru BA-92 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve budget amendments BA-91 thru BA-92 as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.8 Approval of Publicity and Tourism Agreement with the Greater Mission Chamber of Commerce, Inc

Approval of Publicity and Tourism Agreement with the Greater Mission Chamber of Commerce, Inc. for Fiscal Year 2009-2010. These were funds that were received from the Hotel Motel Occupancy Tax under VATS Tax Code, Section 351.101 to use hotel occupancy tax funds for attracting and promoting tourism and the convention and hotel industry.

Staff and City Manager recommended approval.

Councilwoman Ramirez move to approve the Publicity and Tourism Agreement with the Greater Mission Chamber or Commerce, Inc., as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.9 Approval of Ord. # 3499 granting a wet designation for 907 S. Shary Rd., Buffalo Wings & Rings

Staff was requesting the above mentioned property be wet zoned for Sale and On-Site Consumption of Alcoholic Beverages.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3499 granting a wet designation for 907 S. Shary Road Buffalo Wings & Rings as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

ORDINANCE NO. 3499

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 907 S. SHARY ROAD

4.10 Authorize Amendment to Agreement to extend professional services contract of Ray, Wood & Bonilla for collection of delinquent fines, fees, and court costs

In November 2004, the City Council authorized the City Manager to engage Ray, Wood & Bonilla for the professional service of collecting delinquent fines, fees, the current agreement expired on November 7, 2009; the attached amendment was for an additional two (2) year period to expire on November 7, 2011 and gives the city an additional two (2) years by providing notice of such extension. If approved, the original terms of the contract would continue, specifically the City paying the law firm a 30% collection fee of all monies collected in cases that had been referred to the firm, as authorized by the Texas Code of Criminal Procedure Section 103.0031.

Staff and City Manager recommended approval subject to a two (2) year contract extension.

Mayor Pro Tem Olivarez move to authorize amendment to agreement of extend professional services contract of Ray, Wood & Bonilla for collection of delinquent fines, fees, and court costs as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.11 Approval of Ord. # 3500 Approval of Classified positions for the Mission Police Department for FY 2009-10

As required by Chapter 143 of the Texas Local Governmental Code, classified positions had to be approved by governing body on a yearly basis. Ordinance would expired on September 30, 2010.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ordinance No. 3500 approval of classified positions for the Mission Police Department for FY 2009-2010 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3500

AN ORDINANCE ADOPTING THE CLASSIFICATIONS FOR THE MISSION POLICE DEPARTMENT FOR FISCAL YEAR 2009-2010

4.12 Approval of Ord. # 3501 Approval of Base salaries and incentive package for the Mission Police Department for FY 2009-10

As required by Chapter 143 of the Texas Local Government Code. Base salaries and incentive pay package must be approved by governing body on a yearly basis. Ordinance expired on September 30, 2010

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3501 approval of Base salaries and incentive package for the Mission Police Department for FY 2009-2010 as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

ORDINANCE NO. 3501

AN ORDINANCE PROVIDING FOR THE BASE SALARIES FOR CIVIL SERVICE EMPLOYEES OF THE MISSION POLICE DEPARTMENT; PROVIDING FOR EMPLOYEE INCENTIVE PAY FOR MEMBERS OF THE MISSION POLICE DEPARTMENT SUCH INCENTIVE PAY BEING LONGEVITY PAY, SENIORITY PAY, CERTIFICATION PAY, EDUCATIONAL PAY, ASSIGNMENT PAY, AND CLOTHING ALLOWANCE; ESTABLISHING THE RATE OF PAY FOR SUCH INCENTIVE PAYS, ESTABLISHING THE CRITERIA FOR QUALIFICATIONS FOR SUCH PAY; PROVIDING FOR PUBLICATIONS; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATING TO THE SUBJECT MATTER THEREFOR

4.13 Approval of Ord. # 3502 Approval of Classified positions for the Mission Fire Department for FY 2009-10

As per Chapter 143 of the Texas Local Government Code, classified positions had to be approved by governing body on a yearly basis. Ordinance would expired on September 30, 2010.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ordinance No. 3502 approval of classified positions for the Mission Fire Department for FY 2009-2010 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3502

AN ORDINANCE ESTABLISHING THE CLASSIFICATIONS FOR THE MISSION FIRE DEPARTMENT FOR THE FICAL YEAR 2009-2010

4.14 Approval of Ord. # 3503 Approval of Base salaries and incentive package for the Mission Fire Department FY 2009-10

As required by Chapter 143 of the Texas Local Government Code. Base salaries and incentive pay package must be approved by governing body on a yearly basis. Ordinance expires on September 30, 2010.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ordinance No. 3503 approval of Base salaries and incentive package for the Mission Fire Department for FY 2009-2010 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3503

AN ORDINANCE PROVIDING FOR THE BASE SALARIES FOR CIVIL SERVICE EMPLOYEES OF THE MISSION FIRE DEPARTMENT; PROVIDING FOR EMPLOYEES INCENTIVE PAY BEING LONGEVITY PAY, SENIORITY PAY, CERTIFICATION PAY, EDUCATIONAL PAY, AND ASSIGNMENT PAY; ESTABLISHING THE RATE OF PAY FOR SUCH INCENTIVE PAYS, ESTABLISHING THE CRITERIA FOR QUALIFICATIONS FOR SUCH PAY; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATING TO THE SUBJECT MATTER THEREFORE

4.15 Approval of Ord. # 3504 amending Ord. # 3391 adopting new rates for Shary Municipal Golf Course

The ordinance adopted rates for the operation of the Shary Municipal Golf Course and setting and effective date of such rates. The Golf Course Advisory Board and City Staff had studied the revenue needs of the Golf Course, taking into account operating costs, depreciation, and capital projects.

Public discussions had taken place at the meeting of the Golf Course Advisory Board regarding rates, the impact of such rates on the golfing public and the above named costs of operating a financially sound Golf Course.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Ordinance No. 3504 amending Ordinance No. 3391 adopting new rates for Shary Municipal Golf Course as recommended. Motion was seconded by Councilmen Plata and approved unanimously 5-0.

ORDINANCE NO. 3504

AN ORDINANCE FO THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING ORDINANCE NO. 3391 AND ADOPTING NEW RATES FOR THE OPERATIONS OF THE SHARY MUNICIPAL GOLF COURSE AND SETTING AND EFFECTIVE DATE OF SUCH RATES

4.16 Authorization to extend contract for one year for “Vending Services” for City of Mission Buildings

On September 22, 2008, the City of Mission extended the contract for vending services with Express Business Services. The City received a commission for each sale. The bid specifications included an “option to renew” provision and it was the last year for renewal. The contract terms call for maintaining the current prices and 10% commission for the City of Mission. Staff was seeking authorization to extend contract for the final optional year with Express Business Services. Term of contract: October 1, 2009 through September 30, 2010. All current prices and commission would remain the same.

Staff and City Manager recommended approval.

Councilman Plata move to authorize to extend contract for one (1) year for “Vending Services” for City of Mission Building as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.17 Recommendation to award bid for Chemicals for Public Works’ Departments

On August 10, 2009 and August 24, 2009, City Council authorized staff to solicit bids for chemicals for South and North Water Plants. The City of Mission had opened fifteen (15) bid responses for the project. Staff was recommending awarding as follows:

Powdered Activated Carbon: 2nd Low – Carbon Activated Corp. at \$0.68/lb./\$17,400. Esti. Usage
1st Low bidder did not meet specifications

Copper Sulfate: 3rd Low bidder – Chameleon Inc. at \$1.45/lb./\$116,000. Estimated Usage
1st and 2nd Low bidder did not meet specifications

Ammonium Sulfate: Low bidder – General Chemical Perf. Prod at \$0.064/lb./\$51,200. Esti. Usage
Polymer: Low bidder – General Chemical Perf. Prod at \$0.39/lb. \$28,860. Esti. Usage

Chlorine Gas: Low bidder – AOC at \$720.00/ton/\$100,800. Estimated Usage

Sodium Chlorite: Low bidder – Siemens Water Technologies at \$.5620/lb/\$151,740. Esti Usage

Corrosion Inhibitor: Low bidder – General Chemical Perf. Prod at \$0.28/lb./\$70,000. Esi. Usage

Staff and City Manager recommended approval.

Councilman Plata move to approve recommendation to award bid for Chemicals for Public Works’ Department as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.18 Approval of Change Order #1 for 609 Canal St. Project Improvements.

Change Order No. 1 was a request for additional labor and materials needed for improvements unforeseen before demolition. Those items included forty-five (45) sheets of sheetrock, wood used to complete wall and ceiling framing, and extra outlets and breakers for voice/data connections. The Change order also included a price adjustment of 26 10’ x 3’ to 28 16’ x 3’ 26 gauge sheet metal. The original bid price of \$28,900 increased by \$3,745.

Staff and City Manager recommended approval

Councilwoman Garza move to approve Change Order No. 1 for 609 Canal Street Project Improvements as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.19 Bid for the purchase of Waterline Material for Inspiration Rd., Project - from Schubauch to Inspiration through Military Rd.

On September 14, 2009, City Council authorized staff to solicit bids for the purchase of Waterline Material for Inspiration Road Project – from Schubauch to Inspiration through Military Road. The City of Mission had accepted and opened five (5) bid responses for the project. Staff was recommending awarding to low bidder – Emmsa Piping Systems for a total cost of \$30,339.86. Initial cost was estimated and budgeted at \$36,000.00

Staff and City Manager recommended approval.

Councilman Plata move to award bid for the purchase of Waterline Material for Inspiration Road Project – from Schubauch to Inspiration through Military Road as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.20 Bid for the purchase of Waterline Material for 2 Mile Line Project – Conway to Taylor Road

On August 24, 2009, City Council authorized staff to solicit bids for the purchase of Waterline Material for 2 Mile Line Project – Conway to Taylor Road. The City of Mission had accepted and opened six (6) bid responses for the project. Staff was recommending awarding to low bidder – Ferguson Waterworks for a total cost of \$40,201.30. Initial cost was estimated and budgeted at \$40,000.00.

Staff and City Manager recommended approval.

Councilman Plata move to award bid for the purchase of Waterline Material for 2 Mile Line Project – Conway to Taylor Road as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.21 Change Order No. 1 for 2009 Sidewalk Improvements Project

Addition of a sidewalk section at Francisco Street the contract increased a total amount of \$7,350.00 (20.86% of the original contract price). Change Order No. 1 would increase original contract cost set by the Texas Governmental Code.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Change Order No. 1 for 2009 Sidewalk Improvements Project as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.22 Approval of Ord. # 3505 amending Article III Section 70 of the Code of Ordinance Manual to Include Section 70-128 Proper Dress Attire for Patrons of Shary Municipal Golf Course; and providing for an effective date

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ordinance No. 3505 amending Article III Section 70 of the Code of Ordinance Manual to Include Section 70-128 Proper Dress Attire for Patrons of Shary Municipal Golf Course; and providing for an effective date as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3505

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING ARTICLE III SECTION 70-128 PROPER DRESS ATTIRE FOR PATRONS OF SHARY MUNICIPAL GOLF COURSE AND PROVIDING FOR AN EFFECTIVE DATE

4.23 Discussion and Action on request by NABA for City Participation of Developmental costs on Proposed NABA Building & Events Center

On April 27, 2009, the City Council acted to approve discussion and possible action on request by NABA for the City to provide utility services to the facility.

Staff had met with NABA agents and they were requesting official action on the cost to develop their site being at the SE corner of Old Military Road/Schuerbach Road. NABA outline their proposal including their intent to use the building as a rental events center that would include the sale of alcoholic for on-site consumption during such events.

In conferring with NABA officials two (2) weeks ago, they voiced a desire that the city incur the cost of a paved parking lot if and when they desire such paved parking.

Staff and City Manager recommended approval

Councilman Plata moved to approve request by NABA for City Participation of Developmental costs on Proposed NABA Building & Events Center as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

None

At 5:22 p.m., Councilman Plata moved to convene into executive session. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

7.0 Executive Session pursuant to V.T.C.A. Gov. Code Sec. 551.001

7.1 Private consultation with the City Attorney Sec. 551.071

A. Claim of retired Mission Police Department Lieutenant of Operations

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

At 5:32 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

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On item 7.1-A, Councilman Plata move to authorize City Manager to settle claim of retired Mission Police Department Lieutenant of Operations for \$9,959.02 gross; \$6,461.79 net with the condition that a release is signed. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

8.0 Adjournment

At 5:33 p.m., Councilman Plata moved for adjournment. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary