

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
NOVEMBER 9, 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
Steve Ferguson
Larry D. Reyna
Enrique Garza
Arlene Rivera
Maxilou Link
Jeff Underwood
Fred Kurth
Raul Garcia, Jr.
Laura S.
Elda Santos

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Sonia Carnes, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sergio Zavala, Planning Director
Bobby Salinas, Planning Dept.
Roberto Salinas, City Engineer
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Gilbert Sanchez, Fire Marshal
Ruben Diaz, Public Works Director
Victor Gonzalez, Streets Director
Elizabeth Cabrera, Purchasing Director
Leo Longoria, Chief of Police
Robert Dominguez, Asst. Chief of Police
Martin Garza, Asst. Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Julian Gonzalez, Parks & Rec. Director
Adela Ortega, Museum Director
Belinda Garza, Speer Memorial Library
Omar Garcia, Boys & Girls Club Director
Roland Rodriguez, D.P. Manager
Noemi Munguia, HR Director
Rick Saldana, Fire Chief
Jonathan Wehrmeister, Judge
Rosie Salazar, Risk Manager
Jesse Lerma, Civil Service Director

1. Call to order

With a quorum being present, Mayor Pro Tem Leo Olivarez called the meeting to order at 4:30 p.m.

2. Pledge Allegiance and Invocation

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

3. Departmental Reports

Councilwoman Norie Gonzalez Garza moved to approve the departmental reports as presented. Motion was seconded by Councilwoman Maria Elena Ramirez and approved unanimously 4-0.

4. Citizens Participation

None

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Proposed Annexation of the following areas: Tract A: All of lots 32-1, 32-2, 31-2, and 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 Tract B: Lots 2, 3, 4, & 6, Mission Farm Estates**

The properties were adjacent to Mission City Limits and City Water and City Sewer were used and/or were available.

The 2nd public hearing would be on November 23, 2009.

Staff recommendation: Hold 1st public hearing.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez asked if there were any comments for or against the request.

Mr. David Olivera together with Mr. Brandon Hall, were representing Frontera Energy, the owner of one of the properties that was presented in this item. For the record they wanted to note their opposition to the proposed annexation, but would like to see if something could be negotiated.

Mr. Enrique Garza, property owner of Lot 30-2, expressed his opposition to the proposed annexation. Basically because he was not receiving any services from the city and felt that even if the city did annex his property, he would not be fairly represented by the City of Mission based on the fact that none of the representatives lived in his area. He was also concerned about financial loss, since he leased his property to white wing hunters.

Mayor Pro Tem Olivarez advised that their comments would be considered very seriously and would be looked at in the 2nd Public Hearing.

No action was taken on this item

Mayor Norberto Salinas joined the meeting at 4:36 p.m.

- B. Rezoning: A 4.90 acre tract of land out of Lot 241, John H. Shary Subd., AO-I to R-1, Palm Valley Church**

The subject site was located approximately 800' south of Griffin Parkway along the east side of Stewart Road. The surrounding zones included Large Lot Single Family (R1-A) to the west,

Single Family Residential (R-1) to the south and east, and Townhouse Residential to the north. The City's Future Land Use Map reflected a Low Density (LD) Residential designation. The R-1 zone acclimated to the predominant R-1 zoning district of the area and continued Palm Valley Church's existing R-1 status to the adjoining west. Staff noted that any future buildings and/or expansion would require conditional use permits. There was no public opposition at P&Z's 10/28/09 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 rezoning request. There was none.

Mayor Pro Tem Olivarez moved to approve Rezoning: A 4.90 acre tract of land out of Lot 241, John H. Shary Subd., AO-I to R-1, Palm Valley Church. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

C. Conditional Use Permit: Home Occupation – Notary Service & Preparation of Income Tax Forms, 1115 Reynosa, Lot 2, Block 1, Browning Subd., R-1, Life of Use, Larry D. Reyna

The subject site was at the NW corner of Highland and Reynosa Street. Mr. Reyna had been operating for just over two years from his 2,573 sq. ft. residence. He had been operating from a 12' x 12' personal office within his house. Mr. Reyna had alerted staff that the income tax preparations were only being done during January through April and the notary service all year round. A field visit revealed that there was a long driveway at the south side of the home leading to a two car garage. This was utilized as off-street parking for customers. His office hours were Monday through Saturday from 9:00 a.m. thru 8:00 p.m. during income tax season and by appointment only during the off season. Mr. Reyna was the only employee running this home occupation and traffic was minimal, and strictly by appointment only. Mr. Reyna did have a 1' x 1' sign affixed to the residence. There was no public opposition at P&Z's 10/14/09 hearing. The P&Z unanimously approved of the conditional use permit to be renewed in 3 years.

Staff Recommendation: Approval for 3 years (renewable at that time if still existing).

Staff and City Manager recommended approval.

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

Councilwoman Garza moved to approve Conditional Use Permit: Home Occupation – Notary Service & Preparation of Income Tax Forms, 1115 Reynosa, Lot 2, Block 1, Browning Subd., R-1, Life of Use, Larry D. Reyna. Motion was seconded by Councilman Ruben Plata and approved unanimously 5-0.

D. Conditional Use Permit: Sale and On-Site Consumption of Alcoholic Beverages at "Juancho's Bar/Nightclub," 1812-A & 1900-B W. Griffin Pkwy., Lots 4 & 5, Inspiration Point Phase I, C-3, Life of Use, Hilario Barrera

The subject site was 750' west of Inspiration Road along the north side of Griffin Parkway (FM 495). The current hours of operation were 7 days a week, hours range from 11:00 a.m. up to 2:00 a.m. on certain days. There were a total of 7-10 employees plus security. In reviewing the floor plan, the 4,860 sq.ft. building had 144 seating spaces proposed in the dining area and 20 seating

spaces proposed in the bar area for a total of 164 seating spaces. One parking space for every three seats equated to 55 parking spaces required. A total of 98 parking spaces were held in common for this Lot 2 development where 95 were currently required, thereby exceeding code by 3. Access to the site can be from the two primary driveways to Griffin Parkway.

A site visit revealed that Iglesia Adventista was well over 800' away from the proposed restaurant. An annual inspection conducted by the Mission Fire Department uncovered no violations at this location. A call to Mission Police Department revealed that there had been only one call within the past 12 months for a false fire alarm. There was no public opposition at P&Z's 10/28/09 hearing. The P&Z unanimously approved of the conditional use permit.

Staff Recommendation: Approval subject to: 1) waiving the 300' separation that such uses were to be from residential areas, 2) compliance with the maximum occupancy levels, 3) maintain door man (counter), metal detector device, security lighting & video camera to maximize security, 4) perpetually having on-site security until ½ hour past closing, 5) compliance with the prevailing Noise Code, and 6) re-evaluate in November 2010.

Staff and City Manager recommended approval.

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

Councilman Plata moved to approve Conditional Use Permit: Sale and On-Site Consumption of Alcoholic Beverages at "Juancho's Bar/Nightclub," 1812-A & 1900-B W. Griffin Pkwy., Lots 4 & 5, Inspiration Point Phase I, C-3, Life of Use, Hilario Barrera. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

E. Conditional Use Permit: Sale and On-Site Consumption of Alcoholic Beverages at Konectaz Bar & Grill, 2109 W. 3 Mile Line, Suites 11-13, Lot 2, Block 4, Taurus Estates No. 9 Phase I Subd., C-3, Life of Use, Jose Zamora

The subject site was located approximately 200' east of Moorefield Road along the south side of 3 Mile Line. In addition to the traditional Mexican food dishes, the applicant was requesting to include the sale of beer and alcohol on their menu. Alcoholic beverages would only be served during the allowable State selling hours.

The proposed hours of operation were 6 days a week from 10:00 a.m. to 10:00 p.m. on Mondays and Tuesday from 10:00 a.m. to 2:00 a.m. Wednesdays through Saturday. A total of 5 full time employees and 13 part time employees were proposed for this new operation. The restaurant/bar would consist of 2,684 sq. ft. total area. The applicant was proposing 21 tables (mixture of sizes) and a bar area that combined would seat a total of 79 patrons. A total of 26 parking spaces were required for this establishment. Common paved parking overlaid Lot 1 (un-used) to Lot 5 where Lot 2 also had rear parking. Staff recommended that this applicant re-stripe the parking for Lot 1 & 2 (at least). Also, shade tree landscaping on Lot 2 would enhance aesthetics.

Section 1.56-3(a), Zoning Code required that a 'bar' be 300' from the nearest residence, church, school or publicly owned property unless P&Z/City Council waived this separation code. There were only residences within the 300' separation (to the south). Juancho's was approved by P&Z/City Council where there were homes across the alley. This CUP was smaller than Juancho's. There was no public opposition at P&Z's 10/28/09 hearing. The P&Z unanimously approved of the conditional use permit as noted below.

Staff Recommendation: Approval subject to: 1) waive 300' separation requirement, 2) wet zoning the site, 3) acquisition of a Business License, 4) (Tenant) Sign Code Compliance, 5) 1 year re-evaluation, 6) provide minimum 4-3" caliper shade trees, 7) sound dampening insulation along the south wall of the building, and 8) re-stripe parking for Lots 1 & 2.

Staff and City Manager recommended approval.

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

Councilwoman Ramirez moved to approve Conditional Use Permit: Sale and On-Site Consumption of Alcoholic Beverages at Konectaz Bar & Grill, 2109 W. 3 Mile Line, Suites 11-13, Lot 2, Block 4, Taurus Estates No. 9 Phase I Subd., C-3, Life of Use, Jose Zamora. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

2.0 Disposition of Minutes

2.1 City Council Meeting – October 26, 2009 and Special Meeting – November 2, 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 Boys & Girls Club – September 8, 2009 and September 24, 2009

Zoning Board of Adjustments – June 17, 2009 and August 19, 2009

Planning and Zoning Commission – September 23, 2009 and October 14, 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 Adoption of Ord. # 3514 for Rezoning A 4.90 acre tract of land out of Lot 241, J.H.S. Subd., AO-I to R-1

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ord. No. 3514 for rezoning A 4.90 acre tract of land out of Lot 241, J.H.S. Subd., AO-I to R-1. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3514

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF MISSION, TEXAS GRANTING REZONING OF
A 4.90 ACRE TRACT OF LAND OUT OF LOT 241, JOHN H.
SHARY SUBDIVISION, FROM AO-I TO R-1

4.2 Adoption of Ord. # 3515 for CUP for a Home Occupation – Notary Service & Preparation of Income Tax Forms, 1115 Reynosa, Lot 2, Block 1, Browning Subd.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ord. No. 3515 for CUP for a Home Occupation – Notary Service & Preparation of Income Tax Forms, 1115 Reynosa, Lot 2, Block 1, Browning Subd. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3515

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION – NOTARY SERVICE & PREPARATION OF INCOME TAX FORMS, 1115 REYNOSA, BEING LOT 2, BLOCK 1, BROWNING SUBDIVISION

4.3 Adoption of Ord.# 3516 for CUP for Sale and On-Site Consumption of Alcoholic Beverages at Juancho’s Bar/Nightclub, 1812-A & 1900-B W. Griffin Pkwy., Lots 4 & 5, Inspiration Point Phase I

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ord. No. 3516 for CUP for Sale and On-Site Consumption of Alcoholic Beverages at Juancho’s Bar/Nightclub, 1812-A & 1900-B W. Griffin Pkwy., Lots 4 & 5, Inspiration Point Phase I. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

ORDINANCE NO. 3516

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES AT JUANCHO’S BAR/NIGHTCLUB, 1812-A & 1900-B W. GRIFFIN PARKWAY, LOTS 4 & 5, INSPIRATION POINT PHASE I

4.4 Adoption of Ord. # 3517 for CUP for Sale and On-Site Consumption of Alcoholic Beverages at Konectaz Bar & Grill, 2109 W. 3 Mile Line, Suites 11-13, Lot 2, Block 4, Taurus Estates No. 9 Phase I Subd.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ord. No. 3517 for CUP for Sale and On-Site Consumption of Alcoholic Beverages at Konectaz Bar & Grill, 2109 W. 3 Mile Line, Suites 11-13, Lot 2, Block 4, Taurus Estates No. 9 Phase I Subd. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

ORDINANCE NO. 3517

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES AT KONECTAZ BAR & GRILL, 2109 W. 3 MILE LINE, SUITES 11-13, LOT 2, BLOCK 4, TAURUS ESTATES NO. 9 PHASE I SUBDIVISION

4.5 Final Plat Approval: Monte Real Subd. Phase II, 6.866 Acres out of Lots 111, 101, and 102, J.H.S. Subd., PUD, Developer: Hunt Valley Dev. I, LLC, Engineer: Half Associates

Monte Real Phase II was located in the SE area of Grand Canal Dr. and Los Milagros Rd. The proposed subdivision consisted of 22 SF residential lots. The lots sizes ranged from 11,878 sq. ft. to 16,809 sq. ft. The entire subdivision of Monte Real was approved by P&Z (6/27/07) and City Council (4-30-07) as a single subdivision, however this western perimeter area was left unrecorded though all water, sewer, storm, and paving improvements were done.

Water: An existing internal 8" water line system provided service to all lots with existing hydrants located via direction from Fire Marshal. The system was looped with an existing 12" line located on Los Milagros and was also looped to an existing 8" line via Quinta Real's network.

Sewer: An existing 8" sewer line provided service to all lots as it tied into an existing 10" sewer network along Los Milagros. On 4-10-07, a check was submitted for the capital sewer recovery fee for Monte Real, Ph. I in the amount of \$11,000. Monte Real Phase I had 51 lots, which only required \$10,200, thus over paying by \$800. Monte Real Phase II required \$4400 fee minus \$800 overpayment = \$3600 due.

Street & Storm Drainage: The subdivision adjoined two existing 60' ROW 43' B/B streets (Grand Canal Dr. & Santa Erica), and a 50' ROW 32' B/B street (San Alejandro), all with 10'/15' utility easements. No additional ROW dedication was required on the perimeter streets. Storm drainage was accomplished through an existing series of 36", 30", & 24" storm lines which lead into Hunt's existing ditch system.

Other Comments: Water rights dedication via Hunt –City Policy; park fees in the amount of \$6,600 (22 lots x \$300/lot). The P&Z unanimously approved the plat subject to staff's recommendation.

Staff Recommendation: Approval subject to complying with the capital sewer recovery fee, and the park dedication ordinance.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Final Plat Approval: Monte Real Subd. Phase II, 6.866 Acres out of Lots 111, 101, and 102, J.H.S. Subd., PUD, Developer: Hunt Valley Dev. I, LLC, Engineer: Half Associates. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.6 Pre Plat Approval: Palm Valley Church Subd. Phase II, A 4.90 acre tract of land out of Lot 241, J.H.S. Subd., AO-I (R-1 Proposed), Developer: Palm Valley Church, Engineer: J. A. Garza Associates, LLC

The subject site was located approximately 800' south of Griffin Parkway along the east side of Stewart Road. The 1-lot subdivision was being proposed for the future expansion of the Palm Valley Church. A variance had been requested by the developer asking that a stubbed Lauren Street not be extended or provided with a cul-de-sac. The Fire Marshal reviewed the dead-end street situation and stated that if the developer provided a minimum 30' concrete turning radius at the Lauren/alley juncture, that this was sufficient for a hammerhead turnaround. The developer agreed to comply.

Water: Water was provided by extending an 8" water line from an existing 8" line located on the SE area of the proposed subdivision. The 8" line would then run west towards Stewart Road and would loop to Sharywood Manor's existing 8" line network. Another water loop was also

provided by the extension of the existing stubbed water line off of Lauren Lane to the subdivision's proposed 8" line. Hydrants were shown pursuant to the direction of the Fire Marshal.

Sewer: Sewer service was provided by extending a 6" service line from an existing sewer stub that was installed by Stewart Village Phase II located at the NW corner of the proposed subdivision. The Capital Sewer Recovery Fee, \$2,850/acre would have been imposed as required by Ordinance #3022, i.e., 4.90 acre x \$2,850/acre = \$13,950.

Street & Storm Drainage: The subdivision was proposing to have a driveway off of Stewart Road in order to provide ingress and egress for this subdivision as well as creating another outlet for the main church facility to be located east of this subdivision. Storm drainage was being addressed by providing 18" R.C.P./P.V.C. lines that flowed into a privately owned detention swale located on the west side of the subdivision. The detention swale would have been connected via a 12" bleeder line that tied into Stewart's existing 36" network of drainage lines that out fell into the ditch south of the Edinburg Main Canal.

Other Comments: Water district exclusion required; reimburse City for Stewart's widening in the amount of \$5,973.75 (238.95' x \$25/lf); reimburse City for sidewalks installed along Stewart in the amount of \$2,628.45 (238.95' x 11/lf); off-site drainage reimbursement in the amount of \$4,257.16 (Stewart Terrace reimbursement contract now diverted to 'City of Mission' since 7 year tenure had long expired); mandatory 6' buffers to north and south to be perpetually maintained by owner(s). (Note: If already existing by resident neighbors, then no buffer needed at that alignment.) The P&Z unanimously approved the plat subject to staff's recommendation.

Staff Recommendation: Approval subject to: 1) No objection to variance to allow a dead end street but widen alley's radius via Fire Marshal, 2) Payment of the Sewer Capital Recovery Fee and Drainage Reimbursement, and 3) Reimburse the City for street widening and sidewalk costs along Stewart Road.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Pre Plat Approval: Palm Valley Church Subd. Phase II, A 4.90 acre tract of land out of Lot 241, J.H.S. Subd., AO-I (R-1 Proposed), Developer: Palm Valley Church, Engineer: J. A. Garza Associates, LLC. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.7 Variance Request by Redwood Construction to Allow Residential Driveway of Lot 20, Sno-Bird Estates Directly Onto Bentsen Palm Dr. (Arterial Street)

The property was located on the SE corner of Bentsen Palm Drive and Wescan St. The property legally described as Lot 20, Sno-Bird Estates was within a private subdivision, recently annexed into the city limits on 1/12/09. The lot measured 100' x 135' and was not an irregular shaped lot. The property had access to Wescan, a minor residential street.

- On 7/16/09, the applicant submitted a building permit application for a new residence showing a driveway onto Bentsen Palm Drive, a future 80' arterial street. The permit was denied due to the City's Subdivision Code that restricts access to arterial in lieu of accessing a minor residential street. This Code was intended to maximize traffic safety.
- The following week, Mr. Zavala met with the contractor to explain why the permit had been denied and explained the appeals process (P&Z, City Council, etc.) and other options.

- Finally, a revised site plan showing a driveway onto Wescan was provided, meeting the City's requirements. Since the contractor 'agreed to the City's condition, and further attested that he had read said conditions and agreed to fully comply' the permit was issued.
- On 10/21/09, and with the house almost finished, the contractor submitted an application for a variance to allow a residential driveway onto Bentsen Palm Drive.

Access to Bentsen Palm Drive would cause traffic concerns for not only the resident of Sno-Bird Estates, but those traveling Bentsen Palm Drive as well. The P&Z unanimously denied the variance request since 1) it would set precedence, 2) contractor agreed to City's terms, and 3) it would cause a traffic hazard perpetual.

Staff and City Manager recommended denial.

Councilwoman Garza moved to deny Variance Request by Redwood Construction to Allow Residential Driveway of Lot 20, Sno-Bird Estates Directly Onto Bentsen Palm Dr. (Arterial Street). Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.8 Discussion and Action to Initiate Rezoning to Recently Annexed Areas being Lots 1-15, Moreno Subd., Lots 1-10, Jessan Subd., and Lot 1, Escobar/Rios Elementary School

In June 2009, Mission annexed Lots 1-15, Moreno Subd.; Lots 1-15, Moreno Subd.; Lots 1-10, Jessan Subd.; & Lot 1, Escobar/Rios Elementary School. It was important to rezone the lots to employ proper permit processes; and enforce proper building setbacks, health codes (weedy lots, etc.), and animal control regulations, e.g., no livestock permitted in R-1 areas.

Planning respectfully requested authorization to initiate rezoning to all properties cited above to be Single Family Residential (R-1).

Note: Sect. 1.26, Zoning Ord. #1128, as amended, cited "The City of Mission Shall have the inherent right to initiate a proposed change of zoning to any property when deemed in the best interests of the City."

Staff and City Manager recommended approval.

Mayor Salinas requested staff to enforce the city ordinance regarding animals inside city limits.

Councilwoman Garza moved to approve to Initiate Rezoning to Recently Annexed Areas being Lots 1-15, Moreno Subd., Lots 1-10, Jessan Subd., and Lot 1, Escobar/Rios Elementary School. Motion was seconded by Councilman Plata and denied 2-3, with Councilwoman Ramirez, Mayor Pro Tem Olivarez and Mayor Salinas dissenting.

4.9 Approval of Ord. # 3518 granting a wet designation for 2109 W. 3 Mile Line, Suites 11-13

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

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ord. No. 3518 granting a wet designation for 2109 W. 3 Mile Line, Suites 11-13. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3518

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 2109 W. 3 MILE LINE, SUITES 11-13, TAURUS
ESTATES #9 SUBDIVISION, PHASE I, LOT 2, BLOCK 4

4.10 Approval of Res. # 1247 distributing 130 authorized votes for the election of Appraisal District Board of Directors for 2010 – 2011

The Hidalgo County Appraisal District was requesting the distribution of 130 authorized votes for Board of Directors for 2010-2011. At the September 14, 2009 council meeting Mr. Amador Requeenz was nominated by the city council. A governing body may have cast all its votes for one candidate or distributed them among candidates. Mayor Salinas was recommending the distribution of 130 authorized votes for Amador Requeenz for council consideration.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Res. No. 1247 distributing 130 authorized votes for the election of Appraisal District Board of Directors for 2010 – 2011. Motion was seconded by Councilman Plata and approved unanimously 5-0.

RESOLUTION NO. 1247

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
DISTRIBUTING 130 AUTHORIZED VOTES FOR THE ELECTION OF APPRAISAL
DISTRICT BOARD OF DIRECTORS FOR 2010-2011

4.11 Authorization to solicit bids or purchase via state approved contract one (1) additional vehicle for Meter Reader Department

At the City Council Meeting of October 12, 2009, the City Council approved the purchase of five (5) vehicles for the Meter Reader Department. In researching the type of vehicle to purchase the department was able to purchase the five approved units and still have enough funds to purchase an additional vehicle to replace unit #12 that was over 12 years old and had over 106,000 miles on it. Staff was seeking authorization to solicit bids or purchase via any state approved contract one (1) additional vehicle for Meter Reader Department.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve to solicit bids or purchase via state approved contract one (1) additional vehicle for Meter Reader Department. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.12 Authorization to accept the Loan Star Libraries Grant for fiscal year 2010

The Speer Memorial Library was requesting authorization to accept the Loan Star Libraries Grant for fiscal year 2010. The Loan Star Libraries Grant was the direct aid grant program for Texas public libraries administered by the Texas State Library and Archives Commission. The funds would have been used to purchase computers for the library. The grant amount was \$21,669 and there was no cash match to the City.

Staff and City Manager recommended approval.

Councilman Plata moved to accept the Loan Star Libraries Grant for fiscal year 2010. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.13 Authorization to accept the 2008 Supplemental Disaster Recovery Fund Grant

Staff was requesting authorization to accept the 2008 Supplemental Disaster Recovery Fund Grant and authorize the Mayor to execute the environmental agreement and all necessary documentation associated with this grant that was required from the Texas Department of Rural Affairs. These funds were made available from the 2008 Supplemental Community Development Block Grant funding associated with the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, (Public Law 110-329), appropriated by Congress through the United States Department of Housing and Urban Development. The funds would have been used for street improvements throughout the City. The grant amount was \$1,886,739 and there was no cash match to the City.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to accept the 2008 Supplemental Disaster Recovery Fund Grant. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.14 Budget Amendments: Designated Purpose Fund, General Fund, Utility Fund, Golf Course Fund, PD State Sharing Fund, Park Dedication Fund, Boys and Girls Club Fund, CDBG, MEDC Capital Projects Fund, 2005A Certificates of Obligations, 2007 Certificates of Obligations, and 2009 Certificates of Obligations

Mrs. Janie Flores, Finance Director presented the budget amendments BA-9 thru BA-29 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve budget amendments BA-9 thru BA-29 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.15 Approval of the Certified 2009 Tax Roll Totals

Mrs. Janie Flores, Finance Director presented the Certified 2009 Tax Roll Totals to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve the Certified 2009 Tax Roll Totals. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.16 Authorization to solicit bids or purchase via state approved contract for Fire Extinguishers and Inspections thereof

The Fire Marshal's office in conjunction with the Risk Management Department was seeking authorization to solicit bids or purchase via any state approved contract for fire extinguishers and inspections thereof as follows:

- Various City-Wide Building Fire Extinguishers
- Various Portable Fire Extinguishers (vehicles, mobile equipment, etc.)
- Inspection of Building Fire Extinguishers
- Inspection of Fire Suppression System

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve to solicit bids or purchase via state approved contract for Fire Extinguishers and Inspections thereof. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.17 Bid for construction of the Expansion to the North Water Treatment Plant

On January 12, 2009, City Council authorized staff to solicit bids for the construction of the expansion to the North Water Treatment Plant. The City of Mission had received and opened seven (7) bid responses for this service. Staff along with Melden & Hunt, Inc, (Project Engineers) recommended awarding to low bidder, R. P. Constructors, Inc, for a total bid of \$6,207,000. Initial cost had been estimated and budgeted at \$7,299,050.

Staff and City Manager recommended approval contingent upon release of funds from the Texas Water Development Board.

Mayor Pro Tem Olivarez moved to approve bid for construction of the Expansion to the North Water Treatment Plant contingent upon release of funds from the Texas Water Development Board. Motion was seconded by Councilwoman Ramirez and approved 4-1 with Mayor Salinas dissenting.

4.18 Authorization to purchase an IBM Main Frame Computer System through a Texas DIR Contract

The Mission Police Department was requesting authorization to purchase a new IBM Main Frame Computer System to replace their ten (10) year old system. In an effort to be able to upload the latest software applications that were available to their organization it became imperative that they purchase the new IBM Main Frame. The new main frame would have allowed them to use the latest technology to address criminal activity in the community by being able to actually apply these operating modules. The IBM Main Frame would have been purchased by utilizing their Federal Drug Account. The purchase price was \$111,882.68 and their organization would have been making monthly installments of \$3,217.13 per month for three (3) years.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve to purchase an IBM Main Frame Computer System through a Texas DIR Contract. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.19 Acceptance of a 0.4709 Acre Tract of Land out of Lot 62, J.H.S. Subd. from Sharyland Independent School District to use toward the Fire/Police Substation Building at Glasscock/FM 1016

The SISD passed a resolution on Oct. 27, 2009 to convey 0.4709 acre to the city to be used as a part of the Fire/Police Substation Building to be built at the NW corner of FM 1016 and Glasscock Road.

Official action by the Council was required to 'accept' it or not.

Staff and City Manager recommended approval subject to City Attorney's approval of deed document.

Councilwoman Garza moved to approve a 0.4709 Acre Tract of Land out of Lot 62, J.H.S. Subd. from Sharyland Independent School District to use toward the Fire/Police Substation Building at Glasscock/FM 1016 subject to City Attorney's approval of deed document. Motion was seconded by Councilwoman and approved unanimously 5-0.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

Mr. Cerda informed that City Hall would be closed on Wednesday, November 11 in observance of Veterans Day.

6.2 Mayor's Comments

Mayor Salinas requested City Attorney David Guerra to look into amending the ordinance regarding animals inside city limits.

At 5:29 p.m., Councilman Plata moved to convene into executive session. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

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

7.1 Purchase, exchange, lease, or value of real property Sec. 551.072

A. Parcels # 1; 2, Pts. 1 & 2; 3-9; 10A; 10B; 11-16; 17, Pts. 1 & 2; 18; 21-25; 27-42; and 44, Mile 2 North Rd. Project

7.2 Private consultation with the City Attorney Sec. 551.071

A. Claim by Esmeralda Munoz to Have City of Mission Provide Sanitary Sewer Service to Property described as 1.32 acres, Lot 33-1, W.A.S. within Mission's Sewer CCN

B. Mile 2 North Rd. Project-Remainder Properties

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

At 5:57 p.m., Mayor Pro Tem Olivarez moved to reconvene in open session. Motion was seconded by Councilman Plata and approved unanimously 5-0.

Minutes, 11/09/09 Pg. 14

On item 7.1-A, Councilman Plata moved to ratify purchase amounts to owners described on item 7.1-A. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

On item 7.2-A, Councilman Plata moved to authorize settlement of claim to have the city provide Sanitary Service to property described as 1.32 acres, Lot 33-1, within Mission's Sewer CCN. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

No action was taken on item 7.2-B

8.0 Adjournment

At 6:02 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary