

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
APRIL 27, 2009 4:30 P.M.
MISSION CITY HALL**

PRESENT:

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

ABSENT:

Celestino Ramirez, Councilman

ALSO PRESENT:

Progress Times
Myra Baker
Roberto Ibarra
Clarissa I. Garza
Eric E.Olivarez
Barbara Hoffmann
Fred Lulling
Virginia Townsend
Maria O. Leach
Jaime Sanchez
Ida de la Garza
Maxi Lou Link
Maggie Birmingham
Enriqueta G. Sosa
Erica Garcia
Fred Kurth
Pat Townsend

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, Subdivision Coordinator
Roberto Salinas, City Engineer
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Rick Saldana, Fire Chief
Ruben Diaz, Public Works Director
Victor Gonzalez, Streets Director
Elizabeth Cabrera, Purchasing Director
Noemi Munguia, HR Director
Rosie Salazar, Risk Manager
Leo Longoria, Chief of Police
Robert Dominguez, Asst. Chief of Police
Martin Garza, Asst. Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Rolando Rodriguez, DP Manager
Julian Gonzalez, Parks & Rec. Director
Adela Ortega, Museum Director
Rusty Dove, Library Director
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 4:30 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 – Peace Officers Memorial Day

Mrs. Anna Carrillo, City Secretary read the proclamation for Peace Officers Memorial Day.

Staff and City Manager recommended approval.

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

4. Departmental Reports

Councilwoman Garza moved to approve the departmental reports as presented. Motion was seconded by Councilman Plata and approved unanimously 4-0.

5. Citizens Participation

Ismael Perez of Puerto Vallarta, president of Sister Cities presented the mayor with a basket and advised that the convention held in Saltillo was a success. Deputy City Manager, Aida Lerma translated for Mr. Perez.

Barbara Hoffman, curator of the wildlife sanctuary asked for consideration to move the sanctuary to the City of Mission.

Fred Lulling, CEO and Business Administrator of the wildlife sanctuary facility, spoke in behalf of Mrs. Hoffman's request.

Mayra Baker, 516 S. Glasscock asked the council to focus their attention to the inner city and not continue to annex to the outskirts of Mission.

Virginia Townsend, 1603 Vintage Lane, requested to have PD report graffiti problems as soon as they noticed it to the Parks Department.

Eric Olivarez, Community Development Advisor of the wildlife sanctuary, also spoke in behalf of Mrs. Hoffman's request.

At 5:04 Mayor Salinas requested to go to item 4.17.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: Tract 1: .51 ac. out of the S. 20.73 ac. of the N. 30.997 ac. of Lot 30-7, W.A.S., AO-I to C-3, & Tract 2: S 20.73 ac. of the N. 30.997 ac., save & except the .51 acre tract (Mr. G's) & a 0.33 acre tract (Borrego) of Lot 30-7, W.A.S., AO-I to R-1, City Initiated

The subject site was located 1,600' north of Mile 2 North along the east side of Conway (SH 107). Being recently annexed with required AO-I imposed, all surrounding zonings were Agricultural Open Interim (AO-I) to the north, south and east. The west side of Conway was currently outside the City Limits, however was undergoing the annexation process. The land uses consisted of primarily residential structures, except for a small convenience store (Mr. G's) located at the SE corner of Victory and Conway. The FLUM reflected a broad General Commercial (GC) designation along the Conway frontage and Low Density (LD) designation for the remainder of the subject tract. Mr. G's should have been changed to C-3

due to FLUM compliance and SH 107 frontage. Mr. Borrego owned a 0.33 acre tract with frontage only to St. Hwy. 107 and requested a commercial zone since he had exclusive frontage to SH 107, had previously his lot for used car sales and snow-cone sales. P&Z did not object to Borrego's request but any up-zoning required a new publication and public notice, though the Borrego C-3 rezoning would likely be seen in another 5-6 weeks. There was no public opposition at P&Z's hearing. The P&Z unanimously approved of Staff's recommendation.

Staff, P&Z and City Manager recommended approval.

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

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

B. Rezoning: A 315' X 315' tract of land out of the NE of Lot 13, Goodwin Tract Subd., No. 3, AO-I to C-3, Jesus H. Ruiz

On April 20th at 4:40pm, staff received a written request from Mr. Ruiz to have his rezoning request heard by a full City Council. Section 1.23 (3) of our Zoning Code cited the following: "At the option of the applicant, his request for a change in zoning shall be heard by the full council." Unless there was a 'full council', this item should be 'Tabled' or the request withdrawn.

The subject site was located approximately 2,000' north of Griffin Parkway along the west side of Inspiration Road. The surrounding zonings included Agricultural Open Interim (AO-I) to the south and east; Single Family Residential (R-1) to the north; and Mobile and Modular Home (R-4) to the east. The land uses included to the west was a main open drain ditch; to the north was a main open drain ditch; to the south was vacant acreage owned by the applicant; and to the east was a part of a main open ditch, a future major street Inspiration, and mobile home uses. The FLUM reflected the area developing as a Low Density Residential (LD) land use area. Though the site appeared nestled within the corner boundaries of an open drain ditch and a future major street, the C-3 zone was still a commercial zone within the midst of residential zones and was in conflict with the FLUM. The FLUM was not 'set in stone' and zonings did not have to match it but unless there was a predominant and unique reason to deviate from it, the City should have abided by the FLUM as much as possible to sustain its confidence to the general public. There was no public opposition at P&Z's hearing and a petition of support was provided to P&Z. The motion to approve the rezoning was defeated by a 3-3 vote.

Staff, P&Z and City Manager recommended denial.

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

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

C. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages in a Banquet Hall, 1907 W. Griffin Pkwy, Lots 1-4, Southern Oaks Phase I, C-3, Gonzalo Arevalo, Jr.

The subject site was located 500' west of Inspiration Road along the south side of FM 495 (Griffin Parkway). The hours of operation would vary depending on the type of activity; however, most events were during the evenings and on weekends.

The hall was 60' x 120' or 7,200 sq. ft. of which 600' sq. ft. would be used as a dance area and 300 sq. ft. for the band or D.J. Typically parking reflected a need of 63 parking spaces one (1) space per 100 sq. ft. A total of 114 parking spaces were held in common at this development. Most activities would be in the later hours 7pm – 2am and on weekends when most businesses at this development should be closed. Staff did not anticipate any parking issues; however, to assure close monitoring of the parking, annual evaluations should have occurred as commercial infill occurred.

The sale and on-site consumption of alcoholic beverages needed to be 300' from residential areas. There were at least 12 homes within this radius. P&Z and City Council previously approved a waiver of the 300' separation requirement to Mario's Ballroom, which also had homes across the alley. The rear door was 2.5' from ground level; with the rear of the building being approximately 14.2' from the paved alley, any offloading van/truck should have not impeded alley traffic. The dumpster would be located to the SW corner of the building, e.g., where the alley turned; the front-loading truck could easily maneuver to pick it up. The Fire Marshal had required a sprinkler system due to the new prevailing building codes and occupancy levels being 158 with no dance floor feature or 185 with a dance floor feature; the doors would have been switched so they swing out; other items would have been imposed via the Fire Marshal's review extinguishers, exit signs, etc. There was no public opposition at P&Z's hearing. The P&Z unanimously approved the conditional use permit subject to staff's recommendation.

Staff, P&Z and City Manager recommended approval subject to: 1) a 1 year re-evaluation to commence from the date alcoholic beverages were sold, 2) acquisition of a business license, 3) waiving the 300' separation requirements to area residences, 4) compliance with Fire Marshal's requirements, 5) construct 5' sidewalks along Griffin Parkway from west property line to west side of main driveway, and 6) provide at least 4 shade trees 3" caliper.

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

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

D. 2nd Public Hearing: Proposed Annexation of the following areas: Tract A: A 38.85 ac. Tract of land out of Lot 30-3; 38.51 ac. Tract of land out of Lot 29-4; the NE 2.93 ac. Of Lot 29-3; Lot 30-4 (to include Lot 1, Escobar/Rios Elementary School Subd.); Lot 31-3 (to include Lots 1-15, Moreno Subd.), W.A.S.; Lots 29-42, & Lots 43 (to include Lots 1 & 2, Ojeda Subd.); & 44 (to include Lots 1 & 2, Godina Subd.); Bell-Woods Co's. Subd. "C"; and Lots 45, 46, 47 (to include Lots 1-10 Jessan Subd.), & 48, Bell Woods Co. Subd. "D", Vol. 5, Page 34 Tract B: A 10.98 ac. Tract of land out of Lot 13-12, W.A.S., & 15.27 ac. Out of Lot 131, John H. Shary Subd.

The next meeting would have been a Special Meeting scheduled for May 18th to Institute Annexation.

No Action was taken on this item.

2.0 Disposition of Minutes

2.1 City Council Minutes – April 13, 2009

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

3.0 Acknowledge Receipt of Minutes

- 3.1 Mission Civil Service Commission – March 16, 2009**
- Speer Memorial Library Board – February 17, 2009**
- Planning and Zoning Commission – March 11, 2009**
- Zoning Board of Adjustments – March 18, 2009**
- Building Board of Adjustments & Appeals – October 27, 2008**
- Citizen’s Advisory Committee – March 11, 2009,**
- Special Meeting – March 19, 2009 and March 24, 2009**

Councilwoman Garza moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.0 Approvals and Authorizations

- 4.1 Approval of Ord. # 3446 for Rezoning Tract 1: .51 ac. out of the S. 20.73 ac. of the N. 30.997 ac. of Lot 30-7, W.A.S., AO-I to C-3, & Tract 2: S 20.73 ac. of the N. 30.997 ac., save & except the .51 acre tract (Mr. G’s) & a 0.33 acre tract (Borrego) of Lot 30-7, W.A.S., AO-I to R-1**

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ordinance No. 3446 for rezoning Tract 1: .51 ac. out of the S. 20.73 ac. of the N. 30.997 ac. of Lot 30-1, W.A.S., AO-I to C-3, and Tract 2: S.20.73 ac. of the N. 30.997 ac., save and except the .51 acre tract (Mr. G’s) and a 0.33 acre tract (Borrego) of Lot 30-7, W.A.S., AO-I to R-1 as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3446

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING REZONING TRACT 1: .51 AC. OUT OF THE S. 20.73 AC. OF THE N. 30.997 AC. OF LOT 30-7, WEST ADDITION TO SHARYLAND, AO-I TO C-3; AND A 0.330 ACRE TRACT OUT OF THE N. 4.5 ACRES OF THE S. 13.85 ACRES, LOT 30-7, WEST ADDITION TO SHARYLAND; AO-I TO C-3, TRACT 2: S. 20.40 AC. OF THE N. 30.997 AC., SAVE & EXCEPT THE .51 ACRE TRACT (MR. G’S) AND A 0.33 ACRE TRACT (BORREGO) OF LOT 30-7, WEST ADDITION TO SHARYLAND, AO-I TO R-1

- 4.2 Approval of Ord. # _____ for Rezoning A 315’ X 315’ tract of land out of the NE of Lot 13, Goodwin Tract Subd., No. 3, AO-I to C-3**

No Action was taken on this item.

- 4.3 Approval of Ord. # 3447 for CUP for Sale & On-Site Consumption of Alcoholic Beverages in a Banquet Hall, 1907 W. Griffin Pkwy, Lots 1-4, Southern Oaks Phase I**

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ordinance No. 3447 for CUP for the sale and on-site consumption of alcoholic beverage in a banquet hall, 1907 W. Griffin Parkway Lots 1-4, Southern Oaks Phase I as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

ORDINANCE NO. 3447

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING CONDITIONAL USE PERMIT FOR THE SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES IN A BANQUET HAL, 1907 W. GRIFFIN PARKWAY, LOTS 1-4, SOUTHERN OAKS PHASE I

4.4 Approval of Ord. # _____ to Amend Future Land Use Map within the Boundaries of Inspiration Rd to the E.; the Rio Grande River to the S.; Bates Rd to the W.; & Bus., Hwy 83 to the N., (maximum parameters aside from ETJ-agreed upon boundaries)

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

- PUD = The Bentsen Palm PUD development which had a myriad of land uses which would complement each other; the various uses included Mobile Home lots, RV spaces, Residential Lots, Non-Res., etc.
- P = Typically this included the Fish & Wildlife reserve areas; also included Mission's Regional Park and the Veteran's Cemetery.
- LD = The perimeter areas to the north of Bentsen Palm's PUD were typically in R-1 settings and could easily be filled-in with such uses; though there were several mobile home neighborhoods, these should have been LD to represent to others the long-range future intent of the City on what would have been a better use of property. Also, the Danny Acevedo property to the east of Bentsen Palm Mobile Home Subdivision should have been LD to reflect a SF Residential setting.
- GC = The SW corner of Business Hwy 83/Railroad and Schuerbach Road would have been better represented as General Commercial due to the features of the Railroad, adjoining an arterial street, facing a C-3 zoned and used commercial corner to the SE.

Staff and City Manager recommended approval.

No action was taken on this item.

4.5 Approval of Ord. # 3448 to Vacate Public Alley as it Adjoins Lots 4-8, Block 3, Justintowne Subd., as Requested by Adjoining Property Owners

Staff had received a written petition by all the property owners of Lots 4-8, Justintowne Subdivision wherein they requested that the public alley that adjoins their property be abandoned and vacated. Owners of Lots 5-8 purchased a 15' strip by the width of their lots from the irrigation district East of the North-South alley; thus, the petitioners owned property on both sides of the alley, certainly a unique circumstance not common in other areas. In review of the request, the city's water line would not be fenced. The sewer line serving the lots was in the front street though there was an 8" sewer line along the northern perimeter that would need to be retained within a utility easement.

Their petition reflected increasing concerns of theft and vandalism as #1 on their proposal. Other reasons included the safety of residents, and to maximize their property's potential by linking their Lot to their 15' strip and merging the 22' alley, too. Staff had the following observations:

- ❖ It would not result in any dead-end alley;
- ❖ It would not see any water lines being fenced-in since they were along the front street;
- ❖ It would maximize their property to full potential which was always good for the city;
- ❖ It would completely eliminate rear-access stalking from would-be thieves/vandals; and
- ❖ A 22' utility easement should be retained for any cables, etc., that may be evident.

Staff and City Manager recommended approval.

Mayor Pro Tem moved to approve Ordinance No. 3448 to Vacate Public Alley as it adjoins Lots 4-8, Block 3, Justintowne Subdivision as requested by adjoining property owners as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3448

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION ABANDONING AND VACATING AN ALLEY LOCATED IN ADJOINMENT TO LOTS 4-8 (INCLUSIVE), BLOCK 3, JUSTINTOWNE SUBDIVISION, MISSION, HIDALGO COUNTY, TEXAS

4.6 Final Plat Approval & Request for Plat Approval Extension: Partridge Estates Subd., 10.394 acres out of Lot 286, & 0.394 of an Acre out of UID CROW adjacent to Lot 286, JHS, C-3 Developer: Saltillo Group, Engineer: Melden & Hunt

The plat was given Preliminary Plat Approval by the City Council on September 24, 2007 allowing the 18-lot development to go into construction. This Final Plat consisted of the Partridge plat viewed the water, sewer, drainage and private street improvements meeting prevailing codes.

- ❑ 8" water lines extended to serve all lots with hydrants at approved junctures installed.
- ❑ 10" sanitary sewer lines had been installed and approved.
- ❑ The private streets had been lab-tested and complied with prevailing paving codes.
- ❑ The 24" drainage improvements were constructed and had been approved.

With all improvements 'approved, the plat needed the City Council's plat approval extension retroactive to September 2008 and the Council's Final Plat Approval for recording.

Staff and City Manager recommended approval.

Since Mayor Salinas had filed an affidavit of interest in this property, he reclused himself from presiding over this matter and asked Mayor Pro Tem Olivarez to so preside. The Mayor did not participate in any deliberation or action.

Councilwoman Garza moved to approve the Final Plat Approval and Request for Plat Approval Extension Partridge Estates Subdivision 10.394 acres out of Lot 286, and 0.394 of an Acre out of UID CROW adjacent to Lot 286, JHS, C-3 as recommended. Motion was seconded by Councilman Plata and approved unanimously 3-0. 1 abstention.

4.7 Discussion and Action to add Honorary Name of "Sgt. Javier Marin, Jr." on Nicholson Ave. from 15th St. to 18th St.

Staff had received a written request from Ms. Leslie Garza-Munoz to have the name of her son, Sgt. Javier Marin, Jr. as an honorary street name on Nicholson Avenue from 15th Street to 18th Street being near Mission High School where he graduated. Sgt. Marin's mom lives at 1505 Nicholson Avenue.

Sgt. Javier 'Javi' Marin, Jr. served a 3-year term and re-enlisted to serve another which was almost completed when he died on January 24, 2005 Sgt. Marin would've been home in April 2005.

Sgt. John Sabo who worked with Javi said Sgt. Marin was a great leader and a great example of integrity to follow. His superior officer for awhile, Sgt. David Watts said Javier 'Cheech' Marin was a stellar soldier, a loyal friend, and a man I would trust my life with he was one of my best friends that I ever had.

The Texas Senate passed Senate Resolution No. 418 in honor of Sgt. Marin where it includes the following
Passionate in the performance of his duties and in his desire to help others Javier Marin, Jr., embodied the qualities of selflessness, heroism, and valor.

Staff and City Manager recommended approval.

Councilman Plata moved to approve to add Honorary Name of "Sgt. Javier Marin, Jr." on Nicholson Ave. from 15th St. to 18th St. as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.8 Discussion and Action to Re-name Ala Blanca Park to "Alex D. Gonzalez Park"

Staff had received a written request to have Ala Blanca Park re-name as the 'Alex D. Gonzalez Community Park' in honor of their son who was killed in Iraq on May 6, 2008.

Alex frequently was at Ala Blanca Park across the street from his grandparent's home with his family and friends.

Alex was awarded the Bronze Star, the Purple Heart, the Army Commendation Medal, The National Defense Service Medal, the Iraqi Campaign Medal, The Global War on Terrorism Service Medal, plus other ribbons, medals, and badges.

It was said of him by an officer that Alex regularly volunteered for dangerous missions of disarming bombs left in the road by the enemy. Alex was recovering from a leg injury and a rib fracture inflicted from such work when he was killed by a rocket-propelled grenade.

Alex also attended Marcell Elementary School, Kenneth White Jr. High, and Mission High School; was in the school band, baseball, and football teams, and was a member of the Our Lady of Guadalupe Catholic Church. He also loved his 13-year old dog, Lucky.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve to Re-name Ala Blanca Park to "Alex D. Gonzalez Park," as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.9 Authorization to Install Vehicle-barriers (concrete "Car stops") between the Railroad ROW and the adjoining Residential Area of Leal No. 3 Subd.

In order to maximize the safety of area residents behind Guerra's Flower Shop at Conway/1st Street Cpl. Jose Rubio Street, the City of Mission with input from Rio Valley Switching railroad was proposing to install several concrete car stops to impede cars from inadvertently parking on active railroad ROW. This simple barrier would have been economical and easily done plus serve the desired effect. Staff had discussed this method with Rio Valley Switching and they are receptive.

Staff was seeking the Council's approval to use this method for helping this unique area.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the authorization to install vehicle-barriers concrete car stops between the railroad ROW and the adjoining residential area of Leal No. 3 Subdivision as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.10 March 2009 Financial Statements

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

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Financial Statements for March, 2009, as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.11 Tax Collections Report – March, 2009

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

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Tax Collections Report for March, 2009, as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.12 Budget Amendments – General Fund, Utility Fund,

Mrs. Flores presented the budget amendments BA-57 thru BA-59 to the City Council for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve budget amendments BA-57 thru BA-59 as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.13 Approval of Ord. # 3449 granting a wet designation for 1907 W. Griffin Parkway, Lots 1-4, Southern Oaks Phase I

Owner was requesting the above mentioned property be wet zoned for Wine and Beer on Premises Permit for a Banquet Hall.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3449 granting a wet designation for 1907 W. Griffin Parkway Lots 1-4, Southern Oaks Phase I as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3449

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXS AMENDING ORDINANCE NO.780 DESIGNATING PLACES WHERE BEER AND OTHER ALCOHOLIC BEVERAGES MAY BE SOLD WITHIN THE CORPORATE LIMITS OF THE CITY OF MISSION TO INCLUDE THE PREMISES LOCATED AT 808 S. SHARY ROAD, SUITE 4 ZARAH'S MEAT MARKET

4.14 Authorization to submit a grant application for the Animal Friendly Grant

The Department of State Health Services had announced availability of Animal Friendly funding for Fiscal Year 2010 with a minimum amount of \$5,000 to a maximum of \$20,000. This funding was to be used for Spay/Neuter Projects utilized by the City of Mission Health Department for pets owned by the general public at minimal or no cost. Staff was seeking authorization to submit a grant application for the Animal Friendly Grant and there was no cash match to the City.

Staff and City Manager recommended approval.

Councilman Plata move to authorize to submit a grant application for the Animal Friendly Grant as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.15 Approval of Supplemental Work Authorization #1 pertaining to Work Authorization #31 with L&G Engineering for Mile 2 North PS&E

Supplemental Work Authorization #1 included the following: add pavement design for Mile 2, add Soil Investigation for Pavement Design, 5 Signal Warrants, Design 3 Flashing Beacons and 1 signal. Supplemental Work Authorization #1 would increase the original amount by \$64,130.54.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez move to approve of supplemental Work Authorization #1 pertaining to Work Authorization #31 with L&G Engineering for Mile 2 North PS&E as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.16 Approval of Supplemental Work Authorization #1 pertaining to Work Authorization #28 with L&G Engineering for Mile 2 North ROW Acquisition Services

Supplemental Work Authorization #1 updated the Mile 2 North project right-of-way map and necessary surveys at Shary Road. This Supplemental Work Authorization was needed due to time lapsed since original surveys and preparation of right of way map, changed in parcel ownership and parcel deletions due to subdivisions that had occurred and corresponding parcels, field notes and plats needed to be modified accordingly. Supplemental Work Authorization #1 would increase the original amount by \$21,382.25.

Staff and City Manager recommended approval.

Councilwoman Garza move to approve of Supplemental Work Authorization #1 pertaining to Work Authorization #28 with L&G Engineering for Mile 2 North ROW Acquisition Service as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.17 Approval of Resolution # 1233 suspending the May 1, 2009 effective date of Texas Gas Service Company's statement of intent to increase rates to permit the city time to study the request to establish reasonable rates, authorizing cooperation with other Valley Cities to form the Valley Cities Gas Coalition

Recently Texas Gas service notified cities in the Lower Rio Grande Valley of their filing of a Statement of intent to increase rates. If TGS' request was approved in its entirety, the proposed rate increase raised average residential customer rates by approximately \$3.60 per month. Average commercial customer rates would increase by approximately \$12.55 per month. Public authority average rates would have increased by approximately \$22.00 per month.

LRGVDC Board of Directors met and approved recommending to its member governments to adopt a resolution to suspend the rate increase in order to allow consultant, Geoffrey Gay time to review this proposed increase and to provide a recommendation back to the local governments for consideration.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Resolution No. 1233 suspending the May 1, 2009 effective date of Texas Gas Service Company's statement of intent to increase rates to permit the city time to study the request to establish reasonable rates, authorizing cooperation with other Valley Cities to form the Valley Cities Gas Coalition as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

RESOLUTION NO. 1233

A RESOLUTION BY THE CITY OF MISSION, TEXAS SUSPENDING THE MAY 1, 2009 EFFECTIVE DATE OF TEXAS GAS SERVICE COMPANY'S STATEMENT OF INTENT TO INCREASE RATES TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; AUTHORIZING COOPERATION WITH ORTHER CITIES IN THE RIO GRANDE VALLEY SERVICE AREA TO FORM THE VALLEY CITITES GAS COALITION ("VCGC") TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGATIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION; AUTHORIZING INTERVENTION IN ADMINISTRATIVE AND COURT PROCEEDINGS INVOLVING THE PROPOSED RATE ADJUSTMENT; REQUIRING REIMBURSEMENT OF CITIES' REASONABLE RATE CASE EXPENSES; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND CITIES' LEGAL COUNSEL; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND CITIES' LEGAL COUNSEL

At 5:08 Mayor Salinas requested to proceed to item 1.1A.

4.18 Authorize the City of Mission to enter & participate in the US/Mexico Regional Sisters City Plan

Staff was seeking authorization for the City of Mission to enter into and participate in the US/Mexico Sister City Plan Border 2012 with the Cities of McAllen, Pharr, Edinburg, Weslaco, Hidalgo, Donna, Texas and Reynosa and Rio Bravo, Tamaulipas Mexico. On March 11, 2009, the City of Mission signed the Memorandum of Agreement which was a part of the Regional Sister City Plan.

In the event of a disaster, of serious proportions, which may have effected a great deal of coordination and cooperation, the plan between the participating cities would have proved to be most beneficial to the City of Mission should there be a need for coordination and cooperation in response to an incident at the new Anzalduas International Bridge.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize the City of Mission to enter and participate in the US/Mexico Regional Sisters City Plan as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.19 Authorization for the Mission Fire Department to submit application to the FEMA FY 2009 Assistance to Firefighters Grant

The Mission Fire Department was seeking authorization to submit a grant application to the Federal Emergency Management Agency 2009 Assistance to Firefighters Grant. The primary goal of the grant was

to meet the fire fighting and emergency response needs of fire department and nonaffiliated emergency medical services organizations. Based on the population of our City, the grant had a non-federal cost share of 10% of the total project cost. These funds would be used to our existing Self Contained Breathing Apparatus SCBA.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve authorization for the Mission Fire Department to submit application to the FAMA FY 2009 Assistance to Firefighters Grant as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.20 Approval of Proposed One Year Action Plan FY' 2009-10

On April 21, 2009, CAC recommended funding allocations for city departments and public service agencies for the proposed One-Year Action Plan FY 09-10. As required by H.U.D., the City must have prepared the One-Year Action Plan annually based on the CDBG allocation. For FY09 the allocation was estimated at \$829,146. The One-Year Action Plan outlined the activities to be undertaken during the year. There would have been a thirty-day comment period to receive comments on the proposed One-Year Action Plan starting on May 1, 2009 and ending June 1, 2009.

Staff and City Manager recommended approval.

Mayor Salinas recommended the amount of Amigos del Valle be changed to \$10,000.00 and LRGVDC to \$2,800.00

Councilwoman Garza moved to approve the Proposed One Year Action Plan FY'2009-10 with changes to Amigos del Valle to \$10,000.00 and LRGVDC to \$2,800.00. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.21 Authorize the amendment of the grant application to the United States Departments of Justice, Office of Community Oriented Policing Services under the COPS Hiring Recovery Program.

The City of Mission Police Department was requesting authorization to amend the grant application to the United States Department of Justice, Office of Community Oriented Policing Services under the COPS Hiring Recovery Program. Upon further review of our allocated resources, our organization was requesting approval to submit for a total of twenty (20) police officer positions instead of the ten (10) that were originally requested. If approved, our grant application funding request would increase from \$1,781,970.00 to \$3,575,420.00.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize the amendment of the grant application to the United States Departments of Justice, Office of Community Oriented Policing Services under the COPS Hiring Recovery Program as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.22 Approval of Change Order No. 1 for Birdwell Park Improvements

Change Order # 1 was a request for a 37 day calendar extension to the original Contract time for the Birdwell Park Improvements - Tennis Courts and Basketball Courts. This extension was been requested due to curing of concrete for the tennis courts. The curing of the concrete needed 25 to 35 days of curing time before the finish surface could have been applied. This 37 day extension to the

contract would have changed the completion time from 23 calendar days to 60 calendar days.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Change Order No. 1 for Birdwell Park Improvements as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.23 Authorization to solicit bids for interior improvements to Kika de la Garza/Upper Valley Arts Organization Facility

Staff was recommending an interior upgrade to the facility due to its age and the normal wear and tear of a public facility.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve authorization to solicit bids for interior improvements to Kika de la Garza/Upper Valley Arts Organization Facility as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.24 Authorization to solicit bids for the overlay of various streets throughout the City of Mission

Staff was seeking authorization to solicit bids for the overlay of various streets throughout the City of Mission. The services were required by the Public Works Department in order to improve streets that were in need of repair.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to solicit bids for the overlay of various streets throughout the City of Mission as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.25 Discussion and possible action on request by North American Butterfly Association (NABA) for the city to provide utility services to the facility

Dr. Geoffrey Glassman met with Mayor Salinas and City Manager requesting for the city to provide utility services to the NABA facilities. If approved the utility services would have been provided once the facility was under construction.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve discussion and possible action on request by North American Butterfly Association (NABA) for the city to provide utility services to the facility as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.26 Approval of Interlocal Agreement between the County of Hidalgo and the City of Mission regarding Mission Northwest Park (Hollis Rutledge, Sr. Park)

Hidalgo County Precinct #3 committed to assist the City of Mission in the development and construction of the park by providing the following: (1) the labor, equipment and materials for the construction of men's and women's restroom facilities; (2) the labor, equipment and materials for the construction of the parking lot of the park and (3) the labor, equipment and materials to pave (caliche and overlay) the road entering the

park up to Inspiration Road. The Inter-local Agreement was approved by the County Commissioner's Court on April 3, 2009.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Interlocal Agreement between the County of Hidalgo and the City of Mission regarding Mission Northwest Park as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.27 Authorize City Manager to re-execute Work Authorization #1 with L&G Engineering

Mayor Salinas read several projects in reference with the reauthorization of the contract with L & G for the on call Professional Services to include Work Authorization #1. This form of agreement allowed for on call Professional Services with L & G Engineering. Mr. Garza had been project engineer in various TxDot projects. This agreement would have allowed City Council authority on project of importance to the city.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize City Manager to re-execute Work Authorization #1 with L&G Engineering. Motion was seconded by Councilman Plata and approved unanimously 4-0.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

Mayor Salinas reported on a trip taken with Councilman Plata to Ciudad Madero. Councilman Plata commended Chief Longoria and staff for the program honoring crime victims.

At 6:15 p.m., Mayor Pro Tem Olivarez moved to convene into executive session. Motion was seconded by Councilman Plata and approved unanimously 4-0.

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

7.1 Private consultation with the City Attorney Sec. 551.071

A. Claim of Zarate Lizcano Arts – Manuel Zarate

**B. Simonet V. Smith, KlineBeecham, D.P. R., No.06-cv-1230-
class action lawsuit**

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

At 6:29 p.m., Mayor Pro Tem Olivarez moved to reconvene in open session. Motion was seconded by Councilman Plata and approved unanimously 4-0.

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On item 7.1-A, no action was taken.

On Item 7.1-B, Mayor Pro Tem Olivarez moved to authorize city staff to file a claim on Simonet V. SmithKlineBeecham, D.P.R. Motion was seconded by Councilman Plata and approved unanimously 4-0.

8.0 Adjournment

At 6:30 p.m., Mayor Pro Tem Olivarez moved for adjournment. Motion was seconded by Councilman Plata and approved unanimously 4-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary