

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
JUNE 8, 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:

ALSO PRESENT:

Kathy Olivarez, Progress Times
Mari Lou Link
Gary Campbell
Pablo Saldivar
Arlene V. Rivera
Maria Elena Ramirez
Maggie Birmingham
Joe Phillips
Rosa Irene Casanova
Dr. Armando Ocana, Sr.
Reynaldo Alaniz
Daniel Silva

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Sonia Carnes, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Aida Lerma, Deputy City Manager
Sergio Zavala, Planning Director
Roberto Salinas, City Engineer
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Ruben Diaz, Public Works Director
Victor Gonzalez, Streets Director
Elizabeth Cabrera, Purchasing Director
Leo Longoria, Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Julian Gonzalez, Parks & Rec. Director
Adela Ortega, Museum Director
Belinda Garza, Associates Librarian
Jesse Lerma, Civil Service Director
Omar Garcia, Boys & Girls Club Director
Raul Farias, I.T. Dept.
Noemi Munguia, HR Director
Rosy Salazar, Risk Manager
Bobby Salinas, Planning Dept.
Rick Saldana, Fire Chief
Jonathan Wehrmeister, Judge

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:33 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. Presentation of Boys & Girls Club of Mission Scholarship award recipients

Boys and Girls Club Director, Omar Garcia presented and recognized the scholarship award recipients.

4 Departmental Reports

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

5. Citizens Participation

Maria Elena Ramirez, from 2211 Royal Palm Dr. thanked the Mayor, Council, and City Manager for all of their support during the illness and death of Councilman Celestino Ramirez and announced her intention to file for his position.

Ashley Rush and TJ Tijerina, from Spikes Ford presented a check to Mission Helping Hands in the amount of \$12,854.00.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: A 0.33 acre tract out of Lot 30-7, West Addition to Sharyland, AO-I to C-3, City Initiated

The subject site was located approximately 1,500 feet north of Mile 2 North along the east side of Conway (SH 107). The west side of Conway was currently outside the City Limits, however was undergoing the annexation process. We recently re-zoned the Mr. G's, an existing convenience store to C-3. The subject tract remained AO-I since the owner voiced a desire for C-3 instead. The areas to the east were zoned R-1. The land uses consisted of primarily residential structures, except for Mr. G's and the subject tract, which currently had a car lot, a snow-cone stand, and a home. The Future Land Use Map reflected a broad General Commercial (GC) designation along the Conway frontage. The subject property should have been changed to C-3 due to FLUM compliance, Conway (SH 107) frontage, and the property had pre-existing commercial land uses. There was no public opposition at P&Z's 5/20/09 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 the Rezoning: A 0.33 acre tract out of Lot 30-7, West Addition to Sharyland, AO-I to C-3, City Initiated. Motion was seconded by Councilwoman Norie Gonzalez Garza and approved unanimously 4-0.

B. Conditional Use Permit: 'Sale & On-Site Consumption of Alcoholic Beverages & Drive-thru Window' at 'Luna Verde Restaurante', at 2310 E. Expressway 83, Suite 8, being Lot 3, Cimarron Crossings, Life of Use, Jose Luis Castro

The subject site was located approximately 250' west of Shary Road on the south side of U.S. Expressway 83 within an existing commercial complex, that had 7 leased spaces. This leased unit was once a pharmacy. The proposed days and hours of operation were Monday through

Thursday from 11:00 a.m. to 10:00 p.m. with Friday and Saturday being open one additional hour, closing at 11:00 p.m. Alcoholic beverages would have only been served for on-site consumption. There were no schools, parks, places of worship, or residences within 300 feet.

Viewing the floor plan, the 1,380 sq.ft. building would have 6 tables with 24 seating spaces, and 11 seats in the bar area for a total of 35 seating spaces for the restaurant. It was noted that a total of 66 parking spaces were held in common at this section of the development. Access to the drive-thru would have been south-to-north and exit to the parking lot's maneuvering lane. A speed bump was recommended. There was no public opposition at P&Z's 5/20/09 hearing. The P&Z unanimously approved the conditional use permit.

Staff Recommendation: Approval subject to: 1) acquisition of a business license, 2) one year re-evaluation to assess this new operation, and 3) a speed bump to maximize pedestrian safety.

Staff, P&Z and City Manager recommended approval.

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

Mayor Pro Tem Olivarez moved to approve the Conditional Use Permit: 'Sale & On-Site Consumption of Alcoholic Beverages & Drive-thru window' at "Luna Verde Restaurante", at 2310 E. Expressway 83, Suite 8, being Lot 3, Cimarron Crossings, Life of Use, Jose Luis Castro. Motion was seconded by Councilman Plata and approved unanimously 4-0.

C. Conditional Use Permit: 'Sale & On-Site Consumption of Alcoholic Beverages', at La Comadre Restaurant & Bar at 2100 E. Griffin Parkway, Lots 1-3, Block 2 Springfield Phase I Commercial, C-3, Life of Use, Gary & Nubia Reyna Campbell

The subject site was at the SE corner of Creek Run Road and Griffin Parkway (formerly Hotties Bar & Grille and Tico's). The applicants had leased the building from the current owner and desired a CUP for the sale and on-site consumption of alcoholic beverages at this location. The Campbell's had the following as the days/hours of operation: Monday-Saturday from 10:00 a.m. to 10:00 p.m. A total of 10-12 part time employees were being proposed for this operation.

Viewing the floor plan, there were 63 seating spaces proposed in the dining area and 53 seating spaces proposed in the bar area for a total of 116 seating spaces for the restaurant. It was noted that 150 parking spaces were held in common at Springfield Subdivision. Access to the site could be directly from the Griffin Parkway or a second driveway off Creek Run Road.

All building, fire, landscaping, and sign codes were being met. Because of the 'bar' component, the code required it to be 300' from residential areas. There was no public opposition at P&Z's 5/20/09 hearing. The P&Z unanimously approved the conditional use permit.

Staff Recommendation: Approval subject to: 1) acquisition of a business license, 2) waiver of the 300' separation requirement, and 3) one year re-evaluation to assess this new operation.

Staff, P&Z and City Manager recommended approval.

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

Councilman Plata moved to approve the Conditional Use Permit: ‘Sale & On-Site Consumption of Alcoholic Beverages’, at La Comadre Restaurant & Bar at 2100 E. Griffin Parkway, Lots 1-3, Block 2 Springfield Phase I Commercial, C-3, Life of Use, Gary & Nubia Reyna Campbell. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

D. Approval of Ord. # 3453 to Amend Future Land Use Map within the following parameters: Rio Grande to the South; Inspiration Rd. to the West; Lots 9-1 thru 9-5, Lots 10-1 thru Lots 10-3, Lots 11-1 thru 11-2, Lots 12-1 & 12-2, West Addition to Sharyland and FM 1016 to the North; and Mission’s mutual jurisdiction boundary with McAllen to the East

This was the last component of FLUM amendments. This particular region had never had any designation. Staff’s recommendation was as follows:

1. The area just south of Meadow Creek (or east of the Veteran’s Cemetery) was designated as Low Density Residential (LD) to acclimate it into the Meadow Creek community. At this point, there were several estate residential settings where any large scale commercial would not be permitted due to the proximity of the cemetery.
2. South of the re-worked levee was a Fish & Wildlife designated area – this should have been “P” or Public.
3. General Commercial (GC) for the area where Pepe’s on the River and the Riverside Club was at; also, the areas north and south of FM 1016 and adjoining the railroad should have been GC.
4. Public (P) for La Lomita, the Catholic Seminary facility and additional Fish & Wildlife area.
5. Public (P) for the GSA facility for the inherent governmental use.

There was no public input during the Planning and Zoning Commission public hearing. The P&Z unanimously recommended approval.

Staff, P&Z and City Manager recommended approval.

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

Councilman Plata moved to approve Ord. No. 3453 to Amend Future Land Use Map within the following parameters: Rio Grande to the South; Inspiration Rd. to the West; Lots 9-1 thru 9-5, Lots 10-1 thru Lots 10-3, Lots 11-1 thru 11-2, Lots 12-1 & 12-2, West Addition to Sharyland and FM 1016 to the North; and Mission’s mutual jurisdiction boundary with McAllen to the East. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

ORDINANCE NO. 3453

AN ORDINANCE UPDATING THE FUTURE LAND USE MAP OF THE CITY OF MISSION, TEXAS WITHIN THE FOLLOWING PARAMETERS: RIO GRANDE TO THE SOUTH; INSPIRATION ROAD TO THE WEST; LOTS 9-1 THRU 9-5, LOTS 10-1 THRU 10-3, LOTS 11-1 THRU 11-2, LOTS 12-1 & 12-2, WEST ADDITION TO SHARYLAND AND FM 1016 TO THE NORTH; AND MISSION’S JURISDICTION BOUNDARY WITH MCALLEN TO THE EAST

2.0 Disposition of Minutes

2.1 City Council Meeting – May 26, 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 Building Board of Adjustments and Appeals – April 8, 2009

Zoning Board of Adjustments – April 15, 2009

Planning and Zoning Commission – April 29, 2009

Boys & Girls Club of Mission – April 30, 2009

Speer Memorial Library Board – April 21, 2009

Mission Economic Development Corporation – April 21, 2009, and

Special Meeting – April 27, 2009

Mission Historical Preservation Commission – January 22, 2009 and April 16, 2009

Shary Golf Course Advisory Board – April 15, 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. # 3454 for Rezoning A 0.33 acre tract out of Lot 30-7, WAS, AO-I to C-3

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve of Ord. No. 3454 for Rezoning A 0.33 acre tract out of Lot 30-7, WAS, AO-I to C-3. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3454

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS GRANTING REZONING OF A 0.33 ACRE TRACT OUT OF LOT 30-7.
WEST ADDITION TO SHARYLAND, AO-I TO C-3

4.2 Approval of Ord. # 3455 for CUP for the Sale & On- Site Consumption of Alcoholic Beverages & Drive-Thru Service Window at Luna Verde Restaurante at 2310 E. Expressway 83, Suite 8, being Lot 3, Cimarron Crossings

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve of Ord. No. 3455 for CUP for the Sale & On- Site Consumption of Alcoholic Beverages & Drive-Thru Service Window at Luna Verde Restaurante at 2310 E. Expressway 83, Suite 8, being Lot 3, Cimarron Crossings. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3455

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 & DRIVE-THRU WINDOW AT LUNA VERDE RESTAURANTE AT 2310 E. EXPRESSWAY 83, SUITE 8, BEING LOT 3, CIMARRON CROSSINGS

4.3 Approval of Ord. # 3456 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages at La Comadre Restaurante & Bar at 2100 E. Griffin Parkway, Lots 1-3, Block 2, Springfield Phase I Commercial

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve of Ord. No. 3456 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages at La Comadre Restaurante & Bar at 2100 E. Griffin Parkway, Lots 1-3, Block 2, Springfield Phase I Commercial. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3456

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 LA COMADRE RESTAURANTE & BAR AT 2100 E. GRIFFIN PARKWAY, LOTS 1-3, BLOCK 2, SPRINGFIELD PHASE I COMMERCIAL

4.4 Approval of Ord. # 3457 for the 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 and to include all the Right of Way of State Highway 107 being a 180' x 1700' tract As it adjoins Mission Current City Limits 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.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve of Ord. No. 3457 for the 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 and to include all the Right of Way of State Highway 107 being a 180' x 1700' tract As it adjoins Mission Current City Limits 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. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3457

AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MISSION, COUNTY OF HIDALGO, STATE OF TEXAS, BEING DESCRIBED AS TRACT A: 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.), WEST ADDITION TO SHARYALND; LOTS 29 THROUGH 42 & LOT 43 (TO INCLUDE LOTS 1 & 2, OJEDA SUBD.); & 44 (TO INCLUDE LOTS 1 & 2, GODINA SUBD.), BELL-WOODS CO'S. SUBD. "C"; LOTS 45, 46, 47 (TO INCLUDE LOTS 1 THROUGH 10), JESSAN SUBD.), & 48, BELL-WOODS CO. SUBD. "D", VOL. 5, PAGE 34, AND TO INCLUDE ALL THE RIGHT OF WAY OF STATE HIGHWAY 107 BEING A 180' X 1700' TRACT AS IT ADJOINS MISSION'S CURRENT CITY LIMITS; TRACT B: A 10.98 AC. TRACT OF LAND OUT OF LOT 13-12, WEST ADDITION TO SHARYLAND, AND 15.27 AC. OUT OF LOT 131, JOHN H. SHARY SUBDIVISION

4.5 Approval of Ord. # _____ to Amend Sign Ord. # 2774 to conditionally Permit Inflatable Signs along the Secondary Arterial Corridor

In follow-up to a commercial proprietor's request during the last meeting, this ordinance addressed that inquiry. The amendment would do the following:

- ❖ Allowed commercial proprietors to ask the City Council for a sign permit to have such inflatable signs (since such signs as prohibited by current regulations)
- ❖ Allowed the City Council to examine the applicant's justification to allow an inflatable sing as their initial 'ground pole sing' (though inflatable) along Bus. Hwy 83 (secondary arterial corridor)
- ❖ When first approved by the City Council, such initial 'approved' tenure was 6 months.
- ❖ The applicant could make a renewal request but for only a 3 month period (bringing it to 9 months by this time);
- ❖ The applicant could make a second renewal request for another 3 months (bringing it to a total of 12 months) after this time; the inflatable sign must have been removed.
- ❖ Specifies that inflatable signs shall only have been temporary and shall have not transition into a permanent sign.

This amendment would 1) resolve the proprietor's concern 2) alert him that such approval was not permanent and 3) also assured the city that the inflatable sign would only be removed after proper usage.

Councilwoman Garza moved to send item to P & Z for recommendation to City Council. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.6 Board Appointments – Building Board of Adjustments

This appointment was to replace the position that was held by Mr. O.J. Morales who resigned.

Building Board of Adjustments: Appointed Victor Meza who resides at 1512 Thornwood Drive, Mission. Term to expire December 31, 2012.

Staff and City Manager recommended approval.

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

4.7 Approval of Ord. # 3458 granting a wet designation for 2717 E. Griffin Parkway, Los Corrales Meat Market

Owner was requesting the above mentioned property be wet zoned for Wine and Beer Retailers Off-Premise Permit.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ord. No. 3458 granting a wet designation for 2717 E. Griffin Parkway, Los Corrales Meat Market. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3458

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 2717 E. GRIFFIN PARKWAY

4.8 Approval of Ord. # 3459 granting a wet designation for 2310 E. Expressway 83, Suite 8, Lot 3 Cimarron Crossings, Luna Verde Restaurante

Owner was requesting the above mentioned property be wet zoned for Wine and Beer Retailers Off-Premise Permit.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ord. No. 3459 granting a wet designation for 2310 E. Expressway 83, Suite 8, Lot 3 Cimarron Crossings, Luna Verde Restaurante. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3459

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 2310 E. EXPRESSWAY 83, SUITE 8, LOT 3 CIMARRON CROSSINGS

4.9 Approval of Ord. # 3460 calling a Special Election in Mission, Texas providing for the election of a Council member for Place One; providing for polling Places on other matters relating to said election

There was an ordinance which provided for the city's Special Election to be held on Saturday, August 22, 2009. Position up for election was Council member for Place One, unexpired term to expire May, 2010. The period to file for city office was June 9 thru June 16, 2009.

Early voting by personal appearance would be conducted at City Hall, 1201 E. 8th St., Mission, Texas as follows.

Wednesday, August 5, 2009 – 8 a.m. – 5 p.m.
Thursday, August 6, 2009 – 8 a.m. – 5 p.m.
Friday, August 7, 2009 – 8 a.m. – 5 p.m.
Monday, August 10, 2009 – 8 a.m. – 5 p.m.
Tuesday, August 11, 2009 – 8 a.m. – 5 p.m.
Wednesday, August 12, 2009 – 8 a.m. – 5 p.m.
Thursday, August 13, 2009 – 8 a.m. – 5 p.m.
Friday, August 14, 2009 – 8 a.m. – 5 p.m.
Monday, August 17, 2009 – 7 a.m. – 7 p.m.
Tuesday, August 18, 2009 – 7 a.m. – 7 p.m.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ord. No. 3460 calling a Special Election in Mission, Texas providing for the election of a Council member for Place One; providing for polling Places on other matters relating to said election. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3460

AN ORDINANCE CALLING A SPECIAL ELECTION IN MISSION, TEXAS
PROVIDING FOR THE ELECTION OF A COUNCIL MEMBER FOR PLACE
ONE; PROVIDING FOR POLLING PLACES AND OTHER MATTERS
RELATING TO SAID ELECTION

4.10 Change Order No. 1 for Street Overlay Project

Addition of BUS Parkway Street between Trinity Rd. & US 83 Frontage Rd. and 6th Street between Mayberry Rd. and Miller Rd. to contract would increase a total amount to \$65,262.40 (21.09% of original contract price). Change Order No. 1 would increase original contract cost from \$309,499.98 to \$374,762.38. Change order was under the 25% limit from original contract cost set by the Texas Governmental Code.

Mayor Salinas asked Engineer Roberto Salinas if there were any distressed streets found within the City. Engineer Salinas responded that there were none.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Change Order No. 1 for Street Overlay Project. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.11 Budget Amendments: General Fund, PD State Sharing Fund, Designated Purpose Fund, and Cemetery Trust Fund

Mrs. Flores presented the budget amendments BA-69 thru BA-74 to the City Council for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve budget amendments BA-69 thru BA-74 as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.12 Authorization to declare the following fire equipment: as surplus six (6) coats, five (5) pants, three (3) helmets, five (5) pairs of gloves, five (5) nomex hoods, and assorted suspenders

The Mission Fire Department replaced the equipment mentioned above due to the equipment not meeting the time of service standards set by NFPA. All of the equipment had been replaced and cannot be used by our staff.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to declare the following fire equipment: as surplus six (6) coats, five (5) pants, three (3) helmets, five (5) pairs of gloves, five (5) nomex hoods, and assorted suspenders. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.13 Authorization to declare 48 Intel Celeron CPU(s) as surplus equipment

These were old computers that had a very genetic Windows 98 program and were replaced by 48 new Dell Volstars acquired through a grant by the Library. The Library received a grant to purchase and upgrade these computers that were used by the general public. The computers needed to be replaced due to the new upgrade programs and the ideal time of service had been reached.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve authorization to declare 48 Intel Celeron CPU(s) as surplus equipment. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.14 Authorization to donate surplus firefighting equipment to Madero Tamps. and to donate surplus computers to Allende, N.L., Salinas Victoria, N.L., Escobedo, N.L., San Fernando, Tamps., Madero, Tamps. and Puerto Vallarta, Jalisco

Authorization to donate surplus equipment to the sister cities. This equipment had been declared surplus and would have been very beneficial to the sister cities. The fire equipment could not be utilized by the department and the computers had very little if any good use left for the staff. The sister cities would have been able to put this equipment to work and the donation would be appreciated.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve authorization to donate surplus firefighting equipment to Madero Tamps. and to donate surplus computers to Allende, N.L., Salinas Victoria, N.L., Escobedo, N.L., San Fernando, Tamps., Madero, Tamps. and Puerto Vallarta, Jalisco. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.15 Amend Housing Assistance Program Guidelines

CAC held a meeting on June 4, 2009 and approved recommendations to amend the guidelines to revise several sections including definitions, the assistance level for rehabilitation projects, insurance/tax requirements, and eligibility criteria.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve to Amend Housing Assistance Program Guidelines. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.16 Approval of Final One-Year Action Plan 2009-10 and authorize City Manager to execute Sub recipient/Interdepartmental Agreements receiving FY '09 CDBG Allocations

City Council held a public hearing on May 11, 2008 and CAC held a public hearing on May 12, 2009 to solicit input on funding allocations for public service agencies and city departments for the proposed One Year Action Plan FY'09-10 as required by HUD. There were three agencies present during the public hearing and provided comments regarding funding requests and the success of the program. No other comments were received during the thirty day comment period which ended June 1, 2009.

The following agencies and departments were approved for funding through the FY'09 allocation of \$842,370: Area Agency on Aging (\$10,000), Amigos Del Valle (\$10,000), Dentists Who Care (\$20,000), Housing Division (\$603,146) and Housing/Program Administration (\$181,024). A subrecipient orientation meeting would be scheduled to discuss their responsibilities to insure compliance with all federal regulations.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Final One-Year Action Plan 2009-10 and authorize City Manager to execute Sub recipient/Interdepartmental Agreements receiving FY '09 CDBG Allocations. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.17 Authorization to solicit bids or purchase via state approved contract (2) pickups and a dump truck for Water Distribution Department

Staff was seeking authorization to solicit bids or purchase via any state approved contract a Dump Truck and two (2) Pick-Ups for Water Distribution Department. This equipment would be used to replace older and obsolete equipment for daily operations.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve authorization to solicit bids or purchase via state approved contract (2) pickups and a dump truck for Water Distribution Department. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.18 Bid for interior improvements to Kika de la Garza Upper Valley Arts Organization Facility

On April 27, 2009, City Council authorized staff to solicit bids for interior improvements to Kika de la Garza/Upper Valley Arts Organization Facility. The City of Mission had opened five (5) bid responses for this project. Staff was recommending awarding to the first low bidder, O.G. Construction Company Inc., for a total cost of \$37,686. This total included Alternate No. 1- Remove & replace A/C Unit for \$5,826.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve bid for interior improvements to Kika de la Garza Upper Valley Arts Organization Facility. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.19 Authorization to amend the solicitation of bids for “Housing Assistance Program Phase 08-II”

On May 26, 2009, City Council authorized staff to solicit bids for seven (7) reconstruction homes. CAC met on Thursday, June 04, 2009, and approved staff’s recommendation to add one more address to “Housing Assistance Program Phase 08-II contingent upon eligibility, title search and completion of environmental review process. The following was the address to be added:

Reconstruction:

*1037 Hidalgo - 2 Bedrooms

*Special Needs Request – 2 Bedrooms and 2 Bathrooms

The total amount of homes for reconstruction for Phase 08-II would have changed from seven (7) to eight (8). The city had been utilizing 75% of the annual CDBG allocation for several years for reconstruction projects. Since 1999, a total of 239 families had been provided some form of housing assistance. Out of the 239 families, 156 families were provided with reconstruction assistance while 83 families were provided with rehabilitation assistance (including emergency repair).

At 5:31 p.m. Mayor Salinas requested to skip this item and proceed with next item on the agenda.

At 5:49 this item was reconsidered.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to amend the solicitation of bids for “Housing Assistance Program Phase 08-II”. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.20 Authorization to solicit bids for the renovation of building on Canal Street

Staff was seeking authorization to solicit bids for the renovation of building on Canal Street. This building was located on 609 Canal Street. The funding would have been from Facilities Maintenance – Other Structures.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to solicit bids for the renovation of building on Canal Street. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.21 Authorization to lease/purchase via state approved contract for a back hoe for the Parks and Recreation Facilities Department

Staff was seeking authorization to lease/purchase via any state approved contract for a back hoe for the Parks & Recreation Facilities Department. This backhoe would have been used for all City of Mission Cemeteries. This equipment would have been leased to purchase with the Cemetery Trust Fund for five (5) years. Total cost for this backhoe was \$89,634.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to lease/purchase via state approved contract for a back hoe for the Parks and Recreation Facilities Department. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.22 Approval of Res. # 1238 regarding the Distribution of American Recovery and Reinvestment Act Funds

The U.S. Department of Housing and Urban Development (HUD) had allocated \$67,499,286 in Community Development Block Grant funding to entities in Texas. Utilizing ORCA's funding distribution formula (TXCDBG Action Plan) Border Councils of Government would have received the following allocations in ARRA funds: Rio Grande Council of Governments (RGCOG) \$779,887; Middle Rio Grande Development Council (MRGDC) \$812,566; South Texas Development Council (STDC) \$827,850; and the Lower Rio Grande Valley Development Council (LRGVDC) \$864,248. The LRGVDC Region and other regions that used the Regional Cooperative Agreement stand to lose funding if the state distributed these funds to FY 09-10 applicants already on file. LRGVDC was requesting approval of this resolution to allow whatever flexibility was necessary in the application process to ensure that the RGCOG, MRGDC, STDC and the LRGVDC had adequate opportunities to fully utilize the ARRA supplemental funding allocated to these regions noted in the resolution along with the opportunity to fully utilize funds allocated through the existing 2009-2010 Community Development Fund Program.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Res. No. 1238 regarding the distribution of American Recovery and Reinvestment Act Funds. Motion was seconded by Councilman Plata and approved unanimously 4-0.

RESOLUTION NO. 1238

DISTRIBUTION OF AMERICAN RECOVERY AND REINVESTMENT ACT FUNDS

5.0 Unfinished Business
None

6.0 Routine Matters

6.1 City Manager's Comments

Mayor Salinas received the Mr. Amigos Award by Amigos del Valle last week at a volunteer banquet.

6.2 Mayor's Comments

Mayor Salinas announced the public meeting that TxDot would be conducting on Tuesday, June 9 at 5:30 p.m. at City Hall regarding the Bryan Road Overpass.

At 5:40 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. Appeal/Variance request for Housing Assistance Program Applicant at 1037 Hidalgo St.

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

At 5:48 p.m., Mayor Pro Tem Olivarez moved to reconvene in open session. Motion was seconded by Councilman Plata and approved unanimously 4-0.

On item 7.1-A, Mayor Pro Tem Olivarez moved to approved a 2 bedroom, 2 bath home due to special needs. Motion was seconded by Councilman Plata and approved unanimously 4-0.

8.0 Adjournment

At 5:51 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary