NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
JUNE 22, 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
Clair Peterson
Ernie & Ruth Ramirez
Bety Peterson
Gordon & Nancy Logan
Prisilla Dean
Clarissa Casarey
Mike Castillo
Karen Crump
Gary Curry
Alicia G. Cisneros
Yolanda M. Pate
Jamie & Jay Floyd
Manuel Del Barrio
Mr. & Mrs. Joe Montemayor
Steve Ferguson
Ricardo A. Gil
Melissa L. Horey
Ryan & Nancy Krase
Ashley Acuna
Holly Bolin
Robin Dodge
Jessica Utahl
Fred Kurth
Lulu Cavazos
Jose Cavazos IV
Matt Michele
Andie Michele
Berta Cortez
Tony Montes
Mary L. Garza Ibarra
Tiffany Banker
Larry P. Mathias
Richard De Leon
Thomas Ferguson
Steve Sweely
Mike McCoy
James Rick
Hortencia Cantu
Andrew Acuna
Lynn Braaten
Jorge Cruz, Jr.
Randy Brauten
Marc Montes
Cierra Montes
Maria E. Ramirez
Jose Muniz
Dahlia Muniz
Lilia Fertig
Micah Crump
Buffi Crump
Mrs. Birmingham
David Garza
Josiel I. Cavazos
John T. Young, Jr.
Yvonne R. Zamora
Pat Townsend, Jr.
Alfonso A. Lopez
Samantha Myers
Adrienne Beauvelt
Jose Cantu
Nat Manthey
Tiffany Manthey
Cinthia Esquivel
Israel Esquivel
Lance Drueger
Maria Salinas

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
Bobby Salinas, Subdivision Coordinator
Roberto Salinas, City Engineer
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Gilbert Sanchez, Fire Marshal
Victor Gonzalez, Streets Director
Elizabeth Cabrera, Purchasing Director
Leo Longoria, Chief of Police
Noemi Munguia, HR Director
Roland Rodriguez, D.P. Manager
Janie Flores, Finance Director
Randy Perez, Accountant
Adela Ortega, Museum Director
Mayra Rocha, Speer Memorial Library
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.

At 4:31 p.m. Mayor Salinas asked to consider item 4.8.

3. Proclamation – Merced Solis "Tito Santana" Day

City Secretary, Mrs. Anna Carrillo read the proclamation for Merced Solis "Tito Santana" Day.

Staff and City Manager recommended approval.

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

4. Departmental Reports

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

5. Citizens Participation

Thomas Tijerina from 2600 E. Griffin Parkway requested the city's participation in a city wide non-perishable can food drive and spoke about Feed Our Friends.

1.0 Public Hearing
1.1 Planning & Zoning Recommendations

None

2.0 Disposition of Minutes
2.1 City Council Meeting – June 8, 2009

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

3.0 Acknowledge Receipt of Minutes
3.1 Mission Civil Service Commission – April 22, 2009
Mission Economic Development Corporation – May 19, 2009
Citizen's Advisory Committee – May 12, 2009

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

4.0 Approvals and Authorizations
4.1 Approval of Ord. # 3461 granting a wet designation for 1207 Bus. Park Dr., Martinez, Reyes Holdings, LLC

Owner was requesting the above mentioned property be wet zoned for Wine and Beer Wholesalers Permit.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ord. No. 3461 granting a wet designation for 1207 Bus. Park Dr., Martinez, Reyes Holdings, LLC. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

ORDINANCE NO. 3461

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 1207 BUSINESS PARK DRIVE, SUITE C, EXPRESSWAY BUSINESS PARK PHASE IX LOT 2

4.2 Budget Amendments: General Fund and CDBG Fund

Mrs. Janie Flores, Finance Director presented the budget amendments BA-75 thru BA-76 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve budget amendments BA-75 thru BA-76 as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.3 May 2009 Financial Statements

Mrs. Flores presented the Financial Statements for May, 2009, for acceptance.

Staff and City Manager recommended approval.

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

4.4 Tax Collections Report – May, 2009

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

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Tax Collections Report for May, 2009, as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously

4.5 Amendment to Inter-local governmental agreement between the Cities of Mission and McAllen for Sewage transportation and Treatment Services

This amendment provided for the City of Mission to collect and remit to the City of McAllen sewer charges, based on McAllen's existing rates, and retain a fee for it services.

Staff and City Manager recommended approval.

Councilman Plata moved to approve amendment to Inter-local governmental agreement between the Cities of Mission and McAllen for Sewage Transportation and Treatment Services. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.6 Approval of Inter-local governmental agreement between City of Mission and AGUA SUD for the consideration and purposes expressed regarding sewer services provided by Mission to various businesses and residents in the AGUA SUD water service area

Currently the City had no agreement for services with AGUA SUD. There were approximately 120 residences in the AGUA SUD service area using the City's sewer system which the City billed on its own. This agreement would allow the AGUA SUD to bill residents and businesses in their water services provided by the City of Mission. This agreement provided fair and reasonable assurances to both cities.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Inter-local governmental agreement between City of Mission and AGUA SUD for the consideration and purposes expressed regarding sewer services provided by Mission to various businesses and residents in the AGUA SUD water service area. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.7 Final Plat Approval & Request for Plat Approval Extension: Partridge Estates Subd., 10.394 acres out Of Lot 286, and 0.394 of an Acre out of UID CROW Adjacent to Lot 286, JHS, C-3 (new) Developer: Saltillo Group Engineer: Melden & Hunt

This 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 consideration 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, this 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.

Councilman Plata moved to approve Final Plat Approval and Request for Plat Approval Extension: Partridge Estates Subd., 10.394 acres out of Lot 286, and 0.394 of an acre out of UID CROW Adjacent to Lot 286, JHS, C-3 new Developer: Saltillo Group Engineer: Melden & Hunt. Motion was seconded by Councilwoman Garza and approved unanimously 3-0 with Mayor abstaining.

4.8 Preliminary Plat Approval: Palm Valley Church Subd., 2.50 acres, Lot 241, JHS, R1-A Developer: First Assembly of God Consultant: J.A. Garza Associates, LLC

This item was considered at 4:31 P.M.

The 1-lot subdivision reflected the southward expansion of the First Assembly of God development located 1000' east of Stewart Road along the south side of FM 495. A variance request had been

filed to not extend the city collector street where they disclosed that the 'biggest reason for the variance was the extreme need for ample parking'.

The Planning & Zoning Commission and the City Council had long approved of the City's Master Streets Plan where citywide E-W collectors were identified. Relating to this plat, 22nd Street was identified by both boards as a viable alternative to the major thoroughfare of FM 495. Mission's plan to have a more efficient traffic management system had not been gaining dust on a shelf it had been implemented many times to owners desiring to develop along pathway of collectors. In 2006, Mission's 2020 Comprehensive Master Plan was provided which also included 22nd Street as an E-W collector street thus re-sustaining its value to the city.

On the subject variance though, Planning had the following comments:

- Since Day #1, Staff disclosed the requirement and future traffic benefits of this E-W collector thus this owner filed a plat in 2008 showing the collector. Later the street was actually built. However, since their contractor built it correctly, the paving was removed. The new revised plans now showed a 3' detention pond along the entire southern perimeter adjoining Sharywood.

- Granting a variance would diminish years of progress that Mission had made in striving to reach its goal for E-W street circulation that many considered to be a secondary emergency access way.

- Granting a variance may have been considered to be selective enforcement of the master streets plan where it had been enforced to all others but not on this owner. Many plats had been imposed the same collector street requirement where the city's 2020 Comprehensive Master Plan was respected and they did not request the city to abandon it's long term traffic management goals these other owners merely obeyed the city's plan.

- Granting a variance would violate Sec. 98-5 (a) which included that "No plat or subdivision or land within the City shall be approved unless the plat conformed to the general plan of the city and its roads, streets, including those which had been or may have been laid out, and to the general plan for the extension of the City and of its roads, street."

- Granting a variance would have violated Sec. 98-134 which included that "Adequate and paved streets shall have been provided by the sub divider and the arrangement, character, extent, width, grade and location of each shall conform to the comprehensive plan of the City the street layout shall have been devised for the most advantageous development of the entire neighborhood."

- Granting a variance would have violated Sec. 98-134 (c) "Where adjoining areas were not subdivided, the arrangement of streets in the subdivision shall make provisions for the proper projection of streets into such unsubdivided areas." The dead-end street mentioned in their variance request was stubbed in 1997 by Sharywood Manor so that this new owner would then do their part in extending the street through to the next adjoiner.

- Granting a variance would have violated Sec. 98-134 (f) "Dead-end street shall have been prohibited except as short stubs to permit future expansion." If awarded, the collector would have been forever a dead-end street this was forbidden by Mission's Code.

- Granting a variance would have violated Sec. 98-134(h) "Where a subdivision included a street as shown on the major streets plan of the City, that street shall have been platted in the approximate location shown on the plan."

In the plat's other features, this owner would loop to the 8" water line stubbed to their property by the Sharywood developer in 1998 with new 8" lines. Hydrants were shown via the direction of the Fire Marshal, too.

This owner would also connect to the 8" sewer network stubbed to their property by the Sharywood developer. The Capital Sewer Recovery Fee would also be enforced to this developed acreage.

On drainage, they proposed to extend 18" lines into the existing 18" storm system provided by the Stewart Village developer in 1999 for the commercial/Townhouse development to the west. After hearing and discussing the merits of the variance request with the owner's agents, the P&Z unanimously (6-0) denied the plat since it did not comply with the City's Subdivision Ordinance nor the City's 2020 Master Comprehensive Plan.

Staff Recommendation: Denial: 1) violated the city's basic subdivision codes cited above; and 2) did not meet Mission's 2020 Comprehensive Master Plan.

City Manager recommended approval.

Councilwoman Garza moved to approve the Preliminary Plat, including the variance of: Palm Valley Church Subd., 2.50 acres, Lot 241, JHS, R1-A Developer: First Assembly of God Consultant: J.A. Garza Associates, LLC. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.9 Award selection of Engineering Firm for the Sewer Plant Expansion and authorize City Manager to Negotiate contract with selected engineering Firm

Four Engineering Firms responded to the Request for Qualifications for the Sewer Plant Expansion Project. Proposals were opened May 27th, 2009. Proposals were rated using the attached matrix, which included Experience, Work Performance, Capacity to Perform and Affirmative Action. A four member committee met to evaluate each proposal and ranked them accordingly. The committee recommended city council to award the Sewer Plant Expansion project to Melden & Hunt Inc. and authorized City Manager to negotiate contract.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve to award selection of Engineering Firm for the Sewer Plant Expansion and authorize City Manager to Negotiate contract with selected engineering Firm. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.10 Bid for Employee Uniform Rental & Services for various Departments

On May 26, 2009, City council authorized staff to solicit bids Employee Uniform Rental and Services for Various Departments. The City of Mission had opened three (3) bid responses for this project. The recommendation was to award to the first low bidder that had met all the requirements and specifications, Ameripride, for a cost as follows:

Regular Shirts:	$.33	Lab Coats:	$.35
Regular Pants:	$.36	Cobbler Aprons:	$.35
Executive Shirts:	$.40	Animal Control Shirt:	$.33
Executive Pants:	$.40	Animal Control Pants	$.36
Executive Pants: (Polyester)	$.40		

Total Estimated cost for Year One: $34,273.00

Initial cost was estimated and budgeted at $46,748.

Staff and City Manager recommended approval.

Councilman Plata moved to approve to award bid for Employee Uniform Rental & Services for various Departments. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

5.0 Unfinished Business

None

6.0 Routine Matters
6.1 City Manager's Comments

Mr. Cerda mentioned that he would be out of town from Wednesday thru Sunday, June 24-28, 2009 attending the National Association of Latino Elected Officials.

City Hall would be closed July 3, 2009.

Mr. Cerda also stated that there would be a Special Meeting on Thursday, July 2, 2009.

6.2 Mayor's Comments

None

At 5:00 p.m., Mayor Pro Tem Olivarez moved to convene into executive session. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

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. Parcel #14 regarding Mile 2 North Rd. Project.
7.2 The City Council will reconvene in open session to take any actions necessary

At 5:12 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, no action was taken.

8.0 Adjournment

At 5:13 p.m., Councilwoman Garza moved for adjournment. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary