

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
JANUARY 25, 2010 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

ALSO PRESENT:

Kathy Olivarez, Progress Times
Dr. Armando O'cana Sr.
Rogelio Pena
Rene Lizcano
Shaine Mata
Juana Maria Trevino
Jorge Flores
Cathy Garcia
Rene De La Cruz
Ben D Olivarez

ABSENT:

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Hernestina Esparza, Administrative Asst.
Aida Lerma, Deputy City Manager
Sonia Carnes, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sergio Zavala, Planning Director
Bobby Salinas, Subdivision Coordinator
Roberto Salinas, City Engineer
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Rick Saldana, Fire Chief
Gilbert Sanchez, Fire Marshal
Ruben Diaz, Public Works Director
Victor Gonzalez, Streets Director
Elizabeth Cabrera, Purchasing Director
Noemi Munguia, HR Director
Rosie Salazar, Risk Manager
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
Mayra Rocha, Speer Memorial Library
Juan C. Avila, Interim Boys & Girls Club Director

1. Call to order

With a quorum being present, Mayor Pro Tem Leo Olivarez called the meeting to order at 4:34 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. Proclamation – Groundhog Job Shadow Day

Anna Carrillo, City Secretary read the proclamation.

Councilwoman Norie Gonzalez Garza moved to approve the proclamation as presented. Motion was seconded by Councilwoman Maria Elena Ramirez and approved unanimously 3-0.

4. Departmental Reports

Councilwoman Ramirez moved to approve the departmental reports as presented. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

5. Citizens Participation

Mr. Rene Lizcano, from 2611 E. 2 Mile Rd. representing VFW post 10710, was requesting permission to use a city building to have their monthly meetings.

Mrs. Cathy Garcia, from the Mission Chamber of Commerce, extended an invitation to the “Go Mission” promotion that was scheduled for January 26, 2010 at 10:30 a.m. at Leo Pena Placita.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

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

At 4:40 p.m. Mayor Pro Tem Olivarez asked to go to Item 1.1B

Staff received a written request from the applicant to have his rezoning request heard by a full City Council. Section 1.23 (3) of our Zoning Code cites the following: “At the option of the applicant, his request for a change in zoning shall be heard by the full council.” There has been a ‘Full’ Council since last August; however, it wasn’t until late last year that the applicant asked staff to have the Council finally ‘act’ on this item.

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 & 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 an open ditch, a residential tract, and mobile home uses. The FLUM reflected this 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 abide by the FLUM as much as possible to sustain its confidence to the general public. There was no public opposition at P&Z’s 4/15/09 hearing and a petition (28%) of support for the banquet hall was provided. P&Z’s motion ‘to approve’ the rezoning resulted in a 3-3 vote (thus, not approved).

Staff, P&Z and City Manager recommended denial.

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

Councilwoman Garza moved to deny the rezoning. Motion was seconded by Councilwoman Ramirez and approved 4-1 with Mayor Pro Tem Olivarez dissenting.

B. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages in a Bar & Grill Setting, 302 W. Griffin Parkway, Suites A & B, Lot 2, Storage Depot Subd., C-3, Life of Use, Martin Mendoza

The subject site was located approximately ¼ mile west of Conway Avenue along the north side of Griffin Parkway (F.M. 495). Currently on Lot 2 there was a building under construction with 7 suites proposed. The applicant will lease (2) suites for a bar & grill restaurant where the sale and on-site consumption of alcoholic beverages with meals was proposed. The proposed days and hours of operation were Monday through Sunday from 3 p.m. to 2 a.m. At this time the owner planed to be opening only in the late afternoon hours. There will be piano and acoustic music only no DJ or loud bands. A total of 4 full time employees and 4 part time employees were proposed for this new restaurant/bar. Alcoholic beverages would only be served during the allowable State selling hours. There was one residence within 300', however there was a solid series of storage units to the Andis home 290' to the west.

In reviewing the floor plan, the proposed restaurant/bar would consist of 2,371 sq. ft. total area with 36 seats. 12 parking spaces were required for this operation. As shown on the site plan, 48 paved parking spaces would be held in common. Staff had alerted Nicolas Elizondo (developer/owner) that no additional restaurants would be allowed at this development since the remaining parking would be for the retail/office users. Mr. Elizondo was receptive and advised staff that this would be the only designated restaurant. There was no public opposition at P&Z's 1/6/10 hearing. The P&Z unanimously approved of the conditional use permit as noted below.

Staff, P&Z and City Manager recommended approval subject to 1) waiving the 300' separation that a 'bar' must be to a residence, 2) wet zone the site, 3) acquisition of a Business License, and 4) 1 year re-evaluation.

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

Councilwoman Ramirez moved to approve the CUP Sale & On-Site Consumption of Alcoholic Beverages in a Bar & Grill Setting, 302 W. Griffin Parkway, Suites A & B, Lot 2, Storage Depot Subdivision as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

At 4:40 p.m. Councilman Ruben Plata joined the Meeting.

At 4.43 p.m. Mayor Norberto Salinas joined the Meeting.

At 4:44 Mayor asked to go to item 1.1A

C. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Villa Del Mar Restaurant, 207 E. Expressway 83, Lot 3, El Pueblo Phase II Subd., C-3, Life of Use, Angel H. Villarreal

The restaurant site was located within a plaza approximately 600' east of Conway Avenue along the north side of the frontage road of Expressway 83. The restaurant was 2,250 square feet with its proposed hours of operation being from 10:00 a.m. to 10:00 p.m., Monday – Sunday.

Alcoholic beverages would only be served during allowable State selling hours. In reviewing the floor plan, there were 84 seating spaces for the restaurant, which required 30 parking spaces (2,250 sq. ft./75 sq. ft. = 30 parking spaces). The parking area was held in common (225 existing parking spaces) and was shared with other businesses. The parking area also interfaced adjoining parking lots to area businesses.

There was an existing restaurant that sold alcohol prior to this proposal (Peter Piper Pizza) within the same plaza. This proposal, like Peter Piper Pizza, did not have a “bar” component and would not be open after 10 p.m. Additionally, notices were sent to property owners within 200' radius of the site and there had been no comments in favor or against this request forwarded to the Planning Department. There was no public opposition at P&Z's 1/6/10 hearing. The P&Z unanimously approved of the conditional use permit as noted below.

Staff, P&Z and City Manager recommended approval subject to 1) acquisition of a business license, and 2) 1 year re-evaluation to assess this new operation.

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 Sale & On-Site Consumption of Alcoholic Beverages – Villa Del Mar Restaurant, 207 E. Expressway 83, Lot 3, El Pueblo Phase II Subdivision as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

D. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages at Cocina Del Caribe, 523 N. Conway Avenue, Lot 12, Block 92, Mission Original Townsite Subd., C-3, Life of Use, Cocina Del Caribe

The property was at the SW corner of Conway Avenue and 6th Street. The days and hours of operation were Sunday through Saturday from 7:00 a.m. to 9:00 p.m. Alcoholic beverages were served during the allowable State selling hours and only in the dining area. There were no schools, parks, and places of worship, within 300'.

In reviewing the floor plan, the existing 1,414 square feet suite had a total of 5 tables that sat 4 and 12 booths that could accommodate 4 people each for a grand total of 68 seating spaces in the dining area. A 10-space parking lot was available for additional parking. Staff noted that a City parking lot at the NW corner of Conway and 6th, which had an additional 44 parking spaces, was also available. During the past year of activity, the restaurant had done well and there had been zero incidents due to the conditional use permit intent. There was no public opposition at P&Z's 1/6/10 hearing. The P&Z unanimously approved of the conditional use permit as noted below.

Staff, P&Z and City Manager recommended approval subject to a 3-year re-evaluation.

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

Councilman Plata moved to approve the CUP Sale & On-Site Consumption of Alcoholic Beverages at Cocina Del Caribe, 523 N. Conway Avenue, Lot 12, Block 92, Mission Original Townsite Subdivision as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

E. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages at Shotz Bar & Grill, 2530 E. Griffin Parkway, Suite C, Lot 12, Sharyland Plaza Subd., C-3, Life of Use, Tony Martinez

The subject site was located approximately 200' east of Hackberry along the south side of Griffin Parkway (FM 495). Mr. Martinez had been operating Shot'z Bar & Grill at this location for a little over a year now. The hours of operation for this operation were Monday – Sunday from 11:00 a.m. to 2:00 a.m. The bar & grill had a total of 6-10 part-time and full-time employees.

In reviewing the floor plan, the 3,000 sq. ft. building had 95 seating spaces in the dining area and 14 seating spaces in the bar area for a total of 109 seating spaces. One parking space for every three seats equated to 36 parking spaces required. Parking was held in common and met code for this development. Access to the site could be from one primary driveway to Griffin Parkway or from a separate driveway along Hackberry. Since it's opening in mid-2008, Staff received one complaint of noise when the rear door was opened to throw out the bottles and garbage during operation hours. Mr. Martinez was alerted of the complaints and addressed it by waiting until the following morning to throw away any trash or glass bottles. There was 1 residence voicing concern of some noise. However, in discussing this issue, it seemed to be resolved. Thereafter, at P&Z's 1/6/10 hearing P&Z unanimously approved of the conditional use permit as noted below.

Staff, P&Z and City Manager recommended approval subject to a 3-year re-evaluation.

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 Sale & On-Site Consumption of Alcoholic Beverages at Shotz Bar & Grill, 2530 E. Griffin Parkway, Suites C, Lot 12, Sharyland Plaza Subdivision as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

2.0 Disposition of Minutes

2.1 City Council Minutes – January 11, 2010

Councilwoman Garza 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 Citizen's Advisory Committee – December 8, 2009

**Mission Economic Development Corporation –
November 17, 2009**

Speer Memorial Library Board – November 17, 2009

Parks and Recreation Board Meeting – December 8, 2009

**Planning & Zoning Commission – October 28 and
November 18, 2009**

Councilwoman Garza 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. # _____ for rezoning A 315' X 315' tract of land out of the NE corner of Lot 13, Goodwin Tract Subd. No. 3, AO-I to C-3

No Action was taken on this item

4.2 Adoption of Ord. # 3531 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages in a Bar & Grill Setting, 302 W. Griffin Parkway, Suites A & B, Lot 2, Storage Depot Subd.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3531 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages in a Bar & Grill Setting, 302 W. Griffin Parkway, Suites A & B, Lot 2, Storage Depot Subdivision as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

ORDINANCE NO. 3531

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 IN A BAR & GRILL SETTING, 302 W. GRIFFIN PARKWAY, SUITES A & B, LOT 2, STORAGE DEPOT SUBDIVISION

4.3 Adoption of Ord. # 3532 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Villa Del Mar Restaurant, 207 E. Expressway 83, Lot 3, El Pueblo Phase II Subd.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ordinance No. 3532 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages- Villa Del Mar Restaurant, 207 E Expressway 83, Lot 3, El Pueblo Phase II Subdivision as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3532

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 – VILLA DEL MAR RESTAURANT, 207 E. EXPRESSWAY 83, LOT 3, EL PUEBLO PHASE II SUBDIVISION

4.4 Adoption of Ord. # 3533 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Cocina Del Caribe, 523 N. Conway Avenue, Lot 12, Block 92, Mission Original Townsite Subd.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3533 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages- Cocina Del Caribe, 523 N. Conway Avenue, Lot 12 Block 92, Mission Original Townsite Subdivision as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3533

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 - COCINA DEL CARIBE, 523 N. CONWAY AVENUE, LOT 12, BLOCK 92, MISSION ORIGINAL TOWNSITE SUBDIVISION

4.5 Adoption of Ord. # 3534 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Shotz Bar & Grill, 2530 E. Griffin Parkway, Suite C, Lot 12, Sharyland Plaza Subd.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ordinance No. 3534 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages- Shotz Bar & Grill, 2530 E. Griffin Parkway, Suite C, Lot 12, Sharyland Plaza Subdivision as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3534

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 - SHOTZ BAR & GRILL, 2530 E. GRIFFIN PARKWAY, SUITE C, LOT 12, SHARYLAND PLAZA SUBDIVISION

4.6 Pre Plat Approval: Loryn Estates Subd., A 17.0 acre tract of land out of Lots 48 & 51, New Caledonia Subd., Suburban ETJ, Developer: Ruben Sanchez, Engineer: Noe Garza Engineering

The subject site was located 600' north of Mile 3 Road along the east side of Schuerbach Road. The subdivision consisted of 46 residential lots. The developer was requesting two (2) variances:

Variance No.1) Variance to plat lots not fronting public streets (gated community); the City of Mission had approved several private subdivisions & staff did not object to those proposal so long as A) the private streets were identified as 'Common Area' (which they were); B) the type of gate had the pre-approval of Mission's Fire Marshal C) a plat note reflected private ownership and maintenance; and D) streets must meet Mission's paving standards.

Variance No. 2) A variance to not dedicate minimum street ROW (on Schuerbach Road) as required from the MPO Thoroughfare. Mission had enforced the minimum 40' ROW centerline on Schuerbach Road since the 5 Mile ETJ was given to the city by the State Legislature in the late '80's. That policy was followed up in the 1990's with the adoption of the Hidalgo County MPO Thoroughfare Plan that showed Schuerbach as a future 80' collector. In his justification, the developer states that there were existing subdivisions to the North and the South that dedicated only 30' of ROW. This was correct BUT those 30' dedication plats were recorded in

1983 and 1977 (as approved unilaterally by the County and not Mission). Mission had been consistent with the MPO plan for over 20 years - - to waive this code on a plat that had no unique features would absolutely set precedence where the threshold of justification was not met. Staff recommended denial on this issue.

Subdivisions along Schuerbach Rd. Between 2 and 4 Mile Line		
Subdivision	Date Recorded	Dedicated ROW along Schuerbach Rd.
Basham	7/11/1977	30
Villa Capri	6/12/1978	25
Hilda Subd. 2	7/9/1980	25
Hilda Subd. 3	12/23/1980	25
Randolph Barnett 1	12/8/1981	25
Randolph Barnett 2	7/27/1982	25
La Homa Road North Subd.	3/8/1983	30
Good Valley Ranch No. 1	3/5/1985	25
G & R Subd.	10/24/1989	40
Basham No. 23	3/5/1991	40
Jehova Witness Subd.	12/23/1993	40
Mari-Beli	5/10/01	40

Water: The water CCN belongs to Sharyland Water Supply Corporation. The developer was proposing to provide water service via a new 8” network tied into an existing 6” line located along Schuerbach Road. Since the development was within the Suburban ETJ where annexation was mandated, hydrants were required to be installed or escrowed (\$3,000/hydrant if escrowed). Hydrants were located pursuant to the direction of the Fire Marshal.

Sewer: The developer was proposing to install a series of 12” and 8” sewer line within the subdivision and connecting into an existing 8” sewer line located along Moorefield Road. The \$200/lot capital sewer recovery fee would be imposed ($200 \times 46 = \$9,200$). The plan had been reviewed by Public Works and the City Engineer – the sewer plans were approved.

Street and Storm: The subdivision had a 45.36’ peninsula onto Moorefield Road, which would also require a dedication of ROW to equal 40’ from the centerline. The developer was proposing 50’ access easements (instead of ROWs due to private street concept) with 32’ B/B streets. Drainage was proposed by installing a series of 24” R.C.P. lines and Type “A” inlets that would flow to the South and outfall into a Common Area “B” (private detention pond) to be maintained by the owners/developer. From the detention pond, outflow would be via an 18” R.C.P. connected to an 8” bleeder that would connect into TXDOT’s existing inlet at 3 Mile Road.

Other Comments: Escrow street widening for Schuerbach Road (1,063’ x \$55.90/l.f. = \$59,451.13); Escrow street widening for Moorefield Road (45.36’ x \$55.90/l.f. = \$2,535.69); Escrow park fees (46 lots x \$300 = \$13,800); Escrow/Install street lighting; Escrow 5’ sidewalks along Schuerbach Road (1,013.50’) and Moorefield Road (45.36’) (1,058.86’ x \$12/l.f. = \$12,706.32); Exclusion from the Water District; and Submit required voluntary annexation request.

Staff and City Manager recommended approval subject to: 1) Denial of ROW variance; amend to reflect proper dedication of ROW dedication on perimeter streets via the MPO Throughfare Plan, 2) No objection to variance of 'lots not fronting public streets' but comply with private street policy as noted, 3) Pay fees as noted via typical subdivision policies/ordinances, and 4) Comply with other format findings.

Councilwoman Garza move to approve Preliminary Plat Approval for Loryn Estates Subdivision as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.7 Engage L & G Engineering to perform Environmental Site Assessment for Property Described as Lots 1, 2, 3, 6, 7, 8, 9, 10, Block 157, Original Townsite of Mission

Following up on the City Council's action to pursue (possible) acquisition of the properties described above, it was prudent to engage a reliable firm to do an Environmental Site Assessment (ESA).

Following Management's direction to acquire a quote from L&G Engineering that proposed contract for review.

L&G's cost to perform the ESA was \$8,000

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Environmental Site Assessment Contract by L&G Engineering as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.8 December 2009 Financial Statements

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

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Financial Statements for December 2009, as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.9 Budget Amendments – Designated Purpose Fund, Aquatics Fund, Utility Fund, PD State Forfeiture Fund

Mrs. Flores presented the budget amendments BA-46 thru BA-51 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve budget amendments BA-46 thru BA-51 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.10 Tax Collections Report – December 2009

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

Staff and City Manager recommended approval.

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

4.11 Acceptance of Quarterly Report of Investments for the Quarter ending December 31, 2009 and Interest Earned for Three Months Ending December 31, 2009

The report was required by the Public Funds Investment Act. Section 2256.023 of the Texas Government Code mandates that staff prepared and submit quarterly, a written report of investment transactions for all funds for the preceding reporting period. Acceptance of quarterly report on the total investments for the quarter ending December 31, 2009. The total investments purchased were \$5,292,059.92 and the amount of maturing investments was \$6,829,580.55 leaving a total of \$38,321,490.36 in outstanding investments for the quarter ending December 31, 2009. The total interest earned on all funds years to date was \$20,497.97.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Quarterly Report of Investments for the Quarter ending December 31, 2009 and Interest Earned for Three Months Ending December 31, 2009 as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.12 Authorize the City of Mission to enter into a Memorandum of Understanding Addendum with CLEAResult, Inc. to extend the Participation of the 2009 AEP Texas CitySmart Program

Texas Senate Bill 7 required AEP Texas to develop programs to reduce the amount of annual electricity load growth through energy-efficiency programs; thus AEP Texas created the CitySmart Program, which was designed to help participating municipalities identify energy-efficiency opportunities in existing and new building and provide monetary incentives to implement these opportunities. The Program was funded by AEP Texas and there was no cost to the City. AEP Texas had contracted CLEAResult Consulting for this service. Staff was seeking to authorize the City Manager to execute the documents to enter into the MOU for the participation in the 2010 AEP Texas CitySmart Program.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize the City of Mission to enter into a Memorandum of Understanding Addendum with CLEAResult, Inc to extend the Participation of the 2009 AEP Texas CitySmart Program as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.13 Approval of Ord. # 3535 ordering a General Election in Mission, Texas providing for the election of Mayor and Councilmembers for Places One and Three; providing for Polling places and other matters relating to said election

The Ordinance provided the city's General Election to be held on Saturday, May 8, 2010 as authorized by the Texas Election Code. The Election would be conducted by the City. Positions up for election were Mayor and Councilmembers for places One (1) and Three (3). The period to file for city office was February 6, 2010 thru March 8, 2010. Candidate packets were available at City Secretary's office.

Early voting by personal appearance would be conducted at City Hall, 1201 E. 8th St., Mission, Texas and Sharyland Fire Station #3, 1804 N. Shary Rd. as follows:

Monday, April 26, 2010 – 8 a.m. – 5 p.m.
Tuesday, April 27, 2010 – 8 a.m. – 5 p.m.
Wednesday, April 28, 2010 – 8 a.m. – 5 p.m.
Thursday, April 29, 2010 – 8 a.m. – 5 p.m.
Friday, April 30, 2010 – 8 a.m. – 5 p.m.
Monday, May 3, 2010 – 7 a.m. – 7 p.m.
Tuesday, May 4, 2010 – 7 a.m. – 7 p.m.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ordinance No. 3535 ordering a General Election in Mission, Texas providing for the election of Mayor and Council members for Places One and Three; providing for Polling places and other matters relating to said election as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3535

AN ORDINANCE ORDERING A GENERAL ELECTION IN MISSION, TEXAS PROVIDING FOR THE ELECTION OF A MAYOR, COUNCILMEMBER FOR PLACE ONE AND THREE; PROVIDING FOR POLLING PLACES AND OTHER MATTERS RELATING TO SAID ELECTION

4.14 Approval of Ord. # 3536 ordering a Special Election in Mission, Texas for the purpose of adopting the state law applicable to Fire Fighter that establishes Collective Bargaining; providing for polling places and other matters relating to said election

The Ordinance provided the city's Special Election to be held on Saturday, May 8, 2010 for the purpose of adopting the state law applicable to Fire Fighters that establishes Collective Bargaining.

The need for the special election was caused by the submission of a petition requesting that this issue be put forth to the voters of the city. The petition met all requirements including the number of qualified signatures needed to call the election. The election would be held in conjunction with the General Election scheduled for May 8, 2010.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3536 ordering a Special Election in Mission, Texas for the purpose of adopting the state law applicable to Fire Fighter that establishes Collective Bargaining; providing for polling places and other matters relating to said election as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3536

AN ORDINANCE ORDERING A SPECIAL ELECTION IN MISSION, TEXAS FOR THE ADOPTION OF STATE LAW APPLICABLE TO FIRE FIGHTERS' THAT ESTABLISHES COLLECTIVE BARGAINING PROVISIONS IN THE CITY OF MISSION, TEXAS; PROVIDING FOR POLLING PLACES AND OTHER MATTERS RELATING TO THE SAID ELECTION

4.15 Approval of Ord. # 3537 granting a wet designation for 302 W. Griffin Parkway, Suites A & B

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

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3537 granting a wet designation for 302 W. Griffin Parkway, Suites A & B as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3537

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 302 W. GRIFFIN PARKWAY, SUITES A & B, LOT 2, STORAGE DEPOT SUBDIVISION

4.16 Approval of Resolution # 1257 authorizing the Mission Police Department to submit an Agreement for the Temporary Closure of State Right-Of-Way to the Texas Department of Transportation for the Texas Citrus Fiesta Parade

The City of Mission Police Department was requesting approval of a resolution for the purpose of submitting an Agreement for the Temporary Closure of State Right-Of-Way to the Texas Department of Transportation for the Texas Citrus Fiesta Parade. The agreement was required by the Texas Department of Transportation for the closure of Conway Avenue. Our organization along with other city departments would be responsible for securing the parade route to ensure the safety of both motorists and pedestrians.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Resolution No. 1257 authorizing the Mission Police Department to submit an Agreement for the Temporary Closure of State Right-Of-Way to the Texas Department of Transportation for the Texas Citrus Fiesta Parade as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

RESOLUTION NO. 1257

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
AUTHORIZING THE MISSION POLICE DEPARTMENT TO SUBMIT AN AGREEMENT
FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY TO THE TEXAS
DEPARTMENT OF TRANSPORTATION FOR THE TEXAS CITRUS FIESTA PARADE

4.17 Approval of Resolution # 1258 authorizing the Mission Police Department to submit the Mission Police Department's Border Initiative Grant to the Office of the Governor's Criminal Justice Division

The Mission Police Department was requesting authorization to submit the Mission Police Department's Border Initiative Grant to the Office of the Governor's Criminal Justice Division. The grant application request was for the funding of overtime to initiate southbound operations at the Anzaldua's International Bridge, to fund a Crime Analyst, to purchase five (5) fully equipped police units and the purchase of Mobile Video Camera Systems for our patrol cars. The total amount of the grant request was \$500,000.00. There was no cash match required for this grant.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Resolution No. 1258 authorizing the Mission Police Department to submit the Mission Police Department's Border Initiative Grant to the Office of the Governor's Criminal Justice Division as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

RESOLUTION NO. 1258

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
AUTHORIZING THE MISSION POLICE DEPARTMENT TO SUBMIT THE MISSION
POLICE DEPARTMENT'S BORDER INITIATIVE GRANT TO THE OFFICE OF THE
GOVERNOR'S CRIMINAL JUSTICE DIVISION

4.18 Reconsideration of request by applicant owner of residence at 4010 E. Beatty to be placed on the housing assistance waiting list effective on the original application date

At the request of David Guerra, City Attorney this item was initially considered under executive session under the exception of consultation with attorney. Thereafter the item was presented in open session as follows:

During the City Council meeting held on July 25, 2005, City Council denied a variance request for reconsideration to be placed on the city's Housing Assistance Program waiting list with original application date submitted by Carlos and Teresa Hernandez of 4010 E Beatty. This applicant had previously withdrawn from the list as they had applied for assistance through another program. Since then, the other program provided minimal repairs for their home. They would like to be reconsidered through the city's program to improve their living conditions.

Staff and City Manager recommended approval.

Motion taken after executive session.

Councilman Plata moved to authorize to proceed with request due to emergency situation with the residence. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.19 Ratification of settlement of claim regarding cleaning and mowing liens on the South ½ of Lot 11, Block 71, Mission Original Townsite

Ratification of claim which was settled for \$1,000.00 was being requested for the above mentioned property.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to ratify settlement of claim regarding cleaning and mowing liens as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.20 Authorization to solicit bids for the relocation/construction of a 12” sanitary sewer line for the new Bryan Road Overpass at U.S. Expressway 83 and for Anzalduas Highway

Staff was seeking authorization to solicit bids for the relocation/construction of a 12” sanitary sewer line for the new Bryan Road Overpass at U.S. Expressway 83 and Construction of Anzalduas Highway. The material would be used to adjust and improve the existing sanitary sewer system. The Revenue Bond would be used to fund the project.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to solicit bids for the relocation/construction of a 12” sanitary sewer line for the new Bryan Road Overpass at U.S. Expressway 83 and for Anzalduas Highway as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.21 Authorization to solicit bids for the purchase of Waterline Material for new Bryan Road Overpass at U.S. Expressway 83 and for Anzalduas Highway

No Action was taken on this item

4.22 Bid for Fire Extinguishers and Inspection Services

On November 09, 2009, City Council authorized staff to solicit bids for fire extinguishers and inspections. The City of Mission had accepted and opened four (4) bid responses for the project. Staff was recommending awarding to low bidder meeting all specifications – Simplex Grinnell for a total cost of \$15,262.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve bid for Fire Extinguishers and Inspection Services as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.23 Authorization to solicit bids and/or purchase via state approved contract for a bucket truck for the Public Works Department

Staff was seeking authorization to solicit bids and/or purchase via state approved contract for a bucket truck for the Public Works Department. This bucket truck would be used by the Public Works Department for daily operations.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to solicit bids and/or purchase via estate approved contract for a bucket truck for the Public Works Department as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.24 Authorization to solicit bids and/or purchase via state approved contract for furniture for the Golf Pro Shop at the Shary Golf Course

Staff was seeking authorization to solicit bids and/or purchase via state approved contract for furniture for the Golf Pro Shop at the Shary Golf Course. The furniture would be funded by M.E.D.C. as approved by the M.E.D.C. meeting on Tuesday, January 19, 2010.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids and/or purchase via state approved contract for furniture for the Golf Pro Shop at the Shary Golf Course as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.25 Approval of Resolution # 1259 declaring the adoption of the Municipality of Toluca, Mexico as a Sister City

Approval to declare the adoption of Toluca, Mexico as a Sister City. Authorizing Mayor Salinas to act as the official representative of Mission to carry out this program.

Mayor Maria Elena Barrera Tapia and a delegation from Toluca would be our guests on January 30, 2010 during the Mayor's International Brunch at which time the declaration and adoption of Toluca, Mexico as our sister city would be made official.

The Sister City Concept was inaugurated by the President of the United States in 1956 to establish greater friendship and understanding between the people of the United States and other nations through the medium of direct personal contact. That the Council on behalf of the people of Mission accepts the people of Toluca, Mexico to participate with Mission as its Sister City for the purpose of creating greater mutual understanding between the peoples of our two great cities and nations.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Resolution No. 1259 declaring the adoption of the Municipality of Toluca, Mexico as a Sister City as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

RESOLUTION NO. 1259

**THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS DECLARES THE ADOPTION
TOLUCA, MEXICO AS A SISTER CITY**

4.26 The Mission Police Department is requesting authorization to enter into a Interlocal Agreement for the G.R.E.A.T. Program between the City of Mission and the Mission Consolidated Independent School District

The Mission Police Department was requesting authorization to enter into an Interlocal Agreement for the G.R.E.A.T. Program between the City of Mission and the Mission Consolidated Independent School District for the 2009-2010 school year. The contract was for the delivery of services by the Mission Police Department to Mission CISD through the G.R.E.A.T. Officer Program. A total of four (4) police officers would be assigned to the school district during the remainder of the school year to deliver the G.R.E.A.T. curriculum to

elementary students, junior high students and to parents. The total amount of the contract was \$54,313.00. Staff was recommending a favorable recommendation for the purpose of instituting the G.R.E.A.T. Program at Mission CISD.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize the Mission Police Department to enter into a Interlocal Agreement for the G.R.E.A.T. Program between the City of Mission and the Mission Consolidated Independent School District as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

Mr. Cerda mentioned he would be attending a meeting at Austin on Tuesday, January 26, 2010. He also announced the commencement of the construction project of Mile 2 North from Conway to Taylor that would last about 18 months.

Aida Lerma, Deputy City Manager, reminded everyone of the "Go Mission" campaign. She also mentioned several community activities that would be taking place during that week: The dedication of the Ala Blanca Park in memory of fallen soldier Alex Gonzalez on Wednesday, January 27 at 10:00 a.m., the Mayor's Brunch, and the Texas Citrus Fiesta Parade on Saturday, January 30th at 4:00 p.m.

6.2 Mayor's Comments

None

At 5:33 p.m., Councilman Plata moved to convene into executive session. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

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

7.1 Private consultation with the City Attorney Sec. 551.071

- A. Lot 18, of the Toellner Subd., being a resubdivision of 8.4 acres out of Lot 182 & 27.52 acres out of Lot 192, J.H.S. Subd.**
- B. Interlocal with City of Granjeno regarding Garbage pickup**
- C. Request by Roman Catholic Diocese to have the City Dedicate a Private Driveway & Utility Service Easement on a Portion of a Drain Ditch ROW to Land-locked Acreage described as 7.86 acres, Shares 3, 4 & 5, San Jose Subdivision**
- D. City of Mission v. City of Alton, SOAH DOCKET NOS. 582-083825, 582-09-3548 and 582-09-5330, TCEQ DOCKET NOS. 2008-0955-UCR, 2009-0350-UCR and 2009-0847-UCR and all other claims against City of Alton**
- E. City of Mission vs. City of Alton**

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

At 6:19 p.m., Mayor Pro Tem Olivarez moved to reconvene in open session. Motion was seconded by Councilman Plata and approved unanimously 5-0.

No action was taken on item 7.1-A.

On item 7.1-B, Councilwoman Garza moved to authorize Mayor to negotiate contract with City of Granjeno for garbage pickup. Motion was seconded by Councilman Plata and approved unanimously 5-0.

On item 7.1-C, Councilman Plata moved to approve to ratify agreement signed by City Manager. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

On item 7.1-D, Councilwoman Ramirez moved to authorize the City's Attorneys to notify the City of McAllen of the litigation described in this item and to express dissatisfaction with any participation in regard to a certain matter with the litigation. Motion was seconded by Councilman Plata and approved unanimously 5-0.

On item 7.1-E, Mayor Pro Tem Olivarez moved to authorize the City's Attorneys to notify the City of Alton of the City's objections to its proposed annexation of areas that are within the ETJ of the City of Mission and also to notify the residents living in those areas of the City of Mission's dissatisfaction. Motion was seconded by Councilman Plata and approved unanimously 5-0.

8.0 Adjournment

At 6:24 p.m., Mayor Pro Tem Olivarez moved for adjournment. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary