

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
MARCH 8, 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

ABSENT:

ALSO PRESENT:

Kathy Olivarez, Progress Times
Dr. Armando Ocana
David Escalera
Ricardo Escalera
Jorge Ocana, Jr.
James E. Phillips, Sr.
Robert & Billie Ferguson
Mindy Schroeder
Jim Schroeder
Pat Townsend, Jr.
Abraham Gamboa
Luis Gamboa
Arlene Rivera
Cathy Garcia
Sandra Vecchio
Raul Garcia, Jr.
Catherine Flood
Yolanda Ross
Jorge Gonzalez
Jessica Ochoa
Esther Salinas

STAFF PRESENT:

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

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:36 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. 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 5-0.

4. Citizens Participation

Mr. Robert Ferguson from Mission West Resort thanked all the council for their support on the Winter Texan Appreciation Fiesta.

Judge Jonathan Wehrmeister administered the oath of office to the newly elected president of the Mission Police Association, officer Dagoberto Chavez.

Jim and Mindy Schroeder thanked the council, the City Manager's office staff and everyone else who helped with putting together this year's car show. The City of Mission had the best and biggest car show than any other years approximately 14,000 people attended the show.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: Lots 23 & 24, Ala Blanca Subdivision Unit # 2, R-1 to C-3, Luis Gamboa

The subject site was located 150' east of Paloma St. along the south side of Expressway 83. The surrounding zonings included Single Family (R-1) to the west, south, and east and to the north was U.S. Expressway 83. The existing land uses included single-family uses to the West, South, and East and Expressway 83 to the North. The Future Land Use Map reflected a GC (General Commercial Designation). The City had approved other commercial zones within the same area. C-3 zone was well within the land use parameters of a GC designation. Of major consideration to such potential commercialism was the lot's frontage to the Expressway, a major commercial corridor. Ultimately, the highest and best long-term use for these series of lots was non-residential. There was no public opposition at P&Z's 2/24/10 hearing. The P&Z unanimously approved the rezoning application.

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.

Councilwoman Maria Elena Ramirez moved to approve rezoning: Lots 23 & 24, Ala Blanca Subdivision Unit # 2, R-1 to C-3, Luis Gamboa. Motion was seconded by Councilman Plata and approved unanimously 5-0.

B. Conditional Use Permit: Sale & On-Site-Consumption of Alcoholic Beverages – "La Mansion Ballroom," 507 N. Conway, being Lot 8, Block 92, Mission Original Townsite Subdivision, C-3, Life of Use, Norma Cruz

The previous tenant had closed his operation. Now the owner of the building, Ms. Cruz, was applying to continue the ballroom, thus the need for adjusted CUP consideration. The subject site was located just off the NW corner of Conway and 5th Street. The site was previously remodeled, and opened as a Banquet and Conference Center.

The banquet hall was 3,700 sq.ft. of which 450 sq.ft. would be used as a dance area and 169 sq.ft. for the band or D.J. The second floor was composed of approximately 900 sq.ft. equating to a total of 4,600 sq.ft. Typically, parking reflected a need of 46 parking spaces (1 space per 100 sq.ft). The property was in Mission's Central Business District; thus, exempt from parking requirements for existing structures.

The types of activities ranged from weddings, quinceañeras, Christmas parties, reunions, and birthday parties. These events typically took place during evening hours from about 7:00 p.m. till 2:00 a.m. The maximum occupancy was 500 people (as per Fire Marshal).

Such uses needed to be 300' from residential and Institutional (church) areas – area residences were beyond 415' and the church was over 500' (measured along front lot lines via code). Police informed us that since its opening, no calls had been received from this address to date. There was no public opposition at P&Z's 2/24/10 hearing. The P&Z unanimously approved of the conditional use permit as noted below.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation (to commence from the date alcoholic beverages were sold), and 2) acquisition of a Business License.

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.

Councilwoman Ramirez moved to approve the Conditional Use Permit: Sale & On-Site-Consumption of Alcoholic Beverages – “La Mansion Ballroom,” 507 N. Conway, being Lot 8, Block 92, Mission Original Townsite Subdivision, C-3, Life of Use, Norma Cruz. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

At 4:49 p.m. Mayor Salinas requested to continue with item 4.5 of the agenda.

2.0 Disposition of Minutes

2.1 City Council Meeting – February 22, 2010

Councilwoman Norie Gonzalez Garza moved to approve the minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 5-0.

3.0 Acknowledge Receipt of Minutes

3.1 Mission Civil Service Commission – January 20, 2010

Mission Redevelopment Authority – January 26, 2010

Mission Tax Increment Reinvestment Zone – January 26, 2010

Boys & Girls Club of Mission – January 28, 2010

Planning and Zoning Commission – January 27, 2010 and February 10, 2010

Zoning Board of Adjustments – January 20, 2010

Shary Golf Advisory Board – January 20, 2010

Councilwoman Garza moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.0 Approvals and Authorizations

4.1 Adoption of Ord. # 3544 for Rezoning Lot 23 & 24, Ala Blanca Subdivision Unit # 2, R-1 to C-3

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Ord. No. 3544 for rezoning Lot 23 & 24, Ala Blanca Subdivision Unit # 2, R-1 to C-3. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

ORDINANCE NO. 3544

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING FOR LOTS 23 & 24, ALA BLANCA SUBDIVISION UNIT # 2, FROM R-1 TO C-3

4.2 Adoption of Ord. # 3545 for CUP for “The Sale & On-Site Consumption of Alcoholic Beverages” – ‘La Mansion Ballroom’, 507 N. Conway, being Lot 8, Block 92, MOT Subdivision, C-3

Staff and City Manager recommended approval.

Councilman Plata moved to approve adoption of Ord. No. 3545 for CUP for “The Sale & On-Site Consumption of Alcoholic Beverages” – ‘La Mansion Ballroom’, 507 N. Conway, being Lot 8, Block 92, MOT Subdivision, C-3. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3545

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” – ‘LA MANSION BALLROOM’, 507 N. CONWAY, LOT 8, BLOCK 92, MISSION ORIGINAL TOWNSITE SUBDIVISION

4.3 Preliminary Plat Approval: Marbella Subdivision, 36.42 Ac. out of Lots 183 & 184, JHS Subdivision (Amended), PUD (High Density), Developer: Hunt Valley Development I, LLC Engineer: Half Associates

The proposed subdivision was located at the NW corner of Shary and San Mateo, and consisted of 104 single-family residential lots. The land use designation of high density required lots to be a minimum of 5,000 sq. ft. The proposed lots ranged from 8,450 sq. ft. to 10,400 sq. ft. The developer was proposing water service through an internal 8” water line system to provide service to all lots with hydrants located via direction from the Fire Marshal. The system was looped with connections to an existing 16’ line along Shary Road, and 8” line along San Mateo, and an 8” line along the east side of Shimotsu Elementary.

The developer was proposing an 8” sewer line that would provide service to all lots as it tied to an existing 15” sewer network along the west side of the property. The City’s capital sewer recovery fee would be imposed to the residential lots at \$200/lot x 104 lots = \$20,800.

The streets were primarily 50’ ROW 32’B/B with the central collector meeting mission’s collector street standard. The ROW dedication along Shary Road met the MPO Thoroughfare

Plan. Storm drainage was accomplished through a series of 36", 30" & 24" storm lines, which lead into Hunt's regional ditch system. The P&Z unanimously approved the plat.

Staff Recommendation: Approval subject to: 1) Park ordinance compliance, 2) pay sewer capital recovery fee, 3) allocation of water district via agreement, and 4) comply with all other comments and format findings.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Preliminary Plat Approval: Marbella Subdivision, 36.42 Ac. out of Lots 183 & 184, JHS Subdivision (Amended), PUD (High Density), Developer: Hunt Valley Development I, LLC Engineer: Halff Associates. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.4 Request by Hunt Valley Development to have City Council Authorize City Manager to issue Building Permits for Model Homes at the un-recorded Lots 79, 80, 81, 84, 86, 93, Marbella Subdivision

Hunt Valley desired to file building permits to build 6 new Model Homes each valued in the range of \$220,000 (total valuation of \$1,320,000) at the un-recorded Marbella Subdivision (being considered on this same agenda).

Wanting to take advantage of the apex of residential marketing season, Hunt indicated that construction would need to be underway by late March/early April 2010. We have worked well with the Hunt's in the past on issues such as these.

Seeing that these were model homes (for showroom purposes initially), staff had no objections so long as there was no occupancy until the 'final plat' was approved by the City Council and the plat was recorded.

Staff Recommendation: No objection subject to no occupancy until final plat was approved by the City Council and the plat was recorded

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve request by Hunt Valley Development to have City Council Authorize City Manager to issue Building Permits for Model Homes at the un-recorded Lots 79, 80, 81, 84, 86, 93, Marbella Subdivision. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.5 Approval of Res. # 1262 in support of the Sharyland Independent School District Schoolhouse Bond Election

The Resolution was in support of the Sharyland Independent School District Schoolhouse Bond Election of May 8, 2010.

If approved \$9.985 Million bond issue would support the renovation of high school facilities.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Res. No. 1262 in support of the Sharyland Independent School District Schoolhouse Bond Election. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

RESOLUTION NO. 1262

SUPPORT OF SHARYLAND INDEPENDENT SCHOOL DISTRICT SCHOOLHOUSE BOND ELECTION

At 4:51 p.m. Mayor Salinas requested to continue with item 2.1 of the agenda.

4.6 Appointment of Election Judges and Alternate Judges for May 8, 2010 General/Special Election

As per Election Code 32.005 Judges for elections were to be approved by the governing body of a political subdivision.

PRECINCT	LOCATION	JUDGE	ALTERNATE
Northeast	Bryan Elementary	Romeo de la Garza	Aissa de la Garza
Northwest	High School	Joe Montemayor	Maria Luisa Montemayor
Southwest	Pearson Elementary	Gloria Banda Gonzalez	Kimberly Golden
Southeast	Castro Elementary	Patricia Navarro	Irene Navarro
Sharyland	Fire Station	Eli Escobedo	Mariel Alaniz

Ballot Board Judge: Pete Jaramillo

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve appointment of Election Judges and Alternate Judges for May 8, 2010 General/Special Election. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.7 Second Reading of Ord. # _____ granting to Sharyland Utilities, L.P., a Limited Partnership, duly organized under the laws of the State of Texas, an Electric Power Delivery Franchise

The first reading was on February 22, 2010 with final passage of ordinance to be on April 12, 2010.

No action was taken on this item.

4.8 Approval of Ord. # 3546 granting a wet designation for 2002 N. Conway, Suite 1 J, Conway Plaza Subdivision, Solera Wine and Liquor

Owner was requesting the above-mentioned property be wet zoned for Wine and Beer Off Premise Permit for Solera Wine and Liquor Store, which was being relocated to the above mentioned address.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve adoption of Ord. No. 3546 granting a wet designation for 2002 N. Conway, Suite 1 J, Conway Plaza Subdivision, Solera Wine and Liquor. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

ORDINANCE NO. 3546

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 2002 N. CONWAY, SUITE 1 J,
CONWAY PLAZA SUBDIVISION

4.9 Tax Collections Report – January, 2010

Janie Flores, Finance Director presented the Tax Collections Report for January, 2010, for acceptance.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Tax Collection Report for January, 2010, as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.10 Authorization to declare the month of April, 2010 as Amnesty Month for the Mission Municipal Court

City Manager's office was requesting the month of April, 2010 to be recognized as Amnesty Month. Citizens could come in and pay their outstanding traffic and other pending violations without fear of being arrested upon their appearance in court. Failure to appear and warrant fees would be waived for citizens who voluntarily came in during Amnesty Month.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to declare the month of April, 2010 as Amnesty Month for the Mission Municipal Court. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.11 Purchase of LED lights for streets along Expressway 83

On December 14, 2010, City Council authorized staff to solicit bids and/or purchase via state approved contract LED lights for streets along Expressway 83. Staff had since researched this project and had found that these items were not on a state approved contract but the items were a sole source item. The LED plates would retrofit our existing highway/street lighting fixtures. Staff was recommending the purchase of LED lights from a sole source vendor. Pursuant to Texas Local Government Code Section 252.022 General Exemptions (7) a procurement of items that were available from only one source, including: (A) items that were available from only one source because of patents, copyrights, secret processes, or natural monopolies and (D) captive replacement parts or components for equipment.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve purchase of LED lights for streets along Expressway 83. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.12 Bid for purchase of Electrical material to upgrade all Traffic Signals, Pedestrian Walk Signals

On December 14, 2010, City Council authorized staff to solicit bids for Electrical material to upgrade all Traffic Signals, Pedestrian Walk Signals. The City of Mission had accepted and opened four (4) bid responses for this project. Staff was recommending awarding to the low bidder meeting all specifications and terms and conditions, Traffic Parts, Inc., for a total overall cost of \$412,691.48.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve bid for purchase of Electrical material to upgrade all Traffic Signals, Pedestrian Walk Signals. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.13 Bid for the overlay of various streets throughout the City of Mission

On January 25, 2010, City Council authorized staff to solicit bids for the overlay of various streets throughout the City of Mission. The City of Mission had accepted and opened two (2) bid responses for this project. Staff along with Javier Hinojosa Engineering, (Project Engineers) recommended awarding to the low bidder meeting all specifications and terms and conditions, Mission Paving Company, Inc, for a total overall cost of \$757,614.24.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve bid for the overlay of various streets throughout the City of Mission. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.14 Budget Amendments: General Fund, Boys & Girls Club Fund, Municipal Court Technology Fund, and Utility Fund

Mrs. Flores presented the budget amendments BA-63 thru BA-67 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve budget amendments BA-63 thru BA-67. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.15 Change time of March 22, 2010 Regular City Council meeting

City Manager was requesting to change the time of the March 22, 2010 City Council meeting to 3:00 p.m.

Staff and City Manager recommended approval.

Councilman Plata moved to approve change time of March 22, 2010 Regular City Council meeting. Motion was seconded by Councilwoman Garza and approved 4-1, with Mayor Pro Tem Olivarez dissenting.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

None

At 5:12 p.m., Councilwoman Garza moved to convene into executive session. Motion was seconded by Councilman Plata 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. Parcel 24, Mile 2 North Rd. Project

B. Complaints to City about Escalera Wrecker Service

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

Private consultation with the City Attorney Sec. 551.071

A. All or Portions of Lots 1, 2, 3, 6, 7, 8, 9, & 10 of Block 157, Original Townsite, of Mission, Hidalgo County Texas

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

At 5:39 p.m., Mayor Pro Tem Olivarez moved to reconvene in open session. Motion was seconded by Councilman Plata and approved unanimously 5-0.

On item 7.1-A, Councilman Plata moved to authorize the closing of purchase of Parcel 24 and to hire Attorney Dan Worthington to do whatever was legally necessary to clear the title for the property. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

No action was taken on item 7.1-B.

No action was taken on item 7.2-A.

8.0 Adjournment

At 5:40 p.m., Councilwoman Garza moved for adjournment. Motion was seconded by Councilman Plata and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary