

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
OCTOBER 10, 2011 4:30 P.M.
MISSION CITY HALL**

PRESENT:

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:

Norberto Salinas, Mayor

ALSO PRESENT:

Kathy Olivarez, Progress Times
Jaime Sanchez
Juan Rodriguez, Jr.
Jacob Alonzo
Pedro Perusquia
Daniel Silva
Homer Villarreal

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, Public Works Director
Joanne Longoria, CDBG Director
Gilbert Sanchez, Fire Marshal
Rick Saldana, Fire Chief
Eduardo Belmarez, Purchasing Director
Robert Dominguez, Asst. Chief of Police
Martin Garza, Asst. Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Julian Gonzalez, Parks & Rec. Director
Juan C. Avila, B & G Club Director
Robert Hinojosa, Risk Manager
Roland Rodriguez, I. T. Director
Jonathan Wehrmeister, Judge
Cassandra Karl, Museum Director
Belida Garza, Speer Memorial Library

1. Call to order

With a quorum being present, Mayor Pro Tem Leo Olivarez called the meeting to order at 4:30 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. Mission Regional Medical Center S.A.F.E. Place update

Marianna Wright, Foundation Director of Mission Regional Medical center gave the council an update on the SAFE Place.

4. Departmental Reports

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

5. Report from the Greater Mission Chamber of Commerce

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on several events that took place during the week and informed of the following upcoming events: The Annual Chamber Banquet to be held on October 11 and the Butterfly Festival to be held on October 22.

6. Citizens Participation

None

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: A 0.894 acre tract out of Lot 195, John H. Shary Subd., AO-I to C-3, R & L Lozano Leasing, LTD

The subject site was located at the NE corner of Shary Road and 4th Street. The surrounding zones included: Agricultural Open Interim (AO-I) to the north, Single Family Residential (R-1) to the east, Adaptive Commercial (C-5) to the west, and General Commercial (C-3) to the south. The surrounding land uses consisted of open acreage to the north, and IHOP Restaurant to the south, a residential subdivision to the east, and Bett's Oil & Butane and Another Closet Storage to the west. The subject site was currently open acreage.

The Future Land Use Map reflected a General Commercial (GC) designation along Shary Road. The corner tract had been a commercial 'reserve' since the inception of the Master Plan, and should be changed to C-3 due to FLUM compliance, frontage to a widened major thoroughfare, and was adjacent to existing commercial users and zones. There was no public opposition during 9/28/11 P&Z's hearing.

Staff, P&Z and City Manager recommended rezoning approval.

Mayor Pro Tem Olivarez asked if there were any comments for or against the rezoning request.

There were no comments.

Councilman Plata moved to approve Rezoning: A 0.894 acre tract out of Lot 195, John H. Shary Subd., AO-I to C-3. Motion was seconded by Councilwoman Maria Elena Ramirez and approved unanimously 4-0.

B. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – La Playita Restaurant & Bar, 2120 E. Business 83, Lot 51, Sharyland Orchards Subd., C-4, Life of Use, Pedro Perusquia

The subject site was located on the SE corner of Ragland Road and Business 83. On 2/28/11, P&Z approved a similar conditional use permit at this same location for a seafood restaurant; however, that applicant did not pursue opening the restaurant after all.

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- Section 1.56-3: The Zoning code cites that ‘Bars’ must be 300’ from the nearest residence, church, school or publicly owned property. There were residences within 300’ however; P&Z and the Council twice waived this separation requirement in previous conditional use permits approvals.
- Hours of operation: Every day from 12:00 p.m. to 2:00 a.m. Alcoholic beverages would only be served during allowable State selling hours.
- Staff: 5 – 10 employees
- Parking: In reviewing the floor plan, there were 108 total seating spaces for restaurant, which required 36 parking spaces (108 total seating spaces/3 =36 parking spaces). It was noted that the parking area was held in common (41 existing parking spaces) and was shared with a closed auto mechanic shop.
- Noise: In speaking to the applicant there would be certain nights where there may be a D.J., band or karaoke. The applicant also desired to have small outdoor speakers in the open patio area for background music.
- Landscaping: There was an existing green area along Business 83, however staff would like to see at least 5 shade/ornamental trees installed as part of the conditional use permit requirements.
- In visiting the site, staff noticed that there was an existing pool (with no water) that was unsecured. A fence must be installed in order to meet typical barrier requirements for swimming pools (or fill-in the pool).
- Must comply with Fire & Health Departments; and must obtain a Business License.

There was public comment during 9/28/11 P&Z’s hearing regarding traffic exiting onto Ragland; thus, the idea from the neighbor was to close-off access to Ragland but this would seem to cause higher traffic risks for the well-populated Valley View Estates. The site’s traffic would be further assessed at the renewal stage. P&Z unanimously recommended approval as per staff’s recommendation.

Staff Recommendation: Approval subject to: 1) waiving the 300’ separation requirements; 2) Must comply with the City’s Noise Codes; 3) Must install a minimum of 5 shade/ornamental trees along Business 83; 4) Must secure the swimming pool; and 5) 6 month re-evaluation to assess this new operation.

City Manager recommended cup approval.

Mayor Pro Tem Olivarez asked if there were any comments for or against the cup request.

There were no comments.

Councilman Plata moved to approve Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – La Playita Restaurant & Bar, 2120 E. Business 83, Lot 51, Sharyland Orchards Subd., C-4. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

C. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Sora Sushi Bar, 303 N. Shary Rd., Lot 1, Gutierrez-Alvarez Subd., C-3, Life of Use, Sora Sushi Bar, LLC

The restaurant site was located 1/3 mile north of Expressway 83 along the west side of Shary Road. The first floor of the building was 1,040 sq. ft., and was used as the primary dining area. The second floor was 425 sq. ft. and was utilized more as a bar for the evening crowd. Asst. Chief Martin Garza researched the site for any incidents and found that there were none reported.

Minutes, 10/10/11 Pg. 4

- Section 1.56-3: The Zoning Code cites that ‘Bars’ must be 300’ from the nearest residence, church, school or publicly owned property. There were residences within 300’ however; P&Z and the Council waived this separation requirement in the CUP’s previous approval.
- Hours of Operation: The restaurant would be open Monday – Sunday from 11:00 a.m. to 10:00 p.m.; the bar would close at 2:00 a.m. Alcoholic beverages would only be served during allowable State selling hours.
- Parking: Mr. Chanin was the owner of the retail/office-type suites to the south. Being the owner of both properties, Mr. Chanin currently allowed for patrons to use the parking lot located south of the restaurant. Once the southern suites close in the evening, their parking becomes available for use by the sushi bar’s patrons. The Planning Department had not received any complaints regarding parking issues.

There was no public opposition during 9/14/11 P&Z’s hearing. P&Z unanimously recommended approval as per staff’s recommendation.

Staff Recommendation: Approval subject to: 1) waiving the 300’ separation requirement, and 2) 1 year re-evaluation to assess the operation.

City Manager recommended cup approval.

Mayor Pro Tem Olivarez asked if there were any comments for or against the cup request.

There were no comments.

Councilwoman Ramirez moved to approve Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Sora Sushi Bar, 303 N. Shary Rd., Lot 1, Gutierrez-Alvarez Subd., C-3. Motion was seconded by Councilman Plata and approved unanimously 4-0.

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

This 4,500 sq. ft. site was located within a plaza approximately 600’ east of Conway Avenue along the north side of Expressway 83. The restaurant was originally approved for the sale and on-site consumption of alcohol on 1-6-10. On 10-27-10, the restaurant was re-approved by P&Z when it was expanded to include a bar component that would only offer beer. Asst. Chief Martin Garza researched the site for any incidents and found that there were none reported.

- Section 1.56-3: The Zoning Code cites that ‘Bars’ must be 300’ from the nearest residence, church, school or publicly owned property. There were residences within 300’ however; P&Z and the Council waived this separation requirement in the CUP’s previous approvals.
- Hours of Operation: Sunday – Thursday from 10:00 a.m. to 9:00 p.m. & Friday & Saturday from 10:00 a.m. to 11:00 p.m. Alcoholic beverages would only be served during allowable State selling hours.
- Parking: In viewing the floor plan, there were 194 total seating spaces for the restaurant, which required 65 parking spaces (194 total seating spaces/3 = 65 parking spaces). It was noted that the parking area was held in common (225 existing parking spaces) and was shared with other businesses. The parking area was also connected and had access to existing, interlocking parking lots.

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- There was a small stage area for 'light' music from a single guitar player or a piano, no DJs or Bands utilize the stage.

There was no public opposition during 9/28/11 P&Z's hearing. P&Z unanimously recommended approval as recommended by staff.

Staff Recommendation: Approval subject to: 1) waiving the 300' separation requirement, and 2) 1 year re-evaluation to ensure continued compliance within a family retail setting.

City Manager recommended cup approval.

Mayor Pro Tem Olivarez asked if there were any comments for or against the cup request.

There were no comments.

Councilwoman Garza moved to approve Conditional Use Permit: Sale and On-Site Consumption of Alcoholic Beverages – Villa Del Mar, 207 E. Expressway 83, Lot 3, El Pueblo Ph. II Subd., C-3. Motion was seconded by Councilman Plata and approved unanimously 4-0.

E. Conditional Use Permit: Sale and On-Site Consumption of Beer & Wine – Wing Stop Restaurant, 301 W. Griffin Parkway, Suite 6, Lot 1D, Mission Park Plaza Subd., C-3, Life of Use, Wing Stop

The 2,000 sq. ft. restaurant site was located within a commercial plaza approximately 750' west of Conway Avenue along the south side of Griffin Parkway. This conditional use permit was originally approved on 9-26-07 and most recently approved by P&Z on 10-15-08, with a 3 year re-evaluations. Staff also requested a report for P.D. to see if there were any issues with this business in relation to the sale and on-site consumption of alcohol. Asst. Chief Martin Garza researched the site for any incidents and found that there were none reported.

- Days/Hours of Operation: Every day from 11:00 a.m. to 12:00 a.m. Alcoholic beverages will only be served during allowable State selling hours.
- Staff: 13-17 employees.
- Parking: There were 50 total seating spaces, which required 17 parking spaces (50 seats/1 space for every 3 seats = 16.6 parking spaces). It was noted that the parking area was held in common (78 existing parking spaces) and was shared with other businesses.

Since there had been no issues at this family-oriented restaurant, the conditional use permit should be approved. There was no public opposition during 9/28/11 P&Z's hearing. P&Z unanimously recommended approval as per staff's recommendation.

Staff Recommendation: Approval subject to a 3 year re-evaluation to assure continued compliance.

City Manager recommended cup approval.

Mayor Pro Tem Olivarez asked if there were any comments for or against the cup request.

There were no comments.

Councilman Plata moved to approve Conditional Use Permit: Sale and On-Site Consumption of Beer & Wine – Wing Stop Restaurant, 301 W. Griffin Parkway, Suite 6, Lot 1D, Mission Park Plaza Subd., C-3. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

F. Conditional Use Permit: Portable Building – Sale of water, 213 E. Expressway 83, Lot 3, El Pueblo Subd., Ph. I, C-3, Life of Use, Gilbert Espinoza (Watermill Express)

The site was located 500' east of Conway Avenue along the north side of Expressway 83 frontage (Conway Plaza Shopping Center). The applicant had a self-sustained, fully automated, "Watermill Express" (8' diameter portable structure) for the sale of purified water. The structure was located south of the main plaza, within one of the parking spaces. This conditional use permit was originally approved by P&Z on 4-15-09 subject to a 1 year re-evaluation and acquiring a business license. It was most recently approved on 10-13-10, subject to a 1 year re-evaluation.

- Days/Hours of Operation: Everyday – 24 hours a day
- Watermill technicians conduct service inspections on a daily basis to ensure that the water dispensing unit was clean and functioning properly.
- Parking and landscaping codes were being met.
- There had been no negative reports due to the watermills location in this parking lot.

There was no public opposition during 9/28/11 P&Z's hearing. P&Z unanimously recommended approval as per staff's recommendation.

Staff Recommendation: Approval subject to a 3 year re-evaluation.

City Manager recommended cup approval.

Mayor Pro Tem Olivarez asked if there were any comments for or against the cup request.

There were no comments.

Councilwoman Ramirez moved to approve Conditional Use Permit: Portable Building – Sale of water, 213 E. Expressway 83, Lot 3, El Pueblo Subd., Ph. I, C-3. Motion was seconded by Councilman Plata and approved unanimously 4-0.

G. Adoption of Ordinance # 3694 to abandon a 0.09 acre of irregularly shaped portions of unpaved ROWs being Schuerbach Rd. (inside Mission City limits) and Leonor St. where both streets intersect

Staff received a written request from J.R. Rodriguez, owner of Sylvia's Plaza across the street, to consider abandoning portions of ROWs that were still 'on the books' but would not be used for street purposes.

- Annexation Ordinance #1729 was adopted in April 1993 wherein the adjoining properties to the east were annexed inclusive of Schuerbach Road to its centerline; there was no deliberate annexation of the entire width of Schuerbach Road at this juncture; any consideration by the City of Mission to 'abandon' was limited to the centerline of Schuerbach Road.

- For decades and up until the mid-90's, Schuerbach Road went northward & crossed the Railroad intersecting Business Highway 83 at a direct 90-degree angle. However, as Schuerbach continued north from Business Highway 83, it did so at a jog.
- This awkward street jog was later reconciled by LJISD swerving Schuerbach's pavement to properly meet centerline to centerline with Schuerbach on the north side of Business Highway 83 as it currently exists. (Note: LJISD straightened the intersection in their efforts to maximize traffic safety and maneuverability when they built Escandon Elementary School).
- With the swerving of Schuerbach 18 years ago, this left the old ROW alignment still intact it just wasn't paved anymore; it remained then as it does now, i.e., a dormant pie-shaped piece of property.
- Staff prepared an exhibit that reflected existing utilities within the ROW.
- In visiting the site during the several intervening months, it continued to be un-sightly with illegally dumping bags of trash, clothes, tires, boxes, etc., on it.
- This portion of ROW would not be used for street purposes any longer. The adjoining property to the west had extensive access to Schuerbach Road thus any new subdivision would be safer by having its street access point further southward instead of nearer to the railroad.

Conclusion: The abandonment of the hi-lited ROW would not be detrimental to the area, nor to adjoining properties; would be a step forward to re-injecting it back into the private (taxable) sector (with voiced landscaping to be added onto by the subject applicant thus being a more aesthetic feature at this juncture); it would be a step forward in having the surface use maintained by private resources instead of public taxpayers; the utilities would be protected by reserving a utility easement over the entire property. There was no public opposition voiced during the 9/28/11 P&Z's hearing. The Planning and Zoning unanimously approved of the request.

Staff Recommendation: Abandon the 0.09 acre of ROWs (Schuerbach and Leonor) subject to: 1) reserving a utility easement, and 2) have the county of Hidalgo abandon the west ½ of ROW.

City Manager recommended ordinance approval.

Jaime Sanchez of 4300 Canadiana Lane, business partner of Juan Rodriguez was in favor of the abandonment request and was present in case the council had any questions.

Councilwoman Ramirez moved to approve Ordinance No. 3694 to abandon a 0.09 acre of irregularly shaped portions of unpaved ROWs being Schuerbach Rd. and Leonor St. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3694

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION
ABANDONING A PORTION OF SCHUERBACH ROAD AND LEONOR STREET
WHERE SAID TWO STREETS INTERSECT BEING AN IRREGULAR SHAPED
PORTION OF EXISTING RIGHT OF WAY LYING IMMEDIATELY SOUTH AND
ADJACENT TO THE BORDER PACIFIC RAILROAD COMPANY RIGHT OF WAY,
AND ALSO LYING NORTH AND WEST OF LOT 1, MRS. E.V. FLORES
SUBDIVISION, MISSION, HIDALGO COUNTY, TEXAS

2.0 Disposition of Minutes

2.1 City Council Meeting – September 26, 2011

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 Speer Memorial Library – August 16, 2011

Mission Civil Service Commission – August 19, 2011

Mission Redevelopment Authority – August 23, 2011

Mission Tax Increment Reinvestment Zone – August 23, 2011

Mission Economic Development Corporation – September 6, 2011

Planning and Zoning Commission – September 14, 2011

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 Adoption of Ordinance # 3695 for Rezoning a 0.894 acre tract out of Lot 195, J.H.S. Subd., AO-I to C-3

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3695 for Rezoning a 0.894 acre tract out of Lot 195, J.H.S. Subd., AO-I to C-3. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3695

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING A 0.894 ACRE TRACT OUT OF LOT 195, JOHN H. SHARY SUBDIVISION, AO-I TO C-3

4.2 Adoption of Ordinance # 3696 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – La Playita Restaurant & Bar, 2120 E. Business 83, Lot 51, Sharyland Orchards Subd.

Staff and City Manager recommended ordinance approval.

Councilwoman Ramirez moved to approve Ordinance No. 3696 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – La Playita Restaurant & Bar, 2120 E. Business 83, Lot 51, Sharyland Orchards Subd. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3696

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 PLAYITA RESTAURANT & BAR, 2120 E. BUSINESS 83, LOT 51, SHARYLAND ORCHARDS SUBDIVISION

4.3 Adoption of Ordinance # 3697 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Sora Sushi Bar, 303 N. Shary Rd., Lot 1, Gutierrez – Alvarez Subd.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No.3697 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Sora Sushi Bar, 303 N. Shary Rd., Lot 1, Gutierrez – Alvarez Subd. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3697

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 – SORA SUSHI BAR, 303 N. SHARY ROAD, LOT 1, GUTIERREZ-ALVAREZ SUBDIVISION

4.4 Adoption of Ordinance # 3698 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Villa Del Mar, 207 E. Expressway 83, Lot 3, El Pueblo Ph. II Subd.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3698 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Villa Del Mar, 207 E. Expressway 83, Lot 3, El Pueblo Ph. II Subd. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3698

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, 207 E. EXPRESSWAY 83, LOT 3, EL PUEBLO PH. II SUBDIVISION

4.5 Adoption of Ordinance # 3699 for CUP: Sale & On-Site Consumption of Beer & Wine – Wing Stop Restaurant, 301 W. Griffin Parkway, Suite 6, Lot 1D, Mission Park Plaza Subd.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3699 for CUP: Sale & On-Site Consumption of Beer & Wine – Wing Stop Restaurant, 301 W. Griffin Parkway, Suite 6, Lot 1D, Mission Park Plaza Subd. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

ORDINANCE NO. 3699

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR SALE & ON-SITE CONSUMPTION OF BEER & WINE – WING STOP RESTAURANT, 301 W. GRIFFIN PARKWAY, SUITE 6, LOT 1D, MISSION PARK PLAZA SUBDIVISION

4.6 Adoption of Ordinance # 3700 for CUP: Portable Building – Sale of water, 213 E. Expressway 83, Lot 3, El Pueblo Subd. Ph. I

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3700 for CUP: Portable Building – Sale of water, 213 E. Expressway 83, Lot 3, El Pueblo Subd. Ph. I. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

ORDINANCE NO. 3700

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR A PORTABLE BUILDING – SALE OF
WATER, 213 E. EXPRESSWAY 83, LOT 3, EL PUEBLO SUBDIVISION PH. I

4.7 Lease Agreement between the City of Mission and Amigos del Valle, Inc. for the rental of the Strickland Building

Attached was the agreement between the City of Mission and the Amigos del Valle, Inc. for the rental of the Strickland Building located at 1116 N. Conway for a period of three years beginning on October 1, 2011 thru September 30, 2014 for a rental amount of \$1.00 a year.

The City would be responsible for any maintenance and repair of the building.

Staff and City Manager recommended approval of lease agreement.

Councilman Plata moved to approve Lease Agreement between the City of Mission and Amigos del Valle, Inc. for the rental of the Strickland Building. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.8 Approval of Intergovernmental Cooperative Agreement with Palm Valley Animal Center

The Palm Valley Animal Center was increasing their fee from \$65.00 to \$68.00 per animal that was delivered to their shelter after October 1, 2011. Last year the fee increased from \$59.00 to \$65.00.

The only animals that would be delivered to the Palm Valley Animal Center were the ones that needed to be quarantine and in some cases animals would also be transported to the center to relieve overcrowding in the city's kennels.

The City of Mission's kennel would house all other animals that were picked up by Animal Control offices.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Intergovernmental Cooperative Agreement with Palm Valley Animal Center. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.9 Tax Collections Report – August, 2011

Finance Director Janie Flores presented the Tax Collections Report for August, 2011 for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Tax Collections Report for August, 2011. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.10 Approval of Sub recipient Agreement with the County of Hidalgo for the provision of youth services “Boys & Girls Club of Mission Jensen Unit”

Subrecipient Agreement was for the provision of supplies and salaries for staff that provided the educational, recreational and social activities for the youth in the area. The subrecipient agreement had been approved by Commissioners Court.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Sub recipient Agreement with the County of Hidalgo for the provision of youth services “Boys & Girls Club of Mission Jensen Unit”. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.11 Authorization to purchase Motorola Portable Radios via a HGAC Contract through the Federal Edward Byrne Memorial Justice Assistance Grant

The City of Mission Police Department was requesting authorization to purchase Motorola Portable Radios via a HGAC contract. The Motorola Radio Equipment would be purchased as part of the Federal Edward Byrne Memorial Justice Assistance Grant. It was staff’s intent to purchase a total of three (3) portable radios for their organization. The total expenditure for this project was \$11,557.80. The portable radios would be paid with grants funds received from the U.S. Department of Justice, Office of Justice Programs up to \$10,244.00, the remainder of the funds; \$1,313.80 would be paid through our drug seizure funds.

Staff was respectfully requesting authorization to purchase the Motorola Portable Radio Equipment via HGAC contract # 17724.

City Manager recommended approval.

Councilman Plata moved to authorize to purchase Motorola Portable Radios via a HGAC Contract through the Federal Edward Byrne Memorial Justice Assistance Grant. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.12 Authorization to purchase Motorola Portable Radios via a HGAC Contract through the Office of the Governor’s Criminal Justice Division Operation Safeguard Grant

The City of Mission Police Department was requesting authorization to purchase Motorola Portable Radios via a HGAC contract. The Motorola Radio Equipment would be purchased as part of the Office of the Governor’s Criminal Justice Division Operation Safeguard Grant. It was staff’s intent to purchase a total of three (3) portable radios and radio accessories for their organization. The total expenditure for this project was \$13,230.05. The portable radios would be paid with grants funds received from the Office of the Governor’s Criminal Justice Division.

Staff was respectfully requesting authorization to purchase the Motorola Portable Radio Equipment via HGAC contract # 17724.

City Manager recommended approval.

Councilwoman Ramirez moved to authorize to purchase Motorola Portable Radios via a HGAC Contract through the Office of the Governor's Criminal Justice Division Operation Safeguard Grant. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.13 Approval of Ordinance # 3701 providing for no parking / no standing signs on west side of the road at the 1400 and 1500 blocks of Doherty Ave., between the hours of 7:00 a.m. to 8:30 a.m. and 3:00 p.m. to 5:00 p.m. on the days the Mission Consolidated Independent School District is in session

The City of Mission Police Department received a request for approval of an ordinance establishing no parking/no standing signs on the west side of the roadway at the 1400 and 1500 block of Doherty Ave., between 7:00 a/m to 8:30 a/m and 3:00 p/m to 5:00 p/m on the days that Mission Consolidated Independent School District was in session. The no parking/no standing signs during the aforementioned time periods would allow traffic flow to run smoothly without being blocked by possible parked vehicles during the pick- up and drop off hours to Mission Jr. High School. The Traffic Safety Committee and Staff was recommending this ordinance be adopted establishing the no parking/no standing signs.

City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3701 providing for no parking / no standing signs on west side of the road at the 1400 and 1500 blocks of Doherty Ave., between the hours of 7:00 a.m. to 8:30 a.m. and 3:00 p.m. to 5:00 p.m. on the days the Mission Consolidated Independent School District is in session. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3701

AN ORDINANCE OF THE CITY OF MISSION, TEXAS ESTABLISHING NO PARKING/NO STANDING SIGNS: NO VEHICLE WILL BE ALLOWED TO PARK OR STAND ON THE WEST SIDE OF THE ROAD AT THE 1400 AND 1500 BLOCKS OF DOHERTY AVE. BETWEEN THE HOURS OF 7:00 A/M TO 8:30 A/M AND 3:00 P/M TO 5:00 P/M ON THE DAYS THE MISSION CONSOLIDATED INDEPENDENT SCHOOL DISTRICT IS IN SESSION; PROVIDING FOR INSTALLTION OF SAID NO PARKING/STANDING SIGNS AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO:

4.14 Approval of Ordinance # 3702 providing for no parking / no standing signs on west and east side of the road at the 100 block of S. Mayberry Rd., between the hours of 7:00 a.m. to 8:30 a.m. and 2:30 p.m. to 5:00 p.m. on the days the Mission Consolidated Independent School District is in session

The City of Mission Police Department received a request for approval of an ordinance establishing no parking/no standing signs on the west and east side of the roadway at the 100 block of S. Mayberry Rd., between 7:00 a/m to 8:30 a/m and 2:30 p/m to 5:00 p/m on the days

that Mission Consolidated Independent School District was in session. The no parking/no standing signs during the aforementioned time periods would allow traffic flow to run smoothly without being blocked by possible parked vehicles during the pick- up and drop off hours to Castro Elementary School. The Traffic Safety Committee and Staff was recommending this ordinance be adopted establishing the no parking/no standing signs.

City Manager recommended ordinance approval.

Councilwoman Ramirez moved to approve Ordinance No. 3702 providing for no parking / no standing signs on west and east side of the road at the 100 block of S. Mayberry Rd., between the hours of 7:00 a.m. to 8:30 a.m. and 2:30 p.m. to 5:00 p.m. on the days the Mission Consolidated Independent School District is in session. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3702

AN ORDINANCE OF THE CITY OF MISSION, TEXAS ESTABLISHING NO PARKING/NO STANDING SIGNS: NO VEHICLE WILL BE ALLOWED TO PARK OR STAND ON THE WEST AND EAST SIDE OF THE ROADWAY AT THE 100 BLOCK OF MAYBERRY RD. BETWEEN THE HOURS OF 7:00 A/M TO 8:30 A/M AND 2:30 P/M TO 5:00 P/M ON THE DAYS THE MISSION CONSOLIDATED INDEPENDENT SCHOOL DISTRICT IS IN SESSION; PROVIDING FOR INSTALLTION OF SAID NO PARKING/NO STANDING SIGNS AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO:

4.15 Authorization to adopt Ordinance # 3703 for the implementation of a 45 mph speed zone on Military Parkway between the 100 Block of West Military Parkway and the 1100 Block of West Military Parkway, to include between the 2200 block of West Military Parkway and the 4100 block of the West Military Parkway

The Mission Police Department was requesting authorization to implement a 45 mph zone on Military Parkway between 100 Block of West Military Parkway and the 1100 Block of West Military Parkway, to include between the 2200 block of West Military Parkway and the 4100 block of West Military Parkway. The 45 mph zone was established to regulate traffic on the newly designed roadway to include the existing roadway from Inspiration Road to South Bensten Palm Drive.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3703 for the implementation of a 45 mph speed zone on Military Parkway between the 100 Block of West Military Parkway and the 1100 Block of West Military Parkway, to include between the 2200 block of West Military Parkway and the 4100 block of the West Military Parkway. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3703

AN ORDINANCE OF THE CITY OF MISSION, TEXAS PROVIDING FOR TRAFFIC CONTROL AS FOLLOWS: THAT NO VEHICLE MAY PROCEED AT A SPEED IN EXCESS OF FORTY-FIVE (45) MILES PER HOUR ON MILITARY PARKWAY, BEWTEEN THE 100 BLOCK OF WEST MILITARY PARKWAY AND THE 1100 BLOCK OF WEST MILITARY HIGHWAY PARKWAY, TO INCLUDE BETWEEN 2200 BLOCK OF WEST MILITARY PARKWAY AND THE 4100 BLOCK OF WEST MILITARY PARKWAY; PROVIDING FOR THE INSTALLATION OF SAID TRAFFIC CONTROL DEVICES AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO:

4.16 Approval of Ordinance # 3704 establishing a school zone at the 1400 and 1500 block of Doherty Avenue and the establishment of crosswalks at the intersection of 15th Street and Doherty Avenue

The City of Mission Police Department received a request for approval of an ordinance establishing a School Zone at the 1400 and 1500 Block of Doherty Avenue to include the establishment of crosswalks at the Intersection of 15th Street and Doherty Avenue. The establishment of school zone would allow for the decrease in speed to 20 mph during the days to Mission Consolidated School District had school in session. In addition, the crosswalks at the intersection of 15th Street and Doherty Avenue will allow for the crossing of pedestrians from one side of the street to the other with safety. The Traffic Safety Committee and Staff was recommending this ordinance be adopted.

City Manager recommended ordinance approval.

Councilwoman Garza moved to approve Ordinance No. 3704 establishing a school zone at the 1400 and 1500 block of Doherty Avenue and the establishment of crosswalks at the intersection of 15th Street and Doherty Avenue. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3704

AN ORDINANCE OF THE CITY OF MISSION, TEXAS ESTABLISHING A SCHOOL ZONE AT THE 1400 AND 1500 BLOCK OF DOHERTY AVENUE: NO VEHICLE MAY PROCEED AT A SPEED IN EXCESS OF 20 MILES PER HOUR ALONG THE 1400 AND 1500 BLOCK OF DOHERTY AVENUE IN EITHER DIRECTION DURING THE DAYS AND SCHOOL HOURS THAT MISSION CONSOLIDATED INDEPENDENT SCHOOL DISTRICT HAS SCHOOL IN SESSION. IN ADDITION, THE ESTABLISHMENT OF CROSSWALKS AT THE INTERSECTION OF 15TH STREET AND DOHERTY AVENUE; PROVIDING FOR INSTALLATION OF SAID TRAFFIC CONTROL DEVICES AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO:

4.17 Approval of Resolution # 1298 of the City Council of the City of Mission, Texas acknowledging and supporting the provisions of V.T.C.A. Transportation Code Section 681.007 providing that disabled special license plates and parking placards issued by other jurisdictions are given full faith and credit in the State of Texas

The State of Tamaulipas, Mexico, had requested that the City of Mission give full faith and credit to disabled special license plates and parking placards issued by the various states in the Republic of Mexico. This Resolution acknowledging vehicles displaying international symbol of access for disabled parking privileges was a good gesture that promotes goodwill, tourism and would strengthen international relations.

Staff and City Manager recommended resolution approval.

Councilwoman Garza moved to approve Resolution No. 1298 of the City Council of the City of Mission, Texas acknowledging and supporting the provisions of V.T.C.A. Transportation Code Section 681.007 providing that disabled special license plates and parking placards issued by other jurisdictions are given full faith and credit in the State of Texas. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.18 Authorization to accept the FY 2011 Emergency Management Performance Grant (EMPG)

The Mission Fire Department (Emergency Management Division) was seeking authorization to accept the Fiscal Year 2010 Emergency Management Performance Grant (EMPG) for Fiscal Year 2011 in the amount of \$ 24,278.80. The requirement for this Grant was to pay for a portion of the Emergency Management Staff. The City must maintain an Emergency Management Plan; conduct and document Exercise; submit After Action Reports and Improvement Plan; be in compliance with the National Incident Management System; must be 100% in compliance with NIMS cast objectives and metrics; submit Work Plan Tasks and the timely submission of progress and Financial Reports.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize the FY 2011 Emergency Management Performance Grant (EMPG). Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.19 Approval of Change Order No. 2 for a reduction from the contract amount to Topcon, Inc. for City of Mission Park Improvements

Change Order No. 2 was a request for the City of Mission to accept a credit and make a reduction of \$68, 664.00 from the contract amount of \$ 4,300,000.00 for City of Mission Park Improvements. The contractor, TopCon, Inc., was awarded the contract for park improvements at Banworth and CWV Parks, to include a skate park at CWV Park. Staff was seeking to remove the skate park from the contract and solicit bids for its completion.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Change Order No. 2 for a reduction from the contract amount to Topcon, Inc. for City of Mission Park Improvements. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.20 Authorization to solicit bids for construction of Skate Park at CWV Park

Staff was seeking authorization to solicit bids for construction of a skate park at CWV Park. This alternate item was removed from the City of Mission Park Improvements contract and allowance will be utilized to complete project.

Staff and City Manager recommended approval.

Councilwoman Garza moved to authorize to solicit bids for construction of Skate Park at CWV Park. Motion was seconded by Councilman Plata and approved unanimously 4-0.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

City Manager, Mr. Cerda thanked everyone for their support to the City employees with their recent illnesses.

6.2 Mayor's Comments

Mayor Pro Tem Olivarez requested for staff to name a street by the American Legion for fallen hero Jesus Martinez from the Vietnam era.

At 5:21 p.m., Councilman Plata 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 Consultation with Attorney Sec. 551.071

A. City of Alton v City of Mission

B. Claim of Church of Jesus Christ of Latter-day Saints on CUP denial

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

At 6:24 p.m., Councilwoman Garza moved to reconvene in open session. Motion was seconded by Councilwoman Ramirez and approved unanimously 3-0.

On item 7.1-A, no action was taken.

On item 7.1-B, no action was taken.

8.0 Adjournment

At 6:24 p.m., Councilwoman Ramirez moved for adjournment. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary