

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
OCTOBER 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

ABSENT:

ALSO PRESENT:

Kathy Olivarez, Progress Times
Crystal Santos
Jorge Flores
Mark A. Pinon
Maria Martinez

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
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Gilbert Sanchez, Fire Marshal
Rick Saldana, Fire Chief
Glorina Flores, Purchasing Buyer
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
Juan C. Avila, B & G Club Director
Rosie Salazar, Risk Manager
Roland Rodriguez, I.T. Director
Jonathan Wehrmeister, Judge

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:31 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. Proclamation – Bullying Prevention Awareness Month

Mrs. Anna Carrillo, City Secretary read the proclamation.

Mayor Pro Tem Leo Olivarez moved to approve the proclamation as presented. Motion was seconded by Councilwoman Maria Elena Ramirez and approved unanimously 4-0.

4. Proclamation – Municipal Courts Week

At 4:35 p.m. Councilman Ruben Plata joined the meeting.

Mrs. Carrillo, City Secretary read the proclamation.

Councilwoman Ramirez moved to approve the proclamation as presented. Motion was seconded by Councilman Plata and approved unanimously 5-0.

5. Departmental Reports

Councilman Plata moved to approve the departmental reports as presented. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

6. Citizens Participation

None

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: A 2.646 acre tract out of Lot 28-6, West Addition to Sharyland Subd., R-3 to C-1, Syed R. Husain, M.D.

The subject site was located approximately ¼ mile south of 2 Mile Road, along the west side of Conway Avenue. The surrounding zones included Agricultural Open Interim (AO-I) to the east and north, Single Family Residential (R-1) to the west, and Mobile and Modular Home (R-4) to the south. The surrounding land uses included open acreage and a residential home to the north; open acreage to the east; residential homes to the west; manufactured/mobile homes (55+ community) to the south; and open acreage at the site. The Future Land Use Map reflected a Heavy Density (HD) designation, which was consistent with an R-2 or R-3 use.

According to the FLUM, the property was designated as HD area. The property abutted a 55+ residential community. However, staff believed that Wagon City would be shielded by the installation of an 8' opaque buffer (via future plat note). Also, C-1 was the most restrictive of the commercial zones, which allowed doctor's offices, banks, etc. Typically, C-1 uses were silent neighbors for much of the time. On the other hand, the current R-3 zone may have induced much more noise, etc. Wagon City did voice an inquiry on the buffering wall replacing their chain link fence; but they were not opposed to C-1 on 10/13/10, P&Z unanimously recommended approval.

Staff, P & Z and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the rezoning request.

Councilman Plata moved to approve Rezoning: A 2.646 acre tract out of Lot 28-6, West Addition to Sharyland Subd., R-3 to C-1, Syed R. Husain, M.D. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

B. Rezoning: Lot 10, Block 106, Mission Original Townsite, R-1 to C-3, Miguel Piñon, Jr.

The subject site was located 100' south of Leo Najo Street along the west side of Doherty Avenue. The surrounding zones included Single Family Residential (R-1) to the north, east, and south, and General Commercial (C-3) to the west. The land uses reflected commercial building to the north and west, a church (El Mesias United Methodist) to the east, residential home to the south and a warehouse (restaurant supply) at the site. The Future Land Use Map reflected a General Commercial (GC) designation for the blocks west of Doherty Avenue.

The subject property should have been changed to C-3 to comply with the FLUM, long-existing commercial land uses, and Doherty may have been seen as the line of demarcation between commercial and residential uses. Also, to the west side of Conway, the Council approved the entire blocks for C-3 zoning thus imposing 'a street' to establish zoning boundaries. There was commentary regarding the maintenance of an adjacent Lot owned by the Piñons; the Piñon representative said they would maintain the property on 10/13/10. P&Z unanimously recommended approval.

Staff, P & Z and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the rezoning request.

Mr. Miguel Piñon, Jr. spoke in favor of the rezoning request.

Mayor Salinas recommended denying the request until the applicant presented a proposed plan of the property to include the parking lot before approving the rezoning request.

Mayor Pro Tem Olivarez moved to deny Rezoning: Lot 10, Block 106, Mission Original Townsite, R-1 to C-3, Miguel Piñon, Jr. Motion was seconded by Councilwoman Norie Gonzalez Garza and denied unanimously 5-0.

C. Rezoning: A 2.61 acre tract out of Lot 214, John H. Shary Subd., R-1A to C-3, Andres Boesch

The subject site was in the SW corner of School Lane and Shary Road. The surrounding zones included Large Lot Single Family (R-1A) to the north, east and west, and Heavy Commercial (C-4) to the south. The surrounding land uses consisted of Sharyland High School & SISD's main administration offices to the east; open acreage to the south and west; and single family homes to the north. The subject site was currently open acreage. The Future Land Use Map reflected a Lower Density (LDA) designation for this area.

Though the FLUM showed an LDA designation, staff anticipated most of the vacant corridor along Shary Road to evolve into commercial uses due to:

- 1) The subject property adjoined Shary Road, a five lane major thoroughfare (mandated a minimum 120' ROW with an ultimate pavement width of 81').
- 2) The site adjoined a Heavy Commercial zone (C-4) that itself had over 600' of frontage to the railroad; C-4 allowed such uses as lumber yards, or wholesale uses requiring large outdoor loading areas that generated heavy truck or rail traffic.

- 3) The traffic produced by both Sharyland High School and inherent traffic using this major street was more conducive for a non-residential use, as limited by the depth proposed, rather than having R-1A homes along such congestive traffic patterns.
- 4) The corner site also fronted a collector street (School Lane/ Elm), which was 1 ¾ miles in length.

SISD's Scott Owings called staff to tell us that SISD was not opposed to the C-3 rezoning so long as alcohol was not served/sold. Our current codes prohibit this use. There was no public opposition during P&Z's 10/13/10 meeting. P&Z recommended denial due to occasional heavy traffic during school.

Staff and City Manager recommended approval based on staff recommendations.

Mayor Salinas asked if there were any comments for or against the rezoning request.

Councilwoman Garza moved to approve Rezoning: A 2.61 acre tract out of Lot 214, John H. Shary Subd., R-1A to C-3, Andres Boesch. Motion was seconded by Councilman Plata and approved unanimously 5-0.

D. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages & Drive-Thru Window at Tino's Seafood Restaurant, 2310 E. Expressway 83, Suite 8, Lot 3, Cimarron Crossings, C-3, Life of Use, Corina Longoria

The subject site was located approximately 250' west of Shary Road on the south side of U.S. Expressway 83 within an existing commercial plaza. The applicant was proposing to re-open a restaurant with a drive-thru service window. The applicant was also requesting a CUP for the sale and on-site consumption of alcohol with meals. Access to the site was provided via a common access drive that ran throughout the plaza. Access to the drive-thru was from the south 'rear' of the plaza. The existing drive-thru window's location allowed stacking for approximately 3 vehicles. There were no churches or schools within 300' of the subject site.

The 1,380 sq. ft. building would have a total of 35 seating spaces for the restaurant. A total of 18 spaces were required for this site (1,380 sq.ft./ 75sq.ft. = 18.4 parking spaces). It was noted that a total of 66 parking spaces were held in common within the commercial development.

- Days & Hours of Operation: Monday – Thursday from 11:00 a.m. to 10:00 p.m., Friday & Saturday from 11:00 a.m. to 12:00 p.m., & Sunday from 11:00 a.m. to 4:00 p.m. Alcoholic beverages would only be served during the allowable State selling hours.
- Number of Employees – 5
- Landscaping had been provided as a part of the overall commercial plaza.
- No speed bump was required by staff since the driveway's curb veers away from the building and there was landscaping impeding pedestrian traffic onto the existing traffic's lane.
- A business license was required prior to occupancy.

There was no public opposition at P&Z's 10/13/10 hearing. The P&Z unanimously approved the conditional use permit.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation to assess this new operation, 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.

Mayor Pro Tem Olivarez moved to approve Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages & Drive-Thru Window at Tino's Seafood Restaurant, 2310 E. Expressway 83, Suite 8, Lot 3, Cimarron Crossings, C-3, Life of Use, Corina Longoria. Motion was seconded by Councilwoman Maria Elena Ramirez and approved unanimously 5-0.

E. Conditional Use Permit: Portable Building – Sale of Water, 1901 W. 3 Mile Rd., Lot 11, Block 4, Taurus Estates #9 Phase I, C-3, Life of Use, Gilberto Espinoza (Watermill Express)

The site was located on the SW corner of Inspiration Road and 3 Mile Road (the Leo's Drive-In Convenience Store). The applicant had a self-sustained, fully automated, "Watermill Express" (8' diameter portable structure) for the sale of purified water. The structure was located just west of the store and the 10' corner setback had been met.

- Hours of Operation: Everyday – 24 hours a day.
- Watermill technicians conducted 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 traffic safety issues since it's inception.

There was no public opposition at P&Z's 10/13/10 hearing. The P&Z unanimously approved the conditional use permit application for 3 years (renew at that time).

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.

Councilman Plata moved to approve Conditional Use Permit: Portable Building – Sale of Water, 1901 W. 3 Mile Rd., Lot 11, Block 4, Taurus Estates #9 Phase I, C-3, Life of Use, Gilberto Espinoza (Watermill Express). Motion was seconded by Councilwoman Maria Elena Ramirez and approved unanimously 5-0.

F. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – KAVE, 2306 E. Expressway 83, Ste. 8 & 9, Lot 1, Cimarron Crossing Phase I Subd., C-3, Life of Use, Mario Saenz

The subject site was located near the SE corner of J.R. Drive and Expressway 83 along the Frontage Road. This CUP was previously approved by the City Council on April 23, 2007. Mr. Saenz had been operating KAVE over the past 3 years.

- Hours Operation: Monday – Wednesday from 3:00 p.m. to 12:00 a.m.
- Thursday – Saturday from 3:00 p.m. to 2:00 a.m. Alcoholic beverages had only been served during allowable State selling hours.
- Parking and Landscaping: There had been no major issues in regard to off-street parking. Landscaping was currently meeting City code as long as it was maintained.

There was no public opposition at P&Z's 10/13/10 hearing. The P&Z unanimously approved the conditional use permit application but for a 1 year re-evaluation.

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.

Mayor Pro Tem Olivarez moved to approve Conditional Use Permit : Sale & On-Site Consumption of Alcoholic Beverages – KAVE, 2306 E. Expressway 83, Ste. 8 & 9, Lot 1, Cimarron Crossing Phase I Subd., C-3, Life of Use, Mario Saenz, subject to a 3 year re-evaluation. Motion was seconded by Councilwoman Norie Gonzalez Garza and approved unanimously 4-1 with Councilman Plata dissenting.

2.0 Disposition of Minutes

2.1 City Council Meeting – October 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 Planning and Zoning Commission – September 22, 2010

Parks and Recreation Board Meeting – September 14, 2010

Shary Golf Advisory Board – September 14, 2010

Mission Economic Development Corporation – August 17, 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. # 3597 for Rezoning A 2.646 acre tract out of Lot 28-6, W.A.S. Subd., R-3 to C-1

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Olivarez moved to approve adoption of Ord. No. 3597 for Rezoning A 2.646 acre tract out of Lot 28-6, W.A.S. Subd., R-3 to C-1. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3597

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MISSION, TEXAS GRANTING A REZONING A 2.646 ACRE TRACT
OUT OF LOT 28-6, WEST ADDITION TO SHARYLAND SUBDIVISION,
FROM R-3 TO C-1

4.2 Adoption of Ord. # _____ for Rezoning Lot 10, Block 106, M.O.T., R-1 to C-3

No action was taken on this item.

4.3 Adoption of Ord. # 3598 for Rezoning A 2.61 acre tract out of Lot 214, J.H.S. Subd., R-1A to C-3

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve adoption of Ord. No. 3598 for Rezoning A 2.61 acre tract out of Lot 214, J.H.S. Subd., R-1A to C-33. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3598

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING A 2.61 ACRE TRACT OUT OF LOT 214, JOHN H. SHARY SUBDIVISION, R-1A TO C-3

4.4 Adoption of Ord. # 3599 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages & Drive-Thru Window at Tino's Seafood Restaurant, 2310 E. Expressway 83, Suite 8, Lot 3, Cimarron Crossing, C-3

Staff and City Manager recommended ordinance approval.

Councilwoman Garza moved to approve adoption of Ord. No. 3599 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages & Drive-Thru Window at Tino's Seafood Restaurant, 2310 E. Expressway 83, Suite 8, Lot 3, Cimarron Crossing, C-3. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3599

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES & DRIVE-THRU WINDOW AT TINO'S SEAFOOD RESTAURANT, 2310 E. EXPRESSWAY 83, SUITE 8, LOT 3, CIMARRON CROSSING

4.5 Adoption of Ord. # 3600 for CUP for Portable Building – Sale of Water, 1901 W 3 Mile Rd., Lot 11, Block 4, Taurus Estates # 9 Phase I

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve adoption of Ord. No. 3600 for CUP for Portable Building – Sale of Water, 1901 W 3 Mile Rd., Lot 11, Block 4, Taurus Estates # 9 Phase I. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

ORDINANCE NO. 3600

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A PORTABLE BUILDING – SALE OF WATER, 1901 W. 3 MILE ROAD, LOT 11, BLOCK 4, TAURUS ESTATES # 9 PHASE I

4.6 Adoption of Ord. # 3601 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – KAVE, 2306 E. Expressway 83, Ste. 8 & 9, Lot 1, Cimarron Crossing Phase I Subd.

Staff and City Manager recommended ordinance approval subject to 3 years re-evaluation.

Councilwoman Garza moved to approve adoption of Ord. No 3601 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – KAVE, 2306 E. Expressway 83, Ste. 8 & 9, Lot 1, Cimarron Crossing Phase I Subd. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

ORDINANCE NO. 3601

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 – KAVE, 2306 E. EXPRESSWAY 83, SUITES 8 & 9, LOT 1, CIMARRON CROSSING PHASE I SUBDIVISION

4.7 Ord. # 3602 to impose Brick, Masonry, and/or Stucco Finish on Facades of Buildings along Major Thoroughfares

On August 23, 2010, Staff presented an item to the City Council on whether to pursue an ordinance to prohibit sheet metal-type buildings (façade only) along Mission’s major streets where after the City Council tendered favorable direction to do so; this was done to improve the aesthetics along Mission’s commercial corridors.

The attached ordinance required the façade (front of the building) along major corridors to be brick, masonry, and/or stucco finish.

The major corridors were identified as:

Griffin Parkway	U. S. Business HWY 83 (Loop 374)
U.S. Expressway 83	Anzalduas Highway
Conway Avenue (SH 107/FM 1016)	Shary Road (FM 494)
Bryan Road	3 Mile Road (FM 1924)

Staff and City Manager recommended approval.

Councilman Plata moved to approve adoption of Ord. No. 3602 to impose Brick, Masonry, and/or Stucco Finish on Facades of Buildings along Major Thoroughfares. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3602

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS PROVIDING THAT NO SHEET METAL BUILDINGS, OR BUILDINGS OF SIMILAR MATERIAL AND/OR EFFECT, SHALL BE PERMITTED ALONG THE MAJOR COMMERCIAL CORRIDORS ESTABLISHED BY THIS ORDINANCE; AND PROVIDING FOR A PUBLICATION DATE

4.8 Request for Direction on Whether to Pursue Establishing a ‘Public Zone’ in Mission’s Zoning Ordinance

Management directed staff to prepare a draft amendment of a possible ‘Public Zone’ within our zoning hierarchy. Staff requested the City Council’s consensus on whether to pursue this or not.

A ‘Public Zone’ would impose to new public entities desiring new facilities such as a new school or new city/county/State/federal building or even a new city park. Mission’s Future Land Use Map does depict a ‘Public (P) land use though it is translated into residential zoning districts within our zoning map.

As with any rezoning, public hearings would be held for any new 'Public Zone' desired; thus, altering the neighborhoods of any desired change and where the plans could be explored and explained.

On existing residential zoning districts that have Public facilities already, changes to their regulations would be required to grandfather their vested status to allow for continues expansion.

Staff was seeking direction on whether to pursue the Public Zone or not.

Staff Recommendation: Direction is sought; if favorable, staff would hold a public hearing with the P & Z Commission for their review/action to be brought back to the Council for review/action.

Staff received consensus from the Council to pursue to establish a Public Zone.

4.9 Approval of Memorandum of Understanding with Mission Consolidated School District in regards to the use of the Shary Municipal Golf Course

The City of Mission and Mission CISD HAD developed a memorandum of understanding where the parties agreed to the following:

- CITY agreed to:
 - Provide an area designated under the Shary Municipal Golf Course Clubhouse for the storage of Golf Clubs and Bags which could be secured.
 - Golf Course Employees would not have access to unlock storage area.
 - Cage would be open from 7:00 a.m. to closing of the clubhouse.
- Mission CISD agreed to:
 - Only school coaches would have key to access cage area.
 - Ensure no student was allowed in area without a coach present.
 - Informing students and parents that only the coach had a key and golf course employees did not have access to area.
 - School would indemnify and hold golf course harmless, to the extent permitted by law, from injury and/or damage (any resulting or related claim, action, loss, liability, or reasonable expense, including attorney's fees and other fees and court and other costs) occurring as a result of such storage. Nothing in this agreement would be construed to waive, modify, or amend and legal defense available to MCISD, including but not limited to governmental immunity.
- The MOU would be effective October 25, 2010.

Staff and City Manager recommended approval of Memorandum of Understanding.

Mayor Pro Tem Olivarez moved to approve Memorandum of Understanding with Mission Consolidated School District in regards to the use of the Shary Municipal Golf Course. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.10 Approval of Memorandum of Understanding with Sharyland School District in regards to the use of the Shary Municipal Golf Course

The City of Mission and Sharyland ISD had developed a memorandum of understanding where the parties agreed to the following:

- CITY agreed to:
 - Provide an area designated under the Shary Municipal Golf Course Clubhouse for the storage of Golf Clubs and Bags which could be secured.
 - Golf Course Employees would not have access to unlock storage area.
 - Cage would be open from 7:00 a.m. to closing of the clubhouse.

- Sharyland ISD agreed to:
 - Only school coaches would have key to access cage area.
 - Ensure no student was allowed in area without a coach present.
 - Informing students and parents that only the coach had a key and golf course employees did not have access to area.
 - School would indemnify and hold golf course harmless, to the extent permitted by law, from injury and/or damage (any resulting or related claim, action, loss, liability, or reasonable expense, including attorney's fees and other fees and court and other costs) occurring as a result of such storage. Nothing in this agreement would be construed to waive, modify, or amend and legal defense available to MCISD, including but not limited to governmental immunity.

- The MOU would be effective October 25, 2010.

Staff and City Manager recommended approval of Memorandum of Understanding.

Councilman Plata moved to approve Memorandum of Understanding with Sharyland School District in regards to the use of the Shary Municipal Golf Course. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.11 Request by U. S. Border Patrol for the use of Mission Boys & Girls Club facility for training purposes

U.S. Border Patrol Rio Grande City Station was requesting the use of the Boys & Girls Club of Mission from October 25, 2010 to December 2, 2010. Training consisted of two lecture and six hours of physical activity where they would need the use of the gym.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to deny request by U. S. Border Patrol for the use of Mission Boys & Girls Club facility for training purposes. Motion was seconded by Councilman Plata and denied unanimously 5-0.

4.12 Acceptance of Quarterly Report of Investments for the Quarter ending September 30, 2010 and Interest Earned For Twelve Months Ending September 30, 2010

Acceptance of quarterly report required by the Public Funds Investment Act Section 2256.023 of the Texas Government Code on the total investments for the quarter ending September 30, 2010. The total investments purchased were \$5,207,925.49 and the amount of maturing investments was \$11,558,597.06 leaving a total of \$22,347,441.16 in outstanding investments for the quarter ending September 30, 2010. The total interest earned on all funds year to date was \$100,734.07.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to accept the Quarterly Report of Investments for the Quarter ending September 30, 2010 and Interest Earned For Twelve Months Ending September 30, 2010. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.13 Tax Collections Report – September, 2010

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

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Tax Collections Report for September, 2010, as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.14 Budget Amendment for the purchase of property next to Central Fire Station and Test Soil – General Fund

City Attorney David Guerra requested that council go into executive session prior to considering this matter in open session pursuant to V.T.C.A. Gov. Code Sec. 551.071, Private consultation with the City Attorney. Council did and thereafter returned to the item in open session.

No action was taken on this item.

4.15 Interlocal Cooperation Agreement between County of Hidalgo and City of Mission for Road Improvements

Interlocal Cooperation Agreement between the County of Hidalgo and the City of Mission in relation to repair with caliche a portion of Military Parkway to Bates Road, Bates Road to Old Military Road (approximately 1/8 mile) and Old Military Road from FM 1427 East on Old Military Road to Bentsen Parkway located in Mission, Texas.

The County would provide all labor; equipment and the City would provide the caliche necessary to complete the project estimate of approximately 2705 tons.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Interlocal Cooperation Agreement between County of Hidalgo and City of Mission for Road Improvements. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.16 Approval of Work Authorization No. 8 with L&G Engineering for the GIS Project

Authorization was being requested for the ongoing GIS (Geographical Information System) project. Phase VI of the GIS project entailed asset valuation project, fire hydrant inspection program, address collection, address geo-coding, water meter GPS collection and city staff training as needed. Majority of the efforts and costs associated with the 10-11 fiscal year of the development of the GIS at the City of Mission would be spent on the compilation and maintenance of datasets as well as refinement of the address collection project.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Work Authorization No. 8 with L&G Engineering for the GIS Project. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.17 Change Order No. 4 for 2010 Street Overlay Project

Change Order No. 4 of 2010 Street Overlay project to include Shary Municipal Golf Course Parking Lot Overlay. Estimated cost was \$ 81,654.00 to increase contract cost from \$863,867.81 to \$945,521.81. The Original contract amount was \$757,614.24; therefore, change order was under the 25% limit (at 24.80%) from original contract cost set by the Texas Governmental Code. The City would receive full reimbursement from MEDC for this Change Order No. 4.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Change Order No. 4 for 2010 Street Overlay Project. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.18 Authorization to accept the FY 2010 Bulletproof Vest Partnership Grant from the Office of Justice Program's Bureau of Justice Assistance

The Mission Police Department was requesting authorization to accept the FY 2010 Bulletproof Vest Partnership Grant from the Office of Justice Program's Bureau of Justice Assistance. The grant would allow our organization the opportunity to purchase bulletproof vests for the police officers for half of the sale price. The Bureau of Justice Assistance would provide \$11,182.50. for the purchase of the vests through the grant and the City of Mission Police Department would provide a cash match of another \$11,182.50. The total amount of \$22,365.00 would allow staff the opportunity to purchase a total of forty (40) bullet proof vests. The cash match amount of \$11,182.50 would be obtained from the Police Department Federal Sharing account. Staff was seeking a favorable recommendation.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to accept the FY 2010 Bulletproof Vest Partnership Grant from the Office of Justice Program's Bureau of Justice Assistance. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.19 Authorization to solicit bids or purchase seven (7) police units via a state approved contract for the Mission Police Department

The Mission Police Department was requesting authorization to solicit bids or purchase seven (7) police units via a state approved contract for the Mission Police Department's Criminal Investigation Division. These new police undercover units would be purchased to replace current units in the Criminal Investigations fleet that needed to be replaced based on high mileage and constant mechanical failures. It was the staff's intent to purchase four (4) Dodge Chargers and (3) Chevrolet Impalas. Staff was seeking a favorable recommendation.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to solicit bids or purchase seven (7) police units via a state approved contract for the Mission Police Department. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.20 Authorization to enter into a Facility Usage Agreement with South Texas College

South Texas College was requesting the usage of North side Pool as a host location for their Scuba Diving Courses. South Texas College would provide their own liability insurance and would use the facility for the sole purpose of conducting classes. Classes would not interfere with school district or public usage. Staff was recommending entering into the Facility Usage Agreement with South Texas College.

No action was taken on this item.

4.21 Authorization to purchase a cab and chassis and flat bed for a large brush truck via Buy Board State approved contract

On August 9, 2010 City Council authorized the Mission Fire Department to seek bids or purchase via state approved contract the purchase of a cab and chassis and flat bed for a large brush truck. Mission Fire department was seeking authorization to purchase from Phil Pott Motors via Buy Board State approved contract No. 281-07 in the amount of \$115,337.00. The funding for this purchase was from the 2010 Certificate of Obligation that was issued in September 2010.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to purchase a cab and chassis and flat bed for a large brush truck via Buy Board State approved contract. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0

4.22 Authorization to purchase via state approved contract 2 (two) F-150 Extended Cab Trucks for the Fire Prevention Division

On September 13, 2010 the Mission City Council authorized the City of Mission Fire Prevention Division to seek bids or purchase via state approved contract for the purchase of 2 vehicles. The City of Mission Fire Prevention Division was seeking authorization to purchase 2 (two) vehicles from Phillipot Motors via state a state approved contract Buy Board # 281-07 in the amount of \$41,142.00. These trucks would be funded through 2010 Certificates of Obligation.

Staff and City Manager recommended approval.

Councilwoman Garza moved to authorize to purchase via state approved contract 2 (two) F-150 Extended Cab Trucks for the Fire Prevention Division. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0

4.23 Authorization to purchase via state approved contract 4 (four) mobile computers with mobile printers

On September 13, 2010 the Mission City Council authorized the City of Mission Fire Prevention Division to seek bids or purchase via state approved contract for the purchase of (4) four mobile computers and (4) mobile printers. The City of Mission Fire Prevention Division was seeking authorization to purchase the (4) mobile computers and (4) mobile printers from John Wright Associates, Inc. via state a state approved contract State DIR Contract: SDD-DIR-531 in the amount of \$18,056.40. These computers and printers would be funded through 2010 Certificates of Obligation.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to purchase via state approved contract 4 (four) mobile computers with mobile printers. Motion was seconded by Councilwoman Garza and approved unanimously 5-0

4.24 Bid for “Vending Services” for City of Mission facilities

City opened bids on October 14, 2010 for vending machine services at city facilities. Staff received and opened only one bid provided by the current provider of this service. The City received commission on the sale of merchandise from the service provider. Bidder proposed a commission to the City of the greater of 10% of gross sales or \$500 per quarter.

Staff and City Manager recommended approval.

Councilman Plata moved to approve bid for “Vending Services” for City of Mission facilities. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0

4.25 Budget Amendment for the Museum: General Fund

Mrs. Flores presented budget amendment BA-01 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve budget amendment BA-01. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.26 Amendment to Publicity and Tourism Agreement with the Greater Chamber of Commerce, Inc. for FY 2010-11

Amendment was being requested to reduce the funding for the Publicity and Tourism Agreement with the Greater Mission Chamber of Commerce for FY 2010-11 from \$325,000 to \$315,000. The City would be undertaking advertising with Entravision Communications (Fox XRIO Cable 6 and with KNVO-TV 48)

Staff and City Manager recommended approval.

Item died for lack of motion.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

None

At 5:41 p.m., Mayor Pro Tem Olivarez 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

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

- A. .46 acre out of Lots 1, 2 & 3 and 0.21 acre out of Lots 6, 7, 8 and all of lot 9 all in Block 154, Original Townsite of Mission, Hidalgo County, Texas**

7.2 Private consultation with the City Attorney Sec. 551.071

- A. Adolfo Ruben Sanchez vs. City of Mission**

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

At 5:55 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

No action was taken on item 7.1-A.

No action was taken on item 7.2-A.

8.0 Adjournment

At 5:55 p.m., Councilman Plata moved for adjournment. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary