

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
NOVEMBER 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
Matt Ruszczak
Maxi Lou Link
Fred Kurth
Angel H. Villarreal
Cathy Garcia

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
Martin Garza, Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Julian Gonzalez, Parks & Rec. Director
Juan C. Avila, B & G Club Director
Noemi Munguia, HR Director
Jesse Lerma, Civil Service
Jonathan Wehrmeister, Judge
Roland Rodriguez, I.T. Director

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:34 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 Councilwoman Maria Elena Ramirez and approved unanimously 5-0.

4. Citizens Participation

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on a successful Butterfly Festival and also advised the council that the Chamber received an award for the Go Mission Campaign at the annual conference.

Maxi Lou Link thanked the Parks and Recreation Department for their outstanding work in putting on the Annual Halloween Festival.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

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

The subject site was located within a plaza approximately 600' east of Conway Avenue along the north side of the Expressway. This site's related Conditional Use Permit was originally approved on 1-6-10. Since business was doing well and the opportunity was presented to them, they wished to expand the restaurant to the next suite making it 4,500.00 sq. ft.

The applicant was proposing a "bar" component within the restaurant. Sec. 1.56 (3a.) of the Zoning Code states: Bars, cocktail lounges, taverns, cantinas, saloons, dancehalls, discotheques, discos or nightclub: "the property line of the lot of any of the above mentioned businesses which had late hours after 10:00 p.m. must have been at least 300 feet from the nearest residence, church school or publicly owned property..." There were residences located to the rear of the property, i.e., north of Del Mar Street.

The applicant stated to staff prior to P&Z that they were a restaurant that only offered beer; there would be no liquor or mixed drinks served. They said that the bar area would be more like a diner. However, they noted that they would like to see if they could close at 11:00 p.m. on Fridays and Saturdays.

- Hours of Operation: Everyday from 10:00 a.m. to 9:00 p.m. They were proposing to close at 11:00 p.m. on Fridays and Saturdays. Alcoholic beverages (beer) would only be served during allowable State selling hours.
- Parking: In reviewing the floor plan, there would be 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.
- There was also a small stage area for 'light' music from a single guitar player or a piano; no loud DJs or Bands would use the stage.

There was no public opposition at P&Z's hearing. Since it appeared that the restaurant was still considered the primary use of the building and they would be closing at 11:00 p.m. which again was more similar to a restaurant than a 'bar', P&Z unanimously approved the conditional use permit.

Staff, P & Z and City Manager recommended approval subject to 1) 1 year re-evaluation, 2) waiver of the 300' separation requirement, and 3) comply with City's Noise Regulations.

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

Councilwoman Norie Gonzalez Garza moved to approve Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Villa Del Mar, 207 E. Expressway 83, Lot 3, El Pueblo Ph. II Subdivision C-3, Angel H. Villarreal. Motion was seconded by Councilman Ruben Plata and approved unanimously 5-0.

B. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Yoko’s Sushi Restaurant, 122 S. Shary Rd., Suite K, Lot 2, Home Depot Subd., #2, C-4, Elena Priscilla Lozano

The City Council approved the conditional use permit in October 26, 2009. The 1,400 sq. ft. restaurant was located 1,200’ north of Expressway 83 along the west side of Shary Road within a commercial plaza. Ms. Lozano had been operating Yoko’s over the past year.

- All parking, landscaping, and sign codes were met.
- The hours of operation were: Sunday – Thursday from 11:00 a.m. to 11:00 p.m.; Friday and Saturday from 11:00 a.m. to 12:00 a.m.
- There had been no negative incidents relating to the CUP within the past year.
- There were no churches or schools within 300’ of the subject site and the sale of alcohol was not the primary use.

There was no public opposition at P&Z’s hearing. The P&Z unanimously approved the conditional use permit.

Staff, P & Z and City Manager recommended approval subject to a 1 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: Sale & On-Site Consumption of Alcoholic Beverages – Yoko’s Sushi Restaurant, 122 S. Shary Rd., Suite K, Lot 2, Home Depot Subdivision #2, C-4, Elena Priscilla Lozano. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

2.0 Disposition of Minutes

2.1 City Council Meeting – October 25, 2010

Councilwoman 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 Tax Increment Reinvestments Zone Board of Directors Meeting – September 28, 2010

Mission Redevelopment Authority Board of Directors Meeting – September 28, 2010

Speer Memorial Library Board – September 21, 2010

Zoning Board of Adjustments – September 15, 2010

Planning and Zoning Commission – Special Meeting October 11, 2010 and Regular Meeting October 13, 2010

Mission Historical Museum – July 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. # 3603 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.

Mayor Pro Tem Olivarez moved to approve adoption of Ordinance No. 3603 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Villa Del Mar, 207 E. Expressway 83, Lot 3, El Pueblo Phase II Subdivision. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3603

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 PHASE II SUBDIVISION

4.2 Adoption of Ord. # 3604 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Yoko’s Sushi Restaurant, 122 S. Shary Rd., Suite K, Lot 2, Home Depot Subd., #2

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve adoption of Ordinance No. 3604 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Yoko’s Sushi Restaurant, 122 S. Shary Rd., Suite K, Lot 2, Home Depot Subdivision #2. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

ORDINANCE NO. 3604

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 – YOKO’S SUSHI RESTAURANT, 122 S. SHARY ROAD,
SUITE K, LOT 2, HOME DEPOT SUBDIVISION #2

4.3 Request by Lucille Cavazos of Waterford Gardens to have City Manager Issue Building Permit for Sidewalk/Concrete Improvements (Gazebo) on Property Zoned Single Family Residential being Lot 1, Pena Blanca Subd. (City Attorney may ask Council to go into executive session prior to considering this matter in open session)

City Attorney David Guerra requested to have this item considered under executive 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.

4.4 Authorization to solicit bids for, or purchase via state approved contract, equipment as per attached list for various city departments

Included in the recently approved 2010 Certificates of Obligation and Utility Fund budgeted were several pieces of equipment needed by departments of the City. These departments included: Streets, Drainage and Water Distribution. This equipment would replace existing pieces of equipment in the organization that had exceeded their useful life and would have been cheaper to replace at that time rather than constantly repairing them.

Staff and City Manger recommended approval.

Councilwoman Ramirez moved to authorize to solicit bids or purchase via state approved contract, equipment as per attached list for various city departments. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.5 Approval of the Certified 2010 Tax Roll Totals

Approval of the Certified 2010 Tax Roll for the City of Mission as per Section 26.09 (e) of the Texas Property Tax Code. Total Taxable Value: \$3,232,561,565.

2010 Total Tax Levy \$17,852,446.52

Distribution of Levy:

M&O \$14,426,932.17

I&S \$ 3,425,514.35

TOTALTAX LEVY \$17,852,446.52

Note: Of the Total Levy, TIRZ would receive \$1,887,041

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Certified 2010 Tax Roll Totals. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.6 Approval of Ord. # 3605 granting a wet designation for 207 E. Expressway 83, Lot 3, El Pueblo Ph. II Subd.

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

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ordinance No. 3605 granting a wet designation for 207 E. Expressway 83, Lot 3, El Pueblo Phase II Subdivision. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

ORDINANCE NO. 3605

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

4.7 Cancel 2nd December regular City Council meeting scheduled for December 27, 2010 and reschedule December 13, 2010 meeting to December 20, 2010

City Manager was requesting the cancellation of the second regular City Council meeting scheduled for December 27, 2010 due to City Hall being closed for the Christmas Holiday and to reschedule the December 13, 2010 meeting to be held on December 20, 2010.

A special meeting would be if the need arises.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the cancellation of the second (2) regular City Council meeting scheduled for December 27, 2010 and reschedule December 13, 2010 City Council meeting to December 20, 2010. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.8 Authorization to accept the 2010 State Homeland Security Grant

The Mission Fire Department was seeking authorization to accept the 2010 State Homeland Grant in the amount of \$103,269.50. The Mission Police Department would receive \$79,424.00 for the purchase of portable radios. The Mission Fire Department would receive \$23,845.50 for the purchase of multi-gas detectors.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to accept the 2010 State Homeland Security Grant. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.9 Authorization to amend the purchase order to Metro Fire Apparatus Specialists, Inc. for the Fire Truck

Mission Fire Department was requesting authorization to amend P.O. 62303 issued to Metro Fire Apparatus Specialists, Inc in the amount of \$368,414.00 for the purchase of a fire truck thru State approved contract HGAC Bid # FS12-09. The Fire Department was requesting to increase the PO by \$34,636.00 to purchase equipment for the fire truck. The cost was below the allowable 25% increase to P.O.'s allowed by purchasing policy.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to amend the purchase order to Metro Fire Apparatus Specialists, Inc. for the Fire Truck. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.10 Authorization to solicit bids or purchase via a state approved contract a total of three (3) police vehicles

The City of Mission Police Department was requesting authorization to purchase a total of three (3) police vehicles through a solicitation for bids or through a state approved contract. The police vehicles would be utilized for police operations. These vehicles would be purchased utilizing grant funds from the 2009 Stonegarden Grant received by the department. Staff was requesting approval to purchase the aforementioned police vehicles.

Staff and City Manager recommended approval.

Councilwoman Garza moved to authorize to solicit bids or purchase via a state approved contract a total of three (3) police vehicles. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.11 Authorization to solicit bids or purchase via state approved contract, twenty two (22) additional vehicles for various city operations

In the approved 2010 Certificates of Obligation were 15 vehicles for purchase by various General Fund departments of the City. These departments included: Streets, Parks, Facilities, Health, Planning, and Finance. Included in the Utility Fund budget were an additional seven (7) vehicles. These twenty-two (22) vehicles would replace existing units in the organization that had exceeded their useful life and would be cheaper to replace at the time rather than constantly repairing them.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to solicit bids or purchase via state approved contract, twenty-two (22) additional vehicles for various city operations. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.12 Approval of Resolution # 1273 authorizing the South Texas Aggregation Project, Inc. (STAP) to negotiate an extension to the current Electric Supply Contract

The City of Mission was a member of South Texas Aggregation Project, Inc. ("STAP"). The City's current contract for power with Next Era arranged through STAP expired December 31, 2013 the STAP Board of Directors was currently considering a blend and extended contract with Next Era with indicative retail energy prices that would reduce the prices under the current contract for the next three years and extended a fixed price for energy through December 31, 2018. The current contractual relationships between STAP and Next Era and Direct Energy had been beneficial and cost effective for STAP members and the City.

The City's savings in 2011 with the new contract would have saved the city approximately \$220,000 and approximately \$700,000 by the end of 2013.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Resolution No. 1273 with changes to Section 4, authorizing the South Texas Aggregation Project, Inc. (STAP) to negotiate an extension to the current Electric Supply Contract. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

RESOLUTION NO. 1273

A RESOLUTION OF THE CITY OF MISSION, TEXAS, AUTHORIZING THE SOUTH TEXAS AGGREGATION PROJECT, INC. (STAP) TO NEGOTIATE AN EXTENSION TO THE CURRENT ELECTRIC SUPPLY AND NECESSARY RELATED SERVICES AGREEMENT WITH NEXT ERA FOR A FIXED PRICE PER KWH THAT IS LOWER THAN CONTRACT RATES FOR 2011-2013, SAID EXTENSION TO CONTINUE UNTIL DECEMBER 31, 2018; AUTHORIZING STAP TO ACT AS AN AGENT ON BEHALF OF THE CITY TO ENTER INTO A CONTRACT FOR ELECTRICITY; AUTHORIZING THE CHAIRMAN OF STAP TO EXECUTE AN EXTENSION TO THE CURRENT ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2011 OR AS SOON AFTER FINALIZATION OF A CONTRACT AS POSSIBLE; COMMITTING TO BUDGET FOR ENERGY PURCHASES AND TO HONOR THE CITY'S COMMITMENTS TO PURCHASE POWER THROUGH STAP FOR ITS ELECTRICAL NEEDS THROUGH DECEMBER 31, 2018.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

City Manager advised that City Hall would be closed on Thursday, November 11th in observance of Veteran's Day.

6.2 Mayor's Comments

None

At 4:56 p.m., Councilwoman Garza moved to convene into executive session. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

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

7.1 Private consultation with the City Attorney Sec. 551.071

A. Housing Cases at 920 Bryce, 934 Lee Street and 1812 Joanne Ave.

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

At 5:09 p.m., Mayor Pro Tem Olivarez moved to reconvene in open session. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

No action was taken on item 7.1-A.

8.0 Adjournment

At 5:10 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary