

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
DECEMBER 20, 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  
Maxilou Link  
Hector Cavazos  
Mendi Brunson  
Robert Garza  
Monica Moreno  
Fernanda Muniz  
Alejandra Muniz  
Alexia Valdez  
Nereyda Trevino  
Adrian Valdez  
Jennifer Shipp  
Bethany Solis  
Norma Alvarez  
Samuel Shipp  
Jason M. Smith  
Alexander Valdez  
Emily Chandler  
Mr. & Mrs. Ronald G.  
Francisco & Carmen Gonzalez  
Carian Gonzalez  
Carmen Acosta  
Abel Acosta, Jr.  
Aurora Acosta  
Brice Chandler  
Lee Valdez  
Alyssa Valdez  
Dora Banda  
Mark Gillin  
Janelle Billings  
Beth Barnes  
Rafael Nunez  
Estela C. Pena

**ALSO PRESENT:**

Thelma Nunez  
Mireya Sepulbda  
Maria I. Diaz  
Demetria Cabrera  
Benjamin Diaz  
Joe Roseland  
Lynda Holbrook  
Alicia Juarez  
Gracie Garcia  
Alicia Y. Garcia  
Victor E. Garcia  
Garrett Edwards  
Betty Gaston  
Leticia Munoz  
Gabriel Gomez  
Silvia Weger  
Luis Weger  
Daniel Weger  
Salomon Marinez  
Gabriela Saucedo  
Susano Saucedo  
Francisco J. Rios  
Ricardo Rios  
Nidia G. Rios  
Aleza S. Rios  
Candelario Valdivia  
Eleazar Zavala  
Maria Valdivia  
Nohenie Valdivia  
Adriano Tertulien  
Thelma R. Brewer  
Rick Young  
Elizabeth Crumpler D.

**STAFF PRESENT:**

Nelia Hernandez, Asst. City Secretary  
Aida Lerma, Deputy City Manager  
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  
Eduardo Belmarez, Purchasing Director  
Leo Longoria, Chief of Police  
Martin Garza, Chief of Police  
Janie Flores, Finance Director  
Julian Gonzalez, Parks & Rec. Director  
Mayra Rocha, Library Director  
Juan C. Avila, B & G Club Director  
Noemi Munguia, HR Director  
Roland Rodriguez, I. T. Director  
Jonathan Wehrmeister, Judge  
Carmen Morales, Administrative Asst.

Susie Reyna	Robert Dikquits
Gilbert O. Davila	Cody Dukquits
Heriberto Sepulbeda	Cylan Dukquits
Anthony Sepulbeda	April Mantle
Moises A. Tagle	Danny Boulthinhouse
Marlena Rodriguez	Rebecca Ferrell
Priscilla Solis	Martha Rodriguez

## **1. Call to order**

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:30 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. Presentation of 20, 25, & 30 year Service Award Recipients**

Deputy City Manager, Aida Lerma gave presentation of the 20, 25, & 30 year Service Award Recipients.

## **4. Departmental Reports**

Councilwoman Maria Elena Ramirez moved to approve the departmental reports as presented. Motion was seconded by Councilman Ruben Plata and approved unanimously 5-0.

## **5. Citizens Participation**

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on the recent chamber events that had recently taken place

### **1.0 Public Hearing**

#### **1.1 Planning & Zoning Recommendations**

##### **A. Public Hearing relating to the Mission Economic Development Corporation Solid Waste Disposal Revenue Bonds (Dallas Clean Energy, McCommas Bluff, LLC Project)**

Lee McCormick, President of Community Development Associates, LLC, had facilitated the application by Dallas Clean Energy McCommas Bluff, LLC, for assistance under the MEDC Private Activity Bond Program.

Interested persons were invited to express their views with respect to the Project and Bonds during the public hearing

Mayor Salinas asked if there were any comments.

There were no comments.

No action was taken on this item; it was only a public hearing.

**B. Rezoning: Lot 12, Block 3, Erdahl Subd., R-1 to C-3, Gustavo Perez**

The site was located on the SE corner of Expressway 83 and S. Olmo Street and was approximately 8,914 sq. ft. The surrounding zones included General Business (C-3) to the north and east; Single Family Residential (R-1) to the west and south. The surrounding land uses consisted of a church to the west; single family home to the south; commercial uses to the east; and Expressway 83 to the north. The subject site was once used as a (grand fathered) car sales lot. The Future Land Use Map reflected a General Business (GC) designation for this corner lot.

C-3 zone was well within the land use parameters of the GC designation. The lot fronted Expressway 83, a major commercial corridor; C-3 was consistent to numerous commercial zonings along this corridor; also, the site was at a corner, which was characterized by non-residential traffic. Finally, to keep the property R-1 on a corner site fronting the Expressway was not conducive to the 'future' family that could potentially reside there. There was no public opposition during P&Z's 11/17/10 meeting. 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.

There were no comments.

Councilwoman Ramirez moved to approve Rezoning: Lot 12, Block 3, Erdahl Subd., R-1 to C-3, Gustavo Perez. Motion was seconded by Mayor Pro Tem Leo Olivarez and approved unanimously 5-0.

**C. Conditional Use Permit: To Add Equipment Shelter & Co-locate Antennas onto an Existing Self-Support Tower, 4925 S. Bryan Rd., Lot 1, O.E. Investments Subd., #2, AO-I, Life of Use, Joe Dowdle**

The subject site was located in the NE area of Mile 4 South and Bryan Road. AT&T was in the process of upgrading their wireless communications and desired to add a new equipment shelter within the site and fasten a new (150') antenna on the existing (481') self-support tower. Access to the site was from Bryan Road. Since the site was located in a rural area and was located approximately 400' from the rural pavement section of Bryan Road, opaque screening wasn't necessary. There was no public opposition at P&Z's 11/17/10 hearing. The P&Z unanimously approved the conditional use permit.

Staff, P & Z and City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve Conditional Use Permit: To Add Equipment Shelter & Co-locate Antennas onto an Existing Self-Support Tower, 4925 S. Bryan Rd., Lot 1, O.E. Investments Subd., #2, AO-I, Life of Use, Joe Dowdle. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**D. Conditional Use Permit: Second Residence to Maximize Health Care & General Assistance to Elderly Parents, 515 N. Glasscock Rd., 1.18 ac. Tract out of Lot 192, John H. Shary Subd., R-1, Dora Banda**

The site was located 1,400' south of Business 83 along the west side of Glasscock Road. The lot has 175' of frontage to Glasscock Road and esd 294' in length. Ms. Banda built her home on the property where her mother already had her 16' x 60' mobile residence on the property. The applicant resided therein to be vigilant of her mother's health care who was need of "continuous care and supervision" on a daily basis as indicated on her doctor's letter dated 11-4-10. Since the merits of Doc# 1063985 (Property Encumbrance Affidavit) were still evident, staff did not object to renewing this conditional use permit for a 3-year term. There was no public opposition at P&Z's 11/17/10 hearing. The P&Z unanimously approved the conditional use permit as recommended by staff.

Staff Recommendation: Approval subject to: 1) 3 year re-evaluation to assess the need for health care, 2) not to be used as a rental structure, and 3) once the need was no longer evident, the 16' x 60' structure was to be removed within 60 calendar days.

Staff, P & Z and City Manager recommended approval subject to staff's recommendation.

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

There were no comments.

Councilwoman Ramirez moved to approve Conditional Use Permit: Second Residence to Maximize Health Care & General Assistance to Elderly Parents, 515 N. Glasscock Rd., 1.18 ac. Tract out of Lot 192, John H. Shary Subd., R-1, Dora Banda. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**E. Conditional Use Permit: The Complimentary Offering of Alcoholic Beverages for On-Site Consumption for a Social and / or Cultural Event, 921 E. 12<sup>th</sup> Street, Lot 1, Mission Library Subd., R-2, Upper Valley Art League**

The site was located just east of the Mission Library where paved parking was held in common. Ordinance #3436 permitted civic organizations to request such CUPs from city-owned buildings where complimentary alcoholic drinks would be offered (not sold) during a social/cultural event. The Upper Valley Art League was now requesting a renewal for another year that would allow the serving of complimentary alcoholic beverages during Art events for 2011. All events were scheduled from 7:00 p.m. to 9:00 p.m. In speaking to the applicant, they confirmed that the 2010 events occurred with no incidents. The Upper Valley Art League firmly attested that they were very watchful of how much the patrons were served, and hoped to continue having their social exhibit events in 2011. There was no public opposition at P&Z's 11/17/10 hearing. The P&Z unanimously approved the conditional use permit for 1 year.

Staff, P & Z and City Manager recommended approval.

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

There were no comments.

Councilwoman Ramirez moved to approve Conditional Use Permit: The Complimentary Offering of Alcoholic Beverages for On-Site Consumption for a Social and / or Cultural Event, 921 E. 12<sup>th</sup> Street, Lot 1, Mission Library Subd., R-2, Upper Valley Art League. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**F. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Juancho’s Bar / Nightclub, 1812-A & 1900-B W. Griffin Parkway, Lots 4 & 5, Inspiration Point Phase I, C-3, Hilario Barrera**

The subject site was located approximately 750’ west of Inspiration Road. A conditional use permit for the sale of alcohol was previously approved by the City Council on Nov. 9, 2009. Mr. Barrera had been operating Juancho’s over the past year.

- Hours of Operation: Monday from 11:00 a.m. to 9:00 p.m.; Tuesday from 11:00 a.m. to 10:00 p.m.; Wednesday from 11:00 a.m. to 11:00 p.m.; Thursday – Saturday from 11:00 a.m. to 2:00 a.m.; and Sunday from 11:00 a.m. to 7:00 p.m. Alcoholic beverages would only be served during allowable State selling hours.
- Staff 7-10 employees, plus paid security from Wednesday to Saturday.
- Parking: In reviewing the floor plan, there were 164 total seating spaces, which required 55 parking spaces (164 seats/1 space for every 3 seats = 54.6 parking spaces). A total of 98 spaces were held in common for this 2-lot development where 95 spaces were currently required, thereby exceeding code by 3. As of this write-up the Planning Department had not received any complaints.
- The CUP was approved subject to the following requirements: 1) waiving the 300’ separation from residences, 2) compliance with the maximum occupancy levels, 3) maintain a door man (counter), metal detector device, security lighting & video camera to maximize security, 4) perpetually having on-site security until ½ hour past closing, 5) compliance with prevailing Noise code, and 6) perpetual annual re-evaluations of CUP.

There was no public opposition at P&Z’s 11/17/10 hearing. The P&Z unanimously approved the conditional use permit as recommended by staff.

Staff Recommendation: Approval subject to the same conditions as last year’s, i.e., 1) waiving the 300’ separation from residences, 2) compliance with the maximum occupancy levels, 3) maintain a door man (counter), metal detector device, security lighting & video camera to maximize security, 4) perpetually having on-site security until ½ hour past closing, 5) compliance with prevailing Noise code, and 6) perpetual annual re-evaluations of CUP with documentation of response calls.

Staff, P & Z and City Manager recommended approval subject to staff’s recommendation.

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

Ms. Maria Inez Diaz of 705 Perkins Ave. was against this request.

Mayor Pro Tem Olivarez moved to approve Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Juancho’s Bar / Nightclub, 1812-A & 1900-B W. Griffin Parkway, Lots 4 & 5, Inspiration Point Phase I, C-3, Hilario Barrera. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**G. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Catholic War Veterans, 500 W. Business 83, Lots 7-10, Block 150, Mission Original Townsite Subd., C-4, Catholic War Veterans**

This conditional use permit was originally approved by the City Council on April 14, 2003. The 4,800' sq. ft. lounge was located on the NW corner of Business 83 and Slabaugh Avenue.

- The 34 parking spaces, existing landscaping, and sign codes were being met; there were perimeter sidewalks, too.
- The hours of operation were: Monday through Friday from 4:00 p.m. to 12:00 a.m. and Saturdays from 6:00 p.m. to 12:00 a.m.
- Section 1.56-3 cited that 'lounges' must be 300' from the nearest residence, church, school or publicly owned property. The City of Mission's main Fire Station was located within 300' of the Catholic War Veterans however; P&Z and the Council waived this separation requirement in the CUP's original approval, and this hadn't been an issue in the past.

There was no public opposition at P&Z's 11/17/10 hearing. The P&Z unanimously approved the conditional use permit as recommended by staff.

Staff Recommendation: Approval subject to 1-year re-evaluation tenure.

Staff, P & Z and City Manager recommended approval subject to staff's recommendation.

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

Ms. Maria Inez Diaz of 705 Perkins Ave. was against this request.

Councilwoman Ramirez moved to approve Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Catholic War Veterans, 500 W. Business 83, Lots 7-10, Block 150, Mission Original Townsite Subd., C-4, Catholic War Veterans with a 2-year re-evaluation. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**H. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Los Pescadores Restaurant, 601 "C" Business 83, Lots 4-8, Block 165, Mission Original Townsite Subd., C-3, Life of Use, Eleasar Zavala**

This CUP was originally approved on 9/14/09 by the City Council, and was now up for renewal. The subject site was on the NE corner of Business 83 and St. Marie where there were several commercial suites.

- Hours of Operation: Everyday – 11:00 a.m. to 10:00 p.m.
- Staff: 5 full time employees
- Parking for this multi-unit complex included 24 spaces that were held in common for two restaurants, a retail outlet, and a carwash. Staff had not received any complaints regarding this CUP or any comments regarding parking.

There was no public opposition at P&Z's 11/17/10 hearing. The P&Z unanimously approved the conditional use permit as recommended by staff.

Staff Recommendation: Approval subject to a 3-year re-evaluation to continue to assess this operation.

Staff, P & Z and City Manager recommended approval subject to staff's recommendation.

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

Ms. Maria Inez Diaz of 705 Perkins Ave. was against this request.

Councilwoman Ramirez moved to approve Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Los Pescadores Restaurant, 601 “C” Business 83, Lots 4-8, Block 165, Mission Original Townsite Subd., C-3, Life of Use, Eleasar Zavala. Motion was seconded by Councilman Plata and approved unanimously 5-0.

City Attorney David Guerra requested the council to go into executive session pursuant to V.T.C.A. Gov. Code Sec. 551.071, Private consultation with the City Attorney on items 1.1I and 1.1J prior to considering said items in open session. Council did and thereafter returned to the item in open session.

At 4:58 p.m., Mayor Pro Tem Olivarez moved to convene into executive session. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

At 5:12 p.m., Mayor Pro Tem Olivarez moved to reconvene in open session. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**I. Conditional Use Permit: Institutional Use – Church on Property Zoned R-1, N. ½ of E. 5ac. out of the W. 10ac. of Lot 28-6, West Addition to Sharyland Subd., R-1, Mission MB Church (City Attorney may ask Council to go into executive session prior to considering this matter in open session)**

The site was located 700' west of Conway along the south side of Mile 2 Road. The property currently had a single family home located in the northeast area of the property with a 20' driveway onto Mile 2 Road. The existing residence would be the pastor's home where the existing residential driveway would not intersect with the church parking lot which was preferred by staff (less conflict points). The 5,995 sq.ft. pre-manufactured metal church building would have access to Mile 2 Road from a new 25' driveway cut along the center area of the property. The primary concern was allayed by not having traffic integrated into an adjoining residential area. Proper buffering also segregated the differing land uses. Recognizing that 2 Mile Road was a Minor Arterial (100' ROW, 65' B/B pavement street) in our MPO policy, having exclusive access to 2 Mile Road was conducive to the CUP proposal.

The parking requirements for a church were based on 1 space for every 4 seats in the main auditorium. The proposed number of seating spaces was 250, which would require 63 parking spaces (250 seating spaces/4seats = 62.5). The applicant was proposing 70 parking spaces, which provided 7 surplus spaces.

A 6' opaque buffer would be required along Dawson Lane. Landscaping complied with code. In addition to new shrubs and hedges, staff was encouraging the applicant to salvage as many of the existing trees as possible and would be requiring the equal amount of caliper inches removed to be replanted as per the Tree Preservation Code.

- Days/Hours of Operation: Wednesday & Sunday 7:00 p.m. – 10:00 p.m.

- Must meet City Noise Code; professional sound installation required due to nearby residences.
- Must install 5' sidewalks along Mile 2 Road. (Subdivision)
- A drainage plan must be submitted for review by the City Engineer (Subdivision)
- Dumpster area must be buffered with a 6' opaque fence and door.

There was neighboring opposition at P&Z's 12/8/10 hearing where a petition of 37% opposed of those within the 200'. The P&Z unanimously approved the conditional use permit as recommended by staff. At least a 4/5ths vote was needed to approve this CUP.

Staff Recommendation: Approval subject to: 1) meet Subdivision Code with 6' buffer fence to the Southside, 2) meet tree preservation code, 3) install opaque buffer along residentially used properties and trash bin area, and 4) meet Noise Code.

Staff, P & Z and City Manager recommended approval subject to staff's recommendation.

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

There were no comments.

Mayor Pro Tem Olivarez moved to approve Conditional Use Permit: Institutional Use – Church on Property Zoned R-1, N. ½ of E. 5ac. out of the W. 10ac. of Lot 28-6, West Addition to Sharyland Subd., R-1, Mission MB Church (City Attorney may ask Council to go into executive session prior to considering this matter in open session). Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**J. Conditional Use Permit: Institutional Use – Church on Property Zoned AO-I, E. 330' – 660' out of Lot 28-10, West Addition to Sharyland Subd., AO-I, Martin Garza (City Attorney may ask Council to go into executive session prior to considering this matter in open session)**

The site was located at the SW corner of Bryan Road and Mile 2. The MPO Thoroughfare map that Mission had consistently sustained designated both 2 Mile Road and Bryan as 100' Minor Arterials with an ultimate pavement width of 65'. The site had 330' of frontage along 2 Mile Road and 660' along Bryan Road. The property was currently vacant. The 15,597 sq.ft. church proposed access to Bryan Road from two 30' driveways spaced 20' from each other, and one 30' driveway to the NW to access 2 Mile Road.

The parking requirements for a church were based on 1 space for every 4 seats in the main auditorium. The proposed number of seating spaces was 632, which would require 158 parking spaces (632 seating spaces/4 seats = 158). The applicant was proposing 200 parking spaces, which exceeded code by 42 spaces.

A 6' opaque buffer would be required along any residentially used property. In regards to landscaping, the applicant was substantially exceeding code providing 30% green area available for landscaping. In addition to new shrubs and hedges, staff had alerted the applicant to salvage as many of the existing trees as possible and would be requiring the equal amount of caliper inches removed to be recaptured as per the Tree Preservation Code.

- Days/Hours of Operation: Tuesday, Wednesday & Thursday – 7:00p.m.-8:30p.m. (Youth Meetings, etc.); Sunday 9:00 a.m. to 12:00 p.m.; 1:00 p.m. – 4:00 p.m. (services)
- Must meet City Noise Code
- A drainage plan must be submitted for review by the City Engineer
- Dumpster area must be buffered with a 6' opaque fence and door.



- Being at a major intersection of 2 minor arterials, any incoming/exiting Sunday traffic could easily be managed by widened perimeter streets. The primary traffic influx would be on Sundays, of course, with much lower traffic generated during other days.
- This church, as others, was usually a dormant neighbor for much of the week. Lush landscaping was the norm with similar chapels in other cities where they had assimilated well next to those.

There was neighboring opposition at P&Z's 12/8/10 hearing, where a petition of 75% opposed of those within 200'. The P&Z approved the conditional use permit as recommended by staff. At least a 4/5ths vote was needed to approve this CUP.

Staff Recommendation: Approval subject to: 1) meet Subdivision Code, 2) meet tree preservation code, and 3) install opaque buffer along residentially used properties and trash bin area.

Staff, P & Z and City Manager recommended approval subject to staff's recommendation.

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

At 5: 27 p.m. the following citizens spoke against the CUP request:

Hector Cavazos, Ivan Melendez, Lee Valdez, Elizabeth Crumpler, Melissa Escobar Davis, Rick Garcia, and Jowel Gujet. These citizens wanted to emphasize that there was opposition to the request but the opposition had nothing to do with the church, but rather them considering this as a commercial building that would have a lot of light, asphalt and would devalue their properties.

At 5:44 p.m. the following citizens spoke in favor of the CUP request, Brice Chandler, Danny Boltinghouse, Martin Garza, and Jim Brunson.

Mr. Danny Boltinghouse who was the architect of this project assured the opposing citizens that the lights would not be a problem since a timer would be used in this project and property value would not be affected if a church was built in their community.

Mayor Pro Tem Olivarez moved to approve Conditional Use Permit: Institutional Use – Church on Property Zoned AO-I, E. 330' – 660' out of Lot 28-10, West Addition to Sharyland Subd., AO-I, Martin Garza (City Attorney may ask Council to go into executive session prior to considering this matter in open session). Motion was seconded by Councilman Plata and resulted in a 3-2 affirmative vote, with Councilwoman Ramirez and Councilwoman Norie Gonzalez Garza dissenting.

Request failed since 4 affirmative votes were needed in order to approve the CUP request.

At 6:07 p.m. Mayor Salinas requested to take a short recess.

At 6:16 the Council continued with the meeting.

## **2.0 Disposition of Minutes**

### **2.1 City Council Meeting – November 22, 2010 and Special City Council Meeting – December 6, 2010**

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

**3.0 Acknowledge Receipt of Minutes**

- 3.1 Parks and Recreation Board Meeting – October 12, 2010**
- Speer Memorial Library Board – October 19, 2010**
- Mission Redevelopment Authority – October 26, 2010**
- Mission Tax Increment Reinvestment Zone – October 26, 2010**
- Shary Golf Advisory Board – November 9, 2010**
- Zoning Board of Adjustments – October 20, 2010 and November 17, 2010**
- Planning and Zoning Commission – October 27, 2010 and November 17, 2010**
- Mission Civil Service Commission – September 29, 2010**

Mayor Pro Tem Olivarez moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.0 Approvals and Authorizations**

- 4.1 Approval of Res. # 1274 approving the issuance of Mission Economic Development Corporation Solid Waste Disposal Revenue Bonds (Dallas Clean Energy McCommas Bluff, LLC Project) Series 2001A and Series 2001B (Taxable) in an aggregate principal amount not to exceed \$55,000,000**

Staff and City Manager recommended resolution approval.

Councilman Plata moved to approve Resolution No. 1274 approving the issuance of Mission Economic Development Corporation Solid Waste Disposal Revenue Bonds (Dallas Clean Energy McCommas Bluff, LLC Project) Series 2001A and Series 2001B (Taxable) in an aggregate principal amount not to exceed \$55,000,000. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**RESOLUTION # 1274**

RESOLUTION APPROVING THE ISSUANCE OF MISSION ECONOMIC DEVELOPMENT CORPORATION SOLID WASTE DISPOSAL REVENUE BONDS (DALLAS CLEAN ENERGY MCCOMMAS BLUFF, LLC PROJECT) SERIES 2011A AND SERIES 2011B (TAXABLE) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$55,000,000

At 6:18 p.m. Mayor Salinas requested to go on to item 4.38 of the agenda.

- 4.2 Adoption of Ord. # 3606 for Rezoning Lot 12, Block 3, Erdahl Subd., R-1 to C-3**

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve adoption of Ordinance No. 3603 for Rezoning Lot 12, Block 3, Erdahl Subd., R-1 to C-3. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**ORDINANCE NO. 3606**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING LOT 12, BLOCK 3, ERDAHL SUBDIVISION, FROM R-1 TO C-3

**4.3 Adoption of Ord. # 3607 for CUP to add Equipment Shelter & Co-locate Antennas onto and Existing Self-Support Tower, 4925 S. Bryan Rd., Lot 1, O.E. Investments Subd. #2**

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve adoption of Ordinance No. 3607 for CUP to add Equipment Shelter & Co-locate Antennas onto and Existing Self-Support Tower, 4925 S. Bryan Rd., Lot 1, O.E. Investments Subd. #2. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**ORDINANCE NO. 3607**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT TO ADD EQUIPMENT SHELTER & CO-LOCATE ANTENNAS ONTO AN EXISTING SELF-SUPPORT TOWER, 4925 S. BRYAN RD., LOT 1, O.E. INVESTMENTS SUBDIVISION #2

**4.4 Adoption of Ord. # 3608 for CUP for a Second Residence to Maximize Health Care & General Assistance to Elderly Parents, 515 N. Glasscock Rd., 1.18 ac. tract out of Lot 192, John H. Shary Subd.**

Staff and City Manager recommended ordinance approval.

Councilwoman Garza moved to approve adoption of Ordinance No. 3608 for CUP for a Second Residence to Maximize Health Care & General Assistance to Elderly Parents, 515 N. Glasscock Rd., 1.18 ac. tract out of Lot 192, John H. Shary Subd. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3608**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A SECOND RESIDENCE TO MAXIMIZE HEALTH CARE & GENERAL ASSISTANCE TO ELDERLY PARENTS, 515 N. GLASSCOCK ROAD, 1.18 AC. TRACT OUT OF LOT 192, JOHN H. SHARY SUBDIVISION

**4.5 Adoption of Ord. # 3609 for CUP for the Complimentary Offering of Alcoholic Beverages for On-Site Consumption for a Social and / or Cultural Event, 921 E. 12<sup>th</sup> St., Lot 1, Mission Library Subd.**

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve adoption of Ordinance No. 3609 for CUP for the Complimentary Offering of Alcoholic Beverages for On-Site Consumption for a Social and / or Cultural Event, 921 E. 12<sup>th</sup> St., Lot 1, Mission Library Subd. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

**ORDINANCE NO. 3609**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE COMPLIMENTARY OFFERING OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION FOR A SOCIAL AND/OR CULTURAL EVENT, 921 E. 12<sup>TH</sup> STREET, LOT 1, MISSION LIBRARY SUBDIVISION

**4.6 Adoption of Ord. # 3610 for CUP for: Sale & On-Site Consumption of Alcoholic Beverages – Juancho’s Bar / Nightclub, 1812-A & 1900 –B W. Griffin Parkway, Lots 4 & 5, Inspiration Point Phase I**

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve adoption of Ordinance No. 3610 for CUP for: Sale & On-Site Consumption of Alcoholic Beverages – Juancho’s Bar / Nightclub, 1812-A & 1900 –B W. Griffin Parkway, Lots 4 & 5, Inspiration Point Phase I. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**ORDINANCE NO. 3610**

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 – JUANCHO’S BAR/NIGHTCLUB, 1812-A & 1900-B W. GRIFFIN PARKWAY, LOTS 4 & 5, INSPIRATION POINT PHASE I

**4.7 Adoption of Ord. # 3611 for CUP for Sale & On-Site Consumption of Alcoholic Beverages – Catholic War Veterans, 500 W. Business 83, Lots 7-10, Block 150, MOT Subd.**

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve adoption of Ordinance No. 3603 for CUP for Sale & On-Site Consumption of Alcoholic Beverages – Catholic War Veterans, 500 W. Business 83, Lots 7-10, Block 150, MOT Subd. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**ORDINANCE NO. 3611**

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 – CATHOLIC WAR VETERANS, 500 W. BUSINESS 83, LOTS 7-10, BLOCK 150, MISSION ORIGINAL TOWNSITE

**4.8 Adoption of Ord. # 3612 for CUP for Sale & On-Site Consumption of Alcoholic Beverages – Los Pescadores Restaurant, 601 “C” Business 83, Lots 4-8, Block 165, MOT**

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve adoption of Ordinance No. 3612 for CUP for Sale & On-Site Consumption of Alcoholic Beverages – Los Pescadores Restaurant, 601 “C” Business 83, Lots 4-8, Block 165, MOT. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**ORDINANCE NO. 3612**

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 – LOS PESCADORES RESTAURANT, 601 “C” BUSINESS 83, LOTS 4-8, BLOCK 165, MISSION ORIGINAL TOWNSITE

**4.9 Adoption of Ord. # 3613 for CUP for Institutional Use – Church on Property Zoned R-1, N. ½ of E. 5ac. out of the W. 10ac. of Lot 28-6, WAS Subd., R-1, Mission MB Church**

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve adoption of Ordinance No. 3613 for CUP for Institutional Use – Church on Property Zoned R-1, N. ½ of E. 5ac. out of the W. 10ac. of Lot 28-6, WAS Subd., R-1, Mission MB Church. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**ORDINANCE NO. 3613**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR INSTITUTIONAL USE –CHURCH ON PROPERTY ZONED R-1, N. ½ OF E. 5 AC. OUT OF THE W. 10 AC. OF LOT 28-6, WEST ADDITION TO SHARYLAND SUBDIVISION

**4.10 Adoption of Ord. # \_\_\_\_\_ for CUP for Institutional Use – Church on Property Zoned AO-I, E. 330’ – 660’ out of Lot 28-10, WAS Subd.**

No action was taken on this item.

**4.11 Board Appointments – Building Board of Adjustments, Citizens Advisory Committee, Civil Service Commission, Mission Economic Development Corporation, Mission Historic Preservation Commission, Parks & Recreation Board, Planning & Zoning Commission, Shary Golf Course Advisory Board, Speer Memorial Library Board, Tax Increment Reinvestment Board (TIRZ), Traffic Safety Committee, Youth Advocacy Advisory Board, Zoning Board of Adjustments**

For review was the list of Board and Committee Appointments to expire December 31, 2011, along with the recommendation of Mayor Salinas.

**BOARD & COMMITTEE APPOINTMENTS**

	<u>Expiration Date</u>
<u>BUILDING BOARD OF ADJUSTMENTS</u>	
➤ Dan C. Gerlach	December 31, 2011
MAYOR’S RECOMMENDATION: Appoint Michael Davis to replace Dan Gerlach and Abiel Flores and Tom Rivera as alternates.	
<u>CITIZENS ADVISORY COMMITTEE</u>	
➤ Carlos Lopez, 1407 Betty Drive	(NE) December 31, 2010
➤ Yolanda Martinez, 1713 W. Griffin Parkway	(NW) December 31, 2010
➤ Pablo Guerra, 100 S. Conway	(SW) December 31, 2010
➤ Jose Garza, 102 Greenlawn	(NW) December 31, 2010
➤ Oton Guerrero, 801 Country Club	(NE) December 31, 2010
➤ Melida Guzman, 1024 Rio Balsas	(SE) December 31, 2010

MAYOR’S RECOMMENDATION: Re-appoint Carlos Lopez, Yolanda Martinez, Pablo Guerra, Jose Garza, Oton Guerrero and Melida Guzman.

Expiration Date

CIVIL SERVICE COMMISSION

- Dina Acevedo, 1201 Oak Street December 31, 2010

MAYOR'S RECOMMENDATION: Re-appoint Dina Acevedo

MISSION ECONOMIC DEVELOPMENT CORPORATION

- Linda Requenez Rossborough, 1801 Melissa Rae Drive December 31, 2010
- Cathy Garcia, 1409 Don's Drive December 31, 2010
- Ricardo Martinez, , 2212 N. Bryan Road December 31, 2010
- Joe Roseland, 820 Volz Lane December 31, 2010
- S. David Deanda, Jr., 2408 Dorado Drive December 31, 2010
- Polo de Leon, 1810 N. Inspiration December 31, 2010

MAYOR'S RECOMMENDATION: Re-appoint Linda Requenez Rossborough, Cathy Garcia, Ricardo Martinez, Joe Roseland, S. David Deanda and Polo de Leon

MISSION HISTORIC PRESERVATION COMMISSION

- Ricardo Martinez, 2212 N. Bryan Road December 31, 2010
- Steve Martinez, 1710 Miller December 31, 2010
- Hollis Rutledge, 414 N. Mayberry Rd. December 31, 2010
- Kathy Olivarez, 1608 Madison Hope Lane December 31, 2010
- VACANT

MAYOR'S RECOMMENDATION: Re-appoint Ricardo Martinez, Steve Martinez, Hollis Rutledge, Kathy Olivarez.

PARKS AND RECREATION BOARD

- Luis Ortega, 1310 Francisco December 31, 2010
- Tim Brown, 621 E. Griffin Parkway December 31, 2010

MAYOR'S RECOMMENDATION: Re-appoint Tim Brown and Appoint, Carina Garza to replace Luis Ortega

PLANNING & ZONING COMMISSION

- Luann Caudle, 1010 Rio Grande Dr. December 31, 2010
- Mario Garza, 1005 Rio Concho December 31, 2010

MAYOR'S RECOMMENDATION: Re-appoint Luann Caudle and Mario Garza

SHARY GOLF COURSE ADVISORY BOARD

- Rudy Garcia, 1101 Ursula December 31, 2010
- Ricardo Salinas, 2011 N. Conway December 31, 2010
- Tom Lee, 2801 Santa Lydia December 31, 2011

MAYOR'S RECOMMENDATION: Reappoint Rudy Garcia and Appoint Polo De Leon to replace Ricardo Salinas and Richard Dooley to replace Tom Lee

Expiration Date

SPEER MEMORIAL LIBRARY BOARD

- |  |                   |
|--|-------------------|
| ➤ Cynthia Leon, 214 Rio Grande Drive   | December 31, 2010 |
| ➤ Elizabeth Garza, 1600 Heritage Lane  | December 31, 2010 |
| ➤ Sheila Valles-Pankratz, 1301 Keralum | December 31, 2010 |

MAYOR'S RECOMMENDATION: Reappoint Cynthia Leon, Elizabeth Garza and Sheila Valles-Pankratz

TAX INCREMENT REINVESTMENT BOARD (TIRZ)

- |  |                   |
|--|-------------------|
| ➤ Richard Hernandez, 1301 E. 24 <sup>th</sup> Street | December 31, 2010 |
| ➤ Joe Roseland, 820 Volz Lane                        | December 31, 2010 |

MAYOR'S RECOMMENDATION: Reappoint Richard Hernandez and Joe Roseland

TRAFFIC SAFETY COMMITTEE

- |  |                   |
|--|-------------------|
| ➤ Sylvia Cruz, 1201 Bryce Drive        | December 31, 2010 |
| ➤ Apolonio Cardoza, 500 N. Bryan # 183 | December 31, 2010 |
| ➤ Howard Snyders, 2905 N. Conway # 183 | December 31, 2010 |

MAYOR'S RECOMMENDATION: Reappoint Sylvia Cruz, Apolonio Cardoza and Howard Snyders

YOUTH ADVOCACY ADVISORY BOARD

- |                                      |                   |
|--------------------------------------|-------------------|
| ➤ Rick Acevedo, 1201 Oak Street      | December 31, 2010 |
| ➤ Dr. Sonia Trevino, 1901 Royal Palm | December 31, 2010 |
| ➤ Martha de la Garza, 1404 Claborne  | December 31, 2011 |

MAYOR'S RECOMMENDATION: Reappoint Rick Acevedo and Sonia Trevino and appoint Carl Davis to replace Martha de la Garza

ZONING BOARD OF ADJUSTMENTS

- |  |                   |
|--|-------------------|
| ➤ Kathy Olivarez, 1608 Madison Hope Lane | December 31, 2010 |
| ➤ Raul Sesin, 1708 Thornwood Dr.         | December 31, 2010 |
| ➤ Keri Amen, 1926 E. Griffin Parkway     | December 31, 2010 |

Alternates

- |                                     |                   |
|-------------------------------------|-------------------|
| ➤ Daniel Tijerina, 1406 Don's Drive | December 31, 2010 |
|-------------------------------------|-------------------|

MAYOR'S RECOMMENDATION: Reappoint Kathy Olivarez, Raul Sesin, Keri Amen and Daniel Tijerina

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Board Appointments – Building Board of Adjustments, Citizens Advisory Committee, Civil Service Commission, Mission Economic Development Corporation, Mission Historic Preservation Commission, Parks & Recreation Board, Planning & Zoning Commission, Shary Golf Course Advisory Board, Speer Memorial Library Board, Tax Increment Reinvestment Board (TIRZ), Traffic Safety Committee, Youth Advocacy Advisory Board, Zoning Board of Adjustments. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**4.12 To approve Res. # 1275 naming a Deputy Registrar for City of Mission Vital Statistics Division**

Staff and City Manager recommended resolution approval.

Mayor Pro Tem Olivarez moved to approve Resolution No. 1275 naming a Deputy Registrar for City of Mission Vital Statistics Division. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**RESOLUTION NO. 1275**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS NAMING  
A DEPUTY FOR VITAL STATISTICS DEPARTMENT

**4.13 Approval of Ord. # 3614 granting a wet designation for 2306 E. Expressway 83 Ste. 4, RGV Liquor**

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve adoption of Ordinance No. 3614 granting a wet designation for 2306 E. Expressway 83 Ste. 4, RGV Liquor. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**ORDINANCE NO. 3614**

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  
2306 E. EXPRESSWAY 83 STE. 4, RGV LIQUOR

**4.14 Approval of Ord. # 3615 granting a wet designation for 2009 W. 3 Mile Line Rd., Suite 200, El Lider Supermercado & Meat Market, LLC**

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Olivarez moved to approve adoption of Ordinance No. # 3615 granting a wet designation for 2009 W. 3 Mile Line Rd., Suite 200, El Lider Supermercado & Meat Market, LLC. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

**ORDINANCE NO. 3615**

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  
2009 W. 3 MILE LINE ROAD, SUITE 200

**4.15 Approval of Ord. # 3616 granting a wet designation for 1710 W. Business Highway 83, Executive Drive In**

Staff and City Manager recommended ordinance approval.



Mayor Pro Tem Olivarez moved to approve adoption of Ordinance No. # 3616 granting a wet designation for 1710 W. Business Highway 83, Executive Drive In. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

**ORDINANCE NO. 3616**

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 1710 WEST BUSINESS HIGHWAY 83

**4.16 Approval of Adoption of Additional Rates for Fiscal Year 2010-2011 for Shary Municipal Golf Course**

On December 7, 2010, the Shary Golf Course Advisory recommended approval of a new fee for co-owners of private golf carts at Shary Golf Course. Private cart owners paid a monthly or yearly fee to operate their golf cart on the golf course. This allowed the owner and immediate family to operate the private cart. Some of these carts were co-owned by 2 players. Because one of the co-owners was not a member of the immediate family, the other owner paid a \$5.00 rider fee when playing. Recommendation was for a monthly and yearly Rider fee rate. Monthly would be \$30.00 and yearly would be \$250.00.

On November 9, 2010, the Shary Golf Course Advisory Board recommended approval of a new fee for rental of the new conference room in the Clubhouse. It was recommended to rent the room for \$150.00 for 4 hours or the equivalent of food and beverage allowance.

The rates would take effect immediately.

Staff Recommendation: Approval of Rates for addition of new fees for 2010-2011 fee structure.

Staff and City Manager recommended approval.

Councilman Plata moved to approve adoption of Additional Rates for Fiscal Year 2010-2011 for Shary Municipal Golf Course. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.17 Authorization to declare property “41 computers and components” surplus**

Speer Memorial Library was requesting to declare 41 computers bought in 1999-2003, surplus due to operating systems being outdated and not capable of sustaining current programs and applications.

Staff and City Manager recommended approval.

Councilwoman Garza moved to authorize to declare property “41 computers and components” surplus. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**4.18 Amending the City’s Purchasing Policy**

At the City Council meeting of November 22, 2010, the City Council directed staff to change the threshold for submitting purchases to the Council for approval from \$25,000 down to \$10,000.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Amending the City's Purchasing Policy. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.19 Authorization to solicit bids for, or purchase via state approved contract trailers and mowers for various city departments**

Included in the recently approved 2010 Certificates of Obligation were several pieces of equipment needed by departments of the City. These departments included: Streets and Parks. This equipment would replace existing pieces of equipment in the organization that had exceeded their useful life and would be cheaper to replace at that time rather than constantly repairing them.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for, or purchase via state approved contract trailers and mowers for various city departments. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.20 October 2010 Financial Statements**

Finance Director Janie Flores presented the Financial Statements for October, 2010, for acceptance.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Financial Statements for October, 2010, as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**4.21 November 2010 Financial Statements**

Mrs. Flores presented the Financial Statements for November, 2010, for acceptance.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Financial Statements for November, 2010, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.22 Authorization to solicit bids for the TDRA Supplemental Recovery Grant Street Improvement Amendment**

Project entailed reclamation of streets to include Curb and Gutter with 1.5" ACP pavement, Storm Drainage improvements, adjustment of Manholes, water valves, replacement of driveways and Valley Gutters. Project award was subject to environmental clearance and TDRA requirements.

- 2 ½ Street from San Antonio Ave. to Toledo Ave.
- 4<sup>th</sup> Street from San Antonio to Glasscock Rd.

Staff Recommendation: Approval, subject to environmental clearance and TRDR requirements.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to solicit bids for the TDRA Supplemental Recovery Grant Street Improvement Amendment subject to environmental clearance and TRDR requirements. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **4.23 Bid for the purchase of Powdered Activated Carbon for North and South Water Plants**

On September 27, 2010, City Council authorized staff to solicit bids for Powdered Activated Carbon. The City of Mission had accepted and opened five (5) bid responses for this chemical. Staff was recommending awarding to lower bidder meeting all specifications – Envirogreen Chemicals, LLC for a total estimated cost of \$53,823.00. This was an estimated dollar amount of the quantities that would be used for one year. The amount that would be used within one fiscal year would be less than the estimated cost.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve bid for the purchase of Powdered Activated Carbon for North and South Water Plants. Motion was seconded by Councilman Plata and approved unanimously 5-0.

At 7:05 p.m. Councilwoman Garza stepped out of the meeting.

#### **4.24 Bid for the purchase of Liquid Emulsion Polymer for Wastewater Pre-Treatment Plants**

On September 27, 2010, City Council authorized staff to solicit bids for Liquid Emulsion Polymer. The City of Mission had accepted and opened two (2) bid responses for this chemical. Staff was recommending awarding to the low bidder meeting all specifications – Atlantic Coast Polymers, Inc. for a total estimated cost of \$59,530.00. This was an estimated dollar amount of the quantities that would be used for one year. The amount that would be used within one fiscal year would be less than the estimated cost.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve bid for the purchase of Liquid Emulsion Polymer for Wastewater Pre-Treatment Plants. Motion was seconded by Councilman Plata and approved unanimously 4-0.

#### **4.25 Bid for the purchase of Chlorine Gas for North and South Water Plants**

On September 27, 2010, City Council authorized staff to solicit bids for Chlorine Gas. The City of Mission had accepted and opened three (3) bid responses for this chemical. Staff was recommending awarding to lower bidder meeting all specifications – Acetylene Oxygen Company for a total estimated cost of \$100,800.00. This was an estimated dollar amount of the quantities that would be used for one year. The amount that would be used within one fiscal year will be less than the estimated cost.

Staff and City Manager recommended approval.

Councilman Plata moved to approve bid for the purchase of Chlorine Gas for North and South Water Plants. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**4.26 Bid for the purchase of Copper Sulfate for North and South Water Plants**

On September 27, 2010, City Council authorized staff to solicit bids for Copper Sulfate. The City of Mission had accepted and opened four (2) bid responses for this chemical. Staff was recommending awarding to – Chameleon Industries who bid a total of \$116,000.00 and met all specifications. The apparent low bidder, BioSafe Systems, did not meet specifications. This was an estimated dollar amount of the quantities that would be used for one year. The amount that would be used within one fiscal year would be less than the estimated cost.

Staff and City Manager recommended approval.

Councilman Plata moved to approve bid for the purchase of Copper Sulfate for North and South Water Plants. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**4.27 Bid for the purchase of Odor Control for Water Distribution, Wastewater and Pre-Treatment Plant**

On September 27, 2010, City Council authorized staff to solicit bids for Odor Control. The City of Mission had accepted and opened four (4) bid responses for this chemical. Staff was recommending awarding to the low bidder meeting all specifications - Blue Star Chemical. The amount that would be used within one fiscal year would be less than the estimated cost.

Staff and City Manager recommended approval.

Councilman Plata moved to approve bid for the purchase of Odor Control for Water Distribution, Wastewater and Pre-Treatment Plant. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**4.28 Bid for the purchase of Sodium Chlorite for North and South Water Plants**

On September 27, 2010, City Council authorized staff to solicit bids for Sodium Chlorite. The City of Mission had accepted and opened two (2) bid responses for this chemical. Staff was recommending awarding to lower bidder meeting all specifications – Siemens Water Technologies for a total estimated cost of \$160,650.00. This was an estimated dollar amount of the quantities that would be used for one year. The amount that would be used within one fiscal year would be less than the estimated cost.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve bid for the purchase of Sodium Chlorite for North and South Water Plants. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**4.29 Bid for the purchase of Waterline Maintenance Supplies for Public Works (Water Distribution) Department**

On September 13, 2010, City Council authorized staff to solicit bids for Waterline Maintenance Supplies. The City of Mission had accepted and opened six (6) bid responses for this project.

Staff was recommending awarding to the lowest responsive and responsible bidder meeting all specifications – HD Supply Waterworks for a total estimated cost of \$352,072.36. The amount that would be used by the city within one fiscal year would be less than the bid estimated cost.

Staff and City Manager recommended approval.

Councilman Plata moved to approve bid for the purchase of Waterline Maintenance Supplies for Public Works (Water Distribution) Department. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

**4.30 Bid for the purchase of Meter Connect Supplies for Public Works (Water Distribution) Department**

On September 13, 2010, City Council authorized staff to solicit bids for Meter Connect Supplies. The City of Mission had accepted and opened six (6) bid responses for this project. Staff was recommending awarding to the lowest responsible bidder – Act Pipe & Supply for a total estimated cost of \$105,539.65. This was an estimated dollar amount of the quantities that would be used for one year. The amount that would be used within our fiscal year would be less than the estimated cost.

Staff and City Manager recommended approval.

Councilman Plata moved to approve bid for the purchase of Meter Connect Supplies for Public Works (Water Distribution) Department. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

At 7:12 p.m. Councilman Plata stepped out of the meeting.

**4.31 Bid for the purchase of Calcium Hypochlorite (HTH) for Wastewater and Pre-treatment Plants, and renewal of existing contract**

On September 27, 2010 City Council authorized staff to solicit bids for the purchase of Calcium Hypochlorite (HTH) for Wastewater and Pre-treatment Plants. No bids were received for this chemical, staff had contacted Chemrite their current supplier and they had agreed to hold their current pricing firm of \$1.389 for the purchase of Calcium Hypochlorite (HTH), therefore staff was seeking authorization to exercise their one year contract renewal until September 30, 2011

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve bid for the purchase of Calcium Hypochlorite (HTH) for Wastewater and Pre-treatment Plants, and renewal of existing contract. Motion was seconded by Councilwoman Ramirez and approved unanimously 3-0.

**4.32 Bid for the purchase of Ammonium Sulfate for North and South Water Plants**

On September 27, 2010, City Council authorized staff to solicit bids for Ammonium Sulfate. The City of Mission had accepted and opened one (1) bid response for this chemical. Because bid amount exceeded budget, staff was recommending to reject and authorization to re-bid

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve to reject and re-bid for the purchase of Ammonium Sulfate for North and South Water Plants. Motion was seconded by Councilwoman Ramirez and approved unanimously 3-0.

**4.33 Bid for the purchase of Liquid Aluminum Sulfate for North and South Water Plants**

On September 27, 2010, City Council authorized staff to solicit bids for Liquid Aluminum Sulfate. The City of Mission had accepted and opened one (1) bid responses for this chemical. Staff was recommending awarding to the low bidder meeting all specifications – Altivia Corporation for a total estimated cost of \$204,600.00. This was an estimated dollar amount of the quantities that would be used for one year. The amount that would be used within one fiscal year would be less than the estimated cost.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve bid for the purchase of Liquid Aluminum Sulfate for North and South Water Plants. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

At 7:15 p.m. Councilman Plata returned to the meeting.

**4.34 Bid for the purchase of Polymer for North and South Water Plants**

On September 27, 2010, City Council authorized staff to solicit bids for Polymer. The City of Mission had accepted and opened one (1) bid response for this chemical. Staff was recommending awarding to the low bidder meeting all specifications – Fort Bend Services, Inc. for a total estimated cost of \$ 29,600.00. This was an estimated dollar amount of the quantities that would be used for one year. The amount that would be used within one fiscal year would be less than the estimated cost.

Staff and City Manager recommended approval.

Councilman Plata moved to approve bid for the purchase of Polymer for North and South Water Plants. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

**4.35 Bid for the purchase of Corrosion Inhibitor for North and South Water Plants**

On September 27, 2010, City Council authorized staff to solicit bids for the purchase of Corrosion Inhibitor for North and South Water Plants. The City of Mission had accepted and opened two (2) bids for this chemical. Because bid amounts exceeded budget and did not meet specifications staff was recommending to reject and authorization to re-bid.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve to reject and re-bid for the purchase of Corrosion Inhibitor for North and South Water Plants. Motion was seconded by Councilman Plata and approved unanimously 4-0.

#### **4.36 Change Order #1 for Stewart Drainage Project**

Addition of Storm drainage improvements to project would increase a total amount of \$94,850.00 (24.11% of original contract price). Change Order No. 1 would increase original contract cost from \$393,333.33 to \$488,183.33. Change order was under the 25% limit from original contract cost set by the Texas Governmental Code.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Change Order #1 for Stewart Drainage Project. Motion was seconded by Councilman Plata and approved unanimously 4-0.

#### **4.37 To discuss and take action on co-financial agreements with RBC Capital Markets and First National Bank**

This was to enter into an agreement with RBC Capital Markets and First National Bank (FNB) as Co-Financial Advisors to City of Mission for a two (2) year term. Both FNB and RBC had been the City's Financial Advisors for the last six years.

Staff and City Manager recommended approval.

Two motions were made for the approval of this item.

Mayor Pro Tem Olivarez moved to approve to recommend First National Bank (FNB) as the City of Mission's Financial advisor. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

Councilman Plata moved to approve the recommendation of First National Bank (FNB) to approve RBC as Co-Financial Advisor of the City of Mission. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

#### **4.38 Status on refunding of Mission Economic Development Corporation Dept.**

As requested by Council, this item was to inform Council on the status of the refunding of the following two issues:

Sales Tax Revenue Bond Series 1995  
Subordinate Lien Sales Tax Revenue Bond Series 1999

Financial Advisor Bob Henderson made the presentation and was available to answer any questions.

Mayor Salinas expressed his disapproval on the way this item was presented to the Council, since in the Special Council Meeting of December 6, 2010 he had suggested this item be presented in this Regular City Council Meeting as a request for approval not a status report.

Mayor Salinas requested staff to post for a Special Meeting for Thursday, December 23 at 6:30 p.m. to have this item presented correctly.

At 6:29 p.m. Mayor asked to continue with item 4.2 of the agenda.

**4.39 Amend change order for Aguirre Framing & Construction for Housing Assistance at 1812 Joanna**

TDHCA response included several resolved issues and requested correction for only the following items:

- 1) install tile in utility area bathroom;
- 2) install drain cover at tub wall;
- 3) replace paneling in utility room;
- 4) seal dryer vent;

Therefore, the contractor revised the cost estimate to reflect this change. The change order amount was under the 25% limit from original contract cost, as required by the Texas Governmental Code.

Change order (HQS)	\$ 1,075.00	(12.72% of original contract cost, 8450 x 12.72% = 1075)
Contract amount	\$ 8,450.00	
Other Project Costs	<u>\$ 399.66</u>	
Total amount	\$ 9,924.66	

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve to amend change order for Aguirre Framing & Construction for Housing Assistance at 1812 Joanna. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.40 Amend change order for Aguirre Framing & Construction for Housing Assistance at 934 Lee**

TDHCA response included several resolved issues and requested correction for only the following items:

- 1) install vent in hall bathroom;
- 2) replace range hood filter;
- 3) install deadbolt for burglar bar;

Therefore, the contractor revised the cost estimate to reflect this change. The change order amount was under the 25% limit from original contract cost, as required by the Texas Governmental Code.

Change order (HQS)	\$ 745.00	(3.94% of original contract cost, 18908x3.94%=745)
Contract amount	\$18,908.00	
Other Project Costs	<u>\$ 886.83</u>	
Total amount	\$20,539.83	

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve to amend change order for Aguirre Framing & Construction for Housing Assistance at 934 Lee. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.



**5.0 Unfinished Business**

None

**6.0 Routine Matters**

**6.1 City Manager's Comments**

Mr. Cerda advised that City Hall would be closed on Friday and Monday due to the Christmas Holiday and December 31<sup>st</sup> due to the New Year's Day.

**6.2 Mayor's Comments**

None

At 7:25 p.m., Mayor Pro Tem Olivarez moved to convene into executive session. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**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. City of Mission vs Alejandro Gonzalez**

**B. Consultation with City Attorney concerning matters related to the Lower Rio Grande Valley Development Council**

**C. Jaime Garza et al, vs City of Mission et al**

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

At 8:02 p.m., Councilwoman Ramirez moved to reconvene in open session. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

On Item 7.1-A, Councilman Plata moved to authorize City Attorneys to appeal formal judgment of the District Court. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

No action was taken on item 7.1-B.

No action was taken on item 7.1-C.

**8.0 Adjournment**

At 8:03 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary