

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
FEBRUARY 13, 2012 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
Ruben Gonzalez
Monico Sarabia
Juan A. Longoria
Tina Martin
Vicki Medina
Noel Garza
Carl Davis
Richard Dooley
Sheri Moss
Andrew Taggart
Mario Gonzalez
Elena P. Lozano
Jose R. Mendez
Raul Garcia, Jr.
Michelle Aguilar
Patrick M. Linn
David Aguilar
Daniel Silva
Garrett Edwards
Gabriel Gomez
Richard Perez

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
Alex Hernandez, 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
Martin Garza, Interim Chief of Police
Robert Dominguez, Asst. Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
John Hernandez, City Engineer
Julian Gonzalez, Parks & Rec. Director
Juan C. Avila, B & G Club Director
Noemi Munguia, HR Director
Robert Hinojosa, Risk Manager
Jesse Lerma, Civil Service Director
Roland Rodriguez, I. T. Director
Jonathan Wehrmeister, Judge
Cassandra Karl, Museum Director
Belinda Garza, Library

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:33 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 – Children’s Advocacy Center

City Secretary Anna Carrillo read the proclamation for Children’s Advocacy Center.

Tina Martin Vice Chairman of the Board of Directors of the Children’s Advocacy Center received the proclamation.

Mayor Pro Tem Leo Olivarez moved to approve the proclamation as presented. Motion was seconded by Councilman Ruben Plata and approved unanimously 4-0.

4. Departmental Reports

Councilwoman Maria Elena Ramirez moved to approve the departmental reports as presented. Motion was seconded by Councilman Plata and approved unanimously 4-0.

At 4:40 p.m., Councilwoman Norie Gonzalez Garza joined the meeting.

5. Report from the Greater Mission Chamber of Commerce

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on the chamber events that had recently taken place. Following were some of these mentioned events: Winter Texan Fiesta, Mayor’s International Brunch and the event for Lt. Governor David Dewhurst.

6. Citizens Participation

Dr. Noel Garza, Carl Davis, and several Boys Scouts and Club Members invited the council to their annual Gala taking place on Saturday, March 3rd at the Club at Cimarron.

Ricardo Perez of 403 Stacie Lane expressed his gratitude to the Mission Police Department and the Council for their help with the Silver Alert placed for his father-in-law.

Interim Police Chief Martin Garza recognized officers Arturo Casanova, Jr., Gilberto Cano and Eduardo Hernandez for their recent lifesaving efforts of two children.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Genghis Grill, 2521 E. Expwy 83, Ste. 400, being Lot 5, Block A, Shary - Taylor Expwy 83, Subd., C-4, Genghis Grill

The restaurant was located within an existing commercial plaza at the NW juncture of the Expressway and Taylor that included Freebirds and Dickey’s BBQ restaurants. Access to the site was provided through existing driveway cuts along Expressway 83 and Taylor Road. There were also 70 new parking spaces added along with the construction of the building, in addition to the existing spaces from the overall plaza. There were no churches or public/private schools within 300’ of the subject site, thus being compliant to Section 6-4.

- Hours of Operation: Sunday – Thursday from 11:00 a.m. to 10:00 p.m.; Friday and Saturday from 11:00 a.m. to 11:00 p.m. Alcoholic beverages would only be served during allowable State selling hours.
- Staff: 85 employees.

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- Parking: The applicant was proposing 211 total seating spaces, which required 70 parking spaces (211 seats/1 space for every 3 seats = 70.3 parking spaces). It was noted that the parking area was held in common and was shared with other businesses.
- Being among similar restaurant uses that sell alcohol, the proposed CUP should not be disruptive to the general commercial area.

There was no public opposition during the 1/25/12 P&Z's hearing. P&Z unanimously recommended approval as per staff's recommendation.

Staff Recommendation: Approval subject to: 1) Acquisition of a business license; 2) Wet Zone the subject property; and 3) 1 year re-evaluation to assess this new operation.

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 the Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Genghis Grill, 2521 E. Expwy 83, Ste. 400, being Lot 5, Block A, Shary - Taylor Expwy 83, Subd. C-4I, as recommended by staff. Motion was seconded by Councilman 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., Ste. K, being Lot 2, Home Depot Subd. #2, C-4, Elena Priscila Lozano

This CUP was first approved by P&Z on 10-14-09 and renewed on 11-8-10. 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.

- Hours of Operation: Sunday – Thursday from 11:00 a.m. to 11:00 p.m.; and Friday & Saturday from 11:00 a.m. to 12:00 a.m. Alcoholic beverages would only be served during allowable state selling hours.
- All parking, landscaping, and sign codes were being met.
- There had been no negative incidents relating to the CUP within the past year.

Since there were no churches or schools within 300' of the subject site and the sale of alcohol was not the primary use, staff did not object to the proposal. There was no public opposition during P&Z's hearing on 1/25/12. P&Z unanimously recommended approval as per staff's recommendation.

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

City Manager recommended approval.

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 the Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Yoko’s Sushi Restaurant, 122 S. Shary Rd., Ste. K, being Lot 2, Home Depot Subd. #2, C-4, as recommended by staff. Motion was seconded by Councilman Plata and approved unanimously 5-0.

C. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages & Drive – Thru Service Window – 100% Antojitos Mexicanos, 301 W. Griffin Pkwy, Ste. 1, being Lot 1-D, Mission Park Plaza Subd., C-3, Jose R. Mendez

The 1,402 sq. ft. restaurant site was located within a commercial plaza approximately 800’ west of Conway Avenue along the south side of Griffin Parkway. The restaurant site had an existing drive-thru window that was accessed through an interfaced driveway onto Church’s maneuvering lanes.

- Hours of Operation: Every day from 11:00 a.m. to 11:00 p.m. Alcoholic beverages would only be served during allowable State selling hours.
- Staff: 10 employees.
- Parking: In reviewing the site plan, the 1,402 sq. ft. restaurant required 19 parking spaces (1,402’/75 sq. ft. = 18.7 parking spaces). It was noted that the parking area was held in common (78 existing parking spaces) and was shared with other businesses. The parking area was also connected and had access to existing, interlocking parking lots.
- Sec. 6-4: This request was compliant to Sec. 6-4, which required that no alcoholic beverages be sold within 300’ to a church, public school, private school or public hospital. There were none of these land uses within the above radius.

Mission PD informed Planning that there were no incidents related to alcohol in the past year. There was no public opposition during P&Z’s hearing on 1/25/12. P&Z unanimously recommended approval as per staff’s recommendation.

Staff Recommendation: Approval subject to: 1) a 1 year re-evaluation and 2) the installation of a speed bump.

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 the Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages & Drive – Thru Service Window – 100% Antojitos Mexicanos, 301 W. Griffin Pkwy, Ste. 1, being Lot 1-D, Mission Park Plaza Subd., C-3 as recommended by staff. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

D. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Mariachuchena’s Bar & Grill, 302 W. Griffin Pkwy, Suites A & B, being Lot 2, Storage Depot Subd., C-3, Jose V. Narvaez

The subject site was located approximately ¼ mile west of Conway Avenue along the north side of Griffin Parkway (F.M. 495). A CUP for the sale of alcohol was approved by P&Z on 9-14-11 for a period of 6 months; however City Council reduced the term to 3 months. The reason for the short term was for violating TABC regulations on two separate instances (sale of alcohol after State selling hours).

- Hours of Operation: Wednesday & Sunday from 4:00 p.m. to 12:00 a.m.; Thursday – Saturday from 4:00 p.m. to 2:00 a.m.; and Monday & Tuesday – closed.
- Staff: 6 employees.
- Parking: In reviewing the floor plan, the restaurant had a total of 36 seating spaces, which require 12 parking spaces (36/3 space for every 3 seats = 12 parking spaces). It was noted that the parking area was held in common (48 spaces for all suites) and was shared with other businesses. The Planning Department had not received any complaints regarding intense overflow parking under Mariachuchena's previous management.
- Section 1.56-3 of the Zoning Code cited that 'Bars' must be 300' from the nearest residence, church, school or publicly owned property. There was one residence within 300'; however there was a sold series of storage units to the home, which was 290' to the west (Norma Andis); however, P&Z and the Council previously waived this separation requirement.
- Noise: The applicant stated that there would be only a piano and acoustic music; No DJ or loud bands. There had been no 'noise' Mission PD informed Planning that no incidents related to alcohol were received during the review period.

There was no public opposition during P&Z's hearing on 1/25/12. P&Z unanimously recommended approval as per staff's recommendation.

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

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 the Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Mariachuchena's Bar & Grill, 302 W. Griffin Pkwy, Suites A & B, being Lot 2, Storage Depot Subd., C-3, with a 1 year re-evaluation as recommended by staff. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

E. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Smokin' Aces, 2518 E. Business Highway 83, being Lot 14, J.E. Leslie Subd., C-3, Michael Aguilar

The Smokin' Aces operation was located approximately 300' west of Taylor Road along the south side of Business Highway 83. Smokin' Aces bar began its operation after the City Council approved it in January 2007. In their approval, the City Council imposed 7 encumbrances. Some of the City's primary conditions included annual re-evaluations, and having "professional security on-site during Friday-Saturday-Sunday's evening hours of operation specified as 7 p.m. until ½ hour past closing". The intent of the re-evaluation period was to assess whether this alcohol-related CUP has remained a respectful neighbor or not within a nearby residential area (apartments), and a nearby public high school well within the 300' protective radius.

Smokin' Aces compliance to prevailing City/State laws during the course of the annual evaluation period was tantamount on what action should be required.

To discern how Smokin' Aces had fared, staff needed to review the number of calls the Police Department had received (and for what justifiable cause, etc.); thus, Planning requested the number of response calls from the Mission PD during the latest assessment period of November 2011 till present; PD forwarded the following:

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1. Dec. 18, 2011: Class A Assault & Public Intoxication; female was struck in the head with a beer bottle by another female; Med-Care called (but female refused transportation).
2. Dec. 27-28, 2011: Assault of female subject by her sister; Med-Care called for assistance; arrested female also had .06 oz plastic bag of Marijuana; outstanding warrants were evident for female arrested.

Smokin' Aces would have security plus their bouncers during weekend events. There was no public opposition voiced during P&Z's hearing on 1/25/12. P&Z unanimously recommended a 3-month approval.

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

City Manager recommended approval.

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

Mayor Salinas was surprised and didn't understand why staff wanted to avoid a problem by allowing the business another three month extension, which was what they had done the previous time and they didn't comply. He also told staff that they needed to face reality because they were going to continue doing the same thing as in the past. Mayor Salinas expressed that his belief was to stop the business now and not renew the permit, because what was done the last time meant nothing, so then the business should be shut down before a tragic incident takes place.

Mayor Salinas told the owners that he didn't know why they wanted council to approve the permit again. He also reminded them that the last time council gave them the 90 days they were told that if they had an incident, council wasn't going to give them another permit anymore. He also wanted them to understand that as much as he hated doing this, it had to stop because council had previously tried working with them already.

Mayor's recommendation to the council was to place the business in suspension and close it down.

Michael and David Aguilar owners of the business spoke in favor of the request. Their statement to the council included that of it been in business for the past five years; not having a track record of extreme violence, never any stabbings or shootings in their business. Mr. Aguilar explained to the council their place was not a dangerous establishment and that there was a mixture of different people who attended their place; in fact some of their patrons included Mission police officers, business men and even SISD employees.

Mario Gonzalez property manager of the Santa Fe apartment complex stated the concerns of the tenants and requested the council not approve the business CUP if they did not comply with their prerequisites which included establishing adequate security and making sure the noise would be contained.

Councilwoman Ramirez expressed her concern with the amount of security at the establishment.

Councilwoman Garza asked Interim Chief of Police Martin Garza why he had recommended giving them the 3 months extension.

Interim Chief of Police Garza explained that his recommendation was since there had been only two incidents and that they did add the security that they had not in the past. He also explained that this type of incidents would happen in any type of establishment that alcohol was sold.

After much discussion from the owners and the Council, Councilwoman Garza moved to approve the Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Smokin’ Aces, 2518 E. Business Highway 83, being Lot 14, J.E. Leslie Subd., C-3 subject to a 3-month re-evaluation as recommended by staff. Motion was seconded by Mayor Pro Tem Olivarez and resulted in a 2-3 vote with Mayor Salinas, Councilwoman Ramirez and Councilman Plata against the request.

City Attorney David Guerra advised that since the council had denied the conditional use permit, it would be wise for them to also deny the request to waive the 300’ separation requirement of Section 1.56(3)(a) of Appendix A of the Code of Ordinances, between the facility and the nearest residence.

Councilwoman Ramirez moved to deny waiving the separation requirement as recommended. Motion was seconded by Councilman Plata and approved 3-2 with Councilwoman Garza and Mayor Pro Tem Olivarez against the request.

**F. Public Hearing in accordance with the Code of Ordinances of the City of Mission
– Chapter 118-Section 32-2 (d) TaxiCab Permit for La Lomita Taxi**

Francisco Solorzano, owner of La Lomita Taxi, filed an application for a Taxicab permit. A notice through publication in accordance with the Taxi Cab Ordinance had been published regarding this Public Hearing for the purpose of allowing all holders of taxicab permits or any citizens to file any complaints or protests that the parties see fit. Ordinance No. 3313, codified in Section 118.32 of your Code of Ordinances, required that no such permit shall be issued until you, after a hearing, declare by certificate that the public convenience and necessity require the proposed taxicab service for which application for a permit is made. This hearing was for the purpose of complying with this ordinance as well as providing you with community input to aid you in deciding the public convenience and necessity of the proposed taxicab service.

As per Ordinance # 3313, the number permitted taxicabs was four (4). Currently the City of Mission had three (3) registered taxicab companies: A-1 Taxi, Mancias Taxi, and Cardenas Taxi.

Staff Recommendation: Hold Public Hearing

City Manager recommended holding public hearing.

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

Mr. Francisco Solorzano spoke in favor of granting the permit.

No action was needed on this item. This was only a public hearing.

At 5:36 p.m., Mayor Salinas asked to go on to item 4.23 of the agenda.

2.0 Disposition of Minutes

2.1 City Council Meeting – January 23, 2012

Councilwoman Ramirez 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 Zoning Board of Adjustments – November 16, 2011

Citizen’s Advisory Committee – November 8, 2011 and December 13, 2011

MEDC Special Meeting – January 3, 2012

Planning and Zoning Commission – January 11, 2012

Councilwoman Ramirez 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 Ordinance # 3737 for CUP for the Sale & On-Site Consumption of Alcoholic-Beverages - Genghis Grill, 2521 E. Expwy 83, Ste. 400, being Lot 5, Block A, Shary-Taylor Expwy Subd.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt Ordinance No. 3737 for CUP for the Sale & On-Site Consumption of Alcoholic-Beverages - Genghis Grill, 2521 E. Expwy 83, Ste. 400, being Lot 5, Block A, Shary-Taylor Expwy Subd. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3737

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 – GENGHIS GRILL, 2521 E. EXPRESSWAY 83, STE. 400, BEING LOTS 5, BLOCK A, SHARY-TAYLOR EXPRESSWAY SUBDIVISION

4.2 Adoption of Ordinance # 3738 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages - Yoko’s Sushi Restaurant, 122 S. Shary Rd., Ste. K, being Lot 2, Home Depot Subd. #2

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt Ordinance No. 3738 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages - Yoko’s Sushi Restaurant, 122 S. Shary Rd., Ste. K, being Lot 2, Home Depot Subd. #2. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3738

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, STE. K, BEING LOT 2, HOME DEPOT SUBDIVISION #2

4.3 Adoption of Ordinance # 3739 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages & Drive – Thru Service Window – 100% Antojitos Mexicanos, 301 W. Griffin Pkwy, Ste. 1, being Lot 1-D, Mission Park Plaza Subd.

Staff and City Manager recommended ordinance approval.

Councilwoman Garza moved to adopt Ordinance No. 3739 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages & Drive – Thru Service Window – 100% Antojitos Mexicanos, 301 W. Griffin Pkwy, Ste. 1, being Lot 1-D, Mission Park Plaza Subd. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

ORDINANCE NO. 3739

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 SERVICE WINDOW – 100% ANTOJITOS MEXICANOS, 301 W. GRIFFIN PARKWAY, STE. 1, BEING LOT 1-D, MISSION PARK PLAZA SUBDIVISION

4.4 Adoption of Ordinance # 3740 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages - Mariachuchena's Bar & Grill, 302 W. Griffin Pkwy, Suites A & B, being Lot 2, Storage Depot Subd.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt Ordinance No. 3740 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages - Mariachuchena's Bar & Grill, 302 W. Griffin Pkwy, Suites A & B, being Lot 2, Storage Depot Subd. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3740

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 – MARIACHUCHENA'S BAR & GRILL, 302 W. GRIFFIN PARKWAY, SUITES A & B, BEING LOT 2, STORAGE DEPOT SUBDIVISION

4.5 Adoption of Ordinance # _____ for CUP for the Sale & On-Site Consumption of Alcoholic Beverages - Smokin' Aces, 2518 E. Business Highway 83, being Lot 14, J.E. Leslie Subd.

No action was taken on this item.

4.6 Preliminary Plat Approval: Los Cabos Subd. Phase II, 13.90 acre out of Lots 72 & 82, J.H.S. Subd., PUD, Developer: Hunt Valley Dev. I, LLC Engineer: Halff Associates

The proposed subdivision was the second phase of Los Cabos Subdivision located at the SW area of San Mateo & Glasscock Road. The proposed subdivision consisted of 47 Single Family Residential Lots and 2 Common areas. The lot sizing ranged from 6,900 sq. ft. to 13, 008 sq. ft. These lots were consistent with the PUD's land use designation profile.

Water: An internal 8" water line system would provide service to all lots with 5 hydrants located via direction from the Fire Marshal's office. The system would be looped by connecting the internal 8" lines to existing 8" lines located within Phase I and along the perimeter infrastructure to the north along San Mateo Road.

Sewer: An internal 8" system would provide this service as it tied to the existing 8" and 12" sewer networks within Los Cabos Phase I. The capital sewer recovery fee would be imposed to the residential lots, \$200/lot x 47 = \$9,400.

Streets & Storm Drainage: The developer was proposing the extension of San Mateo Road, a 60' ROW/43' B-B residential collector street located on the subdivision's northern boundary. The extension would provide one of three points of access into the proposed subdivision, with the other access points being off of Los Cabos Phase I. There were three internal 50' ROW/32' B-B streets with additional 15' U.E. Storm drainage was accomplished through a series of 24", 30" & 36" storm lines which would connect into Hunt's regional drainage ditch system currently located on the south and west sides of the subdivision.

Other comments included: street names to comply with street alignment policy, comply with all format findings, and water rights dedication via Hunt/City Agreement. The Planning and Zoning unanimously approved of the plat at their 1/25/12 meeting subject to staff's recommendations.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Preliminary Plat Approval: Los Cabos Subd. Phase II, 13.90 acre out of Lots 72 & 82, J.H.S. Subd., PUD, Developer: Hunt Valley Dev. I, LLC Engineer: Half Associates. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.7 Final Plat Approval: Las Estrellas Subd. No. II, 7.13 ac. tract being all of Lot 10, Nick Doffing Company Subd., No. 4, Rural ETJ, Developer: GARCO, Ltd. Engineer: Quintanilla, Headley & Associates

The City Council had given Preliminary Plat Approval to Las Estrellas No. II on September 26, 2011 thus allowing the improvements to be built, and inspected by the County of Hidalgo. The construction had been inspected and had been formally approved by the County of Hidalgo thus the next step was for the Council to consider Final Plat Approval to allow it to get recorded. Briefly, the subdivision was located on the SW corner of 6 Mile and Minnesota Road. The plat consisted of 6 lots.

Water: The water CCN belonged to AGUA SUD. The developer installed the water services to an existing 8" water line located along the east side of Minnesota Road. No new hydrants were required by this plat, there was an existing hydrant east of Lot 5 & 6 and another east of Minnesota Road along the south side of Mile 6.

Sewer: Sanitary sewer service for this subdivision would be addressed by individual on-site sewage facilities (OSSF) of a standard design septic tank and drain field on each lot. Each lot met or exceeded the County's typical ½ acre standard where septic tanks were permitted. Those tanks had been installed and/or accounted for by the County of Hidalgo. This area was not within the City of Mission's Sewer CCN. (Note: Mission sewer was 2.24 miles away).

Street & Storm Drainage: The plat dedicated an additional 15' on the perimeter Minnesota Road to equate to 40' ROW from centerline and an additional 30' on the perimeter of Mile 6 to equate to the 50' from centerline; thus in compliance to MPO requisites. Drainage for the subdivision was proposed through the use of swales located in the rear of each property as permitted under County guidelines.

The Planning and Zoning unanimously approved of the plat at their 9/14/11 meeting.

Staff Recommendation: Approval subject to meeting the Model Subdivision Rules.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Final Plat Approval: Las Estrellas Subd. No. II, 7.13 ac. tract being all of Lot 10, Nick Doffing Company Subd., No. 4, Rural ETJ, Developer: GARCO, Ltd. Engineer: Quintanilla, Headley & Associates. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.8 Final Plat Approval: Las Estrellas Subd. No III, 28.01 ac. tract being all of Lot 11, Nick Doffing Company Subd., No. 2 and all of Lot 57 & 58, Nick Doffing Company Subd., No. 3, Rural ETJ, Developer: GARCO, Ltd. Engineer: Quintanilla, Headley & Associates

The City Council conveyed Preliminary Plat Approval on September 26, 2011 to Las Estrellas No. III, a Rural ETJ development. At this time, the developer & his engineer, Alfonso Quintanilla, had forwarded a Letter of Credit for the improvements to thus allow the plat to be further processed by the County of Hidalgo.

Briefly, the plat was located approximately 600' west of Minnesota Road along the north side of Mile 5 Road. The subdivision consisted of 46 lots.

Water: The water CCN belonged to AGUA SUD. The developer would provide water service by connecting to an existing 8" water line located along the south side of Mile 5 Road and extending an 8" line network throughout the subdivision. The developer was proposing to install 5 new hydrants; staff did not object to the hydrant locations.

Sewer: Sanitary sewer service for this subdivision would be addressed by individual on-site sewage facilities (OSSF) of a standard design septic tank and drain field on each lot. Each lot met or exceeded the County's typical ½ acre standard where septic tanks were permitted. This area was not within the City of Mission's Sewer CCN. (Note: Mission sewer was 1.37 miles away).

Street & Storm Drainage: The plat dedicated an additional 20' on the perimeter Mile 5 to equate to 60' ROW from centerline; thus in compliance to MPO requisites. The lots would be fronting 50' ROW 32' B/B paved streets built to the County's construction specifications. There were also two street stubs (along the northern area), one to the west and one to the east, which would later maximize E-W emergency traffic circulation. Temporary cul-de-sacs would be in place at the stubbed ends until such future development occurred. No residential access would be allowed from Lots 1, 34, 35, and 46 onto Mile 5 Road. Drainage for the subdivision was proposed through the use of swales located in the rear of each property as permitted under County guidelines.

The Planning and Zoning unanimously approved of the plat at their 9/14/11 meeting.

Staff Recommendation: Approval subject to meeting the Model Subdivision Rules and complying with the street name alignment policy.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Final Plat Approval: Las Estrellas Subd. No III, 28.01 ac. tract being all of Lot 11, Nick Doffing Company Subd., No. 2 and all of Lot 57 & 58, Nick Doffing Company Subd., No. 3, Rural ETJ, Developer: GARCO, Ltd. Engineer: Quintanilla, Headley & Associates. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.9 Approval of Ordinance # 3741 granting a wet designation for 2521 E. Expwy. 83, Ste. 400, Lot 5, Block A, Shary-Taylor Expwy. 83 Subd., Genghis Grill

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

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ordinance No. 3741 granting a wet designation for 2521 E. Expwy. 83, Ste. 400, Lot 5, Block A, Shary-Taylor Expwy. 83 Subd., Genghis Grill. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3741

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 2521 E.
EXPRESSWAY 83, STE. 400, LOT 5, BLOCK A, SHARY-TAYLOR EXPRESSWAY 83
SUBDIVISION

4.10 Approval of Ordinance # 3742 calling a General Election in Mission, Texas providing for the election of Councilmembers for Places Two and Four; providing for polling places and other matters relating to said election

This ordinance provided for the city's General Election to be held on Saturday, May 12, 2012 as authorized by the Texas Election Code. Positions up for election were Councilmembers for places Two and Four. The period to file for city office began on February 4, 2012 thru March 5, 2012. Candidate packets were available at City Secretary's office.

Early voting by personal appearance was being requested to be conducted at City Hall, 1201 E. 8th St., Mission, Texas and Bannworth Gym, 1822 N. Shary Rd. as follows:

Monday, April 30, 2012 – 7 a.m. – 7 p.m.
Tuesday, May 1, 2012 – 8 a.m. – 5 p.m.
Wednesday, May 2, 2012 – 8 a.m. – 5 p.m.
Thursday, May 3, 2012 – 8 a.m. – 5 p.m.
Friday, May 4, 2012 – 8 a.m. – 5 p.m.
Saturday, May 5, 2012 – 8 a.m. – 5 p.m.
Monday, May 7, 2012 – 8 a.m. – 5 p.m.
Tuesday, May 8, 2012 – 7 a.m. – 7 p.m.

Election Day polling locations were to be held at Mission High School, Castro Elementary, Pearson Elementary, Bryan Elementary and Bannworth Gym from 7 a.m. – 7 p.m.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Ordinance No. 3742 calling a General Election in Mission, Texas providing for the election of Councilmembers for Places Two and Four; providing for polling places and other matters relating to said election. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3742

AN ORDINANCE CALLING A GENERAL ELECTION IN MISSION, TEXAS PROVIDING FOR THE ELECTION OF COUNCILMEMBERS FOR PLACES TWO AND FOUR; PROVIDING FOR POLLING PLACES AND OTHER MATTERS RELATING TO SAID ELECTION.

4.11 Acceptance of the Comprehensive Annual Financial Report (CAFR) for Fiscal Year ended 9/30/11

Finance Director, Mrs. Janie Flores requested acceptance of Comprehensive Annual Financial Report for Fiscal Year ending 09/30/11.

Mr. Ruben Moreno, representative with Long Chilton, LLP presented and answered questions from the Council in reference to the Audit.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Comprehensive Annual Financial Report (CAFR) for Fiscal Year ending 09/30/11 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.12 Tax Collection Report – December, 2011

Mrs. Flores presented the Tax Collections Report for December, 2011 for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Tax Collections Report for December, 2011. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.13 Acceptance of Quarterly Report of Investments for the Quarter ending December 31, 2011 and Interest Earned for Three Months Ending December 31, 2011

Mrs. Flores presented and recommended approval of the Quarterly Report of Investments for the Quarter ending December 31, 2011 and Interest earned for three months ending December 31, 2011.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve the Quarterly Report of Investments for the Quarter ending December 31, 2011 and Interest earned for three months ending December 31, 2011 as presented. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.14 Budget Amendments: General Fund and PD Federal Sharing Fund

Mrs. Flores presented the budget amendments BA-2012-19 thru BA-2012-20 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve budget amendments BA-2012-19 thru BA-2012-20. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.15 Award bid for the construction of Northwest Park (Hollis Rutledge Sr.) Park Paving Improvements

On February 14, 2011, City Council authorized staff to solicit bids for the construction of the Northwest Park (Hollis Rutledge Sr.) Park Paving Improvements. The City of Mission had accepted and opened eight (8) bid responses for the construction of the Northwest Park Paving Improvements. Staff recommended awarding bid in the amount of \$122,822.50.00 to Valley Paving, Inc. who was the lowest responsible bidder meeting all the Terms & Conditions and Specifications.

Staff Recommendation: Award bid for Northwest Park (Hollis Rutledge Sr.) Park Paving Improvements to Valley Paving, Inc.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve to award bid for the construction of Northwest Park (Hollis Rutledge Sr.) Park Paving Improvements. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.16 Award bid for the purchase of Waterline Improvements Materials for Highland Park Project

On December 19, 2011, City Council authorized staff to solicit bids for the purchase of Waterline Improvement Materials for the Highland Park Project. The City of Mission had accepted and opened four (4) bid responses for Waterline Improvement Materials. Staff recommended awarding to Ferguson Waterworks in the amount of \$34,101.92 who was the lowest responsible bidder meeting specifications. Morrison Supply was found non-responsive for not submitting a bid bond or cashier's check for 5% of the total amount of the bid.

Staff Recommendation: Award bid for Waterline Improvement Materials to Ferguson Waterworks.

Staff and City Manager recommended approval.

Councilman Plata moved to approve to award bid for the purchase of Waterline Improvements Materials for Highland Park Project. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.17 Award bid for the purchase of Ready Mix Concrete

On December 19, 2011, City Council authorized staff to re-solicit bids for the purchase of Ready Mix Concrete for daily operations to include the placement of sidewalks, curb, gutters, inlets,

and manholes located throughout various locations within the City. The City of Mission had accepted and opened three (3) bid responses for Ready Mix Concrete. Staff recommended awarding bid to Spence Concrete in the amount of \$29,820.00 who was lowest responsible bidder meeting specifications.

Staff Recommendation: Award bid for Ready Mix Concrete to Spence Concrete.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve to award bid for the purchase of Ready Mix Concrete. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.18 Authorization to solicit bids for the repair of manholes for the Public Works Dept.

Staff was seeking authorization to solicit bids for the repair of manholes for the Public Works Department. Cement manholes would be replaced with fiber glass manholes. This would be done in order to prevent further deterioration on existing manholes.

Staff Recommendation: Solicit for Bids.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for the repair of manholes for the Public Works Dept. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.19 Authorization for the City of Mission Fire Department To submit an application for FEMA Fiscal Year 2011 Staffing for adequate Fire and Emergency Response (SAFER) Grant

The Mission Fire Department was seeking authorization to submit a grant application to the Federal Emergency Management agency FY 2011 staffing for adequate Fire and Emergency Response (Safer) Grant Program. This was a two (2) year grant that would pay for the salaries and benefits for the number of Fire Fighters positions awarded.

Staff Recommendation: Authorization to Submit Grant.

City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize for the City of Mission Fire Department to submit an application for FEMA Fiscal Year 2011 staffing for adequate Fire and Emergency Response (SAFER) Grant. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.20 Authorization to issue a permit to operate a Taxicab Service in the City of Mission to La Lomita Taxi

Section 118-32 of the Code of Ordinances says that you may only cause this permit to be issued if you find that the public convenience and necessity required the proposed taxicab service. In determining necessity, Interim Chief of Police Garza called the council's attention to subsection c of said Section 118-32.

Authorization was being requested to issue a permit to operate a Taxicab Service to La Lomita Taxi. Since Sec. 118-32 (c) where it said “The number of taxicabs allowed under this section was four”, and if La Lomita Taxi qualified under the City’s eligibility requirements for such a use, then Staff did not object to authorizing a permit for them.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to issue a permit to operate a Taxicab Service in the City of Mission to La Lomita Taxi. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.21 Authorization to submit the 2013 STEP Comprehensive Grant to the Texas Department of Transportation

The Mission Police Department was requesting authorization to submit the 2013 Comprehensive Selective Traffic Enforcement Program Grant to the Texas Department of Transportation. The 2013 STEP program was designed to provide grant monies to increase seat belt enforcement, speed enforcement and DWI enforcement throughout the community.

Staff and City Manager recommended approval.

Councilwoman Garza moved to authorize to submit the 2013 STEP Comprehensive Grant to the Texas Department of Transportation. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.22 Approval of Resolution # 1307 authorizing the Mission Police Department to submit the Mission Police Department’s Operation Skywatch Grant to the Office Of the Governor’s Criminal Justice Division

The Mission Police Department was requesting authorization to submit the Mission Police Department’s Operation Skywatch Grant to the Office of the Governor’s Criminal Justice Division. The grant application request was for the funding of one (1) Skywatch Tower. The total amount of the grant request was \$105,822.06. There was no cash match required for this grant.

Staff Recommendation: Approval of the resolution to submit the Mission Police Department’s Operation Skywatch Grant to the Office of the Governor’s Criminal Justice Division.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Resolution No. 1307 authorizing the Mission Police Department to submit the Mission Police Department’s Operation Skywatch Grant to the Office of the Governor’s Criminal Justice Division. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

RESOLUTION NO. 1307

AUTHORIZING THE MISSION POLICE DEPARTMENT TO SUBMIT THE MISSION POLICE DEPARTMENT’S OPERATION SKYWATCH GRANT TO THE OFFICE OF THE GOVERNOR’S CRIMINAL JUSTICE DIVISION

4.23 Approval of Resolution # 1306 authorizing and supporting the dedication of the roadway on the east side of the Jesus Martinez Post # 93 American Legion between U.S. Expressway 83 Westbound Frontage Road and West “A” Street in memory of U.S. Army Private First Class Jesus Martinez

The Mission Police Department was requesting approval of a resolution authorizing and supporting the dedication of the roadway on the east side of the Jesus Martinez Post #93 American Legion between U.S. Expressway 83 Westbound Frontage Road and West “A” Street in memory of U.S. Army Private First Class Jesus Martinez. Private First Class Jesus Martinez was killed while on patrol in Vietnam on April 20, 1968.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Resolution No. 1306 authorizing and supporting the dedication of the roadway on the east side of the Jesus Martinez Post # 93 American Legion between U.S. Expressway 83 Westbound Frontage Road and West “A” Street in memory of U.S. Army Private First Class Jesus Martinez. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

RESOLUTION NO. 1306

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS,
AUTHORIZING AND SUPPORTING THE DEDICATING OF THE ROADWAY ON THE
EAST SIDE OF THE JESUS MARTINEZ POST #93 – THE AMERICAN LEGION
BETWEEN U.S. EXPRESSWAY 83 WESTBOUND FRONTAGE ROAD AND WEST “A”
STREET IN REMEMBRANCE OF U.S. ARMY PRIVATE FIRST CLASS JESUS MARTINEZ;

4.24 Approval of Ordinance # 3736 authorizing the dedication of the 1000 to the 1100 Block of East 7th Street in memory of U.S. Army Corporal Francisco Quintanilla, Jr.

The Mission Police Department was requesting approval of an ordinance dedicating the 1000 to the 1100 Block of East 7th Street in memory of U.S. Army Corporal Francisco Quintanilla Jr. Corporal Francisco Quintanilla Jr. was shot and killed by a sniper while on patrol in Vietnam on February 27, 1971.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ordinance No. 3736 authorizing the dedication of the 1000 to the 1100 Block of East 7th Street in memory of U.S. Army Corporal Francisco Quintanilla, Jr. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

ORDINANCE NO. 3736

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
DEDICATING THE 1000 TO THE 1100 BLOCK OF EAST 7TH STREET IN REMEMBRANCE
OF U.S. ARMY CORPORAL FRANCISCO QUINTANILLA JR.

At 5:39 p.m. Mayor recommended to continue with item 2.1 of the agenda.

4.25 Authorization to solicit bids or purchase via a state Approved contract; two police dogs

The City of Mission Police Department was requesting authorization to solicit bids or purchase via a state approved contract; two police dogs. Our organization's K-9 Bureau had been tasked with an array of responsibilities throughout the city to include the International Anzaldua's Bridge. It was the staff's intent to place a K-9 at Anzaldua's International Bridge in an effort to address the illegal export of guns, ammunition and drug proceeds. The second K-9 would be replacing one of the existing Patrol K-9's based on its deteriorating health conditions. The Mission Police Department was respectfully requesting authorization to solicit bids or purchase via a state approved contract, the two police dogs.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize staff to solicit bids or purchase via a state approved contract; two trained police dogs. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.26 Discussion and action to approve new sanitation rates to be Charged to City of Mission by Allied Waste Services, (AWS) effective February 1, 2012 through January 31, 2013

Under the City's current contract with AWS, they were permitted to increase the rates they charge the City for trash collections services, each year, based on the increase in the Consumer Price Index, (CPI) for the preceding 12 months period. As per a letter from AWS, dated January 6, 2012, the CPI for the preceding 12 month period increased by an adjusted 5.73%, however the contract caps AWS's increases based on the CPI to no more than 4%. Based on the information provided by AWS and reviewed by staff, it was recommending that the City approve the new rates.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve new sanitation rates to be charged to City of Mission by Allied Waste Services, (AWS) effective February 1, 2012 through January 31, 2013. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.27 Discussion and action to select approve and remit, to the Sharyland Water Supply Corp., (SWSC) the attached Ballot/Proxy form

The SWSC was requesting the City of Mission, as a qualifying member of the corporation, to submit the ballot/proxy by the date indicated. This ballot/proxy was for: The approval of the previous meetings' minutes; A proposed change to the existing By-laws regarding meeting dates; And for the filling, by election, of two Director positions. Their meeting date was scheduled for February 29, 2012 at 7:00 p.m.

Staff and City Manager recommended approval.

Mayor Salinas recommended City Manager Julio Cerda to submit the Ballot/Proxy form.

Councilwoman Garza moved to authorize City Manager Julio Cerda to select approve and remit, to the Sharyland Water Supply Corp., (SWSC) the Ballot/Proxy form. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.28 Authorization to solicit Bids to Demolish Substandard Improvements located on 1.47 acres out of Block 137, MOT and being at 819 Francisco Ave., Mission, TX

Staff was seeking authorization to solicit for bids to demolish building located at 819 Francisco Avenue. Bid entailed the demolition of existing building structures and hauling off-site debris, brush, junk, rubbish, trash and weeds.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize staff to solicit bids to Demolish Substandard Improvements located on 1.47 acres out of Block 137, MOT and being at 819 Francisco Ave., Mission, TX. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.29 Approval of Resolution # 1308 designating the Mayor of the City of Mission as authorized representative of the City of Mission to give notice of intent to reimburse Expenditures with proceeds of Tax Exempt Obligations

This Resolution designated the Mayor as the authorized representative of the City of Mission to give notice of intent to reimburse expenditures with proceeds of tax exempt obligations. The tax exempt obligations would be used for the design, acquisition and construction of the Inspiration Road Widening Project in cooperation with the Texas Department of Transportation.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Resolution No. 1308 designating the Mayor of the City of Mission as authorized representative of the City of Mission to give notice of intent to reimburse Expenditures with proceeds of Tax Exempt Obligations. Motion was seconded by Councilman Plata and approved unanimously 5-0.

RESOLUTION NO. 1308

A RESOLUTION DESIGNATING THE MAYOR OF THE CITY OF MISSION AS AUTHORIZED REPRESENTATIVE OF THE CITY OF MISSION TO GIVE NOTICE OF INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF TAX EXEMPT OBLIGATIONS.

4.30 Consider and take action under the authority of the 2009 On Call Contract with L&G Engineering for Work Authorization No. 11 in regards to the Inspiration Rd. Project from US Expwy. 83 to Mile 3 North

Under the authority of the 2009 On Call Contract with L&G Engineering, Work Authorization No. 11 would entail professional services for the Inspiration Rd project from US Expressway 83 to Mile 3 North. These services included: Environmental Assessment, Archeological and Historical Research, Public Involvement, Schematic Design, Surveying, Geotechnical Engineering, Utility Coordination, Right of Way Mapping and Acquisition Services, Plan Specification and Estimate (PS&E) Development, Construction Inspections, and Construction Management.

Total Project Cost Including Engineering Services, Right of Way Land Cost, and Construction Cost was \$13,637,160.00 of which the state and MPO would be contributing \$10,989,000.00 and

the remaining balance of \$2,436,960.00 to be contributed by the City of Mission by means of professional services provided under Work Authorization No.11.

Project Schedule:

Planning Phase: February 2012 to Oct 2013

PS&E Phase: February 2013 to March 2014

Estimated Construction Start Date: June 2014

Staff and City Manager recommended approval.

Councilman Plata moved to approve to take action under the authority of the 2009 On Call Contract with L&G Engineering for Work Authorization No. 11 in regards to the Inspiration Rd. Project from US Expwy. 83 to Mile 3 North. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.31 Authorization to enter into contract for Lease Election Services with Hidalgo County Elections Administrator on behalf of the County of Hidalgo

There was a contract for election services between the City of Mission and Hidalgo County Elections Administrator to provide the following services: procure, program, prepare and distribute adequate election equipment and transport equipment to and from the polling locations, including early voting sub stations, distribute the lists of registered voters to be used in conducting election, and to provide such incidental related services as may be necessary for the General Election on May 12, 2012.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to enter into contract for Lease Election Services with Hidalgo County Elections Administrator on behalf of the County of Hidalgo. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.32 Discussion and action to approve Ordinance # 3743 amending 90-56 of the City of Mission Code of Ordinances providing for new Commercial Container Sanitation Rates and an effective date

Back on August 23, 2010, the City Council passed Ordinance No. 3572 increasing residential and apartment sanitation rates by 13.89%. At that time, commercial rates were not adjusted. Under the City's current contract with AWS, they were allowed to and have submitted the information required to adjust the rates they charge the City for trash collections services each year, based on the change in the Consumer Price Index, (CPI) for the preceding 12 month period, (maximum of 4%). These new rates to be charged to the City by AWS required the City to adjust its rates to pass on this increase to its users of this service. Based on the information submitted by AWS and after reviewing the City's current rate structure, it was recommended that the City adjust sanitation rates for commercial accounts by 10% as per the attached schedule. At this time staff was only recommending that commercial rates be increased.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ordinance No. 3743 amending 90-56 of the City of Mission Code of Ordinances providing for new Commercial Container Sanitation Rates and an effective date. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3743

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS,
AMENDING SUBSECTIONS (b), (c), AND (d) OF SECTION 90-56 OF ITS CODE
OF ORDINANCES, PROVIDING FOR NEW GARBAGE RATES; AND
PROVIDING FOR AN EFFECTIVE DATE

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

None

At 6:34 p.m., Councilman Plata 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 Consultation with Attorney Sec. 551.071

- A. Claim of Julio Villarreal**
- B. Intergovernmental Cooperative Agreement between City of Mission and Palm Valley Animal Center**
- C. Approve City Attorney's selection of Water Rights Attorney**
- D. Claim against El Valle De Luna Mobile Home Park**
- E. Claims against delinquent sewer customers residing outside Mission City limits**
- F. Claim regarding Shary Springs Subdivision**
- G. Discussion of contract with Republic Services, and possible action**

7.2 Personnel matters Sec. 551.074

- A. Approval of Professional Services Contract for Mark Sossi, P.C.**

7.3 Deliberation regarding real property Sec. 551.072

- A. Acquisition of property 2024 Lambeth Drive**

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

At 7:56 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

On item 7.1-A, Mayor Salinas moved to deny the claim of Julio Villarreal. Motion was seconded by Mayor Pro Tem Olivarez and denied unanimously 5-0.

On item 7.1-B, no action was taken.

On item 7.1-C, Councilwoman Garza moved to approved the consent of City Attorney's Selection of Glen Jarvis. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

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On item 7.1-D, Councilwoman Ramirez moved to authorized the execution of the settlement agreement to settle the claim with El Valle De Luna Mobile Home Park. Motion was seconded by Councilman Plata and approved unanimously 5-0.

On item 7.1-E, no action was taken.

On item 7.1-F, Councilman Plata moved to authorize the settlement of the claim regarding Shary Springs Subd. in the amount of \$29,262.21. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

On item 7.1-G, Councilwoman Garza moved to authorized Attorney Bob Galligan to take legal action to end contract with Republic Services. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

On item 7.2-A, Councilwoman Ramirez moved to authorized the execution of contract with Mark Sossi for one year to commence February 14, 2012 thru February 13, 2013. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

On item 7.3-A, Councilman Plata moved to authorized the purchase of property at 2024 Lambeth Drive in the amount of \$21,980.00. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

8.0 Adjournment

At 8:01 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary