

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
FEBRUARY 14, 2011 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
Beth Barnes
Jim Barnes
Maxilou Link
Marcos Diaz
Niocle Laas
Chris Vonwald
Luis Guajardo
Joe Roseland
Jeff Underwood
Pat Townsend, Jr.
Piri Gomez
Linda Castaneda
Aaron Balli
Richard Perez
Fred Kurth

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
Janie Flores, Finance Director
Randy Perez, Chief Accountant/Grants
Julian Gonzalez, Parks & Rec. Director
Mayra Rocha, Library Director
Juan C. Avila, B & G Club Director
Noemi Munguia, HR Director
Robert Hinojosa, Interim Risk Manager
Jesse Lerma, Civil Service Director
Jonathan Wehrmeister, Judge
Carmen Morales, Administrative Asst.
Cassandra Karl, Museum Director

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:37 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.

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

Councilman Ruben Plata moved to approve the Proclamation – Children’s Advocacy Center. Motion was seconded by Councilwoman Maria Elena Ramirez and approved unanimously 5-0.

4. Departmental Reports

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

5. Citizens Participation

Deputy City Manager Aida Lerma reported on the Mayor’s International Brunch which was a great success and recognized the pioneer family of Felipe Garcia.

Mr. Felipe Garcia’s granddaughter Laura Garcia thanked the Council for the recognition given to her pioneer family and encouraged everyone to attend a pioneer event.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. **Rezoning: 0.15 ac. (20’ x 340.31’) of abandoned Canal ROW lying West & adjacent to Lot 1, Sharyland Orchards; & a 0.15 ac. (75’ x 85’) of abandoned Canal ROW lying North & adjacent to Lot 1, Sharyland Orchards Subd., AO-I to R-1A, Julio Cesar Gonzalez**

The site was located on the NE area of Hoerner Road and School Lane. The portions being rezoned were previously part of UID’s canal ROW, which had since been abandoned and now owned by the applicant.

The surrounding zones consisted of AO-I (Agricultural Open Interim) to the North & West, and R-1A (Large Lot Single Family) to the East & South. The surrounding land uses consisted of a residence to the east; UID Canal ROW on the north and west; and open acreage to the south. The subject site was currently open. The Future Land Use Map reflected a Lower Density (LDA) designation for this area consistent to the desired R-1A rezoning.

The proposed zone complied with the City’s Future Land Use Map, area residential land uses, and the predominant R-1A zoning. There was no public opposition during P&Z’s hearing. P&Z unanimously recommended approval.

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

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

There were no comments.

Mayor Pro Tem Leo Olivarez moved to approve the rezoning: 0.15 ac. (20’ x 340.31’) of abandoned Canal ROW lying West & adjacent to Lot 1, Sharyland Orchards; & a 0.15 ac. (75’ x 85’) of abandoned Canal ROW lying North & adjacent to Lot 1, Sharyland Orchards Subd., AO-I to R-1A, Julio Cesar Gonzalez. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

B. Conditional Use Permit: Guest House on Residential Property, 2201 School Lane, W. 85' of Lot 1, Sharyland Orchards Subd., together with a portion of 80' x 150' abandoned UID ROW, R-1A (proposed), Life of Use, Julio Cesar Gonzalez

The site was located on the NE area of Hoerner Road and School Lane. The applicant desired to construct a Guest House on Residential Property. The conditions of the CUP required:

- That the lot be a minimum of 12,000 sq. ft.
- Cannot be made available or used for lease, rent, hire, and the owner of such use may not receive compensation for the use of the above.
- Proposal must be clearly secondary to the primary residence.
- Shall not have individual access to a public street.

The proposed structure was 1,751 sq.ft., which included 1 bedroom, 2 bathrooms, a 2 car garage, a game room and an outdoor "open" kitchen area for open-air BBQ's, plus other outdoor family events. All building setbacks were met. A new driveway would extend from the existing driveway to provide access to the 2 additional garage spaces. The guest home had to be connected to the same water & electrical meters, i.e., no separate utilities. The city of Mission had the inherent right to random visits (w/owner's consent) to monitor perpetual compliance. After P&Z's 1/26/11 hearing, the P&Z specified that the guest home building be on the W. 85' of Lot 1, with no portion to be on the abandoned Canal R.O.W. The applicant was receptive since this was what he proposed. The P&Z unanimously approved the conditional use permit as outlined below.

Staff Recommendation: Approval subject to: 1) no separate utility and electrical connections, 2) transferability to other future owners imposing the same conditions imposed to this applicant as recorded via separate instrument in the County of Hidalgo's deed records, 3) not to be used for rental purposes, and 4) structure to be entirely on remnant of Lot 1, Sharyland Orchards.

Staff, P & Z and City Manager recommended the cup approval.

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

There were no comments.

Councilwoman Norie Gonzalez Garza moved to approve the Conditional Use Permit: Guest House on Residential Property, 2201 School Lane, W. 85' of Lot 1, Sharyland Orchards Subd., together with a portion of 80' x 150' abandoned UID ROW, R-1A (proposed), Life of Use, Julio Cesar Gonzalez . Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

C. Conditional Use Permit: Dancehall/Events Center with BYOB on-site consumption of Alcohol, 1608 E. Griffin Parkway, Lot 13, Stewart Village Subd. Phase I, C-3, Life of Use, Aaron Balli

The subject site was located within the Stewart Village Commercial Plaza on the SE area of Stewart and Griffin Parkway. The proposed "open concept" reception venue consisted of a covered area and patio equating to 4,846 sq. ft. There would be two 12' masonry walls located adjacent to the open areas and additional landscaping along the interior of these walls to muffle any noise emanating from the main area. No alcohol would be sold on the premises; however attendees could bring their own alcoholic beverages.

- Days/Hours of Operation: The dancehall would predominantly operate from Thursday through Sunday, from 12:00 p.m. to 12:30 a.m. (range)
- Staff: 6 – 8 employees
- Parking Requirements: Code required 1 space for every 3 seats or 1 space for every 75 sq. ft., whichever was greater: $4846 \text{ sq. ft.} / 75 = 65$ parking spaces. It was noted that the 517 parking spaces were held in common.
- Section 1.56-3 cited that ‘dancehall’s’ must be 300’ from the nearest residence, church, school or publicly owned property. There was a residential subdivision within the radius; thus a waiver of the separation requirement needed consideration.

When the concept was presented to staff, the primary focus of concern was ‘noise’. If the noise/music level could be regulated at all times where the residents to the south would not be disrupted, then the concept evolved into a valid one. Having the acoustics contained was foremost for this reception venue to succeed. There was no public opposition at P&Z’s 1/26/11 hearing. The P&Z unanimously approved the conditional use permit as recommended by staff.

Staff Recommendation: Approval subject to: 1) a 1 year re-evaluation to assess this BYOB business, but staff to provide a report to P&Z every 4 months of any PD calls (if any); 2) the acquisition of a business license, and 3) waiver of the 300’ separation requirement from residential areas.

Staff, P & Z and City Manager recommended the cup approval.

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

There were no comments.

Councilman Plata moved to approve the Conditional Use Permit: Dancehall/Events Center with BYOB on-site consumption of Alcohol, 1608 E. Griffin Parkway, Lot 13, Stewart Village Subd. Phase I, C-3, Life of Use, Aaron Balli. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

D. Conditional Use Permit: Drive-Thru Service Window for Walgreens, 100 W. Expway 83, Lot 2, Lorrain T. & Georgia E. Brown Subd. (Unrecorded), C-3, Life of Use, Shamrock Adventure LXXXII, Ltd

The site was located on the NW corner of Conway and Expressway 83. The applicant was proposing to build a new \$1.2 Million Walgreens with a two-lane drive thru service window to be located on the north side of the proposed building. The two lanes provided enough stacking for 6 vehicles or 12 vehicles total. Access to the site would be provided from the Frontage Road, Conway Avenue, and North Street.

- Days/Hours of Operation: Everyday from 8:00 a.m. to 10:00 p.m.
- Staff: 18 to 22 employees
- Parking: The building measured 114’ x 130’ for a total of 14,820 sq. ft. The number of parking spaces required for this size building is 40. The applicant was providing 67 leaving a surplus of 27 spaces.
- Landscaping: The applicant was providing 12% of landscaping including various shade trees, plants and shrubs.
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- City Engineer to ensure that the property drainage calculations were being met as per the plat prior to permit issuance.
- Comply with the City's Sign Ordinance. (changeable copy sign, etc.)
- A business license was required prior to occupancy

With more than enough paved parking, and their drive-thru lanes having generous stacking where 'headlights' were not disruptive to the residents, Staff supported this conditional use permit. There was no public opposition at P&Z's 1/26/11 hearing. The P&Z unanimously approved the conditional use permit subject to staff's recommendations.

Staff Recommendation: Approval subject to: 1) Complying with Landscaping, 2) Sign Codes, 3) Acquiring a Business License, and 4) being transferable to others.

Staff, P & Z and City Manager recommended the cup approval.

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

There were no comments.

Councilwoman Ramirez moved to approve the Conditional Use Permit: Drive-Thru Service Window for Walgreens, 100 W. Expway 83, Lot 2, Lorrain T. & Georgia E. Brown Subd. (Unrecorded), C-3, Life of Use, Shamrock Adventure LXXXII, Ltd. Motion was seconded by Councilman Plata and approved unanimously 5-0.

E. Adoption of Ord. # _____ Establishing a Public Zoning District

The City Council gave a favorable consensus to Staff to proceed in establishing a 'Public Zone' within our zoning hierarchy. 'Institutional' uses were currently noted (directly or indirectly) in 13 of the 15 zones to be either 1) conditional uses, 2) permitted uses, or 3) permitted used subject to site plan approval.

The end-effect of the City Council's direction was simple – 'the Public land use to match the zone/had the zone match the Public land use'.

An example of this was focused on a few months ago when SISD desired to build an 'Institutional' building at the SW corner of Taylor/Sunset. The zoning was currently Large Lot Single Family Residential (R-1A) the FLUM designation was 'Public' thus a mismatch appeared.

Staff had taken the liberty of showing what a new 'Public Zone' would do.

In reviewing other Zoning Ordinances, not one city had a 'Public Zone' within their codes to assess. They, like Mission's current codes, included 'institutional' uses amongst other residential/commercial zoning districts.

To commence, Section 1.2 #29 of our Zoning Code cited the existing definition:

Institution: A nonprofit organization or building, public or private for the benefit of the public, or educational facilities, churches, temples, hospitals, clubs, fire stations, police stations, libraries, museums, city offices, etc.

In perceiving the Council's direction that 'the Public land use reflected the zone/the zone reflected the Public land use', the above regulation should be amended to also include:

“...museums, city offices, public parks, public parking lots, drainage ponds larger than 1-acre (smaller ponds may be permitted in all other zoning districts), water tower sites, etc., but not to include minor public utility properties such as lift station sites, or regional drain ditches or current canal systems.”

With this amendment, the city’s public parks that were currently residentially or agriculturally zoned, could also be swept into the stream of compliance. The amendment would also make common sense justification to keep the current Res/Com zones of minor public facilities (such as lift stations); thus not ‘needing’ to rezone small tracts to the new Public Zone.

On drainage ponds larger than 1 acre, the neighborhood’s input would be respectively solicited during the required public hearing process that rezoning typically entailed, and at the very least, the surrounding property owners would be educated on the engineering analysis for such a proposed storm improvement in their area.

A bit of historical perspective was warranted that related to an incidental amendment during this process. In the late 1980’s, the City Council approved what was then Sect. 1.27 of the Zoning code dubbed ‘Institutional Use Processing’. Prior to this amendment, Institutional uses were a conditional use in all residential zoning districts.

Thus, for example, when a school district such as MCISD solicited a permit to move-in portable classrooms at Mission High School, they would need to apply for a CUP every time. Having numerous public hearings on such a well-known campus with hundreds of mailed notices to have ‘portable classroom buildings’ only caused confusion & defeated the intent of the CUP process. Thus, the code was amended to ‘permit Institutional uses’ in R-zoning districts subject to P&Z’s Site Plan Approval being Sect. 1.

With this new Public Zone however, ‘institutional’ uses would be prohibited from all R-zones; thus, Sect. 1.27 must be deleted since 1.27 reflected the process to ‘permit institutional uses in R-zones’. This deletion had been reflected.

The primary component of this process was to assess ‘how Institutional was factored-in to our different zones.’ Again, 13 of the 15 zones (excluding PUD zoning) consider ‘institutional’ uses as either 1) permitted, 2) conditional, or 3) permitted w/P&Z’s Site Plan Approval.

Planning had included the ‘Zone’, the ‘Section’, and the ‘Comment/Change’...the latter being the highlight of our analysis on what should be done (or not) to amend the zoning ordinance to meet the Council’s primary objective.

The attached draft of the Public Zone Ordinance had been developed with the ‘Comments/Change’ incorporated throughout the affected zoning categories; thus, said ‘Comments/Change’ actually summarized the draft ordinance.

To reiterate, this was being presented pursuant to the City Council’s primary objective to have ‘the Public Land use reflect the zone/have the zone reflect the Public land use’.

The P&Z held a workshop of the draft ordinance in Dec 2010, & then, in a public hearing held on Jan. 26th where they unanimously approved the ordinance (NOTE: no public comment was received).

Staff 1st Recommendation: Approval. 2nd Recommendation: TABLE in order to review material, with intent to re-consider on Feb. 28th City Council Meeting.

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

There were no comments.

No action was taken on this item, Mayor Salinas and the council requested to schedule a workshop to discuss this item.

2.0 Disposition of Minutes

2.1 City Council Meeting – January 24, 2011

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

3.0 Acknowledge Receipt of Minutes

3.1 Boys & Girls Club of Mission – December, 18, 2010

Mission Redevelopment Authority – November 23, 2010

Mission Tax Increment Reinvestment Zone – November 23, 2010

Mission Economic Development Corporation – December 20, 2010

Citizen’s Advisory Committee – January 11, 2011

Planning and Zoning Commission – January 5, 2011

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 Ord. # 3622 for Rezoning 0.15 ac. (20’ x 340.31’) of abandoned Canal ROW Lying West & adjacent to Lot 1, Sharyland Orchards; & a 0.15 ac. (75’ x 85’) of abandoned Canal ROW lying North & adjacent to Lot 1, Sharyland Orchards Subd., AO-I to R-IA

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3622 for Rezoning 0.15 ac. (20’ x 340.31’) of abandoned Canal ROW Lying West & adjacent to Lot 1, Sharyland Orchards; & a 0.15 ac. (75’ x 85’) of abandoned Canal ROW lying North & adjacent to Lot 1, Sharyland Orchards Subd., AO-I to R-IA. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

ORDINANCE NO. 3622

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MISSION, TEXAS GRANTING A REZONING 0.15 AC. (20’ X 340.31’)
OF ABANDONED CANAL ROW LYING WEST & ADJACENT TO LOT 1,
SHARYLAND ORCHARDS; & A 0.15 AC. (75’ X 85’) OF ABANDONED CANAL
ROW LYING NORTH & ADJACENT TO LOT 1, SHARYLAND ORCHARDS
SUBDIVISION, AO-I TO R-1A

4.2 Adoption of Ord. # 3623 for CUP for Guest House on Residential Property, 2201 School Lane, W. 85’ of Lot 1, Sharyland Orchards Subd., together with a portion of 80’ x 150’ abandoned UID ROW

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3623 for CUP for Guest House on Residential Property, 2201 School Lane, W. 85' of Lot 1, Sharyland Orchards Subd., together with a portion of 80' x 150' abandoned UID ROW. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3623

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A GUEST HOUSE ON RESIDENTIAL PROPERTY, 2201 SCHOOL LANE, W. 85' OF LOT 1, SHARYLAND ORCHARDS SUBDIVISION TOGETHER WITH A PORTION OF 80' X 150' ABANDONED UID ROW

4.3 Adoption of Ord. # 3624 for CUP for Dancehall/ Events Center with BYOB on-site consumption of Alcohol, 1608 E. Griffin Parkway, Lot 13, Stewart Village Subd.,

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3624 for CUP for Dancehall/ Events Center with BYOB on-site consumption of Alcohol, 1608 E. Griffin Parkway, Lot 13, Stewart Village Subd. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3624

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A DANCEHALL/EVENTS CENTER WITH BYOB ON-SITE CONSUMPTION OF ALCOHOL, 1608 E. GRIFFIN PARKWAY, LOT 13, STEWART VILLAGE SUBDIVISION PHASE I

4.4 Adoption of Ord. # 3625 for CUP for a Drive-Thru Service Window for Walgreens, 100 W. Expway 83, Lot 2, Lorrain T. & Georgia E. Brown Subd., (unrecorded)

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3625 for CUP for a Drive-Thru Service Window for Walgreens, 100 W. Expway 83, Lot 2, Lorrain T. & Georgia E. Brown Subd., (unrecorded). Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

ORDINANCE NO. 3625

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU SERVICE WINDOW FOR WALGREENS, 100 W. EXPRESSWAY 83, LOT 2, LORRAIN T. & GEORGIA E. BROWN SUBDIVISION (UNRECORDED)

4.5 Preliminary Plat Approval: Granada Subd., 20.29 Ac. out of Lots 92 & 102, J.H.S. Subd., PUD Developer: Hunt Valley Dev. I, LLC, Engineer: Half Associates

The proposed subdivision was at the NW corner of Glasscock Road and Los Indios Parkway. The proposed Subdivision consisted of 65 Single Family Residential lots. The lot sizing ranged

from 8,605 sq. ft. to 15,836 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 have been looped by connecting new 8" water lines to existing 8" and 12" lines at various locations.

Sewer: An internal 8" system would provide this service as it tied to the existing 15" sewer network along the west side of Glasscock Road. The capital sewer recovery fee would have been imposed to the residential lots, \$200/lot x 65 lots = \$13,000.

Street & Storm Drainage: The developer was proposing the extension of Grand Canal Drive, a 60' ROW/43' B-B residential collector street located on the subdivision's perimeter west that would connect to Los Indios Parkway. The extension would provide one of two points of access into the proposed subdivision, with the other access being off of Los Indios Parkway. No additional ROW dedication was required along Glasscock or Los Indios. There were five internal 50' ROW/32' B-B streets with additional 15' U.E. Their proposed median also exceeded our standards, providing parallel driving lanes greater than 16'. Storm drainage was accomplished through a series of 24" & 30" storm lines, which would connect into Hunt's regional drainage ditch system located on the north and west side of the subdivision. There was also a proposed 8' x 8' R.C.P. box crossing the extension of Grand Canal Drive.

Other comments included Street names to comply with street alignment policy, comply with all other format findings, water rights dedication via Hunt's – City policy, and comply with Park Fees Dedication Ordinance. The P&Z unanimously approved the plat.

Staff Recommendation: Approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Preliminary Plat Approval: Granada Subd., 20.29 Ac. out of Lots 92 & 102, J.H.S. Subd., PUD Developer: Hunt Valley Dev. I, LLC, Engineer: Halff Associates. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.6 Preliminary Plat Approval: Khit Subd., 5.89 Ac. out of Lot 30-8, W.A.S. Subd., AO-I, Developer: Alejandra Khit, Engineer: Garza & Garza Engineering

This 5.89 acre, 1-Lot subdivision was located ¼ of a mile east of Conway (SH 107). This tract was located at the easternmost end of BOTH Turista and Victory Lanes.

Variance: The developer was requesting not to connect Turista and Victory Lanes. Section 98-134(b) of the City's subdivision ordinance provided that "Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued and shall be at least as wide as such existing streets and in alignment therewith". Turista and Victory Lanes were presently stubbed streets at the end of two subdivisions. The property the subject of this proposed plat was east of and adjacent to both of these subdivisions and would use these two streets for ingress and egress. It was necessary to the neighborhood pattern that these two streets be extended onto the property the subject of this proposed plat and connected to each other.

This developer was proposing a cul-de-sac only along Victory. Both Victory & Turista streets were exceedingly over the minimum 600 typical for cul-de-sacs (1230'). Staff strongly recommended that both streets be linked by an intervening street (w/reduced ROW

profile) to comply with minimum street codes. The installation of a street connecting both Victory & Turista would help internal residential & emergency responding vehicular traffic; it would also perpetually upgrade the quality of life of this recently annexed area.

Water: There was an existing water meter serving this site. The developer was also extending an 8" water line between the two streets providing a loop for the two existing waterlines. The developer was proposing a fire hydrant along Victory Lane via the direction of the Fire Marshal.

Sewer: The developer was proposing to tap into an existing 12" sanitary sewer line along the west side of the subject site to provide service to the lot. The capital sewer recovery fee of \$200/lot would be imposed.

Other comments: comply with Model Subdivision Rules; provide a park fee in the amount of \$300; dedication of Water Rights; and provide a street lighting plan for review and install/escrow street lighting as approved.

After deliberation, the P&Z unanimously denied their request to 'not connect' the 2 stubbed streets thus, in effect, denying the plat.

Staff Recommendation: Denied as proposed; must provide street interconnect to meet MINIMUM codes.

Staff and City Manager recommended denial.

Councilwoman Garza moved to deny Preliminary Plat Approval: Khit Subd., 5.89 Ac. out of Lot 30-8, W.A.S. Subd., AO-I, Developer: Alejandra Khit, Engineer: Garza & Garza Engineering. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.7 Request by Hunt Valley to have the City Council Authorize the City Manager to issue 5 Building Permits to various Lots at the presently un-recorded Los Cabos Subd.

Hunt Valley Development requested that the City Council authorize the City Manager to issue 5 building permits for Lots 14, 18, 21, 85, & 86 of the un-recorded Los Cabos Subdivision. (Note: on June 15, 2010, the City Council approved the Preliminary Plat of Los Cabos Subdivision.

If 'approved' this would allow Bellaire Homes and Continental Homes (DR Horton) to be better prepared to show-off their model homes during what they refer as 'the Spring sales season.'

The City Council authorized similar action last year to several lots at Marbella which worked out very well for Hunt Valley and the Builders.

Staff and City Manager recommended approval subject to no occupancy without a recorded plat.

Councilman Plata moved to approve the request by Hunt Valley to have the City Council Authorize the City Manager to issue 5 Building Permits to various Lots at the presently un-recorded Los Cabos Subd.. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.8 Action on Proposed Memorandum of Understanding (MOU) between the Lower Rio Grande Valley Development Council and the City of Mission for Nine bus Shelters in Mission for Valley Metro Bus Passengers

The LRGVDC had secured funding from the Federal Transit Administration (FTA) to provide nine bus shelters in Mission's city limits. The value of each bus shelter was approximately \$10,000 x 9 shelters = \$90,000. The City would not incur any construction costs but the MOU had Mission securing any TXDoT permits (for example) or providing its own ROW (if 'City ROW') and to maintain them in a clean manner.

In conferring with the City Attorney, he counseled that the following be inserted into the MOU: "The LRGVDC agreed to maintain insurance coverage on the shelter for any loss, damage, or legal claims made against the LRGVDC and City, and name 'City' as an additional insured." This has been conveyed to the LRGVDC. Their response was as follows, "...the COG would pick up the tab of (matching) construction fees, however, we do not have the resources to sustain insurance premiums for the entire region's capital improvements, and we were asking the cities to take that into consideration. Valley Metro did not generate local funds through taxation...rather only through local contributions from our cities...".

Also, the City Attorney was concerned that the MOU's "TERM" was too vague and would prefer that it be more specific & linked to the estimated tenure of the shelter (12 years).

Mr. David Guerra would expand on these points at the meeting.

All other issues had been resolved.

NOTE: Once the MOU was approved by both parties, the City Council would at a forthcoming meeting be presented with proposed sites for the bus shelters.

Staff Recommendation: Direction was sought on the proposed MOU.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Proposed Memorandum of Understanding (MOU) between the Lower Rio Grande Valley Development Council and the City of Mission for Nine bus Shelters in Mission for Valley Metro Bus Passengers and authorized the City Manager to workout agreement. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.9 Write-off uncollectable utility accounts receivable

Back on September 27th, 2010, the City Council authorized the write-off of 20+years worth of utility accounts that were deemed uncollectable. As part of that write-off, these accounts were to be sent to a Preston, Powers, and Stone, LLC, the contracted collection agent, in an attempt to try and collect on some of these amounts. As mentioned at that time, our plan was to bring to the City Council accounts over one year old, to be written off and submitted to the Preston, Powers, and Stone, LLC every quarter beginning in January 2011.

Staff and City Manager recommended approval.

Councilman Plata moved to approve to write-off uncollectable utility accounts receivable. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.10 Authorization to solicit bids for Street Sign Material for Streets Department

Staff was seeking authorization to solicit bids for the purchase of Street Sign Material for Streets

Department. Material was needed by the Streets Department for daily operations. This would be done due to the internal cost estimate exceeding the ten thousand dollar threshold.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for Street Sign Material for Streets Department. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.11 Authorization to purchase Cab & Chassis Vacuum Truck via Buy Board State approved contract

The Mission Public Works Department was seeking authorization to purchase via state contract a Cab & Chassis Vacuum Truck. Usage included: Sanitary Sewer lift station maintenance, Sewer Line Maintenance, and emergency sewer spill recovery.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to purchase Cab & Chassis Vacuum Truck via Buy Board State approved contract. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

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

On December 20, 2010, City Council authorized staff to rebid for the purchase of Corrosion Inhibitor for North and South Water Plants. The City of Mission had accepted and opened four (4) bid responses for this chemical. Staff recommended awarding to General Chemical Performance Products, LLC. meeting all specifications for a total bid amount of \$70,000. 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 Corrosion Inhibitor for North and South Water Plants. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

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

On December 20, 2010, City Council authorized staff to rebid for Ammonium Sulfate. The City of Mission had accepted and opened four (4) bid responses for this chemical. Staff was recommending awarding to General Chemical Performance Products, LLC., meeting all specifications for total bid amount of \$18,600. 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 Ammonium Sulfate for North and South Water Plants. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.14 Authorization to award via state approved contract to Hagemeyer NA for Submergible Air Bags for the Mission Fire Department

On January 24, 2011 the City Council authorized staff to solicit bids or purchase via state approved contract Submergible Air Bags. The Mission Fire Department was seeking authorization to purchase Submergible Air Bags from Hagemeyer NA via a state approved contract U.S. Communities RQ-81-4063-10A. This equipment would be purchased through the 2008 Homeland Security Grant. The bags would be used by the Fire Department Special Operations Teams to recover items that were submerged under water.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to award via state approved contract to Hagemeyer NA for Submergible Air Bags for the Mission Fire Department. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.15 Budget Amendments: Utility, General, Cemetery Trust, and Designated Purpose Fund

Janie Flores, Finance Director presented the budget amendments BA-24 thru BA-32 to the City Council for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve budget amendments BA-24 thru BA-32. Motion was seconded by Mayor Salinas and approved unanimously 5-0.

4.16 Authorization to declare March 1-31, 2011 as Amnesty Month for the Mission Municipal Court

City Manager's office was requesting the month of March, 2011 to be recognized as Amnesty Month. Citizens could come in and pay their outstanding traffic and other pending violations without fear of being arrested upon their appearance in court. Failure to appear and warrant fees would be waived for citizens who voluntarily come in during Amnesty Month.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to declare March 1-31, 2011 as Amnesty Month for the Mission Municipal Court. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.17 Authorization to release funds for the Annual Classic Car Show

The 8th Annual Mission Classic Car Show was scheduled to be hosted on Saturday, February 26th from 9:00 a.m. – 5:00 p.m. at the Mission Sports Center in Sharyland Plantation. There would be over 300 classic vehicles on display. This family-friendly show had attracted thousands of visitors to the City each year which in turn has had a positive impact on our local economy as they stay, dine, and shop in Mission. The City had traditionally provided the necessary resources and departmental assistance to ensure a successful event.

Staff and City Manager recommended approval to release funds from the Hotel Motel Occupancy Fund for the Annual Classic Car Show and a finding that such show is a promotional program that attracts tourists and event delegates or registrants to the City.

Councilwoman Ramirez moved to authorize to release funds for the Annual Classic Car Show and a finding that such show is a promotional program that attracts tourists and event delegates or registrants to the City. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.18 Authorization to approve Legislative Priorities during the City of Mission Day in Austin, Texas

February 15th & 16th have been designated as City of Mission Days at the Capitol in Austin, Texas. The Mission Chamber of Commerce consulted with various entities/stakeholders and had developed and approved the legislative priorities. Each of the Rio Grande Valley legislators would be presented with these priorities and be asked for their support. The Mission delegation would be comprised of representatives from the City, Chamber, MEDA, MEDC, and the members of the business community.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to approve Legislative Priorities during the City of Mission Day in Austin, Texas. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.19 Approval of Res. # 1277 Ratifying and Affirming City of Mission Resolution # 1274 Authorizing Issuance of Solid Waste Disposal Revenue Bonds (Dallas Clean Energy McCommas Bluff, LLC Project) Series 2011A and Series 2011B (Taxable) and Approving other Actions

The City Council approved Resolution #1274 authorizing Issuance of Solid Waste Disposal Revenue Bonds (Dallas Clean Energy McCommas Bluff, LLC Project) on December 20, 2010.

Due to unexpected delays in the schedule for the issuance and sale of the Bonds, the Issuer did not expect to deliver the Bonds within 60 days of the date of adoption of the Resolution as required by the Development Corporation Act of 1979, therefore, it was being requested to approve the Resolution ratifying and affirming Resolution #1274 to provide a 60 day extension.

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

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Res. No. 1277 Ratifying and Affirming City of Mission Resolution # 1274 Authorizing Issuance of Solid Waste Disposal Revenue Bonds (Dallas Clean Energy McCommas Bluff, LLC Project) Series 2011A and Series 2011B (Taxable) and Approving other Actions. Motion was seconded by Councilman Plata and approved unanimously 5-0.

RESOLUTION NO. 1277

**RESOLUTION RATIFYING AND AFFIRMING
A PRIOR RESOLUTION AND APPROVING OTHER ACTIONS**

4.20 Authorization to accept the Texas Recreational Trails Fund Grant from the Texas Parks and Wildlife Department

The TPWD Recreational Trails Program, which administered the Texas Recreational Trails Fund made available under the National Recreational Trails Act, awarded reimbursement-type grants to eligible public entities to be used on trails and trail related projects. To be eligible, the project must have been planned and developed under existing federal and state laws, and all related policies and administrative procedures. The City of Mission, eligible under the Act, made a grant application for a suitable trail project and was awarded the Texas Recreational Trails Fund Grant. The grant amount was \$125,000 and there was a 20% cash match to the City. Staff was seeking authorization to accept the grant.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to accept the Texas Recreational Trails Fund Grant from the Texas Parks and Wildlife Department. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.21 Bid for Land Leveling at Northwest Park located at 2½ Mile N. Inspiration Road

On January 10, 2011, City Council authorized staff to solicit bids for the land leveling of an 8 acre tract known as Northwest Park (Hollis Rutledge Sr. Park). The land leveling would commence a series of improvements to include leveling, grubbing, scarifying and grading for the construction of Northwest Park located at 3408 N. Inspiration Road. The City of Mission had accepted and opened four (4) bid responses. Staff recommended awarding to Mission Paving Company, Inc. meeting all specifications for a total bid amount of \$15,960.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve bid for Land Leveling at Northwest Park located at 2½ Mile N. Inspiration Road. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.22 Authorization to solicit bids for Northwest Park (Hollis Rutledge Sr. Park)

Staff was seeking authorization to solicit bids for the Northwest Park (Hollis Rutledge Sr. Park) for the following: Authorization to solicit bids for perimeter lighting, utilities and materials for water and sewer connections, irrigation system for baseball field, baseball field lighting, baseball field fencing, red dirt conditioner, bleachers and other related items, parking area, playground, bathroom facility or bathroom materials and labor and a multi-purpose pavilion.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to solicit bids for Northwest Park (Hollis Rutledge Sr. Park). Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.23 Acceptance of comprehensive Annual Financial Report For Fiscal Year ended 9/30/10

Mrs. Flores, Finance Director presented the Comprehensive Annual Financial Report for Fiscal Year ending 9/30/10 for acceptance. Mr. Ruben Moreno, Long Chilton, LLP representative read over the audit report and answered questions from the Council in reference to the audit.

Staff and City Manager recommended approval.

Councilwoman Garza moved to accept the Comprehensive Annual Financial Report for Fiscal Year ending 9/30/10. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.24 Request to the City of Mission to Accept Real Estate to be used as a Collector Street & Drainage Facilities for the MEDA's Military Parkway Paving Project (City Attorney may ask Council to go into executive session prior to considering this matter in open session)

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

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

Viewing the vicinity map, MEDA had a project underway that would see the paving of the E-W Military Parkway. As part of Military Parkway's paving project, their needs to be ROW acquired from several property owners to divert Military Parkway's drainage waters northward into the Mission Inlet. MEDA engaged L&G Engineering to secure the N-S drainage ROW needed that process was in motion.

As the City Council was aware, there were several preliminary plats approved but never recorded as part of the old Domit PUD development. Subsequent to the plats' pre-construction conferences, developers substantially laid the sub-grade/curb & gutter part of a bending collector street that intersected Conway ½ mile north of the Military Parkway/Conway juncture. Also, the old PUD Development reflected that they'd be dedicating & excavating their regional open drainage ditch at the same juncture that MEDA was seeking to secure for Military Parkway's drainage.

PROPOSAL: Correspondence dated February 8, 2011, from INB's Carlos Garza proposing, on behalf of INB & other affected property owners, the following: "...that we use the MEDA ROW acquisition funds to complete the partially improved street" because "the completion of Military Parkway and this (bending collector street) would improve the viability of all the properties in this vicinity." INB goes on to request that the City "consider acceptance of a gift of this street, completed to full city standards but done without meeting all requirements yet pending for the unrecorded subdivisions." If INB's request was favored by the City Council, the affected owners (Solida, Redus Texas Land, Beatriz Martinez, INB, et.al.), "would gift various metes & bounds tracts which would have serve as the drainage ROW for the Military Parkway Project." INB also requested that "MEDA's ROW funds be held in escrow (with the City), to be released upon the

City Council's final acceptance of the gift of the street. (INB's) proposal was subject to the approval of all donors."

ISSUES included the following:

1. INB's proposition would involve a multi-party property conveyance agreement that inherently was time-consuming. To assure that MEDA's timeline in paving Military Parkway was not inhibited & unless such an Agreement was quickly signed, MEDA should have been provided all Right of Entries of the drainage tracts to be executed by the affected parties on or before March 7, 2011.
2. The INB proposal did not include paving the collector to intersect Military Parkway in other words; the proposal would still result in an incomplete collector street. The street should have been paved all the way southward to connect to Military Parkway since it would be very conducive to the city regardless if the paving was done by INB, et.al.
3. and/or MEDA; we noted that these costs would be subject to reimbursement from adjoining subdivisions.
4. After conferring with Management, the bending collector street's completion was not linked to any subdivision at that time; thus, water rights would have been captured only for the adjoining plats as they develop but not the conveyed tract's overall acreage (drainage + street).
5. INB's Letter stated that the gift of the bending collector street would have been paved "completed to full city standards..."; said standards would include the 2% inspection fee, lab testing the sub-grade, & testing the resulting pavement; electronic/hard copy 'as-builts'; the typical 1-year warranty would also be procedurally imposed after the City's acceptance.
6. Some other issues that should be mentioned included:
 - A) if approved, then title policies would be required for all conveyances.
 - B) Once the street was completed & at the acceptance stage, Staff recommended that the PUD zoning of the subject parent tracts revert back to the AO-I zone; the affected owners should provide consent/agreement of this rezoning measure. Recall that there was no single developer anymore but now had multiple owners perhaps having different development concepts.
 - C) The subject tracts to be conveyed should be cleared of all tires & construction debris; costs borne by INB, et.al.
 - D) Pursuant to the City's Subdivision Code's Sec. 98-11, the previous plat's official approvals had long expired past the one (1) year tenure; all requesting parties of the Agreement should acknowledge this fact in writing to allay any possible procedural concerns.
7. In conferring with Management, once the street was paved to Military Parkway, then the City would pay the electrical provider to install street lighting (where some of the city's costs would be reimbursed from adjoining subdivisions).

Staff Recommendation: Subject to the issues cited above, Staff recommended acceptance of this proposal.

Staff and City Manager recommended approval.

At 6:19 p.m., Mayor Pro Tem Olivarez moved to reconvene in open session. Motion was seconded by Councilman Plata and approved unanimously 5-0.

Councilman Plata moved to accept the proposal subject to the following: Transaction should be a sale and not a gift as consideration is being given for the conveyance or conveyances, neither

the City nor MEDA shall expend any funds on the subject properties until the fee simple titles to policies of the properties are in the name of City and or MEDA, owners of the property should be conveyed should give MEDA and or the City a right of entry onto set properties by March 7, 2011, the collector street will be paved from Conway Ave. to Military Parkway in full

compliance to the city standards, all conveyances will be supported by owner and title policies in amounts expended by the City for purchase and fulfillment of contractual obligations incurred in acquiring title before and after the sale naming the City as insured. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

Mayor Salinas mentioned their trip to Austin in reference to Mission Day on February 16, 2011.

At 6:28 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 Private consultation with the City Attorney Sec. 551.071

A. Claim of immediate ex-Director of Risk Management

B. Solid Waste Collection and Disposal Services contract with Allied Waste Inc., formerly BFI Waste Services of Texas, LP

C. Adan Olvera, Sr. et al vs City of Mission, et al

7.2 Personnel or to hear complaints against personnel Sec. 551.074

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

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

Private consultation with the City Attorney Sec. 551.071

A. Pending request by Raul Sesin to purchase surplus City ROW out of Lot 261, John H. Shary

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

At 7:10 p.m., Mayor Pro Tem Olivarez moved to reconvene in open session. Motion was seconded by Councilman Plata and approved unanimously 5-0.

On item 7.1-A, Mayor Pro Tem Olivarez moved to approve to settle the claim for the amount of \$1,745.10. Motion was seconded by Councilman Plata and approved unanimously 5-0.

No action was taken on item 7.1-B.

No action was taken on item 7.1-C.

On item 7.2-A, Councilman Plata moved to authorize City Manager to sign contract with Mark Sossi. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

No action was taken on item 7.3-A.

8.0 Adjournment

At 7:11 p.m., Councilman Plata moved for adjournment. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary