

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
FEBRUARY 28, 2011 4:30 P.M.  
MISSION CITY HALL**

**PRESENT:**

Norberto Salinas, Mayor  
Maria Elena Ramirez, Councilwoman  
Ruben D. Plata, Councilman  
Leo Olivarez, Mayor Pro Tem  
David Guerra, City Attorney  
Anna Carrillo, City Secretary  
Julio Cerda, City Manager

**ABSENT:**

Norie Gonzalez Garza, Councilwoman

**ALSO PRESENT:**

Kathy Olivarez, Progress Times  
Alexis Gallegos  
Ben D. Olivarez  
Cathy Garcia  
Sandra Vecchio  
Jeff Underwood  
Joe B. Garcia  
Pat Townsend, Jr.  
Noel Garza  
Richard Perez  
Matt Ruszczak  
Joe Roseland  
David Salinas  
Andrew Canon  
Matt Ruszczak

**STAFF PRESENT:**

Nelia Hernandez, Asst. City Secretary  
Carmen Morales, Administrative Asst.  
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  
Eduardo Belmarez, Purchasing Director  
Leo Longoria, Chief of Police  
Robert Dominguez, Asst. Chief of Police  
Martin Garza, Asst. Chief of Police  
Janie Flores, Finance Director  
Randy Perez, Accountant  
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  
Roland Rodriguez, I. T. Director  
Cassandra Karl, Museum Director

**1. Call to order**

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:30 p.m.

**2. Pledge Allegiance and Invocation**

Mayor Salinas led the meeting with the pledge of allegiance and City Manager Julio Cerda gave the invocation.

### 3. Departmental Reports

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

### 4. Citizens Participation

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on a successful Mission Day at the Capitol, Mission Classic Car Show, Winter Texan Fiesta, and Golf Tournament, he thanked staff for all of their help.

#### 1.0 Public Hearing

##### 1.1 Planning & Zoning Recommendations

###### **A. Conditional Use Permit: Sale & On Site Consumption of Alcoholic Beverages-El Huachinango Restaurant, 2120 E. Bus. 83, Lot 51, Sharyland Orchards Subdivision, C-4, Life of Use, Jose Dario Garcia**

The subject site was located at the SE corner of Ragland Road and Business 83. The applicant was proposing to open a new seafood restaurant.

Days/Hours of operation: Sunday – Thursday from 9:00 a.m. to 9:00 p.m.; Friday & Saturday from 9:00 a.m. to 11:00 p.m.

Staff: 13 employees

In reviewing the floor plan, there were 108 total seating space for the restaurant (including exterior seating), which required 36 parking spaces (108 total seating spaces/3 = 36 parking spaces). It was noted that 41 parking spaces were held in common with a former auto mechanic shop. Staff noted that if the other business wished to open, they must add additional parking there was substantial property to the southern rear to do this.

There was no public opposition at P&Z's 2/9/11 hearing. The P&Z unanimously approved the conditional use permit as recommended by staff.

Staff Recommendation: Approval subject to a 1 year re-evaluation with full compliance to the City Noise Code.

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 Ruben Plata moved to approve the Conditional Use Permit: Sale & On Site Consumption of Alcoholic Beverages-El Huachinango Restaurant, 2120 E. Bus. 83, Lot 51, Sharyland Orchards Subdivision, C-4, Life of Use, Jose Dario Garcia. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

###### **B. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – La Mansion Ballroom, 507 N. Conway Avenue Lot 8, Block 92, Mission Original Townsite Subd., C-3, Life of Use, Norma Cruz**

The subject site was located just off the NW corner of Conway and 5<sup>th</sup> Street. The site was used as a Banquet & Conference Center for such activities as weddings, reunions, birthday parties, seminars, etc.

This conditional use permit was originally approved on May 2002, and last renewed on 2-24-10. The 1<sup>st</sup> Floor was 3,700 sq. ft. of which 450 sq. ft. was used as a dance area, and 169 sq. ft. for the band or D.J. The second floor was composed of approximately 900 sq. ft. equating to a total of 4,600 sq. ft. for the banquet hall.

The maximum occupancy established by the Fire Marshal was 500 people. The property was in Mission's Central Business District (CBD); thus, codes exempt it from typical parking requirements for pre-existing commercial structures. For the most part, these events typically took place during evening hours from 7:00 p.m. till 2:00 a.m. Such uses needed to be 300' from residential and Institutional (church) areas. Area residences were beyond 415' and the church was over 500' (measured along front lot lines via code). Police Chief Leo Longoria provided written attestation that, since its opening, no 'calls to respond' have been received from this address.

There was no public opposition at P&Z's 2/9/11 hearing. The P&Z unanimously approved the conditional use permit as recommended by staff.

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

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.

Mayor Pro Tem Olivarez moved to approve the Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – La Mansion Ballroom, 507 N. Conway Avenue Lot 8, Block 92, Mission Original Townsite Subd., C-3, Life of Use, Norma Cruz . Motion was seconded by Councilman Plata and approved unanimously 4-0.

## **2.0 Disposition of Minutes**

### **2.1 City Council Meeting – February 14, 2011 and Special City Council Meeting – February 18, 2011**

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

## **3.0 Acknowledge Receipt of Minutes**

### **3.1 Zoning Board of Adjustments – December 8, 2010 Planning and Zoning Commission – January 26, 2011 Mission Economic Development Corporation – January 25, 2011 Shary Golf Advisory Board – January 4, 2011 Parks and Recreation Board – January 11, 2011**

Councilwoman Ramirez moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.0 Approvals and Authorizations**

**4.1 Adoption of Ord. # 3626 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – El Huachinango Restaurant, 2120 E. Bus.83, Lot 51, Sharyland Orchards Subd.**

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ord. No. 3626 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – El Huachinango Restaurant, 2120 E. Bus.83, Lot 51, Sharyland Orchards Subd. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

**ORDINANCE NO. 3626**

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 – EL HUACHINANGO RESTAURANT, 2120 E. BUSINESS 83, LOT 51, SHARYLAND ORCHARDS SUBDIVISION

**4.2 Adoption of Ord. # 3627 for CUP for the Sale & On Site Consumption of Alcoholic Beverages – La Mansion Ballroom, 507 N. Conway Ave. Lot 8, Block 92, MOT Subd.**

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ord. No. 3627 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – La Mansion Ballroom, 507 N. Conway Ave. Lot 8, Block 92, MOT Subd. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**ORDINANCE NO. 3627**

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 – LA MANSION BALLROOM, 507 N. CONWAY AVENUE, LOT 8, BLOCK 92, MISSION ORIGINAL TOWNSITE SUBDIVISION

At 4:41 p.m. Councilman Plata stepped out of the meeting.

**4.3 Preliminary Plat Approval: Eduardo’s No. 10 Subd., 50.719 ac. Tract being all of Lots 67 & 68, Block 2, and a portion of Lot 65 & 66, Block 3, La Homa Ranch Citrus Groves Unit No. 1, Rural ETJ, Developer: Aniceto Izaguirre, Engineer: Izaguirre Engineering Group, Inc.**

The subdivision was located approximately ¾ of a mile south of Mile 7 (FM 492) along the east side of La Homa Road. The subdivision consisted of 84 lots, where corner Lots 1 & 60 shall have the option of being used for commercial or multi-family purposes. The remaining lots shall be used for residential purposes.

Water: The water CCN belonged to SWSC. The developer was providing water by connecting to an existing 6” water line located along the west side of La Homa Road and extending a new 6”

line west into the proposed subdivision. The City's Rural ETJ regulations did not require fire hydrants.

Sewer: Sanitary sewer services 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 2.23 miles away).

Street & Storm Drainage: The lots would be fronting 50' ROW 32' B/B paved streets built to the County's construction specifications. The developer was connecting to two existing street stubs on the north and south. This subdivision was also providing a street stub to the south (Las Mitras St.) for future developments. No residential access would be allowed from Lots 1 & 60 onto La Homa Road if residential. Drainage for the subdivision was proposed through the use of swales located in the rear of each property as permitted under County guidelines. The P&Z unanimously approved the plat.

Staff Recommendation: Approval subject to meeting the Model Subdivision Rules, complying with the street alignment policy, and meeting any comments from the County Planning Department.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Preliminary Plat Approval: Eduardo's No. 10 Subd., 50.719 ac. Tract being all of Lots 67 & 68, Block 2, and a portion of Lot 65 & 66, Block 3, La Homa Ranch Citrus Groves Unit No. 1, Rural ETJ, Developer: Aniceto Izaguirre, Engineer: Izaguirre Engineering Group, Inc. Motion was seconded by Councilwoman Ramirez and approved unanimously 3-0.

At 4:44 p.m. Councilman Plata rejoined the meeting.

**4.4 Preliminary Plat Approval: School Lane Gardens Subd., a 9.74 acre tract of land out of Lot 214, JHS Subd., R-1A, Developer: Empire Home Developments, LLC, Engineer: Javier Hinojosa Engineering**

The proposed subdivision was located 350' west of Shary Road along the south side of School Lane. The subdivision consisted of 28 R-1A lots with all lots complying to R-1A area requirements. To the perimeter west, there was a fairly substantial irrigation easement that should be incorporated into the western perimeter lots (with a plat note of 'no building over said irrigation easement'; this would avert its perpetual maintenance (between Hoerner and Lots 7-10).

Two minor variances were being sought:

Variance #1 – Plat private streets with gated entry.

Staff: No objection; have approved many successful others; meet private street policies.

Variance #2 – R-1A Inner Lots widths = 75'; R-1A Corner Lot widths = 80'; Lots 2, 3, 4, 5, do not meet the inner 75' – corner 80' requirements.

Staff: No objection; Lots 2, 3, 4, 5, exceed R-1A area requirements; being 2'-5' less than code are deemed minor variances.

**Water:** The developer proposed a new 8” network tied into an existing 8” AC line located under School Lane’s pavement. This subdivision would result in a new 8” PVC line replacing the existing AC line under School Lane. The Public Works Department intended to extend the (then stubbed) new 8” PVC to the existing 10” PVC water line on Shary (Note: would be subject to reimbursement). To provide a loop, the developer would also connect to the existing 8” line on Hoerner to the perimeter west. Stub-outs for future development to the SE was reflected and some contingency easements were needed between lots (to the south) for possible usage by adjoining developers, too. Fire Hydrants were located pursuant to the direction of the Fire Marshal.

**Sewer:** The developer proposed new 8” sewer lines connecting to an existing 12” line located along School Lane to serve all lots. The open cuts to the street would require City Council consideration. The capital sewer recovery fee of \$5,600 was mandated (\$200/Lot).

**Streets & Storm Drainage:** School Lane already had 60’ ROW but was paved to 30”; typical collector street codes mandated a minimum pavement width to be 43’ B-B. Thus, this developer must construct his portion of a widened School Lane (with utility adjustments including replacing the AC water line) or provide satisfactory monetary escrow to widen School Lane in the amount of \$35,079.63 (\$35.36/L.F. x 992.11”). Regarding interior streets, they propose a 42’ B/B street right off of School Lane it then reduced into the minimum 32’ B/B minor street section with cul-de-sacs at the perimeter ends.

In regard to Hoerner Road, it had a meandering 26’-28’ pavement section w/lay down curbs. The City paved this minor street not long ago including associated drainage improvements. At that time, the City did not foresee a need to widen the street any further than the current pavement width because it was rarely used. The predominant reason for such seldom usage was due to the existence of more efficient N-S streets such as Ragland, Lucksinger, Shary, Glasscock. In reconsideration of this, Staff did not object to Hoerner remaining ‘as is’.

Drainage storm lines ranged from 24” lines w/in interior streets; & a 30” storm line to the SW connecting into the existing 36” system. Public Works had reviewed the storm system and had found it compliant to code. There was an approved drainage report.

Other comments included:

- Park Fees were required in the amount of \$8,400 (\$300/lot x 28 lots)
- Water District Exclusion
- Knox Bypass required by Fire Department at Private Gate Entrance
- Comply with format findings, i.e., extend Lot lines for 7-10 to encompass the 30’ of UID easement; provide a U.E. between lots 16 & 17 for future utility connections; add 5’ U.Es along the frontage of all internal streets, etc.
- Submit a street light plan for review & approval; interior lighting is private; perimeter street lights were public & would be either newly installed or existing lights upgraded.
- Must provide 4’ sidewalks along the east side of Hoerner Road or escrow \$6,492 (681.36’ -140’ existing driveways = 541’ x \$12.00L.F.); any widening of School Lane must account for replacement 5’ sidewalks; too; if School Lane was not widened and the developer choose to escrow for future widening, then the City should be reimbursed for current sidewalk improvements.

The P&Z unanimously approved the subdivision plat as recommended by staff.

Staff Recommendation: Approval subject to: 1) no objections to variance 1 & 2 mentioned above; 2) adjust Lots 7-10 to incorporate the irrigation easement within their legal boundaries so as to maximize surface usage, resolve a perpetual maintenance issue, and facilitate the process of easement-incorporation into the lots when the irrigation line was abandoned; 3) provide escrows for School Lane's widening costs & reimburse city for School Lane's sidewalks; also, escrow 4' sidewalks along Hoerner; and 4) comply with other format findings.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Preliminary Plat Approval: School Lane Gardens Subd., a 9.74 acre tract of land out of Lot 214, JHS Subd., R-1A, Developer: Empire Home Developments, LLC, Engineer: Javier Hinojosa Engineering. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.5 Preliminary Plat Approval: La Fuente Acres Subd., 4.0 acres, Lot 37, New Caledonia #3, Suburban ETJ, Developer: Abelardo Gonzalez, Engineer: Salinas Engineering & Associates**

The 4 acre tract was at the SE juncture of what would be 4 Mile Road/La Homa Road where part of (a future) 4 Mile Road would be along the entire northern frontage of these 4 acres. The 2-lot subdivision did not show the ½ Row dedication of the 4 Mile Road's ROW via the County of Hidalgo's MPO Thoroughfare Plan.

The City of Mission had tried to be consistent to the integrity of the MPO Thoroughfare Map especially since Mission's city limits was slowly extending in a northwesterly direction wherein this plat lied at a strategic juncture.

Since the City of Mission had imposed the ROW dedication on 4 Mile Road to others, (even to a plat across the street), staff must recommend that we continue this requirement on this plat so that an efficient E-W traffic circulation system would ultimately be realized to benefit future area residents, commerce, schools, & emergency responding vehicles.

On other matters, the plat's dedication of required ROW on La Homa was compliant to MPO Thoroughfare codes with both lots exceeding the county's minimum ½ acre lot requirement. It was indicated in Plat Note #3, "all lots shall be for commercial use only"; page 2 mentioned a "convenience store."

Both lots would have water service via the existing 8" waterline; and would tie into the city's 12" sewer line (NOTE: require capital sewer service recovery fee of \$2850/commercial acre). On storm, the drainage would be accomplished via drainage swales; the HCDD#1 had approved it. The P&Z unanimously denied the subdivision plat.

Staff Recommendation: Denial-Must dedicate ROW for 4 Mile Road.

Staff and City Manager recommended denial.

Mayor Pro Tem Olivarez moved to deny Preliminary Plat Approval: La Fuente Acres Subd., 4.0 acres, Lot 37, New Caledonia #3, Suburban ETJ, Developer: Abelardo Gonzalez, Engineer: Salinas Engineering & Associates. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.6 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 Subdivision**

There was a written request by Hunt Valley Development requesting that the City Council authorize the City Manger to issue 5 more building permits for Lots 68, 71, 73, and 79 of the un-recorded Los Cabos Subdivision.

On June 15, 2010, the City Council approved the Preliminary Plata of Los Cabos Subdivision which was under construction.

The City Council authorized action 2 weeks ago to the same Continental Homes/DR Horton and Bellaire at the same Los Cabos

Staff Recommendation: Approval subject to no occupancy without a recorded plat.

Staff and City Manager recommended approval.

Councilman Plata moved to approve 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 Subdivision. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**4.7 Approval of Res. # 1278 approving the designation of roadways within the City of Mission that are part of the Hidalgo County Non-Radioactive Hazardous Materials**

In 2005 the cities within Hidalgo County and Hidalgo County cooperated in funding the Hidalgo County Freight and Hazardous Materials Movement Study for the metropolitan area of Hidalgo County. The approval of the proposal for Non-radioactive Hazardous materials routing designations in Hidalgo County had been approved by the TXDOT Executive Director on January 18, 2011. Hidalgo County MPO was seeking a resolution of support designating the HRHM route.

Staff and City Manager recommended approval.

Mr. Andrew Canon thanked the Mayor and the City Council for contributing financially to this study.

Mayor Pro Tem Olivarez moved to approve Res. No. 1278 approving the designation of roadways within the City of Mission that are part of the Hidalgo County Non-Radioactive Hazardous Materials. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**RESOLUTION NO. 1278**

A RESOLUTION OF THE CITY OF MISSION, TEXAS TO APPROVE THE DESIGNATION OF ROADWAYS WITHIN THE CITY OF MISSION THAT ARE PART OF THE HIDALGO COUNTY NON-RADIOACTIVE HAZARDOUS MATERIALS MOVEMENT ROUTES

**4.8 Approval of Ord. # 3628 granting a wet designation for 2009 W. 3 Mile Line Road Suite 500, Agave Azul**

Staff and City Manager recommended ordinance approval.



Councilwoman Ramirez moved to approve Ord. No. 3628 granting a wet designation for 2009 W. 3 Mile Line Road Suite 500, Agave Azul. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**ORDINANCE NO. 3628**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING ORDINANCE NO. 780 DESIGNATING PLACES WHERE BEER AND OTHER ALCOHOLIC BEVERAGES MAY BE SOLD WITHIN THE CORPORATE LIMITS OF THE CITY OF MISSION TO INCLUDE THE PREMISES LOCATED AT 2009 W. 3 MILE LINE ROAD SUITE 500, AGAVE AZUL

**4.9 Approval of Ord. # 3629 granting a wet designation for 4009 N. Inspiration Road, Panaderia Nuevo Leon**

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ord. No. 3629 granting a wet designation for 4009 N. Inspiration Road, Panaderia Nuevo Leon. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**ORDINANCE NO. 3629**

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 4009 N. INSPIRATION ROAD, PANADERIA NUEVO LEON

**4.10 Approval of Ord. # 3630 providing for a Four-Way Stop Intersection at Highland Park Dr. and Pamela Dr.**

The City of Mission Police Department received a request for approval of an ordinance establishing a 4-Way Stop intersection at Highland Park Drive and Pamela Drive. Residents from the area requested assistance in regulating traffic in the area. Pamela Drive runs east and west from Mayberry Rd. to Bryan Rd. without any stop intersection, causing motorists to increase their speed through the residential area. The implementation of the 4-Way Stop intersection would assist in regulating the flow of traffic, which in turn would assist in making the roadway safer to travel.

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Olivarez moved to approve Ord. No. 3630 providing for a Four-Way Stop Intersection at Highland Park Dr. and Pamela Dr. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**ORDINANCE NO. 3630**

AN ORDINANCE OF THE CITY OF MISSION, TEXAS PROVIDING FOR A TRAFFIC CONTROL DEVICE BEING A FOUR-WAY STOP SIGN INTERSECTION AT HIGHLAND PARK DRIVE AND PAMELA DRIVE; PROVIDING FOR INSTALLATION OF SAID TRAFFIC CONTROL DEVICES BEING STOP SIGNS AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO:

**4.11 Approval of Ord. # 3631 providing for a One-Way Sign directing traffic to flow west at the north alleyway of the 1600 block of Aladdin Villas East**

The City of Mission Police Department received a request for approval of an ordinance providing for a One-Way Sign directing traffic to flow west at the north alleyway of the 1600 block of Aladdin Villas East. Several homes backing into the aforementioned alley had rear garage entries creating a hazard and interfering with the safe movement of traffic on the roadway. Staff was recommending approval of this ordinance.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ord. No. 3631 providing for a One-Way Sign directing traffic to flow west at the north alleyway of the 1600 block of Alladin Villas East. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**ORDINANCE NO. 3631**

AN ORDINANCE OF THE CITY OF MISSION, TEXAS PROVIDING FOR A TRAFFIC CONTROL DEVICE BEING A ONE-WAY SIGN DIRECTING TRAFFIC TO FLOW WEST AT THE NORTH ALLEYWAY LOCATED AT THE 1600 BLOCK OF ALADDIN VILLAS EAST; PROVIDING FOR INSTALLATION OF SAID TRAFFIC CONTROL DEVICES BEING A ONE-WAY SIGN AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO:

**4.12 Approval of Ord. # 3632 providing for a no left turn sign at the 100 block of Dawson Dr. onto Conway Ave. between the hours of 7:00 am to 8:30 am and 3:30 pm to 5:00 pm on the days the Mission CISD is in session**

The City of Mission Police Department received a request for approval of an ordinance establishing no left turn sign at the 100 block of Dawson Drive onto Conway Avenue between 7:00 am to 8:30 am and 3:30 pm to 5:00 pm on the days that Mission Consolidated Independent School District was in session. The no left turn sign during the aforementioned time periods would allow traffic flow to run smoothly during the pick up and drop off hours to Mims Elementary School. The Traffic Safety Committee and Staff were recommending this ordinance be adopted.

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Olivarez moved to approve Ord. No. 3632 providing for a no left turn sign at the 100 block of Dawson Dr. onto Conway Ave. between the hours of 7:00 am to 8:30 am and 3:30 pm to 5:00 pm on the days the Mission CISD is in session. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**ORDINANCE NO. 3632**

AN ORDINANCE OF THE CITY OF MISSION, TEXAS ESTABLISHING NO LEFT TURN SIGN: NO VEHICLE WILL BE ALLOWED TO TURN LEFT ONTO CONWAY AVENUE FROM THE 100 BLOCK OF DAWSON DRIVE BETWEEN THE HOURS OF 7:00 AM TO 8:30 AM AND 3:30 PM TO 5:00 PM ON THE DAYS THE MISSION CONSOLIDATED INDEPENDENT SCHOOL DISTRICT IS IN SESSION; PROVIDING FOR INSTALLATION OF SAID NO LEFT TURN SIGN AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO:

**4.13 Approval of Res. # 1279 authorizing the Mission Police Department to submit the Mission Police Department's Operation Safeguard 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 Safeguard Grant to the Office of the Governor's Criminal Justice Division. The grant application request was for the funding of one (1) Sky Watch Tower. The total amount of the grant request was \$93,000.00. There was no cash match required for this grant.

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

Staff and City Manager recommended resolution approval.

Mayor Pro Tem Olivarez moved to approve Res. No. 1279 authorizing the Mission Police Department to submit the Mission Police Department's Operation Safeguard Grant to the Office of the Governor's Criminal Justice Division. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**4.14 Tax Collections Report – January, 2011**

Finance Director Janie Flores presented and recommended approval of the Tax Collections Report for January, 2011.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Tax Collections Report – January, 2011 as presented. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.15 January 2011 Financial Statements**

Mrs. Flores presented and recommended approval of the Financial Statements for January, 2011.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve the January 2011 Financial Statements as presented. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.16 Bids for “Housing Assistance Program – Housing Rehabilitation Phase 10-I DR”**

On January 24, 2011 City Council authorized staff to solicit bids for five (5) rehabilitation projects. The City of Mission had accepted and opened five (5) bid responses for this project. Contractors failed to comply with general terms and conditions, therefore had been found non-responsible. Staff further recommended reject and re-solicit for bids on this project. CAC met on Monday, February 21, 2011 and approved staff’s recommendation to reject and re-solicit for bids.

Rehabilitation  
169 S Mayberry Rd  
3507 N Mayberry Rd  
106 Citriana  
1220 Blue Rock  
1029 Perez

Staff Recommendation: Authorization to reject and re-solicit for bids

Staff and City Manager recommended to reject and re-solicit for bids.

Mayor Pro Tem Olivarez moved to reject and re-solicit for bids for “Housing Assistance Program – Housing Rehabilitation Phase 10-I DR”. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.17 Bids for “Housing Assistance Program – Housing Rehabilitation Phase 10-I R”**

On January 24, 2011 City Council authorized staff to solicit bids for two (2) rehabilitation homes. The City of Mission had accepted and opened six (6) bid responses for this project. Contractors failed to comply with general terms and conditions, therefore had been found non-responsible. Staff further recommended reject and re-solicit for bids on this project. CAC met on Monday, February 21, 2011 and approved staff’s recommendation to reject and re-solicit for bids.

Rehabilitation  
820 Reynosa  
326 Carolina Ave

Staff Recommendation: Authorization to reject and re-solicit for bids

Staff and City Manager recommended to reject and re-solicit for bids.

Councilman Plata moved to reject and re-solicit for bids for “Housing Assistance Program – Housing Rehabilitation Phase 10-I R”. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**4.18 Bid for “Housing Assistance Program – Phase 10-I”**

On January 24, 2011 City Council authorized staff to solicit bids for five (5) reconstruction homes. The City of Mission had accepted and opened four (4) bid responses for this project.

Staff was recommending awarding to G & G Contractors whose total bid was \$219,060 and was the lowest responsible bidder meeting all specifications. CAC met on Monday, February 21, 2011 and approved staff's recommendation to award bid to the lowest responsible bidder.

G & G Contractors - \$219,060

- \*313 Erdahl
- 200 Erma
- 313 Carolina
- 320 Carolina
- 206 Donna

\*Hardship case – Fire occurred April 15, 2008

The city had been utilizing 75% of the annual CDBG allocation for several years for reconstruction projects. Since 1999, a total of 324 families to date had been provided some form of housing assistance. Out of the 324 families, 183 families were provided with reconstruction assistance while 141 families were provided with rehabilitation assistance (including CDBG-R, CDBG-DR and SSBG funds).

Staff Recommendation: Authorization for award to G&G Contractors

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve awarding to G&G Contractors bid for “Housing Assistance Program – Phase 10-I”. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

#### **4.19 Approval of contract with PG Professional Golf and Shary Municipal Golf Course for retrieval of golf balls in the course lakes**

PG Professional Golf (PGSI) retrieved golf balls in the Shary Municipal Golf Course lakes. Contract with PGSI was for retrieval of golf balls and in turn Shary Golf Course would receive 200 dozen new range balls. This was a savings of \$1,000.00 a year that the course would not have to pay for range balls. Period of contract would be from January 1, 2011 to December 31, 2011.

City Attorney had reviewed contract and liability insurance from PSGI.

Staff Recommendation: Approval of Ball Retrieval Contract with PG Professional Golf.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve contract with PG Professional Golf and Shary Municipal Golf Course for retrieval of golf balls in the course lakes. Motion was seconded by Councilman Plata and approved unanimously 4-0.

#### **4.20 Authorize the City of Mission to enter into a Memorandum of Understanding Addendum with CLEAResult, Inc. to extend the participation of the 2011 AEP Texas CitySmart Program**

Texas Senate Bill 7 required AEP Texas to develop programs to reduce the amount of annual electricity load growth through energy-efficiency programs; thus AEP Texas created the

CitySmart Program, which was designed to help participating municipalities identify energy-efficiency opportunities in existing and new building and provide monetary incentives to implement these opportunities. The program was funded by AEP Texas and there was no cost to the city. AEP Texas had contracted CLEAResult Consulting for this service. Staff was seeking to authorize the City Manager to execute the documents to enter into the MOU for the participation in the 2011 AEP Texas CitySmart Program.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize the City of Mission to enter into a Memorandum of Understanding Addendum with CLEAResult, Inc. to extend the participation of the 2011 AEP Texas CitySmart Programs. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**4.21 Approval of Resolution # 1280 opposing additional fees to be added to the Texas Transportation Code Section 502.1725 Optional Fee for Transportation Projects**

The County of Hidalgo had imposed a \$10.00 fee since 2008 to remit the revenue from the vehicle fee to the Hidalgo County Regional Mobility Authority. Additional fees may be requested to be added during the legislative session. The Resolution opposed any additional fees to be added to the Transportation Code for Hidalgo County.

Staff and City Manager recommended resolution approval.

Councilwoman Ramirez moved to approve Res. No. 1280 opposing additional fees to be added to the Texas Transportation Code Section 502.1725 Optional Fee for Transportation Projects. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**RESOLUTION NO. 1280**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION OPPOSING  
ADDITIONAL FEES TO BE ADDED TO TEXAS TRANSPORTATION CODE SECTION  
502.1725 OPTIONAL FEE FOR TRANSPORTATIONAL PROJECTS

**4.22 Removal of Board Member from the Board of Directors of Mission Economic Development Corporation (MEDC) (City Attorney may ask Council to go into executive session prior to considering this matter in open session)**

Article II, captioned Board of Directors, Section 1, captioned Powers Number and Term of Office, of the MEDC Bylaws stated a director may be removed by the Governing Body at any time without cause. Mayor Salinas was requesting the removal of Mr. Joe Roseland from the MEDC Board of Directors.

Mr. Joe Roseland of 820 Volz Lane commented briefly regarding this item.

At 5:21 p.m. Mayor Salinas requested that council go into executive session prior to considering this matter in open session pursuant to V.T.C.A. Gov. Code Sec. 551.071, Private consultation with the City Attorney. Council did and thereafter returned to the item in open session.

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

Staff and City Manager recommended approval of removal of Mr. Joe Roseland from the MEDC Board of Directors.

Councilwoman Ramirez moved to approve the removal of Mr. Joe Roseland from the Board of Directors of Mission Economic Development Corporation (MEDC). Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.23 Board Appointment – Mission Economic Development Corporation**

This appointment was to replace Mr. Joe Roseland who was removed from the MEDC Board.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the appointment of Mr. Jody Tittle Public Information Officer for the Mission Police Department to the Mission Economic Development Corporation Board. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**4.24 Request by Gerardo Orlanos & Ricardo Ochoa to have the City Council authorize the City Manager to issue building permit to the E. 120.87' of Lot 2, Colorado Subdivision**

On Friday, February 25, 2011, the above parties' agent requested that the City consider authorizing the City Manger to issue the building permit for a new pediatric facility (and shell building) at the above site which was undergoing the subdivision process.

The city's utilities were in the immediate vicinity thus there would be minor extensions to serve this area.

Staff Recommendations: Approval of permit issuance subject to: 1) complying with typical building/fire codes on the facility, 2) having a preconstruction conference with their utility contractor prior to permit issuance to assure utility compliance, and 3) no occupancy without a recorded plat.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve request by Gerardo Orlanos & Ricardo Ochoa to have the City Council authorize the City Manager to issue building permit to the E. 120.87' of Lot 2, Colorado Subdivision. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**5.0 Unfinished Business**

None

**6.0 Routine Matters**

**6.1 City Manager's Comments**

None

## 6.2 Mayor's Comments

Mayor Salinas spoke about an issue relating a gentleman who had not acquired a permit for a structure that was built 7 years ago. He expressed his dissatisfaction with the planning staff sending him a letter regarding the issue after so many years.

Mayor Salinas explained the reason that Mr. Joe Roseland was removed from the MEDC board. He stated that the MEDA board was too big and needed to be under the direction of the MEDC. Mayor Salinas stated that support was needed by all parties involved and that the decision was for the best interest of the citizens of Mission.

## 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 Church of Jesus Christ of Latter-day Saints on CUP denial on Property Zoned AO-I, E. 330' – 660' out of Lot 28-10, West Addition to Sharyland Subd., AO-I
- B. Merger of Mission Economic Development Authority (MEDA) activities into Mission Economic Development Corporation (MEDC)

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

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

No action was taken on item 7.1-A.

No action was taken on item 7.1-B.

## 8.0 Adjournment

At 6:10 p.m., Councilwoman Ramirez moved for adjournment. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary