

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
MARCH 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
Pat Townsend
Beth Barnes
Jim Barnes
Omar Xavier De Leon
Brice Chandler
Juan C. De La Garza
Yvonne Marquez
Noel Garza

STAFF PRESENT:

Carmen Morales, Administrative Asst.
Aida Lerma, Deputy City Manager
Sonia Carnes, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sergio Zavala, Planning Director
Paul Schaefer, Golf Course Director
Eduardo Belmarez, Purchasing Director
Randy Perez, Accountant
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
Tony Garcia, CID Lieutenant
Jesse Lerma, Civil Service Director
Jonathan Wehrmeister, Judge

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:36 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 5-0.

4. Citizens Participation

Bryce Chandler invited the Council to the Jesus Christ of Latter-day Saints open house to be held on Sunday, March 20.

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported several events to be held to include a Seminar on doing business with the City of Mission and the upcoming Business Expo.

Deborah Cordova and Omar de Leon, board members of the Boys and Girls Club of Mission reported on a successful Mardi Gras Gala where \$26,000 was raised for scholarships.

Aida Lerma presented guests from Guadalupe Nuevo Leon who were present to thank the council for their donation of fire equipment.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: A 5 acre tract (163.5 x 1332.5') out of Lot 26-1, West Addition to Sharyland Subdivision, R-1 to R-2, Juan Carlos De La Garza

The subject site was located ¼ mile north of Griffin Parkway along the east side of Inspiration Road. The surrounding zonings included Mobile & Modular Home (R-4) to the north and east; and Agricultural Open Interim (AO-I) to the west and south. The surrounding land uses consisted of mobile homes to the north and east; Edinburg Main Canal to the south; and open acreage to the west. The subject site was currently open.

The Future Land Use Map reflected a Moderate Density (MD) designation for this general area. The site was bound on the north and east by numerous mobile homes; and the Edinburg Canal is to the south. These features made it challenging to develop as an 'R-1 community' especially with a stubbed street to connect to the mobile home subdivision to the north. The FLUM's MD designation is consistent to the R-2 proposal. There was no public opposition during P&Z's official 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.

Councilwoman Norie Gonzalez Garza moved to approve the rezoning: A 5 acre tract (163.5 x 1332.5') out of Lot 26-1, West Addition to Sharyland Subdivision, R-1 to R-2, Juan Carlos De La Garza. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-1 with Mayor Salinas dissenting.

B. Conditional Use Permit: Drive-Thru Service Window, 300 S. Shary Road, Lot 1, El Lugar Subdivision, C-3, Life of Use, La Fogata Restaurant, c/o Adam Gonzalez

The subject site was located 1/3 mile north of Expressway 83 along the east side of Shary Road. The applicant was proposing a drive-thru service window to be located on the north side of the building with the menu board located 74' away in the NE area of the building. The 24' drive-thru lane provided enough stacking for several vehicles due to the menu board's distance away

from the window, the only access to the site at this time was from an existing 35' driveway on Shary Road.

- Days/Hours of operation: Mondays-Saturdays from 7:00 a.m. to 12:00 a.m. & Sundays from 7:00 a.m. to 10:00 p.m.
- Staff: 114 employees
- Parking: The existing 21,533 sq. ft. building had a grand total of 357 seating spaces, which required 119 parking spaces (357/3 seats =). There were a total of 168 parking spaces exceeding code by 49 spaces.
- Landscaping: The applicant was exceeding the landscaping requirements by currently providing various trees, plants, and shrubs within landscaped islands throughout the site.

There was no public opposition at P&Z's 2/23/11 hearing. The P&Z unanimously approved the conditional use permit as recommended by staff.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation to assess traffic patterns, and 2) provide a small enter/exit sign and directional arrows

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: Drive-Thru Service Window, 300 S. Shary Road, Lot 1, El Lugar Subdivision, C-3, Life of Use, La Fogata Restaurant, c/o Adam Gonzalez. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

2.0 Disposition of Minutes

2.1 City Council Meeting – February 28, 2011

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

3.0 Acknowledge Receipt of Minutes

3.1 Mission Historical Museum—December 13, 2010

Citizen's Advisory Committee—January 18, 2011

Mission Redevelopment Authority —January 25, 2011

Mission Tax Increment Reinvestment Zone—January 25, 2011

Speer Memorial Library—November 16, 2010 and December 14, 2010

Planning & Zoning Commission – February 9, 2011

Boys and Girls Club—January 26, 2011

Councilwoman Garza moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.0 Approvals and Authorizations

4.1 Adoption of Ord. # 3633 for Rezoning A 5 acre tract (163.5 x 1332.5') out of Lot 26-1, West Addition to Sharyland Subd., R-1 to R-2

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve adoption of Ordinance No. 3633 for Rezoning A 5 acre tract (163.5 x 1332.5') out of Lot 26-1, West Addition to Sharyland Subd., R-1 to R-2. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3633

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING A 5 ACRE TRACT (163.5' X 1332.5') OUT OF LOT 26-1, WEST ADDITION TO SHARYLAND SUBDIVISION, R-1 TO R-2

4.2 Adoption of Ord. # 3634 for CUP for the Drive-Thru Service Window – La Fogata Rest., 300 S. Shary Rd., Lot 1, El Lugar Subd.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve adoption of Ordinance No. 3634 for CUP for the Drive-Thru Service Window – La Fogata Rest., 300 S. Shary Rd., Lot 1, El Lugar Subd.. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3634

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE DRIVE-THRU SERVICE WINDOW – LA FOGATA RESTAURANT, 300 S. SHARY ROAD, LOT 1, EL LUGAR SUBDIVISION

4.3 Approval of the Planning Department's Population Determination for 2010 as it Relates to any Potential Increase to the Number of Wrecker Companies and Taxicabs Serving the City

Pursuant to Sec. 118-85 (b) of the Vehicles for Hire Code on Wreckers, & Ordinance #3313 for taxicabs the Planning Department was required to annually estimate the City's population for the previous year in order to monitor the number of wrecker companies and taxicabs that could be authorized to work in the City of Mission.

The U.S. Census Bureau had provided Mission with 77,058 population via the 10-year census

The population noted above will NOT include the increase to the # of wreckers since the current 'permitted' number is 11 (NOTE: wreckers are increased in 10,000 pop increments; thus, once Mission is at 120,000 in population, then 1 additional wrecker can be permitted).

The population noted above will NOT induce the increase to the # of taxis since the current 'permitted' number is 4 (NOTE: taxicabs are increased in 20,000 pop increments or "major fraction" thereof; thus, once Mission is at 90,000 in population, then 1 additional taxicab can be permitted. i.e., 90,000 divided by 20,000 increment = 4.5 which is then rounded off to 5).

At this time, Planning deems that Mission's estimated population at the end of 2010 is 77,058.

Staff Recommendation: Approve the 2010 population estimate of 77,058.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Planning Department's Population Determination for 2010 as it relates to any Potential Increase to the Number of Wrecker Companies and Taxicabs Serving the City. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.4 Budget Amendments – Designated Purpose Fund

Janie Flores, Finance Director presented the budget amendment BA - 33 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve budget amendment BA – 33. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.5 Authorization to purchase Motorola Portable Radios via a HGAC Contract

The City of Mission Police Department requested authorization to purchase Motorola Portable Radios via a HGAC contract. The Motorola Radio Equipment will be purchased in our efforts to upgrade our radio equipment to a digital platform. A total of twenty-three (23) portable radios for our organization will be purchased. The total expenditure for this project was \$79,424.50. The purchase was paid with grants funds received from the FY 2010 Homeland Security Grant Fund.

Staff Recommendation: Staff is respectfully requesting authorization to purchase the Motorola Portable Radio Equipment via a HGAC contract. Contract # 17724.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to purchase Motorola Portable Radios via a HGAC Contract. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.6 Bid for “Repair of Manholes” for the Public Works Department

On January 24, 2011, City Council authorized staff to solicit bids for Repair of Manholes. The City of Mission accepted and opened four (4) bid responses for this project. Purchasing staff identified Southern Trenchless Solutions L.L.C. as the apparent low bidder, but after a thorough review of their submittals, contractor was found to be non-responsible. Staff recommended awarding to Enviro Remediation, whose bid was \$52,438.75 and was the lowest responsible bidder meeting all specifications.

Staff Recommendation: Authorization to award to Enviro Remediation.

Staff and City Manager recommended approval.

Councilman Plata moved to approve bid for “Repair of Manholes” for the Public Works Department. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.7 Bid for the purchase of “Utility Trailers” for Public Works Department

On December 20, 2010, City Council authorized staff to solicit bids for the purchase of Utility Trailers. The City of Mission has accepted and opened four (4) bid responses for this Request for Bids (RFB). Staff recommended awarding to Elliff Trailer Sales, whose bid was \$12,256 and was the lowest responsible bidder meeting all specifications.

Staff Recommendation: Authorization to award to Elliff Trailer Sales.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve bid for the purchase of “Utility Trailers” for Public Works Department. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.8 Authorization for the acceptance of substantial completion of Fire/Police Substation

Staff recommended the acceptance of substantial completion of the Police/Fire Substation located at 2801 East Military Road, subject to the completion of minor punch-list items.

Staff Recommendation: Authorization to accept substantial completion of Police/ Fire substation subject to minor punch-list items.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize for the acceptance of substantial completion of Fire/Police Substation. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.9 Water Treatment Plant Expansion Change Order No. 2

Change Order No. 2 entails the removal of several items from Change Order No.1. Contract amount will be reduced from \$ 7,743,350 to \$7,034,655 Change order No. 2 includes the removal of proposed building at North Water Plant and upgrades to the South Water Plant for a total of \$708,655. The change orders were under the 25% limit from original contract cost set by the Texas Governmental Code.

Staff Recommendation: Approval of Change Order No. 2.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Water Treatment Plant Expansion Change Order No. 2. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.10 Assignment to the City of Mission of Military Parkway Project Contract between Mission Economic Development Authority, Inc., (MEDA) and Mission Paving Co., Inc. (City Attorney may ask Council to go into executive session prior to considering this matter in open session)

The Board of Directors of Mission Economic Development Authority, Inc. (MEDA) at its meeting on March 9, 2011, amended the bid award of the Military Parkway Project to cover the base bid and added alternate no. 1 only, and approved an assignment to the City of its construction agreement with Mission Paving Co., Inc. on March 9, 2011, effective when it and Mission Paving executed the agreement.

Staff Recommendation: Authorize the Mayor to accept the Assignment on behalf of the City subject to Mission Paving Co., Inc., consenting to the assignment by executing same.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize the Assignment to the City of Mission of Military Parkway Project Contract between Mission Economic Development Authority, Inc., (MEDA) and Mission Paving Co., Inc. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.11 Partial Assignment to the City of Mission, Texas of Development Agreement by and among Reinvestment Zone Number One, City of Mission, Texas, Mission Redevelopment Authority, Mission Economic Development Authority and City of Mission, Texas regarding Military Parkway Project. (City Attorney may ask Council to go into executive session prior to considering this matter in open session)

Pursuant to an addendum in the Development Agreement, the costs of the Military Parkway Project were reimbursed to MEDA if it pays such costs. With the acceptance of the assignment in the preceding agenda item, such costs would be paid by the City and not MEDA. Therefore it was in the City's best interest to accept this partial assignment of development agreement so that the City gets reimbursed for such costs.

Staff Recommendation: Approval subject to all parties thereto executing same.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Partial Assignment to the City of Mission, Texas of Development Agreement by and among Reinvestment Zone Number One, City of Mission, Texas, Mission Redevelopment Authority, Mission Economic Development Authority and City of Mission, Texas regarding Military Parkway Project. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.12 Approval of Resolution # 1281 expressing intent to Reimburse expenditures from Mission Redevelopment Authority Bonds; and making certain findings relating thereto (City Attorney may ask Council to go into executive session prior to considering this matter in open session)

The City anticipated that the Mission Redevelopment Authority issued tax-exempt obligations to permanently finance the cost of the Military Parkway Project, and maximum amount of obligations that the Authority expects to issue for the Project was \$1,250,000.

Staff asked Council to determine that in the best interests of the City to use amounts currently on hand in the City's general fund to finance the Project and that the Authority shall issue the Bonds and use future Bond proceeds to reimburse the general fund.

Staff Recommendation: Approval of Resolution

Staff and City Manager recommended resolution approval.

Councilman Plata moved to approve Res. No. 1281 authorizing the expressing intent to Reimburse expenditures from Mission Redevelopment Authority Bonds; and making certain

findings relating thereto. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

RESOLUTION NO. 1281

A RESOLUTION EXPRESSING INTENT TO REIMBURSE EXPENDITURES FROM MISSION REDEVELOPMENT AUTHORITY BONDS; AND MAKING CERTAIN FINDINGS RELATING THERETO.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

A Bill was introduced to increase the optional county fee for the county road and bridge fund from \$10.00 to \$20.00. Mayor stated his opposition to this Bill.

At 5:21 p.m., Mayor Pro Tem Olivarez moved to convene into executive session. Motion was seconded by Councilman Plata 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 against El Valle de la Luna MHP

B. Transition of economic development activities from Mission Economic Development Authority (MEDA) to Mission Economic Development Corporation (MEDC)

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

At 5:37 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 authorize to settle the claim against El Valle de la Luna MHP for a total of \$19,051.67 and to accept payments in 18 monthly installments. Motion was seconded by Councilman Plata and approved unanimously 5-0.

On Item 7.1 B, David Guerra, City Attorney made the following presentation to council regarding the Transition of economic development activities from Mission Economic Development Authority (MEDA) to Mission Economic Development Corporation (MEDC). On February 18, 2011, Council delegated to the City Manager and City Attorney to take all steps necessary to stop funding as of that day to MEDA and to dissolve MEDA as soon as possible but not later than September 30, 2011, and to delegate all functions of MEDA to MEDC by the date of dissolution of MEDA. In an attempt to implement the City Council action of February 18, 2011, MEDA will consider at a Board meeting to be held not later than March 22, 2011,

amending its bylaws whereby Option 1: The size of the board will be reduced from 15 to 7 directors, 6 regular members and the Mayor. Or Option 2: (1) the size of the board will be reduced from 15 to 7 directors (2) board members will be appointed by the City Council each for two-year terms of office, (3) A director may be removed by the City Council at any time without cause, (4) each director must be a resident of the City, and (5) three directors shall be persons who are not employees, officers or members of the City of Mission, which provisions mirror the MEDC bylaws. If the bylaws are so amended, 8 members will resign effective immediately and the remaining 7 members will resign effective the date that the City Council appoints their successors and said successors have qualified to serve.

City Manager and City Attorney recommend that Council support Option 2.

On item 7.1B, Mayor Pro Tem Olivarez moved to support and encourage MEDA to consider Option 2 to the by-laws. Motion was seconded by Councilman Plata and approved unanimously 5-0.

David Guerra, City Attorney asked that the appointment by the Council of the persons serving on the MEDC board to the MEDA board be placed on the next Council agenda.

8.0 Adjournment

At 5:41 p.m., Mayor Pro Tem Olivarez moved for adjournment. Motion was seconded by Councilman Plata and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary