

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
APRIL 11, 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
Gail Burkhardt, The Monitor
Jim Barnes
Juan Jose Chapa
Luis Guajardo
Tom Logan
Isabel M. Escobedo
Silvia Pulido

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
Noemi Munguia, HR Director
Robert Hinojosa, Interim Risk Manager
Roland Rodriguez, I. T. Director
Cassandra Karl, Museum Director
Jesse Lerma, Jr., Civil Service Director
Jonathan Wehrmeister, Judge
Rick Saldana, Fire Chief

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:32 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 – Fair Housing Month

City Secretary Anna Carrillo read the proclamation.

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

4. Proclamation – Medical Laboratory Professionals Week

Mrs. Carrillo read the proclamation.

Rick Gaytan received the proclamation and invited everyone to be a part of the Medical Laboratory Professionals Week.

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

5. Departmental Reports

Councilwoman Norie Gonzalez Garza moved to approve the departmental reports as presented. Motion was seconded by Mayor Pro Tem Leo Olivarez and approved unanimously 5-0.

6. Citizens Participation

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on several articles that had appeared in local media highlighting the City of Mission and the upcoming Business Expo to be held April 20.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: A tract of land out of the N. 206.28' of Lot 31, Sharyland Orchards Subdivision (aka 2111 Pleasant Lane), R-4 to R-1A, Isabel M. Escobedo

The subject site was located 250' east of Ragland Road along the north side of Pleasant Lane. The surrounding zonings included Mobile & Modular Home (R-4) to the north, south, east and west. The surrounding land used consisted of mobile homes to the west and south, a vacant lot to the east, and a single-family home to the north. The subject site was vacant.

The Future Land Use Map reflected a Lower Density (LDA) designation for this area. The proposed R-1A zone was the primary land use of the LDA FLUM designation. This subdivision primarily had mobile homes but this was not the exclusive land use there were several site built homes thereon. The mobile home development pre-existed the 1981 citywide rezoning effort and, at that time, the City chose to impose the R-4 zone to reflect the mobile home use. An alternative that should've been considered would've been to rezone the entire subdivision R-1A and then had the mobile homes gradually replaced with site-built homes thus assimilating better to the R-1A zone that surrounds it. Staff acknowledged that this lot's dimensions did not reach R-1A's threshold, but this was a minor finding that's compensated by having a uniform R-1A district as well as a site-built home effect. There was no public opposition during P&Z's official hearing. P&Z unanimously recommend approval.

(NOTE: If approved, ZBA will act on dimensional variances; preliminary indication was unanimously favorable).

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 Garza moved to deny the rezoning: A tract of land out of the N. 206.28' of Lot 31, Sharyland Orchards Subdivision (aka 2111 Pleasant Lane), R-4 to R-1A, Isabel M. Escobedo. Motion was seconded by Mayor Pro Tem Olivarez and denied unanimously 5-0.

B. Rezoning: Lots 4-6, Condy Place Subdivision, C-1 to C-3, Armando Peña

The vacant site was located on the NE corner of Griffin Parkway and Keralum. The surrounding zonings included Townhouse Residential (R-1T) to the north and south, Neighborhood Commercial (C-2) to the east, and General Business (C-3) to the west. The surrounding land uses consisted of townhomes to the north, a commercial building to the south, Ric Brown Funeral Home to the west and, a commercial plaza to the east.

Lots 4-6 were the corner area of Griffin Parkway and Keralum Avenue. Lots that were adjacent to Griffin Parkway were more compatible for a non-res use as recognized by the City's FLUM designation of General Commercial to Lots 4-6. This proposal was directly consistent to the City's vision of a commercial nature. Lots 4-6 had access to a paved public alley, which was a typical feature of commercial lots of such depth. The other aspect observed by Staff was that there were commercial zonings to the immediate east. Notice that Ric Brown Funeral Home was 3X+ deeper from Griffin Parkway than the Peña proposal (Lots 4-6), thus Keralum was accustomed to a mixture of res/non-res traffic. Finally, due to the limited size of Lots 4-6, it would only allow a limited # of commercialism where a large % of the property would be used for parking and landscaping (thus the commercial traffic impact was anticipated to be minimal). There was no public opposition during P&Z's public hearing. P&Z unanimously recommended approval for Lots 4-6.

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 Garza moved to approve the rezoning: Lots 4-6, Condy Place Subdivision, C-1 to C-3, Armando Peña. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

C. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages and a Drive-Thru Service Window – Mariscos El 7 Mares, 2301 E. Griffin Parkway, Suite "D", Lots 10-12, Big Orange Subdivision, C-3, Life of Use, Juan Jose Chapa

The seafood restaurant was located within an existing commercial plaza located on the NW corner of Citrus Lane and Griffin Parkway. The suite was previously 3 Potrillos Restaurant, which was previously approved for a drive-thru in May 2008. Access to the site was provided through a pair of existing 24' driveways along Citrus and a single 24' cut along Griffin Parkway.

After ordering, there was stacking for approximately 3 vehicles. There were no reports of any accidents occurring at this location when it was previously 3 Potrillos Restaurant.

There were no churches or public/private schools within 300' of the subject site, thus being compliant to Section 6-4.

- Hours of Operation: Everyday from 7:00 a.m. to 11:00 p.m. Alcoholic beverages would only be served during allowable State selling hours.
- Staff: 4 employees
- Parking: The applicant was proposing 80 total seating spaces, which required 27 parking spaces (80 seats/1 space for every 3 seats = 26.6 parking spaces). It was noted that the parking area was held in common (67 existing parking spaces) and was shared with other businesses.

There was no public opposition at P&Z's 3/23/11 hearing. The P&Z unanimously approved the conditional use permit as recommended by staff.

Staff Recommendation: Approval subject to: 1) acquisition of a business license, 2) wet zone the property (if needed), and 3) 1 year re-evaluation to assess this new operation

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 and a Drive-Thru Service Window – Mariscos El 7 Mares, 2301 E. Griffin Parkway, Suite “D”, Lots 10-12, Big Orange Subdivision, C-3, Life of Use, Juan Jose Chapa. Motion was seconded by Councilman Plata and approved unanimously 5-0.

2.0 Disposition of Minutes

2.1 City Council Meeting – March 28, 2011 and Special City Council Meeting – April 1, 2011

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

3.0 Acknowledge Receipt of Minutes

3.1 Planning and Zoning Commission – March 9, 2011 Citizen's Advisory Committee – Special Meeting – February 21, 2011 and Public Hearing/Regular Meeting – March 8, 2011 Mission Redevelopment Authority – February 22, 2011 Mission Economic Development Corporation – February 22, 2011 Boys & Girls Club of Mission – February 24, 2011 Traffic Safety Committee – January 28, 2011

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

4.0 Approvals and Authorizations

4.1 Adoption of Ord.# _____ for Rezoning A tract of land out of the N. 206.28' of Lot 31, Sharyland Orchards Subd., (aka 2111 Pleasant Lane), R-4 to R-1A

No action was taken on this item.

4.2 Adoption of Ord.# 3636 for Rezoning Lots 4-6, Condy Place Subd., C-1 to C-3

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Olivarez moved to approve adoption of Ord. No. 3636 for Rezoning Lots 4-6, Condy Place Subd., C-1 to C-3. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

ORDINANCE NO. 3636

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING LOTS 4-6, CONDY PLACE SUBDIVISION, C-1 TO C-3

4.3 Adoption of Ord.# 3637 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages and a Drive-Thru Service Window – Mariscos El 7 Mares, 2301 Griffin Pkwy., Suite “D”, Lots 10-12, Big Orange Subd.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve adoption of Ord. No. 3637 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages and a Drive-Thru Service Window – Mariscos El 7 Mares, 2301 Griffin Pkwy., Suite “D”, Lots 10-12, Big Orange Subd. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

ORDINANCE NO. 3637

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 AND A DRIVE-THRU SERVICE WINDOW – MARISCOS EL 7 MARES, 2301 E. GRIFFIN PARKWAY, SUITE “D”, LOTS 10-12, BIG ORANGE SUBDIVISION

4.4 Approval of Ord.# 3638 granting a wet designation for 2301 E. Griffin Parkway Ste. D, Mariscos El 7 Mares

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ord. No. 3638 granting a wet designation for 2301 E. Griffin Parkway Ste. D, Mariscos El 7 Mares. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3638

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 2301 E. GRIFFIN PARKWAY SUITE D, MARISCOS EL 7 MARES

4.5 Approval to accept donation of ambulance from Med-Care Ambulance on behalf of Cande Ontiveros, CEO

Staff was requesting to accept donation of ambulance to the City of Mission and our sister City committee. Cande Ontiveros, CEO of Mec-Care Ambulance had been a contributor to our program of work with our Sister City Committee in the past and was in a position to donate this ambulance for us to utilize as desired.

Staff and City Manager recommended approval.

Mr. Cande Ontiveros thanked Mayor, Council and the City staff for all of their service and support throughout all these years.

Mayor Salinas thanked Mr. Ontiveros for saving the City money with the ambulance contract we have in place. Mayor also thanked him for the donation of the ambulance.

Councilman Plata moved to approve the donation of ambulance from Med-Care Ambulance on behalf of Cande Ontiveros, CEO. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.6 Authorization to declare surplus and donate ambulance to Cassimiro Castillo, Jalisco

Staff was requesting approval to declare surplus and to donate ambulance to our Sister City of Cassimiro Castillo, Jalisco to continue our program of work of our Sister City Committee. Mayor Salinas had received a request from Mayor Olguin during their participation at our Annual Mayor's International Brunch in January and that request became reality today. The ambulance would be a great asset to their community and would be greatly appreciated.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to donate ambulance to Cassimiro Castillo, Jalisco. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.7 Authorization to solicit bids or purchase via State approved contract for Personnel Protective Gear for Fire Fighters

The Mission Fire Department was seeking authorization to solicit bids or purchase via State approved contract for Personnel Protective Gear for our Fire Fighters. Staff was seeking to purchase up to 15 sets of Protective Gear. This gear was to replace old gear that was over five years old and worn out.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids or purchase via State approved contract for Personnel Protective Gear for Fire Fighters. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.8 Bid for the purchase of “Street Sign Material” for Public Works Department

On February 14, 2011, City Council authorized staff to solicit bids for the purchase of Street Sign Material. The City of Mission accepted and opened five (5) bid responses for this Request for Bids (RFB). Staff was recommending awarding to Vulcan Signs, whose bid was \$18,070.79 and was the lowest responsible bidder meeting all specifications.

Staff and City Manager recommended approval.

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

4.9 Approval of Res.# 1285 authorizing the City Manager to submit an application to Hidalgo County – Urban County Program and execute related documents for Homeless Prevention & Rapid Re-housing (HPRP) program funds

Staff was requesting approval of the attached Resolution authorizing to submit an application to Hidalgo County – Urban County Program through the HPRP to provide financial assistance to individuals and families who were at risk of becoming homeless or to re-house those who were homeless for the amount of \$100,000 and authorized the City Manager to submit application, executed interlocal agreement and all necessary documents. The UCP had a total of \$285,887 available to assist individuals in Hidalgo County. These funds were made available from the American Recovery and Reinvestment Act of 2009 (ARRA) and were distributed by the U. S. Department of Housing and Urban Development.

Staff and City Manager recommended resolution approval.

Councilwoman Ramirez moved to approve Res. No. 1285 authorizing the City Manager to submit an application to Hidalgo County – Urban County Program and execute related documents for Homeless Prevention & Rapid Re-housing (HPRP) program funds. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

Mayor Pro Tem Olivarez moved to amend Res. No. 1285 to designate the Mayor instead of the City Manager to execute all related documents having to do with the resolution. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

RESOLUTION NO. 1285

AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO HIDALGO COUNTY – URBAN COUNTY PROGRAM AND EXECUTE RELATED DOCUMENTS FOR HOMELESS PREVENTION & RAPID RE-HOUSING (HPRP) PROGRAM FUNDS

4.10 Approval of Res. # 1286 of the City of Mission, Texas supporting a Valley Metro Job Access and Reverse Commute (JARC) Project

Valley Metro Service had requested approval of the attached resolution supporting a Valley Metro Job Access and Reverse Commute Project. The JARC Grant would go through a competitive process at the MPO (HCMPO) level this summer. Valley Metro was seeking to expand their services in the following form and at no additional cost to the City of Mission:

1. Expand service hours into the evening from 4:45 PM to 7:00 PM (2.15 Hrs daily) (671 annual hrs)
2. Close mid day gaps 10:45 AM – 12:45 PM (1Hr daily) (312 annual Hrs)
3. Add Saturday service (11.15 Hrs daily) (580 annual Hrs)
4. Realignment of certain routes
 - a. Service designed for “job access” from residential neighborhoods to Business communities, Major retail areas, Public services and Schools
5. Total added annual service hours approximately:
 - a. 1,563 [additional hrs] x \$54.6 [cost per mile] = \$85,329 added value and approximately \$235,329 total value for your city all leveraged with the current contribution from your city.

Staff and City Manager recommended resolution approval.

Mayor Pro Tem Olivarez moved to approve Res. No. 1286 of the City of Mission, Texas supporting a Valley Metro Job Access and Reverse Commute (JARC) Project. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

RESOLUTION # 1286

A RESOLUTION OF THE CITY OF MISSION, TEXAS SUPPORTING A VALLEY METRO JOB ACCESS AND REVERSE COMMUTE (JARC) PROJECT

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager’s Comments

None

6.2 Mayor’s Comments

Mayor Salinas requested to have a Special Meeting scheduled for Friday, April 15 at 10:00 a.m.

At 5:12 p.m., Councilman Plata moved to convene into executive session. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

7.0 Executive Session pursuant to V.T.C.A. Gov. Code Sec. 551.001

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

A. Authorize condemnation proceedings on parcels on Military Parkway Project and hire attorney in connection therewith

7.2 Private consultation with the City Attorney Sec. 551.071

A. Claim against El Valle de la Luna MHP

B. Baldemar Flores vs City of Mission

C. Arnulfo Villarreal vs City of Mission

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

At 5:32 p.m., Mayor Pro Tem Olivarez moved to reconvene in open session. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

On item 7.1 A, Councilwoman Garza moved to authorize condemnation proceedings on parcels on Military Parkway Project and hire Bob Galligan with Jones, Galligan Key and Lozano to represent the city. Motion was seconded by Councilman Plata and approved unanimously 5-0.

On item 7.2 A, Councilwoman Ramirez moved to approve to hire Willette and Guerra to prosecute claim against El Valle de la Luna MHP. Motion was seconded by Councilman Plata and approved unanimously 5-0

On item 7.2 B, Mayor Pro Tem Olivarez moved to authorize city's attorney in the case to take whatever action necessary to file a counter suit against Baldemar Flores. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

No action was taken on item 7.2-C.

8.0 Adjournment

At 5:35 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