

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
MAY 25, 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
Noel O. Garza
Moises Iglesias
Beth Barnes
Tina McClellan
Sandra Silva
Dina Sierra
Vil Saldivar
Daniel Silva

STAFF PRESENT:

Nelia Hernandez, Assistant City Secretary
Carmen Morales, Administrative Assistant
Aida Lerma, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sergio Zavala, Planning Director
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
Robert Dominguez, Asst. Chief of Police
Martin Garza, Asst. Chief of Police
Janie Flores, Finance Director
Julian Gonzalez, Parks & Rec. Director
Mayra Rocha, Library Director
Juan C. Avila, B & G Club Director
Noemi Munguia, HR Director
Robert Hinojosa, Risk Manager
Jesse Lerma, Civil Service Director
Roland Rodriguez, I. T. Director
Cassandra Karl, Museum Director
Jonathan Wehrmeister, Judge
Alex Hernandez, Planning Department

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:34 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

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

4. Citizens Participation

Ofelia Pena Perez invited the council to the 8th Annual Memorial Day Program on Monday, May 30th.

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on several events, First Choice Power ribbon cutting ceremony, emergency Preparedness Seminar and Tourism Day at the Capitol.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Conditional Use Permit Appeal: Sale & On-Site Consumption of Alcoholic Beverages in a Social Events Center, 2.47 acres out of Lot 2, Colorado Subdivision, C-3, Life of Use, Everardo Sustaita

The site was located 475' east of Shary Road along the north side of Colorado Street. The attached survey indicated that the 50' of frontage along Colorado, to be constructed as a private drive that would lead into the future events center with adjoining commercial suites. The applicant was currently in the process of purchasing the property and does not want to invest too much money into the project until he is certain that the use was approved. Once approved the applicant would have the property subdivided, which would include emphasis on Fire Hydrants, Utility extensions, stubbed fire lanes, etc.

The social events center was 7,110 sq. ft., which would be utilized for activities such as weddings, reunions, birthday parties, seminars, etc. Section 1.56(3a) of the Zoning Code requires 'such uses to be at least 300' from any residence, church, school, or publicly owned property'. There were existing residential apartments to the east, thus a waiver of the 300' separation must be considered.

Typically, parking reflects a need of 71 parking spaces (1 space per 100 sq. ft.). They were proposing a total of 110 parking spaces held in common at this development, leaving a surplus of 39 spaces available to the future commercial suites. Since most activities were held at later hours and on weekends, when most businesses at this development should be closed, Staff did not foresee a parking issue. The general hours of availability were: Monday – Thursday from 4 p.m. to 10 p.m.; Friday – Saturday from 4 p.m. to 2 a.m.; and Sunday from 12 p.m. to 8 p.m. Traffic and Noise concerns were voiced at P&Z's 4/27/11 hearing by reps from the Apt. Complex. The P&Z denied the conditional use permit 5-1 with Mrs. Marin dissenting. To 'approve' this item, a 4/5ths vote was required.

Staff Recommendation: Approval subject to: 1) Comply with the Subdivision Code; 2) a 1 year re-evaluation after business license issuance, 3) waiver of 300' separation requirement, and 4) wet zone the site.

Staff, P & Z and City Manager recommended approval.

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

Ms. Dina Sierra manager and Mr. Rick Saldivar assistant manager of the Reserve at Cimarron Apartment Complex spoke against the request.

Mr. Everardo Sustaita spoke in favor of the request.

Mayor Pro Tem Leo Olivarez moved to deny Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages in a Social Events Center, 2.47 acres out of Lot 2, Colorado Subdivision, C-3, Life of Use, Everardo Sustaita. Motion was seconded by Councilwoman Ramirez and denied unanimously 5-0.

2.0 Disposition of Minutes

2.1 City Council Meeting – May 9, 2011 and Special City Council Meeting – May 16, 2011

Councilwoman Norie Gonzalez Garza 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 Citizen’s Advisory Committee – Public Hearing/Special Meeting – March 22, 2011 and Special Meeting – April 19, 2011

Councilwoman Garza 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 CUP for the Sale & On-Site Consumption of Alcoholic Beverages in a Social Events Center, 2.47 acres out of Lot 2, Colorado Subdivision

No action was taken on this item.

4.2 Request by Hunt Valley Development to ‘Donate’ Tract to the City of Mission, Texas Being Part of the Access Rd. Leading to La Lomita Chapel

Hunt Valley representatives were asking to ‘donate’ (by Quit Claiming) their portion of the access road that lead to La Lomita Chapel along the Rio Grande. They had provided a survey that reflected their ownership of this tract.

Staff Recommendation: Approval subject to City Attorney’s approval of legal paperwork and title clearance.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the request by Hunt Valley Development to ‘Donate’ Tract to the City of Mission, Texas Being Part of the Access Rd. Leading to La Lomita Chapel. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.3 Approval of Ord. # 3648 to Amend Sec. 6-4 of the Alcoholic Beverage Code to allow the City Council Legislative latitude for special or extenuating circumstances for such beverage sales

Based upon an inquiry by the owner of Burgesa Burger (between McDonald's and Pizza Hut in the Foy's area), this amendment attempts to reconcile the Alcoholic Beverage Code with the Zoning Ordinance.

Sec. 6-4 (1974 Code) totally prohibits any alcoholic beverage from being sold if within 300' if the property line of any school where such was measured from nearest point to nearest point (though in the case of Burgesa Burgers, the school structures were over 800' away!).

Staff noted that the Zoning Ordinance (adopted 1981) also cites the 300' separation but adds that "the P&Z may, under extenuating or special circumstances unique to the site or event, recommended waiver of the 300' requirement...to the City Council who shall have the ultimate decision on the matter."

Since CUPs are required for such proposals to sell alcoholic beverages, the public hearing process would disclose any special circumstances that may warrant the boards' consideration.

Staff and City Manager recommended ordinance approval.

Councilwoman Ramirez moved to approve Ord. No. 3648 to Amend Sec. 6-4 of the Alcoholic Beverage Code to allow the City Council Legislative latitude for special or extenuating circumstances for such beverage sales. Motion was seconded by Councilman Plata and approved 4-1 with Mayor Pro Tem descending.

ORDINANCE NO. 3648

AN ORDINANCE OF THE CITY OF MISSION, TEXAS AMENDING SECTION 6-4 OF THE CODE OF ORDINANCES TO ALLOW THE CITY COUNCIL TO WAIVE THE PROHIBITIONS AND/OR THE REQUIREMENTS CONTAINED THEREIN UNDER SPECIAL OR EXTENUATING CIRCUMSTANCES IN PROPOSALS FOR THE SALE OF ALCOHOLIC BEVERAGES; PROVIDING A SEVERABILITY PROVISION; AND PROVIDING FOR PUBLICATION AS ENABLING ITS EFFECTIVE DATE

4.4 Approval of Res. # 1287 of The City of Mission, Texas supporting our legislative representatives to act positively for the benefit of our children

The attached resolution had been requested for the elected officials of the City of Mission, Texas to come together for the sake of the education of our children and our communities seeking a common goal. Recognizing that each school district relies substantially on funding from the State of Texas in order to provide educational opportunities for children and that the current Texas public school finance system was negatively affecting an increasing number of public school districts. This resolution was to show support of a responsible and concerned group of community leaders with a united awareness to empower and support our respected legislative representatives to act positively for the benefit of our children.

Staff and City Manager recommended resolution approval.

Mayor Pro Tem Olivarez moved to approve Res. No. 1287 of The City of Mission, Texas supporting our legislative representatives to act positively for the benefit of our children. Motion was seconded by Councilman Plata and approved unanimously 5-0.

RESOLUTION NO. 1287

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
SUPPORTING OUR LEGISLATIVE REPRESENTATIVES TO ACT POSITIVELY FOR THE
BENEFIT OF OUR CHILDREN

4.5 Approval of Res. # 1288 of The City of Mission, Texas Authorizing Review of Texas Gas Service Company's ("TGS") Cost of Service Adjustment ("COSA") Tariff; approving of a joint review of TGS application along with other Cities served by TGS; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; requiring TGS to reimburse all reasonable costs associated with Cities' efforts in this ratemaking effort

On April 28, 2011, Texas Gas Service Company ("TGS") filed with the City of Mission a Cost of Service Adjustment ("COSA") Tariff seeking to increase natural gas rates to all customers residing in the City. Staff was requesting to participate with other Valley Cities served by TGS in the COSA filing in order to protect the interests of the City as well as the interests of TGS customers residing and conducting business within the City. The Cities Coalition would conduct a review of the Company's application and would hire and direct legal counsel and consultants to prepare a common response and to negotiate with the Company and direct any necessary litigation.

Pursuant to a settlement agreement between the City and the TSG dated August 14, 2009 provides that costs incurred by cities associated with this proceeding were to be reimbursed by the Company. The attached Resolution authorized the hiring of Geoffrey Gay of the law firm of Lloyd Gosselink Rochelle and Townsend, P.C. and Karl J. Nalepa, of the consulting firm R.J. Covington Consulting, LLC to review the Company's filing, negotiate with the Company, make recommendations regarding reasonable rates and to direct any necessary administrative proceedings or court litigation associated with an appeal of the COSA filing.

Staff and City Manager recommended resolution approval.

Councilwoman Garza moved to approve Res. No. 1288 of The City of Mission, Texas Authorizing Review of Texas Gas Service Company's ("TGS") Cost of Service Adjustment ("COSA") Tariff; approving of a joint review of TGS application along with other Cities served by TGS; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; requiring TGS to reimburse all reasonable costs associated with Cities' efforts in this ratemaking effort. Motion was seconded by Councilman Plata and approved unanimously 5-0.

RESOLUTION NO. 1288

RESOLUTION OF THE CITY OF MISSION, TEXAS AUTHORIZING REVIEW OF TEXAS GAS SERVICE COMPANY'S ("TGS") COST OF SERVICE ADJUSTMENT ("COSA") TARIFF; APPROVING OF A JOINT REVIEW OF TGS' APPLICATION ALONG WITH OTHER CITIES SERVED BY TGS; HIRING LEGAL AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING TGS TO REIMBURSE ALL REASONABLE COSTS ASSOCIATED WITH CITIES' EFFORTS IN THIS RATEMAKING EFFORT; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

4.6 Request by Rio Grande Regional Water Authority (RGRWA) to pledge a monetary commitment to fund an Alternative Regional Water Supply Feasibility Study

The RGRWA had prepared and would be submitting a proposal to the US Bureau of Reclamation to fund an Alternative Regional Water supply Feasibility Study. The funding opportunity required a 50% match which was \$204,000. RGRWA Board of Directors committed to contribute one half (1/2) of this amount leaving \$102,000 in local funds needed. The RGRWA was interested in quantifying groundwater resources and evaluating regional water

supply alternatives that included local brackish groundwater desalination, seawater desalination and importation of fresh groundwater from sources outside the regional study.

RGRWA was requesting for the City to provide a pledge in the amount of \$6,074.68 towards this effort. The contribution amount was based upon a per capita formula utilizing the latest population estimates.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the request by Rio Grande Regional Water Authority (RGRWA) to pledge a monetary commitment to fund an Alternative Regional Water Supply Feasibility Study. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

At 5:20 p.m. Councilman Plata left the meeting.

4.7 Budget Amendments: Designated Purpose, Utility Fund, Boys and Girls Club, General Fund

Finance Director Janie Flores presented the budget amendments BA-48 thru BA-53 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve budget amendments BA-48 thru BA-53. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.8 April 2011 Financial Statements

Finance Director, Janie Flores presented and recommended approval of the Financial Statement for April, 2011.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the April, 2011 Financial Statement as presented. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.9 Award Bid for Northwest Park Lighting Development

On February 14, 2011, City Council authorized staff to solicit bids for the lighting development of an 8 acre tract known as Northwest Park. The lighting development would commence a series of improvements for the construction of Northwest Park located at 3408 N. Inspiration Road. The City of Mission had accepted and opened two (2) bid responses. D&G Energy Corp. failed to comply with general terms and conditions, therefore had been found non-responsible. Staff recommended awarding to Itz Services meeting all terms and conditions/specifications.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve to award bid for Northwest Park Lighting Development. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.10 Authorization to solicit bids for Casing Spacers and End Seals for Bryan Road and Expressway 83 Project

Staff was seeking authorization to solicit bids for the purchase of Casing Spacers and End Seals for Bryan Road and Expressway 83 Project for the Public Works Department. Material was needed by the Water Distribution Department for completion of project. This would be done due to the internal cost estimate exceeding the ten thousand dollar threshold

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the authorization to solicit bids for Casing Spacers and End Seals for Bryan Road and Expressway 83 Project. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.11 Authorization to submit a Grant to the Texas Department of State Health Services for AED's for the Mission Fire Dept.

The Mission Fire Department was seeking authorization to submit a Grant to the Texas

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve the authorization to submit a Grant to the Texas Department of State Health Services for AED's for the Mission Fire Dept. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.12 Authorization to purchase through an HGAC contract two Motorola 800 MHZ Trunking Repeaters

The City of Mission Police Department was requesting authorization to purchase two (2) Motorola 800 MHZ Trunking Radio Repeaters. The two radio repeaters would be placed at our police sub-station in order to serve as a full back-up radio system to our radio system at our central police station. These two repeaters would serve both police and fire service calls in case the primary radios system fails. It is important to have a redundant radio system in case of a system failure.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the authorization to purchase through an HGAC contract two Motorola 800 MHZ Trunking Repeaters. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.13 Authorization to renew our maintenance contract with IBM through a DIR state contract

The City of Mission Police Department was requesting authorization to renew our software maintenance contract with IBM through a DIR state contract. IBM had been the sole software maintenance provider for our agency. The maintenance contract extended to all our current servers, to include our RS-6000 (optical library) our taped drive system for our mainframe computer, and our video server.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve the authorization to renew our maintenance contract with IBM through a DIR state contract. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.14 Approval of Ord. # 3649 providing for a Four-Way Stop Intersection at Bryce Drive and Pecan Avenue

The City of Mission Police Department received a request for approval of an ordinance establishing a 4-Way Stop intersection at Bryce Drive and Pecan Avenue. The Mission Traffic Safety Committee reviewed the request on May 09, 2011 and was recommending the adoption of an ordinance authorizing the placement of the four-way stop intersection. The increase in traffic density within the subdivision has brought about concerns for the safety of motorist and pedestrians alike. 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.

Councilwoman Ramirez moved to approve Ord. No. 3649 providing for a Four-Way Stop Intersection at Bryce Drive and Pecan Avenue. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3649

AN ORDINANCE OF THE CITY OF MISSION, TEXAS PROVIDING FOR A TRAFFIC CONTROL DEVICE BEING A FOUR-WAY STOP SIGN INTERSECTION AT BRYCE DRIVE AND PECAN AVENUE; 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:

4.15 Update on the Expansion of the Mesh Network Camera System

The Mission Police Department had identified a total of six (6) sites for the placing of our Mesh-Network Cameras (Two Mile Line and Conway, F.M. 495 and Conway, Westbound Expressway Frontage Road and Conway, Eastbound Expressway Frontage Road and Conway, Business 83 and Shary Road, and F.M. 495 and Shary Road). Our department currently had a total of seven (7) cameras deployed around the city. It was our intent to deploy these additional six cameras in areas that would provide our organization the most valuable video footage based on traffic density. Staff continued to work on securing the purchase of these cameras with our vendor.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the update on the Expansion of the Mesh Network Camera System. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.16 Authorization to submit a grant application to the United States Department of Justice Office of Community Oriented Policing Services for a total of seven (7) Police officer positions

The Mission Police Department was requesting authorization to submit a grant application to the United States Department of Justice Office of community oriented policing services for a total of seven (7) police officer positions under the COPS hiring program. The grant award would pay for 100 % of the police officer salaries for a period of three years. The fourth year funding of the grant would be the responsibility of the City of Mission, to include any salary increases or assignment pays throughout the tenure of the grant. Staff was seeking a favorable recommendation to proceed with the grant application.

Staff Recommendation: Staff was respectfully requesting authorization to submit the grant application to the United States Department of Justice office of community oriented policing services for a total of seven (7) police officer positions under the COPS hiring program.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the authorization to submit a grant application to the United States Department of Justice Office of Community Oriented Policing Services for a total

of seven (7) Police officer positions. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.17 Approval of Ord. # _____ granting a wet designation for 2.47 acres out of Lot 2, Colorado Subdivision, C-3

No action was taken on this item.

4.18 Authorization to solicit bids for South Water Plant Rehabilitation

Bid entailed renovations of Trains # 1 & 2 filters for an existent water treatment process of 3.1 MGD. Renovation would be coordinated with the North Water Treatment Plant Expansion project to meet city's daily water demands. Project estimated cost was \$1.2 Million.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve the authorization to solicit bids for South Water Plant Rehabilitation. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.19 Authorization to solicit bids or purchase via State Approved contract for Library material (books & media)

Speer Memorial Library was seeking authorization to solicit bids or purchase via State approved contract for library materials (books & media). Library materials would be made available to all patrons to check out for educational and cultural purposes. This material would be purchased from the Library's General account.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the authorization to solicit bids or purchase via State Approved contract for Library material (books & media). Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.20 Creating a Texas Non-Profit Corporation that meets the criteria of IRS Code Section 501(c)

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve to create a Texas Non-Profit Corporation that met the criteria of IRS Code Section 501(c). Motion was seconded by Mayor Salinas 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

None

7.0 Adjournment

At 5:33 p.m., Councilwoman Ramirez moved for adjournment. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary