

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
FEBRUARY 22, 2010 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
Sonia Carnes, Deputy City Manger

ABSENT:

ALSO PRESENT:

Kathy Olivarez, Progress Times
Dr. Armando O'cana Sr.
Arlene Rivera
Cathy Garcia
Maggie Birmingham

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Hernestina Esparza, Administrative Asst.
Jonathan Wehrmeister, Judge
Bobby Salinas, Subdivision Coordinator
Ray Elvira, Engineering Technician
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Rick Saldana, Fire Chief
Victor Gonzalez, Streets Director
Elizabeth Cabrera, Purchasing Director
Noemi Munguia, HR Director
Rosie Salazar, Risk Manager
Leo Longoria, Chief of Police
Robert Dominguez, Asst. Chief of Police
Martin Garza, Asst. Chief of Police
Randy Perez, Accountant
Rolando Rodriguez, DP Manager
Julian Gonzalez, Parks & Rec. Director
Adela Ortega, Museum Director
Mayra Rocha, Speer Memorial Library
Juan C. Avila, Interim Boys & Girls Club 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

Deputy City Manager Sonia Carnes led the meeting with the pledge of allegiance and gave the invocation.

3. Proclamation – Shriners and IHOP's National Pancake Day for Children

Anna Carrillo, City Secretary read the proclamation.

Mayor Pro Tem Leo Olivarez moved to approve the proclamation as presented. Motion was seconded by Councilman Ruben Plata and approved unanimously 4-0.

4. Departmental Reports

Councilman Plata moved to approve the departmental reports as presented. Motion was seconded by Councilwoman Maria Elena Ramirez and approved unanimously 4-0.

5. Hotel/Motel Quarterly Report

Mrs. Carnes presented the Hotel/Motel Quarterly Report to the City Council for approval.

Councilwoman Ramirez moved to approve the Hotel/Motel Quarterly Report as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

6. Citizens Participation

Tomas Tijerina advised the council of a trip he would be taking to Kenya to test and verify water wells and requested contributions to help with this project.

Maggie Birmingham from Wagon City South approached the council with the request to have the city overlay damaged streets throughout Wagon City South Subdivision

Arlene Rivera, Chamber of Commerce CEO invited the council to the Winter Texan Fiesta to be held on Saturday, February 27, 2010 at 10:30 am at Leo Pena Plazita.

At 4:41 Councilwoman Norie Gonzalez Garza joined the meeting.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Conditional Use Permit: Pool/Guest House on Residential Property, 2604 Santa Teresa, Lot 52, Los Milagros Subd., Phase II, PUD, Life of Use, Dr. Victor Ogunlana

The subject site was located 300' north of the intersection of Santa Teresa and Los Milagros. The proposed guesthouse was 1,504 sq. ft., which included 2 bedrooms, 2 bathrooms, and a living room/bar area. All building setbacks would be met and the existing driveway was more than sufficient to accommodate any guest vehicle. The guest home must be connected to the same water and electrical meters, i.e. no separate utilities. Sharyland's ARC approval had already been provided. There was no public opposition at P&Z's hearing. The P&Z unanimously approved of the conditional use permit as noted below.

Staff, P&Z and City Manager recommended approval subject to, 1) no separate utility and electrical connections, 2) transferability to other future owners imposing the same conditions imposed to this applicant, and 3) not to be used for rental purposes.

Mayor Salinas asked if there were any comments for or against the CUP request. There was none.

Councilwoman Ramirez moved to approve the CUP for Pool/Guest House on Residential Property, 2604 Santa Teresa, Lot 52, Los Milagros Subd., Phase II, PUD, Life of Use, Dr. Victor Ogunlana as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

2.0 Disposition of Minutes

2.1 City Council Minutes – February 8, 2010

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

3.0 Acknowledge Receipt of Minutes

3.1 Speer Memorial Library Board – December 15, 2009

Parks and Recreation Board Meeting – January 12, 2010

Citizen’s Advisory Committee – January 12, 2010 and

Special Meeting – February 2, 2010

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

4.0 Approvals and Authorizations

4.1 Adoption of Ord. # 3543 for CUP for “Pool/Guest House on Residential Property” at 2604 Santa Teresa, being Lot 52, Los Milagros Subd., Phase II

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3543 for CUP for Pool/Guest House on Residential Property at 2604 Santa Teresa, being Lot 52, Los Milagros Subdivision Phase II as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

ORDINANCE NO. 3543

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR ‘POOL/GUEST HOUSE ON
RESIDENTIAL PROPERTY’ AT 2604 SANTA TERESA, BEING LOT 52, LOS MILAGROS
SUBDIVISION PHASE II

4.2 Request by Tropical Valley Acres Lot Owners Association to Have City Council Authorize City Manager to Issue Building Permit to Replace Their Community Service Sign Located on City Right of Way at the SW area of U.S. Bus. HWY 83 & Tropical Circle Drive

SITE: Tropical Valley Acres (TVA), a 55+ community, was just east of the old Fontana Hotel. On February 9, 2010, Planning received a permit request from TVA to replace their existing community service sign with a higher and larger-faced sign. The sign’s pole was presently 16’ to Business HWY 83’s curb, and 5’ to the interior curb of Tropical Circle Drive.

CURRENT: current height was 12’ pole + face; current face was 24 square feet 8’ x 3’.

PROPOSAL: increase height to 18’ (pole + face); increase face to 56 sq. ft.

OTHER APPROVALS:

Heritage Square- 20 sq. ft. at 12' high
Aladdin Villas – 32 sq. ft. at 6' high
Fiesta Village -- 35 sq. ft. at 15' high

Wintergreen – 48 sq. ft. at 16' high
Agape Sign – 48 sq. ft. at 8' 8" high

If approved, Staff had the following comments:

- sign shall always be subject to removal at owner's expense w/30 days notice
- execute & record hold harmless document in deed records indemnifying city of the private sign in public ROW
- similar to others, the sign was intended as a community service to the general public and was not to advertise any private service or product.
- size was not obtrusive and was not a sight obstruction.
- the improvements shall be maintained by HOA to be aesthetic as well as the surrounding grounds

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the request by Tropical Valley Acres Lot Owners Association to have City Council Authorize City Manager to issue building permit to replace their Community Service Sign located on City Right of Way at the SW area of U.S. Bus. Hwy 83 and Tropical Circle Drive as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.3 Request by Hunt Valley Development to Have the City of Mission accept Los Nogales Park and El Sendero Park as 'Public City Parks'

David Guerra City Attorney requested no action to be taken on this item.

4.4 Approval of the Planning Department's Population Determination for 2009 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, and Ordinance No. 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. In that regard, Staff presented the following:

City Council's 2008 Population Approved:	67,996
Planning's Est. Increment in 2009:	<u>2,102</u>
Total Est. Population for 2009:	70,098

The population noted above would not induce the increase to the number of wreckers since the current 'permitted' number was eleven (11) wreckers were increased in 10,000 pop increments; thus, once Mission was at 120,000 in population, then one (1) additional wrecker could be permitted.

The population noted above would not induce the increase to the number of taxis since the current 'permitted' number was four (4) taxicabs were increased in 20,000 pop increments or "major fraction" thereof; thus, once Mission was at 90,000 in population, then one (1) additional taxicab could be permitted. i.e., 90,000 divided by 20,000 increment = 4.5 which was then rounded off to 5.

Planning estimated Mission's population at the end of 2009 as 70,098.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Planning Department's Population Determination for 2009 as it relates to any Potential Increase to the number of Wreckers Companies and Taxicabs Serving the City as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.5 Request authorization to purchase the following software packages: On-line payment software for Utility Billing Department & Municipal Court; Human Resources: Fixed Assets; Payroll/Time Clock interface

In an effort to improve customer service to our utility customers and enhance our in-house capabilities, staff was requesting authorization to purchase several software programs/modules. These included: an on-line bill payment program; a human resource management program; an integrated fixed asset program; and a time clock/payroll system interface module.

Staff and City Manager recommended approval.

Councilwoman Garza moved to authorize the request to purchase software packages: On-line payment software for Utility Billing Department and Municipal Court: Human Resources; Fixed Assets, Payroll/Time Clock interface as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.6 January 2010 Financial Statements

Mr. Randy Perez, Accountant presented the Financial Statements for January 2010, for acceptance.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Financial Statements for January 2010, as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.7 Budget Amendments – Designated Purpose Fund, General Fund, Utility Fund, Hotel/Motel Fund, Capital Projects Fund

Mr. Perez presented the budget amendments BA-57 thru BA-62 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve budget amendments BA-57 thru BA-62 as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.8 Request by Mission Consolidated Independent School District to use City Hall facilities for early voting for Board of Trustees election of May 8, 2010

Mission Consolidated Independent School District requested the use of City Hall facilities for early voting for MCISD Board of Trustee Election.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve the request by Mission Consolidated Independent School District to use City Hall facilities for early voting for Board of Trustees election of May 8, 2010 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.9 Approval of Resolution # 1259 between City of Mission and Mission Consolidated Independent School District to conduct joint elections in accordance with Texas Education Code Section 11.0581

The Resolution was in accordance with Texas Education Code Section 11.0581 which stated that a board of trustees elections were to be held on the same day and jointly with the members of the governing body of a municipality located in the school district, the voters of the joint election shall be served by a common place consistent with Section 271.003(b) of the Election Code.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Resolution No. 1259 between City of Mission and Mission Consolidated Independent School District to conduct joint elections in accordance with Texas Education Code Section 11.0581 as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

RESOLUTION NO. 1259

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS BETWEEN CITY OF MISSION AND MISSION CONSOLIDATED INDEPENDENT SCHOOL DISTRICT TO CONDUCT JOINT ELECTIONS IN ACCORDANCE WITH TEXAS EDUCATION CODE

4.10 Approval of Resolution # 1260 extending Ordinance 2997 (Sharyland Utilities Franchise Agreement)

The Franchise Agreement with Sharyland Utilities, L.P. expired on February 28, 2010 as per Resolution 1253; the Resolution would extend the agreement on May 31, 2010. This would allow sufficient time to complete the new Franchise Agreement process.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve to rescind Resolution No. 1253 and approve of Resolution No.1260 extending Ordinance No. 2997 Sharyland Utilities Franchise Agreement as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

RESOLUTION NO. 1260

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS TO EXTENDING ORGINANCE NO. 2997 (SHARYLAND UTILITIES FRANCHISE AGREEMENT) TO MAY 31, 2010

4.11 First Reading of Ord. # _____ granting to Sharyland Utilities, L.P., a Limited Partnership, duly organized under the laws of the State of Texas, an Electric Power Delivery Franchise

City Secretary, Anna Carrillo read the caption of the ordinance.

City Attorney, David Guerra informed the council that a copy of the Ordinance was on file at the City Secretary's office for review.

4.12 Bid for Sale of Real Properties confiscated by Mission Police Department and authorization to award and/or reject and rebid remaining properties

The Mission Police Department was requesting authorization to award bid and reject bids for Mission Police Department Seized Properties. On July 13, 2009, City Council authorized staff to solicit bids for sale of three (3) properties confiscated by the Mission Police Department. The City of Mission had accepted and opened seven (7) bid responses for this project. Staff was recommending awarding one (1) property to the highest bidder meeting all requirements – Silvero Medina for a total cost of \$14,800.00 and rejecting and rebidding the remaining two (2) properties.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve bid for the sale of property 3012 Nyssa Avenue in McAllen to Silvero Medina as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

Councilwoman Garza moved to reject and rebid the remaining two (2) properties 2200 E. 19th St Mission and 2307 Silverado South Palmhurst as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.13 Bid for purchase of a Bucket Truck for the Public Works Department

On January 25, 2010, City Council authorized staff to solicit bids for a bucket truck for the Public Works Department. The City of Mission had accepted and opened five (5) bid responses for this project. Staff was recommending awarding to the low bidder meeting all specifications and terms and conditions, Art's Truck and Equipment, for a total overall cost of \$24,950.00.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve bid for purchase of a Bucket Truck for the Public Works Department as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.14 Authorization to solicit bids for "Housing Assistance Program-Housing Rehabilitation Phase 09-I"

Citizen's Advisory Committee met on Tuesday, February 16, 2010, and approved staff's recommendation to provide assistance for the rehabilitation of twelve (12) homes subject to eligibility and title clearance. These monies were provided through the stimulus fund awarded to the City.

Rehabilitation:

113 Ebano
403 Rose Marie
1302 Blue Rock
1821 Cummings
320 St. Marie
601 N. Mayberry

412 Dunlap
419 Oblate
802 Reynosa
803 Cynthia
905 E. 2nd
3101 N. Trosper

The city had been utilizing 75% of the annual CDBG allocation for several years for reconstruction projects. Since 1999, a total of 253 families to date have been provided some form of housing assistance. Out of the 253 families, 170 families were provided with reconstruction assistance while 83 families were provided with rehabilitation assistance including emergency repair.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to solicit bids for Housing Assistance Program-Housing Rehabilitation Phase 09-I as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.15 Authorization to solicit bids for Catholic War Veterans Park Improvements

The City of Mission approved a bond issuance for several improvements at Catholic War Veterans Park. The improvements included the construction of a multi-purpose gymnasium, skate park improvements, pool renovation, parking improvements and the neighborhood center remodeling.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to solicit bids for Catholic War Veterans Park Improvements as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.16 Authorization to solicit bids for Bannworth Park Improvements

The City of Mission approved a bond issuance for several improvements at Bannworth Park. The improvements included the construction of a multi-purpose gymnasium, covered pool, and parking improvements.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for Bannworth Park Improvements as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

Mayor Salinas advised the council that he would be taking a trip to Washington to discuss the Mission International Bridge.

At 5:04 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 Purchase, exchange, lease, or value of real property Sec. 551.072

A. Purchase of property east of and adjacent to San Jose Cemetery

7.2 Private consultation with the City Attorney Sec. 551.071

A. Claim by Maria Araceli Flores on Cleaning & Mowing Liens on Lot 20, Block 23 Tierra Dorada

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

At 5:15 p.m., Mayor Pro Tem Olivarez moved to reconvene in open session. Motion was seconded by Councilwoman Ramirez and approved unanimously 3-0.

On item 7.1-A Councilwoman Ramirez moved to approve the purchase of property east of and adjacent to San Jose Cemetery and authorize City Manager to spend no more than \$4,000 for the property. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

On item 7.2-A Councilwoman Ramirez moved to approve claim by Maria Araceli Flores on Cleaning and Mowing Liens on Lot 20, Block 23 Tierra Dorada and authorized settlement of cleaning and mowing liens in the amount of \$1,219.00. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

8.0 Adjournment

At 5:17 p.m., Mayor Pro Tem Olivarez moved for adjournment. Motion was seconded by Councilwoman Ramirez and approved unanimously 3-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary