

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
APRIL 26, 2010 4:30 P.M.
MISSION CHAMBER OF COMMERCE**

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

ALSO PRESENT:

Dr. Armando O'cana
Pat Townsend Jr.
Richard Perez
Arlene Rivera
Guadalupe Moreno
Cathy Garcia
Norma Sanchez

ABSENT:

STAFF PRESENT:

Hernestina Esparza, Administrative Asst.
Aida Lerma, Deputy City Manager
Sonia Carnes, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sergio Zavala, Planning Director
Bobby Salinas, Subdivision Coordinator
Roberto Salinas, City Engineer
Joanne Longoria, CDBG Director
Rick Saldana, Fire Chief
Ruben Diaz, Public Works Director
Victor Gonzalez, Streets Director
Glorina Flores, Purchasing Dept.
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
Janie Flores, Finance Director
Randy Perez, Accountant
Adela Ortega, Museum Director
Rusty Dove, Library Director
Jonathan Wehrmeister, Judge
Jesse Lerma, Civil Service Director
Juan C. Avila, Interim Boys & Girls Club Director

1. Call to order

With a quorum being present, Mayor Pro Tem Leo Olivarez called the meeting to order at 4:34 p.m.

2. Pledge Allegiance and Invocation

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

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3. Swearing in of Julio Cerda, P. E. to One Call Board of Texas

Judge Jonathan Wehrmeister swore in Mr. Julio Cerda to One Call Board of Texas.

At 4:36 p.m. Councilwoman Norie Gonzalez Garza joined the meeting.

4. Proclamation – Peace Officers Memorial Day

Anna Carrillo, City Secretary read the proclamation for Peace Officers Memorial Day.

Councilwoman Garza moved to approve the proclamation as presented. Motion was seconded by Councilman Ruben Plata and approved unanimously 4-0.

5. 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.

6. Citizens Participation

Mayor Pro Tem Olivarez, commended City Manager and staff on there hard work during the storm on April 11, 2010.

Dr. Noel Garza, member of the Mission Boys & Girls Club and Sharyland School Board announced to the Council that Sharyland had a new Champion Ms. Brianna Villarreal a UIL Class 5a State and Regional Champion.

Aida Lerma, announced the Mayor Prayer Luncheon for Friday, May 07, 2010. Mrs. Lerma also advised of the Campaign Against Hunger in coordination with Renee's of Sharyland, and asked for Mission to take the lead in this campaign.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Conditional Use Permit: Drive-Thru Service (Sliding Door), Lots 5 & 6, Big Orange Subd., C-3, Life of Use, Robert Guzman (City Cleaners)

The site was located on the NE corner of Citrus and Griffin Parkway. The existing drive-thru service sliding door was approved by the City in 2004 for Comet Cleaners. Since the business was changing to a new operator, a CUP was required.

Access to the 900 sq. ft. suite was provided off of Citrus Lane. The existing drive-thru lane measured 12.5' in width and allowed for customers to exit back onto Citrus Lane or to head east and west out onto Griffin Parkway. The location of the sliding door provided stacking for two vehicles. The number of parking spaces required for a retail space of this size was 5. It was noted that the parking area was held in common (32 existing parking spaces) and was shared with other businesses. No parking or traffic maneuverability issues were raised with the previous cleaners.

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- Days/Hours of Operation: Monday through Friday 7:00 a.m. to 7:00 p.m.
Saturday 8:00 a.m. to 3:00 p.m.
- There was an existing opaque buffer along the north side of the property and around the trash bins, however there were no doors to screen the trash bins from the street.
- Additional landscaping would be required.
- A speed bump would be required along the drive-thru lane to ensure pedestrian safety.

There was no public opposition at P&Z's hearing. The P&Z unanimously approved of the conditional use permit.

Staff, P&Z and City Manager recommended approval subject to: 1) acquiring a business license, 2) providing additional landscaping, 3) providing a screen along the front of the trash bins, and 4) providing a speed bump to ensure pedestrian safety.

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

Councilman Plata moved to approve the CUP for a Drive-Thru Service Sliding Door, Lots 5 & 6, Big Orange Subdivision, C-3, Life of Use, Robert Guzman City Cleaners as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

B. 2nd Public Hearing: Proposed Annexation of the following areas: Tract 1: A total of 459.11 acres consisting of the following: The Eastern 300' of Lots 1, 2, 3, & 4, and the E. 300' of the South 655' of Lot 5, Crane Subd.; Lots 7, 8, 9, & 10, Mission Farm Estates; and 246.81 acres of the U.S. Fish & Wildlife Property being immediately south of Lots 9 & 10, Mission Farm Estates all the way southward to the Rio Grande

Mr. Hiroche Jose Date along with his brothers Mr. Isac Date and Mr. Alberto Sanchez and along with their wife rescinded the protest to the proposed annexation.

No Action was taken on this item

2.0 Disposition of Minutes

2.1 City Council Minutes – April 12, 2010

Councilwoman Garza moved to approve the minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 4-0.

3.0 Acknowledge Receipt of Minutes

3.1 Planning & Zoning Commission – March 24, 2010

Mission Civil Service Commission – March 22, 2010

**Citizen's Advisory Committee - Special Meeting – March 17, 2010
and Public Hearing/Special Meeting – March 23, 2010**

**Mission Redevelopment Authority Board of Directors
March 23, 2010**

**Mission Tax Increment Reinvestment Zone Board of Directors
March 23, 2010**

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Councilwoman Garza 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. # 3556 for CUP for a Drive-Thru Service (Sliding Door), Lots 5 & 6, Big Orange Subd., C-3, Life of Use, Robert Guzman (City Cleaners)

Staff, P&Z, and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3556 for CUP for a Drive-Thru Service Sliding Door, Lots 5 & 6, Big Orange Subdivision C-3, Life of Use, Robert Guzman City Cleaners as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3556

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU SERVICE
(SLIDING DOOR), LOTS 5 & 6, BIG ORANGE SUBDIVISION

4.2 Approval of Ord.# 3557 to Amend Sec. 1.371-3 (h), Zoning Ordinance #1128, as amended, to Include additional ‘Non-residential facilities’ under R-1’s ‘Conditional Uses’

Staff, P&Z, and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3557 to Amend Sec. 1.371-3 (h), Zoning Ordinance No. 1128, as amended, to Include additional ‘Non-residential facilities’ under R-1’s Conditional Uses’ as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3557

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1128, AS AMENDED, ADDING
OTHER ‘NONRESIDENTIAL FACILITIES’ AS A CONDITIONAL USE UNDER THE
SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, AND PROVIDING A
CODIFICATION CLAUSE; AND PROVIDING A PUBLICATION DATE

4.3 March 2010 Financial Statements

Mrs. Janie Flores, Finance Director presented the Financial Statements for March 2010, for acceptance.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Financial Statements for March 2010, as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.4 Budget Amendments – Designated Purpose Fund,

Mrs. Flores presented the budget amendments BA-78 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve budget amendments BA-78 as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.5 Tax Collections Report – March, 2010

Mrs. Flores presented the Tax Collections Report for March, 2010, for acceptance.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Tax Collection Report for March, 2010, as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.6 Acceptance of Quarterly Report of Investments for the Quarter ending March 31, 2010 and Interest Earned for Six Months Ending March 31, 2010

Acceptance of quarterly report required by the Public Funds Investment Act Section 2256.023 of the Texas Government Code on the total investments for the quarter ending March 31, 2010. The total investments purchased were \$8,747,572.38 and the amount of maturing investments was \$9,643,000.00 leaving a total of \$37,427,565.66 in outstanding investments for the quarter ending March 31, 2010. The total interest earned on all funds year to date was \$39,845.93.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Quarterly Report of Investments for the Quarter ending March 31, 2010 and interest earned for six months ending March 31, 2010 as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.7 Authorization to cancel City Council meeting scheduled for May 10, 2010

Staff was requesting the cancellation of the first regular City Council meeting scheduled for May 10, 2010 due to City Elections. If the need arised a special meeting would be scheduled at a later date.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve the cancellation of the City Council meeting scheduled for May 10, 2010 as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.8 Authorization to solicit bids or purchase via a state approved contract a Radio Tower for the Mission Police/ Mission Fire Department Substation(s) on Military Highway and Glasscock Rd

The Mission Police Department was requesting authorization to solicit bids or purchase via a state approved contract a Radio Tower for the Mission Police / Mission Fire Substation (s) on Military Highway and Glasscock Road. The construction of these two facilities would require the installation of a Radio Tower to provide a functional Police and Fire Communications System to be able to dispatch both police and fire to calls for service. It would also allow us to be able to communicate with both state and federal law enforcement agencies and neighboring fire departments in response to regional calls for service. In addition, the tower would be utilized to install microwave antenna's to be able to link current Records Management software for both police and fire from our main headquarters to these two substations.

Staff and City Manager recommended approval.

Councilwoman Garza moved to authorize to solicit bids or purchase via a state approved contract a Radio Tower for the Mission Police/Mission Fire Department Substation(s) on Military Highway and Glasscock Road as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.9 Approval of Resolution # 1263 endorsing certain legislative changes relating to the Sunset Review of the Texas Public Utility Commission and the special purpose review of the Electric Reliability Council of Texas

The City of Mission was a member of South Texas Aggregation Project, Inc. ("STAP"). The STAP Board of Directors had authorized participation with certain legislative efforts being pursued by Cities Aggregation Power Project ("CAPP") and the Steering Committee of Cities Served by Oncor pertaining to the Sunset Commission's review of the Public Utility Commission ("PUC") and the Electric Reliability Council of Texas ("ERCOT"). The Sunset agency's recommendations pertaining to both organizations were expected to form the basis of bills during the 82nd Legislative Session in 2011. As such, STAP would recommend legislative action related to the Sunset Commission's examination of both the PUC and ERCOT. In addition, STAP would offer all resolutions of its members during Sunset hearings to apprise lawmakers of STAP Cities' perspective on how to make the electric market more competitive and beneficial to consumers.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Resolution No. 1263 endorsing certain legislative changes relating to the Sunset Review of the Texas Public Utility Commission and the special purpose review of the Electric Reliability Council of Texas as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

RESOLUTION NO. 1263

A RESOLUTION OF THE CITY OF MISSION, TEXAS, ENDORSING CERTAIN LEGISLATIVE CHANGES RELATING TO THE SUNSET REVIEW OF THE TEXAS PUBLIC UTILITY COMMISSION AND THE SPECIAL PURPOSE REVIEW OF THE ELECTRIC RELIABILITY COUNCIL OF TEXAS

4.10 Approval of Proposed Three Year Consolidated Plan and Strategy FY 2010-2013/One Year Action Plan FY 2010-11 (Draft)

During the Citizen's Advisory Committee (CAC) meeting held on April 20, 2010 CAC recommended approval of the DRAFT form of the Three Year Consolidated Plan and Strategy FY 2010-2013/One Year Action Plan FY 10-11. Proposed funding allocations for city departments and public service agencies for the One-Year Action Plan FY 10-11 were included. As required by H.U.D., the City must prepare the Consolidated Plan/One-Year Action Plan every three or five years/annually. This Year the Consolidated Plan was done regionally including Hidalgo County Urban County cities/precincts and Entitlement cities: McAllen, Pharr, Edinburg, Harlingen, San Benito and Brownsville. It identified the needs of the area and the resources to address those needs. The One-Year Action Plan outlines the activities to be undertaken during the first year of the Three Year Consolidated Plan. There will be a thirty-day comment period to receive comments on the proposed Three Year Consolidated Plan and Strategy/One-Year Action Plan starting on April 30, 2010 and ending May 31, 2010.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Proposed Three Year Consolidated Plan and Strategy FY 2010-2013/One-Year Action Plan FY 2010-11 Draft as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

At 5:12 p.m. Mayor Norberto Salinas joined the meeting.

4.11 Lease Agreement between the City of Mission and Mission Skeet Club

City Attorney David Guerra advised the City Council to consider this item under executive session pursuant to V.T.C.A. Gov. Code Sec. 551.071, Private consultation with the City Attorney.

The Mission Skeet Club desired to acquire a surface lease from the city across a portion of the City Lands. The term of the agreement was for 25 years. The club agrees to pay an annual rental of one dollar in advance upon the execution of the Agreement and on each anniversary date thereafter during term of agreement. The Club would be responsible for proper maintenance and upkeep of the Leased Tract. Leased Tract shall be used for the installation, maintenance, and operations of pistol, archery, sporting clay, skeet and trap ranges for the recreation and enjoyment of the Club members and its guest.

Staff and City Manager recommended approval.

After reconvening from executive session, Councilman Plata moved to approve the Lease Agreement between the City of Mission and Mission Skeet Club subject to renewal language be in put in the lease so that it would renew the existing lease into the new lease and also that the final review of the designed and the contract be made by Mayor Salinas, Councilwoman Garza, and City Manager. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.12 Discussion and action to join with other valley communities to create a coalition that will jointly investigate filing, hiring consultants, the cost of which will be absorbed by Texas Gas Service Company, (TGS or Company), and to develop a strategy for addressing issue with the company

The city of McAllen was asking cities in the Rio Grande Valley to join them in forming a coalition to review the filing to be submitted by TGS. On Friday April 30, 2010, Texas Gas Service Company would be providing an executive summary of its Cost of Service Adjustment (COSA), filing with 34 cities in its Rio Grande Valley Service Area. Under the COSA tariff, cities had 90 days to review the Company's application. The COSA process was authorize by the Settlement Agreement between the Valley Cities Gas Coalition and the Company to resolve TGS's 2009 rate case and to replace the controversial (sic) Gas Reliability Infrastructure Program (GRIP) surcharge process. If no agreement was reached, cities retain the right to deny the application and TGS may appeal the decision to the Railroad Commission. In a COSA case, cities had a statutory right to hire legal counsel and consultants including expert witnesses and to compel the Company to reimburse the city for such reasonable expenses.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve to join with other valley communities to create a coalition that would jointly investigate filing, hiring consultants, the cost of which would be absorbed by Texas Gas Service Company, (TGS or Company), and to develop a strategy for addressing issue with the company as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.13 Bid for TDRA Supplemental Recovery grant Project – Street Improvements

On February 08, 2010, City Council authorized staff to solicit bids for TDRA Supplemental Recovery Grant Project – Street Improvements. The City of Mission had accepted and opened nine (9) bid responses for the project. Staff along with Javier Hinojosa Engineering, Project Engineers, recommended awarding to the low bidder meeting all specifications and terms and conditions, Mission Paving Inc. for a total overall cost of \$1,138,587.90. The following were the streets for the project:

- 1st Street (Holland Avenue to Bryan Road)
- Los Ebanos (F.M. 495 to Business 83)
- Inspiration Road (Expwy 83 to 1Mile South)
- Highland Park Avenue (Matamoros Ave – Bus 83)
- Perkins St. (10th St. to 15th St.)
- Anita St. (Expwy 83 to Tencha St.)
- Judy St. (Expwy 83 to Barbara St.)
- Magdalena Ave (Cul-De-Sac to Maria St.)
- Dolores Del Rio St. (Expwy 83 to 20th St.)
- Tencha St. (Canal St. to Dolores Del Rio St.)
- Barbara St. (Judy St. to Alley)
- Maria St. (Magdalena St. to Dolores Del Rio St.)

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Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve bid for TDRA Supplemental Recovery grant Project – Street Improvements as recommended. Motion was seconded by Councilman Plata and unanimously approved 5-0.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager’s Comments

None

6.2 Mayor’s Comments

None

At 5:18 p.m. Councilman Plata moved to convene into executive session. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0. Item 4.11 was discussed in executive session pursuant to V.T.C.A. Gov. Code Sec. 551.071, Private consultation with the City Attorney.

At 5:23 Mayor Pro Tem Olivarez moved to convene into open session. Motion was seconded by Councilwoman Garza and approved unanimously 5-0. Mayor Salinas asked to go back to item 4.11.

7.0 Adjournment

At 5:31 p.m., Mayor Pro Tem Olivarez moved for adjournment. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary