

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
DECEMBER 17, 2012 4:30 P.M.
MISSION CITY HALL**

PRESENT:

Norberto Salinas, Mayor
Maria Elena Ramirez, Councilwoman
Ruben D. Plata, Councilman
Norie Gonzalez Garza, Mayor Pro Tem
Dr. Armando O'cana, Councilman
David Guerra, City Attorney
Anna Carrillo, City Secretary
Julio Cerda, City Manager

ABSENT:

ALSO PRESENT:

Kathy Olivarez, Progress Times
Gail Burkhardt, The Monitor
Alex Meade
Cathy Garcia
Jim Barnes
Beth Barnes
Cesar J. Lopez
Rick Rivera
David Bonilla
Robert & Hector Garcia
Bertha H. Filut
Rob Neagle
Laura Guerra Ramirez
Ivan Garcia
Conception Ayala
Teresa J. Long
Fred Kurth
Sandra Vecchio
Rene De La Cruz

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Sonia Marroquin, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Danny Tijerina, Planning Director
Bobby Salinas, Planning Dept.
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
Martin Garza, Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Julian Gonzalez, Parks & Rec. 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
Jonathan Wehrmeister, Judge
Luis Contreras, Museum Director
Mayra Rocha, Library Director

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 – MCISD School Board Recognition Month

City Secretary Anna Carrillo read the proclamation.

J.C Avila, Mission School Board Member and Craig Verley, Public Relations Director received the proclamation and thanked the Council for the recognition and their support.

Mayor Pro Tem Norie Gonzalez Garza moved to approve the Proclamation – MCISD School Board Recognition Month. Motion was seconded by Councilman Ruben Plata and approved unanimously 5-0.

4. Proclamation – LJISD School Board Recognition Month

Mrs. Carrillo read the proclamation.

Corina Lopez, La Joya ISD Public Information Officer received the proclamation and thanked the Council for the recognition and their support.

Councilman Dr. Armando O’cana moved to approve the Proclamation – LJISD School Board Recognition Month. Motion was seconded by Councilman Plata and approved unanimously 5-0.

At 4:38 p.m., Mayor Pro Tem Garza stepped out of the meeting.

5. Proclamation – SISD School Board Recognition Month

Mrs. Carrillo read the proclamation.

Sharyland School Board Members Ricky Longoria, Dr. Noe Oliveira, Fred Ramirez and Superintendent Dr. Virginia Richter received the proclamation and thanked the Council for the recognition and their support.

Councilman Plata moved to approve the Proclamation – SISD School Board Recognition Month. Motion was seconded by Councilwoman Maria Elena Ramirez and approved unanimously 4-0.

6. Departmental Reports

Councilman Plata moved to approve the departmental reports as presented. Motion was seconded by Councilman O’cana and approved unanimously 4-0.

7. Report from the Greater Mission Chamber of Commerce

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on the chamber events that had recently taken place and on upcoming events to include a Mixer, Buenas Tardes Luncheon, and Annual Health Fair.

At 4:44 p.m., Mayor Pro Tem Garza rejoined the meeting.

8. Citizens Participation

None

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Discussion and Action to Amend Future Land Use Map within the boundaries of Taylor Rd. to the East, Stewart Rd. to the West, Griffin Pkway to the North, and Expway 83 to the South Adoption of Ordinance # 3868 approving 1.1A

This was the 3rd in a series of FLUM amendments. The FLUM gave the general public, developers, public officials, and interested others 'broad strokes' of how the City of Mission's land uses should be located - - it esd not intended to be a rock solid depiction of a future zoning map. When determining general land use patterns, staff typically factors in the following:

- ❖ Frontage to Existing Major Streets such as FM Roads/MPO arterials – properties next to FM roads or State Highways (or the Expressway) had a larger tendency to be commercial or even attract apartments; if a property was next to Conway (SH 107)
- ❖ Frontage to Future Major streets – The MPO Thoroughfare Map was a Countywide map that required uniform ROW profiles though the road was in different cities; this MPO Map had been reviewed and approved by all municipalities to require the ROWs
- ❖ Existing land uses – if adjoining next to SF Residences, the undeveloped acreage may have a higher tendency to be SF Res – the same for commercial used properties
- ❖ Existing zonings – if undeveloped acreage was in the midst of a certain zoning district (middle of R-1), the likelihood was that it would be SF used & zoned & should thus be designated for SF Res purposes
- ❖ Adjoining land uses – if undeveloped acreage was in the middle of a certain land use, then it would likely be used similarly
- ❖ Elevation of tracts – if property was naturally in a very low-lying area and it's flood zone reflected this as a perpetual hazard, then it should likely be designated as 'Public' for area wide detention purposes and not be designated for SF Res purposes
- ❖ Highest & Best use analysis – this was a common sense approach after factoring all the above items, i.e., Staff could determine what the highest & best use should be for a certain acreage. For example, though there may be estate residential settings along FM 495, the long term effect should likely be for non-residential purposes such as offices, etc.

In order to fully understand the FLUM acronyms, staff provided the following:

- LD – Low Density Residential; typical Single Family Residential setting; zoning would include R-1.
- LDA – Lower Density Residential; typical SF Residential setting; zoning would include R-1A.
- MD – Moderate Density Residential; typical uses would reflect townhomes, mobile homes, duplexes; zonings would include R-1T, R-2, R-4 (mobile homes).
- HD – High Density Residential; typical uses would reflect apartments; possibly clustered townhouses; RV parks; zonings would usually include R-3 and R-4 (RV's).
- • - Neighborhood Commercial; typical uses would include convenience stores, barber shops, day cares, etc.; usually found at major intersections or in midst of older residential communities to serve the immediate neighborhood; Zoning is C-2
- GC – General Business; typical uses would include retail sales, restaurants, shops, offices, etc.; zonings include C-1, C-2, C-3.
- HC – Heavy Commercial; typical uses would include heavy equipment sales or uses that require a large outdoor sales area; zoning would be C-4

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- P – Public – typically includes schools, parks, city or county property.

ANALYSIS: In this component of the FLUM, there were several reconciliations of land uses/zonings and proposals to the FLUM that were the following:

SITE LOCATION	FROM/TO	JUSTIFICATION
Acreage out of Lot 241, John H. Shary Subdivision	LD to P	This change would correct the FLUM due to the property being used/owned by the First Assembly of God Church.
Star Quick Car Spa	LD to GC	This change would reconcile the FLUM with the current car wash use C-3 Zone currently on this property.
SW Corner of Shary Road and School Lane	LDA to GC	With a widened Shary Road, and the existing C-3 zone for this property, this GC change would correct the FLUM.
West half of Lot 1, Falcon Bank @ Sharyland Subdivision	GC to HD	With existing R-3 zone the HD change was simply an amendment to the FLUM to match the current zone.
SW corner of 2 ½ Street and Glasscock Road	LD to GC	With existing C-2 zone the GC change was simply an amendment to the FLUM to match the current zone.
Keystone Subdivision (U/R)	GC to LD	This property was recently changed to R-1 for a new residential subdivision. This FLUM amendment would reconcile the FLUM with the current zone.

There was no public opposition during the 11/19/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff and City Manager recommended approval.

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

There were no comments.

Councilwoman Ramirez moved to approve to amend the FLUM and to adopt Ordinance No. 3868 to Amend Future Land Use Map within the boundaries of Taylor Rd. to the East, Stewart Rd. to the West, Griffin Pkway to the North, and Expway 83 to the South. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3868

AN ORDINANCE UPDATING THE FUTURE LAND USE MAP
OF THE CITY OF MISSION, TEXAS WITHIN THE BOUNDARIES OF
TAYLOR ROAD TO THE EAST, STEWART ROAD TO THE WEST, GRIFFIN PARKWAY TO
THE NORTH, AND EXPRESSWAY 83 TO THE SOUTH

**B. Rezoning: A1.86 acre tract out of Lot 124, John H. Shary Subd., PUD to C-3, Carlos Andrade
Adoption of Ordinance # 3869 approving 1.1B**

The subject site was located 331.33' south of Mile 2 South Road (aka Hunt Valley Road) along the west side of Shary Road.

Surrounding Zones: The surrounding uses included Planned Unit Development (PUD) to the north, south, east, and west.

Land Uses: The surrounding land uses consisted of a portable restroom business to the north, open acreage to the west and east, and a Hidalgo County Drainage ditch to the south. The subject site was currently open acreage.

FLUM: The Future Land Use Map reflects a General Commercial (GC) designation along the Shary Road frontage.

This tract was originally owned and part of the Sharyland Plantation Development, however was sold to Mr. Andrade, thus the proposal to change from PUD. The C-3 proposal was directly consistent to the GC designation. The lot fronted Shary Road, a widened major commercial corridor; C-3 was consistent to numerous commercial zonings along this corridor. C-3 was consistent to the commercial land uses along Shary Road as well. There was no public opposition during the 11/19/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff and City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the rezoning and to adopt Ordinance No. 3869 rezoning: A1.86 acre tract out of Lot 124, John H. Shary Subd., PUD to C-3. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3869

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS GRANTING A REZONING A 1.86 ACRE TRACT OUT OF LOT 124,
JOHN H. SHARY SUBDIVISION, PUD TO C-3

**C. Rezoning: (Tract 1) An 8.63 acre tract of land and (Tract 2) A 5.85 acre tract of land out of Lot 166, John H. Shary Subd., (Tract 1) AO-I to R-3 and (Tract 2) AO-I to C-3, Rio Delta Engineering
Adoption of Ordinance # 3870 approving 1.1C**

The subject site was located on the NW corner of Taylor Road and Colorado Street. The site measured 877.23' x 744.95'. The site had frontage to both Colorado and Taylor Road.

Surrounding Zones: N: C-3 - General Business
E: City of McAllen
W: C-3 & R-3 – General Business & Multi-Family
S: AO-I - Agricultural Open Interim

Existing Land Uses: The existing land uses included Tinseltown (Movies 17) to the north, Apartments and a commercial strip to the west, and open acreage to the south and east. The site was currently open acreage.

FLUM: The Future Land Use Map currently showed an HD designation for the proposed site.

The proposed zoning for the two tracts would be a good fit to what was currently out there, i.e., commercial and apartments. The R-3 proposal was in direct compliance with the FLUM and the proposed C-3 along the corner of the tract would work well in this area. Staff anticipated the property located south of Colorado to follow in a similar fashion. There was no public opposition during the 11/19/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff and City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Garza moved to approve rezoning and to adopt Ordinance No. 3870 rezoning: (Tract 1) An 8.63 acre tract of land and (Tract 2) A 5.85 acre tract of land out of Lot 166, John H. Shary Subd., (Tract 1) AO-I to R-3 and (Tract 2) AO-I to C-3. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3870

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING (TRACT 1) AN 8.63 ACRE TRACT OF LAND AND (TRACT 2) A 5.85 ACRE TRACT OF LAND OUT OF LOT 166, JOHN H. SHARY SUBDIVISION, (TRACT 1) AO-I TO R-3, AND (TRACT 2) AO-I TO C-3

**D. Rezoning: Lot 1, Mission Secondary School Subd., R-1 to P, Mission C.I.S.D.
Adoption of Ordinance # 3871 approving 1.1D**

The subject site was located on the SW corner of Mile 2 Road and Mayberry Road (Veterans Memorial High School). The site measured 1,320' x 1,880'.

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Surrounding Zones: N: R-1 - Single Family Residential
E: R-1 - Single Family Residential
W: R-1 - Single Family Residential
S: AO-I - Agricultural Open Interim

Land Uses: The surrounding land uses consisted of single family homes and Mims Elementary to the west, the Mission Lateral to the south, and single family homes to the north and east. The subject site was Veterans Memorial H.S.

FLUM: The Future Land Use Map reflects a Public (P) designation.

On August 13, 2012 City Council created a new Zone which required all public facilities such as City, County, Federal buildings; Churches; and Schools to fall within this zone. MCISD was proposing to build a new field house for the Veterans High School, thus the change of zone from R-1 to P was required. The P zone proposal and the existing site use was directly consistent to the City's Future Land Use Map Public (P) designation. The existing school use and any new construction was exactly what the P zone was intended to regulate. There was no public opposition during the 11/19/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff and City Manager recommended approval.

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

There were no comments.

Councilwoman Ramirez moved to approve rezoning and to adopt Ordinance No. 3871 rezoning: Lot 1, Mission Secondary School Subd., R-1 to P. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3871

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS GRANTING A REZONING LOT 1, MISSION SECONDARY SCHOOL SUBDIVISION,
R-1 TO P

**E. Rezoning: W. ½ of Lot 55, Sharyland Orchards Subd., R-3 to C-3, David Bonilla
Adoption of Ordinance # 3872 approving 1.1E**

The subject site was located 430' south of Business 83 along the east side of Ragland Road. The site's dimensions were 204.19' x 213' (43,492.47 sq. ft.) The lot had its frontage to Ragland Road.

Surrounding Zones: R-4 to the south and C-4 in all other directions.

Land Uses: The surrounding land uses consisted of a daycare on the west, Valley Bowl to the east, mobile homes to the south (Valley View Estates), and an unused portion of land owned by La Playita to the north. The subject site was currently open acreage.

FLUM: The Future Land Use Map reflected a General Commercial (GC) designation.

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C-3 was directly consistent with the FLUM designation of GC, the highest and best use for this site was of a commercial nature. The subject site adjoined other, heavier commercial zones where a C-3 would act as a buffer from the R-4 zone to the south. There was no public opposition during the 11/19/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff and City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve rezoning and to adopt Ordinance No. 3872 rezoning: W. ½ of Lot 55, Sharyland Orchards Subd., R-3 to C-3. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3872

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS GRANTING A REZONING THE W. ½ OF LOT 55, SHARYLAND
ORCHARDS SUBDIVISION, R-3 TO C-3

**F. Rezoning: Lots 11 & 12, Block A, Wright Addition Subd., R-2 to R-3, Arturo Gonzalez
Adoption of Ordinance # 3873 approving 1.1F**

The subject site was located at the SW corner of Kika De La Garza Loop and E. 11th Street. The two lots measured 100' x 140' (50' x 140 per lot) which equated to 14,000 sq. ft. with both lots combined.

Surrounding Zones: N: C-1 - Office Building
E: R-2 - Duplex-Fourplex Residential
W: C-1 - Office Building
S: R-2 - Duplex-Fourplex Residential

Land Uses: The surrounding land uses consisted of single family homes to the north, east and south, and Inter National Bank to the west.

FLUM: The Future Land Use Map reflected a General Commercial (GC) designation along the Kika De La Garza frontage.

The lot's current R-2 zone could allow up to 4 apartments per lot for a total of 8, however since the applicant wished to face Kika De La Garza Loop, he wished to build 1 complex with no more than 6 apartments within the two lots. Though the FLUM showed the area along Kika De La Garza Loop going commercial, the proposed R-3 zone was consistent to the area zoning of R-2s and R-3s; also apartments were not un-common when fronting a collector street such as Kika Loop. There was no public opposition during the 11/19/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff and City Manager recommended approval.

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

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There were no comments.

Councilwoman Ramirez moved to approve rezoning and to adopt Ordinance No. 3873 rezoning Lots 11 & 12, Block A, Wright Addition Subd., R-2 to R-3. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3873

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS GRANTING A REZONING LOTS 11 & 12, BLOCK A, WRIGHT
ADDITION SUBDIVISION, R-2 TO R-3

**G. Conditional Use Permit: For Texas Citrus Fiesta Carnival from January 14, 2013 to January 28, 2013, Approx. 7.4 acres out of Lot 25-6, West Addition to Sharyland Subd., and Lot 1, North Star Plaza Subd., Texas Citrus Fiesta, Inc.
Adoption of Ordinance # 3874 approving 1.1G**

Location: NW Corner of Griffin Parkway and Conway Ave.

Existing Land Use/Adjacent Zoning: North – Open Acreage & Commercial; AO-I & C-3, (Agricultural Open Interim & General Business District); South, East, and West – Commercial; C-3, (General Business District).

Access & Circulation: This site’s primary accesses were from Griffin Parkway and Conway Blvd.

Public Services: Water and Sewer was provided by the City of Mission.

The subject site was located near the NW corner of Griffin Parkway and Griffin Parkway (F.M. 495). Texas Citrus Fiesta organizers had been given permission to have their annual carnival on the vacant lots to the north and west of the old Carl’s Supermarket on the aforementioned dates. The hours of operation were as follows: Weekdays 5:30 p.m. to 10:30 p.m. and Weekends 1:00 p.m. to 11:30 p.m. Parking for both events would be provided by utilizing the old Carl’s parking lot located to the south. We encouraged that “No Parking” signs be placed along Conway and F.M. 495 and that there be early morning trash pick-up throughout the entire site during the “Heart of America Shows” Carnival’s tenure. The Zoning code states that a carnival site should be a minimum of 300’ away from any residentially used property from lot line to lot line. This CUP was compliant to this Code, i.e., there were no homes within 300’. Security would be evident as in past events via Mission PD officers (as hired by TCF) and sufficient restrooms would be available. All provisions of Chapter 10 of the Mission Code of Ordinances – Amusements and Entertainment – would need to be complied with, in particular the insurance coverage requirements for such amusements. There was no public opposition during the 12/12/12 P&Z hearing. P&Z unanimously recommended approval of the new location as shown below.

Staff Recommendation: Approval subject to: 1) installation of a perimeter fence/debris stop; 2) installation of “No Parking” signs along Conway and Griffin Parkway; and 3) Meet noise, insurance, and any other related requirements.

Staff and City Manager recommended approval.

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

There were no comments.

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Councilwoman Ramirez moved to approve CUP and to adopt Ordinance No. 3874 Conditional Use Permit: For Texas Citrus Fiesta Carnival from January 14, 2013 to January 28, 2013, Approx. 7.4 acres out of Lot 25-6, West Addition to Sharyland Subd., and Lot 1, North Star Plaza Subd. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3874

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR "TEXAS CITRUS FIESTA CARNIVAL" FROM JANUARY 14, 2013 TO JANUARY 28, 2013, AT APPROXIMATELY 7.4 ACRES OUT OF LOT 25-6, WEST ADDITION TO SHARYLAND SUBDIVISION & LOT 1, NORTH STAR PLAZA SUBDIVISION

2.0 Disposition of Minutes

2.1 City Council Meeting – November 26, 2012

Mayor Pro Tem Garza 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 Boys & Girls Club – August 9, 2012

Mission Economic Development Authority, Inc. – August 21, 2012

Speer Memorial Library Board – October 16, 2012

Mission Economic Development Corporation – October 16, 2012

Mission Redevelopment Authority – October 23, 2012

Mission Tax Increment Reinvestment Zone – October 23, 2012

Mission Civil Service Commission – October – 24, 2012

Planning & Zoning Commission – November 14, 2012

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

City Attorney David Guerra requested that council go into executive session prior to considering this item 4.1 in open session pursuant to V.T.C.A. Gov. Code Sec. 551.071, Private consultation with the City Attorney.

At 5:05 p.m., Mayor Pro Tem Garza moved to convene into executive session to consider item 4.1 of the agenda. Motion was seconded by Councilman Plata and approved 4-0 with Councilman O'cana abstaining.

At 5:21 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilwoman Ramirez and approved 4-0 with Councilman O'cana abstaining.

4.0 Approvals and Authorizations

4.1 Institution of Annexation Proceedings on the following areas:

Tract 1: Being a 65.28 acre tract of land situated in Lots 1 thru 6 of Block 1, and Lots 1 thru 6 of Block 3 out of Del Monte Orchard Co. Subd. No. 1; Tract 2: being a 95.31 acre tract of land situated in Lots 1, 3, 5, 6, 7, & 8, of Block 7, and Lots 1 thru 4, of Block 9, and the East Half of Block 11, out of Del Monte Orchard Co. Subd. No. 1; Tract 3: Being a 10.00 acre tract of land situated in Lot 18, Block 3, Mission Grove Estates; Tract 4;

Being a 97.16 acre tract of land situated in Lots 26 thru 30, out of Goodwin Tract No. 3 and out of Lots 22 thru 25, out of New Caledonia Unit No. 3 (to include Lots 1 thru 39, M.B. Subd., Lots 1 thru 26, M/S Subd., Lots 1 thru 24, North County Estates No. 2, and Lots 1 thru 5, Padron Subd., Tract 5: Being a 77.98 acre tract of land situated in Lots 15 thru 21, out of New Caledonia Unit No. 3 (to include Lots 1 thru 39, Happy Place Subd. and Lots 1 thru 50, Carlos G. Leal Jr. Subd. No. 2); and Tract 6; Being a 232.92 acre tract of land situated in Lots 22 thru 28 and Lots 64 thru 67, and 72, 73, out of New Caledonia, and the south 330.00 feet of Lots 40 and 41 and all of Lots 42 thru 51, out of New Caledonia Unit No. 3 (to include Lots 1 thru 6, Golden Estates, Lots 1 thru 21, Villa Capri Subd., Lots 1 thru 12, Margot Estates, Lots 2 thru 5, G & R Subd., Lots 1 and 2, Mando Ocaña Subd. Phase I, Lots 1 and 2, Mando Ocaña Subd. Phase II, Lot 1, Tex-Mart No. 43, and Lots 1 and 2, Dollar General Mile 3 Subd.)

The adoption of the annexation ordinance will be considered on January 14, 2013.

Staff and City Manager recommended approval.

Mayor Salinas instructed Planning personnel to proceed with the annexation process. He informed that the final decision will be made on January 14, 2013.

Councilman Plata moved to institute annexation proceedings. Motion was seconded by Councilwoman Ramirez and approved 4-0 with Councilman O'cana abstaining and not participating in discussing or deliberation.

**4.2 Final Plat Approval: LDS Subd., A 4.87 ac. Tract of land out of Lot 28-10, W.A.S., Subd., AO-I, Developer: The Church of Jesus Christ of Latter-Day Saints
Engineer: Spoor Engineering Consultants, Inc.**

The Church of Jesus Christ of Latter-Day Saints had asked for Final Plat Approval for LDS Subdivision. The City Council approved the Preliminary Plat on March 12, 2012 for the overall 1 lot development. The Church of Jesus Christ of Latter-Day Saints desired to record the plat during the ongoing construction of the infrastructure by providing a bond to financially secure the improvements of the Subdivision Code for this ordained option of security. The proposed subdivision was located on the SW corner of Bryan Road and Mile 2.

Water: A new 8" water line along Bryan would be looped between the existing 12" line (2 Mile Road) and the existing 8" line 360' to the south. Three fire hydrants were required along perimeter streets pursuant to the direction of the Fire Marshal; however additional hydrants would be required during the construction of the church facility.

Sewer: Sewer service would be provided by extending a 6" service line from an existing 15" sewer line located along the east side of Bryan Road. The Sewer Capital Recovery Fee (SCRF), \$750/acre would be imposed as required by Ordinance #3022.

Streets & Storm Drainage: This subdivision abuts both Mile 2 and Bryan Road, both future 100' ROW, 65' B/B streets. Mile 2 was recently widened to 48' B/B, leaving a balance of 8 1/2' along the north and south sides. The additional 8 1/2' pavement section along Mile 2 was to be placed in escrow at \$38.44/l.f. The developer was proposing to widen Bryan Road to the minimum 32.5' from the centerline of Bryan and would provide a new storm system, thus complying with code. The developer was also installing a 24" R.C.P. drain line to be located along the southern perimeter

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of the subdivision for any possible redevelopment by adjoining others to the west. The new 24" line would connect into a new 36" line, as directed by Council, that would run along Bryan Rd. and would connect into the Mission Lateral. The difference of the cost of the upgraded line would be reimbursed by the City of Mission in the amount of \$56,980.00 as per the cost estimate provided by Spoor Engineering. The costs had been reviewed and approved by the City Engineer.

Other Comments:

- Water District Exclusion required
- 5' sidewalk must be installed along Bryan Road
- Must pay sewer lift station reimbursement to the City of Mission in the amount of \$1,088.83 (Mayberry Manor Subdivision Reimbursement Contract)
- Provide a street light plan

There was no opposition during the 2/22/12 P&Z's hearing. P&Z unanimously recommended approval as per staff's recommendation.

Staff Recommendation: Approval subject to: 1) payment of the sewer capital recovery fee & sewer lift station reimbursement, 2) escrow the widening along Mile 2 Road, 3) provide exclusion from the water district, and 4) provide street lighting along Bryan Road.

City Manager recommended approval.

Councilman O'cana moved to approve Final Plat Approval: LDS Subd., A 4.87 ac. Tract of land out of Lot 28-10, W.A.S., Subd., AO-I, Developer: The Church of Jesus Christ of Latter-Day Saints, Engineer: Spoor Engineering Consultants, Inc. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.3 Renewal of Approval of contract with PG Professional Golf and Shary Municipal Golf Course for Retrieval of golf balls in the Course Lakes

Currently PG Professional Golf (PGSI) retrieves golf balls in the Shary Municipal Golf Course lakes. Contract with PGSI was for retrieval of golf balls and in turn Shary Golf Course would receive 250 dozen new range balls. This was a savings of \$1250.00 a year that the course would not have to pay for range balls. Period of contract would be from January 1, 2013 to December 31, 2013.

City Attorney had reviewed contract and liability insurance from PSGI.

Staff Recommendation: Approval of Ball Retrieval Contract with PG Professional Golf.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve renewal of contract with PG Professional Golf and Shary Municipal Golf Course for retrieval of golf balls in the Course Lakes. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.4 Approval of Memorandum of Agreement between Lower Rio Grande Valley Workforce Development Board dba Workforce Solutions and Speer Memorial Library

This agreement would allow Speer Memorial Library to receive 3 donated computers giving job seeking patrons access to Workforce Solutions services. The purpose of this Agreement was to

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improve and sustain a collaborative relationship that would lead to growth in the community by providing its citizens’ access to Workforce Solution Services (WFS) from the public library.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Memorandum of Agreement between Lower Rio Grande Valley Workforce Development Board dba Workforce Solutions and Speer Memorial Library. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.5 Authorization for Mayor to submit Rio Grande Valley Walk of Fame Nominee

The City of Hidalgo was requesting for the City of Mission to submit a name from our community leaders to be inducted to the Rio Grande Valley Walk of Fame.

The induction ceremony was to take place during the BorderFest Festivities.

Staff Recommendation: Authorization for Mayor to submit nomination.

City Manager recommended approval.

Councilwoman Ramirez moved to authorize Mayor to submit Rio Grande Valley Walk of Fame Nominee. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.6 Board Appointments – Building Board of Adjustments, Citizen Advisory Committee, Civil Service Commission, Mission Economic Development Corporation, Parks & Recreation Board, Planning & Zoning Commission, Shary Golf Course Advisory Board, Speer Memorial Library Board, Tax Increment Reinvestment Board (TIRZ), Traffic Safety Committee, Youth Advocacy Advisory Board, Zoning Board of Adjustments, Juvenile Justice and Delinquency Prevention Advisory Board

For review was the list of Board and Committee Appointments to expire December 31, 2013, along with the recommendation of Mayor Salinas.

BOARD AND COMMITTEE APPOINTMENTS

Willing to Continue

Expiration Date

BUILDING BOARD OF ADJUSTMENTS

➤ Abel Beltran	YES	December 31, 2012
➤ Victor Meza	YES	December 31, 2012
➤ Ken Jones	YES	December 31, 2012

MAYOR’S RECOMMENDATION: Re-Appoint Abel Beltran, Victor Meza and Ken Jones

CITIZENS ADVISORY COMMITTEE

➤ Carlos Lopez	(NE)	YES	December 31, 2012
➤ Yolanda Martinez	(NW)	YES	December 31, 2012
➤ Pablo Guerra	(SW)	YES	December 31, 2012
➤ Jose Garza	(NW)	YES	December 31, 2012

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➤ Oton Guerrero (NE)	YES	December 31, 2012
➤ Melida Guzman (SE)	YES	December 31, 2012

MAYOR'S RECOMMENDATION: Re-Appoint Carlos Lopez, Yolanda Martinez, Pablo Guerra, Jose Garza, Oton Guerrero and Melida Guzman

CIVIL SERVICE COMMISSION

➤ Rosalinda Gonzalez	YES	December 31, 2012
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MAYOR'S RECOMMENDATION: Re-Appoint Rosalinda Gonzalez

MISSION ECONOMIC DEVELOPMENT CORPORATION

➤ Linda Requenez	YES	December 31, 2012
➤ Cathy Garcia	YES	December 31, 2012
➤ Ricardo Martinez	RESIGNED	December 31, 2012
➤ Jody Tittle	YES	December 31, 2012
➤ S. David Deanda, Jr.	YES	December 31, 2012
➤ Polo de Leon	YES	December 31, 2012
➤ Norberto Salinas	YES	December 31, 2012
➤ Councilman Ruben Plata	YES	December 31, 2012
Alternate Member for Mayor Position		

MAYOR'S RECOMMENDATION: Reappoint Linda Requenez, Cathy Garcia, Jody Tittle, S. David Deanda, Jr., Polo de Leon, Mayor Norberto Salinas and Ruben Plata as alternate for Mayor's Position and appoint Richard Hernandez to replace Ricardo Martinez who has resigned from the board.

PARKS AND RECREATION BOARD

➤ Oton "Tony" Guerrero	YES	December 31, 2012
➤ Pat Townsend, Sr.	YES	December 31, 2012

MAYOR'S RECOMMENDATION: Re-Appoint Oton "Tony" Guerrero and Pat Townsend, Sr.

PLANNING & ZONING COMMISSION

➤ Carlos Lopez	YES	December 31, 2012
➤ Diana Yzaguirre	YES	December 31, 2012

MAYOR'S RECOMMENDATION: Re-Appoint Carlos Lopez and Diana Yzaguirre

SHARY GOLF COURSE ADVISORY BOARD

➤ Richard Hernandez	YES	December 31, 2012
➤ Tony O'Cana	YES	December 31, 2012

MAYOR'S RECOMMENDATION: Re-Appoint Richard Hernandez and Tony O'Cana

SPEER MEMORIAL LIBRARY BOARD

➤ Lina Cantu Cruz	YES	December 31, 2012
➤ Anne Whitfield	YES	December 31, 2012
➤ Linda Fraser	YES	December 31, 2012

MAYOR'S RECOMMENDATION: Re-Appoint Lina Cantu Cruz, Anne Whitfield and Linda Fraser

TAX INCREMENT REINVESTMENT BOARD (TIRZ)

➤ Richard Hernandez	YES	December 31, 2012
➤ Keri Aman Sandvig	YES	December 31, 2012

MAYOR'S RECOMMENDATION: Re-Appoint Richard Hernandez and Keri Aman Sandvig

TRAFFIC SAFETY COMMITTEE

➤ Rey Garza	NO	December 31, 2012
➤ Robert Garza	DECEASED	December 31, 2012
➤ Jerry Cruz	YES	December 31, 2012

MAYOR'S RECOMMENDATION: Re-appoint Jerry Cruz and appoint Carlo Garza and Eduardo Arrambide to replace Robert Garza and Rey Garza

YOUTH ADVOCACY ADVISORY BOARD

➤ Raul Pena	YES	December 31, 2012
➤ Sonia Trevino	YES	December 31, 2012

MAYOR'S RECOMMENDATION: Re-Appoint Raul Pena and Sonia Trevino

ZONING BOARD OF ADJUSTMENTS

➤ Kathy Olivarez	YES	December 31, 2012
➤ Raul Sesein	YES	December 31, 2012
➤ Ned Sheats	YES	December 31, 2012
➤ Daniel Tijerina-CITY EMPLOYEE	REPLACE	December 31, 2013

Alternate

➤ Mike Friedrichs	YES	December 31, 2012
➤ Jon D. Lown	RESIGNED	December 31, 2013

MAYOR'S RECOMMENDATION: Re-appoint Kathy Olivarez, Raul Sesein, Ned Sheats and appoint Jaime Acevedo to replace Daniel Tijerina term to expire December 31, 2013. Alternate Positions: Re-appoint Mike Friedrichs and appoint Sam Rodio to replace Jon D. Lown who resigned term to expire December 31, 2013.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ADVISORY BOARD
13 MEMBERS; 3 EX-OFFICIO

MUNICIPAL COURT JUDGES

Jonathan Whermeister, term to expire December 31, 2013; Ramon Rosales term to expire December 31, 2015 and Horacio Pena, term to expire December 31, 2015

LAW ENFORCEMENT

Chief Martin Garza, term to expire December 31, 2013

FIRE DEPARTMENT

Chief Ricardo Saldana, term to expire December 31, 2013

PARKS AND RECREATION DEPARTMENT

Julian Gonzalez, term to expire December 31, 2013

RECOMMENDATIONS BY MAYOR WITH COUNCIL CONSENT:

Charlie Leal term to expire December 31, 2014; Janie Connelly term to expire December 31, 2015; and Eddie Olivarez term to expire December 31, 2015

Mission School District Ana Lisa Flores term to expire December 31, 2014

Sharyland School District Cynthia Wilson term to expire December 31, 2014

La Joya School District – Superintendent Alda T. Benavidez term to expire December 31, 2014

EX-OFFICIO MEMBERS

Gilbert Sanchez, Fire Department; Victor Solis, Police Department; Mike Canales, Parks Dept.

COUNCILMEMBER

Dr. Armando O’Cana term to expire December 31, 2015

Staff and City Manager recommended approval.

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

4.7 Authorization of extension request by Congressman Henry Cuellar for Lease Agreement at 117 E. Tom Landry

U.S. House of Representatives district office had provided the City of Mission with a District Office Lease Agreement as approved by the Regulations of the Committee on House Administration.

Congressman Henry Cuellar was leasing the office located at 117 East Tom Landry. The lease agreement extension ends on January 2, 2015 at a cost of \$250.00 per month plus utility expenses.

Staff and City Manager recommended approval of lease agreement extension.

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Councilman Plata moved to authorize the extension request by Congressman Henry Cuellar for Lease Agreement at 117 E. Tom Landry finding that such a lease is in the public interest of the City of Mission. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.8 Authorization request by State Representative Sergio Munoz for Lease Agreement at 121 E. Tom Landry

House of Representatives' district office had provided the City of Mission with the contract that the Committee on House Administration approved for office leases.

State Representative Sergio Munoz was requesting to lease the office located at 121 East Tom Landry. The lease agreement was for two years expiring on January 1, 2015 at a cost of \$250.00 per month.

Staff and City Manager recommended approval of lease agreement.

Mayor Pro Tem Garza moved to authorize request by State Representative Sergio Munoz for Lease Agreement at 121 E. Tom Landry finding that such a lease is in the public interest of the City of Mission. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

4.9 Tax Collections Report – October, 2012

Accountant Randy Perez presented the Tax Collections Report for October, 2012 for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the Tax Collections Report for October, 2012. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.10 October 2012 Financial Statements

Mr. Perez presented the October 2012 Financial Statements for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the October 2012 Financial Statements as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.11 Authorization to purchase police portable radios and Spacesaver Storage Systems via a state approved contract

The City of Mission Police Department was requesting authorization to purchase seven (7) portable radios through an HGAC contract, contract # Ra103. The Mission Police Department was awarded a grant to purchase the portable radios through State Homeland Security Program (SHSP). The total amount of the grant award was \$26,455.00.

The City of Mission Police Department was requesting authorization to purchase two (2) Spacesaver Storage systems for Personnel Records and Juvenile Records via Texas State Contract # TXMAS-2-711030. The Mission Police Department in their efforts to obtain recognition through the Texas Police Chief's Association Best Practices Program was requesting the purchase of the aforementioned Spacesaver Storage Systems to secure and organize all these sensitive files. A total of three (3) different storage systems were proposed by the state vendor and we selected the most

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cost effective for the organization. The total expenditure for this project would be \$7,114.00, which included the delivery and installation of the system. It was staffs intent to utilize thier Federal Forfeiture Account to purchase the Spacesaver Storage System.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to purchase police portable radios and Spacesaver Storage Systems via a state approved contract. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.12 Authorization to purchase Video Conferencing System from sole source vendor

The City of Mission Police Department was requesting authorization to purchase a Video Conferencing System from ICS – Innovative Communication Systems who represented itself to the City as being a sole source vendor. ICS had been the Mission Police Department Toshiba telephone system vendor/warranty provider since June of 2000 when staff moved into their new police station. In an effort to link their Central Police Station with their South side Police Station located on Military Road and Glasscock Rd., staff was requesting to purchase a Video Conferencing System. This would allow the Patrol Shift supervisors to link both stations together when conducting police briefings where important police information was provide to oncoming shift police officers. The Video Conferencing System worked directly with the established ICS communication lines that were currently installed at both their Central Station and their South side Police Station. The total expenditure for this project would be \$43,819.65, which included the delivery and installation of the system. It was staffs intent to utilize our Federal Forfeiture Account to purchase the Video Conferencing System.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to purchase Video Conferencing System from sole source vendor. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.13 Authorization to grant Right-of-Entry Permit to the Federal Government to place radio equipment on water towers belonging to the City of Mission

The City of Mission Police Department was requesting authorization to grant a Right-Of-Entry Permit to the Federal Government to place radio equipment on water towers belonging to the City of Mission. The equipment would be placed on two water towers owned by the City of Mission from December 03, 2012 through September 30, 2014.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to grant Right-of-Entry Permit to the Federal Government to place radio equipment on water towers belonging to the City of Mission, subject to Chief Martin Garza's satisfaction that the changes made to the contract expressed by the City Attorney were done. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.14 Award bid for traffic signal improvements at Mayberry and 1st St.

City Council authorized staff to solicit bids for the reconstruction of traffic signal at Mayberry and 1st Street. The City of Mission had accepted and opened two (2) bid responses. Austin Traffic Signal failed to acknowledge addendum #1 which had a significant change to the specifications and

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plans, therefore had been found non-responsible. Staff recommended awarding bid in the amount of \$78,650 to D&G Energy Corporation who was the lowest responsible bidder meeting all the Terms & Conditions and Specifications.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve to award bid for traffic signal improvements at Mayberry and 1st St. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.15 Award bid for the purchase of Waterline Maintenance Supplies and Meter Connect Supplies for Water Distribution Division

On October 8, 2012, City Council authorized staff to solicit bids for the purchase of Waterline Maintenance Supplies and Meter Connect Supplies. The City of Mission had accepted and opened five (5) bid responses for Waterline Maintenance Supplies. Staff recommended awarding to ACT Pipe & Supply who was the lowest responsible bidder meeting specifications.

The City of Mission had accepted and opened five (5) bid responses for Meter Connect Supplies. Staff recommended awarding to ACT Pipe & Supply who was the lowest responsible bidder meeting specifications.

Staff and City Manager recommended approval.

Councilman Plata moved to approve to award bid for the purchase of Waterline Maintenance Supplies and Meter Connect Supplies for Water Distribution Division. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.16 Authorization to solicit bids for the purchase of Ready Mix Concrete (3000-PSI) for Streets and Parks & Recreation Departments

Staff was seeking authorization to solicit bids for the purchase of Ready Mix Concrete for Streets, and Parks & Recreations Departments. Ready Mix Concrete would be used for daily operations to include the placement of sidewalks, curb, gutters, inlets, and manholes located throughout various locations within the City. Spence Concrete their current supplier increased their prices on the current contract by 4%.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for the purchase of Ready Mix Concrete (3000-PSI) for Streets and Parks & Recreation Departments. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.17 Request for funding by Greater Mission Chamber of Commerce from the City of Mission's General Fund for FY 2012-13

The Greater Mission Chamber of Commerce was requesting \$135,000 of General Fund monetary support for Fiscal Year 2012-13. The requested funds would be utilized to fund activities in Business Development for the City of Mission such as the GoMission Campaign, Small Business Educational Seminars and other activities aimed at promoting business in the City of Mission.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve request for funding by Greater Mission Chamber of Commerce from the City of Mission's General Fund for FY 2012-13. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.18 Approval of Consent to Assignment of Agreement regarding collection of delinquent fines, fees, and court costs from the South Texas Collections Joint Venture (Ray, Wood & Bonilla) to Linebarger Goggan Blair & Sampson, LLP

The South Texas Collections Joint Venture (Ray, Wood & Bonilla) was presently considering a transaction by which they would assign to Linebarger Goggan Blair & Sampson, LLP in exchange for a flat fee, certain of Assignor's public-sector fees and fines collections contracts. As a part of the proposed transaction, the agreement between the City of Mission and South Texas Collections Joint Venture would potentially be assigned to, and assumed by Linebarger Goggan Blair & Sampson as of the date of the closing of the transaction.

Staff and City Manager recommended approval of consent to assignment of agreement

Councilman O'cana moved to approve Consent to Assignment of Agreement regarding collection of delinquent fines, fees, and court costs from the South Texas Collections Joint Venture (Ray, Wood & Bonilla) to Linebarger Goggan Blair & Sampson, LLP, subject to the assignment being in the form that was provided to the City by Linebarger and that the assignment be consummated by March 1, 2013. Motion was seconded by Councilman Plata and approved unanimously 5-0.

At 5:51 p.m., Councilman Plata stepped out of the meeting.

4.19 Authorization to solicit bids or purchase via State approved contract for equipment for Public Works Dept.

Staff was seeking authorization to solicit bids or purchase via State approved contract for Capital Outlay Equipment for Water/Wastewater Distribution and Streets/Drainage Departments. Itemized equipment and estimated cost was as follows:

1. Camera Van for Water/Wastewater Distribution Department \$233,000.00
2. F150 Truck for Streets/Drainage Department \$24,000.00

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to solicit bids or purchase via State approved contract for equipment for Public Works Dept. Motion was seconded by Councilman O'cana and approved unanimously 4-0.

4.20 Approval to purchase SCADA System Program from sole source vendor

Staff was recommending the purchase of SCADA (supervisory control and data acquisition system) program from Wonderware West. Pursuant to Texas Local Government Code Section 252.022 General Exemptions (7) a procurement of items that were available from only one source, including: (A) items that were available from only one source because of patents, copyrights, secret processes, or natural monopolies and (D) captive replacement parts or components for equipment;- Wonderware West represented itself to the City as being a sole source vendor.

This item would be used by the Wastewater Treatment Plant to update existing program.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve to purchase SCADA System Program from sole source vendor. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

4.21 Authorization to construct Speed Humps at the request of Homeowners Association for Orange Estates, Cimarron Country Club and Shary Springs Subdivision

Staff was seeking authorization to construct 2-Speed Humps at Orange Estates Subdivision, 2-Speed Humps at Cimarron Country Club Subdivision and 1-Speed Hump at SharySprings subdivision. HOAs request has been approved by the Traffic Safety Committee in accordance to the process & procedures set by City Ordinance No. 3644.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to construct Speed Humps at the request of Homeowners Association for Cimarron Country Club and Shary Springs Subdivision, subject to exclusion of Orange Estates. Motion was seconded by Councilman O'cana and approved unanimously 4-0.

City Attorney David Guerra requested that council go into executive session prior to considering this item 4.22 in open session pursuant to V.T.C.A. Gov. Code Sec. 551.071, Private consultation with the City Attorney.

At 5:54 p.m., Councilwoman Ramirez moved to convene into executive session to consider items 4.22, 7.1-A, 7.1-B, 7.1-C, 7.1-D, 7.1-E, 7.1-F, 7.1-G and 7.1-H of the agenda. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

4.22 Seeking direction from City Council to consider closing public access to streets within Shary Springs Subdivision, as requested by Shary Springs LP (Developer) and his/her designee, and the Home Owner's Association of said subdivision (City Attorney may ask City Council to go into executive session on this item under the "Consultation With Attorney" exception before considering this matter in open session)

Staff received a request from a representative of Shary Springs Subdivision on December 3, 2012 regarding his desire to convert the 23 lot subdivision into a private subdivision. Shary Springs was located at the SE corner area of 2 Mile and Shary Road. It had three internal streets with primary access off of 2 Mile. Hackberry Avenue ran north and south and interfaces with Shary Forest, Phase I, II and III, to the south. Sandstone Dr. ran east and west through the center of the subdivision. Woodfair Ave. was the entrance street onto the subdivision from Mile 2 Road. Privatizing Shary Springs Subdivision would close public access to all of these streets within the subdivision and thus halt existing access from Hackberry Street south of Shary Springs Subdivision to Mile 2 Road.

Staff was seeking direction from City Council to consider closing public access on Hackberry Avenue between these two subdivisions. Should Council's direction be favorable, Staff will initiate the process.

City Manager recommended approval.

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Mayor Salinas recommended staff to get together with each subdivision and work it out with all three subdivisions.

Councilman Plata moved to authorize staff to proceed with the process to privatizing the streets. Motion was seconded by Councilwoman Ramirez 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

None

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

7.1 Consultation with Attorney Sec. 551.071

- A. Concerns and Complaints regarding Valley Bowl (Grapefruit Bowl) and Fanatics and any warranted action incident thereto**
- B. City of Mission v Alejandro Gonzalez**
- C. Adolfo Ruben Sanchez v City of Mission**
- D. Diana Elsinger v City of Mission**
- E. Claim of Robert Barajas**
- F. Bannworth Pool Agreement with Sharyland ISD**
- G. Extraterritorial Jurisdiction issues regarding the City of McAllen**
- H. Extraterritorial Jurisdiction issues regarding the City of Penitas**

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

At 7:16 p.m., Councilman Plata moved to convene into executive session. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

On item 7.1-A, Mayor Salinas explained that the conditional use process had not been followed and that it was his understanding from TABC was that two businesses can't be operating with only one TABC license. His recommendation was to close Fanatics if they don't comply with TABC license requirements and the City's CUP process. He instructed Chief Garza to follow up with the businesses and inform them of his recommendation.

Councilman O'cana moved to approve Mayor Salinas' recommendation. Motion was seconded by Councilwoman Ramirez and approved 3-2 with Mayor Pro Tem Garza and Councilman Plata against.

On item 7.1-B, no action was taken.

On item 7.1-C, no action was taken.

On item 7.1-D, no action was taken.

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On item 7.1-E, Councilman Plata moved to deny claim of Robert Barajas. Motion was seconded by Councilwoman Ramirez and denied unanimously 5-0.

On item 7.1-F, no action was taken.

On item 7.1-G, no action was taken.

On item 7.1-H, no action was taken.

Mayor Salinas instructed City Attorney to follow up on the pending case of Adolfo Ruben Sanchez.

Mayor Pro Tem Garza asked Mayor Salinas for clarification on the action taken for item 7.1-A and explained that she was in favor of everyone in the United States having the right to due process.

City Attorney David Guerra also asked Mayor Salinas for a clarification of the action taken.

Mayor Salinas repeated his previously mentioned recommendation for item 7.1-A and mentioned that Chief Garza would give these businesses a process to follow.

8.0 Adjournment

At 7:23 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary