

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
April 13, 2015 4:30 P.M.
MISSION CITY HALL**

PRESENT:

Norberto Salinas, Mayor
Jessica Ortega-Ochoa, Councilwoman
Ruben D. Plata, Councilman
Norie Gonzalez Garza, Mayor Pro Tem
Dr. Armando O'caña, Councilman
Robert Galligan, Interim City Attorney
Anna Carrillo, City Secretary
Martin Garza, Jr., City Manager

ALSO PRESENT:

Kathy Oliverez, Progress Times
Fred Kurth
Jorge Ramirez
Tiffany Soliz
Tiffany Espericueta
Pat Espericueta
Sergio Lujan
Gilberto Espinoza
E. Madrigal
Stephanie Villanueva
Marisol Villanueva
Sheila Valles-Pankratz
Yessenia Gonzalez
Juan Eliseo Gonzalez
Jaime Gutierrez

ABSENT:

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
J.J. Rodriguez, Deputy City Manager
Elizabeth Hernandez, Executive Secretary
Danny Tijerina, Planning Director
Jose Angel Garza, Asst. Planning Director
Rene Lopez, Jr., Fire Chief
Gilbert Sanchez, Fire Marshal
Joel Laralde, Asst. Chief of Police
Randy Perez, Finance Director
Roberto Salinas, Public Works Director
Juan Pablo Terrazas, City Engineer
Mario Flores, Golf Course Director
Joanne Longoria, CDBG Director
Eduardo Belmarez, Purchasing Director
Luduvico Martinez, B & G Club Director
Brad Bentsen, Parks & Recreation Director
Noemi Munguia, HR Director
Robert Hinojosa, Risk Manager
Jesse Lerma, Civil Service Director
Roland Rodriguez, I. T. Director
Luis Contreras, Museum Director
Mayra Rocha, Library Director
Jonathan Wehrmeister, Judge
Humberto Garcia, Media Relations Officer
Marissa Windgate, Media Relations
Charles Longoria, Media Relations
Alex Meade, MEDC Chief Exec. Officer
James Cardoza, Emergency Mngmt. Coord.

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:40 p.m.

2. Pledge Allegiance and Invocation

Mayor Salinas led the meeting with the pledge of allegiance and City Manager Martin Garza, Jr. gave the invocation.

3. Proclamation – Safe Digging Month in Mission

City Secretary Anna Carrillo read the proclamation Safe Digging Month in Mission. Mr. Michael Glass Sharyland Utilities Manager and Ms. Monica Chavez Engineer with Shary Utilities were present to receive the proclamation and thanked Mayor and Council for their support.

Councilman Ruben Plata moved to approve the proclamation as presented. Motion was seconded by Mayor Pro Tem Norie Gonzalez Garza and approved unanimously 5-0.

4. Proclamation – Public Safety Telecommunicators Week

City Secretary Carrillo read the proclamation and recognized Sgt. Gracie Guerrero, Supervisor Sara Salinas and Telecommunicators Pedro Ibarra, Allison Garza, and Sonia Alvarado.

Councilman Dr. Armando O’cana moved to approve the proclamation as presented. Motion was seconded by Councilwoman Jessica Ortega-Ochoa and approved unanimously 5-0.

5. Proclamation – Crime Victims’ Rights Week

City Secretary Carrillo read the proclamation and recognized Crime Victims Liaison Diana Macias, Teresa Plata, Romeo Ortega, Gilbert Izquierdo and Ramiro Ramirez.

Councilwoman Ochoa moved to approve the proclamation as presented. Motion was seconded by Councilman O’cana and approved unanimously 5-0.

6. Proclamation – National Library Week

Library Director Mayra Rocha read the proclamation and recognized Board President Sheila Valles-Pankratz who thanked the Mayor and the Council for all of their support.

Councilman O’cana moved to approve the proclamation as presented. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

7. Report from the Greater Mission Chamber of Commerce

George Myers, CEO of the Greater Mission Chamber of Commerce reported on the chamber events that had recently taken place. He also advised Mayor and Council on upcoming events.

8. Presentation of Hidalgo County Drainage District General Manager

Mr. Raul Sesin, P.E., advised the council of his new position of Hidalgo County Drainage District General Manager and also of their work on the Melba Carter Drainage Ditch and the Mission Inlet Re-certification.

9. Report from Mission Municipal Court

Judge Jonathan Wehrmeister gave the council a presentation on the implementation of weekend court to be held every Saturday from 8 a.m. to 12 noon beginning on May 2, 2015.

10. Departmental Reports

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

11. Citizens Participation

Tiffany Solis from the law firm of Linebarger, Googan and Blair invited the Mayor, Council and citizens of Mission to a special presentation that would be held at the Mission Economic Development Council regarding questions related to property taxes on Thursday, April 23, 2015 from 5:30 p.m. to 6:30 p.m.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Rezoning: Lots 1 & 2, Block 194, Oblate Addition, from R-1 (Single Family Residential) to C-1 (Office Building), The 5125 Company
Adoption of Ordinance # 4204 approving 1.1A**

On March 25, 2015 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The property was located at the SE corner of E. 12 Street and Keralum Avenue. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval of the C-1 zone.

Staff Recommendation: Approval of C-1 zone.

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 and adopt Ordinance No. 4204 Rezoning: Lots 1 & 2, Block 194, Oblate Addition, from R-1 (Single Family Residential) to C-1 (Office Building), as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4204

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING LOTS 1 & 2, BLOCK 194, OBLATE ADDITION, 702 E. 12TH
STREET, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO C-1 (OFFICE BUILDING)

- B. Rezoning: Lot 7, Block 106, Mission Original Townsite Subdivision, 601 N. Doherty Avenue, from R-1 (Single Family Residential) to C-1 (Office Building),
Sergio L. Lujan
Adoption of Ordinance # 4205 approving 1.1B**

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On March 25, 2015 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The property was located at the NW corner of 6th Street and Doherty Avenue. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval of the C-1 zone.

Staff Recommendation: Approval of C-1 zone.

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 and adopt Ordinance No. 4205 Rezoning: Lot 7, Block 106, Mission Original Townsite Subdivision, 601 N. Doherty Avenue, from R-1 (Single Family Residential) to C-1 (Office Building), as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4205

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING LOT 7, BLOCK 106, MISSION ORIGINAL TOWNSITE
SUBDIVISION, 601 N. DOHERTY AVENUE, FROM R-1 (SINGLE FAMILY
RESIDENTIAL) TO C-1 (OFFICE BUILDING)

**C. Rezoning: The North 938.74' of Lot A, B.L. Millers Resubdivision of Lots 16-20, Block 4, Mission Groves Estates Subdivision, from AO-I (Agricultural Open Interim) to C-3 (General Business), Erlin Madrigal
Adoption of Ordinance # 4206 approving 1.1C**

On March 25, 2015 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The property was located at the NE corner area of Moorefield Road and Griffin Parkway. There was no public opposition during the P&Z Mtg. The rezoning request was not approved because there was a lack of a motion to second.

Staff and City Manager recommended denial.

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

Mr. Steve Spoor from Spoor Engineering Consultants of 202 S 4th St. in McAllen asked to remand the request back to Planning and Zoning Commission for further action from a full P&Z Board.

Councilman O'cana asked Mr. Tijerina why the P&Z minutes didn't reflect what Mr. Spoor had mentioned about the P&Z activity.

Mr. Tijerina explained that the minutes were unofficial and would be corrected.

Mayor Salinas recommended staff to prevent this area from having any bars.

Mayor Pro Tem Garza moved to approve and adopt Ordinance No. 4206 Rezoning: The North 938.74' of Lot A, B.L. Millers Resubdivision of Lots 16-20, Block 4, Mission Groves Estates Subdivision, from AO-I (Agricultural Open Interim) to C-3 (General Business), as requested. Motion was seconded by Councilwoman Ochoa and approved 4-1 with Councilman O'cana voting against.

ORDINANCE NO. 4206

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING THE NORTH 938.74' OF LOT A, B.L. MILLERS
RESUBDIVISION OF LOTS 16-20, BLOCK 4, MISSION GROVES ESTATES
SUBDIVISION, FROM AO-I (AGRICULTURAL OPEN INTERIM) TO C-3 (GENERAL
BUSINESS)

D. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Villanueva Event Center, Lots D-H, Mountain View Subdivision Ph. I, C-3, Stephanie Villanueva Benitez

Adoption of Ordinance # _____ approving 1.1D

Adoption of Ordinance # _____ approving Wet Zone

On March 25, 2015 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The subject site was located just off the NE corner of Los Ebanos Road and Mile 2. There was some public opposition voiced during the P&Z Mtg. The concerns voiced were noise, increase traffic, etc. The Board unanimously recommended approval.

Staff Recommendation: Approval for 1 year subject to waiver of the 300' separation requirement.

City Manager recommended approval.

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

Owners Marisol Villanueva and Stephanie Villanueva Benitez where present and spoke in favor of the request and explained to the council that this building would basically be used for wedding, quinceñeras, corporate or any other special events.

Councilman O'cana moved to approve and adopt the Ordinance for the Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Villanueva Event Center, Lots D-H, Mountain View Subdivision Ph. I, C-3, as recommended. Motion was seconded by Councilwoman Ochoa and resulted in a 2-3rd vote with Mayor Salinas, Mayor Pro Tem Garza and Councilman Plata against the request. Motion failed for lack of majority votes.

Councilman O'cana then moved to approve and adopt the Ordinance for the Wet Zone motion died for lack of 2nd.

E. Conditional Use Permit Renewal: Home Occupation Registered Home Daycare, 3304 Santa Inez, Lot 123, Los Nogales Subdivision, Ph. III, PUD, Martina D. Almazan

Almazan

Adoption of Ordinance # 4207 approving 1.1E

On March 25, 2015 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit renewal. The property was located 136' from the SW intersection of San

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Armando and Santa Inez. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for 1 year.

Staff Recommendation: Approval for 1 year.

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 and adopt Ordinance No. 4207 Conditional Use Permit Renewal: Home Occupation Registered Home Daycare, 3304 Santa Inez, Lot 123, Los Nogales Subdivision, Ph. III, PUD, as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 4207

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT RENEWAL FOR A HOME OCCUPATION –
REGISTERED HOME DAYCARE AT 3304 SANTA INEZ, LOT 123, LOS NOGALES
SUBDIVISION, PH. III

- F. Conditional Use Permit Renewal: Portable Building Sale of Water, 213 E. Expressway 83, Lot 3, El Pueblo Subdivision, Ph. I, C-3, Life of Use, Gilberto Espinoza (Watermill Express)
Adoption of Ordinance # 4208 approving 1.1F**

On March 25, 2015 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit renewal. The property was located 500' east of Conway Avenue along the north side of Expressway 83 frontage (Conway Plaza Shopping Center). There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for life of use.

Staff Recommendation: Approval for life of use.

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 and adopt Ordinance No. 4208 Conditional Use Permit Renewal: Portable Building Sale of Water, 213 E. Expressway 83, Lot 3, El Pueblo Subdivision, Ph. I, C-3, Life of Use, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4208

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT RENEWAL FOR A PORTABLE BUILDING –
SALE OF WATER, 213 E. EXPRESSWAY 83, LOT 3, EL PUEBLO SUBIVISION, PH. I

2.0 Disposition of Minutes

2.1 City Council Meeting – March 23, 2015 and Special City Council Meetings – March 27, 2015 and April 6, 2015

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

3.0 Acknowledge Receipt of Minutes

3.1 Mission Redevelopment Authority – February 24, 2015

Mission Tax Increment Reinvestment Zone – February 24, 2015

Building Board of Adjustments & Appeals – July 5, 2012

Zoning Board of Adjustments – February 18, 2015

Planning and Zoning Commission – March 11 & 13, 2015

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

4.0 Approvals and Authorizations

4.1 Preliminary Plat Approval: Retama Village Ph. IV Subd., A resubdivision of 7.128 acre tract out of Lot 31, Bentsen Grove Addition “E”, PUD, Developer: Rhodes Enterprises, Inc., Engineer: Melden & Hunt, Inc.

On March 25, 2015 the Planning and Zoning Commission convened and approved the Preliminary and Final Plat for Retama Village Ph. IV Subdivision. The proposed subdivision was the 4th phase of the Retama Village Subdivision and was located on the SE corner of Military and Bentsen Palm Drive. The P&Z board unanimously recommended approval as per Staff’s recommendation.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Preliminary Plat Approval: Retama Village Ph. IV Subd., A resubdivision of 7.128 acre tract out of Lot 31, Bentsen Grove Addition “E”, PUD, Developer: Rhodes Enterprises, Inc., Engineer: Melden & Hunt, Inc., as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.2 Authorization to enter into an Interlocal Cooperation Agreement between the City of Mission, Texas and the Hidalgo County Sheriff’s Office by and through the County of Hidalgo, Texas

The City of Mission Police Department was requesting authorization to enter into an Inter- local Cooperation Agreement between the City of Mission, Texas and the Hidalgo County Sheriff’s Office. The agreement would allow the Sheriff of Hidalgo County to deputize six (6) Mission Police Officers that were currently assigned to the Sharyland I.S.D. School ERO Program. Currently, the Mission Police Department was responsible for ERO services at Sharyland Pioneer High School located at 6 ½ N. Sharyland Road and Sharyland North Junior High School located at 5100 Dove Ave. which was located outside of the jurisdictional limits of the City’s Police Department. This agreement would enable the Mission Police Officers to address law enforcement objectives, reduce school violence and juvenile delinquency behavior within the County of Hidalgo, Texas not only as Mission Police Officers, but as Hidalgo County Reserve

Deputies. The added jurisdictional authority was needed for the purpose of submitting criminal cases to the local Justice of the Peace Office, the Juvenile Probation Department and the Hidalgo County District Attorney's Office.

Staff Recommendation: Staff was respectfully requesting authorization to enter into an Interlocal Cooperation Agreement between the City of Mission, Texas and the Hidalgo County Sheriff's Office by and through the County of Hidalgo, Texas.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to enter into an Interlocal Cooperation Agreement between the City of Mission, Texas and the Hidalgo County Sheriff's Office by and through the County of Hidalgo, Texas, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.3 Authorization to accept the masonry repairs of the Mission Public Safety Jail Facility by Joe Williamson Construction Company as complete and final

The City of Mission Police Department was requesting authorization to accept the masonry repairs of the Mission Public Safety Jail Facility by Joe Williamson Construction Company as complete and final. The City of Mission entered into an agreement with Joe Williamson Construction Company for the purpose of repairing our jail facility. The Mission Police Department contracted Chanin Engineering LLC to oversee the demolition and construction of the jail facility in order to assure that the construction was completed to specifications. The Mission Police Department was in possession of a 132 page report from Chanin Engineering detailing the construction from start to finish. Chanin Engineering LLC in turn as provided a notice of completion and advised that the Mission Public Safety Jail Facility had been reconstructed in accordance with plan specification. The Mission Police Department therefore, requested that the city council accept the aforementioned construction as complete and final.

Staff Recommendation: Staff was respectfully requesting that authorization be granted to accept the repairs to the Mission Public Safety Jail Facility by Joe Williamson Construction Company as complete and final.

City Manager recommended approval.

After a brief deliberation from the council, Mayor Pro Tem Garza moved to table the item and recommended for the City Engineers to look over the report. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

4.4 Budget Amendment – Federal Sharing Fund

Randy Perez Finance Director presented the budget amendment BA-2015-40 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve budget amendment BA-2015-40, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.5 Authorization to award bid for Steel Fence at South Police Station

On December 15, 2014 City Council gave authorization to solicit bids for steel fence at South Police Station. The City of Mission had accepted and opened four (4) bid responses for this project. Staff was recommending awarding bid to Excellent Fence who was lowest responsible bidder meeting all specifications in the amount \$26,642.30.

Staff Recommendation: Award Bid to Excellent Fence.

City Manager recommended approval.

Councilman Plata moved to authorize to award bid for Steel Fence at South Police Station, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.6 Authorization to award bid for the construction of restroom facilities at Mission Hike & Bike Trail

On October 27, 2014 City Council gave authorization to solicit bids for the construction of restroom facilities at Mission Hike & Bike Trail. The City of Mission had accepted and opened seven (7) bid responses for this project. Staff was recommending awarding bid to G & G Contractors who was the lowest responsible bidder meeting all specifications in the amount \$57,740.

Staff Recommendation: Award Bid to G & G Contractors.

City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to award bid for the construction of restroom facilities at Mission Hike & Bike Trail, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.7 Approval of Resolution # 1398 requesting that the Governor of the State of Texas re-designate the Hidalgo County MPO as the Transportation Policy Committee of the MPO in accordance with 23 USC 134 and in accordance with 23 CFR 450.310

In an attempt to meet Federal requirements the Hidalgo County MPO (HCMPO) was seeking a re-designation from TxDOT to bring the HCMPO compliant with 23 USC 134 which defined the MPO as, "Transportation Policy Committee".

23 CFR 450.310 states that an existing MPO may be re-designated only by agreement between the Governor and units of general purpose local governments that together represent at least 75 percent of the existing metropolitan planning area. The City of Mission was a member of the Transportation Committee (TCP) and was one of the larger local governments. The HCMPO was requesting support of this resolution to comply with new federal regulations.

Staff and City Manager recommended approval of Resolution.

Mr. Andrew Canon Transportation Director of the Hidalgo County MPO was present to answer questions from the Council.

Mayor Pro Tem Garza moved to approve Resolution No. 1398 requesting that the Governor of the State of Texas re-designate the Hidalgo County MPO as the Transportation Policy Committee of the MPO in accordance with 23 USC 134 and in accordance with 23 CFR 450.310, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

RESOLUTION NO. 1398

APPROVAL OF NEW DESIGNATION OF HIDALGO COUNTY MPO

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

City Manager Garza introduced Mr. Brad Bentsen, Parks & Recreation Director to the Mayor and Council.

6.2 Mayor's Comments

None

At 5:40 p.m., Mayor Salinas asked council to go into executive session.

Councilman O'cana moved to convene into executive session pursuant to V.T.C.A. Gov. Code Sec. 551.001. 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 Consultation with Attorney Sec. 551.071

Deliberation regarding real property Sec. 551.072

- A. Status on enforcement of dilapidated structures regarding Lot 1, and the North ½ of Lot 4, Block 91, Mission Original Townsite**
- B. Enforcement of dilapidated structures legal requirements regarding:**
 - 1. The S. 1/2 of Lot 4, Block 91, Mission Original Townsite Subdivision**
 - 2. Lot 3, Block 1, Renteria Subdivision**
 - 3. Lot 20, Block 6, Carlos G. Leal**
 - 4. Lot 19, Block 6, Carlos G. Leal**

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

At 6:09 p.m., Councilman O'cana moved to reconvene in open session. Motion was seconded by Councilman Plata and approved unanimously 5-0.

On item 7.1-A, no action was taken.

On item 7.1-B, Councilman O'cana moved to authorize the City Attorney to take whatever action was necessary for the enforcement of dilapidated structures. Motion was seconded by Councilman Plata and approved unanimously 5-0.

8.0 Adjournment

At 6:10 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary