

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
JULY 14, 2014 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'cana, Councilman  
David Guerra, City Attorney  
Anna Carrillo, City Secretary  
Martin Garza, Jr., City Manager

**ABSENT:**

**ALSO PRESENT:**

Kathy Olivarez, Progress Times  
Mario A. Rodriguez  
Dalia Flores  
Narcedelia Flores  
Bill Ferguson  
Nohemi & Jose Martinez  
Cita Garza Jimenez  
Irene Garza  
Maria Rocha  
Olga Anguiano  
Yolanda Garza  
Gloria Bocanegra  
Josie Chapa  
Arnold Cortez  
Claudia Anguiano  
Ana Laura Martinez  
Jessica Rodriguez  
Henry Boardman  
Opal Billman  
Luis E. Sotomayor  
Dolly Elizondo  
Mario L. Guerra  
Flor Magallan  
Teresa Garcia  
John R. Guerra  
Joe Sanchez

Tito Aruegas  
A. W. Johnson  
Narce G. Flores

**STAFF PRESENT:**

Carmen Morales, Administrative Asst.  
Aida Lerma, Deputy City Manager  
J.J. Rodriguez, Deputy City Manager  
Elizabeth Hernandez, Executive Secretary  
Danny Tijerina, Planning Director  
Bobby Salinas, Asst. Planning Director  
Roberto Salinas, Public Works Director  
Mario Flores, Interim Golf Director  
Joanne Longoria, CDBG Director  
Rick Saldana, Fire Chief  
Gilbert Sanchez, Fire Marshal  
Eduardo Belmarez, Purchasing Director  
Tony Garcia, Asst. Chief of Police  
Janie Flores, Finance Director  
Randy Perez, Asst. Finance Director  
Julian Gonzalez, Parks & Rec. Director  
Luduvico Martinez, B & G Club Director  
Noemi Munguia, HR Director  
Robert Hinojosa, Risk Manager  
Roland Rodriguez, I. T. Director  
Luis Contreras, Museum Director  
Mayra Rocha, Library Director  
Jonathan Wehrmeister, Judge  
Humberto Garcia, Media Relations Officer  
Juan Pablo Terrazas, City Engineer  
James Cardoza, Emergency Mgmt. Cord.

**1. Call to order**

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:33 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. 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 and of the award received for the Best Marketing Campaign with the Go Mission Discount Card.

### 4. Departmental Reports

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

### 5. Citizens Participation

Opal Billman of 301 N. Shary Rd. spoke about the taking of her land.

Maria Luisa Garcia representing Windows to the World asked for the use of a portion of the Kika de la Garza building for the use of nutrition classes.

#### 1.0 Public Hearing

##### 1.1 Planning & Zoning Recommendations

- A. Rezoning: Tract 1: the E. 1 ac. of the W. 9.28 acres out of a survey of 35.71 ac. out of the S. ½ of Lots 15-7 & 15-8, West Addition to Sharyland Subdivision, (aka Tract/Lot 38, Melba Carter Subdivision U/R), and Tract 2: The S. 411.4' of the E. 1 ac. of the W. 10.58 ac. out of a survey of 35.71 ac. out of the S. ½ of Lots 15-7 & 15-8, West Addition to Sharyland Subdivision, (aka Tract/Lot 39, Melba Carter Subdivision U/R), from R-1 (Single Family Residential) to C-3 (General Business), Noe Abdon Olvera, Adoption of Ordinance # ----- approving 1.1A**

On June 25, 2014 the Planning and Zoning Commission convened and recommended approval of a C-3 zone. The property was located approximately 750' east of Conway Blvd. along the south side of Melba Carter. Also, a petition had been filed reflecting 24% opposition from the mail out radius. If over 20%, then a 4/5 vote was needed to approve this item. The Board unanimously recommended approval of C-3 zone.

Staff Recommendation: Approval of C-3 zone

City Manager recommended approval.

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

Attorney Mario Rodriguez spoke on behalf of the residents from Melba Carter Subd. and addressed the residents' issues to the Council regarding their opposition.

Councilman Dr. Armando O'cana addressed the Council and pointed out the percentage of residents in opposition and also mentioned that some of these residents had lived in the area even before Mission city limits were incorporated.

Councilman Plata moved to approve the rezoning and to adopt Ordinance for Rezoning: Tract 1: the E. 1 ac. of the W. 9.28 acres out of a survey of 35.71 ac. out of the S. ½ of Lots 15-7 & 15-8, West Addition to Sharyland Subdivision, (aka Tract/Lot 38, Melba Carter Subdivision U/R), and

Tract 2: The S. 411.4' of the E. 1 ac. of the W. 10.58 ac. out of a survey of 35.71 ac. out of the S. ½ of Lots 15-7 & 15-8, West Addition to Sharyland Subdivision, (aka Tract/Lot 39, Melba Carter Subdivision U/R), from R-1 (Single Family Residential) to C-3 (General Business) as recommended. Motion was seconded by Mayor Pro Tem Garza and resulted in a 3-2 vote, with Councilwoman Jessica Ortega-Ochoa and Councilman O'cana dissenting.

Request failed since 4 affirmative votes were needed in order to approve the rezoning request.

**B. Rezoning: A 2.236 acre tract out of Lots 195 & 205, John H. Shary Subdivision, from AO-I (Agricultural Open Interim) to C-3 (General Business), Sharyland Developers, LLC, Adoption of Ordinance # 4116 approving 1.1B**

On June 25, 2014 the Planning and Zoning Commission convened and recommended approval of a C-3 zone. The property was located approximately 450' north of 4<sup>th</sup> Street along the east side of Shary Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval C-3 zone.

Staff Recommendation: Approval of C-3 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 the rezoning and to adopt Ordinance No. 4116 Rezoning: A 2.236 acre tract out of Lots 195 & 205, John H. Shary Subdivision, from AO-I (Agricultural Open Interim) to C-3 (General Business), Sharyland Developers, LLC as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

**ORDINANCE NO. 4116**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A REZONING A 2.236 ACRE TRACT OUT OF LOTS 195 & 205, JOHN H.  
SHARY SUBDIVISION, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO C-3 (GENERAL  
BUSINESS)

**C. Rezoning: Lot 1, Navy Army Community Credit Union Subdivision, from AO-I (Agricultural Open Interim) to C-3 (General Business), Sharyland Developers, LLC, Adoption of Ordinance # 4117 approving 1.1C**

On July 9, 2014 the Planning and Zoning Commission convened and recommended approval of a C-3 zone. The subject site was located 250' north of 4<sup>th</sup> Street along the east side of Shary Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval of C-3 zone.

Staff Recommendation: Approval of C-3 zone

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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. 4117 Rezoning: Lot 1, Navy Army Community Credit Union Subdivision, from AO-I (Agricultural Open Interim) to C-3 (General Business), Sharyland Developers, LLC as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

**ORDINANCE NO. 4117**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A REZONING LOT 1, NAVY ARMY COMMUNITY CREDIT UNION  
SUBDIVISION, FROM AO-I (AGRICULTURAL OPEN INTERIM) TO C-3 (GENERAL  
BUSINESS)

- D. Conditional Use Permit: Contractor's Yard on a property zoned C-3, Tract 1: the E. 1 ac. of the W. 9.28 acres out of a survey of 35.71 ac. out of the S. ½ of Lots 15-7 & 15-8, West Addition to Sharyland Subdivision, (aka Tract/Lot 38, Melba Carter Subdivision U/R), and Tract 2: The S. 411.4' of the E. 1 ac. of the W. 10.58 ac out of a survey of 35.71 ac. out of the S. ½ of Lots 15-7 & 15-8, West Addition to Sharyland Subdivision, (aka Tract/ Lot 39, Melba Carter Subdivision U/R), R-1 (C-3, Proposed), Noe Abdon Olvera,  
Adoption of Ordinance # ----- approving 1.1D**

No action was taken on this item, since the rezoning request failed as 4 affirmative votes were needed in order to approve the rezoning request.

- E. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Mezcal y Tequila, 1522 E. Expressway 83, Suite 113, Lot 4, Stewart Plaza Subdivision, C-3, Sora, LLC, c/o Claudia Rivera,  
Adoption of Ordinance # 4118 approving 1.1E**

On June 25, 2014 the Planning and Zoning Commission convened and recommended approval to the conditional use permit request mentioned above, which was located on the SW corner of Stewart Road and Expressway 83. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for 1 year.

Staff Recommendation: Approval for 1 year subject to waiver of the 300' separation requirement And must continue to comply with all City codes.

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 the CUP and to adopt Ordinance No. 4118 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Mezcal y Tequila, 1522 E. Expressway 83, Suite 113, Lot 4, Stewart Plaza Subdivision, C-3 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 4118**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES – MEZCAL Y TEQUILA, 1522 E. EXPRESSWAY 83, SUITE 113, LOT 4, STEWART PLAZA SUBDIVISION

- F. Conditional Use Permit: To Place a Portable Structure for the Sale of Food, 822 W. Business 83, Lots 4-6, Block 153, Mission Original Townsite Subdivision, C-4, Alondra Amezcua, Adoption of Ordinance # 4119 approving 1.1F**

On June 25, 2014 the Planning and Zoning Commission convened and recommended denial to the conditional use permit request mentioned above, which was located on the NE corner of Tom Landry Blvd. and Holland Avenue. There was no public opposition during the P&Z Mtg. The Board voted to deny the request 4-1.

Staff Recommendation: Approval for 1 year subject to: 1) painting and maintaining the wall along the north boundary, 2) removing the tires located north of the tire shop, and 3) facing the portable south towards Business Highway 83 (inside there are two entrances and exits).

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 CUP and to adopt Ordinance No. 4119 Conditional Use Permit: To Place a Portable Structure for the Sale of Food, 822 W. Business 83, Lots 4-6, Block 153, Mission Original Townsite Subdivision, C-4 as recommended. Motion was seconded by Councilwoman Ochoa and approved 4-0 with Councilman O'cana not casting his vote.

**ORDINANCE NO. 4119**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT TO PLACE A PORTABLE BUILDING STRUCTURE FOR THE SALE OF FOOD, 822 W. BUSINESS 83, LOTS 4-6, BLOCK 153, MISSION ORIGINAL TOWNSITE SUBDIVISION

- G. Conditional Use Permit: To Install a new 8' x 32' Portable Building for Office Use, 1801 W. Expressway 83, Lot 1, E. Fabela Subdivision, C-3, Enrique Fabela, Adoption of Ordinance # 4120 approving 1.1G**

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On June 25, 2014 the Planning and Zoning Commission convened and recommended denial to the conditional use permit request mentioned above, which was located 2,000 east of Inspiration Road along the south side of Expressway 83. There was no public opposition during the P&Z Mtg. The Board voted to deny the request.

Staff Recommendation: Approval for 1 year subject to providing stucco for the front of the portable building, providing skirting, installing & maintaining new landscaping on the property.

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 the CUP and to adopt Ordinance No. 4120 Conditional Use Permit: To Install a new 8' x 32' Portable Building for Office Use, 1801 W. Expressway 83, Lot 1, E. Fabela Subdivision, C-3. Motion was seconded by Councilman Plata and approved 4-0 with Councilman O'cana abstaining.

**ORDINANCE NO. 4120**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A CONDITIONAL USE PERMIT TO INSTALL A NEW 8' X 32' PORTABLE  
BUILDING FOR OFFICE USE, 1801 W. EXPRESSWAY 83, LOT 1, E. FABELA  
SUBDIVISION

**H. Conditional Use Permit: Restaurant on property Zoned C-2, 214 N. Inspiration Road, W. 200' of the N. 95.83' of the S. 526.83' out of Lot 19-1, West Addition to Sharyland Subdivision, C-2, Carolina Barrera & Felipe Martinez, Adoption of Ordinance # 4121 approving 1.1H**

On June 25, 2014 the Planning and Zoning Commission convened and recommended approval to the conditional use permit request mentioned above, which was located 1,550' south of Business 83 along the east side of Inspiration Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for 1 year.

Staff Recommendation: Approval for 1 year subject to re-stripe the parking lot

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 CUP and to adopt Ordinance No. 4121 Conditional Use Permit: Restaurant on property Zoned C-2, 214 N. Inspiration Road, W. 200' of the N. 95.83' of the S. 526.83' out of Lot 19-1, West Addition to Sharyland Subdivision, C-2 as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

**ORDINANCE NO. 4121**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A RESTAURANT ON PROPERTY ZONED C-2, 214 N. INSPIRATION ROAD, W. 200' OF THE N. 95.83' OF THE S. 526.83' OUT OF LOT 19-1, WEST ADDITION TO SHARYLAND SUBDIVISION

- I. Conditional Use Permit: 7 Drive-Thru Lanes for Banking Services for Navy Army Community Credit Union, 408 S. Shary Road, Lot 1, Navy Army Community Credit Union Subdivision, AO-I (C-3 Proposed), Navy Army Community Credit Union,  
Adoption of Ordinance # 4122 approving 1.1I**

On July 9, 2014 the Planning and Zoning Commission convened and recommended approval to the conditional use permit request mentioned above, which is located 250' north of 4<sup>th</sup> Street along the east side of Shary Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for 1 year.

Staff Recommendation: Approval for 1 year subject to CUP not transferable to others.

City Manager recommended approval.

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

Councilman Plata moved to approve the CUP and to adopt Ordinance No. 4122 Conditional Use Permit: 7 Drive-Thru Lanes for Banking Services for Navy Army Community Credit Union, 408 S. Shary Road, Lot 1, Navy Army Community Credit Union Subdivision, AO-I (C-3 Proposed) as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**ORDINANCE NO. 4122**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR 7 DRIVE-THRU LANES FOR BANKING SERVICES FOR NAVY ARMY COMMUNITY CREDIT UNION, 408 S. SHARY ROAD, LOT 1, NAVY ARMY COMMUNITY CREDIT UNION SUBDIVISION

- J. Amendment of the Parks Master Plan Park Zones  
Approval of Resolution # 1384 approving 1.1J**

On June 11, 2014 at the Parks & Recreation monthly Board meeting, the Parks Advisory Board voted to recommend to the City Council the Park Zone amendment to the Parks Master Plan. The proposed was for 4 Park Zones, with the center point being at Conway

Staff and City Manager recommended approval.

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

Mayor Pro Tem Garza moved to approve Resolution No. 1384 amendment of the Parks Master Plan Park Zones as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**RESOLUTION NO. 1384**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION TEXAS,  
AMENDING RESOLUTION NO. 1209 TO CHANGE THE PARK ZONES DEPICTED IN  
THE MAP 2 - PARK ZONES ATTACHMENT OF THE PARKS & RECREATION  
DEPARTMENT - PARKS, RECREATION, AND OPEN SPACE MASTER PLAN

**2.0 Disposition of Minutes**

**2.1 City Council Meeting – June 23, 2014 and Special City Council Meeting – July 1, 2014**

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 Mission Economic Development Authority, Inc. - January 9, 2014**

**Citizen's Advisory Committee – May 20, 2014**

**Special MEDC Meeting – May 22, 2014**

**Mission Redevelopment Authority – May 27, 2014**

**Mission Tax Increment Reinvestment Zone – May 27, 2014**

**Planning & Zoning Commission – May 28, 2014 and June 11, 2014**

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 Approval of Resolution # ----- to create the Mission Beautification Advisory Committee**

No action was taken on this item.

**4.2 Adoption of the International Code Council 2012 International Property Maintenance Code**

The International Code Council had created a specific code that aid municipalities in regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards and conditions essential to ensure that the structures were safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use; and the demolition of such existing structures in the City of Mission.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to approve Ordinance No. 4123 of the International Code Council 2012 International Property Maintenance Code as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.



**ORDINANCE NO. 4123**

AN ORDINANCE ADOPTING THE INTERNATIONAL CODE COUNCIL 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE; PROVIDING FOR INCIDENTAL APPROVAL OF SUBSEQUENT UPDATES TO SAID CODES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR A PUBLICATION PROVISION

**4.3 Sign Code Variance Request by Industrial Signs and Welding to Install a new 62 Sq. Ft. Changeable Copy Sign at 2306 E. Griffin Parkway for Texas Regional Bank**

On June 26, 2014, Planning staff received a permit request to install a new 62 sq. ft. changeable copy sign for the new Texas Regional Bank branch located on the SE corner of Glenwood and Griffin Parkway.

Section 86-154 (2)(c) of the Sign Code stated that the maximum size of a changeable copy sign was 40 sq. ft. Staff informed Industrial Signs and Welding that the proposed sign was over the maximum allowable size by 22 sq. ft. They were now appealing the decision made by staff, and requesting a variance to Sec. 86-154(2)(c) of the Sign Code.

Section 86-7 of the Sign Ordinance provided in part:

Any person contesting any disapproval, interpretation and/or the application of any rule, standard, regulation, determination, requirement, or necessity set forth in this chapter should have the right to appeal the decision of the Planning Director through the City Council by established procedures. The City Council should have the jurisdiction to grant special variances from the provisions of this chapter.

Staff Recommendation: Staff did not foresee a problem with the variance request based on the proximity to 5-lane thoroughfare.

City Manager recommended approval.

Councilman Plata moved to approve Sign Code Variance request by Industrial Signs and Welding to Install a new 62 Sq. Ft. Changeable Copy Sign at 2306 E. Griffin Parkway for Texas Regional Bank as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**4.4 Election of Mayor Pro-Tem**

In accordance with Section 3.05 of the City Charter, the City Council, at its first meeting after election of Councilpersons, should elect one of its numbers Mayor Pro Tem and he/she should perform all the duties of the Mayor in the absence and disability of the Mayor.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the election of Mayor Pro Tem Garza as the Mayor Pro-Tem for the next term. Motion was seconded by Mayor Salinas and approved unanimously 5-0.

**4.5 Approval of Amendment to Interlocal Agreement between City of McAllen, County of Hidalgo and the City of Mission to include the City of Palmhurst concerning certain improvements to Taylor Rd. from US 83 Expressway North to Lark Avenue**

On July 22, 2013 the City of Mission, City of McAllen and County of Hidalgo entered into an Interlocal Agreement to cooperate in making needed transportation improvements to Taylor Road from US 83 Expressway North to 1300 ft. North of Dove St. The City of Palmhurst desired to be added as a party to the Interlocal Agreement due to the project being extended to Lark Avenue which was in the city limits of Palmhurst. The City of Mission would continue to be the fiduciary agent to this project.

Staff and City Manager recommended approval.

Councilman Plata moved to approve amendment to Interlocal Agreement between City of McAllen, County of Hidalgo and the City of Mission to include the City of Palmhurst concerning certain improvements to Taylor Rd. from US 83 Expressway North to Lark Avenue as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**4.6 Approval of Med-Care EMS 911 Contract**

On April 01, 2014 the City of Mission Ambulance Board met to review the Cities EMS 911 contracted provider. It was recommended unanimously to enter into a Med-Care 911 contract for a one year term beginning July 20th, 2014 and terminating July 19th, 2015. This renewal came with a zero subsidy for the City of Mission.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Med-Care EMS 911 Contract as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.7 Authorization to solicit proposal for depository bank services**

The City's current depository contract would terminate on 11/30/2014. As per Local Government Code Section 105, the City must request proposals for depository bank services.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to solicit proposal for depository bank services as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.8 Tax Collections Report – May, 2014**

Randy Perez, Assistant Finance Director presented the Tax Collections Report for May, 2014 for approval.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve the Tax Collections Report for April, 2014 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **4.9 Budget Amendment: Drainage Assessment Fund General Fund**

Mr. Perez presented the budget amendments BA–2014-66 thru BA–2014-70 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve budget amendments BA–2014-66 thru BA–2014-70 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **4.10 Authorization to enter into an Interlocal Agreement with Harris County Department of Education (Choice Partners Cooperative)**

Staff was seeking authorization to enter into an Interlocal cooperative agreement with Harris County Department of Education (Choice Partners) for future acquisitions of Facility Services, Technology, Supplies, and Services. Pursuant to the Interlocal Cooperation Act, Chapter 791, Subchapter 271(c), of the Texas Government Code, "A local government that purchased goods or services under this subchapter satisfied any state law requiring the local government to seek competitive bids for the purchase of goods or services.

No action was taken on this item.

#### **4.11 Adopt Ordinance # 4124 of the City Council of the City of Mission, Texas, ("City") Approving a Negotiated Resolution between the City and Texas Gas Service ("TGS" or "The Company") Regarding the Company's May 1, 2014 Cost of Service Adjustment ("COSA") Filing; Granting The Company's Request for a Good Cause Waiver of Language in Section C.5 of The COSA Clause; Declaring Existing Rates to be Unreasonable; Approving Attached Tariffs That Reflect Rate Adjustments Consistent with the Negotiated Settlement And Finding the Rates to be Set by The Attached Tariffs to be Just and Reasonable; Providing for the Recovery of The City's and TGS' Reasonable and Necessary Rate Case Expenses; Adopting a Savings Clause; Determining that this Ordinance was Passed in Accordance with the Requirements of the Texas Open Meetings Act; Declaring an Effective Date; Repealing Any Prior Ordinances Inconsistent with This Ordinance and Requiring Delivery of this Ordinance to The Company's and The City's Legal Counsel**

On May 1, 2014, Texas Gas Service Company ("TGS" or "Company") filed for a rate increase pursuant to the Cost of Service Adjustment ("COSA") tariff adopted by the Rio Grande Valley Service Area ("RGVSA") Cities. TGS' request was for a total increase of \$1,216,601 of which \$1,055,311 was attributable to incorporated areas. Cities' consultant Karl Nalepa recommended five adjustments to reduce the \$1,216,601 rate increase requested by TGS. The most significant corrected an overestimation of lost revenue associated with loss of customers. Additional adjustments were made for wages, short-term incentives, margin tax, and utility plant. Settlement discussions resulted in TGS agreeing to reduce their request by \$280,000. Additionally, as a concession to the City agreeing to grant the good cause waiver, the Company agreed to update customer class cost allocation factors to recognize the change in customer count and revenues associated with the need for the good cause waiver. That cost allocation adjustment shifted approximately \$45,000 away from the residential class.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to approve Ordinance No. 4124 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 4124**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, (“CITY”) APPROVING A NEGOTIATED RESOLUTION BETWEEN THE CITY AND TEXAS GAS SERVICE (“TGS” OR “THE COMPANY”) REGARDING THE COMPANY’S MAY 1, 2014 COST OF SERVICE ADJUSTMENT (“COSA”) FILING; GRANTING THE COMPANY’S REQUEST FOR A GOOD CAUSE WAIVER OF LANGUAGE IN SECTION C.5 OF THE COSA CLAUSE; DECLARING EXISTING RATES TO BE UNREASONABLE; APPROVING ATTACHED TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; PROVIDING FOR THE RECOVERY OF THE CITY’S AND TGS’ REASONABLE AND NECESSARY RATE CASE EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; REPEALING ANY PRIOR ORDINANCES INCONSISTENT WITH THIS ORDINANCE AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY’S AND THE CITY’S LEGAL COUNSEL

**4.12 Authorization to accept the 2015 STEP Comprehensive Grant from the Texas Department of Transportation**

The Mission Police Department was requesting authorization to accept the 2015 Comprehensive Selective Traffic Enforcement Program Grant from the Texas Department of Transportation. The 2015 STEP program was designed to provide grant funds to increase seat belt enforcement, speed enforcement and DWI enforcement throughout our community. The grant amount of \$107,482.03 would be utilized for the aforementioned enforcement purposes. The in-kind match of \$26,914.23 required by the grant of the City of Mission would not be a cash match but the required amount would be matched by submitting for hours worked by police dispatchers and police jailers working during the grant activities and by accessing fees for the use of Mission Police units to work the STEP program throughout the grant period.

Staff and City Manager recommended approval.

Councilman O’cana moved to approve authorization to accept the 2015 STEP Comprehensive Grant from the Texas Department of Transportation as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.13 Authorization to re-enter into a Inter-local Agreement for the Educational Resource Officer program between the City of Mission and the Sharyland Independent School District for the 2014-2015 school year**

The Mission Police Department was requesting authorization to re-enter into a Inter-local Agreement for the Educational Resource Officer Program between the City of Mission and the

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Sharyland Independent School District for the 2014-2015 school year. The contract was for the delivery of services by the Mission Police Department to the Sharyland I.S.D. through the Educational Resource Officer Program. A total of six (6) police officers would be assigned to the school district during the school year. The total amount of the Inter-local agreement was \$286,480.00. Staff was recommending a favorable recommendation for the purpose of continuing the Education Resource Officer Program at Sharyland I.S.D.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to re-enter into a Inter-local Agreement for the Educational Resource Officer program between the City of Mission and the Sharyland Independent School District for the 2014-2015 school year as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

### **4.14 Authorization to solicit bids for Sanitary Sewer Improvements at Oleander Subdivision**

Staff was seeking authorization to solicit bids for the sanitary sewer improvements at Oleander Subdivision. Currently, Oleander Subdivision did not have a sanitary sewer system for residences. Sanitary Sewer Improvements included: 8" dia. sanitary sewer lines, 4" dia. sanitary sewer services, standard sanitary sewer manholes, and cut & restored pavement.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to solicit bids for Sanitary Sewer Improvements at Oleander Subdivision as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

### **4.15 Authorization to solicit bids for Storm Drainage Improvements at Gerlach Subdivision No. 2 and North Conway Subdivision No.1**

Staff was seeking authorization to solicit bids for drainage improvements at Gerlach Subdivision No. 2 and North Conway Subdivision No. 1. Storm drainage improvements project included: 24"-30" Storm lines, drainage inlets, utility adjustments and cut & restored pavement.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to solicit bids for Storm Drainage Improvements at Gerlach Subdivision No. 2 and North Conway Subdivision No.1 as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

### **4.16 Approval of Reimbursement Agreement between the Mission Redevelopment Authority/Reinvestment Zone Number One and the City of Mission**

The Mission Redevelopment Authority and the Reinvestment Zone Number One (MRA/TIRZ) was requesting the approval of a Reimbursement Agreement between the MRA/TIRZ and the City of Mission on the following Bentsen Palm Development TIRZ Project: Lighting for Military Parkway and Immediate Surrounding Areas in an amount not to exceed \$140,000. The

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agreement stipulated that the City of Mission would undertake the project and that the MRA/TIRZ would reimburse the City as outlined in the agreement.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve reimbursement agreement between the Mission Redevelopment Authority/Reinvestment Zone Number One and the City of Mission as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

### **4.17 Approval of Final Action Plan 2014-15 and authorize City Manager to execute Subrecipient/Interdepartmental Agreements receiving FY'14 CDBG Allocations to LRGVDC- Area Agency on Aging and Amigos Del Valle**

City Council held a public hearing on May 27, 2014 to solicit input on funding allocations for public service agencies and city departments for the Final Action Plan FY'14-15 as required by HUD. No comments were received during the thirty day comment period which ended June 23, 2014.

The following agencies and departments were approved for funding through the FY'14 allocation of \$929,431: LRGVDC - Area Agency on Aging (\$10,000), Amigos Del Valle (\$32,250), Silver Ribbon (\$3,875), Easter Seals Society (\$3,875), Dentists Who Care (\$10,000), Children's Advocacy Center (\$10,000), Habitat for Humanity (\$100,000), Housing Division (\$511,742) and Administration and Project Delivery (\$197,689). A subrecipient orientation meeting would be scheduled to discuss their responsibilities to insure compliance with all federal regulations.

Staff Recommendation: Approval of Final Action Plan 2014-15 and authorize City Manager to Execute Subrecipient/Interdepartmental Agreements for LRGVDC-Area Agency on Aging and Amigos Del Valle

Staff and City Manager recommended approval.

City Attorney David Guerra asked Mayor Salinas and Mayor Pro Tem Garza to abstain from voting and deliberating on this item as they sit on the boards of these two agencies.

Councilwoman Ochoa moved to approve Final Action Plan 2014-15 and authorize City Manager to execute Subrecipient/Interdepartmental Agreements receiving FY'14 CDBG Allocations to LRGVDC- Area Agency on Aging and Amigos Del Valle as recommended. Motion was seconded by Councilman Plata and approved 3-0 with Mayor Salinas and Mayor Pro Tem Garza abstaining from voting and deliberating on this item.

### **4.18 Approval of Final Action Plan 2014-15 and authorize City Manager to execute Subrecipient/Interdepartmental Agreements receiving FY'14 CDBG Allocations except LRGVDC-Area Agency on Aging and Amigos del Valle**

City Council held a public hearing on May 27, 2014 to solicit input on funding allocations for public service agencies and city departments for the Final Action Plan FY'14-15 as required by HUD. No comments were received during the thirty day comment period which ended June 23, 2014 other than a request for additional funding by Habitat for Humanity.

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The following agencies and departments were approved for funding through the FY'14 allocation of \$929,431: LRGVDC - Area Agency on Aging (\$10,000), Amigos Del Valle (\$32,250), Silver Ribbon (\$3,875), Easter Seals Society (\$3,875), Dentists Who Care (\$10,000), Children's Advocacy Center (\$10,000), Habitat for Humanity (\$100,000), Housing Division (\$511,742) and Administration and Project Delivery (\$197,689). A subrecipient orientation meeting would be scheduled to discuss their responsibilities to insure compliance with all federal regulations.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to approve Final Action Plan 2014-15 and authorize City Manager to execute Subrecipient/Interdepartmental Agreements receiving FY'14 CDBG Allocations except LRGVDC-Area Agency on Aging and Amigos del Valle as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

### **4.19 Rescind Bid Award for 421 N St. Marie for "Housing Assistance Program – Phase 13-II", approve modification to floor plan and authorize solicitation for Re-Bid**

On May 27, 2014 City Council awarded the bid for 421 N. St. Marie to A One Insulation for reconstruction of a two bedroom home. Since then, it was brought to staff's attention that a member of the family had returned to the residence and therefore recertification for eligibility was conducted. It had been determined that the applicant was eligible for a 3 bedroom, 2 bath, 1100 square foot home. The applicant also requested special consideration for modifications to the home. CAC met on July 8, 2014 and recommended rescission of bid, approval of applicant's request to modify the floor plan, and solicitation for re-bid.

Although the cost estimate for this project exceeded the maximum amount allowed under the City's HAP guidelines, this request was submitted to staff in the hopeful expectation that the bid from the lowest responsible bidder would be within said guidelines.

Staff Recommendation: Rescind Bid Awarded to A One Insulation, Approve Modification of Floor Plan and Authorize Solicitation for Re-Bid

City Manager recommended approval.

Mayor Pro Tem Garza moved to rescind Bid Award for 421 N St. Marie for "Housing Assistance Program – Phase 13-II", approve modification to floor plan and authorize solicitation for Re-Bid as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

### **4.20 Authorization to Solicit Bids for "Housing Assistance Program – Phase 13-III"**

CAC met on May 20, 2014 and approved staff's recommendation to provide assistance for reconstruction of six (6) homes and rehabilitation of one (1) home through the CDBG program.

Reconstruction:

- \*115 N. Holland – 2 bdrm 1½ bath, 970 sq ft
- 113 S. Canal – 2 bdrm 1 ½ bath, 970 sq ft
- 705 W. A St – 3 bdrm 2 bath, 1100 sq ft

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\*1310 W. Ray Circle – 2 bdrm ½ bath, 970 sq ft  
1123 Washington Ave. – 2 bdrm 1½ bath, 970 sq ft  
131 N. Canal – 2 bdrm 1½ bath, 970 sq ft

Rehabilitation:

\* 604 Leal St.

\*Subject to final approval by City Attorney

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to Solicit Bids for “Housing Assistance Program – Phase 13-III” subject to final approval by City Attorney. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

### **4.21 Amend Housing Assistance Program Guidelines**

CAC held a meeting on July 8, 2014 and approved staff’s recommendations to amend the guidelines to provide clarification for rehabilitation/reconstruction, lead based paint requirements and forms, and contractor resolution as recommended by HUD. Also, to incorporate a minor repair program to provide assistance for manufactured home owners in need of immediate improvements such as roofs, ramps, and interior repairs.

Staff and City Manager recommended approval.

Councilman Plata moved to amend Housing Assistance Program Guidelines as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

### **4.22 Award Contracts for Employee Insurance Benefits and Authorize City Manager to execute contracts incident Thereto**

On April 14, 2014, City Council authorized staff to solicit Request for Proposals (RFP’s) for Employee Insurance Benefits (Group Health Insurance, Section 125 Administrator, Stop Loss Insurance, Group Life Insurance and AD&D, Supplemental Voluntary Products).

Numerous proposals were submitted (Medical-8, Stop Loss-11, Group Life/AD&D-7, Voluntary Life-7, Long-Term Disability-5, Dental-13, Vision-13, and Other Voluntary Products-15) and opened on May 19, 2014. The Insurance Benefits Committee, comprised of Deputy City Manager Aida Lerma, Human Resources Director, Chief of Police, Fire Chief, Finance Director

and Public Works Director, evaluated all proposals submitted. All proposals were evaluated on set criteria outlined in the RFP.

After careful evaluation and assessment, the Insurance Benefits Committee deemed the following recommendations for award would be the best and most advantageous to the City of Mission as per Local Government Code 252.043(h), “Award of Contract”:

- Group Health Insurance TPA (Self-Funded) – BlueCross BlueShield



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- Section 125 (Cafeteria Plan) - Colonial
- Stop Loss Insurance – BlueCross BlueShield
- Group Life Insurance & AD&D (Accidental Death and Dismemberment) – Dearborn National
- Supplemental Voluntary Products:
  - Voluntary Life Insurance – Dearborn National
  - Long-Term Disability – Dearborn National
  - Dental - Humana
  - Vision – Avesis
  - Other Voluntary Products (Accident, Cancer, Short-Term Disability, Hospital Confinement and Critical Illness) – Colonial

Staff and City Manager recommended approval.

Councilman Plata moved to approve to award Contracts for Employee Insurance Benefits and Authorize City Manager to execute contracts incident thereto as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

### **4.23 Authorization to solicit bids for the construction of shade canopies at the Bentsen Palm Community Park located on South Inspiration**

Staff was seeking authorization to solicit bids for the construction of shade canopies at the Bentsen Palm Community Park located on South Inspiration.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve to award Contracts for Employee Insurance Benefits and Authorize City Manager to execute contracts incident thereto as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

### **4.24 Request by Walmart Neighborhood Market at 1006 N. Bryan Rd. to Open Cut N. Bryan Rd.**

Kimley Horn had provided plans to construct a new Walmart Neighborhood Market at 1006 N. Bryan Road. The plans included a proposed drainage line and new manhole that would require a 40' x 44' open cut on Bryan Road that would tie into an existing 30" storm line located on the west side of Bryan Road.

As shown on the provided exhibit, the cut would be at 1006 N. Bryan Road. The back-to-back pavement overlay would follow the street's flow line plus 22' on either side of the actual cut. This meant that there would be approx. a 6' cut with a 44' overlay on Bryan Road cut.

Staff did not object to the open cut since the overlay would be professionally completed & inspected; further, it would result in a more viable drainage system for the Walmart Neighborhood Market, and improve the quality of service to the general area.

Staff Recommendation: Approval subject to the pavement overlay complying with typical city standards inclusive of the 1-year warranty (by the contractor).

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City Manager recommended approval.

Mayor Pro Tem Garza moved to approve request by Walmart Neighborhood Market at 1006 N. Bryan Rd. to Open Cut N. Bryan Rd. as recommended. Motion was seconded by Councilman Plata 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 Adjournment**

At 6:04 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary