

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
SEPTEMBER 10, 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:

Jim Brunson, Progress Times
Nora Garza, Progress Times
Gail Burkhardt, The Monitor
Veronica Lopez
Tim Kennedy
Edward Fasolier
Omar Alanis
Adriana Mata
Jorge Sarmiento
Alex Meade
Richard Perez
Cathy Garcia

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Sonia Marroquin, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Bobby Salinas, Interim Planning Director
Alex Hernandez, 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
John Hernandez, City Engineer

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:34 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 Departmental Reports

Councilman Dr. Armando O'cana moved to approve the departmental reports as presented. Motion was seconded by Councilwoman Maria Elena Ramirez and approved unanimously 3-0.

4. Report from the Greater Mission Chamber of Commerce

At 4:38 p.m., Councilman Ruben Plata joined the meeting.

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on the chamber events that had recently taken place and future events to include Mission Day at the Capitol to be held on February 19, 2013.

5. Citizens Participations

None

At 4:42 p.m., Mayor Pro Tem Norie Gonzalez Garza joined the meeting.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Conditional Use Permit: Sale & On-Site Consumption of Alcohol & Drive-Thru Service Window – Pollito Grilled Chicken, 2701 E. Griffin Parkway, Ste. 14, Lot 14, Adams Crossing Subd., C-3, Pollito Grilled Chicken, LLC

The site was located 800' west of Taylor along the north side of Griffin Parkway within an existing commercial plaza. The 1,236 sq. ft. restaurant had been in operation since 2009. A CUP for the drive-thru service window was most recently approved for 1 year by P&Z on 6-22-11. The applicant was now interested in offering the sale and on-site consumption of beer and wine with food orders for on-site consumption. There were no churches, hospitals or public/private schools within 300' of the subject site, thus being compliant to Section 6-4.

- Days/Hours of Operation: Monday through Sunday from 11 a.m. to 10 p.m.
- Staff: 5 employees
- Parking: The restaurant had a total of 36 seating spaces which require 12 parking spaces. It was noted that the parking area was held in common (132 existing parking spaces) and was shared with other businesses.

Staff had not received any complaints in relation to Pollito Grill's drive-thru service window since it opened in 2009. Since it would not be open after 10 p.m., and the sale of alcohol was not the primary item of purchase, staff did not object to the proposal. There was no public opposition during the 8/22/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to a 1 year re-evaluation to assess the sale of alcohol.

City Manager recommended approval.

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

There were no comments.

Councilwoman Ramirez moved to approve the Conditional Use Permit: Sale & On-Site Consumption of Alcohol & Drive-Thru Service Window – Pollito Grilled Chicken, 2701 E. Griffin Parkway, Ste. 14, Lot 14, Adams Crossing Subd., C-3. Motion was seconded by Councilman Plata and approved unanimously 5-0.

B. Conditional Use Permit: Drive-Thru Service Window, 810 N. Schuerbach Rd., Ste. D, Lot 1, Sylvia Plaza Subd., C-2, Veronica Lopez

The site was located on the SE corner of Schuerbach Road and Business 83. There was an existing 24' x 35' (840 sq. ft.) snack shop with a drive-thru service window. This CUP was previously approved on 5-12-10. However, since a new operator is evident, a new CUP must be considered once again. Access to the site was provided off of Schuerbach Road with a 45' driveway. The service window was located approximately 1.5' from the corner of the building which would provide stacking for approximately two vehicles.

- Days/Hours of Operation: Monday – Saturday from 12 p.m. to 10 p.m. Closed Sundays
- Staff: 2 employees
- Parking: The 840 sq. ft. store required 5 spaces. It was noted that the parking area was held in common (35 existing parking spaces, inclusive of gas pump stalls) and was shared with other businesses. Staff had calculated the entire site required 21 total parking spaces.
- A business license was required prior to occupancy for the new operator.

There was no public opposition during the 8/22/12 P&Z hearing. P&Z unanimously recommended approval as recommended by staff.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation to assess the new business, and 2) acquire a new business license.

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the Conditional Use Permit: Drive-Thru Service Window, 810 N. Schuerbach Rd., Ste. D, Lot 1, Sylvia Plaza Subd., C-2. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

C. Conditional Use Permit: New office with a residence for a watchman employed on the property, 107 International Blvd., Lot 2, Mission Business Park Subd., I-1, MT Self Storage

The site was located at the NE corner of Industrial Way and International Blvd. The applicant was proposing to build a new self-storage facility along with a 2 story office building which would serve as an office for the storage business and a residence for the night watchman. The storage facility was proposed to be constructed in phases, with the project beginning in the east of the lot. Access to the site was proposed from Industrial Way. The proposed office building measured 20' x 44.4' for a total of 1,776 sq. ft. (888 sq. ft. /floor).

Section 1.45 (3c.) stated that a conditional use permit was required for “the residence of a watchman or caretaker employed on the premises”.

- Days/Hours of Operation: Every day from 8 a.m. to 10 p.m. (Office from 8 a.m. to 5 p.m.)
- Staff: 2 employees during the day and 1 night watchman.
- Parking & Landscaping: The number of parking spaces was normally calculated based on the size of the office building, which required 7 spaces. 7 spaces were being provided, thus meeting code. In regards to landscaping, the development would provide along the south side, 3" caliper shade trees placed at 30' intervals.
- Must comply with Building and Fire Codes
- A drainage report was submitted and must be approved by the City Engineer.
- A business license was required prior to occupancy

Since it's a use that was permitted via CUP under an I-1 zone and a storage room facility was a very low-key operation, Staff did not object to the proposal. However, staff would like to re-evaluate the CUP within 1 year after occupancy in order to ensure that the integrity of the CUP was still evident. There was no public opposition during the 8/22/12 P&Z hearing. The P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to: 1) Re-evaluation within 1 year after occupancy; 2) Residence not to be used as a rental property; 3) Must comply with ZBA's landscaping requirement; 4) City Engineer to approve drainage report; 5) Must comply with all Building & Fire Codes; 6) Acquire a business license; and 7) CUP not transferable to others.

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the Conditional Use Permit: New office with a residence for a watchman employed on the property, 107 International Blvd., Lot 2, Mission Business Park Subd., I-1. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

D. Conditional Use Permit: Direct Energy Frontera Power Plant Renovation & New Development in an AO-I Zone, 320 S. Goodwin Rd., Lot 2, Mission Farm Estates Subd.

The existing Direct Energy Frontera Power Plant sat on a 39.37 acre tract of land located on the SW corner of Bates Road (a.k.a. Brushline Road) and Mile 1 South Road.

Code: Section 1.36-3(j), Zoning Code mandated a CUP for "Facilities for railroads or those utilities holding a franchise under the City of Mission."

History: The power plant was annexed into the city limits in January, 2010. The property included several structures. Since it was in existence, and Frontera had not built any new improvements, the power plant had not previously filed for a CUP.

Proposal: The applicant wished to demolish and rebuild two existing filter houses, install a new thermal energy storage tank used to supply water to the filter houses, and install a modular chiller plant which contained all the mechanical and electrical equipment to feed the system operation. All minimum AO-I setbacks were being exceeded. Access to the site was through a paved driveway off of Bates Road.

- Days/Hours of Operation: Every day – 24 hours a day
- Staff: Approximately 15 employees in shifts
- Parking: There were 17 parking spaces for the employees located at the northwest area of the plant.

The power plant had been in existence for several years. Staff had not received any complaints from any of the adjoining properties since being annexed. Also, there was no public opposition during the 8/22/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to it being transferable to others.

City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Garza moved to approve the Conditional Use Permit: Direct Energy Frontera Power Plant Renovation & New Development in an AO-I Zone, 320 S. Goodwin Rd., Lot 2, Mission Farm Estates Subd. Motion was seconded by Councilman Plata and approved unanimously 5-0.

E. Conditional Use Permit: Drive-Thru Service Window for Dairy Queen Restaurant, 400 N. Shary Rd., .894 acre tract of land out of lot 195, John H. Shary Subd. (aka Lot 1, Treats and Eats Subd. No.2 U/R), C-3, R & L Leasing, LTD

The site is located on the NE corner of Shary Road and E. 4th Street. The applicant is proposing a new 2,612 sq. ft. Dairy Queen Restaurant with a drive-thru service window. Access to the site will be provided from a 22.5' driveway off of E. 4th Street that will lead to a 16' drive-thru lane. The drive-thru service lane will be located on the north side of the building, providing stacking for approximately 7 vehicles. General Access to the site will be from a shared driveway from Shary Road. Staff is recommending the installation of a speed bump just before the exiting vehicles reach the 25' maneuvering lane; the applicant is receptive to this condition.

- Days/Hours of Operation: Sunday – Thursday from 10:30 a.m. to 10:00 p.m. and Friday & Saturday from 10:30 a.m. to 11:00 p.m.
- Staff: 28 employees (in various shifts)
- Parking: In reviewing the floor plan, the restaurant measures 2,612 sq. ft., which requires a minimum of 35 parking spaces. The restaurant is proposing a total of 45 spaces, exceeding code by 10 spaces.
- The drainage plan is meeting code and has been approved by the City Engineer.
- Must comply with the City's recently adopted landscaping code, inclusive of landscape hedges and 6' masonry trash enclosure.
- Must comply with the City's Sign Ordinance. (changeable copy sign, etc.)
- A business license is required prior to occupancy.

There was no public opposition during the 8/29/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Minutes, 9/10/12 Pg. 6

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation after business license issuance in order to assess this new operation's traffic patterns; 2) Installation of a speed bump; 3) Must comply with landscaping and sign codes; 4) Must acquire a business license; and 5) CUP not transferable to others.

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the Conditional Use Permit: Drive-Thru Service Window for Dairy Queen Restaurant, 400 N. Shary Rd., .894 acre tract of land out of lot 195, John H. Shary Subd. (aka Lot 1, Treats and Eats Subd. No.2 U/R), C-3, R & L Leasing, LTD, subject to the recording of the plat. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

2.0 Disposition of Minutes

2.1 City Council Meeting –August 27, 2012

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

3.0 Acknowledge Receipt of Minutes

3.1 Mission Economic Development Corporation – July 17, 2012

Mission Redevelopment Authority – July 24, 2012

Mission Tax Increment Reinvestment Zone – July 24, 2012

Mission Civil Service Commission – July 27, 2012

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

At 4:56 p.m., Mayor Salinas announced that the City Council would be conveying in executive session to discuss the items listed under Executive Session pursuant to V.T.C.A. Gov. Code Sec. 551.001.

Councilman O'Caña moved to convene into executive session. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.0 Approvals and Authorizations

4.1 Adoption of Ordinance # 3820 for CUP for the Sale & On-Site Consumption of Alcohol & Drive Thru Service Window – Pollito Grilled Chicken, 2701 E. Griffin Pkwy, Ste. 14, Lot 14, Adams Crossing Subd.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3820 for CUP for the Sale & On-Site Consumption of Alcohol & Drive Thru Service Window – Pollito Grilled Chicken, 2701 E. Griffin Pkwy, Ste. 14, Lot 14, Adams Crossing Subd. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 3820

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE SALE AND ON-SITE CONSUMPTION OF ALCOHOL & DRIVE-THRU SERVICE WINDOW – POLLITO GRILLED CHICKEN, 2701 E. GRIFFIN PARKWAY, STE. 14, LOT 14, ADAMS CROSSING SUBDIVISION

4.2 Adoption of Ordinance # 3821 for CUP for a Drive-Thru Service Window, 810 N. Schuerbach Rd., Ste. D, Lot 1, Sylvia Plaza Subd.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3821 for CUP for a Drive-Thru Service Window, 810 N. Schuerbach Rd., Ste. D, Lot 1, Sylvia Plaza Subd. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3821

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU SERVICE WINDOW, 810 N. SCHUERBACH ROAD, STE. D, LOT 1, SYLVIA PLAZA SUBDIVISION

4.3 Adoption of Ordinance # 3822 for Cup for a New office with residence for a watchman employed on the property, 107 International Blvd., Lot 2, Mission Business Park Subd.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3822 for Cup for a new office with residence for a watchman employed on the property, 107 International Blvd., Lot 2, Mission Business Park Subd. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3822

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A NEW OFFCE WITH A RESIDENCE FOR A WATCHMAN EMPLOYED ON THE PROPERTY, 107 INTERNATIONAL BLVD., LOT 2, MISSION BUSINESS PARK SUBDIVISION

4.4 Adoption of Ordinance # 3823 for CUP for Direct Energy Frontera Power Plant Renovation and New Development in an AO-I Zone, 320 S. Goodwin Rd., Lot 2, Mission Farm Estates Subd.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3823 for CUP for Direct Energy Frontera Power Plant Renovation and New Development in an AO-I Zone, 320 S. Goodwin Rd., Lot 2, Mission Farm Estates Subd. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 3823

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR DIRECT ENERGY FRONTERA POWER PLANT RENOVATION AND NEW DEVELOPMENT IN AN AO-I ZONE, 320 S. GOODWIN ROAD, LOT 2, MISSION FARM ESTATES SUBDIVISION

4.5 Adoption of Ordinance # 3824 for CUP for Drive-Thru Service Window for Dairy Queen Restaurant, 400 N. Shary Rd., .894 acre tract of land out of lot 195, J.H.S. Subd. (aka Lot 1, Treats and Eats Subd. No. 2 U/R)

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3824 for CUP for Drive-Thru Service Window for Dairy Queen Restaurant, 400 N. Shary Rd., .894 acre tract of land out of lot 195, J.H.S. Subd. (aka Lot 1, Treats and Eats Subd. No. 2 U/R). Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3824

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR DRIVE-THRU SERVICE WINDOW FOR DAIRY QUEEN RESTAURANT, 400 N. SHARY ROAD, BEING .894 ACRE TRACT OF LAND OUT OF LOT 195, JOHN H. SHARY SUBDIVISION (AKA LOT 1, TREATS AND EATS SUBDIVISION NO. 2 U/R)

4.6 Preliminary Plat Approval: North Sharyland Common Subd., A 2.24 acre tract of land out of lot 185, J.H.S. Subd., C-3 Developer: Weingarten Shary North, JV Engineer: Edminister, Hinshaw, Russ, & Associates

The subject site was located 460' north of Victoria Road along the east side of Shary Road. The proposed subdivision consisted of 2 commercial lots, each slightly larger than 1 acre. It was a 2.35 acre tract out of a 40+ acre tract owned by the developer, in which they had submitted a conceptual master plan. The developer was asking for a variance to allow a fire lane/utility easement in lieu of a public alley.

Variance: The subdivision code stated "Alley shall be provided at the rear of all commercial, multi-family or industrial lots." Staff had seen many similar proposals for commercial lots where a paved fire lane was provided in lieu of a public alley and staff did not see any detriment to the proposed subdivision or surrounding area. Staff did not object to this variance.

Water: The developer was proposing water service by connecting to an existing 12" water line located along the west side of Shary Road and installing a 10" line along the east side of Shary Road, leaving stub outs to the north and south for future connectivity by other development. The developer was also proposing 2 new fire hydrants located via the direction of the Fire Marshal's office. The Fire Marshal would also reserve the right to require additional hydrants during the building permit stage.

Sewer: Sewer service was proposed by connecting to an existing 8" sewer line along Victoria Drive that would extend north along the east area of the lot that would also be stubbed for future connectivity by others. The Capital Sewer Recovery Fee was required at \$750/Acre which equated to \$1,680.00 (\$750 x 2.24 acres).

Streets & Storm Drainage: The subdivision fronted Shary Road a 120' ROW, 81' B/B Street. The developer would be dedicating an additional 10' of ROW along Shary Road to equate to the minimum 60' from centerline as required by the Hidalgo County Thoroughfare Plan. They were also proposing access to the site from an off-site access easement that would be recorded prior to the recording of the subdivision. Storm drainage was accomplished through a private storm line that would connect into a temporary drainage ditch system would flow east into an existing drainage ditch system. Staff anticipated the proposed master layout to change as the area was more developed, thus a more refined master layout should be forthcoming.

Other Comments: Park Fees – Since the subdivision was for commercial use, park fee were not required, 5' sidewalks were required along Shary Road during building permit stage, Street lights were already in existence along Shary Road, must provide Water District Exclusion, and must comply with all other format findings.

There was no public opposition during 8/22/12 P&Z's meeting. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to: 1) no objection to the variance for fire lane in lieu of a public alley; and 2) comply with all other format findings.

City Manager recommended approval.

Councilman Plata moved to approve the Preliminary Plat: North Sharyland Common Subd., A 2.24 acre tract of land out of lot 185, J.H.S. Subd., C-3 Developer: Weingarten Shary North, JV, Engineer: Edminister, Hinshaw, Russ, & Associates. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.7 Preliminary Plat Approval: Sharyland Gold Subd., A 2.93 acre tract of land out of Lot 86, J.H.S. Subd, R-1T Developer: Aries Construcciones, LLC Engineer: Jimmy Closner & Sons Construction

The subject site was located on the SW corner of School Lane and Lucksinger Road. The proposed subdivision consisted of 28 townhouse lots. The project engineer was asking for permission to allow a fence buffer to be placed on the alley right of way along the north and east sides of the subdivision due to the abutting ROWs of School Lane and Lucksinger Road. If approved, the developer/owner must perpetually maintain the fence. Staff did not object to the proposal, subject to the signing of a Hold Harmless Agreement, having a related 'maintenance' plat note, and adding this maintenance encumbrance to their deed restrictions.

Water: The developer was proposing water service by upgrading an existing 8" asbestos concrete line along School Lane and installing a new 8" line along Lucksinger Road which would provide water to the subdivision with an internal 8" line. The line along Lucksinger would be stubbed to the south for future development. The developer was also proposing 2 new fire hydrants located via the direction of the Fire Marshal's office.

Sewer: An 8" sewer line would be installed within the subdivision which would then connect into an existing 12" sewer line located along School Lane. The Capital Sewer Recovery Fee was required at \$200/Lot, which equated to \$5,600 (\$200 x 28 Lots).

Streets & Storm Drainage: The subdivision had access to Lucksinger Road, a future 60' ROW, 37' B/B street. The developer would be dedicating an additional 15' ROW along Lucksinger Road to equate to the minimum 30' from centerline. Both School Lane and Lucksinger Road would be fully

widened by the developer. The subdivision would pave a single 50' ROW, 37' B/B paved street with 20' wraparound alleys along the perimeter of the subdivision. Storm drainage was proposed through the use of private detention areas which would connect with School Lane's existing drainage system located along the NE corner of the subdivision. A plat note requiring the HOA to maintain the detention areas in a viable condition would be evident. The developer would also be required to install a 24" R.C.P. line located along Lucksinger Road to the southern boundary line of their subdivision (to be escrowed).

Other Comments: Park Fees – \$300/Lot = \$8,400, 5' sidewalks to be installed along School Lane and Lucksinger Rd; 4' sidewalks would be required along the interior street at the building permit stage, Must submit a street light plan for review, Water District Exclusion, and must comply with all other format findings.

There was no public opposition during 8/29/12 P&Z's meeting. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to: 1) No objection to fence on ROW request as cited above (HH, etc.); 2) Payment of capital sewer recovery and park fees; 3) Escrow the installation of the drainage line; and 4) Comply with all other format findings.

City Manager recommended approval.

Mayor Pro Tem Garza moved to table this item. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.8 Report on the City of Mission's agreement with Hunt Valley Development on annual transferring of Water Rights

The City of Mission had a long-standing agreement with Hunt Valley Development to annually transfer any water rights of recorded plats within their development. During the period of July 1, 2011 to June 30, 2012, Hunt recorded 1 new subdivision, which was calculated to require a dedication of 12.68 ac-ft. of water rights (10.14 recorded acres x 1.25/acre).

Staff and City Manager recommended approval.

Councilman Plata moved to approve the report on the City of Mission's agreement with Hunt Valley Development on annual transferring of Water Rights. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.9 Discussion & Request for Direction on Annexation to the NW of Mission

During August 2012, the Council's consensus was to consider annexation properties westward along 3 Mile Road (La Homa Road area). In conferring with management, the tracts considered to be annexed to NW of Mission. This NW acreage had access to Mission sanitary sewer, and was in SWSC's CCN.

Mission had also been approached by the church at the NW corner of FM 495/Schuerbach to being annexed. Since it adjoined the City limits, this request could be easily done.

Earlier that year there was favorable consensus to annex the tracts west of Schuerbach and south of U.S. Business HWY 83 to thus 'square-off' the Mission city limits in this area. There was also a voluntary annexation request involved in this sector.

Thus, with one annexation cycle, and with 3 voluntary annexation requests involved per area, all would be incorporated by January 2013.

Staff and City Manager recommended direction on annexation to the NW of Mission.

Councilman O'cana declared that he had private property in the area so he needed to abstain from any discussion or voting as required by law.

Mayor Pro Tem Garza moved to approve the annexation schedule to the NW of Mission. Motion was seconded by Councilman Plata and approved 4-1 with Councilman O'cana dissenting.

4.10 Approval of Ordinance # 3825 granting a wet designation for 2701 E. Griffin Pkwy., Ste. 14, Lot 14, Adams Crossing Subd., C-3, Pollito Grilled Chicken, LLC

Staff was requesting the above mentioned property be wet zoned for Wine and Beer Retailer's On-Premise Permit.

CUP was approved by the Council at this meeting.

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Garza moved to approve Ordinance No. 3825 granting a wet designation for 2701 E. Griffin Pkwy., Ste. 14, Lot 14, Adams Crossing Subd., C-3. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3825

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING ORDINANCE NO.780 DESIGNATING PLACES WHERE BEER AND OTHER ALCOHOLIC BEVERAGES MAY BE SOLD WITHIN THE CORPORATE LIMITS OF THE CITY OF MISSION TO INCLUDE THE PREMISES LOCATED AT 2701 E. GRIFFIN PARKWAY, STE 14, LOT 14, ADAMS CROSSING SUBD., POLLITO GRILLED CHICKEN, LLC

4.11 Approval of Ordinance # 3826 adopting the Fiscal Year 2012-2013 Annual Budget

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3826 adopting the Fiscal Year 2012-2013 Annual Budget. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3826

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF MISSION FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; APPROPRIATING MONEY TO A DEBT SERVICE FUND TO PAY INTEREST AND PRINCIPAL DUE ON THE CITY'S INDEBTEDNESS; AND ADOPTING THE ANNUAL BUDGET OF THE CITY OF MISSION FOR THE 2012 – 2013 FISCAL YEAR

4.12 Approval of Ordinance # 3827 adopting the Tax Rate

The Tax Rate for the fiscal year 2012-2013 was \$0.5288 per \$100 property value. In addition to establishing the tax rate, this ordinance provided a \$10,000 exemption for the elderly and a \$10,000 exemption for the disabled. The City would also continue the tax freeze established in 2005 for the elderly and disabled, ensuring the total amount of ad valorem taxes paid would not increase.

I&S Rate	\$0.1202
M&O Rate	<u>\$0.4086</u>
Total Tax Rate	\$0.5288

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Garza moved to approve Ordinance No. 3827 adopting the Tax Rate. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3827

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS LEVYING AN AD VALOREM TAXES FOR USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF MISSION FOR THE FISCAL YEAR 2012-2013; PROVIDING FOR APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES; PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME SHALL BECOME DELINQUENT IF NOT PAID; AND PROVIDING FOR EXEMPTIONS FOR THE ELDERLY AND FOR THE DISABLED.

4.13 Approval of Ordinance # 3828 adopting the Mission Economic Development Corporation Fiscal Year 2012-2013 Annual Budget

Staff and City Manager recommended ordinance approval.

Councilwoman Ramirez moved to approve Ordinance No. 3828 adopting the Mission Economic Development Corporation Fiscal Year 2012-2013 Annual Budget. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3828

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS ADOPTING APPROPRIATIONS FOR THE SUPPORT OF THE MISSION ECONOMIC DEVELOPMENT CORPORATION FOR FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013

4.14 Ordinance # 3829 approval of Classified Positions for the Mission Fire Dept. for FY 2012-13

As per Chapter 143 of the Texas Local Government Code, classified positions have to be approved for every FY. Ordinance would expire on September 30, 2013.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3829 approval of Classified Positions for the Mission Fire Dept. for FY 2012-13. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3829

AN ORDINANCE ESTABLISHING THE CLASSIFICATIONS FOR THE MISSION FIRE DEPARTMENT FOR THE FISCAL YEAR 2012-2013

4.15 Ordinance # 3830 approval of Base salaries and incentive package for the Mission Fire Dept. FY 2012-13

As Required by Chapter 143 of the Texas Local Government Code. Base salaries and incentive pay package must be approved by governing body on a yearly basis. Ordinance expires on September 30, 2013.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3830 approval of Base salaries and incentive package for the Mission Fire Dept. FY 2012-13. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 3830

AN ORDINANCE PROVIDING FOR THE BASE SALARIES FOR CIVIL SERVICE EMPLOYEES OF THE MISSION FIRE DEPARTMENT; PROVIDING FOR EMPLOYEE INCENTIVE PAY FOR MEMBERS OF THE MISSION FIRE DEPARTMENT SUCH INCENTIVE PAY BEING LONGEVITY PAY, SENIORITY PAY, CERTIFICATION PAY, EDUCATIONAL PAY, AND ASSIGNMENT PAY; ESTABLISHING THE RATE OF PAY FOR SUCH INCENTIVE PAYS, ESTABLISHING THE CRITERIA FOR QUALIFICATIONS FOR SUCH PAY; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATING TO THE SUBJECT MATTER THEREFORE

4.16 Ordinance # 3831 approval of Classified Positions for the Mission Police Dept. for FY 2012-13

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Garza moved to approve Ordinance No. 3831 approval of Classified Positions for the Mission Police Dept. for FY 2012-13. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3831

AN ORDINANCE ADOPTING THE CLASSIFICATIONS FOR THE MISSION POLICE DEPARTMENT FOR FISCAL YEAR 2012-2013

4.17 Ordinance # 3832 approval of Base salaries and incentive package for the Mission Police Dept. FY 2012-13

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3832 approval of Base salaries and incentive package for the Mission Police Dept. FY 2012-13. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3832

AN ORDINANCE PROVIDING FOR THE BASE SALARIES FOR CIVIL SERVICE EMPLOYEES OF THE MISSION POLICE DEPARTMENT; PROVIDING FOR EMPLOYEE INCENTIVE PAY FOR MEMBERS OF THE MISSION POLICE DEPARTMENT SUCH INCENTIVE PAY BEING LONGEVITY PAY, SENIORITY PAY, CERTIFICATION PAY, EDUCATIONAL PAY, ASSIGNMENT PAY, AND CLOTHING ALLOWANCE; ESTABLISHING THE RATE OF PAY FOR SUCH INCENTIVE PAYS, ESTABLISHING THE CRITERIA FOR QUALIFICATIONS FOR SUCH PAY; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATING TO THE SUBJECT MATTER THEREFORE

4.18 Authorization to Execute Second-One Year Renewal Option for Chlorine Gas for North & South Water Plants

In 2010, the City of Mission entered into agreement with Acetylene Oxygen Company (AOC) for the purchase of Chlorine Gas. The contract terms were for one year with two one-year renewal options based on 5% increase in price. The price would remain the same. Staff was seeking authorization to extend contract for second-one year renewal option with Acetylene Oxygen Company (AOC). This agreement would extend Bid No 11-019-11-12 from October 1, 2012 through September 30, 2013.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to execute Second-One Year Renewal Option for Chlorine Gas for North & South Water Plants. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

At 6:10 p.m., Councilman Plata stepped out of the meeting.

4.19 Authorization to Execute First-One Year Renewal Option for Liquid Aluminum Sulfate for North and South Water Plants

In 2011, the City of Mission entered into agreement with General Chemical Performance Products, LLC for the purchase of Liquid Aluminum Sulfate. The contract terms were for one year with two one-year renewal options based on 5% increase in price. The price would remain the same. Staff was seeking authorization to extend contract for first-one year renewal option with General Chemical Products, LLC. This agreement would extend Bid No 11-372-10-17 from October 28, 2012 through October 27, 2013.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to execute First-One Year Renewal Option for Liquid Aluminum Sulfate for North and South Water Plants. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

4.20 Authorization to Execute Second-One Year Renewal Option for Polymer for North and South Water Plants

In 2010, the City of Mission entered into agreement with Fort Bend Services, Inc. for the purchase of Polymer. The contract terms were for one year with two one-year renewal options based on 7%

increase in price. The price would remain the same. Staff was seeking authorization to extend contract for second-one year renewal option with Fort Bend Services, Inc. This agreement would extend Bid No 11-024-11-12 from October 1, 2012 through September 30, 2013.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to execute Second-One Year Renewal Option for Polymer for North and South Water Plants. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

4.21 Authorization to Execute First-One Year Renewal Option for Copper Sulfate for North and South Water Plants

In 2011, the City of Mission entered into agreement with Alivia Corporation for the purchase of Copper Sulfate. The contract terms were for one year with two one-year renewal options based on 10% increase in price. The price would remain the same. Staff was seeking authorization to extend contract for first-one year renewal option with Alivia Corporation. This agreement would extend Bid No 11-372-10-17 from October 1, 2012 through September 30, 2013.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to execute First-One Year Renewal Option for Copper Sulfate for North and South Water Plants. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

At 6:13 p.m., Councilman Plata rejoined the meeting.

4.22 Award the Fleet Repair, Maintenance and Preventive Services proposal subject to the negotiation by the City Manager of a satisfactory contract with the entity awarded the proposal

On, July 9, 2012, City Council authorized staff to solicit competitive proposals for the City's Fleet Repair, Maintenance and Preventive Services. The City of Mission had accepted and opened four (4) proposal responses for Fleet Repair, Maintenance and Preventive Services. City staff evaluated proposals to obtain best value, therefore pending further negotiations with successful proposer staff was recommending award to First Vehicle Services Inc. being the highest ranked proposer.

Even though Ruben's Fleet Service proposed the lowest price they failed to submit financial statements or annual reports that would describe their financial strength, resources, economic standing in industry and capability to finance the work, consequently they received less points for financial stability.

Staff Recommendation: Pending further negotiations with successful proposer, staff is seeking authorization to Award to First Vehicle Services Inc.

Staff and City Manager recommended approval.

Councilman Plata moved to approve to award the Fleet Repair, Maintenance and Preventive Services proposal subject to the negotiation by the City Manager of a satisfactory contract with the entity awarded the proposal. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.23 Interlocal Cooperation Agreement between County of Hidalgo and City of Mission for Road Improvements

Interlocal Cooperation Agreement between the County of Hidalgo and the City of Mission in relation to the joint undertaking of road improvements to overlay Moorefield Road from FM 495 to 2 Mile Road.

The City would pay for the asphalt base materials and the County would be responsible for all labor and machinery necessary to complete the Road Improvements.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Interlocal Cooperation Agreement between County of Hidalgo and City of Mission for Road Improvements. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.24 Approval of Change Order #1 for repair of manholes-Phase I with Southern Trenchless Solutions, LLC

Change Order # 1 was a request for the City of Mission to accept a credit for \$ 7,130.00 from the contract amount of \$78,960.00 for repair of manholes. Original contract included twelve manhole repairs, where two manholes were in an excavation confined space location and a different re-lining method was used. In addition, the change order would include the use of credit, \$7,130.00, for an additional Manhole repair on San Antonio and Bus 83 Intersection. Contract Cost would remain the same with an additional manhole repair.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Change Order #1 for repair of manholes-Phase I with Southern Trenchless Solutions, LLC. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.25 Award bid for the purchase and delivery of Athletic League Uniforms for the Boys and Girls Club

On August 13, 2012 City Council authorized staff to solicit bids for the purchase of Athletic League Uniforms for Boys & Girls Club seasonal athletic leagues. The City of Mission had accepted and opened four (4) bid responses for Athletic League Uniforms. Staff was seeking authorization to award bid to Valley Sports in the amount of \$26,772.50 who submitted fair and reasonable pricing and was lowest responsible bidder.

Staff and City Manager recommended approval.

Councilman Plata moved to approve to award bid as recommended by staff for the purchase and delivery of Athletic League Uniforms for the Boys and Girls Club. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.26 Interlocal Cooperation Contract between Texas Department of Public Safety and City of Mission Amending notice provision regarding Failure to Appear and replacing existing contract

The 82nd Legislative Session, Section 706.005 was amended to require courts to

immediately notify Texas Department of Public Safety when no cause existed to continue to deny renewal of a person's drivers license. Under the existing contract, courts were required to report compliance within 5 business days.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve Interlocal Cooperation Contract between Texas Department of Public Safety and City of Mission Amending notice provision regarding Failure to Appear and replacing existing contract. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.27 Ordinance # 3833 Amending Ordinance No. 3401 to amend and restate the Personnel Policy Manual for Employees of the City of Mission, Texas

In reviewing the City's Personnel Policy Manual, staff had proposed a number of revisions/updates to the personnel policy manual in accordance with legal recommendation and as per City Council workshop. The proposed ordinance would amend and restate the manual effective 10/01/2012.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3833 Amending Ordinance No. 3401 to amend and restate the Personnel Policy Manual for Employees of the City of Mission, Texas. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 3833

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS,
AMENDING ORDINANCE NO. 3401 TO AMEND AND RESTATE THE PERSONNEL
POLICY MANUAL FOR EMPLOYEES OF THE CITY OF MISSION, TEXAS; PROVIDING
FOR A PUBLICATION CLAUSE AND AN EFFECTIVE DATE

4.28 Discussion and action on the Mission Redevelopment Authority (MRA) amending its "Project List" and expanding its Tax Increment Reinvestment Zone (TIRZ) boundaries

The Mission Redevelopment Authority (MRA) sought to amend its Project List and expand its TIRZ boundaries in order to include the Hidalgo County Loop (State Hwy 365) within its scope of work. The Project List would be amended to include the Loop as a TIRZ eligible project. The boundaries of the zone would also be expanded to encompass the area where the State Hwy 365 area (Loop) was designated to be built. The MRA would work with the Regional Mobility Authority (RMA) of Hidalgo County in order to complete the loop to Conway Ave. Currently the RMA had not funded the preliminary engineering and environmental studies for the portion of the loop from Bryan Road (FM 396) to Conway (1016). The MRA would fund this portion subject to executing an inter-local reimbursement agreement with the RMA. It was the intent of the RMA to reimburse all costs associated with this project.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Mission Redevelopment Authority (MRA) amending its "Project List" and expanding its Tax Increment Reinvestment Zone (TIRZ) boundaries. 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

Mr. Cerda mentioned the Mission Historical Museum's 4th Annual Banquet that would be held on Thursday, September 13, 2012 at The Club at Cimarron.

Museum Director, Luis Contreras gave a brief description of the banquet's program.

6.2 Mayor's Comments

Mayor Salinas advised of the museum's landscaping project that would be taking place in the near future.

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

7.1 Consultation with Attorney Sec. 551.071

A. City of Mission v Alejandro Gonzalez

B. Claim of Damian Rodriguez

C. Kenneth John Snider v City of Mission, et.al.

7.2 Consultation with Attorney Sec. 551.071

Personnel matters Sec. 551.074

A. Golf Pro Contract

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

At 5:39 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, Councilman Plata moved to authorize the City's Attorneys to appeal to the Supreme Court. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

On item 7.1-B, Councilman O'cana moved to authorize City Manager to settle the claim of Damian Rodriguez in the amount of \$2,000 and to acquire a release. Motion was seconded by Councilman Plata and approved unanimously 5-0.

On item 7.1-C, no action was taken.

On item 7.2-A, Councilman Plata moved to approve the Golf Pro's contract as presented. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

At 5:41 p.m., Mayor Salinas continued on to item 4.1 of the agenda.

8.0 Adjournment

At 6:27 p.m., Councilman Plata moved for adjournment. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary