

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
JANUARY 14, 2013 4:30 P.M.
MISSION CITY HALL**

PRESENT:

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

ABSENT:

ALSO PRESENT:

Kathy Olivarez, Progress Times
Gail Burkhardt, The Monitor
Concepcion Ayala
Margarita Gracia
Gilbert J. Guerra, P.E.
Jim Barnes
Larry Reyna
Gilberto Rocha
Roberto Bravo
Claudia Tienda
Susan Barlow
Elias Mata
Delia Herrera
Norma Sanchez
Bill Filut
Dina Sierra
Ivan Garcia
Ernesto Trevino
Jaime Sanchez
Jesse Sanchez

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Sonia Marroquin, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Danny Tijerina, Planning Director
Bobby Salinas, Planning Dept.
Roberto Salinas, Public Works Director
Paul Schaefer, Golf Course Director
Gilbert Sanchez, Fire Marshal
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 4:36 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

Councilwoman Maria Elena Ramirez moved to approve the departmental reports as presented. Motion was seconded by Councilman Ruben Plata and approved unanimously 5-0.

4. Report from the Greater Mission Chamber of Commerce

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on a successful Annual Health Fair and All Valley RV Show and on the chamber events that had recently taken place and on upcoming events to include Labor Law Seminar, Health Care Reform Seminar, Sister City Dinner and Mission Day at Austin on February 19-20.

5. Citizens Participation

Jim Barnes of W. Expressway 83, President of the McAllen Tea Party spoke about the right to bear arms.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Discussion and Action to Amend Future Land Use Map within the Boundaries of Taylor Rd. to the East, Anzalduas Hwy. to the West, Expwy 83 to the North, and Military Rd. (F.M. 1016) to the South Adoption of Ordinance # 3875 approving 1.1A

This was the 4th in a series of FLUM amendments. The FLUM gave the general public, developers, public officials, and interested others 'broad strokes' of how the City of Mission's land uses should be located - - it was not intended to be a rock solid depiction of a future zoning map. When determining general land use patterns, staff typically factored in the following:

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

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

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

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

SITE LOCATION	FROM/TO	JUSTIFICATION
Lots 10-17 Stewart Plaza Subdivision	HC to HD	This change would correct the FLUM due to the current R-3 zone and the existing apartment use.
Lot 1, Stewart Plaza Subdivision	HC to GC	This change would correct the FLUM to show the existing C-3 zone and would reduce the possibility of converting the lot to a C-4 zone which could have a negative impact to the area.
7.56 acres out of Shares 3, 4, & 5, San Jose Subdivision	P to LDA	This property was previously owned by the Catholic Cemetery, however was now privately owned and was proposed for residential use
Lagos De Cimarron Subdivision	LDto PUD	This change would correct the FLUM to show that the subdivision was within Cimarron's PUD.
A 2.47 acre tract out of Lot 165, John H. Shary Subdivision	GC to HD	This property was recently changed to R-3 for a new multi-family subdivision. This FLUM amendment would reconcile the FLUM with the current zone.
A 5.85 acre tract of land out of Lot 166, John H. Shary Subdivision	HD to GC	This property was currently going through City Council for approval to GC. This FLUM amendment would reconcile the FLUM with the proposed zone.

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

Staff and City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Norie Gonzalez Garza moved to approve to amend the FLUM and to adopt Ordinance No. 3875 to Amend Future Land Use Map within the Boundaries of Taylor Rd. to the East, Anzalduas Hwy. to the West, Expwy 83 to the North, and Military Rd. (F.M. 1016) to the South as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3875

AN ORDINANCE UPDATING THE FUTURE LAND USE MAP
OF THE CITY OF MISSION, TEXAS WITHIN THE BOUNDARIES OF
TAYLOR ROAD TO THE EAST, ANZALDUAS HWY. TO THE WEST, EXPRESSWAY 83 TO
THE NORTH, AND MILITARY RD. (F.M. 1016) TO THE SOUTH

B. Rezoning: A 1 acre tract of land out of Lot 294, John H. Shary Subd., from R-1A (Large Lot Single Family) to R-3 (Multi-Family Residential), Ernesto Trevino Adoption of Ordinance # 3876 approving 1.1B

Location: NW corner area of 2 Mile and Shary Road.

Lot/Tract Size: 165' by 264' (1 acre tract)

Existing Land Use/Adjacent Zoning: North – Residential; (AO-I) Agricultural Open Interim; South – Residential - Mangin Mobile Home; (AO-I), Agricultural Open Interim; East – Institutional - Church; (AO-I), Agricultural Open Interim; and West – Residential (AO-I) Agricultural Open Interim

Access and Circulation: This property had access onto 25' caliche drive which exits onto Shary Road.

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

The land use pattern for this area of the community consisted of single family residential, institutional, and neighborhood commercial uses. The Future Land Use Map reflected a Lower Density Residential (LDA) designation. However, the proposed zone change complied with the 'Stair Step' approach to zoning – church, proposed multi-family, single family, and City owned property (water tower). It was noted that if the zoning was approved, the applicant would need to comply with the subdivision requirements of the City. Staff mailed eleven (11) notices to property owners within the 200' radius of the site. As of the date of this write-up, staff had not received any comments in favor or against this request. There was no public opposition during the 12/12/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff and City Manager recommended approval.

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

There were no comments.

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Councilman Plata moved to approve the rezoning and to adopt Ordinance No. 3876 Rezoning: A 1 acre tract of land out of Lot 294, John H. Shary Subd., from R-1A (Large Lot Single Family) to R-3 (Multi-Family Residential) as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3876

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING A 1 ACRE TRACT OF LAND OUT OF LOT 294, JOHN H. SHARY SUBDIVISION, DESCRIBED IN ATTACHED EXHIBIT "A" FROM R-1A (LARGE LOT SINGLE FAMILY) TO R-3 (MULTI-FAMILY)

C. Conditional Use Permit: For Texas Citrus Fiesta Fun Fair on January 26, 2013, 807 N. Conway Ave. (AKA La Lomita Plaza), C-3, Texas Citrus Fiesta, Inc. Adoption of Ordinance # 3877 approving 1.1C

Location: SW Corner of Conway and Business 83.

Existing Land Use/Adjacent Zoning: Commercial; C-3, (General Business) in all directions

Access & Circulation: This site's primary accesses were from Conway.

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

The Fun Fair was proposed to be within La Lomita Plaza. Texas Citrus Fiesta organizers would be having their annual "Fun Fair" event on January 26, 2013. Hours of Operation were 10:00 a.m. to 10:00 p.m. Parking for this event would be provided east and north of the Chamber of Commerce building and east of Fallas Paredes. The Zoning Code required the 'Fun Fair' to be a minimum of 300' separation from residentially used property from lot line to lot line. There were several residential properties within this radius; thus a waiver of the separation requirement needed consideration. Ch-10 Amusements and Entertainment: Security would be evident as in past events via Mission PD officers (as hired by TCF). Restrooms would be available. All provisions of the Chapter 10 Mission Code of Ordinances – Amusements and Entertainment – would need to be complied with. There was no public opposition during the 12/12/12 P&Z hearing. P&Z unanimously recommended approval of the new location as shown below.

Staff Recommendation: Approval subject to: 1) Waiver of the 300' separation; 2) must comply with Health and Fire Codes; and 3) Meet Noise, Amusement and Entertainment, and any other related codes.

City Manager recommended approval.

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

There were no comments.

Councilwoman Ramirez moved to approve the CUP and to adopt Ordinance No. 3877 Conditional Use Permit: For Texas Citrus Fiesta Fun Fair on January 26, 2013, 807 N. Conway Ave. (AKA La Lomita Plaza), C-3 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3877

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR “TEXAS CITRUS FIESTA FUN FAIR”, JANUARY 26, 2013, 807 N. CONWAY AVE. (AKA LA LOMITA PLAZA)

**D. Conditional Use Permit: For the Manufacturing and Re-Packaging of Peanuts, Chicharrones, etc. in a C-4 Zone, 715 N. Glasscock Rd., Ste. 5, Lot 5, 83 International Business Plaza Subd., C-4, Sazon Latino
Adoption of Ordinance # 3878 approving 1.1D**

Lot/Tract Size: 40’ by 80’ (3,200 square feet).

Existing Land Use/Adjacent Zoning: North, East & West – Warehouses; Heavy Commercial (C-4); and South – Mobile Homes; Mobile & Modular Housing District (R-4).

Access & Circulation: This site’s primary access was onto “C” Street.

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

The subject site was located within a warehouse plaza 765’ south of U.S. Business 83 and west along “C” Street. The applicant was proposing to manufacture, process, and re-package, and store peanuts, chicharrones, etc. within the C-4 warehouse suite. The target customers would be those that would purchase large quantities for their own businesses. Days/Hours of Operation: Monday – Saturday from 8:00 a.m. to 5:00 p.m. Staff: 5 employees. Parking was held in common and was shared with other businesses. Re-stripping of the parking area in front of the proposed business shall be required. Staff noted that the proposed use would only be to customers purchasing products in large quantities, and the # of employees could be easily accommodated on the existing parking area.

Must comply with all Building, Fire, and Health Codes. Must acquire a business license. There was no public opposition during the 12/12/12 P&Z hearing. P&Z unanimously recommended approval of the new location as shown below.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation in order to assess this new business; 2) Must re-stripe the parking area in front of the proposed business, 3) Must comply with all Building, Fire, and Health Code, and 4) Must acquire a business license.

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. 3878 Conditional Use Permit: For the Manufacturing and Re-Packaging of Peanuts, Chicharrones, etc. in a C-4 Zone, 715 N. Glasscock Rd., Ste. 5, Lot 5, 83 International Business Plaza Subd., C-4 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3878

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE MANUFACTURING AND RE-PACKAGING OF PEANUTS, CHICHARRONES, ETC. IN A C-4 ZONE, 715 N. GLASSCOCK ROAD, STE. 5, BEING LOT 5, 83 INTERNATIONAL BUSINESS PLAZA SUBDIVISION

E. Conditional Use Permit: For the Sale & On-Site Consumption of Alcohol at “806 Wings & Bar”, 2005 W. Mile 3 Rd., Suites 1600 & 1700, being Lot 7, Block 4, Taurus Estates #9 Subd. Phase I, C-3, Juan Solis and Wet Zone of property

Adoption of Ordinance # 3879 approving 1.1E

Adoption of Ordinance # 3880 approving Wet Zone

Lot/Tract Size: 145’ x 170’ (24,650 sq.ft. or 0.57 acres).

Existing Land Use/Adjacent Zoning: North – Outside City Limits; South – Residential (R-1) Single Family Residential; East & West – Commercial (C-3) General Business District.

Access & Circulation: The property had access to Mile 3 Road.

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

Mr. Solis had leased two commercial suites within the commercial plaza located between Magdalena and Crisantema Street on the South side of 3 Mile. He had acquired permits to remodel the interior of the building. In viewing the floor plan, there were 17 tables (4 seats each) shown for use by patrons. The kitchen and restrooms were located to the south of the building. Four (4) televisions were shown on the walls. Parking was held in common between the tenants located within the plaza.

The proposed days and hours of operation were Monday through Sunday from 10:00 a.m. to 12:00 a.m. Six full-time employees were proposed. The proposal was to sell buffalo wings (different flavors and styles), French fries, onion rings, baked rolls, soft drinks, and beer.

In viewing the location map, there were single family residences located within three-hundred feet (300’) to the south of this business. The City’s Alcoholic Beverage and Zoning Code state the following:

The property line of the lot of any of the above-mentioned businesses, especially those businesses which have late hours must be at least 300 feet from the nearest residence, church, school or publicly owned property, or must provide sufficient buffering and sound insulation of the building such that the business was visible and could not be heard from such structure or areas, and must be designed to prevent disruption of the character of adjacent residential areas.

The planning and zoning commission may, under extenuating or special circumstances unique to the site or event, recommend waiver of the 300 foot requirement on a temporary or permanent basis to the city council who shall have the ultimate decision on the matter.

Sixteen (16) notices were mailed to property owners within 200’ radius of the site. As of the date of this write-up, the Planning Department had not received any comments in favor or against this

request. There was no public opposition during the 12/12/12 P&Z hearing. P&Z unanimously recommended approval of the new location as shown below.

Staff Recommendation: Approval subject to: 1) Compliance with all Health & Fire Department requirements; 2) Compliance with Texas Alcoholic Beverage Commission (TABC) requirements, 3) Wet zone the property, 4) Recommend waiver of the 300 foot requirement to City Council, 5) The acquisition of a Business License, and 6) 1 year re-evaluation.

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. 3879 Conditional Use Permit: For the Sale & On-Site Consumption of Alcohol at “806 Wings & Bar”, 2005 W. Mile 3 Rd., Suites 1600 & 1700, being Lot 7, Block 4, Taurus Estates #9 Subd. Phase I, C-3 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3879

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE SALE & ON-SITE CONSUMPTION OF ALCOHOL AT “806 WINGS & BAR”, AT 2005 WEST MILE 3 ROAD, SUITES 1600 & 1700, BEING LOT 7, BLOCK 4, TAURUS ESTATES # 9 SUBDIVISION PHASE I

Councilman Plata moved to adopt Ordinance No. 3880 granting a wet designation for “806 Wings & Bar”, 2005 W. Mile 3 Rd., Suites 1600 & 1700, being Lot 7, Block 4, Taurus Estates #9 Subd. Phase I as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3880

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 2005 W. MILE 3 RD., SUITES 1600 & 1700, BEING LOT 7, BLOCK 4, TAURUS ESTATES #9 SUBD. PHASE I, “806 WINGS & BAR”

F. Conditional Use Permit: To Place a Hotdog Stand in a C-2 Zone, 4009 N. Inspiration Rd., Lot 9, Block 5, Taurus Estates #9 Subd. Phase I, C-2, Elias Mata, Jr. Adoption of Ordinance # 3881 approving 1.1F

Lot/Tract Size: 134.17' by 147' (19,354.4 sq.ft.)

Existing Land Use/Adjacent Zoning: North & South – Residential (R-2) Duplex-Fourplex Residential; and East & West – Residential (R-1) Single Family Residential.

Access & Circulation: The property had access to Inspiration Road and Azalea Street.

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

The applicant was proposing to place a 16' by 8' portable building within the parking area of the bakery located at the site. In viewing the site plan, there were 22 parking spaces of which two would be used by Mr. Mata for the stand. It was noted that the trailer would be brought to and taken from the site daily.

The proposed days and hours of operation were Monday through Sunday from 5:00 p.m. to 11:00 p.m. The total number of employees was 2 (Mr. Mata and his brother, Conrado Guerra). The proposal was to sell tacos, hamburgers, tortas, hotdogs, and soft drinks.

Twenty-four (24) notices were mailed out to property owners within 200' radius of the site. As of the date of this write-up, the Planning Department had not received any comments in favor or against this request. There was no public opposition during the 12/12/12 P&Z hearing. P&Z unanimously recommended approval of the new location as shown below.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation, 2) Compliance with all Health and Fire Department requirements, and 3) The acquisition of a Business License.

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. 3881 Conditional Use Permit: to place a Hotdog Stand in a C-2 Zone, 4009 N. Inspiration Rd., Lot 9, Block 5, Taurus Estates #9 Subd. Phase I, C-2 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3881

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS GRANTING A CONDITIONAL USE PERMIT TO PLACE A HOTDOG STAND IN A
C-2 ZONE, 4009 N. INSPIRATION ROAD, BEING LOT 9, BLOCK 5, TAURUS ESTATES # 9
SUBDIVISION PHASE I

**G. Conditional Use Permit: To Place a Portable Building for the Sale of Hotdogs in a
C-2 Zone, 3300 N. Inspiration Rd., being Lot 1, Gomez Estates Subd., C-2,
Felipe Cruz
Adoption of Ordinance # 3882 approving 1.1G**

Lot/Tract Size: 230.53' by 281.28' (64,843.48 sq.ft. or 1.49 acres)

Existing Land Use/Adjacent Zoning: North & South – Agricultural (AO-I) Agricultural Open Interim; East – Residential (R-1) Single Family Residential; and West - Commercial (C-3) General Business District

Access & Circulation: The property had access to Mile 2 Road and Inspiration Road.

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Public Services: Water was provided by Sharyland Water Supply Corporation and Sewer Services were provided by the City of Mission.

The hours and days of operation were Monday through Sunday from 6:00 p.m. to 11:00 p.m. The applicant was the only employee. The existing drive-thru measured 2,310 sq.ft. which required 9 parking spaces, the hot dog stand required a minimum of 4 spaces and the existing water mill also required 4 spaces for a total of 17 spaces. There were 14 parking spaces on the site along with 3 spaces within the drive-thru equating to 17 spaces. There were also unmarked spaces used by the water mill customers.

Regarding landscaping, there were 3 existing shade trees on site. There was no curb and gutter nor sidewalks along 2 Mile nor Inspiration Road. These improvements were planned once both roads were widened.

Eleven (11) notices were mailed to property owners within a 200' radius of the site. As of the date of this write up, the Planning Department had not received any comments in favor or against this request. There was no public opposition during the 12/12/12 P&Z hearing. P&Z unanimously recommended approval of the new location as shown below.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation and 2) Continued compliance with all Health and Fire Department requirements.

City Manager recommended approval.

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

There were no comments.

Councilwoman Ramirez moved to approve the CUP and to adopt Ordinance No. 3882 Conditional Use Permit: To Place a Portable Building for the Sale of Hotdogs in a C-2 Zone, 3300 N. Inspiration Rd., being Lot 1, Gomez Estates Subd., C-2 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3882

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS GRANTING A CONDITIONAL USE PERMIT TO PLACE A PORTABLE BUILDING
FOR THE SALE OF HOTDOGS IN A C-2 ZONE, 3300 N. INSPIRATION ROAD, BEING LOT
1, GOMEZ ESTATES SUBDIVISION

**H. Conditional Use Permit: For the Sale & On-Site Consumption of Beer and Wine –
Freebirds World Burrito, 2521 E. Expwy 83, Ste . 600, Lot 5, Block A, Shary-Taylor
Expressway Commercial Subd., C-4, Claudia Tienda
Adoption of Ordinance # 3883 approving 1.1H**

Lot/Tract Size: (2.227 acres)

Existing Land Use/Adjacent Zoning: North – Open Acreage (C-4) Heavy Commercial District;
South – Commercial (C-3) General Business District; East– Outside of City Limits; and West –
Commercial (C-4) Heavy Commercial District

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Access & Circulation: This site's primary accesses were from Expressway 83 and Taylor Road.

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

This restaurant was located within an existing commercial plaza along the Expressway and Taylor Road. This CUP was originally approved on 6/8/11. The applicant was requesting renewal of the CUP. There were no churches or public/private schools within 300' of the subject site, thus being compliant to Section 6-4.

Hours of Operation: Monday – Thursday from 11:00 a.m. to 10:00 p.m., Friday and Saturday from 11:00 a.m. to 10:30 p.m., and Sunday from 11:00 a.m. to 9:00 p.m. Alcoholic beverages would only be served during allowable State selling hours. There were 35 employees in shifts. There were 80 total seating spaces, which require 27 parking spaces (80 seats/1 space for every 3 seats = 26.6 parking spaces). It was noted that the parking area was held in common and was shared with other businesses. Staff had not received any complaints in regards to this business. There was no public opposition during the 12/12/12 P&Z hearing. P&Z unanimously recommended approval of the new location as shown below.

Staff Recommendation: Approval subject to Life of Use.

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. 3883 Conditional Use Permit: For the Sale & On-Site Consumption of Beer and Wine – Freebirds World Burrito, 2521 E. Expwy 83, Ste. 600, Lot 5, Block A, Shary-Taylor Expressway Commercial Subd., C-4 as recommended. Motion was seconded by Councilman Dr. Armando O'cana and approved unanimously 5-0.

ORDINANCE NO. 3883

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE SALE & ON-SITE
CONSUMPTION OF BEER & WINE – FREEBIRDS WOLRD BURRITO, 2521 E.
EXPRESSWAY 83, STE. 600, BEING LOT 5, BLOCK A, SHARY-TAYLOR EXPRESSWAY
COMMERCIAL SUBDIVISION

**I. Conditional Use Permit: Home Occupation – Notary Service and Preparation of
Income Tax Forms, 1115 Reynosa St., being Lot 2, Block 1, Browning Subd., R-1,
Larry D. Reyna,
Adoption of Ordinance # 3884 approving 1.1I**

Lot/Tract Size: 108' by 118.5' (12,798 square feet)

Existing Land Use/Adjacent Zoning: Single Family Homes (R-1) Single Family Residential District in all directions.

Access & Circulation: This site's primary access was from Reynosa Street

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

The site was located at the NW corner of Reynosa and Highland. The applicant had his residence on the property and had an 11.8' by 11.9' area that he used as his notary and tax preparation office. This CUP was most recently approved on 10/28/09 for a period of 3 years. Mr. Reyna had been operating his notary business without any incidents since 11/28/07 and was now asking for an approval for this renewal. Days/Hours of Operation: Monday – Saturday from 9:00 a.m. to 8:00 p.m. during tax season and by appointment during the off season. Mr. Reyna was the only employee running the home occupation. There was no public opposition during the 12/12/12 P&Z hearing. P&Z unanimously recommended approval of the new location as shown below.

Staff Recommendation: Approval subject to a 3 year re-evaluation

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. 3884 Conditional Use Permit: Home Occupation – Notary Service and Preparation of Income Tax Forms, 1115 Reynosa St., being Lot 2, Block 1, Browning Subd., R-1 as recommended. Motion was seconded by Councilwoman Ramirez and approved 4-1 with Mayor Salinas against.

ORDINANCE NO. 3884

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A HOME
OCCUPATION – NOTARY SERVICE AND PREPARATION OF
INCOME TAX FORMS, 1115 REYNOSA STREET, BEING LOT 2, BLOCK 1, BROWNING
SUBDIVISION

**J. Conditional Use Permit: For a Repo-Service “Office Use” in an AO-I zone, 2500 N. Inspiration Rd., being 10 acre tract excluding the 1.14 acre out of Lot A, B.L. Millers Subd., AO-I, Roel Buentello Jr.,
Adoption of Ordinance # 3885 approving 1.1J**

Lot/Tract Size: 310' by 1320' (409,200 square feet)

Existing Land Use/Adjacent Zoning: North – La Joya Middle School (R-1) Single Family Residential District; South – Convenience Store; County (Not in the City Limits); East– Open Acreage (AO-I) Agricultural Open Interim; and West – Church; County (Not in City Limits)

Access & Circulation: The site’s primary access was onto Moorefield Road

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

The site was ¼ mile north of Griffin Parkway along the east side of Moorefield Road. There was a 1,500 sq.ft. masonry home on the property that the applicant had been leasing. The applicant had also constructed a 90' x 80' fenced impound area for the repossessed vehicles. This CUP was most

recently approved on 10/12/11. Mr. Buentello had been operating his business since 2009, with no incidents. Mr. Buentello had been operating his Repo-Service over the past year without any major incidents and had been in operation since 4/15/09 and was now asking for an approval for this renewal. Days/Hours of Operation: Monday – Friday from 8:00 a.m. to 5:00 p.m. Staff included 1 full time employee and 1 part time driver. On 9/22/10 P&Z removed the parking space requirement since there was no interaction with customers on-site and 9 out of 10 vehicles got returned to dealerships. There was no ground pole sign permitted for this CUP. There was no public opposition during the 12/12/12 P&Z hearing. P&Z unanimously recommended approval of the new location as shown below.

Staff Recommendation: Approval subject to a 3 year re-evaluation.

City Manager recommended approval.

City Attorney David Guerra advised Mayor Salinas and Council that Councilwoman Ramirez would be abstaining from this item since the applicant was her nephew.

Mayor Salinas asked if there were any comments for or against the request. He also indicated to the applicant Mr. Roel Buentello, Jr. to be sure the site would not become a junk yard.

Mr. Buentello agreed with Mayor's indication and explained that he had never had a vehicle on the property longer than 20 days.

Mayor Pro Tem Garza moved to approve the CUP and to adopt Ordinance No. 3885 Conditional Use Permit: For a Repo-Service "Office Use" in an AO-I zone, 2500 N. Inspiration Rd., being 10 acre tract excluding the 1.14 acre out of Lot A, B.L. Millers Subd., AO-I, subject to a 1 year re-evaluation. Motion was seconded by Councilman Plata and approved 4-0 with Councilwoman Ramirez abstaining from voting and deliberating on this item.

ORDINANCE NO. 3885

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A REPO-SERVICE "OFFICE USE" IN AN AO-I ZONE, AT 2500 N. MOOREFIELD RD., BEING 10 ACRE TRACT EXCLUDING THE 1.14 ACRE OUT OF LOT A, B.L. MILLERS SUBDIVISION

**K. Conditional Use Permit: To keep an existing 12' x 16' Portable Building for use as an Auto Sales Office in a C-4, Heavy Commercial Zone, located at 1609 E. Expwy 83, Lots 3-6, Mission Palms Plaza Subd., C-4, Gilberto Rocha
Adoption of Ordinance # 3886 approving 1.1K**

Lot/Tract Size: 100' by 401.94' (40,194 sq.ft. or 0.92) Lots 3 & 4 measure 50' x 200' and Lots 5 & 6 measure 50' x 201.94'

Existing Land Use/Adjacent Zoning: North – Residential (R-1T) Townhouse Residential; South – Commercial (C-3) General Business; East & West – Commercial (C-4) Heavy Commercial

Access & Circulation: The property had access to U.S. Expressway 83 Westbound Frontage and to Vatia Boulevard.

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

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The applicant was proposing to keep an existing 12' x 16' portable building to be used as an auto sales office. Lots 3 & 4 were the primary lots that would be used for the business. In viewing the recorded plat, the minimum front set back was 75'. This area served as parking for the businesses within this plaza. The minimum number of parking spaces needed for the car lot was 4 (thus exceeding code by 16).

The portable building was located approximately 70' further north of the paved common parking area. The applicant was proposing to place some vehicles outside of the fenced area within the existing parking area for visibility. Mr. Rocha had installed a cedar fence along the rear of the portable building in order to buffer the car lot from the remnants of the landscape business to the north.

The proposed days and hours of operation were Monday through Friday 9:00 a.m. to 6:00 p.m. and Saturday from 9:00 a.m. to 2:00 p.m. Two employees were proposed at this time. Staff noted that Mr. Rocha owned another car lot in Palmview that had been very successful. He planned to bring 60 plus vehicles to the site. In speaking with Mr. Rocha on 12/4/12 regarding his plans, he informed staff that he would comply with all City requirements.

Thirty-three (33) notices were mailed to property owners within a 200' radius of the site. As of the date of this write-up, the Planning Department had not received any comments in favor or against this request. There was no public opposition during the 12/12/12 P&Z hearing. P&Z unanimously recommended approval of the new location as shown below.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation; 2) Must provide all-weather parking north of the parking lot, 3) Must obtain a Business License, 4) Skirt the building, 5) Must comply with Sign code, and 6) Must comply with Landscape Ordinance.

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. 3886 Conditional Use Permit: To keep an existing 12' x 16' Portable Building for use as an Auto Sales Office in a C-4, Heavy Commercial Zone, located at 1609 E. Expwy 83, Lots 3-6, Mission Palms Plaza Subd., C-4 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3886

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS GRANTING A CONDITIONAL USE PERMIT TO KEEP AN EXISTING
12' X 16' PORTABLE BUILDING FOR USE AS AN AUTO SALES OFFICE,
1609 E. EXPRESSWAY 83, BEING LOTS 3-6, MISSION PALMS PLAZA SUBDIVISION IN A
C-4, HEAVY COMMERCIAL ZONING DISTRICT

2.0 Disposition of Minutes

2.1 City Council Meeting – December 17, 2012

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

3.0 Acknowledge Receipt of Minutes

3.1 None

4.0 Approvals and Authorizations

4.1 Preliminary Plat Approval: Santa Lucia Subd., 15.002 acre tract of land out of Lot 166, John H. Shary Subd., Developer: Blanca A. Gutierrez, Engineer: Rio Delta Engineering

Exiting Land Use/Adjacent Zoning: North – Tinseltown (C-3) General Business District, South – Open Acreage (AO-I) Agricultural Open Interim, East – Outside City Limits (City of McAllen), West – Apartments and a commercial strip (R-3 & C-3) Multi-Family & General Business District.

Access and Circulation: This site's primary accesses were from Colorado and Taylor Road.

The subdivision consisted of 22 lots, in which Lot 1 was proposed for a new private and gated apartment complex (168 apartments) and the remaining lots would be for commercial uses.

Water service would be provided via an existing 8" water line located along the south and east side of the site. The developer would also be installing a new 8" waterline along the south and east side of the site, thus looping the water system. There were 6 fire hydrants shown pursuant to the direction of the Fire Marshal, however additional hydrants would be required during the construction of the apartment complex.

Sewer service would be provided through the installation of a new private lift station and a proposed 6" force main that would ultimately connect to the existing 10" line located along Shary Road. The private sewer improvements shall perpetually be maintained by the property owner's association. The Sewer Capital Recovery Fee (SCRF) equated to \$21,540 for the apartments and the proposed commercial lot as required by Ordinance # 3022.

This subdivision abutted both Taylor Road and Colorado Street. Taylor was a future 80' ROW, 57' B/B. There was an additional 10' of ROW being dedicated along Taylor Road via this plat and no additional ROW was needed along the north side of Colorado. Taylor and Colorado were already fully widened along the developer's side of the street, i.e. any additional widening would occur when the McAllen's side along Taylor and the Shin Property south of Colorado Road develop. There was also a 50' ROW, 37' B/B street proposed off of Taylor Road that would provide access to Lot 1. The developer was also proposing to add a deceleration lane up to the entrance off of Taylor Road in order to aid in traffic congestion. The City of Mission would also be conducting a traffic study to determine an intersection improvement and if needed, would require the developer to pay a pro rata share of the required improvement.

The developer would provide storm drainage by stalling a 24" R.C.P. line along Colorado Street, the use of a detention pond, and swales. Our City Engineer had reviewed and approved the drainage report. Water District exclusion would be required. 5' sidewalks must be installed along Taylor Road and Colorado Street during permit stage. Park Fees must be paid in the amount of \$50,400.00 (\$300/H.U.E. x 168 apartments). There were existing street lights along Taylor Road and Colorado Street.

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

Staff Recommendation: Approval subject to: 1) Payment of the SCRF & Park Fees, 2) Provide Pro rata share of traffic control improvement, 3) Provide exclusion from the Water District, and 4) Comply with all other format findings.

City Manager recommended approval.

Dina Sierra property manager of Colorado Apts. was concerned with the traffic at this location.

City Attorney David Guerra requested of Mayor Salinas to go into executive session prior to considering tabling item 4.1. Mayor Salinas refused.

After much deliberation Mayor Salinas recommended tabling this item.

Mayor Pro Tem Garza moved to table item 4.1. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.2 Final Plat Approval: Las Estrellas Subd., No. IV, 30.47 acre tract of land being all of Lots 36, 37, and 40, Nick Doffing Subd. No. 3, Rural ETJ, Developer: CWL, Ltd., Engineer: Quintanilla, Headley, & Associates

CWL had asked for Final Plat Approval for Las Estrellas Subdivision No. IV. The City Council approved the Preliminary Plat on August 13, 2012 for the overall 52 lot development. CWL desired to record the plat during the ongoing construction of the infrastructure by providing a Letter of Credit to financially secure the improvements. The Letter of Credit shall comply with County regulations. If approved and recorded thereafter, no building permits could be issued until all utility & street improvements were approved of in writing. The subject site was located approximately ½ mile south of Mile 5 along the east side of Minnesota Road. The lots met or exceeded the County's ½ acre minimum for rural residential lots. There were some lots that fell within a Flood Zone "A". The developer was proposing to elevate the area with fill to match the natural elevation of the lots within the "X" Zone (BFE 182.00') as required by the County. Elevation certificates would also be required for such lots during the building permit process, thus compliant to FEMA requirements.

Water: The water CCN belonged to AGUA SUD. The developer was providing water service by connecting to an existing 8" water line located along the east side of Minnesota Road and extending an 8" line network throughout the subdivision, also allowing for future connectivity to the north by others.

Sewer: Sanitary sewer service for this subdivision would be addressed by individual on-site sewage facilities (OSSF) of a standard design septic tank and drain field on each lot. Each lot met or exceeded the County's typical ½ acre standard where septic tanks were permitted. This area was not within the City of Mission's Sewer CCN. (Note: Mission sewer was .66 miles away).

Streets & Storm Drainage: The plat dedicated an additional 15' on the perimeter of Minnesota Road to equate to 40' ROW from centerline; thus in compliance to MPO requisites. The lots would be fronting 50' ROW 32' B/B paved streets built to the County's construction specifications. There was also a street stub to the north for future interfacing. A temporary cul-de-sac would be in place at the stubbed end until such future development occurred. No residential access would be allowed

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from Lots 1, 31, 32, and 52 onto Minnesota Road. Drainage for the subdivision was proposed through the use of swales located in the rear of each property as permitted under County guidelines. Mr. Quintanilla's drainage report had been approved by the County's.

Other Comments: Comply with Street Naming alignment policy.

There was no public opposition during 7/25/12 P&Z's meeting. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to compliance with County requirements.

City Manager recommended approval.

Councilman Plata moved to approve Final Plat Approval: Las Estrellas Subd., No. IV, 30.47 acre tract of land being all of Lots 36, 37, and 40, Nick Doffing Subd. No. 3, Rural ETJ as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

City Attorney David Guerra requested that council go into executive session prior to considering item 4.3 in open session pursuant to V.T.C.A. Gov. Code Sec. 551.071, Private consultation with the City Attorney.

At 5:38 p.m., Mayor Pro Tem Garza moved to convene into executive session to consider item 4.3 of the agenda. Motion was seconded by Councilman Plata and approved 4-0 with Councilman O'cana abstaining from voting and deliberating on this item. .

At 5:49 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilwoman Ramirez and approved 4-0 with Councilman O'cana abstaining from voting and deliberating on this item. .

4.3 Adoption of Annexation Ordinance # 3887 for the following areas: Tract 1: Being a 65.28 acre tract of land situated in Lots 1 thru 6 of Block 1, and Lots 1 thru 6 of Block 3 of the Del Monte Orchard Co. Subdivision No. 1; Tract 2: Being a 95.31 acre tract of land situated in Lots 1, 3, 5, 6, 7 & 8 of Block 7 and Lots 1 thru 4, of Block 9, and the East Half of Block 11, of the Del Monte Orchard Co. Subdivision No. 1; Tract 3: Being a 10.00 acre tract of land situated in Lot 18, of Block 3, of Mission Grove Estates; Tract 4: Being a 104.93 acre tract of land situated in the south 321.52 feet of Lot 26, out of Goodwin Tract No. 3, and Lots 1, 2, South 298.27 feet of said Lot 3, all of Lots 4 and 5, out of Padron Subdivision, and the south 321.52 feet of Lots 22 thru Lots 25, out of New Caledonia Unit No. 3, and also in include Lots 1 thru 21 of Villa Capri Subdivision, Lot 1 of Tex-Mart No. 43, and Lots 1 and 2 of Dollar General Mile 3, and Lots 24, 25, 64, 65, 66, 67, 72, and Lot 73, out of New Caledonia

This was the last step of the annexation cycle. Two public hearings were held & annexation was instituted on December 17, 2012. This step would have the Council consider approving the Annexation Ordinance.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Adoption of Annexation Ordinance No. 3887 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved 4-0 with Councilman O'cana abstaining from voting and deliberating on this item.

ORDINANCE NO. 3887

AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MISSION, COUNTY OF HIDALGO, STATE OF TEXAS, BEING DESCRIBED AS TRACT 1: BEING A 65.28 ACRE TRACT OF LAND SITUATED IN LOTS 1, 2, 3, 4, 5, & 6, OF BLOCK 1, AND LOTS 1, 2, 3, 4, 5, & 6, OF BLOCK 3, OF THE DEL MONTE ORCHARD Co. SUBDIVISION No. 1, TRACT 2: BEING A 95.31 ACRE TRACT OF LAND SITUATED IN LOTS 1, 3, 5, 6, 7, & 8, OF BLOCK 7, AND LOTS 1 THRU 4 OF BLOCK 9, AND THE EAST HALF OF BLOCK 11, OF THE DEL MONTE ORCHARD Co. SUBDIVISION No. 1; TRACT 3: BEING A 10.00 ACRE TRACT OF LAND SITUATED IN LOT 18, OF BLOCK 3, OF MISSION GROVE ESTATES; TRACT 4: BEING A 104.93 ACRE TRACT OF LAND SITUATED IN THE SOUTH 321.52 FEET OF LOT 26, OUT OF GOODWIN TRACT No. 3, AND LOTS 1, 2 SOUTH 298.27 FEET OF SAID LOT 3, ALL OF LOTS 4 AND 5, OUT OF PADRON SUBDIVISION, AND THE SOUTH 321.52 FEET OF LOTS 22 THRU LOTS 25, OUT OF NEW CALEDONIA UNIT No. 3, AND ALSO TO INCLUDE LOTS 1 THRU 21 OF VILLA CAPRI SUBDIVISION, LOT 1 OF TEX-MART No. 43, AND LOTS 1 AND 2 OF DOLLAR GENERAL MILE 3, AND LOTS 24, 25, 64, 65, 66, 67, 72, AND LOT 73, OUT OF NEW CALEDONIA

4.4 Approval to purchase WEDECO UV System Parts for Waste Water Treatment Plant from a sole source vendor

Staff was recommending the purchase of WEDECO UV System Parts from Xylem Water Solutions USA Inc. a sole source vendor. Pursuant to Texas Local Government Code Section 252.022 General Exemptions (7) a procurement of items that were available from only one source, including: (A) items that were available from only one source because of patents, copyrights, secret processes, or natural monopolies and (D) captive replacement parts or components for equipment;

These parts would be used by the Waste Water Treatment Plant Department to replace existing parts that would extend the life of the UV System. There was a sole source letter from the manufacturer, Xylem Water Solutions U.S.A., Inc. and a listing of the equipment to be purchased.

Staff Recommendation: Authorization to purchase WEDECO UV System Parts from a sole source vendor

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve to purchase WEDECO UV System Parts for Waste Water Treatment Plant from a sole source vendor as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

4.5 Award bid for City of Mission Historical Museum Site Improvements

City Council authorized staff to solicit bids for the site improvements at the City of Mission Historical Museum. The City of Mission had accepted and opened four (4) bid responses. Staff recommended awarding base bid and alternate #1 for a total amount of \$159,631.25 to HL Projects & Construction., LLC who was the lowest responsible bidder meeting all the Terms & Conditions and Specifications.

Staff Recommendation: Award bid to HL Projects & Construction., LLC.

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Staff and City Manager recommended approval.

Mayor Salinas asked staff if these bids included landscaping.

Staff responded that these bids included fence, parking lot, side walk, ground leveling, and hardscape but not the landscaping.

Mayor Salinas indicated staff to appropriate more funds to have all the site improvements done at the same time as they had already talked about it a year ago. He also called for a Special Meeting to be held on Friday, January 18 to appropriate an additional \$75,000 to be able to have all the site improvements done at the same time. At this time they would authorize to go out for bids and asked to have the bids in within 2 weeks.

Councilman Plata requested to see the scope of work plans for this project. Mayor Salinas advised him to get together with Deputy City Manager Aida Lerma so she could show him the plans.

After much deliberation Mayor Salinas assigned Ms. Sonia Marroquin to be in charge of this project and told staff to give him a run-down of what they were going to do with the \$159,631.25. Then he recommended Council to accept this bid.

Mayor Pro Tem Garza moved to approve to accept the bid for City of Mission Historical Museum Site Improvements. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

4.6 Authorization to construct Speed Humps at the request of Homeowners Association for Country Estates Subdivision

Staff was seeking authorization to construct 2-Speed Humps at Country Estates Subdivision (28th St.). HOA request had been approved by the Traffic Safety Committee in accordance to process & procedures set by City Ordinance No. 3644.

Staff Recommendation: Authorization to construct Speed Humps.

City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to construct speed humps at the request of Homeowners Association for Country Estates Subdivision as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

4.7 Award bid for Perimeter Fencing at Bannworth Park

At 5:06 p.m. Mayor Salinas stepped out of the meeting. Mayor Pro Tem Garza proceeded over the remaining items.

City Council authorized staff to solicit bids for the installation of vinyl coated steel chain link fence at the Bannworth Park perimeter. The City of Mission had accepted and opened five (5) bid responses. Staff recommended awarding to GMG Construction meeting all terms and conditions/specifications.

Staff Recommendation: Authorization to award contract to GMG Construction in the amount of \$9,350.00

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Staff and City Manager recommended approval.

Councilman O'cana moved to approve to award bid for perimeter fencing at Bannworth Park as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.8 Tax Collections Report – November, 2012

Accountant Janie Flores presented the Tax Collections Report for November, 2012 for approval.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve the Tax Collections Report for November, 2012 as presented. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.9 November 2012 Financial Statements

Mrs. Flores presented the November 2012 Financial Statements for approval.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve the November 2012 Financial Statements as presented. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.10 Budget Amendments: General, Aquatics, Designated Purpose Fund, Police Federal Sharing Fund and Boys and Girls Club

Mrs. Flores presented the budget amendments BA-2013-14 thru BA-2013-19 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve budget amendments BA-2013-14 thru BA-2013-19 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.11 Approval of Resolution # 1330 authorizing the Mission Police Dept. to submit the FY 2013 Local Border Security Program Grant to the Texas Dept. of Public Safety Texas Rangers' Division

The Mission Police Department was requesting authorization to submit the FY 2013 Local Border Security Program Grant to the Texas Department of Public Safety Texas Rangers' Division. The grant application request was for overtime funds to work southbound operations at the Anzaldua's International Bridge and to increase police patrols throughout the city. The total amount of the grant request was \$200,890.40 There was no cash match required for this grant.

Staff Recommendation: Approve the submission of the FY 2013 Local Border Security Program Grant to the Texas Department of Public Safety Texas Rangers' Division.

City Manager recommended approval.

Councilman O'cana moved to approve Resolution No. 1330. Motion was seconded by Councilman Plata and approved unanimously 4-0.

RESOLUTION # 1330

AUTHORIZING THE MISSION POLICE DEPT. TO SUBMIT THE FY 2013 LOCAL BORDER SECURITY PROGRAM GRANT TO THE TEXAS DEPT. OF PUBLIC SAFETY TEXAS RANGERS' DIVISION

4.12 Approval of Resolution # 1331 authorizing the Mission Police Dept. to submit an Agreement for the Temporary Closure of State Right-of-Way to the Texas Dept. of Transportation for the Texas Citrus Fiesta Parade

The Mission Police Department was requesting approval of a resolution for the purpose of submitting an Agreement for the Temporary Closure of State Right-Of-Way to the Texas Department of Transportation for the Texas Citrus Fiesta Parade. The agreement was required by the Texas Department of Transportation for the closure of Conway Avenue, the 100 and 200 Block of West Tom Landry and the 100 and 200 Block of West Business 83. Our organization along with other city departments would be responsible for securing the parade route to ensure the safety of both motorists and pedestrians

Staff Recommendation: Approval of Resolution authorizing the Mission Police Department to submit an Agreement for the Temporary Closure of State Right-of-Way to the Texas Department of Transportation for the Texas Citrus Fiesta Parade.

City Manager recommended approval.

Councilman O'cana moved to approve Resolution No. 1331. Motion was seconded by Councilman Plata and approved unanimously 4-0.

RESOLUTION NO. 1331

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS,
AUTHORIZING THE SUBMITTAL TO THE TEXAS DEPARTMENT OF TRANSPORTATION
BY THE MISSION POLICE DEPARTMENT OF AN AGREEMENT FOR THE TEMPORARY
CLOSURE OF STATE RIGHT OF WAY FOR THE TEXAS CITRUS FIESTA AND
AUTHORIZING THE ISSUANCE OF A PARADE PERMIT THEREFOR

4.13 Approval of Ordinance # 3888 prohibiting vehicles from standing and parking on the south side and north side of the 2100 block of Sunset Lane between the hours of 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. on the days when Sharyland ISD has school in session

The Mission Police Department received a concern regarding the parking of vehicles belonging to Sharyland High School students within an adjacent subdivision. The additional parked vehicles had created a safety concern based on the narrowing of the roadway for residents of the subdivision. Based on the concern, the City of Mission Traffic Safety Committee met on Wednesday, January 02, 2013 and was recommending prohibiting standing and parking on the south side and the north side of the 2100 block of Sunset Lane between the hours of 7:00 a/m to 9:00 a/m and 2:00 p/m to 4:00 p/m when Sharyland ISD had school in session. Staff was recommending that an ordinance be adopted prohibiting standing and parking at the aforementioned location.

City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3888. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3888

AN ORDINANCE PROHIBITING VEHICLES FROM STANDING OR PARKING ON THE SOUTH SIDE OR NORTH SIDE OF THE 2100 BLOCK OF SUNSET LANE BETWEEN THE HOURS OF 7:00 A/M TO 9:00 A/M AND 2:00 P/M TO 4:00 P/M ON THE DAYS SHARYLAND ISD HAS SCHOOL IN SESSION; PROVIDING FOR INSTALLATION OF SAID TRAFFIC CONTROL DEVICES BEING NO STANDING AND NO PARKING SIGNS AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO;

4.14 Approval of Ordinance # 3889 prohibiting vehicles from standing and parking on the south side and north side of the 200 block to the 400 block of Stonegate Drive between the hours of 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. on the days when Mission CISD has school in session

The Mission Police Department received a concern regarding the parking of vehicles belonging to parents of Mims Elementary School students within an adjacent subdivision. The additional parked vehicles had created a safety concern based on the narrowing of the roadway for residents of the subdivision. Based on the concern, the City of Mission Traffic Safety Committee met on Wednesday, January 02, 2013 and was recommending prohibiting standing and parking on the south side and the north side of the 200 block to the 400 block of Stonegate Drive between the hours of 7:00 a/m to 9:00 a/m and 2:00 p/m to 4:00 p/m when Mission CISD had school in session. Staff was recommending that an ordinance be adopted prohibiting standing and parking at the aforementioned location.

City Manager recommended approval.

Councilman O'cana moved to approve Ordinance No. 3889. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3889

AN ORDINANCE PROHIBITING VEHICLES FROM STANDING OR PARKING ON THE SOUTH SIDE OR NORTH SIDE OF THE 200 BLOCK TO THE 400 BLOCK OF STONEGATE DRIVE BETWEEN THE HOURS OF 7:00 A/M TO 9:00 A/M AND 2:00 P/M TO 4:00 P/M ON THE DAYS MISSION CISD HAS SCHOOL IN SESSION; PROVIDING FOR INSTALLATION OF SAID TRAFFIC CONTROL DEVICES BEING NO STANDING AND NO PARKING SIGNS AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO;

4.15 Authorization to solicit bids or purchase via a state approved contract exercise equipment

The City of Mission Police Department was requesting authorization to solicit bids or purchase via a state approved contract exercise equipment. It was the intent of the organization to replace inoperable equipment and purchase new exercise equipment in an effort to continue to promote

health and fitness. The Current exercise equipment was purchased thirteen (13) years ago in 2000 when the new police building opened. It was staff's intent to utilize their Federal Forfeiture Account to purchase the exercise equipment.

Staff Recommendation: Staff was respectfully requesting authorization to solicit bids or purchase via a state approved contract exercise equipment.

City Manager recommended approval.

Councilman O'cana moved to authorize to solicit bids or purchase via a state approved contract exercise equipment. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.16 Approve new Sanitation Rates charged to City by Allied Waste Services (AWS), based on changes in the Consumer Price Index, (CPI), and providing for an effective date

Under the City's current contract with AWS, they were allowed to adjust the rates they charge the City for trash collections services each year, based on the change in the Consumer Price Index, (CPI) for the preceding 12 month period. As per a letter from AWS, dated January 7, 2013, (received January 9, 2013), the CPI for the preceding 12 month period increased by 1.88%, which was well under the contract's 4% cap based on CPI increases. Based on the information provided by AWS, it was recommended that the City approved the new sanitation rates charged to the City

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve new sanitation rates charged to City by Allied Waste Services (AWS), based on changes in the Consumer Price Index, (CPI), and providing for an effective date. Motion was seconded by Councilman Plata and approved 3-1 with Councilman O'cana against.

4.17 Approval of Resolution # 1332 declaring the adoption of Municipio de Valle Hermoso, Tamaulipas, Mexico as a Sister City

Approval to declare the adoption of Valle Hermoso, Tamaulipas, Mexico as a Sister City. Authorizing Mayor Salinas to act as the official representative of Mission to carry out this program.

Mayor Efrain de Leon Leon and a delegation from Valle Hermoso would be the City's guests on January 26, 2013 during the Texas Citrus Fiesta festivities and the Mayor's International Brunch at which time the declaration and adoption of Valle Hermoso, Tamaulipas, Mexico as our sister city would be made official.

The Sister City Concept was inaugurated by the President of the United States in 1956 to establish greater friendship and understanding between the people of the United States and other nations through the medium of direct personal contact. That the Council on behalf of the people of Mission accepts the people of Valle Hermoso, Mexico to participate with Mission as its Sister City for the purpose of creating greater mutual understanding between the peoples of our two great cities and nations.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve Resolution No. 1332 declaring the adoption of Municipio de Valle Hermoso, Tamaulipas, Mexico as a Sister City. Motion was seconded by Councilman Plata and approved unanimously 4-0.

RESOLUTION NO. 1332

THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS DECLARES THE ADOPTION OF MUNICIPIO DE VALLE HERMOSO, TAMAULIPAS, MEXICO AS A SISTER CITY.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

None

At 6:19 p.m., Councilman Plata moved to convene into executive session. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

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 vs BFI Waste Services of Texas, LP, dba Republic Services of Rio Grande Valley

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

At 6:31 p.m., Councilwoman Ramirez moved to reconvene in open session. Motion was seconded by Councilman Plata and approved unanimously 4-0.

On item 7.1-A, no action was taken.

8.0 Adjournment

At 6:32 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary