

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
JANUARY 28, 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:**

Gail Burkhardt, The Monitor  
Kathy Olivarez, Progress Times  
Alex Meade-MEDC  
Luis A. Briseno  
Maxilou Luik  
Oscar Cancino  
Mark Richards  
Francis M. Ciancarelli  
Robert Garza  
Arturo Casanova  
Ivan Garcia  
Nora Argeulles  
Arnold Perez

**STAFF PRESENT:**

Carmen Morales, Administrative Assistant  
Nelia Hernandez, Assistant City Secretary  
Aida Lerma, Deputy City Manager  
Sonia Marroquin, Deputy City Manager  
Guillermo Seguin, Deputy City Manager  
Danny Tijerina, Planning Director  
Bobby Salinas, Planning Dept.  
Roberto Salinas, Public Works Director  
Paul Schaefer, Golf Course Director  
Joanne Longoria, CDBG Director  
Rick Saldana, Fire Chief  
Eduardo Belmarez, Purchasing Director  
Martin Garza, Chief of Police  
Robert Dominguez, Asst. Chief of Police  
Randy Perez, Accountant  
Julian Gonzalez, Parks & Rec. Director  
Juan C. Avila, B & G Club Director  
Noemi Munguia, HR Director  
Robert Hinojosa, Risk Manager  
Roland Rodriguez, I. T. Director  
Luis Contreras, Museum Director  
Mayra Rocha, Library Director  
John Hernandez, City Engineer

**1. Call to order**

With a quorum being present, Mayor Pro Tem Norie Gonzalez Garza called the meeting to order at 4:31 p.m.

**2. Pledge Allegiance and Invocation**

Mayor Pro Tem Garza 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 Dr. Armando O'cana and approved unanimously 4-0.

### 4. Presentation - Update on Bannworth and CWV Park Improvements

Mr. Rudy Gomez from Gomez, Mendez & Saenz gave a report on the substantial completion with the exception of the pool heaters.

### 5. Report from the Greater Mission Chamber of Commerce

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on a successful Sister City Dinner and reminded the council of Mission Day at Austin on February 19-20.

### 6. Citizens Participation

Mr. Cancino from TxDOT gave an update on the Bryan Road Project. He stated that the contractor had been brought on board to begin work. He also stated that maintenance would be done on some city streets.

#### 1.0 Public Hearing

##### 1.1 Planning & Zoning Recommendations

- A. Conditional Use Permit: To keep an existing 14'x 20' Portable Building for Office Use, 1612 W. Business Highway 83, the E. 75' of Lot 3, Mission Acres Subdivision, C-3, Servando Pruneda  
Adoption of Ordinance # 3890 approving 1.1A**

The site was located 400' east of Adams Street along the north side of Business 83. This site was previously used as a restaurant; however the building that existed had since been demolished. The applicant installed a portable building not knowing a conditional use permit was required. The applicant wished to keep the 14' x 20' portable building to be used as an office for a towing/repo service. The portable was setback approximately 98' from the property line that would allow for the front area to be utilized for customer parking. Access to the site would be off of Business 83.

- Hours of Operation: Monday – Saturday from 8:30 a.m. to 6:30 p.m., Sundays on call.
- Staff: 2 employees would run the business.
- Parking: A business office of this size required a minimum of 4 parking spaces. The applicant was providing 4 total spaces, thus compliant with code.
- Landscaping: In speaking with the applicant there was a lot of existing pavement along the front of the lot. He had agreed to install at least three trees in order to improve what was currently in existence.

It was not uncommon to have a portable sales office for this type of business. The portable being setback 98' from Business 83 would help lessens the portable's visibility from Business 83. Staff knew that having a portable sales office along Business 83 may not be a long term desire of the City when considering aesthetics along a major corridor. Thus, perpetual (CUP) monitoring would be the norm where, one day the portable would need to be upgraded with an on-site built structure. There was no public opposition during the 1/9/13 P&Z hearing. P&Z unanimously recommended approval.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation to assess this new business; 2) installing and maintaining 3 new trees on the property, and install shrubs, plants, and grass around office building; 3) Portable Building to be skirted; 4) Acquisition of a business license, 5) install slats in the chain link fence to the north, 6) complete the installation of the restroom, and 7) comply with Sign Code.

City Manager recommended approval.

Mayor Pro Tem Garza asked if there were any comments for or against the request.

Arturo Casanova owner of Tony's Service spoke in favor of the request.

Councilman O'cana moved to approve CUP and to adopt Ordinance No. 3890 for Conditional Use Permit: To keep an existing 14' x 20' Portable Building for Office Use, 1612 W. Business Highway 83, the E. 75' of Lot 3, Mission Acres Subdivision, C-3 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**ORDINANCE NO. 3890**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A CONDITIONAL USE PERMIT TO KEEP AN EXISTING 14' X 20'  
PORTABLE BUILDING FOR OFFICE USE, 1612 W. BUSINESS HIGHWAY 83, THE E. 75'  
OF LOT 3, MISSION ACRES SUBDIVISION

**B. Conditional Use Permit: To keep an 8' x 14' Portable Building for the Sale of Sno-Cones and Snacks, 1800 W. Griffin Parkway, Lot 11, Inspiration Point Subdivision, C-3, Luis Alberto Briseno  
Adoption of Ordinance # 3891 approving 1.1B**

The site was located on the NW corner of Inspiration Road and Griffin Parkway. This conditional use permit was originally approved on 10-27-10 for a period of 1 year after business license issuance (business license issued 1-6-11). The conditional use permit was later renewed administratively for 1 year, pursuant to Section 1.55 of the Zoning Code. Since the last renewal, the Zoning Code had been modified to require all CUPs to be reviewed by the City Council, thus Mr. Briseno was now seeking a renewal of his CUP through the P&Z & City Council. The portable building was located along the northeast area of the property that faces Inspiration Road. There was some moderate landscaping that deflected the inherent portable building's effect and had permission to use the restroom facilities within Leo's Drive-In convenience store.

- Hours of Operation: Everyday from 12:00 p.m. to 9:00 p.m.
- Staff: The applicant and his wife operate the stand.
- Parking: There were 33 existing parking spaces for the entire site. The convenience store required 15 parking spaces and the portable required 4 spaces and was placed on 2 spaces, thus leaving 12 extra spaces available for both businesses.
- Must continue to comply with the City's Sign Ordinance
- Must continue to comply with Health and Fire regulations.

Mr. Briseno had complied with the requirements that were originally asked of him in 2010 and staff had not received any complaints regarding the stand, thus Staff did not object to a 3 year re-evaluation. There was no public opposition during the 1/9/13 P&Z hearing. P&Z voted 6-1 to approve the conditional use permit with Chairman Rene Flores dissenting.

Staff Recommendation: Approval subject to: 1) a 3 year re-evaluation in order to continue to assess the business; 2) must continue to comply with the City's sign ordinance; and 3) must continue to comply with the Health and Fire requirements.

City Manager recommended approval.

Mayor Pro Tem Garza asked if there were any comments for or against the request.

Luis Alberto Briseno owner of the business spoke in favor of the request.

Councilman Ruben D. Plata moved to approve CUP and to adopt Ordinance No. 3891 for Conditional Use Permit: To keep an 8' x 14' Portable Building for the Sale of Sno-Cones and Snacks, 1800 W. Griffin Parkway, Lot 11, Inspiration Point Subdivision, C-3. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**ORDINANCE NO. 3891**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT TO KEEP AN 8' X 14' PORTABLE BUILDING FOR THE SALE OF SNO-CONES AND SNACKS, 1800 W. GRIFFIN PARKWAY, LOT 11, INSPIRATION POINT SUBDIVISION

**C. Conditional Use Permit: Home Occupation – Licensed Child Care Home, 4203 San Roman, Lot 104, Paseo Lindo Ph. II Subdivision, PUD, Nora Arguelles Adoption of Ordinance # 3892 approving 1.1C**

The subject site was located between Santa Laura and Santa Teresa, along the north side of San Roman. A Home Occupation CUP for a licensed child care home was most recently approved by P&Z on 1-11-12. The home had a two car driveway off of San Roman capable of accommodating the safe drop off and pick up of children. There were also existing 4' sidewalks for pedestrian traffic. There was a six foot opaque buffer fence surrounding the rear of the residence to maximize protection of the children. Ms. Arguelles primarily used her living room to care for the children.

- Hours of Operation: Monday – Friday from 8:00 a.m. to 3:00 p.m.
- Staff: She and 1 other adult run the registered home.
- Applicant was DHS certified as previously required.
- Must continue to comply with Sec.1.56-1, Zoning Code (home occupations regs.)

Staff had never received any complaints from the neighborhood. Since this was in a PUD though, continual re-evaluations should be the norm. Staff did not object to an extended 3 year re-evaluation. There was no public opposition during the 1/9/13 P&Z hearing. P&Z unanimously recommended approval.

Staff Recommendation: Approval subject to: 1) A 3 year re-evaluation in order to keep monitoring the child care facility; and 2) must continue to comply with the Home Occupation portion of the Zoning Code.

City Manager recommended approval.

Mayor Pro Tem Garza asked if there were any comments for or against the request.

Nora Argeulles owner of the business spoke in favor of the request and answered any questions City Council had.

Councilwoman Ramirez moved to approve CUP and to adopt Ordinance No. 3892 for Conditional Use Permit: Home Occupation – Licensed Child Care Home, 4203 San Roman, Lot 104, Paseo Lindo Ph. II Subdivision, PUD as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**ORDINANCE NO. 3892**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION – LICENSED CHILD CARE HOME, 4203 SAN ROMAN, LOT 104, PASEO LINDO PH. II SUBDIVISION

**D. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Catholic War Veterans, 500 W. Business 83, Lots 7-10, Block 150, Mission Original Townsite Subdivision, C-4, Catholic War Veterans Adoption of Ordinance # 3893 approving 1.1D**

At 4:53 p.m. Mayor Norberto Salinas joined the meeting.

This conditional use permit was recently renewed by P&Z on 12-20-10. The 4,800 sq. ft. lounge was located on the NW corner of Business 83 and Slabaugh Avenue.

- Hours of Operation: Monday – Friday from 4 p.m. to 12 a.m., and Saturdays from 6 p.m. to 12 a.m.
- Parking & Landscaping: There was sufficient parking, existing landscaping, and existing sidewalks.
- Sale of Alcohol: Section 1.56-3 cites that ‘lounge’ must be 300’ from the nearest residence, church, school or publicly owned property. The City of Mission’s main Fire Station was located within 300’ of the CWV; however, P&Z and the City Council waived this separation requirement in the CUP’s original approval in 2003.

There had been no complaints forwarded to the Planning Department in regards to the sale and on-site consumption of alcohol. There was no public opposition during the 1/9/13 P&Z hearing. P&Z unanimously recommended approval.

Staff Recommendation: Approval subject to: 1) waive the 300’ separation requirement as done in the previous CUP; and 2) A 3 year re-evaluation in order to continue to assess this operation.

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 CUP and to adopt Ordinance No. 3893 for Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Catholic War Veterans, 500 W. Business 83, Lots 7-10, Block 150, Mission Original Townsite Subdivision, C-4 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3893**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES – CATHOLIC WAR VETERANS, 500 W. BUSINESS 83, LOTS 7-10, BLOCK 150, MISSION ORIGINAL TOWNSITE SUBDIVISION

**E. Conditional Use Permit: Residential Structure for Office Use in an R-1A Zone, 3503 N. Taylor Road, Lot 1-A, Summers Estates Subdivision, R-1A, Mark V. Richards  
Adoption of Ordinance # 3894 approving 1.1E**

The subject site was located 1,000' north of Mile 2 Road along the west side of Taylor Road. Mr. Richards desired to renew his conditional use permit to have his office within a residential structure where no one would reside. The office was utilized for a small oil and gas management company; however, the structure continued to appear residential with no signage on the premises. P&Z first approved this request on 9-23-09 with the condition that he would not allow heavy equipment, acquired a business license, and had a 1 year re-evaluation of the site. This conditional use permit was most recently approved on 1-11-12.

- Hours of Operation: Monday - Friday from 8:00 a.m. to 5:00 p.m.
- Number of employees: 4
- On December 1, 2011, staff received a letter of "No Objection" from the owner of 11 lots (Gerald Gabbert) stated their support for renewing the existing CUP "for any period of time requested by Mr. Richards and approved by the P&Z and City Council".

With such a low-key operation that had less traffic than a typical residence with a 4-member family and the fact that staff had not received any complaints from any of the adjoining properties, staff did not object to the 3 year re-evaluation of the conditional use permit. There was no public opposition during the 1/9/13 P&Z hearing. P&Z unanimously recommended approval.

Staff Recommendation: Approval subject to a 3 year re-evaluation in order to continue to assess the office use.

City Manager recommended approval.

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

Mark V. Richards owner of the business spoke in favor of the request.

Mayor Salinas reminded council that this was a business inside a subdivision and didn't understand why staff continued to not support the residential commitment that council had when they had approved this subdivision.

Mayor Pro Tem Garza moved to approve CUP and to adopt Ordinance No. 3894 for Conditional Use Permit: Residential Structure for Office Use in an R-1A Zone, 3503 N. Taylor Road, Lot 1-A, Summers Estates Subdivision, R-1A as recommended. Motion was seconded by Councilman O'cana and approved 4-1 with Mayor Salinas voting against.

**ORDINANCE NO. 3894**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE RESIDENTIAL STRUCTURE FOR OFFICE USE IN AN R-1A ZONE, 3503 N. TAYLOR ROAD, LOT 1-A, SUMMERS ESTATES SUBDIVISION

**F. Conditional Use Permit: The Complimentary Offering of Alcoholic Beverages for On-Site Consumption for a Social and/or Cultural Event, 921 E. 12th. Street, Lot 1, Mission Library Subdivision, R-2, Upper Valley Art League Adoption of Ordinance # 3895 approving 1.1F**

The subject site was located just east of the Mission Library where paved parking was held in common. Ordinance #3436 permits civic organizations to request such CUPs from city-owned buildings where complimentary alcoholic drinks would be offered (not sold) during a social/cultural event. On 1-11-12, P&Z voted to approve a request by the Upper Valley Art League for the offering of alcoholic beverages for 1 year. UVAL was now requesting a renewal for another year that would allow the serving of complimentary alcoholic beverages during Art events for 2013. Staff noted that UVAL had submitted its schedule of events up to 2016, however, Staff was wary of such an extended approval, due to unknown changes that may occur in the latter years. City Council may however, approve whichever calendars years they wish. All events were scheduled from 7:00 p.m. to 9:00 p.m.

It appeared that the 2012 social events occurred with no incidents. UVAL firmly attested that they were very watchful of how much the patrons were responsibly served, and intend to have continued vigilance at their social exhibit events. There was no public opposition during the 1/9/13 P&Z hearing. P&Z unanimously recommended approval.

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.

Councilman Plata moved to approve CUP and to adopt Ordinance No. 3895 for Conditional Use Permit: The Complimentary Offering of Alcoholic Beverages for On-Site Consumption for a Social and/or Cultural Event, 921 E. 12th. Street, Lot 1, Mission Library Subdivision, R-2 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**ORDINANCE NO. 3895**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE COMPLIMENTARY OFFERING OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION FOR A SOCIAL AND/OR CULTURAL EVENT, 921 E. 12<sup>TH</sup> STREET, LOT 1, MISSION LIBRARY SUBDIVISION

**G. Conditional Use Permit: Non-Residential Facilities on an R-1A Lot linked to the adjoining Waterford Gardens, 2211 Betty Drive, Lot 1, Peña Escondida Estates Subdivision, R-1A, Lucille G. Cavazos  
Adoption of Ordinance # 3896 approving 1.1G**

The subject site was located at the northern perimeter of the 2200 block of Betty Drive. The irregularly-shaped R-1A lot was located south of and adjoined the Waterford Gardens, a retirement/nursing home that was owned by the applicant.

Ordinance #3557 allowed, under conditional use permit approval, certain non-residential facilities to be placed on R-1A lots. In this regard, the applicant's CUP allowed her to install 8' walkways, a driveway, and a gazebo on the R-1A zoned lot for use by Waterford residents. There was also an opaque buffer fence that surrounded the sides and the frontage onto Betty Drive with additional landscaping provided. The following conditions were imposed during the original 12-8-10 CUP approval:

1. 1 year re-evaluation to assure smooth acclimation; may be renewed for extended periods after 1<sup>st</sup> year;
2. Pave sidewalks along Betty Drive (via plat note);
3. Keep gate locked; to be opened only for landscape maintenance, etc.;
4. No commercial signage on R-1A property;
5. Maintain landscaping, in particular, to the exterior and south of the wood fence, in a professional manner; also, fence to be maintained professionally;
6. Any security lighting to be downcast into the same property.

On 1-25-12 P&Z approved a renewal of the CUP for 1 year when an inspection of the property revealed that all conditions had been met and staff had not received any complaints. Staff had recently inspected the property once again and found that all items were currently being met. Since staff had not received any complaints regarding the current use of the R-1A lots, staff did not object to an extended 3 year re-evaluation. There was no public opposition during the 1/9/13 P&Z hearing. P&Z unanimously recommended approval of the conditional use permit.

Staff Recommendation: Approval subject to: 1) a 3 year re-evaluation due to adjoining residential neighborhood; and 2) continue to maintain the landscaping and wood fence in a professional manner, in particular, along the south side of the fence.

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 CUP and to adopt Ordinance No. 3896 for Conditional Use Permit: Non-Residential Facilities on an R-1A Lot linked to the adjoining Waterford Gardens, 2211 Betty Drive, Lot 1, Peña Escondida Estates Subdivision, R-1A as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.



**ORDINANCE NO. 3896**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A CONDITIONAL USE PERMIT FOR NON-RESIDENTIAL FACILITIES ON  
AN R-1A LOT LINKED TO THE ADJOINING WATERFORD GARDENS, 2211 BETTY  
DRIVE, LOT 1, PEÑA ESCONDIDA ESTATES

**2.0 Disposition of Minutes**

**2.1 City Council Meeting – January 14, 2013  
and Special Meeting – January 18, 2013**

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 Planning and Zoning Commission – December 12, 2012  
Boys & Girls Club of Mission – November 16, 2012  
Citizen’s Advisory Committee Special Meeting – October 23, 2012  
and Public Hearing Meeting – December 11, 2012  
Speer Memorial Library – November 20, 2012  
and December 18, 2012  
Mission Historical Museum – October 10, 2012  
Shary Municipal Golf Course – November 13, 2012**

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

**4.0 Approvals and Authorizations**

**4.1 Discussion and Action for an Amendment to the Speed Hump Policy as adopted in  
Ordinance # 3644  
Adoption of Ordinance # 3897 approving 4.1**

On 4-25-11, City Council adopted Ordinance No. 3644, which created a policy for Homeowner’s Associations to apply for the installation of speed humps on public streets within their neighborhoods. Staff had a few requests for speed humps however, when it came to the cost to install, the HOAs were having a hard time coming up with the funding for the installation. Also, there was a concern that the amount of Traffic Volume required by the code was too high and made it very difficult for smaller neighborhoods (with speeding problems) to comply with the City’s volume requirement. Staff had areas where citizens had identified traffic problems for the City, where a speed hump may be beneficial; however, the traffic issues remained due to lack of funding or the size of neighborhood.

Staff was proposing amendments to the Speed Hump Policy in regards to the minimum amount of traffic volume per day and cost responsibility in order to make it more beneficial to the citizens of Mission. The proposed changes on the Speed Hump Policy. There was no public opposition during the 1/9/13 P&Z hearing. P&Z unanimously recommended approval.

Staff and City Manager recommended approval.

Mayor Salinas Recommendation: Approval subject to: 1) the number of vehicles stays at 300 and not 100; 2) the cost of the speed humps at 50/50 between the HOA and the City of Mission; and 3) the petition request must come from an HOA with these conditions.

Mayor Pro Tem Garza moved to approve Ordinance No. 3897 for an Amendment to the Speed Hump Policy as adopted in Ordinance # 3644 with Mayor Salinas's recommendations. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3897**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
AMENDING ORDINANCE NO. 3644 "SPEED HUMP POLICY" TO REMOVE THE COST  
SHARING RESPONSIBILITIES FROM THE HOMEOWNER'S ASSOCIATION AND  
REDUCING THE REQUIRED TRAFFIC VOLUMES FOR ELIGIBILITY FOR SPEED HUMP  
INSTALLATION

**4.2 December 2012 Financial Statements**

Randy Perez, Accountant presented the December 2012 Financial Statements for approval.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve the December 2012 Financial Statements as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**4.3 Tax Collections Report – December, 2012**

Mr. Perez presented the Tax Collections Report for December, 2012 for approval.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve the Tax Collections Report for December, 2012. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.4 Budget Amendments – MEDC Fund**

Mr. Perez presented the budget amendments BA-2013-22 thru BA-2013-23 to the City Council for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve budget amendments BA-2013-22 thru BA-2013-23 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.5 Acceptance of Quarterly Report of Investments for the Quarter ending December 31, 2012 and Interest Earned for Three Months Ending December 31, 2012**

Acceptance of quarterly report required by the Public Funds Investment Act Section 2256.023 of the Texas Government Code on the total investments for the quarter ending December 31, 2012. The total investments purchased were \$4,326.25 and the amount of maturing investments was \$1,625,000 leaving a total of \$24,708,542.03 in outstanding investments for the quarter ending December 31, 2012. The total interest earned on all funds year to date was \$14,665.06.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve acceptance of Quarterly Report of Investments for the Quarter ending December 31, 2012 and Interest Earned for Three Months Ending December 31, 2012 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.6 Authorization to purchase via state approved contract for cleaning and sanitation supplies for city facilities**

Staff was seeking authorization to purchase via state approved contract for cleaning and sanitation supplies for city facilities. The Parks & Recreation Dept. was seeking authorization to purchase these materials from Gulf Coast Paper Company via state approved Buy Board contract #397-12.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to purchase via state approved contract for cleaning and sanitation supplies for city facilities as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.7 Authorization to award Sludge Management Services for Public Works Department**

City Council authorized staff to solicit bids for the Sludge Management Services for the Public Works Department. Services were needed for the disposal of sludge from the Water Treatment Plants & Waste Water Plant. The City of Mission had accepted and opened two (2) bid responses. Staff recommended a multiple award to Residuals Transport Corporation to include item numbers 6 & 7; Transport and Disposal Roll-off Containers for the North and South Water Plant and to Terra Renewal West, LLC to include item numbers 1) Transport and Disposal Roll-off Containers of Waste and Water Treatment Plants; 3) Liquid Disposal, 4) Vacuum Truck with Driver (6000 gallon), 8) Coat for Testing TCLP, 9) PCB Test (quarterly) 10) BLF (metals & nutrients) and 11) Class B. Determination (fecal and sour quarter test) who were the lowest responsible bidders meeting all the Terms & Conditions and Specifications.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve authorization to award Sludge Management Services for Public Works Department as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

#### **4.8 Authorization to bid the reroofing and remodeling of Neighborhood Community Center at CWV Park**

Staff was seeking authorization to solicit bids on the reroofing and remodeling of the neighborhood community center at CWV Park.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve authorization to bid the reroofing and remodeling of Neighborhood Community Center at CWV Park as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

#### **5.0 Unfinished Business**

##### **5.1 Preliminary Plat Approval: Santa Lucia Subdivision, 15.002 acre tract of land out of Lot 166, John H. Shary Subdivision, 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 developed. 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.

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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.

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.

No action was taken on this item; Mayor Salinas and City Council suggested the Preliminary Plat be brought back with revisions.

**6.0 Routine Matters**

**6.1 City Manager's Comments**

None

**6.2 Mayor's Comments**

None

At 5:36 p.m., Councilman O'cana moved to convene into executive session for item 7.1-A and 7.2-B of the agenda. Motion was seconded by Councilman Plata and approved unanimously 5-0.

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

**7.1 Consultation with Attorney Sec. 551.071**

**A. Bannworth Pool Agreement with Sharyland ISD**

**B. Completion of Park Improvement Projects at Bannworth and CWV Parks**

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

At 6:02 p.m., Councilman Plata moved to reconvene in open session to take action on the above mentioned items. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

On item 7.1-A, no action was taken.

On item 7.1-B, no action was taken.

**8.0 Adjournment**

At 6:03 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary