

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
OCTOBER 08, 2012 4:30 P.M.  
MISSION CITY HALL**

**PRESENT:**

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

**ABSENT:**

**ALSO PRESENT:**

Andrielle Figueroa, Progress Times  
Gail Burkhardt, The Monitor  
Mike Ruiz  
Eduardo Hernandez  
Hugo Garza

**STAFF PRESENT:**

Nelia Hernandez, Asst. City Secretary  
Aida Lerma, Deputy City Manager  
Sonia Marroquin, Deputy City Manager  
Guillermo Seguin, Deputy City Manager  
Bobby Salinas, Interim Planning Director  
Pat Martinez, 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  
Janie Flores, Finance Director  
Randy Perez, Accountant  
Julian Gonzalez, Parks & Rec. Director  
Noemi Munguia, HR Director  
Jonathan Wehrmeister, Judge  
Luis Contreras, Museum Director  
Mayra Rocha, Library Director  
John Hernandez, City Engineer  
James Cardoza, Emergency Mngmt. Coord.

**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. Proclamation – National Substance Abuse Prevention Month**

City Secretary Anna Carrillo read the proclamation.

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Susan Sanchez from NTC Drug Testing received the proclamation and thanked the council for all of their support.

Councilman Dr. Armando O'cana moved to approve the Proclamation – National Substance Abuse Prevention Month. Motion was seconded by Councilman Ruben Plata and approved unanimously 5-0.

### **4. Proclamation – National 4-H Week**

Mrs. Carrillo read the proclamation.

Adelita Munoz and 4H Ambassador Nicole Rigs received the proclamation and thanked the council for all of their support.

Councilman O'cana moved to approve the Proclamation – National 4-H Week. Motion was seconded by Councilman Plata and approved unanimously 5-0.

### **5 Departmental Reports**

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

### **6. Presentation - Update on Bannworth Park Improvements**

Julian Gonzalez, Parks and Recreation Director gave an update on the status of the park improvements. The gyms and pools should be ready for use by December, 2012.

### **7. Report from the Greater Mission Chamber of Commerce**

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on the chamber events that had recently taken place and future events which included meet and greet for Dr. Virginia Richter, Superintendent of SISD, participation in the Mission Pink event and invite the Council to the Chamber Banquet to be held on Tuesday, October 16, 2012 at Mario's Banquet Hall.

### **8. Citizens Participation**

Emergency Management Coordinator James Cardoza invited everyone to the Open House and the 100<sup>th</sup> Years Celebration of the Mission Fire Department at the Central Fire Station which was taking place that afternoon at 6:00 p.m.

#### **1.0 Public Hearing**

##### **1.1 Planning & Zoning Recommendations**

###### **A. Conditional Use Permit: Home Occupation – Two Chair Beauty Salon, 1819 Mile 1 South Rd., L-8 Bk-2, Erdahl Subd., R-1, Nancy N. Valdez**

The subject site was located 200' east of South Olmo Street along the north side of Mile 1 South Road. The site had frontage to Mile 1 South where the street width was 37' B-B with abutting sidewalks. The home had a two car driveway thus, in compliance with code requirements of 2 off-street parking spaces for residential areas.

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The applicant was proposing a new 2-Chair Beauty Salon, where no one would live at the home. Section 1.56-1(g) stated the following:

“With regard to proposed variances to subsections 1.56-1(a), (d), or (f), a minimum 90% of the property owners within the 200-foot mail out radius shall provide written support for the proposed home occupation to request variance.”

The applicant did not wish to reside at the home and had obtained the required 90% signatures of approval from the surrounding property owners within a 200’ radius.

- Hours of Operation: Monday – Sunday 9 a.m. to 9 p.m. (By Appointment Only)
- Staff: 2 employees would be operating the salon.
- Any signage would have to be a maximum of 1’ x 1’ and must be attached to the home; there were to be no exterior markings or lettering that may reflect a use other than a home.
- Must comply with Sec. 1.56-1, Zoning Code (home occupations regulations)

Since the applicant was able to obtain the required 90% signatures of approval; and Staff did not anticipate an increase in traffic, staff did not object to the proposal. There was no public opposition during the 9/26/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation to assess this new operation; 2) comply with Sect. 1.56-1 of the Zoning Ordinance; and 3) Acquiring a business license.

City Manager recommended approval.

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

There were no comments.

Councilwoman Ramirez moved to approve the Conditional Use Permit: Home Occupation – Two Chair Beauty Salon, 1819 Mile 1 South Rd., L-8 Bk-2, Erdahl Subd., R-1. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **B. Conditional Use Permit: To keep an existing Portable Structure for the Sale of Tacos on Property Zoned AO-I, 4108 N. Inspiration Rd., Lot 3, Alex Cavazos Subd., AO-I, Eduardo Hernandez**

The subject site was located in the NE area of 41<sup>st</sup> ½ Street and Inspiration Road. There was an existing, non-conforming mechanic shop and taco stand located on the property. This property was annexed into the City Limits on 1-11-10, when this property was still in the County, the applicant had permission to operate the food stand with a permit valid until 11-1-10. The stand had since been closed and now the applicant wished to re-open it. The restroom facilities for the stand would be available from the existing mechanic shop, which was owned by the applicant.

- Day/Hours of Operation: Monday – Sunday from 6:00 p.m. to 11:00 p.m.
- Staff: 2 employees

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- Parking: In regards to the parking area, there was an existing paved area that was used to receive the mechanic's customers that would also be used for the customers of the taco stand. Staff had not received any complaints regarding parking; however staff would need to monitor that there were no cars parking along the Inspiration Frontage Road frontage.
- A business license was required.
- Must obtain approval from the City Health Department

Section 1.36 (3i) of the Zoning Code permits a "temporary structure used for temporary purposes" with an approved conditional use permit (CUP). Having a portable food stand along Inspiration Road may not be a long term desire of the City however; a CUP allowed the City the option to work with the applicant to allow his business to progress and, and if needed, may be phased-out once a more aesthetic improvement was realized. When City Council sees fit, the stand and adjacent carport would need to be removed. There were some concerns regarding the hours of operation and aesthetics of the portable building voiced during the 9/26/12 P&Z hearing. The P&Z unanimously recommended denial.

Staff Recommendation: Approval subject to: 1) a 1 year re-evaluation to assess the new business; 2) approval from the Health Department; 3) Acquire a business license; and 4) non-transferable to others.

City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Garza moved to approve the Conditional Use Permit: To keep an existing Portable Structure for the Sale of Tacos on Property Zoned AO-I, 4108 N. Inspiration Rd., Lot 3, Alex Cavazos Subd., AO-I, subject to moving back the portable building to the existing set back line. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

### **C. Conditional Use Permit: To move in a Portable Building for use as a Sales Office, 1519 E. Expwy. 83, L-4, Henry Saenz Subd., C-4, Jose H. Acosta**

The site was located 600' west of Stewart Road along the north side of the Expressway Frontage Road. This site was previously utilized for the sale of semi-trailers. The applicant wished to install a new 11' x 64' portable building to be used as a sales office for the rental and sales of R.V.s. The portable would be located 103' from the property line that would allow for the front area to be utilized for R.V. displays. Access to the site would be off of the Frontage Road and shared with an existing business to the west.

- Days/Hours of Operation: Monday – Friday from 8 a.m. to 6 p.m., Saturday from 9 a.m. to 4 p.m., and closed Sundays.
- Staff: 3 employees
- Parking: A business office of this size required a minimum of 5 parking spaces. The applicant was providing 5 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 landscaping along 25% of the street frontage area in order to improve what was currently in existence.

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There were other portable buildings installed in this area and it was not uncommon to have a portable sales office for this type of business. The proposal to have the R.V.s displayed along the front of the lot and having the portable 103' away from the Frontage Road would help shield the portable building from public view and should not have a negative impact on the area. However, staff knew that having a portable sales office along Expressway 83 may not be a long term desire of the City when considering aesthetics. 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 9/26/12 P&Z hearing. P&Z unanimously recommended approval as recommended by staff.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation to assess this new business; 2) installing and maintaining new landscaping along 25% of the front area of the property; and 3) portable building to be skirted .

City Manager recommended approval.

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

There were no comments.

Councilwoman Ramirez moved to approve the Conditional Use Permit: To move in a Portable Building for use as a Sales Office, 1519 E. Expwy. 83, L-4, Henry Saenz Subd., C-4. Motion was seconded by Councilman Plata and approved unanimously 5-0.

### **D. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – La Playa Miramar, 2105 W. 3 Mile Rd., Ste. 8, L-3, Bk-4, Taurus Estates No. 9 Subd. Phase I, C-3, La Playa Miramar, LLC**

The site was located 370' east of Moorefield Road along the south side of Mile 3 Road. There was an existing commercial plaza located on the site, which had an existing seafood restaurant. The applicant wished to offer the sale and on-site consumption of alcohol. There was no 'bar' component in the restaurant. Access to the site was from an existing driveway off of Mile 3 Road. There were no churches or public/private schools within 300' of the subject site, thus being compliant to Section 6-4 of the Mission Code of Ordinances.

- Hours of Operation: Tuesday – Sunday from 11:00 a.m. to 12:00 a.m.
- Alcoholic beverages would only be served during allowable State selling hours.
- Staff: 5 employees
- Parking: In reviewing the floor plan, the suite had 40 seats, which required 13 parking spaces (40 seats/ 3 = 13.3 spaces). It was noted that the parking area was held in common and was shared with other businesses. Staff had not received any complaints regarding a lack of parking.

Since the family-oriented restaurant would not be open after 12 a.m., and the sale of alcohol was not the primary item of purchase, staff did not object to this proposal. Additionally, notices were sent to property owners within a 200' radius of the site and no comments against this request had been forwarded to the Planning Department. There was no public opposition during the 9/26/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

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Staff Recommendation: Approval subject to: 1) a 1 yr. re-evaluation in order to assess the sale of alcohol at this location, and 2) “wet zone” the property (if needed).

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – La Playa Miramar, 2105 W. 3 Mile Rd., Ste. 8, L-3, Bk-4, Taurus Estates No. 9 Subd. Phase I, C-3. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**2.0 Disposition of Minutes**

**2.1 City Council Meeting –September 24, 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 Parks & Recreation Board Meeting – August 15, 2012**

**Zoning Board of Adjustments – August 15, 2012**

**Mission Redevelopment Authority – August 28, 2012**

**Mission Tax Increment Reinvestment Zone – August 28, 2012**

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

**4.0 Approvals and Authorizations**

**4.1 Adoption of Ordinance # 3842 for CUP for a Home Occupation – Two Chair Beauty Salon, 1819 Mile 1 South Rd., L-8, Bk-2, Erdahl Subd.**

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3842 for CUP for a Home Occupation – Two Chair Beauty Salon, 1819 Mile 1 South Rd., L-8, Bk-2, Erdahl Subd. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**ORDINANCE NO. 3842**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,  
TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION –  
TWO CHAIR BEAUTY SALON, 1819 MILE 1 SOUTH ROAD,  
LOT 8, BLOCK 2, ERDAHL SUBDIVISION

**4.2 Adoption of Ordinance # 3843 for CUP to keep an existing Portable Structure for the Sale of Tacos on Property Zoned AO-I, 4108 N. Inspiration Rd., L-3, Alex Cavazos Subd.**

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3843 for CUP to keep an existing Portable Structure for the Sale of Tacos on Property Zoned AO-I, 4108 N. Inspiration Rd., L-3, Alex Cavazos Subd., subject to moving back the portable building to the existing set back line. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**ORDINANCE NO. 3843**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT TO KEEP AN EXISTING PORTABLE STRUCTURE FOR THE SALE OF TACOS ON PROPERTY ZONED AO-I, 4108 N. INSPIRATION ROAD, LOT 3, ALEX CAVAZOS SUBDIVISION

**4.3 Adoption of Ordinance # 3844 for CUP to move in a 11' x 64' Portable Building for use as a Sales Office, 1519 E. Expwy. 83, L-4, Henry Saenz Subd.**

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3844 for CUP to move in a 11' x 64' Portable Building for use as a Sales Office, 1519 E. Expwy. 83, L-4, Henry Saenz Subd. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**ORDINANCE NO. 3844**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT TO MOVE IN A 11' X 64' PORTABLE BUILDING FOR USE AS A SALES OFFICE, 1519 E. EXPRESSWAY 83, LOT 4, HENRY SAENZ SUBDIVISION

**4.4 Adoption of Ordinance # 3845 for CUP for Sale and On-Site Consumption of Alcoholic Beverages – La Playa Miramar, 2105 W. 3 Mile Rd., Ste. 8, L-3, Bk-4, Taurus Estates No. 9 Subd. Phase I**

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3845 for CUP for Sale and On-Site Consumption of Alcoholic Beverages – La Playa Miramar, 2105 W. 3 Mile Rd., Ste. 8, L-3, Bk-4, Taurus Estates No. 9 Subd. Phase I. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**ORDINANCE NO. 3845**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE SALE AND ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES – LA PLAYA MIRAMAR, 2105 W. 3 MILE ROAD, SUITE 8, LOT 3, BLOCK 4, TAURUS ESTATES NO. 9 SUBDIVISION PHASE I

**4.5 Preliminary Plat Approval: Orchards at Shary Rd. Subd., Ph. II, 7.98 ac. out of L-285, JHS Subd., R-1A Developer: 3M Venture, LLC Engineer: Javier Hinojosa Engineering**

The proposed subdivision was the second and final phase of the existing Orchards at Shary Road Subdivision located approximately ¼ mile south of 2 Mile Road along the east side of Shary Road. The master plan for the entire area of the Orchards at Shary Road subdivision was approved by P&Z and City Council in December 2004. The proposed subdivision was the development of the remaining un-subdivided lots. The subdivision consisted of 30 SF Residential lots with lot sizes ranging from 8,936 sq.ft. to 11,437 sq.ft.

Water: An internal 8" water line system would provide service to all lots with 3 fire hydrants located via direction from the Fire Marshal's office. The system would be looped by connecting the internal 8" lines to existing 8" lines located within Phase I and within Shary Forest Subdivision III.

Sewer: An internal 8" system would provide sewer service to the lots as it tied into the existing 8" line network within Orchards at Shary Road Phase I. The capital sewer recovery fee would be imposed to the residential lots, being \$200/lot x 30 lots = \$6,000.00.

Streets & Storm Drainage: The developer was proposing to remove the temporary cul-de-sac located along the west area and extend the 50' ROW, 32' B/B street through to Hackberry Avenue on the east side of the subdivision. The extension would connect the subdivisions located to the north and to the south. Storm drainage was accomplished through a series of 24" lines connecting to the existing storm system currently located south of the subdivision.

Other Comments: Street names to comply with street alignment policy (Pebble Dr.); comply with all format findings; must exclude the property from the Water District; must provide park fees in the amount of \$300/lot which equated to \$9,000; developer to provide/escrow 5' sidewalks along Shary Road; and must provide a street light plan for review by staff.

There was no public opposition during 9/26/12 P&Z's meeting. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to: 1) payment of park fees and sewer capital recovery fees, 2) escrow 5' sidewalks along Shary Road, 3) water district exclusion, and 4) comply with all other format findings.

City Manager recommended approval.

Councilman Plata moved to approve Preliminary Plat Approval: Orchards at Shary Rd. Subd., Ph. II, 7.98 ac. out of L-285, JHS Subd., R-1A Developer: 3M Venture, LLC Engineer: Javier Hinojosa Engineering. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.6 Request by Aladdin Villas Property Owners Association, Inc. to have City Council authorize City Manager to issue a Building Permit on City ROW for a Community Service Sign to be replaced along the West and East sides of Stewart Rd. and Aladdin Villas Blvd.**

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Planning had received a written request from Aladdin Villas to replace their community signs along Stewart Rd. and the entrances to Aladdin Villas West and East. The original community signs were lost and damaged due to a storm last spring. The proposed signs would be placed where the old signs once stood. Ord. #3414 (11/10/08) was passed to specifically provide for such requests.

Insofar as this request, Aladdin Villas proposed the replacement of 4 walls however, now being 3.5' high x 24' in length with 2 signs stating "Aladdin Villas West/East" and 2 signs stating "A 55 and Older Community" along the front face of the walls. Viewing the location, the proposed improvements would not be a sight obstructions.

Staff had the following comments on the proposal:

- Sign shall always be subject to removal at owner's expense w/30 days notice
- Shall execute & record hold harmless document indemnifying the city of the private signs in public ROW
- Similar to others, this sign was intended as a community service to the general public and was not to advertise any private service or product.
- Size was not obtrusive and was actually less in height than what was existing.
- The improvements shall be maintained by Aladdin Villas to be aesthetic as well as the surrounding grounds

Staff Recommendation: Approval of replacement sign subject to meeting Ord. #3414.

City Manager recommended approval.

Councilman Plata moved to approve the request by Aladdin Villas Property Owners Association, Inc. to have City Council authorize City Manager to issue a building permit on City ROW for a community service sign to be replaced along the West and East sides of Stewart Rd. and Aladdin Villas Blvd. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

### **4.7 Authorization to solicit bids for Meter Connect Supplies for Water Distribution Division**

Staff was seeking authorization to solicit bids for the purchase of Meter Connect Supplies which were needed by the Public Works Department to maintain the waterlines. Public Works Department had opted not to exercise the one year renewal on the current contract, due to ACT Pipe & Supply not being able to hold their pricing firm because of an increase in the cost of raw materials used to manufacture the parts.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for Meter Connect Supplies for Water Distribution Division. Motion was seconded by Councilwoman Ramirez. Mayor Salinas called for a vote and announced the vote was 2-2, then he announced he was also voting in favor of this request, hence a vote of 3-2 with Mayor Pro Tem Garza and Councilman O'cana against.

#### **4.8 Authorization to solicit bids for Calcium Hypochlorite for Public Works Department**

Staff was seeking authorization to solicit bids for Calcium Hypochlorite (HTH). Chemical was needed for algae control, disinfection and odor control at the wastewater plant, pretreatment and lift stations. Current contract did not have any more renewals; therefore Public Works Department was seeking authorization to request for bids

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to solicit bids for Calcium Hypochlorite for Public Works Department. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **4.9 Authorization to solicit bids for Sludge Management Services for Public Works Dept.**

Staff was seeking authorization to solicit bids for Sludge Management Services. Services were needed for the disposal of sludge from the Water Treatment Plants & Waste Water Plant. Public Works Department had opted not to exercise the second year renewal on our current contract, due to a 5% increase in price by Terra Renewal West, LLC.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for Sludge Management Services for Public Works Dept. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

#### **4.10 Authorization to solicit bids for Waterline Maintenance Supplies for Water Distribution Division**

Staff was seeking authorization to solicit bids for the purchase of Waterline Maintenance Supplies. Waterline Maintenance Supplies were needed by the Public Works Department for the daily operation and treatment of its Water Distribution Division. Public Works Department had opted not to exercise the one year renewal on the current contract, due to HD Supply Waterworks not being able to hold their pricing firm because of an increase in the cost of raw materials used to manufacture the parts.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for Waterline Maintenance Supplies for Water Distribution Division. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

#### **4.11 Authorization to Execute First-One Year Renewal Option for Electrical Repair & Maintenance Services for Water Treatment Plants, Waste Water Treatment Plant, and Water Distribution Divisions**

On October 2011, the City of Mission entered into a contract with Fred's Electric Service Inc., for licensed electricians to perform electrical repairs, and maintenance on a "as needed" basis at the Water Treatment Plants, Waste Water Treatment plant, and Water Distribution Divisions. The contract terms were for one year with two one-year renewal options based on a 0% increase in price. Fred's Electric Service Inc., had opted to hold price the same with no increase. Staff was

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seeking authorization to extend contract for first-one year renewal option with Fred's Electric Services Inc. This agreement would extend the contract from October 28, 2012 through October 27, 2013.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to execute First-One Year Renewal Option for Electrical Repair & Maintenance Services for Water Treatment Plants, Waste Water Treatment Plant, and Water Distribution Divisions. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.12 Authorization to Execute First-One Year Renewal Option for Flexible Base Commercial Caliche for Public Works Dept.**

On October 2011, the City of Mission entered into a contract with Frontera Materials Inc., for the purchase of flexible base commercial caliche used for shaping and grading roadbeds, preparing shoulders and for filling/repairing roadways. The contract terms were for one year with one one-year renewal option based on a 20% increase in price. Frontera Materials Inc. has opted to hold price the same with no increase. Staff is seeking authorization to extend contract for first-one year renewal option with Frontera Materials Inc. This agreement will extend the contract from October 30, 2012 through October 31, 2013.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to execute First-One Year Renewal Option for Flexible Base Commercial Caliche for Public Works Dept. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**4.13 Authorization to solicit bids for the purchase of Hot & Cold Mix Asphalt for Streets, Utility and Wastewater Depts.**

Staff was seeking authorization to solicit bids for the purchase of Hot and Cold Mix Asphalt for Streets, Utility and Wastewater Departments. Hot & Cold Mix Asphalt would be used for daily operations to include pothole repairs and street, alley paving/overlays, etc. Public Works Department had opted not to exercise the second-one year renewal on current contract to seek better pricing.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for the purchase of Hot & Cold Mix Asphalt for Streets, Utility and Wastewater Depts. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.14 Authorization to solicit bids or purchase via State Approved Contract for Equipment for Public Works Dept.**

Staff was seeking authorization to solicit bids or purchase via State approved contract for Capital Outlay Equipment for Water Distribution, North & South Water Treatment Plants, Wastewater Plant, Industrial-Pre Treatment Plant and Streets/Drainage Department.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids or purchase via State Approved Contract for Equipment for Public Works Dept. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**4.15 Extension of “Vending Services” contract for City of Mission Facilities**

On October 2010, the City of Mission entered into a revenue generating contract with Express Business Services for vending machine services at city facilities. The contract terms were for a two year base term with two one-year renewal options. The city received a 10% commission from gross sales of merchandise. Express Business Services had submitted a letter offering to extend existing contract for an additional year, based on the existing terms and conditions. Staff was seeking authorization to extend contract for one year renewal with Express Business Services.

Staff and City Manager recommended approval.

Councilman Plata moved to approve extension of “Vending Services” contract for City of Mission Facilities. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.16 Approval of Ordinance # 3846 granting a wet designation for 2105 W. 3 Mile Rd., Ste. 8, L-3, Bk-4, Taurus Estates No. 9 Subd. Ph. I, La Playa Miramar**

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

CUP was approved by the Council at this meeting.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3846 granting a wet designation for 2105 W. 3 Mile Rd., Ste. 8, L-3, Bk-4, Taurus Estates No. 9 Subd. Ph. I. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**ORDINANCE NO. 3846**

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 2105 W. 3 MILE RD., STE. 8, L-3, BK-4, TAURUS  
ESTATES NO. 9 SUBD. PH I, LA PLAYA MIRAMAR

**4.17 Authorization to enter into an agreement with New World Systems for Additional Services and 3<sup>rd</sup> Party Hardware Agreement**

The City of Mission Police Department was requesting authorization to enter into an agreement with their software provider of 21 years, New World Systems for additional services and 3<sup>rd</sup> party hardware agreement. It was the intent of the organization to upgrade their existing software that controlled all of their service modules (CAD, Records Management, Bar-Coding, Jail Management, Mobile Products, etc.) from Version 3.0 to Version 7.0. The cost of the upgrade included the project management, implementation and

training services and a message switch operating system, 3<sup>rd</sup> party products services and travel expenses. The total amount of the contract was \$88,280.00. The organization would be utilizing their Federal Drug Forfeiture account for this purchase. Staff was respectfully requesting authorization to enter into the agreement with New World Systems for the purpose of facilitating the software upgrade.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to enter into an agreement with New World Systems for Additional Services and 3<sup>rd</sup> Party Hardware Agreement. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**4.18 Approval of Resolution # 1326 in support of the Hidalgo County Drainage District #1 Bond Referendum for Countywide Drainage Improvements**

The Hidalgo County Drainage Advisory Committee made a formal recommendation to the Drainage District #1 board to call a bond referendum to fund 25 specific drainage improvement projects that increase the outflow of storm water throughout the system. Hidalgo County believed that these upgrades could be completed as identified by the Drainage District and the Drainage Advisory Committee and approved a resolution to call a \$184 million bond for the funding of 25 specific drainage improvement projects to be placed on the November 6 general election ballot. These funds included \$15 million for Rural Drainage Development, \$10 million for the Delta Area Watershed Development Project and \$100 million in bonds for the construction of an independent segment of the Raymondville Drain.

Hidalgo County recognized that the development of these drainage projects would have a tremendous positive economic impact on both economic growth and expansion in Hidalgo County, while protecting over \$35 billion in property assets the Hidalgo County Commissioners' Court also recognized that these drainage project upgrades would greatly improve the quality of life and safety of citizens by reducing flooding and other disasters related to drainage.

Staff and City Manager recommended approval.

Mayor Salinas recommended City Manager to include in the resolution that the County of Hidalgo had committed to do the widening and improvements of the Mission Lateral and The Mission Inlet and flood way to include all of the areas that would be taken out of the flood zone.

Mayor Pro Tem Garza moved to approve Resolution No. 1326 in support of the Hidalgo County Drainage District #1 Bond Referendum for Countywide Drainage Improvements subject to recommendation made by Mayor Salinas. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**RESOLUTION NO. 1326**

**“RESOLUTION IN SUPPORT OF THE HIDALGO COUNTY DRAINAGE DISTRICT #1 BOND REFERENDUM FOR COUNTYWIDE DRAINAGE IMPROVEMENTS.”**

**4.19 Authorization to accept the FY 2012 Emergency Management Performance Grant (EMPG)**

Emergency Management Coordinator Cardoza presented this item.

The Mission Fire Department (Emergency Management Division) was seeking authorization to accept the Fiscal Year 2012 Emergency Management Performance Grant (EMPG) for Fiscal Year 2012 in the amount of \$ 26,706.68. The requirement for this Grant was to pay for a portion of the Emergency Management Staff. The City must maintain an Emergency Management Plan; conduct and document Exercise; submit After Action Reports and Improvement Plan; be in compliance with the National Incident Management System; must be 100% in compliance with NIMS cast objectives and metrics; submit Work Plan Tasks and the timely submission of progress and Financial Reports.

Staff and City Manager recommended approval

Councilman Plata moved to authorize to accept the FY 2012 Emergency Management Performance Grant (EMPG). Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.20 Authorization for the Acceptance of Water Treatment Plant #2 (North Plant) Expansion Project, Phase III---TWDB Project #61740**

The City of Mission along with Melden & Hunt, Inc and the Texas Water Development Board inspected the project and find it complete according to plans and specifications.

Staff and City Manager recommended approval

Councilwoman Ramirez moved to authorize for the Acceptance of Water Treatment Plant #2 (North Plant) Expansion Project, Phase III---TWDB Project #61740. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**4.21 Authorization for a 30 day extension on the Fleet Repair, Maintenance and Preventive Services Contract**

Staff was seeking authorization to enter into a 30 day extension agreement with First Vehicle Services Inc., because our current contract expired on September 30, 2012. Contract shall be extended through on additional month and will now expire on October 27, 2012. This is being requested in order to allow staff ample of time to finalize all negotiations. The 30 day extension will be voided once the contract has been finalized.

Staff Recommendation: Approval of 30 day extension with First Vehicle Services Inc.

City Manager recommended approval

Mayor Pro Tem Garza moved to authorize for a 30 day extension on the Fleet Repair, Maintenance and Preventive Services Contract. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

**5.0 Unfinished Business**

None

**6.0 Routine Matters**

**6.1 City Manager's Comments**

None

**6.2 Mayor's Comments**

None

At 5:38 p.m., Councilman Plata moved to convene into executive session. Motion was seconded by Councilwoman Ramirez 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. Claim of Rosa Gonzalez**

**7.2 Personnel matters Sec. 551.074**

**A. City Manager's Employment Agreement**

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

At 5:47 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

On item 7.1-A, Councilman Plata moved to authorize City Manager to settle the claim in an amount not to exceed \$175.00. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

On item 7.2-A, Councilman Plata moved to approve to extend the City Manager's Employment Agreement Contract for 1 year from October 15, 2012 thru October 15, 2013. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**8.0 Adjournment**

At 5:49 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