

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
NOVEMBER 12, 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  
Martin Garza, Jr., City Manager

**ALSO PRESENT:**

Kathy Olivarez, Progress Times  
Julie Silva, Progress Times  
Virginia Townsend  
Pat Townsend, Sr.  
Melania Davis  
David Bartle  
Richard Perez  
Natalie Martinez  
Maria Ester Salinas  
Carl Davis  
Sandra Valencia  
Elain Xavier  
Jacob Rodriguez  
Christopher Gibson

**ABSENT:**

**STAFF PRESENT:**

Nelia Hernandez, Asst. City Secretary  
Aida Lerma, Deputy City Manager  
Guillermo Seguin, Deputy City Manager  
Danny Tijerina, Planning Director  
Bobby Salinas, Asst. Planning Director  
Roberto Salinas, Public Works Director  
Paul Schaefer, Golf Course Director  
Joanne Longoria, CDBG Director  
Rick Saldana, Fire Chief  
Gilbert Sanchez, Fire Marshal  
Eduardo Belmarez, Purchasing Director  
Robert Dominguez, Chief of Police  
Janie Flores, Finance Director  
Randy Perez, Asst. Finance Director  
Julian Gonzalez, Parks & Rec. Director  
Luduvico Martinez, B & G Club Director  
Noemi Munguia, HR Director  
Robert Hinojosa, Risk Manager  
Jesse Lerma, Civil Service Director  
Roland Rodriguez, I. T. Director  
Luis Contreras, Museum Director  
Mayra Rocha, Library Director  
Elizabeth Hernandez, Executive Secretary  
Jonathan Wehrmeister, Judge

**1. Call to order**

With a quorum being present, Mayor Pro Tem Norie Gonzalez Garza called the meeting to order at 4:36 p.m.

**2. Pledge Allegiance and Invocation**

Mayor Pro Tem Garza led the meeting with the pledge of allegiance and City Manager Martin Garza, Jr. gave the invocation.

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

George Myers, CEO of the Greater Mission Chamber of Commerce reported on the chamber events that had recently taken place and on upcoming events that would be taking place.

### 4. Departmental Reports

Councilwoman Maria Elena Ramirez moved to approve the departmental reports as presented. Motion was seconded by Councilman Ruben Plata and approved unanimously 3-0.

### 5. Citizens Participation

Roberto Dominguez, Chief of Police introduced Joel Larralde who was recently appointed Asst. Chief of Police for the Mission Police Department

#### 1.0 Public Hearing

##### 1.1 Planning & Zoning Recommendations

- A. Rezoning: A 4.066 acre tract of land out of Lot 20-4, W.A.S. Subd., from R-1 (Single Family Residential) & C-2 (Neighborhood Commercial) to C-3 (General Business), Luis Valencia  
Adoption of Ordinance # 4013 approving 1.1A**

On October 23, 2013 the Planning and Zoning Commission convened and recommended approval of a C-2 zone. The property was located on the NW corner of Perez Street and Holland Avenue. There was public opposition voiced during the P&Z Mtg. The Board unanimously recommended approval of a C-2 instead of the C-3 requested by the applicant.

Staff Recommendation: Approval of C-2.

City Manager recommended approval.

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

Sandra Valencia of 2713 Baylor St. in McAllen and wife of the applicant was in favor of the request.

Maria Ester Salinas of 715 Miller spoke against the request. She requested the notices be sent in English and Spanish because the majority of the citizens affected only spoke Spanish. She stated that the area should be covered with blacktop and be used for parking instead.

Councilman Plata moved to approve the rezoning to a C-2 as recommended by staff and to adopt Ordinance No 4013 Rezoning: A 3.16 acre tract of land out of Lot 20-4, W.A.S. Subd., from R-1 (Single Family Residential) to C-2 (Neighborhood Commercial). Motion was seconded by Councilwoman Ramirez and approved unanimously 3-0.

### **ORDINANCE NO. 4013**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING  
A REZONING A 3.16 ACRE TRACT OF LAND OUT OF LOT 20-4, WEST ADDITION TO  
SHARYLAND SUBDIVISION, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO C-2  
(NEIGHBORHOOD COMMERCIAL)

**B. Rezoning: The S. ½ of Lot 1, Block A, Riverside Subd., from AO-I, (Agricultural Open Interim) to C-3 (General Business), Editora Hora Cero SA de CV, Adoption of Ordinance # 4014 approving 1.1B**

On October 23, 2013 the Planning and Zoning Commission convened and approved the rezoning request mentioned above, which was located on the SW corner of Chimney Road and Mayberry Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval as per Staff's recommendation.

Staff and City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the rezoning and to adopt Ordinance No 4014 Rezoning: The S. ½ of Lot 1, Block A, Riverside Subd., from AO-I, (Agricultural Open Interim) to C-3 (General Business). Motion was seconded by Councilwoman Ramirez and approved unanimously 3-0.

**ORDINANCE NO. 4014**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A REZONING THE S. ½ OF LOT 1, BLOCK A, RIVERSIDE SUBDIVISION,  
FROM AO-I (AGRICULTURAL OPEN INTERIM) TO C-3 (GENERAL BUSINESS)

**C. Conditional Use Permit: Sale & On-Site Consumption of Alcohol – Grand Rio River Club, 400 E. Chimney Rd., being Lot 1, Block A, Riverside Subd., AO-I (Proposed C-3), Editora Hora Cero SA de CV,  
Adoption of Ordinance # 4015 approving 1.1C  
Adoption of Ordinance # 4016 approving Wet Zone**

On October 23, 2013 the Planning and Zoning Commission convened and approved the conditional use permit request mentioned above, which was located on the SW corner of Chimney Road and Mayberry Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval as per Staff's recommendation.

Staff Recommendation: Approval for 1 year

City Manager recommended approval.

Mayor Pro Tem Garza 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 4015 Conditional Use Permit: Sale & On-Site Consumption of Alcohol – Grand Rio River Club, 400 E. Chimney Rd., being Lot 1, Block A, Riverside Subd., AO-I (Proposed C-3). Motion was seconded by Councilman Plata and approved unanimously 3-0.

**ORDINANCE NO. 4015**

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 – GRAND RIO RIVER CLUB, 400 E. CHIMNEY  
ROAD, BEING LOT 1, BLOCK A, RIVERSIDE SUBDIVISION

Councilwoman Ramirez moved to adopt Ordinance No. 4016 granting a wet zone for Sale & On-Site Consumption of Alcohol – Grand Rio River Club, 400 E. Chimney Rd., being Lot 1, Block A, Riverside Subd., AO-I (Proposed C-3). Motion was seconded by Councilman Plata and approved unanimously 3-0.

**ORDINANCE NO. 4016**

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 400 E. CHIMNEY RD., L - 1, BK - A, RIVERSIDE SUBD.

**D. Conditional Use Permit: To Place a Portable Building for the Sale of Food, 217 E. 9<sup>th</sup> St., being Lots 12-15, Block 161, M.O.T. Subd., C-3 Alexis Villarreal, Adoption of Ordinance # \_\_\_\_\_ approving 1.1D**

On October 23, 2013 the Planning and Zoning Commission convened and approved the conditional use permit request mentioned above, which was located on the NW corner of Miller Avenue and Business Highway 83. Staff approached the property owner regarding the placement of tires on City ROW, the sale of vehicles, and some health & sanitation violations. Staff did not recommend approval of the CUP due to the reasons cited above. There was no public opposition during the P&Z Mtg. The Board unanimously recommended denial as per Staff's recommendation.

Staff and City Manager recommended denial.

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

Virginia Townsend of 1603 Vintage Ln. spoke against the request and stated her concern regarding the environmental violations that were taking place at this location.

Maria Ester Salinas also spoke against the request.

Councilman Plata moved to deny the Conditional Use Permit: To Place a Portable Building for the Sale of Food, 217 E. 9<sup>th</sup> St., being Lots 12-15, Block 161, M.O.T. Subd., C-3. Motion was seconded by Councilwoman Ramirez and denied unanimously 3-0.

At 4:59 p.m., Councilman Dr. Armando O'cana joined the meeting.

**E. Conditional Use Permit: Drive-Thru Service Window for Snowball Express, 1712 W. Griffin Parkway, being lot 22, Block 4, Oakwood Estates Subd., C-3, Elgin Xavier, Adoption of Ordinance # 4017 approving 1.1E**

On October 23, 2013 the Planning and Zoning Commission convened and approved the conditional use permit request mentioned above, which was located approximately 64' west of Kristi Lane

along the north side of Griffin Parkway. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval as per Staff's recommendation.

Staff Recommendation: Approval for 1 year

City Manager recommended approval.

Mayor Pro Tem Garza 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 4017 Conditional Use Permit: Drive-Thru Service Window for Snowball Express, 1712 W. Griffin Parkway, being lot 22, Block 4, Oakwood Estates Subd., C-3. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

### **ORDINANCE NO. 4017**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU SERVICE WINDOW  
FOR SNOBALL EXPRESS, 1712 W. GRIFFIN PARKWAY, BEING  
LOT 22, BLOCK 4, OAKWOOD ESTATES SUBDIVISION

At 5:02 p.m., Mayor Norberto Salinas joined the meeting.

#### **2.0 Disposition of Minutes**

##### **2.1 City Council Meeting – October 28, 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 Citizen's Advisory Committee – August 20, 2013**

**Mission TIRZ – September 24, 2013**

**Mission Redevelopment Authority – September 24, 2013**

**Mission Economic Development Corporation Special Meeting – October 3, 2013**

**Planning & Zoning Commission – October 9, 2013**

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

#### **4.0 Approvals and Authorizations**

##### **4.1 Final Plat Approval: Lucila Subd., A 1.41 acre tract of land being a portion of Lot 16-3, W.A.S. Subd., R-1, Developer: Dr. Miguel Nevarez, Engineer: R.E. Garcia & Associates**

On October 28, 2013 the City Council convened and approved the Preliminary Plat Approval for Lucila Subdivision. The property was located on the SW corner of Donna Avenue and Mile 1 South. The Board unanimously recommended approval as per Staff's recommendation. It was noted that City Council granted a variance to not escrow the 5' sidewalks and to keep existing lot sizes.

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Staff Recommendation: Approval subject to: 1) the dedication of an additional 10' of ROW, 2) escrow the 5' sidewalks along Mile 1 South, 3) approval of variance to keep existing lot sizes, and 4) provide exclusion from the Water District.

City Manager recommended approval.

Councilwoman Ramirez moved to approve Final Plat Approval: Lucila Subd., A 1.41 acre tract of land being a portion of Lot 16-3, W.A.S. Subd., R-1, Developer: Dr. Miguel Nevarez, Engineer: R.E. Garcia & Associates. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

### **4.2 Discussion and Action for updates to the MPO Thoroughfare Plan**

On October 23, 2013 the Planning and Zoning Commission convened and considered the request by the HCMPO to provide new updates/changes to the existing MPO Thoroughfare Plan, mentioned above. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval as per Staff's recommendation.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve updates to the MPO Thoroughfare Plan. Motion was seconded by Councilman Plata and approved unanimously 5-0.

City Attorney David Guerra asked that council go into executive session under the exception "Consultation with Attorney" prior to considering items 4.3 and 4.19 in open session.

Mayor Salinas asked to continue with item 4.4 of the agenda and come back to items 4.3 and 4.19 at the end of the meeting.

### **4.3 Discussion and Action regarding an Extraterritorial Jurisdiction Agreement with the City of Penitas (City Attorney may ask City Council to go into executive session on this item under the "Consultation with Attorney" exception before considering this matter in open session)**

On April 22, 2013, Planning informed the City Council that the City of Peñitas wished to enter into an ETJ agreement with the City of Mission.

The City of Mission and City of Peñitas, through their respective staffs, met and tentatively agreed on a proposed ETJ boundary between the two cities.

On October 25, 2013, the City of Peñitas reviewed and approved the proposed ETJ boundary.

The proposed ETJ boundary established clear lines of demarcation for the most efficient development and delivery of services to the citizens in the area in question.

Staff Recommendation: Approval of the proposed ETJ boundary and authorization to incorporate said boundary into an ETJ agreement.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the agreed upon boundary line between the City of Mission and the City of Penitas and authorize staff to draft ETJ agreement between the two cities and bring it back to Council for their approval. Motion was seconded by Councilman Plata and approved unanimously 5-0.

Mayor Salinas continued with item 4.19 of the agenda.

**4.4 Approval of Resolution # 1366 distributing 135 authorized votes for the election of Appraisal District Board of Directors for 2014-15**

The Hidalgo County Appraisal District was requesting the distribution of 135 authorized votes for Board of Directors for 2014-2015. At the September 9, 2013 council meeting Mr. Amador Requenez was nominated by the city council. Mayor Salinas was recommending the distribution of 135 authorized votes for Amador Requenez for council consideration.

Staff Recommendation: Approval of Resolution distributing 135 votes for Amador Requenez.

City Manager recommended approval.

Councilwoman Ramirez moved to approve Resolution No. 1366 distributing 135 authorized votes for the election of Appraisal District Board of Directors for 2014-15. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**RESOLUTION NO. 1366**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
DISTRIBUTING 155 AUTHORIZED VOTES FOR THE ELECTION OF APPRAISAL  
DISTRICT BOARD OF DIRECTORS FOR 2014-2015

**4.5 Authorization to accept the FY 2014 EMS Local Project Grant from the Texas Department of State Health Services**

The Mission Fire Department was seeking authorization to accept the 2014 EMS Local Project Grant in the amount of \$16,872.00. This grant had a matching amount of approximately \$8,500.00 which would come from the Fire Department budget. The equipment that would be purchased with this grant were suction units, trauma bags, mega mover transporter, extrication vest (KED) ½ the cost of electric rescue tool, ½ the cost of a cardiac monitor, defibrillator, oxygen bags, equipment bags, and back boards. This equipment would be replacing old equipment.

Staff Recommendation: Authorization to Accept.

City Manager recommended approval.

Councilman Plata moved to authorize to accept the FY 2014 EMS Local Project Grant from the Texas Department of State Health Services. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.6 Approval to purchase Wallace & Tiernan Encore Pumps for Water Treatment Plant from a sole source vendor**

Staff was recommending the purchase four Wallace & Tiernan Encore Pumps from Environmental Improvements, 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;

New metering pumps would be used by the Water Treatment Plant Department to replace existing aluminum and ammonium sulfate chemical pumps. These were the only type of pumps that were compatible with the City's existing system.

Staff Recommendation: Authorization to purchase pumps from a sole source vendor.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve to purchase Wallace & Tiernan Encore Pumps for Water Treatment Plant from a sole source vendor. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

#### **4.7 Authorization to solicit bids for EPA Compliance Audit for Water Treatment Plants**

Staff was seeking authorization to solicit bids for EPA Compliance Audit Services, which would conduct a thorough analysis of activities required to create a Risk Management Program (RMP) for each facility to include Hazard Assessment, Risk Management Prevention Program, and Hazard Review or Process Hazard Analysis for each of the Water Plants.

Staff Recommendation: Authorization to solicit bids for EPA Compliance Audit.

City Manager recommended approval.

Councilwoman Ramirez moved to authorize to solicit bids for EPA Compliance Audit for Water Treatment Plants. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **4.8 Authorization to award bid for Flexible Base Commercial Caliche for Streets and Utility Departments**

City Council authorized staff to solicit bids for the purchase of Flexible Base Commercial Caliche for Streets & Utility Departments. Caliche would be used for daily operations to include repair and maintenance to allies, streets, and water breaks located throughout various locations within the City. The City of Mission had accepted and opened four (4) bid responses. Staff was recommending award to Upper Valley Materials (CAPA) who was the lowest responsible bidder meeting all the Terms & Conditions and Specifications.

Staff Recommendation: Authorization to award bid for Flexible Base Commercial Caliche.

City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to award bid for Flexible Base Commercial Caliche for Streets and Utility Departments. Motion was seconded by Councilman O'cana and approved unanimously 5-0.



#### **4.9 Authorization to Execute First-One Year Renewal Option for Cold Mix Type D Asphalt for Public Works Department**

On November 2012, the City of Mission entered into a contract with Frontera Materials for the purchase of Cold Mix Type D Asphalt used for daily operations to include repairing potholes, streets and alley paving/overlays. The contract terms were for one year with one one-year renewal option based on a 20% increase in price. Frontera Materials had opted to hold price the same with no increase. Staff was seeking authorization to extend contract for first-one year renewal option with Frontera Materials Inc. This agreement would extend the contract from November 29, 2013 through November 28, 2014.

Staff Recommendation: Authorization to extend contract for first-one year renewal option with Frontera Materials Inc.

City Manager recommended approval.

Councilman Plata moved to authorize to Execute First-One Year Renewal Option for Cold Mix Type D Asphalt for Public Works Department. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

#### **4.10 Authorization to Execute First-One Year Renewal Option for Hot Mix Type D Asphalt for Public Works Department**

On November 2012, the City of Mission entered into a contract with Upper Valley Materials (CAPA) for the purchase of Hot Mix Type D Asphalt used for daily operations to include repairing potholes, streets and alley paving/overlays. The contract terms were for one year with one one-year renewal option based on a 6% increase in price. Upper Valley Materials (CAPA) has opted to hold price the same with no increase. Staff was seeking authorization to extend contract for first-one year renewal option with Upper Valley Materials. This agreement would extend the contract from November 22, 2013 through November 21, 2014. See attached letter from Upper Valley Materials (CAPA) agreeing to the terms and conditions.

Staff Recommendation: Authorization to extend contract for first-one year renewal option with Upper Valley Materials (CAPA)

City Manager recommended approval.

Councilman Plata moved to authorize to Execute First-One Year Renewal Option for Hot Mix Type D Asphalt for Public Works Department. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

#### **4.11 Approval of Work Authorization No. 15 with L & G Engineering for GIS Project**

Authorization was being requested for the ongoing GIS (Geographical Information System) project. Phase IX of the GIS project entailed the compilation and maintenance of datasets as well as upgrading the data dissemination project.

Staff Recommendation: Approval of Work Authorization No. 15.

City Manager recommended approval.

Councilman Plata moved to approve Work Authorization No. 15 with L & G Engineering for GIS Project. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.12 Renewal of contract for the City's on-line payment software for Utility Billing and Municipal Court with INCODE, a sole source vendor for a twelve (12) month period October 2013 through September 2014**

Staff was requesting renewal of the existing contract with INCODE, a sole source vendor, for the on-line payment software linked through the City's website to allow the payment of utility bills through the internet. 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. The original contract was for three years and was initially approved by the City Council in 2010. The contract provided for automatic 12 month renewals. The renewal of this contract maintained the monthly fee at \$920 for the renewal period.

Staff Recommendation: Approval as presented.

City Manager recommended approval.

Councilwoman Ramirez moved to approve renewal of contract for the City's on-line payment software for Utility Billing and Municipal Court with INCODE, a sole source vendor for a twelve (12) month period October 2013 through September 2014. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.13 Amend City of Mission Local Civil Service Rules-5.10 Physical Ability/Agility**

The Civil Service commission met on October 17, 2013 and approved an amendment to the City of Mission Local Civil Service Rules. Section 5.10 of the local rules pertained to physical agility tests for individuals that wanted to be employed by the police or fire department. These tests were conducted by the departments after an individual passed the written portion of the entry level process. The amendments included the following:

1. Allow for a re-test in the Mission Police Department
2. Remove the physical agility (part 1) that included the one (1) mile run, sit-ups, push-ups, pull ups, and the sit and reach

This recommendation was approved after much deliberation with department heads, staff, legal counsel, and administration. Staff felt that this amendment kept the city in line with all local, state, and federal regulations and function based.

Staff Recommendation: Approve the Amendment.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve to amend City of Mission Local Civil Service Rules-5.10 Physical Ability/Agility. Motion was seconded by Councilman Plata and approved unanimously 5-0.

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

The Mission Redevelopment Authority and the Reinvestment Zone Number One (MRA/TIRZ) was requesting the approval of a Reimbursement Agreement between the MRA/TIRZ and the City of Mission on all projects to be funded from the MRA/TIRZ Increment Contract Revenue Bonds Series 2013. The agreement stipulated that the City of Mission would undertake the projects and that the MRA/TIRZ would reimburse the City as outlined in the agreement.

Staff Recommendation: Approval of Reimbursement Agreement.

City Manager recommended approval.

Councilwoman Ramirez moved to approve Reimbursement Agreement between the Mission Redevelopment Authority/Reinvestment Zone Number One and the City of Mission. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.15 Authorization to transfer Park Zone funds from Northeast Park Zone to Southwest Park Zone for the Bentsen Palm Regional Park**

Staff was requesting authorization to transfer funds from the Northeast Park Zone to the Southwest Park Zone for the Bentsen Palm Regional Park. These funds would be used for the construction of proposed bathroom facilities. Reference to Ordinance No. 3367 – an ordinance of the City of Mission, Texas amending the Park Dedication Ordinance No. 1340 to allow the usage of Park Zone Funds with City Council Approval for Regional Recreation Sites. (Fund request \$20,000.00)

Staff Recommendation: Approval to transfer funds.

City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to transfer Park Zone funds from Northeast Park Zone to Southwest Park Zone for the Bentsen Palm Regional Park. Motion was seconded by Councilman O’Cana and approved unanimously 5-0.

**4.16 Budget Amendment: Utility Fund, Park Dedication Fund**

Randy Perez, Assistant Finance Director presented the budget amendments BA–2014-02 thru BA–2014-03 to the City Council for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve budget amendments BA–2014-02 thru BA–2014-03 as recommended. Motion was seconded by Councilman O’cana and approved unanimously 5-0.

**4.17 Authorization to solicit bids for the Construction of a Wastewater Collection System with two Sanitary Sewer Lift Stations and Water Trunk Lines**

Staff was seeking authorization to solicit bids for the construction of a wastewater collection system with two sanitary sewer lift stations and water trunk lines. Work would include the furnishing, installing and constructing of a new wastewater collection system to serve both, Anzalduas Highway and Military Highway, and a water trunk line that serviced the same area. This system

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consisted of gravity collection lines, manholes, two new lift stations, two force mains including all related appurtenances.

Staff Recommendation: Approval to solicit for bids.

City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for the construction of a Wastewater Collection System with two Sanitary Sewer Lift Stations and Water Trunk Lines. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

### **4.18 Award Bid for Bentsen Palm Park Restroom Facility Project**

On July 22, 2013, City Council authorized staff to solicit bids for the construction of restroom facility at Bentsen Palm Park. The City of Mission had accepted and opened fourteen (14) bid responses. Staff was recommending award to JCON Construction Inc., whose total base bid was \$67,500 and was the lowest responsible bidder meeting all terms & conditions and specifications.

Staff Recommendation: Authorization to award contract to JCON Construction LLC in the amount of \$67,500.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve to award bid for Bentsen Palm Park Restroom Facility Project. Motion was seconded by Councilman Plata and approved unanimously 5-0.

Mayor Salinas requested to go into executive session for items 4.3 and 4.19 of the agenda.

At 5:28 p.m., Councilman O'cana moved to convene into executive session pursuant to V.T.C.A. Gov. Code Sec. 551.001 under "Consultation with Attorney" for items 4.3 and 4.19. Motion was seconded by Councilman Plata and approved unanimously 5-0.

At 5:55 p.m., Mayor Pro Tem Garza moved to reconvene in open session. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

Mayor Salinas continued onto item 4.3 of the agenda.

### **4.19 Request by St. Paul Catholic Church to construct an enclosed foyer/entryway through the front area of a portion of Lots 7 & 8, Block 191, Oblate Addition aka Original Townsite, and ten inches, more or less, into road right-of-way along Francisco Avenue (City Attorney may ask City Council to go into executive session on this item under the "Consultation with Attorney" exception before considering this matter in open session)**

St. Paul was requesting authorization to enclose the area leading to the main entrance of the church.

Staff did not object to this unique request based on the following reasons: 1) the proposal did not impede pedestrian nor vehicular traffic, 2) the church owned all of Block 191, Mission Original Townsite, and 3) Francisco Avenue had sixty feet of right-of-way and was paved thirty-five feet back to back which left twelve and a half feet on each side of the road.

Staff Recommendation: Staff recommended approval subject to the execution and recording of a hold harmless agreement.

City Manager recommended approval.

City Attorney Guerra disclosed his attendance to St. Paul Catholic Church and gave his legal perspective to the Council which stated that Council had the authority to authorize the extension of the building onto the city right-o-way or the ten inches but did not have the authority to grant a variance to build within the building set back lines. The only authority in the city that could grant that variance was the Zoning Board of Adjustments.

Councilman O'cana moved to table the ten inch encroachment portion of the item and send the request for setback variance to the Zoning Board of Adjustments. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

Mayor Salinas asked City Manager Garza to read the names of the active members that were in the Zoning Board of Adjustments Board.

City Manager Garza read as follows: Kathy Olivarez, Raul Sestin, Ned Sheats, Jaime Acevedo and Mr. Sam Rodeo who would serve as an alternate.

**5.0 Unfinished Business**

None

**6.0 Routine Matters**

**6.1 City Manager's Comments**

None

**6.2 Mayor's Comments**

None

**7.0 Adjournment**

At 6:07 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