

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
NOVEMBER 25, 2013 4:30 P.M.
MISSION CITY HALL**

PRESENT:

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

ABSENT:

Ruben D. Plata, Councilman

ALSO PRESENT:

Kathy Olivarez, Progress Times
Daniella Diaz, The Monitor
H. Gonzalez
Joshua Alvarez
Cesar J. Lopez
Marianna T. Wright
Marcela Arriago
Alex Meade

STAFF PRESENT:

Carmen Morales, Administrative Asst.
Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Danny Tijerina, Planning Director
Bobby Salinas, Asst. Planning Director
Roberto Salinas, Public Works Director
Paul Schaefer, Golf Course Director
Rick Saldana, Fire Chief
Gilbert Sanchez, Fire Marshal
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
Jonathan Wehrmeister, Judge

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:30 p.m.

2. Pledge Allegiance and Invocation

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

3. Presentation of Miss Mission Contestant Winners

Little Miss Mission Chelsea Rull, and Miss Mission Marissa Richter were presented to the Council, not present were Mission Princess Presley Nielsen Miss Mission Junior Teen Sabrina Pena, Miss Mission Teen Savannah Balderas.

4. Report from the National Butterfly Center

Marianna Trevino Wright gave an update on a successful Butterfly Festival that was held recently.

5. 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.

6. Departmental Reports

Mayor Pro Tem Norie Gonzalez Garza moved to approve the departmental reports as presented. Motion was seconded by Councilman Dr. Armando O'cana, and approved unanimously 4-0.

7. Citizens Participation

None

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Conditional Use Permit: To Place a Portable Building in a Commercial Zone – Honey Bee Snacks, 2224 E. Business Hwy 83, being 1.09 ac. out of Lot 204, John H. Shary Subdivision, C-4, Joshua Alvarez
Adoption of Ordinance # 4018 approving 1.1A**

On November 13, 2013 the Planning and Zoning Commission convened and approved the conditional use permit request mentioned above, which was located approximately 700' west of Shary Road along the south side of Business 83. 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 Salinas asked if there were any comments for or against the request.

There were no comments.

Councilwoman Maria Elena Ramirez moved to approve the CUP and to adopt Ordinance No. 4018 Conditional Use Permit: To Place a Portable Building in a Commercial Zone – Honey Bee Snacks, 2224 E. Business Hwy 83, being 1.09 ac. out of Lot 204, John H. Shary Subdivision, C-4 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

ORDINANCE NO. 4018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT TO PLACE A PORTABLE BUILDING
IN A COMMERCIAL ZONE- HONEY BEE SNACKS, 2224 E. BUSINESS HWY 83,
BEING 1.09 AC. OUT OF LOT 204, JOHN H. SHARY SUBDIVISION

2.0 Disposition of Minutes

2.1 City Council Meeting – November 12, 2013

Councilman O’cana moved to approve the minutes as presented. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

3.0 Acknowledge Receipt of Minutes

3.1 Mission Boys & Girls Club – October 17, 2013

Traffic Safety Committee – October 15, 2013

Shary Golf Advisory Board – October 24, 2013

Mission TIRZ – October 22, 2013

Mission Redevelopment Authority – October 22, 2013

Ambulance Board Meeting – May 3, 2013

Mayor Pro Tem Garza moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilman O’cana and approved unanimously 4-0.

4.0 Approvals and Authorizations

4.1 Preliminary Plat Approval: La Homa Crossing Subdivision, Ph II, 7.16 acre tract of land out of Lots 75, 78 and 79, Block 2, La Homa Ranch Citrus Groves Unit No. 1, Rural ETJ, Developer: Red Rock Real Estate, Engineer: Quintanilla, Headley & Associates

On November 13, 2013 the Planning and Zoning Commission convened and approved the Preliminary Plat Approval for La Homa Crossing Subdivision, Ph. II. The property was located in the SE area of La Homa and Mile 7. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval as per Staff’s recommendation.

Staff Recommendation: Approval subject to meeting the Model Subdivision Rules and complying with other format findings.

City Manager recommended approval.

Councilwoman Ramirez moved to approve Preliminary Plat Approval: La Homa Crossing Subdivision, Ph II, 7.16 acre tract of land out of Lots 75, 78 and 79, Block 2, La Homa Ranch Citrus Groves Unit No. 1, Rural ETJ as recommended. Motion was seconded by Councilman O’cana and approved unanimously 4-0.

4.2 Final Plat Approval: Aries Subdivision, Lot 86, Sharyland Orchards Subdivision, R-2, Developer: Aries Construcciones, LLC, Engineer: Javier Hinojosa Engineering

On March 11, 2013 the City Council convened and approved the Preliminary Plat Approval for Aries Subdivision. The property was located on the SW corner of School Lane and Lucksinger Road. The Board unanimously recommended approval as per Staff's recommendation.

Staff Recommendation: Approval subject to: 1) no objection to fence on ROW request (HH, etc.)/fence needed to be maintained by H.O.A., 2) payment of capital sewer recovery and park fees, 3) escrow the installation of the drainage line, 4) comply with all other format findings, and 5) add fence plat notes.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Preliminary Plat Approval as presented: Aries Subdivision, Lot 86, Sharyland Orchards Subdivision, R-2 as presented. Motion was seconded by Councilman O'cana and approved unanimously 4-0.

4.3 Discussion and action to approve Ordinance # 4019 Amending Chapter 42 Article VI, "Noise", Sections 231, 232 and adding 243 of the City of Mission's Code of Ordinances

It was noted that the City's Ordinances needed to be reviewed and amended from time to time. Based on this premise, Staff had reviewed the "Noise" Ordinance and recommended that Section 42-231 (Prohibited Generally) and Section 42-233 (Loudspeaker) be amended, and that Section 42-243 (Church Bells, Chimes Exempted) be added as outlined on the attached Ordinance.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve Ordinance No. 4019 amending Chapter 42 Article VI, "Noise", Sections 231, 232 and adding 243 of the City of Mission's Code of Ordinances as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

ORDINANCE NO. 4019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS,
AMENDING DIVISION I CAPTIONED "GENERALLY" OF ARTICLE VI CAPTIONED
"NOISE" OF ITS CODE OF ORDINANCES BY CHANGING SECTIONS 42-231 AND 42-232,
AND ADDING SECTION 42-243

4.4 Request by Burns Motors to have City Council Issue a Changeable Copy Sign Permit at 2205 E. Expressway 83, Lots 1 & 2, Gallagher Subdivision

Planning staff received a request by Burns Motors to replace their existing ground pole sign with a new 8.4' X 33' (277.2' sq. ft.) changeable copy sign which would use the existing sign structure at their dealership located at 2205 E. Expressway 83.

Section 86-155 (2c) of the Sign Code stated: "Changeable Copy sign - Maximum size: 210 sq. ft."

On September 12, 2011, City Council approved a similar type sign for Bert Ogden Motors, however that particular sign was only 203' sq. ft. The current request by Burns Motors would require a variance of 67.2'. They had opted to apply for a variance to the sign code requesting that the City Council allow the installation of the changeable copy sign to be at 277.2' sq. ft.

Since the changeable copy sign had not been purchased, it could be reduced to meet the 210' minimum size. The sign must also comply with the requirements for changeable copy signs which included Brightness not to exceed 5,000 candelas during the day and 500 at night, displays must not include scrolls, fades, blinking, flashing, etc. and every message or picture display must remain static for a minimum of 8 seconds and must accomplish a change in display within 2 seconds or less.

Staff Recommendation: Staff recommended reduction of the sign to meet the sign code requirements.

City Manager recommended approval.

Mr. Javier Contreras from Burns Motors was present to answer any questions City Council had and to elaborate on the benefits the City of Mission would have in placing this digital sign.

Mayor Salinas and Mayor Pro Tem Garza agreed on the benefits the City of Mission would have by placing this state of the art digital sign.

Councilman O'cana suggested accepting the variance and taking this sq. ft. and making it the maximum sq. ft. in the ordinance for future reference.

City Attorney David Guerra stated that in order to comply with the ordinance to please incorporate a finding that to not grant the variance would be substantial financial hardship or inequity without sufficient correspondent benefit to the city and citizens. Mr. Guerra suggested this to be incorporated in the ordinance.

Councilman O'cana moved to approve as per City Attorney's recommendation the request by Burns Motors to have City Council Issue a Changeable Copy Sign Permit at 2205 E. Expressway 83, Lots 1 & 2, Gallagher Subdivision. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

4.5 Cancel 2nd December regular City Council meeting Scheduled for December 23, 2013 and reschedule December 9, 2013 meeting to December 16, 2013

The office of the City Manager was requesting the cancellation of the second regular City Council meeting scheduled for December 23, 2013 and to reschedule the meeting of December 9, 2013 to December 16, 2013.

A special meeting would be held if the need arise.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve to cancel 2nd December regular City Council meeting scheduled for December 23, 2013 and reschedule December 9, 2013 meeting to December 16, 2013 as recommended. Motion was seconded by Councilman O'cana and approved unanimously 4-0.

4.6 Staff is seeking authorization for the approval of a Texas Historical Subject Marker for Speer Memorial Library

In 2014, Speer Memorial Library would be celebrating their 100th anniversary from when the first “library” was formed. In the beginning, Mission’s “library” consisted of a shelf in an empty store. Presently the library stands in a 48,760 square feet facility, with over 300 computers and laptops, and a collection of over 115,000 items worth over \$1,729,000. With City Council’s approval the library would like to commemorate this milestone with the placement of a subject marker from the Texas Historical Commission. The Hidalgo County Historical Commission was applying on behalf of Speer Memorial Library and would fund said marker.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve authorization for the approval of a Texas Historical Subject Marker for Speer Memorial Library as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.7 Approval of Resolution # 1367 authorizing the filing of a Grant Application with the LRGVDC for the Regional Solid Waste Grants Program

A resolution of the City Council of the City of Mission, Texas authorizing the filing of the grant application with the Lower Rio Grande Valley Development Council for the Regional Solid Waste Grants Program; authorizing the Mayor to act on behalf of the City in all matters related to the applications; and pledging that if a grant was received, the City would comply with the grant requirements of the LRGVDC, the Texas Commission of Environmental Quality, and the State of Texas. The amount of the grant was \$30,000 and there was no cash match.

Staff and City Manager recommended approval.

Councilman O’cana moved to approve Resolution No. 1367 authorizing the filing of a Grant Application with the LRGVDC for the Regional Solid Waste Grants Program as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

RESOLUTION NO. 1367

RESOLUTION OF THE CITY OF MISSION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL FOR A REGIONAL SOLID WASTE GRANTS PROGRAM GRANT; AUTHORIZING NORBERTO SALINAS, MAYOR TO ACT ON BEHALF OF THE CITY OF MISSION IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF A GRANT IS RECEIVED THE CITY OF MISSION WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE LRGVDC, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS.

4.8 Budget Amendment: General Fund, CDBG Fund, PD-State Sharing Fund, PD- Federal Sharing Fund, Drainage Assessment Fund and 2007, 2009, 2010, 2012 Certificate of Obligation and Designated Purpose Fund,

Randy Perez, Assistant Finance Director presented the budget amendments BA–2014-04 thru BA–2014-27 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman O’cana moved to approve budget amendments BA–2014-04 thru BA–2014-27 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

4.9 Approval of the Certified 2013 Tax Roll Totals

Approval of the Certified 2013 Tax Roll for the City of Mission as per Section 26.09 (e) of the Texas Property Tax Code.

Total Taxable Value: \$3,520,791,142

2013 Total Tax Levy: \$18,521,977

Distribution of Levy:

M&O \$14,756,133

I&S \$ 3,768,844

TOTAL TAX LEVY \$18,521,977

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the Certified 2013 Tax Roll Totals as presented. Motion was seconded by Councilman O’cana and approved unanimously 4-0.

4.10 Authorization to purchase via a state approved contract bulletproof vests (TXMAS-9-84010).

The City of Mission Police Department was requesting authorization to purchase a total of thirty-eight (38) bulletproof vests from Lone Star Uniforms, Inc., a state contract vendor. The bulletproof vests would be purchased for the purpose of replacing bulletproof vests currently in use by Mission Police Officers that were over five (5) years old. The industry standard was five years of life for any bulletproof vest. The bulletproof vests to be purchased met all National Institute of Justice standards. The vests would be purchased through our Designated Purpose Fund at a cost of \$22,482.00 (TXMAS -9-84010)

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve authorization to purchase via a state approved contract bulletproof vests (TXMAS -9-84010) as recommended. Motion was seconded by Councilman O’cana and approved unanimously 4-0.

4.11 Approval of Ordinance # 4020 providing for a No Parking Zone on the west side of the 900 block of Doherty Avenue at anytime.

On Tuesday, November 19th, 2013 the City of Mission Traffic Safety committee met for the purpose of reviewing a request for a No Parking Zone on the west side of the 900 block Doherty Avenue. The Mission Police Department received a request from Mr. Luis Contreras, the Historical Museum Director for the aforementioned zone. Upon the roadway redesign on the 900 block of Doherty Avenue based on the beautification of the museum site, the west side of Doherty Avenue was made into an actually lane of travel for southbound traffic. Even though it was a designated lane of travel, the public was still parking along the west side curb of 900 block of Doherty creating a traffic hazard. The Traffic Safety Committee was recommending the approval of the No Parking Zone on the west side of the 900 Block of Doherty Avenue. The item was before staff for their review and consideration.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Ordinance No. 4020 providing for a No Parking Zone on the west side of the 900 block of Doherty Avenue at anytime as recommended. Motion was seconded by Councilman O'cana and approved unanimously 4-0.

ORDINANCE NO. 4020

AN ORDINANCE PROHIBITING PARKING ON THE WEST SIDE OF THE 900 BLOCK OF DOHERTY AVENUE AT ANYTIME; PROVIDING FOR INSTALLATION OF SAID TRAFFIC CONTROL DEVICES BEING NO PARKING SIGNS AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO;

4.12 Authorization to declare surplus and donate ambulance to Montemorelos, Nuevo Leon

Staff was requesting approval to declare surplus and to donate ambulance to our future Sister City of Montemorelos, Nuevo Leon to continue the program of work of our Sister City Committee. Mayor Salinas had received a request from Mayor Gerardo Alaniz. The ambulance would be a great asset to their community and would be greatly appreciated.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve authorization to declare surplus and donate ambulance to Montemorelos, Nuevo Leon as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

4.13 Authorization to Submit FY 2013 Assistance to Fire Fighters Grant for the Mission Fire Department

The Mission Fire Department was seeking authorization to submit for 2013 Assistance to Fire Fighters Grant. Staff would seek grant funding for training, personal protective equipment (PPE), Wellness Program (Physicals), firefighting equipment and second application for a pumper tanker fire apparatus. This grant required 10% match of the award. The approximate amount of the equipment was \$450,000.00 and \$450,000.00 for the pumper tanker.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve authorization to Submit FY 2013 Assistance to Fire Fighters Grant for the Mission Fire Department as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.14 Renewal of Approval of Contract with Professional Golf Ball Services, LTD. and Shary Golf Course for retrieval of golf balls in the Course Lakes

Currently Professional Golf Ball Services, LTD. (PGBS) retrieved golf balls in the Shary Municipal Golf Course lakes.

Contract with PGBS was for retrieval of golf balls and in turn Shary Golf Course would receive 250 dozen new range balls. This was a savings of approximately \$1,300.00 a year that the course would not pay for range balls. Period of Contract would be from January 1, 2014 to December 31, 2014.

City Attorney had reviewed contract and liability insurance from PGBS.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve renewal of contract with Professional Golf Ball Services, LTD. and Shary Golf Course for retrieval of golf balls in the Course Lakes as recommended. Motion was seconded by Councilman O'cana and approved unanimously 4-0.

4.15 Request for Three Open Cuts by Our Lady of Holy Rosary Church in relation to their Expansion Plans.

The Lady of Holy Rosary Church had provided plans for a new church facility and had begun construction of the new church. In review of their expansion plans, the new church facility would require a new 6" fire line, a new fire hydrant to provide protective service to the congregants & a new sewer service. The church had agreed to make the improvements to the site. However, due to the existing water and sewer lines being under the street's pavement width, they had proposed three open cuts.

The provided exhibit showed one cut would be directly north of the new church for a 6" fire line and the other two cuts would be to the east of the new fire line. All street cuts would be on Laredo Street.

As per City policy and as per previous street cuts, the back-to-back pavement overlay was required to be 12' on both sides of the actual cut, i.e. there would be a total of a 24' X 30' overlay on the centerline of each street cut.

Staff did not object to the open cut since the overlay would be professionally completed & inspected; further, it would result in a more viable fire protection system for the church, the Mission residents attending the church services, and improved the quality of fire protection to the general area.

Staff Recommendation: Approval subject to the pavement overlay complying with typical city standards inclusive of the 1-year warranty (by the contractor).

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve request for Three Open Cuts by Our Lady of Holy Rosary Church in relation to their Expansion Plans as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

5.0 Unfinished Business

5.1 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

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.

Item 5.1 remained on the table.

6.0 Routine Matters

6.1 City Manager's Comments

Mr. Garza expressed his condolences to the family of Rolando Barrera who passed away this weekend. Advised the Council of the Thanksgiving Meal Giveaway that was held on Friday, November 22 where 50 families were presented a Thanksgiving meal. He invited the public to the Thanksgiving Table at Renee's to be held on Thanksgiving Day. He also invited the Mayor, Council and public to the Christmas Tree Lighting Ceremony which would be held on Friday, December 6th at 6 p.m. at the Leo Pena Plazita.

6.2 Mayor's Comments

None

At 5:25 p.m., Mayor Pro Tem Garza moved to convene into executive session. Motion was seconded by Councilman O'cana and approved unanimously 4-0.

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

7.1 Consultation with Attorney Sec. 551.071

A. City of Mission v Alejandro Gonzalez

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

7.2 Consultation with Attorney Sec. 551.071

Personnel matters Sec. 551.074

A. City Manager – Personnel Matters, Police Department

B. City Manager – Personnel Matters, Fire Department

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

At 6:37 p.m., Mayor Pro Tem Garza moved to reconvene in open session to take action on the above mentioned items. Motion was seconded by Councilman O’cana and approved unanimously 4-0.

On item 7.1-A, no action was taken.

On item 7.1-B, Councilman O’Cana moved to authorize Citys attorneys to take any legal action regarding this matter subject to approval of City Manager. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

On item 7.2-A, no action was taken.

On item 7.2-B, no action was taken.

8.0 Adjournment

At 6:39 p.m., Mayor Pro Tem Garza moved for adjournment. Motion was seconded by Councilman O’Cana and approved unanimously 4-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary