

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
NOVEMBER 26, 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
Darrell Davis, Acting City Attorney
Anna Carrillo, City Secretary
Julio Cerda, City Manager

ABSENT:

ALSO PRESENT:

Kathy Olivarez, Progress Times
Gail Burkhardt, The Monitor
Anna Casanova
Nelda Marks
Mary Vasquez
Matt Ruszczak
Margarita Gracia
Clara Meraz
Raquel & Hector Garcia
Marta & Antonio Cortez
Alan Lopez
Esperanza Camacho
Jim Baunes
Beth Baunes
Angel Herrera
Norma Lopez
Elda Valdez
Raymond Longoria
Janie Buentello
Mirihala Pena
Jeff Underwood
Rene De La Cruz
Mariana Trevino Wright

STAFF PRESENT:

Carmen Morales, Administrative Assistant
Aida Lerma, Deputy City Manager
Sonia Marroquin, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Danny Tijerina, Planning Director
Bobby Salinas, Planning Dept.
Roberto Salinas, Public Works Director
Paul Schaefer, Golf Course Director
Rick Saldana, Fire Chief
Gilbert Sanchez, Fire Marshal
Eduardo Belmarez, Purchasing Director
Martin Garza, Chief of Police
Robert Dominguez, Asst. Chief of Police
Janie Flores, Finance Director
Julian Gonzalez, Parks & Rec. Director
Juan C. Avila, B & G Club Director
Noemi Munguia, HR Director
Robert Hinojosa, Risk Manager
Jesse Lerma, Civil Service Director
Roland Rodriguez, I. T. Director
Jonathan Wehrmeister, Judge
Luis Contreras, Museum Director

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:33 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. Presentation of 20, 25 & 30 year Service Award Recipients

Ms. Aida Lerma, Deputy City Manager presented and awarded certificates to City Employees with 20, 25 & 30 years of service to council and mayor.

At 4:39 p.m., Councilman Ruben D. Plata joined the meeting.

4. 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.

5. Report from the Greater Mission Chamber of Commerce Ruszczak

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on the chamber events that had recently taken place and on upcoming ribbon cuttings, mixer and holiday events.

6. Citizens Participation

None

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: E. 145' of Lot 2, Siegel Subdivision, C-1 to C-2, Raymond Longoria Adoption of Ordinance # 3861 approving 1.1A

The subject site was located 760' east of Bryan Road along the south side of Griffin Parkway. The site's dimensions were 145' x 200' (29,000 sq. ft.). The lot fronts Griffin Parkway.

Surrounding Zones: The surrounding zones included Office Building (C-1) to the north, and Single Family Residential (R-1) to the east, west, and south.

Land Uses: The Land uses consisted of single family homes to the north, east, and south, and open acreage to the west. The subject site currently had a single family home.

FLUM: The FLUM showed a General Commercial (GC) designation.

Meriting C-2, staff conveyed the following:

- 1) C-2 was consistent with the FLUM designation of GC, the highest and best use for this site was of a commercial nature.
- 2) The subject site adjoined Griffin Parkway, a TXDOT minor arterial street (an existing 100' ROW/5 lane street).
- 3) The traffic produced along Griffin Parkway was more conducive for non-residential use, plus the property was already zoned C-1.
- 4) C-2 allowed for more commercial uses than C-1; however its allowable uses were still minimal and were geared to serve the immediate neighborhood communities, i.e., restaurants/bars, gasoline service stations, required a conditional use permit with the City Council approval.

There was no public opposition during the 10/24/12 P&Z hearing. P&Z unanimously recommended approval.

Staff and City Manager recommended approval.

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

There were no comments.

Councilman Dr. Armando O'cana moved approve rezoning and to adopt Ordinance No. 3861 for Rezoning: E. 145' of Lot 2, Siegel Subdivision, C-1 to C-2 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3861

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING THE E. 145' OF LOT 2, SIEGEL SUBDIVISION, FROM C-1 TO C-2

**B. Conditional Use Permit: Daycare in an R-3 Zone, 1819 Perkins, Lots 19 & 20, Block 6, Northwest Addition, R-3, Teofilo Aguillon
Adoption of Ordinance # 3862 approving 1.1B**

The subject site was located on the SW corner of Perkins and 20th Street. P&Z previously approved a CUP for a daycare at this location on 7-20-11 with a 1 year re-evaluation if fully compliant with the installation of a fire sprinkler system and a fire alarm. However, the need for a fire sprinkler system had been removed due to compliance with an exception allowed by the fire department. The fire alarm requirement was still pending. The applicant was proposing to re-open the daycare, where no one would live at the residence. 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' mail out radius should provide written support for the proposed home occupation to request variance.”

The applicant had provided the signatures of 90% of the surrounding property owners (within 200') approving the request as required by code.

- Days/Hours of Operation: Monday – Friday 7:00 a.m. – 6:00 p.m.
- Staff: 3
- Parking: The 2,906 sq. ft. building required a minimum of 10 spaces. There were 11 spaces provided, thus compliant to code.
- Must obtain DHS certification and a new business license prior to opening the business.

This site had been utilized as a daycare for several years without incident. Staff did not object to a 1 year re-evaluation in order to ensure that the new operator would not have any incidents on-site. There was no public opposition during the 11/14/12 P&Z hearing. P&Z unanimously recommended approval of the CUP with the conditions outlined below.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation to assess the new operation
2) Must provide DHS certification; and 3) Must comply with Fire requirements in order to
acquire a business license.

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve CUP and to adopt Ordinance No. 3862 for CUP for Daycare
in an R-3 Zone, 1819 Perkins, Lots 19 & 20, Block 6, Northwest Addition, R-3 as recommended.
Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3862

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR HOME OCCUPATION – DAYCARE IN
AN R-3 ZONE, 1819 PERKINS, LOTS 19 & 20, BLOCK 6, NORTHWEST ADDITION

**C. Conditional Use Permit: Sale and On-Site Consumption of Alcoholic Beverages –
Solo Empanadas Y Mas Restaurant, 1522 E. Expressway 83, Suite 114, Lot 4,
Stewart Plaza Subdivision, C-3, Solo Empanadas Y Mas, LLC and Wet Zone of
property**

Adoption of Ordinance # 3863 approving 1.1C

Adoption of Ordinance # 3864 approving wet zone

The subject site was located on the SW corner of Stewart Road and Expressway 83. There was a
new commercial plaza located on the site which was proposing a new 1,400 sq. ft. restaurant
with the sale and on-site consumption of alcohol. Access to the site would be provided from a
38' driveway off of Expressway 83.

- Days/Hours of Operation: Monday – Thursday from 11 a.m. to 10 p.m., Friday &
Saturday from 11 a.m. to 11 p.m., & Sunday from 11 a.m. to 8 p.m. Alcoholic beverages
would only be served during allowable State selling hours.
- Staff: 6 employees
- Parking: In reviewing the floor plan, the restaurant/bar had a total of 55 seats which
required a total of 18 parking spaces (55 seats/3 = 18.3 spaces). It was noted that the
parking area was held in common (219 existing parking spaces) and was shared with
other “future” businesses.
- Sale of Alcohol: Section 1.56-1 (3a) of the Zoning code required a minimum separation
of 300' from the property line of any churches, schools, and publicly owned property,
and residences. There were 4 residential lots that were within the 300'.
- Must comply with sign and noise codes.
- Must comply with all Building, Fire, and Health codes.
- Must acquire a business license prior to occupancy.

Though the suite was located near Stewart Road, there should be minimal to no impact from the
restaurant towards the residential neighborhood. Also, the proposed closing times were very
similar to other family oriented restaurants. There was no public opposition during the 11/14/12

P&Z hearing. P&Z unanimously recommended approval of the CUP with the conditions outlined below.

Staff Recommendation: Approval subject to: 1) No objection to waiver of the 300' separation requirement, 2) 1 year re-evaluation after business license issuance to assess this new operation, 3) Wet zone the property, 4) Must comply with typical sign and noise codes, 5) Must comply with Building, Fire, and Health codes, and 6) Must acquire a business license.

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

City Manager recommended ordinance approval.

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

There were no comments.

Councilman Plata moved to approve CUP and to adopt Ordinance No. 3863 for CUP for the Sale and On-Site Consumption of Alcoholic Beverages – Solo Empanadas Y Mas Restaurant, 1522 E. Expressway 83, Suite 114, Lot 4, Stewart Plaza Subdivision, C-3 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 3863

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR THE SALE & ON-SITE CONSUMPTION
OF ALCOHOLIC BEVERAGES – SOLO EMPANADAS Y MAS RESTAURANT, 1522 E.
EXPRESSWAY 83, SUITE 114, LOT 4, STEWART PLAZA SUBDIVISION

Councilman Plata moved to adopt Ordinance No. 3864 granting a wet designation for 1522 E. Expressway 83, Suite 114, Lot 4, Stewart Plaza Subdivision, C-3, Solo Empanadas Y Mas, LLC as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3864

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 1522 E. EXPRESSWAY
83, SUITE 114, LOT 4, STEWART PLAZA SUBDIVISION, C-3, SOLO EMPANADAS Y
MAS LLC

**D. Conditional Use Permit: Limousine Service on a Neighborhood Commercial (C-2) Zoned Property, 423 E. Griffin Parkway, W. 660' – E. 140' – S. 208' out of Lot 25-8, West Addition to Sharyland Subdivision
Adoption of Ordinance # 3865 approving 1.1D**

The subject site was located on the NE corner of Griffin Parkway and Tanglewood Drive. This conditional use permit was previously approved by P&Z on 7-8-09 with a 3 year re-evaluation. Mr. Gonzalez had been operating his limo service (6 limos) at this location for the past 3 years where clients called for service and they sent the limos to the site for the pick-up.

- Days/Hours of Operation: Monday – Saturday from 9a.m. to 6p.m.
- Staff: 2 employees, including the applicant.
- Parking & Landscaping: There were 8 existing parking spaces for the site. The site currently had several mature trees and other plants in the area. Staff had not received complaints regarding parking or landscaping, however staff had noticed instances where limos were parked within some of the green areas.

Since the Limousine Service had not been a detriment to the neighborhood, recalling that the site fronts a major thoroughfare, i.e., inclined to a non-residential use, staff did not object to an additional 3 year re-evaluation. There was no public opposition during the 11/14/12 P&Z hearing. P&Z unanimously recommended approval of the CUP with the conditions outlined below.

Staff Recommendation: Approval subject to: 1) a 3 year re-evaluation to further assess this business, and 2) Limos not to be parked within green areas.

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve CUP and to adopt Ordinance No. 3865 for CUP for the Limousine Service on a Neighborhood Commercial (C-2) Zoned Property, 423 E. Griffin Parkway, W. 660' – E. 140' – S. 208' out of Lot 25-8, West Addition to Sharyland Subdivision as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3865

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR A LIMOUSINE SERVICE ON A
NEIGHBORHOOD COMMERCIAL (C-2) ZONED PROPERTY, 423 E. GRIFFIN
PARKWAY, W. 660' – E. 140' – S. 208' OUT OF LOT 25-8, WEST ADDITION TO
SHARYLAND SUBDIVISION

**E. Discussion and Action to Amend Future Land Use Map within the Boundaries of Stewart Road to the West, Taylor Road to the East, Griffin Parkway to the South, and 2 ½ Mile Line (City Limits) to the North
Adoption of Ordinance # 3866 approving 1.1E**

This was the 2nd in a series of FLUM amendments. The FLUM gave the general public, developers, public officials, and interested others ‘broad strokes’ of how the City of Mission’s land uses should be located - - it was not intended to be a rock solid depiction of a future zoning map. When determining general land use patterns, staff typically factored in the following:

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

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

- LD – Low Density Residential; typical Single Family Residential setting; zoning would include R-1.
 - LDA – Lower Density Residential; typical SF Residential setting; zoning would include R-1A.
 - MD – Moderate Density Residential; typical uses would reflect townhomes, mobile homes, duplexes; zonings would include R-1T, R-2, R-4 (mobile homes).
 - HD – High Density Residential; typical uses would reflect apartments; possibly clustered townhouses; RV parks; zonings would usually include R-3 and R-4 (RV’s).
 - • - Neighborhood Commercial; typical uses would include convenience stores, barber shops, day cares, etc.; usually found at major intersections or in midst of older residential communities to serve the immediate neighborhood; Zoning was C-2
- GC – General Business; typical uses would include retail sales, restaurants, shops, offices, etc.; zonings included C-1, C-2, C-3.

- HC – Heavy Commercial; typical uses would include heavy equipment sales or uses that required a large outdoor sales area; zoning would be C-4
- P – Public – typically included schools, parks, city or county property.

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

SITE LOCATION	FROM/TO	JUSTIFICATION
Acreage out of Lot 294, John H. Shary (Water Tower Site)	LDA to P	This change would reconcile the FLUM due to the existing Public Use (Water Tower).
Iglesia De Cristo Subdivision	LDA to P	This change would reconcile the FLUM due to the existing Public Use (Church).
North area of Park Subdivision	LD to MD	There had been interest in possibly building duplex-fourplexes at this juncture. The property was adjacent to an existing storage facility on the west and commercial others to the south, there would be no intersection with the R-1 to the east since there were no stubbed streets, thus a duplex-fourplex proposal would be a nice transition between the R-1 and the storage facility.
Acreage out of Lot 256, John H. Shary Subdivision (North of Adam's Crossing)	LD to MD	With Existing R-3 to the south and R-1 to the north, and MD designation could allow for R-1T and R-2, which would be a good buffer between the R-1 and R-3 zones.
Acreage out of Lot 264, John H. Shary Subdivision (East of Canyon Gate)	LD to GC	With the widened Shary Road, and an existing C-2 to the north of this tract; GC seemed to be the highest and best use of this tract.

There was no public opposition during the 10/24/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff and City Manager recommended approval.

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

There were no comments.

Councilman O'cana moved to adopt of Ordinance No. 3866 to Amend Future Land Use Map within the Boundaries of Stewart Road to the West, Taylor Road to the East, Griffin Parkway to the South, and 2 ½ Mile Line (City Limits) to the North as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 3866

AN ORDINANCE UPDATING THE FUTURE LAND USE MAP OF THE CITY OF MISSION, TEXAS WITHIN THE BOUNDARIES OF STEWART ROAD TO THE WEST; TAYLOR ROAD TO THE EAST; GRIFFIN PARKWAY TO THE SOUTH; AND 2 ½ MILE LINE (CITY LIMITS) TO THE NORTH

F. 2nd Public Hearing of Proposed Annexation of the following areas:

Tract 1: Being a 65.28 acre tract of land situated in Lots 1 thru 6 of Block 1, and Lots 1 thru 6 of Block 3 out of Del Monte Orchard Co. Subd. No. 1; Tract 2: Being a 95.31 acre tract of land situated in Lots 1, 3, 5, 6, 7, & 8, of Block 7, and Lots 1 thru 4, of Block 9, and the East Half of Block 11, out of Del Monte Orchard Co. Subd. No. 1; Tract 3: Being a 10.00 acre tract of land situated in Lot 18, Block 3, Mission Grove Estates; Tract 4; Being a 97.16 acre tract of land situated in Lots 26 thru 30, out of Goodwin Tract No. 3 and out of Lots 22 thru 25, out of New Caledonia Unit No. 3 (to include Lots 1 thru 39, M.B. Subd., Lots 1 thru 26, M/S Subd., Lots 1 thru 24, North County Estates No. 2, and Lots 1 thru 5, Padron Subd., Tract 5: Being a 77.98 acre tract of land situated in Lots 15 thru 21, out of New Caledonia Unit No. 3 (to include Lots 1 thru 39, Happy Place Subd. and Lots 1 thru 50, Carlos G. Leal Jr. Subd. No. 2); and Tract 6; Being a 232.92 acre tract of land situated in Lots 22 thru 28 and Lots 64 thru 67, and 72, 73, out of New Caledonia, and the south 330.00 feet of Lots 40 and 41 and all of Lots 42 thru 51, out of New Caledonia Unit No. 3 (to include Lots 1 thru 6, Golden Estates, Lots 1 thru 21, Villa Capri Subd., Lots 1 thru 12, Margot Estates, Lots 2 thru 5, G & R Subd., Lots 1 and 2, Mando Ocana Subd. Phase I, Lots 1 and 2, Mando Ocana Subd. Phase II, Lot 1, Tex-Mart No. 43, and Lots 1 and 2, Dollar General Mile 3 Subd.)

Pursuant to the approved Annexation Schedule, staff enclosed a vicinity map depicting the above-described properties. The properties were adjacent to Mission City Limits and City Water and City Sewer were used and/or were available.

The institution of the Annexation would be on December 17, 2012.

Staff Recommendation: Hold 2nd public hearing.

City Manager recommended approval.

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

Minutes, 11/26/12 Pg. 10

At 5:11 p.m., the following citizens spoke against and voiced their concerns regarding the proposed annexation:

Jesse Sanchez, Jr. from 2001 Lucky Jay Street spoke against the proposed annexation. Mr. Sanchez read a letter to Mayor and Council where he addressed several concerns he and surrounding residents' had on the proposed annexation. They felt no need for the City of Mission to provide them with any city service. He also stated that most residents believed that the tax burden would be more than they could bear.

Concepcion Ayala from 4207 N. Moorefield Rd. also spoke against the proposed annexation. She voiced her concern on whether or not she would still be able to breed her livestock on her property if annexation was approved.

John Ayala from Tract 5, Lot 2 stated he didn't agree with the proposed annexation, that when he received the annexation letter from the City of Mission he didn't understand the street light information. Mayor explained to him that the street lights had to be installed according to the street light ordinance as well as sewer, water and paving of streets.

Angel Herrera owner of property on Tract 1, Lots 1-5 stated he was against the proposed annexation, not knowing what kind of structure the City of Mission would do on his property if annexation proposal was approved.

Pat Saenz who lived on Scott Lane, south of 1 Mile Rd., wanted to know why she didn't receive any letters regarding the annexation of her property. She was stating that the City of Mission should have mailed those letters but failed to do so. Mr. Cerda explained to her that everyone who would be affected by the annexation should have received a certified letter and one regular by mail. Mayor said for her to give them her name and number and someone would call her to let her know what had happened.

Mr. Sanchez mentioned to Mayor and Council that he had given Mrs. Anna Carrillo, City Secretary the petition to stop the City of Mission to annex. Mr. Sanchez got the petition from Mrs. Carrillo and handed the petition to the Mayor.

Cindy Aguillon who lived on Tract 5, Lot 10 asked that if council would go back to the previous minutes to review what they had mentioned, that because now they were saying different. She was referring to the Mayor stating that if most residents were against the proposed annexation, then council would not approve annexation. Mayor clarified to her that there were more residents/owners not present who do want the annexation to pass.

Jaime Mata from 4720 N. Schuerbach Road stated he was very content with what he had. He felt it was too soon for the annexation, and that there was no need for the City of Mission to go into his property and be told what he may and may not do in his property.

Margarita Gracia from 4814 N. Schuerbach Road stated that she and her 2 children were disabled and found it really hard to have to pay more taxes. She was also speaking on behalf of her neighboring family residents, whom also didn't agree with the City of Mission telling them what they may or may not do in their property.

Hector Rodriguez from 1120 S. Schuerbach Road stated he was concerned whether or not he would still be able to keep his eighteen wheelers and livestock in his property if proposed annexation was approved.

Milton Lopez from 4701 N. Inspiration Road asked council that if annexation was approved, when the City of Mission would start collecting taxes on their property. The Mayor responded that he didn't know exactly when if in 2014 or 2015 the City of Mission would start collecting taxes on their property. Mayor also elaborated that if annexation passed the City of Mission would start right away bringing services such as street lights, sewer, drainage, police and fire protection.

Mr. Sanchez also stated that the City of Mission was now giving misinformation to the residents. The misinformation referred to the city's latest annexation in some other property and not fourteen years ago as Mayor had mentioned in previous meeting.

Ms. Gracia asked that if the proposed annexation passed, would she still have the right to shoot dogs that would threaten her livestock or family member inside the City of Mission limits. Mayor responded that she had every right to shoot any animal that would threaten her livestock or family member inside her property.

Maria Elena Orosco from 2101 Heb Street, Lot 29 stated that it appeared that everyone was against the annexation proposal. She asked Mayor that if she could get a list of the residents/owners that were for the proposal of the annexation. Mayor responded to her that he would not be able to give her a list of the individuals in favor of the annexation. Mayor stated that the present individuals were not all the property owners, that there were many more property owners not present that do want the proposed annexation approved.

No action was taken on this item since this was only a public hearing.

At 5:57 p.m., Mayor Salinas closed the public hearing and continued with the next item on the agenda.

2.0 Disposition of Minutes

2.1 City Council Meeting – November 13, 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 Ambulance Board – July 2, 2012

Parks and Recreation Board – October 10, 2012

Shary Golf Advisory Board – September 11, 2012

Planning and Zoning Commission – October 24, 2012

Zoning Board of Adjustments – October 24, 2012

Citizen's Advisory Committee Special Meeting – August 7, 2012

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

4.0 Approvals and Authorizations

4.1 Final Plat Approval: Los Cabos Subdivision Phase II, A 13.90 acre out of Lots 72 & 82, John H. Shary Subdivision, PUD, Developer: Hunt Valley Dev. I, LLC, Engineer: Halff Associates

The subject plat was given Preliminary Plat Approval by the City Council on February 13, 2012 allowing the development to go forth into construction. This Final Plat consideration of Los Cabos Subdivision Phase II plat viewed the water, sewer, & drainage improvements meeting prevailing codes.

- Los Cabos Phase II had 47 lots.
- New 8” water lines with w/5 new hydrants had been installed & approved.
- New 8” sanitary sewer lines had been installed & approved.
- New 24”, 30”, & 36” storm lines had been installed tying onto their regional drainage ditch system.
- The drainage improvements were constructed and had been approved.

With all departments having ‘approved’ the construction as noted above, Los Cabos Phase II once again needed the City Council’s official ‘Final Plat Approval’ for recording.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Final Plat Approval: Los Cabos Subdivision Phase II, A 13.90 acre out of Lots 72 & 82, John H. Shary Subdivision, PUD as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.2 Cancel 2nd December regular City Council meeting scheduled for December 24, 2012 and reschedule December 10, 2012 meeting to December 17, 2012

City Manager was requesting the cancellation of the second regular City Council meeting scheduled for December 24, 2012 due to City Hall being closed for the Christmas Holiday. and to reschedule the December 10th meeting to December 17, 2012.

Staff and City Manager recommended approval.

Councilman Plata moved to approve to cancel 2nd December regular City Council meeting scheduled for December 24, 2012 and reschedule December 10, 2012 meeting to December 17, 2012 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.3 Approval of Memorandum of Understanding with South Texas College in regards to the use of the Shary Municipal Golf Course

The City of Mission and South Texas College had developed a memorandum of understanding where the parties agreed to the following:

- CITY agreed to:
 - Provide playing privileges to said College for the 2012-2013 School year (November 15, 2012 to May 31st, 2013 on days that the Shary Municipal Golf Course was regularly open.

- South Texas College agreed to:
 - Pay the City of Mission the sum of \$125.00 for playing privileges per college player.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve Memorandum of Understanding with South Texas College in regards to the use of the Shary Municipal Golf Course as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

At 6:00 p.m. Mayor Pro Tem Garza left the meeting.

4.4 Authorization to submit a grant through the FY 2010 State Homeland Security Program

The Mission Fire Department was requesting to submit a grant proposal from (DPS) Department of Public Safety via the (SHSP) State of Homeland Security Program/FY 2010 Reallocation grant. The purpose of this grant was to purchase and replace communications equipment with new updated VHF portables and mobiles radios to enhance our communications.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve authorization to submit a grant through the FY 2010 State Homeland Security Program as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.5 Authorization to issue Permit to Ambulance Provider Applicants

On Nov 01, 2012 the City of Mission Ambulance Board met to review (2) Ambulance Company permit applicants to conduct business in the City of Mission, Quest EMS was approved by the Ambulance Board as they had met all the required specifications for permit issuance. MTS EMS was tabled as they had not met the application fee requirements.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve authorization to issue Permit to Ambulance Provider Applicants as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.6 Requesting Authorization for the City of Mission to enter into a Resource Memorandum of Agreement with Texas Emergency Medical Task Force for Emergency Medical Service / Emergency Response Personnel.

The Mission Fire Department and the Office of Emergency Management was seeking authorization for the City of Mission and Texas Medical Task Force to enter into a Resource Memorandum of Agreement to provide Emergency Medical Services/ Emergency Response Personnel in a pending or actual disaster. The City of Mission and DSHS through the local Trauma Regional Advisory Council would work together to maintain this agreement. This Agreement would be from present to ending September 01, 2015. Funding would be compensated by the State upon activation and deployment. This new MOU would replace the current and existing one staff had on file as the State of Texas had united and reformed organization within their entity.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization for the City of Mission to enter into a Resource Memorandum of Agreement with Texas Emergency Medical Task Force for Emergency Medical Service / Emergency Response Personnel as recommended. Motion was seconded by Councilman O'cana and approved unanimously 4-0.

4.7 Authorization to enter into an Interlocal Cooperation Agreement between the City of Mission and the Sharyland Independent School District.

The City of Mission Emergency Management Division was requesting to enter into an inter-local agreement between the City of Mission and the SISD. The purpose of this agreement was to allow the City of Mission to partner with our local School Districts within our community in order to have an open line of communications, understanding and clear responsibilities when it came to requesting Shelters or Safe Havens from the City of Mission. The SISD school board was pending board approval for MOU.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to enter into an Interlocal Cooperation Agreement between the City of Mission and the Sharyland Independent School District as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.8 Authorization to enter into an Interlocal Cooperation Agreement between the City of Mission and the Mission Consolidated Independent School District.

The City of Mission Emergency Management Division was requesting to enter into an inter-local agreement between the City of Mission and the MCISD. The purpose of this agreement was to allow the City of Mission to partner with our local School Districts within our community in order to have an open line of communications, understanding and clear responsibilities when it came to requesting Shelters or Safe Havens from the City of Mission. The MCISD school board had already approved this MOU.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to enter into an Interlocal Cooperation Agreement between the City of Mission and the Mission Consolidated Independent School District as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.9 Authorization to enter into an Interlocal Cooperation Agreement between the City of Mission and the La Joya Independent School District.

The City of Mission Emergency Management Division was requesting to enter into an inter-local agreement between the City of Mission and the La Joya ISD. The purpose of this agreement was to allow the City of Mission to partner with our local School Districts within our community in order to have an open line of communications, understanding and clear responsibilities when it came to requesting Shelters or Safe Havens from the City of Mission. The LJISD school board had already approved this MOU.

Staff and City Manager recommended approval.

Councilman O'cana advised Mayor Salinas that he was going to abstain from this item due to being employed by the La Joya Independent School District.

Councilman Plata moved to approve authorization to enter into an Interlocal Cooperation Agreement between the City of Mission and the La Joya Independent School District recommended. Motion was seconded by Councilwoman Ramirez and approved 3-0 with Councilman O'cana abstaining from voting and deliberation on this item.

4.10 Award bid for the purchase of Sodium Chlorite for North and South Water Treatment Plants

On September 24, 2012, City Council authorized staff to solicit bids for the purchase of Sodium Chlorite. Chemical was needed by the Public Works Department for the treatments of its Water Treatment Plants for daily operations. The City of Mission had accepted and opened two (2) bid responses for Sodium Chlorite. Staff recommended awarding to Siemens Industry, Inc. who had proposed fair and reasonable price and was a responsible bidder meeting specifications.

City Manager recommended approval.

Councilwoman Ramirez moved to approve to award bid for the purchase of Sodium Chlorite for North and South Water Treatment Plants as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.11 Award bid for the purchase of Cold Water Meters for Water Distribution

On September 24, 2012, City Council authorized staff to solicit bids for the purchase of Cold Water Meters to be used by the Water Distribution Department for daily operations and service. The City of Mission had accepted and opened two (2) bid responses for Cold Water Meters. Staff recommended awarding to HD Supply Waterworks who was the lowest responsible bidder meeting specifications.

City Manager recommended approval.

Councilwoman Ramirez moved to approve to award bid for the purchase of Cold Water Meters for Water Distribution as recommended. Motion was seconded by Councilman O'cana and approved unanimously 4-0.

4.12 Approval to purchase Siemens/Wallace & Tiernan Dry Chemical Feed System from a sole source vendor

Staff was recommending the purchase of Siemens/Wallace & Tiernan Dry Chemical Feed System from a sole source vendor. Pursuant to Texas Local Government Code Section 252.022 General Exemptions (7) a procurement of items that were available from only one source, including: (A) items that were available from only one source because of patents, copyrights, secret processes, or natural monopolies and (D) captive replacement parts or components for equipment;

These items would be used by the South Water Treatment Plant to update existing and unusable equipment.

City Manager recommended approval.

Councilman O'cana moved to approve authorization to purchase Siemens/Wallace & Tiernan Dry Chemical Feed System from a sole source vendor as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.13 Authorization to Execute First-One Year Renewal Option for Chemicals, Muriatic Acid Feeder Systems, and Integrated Electronic Systems for Parks and Recreation Swimming Pools

On October 2011, the City of Mission entered into a contract with Aquatic Commercial Solutions, Inc., for the purchase of Chemicals, Feeder, and Integrated Electronic Systems (IES) for Swimming Pools to monitor and control the ph level and chlorine concentrations. The contract terms were for one year with two one-year renewal option based on a 10% increase in price. ACS had opted to hold price the same with no increase. Staff was seeking authorization to extend contract for first-one year renewal option with ACS.

City Manager recommended approval.

Councilman O'cana moved to approve authorization to Execute First-One Year Renewal Option for Chemicals, Muriatic Acid Feeder Systems, and Integrated Electronic Systems for Parks and Recreation Swimming Pools as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.14 Award bid for the Bannworth Park Paving Improvements

On October 22, 2012, City Council authorized staff to solicit bids for the Bannworth Park Paving Improvements. The City of Mission had accepted and opened four (4) bid responses for the paving improvements at the Bannworth Park. Staff and Engineer recommended awarding bid in the amount of \$31,621.25 to Valley Paving, Inc. who was the lowest responsible bidder meeting all the Terms & Conditions and Specifications.

City Manager recommended approval.

Councilman O'cana moved to approve to award bid for the Bannworth Park Paving Improvements as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.15 Budget Amendments – Utility Fund, Capital Project Funds, CDBG, Designated Purpose Fund, PD State Sharing Fund, PD Federal Sharing Fund

Finance Director Janie Flores presented the budget amendments BA–2013-1 thru BA–2013-13 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve budget amendments BA–2013-1 thru BA–2013-13 as recommended. Motion was seconded by Councilman O'cana and approved unanimously 4-0.

4.16 Approval of Ordinance # 3867 prohibiting parking on the East side of the 3100 Block of Sierra Court between the hours of 7:00 a.m. to 12:00 p.m. when Mission CISD has school in session

The Mission Police Department received a concern regarding the parking of Mission Veteran High School students within an adjacent subdivision. The additional parked vehicles had created a safety concern based on the narrowing of the roadway for residents of the subdivision. Based on the concern, the City of Mission Traffic Safety Committee met on Monday, November 19, 2012 and was recommending prohibiting parking on the east side of the 3100 Block of Sierra Court between the hours of 7:00 a/m to 12:00 p/m when Mission CISD had school in session. Staff was recommending that an ordinance be adopted prohibiting parking at the aforementioned location.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt Ordinance No. 3867 prohibiting parking on the East side of the 3100 Block of Sierra Court between the hours of 7:00 a.m. to 12:00 p.m. when Mission CISD had school in session as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3867

AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF THE 3100 BLOCK OF SIERRA COURT BETWEEN THE HOURS OF 7:00 A/M TO 12:00 P/M WHEN MISSION CONSOLIDATED INDEPENDENT SCHOOL DISTRICT HAS SCHOOL IN SESSION; 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;

4.17 Request for funding by National Butterfly Center to Participate in ‘In Focus’, Public Television Feature

National Butterfly Center was requesting funding from the City of Mission to participate in ‘In Focus’ Public Television Feature. The production would air for 1 year, in 200 markets with a total viewer reach of 60 million households.

The Lower Rio Grande Valley would be showcased to promote eco-tourism in this region.

The amount of the request was for \$26,900.

Staff and City Manager recommended approval.

Councilman Plata moved to approve request for funding by National Butterfly Center to Participate in ‘In Focus’, Public Television Feature as recommended by Mayor Salinas. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

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 6:13 p.m., Councilman O'cana moved for adjournment. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary