

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
MARCH 11, 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., Interim City Manager

ABSENT:

ALSO PRESENT:

Gail Burkhardt, The Monitor
Kathy Olivarez, Progress Times
Maxilou Link
Beth & Jim Barnes
Rene and Aracely De La Cruz
Joe B. Garza
Silverio Perez
Ginna Villarreal

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Sonia Marroquin, 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
Eduardo Belmarez, Purchasing Director
Robert Dominguez, Interim Chief of Police
Randy Perez, Accountant
Julian Gonzalez, Parks & Rec. Director
Juan C. Avila, B & G Club Director
Robert Hinojosa, Risk Manager
Jonathan Wehrmeister, Judge
Luis Contreras, Museum Director
Mayra Rocha, Library Director

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:35 p.m.

2. Pledge Allegiance and Invocation

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

3. Departmental Reports

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

4. Report from the Greater Mission Chamber of Commerce

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported past and upcoming events to include the TRVA Meeting, monthly Mixer and the Upper Valley Art League Ribbon Cutting set for March 29, 2013.

5. Citizens Participation

Guests from Monclova, Coahuila were present to visit the Mission Community.

At 4:48 Councilman Ruben Plata joined the meeting.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Discussion and Action to Amend Future Land Use Map within the Boundaries of Conway Blvd. to the East, Scott Lane to the West, Griffin Parkway to the North, and Mile 1 South to the South**
Adoption of Ordinance # 3912 approving 1.1A

This was the 6th 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.

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- 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 is C-2
- GC – General Business; typical uses would include retail sales, restaurants, shops, offices, etc.; zonings include C-1, C-2, C-3.
- HC – Heavy Commercial; typical uses would include heavy equipment sales or uses that require a large outdoor sales area; zoning would be C-4
- P – Public – typically includes 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
Lot 2, Block 1, Del Monte Subdivision	GC	Since this area was recently annexed there was no designation. Staff was proposing GC due to the frontage along Business 83 and other existing commercial uses in the area.
Del Oro Subdivision, I & II and a 55.2 acre tract out of Porcion 52	LD to PUD	This property was currently zoned PUD and was part of the Bentsen Palm Development.
NW area of Inspiration and Mile 1 South	LD to GC	With frontage along a widened Mile 1 South and Inspiration Road, and an existing C-3 zone on the corner of this area; GC seemed to be the highest and best use of this tract.
NW area of Expressway 83 and Los Ebanos Road	HD to GC	Staff was proposing GC due to the frontage along the Expressway and the existing C-3 zone on this property.
Car Mart Subdivision (UR) & American Legion Post 93	MD to GC	Staff was proposing GC due to the frontage along the Expressway and the existing C-3 zone on these properties.

There was no public opposition during the 2/27/13 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval of the amendments.

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 to amend the FLUM and to adopt Ordinance No. 3912 to Amend Future Land Use Map within the Boundaries of Conway Blvd. to the East, Scott Lane to the West, Griffin Parkway to the North, and Mile 1 South to the South, as requested. Motion was seconded by Councilwoman Maria Elena Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3912

AN ORDINANCE UPDATING THE FUTURE LAND USE MAP
OF THE CITY OF MISSION, TEXAS WITHIN THE BOUNDARIES OF
CONWAY BLVD. TO THE EAST, SCOTT LANE TO THE WEST, GRIFFIN PARKWAY TO
THE NORTH, AND MILE 1 SOUTH TO THE SOUTH

**B. Rezoning: .626 acres of land out of the southeast corner of Lot 29-12, West Addition to Sharyland Subd., from (AO-I) Agricultural Open Interim to (P) Public Zone, as requested by Baldemar & Randy Morales
Adoption of Ordinance # 3913 approving 1.1B**

Site: The subject site was located 120' west of Stewart Road along the north side of Mile 2 Road. The site measured 105' x 260' (.626 acres).

Surrounding Zoning/	N:	AO-I- Agricultural Open Interim; SF Home
Existing Land Uses:	E:	AO-I- Agricultural Open Interim; SF Home
	W:	AO-I- Agricultural Open Interim; SF Home
	S:	R-1A- Large Lot Single Family Residential; Open Acreage
	Site:	AO-I- Agricultural Open Interim; SF Home

FLUM: The Future Land Use Map reflected a Lower Density Residential (LDA) designation.

Review Comments: On August 13, 2012, City Council created a new Zone which required all public facilities such as City, County, Federal buildings; Churches; and Schools to fall within this zone. Mr. Morales was proposing to convert an existing single family home into a Church facility, thus the need to change of zone from AO-I to P was required.

Mr. Morales had submitted a site plan showing the proposed church and 13 parking spaces for use by the parishioners. The 13 parking spaces allowed for up to 52 seating spaces within the main church. Notices were sent to property owners within 200' of the site. Staff had not received comments for or against this proposal.

There was no public opposition during P&Z 2/27/13 Mtg. 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.

Mayor Pro Tem Garza moved to approve the rezoning and to adopt Ordinance No. 3913 Rezoning: .626 acres of land out of the southeast corner of Lot 29-12, West Addition to Sharyland Subd., from (AO-I) Agricultural Open Interim to (P) Public Zone, as requested. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

ORDINANCE NO. 3913

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING A .626 ACRES OF LAND OUT OF THE SOUTHEAST CORNER OF LOT 29-12, WEST ADDITION TO SHARYLAND SUBDIVISION, FROM (AO-I) AGRICULTURAL OPEN INTERIM TO (P) PUBLIC ZONE

**C. Rezoning: Lot 1, and the S. 25' of lot 2, Block 1, Bel-Aire Heights Subd., from (C-1) Office Building to (C-2) Neighborhood Commercial, as requested by Mr. Lupe & Laura Gonzalez
Adoption of Ordinance # 3914 approving 1.1C**

Site: The subject site was located on the NW corner of Griffin Parkway and Orange Ave.

Surrounding Zoning/	N:	R-1-	Single Family Residential; SF Home
Existing Land Uses:	E:	C-1-	Office Building District; Law Office
	W:	AO-I-	Agricultural Open Interim; SF Home
	S:	C-1-	Office Building District; SF Home
	Site:	C-1-	Office Building District; SF Home

FLUM: The Future Land Use Map reflected a General Commercial (GC) designation.

Review Comments: The lot was on the corner of Griffin Parkway and Orange Ave.; lots that were adjacent to Griffin Parkway were more compatible for a non-res use as recognized by the City's FLUM designation of General Commercial to this lot. This proposal was directly consistent to the City's vision of a commercial nature, too. The site also had access to a public alley which was a typical feature of commercial lots. A final aspect observed by staff was that there were other commercial zonings to the immediate east and south of the site. Staff had not received comments for or against this proposal.

There was no public opposition during P&Z 2/27/13 Mtg. 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.

Councilwoman Ramirez moved to approve the rezoning and to adopt Ordinance No. 3914 Rezoning: Lot 1, and the S. 25' of lot 2, Block 1, Bel-Aire Heights Subd., from (C-1) Office Building to (C-2) Neighborhood Commercial, as requested. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

ORDINANCE NO. 3914

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING A LOT 1, AND THE S. 25' OF LOT 2, BLOCK 1, BEL-AIRE HEIGHTS SUBDIVISION FROM (C-1) OFFICE BUILDING TO (C-2) NEIGHBORHOOD COMMERCIAL

D. Rezoning: Lot 86, Sharyland Orchards Subd. from (R-1T) Townhouse Residential to (R-3) Multi-Family Residential, as requested by Ms. Roxanna Gomez Pena Adoption of Ordinance # 3915 approving 1.1D

Site: The subject site was located on the SW corner of School Lane and Lucksinger Road. The property measured 306.28' X 416.66' (2.93 acres).

Surrounding Zoning/	N:	R-1A- Large Lot Single Family Residential; SF Home
Existing Land Uses:	E:	R-1A- Large Lot Single Family Residential; SF Home
	W:	R-3- Multi-Family; Open Acreage
	S:	R-3- Multi-Family; Open Acreage
	Site:	R-1T- Townhouse Res.; Open Acreage

FLUM: The Future Land Use Map reflected a Moderate Density (MD) designation.

Review Comments: Though the FLUM showed a Moderate Density designation, staff could support an R-3 zone on this property due to the site being adjacent to an existing Multi-Family Zone (R-3) to the west and south and it's adjacency to two residential collector streets.

There was public opposition during P&Z 2/27/13 Mtg. P&Z unanimously recommended approval for an R-2 zone instead of an R-3. The applicant's representative was in agreement with the R-2 zone.

Staff Recommendation: Approval of R-2, Duplex-Fourplex Residential District.

City Manager recommended approval.

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

A representative from Javier Hinojosa's Engineering Office was present to answer the council's questions.

Mayor Pro Tem Garza moved to approve the rezoning and to adopt Ordinance No. 3915 Rezoning: Lot 86, Sharyland Orchards Subd. from (R-1T) Townhouse Residential to (R-2) Duplex-Fourplex Residential, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3915

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS GRANTING A REZONING A LOT 86, SHARYLAND ORCHARDS
SUBDIVISION, FROM (R-1T) TOWNHOUSE RESIDENTIAL TO (R-2) DUPLEX-
FOURPLEX RESIDENTIAL

E. Conditional Use Permit: Sale and On-Site Consumption of Alcohol – Chill X, 1604 E. Griffin Parkway, Lot 11, Stewart Village Subd. Phase I, C-3, Aracely De La Cruz Adoption of Ordinance # 3916 approving 1.1E Adoption of Ordinance # 3917 approving Wet Zone

The subject site was located within the Stewart Village Commercial Plaza on the SE area of Stewart and Griffin Parkway. The applicant wished to open a new 2,250 sq.ft. restaurant.

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Days & Hours of Operation: Tuesday & Wednesday from 11:00 a.m. to 3:00 p.m., Thursday from 11:00 a.m. to 11:00 p.m., Friday & Saturday from 11:00 a.m. to 12:00 a.m.

Number of Employees: 7 employees

Parking Requirements: The restaurant was proposing to have 50 seats which require a minimum of 17 parking spaces (50 seats /3 = 16.6 spaces). It was noted that the parking area was held in common (517 existing parking spaces) and was shared with other businesses. Staff did not anticipate having any parking issues.

Sale of alcohol: Section 6-4 stated: "...the sale of all alcoholic beverages within 300 feet of any church, public school, private school or public hospital was hereby prohibited. There were no such uses within 300' of this site.

Noise Code: The applicant was proposing to have talent shows, music shows and comedy. The applicant had assured us that the noise/music level would be regulated at all times and that the building would be sound proof where the residents to the south would not be disrupted.

This site was previously a taqueria restaurant, thus there was no concern regarding parking for a restaurant. There were also existing dance halls within this plaza which were located closer to the residents to the south in which staff had not received any complaints. Due to this fact, Staff did not anticipate any issues with noise.

There was no public opposition during the 2/27/13 P&Z hearing. Staff received a call in opposition stating the daycare and parking as concerns. P&Z unanimously recommended approval as per staff's recommendations.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation after occupancy to assess this new business, 2) wet zone the site if needed, 3) must comply with the noise code, 4) must acquire a business license, and 5) must meet all TABC requirements.

City Manager recommended approval.

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

Mr. Rene De La Cruz was in favor of the request.

Councilwoman Ramirez moved to approve the CUP and to adopt Ordinance No. 3916 Conditional Use Permit: Sale and On-Site Consumption of Alcohol – Chill X, 1604 E. Griffin Parkway, Lot 11, Stewart Village Subd. Phase I, C-3. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3916

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 – CHILL X, 1604 E. GRIFFIN PARKWAY, LOT 11,
STEWART VILLAGE SUBDIVISION PHASE I

Councilwoman Ramirez moved to adopt Ordinance No. 3917 granting a wet designation for Chill X, 1604 E. Griffin Parkway, Lot 11, Stewart Village Subd. Phase I, C-3, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3917

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 1604 E. GRIFFIN PARKWAY, LOT 11, STEWART VILLAGE SUBD. PHASE I, C-3

2.0 Disposition of Minutes

2.1 City Council Meeting – February 25, 2013

Councilman O’cana 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 Traffic Safety Committee Special Meeting – January 2, 2013

Speer Memorial Library – January 15, 2013

MEDC – January 15, 2013 and February 4, 2013

Zoning Board of Adjustments – November 14, 2012

Planning & Zoning Commission – February 13, 2013

Mission Redevelopment Authority – January 22, 2013

Mission TIRZ – January 22, 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 Preliminary Plat Approval: Aries Subd., Lot 86, Sharyland Orchards Subd., R-1T (R-2 proposed), Developer: Aries Construction, Engineer: Javier Hinojosa Engineering

The subject site was located on the SW corner of School Lane and Lucksinger Road. The proposed subdivision consisted of 6 multi-family lots. The developer was proposing to have 4 attached townhouses built per lot.

The project engineer was asking for permission to allow a fence buffer to be placed on the alley right of way along the north and east sides of the subdivision due to the abutting ROWs of School Lane and Lucksinger Road. If approved, the developer/owners must perpetually maintain the fence. Staff did not object to the proposal, subject to the signing of a Hold Harmless Agreement, having a related ‘maintenance’ plat note, and adding this maintenance encumbrance to their deed restrictions.

Water: The developer was proposing water service by upgrading an existing 8” asbestos concrete line along School Lane and installing a new 8” line along Lucksinger Road which would provide water to the subdivision with an internal 8” line. The line along Lucksinger Road would be stubbed to the south for future development. The developer was also proposing 2 new fire hydrants located via the direction of the Fire Marshal’s office.

Sewer: An 8” sewer line would be installed within the subdivision which would then connect into an existing 12” sewer line located along School Lane. The Capital Sewer Recovery Fee was required at \$200/Lot which equated to \$4,020.00 (\$670.00 x 6 four-plexes).

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Streets & Storm Drainage: The subdivision had access to Lucksinger Road, a future 60' ROW, 37' B/B street. The developer would be dedicating an additional 15' of ROW along Lucksinger Road to equate to the minimum 30' from centerline. The developer's portion of both School Lane and Lucksinger Road would be fully widened. The subdivision would pave a single 50' ROW, 37' B/B paved street with 20' wraparound alleys along the perimeter of the subdivision. Storm drainage was proposed through the use of private detention areas which would connect into School Lane's existing drainage system located along the NE corner of the subdivision. A plat note requiring the HOA to maintain the detention areas in a viable condition would be evident. The developer would also be required to install a 24" R.C.P. line located along Lucksinger Road to the southern boundary line of their subdivision (to be escrowed).

Other Comments: Park Fees \$300.00/Housing Unit Equivalent = \$7,200.00, 5' sidewalks to be installed along School Lane and Lucksinger Road; 4' sidewalks would be required along the interior street at the building permit stage, must submit a street light plan for review, Water District Exclusion, and must comply with all other format findings.

There was no public opposition during 2/27/13 P&Z's meeting. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to: 1) no objection to fence on ROW request as cited above (HH, etc.), 2) payment of capital sewer recovery and park fees, 3) escrow the installation of the drainage line, and 4) comply with all other format findings.

City Manager recommended approval.

Councilman Plata moved to approve Preliminary Plat Approval: Aries Subd., Lot 86, Sharyland Orchards Subd., R-1T (R-2 proposed), Developer: Aries Construction, Engineer: Javier Hinojosa Engineering, as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0

4.2 Final Plat Approval: Summerwood Manor Estates Subd. A 10.755 acre tract of land out of Lots 292 and 302, John H. Shary Subd. R-1A Developer: El Toro Builders, Inc., Engineer: Quintanilla, Headley & Associates

Site: The subject site was located ¼ mile north of Mile 2 along the west side of Glasscock Road, adjoining the south side of The Oaklands Subdivision. On 7-23-12, City Council preliminarily approved the construction of this 27 lot single family residential subdivision. The developer had installed all utilities and streets within the subdivision and had obtained approval by the City of Mission Public Works Department.

As part of this final approval, the project engineer was also asking for a variance to change the name of the main street entrance from "Monaco" to "Jim Schroeder Street". Section 98-134(n) of the subdivision code stated the following:

"Names of new streets shall not duplicate or cause confusion with the names of the existing streets, unless in alignment with existing streets, in which case names of existing streets shall be used."

On 4-9-07, the City Council approved a similar variance for a street name change for the owners of Encanto Estates, a private and gated subdivision. Since this subdivision's streets were proposed to be private and gated, staff did not object to the name change proposal, subject to approval by the City Council.

Other Comments: In order to record the plat with the County Clerk's office, the developer must comply with 1) Park Fees \$300/Lot = \$8,100, 2) Escrow 5' sidewalk along Glasscock Road in the amount of \$780 (65' x \$12L.F.); and a 4' sidewalk along north side of Monaco's entrance; 3) Widen or escrow street widening for Glasscock Road in the amount of \$5,702.36 (102.01' x \$55.90L.F.); 4) Must pay waterline reimbursement in the amount of \$736.50 via Sommerset Subdivision reimbursement contract; 5) Also since the City recently made some drainage improvements in the area for which a 34 acre reimbursement basin was created, a reimbursement in the amount of \$6,343.78 is also required; 6) Internal street lights must be paid by the HOA; 7) Water District Exclusion; and 8) Must Comply with all other format findings. P&Z unanimously recommended approval at their meeting held on 7/11/12.

Staff Recommendation: Approval subject to compliance with all other format findings.

City Manager recommended approval.

An Affidavit of Substantial Interest in a Business Entity was signed by Mayor Salinas and filed with the City Secretary. Therefore, Mayor Pro Tem Garza presided over this item.

Councilwoman Ramirez moved to approve Final Plat Approval: Summerwood Manor Estates Subd. A 10.755 acre tract of land out of Lots 292 and 302, John H. Shary Subd. R-1A Developer: El Toro Builders, Inc., Engineer: Quintanilla, Headley & Associates, as recommended. Motion was seconded by Councilman Plata and approved 4-0, with Mayor Salinas abstaining from voting or deliberating.

4.3 Approval of Ordinance # 3918 amending Section 98-134 (r) 8b of the Code of Ordinances of the City of Mission to Provide a Homeowner's Association alternative for Satisfying the ownership requirement of lot owners required in order to file a petition with the City to have private streets and subsequent gated entries

98-134 (r) 8b stated that 100% of the property owners within the subdivision were required in order to file a petition with the City to privatize an existing subdivision with public streets.

This amendment would provide an alternative for satisfying the ownership requirement by allowing the petition to come from the homeowner's associations of the affected subdivision provided that said homeowners association had the authority to so bind the owners of said subdivision by its covenants and/or restrictions.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Ordinance No. 3918 amending Section 98-134 (r) 8b of the Code of Ordinances of the City of Mission, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3918

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS,
AMENDING SECTION 98-134 (r) 8b, OF THE CODE OF ORDINANCES OF THE CITY OF
MISSION, TEXAS, TO PROVIDE A HOMEOWNERS ASSOCIATION ALTERNATIVE FOR
SATISFYING THE OWNERSHIP REQUIREMENT OF LOT OWNERS REQUIRED IN ORDER
TO FILE A PETITION WITH THE CITY TO HAVE PRIVATE STREETS AND SUBSEQUENT
GATED ENTRIES

4.4 Request by Meadow Creek Homeowners Association to have City Council authorize the placement on City ROW of a community service sign located adjacent to Lot 11, Block 22, Meadow Creek Country Club, Ph. 1A

Nature of Request: (Brief Overview)

Staff discovered that a community sign was installed by the Meadow creek HOA without first acquiring approval of the placement on City ROW from the City Council. A notice was sent to the HOA requesting that they obtain approval from the City Council for the sign to remain within the right-of-way area. On 2-26-13, Planning received a written request from Meadow Creek Homeowner's Association to allow the sign to remain on the City ROW.

Ord. #3414 (11/10/08) was passed to specifically provide for such requests.

Insofar as this request, Meadow Creek had installed a 7.5' high x 10' width sign. Viewing the location of these improvements, it was not a sight obstruction and did not obstruct the public's view from Meadow View Dr.

Staff had the following comments on the proposal:

- sign shall be subject to removal at owner's expense w/30 days notice
- execute & record hold harmless document in deed records indemnifying city of the private sign in public ROW
- similar to others, this sign was intended as a community service to the general public and was not to advertise any private service or product.
- size was not obtrusive and was consistent with other signs
- the improvements shall be maintained by Meadow Creek HOA to be aesthetic as well as the surrounding grounds

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

City Manager recommended approval.

Councilman O'cana moved to approve the request by Meadow Creek Homeowners Association to have City Council authorize the placement on City ROW of a community service sign located adjacent to Lot 11, Block 22, Meadow Creek Country Club, Ph. 1A, as recommended Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.5 Consent to Mission Economic Development Authority, Inc. adoption of new By-Laws

Consent was being requested by the City Council of the By-Laws of Mission Economic Development Authority, Inc. MEDA's bylaws were approved by their board of directors on February 26, 2013.

Staff and City Manager recommended approval of Consent of MEDA's By-Laws.

Councilwoman Ramirez moved to approve Consent to Mission Economic Development Authority, Inc. adoption of new By-Laws, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.6 Board Appointments – Mission Economic Development Authority, Inc. and Youth Advocacy Board (Boys & Girls Club)

This appointment was for the MEDA board appointment vacated by the resignation of Mr. Ricardo Martinez, for the alternate board member to the Mayor position and the appointment to the Youth Advocacy Board (Boys and Girls Club) vacated by the resignation of Jose Luis Flores.

Mayor Salinas was recommending the appointment of Mr. Tim McVey for the MEDA board appointment, Councilman Ruben Plata for the alternate board member to the Mayor's position and Norma Cruz to the Youth Advocacy Board term to expire December 31, 2013.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the Board Appointments – Mission Economic Development Authority, Inc. and Youth Advocacy Board (Boys & Girls Club), as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.7 Lease Agreement between the City of Mission and Texas Citrus Fiesta, Inc. for the rental of the building at 220 E. 9th St.

The agreement between the City of Mission and the Texas Citrus Fiesta, Inc. for the rental of the Building located at 220 E. 9th Street (previous Chamber of Commerce Building) for a rental amount of \$10.00 a year. Lease agreement was for one year with an automatic renewal for an additional year on each March 9 thereafter up to and including March 9, 2017.

The Texas Citrus Fiesta would be responsible for all utility services and maintenance and repair of the building.

Staff and City Manager recommended approval of lease agreement.

Councilman Plata moved to approve Lease Agreement between the City of Mission and Texas Citrus Fiesta, Inc. for the rental of the building at 220 E. 9th St., as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.8 Renewal of Lease Agreement with Macedonio Gonzalez on Lot20, Block 173 Mission Original Townsite

The agreement with Macedonio Gonzalez was related to the parking lot use behind the city Building located at 117 E. Tom Landry. Original agreement was entered in April 2002; lease agreement was up for renewal. Lease agreement is for \$2,200 a year.

Staff and City Manager recommended approval of lease agreement.

Mayor Pro Tem Garza moved to approve renewal of Lease Agreement with Macedonio Gonzalez on Lot 20, Block 173 Mission Original Townsite, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.9 Confirmation of appointment by Interim City Manager under Civil Service Law Section 143.013(a)(1) of Interim Police Chief Roberto Dominguez

Confirmation was being requested on the appointment by Interim City Manager of Interim Police Chief Roberto Dominguez as required by Section 143.013(a)(1) of the Texas Local Government Code, in order to confer upon the Interim Police Chief all statutory authority contained in the civil service statute with regard to employment actions. Section 143.013(a)(1) required not only appointment by the City Manager, but also confirmation by the City Council.

Staff and City Manager recommended approval of Confirmation of Appointment.

Mayor Pro Tem Garza moved to approve Confirmation of appointment by Interim City Manager under Civil Service Law Section 143.013(a) (1) of Interim Police Chief Roberto Dominguez. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

4.10 Authorization for T-Mobile Huddle Up Project to be conducted at Mission Boys & Girls Club

Corps Giving program in partnering up with T-Mobile would be conducting the Huddle Up Program March 21, 2013 at the Boys & Girls Club of Mission. Huddle up program consisted of 150 employees of T-Mobile coming out at giving back to their community. This year Mission Boys & Girls Club was chosen for their Community project. Corps Giving would be coming out for the day to paint kid oriented mural in the class rooms, hallways and game room. They would also repaint the outside walls same color, do landscaping to the front of the building and build a butterfly garden in back of the club.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize for T-Mobile Huddle Up Project to be conducted at Mission Boys & Girls Club. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.11 Approval to accept donation of Ambulance to the Mission Fire Dept. from Elite Critical Care EMS, LLC

Mission Fire Department was requesting to accept the donation of ambulance from Elite Critical Care EMS, LLC for use of the Mission Fire Department Special Operations Response Team, (SORT). The unit would be used for the purpose of rehabilitation of team members at an incident.

Staff and City Manager recommended approval to accept donation.

Councilwoman Ramirez moved to approve to accept donation of ambulance to the Mission Fire Dept. from Elite Critical Care EMS, LLC. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.12 Award bid for "Housing Assistance Program Phase 12-I"

On February 11, 2013 City Council authorized staff to solicit bids for four (4) reconstructions and one (1) rehabilitation project. The City of Mission had accepted and opened three (3) bid responses for these projects. Staff recommended awarding to G&G Contractors for the reconstruction of four (4) homes. G&G Contractors had met all the Terms & Conditions and Specifications and came

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within budget. Staff also recommended awarding GMG Construction for the rehabilitation on one (1) home. GMG Construction had met all the Terms & Conditions and Specifications and came within budget. CAC met on March 5, 2013 and approved staff's recommendation as indicated below and approve as follows:

G&G Contractors - \$195,640
2208 Nueces St - \$49,440
1405 W Ray Circle - \$49,880
1105 Paloma St - \$49,880
606 Pino St - \$46,440

GMG Construction - \$18,900
207 Erma St. - \$18,900

The city had been utilizing 75% of the annual CDBG allocation for several years for reconstruction projects. Since 1999, a total of 342 families to date have been provided some form of housing assistance. Out of the 342 families, 197 families were provided with reconstruction assistance while 146 families were provided with rehabilitation assistance (including CDBG-R, CDBG-DR and SSBG funds).

Staff Recommendation: Award to G&G Contractors and GMG Construction

City Manager recommended approval.

Councilman Plata moved to approve to award bid for "Housing Assistance Program Phase 12-I", as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

Accountant Randy Perez presented items 4.13 and 4.14 of the agenda.

4.13 Authorization to solicit for proposals for Auditing Services for the City of Mission

Staff was seeking authorization to solicit for proposals for Auditing Services for the City of Mission. The City Council was required by the City Charter Section 3.14 to have an independent audit of the books of accounts, records and transactions of all the administrative departments of the City at least yearly.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit for proposals for Auditing Services for the City of Mission. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.14 Budget Amendments: General Fund, Utility Fund

Accountant Perez presented the budget amendments BA-2013-27 thru BA-2013-30 to the City Council for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve budget amendments BA-2013-27 thru BA-2013-30 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.15 Authorization to accept the 2013 Texas Department of Public Safety Texas Ranger Division Local Border Security Program Grant (LBSP-13-45)

The Mission Police Department was requesting authorization to accept the 2013 Texas Department of Public Safety Texas Ranger Division Local Border Security Program Grant (LBSP-13-45). The Mission Police Department had been awarded a total of \$150,000.00. These monies would be utilized to provide overtime funds to Mission Police Officers for the purpose of increasing police patrols throughout the city and to assist with criminal investigations into the detection of crime. The grant would be in effect through August 31, 2013.

Staff Recommendation: Staff was respectfully requesting authorization to accept the 2013 Texas Department of Public Safety Texas Ranger Division Local Border Security Program Grant (LBSP-13-45).

City Manager recommended approval.

Councilman Plata moved to authorize to accept the 2013 Texas Department of Public Safety Texas Ranger Division Local Border Security Program Grant (LBSP-13-45), as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.16 Authorization to purchase via a state approved contract a Police Radar Trailer with built in License Plate Reader (TXMAS-8-840130)

The City of Mission Police Department was requesting authorization to purchase a Police Radar Trailer with a built in License Plate Reader. The Radar Trailer was designed to display a large digital read out of an approaching vehicles speed in order to alert the operator of his actual speed compared to the posted speed limit. Additionally, a built in license plate reader was capturing the vehicles license plates and storing them in order to identify stolen vehicles and those vehicles wanted by police authorities. It was staff's intent to utilize the aforementioned Police Radar Trailer in school zones, construction sites, etc. The Police Radar Trailer with built in License Plate Reader would be purchased through the department's Federal Drug Forfeiture accounts at a cost of \$37,152.86 (TXMAS -8-840130).

Staff Recommendation: Staff was respectfully requesting authorization to purchase the Police Radar Trailer with built in License Plates Reader.

City Manager recommended approval.

Councilman Plata moved to authorize to purchase via a state approved contract a Police Radar Trailer with built in License Plate Reader (TXMAS-8-840130), as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.17 Authorization to enter into a Standard Software Maintenance Agreement with New World Systems Corporation

The City of Mission Police Department was requesting authorization to enter into a Standard Software Maintenance Agreement with New World Systems Corporation. New World Systems had been the department's software provider for all of the department's records management systems to include computer aided dispatch, jail, mug shots, bar coding, field reporting, records management, etc. since 1991. New World Systems provided service to the entire department

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software modules and included any upgrades to the current operating system. The total amount of the agreement was for \$98,180.00 for FY 2012-2013.

Staff Recommendation: Staff was respectfully requesting authorization to enter into a Standard Software Maintenance Agreement with New World Systems Corporation.

City Manager recommended approval.

Councilwoman Ramirez moved to authorize to enter into a Standard Software Maintenance Agreement with New World Systems Corporation, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.18 Authorization to purchase ICX FLIR Sky Watch Frontier System Tower through a GSA contract # GS-07F-0117U

The City of Mission Police Department was requesting authorization to purchase an ICX FLIR Sky Watch Frontier Tower System. The Sky Watch Tower would be utilized to combat and deter all burglary of vehicles, auto theft and any other related crimes in our business district parking lots. The advantage to having this tower in place was to enhance the ability to monitor the large parking areas. Staff believed that the use of the tower would deter crime in general. The total expenditure for the ICX FLIR Sky Watch Frontier was \$110,928.55. A total of \$72,340.00 would be paid through staff's 2011 Stonegarden Grant and the remaining \$38,588.55 would be paid through of Federal Drug Forfeiture account. Staff was respectfully requesting authorization to purchase the Sky Watch Tower through a GSA contract, contract # GS-07F-0117U.

City Manager recommended approval.

Councilman O'cana moved to authorize to purchase ICX FLIR Sky Watch Frontier System Tower through a GSA contract # GS-07F-0117U, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.19 Authorize City Manager to enter into an agreement with Mr. Apolonio Chapa for Planning and Utility Services

Authorize City Manager to enter into an agreement with Mr. Apolonio Chapa to review plans of new residential subdivisions and commercial development and provide utility location services to the City. Mr. Chapa had 36 years experience in the utility field and was uniquely qualified to locate water, sanitary sewer, and drainage lines within the City of Mission.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize City Manager to enter into an agreement with Mr. Apolonio Chapa for Planning and Utility Services, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.20 Approval of Resolution # 1344 of the City Council of the City Of Mission, Texas, requesting the United States Section of the International Boundary and Water Commission and the United States Department of State to pursue through appropriate Minute Orders and formal agreements whereby Mexico formalizes a compliance program under the 1944 Treaty to annually set aside water in sufficient amounts

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The Lower Rio Grande Valley Development Council was requesting the approval of this Resolution which was approved by the LRGVDC Board of directors at their last meeting. Requesting the International Boundary and Water Commission and the United States Department of State to pursue through appropriate Minute Orders and formal agreements whereby Mexico formalized a compliance program under the 1944 Treaty to annually set aside water in sufficient amounts, as a priority allocation to the United States from the named tributaries in Mexico to ensure Mexico's full compliance with the 1944 Treaty.

Staff and City Manager recommended approval of Resolution.

Mayor Pro Tem Garza moved to approve Resolution No. 1344. Motion was seconded by Councilman Plata and approved unanimously 5-0.

RESOLUTION NO: 1344

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS,
REQUESTING THE UNITED STATES SECTION OF THE INTERNATIONAL BOUNDARY
AND WATER COMMISSION AND THE UNITED STATES DEPARTMENT OF STATE TO
PURSUE THROUGH APPROPRIATE MINUTE ORDERS AND FORMAL AGREEMENTS
WHEREBY MEXICO FORMALIZES A COMPLIANCE PROGRAM UNDER THE 1944
TREATY TO ANNUALLY SET ASIDE WATER IN SUFFICIENT AMOUNTS

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

Thanked the guests from Monclova, Coahuila for their visit.

7.0 Adjournment

At 5:31 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary