

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
MARCH 12, 2012 4:30 P.M.
MISSION CITY HALL**

PRESENT:

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

ABSENT:

ALSO PRESENT:

Kathy Olivarez, Progress Times
Gail Burkhardt
Dr. Armando Ocana, Sr.
Kevin Lawrence
Andres Eduardo Rosas
Juan F. Zuniga
Jose Aguilar
Roel Velasquez
Ruben Lozano, Jr.
Ryan Burch
Amparo Olivarez

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Sonia Carnes, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sergio Zavala, Planning Director
Patricio Martinez, Planning Dept.
Roberto Salinas, Public Works Director
Joanne Longoria, CDBG Director
Eduardo Belmarez, Purchasing Director
Martin Garza, Interim Chief of Police
Robert Dominguez, Asst. Chief of Police
Randy Perez, Accountant
Julian Gonzalez, Parks & Rec. Director
Juan C. Avila, B & G Club Director
Robert Hinojosa, Risk Manager
Jesse Lerma, Civil Service Director
Jonathan Wehrmeister, Judge
Cassandra Karl, Museum Director
John Hernandez, City Engineer
Belinda Garza, Library

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:38 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. Departmental Reports

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

4. Report from the Greater Mission Chamber of Commerce

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on the chamber events that had recently taken place.

5. Citizens Participation

Ryan Burch TxDOT representative was present to answer any questions the council may have regarding TxDOT projects and advised council he would be present at the first meeting of every month.

Kevin Lawrence from Texas Municipal Police Association requested for council to finalize negotiations regarding the Meet and Confer Contract.

Steve Ayala and Roel Velasquez, president of the 2nd Police Association for the Mission Police Department requested to be recognized as the largest police association for the Mission Police Department

Interim Police Chief Martin Garza expressed his intention to meet with all the unions and to move forward with the proposals.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: Lot 14, Block 3, Oakwood Estates Subd., R-1 to C-2, Andres Rosas

The subject site was located 600' west of Los Ebanos along the north side of West Griffin Parkway. The site's dimensions were 60' x 290' (17,400 sq. ft.). The vacant lot fronted Griffin Parkway, i.e., it did not have access to the interior residential streets.

The surrounding zones included: Single Family Residential (R-1) to the north and east, and General Business (C-3) to the west and south. The surrounding land uses consisted of single family homes to the north and east, a drive-thru convenience store and home to the west, and a daycare south and across Griffin Parkway. Due to the Lot's depth, the Future Land Use Map reflected a General Commercial (GC) designation on the south ½ and a Low Density (LD) designation to the north 1/2.

Since the lot was deeper than the other 495 Lots, a C-2 would (at that time) seem more appropriate than a heavier C-3. Meriting C-2, staff conveyed the following:

- 1) The subject property adjoined Griffin Parkway, a seven lane major thoroughfare.
- 2) The traffic produced along Griffin Parkway was more conducive for a non-residential use, rather than having a home along such congestive traffic patterns.
- 3) Due to the limited size of the lot, it would only allow for a limited amount of commercialism where a large percentage of the property would be used for parking and landscaping, thus the commercial traffic impact was anticipated to be minimal.

There was no public opposition during the 2/22/12 P&Z's hearing. P&Z unanimously recommended approval.

Staff and City Manager recommended approval.

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

There were no comments.

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Councilwoman Norie Gonzalez Garza moved to approve Rezoning: Lot 14, Block 3, Oakwood Estates Subd., R-1 to C-2. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

B. Final Re-plat Approval: Re-subdivision plat of Lot 4, Block 21, Cimarron Country Club, Phase I Section IV, PUD (Townhouse), Developer: Ruben Lozano, Engineer: Pena Engineering

The proposed re-plat was located on the NW corner of Rio Grande Drive and Shary Road. State Code requires certain residential re-plats to have a public hearing. The subdivision consisted of a single townhouse lot that would increase its boundaries by absorbing what used to be a golf course reserve, now owned by the applicant.

Water: There was an existing 4" water line that ran along the north side of Sabine Court which would provide water service for Lot 4. The re-plat induced a fire hydrant to be installed along the south east corner of Sabine St. and Sabine Court.

Sewer: There was an existing 8" sewer line within Sabine Court that would provide service to Lot 4. The capital sewer recovery fee of \$200 was required as per Ord. 3022.

Streets & Storm Drainage: This re-plat abuts Sabine Ct. (50' ROW, 40' B/B) on the north, Shary Road (120' ROW, 81' B/B) on the east and Rio Grande Drive (100' ROW, 2-30' drives with intervening 20' median) on the south. The re-plat was dedicating an additional 10' along Shary Road in order to comply with the MPO Thoroughfare Plan, all other roads were fully built and did not require additional ROW. The site would only be permitted access on to Sabine Court, i.e., no access would be permitted onto Shary Road or Rio Grande Drive. Drainage already existed within Cimarron's storm system, where natural runoff will empty onto Sabine Court, with a minimum 0.02 cubic feet of water being detained on the larger lot.

Other Comments:

- Park Fees were not required since previously platted lot.
- Already excluded from the water district.
- Comply with format findings.
- Must escrow sidewalks along Shary, Rio Grande Drive, and Sabine Ct.

There was no public opposition during 2/22/12 P&Z's hearing. P&Z unanimously recommended approval as per staff's recommendation.

Staff Recommendation: Approval subject to: 1) escrow the sidewalks along the adjoining streets, 2) provide the capital sewer recovery fees, and 3) comply with all typical format findings.

City Manager recommended approval.

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

There were no comments.

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Councilwoman Ramirez moved to approve Final Re-plat Approval: Re-subdivision plat of Lot 4, Block 21, Cimarron Country Club, Phase I Section IV, PUD (Townhouse). Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

C. Conditional Use Permit: Institutional Use – Classrooms for Bible Teaching at Iglesia De Cristo, 3305 N. Shary Rd., Lot 1, Iglesia De Cristo Subd., AO-I, Iglesia De Cristo

The site was located 260' north of Mile 2 along the west side of Shary Road. The church wished to construct a new addition to the existing church that would include 2 classrooms for Bible studies. The assembly area would remain 'as is.'

- Hours of Operation: The church was used only on Wednesdays from 7 p.m. to 8 p.m., and Sundays from 9:30 a.m. to 11:30 a.m. While the parents were at a congregational worship, service, their children would be in Bible Study.
- Parking: Parking for a church was calculated based on 1 space for every 4 seating spaces in the main auditorium. The main auditorium had 90 seats, which required 23 parking spaces ($90 \text{ seats} / 4 = 22.5$). There was 24 parking spaces, thus compliant to code.
- The new addition must have met Building and Fire Codes prior to occupancy.

There was no public opposition during 2/22/12 P&Z's hearing. P&Z unanimously recommended approval as per staff's recommendation.

Staff Recommendation: Approval subject to: 1) must comply with all typical building/fire codes prior to occupancy; and 2) transferable to others stipulating new owners to same CUP/Zoning requirements.

City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Olivarez moved to approve Conditional Use Permit: Institutional Use – Classrooms for Bible Teaching at Iglesia De Cristo, 3305 N. Shary Rd., Lot 1, Iglesia De Cristo Subd., AO-I. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

2.0 Disposition of Minutes

2.1 City Council Meeting – February 27, 2012

Councilwoman Garza moved to approve the minutes as presented. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

3.0 Acknowledge Receipt of Minutes

3.1 Citizen's Advisory Committee – January 10, 2012

Mission Redevelopment Authority – January 10, 2012

Mission Tax Increment Reinvestment Zone – January 10, 2012

Speer Memorial Library Board – January 17, 2012

MEDC Special Meeting – January 24, 2012

**Planning and Zoning Commission – February 8, 2012
Civil Service Commission – January 27, 2012**

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

4.0 Approvals and Authorizations

4.1 Adoption of Ordinance # 3746 for Rezoning Lot 14, Block 3, Oakwood Estates Subd., from R-1 to C-2

Staff and City Manager recommended ordinance approval.

Councilwoman Garza moved to adopt Ordinance No. 3746 for Rezoning Lot 14, Block 3, Oakwood Estates Subd., from R-1 to C-2. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

ORDINANCE NO. 3746

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS GRANTING A REZONING TO LOT 14, BLOCK 3, OAKWOOD
ESTATES SUBDIVISION, FROM R-1 TO C-2

4.2 Adoption of Ordinance # 3747 for CUP for Institutional Use – Classrooms for Bible Teaching at Iglesia De Cristo, 3305 N. Shary Rd., Lot 1, Iglesia De Cristo Subd.

Staff and City Manager recommended ordinance approval.

Councilwoman Ramirez moved to adopt Ordinance No. 3747 for CUP for Institutional Use – Classrooms for Bible Teaching at Iglesia De Cristo, 3305 N. Shary Rd., Lot 1, Iglesia De Cristo Subd. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

ORDINANCE NO. 3747

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS GRANTING A CONDITIONAL USE PERMIT FOR INSTITUTIONAL
USE – CLASSROOMS FOR BIBLE TEACHING AT IGLESIA DE CRISTO,
3305 N. SHARY ROAD, LOT 1, IGLESIA DE CRISTO SUBDIVISION

4.3 Preliminary Plat Approval: LDS Subd., A 4.87 ac. Tract of land out of Lot 28-10, W.A.S. Subd., AO-I, Developer: The Church of Jesus Christ of Latter-Day Saints, Engineer: Spoor Engineering Consultants, Inc.

The proposed subdivision was located on the SW corner of Bryan Road and Mile 2. The subdivision consisted of 1 lot, which was proposed for a new church facility.

Water: A new 8” water line along Bryan would be looped between the existing 12” line (2 Mile Road) and the existing 8” line 360’ to the south. Three fire hydrants were required along perimeter streets pursuant to the direction of the Fire Marshal; however additional hydrants would be required during the construction of the church facility.

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Sewer: Sewer service would be provided by extending a 6" service line from an existing 15" sewer line located along the east side of Bryan Road. The Sewer Capital Recovery Fee (SCRF), \$750/acre would be imposed as required by Ordinance #3022.

Streets & Storm Drainage: This subdivision abuts both Mile 2 and Bryan Road, both future 100' ROW, 65' B/B streets. Mile 2 was recently widened to 48' B/B, leaving a balance of 8 1/2' along the north and south sides. The additional 8 1/2' pavement section along Mile 2 was to be placed in escrow at \$38.44/l.f. The developer was proposing to widen Bryan Road to the minimum 32.5' from the centerline of Bryan and would provide a new 24" storm system, thus complying with code. The developer was also installing a 24" R.C.P. drain line to be located along the southern perimeter for any possible redevelopment by adjoining others to the west. The new 24" line along Bryan Road would tie into the Mission Lateral. A reimbursement contract could be submitted as well.

Other Comments:

- Water District Exclusion required
- 5' sidewalk must be installed along Bryan Road
- Must pay sewer lift station reimbursement to the City of Mission in the amount of \$1,088.83 (Mayberry Manor Subdivision Reimbursement Contract)
- Provide a street light plan

There was no opposition during the 2/22/12 P&Z's hearing. P&Z unanimously recommended approval as per staff's recommendation.

Staff Recommendation: Approval subject to: 1) payment of the sewer capital recovery fee & sewer lift station reimbursement, 2) escrow the widening along Mile 2 Road, 3) provide exclusion from the water district, and 4) provide street lighting along Bryan Road.

City Manager recommended ordinance approval.

Mr. Spoor from Spoor Engineering Consultants, Inc. was present to answer any questions the council would have.

Councilwoman Garza moved to approve Preliminary Plat Approval: LDS Subd., A 4.87 ac. Tract of land out of Lot 28-10, W.A.S. Subd., AO-I, subject to reconsideration on the drainage system. Motion was seconded by Councilman Ruben Plata and approved unanimously 5-0.

4.4 Request for Garage Sale Permit by Our Lady of the Holy Rosary, 923 Matamoros Street for Saturday, March 17, 2012

Ordinance No. 3653 included the requirement for a church to first secure the City Council's approval prior to the issuance of a garage sale permit.

Our Lady of the Holy Rosary was located at 923 Matamoros Street. They desired to have a garage sale on their parking lot on Saturday, March 17, 2012 from 7 am til 5 pm. They would not be using the church building except for needed restroom use.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve request for Garage Sale Permit by Our Lady of the Holy Rosary, 923 Matamoros Street for Saturday, March 17, 2012. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.5 Re-consideration of Action on the Previously-filed Conditional Use Permit for Sale & On-site Consumption of Alcoholic Beverages - Smokin' Aces, 2518 E. Business Highway 83, being Lot 14, J.E. Leslie Subdivision, C-3, Michael Aguilar (City Attorney may ask City Council to go into executive session prior to taking action on this item)

The Smokin' Aces operation was located approximately 300' west of Taylor Road along the south side of Business Highway 83. Smokin' Aces bar began its operation after the City Council approved it in January 2007. In their approval, the City Council imposed 7 encumbrances. Some of the City's primary conditions included annual re-evaluations, and having "professional security on-site during Friday-Saturday-Sunday's evening hours of operation specified as 7 p.m. until ½ hour past closing".

Smokin' Aces compliance to prevailing City/State laws during the course of the annual evaluation period was tantamount on what action should be required.

To discern how Smokin' Aces had fared, staff needed to review the # of calls the Police Department had received (and for what justifiable cause, etc.). Late last year, there were 2 incidents that occurred which Smokin' Aces called the Mission Police Department for assistance.

Smokin' Aces would have security plus their bouncers during weekend events. There was a letter of opposition presented during P&Z's hearing on 1/25/12. P&Z unanimously recommended a 3-month approval.

Staff Recommendation: to waive the requirement that the facility not be located within 300 feet of a residence, school, church or publicly owned property, and to otherwise approve the CUP for a term of 3 months.

City Manager recommended approval.

Mayor Salinas expressed strong opposition to the approval of this item.

Councilwoman Ramirez moved to deny re-consideration of Action on the Previously-filed Conditional Use Permit for Sale & On-site Consumption of Alcoholic Beverages - Smokin' Aces, 2518 E. Business Highway 83, being Lot 14, J.E. Leslie Subdivision, C-3. Motion was seconded by Mayor Salinas and resulted in a 3-1 vote with Councilwoman Garza against and Councilman Plata abstaining from this matter upon City Attorney's advice.

4.6 Adoption of Ordinance # _____ for Conditional Use Permit for the Sale & On-Site Consumption of Alcoholic Beverages – Smokin' Aces, 2518 E. Business Highway 83, being Lot 14, J.E. Leslie Subd.

No action was taken on this item.

4.7 Authorization to purchase electrical materials via State Approved Contract for lighting improvements at Birdwell Park

Staff was seeking authorization to purchase electrical materials needed via State Approved Contract # 339-10 for lighting at Birdwell Park. The total cost of materials needed was \$25,000.

The improvements would be performed by Parks and Recreation Staff.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to purchase electrical materials via State Approved Contract for lighting improvements at Birdwell Park. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.8 Authorization to purchase playground unit via State Approved Contract for Hollis Rutledge Sr. Northwest Park

Staff was seeking authorization to purchase a playground unit via State Approved Contract # 346-10 for Hollis Rutledge Sr. Northwest Park. The unit cost was \$42,695.50.

Staff and City Manager recommended approval

Councilwoman Garza moved to authorize to purchase playground unit via State Approved Contract for Hollis Rutledge Sr. Northwest Park. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.9 Authorization to solicit bids for King Ranch Fence and Gate at property dividing the Mission Nature Park and Mission Skeet and Trap Club, Inc.

On November 14, 2011, the City of Mission and the Mission Skeet and Trap Club Inc. entered into an agreement stipulating the division of the Mission Nature Park and Skeet and Trap Club grounds. Staff was seeking to solicit bids for the installation of a 5' King Ranch Fence dividing the two agreed upon boundaries. The total linear footage for the proposed fence was 8,964' with the installation of a 20' gate on the north end of the agreed boundary. Labor for installation of the fence would be approximately \$13,000, and the City's portion for the materials for the project would not exceed \$7,000, as per the agreement. The total approximate expense the City of Mission was responsible for will be \$20,000.

Staff and City Manager recommended approval

City Manager Cerda added that he had recently met with Mr. Gary Hallowell and Mr. Schultz and that excluding the nine acres back to the city where there was some brush area it would be 9,315 total feet.

Parks and Recreation Julian Gonzalez mentioned that the specs would be changed on the bid to reflect the updated linear footage.

Mayor Pro Tem Olivarez moved to authorize to solicit bids for King Ranch Fence and Gate at property dividing the Mission Nature Park and Mission Skeet and Trap Club, Inc. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.10 Budget Amendment – General Fund

Accountant Randy Perez presented the budget amendment BA-2012-26 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve budget amendment BA-2012-26. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

4.11 Authorization to purchase a 2007 Tahoe from the Texas Department of Public Safety Surplus Vehicle Operations

The Mission Fire Department was requesting authorization to purchase a 2007 Tahoe from the Texas Department of Public Safety Surplus Vehicle Operations.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to purchase a 2007 Tahoe from the Texas Department of Public Safety Surplus Vehicle Operations. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

4.12 Authorization to submit a Letter of Commitment to the County of Hidalgo to submit a Mitigation Action Planning Grant

The City of Mission Emergency Management Division was requesting to submit a Letter of Commitment to the County of Hidalgo in support of an application for a Mitigation Action Planning Grant through the Texas Department of Public Safety and Public Division of Emergency Management. The County of Hidalgo would submit the Grant on behalf of the County and the jurisdictions with the County. The Grant Proposal would be for the following activities; organizing the planning process, develop risk assessments, develop mitigation strategies and outreach activities.

There was a 25% match which would be divided throughout all the jurisdictions in the County.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to submit a Letter of Commitment to the County of Hidalgo to submit a Mitigation Action Planning Grant. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.13 Approval of Ordinance # 3748 providing for a Three-Way Stop Intersection at Francisco Ave. and Thornwood Dr.

The City of Mission Police Department received a request for approval of an ordinance establishing a 3-way stop intersection at Francisco Ave. and Thornwood Dr. The Traffic Safety Committee of the City of Mission reviewed the request on February 21, 2012 and recommended the establishment of the three-way stop intersection. The residents of the subdivision requested assistance in regulating traffic within the subdivision. The increase in traffic density within the subdivision and the utilization of Thornwood Ave. to access either Conway Ave. or Mayberry Rd. by the general public was creating a number of concerns for the safety of the residents, motorist and pedestrians alike. The implementation of the 3-way stop intersection would assist in regulating the flow of traffic, which in turn would assist in making the roadway safer to travel

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ordinance No. 3748 providing for a Three-Way Stop Intersection at Francisco Ave. and Thornwood Dr. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3748

AN ORDINANCE OF THE CITY OF MISSION, TEXAS PROVIDING FOR TRAFFIC CONTROL BEING STOP SIGNS AT THE FOLLOWING INTERSECTION: FRANCISCO AVENUE AND THORNWOOD DRIVE; PROVIDING FOR INSTALLATION OF SAID TRAFFIC CONTROL DEVICES BEING STOP SIGNS AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO:

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

None

At 5:31 p.m., Mayor Pro Tem Olivarez moved to convene into executive session. Motion was seconded by Councilman Plata and approved unanimously 5-0.

At 5:32 p.m. Mayor Salinas stepped out of the meeting.

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/Mission Economic Development Corporation v Mission Economic Development Authority, Inc.

B. Iris Cruz v City of Mission

C. Construction contract with Topcon, Inc. for Park Improvements

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

At 5:57 p.m. Councilman Plata stepped out of the meeting.

At 5:57 p.m., Councilwoman Garza moved to reconvene in open session. Motion was seconded by Councilwoman Ramirez and approved unanimously 3-0.

On item 7.1-A, no action was taken.

On item 7.1-B, no action was taken.

On item 7.1-C, Councilwoman Garza moved to authorized the City Manager to take all steps necessary to complete the Park Improvements with the hiring of Attorney Bob Galligan to represent the City regarding this matter. Motion was seconded by Councilwoman Ramirez and approved unanimously 3-0.

8.0 Adjournment

At 5:58 p.m., Councilwoman Garza moved for adjournment. Motion was seconded by Councilwoman Ramirez and approved unanimously 3-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary