

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
APRIL 08, 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  
Martin Garza, Jr., Interim City Manager  
Nelia Hernandez, Asst. City Secretary

**ABSENT:**

**ALSO PRESENT:**

Kathy Olivarez, Progress Times  
Terra Saldana  
Dionicio Bazaldua  
Alex Meade  
Humberto Garcia  
Richard Perez

**STAFF PRESENT:**

Carmen Morales, Administrative Asst.  
Aida Lerma, Deputy City Manager  
Guillermo Seguin, Deputy City Manager  
Danny Tijerina, Planning Director  
Bobby Salinas, Asst. Planning Director  
Roberto Salinas, Public Works Director  
Paul Schaefer, Golf Course Director  
Joanne Longoria, CDBG Director  
Rick Saldana, Fire Chief  
Eduardo Belmarez, Purchasing Director  
Robert Dominguez, Interim Chief of Police  
Janie Flores, Finance Director  
Randy Perez, Asst. 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  
Luis Contreras, Museum Director  
Mayra Rocha, Library Director  
Elizabeth Hernandez, Executive Secretary

**1. Call to order**

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:46 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. Proclamation – Crime Victims’ Rights Week**

Interim Chief of Police Robert Dominguez read the proclamation and recognized the team members that makeup this group: Manny Casas, Romeo Ortega, Humberto Garcia, Maria Teresa Plata, and Diana Macias.

Councilman Dr. Armando O’cana moved to approve the Proclamation – Crime Victims’ Rights Week. Motion was seconded by Councilman Ruben Plata and approved unanimously 5-0.

**4. Proclamation – Public Safety Telecommunicators Week**

Interim Chief of Police Dominguez read the proclamation and recognized Ruben Gaytan and Sara Salinas.

Councilman Plata moved to approve the Proclamation – Public Safety Telecommunicators Week. Motion was seconded by Councilwoman Maria Elena Ramirez and approved unanimously 5-0.

**5. Presentation on Bannworth and CWV Park Improvements**

Parks and Recreation Director Julian Gonzalez gave the presentation on the finalized project at Bannworth and CWV Park.

**6. Departmental Reports**

Councilman Plata moved to approve the departmental reports as presented. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**7. Report from the Greater Mission Chamber of Commerce**

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on past events which included the Ribbon Cutting at the Upper Valley Art League, Monthly Mixer, Rotary Club, and the Trash Bash. Upcoming events included Edinburg Bike Fest, Buenas Tardes Luncheon and Small Businesses Seminar.

**8. Citizens Participation**

None

**1.0 Public Hearing**

**1.1 Planning & Zoning Recommendations**

- A. Rezoning: 722 E. 8<sup>th</sup> St., Suite D, being out of Lots 11 & 12, and a 20’ strip adjacent thereto, Block 113, Mission Original Townsite, from C-3 to P, Elizabeth B. Hernandez (City Attorney may ask City Council to go into executive session on this item under the “Consultation With Attorney” exception before considering this matter in open session)**

**Adoption of Ordinance # \_\_\_\_\_ approving 1.1A**

City Attorney David Guerra asked that council go into executive session under consultation with attorney prior to considering this item in open session.

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At 5:04 p.m., Mayor Salinas requested to continue with item 1.1B of the agenda and to consider item 1.1A at a later time of the agenda along with the items under the executive session section of the agenda.

Site: The subject site was located on the SW corner of Mayberry Road and E. 8<sup>th</sup> Street. There was an existing commercial plaza on the site, where the only area to be rezoned to “Public” would be Suite D.

Surrounding Zoning/	N:	C-3 - General Business; Open Acreage
Existing Land Uses:	E:	R-1 - Single Family Residential; Mission Housing Comm. Ctr.
	W:	R-1 - Single Family Residential; SF Home
	S:	R-1 - Single Family Residential; SF Home
	Site:	C-3 - General Business; Commercial Plaza

FLUM: The Future Land Use Map reflected a General Commercial (GC) 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. Ms. Hernandez was proposing to utilize an existing commercial suite as a Church facility, thus the need to change of zone from C-3 to P. The change, however, should only be for suite “D” so as not to affect the other suites.

Ms. Hernandez submitted a proposed floor plan showing the seating. There were 20 seats being proposed which required 5 parking spaces as per code. There were a total of 18 existing parking spaces. The members of the Church would meet on Wednesdays from 7 p.m. to 10 p.m. and on Sundays from 9 a.m. to 12:30 p.m. It was noted that the businesses within the plaza operate until 6 p.m. Therefore, staff did not foresee any parking issues. Notices were sent to property owners within a 200’ radius of the site. Staff had not received comments for or against this proposal. There was no public opposition during P&Z 3/25/13 Mtg. P&Z unanimously recommended approval.

Staff and City Manager recommended approval.

At 6:54 p.m., Councilman Plata moved to table this item. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**B. Conditional Use Permit: To place a 7’x 20’ Portable building for the Sale of Food, 1103 W. Expwy 83, Lots 41, 42, & 43, Freeway Subd. #4, C-3, Martha Garza Adoption of Ordinance # 3923 approving 1.1B**

Site: The subject site was located on the SW corner of Expressway 83 and Alma Avenue. There were two existing businesses on the site, a palette business and a car wash. The applicant was proposing to install a 7’ x 20’ portable and the open carport. Access to the site was from an existing driveway along Expressway 83. There were existing restroom facilities located within the palette business which would be made available upon requested by the public.

- Days & Hours of Operation: Every day from 7 a.m. to 10 p.m.
- Staff: 2 employees would run the stand.

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- Parking & Landscaping: There were 21 parking spaces on the site for the use of both businesses. There were several existing oak trees located within the property. Staff was recommending a 3' landscape hedge along the Expressway frontage in order to help enhance the aesthetics of the overall site.
- A business license was required prior to occupancy.
- Must meet the City's Sign Ordinance.
- Required the approval by the Health and Fire Department.

Review Comments: Staff recently had several portable building proposals for the sale for the sale of food; however none of them had been located off of Expressway 83. Though staff wanted to be able to afford people an opportunity to start new businesses, Staff felt that a portable building of this nature located along the Expressway would detract, instead of enhance its aesthetics. There was no public opposition during the 3/25/13 P&Z hearing. P&Z unanimously recommended denial as per Staff's 1<sup>st</sup> recommendation.

Staff and City Manager recommended denial.

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

There were no comments.

Mayor Salinas's recommendation was to issue the permit.

Councilman O'cana moved to approve the CUP and to adopt Ordinance No. 3923 Conditional Use Permit: To place a 7' x 20' Portable building for the Sale of Food, 1103 W. Expwy 83, Lots 41, 42, & 43, Freeway Subd. #4, C-3 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

### **ORDINANCE NO. 3923**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A CONDITIONAL USE PERMIT TO PLACE A 7' X 20' PORTABLE BUILDING  
FOR THE SALE OF FOOD, 1103 W. EXPRESSWAY 83, LOTS 41, 42, & 43, FREEWAY  
SUBDIVISION # 4

**C. Conditional Use Permit: Portable Building for Office Use, 1117 S. Shary Rd., Lot 1,  
McManus Subd., C-3, Antonio Herrera  
Adoption of Ordinance # 3924 approving 1.1C**

At 5:19 p.m. Councilman Plata stepped out of the meeting

Site: The site was located 400' south of Colorado St. along east side of Shary Road. This pre-existing portable building had been used as an office for the past 16 years (currently as an office for Unique Auto Detailing and Rocass Homes). Mr. Herrera was the current operator of the portable office and now was requesting a renewal of his CUP. The existing portable building sat along the easternmost property line over 100' from Shary Road. There was a 47' x 20' section of asphalt where vehicles were washed; and 4 spaces used for drying the vehicles.

- Days & Hours of Operation: Every day from 8 a.m. to 6 p.m.
- Staff: 6 employees.

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- **Parking & Landscaping:** The two businesses required a minimum of 8 parking spaces. There were a total of 17 parking spaces; however 4 spaces were used to dry vehicles, leaving 13 parking spaces shared between both businesses, thus exceeding code. There were several existing palm trees and shrubs on-site.

Review Comments: Having a portable building along Shary Road was not a long term desire of the City when considering aesthetics along a major corridor. However, since the last renewal, a lot of work had been done to the site, including the portable building. Rocass Homes made a portion of the building look like a permanent structure greatly improving the aesthetics of the site. Staff did not object to a 3 year re-evaluation in order to continue to assess these businesses where, one day the portable may need to be replaced with a site built structure. There was no public opposition during the 3/25/13 P&Z hearing. P&Z unanimously recommended approval as per staff's recommendations.

Staff Recommendation: Approval subject to 3 years approval.

City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Norie Gonzalez Garza moved to approve the CUP and to adopt Ordinance No. 3924 Conditional Use Permit: Portable Building for Office Use, 1117 S. Shary Rd., Lot 1, McManus Subd., C-3. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**ORDINANCE NO. 3924**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT PORTABLE BUILDING FOR OFFICE USE, 1117 S. SHARY ROAD, LOT 1, MCMANUS SUBDIVISION, C-3

- D. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages-KAVE Restaurant & Bar, 2306 E. Expwy 83, Stes. 8 & 9, Lot 1, Cimarron Crossing Phase I Subd., C-3, Javier Gonzalez Fernandez  
Adoption of Ordinance # 3925 approving 1.1D**

At 5:20 p.m. Councilman Plata rejoined the meeting

Site: The subject site was located near the SE corner of J.R. Dr. and Expressway 83 along the Frontage Road. This CUP was most recently approved by P&Z on 10/10/12 for a period of 6 months. The applicant now wished to install a full kitchen to make The Kave a true "Restaurant and Bar". The applicant would have to comply with Fire and Health Department requirements.

- **Days & Hours of Operation:** The applicant was proposing to have a restaurant open 24 hours everyday. Alcoholic beverages would only be served during allowable State selling hours.
- **Staff:** 15 employees.

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- Parking & Landscaping: There were 80 seating spaces, which required 27 parking spaces (80 seats/1 space for every 3 seats = 26.6 parking spaces). It was noted that the parking area was held in common (100 existing parking spaces) and was shared with other businesses. Kave had been in operation since '07 and there had been no issues in regards to off-street parking. Landscaping was meeting City code.
- Must obtain a new Business License to reflect that the business was now also a restaurant. The 6 month approval should be from Business License issuance date.
- Staff had asked Mission PD for a report of incidents for the past 6 months.
- PD advised staff that there had been no incidents reported.

Review Comments: Staff was wary of the proposed 24 hr. operation of a restaurant and bar combination. To our knowledge there were no 24 hour restaurant/bars within the City, however TABC did mention that it was possible to operate such a business. They mentioned that they would only be able to sell from 11 a.m. to 2 a.m. If approved with the 24 hour operation, Staff recommended that the applicant obtain a Food and Beverage Certificate from TABC in order to ensure that over 50% of the sales were food related and not simply a bar. There was no public opposition during the 3/25/13 P&Z hearing. P&Z unanimously recommended approval as per staff's recommendations.

Staff Recommendation: Approval subject to: 1) 6 month approval; 2) must sell alcohol only during allowable State selling hours; 3) Must obtain a TABC Food and Beverage Certificate, 4) Must comply with all Fire and Health Department requirements, 5) Must obtain a new business license to reflect the restaurant use, and 6) Must comply with all TABC requirements.

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 CUP and to adopt Ordinance No. 3925 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages-KAVE Restaurant & Bar, 2306 E. Expwy 83, Stes. 8 & 9, Lot 1, Cimarron Crossing Phase I Subd., C-3, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

### **ORDINANCE NO. 3925**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES – KAVE RESTAURANT AND BAR, 2306 E. EXPRESSWAY 83, SUITES 8 & 9, LOT 1, CIMARRON CROSSING PHASE I SUBDIVISION, C-3

## **2.0 Disposition of Minutes**

### **2.1 City Council Meeting – March 25, 2013**

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

**3.0 Acknowledge Receipt of Minutes**

**3.1 Zoning Board of Adjustments – February 27, 2013**

**Planning and Zoning Commission – February 27, 2013  
and March 13, 2013**

**Mission Redevelopment Authority – February 26, 2013**

**Mission Tax Increment Reinvestment Zone – February 26, 2013**

**Speer Memorial Library Board – February 19, 2013**

**Mission Economic Development Corporation Special Meeting – February 26, 2013**

**Mission Economic Development Authority, Inc. – February 26, 2013**

**Parks and Recreation Board– February 13, 2013**

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

**4.0 Approvals and Authorizations**

**4.1 Preliminary Plat Approval: Eduardo's No. 12 Subd., 15 acres being all of Lots 179 & the south 5 acres of Lot 181, Bentsen Groves Subd., Suburban ETJ, Developer: Diana Laura Izaguirre, Engineer: Izaguirre Engineering Group, Inc.**

The subdivision was located 1 mile north of Mile 3 Road along the east side of Bentsen Palm Drive. The subdivision consisted of 38 lots, where Lots 1 and 38 shall have the option of being used for commercial or multi-family purposes. The remaining lots shall be used for residential purposes.

Water: The water CCN belonged to SWSC. The developer was providing water by connecting to an existing 6" water line located along the east side of Bentsen Palm Drive and extending a new 8' line east into the proposed subdivision. The developer was proposing to install 3 new fire hydrants as per the direction of the Fire Marshal's office.

Sewer: The developer was proposing sanitary sewer service for this subdivision by connecting to an existing 8" line and extending a new 8" line east into the subdivision in order to serve all lots. Ord. No. 3022 required a capital sewer recovery fee for new connections into the City's sewer system. A total of \$750 per lot was required for lots outside the city limits which equated to \$28,500.

Streets & Storm Drainage: The subdivision had frontage to Bentsen Palm Drive, which was a future 100' ROW 65' B/B street. The developer was dedicating an additional 17.5' of ROW in order to comply with the MPO Thoroughfare Plan requirement of 50' from centerline. The subdivision was also near the alignment of Mile 4, in which the developer had submitted a letter from the County ROW Dept. stating that there would be no alignment of Mile 4 in this area. In speaking to the County, it was their view that Mile 4 would not be going through this subdivision. The lots would be fronting a 50' ROW 32' B/B paved street built to the County's construction specifications. No residential access would be allowed from Lots 1 and 38 onto Bentsen Palm Drive. Drainage from the subdivision was proposed through the use of 24" H.D.P.E. lines located within the proposed street that would flow into a detention pond located to the easternmost area of the subdivision.

P&Z unanimously recommended approval.

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Staff Recommendation: Approval subject to: 1) must meet the Model Subdivision Rules, 2) comply with the street alignment policy, 3) must pay the capital sewer recovery fee, and 4) comply with comments from the County Planning Department

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Preliminary Plat Approval: Eduardo's No. 12 Subd., 15 acres being all of Lots 179 & the south 5 acres of Lot 181, Bentsen Groves Subd., Suburban ETJ, Developer: Diana Laura Izaguirre, Engineer: Izaguirre Engineering Group, Inc., as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0

### **4.2 Approval of completion of Bannworth Park Paving Project with reconciliation of unforeseen additional work**

Staff was seeking authorization to approve the reconciliation of unforeseen additional work with the removal and disposing of existing irrigation and concrete cap of existing irrigation line.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve completion of Bannworth Park Paving Project with reconciliation of unforeseen additional work. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0

### **4.3 Award bid for the installation of Canopy Shades at Market Square**

City Council authorized staff to solicit bids for the installation of new shades for canopies located at Market Square. The City of Mission had accepted and opened five (5) bid responses. Staff recommended awarding bid for a total amount of \$21,880 to G&G Contractors who was the lowest responsible bidder meeting all the Terms & Conditions and Specifications.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve to award bid for the installation of Canopy Shades at Market Square. Motion was seconded by Councilman Plata and approved unanimously 5-0.

### **4.4 Award bid for the Installation of the Camera Systems for Catholic War Veterans (CWV) and Bannworth Park Facilities (Bldg. & Pool)**

City Council authorized staff to solicit bids for the installation of a camera system at the Catholic War Veterans (CWV) and Bannworth Park Gymnasium facilities to include the Aquatic Complex (pool). The City of Mission had accepted and opened five (5) bid responses. Staff recommended awarding base and alternate for a total amount of \$8,146.14 to ProSound Inc. dba MUZAK who was the lowest responsible bidder meeting all the Terms & Conditions and Specifications.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve to award bid for the Installation of the Camera Systems for Catholic War Veterans (CWV) and Bannworth Park Facilities (Bldg. & Pool). Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.5 Approval of Resolution # 1346 of Mission Economic Development Corporation authorizing issuance of Taxable Power Purchase Agreement Revenue Bonds (Nelson Gardens Energy, LLC Project) Series 2013; Authorizing Loan of Bond Proceeds to Nelson Gardens Energy, LLC; Approving documents relating thereto; and Approving other matters in connection therewith**

It was requested that the City Council of the City of Mission, Texas approve the Resolution passed by the Mission Economic Development Corporation with respect to Nelson Gardens Energy, LLC Project. The use of the proceeds of the Bonds were to finance and refinance, pursuant to the terms and provisions of a loan agreement a portion of the costs of the acquisition, construction, reconstruction, improvement and equipment of a landfill gas-to-electricity project to be located on a tract of land currently leased to the user from the City of San Antonio, Texas, located at 8963 and 8967 Nelson Road, San Antonio, Texas, collectively known as the Nelson Gardens Landfill.

Lee McCormick, President of Community Development Associates, had facilitated the application by Nelson Gardens Energy, LLC Project for assistance under the MEDC Private Activity Bond Program.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Resolution No. 1346 of Mission Economic Development Corporation authorizing issuance of Taxable Power Purchase Agreement Revenue Bonds (Nelson Gardens Energy, LLC Project) Series 2013; Authorizing Loan of Bond Proceeds to Nelson Gardens Energy, LLC; Approving documents relating thereto; and Approving other matters in connection therewith. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**RESOLUTION NO. 1346**

AMENDED RESOLUTION APPROVING THE ISSUANCE OF MISSION ECONOMIC DEVELOPMENT CORPORATION TAXABLE POWER PURCHASE AGREEMENT REVENUE BONDS (NELSON GARDENS ENERGY, LLC PROJECT) SERIES 2013

**4.6 Budget Amendments: General Fund**

Randy Perez Asst. Finance Director presented the budget amendments BA-2013-33 thru BA-2013-34 to the City Council for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve budget amendments BA-2013-33 thru BA-2013-34 as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

**4.7 Authorization to surplus two (2) police vehicles**

The City of Mission Police Department was requesting authorization to surplus two police vehicles. The two vehicles in question were a 1999 Ford Expedition displaying Vin.# 1FMRU1760XLB57527 and a 2003 Ford Crown Victoria display Vin.# 2FAFP71W23X199565. These two police vehicles were patrol vehicles for a number of years and based on their high mileage and a review of repair costs, staff was respectfully requesting to surplus these two vehicles.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to surplus two (2) police vehicles. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

**4.8 Authorization to donate two (2) surplus police vehicles to the South Texas College Police Academy under the Division of Business and Technology**

The City of Mission received a request from the newly created South Texas College Police Academy and its Dean, Mr. Mario Reyna for two (2) non-utilized police units for their police academy use. The City of Mission Police Department was therefore requesting authorization to donate two (2) surplus police vehicles to the South Texas College Police Academy under the Division of Business and Technology. The two vehicles in question were a 1999 Ford Expedition displaying Vin.# 1FMRU1760XLB57527 and a 2003 Ford Crown Victoria display Vin.# 2FAFP71W23X199565. These two surplus policed vehicles would be used only for instructional use by the newly create South Texas College Police Academy. It was the opinion of the Mission Police Department that the donation of such vehicles was in the public interest of the City of Mission.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to donate two (2) surplus police vehicles to the South Texas College Police Academy under the Division of Business and Technology. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

**4.9 Approval of Resolution # 1347 declaring the adoption of the City of Angostura, Sinaloa, Mexico as a Sister City**

Approval to declare the adoption of the City of Angostura, Sinaloa, Mexico as a Sister City. Authorizing Mayor Salinas to act as the official representative of Mission to carry out this program.

Mayor Jose Manuel Valenzuela Lopez, and a delegation from Angostura would be The City of Mission's guests on April 15, 2013 at which time the declaration and adoption of Angostura, Sinaloa, Mexico as our sister city would be made official.

The Sister City Concept was inaugurated by the President of the United States in 1956 to establish greater friendship and understanding between the people of the United States and other nations through the medium of direct personal contact. That the Council on behalf of the people of Mission accepted the people of Ciudad Madero, Mexico to participate with Mission as its Sister City for the purpose of creating mutual understanding between the peoples of our two great cities and nations.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Resolution No. 1347 declaring the adoption of the City of Angostura, Sinaloa, Mexico as a Sister City. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**RESOLUTION NO. 1347**

THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS DECLARES THE ADOPTION OF CITY OF ANGOSTURA, SINALOA, MEXICO AS A SISTER CITY

**4.10 Approval of Resolution # 1348 declaring the adoption of the City of Monclova, Coahuila, Mexico as a Sister City**

Approval to declare the adoption of the City of Monclova, Coahuila, Mexico as a Sister City. Authorizing Mayor Salinas to act as the official representative of Mission to carry out this program.

Mayor Melchor Sanchez de la Fuente, and a delegation from Monclova would be The City of Mission's guests on April 15, 2013 at which time the declaration and adoption of Monclova, Coahuila, Mexico as our sister city would be made official.

The Sister City Concept was inaugurated by the President of the United States in 1956 to establish greater friendship and understanding between the people of the United States and other nations through the medium of direct personal contact. That the Council on behalf of the people of Mission accepted the people of Ciudad Madero, Mexico to participate with Mission as its Sister City for the purpose of creating mutual understanding between the peoples of our two great cities and nations.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Resolution No. 1348 declaring the adoption of the City of Monclova, Coahuila, Mexico as a Sister City. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**RESOLUTION NO. 1348**

THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS DECLARES THE ADOPTION OF CITY OF MONCLOVA, COAHUILA, MEXICO AS A SISTER CITY

**4.11 Board Appointments – Youth Advocacy Board (Boys & Girls Club) and Juvenile Justice Delinquency Prevention Board**

This appointment was for the Youth Advocacy Board (Boys & Girls Club) board appointment vacated by the resignation of Mr. Omar X DeLeon, and the appointment to the Juvenile Justice Delinquency Prevention Board vacated by Mr. Mike Canales.

Mayor Salinas was recommending the appointment of Ms. Veronica Vela for the Youth Advocacy Board (Boys & Girls Club) board appointment and Mr. Jorge Chapa for the Juvenile Justice Delinquency Prevention Board term to expire December 31, 2013.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Board Appointments of Ms. Veronica Vela for the Youth Advocacy Board (Boys & Girls Club) and Mr. Jorge Chapa for the Juvenile Justice Delinquency Prevention Board as recommended by Mayor Salinas. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

**4.12 Approval of Ordinance # 3926 of the City Council of the City of Mission, Texas amending Section 114-172-Rates, of its Code of Ordinances to increase the monthly Drainage fee rates and providing for an effective date (City Attorney may ask City Council to go into executive session on this item under the “Consultation With Attorney” exception before considering this matter in open session)**

City Attorney David Guerra asked that council go into executive session under consultation with attorney prior to considering this item in open session.

At 5:41 p.m., Mayor Salinas requested to continue with item 4.13 of the agenda and to consider item 4.12 at a later time of the agenda along with item 1.1A and the items under the executive session section of the agenda.

Staff was recommending increasing the City’s Drainage Assessment Fee by \$1.00 for all categories. This increase would generate revenues necessary to undertake and finance several drainage projects throughout the City over the next several years. This request if approved would become effective with Utility Billing cycles billed after June 1, 2013.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3926 of the City Council of the City of Mission, Texas amending Section 114-172-Rates, of its Code of Ordinances to increase the monthly Drainage fee rates and providing for an effective date. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**ORDINANCE NO. 3926**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AMENDING SECTION 114-172. – RATES, OF ITS CODE OF ORDINANCES, TO INCREASE THE MONTHLY DRAINAGE FEE RATES AND PROVIDING FOR AN EFFECTIVE DATE

**4.13 Approval of an Interlocal Agreement (1) One Year Extension between the City of Mission and Texas A&M University-Kingsville**

The City of Mission was currently a member of the Lower Rio Grande Valley Storm water Task Force via an Interlocal Agreement between the City of Mission and Texas A&M-Kingsville University (TAMUK). Section 2.02 of the existing agreement allowed for a one year extension upon written and mutual consent from the City of Mission and TAMUK. The extension of this agreement entailed continuous participation in the regional task force which aided the City with compliance of TCEQ and federal EPA laws and regulations.

Staff Recommendation: Approval of a (1) one year Agreement Extension.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve an Interlocal Agreement (1) One Year Extension between the City of Mission and Texas A&M University-Kingsville. Motion was seconded by Councilman O’cana and approved unanimously 5-0.

**4.14 Authorization to solicit bids for Drainage Improvements at Keralum Ave. and St. Marie Ave.**

Bid entailed drainage improvements at Keralum Ave. and St. Marie Ave., a 24" to 30" Diameter storm drainage main pipe would be installed from 15th Street to 2nd Street, capturing storm runoff from adjacent streets. Storm Drainage improvements project included extension of storm pipe laterals and storm inlet replacement at Tom Landry and Bus 83 areas between Francisco St. and Keralum Ave.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to solicit bids for Drainage Improvements at Keralum Ave. and St. Marie Ave. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

**4.15 Authorization to solicit bids for Drainage Improvements at Glasscock Rd.**

Bid entailed drainage improvements at Glasscock Rd., a 42" Diameter storm drainage pipe would be installed from Edinburg's Main Canal (24<sup>th</sup> St.) to the Mission Lateral Drain Ditch. Storm Drainage improvements project would alleviate flooding areas south of FM 495 to 22<sup>nd</sup> Street along Glasscock Rd.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to solicit bids for Drainage Improvements at Drainage Improvements at Glasscock Rd. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**4.16 Approval of Resolution # 1349 designating and authorizing the Mayor to execute all City of Mission water rights documents including, but not limited to, all applications to the Texas Commission on Environmental Quality on behalf of the City of Mission pursuant to Title 30 Texas Administrative Code (TAC) Section 294.14(5)**

In submitting water rights applications to the Texas Commission on Environmental Quality, the City was being asked to provide TCEQ with written evidence that the Mayor was authorized to sign such applications, hence this resolution evidencing such authorization.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Resolution No. 1349 designating and authorizing the Mayor to execute all City of Mission water rights documents including, but not limited to, all applications to the Texas Commission on Environmental Quality on behalf of the City of Mission pursuant to Title 30 Texas Administrative Code (TAC) Section 294.14(5). Motion was seconded by Councilman O'cana and approved unanimously 5-0.

**RESOLUTION NO. 1349**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS,  
DESIGNATING AND AUTHORIZING THE MAYOR TO EXECUTE ALL CITY OF MISSION  
WATER RIGHTS DOCUMENTS INCLUDING, BUT NOT LIMITED TO, ALL  
APPLICATIONS TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ON  
BEHALF OF THE CITY OF MISSION PURSUANT TO TITLE 30 TEXAS ADMINISTRATIVE  
CODE (TAC) SECTION 294.14(5)

**4.17 Approval of Supplemental Work Authorization #1 pertaining to Work Authorization #11  
with L&G Engineering for the Inspiration Rd. Extension Project**

Supplemental Work Authorization #1 would be modified as follows: The Right-of-Way Acquisition work was cancelled until the new revised Schematic and revised Environmental Document were presented to the public and approved by TxDOT and the FHWA. The scope of work for revising the Schematic, Environmental Document and Public Involvement would be added to the scope of revised work due to TxDOT request to add additional shared Bicycle Lane. The Right-of-Way Map (Parcels, Field Notes, etc.) had increased from an existing 38 parcels to 90 parcels, (52 Additional Parcels). The cost for Right –of-Way Acquisition for the originally estimated 38 Parcels consisting of Title Services, Appraisal Services, Appraisal Reviews, Appraisal Updates, Parcel Negotiations and Closing Fees would be reduced from \$298,300 to \$0.00. The Cost to revise the Schematic and Environmental Document with Public Involvement had been added and the cost would be \$76,000. The originally estimated 38 Parcels had increased to 90 Parcels; therefore, the cost for the Right-of-Way Map, Parcel Sketches and Field Notes had increased by \$197,600.00. The cost to identify and coordinate with the additional compensable utilities had increased by 24,700. At this time, there would be no additional fees, only reallocation of existing funding of Work Authorization #11 for Engineering Services needed as per Design Requests by TxDOT and Federal Highway Administration.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Supplemental Work Authorization #1 pertaining to Work Authorization #11 with L&G Engineering for the Inspiration Rd. Extension Project. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**5.0 Unfinished Business**

None

**6.0 Routine Matters**

**6.1 City Manager's Comments**

Interim City Manager Garza thanked the staff and the citizens for their help in the Trash Bash.

**6.2 Mayor's Comments**

Mayor Salinas also gave thanks for the help provided at the trash bash.

**Minutes, 04/08/13 Pg. 15**

At 5:51 p.m., Councilman O'cana moved to convene into executive session to consider items 1.1A, 4.12 and executive session items of the agenda. Motion was seconded by Councilman Plata and approved unanimously 5-0.

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

**7.1 Consultation with Attorney Sec. 551.071**

**Deliberation regarding real property Sec. 551.072**

**A. Claim by Nixon Family regarding property allegedly used for Kika de la Garza Loop and purchase of additional property**

**7.2 Consultation with Attorney Sec. 551.071**

**A. Consent to City Attorney's selection of an attorney for eminent domain proceedings if needed for the U.S. 83/Inspiration Road Overpass project.**

**B. Bannworth Pool Agreement with Sharyland ISD**

**C. Mission Redevelopment Authority Bond Issues on City Projects**

**7.3 Personnel Matters Sec. 551.074**

**A. Approval of Professional Services Contract for Mark Sossi, P.C.**

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

At 6:54 p.m., Councilman Plata moved to reconvene in open session to take action on items 1.1A, 4.12 and executive session items of the agenda. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

On item 7.1-A, Councilman Plata moved to authorize the City Manager to settle the claim with the Nixon family by purchasing 2.57 acres more or less being all of Lot 241 and all of Lots 3, 4, 5, and 6 Block 242 including abandoned Perkins Ave. between said blocks Original Townsite of Mission, Hidalgo County Texas, and a portion of abandoned canal ROW adjacent to the west of said blocks for \$165,000.00 on terms being to be in the best interest to the City by the City Manger subject to obtaining an unconditional release. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

On item 7.2-A, Councilman Plata moved to consent to City Attorney's selection of Bob Galligan, of Jones, Galligan, Key and Lozano to represent the City in any eminent domain proceedings if needed for the U.S. 83/Inspiration Rd. overpass project. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

On item 7.2-B, Mayor Salinas announced that the City was not going to go along with the agreement with Sharyland ISD.

On item 7.2-C, no action was taken.

On item 7.3-A, Mayor Pro Tem Garza moved to authorize the City Manager to extend the Professional Services Contract for Mark Sossi, P.C. for one additional year. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**8.0 Adjournment**

At 7:00 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary