

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
MAY 13, 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:**

Kathy Olivarez, Progress Times  
Jim Brunson, Progress Times  
Julio Cerda  
Alex Meade  
Fred Kurth  
Sandra Vechio  
Matt Ruszczak  
Richard Perez  
Jim Barnes  
Rose Ramirez  
Miguel Brito  
Erika Gonzalez

**STAFF PRESENT:**

Nelia Hernandez, Asst. City Secretary  
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  
Luduvico Martinez, B & G Club Director  
Noemi Munguia, HR Director  
Robert Hinojosa, Risk Manager  
Jesse Lerma, Civil Service Director  
Roland Rodriguez, I. T. Director  
Luis Contreras, Museum Director  
Mayra Rocha, Library Director  
Elizabeth Hernandez, Executive Secretary  
Jonathan Wehrmeister, Judge

**1. Call to order**

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:33 p.m.

**2. Pledge Allegiance and Invocation**

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

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At 4:36 p.m., Councilwoman Maria Elena Ramirez joined the meeting.

### **3. Proclamation – Elder Abuse Prevention Month**

City Secretary Anna Carrillo read the proclamation for Elder Abuse Prevention Month.

Ms. Rose Ramirez representative of the Adult Protective Services and Silver Ribbon Community Partners accepted the proclamation and thanked the Council for all of their support.

Councilman Dr. Armando O’cana moved to approve the Proclamation – Elder Abuse Prevention Month. Motion was seconded by Councilman Ruben Plata and approved unanimously 4-0.

### **4. Departmental Reports**

Councilwoman Ramirez moved to approve the departmental reports as presented. Motion was seconded by Councilman Plata and approved unanimously 4-0.

### **5. Report from the Greater Mission Chamber of Commerce**

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on upcoming and past events which included Ribbon Cutting Ceremonies, April’s Monthly Mixer, an Employee Discipline Separation Seminar and The Power of Business Planning Seminar among others.

At 4:40 p.m., Mayor Pro Tem Norie Gonzalez Garza joined the meeting.

### **6. 100<sup>th</sup> Birthday Presentation – Ninfa Treviño Peña**

Interim City Manager Garza read a brief biography of Mrs. Trevino that was prepared by her family.

Mrs. Trevino was presented with a special gift from the Mayor and Council.

### **7. Citizens Participation**

None

#### **1.0 Public Hearing**

##### **1.1 Planning & Zoning Recommendations**

###### **A. Rezoning: Lot 1, Nido De Aguila Subd., from R-1 to P, Luz Para Las Naciones Church**

###### **Adoption of Ordinance # 3936 approving 1.1A**

On April 24, 2013 the Planning and Zoning Commission convened in order to consider the rezoning request mentioned above, which was located along the SW corner of Expressway 83 and South Olmo St. There was no public opposition during P&Z 4/24/13 Mtg. The Board unanimously recommended approval as per staff’s recommendations.

Staff and 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 the rezoning and to adopt Ordinance No. 3936 Rezoning: Lot 1, Nido De Aguila Subd., from R-1 to P as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**ORDINANCE NO. 3936**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A REZONING LOT 1, NIDO DE AGUILA SUBDIVISION,  
FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO P (PUBLIC ZONE)

**B. Rezoning: Lot 4, Cauthen Subd., from C-1 to C-2, Jose A. Vela  
Adoption of Ordinance # 3937 approving 1.1B**

On April 24, 2013 the Planning and Zoning Commission convened in order to consider the rezoning request mentioned above, which was located approximately 200' west of Bryan Road along the north side of Pamela Dr. There was no public opposition during P&Z 4/24/13 Mtg. The Board unanimously recommended approval as per staff's recommendations.

Staff and City Manager recommended approval.

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

Mr. Julio Cerda of 1602 Soar Dr. who was representing Mr. Jose A. Vela was present to answer any questions or concerns the council might have in regards to this request.

Councilwoman Ramirez moved to approve the rezoning and to adopt Ordinance No. 3937 Rezoning: Lot 4, Cauthen Subd., from C-1 to C-2 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3937**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A REZONING LOT 4, CAUTHEN SUBDIVISION, FROM C-1 (OFFICE  
BUILDING) TO C-2 (NEIGHBORHOOD COMMERCIAL)

**C. Conditional Use Permit: To keep a 5.5' x 10.6' Portable Building for the sale of  
snacks, 407 La Lomita St., S. 120' – W. 130' S. ½ of Block 8, Citriana Heights  
Subd., C-3, Erika Gonzalez  
Adoption of Ordinance # 3938 approving 1.1C**

On April 24, 2013 the Planning and Zoning Commission convened in order to consider the conditional use permit request mentioned above, which was located on the NE corner of Lomita Avenue and Delmar Drive. There was no public opposition during P&Z 4/24/13 Mtg. The Board unanimously recommended approval as per staff's recommendations.

Staff and 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 the CUP and to adopt Ordinance No. 3938 Conditional Use Permit: To keep a 5.5' x 10.6' Portable Building for the sale of snacks, 407 La Lomita St., S. 120' – W. 130' S. ½ of Block 8, Citriana Heights Subd., C-3 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**ORDINANCE NO. 3938**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A CONDITIONAL USE PERMIT TO KEEP A 5.5' X 10.6' PORTABLE  
BUILDING FOR THE SALE OF SNACKS, 407 LA LOMITA ST., BEING S. 120' – W. 130' S. ½  
OF BLOCK 8, CITRIANA HEIGHTS SUBDIVISION

**D. Conditional Use Permit: Home Occupation-“Business Office”, 1807 Lauren Ln., Lot 10, Shary Palms Subd. Unit V, R-1, Nicolo Bernaldez  
Adoption of Ordinance # \_\_\_\_\_ approving 1.1D**

On April 24, 2013 the Planning and Zoning Commission convened in order to consider the conditional use permit request mentioned above, which was located near the NW corner of Lauren and Kerria Ave. There was no public opposition during P&Z 4/24/13 Mtg. The Board unanimously recommended approval as per staff's recommendations.

Staff and City Manager recommended approval.

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

There were no comments.

Mayor Salinas expressed his disapproval of having businesses in residential areas. He advised the council that a stop needed to be placed on the issuance of these permits or soon there wouldn't be any businesses in the downtown area and everyone would be running a business from their home. He also recommended council to look over this ordinance and amend it.

After much deliberation from the Council, Councilman Plata moved to deny the CUP and the adoption of the Ordinance for Conditional Use Permit: Home Occupation-“Business Office”, 1807 Lauren Ln., Lot 10, Shary Palms Subd. Unit V, R-1. Motion was seconded by Councilwoman Ramirez and denied unanimously 5-0.

**E. Final Plat Approval: Re-Plat of Lone Star Bank Subd., Ph. II, Lots 1A & 1B, being a Re-plat of Lot 1, Lone Star Bank Subd., Ph. II, C-3, Developer: J.A. Investments  
Engineer: Melden & Hunt, Inc.**

On April 22, 2013 the City Council convened in order to consider the Preliminary Plat Approval for the Re-Plat of Lone Star Bank Subdivision, Ph. II. The property was located on the NE area of Glasscock Road and Griffin Parkway. State Code required all re-plats to have a public hearing. There was no public opposition during City Council 4/22/13 Mtg. The Board unanimously recommended approval as per staff's recommendations.

Staff and City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the Final Plat Approval: Re-Plat of Lone Star Bank Subd., Ph. II, Lots 1A & 1B, being a Re-plat of Lot 1, Lone Star Bank Subd., Ph. II, C-3, Developer: J.A. Investments Engineer: Melden & Hunt, Inc. as recommended Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

At 5:01 p.m., Mayor Salinas requested to go onto item 4.23 of the agenda.

### **2.0 Disposition of Minutes**

#### **2.1 City Council Meeting – April 22, 2013**

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

### **3.0 Acknowledge Receipt of Minutes**

#### **3.1 Speer Memorial Library Board – February 19, 2013 and March 19, 2013**

**Mission Economic Development Authority, Inc. – March 19, 2013**

**Mission Economic Development Corporation – March 19, 2013**

**Zoning Board of Adjustments – March 20, 2013 and March 27, 2013**

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

**Mission TIRZ – March 26, 2013**

**Juvenile Justice and Delinquency Prevention Advisory Board – April 3, 2013**

**Planning & Zoning Commission – April 10, 2013**

**Citizens Advisory Committee – March 5, 2013, March 19, 2013 March 26, 2013  
and April 9, 2013**

Mayor Pro Tem Garza moved to acknowledge the receipt of minutes for Speer Memorial Library Board – February 19, 2013 and March 19, 2013, Mission Economic Development Authority, Inc. – March 19, 2013, Mission Economic Development Corporation – March 19, 2013, Zoning Board of Adjustments – March 20, 2013 and March 27, 2013, Mission Redevelopment Authority – March 26, 2013 and Mission TIRZ – March 26, 2013. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

Mayor Pro Tem Garza moved to acknowledge the receipt of minutes for Juvenile Justice and Delinquency Prevention Advisory Board – April 3, 2013, Planning & Zoning Commission – April 10, 2013, Citizens Advisory Committee – March 5, 2013, March 19, 2013 March 26, 2013 and April 9, 2013. Motion was seconded by Councilman Plata and approved unanimously 5-0.

### **4.0 Approvals and Authorizations**

#### **4.1 Approval of Ordinance # 3939 amending and restating Chapter 38 - Floods of the Code of Ordinances of the City of Mission, Texas**

The City of Mission was advised by the Texas Water Development Board (TWDB) of the need to update our existing ordinance with a model ordinance. The purpose of the ordinance was to comply with Federal Emergency Management Agency (FEMA) and TWBD requirements pertaining to flood prevention regulations.

Staff Recommendation: Approval of Ordinance Amending and Restating Chapter 38- Floods of the Code of Ordinances of the City of Mission, Texas.

City Manager recommended approval.

Councilman O'cana moved to approve Ordinance No. 3939 amending and restating Chapter 38 - Floods of the Code of Ordinances of the City of Mission, Texas as recommended. Motion was seconded by Mayor Pro Tem Garza and approved 3-0 with Councilwoman Ramirez and Councilman Plata not expressing their vote.

**ORDINANCE NO. 3939**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS,  
AMENDING AND RESTATING CHAPTER 38 – FLOODS OF THE CODE OF ORDINANCES  
OF THE CITY OF MISSION, TEXAS

**4.2 Request by Brito Construction to have City Council authorize Interim City Manager to Issue Building Permits for Model Homes on Lots 66, 74, 75, 85, 92, & 93 of Orchards at Shary Rd., Ph. II Subdivision (Un-Recorded)**

Brito Construction desired to file building permits to build 6 new model homes with an average value of \$247,500 (\$1,485,000.00 total value) at the un-recorded Orchards At Shary Rd. Subdivision, Ph. II.

The final plat of Orchards At Shary Rd., Ph. II was approved by the City Council on April 24<sup>th</sup> 2013. With the recording of the subdivision being a few weeks away, Brito Const. was attempting to take advantage of the apex of the residential marketing season by beginning construction prior to the recording of the plat.

The City Council had approved a similar request for 6 model homes back on March 8<sup>th</sup> 2010 for Hunt Valley Development. The City of Mission would like to continue to work well with our residential contractors and staff foresees the same positive results as with Hunt Valley Development proposal. Staff noted that the plat would need to be recorded prior to the occupancy of any of the homes.

Staff Recommendation: No objection; Subject to no occupancy prior to plat being recorded.

City Manager recommended approval.

Councilwoman Ramirez moved to approve request by Brito Construction to have City Council authorize Interim City Manager to Issue Building Permits for Model Homes on Lots 66, 74, 75, 85, 92, & 93 of Orchards at Shary Rd., Ph. II Subdivision (Un-Recorded) as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0

**4.3 Sign Code Variance request by El Divino Redentor Church to have a - 22' Tall Sign with a Changeable Copy (LED) Sign in an R-1 Zone, at 1020 N. Los Ebanos Road, being a 2.86 acre lot of El Divino Redentor Subdivision**

SITE: El Divino Redentor Church was located approx. ¼ mile north of Business 83 along the east side of Los Ebanos. On April 28, 2013, planning staff received a permit request to install a new 22' tall ground pole sign with an attached Changeable Copy Sign (LED) in an R-1 Zone. Staff denied

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the permit since the maximum height allowed was 15' and changeable copy signs were not permissible in an R-1 zone. El Divino Redentor Church was requesting a variance to the sign code to allow the 22' height instead of the 15' and to allow a Changeable Copy Sign. Ord. #3798 (7/23/12) allowed the City Council to hear sign variance requests such as this.

Section 86-152 (a) of the Sign Code r as follows:

Ground Pole Sign:

(3)

Maximum height: 15 ft.

According to the City's sign code, Changeable Copy Signs were only permitted in commercially zoned areas. If this type of sign was approved, staff recommended that they comply with Ord. 3708 which regulates the brightness, colors, and timing used on such signs.

Staff Recommendation: Staff was seeking direction.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Sign Code Variance request by El Divino Redentor Church to have a - 22' Tall Sign with a Changeable Copy (LED) Sign in an R-1 Zone, at 1020 N. Los Ebanos Road, being a 2.86 acre lot of El Divino Redentor Subdivision. Motion was seconded by Councilwoman Ramirez and approved 4-0, with Councilman Plata abstaining from voting since he was a member of the church.

#### **4.4 Sign Code Variance Request by McDonald's to have a 95' High Sign Instead of the Maximum Allowed 80' Height at 804 S. Shary Rd., being Lot 4, Cimarron Crossings, Ph. II Subdivision (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)**

SITE: McDonald's was located 265' south of Expressway 83 along the west side of Shary Rd. On April 20, 2013, planning staff received a permit request to replace the foundation and steel on an existing 95' tall sign along the Expressway frontage. This sign was installed in 2001, prior to the adoption of the City's sign code in 2002. The City's sign code had a max height of 80' along the Expressway frontage area.

Section 86-76(b) of the City's Sign Code states: Replacement or repair. When any sign or a substantial part of any sign was blown down or otherwise destroyed or taken down or removed for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign, it may not be re-erected, reconstructed, or rebuilt except in full conformance with the provisions and requirements of this chapter.

Due to this portion of the code, staff informed the sign contractor that the sign would now have to meet the code maximum height of 80'. McDonald's was requesting a variance to the sign code to allow the reconstruction/replacement of the 95' tall sign.

Staff Recommendation: Approval of sign code variance request.

City Manager recommended approval.

Councilman Plata moved to approve Sign Code Variance Request by McDonald's to have a 95' High Sign Instead of the Maximum Allowed 80' Height at 804 S. Shary Rd., being Lot 4, Cimarron Crossings, Ph. II Subdivision. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

**4.5 Approval of Memorandum of Understanding with Mission Consolidated Independent School District in regards to the use of the Shary Municipal Golf Course**

The City of Mission and Mission CISD had developed a memorandum of understanding where the parties agree to the following:

- CITY agrees to:
  - Provide playing range privileges and playing privileges to said High School for the 2013-2014 School year (September 3, 2013 to May 31<sup>st</sup>, 2014 on days that the Shary Municipal Golf Course was regularly open.
  - Provide driving range privileges to and playing privileges to each of the said Junior High Schools for the period of March 18<sup>th</sup>, 2014 to May 31<sup>st</sup>, 2014, on days that the Shary Municipal Golf Course was regularly open.
- Mission CISD agrees to:
  - Pay the City of Mission the sum of \$13,000.00 within 30 days after signing this MOU.

Staff Recommendation: Approval of Memorandum of Understanding.

City Manager recommended approval.

Councilman Plata moved to approve Memorandum of Understanding with Mission Consolidated Independent School District in regards to the use of the Shary Municipal Golf Course. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.6 Approval of Memorandum of Understanding with Sharyland School District in regards to the use of the Shary Municipal Golf Course**

The City of Mission and Sharyland ISD had developed a memorandum of understanding where the parties agree to the following:

- CITY agrees to:
  - Provide playing range privileges and playing privileges to said High School for the 2013-2014 School year (September 3, 2013 to May 31<sup>st</sup>, 2014 on days that the Shary Municipal Golf Course was regularly open.
  - Provide driving range privileges to and playing privileges to each of the said Junior High Schools for the period of March 18<sup>th</sup>, 2014 to May 31<sup>st</sup>, 2014, on days that the Shary Municipal Golf Course was regularly open.
- Sharyland ISD agrees to:
  - Pay the City of Mission the sum of \$150.00 for playing privileges and \$130.00 for Driving Range privileges per high school player and \$55.00 for playing and Driving Range privileges per Junior High School player within 30 days after signing this MOU

Staff Recommendation: Approval of Memorandum of Understanding.



City Manager recommended approval.

Councilman Plata moved to approve Memorandum of Understanding with Sharyland School District in regards to the use of the Shary Municipal Golf Course. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

#### **4.7 Approval of Golf Club Storage Agreement with Mission Consolidated Independent School District and the Shary Municipal Golf Course**

The City of Mission and Mission CISD had developed an agreement where the parties agree to the following:

- CITY agrees to:
  - Provide an area designated under the Shary Municipal Golf Course Clubhouse for the storage of Golf Clubs and Bags which could be secured.
  - Golf Course Employees would not have access to unlock storage area.
  - Cage would be open from 7:00 a.m. to closing of the clubhouse.
  
- Mission CISD agrees to:
  - Only school coaches would have key to access cage area.
  - Ensure no student was allowed in area without a coach present.
  - Informing students and parents that only the coach had a key and golf course employees did not have access to area.
  - School would indemnify and hold golf course harmless, to the extent permitted by law, from injury and/or damage (any resulting or related claim, action, loss, liability, or reasonable expense, including attorney's fees and other fees and court and other costs) occurring as a result of such storage. Nothing in this agreement would be construed to waive, modify, or amend and legal defense available to MCISD, including but not limited to governmental immunity.
  
- The Agreement would be effective September 3, 2013 thru May 31, 2014.

Staff Recommendation: Approval of Golf Club Storage Agreement.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Golf Club Storage Agreement with Mission Consolidated Independent School District and the Shary Municipal Golf Course. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **4.8 Approval of Golf Club Storage Agreement with Sharyland School District and Shary Municipal Golf Course**

The City of Mission and Sharyland ISD had developed an agreement where the parties agree to the following:

- CITY agrees to:
  - Provide an area designated under the Shary Municipal Golf Course Clubhouse for the storage of Golf Clubs and Bags which could be secured.
  - Golf Course Employees would not have access to unlock storage area.

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- Cage would be open from 7:00 a.m. to closing of the clubhouse.
- Sharyland ISD agrees to:
  - Only school coaches would have key to access cage area.
  - Ensure no student was allowed in area without a coach present.
  - Informing students and parents that only the coach had a key and golf course employees did not have access to area.
  - School will indemnify and hold golf course harmless, to the extent permitted by law, from injury and/or damage (any resulting or related claim, action, loss, liability, or reasonable expense, including attorney's fees and other fees and court and other costs) occurring as a result of such storage. Nothing in this agreement will be construed to waive, modify, or amend and legal defense available to MCISD, including but not limited to governmental immunity.
- The Agreement will be effective September 3, 2013 thru May 31, 2014.

Staff Recommendation: Approval of Golf Club Storage Agreement.

City Manager recommended approval.

Councilwoman Ramirez moved to approve Golf Club Storage Agreement with Sharyland School District and Shary Municipal Golf Course. Motion was seconded by Councilman Plata and approved unanimously 5-0.

### **4.9 Re-schedule 2<sup>nd</sup> Regular City Council Meeting in May from Monday, May 27 to Tuesday, May 28, 2013**

City Manager was requesting that the 2<sup>nd</sup> meeting in May be re-scheduled from May 27<sup>th</sup> to May 28<sup>th</sup> due to due to City Hall being closed on Monday, May 27<sup>th</sup> for Memorial Day Holiday

Staff Recommendation: Approval to re-schedule 2<sup>nd</sup> Regular City Council Meeting to May 28<sup>th</sup>.

City Manager recommended approval.

Councilman Plata moved to approve to Re-schedule 2<sup>nd</sup> Regular City Council Meeting in May from Monday, May 27 to Tuesday, May 28, 2013. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

### **4.10 Approval of Ordinance # 3940 granting a wet designation for 3000 W. Mile 3 Road, Dollar General # 11097**

Dollar General was requesting the above mentioned property be wet zoned for Wine and Beer Off-Premise Permit, this was the area that was recently annexed into the City of Mission.

Staff and City Manager recommended Ordinance approval.

Mayor Pro Tem Garza moved to approve Ordinance No. 3940 granting a wet designation for 3000 W. Mile 3 Road, Dollar General # 11097. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3940**

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 3000 W MILE 3 ROAD

**4.11 Award Bid for “Repair of Manholes” for the Public Works Department**

City Council authorized staff to solicit bids for Repair of Manholes. The City of Mission had accepted and opened two (2) bid responses for the repair of ten manholes. Staff was recommending awarding to Southern Trenchless Solutions, LLC whose bid was \$149,000 for all ten manholes and was the lowest responsible bidder meeting all specifications.

Staff Recommendation: Award bid to Southern Trenchless Solutions, LLC in the amount of \$149,000.

City Manager recommended approval.

Councilman Plata moved to approve to award bid for “Repair of Manholes” for the Public Works Department as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.12 Approval to purchase Moyno Sludge Pump for Waste Water Treatment Plant from a sole source vendor**

Staff was recommending the purchase of Moyno 2000 Pump Model: 1F065G1 CDQ-X3DRX from Moyno Inc. a sole source vendor. Pursuant to Texas Local Government Code Section 252.022 General Exemptions (7) a procurement of items that were available from only one source, including: (A) items that were available from only one source because of patents, copyrights, secret processes, or natural monopolies and (D) captive replacement parts or components for equipment;

This pump would be used by the Waste Water Treatment Plant Department to replace an existing pump at the facility.

Staff Recommendation: Authorization to purchase pump from Moyno Inc.

City Manager recommended approval.

Councilman Plata moved to approve to purchase Moyno Sludge Pump for Waste Water Treatment Plant from a sole source vendor as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.13 Approval of Agreement between Agua Special Utility District and the City of Mission**

The City of Mission would be installing sewer facilities east of Moorefield Rd. at proximities of FM 495 and desired to provide retail sewer service to property located inside Agua SUD's Sewer CCN. Agua SUD agreed that Mission may provide retail sewer service, until such time as Agua SUD transitions customer to Agua SUD sewer service.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve agreement between Agua Special Utility District and the City of Mission as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.14 Authorization to solicit bids for the construction of a Sanitary Sewer Main Line for the Public Works Dept.**

Staff was seeking authorization to solicit bids for the Construction of a 15 inch Sanitary Sewer Main line at the proximities of Moorefield Rd. and FM 495. Project would increase Sanitary Sewer Service Area inside our Sanitary Sewer CCN line along Moorefield Rd. Estimate construction cost was \$400,000.00.

Staff Recommendation: Authorization to Solicit for Bids.

City Manager recommended approval.

Councilman O'cana moved to authorize to solicit bids for the construction of a Sanitary Sewer Main Line for the Public Works Dept. as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.15 Authorization to submit a grant application for the 2013-2014 Crime Stoppers Assistance Grant Fund to the Criminal Justice Division of the Governor's Office**

The Mission Police Department was requesting authorization to submit a grant application for the 2013-2014 Crime Stoppers Assistance Grant Fund to the Criminal Justice Division of the Governor's Office. The Crime Stoppers Assistance Grant Fund was designed to provide grant monies to enhance and assist the community's efforts in solving serious crime. The Mission Police Department intent was to purchase software in an effort to record and maintain a listing of all Crime Stoppers Tips and their dispositions. To include, the software application would allow Mission residents to submit Crime Stoppers Tips online. The total amount requested for this grant was \$9,502.60. There was no cash match required for this particular grant program. Staff was seeking a favorable recommendation.

Staff Recommendation: Authorization to submit application for the 2013-2014 Crime Stoppers Assistance Grant Fund from The Criminal Justice Division of the Governor's Office.

City Manager recommended approval.

Councilman O'cana moved to authorize to submit a grant application for the 2013-2014 Crime Stoppers Assistance Grant Fund to the Criminal Justice Division of the Governor's Office as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**4.16 Authorization to submit the 2013 Tobacco Compliance Grant Application to the Texas School Safety Center at Texas State University – San Marcos (TxSSC) on behalf of the Department of State Health Services – Mental Health Substance Abuse Division (DSHS)**

The Mission Police Department was requesting authorization to submit the 2013 Tobacco Compliance Grant Application to the Texas School Safety Center at Texas State University – San Marcos (TxSSC) on behalf of the Department of State Health Services – Mental Health Substance Abuse Division (DSHS). The grant would be utilized to enforce compliance with State Tobacco laws by conducting Controlled Buy/Stings and Follow-Up Controlled Buy/Stings of tobacco permitted retail outlets in the City of Mission. There was no local match required for this grant by the City of Mission.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to submit the 2013 Tobacco Compliance Grant Application to the Texas School Safety Center at Texas State University – San Marcos (TxSSC) on behalf of the Department of State Health Services – Mental Health Substance Abuse Division (DSHS). Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.17 Approval of Resolution # 1352 supporting the submission of a grant application to the Office of the Attorney General’s Crime Victim Services Division for the 2013-2015 VCLG Grant**

The Mission Police Department was requesting the approval of a resolution in support of the submission of a grant application to the Office of the Attorney General’s Crime Victim Services Division for the 2013-2015 VCLG Grant. The grant was a two year grant for FY 2013-2014 and FY 2014-FY 2015. The total amount of the grant request was \$84,000.00. There was no cash match required by the City of Mission. The grant would allow the Mission Police Department to continue the services provided by our Crime Victim Liaison program. Staff was requesting a favorable recommendation for the purpose of continuing their Crime Victim Liaison program.

Staff Recommendation: Approval of a resolution supporting the submission of a grant application to the Office of the Attorney General’s Crime Victim Services Division for the 2013-2015 VCLG Grant.

City Manager recommended approval.

Councilwoman Ramirez moved to approve Resolution No. 1352. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**RESOLUTION NO. 1352**

SUPPORTING THE SUBMISSION OF A GRANT APPLICATION TO THE  
OFFICE OF THE ATTORNEY GENERAL’S CRIME VICTIM SERVICES  
DIVISION FOR THE 2013-2015 VCLG GRANT

**4.18 Authorization to accept the 2013 Click It or Ticket Grant from the Texas Department of Transportation**

The Mission Police Department was requesting authorization to accept the 2013 Click It or Ticket Grant from the Texas Department of Transportation. The 2013 Click It or Ticket Grant was

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designed to provide grant monies to increase seat belt enforcement for both adults and young children throughout our community. The grant amount of \$5,000.00 would be utilized for enforcement purposes. There was no cash match required for this particular grant program. Staff was seeking a favorable recommendation.

Staff Recommendation: Approval to accept the 2013 Click It or Ticket Grant from the Texas Department of Transportation.

City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to accept the 2013 Click It or Ticket Grant from the Texas Department of Transportation. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

### **4.19 Authorization to issue Permit to Ambulance Provider Applicants**

On May 03, 2013 the City of Mission Ambulance Board met to review (4) Ambulance Company permit applicants to conduct business in the City of Mission, Sky Line EMS, Med-Life EMS and HealthCare EMS were approved by the Ambulance Board as they had met all the required specifications for permit issuance as per city ordinance. Lifeline EMS was tabled as they had not met the inspection requirements.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to issue Permit to Ambulance Provider Applicants. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

### **4.20 Authorization for the Mission Fire Department to submit a Grant for the 2013 State Homeland Security Grant Program**

The Mission Fire Department was seeking authorization to submit a Grant for the 2013 State Homeland Security Grant Program for the amount of \$22,000.00 for Dive Equipment Sustainability and \$62,339.00 for Portable Radios. This would allow the Fire Department to upgrade the Dive Team's Equipment and have six (6) Dual-Band Portable Radios for the Fire Department. There were no matching funds required.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize for the Mission Fire Department to submit a Grant for the 2013 State Homeland Security Grant Program. Motion was seconded by Councilman Plata and approved unanimously 5-0.

### **4.21 Authorization to declare vehicles as surplus and sell same by GovDeals online auction via BUYBOARD Contract**

Staff was seeking approval to declare vehicles as surplus. Items had been acquired by the City over the years through purchase, contribution, donation assignment and confiscation. All items had been determined by Department Directors and their staff to be of no use to the City. Surplus items were to be sold by way of GovDeals online auction via BUYBOARD Contract #383-11.

Staff Recommendation: Approval to declare list of items as surplus

City Manager recommended approval.

Councilman Plata moved to authorize to declare vehicles as surplus and sell same by GovDeals online auction via BUYBOARD Contract as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.22 Budget Amendments: General Fund, Utility Fund, Drainage Assessment Fund and Designated Purpose Fund**

Randy Perez Asst. Finance Director presented the budget amendments BA-2013-36 thru BA-2013-44 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve budget amendments BA-2013-36 thru BA-2013-44 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.23 Approval of Resolution # 1351 of the City of Mission, Texas authorizing review of Texas Gas Service Company's ("TGS") Cost of Service Adjustment ("COSA") tariff; approving of a joint review of TGS application along with other cities served by TGS; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; requiring TGS to reimburse all reasonable costs associated with cities' efforts in this ratemaking effort; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and legal counsel**

Texas Gas Service Company filed with the City of Mission a Cost of Service Adjustment ("COSA") Tariff seeking to increase natural gas rates to all customers residing in the City it was in the public interest for the City to participate with other Valley Cities Served by TGS in the COSA filing in order to protect the interests of the City as well as the interests of TGS customers residing and conducting business within the City.

LRGVDC Board of Directors supports the efforts of the Valley Cities Gas Coalition (VCGC) and took action partnering with the City of Weslaco to coordinate the VCGC efforts for the COSA filing and was recommending to its member governments to adopt a resolution authorizing the City to participate with other Valley Cities in TGS' COSA filing to protect the interests of the City and protect the interests of TGS customers residing and conducting business within municipal limits. All legal expenses incurred would be reimbursed by TGS.

Staff and City Manager recommended approval of Resolution.

Mr. Kenneth N. Jones, Jr., Executive Director of LRGVDC presented this item.

Mayor Pro Tem Garza moved to approve Resolution No. 1351. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**RESOLUTION NO. 1351**

RESOLUTION OF THE CITY OF MISSION TEXAS AUTHORIZING REVIEW OF TEXAS GAS SERVICE COMPANY'S ("TGS") COST OF SERVICE ADJUSTMENT ("COSA") TARIFF; APPROVING OF A JOINT REVIEW OF TGS' APPLICATION ALONG WITH OTHER CITIES SERVED BY TGS; HIRING LEGAL AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING TGS TO REIMBURSE ALL REASONABLE COSTS ASSOCIATED WITH CITIES' EFFORTS IN THIS RATE MAKING EFFORT; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

At 5:03 p.m., Mayor Salinas requested to continue with item 2.1 of the agenda.

**4.24 Authorization to Publish Notice of Public Hearing notice – A public hearing to consider the following project or projects during the proposed fiscal year 2012-2013: (1) Texas Enterprise Zone Project Designation for Royal Technologies Corporation, located at 1100 East Trinity Rd., Mission, Texas 78572 and schedule a public hearing for May 28, 2013**

Authorization was being requested to publish Notice of Public Hearing which would be held on May 28, 2013 for FY 2012-13.

The notice was to authorize a Public Hearing to consider the following project or projects during the proposed FY 2012-13: (1) Texas Enterprise Zone Project Designation for Royal Technologies Corporation, located at 1100 East Trinity Rd., Mission, Texas 78572 and schedule a public hearing for May 28, 2013 related to said authorization consideration.

The notices would be published in the Progress Times on May 17, 2013 upon approval by City Council.

Staff Recommendation: Authorization to publish Notice of Public Hearing notice.

City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to Publish Notice of Public Hearing notice – A public hearing to consider the following project or projects during the proposed fiscal year 2012-2013: (1) Texas Enterprise Zone Project Designation for Royal Technologies Corporation, located at 1100 East Trinity Rd., Mission, Texas 78572 and schedule a public hearing for May 28, 2013. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

**4.25 Authorization to solicit bids for the construction of a 40 x 60 open air pavilion at Madero Park**

Staff was seeking authorization to solicit bids for the construction of a 40 X 60 open air pavilion with a kitchen section at Madero Park.

Staff Recommendation: Approval to solicit for bids.

City Manager recommended approval.



Mayor Pro Tem Garza moved to authorize to solicit bids for the construction of a 40 x 60 open air pavilion at Madero Park. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.26 Award bid for City of Mission Catholic War Veterans Park Service Center Building Improvements & Renovations**

City Council authorized staff to re-solicit bids for improvements and renovations at the City of Mission CWV Service Center Building. The City of Mission had accepted and opened six (6) bid responses. Staff recommended awarding base bid, alternate #1 and 2 for a total amount of \$399,000 to Del Sol Homes LLC who was the lowest responsible bidder meeting all the Terms & Conditions and Specifications.

Staff Recommendation: Award bid to Del Sol Homes LLC.

City Manager recommended approval.

Councilman Plata moved to approve to award bid for City of Mission Catholic War Veterans Park Service Center Building Improvements & Renovations. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.27 Authorization to solicit bids for “Housing Assistance Program – Phase 12-IA”**

CAC met on January 15, 2013 and approved staff’s recommendation to provide assistance for the reconstruction of three (3) homes through the CDBG program as follows:

Reconstruction:

419 N Nicholson Ave. – 3 bedrooms

801 Laredo St. – 2 bedrooms

1007 Sonora St. – 2 bedrooms (Subject to final approval by City Attorney)

Staff Recommendation: Solicit bids for “Housing Assistance Program - Phase 12-IA”.

City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for “Housing Assistance Program – Phase 12-IA”. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**5.0 Unfinished Business**

None

**6.0 Routine Matters**

**6.1 City Manager’s Comments**

Interim City Manager Garza introduced Mr. Luduvico Martinez, Boys and Girls Club Director.

**6.2 Mayor’s Comments**

None

**7.0 Adjournment**

At 5:39 p.m., Councilman Plata moved for adjournment. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary