

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
MAY 28, 2013 4:30 P.M.  
MISSION CITY HALL**

**PRESENT:**

Norberto Salinas, Mayor  
Maria Elena Ramirez, Councilwoman  
Ruben D. Plata, Councilman  
Dr. Armando O'cana, Councilman  
David Guerra, City Attorney  
Anna Carrillo, City Secretary  
Martin Garza, Jr., Interim City Manager

**ABSENT:**

Norie Gonzalez Garza, Mayor Pro Tem

**ALSO PRESENT:**

Kathy Olivarez, Progress Times  
Jim Brunson, Progress Times  
Fred Kurth  
Matt Ruszczak  
Alex Meade  
Richard Perez  
Hilda Martinez  
Aldo M. Saenz  
Eduardo Salinas  
Leo Rodriguez  
Carlos Garcia  
Jorge Diaz-Gonzalez  
Luis Tadeo Ramos  
Juan G. Delgado  
Beth & Jim Barnes  
Javier Iruegas  
Brenda Cortez

**STAFF PRESENT:**

Carmen Morales, Administrative Asst.  
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  
Rick Saldana, Fire Chief  
Gilbert Sanchez, Fire Marshal  
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 4:37 p.m.

**2. Pledge Allegiance and Invocation**

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

### 3. Departmental Reports

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

### 4. Report on Conway Avenue Streetscape Project

Ricardo Perez, MRA Executive Director briefed the council on the Streetscape Project

### 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.

### 6. Citizens Participation

None

#### 1.0 Public Hearing

##### 1.1 Planning & Zoning Recommendations

- A. Rezoning: A 6.299 acre tract of land out of Lot 5, Miller Bros. Nursery Re-Subdivision, AO-I (Agricultural Open Interim) to R-2 (Duplex-Fourplex Residential), Nora Davila Adoption of Ordinance # \_\_\_\_\_ approving 1.1A**

On May 8, 2013 the Planning and Zoning Commission convened in order to consider the rezoning request mentioned above, which was located approximately 300' south of Mile 2 between Sandstone Drive and Giselle Street. There were several concerns voiced that included: traffic increase, safety for surrounding neighborhoods and children, etc. during P&Z 5/8/13 Mtg. The Board unanimously recommended denial as per staff's recommendations. FYI, it would take a 4/5ths favorable vote to 'approve' the R-2 rezoning.

Staff and City Manager recommended denial.

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

Brenda Cortez who resides at 2114 Giselle Street in Mission spoke against the request.

Leo Rodriguez who represented the applicant spoke in favor of request.

Councilman Dr. Armando O'cana moved to deny the Rezoning: A 6.299 acre tract of land out of Lot 5, Miller Bros. Nursery Re-Subdivision, AO-I (Agricultural Open Interim) to R-2 (Duplex-Fourplex Residential) as recommended. Motion was seconded by Councilman Plata and denied unanimously 4-0.

- B. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – La Calle Del Taco, 115 E. Expressway 83, Lot 3, El Pueblo Ph. I Subd., C-3, CDT Main, LLC and Wet Zone of property**  
**Adoption of Ordinance # 3941 approving 1.1B**  
**Adoption of Ordinance # 3942 approving Wet Zone**

On May 8, 2013 the Planning and Zoning Commission convened in order to consider the conditional use permit request mentioned above, which was a 6,006 sq. ft. restaurant located within a plaza approximately 600' east of Conway Avenue along the north side of the Frontage Road of Expressway 83. There was no public opposition during P&Z 5/8/13 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 O'cana moved to approve the CUP and to adopt Ordinance No. 3941 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – La Calle Del Taco, 115 E. Expressway 83, Lot 3, El Pueblo Ph. I Subd., C-3 as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**ORDINANCE NO. 3941**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES – LA CALLE DEL TACO, 115 E. EXPRESSWAY 83, LOT 3, EL PUEBLO PH. I SUBDIVISION

Councilwoman Ramirez moved to adopt Ordinance No. 3942 granting a wet designation for La Calle Del Taco, 115 E. Expressway 83, Lot 3, El Pueblo Ph. I Subd. C-3 as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**ORDINANCE NO. 3942**

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 115 E. EXPRESSWAY 83, LOT 3, EL PUEBLO PH. I SUBD.

- C. Conditional Use Permit: Auto Mechanic Shop in an AO-I Zone, 1603 Adams St., A .85 acre tract of land out of Lot 23-1, West Addition to Sharyland Subd., AO-I, Marco A. Hinojosa, Sr.**  
**Adoption of Ordinance # 3943 approving 1.1C**

On May 8, 2013 the Planning and Zoning Commission convened in order to consider the conditional use permit request mentioned above, which was located 105' north of W. 18<sup>th</sup> Street along the west side of Adams Street. There was no public opposition during P&Z 5/8/13 Mtg. The Board 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.

Councilwoman Ramirez moved to approve the CUP and to adopt Ordinance No. 3943 Conditional Use Permit: Auto Mechanic Shop in an AO-I Zone, 1603 Adams St., A .85 acre tract of land out of Lot 23-1, West Addition to Sharyland Subd., AO-I as recommended. Motion was seconded by Councilman O'cana and approved unanimously 4-0.

**ORDINANCE NO. 3943**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR AN AUTO MECHANIC SHOP IN AN AO-I ZONE, 1603 ADAMS STREET, A .85 ACRE TRACT OF LAND OUT OF LOT 23-1, WEST ADDITION TO SHARYLAND SUBDIVISION

**D. 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**

Public Hearing - To consider the project or projects during the proposed Fiscal Year 2012-13:

- (1) Texas Enterprise Zone Project Designation for Royal Technologies Corporation, located at 1100 East Trinity Rd., Mission, Texas 78572

By participating in the program, Royal Technologies Corporation may apply and benefit for state sales and use tax refunds on qualified expenditures. The level and amount of refund was related to the capital investment and jobs created and/or retained at the qualified business site.

Royal Technologies Corporation planned on investing between \$10 - \$15 million and hiring 100 new positions.

Provided was a copy of the ad that was published in the Progress Times on May 17, 2013.

The public hearing was to give citizens the opportunity to be heard.

Staff Recommendation: Public hearing only

City Manager recommended approval.

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

There were no comments. Mayor Salinas declared the public hearing was closed.

## **2.0 Disposition of Minutes**

### **2.1 City Council Meeting – May 13, 2013**

Councilman O'cana moved to approve the minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 4-0.

## **3.0 Acknowledge Receipt of Minutes**

### **3.1 Boys & Girls Club of Mission – January 18, 2013**

**Mission Economic Development Authority – April 16, 2013**

**Mission Economic Development Corporation – April 16, 2013**

**Shary Municipal Golf Course – April 17, 2013**

**Mission Historical Museum – January 30, 2013**

**Speer Memorial Library Board – April 16, 2013**

**Traffic Safety Committee – March 19, 2013**

Councilman Plata moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

## **4.0 Approvals and Authorizations**

### **4.1 Preliminary Plat Approval: Retama Village, Ph. III Subd., a 6.505 acre tract out of Lot 14, Del Monte Irrigation Company Subd. & a 2.678 acre tract being a part of Lots 30 & 31, Bentsen Groves Addition "E", PUD, Developer: Rhodes Enterprises, Inc., Engineer: Melden & Hunt, Inc.**

On May 22, 2013 the Planning and Zoning Commission convened in order to consider the Preliminary & Final Plat Approval for Retama Village Ph. III. The property was located on the SE corner of Military and Bentsen Palm Drive. There was no public opposition during the P&Z 5/22/13 Mtg. The Board unanimously recommended approval as per staff's recommendations

Staff Recommendation: Approval subject to: 1) must pay capital sewer recovery fees, 2) No objection to private street but must meet maintenance and hold harmless requisites, 3) Dedication of water rights, and 4) Compliance with the Model Subdivision Rules.

City Manager recommended approval.

Councilman Plata moved to approve Final Plat Approval Retama Village, Ph. III Subd., a 6.505 acre tract out of Lot 14, Del Monte Irrigation Company Subd. & a 2.678 acre tract was being a part of Lots 30 & 31, Bentsen Groves Addition "E", PUD as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

### **4.2 Approval of Resolution # 1353 Amending Resolution #1200 reverting the name of the section of Anzalduas Highway between U.S. Expressway 83 and Trinity Road to its preceding name of Bryan Road (FM 396)**

A resolution reverting the section between U.S. Expressway 83 to Trinity Road of 'Anzalduas Highway' back to Bryan Road (F.M. 396) – was provided. By naming it back to 'Bryan Road (F.M. 396)', it would be easily recognizable by developers, citizens, various entities, and emergency responding personnel.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Resolution No. 1353 Amending Resolution #1200 reverting the name of the section of Anzalduas Highway between U.S. Expressway 83 and Trinity Road to its preceding name of Bryan Road (FM 396) as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**RESOLUTION NO. 1353**

RESOLUTION OF THE CITY COUNCIL OF CITY OF MISSION, TEXAS, AMENDING RESOLUTION #1200, REVERTING THE NAME OF THE SECTION OF ANZALDUAS HIGHWAY BETWEEN U.S. EXPRESSWAY 83 AND TRINITY ROAD TO ITS PRECEDING NAME OF BRYAN RD. (FM 396)

**4.3 Approval of Rates for Shary Municipal Golf Course**

The rates included rate increases in Green Fees, Cart Fees and Driving range.

The creation of a Capital Replacement Account. Capital Replacement rates were included in memberships, green fees, trail fees and cart fees, which would go to acquiring new equipment such as carts, greens, fairway and rough mowers and utility vehicles.

The rates would take effect June 1, 2013

Staff and City Manager recommended approval.

Councilman O'cana moved to deny Rates for Shary Municipal Golf Course and recommended leaving rates the same. Motion was seconded by Councilman Plata and passed unanimously 4-0.

**4.4 Authorization to submit a grant through the FY 2013 Texas Department of State Health Services**

The Mission Fire Department was requesting to submit a grant proposal from Texas (DSHS) Department of State Health Services via the (Locals Project Grant Program /FY 2013/2014. The purpose of this grant was to purchase and replace First Responder equipment with new updated durable items to enhance our pre-hospital patient care services. For those items over \$1,000.00 dollars a cost share of 50% was required. Items were Patient Care Transport unit, Extrication Tools and a Patient Care Monitor.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to submit a grant through the FY 2013 Texas Department of State Health Services as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.5 Request by Sharyland ISD to use City Facility for early voting and Election Day for Tax Ratification Election**

A request was provided for the use of the Sharyland Fire Station #3 for early voting and election day for SISD Tax Ratification Election of June 22, 2013.

Early voting would take place from Wednesday, June 5 thru Tuesday, June 18, 2013.

City Manager recommended approval.

Councilman Plata moved to approve request by Sharyland ISD to use City Facility for early voting and Election Day for Tax Ratification Election. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**4.6 Approval of Ordinance # 3944 an Ordinance of the City Council of the City of Mission, Texas, Ordaining the City's Participation in the Texas Enterprise Zone Program Pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (Act), Providing Tax Incentives, Designating a Liaison for Communication with Interested Parties and Nominating Royal Technologies to the Office of the Governor Economic Development & Tourism (EDT) through the Economic Development Bank (Bank) as an Enterprise Project**

The City of Mission desired to nominate Royal Technologies Corporation for the Texas Enterprise Zone Program, a program that allowed local communities to partner with the State of Texas to promote job creation and capital investment in economically disadvantaged areas.

By participating in the program, Royal Technologies Corporation may then apply for state sales and use tax refunds on qualified expenditures. The level and amount of refund was related to the capital investment and jobs created and/or retained at the qualified business site.

Staff Recommendation: Approval of Ordinance # 3944 Designating Royal Technologies Corporation as a Texas Enterprise Zone Project.

City Manager recommended approval.

Councilman O'cana moved to approve Ordinance No. 3944 Ordaining the City's Participation in the Texas Enterprise Zone Program Pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (Act), Providing Tax Incentives, Designating a Liaison for Communication with Interested Parties and Nominating Royal Technologies to the Office of the Governor Economic Development & Tourism (EDT) through the Economic Development Bank (Bank) as an Enterprise Project as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**ORDINANCE NO. 3944**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (ACT), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES, AND NOMINATING ROYAL TECHNOLOGIES CORPORATION TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM (EDT) THROUGH THE ECONOMIC DEVELOPMENT BANK (BANK) AS AN ENTERPRISE PROJECT (PROJECT).

**4.7 Tax Collections Report – April, 2013**

Randy Perez, Assistant Finance Director presented the Tax Collections Report for April, 2013 for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Tax Collections Report for April, 2013 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

#### **4.8 Budget Amendments: General Fund and MEDC**

Mr. Perez presented the budget amendments BA–2013-45 thru BA–2013-47 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve budget amendments BA–2013-45 thru BA–2013-47 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

#### **4.9 April 2013 Financial Statements**

Mr. Perez presented the April 2013 Financial Statements for approval.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve the April 2013 Financial Statements as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

#### **4.10 Award bid for Glasscock Road Drainage Improvements**

City Council authorized staff to solicit bids for Drainage Improvements at Glasscock Road. The City of Mission had accepted and opened nine (9) bid responses for the drainage improvements. Staff was recommending awarding to Garco Industries, Inc. whose total base bid was \$518,007.50 and was the lowest responsible bidder meeting all specifications.

City Manager recommended approval.

Councilman O'cana moved to approve to award bid for Glasscock Road Drainage Improvements as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

#### **4.11 Approval of Ordinance # \_\_\_\_\_ providing for No Parking Zone on the North side of the 2100 and 2200 block of School Lane between the hours of 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. on the days that Sharyland ISD has school in session**

The City of Mission Police Department received a request for approval of an ordinance providing for no parking on the north side of the 2100 and 2200 block of School Lane between the hours of 7:00 a/m to 9:00 a/m and 2:00 p/m to 4:00 p/m on the days that Sharyland ISD had school in session. The Mission Police Department had received several complaints in regards to vehicles parking in front of mailboxes and driveways. On May 21, 2013, the Traffic Safety Committee met and approved the request for the no parking on the north side of the roadway. It was the recommendation of the Traffic Safety Committee to adopt this ordinance. The request was being forwarded over for staff's review and approval.

Staff Recommendation: Staff was respectfully requesting the adoption of Ordinance No.\_\_\_\_ providing for the establishment of No Parking Zone on the north side of the 2100 and 2200 block of School Lane between the hours of 7:00 a/m to 9:00 a/m and 2:00 p/m to 4:00 p/m on the days that Sharyland ISD had school in session.



City Manager recommended no action on this item.

**5.0 Unfinished Business**

None

**6.0 Routine Matters**

**6.1 City Manager's Comments**

None

**6.2 Mayor's Comments**

None

At 5:23 p.m., Councilman O'cana moved to convene into executive session for items 7.1A, 7.2A, 7.2B, 7.2C and 7.2D of the agenda. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**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. Sale of 1.56 acres, more or less out of Lot 161, John H. Shary Subdivision, and also out of Lot 1, Praxedis Garza Subdivision, Hidalgo County Texas**

**7.2 Consultation with Attorney Sec. 551.071**

- A. City lien on Lots 11 & 12, Block 69, Mission Original Townsite, Hidalgo County, Texas**
- B. Catholic Cemetery - change of name, re-platting, charge of fees and other matters incident thereto**
- C. Home Occupation Conditional Use Permits**
- D. Adolfo Ruben Sanchez v City of Mission**

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

At 5:32 p.m., Councilman O'cana moved to appoint Councilman Plata to preside over the remainder of the meeting due to Mayor Salinas having to leave the meeting and Mayor Pro Tem Garza not in attendance. Motion was seconded by Councilman Plata and approved unanimously 4-0.

At 5:33 p.m., Mayor Salinas left the meeting.

At 7:26 p.m., Councilman O'cana moved to reconvene in open session to take action on the above mentioned items. Motion was seconded by Councilwoman Ramirez and approved 3-0.

On item 7.1-A, no action was taken.

On item 7.2-A, Councilman Plata moved to waive interest for demolition in the amount of \$1,342.11. Motion was seconded by Councilwoman Ramirez and approved 2-1 with Councilman O'cana against.

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On item 7.2-B, Councilman O’Cana moved to authorize the re-platting of Lots 53, 54, 55, 56, 57, 58, 67, 68, 69, 70, and 71 for a baby section to include 263 lots to be sold at a cost of \$300.00 which was \$150.00 for the lot and \$150 for the opening and closing, with each lot not to exceed \$500.00. Motion was seconded by Councilman Ramirez and approved 3-0.

On item 7.2-C, no action was taken.

On item 7.2-D, no action was taken.

**8.0 Adjournment**

At 7:29 p.m., Councilman O’cana moved for adjournment. Motion was seconded by Councilman Plata and approved 3-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary