

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
MAY 29, 2012 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  
Julio Cerda, City Manager

**ABSENT:**

**ALSO PRESENT:**

Jim Brunson, Progress Times  
Lucy Sisniega  
Diego Garzon  
Maxi Lou Link  
Denise Ayarzagoitia  
Oscar Ayarzagoitia  
Tiphanie Ayarzagoitia  
Reanna R. Reyna  
Cynthia Villarreal  
Jazmine Coronado  
Andres Garza  
Lydia Orr  
Noemi Hernandez  
Tom Rivera  
Alyssa Gonzales  
Maritza Alaniz  
Klarissa Vega  
Rene Barrera  
Alma Mojarro  
Alma D. Garcia  
Cythia Garza  
Spencer Weaver  
Karen Briones  
Victoria Pena

**ALSO PRESENT:**

Vanessa Pena  
Vanessa Saenz  
Veronica Castellanos  
Gabriela Castellanos  
Ryan Burch  
Nancy Cortez  
Viola Pena  
Omar Xavier De Leon

**STAFF PRESENT:**

Nelia Hernandez, Asst. City Secretary  
Aida Lerma, Deputy City Manager  
Sonia Marroquin, Deputy City Manager  
Sergio Zavala, Planning Director  
Pat Martinez, Planning Dept.  
Roberto Salinas, Public Works Director  
Paul Schaefer, Golf Course Director  
Joanne Longoria, CDBG Director  
Gilbert Sanchez, Fire Marshal  
Rick Saldana, Fire Chief  
Eduardo Belmarez, Purchasing Director  
Martin Garza, Chief of Police  
Robert Dominguez, Asst. Chief of Police  
Janie Flores, Finance Director  
Randy Perez, Accountant  
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  
Jonathan Wehrmeister, Judge  
Mayra Rocha, Library Director  
John Hernandez, City Engineer

**1. Call to order**

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:36 p.m.

**2. Pledge Allegiance and Invocation**

Mayor Salinas led the meeting with the pledge of allegiance and City Manager Julio Cerda gave the invocation.

### **3. Departmental Reports**

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

### **4. Presentation of Boys & Girls Club Scholarship Recipients**

JC Avila, Boys and Girls Club Director, Omar de Leon, President, Deborah Cordova, Estella Saenz, Carl Davis and Tom Rivera board members of the Boys and Girls Club presented the scholarship recipients from the Mission and Sharyland school districts.

### **5. Presentation by Upper Valley Art League**

Maxi Lou Link introduced Artist Diego Garzon who presented the Mayor and Council with a replica of La Lomita Chapel that he made with scrap metal. Mr. Garzon also thanked the council for the invitation and their hospitality during his stay in Mission.

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

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

### **7. Citizens Participation**

Ryan Burch from TxDOT updated the council on the Bryan Road Project, he stated that the project was scheduled to end in October 2012 and that the overpass was to open in June 2012 the intersection below the bridge should be opened by the end of August.

#### **1.0 Public Hearing**

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

###### **A. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages -- Taqueria Hidalgo” Restaurant, 307 E. Expressway 83, Lot 6-D, El Pueblo Subdivision, C-3, Julio C. Acebo**

The site was located between Conway Avenue and Mayberry Road along the north side of Expressway 83. It was previously Burguesa Burger. The applicant was requesting to open a new taqueria restaurant to offer alcoholic beverages with meals. There was no bar component within the restaurant.

- Hours of Operation: Everyday from 8:00 a.m. to 11:00 p.m. Alcoholic beverages would only be served during allowable State selling hours.
- Staff: 10 employees.
- Parking: The 1,700 sq.ft. building required 23 spaces (1,700/75 sq.ft. = 22.6 parking spaces). There were 26 existing spaces, thus meeting code.
- Section 6-4a of the Alcoholic Beverages code stated: “Unless waived by the City Council based on special or extenuating circumstances, the sale of all alcoholic beverages within 300 feet of any church, public school, private school or public hospital, within the corporate limits of the city, was hereby prohibited. No alcoholic beverages of any kind shall be sold on any premises located within 300 feet of any church, public school, private school or public hospital.”

- Section 6-4d stated: “Unless waived by the City Council based on special or extenuating circumstances, the measurement of the distance between the place of business where alcoholic beverages were sold and the public or private school shall be in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections”.

The subject site was 208’ from the school’s property line, however it was 785’ from the nearest school building. On 5/25/11, the Alcoholic Beverages code was amended to allow the City Council to waive the separation requirement “based on special or extenuating circumstances”.

Based on the distance from the nearest school building and how far the students would be from the restaurant, staff believed that the sale of alcohol would not be detrimental to the area. Also, this restaurant proposal, like the adjoining Pizza Hut, did not have a ‘bar’ component.

There was no public opposition during the 3/28/12 P&Z hearing. P&Z unanimously recommended approval.

Staff Recommendation: Approval subject to: 1 year re-evaluation to assess this new operation, and waiving the 300’ separation code.

City Manager recommended CUP approval.

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

There were no comments.

Councilwoman Ramirez moved to approve the Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages -- Taqueria Hidalgo” Restaurant, 307 E. Expressway 83, Lot 6-D, El Pueblo Subdivision, C-3 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**B. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – La Jaiba Mexican Seafood Grill, 4001 S. Shary Road, Suite 350, Lot 1, Tech Center No. 2 Subdivision, PUD, Veronica Vasquez**

The 1,500 sq. ft. restaurant site was proposed within an existing plaza located on the SE corner of San Mateo and Shary Road. Access to the site could be from one primary driveway to Shary Road or from separate driveways from San Mateo and San Gabriel. The new applicant was currently remodeling the restaurant suite to open a new seafood restaurant that would offer beer and wine. There was no ‘bar’ section in the restaurant.

- Hours of Operation: Monday – Thursday from 11 a.m. to 10 p.m., Friday & Saturday from 11a.m. to 11 p.m., and Sunday from 11 a.m. to 5 p.m. Alcoholic beverages would only be served during allowable State selling hours.
- Staff: 6
- Parking: In reviewing the floor plan, there were 48 total seating spaces for the restaurant, which required 16 parking spaces (48 seats/3 = 16 parking spaces). It was noted that the parking area was held in common (150 existing parking spaces) and was shared with other businesses.
- Sale of Alcohol: There were no churches or public/private schools within 300’ of the subject site, thus being compliant to Chapter 6, Section 6-4.
- Must comply with Fire, Health, and Building Codes, prior to obtaining a business license.

Since there were existing restaurants that sold alcohol within this plaza, it wouldn't be open after 11 p.m., and the sale of alcohol did not seem to be the primary intent, staff did not object to this proposal. There was no public opposition during the 5/9/12 P&Z hearing. P&Z unanimously recommended approval.

Staff Recommendation: Approval subject to: 1) a 1 year re-evaluation to assess this new operation, 2) must comply with Fire, Health, and Building Codes, and 3) must acquire a business license.

City Manager recommended CUP approval.

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

There were no comments.

Mayor Pro Tem Norie Gonzalez Garza moved to approve the Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – La Jaiba Mexican Seafood Grill, 4001 S. Shary Road, Suite 350, Lot 1, Tech Center No. 2 Subdivision, PUD as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**C. Rezoning: The East 180' of the South ½ Block 8, Citriana Heights Subdivision, C-2 to C-3, Arnoldo Cadena**

The site, being 180' x 140', was at the NW corner of Delmar Drive and Ebano Avenue, both minor residential streets. Though the subject property adjoined a C-3 zone on its west side, zoning should generally transition, or stair-step, downward when going eastward and away from the major roadways/commercial centers.

This transition was currently the case, e.g., C-3 at the properties nearest Conway, then stepped downward to C-2, when going further away from Conway. There are SF residences to the north and across the alley, to the NE, and to the east.

A letter in opposition was received on 4/16/12.

At the 4/25/12 hearing, P&Z unanimously recommended denial. It would take a 4/5ths favorable vote to 'approve' the C-3 rezoning.

Staff Recommendation: Denial; retain C-2

City Manager recommended denial.

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

Mr. Fernando Cadena who resides at 347 S. 84<sup>th</sup> Street in Edinburg spoke in favor of the rezoning request; he stated that seven years ago he opened a Truck Accessory business here in Mission. Due to the current lack of space, he wanted to purchase a new lot; however, the lot he was interested in purchasing was classified as a C-2, and not as a C-3 lot. In order for Mr. Cadena to expand his business to a new location, he needed for the lot to be classified as a C3 lot. After discussion regarding the lots in question Mayor Salinas made a recommendation to rezone the two western lots to C-3 and the eastern lot to remain C-2.

Mayor Pro Tem Garza moved to approve rezoning the 2 western lots to C-3, and the eastern lot to remain as a C-2 as recommended by Mayor Salinas. Motion was seconded by Councilman Dr. Armando O'cana and approved unanimously 5-0.

**D. Rezoning: A 10.78 acre tract of land of the South 20 acres out of Lot 186, John H. Shary Subdivision, AO-I to R-1, 2G Shary Development**

The subject site was located 215' north of Victoria Avenue along the west side of Taylor Road.

**SURROUNDING ZONING DISTRICTS**

North - - Agricultural Open Interim (AO-I)  
East - - City of McAllen (Commercial Designated)  
West - - General Business (C-3)  
South - - General Business (C-3)

**SURROUNDING LAND USES**

North - - Open Acreage  
East - - Mobile Home's  
West - - Open Acreage  
South - - Hotel (Hampton Inn)

The Future Land Use Map showed this area developing as General Commercial (GC).

- The City Council approved the GC designation a few years ago as a long term vision of needed commercialism adjacent to a multi-story hotel and major shopping district.
- There was a natural "buffer" (drain ditch to the north) that was considered as the "line of demarcation" between residential and commercial uses
- Finally, the site had a common access easement with Hampton Inn that was in place to provide access to the south and onto Victoria Ave.

There was neighboring concern voiced during the 5/9/12 P&Z's hearing regarding drainage and soil stability. P&Z unanimously recommended denial. It would take a 4/5ths favorable vote to 'approve' the R-1 rezoning.

Staff Recommended: Denial.

City Manager recommended approval.

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

Mr. Rene Barrera a representative from the developer spoke in favor of the rezoning request and distributed to Mayor and Council an exhibit for their review. Mr. Barrera also elaborated on the proposed residential subdivision.

Ms. Nancy Cortez who resides at 2702 Rosalinda Street in Mission spoke in favor of the rezoning request. Ms. Cortez presented to Mayor and Council a letter signed by several surrounding neighbors expressing their concerns of heavy construction equipment being used that may cause damages to their residence. She wants the City of Mission to take responsibility for any damages that may incur.

Councilman Plata moved to approve the Rezoning: A 10.78 acre tract of land of the South 20 acres out of Lot 186, John H. Shary Subdivision, AO-I to R-1. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**E. Rezoning: The North ½ of Lot 1, Block A, Riverside Subdivision, AO-I to C-3, Pepe De La Fuente**

At 5:25 p.m., Mayor Salinas stepped out of the meeting.

The site was located in the SW area of Chimney Road and Mayberry Road. The surrounding zones included AO-I Zone to all directions. There was open acreage to the north and east, a dormant commercial structure and La Lomita Chapel to the south, and the Rio Grande to the west. The Future Land Use Map showed this area as a General Commercial (GC) land use designation. The area currently had a mixture of uses ranging from institutional (La Lomita) to commercial uses (Riverside Club) to an R.V. Park (Chimney Park).

The change to C-3 would be in compliance with the Future Land Use Map, and other grandfathered commercial uses. Being at the southernmost tip of the City, C-3's influence would be contained between the Rio and the Levee. There was no neighboring opposition during the 5/9/12 P&Z's hearing. P&Z unanimously recommended approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza asked if there were any comments for or against the rezoning request.

Mr. Mike De La Fuente spoke in favor of the rezoning request.

Councilman Plata moved to approve the Rezoning: The North ½ of Lot 1, Block A, Riverside Subdivision, AO-I to C-3 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**F. Rezoning: 1.475 Acres, being a part or portion of a certain tract known as the Fernandez Strip out of Porcion 52, (NW corner of Inspiration Road & 1 Mile Road South), AO-I to C-3, William Moschell**

The subject site was at the NW corner of Inspiration Road and 1 Mile Road South. The specific 1.475 acre tract measured 270' along 1 Mile Road South and 227.71' along Inspiration Road (though it had 238.22' along the western perimeter). The surrounding zoning districts included an adjoining Single-Family Residential (R-1) to the north, Multi-Family Residential (R-3) to the east, and Planned Unit Development (PUD) to the west and south. Surrounding land uses included single family residences to the north, multi-storied apartments to the east, and vacant acreage to the west and south. The subject site was vacant. The Future Land Use Map (FLUM), one mechanism used to gauge proper land use but certainly not the only one, still reflected a Low Density Residential (LD) designation. The primary question to ask was 'what was better use of the property?' According to the FLUM, it should be SF residences at this corner. The problem with this scenario was the adjoining streets.

According to the City's MPO Thoroughfare Map, both Inspiration Road and 1 Mile Road South were designated 100' ROW arterials which typically reflected wider than normal streets, i.e., 65' B-B streets (5 lanes w/center turn). It should also be observed that there were 2 adjoining sides that were vacant with vast acreages to either side thus the 'land use' had actually yet-to-be determined.

## **Minutes, 5/29/12 Pg. 7**

It would also appear that the proposed C-3 would not de-value the adjoining R-1 lots especially with the proposed use of a Dollar General Store, and may actually induce additional (controlled) proposals in this general area to induce further development. There was no neighboring opposition during the 5/9/12 P&Z's hearing. P&Z unanimously recommended approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza asked if there were any comments for or against the rezoning request.

There were no comments.

Councilman Plata moved to approve the Rezoning: 1.475 Acres, being a part or portion of a certain tract known as the Fernandez Strip out of Porcion 52, (NW corner of Inspiration Road & 1 Mile Road South), AO-I to C-3 as recommended. Motion was seconded by Councilman O'cana and approved unanimously 4-0.

City Attorney David Guerra requested that before proceeding with the meeting council go into executive session for item 4.9 and all the items listed under executive session of the agenda at this time pursuant to V.T.C.A. Gov. Code Sec. 551.071, Consultation with Attorney.

At 5:32 p.m., Councilman O'cana moved to convene into executive session for item 4.9 and all the items listed under executive session of the agenda. Motion was seconded by Councilman Plata and approved unanimously 4-0.

At 6:47 p.m., Councilman O'cana moved to reconvene in open session to take action on the above mentioned items. Motion was seconded by Councilman Plata and approved unanimously 5-0.

### **2.0 Disposition of Minutes**

#### **2.1 City Council Meeting – April 23, 2012 and City Council Special Meeting – May 21, 2012**

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

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

#### **3.1 Boys & Girls Club of Mission – April 12, 2012**

**Shary Golf Advisory Board – February 15, 2012**

**Speer Memorial Library Board – March 20, 2012 and April 17, 2012**

**Mission Economic Development Corporation – March 20, 2012**

**Mission Tax Increment Reinvestment Zone – February 28, 2012 and March 27, 2012**

**Mission Redevelopment Authority – February 28, 2012 and March 27, 2012**

**Citizen's Advisory Committee – March 6, 2012, March 20, 2012, March 27, 2012 and  
April 10, 2012**

**Planning and Zoning Commission – March 14, 2012, March 28, 2012 and  
April 25, 2012**

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

**4.0 Approvals and Authorizations**

**4.1 Adoption of Ordinance # 3766 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – “Taqueria Hidalgo” Restaurant, 307 E. Expressway 83, Lot 6-D, El Pueblo Subdivision**

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Garza moved to adopt Ordinance No. 3766 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – “Taqueria Hidalgo” Restaurant, 307 E. Expressway 83, Lot 6-D as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3766**

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 – “TAQUERIA HIDALGO” RESTAURANT, 307 E. EXPRESSWAY 83, LOT 6-D, EL PUEBLO SUBDIVISION

**4.2 Adoption of Ordinance # 3767 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – La Jaiba Mexican Seafood Grill, 4001 S. Shary Road, Suite 350, Lot 1, Tech Center No. 2 Subdivision**

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt Ordinance No. 3767 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – La Jaiba Mexican Seafood Grill, 4001 S. Shary Road, Suite 350, Lot 1 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**ORDINANCE NO. 3767**

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 JAIBA MEXICAN SEAFOOD GRILL, 4001 S. SHARY ROAD, SUITE 350, LOT 1, TECH CENTER NO. 2 SUBDIVISION

**4.3 Adoption of Ordinance # 3768 for Rezoning the East 180’ of the south ½ Block 8, Citriana Heights Subdivision, C-2 to C-3**

Staff and City Manager recommended ordinance denial.

Mayor Pro Tem Garza moved to adopt Ordinance No. 3768 for rezoning the 2 western lots to C-3, and the eastern lot to remain as a C-2 Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.



**ORDINANCE NO. 3768**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING TO THE WEST 120' OF THE EAST 180' OF THE SOUTH ½ BLOCK 8, CITRIANA HEIGHTS SUBDIVISION, C-2 TO C-3

**4.4 Adoption of Ordinance # 3769 for Rezoning A 10.78 acre tract of land of the South 20 acres out of Lot 186, John H. Shary Subdivision, AO-I to R-1**

Staff recommended ordinance denial

City Manager recommended ordinance approval.

Councilman Plata moved to adopt Ordinance No. 3769 for Rezoning A 10.78 acre tract of land of the South 20 acres out of Lot 186, John H. Shary Subdivision, AO-I to R-1. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**ORDINANCE NO. 3769**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING A 10.78 ACRE TRACT OF LAND OF THE SOUTH 20 ACRES OUT OF LOT 186, JOHN H. SHARY SUBDIVISION, AO-I TO R-1

**4.5 Adoption of Ordinance # 3770 for Rezoning the North ½ of Lot 1, Block A, Riverside Subdivision, AO-I to C-3**

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Garza moved to adopt Ordinance No. 3770 for Rezoning the North ½ of Lot 1, Block A, Riverside Subdivision, AO-I to C-3 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3770**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING TO THE NORTH ½ OF LOT 1, BLOCK A, RIVERSIDE SUBDIVISION, AO-I TO C-3

**4.6 Adoption of Ordinance # 3771 for Rezoning 1.475 Acres, being a part or portion of a certain Tract known as the Fernandez Strip out of Porcion 52 (NW corner of Inspiration Road & 1 Mile Road South), AO-I to C-3**

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt Ordinance No. 3771 for Rezoning 1.475 Acres, being a part or portion of a certain Tract known as the Fernandez Strip out of Porcion 52 (NW corner of Inspiration Road & 1 Mile Road South), AO-I to C-3 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**ORDINANCE NO. 3771**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING 1.475 ACRES, BEING A PART OR PORTION OF A CERTAIN TRACT KNOWN AS THE FERNANDEZ STRIP OUT OF PORCION 52 (NW CORNER OF INSPIRATION ROAD & 1 MILE SOUTH ROAD SOUTH), AO-I TO C-3

**4.7 Request by Meadow Creek Homeowners Association to install a chain link fence between Inspiration Road and Lake View Drive (2 parallel public streets)**

The HOA from Meadow Creek had filed a written request to erect a 6' chain link fence between the perimeter Inspiration Road and their inner collector street being Lake View Drive. The length was approximately 1800', and was directly across the city's regional park on south Inspiration Road.

There once was such a fence but after a storm event, it had sagged and was eventually removed. The desire from the residents of Meadow Creek was to have it re-installed to maximize security.

Pursuant to previous such approvals of fencing over public ROW, a Hold Harmless document should be signed and recorded to memorialize the mutual agreement.

Staff Recommendation: Approval subject to recording a Hold Harmless Agreement.

City Manager recommended approval.

Councilman O'cana moved to approve request by Meadow Creek Homeowners Association to install a chain link fence between Inspiration Road and Lake View Drive (2 parallel public streets) as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.8 Approval of Ordinance # 3772 to abandon part of Utility Easement within Lot 9, Patriot Estates Subdivision**

Staff and City Manager recommended ordinance approval.

Councilwoman Ramirez moved to adopt Ordinance No. 3772 to abandon part of Utility Easement within Lot 9, Patriot Estates Subdivision as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3772**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION ABANDONING AND VACATING A PORTION OF A UTILITY EASEMENT DEDICATED TO THE GENERAL PUBLIC ON LOT 9, PATRIOT ESTATES SUBDIVISION, MISSION, HIDALGO COUNTY, TEXAS

**4.9 Request by Bert Ogden to have City Council issue a Changeable Copy Ground Pole Sign Permit at 1400 E. Expressway 83**

The Bert Ogden site was at the SE corner of Expressway 83/Bryan Road. There was a desire to install a 7<sup>th</sup> sign on their business site. The proposal was to install an electronic changeable copy sign.

Pursuant to Ordinance No. 3708 (11/14/11), the maximum height was 20' and the maximum face size was 40 square feet. Bert Ogden proposed a height of 49' 6.5"; and a face of 203 square feet.

Sec. 86-7 (1) stated that the Zoning Board of Adjustments (ZBA) was the board empowered by the Council to consider variance requests to the Sign Code but "was authorized a latitude of no more than 25% for proposed sign variances for properties 500' in depth that were along the Expressway."

In this regard, the applicant's sign contractor had already applied to go before the ZBA w/a June 20<sup>th</sup> hearing date. However, with the 25% maximum latitude given to ZBA, the max height could only be 25', and the max face size could be no more than 50 square feet; thus, the sign contractor was approaching the policy making City Council for consideration to award the sign permit as proposed.

**SUMMARY OF REQUEST**

CODE	ZBA MAX LATITUDE	PROPOSAL
20' Height	25' Height	49' 6 1/2" Height
40 sq. ft. face	50 sq. ft. face	203 sq. ft. face

Staff Recommendation: Follow Code thus approach ZBA for consideration.

City Manager recommended approval.

Councilman O'cana moved to table this item until the June 11, 2012 meeting. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.10 Approval of Ordinance # 3773 granting a wet designation for 1401 N. Conway Ave., In-N-Out Drive Thru**

Staff was requesting the above mentioned property be wet zoned for Wine and Beer Retailer's On- Premise Permit.

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Garza moved to adopt Ordinance No. 3773 granting a wet designation for 1401 N. Conway Ave., In-N-Out Drive Thru as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**ORDINANCE NO. 3773**

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 1401 N. CONWAY AVE.

**4.11 Approval of Ordinance # 3774 granting a wet designation for 4001 S. Shary Rd., Suite 350, Lot 1, Tech Center No. 2 Subd., La Jaiba Mexican Seafood Grill**

Staff was requesting the above mentioned property be wet zoned for Wine and Beer Retailer's On- Premise Permit.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt Ordinance No. 3774 granting a wet designation for 4001 S. Shary Rd., Suite 350, Lot 1, Tech Center No. 2 Subdivision as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**ORDINANCE NO. 3774**

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 4001 S. SHARY ROAD, SUITE 350, LOT 1, TECH CENTER NO. 2 SUBD., LA JAIBA MEXICAN SEAFOOD GRILL

**4.12 Approval of Resolution # 1315 of the Council of the City of Mission Consenting to legislation authorizing Hidalgo County Water Control and Improvement District No. 19 to undertake roadway improvements projects**

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Resolution No. 1315 of the Council of the City of Mission Consenting to legislation authorizing Hidalgo County Water Control and Improvement District No. 19 to undertake roadway improvements projects as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**RESOLUTION NO. 1315**

RESOLUTION OF THE CITY COUNCIL OF MISSION, TEXAS, CONSENTING TO LEGISLATION AUTHORIZING HIDALGO COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 19 TO UNDERTAKE ROADWAY IMPROVEMENT PROJECTS

**4.13 Second reading of Ordinance approving the renewal of City of Mission, Texas Franchise Agreement with Magic Valley Electric Co-op, (MVEC).**

The City's current franchise agreement with MVEC expired on February 13, 2012, shown was the new proposed franchise agreement provided by MVEC. The new agreement mirror's the just expired one and provided for the continued receipt of franchise fees generated by MVEC on electric utility billings. As per the City Charter, the following needed to occur:

All ordinances granting, amending, renewing, or extending franchises for public utilities shall be read at two (2) separate regular meetings of the City Council, and shall not be finally passed until thirty (30) days after the first reading; and no such ordinance shall take effect until thirty (30) days after its final passage; and the full text of such ordinances shall be published once within fifteen (15) days following the first reading in a newspaper of general circulation within the City of Mission, and the expense of such publication shall be borne by the proponent of the franchise. No public utility franchise shall be granted for a term of more than twenty (20) years nor be transferable except with the approval of the City Council expressed by ordinance.

The City Council had the first reading of this Ordinance at the City Council meeting of April 23, 2012, and was published in the Progress Times on Friday, May 4<sup>th</sup>, 2012 as required by City Charter. This item constituted the second reading of the Ordinance as required by City Charter.

This Ordinance shall take effect on July 1<sup>st</sup>, 2012

No action was taken on this item; this was only a 2<sup>nd</sup> reading.

**4.14 Approval of Ordinance # 3775 renewing City of Mission Texas Franchise Agreement with Magic Valley Electric Co-op, (MVEC).**

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt Ordinance No. 3775 renewing City of Mission Texas Franchise Agreement with Magic Valley Electric Co-op, (MVEC) as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**ORDINANCE NO. 3775**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
APPROVING A FRANCHISE AGREEMENT WITH MAGIC VALLEY ELECTRIC  
COOPERATIVE, INC.

**4.15 Approval to donate 1989 Pierce Arrow 95 foot ladder fire truck to the City of Guadalupe, NL**

Staff was requesting to donate 1989 Pierce Arrow 95 foot ladder fire truck to the City of Guadalupe, NL. The City of Guadalupe, NL was interested and was willing to accept the fire truck that could be very useful in their community.

Staff Recommendation: Approval donation to Guadalupe, NL

City Manager recommended approval.

Representatives from Guadalupe, NL extended their gratitude to the Mayor and Council for the donation and presented them with tokens of appreciation.

Councilman O'cana moved to approve to donate 1989 Pierce Arrow 95 foot ladder fire truck to the City of Guadalupe, NL as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**4.16 Approval of Ordinance # 3776 updating City of Mission Local Civil Service Rules**

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Garza moved to adopt Ordinance No. 3776 updating City of Mission Local Civil Service Rules as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

**ORDINANCE NO. 3776**

AN ORDINANCE AMENDING THE CIVIL SERVICE RULES OF THE CITY OF MISSION, TEXAS, PROVIDING FOR CIVIL SERVICE RULES FOR THE CITY OF MISSION FIRE DEPARTMENT AND OTHER MATTERS.

**4.17 Approval of Resolution # 1316 approving the issuance of Mission Economic Development Corporation Solid Waste Disposal Revenue Refunding Bonds (Republic Services, Inc. Project) Series 2012 and related matters**

Lee McCormick, President of Community Development Associates, had facilitated the issuance of Mission EDC Solid Waste Disposal Refunding Bonds to Republic Services, Inc. Project Series 2012, for assistance under the MEDC Private Activity Bond Program.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Resolution No. 1316 approving the issuance of Mission Economic Development Corporation Solid Waste Disposal Revenue Refunding Bonds (Republic Services, Inc. Project) Series 2012 and related matters as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**RESOLUTION NO. 1316**

RESOLUTION APPROVING THE ISSUANCE OF MISSION ECONOMIC DEVELOPMENT CORPORATION SOLID WASTE DISPOSAL REVENUE REFUNDING BONDS (REPUBLIC SERVICES, INC. PROJECT) SERIES 2012

**4.18 Authorize the City of Mission to enter into a Memorandum of Understanding Addendum with CLEAResult, Inc. to extend the Participation of the 2012 AEP Texas CitySmart Program**

At 7:14 p.m., Mayor Salinas stepped out of the meeting.

Texas Senate Bill 7 required AEP Texas to develop programs to reduce the amount of annual electricity load growth through energy-efficiency programs; thus AEP Texas created the

CitySmart Program, which was designed to help participating municipalities identify energy-efficiency opportunities in existing and new building and provide monetary incentives to implement these opportunities. The Program was funded by AEP Texas and there was no cost to the City. AEP Texas had contracted CLEARResult Consulting for this service. Staff was seeking to authorize the City Manager to execute the documents to enter into the MOU for the participation in the 2012 AEP Texas CitySmart Program.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize the City of Mission to enter into a Memorandum of Understanding Addendum with CLEARResult, Inc. to extend the Participation of the 2012 AEP Texas CitySmart Program as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

#### **4.19 Authorization to accept the Regional Solid Waste Grant from the Lower Rio Grande Valley Development Council**

Staff was requesting authorization to accept the Regional Solid Waste Grant and execute the inter-local agreement with the Lower Rio Grande Valley Development Council. The grant funds would be used to purchase a brush chipper and a trailer. The grant amount was \$30,000 and there was no cash match to the City.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to accept the Regional Solid Waste Grant from the Lower Rio Grande Valley Development Council as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

#### **4.20 April 2012 Financial Statements**

Finance Director Janie Flores presented the April 2012 Financial Statements for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the April 2012 Financial Statements as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

#### **4.21 Tax Collections Report – March, 2012**

Mrs. Flores presented the Tax Collections Report for March, 2012 for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Tax Collections Report for March, 2012 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

#### **4.22 Tax Collections Report – April, 2012**

Mrs. Flores presented the Tax Collections Report for April, 2012 for approval.

Staff and City Manager recommended approval.

## **Minutes, 5/29/12 Pg. 16**

Councilman Plata moved to approve the Tax Collections Report for April, 2012 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

### **4.23 Budget Amendments: General Fund, Utility Fund, Designated Purpose Fund, Aquatics and MEDC Fund**

Mrs. Flores presented the budget amendments BA-2012-33 thru BA-2012-42 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve budget amendments BA-2012-33 thru BA-2012-42 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

### **4.24 Audit Contract for FY 2011-2012**

The City Council was required by the City Charter Section 3.14 to have an independent audit of the books of accounts, records and transactions of all the administrative departments of the City at least yearly.

In addition to the City's Financial Statements, the Auditors also conducted an audit on the MEDC'S Financial Statements and prepare the 990EZ for the Mission Boys and Girls Club Organization.

The City reserved the right to extend the agreement for audits after the Fiscal Year 2010 Audit.

Councilwoman Ramirez moved to approve to extend the current contract with Long Chilton, LLP for an additional year. Motion died for lack of second.

Councilman Plata moved to approve to go out for bids for a new contract. Motion was seconded by Councilman O'cana and approved unanimously 4-0.

Councilman O'cana moved to rescind his previous motion. Motion was seconded by Councilman Plata and approved unanimously 4-0.

Councilman O'cana moved to approve to extend the current contract with Long Chilton, LLP for an additional year. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

### **4.25 Request for Two Open Cuts by Our Lady of Guadalupe Church in Relation to their Expansion Plans**

Our Lady of Guadalupe Church had provided plans to expand their facility (which included written approval from the Texas Historical Commission). In review of their expansion plans, the City required the extension of 8" water lines to provide protective service to the congregants & the historical structure. The church had agreed to extend the utilities. However, due to the existing water lines being under the street's pavement width, they had proposed two open cuts.

One cut would be at the Dunlap/Leo Najo intersection; and the other would be at Dunlap/W. 6<sup>th</sup>



Street juncture.

The back-to-back pavement overlay would follow the street's flow line plus 12' beyond the actual cut.

This meant that there would be a 30' x 20' overlay on the Leo Najo/Dunlap cut; and a 42' x 19' overlay at the Dunlap/W. 6<sup>th</sup> cut.

Staff did not object to the open cut since the overlay would be professionally completed & inspected; further, it would result in a more viable water system for the church, the Mission

residents attending the church services, and improved the quality of utility service to the general area.

Staff Recommendation: Approval subject to the pavement overlay complying with typical city standards inclusive of the 1-year warranty (by the contractor).

City Manager recommended approval.

Councilman O'cana moved to approve the request for Two Open Cuts by Our Lady of Guadalupe Church in Relation to their Expansion Plans as recommended. Motion was seconded by Mayor Councilwoman Ramirez and approved unanimously 4-0.

**4.26 Approval of Resolution # 1317 to adopt the Section 3 Plan to comply with 24 CFR, Part 135 of the US Department of Housing and Urban Development**

24 CFR Part 135 established standards and procedures to ensure that Section 3 objectives were met. The objectives were to provide economic and contracting opportunities for Section 3 Businesses and Residents. The Rio Grande Valley Entitlement Communities comprised of the Cities of Brownsville, Edinburg, Harlingen, McAllen, Mission, Pharr, San Benito and the County of Hidalgo Urban County Program formed a cooperative relationship to address programmatic requirements related to HUD formula programs. On April 10, 2012, the County Judge and Commissioners approved a resolution adopting the Section 3 Plan.

Staff Recommendation: Approve Resolution adopting the Section 3 Plan

City Manager recommended approval.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve Resolution No. 1317 to adopt the Section 3 Plan to comply with 24 CFR, Part 135 of the US Department of Housing and Urban Development as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**RESOLUTION NO. 1317**

**A RESOLUTION TO ADOPT THE SECTION 3 PLAN TO COMPLY WITH 24 CFR, PART 135 OF THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 3**

**4.27 Award bid for “Housing Assistance Program Phase 11-I Re-bid”**

On February 27, 2012 City Council authorized staff to re-solicit bids for one (1) rehabilitation home. The City of Mission had accepted and opened two (2) bid responses for these projects. Staff recommended awarding to GMG Construction for this project. GMG Construction had met all the Terms & Conditions and Specifications and came within budget. CAC met on May 15, 2012 and approved staff’s recommendation as indicated below and approved as followed:

GMG Construction - \$16,500

2409 Paseo Encantado St. - \$16,500

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

Staff Recommendation: Award bid to GMG Construction

City Manager recommended approval.

Councilman O’cana moved to approve to award bid for “Housing Assistance Program Phase 11-I Re-bid as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.28 Award bid for “Housing Assistance Program Phase 11-II”**

On April 23, 2012 City Council authorized staff to solicit bids for one (1) rehabilitation home and three (3) reconstructions. The City of Mission had accepted and opened two (2) bid responses for these projects. Staff recommended awarding to GMG Construction for the rehabilitation of one (1) home and reconstruction of one (1) home. Staff also recommended awarding to G&G Contractors for the reconstruction of one (1) home. Both GMG Construction and G&G Contractors had met all the Terms & Conditions and Specifications and came within budget. CAC met on May 15, 2012 and approved staff’s recommendation as indicated below and approve as follows:

GMG Construction - \$54,800

1010 Berry - \$16,000

108 Ray Circle - \$38,800

G&G Contractors - \$41,470

108North St.- \$41,470

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

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

City Manager recommended approval.

Councilman Plata moved to approve to award bid for “Housing Assistance Program Phase 11-II as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**4.29 Authorization to solicit bids for materials and labor for the installation of a sprinkler system at Birdwell Park**

Staff was requesting the solicitation of bids for the materials and labor for the installation of a sprinkler system at Birdwell Park. The specifications would include the areas surrounding and

west of the baseball field. The baseball field would not be included in the specifications because there was currently one in place.

City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for materials and labor for the installation of a sprinkler system at Birdwell Park as recommended. Motion was seconded by Councilman O’cana and approved unanimously 4-0.

**4.30 Award bid and Purchase via State approved contract of Maintenance Equipment for Parks and Recreation Department**

On February 27, 2012, City Council authorized staff to solicit for bids or purchase through State Approved Cooperative Agreement of maintenance equipment for City of Mission Parks, Right-of-Ways, and Facilities. The City of Mission had accepted and opened six (6) bid responses for the equipment.

Staff was recommending awarding to Mission Auto Electric for the following items; 10 Echo Trimmers, 3 Echo Pole Pruners, 1 Scag Turf Tiger, 3 Echo Backpack Blowers, Ryan Jr. Sod Cutter, Speedaire Compressor, and a Stihl Cut-off machine for a total dollar amount of \$21,725.18. Weeks Martin Implement Co, Inc. was being recommended for award on the following items; 4 Echo Chain Saws, and a Honda Generator for a total dollar amount of \$2,631.

Staff recommended purchasing an MIG Welder Unit and Magnum 100SG Spool Gun via State Cooperative TXMAS Contract #2-539030 due to no bids being submitted for this equipment in the current solicitation for bids.

City Manager recommended approval.

Councilman O’cana moved to approve to award bid and Purchase via State approved contract of Maintenance Equipment for Parks and Recreation Department as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.31 Authorization to Reject and Resolicit Bids for Maintenance Equipment for Parks and Recreation Department**

On February 27, 2012, City Council authorized staff to solicit for bids or purchase through State Approved Cooperative Agreement of maintenance equipment for City of Mission Parks, Right-of-Ways, and Facilities. The City of Mission had accepted and opened six (6) bid responses for

the equipment.

Staff recommended to reject and resolicit bids for 14' load dump trailer due to bidders not meeting terms & conditions/specifications.

City Manager recommended approval.

Councilman O'cana moved to authorize to reject and resolicit bids for Maintenance Equipment for Parks and Recreation Department as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

#### **4.32 Authorization to purchase brush chipper via State Approved Contract for Parks and Recreation Department**

Staff was requesting authorization to purchase a Brush Chipper via State Approved Buyboard Contract #345-10 from Vermeer in the amount of \$20,750. The brush chipper would be funded through the Lower Rio Grande Valley Development Council Regional Solid Waste Grant.

City Manager recommended approval.

Councilman O'cana moved to authorize to purchase brush chipper via State Approved Contract for Parks and Recreation Department as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

#### **4.33 Approval to purchase WEDECO UV System Parts for Waste Water Treatment Plant from a sole source vendor**

Staff was recommending the purchase of WEDECO UV System Parts from Xylem Water Solutions USA 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, included: (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;

These parts would be used by the Waste Water Treatment Plant Department to replace existing and broken down parts in the WEDECO UV System.

City Manager recommended approval.

Councilman O'cana moved to approve to purchase WEDECO UV System Parts for Waste Water Treatment Plant from a sole source vendor as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

#### **4.34 Award bid for the purchase of Corrosion Inhibitor for Water Treatment Plants**

On April 9, 2012 City Council authorized staff to solicit bids for the purchase of Corrosion Inhibitor. The City of Mission had accepted and opened two (2) bid responses for Corrosion Inhibitor. Staff recommended awarding to General Chemicals Performance Products L.L.C. who was lowest responsible bidder meeting specifications.

City Manager recommended approval.

Councilman O'cana moved to approve to award bid for the purchase of Corrosion Inhibitor for Water Treatment Plants as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**4.35 Award bid for the demolition of the sub-standard improvements located on 1.47 acres out of block 137, Mission original townsite and being at 819 Francisco Ave., Mission, Texas**

On February 13<sup>th</sup>, 2012 City Council authorized staff to solicit bids for the demolition of the Pena Building, located at 819 Francisco Ave. The City of Mission had accepted and opened nine (9) bid responses for this solicitation and recommended awarding to Mid Valley Utilities & Concrete LLC who was lowest responsible bidder meeting specifications.

City Manager recommended approval.

Councilwoman Ramirez moved to approve to award bid for the demolition of the sub-standard improvements located on 1.47 acres out of block 137, Mission original townsite and being at 819 Francisco Ave., Mission, Texas as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.36 Award bid for the purchase of Ammonium Sulfate for Water Treatment Plants**

On April 9, 2012 City Council authorized staff to solicit bids for the purchase of Ammonium Sulfate. The City of Mission had accepted and opened two (2) bid responses for Ammonium Sulfate. Staff recommended awarding to General Chemicals Performance Products L.L.C. who was lowest responsible bidder meeting specifications.

City Manager recommended approval.

Councilman O'cana moved to approve to award bid for the purchase of Ammonium Sulfate for Water Treatment Plants as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**4.37 Authorization to solicit bids for the "Repair of Manholes" for the Public Works Department**

Staff was seeking authorization to solicit bids for the repair of ten (10) manholes. Staff had pinpointed manholes throughout the city that were in need of repairs. Cement manholes would be replaced with fiber glass manholes. This would be done in order to prevent further deterioration on existing manholes.

City Manager recommended approval.

Councilwoman Ramirez moved to authorize to solicit bids for the "Repair of Manholes" for the Public Works Department as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.38 Authorization to submit the Byrne Criminal Justice Innovation Program FY 2012 Competitive Grant to the US Department of Justice, Bureau of Justice Assistance**

The Mission Police Department was requesting authorization to submit the Byrne Criminal Justice Innovation Program FY 2012 Competitive Grant to the U.S. Department of Justice, Bureau of Justice Assistance. The City of Mission Police Department in our efforts to address crime clustered in small areas, or “crime hot spots,” would be seeking the award of a \$1,000,000.00 grant. The complexity of crime issues had led to the emergence of comprehensive

placed-based and community-oriented initiatives that involved service providers from multiple sectors and disciplines, as well as community representatives from all types of organizations, to work together to reduce and prevent crime and to revitalize communities. There was no cash match required for this particular grant program. Staff was seeking a favorable recommendation.

City Manager recommended approval.

Councilman Plata moved to authorize to submit the Byrne Criminal Justice Innovation Program FY 2012 Competitive Grant to the US Department of Justice, Bureau of Justice Assistance as recommended. Motion was seconded by Councilman O’cana and approved unanimously 4-0.

**4.39 Authorization to purchase full battery replacements for the Mission Police Department UPS system via sole source vendor**

The Mission Police Department was requesting authorization to purchase full battery replacements for the Mission Police UPS system via sole source vendor. The UPS system was designed to maintain constant electrical power to all critical infrastructure (Police/Fire 800 MHZ Trunking Radio System, IBM main server, New World Software modules, ICS telephone system, Firewalls, and Microwave links, etc.) when there was any form of power interruption. The current batteries on the UPS were 10 years old and needed replacement. Eaton had been our vendor since the purchase of the original system. The \$20,641.80 purchase would include the replacement of every battery, labor, freight and a full three (3) year warranty. The purchase would be made from our Federal Drug Account. Staff was recommending approval.

City Manager recommended approval.

Councilman Plata moved to authorize to purchase full battery replacements for the Mission Police Department UPS system via sole source vendor as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**4.40 Authorization to amend Chapter 118 – Article III Wreckers, Article V, Rates and Fees Section 118-191. Maximum rates for Wrecker Service**

The permitted owners of the current wrecker companies on the Mission Police Department rotation list had requested an amendment to Chapter 118 - Article III – Wreckers, Article V. Rates and Fees – Section 118-191. Maximum Rates for Wrecker Service. The permitted owners advised of a disparity between wrecker service rates in the City of Mission compared to neighboring communities. Upon reviewing the existing rates in Mission to present rates in neighboring communities, staff did find a disparity between the Wrecker Services operating in Mission to neighboring communities of similar size. Staff therefore, respectfully requested that the ordinance be approved in an effort to maintain compatible wrecker fees in Mission to

neighboring communities. The last request to change wrecker rates in the City of Mission was in December of 2000.

City Manager recommended ordinance approval.

Councilwoman Ramirez moved to adopt Ordinance No. 3777 amending Chapter 118 – Article III Wreckers, Article V, Rates and Fees Section 118-191. Maximum rates for Wrecker Service as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3777**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
AMENDING SECTION 118-191 OF THE CODE OF ORDINANCES OF THE CITY OF  
MISSION, TEXAS, REGARDING RATES FOR WRECKER SERVICES; PROVIDING FOR  
AN EFFECTIVE DATE AND ORDAINING OTHER PROVISIONS RELATED TO THE  
SUBJECT MATTER THEREOF;

**4.41 Budget Amendments: 2012 CO, PD Federal Sharing Fund**

Mrs. Flores presented the budget amendments BA–2012-43 thru BA–2012-44 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve budget amendments BA–2012-43 thru BA–2012-44 for 2012 CO, PD Federal Sharing Fund as recommended. Motion was seconded by Councilman O’cana and approved unanimously 4-0.

**4.42 Authorization to solicit bids for construction of new restrooms at La Placita/Leo Pena Park**

Staff was seeking authorization to solicit bids for the construction of new restrooms at La Placita/Leo Pena Park. This would be done as part of the ongoing enhancement projects that were being constructed at various parks throughout the City of Mission.

City Manager recommended approval.

Councilman O’cana moved to authorize to solicit bids for construction of new restrooms at La Placita/Leo Pena Park as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**4.43 Authorization to solicit bids for the reconstruction of the traffic signal at Mayberry and 1<sup>st</sup> Street**

Staff was seeking authorization to solicit bids for the reconstruction of the traffic signal located at Mayberry and 1<sup>st</sup> Street. This signal would be reconstructed and funded as part of the Energy Efficiency Grant, provided by the US Department of Energy.

City Manager recommended approval.

**Minutes, 5/29/12 Pg. 24**

Councilman Plata moved to authorize to solicit bids for the reconstruction of the traffic signal at Mayberry and 1<sup>st</sup> Street as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**5.0 Unfinished Business**

None

**6.0 Routine Matters**

**6.1 City Manager's Comments**

None

**6.2 Mayor's Comments**

None

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

**7.1 Consultation with Attorney Sec. 551.071**

**A. FY 2011-2012 and FY 2012-2013 Amigos Del Valle Allocation**

**B. Mission Economic Development Corporation / Mission Economic Development Authority**

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

On item 7.1-A, no action was taken.

On item 7.1-B, no action was taken.

**8.0 Adjournment**

At 7:56 p.m., Councilman O'cana moved for adjournment. Motion was seconded by Councilman Plata and approved unanimously 4-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary