

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
JULY 09, 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

**ALSO PRESENT:**

Kathy Olivarez, Progress Times  
Lee McCormick  
Ray Perez  
Aurora Lopez  
Aurelio Florez  
Rene Barrera  
Hermelinda G. Florez  
Mission Boys & Girls All-Stars Teams  
Rafael Pacheco  
Richard Perez  
Kathy Garcia  
Matt Ruszczak  
Ken Jones

**ABSENT:**

**STAFF PRESENT:**

Nelia Hernandez, Asst. City Secretary  
Aida Lerma, Deputy City Manager  
Sonia Carnes, Deputy City Manager  
Sergio Zavala, Planning Director  
Alex Hernandez, Planning Dept.  
Roberto Salinas, Public Works Director  
Paul Schaefer, Golf Course Director  
Gilbert Sanchez, Fire Marshal  
Eduardo Belmarez, Purchasing Director  
Martin Garza, Chief of Police  
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  
Cassandra Karl, Museum Director  
Mayra Rocha, Library Director  
John Hernandez, City Engineer  
James Cardoza, Emergency Mngmnt. Coord.

**1. Call to order**

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:32 p.m.

**2. Pledge Allegiance and Invocation**

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

**3 Departmental Reports**

Councilwoman Maria Elena Ramirez moved to approve the departmental reports as presented. Motion was seconded by Councilman Dr. Armando O'cana and approved unanimously 4-0.

#### **4. Presentation by United Blood Services**

Crystal Olvera from United Blood Service spoke about their Heroes for Heroes event to be held on July 19, 2012 at the Chamber of Commerce bringing awareness for blood donations.

At 4:36 p.m., Councilman Ruben Plata joined the meeting.

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

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce advised the Council that the Chamber had received the TCCE award for 1<sup>st</sup> place for Social Media Marketing. He also reported on the chamber events that had recently taken place and future events.

#### **6. Citizens Participation**

Mr. Rey Perez thanked the Mayor and council and advised them of the concert that would be taking place to benefit the community with food and clothing donations.

JC Avila, Boys and Girls Club director recognized the All Star Boys and Girls Teams who were advancing to State competition. The Team coaches asked for the council's support to be able to attend the events.

#### **1.0 Public Hearing**

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

##### **A. Conditional Use Permit: Manufacturing & Packaging of Tortilla Chips in a C-4 Zone, 715 N. Glasscock Rd. Suite 12, Lot 12, 83 International Business Plaza Subd., C-4, Rafael Pacheco**

The subject site was located within a warehouse plaza 765' south of U. S. Business 83 and west along "C" Street. The applicant was proposing to manufacture, process, package, and store tortilla chips within the C-4 warehouse suite. The Zoning Code required a conditional use permit for the "manufacturing... processing, packaging of food products" in a C-4 zone.

The applicant was proposing the use of 3 mixing machines, 3 tortilla machines, and three bagging machines. Once the product was bagged, it would be stored until the Esquisita Tortilla Co. picked up the orders and take them to their warehouse. There would be no sales on-site, i.e. no customers on-site.

- Hours of Operation: Monday – Saturday from 8 a.m. to 5 p.m.
- Staff: There would be 4 employees operating the business.
- Must comply with sign code.
- Must comply with Building, Fire, and Health Codes.
- Must acquire a business license.

Staff noted that the proposed use would not be open to any customers, and the # of employees could be easily accommodated on the existing parking area. Also, the vehicles that would pick-up the orders would go inside the facility & load-up. There would be no parking in the alley. Finally, Sect. 1.56(8) of the Zoning Code prohibits any form of pollution to be dispensed to adjoining properties. There was no public opposition during the 6/27/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to: 1) 1 yr. re-evaluation to assess this new operation; 2) Comply with the City's Sign Code; 3) Comply with all Building, Fire, and Health Codes; 4) Acquire a business license and any health cards that may be required; 5) Alley not be impeded; and 6) Comply with Sect. 1.56(8) of the Zoning Code.

City Manager recommended approval.

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

There were no comments.

Councilman O'cana moved to approve Conditional Use Permit: Manufacturing & Packaging of Tortilla Chips in a C-4 Zone, 715 N. Glasscock Rd. Suite 12, Lot 12, 83 International Business Plaza Subd., C-4. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**B. Approval of Ordinance # \_\_\_\_\_ deleting 'Home Occupations' as a Conditional Use from the Zoning Ordinance #1128 (City Attorney may ask Council to go into Executive Session prior to considering this matter in open session.)**

City Attorney David Guerra asked that council go into executive session under consultation with attorney prior to considering this item in open session and also asked council if they wished to consider Executive Session item 7.1A at this time.

At 4:56 p.m., Councilman O'cana moved to convene into executive session for this item and item 7.1A. Motion was seconded by Councilman Plata and approved unanimously 5-0.

Pursuant to instruction given during the last meeting, an ordinance was presented which deleted 'home occupations' from Mission's Zoning Ordinance. If approved, there would be no new home occupations; and there would be no renewal of any existing home occupations.

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

There were no comments.

Councilman Plata moved to deny the ordinance deleting 'Home Occupations' as a Conditional Use from the Zoning Ordinance #1128. Motion was seconded by Councilwoman Ramirez and passed unanimously 5-0.

**C. Conditional Use Permit: Home Occupation--"2 Chair Beauty Salon", 804 W. 24<sup>th</sup> Place, Lot 74, Chaparral Heights Subd., R-1, Hermelinda G. Salazar**

The subject site was located 150' west of Holland Road along the north side of 24<sup>th</sup> Place. This 2-chair salon had been in operation since 11-17-10 and was most recently approved by P&Z on 6-22-11. The applicant had always complied with the "home occupation" regulations provided in Sect. 1.56-1 of the Zoning Code. Her hours of operation were Monday – Friday from 10:00 a.m. to 7:00 p.m. (by appointment only) and Mrs. Salazar was the only person running the salon. Staff had never received any complaints regarding this CUP. There was no public opposition during the 6/27/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to a 3 year re-evaluation.

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve Conditional Use Permit: Home Occupation--“2 Chair Beauty Salon”, 804 W. 24<sup>th</sup> Place, Lot 74, Chaparral Heights Subd., R-1. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

At 5:14 p.m., Mayor Salinas requested that items 5.1, 5.2, 5.3 and 5.4 be placed on the next city council agenda.

## **2.0 Disposition of Minutes**

### **2.1 City Council Meeting – June 25, 2012 and Special Council Meeting – July 02, 2012**

Councilman O’cana explained that he was absent from the June 25, 2012 City Council Meeting due to work related reasons.

Councilman O’cana 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 Mission Redevelopment Authority – May 22, 2012 Mission Tax Increment Reinvestment Zone – May 22, 2012 Mission Ambulance Board – May 31, 2012 Mission Economic Development Corporation – May 29, 2012 and June 7, 2012**

Mayor Pro Tem Norie Gonzalez 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 # 3790 for CUP for Manufacturing & Packaging of Tortilla Chips in a C-4 Zone, 715 N. Glasscock Rd., Ste. 12, Lot 12, 83 International Business Plaza Subd.**

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Garza moved to approve Ordinance No. 3790 for CUP for Manufacturing & Packaging of Tortilla Chips in a C-4 Zone, 715 N. Glasscock Rd., Ste. 12, Lot 12, 83 International Business Plaza Subd. Motion was seconded by Councilman Plata and approved unanimously 5-0.

## **ORDINANCE NO. 3790**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,  
TEXAS GRANTING A CONDITIONAL USE PERMIT FOR MANUFACTURING  
& PACKAGING OF TORTILLA CHIPS IN A C-4 ZONE, 715 N. GLASSCOCK RD.,  
STE. 12, LOT 12, 83 INTERNATIONAL BUSINESS PLAZA SUBDIVISION

**4.2 Adoption of Ordinance # 3791 for CUP for a Home Occupation – “2-Chair Beauty Salon”, 804 W. 24<sup>th</sup> Place, Lot 74, Chaparral Heights Subd.**

Staff and City Manager recommended ordinance approval.

Councilwoman Ramirez moved to approve Ordinance No. 3791 for CUP for a Home Occupation – “2-Chair Beauty Salon”, 804 W. 24<sup>th</sup> Place, Lot 74, Chaparral Heights Subd. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**ORDINANCE NO. 3791**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION – “2-CHAIR  
BEAUTY SALON”, 804 W. 24<sup>TH</sup> PLACE, LOT 74, CHAPARRAL HEIGHTS SUBDIVISION

**4.3 Preliminary Plat Approval: Keystone Subd., A 10.78 acre tract of land out of the South 20 acres of Lot 186, J.H.S. Subd., R-1, Developer: GV Shary Development, LTD, Engineer: Barrera Infrastructure Group, Inc.**

The subject site was located 215’ north of Victoria Rd. along the west site of Taylor Road. The proposed subdivision consisted of 45 single family residential lots. The lot sizing ranged from 6,041’ to 10,875’. These lot sizes were consistent with the R-1 lot minimum area dimensions.

Water: The developer was proposing water service with a new internal 8” waterline network that would connect to an existing 8” water line located along the west side of Taylor Road and would provide secondary loop to the system by connecting to an existing 8” line located along the western perimeter of the subdivision. There were also 5 new fire hydrants located via the direction of the Fire Marshal’s office.

Sewer: An 8” sewer line network would be installed within the subdivision which would then connect into an 8” sewer line located along the west side of Taylor Road. The Capital Sewer Recovery Fee was required at \$200/Lot which equated to \$9000 (\$200 x 45 Lots).

Streets & Storm Drainage: The subdivision had access to Taylor Road, a future 80’ ROW, 57’ B-B street. The developer would be dedicating an additional 10’ of ROW along Taylor Road to equate to the minimum 40’ from centerline. The subdivision consisted of a single street with three internal cul-de-sacs, all being the minimum 50’ ROW, 32’ B-B paved streets. Storm drainage was accomplished through a series of 24”, 30” & 36” storm lines which would connect into an existing regional drainage ditch system currently located on the north and west side of the subdivision. An additional 15’ of drainage ditch ROW was also being dedicated along the north side of the subdivision by this plat for future widening, maintenance, etc. of the drainage ditch.

Other Comments: Comply with Park Fees - \$300/Lot = \$13,500; Escrow 5’ sidewalk along Taylor Road in the amount of \$1,589.52 (132.46’ x \$12 l.f.); street widening for Taylor Road; 6’ opaque buffer required along the perimeter of the subdivision due to the existing ditches and commercial uses to the south; Water District Exclusion; and Must comply with all other format findings.

There was no public opposition during 6/27/12 P&Z’s Meeting. P&Z unanimously recommended approval as per staff’s recommendation.

Staff Recommendation: Approval subject to: 1) Dedication of additional ROW along Taylor Road; 2) Payment of Park & Capital Sewer Recovery Fees; 3) Escrow the 5’ sidewalk and Street

Widening along Taylor Road; 4) Provide Water District Exclusion; and 5) Comply with all other format findings.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Preliminary Plat Approval: Keystone Subd., A 10.78 acre tract of land out of the South 20 acres of Lot 186, J.H.S. Subd., subject to changing 24" line to 30" line and add inlet near Lot 45. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.4 Request by CVS Pharmacy to authorize City Manager to issue Building Permit Prior to Subdivision Recordation being a 1.411 acre tract out of Lot 25-7, W.A.S. (NE corner of Conway/Griffin Parkway)**

No action was taken on this item due to plat already being recorded.

**4.5 Approval of Ordinance # \_\_\_\_\_ to Amend Sec. 86-7 (1) to permit possible Variance for 'Signs' with no Pre-established percentage of deviation if along specified major streets only**

Section 86-7 of the Sign Code Reflected the appeals process for sign improvements in Mission. The Zoning Board of Adjustments was empowered to consider sign variances (in a public hearing setting) but could only do so to a maximum degree of 10%.

The intent of this ordinance was to consider signs along major streets with a higher level of latitude for variance since these streets were much more traffic-congestive than localized collectors streets.

This item would amend Sec. 86-7 (1) of the Sign Code to allow ZBA increased latitude for considered variances but only for sign proposals along the specified major streets of Conway Avenue, U.S. Business Hwy 83, Shary Road, Griffin Parkway, and FM 1924 (3 Mile Road).

In all other lower-classified type streets, the ZBA would still be restrained by the maximum 10% rule.

Staff and City Manager recommended ordinance approval.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS,  
AMENDING SECTION 86-7 (1) OF ITS CODE OF ORDINANCES CHANGING VARIANCE  
LIMITS TO SETBACK, EFFECTIVE AREA (FACE) AND HEIGHT OF DETACHED ON-  
PREMISE SIGNS ON SPECIFIED MAJOR STREETS; PROVIDING A CODIFICATION  
CLAUSE; AND PROVIDING A PUBLICATION DATE**

Mayor Salinas said that the purpose of this item was to allow and grant a permit to place a 60 square foot sign on property in the vicinity of the intersection of Griffin Parkway and Los Ebanos Rd. City Attorney David Guerra advised the Mayor and Council that the passage of the proposed ordinance was a step in accomplishing that purpose but that it would be necessary for the applicant to apply to the Zoning Board of Adjustment for a variance. Mayor Salinas said that this was not an acceptable solution. Mayor Salinas and City Attorney Guerra then had an intense discussion regarding this matter.

Thereafter Mayor Salinas asked for a motion to authorize the City Manager to issue a building permit that would allow a 60 square foot sign on property in the vicinity of Griffin Parkway and Los Ebanos Rd. City Attorney Guerra then asked Mayor Salinas and the Council to go into executive session on this item under the “Consultation with Attorney” exception. Mayor Salinas refused. Another intense discussion ensued between Mayor Salinas and City Attorney Guerra. Mayor Pro Tem Garza then asked City Attorney Guerra if the motion the Mayor was asking for was appurtenant to the agenda item. City Attorney Guerra answered “No”.

Councilman Plata then moved to authorize City Manager to issue a permit that allowed a 60 square foot sign in the vicinity of the intersection of Griffin Parkway and Los Ebanos. Motion was seconded by Councilman O’cana but emphasized that his second was for the purpose of allowing discussion on the motion. Discussion ensued. Thereafter Mayor Salinas called for a vote and the motion was approved by a 3-2 vote with Mayor Pro Tem Garza and Councilman O’cana voting against. Prior to casting his vote, Councilman O’cana said that he would have voted for the motion had it included a requirement that the applicant apply to the Zoning Board of Adjustment for a variance.

#### **4.6 Authorization to solicit proposals for Fleet Repair, Maintenance, and Preventive Services**

Staff was seeking authorization to solicit proposals for City Fleet Repairs, Maintenance, and Preventative Services. The City’s current contract with First Vehicle Services would expire October 1, 2012. Services would be procured for all city vehicles, heavy equipment, and specialized equipment.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit proposals for Fleet Repair, Maintenance, and Preventive Services. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

#### **4.7 Authorization to solicit bids for Powdered Activated carbon for North and South Water Plants**

Staff was seeking authorization to solicit bids for the purchase of Powdered Activated Carbon. Chemical was needed by the Public Works Department for the treatment of its Water Treatment Plants for daily operations. Public Works Department had opted to solicit for bids because their current vendor Envirogreen Chemicals, L.L.C. was going out of business.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to solicit bids for Powdered Activated carbon for North and South Water Plants. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **4.8 Authorization to solicit bids for “Housing Assistance Program – Phase 11-IIA”**

CAC met on March 27, 2012 and approved staff’s recommendation to provide assistance for the reconstruction of three (3) homes home through the CDBG program as follows:

Reconstruction:

- 602 N Nicholson – 2 bedrooms
- 2421 W Expressway 83 – 2 bedrooms
- 122 Keralum – 3 bedrooms

Staff Recommendation: Solicit bids for “Housing Assistance Program - Phase 11-IIA”.

City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for “Housing Assistance Program – Phase 11-IIA”. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.9 Approval of Ordinance # 3792 approving a negotiated resolution between the City and Texas Gas Service regarding the Company’s May 1, 2012 Cost of Service Adjustment and June 26, 2012 Statement of Intent Filing**

On June 11, 2012 the City Council approved a resolution to suspend the rate increase in order to allow consultant, Geoffrey Gay time to review this proposed increase and to provide a recommendation back to the local governments for consideration. There was a Settlement Ordinance resolving all issues relating to the TGS Statement of Intent. The combined rate impact of the COSA and SOI was about \$1.40 per month for a residential customer.

Staff and City Manager recommended ordinance approval.

Mr. Ken Jones from the Lower Rio Grande Valley Development Council was present to answer any questions the Council might have.

Councilwoman Ramirez moved to approve Ordinance No. 3792 approving a negotiated resolution between the City and Texas Gas Service regarding the Company’s May 1, 2012 Cost of Service Adjustment and June 26, 2012 Statement of Intent Filing. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3792**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, (“CITY”) APPROVING A NEGOTIATED RESOLUTION BETWEEN CITY AND TEXAS GAS SERVICE (“TGS” OR “THE COMPANY”) REGARDING THE COMPANY’S MAY 1, 2012 COST OF SERVICE ADJUSTMENT (“COSA”) FILING AND JUNE 26, 2012 STATEMENT OF INTENT (“SOI”) FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE SOI FILED TARIFFS TO BE JUST AND REASONABLE; PROVIDING FOR THE RECOVERY OF THE CITY’S REASONABLE AND NECESSARY RATE CASE EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; REPEALING ANY PRIOR ORDINANCES INCONSISTENT WITH THIS ORDINANCE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE CITY’S LEGAL COUNSEL.

**4.10 Authorization to issue Permits to Ambulance Provider Applicants**

On July 2, 2012 the City of Mission Ambulance Board met to review (8) Ambulance Company permit applicants to conduct business in the City of Mission, all eight applicants were approved by the Ambulance Board as they have met all the required specifications for permit issuance.

Staff and City Manager recommended approval.



Mayor Pro Tem Garza moved to authorize to issue permits to Ambulance Provider Applicants. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.11 Authorization to approve Med-Care EMS 911 Contract 2012 thru 2014**

On July 02, 2012 the City of Mission Ambulance Board met to review the Cities EMS 911 contracted provider. It was recommended unanimously extending Med-Care's 911 contract for an additional two year term beginning July 20<sup>th</sup>, 2012 and terminating July 19<sup>th</sup>, 2014 with the option to extend an additional year. This renewal came with a zero subsidy for an additional EMS unit bringing the total number of units to three MICU (Mobile Intensive Care Unit) for the City of Mission.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to approve Med-Care EMS 911 Contract 2012 thru 2014. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.12 Authorization to accept a donation of a 5 Ton Military Truck from the Texas Forest Service, Firefighting property Program**

Mission Fire Department was seeking authorization to accept a donation of a 5 Ton 1984 AM General M923A1 5 Ton 6x6 truck from the Texas Forest service Department of Defense firefighting property program. This truck would be used by the fire department for wild land firefighting and during flood event in the city or region. The only requirement was that within 180 days of delivery staff paint the truck, it be used for the operational function, and be insured.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize to accept a donation of a 5 Ton Military Truck from the Texas Forest Service, Firefighting property Program. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.13 Authorization to award bid for purchase of maintenance equipment for Parks and Recreation Department**

On May 29, 2012, City Council authorized staff to resolicit bids for a 14' dump trailer due to bidders not meeting terms and conditions/specifications. The City of Mission had accepted and opened two (2) bid responses for the trailer solicitation.

Staff was recommending awarding Elliff Trailer Sales in the amount of \$7,488 for the 14' dump trailer. All conditions/specifications were met.

City Manager recommended approval.

Councilman O'cana moved to authorize to award bid for purchase of maintenance equipment for Parks and Recreation Department. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**4.14 Change Order #1 for 94 linear feet of King Ranch Fence on tract boundaries between Mission Nature Trails and Mission Skeet and Trap Club**

An additional 94 linear feet of King Ranch Fence, not originally specified, would increase the total contract amount by \$200. The total contract amount would be increased from \$20,499 to \$20,699.

Staff Recommendation: Approval of Change Order #1.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Change Order #1 for 94 linear feet of King Ranch Fence on tract boundaries between Mission Nature Trails and Mission Skeet and Trap Club. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

**4.15 Authorization to solicit bids or purchase via Buy Board for Library Materials (books & media)**

Speer Memorial Library was seeking authorization to solicit bids or purchase via Buy Board for library materials (books & media). Library materials would be made available to all patrons to check out for educational and cultural purposes. This material would be purchased from the Library's General account.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to solicit bids or purchase via Buy Board for Library Materials (books & media). Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.16 Authorization to solicit bids or purchase via State Approved Contract for E-Book materials and services**

Speer Memorial Library was seeking authorization to solicit bids or purchase via State approved contract for library E-books & services. E-Book services would be made available to all patrons to use with their electronic devices providing up to date services. E-Books and services would be purchased from the Library's General account.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids or purchase via State Approved Contract for E-Book materials and services. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.17 Budget Amendments: General Fund and Municipal Court Building Security Fund**

Accountant Randy Perez presented the budget amendments BA-2012-48 thru BA-2012-50 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve budget amendments BA-2012-48 thru BA-2012-50 as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

**4.18 Approval of Ordinance # 3793 to establish a City of Mission Juvenile Justice and Delinquency Prevention Advisory Board**

The office of the Chief of Police of the City of Mission was requesting approval of an ordinance establishing a City Mission Juvenile Justice and Delinquency Prevention Advisory Board. The nine-member board would be responsible to serve the community by planning, conducting, promoting, and assisting in activities designed to decrease the number, severity and cost of juvenile crime. The board shall have advisory powers only and shall make recommendations to the City of Mission City Council for its consideration. Staff was respectfully recommending approval to establish the City of Mission Juvenile and Delinquency Prevention Advisory Board.

City Manager recommended approval.

Councilman O'cana moved to approve Ordinance No. 3793 to establish a City of Mission Juvenile Justice and Delinquency Prevention Advisory Board subject to change to a thirteen-member board with one member from each school district and one city council representative. Motion was seconded by Councilman Plata and approved unanimously 5-0.

### **ORDINANCE NO. 3793**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, CREATING A JUVENILE JUSTICE AND DELINQUENCY PREVENTION ADVISORY BOARD; SPECIFYING THE TERMS OF OFFICE; SPECIFYING THE QUALIFICATIONS FOR MEMBERSHIP; AUTHORIZING THE COMMITTEE TO ESTABLISH ITS BY-LAWS AND PROCEDURES; ESTABLISHING RESPONSIBILITY OF THE COMMITTEE; SPECIFYING POWERS OF THE COMMITTEE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF

#### **4.19 Consider for adoption Resolution # 1323 authorizing Issuance of Solid Waste Disposal Revenue Refunding Bonds (Republic Services, Inc. Project) Series 2012; Loan of Bond Proceeds to Republic Services, Inc.; Approving Documents Relating Thereto; Approving Public Hearing; and Approving Other Matters in Connection Therewith**

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.

On May 29, 2012 the City Council approved the Resolution which was good for 60 days under state statutes which meant that the transaction needed to close by July 27<sup>th</sup>. Due to some unexpected delays that couldn't be avoided the transaction would not close until August 1st. A new approval from the City would give another 60 day window to close the transaction even though only a few extra days were needed.

Lee McCormick was present to answer any questions the council may have.

City Manager recommended approval.

Councilman Plata moved to adopt Resolution No. 1323 authorizing Issuance of Solid Waste Disposal Revenue Refunding Bonds (Republic Services, Inc. Project) Series 2012; Loan of Bond Proceeds to Republic Services, Inc.; Approving Documents Relating Thereto; Approving Public Hearing; and Approving Other Matters in Connection Therewith. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

#### **5.0 Unfinished Business Public Hearing**

**5.1 Rezoning: A 1.50 acre tract out of Lot 108, Sharyland Orchards Subd., R-1A to C-3, Aurelio Flores**

This item remained on the table and the City Secretary was instructed to place the item on the next agenda.

**5.2 Conditional Use Permit: Home Occupation – Flower Shop, 1632 N. Bryan Road, Lot 2 & the N. 39' of Lot 3, Block 2, Bryan Heights Subdivision, R-1, Life of Use, Aurora Lopez**

This item remained on the table and the City Secretary was instructed to place the item on the next agenda.

**Approval and Authorizations**

**5.3 Adoption of Ordinance # \_\_\_\_\_ for Rezoning: A 1.50 acre tract out of Lot 108, Sharyland Orchards Subd., R-1A to C-3**

This item remained on the table and the City Secretary was instructed to place the item on the next agenda.

**5.4 Adoption of Ordinance # \_\_\_\_\_ for CUP for Home Occupation – Flower Shop, 1632 N. Bryan Road, Lot 2 & the N. 39' of Lot 3, Block 2, Bryan Heights Subd., R-1**

This item remained on the table and the City Secretary was instructed to place the item on the next agenda.

**6.0 Routine Matters**

**6.1 City Manager's Comments**

None

**6.2 Mayor's Comments**

Mayor Salinas expressed that his objective is for the City to grow, and stated that the most important people in this community are the taxpayers and they will always have a voice in this council. He expressed his message of support to everyone who wanted to come to the City of Mission to bring in their business and welcome them. He also stated that he would be running for office in 2014.

Mayor Pro Tem Garza commented that she echoed Mayor's words about supporting the business people and thanked staff for a job well done.

Councilman O'cana suggested revisiting the ordinances. He also agreed that the City employees have to work with restrictions and constraints which are established by the ordinances. He expressed the need to provide the latitude and opportunity for employees to be able to do their job within the City Ordinances because is an expectation from City Government.

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

**7.1 Deliberation regarding real property Sec. 551.072**

**A. Land lease agreement on property located south of Military Rd. between Inspiration Rd. and Schuerbach Rd.**

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

**Minutes, 7/09/12 Pg. 13**

At 5:11 p.m., Councilman O'cana moved to reconvene in open session and continued with item 1.1B of the agenda. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

On item 7.1-A, Mayor Pro Tem Garza moved to approve the land lease agreement on property located south of Military Rd. between Inspiration Rd. and Schuerbach Rd. and authorize the mayor to enter into a lease agreement on terms that were agreeable to him. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

At 5:19 p.m., Mayor Salinas continued onto item 2.1 of the agenda.

**8.0 Adjournment**

At 6:13 p.m., Councilwoman Ramirez moved for adjournment. Motion was seconded by Councilman Plata and approved unanimously 5-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary