

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
JULY 08, 2013 4:30 P.M.  
MISSION CITY HALL**

**PRESENT:**

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

**ABSENT:**

**ALSO PRESENT:**

Kathy Olivarez, Progress Times  
Richard Perez  
Ed Vazquez  
Rigoberto Abrego  
Jim Barnes  
John R. Guerra  
Magda Villarreal  
Marianna T. Wright  
George Myers

**STAFF PRESENT:**

Nelia Hernandez, Asst. City Secretary  
Aida Lerma, Deputy City Manager  
Danny Tijerina, Planning Director  
Alex Hernandez, Planning Dept.  
Roberto Salinas, Public Works Director  
Paul Schaefer, Golf Course Director  
Joanne Longoria, CDBG Director  
Rick Saldana, Fire Chief  
Eduardo Belmarez, Purchasing Director  
Robert Dominguez, Interim Chief of Police  
Janie Flores, Finance Director  
Randy Perez, Asst. Finance Director  
Julian Gonzalez, Parks & Rec. Director  
Luduvico Martinez, B & G Club Director  
Noemi Munguia, HR Director  
Robert Hinojosa, Risk Manager  
Jesse Lerma, Civil Service Director  
Roland Rodriguez, I. T. Director  
Luis Contreras, Museum Director  
Mayra Rocha, Library Director  
Jonathan Wehrmeister, Judge

**1. Call to order**

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:34 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. Report from the National Butterfly Center**

Marianna Trevino-Wright from the National Butterfly Center gave the Council an update on the In Focus production, Keep Texas Beautiful conference participation and on the Texas Butterfly Festival registration and hotel reservations.

### **4. Departmental Reports**

Councilman Ruben Plata moved to approve the departmental reports as presented. Motion was seconded by Mayor Pro Tem Norie Gonzalez Garza and approved unanimously 5-0.

### **5. 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 and future events that would be taken place in the community.

### **6. Citizens Participation**

Luis Contreras, Museum Director invited the Mayor and Council to the Landscape Project Ribbon Cutting to be held on Friday, July 19 at 9:00 a.m.

#### **1.0 Public Hearing**

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

- A. Conditional Use Permit Home Health Agency in an AO-I Zone, 2509 E. 2 Mile Rd., being a .75 acre tract of land out of Lot 296, John H. Shary Subd., AO-I, Norma A. Torres**  
**Adoption of Ordinance # 3953 approving 1.1A**

On June 26, 2013 the Planning and Zoning Commission convened in order to consider the conditional use permit request mentioned above, which was located 151' north of 2 Mile Road along the west side of Melody Lane. Staff sent notices to property owners within a 200' radius of the site and staff did receive several complaints regarding the business in the residential area, regarding the higher amount of traffic going through the small private drive and simply having the business in the middle of single family homes. There was public opposition during the meeting, however the neighbors and applicant agreed with the Board's recommendation to approve the conditional use permit for 6 months.

Staff Recommendation: Denial.

City Manager recommended approval of only 6 months with no option to renew; applicant should seek the commercial district after the six months.

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

There were no comments.

Mayor Pro Tem Garza moved to approve the CUP and to adopt Ordinance No. 3953 Conditional Use Permit Home Health Agency in an AO-I Zone, 2509 E. 2 Mile Rd., being a .75 acre tract of land out of Lot 296, John H. Shary Subd., AO-I, subject to City Manager's recommendation. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3953**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A CONDITIONAL USE PERMIT FOR A HOME HEALTH AGENCY  
IN AN AO-I ZONE, 2509 E. 2 MILE ROAD, BEING A .75 ACRE TRACT OF LAND  
OUT OF LOT 296, JOHN H. SHARY SUBDIVISION

**B. Abandoning a 20' strip of alley ROW lying between Lots 4 & 12, Wayne Marshall Subd.**

**Adoption of Ordinance # 3954 approving 1.1B**

Staff received a request from Madge Villarreal, the owner of Lots 4 & 12, to abandon a 20' strip of alley, since it currently divided her property. The site was located on the SW corner of School Lane and Ragland Road. The 20' alley was not currently in use and did not have any City utilities running within. Since this request was similar to the abandonment of the alley from '92 and there were no City Utilities within the alley ROW, staff did not object to the abandonment of the alley between Lots 4 & 12. There was no public opposition during P&Z 6/26/13 Mtg. The Board unanimously recommended approval as per staff's recommendations.

Staff and City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Garza moved to approve the abandonment and to adopt Ordinance No 3954 Abandoning a 20' strip of alley ROW lying between Lots 4 & 12, Wayne Marshall Subd. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3954**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
VACATING, ABANDONING AND CLOSING A 20 FOOT STRIP OF ALLEY RIGHT-OF-  
WAY BETWEEN LOTS 4 & 12 OWNED BY THE CITY WITHIN THE WAYNE MARSHALL  
SUBDIVISION

**C. Rezoning: A 2.917 acre tract of land (Tracts 2, 3 & 4) being a part out of Lot 166, John H. Shary Subd., C-3 (General Business) to R-3 (Multi-Family Residential), Rio Delta Engineering**

**Adoption of Ordinance # 3955 approving 1.1C**

On June 26, 2013 the Planning and Zoning Commission convened in order to consider the rezoning request mentioned above, which was located on the NW corner of Taylor Road and Colorado Street. There was no public opposition during P&Z 6/26/13 Mtg. The Board unanimously recommended approval as per staff's recommendations.

Staff and City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the rezoning and to adopt Ordinance No 3955 Rezoning: A 2.917 acre tract of land (Tracts 2, 3 & 4) being a part out of Lot 166, John H. Shary Subd., C-3 (General Business) to R-3 (Multi-Family Residential). Motion was seconded by Councilwoman Maria Elena Ramirez and approved unanimously 5-0.

**ORDINANCE NO. 3955**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING A 2.917 ACRE TRACT OF LAND (TRACTS 2, 3 & 4) BEING A PART OUT OF LOT 166, JOHN H. SHARY SUBDIVISION, FROM C-3 (GENERAL BUSINESS) TO R-3 (MULTI-FAMILY RESIDENTIAL)

**D. Rezoning: Lot 1, Mission Spanish Seventh-Day Adventists Church Subd. from C-1 (Office Building) to P (Public Zone), Otoniel Reyes  
Adoption of Ordinance # 3956 approving 1.1D**

On June 26, 2013 the Planning and Zoning Commission convened in order to consider the rezoning request mentioned above, which was located on the SE corner of Griffin Parkway and Inspiration Road. There was no public opposition during P&Z 6/26/13 Mtg. The Board unanimously recommended approval as per staff's recommendations.

Staff and City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the rezoning and to adopt Ordinance No 3956 Rezoning: Lot 1, Mission Spanish Seventh-Day Adventists Church Subd. from C-1 (Office Building) to P (Public Zone). Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**ORDINANCE NO. 3956**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING LOT 1, MISSION SPANISH SEVENTH-DAY ADVENTISTS CHURCH SUBDIVISION, C-1 (OFFICE BUILDING) TO P (PUBLIC ZONE)

City Attorney David Guerra asked Council to consider item 1.1E in executive session under "Consultation with Attorney," prior to considering it in open session.

At 4:55 p.m., Mayor Salinas asked to skip the item and consider it later on under executive session. He then continued with item 1.1F.

**E. Rezoning: Lots 16-18, Bryan Pointe Subd., Ph. I, C-3 (General Business) to P (Public Zone), Ignite Public Schools & Community Service Center  
Adoption of Ordinance # \_\_\_\_\_ approving 1.1E  
(City Attorney may ask City Council to go into executive session on this item under the "Consultation with Attorney" exception before considering this matter in open session)**

Councilwoman Ramirez moved to table this item. Motion was seconded by Councilman Plata and approved unanimously 5-0.

Mayor Salinas continued on to item 7.1-A.

**F. Rezoning: 18.12 acre tract of land out of Lots 17-9 & 18-9, West Addition to Sharyland Subd., from R-1 (Single Family Residential) & AO-I (Agricultural Open Interim) to P (Public Zone), City Initiated  
Adoption of Ordinance # 3957 approving 1.1F**

On June 26, 2013 the Planning and Zoning Commission convened in order to consider the rezoning request mentioned above, which was located approximately 150' south of 1<sup>st</sup> Street along the east side of Mayberry Road. There was no public opposition during P&Z 6/26/13 Mtg. The Board unanimously recommended approval as per staff's recommendations.

Staff and City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Garza moved to approve the rezoning and to adopt Ordinance No 3957 Rezoning: 18.12 acre tract of land out of Lots 17-9 & 18-9, West Addition to Sharyland Subd., from R-1 (Single Family Residential) & AO-I (Agricultural Open Interim) to P (Public Zone), City Initiated. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3957**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING A 18.12 ACRE TRACT OF LAND OUT OF LOTS 17-9 & 18-9, WEST ADDITION TO SHARYLAND SUBDIVISION, R-1 (SINGLE FAMILY RESIDENTIAL) & AO-I (AGRICULTURAL OPEN INTERIM) TO P (PUBLIC ZONE)

**G. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Palms II Lounge, 600 E. 9<sup>th</sup> St., Lots 11-15, Block 142, Mission Original Townsite Subd. aka Tomas B. Sammons Ind. Subd., C-3, Ricardo Rodriguez  
Adoption of Ordinance # 3958 approving 1.1G**

On June 26, 2013 the Planning and Zoning Commission convened in order to consider the conditional use permit request mentioned above, which was located on the SE corner of E. 9<sup>th</sup> Street and St. Marie. There was no public opposition during P&Z 6/26/13 Mtg. The Board unanimously recommended approval as per staff's recommendations.

Staff Recommendation: Approval for 1 year.

City Manager recommended approval.

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

There were no comments.

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City Attorney Guerra disclosed to Council that he was handling the real estate transaction involving this property.

Councilman Plata moved to approve the CUP and to adopt Ordinance No 3958 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Palms II Lounge, 600 E. 9<sup>th</sup> St., Lots 11-15, Block 142, Mission Original Townsite Subd. aka Tomas B. Sammons Ind. Subd., C-3. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

### **ORDINANCE NO. 3958**

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 – PALMS II LOUNGE, 600 E. 9<sup>TH</sup> STREET, LOTS 11-15, BLOCK 142, MISSION ORIGINAL TOWNSITE SUBDIVISION (AKA THOMAS B. SAMMONS INDUSTRIAL SUBDIVISION)

## **2.0 Disposition of Minutes**

### **2.1 City Council Meeting – June 24, 2013**

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

## **3.0 Acknowledge Receipt of Minutes**

### **3.1 Zoning Board of Adjustments – April 17, 2013 and May 15, 2013**

**Planning and Zoning Commission – May 22, 2013 and June 12, 2013**

**Mission Redevelopment Authority – May 28, 2013 and June 6, 2013**

**Mission TIRZ – May 28, 2013 and June 6, 2013**

**Mission Economic Development Corporation – June 4, 2013**

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

## **4.0 Approvals and Authorizations**

### **4.1 Report on the City of Mission's Agreement with Hunt Valley Development on annual transferring of Water Rights**

The City of Mission had a long-standing agreement with Hunt Valley Development to annually transfer any water rights of recorded plats within their development. During the period of July 1, 2012 to June 30, 2013, Hunt recorded 3 new subdivisions, which were calculated to require a dedication of 43.00 ac-ft. of water rights (34.39 recorded acres x 1.25/acre). Staff presented a document outlining Hunt's previous transfers to the City.

Staff and City Manager recommended: Approval of the report.

Councilwoman Ramirez moved to approve the report on the City of Mission's Agreement with Hunt Valley Development on annual transferring of Water Rights. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **4.2 Authorization to solicit bids for Odor Control for the Public Works Waste Water Treatment Plant**

Staff was seeking authorization to solicit bids for Odor Control Masking Agent Chemical. Chemical was needed to neutralize odor at the wastewater plant, pretreatment plant and sanitary sewer lift stations. Current contract did not have more yearly renewals.

Staff Recommendation: Authorization to solicit bids for Odor Control Chemical.

City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for Odor Control for the Public Works Waste Water Treatment Plant. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

#### **4.3 Authorization to solicit bids for Liquid Emulsion Polymer for the Public Works Waste Water Treatment Plant**

Staff was seeking authorization to solicit bids for Liquid Emulsion Polymer. Chemical was needed to condition wastewater sludge in order to enhance the watering process. Current contract did not have any more yearly renewals.

Staff Recommendation: Authorization to solicit bids for Liquid Emulsion Polymer.

City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for Liquid Emulsion Polymer for the Public Works Waste Water Treatment Plant. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

#### **4.4 Approval of Resolution # 1355 of the City of Mission, Texas approving cooperation with the Steering Committee of cities served by AEP Texas Central Company's (AEP TCC) to review AEP TCC's requested approval of an adjustment to its energy efficiency cost recovery factor; hiring legal and consulting services to negotiate with the Company and direct any necessary litigation and appeals; finding that the meeting at which this resolution was passed is open to the public as required by law; and requiring notice of this resolution to legal counsel**

AEP Texas Central Company ("TCC" or "Company") filed an application on or about May 31, 2013 with the Public Utility commission of Texas ("PUC" or Commission"), seeking to adjust its 2014 Energy Efficiency Cost Recovery Factor ("EECRF"). Pursuant to Commission rules, TCC was required to annually apply no later than June 1 of very year to adjust its EECRF in order to reflect changes in program costs and bonuses and to minimize any over-or under- collection energy efficiency costs resulting from the use of the EECRF.

In this filing, TCC was seeking to adjust its EECRF to collect \$9,492,842 for six components: (1) \$7,199,976 in projected 2014 energy efficiency program cost; (2) \$2,071,768 credit for over-recovery of energy efficiency revenues collected in 2012; (3) \$49,134 credit for November 26, 2012 revision to the April 2012 Energy Efficiency Plan and Report filed in Project No. 40194; (4) \$3,840,680 for TCC's performance bonus; (5) \$567,400 for evaluation, measurement, and

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verification (“EM&V) costs for 2013 and 2014; and (6) \$5,688 for 2012 EECRF proceeding expenses incurred in Docket No. 40359.

The resolution authorizes the City to join with the Steering Committee of Cities Served by AEP TCC (“Steering Committee”) to evaluate the filing, determine whether the filing complies with law and if lawful, to determine what further strategy, including settlement, to pursue.

Staff Recommendation: Passage of resolution.

City Manager recommended approval.

Councilman Plata moved to approve Resolution No. 1355. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**RESOLUTION NO. 1355**

RESOLUTION OF THE CITY OF MISSION, TEXAS APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY AEP TCC TO REVIEW AEP TEXAS CENTRAL COMPANY’S REQUESTED APPROVAL OF AN ADJUSTMENT TO ITS ENERGY EFFICIENCY COST RECOVERY FACTOR; HIRING LEGAL AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO LEGAL COUNSEL.

**5.0 Unfinished Business**

None

**6.0 Routine Matters**

**6.1 City Manager’s Comments**

None

**6.2 Mayor’s Comments**

None

At 5:07 p.m., Councilman Dr. Armando O’cana moved to convene into executive session to consider items 1.1E, 7.1-A, and 7.2-A. Motion was seconded by Councilman Plata and approved unanimously 5-0.

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

**7.1 Consultation with Attorney Sec. 551.071**

**Deliberation regarding real property Sec. 551.072**

- A. 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 of Mission v Alejandro Gonzalez**

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



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At 5:27 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

Mayor Salinas continued on to item 1.1E of the agenda.

On item 7.1-A, Councilwoman Ramirez moved to authorize staff to go out for bids for the 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, reserving a drainage easement in the approximate area of .45 acre with the solicitation for bids having a minimum bid of \$85,000.00. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

On item 7.2-A, no action was taken.

**8.0 Adjournment**

At 5:29 p.m., Councilman Plata moved for adjournment. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

\_\_\_\_\_  
Norberto Salinas, Mayor

ATTEST:

\_\_\_\_\_  
Anna Carrillo, City Secretary