

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

Kathy Olivarez, Progress Times
Gail Burkhardt, The Monitor
Jim Brunson, Progress Times
Heleazar Soliz, Jr.
Elizardo Ramos
Aaron Balli
Eddie Johnson
Eloy David Gonzalez
Rene De La Cruz
Richard Perez
Alex Meade
Luis Contreras
Mario Ornelas
Melchor Chavez
Ciro Ochoa, Jr.

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Sonia Carnes, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sergio Zavala, Planning Director
Alex Hernandez, 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
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
Jonathan Wehrmeister, Judge
Cassandra Karl, Museum Director
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 4:38 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 Plata moved to approve the departmental reports as presented. Motion was seconded by Councilwoman Maria Elena Ramirez and approved unanimously 5-0.

4. 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 on future scheduled events.

5. Citizens Participation

None

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Conditional Use Permit: To keep a 5.5' x 10.6' Portable Building for the Sale of Sno-Cones, Corn, and Snacks at 407 La Lomita St., S. 120' – W. 130' S. ½ Block 8, Citriana Heights Subd., C-3, Eli Ramos

The subject site was located at the NE corner of Lomita Avenue and Delmar Drive. Existing entry and exiting to the site was from a pair of 24' driveway cuts along Delmar Drive, and a 24' driveway cut along Lomita Avenue. The portable building was set in a concrete landing along the south side of the property between the 24' driveways. Restroom facilities were available at Elizondo's Tires (abutting business to the north). The last conditional use permit approved at this location was on 9-28-11 however, since the CUP was not transferable to others and a new operator was evident, a CUP needed to be considered.

- Days/Hours of Operation: Monday – Sunday from 12:00 p.m. to 10:00 p.m.
- Staff: 4 employees; 2 shifts (Restroom use available at Elizondo's and Foy's)
- Parking & Landscaping: Parking was in order since many that were washing cars or conducting business at Elizondo's Tires merely walk over. When this CUP was first awarded, the applicant installed additional trees and shrubs to improve aesthetics.
- Must comply with Fire and Health requirements and must acquire a business license.

Previous CUP approvals granted for this portable building used for the sale of sno-cones, etc., at this location: 1) May 9, 2007 (Original Approval); 2) July 9, 2008; 3) February 18, 2009; 4) September 23, 2010; 5) August 10, 2011; and 6) August 28, 2011. There was no public opposition during the 7/25/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to a 1 year re-evaluation, and must secure a business license.

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 the Conditional Use Permit: To keep a 5.5' x 10.6' Portable Building for the Sale of Sno-Cones, Corn, and Snacks at 407 La Lomita St., S. 120' – W. 130' S. ½ Block 8, Citriana Heights Subd., C-3. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

B. Conditional Use Permit: Storage Units for Lease on Property Zoned AO-I, 2545 E. Griffin Parkway, Lot 2, 3A Subd., AO-I, Eddie Johnson

The site was ¼ mile west of Taylor Road along the north side of Griffin Parkway. The Stor-Master self-storage facility existed on the site since a new owner was evident, a conditional use permit needed to be considered.

There were 7 different buildings that housed approximately 559 storage units, and the main office. There was also an open area located on the northern part of the lot used for storing RV's, boats, etc.

- Days/Hours of Operation: Monday – Saturday from 8 a.m. to 6 p.m.
- Staff: 1 employee
- Parking: In viewing the parking, there were a total of 9 parking spaces. The office area was 988 sq. ft. The number of spaces required for this site were 5 spaces, exceeding code by 4.

The storage facility had been in operation for several years, where no complaints had been filed to Planning. Since continuation of the storage use was proposed, staff could expect the same quiet environment. There was no public opposition during the 7/25/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation to assess the new owner's business operations, and 2) acquire a business license.

City Manager recommended approval.

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

Mr. Eddie Johnson was in favor of the request.

Mayor Pro Tem Norie Gonzalez Garza moved to approve the Conditional Use Permit: Storage Units for Lease on Property Zoned AO-I, 2545 E. Griffin Parkway, Lot 2, 3A Subd., AO-I. Motion was seconded by Councilman Plata and approved unanimously 5-0.

C. Conditional Use Permit: Expansion of an Events Center w/Dancehall Effect, 1608 E. Griffin Parkway, Lots 12 & 13 and the common area between said Lots 12 & 13, Stewart Village Subd., C-3, Aaron Balli

The subject site was located within the Stewart Village Commercial Plaza on the SE area of Stewart and Griffin Parkway. A conditional use permit for an 'open concept' dancehall was approved at this site on 2-14-11. However, Mr. Balli wished to expand the proposal to include Lot 12 and the common area between the lots, which he also owned fee title to. He was changing the concept from an 'open' dancehall to a fully enclosed building. The proposed reception venue would be approximately 7,309 sq. ft. of dance floor, seating, kitchen area, and restrooms, with an additional 933 sq. ft. on the second floor for storage and utility. No alcohol would be sold on the premises, however attendees may bring their own alcoholic beverages.

- Days/Hours of Operation: The dancehall would predominantly operate from Thursday through Sunday from 12:00 p.m. to 1:00 a.m. (range)
- Staff: 8-10 employees

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- Parking Requirements: Code required 1 space for each 100 sq. ft. of area. The 7,309 sq. ft. venue would require 73 spaces. It was noted that the parking area would be held in common (517 existing parking spaces) and was shared with other businesses. Since most activities were held at later hours and on weekends when most businesses at this development were closing, staff did not anticipate major parking issues.
- The Zoning Code's Section 1.56-3 cited that 'dancehalls' must be 300' from the nearest residence, church, school or publicly owned property. There was a residential subdivision within this radius; thus a waiver of the separation requirement needed consideration.
- Noise Code: When the dancehall proposal was presented to staff, the primary focus was to assure that the noise/music level would be regulated at all times and that the building would be.

Mr. Balli had been running a smaller events center/dancehall within the same commercial plaza for several years without incident. This new venue was anticipated to acclimate similarly. There were 2 letters in opposition from Mario's Banquet Hall to the east relating to private restrictions of common area use. On 7/25/12, the P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to: 1) a 1 year re-evaluation after occupancy to assess this new business, 2) Waiver of the 300' separation requirement from residential areas; and 3) acquisition of a business license.

City Manager recommended approval.

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

Mr. Mario Ornelas, owner of Mario's Banquet Hall spoke against the request and emphasized to the council that his main concern was the parking space.

Judge, Melchor Chavez spoke against the request and expressed his concerns citing that if approved this CUP would be against their covenants.

Mr. Ciro Ochoa, Jr., attorney representing Mr. Aaron Balli spoke in favor of the request and explained to council that parking would not be an issue.

Mr. Aaron Balli, applicant of the CUP spoke in favor of the request and expressed his wishes to expand his business by taking the right steps.

City Attorney, David Guerra gave his general opinion regarding this matter. He didn't have an opinion as to whether the covenants were valid or not but he didn't feel it made any difference. He explained to the council that they were being asked to approve an activity which if approved would be an activity that is allowed by City Ordinances. He also explained that Council was not here to judge if covenants were valid or not and that their action would not affect the covenants or their enforceability. In other words if Council grants the CUP, the lot owners may have the right to keep the applicant from constructing the improvements if such construction is in violation of valid restrictions.

Mayor Pro Tem Garza moved to approve the Conditional Use Permit: Expansion of an Events Center w/Dancehall Effect, 1608 E. Griffin Parkway, Lots 12 & 13 and the common area between said Lots 12 & 13, Stewart Village Subd. C-3, subject to adding a sidewalk along the perimeter north of Lot #12, Stewart Village Ph. I. Motion was seconded by Councilman Dr. Armando O'cana and approved unanimously 5-0.

D. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Taqueria El Zarape, 2423 E. Expwy 83, Suite 100, Lot 2, Block A, Shary-Taylor Expwy Commerical Subd., C-4, Terry Van Burkleo

The 3,500 sq. ft. restaurant site was located approximately ¼ mile east of Shary Road along the north side of the frontage road along Expressway 83, just east of Chili's. A conditional use permit for the sale and on-site consumption of alcohol was last approved on 6-13-07. However, since a new operator was evident, a conditional use permit needed to be considered.

- Days/Hours of Operation: Monday – Sunday from 7:00 a.m. to 12:00 a.m. Alcoholic beverages would only be served during allowable State selling hours.
- Staff: 20 employees
- Parking & Landscaping: The 3,500 sq. ft. restaurant required 47 spaces based on 1 space for every 75 sq. ft. There were 59 spaces provided. It was also noted that the parking area was held in common and access to the site was provided through existing, interlocking parking lots from Chili's and businesses to the north. This restaurant was located within an existing commercial site, which had existing landscaping and was in compliance with code.
- Staff had requested a report of complaints from Mission Police Department during the restaurant's previous CUP approval. There were no incidents related to alcohol use reported.

There are no churches, schools, or residences within 300' of this restaurant. There was no public opposition during the 7/25/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation in order to assess the business under the new operator; and 2) Acquire a business license (new owner).

City Manager recommended 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 El Zarape, 2423 E. Expwy 83, Suite 100, Lot 2, Block A, Shary-Taylor Expwy Commerical Subd., C-4. Motion was seconded by Councilman Plata and approved unanimously 5-0.

At 5:27 p.m., Councilman Plata stepped out of the meeting.

E. Adoption of Ordinance # 3804 Establishing a Public Zone in Mission's Zoning Hierarchy

At a July 2012 workshop with the City Council, they re-stated their favorable consensus to proceed in establishing a 'Public Zone' within our zoning hierarchy. 'Institutional' uses were noted (directly or indirectly) in 13 of the 15 zones to be either 1) conditional uses, 2) permitted uses, or 3) permitted uses subject to site plan approval.

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The end-effect of the City Council's direction was to have – 'the Public land use match the zone/have the zone match the Public land use'.

An example of this was focused on some time back when SISD desired to build an 'Institutional' building at the SW corner of Taylor/Sunset.

In reviewing other Zoning Ordinances, not one city had a 'Public Zone' within their codes to assess. They, like Mission's current code, included 'institutional' uses amongst other residential/commercial zoning districts.

To commence, Section 1.2 #29 of the Zoning Code cited the EXISTING DEFINITION:

Institution: A nonprofit organization or building, public or private for the benefit of the public, or educational facilities, churches, temples, hospitals, clubs, fire stations, police stations, libraries, museums, city offices, etc.

In perceiving the Council's direction that 'the Public land use reflect the zone/the zone reflect the Public land use', the above regulation should be amended as follows:

"...museums, city offices, public parks, public parking lots, drainage ponds larger than 1-acre (smaller ponds may be permitted in all other zoning districts), water tower sites, etc., but not to include public utility properties such as lift station sites, or regional drain ditches or current canal systems."

With this amendment, the city's public parks that were currently residentially or agriculturally zoned, would also be swept into the stream of compliance. The amendment would also make common sense justification to keep the current Res/Com zones of minor public facilities (such as lift stations); thus not 'needing' to rezone small tracts to the new Public Zone.

On drainage ponds larger than 1 acre, the neighborhood's input would be respectively solicited during the required public hearing process that rezoning typically entails, and, at the very least, the surrounding property owners would be educated on the engineering analysis for such a proposed storm improvement in their area.

A bit of historical perspective may be warranted that related to an incidental amendment during this process. In the late 1980's, the City Council approved what was now Sect. 1.27 of the Zoning code dubbed 'Institutional Use Processing'. Prior to this amendment, Institutional uses were a conditional use in all residential zoning districts.

Thus, for example, when MCISD came in for permits to move-in portable classrooms at Mission High School, they would need to apply for a CUP every time. Having numerous public hearings on such a well-known campus with hundreds of mailed notices to have a 'portable classroom building' only caused confusion & didn't quite meet the intent of the CUP process.

Thus, the code was amended to 'permit Institutional uses' in R-zoning districts subject to P&Z's Site Plan Approval being Sect. 1.27.

With this new Public Zone, 'institutional' uses would be prohibited from R-zones; thus, Sect. 1.27 must be deleted since 1.27 reflected the process to 'permit institutional uses in R-zones'.

The primary component of this process was to assess 'how Institutional was factored-in to our different zones.' Again, 13 of the 15 zones (excluding PUD zoning) consider 'institutional' uses as either 1) permitted, 2) conditional, or 3) permitted w/P&Z's Site Plan Approval.

A draft of the Public Zone Ordinance had been developed with the 'Comments/Change' incorporated throughout the affected zoning categories; thus, said 'Comments/Change' actually summarized the draft ordinance. To reiterate, this was being presented pursuant to the City Council's primary objective to have 'the Public Land use reflect the zone/have the zone reflect the Public land use'. Previously, the P&Z held a workshop in December 2010, and a public hearing on January 26, 2011 wherein the resulting draft was first approved. The P&Z held another public hearing on 7/25/12 where there was no public comment received. P&Z unanimously recommended approval as per staff's recommendation.

Staff Recommendation: Approval via direction from the Council in the July workshop

City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Garza moved to adopt Ordinance # 3804 establishing a Public Zone in Mission's Zoning Hierarchy. Motion was seconded by Councilman O'cana and approved unanimously 4-0.

ORDINANCE NO. 3804

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AMENDING APPENDIX A -ZONING OF ITS CODE OF ORDINANCES TO ESTABLISH A "PUBLIC ZONE" WITHIN THE CITY OF MISSION'S ZONING CLASSIFICATIONS; TO PRESCRIBE THE INTENET, PERMITTED USES, CONDITIONAL USES, PROHIBITED USES, AND AREA REQUIREMENTS; REPEALING PUBLIC USES IN EXISTING RESPECTIVE ZONING DISTRICT(S) WHILE RECOGNIZING GRANDFATHERED PRE-EXISTING PUBLIC USES; AND PROVIDING FOR REQUIRED CODIFICATION; AND PROVIDING FOR REQURIED PUBLICATION

F. Public Hearing on FY 2012 – 2013 preliminary budget

The City's preliminary budget for FY 2012-2013 was presented on Monday, July 30, 2012.

This was the opportunity for citizens to speak on the preliminary budget.

Mayor Salinas asked if there were any comments regarding the preliminary budget.

There were no comments.

No action was needed for this item.

At 5:27 p.m. Councilman Plata rejoined the meeting.

2.0 Disposition of Minutes

2.1 City Council Meeting – July 23, 2012 and Special Meeting – July 30, 2012

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

3.0 Acknowledge Receipt of Minutes

- 3.1 Zoning Board of Adjustments – April 11, 2012 and June 20, 2012**
Planning and Zoning Commission – June 27, 2012 and July 11, 2012
Mission Economic Development Corp. – June 19, 2012
Mission Tax Increment Reinvestment Zone – June 26, 2012
Mission Redevelopment Authority – June 26, 2012

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

4.0 Approvals and Authorizations

- 4.1 Adoption of Ordinance # 3805 for CUP to keep a 5.5 x 10.6' Portable Building for the Sale of Sno-cones, Corn, and Snacks, 407 La Lomita St., S. 120' – W. 130' S. ½ of Block 8, Citriana Heights Subd.**

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Garza moved to adopt of Ordinance No. 3805 for CUP to keep a 5.5 x 10.6' Portable Building for the Sale of Sno-cones, Corn, and Snacks, 407 La Lomita St., S. 120' – W. 130' S. ½ of Block 8, Citriana Heights Subd. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

ORDINANCE NO. 3805

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

- 4.2 Adoption of Ordinance # 3806 for CUP for Storage Units for Lease on Property Zoned AO-I, 2545 E. Griffin Parkway, Lot 2, 3A Subd.**

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt Ordinance No. 3806 for CUP for Storage Units for Lease on Property Zoned AO-I, 2545 E. Griffin Parkway, Lot 2, 3A Subd. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3806

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR STORAGE UNITS FOR LEASE ON PROPERTY ZONED AO-I, 2545 E. GRIFFIN PARKWAY, LOT 2, 3A SUBDIVISION

4.3 Adoption of Ordinance # 3807 for CUP for the Expansion of an Events Center w/Dancehall Effect, 1608 E. Griffin Parkway, Lots 12 & 13 and the common area between said Lots 12 & 13, Stewart Village Subd.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt Ordinance No. 3807 for CUP for the Expansion of an Events Center w/Dancehall Effect, 1608 E. Griffin Parkway, Lots 12 & 13 and the common area between said Lots 12 & 13, Stewart Village Subd., subject to a sidewalk along the perimeter north of Lot #12, Stewart Village Ph. I. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 3807

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE EXPANSION OF AN EVENTS CENTER W/DANCEHALL EFFECT, 1608 E. GRIFFIN PARKWAY, LOTS 12 & 13 AND THE COMMON AREA BETWEEN SAID LOTS 12 & 13, STEWART VILLAGE SUBDIVISION

4.4 Adoption of Ordinance # 3808 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Taqueria El Zarape, 2423 E. Expwy 83, Suite 100, Lot 2, Block A, Shary Taylor Expwy Commercial Subd.

Staff and City Manager recommended ordinance approval.

Councilwoman Ramirez moved to adopt Ordinance No. 3808 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Taqueria El Zarape, 2423 E. Expwy 83, Suite 100, Lot 2, Block A, Shary Taylor Expwy Commercial Subd. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 3808

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 EL ZARAPE, 2423 E. EXPRESSWAY 83, SUITE 100, LOT 2, BLOCK A, SHARY-TAYLOR EXPRESSWAY COMMERCIAL SUBDIVISION

4.5 Preliminary Plat Approval: Las Estrellas Subd. No. IV, 30.47 acre tract of land being all of Lot 36, 37, and 40, Nick Doffing Subd. No. 3, Rural ETJ, Developer: CWL, Ltd., Engineer: Quintanilla, Headley & Associates

The subdivision was located approximately ½ mile south of Mile 5 along the east side of Minnesota Road. The subdivision consisted of 52 lots, with all lots meeting or exceeding the County's ½ acre minimum for rural residential lots. There were some lots that fell within a Flood Zone "A". The developer was proposing to elevate the area with fill to match the natural elevation of the lots within the "X" Zone (BFE 182.00') as required by the County. Elevation certificates would also be required for such lots during the building permit process, thus compliant to FEMA requirements.

Water: The water CCN belonged to AGUA SUD. The developer was providing water service by connecting to an existing 8" water line located along the east side of Minnesota Road and extending an 8" line network throughout the subdivision, also allowing for future connectivity to the north by others.

Sewer: Sanitary sewer service for this subdivision would be addressed by individual on-site sewage facilities (OSSF) of a standard design septic tank and drain field on each lot. Each lot met or exceeded the County's typical ½ acre standard where septic tanks were permitted. This area was not within the City of Mission's Sewer CCN. (Note: Mission sewer was .66 miles away).

Streets & Storm Drainage: The plat dedicated an additional 15' on the perimeter of Minnesota Road to equate to 40' ROW from centerline; thus in compliance to MPO requisites. The lots would be fronting 50' ROW 32' B/B paved streets built to the County's construction specifications. There was also a street stub to the north for future interfacing. A temporary cul-de-sac would be in place at the stubbed end until such future development occurred. No residential access would be allowed from Lots 1, 31, 32, and 52 onto Minnesota Road. Drainage for the subdivision was proposed through the use of swales located in the rear of each property as permitted under County guidelines. Mr. Quintanilla's drainage report had been approved by the County's Drainage District.

Other Comments: Comply with Street Naming alignment policy.

There was no public opposition during 7/25/12 P&Z's meeting. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to meeting the Model Subdivision Rules and complying with the street name alignment policy.

City Manager recommended approval.

Councilman Plata moved to approve Preliminary Plat Approval: Las Estrellas Subd. No. IV, 30.47 acre tract of land being all of Lot 36, 37, and 40, Nick Doffing Subd. No. 3, Rural ETJ, Developer: CWL, Ltd., Engineer: Quintanilla, Headley & Associates. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

4.6 Discussion and Action on Interlocal Agreement between the City of Mission and AGUA SUD to serve the adjoining Moorefield Road Area

AGUA SUD had forwarded a typical Interlocal Agreement to officially allow Mission to serve people in their CCN but where AGUA had no immediate water lines.

A map depicted the area referred to being south of the Expressway and just west of Moorefield Road. These customers had long been helped by Mission in water service.

The Agreement had been adjusted to better meet Mission's interests. If and when AGUA did provide their water lines in this area, the customer would transition from Mission water to AGUA water service.

Mission was serving this area and the Agreement would formalize that assistance.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Interlocal Agreement between the City of Mission and AGUA SUD to serve the adjoining Moorefield Road Area. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.7 Discussion & Request for Direction on Annexation Options to the NW of Mission

During the July Workshop with Planning, Dr. O'cana inquired of possibly annexing properties that included his Mando O'cana I and II Subdivisions being .66 miles to the NW of Mission.

Staff stated that we'd present this item in August so the City Council could observe 2 viable options to consider doing so.

One option entailed 164 + acres, and the other option included 217 + acres. Both options had access to sanitary sewer, but the water CCNs belonged to either SWSC or AGUA SUD.

This item was before Council for discussion and direction on whether to pursue annexation at that time or not and, if so, what option they'd like to activate.

Staff Recommendation: Direction needed as alluded to in the July Workshop.

City Manager recommended approval.

Councilman O'cana advised council that him been the property owner he was declaring conflict of interest and had already filed the proper paper work with the City Secretary.

No action was taken on this item it was only for direction purposes.

4.8 Adoption of Ordinance # 3809 to adopt New Landscaping, Buffering & Irrigating Regulations

In follow-up to the July Workshop with the City Council, the proposed regulations would do the following:

- Landscaping provided must be maintained in good & healthy condition: if needed, replacement would occur within 60 days of city's notice;
- In Single-family dwelling properties, 1 tree required for every 60' of lot frontage;
- In apartments, a minimum of 2 trees per unit required;
- In commercial settings, 1 tree required for every 30' of lot width;
- In institutional settings, 1 tree required for every 50' of lot width;
- Buffers sized to 8' when new commercial uses adjoin residential neighborhoods;
- General Garbage areas to be buffered with 6' solid masonry fencing w/opaque doors made of metal or wood;

- Provides for general design planting criteria (min. height, caliper, etc.);
- Detention & retention areas to be landscaped with ornamental/shade trees;
- A list was provided of landscape materials recommended to be used; and,
- Irrigation regulations provided to comply with prevailing TCEQ regulations.

By adopting this ordinance, staff would have the needed landscaping regulations to improve aesthetics in residential and non-residential settings.

Staff Recommendation: Approval via direction given during the July Workshop with the Council.

City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3809 to adopt New Landscaping, Buffering & Irrigating Regulations. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3809

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING SECTION 98-15 OF ITS CODE OF ORDINANCES BY REPLACING THE CONTENTS THEREOF AND IN PARTICULAR THE TREE STANDARDS MANUAL FORMERLY ADOPTED WITH MORE SPECIFIC LANDSCAPING REGULATIONS FOR RESIDENTIAL AND NON-RESIDENTIAL PROPERTIES; INCLUDING SCREENING AND IRRIGATION REGULATIONS; PROVIDING FOR A CUMULATIVE PROVISION; PROVIDING FOR A SEVERABILITY PROVISION; AND PROVIDING FOR A PUBLICATION PROVISION

4.9 Authorization for contribution to the Lower Rio Grande Development Council for the Spanish Language Public Safety Early Weather Warning System

Mission Fire Department Division of Emergency Management was requesting authorization to contribute \$2,000.00 on behalf of the City of Mission to LRGVDC to coordinate the implementation of a Spanish language Public Safety Weather Warning System for the region. This contribution was being asked of all 46 cities to include the 3 counties. 75% of funding would be provided thru a Grant for the State Hazard Mitigation Grant Program.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to authorize for contribution to the Lower Rio Grande Development Council for the Spanish Language Public Safety Early Weather Warning System. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.10 Appointment of City Representative and Alternate to serve on the Board of Directors for Amigos Del Valle for 2012 - 2013

On an annual basis the City of Mission appointed a City Representative and Alternate to serve on the Amigos del Valle board. The term of this appointment was from October 1, 2012 thru September 30, 2013.

Amigos del Valle was requesting the appointment of a representative and alternate for Fiscal Year 2012-13.

The current Board Representative was Mayor Pro Tem Norie Gonzalez Garza and the Alternate was Deputy City Manager Aida Lerma. Mayor Norberto Salinas served as Member Emeritus.

Staff and City Manager recommended approval of appointment of City Representatives and Alternate.

Councilman Plata moved to approve appointment of City Representative and Alternate to serve on the Board of Directors for Amigos Del Valle for 2012 - 2013. Motion was seconded by Councilwoman Ramirez approved unanimously 5-0.

At 5:54 p.m., Councilman Plata stepped out of the meeting.

4.11 Board Appointment – Zoning Board of Adjustments

This appointment was to fill a vacant position on the Zoning Board of Adjustments:

Zoning Board of Adjustments: Appointed Mr. Ned Sheats this appointment was to replace the position currently held by Keri Aman who had resigned from the board term to expire 12/31/12.

Staff recommended to approve appointment as recommended by Mayor Norberto Salinas.

City Manager recommended approval.

Councilman O'cana moved to approve Board Appointment – Zoning Board of Adjustments. Motion was seconded by Mayor Salinas approved unanimously 4-0.

4.12 Authorization to solicit bids for the purchase and delivery of Athletic League Uniforms for the Boys and Girls Club

Staff was seeking authorization to solicit bids for the purchase and delivery of Athletic League Uniforms for the Boys and Girls Club. Uniforms were needed by the Boys and Girls Club for seasonal athletic leagues. This would be done in an effort to secure fair and reasonable pricing for one year base with two-one year renewal options.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to solicit bids for the purchase and delivery of Athletic League Uniforms for the Boys and Girls Club. Motion was seconded by Councilwoman Ramirez approved unanimously 4-0.

4.13 Approval to enter Interlocal Agreement between City of Mission and Mission CISD to jointly undertake the youth services at Leal Elementary

Approval to enter Interlocal Agreement between City of Mission and Mission CISD to jointly undertake the youth services of the Mission Boys & Girls Club of America at Leal Elementary where it provided after school programs for the area youth.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve to enter Interlocal Agreement between City of Mission and Mission CISD to jointly undertake the youth services at Leal Elementary. Motion was seconded by Councilwoman Ramirez approved unanimously 4-0.

At 5:55 p.m., Councilman Plata rejoined the meeting.

4.14 Approval to enter Interlocal Agreement between City of Mission and Sharyland ISD to jointly undertake the youth services at Jessie Jensen Elementary

Approval to enter Interlocal Agreement between City of Mission and Sharyland ISD to jointly undertake the youth services of the Mission Boys & Girls Club at Jessie Jenen Elementary where it provided after school programs for the area youth.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve to enter Interlocal Agreement between City of Mission and Sharyland ISD to jointly undertake the youth services at Jessie Jensen Elementary. Motion was seconded by Councilman Plata approved unanimously 5-0.

4.15 Award bid for "Housing Assistance Program Phase 11 – II A"

On July 9, 2012 City Council authorized staff to solicit bids for three (3) reconstructions. The City of Mission had accepted and opened two (2) bid responses for these projects. Staff recommended awarding to G&G Contractors for the reconstruction of three (3) homes. G&G Contractors had met all the Terms & Conditions and Specifications and came within budget. CAC met on August 7, 2012 and approved staff's recommendation as indicated below and approve as follows:

G&G Contractors - \$136,620.00
602 North Nicholson - \$43,440
2421 West Expressway 83 - \$44,440
122 South Keralum - \$48,740

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 (including CDBG-R, CDBG-DR and SSBG funds).

Staff Recommendation: Award to G&G Contractors

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve to award bid for "Housing Assistance Program Phase 11 – II A". Motion was seconded by Councilwoman Ramirez approved unanimously 5-0.

4.16 Mission Police Department is requesting authorization to re-enter into a Inter-local Agreement for the Educational Resource Officer Program between the City of Mission and the Mission Consolidated Independent School District for the 2012-2013 school year

The Mission Police Department was requesting authorization to re-enter into a Inter-local Agreement for the Educational Resource Officer Program between the City of Mission and the Mission Consolidated Independent School District for the 2012-2013 school year. The contract was for the delivery of services by the Mission Police Department to Mission CISD through the Educational

Resource Officer Program. A total of nine (9) police officers would be assigned to the school district during the school year to provide police services through the Educational Resource Officer Program. The total amount of the Inter-local agreement was \$430,965.00. Staff was recommending a favorable recommendation for the purpose of continuing the Education Resource Officer Program at Mission CISD.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize the Mission Police Department to re-enter into an Inter-local Agreement for the Educational Resource Officer Program between the City of Mission and the Mission Consolidated Independent School District for the 2012-2013 school year. Motion was seconded by Mayor Pro Tem Garza approved unanimously 5-0.

4.17 Mission Police Department is requesting authorization to re-enter into a Inter-local Agreement for the G.R.E.A.T. Program between the City of Mission and the Mission Consolidated Independent School District for the 2012-2013 School year

The Mission Police Department was requesting authorization to re-enter into a Inter-local Agreement for the G.R.E.A.T. Program between the City of Mission and the Mission Consolidated Independent School District for the 2012-2013 school year. The contract was for the delivery of services by the Mission Police Department to Mission CISD through the G.R.E.A.T. Officer Program. A total of four (4) police officers would be assigned to the school district during the school year to deliver the G.R.E.A.T. curriculum to elementary students, junior high students and to parents. The total amount of the Inter-local agreement was \$204,457.00. Staff was recommending a favorable recommendation for the purpose of continuing the G.R.E.A.T. Program at Mission CISD.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to re-enter into a Inter-local Agreement for the G.R.E.A.T. Program between the City of Mission and the Mission Consolidated Independent School District for the 2012-2013 School year. Motion was seconded by Councilwoman Ramirez approved unanimously 5-0.

4.18 Mission Police Department is requesting authorization to re-enter into a Inter-local Agreement for the Educational Resource Officer Program between the City of Mission and the Sharyland Independent School District for the 2012-2013 school year

The Mission Police Department was requesting authorization to re-enter into an Inter-local Agreement for the Educational Resource Officer Program between the City of Mission and the Sharyland Independent School District for the 2012-2013 school year. The Inter-local agreement was for the delivery of services by the Mission Police Department to Sharyland ISD through the Education Resource Officer Program. A total of six (6) police officers would be assigned to the school district during the school year. The total amount of the Inter-local agreement was

\$268,000.00. Staff was recommending a favorable recommendation for the purpose of continuing the Education Resource Officer Program at Sharyland ISD.

City Manager recommended approval.

Councilman O'cana moved to authorize the Mission Police Department to re-enter into an Inter-local Agreement for the Educational Resource Officer Program between the City of Mission and the Sharyland Independent School District for the 2012-2013 school year. Motion was seconded by Mayor Pro Tem Garza approved unanimously 5-0.

4.19 Authorization to solicit bids or purchase via a state approved contract two (2) police vehicles and the necessary police equipment to equip the two (2) police vehicles

The City of Mission Police Department was requesting authorization to purchase two (2) police vehicles and the necessary police equipment for the two (2) police vehicles via the solicitation of bids or through a state approved contract. The two (2) police vehicles and the necessary equipment to equip both vehicles would be purchased through their Federal Drug Forfeiture Accounts.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize t to solicit bids or purchase via a state approved contract two (2) police vehicles and the necessary police equipment to equip the two (2) police vehicles.

Motion was seconded by Councilman Plata approved unanimously 5-0.

4.20 Approval of Resolution # 1324 based on the prior approval by Mission City Council to submit the Mission Police Department's FY 2012 Local Border Security Program Grant to the Texas Department of Public Safety's, Texas Ranger Division

On April 23, 2012 the Mission Police Department requested authorization from the Mission City Council to submit the Mission Police Department's FY 2012 Local Border Security Program Grant to the Texas Department of Public Safety's, Texas Ranger Division. The Mission City Council approved the submission of the grant application. on the aforementioned date. The grant application packet did not include the submission of a resolution; however, the Texas Ranger Division was now requesting the submission of a resolution before the release of grant funds. The grant amount, \$30,000.00 would be utilized to pay for the overtime hours worked by Mission Police Officers as part of Border Operations. There were no matching funds required for this grant. Staff was recommending that the City of Mission City Council approve the attached resolution in an effort to commence the grant and to be able to request reimbursements accordingly based on the overtime hours worked by Mission Police Department Officers during the Border Operations.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Resolution No. 1324 based on the prior approval by Mission City Council to submit the Mission Police Department's FY 2012 Local Border Security Program Grant to the Texas Department of Public Safety's, Texas Ranger Division. Motion was seconded by Councilwoman Ramirez approved unanimously 5-0.

RESOLUTION NO. 1324

Mission City Council to submit the Mission Police Department's FY 2012 Local Border Security Program Grant to the Texas Department of Public Safety's, Texas Ranger Division

4.21 Authorization to accept the FY 2012 Local Border Security Program Grant from the Texas Department of Public Safety's, Texas Ranger Division

The Mission Police Department was requesting authorization to accept the FY 2012 Local Border Security Program Grant from the Texas Department of Public Safety's, Texas Ranger Division.

The Texas Department of Public Safety had requested staff's participation in this border initiative. Mission Police Officers would be tasked with patrol duties along the Texas-Mexico border to enforce state laws and local city ordinances. The grant amount, \$30,000.00 would be utilized to pay for the overtime hours worked by Mission Police Officers as part of border operations. There were no matching funds required for this grant. Staff was recommending that the City of Mission accept the Local Border Security Program Grant.

City Manager recommended approval.

Councilman O'cana moved to authorize to accept the FY 2012 Local Border Security Program Grant from the Texas Department of Public Safety's, Texas Ranger Division. Motion was seconded by Councilman Plata approved unanimously 5-0.

4.22 Approval of Ordinance # 3810 establishing regulations regarding the utilization of Skateboards, Roller-skates and Roller blades at La Placita/Leo Pena Park located at 807 N. Conway in the City of Mission, Texas

The City of Mission Police Department had received a number of concerns regarding the utilization of Skateboards, Roller-skates, and Roller blades at the La Placita/Leo Pena Park located at 807 N. Conway. The increased use of these devices at the aforementioned park necessitated the need to regulate the use of these recreational devices. This ordinance would prohibit the use of these aforementioned devices at the La Placita/Leo Pena Park.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve Ordinance No. 3810 establishing regulations regarding the utilization of Skateboards, Roller-skates and Roller blades at La Placita/Leo Pena Park located at 807 N. Conway in the City of Mission, Texas. Motion was seconded by Councilwoman Ramirez approved unanimously 5-0.

ORDINANCE NO. 1310

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, MAKING IT UNLAWFUL FOR ANY PERSON TO OPERATE A SKATEBOARD, ROLLERSKATES, ROLLERBLADES OR SIMILAR DEVICE ON ANY SIDEWALK, WALKWAY, AISLE, CITY PARK ENTRANCE OR EXIT USED BY THE PUBLIC AT LA PLACITA/LEO PENA PARK LOCATED AT 807 NORTH CONWAY IN AN UNSAFE MANNER; PROHIBITING RAMPS, JUMPS OR SIMILAR DEVICES ON ANY SIDEWALK, WALKWAY, AISLE, CITY PARK ENTRANCE OR EXIT USED BY THE PUBLIC AT LA PLACIAT/LEO PENA PARK LOCATED AT 807 NORTH CONWAY; PROHIBITING THE PLACEMENT OF WAX OR SIMILAR SUBSTANCES ON PUBLIC AREAS; PROVIDING FOR A PENALTY FOR VIOLATIONS AND PRESCRIBING AN EFFECTIVE DATE:

4.23 Depository Bank Contract

The City's current depository contract would terminate on 11/30/12. The contract may be extended for two additional year terms at the sole discretion of the City.

Staff and City Manager recommended extending current contract for an additional two years.

Councilwoman Ramirez moved to approve to extend the current Depository Bank Contract for an additional two years. Motion was seconded by Councilman Plata approved unanimously 5-0.

4.24 Discussion on proposed 2012 Tax Rate and Take Record Vote

In accordance with the Texas Property Tax Code, Mission's 2012 effective tax rate of \$0.5444/\$100 was published on August 10, 2012.

If the proposed 2012 tax rate exceeded the rollback rate of \$0.5754/\$100 or the effective rate of \$0.5444/\$100, whichever was lower, the governing body must take a record vote and schedule a public hearing for the propose tax rate.

The city's current tax rate is \$0.5388/\$100.

Staff Recommendation: Propose tax rate and take record vote.

Mayor Salinas proposed a property tax rate of .5288 for 2012.

There was a unanimous record vote by the council to approve the proposed tax rate at .5288 for 2012.

4.25 Schedule public hearings on 2012 proposed tax rate

No action was needed due to proposed tax rate not exceeding the rollback rate or the effective tax rate.

4.26 Consideration of Appeal/Variance Request for Housing Assistance Program Applicants (City Attorney may ask Council to go into executive session prior to considering this matter in open session)

During meetings held on July 17, 2012 and August 7, 2012 CAC made the following recommendations for the Housing Assistance program applicants listed below:

- A) 1911 Victoria (C.A.C approved staff's recommendation to reinstate application as household income changed and is eligible);
- B) 605 W 2nd St (No Action - Applicant withdrew request on 7-16-12);
- C) 401 Mayberry (C.A.C. concurred with staff's recommendation to rescind previous action taken on 7.17.12 and deny appeal request as per guidelines Ch 3 Sec 2; does not reside in home/lien on property (unsafe home was demolished by city 2010; original amount for demolition was \$6,595.16

Staff Recommendation: Consideration of Appeal/Variance Request for Housing Assistance Program Applicants

City Attorney David Guerra asked that council go into executive session under consultation with attorney prior to considering this item in open session.

At 6:10 p.m., Councilman Plata moved to convene into executive session for this item and item 7.1A. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

After reconvening from Executive Session Mayor Pro Tem Garza moved to approve item A of the item, take no action on item B of the item and to table item C. Motion was seconded by Councilman O'cana and approved 5-0.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

City Manager announced the resignation of Cassandra Karl, Museum Director who was moving out of the state and introduced Luis Contreras the new Museum Director.

6.2 Mayor's Comments

Councilman O'cana thanked the Mission Police Department for a successful National Night Out.

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

7.1 Consultation with Attorney Sec. 551.071

A. Street improvements on Moorefield Rd from Hwy. 495 to 2 Mile Line Road

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

At 6:27 p.m., Mayor Pro Tem Garza moved to reconvene in open session. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0 then proceeded with item 4.26 of the agenda.

On item 7.1-A, Councilman Plata moved to authorize the City Manager to coordinate with the County of Hidalgo on an Interlocal Agreement on Road improvements, authorize City Manager to contact AEP for lighting in front of Camarena and Memorial Middle School and on installing sidewalks in the area of the schools. Motion was second by Councilwoman Ramirez and approved 5-0.

8.0 Adjournment

At 6:32 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary