

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
SEPTEMBER 23, 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., City Manager

**ABSENT:**

**ALSO PRESENT:**

Kathy Olivarez, Progress Times  
Daniella Diaz, The Monitor  
Cathy Garcia  
Juan Delgado  
Daniel Aguirre  
Reynaldo Gonzalez  
Annette Zavala  
Susie De Luna  
Rocio Rivera  
Arturo Lerma  
Joe Hernandez  
Pat Martinez  
Alex Hernandez

**STAFF PRESENT:**

Carmen Morales, Administrative Asst.  
Aida Lerma, Deputy City Manager  
Guillermo Seguin, Deputy City Manager  
Danny Tijerina, Planning Director  
Bobby Salinas, Asst. Planning Director  
Paul Schaefer, Golf Course Director  
Joanne Longoria, CDBG Director  
Rick Saldana, Fire Chief  
Gilbert Sanchez, Fire Marshal  
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  
Jesse Lerma, Civil Service Director  
Roland Rodriguez, I. T. Director  
Luis Contreras, Museum Director  
Mayra Rocha, Library Director  
Elizabeth Hernandez, Executive Secretary  
Jonathan Wehrmeister, Judge

**1. Call to order**

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:31 p.m.

**2. Pledge Allegiance and Invocation**

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

### **3. Proclamation – Community Planning Month**

Planning Director Danny Tijerina read the proclamation for Community Planning Month.

Mr. Tijerina accepted the proclamation and thanked the Council and Planning Department for their support.

Councilman Ruben D. Plata moved to approve the Proclamation – Community Planning Month. Motion was seconded by Councilwoman Maria Elena Ramirez and approved unanimously 3-0.

### **4. Proclamation – 90<sup>th</sup> Anniversary-Catholic Daughters of the Americas**

City Secretary Anna Carrillo read the proclamation for the 90<sup>th</sup> Anniversary-Catholic Daughters of the Americas.

Ms. Sylvia Wolf representative of the Catholic Daughters of the Americas accepted the proclamation and thanked the Council for all of their support.

Councilwoman Ramirez moved to approve the Proclamation – 90<sup>th</sup> Anniversary-Catholic Daughters of the Americas. Motion was seconded by Councilman Plata and approved unanimously 3-0.

### **5. Departmental Reports**

Councilman Plata moved to approve the departmental reports as presented. Motion was seconded by Councilwoman Ramirez and approved unanimously 3-0.

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

At 4:40 p.m., Mayor Pro Tem Norie Gonzalez Garza and Councilman Dr. Armando O'cana joined the meeting.

George Myers, CEO of the Greater Mission Chamber of Commerce reported on the chamber events that had recently taken place and on upcoming events.

### **7. Citizens Participation**

None

#### **1.0 Public Hearing**

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

- A. Re-Designation of Land Use: Lot 3, Block 5, Fairway Estates, from PUD (Un-Designated) to PUD (Single Family Residential), Jose Francisco Cano, Adoption of Ordinance # \_\_\_\_ approving 1.1A**

On September 11, 2013 the Planning and Zoning Commission convened in order to consider the Re-designation of Land Use request mentioned above, which was located 350' west of Bryan Road along the South side of Ursula Street. There was no public opposition during P&Z Meeting; however, staff received 1 written letter in opposition. 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.

Mr. Ricardo Rodriguez owner of Lot 7 spoke against the request, stating that the deed did specify that this property be used as a common area.

Ms. Jasmine Guerra who resides at 1608 Inspiration Road, Apt. # 1 in Mission spoke in favor of the request, giving Mr. Danny Tijerina, Planning Director a copy of the deed for this property. Ms. Guerra stated that her client Mr. Jose Francisco Cano at the time of purchase did not know that there were any deed restrictions, specifying that this property be used as a common area.

Mr. David Guerra, City Attorney stated that the City of Mission does not enforce any deed restrictions on a property.

After much discussion, Mayor Salinas recommended to table this item and a lien search be done on this property before a re-designation of land use be made.

Mayor Pro Tem Garza moved to table this item as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**B. Rezoning: Lots 1 & 2, Valle Hermoso Estates Subdivision, from AO-I (Agricultural Open Interim) to C-2 (Neighborhood Commercial), Reynaldo Gonzalez, Adoption of Ordinance # 3994 approving 1.1B**

On September 11, 2013 the Planning and Zoning Commission convened in order to consider the rezoning request mentioned above, which was located on the SE corner of Bentsen Palm Road and Mile 1 South. There was no public opposition during P&Z 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. 3994 Rezoning: Lots 1 & 2, Valle Hermoso Estates Subdivision, from AO-I (Agricultural Open Interim) to C-2 (Neighborhood Commercial) as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**ORDINANCE NO. 3994**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING LOTS 1 & 2, VALLE HERMOSO SUBDIVISION, FROM AO-I (AGRICULTURAL OPEN INTERIM) TO C-2 (NEIGHBORHOOD COMMERCIAL)

- C. Rezoning: The N. 216.44' out of the W. 5 ac. out of Lot 24, New Caledonia Subdivision, Unit #1, from AO-I (Agricultural Open Interim) to C-3 (General Business) Noe Cantu  
Adoption of Ordinance # 3995 approving 1.1C**

On September 11, 2013 the Planning and Zoning Commission convened in order to consider the rezoning request mentioned above, which was located on the SE corner of Schuerbach Road and 3 Mile Road. There was no public opposition during P&Z 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.

Councilwoman Ramirez moved to approve the rezoning and to adopt Ordinance No. 3995  
Rezoning: The N. 216.44' out of the W. 5 ac. out of Lot 24, New Caledonia Subdivision, Unit #1, from AO-I (Agricultural Open Interim) to C-3 (General Business) as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3995**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A REZONING THE N. 216.44' OUT OF THE W. 5 AC. OUT OF LOT 24, NEW  
CALEDONIA SUBDIVISION, UNIT #1, FROM AO-I (AGRICULTURAL OPEN INTERIM)  
TO C-3 (GENERAL BUSINESS)

- D. Rezoning: A 2.31 acre tract out of the W. 5 ac. out of Lot 24, New Caledonia Subdivision, Unit #1, from AO-I (Agricultural Open Interim) to R-3 (Multi-Family Residential), Noe Cantu  
Adoption of Ordinance # 3996 approving 1.1D**

On September 11, 2013 the Planning and Zoning Commission convened in order to consider the rezoning request mentioned above, which was located on the SE corner of Schuerbach Road and 3 Mile Road. There was no public opposition during P&Z 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.

Councilwoman Ramirez moved to approve the rezoning and to adopt Ordinance No. 3996  
Rezoning: A 2.31 acre tract out of the W. 5 ac. out of Lot 24, New Caledonia Subdivision, Unit #1, from AO-I (Agricultural Open Interim) to R-3 (Multi-Family Residential) as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3996**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING A 2.31 ACRE TRACT OUT OF LOT 24, NEW CALEDONIA SUBDIVISION, UNIT #1, FROM AO-I (AGRICULTURAL OPEN INTERIM) TO R-3 (MULTI-FAMILY RESIDENTIAL)

**E. Conditional Use Permit: Drive-Thru Service Window at Bravo Taco Restaurant, 2310 E. Expressway 83, Ste. 8, being Lot 3, Cimarron Crossing Subdivision, C-3, Ruben De La Garza, Adoption of Ordinance # 3997 approving 1.1E**

On September 11, 2013 the Planning and Zoning Commission convened in order to consider the conditional use permit request mentioned above, which was located approximately 250' west of Shary Road on the south side of U.S. Expressway 83 within an existing commercial plaza. There was no public opposition during P&Z 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.

Mayor Pro Tem Garza moved to approve the CUP and to adopt Ordinance No. 3997 Conditional Use Permit: Drive-Thru Service Window at Bravo Taco Restaurant, 2310 E. Expressway 83, Ste. 8, being Lot 3, Cimarron Crossing Subdivision, C-3 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3997**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU SERVICE WINDOW AT BRAVO TACO RESTAURANT, 2310 E. EXPRESSWAY 83, SUITE 8, BEING LOT 3, CIMARRON CROSSING SUBDIVISION

**F. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages at Bravo Taco Restaurant, 2310 E. Expressway 83, Ste. 8, being Lot 3, Cimarron Crossing Subdivision, C-3, Ruben De La Garza, Adoption of Ordinance # 3998 approving 1.1F**

On September 11, 2013 the Planning and Zoning Commission convened in order to consider the conditional use permit request mentioned above, which was located approximately 250' west of Shary Road on the south side of U.S. Expressway 83 within an existing commercial plaza. There was no public opposition during P&Z Mtg. The Board unanimously recommended approval as per staff's recommendation.

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.

Councilwoman Ramirez moved to approve the CUP and to adopt Ordinance No. 3998 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages at Bravo Taco Restaurant, 2310 E. Expressway 83, Ste. 8, being Lot 3, Cimarron Crossing Subdivision, C-3 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3998**

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 AT BRAVO TACO RESTAURANT, 2310 E. EXPRESSWAY 83, SUITE 8, BEING LOT 3, CIMARRON CROSSING SUBDIVISION

**G. Conditional Use Permit Renewal: Manufacturing and Packaging of Tortilla Chips in a C-4 Zone, 715 N. Glasscock Road, Ste. 12, Lot 12, 83 International Business Plaza Subdivision, C-4, Rafael Pacheco, Adoption of Ordinance # 3999 approving 1.1G**

On September 11, 2013 the Planning and Zoning Commission convened in order to consider the conditional use permit renewal request mentioned above, which was located within a warehouse plaza 765' south of U.S. Business 83 and west along "C" Street. There was no public opposition during P&Z Mtg. The Board unanimously recommended approval as per staff's recommendation.

Staff Recommendation: Approval for 3 years

City Manager recommended approval.

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

There were no comments.

Councilwoman Ramirez moved to approve the CUP and to adopt Ordinance No. 3999 Conditional Use Permit Renewal: Manufacturing and Packaging of Tortilla Chips in a C-4 Zone, 715 N. Glasscock Road, Ste. 12, Lot 12, 83 International Business Plaza Subdivision, C-4 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3999**

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

## **2.0 Disposition of Minutes**

### **2.1 City Council Meeting – September 9, 2013**

Mayor Pro Tem Garza 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 Planning and Zoning Commission – August 28, 2013 Mission Economic Development Corporation – August 20, 2013**

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

## **4.0 Approvals and Authorizations**

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

On May 28, 2013, the City Council convened in order to consider the Preliminary Plat Approval for Retama Village Ph. III Subdivision. The property was located on the SE corner of Military and Bentsen Palm Drive. There was no public opposition during P&Z 5/22/13 Mtg. The Board unanimously recommended approval as per staff's recommendations.

Staff Recommendation: Approval subject to: 1) No objection to private street but must meet maintenance and hold harmless requisites.

City Manager recommended approval.

Councilman Plata moved to approve Final Plat: Retama Village, Ph. III Subdivision, A 6.505 acre tract out of Lot 14, Del Monte Irrigation Company Subdivision & a 2.678 acre tract being a part of Lots 30 & 31, Bentsen Groves Addition "E", PUD as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

### **4.2 Final Plat Approval: Stewart Estates Subdivision, Ph. II, A 2.05 acre tract of land out of Lot 261, John H. Shary Subdivision, R-1A, Developer: Hart Land & Cattle, LLC., Engineer: SJS Engineering**

On October 22, 2012, the City Council convened in order to consider the Preliminary Plat Approval for Stewart Estates Subdivision, Ph. II a 9 lot single family plat. The property was located approximately ¼ mile north of Griffin Parkway along the east side of Stewart Road, along the north side of Thornwood Drive. There was no public opposition during P&Z 10/10/12 Mtg. The Board unanimously recommended approval as per staff's recommendations.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve Final Plat: Stewart Estates Subdivision, Ph. II, A 2.05 acre tract of land out of Lot 261, John H. Shary Subdivision, R-1A as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

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

On July 9, 2012 the City Council convened in order to consider the Preliminary Plat Approval for Keystone Estates Subdivision. The property was located 215' north of Victoria Road along the west side of Taylor Road. The developer was requesting that the City considered renaming the Keystone Estates Subdivision to "Villas San Gabriel Subdivision". There was no public opposition during P&Z 6/27/12 Mtg. The Board unanimously recommended approval as per staff's recommendations.

Staff Recommendation: Approval subject to: 1) Provided exclusion from the Water District; and 2) Comply with all other format findings, and 3) Approval of Subdivision name change to "Villas San Gabriel Subdivision".

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Final Plat: as recommended by staff, A 10.78 acre tract of land out of the South 20 acres of Lot 186, John H. Shary Subdivision, R-1. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

**4.4 Authorization to extend contract for records management services with Lone Star Shredding and Document Storage**

Authorization was requested to extend contract for records management services and document storage with Lone Star Shredding. The City had been utilizing these services since 2005 due to the high volume of records and storage space needed to be in compliance with the State Library and Archives Commission of Texas. Due to the threshold of purchases being \$10,000 staff was respectfully requesting the continuation of the contract for an additional year at a total of \$850.00 per month for a total of \$10,200 for this fiscal year.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to extend contract for records management services with Lone Star Shredding and Document Storage as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.5 August 2013 Financial Statements**

Randy Perez, Assistant Finance Director presented the August 2013 Financial Statements for approval.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve the August 2013 Financial Statements as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **4.6 Tax Collections Report – August, 2013**

Mr. Perez presented the Tax Collections Report for August, 2013 for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the Tax Collections Report for August, 2013 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **4.7 Authorization to Execute Second-One Year Renewal option for Chemicals, Muriatic Acid Feeder Systems, and Integrated Electronic Systems for Parks and Recreation Swimming Pools**

On October 2011, the City of Mission entered into a contract with Aquatic Commercial Solutions, Inc., for the purchase of Chemicals, Feeder, and Integrated Electronic Systems (IES) for Swimming Pools to monitor and control the ph level and chlorine concentrations. The contract terms were for one year with two one-year renewal option based on a 10% increase in price. ACS had opted to hold price the same with no increase. Staff was seeking authorization to extend contract for second-one year renewal option with ACS. A letter was provided from Aquatic Commercial Solutions, Inc, agreeing to the terms and conditions. Bid # 11-370-10-17

City Manager recommended approval.

Councilman O'cana moved to authorize to Execute Second-One Year Renewal option for Chemicals, Muriatic Acid Feeder Systems, and Integrated Electronic Systems for Parks and Recreation Swimming Pools as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **4.8 Award bid for the purchase of Powdered Activated Carbon for Water Treatment Plants for Public Works Department**

On August 12, 2013, City Council authorized staff to solicit bids for the purchase of Powdered Activated Carbon Water Treatment Plants. The City of Mission had accepted and opened two (2) bid responses for this chemical. Staff recommended awarding to Standard Purification L.L.C. who was the lowest responsible bidder meeting specifications.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve to award bid for the purchase of Powdered Activated Carbon for Water Treatment Plants for Public Works Department as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **4.9 Award bid for the purchase of Odor Control for Waste Water Treatment Plant for Public Works Department**

On July 8, 2013, City Council authorized staff to solicit bids for the purchase of Odor Control for Waste Water Treatment Plant. The City of Mission had accepted and opened one (1) bid response for Odor Control in liquid and block form. Staff recommended awarding to Blue Star Chemical Company Inc., who submitted fair and reasonable pricing and met specifications.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve to award bid for the purchase of Odor Control for Waste Water Treatment Plant for Public Works Department as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.10 Award bid for the purchase of Liquid Emulsion Polymer for Waste Water Treatment Plant for Public Works Department**

On August 12, 2013, City Council authorized staff to solicit bids for the purchase of Liquid Emulsion Polymer Waste Water Treatment Plant. The City of Mission had accepted and opened three (3) bid responses for Liquid Emulsion Polymer. Staff recommended awarding to Fort Bend Services, Inc. who was the lowest responsible bidder meeting specifications.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve to award bid for the purchase of Liquid Emulsion Polymer for Waste Water Treatment Plant for Public Works Department as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

**4.11 Award bid for the purchase of Polymer for Water Treatment Plants for Public Works Department**

On August 12, 2013, City Council authorized staff to solicit bids for the purchase of Polymer for Water Treatment Plants. The City of Mission had accepted and opened one (1) bid response for this chemical. Staff recommended awarding to Fort Bend Services Inc. who submitted fair and reasonable pricing and met specifications.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve to award bid for the purchase of Polymer for Water Treatment Plants for Public Works Department as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

**4.12 Award bid for the purchase of Chlorine Gas for Water Treatment Plants for Public Works Department**

On August 12, 2013, City Council authorized staff to solicit bids for the purchase of Chlorine Gas for Water Treatment Plants. The City of Mission had accepted and opened two (2) bid responses for Chlorine Gas. Staff recommended awarding to DPC Industries, Inc. who was the lowest responsible bidder meeting specifications.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve to award bid for the purchase of Chlorine Gas for Water Treatment Plants for Public Works Department as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

**4.13 Authorization to solicit bids for Flexible Base Commercial Caliche for the Public Works Department**

Staff was seeking authorization to solicit bids for the purchase of Flexible Base Commercial Caliche. Material was needed for daily maintenance operations by Streets and Utility Departments.

City Manager recommended approval.

Councilwoman Ramirez moved to authorize to solicit bids for Flexible Base Commercial Caliche for the Public Works Department as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**4.14 Approval of Resolution # 1360, a City of Mission Resolution Amending Resolution Approving the Issuance of Mission Economic Development Corporation Taxable Power Purchase Agreement Revenue Bonds (Nelson Gardens Energy, LLC Project) Series 2013**

Lee McCormick, President of Community Development Associates, LLC had facilitated the issuance of Mission EDC Taxable Power Purchase Agreement Revenue Bonds to Nelson Gardens Energy, LLC Project, Series 2013, for assistance under the MEDC Private Activity Bond Program. This was the third 60 day extension for the Mission City Council approval related to the Nelson Gardens Energy, LLC project. The financing was currently scheduled to close on September 27<sup>th</sup> which was shortly after the 60 day window covered by the prior resolution expired. Due to the difference in timing, it was necessary for the City Council to re-approve the resolution.

The proposed Amended Resolution was provided.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Resolution No. 1360 a City of Mission Resolution Amending Resolution Approving the Issuance of Mission Economic Development Corporation Taxable Power Purchase Agreement Revenue Bonds (Nelson Gardens Energy, LLC Project) Series 2013 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**RESOLUTION NO. 1360**

**AMENDED RESOLUTION APPROVING THE ISSUANCE OF MISSION ECONOMIC DEVELOPMENT CORPORATION TAXABLE POWER PURCHASE AGREEMENT REVENUE BONDS (NELSON GARDENS ENERGY, LLC PROJECT) SERIES 2013**

**4.15 Authorization for the City of Mission to enter into an Interlocal Agreement with the City of McAllen for funds from the 2012 Assistance to Fire Fighters Grant**

Mission Fire Department was seeking authorization on the Interlocal and 20% match. The City of McAllen applied for the 2012 Assistance to Fire Fighters Grant for Regional Communication Equipment such as portables, mobiles and base station radios for Fire Department for the Region. Mission along with the cities of Brownsville, Elsa, Hidalgo, La Feria, La Villa, La Sara, Lyford, Palmview, Pharr, Port Mansfield, Raymondville, Rio Grande City, San Benito, San Perlita, Santa Monica, Sebastian, South Padre Island and the County of Hidalgo. The federal share portion of \$ 2,201,120, (80%), with a required local match share portion of \$ 550,280, (20%) for a project cost of \$ 2,751,400. The City of Mission share of the Grant was \$ 106,636. Our 20% match was \$ 21,327.20. This amount was for 10 Portable Radios and 12 Mobile Radios. The funds would come from the Mission Fire Department 2012-2013 Budget.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize for the City of Mission to enter into an Interlocal Agreement with the City of McAllen for funds from the 2012 Assistance to Fire Fighters Grant as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**4.16 Budget Amendment – General Fund**

Mr. Perez presented the budget amendment BA–2013-53 to the City Council for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve budget amendment BA–2013-53 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.17 Approval of Ordinance # 4000 providing for No Standing or Parking Zone on the south and north side of the 1300 Block of Claborne St. between the hours of 7:00 a.m. to 8:00 a.m. and 3:00 p.m. to 4:00 p.m. on the days that Mission C.I.S.D. has school in session**

The City of Mission Police Department received a request for approval of an ordinance providing for a no standing or parking zone on the south and north side of the 1300 block of Claborne St. between the hours of 7:00 a/m to 8:00 a/m and 3:00 p/m to 4:00 p/m on the days that Mission C.I.S.D. had school in session. The Mission Police Department had received several complaints of parents utilizing Claborne Street as a school drop off and pick-up area for children attending Bryan Elementary School. On September 17, 2013, the Traffic Safety Committee met and approved the request for the no standing or parking on the south and north side of the 1300 block of Claborne Street. It was the recommendation of the Traffic Safety Committee to adopt this ordinance. The request was forwarded to staff for review and approval.

Staff Recommendation: Staff was respectfully requesting the adoption of Ordinance No. 4000 providing for the establishment of No Standing or Parking Zone on the south and north side of the 1300 block of Claborne St. between the hours of 7:00 a/m to 8:00 a/m and 3:00 p/m to 4:00 p/m on the days that Missions C.I.S.D. had school in session.

City Manager recommended approval of Ordinance.

Councilman Plata moved to approve Ordinance No. 4000 providing for No Standing or Parking Zone on the south and north side of the 1300 Block of Claborne St. between the hours of 7:00 a.m. to 8:00 a.m. and 3:00 p.m. to 4:00 p.m. on the days that Mission C.I.S.D. had school in session as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**ORDINANCE NO. 4000**

AN ORDINANCE PROHIBITING STANDING OR PARKING ON THE SOUTH AND NORTH SIDE OF THE 1300 BLOCK OF CLABORNE STREET BETWEEN THE HOURS OF 7:00 A/M TO 8:00 A/M AND 3:00 P/M TO 4:00 P/M ON THE DAYS MISSION C.I.S.D. HAS SCHOOL IN SESSION; PROVIDING FOR INSTALLATION OF SAID TRAFFIC CONTROL DEVICES BEING NO STANDING AND PARKING SIGNS AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO;

**4.18 Authorization to rescind City Ordinance # 2612 and adopt Ordinance # 4001 prohibiting parking on the east and west side of Bryan Road between Bryce and Oak Streets between the hours of 7:00 a.m. to 8:00 a.m. and 3:00 p.m. to 4:00 p.m. during the days that Mission C.I.S.D. has school in session**

The Mission Police Department was requesting authorization to rescind Ordinance 2612 and adopt a new ordinance. It was the intent of the Mission Police Department to remove the no parking signs along the 1300 of Elm Street in order to allow the use of the Elm St. crosswalk located on the northeast side of Bryan Elementary School. The new ordinance would keep in place the current prohibited parking on the east and west side of Bryan Road between Bryce and Oaks Streets between the hours of 7:00 a.m. to 8:00 a.m. and 3:00 p.m. to 4:00 p.m. during days that Mission C.I.S.D. had school in session. On September 17, 2013, the Traffic Safety Committee met and approved the request. It was the recommendation of the Traffic Safety Committee to rescind ordinance 2612 and adopt a new ordinance. The request was forwarded to staff for review and approval.

Staff Recommendation: Staff was respectfully requesting that City Ordinance 2612 be rescinded and a new ordinance be adopted prohibiting parking on the east and west side of north Bryan Rd. between Bryce and Oak Streets between the hours of 7:00 a.m. to 8:00 a.m. and 3:00 p.m. to 4:00 p.m. during the days that Mission C.I.S.D. had school in session.

City Manager recommended approval of Ordinance.

Councilman O'cana moved to approve authorization to rescind City Ordinance No. 2612 and adopt Ordinance No. 4001 prohibiting parking on the east and west side of Bryan Road between Bryce and Oak Streets between the hours of 7:00 a.m. to 8:00 a.m. and 3:00 p.m. to 4:00 p.m. during the days that Mission C.I.S.D. had school in session as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 4001**

AN ORDINANCE OF THE CITY OF MISSION, TEXAS, RESCINDING ORDINANCE 2612 AND ADOPTING ORDINANCE NO. 4001 PROHIBITING PARKING ON THE EAST AND WEST SIDE OF NORTH BRYAN ROAD BETWEEN BRYCE AND OAK STREETS BETWEEN THE HOURS OF 7:00 A.M. TO 8:00 A.M. AND 3:00 P.M. TO 4:00 P.M. DURING THE DAYS THAT MISSION C.I.S.D. HAS SCHOOL IN SESSION; AUTHORIZING THE CITY MISSION TO PLACE MARKINGS OF THE PARKING REQUIREMENTS; AND PROVIDING FOR THE INSTALLATION OF SAID TRAFFIC CONTROL DEVICES AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCE OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO:

**4.19 Approval of Ordinance # 4002 providing for a 20 mph speed limit in the area of the Harry Shimotsu Elementary School from the 3000 to the 3100 block of San Mateo Parkway and from 3600 to the 3800 block of south Glasscock Road on the days that Sharyland I.S.D has school in session**

The City of Mission Police Department received a request for approval of an ordinance providing for a 20 mph speed limit in the area of the Harry Shimotsu Elementary School from the 3000 to the 3100 block of San Mateo Parkway and from the 3600 to the 3800 block of south Glasscock Rd. on the days that Sharyland I.S.D. had school in session. On September 17, 2013, the Traffic Safety Committee met and approved the request for establishing a 20 mph school zone. It was the recommendation of the Traffic Safety Committee to adopt this ordinance. The request was forwarded to staff for review and approval.

Staff Recommendation: Staff was respectfully requesting the adoption of Ordinance No. 4002 providing for a 20 mph school zone at the Shimotsu Elementary School from the 3000 to the 3100 block San Mateo Parkway and from the 3600 to the 3800 block of south Glasscock Rd. on the days that Sharyland I.S.D. had school in session.

City Manager recommended approval of Ordinance.

Councilman Plata moved to approve Ordinance No. 4002 providing for a 20 mph speed limit in the area of the Harry Shimotsu Elementary School from the 3000 to the 3100 block of San Mateo Parkway and from 3600 to the 3800 block of south Glasscock Road on the days that Sharyland I.S.D had school in session as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**ORDINANCE NO. 4002**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS ESTABLISHING A TWENTY (20) MPH SPEED LIMIT IN THE AREA OF THE HARRY SHIMOTSU ELEMENTARY SCHOOL FROM THE 3000 TO THE 3100 BLOCK OF SAN MATEO PARKWAY AND FROM THE 3600 TO THE 3800 BLOCK OF SOUTH GLASSCOCK ROAD; PROVIDING FOR INSTALLATION OF TRAFFIC CONTROL DEVICES AND PROPER SIGNAGE THEREOF AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF PURSUANT TO THE TEXAS TRANSPORTATION CODE AND THE TRAFFIC ORDINANCES OF THE CITY OF MISSION

#### **4.20 Approval of Health Insurance Premiums**

On June 24, 2013, City Council approved a one-year renewal with BlueCross BlueShield of Texas for the 2013-2014 FY. As part of the renewal, BCBS provided recommended monthly premiums. After careful evaluation, staff was recommending the following dependent coverage premiums effective 10/01/2013:

- Employee & Child(ren) - \$250 (no change)
- Employee & Spouse - \$329.24 (decrease of \$70.76)
- Employee & Family - \$475 (no change)

City Manager recommended approval.

Councilman Plata moved to approve Health Insurance Premiums as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

#### **4.21 Approval of Publicity and Tourism Agreement with the Greater Mission Chamber of Commerce, Inc.**

Approval of Publicity and Tourism Agreement with the Greater Mission Chamber of Commerce, Inc. for Fiscal Year 2013-14. These were funds that were received from the Hotel Motel Occupancy Tax under VATS Tax Code, Section 351.101 to use hotel occupancy tax funds for attracting and promoting tourism and the convention and hotel industry.

Provided was a copy of the 2013-2014 agreement to be effective October 1, 2013 through September 30, 2014 in the amount of \$370,000.00.

The Budget was provided for staff's review.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve Publicity and Tourism Agreement with the Greater Mission Chamber of Commerce, Inc. as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

#### **4.22 Request for funding by Greater Mission Chamber of Commerce from the City of Mission's General Fund for FY 2013-14**

The Greater Mission Chamber of Commerce was requesting \$135,000 of General Fund monetary support for Fiscal Year 2013-14. The requested funds would be utilized to fund activities in Business Development for the City of Mission and other activities aimed at promoting business in the City of Mission.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve request for funding by Greater Mission Chamber of Commerce from the City of Mission's General Fund for FY 2013-14 as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

**4.23 Award bid for Athletic League Uniforms for the Boys & Girls Club Fiscal Year 2013-2014**

On August 12, 2013 City Council authorized staff to solicit bids for the purchase of Athletic League Uniforms for the Boys & Girls Club seasonal athletic leagues. The City of Mission had accepted and opened three (3) bid responses for purchase and delivery of Athletic League Uniforms. Valley Sports deviated from the size specified for the uniforms by not bidding on all sizes, therefore bid was nonresponsive. Staff was seeking authorization to award bid to MCM Sporting Goods, Inc. who submitted fair and reasonable pricing and was a responsive bidder.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve to award bid for Athletic League Uniforms for the Boys & Girls Club Fiscal Year 2013-2014 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.24 Authorization to accept the Streetscape Design and Request for Bids**

City Attorney David Guerra requested that council go into executive session prior to considering item 4.24 in open session pursuant to V.T.C.A. Gov. Code Sec. 551.071, Private consultation with the City Attorney due to the City Manager having some legal questions on this item.

At 5:25 p.m., Mayor Salinas requested to continue with item 4.24 of the agenda and to consider item 4.23 at a later time along with the items under the executive session section of the agenda.

Staff was seeking authorization to accept the Streetscape Design and to request bids for the construction phase of this project.

City Manager recommended approval.

Councilman Plata moved to authorize to accept the Streetscape Design and Request for Bids as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

Mayor Salinas continued on to item 7.1-A of the agenda.

**4.25 Authorization to approve Change Order # 1 for the SpawGlass contract to cover additional costs for the Conway Streetscape Project**

Staff was seeking authorization to approve change order #1 for the Conway Streetscape Contract with SpawGlass in order to cover the additional design costs for the project. Initially, the project was budgeted at \$1,000,000, but with the Federal Transit Authority (FTA) application for \$2.5 million, the scope of the project was expanded creating additional design costs. This amendment would increase the current contract amount from \$113,000 to \$141,250, which was an increase of \$28,250. Change order was at 25% cap allowed by the Texas Local Government Code.

City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to approve Change Order # 1 for the SpawGlass contract to cover additional costs for the Conway Streetscape Project as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**5.0 Unfinished Business**

**5.1 Public Hearing Agenda Item: Rezoning: The North 300' of Lot 3, The Retreat at Cimarron, from R-3 (Multi-Family Residential) to C-3 (General Business), Desarollos Mosi, LLC Sergio Molina c/o Veronica De La Fuente, Adoption of Ordinance # \_\_\_\_\_ approving 5.1**

On August 28, 2013 the Planning and Zoning Commission convened in order to consider the rezoning request mentioned above, which was located on the SW corner of Glasscock Road and Expressway 83. There was no public opposition during P&Z Mtg. The Board recommended approval of the rezoning 6-1.

Staff and City Manager recommended denial.

Item 5.1 remained on the table.

**6.0 Routine Matters**

**6.1 City Manager's Comments**

None

**6.2 Mayor's Comments**

None

At 5:32 p.m., Councilman Plata moved to convene into executive session for items 4.24 and 7.1A of the agenda. Motion was seconded by Councilwoman Ramirez 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**

**A. Claim by Municipal Trucks and Equipment LLC regarding 1997 Ford Vac Truck**

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

At 6:10 p.m., Mayor Pro Tem Garza moved to reconvene in open session. Motion was seconded by Councilman Plata and approved unanimously 5-0.

On item 7.1-A, no action was taken.

**8.0 Adjournment**

At 6:12 p.m., Councilman Plata moved for adjournment. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary