

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
JANUARY 27, 2014 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
Julie Silva, Progress Times
Luis Martinez
Joshua Brooks
Jaime Gonzalez
Mariano Garcia
Mark Dougherty
George Myers

STAFF PRESENT:

Carmen Morales, Administrative Asst.
Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Danny Tijerina, Planning Director
Bobby Salinas, Asst. Planning Director
Roberto Salinas, Public Works Director
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Rick Saldana, Fire Chief
Gilbert Sanchez, Fire Marshal
Eduardo Belmarez, Purchasing Director
Robert Dominguez, Chief of Police
Joel Larralde, Asst. Chief of Police
Tony Garcia, Asst. 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
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 4:37 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 – Dating Violence Prevention and Awareness Month

City Secretary Anna Carrillo read the proclamation.

Jasmine Santos and Carina Farias from the HOSA Club received the proclamation.

Mayor Pro Tem Norie Gonzalez Garza moved to approve the Proclamation – Dating Violence Prevention and Awareness Month. Motion was seconded by Councilman Ruben D. Plata and approved unanimously 5-0.

4. Report from the Greater Mission Chamber of Commerce

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

5. Departmental Reports

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

6. Citizens Participation

None

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Rezoning: Lots 5-12, 14-15, 100-107, the W. 320' of Lots 13 & 16, the S. 110' of Lot 159, Sharyland Orchards Subdivision and the N. 408.39' of Lot 215, John H. Shary Subdivision, together with and adjacent to Canal ROW, and the South 9 acre tract of land out of the N. 20 ac. of Lot 226, John H. Shary Subdivision (AKA Sharyland High School), from R-1A (Large Lot Single Family Residential) to P (Public Zone), Sharyland ISD**
Adoption of Ordinance # 4048 approving 1.1A

On January 8, 2014 the Planning and Zoning Commission convened and recommended approval of a P zone. The property was located at the NE area of Business 83 & Shary Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval of a P zone.

Staff Recommendation: Approval of P zone.

City Manager recommended approval.

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

There were no comments.

Councilman Dr. Armando O'cana moved to approve the rezoning and to adopt Ordinance No 4048 Rezoning: Lots 5-12, 14-15, 100-107, the W. 320' of Lots 13 & 16, the S. 110' of Lot 159, Sharyland Orchards Subdivision and the N. 408.39' of Lot 215, John H. Shary Subdivision, together with and adjacent to Canal ROW, and the South 9 acre tract of land out of the N. 20 ac. of Lot 226, John H. Shary Subdivision (AKA Sharyland High School), from R-1A (Large Lot Single Family Residential) to P (Public Zone), Sharyland ISD as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4048

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING LOTS 5-12, 14-15, 100-107, THE W. 320' OF LOTS 13 & 16,
THE S. 110' OF LOT 159, SHARYLAND ORCHARDS SUBDIVISION AND THE N. 408.39'
OF LOT 215, JOHN H. SHARY SUBDIVISION, TOGETHER WITH AND ADJACENT TO
CANAL ROW, AND THE SOUTH 9 ACRE TRACT OF LAND OUT OF THE N. 20 AC. OF
LOT 226, JOHN H. SHARY SUBDIVISION, FROM R-1A (LARGE LOT SINGLE FAMILY
RESIDENTIAL) TO P (PUBLIC ZONE)

**B. Rezoning: Lot 20, Villa Capri Subdivision, from AO-I (Agricultural Open Interim) to C-1 (Office Building), Carlos A. Puente
Adoption of Ordinance # 4049 approving 1.1B**

On January 8, 2014 the Planning and Zoning Commission convened and recommended approval of a C-1 zone. The property was located 500' west of Moorefield Road along the north side of Mile 3 Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval of C-1.

Staff Recommendation: Approval of C-1.

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 4049 Rezoning: Lot 20, Villa Capri Subdivision, from AO-I (Agricultural Open Interim) to C-1 (Office Building) as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

ORDINANCE NO. 4049

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING LOT 20, VILLA CAPRI SUBDIVISION, FROM AO-I
(AGRICULTURAL OPEN INTERIM) TO C-1 (OFFICE BUILDING)

**C. Conditional Use Permit: To keep a 14' x 30' Portable Building for Office Use, 1501 Industrial Way, Lot 3, Mission Business Park Subdivision, I-1, Lois & Joshua Brooks
Adoption of Ordinance # 4050 approving 1.1C**

On January 8, 2014 the Planning and Zoning Commission convened and approved the conditional use permit request mentioned above, which was located at the SW corner of Los Ebanos and Industrial Way. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for life of use.

Staff Recommendation: Approval for 4 years.

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 CUP and to adopt Ordinance No. 4050 Conditional Use Permit: To keep a 14' x 30' Portable Building for Office Use, 1501 Industrial Way, Lot 3, Mission Business Park Subdivision, I-1 as recommended by Staff. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 4050

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT TO KEEP A 14' X 30' PORTABLE
BUILDING FOR OFFICE USE, 1501 INDUSTRIAL WAY, LOT 3, MISSION BUSINESS
PARK SUBDIVISION

**D. Conditional Use Permit: To keep a Portable Building for a Clinic, 611 N. Bryan Road, Lot 1, Nuestra Clinica Del Valle Subdivision, C-3, Nuestra Clinica Del Valle
Adoption of Ordinance # 4051 approving 1.1D**

On January 8, 2014 the Planning and Zoning Commission convened and approved the conditional use permit request mentioned above, which was located 400' north of Matamoros Street along the west side of Bryan Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval as per Staff's recommendation.

Staff Recommendation: Approval for 3 years subject to non-transferability to others.

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. 4051 Conditional Use Permit: To keep a Portable Building for a Clinic, 611 N. Bryan Road, Lot 1, Nuestra Clinica Del Valle Subdivision, C-3 as recommended by Staff. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4051

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT TO KEEP A PORTABLE BUILDING FOR A CLINIC, 611 N BRYAN ROAD, LOT 1, NUESTRA CLINICA DEL VALLE SUBDIVISION

- E. Conditional Use Permit: To keep a Residence for a Security Guard Employed on the Property, 107 Industrial Blvd., Lot 2, Mission Business Park Subdivision, I-1, MT Self Storage
Adoption of Ordinance # 4052 approving 1.1E**

On January 8, 2014 the Planning and Zoning Commission convened and approved the conditional use permit request mentioned above, which was located at the NE corner of Industrial Way and International Blvd. There was no public opposition during the 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.

Councilman Plata moved to approve the CUP and to adopt Ordinance No. 4052 Conditional Use Permit: To keep a Residence for a Security Guard Employed on the Property, 107 Industrial Blvd., Lot 2, Mission Business Park Subdivision, I-1 as recommended by Staff. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 4052

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT TO KEEP A RESIDENCE FOR A SECURITY GUARD EMPLOYED ON THE PROPERTY, 107 INTERNATIONAL BLVD., LOT 2, MISSION BUSINESS PARK SUBDIVISION

2.0 Disposition of Minutes

2.1 City Council Meeting – January 13, 2014 and Special City Council Meeting – January 20, 2014

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

3.0 Acknowledge Receipt of Minutes

3.1 Planning and Zoning Commission – December 11, 2013 Zoning Board of Adjustments – December 4, 2013

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 Sign Code Variance Request by Acme Partnership, L.P. to Install a new Billboard Sign within 500' of a City Park, on Lot 9-6, John H. Shary Subdivision

On November 14, 2013, Planning staff received two permit requests to install two new 60' tall 10' X 24' Billboard Signs. Due to Ord. 3707, this particular section of Conway (F.M. 1016) was considered a "Secondary Arterial Corridor" which did allow billboards. The proposed billboard located on Lot 9-6. This sign was proposed to be directly across from Norberto "Beto" Salinas Park (Madero Park).

Section 86-155 (4c) of the Sign Code stated: "Such billboard sign shall be outside a 500-foot radius of institutional uses such as a church, park, or school; and located so as not to create traffic or visual nuisance."

Due to the proximity of the sign to the park, staff informed Acme Partnership L.P. that the sign could not be within 500' of the park. They had opted to apply for a variance to the sign code requesting that the City Council allow the installation of the billboard within 500' of the park.

Since it did not appear to be a traffic or visual nuisance and the park was located on the east side of Conway, staff did not object to the variance proposal.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve Sign Code Variance Request by Acme Partnership, L.P. to Install a new Billboard Sign within 500' of a City Park, on Lot 9-6, John H. Shary Subdivision as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.2 Discussion and Action on Interlocal Agreement between the City of Mission and the Lower Rio Grande Valley Development Council (LRGVDC) for Transit – Oriented Development Project -1st Street/Conway Avenue

The City of Mission and the LRGVDC desired to cooperate in a transit-oriented development project to enhance the pedestrian walkway along Conway Avenue between 1st Street and Kika de la Garza loop within the city limits of Mission.

This project would improve the visibility and use of transit services, provide increased mobility and access for the elderly and disabled, improve safety, and enhance the value of City property. This project was part of a larger development that would implement the City of Mission's Comprehensive Plan and an expanded transit route system.

The Lower Rio Grande Valley Development Council had submitted an Interlocal Agreement for staff's review and approval in order to provide services for the enhancement project.

Staff Recommendation: Staff recommended approval of the Interlocal Agreement between

LRGVDC and the City of Mission.

City Manager recommended approval.

City Attorney David Guerra reminded Mayor and Council that the Interlocal Agreement referred to Appendix A and B, which were blank for reason that they were very voluminous and filed at the City Secretary's office.

Councilman O'cana moved to approve discussion and action on Interlocal Agreement between the City of Mission and the Lower Rio Grande Valley Development Council (LRGVDC) for Transit – Oriented Development Project -1st Street/Conway Avenue as recommended by Staff. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.3 Request by Heritage Square Property Owners Association to have City Council authorize City Manager to issue a building permit on City ROW for an existing community service sign to be updated at the NW area of Bryan Road/Mark Place

Planning had received a written request from Heritage Square to upgrade their existing community sign currently located on the NW area of Mark Place and Bryan Rd. The proposed upgrade would consist of repainting the existing sign frame and illuminating the sign in order to allow for clear visibility at night. Ord. #3414 (11/10/08) was passed to specifically provide for such requests.

Insofar as this request, Heritage Square was proposing a new 6'-3" high x 7' wide sign face on the existing sign support. Viewing the location with the applicant's representative, the location of these improvements was not a sight obstruction and did not obstruct the Bryan Medical Plaza sign either.

Staff had the following comments on the proposal:

- sign shall always be subject to removal at owner's expense w/30 days' notice
- there was currently an executed & recorded hold harmless document indemnifying the city of the private sign in public ROW from the previous request.
- similar to others, this sign was intended as a community service to the general public and was not to advertise any private service or product.
- the size was not obtrusive and was consistent with other signs
- the improvements shall be maintained by Heritage Square to be aesthetic as well as the surrounding grounds

Staff Recommendation: Approval of proposed sign upgrade subject to meeting policy of Ord. #3414.

City Manager recommended approval.

Councilman O'cana moved to approve request by Heritage Square Property Owners Association to have City Council authorize City Manager to issue a building permit on City ROW for an existing community service sign to be updated at the NW area of Bryan Road/Mark Place as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.4 Request by Dora Del Real to install a wood fence along alley right of way.

Planning had received a written request from Dora Del Real to install a new 6' wood fence on the south side of her lot located at 1829 Fairway Cir.

Ms. Del Real's home was built in 2012 with her garage located along the south side of the lot. She was proposing a new fence with a rolling gate to allow for her truck to be parked outside of the garage. However, her vehicle was slightly longer than the driveway, which would not allow the proposed gate to close. She was requesting permission from the City Council to be able to enclose an additional 4' of ROW from the alley in order to allow for the truck to clear the rolling gate.

In viewing her request, staff noted that the alley that she was adjacent to was a 30' ROW, 24' E-E paved alley. During a site visit staff noticed that there was approx. 4' of green area where the fence may be placed. In viewing the utilities, there were no water, sewer, or drainage lines within this 4' section of ROW. However, staff recommended only the eastern portion of the fence be installed within the ROW so as not obstruct the neighbor's visibility from their driveway. Staff had the following comments on the proposal:

- The fence shall always be subject to removal at owner's expense w/30 days' notice
- There shall be an executed & recorded hold harmless document indemnifying the city of the private fence on the public ROW.
- The fence shall be maintained by the homeowner.

Staff Recommendation: Approval of proposed fence subject to meeting policy of Ord. #3414.

City Manager recommended approval.

Councilman O'cana moved to approve request by Dora Del Real to install a wood fence along alley right of way as recommended. Motion was seconded by Councilwoman Ramirez and approved 3-0, with Mayor Salinas and Councilman Plata abstaining from voting and deliberating on this item.

4.5 Final Plat Approval: Eduardo's No. 12 Subdivision, 15 acres being all of Lots 179 & the South 5 acres of Lot 181, Bentsen Groves Subdivision, Suburban ETJ, Developer: Diana Laura Izaguirre, Engineer: Izaguirre Engineering Group

On April 8, 2013 the City Council convened and approved the Preliminary Plat Approval for Eduardo's No. 12 Subdivision. The property was located 1 mile north of Mile 3 Road along the east side of Bentsen Palm Drive. The Board unanimously recommended approval as per Staff's recommendation.

Staff Recommendation: Approval subject to: 1) must meet Model Subdivision Rules, 2) Comply with street alignment policy, 3) Must pay the capital sewer recovery fee, and 4) Comply with comments from the County Planning Department.

City Manager recommended approval.

Councilman Plata moved to approve Final Plat Approval: Eduardo's No. 12 Subdivision, 15 acres being all of Lots 179 & the South 5 acres of Lot 181, Bentsen Groves Subdivision, Suburban ETJ as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.6 Adoption of Ordinance # 4053 calling a General Election in Mission, Texas providing for the election of Mayor, and Councilmembers for Places One and Three; providing for polling places and other matters relating to said election.

Aprobacion de la Ordenanza No. 4053 convocatoria para llamar a votaciones generales en la Ciudad de Mission, Texas para la eleccion de Alcalde y los miembros del Concilio para los puestos uno y tres; sitios de votacion y otras cuestiones relativas a esa eleccion

Provided was the ordinance for the city's General Election to be held on Saturday, May 10, 2014 as authorized by the Texas Election Code. Positions up for election were Mayor and Councilmembers for places One and Three. The period to file for city office was Wednesday, January 29, 2014 thru Friday, February 28, 2014. Candidate packets were available at City Secretary's office.

Early voting by personal appearance was being requested to be conducted at Mission City Hall, 1201 E. 8th St. and Mission Boys & Girls Club Gym at Bannworth Park, 1822 N. Shary Road.

Monday, April 28, 2014 – 7 a.m. – 7 p.m.

Tuesday, April 29, 2014 – 8 a.m. – 6 p.m.

Wednesday, April 30, 2014 – 8 a.m. – 6 p.m.

Thursday, May 1, 2014 – 8 a.m. – 6 p.m.

Friday, May 2, 2014 – 8 a.m. – 6 p.m.

Saturday, May 3, 2014 – 8 a.m. – 5 p.m.

Monday, May 5, 2014 – 8 a.m. – 6 p.m.

Tuesday, May 6, 2014 – 7 a.m. 7 p.m.

Election Day polling locations were to be held at Mission High School, Castro Elementary, Pearson Elementary, Bryan Elementary and Mission Boys and Girls Club Gym at Bannworth Park from 7 a.m. – 7 p.m.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 4053 calling a General Election in Mission, Texas providing for the election of Mayor, and Councilmembers for Places One and Three; providing for polling places and other matters relating to said election as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

ORDINANCE NO. 4053

AN ORDINANCE CALLING A GENERAL ELECTION IN MISSION, TEXAS PROVIDING FOR THE ELECTION OF MAYOR AND COUNCILMEMBERS FOR PLACES ONE AND THREE; PROVIDING FOR POLLING PLACES AND OTHER MATTERS RELATING TO SAID ELECTION

4.7 Terminate bad debt collection contract with Preston, Powers & Stone, LLC.

Staff was requesting the cancellation of the contract with Preston, and Stone, LLC, (PPS) entered into in September 2010. Utility Billing staff indicated that PPS had not been accessible for the past year. Paragraph 10 of the original contract allowed the client to terminate the contract immediately in the event the agency (PPS) violated any of the terms of provisions of this agreement.

Staff and City Manager recommended approval.

Councilman Plata moved to terminate bad debt collection contract with Preston, Powers & Stone, LLC as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.8 Write-off uncollectable utility accounts receivable

Provided for review and approval was a summary of the amounts to be written off at this time. These amounts were for the three (3) month period of October 2012 through December 2012.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve write-off uncollectable utility accounts receivable as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.9 Acceptance of Quarterly Report of Investments for the Quarter ending December 31, 2013 and Interest Earned for Three Months Ending December 31, 2013

Acceptance of quarterly report required by the Public Funds Investment Act Section 2256.023 of the Texas Government Code on the total investments for the quarter ending December 31, 2013. The total investments purchased were \$1,718.36 and the amount of maturing investments was \$499,725.00 leaving a total of \$24,526,264.11 in outstanding investments for the quarter ending December 31, 2013. The total interest earned on all funds year to date was \$12,435.36.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve acceptance of Quarterly Report of Investments for the Quarter ending December 31, 2013 and Interest Earned for Three Months Ending December 31, 2013 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.10 Budget Amendments: MEDC

Randy Perez, Assistant Finance Director presented the budget amendment BA-2014-43 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve budget amendment BA-2014-43 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.11 October 2013 Financial Statements

Mr. Perez presented the October 2013 Financial Statements for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the October 2013 Financial Statements as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.12 November 2013 Financial Statements

Mr. Perez presented the November 2013 Financial Statements for approval.

Staff and City Manager recommended approval.

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

4.13 December 2013 Financial Statements

Mr. Perez presented the December 2013 Financial Statements for approval.

Staff and City Manager recommended approval.

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

4.14 Tax Collections Report – November, 2013

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

Staff and City Manager recommended approval.

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

4.15 Tax Collections Report – December, 2013

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

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Tax Collections Report for December, 2013 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.16 Authorization to Solicit Bids for “Housing Assistance Program – Phase 13-I”

CAC met on December 10, 2013 and approved staff’s recommendation to provide assistance for reconstruction of five (5) homes through the CDBG program.

Reconstruction:

604 Granjeno Ave. – 2 bdrm 1 ½ bath, 960 sq ft

1036 Lee Ave. – 3 bdrm 2 bath, 1100 sq ft

1317 Reynosa – 2 bdrm 1 ½ bath, 960 sq ft

103 Slabough – 2 bdrm 1 ½ bath, 960 sq ft

217 Guadalupe – 3 bdrm 2 bath, 1100 sq ft

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve authorization to Solicit Bids for “Housing Assistance Program – Phase 13-I” as recommended. Motion was seconded by Councilman O’cana and approved unanimously 5-0.

4.17 Adoption of Ordinance # 4054 providing for No Parking or Standing at any time from the S/W corner of U.S. Hwy. 83 and Highland Ave. proceeding south on Highland Ave. for 205 feet on the west side of the road

The City of Mission Police Department received a request for approval of an ordinance providing for no standing or parking zone at any time from the S/W corner of U.S. Hwy. 83 and Highland Ave. proceeding south on Highland Ave. for 205 feet on the west side of the road. The Mission Police Department had received several complaints of vehicles parking on the west side of Highland Ave. causing a congestion of traffic that lead up to the railroad tracks located just south of Hwy. 83 and Highland Ave. The parking of such vehicles was considered a safety hazard and could cause an accident. On January 21, 2014 the Traffic Safety Committee met and approved the request for a no standing or parking zone on the from the S/W corner of U.S. Hwy 83 and Highland Ave. proceeding south on Highland Ave. for 205 feet on the west side of the road. It was the recommendation of the Traffic Safety Committee to adopt this ordinance. The request was being forwarded for review and approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Ordinance No. 4054 providing for No Parking or Standing at any time from the S/W corner of U.S. Hwy. 83 and Highland Ave. proceeding south on Highland Ave. for 205 feet on the west side of the road as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4054

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, PROHIBITING PARKING OR STANDING AT ANY TIME FROM THE SOUTHWEST CORNER OF U.S. HIGHWAY 83 AND HIGHLAND AVE. PROCEEDING SOUTH ON HIGHLAND AVE. FOR 205 FEET ON THE WEST SIDE OF THE ROAD; PROVIDING FOR INSTALLATION OF SAID TRAFFIC CONTROL DEVICES AND PROPER SIGNAGE THEREOF BEING NO PARKING AND STANDING 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 enter into a Interlocal Agreement between the City of Mission and Tropical Texas Behavioral Health for the purpose of participating in Mental Health Officer Task Force

The City of Mission Police Department was requesting authorization to enter into an inter-local agreement with Tropical Texas Behavior Health for the purpose of participating in a Mental Health Officer Task Force. The purpose of this newly formed group of specially trained and certified Mental Health Officers is to provide services to citizens in our community that were in need of mental health services. The Mission Police Department in 2012 responded to 394 mental health calls, in 2013 that number increased to 403 calls for service. These types of calls usually took up to five to six hours to clear. This included transport to our local hospital for medical clearance, transport to Tropical Texas Behavioral Health for evaluation, and finally, admittance to the state hospital. The number of hours also increased when a patient needed to be transported to the state hospital in San Antonio or other hospitals around the State of Texas. The City of Mission would be reimbursed the entire salary of the officer assigned to the Task Force.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve authorization to enter into an Interlocal Agreement between the City of Mission and Tropical Texas Behavioral Health for the purpose of participating in Mental Health Officer Task Force as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.19 Request for official Park designation of Public Areas considered City Parks pursuant to the City's Parks Ordinance being Ordinance No. 4047 which was adopted on January 13, 2014

The following public areas were considered City Parks:

Ala Blanca Park & Bike Trail	Indoor Recreation Center	Mission Hike
Astroland Park Complex	Jaycee Park	Mission Sports
Bannworth Park	Jose M. Lopez Park	Nell Tolle Park
Bentsen Palm Community Park	La Lomita Historical Park	Northside Pool
Birdwell Park	Leo Pena Placita Park	Oblate Park
CWV Park/Mayberry Pool	Lions Park	Rotary Park
El Sendero Park	Los Nogales Park	Ruben
Hinojosa Park		
First Street Park	Mission Market Square	Shary

Municipal Golf Course

Norberto "Beto" Salinas Park (Madero) Northwest (Hollis Rutledge Sr.) Park

Staff Recommendation: Officially designate said areas as City of Mission public parks pursuant to the City's Park Ordinance being Ordinance No. 4047.

City Manager recommended approval.

Councilwoman Ramirez moved to approve request for official Park designation of Public Areas considered City Parks pursuant to the City's Parks Ordinance being Ordinance No. 4047 which was adopted on January 13, 2014 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.20 Authorization to purchase EPA Risk Management Compliance Service from Municipal H2O, a sole source vendor

Staff recommended the acquisition for EPA Risk Management Program Compliance Services, a sole source vendor. Pursuant to Texas Local Government Code Section 252.022 General Exemptions (7) a procurement of items that were available from only one source, including: (A) items that were available from only one source because of patents, copyrights, secret processes, or natural monopolies and (D) captive replacement parts or components for equipment.

Municipal H2O provided a Risk Management Program Compliance Service that proposed a guarantee to pay any EPA fine resulting from a compliance violation caused by an error or omission by Municipal H2O during the term of the service.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to purchase EPA Risk Management Compliance Service from Municipal H2O, a sole source vendor as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.21 Authorization to use the power of eminent domain, on behalf of the State of Texas, to acquire a 0.0893 acre tract of land out of Lot 1, Tames Subd., according to map recorded in Vol. 51, Page 112 of the Map Records of Hidalgo County, for the purpose of construction or improvement of US Highway 83, in accordance with Govt. Code Sec. 2206.053 (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)

On February 27, 2013, The City of Mission executed an agreement with the State of Texas, through the Texas Department of Transportation, for the purpose of undertaking and implementing improvements to US Highway 83, in and around the Inspiration Rd. intersection. This agreement was entered into pursuant to Resolution No. 1342, approved by the City Council on February 25, 2013, and with the understanding that the acquisition of right of way would be necessary to carry out the public use intended by the Agreement. Negotiations with the Property Owners were carried out, and the Law Firm of Jones, Galligan, Key & Lozano had been advised that the Parties were unable to agree on a valuation for the acquisition of the property subject to this agenda item. Because of this, a formal petition for condemnation must be filed to obtain the necessary right of way and, pursuant to Texas Government Code Section 2206.053, the City

Council must authorize the initiation of any condemnation proceedings. Therefore, the request was made that the City of Mission, on behalf of the State of Texas, authorize the use of the power of eminent domain to acquire a 0.0893 tract of Lot 1, Tamez Subdivision, Vol. 51, Page 112 of the Map Records of Hidalgo County, for the public purpose of construction or improvement of US 83.

City Attorney Guerra requested that council go into executive session prior to considering this item in open session pursuant to V.T.C.A. Gov. Code Sec. 551.071, Private consultation with the City Attorney.

At 5:30 p.m., Mayor Salinas requested to continue with item 5.1 of the agenda and to consider this item at a later time along with the item under the executive session section of the agenda.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to use the power of eminent domain, on behalf of the State of Texas, to acquire a 0.0893 acre tract of land out of Lot 1, Tames Subd., according to map recorded in Vol. 51, Page 112 of the Map Records of Hidalgo County, for the purpose of construction or improvement of US Highway 83, in accordance with Govt. Code Sec. 2206.053 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

Councilman O'cana moved to remove item 5.1 from the table. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

5.1 Adoption of Ordinance # 4055 amending Ordinance No. 1449 – Code of Ordinances – Chapter 30 Emergency Services, Article II – Alarm Systems, Division 2 – Section 30.63 1-4 Fees

The City of Mission Police Department was requesting authorization to amend Ordinance No. 1449 – Code of Ordinances – Chapter 30 Emergency Services, Article II – Alarm Systems, Division 2 Section 30.63 1-4 Fees. Section 30.63 (1) for Class A permits would remain the same, Section 2 would be amended to allow for an initial application fee of \$20.00 and an annual reoccurring fee of \$20.00 per calendar year for Class B permits; and the current Section 3, would be eliminated completely in that the Mission Police Department did not monitor alarms systems for any business or private resident and Section 4 would not be changed, but would become the new Section 3 under Fees after elimination of the current Section 3. Section 4 had been added to exempt persons 65 and over from having to pay the initial application fee or the annual recurring fee.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve Ordinance No. 4055 amending Ordinance No. 1449 – Code of Ordinances – Chapter 30 Emergency Services, Article II – Alarm Systems, Division 2 – Section 30.63 1-4 Fees as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 4055

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS,
AMENDING DIVISION 2. PERMIT OF ARTICLE II. – ALARM SYSTEMS OF CHAPTER 30
EMERGENCY SERVICES OF ITS CODE OF ORDINANCES REGARDING ALARM
SYSTEM PERMITS AND PERMIT HOLDER FEES

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

None

At 5:32 p.m., Councilman O'cana moved to convene into executive session for items 4.21 and 7.1A of the agenda. 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

A. Enforcement of dilapidated structure legal requirements

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

At 5:54 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

On item 7.1-A, no action was taken.

8.0 Adjournment

At 5:57 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