

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
JULY 23, 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
Yessica Pedraza
Minerva Mutz
Harvey Mutz
Robert Gastel
John Harrison
Virginia Townsend
Karen Peterson
David Peterson
Donna Traver
Frank Traver
Fern McClaugherty
Maria O. Leach
Lucy Sisniega
Ryan Burch
Aurelio Flores
Laura Harrison
Ryan Peterson

STAFF PRESENT:

Carmen Morales, Administrative Assistant
Aida Lerma, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sergio Zavala, Planning Director
Pat Martinez, 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
Robert Dominguez, Asst. Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Julian Gonzalez, cParks & 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 4:42 p.m.

2. Pledge Allegiance and Invocation

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

3. Departmental Reports

Councilwoman Maria Elena Ramirez moved to approve the departmental reports as presented. Motion was seconded by Dr. Armando O'cana 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 future events to include the Texas Butterfly Festival scheduled for October 25-28, 2012.

5. Citizens Participation

Virginia Townsend – 1603 Vintage Lane asked who was monitoring the garage sales that were being held every week in residential areas.

Ryan Burch from TxDOT updated the council on the Bryan Road Project, he stated that the project is scheduled to end in November 2012 and that the intersection is scheduled to be opened sometime in August.

Kathy Olivarez – 1608 Madison Hope Avenue spoke as a member of the Zoning Board of Adjustments regarding item 4.5 of the agenda. City Attorney David Guerra advised the council that the item was on the agenda and therefore public comments could not be heard on this matter.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: A 1.00 acre tract out of Lot 205, John H. Shary Subdivision, AO-I to C-3, Perla McDonald

The subject site was located on the SE corner of E. 6th Street and Shary Road.

Surrounding Zones:	N:	AO-I	Agricultural Open Interim
	E:	R-1	Single Family Residential
	W:	C-4	Heavy Commercial
	S:	AO-I	Agricultural Open Interim

The surrounding land uses reflected open acreage to the north and south, a tractor retail store and open acreage to the west, and a residential subdivision to the east. The subject site was currently open acreage. The Future Land Use Map reflected a General Commercial (GC) designation along the Shary Road frontage.

The subject property had been part of a commercial 'reserve' since the inception of the Master Plan. C-3 was consistent to area zonings along Shary, commercial area uses, and was fully compliant to the FLUM's GC designation. There was no public opposition voiced during P&Z's 7/11/12 mtg. P&Z unanimously recommended approval.

Staff and City Manager recommended approval.

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

There were no comments.

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Councilman Ruben D. Plata moved to approve Rezoning: A 1.00 acre tract out of Lot 205, John H. Shary Subdivision, AO-I to C-3 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

B. Conditional Use Permit: Ballet Studio in an AO-I Zone at 1309 E. Griffin Parkway, Lot 1, Yessica Pedraza Subdivision, AO-I, Yessica Pedraza

The site was located ¼ mile east of Bryan Road along the north side of Griffin Parkway. There was an existing 10,140 sq. ft. building on the property which included two studios, a dance floor area, locker facilities, etc. Royal Dance Studio had been in operation since May 5, 2008. This CUP was most recently approved on 7/8/09 for a period of 3 years which now required a renewal.

- Days/Hours of Operation: Monday – Friday 4:00 p.m. to 9:00 p.m. The studio was also open on Saturdays for private lessons if needed.
- Staff: 4 employees.
- Parking: The total number of parking spaces required for this site was 28 spaces. There were a total of 28 parking spaces, thus compliant to code.
- Sign and Landscaping Codes were being met.

The dance studio CUP had been in operation for several years without any complaints from neighboring properties. Staff did not object to re-approve this CUP for 3 year tenure. There was no public opposition during the 7/11/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff and 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 Conditional Use Permit: Ballet Studio in an AO-I Zone at 1309 E. Griffin Parkway, Lot 1, Yessica Pedraza Subdivision, AO-I as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

At 5:01 p.m., Mr. Guerra asked Mayor if he would like to consider items 5.1, 5.2, 5.3 and 5.4 of the agenda since items 5.1 and 5.2 were public hearings items. Mayor Salinas proceeded with item 5.1 of the agenda.

2.0 Disposition of Minutes

2.1 City Council Meeting – July 9, 2012 and Emergency Meeting of July 19, 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 Planning and Zoning Commission – June 13, 2012

Building Board of Adjustments and Appeals – August 24, 2011

Shary Golf Advisory Board – June 15, 2012

Parks & Recreation Board – April 11, 2012 and May 9, 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 # 3795 for Rezoning: A 1.00 acre tract out of Lot 205, John H. Shary Subdivision, from AO-I to C-3

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3795 for Rezoning: A 1.00 acre tract out of Lot 205, John H. Shary Subdivision, from AO-I to C-3 as recommended. Motion was seconded by Mayor Pro Tem Norie Gonzalez Garza and approved unanimously 5-0.

ORDINANCE NO. 3795

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS GRANTING A REZONING A 1.00 ACRE TRACT OUT OF LOT 205,
JOHN H. SHARY SUBDIVISION, FROM AO-I TO C-3

4.2 Adoption of Ordinance # 3796 for Conditional Use Permit for a Ballet Studio in an AO-I Zone at 1309 E. Griffin Parkway, being Lot 1, Yessica Pedraza Subdivision

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3796 for Conditional Use Permit for a Ballet Studio in an AO-I Zone at 1309 E. Griffin Parkway, being Lot 1 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 3796

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A BALLETT STUDIO IN AN AO-I
ZONE AT 1309 E. GRIFFIN PARKWAY, BEING LOT 1, YESSICA PEDRAZA SUBDIVISION

4.3 Preliminary Plat Approval: Summerwood Manor Estates Subdivision, A 10.755 acre tract of land out of Lots 292 & 302, John H. Shary Subdivision, R-1A, Developer: El Toro Builders, Inc., Engineer: Quintanilla, Headley, & Associates

At 5:24 p.m., Mayor Salinas stepped out of the meeting. Mayor Pro Tem Garza presided over this item.

The subject site was located ¼ mile north of Mile 2 along the west side of Glasscock Road, adjoining the south side of The Oaklands Subdivision. The proposed subdivision consisted of 27 single family residential lots. The plat reflected several double frontage lots where the homes should face north (Plat Note # 18), and a driveway access could still be gained from the south (if desired). The project engineer was asking for two variances on behalf of the developer as followed:

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VARIANCE # 1 – To allow the subdivision to be private and gated. This subdivision code stated that a “Lot meant an undivided tract or parcel of land having frontage on a public street...” We had seen many similar proposals for gated communities and we did not see any detriment to the proposed subdivision or surrounding areas. Staff did not object to this variance.

VARIANCE # 2 – A variance from the lot width requirement. The lot areas range from 11,788’ to 20,838’. These lot sizes were consistent with the minimum R-1A area requirements. However, Corner Lot 27 had a lot width of 52’ and did not comply with R-1A’s 80’ minimum lot width requirement. Due to the limited 102’ of frontage onto Glasscock Road minus the minimum 50’ street area required by the City’s Subdivision code, the lot width was reduced. Staff noted that R-1A’s corner lot minimum area requirement was 9,000 sq. ft.; Lot 27 had 11,788 sq. ft. Since the overall tract was irregular and it was vital to maintain the 50’ street easement, staff did not object, especially since the overall area requirement of 9,000 sq. ft. was exceeded.

Water: The developer was proposing water service with a new internal 8” waterline network that would connect to an existing 8” water line located along the west side of Glasscock Road and would provide a secondary loop to the system by connecting to an existing 8” line located within The Oaklands Subdivision. The developer was also proposing 3 new fire hydrants located via the direction of the Fire Marshal’s office.

Sewer: An 8” sewer line network would be installed within the subdivision which would then connect into an existing 8” sewer line located along the east side of Glasscock Road. The Capital Sewer Recovery Fee was required at \$200/Lot which equated to \$5,400.00 (\$200.00 x 27 lots).

Streets & Storm Drainage: The subdivision had access to Glasscock Road, a future 80’ ROW, 57’ B/B street. The developer would be dedicating an additional 20’ of ROW along Glasscock Road to equate to the minimum 40’ from centerline as required by the Hidalgo County Thoroughfare Plan. The subdivision consisted of 3 – 50’ (ROW), 32’ B/B paved streets. Storm drainage was accomplished through a series of 24” storm lines which would connect into an existing regional drainage ditch system currently located on the west side of the subdivision. An additional 30’ of drainage ditch ROW was also being dedicated by this plat for future widening, maintenance, etc. of the drainage ditch on the perimeter west. The City recently made some drainage improvements in the area for which a 54 acre reimbursement basin was created. A reimbursement in the amount of \$6,332 was required.

Other Comments: Other Typical Subdivision requirements included: Park Fees - \$300.00/lot = \$8,100.00, escrow 5’ sidewalk along Glasscock Road in the amount of \$780.00 (65’ x \$12 l.f.); and a 4’ sidewalk along north side of Monaco’s entrance, widen (or escrow) street widening for Glasscock Road in the amount of \$5,701.36 (102.01’ x \$55.90 l.f.), must pay waterline reimbursement in the amount of \$736.50 via Sommerset Subdivision reimbursement contract, 6’ opaque fence buffer required along the north and west sides of the subdivision due to the existing ditch and the private subdivision to the north, must submit a street light plan for review. Internal lights must be paid by the HOA, Water District Exclusion, and must comply with all other format findings.

There was no public opposition during 7/11/12 P&Z’s meeting. P&Z unanimously recommended approval as per staff’s recommendation.

City Manager recommended approval.

Councilman O'cana moved to approve Preliminary Plat Approval: Summerwood Manor Estates Subdivision, A 10.755 acre tract of land out of Lots 292 & 302, John H. Shary Subdivision, R-1A as recommended. Motion was seconded by Councilman Plata and approved 4-0 with Mayor Salinas abstaining from voting and deliberation on this item since he is a principal of El Toro Builders, and had signed a conflict affidavit.

4.4 Adoption of Ordinance # 3797 to Amend Ordinance # 2975 to Adjust Planning Service Fees

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3797 to Amend Ordinance # 2975 to Adjust Planning Service Fees as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3797

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AMENDING ORDINANCE NO. 2975 ADJUSTING AND ESTABLISHING FEES FOR PLANNING SERVICES; PROVIDING FOR ACUMULATIVE CLAUSE; AND PROVIDING FOR A PUBLICATION PROVISION

4.5 Adoption of Ordinance # 3798 to Amend Sec. 86-7, and Sec. 86-153(2)(c) on replacing the Zoning Board of Adjustments with the City Council on considering sign variances, and increasing the size of Ground/Tenant Signs in the Neighborhood Commercial and Office Building Zoning Districts

Staff and City Manager recommended ordinance approval.

Councilman O'cana moved to approve Ordinance No. 3798 to Amend Sec. 86-7, and Sec. 86-153(2)(c) on replacing the Zoning Board of Adjustments with the City Council on considering sign variances, and increasing the size of Ground/Tenant Signs in the Neighborhood Commercial and Office Building Zoning Districts as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3798

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AMENDING SECTIONS 86-7, AND 86-153(2) (e) OF ITS CODE OF ORDINANCES; TO REPLACE THE ZONING BOARD OF ADJUSTMENTS TO CONSIDER APPEALS TO THE SIGN CODE WITH THE CITY COUNCIL; TO INCREASE THE SIZE OF A GROUND/TENANT SIGN; PROVIDING A CODIFICATION CLAUSE; AND PROVIDING A PUBLICATION DATE

4.6 Approval of Ordinance # 3799 to Amend Chapter 110, Article III, division 4, Section 110-463 of the City of Mission Code of Ordinances to Add Parking Requirements for Billiard Table Usage

Staff and City Manager recommended ordinance approval.

Councilwoman Ramirez moved to approve Ordinance No. 3799 to Amend Chapter 110, Article III, division 4, Section 110-463 of the City of Mission Code of Ordinances to Add Parking Requirements for Billiard Table Usage as recommended. Motion was seconded Councilman O'cana and approved unanimously 4-0.

ORDINANCE NO. 3799

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING CHAPTER 110 – TRAFFIC AND VEHICLES – OF THE CODE OF ORDINANCES; TO ESTABLISH OFF-STREET PARKING REQUIREMENTS FOR BILLIARD TABLE USAGE IN A COMMERCIAL SETTING; PROVIDING FOR A CODIFICATION PROVISION; AND PROVIDING FOR A PUBLICATION DATE

4.7 Adoption of Ordinance # 3800 Amending Sections 1.37-2 (d), 1.371-2 (d), 1.372-2 (d), and 1.38 (h), of the Zoning Code being Regulatory Size and Composition of Non-living Accessory Structures within Certain Residential Zones

Staff and City Manager recommended ordinance approval.

Councilman O'cana moved to approve Ordinance No. 3800 Amending Sections 1.37-2 (d), 1.371-2 (d), 1.372-2 (d), and 1.38 (h), of the Zoning Code being Regulatory Size and Composition of Non-living Accessory Structures within Certain Residential Zones as recommended. Motion was seconded Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3800

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AMENDING THE REGULATORY SIZE OF NON-LIVING ACCESSORY STRUCTURES WITHIN RESIDENTIAL ZONES ON TOTAL SQUARE FOOTAGE AREA AND HEIGHT; PROVIDING FOR A PUBLICATION CLAUSE AND AN EFFECTIVE DATE

At 5:33 p.m., Mayor Salinas rejoined the meeting.

4.8 Adoption of Ordinance # 3801 to Amend Chapter 82 'Sales' to Authorize the Issuance of Garage Sale Permits to Institutional Applicants by the City Manager's Office

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Garza moved to approve Ordinance No. 3801 to Amend Chapter 82 'Sales' to Authorize the Issuance of Garage Sale Permits to Institutional Applicants by the City Manager's Office as recommended. Motion was seconded Councilman O'cana and approved unanimously 5-0.

ORDINANCE NO. 3801

AN ORDINANCE AMENDING SECTIONS 82-32, AND 82-39 – SALES – OF THE CODE OF ORDINANCES; TO ALLOW THE ISSUANCE OF A GARAGE SALE PERMIT TO INSTITUTIONAL ORGANIZATIONS BY ADMINISTRATIVE APPROVAL; PROVIDING FOR A CODIFICATION PROVISION; AND PROVIDING FOR A PUBLICATION DATE

4.9 Adoption of Ordinance # 3802 to Establish Private Street Policies within Mission's Chapter 98 – Subdivision, Code of Ordinances

Staff and City Manager recommended ordinance approval.

Councilwoman Ramirez moved to approve Ordinance No. 3802 to Establish Private Street Policies within Mission's Chapter 98 – Subdivision, Code of Ordinances as recommended. Motion was seconded Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3802

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AMENDING SECTION 98-134, MISSION CODE OF ORDINANCES TO ESTABLISH PRIVATE STREET POLICIES; TO PROVIDE FOR A SEVERABILITY PROVISION; AND PROVIDING FOR A PUBLICATION PROVISION

4.10 Adoption of Ordinance # 3803 Establishing Regulations to have Owners/Keepers of Animal/Pets to Responsibly Dispose of the Animal's Waste from Public Areas such as City Parks

Staff and City Manager recommended ordinance approval.

Councilman O'cana moved to approve Ordinance No. 3803 Establishing Regulations to have Owners/Keepers of Animal/Pets to Responsibly Dispose of the Animal's Waste from Public Areas such as City Parks as recommended. Motion was seconded Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE # 3803

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, TO ESTABLISH REGULATIONS TO HAVE THE OWNER OR KEEPER OF AN ANIMAL/PET TO RESPONSIBLY DISPOSE OF THE ANIMAL'S/PET'S WASTE FROM ANY PUBLIC OR CITY OWNED PROPERTY IN THE CITY OF MISSION, TEXAS; PROVIDING FOR ENFORCEMENT OF SAID REGULATIONS; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

4.11 Set Public Hearing date for FY 2012-13 Annual Budget

City Manager was requesting to set the Public Hearing on FY 2012-13 Annual Budget on Monday, August 13, 2012 as required by City Charter.

The public hearing was to give interested parties the opportunity to be heard.

The public hearing date, time and location would be published in the local newspaper.

Staff and City Manager recommended approval.

Councilman O'cana moved to Set Public Hearing date for FY 2012-13 Annual Budget as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.12 Renewal of Lease Agreement with Macedonio Gonzalez on Lot 20, Block 173 Mission Original Townsite

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The agreement with Macedonio Gonzalez was related to the parking lot use behind the city Building located at 117 E. Tom Landry. Original agreement was entered in April 2002; lease agreement was up for renewal. Lease agreement was for \$2,200 a year.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve renewal of Lease Agreement with Macedonio Gonzalez on Lot 20, Block 173, Mission Original Townsite as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.13 Kika De La Garza Building Change Order #1

Change Order #1 was for the addition of a 12' x 10' sectional door. This change order would increase the current contract amount from \$268,721.39 to \$271,372.39, which was an increase of \$2,651.00. To date the change orders were under the 25% limit (0.98% increase) as per the Texas Governmental Code.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Kika De La Garza Building Change Order #1 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.14 Award Bid for "Repair of Manholes – Phase I" for the Public Works Department

On May 29, 2012, City Council authorized staff to solicit bids for Repair of Manholes- Phase I. The City of Mission had accepted and opened three (3) bid responses for the repair of ten (10) manholes and two (2) alternate manholes. Staff was recommending awarding to Southern Trenchless Solutions, LLC, whose bid was \$78,960 for all twelve manholes and was the lowest responsible bidder meeting all specifications.

City Manager recommended approval.

Councilwoman Ramirez moved to approve to award bid for "Repair of Manholes – Phase I" for the Public Works Department as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.15 Award Bid for the Construction of a New Restroom Facility at La Placita/Leo Pena Park

On May 29, 2012 City Council authorized staff to solicit bids for the construction of a restroom facility at La Placita/Leo Peña Park. This would be done as part of the ongoing enhancement projects that were being constructed at various parks throughout the City of Mission. The City of Mission had accepted and opened four (4) bid responses. Staff recommended awarding to GMG Construction in the amount of \$46,640 meeting all terms and conditions/specifications.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve to award bid for the Construction of a New Restroom Facility at La Placita/Leo Pena Park as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.16 Acceptance of Quarterly Report of Investments for the Quarter ending June 30, 2012 and Interest Earned for Nine Months Ending June 30, 2012

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 June 30, 2012. The total investments purchased were \$9,533,401.39 and the amount of maturing investments were \$11,530,886.62 leaving a total of \$30,867,674.11 in outstanding investments for the quarter ending June 30, 2012. The total interests earned on all funds year to date were \$59,959.99.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve Acceptance of Quarterly Report of Investments for the Quarter ending June 30, 2012 and Interest Earned for Nine Months Ending June 30, 2012 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.17 June 2012 Financial Statements

Finance Director Janie Flores presented the June 2012 Financial Statements for approval.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve the June 2012 Financial Statements as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.18 Tax Collections Report – June 2012

Mrs. Flores presented the Tax Collections Report for June, 2012 for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Tax Collections Report for June, 2012 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.19 Budget Amendments – General Fund

Mrs. Flores presented the budget amendments BA-2012-51 thru BA-2012-52 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve budget amendments BA-2012-51 thru BA-2012-52 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.20 Approval to purchase E-Books and Services for Speer Memorial Library from sole source vendor

Staff was recommending the purchase of E-Books and Services from OverDrive, Inc. 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

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available from only one source because of patents, copyrights, secret processes, or natural monopolies and (D) captive replacement parts or components for equipment.

These E-Books would be made available to all patrons to use with their electronic devices.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve to purchase E-Books and Services for Speer Memorial Library from sole source vendor as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.21 Authorization to award via Buy Board Contract to Barnes & Noble for (Books and Media)

On July 9, 2012 the City Council authorized staff to solicit bids or purchase via Buy Board contract library Books and Media. Speer Memorial Library was seeking authorization to purchase library books and media via Buy Board contract #376-11 from Barnes & Noble. Books and media would be made available to all patrons to check out for educational and cultural purposes. This material would be purchased through the 2011-2012 Library's General Fund account.

City Manager recommended approval.

Councilman Plata moved to authorize to award via Buy Board Contract to Barnes & Noble for (Books and Media) as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.22 Authorization to award bid for the overlay of various streets throughout the City of Mission

On March 26, 2012 City Council gave authorization to solicit bids for the Overlay project of various streets throughout the City of Mission. The City of Mission had accepted and opened two (2) bid responses for this project. Staff along with Javier Hinojosa Engineering was recommending awarding to Mission Paving Company, Inc. who was lowest responsible bidder meeting all specifications, for \$567,970.00.

City Manager recommended approval.

Councilman Plata moved to authorize to award bid for the overlay of various streets throughout the City of Mission as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.23 Request authorization to rescind action and amend the 2012-2013 CDBG Action Plan

On June 11th, City Council approved the final 2012-2013 CDBG Action Plan which allocated \$15,000 to Amigos Del Valle, Inc. for HUD eligible senior activities at the Arnaldo Ramirez Sr. Center.

Amigos Del Valle, Inc. had submitted their proposed budget, after reviewing their request and consulting with HUD, it was determined that the expense for "salary & fringe benefits" for the Nutrition Activities Coordinator at the Arnaldo Ramirez Sr. Center was eligible. Staff was recommending allocating \$4,545 for such without any allocation for fringe benefits. Staff

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would be overseeing the structuring of programs and activities for the seniors in accordance with HUD regulations. These activities could include but not limited to: physical & recreational exercises, arts & crafts, Bingo, sewing, field trips to museums, parks, library, health & informational seminars, etc.

Supplies for the Arts & Crafts activities would be essential and eligible in the amount of \$2,500.

Electronic equipment requested that was eligible would be Blu-Ray DVD Player & Stereo System for which Staff was recommending \$400.

Additionally, \$400 could be allocated for the purchase of blood pressure & glucose monitors w/ supplies; three portable ice chests as an eligible expense. This medical equipment/service would be administered and supervised the ADV staff on site including the Nutrition Activities Coordinator.

Furthermore, staff was also recommending the following miscellaneous items in the amount of \$455 and included: three portable ice chests and one large capacity (100 cup) coffee brewer.

The remaining \$6,700 would be applied for the Housing Program.

Staff Recommendation: Approval to rescind action and amend the 2012-2013 CDBG Action Plan as Staff recommended.

City Manager recommended approval.

Councilman Plata moved to authorize to rescind action and amend the 2012-2013 CDBG Action Plan as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.24 Board Appointments – Zoning Board of Adjustments

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

Zoning Board of Adjustments: Appoint Mr. Mike Friedrichs who resides at 1111 Rio Balsas had expressed an interest in serving on the board.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the board appointment of Mike Friedrichs in the Zoning Board of Adjustments as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.25 Presentation of the Preliminary Budget for Fiscal Year 2012-13

As per City Charter, the City Manager, between sixty (60) and ninety (90) days prior to the beginning of each fiscal year, shall submit to the Council a proposed budget, which budget shall provide a complete financial plan for the fiscal year.

Presented was the preliminary budget with City Manager's recommendations.

Staff and City Manager recommended approval.

Mr. Guerra requested that before proceeding with the meeting council go into executive session for this item under executive session of the agenda at this time pursuant to V.T.C.A. Gov. Code Sec. 551.071, Consultation with Attorney.

At 6:02 p.m., Councilwoman Ramirez moved to convene into executive session for this item under executive session of the agenda. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

At 6:17 p.m., Mayor Pro Tem Garza moved to reconvene in open session to take action on the above mentioned items. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

No action was taken on this item at this time; Mayor Salinas rescheduled the Preliminary Budget for a Special Meeting on July 30th, 2012 at 2:00 p.m.

5.0 Unfinished Business

Public Hearing

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

The subject site was located on the SW corner of Scout Lane and Shary Road.

SURROUNDING ZONES: N: R-1A – Large Lot Single Family Residential
E: R-1A – Large Lot Single Family Residential
W: R-1A – Large Lot Single Family Residential
S: AO-I – Agricultural Open Interim

EXISTING LAND USES: N: Single Family Residential
E: Sharyland High School
W: Single Family Residential
S: Single Family Residential
Site: Single Family Residential

FLUM: Lower Density Residential (LDA)

The 1 ½ acre site was substantial enough to continue accommodating a residential use. Though it fronts Shary Road, this feature alone was not enough to over-ride the Future Land Use Map, area zonings, and area land uses. There was 62% opposition via petition submitted to the P&Z. P&Z unanimously recommended denial.

Staff and City Manager recommended denial.

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

Mrs. Laura Harrison who resides at 2119 Scout Lane in Mission spoke in favor of upholding the Planning and Zoning recommendation of denying request.

Mr. Harvey Mutz who resides at 2120 Scout Lane in Mission spoke in favor of denying request.

Mr. Aurelio Flores who resides at 1217 N. Shary Road in Mission spoke against the recommendations; expressed the strain this had caused his family for not changing his residential from an R-1A to an R-3. Mr. Flores also stated that he would still continue working with the neighbors in trying to find a solution to his concern.

Councilman O'cana moved to deny the Rezoning: A 1.50 acre tract out of Lot 108, Sharyland Orchards Subd., R-1A to C-3 as recommended. Motion was seconded by Councilman Plata and denied unanimously 5-0.

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

The site was approximately ½ mile south of FM 495 along the east side of Bryan Road. The applicant had been operating a flower shop within an existing detached garage with no incidents or complaints from surrounding property owners. Access was provided through an existing 20' concrete driveway that expands to allow for five parking spaces, with four open spaces available for the public during business hours.

- Hours of Operation: Monday – Sunday from 9:00 a.m. to 6:00 p.m.
- Staff: Herself and 2 others; 1 not residing in the home. Ms. Lopez only utilized the other two family members when needed, large orders/deliveries, etc. She was otherwise the only person working at the flower shop the majority of the time.
- Must continue to comply with Sect. 1.56-1, Zoning Code (home occupations regs.)
- Absolutely no exterior displays of 'flower shop' items would be allowed, especially during Valentine's Day, Mother's Day, etc. This included ribbons or any painting of trees.

According to the applicant, the majority of her business was phone based, i.e. customers call in orders and the shop delivers to the desired locations. However, there were rare occasions where walk-in traffic results, such as Valentine's Day, Mother's Day, Christmas, etc.

There was no public opposition during the 6/13/12 P&Z hearing. P&Z unanimously recommended approval as recommended by staff

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation to continue monitoring the operation nestled within a full residential area, 2) continued compliance with Sect. 1.56-1 of the Zoning Ordinance, and 3) no exterior display of "flower shop" items.

City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Garza moved to approve Conditional Use Permit: Home Occupation – Flower Shop, 1632 N. Bryan Road, Lot 2 & the N. 39' of Lot 3, Block 2, Bryan Heights Subdivision, R-1, Life of Use as recommended. Motion was seconded by Councilman O'cana and approved 4-1 with Mayor Salinas voting against.

Approval and Authorizations

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

No action was taken on this item.

5.4 Adoption of Ordinance # 3794 for CUP for Home Occupation – Flower Shop, 1632 N. Bryan Road, Lot 2 & the N. 39’ of Lot 3, Block 2, Bryan Heights Subd., R-1

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Garza moved to approve Ordinance No. 3794 for CUP for Home Occupation – Flower Shop, 1632 N. Bryan Road, Lot 2 & the N. 39’ of Lot 3, Block 2, Bryan Heights Subd., R-1 as recommended. Motion was seconded by Councilman Plata and approved 4-1 with Mayor Salinas voting against.

ORDINANCE NO. 3794

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS GRANTING A CONDITIONAL USE PERMIT FOR HOME OCCUPATION –
FLOWER SHOP, 1632 N. BRYAN ROAD, LOT 2 & THE N. 39’ OF LOT 3, BLOCK 2,
BRYAN HEIGHTS SUBDIVISION, R-1

At 5:14 p.m., council proceeded with item 2.1 of the agenda.

6.0 Routine Matters

6.1 City Manager’s Comments

None

6.2 Mayor’s Comments

None

7.0 Adjournment

At 6:17 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