

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
MAY 11, 2009 4:30 P.M.  
MISSION CITY HALL**

**PRESENT:**

Norberto Salinas, Mayor  
Ruben D. Plata, Councilman  
Norie Gonzalez Garza, Councilwoman  
Leo Olivarez, Mayor Pro Tem  
David Guerra, City Attorney  
Anna Carrillo, City Secretary  
Julio Cerda, City Manager

**ALSO PRESENT:**

Kathy Olivarez, Progress Times  
Pat Townsend, Jr.  
Simon P. Mendoza  
Bob Henderson  
Tony Puente  
Carlos A. Carrillo, Jr.  
Pablo Saldivar  
Ebrahim W. Morales  
Agustin C. Torres  
Raymond Longoria  
Ofelia Pena  
Jose Aleman  
Frank Jimenez  
Maggie Birmingham  
June Flint  
Ciro Ochoa, Jr.  
Danny Harper  
Belinda Garcia  
Arlene Rivera  
Fred Kurth

**ABSENT:**

Celestino Ramirez, Councilman

**STAFF PRESENT:**

Nelia Hernandez, Asst. City Secretary  
Sonia Carnes, Deputy City Manager  
Guillermo Seguin, Deputy City Manager  
Aida Lerma, Deputy City Manager  
Sergio Zavala, Planning Director  
Bobby Salinas, Subdivision Coordinator  
Roberto Salinas, City Engineer  
Paul Schaefer, Golf Course Director  
Joanne Longoria, CDBG Director  
Gilbert Sanchez, Fire Marshal  
Ruben Diaz, Public Works Director  
Victor Gonzalez, Streets Director  
Elizabeth Cabrera, Purchasing Director  
Rosie Salazar, Risk Manager  
Leo Longoria, Chief of Police  
Robert Dominguez, Asst. Chief of Police  
Martin Garza, Asst. Chief of Police  
Janie Flores, Finance Director  
Randy Perez, Accountant  
Julian Gonzalez, Parks & Rec. Director  
Adela Ortega, Museum Director  
Jesse Lerma, Civil Service Director  
Omar Garcia, Boys & Girls Club Director  
Roland Rodriguez, D.P. Manager  
Jonathan Wehrmeister, Judge  
Noemi Munguia, HR Director  
Rick Saldana, Fire Chief  
Belinda Garza, Associates Librarian

**1. Call to order**

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:30 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 Proclamation – Elder Abuse Prevention Month

Mrs. Anna Carrillo, City Secretary read the proclamation for Elder Abuse Prevention Month.

Staff and City Manager recommended approval.

Mayor Pro Tem Leo Olivarez moved to approve the proclamation as recommended. Motion was seconded by Councilman Ruben Plata and approved unanimously 4-0.

### 4 Departmental Reports

Councilwoman Norie Gonzalez Garza moved to approve the departmental reports as presented. Motion was seconded by Councilman Plata and approved unanimously 4-0.

### 5. Citizens Participation

Ofelia Pena, invited the Council to the Memorial Day Ceremony on May 25, 2009 at 6:00 p.m.

Simon Mendoza, of 2211 Sugar Lane, requested the council to reexamine the ordinance approved at the last council meeting regarding the abandoning the alley at Justintowne Subdivision.

Ciro Ochoa, Jr., representing his brother-in-law Raymond Longoria and his mother-in-law stated that his mother-in-law's property abuts the alley at Justintowne Subdivision that was abandoned at the last council meeting and also requested for the council to reconsider the ordinance or possibly face a potential lawsuit.

Danny Harper, also spoke against the abandonment of the alley at Justintowne Subdivision.

Mayor Salinas directed staff to place this item on the May 26, 2009 agenda.

#### 1.0 Public Hearing

##### 1.1 Planning & Zoning Recommendations

- A. **Conditional Use Permit: Institutional Use in AO-I Zone, .43 ac. out of an abandoned Canal R.O.W. East of and Adjacent to Lot 156, Addition "A" to Sharyland Orchards Subd., AO-I, Sharyland I.S.D.**

S.I.S.D. was proposing the use of the previous residential structure as an instructional facility for general purposes, such as: Physical Education, Career & Technology, and various other programs.

The site was located at the easternmost area of Sunset Lane, on the south side. The property included several structures but only the primary structure and the carport would remain; all other accessory buildings would be demolished and removed. After fully complying with the City's subdivision codes, S.I.S.D. would have obtained a permit for interior remodeling to include additional restroom facilities. Sole access to the facility would have been from the south. There would have been no access onto Sunset Lane, thus having zero impact on the existing residential neighborhood. The Fire Marshal was requiring 1 looped fire hydrant.

There would have been four new, paved spaces provided along the south side of the property that would have used the S.I.S.D. drive as the maneuvering lane.

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The applicant was proposing to install an 8" opaque buffer along the north and west side, plus repair/replace some fencing along the south side of the property. The applicant was proposing to keep all of the existing trees unless they were in the way of a fence line, plus plant a landscape

buffer along Sunset to minimize the visibility of the fence and to deter any form of vandalism. There was no public opposition at P&Z's 4/29/09 hearing. The P&Z unanimously approved the conditional use permit subject to staff's recommendation.

Staff Recommendation: Approval subject to: 1) Meet Subdivision Code, 2) Rezone S.I.S.D. acreage to R1-A, 3) Install a looped fire hydrant, and 4) Meet all Fire Code requirements.

Staff, P&Z and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the CUP request. There was none.

Mayor Pro Tem Olivarez moved to approve the CUP as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

**B. Adoption of Ord. # 3450 to Amend Future Land Use Map within the Boundaries of Inspiration Rd. To the East; the Rio Grande River to the South; Bates Rd. to the West: and Bus. HWY 83 to the North (maximum parameters aside from ETJ-agreed Upon boundaries)**

A brief synopsis of Staff's recommendation was as follows:

- PUD = The Bentsen Palm PUD development which had a myriad of land uses which would complement each other; the various uses included Mobile Home lots, RV spaces, Residential Lots, Non-Res., etc.
- P = Typically this included the Fish & Wildlife reserve areas; also included Mission's Regional Park & the Veteran's Cemetery.
- LD = The perimeter areas to the north of Bentsen Palm's PUD were typically in R-1 settings and could easily be filled-in with such uses; though there were several mobile home neighborhoods, these should have been LD to represent to others the long-range future intent of the City on what would have been a better use of property. Also, the Danny Acevedo property to the east of Bentsen Palm Mobile Home Subdivision should have been LD to reflect a SF Residential setting.
- GC = The SW corner of Bus. HWY 83/Railroad and Schuerbach Road would have been better represented as General Commercial due to the features of the Railroad, adjoining an arterial street, facing a C-3 zoned & used commercial corner to the SE.

Staff, P&Z and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the request. There was none.

Councilwoman Garza moved to approve Ord. No. 3450 to Amend Future Land Use Map within the Boundaries of Inspiration Rd. to the East; the Rio Grande River to the South; Bates Rd. to the West: and Bus. HWY 83 to the North (maximum parameters aside from ETJ-agreed upon boundaries). Motion was seconded by Councilman Plata and approved unanimously 4-0.

**ORDINANCE NO. 3450**

AN ORDINANCE UPDATING THE FUTURE LAND USE MAP OF THE CITY OF MISSION, TEXAS WITHIN THE BOUNDARIES OF INSPIRATION ROAD TO THE EAST; THE RIO GRANDE RIVER TO THE SOUTH; BATES ROAD TO THE WEST; AND BUS. HWY. 83 TO THE NORTH (MAXIMUM PARAMETERS ASIDE FROM ETJ-AGREED UPON BOUNDARIES)

**C. Public Hearing for Proposed One Year Action Plan FY' 2009-10**

The proposed One Year Action Plan FY 2009-2010 was approved during the April 27, 2009 City Council meeting and published in the Progress Times on May 1, 2009. It was required to conduct a Public hearing during the thirty day comment period to solicit comments regarding the recommended funding allocations for city departments and public service agencies for next fiscal year. The department would have accepted comments through the end of the comment period, June 1, 2009.

There was a new agency in the process of setting up as a non profit 501(c)(3) that wanted to apply for CDBG funding to provide weatherization assistance for Mission residents. The agency, One Hand-Una Mano, Inc. submitted their request for funding on April 15, 2009 after the application process had been completed. To date, their 501(c)(3) status has not been approved.

Ebrahim Morales, representative from One Hand Una Mano gave a brief explanation of what this agency was about and what it had to offer to help Mission residents.

Mayor Salinas advised Mr. Morales to apply next year, but for him to be sure that he wouldn't have his support.

A representative from Amigos Del Valle Agency thanked the council for all of their support.

Belinda Garcia, representative from Dentist Who Care also thanked the council for all of their support.

No action was taken on this item. This was only a public hearing.

**2.0 Disposition of Minutes**

**2.1 City Council Meeting – April 27, 2009**

Councilwoman Garza moved to approve the minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**3.0 Acknowledge Receipt of Minutes**

**3.1 Planning and Zoning Commission – April 15, 2009**

**Mission Economic Development Corporation-March 24, 2009**

**Mission Boys & Girls Club – April 2, 2009**

**Shary Golf Course Advisory Board – March 26, 2009**

Councilwoman Garza moved to approve the minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.0 Approvals and Authorizations**

**4.1 Adoption of Ord. # 3451 for CUP for Institutional Use in AO-I Zone, .43 ac. out of an abandoned Canal R.O.W. east of and adjacent to Lot 156, Addition "A" to Sharyland Orchards Subd.**

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ord. No. 3451 for CUP for Institutional Use in AO-I Zone, .43 ac. out of an abandoned Canal R.O.W. east of and adjacent to Lot 156, Addition "A" to Sharyland Orchards Subd. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**ORDINANCE NO. 3451**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR AN INSTITUTIONAL USE IN AO-I ZONE, .43 AC. OUT OF AN ABANDONED CANAL R.O.W. ADJACENT TO THE E. OF LOT 156, ADDITION "A" TO SHARYLAND ORCHARDS SUBDIVISION

**4.2 Adoption of Ord. # 3452 Amending Zoning Ordinance #1128, as Amended, to Include 'Tutoring and/or Kindergarten Services' as a Conditional Use in the Office Building (C-1) Dist.**

During the P&Z's last meeting, Dr. Anzaldua's property at the SW corner of Bryan/Griffin Parkway was proposed for C-2 rezoning which was not supported by staff or P&Z; also, some calls were made to staff against the C-2 as well. That C-2 request was withdrawn.

However, staff believed that a regulated and specific use for a specific applicant would have been better alternative to consider under the existing C-1 zoning district.

The C-1's current conditional uses would have included a 15-acre non-profit (institutional) high school to be considered but C-1 did not include a ½ -acre (for profit) kindergarten center. As just cited, the disparity for educational services was self-evident merely based on whether it was defined as 'institutional' or not.

The proposal before you was top included under C-1's 'Conditional Uses' the following: Tutoring and/or Kindergarten Services

If approved, once a CUP was filled, the public hearings would have been scheduled and the matter of traffic generated, days/hrs. of operation, safety barriers/fencing, public input could have been evaluated and, with CUP oversight, could have been well monitored and regulated. The Planning and Zoning Commission recommended that the enclosed amendment be approved.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ord. No. 3452 Amending Zoning Ordinance #1128, as Amended, to Include 'Tutoring and/or Kindergarten Services' as a Conditional Use in the Office Building (C-1) Dist. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

**ORDINANCE NO. 3452**

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1128, AS AMENDED, REQUIRING A CONDITIONAL USE PERMIT FOR ‘TUTORING AND/OR KINDERGARTEN SERVICES’ ON PROPERTY ZONED OFFICE BUILDING (C-1); PROVIDING A CODIFICATION CLAUSE; AND PROVIDING A PUBLICATION DATE’

**4.3 Approval of Res. # \_\_\_\_\_ to Declare Mission’s Population of being over 50,000 for ETJ Purposes**

After conferring with City Attorney David Guerra, it was deemed best to have the City Council officially declare ‘the year’ the population of Mission went over the 50,000 mark as it related to ETJ boundaries. Sect. 42.021 in Texas’ Local Government Code included the following:

<u>POPULATION</u>	<u>ETJ LIMIT</u>
Less than 5,000	½ mile
Between 5,000 & 24,999	1 mile
Between 25,000 & 49,999	2 miles
<b>Between 50,000 &amp; 99,999</b>	<b>3 ½ miles</b>
100,000 or more	5 miles

The 2000 Census had Mission with a population of 45,408. In 2001, new dwelling permits equated to 1579. With an 80% completion and occupancy rate, this would have equate to 1263 x 3.5 population/household = 4420 pop increase, i.e., 45,408 + 4420 = 49,828 population by the end of 2001.

In 2002, new dwelling permits equated to 2380 x 80% = 1904 units x 3.5 pop/hh = 6664 pop increase in 2002 + 49,828 (2001 ending pop) = 56,492 population at the end 2002\*.

At that time, staff recommended that the council declare ‘2002 as the year Mission’s population exceeded 50,000 thus then reflecting a 3 ½ mile ETJ’.

(\*NOTE: this was a conservative figure since the 20% occupancy balance of 2001 would have likely have been filled-in by the end of 2002 anyway and the occupants of apartments and new annexations were not factored in).

Staff and City Manager recommended approval.

After much discussion Councilwoman Garza moved to table the item. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

**4.4 Discussion and Action to add Honorary Name of “Sgt. Javier Marin, Jr.” on Nicholson Ave. from 18<sup>th</sup> St. to 22<sup>nd</sup> St.**

Staff had received another written request, dated May 4, 2009, from Ms. Leslie Garza-Munoz to have the name of her son, ‘Sgt. Javier Marin, Jr.’, as an honorary street name on Nicholson Avenue from 15<sup>th</sup> St. to 22<sup>nd</sup> St. being near Mission High School where he graduated.

At the last Council Meeting, approval was authorized to add Sgt. Marin’s name to Nicholson from 15<sup>th</sup> to 18<sup>th</sup>, a distance of 800’. Approval of this item elongated it to a total of 2090’.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve to add Honorary Name of “Sgt. Javier Marin, Jr.” on Nicholson Ave. from 18<sup>th</sup> St. to 22<sup>nd</sup> St. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.5 Re-schedule 2<sup>nd</sup> Regular City Council Meeting in May from Monday 25<sup>th</sup> to Tuesday, May 26, 2009**

City Manager was requesting that the 2<sup>nd</sup> meeting in May be re-scheduled from May 25<sup>th</sup> to May 26<sup>th</sup> due to City Hall being closed on the 25<sup>th</sup> for Memorial Day Holiday.

Staff and City Manager recommended approval.

Councilwoman Garza moved to re-schedule 2<sup>nd</sup> regular City Council Meeting in May from Monday 25<sup>th</sup> to Tuesday, May 26, 2009. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.6 Board Appointments – Mission Historic Preservation Commission and Citizen’s Advisory Committee**

The appointments were to replace the following positions:

The Mission Historic Preservation Commission: Appointment was to replace the position of JoAnn Gibson who had resigned due to personal reasons, term to have expired December 31, 2010. Mayor Salinas was recommending the appointment Hollis Rutledge who resided at 414 N. Mayberry Rd. Mr. Rutledge had expressed his willingness to serve on the board.

Citizens Advisory Committee: Appointment was to replace Jennifer Rubio who had resigned from the board term to have expired December 31, 2010. Mayor Salinas was recommending the appointment of Pablo Guerra who resided at 100 S. Conway. Mr. Guerra had expressed his willingness to serve on the board.

Staff and City Manager recommended approval of appointments as recommended by Mayor Salinas.

Councilman Plata moved to approve Board Appointments as recommended by Mayor Salinas. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

**4.7 Budget Amendments: General Fund, Solid Waste Fund PD Federal Sharing Fund, PD State Sharing Fund, and Drainage Assessment Fund**

Mrs. Flores presented the budget amendments BA-60 thru BA-68 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve budget amendments BA-60 thru BA-68 as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

#### **4.8 Texas Municipal League Intergovernmental Risk Pool Equity Return**

The Risk Management Department was in receipt of a check in the amount of \$113,849 from the Texas Municipal League Intergovernmental Risk Pool (TML-IRP). This amount reflected an equity return to the city due to a decrease in our claims history; they represented \$34,782 Liability and \$79,067 Workers' Compensation. Although the City did qualify for a property equity return, the TML board opted to not distribute the monies and keep in reserve for re-insurance expected rate increases due to Hurricane IKE and Hurricane Dolly losses.

There was a summary breakdown of how the refund was calculated by TML. The equity return calculations were based on past and current claims history, fund activities, and length of membership. TML was proud to inform that they were among the very few carriers that shared the benefits of favorable financial results with its members. This year the City of Mission was eligible to receive a portion of equity distributions as approved by the Pool's Board of Trustees.

No action was required on this item. This was only for informational purposes.

#### **4.9 Authorization to submit application for Target Community Grant 2009**

The Boys & Girls Club of Mission was seeking authorization to submit a grant application for Target Community Grant 2009. The Target Grant program focused on three areas: Arts, Early Childhood Reading, and Family Violence Prevention. The program was intended to fund non-profit organizations who targeted on enriching the lives of children, families, and communities. Minimum amount of grant was \$1000.00 to maximum of \$3000.00. There were no matching funds.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to submit application for Target Community Grant 2009. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

#### **4.10 Approval of Memorandum of Understanding with Sharyland School District in regards to the use of the Shary Municipal Golf Course**

The City of Mission and Sharyland ISD had developed a memorandum of understanding where the parties agreed to the following:

- CITY agreed to:
  - Provide playing privileges to said high school and junior high schools for up to 20 players per high school and for up to 20 players per junior high school for the 2009-2010 school year on days that the Shary Municipal Golf Course was regularly open. Playing privileges would have been from the hours of 3:00 p.m. to closing on weekdays and after 12:00 p.m. to closing on weekends and holidays.
  - Provide driving range privileges to include a medium bucket of balls to 20 players for each said high school and to 20 players for each junior high school during daytime hours up to 6:00 p.m. and while coaches were present.
- Sharyland ISD agreed to:
  - Provide the Golf Course staff a roster of Student Athletes for High School and Junior High Schools for referral during weekend/holiday use.



- Indemnify, defend, and hold City, It's agent, servants and employees, in both their official and individual capacities, in privity with them or any of them, from any and all claims or causes of action of any kind whatsoever, at common law, statutory, contractual or otherwise, that might arise out Sharyland ISD's activities at the Golf Course pursuant to this memorandum of understanding.
  - Pay the City of Mission the sum of \$150.00 for playing privileges and \$125.00 for Driving Range privileges per high school player and \$50.00 for playing and Driving Range privileges per Junior High School player within 30 days after signing this MOU
- The MOU would be effective August 24, 2009.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Memorandum of Understanding with Sharyland School District in regards to the use of the Shary Municipal Golf Course. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

#### **4.11 Approval of Memorandum of Understanding with Mission Consolidated School District in regards to the use of the Shary Municipal Golf Course**

The City of Mission and Mission CISD had developed a memorandum of understanding where the parties agreed to the following:

- CITY agreed to:
  - Provide playing privileges to each of said high schools and junior high schools for up to 20 players per high school and for up to 15 players per junior high school for the 2009-2010 school year on days that the Shary Municipal Golf Course was regularly open. Playing privileges would have been from the hours of 3:00 p.m. to closing on weekdays and after 12:00 p.m. to closing on weekends and holidays.
  - Provide driving range privileges to include a medium bucket of balls to 20 players for each said high school and to 15 players for each junior high school during daytime hours up to 6:00 p.m. and while coaches were present.
- Mission CISD agreed to:
  - Provide the Golf Course staff a roster of Student Athletes for each High School and Junior High School for referral during weekend/holiday use.
  - Indemnify, defend, and hold City, It's agent, servants and employees, in both their official and individual capacities, in privity with them or any of them, from any and
  - all claims or causes of action of any kind whatsoever, at common law, statutory, contractual or otherwise, that might arise out Mission CISD's activities at the Golf Course pursuant to this memorandum of understanding.
  - Pay the City of Mission the sum of \$11,400.00 within 30 days after signing this MOU
- The MOU would be effective August 24, 2009.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Memorandum of Understanding with Mission Consolidated School District in regards to the use of the Shary Municipal Golf Course. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.12 Approval of Change Order No. 1 for North Bryan Lift Station**

Change Order # 1 was a request for a 42 day calendar extension to the original Contract time for the North Bryan Lift Station. This extension was being requested due to extensive dewatering and a recent blowout of the 12” waterline at the site. This 42 day extension to the contract would have changed the completion time from 300 calendar days to 342 calendar days.

Staff and City Manager recommended approval for a 42 day calendar extension to the contract.

Mayor Pro Tem Olivarez moved to approve Change Order No. 1 for North Bryan Lift Station. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

**4.13 Authorization to solicit bids or purchase via state approved contract Equipment for Public Works Dept.**

Staff was seeking authorization to solicit bids or purchase via any state approved contract a Boom (slope) mower, three (3) Dump Trucks, and one (1) backhoe for Public Works Dept. This equipment would be used to replace older and obsolete equipment for daily operations.

Estimated cost was as follows:

1 – Boom (slope) Mower:	\$130,000.
3 – Dump Trucks:	\$225,000.
1 – Backhoe:	\$ 95,000.

Staff and City Manager recommended authorization to purchase or solicit bids.

Councilman Plata moved to approve authorization to solicit bids or purchase via state approved contract equipment for Public Works Dept. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

**4.14 Authorization to solicit bids for the New City of Mission-Fire & Police Department Substation**

Gomez, Mendez, Saenz, Inc. had then completed the plans and bidding material for the new City of Mission – Fire & Police Substation. Staff along with Gomez, Mendez, Saenz, Inc. was now seeking Council authorization to advertise and solicit for bids.

Staff and City Manager recommended authorization to solicit for bids.

Mayor Pro Tem Olivarez moved to approve authorization to solicit bids for the New City of Mission-Fire and Police Department Substation. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.15 Authorization to retire Police K-9 Rocco from active duty**

The Mission Police Department was requesting authorization to retire Police K-9 Rocco from active duty. Rocco, a Dutch Shepherd was donated by T-Mobile to our organization in September of 2005. Rocco’s demeanor was not conducive to the police environment. Therefore, the Mission Police Dept. was respectfully requesting authorization to retire him from active duty.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to retire Police K-9 Rocco from active duty. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

**4.16 Authorization to retire Police K-9 Baro from active duty**

The Mission Police Department was requesting authorization to retire Police K-9 Baro from active duty after serving the department since 2007. Baro, a Shepherd was donated by Lackland Air Force Base in San Antonio, Texas. Baro had developed some medical complications and therefore, the Mission Police Dept. was respectfully requesting authorization to retire him from active duty.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to retire Police K-9 Baro from active duty. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

**4.17 Renewal of lease agreement with Macedonio Gonzalez on Lot 20 – Block 173 Mission Original Townsite**

There was an agreement with Macedonio Gonzalez related to parking lot use behind the City Building located at 117 E. Tom Landry (formerly the Health Dept.). Original agreement was entered in April 2002; therefore agreement was for renewal. Lease agreement was \$2,200 a year.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve renewal of lease agreement with Macedonio Gonzalez on Lot 20 – Block 173 Mission Original Townsite. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.18 Consider and approve Res. # 1234 authorizing the publication of the City's Notice of Intent to Issue Certificates of Obligation as authorized under state Law for purposes of paying contractual obligations of the City to be incurred for a project and to pay for the cost of issuance of the certificates of obligations and making other provisions regarding matters incident thereto**

The action required on this item was the formal process for bond financing.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Res. No. 1234 authorizing the publication of the City's Notice of Intent to Issue Certificates of Obligation as authorized under state Law for purposes of paying contractual obligations of the City to be incurred for a project and to pay for the cost of issuance of the certificates of obligations and making other provisions regarding matters incident thereto. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0. 1 abstention from Councilman Plata.

**RESOLUTION 1234**

A RESOLUTION AUTHORIZING PUBLICATION OF THE CITY'S NOTICE OF INTENT TO ISSUE CERTIFICATES OF OBLIGATION IN AN AMOUNT NOT TO EXCEED \$5,500,000 AS AUTHORIZED UNDER STATE LAW FOR PURPOSES OF PAYING CONTRACTUAL OBLIGATIONS OF THE CITY TO BE INCURRED FOR CERTAIN PROJECTS AND TO PAY FOR THE COST OF ISSUANCE OF THE CERTIFICATES OF OBLIGATIONS AND MAKING OTHER PROVISIONS REGARDING MATTERS INCIDENT THERETO

**5.0 Unfinished Business**

**5.1 Rezoning: A 315' X 315' tract of land out of the NE of Lot 13, Goodwin Tract Subd., No. 3, AO-I to C-3, Jesus H. Ruiz**

On April 20<sup>th</sup> at 4:40pm, staff received a written request from Mr. Ruiz to have his rezoning request heard by a full City Council. Section 1.23 (3) of our Zoning Code cited the following: "At the option of the applicant, his request for a change in zoning shall be heard by the full council." Unless there was a 'full council', this item should be 'Tabled' or the request withdrawn.

The subject site was located approximately 2,000' north of Griffin Parkway along the west side of Inspiration Road. The surrounding zonings included Agricultural Open Interim (AO-I) to the south and east; Single Family Residential (R-1) to the north; and Mobile and Modular Home (R-4) to the east. The land uses included to the west was a main open drain ditch; to the north was a main open drain ditch; to the south was vacant acreage owned by the applicant; and to the east was a part of a main open ditch, a future major street Inspiration, and mobile home uses. The FLUM reflected the area developing as a Low Density Residential (LD) land use area. Though the site appeared nestled within the corner boundaries of an open drain ditch and a future major street, the C-3 zone was still a commercial zone within the midst of residential zones and was in conflict with the FLUM. The FLUM was not 'set in stone' and zonings did not have to match it but unless there was a predominant and unique reason to deviate from it, the City should have abided by the FLUM as much as possible to sustain its confidence to the general public. There was no public opposition at P&Z's hearing and a petition of support was provided to P&Z. The motion to approve the rezoning was defeated by a 3-3 vote.

This item remained on the table.

**6.0 Routine Matters**

**6.1 City Manager's Comments**

None

**6.2 Mayor's Comments**

None

At 5.51 p.m., Mayor Pro Tem Olivarez moved to convene into executive session. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

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

**7.1 Private consultation with the City Attorney Sec. 551.071**

**A. Barajas v Mission Police Department**

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

At 6:00 p.m., Mayor Pro Tem Olivarez moved to reconvene in open session. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

On item 7.1-A, no action was taken.

**8.0 Adjournment**

At 6:00 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary