

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
OCTOBER 27, 2014 4:30 P.M.
MISSION CITY HALL**

PRESENT:

Norberto Salinas, Mayor
Jessica Ortega-Ochoa, 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
Juan Eliseo Gonzalez
Sheila Valles Pankratz
Tomas Tijerina
David Patterson
Norma Saldana
Jorge Saldana
Joe Sanchez
Fred Kurth
Jaime Gutierrez
Juan C. Cisneros
Joe B. Garza
Daniel Sanchez
Gloria Sanchez
Rosa Gonzalez

STAFF PRESENT:

Carmen Morales, Administrative Asst.
Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
J.J. Rodriguez, Deputy City Manager
Elizabeth Hernandez, Executive Secretary
Danny Tijerina, Planning Director
Bobby Salinas, Asst. Planning Director
Roberto Salinas, Public Works Director
Mario Flores, Golf Director
Rick Saldana, Fire Chief
Gilbert Sanchez, Fire Marshal
Eduardo Belmarez, Purchasing Director
Joel Laralde, 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
Robert Hinojosa, Risk Manager
Roland Rodriguez, I. T. Director
Luis Contreras, Museum Director
Mayra Rocha, Library Director
Juan Pablo Terrazas, City Engineer
James Cardoza, Emergency Mngmt. Coord.

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:35 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. Tomas Tijerina - Thanksgiving Table at Renee's

Tomas Tijerina requested assistance from the City to participate in the 9th Annual Thanksgiving Table at Renee's. He requested assistance from the Police, Fire and Parks & Recreation Department.

4. Presentation by Speer Memorial Library

Mayra Rocha, Library Director, Sheila Valles Pankratz, President of the Board and Elizabeth Garza, Board Member invited the Mayor and Council to unveiling ceremony for the Library Subject marker commemorating 100 Years of Service.

5. 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.

6. Departmental Reports

Councilman Dr. Armando O'cana moved to approve the departmental reports as presented. Motion was seconded by Mayor Pro Tem Norie Gonzalez Garza and approved unanimously 4-0.

7. Citizens Participation

Jaime Gutierrez thanked the Mayor for publishing the article on Proposition #1 and informing the citizens as to what this proposition was about.

Mr. Garza presented Chief Ricardo Saldana with a plaque on behalf of the Mayor and City Council for his retirement and 33 years of service to the City of Mission.

At 4:49 p.m., Councilman Ruben D. Plata joined the meeting.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Conditional Use Permit: To construct a new Telecommunications Tower on property zoned C-3 (General Business), 703 W. 2 Mile Road, a 4.12 acre tract of land out of the E. ½ of the N. ½ of Lot 28-3 & 3.26 acres lying west of Canal in the W. ½ of the N. ½ of Lot 28-4, West Addition to Sharyland Subdivision, C-3, Wooden Law Firm, P.C. obo Verizon Wireless
Adoption of Ordinance # 4155 approving 1.1A**

On October 8, 2014 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The property was located approximately ¼ mile east of Los Ebanos on the south side of 2 Mile. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

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

There were no comments.

Mayor Pro Tem Garza moved to approve the CUP and to adopt Ordinance No. 4155 Conditional Use Permit: To construct a new Telecommunications Tower on property zoned C-3 (General Business), 703 W. 2 Mile Road, a 4.12 acre tract of land out of the E. ½ of the N. ½ of Lot 28-3 & 3.26 acres lying west of Canal in the W. ½ of the N. ½ of Lot 28-4, West Addition to Sharyland Subdivision, C-3 as recommended. Motion was seconded by Councilwoman Jessica Ortega-Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4155

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT TO CONSTRUCT A NEW
TELECOMMUNICATIONS TOWER ON PROPERTY ZONE C-3 (GENERAL BUSINESS),
703 W. 2 MILE ROAD, A 4.12 ACRE TRACT OF LAND OUT OF THE E. ½ OF THE N. ½
OF LOT 28-3 & 3.26 ACRES LYING WEST OF CANAL IN THE W. ½ OF THE N. ½ OF
LOT 28-4, WEST ADDITION TO SHARYLAND SUBDIVISION

At 4:54 p.m., Mayor Salinas asked to go on to item 4.18 of the agenda.

2.0 Disposition of Minutes

2.1 City Council Meeting – October 13, 2014

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

3.0 Acknowledge Receipt of Minutes

3.1 Parks and Recreation Board – September 10, 2014

Zoning Board of Adjustments – August 20, 2014

Mission Historical Museum Board Meeting - September 15, 2014

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

4.0 Approvals and Authorizations

4.1 Preliminary Plat Approval: Las Misiones Commercial Subdivision, Ph. I, A 5.78 acre tract of land out of Lot 9-6, West Addition to Sharyland Subdivision, PUD (Commercial), Developer: Options Development Partners, L.P., Engineer: MAS Engineering

On October 8, 2014 the Planning and Zoning Commission convened and approved the Preliminary & Final Plat for Las Misiones Commercial Subdivision, Ph. I. The proposed subdivision was located at the SW area of Military Parkway and Conway (FM 1016). There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval as per Staff's recommendation.

Staff Recommendation: Approval subject to must complete the process with FEMA to remove Land from the Flood Zone.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the Preliminary Plat Approval: Las Misiones Commercial Subdivision, Ph. I, A 5.78 acre tract of land out of Lot 9-6, West Addition to Sharyland Subdivision, PUD (Commercial) as recommended by staff. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.2 Preliminary Plat Approval: Carso Subdivision, A 9.42 acre tract of land out of Lot “F”, Block 4, B.L. Millers Re-subdivision of Lots 16-20, Block 4, Mission Groves Estates, Suburban ETJ, Developer: Juan Jose Pena, Jr., Engineer: Javier Hinojosa Engineering

On October 8, 2014 the Planning and Zoning Commission convened and approved the Preliminary & Final Plat for Carso Subdivision. The proposed subdivision was located approximately 600’ east of Moorefield along the south side of Griffin Parkway. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval as per Staff’s recommendation.

Staff and City Manager recommended approval.

Councilman O’cana moved to approve the Preliminary Plat Approval: Carso Subdivision, A 9.42 acre tract of land out of Lot “F”, Block 4, B.L. Millers Re-subdivision of Lots 16-20, Block 4 as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.3 Approval of Ordinance # 4156 granting a wet designation for 1011 W. Business Hwy 83, Lot 1 RSBG DG (U.S. BUS. 83) Subdivision

Owner was requesting the above-mentioned property be wet zoned for Wine and Beer Retailer’s Off Premise Permit for Dollar General Store #15309.

Staff and City Manager recommended Ordinance approval.

Councilman Plata moved to approve Ordinance No. 4156 granting a wet designation for 1011 W. Business Hwy 83, Lot 1 RSBG DG (U.S. BUS. 83) Subdivision as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4156

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
AMENDING ORDINANCE NO. 780 DESIGNATING PLACES WHERE BEER AND OTHER
ALCOHOLIC BEVERAGES MAY BE SOLD WITHIN THE CORPORATE LIMITS OF THE
CITY OF MISSION TO INCLUDE THE PREMISES LOCATED AT 1011 W. BUSINESS
HWY 83, LOT 1 RSBG DG (U.S. BUS. 83) SUBDIVISION

4.4 Approval to purchase ABS Pump for Waste Water Lift Station for the Public Works Department from a sole source vendor

Staff was recommending the purchase of ABS Pump from Pump & Power Equipment 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.

This pump would be used by the Public Works Department to replace an existing pump at lift station #42 located North on Bryan South of Mile 2 Rd. Lift Station #42 was equipped to accommodate only an ABS pump. The lift station would have to be retrofitted or reconfigured in order to accommodate any other type pump. Provided was a sole source letter from the manufacturer, Sulzer Pumps Solutions, Inc. identifying Pump & Power Equipment as ABS's sole distributor and a listing of the pump and components to be purchased.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve to purchase ABS Pump for Waste Water Lift Station for the Public Works Department from a sole source vendor as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.5 Authorization to Execute First-One Year Renewal Option for Sodium Chlorite for the North and South Water Treatment Plants

On November 26, 2012, the City of Mission entered into a Contract with Siemens Industries for the purchase of Sodium Chlorite. On January of 2014 Siemens Industries was bought by AEA Investors, LP changing the Company name to Evoqua Water Technologies, LLC (provided Letter). The contract terms were for two years with one-year renewal option based on 0% increase in price. Staff was seeking authorization to extend contract for First-one year renewal option with Evoqua Water Technologies, LLC. This agreement would extend Bid No 13-011-11-01 from November 1, 2014 through October 31, 2015.

City Manager recommended approval.

Councilman Plata moved to approve authorization to Execute First-One Year Renewal Option for Sodium Chlorite for the North and South Water Treatment Plants as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.6 Authorization to Execute First-One Year Renewal Option for Powdered Activated Carbon for the North and South Water Treatment Plants

At 5:07 p.m., Councilman Plata stepped out of the meeting.

On September 23, 2013, the City of Mission entered into a Contract with Standard Purification, LLC. The contract terms were for one year with two one-year renewal options based on 0% increase in price. Staff was seeking authorization to extend contract for first-one year renewal option with Standard Purification, LLC. This agreement would extend Bid No 13-294-09-06 from September 1, 2014 through October 31, 2015.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve authorization to Execute First-One Year Renewal Option for Powdered Activated Carbon for the North and South Water Treatment Plants as recommended. Motion was seconded by Councilman O'cana and approved unanimously 4-0.

4.7 Approval of Ordinance # 4157 of The City Council of The City Of Mission, Texas, Amending Section 114-222, Styled Drought Contingency and Water Conservation Plan, of its Code Of Ordinances to incorporate the changes Satisfying the Revised Requirements of Chapter 288 of Title 30 of The Texas Administrative Code (TAC)

The Texas Commission on Environmental Quality (TCEQ) mandates municipal water suppliers to meet all the minimum requirements under TCEQ rules, Title 30 Texas Administrative Code (TAC) Chapter 288; specific; a revision every five years. The Revision included a quadrangle division line at Bryan Rd. and Bus 83 for the different Sections of the City if a Water Shortage Stage was triggered. The basic goal of the plan was to insure an uninterrupted supply of available water into an amount sufficient to satisfy essential human needs.

Staff and City Manager recommended Ordinance approval.

Mayor Pro Tem Garza moved to approve of Ordinance No. 4157 of The City Council of The City of Mission, Texas, Amending Section 114-222, Styled Drought Contingency and Water Conservation Plan, of its Code of Ordinances to incorporate the changes satisfying the Revised Requirements of Chapter 288 of Title 30 of The Texas Administrative Code (TAC) as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

ORDINANCE NO: 4157

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AMENDING SECTION 114-222, STYLED DROUGHT CONTINGENCY AND WATER CONSERVATION PLAN, OF ITS CODE OF ORDINANCES TO INCORPORATE THE CHANGES SATISFYING THE REVISED REQUIREMENTS OF CHAPTER 288 OF TITLE 30 OF THE TEXAS ADMINSTRATIVE CODE (TAC); ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

At 5:09 p.m., Councilman Plata re-joined the meeting.

4.8 Authorization to solicit bids for the purchase of Hot & Cold Mix Asphalt for Streets and Water Distribution

Staff was seeking authorization to solicit bids for the purchase of Hot and Cold Mix Asphalt for Streets and Water Distribution. Hot & Cold Mix Asphalt would be used for daily operations to include Street & Alley repairs and Overlays.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve authorization to solicit bids for the purchase of Hot & Cold Mix Asphalt for Streets and Water Distribution as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.9 Approval of Work Authorization No. 17 with L&G Engineering for GIS Project

Authorization was being requested for the ongoing GIS (Geographical Information System) project. Phase X of the GIS project entailed the gathering and maintenance of datasets as well as upgrading the data project.

Staff Recommendation: Approval of Work Authorization No. 17

City Manager recommended approval.

Councilman Plata moved to approve work authorization No. 17 with L&G Engineering for GIS Project as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.10 Approval of Work Authorization No. 10 with Melden & Hunt, Inc. related to the City of Mission 750,000 Gallon Elevated Storage Tank

Work Authorization No. 10 included the Evaluation of Lucksinger Elevated Storage Tank, coordination with Geo Technical firm, site selection; site survey; easement acquisition preparation and preparing plans and specifications for the proposed 750,000 Gallon Elevated Storage Tank.

Staff Recommendation: Approval of Work Authorization No. 10

City Manager recommended approval.

Councilman Plata moved to approve work authorization No. 10 with Melden & Hunt, Inc. related to the City of Mission 750,000 Gallon Elevated Storage Tank as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.11 Acceptance of Quarterly Report of Investments for the Quarter ending September 30, 2014 and Interest Earned for Twelve Months Ending September 30, 2014

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 September 30, 2014. The total investments purchased were \$497.77 and the amount of the investments matured was \$2,623,201.00, leaving a total of \$26,566,204.54 in outstanding investments for the quarter ending September 30, 2014. The total interest earned on all funds year to date was \$233,606.04.

Staff and City Manager recommended approval.

Councilman Plata moved to approve acceptance of Quarterly Report of Investments for the Quarter ending September 30, 2014 and Interest Earned for Twelve Months Ending September 30, 2014 as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.12 Tax Collections Report – September, 2014

Randy Perez, Assistant Finance Director presented the Tax Collections Report for September, 2014 for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the Tax Collections Report for September, 2014 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.13 Budget Amendment – Capital Projects Fund

Mr. Perez presented the budget amendment BA–2015-02 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve budget amendment BA–2015-02 as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.14 Authorization to solicit bids to replace ceiling at Former Central Fire Station

Staff was seeking authorization to solicit bids to replace ceiling at Former Central Fire Station. Due to old roof water leakage, insulation and panels had deteriorated and needed to be replaced.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to solicit bids to replace ceiling at Former Central Fire Station as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.15 Authorization to declare items on attached list as surplus

Staff was seeking approval to declare the provided list of items as surplus. Items had been acquired by the City over the years through purchase, contribution, donation assignment and confiscation. All items had been determined by Department Directors and their staff to be of no use to the City. Surplus items were to be sold by way of GovDeals online auction Via Buyboard Contract #383-11.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to declare items on the provided list as surplus as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.16 Award bid for Pre-Employment Drug and Alcohol Screenings and Medical Services

On August 25, 2014, City Council authorized staff to solicit bids for Pre-Employment Screening services. The City of Mission had accepted and opened two (2) bid responses for this solicitation. Staff recommended awarding contract for Pre-Employment Screenings to The Center of Industrial Rehabilitation Services who was the lowest responsible bidder.

Staff and City Manager recommended approval.

Councilman Plata moved to approve to award bid for Pre-Employment Drug and Alcohol Screenings and Medical Services as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

4.17 Contract Renewal with INCODE, a Sole Source Vendor, for the City's On-line Payment Software for Utility Billing Payments for a Twelve (12) Month Period from October 2014 through September 2015

Staff was requesting authorization to engage INCODE, a sole source vendor, for a one-year renewal of an existing contract for the on-line payment software linked through the City's website to facilitate the payment of utility bills. Current state statutes permit the City to contract with this type of vendor and were exempted from the procurement process given the proprietary nature of the vendor's software. The original contract was initially approved by the City Council in 2010 for a period of three (3) years. The contract provided for automatic twelve (12) month renewals. The renewal of this contract included for the monthly fee of \$920 to remain the same for the renewal period.

City Manager recommended approval.

Councilman Plata moved to approve contract renewal with INCODE, a Sole Source Vendor, for the City's On-line Payment Software for Utility Billing Payments for a Twelve (12) Month Period from October 2014 through September 2015 as recommended by staff. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

At 5:19 p.m., Mayor Salinas requested to continue with item 4.23 of the agenda.

4.18 Authorization to accept the Joint Promotion Agreement between City of Mission and Mondelez Global LLC. for the construction of 2 junior size soccer fields at the Northwest "Hollis Rutledge Sr." Park

Staff was seeking authorization to execute a Joint Promotion Agreement between the City of Mission and Mondelez Global LLC for the construction on 2 junior size soccer fields at the Northwest "Hollis Rutledge Sr." Park in which staff agreed to issue the City of Mission \$50,000.00 for this project.

City Manager recommended approval.

Councilman O'cana moved to approve authorization to accept the Joint Promotion Agreement between City of Mission and Mondelez Global LLC for the construction of 2 junior size soccer fields at the Northwest "Hollis Rutledge Sr." Park as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.19 Authorization to solicit bids for the construction of Bathroom facilities at the Mission Hike & Bike Trails

Staff was seeking authorization to solicit bids for the construction of bathroom facilities at the Hike & Bike Trails.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve authorization to solicit bids for the construction of Bathroom facilities at the Mission Hike & Bike Trails as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

4.20 Authorization to solicit bids for a concrete slab at the Rolando Barrera Skate Park

Staff was seeking authorization to solicit bids for a concrete slab at the Rolando Barrera Skate Park. The slab would be a 50' X 60' slab to extent the current skate park.

City Manager recommended approval.

Councilwoman Ochoa moved to approve authorization to solicit bids for a concrete slab at the Rolando Barrera Skate Park as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.21 Approval and authorization to purchase Irrigation items needed for the construction of the two junior soccer fields at Northwest "Hollis Rutledge Sr." Park from Ewing Irrigation

Staff was requesting approval and authorization to purchase irrigation items from Ewing, a local vendor through Texas Buy Board Vendor #447-14. The irrigation items would be used for the construction of two junior soccer fields at the Northwest "Hollis Rutledge Sr." Park through a Joint Promotion Agreement between the City of Mission and Mondelez Global LLC., who was providing the City of Mission with the funding for this project.

City Manager recommended approval.

Councilman Plata moved to approve authorization to purchase Irrigation items needed for the construction of the two junior soccer fields at Northwest "Hollis Rutledge Sr." Park from Ewing Irrigation as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.22 Approval and authorization to purchase Lighting Material needed for the construction of the two junior soccer fields at Northwest "Hollis Rutledge Sr" Park from Bush Supply

Staff was requesting approval and authorization to purchase lighting material from Bush Supply, a local vendor through Buy Board Vendor #415-12. The lighting material would be used for the construction of two junior soccer fields at the Northwest "Hollis Rutledge Sr." Park through a Joint Promotion Agreement between the City of Mission and Mondelez Global LLC., who was providing the City of Mission with the funding for this project.

City Manager recommended approval.

Councilman Plata moved to approve authorization to purchase Lighting Material needed for the construction of the two junior soccer fields at Northwest "Hollis Rutledge Sr." Park from Bush Supply as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

At 4:58 p.m., Mayor Salinas requested to continue with item 2.1 of the agenda.

4.23 Approval of Ordinance # 4158 amending Chapter 14 Animals of the Code of Ordinances of the City of Mission to include Article VII, Section 4-212 establishing the City of Mission as a Butterfly Sanctuary, providing penalties for intentionally capturing, taking or killing wild, free-flying butterflies or any stage of their life cycle

In 1996, the City of Mission adopted Ordinance 2141 to establish a native bird sanctuary and because Mission had strongly promoted eco-tourism in our community and works diligently with the North American Butterfly Association in the production of the Texas Butterfly Festival it was equally important to establish a Butterfly sanctuary as well.

Staff and City Manager recommended Ordinance approval.

Councilman Plata moved to approve of Ordinance No. 4158 amending Chapter 14 Animals of the Code of Ordinances of the City of Mission to include Article VII, Section 4-212 establishing the City of Mission as a Butterfly Sanctuary, providing penalties for intentionally capturing, taking or killing wild, free-flying butterflies or any stage of their life cycle as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO: 4158

AN ORDINANCE OF THE CITY COUNCIL OF MISSION, TEXAS AMENDING CHAPTER 14 ANIMALS OF THE CODE OF ORDINANCES OF THE CITY OF MISSION TO ADD ARTICLE VII THERETO ESTABLISHING THE CITY OF MISSION AS A BUTTERFLY CONSERVATION AREA; PROVIDING PENALTIES FOR CAPTURING, TAKING OR KILLING, WILD, FREE-FLYING BUTTERFLIES OR ANY STAGE OF THEIR LIFE CYCLE.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

Mr. Garza announced the appointment of Mario Flores as Golf Director and Deputy Chief Rene Lopez, Jr. as Interim Fire Chief.

6.2 Mayor's Comments

None

Mayor Salinas asked council to go into executive session pursuant to V.T.C.A. Gov. Code Sec. 551.001 for items 7.1 and 7.2 of the agenda.

At 5:24 p.m., Councilman Plata moved to convene into executive session. Motion was seconded by Councilwoman Ochoa 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

Deliberation regarding real property Sec. 551.072

- A. Consideration of the use of eminent domain, on behalf of the State of Texas, to acquire a 0.178 of an acre (7,770.0 square feet) parcel of land situated in Hidalgo County, Texas and also being a part or portion of Lot 29, Bell-Woods Co.'s Subdivision "C", recorded in Volume 5, Page 22 of the Map Records of Hidalgo County (M.R.H.C.), and a part or portion of a called 3.13 acre tract owned by Country Breeze R V Park, LLC by deed recorded in Doc. No. 2282945 of the Official Records of Hidalgo Co., for the public purpose of construction or improvement of Inspiration and Mile 2 Roads, and to resolve or acquire any necessary right of ways related to this project.**
- B. Authorization to submit bid on tax resale property described as 0.19 acre, more or less, being 50' by 165' out of Lot 182, John H. Shary Subdivision, Por. 58, 59 & 60, Hidalgo County Texas**

7.2 Consultation with Attorney Sec. 551.071

- A. Concerns regarding CWV Service Center Building and Renovations Contract**
- B. Claim for damage at Lot 1, Inspiration Manor Subdivision.**

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

At 6:29 p.m., Councilman O'cana moved to reconvene in open session to take action on the above mentioned item. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

On item 7.1-A, Councilman Plata moved the use of eminent domain, on behalf of the State of Texas, to acquire a 0.178 of an acre (7,770.0 square feet) parcel of land situated in Hidalgo County, Texas and also being a part or portion of Lot 29, Bell-Woods Co.'s Subdivision "C", recorded in Volume 5, Page 22 of the Map Records of Hidalgo County (M.R.H.C.), and a part or portion of a called 3.13 acre tract owned by Country Breeze R V Park, LLC by deed recorded in Doc. No. 2282945 of the Official Records of Hidalgo Co., for the public purpose of construction or improvement of Inspiration and Mile 2 Roads, and to resolve or acquire any necessary right of ways related to this project. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0

On item 7.1-B, Mayor Pro Tem Garza moved to approve the authorization to submit bid to Sharyland ISD Trustee for 0.19 acre, more or less, being 50' by 165' out of Lot 182, John H. Shary Subdivision, Por. 58, 59 & 60, Hidalgo County Texas for an amount that would not require a joiner of the other taxing bodies in conveying the property to the city but in no event no more than \$20,000. Motion was seconded by Councilman O'cana and approved 4-1 with Mayor Salinas voting against the motion.

On item 7.2-A, no action was taken.

On item 7.2-B, Councilman O'cana moved to settle claim for damages at Lot 1, Inspiration Manor Subdivision in the amount of \$57,000.00 with the condition upon the obtaining of unconditional release from all parties involved in regard to the damage and a hold harmless agreement. Motion was seconded by Councilwoman Ochoa and approved 5-0.

8.0 Adjournment

At 6:34 p.m., Mayor Pro Tem Garza moved for adjournment. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary