

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
JUNE 23, 2014 4:30 P.M.
MISSION CITY HALL**

PRESENT:

Norberto Salinas, Mayor
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:

Jessica Ortega-Ochoa, Councilwoman

ALSO PRESENT:

Kathy Olivarez, Progress Times
Lydia Weaver
Ramon Davila Jr.
Behrooz Badiozzamani
Baldo Gonzalez
Joe Sanchez
Eduardo Martinez
Opal Billman
Rick Rivera
Eldon Dunn
Juan Eliseo Gonzalez
Joel A. Gonzalez
Julio Cerda
Maria Ester Salinas

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
Eduardo Belmarez, Purchasing Director
Mario Flores, Interim Golf Director
Joanne Longoria, CDBG Director
Rick Saldana, Fire Chief
Gilbert Sanchez, Fire Marshal
Robert Dominguez, Chief of Police
Joel Laralde, Asst. Chief of Police
Janie Flores, Finance Director
Randy Perez, Asst. Finance Director
Julian Gonzalez, Parks & Rec. Director
Luduvico Martinez, B & G Club Director
Noemi Munguia, HR Director
Robert Hinojosa, Risk Manager
Jesse Lerma, Civil Service Director
Roland Rodriguez, I. T. Director
Luis Contreras, Museum Director
Mayra Rocha, Library Director
Jonathan Wehrmeister, Judge
Humberto Garcia, Media Relations Officer
Juan Pablo Terrazas, City Engineer

1. Call to order

With a quorum being present, Mayor Pro Tem Norie Gonzalez Garza called the meeting to order at 4:37 p.m.

2. Pledge Allegiance and Invocation

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

3. Departmental Reports

Councilman Dr. Armando O'cana moved to approve the departmental reports as presented. Motion was seconded by Councilman Ruben D. Plata and approved unanimously 3-0.

4. Citizens Participation

At 4:43 p.m., Mayor Norberto Salinas joined the meeting.

Mission Police Chief Roberto Dominguez, Texas Department of Public Safety and Constable's office representatives recognized Joel Gonzalez, Executive Director from the Mission Housing Authority and staff for all of their hard work during their annual Police Memorial Week luncheon which had been provided for the last nine years.

Aida Lerma, Deputy City Manager introduced fire fighters from San Fernando, Tamaulipas, Francisco y Madero, and Valle Hermoso who were currently receiving training regarding emergency vehicle training and fire operations being conducted by Engineer Juan Garcia and Lt. Oscar Alaniz.

Opal Billman, 301 N. Shary Road spoke about false imprisonment and requested the City of Mission pay the estate of Joe Billman \$280,000 or vacate their land. City Attorney David Guerra requested that the minutes reflect that Citizen's participation is not a forum for debate, hence the council's silence is not an admission of any liability.

Maria Ester Salinas stated that her daughter Jessica Salinas who was a graduate of Veteran's Memorial High School was a recipient of an NBA basketball ring since she was employed with the Spurs.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Rezoning: 12.10 ac. gross (10.94 ac. net) being the S. 470.42' of the E. 1112.30' of Lot 17-2, West Addition to Sharyland, from R-1 (Single Family Residential) to P (Public Zone), Mission CISD
Adoption of Ordinance # 4110 approving 1.1A**

On June 11, 2014 the Planning and Zoning Commission convened and recommended approval of a P zone. The property was located on the NW corner of Los Ebanos and Mile 1 South. This area was the Leal Elementary School. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval of P zone.

Staff Recommendation: Approval of P zone

City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Garza moved to approve the rezoning and to adopt Ordinance No 4110 Rezoning: 12.10 ac. gross (10.94 ac. net) being the S. 470.42' of the E. 1112.30' of Lot 17-2, West Addition to Sharyland, from R-1 (Single Family Residential) to P (Public Zone) as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 4110

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING 12.10 AC. GROSS (10.94 AC. NET) BEING THE S. 470.42' OF THE E. 1112.30' OF LOT 17-2, WEST ADDITION TO SHARYLAND SUBDIVISION, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO P (PUBLIC ZONE)

- B. Conditional Use Permit: Drive-Thru Service Window – Davila’s Cool Express, 810 N. Schuerbach Road, Ste. D, Lot 1, Sylvia Plaza Subdivision, C-2, Ramon Davila
Adoption of Ordinance # 4111 approving 1.1B**

On June 11, 2014 the Planning and Zoning Commission convened and approved the conditional use permit for the request mentioned above, which was located on the SE corner of Schuerbach Road and Business 83. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for 1 year.

Staff Recommendation: Approval for 1 year

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the CUP and to adopt Ordinance No. 4111 Conditional Use Permit: Drive-Thru Service Window – Davila’s Cool Express, 810 N. Schuerbach Road, Ste. D, Lot 1, Sylvia Plaza Subdivision, C-2 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

ORDINANCE NO. 4111

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR DRIVE-THRU SERVICE WINDOW – DAVILA’ COOL EXPRESS, 810 N. SCHUERBACH ROAD, SUITE D, LOT 1, SYLVIA PLAZA SUBDIVISION

- C. Conditional Use Permit: Portable Building – Sale of Water, 2301 Gold, Lot 97, Chaparral Heights Subdivision, C-2, Baldo Gonzalez (Watermill Express)
Adoption of Ordinance # 4112 approving 1.1C**

On June 11, 2014 the Planning and Zoning Commission convened to consider the conditional use permit request mentioned above, which was located on the NW corner of Gold Avenue and Griffin Parkway. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for 1 year.

Staff Recommendation: Approval for 1 year

City Manager recommended approval.

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

There were no comments.

Councilman O'cana moved to approve the CUP and to adopt Ordinance No. 4112 Conditional Use Permit: Portable Building – Sale of Water, 2301 Gold, Lot 97, Chaparral Heights Subdivision, C-2 as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 4112

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR A PORTABLE BUILDING –
SALE OF WATER, 2301 GOLD, LOT 91, CHAPARRAL HEIGHTS SUBDIVISION

- D. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages –
Areli's Celebration Hall, 1905 W. Griffin Parkway, Lots 1-4, Southern Oaks,
Ph. I Subdivision, C-3, Daisy A. Vela
Adoption of Ordinance # 4113 approving 1.1D
Adoption of Ordinance # 4114 approving Wet Zone**

On June 11, 2014 the Planning and Zoning Commission convened and approved the conditional use permit request mentioned above, which was located 500' west of Inspiration Road along the south side of Griffin Parkway. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for 1 year.

Staff Recommendation: Approval for 1 year

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the CUP and to adopt Ordinance No. 4113 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Areli's Celebration Hall, 1905 W. Griffin Parkway, Lots 1-4, Southern Oaks, Ph. I Subdivision, C-3 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

ORDINANCE NO. 4113

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR THE SALE & ON-SITE CONSUMPTION
OF ALCOHOLIC BEVERAGES – ARELI'S CELEBRATION HALL, 1905 W. GRIFFIN
PARKWAY, LOTS 1-4, SOUTHERN OAKS, PH. I SUBDIVISION

Councilman Plata moved to adopt Ordinance No. 4114 granting a wet zone for Sale & On-Site Consumption of Alcohol – 1905 W. Griffin Parkway, Lots 1-4, Southern Oaks, Ph. I Subdivision as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

ORDINANCE NO. 4114

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 1905 W. GRIFFIN PARKWAY, LOTS 1-4, SOUTHERN OAKS, PH. I SUBDIVISION

2.0 Disposition of Minutes

2.1 City Council Meeting – June 9, 2014

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

3.0 Acknowledge Receipt of Minutes

3.1 Mission Redevelopment Authority – April 22, 2014

Mission TIRZ – April 22, 2014

MEDC Special Meeting – April 17, 2014

Planning and Zoning Commission – May 14, 2014 & May 22, 2014

Mission Historical Museum – April 23, 2014

Speer Memorial Library Board – May 20, 2014

Councilman Plata moved to acknowledge the receipt of minutes as presented. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

4.0 Approvals and Authorizations

4.1 Preliminary Plat Approval: Lucksinger Apartments Subdivision, A 5.32 acre tract of land being all of Lots 89 & 92, Sharyland Orchards Subdivision, R-3, Developer: American Steel Systems & Service Inc., Engineer: MAS Engineering

At 5:05 p.m., Mayor Salinas stepped out of the meeting.

On June 11, 2014 the Planning and Zoning Commission convened and approved the Preliminary & Final Plat for Lucksinger Apartments Subdivision. The proposed subdivision was located on the NW corner of Lucksinger and U.S. Business 83. 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: 1) No objection to private street variance, subject to meeting private street policy; 2) Approve variance to allow Lots 15 & 16 to have slightly less than the required lot length, 3) Must pay capital sewer recovery & park fees; 4) Must provide water district exclusion; and 5) Must comply with all other format findings.

City Manager recommended approval.

Councilman O'cana moved to approve the Preliminary Plat Approval: Lucksinger Apartments Subdivision, A 5.32 acre tract of land being all of Lots 89 & 92, Sharyland Orchards Subdivision, R-3 as recommended. Motion was seconded by Councilman Plata and approved unanimously 3-0.

4.2 Final Plat Approval: Lantana Ranch Ph. II Subdivision, A 7.53 acre tract of land out of portion of Porcion 77, Rural ETJ, Developer: Hector & Virginia Cortez & John Lopez, Engineer: Nain Engineering

On February 11, 2013 the Mission City Council convened and approved the Preliminary Plat for Lantana Ranch Subdivision. The proposed subdivision was located at the NE area of Mile 3 Road and Volcano Road. The Board unanimously recommended approval as per Staff's recommendation

Staff Recommendation: Approval subject to: 1) Compliance with Model Subdivision Rules; and 2) must comply with Hidalgo County rules and regulations, including format requirements.

City Manager recommended approval.

Councilman O'cana moved to approve Final Plat Approval: Lantana Ranch Ph. II Subdivision, A 7.53 acre tract of land out of portion of Porcion 77, Rural ETJ as recommended. Motion was seconded by Councilman Plata and approved unanimously 3-0.

4.3 Approval of Memorandum of Understanding with Mission Consolidated Independent School District in regards to the use of the Shary Municipal Golf Course

At 5:09 p.m., Mayor Salinas rejoined the meeting.

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 range privileges and playing privileges to said High Schools for the 2014-2015 School year (September 1, 2014 to May 31, 2015) on days that the Shary Municipal Golf Course was regularly open.
 - Provide driving range privileges to and playing privileges to each of the said Junior High Schools for the period of March 1, 2015 to May 31, 2015, on days that the Shary Municipal Golf Course was regularly open.
- Mission CISD agreed to:
 - Pay the City of Mission the sum of \$14,000.00 within 30 days after signing this MOU.

The MOU had been approved by Mission CISD.

Staff Recommendation: Approval of Memorandum of Understanding

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve memorandum of understanding with Mission Consolidated Independent School District in regards to the use of the Shary Municipal Golf Course as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.4 Approval of Golf Club Storage Agreement with Mission Consolidated Independent School District and the Shary Municipal Golf Course

The City of Mission and Mission CISD had developed an agreement where the parties agreed to the following:

- CITY agreed to:
 - Provide an area designated under the Shary Municipal Golf Course Clubhouse for the storage of Golf Clubs and Bags which could be secured.
 - Golf Course Employees would not have access to unlock storage area.
 - Cage would be open from 7:00 a.m. to closing of the clubhouse.

- Mission CISD agreed to:
 - Only school coaches would have key to access cage area.
 - Ensured no student was allowed in area without a coach present.
 - Informing students and parents that only the coach had a key and golf course employees did not have access to area.
 - School would indemnify and hold golf course harmless, to the extent permitted by law, from injury and/or damage (any resulting or related claim, action, loss, liability, or reasonable expense, including attorney's fees and other fees and court and other costs) occurring as a result of such storage. Nothing in this agreement would be construed to waive, modify, or amend and legal defense available to MCISD, including but not limited to governmental immunity.

- The Agreement would be effective September 1, 2014 thru May 31, 2015

Staff and City Manager recommended approval.

Councilman O'cana moved to approve Golf Club storage agreement with Mission Consolidated Independent School District and the Shary Municipal Golf Course as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.5 May 2014 Financial Statements

Randy Perez, Assistant Finance Director presented the May 2014 Financial Statements for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the May 2014 Financial Statements as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

4.6 Approval of Resolution # 1382 of the City Council of the City of Mission amending Resolution No. 1340 amending the Public Funds Investment Policy and Strategy

As per Chapter 2256 of the Texas Government Code, known as “Public Funds Investment Act,” the City was required to adopt the investment policy and strategy on an annual basis through resolution.

Only two changes were made to the Policy.

1. The Title – added Strategy
2. Insurance or Collateral decreased from 100% to 102%

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Resolution No. 1382 of the City Council of the City of Mission amending Resolution No. 1340 amending the Public Funds Investment Policy and Strategy as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

RESOLUTION NO. 1382

**A RESOLUTION OF THE MISSION CITY COUNCIL AMENDING
RESOLUTION NO 1340 AMENDING THE PUBLIC FUNDS INVESTMENT
POLICY AND STRATEGY**

4.7 Authorization to declare items as surplus and sell same by Live Auction

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.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve authorization to declare items as surplus and sell same by Live Auction as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.8 Authorization to submit the FY – 2014 COPS Hiring Program Grant application to the U.S. Department of Justice – Office of Community Oriented Policing Services

The City of Mission Police Department was requesting authorization to submit the FY - 2014 COPS Hiring Program Grant application to the U.S. Department of Justice - Office of Community Oriented Policing Services. The program allowed the hiring of police officers where the program paid for 75% of the officers salary and was matched by the city at 25% through the tenure of the three year grant (City of Mission was requesting eight (8) officers). The City of Mission if awarded the grant would be required to maintain the positions for one additional year at 100 % expense to the city. The Mission Police Department under the policies and procedures of our state drug forfeiture account would supply the first year 25% match (\$104,772.00) that was required by the grant.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve authorization to submit the FY – 2014 COPS Hiring Program Grant application to the U.S. Department of Justice – Office of Community Oriented Policing Services as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.9 Authorization to accept a 2011 Stonegarden Supplemental Sub-Recipient Grant Award from the County of Hidalgo

The City of Mission Police Department was requesting authorization to accept a 2011 Stonegarden Supplemental Sub-Recipient Grant Award from the County of Hidalgo in the amount of \$119,576.79. Our police department was selected to receive a supplemental grant award for the purpose of providing routine patrols to secure our border. The grant provided reimbursement for overtime expenditures and fuel expenditures associated with the implementation of the grant program.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve authorization to accept a 2011 Stonegarden Supplemental Sub-Recipient Grant Award from the County of Hidalgo as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.10 Approval of Amendment #1 for Advance Funding Agreement between Texas Department of Transportation and the City of Mission for the Mile 2 North Project Inspiration Road to SH 107 (Conway Ave.)

On September 13, 2012 the City entered into an Advance Funding Agreement (AFA) with the State of Texas, through the Texas Department of Transportation (TxDOT), for widening improvements to Mile 2 North between Inspiration Road and SH 107 (Conway Ave.). The original total estimated cost was \$4,739,319.88.

Amendment No. 1 to the AFA was being requested to add Category 7 Metropolitan Mobility and Rehabilitation funds for the construction of this section of roadway. The latest project total estimated cost was of \$7,680,708. It was noted that the construction cost of this project would be reimbursed to the City based on approvals by TxDOT.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Amendment #1 for Advance Funding Agreement between Texas Department of Transportation and the City of Mission for the Mile 2 North Project Inspiration Road to SH 107 (Conway Ave.) as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

4.11 Approval of Amendment #2 for Advance Funding Agreement between Texas Department of Transportation and the City of Mission for the Mile 2 North Project Moorefield Road to Inspiration Road

On September 14, 2012 the City entered into an Advance Funding Agreement (AFA) with the State of Texas, through the Texas Department of Transportation (TxDOT), for widening improvements to Mile 2 North between Moorefield Road and Inspiration Road. The original total estimated cost was \$1,335,743.65. On February 27, 2014 the City executed Amendment No. 1 to revise the project limits, update costs and add new federal provisions to the original AFA which revised the project estimated cost to \$1,684,104.

Amendment No. 2 to the AFA was being requested to separate Construction Engineering and Contingencies, as a reimbursable item, from the Construction Direct State Costs for State review and oversight. A new line item was also added for Right-of-Way (ROW) Direct State Costs which was needed for the review and oversight by TxDOT's ROW Division. The latest project total estimated cost was of \$1,696,256. It was noted that the construction cost of this project would be reimbursed to the City based on approvals by TxDOT.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve amendment #2 for Advance Funding Agreement between Texas Department of Transportation and the City of Mission for the Mile 2 North Project Moorefield Road to Inspiration Road as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

4.12 Authorization to award bid for Chain Link Fence & Gates for the Sanitation Department

On February 24, 2014 City Council gave authorization to solicit bids for chain link fence and gates for the Sanitation department future site. The City of Mission had accepted and opened six (6) bid responses for this project. Staff was recommending awarding bid to Excellent Fence who was lowest responsible bidder meeting all specifications in the amount of \$35,800.00. Provided was Bid tabulation with breakdown totals.

Staff and City Manager recommended approval.

Councilman Plata moved to approve authorization to award bid for Chain Link Fence & Gates for the Sanitation Department as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

4.13 Approval of Ordinance # 4115 by the City Council of the City of Mission, Texas authorizing the Issuance, Sale and Delivery of “City of Mission, Texas Waterworks and Sewer System Junior Lien Revenue Refunding Bonds, Series 2014”, approving and authorizing an Official Statement and the distribution thereof; a Purchase Contract, an Escrow Agreement, and a paying Agent/Registrar Agreement; approving and authorizing all other instruments and procedures related thereto; and providing for an immediate effective date

The City was refunding the Waterworks and Sewer System Junior Lien Revenue Bonds Series 2004A and 2004B, which had a combined outstanding principal balance of \$10,849,000, in order to reduce the interest cost on these issues. The life of the Refunding issue would remain at 12 years.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 4115 by the City Council of the City of Mission, Texas authorizing the Issuance, Sale and Delivery of “City of Mission, Texas Waterworks and Sewer System Junior Lien Revenue Refunding Bonds, Series 2014”, approving and authorizing an Official Statement and the distribution thereof; a Purchase Contract, an Escrow Agreement, and a paying Agent/Registrar Agreement; approving and authorizing all other instruments and procedures related thereto; and providing for an immediate effective date as recommended by Attorney Guerra. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

ORDINANCE NO. 4115

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF "CITY OF MISSION, TEXAS WATERWORKS AND SEWER SYSTEM JUNIOR LIEN REVENUE REFUNDING BONDS, SERIES 2014"; APPROVING AND AUTHORIZING AN OFFICIAL STATEMENT AND THE DISTRIBUTION THEREOF; A PURCHASE CONTRACT, AN ESCROW AGREEMENT, AND A PAYING AGENT/REGISTRAR AGREEMENT; APPROVING AND AUTHORIZING ALL OTHER INSTRUMENTS AND PROCEDURES RELATED THERETO; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager’s Comments

Mr. Garza recognized Elena Perez who had been employed with the City of Mission for 36 years and would be retiring June 27, 2014.

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-A, 7.1B and 7.1-C of the agenda.

At 5:25 p.m., Councilwoman O'cana moved to convene into executive session. Motion was seconded by Councilman Plata and approved unanimously 4-0.

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. City of Mission vs. Bryan Road LP & the Mission Nursing Home Property, LTD**
- B. Consideration of the use of eminent domain, on behalf of the State of Texas, to acquire 0.455 acres (19,831 sq. ft.) , out of LOT 29-2, West Addition to Sharyland Subdivision, recorded in Vol. 1, Pg. 56 of the Hidalgo Co. Map Records, being of a larger 20 acre tract owned by J.W. Arnold and Mary Y. Arnold by deed recorded in Vol. 1559, Pg. 125 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.**
- C. Consideration of the use of eminent domain, on behalf of the State of Texas, to acquire 0.175 acres (7,629 sq. ft.) , out of LOT 28-1, West Addition to Sharyland Subdivision, recorded in Vol. 1, Pg. 56 of the Hidalgo Co. Map Records, being of a larger 3.35 acre tract owned by Juan Pablo Quintanilla by deed recorded in Doc. No. 2109867 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.**

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

At 5:44 p.m., Councilman O'cana moved to reconvene in open session for executive session items on the agenda. Motion was seconded by Councilman Plata and approved unanimously 4-0.

On item 7.1-A, Councilman Plata moved to approve settlement agreement as a result of the mediation held on June 6, 2014 under Cause # CCE-0029 currently pending at the County Court at Law # 5 and allow the City Manager to work with legal counsel to finalize the settlement of all parties and to enter into a final agreement to resolve this cause. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

On item 7.1-B, Mayor Pro Tem Garza moved to authorize the use of the power of eminent domain, on behalf of the State of Texas, to acquire 0.455 acres (19,831 sq. ft.) , out of LOT 29-2, West Addition to Sharyland Subdivision, recorded in Vol. 1, Pg. 56 of the Hidalgo Co. Map Records, being of a larger 20 acre tract owned by J.W. Arnold and Mary Y. Arnold by deed recorded in Vol. 1559, Pg. 125 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 Councilman Plata and approved unanimously 4-0.

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On item 7.1-C, Councilman Plata moved to authorize the use of the power of eminent domain, on behalf of the State of Texas, to acquire 0.175 acres (7,629 sq. ft.) , out of LOT 28-1, West Addition to Sharyland Subdivision, recorded in Vol. 1, Pg. 56 of the Hidalgo Co. Map Records, being of a larger 3.35 acre tract owned by Juan Pablo Quintanilla by deed recorded in Doc. No. 2109867 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 Mayor Pro Tem Garza and approved unanimously 4-0.

8.0 Adjournment

At 5:47 p.m., Councilman Plata moved for adjournment. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary