

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
APRIL 11, 2016 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'caña, Councilman  
Abiel Flores, City Attorney  
Jaime Tijerina, Deputy City Attorney  
Anna Carrillo, City Secretary  
Martin Garza, Jr., City Manager

**ABSENT:**

**ALSO PRESENT:**

Kathy Olivarez, Progress Times  
Jim Brunson, Progress Times  
Ismena Garcia  
Adiel Garcia  
Candy Ellingson  
Ron Fauls  
Pat Poutta  
Shari Wand  
Perri Ann Haunthy  
Tim Gorny  
Maureen Adams  
Mark Adams  
Mika Kolb  
Agustin Olivarez  
Fidd Parua  
Joe Ertman  
Bill Allen  
Tim Ousley  
Kay Wolf  
Juan Eliseo Gonzalez, Jr.  
Loris Bauza  
Jennie Pitlick  
Donald Neva  
Felix Tapia  
Sheila Valles-Pankratz  
Leticia & Rick Wright  
Caudia Bedan  
Melly Palacios  
Mike & Kathy Waren  
Raul Santiago  
Carmen Rivera  
Nancy Villarreal  
Norma Garza  
Rene Gonzalez  
Nydia Alonzo

**ALSO PRESENT:**

Victor H. Alonzo  
Lee McCormik  
Beth & Jim Barnes  
Carol Kreiling  
Gary & Renee Bethke  
Elaine & Tom Clayton  
Lupita Montelongo  
JoAnn Olvera  
Maxine Rodriguez  
Imelda Avendano  
Daphne Stewart  
Dolly L. Elizondo  
Elisa Larson  
Antonio Herrera  
Crystal de los Reyes  
Lorenzo Garza  
Erica Sarmeiento  
Cuahtemoc Roldan  
Ninfa Rodriguez  
Jacquelyn Knee  
Gloria Hernandez  
Brenda Torres  
Antonio Longoria  
Jane H. Garza  
Yvonne Perez  
Chris Grissom  
Estrella Grissom  
Chad Grissom  
Jaime Gutierrez  
Zeta Mata  
Linda Frazer  
Patricia West  
Jorge & Modesta Hdz.

**STAFF PRESENT:**

Nelia Hernandez, Asst. City Secretary  
Aida Lerma, Deputy City Manager  
Randy Perez, Deputy City Manager  
Angie Vela, Asst. Finance Director  
Danny Tijerina, Planning Director  
Jaime Acevedo, Asst. Planning Director  
Noemi Munguia, HR Director  
Robert Hinojosa, Risk Manager  
Roland Rodriguez, I. T. Director  
Roberto Salinas, Public Works Director  
Jesse Lerma, Civil Service Director  
Gilbert Sanchez, Fire Marshal  
Robert Dominguez, Chief of Police  
Joel Laralde, Asst. Chief of Police  
Tony Garcia, Asst. Chief of Police  
Jonathan Wehrmeister, Judge  
Joanne Longoria, CDBG Director  
Mario Flores, Golf Course Director  
Luduvico Martinez, B & G Club Director  
Brad Bentsen, Parks & Recreation Director  
Mayra Rocha, Library Director  
Cesar Gutierrez, Sanitation Director  
Humberto Garcia, Media Relations  
Charlie Longoria, Media Relations  
Mike Rosales, Police Officer  
Adela Ortega, Mission Food Pantry Mngr.  
Noel Barrera, Health Dept. Mngr.

**1. Call to order**

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:41 p.m.

**2. Pledge Allegiance and Invocation**

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

**3. Proclamation – Crime Victims’ Right Week**

Chief of Police Roberto Dominguez read the Proclamation Crime Victims’ Right Week.

Councilman Dr. Armando O’cana moved to approve the proclamation as presented. Motion was seconded by Councilwoman Jessica Ortega-Ochoa and approved unanimously 4-0.

Sgt. Ted Rodriguez, Diana Macias and Teresa Plata receive the proclamation and thanked the council for their support.

Chief Dominguez extended an invitation to everyone for a ceremony that was to take place outside the Mission Police Department on Thursday, April 14, 2016 at 5:00 pm.

**4. Proclamation – Public Safety Telecommunicators Week**

Chief Dominguez read the Proclamation Public Safety Telecommunicators Week.

Councilman O’cana moved to approve the proclamation as presented. Motion was seconded by Councilman Ruben Plata and approved unanimously 4-0.

Sara Salinas and Robert Arevalo received the proclamation and thanked the council for their support.

**5. Proclamation – Animal Cruelty Prevention Month**

City Secretary Anna Carrillo read the Proclamation Animal Cruelty Prevention Month.

Councilman O’cana moved to approve the proclamation as presented. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

Representatives from the following agencies were present to receive the proclamation and thanked the council for their support: City of Mission Health Department Adopt a Pet Program, Palm Valley Animal Shelter, Lori P. Andrews Paw Center, RGV Low Cost Spay & Neuter Clinic, Forgotten Friends Texas Rescue RGV, United for Paws, Mercy 4 the Voiceless, and Yaqui Animal Rescue.

**6. Proclamation – National Library Week**

Library Director Mayra Rocha read the Proclamation National Library Week.

Councilman O’cana moved to approve the proclamation as presented. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

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Members from the Library Board Sheila Valles-Pankratz, Liz Garza, Mike Manuel, Ann Whitfield, Linda Frazer, and Jane Garza received the proclamation and thanked the council for their support.

### **7. Report from the Greater Mission Chamber of Commerce**

Cathy Garcia, Vice President of Business Development introduced newly appointed CEO Josh Stockel. Mr. Stockel advised the Mayor and City Council about chamber events that had recently taken place and other upcoming ribbon cuttings and events.

### **8. Departmental Reports**

Councilwoman Ochoa moved to approve the departmental reports as presented. Motion was seconded by Councilman O'cana and approved unanimously 4-0.

### **9. Citizens Participation**

None

At 5:20 p.m. Mayor Pro Tem Norie Gonzalez Garza joined the meeting.

#### **1.0 Public Hearing**

##### **1.1 Planning & Zoning Recommendations**

- A. Rezoning: 0.250 acres, being a part or portion of the Golf Course and Lake Reserve out of Meadow Creek Country Club Phase I-A, AO-I (Agricultural Open Interim) to R-2 (Duplex-Fourplex Residential), Ismena Garcia, Adoption of Ordinance # \_\_\_\_\_ approving 1.1A**

On March 23, 2016 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The property was located near the NE corner of River Bend and Oasis Drive. There was public opposition during the P&Z Meeting. The concerns voiced included high speed traffic, safety of children, parking overflow problems, homes devaluated, etc. A petition with 52% opposition was submitted to the Planning Department. The Board unanimously recommended approval of the R-2 zone.

Staff and City Manager recommended denial.

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

Elaine Clayton a resident of Meadow Creek spoke on behalf of a group of residents that were representing the Homeowners Association from the subdivision and expressed their objection towards this request. They mentioned that building a duplex in this area was against the subdivision's covenants which state that only a single-family residence could be built on the site. They were also against it because this would create more traffic, parking overflow, more children exposed to traffic risks, damaged to the golf's green areas from tenants running, biking or leaving their pets unattended.

Applicant Ismena Garcia from 1908 Seagull Lane spoke in favor of the request and stated that she was proposing to construct two duplex that would house a total of four families. The building would consist of two bedrooms, two baths, one garage and additional parking for the guest.

After much deliberation Mayor Salinas recommended this item be remanded back to P & Z.

Mayor Pro Tem Garza moved to remand this item to P & Z, as recommended by Mayor Salinas. Motion was seconded by Councilman Plata and approved 4-1, with Councilman O'cana dissenting.

**B. Rezoning: A 0.85 acre tract out of Lot 29-4, West Addition to Sharyland Subdivision, AO-I (Agricultural) to C-3 (General Business), Baudelio Cortinas, Adoption of Ordinance # 4337 approving 1.1B**

On March 23, 2016 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The property was located at the NW corner of Trospers Road and W. 2 Mile Road. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval of the C-3 zone.

Staff and 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 rezoning and to adopt Ordinance No. 4337 Rezoning: A 0.85 acre tract out of Lot 29-4, West Addition to Sharyland Subdivision, AO-I (Agricultural) to C-3 (General Business), as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

**ORDINANCE NO. 4337**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING OF A 0.85 ACRE TRACT OUT OF LOT 29-4, WEST ADDITION TO SHARYLAND SUBDIVISION, FROM AO-I (AGRICULTURAL OPEN INTERIM) TO C-3 (GENERAL BUSINESS)

**C. Conditional Use Permit: To Place a Mobile Home "Temporary" to Care for Health Stricken Family Member, 700 S. F.M. 1016 (aka 700 S. Conway), A 6.50 acre tract of land out of Lot 16-6, West Addition to Sharyland Subdivision, AO-I, Gerardo (Jerry) Guajardo, Adoption of Ordinance # 4338 approving 1.1C**

On March 23, 2016 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The subject site was located between at the SW corner of US Expressway 83 Frontage and S. Conway Blvd. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for 3 years.

Staff Recommendation: Approval for 3 years.

City Manager recommended approval.

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

There were no comments.

Councilman O'cana moved to approve the cup and to adopt Ordinance No. 4338 Conditional Use Permit: To Place a Mobile Home "Temporary" to Care for Health Stricken Family Member, 700 S. F.M. 1016 (aka 700 S. Conway), A 6.50 acre tract of land out of Lot 16-6, West Addition to Sharyland Subdivision, AO-I, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

**ORDINANCE NO. 4338**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A CONDITIONAL USE PERMIT TO PLACE A MOBILE HOME  
"TEMPORARY" TO CARE FOR HEALTH STRICKEN FAMILY MEMBER, 700 S. F.M.  
1016 (AKA 700 S. CONWAY), A 6.50 ACRE TRACT OF LAND OUT OF LOT 16-6, WEST  
ADDITION TO SHARYLAND SUBDIVISION

- D. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Nuevo Leon Express Taquerias, 2215 W. Mile 3 Road, A 4.79 acre tract of land being the West 4.79 acres of the East 5.63 acres of Lot 24, New Caledonia, Unit No. 1, C-3, Nuevo Leon Taquerias, LLC, Adoption of Ordinance # 4339 approving 1.1D**

On March 23, 2016 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The subject site was located between Schuerbach Road and Moorefield Road along the South Side of 3 Mile Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for 1 year.

Staff Recommendation: Approval for 1 year subject to: 1) waiver of the 300' separation requirement from residential neighborhoods, 2) compliance with Ord. 4320.

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 cup and to adopt Ordinance No. 4339 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Nuevo Leon Express Taquerias, 2215 W. Mile 3 Road, A 4.79 acre tract of land being the West 4.79 acres of the East 5.63 acres of Lot 24, New Caledonia, Unit No. 1, C-3, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

**ORDINANCE NO. 4339**

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 – NUEVO LEON EXPRESS TAQUERIAS, 2215 W. MILE 3  
ROAD, BEING A 4.79 ACRE TRACT OF LAND BEING THE WEST 4.79 ACRES OF THE  
EAST 5.63 ACRES OF LOT 24, NEW CALEDONIA, UNIT NO. 1

- E. Conditional Use Permit: To keep a Portable Building or Office Use, 1117 S. Shary Road, Lot 1, McManus Subdivision, C-3, Antonio Herrera, Adoption of Ordinance # 4340 approving 1.1E**

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On March 23, 2016 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The subject site was located 400' south of Colorado Street along the east side of Shary Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for life of use.

Staff Recommendation: Approval for life of use.

City Manager recommended approval.

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

There were no comments.

Mayor Salinas recommended approval of 3 year permit instead of life of use.

Mayor Pro Tem Garza moved to approve the cup and to adopt Ordinance No. 4340 Conditional Use Permit: To keep a Portable Building or Office Use, 1117 S. Shary Road, Lot 1, McManus Subdivision, C-3, subject to 3 year approval as recommended by Mayor Salinas. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

**ORDINANCE NO. 4340**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A CONDITIONAL USE PERMIT TO KEEP A PORTABLE BUILDING FOR  
OFFICE USE, 1117 S. SHARY ROAD, LOT 1, MCMANUS SUBDIVISION

**F. Conditional Use Permit: Drive-Thru Service Window – Tortilleria Carmelita, 600 N. Shary Road, Ste. F, Lot 1, Esdras Vega Subdivision, C-3, Carmen Rivera, Adoption of Ordinance # 4341 approving 1.1F**

On March 23, 2016 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The subject site was located at the NE corner of E. 6<sup>th</sup> Street and Shary Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for 1 year.

Staff Recommendation: Approval for 1 year subject to CUP not being transferable to others.

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. 4341 Conditional Use Permit: Drive-Thru Service Window – Tortilleria Carmelita, 600 N. Shary Road, Ste. F, Lot 1, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

**ORDINANCE NO. 4341**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU SERVICE WINDOW-TORTILLERIA CARMELITA, 600 N. SHARY ROAD, STE. F, BEING LOT 1, ESDRAS VEGA SUBDIVISION

**G. Conditional Use Permit: Home Occupation – Licensed Child Day Care, 4204 San Roman, Lot 26, Paseo Lindo Ph. 2 Subdivision, PUD, Nora Arguelles, Adoption of Ordinance # 4342 approving 1.1G**

On March 23, 2016 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The subject site was located within a plaza approximately 400' east of Santa Engracia along the South Side of San Roman. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for 3 years.

Staff Recommendation: Approval for 3 years.

City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Garza moved to approve the cup and to adopt Ordinance No. 4342 Conditional Use Permit: Licensed Child Day Care, 4204 San Roman, Lot 26, Paseo Lindo Ph. 2 Subdivision, PUD, as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

**ORDINANCE NO. 4342**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION – LICENSED CHILD DAY CARE, 4204 SAN ROMAN, LOT 26, PASEO LINDO PH. 2 SUBDIVISION

**H. Conditional Use Permit: To have an Accessory Building in a Property Zoned AO-P (Agricultural Open Permanent), 200 S. Glasscock Road, the North 4 acers of Lot 172, John H. Shary Subdivision, AO-P, Felix Mario Garza Peña, Adoption of Ordinance # \_\_\_\_\_ approving 1.1H**

Planning Director Danny Tijerina advised the council that he had received an email from the applicant requesting to table this item until the next council meeting.

Mayor Pro Tem Garza moved to table this item as per applicant's request. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

**2.0 Disposition of Minutes**

**2.1 City Council Meeting – March 28, 2016**

Councilman O'cana moved to approve the minutes as presented. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

### **3.0 Acknowledge Receipt of Minutes**

- #### **3.1 Mission Redevelopment Authority – January 14, 2016 and February 23, 2016 Mission Tax Increment Reinvestment Zone – January 14, 2016 and February 23, 2016 Zoning Board of Adjustments – January 20, 2016 Planning & Zoning Commission – March 9, 2016 and March 14, 2016**

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

At 5:59 p.m. Councilman Plata stepped out of the meeting.

### **4.0 Approvals and Authorizations**

- #### **4.1 Request for variances by KEM Texas, LTD, To Install a New Billboard at 408 W. Griffin Parkway, being a 2.45 acre tract of land out of Lot 25-5, West Addition to Sharyland Subdivision**

An application for a permit was submitted by the applicant on March 20, 2016 to install a 40 foot high, double sided billboard at the above location. The permit was received and denied based on the following:

1. This section of Griffin Parkway was not identified as a Secondary Arterial Corridor.
2. The proposed square footage of the faces of the billboard exceeded the 242 square foot maximum permitted (378 square feet proposed).
3. The billboard was within 1,000 feet of a Mission Business ground pole sign.

KEM Texas, LTD, was appealing the decision made by staff, and requesting a variance to the three sections of the Sign Code. It was noted that there were no billboards between Conway Ave. and Holland. If the variance was approved, this billboard could serve as a public service announcement sign, as well as to advertise Mission businesses.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to approve the request for variances by KEM Texas, LTD, To Install a New Billboard at 408 W. Griffin Parkway, being a 2.45 acre tract of land out of Lot 25-5, West Addition to Sharyland Subdivision. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

- #### **4.2 Authorize change in location of April 25, 2016 City Council Meeting to Speer Memorial Library**

The office of the City Manager was requesting to change the location of the April 25, 2016 City Council meeting to the Speer Memorial Library located at 801 E. 12<sup>th</sup> Street due to early voting taking place at Council Chambers on this date.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize change in location of April 25, 2016 City Council Meeting to Speer Memorial Library. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.



**4.3 Approval of Resolution # 1442 designating Hidalgo County Metropolitan Planning Organization members**

This resolution was being requested by the Hidalgo County MPO as per Section 2-A of the HCMPO Bylaws and Operating Procedures which stated that each governmental entity may be represented by three (3) members of the governmental entity, one of whom shall be the Mayor by virtue of his position, and the other two (2) appointed by the governmental entity by force of resolution. All three (3) may represent the governmental entity at any and all MPO Policy Committee meetings, but only one may exercise the right to vote.

The current primary alternate was City Manager Martin Garza, Jr. and proxy was Public Works Director Roberto Salinas, P.E.

Staff Recommendation: Approval of Resolution designating alternate member and proxy.

City Manager recommended approval.

Councilwoman Ochoa moved to approve Resolution No. 1442. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

**RESOLUTION NO. 1442**

A RESOLUTION DESIGNATING  
HIDALGO COUNTY METROPOLITAN PLANNING ORGANIZATION MEMBERS

**4.4 Approval of Resolution # 1443 a Resolution to Consider Supplemental Resolution Approving the Resolution of Mission Economic Development Corporation Authorizing the Issuance of Bonds on Behalf of Natgasoline LLC; and Matters Related Thereto**

Lee McCormick, President of Community Development Associates, LLC had facilitated the issuance of Bonds on behalf of Natgasoline LLC.

Mr. McCormick was present at the meeting to answer any questions City Council may have.

Staff Recommendation: Approval of Resolution.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Resolution No. 1443. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

**RESOLUTION NO. 1443**

SUPPLEMENTAL RESOLUTION APPROVING THE RESOLUTION OF MISSION  
ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING  
THE ISSUANCE OF BONDS ON BEHALF OF NATGASOLINE LLC; AND MATTERS  
RELATED THERETO

**4.5 Approval to purchase Water Rescue Equipment from Safeware, Inc. via US Communities Contract**

The Mission Fire Department was seeking authorization to purchase Water Rescue Equipment from Safeware, Inc. in the amount of \$49,271.70 via US Communities Contract No. 4400001839. This purchase would be paid through the 2015 Homeland Security Grant. This purchase was for the remaining balance to complete purchases allowed for this grant.

Staff Recommendation: Approve to purchase via US Communities Contract.

City Manager recommended approval.

Councilman O'cana moved to approve to purchase water rescue equipment from Safeware, Inc. via US Communities Contract. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

**4.6 Authorization to declare items as surplus and sell by On-Line Auction**

Staff was seeking approval to declare a list of items as surplus. Items had been acquired by the library over the years through purchase, contribution, or donation assignment. All items had been determined to be of no use to the library.

Staff Recommendation: Approval to declare list of items as surplus and sell via On-Line Auction.

City Manager recommended approval.

Councilman O'cana moved to authorize to declare items as surplus and sell by On-Line Auction. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

**4.7 Approval of Annual Hidalgo County Library System Interlocal Agreement**

Hidalgo County requested that we approve our annual interlocal with them.

This was the basic agreement that allowed the County to continue to pay funds on behalf of and disburse funds to our library for contractual services and library materials.

Staff Recommendation: Approval of Annual Hidalgo County Library System Interlocal Agreement.

City Manager recommended approval.

Councilman O'cana moved to approve the Annual Hidalgo County Library System Interlocal Agreement. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

**4.8 Approval of Resolution # 1444 supporting the submission of a grant application to the Office of the Governor (OOG) for the 2017 Local Border Security Program grant**

The Mission Police Department was requesting approval of a resolution in support of the submission of a grant application to the Office of the Governor (OOG) for the 2017 Local Border Security Program grant. The grant would allow the Mission Police Department to increase patrol

presence throughout the City of Mission, especially in and around the U.S./Mexican border. The increased police presence would assist in deterring crime in our community to include border crime. The total amount of the grant request was \$267,402.00. There was no cash match required from the City of Mission. Staff was requesting a favorable recommendation for the purpose of submitting the grant application.

Staff Recommendation: Staff was respectfully requesting approval of the resolution authorizing the Mission Police Department to submit a grant application to the Office of the Governor (OOG) for the 2017 Local Border Security Program grant.

City Manager recommended approval.

Councilman O'cana moved to approve Resolution No. 1444. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

### **RESOLUTION NO. 1444**

**SUPPORTING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR (OOG) FOR THE 2017 LOCAL BORDER SECURITY PROGRAM GRANT**

At 6:05 p.m. Councilman Plata rejoined the meeting.

#### **4.9 Authorization to accept the 2016 Click It or Ticket Grant from the Texas Department of Transportation**

The Mission Police Department was requesting authorization to accept the 2016 Click It or Ticket Grant from the Texas Department of Transportation. The 2016 Click It or Ticket Grant was designed to provide grant funds to increase seat belt enforcement for both adults and young children throughout our community. The grant amount of \$5,000.00 would be utilized for enforcement purposes. There was no cash match required for this particular grant program. Staff was seeking a favorable recommendation.

Staff Recommendation: Authorization to accept the 2016 Click It or Ticket Grant from the Texas Department of Transportation.

City Manager recommended approval.

Councilman O'cana moved to authorize to accept the 2016 Click It or Ticket Grant from the Texas Department of Transportation. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

#### **4.10 Approval of Resolution No. 1445 authorizing the Mission Police Department to submit an Agreement for the Temporary Closure of State Right-of-Way to the Texas Department of Transportation for the Do or Die Duathlon sponsored by Bike Masters**

The Mission Police Department was requesting approval of a resolution to submit an agreement for the Temporary Closure of State Right-of-Way to the Texas Department of Transportation for the Do or Die Duathlon sponsored by Bike Masters LLC. The agreement was required by the Texas Department of Transportation for the closure of the southbound lane (right lane) of FM 1016 commencing at the Mission Hike and Bike Trail onto Military Highway, south on Shary Road to Granjeno and continue back north to FM 1016 and end at the Mission Hike and Bike

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Trail. The Mission Police Department would be responsible for securing the route.

Staff Recommendation: Approval of Resolution.

City Manager recommended approval.

Councilwoman Ochoa moved to approve Resolution No. 1445. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

**RESOLUTION NO. 1445**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AUTHORIZING THE SUBMITTAL TO THE TEXAS DEPARTMENT OF TRANSPORTATION BY THE MISSION POLICE DEPARTMENT OF AN AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT OF WAY OF THE SOUTHBOUND LANE (RIGHT LANE) OF FM 1016 COMMENCING AT THE MISSION HIKE AND BIKE TRAIL SOUTH ONTO MILITARY HIGHWAY, CONTINUE SOUTH ON SHARY ROAD TO GRANJENO AND CONTINUE BACK NORTH TO FM 1016 AND END AT THE MISSION HIKE AND BIKE TRAIL AUTHORIZING THE ISSUANCE OF A PUBLIC PERMIT THEREFORE;

**5.0 Unfinished Business**

None

**6.0 Routine Matters**

**6.1 City Manager's Comments**

None

**6.2 Mayor's Comments**

None

Mayor Salinas asked Council to go into Executive Session.

At 6:07 p.m. Councilman O'cana moved to convene into executive session pursuant to V.T.C.A. Gov. Code Sec. 551.001 under "Consultation with Attorney" for items 7.1-A, 7.1-B, and 7.1-C of the agenda. Motion was seconded by Mayor Pro Tem Garza 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 (1)**

**A. Deliberation regarding settlement offer from First National Insurance Company in reference to Performance Bond No. 6682827 for Topcon, Inc. (City of Mission Park Improvements Project).**

**B. Deliberation regarding contemplated litigation in reference to construction design of City of Mission Improvements Project, to include Bannworth indoor pool facility.**

**C. Deliberation regarding settlement of claim in reference to Catholic Cemetery Lot 108.**

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

At 6:43 p.m. Councilman O'cana moved to reconvene in open session. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

On item 7.1-A, Councilman O'cana moved to authorize Mayor and City Manager to execute the Compromise and Settlement agreement, and related documents, regarding Performance Bond No. 6682827 for the General Contractor Topcon, Inc regarding the City of Mission Park Improvements Project, and specifically the Bannworth indoor pool facility. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

On item 7.1-B, Councilman O'cana moved to authorize City Attorney or outside designated counsel to commence legal proceedings, including third party actions and related matters, necessary to recover damages in reference to the construction design of the City of Mission Improvements Project, to include Banworth indoor pool facility. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

On item 7.1-C, Councilman O'cana moved to authorize City Manager and City Attorney to negotiate and execute all documents necessary to settle the disputed claim, without waiving immunity, in reference to Catholic Cemetery Lot 108, and within the parameters set in executive session. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

**8.0 Adjournment**

At 6:45 p.m. Councilman O'cana moved for adjournment. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary