

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
MAY 23, 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
Andrea Perez, The Monitor
Melinda Perez
Lucila Perez
Javier Flores
Armando Salas
Blanca Lopez
Melissa E. Davis
Ariel King
Sonia Teviño
Deborah Cordova
Estella Saenz
Lorenzo Garza
Reynaldo Garza
Daphne Stewart
Mario Gonzalez
Johnathan O'cana
Melissa Garcia
Francisco Garcia
Anna Laura Lopez
Perri Huntley
Kay Wolf
Tom Clinton
Nelda Martinez
Juan Lopez
Jose Salinas
Pat & Virginia Townsend
Sheila Pena
Rosalinda Bazan
Dawne Varlack
James Varlack
Tony De la Tejera

ALSO PRESENT:

Ismena Garcia
Frank King
Odite MacDonald
George Dowell
Zachary King
April Chapa
Manolo Kalate
Rachel Houpt
Adiel Garcia
Aaron Balli
Maria Guzman
Don Nava
Patricia West
Loris Bauza
Manuel Ramirez
Gerardo Lugo

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Randy Perez, Deputy City Manager
Elizabeth Hernandez, Executive Secretary
Angie Vela, Asst. Finance Director
Danny Tijerina, Planning Director
Jaime Acevedo, Asst. Planning Director
Noemi Munguia, HR Director
Robert Hinojosa, Risk Manager
Eduardo Belmarez, Purchasing Director
Roland Rodriguez, I. T. Director
Roberto Salinas, Public Works Director
Juan Pablo Terrazas, City Engineer
Jesse Lerma, Civil Service Director
Rene Lopez, Jr., Fire Chief
Gilbert Sanchez, Fire Marshal
Robert Dominguez, 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
David Gonzalez, Accountant
Charlie Longoria, Media Relations
Jesus Gonzalez, Police Officer

1. Call to order

With a quorum being present, Mayor Pro Tem Norie Gonzalez Garza called the meeting to order at 4:40 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. Proclamation – Elder Abuse Prevention Month

City Secretary Anna Carrillo read the Proclamation – Elder Abuse Prevention Month.

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

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

4. Proclamation – Mission CISD Teacher’s of the Year

City Secretary Carrillo read the Proclamation – Mission CISD Teacher’s of the Year.

Councilman Plata moved to approve the proclamation as presented. Motion was seconded by Councilman O’cana and approved unanimously 5-0.

5. Proclamation – Sharyland ISD Teacher’s of the Year

City Secretary Carrillo read the Proclamation – Sharyland ISD Teacher’s of the Year.

Councilman Plata moved to approve the proclamation as presented. Motion was seconded by Councilman O’cana and approved unanimously 5-0.

6. Recognition of Boys & Girls Club Director

Mr. Luduvico Martinez, Boys & Girls Club Director was recognized for being named Director of the Year for the Boys & Girls Club of America Southwest region.

7. Report from the Greater Mission Chamber of Commerce

Josh Stockel CEO from the Greater Mission Chamber of Commerce reported on the chamber events that had recently taken place and advised the Mayor and City Council about upcoming ribbon cuttings and events.

8. Departmental Reports

Councilman O’cana moved to approve the departmental reports as presented. Motion was seconded by Councilman Plata and approved unanimously 5-0.

9. Citizens Participation

Ofelia Pena Perez invited the Mayor and City Council to the 12th Annual Memorial Day Ceremony to be held on Monday, May 30 at 6 p.m. at the Leo Pena Plazita

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Rezoning: Lot 5, Alex Cavazos Subd., AO-I (Agricultural Open Interim) to C-3 (General Business), Ana Laura Lopez, Adoption of Ordinance # 4351 approving 1.1A**

On April 27, 2016 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The property was located along the east side of Inspiration Road 500' south of W. Mile 3 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 Plata moved to approve the rezoning and to adopt Ordinance No. 4351 Rezoning: Lot 5, Alex Cavazos Subd., AO-I (Agricultural Open Interim) to C-3 (General Business), as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

ORDINANCE NO. 4351

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING OF LOT 5, ALEX CAVAZOS SUBDIVISION, AO-I
(AGRICULTURAL OPEN INTERIM) TO C-3 (GENERAL COMMERCIAL)

- B. Rezoning: Lots 1, 2, and a portion of 3, 4, and 5, of Block 1, Del Monte Orchards Company Subd., AO-I (Agricultural Open Interim) to C-3 (General Business), Antonio Madrigal, Adoption of Ordinance # 4352 approving 1.1B**

On April 27, 2016 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The property was located at the SW corner of Schuerbach Road and Business Highway 83. 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 Plata moved to approve the rezoning and to adopt Ordinance No. 4352 Rezoning: Lots 1, 2, and a portion of 3, 4, and 5, of Block 1, Del Monte Orchards Company Subd., AO-I (Agricultural Open Interim) to C-3 (General Business), as recommended. Motion was seconded by Councilwoman Jessica Ortega-Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4352

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING OF LOTS 1, 2, AND A PORTION OF 3, 4, AND 5, OF BLOCK 1, DEL MONTE ORCHARDS COMPANY SUBDIVISION, FROM AO-I (AGRICULTURAL OPEN INTERIM) TO C-3 (GENERAL BUSINESS)

C. Rezoning: A 0.250 acres, being a part of 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 1.1C

On May 11, 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 inadequate lot size, impact of undersized lot; existing apartments are not maintained, etc. The Board unanimously recommended approval of the R-2 zone.

Staff and City Manager recommended approval.

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

Kay Wolfe of 1914 Riverbend Dr. spoke against the request and explained that she purchased her property about 10 years ago because this was a quiet and peaceful neighborhood and wanted it to remain that way. She went ahead and said that this would create more traffic, parking overflow and more children exposed to traffic risks.

Loris Bauza owner of Mission West Golf Club was concerned about tenants causing damages to the golf's green areas from walking, biking or leaving their pets unattended. She was also requiring that the applicant place a fence to protect the properties.

Applicant Ismena Garcia from 1908 Seagull Lane spoke in favor of the request and stated that she was going to place a fence behind the property. She also mentioned that she had no problem making the necessary arrangements.

Tom Clayton of 1908 Riverbend Dr. spoke against the request.

After much deliberation Mayor Salinas recommended that Council approve the request as recommended by the Planning & Zoning Board and staff.

Councilman O'cana moved to deny the Rezoning: A 0.250 acres, being a part of 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). Motion was seconded by Mayor Pro Tem Garza and denied 4-1, with Mayor Salinas voting in favor of the request.

D. Rezoning: Lot 5, Block 243, Mission Original Townsite Subd., C-3 (General Business) to R-2 (Duplex-Fourplex Residential), Javier Flores, Adoption of Ordinance # 4353 approving 1.1D

On May 11, 2016 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The property was located near the NE corner of Dunlap and W. 15th Street. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval of the R-2 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 Plata moved to approve the rezoning and to adopt Ordinance No. 4353 Rezoning: Lot 5, Block 243, Mission Original Townsite Subd., C-3 (General Business) to R-2 (Duplex-Fourplex Residential), as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4353

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING OF LOT 5, BLOCK 243, MISSION ORIGINAL TOWNSITE SUBDIVISION, FROM C-3 (GENERAL BUSINESS) TO R-2 (DUPLEX-FOURPLEX RESIDENTIAL)

E. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Lounge & Pro Shop at Meadow Creek, 1300 Circle Drive, Being 5.17 acres out of Block C1, Meadow Creek Country Club Phase IA, PUD, Circle Inspiration, LLC, c/o Loris Bauza, Adoption of Ordinance # 4354 approving 1.1E

On April 27, 2016 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The property was 500' east of Inspiration Road just off J.C. Parkway and Circle Drive. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for 1 year.

Staff and City Manager recommended approval.

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

Applicant Lori Bauza was in favor of the request.

Councilman O'cana moved to approve the cup and to adopt Ordinance No. 4354 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Lounge & Pro Shop at Meadow Creek, 1300 Circle Drive, Being 5.17 acres out of Block C1, Meadow Creek Country Club Phase IA, PUD, Circle Inspiration, LLC, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4354

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 – LOUNGE & PRO SHOP AT MEADOW CREEK, 1300 CIRCLE DRIVE, BEING 5.17 ACRES OUT OF BLOCK C1, MEADOW CREEK COUNTRY CLUB PHASE IA

- F. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – La Nahuala Restaurant, 205 N. Shary Road, Ste. D, Lot 1, South Shary Commercial Subd., C-3, La Nahuala, LLC, c/o Mario Gonzalez, Adoption of Ordinance # 4355 approving 1.1F Adoption of Ordinance # 4356 approving Wet Zone**

On April 27, 2016 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The property was located near the Northwest corner of Shary Road and 1st Street with in Lot 1 of South Shary Commercial Subdivision. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for 1 year.

Staff and 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. 4355 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – La Nahuala Restaurant, 205 N. Shary Road, Ste. D, Lot 1, South Shary Commercial Subd., C-3, as recommended. Motion was seconded by Councilman O’cana and approved unanimously 5-0.

ORDINANCE NO. 4355

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 – LA NAHUALA RESTAURANT, 205 N. SHARY ROAD, STE. D, LOT 1, SOUTH SHARY COMMERCIAL SUBDIVISION

Councilman O’cana moved to approve to adopt Ordinance No. 4356 granting a wet zone for Sale & On-Site Consumption of Alcoholic Beverages – La Nahuala Restaurant, 205 N. Shary Road, Ste. D, Lot 1, South Shary Commercial Subd., C-3, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4356

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 205 N. SHARY ROAD, STE. D, LOT 1, SOUTH SHARY COMMERCIAL SUBDIVISION

G. Conditional Use Permit: Bed & Breakfast and an Event Center, 1113 E. Mile 2 Road, A 1.01 acre tract of land out of Lot 29-10, West Addition to Sharyland, AO-I, Ariel P. King, Adoption of Ordinance # 4357 approving 1.1G

On May 11, 2016 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The property was located in the NW corner of Bryan Road and 2 Mile Road. Parking would be provided on-site and valet parking immediately to the north. 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. 4357 Conditional Use Permit: Bed & Breakfast and an Event Center, 1113 E. Mile 2 Road, A 1.01 acre tract of land out of Lot 29-10, West Addition to Sharyland, AO-I, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4357

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR A BED & BREAKFAST AND AN
EVENT CENTER, 1113 E. MILE 2 ROAD, BEING A 1.01 ACRE TRACT OF LAND OUT OF
LOT 29-10, WEST ADDITION TO SHARYLAND SUBDIVISION

H. Conditional Use Permit: Single Family Dwelling within Property Zoned Mobile Home & Modular District, 2124 Pleasant Lane, Being Lot 7 S. & Lot 7, Kings Mobile Home Park (U/R), (aka the S. ½ of a tract out of a canal right-of-way adjacent to Lot 31, Sharyland Orchards), R-4, Kathy Thibodeaux, Adoption of Ordinance # 4358 approving 1.1H

On May 11, 2016 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The subject site was located within King's Mobile Subdivision along the south side of Pleasant Lane. A new CDBG home was proposed on this property. A variance to permit the home on a 35' x 103.4' lot was also requested. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval of the CUP and variance.

Staff Recommendation: Approval of conditional use permit and variance subject to transferability to others.

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. 4358 Conditional Use Permit: Single Family Dwelling within Property Zoned Mobile Home & Modular District, 2124 Pleasant Lane, Being Lot 7 S. & Lot 7, Kings Mobile Home Park (U/R), (aka the S. ½ of a tract out of a canal right-of-way adjacent to Lot 31, Sharyland Orchards), R-4, as recommended by staff. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4358

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR A SINGLE FAMILY DWELLING
WIHTIN PROPERTY ZONED MOBILE HOME & MODULAR DISTRICT, 2124 PLEASANT
LANE, BEING LOT 7 S. & LOT 7, KINGS MOBILE HOME PARK (U/R), (AKA THE S. ½
OF A TRACT OUT OF A CANAL RIGHT-OF-WAY ADJACENT TO LOT 31, SHARYLAND
ORCHARDS)

I. Public Hearing on Substantial Amendment for Action Plan 2015-16

The Citizens Advisory Committee held a public hearing on April 12, 2016 to solicit input on a proposed substantial program and budget amendment to the Action Plan FY'15-16 as required by HUD. This Amendment consisted of the elimination of the activity funding of \$10,000 to Dentists Who Care, Inc. and reallocate funds to the Mission Crime Stoppers for their Crime Awareness Initiative that would educate the residences how to deter crime in low income neighborhoods throughout the city. No comments were received during the required thirty day comment period which ended May 9, 2016.

Staff Recommendation: Public Hearing item.

No action was taken on this item since it was only for public hearing.

J. Public Hearing for Proposed Action Plan FY'16-17

After consideration of public service agency and department requests, the Citizens Advisory Committee made their recommendations for the proposed Action Plan during their meeting held on April 12, 2016. As required by HUD, a notice for public hearing was published in the Progress Times on May 13, 2016 to announce a public hearing and thirty day comment period to solicit comments on the funding allocations for next fiscal year. The department would accept comments through the end of the comment period June 13, 2016.

Staff Recommendation: Public Hearing item.

No action was taken on this item since it was only for public hearing.

2.0 Disposition of Minutes

**2.1 City Council Regular Meeting – April 25, 2016, City Council Special Meeting –
May 03, 2016, and City Council Special Meeting– May 17, 2016**

Councilman Plata 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 Traffic Safety Committee Special Meeting –February 16, 2016**
Juvenile Justice & Delinquency Prevention Advisory Board – February 17, 2016
Mission Economic Development Corporation – March 15, 2016,
April 19, 2016, April 27, 27, 2016 and May 12, 2016
Mission Redevelopment Authority – March 22, 2016
Mission Tax Increment Reinvestment Zone – March 22, 2016
Planning & Zoning Commission – April 13, 2016 and April 27, 2016
Parks & Recreation Board Meeting – April 13, 2016
Citizen’s Advisory Committee Public Hearing / Regular Meeting
– April 12, 2016 and Special Meeting April 29, 2016
Speer Memorial Library Board – April 19, 2016

Mayor Pro Tem Garza 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 Homestead Exemption Variance: .10 acre tract of land out of the North half of Lot 30-7, West Addition to Sharyland Subd., 207 Victory Street, R-1, Benito Villalpando**

On April 27, 2016 the Planning and Zoning Commission held a Public Hearing to consider this homestead exemption variance request. The property was located along the north side of Victory Street about ¼ east of Conway Blvd. The Board unanimously recommended approval as per staff’s recommendation.

Staff Recommendation: Approval subject to compliance with Homestead Exemption Variance provisions: Affidavit, etc.

City Manager recommended approval.

Councilman Plata moved to approve the Homestead Exemption Variance: .10 acre tract of land out of the North half of Lot 30-7, West Addition to Sharyland Subd., 207 Victory Street, R-1, subject to staff’s recommendations. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

- 4.2 Homestead Exemption Variance: A tract of land of the North ½ of the North 11.08 acres lying West of the Main Canal of the United Irrigation District, Lot 31-3, West Addition to Sharyland Subd., AO-I, Raul Cantu, Jr.**

On April 27, 2016 the Planning and Zoning Commission held a Public Hearing to consider this homestead exemption variance request. The property was located along the east side of Los Ebanos Road about ¼ mile south of 3 Mile Road. The Board unanimously recommended approval as per staff’s recommendation.

Staff Recommendation: Approval subject to compliance with Homestead Exemption Variance provisions: Affidavit, etc.

Councilman O’cana moved to approve the Homestead Exemption Variance: A tract of land of the North ½ of the North 11.08 acres lying West of the Main Canal of the United Irrigation District, Lot 31-3, West Addition to Sharyland Subd., AO-I, subject to staff’s recommendations. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.3 Election of Mayor Pro-Tem

In accordance with Section 3.05 of the City Charter, the City Council, at its first meeting after election of Councilpersons, shall elect one of its numbers Mayor Pro Tem and he shall perform all the duties of the Mayor in the absence and disability of the Mayor.

Staff Recommendation: Election of Mayor Pro-Tem.

City Manager recommended approval.

Mayor Salinas was recommending the appointment of Councilwoman Garza as Mayor Pro-Tem.

Councilman Plata moved to elect Councilwoman Garza as Mayor Pro-Tem. Motion was seconded by Mayor Salinas and approved unanimously 5-0.

4.4 Authorization to accept the 2016 Impact Grant from the Texas State Library and Archives Commission

Staff was seeking approval to accept competitive grant in the amount of \$9,895. Items purchased with grant funds would consist of a Peek-a-Book system valued at \$2,895 and \$7,000 worth of books.

Staff Recommendation: Authorization to accept the 2016 Impact Grant from the Texas State Library and Archives Commission.

City Manager recommended approval.

Councilman O’cana moved to authorize to accept the 2016 Impact Grant from the Texas State Library and Archives Commission, as recommended by staff. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.5 Authorization to surplus vehicles and authorize Mayor Salinas to donate them to Mission Sister Cities

The Public Works Department had the following vehicles that were no longer of service for the City of Mission’s operations:

1998	Ford F-150 Truck	1FTZF1760WKC15901
2001	Ford Taurus SE	1FAFPS3V11G202474
2004	Chevy Truck	1GCEC14V942235507
1998	International Dump Truck	1HTSCAAM5XH607078
	Ford F-250 Truck	TNW120133EA01032
2004	Chevy Truck	1GCEC14V94Z233143

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Staff Recommendation: Authorization to surplus vehicles and authorize Mayor Salinas to donate them to the various Sister Cities that would be interested in them

City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to surplus vehicles and authorize Mayor Salinas to donate them to Mission Sister Cities, as recommended by staff. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

4.6 Authorization to accept donation of firefighter gear from the City of Weslaco and to donate to San Fernando, Tamaulipas

The City of Weslaco Fire Department had donated miscellaneous firefighter gear to the City of Mission's Sister City Program. The gear included: boots, pants, coats, gloves, coat liners, ear flaps for helmets, rain coats, etc.

Staff Recommendation: Authorization to accept donation and to donate to the City of San Fernando, Tamaulipas.

City Manager recommended approval.

Ms. Cardoza, President of the Volunteer Program of the San Fernando, Tamaulipas Fire Dept. and Fire Chief Martin Sanchez thanked Mayor Salinas and the Council for all of their support.

Councilman O'cana moved to authorize to accept donation of firefighter gear from the City of Weslaco and to donate to San Fernando, Tamaulipas, as recommended by staff. Motion was seconded by Councilman Plata and approved unanimously 5-0.

At 6:03 p.m., Councilwoman Ochoa stepped out of the meeting.

4.7 Authorization to declare item as surplus for disposal

Accountant David Gonzalez presented this item.

Staff was seeking approval to declare an item as surplus. This item was not in working condition and had been replaced. It was of no use to the department. The MEDC Board authorized staff to declare the item as surplus for disposal at their meeting of May 17, 2015.

Staff Recommendation: Approval to declare the item as surplus for disposal.

City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to declare item as surplus for disposal, as recommended by staff. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.8 Approval of Resolution # 1454 of the City of Mission, Texas finding that AEP Texas Central Company’s application for approval of a distribution cost recovery factor to increase distribution rates within the city should be denied; finding that the city’s reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the company and legal counsel

On April 6, 2016, AEP Texas Central Company (“TCC”) filed an Application for Approval of a Distribution Cost Recover Factor (“DCRF”) to Increase Distribution Rates with each of the cities in their service area. In the filing, the Company asserted that it was seeking an increase in distribution revenues of \$54,012,978.

This resolution authorized the City to join with the Cities Served by AEP TCC (“Steering Committee”) to include the retaining of law firm of Lloyd Gosselink and consultants, to evaluate the filing, determine whether the filing complied with law, and if lawful, to determine what further strategy, including settlement, to pursue.

Staff Recommendation: Approval of Resolution.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Resolution No. 1454, as recommended by staff. Motion was seconded by Councilman Plata and approved unanimously 4-0.

RESOLUTION NO. 1454

A RESOLUTION OF THE CITY OF MISSION, TEXAS FINDING THAT AEP TEXAS CENTRAL COMPANY’S APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY’S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

At 6:05 p.m., Councilwoman Ochoa rejoined the meeting.

4.9 Approval of Ordinance # 4359 denying the proposed Change in rates of Sharyland Utilities, L.P., finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law, and declaring an effective date of this Ordinance

This Ordinance denied the proposed change in rates of Sharyland Utilities, L.P. the City received a Rate Filing Package and Statement of Intent to Change Rates of Sharyland Utilities, L.P. (“Sharyland”) with a proposed effective date of June 3, 2016. This Ordinance authorized the City to deny Sharyland’s proposed rate increase and further authorized the City to retain legal counsel and consulting services.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve Ordinance No. 4359 denying the proposed Change in rates of Sharyland Utilities, L.P., finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law, and declaring an effective date of this Ordinance, as recommended by staff. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4359

AN ORDINANCE DENYING THE PROPOSED CHANGE IN RATES OF SHARYLAND UTILITIES, L.P., FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW, AND DECLARING AN EFFECTIVE DATE OF THIS ORDINANCE

4.10 Approval of Resolution # 1455 of the City Of Mission, authorizing review of Texas Gas Service Company's ("TGS") Cost Of Service Adjustment ("COSA"); approving of a joint review of TGS' application along with other cities served by TGS; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; requiring TGS to reimburse all reasonable costs associated with cities' efforts in this ratemaking effort; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the company and legal counsel

The Lower Rio Grande Valley Development Council (LRGVDC) had approached the City about participating in a Valley Cities Gas Coalition (VCGC) to address a 2016 Cost of Service Adjustment Tariff (COSA) filing by the Texas Gas Service Company (TGSC). The TGS filing seeks to increase natural gas rates to all customers residing in the City

The Coalition would conduct a review of the Company's application and would hire and direct legal counsel and consultants to prepare a response and to negotiate with TGSC and direct any necessary litigation. It was noted that a settlement agreement between the City and TGSC dated August 14, 2009 provided that costs incurred by cities associated with this proceeding were to be reimbursed by the Company.

Staff Recommendation: Approval of Resolution of the City of Mission, Texas Authorizing Review of Texas Gas Service Company's ("TGS") Cost of Service Adjustment ("COSA") Tariff.

City Manager recommended approval.

Councilman O'cana moved to approve Resolution No. 1455, as recommended by staff. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

RESOLUTION NO. 1455

RESOLUTION OF THE CITY OF MISSION, AUTHORIZING REVIEW OF TEXAS GAS SERVICE COMPANY'S ("TGS") COST OF SERVICE ADJUSTMENT ("COSA"); APPROVING OF A JOINT REVIEW OF TGS' APPLICATION ALONG WITH OTHER CITIES SERVED BY TGS; HIRING LEGAL AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING TGS TO REIMBURSE ALL REASONABLE COSTS ASSOCIATED WITH CITIES' EFFORTS IN THIS RATEMAKING EFFORT; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

4.11 Authorization to accept 2015 Homeland Security Grant Program funds from the Office of the Governor, Grant #2967701

The City of Mission Police Department was requesting authorization to accept grant funds from the Office of the Governor – Homeland Security Grant Program for the purchase of SWAT tactical equipment. The Mission Police Department was awarded \$27,000.00 dollars which would be used to purchase twelve (12) tactical helmets, twelve (12) headset communication devices and two (2) ballistic shields. These items would be utilized by our SWAT team members and other first responders during critical incidents. The total cost would be \$34,067.20 dollars of which \$7,067.20 would be paid with drug forfeiture funds. Staff was requesting authorization to accept the aforementioned grant funds.

Staff Recommendation: Staff was respectfully requesting authorization to accept the grant funds.

City Manager recommended approval.

Councilman O'cana moved to authorize to accept 2015 Homeland Security Grant Program funds from the Office of the Governor, Grant #2967701, as recommended by staff. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.12 Authorization to solicit bids for the construction of a restroom facility at the Arnulfo "Tatan" Rodriguez, Jr. Park

Staff was seeking authorization to solicit bids for the construction of bathroom / changing room facility at the Arnulfo "Tatan" Rodriguez, Jr. Park.

Staff Recommendation: Authorization to solicit bids.

City Manager recommended approval.

Councilman O'cana moved to authorize to solicit bids for the construction of a restroom facility at the Arnulfo "Tatan" Rodriguez, Jr. Park, as recommended by staff. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.13 Authorize staff to contract with third parties through the bidding process for the purpose of cutting and removing all weeds, trash and brush from all City properties, easements and rights of way and any other properties over which the City has dominion and control, and otherwise maintaining same in a neat and clean condition

Staff was seeking authorization to solicit bids for mowing and litter / debris removal on City Right of Ways. Services would include all supervision, labor materials, supplies, tools and equipment necessary for the cleaning and clearing, loading and disposal of all trash, debris, rubbish, organic debris, municipal solid waste, special waste and tires. The contractor would mow all grasses, weeds, and underbrush.

Staff Recommendation: Authorization to solicit for bids.

City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize staff to contract with third parties through the bidding process for the purpose of cutting and removing all weeds, trash and brush from all City properties, easements and rights of way and any other properties over which the City has dominion and control, and otherwise maintaining same in a neat and clean condition, as recommended by staff. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.14 Authorization to Solicit Bids for the overlay of various streets throughout the City of Mission

Staff was seeking authorization to solicit bids for the overlay of various streets throughout the City of Mission. The services were required by the Streets Department in order to improve various streets that were in need of repair. Locations include: 1. Los Ebanos Rd. (FM 495 to Mile 2 Rd.); 2. Stewart Rd. (US 83 to BUS 83); 3. Stewart Rd. (FM 495 to Mile 2 Rd.); 4. E. 28th St. (Shary Rd. to Taylor Rd.)

Staff Recommendation: Authorization to Solicit for Bids

City Manager recommended approval.

Councilman O'cana moved to authorize to solicit bids for the overlay of various streets throughout the City of Mission, as recommended by staff. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.15 Authorization to solicit bids for St. Claire Road Widening Improvements

St. Claire Road widening improvements would be constructed 700 LF East from Business Park Drive to match existing roadway width. New widening would improve traffic flow from Business Park Drive to Anzalduas Highway (FM 396). Approximate cost of construction was \$72,000.

Staff Recommendation: Authorization to Solicit for Bids.

City Manager recommended approval.

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Mayor Pro Tem Garza moved to authorize to solicit bids for St. Claire Road Widening Improvements, as recommended by staff. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.16 Approval of Substantial Amendment for Action Plan 2015-16

A public hearing was held earlier today to solicit input on this proposed substantial program and budget amendment to the Action Plan FY'15-16. As stated, this Amendment eliminates funding to Dentists Who Care, Inc. and allocates \$10,000 to the Mission Crime Stoppers for their Crime Awareness Initiative.

Staff Recommendation: Approval of Substantial Amendment for Action Plan 2015-16

City Manager recommended approval.

Councilman O'cana moved to approve of Substantial Amendment for Action Plan 2015-16, as recommended by staff. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.17 Tax Collections Report – April, 2016

Assistant Finance Director Angie Vela presented the Tax Collections Report for April, 2016 for approval.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve the Tax Collections Report for April, 2016 as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.18 April 2016 Financial Statements

Assistant Finance Director Vela presented the April, 2016 Financial Statements for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the April 2016 Financial Statements, as presented. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.19 Budget Amendments: General Fund, Designated Purpose Fund and MEDC

Assistant Finance Director Vela presented the budget amendments BA-16-37 thru BA-16-40- to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to approve budget amendments BA-16-37 thru BA-16-40, as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

4.20 Authorization to solicit competitive proposals for Mission Event Center

Staff was seeking authorization to solicit proposals for the construction of a municipal event center and all applicable utility infrastructure. The multi-purpose event center would offer sufficient floor area to accommodate several hundred attendees for large venue events, while also having the capability to offer several meeting rooms for smaller events.

The municipal event center would serve as a resource to the residents, while attracting new visitors and businesses to the City of Mission. This new activity was expected to have a significant economic impact to the City.

The City of Mission was currently in the process of securing financing and was in negotiations to acquire the necessary land. All prospective proposals would be subject to the City obtaining the required financing and land for the project.

Staff Recommendation: Authorization staff to solicit for competitive proposals.

Councilman O'cana moved to authorize to solicit competitive proposals for Mission Event Center, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

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 pursuant to V.T.C.A. Gov. Code Sec. 551.001 under "Consultation with Attorney".

At 6:17 p.m., Councilman O'cana moved to convene into executive session. Motion was seconded by Councilman Plata 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

A. Discussion regarding lawsuit Highmark Construction Co., LLC v. City of Mission (C-1752-16-F).

7.2 Deliberations about Real Property Sec. 551.072

- A. Discussion regarding possible acquisition of a .034 acre tract of land out of Lot 1, L. Rice Subdivision, an addition to the City of Mission, Hidalgo County, Texas, according to map or plat recorded in Volume 27, Page 186B, Map Records of Hidalgo County Texas, for the purpose of a 10' utility easement.**
- B. Discussion regarding possible acquisition, and subsequent conveyance under TLGC §272.001(l) to United Irrigation District, of a .07 acre tract of land out of Lot 29-1, West Addition to Sharyland Subdivision according to map or plat recorded in Volume 1, Page 6, Map Records of Hidalgo County Texas, for the public purpose of completion of Inspiration Road expansion.**
- C. Discussion regarding possible conveyance under TLGC §272.001(l) to United Irrigation District, of a .16 acre tract of land out of Lot 29-1, West Addition to Sharyland Subdivision according to map or plat recorded in Volume 1, Page 6, Map Records of Hidalgo County Texas, for the public purpose of completion of Inspiration Road expansion.**

7.3 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 Councilman Plata and approved unanimously 5-0.

On item 7.1-A, Councilman Plata moved to authorize City Manager and City Attorney to negotiate and retain outside legal counsel for the purpose of representing the City with regards to all issues, including all actions necessary to properly represent the City in lawsuit captioned Highmark Construction Co., LLC v. City of Mission (C-1752-16-F). Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

On item 7.2-A, Councilman Plata moved to authorize Mayor and City Manager to negotiate and execute any and all documents necessary to effectuate the acquisition of a .034 acre tract of land out of Lot 1, L. Rice Subdivision, an addition to the City of Mission, Hidalgo County, Texas, according to map or plat recorded in Volume 27, Page 186B, Map Records of Hidalgo County Texas, for the purpose of a 10' utility easement. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

On item 7.2-B, Councilman Plata moved to authorize Mayor and City Manager to negotiate and execute any and all documents necessary to effectuate the acquisition and conveyance pursuant to TLGC §272.001(l) to United Irrigation District, of a .07 acre tract of land out of Lot 29-1, West Addition to Sharyland Subdivision according to map or plat recorded in Volume 1, Page 6, Map Records of Hidalgo County Texas, for the public purpose of completion of Inspiration Road expansion. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

On item 7.2-C, Mayor Pro Tem Garza moved to authorize Mayor and City Manager to negotiate and execute any and all documents necessary to convey to United Irrigation District, pursuant to TLGC §272.001(l), a .16 acre tract of land out of Lot 29-1, West Addition to Sharyland Subdivision according to map or plat recorded in Volume 1, Page 6, Map Records of Hidalgo County Texas, for the public purpose of completion of Inspiration Road expansion. Motion was seconded by Councilman Plata and approved unanimously 5-0.

8.0 Adjournment

At 6:46 p.m., Councilman O'cana moved for adjournment. Motion was seconded by Councilwoman Plata and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary