

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
SEPTEMBER 28, 2015 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:

Beth Barnes
Mario E. Cepeda
Veronica Belmontes
Uriel Ramirez
Gerardo Hinojosa
Maxilou Link
Mary Vasquez
David Gonzalez
Joe Salazar
Jared Rodriguez
Anna Casanova
Henry Aguilar

STAFF PRESENT:

Carmen Morales, Administrative Asst.
Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Randy Perez, Deputy City Manager
Danny Tijerina, Planning Director
Roberto Salinas, Public Works Director
Mario Flores, Golf Director
Joanne Longoria, CDBG Director
Rene Lopez, Fire Chief
Gilbert Sanchez, Fire Marshal
Eduardo Belmarez, Purchasing Director
Robert Dominguez, Chief of Police
Joel Laralde, Asst. Chief of Police
Angie Vela, Asst. Finance Director
Noemi Munguia, HR Director
Robert Hinojosa, Risk Management Director
Jesse Lerma, Civil Service Director
Roland Rodriguez, I. T. Director
Mayra Rocha, Library Director
Jonathan Wehrmeister, Judge
Elizabeth Hernandez, Executive Secretary
Brad Bentsen, Parks & Recreation Director
Cesar Gutierrez, Sanitation Director
Pat Martinez, Planning Department

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:39 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. Presentation of Certificate of Achievement to Finance Department

City Manager Garza advised Mayor Salinas and City Council that the City of Mission Finance Department had received the Certificate of Achievement for excellence in financial reporting by the Government Finance Officers Association in the United States and Canada for the 14th consecutive year.

4. Report from the Greater Mission Chamber of Commerce

George Meyers, CEO from the Greater Mission Chamber of Commerce reported on the chamber events that had recently taken place. He also advised Mayor and Council on upcoming events.

5. Departmental Reports

Mayor Pro Tem Norie Gonzalez Garza moved to approve the departmental reports as presented. Motion was seconded by Councilwoman Jessica Ortega-Ochoa and approved unanimously 5-0.

6. Citizens Participation

Gilbert Sanchez, Fire Marshall invited the Mayor and Council to the 4th Annual Open House to be held on Monday, October 5 at 6 p.m. at the Central Fire Station.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Conditional Use Permit: To Construct a New Home in an R-4 Zone, 1404 E. Business Highway 83, Being 5.84 acres out of Lot 20-12, West Addition to Sharyland Subdivision, R-4, Ricardo Fuentes, Adoption of Ordinance # 4277 approving 1.1A**

On September 9, 2015 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The property was located approximately 700' west of Stewart Road on the south side of Business 83. 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.

Eduardo Vasquez was in favor of the request.

Councilman Ruben Plata moved to approve the cup and to adopt Ordinance No 4277 Conditional Use Permit: To Construct a New Home in an R-4 Zone, 1404 E. Business Highway 83, Being 5.84 acres out of Lot 20-12, West Addition to Sharyland Subdivision, R-4, for life of use as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4277

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT TO CONSTRUCT A NEW HOME IN AN R-4
ZONE, 1404 E. BUSINESS HIGHWAY 83, BEING 5.84 ACRES OUT OF LOT 20-12, WEST
ADDITION TO SHARYLAND SUBDIVISION

**B. Conditional Use Permit: To Have a Drive-Thru Service Window for Kali's
Tortilla Factory & Bakery, 600 N. Shary Road, Lot 1, Esdras Vega Subdivision,
C-3, Elena C. Cepeda,
Adoption of Ordinance # 4278 approving 1.1B**

On September 9, 2015 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. 6th 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

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 4278 Conditional Use Permit: To Have a Drive-Thru Service Window for Kali's Tortilla Factory & Bakery, 600 N. Shary Road, Lot 1, Esdras Vega Subdivision, C-3, for 1 year as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4278

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT TO HAVE A DRIVE-THRU SERVICE
WINDOW FOR KALI'S TORTILLA FACTORY & BAKERY, 600 N. SHARY ROAD, LOT 1,
ESDRAS VEGA SUBDIVISION

2.0 Disposition of Minutes

2.1 City Council Meeting – September 14, 2015

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

3.0 Acknowledge Receipt of Minutes

3.1 Planning and Zoning Commission – August 26, 2015

Shary Golf Advisory Board – August 11, 2015

Speer Memorial Library Board – August 18, 2015

Parks & Recreation Board – August 12, 2015

Mission Economic Development Corporation – August 18, 2015

Mission Economic Development Authority – April 21, 2015

Mission Historical Museum – August 17, 2015 and Special Meeting August 25, 2015

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

4.0 Approvals and Authorizations

4.1 Preliminary Plat Approval: J & K Motors Subdivision, Being a 1.46 acre tract of land out of Lot 35-7, West Addition to Sharyland Subdivision, Suburban ETJ, Developer: Jesus A. Molina, Engineer: Urban Infrastructure Group, Inc.

On September 23, 2015 the Planning and Zoning Commission convened and approved the Preliminary and Final Plat for J & K Motors Subdivision. This 1 lot plat was located approximately ¼ mile south of Mile 4 along the east side of Conway Blvd. The P&Z board unanimously recommended approval as per Staff’s recommendation subject to approving the variance to not connect to the City’s sewer system.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Preliminary Plat Approval: J & K Motors Subdivision, Being a 1.46 acre tract of land out of Lot 35-7, West Addition to Sharyland Subdivision, Suburban ETJ as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.2 Tax Collections Report – August, 2015

Angie Vela, Asst. Finance Director presented the Tax Collections Report for August, 2015 for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the Tax Collections Report for August, 2015 as recommended. Motion was seconded by Councilman Dr. Armando O’caña and approved unanimously 5-0.

4.3 August 2015 Financial Statements

Ms. Vela presented the August 2015 Financial Statements for approval.

Staff and City Manager recommended approval.

Councilman O’cana moved to approve the August 2015 Financial Statements as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.4 Authorization to Execute Second Year Renewal Service Disposal Agreement with Allied Waste

On September 30, 2014, the City of Mission entered into a contract with Allied Waste in reference to waste disposal services. The contract terms were for 7 years, having a 0% increase in Disposal fee rates on the second year agreement; based on Section II-A “Rates for Disposal” out of the Waste Disposal Agreement Document Executed February 3, 2014 between Allied Waste and the City of Mission. Staff was seeking authorization to extend contract for the second year agreement with Allied Waste. This Service Disposal Agreement would be extended from October 1, 2015 to September 30, 2016.

Staff and City Manager recommended approval.

Councilman O’cana moved to approve authorization to Execute Second Year Renewal Service Disposal Agreement with Allied Waste as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.5 Authorization to award bid for Water Line materials for the Inspiration Rd water line relocation project

On August 24, 2015, City Council authorized staff to solicit bids for Water Line materials for Inspiration Rd. as part of the Mile 2N project incidental Construction. Mile 2 N. storm pipe would Conflict with Existing Waterline, therefore, relocation would be needed to proceed with project construction. The City of Mission had accepted and opened three (3) bid responses for this material. Staff recommended awarding Bid to HD Supply Waterworks, who was the lowest responsible bidder meeting all specifications.

Staff Recommendation: Award Bid to HD Supply Waterworks for Water Line Materials.

City Manager recommended approval.

Councilman O’cana moved to award bid to HD Supply Waterworks for water line materials for the Inspiration Rd water line relocation project as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.6 Authorization to allow Tri-County Communications to Repair police/fire radio equipment via Buyboard contract 432-13/433-13

The City of Mission Police Department was requesting authorization to allow Tri-County Communications to repair police/fire radio equipment via Buyboard contract 432-13/433-13. On Friday, September 11, 2015 the Mission Police Departments’ radio tower was struck by lightning. Based on the lightning strike, a number of radio components were damaged and the radio system went into backup mode. Tri-County Communications provided Mission PD with a spare combiner to bring the radio system to full operational mode. There were a number of radio components that needed to be repaired in order to maintain our radio system. The total price for repairs would be \$21,538.10. Federal Drug Forfeiture funds would be utilized to pay for the repairs up front. An insurance claim would be filed with Texas Municipal League, our insurance carrier to recover some of the loss. Staff respectfully requested authorization to allow Tri-County Communications to repair our radio equipment via the aforementioned Buyboard contract.

Staff Recommendation: Authorize Tri-County Communications to repair the police/fire radio equipment via Buyboard contract 432-13/433-13.

City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize Tri-County Communications to repair the police/fire radio equipment via Buyboard contract 432-13/433-13 as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

4.7 Approval of Resolution # 1412 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 BIG BEN 10 Mile Run

The Mission Police Department was requesting approval of a resolution for the purpose of submitting an Agreement for the Temporary Closure of State Right-of-Way to the Texas Department of Transportation for the BIG BEN 10 Mile Run to be held on Sunday, October 25, 2015. The City of Mission prides itself on striving to create and maintain a healthy community for all of its citizens. Through partnerships with physical projects, such as the BIG BEN 10, Mission encourages citizens to become active, motivates them to train and hopes to instill in them the desire to continue their pursuit of physical fitness and healthy lifestyle. The City of Mission supports the BIG BEN 10 for the positive influence it provided on the overall health and well-being of its citizens and the City continued its mission to create a stronger and healthier Mission. The closure would commence on State Highway 107 from 16th Street to 2 mile line, proceeding east on 2 Mile line Road to Sharyland Road, southbound on Sharyland Road to U.S. Business Highway 83, west on U.S. Business Highway 83 to the 700 block of west U.S. Business Highway 83, between the hours of 7:00 a/m to 12:00 p/m. The agreement was required by the Texas Department of Transportation for the temporary closure. The Mission Police Department would be responsible for securing the BIG BEN 10 Mile Run route to ensure the safety of both motorists and pedestrians alike.

Staff Recommendation: Staff was respectfully requesting approval of resolution. 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 BIG BEN 10 Mile Run.

City Manager recommended approval of resolution.

Mayor Pro Tem Garza moved to approve Resolution No. 1412 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 BIG BEN 10 Mile Run as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

RESOLUTION NO. 1412

A RESOLUTION OF THE MISSION CITY COUNCIL AMENDING RESOLUTION No. 1382 AMENDING THE PUBLIC FUNDS INVESTMENT POLICY AND STRATEGY
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 TEXAS STATE HIGHWAY 107 ON THE NORTHBOUND LANE OF TRAVEL (OUTER LANE) BETWEEN 16TH STREET AND 2 MILE ROAD. THE EASTBOUND LANE OF TRAVEL (OUTER LANE) OF 2 MILE ROAD BETWEEN STATE HIGHWAY 107 AND SHARYLAND ROAD. THE SOUTHBOUND LANE TRAVEL (OUTER LANE) OF SHARYLAND ROAD BETWEEN 2 MILE ROAD AND U.S. BUSINESS HIGHWAY 83. THE WESTBOUND LANE OF TRAVEL (RIGHT LANE) OF THE 2400 BLOCK OF EAST U.S. BUSINESS HIGHWAY 83 TO THE 100 BLOCK OF EAST U.S. HIGHWAY 83. IN ADDITION, THE CLOSURE OF THE WESTBOUND LANE OF TRAVEL (RIGHT LANE) OF THE 100 BLOCK OF WEST U.S. BUSINESS HIGHWAY 83 TO THE 700 BLOCK OF WEST U.S. BUSINESS HIGHWAY 83 FOR THE BIG BEN 10 MILE RUN AND AUTHORIZING THE ISSUANCE OF A PUBLIC PERMIT THEREFORE.

4.8 Consider and approve Ordinance # 4279 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 Bonds, Series 2015*"; providing for the payment of the bonds from a second and subordinate lien on and pledge of the net revenues of the City's waterworks and sewer system; approving an application to, and the lending rate scale offered by, the Texas Water Development Board under its Clean Water State Revolving Fund program; resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of the bonds; approving and authorizing all other instruments an procedures related thereto; and providing for an immediate effective date

The action required in this item was the approval of the mentioned above caption order to authorize the sale of bonds.

The bond proceeds would be used for the construction of the City's Waste Water Treatment Plant Expansion Project from 9 MGD's to 13.5 MGD's.

Bob Henderson from RBC Capital markets financial advisor would be present to give the final analysis of the bond financing that was proposed. Jesus Ramirez, attorney with Ramirez and Guerrero, LLP bond counsel to the City would also be present.

Staff and City Manager recommended approval of ordinance.

Councilwoman Ochoa moved to approve Ordinance No. 4279 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 Bonds, Series 2015*"; providing for the payment of the bonds from a second and subordinate lien on and pledge of the net revenues of the City's waterworks and sewer system; approving an application to, and the lending rate scale offered by, the Texas Water Development Board under its Clean Water State Revolving Fund program; resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of the bonds; approving and authorizing all other instruments an procedures related

thereto; and providing for an immediate effective date. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 4279

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 BONDS, SERIES 2015"; PROVIDING FOR THE PAYMENT OF THE BONDS FROM A SECOND AND SUBORDINATE LIEN ON AND PLEDGE OF THE NET REVENUES OF THE CITY'S WATERWORKS AND SEWER SYSTEM; APPROVING AN APPLICATION TO, AND THE LENDING RATE SCALE OFFERED BY, THE TEXAS WATER DEVELOPMENT BOARD UNDER ITS CLEAN WATER STATE REVOLVING FUND PROGRAM; RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF THE BONDS;; APPROVING AND AUTHORIZING ALL OTHER INSTRUMENTS AND PROCEDURES RELATED THERETO; AND PROVIDING FOR AN IMMEDIATE

4.9 Award Bid for “Housing Assistance Program – Phase 14-II”

On July 13, 2015 City Council authorized staff to solicit bids for three (3) reconstruction projects and one (1) rehabilitation project. The City of Mission had accepted and opened three (3) bid responses for these four (4) homes. However, only one title of the pending two homes had been cleared. At this time, staff recommended to award to A One Insulation for the rehabilitation of the following home:

304 Leo Najo Street - \$22,500

A One Insulation had met all the Terms & Conditions and Specifications and came within budget. CAC met on August 18, 2015 and approved staff's recommendation for this home.

The City had been utilizing 75% of the annual CDBG allocation for several years for housing projects. Since 1999, a total of 407 families to date had been provided some form of housing assistance. Out of the 407 families, 239 families received reconstruction assistance while 168 families received rehabilitation assistance (including CDBG-R, CDBG-DR and SSBG funds).

Staff Recommendation: Award Bid to A One Insulation.

City Manager recommended approval.

Mayor Pro Tem Garza moved to award bid to A One Insulation for the “Housing Assistance Program – Phase 14-II” as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

City Attorney Abiel Flores advised the Council to discuss items 4.10, 4.11 and 4.12 of the agenda during Executive Session under the “Consultation with Attorney” exception before considering this item in open session.

Mayor Salinas continued to item 5.1 of the agenda.

4.10 Approve change order for A-One Insulation for Housing Assistance at 604 Leal Street (City Attorney may ask City Council to go into executive session on this item under the “Consultation with Attorney” exception before considering this matter in open session)

On August 11, 2014 City Council awarded the bid for rehabilitation improvements at 604 Leal Street to A-One Insulation. Contracts were executed and notice to proceed was issued on October 29, 2014. In the month of November, construction was underway when heavy downpours caused leaks affecting the interior of the home. The contractor assumed responsibility for the damages but the homeowner disagreed with the method of remediation. During the next several months, efforts were made to resolve the issue and continue the construction. However, the applicant obtained volunteer assistance to address a portion of the work included in the contract. After numerous meetings with the homeowner, contractor, City Attorneys and staff, on September 14, 2015 the homeowner agreed to continue with the construction.

This was a request to approve a change order minimizing the scope of work to reduce the contract amount from \$24,800 to \$18,500 due to items addressed by the homeowner.

Staff Recommendation: Approve change order for A-One Insulation for Housing Assistance at 604 Leal Street

City Manager recommended approval.

Councilman Plata moved to approve a change order, reflecting a reduction in the scope of work and project costs, for A-One Insulation regarding Housing Assistance at 604 Leal Street. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

4.11 Approval of Ordinance # 4280 Amending purchasing policies by implementing an Appeal Process (City Attorney may ask City Council to go into executive session on this item under the “Consultation with Attorney” exception before considering this matter in open session)

On September 14, 2015 the City Council authorized the City Manager to develop an appeal process for all bidding contracts for the purpose of allowing the lowest bidder deemed to have been non-responsive and/or not responsible during the procurement process, with the opportunity to appeal to the City Council.

The provided Ordinance outlined the procedures for the appeal process.

Staff Recommendation: Approval of Ordinance

City Manager recommended approval.

Councilman Plata moved to amend the City’s purchasing policies, by implementing an appeal process, as developed by the city manager, for the purpose of allowing the lowest bidder deemed to have been non-responsive and/or not responsible during the procurement process, the opportunity to appeal to the city council. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

ORDINANCE NO. 4280

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AMENDING THE PURCHASING POLICIES, BY IMPLEMENTING AN APPEAL PROCESS, AS DEVELOPED BY THE CITY MANAGER, FOR THE PURPOSE OF ALLOWING THE LOWEST BIDDER DEEMED TO HAVE BEEN NON-RESPONSIVE AND/OR NOT RESPONSIBLE DURING THE PROCUREMENT PROCESS, THE OPPORTUNITY TO APPEAL TO THE CITY COUNCIL;

4.12 Approval of Resolution# 1413 Authorizing the City Manager and City Attorney the use of eminent domain, to include condemnation proceedings, to acquire a 15-foot utility easement through the following real properties: .110 of one acre (4,799.97 sq. ft.) situated in the City of Mission, being part or portion of LOT 10-6 West Addition to Sharyland Subdivision; .107 of one acre (4,650 sq. ft.) situated in the City of Mission, being part or portion of LOT 10-2 West Addition to Sharyland Subdivision; .140 of one acre (6,086.85 sq. ft.) situated in the City of Mission, being part or portion of LOT 10-4 West Addition to Sharyland Subdivision; .099 of one acre (4,306.65 sq. ft.) situated in the City of Mission, being part or portion of LOT 10-5 West Addition to Sharyland Subdivision (City Attorney may ask City Council to go into executive session on this item under the “Consultation with Attorney” exception before considering this matter in open session)

Condemnation proceedings on the properties were to acquire a 15-foot utility easement for the completion of a water distribution system which would allow the connection of an existing 16 inch waterline on Conway Blvd. to an existing 12-inch waterline on Inspiration Road.

Staff and City Manager recommended approval of resolution.

Councilwoman Ochoa moved to approve a resolution determining the public necessity for and authorizing the city manager, city attorney and any designee, the use of eminent domain, including appointing an appraiser and negotiator; determining just compensation; and instituting condemnation proceedings, to acquire for completion a utility line water distribution system for public use, a 15-foot utility easement through the following real properties:

1. .110 of one acre tract (4,799.97 sq. ft.) in Mission being a part of Lot 10-6, West Addition to Sharyland Subdivision,
2. .107 of one acre (4,650 sq. ft.) situated in the City of Mission, being part or portion of LOT 10-2 West Addition to Sharyland Subdivision,
3. .140 of one acre (6,086.85 sq. ft.) situated in the City of Mission, being part or portion of LOT 10-4 West Addition to Sharyland Subdivision,
4. .099 of one acre (4,306.65 sq. ft.) situated in the City of Mission, being part or portion of LOT 10-5 West Addition to Sharyland Subdivision

Motion was seconded by Councilman Plata and approved unanimously 4-0, and said vote being a Record Vote for all referenced properties.

RESOLUTION NO. 1413

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS DETERMINING THE PUBLIC NECESSITY FOR AND AUTHORIZING THE CITY MANAGER, CITY ATTORNEY AND ANY DESIGNEE, THE USE OF EMINENT DOMAIN, INCLUDING APPOINTING AN APPRAISER AND NEGOTIATOR; DETERMINING JUST COMPENSATION; AND INSTITUTING CONDEMNATION PROCEEDINGS, TO ACQUIRE FOR COMPLETION OF A UTILITY LINE WATER DISTRIBUTION SYSTEM FOR PUBLIC USE, A 15-FOOT UTILITY EASEMENT THROUGH THE FOLLOWING REAL PROPERTIES:

5.0 Unfinished Business

Public Hearing

**5.1 Conditional Use Permit: To Place Valeria's Tacos Mobile 191 Food Unit, 1801 W. Griffin Parkway, Ste. C, Lot 15, Southern Oaks Subdivision Ph. I, C-3, Mario Eden Cepeda,
Adoption of Ordinance # _____ approving 5.1**

At 5:07 p.m., Councilman O'cana moved to approve to remove from table this item of the agenda. Motion was seconded by Councilman Plata and approved unanimously 5-0.

On August 26, 2015 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The subject site was located at the SW corner of Inspiration Road and W. Griffin Parkway (F.M. 495). 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.

Veronica Del Monte from 1806 West Street was in favor of request.

Eduardo Vasquez was in favor of request.

After deliberation from the Council, Mayor Salinas recommended to deny this item.

Mayor Pro Tem Garza recommended that if for some reason within the next 6 months things change, the applicant of the Mobile Food Unit was allowed to reapply and the City of Mission not to charge the applicant the application fee.

Councilman Plata moved to deny Conditional Use Permit: To Place Valeria's Tacos Mobile 191 Food Unit, 1801 W. Griffin Parkway, Ste. C, Lot 15, Southern Oaks Subdivision Ph. I, C-3. Motion was seconded by Mayor Pro Tem Garza and denied 4-1 with Councilman O'cana against.

6.0 Routine Matters

6.1 City Manager's Comments

City Manager Garza advised the council that the Texas Department of Public Safety had expressed their thanks on the improvements made to the Old Central Fire Station where currently there were 2 Sgts. and 20 troopers stationed.

6.2 Mayor's Comments

Mayor Salinas expressed his gratitude to the Texas Department of Public Safety's decision to have an office in Mission which was great asset to the community's safety. He requested a letter be sent to Steve McCraw, Director thanking him for all they do for the protection of the citizens.

Mayor Salinas asked Council to go into Executive Session pursuant to V.T.C.A. Gov. Code Sec. 551.001 under "Consultation with Attorney" for items 4.10, 4.11, 4.12, 7.1A and 7.1B of the agenda.

At 5:18 p.m., Councilman Plata moved to convene into executive session. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

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

7.1 Consultation with Attorney Sec. 551.071

Deliberation regarding real property 551.072

- A. Mowing Lien on 0.029 of an acre (1,260 square feet) parcel of land situated in Hidalgo County, Texas and also being part or portion of Lot 3, Basham Subdivision related to the acquisition for Inspiration Road project.**
- B. Lease Agreement between the City of Mission and Mission Skeet & Trap Club, Inc.**

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

At 5:37 p.m., Mayor Salinas left the meeting and Mayor Pro Tem Garza proceeded with the meeting.

At 5:42 p.m., Councilman O'cana moved to reconvene in open session. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

Mayor Pro Tem Garza continued with item 4.10 of the agenda.

On item 7.1-A, Councilwoman Ochoa moved to authorize the City Secretary to release all liens imposed by the City of Mission on a .029 acre parcel of land being part or portion of lot 3 Basham Subdivision, and finding extenuating circumstances exist for said release, to facilitate the sale of land to the City of Mission for the public purpose of expanding Inspiration Rd.. Motion was seconded by Councilman Plata and approved unanimously 4-0.

On item 7.1-B, Councilwoman Ochoa moved to authorize the Mayor to execute an Extension of Surface Lease Agreement with the Mission Skeet & Trap Club to reflect a term of 25 years from the effective date of the agreement, for the purpose of obtaining funds to improve the facility in order to continue to enhance community initiatives. Motion was seconded by Councilman Plata and approved unanimously 4-0.

8.0 Adjournment

At 5:47 p.m., Councilman O'cana moved for adjournment. Motion was seconded by Councilman Plata and approved unanimously 4-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary