

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
NOVEMBER 13, 2018 5:30 P.M.
MISSION CITY HALL**

PRESENT:

Dr. Armando O'caña, Mayor
Jessica Ortega-Ochoa, Councilwoman
Ruben D. Plata, Councilman
Norie Gonzalez Garza, Mayor Pro Tem
Gus Martinez, Councilman
Abiel Flores, City Attorney
Anna Carrillo, City Secretary
Martin Garza, Jr., City Manager

ALSO PRESENT:

Jamie Treviño, Progress Times
Susanne Alaniz
Gloria Flores
Jorge R. Ruiz
Raul Alvizo
Randy Sanchez
Jorge Flores
Homer Salinas
Jorge Martinez
Irma Flores Lopez
Laura Escobedo
Gauge Gonzalez
Sammy Buentello
M.E. Peña
Martha Sanchez
Stefany Gonzalez
Fred Kurth
Paul Vazaldua
Karen Ortega
Amelia Gaytan

ABSENT:

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Randy Perez, Deputy City Manager
Elizabeth Hernandez, Executive Secretary
Angie Vela, Finance Director
Ezeiza Garcia, Asst. Finance Director
Jaime Acevedo, Planning Director
Virgil Gonzalez, Asst. Planning Director
Noemi Munguia, HR Director
Eduardo Belmarez, Purchasing Director
Roland Rodriguez, I. T. Director
Humberto Garcia, Media Relations
Charlie Longoria, Media Relations
Juan Pablo Terrazas, City Engineer
Roberto Salinas, Public Works Director
Jesse Lerma, Civil Service Director
Gilbert Sanchez, Fire Chief
Rene Alvarez, Asst. Fire Chief
Frank Cavazos, Deputy Fire Chief
James Cardoza, Emergency Mngmnt. Coord.
Robert Dominguez, Chief of Police
Joanne Longoria, CDBG Director
Mario Flores, Golf Course Director
Juan Arevalo, Boys & Girls Club Director
Brad Bentsen, Parks & Recreation Director
Mayra Rocha, Library Director
Cynthia Lopez, Museum Director
Cesar Gutierrez, Sanitation Director
Alex Meade, MEDC Chief Exec. Officer
JC Avila, Fleet Maintenance Director
Noel Barrera, Health Dept. Director
Joel Chapa, Jr., Police Officer

1. Call to order

With a quorum being present, Mayor Dr. Armando O'caña called the meeting to order at 5:31 p.m.

2. Invocation and Pledge Allegiance

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

3. Introduction of Veterans Memorial High School Student Council

Due to weather conditions the students were unable to attend the meeting.

4. Proclamation – National Hospice and Palliative Care Month

City Secretary Anna Carrillo read the Proclamation – National Hospice and Palliative Care Month.

Ms. Belinda Estrada received the proclamation and thanked the council.

Mayor Pro Tem Norie Gonzalez Garza moved to approve the Proclamation – National Hospice and Palliative Care Month. Motion was seconded by Councilwoman Jessica Ortega-Ochoa and approved unanimously 5-0.

5. Proclamation – Diabetes Awareness Month

City Secretary Carrillo read the Proclamation – Diabetes Awareness Month.

Representatives from the Rio Grande Valley Diabetes Association received the proclamation and thanked the council.

Councilman Ruben Plata moved to approve the Proclamation – Diabetes Awareness Month. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

6. Report from the Greater Mission Chamber of Commerce

President Albert Chapa introduced Brenda Enriquez as the new President and Chief Executive Office of the Greater Mission Chamber of Commerce. Ms. Enriquez reported on past and upcoming events for the chamber to include the Health Fair on January 12, 2019 and the Winter Texan Fiesta on February 23. Mr. Chapa also introduced board members Sandra Vecchio, Ruben Arcuate, Cesar Suarez, and Dan Martin.

7. Departmental Reports

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

8. Citizens Participation

None

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Rezoning: A tract of land containing 0.94 of an acre, more or less, and being 0.19 of an acre, more or less out of Lot 21-9, West Addition to Sharyland Subdivision, and 0.75 of an acre being 1.0 acre out of the Southwest ¼ of Section 19, La Lomita Subdivision now 21-9, West Addition to Sharyland Subdivision of Porciones 53-57,**

**less and except 0.25 of an acre, R-2 (Duplex-Fourplex Residential) to R-3 (Multi-Family Residential), Martha Sanchez
Adoption of Ordinance # _____ approving 1.1A**

On October 24, 2018 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The subject site was located near E. 12th Street/Highland Park Avenue. There was public opposition during the P&Z Meeting. The Board unanimously recommended approval.

Staff City Manager recommended approval.

Mayor O'caña asked if there were any comments for or against the request.

Mr. Steve Spoor of 2313 N. Shary Rd. who was representing the residents from 1012 E. 12th St. spoke against the request. The concerns included the property's legal description, the density to the area and the drainage and traffic increase.

Mr. Gauge Gonzalez of 1012 E. 12th St. spoke against the request. Mr. Gonzalez's concern was that if an R-3 was approved, there would be more issues with the increase of traffic and drainage. He presented the council pictures of the issues that were currently affecting.

Applicant Mrs. Martha Sanchez spoke in favor of the request. She mentioned that the plan they had for this location was to build a very nice gated place.

Councilwoman Ochoa moved to approve the request but motioned died for a lack of second.

Mayor Pro Tem Garza moved to deny the rezoning of an R-3 and keep the rezoning as an R-2: A tract of land containing 0.94 of an acre, more or less, and being 0.19 of an acre, more or less out of Lot 21-9, West Addition to Sharyland Subdivision, and 0.75 of an acre being 1.0 acre out of the Southwest ¼ of Section 19, La Lomita Subdivision now 21-9, West Addition to Sharyland Subdivision of Porciones 53-57, less and except 0.25 of an acre, R-2 (Duplex-Fourplex Residential). Motion was seconded by Councilman Plata and denied 4-1, with Councilwoman Ochoa voting against the denial.

**B. Rezoning: All of Lots 1 and 2, Block 7, Bonito Subdivision, R-1 (Single Family Residential) to C-2 (Neighborhood Commercial), Laura Escobedo
Adoption of Ordinance # 4719 approving 1.1B**

On October 24, 2018 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The subject site was located near the SW corner of Holland Road and Hidalgo Street. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval.

Staff and City Manager recommended approval.

City Manager recommended approval.

Mayor O'caña asked if there were any comments for or against the request.

There were no comments.

Councilman Gus Martinez moved to approve the rezoning and to adopt Ordinance No. 4719 Rezoning: All of Lots 1 and 2, Block 7, Bonito Subdivision, R-1 (Single Family Residential) to C-2 (Neighborhood Commercial). Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 4719

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING OF ALL OF LOTS 1 AND 2, BLOCK 7, BONITO SUBDIVISION

**C. Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – La Fogata Restaurant, 300 N. Shary Road, Lot 1, El Lugar Subdivision, C-3, El Lugar Cabrito & Steak House c/o Karen Ortega
Adoption of Ordinance # 4720 approving 1.1C**

On October 24, 2018 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request renewal. The subject site was located 1/3 mile north of Expressway 83 along the east side of Shary Road. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval of the conditional use permit.

Staff Recommendation: 1) Approval for a period of two years from issuance of TABC license, and 2) Waiver of 300' separation requirement to residences.

City Manager recommended approval.

Mayor O'caña 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. 4720 Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – La Fogata Restaurant, 300 N. Shary Road, Lot 1, El Lugar Subdivision, C-3, as per staff's recommendations. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4720

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT RENEWAL FOR THE SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES – LA FOGATA RESTAURANT, 300 N. SHARY ROAD, LOT 1, EL LUGAR SUBDIVISION

**D. Conditional Use Permit Renewal: Drive-Thru Service Window – Taco Palenque, 2420 E. Expressway 83, Being Lot 5-C, Sharyland Place Subdivision, C-3, Eduardo Castaneda
Adoption of Ordinance # 4721 approving 1.1D**

On October 24, 2018 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit renewal request. The subject site was located ¼ mile east of Shary Road along the south side of Expressway 83, north of Kohl's. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval of the conditional use permit.

Staff Recommendation: Approval for life of use

City Manager recommended approval.

Mayor O'caña 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. 4721 Conditional Use Permit Renewal: Drive-Thru Service Window – Taco Palenque, 2420 E. Expressway 83, Being Lot 5-C, Sharyland Place Subdivision, C-3 for life of use, as recommended by staff. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4721

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR DRIVE-THRU SERVICE WINDOW - TACO PALENQUE, 2420 E. EXPRESSWAY 83, LOT 5-C, SHARYLAND PLACE SUBDIVISION

**E. Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – Taco Palenque, 2420 E. Expressway 83, Being Lot 5-C, Sharyland Place Subdivision, C-3, Eduardo Castaneda
Adoption of Ordinance # 4722 approving 1.1E**

On October 24, 2018 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit renewal request. The subject site was located ¼ mile east of Shary Road along the south side of Expressway 83, north of Kohl's. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval of the conditional use permit.

Staff Recommendation: Approval of sale and on-site consumption of alcohol until 2/25/2021 at which time their TABC license and conditional use permit will need to be renewed.

City Manager recommended approval.

Mayor O'caña 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. 4722 Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – Taco Palenque, 2420 E. Expressway 83, Being Lot 5-C, Sharyland Place Subdivision, C-3, as per staff's recommendations. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4722

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 – TACO PALENQUE, 2420 E. EXPRESSWAY 83, LOT 5-C, SHARYLAND PLACE SUBDIVISION

2.0 Consent Agenda

(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately. The City Council May Take Various Actions; Including But Not Limited To Rescheduling An Item In Its Entirety For A Future Date Or Time. The City Council May Elect To Go Into Executive Session On Any Item Whether Or Not Such Item Is Posted As An Executive Session Item At Any Time During The Meeting When Authorized By The Provisions Of The Open Meetings Act)

2.1 Approval of Minutes

City Council Meeting – October 22, 2018

2.2 Acknowledge Receipt of Minutes

Speer Memorial Library – September 18, 2018

Mission TIRZ – June 28, July 24, and September 25, 2018

Mission Redevelopment Authority – June 28, July 24, and September 25, 2018

**Mission Economic Development Corporation – August 21, September 12,
September 18, and October 4, 2018**

Mission Ambulance Board – September 18, 2018

2.3 Approval of Ordinance # 4723 of The City Of Mission, Texas Creating a Workforce Readiness Committee; Specifying The Terms of Office; Specifying The Qualifications For Membership; And Ordaining Other Provisions Related To The Subject Matter Thereof

The primary function of the Workforce Readiness Committee was to ensure workplace entrants were prepared to enter the workforce with the requisite knowledge, skills, and abilities required to succeed in the workplace. Workplace readiness skills were important because they ensure workers had the basic academic, critical thinking and personal skills necessary to maintain employment. Career readiness was the attainment and demonstration of requisite competencies that broadly prepare college graduates for a successful transition into the workplace.

Committee shall be composed of nine (9) members to include one (1) Vocational Career Director from Mission CISD, La Joya ISD, and Sharyland ISD, or designee of Superintendent of Schools one (1) representative from South Texas College, Mission Economic Development Corporation CEO, Mayor Position and three (3) citizens to be appointed for two year terms.

2.4 Approval of Ordinance # 4724 of The City Of Mission, Texas Creating a 2050 Committee; Specifying The Terms Of Office; Specifying The Qualifications For Membership; and Ordaining Other Provisions Related To The Subject Matter Thereof

The primary function of the 2050 Committee was a long-term vision of the future for the City of Mission – based on the core values of residents. This vision would guide our community leaders, giving them a roadmap and identifying strategies and services that would help them make decisions to create the kind of place our children and grandchildren would want to live and work 30 years from now – a thriving city to call home.

Committee shall be composed of seven (7) members to include a City Council representative, a Deputy City Manager, a city employee and four (4) citizens.

2.5 Approval of Ordinance # 4725 of The City Of Mission, Texas Creating a Former Elected Officials Committee; Specifying The Terms Of Office; Specifying The Qualifications For Membership; And Ordaining Other Provisions Related To The Subject Matter Thereof

The primary function of the Former Elected Council Committee was to provide recommendations on current city practices by utilizing their experience and expertise accumulated during their time in office.

Committee shall be composed of five (5) members to include one (1) previous Mayor, two (2) previous City Council members, the current Mayor and one (1) current City Council member to be appointed by the Mayor with the advice and consent of the City Council of the City of Mission for terms of two (2) years each.

2.6 Authorization to accept contract between All Children's Nutrition Program/Silver Spoon Catering and The Boys & Girls Club of Mission

All Children Nutrition / Silver Spoon Catering services would provide supper daily to the Boys & Girls Club of Mission After School Program. The Texas Department of Agriculture Food & Nutrition Program would reimburse \$52,000. Funds would be used to serve supper to 130 Club members on a daily basis. (approximately 19,000 meals a year). Club would be under contract with Silver spoon catering for the FY 2018-2019. Parental consents would be obtained before providing service to participants.

2.7 Contract Renewal with DATAMATIC, a Sole Source Vendor, for the Meter Reader Software License and Maintenance Agreement

Staff was requesting authorization to engage DATAMATIC, a sole source vendor, for a one-year renewal of an existing contract for the meter reader system maintenance for the Meter Reader Department. The maintenance fee preserves the software license, provides telephone support of the RouteStar Meter Reading System, and provides for both hardware and software maintenance on the handheld units. The renewal of this contract included the yearly fee of \$13,012.17 for the renewal period from October 1, 2018 thru September 30, 2019.

2.8 Authorization to surplus machinery and equipment and sell via online auction or dispose

The City of Mission Finance Department was requesting authorization to surplus machinery and equipment. Staff had list that determined the items that were no longer of use to the city. All surplus items would be sold at online auction and those items with no resale value would be disposed.

2.9 Approve request of Hidalgo County Irrigation District No. 6 to utilize City's long range excavator to conduct maintenance operations at District's facilities and authorize City Manager to negotiate and execute an Interlocal Agreement incident thereto

Hidalgo County Irrigation District No. 6 had requested to utilize the City's long range excavator to conduct maintenance operations at District's facilities. Staff was requesting authorization for the City Manager to negotiate and execute an interlocal agreement with HCID #6.

Councilman Martinez moved to approve the consent agenda items 2.1 thru 2.9. Motion was seconded by Councilwoman Plata and approved 5-0.

3.0 Approvals and Authorizations

3.1 Preliminary Plat Approval: Las Comadres No. 5 Subdivision, A Re-Subdivision of a 45.00-acre tract of land being all of Lots 19, 20, 21, 22, and the North ½ of Lot 23, Block 3, Texas Gardens Subdivision, Rural ETJ, Developer: Carlos G. Leal, Jr. Engineer: Melden & Hunt, Inc.

On October 24, 2018 the Planning and Zoning Commission held a Public Hearing to consider the Preliminary & Final Plat Approval for Las Comadres No. 5. The proposed subdivision was located .09 of a mile south of Mile 4 Road along the west side of Texas Avenue. There was no public opposition at the 10/24/18 P&Z meeting. The P&Z Board unanimously approved the subdivision plat as per Staff's recommendation.

Staff Recommendation: Approval subject to: 1) Must meet the Model Subdivision Rules, 2) Comply with the street alignment policy, and 3) Comply with comments from the County Planning Department.

City Manager recommended approval.

Councilman Plata moved to approve the Preliminary Plat Approval: Preliminary Plat Approval: Las Comadres No. 5 Subdivision, A Re-Subdivision of a 45.00-acre tract of land being all of Lots 19, 20, 21, 22, and the North ½ of Lot 23, Block 3, Texas Gardens Subdivision, Rural ETJ, Developer: Carlos G. Leal, Jr. Engineer: Melden & Hunt, Inc., as per staff's recommendations. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

3.2 Final Plat Approval: Oak Alley at Cimarron Subdivision, a 8.898 acre tract of land out of Porcion No. 2, San Jose Subdivision, R-1A, Developer: Dr. Guillermo Marquez Engineer: South Texas Infrastructure Group, LLC

On November 28, 2016 the City Council held a Meeting to consider the Preliminary Plat Approval for Oak Alley at Cimarron Subdivision. The proposed subdivision was located along the east side of Stewart Road 750' north of Trinity Road. The Board unanimously recommended approval as per Staff's recommendation.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Oak Alley at Cimarron Subdivision, a 8.898 acre tract of land out of Porcion No. 2, San Jose Subdivision, R-1A, Developer: Dr. Guillermo Marquez Engineer: South Texas Infrastructure Group, LLC as per staff's recommendation. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.3 Authorization to purchase bunker gear and personal protective equipment gear accessories from NAFECO via Buy Board Contract 524-17 for the Mission Fire Department

Mission Fire Department was seeking authorization to purchase thirty one (31) sets of firefighter bunker gear. This gear would replace sets reaching the mandatory ten (10) year retirement program as set by NFPA 1851 requirements. This included the additional firefighting gear and other gear accessories for the new nine (9) firefighters. The total cost for the personal protective equipment was \$82,132.00.

Staff and City Manager recommended approval.

Councilman Martinez moved to authorize to purchase bunker gear and personal protective equipment gear accessories from NAFECO via Buy Board Contract 524-17 for the Mission Fire Department. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.4 The Mission Fire Department is seeking authorization to apply for the Firehouse Subs Public Safety Foundation Grant

The Mission Fire Department & Fire Prevention Bureau Division was seeking authorization to apply for the Firehouse Subs Public Safety Foundation Grant. The department's suppression division would apply for five (5) automated external defibrillator (AED) and the prevention division for a fire extinguisher digital simulator for a total amount of \$18,852.00. There was no cost share match for this grant.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize the Mission Fire Department to apply for the Firehouse Subs Public Safety Foundation Grant. Motion was seconded by Councilman Plata and approved unanimously 5-0.

3.5 Approval of the Certified 2018 Tax Roll Totals

Approval of the Certified 2018 Tax Roll for the City of Mission as per section 26.09(e) of the Texas Property Code.

Total Taxable Value: \$4,224,845,048

Distribution of Levy:

M&O: \$17,070,136.41

I&S: \$ 3,341,817.16

TOTAL TAX LEVY \$20,411,953.57

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the Certified 2018 Tax Roll Totals. Motion was seconded by Councilman Plata and approved unanimously 5-0.

3.6 Tax Collections Report – September, 2018

Mrs. Angie Vela Finance Director presented the Tax Collection Report September, 2018 for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Tax Collections Report – September, 2018. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.7 Authorize City Manager to submit Letter of Intent to apply for the 2019 All-America City Award

The 2019 All-America City theme was “Creating Healthy Communities Through Inclusive Civic Engagement”. The 2019 All-America City Award was focused on celebrating examples of civic engagement practices that advance health equity in local communities. The schedule was as follows:

- November 14, 2018: Submit Letter of Intent to Apply
- March 6, 2019: Submit Application
- April 2019: Finalists Announced
- April-June 2019: Competition Preparation
- June 21-23, 2019: All-America City Awards Competition and Event in Denver, CO

The cost of submitting the application was \$250.00.

Staff Recommendation: Seeking council direction.

City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize the City Manager to submit Letter of Intent to apply for the 2019 All-America City Award. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.8 Authorization to accept the FY 2018 Emergency Management Performance Grant (EMPG)

The Office of Emergency Management Division was seeking authorization to accept the Emergency Management Performance Grant (EMPG) for Fiscal Year 2018 in the amount of \$35,332.53 the requirement for this Grant was to pay for a portion of the salary the Emergency Management Staff. The City must maintain an Emergency Management Plan; conduct and document Exercise; submit After Action Reports and Improvement Plan; be in compliance with the National Incident Management System; must be 100% in compliance with NIMS cat objectives and metrics; submit Work Plan Tasks and the timely submission of progress and Financial Reports.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to accept the FY 2018 Emergency Management Performance Grant (EMPG). Motion was seconded by Councilman Martinez and approved unanimously 5-0.

3.9 Authorization to award contract for Ambulance Services

City received three (3) competitive proposals on October 12, 2018 for Ambulance Services from Hidalgo County EMS, MED-CARE EMS, and Scripture EMS. The committee evaluated all three proposals for acceptability. Hidalgo County EMS and MED-CARE EMS proposals were deemed acceptable in accordance with scope of service and evaluation criteria.

Proposals received were referred to an evaluation committee appointed to review and evaluate proposals on the basis of technical qualifications factors and costs/fees to perform the services.

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Evaluation committee comprised of the Police Chief, Fire Chief, and Emergency Management Coordinator reviewed and evaluated all proposals submitted on set criteria outlined in the Request for Proposals and found Hidalgo County EMS to offer the best value. After review and consultation, Evaluation Committee and Ambulance Board recommend award to Hidalgo County EMS.

Staff Recommendation: Recommendation to award contract to Hidalgo County EMS.

City Manager recommended approval.

Councilman Plata requested to go into executive session under consultation with attorney since he had legal questions regarding this item.

Mayor O'caña asked council to go into Executive Session.

At 6:29 p.m., Councilman Plata moved to convene into executive session pursuant to V.T.C.A. Gov. Code Sec. 551.001 for item 3.9. Motion was seconded by Councilman Martinez and approved unanimously 5-0.

At 6:52 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

Councilwoman Ochoa moved to authorize to award contract for Ambulance Services to MED-CARE EMS and not to Hidalgo County EMS. Motion was seconded by Councilman Plata and approved unanimously 5-0.

At 6:54 p.m., Councilman Martinez stepped out of the meeting.

3.10 Authorization to enter into an Interlocal Agreement between the City of Mission and the City of Palmhurst to provide temporary housing for prisoners

The City of Palmhurst was in need to obtaining services for the temporary housing and detention of prisoners awaiting arraignment. The Mission Police Department agreed to make use of their holding cells for prisoners of the Palmhurst Police Department subject to the availability of space based on the facilities capacity. The temporary housing of prisoners would be at a cost of \$54.00 per prisoner per day. The cost included detention, transportation and meal costs. Term of the Agreement was for one year commencing on October 1, 2018 and ending at midnight on September 30, 2019.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to enter into an Interlocal Agreement between the City of Mission and the City of Palmhurst to provide temporary housing for prisoners. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

3.11 Authorization to purchase one (1) ICX FLIR Sky Watch Frontier Tower System through a sole source vendor for the 2017 Operation Stonegarden program grant from the Office of the Governor (OOG) for FY 2018-2019 grant year (OOG# 3172903)

This purchase would enable our department to combat and deter all burglary of vehicles, auto theft and any other related crimes in our business district parking lots. The advantage to having

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This tower in place was to enhance the ability to monitor the large parking areas. Staff believed that the use of the tower would deter crime in general. The total expenditure for the ICX FLIR Skywatch Tower Surveillance System would be \$154,413.00. The 2017 Stonegarden Grant would pay \$150,000.00 with the remaining balance of \$4,413.00 to be paid through of State Drug Forfeiture Account.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to purchase one (1) ICX FLIR Sky Watch Frontier Tower System through a sole source vendor for the 2017 Operation Stonegarden program grant from the Office of the Governor (OOG) for FY 2018-2019 grant year (OOG# 3172903). Motion was seconded by Councilman Plata and approved unanimously 4-0.

3.12 Authorization to accept the 2018 Homeland Security Grant Program funds from the Office of the Governor, Grant #3630001

The grant funds will be utilized to purchase thirteen (13) OMNI VIII Night Vision Monocular sights at a cost of \$2,755.28 each and thirteen (13) night vision helmet mounts at a cost of \$279.00 each; for a total equipment cost of \$39,445.64. The Mission Police Department would utilize \$37,261.49 in grant funds to pay for the aforementioned equipment and the remaining cost of \$2,184.15 would be paid through our State Drug Forfeiture Account.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to accept the 2018 Homeland Security Grant Program funds from the Office of the Governor, Grant #3630001. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

At 6:59 p.m., Councilman Martinez rejoined the meeting.

3.13 Authorization to purchase fifteen (15) ticket writers via a sole source vendor, Tyler Technologies

The Tyler Technologies platform was the only platform that allowed users to utilize all aspects of their electronic citation solution through a web-based interface. Currently, Mission Police Officers were utilizing the Tyler Technologies electronic ticket writers. We respectfully requested authorization to purchase an additional fifteen (15) devices. The ticket writers would be purchased at a cost of \$ \$34,991.00 utilizing the City of Mission Municipal Court Technology fund.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to purchase fifteen (15) ticket writers via a sole source vendor, Tyler Technologies. Motion was seconded by Councilman Plata and approved unanimously 5-0.

3.14 Approval of Work Authorization No. 13 with Javier Hinojosa Engineering related to Bryan Rd. Reconstruction Project (Bus 83 to FM 495)

Work Authorization No. 13 entailed Plans, Specifications and Estimates for Bryan Rd. Reconstructions project from Bus 83 to FM 495. Project Improvements included Road

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Reconstruction, Storm Drainage, Curb and Gutter replacement, Utility Adjustments and Asphalt Overlay.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Work Authorization No. 13 with Javier Hinojosa Engineering related to Bryan Rd. Reconstruction Project (Bus 83 to FM 495). Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

3.15 Approval of Sanitary Sewer Connection and Service Agreement between Lucky J Street (Residents') and the City of Mission

The City of Mission installed sewer facilities at proximities of Lucky J St and Moorefield Rd. Lucky J St. Home Residents desire to privately install sewer service to properties located inside City of Mission Sewer CCN. City of Mission agreed to provide retail sewer service, until such time as City of Mission constructs utilities inside subdivision of request. An agreement between the City of Mission and Home owners was available.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Sanitary Sewer Connection and Service Agreement between Lucky J Street (Residents') and the City of Mission. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.16 Approval of Change Order No. 2 and Substantial Completion for the 4.5 MGD Wastewater Treatment Plant Expansion Project

Change Order # 2 entailed reconciliation of construction items related to additional work mainly on concrete pavement and trench safety protection; with credits mainly on electrical service and erosion control with no increase in contract time. Change Order No. 2 would increase construction cost by \$90,109.00 increasing current amount from \$15,080,166.00 to \$15,170,275.00. Change order is under the 25%, at 2.21% from the original contract amount of \$14,841,556.00, set by the Texas Government Code.

Staff Recommendation: Approval of Change Order No. 2 with RP Constructors Inc.

City Manager recommended approval.

Councilman Plata moved to approve Change Order No. 2 and Substantial Completion for the 4.5 MGD Wastewater Treatment Plant Expansion Project with RP Constructors Inc. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.17 Authorization to Purchase Equipment via State Approved Contract for the Public Works Department

Staff was seeking authorization to purchase via state approved contracts for Capital Outlay Equipment for Public Works Department. Equipment included Excavator and Daycab Tractor Truck. Itemized equipment list was available with the actual costs and their respective contract number.

Staff Recommendation: Authorization to purchase via state approved Buy Board contracts 515-16 & 521-16

City Manager recommended approval.

Councilman Plata moved to authorize to purchase equipment via State Approved Buy Board contracts 515-16 & 521-16 for the Public Works Department. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.18 Authorization to award bid for Liquid Polymer for North and South Water Treatment Plants

The City of Mission has accepted and opened one (1) bid response for Liquid Polymer for the North and South Water Treatment Plant. Staff recommended awarding to Fort Bend Service, who was the lowest responsible bidder meeting all specifications. Recommendation was based solely on estimated quantities and orders would be placed on an as needed basis throughout the one year base term.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to award bid for Liquid Polymer for North and South Water Treatment Plants to Fort Bend Service, as per staff's recommendation. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.19 Authorization to award bid for Corrosion Inhibitor for North and South Water Treatment Plants

The City of Mission had accepted and opened two (2) bid responses for Corrosion inhibitor for the North and South Water Treatment Plants. Staff recommended awarding to Shannon Chemical Corporation who was the lowest responsible bidder meeting all specifications. Recommendation was based solely on estimated quantities and orders would be placed on an as needed basis throughout the one year base term.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to award bid for Corrosion Inhibitor for North and South Water Treatment Plants to Shannon Chemical Corporation, as per staff's recommendation. Motion was seconded by Councilman Martinez and approved unanimously 5-0.

3.20 Authorization to award bid for Liquid Emulsion Polymer for the Waste Water Treatment Plant

The City of Mission had accepted and opened one (1) bid response for Liquid Emulsion Polymer for the Waste Water Treatment Plant. Staff recommended awarding to Fort Bent Services, who was the lowest responsible bidder meeting all specifications. Recommendation was based solely on estimated quantities and orders would be placed on an as needed basis throughout the one year base term.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to award bid for Liquid Emulsion Polymer for the Waste Water Treatment Plant to Fort Bent Services, as per staff's recommendation. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.21 Authorization to Solicit for bids for Utility Materials for Mission Tennis Center at Birdwell Park

Staff was seeking authorization to solicit bids for Water, Sanitary Sewer and Storm materials for the Mission Tennis Center at Birdwell Park. Project utility Improvements would be constructed by the public works department.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to Solicit for bids for Utility Materials for Mission Tennis Center at Birdwell Park. Motion was seconded by Councilman Martinez and approved unanimously 5-0.

3.22 Authorization for Mayor to execute Letter of Support on behalf of the City of Palmhurst for the 2018-2019 Sidewalk Improvement Project application to be submitted to the Hidalgo County MPO

The City of Palmhurst had requested a Letter of Support from the City of Mission for the 2018-2019 Sidewalk Improvement Project Grant application for the Transportation Alternative program to be submitted to the Hidalgo County Metropolitan Planning Organization. The proposed sidewalk would be approximately 1.4 miles long to be constructed along 3 Mile Road between Stewart and Taylor Road.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize for Mayor to execute Letter of Support on behalf of the City of Palmhurst for the 2018-2019 Sidewalk Improvement Project application to be submitted to the Hidalgo County MPO. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.23 Authorization to participate in the cost sharing expenses for AEP Rate Case

American Electric Power (AEP) had taken action to request a significant rate adjustment to cover losses due to repairs from damage caused by recent natural disasters. The City of McAllen had taken the lead to advocate on behalf of the cities and have engaged the law firm of Lloyd Gosselink to intervene and represent the coalition in this case. This was not a regular rate case and therefore there were no reimbursable provisions. The Lower Rio Grande Valley Development Council had coordinated a region-wide approach to review proposed rate increases, which had resulted in a cost savings to constituents throughout the Valley and have prepared a pro rata contribution for each city with AEP distribution. The pro rata contribution for the City of Mission was \$3,577.99.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to participate in the cost sharing expenses for AEP Rate Case. Motion was seconded by Councilman Martinez and approved unanimously 5-0.

3.24 Discussion and action on proposed wage increases and EMT certifications for the Mission Fire Department

Available to the Council was the proposed salary increases and EMT certifications for the Mission Fire Department as discussed at the Collaborative Meeting of November 8, 2018.

Staff and City Manager were seeking Council's direction.

Councilman Plata moved to authorize the wage increases and EMT certifications Option #5 for the Mission Fire Department starting December 3rd, 2018. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

3.25 Adoption of Ordinance #_____ of the City Council of the City of Mission, Texas Amending the City Of Mission Code of Ordinances Chapter 42 – Health and Sanitation Article IV – Smoking by Adding Section 42-137 – Exemptions; Providing a Savings Clause; Providing for Publication and Effective Date; Providing for Codification; and Ordaining Other Provisions Related to the Subject Matter Hereof

Currently, Article IV – Smoking, Chapter 42, does not provide for exemptions. The intent of this amendment is to allow exemptions of this chapter for restaurants and bars meeting certain criteria, in the interest of economic development.

The amendment would add the following:

Section 42-137 – Exemptions

This chapter does not apply to designated smoking areas by restaurants and bars meeting the following criteria:

1. An exhaust CFM plan to be approved by Fire and Building Inspections Departments;
2. Must have an enclosed non-smoking area of not less than 50% of the total floor area.
3. Non-smoking area should have sufficient number of signs posted which can readily be seen by patrons stating that smoking tobacco is prohibited.
4. The smoking area to be completely enclosed and designated areas independent from the general floor, and equipped with separate ventilation sufficient to prevent smoke from entering the non-smoking area.

Staff and City Manager recommended approval.

Councilwoman Ochoa had the following questions regarding the establishment: What had the owner done in reference to calling law enforcement when patrons go outside to smoke and have they designated an area 20 feet from the establishment for smoking to prevent patrons from leaving without paying their tab.

Nino Codina from Codina Welding was present to answer questions regarding the exhaust system on the ventilation areas of the establishment that he had been contracted to install.

Chief Dominguez mentioned that he had no understanding that there was a case from this establishment calling to make a report of patrons leaving the without paying.

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Councilman Martinez mentioned that the argument was about patrons taking off without paying not if they were smoking in or out of the restaurant; he felt as if the owner was asking the council to make a favor instead of been fair. He said that should not trigger a change in the ordinance to accommodate and enclosure.

Gilda Bowen and two other Mission residents spoke against the request.

After much discussion Councilman Plata moved to deny the Adoption of Ordinance Amending the City Of Mission Code of Ordinances Chapter 42 – Health and Sanitation Article IV – Smoking by Adding Section 42-137 – Exemptions; Providing a Savings Clause; Providing for Publication and Effective Date; Providing for Codification; and Ordaining Other Provisions Related to the Subject Matter Hereof. Motion was seconded by Councilman Martinez and denied unanimously 5-0.

At 7:37 p.m., Councilman Martinez stepped out of the meeting.

3.26 Approval of Work Authorization No. 13 with Melden & Hunt for sanitary sewer improvements for Conway

Work Authorization No. 13 entailed professional services for plans and specifications for sanitary sewer improvements for Conway.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Work Authorization No. 13 with Melden & Hunt for sanitary sewer improvements for Conway. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

At 7:38 p.m., Councilman Martinez rejoined the meeting.

3.27 Approval of Work Authorization No. 14 with Melden & Hunt for sanitary sewer improvements for Shary

Work Authorization No. 14 entailed professional services for plans and specifications for sanitary sewer improvements for Shary.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Work Authorization No. 14 with Melden & Hunt for sanitary sewer improvements for Shary. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.28 Board Appointment: Youth Advocacy Advisory Board (Boys & Girls Club)

Mayor O'caña was recommending the following appointment:

Youth Advocacy Advisory Board (Boys & Girls Club): Appoint Sergio Cruz to replace Cipriano Saenz who resigned term to expire December 31, 2019.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Board Appointment: Youth Advocacy Advisory Board (Boys & Girls Club) Sergio Cruz, as recommended by Mayor O'caña. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.29 Budget Amendments: CDBG Fund and MEDC Fund

Finance Director Angie Vela presented budget amendments BA-19-04 thru BA-19-05 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to approve the budget amendments BA-19-04 thru BA-19-05. Motion was seconded by Councilman Plata and approved unanimously 5-0.

3.30 Authorization to submit a grant application to the Hidalgo County Metropolitan Planning Organization Transportation Alternative Program

Staff was seeking consideration to approve submission of a grant application to the Hidalgo County Metropolitan Planning Organization Transportation Alternative Program for the funding to support the Hidalgo County Active Mobility Plan. This was a shared Grant with neighboring Hidalgo County Communities. This was to provide a means to implement a seamless and unified network of hike and bike trails across Hidalgo County.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Resolution No. 1581 to submit a grant application to the Hidalgo County Metropolitan Planning Organization Transportation Alternative Program. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

RESOLUTION NO. 1581

A RESOLUTION OF THE BOARD OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AUTHORIZING AND SUPPORTING THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL TO SUBMIT A GRANT APPLICATION TO THE HIDALGO COUNTY METROPOLITAN PLANNING ORGANIZATION TRANSPORTATION ALTERNATIVE PROGRAM

4.0 Unfinished Business

4.1 None

5.0 Routine Matters

5.1 City Manager's Comments

Mr. Garza advised that Warming Shelter had been opened at the Parks & Recreation and would remain open until the weather clears. He also thanked the Mayor and Council for the opportunity to serve the citizens of Mission.

5.2 Mayor's Comments

Mayor O'caña advised the public that the White Cane Proclamation was reproduced in Braille and would be delivered to Ms. Macarena Peña.

5.3 City Council Comments

Councilman Martinez stated that the weather was going to be very cold and advised citizen to take care of their pets.

Mayor Pro Tem Garza thanked all of the Veterans for their service.

Councilman Plata thanked City Manager Garza for all his years of service and asked the directors to continue working together for the citizens of Mission and wished everyone a Happy Thanksgiving.

Councilwoman Ochoa thanked City Manager Garza for all his years of service and wished him good luck on his retirement.

Mayor O'caña asked council to go into Executive Session.

At 7:49 p.m., Councilman Plata moved to convene into executive session pursuant to V.T.C.A. Gov. Code Sec. 551.001. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

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

6.1 Personnel matters. Texas Gov't Code §551.074

A. Deliberation regarding acceptance of City Manager's retirement, and matters incident thereto.

6.2 Consultation with Attorney Sec. 551.071

A. Consideration of the legal aspects of City Manager position, including appointment and duties of interim City Manager

6.3 Deliberations about Real Property Sec. 551.072

A. Discussion of potential acquisition of real property along Holland Ave. for possible expansion of municipal cemetery.

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

At 9:17 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

On item 6.1-A, Councilman Plata moved to approve to acknowledge and accept retirement of Martin Garza, Jr. to be effective December 31, 2018 and upon retirement and execution of release, and in consideration for waiving any and all claims for payment of accrued leave and other contractual claims, authorize the finance department to pay Martin Garza, Jr as per discussion in Executive Session. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

On item 6.2-A, Councilman Plata moved to approve to appoint Randy Perez as interim and acting city manager with an effective date of immediately, and that he assume all duties and responsibilities of city manager, as per city charter and further authorize staff to take all necessary actions to effectuate the change in management. In consideration for the additional duties to be performed, a stipend in the amount of \$1,666.67/month shall be paid. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

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On item 6.3-A, Councilman Martinez moved to authorize city manager and staff to engage in preliminary discussions with property owners along Holland Ave. for the purpose of possible acquisition of property for possible expansion of municipal cemetery and further authorize staff to obtain an independent appraisal of property determined necessary for such expansion. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

7.0 Adjournment

At 9:23 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilman Martinez and approved unanimously 5-0.

ATTEST:

Dr. Armando O'caña, Mayor

Anna Carrillo, City Secretary