

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
JANUARY 28, 2019 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
Bob Galligan, Interim City Attorney
Anna Carrillo, City Secretary
Randy Perez, Interim City Manager

ABSENT:

ALSO PRESENT:

Jamie Trevino, Progress Times
Dave Hendricks, Progress Times
Berenice Garcia, The Monitor
Joe L. Sanchez Kay Wolf
Julie Reddy Margaret Troemel
Eugene & Ann Tituig Terry Troemel
Mark Adams Maurine Adams
Jerome Miller Narcia Miller
Sandra Wakefield Sandra Spaude
Myron Spaude Darlene Kowalke
Dennis Jorgenson Lois Jorgenson
Mike Crawford Grant Siegler
Jennifer Siegler Olaguer Bauza
Loris Bauza Carol Pereux
Nora Guajardo Terry McKenna
Diane McKenna Larry Miller
Terri Miller Ray Leonard
Millie Leonard Noelia Trevino
Wade Wiese John Peterson
Dennis Luther Donald Neva
Jennie Pitlick Diane Luther
Paula P. Weeks Brian A. Weeks
Catherine Raftery Fern Fisher
John Fisher Chris Voss
Lawrence Wilson Richard Briski
Donna Briski Jim Pharr
Kathy Pharr Tommy Thomson
Mirna Thomson Madison Thomson
Kennedy Thomson Mackenzie Thomson
Eduardo Shoup Edith Neuh
Red Gouge Sandy Gouge
Doug Wright Linda Wright

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Elizabeth Hernandez, Executive Secretary
Angie Vela, Finance Director
Jaime Acevedo, Planning Director
Virgil Gonzalez, Asst. Planning Director
Noemi Munguia, HR Director
Robert Hinojosa, Risk Manager
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
Frank Cavazos, Deputy Fire Chief
James Cardoza, Emergency Mngmnt. Coord.
Robert Dominguez, Chief of Police
Jonathan Wehrmeister, Judge
Joanne Longoria, CDBG Director
Mario Flores, Golf Course Director
Juan Arevalo, Boys & Girls Club Director
Brad Bentsen, Parks & Recreation Director
Mayra Rocha, Library Director
Cesar Gutierrez, Sanitation Director
Daniel Silva, MEDC Chief Exec. Officer
JC Avila, Fleet Maintenance Director
Ernie Zapata, Health Dept.
Adela Ortega, Food Pantry Manager
Joel Chapa Jr., Police Officer
Roxanne Casares, Public Information Dir.

Cont'd....

Renee Betlke	Gary Betlke	Shari Wand	Joe Poretta
Rodger Klaustermeier	Deb Klaustermeier	Gary Gahler	Bea Gahler
Oon Fowles	Du Fowls	Connie Garza	Glen Herndier
Barry Lyons	Dave Dreher	Garett Edwards	Kaylee Edwards
April Mantle	Perri Ann Hunthx	Victor Benavid	W Anhesen
John Young	Jeni Young	Bob Narregard	Diane Narregard
Ken Schleif	MJ Schleif	R. Alvarez	Daphne Stewart
Mike Manual	Patricia West	Paul Hamm	Lynda Hamm
Jan Sneen	Greg Giere	Irma Johnson	Christina Shian
Richard Paddock	Homero Benavides	Rafael Gomez	Roxanne Mendez
Mary Thomas	Ed Thomas	Juan Silva	Rogelio Sanchez, Jr.
Dorothea Brichtman	Lloyd Gath	Lulu Garett	Dallas Hill
Luis Elizondo	Marisol Elizondo	Dominic Raftery	Martha Sanchez
Gilbert Dillard	Andres Mendez	Karen Nielson	Don Wessel
Fran Wessel	Vanessa Martinez	Esteban Martinez	Gauge Gonzalez
Mario Cabrera	Maricela Castillo	Antonio Reyna	Jose Ganderia
Albert Krepes	Irma Flores Lopez	Margaret Fisher	Bruce Ebner
Elizabeth Ebner	Joe Estman	Chris Van Dyke	Tom McNamara
Amelia Gaytan	Rosendo Agoa	Alfredo Acosta	George Shiver
Carlos Ibarra			

1. Call to order

With a quorum being present, Mayor Dr. Armando O'caña called the meeting to order at 5:32 p.m.

2. Invocation and Pledge Allegiance

Chris Voss gave the invocation and Interim City Manager Randy Perez led the meeting with the pledge of allegiance.

3. Report from the Greater Mission Chamber of Commerce

Brenda Enriquez President and CEO reported on past and upcoming events for the chamber. She reported on Mission Day at the Capitol to be held on February 12. Winter Texan Fiesta would be held on February 16.

4. Departmental Reports

Councilman Ruben Plata moved to approve the departmental reports as presented. Motion was seconded by Councilwoman Jessica Ortega-Ochoa and approved unanimously 5-0.

5. Citizens Participation

Mayra Rocha, Library Director recognized Rosie Alvarez for her dedication to the Speer Memorial Library and for her 30 years of service and wished her the best in her retirement.

Judge Jonathan Whermeister, advised the council that during the month of February the Municipal Court would be holding amnesty whereby all failure to appear charges and warrant fees would be waived payment arrangements can also be made.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Rezoning: Being a 7.686 acres tract of land out of Parcel X, as per Document No. 2686858 O.R.H.C. said parcel forming part of Lot 16-1, and 15-1, West Addition to Sharyland Subdivision, from PUD (AO-P) Permanent Open Space District to PUD (C-2) Neighborhood Commercial District, Olaguer Bauza**

Adoption of Ordinance # _____ approving 1.1A

Mr. Jaime Acevedo stated that the area being considered for rezoning was known as holes 1-9 at Meadow Creek Golf Course. He added that there were different surrounding zonings in the area that included: R-3 (Multi-family residential) on the north of One Mile South, Agricultural on the North side, single family residential to the east and west, and to the south there was green area there was nothing that would be impacted to the south. Mr. Acevedo stated that initially the applicant wanted to rezone all 18 holes all for development, it was not until mid-November and now the new proposal was to leave much of what was the golf course intact of holes #1, #10-18 would remain intact although hole #1 would be used for green area as well as a 10-acre tract from holes #7-9. He mentioned that currently there were single family residential homes in the area and they were proposing to leave 10 acres of green area so that the residents could have a green area behind their properties due to the fact that if they develop, they are going to be more homes in the area and out of consideration to the current property owners they wanted to leave that area to serve as a buffer from the new homes. Mr. Acevedo stated that one of the things they looked at when considering the rezoning was whether or not the request was something that would be allowed in the Meadow Creek PUD. The Meadow Creek PUD in AO-P allowed for golf course and landscaped areas set aside for drainage and areas that may be utilized later for residences. He mentioned that the PUD that was approved for Meadow Creek although it was agricultural open permanent district it allowed for future development and that information was used to base the recommendation.

Mr. Acevedo stated that staff had met with both members of the Meadow Creek community and the applicants in an effort to work together. He added that if this property gets rezoned and developed in the future, much of what was the golf course detained most of the runoff water whenever it rained because it was lower than the current residences. He added that we needed to keep in mind that Meadow Creek was developed in 1984 or mid 80's at which time the drainage standards were not as strict as they are now in 2019, no additional runoff water would be zipped into the residential communities. Mr. Acevedo stated that any new development would have to be approved by an Engineer, the Planning and Zoning Commission. He added that one of the components of the subdivision was that they needed to submit a drainage report where they showed how much water they were going to retain. Mr. Acevedo stated that after considerable thought the golf course area was not what it used to be and what the applicant was proposing was an opportunity to develop ½ of the golf course and keep the other ½ as a golf course. Mr. Acevedo mentioned that the PUD ordinance does state that it needed a golf course but it didn't specify the number of holes it needed to have. He mentioned that the intent was to have a 9-hole golf course for the Meadow Creek Community.

Staff and Interim City Manager recommended approval.

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

Loris Bauza, 1300 Circle Drive applicant spoke in favor of the request and was available answer any questions the council may have.

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Mrs. Fern Fisher, 2006 Meadow Way, stated that the property had never been taken care since it was purchased by the Bauza's the way it should have been and asked the council to not approve the request.

Sandra Wakefield, 800 Lake View Drive, Lot 41, stated that her concerns were in regard to loosing beautiful views, plant life, wildlife, property values, and risking more flooding. Other concerns were traffic safety, limited road access, noise and smell from the sewer of commercial businesses, water pressure, etc. and asked the council not to approve the rezoning request.

Noelia Trevino, 620 Lake View Drive, expressed her concerns regarding drainage problems. She stated that with cement from commercial & residential and Multi housing means less ground, the absorption of water will be a large problem. Commercial property brings noise, smell, sewer and flooding, water pressure issues, loss of residential enjoyment and feeling of safety. There are mostly senior citizens in Meadow Creek living the last years of our lives and asked the council not to approve the rezoning request.

Mike Denis, 1208 Lake View Drive stated that the council's decision would reduce the value of their homes and asked the council not to approve the rezoning request.

Joseph Bergman, 1900 River Bend, asked the council not to approve the rezoning request due to flooding issues in the area.

Richard Paddock, 704 Lake View Drive stated that his concern was regarding the value of his home, way of life and the possibility of water from the heavy rains go over the berm and flooding his home and asked the council not to approve the rezoning request.

Mark Adams, 1900 Crystal Drive mentioned that there is a recent survey done and he was having a very difficult time getting a hold of Rodriguez Engineering to respond to his emails on some questions that he has. He stated that he represents a small group of local investors and there will be an offer in the table to purchase the golf course. Mr. Adams stated that he would like to get on the record that there was an official offer to purchase the golf course property and asked the council not to approve the rezoning request.

Mrs. Catherine Raftery who resides at 912 Lake View Drive stated that 5 years ago her husband and her bought a property in Meadow Creek and they immediately felt welcome and the new people have destroyed their community. She added that everybody knows and takes care of everybody and their community has been damaged hopefully not beyond repair and that should be taken into account and asked the council not to approve the rezoning request.

Red Goudg, 607 Lake View Drive stated that most of the residents bought property in Meadow Creek because it was a golf community. He added that in March 18, 1987 the declarant Ron Sellers recorded in Hidalgo County the declaration of covenants conditions and restrictions for Meadow Creek Country Club. Mr. Goudg stated that they understand the City does not enforce deed restrictions or covenants but by approving the zoning the City would be helping the petitioner. He added that this area was designated as a flood zone and for any future developments you would need to get a flood plan development permit there are several federal, state and local requirements. Mr. Goudg stated that there was a flood plan in place now and it had worked well for the past 32 years. Mr. Goudge continued reading from a written document regarding the drainage asking how it would affect the area if approved in that Meadow Creek Community and asked the council not to approve the rezoning request.

The council heard from several other residents expressing the same concerns and asked the council not to approve the rezoning request.

Mr. Acevedo stated that he would like to clarify some comments that were brought up. With regards to the sewer issue, Meadow Creek was a private subdivision at one time and the lift stations that are in place are private lift stations they are not on city property and this might be something the city could look into. He added that this was something the city inherited when the property was annexed but this might be considered in the future for purchase to make them public lift stations. Mr. Acevedo stated that Meadow Creek was annexed to the City as is and that is why there was probably a need for an upsize/upgrade the current lift stations. In regards to the school traffic staff would be contacting the school because of the traffic was from the people that were waiting to pick up their kids and that was something that could be easily fixed by utilizing their property to build or channel a long driveway to keep all those people on their property.

Councilwoman Jessica Ortega Ochoa and Mayor Pro Tem Norie Gonzalez Garza had some legal questions regarding the rezoning and asked to go into executive session.

At 6:42 p.m., Mayor Pro Tem Garza 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.

At 7:00 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

Interim City Attorney Bob Galligan recommended tabling items 1.1A, 1.1B, 1.1C and 1.1D until all legal questions that were brought up were resolved.

Mayor Pro Tem Garza moved to table items 1.1A, 1.1B, 1.1C and 1.1D and hold a Special Meeting on Monday, February 4, 2019 at 5:30 p.m. Motion was seconded by Councilman Plata and approved unanimously 5-0

- B. Rezoning: Being a 7.060 acre tract of land out of Parcel X, as per Document No. 2686858 O.R.H.C. said parcel forming part of Lot 16-1, and Lot 15-1, West Addition to Sharyland Subdivision, from PUD (AO-P) Permanent Open Space District to PUD (R-1) Single Family Residential District, Olaguer Bauza Adoption of Ordinance # _____ approving 1.1B**

Mayor Pro Tem Garza moved to table item 1.1B and hold a Special Meeting on Monday, February 4, 2019 at 5:30 p.m. Motion was seconded by Councilman Plata and approved unanimously 5-0.

- C. Rezoning: Being a 26.724 acre tract of land out of Parcel VI, as per Doc. No. 2686858 O.R.H.C. said parcel forming part of out of Lot 14-1, 14-2, 15-1, 15-2 and 16-2, West Addition to Sharyland Subdivision, from PUD (AO-P) Permanent Open Space District to PUD (R-1) Single Family Residential District, Olaguer Bauza Adoption of Ordinance # _____ approving 1.1C**

Mayor Pro Tem Garza moved to table item 1.1C and hold a Special Meeting on Monday, February 4, 2019 at 5:30 p.m. Motion was seconded by Councilman Plata and approved unanimously 5-0.

- D. Rezoning: A 1.682 acre tract of land out of Parcel VI, as per Doc. No. 2686858 O.R.H.C., said parcel forming part of out Lot 14-1, 14-2, 15-1, 15-2, and 16-2, West Addition to Sharyland Subdivision, from PUD (AO-P) Permanent Open Space District to PUD (R-3) Multi-Family Residential District, Olaguer Bauza Adoption of Ordinance # _____ approving 1.1D**

Mayor Pro Tem Garza moved to table item 1.1D and hold a Special Meeting on Monday, February 4, 2019 at 5:30 p.m. Motion was seconded by Councilman Plata and approved unanimously 5-0

- E. Rezoning: Lot 1 & the North ½ of Lot 2, Block 165, Mission Original Townsite Subdivision (aka Oblate Addition), from C-3 (General Business) to R-3 (Multi-Family Residential), Gilbert Dillard, Jr. Adoption of Ordinance # 4747 approving 1.1E**

On January 9, 2019 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The subject site was located at the SE corner of E. Tom Landry Blvd. and St. Marie Avenue. There was public opposition during the P&Z Mtg and the concerns voiced were in regards to safety, theft, and unsavory characters. The Board unanimously recommended approval.

Staff and Interim City Manager recommended approval.

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

Margaret Fisher, Lucilla Herrera and Romeo Sanchez spoke against the request. Their concerns were in regards to safety, traffic and who would be the renters.

Councilman Plata moved to approve the rezoning and adopt Ordinance 4747 Rezoning: Lot 1 & the North ½ of Lot 2, Block 165, Mission Original Townsite Subdivision (aka Oblate Addition), from C-3 (General Business) to R-3 (Multi-Family Residential). Motion was seconded by Councilwoman Ochoa and approved 4-1 with Councilman Gus Martinez against.

ORDINANCE NO. 4747

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING OF LOT 1 & THE NORTH ½ OF LOT 2, BLOCK 165, MISSION ORIGINAL TOWNSITE SUBDIVISION (AKA OBLATE ADDITION), FROM (C-3) GENERAL BUSINESS TO (R-3) MULTI-FAMILY RESIDENTIAL

- F. Rezoning: A 0.64 acre tract of land out of Lot 29, Melba Carter Subdivision, from (R-1) Single Family Residential to (R-3) Multi-Family Residential, Ricardo Lopez Adoption of Ordinance # _____ approving 1.1F**

On January 9, 2019 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The subject site was located 400' west of Mayberry along the north side of Melba Carter. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff and Interim City Manager recommended approval.

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

There were no comments.

After deliberation from the council regarding the proximity to the Industrial Park a motion was made to deny the request.

Councilman Plata moved to deny Rezoning: A 0.64 acre tract of land out of Lot 29, Melba Carter Subdivision, from (R-1) Single Family Residential to (R-3) Multi-Family Residential. Motion was seconded by Mayor Pro Tem Garza and denied unanimously 5-0.

G. 2nd Public Hearing Proposed Annexation for the following areas: Tract A: 24.83 acres out of Lots 27 and 28, New Caledonia Unit No. 1, Tract B: Being 6.911 acres consisting of 6.885 acres out of Lot 26, The Goodwin Track Subdivision Unit No. 3, and 0.026 of one acre out of the previously known Hidalgo County Irrigation District No. 6 Canal Right-of-Way lying adjacent to the East of said Lot 26, Hidalgo County, Texas

On annexations, the City Council was required to hold 2 public hearings to acquire public input. Staff provided the council a vicinity map depicting the above-described properties. The properties were adjacent to Mission City Limits and City Water and City Sewer were used and/or were available. Tracts A & B were under voluntary annexation requests.

This was the second and final public hearing for this annexation.

Mayor O'caña asked if there were any comments for or against this public hearing.

There were no comments.

No action was needed since this was only a public hearing.

**H. Adoption of Annexation for the following areas: Tract A: 24.83 acres out of Lots 27 and 28, New Caledonia Unit No. 1, Tract B: Being 6.911 acres consisting of 6.885 acres out of Lot 26, The Goodwin Track Subdivision Unit No. 3, and 0.026 of one acre out of the previously known Hidalgo County Irrigation District No. 6 Canal Right-of-Way lying adjacent to the East of said Lot 26, Hidalgo County, Texas
Adoption of Ordinance # 4748 approving 1.1H**

This was the last step of the Annexation cycle. Two public hearings were held to acquire public input. The properties are adjacent to Mission City Limits and City Water and City Sewer are used and/or are available. Tracts A & B are under voluntary annexation requests.

Staff and Interim City Manager recommended approval.

Mayor O'caña asked if there were any comments for or against this public hearing.

There were no comments.

Councilman Martinez moved to approved the annexation and adopt Ordinance No. 4748 Annexation for the following areas: Tract A: 24.83 acres out of Lots 27 and 28, New Caledonia Unit No. 1, Tract B: Being 6.911 acres consisting of 6.885 acres out of Lot 26, The Goodwin Track Subdivision Unit No. 3, and 0.026 of one acre out of the previously known Hidalgo County Irrigation District No. 6 Canal Right-of-Way lying adjacent to the East of said Lot 26, Hidalgo County, Texas. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4748

AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MISSION, COUNTY OF HIDALGO, STATE OF TEXAS, BEING DESCRIBED AS **TRACT A:** 24.83 ACRES OUT OF LOTS 27 AND 28, NEW CALEDONIA UNIT NO. 1, **TRACT B:** BEING 6.911 ACRES CONSISTING OF 6.885 ACRES OUT OF LOT 26, THE GOODWIN TRACK SUBDIVISION UNIT NO. 3, AND 0.026 OF ONE ACRE OUT OF THE PREVIOUSLY KNOWN HIDALGO COUNTY IRRIGATION DISTRICT NO. 6 CANAL RIGHT-OF-WAY LYING ADJACENT TO THE EAST OF SAID LOT 26, HIDALGO COUNTY, TEXAS

- I. Rezoning: The East One (1) acre of the West 6 acres of the North 16.65 acres of the South 21.65 acres out of Lot 195, John H. Shary Subdivision, from (R-3) Multi-Family Residential to C-3 (General Business), Abiel & Yadira Ramon Adoption of Ordinance # 4749 approving 1.1I**

On January 9, 2019 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The subject site was located 550' east of Shary Road along the south side of E. 4th Street. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Councilman Plata moved to approve the rezoning and adopt Ordinance No. 4749 Rezoning: The East One (1) acre of the West 6 acres of the North 16.65 acres of the South 21.65 acres out of Lot 195, John H. Shary Subdivision, from (R-3) Multi-Family Residential to C-3 (General Business). Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4749

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING OF THE EAST ONE (1) ACRE OF THE WEST 6 ACRES OF THE NORTH 16.65 ACRES OF THE SOUTH 21.65 ACRES OUT OF LOT 195, JOHN H. SHARY SUBDIVISION, FROM (R-3) MULTI-FAMILY RESIDENTIAL TO (C-3) GENERAL BUSINESS

- J. 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 Lot 21-9, West Addition to Sharyland Subdivision of Porciones 53-57, less and except 0.25 of an acre, from (R-2) Duplex-Fourplex Residential to (R-3) Multi-Family Residential, Martha Sanchez Adoption of Ordinance # _____ approving 1.1J**

On January 9, 2019 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The subject site was located near the E. 12th Street/Highland Park Avenue intersections. There was public opposition during the P&Z Mtg and the concerns voiced were in regards to drainage, density and traffic. The Board unanimously recommended approval.

Mr. Steve Spoor spoke in opposition to the rezoning. He stated that the frontage to the property fronts Highland Park which is a 30' wide street and all residential streets to the east are all 30' streets stating that none of the streets in the area are wide enough for a multi family development. He also pointed out that the streets in the area were not wide enough for a multi family development. The water lines surrounding the proposed rezoning are also not sufficient to support multi-family zones.

Mr. Gauge Gonzalez, 1012 E. 12th Street spoke in opposition of the request and presented an additional signature to add to the petition previously submitted for a total of 14 signatures. The residents were not opposed to an R-2 but were opposed to an R-3.

Ricardo Garcia, 1101 Ash Drive spoke in opposition to the request due to higher traffic and drainage issues in the area.

Robin Salas, Rogelio Sanchez and Rocky Mendez representing the applicant explained the purpose of the rezoning was to better utilize the property as it is an odd shape lot. The intention was to build between 10 and 16 units depending on what the property would lend itself to. They stated that they were committed to do everything possible to ease the concerns of the neighbors.

Councilwoman Ochoa moved to approve the rezoning and adopt Ordinance 4750 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. Motion was seconded by Councilman Plata and approved 3-2 with Mayor Pro Tem Garza and Councilman Martinez voting against.

After the vote a question was asked if a super majority was needed to approve the item since a petition had been submitted.

Councilman Martinez recommended tabling the item to get clarification if a super majority was needed.

Mayor O'caña moved to rescind the motion and Ordinance 4750 to get further clarification. Motion was seconded by Councilman Plata. Ordinance 4750 was rescinded 4-1 with Councilwoman Ochoa against.

Councilman Martinez moved to table the item. Motion was seconded by Mayor Pro Tem Garza and approved 4-1 with Councilwoman Ochoa against.

**K Conditional Use Permit: To Designate an Area as a Mobile Food Park for Operation of Mobile Food Units, 2140 E. Business Highway 83, Lot 51, Sharyland Orchards Subdivision, C-4, Felipe Cavazos
Adoption of Ordinance # 4750 approving 1.1K**

On January 9, 2019 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located on the SE corner of Business Highway 83 and Ragland Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff and Interim City Manager recommended approval.

Mayor O'caña asked if there were any comments for or against this public hearing.

There were no comments.

Mayor Pro Tem Garza moved to approve the CUP and adopt Ordinance No. 4750 To Designate an Area as a Mobile Food Park for Operation of Mobile Food Units, 2140 E. Business Highway 83, Lot 51, Sharyland Orchards Subdivision, C-4. Motion was seconded by Councilman Martinez and approved unanimously 5-0.

ORDINANCE NO. 4750

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT TO DESIGNATE AN AREA AS A MOBILE FOOD PARK FOR OPERATION OF MOBILE FOOD UNITS, 2140 E. BUSINESS HIGHWAY 83, LOT 51, SHARYLAND ORCHARDS SUBDIVISION

Councilman Plata stepped out of the meeting at 8:17 p.m.

- L. Conditional Use Permit: Mobile Food Trailer – Taqueria Don Felipe Mobile #4, 1418 E. Business Highway 83, Lot 1, Lemon Tree Plaza Subdivision, C-3, Felipe Vega**
Adoption of Ordinance # _____ approving 1.1L

On January 9, 2019 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site is located 300' west of Stewart Road along the south side of Business Highway 83. There was no public opposition during the P&Z Mtg. The Board unanimously recommended denial.

Staff and Interim City Manager recommended denial.

Mayor O'caña asked if there were any comments for or against this public hearing.

Mr. Felipe Vega applicant spoke in favor of the request.

Councilwoman Ochoa moved to deny the CUP Mobile Food Trailer – Taqueria Don Felipe Mobile #4, 1418 E. Business Highway 83, Lot 1, Lemon Tree Plaza Subdivision. Motion was seconded by Mayor Pro Tem Garza and denied unanimously 4-0.

Councilman Plata rejoined the meeting at 8:19 p.m.

- M. Conditional Use Permit: Restaurant in a Property Zoned (C-2) Neighborhood Commercial, 2015 N. Shary Road, Being a 0.57 acre tract of land out of Lot 244, John H. Shary Subdivision, C-2, Arnoldo R. Gonzalez**
Adoption of Ordinance # _____ approving 1.1M

On January 9, 2019 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located at the SW corner of Shary Road and Summer Breeze. There was public opposition during the P&Z Mtg. the concerns voiced were in regards to: proximity to neighborhood, additional traffic, and trash. The Board unanimously recommended denial.

Staff recommended approval subject to: 1) Approval for 1 year, 2) Must comply with parking requirements, 3) Must comply with the landscaping code, 4) Must comply with all Building, Health and Fire Codes, and 3) Must obtain a business license prior to business occupancy

Interim City Manager recommended approval.

The applicant was requesting to table item 1.1M and 1.1N stating that he was meeting with a group of residents and was close to a resolution on these items.

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Councilman Plata moved to table items 1.1M and 1.1N. Motion was seconded by Mayor Pro Tem Garza.

The residents stated that they did not have a resolution with the applicant and they wanted to have the opportunity to speak.

Mayor Pro Tem Garza moved to rescind her motion to table the item. Motion was seconded by Councilman Plata and approved unanimously 5-0.

Mayor O'caña asked if there were any comments for or against this public hearing.

David Calvo, Jose Terrazas, Juan David Silva, Luis Elizondo, Ericka Calvo, Janice Sigler, Dennis Luther, Kaley Edwards, Rafael Gomez, Vanessa Martinez, Sylvia Cepeda Johnson, and Thomas Thomson all spoke in opposition of the request with respect to their residential properties the concerns included trash, trees being torn down, flooding, added noise, traffic, privacy and the contractor/developer being presumptuous in building a restaurant with a drive thru window without having a permit. The residents were also concerned due to the school bus stop being at the corner of the restaurant. They felt that the restaurant will bring an increase of rodents. The community also had concerns regarding the possibility of the restaurant in the future applying for alcohol and waiver of hours. The community did not want a restaurant with a drive thru in their neighborhood.

Councilman Martinez moved to deny the CUP Restaurant in a Property Zoned (C-2) Neighborhood Commercial, 2015 N. Shary Road, Being a 0.57 acre tract of land out of Lot 244, John H. Shary Subdivision, C-2. Motion was seconded by Councilman Plata and denied unanimously 5-0.

**N. Conditional Use Permit: Drive-Thru Service Window, 2015 N. Shary Road, Being a 0.57 acre tract of land out of Lot 244, John H. Shary Subdivision, C-2, Arnoldo R. Gonzalez
Adoption of Ordinance # _____ approving 1.1N**

On January 9, 2019 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located at the SW corner of Shary Road and Summer Breeze. There was public opposition during the P&Z Mtg. the concerns voiced were in regards to: proximity to neighborhood, additional traffic, and trash. The Board unanimously recommended denial.

Item was denied due to the restaurant being denied therefore no consideration for a drive-thru service window was necessary.

Councilman Plata moved to deny the CUP Drive-Thru Service Window, 2015 N. Shary Road, Being a 0.57 acre tract of land out of Lot 244, John H. Shary Subdivision, C-2. Motion was seconded by Councilwoman Ochoa and denied unanimously 5-0.

**O. Conditional Use Permit Renewal: Drive-Thru Service Window, and N. Conway Avenue, Lots 2 & 3, Northtown Unit #1 Subdivision, C-3, Israel Reyna
Adoption of Ordinance # 4751 approving 1.1O**

On January 9, 2019 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit renewal request. The subject site was located approximately 120' west of Conway Avenue on the south side of E. 28th Street. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff and Interim City Manager recommended approval for life of use.

Mayor O'caña asked if there were any comments for or against this public hearing.

There were no comments.

Councilman Plata moved to approve CUP and adopt Ordinance 4751 Drive-Thru Service Window, and N. Conway Avenue, Lots 2 & 3, Northtown Unit #1 Subdivision, C-3 for life of use. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4751

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT RENEWAL FOR DRIVE-THRU SERVICE WINDOW, 2728 N. CONWAY AVENUE, LOTS 2 & 3, NORTHTOWN UNIT #1 SUBDIVISION

- P. Conditional Use Permit Renewal: To keep 2 Mobile Homes for Ranch & Security Purposes, 3301 N. Glasscock Road, Being a 6.08 acre out of Lot 291, John H. Shary Subdivision, AO-I, Kirk & Jeri Clark
Adoption of Ordinance # 4752 approving 1.1P**

On January 9, 2019 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit renewal request. The subject site was located approximately ¼ mile north of N. Mile 2 Road along the east side of Stewart Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff recommended approval subject to: 1) 5 year approval and 2) shall not have separate water or electrical meters.

Staff and Interim City Manager recommended approval.

Mayor O'caña asked if there were any comments for or against this public hearing.

There were no comments.

Councilman Plata moved to approve CUP and adopt Ordinance 4752 To keep 2 Mobile Homes for Ranch & Security Purposes, 3301 N. Glasscock Road, Being a 6.08 acre out of Lot 291, John H. Shary Subdivision for life of use. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4752

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT TO KEEP 2 MOBILE HOMES FOR RANCH & SECURITY PURPOSES, 3301 N. GLASSCOCK ROAD, BEING A 6.08 ACRE OUT OF LOT 291, JOHN H. SHARY SUBDIVISION

- Q. Conditional Use Permit Renewal: 4 Drive-Thru Service Windows for Snowball Express #2, 3124 N. Mayberry Road, Being 1.27 acres of land out of the West 310' of the North 224' of Lot 28-9, West Addition to Sharyland Subdivision, C-2, Snowball Express, LLC, c/o Elgin Xavier
Adoption of Ordinance # 4753 approving 1.1Q**

On January 9, 2019 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit renewal request. The subject site was located at the SE corner of Mayberry Road and E. Mile 2 Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended denial of the request for the extended hours past 2:00 a.m. and instead approved for 6 months ending on July 28, 2018 subject to hours of operation to be Friday & Saturday only to cease at 12:00 a.m. & Monday – Thursday including Sunday to cease at 10:00 p.m.

Staff and Interim City Manager recommended denial of the request for extended hours.

Mayor O'caña asked if there were any comments for or against this public hearing.

There were no comments.

Councilman Martinez moved to approve CUP and adopt Ordinance 4753 Four Drive-Thru Service Windows for Snowball Express #2, 3124 N. Mayberry Road for 6 months ending on July 28, 2018 subject to hours of operation to be Friday & Saturday only to cease at 12:00 a.m. & Monday – Thursday including Sunday to cease at 10:00 p.m. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4753

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT RENEWAL FOR 4 DRIVE-THRU SERVICE WINDOWS FOR SNOWBALL EXPRESS #2, 3124 N. MAYBERRY ROAD, BEING 1.27 ACRES OF LAND OUT OF THE WEST 310' OF THE NORTH 224' OF LOT 28-9, WEST ADDITION TO SHARYLAND SUBDIVISION

R. Approval of Ordinance # 4754 to rescind Ordinance No. 3396 to delete Section 42-38 (d) – Courtesy Notice

The Planning Department requested that the City Council consider rescinding Ordinance No. 3396 in regards to the Courtesy Notice which provided additional notice to property owners that their property had been placed on the City's mowers list so as to alert them of the imminent mowing action indicating same has been re-discovered to be violate of the City's Health & Sanitation Regulations. If request is approved this would help the department speed up the process for the weedy lots and get them to the mower's list sooner. In the event that the city would declare a natural disaster the department would be flexible with the property owners and allow a 10-15 day extension. There was no public input at P&Z's 1/23/19 meeting. The Board unanimously recommended approval.

Staff and Interim City Manager recommended approval.

Mayor O'caña asked if there were any comments for or against this public hearing.

There were no comments.

Councilman Plata moved to adopt Ordinance 4754 rescinding Ordinance No. 3396 to delete Section 42-38 (d) – Courtesy Notice. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 4754

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS,
RESCINDING SECTION 42-38 (d) – COURTESY NOTICE

Councilwoman Ochoa stepped out of the meeting at 9:45 p.m.

S. Approval of Ordinance # 4755 to Amend Ordinance No. 2587, Sec. 16-22(b) deleting certified, return receipt Request

The Planning Department respectfully requested that the City Council consider amending Article II of Chapter 16 Section 16-22(b) – Notice to abate generally by deleting certified, return receipt request. The State law required notification to property owners but it did not have to be certified, a notice would still be mailed to property owners giving them 10 days to comply. A new provision would be added that in case the City declares a natural disaster the department would be flexible with property owners by giving them 10 – 15 day to comply. There was no public input at P&Z's 1/23/19 meeting. The Board unanimously recommended approval.

Staff and Interim City Manager recommended approval.

Mayor O'caña asked if there were any comments for or against this public hearing.

There were no comments.

Councilman Martinez moved to adopt Ordinance 4755 to Amend Ordinance No. 2587, Sec. 16-22(b) deleting certified, return receipt Request. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

ORDINANCE NO. 4755

ORDINANCE AMENDING CERTAIN SECTIONS OF ARTICLE II OF CHAPTER 16
SECTION 16-22(b) OF THE CITY OF MISSION'S CODE OF ORDINANCES; PROVIDING A
CODIFICATION CLAUSE; AND PROVIDING A PUBLICATION DATE

T. Adoption of Ordinance # 4756 amending Article VIII Use District and Conditional Uses

The Planning Department respectfully requested that the City Council consider amending various portions of the Zoning Ordinance. This ordinance allowed other business such as banks, credit unions, pharmacy to have Drive-Thru Service Windows & Service Lanes without a conditional use permit requirement they would be approved at the site plan approval stage. Business franchises would get approval for life of use subject to not being transferable to others. There was no public input at P&Z's Mtg. 1/23/19 meeting. The P&Z Board unanimously approved the proposed amendment.

Staff and Interim City Manager recommended approval.

Mayor O'caña asked if there were any comments for or against this public hearing.

There were no comments.

Councilman Plata moved to adopt Ordinance # 4756 amending Article VIII Use District and Conditional Uses. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

ORDINANCE NO. 4756

AN ORDINANCE AMENDING ARTICLE VIII. - USE DISTRICT AND CONDITIONAL USES; PROVIDING A CODIFICATION CLAUSE; AND PROVIDING A PUBLICATION DATE

Councilwoman Ochoa re-joined the meeting at 9:48 p.m.

U. Approval of Ordinance # 4757 Amending Ordinance Nos. 4662, 4663, and 4664 to revert public hearing notice radius from 500' to 200'

The Planning Department respectfully requested that the City Council consider amending various portions of the Zoning Ordinance by reverting public hearing notification from 500' to 200' under Article IV. Section 1.16.4a., Article V. Section 1.20., 1.21., 1.23., and 1.24., and Article X. Sections 1.50. and 1.56. A sign would also be placed at the site location for additional notice for rezoning's and conditional use permits. There was no public input at P&Z's 1/23/19 meeting. The Board unanimously recommended approval as per Staff's recommendation.

Staff and Interim City Manager recommended approval.

Mayor O'caña asked if there were any comments for or against this public hearing.

There were no comments.

Councilman Plata moved to adopt Ordinance # 4757 amending Ordinance Nos. 4662, 4663, and 4664 to revert public hearing notice radius from 500' to 200'. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4757

AN ORDINANCE AMENDING ARTICLE IV. SECTION 1.16.14.a – PROVIDING FOR THE BOARD OF ADJUSTMENT, QUORUM, PROCEDURES FOR APPEALS AND POWERS OF THE BOARD; PROVIDING A CODIFICATION CLAUSE; AND PROVIDING A PUBLICATION DATE

AN ORDINANCE AMENDING ARTICLE V. SECTIONS 1.20., 1.21., 1.23., AND 1.24. – AMENDMENTS, PROCEDURES, FILING FEE AND APPEALS FROM DECISIONS OF THE PLANNING AND ZONING COMMISSION; PROVIDING A CODIFICATION CLAUSE; AND PROVIDING A PUBLICATION DATE

AN ORDINANCE AMENDING ARTICLE X. SECTIONS 1.50. AND 1.56. – CONDITIONAL USE PERMITS; PROVIDING A CODIFICATION CLAUSE; AND PROVIDING A PUBLICATION DATE

V. Approval of Ordinance # 4758 amending the Planning Fees

The Planning Department respectfully requested that the City Council consider amending and adopting the Planning fees. There was no public input at P&Z's 1/23/19 meeting. The Board unanimously recommended approval.

Staff and Interim City Manager recommended approval.

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Mayor O'caña asked if there were any comments for or against this public hearing.

There were no comments.

Councilman Martinez moved to adopt Ordinance # 4758 amending the Planning Fees. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 4758

ORDINANCE AMENDING PLANNING FEES OF THE CITY OF MISSION'S CODE OF ORDINANCES; PROVIDING A CODIFICATION CLAUSE; AND PROVIDING A PUBLICATION DATE

W. Approval of Ordinance # 4759 amending the Building Permit Fees

The Planning Department respectfully requested that the City Council consider amending and adopting the Building Permit fees. There was no public input at P&Z's 1/23/19 meeting. The Board unanimously recommended approval.

Staff and Interim City Manager recommended approval.

Mayor O'caña asked if there were any comments for or against this public hearing.

There were no comments.

Councilwoman Ochoa moved to adopt Ordinance # 4759 amending the Building Permit Fees. Motion was seconded by Councilman Martinez and approved unanimously 5-0.

ORDINANCE NO. 4759

ORDINANCE AMENDING BUILDING PERMIT FEES OF THE CITY OF MISSION'S CODE OF ORDINANCES; PROVIDING A CODIFICATION CLAUSE; AND PROVIDING A PUBLICATION DATE

X. Approval of Ordinance # 4760 amending the Park Fees

The Planning Department respectfully requested that the City Council consider amending and adopting the Parks fees from \$300 to \$500 in line with the Parks & Recreation Department recommendation. There was no public input at P&Z's 1/23/19 meeting. The Board unanimously recommended approval.

Staff and Interim City Manager recommended approval.

Mayor O'caña asked if there were any comments for or against this public hearing.

There were no comments.

Mayor Pro Tem Garza moved to adopt Ordinance 4760 amending the Park Fees. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4760

ORDINANCE AMENDING PARK FEES OF THE CITY OF MISSION'S CODE OF ORDINANCES; PROVIDING A CODIFICATION CLAUSE; AND PROVIDING A PUBLICATION DATE

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 – January 14, 2019

2.2 Acknowledge Receipt of Minutes

Animal Rescue and Adoption Advisory Board – October 2, 2018

Boys & Girls Club Advisory Board Meeting – January 8, 2019

Mission Historical Museum – December 10, 2018

Speer Memorial Library Board – December 18, 2018

Mission Education Development Council - November 13, 2018

Mission Economic Development Corporation - November 29, 2018

Mission Economic Development Authority - November 29, 2018

Mission Redevelopment Authority - December 6, 2018 -

Mission Tax Increment Reinvestment Zone #1 - December 6, 2018

2.3 Authorization to apply the FY 2019 Emergency Management Performance Grant (EMPG)

The Office of Emergency Management Division was seeking authorization to apply the Fiscal Year 2019 Emergency Management Performance Grant (EMPG) The requirement for this Grant was to pay for a portion of salary the Emergency Management Staff. The City would 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 cast objectives and metrics; submit Work Plan Tasks and the timely submission of progress and Financial Reports.

Mayor Pro Tem Garza moved to approve the consent agenda items 2.1 thru 2.3. Motion was seconded by Councilman Plata and approved 5-0.

3.0 Approvals and Authorizations

3.1 Preliminary & Final Plat Approval: Sunset Meadows Subdivision (Private Subdivision), The North 4.0 acres of Lot 172, John H. Shary Subdivision, R-1T Developer: Mario Rodriguez Engineer: Delcon Logistics

On January 23, 2019 the Planning and Zoning Commission held a Public Hearing to consider the Preliminary & Final Plat Approval for Sunset Meadow Subdivision (Private Subdivision). The proposed subdivision was located 1/5 of a mile north of Interstate 2 Frontage Road along the west side of Glasscock Road. The Board unanimously recommended approval as per Staff's recommendation.

Staff recommended approval subject to: 1) No objection to variances, to meeting private Street policy, 2) Must provide escrows for Glasscock Road widening and 5' sidewalks along Glasscock Road, 3) Must pay capital sewer recovery and park fees, 4) provide water district exclusion, and 5) Comply with all other format findings.

Interim City Manager recommended approval.

Councilman Plata moved to approve the Preliminary & Final Plat Approval: Sunset Meadows Subdivision. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.2 Authorization to solicit proposals for qualifications for On-Call Engineering Services for Geotechnical and Materials Testing

Staff was seeking authorization to solicit proposals for On-Call Engineering Services for Geotechnical and Materials Testing. ENGINEER was to furnish all technical and professional services including labor, material, equipment, transportation, supervision, and expertise to fully and adequately perform the services. In accordance with Section 2254 of the Government Code of the State of Texas, the City shall make the selection on the basis of demonstrated competence and qualifications to perform the services throughout the term of the contract.

Staff and Interim City Manager recommended approval.

Councilman Martinez moved to authorize to solicit proposals for qualifications for On-Call Engineering Services for Geotechnical and Materials Testing. Motion was seconded by Councilman Plata and approved unanimously 5-0.

3.3 Approve New Sanitation Rates to be charged to the City of Mission by Republic Services for All Commercial Accounts

Current contract provisions between the City and Republic Services stipulated that Republic was allowed to increase the rates they charge the City for commercial trash collection services on a yearly basis based on the increase in the Consumer Price Index (CPI) for the previous twelve (12) month period. The City was in receipt of correspondence from Republic whereby they were providing notice on the CPI for 2019 based on the preceding twelve (12) month period. The CPI increased by an adjusted 2.66 %, which was well under the contract's CPI maximum of 4%. Based on the information provided by Republic and reviewed by staff, it was recommended that the City approve the new rates.

These rates would be for the remaining contract period with Republic Services.

Staff and Interim City Manager recommended approval.

Councilwoman Ochoa moved to approve new sanitation rates to be charged to the City of Mission by Republic Services for all commercial accounts. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

3.4 Amended Interlocal Cooperation Agreement amending the rights and responsibilities of the parties to be included in the "Madero Bridge Agreement"

Funding (delete) The Cities will negotiate and agree as to the repayment of such costs, factoring revenues and operating expenses of the Madero Bridge, and such agreement will be reflected in the Madero Bridge Agreement'

Revenues and Expenditures (add) Should the revenue generated be insufficient to cover the costs of the maintenance, operation, or debt service of the bridge, the Madero Bridge Board, in conjunction with the City of Mission, shall obtain additional funding from any funding source that is feasible and/or in the parties' best interest, as determined by the City of Mission, including but not limited to the issuance of bonds.

Staff and Interim City Manager were seeking recommendation from the Council.

Mayor O'caña stated that the recommendation was for approval.

Councilman Plata stated that he had a concern that the City of Mission would be responsible for all of the financing. He stated that he felt that the city was not in a financial position to go out for bonds. Mayor O'cana stated that a financial plan had not yet been discussed and that multiple methods were being considered. The feasibility has been completed and was paid for by the Anzalduas Bridge Board. Mayor Pro Tem Garza stated that if the City agreed to this agreement the City of Mission would be responsible for all of the debt to construct the bridge. Mayor O'cana expressed that if the Interlocal is not approved the City would have to start reapplying for a presidential permit. The intent of the Interlocal was to show good faith in getting an extension and move forward through 2021. Councilman Gus Martinez recommended for Mayor O'cana to speak directly to Mayor Jim Darling from City of McAllen before taking action on this item.

Mayor Pro Tem Garza moved to table the Amended Interlocal Cooperation Agreement amending the rights and responsibilities of the parties to be included in the "Madero Bridge Agreement". Motion was seconded by Councilman Ruben Plata and approved unanimously 5-0.

3.5 Authorization to Execute Payment to Rio Valley Switching Company to replace 63' Railroad Crossing at 4th Street

Authorization was being requested to execute payment to Rio Valley Switching Company to replace 63 linear feet of Railroad Crossing at 4th Street; Rio Valley Switching Company would do the construction for this project to include Labor and Materials.

Staff and Interim City Manager recommended approval.

Councilman Martinez moved to Authorization to Execute Payment to Rio Valley Switching Company to replace 63' Railroad Crossing at 4th Street. Motion was seconded by Councilman Plata and approved unanimously 5-0.

3.6 Approval of purchase Micro-Solve for Sanitary Sewer Lift Stations from a sole source vendor

Staff was recommending the purchase of Micro-Solve from Evergreen Southwest, a sole source vendor. Pursuant to Texas Local Government Code Section 252.022 General Exemptions (7) a procurement of items that are available from only one source, including: (A) items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies and (D) captive replacement parts or components for equipment;

Chemicals would be used for Sanitary Sewer Lift Stations and Wastewater Plant Main Lift Station throughout the City. Attached was a sole source letter from the manufacturer, Bio-Tech Industries Inc., granting the rights for distribution by Evergreen Southwest to sell and market the products and an official quote for the acquisition for both chemicals. The product acts on grease by liquefying the solids into a condition that prevents the grease from building up on the walls, thus improving the overall efficiency of the waste flow. It's a non-water-soluble-based solution containing a proven combination of de-mulsifiers, corrosion inhibitors, and organic compounds.

Staff and Interim City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the purchase Micro-Solve for Sanitary Sewer Lift Stations from a sole source vendor. Motion was seconded by Councilman Plata and approved unanimously 5-0.

3.7 Authorization to Execute Payment for Emergency Sanitary Sewer Repairs at Mayberry Rd

In accordance with Local Government Code, General Exceptions, Paragraph 252.022 (a)(1)(2) “a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality’s residents or to preserve the property of the municipality” and “a procurement necessary to preserve or protect the public health or safety of the municipality’s residents”, hence staff was seeking authorization as an “Emergency Purchase” for sanitary sewer repairs at Mayberry Rd. due to a Collapsing Sanitary Sewer Line and Manhole at the proximities of Mayberry Rd and Marinel Lane. Due to the sink hole at Northbound lane on Mayberry road the potential risk would have been vehicular traffic accident and sanitary sewer backup to residents’ homes.

Request was to execute payment for repairs by Saenz Brothers, Inc for \$51,700.00 once emergency project was complete.

Staff and Interim City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to Execute Payment for Emergency Sanitary Sewer Repairs at Mayberry Rd. Motion was seconded by Councilman Plata and approved unanimously 5-0.

3.8 Change Order No.3 for additional items of work for Anzalduas PH II Water & Sewer Project

Staff was seeking authorization for Change Order No. 3 to introduce additional quantities and items of work. The Contractor encountered an irrigation line encroaching the water and sewer lines north of Los Indios road on the West side. Due to the utility encroachment the waterline and sewerline needed to be rerouted closer to the roadway which would take extra manholes, bend elbows, special shoring and extra caution due to being so close to the Anzalduas Highway. However, Hunt Development agreed to pay for half of the cost due to a section of the infrastructure benefitting their future development.

Previous contract price was \$3,814,448.05. New contract price including Change Order \$3,875,265.93

The Mission Redevelopment Authority/TIRZ #1 Board of Directors approved Change Order No. 3 at their Board meeting of January 22, 2019. Contractor was Morwill. LLC. Halff Associates was the designer.

Staff and Interim City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Change Order No.3 for additional items of work for Anzalduas PH II Water & Sewer Project. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.9 November 2018 Financial Statements

Finance Director Angie Vela presented the November 2018 Financial Statements for approval.

Staff and Interim City Manager recommended approval.

3.10 Tax Collections Report – December 2018

Finance Director Vela presented the Tax Collections Report – December, 2018 for approval.

Staff and Interim City Manager recommended approval.

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Councilman Martinez moved to approve the Tax Collections Report – December, 2018 as presented. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

3.11 Budget Amendments: General Fund, Utility Fund & Capital Projects Fund

Finance Director Vela presented budget amendments BA–19-16 thru BA-19-18 to the City Council for approval.

Staff and Interim City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the budget amendments BA–19-16 thru BA-19-18. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

Mayor Pro Tem Garza moved to remove from table item 4.1. Motion was seconded by Councilman Garza and approved unanimously 5-0.

4.0 Unfinished Business

4.1 Authorization to Award Bid for GIS Project & Data Maintenance

The City of Mission had accepted and opened four (4) bid responses for GIS (Geographical Information System) Project & Data Maintenance. Staff recommended to award the bid to B2Z Engineering, LLC, who was the lowest responsible bidder meeting all specifications. This project would entail the gathering and maintenance of database as well as the development and deployment of the City-wide GIS System. The contract terms would be for one year base term with two one-year renewal options.

Staff Recommendation: Award bid to B2Z Engineering, LLC

Interim City Manager recommended approval.

Councilman Plata moved to Award Bid for GIS Project & Data Maintenance to B2Z Engineering, LLC. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

5.0 Routine Matters

5.1 City Manager's Comments

Interim City Manager Perez thanked staff for their hard work during the Texas Citrus Fiesta Festivities. Mr. Perez introduced Roxanne Casares, Public Information Director for the City of Mission.

5.2 Mayor's Comments

Mayor O'cana thanked staff for their hard work during the Texas Citrus Fiesta Festivities.

5.3 City Council Comments

Councilman Martinez expressed his enjoyment of the Texas Citrus Fiesta parade festivities.

Councilman Plata thanked Aida Lerma, Deputy City Manager for doing an excellent job in the coordination and organization of all of the Texas Citrus Fiesta Events involving our Sister Cities.

Councilwoman Ochoa thanked Aida and Jesse Lerma for their hard work and expressed her gratitude to Brad Bentsen, Parks Director and his staff for their design and workmanship of the City of Mission float.

At 10:38 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 Councilman Martinez and approved unanimously 5-0.

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

6.1 Deliberation regarding real property Sec. 551.072

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

B. Discussion of potential acquisition of a tract of land located at the East side of Canal Avenue at 6th Street

6.2 Consultation with Attorney Sec. 551.071

A. Discussion of compliance with Texas Water Code related to EDAP Project

6.3 Personnel matters Sec. 551.074

A. Review of City Attorney Applications

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

At 11:22 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilman Martinez and approved unanimously 5-0.

On item 6.1 A, Mayor Pro Tem Garza moved to authorize Interim City Manager to continue negotiations for property along Holland Ave. for possible expansion of municipal cemetery. Motion was seconded by Councilman Plata and approved unanimously 5-0.

On item 6.1 B, Councilman Martinez moved to authorize Interim City Manager to continue to Inquire about the potential acquisition of a tract of land located at the East side of Canal Avenue at 6th Street. Motion was seconded by Councilman Plata and approved unanimously 5-0.

On item 6.2 A, no action was taken. Interim City Manager Perez stated they would continue to work with the TWDB to be in compliance.

On item 6.3 A, Councilman Martinez moved to cancel the interviews scheduled for January, 29, 2019 and reschedule for February 7, 2019. Motion was seconded Councilman Plata and approved unanimously 5-0.

7.0 Adjournment

At 11:25 p.m., Councilman Martinez moved for adjournment. Motion was seconded by Councilman Plata and approved unanimously 5-0.

Dr. Armando O'caña, Mayor

ATTEST:

Anna Carrillo, City Secretary