

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
FEBRUARY 25, 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
Jim & Beth Barnes
Edgar J. Ramirez
Domenic Hernandez
Jisela Hernandez
Joe Louis Sanchez
Diane Hochgraber
Jason Billman
Diorica Maldonado
Rogelio Sanchez, Jr.
Martha Sanchez
Chris Vargas
Robbin Salas

STAFF PRESENT:

Aida Lerma, 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
Robert Hinojosa, Risk Manager
Eduardo Belmarez, Purchasing Director
Roland Rodriguez, I. T. Director
Roxanne Casarez, Public Information Dir.
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
Belinda Garza, Library Supervisor
Cesar Gutierrez, Sanitation Director
JC Avila, Fleet Maintenance Director
Noel Barrera, Health Dept. Director
Adela Ortega, Food Pantry Manager
Joel Chapa, Police Officer

1. Call to order

With a quorum being present, Mayor Dr. Armando O'caña called the meeting to order at 5:30 p.m.

2. Invocation and Pledge Allegiance

Pastor Bill Duke from First United Methodist Church gave the invocation. National Honor Society President Victoria Bazan and Joseph Balderas – Student Council Vice-President from Sharyland Advanced Academic Academy led the Pledge of Allegiance. Principal Ivan Karr was also in attendance.

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 a successful Mission Day at the Capitol and a successful Winter Texan Fiesta.

4. Departmental Reports

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

5. Citizens Participation

Adela Ortega, Social Services Director introduced Don & Patty Wodruff and Dean & Linda Shutter who adopt families who are in need of food and also donate to the food pantry.

Police Chief Roberto Dominguez submitted the 2018 Racial Profiling report to the City Council.

At 5:41 p.m., Mayor O'caña requested to consider item 3.15 and 3.16 of the agenda.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Rezoning: The North 5 acres of Lot 42, Bell Woods Company's Subdivision "C", from AO-I (Agricultural Open Interim) to R-3 (Multi-Family Residential) RT Real Investments, LLC, c/o Frank Trevino
Adoption of Ordinance # 4767 approving 1.1A**

On February 13, 2019 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The subject site was located on the east of Troster Road about 1700' north of W. Mile 2 Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval of R-1T.

Staff and Interim City Manager recommended denial of R-3 but approval of R-1T.

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

Rene Barrera project engineer for this project was in agreement of the R-1T recommendation.

Mayor Pro Tem Garza moved to approve the rezoning and adopt Ordinance 4767 Rezoning: The North 5 acres of Lot 42, Bell Woods Company's Subdivision "C", from AO-I (Agricultural Open Interim) to R-1-T (Townhouse Residential). Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4767

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING BEING THE NORTH 5 ACRES OF LOT 42, BELL-WOODS COMPANY'S
SUBDIVISION "C", FROM AO-I (AGRICULTURAL OPEN INTERIM)
TO R-1T (TOWNHOUSE RESIDENTIAL)

**B. Rezoning: 21.632 acres out of Lot 204, John H. Shary Subdivision, AO-I & C-4 to R-1, Domain Development, Corp., c/o Melden & Hunt, Inc.
Adoption of Ordinance # 4768 approving 1.1B**

On February 13, 2019 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The subject site was located near the SE corner of Business Highway 83 and Shary Road. There was public opposition during the P&Z Mtg and the concerns voiced were in regards to drainage. 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.

Diane Hochgeaber, 2017 Kelly Street, President of the Board of Valley View Estates spoke on behalf of the residents of the Park. Ms. Hochgeaber was not against the rezoning but wanted to make sure that there would be proper drainage to avoid any flooding issues.

Robert Tamez from Melden & Hunt stated that the drainage issues would be addressed during the development of the area.

Jason Billman, 301 N. Shary Road stated that his family owned about 70 acres in the area and was concerned about the drainage issues.

Mayor Pro Tem Garza moved to approve the rezoning and adopt Ordinance 4768 Rezoning: 21.632 acres out of Lot 204, John H. Shary Subdivision, AO-I & C-4 to R-1, Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4768

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING BEING 21.632 ACRES OUT OF LOT 204, JOHN H. SHARY
SUBDIVISION, FROM AO-I (AGRICULTURAL OPEN INTERIM) & C-4 (HEAVY COMMERCIAL)
TO R-1 (SINGLE FAMILY RESIDENTIAL)

**C. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Balli's Terrace Event Center, 1509 Industrial Way, Lot 5, Mission Business Park Subdivision, I-1, Belinda Balli Catering, LLC,
Adoption of Ordinance # 4769 approving 1.1C
Adoption of Ordinance # 4770 approving Wet Zone**

On February 13, 2019 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located near the International Boulevard and Industrial Way intersection along the south side of Industrial Way. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff recommended approval for 2 years from the issuance of the TABC permit.

Interim City Manager recommended approval

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

There were no comments.

Councilwoman Ochoa moved to approve the CUP and adopt Ordinance 4769 Sale & On-Site Consumption of Alcoholic Beverages – Balli’s Terrace Event Center, 1509 Industrial Way, Lot 5, Mission Business Subdivision Park. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4769

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 – BALLI’S TERRACE EVENT CENTER, 1509 INDUSTRIAL WAY, LOT 5, MISSION BUSINESS PARK SUBDIVISION

Councilwoman Ochoa moved to adopt Ordinance 4770 granting a wet designation for the Sale & On-Site Consumption of Alcoholic Beverages – Balli’s Terrace Event Center, 1509 Industrial Way, Lot 5, Mission Business Subdivision Park. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4770

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING ORDINANCE NO.780 DESIGNATING PLACES WHERE BEER AND OTHER ALCOHOLIC BEVERAGES MAY BE SOLD WITHIN THE CORPORATE LIMITS OF THE CITY OF MISSION TO INCLUDE THE PREMISES LOCATED AT 1509 INDUSTRIAL WAY, LOT 5, MISSION BUSINESS PARK SUBDIVISION

- D. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Beef Outlaws Bar & Grill, 2714 N. Conway Avenue, Lot 9, Northtown # 1 Subdivision, C-3, Christopher Vargas**
 - Adoption of Ordinance # 4771 approving 1.1D**
 - Adoption of Ordinance # 4772 approving Wet Zone**

On February 13, 2019 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located within a commercial plaza located on the Southeast corner of Conway and E. 28th Street. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff recommended approval for 2 years from the issuance of the TABC permit and waiver of the 300’ requirement for alcohol near residences

Interim City Manager recommended approval.

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

There were no comments.

Councilman Martinez moved to approve the CUP and adopt Ordinance 4771 Sale & On-Site Consumption of Alcoholic Beverages – Beef Outlaws Bar & Grill, 2714 N. Conway Avenue, Lot 9, Northtown # 1 Subdivision. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4771

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 – BEEF OUTLAWS BAR & GRILL, 2714 N. CONWAY AVENUE, LOT 9, NORTHTOWN #1 SUBDIVISION

Councilman Martinez moved to adopt the Ordinance 4772 granting a wet designation for the Sale & On-Site Consumption of Alcoholic Beverages – Beef Outlaws Bar & Grill, 2714 N. Conway Avenue, Lot 9, Northtown # 1 Subdivision. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4772

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING ORDINANCE NO.780 DESIGNATING PLACES WHERE BEER AND OTHER ALCOHOLIC BEVERAGES MAY BE SOLD WITHIN THE CORPORATE LIMITS OF THE CITY OF MISSION TO INCLUDE THE PREMISES LOCATED AT 2714 N. CONWAY AVENUE, LOT 9, NORTHTOWN #1 SUBDIVISION

- E. Conditional Use Permit: Drive-Thru Service Window – Proposed Restaurant, 2211 E. Griffin Parkway, Suite 240, 2.444 acres out of Lot 254, John H. Shary Subdivision, C-3, Café Paris
Adoption of Ordinance # 4773 approving 1.1E**

On February 13, 2019 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located 300’ west of Citrus along the north side of Griffin Parkway (F.M. 495). There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff recommended approval subject to a 1-year renewal and the CUP not being transferable to others.

Interim 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 adopt Ordinance 4773 Drive-Thru Service Window – Proposed Restaurant, 2211 E. Griffin Parkway, Suite 240. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4773

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU SERVICE WINDOW - PROPOSED RESTAURANT, 2211 E. GRIFFIN PARKWAY, SUITE 240, 2.444 ACRES OF OUT LOT 254, JOHN H. SHARY SUBDIVISION

- F. Conditional Use Permit: Drive-Thru Convenience Store – El Korita Drive-Thru, 3300 N. Inspiration Road, Lot 1, Gomez Estates Subdivision, C-3, c/o Edgar J. Ramirez Castellano
Adoption of Ordinance # 4774 approving 1.1F**

On August 22, 2018 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located on the NE corner of Inspiration Road and 2 Mile Line. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval subject to: 1) a 1 year period of time to assess the new operation; 2) parking lot to be ADA compliant; 3) resurfacing the parking lot; 4) re-striping the parking lot designating parking areas; 5) assess outdoor lighting and landscaping requirements; 6) overall property improvement and 7) hours of operation to not go past midnight

Minutes, 02/25/19 pg 6

Staff recommended approval subject to a 1-year renewal and the CUP not being transferable to others

Interim City Manager recommended approval.

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

Edgar Ramirez applicant requested to sell alcohol according to TABC hours and Saturday until 1:00 a.m.

Councilwoman Ochoa moved to approve the CUP and adopt Ordinance 4774 Drive-Thru Convenience Store– El Korita Drive-Thru, 3300 N. Inspiration Road, Lot 1 according to TABC hours and Saturday until 1:00 a.m. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4774

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU CONVENIENCE STORE - EL KORTIA DRIVE THRU, 3300 N. INSPIRATION ROAD, LOT 1, GOMEZ ESTATES SUBDIVISION

G. Approval of Ordinance # 4775 to Abandon a .034 acre tract of land out of that southeasterly portion of Block 4, Erdahl Subdivision

On February 13, 2019 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located near the NW corner of Holland and U.S. Expressway 83. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff and Interim City Manager recommended approval.

Mayor Pro Tem Garza moved to adopt Ordinance # 4775 to abandon a .034 acre tract of land out of that southeasterly portion of Block 4, Erdahl Subdivision. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4775

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION ABANDONING AND VACATING A .034 ACRE TRACT OF LAND OUT OF THAT SOUTHEASTERLY PORTION OF BLOCK 4, ERDAHL SUBDIVISION, MISSION, HIDALGO COUNTY,

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 – February 11, 2019

2.2 Acknowledge Receipt of Minutes

Boys & Girls Club of Mission – February 5, 2019

Parks & Recreation – February 12, 2019

Rail Bridge Action Committee – January 3, 2019

Mission Economic Development Corporation – January 15, 2019

2.3 Approval of Annual Hidalgo County Library System Interlocal Agreement

Hidalgo County was requesting approval of the annual interlocal agreement with them.

This agreement allowed the County to continue to pay funds on behalf of and disburse funds to Speer Memorial Library for contractual services and library materials.

2.4 Authorization to accept the 2019 Law Enforcement Officer Standards and Education (LEOSE) Funds from the Texas Comptroller of Public Accounts

The Mission Police Department was requesting authorization to accept the 2019 Law Enforcement Officer Standards and Education (LEOSE) Funds from the Texas Comptroller of Public Accounts. The funds, \$9,653.84 ensured the continuing education of persons licensed under Chapter 1701, of the Occupations Code, to provide necessary training by the Police Department to full-time, fully paid law enforcement support personnel.

Staff and Interim City Manager recommend approval.

Mayor Pro Tem Garza moved to approve the consent agenda items 2.1 thru 2.4. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

Councilwoman Ochoa stepped out of the meeting at 6:31 p.m.

3.0 Approvals and Authorizations

3.1 Preliminary Plat Approval: Las Comadres #6 Subdivision, A Re-Subdivision of a 40.00 acre tract of land being all of Lots 9, 10, 11 and 13, Block 3, Texas Gardens Subdivision, ETJ Developer: Valley Caliche Products, Inc. Engineer: Melden & Hunt, Inc.

On February 13, 2019 the Mission City Council held a Public Hearing to consider the Preliminary & Final Plat Approval for Las Comadres #6 Subdivision. The proposed subdivision was located along the east side of Iowa Road approximately ¼ south of Mile 3 Road. The Board unanimously recommended approval.

Staff recommended approval subject to: 1) Meeting the Model Subdivision Rules, 2) Comply with the street alignment policy, and 3) meeting any comments from the County Planning Department.

Interim City Manager recommended approval.

Councilman Martinez moved to approve Preliminary Plat Approval: Las Comadres #6 Subdivision, A Re-Subdivision of a 40.00 acre tract of land being all of Lots 9, 10, 11 and 13, Block 3, Texas Gardens Subdivision, ETJ. Motion was seconded by Councilman Plata and approved unanimously 4-0.

3.2 Final Plat Approval: Inspiration Heights Subdivision, 7.196 acres of Lot 13, Goodwin Tract No. 3 Subdivision, R-1 Developer: Eloy Chapa Engineer: Melden & Hunt, Inc.

On July 9, 2018 the Mission City Council held a Public Hearing to consider the Preliminary Plat Approval for Inspiration Heights Subdivision. The proposed subdivision was located approximately ¼ mile north of W. Griffin Parkway (F.M. 495) along the west side of Inspiration Road. The Board unanimously recommended approval as per Staff's recommendation.

Staff recommended approval subject to: 1) Payment of park fees and sewer capital recovery fees, 2) Water district exclusion, and 3) Comply with all other format findings.

Interim City Manager recommended approval.

3.3 Approval Of Resolution No. 1589 Amending Resolution No. 1284 by eliminating the limit on Personnel Positions that may be employed and subsequently leased to Mission Economic Development Corporation; and providing an effective date

As the City of Mission continued to grow at a rapid pace, so did the economic development activity within the city. With the increased activity, MEDC was in need of additional personnel positions to carry out those functions delegated to it by Resolution No. 1284 of the Mission City Council. However, Resolution No. 1284 limited the City to six personnel positions leased to MEDC.

This Resolution amended Resolution No. 1284 by eliminating the limit as to the number of personnel positions that may be employed and subsequently leased to MEDC. All other provisions of Resolution No. 1284 would remain in effect, including the provision that any such expenditures made on behalf of the personnel leased to MEDC would be subject to budgets adopted by the City Council and further reimbursed by MEDC.

Mayor Pro Tem Garza moved to approve Resolution No. 1589 Amending Resolution No. 1284 by eliminating the limit on Personnel Positions that may be employed and subsequently leased to Mission Economic Development Corporation. Motion was seconded by Councilman Martinez and approved unanimously 4-0

RESOLUTION NO. 1589

A RESOLUTION AMENDING RESOLUTION NO. 1284 BY ELIMINATING THE LIMIT ON PERSONNEL POSITIONS THAT MAY BE EMPLOYED AND SUBSEQUENTLY LEASED TO MISSION ECONOMIC DEVELOPMENT CORPORATION; AND PROVIDING AN EFFECTIVE DATE

3.4 Approval of Container Use and Service Agreement between the City of Mission and BFI Waste Services of Texas, LP dba Republic Services of Rio Grande Valley

The Container Use and Service Agreement would facilitate the transition of commercial and industrial collection services in the City of Mission from Republic Services. The City would be removing and storing Republic Services commercial and industrial containers and replacing them with City-owned containers commencing after the approval of agreement through the service change date of April 1, 2019.

Republic Services would allow the City to move and store their containers and would continue to service the City containers located at commercial and industrial units that are presently serviced by Republic Services during the transition period.

Councilwoman Ochoa re-joined the meeting at 6:36 p.m.

Mayor Pro Tem Garza moved to approve Container Use and Service Agreement between the City of Mission and BFI Waste Services of Texas, LP dba Republic Services of Rio Grande Valley. Motion was seconded by Councilman Plata and approved unanimously 5-0.

3.5 Award Bid for Housing Assistance Program HAP Phase 18-I

On December 27, 2018 City Council authorized staff to solicit bids for six homes. The City of Mission accepted and opened five (5) bid responses for this home. Staff recommended to award project to:

Andrew Salinas d.b.a A-ONE Insulation - \$294,000

Reconstruction:

1206 Moorefield Rd - \$70,500 3 bdrm 2 bath, 1100 sq ft

2005 Thornton Ave - \$69,000 2 bdrm 2 bath, 970 sq ft

325 Erma Ave - \$69,500 2 bdrm 2 bath, 970 sq ft

3632 Lopez St - 67,500 2 bdrm 2 bath, 970 sq ft

Minutes, 02/25/19 pg 9

Rehabilitation:

948 Chester St - \$17,500

G&G Contractors - \$68,400

Reconstruction:

203 Oblate Ave - \$68,400 2 bdrm 2 bath, 970 sq ft

Andrew Salinas d.b.a A-ONE Insulation and G&G Contractors both met all the Terms & Conditions and Specifications and came within budget. CAC met on February 19, 2019 and approved staff's recommendation for these homes.

Interim City Manager recommended approval.

Councilman Martinez moved to award Bid for Housing Assistance Program HAP Phase 18-I. Motion was seconded by Councilman Plata and approved unanimously 5-0.

3.6 Authorization to Solicit Bids for "Housing Assistance Program – Phase 18-II"

The Citizen's Advisory Committee met on February 19, 2019 and approved staff's recommendation to provide reconstruction of six (6) homes and rehabilitation of one (1) home through the CDBG program for the following addresses:

Reconstruction:

319 Erma Ave – 2 bdrm 2 bath, 970 sq ft

205 E Victory St – 2 bdrm 2 bath, 970 sq ft

800 Cheril Rd – 2 bdrm 2 bath, 970 sq ft

117 E Victory St – 3 bdrm 2 bath, 1100 sq ft

810 W 2nd St – 2 bdrm 2 bath, 970 sq ft

824 Hidalgo – 3 bdrm 2 bath, 1100 sq ft

Rehabilitation

4102 Rene Ave

Staff and Interim City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to solicit bids for "Housing Assistance Program – Phase 18-II" motion was seconded by Councilman Plata and approved unanimously 5-0.

3.7 Approval of change order for Andrew Salinas dba A-One Insulation for Housing Assistance at 123 Quebec

The contractor was requesting consideration for reimbursement of unbudgeted costs for fill dirt as it was difficult to determine the amount needed while the structure was on the property. Due to this unforeseen circumstance, an excessive amount of fill dirt was needed to reach the minimum finished floor elevation. Staff confirms the need for a change order to include additional fill and recommended approval of this request.

The change order was as follows:

Contract amount	\$61,650.00
Change order	<u>\$ 1,650.00</u>
Total amount	\$63,300.00

The total amount of the change order was \$1,650 (3% of Original Contract Amount and was less than the 25% cap allowed by the Texas Local Government Code).

Staff and Interim City Manager recommended approval.

Mayor Pro Tem Garza moved to approve change order for Andrew Salinas dba A-One Insulation for Housing Assistance at 123 Quebec. Motion was seconded by Councilman Plata and approved unanimously 5-0.

3.8 Approval of change order for Andrew Salinas dba A-One Insulation for Housing Assistance at 3935 Lopez

The contractor was requesting consideration for reimbursement of unbudgeted costs for fill dirt as it was difficult to determine the amount needed while the structure was on the property. Due to this unforeseen circumstance, an excessive amount of fill dirt was needed to reach the minimum finished floor elevation. Staff confirms the need for a change order to include additional fill and recommended approval of this request.

The change order is as follows:

Contract amount	\$56,250.00
Change order	<u>\$ 1,200.00</u>
Total amount	\$57,450.00

The total amount of the change order was \$1,200 (2% of Original Contract Amount and was less than the 25% cap allowed by the Texas Local Government Code).

Staff and Interim City Manager recommended approval.

Mayor Pro Tem Garza moved to approve change order for Andrew Salinas dba A-One Insulation for Housing Assistance at 3935 Lopez. Motion was seconded by Councilman Plata and approved unanimously 5-0.

3.9 Tax Collection Report – January, 2019

Finance Director Vela presented the Tax Collections Report – January, 2019 for approval.

Staff and Interim City Manager recommended approval.

Councilman Plata moved to approve the Tax Collections Report – January, 2019 as presented. Motion was seconded by Councilman Martinez and approved unanimously 4-0.

3.10 Authorization to award bids for the purchase of Waterline Maintenance Supplies for the Public Works Department

The City of Mission had accepted and opened four (4) bid responses for waterline maintenance supplies. Staff recommended awarding bid to Ferguson Waterworks, 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 Interim City Manager recommended approval.

Councilman Plata moved to authorize to award bid to Ferguson Waterworks for the purchase of Waterline Maintenance Supplies for the Public Works Department. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.11 Approval to Purchase Ultra Violet Parts for the Waste Water Treatment Plant from a sole source vendor

Staff was recommending to purchase parts for Ultra Violet Disinfection system from Xylem Water Solutions, Wedeco Products, 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;

Ultra Violet Systems parts would be replacing non-working UV parts for final disinfection process of waste water Installed in 2006 and purchased from the same vendor. A sole source letter was provided from Vendor, Xylem Water Solutions USA, Inc Wedeco Products and description of parts in need.

Staff and Interim City Manager recommended approval.

Councilman Martinez moved to approve the purchase of Ultra Violet Parts for the Waste Water Treatment Plant from a sole source vendor Xylem Water Solutions USA, Inc. Wedeco Products. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.12 Authorization to award bid to RG Enterprises, dba G&G Contractors for the Expansion of Bannworth Gym

Staff was seeking authorization to award bid for the expansion of Bannworth Gym to add classrooms for the Boys & Girls Club. Staff received nine (9) bids and was recommending award to RG Enterprises, dba G&G Contractors who was the lowest responsive and responsible bidder in the amount of \$409,000.

Staff and Interim City Manager recommended approval.

Albert Pena, Boys & Girls Club President was present to answer questions from the council.

Councilman Plata moved to authorize to award bid to RG Enterprises, dba G&G Contractors for the expansion of Bannworth Gym. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

3.13 Approval of Interlocal Agreement between City of McAllen and City of Mission for resurfacing Taylor Road

The City of Mission and the City McAllen desired to jointly undertake a road improvement project to resurface the existing pavement of Taylor Road between Expressway 83 and Uvalde/Colorado St.

The City of McAllen would act as lead agency and would include the pavement recycling services in their 2019 Single Machine Repaving Contract at an estimated cost of \$98,078.98 Mission would reimburse McAllen 50% of associated costs which was \$49,039.49.

Staff and Interim City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Interlocal Agreement between City of McAllen and City of Mission for resurfacing Taylor Road. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.14 Authorization to Execute First One-Year Renewal Option with Deer Oaks EAP Services

In 2018, the City of Mission entered into a contractual agreement with Deer Oaks EAP for Employee Assistance Program services. The terms for this contract were for one year with two one-year renewal options. There will be no price increase as per original proposal. Staff was seeking authorization to extend contract for first one-year renewal option with Deer Oaks EAP Services. This agreement would extend contract from October 1, 2019 through September 30, 2020.

Staff and Interim City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to Execute First One-Year Renewal Option with Deer Oaks EAP Services. Motion was seconded by Councilman Plata and approved unanimously 5-0.

3.15 Authorization to retire Police K-9 Ton Ton from active duty and to have K-9 Officer David Gonzalez adopt Ton Ton

Ton Ton, a Belgian Malinois was donated to the Mission Police Department in 2015. He had served the citizens of Mission for the past four (4) years. Dr. Michele Fuentes at the Mission Veterinary Hospital diagnosed Ton Ton with a medical condition affecting his hind legs. His condition had deteriorated and he could no longer perform the duties required of a Police K-9. Mission K-9 handler, David Gonzalez was willing to continue to care for Ton Ton after retirement if approved.

Staff and Interim City Manager recommended approval

Councilman Plata moved to authorize to retire Police K-9 Ton Ton from active duty and to have K-9 Officer David Gonzalez adopt Ton Ton. Motion was second by Councilwoman Ochoa and approved unanimously 5-0.

3.16 Authorization to accept one (1) Belgian Malinois K-9 into the City of Mission Police Department K-9 Program through the Department of Homeland Security Transportation Security Administration Transfer Program

The Mission Police Department learned from U.S. Customs and Border Protection that a 4 Year old male Belgian Malinois K-9 by the name of Cesar was being offered for adoption to our organization through the TSA Transfer Program. Cesar was a trained narcotic K-9. After review of the K-9, our K-9 Supervisor and K-9 Staff were requesting the adoption/transfer of Cesar to the Mission Police Department. There was no cost to the City of Mission to acquire the K-9.

Staff and Interim City Manager recommended approval.

Councilman Martinez moved to authorize to accept one (1) Belgian Malinois K-9 into the City of Mission Police Department K-9 Program through the Department of Homeland Security Transportation Security Administration Transfer Program. Motion was seconded by Councilman Plata and approved unanimously 5-0.

3.17 Approval of Resolution # 1590 of the City of Mission establishing a Social Media Policy

The “City of Mission Social Media Policy”, shall be implemented within the City of Mission in order to promote effective communication and maintain a courteous dialogue. The rules for posting external comments on any official City of Mission social networking site or digital media would maintain a productive forum for community discussion. Moderators would use these rules to ensure that posted comments are constructive and appropriate for all participants, while respecting a range of opinions.

Staff and Interim City Manager recommended approval.

Councilwoman Ochoa moved to approve of Resolution # 1590 of the City of Mission establishing a Social Media Policy. Motion was seconded by Councilman Plata and approved unanimously 5-0.

RESOLUTION # 1590

A RESOLUTION OF THE CITY OF MISSION ESTABLISHING A SOCIAL MEDIA POLICY

Councilman Martinez moved to remove from table item 4.1. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.0 Unfinished Business

4.1. 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 # 4776 approving 4.1

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.

Jaime Acevedo, Planning Director stated that staff had verified the petition submitted within 200' radius of the property being rezoned who were in opposition of the rezoning. Out of the eight residents who signed the petition only three of the residents were in opposition out of 22 which is 13.6% which falls short of the 20% which is required. Therefore a super majority is not needed to approve the request.

Amelia Gaytan spoke against the request.

Staff and Interim City Manager recommended approval.

Councilwoman Ochoa moved to approve the rezoning and adopt Ordinance 4776 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. Motion was seconded by Councilman Martinez and approved 3-2 with Mayor Pro Tem Garza and Councilman Plata voting against.

ORDINANCE NO. 4776

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING 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 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

5.0 Routine Matters

5.1 Interim City Manager's Comments

Invited the citizens to the 1st Family Wellness Bike Ride to be held on Thursday, February 28 at 6:30 p.m. at the Leo Pena Placita Park.

5.2 Mayor's Comments

Mayor O'cana asked Angie Vela Finance Director to present the Quarterly Financial Report ending December 31, 2018 since there was no quorum for the Workshop that was to be held at 5:00 p.m.

5.3 City Council Comments

Mayor Pro Tem Garza requested to re-visit the Future Land Use Map and to have staff come up with a plan.

Councilwoman Ochoa thanked the Chamber of Commerce for a successful Winter Texan Fiesta.

At 7:21 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 Consultation with Attorney Sec. 551.071 (1)

A. Temporary Restraining Order and Order Setting Show Cause Hearing Snowball Express vs City of Mission Case # C-0774-18-C

6.2 Personnel matters Sec. 551.074

A. In-house City Attorney

B. Deliberation regarding the appointment, employment, duties of City Manager position, and matters incident thereto.

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

At 8:32 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 – Councilman Martinez moved to hire Bob Galligan from the law firm of Jones, Galligan Key and Lozano to represent the city on the temporary Restraining Order and Order Setting Show Cause Hearing Snowball Express vs City of Mission Case # C-0774-18-C. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

On item 6.2 A - No action was taken. Process will continue and a status will be given at the next meeting.

On item 6.2 B – Councilman Martinez moved to appoint Randy Perez as a permanent City Manager with a standard six month probationary period with the contract length and salary to be negotiated by the Mayor.

Randy Perez City Manager thanked the Mayor and City Council for the opportunity and stated that it was truly a blessing to serve the City of Mission. that he could not do the job without the great directors that the city had.

7.0 Adjournment

At 8:35 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