

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
JUNE 10, 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
Alberto Vela, Councilman
Gus Martinez, City Attorney
Randy Perez, City Manager
Anna Carrillo, City Secretary

ALSO PRESENT:

Jaimie Treviño-Progress Times
Dave Hendricks- The Monitor
Jim & Beth Barnes
Paula Week
Garrett Edwards
Denis Luther
Diane Luther
Luis Elizondo
Marisol Elizondo
Abimael Reyes
Irene Garza
Yolanda Suarez
Alma Bailey
Grant Siegler
Irma Johnson
Homero Benavides
Thomas Thompson
M.E. Salinas
Paul Vazaldua
Rafael Gomez

ABSENT:

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Paula Banda, Administrative Asst.
Aida Lerma, Deputy City Manager
David Flores, Deputy City Manager
Elizabeth Hernandez, Executive Secretary
Angie Vela, Finance Director
Jaime Acevedo, Planning Director
Alex Hernandez, Planning Dept.
Noemi Munguia, HR Director
Robert Hinojosa, Risk Manager
Eduardo Belmarez, Purchasing Director
Roland Rodriguez, I. T. Director
Adela Ortega, Food Pantry Manager
Humberto Garcia, Media Relations
Charlie Longoria, Media Relations
Juan Pablo Terrazas, City Engineer
Jesse Lerma, Civil Service Director
Gilbert Sanchez, Fire Chief
Rene Alvarez, Asst. Fire Chief
Frank Cavazos, Deputy Fire Chief
James Cardoza, Emergency Mngmnt. Coord.
Robert Dominguez, Chief of Police
Joanne Longoria, CDBG Director
Mario Flores, Golf Course Director
Juan Arevalo, Boys & Girls Club Director
Brad Bentsen, Parks & Recreation Director
Mayra Rocha, Library Director
Cynthia Lopez, Museum Director
Cesar Gutierrez, Sanitation Director
JC Avila, Fleet Maintenance Director
Noel Barrera, Health Dept. Director
Eduardo Latin, Police Officer
Juan De La Garza, Storm Water Mngmnt. Coord.
Daniel Silva, MRA Executive Director

1. Call to order

With a quorum being present, Mayor Dr. Armando O'caña called the meeting to order at 5:34 p.m.

2. Invocation and Pledge Allegiance

City Manager Randy Perez gave the invocation and led the Pledge of Allegiance.

3. Recognition of Sharyland ISD Baseball Teams

Mayor and City Council recognized the Sharyland Pioneer Diamondbacks who finished the season as the Class 5A Region IV Final champions and advanced to the 5A state semifinals.

4. Presentation of Boys & Girls Scholarship Recipients

Juan Arevalo, Boys and Girls Club Director presented the scholarship recipients for the 2018-19 school year from Mission, Sharyland and IDEA school districts.

5. Report from the Greater Mission Chamber of Commerce

Brenda Enriquez President and CEO reported on past and upcoming events for the chamber.

6. Departmental Reports

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

7. Citizens Participation

Paul Vazaldua, of 205 Iris in McAllen, Texas mentioned that the Hidalgo County EMS had launched a campaign by providing tips for preventing heat emergencies during the hot summer months.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

**A. Rezoning: Tract No. 38, of an unrecorded plat of Melba Carter Subdivision of the Resubdivision of the South ½ of Lots 15-7, and 15-8, West Addition to Sharyland, and Tract No. 40 being the East 1 acre of the West 11.28 Acres out of 35.71 acres out of the South ½ of Lots 15-7, and 15-8, West Addition to Sharyland, containing 35.71 acres from (R-1) Single Family Residential to (C-3) General Business, c/o Orfa De Leon
Adoption of Ordinance # _____ approving 1.1A**

On May 22, 2019 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The subject site was located 500' east of Conway Boulevard along the south side of Melba Carter. There was public opposition during the P&Z Mtg. and the concerns voiced were in regards to children's safety. The Board unanimously recommended denial.

Staff and City Manager recommended denial.

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

Nohemi Martinez spoke against the request. Her main concerns were the safety of the children and the high volume of traffic.

Irene Garza of 308 Melba Carter spoke against the request. She asked council to keep the area residential instead of commercial. Her concern was also the high speed and 18 wheelers.

Councilwoman Ochoa moved to approve to deny the Rezoning: Tract No. 38, of an unrecorded plat of Melba Carter Subdivision of the Resubdivision of the South ½ of Lots 15-7, and 15-8, West Addition to Sharyland, and Tract No. 40 being the East 1 acre of the West 11.28 Acres out of 35.71 acres out of the South ½ of Lots 15-7, and 15-8, West Addition to Sharyland, containing 35.71 acres from (R-1) Single Family Residential to (C-3) General Business, as per staff's recommendations. Motion was seconded Councilman Plata and approved unanimously 5-0.

**B. Conditional Use Permit: To place a Portable Building for Office Use, 2300 W. Mile 3 Road, Being 3.86 acres out of Lot 22, New Caledonia Subdivision, C-3, (General Business), c/o Miguel A. De Leon
Adoption of Ordinance # 4797 approving 1.1B**

On May 22, 2019 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located near the NE corner of Moorefield Road and West Mile 3 Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff Recommendation: Staff recommended approval subject to: 1) a one-year reevaluation, 2) installation of paved parking area, and 3) the installation of landscaping along Mile 3 Road.

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the cup and to adopt Ordinance No. 4797 Conditional Use Permit: To place a Portable Building for Office Use, 2300 W. Mile 3 Road, Being 3.86 acres out of Lot 22, New Caledonia Subdivision, C-3, (General Business), as per staff's recommendations. Motion was seconded Mayor Pro Tem Norie Gonzalez Garza and approved unanimously 5-0.

ORDINANCE NO. 4797

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT TO PLACE A PORTABLE BUILDING FOR OFFICE USE, 2300 W. MILE 3 ROAD, BEING 3.86 ACRES OUT OF LOT 22, NEW CALEDONIA SUBDIVISION

2.0 Consent Agenda

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

2.1 Approval of Minutes

City Council Meeting – May 29, 2019

Special City Council Meeting – May 29, 2019

2.2 Acknowledge Receipt of Minutes

Speer Memorial Library Board – April 11, 2019

Mission Ambulance Board – March 07, 2019

Mission Historical Museum – April 15, 2019

Zoning Board of Adjustment – April 17, 2019

Citizen's Advisory Committee – April 23, 2019

Planning and Zoning Commission – May 8, 2019

Wellness Committee – April 29, 2019

Drainage Committee – May 16, 2019

Mission Economic Development Authority – April 16, 2019

Mission Economic Development Corporation – April 16, 2019

2.3 Accept donation of an ambulance and convey to Cadereyta, Nuevo Leon, Mexico

Ms. Jody Nicole Launchbury was donating an ambulance and would like to become a contributor to our Sister City Program and requests that it be conveyed to the Sister City of Cadereyta, Nuevo Leon, Mexico in conformance with the Sister Cities Agreements previously signed by the entities. The purpose of said conveyance was to carry out the objectives of the Sister Cities program.

Vehicle Information: 2010 Ford E350 Demer's Ambulance VIN# 1FDWE3FP2ADA05045

2.4 Reschedule June 24, 2019 City Council meeting to Tuesday, June 25, 2019

The office of the City Manager was requesting to reschedule the June 24 City Council meeting to Tuesday, June 25 due to council members and staff returning on Monday, June 24 from the All America City Awards.

Mayor O'caña, asked to present consent agenda Item 2.3.

Jesse Lerma, Civil Service Director, presented the Sister City Mayor of Cadereta, Nuevo Leon, Mr. Ernesto Jose Quintanilla, he stated that he was very grateful and pleased with the donation.

Councilwoman Ochoa moved to approve consent agenda Item 2.3. Motion was seconded by Councilman Plata and approved unanimously 5-0.

Councilman Plata moved to approve the consent agenda items 2.1, 2,2 & 2.4. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.0 Approvals and Authorizations

3.1 Preliminary Plat Approval: Crown Pointe Phase VIII, Being a Resubdivision of 3.088 acres out of Lot 221, John H. Shary Subdivision, R-1A (Large Lot Single Family),

Developer: Chris Voss

Engineer: Urban Infrastructure Group, Inc.

On May 22, 2019 the Planning and Zoning Commission held a Public Hearing to consider the Preliminary & Final Plat Approval. The subject site was located approximately 1/3 of a mile North of Business Highway 83 along the East side of Stewart Road. The Board unanimously recommended approval.

Staff Recommendation: Staff recommended approval subject to: 1) Must pay capital sewer recovery and park fees, 2) Dedication of water rights, 3) Compliance with the Model Subdivision Rules, and 4) Must comply with City's street alignment policy.

City Manager recommended approval.

Councilman Plata moved to approve Preliminary Plat Approval: Crown Pointe Phase VIII, Being a Resubdivision of 3.088 acres out of Lot 221, John H. Shary Subdivision, R-1A (Large Lot Single Family) Developer: Chris Voss, Engineer: Urban Infrastructure Group, Inc, as per staff's recommendations. Motion was seconded Mayor Pro Tem Garza and approved unanimously 5-0.

**3.2 Preliminary Plat Approval: Capricorn Estates Subdivision, Being a 9.43 acre tract of land, more or less, out of Lot “F”, B.L. Millers Resubdivision of Lots 16-20, Mission Groves Estates, Mission ETJ,
Developer: LLAAG, LLC
Engineer: Homero L. Gutierrez**

On May 22, 2019 the Planning and Zoning Commission held a Public Hearing to consider the Preliminary & Final Plat Approval. The subject site was located near the intersection of Moorefield and West Griffin Parkway (F.M. 495) along the south side of Griffin Parkway. The Board unanimously recommended approval.

Staff Recommendation: Staff recommended approval subject to: 1) Must pay capital sewer recovery and park fees, 2) Dedication of water rights, 3) Compliance with the Model Subdivision Rules, and 4) Must comply with City’s street alignment policy.

City Manager recommended approval.

Councilman Alberto Vela moved to approve Capricorn Estates Subdivision, Being a 9.43 acre tract of land, more or less, out of Lot “F”, B.L. Millers Resubdivision of Lots 16-20, Mission Groves Estates, Mission ETJ Developer: LLAAG, LLC, Engineer: Homero L. Gutierrez , as per staff’s recommendations. Motion was seconded Mayor Pro Tem Garza and approved unanimously 5-0.

3.3 Authorization to solicit bids for Weedy Lot Abatement

Authorize staff to contract with third parties through the bidding process for the purpose of (1) abating nuisances pursuant to Article II of the Code of Ordinances captioned Weedy Lots, Unsanitary, Unsanitary Conditions on Private Property, and/or (2) cutting and removing all weeds, trash and brush from all City properties, easements and rights of way and any other properties over which the City had dominion and control, and otherwise maintaining same in a neat and clean condition.

Staff and City Manager recommended approval.

Mayor O’caña advised Mr. Acevedo that he needs to have a pool of vendors.

Councilwoman Ochoa moved to authorize to solicit bids for Weedy Lot Abatement. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

3.4 Authorization to Execute First One-Year Renewal Option for Palm Tree Trimming

City Council Authorized Staff to award ROD’Z Lawn Care the contract for Palm Tree Trimming on and within City owned Properties (Parks / City Facilities / Shary Golf Course) and Right of Ways (ROW) on 07-09-18. Staff was seeking Approval to Execute the first of two (2) - one (1) Year Renewal Options to

ROD’Z Lawn Care. The contract terms were for one (1) year primary with two (2) one-year renewal options based on 0% increase in price.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to Execute First One-Year Renewal Option for Palm Tree Trimming to award ROD’Z Lawn Care. Motion was seconded by Councilman Plata and approved unanimously 5-0.

3.5 Authorization to Award bids for Roadside Mowing and Litter Removal Services for the Public Works Department.

The City of Mission had accepted and opened two (2) Bid responses for Roadside Mowing and Litter Removal Services. Staff recommended awarding bid to Gulf Coast contractors, Inc, 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. Contract terms were for one year with one-year renewal option.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to Award bids for Roadside Mowing and Litter Removal Services for the Public Works Department to Gulf Coast contractors, Inc. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

3.6 Authorization to Award Bids for the purchase of Flexbase Commercial Caliche for Public Works Department.

The City of Mission had accepted and opened two (2) bid responses for the purchase of Flexbase Commercial Caliche. Staff recommended awarding bid to Terra Firma Materials, LLC, who was the lowest responsible bidder meeting all specifications at a cost of \$11/ton. Orders would be placed on as needed basis throughout the one year term. Frontera Materials was found non responsive due to failing to acknowledge Revised Business Questionnaire, did not provide references and fail to acknowledge the Conflict of Interest questionnaire.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to Award Bids for the purchase of Flexbase Commercial Caliche for Public Works Department to Terra Firma Materials, LLC. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

3.7 Approval to Purchase Equipment for the Industrial Pre-Treatment Plant from a sole source vendor

Staff was recommending the purchase of one Model A40-CFG EcoJet Aerator Complete and one 40Hp Ecojet aerator motor w/ propeller from Aerator Solutions, a sole source vendor. Pursuant to Texas Local Government Code Section 252.022 General Exemptions(7) a procurement of items that were available from only one source, including: (A) items that were available from only one source because of patents, copyrights, secret processes, or natural monopolies and (D) captive replacement parts or components for equipment;

Aerator & Motor would be use at the aeration basin for the Industrial Pre-Treatment Plant to replace nonfunctional Aerator & Motor installed in 2005 and purchased from the same vendor.

Staff and City Manager recommended approval.

Councilman Plata moved to approve to Purchase Equipment for the Industrial Pre-Treatment Plant from Aerator Solutions, a sole source vendor. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

3.8 Authorization to Solicit Bids for the installation of Striping/Pavement Markings and Pavement Crack Seal Application for the Public Works Department.

Staff was seeking authorization to solicit bids for Striping/Pavement Marking and Pavement Crack Seal application. Striping and Pavement Marking would be utilized on City of Mission owned Parking Lots and upon completion of a street overlay or seal coat application. Objective of Pavement Crack Seal service was to maintain and extend the life of pavement by sealing noticeable cracks. Contract terms would be for one year with one-year renewal option and services would be rendered on an as needed basis.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to Solicit Bids for the installation of Striping/Pavement Markings and Pavement Crack Seal Application for the Public Works Department Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.9 Authorization to Solicit Bids for Seal Coat Asphalt Pavement Services on an as needed basis for the Public Works Department.

Staff was seeking authorization to solicit bids to seal coat asphalt pavement streets throughout the City of Mission. The objective of this service was to apply asphalt seal coat on streets in need of maintenance and achieve an extended life of pavement. Contract terms would be for one year with one-year renewal option and services would be rendered on an as needed basis.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to Solicit Bids for Seal Coat Asphalt Pavement Services on an as needed basis for the Public Works Department. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.10 Approval of a Memorandum of Agreement between the City of Mission and Research, Applied Technology, Education, and Service (RATES) dba RATES/RGV

The City of Mission was required to have a Texas Pollutant Discharge Elimination Systems (TPDES) and Storm water Plan. This agreement would allow the RATES/RGV to actively participate in the City of Mission's effort to respond and comply with the Texas Commission on Environmental Quality TPDES Phase II Stormwater Rules. RATES/RGV desires to participate in the development of a Regional Texas Pollutant Discharge Elimination System Storm Water Permit Application and Storm Water Management Plan for the Lower Rio Grande Valley TPDES.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Memorandum of Agreement between the City of Mission and Research, Applied Technology, Education, and Service (RATES) dba RATES/RGV. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.11 Approval of Resolution No. 1602 entering into a Memorandum of Understanding with Research, Applied Technology, Education, and Service (RATES) dba RATES/RGV for Representative Appointment to Lower Rio Grande Valley TPDES Stormwater Regional Task Force

Approval of Resolution to enter into an MOU with Research, Applied Technology, Education, and Service (RATES) dba RATES/RGV to participate in a Lower Rio Grande Valley TPDES Stormwater

Regional Task Force formed to respond and aid compliance with the Texas Commission on Environmental Quality (TCEQ) TPDES Phase II Stormwater Rules and other pertinent issues as needed and the appointment of Juan de la Garza as the representative to the Task Force.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Resolution No. 1602 entering into a Memorandum of Understanding with Research, Applied Technology, Education, and Service (RATES) dba RATES/RGV for Representative Appointment to Lower Rio Grande Valley TPDES Stormwater Regional Task Force. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

RESOLUTION # 1602

A RESOLUTION OF THE CITY OF MISSION, TEXAS, ENTERING INTO A MEMORANDUM OF UNDERSTANDING WITH RESEARCH, APPLIED TECHNOLOGY, EDUCATION, AND SERVICE (RATES) D.B.A. RATES/RGV FOR REPRESENTATIVE APPOINTMENT TO LOWER RIO GRANDE VALLEY TPDES STORMWATER REGIONAL TASK FORCE

3.12 Approval of Resolution No. 1603 supporting the acceptance of the 2018 Operation Stonegarden program grant from the Office of the Governor (OOG) for FY 2019-2020 grant year (OOG# 3172904).

The grant would allow Mission Police Officers the opportunity to work overtime to increase patrol presence throughout the City of Mission, especially in and around the U.S./Mexican border. Additionally, the grant would allow us the opportunity to purchase three (3) Police Chevrolet Tahoe's. The total amount of the grant awarded would be \$325,000.00. There was no cash match required from the City of Mission. Staff was requesting a favorable recommendation to accept the grant.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to approve Resolution No. 1603 supporting the acceptance of the 2018 Operation Stonegarden program grant from the Office of the Governor (OOG) for FY 2019-2020 grant year (OOG# 3172904). Motion was seconded by Councilman Plata and approved unanimously 5-0.

RESOLUTION NO. 1603

SUPPORTING THE ACCEPTANCE OF THE 2018 OPERATION STONEGARDEN PROGRAM GRANT FROM THE OFFICE OF THE GOVERNOR (OOG) FOR FY 2019-2020 GRANT YEAR (OOG# 3172904).

3.13 Authorization to Award for Basic Life & AD&D, Voluntary Life and LTD.

On April 23, 2019 City Council authorized staff to solicit bids for Basic Life and AD&D, Voluntary Life and Long Term Disability. Seven (7) bids were submitted. After careful evaluation and assessment, staff was recommending that we award contract to Unum Life Insurance Company of America for FY 2019-2020.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to authorize to Award for Basic Life & AD&D, Voluntary Life and LTD.to Unum Life Insurance Company of America. Motion was seconded by Councilman Plata and approved unanimously 5-0.

3.14 April 2019 Financial Statements

Finance Director Angie Vela presented the April 2019 Financial Statements to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to approve the April 2019 Financial Statements. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

3.15 Budget Amendments – General Fund

Finance Director Vela presented budget amendment BA–19-29 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to approve the budget amendment BA–19-29. Motion was seconded by Councilman Plata and approved unanimously 5-0.

3.16 Authorization to solicit proposals for qualification on Auditing Services for the City of Mission

Staff was seeking authorization to solicit proposals for qualifications on Auditing Services for the City of Mission. The City Council was required by the City Charter Section 3.14 to have an independent audit of the books of accounts, records and transactions of all the administrative departments of the City at least yearly.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to authorize to solicit proposals for qualification on Auditing Services for the City of Mission. Motion was seconded by Councilman Plata and approved unanimously 5-0.

3.17 Authorization to solicit RFQ’s for Environmental Assessment for International Vehicular and Rail Bridge (Madero Bridge) Project

Staff was seeking authorization to solicit qualifications for Environmental Assessment for International Vehicular and Rail Bridge (Madero Bridge) Project. Firm would include topographic, federal environmental studies, boundary, platting preliminary, and all other necessary environmental assessment tasks, as specified by the City to ensure compliance with Local, State, and Federal requirements. The Environmental Assessment would conclude the following:

- Identify possible environmental effects.
- Propose measurements to mitigate adverse effects.
- Predict whether there would be significant adverse environmental effects, even after the mitigation was implemented.
- Provide a quality-assurance plan that would guarantee that whatever studies were undertaken by environmental planning would hold up with future studies and construction design.

Staff Recommendation: Seeking council direction

City Attorney Gus Martinez recommended council to discuss the legal issues in executive session.

At 6:38 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 Councilman Plata and approved unanimously 5-0.

At 7:07 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

Councilman Plata moved to table this item. Motion was seconded by Councilwoman Ochoa and approved 4-1, with Mayor Pro Tem Garza voting against.

3.18 Staff is seeking council acceptance or rejection of Performance Services, Inc. Investment Grade Audit Proposal and if accepted authorize staff to solicit for RFQ's for an independent licensed professional engineering review

Staff received Investment Grade Audit from Performance Services, Inc., with a Guaranteed Energy Savings and Design-Build cost proposal outlining key scope items such as Water Meters with Advanced Metering Infrastructure (AMI), LED Lighting, Optimize Original Sewer Plant, and Replacement of HVAC equipment approaching end of useful life. Chapter 302. Energy Savings Performance Contracts for Local Governments, Section 302.005(b) "Before entering into an energy savings performance contract, the governing body must require that the energy savings, increase in billable revenues, or increase in meter accuracy estimated or projected by provider be reviewed by a licensed professional engineer".

Staff and City Manager were seeking direction from council.

No action was taken on this item.

**3.19 Authorize City Attorney to review On-Call Professional Services Contract with L&G Engineering
(City Attorney may ask City Council to go into executive session on this item under the "Consultation with Attorney" exception before considering this matter in open session)**

L&G Engineering had been performing on-call professional services which included serving as the City of Mission's Technical Committee Representative at the Hidalgo Metropolitan Planning Organization (MPO) since 2009. Staff was requesting for city attorney to review the current contract.

Staff and City Manager recommended approval.

At 7:11 p.m., Councilwoman Ochoa moved to convene into executive session pursuant to V.T.C.A. Gov. Code Sec. 551.001. Motion was seconded by Councilman Vela and approved unanimously 5-0.

At 7:26 p.m. Councilman Plata moved to reconvene in open session. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

Councilman Plata moved to authorize the City Attorney to review all On-Call Professional Services Contract with L&G Engineering. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

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

4.0 Unfinished Business

4.1 Public Hearing-Conditional Use Permit: Restaurant in a property zoned (C-2) Neighborhood Commercial, 2015 N. Shary Road, Suite 5, A 0.57 acre tract of land out of Lot 244, John H. Shary Subdivision & Lots 1-3, Boriquen Subdivision, C-2, Jorge Ancer, Adoption of Ordinance # 4798 approving 4.1

Minutes, 06/10/19 pg. 11

On May 22, 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.

Planning Director Jaime Acevedo said that Mr. Jorge Ancer (applicant) had met with some of the residents of the Summer Breeze neighborhood and had come to a resolution and agreed on the following things: installing a masonry wall on the south and west side of the property, to close the entrance that had originally been proposed off of Summer Breeze, not to ever have a restaurant that served alcohol and had limited the type of restaurants that would be occupying his commercial plaza. Mr. Ancer didn't want a restaurant that would require a grease trap to be buried underground, he wanted a lighter restaurant use one that would only require a smaller indoor grease trap under the sink. However when it came to the fence along the north side border of the property, he was not meeting the demands of the residents. Mr. Ancer said that installing the fence would be detrimental to the aesthetics of his plaza. Mr. Acevedo mentioned that the owner was agreeing to most of the residents requests with the exception of the fence on the north side border of the property.

Mr. Acevedo also mentioned that a petition listing several concerns of the residents was submitted to the Planning Department. These concerns were as follows: 1) safety of the children when loading and unloading the school bus, 2) not enough parking in the plaza, 3) failure to providing a buffering wall along the north side, 4) a restaurant was beyond the scope of a C-2 zoning, 5) city codes were ignored by the builder, and 6) damaged to residential properties by the intentional misdirection of rain and storm water onto neighboring properties was a potential civil claim against both the city and the builder.

However on this last concern Mr. Acevedo mentioned that there was an approved drainage plan and being that the owner was going to install a solid buffer to the west and south of the property, he believed this would no longer be an issue. He also mentioned that he had met with Mr. Tommy Thompson who was the property owner that was directly been impacted and said that Mr. Thompson was satisfied with the changes that Mr. Ancer had made to the commercial plaza.

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

City Manager recommended approval.

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

Tommy Thompson of 2308 Summer Breeze Rd. spoke in favor of the request. He mentioned that he had met with the Mr. Ancer and had already come to an agreement.

Garret Edwards, Luis Elizondo, Dennis Luther and Grant Siegler along with other of the Summer Breeze residents who did not state their names spoke against the request. Their concerns were the children's safety, high traffic, flooding, grease trap, and trash buildup attracting rodents.

Paula Weeks of 2203 Summer Breeze mentioned that she had been the person to go between the residents and Mr. Ancer and had been trying for everyone to work together. She said that they weren't against change or his business but needed Mr. Ancer to think about the 25 families that were going to be affected and asked that he give them their conditions.

Maria Esther Salinas who was not a resident but mentioned how she was an activist for the community spoke against the request and said that her concern was the children's safety.

Mr. Ancer along with his mother Mrs. Ancer, and Abby Reyna (whose brother lived in Summer Breeze and she's done real estate work with Mr. Ancer) spoke in favor of the request. It was mentioned that Mission was a growing city that should embrace change. "We need to have places to dine, work, play and live in Mission to make our city the best city it can be." "We all hate change, but sometimes change is needed to be better."

Mayor Pro Tem Garza asked staff if there was a possibility that the bus will go into the subdivision.

Councilwoman Ortega mentioned that during the presentation of the item she had reached out to the Sharyland Board members and would be meeting with the superintendent to address the bus routes.

After much deliberation Councilwoman Ochoa moved to approve the cup for one year and to adopt Ordinance No. 4798 Conditional Use Permit: Restaurant in a property zoned (C-2) Neighborhood Commercial, 2015 N. Shary Road, Suite 5, A 0.57 acre tract of land out of Lot 244, John H. Shary Subdivision & Lots 1-3, Boriquen Subdivision, C-2 as per staff's recommendations and subject to applicant installing a 3-foot cedar fence with shrubs on the north side of the building and the city would build a sidewalk in the cul-de-sac. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4798

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT TO HAVE A RESTAURANT IN PROPERTY ZONED C-2 AT, 2015 N SHARY ROAD, BEING A 0.57 ACRE TRACT OF LAND OUT OF LOT 244, JOHN H. SHARY SUBDIVISION & LOTS 1-3, BORIQUEN SUBDIVISION

5.0 Routine Matters

5.1 City Manager's Comments

City Manager Perez mentioned that City officials and staff would be traveling to Denver, Colorado to participate as a finalist in the All-America City Awards.

5.2 Mayor's Comments

Mayor O'caña wished the participants best of luck in the All-America City competition. He also welcomed Gus Martinez as City Attorney.

5.3 City Council Comments

Councilman Vela wished all participants best of luck in the All-America City competition.

Mayor Pro Tem Garza and Councilman Plata welcomed Councilman Alberto Vela to the City Council.

Councilwoman Ochoa thanked the directors for all of their dedication and hard work for the City of Mission and stated that customer service was not a service but an attitude.

6.0 Adjournment

At 8:29 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

Dr. Armando O'caña, Mayor

ATTEST:

Anna Carrillo, City Secretary