

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
MAY 08, 2017 4:30 P.M.  
MISSION CITY HALL**

**PRESENT:**

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

**ALSO PRESENT:**

Joe Hinton – Progress Times  
Berenice Garcia  
Jim & Beth Barnes  
Fern McClougherty  
Marilyn Rhyne  
Ned Sheats  
Janie Melendez  
Pat & Virginia Townsend  
Erica O'cana  
Patricia Pena  
John-Michael Torres  
Dave Asher  
ME Salinas  
Ramiro Resendez  
Rene Villarreal  
Eloy Salinas  
Lupita M. Perez  
Robert V. Toney  
Jaime Lopez  
Jon Howerton  
Lorenzo Garza  
Meri L. Gomez  
Issa Garcia  
Juan Eliseo Gonzalez, Jr.  
Julio Cerda

**ABSENT:**

**STAFF PRESENT:**

Nelia Hernandez, Asst. City Secretary  
Aida Lerma, Deputy City Manager  
Randy Perez, Deputy City Manager  
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  
Humberto Garcia, 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  
James Cardoza, Emergency Mngmnt. Coord.  
Robert Dominguez, Chief of Police  
Joanne Longoria, CDBG Director  
Mario Flores, Golf Course Director  
Brad Bentsen, Parks & Recreation Director  
Mayra Rocha, Library Director  
Cynthia Lopez, Museum Director  
Cesar Gutierrez, Sanitation Director  
Alex Meade, MEDC Chief Exec. Officer  
JC Avila, Fleet Maintenance Director  
Hector Guzman, Water Dept. Manager  
Noel Barrera, Health Dept. Manger  
Charlie Longoria, Media Relations  
Adela Ortega, Mission Food Pantry Manager  
Joel Chapa, Jr., Police Officer

**1. Call to order**

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:34 p.m.

## **2. Invocation and Pledge Allegiance**

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

## **3. Proclamation – Motorcycle Safety and Awareness Month**

Anna Carrillo, City Secretary presented the proclamation Motorcycle Safety and Awareness Month.

Mr. Robert Tony and members from different Biker's Association were present to receive the proclamation and thanked City Council for bringing Motorcycle Safety Awareness in Mission.

Councilman Dr. Armando O'cana moved to approve the Proclamation – Motorcycle Safety and Awareness Month. Motion was seconded by Councilman Ruben Plata and approved unanimously 5-0.

## **4. Proclamation – Lupus Awareness Month**

City Secretary Carrillo presented the Proclamation – Lupus Awareness Month.

Councilman O'cana moved to approve the Proclamation – Lupus Awareness Month. Motion was seconded by Councilman Plata and approved unanimously 5-0.

## **5. Proclamation – Police Memorial Week**

Chief of Police, Robert Dominguez presented the Proclamation – Police Memorial Week.

Councilman O'cana moved to approve the Proclamation – Police Memorial Week. Motion was seconded by Councilwoman Jessica Ortega-Ochoa and approved unanimously 5-0.

## **6. Report from the Greater Mission Chamber of Commerce**

Robert Rosell, CEO from the Greater Mission Chamber of Commerce reported on the chamber events and ribbon cuttings that had recently taken place and on upcoming events.

## **7. Departmental Reports**

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

## **8. Citizens Participation**

Jim Barnes, President of the TEA Party and member of the OWLS spoke in favor of the border wall. He said that aliens who cross the border without permission don't share the same values of rule of law as we do and should be arrested, deported and imprisoned.

John Michael Torres from La Union del Pueblo spoke against the border wall and submitted a petition to reject President Trump's border wall and asked for Mayor Salinas to take back his comments regarding his support of the border wall.

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Bibi Pena, Texas Citrus Fiesta Director presented the TCF Royal Court and presented their first place trophy that was received at the Corpus Christi parade.

Lupita M. Peres an Iraq war veteran spoke in favor of the border wall and against illegal immigration. She said that we don't know what's coming into our country so we need to make everybody check in and if they want to stay they can check in permanently by doing it the right way.

Fern McClaugherty, OWLS member spoke in favor of the border wall and requested an election to be held for the citizens of the county to be able to vote for the new courthouse.

Ned Sheats and Charles Vanraden also spoke against the need for a new courthouse and mentioned that the offices could be more efficiently utilized.

Esther Salinas spoke against the border wall.

Virginia Townsend a resident of Mission spoke about the need of Economic Development to revitalize the Conway area.

Neri Gomez requested to consider the effects the border wall would have to the environment.

At 5:23 p.m., Councilman O'cana stepped out.

**1.0 Public Hearing**

**1.1 Planning & Zoning Recommendations**

- A. Rezoning: A tract of land containing 1.783 acre of land – being a part or portion of a 2.19 acre tract of land being the North 71.41' of the South 142.82' of the North 8 acres out of Lot 172, John H. Shary Subd., and a portion of an abandoned canal right-of-way lying west of and adjacent to Lot 172, John H. Shary Subd. AO-P (Agricultural Open Permanent) to R-1T (Townhouse Residential), Mario A. Rodriguez Adoption of Ordinance # 4509 approving 1.1A**

On April 26, 2017 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The property was located approximately ¼ mile north of U.S. Expressway 83 along the west side of Glasscock Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the request.

There were no comments.

Mayor Pro Tem Garza moved to approve the rezoning and to adopt Ordinance No. 4509 Rezoning: a tract of land containing 1.783 acre of land – being a part or portion of a 2.19 acre tract of land being the North 71.41' of the South 142.82' of the North 8 acres out of Lot 172, John H. Shary Subd., and a portion of an abandoned canal right-of-way lying west of and adjacent to Lot 172, John H. Shary Subd. AO-P (Agricultural Open Permanent) to R-1T (Townhouse Residential), as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

**ORDINANCE NO. 4509**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING OF A TRACT OF LAND CONTAINING 1.783 ACRES OF LAND – BEING A PART OR PORTION OF A 2.19 ACRE TRACT OF LAND BEING THE NORTH 71.41’ OF THE SOUTH 142.82’ OF THE NORTH 8 ACRES OUT OF LOT 172, JOHN H. SHARY SUBDIVISION, AND A PORTION OF AN ABANDONED CANAL RIGHT-OF-WAY LYING WEST OF AND ADJACENT TO LOT 172, JOHN H. SHARY SUBDIVISION, FROM AO-P TO R-1T

At 5:25 p.m., Councilman O’cana rejoined the meeting.

**B. Rezoning: A tract of land containing 0.377 acres of land – being a part or portion of a 2.19 acre tract of land being the North 71.41’ of the South 142.82’ of the North 8 acres out of Lot 172, John H. Shary Subd., and a portion of an abandoned canal right-of-way lying west of and adjacent to Lot 172, John H. Shary Subd. R-1 (Single Family Residential) to R-1T (Townhouse Residential), Mario A. Rodriguez  
Adoption of Ordinance # 4510 approving 1.1B**

On April 26, 2017 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The property was located approximately ¼ mile north of U.S. Expressway 83 along the west side of Glasscock Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the request.

There were no comments.

Councilman O’cana moved to approve the rezoning and to adopt Ordinance No. 4510 Rezoning: 0.377 acres of land – being a part or portion of a 2.19 acre tract of land being the North 71.41’ of the South 142.82’ of the North 8 acres out of Lot 172, John H. Shary Subd., and a portion of an abandoned canal right-of-way lying west of and adjacent to Lot 172, John H. Shary Subd. R-1 (Single Family Residential) to R-1T (Townhouse Residential), as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 4510**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING OF A TRACT OF LAND CONTAINING 0.377 ACRES OF LAND – BEING A PART OR PORTION OF A 2.19 ACRE TRACT OF LAND BEING THE NORTH 71.41’ OF THE SOUTH 142.82’ OF THE NORTH 8 ACRES OUT OF LOT 172, JOHN H. SHARY SUBDIVISION, AND A PORTION OF AN ABANDONED CANAL RIGHT-OF-WAY LYING WEST OF AND ADJACENT TO LOT 172, JOHN H. SHARY SUBDIVISION, FROM AO-P TO R-1T

**C. Conditional Use Permit: Drive-Thru Service Window – 100% Antojitos Mexicanos, 301 W. Griffin Parkway, Ste. 1, Lot 1-D, Mission Park Plaza Subd., C-3, 100% Antojitos Mexicanos  
Adoption of Ordinance # 4511 approving 1.1C**

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On April 26, 2017 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The 1,402' sq.ft. restaurant site was located within a commercial plaza approximately 800' west of Conway Avenue along the south side of Griffin Parkway. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff Recommendation: Approval for life of use subject to CUP not being transferable to others.

City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the request.

There were no comments.

Councilman Plata moved to approve the cup and to adopt Ordinance No. 4511 Conditional Use Permit: Drive-Thru Service Window – 100% Antojitos Mexicanos, 301 W. Griffin Parkway, Ste. 1, Lot 1-D, Mission Park Plaza Subd., C-3 for life of use, subject to staff's recommendation. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

**ORDINANCE NO. 4511**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU SERVICE WINDOW – 100% ANTOJITOS MEXICANOS, 301 W. GRIFFIN PARKWAY, STE. 1, LOT 1-D, MISSION PARK PLAZA SUBDIVISION

**D. Conditional Use Permit: Drive-Thru Service Window – 100% Antojitos Mexicanos, 2306 E. Expressway 83, Ste. 1 & 2, Lot 1, Cimarron Crossing Ph. I Subd., C-3, 100% Antojitos Mexicanos  
Adoption of Ordinance # 4512 approving 1.1D**

On April 26, 2017 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located near the SE corner of J.R. Drive and Expressway 83, along the Frontage Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff Recommendation: Approval for life of use subject to CUP not being transferable to others.

City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the request.

There were no comments.

Mayor Pro Tem Garza moved to approve the cup and to adopt Ordinance No. 4512 Conditional Use Permit: Drive-Thru Service Window – 100% Antojitos Mexicanos, 2306 E. Expressway 83, Ste. 1 & 2, Lot 1, Cimarron Crossing Ph. I Subd., C-3 for life of use, subject to staff's recommendation. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

**ORDINANCE NO. 4512**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU SERVICE WINDOW – 100% ANTOJITOS MEXICANOS, 2306 E. EXPRESSWAY 83, STE. 1 & 2, LOT 1, CIMARRON CROSSING PH. I SUBDIVISION

**E. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – 100% Antojitos Mexicanos, 2306 E. Expressway 83, Ste. 1 & 2, Lot 1, Cimarron Crossing Ph. I Subd., C-3, 100% Antojitos Mexicanos  
Adoption of Ordinance # 4513 approving 1.1E**

On April 26, 2017 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located near the SE corner of J.R. Drive and Expressway 83, along the Frontage Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff Recommendation: Approval subject to: 1) CUP to be valid for a period of now until October 7, 2018, at which time the applicant will have to renew their TABC License and

City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the request.

There were no comments.

Councilman O'cana moved to approve the cup and to adopt Ordinance No. 4513 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – 100% Antojitos Mexicanos, 2306 E. Expressway 83, Ste. 1 & 2, Lot 1, Cimarron Crossing Ph. I Subd., C-3, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 4513**

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 – 100% ANTOJITOS MEXICANOS, 2306 E. EXPRESSWAY 83, STE. 1 & 2, LOT 1, CIMARRON CROSSING PH. I SUBDIVISION

**F. Conditional Use Permit: Auto Mechanic Shop in an AO-I Zone, 1603 Adams Street, A .85 acre tract of land out of Lot 23-1, West Addition to Sharyland Subd., AO-I, Marco A. Hinojosa  
Adoption of Ordinance # 4514 approving 1.1F**

On April 26, 2017 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The site was located 105' north of W. 18<sup>th</sup> Street along the west side of Adams Street. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff Recommendation: Approval for 3 years subject to continuing to comply with all Fire & Building Codes.

City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the request.

There were no comments.

Councilman O'cana moved to approve the cup and to adopt Ordinance No. 4514 Conditional Use Permit: Auto Mechanic Shop in an AO-I Zone, 1603 Adams Street, A .85 acre tract of land out of Lot 23-1, West Addition to Sharyland Subd., AO-I, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 4514**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR AN AUTO MECHANIC SHOP IN AN AO-I ZONE, 1603 ADAMS STREET, A .85 ACRE TRACT OF LAND OUT OF LOT 23-1, WEST ADDITION TO SHARYLAND SUBDIVISION

**G. Discussion and Action to Amend the Mission Code of Ordinances Appendix A– Zoning, Article X, Section 1.56(2) Mobile Homes or Portable Buildings, by Adding Subsection G, Adoption of Ordinance # 4515 approving 1.1G**

On April 26, 2017, the Planning and Zoning Commission held a Public Hearing to consider amending the Mission Code of Ordinances to add Subsection G, which states “The sale of food, beverages, or snacks from a portable building is prohibited”. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the request.

There were no comments.

Councilman O'cana moved to approve to amend the Mission Code of Ordinances Appendix A– Zoning, Article X, Section 1.56(2) Mobile Homes or Portable Buildings, by Adding Subsection G, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 4515**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AMENDING THE MISSION CODE OF ORDINANCES APPENDIX A - ZONING, ARTICLE X, SECTION 1.56(2) MOBILE HOMES OR PORTABLE BUILDINGS, BY ADDING SUBSECTION G; PROVIDING FOR REQUIRED CODIFICATION AND PUBLICATION

**2.0 Disposition of Minutes**

**2.1 City Council Meeting – April 24, 2017**

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

**3.0 Acknowledge Receipt of Minutes**

- 3.1 Mission Historical Museum – March 20, 2017 and Special Meeting – March 25, 2017**
- Mission Economic Development Corporation – March 21, 2017**
- Mission Redevelopment Authority – March 28, 2017**
- Mission Tax Increment Reinvestment Zone – March 28, 2017**
- Planning and Zoning Commission – April 12, 2017**
- Shary Golf Advisory Board – March 14, 2017**

Mayor Pro Tem Garza moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.0 Approvals and Authorizations**

- 4.1 Preliminary Plat Approval: Replat of Lots 3 and 4, Stewart Plaza Subd., Being a 3.057 acres of land, and all of Lots 3 & 4, Stewart Plaza Subdivision, C-3, Developer: Canteras Enterprises, Engineer: Vanguard Engineering**

On April 26, 2017 the Planning and Zoning Commission held a Public Hearing to consider the Preliminary & Final Plat Approval for the Replat of Lots 3 and 4, Stewart Plaza Subdivision. The proposed subdivision was located on the SW area of Stewart Road and Expressway 83 Frontage Road. The Board unanimously recommended approval as per Staff's recommendation.

Staff Recommendation: Approval subject to complying with all typical format findings and recording of Restrictions.

City Manager recommended approval.

Councilman O'cana moved to approve the Preliminary Plat Approval: Replat of Lots 3 and 4, Stewart Plaza Subd., Being a 3.057 acres of land, and all of Lots 3 & 4, Stewart Plaza Subdivision, C-3, Developer: Canteras Enterprises, Engineer: Vanguard Engineering, as recommended Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

- 4.2 Authorization for the Purchase of Restaurant Equipment for a coffee shop at the Center for Education and Economic Development facility, located at 801 N. Bryan Rd., Mission, Texas via state Buy Board contract from 1<sup>st</sup> Choice Restaurant Equipment & Supply, LLC.**

Mission EDC was seeking authorization to purchase Restaurant Equipment for a coffee shop to be housed at the Center for Education and Economic Development facility, located at 801 N. Bryan Road, Mission, Texas via State Buy Board Contract #519-16, from 1<sup>st</sup> Choice Restaurant & Supply, LLC.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize the purchase of restaurant equipment for a coffee shop at the Center for Education and Economic Development facility, located at 801 N. Bryan Rd., Mission, Texas via state Buy Board contract from 1<sup>st</sup> Choice Restaurant Equipment & Supply, LLC, as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.



#### **4.3 Authorization to purchase Police Body Cameras via Buy Board contract #524-17**

The City of Mission Police Department was requesting authorization to purchase a total of one hundred and fifty eight (158) police body cameras via Buy Board contract #524-17. Our Organization was awarded a Body Camera Grant by the Office of the Governor in the amount of \$152,889.45. The total of the grant project was \$193,430.00 The remaining amount of \$40,540.55 would be paid through our Federal Drug Forfeiture account. The body cameras would be utilized by all our sworn police officers to document contacts with the general public. Staff respectfully requested authorization to purchase the police body cameras.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to purchase Police Body Cameras via Buy Board contract #524-17, as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

#### **4.4 Authorization to enter into a Memorandum of Understanding with the Lower Rio Grande Valley Development Council for Basic Peace Officer Academy Training, Peace Officer Training and required training for all Mission Police Personnel as required by the Texas Commission on Law Enforcement**

The City of Mission Police Department was requesting authorization to enter into a Memorandum of Understanding with the Lower Rio Grande Valley Development Council for Basic Peace Officer Academy Training, Peace Officer Training and required training for all Mission Police Personnel as required by the Texas Commission of Law Enforcement. The establishment of this memorandum of understanding would benefit the City of Mission Police Department in that it would provide police academy training to City of Mission sponsored police cadets and the required in-service training required by the Texas Commission on Law Enforcement to our current one hundred and fifty seven (157) police officers. Staff was recommending that authorization be granted to engage in the Memorandum of Understanding with LRGVDC.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to enter into a Memorandum of Understanding with the Lower Rio Grande Valley Development Council for Basic Peace Officer Academy Training, Peace Officer Training and required training for all Mission Police Personnel as required by the Texas Commission on Law Enforcement, as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

#### **4.5 Authorization to apply for the 2016 Fire Prevention & Safety Grant thru the Assistance to Firefighters Grant Program**

The Mission Fire Department, Fire Prevention Bureau was seeking authorization to apply for the 2016 Fire Prevention & Safety Grant thru the Assistance to Firefighters Grant Program. The department would apply for equipment for the Fire Prevention Division fire educational program in the amount of \$9,609.92. There was a 5% match of funds required in the amount of \$505.79 which brings the total amount to \$10,115.71.

The equipment requested: Fire educational inflatable house, inflatable smoke cloud, ground stakes, hand cart dolly, smoke machine, and 1600 watt portable generator.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to apply for the 2016 Fire Prevention & Safety Grant thru the Assistance to Firefighters Grant Program, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

#### **4.6 Authorization to solicit bids for seal coat pavement services on an as needed basis**

Staff was seeking authorization to solicit bids to seal coat asphalt pavement streets through-out the City of Mission for Public Works Department. The objective was to obtain services for seal coat to cover repairs, maintenance, extend the life of the pavement and make it uniform through-out the City of Mission on an as “needed basis”.

Staff and City Manager recommended approval.

Councilman O’cana moved to authorize to solicit bids for seal coat pavement services on an as needed basis, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **4.7 Authorization to solicit bids for the construction of Wescan Lane (Sno-Bird Estates Subdivision)**

Staff was seeking authorization to solicit bids for the construction of a 30’ curb & gutter pavement street for Wescan Lane. Improvements included 2” asphalt pavement, 8” Caliche, 6” Subgrade, utility adjustments and storm drainage system. The project was in the vicinity of Bentsen Rd. South of Mile One South.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to solicit bids for the construction of Wescan Lane (Sno-Bird Estates Subdivision), as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

#### **4.8 Authorization to purchase via sole source from Recorded Books for Electronic Services and Library Material**

Staff was asking for authorization to purchase electronic services and library material from Recorded Books to begin an Electronic Library that would make electronic magazines, books, audiobooks, and comic books available for checkout from a computer or electronic device as long as they had a library card from one of the public libraries in Hidalgo County. Recorded Books developed a wholly owned, proprietary platform named RBdigital Gateway to host eAudiobooks, eBooks and digital magazines for use by libraries. Recorded Books was the sole source supplier of RBdigital Gateway to public libraries, and RBdigital Gateway was only available from Recorded Books. The goal of this project was to improve literacy rates which was a very real issue in the RGV and this initiative could make a real difference. The County of Hidalgo would be funding the \$400,000 for this project. We had an Interlocal in place between the County of Hidalgo and the City of Mission that was approved by City Council on February 27, 2017. 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.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to purchase via sole source from Recorded Books for Electronic Services and Library Material, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

#### **4.9 Approval of Interlocal Agreement between City of Mission and the County of Hidalgo**

The City of Mission and Hidalgo County desire to cooperate in making needed asphalt overlay improvements at various locations throughout the City of Mission. Asphalt Overlay Included the following streets:

1. Los Ebanos Rd. from Mile 2 North to the northern limit of road within Mission City limits.
2. Mayberry Rd. from Mile 2 North to the northern limit of road within Mission City limits.
3. Bryan Rd. from Mile 2 North to the northern limit of road within Mission City limits.
4. Steward Rd from Mile 2 North to the northern limit of road within Mission City limits.
5. Glasscock Rd from Mile 2 North to northern limit of road within Mission City limits.
6. Anzalduas Drive from FM 494 South to levee road within Mission City Limits.

The City of Mission would provide approximately \$280,000 in Materials, while the County of Hidalgo would provide Labor with Machinery & Equipment for the Project.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the Interlocal Agreement between City of Mission and the County of Hidalgo, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **4.10 Approval to purchase 2-10" Gorman Rupp Pumps for Waste Water Treatment Plant Main Lift Station from a sole source vendor**

Staff was recommending the purchase of 2-10" 60HP Gorman Rupp Pumps (Model No. T10C71SC-B/F) from Precision Pump Systems, 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:

Precision Pump Systems' Gorman Rupp Pumps would be used by the Waste Water Treatment Plant to replace original pumps installed in 2005. Four (4) out of the six (6) pumps had been replaced with Gorman Rupp Pumps in the last 3 years.

Staff and City Manager recommended approval.

Councilman Plata moved to approve to purchase 2-10" Gorman Rupp Pumps for Waste Water Treatment Plant Main Lift Station from Precision Pump Systems a sole source vendor, as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

#### **4.11 Authorization to Purchase Equipment via Buy Board Contract for Conway Underpass Lighting**

Staff was seeking authorization to purchase equipment via Buy Board contract # 437-13 from Facility Solutions Group for Conway underpass lighting.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to purchase equipment via Buy Board Contract for Conway Underpass Lighting, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **4.12 Budget Amendments – General Fund**

Finance Director Angie Vela presented budget amendment BA-17-27 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve budget amendment BA-17-27, as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

#### **4.13 Approval of Interlocal Agreement between the City of Harlingen and the City of Mission**

The City of Mission and the City of Harlingen desired to enter into this Agreement where Harlingen was the owner of an air curtain incinerator used for the purpose of reducing particulate matter which resulted from burning, and thus controlling pollution. Harlingen desired to declare said incinerator surplus, and further convey said equipment to Mission for a cost of \$5,000. Harlingen and Mission agreed that said equipment would be sold in its present condition, and that in its present condition, the incinerator was in working order, with the exception of minor maintenance and repairs. Mission agreed to arrange and pay for the costs of transporting the incinerator from its current location, to a location designated by Mission.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Interlocal Agreement between the City of Harlingen and the City of Mission, as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

City Attorney Abiel Flores asked Council to go into Executive Session for item 4.14 before considering it in open session.

At 5:55 p.m., Councilman O'cana moved to convene into executive session pursuant to V.T.C.A. Gov. Code Sec. 551.001 under "Consultation with Attorney" for items 4.14, 7.1-A, 7.1-B and 7.2-A of the agenda. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **4.14 Approval of Interlocal Cooperation Agreement between City of Mission, City of McAllen, and City of Hidalgo regarding good faith negotiations and commitment to feasibility study for the Madero Vehicular Bridge (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)**

The Cities of Mission, Hidalgo and McAllen agreed to enter into good faith negotiations of a comprehensive agreement, to be known as the Madero Bridge Agreement. The Madero Bridge Agreement sets out the terms of agreement, to include, the acquisition of property, terms of bond issuances, the parties' participation and limitations, the creation of a bridge board, and the Madero allocation (in percentages), and all other necessary terms. Rigoberto Villarreal, Superintendent of the McAllen-Hidalgo and Anzalduas Bridge, would be designated as liaison, to assist in coordinating and facilitating the agreement amongst the entities.

The Madero Bridge allocation and allotment of board members to the Madero Bridge Board had been agreed to in advance and would be as follows: City of Mission, 23%; City of Hidalgo, 33%; City of McAllen 44%.

The Mayors of Mission, Hidalgo, and McAllen would be full voting members of the Madero Bridge Board. The remaining two members would be appointed, one by the City of Mission, and the second by the City of McAllen.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the Interlocal Cooperation Agreement between City of Mission, City of McAllen, and City of Hidalgo regarding good faith negotiations and commitment to feasibility study for the Madero Vehicular Bridge, subject to the City of McAllen's approval and the approval by the Anzaldua's Bridge Board of a reimbursement agreement regarding the feasibility study. Motion was seconded by Councilman Plata and approved unanimously 5-0.

## **5.0 Unfinished Business**

None

## **6.0 Routine Matters**

### **6.1 City Manager's Comments**

None

### **6.2 Mayor's Comments**

None

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

### **7.1 Deliberations about Real Property Sec. 551.072**

**A. Consideration of Agreement with Rio Valley Switching Company regarding the conveyance of a property interest in a .102 acre tract of land being portions of Cummings Avenue and 8<sup>th</sup> St, Original Townsite of Mission, and the opening of Oblate Crossing**

**B. Consideration of request regarding liens on Lot 5 Block 33 Original Townsite**

### **7.2 Consultation with Attorney Sec. 551.071(2)**

**A. Consideration of Settlement Agreement in Highmark Construction Co., LLC vs. City of Mission, Texas; Cause No. C-1752-16-F, in the 332<sup>nd</sup> District Court, Hidalgo County, Texas.**

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

At 6:54 p.m., Councilman O’cana moved to reconvene in open session. Motion was seconded by Councilman Plata and approved unanimously 5-0.

On item 7.1-A, Councilman O’cana moved to approve Resolution No. 1507 authorizing the Mayor and/or City Manager to further negotiate and execute the agreement and all necessary conveyance documents with Rio Valley Switching Company regarding the conveyance of an easement interest in a .102 acre tract of land being portions of Cummings Avenue and 8<sup>th</sup> St, Original Townsite of Mission, and in consideration thereof the re-opening of Oblate Crossing and further closure of crossing off Business 83 and Leonor St., pursuant to the terms set out in the agreement. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

**RESOLUTION NO. 1507**

A RESOLUTION OF THE CITY OF MISSION, TEXAS APPROVING THE CONVEYANCE OF AN EASEMENT OVER A .102 ACRE TRACT OF LAND BEING PORTIONS OF CUMMINGS AVE. AND 8<sup>TH</sup> ST., IN CONSIDERATION OF GRANTING LICENSE FOR OBLATE CROSSING AND CLOSURE OF A SEPARATE CROSSING; AUTHORIZING MAYOR AND/OR CITY MANAGER TO EXECUTE ALL DOCUMENTS, INCLUDING CONVEYANCE DOCUMENTS; PROVIDING AN EFFECTIVE DATE

On item 7.1-B, no action was taken.

On item 7.2-A, Councilman O’cana moved to authorize Mayor and/or City Manager to accept and execute the settlement agreement in Highmark Construction Co., LLC Vs. City Of Mission, Texas; Cause No. C-1752-16-F, In The 332<sup>nd</sup> District Court, Hidalgo County, Texas, pursuant to discussions in Executive Session, and further authorize the City Manager or designee to perform all administrative tasks necessary to execute the terms of the settlement. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

At 6:58 p.m. Councilman O’cana moved for adjournment. Motion was seconded by Councilman Plata and approved unanimously 5-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary