

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
FEBRUARY 12, 2018 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:**

Kathy Olivarez, Progress Times  
Jim & Beth Barnes  
Steve Rodriguez  
Melinda Zamora  
Mark Liesman  
Crystal Garcia  
Tomas Tijerina  
Henry Rodriguez  
Paul Vazaldua

**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  
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  
James Cardoza, Emergency Mngmnt. Coord.  
Robert Dominguez, Chief of Police  
Jonathan Wehrmeister, Judge  
Joanne Longoria, CDBG Director  
Mario Flores, Golf Course Director  
Juan Arevalo, Boys & Girls Club Director  
Brad Bentsen, Parks & Recreation Director  
Mayra Rocha, Library Director  
Cynthia Lopez, Museum Director  
Cesar Gutierrez, Sanitation Director  
Alex Meade, MEDC Chief Exec. Officer  
JC Avila, Fleet Maintenance Director  
Noel Barrera, Health Dept. Director  
Hector Guzman, Water Dept. Manager  
Adela Ortega, 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 4:30 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. Presentation by Fire Chief Gilbert Sanchez on new Fire Apparatus

Fire Chief Sanchez gave a presentation on the newest addition to the Fire Department Fleet. Melinda Zamora representative from Municipal Fire Apparatus thanked the Mayor and Council for the opportunity to work on the City's newest addition to the fleet a 2018 Spartan.

## 4. 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 a successful Mega Winter Texan Fiesta.

## 5. Departmental Reports

Mayor Pro Tem Norie Gonzalez Garza moved to approve the departmental reports as presented. Motion was seconded by Councilwoman Jessica Ortega Ochoa and approved unanimously 5-0.

## 6. Citizens Participation

Tomas Tijerina of 3920 N. Shary Road, Palmhurst, TX spoke about homesteads and asked the council to review the meaning of homestead to ensure the integrity of the upcoming election.

### 1.0 Public Hearing

#### 1.1 Planning & Zoning Recommendations

- A. **Rezoning: Lot 1, Tex-Mart No. 43 Subdivision, AO-I (Agricultural Open Interim) to C-3 (General Business), 7-11, Inc. (Stripes Store 40605H), Adoption of Ordinance # 4592 approving 1.1A**

On January 24, 2018 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The subject site was located at the North West corner of Mile 3 Road (F.M. 1924) and La Homa Road. There was no public opposition during the P&Z Meeting. 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. 4592 Rezoning: Lot 1, Tex-Mart No. 43 Subdivision, AO-I (Agricultural Open Interim) to C-3 (General Business). Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

**ORDINANCE NO. 4592**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING OF LOT 1, TEX-MART NO. 43 SUBDIVISION, FROM AO-I (AGRICULTURAL OPEN INTERIM) TO C-3 (GENERAL BUSINESS)

**B. Rezoning: Lots 1 & 2, Dollar General Mission (Mile 3) Subdivision, AO-I (Agricultural Open Interim) to C-3 (General Business), City Initiated, Adoption of Ordinance # 4593 approving 1.1B**

On January 24, 2018 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The subject site was located near the North West corner of Mile 3 Road (F.M. 1924) and La Homa Road. There was no public opposition during the P&Z Meeting. 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 Ruben Plata moved to approve the rezoning and to adopt Ordinance No. 4593 Rezoning: Lots 1 & 2, Dollar General Mission (Mile 3) Subdivision, AO-I (Agricultural Open Interim) to C-3 (General Business), City Initiated. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

**ORDINANCE NO. 4593**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING LOTS 1 & 2, DOLLAR GENERAL MISSION (MILE 3) SUBDIVISION, FROM AO-I (AGRICULTURAL OPEN INTERIM) TO C-3 (GENERAL BUSINESS)

**C. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Bonita Restaurant, 2306 E. Expressway 83, Suite 5, Lot 1, Cimarron Crossing Ph. I Subdivision, C-3, La Bonita Cocina Tradicional, LLC, Adoption of Ordinance # 4594 approving 1.1C Adoption of Ordinance # 4595 approving wet zone**

On January 24, 2018 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located near the SW corner of Shary Road and U.S. Expressway 83. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff Recommendation: Approval of this CUP for a period of two years, at which time the applicant would have to renew their TABC license and conditional use permit.

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. 4594 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Bonita Restaurant, 2306 E. Expressway 83, Suite 5, Lot 1, Cimarron Crossing Ph. I Subdivision, C-3, as recommended by staff. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 4594**

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 – BONITA RESTAURANT, 2306 E. EXPRESSWAY 83, SUITE 5, LOT 1, CIMARRON CROSSING PH. I SUBDIVISION

Mayor Pro Tem Garza moved to adopt Ordinance No. 4595 granting a wet designation for Bonita Restaurant, 2306 E. Expressway 83, Suite 5, Lot 1, Cimarron Crossing Ph. I Subdivision, C-3. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 4595**

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 2306 E. EXPRESSWAY 83, SUITE 5, LOT 1, CIMARRON CROSSING PH. I SUBDIVISION, BONITA RESTAURANT

- D. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Marco’ s Burgers & More, 2507 & 2509 E. Griffin Parkway, Lots 3 & 4, Block 2, Tierra Grande Commercial Plaza Subdivision, C-3, CGS Enterprises, LLC, Adoption of Ordinance # 4596 approving 1.1D  
Adoption of Ordinance # 4597 approving wet zone**

On January 24, 2018 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 E. Griffin Parkway (F.M. 495) and Tierra Drive. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff Recommendation: Approval of this CUP for a period of two years, at which time the applicant would have to renew their TABC license and conditional use permit.

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. 4596 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Marco’ s Burgers & More, 2507 & 2509 E. Griffin Parkway, Lots 3 & 4, Block 2, Tierra Grande Commercial Plaza Subdivision, C-3, as recommended by staff. Motion was seconded by Councilman Dr. Armando O’cana and approved unanimously 5-0.

**ORDINANCE NO. 4596**

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 – MARCO’S BURGERS & MORE, 2507  
& 2509 E. GRIFFIN PARKWAY, LOTS 3 & 4, BLOCK 2, TIERRA GRANDE  
COMMERCIAL PLAZA SUBDIVISION

Mayor Pro Tem Garza moved to adopt Ordinance No. 4597 granting a wet designation for Marco’s Burgers & More, 2507 & 2509 E. Griffin Parkway, Lots 3 & 4, Block 2, Tierra Grande Commercial Plaza Subdivision, C-3. Motion was seconded by Councilman O’cana and approved unanimously 5-0.

**ORDINANCE NO. 4597**

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 2507 & 2509 E. GRIFFIN PARKWAY, LOTS 3 & 4, BLOCK 2,  
TIERRA GRANDE COMMERCIAL PLAZA SUBDIVISION, C-3 MARCO’ S BURGERS &  
MORE

**E. Conditional Use Permit: Drive-Thru Service Window – Banana Leaf Jarocho’s Restaurant, 3604 N. Conway Avenue, Being .63 acre tract out of Lot 30-7, West Addition to Sharyland Subdivision, C-3, Alejandro Moreno, Adoption of Ordinance # 4598 approving 1.1E**

On January 24, 2018 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located in the SE area of Victory and Conway Avenue. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff Recommendation: Approval of this CUP for life of use subject to continued compliance with building, fire, and health codes, restriping of parking lot, and the installation of a speed bump within 90 days.

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. 4598 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Drive-Thru Service Window – Banana Leaf Jarocho’s Restaurant, 3604 N. Conway Avenue, Being .63 acre tract out of Lot 30-7, West Addition to Sharyland Subdivision, C-3, subject to staff’s recommendation. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**ORDINANCE NO. 4598**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR DRIVE-THRU SERVICE WINDOW – BANANA LEAF JAROCHO’S RESTAURANT, 3604 N. CONWAY AVENUE, BEING .63 ACRE TRACT OF LAND OUT OF LOT 30-7, WEST ADDITION TO SHARYLAND SUBDIVISION

**F. Conditional Use Permit: To construct a new 100’ Wireless Telecommunications Tower on property zoned AO-I (Agricultural Open Interim) for T-Mobile, 2108 W. Griffin Parkway, 50’ x 50’ leased area of 2.52 acres out of Lot D, B.L. Millers Subdivision, AO-I, Crystal Garcia (T-Mobile), Adoption of Ordinance # 4599 approving 1.1F**

On January 24, 2018 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located approximately ¼ mile West of Inspiration Road 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 Recommendation: Approval of this CUP subject to: 1) the installation of a mesh screen or solid buffer along the perimeter of the fenced in 50’ x 50’ area, 2) allowing of other cell phone providers to co-locate onto this proposed tower, 3) tower not to exceed 100’ in total height, and 4) Tower to be moved back 200’ from original proposal.

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. 4599 Conditional Use Permit: To construct a new 100’ Wireless Telecommunications Tower on property zoned AO-I (Agricultural Open Interim) for T-Mobile, 2108 W. Griffin Parkway, 50’ x 50’ leased area of 2.52 acres out of Lot D, B.L. Millers Subdivision, AO-I, subject to staff’s recommendation. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 4599**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT TO CONSTRUCT A NEW 100’ WIRELESS TELECOMMUNICATIONS TOWER ON PROPERTY ZONED AO-I (AGRICULTURAL OPEN INTERIM) FOR T-MOBILE, 2108 W. GRIFFIN PARKWAY, 50’ X 50’ LEASED AREA OF 2.52 ACRES OUT OF LOT D, B.L. MILLERS SUBDIVISION

**2.0 Disposition of Minutes**

**2.1 City Council Meeting – January 22, 2018**

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 Economic Development Corporation Special Meeting – November 16, 2017  
Mission Tax Increment Reinvestment Zone – December 7, 2017  
Mission Redevelopment Authority – December 7, 2017  
Planning and Zoning Commission – January 10, 2018**

Councilman Plata moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

**4.0 Approvals and Authorizations**

- 4.1 Approval of Resolution # 1534 to conduct joint elections with Mission Consolidated Independent School District in accordance with Texas Education Code Section 11.0581**

Texas Education Code Section 11.0581 of the Texas Election Code required that School Districts conduct joint elections with the city located in the school district for their Board of Trustees Elections Section 11.0581 stated that the voters of the joint election shall be served by a common place. A Resolution was approved on January 24, 2018.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Resolution No. 1534 to conduct joint elections with Mission Consolidated Independent School District in accordance with Texas Education Code Section 11.0581. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

**RESOLUTION NO. 1534**

TO CONDUCT JOINT ELECTIONS WITH MISSION CONSOLIDATED INDEPENDENT SCHOOL DISTRICT IN ACCORDANCE WITH TEXAS EDUCATION CODE SECTION 11.0581

- 4.2 Approval of Ordinance # 4600 calling a Special Election in Mission, Texas providing for the election of Councilmember for Place Four; providing for polling places and other matters relating to said election.**

*Aprobación de la Ordenanza No. 4600 convocatoria para llamar a votaciones especiales en la Ciudad de Mission, Texas para la elección de Concilio para el puesto cuatro; sitios de votación y otras cuestiones relativas a esa elección*

As required by Article 16 Section 65 (b) of the Texas Constitution which states any officer who announces their candidacy, or shall in fact become a candidate, in a General Election, for any office other than the office held, when the term of the office then held shall exceed one year and 30 days, such announcement or candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled pursuant to law in the same manner as other vacancies for such office are filled. This ordinance provides for the City's Special Election to be held on Saturday, May 5, 2018 as authorized by the Texas Election Code for Councilmember Place 4.

Early voting by personal appearance and Election Day polling locations would be conducted at the same locations and times as the May 5, 2018 General Election.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Ordinance No. 4600 calling a Special Election in Mission, Texas providing for the election of Councilmember for Place Four; providing for polling places and other matters relating to said election.

*Aprobación de la Ordenanza No. 4600 convocatoria para llamar a votaciones especiales en la Ciudad de Mission, Texas para la elección de Concilio para el puesto cuatro; sitios de votación y otras cuestiones relativas a esa elección.* Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 4600**

AN ORDINANCE CALLING A SPECIAL ELECTION IN MISSION, TEXAS PROVIDING FOR THE ELECTION OF A COUNCILMEMBER FOR PLACE FOUR; PROVIDING FOR POLLING PLACES AND OTHER MATTERS RELATING TO SAID ELECTION

**ORDENANZA NO. 4600**

APROBACIÓN DE LA ORDENANZA CONVOCATORIA PARA LLAMAR A VOTACIONES ESPECIALES EN LA CIUDAD DE MISSION TEXAS PARA LA ELECCIÓN DE MIEMBRO DEL CONCILIO PARA EL PUESTO CUATRO. SITIOS DE VOTACIÓN Y OTRAS CUESTIONES RELATIVAS A ESA ELECCIÓN

**4.3 Reclassify Utility Accounts for the 1<sup>st</sup> Quarter of 2016, Jan - Mar 2016 for the amount of \$15,857.19**

For Council's review and approval was a summary of the utility account receivable to be reclassified for the amount of \$15,857.19. These amounts were the three month period of January 2016 through March 2016.

Staff and City Manager recommended approval.

Councilman Plata moved to approve to reclassify Utility Accounts for the 1<sup>st</sup> Quarter of 2016, Jan - Mar 2016 for the amount of \$15,857.19. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

**4.4 Authorize the City Manager to execute Emergency Ambulance Service Contract between City of Mission and Hidalgo County EMS**

As per Section 3, (d) of MedCare's contract the City of Mission had the sole authority for entering into agreements with any and all mutual providers of Emergency Medical Services to the City. Therefore The Office of Emergency Management was seeking authorization for the City Manager to execute Emergency Ambulance Service Contract between City of Mission and Hidalgo County EMS to provide emergency mobile intensive care unit back-up ambulance services for the general public in the City of Mission.

Term of the contract shall be for two years at a zero subsidy for services rendered.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize the City Manager to execute Emergency Ambulance Service Contract between City of Mission and Hidalgo County EMS. Motion was seconded by Councilman Plata and approved unanimously 5-0.



**4.5 Approval of a Resolution # 1535 of the Mission City Council amending Resolution No. 1399 pertaining to Investment Officers**

In accordance with Vernon's Civil Statutes Government Code, Chapter 2256.005(f), the City council officially designated the following city officials, serving in the capacity of the following offices, as public fund investment officers of the City of Mission:

Martin Garza, Jr. – City Manager  
Angie Vela, Finance Director  
Ezeiza Garcia, Assistant Finance Director

Staff and City Manager recommended approval.

Councilman Plata moved to approve Resolution No. 1535 of the Mission City Council amending Resolution No. 1399 pertaining to Investment Officers. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

**RESOLUTION NO. 1535**

**A RESOLUTION OF THE MISSION CITY COUNCIL AMENDING  
RESOLUTION NO. 1339 PERTAINING TO INVESTMENT OFFICERS**

**4.6 Acceptance of Quarterly Report of Investments for the Quarter ending December 31, 2017 and Interest Earned for Three Months Ending December 31, 2017**

Acceptance of quarterly report required by the Public Funds Investment Act Section 2256.023 of the Texas Government Code on the total investments for the quarter ending December 31, 2017. The total increases to investment balances for the period were \$521,774.56 and total decreases were \$3,650,397.60, leaving a total of \$24,398,948.85 in outstanding investments for the quarter ending December 31, 2017. The total interest earned on all funds year to date was \$58,013.02

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Quarterly Report of Investments for the Quarter ending December 31, 2017 and Interest Earned for Three Months Ending December 31, 2017. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

**4.7 Change Order No.1 for additional Fire Hydrants and Dewater Drainage Canal for Anzalduas PH II Water & Sewer Project**

Staff was seeking authorization for Change Order No. 1 to introduce additional quantities for fire hydrants, dewater drainage canal and also to introduce an allowance for future utility adjustments. The City of Mission requested to install 42 additional fire hydrants throughout the project for future development and fire protection. The contractor encountered water seepage underneath the drainage canal and utility conflicts. However, they would need to place coffer dams on both side of the canal to reduce the flow of water seepage and be able to install the waterline and sewerline. Staff was also seeking authorization to introduce an allowance item for future utility conflicts. An additional 40 Working Days were being requested to be added to contract time to be able to construct the additional work.

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The total amount of the change order was \$340,553.24 (9.88% of Original Contract Amount). Change order was less than the 25% cap allowed by the Texas Local Government Code.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve the Change Order No.1 for additional Fire Hydrants and Dewater Drainage Canal for Anzalduas PH II Water & Sewer Project. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

At 5:07 p.m., Mayor Salinas stepped out of the meeting.

### **4.8 Authorization to award bids to RDH Site & Concrete for the Street Improvements of Kika De La Garza Loop**

Staff was seeking authorization to award bid for the Street Improvement project at Kika De La Garza Loop. Staff received ten (10) bids and was recommending award to RDH Site & Concrete who was the lowest responsive and responsible bidder in the amount of \$458,040.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to award bids to RDH Site & Concrete for the Street Improvements of Kika De La Garza Loop, as recommended by staff. Motion was seconded by Councilman Plata and approved unanimously 4-0.

### **4.9 Award bid for Right-of-Way Mowing & Maintenance Services**

City Council authorized Staff to solicit bids for mowing, litter / debris removal and maintenance services on City Easements and Rights of Way 12/18/17. The City of Mission had accepted and opened seven (7) bid responses for this service contract. Staff recommended award of bid for ROW Mowing Contract A and B to TDL Properties who was the lowest responsive and responsible bidder meeting scope of service. Conde Landscape, presented the lowest bid for Contract A, but was found nonresponsive due to incomplete bid package. Services to be included were supervision & labor, materials, supplies, tools and equipment necessary for mowing, edging, palm tree and shrub trimming, weed removal, removal of litter, debris, municipal solid waste, tires and rubbish and landscape bed maintenance where needed.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to award bid for Right-of-Way Mowing & Maintenance Services to TDL Properties, as recommended by staff. Motion was seconded by Councilman Plata and approved unanimously 4-0.

### **4.10 Award bid for Fencing for New Dog Parks at Bannworth and Bentsen Palm Community Park**

City Council authorized staff to solicit bids for fence installation for the new Dog Parks at Bannworth Park and Bentsen Palm Community Park. The City of Mission had accepted and opened thirteen (13) bid responses for this service contract. Staff recommended award of bid to Excellent Fence who was the lowest responsive and responsible bidder and met all specifications.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to award bid for New Dog Parks at Bannworth and Bentsen Palm Community Park to Excellent Fence, as recommended by staff. Motion was seconded by Councilman Plata and approved unanimously 4-0.

#### **4.11 Authorization to solicit bids for fence installation**

Staff was seeking authorization to solicit bids for fence installation along west property line of Birdwell Park and continuing the ROW of the north property line of Lot 1, Barns Birdwell Subdivision.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for fence installation. Motion was seconded by Councilman O'cana and approved unanimously 4-0.

#### **4.12 Authorization to award bids for the purchase of Cold Water Meters for the Public Works Department**

The City of Mission had accepted and opened four (4) Bid responses for Cold Water Meters. Staff recommended awarding to Core & Main, LP, 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. The contract terms would be for one year with one-year renewal option.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to award bid for the purchase of Cold Water Meters for the Public Works Department to Core & Main, LP, as recommended by staff. Motion was seconded by Councilman Plata and approved unanimously 4-0.

At 5:11 p.m., Mayor Salinas rejoined the meeting.

#### **4.13 Authorization to engage Melden and Hunt, Inc for engineering services to renew the Waste Water Treatment Plant Permit**

Staff was seeking authorization for the renewal of the Waste Water Treatment Plant (WWTP) Permit that would expire June 1, 2018. Engineering services to renew the WWTP permit would be in accordance with TCEQ Requirements. Total fixed fee by Melden and Hunt Inc. would be of \$20,000.00.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to engage Melden and Hunt, Inc for engineering services to renew the Waste Water Treatment Plant Permit, as recommended by staff. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.14 Approval of purchase Micro-Solve and Odor-Solve for Sanitary Sewer Lift Stations and Wastewater Treatment Plant from a sole source vendor**

Staff was recommending the purchase of Micro-Solve and Odor-Solve from Evergreen Southwest, a sole source vendor. Pursuant to Texas Local Government Code Section 252.022 General Exemptions (7) a procurement of items that 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;

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

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the purchase of Micro-Solve and Odor-Solve for Sanitary Sewer Lift Stations and Wastewater Treatment Plant from Evergreen Southwest, a sole source vendor, as recommended by staff. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.15 Authorization to Solicit for bids for the purchase of Meter Connect Supplies for the Public Works Department**

Staff was seeking authorization to solicit bids for the purchase of Meter Connect Supplies. Meter Connect supplies were needed by the Public Works department for new water meter connections and repairs. The contract terms would be for one year with one-year renewal option.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit for bids for the purchase of Meter Connect Supplies for the Public Works Department. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

**4.16 Authorization to Solicit for bids for the purchase of Waterline Maintenance Supplies for the Public Works Department**

Staff was seeking authorization to solicit bids for the purchase of Waterline Maintenance Supplies. Waterline Maintenance Supplies were needed by the Public Works Department for the water distribution system daily maintenance operations.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to solicit for bids for the purchase of Waterline Maintenance Supplies for the Public Works Department. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

**4.17 Authorization to Solicit Bids for “Housing Assistance Program – Phase 17-I”**

The Citizen’s Advisory Committee met on January 23, 2018 and approved staff’s recommendation to provide reconstruction of six (6) homes through the CDBG program to the following addresses:

Reconstruction:

- \*312 Violet St. – 2 bdrm 2 bath, 970 sq ft
- 203 E Victory St – 2 bdrm 2 bath, 970 sq ft
- 622 N Nicholson Ave – 2 bdrm 2 bath, 970 sq ft
- 1112 W. 23<sup>rd</sup> St. – 2 bdrm 2 bath, 970 sq ft
- 122 Oblate Ave – 2 bdrm 2 bath, 970 sq ft
- 505 N. Mayberry Rd – 3 bdrm 2 bath, 1100 sq ft

\*Hardship case – loss of home due to fire July 17, 2016

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to Solicit Bids for “Housing Assistance Program – Phase 17-I”. Motion was seconded by Councilman O’cana and approved unanimously 5-0.

**4.18 Budget Amendments: MEDC Capital Projects Fund**

Finance Director Angie Vela presented budget amendment BA-18-17 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman O’cana moved to approve budget amendment BA-18-17. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**4.19 Authorization to award bid to Southern Trenchless Solutions for the Rehabilitation of 4 Sanitary Sewer Lift Stations**

Staff was seeking authorization to award bid for the Rehabilitation of 4 Sanitary Sewer Lift Stations. Staff received six (6) bids and was recommending award to Southern Trenchless Solutions who was the lowest responsive and responsible bidder in the amount of \$124,000.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to authorize to award bid to Southern Trenchless Solutions for the Rehabilitation of 4 Sanitary Sewer Lift Stations, as recommended by staff. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.20 Authorization for the submittal of a grant application to NPRA and Disney and authorizing the Mayor as the authorized representative regarding the City’s participation in the program**

Authorization was being requested to submit a grant application to National Parks and Recreation Association (NPRA) and Disney! “Meet Me at the Park” Matching Grant of \$30,000

for a new space rocket play structure for Astroland Park. Maximum cost to the City of \$35,000.00. Authorization for the Mayor as the authorized representative for the City for the submittal of the grant application was also requested.

Staff and City Manager recommended approval.

Councilman O’cana moved to authorize for the submittal of a grant application to NPRA and Disney and authorizing the Mayor as the authorized representative regarding the City’s participation in the program. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.21 Authorization to amend the best and final proposal and award the amended contract for the construction of the Leo Peña Placita Park Mobility Improvement Project**

Staff was seeking authorization to amend awarded contract to D. Wilson Construction Co. presented on January 22, 2018, to include the revised best and final proposal which included value engineering items, alternates and allowances for a total project cost of \$1,444,803.

**Alternates Included:**

- Alternate #1- Metal Screens along Stage Wall \$15,000
- Alternate #3- Decomposed Granite \$21,000
- Alternate #4- Steel Shade Canopy Structure \$130,000

**Allowances Included:**

- Contingency Allowance \$30,000
- Irrigation Allowance \$20,000
- Site Signage Allowance \$10,000

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to amend the best and final proposal and award the amended contract for the construction of the Leo Peña Placita Park Mobility Improvement Project to D. Wilson Construction Co., as recommended by staff. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

**4.22 Approval of Professional Services Contract for Mark Sossi, P.C.**

Approval was being requested for professional services to be provided by Mark Sossi, Attorney at Law. Attorney shall represent the City on all matters pertaining to Civil Service involving Fire and Police and as needed by the City.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the Professional Services Contract for Mark Sossi, P.C. Motion was seconded by Councilwoman Ochoa 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

Mayor Salinas asked Council to go into Executive Session.

At 5:20 p.m., Councilman O'cana 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.

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

### 7.1 Consultation with Attorney Texas Gov't Code §551.071(2)

- A. Legal consultation regarding Sharyland Utilities, L.P. franchise agreement as it relates to the exchange of Sharyland's retail distribution operations to Oncor Electric Delivery Company, LLC.
- B. Legal consultation regarding requirements for the issuance of business permits for undefined businesses within the City of Mission.
- C. Legal consultation regarding rights and responsibilities of Texas Municipal League Risk Pool relating to the Worker's Compensation Interlocal Agreement

### 7.2 Deliberations about Real Property- Texas Gov't Code §551.072

- A. Consideration of Bids for Tax Resale for the following property:

T-724-06-D- Account No. 1:

A parcel of land out of the East ½ of Lots 16, 17 and 18, Block 165, Mission Original Townsite, in Hidalgo County, Texas

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

At 5:56 p.m., Mayor Pro Tem Garza moved to reconvene in open session. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

On item 7.1-A, Councilman Plata moved to authorize the City Manager and City Attorney to retain the legal services of Alton Hall for the purpose of advising the City of Mission regarding Sharyland Utilities, L.P. request for termination of existing franchise agreement, and further negotiating, drafting, and advising on a new franchise agreement with Oncor Electric Delivery Company, LLC for the City of Mission. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

On item 7.1-B, no action was taken.

On item 7.1-C, Councilwoman Ochoa moved to authorize City Manager and City Attorney to retain outside legal counsel for claims relating to Texas Government Code Chapter 607, and to take all actions, including legal proceedings, necessary to ensure that employees are receiving all statutory benefits they are legally entitled to under the Texas Worker's Compensation Act. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

On item 7.2-A, Mayor Pro Tem Garza moved to approve Resolution No. 1536 accepting the Tax Resale Bid for the purchase of the East ½ of Lots 16, 17 and 18 Block 165, Mission Original Townsite, Hidalgo County, Texas; 614 & 616 W 10<sup>th</sup> St., Mission, Texas. Motion was seconded by Councilman Plata and approved 4-0, with Mayor Salinas abstaining from voting.

**RESOLUTION NO. 1536**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION , TEXAS  
ACCEPTING THE TAX RESALE BID FOR THE PURCHASE OF THE EAST ½ OF LOTS  
16, 17 AND 18 BLOCK 165, MISSION ORIGINAL TOWNSITE, HIDALGO COUNTY,  
TEXAS AND AUTHORIZING THE EXECUTION OF A TAX RESALE DEED OF SAID  
PROPERTY TO THE BIDDER

**8.0 Adjournment**

At 5:59 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary