

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
MAY 14, 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:

Janie Cantu
Jim Barnes
Velma P. Garza
Marianela Vela
Jaime B. Vela
Mario A. Saenz
Christina Ojeda
Isabel Caro & Staff
Amy Ortega
Maxilu Luik
Alex Moreno, Jr.
Elain Xavier
Ludivica Xavier
Eduardo Martinez
Beto Cantu
Gustavo Quintero
Olga Cedillo
Hilda Cuellar
Maria Hernandez
Rosa Morales
Josue Castro
Alexis Salinas

ABSENT:

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Randy Perez, Deputy City Manager
Elizabeth Hernandez, Executive Secretary
Angie Vela, Finance Director
Ezeiza Garcia, Asst. Finance Director
Jaime Acevedo, Planning Director
Virgil Gonzalez, Asst. Planning Director
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
Gilbert Sanchez, Fire Chief
Robert Dominguez, Chief of Police
Jonathan Wehrmeister, Judge
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
Noel Barrera, Health Dept. Director
Adela Ortega, Food Pantry Manager
Xavier Sanchez, B & G Program Coordinator
Javier Flores, Police Officer

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:32 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 – “Lupus Awareness Month”

City Secretary Anna Carrillo presented the Proclamation – “Lupus Awareness Month”.

Mayor Pro Tem Norie Gonzalez Garza moved to approve the Proclamation “Lupus Awareness Month”. Motion was seconded by Councilwoman Jessica Ortega-Ochoa and approved unanimously 5-0.

4. Proclamation – “Elder Abuse Prevention Month”

City Secretary Carrillo presented the Proclamation – “Elder Abuse Prevention Month”.

Mayor Pro Tem Garza moved to approve the Proclamation “Elder Abuse Prevention Month”. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

5. 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.

6. Departmental Reports

Councilman Dr. Armando O’cana moved to approve the departmental reports as presented. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

7. Citizens Participation

None

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Rezoning: A 68.55 acre tract of land out of Lots 9-5, 9-6, and 10-5, West Addition to Sharyland; A 12.47 acre tract of land out of Lots 9-4, 10-3, and 10-4, West Addition to Sharyland; A 306.62 acre tract of land out of Lots 10-3, 10-4, 10-5, 10-6, 11-3, 11-4, 11-5, 11-6, 12-4, 12-5, and 12-6, West Addition to Sharyland; and A 24-96 acre tract of land out of Lots 11-3 and 11-4, West Addition to Sharyland Subdivision, PUD (Planned Unit Development) to I-1 (Light Industrial), City Initiated
Adoption of Ordinance # 4624 approving 1.1A**

On April 25, 2018 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The subject site was located near the NW area of Madero along the west side of Conway Avenue approximately 1 mile South of Expressway 83. 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. 4624 Rezoning: 68.55 acre tract of land out of Lots 9-5, 9-6, and 10-5, West Addition to Sharyland; A 12.47 acre tract of land out of Lots 9-4, 10-3, and 10-4, West Addition to Sharyland; A 306.62 acre tract of land out of Lots 10-3, 10-4, 10-5, 10-6, 11-3, 11-4, 11-5, 11-6, 12-4, 12-5, and 12-6, West Addition to Sharyland; and A 24-96 acre tract of land out of Lots 11-3 and 11-4, West Addition to Sharyland Subdivision, PUD (Planned Unit Development) to I-1 (Light Industrial), City Initiated. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

ORDINANCE NO. 4624

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING OF A 68.55 ACRE TRACT OF LAND OUT OF LOTS 9-5, 9-6, AND 10-5, WEST ADDITION TO SHARYLAND; A 12.47 ACRE TRACT OF LAND OUT OF LOTS 9-4, 10-3, AND 10-4, WEST ADDITION TO SHARYLAND; A 306.62 ACRE TRACT OF LAND OUT OF LOTS 10-3, 10-4, 10-5, 10-6, 11-3, 11-4, 11-5, 11-6, 12-4, 12-5, AND 12-6, WEST ADDITION TO SHARYLAND; AND A 24.96 ACRE TRACT OF LAND OUT OF LOTS 11-3, AND 11-4, WEST ADDITION TO SHARYLAND SUBDIVISION, FROM PUD (PLANNED UNIT DEVELOPMENT) TO I-1 (LIGHT INDUSTRIAL)

**B. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Han's Katsuya Restaurant, 600 N. Shary Road, Ste. D, Lot 1, Esdras Vega Subdivision, C-3, The Bab, LLC
Adoption of Ordinance # 4625 approving 1.1B**

On April 25, 2018 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The proposed 1,488 sq. ft. restaurant site was located at the Northeast corner of Shary Road and 6th Street within Lot 1 of Esdras Vega Subdivision. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval.

Staff Recommendation: Approval for a period of 2 years at which time their CUP and new TABC License would need to be renewed.

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 cup and to adopt Ordinance No. 4625 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Han's Katsuya Restaurant, 600 N. Shary Road, Ste. D, Lot 1, Esdras Vega Subdivision, C-3, as per staff's recommendations. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

ORDINANCE NO. 4625

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 – HAN'S KATSUYA RESTAURANT, 600 N. SHARY ROAD, STE. D, LOT 1, ESDRAS VEGA SUBDIVISION

**C. Conditional Use Permit: Drive-Thru Service Window – Snowball Express, 1712 W. Griffin Parkway, Lot 22, Block 4, Oakwood Estates Subdivision, C-3, Snowball Express, LLC, (c/o Elgin Xavier)
Adoption of Ordinance # 4626 approving 1.1C**

On April 25, 2018 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located approximately 64' west of Kristi Lane on the north side of Griffin Parkway. There was public opposition during the P&Z Meeting. The Board unanimously recommended denial of the extended hours for the drive-thru between 10:00 p.m. until 2:00 a.m.

Staff and City Manager recommended denial of the extended hours for the drive-thru between 10:00 p.m. until 2:00 a.m.

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

Applicant Elgin Xavier along with his attorney Alex Moreno, a group of his staff and surrounding neighbors spoke in favor of this request. They explained why they were in support of this local business and would like Mr. Xavier to continue his drive thru window opened until 2:00 a.m. Mr. Moreno also had a list of signatures from neighbors who were also in support.

Mrs. Janie Cantu who lived 30 ft. from the business spoke against the request. She explained how the noise from vehicles with loud motors/mufflers while waiting in the drive thru would keep her and her husband from getting a well night sleep. Consequently she was missing work due to getting only a few hours of sleep.

Mayor Pro Tem Garza moved to approve the cup and to adopt Ordinance No. 4626 Conditional Use Permit: Drive-Thru Service Window – Snowball Express, 1712 W. Griffin Parkway, Lot 22, Block 4, Oakwood Estates Subdivision, C-3, Snowball Express, LLC, for 1 year and business closing hour at 10:00 p.m., as per staff's recommendations. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4626

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU SERVICE WINDOW – SNOWBALL EXPRESS, 1712 W. GRIFFIN PARKWAY, LOT 22, BLOCK 4, OAKWOOD ESTATES SUBDIVISION

**D. Conditional Use Permit: Drive-Thru Service Window – Snowball Express #2, 3124 N. Mayberry Road, Being 1.27 acres of land out of the West 310' of the North 224' of Lot 28-9, West Addition to Sharyland Subdivision, C-2, Snowball Express, LLC, (c/o Elgin Xavier)
Adoption of Ordinance #4627 approving 1.1D**

On April 25, 2018 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located at the SE corner of Mayberry Road and E. Mile 2 Road. There was no public opposition during the P&Z Meeting. The Board unanimously recommended denial of the extended hours for the drive-thru between 10:00 p.m. until 2:00 a.m.

Staff and City Manager recommended denial of the extended hours for the drive-thru between 10:00 p.m. until 2:00 a.m.

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

Applicant Elgin Xavier along with his attorney Alex Moreno, a group of his staff and surrounding neighbors spoke in favor of this request. They explained why they were in support of this local business and would like Mr. Xavier to continue his drive thru window opened until 2:00 a.m. Mr. Moreno also had a list of signatures from neighbors who were also in support.

Councilwoman Ochoa moved to approve the cup and to adopt Ordinance No. 4627 Conditional Use Permit: Drive-Thru Service Window – Snowball Express #2, 3124 N. Mayberry Road, Being 1.27 acres of land out of the West 310’ of the North 224’ of Lot 28-9, West Addition to Sharyland Subdivision, C-2, Snowball Express, LLC, for 1 year and business closing hour at 10:00 p.m., as per staff’s recommendations. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 4627

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

At 5:42 p.m., Mayor Salinas stepped out of the meeting.

**E. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages –
La Mansion Ballroom & Catering, 507 N. Conway Avenue, Lot 8, Block 92,
Mission Original Townsite Subdivision, C-3, La Mansion Ballroom & Catering,
LLC, (c/o Norma Guevara)
Adoption of Ordinance # 4628 approving 1.1E**

On April 25, 2018 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located just off the NW corner of Conway and 5th Street. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval.

Staff Recommendation: Approval of this CUP until November 22, 2018 at which time their CUP and new TABC License would need to be renewed.

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. 4628 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – La Mansion Ballroom & Catering, 507 N. Conway Avenue, Lot 8, Block 92, Mission Original Townsite Subdivision, C-3, La Mansion Ballroom & Catering, LLC, as per staff’s recommendations. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

ORDINANCE NO. 4628

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 – LA MANSION BALLROOM &
CATERING, 507 N. CONWAY AVENUE, LOT 8, BLOCK 92, MISSION ORIGINAL
TOWNSITE SUBDIVISION

- F. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Kalo’s Salon de Eventos, 1516 E. Expressway 83, Ste. K, Lots 5, 5J, 5K, 5L, Stewart Plaza Subdivision, C-3, Corinthian Kalos Salon de Eventos, LTD Adoption of Ordinance # 4629 approving 1.1F**

On April 25, 2018 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located 400’ south of U.S. Expressway 83 along the west side of Stewart Road within a commercial plaza. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval.

Staff Recommendation: Approval for a period of 2 years at which time their CUP and new TABC License would need to be renewed.

City Manager recommended approval.

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

There were no comments.

Councilwoman Ochoa moved to approve the cup and to adopt Ordinance No. 4629 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Kalo’s Salon de Eventos, 1516 E. Expressway 83, Ste. K, Lots 5, 5J, 5K, 5L, Stewart Plaza Subdivision, C-3, Corinthian Kalos Salon de Eventos, LTD, as per staff’s recommendations. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 4629

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 – KALO’S SALON DE EVENTOS, 1516
E. EXPRESSWAY 83, STE K, LOTS 5, 5J, 5K, 5L, STEWART PLAZA SUBDIVISION

- G. Conditional Use Permit: Restaurant (Drunken Chicken) in a property zoned (C-2) Neighborhood Commercial, 104 N. Mayberry Road, Ste. A, Lot 52, Mayberry Plaza Unit #2, C-2, Jose A. Cantu, Jr. Adoption of Ordinance # 4630 approving 1.1G**

On April 25, 2018 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located at the NE corner of Mayberry Road and 1st Street. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval.

Staff Recommendation: Approval for 3 years at which time the applicant would have to apply for reconsideration.

City Manager recommended approval.

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

There were no comments.

Councilwoman Ochoa moved to approve the cup and to adopt Ordinance No. 4630 Conditional Use Permit: Restaurant (Drunken Chicken) in a property zoned (C-2) Neighborhood Commercial, 104 N. Mayberry Road, Ste. A, Lot 52, Mayberry Plaza Unit #2, C-2, as per staff's recommendations. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 4630

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A RESTAURANT (DRUNKEN CHICKEN) IN A PROPERTY ZONED (C-2) NEIGHBORHOOD COMMERCIAL, 104 N. MAYBERRY ROAD, STE. A, LOT 52, MAYBERRY PLAZA UNIT #2

**H. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Areli's Event Center, 1809 W. Griffin Parkway, Lots 9-11, Southern Oaks Ph. I Subdivision, C-3, Arelis Event Center, LLC
Adoption of Ordinance # 4631 approving 1.1H**

On April 11, 2018 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located 500' west of Inspiration Road along the south side of Griffin Parkway. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval.

Staff Recommendation: Approval of the CUP subject to: 1) waiver of the 300' separation requirement from residential neighborhoods, and 2) CUP be valid until 1/23/19 at which time their CUP and new TABC License would need to be renewed.

City Manager recommended approval.

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

The applicant was present and spoke in favor of the request. He explained how he plans to make a better curb appeal to the plaza.

Councilman Plata moved to approve the cup and to adopt Ordinance No. 4631 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Areli's Event Center, 1809 W. Griffin Parkway, Lots 9-11, Southern Oaks Ph. I Subdivision, C-3 as per staff's recommendations. Motion was seconded by Councilman O'cana and approved unanimously 4-0.

ORDINANCE NO. 4631

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 – ARELY'S EVENT CENTER, 1809 W. GRIFFIN PARKWAY, LOTS 9-11, SOUTHERN OAKS PH. 1 SUBDIVISION

I. Discussion and Action Amending Ordinance No. 4576, Amending Various Portions of Chapter 86, Sec. 86-42(d) (2); Sec. 86-153(5)(e); and Sec. 86-154(5)(e) – Signs of the Mission Code of Ordinances Adoption of Ordinance # 4632 approving 1.11

On April 25, 2018, the Planning and Zoning Commission held a Public Hearing to consider amending various portions of Chapter 86 – Signs of the Mission Code of Ordinances. 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 adopt Ordinance No. 4632 Amending Ordinance No. 4576, Amending Various Portions of Chapter 86, Sec. 86-42(d) (2); Sec. 86-153(5)(e); and Sec. 86-154(5)(e) – Signs of the Mission Code of Ordinances. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

ORDINANCE NO. 4632

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AMENDING ORDINANCE 4576, AMENDING VARIOUS PORTIONS OF CHAPTER 86, SEC.86-42(d)(2); SEC.86-153(5)(e); AND SEC.86-154(5)(e) – SIGNS – OF THE MISSION CODE OF ORDINANCES, CLAUSE; AND PROVIDING A PUBLICATION DATE

J. Public Hearing on Substantial Amendment for Action Plan 2017-18

The Citizens Advisory Committee held a public hearing on April 10, 2018 to solicit input on a proposed substantial program and budget amendment to the One Year Action Plan FY’17-18 as required by HUD. This Amendment consisted of the elimination of the activity funding of \$2,000 to United Charitable Programs fbo Heroes Haven and reallocate funds to the Boys & Girls Club of Mission to provide partial waivers for their summer program fees for at risk youth and low income youth. No comments were received during the required thirty day comment period which ended May 7, 2018.

Staff and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against this public hearing.

There were no comments.

No action was taken on this item since it was only for public hearing.

2.0 Disposition of Minutes

2.1 City Council Meeting – April 23, 2018

Councilman O’cana moved to approve the minutes as presented. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

3.0 Acknowledge Receipt of Minutes

- 3.1 Mission Education Development Council – February 20, 2018**
- Animal Rescue and Adoption Advisory Board – March 8, 2018**
- Traffic Safety Committee – March 20, 2018**
- Mission Economic Development Authority – March 20, 2018**
- Mission Economic Development Corporation – March 20, 2018**
- Zoning Board of Adjustments – March 21, 2018 and April 5, 2018**
- Mission Redevelopment Authority – March 27, 2018**
- Mission Tax Increment Reinvestment Zone – March 27, 2018**
- Planning and Zoning Commission – April 11, 2018**
- Citizen’s Advisory Committee – April 10, 2018**
- Mission Civil Service Commission – April 19, 2018**

Councilman O’cana moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

4.0 Approvals and Authorizations

4.1 Election of Mayor Pro-Tem

In accordance with Section 3.05 of the City Charter, the City Council, at its first meeting after election of Councilpersons, shall elect one of its numbers Mayor Pro Tem and he shall perform all the duties of the Mayor in the absence and disability of the Mayor.

Staff and City Manager recommended approval.

Councilwoman Ochoa nominated Councilman Plata; Councilman Plata nominated Mayor Pro Tem Garza.

Councilman O’cana moved to approve the election of Mayor Pro Tem Garza as the Mayor Pro Tem for the next term. Motion was seconded by Councilman Plata and approved unanimously 4-0

4.2 Approval of Ordinance No. 4633 calling a Runoff Election in Mission, Texas

Aprobacion de la Ordenanza No. 4633 convocatoria para la segunda vuelta de elecciones de desempate en la Ciudad de Mission, Texas

The ordinance provided for the city’s Runoff Election to be held on Saturday, June 9, 2018 as authorized by the Texas Election Code.

Early voting by personal appearance was being requested to be conducted at Mission City Hall, 1201 E. 8th St. and Celestino Ramirez, Fire Station # 3, 1804 N. Shary Road.

Tuesday, May 29, 2018 – 7 a.m. – 7 p.m.

Wednesday, May 30, 2018 – 8 a.m. – 6 p.m.

Thursday, May 31, 2018 – 8 a.m. – 6 p.m.

Friday, June 1, 2018 – 8 a.m. – 6 p.m.

Saturday, June 2, 2018 – 8 a.m. – 5 p.m.

Monday, June 4, 2018 – 8 a.m. – 6 p.m.

Tuesday, June 5, 2018 – 7 a.m. 7 p.m.

Election Day polling locations were to be held at Mission High School, Bryan Elementary, Castro Elementary and Celestino Ramirez, Fire Station #3 from 7 a.m. – 7 p.m.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 4633 calling a Runoff Election in Mission, Texas. *Aprobacion de la Ordenanza No. 4633 convocatoria para la segunda vuelta de elecciones de desempate en la Ciudad de Mission, Texas.* Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0

ORDINANCE NO. 4633

AN ORDINANCE CALLING A RUNOFF ELECTION IN MISSION, TEXAS PROVIDING FOR THE ELECTION OF MAYOR AND CITY COUNCIL PLACE 4; PROVIDING FOR POLLING PLACES AND OTHER MATTERS RELATING TO SAID ELECTION

ORDENANZA NO. 4633

APROBACIÓN DE LA ORDENANZA DE LA CONVOCATORIA PARA LA SEGUNDA VUELTA DE ELECCIONES DE DESEMPATE PARA EL PUESTO DE ALCALDE Y CONSEJAL NUMERO 4 DE LA CIUDAD DE MISSION TEXAS LOS SITIOS DE VOTACIÓN Y OTRAS CUESTIONES RELATIVAS A ESA ELECCIÓN

4.3 Reschedule May 28, 2018 City Council meeting to Tuesday, May 29, 2018

The office of the City Manager was requesting to reschedule the May 28 City Council meeting to Tuesday, May 29 due to City Hall being closed on Monday for Memorial Day Holiday.

Staff and City Manager recommended approval.

Councilman O’cana moved to approve to reschedule May 28, 2018 City Council meeting to Tuesday, May 29, 2018. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.4 Authorize Mayor to execute renewal contract with the Department of State Health Services, Program Vital Statistics Unit

This was a continuation of the existing contract with the Department of State Health Services, Program Vital Statistics Unit for the issuance of out of town Vital Records. Term of the agreement from September 1, 2018 thru August 31, 2023. With this service out of town birth certificates were purchased for \$23.00 each with \$1.83 per record going to the state for search and issuance through the state data-base.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to authorize Mayor to execute renewal contract with the Department of State Health Services, Program Vital Statistics Unit. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.5 Authorization to purchase a John Deere 324K loader via Buyboard 515-16

Sanitation department was seeking authorization to purchase a John Deere 324K loader via Buyboard 515-16. The tractor would be used at the air burner site.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to purchase a John Deere 324K loader via Buyboard 515-16. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

4.6 Authorization to purchase a John Deere 544K loader via Buyboard 515-16 for the Sanitation Department

Sanitation department was seeking authorization to purchase a John Deere 544K loader via Buyboard 515-16. The tractor would be used at the air burner site.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to purchase a John Deere 544K loader via Buyboard 515-16 for the Sanitation Department. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

4.7 Authorization to purchase a 2018 Peterbilt 348 Roll off truck via Buyboard contract 521-16

Sanitation department was seeking authorization to purchase a Peterbilt roll off truck via buy board contract 521-16 from Rush Truck Centers of Texas L.P.; this truck would be used to haul the ashes from the air burning site to La Gloria landfill.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to purchase a 2018 Peterbilt 348 Roll off truck via Buyboard contract 521-16 from Rush Truck Centers of Texas L.P., as recommended by staff. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

4.8 Authorization to Accept Art Donation from artist Shirley Ingram and the Upper Valley Art League for Mission Event Center

Shirley Ingram, Artist along with Upper Valley Art League wished to donate an abstract mixed media painting titled "Citrus Valley" to Mission Event Center. Value of painting was \$3,500.00

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to accept art donation from artist Shirley Ingram and the Upper Valley Art League for Mission Event Center. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

4.9 Authorization to Accept Artwork Donation from Mission artist Keka Kuri for the Mission Event Center

Mission artist Keka Kuri donated a painting titled "The Aroma of My City" to Mission Event Center. Value of painting was \$3,500.00.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to accept artwork donation from Mission artist Keka Kuri for the Mission Event Center. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

**4.10 Authorization to Purchase Shade Structures for Parks Facilities via State approved
Buy Board Contract #512-16**

Staff was seeking authorization to purchases shade structures thru Park Place Recreation Designs, Inc. via State Approved Buy Board Contract # 512-16 for Bannworth Pool and New Dog Parks at Bannworth Park and Bentsen Palm Community Park. Cost for purchase and installation of two (2) 35' x 35' shade structures for Bannworth Park would cost \$35,254.00. Cost for purchase and installation of two (2) 40' x 20' shade structures for each Dog Park would cost \$15,631.10 each for a total cost of \$31,262.20.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to authorize to purchase shade structures for Parks Facilities via State approved Buy Board Contract #512-16 from Park Place Recreation Designs, Inc., as recommended by staff. Motion was seconded by Councilman Plata and approved unanimously 4-0.

At 6:10 p.m., Councilman Plata stepped out of the meeting.

**4.11 Approval of Resolution # 1546 of the City Council of the City of Mission, Texas
authorizing the submittal of an application to Pet Safe of Knoxville, Tennessee**

A resolution of the City Council of the City of Mission, Texas authorizing the filing of a grant application to the Pet Safe of Knoxville, Tennessee; authorizing the Mayor to act on behalf of the City in all matters related to the application; and pledging that if a grant was received, the City would comply with the grant requirements. Eligible projects for this grant included the development and construction of new off-leash dog park(s) at Bannworth Park and/or Bentsen Palm Community Park.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve Resolution No. 1546 of the City Council of the City of Mission, Texas authorizing the submittal of an application to Pet Safe of Knoxville, Tennessee. Motion was seconded by Councilwoman Ochoa and approved unanimously 3-0.

RESOLUTION NO. 1546

**RESOLUTION AUTHORIZING APPLICATION SUBMISSION AND COMMITMENT OF
LOCAL MATCH FOR THE BUILD OF A DOG PARK PROJECT UNDER THE PETSAFE
2018 BARK FOR YOUR PARK GRANT OPPORTUNITY SPONSORED BY
RADIO SYSTEMS CORPORATION**

**4.12 Acceptance of Quarterly Report of Investments for the Quarter Ending March 31,
2018 and Interest Earned for Six Months Ending March 31, 2018**

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Finance Director Angie Vela presented Quarterly Report of Investments for the Quarter ending March 31, 2018 and Interest Earned for Six Months Ending March 31, 2018.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve the Quarterly Report of Investments for the Quarter Ending March 31, 2018 and Interest Earned for Six Months Ending March 31, 2018. Motion was seconded by Councilwoman Ochoa and approved unanimously 3-0.

4.13 March 2018 Financial Statements

Finance Director Vela presented the March 2018 Financial Statements for approval.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve the March 2018 Financial Statements, as presented. Motion was seconded by Councilwoman Ochoa and approved unanimously 3-0.

At 6:23 p.m., Councilman Plata rejoined the meeting.

4.14 Approval for the implementation of three (3) speed humps from the 1900 block of Adams Street to the 2000 block of Pena Street in accordance with City of Mission Code of Ordinances, Division 5, Speed humps, Section 110.351 to Section 110.354

The Mission Police Department received several complaints of vehicular traffic traveling at a high rate of speed making it unsafe for the residents who reside in this area. The residents from this neighborhood met and complained about the number of vehicular accidents in the area which resulted in a high amount of property damage. On May 1, 2018, the Traffic Safety Committee met and reviewed the request. It was the recommendation of the Traffic Safety Committee to implement the installation of the speed humps.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve the implementation of three (3) speed humps from the 1900 block of Adams Street to the 2000 block of Pena Street in accordance with City of Mission Code of Ordinances, Division 5, Speed humps, Section 110.351 to Section 110.354. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

4.15 Approval for the implementation of four (4) speed humps on Paseo Encantado Street between Inspiration Road and Schuerbach Road in accordance with City of Mission Code of Ordinances, Division 5, Speed humps, Section 110.351 to Section 110.354

The Mission Police Department received several complaints of vehicular traffic traveling at a high rate of speed making it unsafe for the residents who reside in this area. Additionally, the residents from this neighborhood met and complained about the number of vehicular accidents in the area. On May 1, 2018, the Traffic Safety Committee met and reviewed the request. It was the recommendation of the Traffic Safety Committee to implement the installation of the speed humps.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve the implementation of four (4) speed humps on Paseo Encantado Street between Inspiration Road and Schuerbach Road in accordance with City of Mission Code of Ordinances, Division 5, Speed humps, Section 110.351 to Section 110.354. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

At 6:27 p.m., Mayor Salinas rejoined the meeting.

4.16 Authorization to accept the 2017 Operation Stonegarden program grant from the Office of the Governor (OOG) for FY 2018-2019 grant year (OOG# 3172903)

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 one (1) FLIR Sky Watch SG single standard cab with generator tower system. The Sky watch would be used to combat and deter all burglary of vehicles, auto theft and related crime in our business community. The total amount of the grant awarded would be \$250,000.00. 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.

Councilman Plata moved to authorize to accept the 2017 Operation Stonegarden program grant from the Office of the Governor (OOG) for FY 2018-2019 grant year (OOG# 3172903). Motion was seconded by Councilman O'cana and approved unanimously 5-0.

4.17 Authorization to purchase computers and related equipment via U.S. Communities IT Products & Service contract #4400006644

The Mission Police Department was requesting authorization to purchase (7) desk top computers with software licenses and related equipment to have all the aforementioned equipment installed in our Communications Center and our Identification Bureau office. The total cost of the equipment was \$28,908.37. The aforementioned equipment would be purchased through the Mission Police Department Federal Drug Forfeiture account. Staff respectfully requests authorization to purchase the computer equipment and related items.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved authorize to purchase computers and related equipment via U.S. Communities IT Products & Service contract #4400006644. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

4.18 Authorization to purchase via sole source from Recorded Books for Electronic Services and Library Material

Staff was asking authorization to purchase electronic library material from Recorded Books to continue adding current items to our Electronic Library that would make electronic magazines, books, audiobooks available for checkout from a computer or electronic device as long as they have 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 \$75,000 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 March 26, 2018. 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. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.19 Authorization to award bid for the purchase of a security system for the Library

The City of Mission has accepted and opened fifteen (15) bid responses for a security system for the library. Staff recommended awarding to Simply Vast, who was the lowest responsible bidder meeting all specifications in the amount of \$14,631.93. Recommendation was based on price and references.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to award bid for the purchase of a security system for the Library. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.20 Approval of Ordinance #4634 of the City Council of the City of Mission, Texas re-opening the Oblate Street railroad track crossing between 8th Street and 9th Street and closing the railroad track crossing along Business 83 and Leonor Street 2300 linear feet East of Schuerbach Rd

On May 8, 2017, the City Council approved Resolution No. 1507 authorizing the closure of railroad track crossing off of Business 83 and Leonor Street, 2300 linear feet East of Schuerbach Rd, and further re-opening Oblate Street railroad track crossing. This Ordinance was necessary to accomplish the objectives as set out in Resolution 1507.

Staff and City Manager recommend approval.

Mayor Pro Tem Garza moved to approve Ordinance No. 4634 of the City Council of the City of Mission, Texas re-opening the Oblate Street railroad track crossing between 8th Street and 9th Street and closing the railroad track crossing along Business 83 and Leonor Street 2300 linear feet East of Schuerbach Rd. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

ORDINANCE NO. 4634

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS RE-OPENING THE OBLATE STREET RAILROAD TRACK CROSSING BETWEEN 8TH STREET AND 9TH STREET AND CLOSING THE RAILROAD TRACK CROSSING ALONG BUSINESS 83 AND LEONOR STREET, 2300 LINEAR FEET EAST OF SCHUERBACH RD

4.21 Authorization to purchase beer, wine and liquor for resale at the Mission Event Center

Staff was requesting to purchase beer, wine & liquor for resale at the Mission Event Center from the following vendors. Glazer's Beer and Beverage, L&F Distributors, Holiday Wine & Liquor and Feldman's Market Center in an amount not to exceed \$15,525.00 thru September 30, 2018.

Staff and City Manager recommend approval.

Councilman Plata moved to authorize to purchase beer, wine and liquor for resale at the Mission Event Center from Glazer's Beer and Beverage, L&F Distributors, Holiday Wine & Liquor and Feldman's Market Center, as recommended by staff. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.22 Approval of Substantial Amendment for Action Plan 2017-18

A public hearing was held earlier today to solicit input on this proposed substantial program and budget amendment to the One Year Action Plan FY'17-18. As stated, this Amendment eliminated funding to United Charitable Programs fbo Heroes Haven and allocated \$2,000 to the Boys & Girls Club of Mission to provide partial waivers for their summer program fees for at risk youth and low income youth.

Staff and City Manager recommend approval.

Mayor Pro Tem Garza moved to approve the Substantial Amendment for Action Plan 2017-18. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.23 Authorization to Reject and Re-Solicit bids for the replacement of a 10 inch High Service Pump and Motor at the North Water Treatment Plant

On March 26, 2018, City Council authorized staff to solicit bids for the replacement of a 10" High Service Pump and Motor for the North Water Treatment Plant. The City of Mission had accepted and open (2) two bid responses for this bid. Staff recommended rejecting and re-soliciting bid due to both bidder's not meeting terms & conditions.

Staff and City Manager recommend approval.

Mayor Pro Tem Garza moved to authorize to reject and re-solicit bids for the replacement of a 10 inch High Service Pump and Motor at the North Water Treatment Plant. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.24 Authorization to terminate contract with Shannon Chemical Corporation for the purchase of Liquid Copper Sulfate

Contract was awarded to Shannon Chemical Corporation on November 2017; during the term of the contract Shannon Chemical Corporation failed to keep current the EPA and NSF certification as required by contract terms.

Staff and City Manager recommend approval.

Mayor Pro Tem Garza moved to authorize to terminate contract with Shannon Chemical Corporation for the purchase of Liquid Copper Sulfate. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

4.25 Authorization to solicit for bids for Liquid Copper Sulfate for the North and South Water Treatment Plants

Staff was seeking authorization to solicit bids for the purchase of Liquid Copper Sulfate. Chemical was needed by the Public Works Department as part of the Water Treatment Process. The contract terms would be for one year with two one-year renewal options. (400,000 lbs.)

Staff and City Manager recommend approval.

Councilman Plata moved to authorize to solicit for bids for Liquid Copper Sulfate for the North and South Water Treatment Plants. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.26 Budget Amendments, General Fund, Solid Waste Fund, Police Federal Sharing Fund

Finance Director Vela presented budget amendments BA-18-24 thru BA-18-26 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve budget amendments BA-18-24 thru BA-18-26. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.27 Approval of Resolution # 1547 of the City of Mission, Texas finding that Oncor's application for approval of a distribution cost recovery factor to increase distribution rates within the city should be denied and further waiving the notice requirement

On April 5, 2018 Oncor filed with the City an application to amend its Distribution Cost Recovery Factor seeking to increase its revenue requirement by approximately \$19 million. In conjunction with this request, Oncor on May 1, 2018, also filed an application to decrease rates based on the Tax Cut and Jobs Act of 2017.

This resolution denied Oncor's request to amend its Distribution Cost Recovery Factor to increase its revenue requirement and further waived the requirement for notice to the City of Mission for the request to decrease rates under the Tax Cut and Jobs Act of 2017. The resolution further authorized the City Manager to retain the services of Adams and Reese, LLP to represent the city in both proceedings to determine what further strategy, including settlement, to pursue.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Resolution No. 1547 of the City of Mission, Texas finding that Oncor's application for approval of a distribution cost recovery factor to increase distribution rates within the city should be denied and further waiving the notice requirement. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

RESOLUTION NO. 1547

RESOLUTION OF THE CITY OF MISSION, TEXAS FINDING THAT ONCOR'S APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED AND FURTHER WAIVING THE NOTICE REQUIREMENT

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 6:37 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. Consideration of the release of mowing liens attached to property identified as the East 50' Lot 3, Block 213, Mission Original Townsite, City of Mission, Hidalgo County, Texas
- B. Consideration of the release of mowing liens attached to property identified as Lot 11A, Mission Urban Renewal, City of Mission, Hidalgo County, Texas

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

At 6:45 p.m., Mayor Pro Tem Garza moved to reconvene in open session. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

On item 7.1-A, Councilman Plata moved to approve Resolution No. 1548 authorizing city manager to execute all documents necessary to release all mowing liens from the property as reflected on attached Exhibit A. The Council further authorizes any other administrative tasks necessary to accomplish the waiver of a portion of the payment for said liens. Said release is in consideration for the payment of One Thousand Dollars (\$1,000) towards the balance of said liens. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

RESOLUTION NO. 1548

A RESOLUTION OF THE CITY OF MISSION, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO RELEASE "WEEDY LOT" LIENS ON THE PROPERTY DESCRIBED HEREIN; AND DECLARING AN EFFECTIVE DATE

On item 7.1-B, Councilman Plata moved to approve Resolution No. 1549 authorizing city manager to execute all documents necessary to release any mowing liens dated prior to 2004 from the property as reflected on attached Exhibit A. The Council further authorizes any other administrative tasks necessary to accomplish the release of said liens. All other liens shall remain on the property until paid in full. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

RESOLUTION NO. 1549

A RESOLUTION OF THE CITY OF MISSION, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO RELEASE A "WEEDY LOT" LIEN ON THE PROPERTY DESCRIBED HEREIN; AND DECLARING AN EFFECTIVE DATE

8.0 Adjournment

At 6:48 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary