

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
OCTOBER 22, 2018 5:30 P.M.  
MISSION CITY HALL**

**PRESENT:**

Dr. Armando O'caña, Mayor  
Ruben D. Plata, Councilman  
Norie Gonzalez Garza, Mayor Pro Tem  
Gus Martinez, Councilman  
Abiel Flores, City Attorney  
Anna Carrillo, City Secretary  
Martin Garza, Jr., City Manager

**ABSENT:**

Jessica Ortega-Ochoa, Councilwoman

**ALSO PRESENT:**

Jamie Trevino-Progress Times  
Jim Barnes  
Lee McCormick  
Armandina Oviedo  
Perla Oviedo  
Norma De La Garza  
Ashely De La Garza  
Janie Rangel  
Hilda Flores  
Irma Flores  
Mariana Wright  
Charlie Mischel  
Kyle Elliot  
Sonia Mayhugh Garcia

**STAFF PRESENT:**

Nelia Hernandez, Asst. City Secretary  
Paula Banda, Administrative Assistant  
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  
Noemi Munguia, HR Director  
Robert Hinojosa, Risk Manager  
Eduardo Belmarez, Purchasing Director  
Roland Rodriguez, I. T. Director  
Humberto Garcia, Media Relations  
Charlie Longoria, Media Relations  
Juan Pablo Terrazas, City Engineer  
Roberto Salinas, Public Works Director  
Rene Alvarez, Asst. Fire Chief  
James Cardoza, Emergency Mngmnt. Coord.  
Robert Dominguez, Chief of Police  
Jonathan Wehrmeister, Judge  
Janie Gomez, Court coordinator  
Margarita Renteria, Data Entry Clerk  
Nora Gonzalez, Cashier/Clerk  
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  
Adela Ortega, Food Pantry Manager  
Joel Chapa, Jr., Police Officer

**1. Call to order**

With a quorum being present, Mayor Dr. Armando O'caña called the meeting to order at 5:31 p.m.

**2. Invocation and Pledge Allegiance**

City Manager Martin Garza, Jr. gave the invocation and Mission High School Students led the meeting with the pledge of allegiance.

**3. Introduction of Mission High School Student Council**

Mr. Edilberto Flores, MHS Principal and Ms. Josie Flores, Student Council Advisor introduced the Student Council members from Mission High School.

**4. Proclamation – White Cane Awareness Day**

Anna Carrillo, City Secretary presented the Proclamation – White Cane Awareness Day.

Mayor Pro Tem Norie Gonzalez Garza moved to approve the Proclamation – White Cane Awareness Day. Motion was seconded by Councilman Ruben Plata and approved unanimously 4-0.

**5. Proclamation – Municipal Court Week**

Judge Jonathan Wehrmeister presented the Proclamation – Municipal Court Week

Councilman Plata moved to approve the Proclamation – Municipal Court Week. Motion was seconded by Councilman Gus Martinez and approved unanimously 4-0.

**6. Report from the National Butterfly Center – Marianna Wright**

Marianna Wright invited the Mayor and City Council to the Texas Butterfly Festival to be held from Sunday, November 4 thru Tuesday, November 6.

**7. Report from the Greater Mission Chamber of Commerce**

Trung Nuygen, past President of the Greater Mission Chamber of Commerce reported to the council that they had hired a President.

**8. Presentation of ADA Checklist for City Facilities**

Brad Bentsen, Parks & Recreation Director gave a report on issues related to ADA for city facilities.

**9. Departmental Reports**

Councilman Martinez moved to approve the departmental reports as presented. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

**10. Citizens Participation**

Ester Salinas, 715 Miller thanked the Mayor and Council for opening Oblate Street, recycle bins at Lions Park and asked for sidewalks in the Oblate area.

At 6:16 p.m. Mayor O'caña requested to go to Item 3.19.

**1.0 Public Hearing**

**1.1 Planning & Zoning Recommendations**

- A. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Spaugy's Ice House, 815 N. Francisco Ave., Being the South 109.5' of Lot 2, Block 137, Mission Original Townsite & All of Lot 52, John H. Shary Industrial Subdivision, C-3, Spaugy's Ice House, c/o Sonia Mayhugh  
Adoption of Ordinance # 4710 approving 1.1A**

On October 10, 2018 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was at the NW corner of Francisco and 8<sup>th</sup> Street. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval.

Staff Recommendation: 1) Approval for 2 years from issuance of TABC license; 2) Acquisition of a business license; 3) Waiver of the 300' separation requirement from residential area

City Manager recommended approval.

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

Armandina Oviedo 420 E. 8<sup>th</sup> St and Arlene Melendez 719 N. Franciscwere concerned about the loud music.

Melissa Cerda 1011 Olbate St. spoke against.

The applicant spoke in favor and agreed to comply with the City.

Hilda Flores 1013 Date Lane and Irma Flores 1201 Keralum St. spoke in favor of the request.

Councilman Martinez moved to approve the cup and to adopt Ordinance No. 4710 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Spaugy's Ice House, 815 N. Francisco Ave., Being the South 109.5' of Lot 2, Block 137, Mission Original Townsite & All of Lot 52, John H. Shary Industrial Subdivision, C-3, Spaugy's Ice House as per staff recommendation. Motion was seconded by Mayor Pro Tem Garza and approved 4-0.

**ORDINANCE NO. 4710**

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 – SPAUGY'S ICE HOUSE, 815 N. FRANCISCO AVE.,  
BEING THE SOUTH 109.5' OF LOT 2, BLOCK 137, MISSION ORIGINAL TOWNSITE &  
ALL OF LOT 52, JOHN H. SHARY INDUSTRIAL SUBDIVISION

At 6:48 Councilman Martinez stepped out.

- B. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – The Cage, 511 N. Shary Road, Suite B, Being a 11.10 acre tract of land out of the Northeast corner of Lot One Hundred Ninety-Four (194), John H. Shary Subdivision, C-4, Juan Humberto Marquez dba Cosavan Sports, LLC  
Adoption of Ordinance # 4711 approving 1.1B  
Adoption of Ordinance # 4712 approving wet zone**

On October 10, 2018 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located 1/3 of a mile south of Business Highway 83 along the west side of Shary Road. There was no public opposition during the P&Z Meeting. The Board unanimously approved the conditional use permit.

Staff Recommendation: 1) Approval for 2 years from issuance of TABC license, 2) Waiver of the 300' separation requirement from residential area, 3) Continued compliance with Building, Fire, Sign, and Health Codes, 4) Must wet zone the property, and 5) Provide uniformed security during tournaments

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the cup and to adopt Ordinance No. 4711 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – The Cage, 511 N. Shary Road, Suite B, Being a 11.10 acre tract of land out of the Northeast corner of Lot One Hundred Ninety-Four (194), John H. Shary Subdivision, C-4, as per staff recommendation. Motion was seconded by Mayor Pro Tem Garza and approved 3-0.

**ORDINANCE NO. 4711**

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 – THE CAGE, 511 N. SHARY ROAD, SUITE B, BEING A  
11.10 ACRE TRACT OF LAND OUT OF THE NORTHEAST CORNER OF LOT ONE  
HUNDRED NINETY-FOUR (194), JOHN H. SHARY SUBDIVISION

Councilman Plata moved to adopt Ordinance No. 4712 granting a wet designation for Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – The Cage, 511 N. Shary Road, Suite B, Being a 11.10 acre tract of land out of the Northeast corner of Lot One Hundred Ninety-Four (194). Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0

**ORDINANCE NO. 4712**

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 511 N. SHARY RD, SUITE B

- C. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages –  
Brisas Del Mar Restaurant, 1505 N. Conway Ave., Being W 140' Lots 7 & 8, Block  
243, Mission Original Townsite, C-3, Steven Mendoza  
Adoption of Ordinance # 4713 approving 1.1C**

On October 10, 2018 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located on the NW corner of Conway and W. 15<sup>th</sup> Street. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval of the conditional use permit.

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Staff Recommendation: 1) Approval for a period of two years from issuance of TABC license, and 2) Acquire a business license.

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the cup and to adopt Ordinance No. 4713 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Brisas Del Mar Restaurant, 1505 N. Conway Ave., Being W 140' Lots 7 & 8, Block 243, Mission Original Townsite, C-3 , as per staff recommendation. Motion was seconded by Mayor Pro Tem Garza and approved 3-0.

**ORDINANCE NO. 4713**

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 – BRISAS DEL MAR RESTAURANT, 1505 N. CONWAY AVE., BEING W 140' LOTS 7 & 8, BLOCK 243, MISSION ORIGINAL TOWNSITE

At 6:55 Councilman Martinez rejoined the meeting.

**D. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Lada (52) Bar & Grill, 4001 S. Shary Rd., Ste. 100, Sharyland Plantation Grove Tech-Center #2, PUD, Marco Mascorro  
Adoption of Ordinance # 4714 approving 1.1D**

On October 10, 2018 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was a 5,600 sq. ft. restaurant located within an existing plaza located on the SE corner of San Mateo and Shary Road. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval of the conditional use permit.

Staff Recommendation: 1) Approval for a period of two years from issuance of TABC license, 2) Waiver of the 300' separation requirement from residential, 3) Must comply with all Fire, Health, and Building Code requirements, and 4) Must obtain a business license.

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the cup and to adopt Ordinance No. 4714 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Lada (52) Bar & Grill, 4001 S. Shary Rd., Ste. 100, Sharyland Plantation Grove Tech-Center #2, PUD, as per staff recommendation. Motion was seconded by Mayor Pro Tem Garza and approved 4-0.

**ORDINANCE NO. 4714**

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 – LADA (52) BAR & GRILL, 4001 S. SHARY ROAD, SUITE 100, SHARYLAND PLANTATION GROVE TECH-CENTER #2

- E. Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – 100% Antojitos Mexicanos, 2306 E. Expressway 83, Suites 1 & 2, Being Lot 1, Cimarron Crossing Phase I Subdivision, C-3, 100% Antojitos Mexicanos  
Adoption of Ordinance # 4715 approving 1.1E**

On October 10, 2018 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit renewal. The subject site was located near the SE corner of J.R. Dr. and Expressway 83. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval of the conditional use permit.

Staff Recommendation: Approval for a period of two years from issuance of TABC license.

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the cup and to adopt Ordinance No. 4715 Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – 100% Antojitos Mexicanos, 2306 E. Expressway 83, Suites 1 & 2, Being Lot 1, Cimarron Crossing Phase I Subdivision, C-3, as per staff recommendation. Motion was seconded by Mayor Pro Tem Garza and approved 4-0.

**ORDINANCE NO. 4715**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT RENEWAL FOR THE SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES – 100% ANTOJITOS MEXICANOS, 2306 E. EXPRESSWAY 83, SUITES 1 & 2, BEING LOT 1, CIMARRON CROSSING PHASE I SUBDIVISION

- F. Conditional Use Permit Renewal: To Keep an 11' x 64' Portable Building for Sales Office Use – American Dream Vacations, 1519 E. Expressway 83, Lot 4, Henry Saenz Subdivision, C-4, Jose Acosta  
Adoption of Ordinance # 4716 approving 1.1F**

On October 10, 2018 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit renewal. The subject site was located 600' west of Stewart Rd. along the north side of the Expressway 83 Frontage Rd. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval of the conditional use permit.

Staff Recommendation: 1) Approval for a period of three years, and 2) Continue to maintain the landscaping along the front area of the property.

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the cup and to adopt Ordinance No. 4716 Conditional Use Permit Renewal: To Keep an 11' x 64' Portable Building for Sales Office Use – American Dream Vacations, 1519 E. Expressway 83, Lot 4, Henry Saenz Subdivision, C-4, as per staff recommendation. Motion was seconded by Councilman Martinez and approved 4-0.

**ORDINANCE NO. 4716**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A CONDITIONAL USE PERMIT RENEWAL TO KEEP AN 11' x 64'  
PORTABLE BUILDING FOR SALES OFFICE USE – AMERICAN DREAM VACATIONS,  
1519 E. EXPRESSWAY 83, LOT 4, HENRY SAENZ SUBDIVISION

**G. Conditional Use Permit: Home Occupation – Licensed Home Day Care, 311 W. Leo Najo, Apts. “A” & “B”, The West ½ of lots 1 and 2, Block 102, Original Townsite of Mission, R-1, Norma L. De La Garza Adoption of Ordinance # 4717 approving 1.1G**

On October 10, 2018 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit. The subject site was located at the SE corner of Cummings and Leo Najo Street along the south side of Leo Najo. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval of the conditional use permit.

Staff Recommendation: 1) Approval for a 1-year period, 2) Must obtain DHS Certification, 3) Must comply with Sect. 1.56-1 of the Zoning Ordinance, and 4) Acquire a business license.

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

Councilman Plata asked if she plans to have 25 children if there were going to have enough parking spaces?

Mr. Acevedo explain that they weren't going to be 25 children, but only 8-12 children that was allowed by DSH Certification allows, and that they have enough parking spaces.

Mayor Pro Tem Garza asked to see and explain the floor plans and which were the two units that would be used for the daycare.

Mr. Acevedo explained the floor plan and where the applicant would be living.

Councilman Plata asked if the applicant was present.

Applicant Norma De La Garza came forward to answer questions and concerns.

Mayor Pro Tem Garza asked the applicant to explain the layout plans.

Mrs. De La Garza explained that one of the requirements of DSH Certification was to have all the rooms divided by ages.

Mayor Pro Tem Garza explained that she could see the baby and toddlers room, and asked if the other room was going to be a general room or a play room.

Mrs. De La Garza explained that she would separate the rooms once she knew the ages of the children that would be registered.

City Manager stated that they were under the understanding that she would be living in the home.

Mrs. De La Garza stated that she would, and describe her living area.

City Manager asked the applicant to explain which room she was going to live in and which bathroom and kitchen she was going to use. The only reason they would approve the CUP was that she needed to live in the home, and the this Home Occupation permit that would be issued means that it's your primary home, and she would be subsidizing your income out of your home. City Manager recommended approval.

Councilman Martinez moved to approve the cup and to adopt Ordinance No. 4717 Conditional Use Permit: Home Occupation – Licensed Home Day Care, 311 W. Leo Najo, Apts. “A” & “B”, The West ½ of lots 1 and 2, Block 102, Original Townsite of Mission, R-1, as per staff recommendation. Motion was seconded by Councilman Plata and approved 4-0.

### **ORDINANCE NO. 4717**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A CONDITIONAL USE PERMIT FOR HOME OCCUPATON – LICENSED  
HOME DAY CARE, 311 W. LEO NAJO, APTS. “A” & “B”, THE WEST ½ OF LOTS 1 AND  
2, BLOCK 103, ORIGINAL TOWNSITE MISSION

## **2.0 Consent Agenda**

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

### **2.1 Approval of Minutes**

**City Council Meeting – October 08, 2018**

### **2.2 Acknowledge Receipt of Minutes**

**Parks & Recreation Dept. – August 21, 2018**

**Citizen’s Advisory Committee – September 11, 2018**

**Boys & Girls Club of Mission – October 02, 2018**

**Shary Golf Course Advisory Board – August 14, 2018**

### **2.3 Interlocal Agreement between the City of Mission and the County of Hidalgo for the use of the Event Center**

The County of Hidalgo desires to hold the 15<sup>th</sup> Annual Epidemiology and Immunizations Conference on Notifiable Conditions and ZIKA for personnel, including public health entities, medical providers, clinicians, stakeholder agencies and administrators who would function in the reporting, surveillance, education, and prevention of public health notifiable conditions. The Conference would be conducted on November 9, 2018. County shall provide a firm fixed fee in the amount of \$2,650.00 (two thousand six hundred fifty dollars) to the City of Mission, Texas for the Conference cost.

**2.4 Authorization to purchase via State Approved Contract from Baker & Taylor for Library Material (books & media)**

Speer Memorial Library was seeking authorization to purchase via State approved contract library material (books and media) from Baker & Taylor. Library material would be made available to all patrons to use and check out for educational and cultural purposes. This material would be purchased from the Library's General Fund. Baker & Taylor was on the State Co Op's 715-M2 Publications, Audiovisual Materials, Books and Cataloging Services contract.

**2.5 Authorization to purchase via BuyBoard from Barnes and Noble Booksellers, Inc. for Library Material (books & media)**

Library material would be made available to all patrons to use and check out for educational and cultural purposes. This material would be purchased from the Library's General Fund from Barnes & Noble via BuyBoard contract #531-17 for 'Library Books, Used Textbooks, and Other Books' in the amount of \$15,000.

**2.6 Authorization to pay radio subscription invoice to the Rio Grande Valley Communication Group for FY 2018-2019.**

The Mission Police Department was requesting authorization to pay the full time radio subscription for three hundred and four (304) police and fire radio units to the Rio Grande Valley Communications Group. This would also include five (5) consoles for our Communications Center. This was a one (1) year subscription to the Regional Communications System for a total cost of \$40,788.00.

**2.7 Authorization to apply for the 2018 Assistance to Firefighters Grant Program thru the US Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA)**

The Mission Fire Department was seeking authorization to apply for the 2018 Assistance to Firefighters Grant Program thru the US Department of Homeland Security, Federal Emergency Management Agency. The department would apply for portable radios, rescue equipment, SCBA air compressor system and decontamination equipment for the department's daily operations as well as medical physical exams for firefighters in the amount of \$594,270.00. There was a 10% cost share match of funds required in the amount of \$66,030.00 which brings the total amount to \$660,300.00.

**2.8 Authorization to amend contract with A-One Insulation for housing applicant at 4004 Lopez St. to reflect new address as 3935 Lopez St.**

On August 27, 2018 City Council awarded bid to A-One Insulation for reconstruction of home located at 4004 Lopez. As of September 5, 2018, the applicant would use their new address, 3935 Lopez St, due to 911 address changes in the Madero area.

**2.9 Approval to amend authorization to purchase tires from Hesselbein Tire Southwest Smart Buy Contract 553-18 via Tire Centers for City Fleet Department**

The Smart Buy Contract # that was presented on September 24, 2018 had expired therefore, staff was seeking authorization to amend Smart Buy Contract to reflect #553-18 for the purchase of tires from Hesselbein Tire Southwest for Fleet Department for all vehicles and special equipment for fiscal year 2018-2019.

Mayor O'caña asked the council if they had any comments or concerns for or against the consent agenda items.

There were no comments.

Mayor Pro Tem Garza moved to approve the consent agenda items 2.1 thru 2.9. Motion was seconded by Councilwoman Plata and approved 4-0.

### **3.0 Approvals and Authorizations**

#### **3.1 Reschedule November 12, 2018 City Council meeting to Tuesday, November 13, 2018**

The office of the City Manager was requesting to reschedule the Monday, November 12 City Council meeting to Tuesday, November 13 due to City Hall being closed on Monday for Veteran's Day.

Staff and City Manager recommended approval.

Councilman Plata moved to approve to Reschedule November 12, 2018 City Council meeting to Tuesday, November 13, 2018. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

#### **3.2 Authorization to award bid for Sign Language Interpreter for City Council meetings**

The City of Mission had accepted and opened six (6) bid responses for Sign Language Interpreter. Staff recommended awarding to Gloria M. Flores Interpreting Services who was the lowest responsible bidder meeting all specifications. At a cost of \$50.00 per hour per interpreter.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to award bid for Sign Language Interpreter for City Council meetings to Gloria M. Flores Interpreting Services. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

#### **3.3 Approval of Resolution No. 1576, A Resolution of City Council of Mission Approving the Resolution of Mission Economic Development Corporation Authorizing the Issuance of Bonds on Behalf of Natgasoline, LLC; and Matters Related Thereto.**

Lee McCormick, President of Community Development Associates, had facilitated the issuance of Revenue Bonds by the Mission Economic Development Corporation for the purpose of financing and refinancing a project for Natgasoline, LLC, under the assistance of MEDC's Private Activity Bond program.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Resolution No.1576 A Resolution of City Council of Mission Approving the Resolution of Mission Economic Development Corporation Authorizing the Issuance of Bonds on Behalf of Natgasoline, LLC; and Matters Related Thereto. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

### **RESOLUTION # 1576**

A RESOLUTION APPROVING THE RESOLUTION OF MISSION ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING THE ISSUANCE OF BONDS ON BEHALF OF NATGASOLINE LLC; AND MATTERS RELATED THERETO

**3.4 Approval of Resolution No. 1577, A Resolution of City Council of Mission Approving the Resolution of Mission Economic Development Corporation Authorizing the Issuance of Bonds on Behalf of Waste Management, Inc.; and Matters Related Thereto**

Lee McCormick, President of Community Development Associates, had facilitated the issuance of Revenue Bonds by the Mission Economic Development Corporation for the purpose of financing and refinancing a project for Waste Management, Inc., under the assistance of MEDC's Private Activity Bond program.

Staff and City Manager recommended approval.

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

Maria Ester. Pena of 715 Miller was concern about the future smell.

Mayor Pro Tem Garza moved to approve the Resolution No.1577 A Resolution of City Council of Mission Approving the Resolution of Mission Economic Development Corporation Authorizing the Issuance of Bonds on Behalf of Waste Management, Inc.; and Matters Related Thereto. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**RESOLUTION # 1577**

A RESOLUTION APPROVING THE RESOLUTION OF MISSION ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING THE ISSUANCE OF BONDS ON BEHALF OF WASTE MANAGEMENT, INC.; AND MATTERS RELATED THERETO

**3.5 Approval of Resolution # 1578, A Resolution of the City Council of City of Mission, Texas, Authorizing and Approving a Project and a Loan (and terms thereof) in the amount of Seven Million Nine Hundred Nineteen Thousand One Hundred Thirty-One Dollars to Finance the Purchase and Development of Certain Real Property, Approving the Execution and Delivery of Loan Documents Relating Thereto, Delegating Authority to the Chief Executive Officer of Mission Economic Development Corporation to Consummate the Loan and containing other matters related thereto**

Mission EDC was seeking the authority from City Council to close on a \$7,919,131 loan to purchase the property described as Lot One Tamkin Subdivision, an Addition to the City of Mission, Hidalgo County, Texas, as per map recorded in Volume 29, Page 187 B, Map Records of Hidalgo County, Texas along with its improvements, the Center for Education and Economic Development building. Staff had reviewed proposals from area banks and BBVA Compass was the best option for the loan.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the Resolution No.1578 a Resolution Approving the Expenditure of Funds by the Mission Economic Development Corporation; Authorizing and Approving the Purchase of Certain Real Property and the Financing Thereof, Approving the Execution and Delivery of Loan Documents, Related Thereto, Delegating Authority to the Chief Executive Officer to Consummate the Purchase of the Real Property and the Loan and Containing Other Matters Related Thereto. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**RESOLUTION # 1578**

A RESOLUTION OF THE CITY COUNCIL OF CITY OF MISSION, TEXAS, AUTHORIZING AND APPROVING A PROJECT AND A LOAN (AND TERMS THEREOF) IN THE AMOUNT OF SEVEN MILLION NINE HUNDRED NINETEEN THOUSAND ONE HUNDRED THIRTY-ONE DOLLARS TO FINANCE THE PURCHASE AND DEVELOPMENT OF CERTAIN REAL PROPERTY, APPROVING THE EXECUTION AND DELIVERY OF LOAN DOCUMENTS RELATING THERETO, DELEGATING AUTHORITY TO THE CHIEF EXECUTIVE OFFICER OF MISSION ECONOMIC DEVELOPMENT CORPORATION TO CONSUMATE THE LOAN AND CONTAINING OTHER MATTERS RELATED THERETO

At 5:59 p.m. Mayor O'caña requested to go back to Item 6 of the agenda.

**3.6 Award Bids for Housing Assistance Program HAP Phase 17-III**

On September 24, 2018 City Council authorized staff to solicit bids for one home. The City of Mission had accepted and opened two (2) bid responses for this home. Staff recommended to award project to:

G&G Contractors - \$67,800

Reconstruction:

209 N Keralum. – 2 bdrm 2 bath, 970 sq ft

G&G Contractors met all the Terms & Conditions and Specifications and came within budget. CAC met on October 16, 2018 and approved staff's recommendation for this home.

The City had been utilizing 75% of the annual CDBG allocation for several years for housing projects. Since 1994, a total of 438 families to date have been provided some form of housing assistance. Out of the 438 families, 280 families received reconstruction assistance while 158 families received rehabilitation assistance (including CDBG-R, CDBG-DR and SSBG funds).

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to award bid for Housing Assistance Program HAP Phase 17-III to G&G Contractors as per staff's recommendation. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

**3.7 Authorization to Rescind Bid Awarded to G&G Contractors and cancel contract for housing applicant at 805 N Canal Avenue for Housing Assistance Program HAP Phase 17-II**

On August 27, 2018 City Council awarded bid to G&G Contractors for reconstruction of home located at 805 N Canal Ave. Contract signing between applicant and contractor occurred on September 12, 2018. On September 18, 2018, the applicant advised the department of their decision to cancel the housing assistance due to personal reasons. This action came after the 3 day notice given per construction contract. The "notice" states that under federal law the owner can cancel by signing the "Notice of Right to Cancel" document.

CAC met on October 9, 2018 and approved staff's recommendation to rescind bid awarded to G&G Contractors and cancel contract for the housing applicant at 805 N Canal Ave.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to Rescind Bid Awarded to G&G Contractors and cancel contract for housing applicant at 805 N Canal Avenue for Housing Assistance Program HAP Phase 17-II . Motion was seconded by Councilman Plata and approved unanimously 4-0.

**3.8 Authorization to accept FY 2018 Bulletproof Vest Partnership Grant from the Office of Justice Programs' Bureau of Justice Assistance**

The Bureau of Justice Assistance would provide \$17,178.50 for the purchase of the vests through the grant and the City of Mission Police Department would provide a cash match of another \$17,178.50 for a total of \$34,357.00. This amount would allow us the opportunity to purchase a total of forty-three (43) bulletproof vests. The cash match amount of \$17,178.50 would be obtained from the police departments' Federal Drug Forfeiture account.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to accept FY 2018 Bulletproof Vest Partnership Grant from the Office of Justice Programs' Bureau of Justice Assistance. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**3.9 Authorization to accept the 2019 Local Border Security Program grant from the Office of the Governor Homeland Security Grant Division for FY-2019 grant year (LBSP-19-2992604)**

The Mission Police Department had been awarded a total of \$213,000.00. These monies would be utilized to provide overtime funds to Mission Police Officers. The grant would be in effect from September 01, 2018 through August 31, 2019.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to accept the 2019 Local Border Security Program grant from the Office of the Governor Homeland Security Grant Division for FY-2019 grant year (LBSP-19-2992604). Motion was seconded by Councilman Plata and approved unanimously 4-0.

**3.10 Authorization to modify existing air condition filter services contract to add Mission Event Center**

On September 24, 2018, the City of Mission entered into a state approved contract for air condition filter service for City Facilities / Buildings via state approve Buy Board Contract # 522-17. Staff was seeking authorization to add the Mission Event Center to the air condition filter service monthly contract with Joe W. Fly Co. Inc. (JF Filtration, Inc.).

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to modify existing air condition filter services contract to add Mission Event Center service monthly contract with Joe W. Fly Co. Inc. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

**3.11 Approval of Ordinance # \_\_\_\_ of the City of Mission, Texas Amending Chapter 110 “Traffic and Vehicles”, by Adding Article XII, “Dockless Vehicle Permits**

City Manager requested no action be taken on this agenda item.

**3.12 August 2018 Financial Statements**

Finance Director Angie Vela presented the August 2018 Financial Statements for approval.

Staff and City Manager recommended approval.

Councilman Martinez moved to approve the August 2018 Financial Statements. Motion was seconded by Councilman Plata and approved 4-0.

**3.13 Budget Amendments: Designated Purpose, MEDC Debt Service, MEDC Capital Projects**

Finance Director Vela presented budget amendment BA–19-02 thru 19-03 to the City Council for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the budget amendment BA–19-02-19-03. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**3.14 Authorization to solicit bids for GIS Project & Data Maintenance**

Authorize staff to contract with third parties through the bidding process for ongoing GIS Project (Geographical Information System). This project would entail the gathering and maintenance of database as well as the development and deployment of the City-wide GIS System.

Staff and City Manager recommended approval.

Councilman Martinez moved to authorize to solicit bids for GIS Project & Data Maintenance. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**3.15 Authorize Staff to award contract for Comprehensive Storm Drainage Assessment**

City Council authorized staff to engage TEDSI Infrastructure Group in negotiations in accordance with the Texas Professional Services Procurement Act (V.T.C.A., Government Code Section 2254.001). The evaluation committee appointed to review and evaluate on the basis of demonstrated competence and qualifications to perform the services engaged TEDSI in negotiations for fair and reasonable firm fix fees/costs.

Staff Recommendation: Seeking direction.

City Manager recommended approval.

Councilman Martinez moved to authorize Staff to award contract for Comprehensive Storm Drainage Assessment as per staff recommendations. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

**3.16 Approval Of Resolution # 1579 of the City of Mission Authorizing the Mayor to Execute Tabulation of Values for Right-Of-Way Land Acquisition for Taylor Road – Phase 1 (Row CSJ: 0921-02-378); and providing an effective date**

City of Mission had executed an Advance Funding Agreement with Texas Department of Transportation for the purpose of widening and improving Taylor Rd., acquisition of land was determined necessary for the completion of the Taylor Road-Phase 1 project, also identified as ROW CSJ: 0921-02-378.

The Resolution authorized the Mayor to review, approve and execute the Tabulation of Values form ROW-A-10, has required by the Advance Funding Agreement with Texas Department of Transportation.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Resolution No.1579 of the City of Mission Authorizing the Mayor to Execute Tabulation of Values for Right-Of-Way Land Acquisition for Taylor Road – Phase 1 (Row CSJ: 0921-02-378); and providing an effective date. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

**RESOLUTION NO. 1579**

RESOLUTION OF THE CITY OF MISSION, TEXAS AUTHORIZING THE MAYOR TO EXECUTE TABULATION OF VALUES FOR RIGHT-OF-WAY LAND ACQUISITION FOR TAYLOR ROAD – PHASE 1 (ROW CSJ: 0921-02-378); AND PROVIDING AN EFFECTIVE DATE;

**3.17 Approval Of Resolution # 1580 of the City of Mission Authorizing the Mayor to Execute Tabulation of Values for Right-Of-Way Land Acquisition for Taylor Road – Phase 2 (ROW CSJ: 0921-02-377); and providing an effective date**

City of Mission had executed an Advance Funding Agreement with Texas Department of Transportation for the purpose of widening and improving Taylor Rd., acquisition of land was determined necessary for the completion of the Taylor Road-Phase II project, also identified has ROW CSJ: 0921-02-377

The Resolution authorized the Mayor to review, approve and execute the Tabulation of Values form ROW-A-10, has required by the Advance Funding Agreement with Texas Department of Transportation.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Resolution No.1580 of the City of Mission Authorizing the Mayor to Execute Tabulation of Values for Right-Of-Way Land Acquisition for Taylor Road – Phase 2 (ROW CSJ: 0921-02-377); and providing an effective date. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

**RESOLUTION NO. 1580**

RESOLUTION OF THE CITY OF MISSION, TEXAS AUTHORIZING THE MAYOR TO EXECUTE TABULATION OF VALUES FOR RIGHT-OF-WAY LAND ACQUISITION FOR TAYLOR ROAD – PHASE 2 (ROW CSJ: 0921-02-377); AND PROVIDING AN EFFECTIVE DATE;

### **3.18 Approval of Professional Services Agreement with Bertha Perez, Consulting**

Approval was being requested to enter into Professional Services Agreements with Bertha Perez, Consulting. Consultant is to perform consultation services regarding training and post-training support in the implementation of City of Mission Intervention System (CoMIS). The City of Mission Intervention System (CoMIS) was designed to establish the foundational systems, actions, and processes to support continuous improvement for the City of Mission

The term of the Agreement included five (5) training days in the amount of \$2,000 per training day.

Staff and City Manager recommended approval.

Councilman Plata moved to approve of Professional Services Agreement with Bertha Perez, Consulting. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

### **3.19 Approval of Ordinance # 4709 authorizing issuance, sale and delivery of City of Mission, Texas Combination Tax and Revenue Certificates of Obligation, Series 2018; payable from the levy of a direct and continuing annual ad valorem tax within the limits prescribed by law and a limited pledge of the net revenues from the City's waterworks and sewer system; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; authorizing the execution of a purchase contract to be used in connection with the sale of the certificates; and making other provisions regarding such certificates and matters incident thereto**

The action required in this item was the approval of an Ordinance to complete the process for the tax note financing in the principal amount of Twelve Million Five hundred Thousand (\$12,500,000)\* for the purchase of commercial sanitation vehicles and commercial garbage bins; construction, repair, rehabilitation and renovation of municipal buildings; to include professional services for the purpose of planning and designing improvements; and payment of the costs of issuance of the certificates of obligation.

Dusty Traylor, RBC Capital Markets (financial advisor), was present along with a representative of Ramirez & Guerrero, LLP, Bond Council to the City.

Mayor Ocaña asked if there were any questions from the Council.

Mr. Traylor explain that he was happy to say that the 3.72 fixed rate was for 15 years for the Certificates of Obligations, and will be paid off in 2033.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve to adopt Ordinance No. 4709 authorizing issuance, sale and delivery of City of Mission, Texas Combination Tax and Revenue Certificates of Obligation, Series 2018; payable from the levy of a direct and continuing annual ad valorem tax within the limits prescribed by law and a limited pledge of the net revenues from the City's waterworks and sewer system; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; authorizing the execution of a purchase contract to be used in

connection with the sale of the certificates; and making other provisions regarding such certificates and matters incident thereto. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**ORDINANCE NO. 4709**

ORDINANCE AUTHORIZING ISSUANCE, SALE AND DELIVERY OF CITY OF MISSION, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2018; PAYABLE FROM THE LEVY OF A DIRECT AND CONTINUING ANNUAL AD VALOREM TAX WITHIN THE LIMITS PRESCRIBED BY LAW AND A LIMITED PLEDGE OF THE NET REVENUES FROM THE CITY'S WATERWORKS AND SEWER SYSTEM; PRESCRIBING THE TERMS AND FORM THEREOF; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL THEREOF AND INTEREST THEREON; AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT TO BE USED IN CONNECTION WITH THE SALE OF THE CERTIFICATES; AND MAKING OTHER PROVISIONS REGARDING SUCH CERTIFICATES AND MATTERS INCIDENT THERETO

At 6:25 p.m., Mayor O'caña requested to continue with Item 1.1A of the agenda.

**3.20 Interlocal Cooperation Agreement amending the percentage allocation of the parties, allotment of the proposed Madero Bridge Board and establishing rights and responsibilities of the parties to be included in the "Madero Bridge Agreement" (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 had agreed to amend the previous Madero Bridge allocation and allotment of board members to the Madero Bridge to as follows:

City of Mission 37%  
City of McAllen 33%  
City of Hidalgo 30%

The Mayor's of McAllen, Hidalgo, and Mission would be full voting members of the Madero Bridge Board. The remaining two members would be appointed by the City of Mission.

The City of Mission would manage the expenditures during the construction of the bridge. Upon completion of the bridge, the Madero Bridge Board of Trustees would assume the fiduciary role to manage all revenues and expenses, including the payment of the City of Mission debt service incurred for the construction of the bridge.

Staff Recommendation: Seeking direction from City Council.

City Manager recommended approval.

Councilman Plata moved to approve the Interlocal Cooperation Agreement amending the percentage allocation of the parties, allotment of the proposed Madero Bridge Board and establishing rights and responsibilities of the parties to be included in the "Madero Bridge Agreement" (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). Motion was seconded by Councilman Plata and approved unanimously 4-0.

Mayor Pro Tem Garza moved to remove from table item 4.1. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.0 Unfinished Business**

**4.1 Conditional Use Permit: The Installation of a 100' Monopole Wireless Communications Facility with Associated Group Equipment for T-Mobile, A 3.29 Ac. tract of land out of the Unplatted Commercial Reserve of Cimarron Country Club Phase 1, Section 1, C-3, APC Towers, LLC  
Adoption of Ordinance # 4718 approving 1.1C**

On September 26, 2018 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located at the SW corner of J.R. Drive and US Expressway 83 frontage just south of Treme Subdivision. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval subject to moving away from Cimarron Drive.

Staff Recommendation: 1) Life of Use approval, 2) Must install an 8' opaque fence around the lease area, 2) Must allow for co-location by others and, 3) CUP shall not be transferable to others.

City Manager recommended approval.

Councilman Martinez moved to approve the cup and to adopt Ordinance No. 4718 The Installation of a 100' Monopole Wireless Communications Facility with Associated Group Equipment for T-Mobile, A 3.29 Ac. tract of land out of the Unplatted Commercial Reserve of Cimarron Country Club Phase 1, Section 1, C-3, APC Towers, LLC as per staff recommendations. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**ORDINANCE NO. 4718**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE INSTALLATION OF A 100' MONOPOLE WIRELESS COMMUNICATIONS FACILITY WITH ASSOCIATED GROUP EQUIPMENT FOR T-MOBILE ON PROPERTY ZONED C-3 (GENERAL BUSINESS), 2306 E. EXPRESSWAY 83, A 3.29 AC. TRACT OF LAND OUT OF THE UNPLATTED C**

**5.0 Routine Matters**

**5.1 City Manager's Comments**

City Manager Garza stated that Mustangville would be participating in shadowing elected officials and city personnel.

**5.2 Mayor's Comments**

Mayor O'caña Invited the community to attend White Cane Day.

**5.3 City Council Comments**

Councilman Martinez would like to have a workshop to negotiate with Police and Fire Departments to be able to assist them with raises and equipment.

Mayor Pro Tem Garza had no comments.

Councilman Plata had no comments.

Mayor O'caña asked council to go into Executive Session.

At 7:56 p.m., Councilman Martinez moved to convene into executive session pursuant to V.T.C.A. Gov. Code Sec. 551.001 for items 6.1-A thru 6.3-A. Motion was seconded by Councilman Plata and approved unanimously 4-0.

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

**6.1 Consultation with Attorney Sec. 551.071**

**A. Discussion and possible settlement of claims at 716, 718, 720 and 722 Windsor Glen dr. regarding utility repairs.**

**6.2 Personnel matters. Texas Gov't Code §551.074**

**A. Deliberation and possible action regarding employment agreement with Associate Municipal Court Judge (Mauro Reyna)**

**6.3 Deliberations about Real Property Sec. 551.072**

**A. Deliberation regarding U.S. Customs and Border Protection Notice of Condemnation for City of Mission 2.64 acres of land, more or less, along levee rd.**

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

At 8:37 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilman Martinez and approved unanimously 4-0.

On item 6.1-A, Councilman Plata moved to authorize City Manager to negotiate and settle the claim of property owner at 722 Windsor Glen Dr., by retaining a third party contractor to repair driveway damages resulting from a utility break, and further authorizing city manager to settle any future claims from the property owners at 716, 718 and 720 Windsor Glen, in the same manner. Motion was seconded by Councilman Martinez and approved unanimously 4-0.

On item 6.2-A, Councilman Plata moved to authorize City Manager to negotiate and enter into employment agreement with municipal court judge Mauro Reyna, pursuant to parameters discussed in executive session. Motion was seconded by Councilman Martinez and approved unanimously 4-0.

On item 6.3-A, Councilman Plata moved to authorize the Mayor Ocaña to execute documents authorizing U.S. Customs and Border Protection right of entry for those 2.64 acres of land along Levee Rd., and further authorize city attorney to represent the city in any action relating to access or condemnation actions of the referenced property. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

**7.0 Adjournment**

At 8:40 p.m., Councilman Martinez moved for adjournment. Motion was seconded by Councilman Plata and approved unanimously 4-0.

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Dr. Armando O'caña, Mayor

ATTEST:

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Anna Carrillo, City Secretary