

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
JULY 13, 2020 5:30 P.M.
MISSION CITY HALL**

Pursuant to V.T.C.A. Gov. Code Section 551.001 et. seq., the City Council of the City of Mission, Texas will hold a regular meeting on Monday, July 13, 2020 at 5:30 p.m. at the Mission Council Chambers, 1201 E. 8th Street, Mission, Texas and by Teleconference to consider the following matters.

In accordance with the order of the Governor issued on March 16, 2020 The City of Mission, Texas will conduct the meeting scheduled for July 13, 2020 at 1201 E. 8th Street, Mission, Texas. In order to comply with "Social Distancing" there will be limited public access in Council Chambers to slow the spread of COVID-19. In accordance with Section 418.016 of the Texas Government Code members of the public as well as members of the City Council may choose to participate via teleconference. The public dial information to participate in the telephonic meeting is as follows:

Time: Monday, July 13, 2020 05:30 PM Central Time

<https://us02web.zoom.us/j/9904662781?pwd=SGVIL3JZRFVRdENzWXI5VUxFT1ZUQT09>

Meeting ID: 990 466 2781 - Password: 833227

Or Dial by telephone - +1 346 248 7799 US - Meeting ID: 990 466 2781 - Password: 833227

PRESENT:

Dr. Armando O'caña, Mayor
Ruben D. Plata, Councilman
Norie Gonzalez Garza, Mayor Pro Tem
Alberto Vela, Councilman
Gus Martinez, City Attorney
Randy Perez, City Manager
Anna Carrillo, City Secretary

ABSENT:

Jessica Ortega-Ochoa, Councilwoman

ALSO PRESENT:

Lee McCormick
Jose de Leon III, Progress Times

STAFF PRESENT:

Aida Lerma, Deputy City Manager
David Flores, Deputy City Manager
Angie Vela, Finance Director
Michael Elizalde, Grants Administrator
Susie De Luna, Asst. Planning Director
Noemi Munguia, HR Director
Robert Hinojosa, Risk Management
Eduardo Belmarez, Purchasing Director
Roland Rodriguez, I. T. Director
Roxanne Casarez, Public Information Director
Charlie Longoria, Media Relations
Juan Pablo Terrazas, City Engineer
Roberto Salinas, Public Works Director
Gilbert Sanchez, Fire Chief
Frank Cavazos, Deputy Fire Chief
James Cardoza, Emergency Mngmnt. Coord.
Roberto Dominguez, Chief of Police
Joanne Longoria, CDBG Director
Daniel Silva, CEO, Mission EDC
JJ Guerrero, Boys & Girls Club Director
Brad Bentsen, Parks & Recreation Director
Mayra Rocha, Library Director

JC Avila, Fleet Maintenance Director
Adela Ortega, Food Pantry Manager
Joel Chapa, Police Officer

1. Call to order

With a quorum being present, Mayor Dr. Armando O'caña called the meeting to order at 5:32 p.m.

2. Invocation and Pledge Allegiance

City Manager Randy Perez led the Invocation and Pledge of Allegiance.

3. 2020 Census Announcement

Aida Lerma, Deputy City Manager reported that the City of Mission had reached the 50% mark in answering the Census. Ms. Lerma stressed the importance of the Census and reminded the citizens to fill out the census and that everyone counts.

4. Report from the Greater Mission Chamber of Commerce

Brenda Enriquez, President of the Greater Mission Chamber of Commerce reported on the Business Economic Recovery Committee led by the Chamber of Commerce which provided guidance to help businesses during this economic situation. A total of 546 applications had been received with 137 not qualifying for assistance for a total of \$1.174M.

5. Departmental Reports

Councilman Alberto Vela moved to approve the departmental reports as presented. Motion was seconded by Mayor Pro Tem Norie Gonzalez Garza and approved unanimously 3-0.

6. Citizens Participation

None

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Conditional Use Permit: To Place a Portable Building – Car Sales Office Use, 1519 E. Expressway 83, Lot 4, Henry Saenz Subdivision, C-4, Yolanda S. Ramirez
Adoption of Ordinance # 4924 approving 1.1A**

On June 24, 2020 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site WAS located 600' west of Stewart Road along the north side of the Expressway 83 Frontage Road. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval.

Staff recommended approval subject to: 1) 1 year re-evaluation to assess this new operation; 2) Compliance with Building, Fire, Landscaping, and Sign Codes; 3) CUP not transferable to others; 4) Re-stripe parking lot; and 5) Acquisition of 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.

Mayor Pro Tem Garza moved to approve the cup and to adopt Ordinance No. 4924 Conditional Use Permit: To Place a Portable Building – Car Sales Office Use, 1519 E. Expressway 83, Lot 4, Henry Saenz Subdivision, as per staff's recommendations. Motion was seconded by Councilman Vela and approved unanimously 3-0.

ORDINANCE NO. 4924

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT TO PLACE A PORTABLE BUILDING – CAR SALES
OFFICE USE, 1519 E. EXPRESSWAY 83, LOT 4, HENRY SAENZ SUBDIVISION

At 5:47 p.m., Councilman Ruben Plata joined the meeting.

**B. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Suerte Bar & Grill, 205 N. Shary Road, Ste. A, Lot 1, South Shary Commercial Subdivision, C-3, Buzz Entertainment, LLC
Adoption of Ordinance # 4925 approving 1.1B**

On June 24, 2020 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located near the NW corner of Shary Road and Selena Street (E. 1st Street) along the west side of Shary Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff recommended approval subject to: 1) 2 year re-evaluation at which time the applicant would have to renew his CUP and TABC License; 2) Waiver of the 300' separation requirement from the residential homes; 3) Must comply with all Fire, Health, and Building Code requirements; and 4) 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 Vela moved to approve the cup and to adopt Ordinance No. 4925 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Suerte Bar & Grill, 205 N. Shary Road, Ste. A, Lot 1, South Shary Commercial Subdivision, as per staff's recommendations. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4-0.

ORDINANCE NO. 4925

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 - SUERTE BAR & GRILL, 205 N. SHARY ROAD, STE. A, LOT 1,
SOUTH SHARY COMMERCIAL SUBDIVISION

- C. Conditional Use Permit: Drive-Thru Service Window – Tio Jerry Supermarket, 4009 N. Inspiration Road, Lot 9, Block 5, Taurus Estates Subdivision No. 9, Ph. I, C-2, Gerardo Chapa, Jr.
Adoption of Ordinance # 4926 approving 1.1C**

On June 24, 2020 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 Inspiration Road and Azalea Street. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff recommended approval subject to: 1-year re-evaluation to assess this new operation; 2) Must comply with all Fire, Health Building, and Sign Code requirements; and 3) 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.

Mayor Pro Tem Garza moved to approve the cup and to adopt Ordinance No. 4926 Conditional Use Permit: Drive-Thru Service Window – Tio Jerry Supermarket, 4009 N. Inspiration Road, Lot 9, Block 5, Taurus Estates Subdivision No. 9, Ph. I, as per staff's recommendations. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 4926

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE – THRU SERVICE WINDOW - TIO
JERRY SUPERMARKET, 4009 N. INSPIRATION ROAD, LOT 9, BLOCK 5, TAURUS ESTATES
SUBDIVISION NO. 9, PH. 1

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 – June 22, 2020

Special Meeting – June 30, 2020

Emergency Meeting – July 8, 2020

2.2 Acknowledge Receipt of Minutes

Planning & Zoning Commission – May 13, 2020 and May 27, 2020

2.3 Authorization to submit a grant application to the Economic Development Administration for the Coronavirus Aid, Relief, and Economic Security (CARES) Act Recovery Assistance

2.4 Authorization to submit a grant application to the Bureau of Justice Assistance for the Southwest Border Rural Law Enforcement Initiative Grant for the City of Mission Police Department

Mayor Pro Tem Garza moved to approve the consent agenda items 2.1 thru 2.4. Motion was seconded by Councilman Vela and approved unanimously 4-0.

3.0 Approvals and Authorizations

3.1 Authorization to purchase Meeting and Agenda Management Software from Municipal Code Corporation (Municode) from the City's CARES ACT Budget

Staff was seeking authorization to purchase meeting and agenda Management Software from Municode. Municode had been codifying the City's Ordinances since 1973. From the meetings platform, agendas and minutes would be automatically uploaded and ordinances would be sent to Municode for codification via the OrdBank service that the city currently utilizes. Municode was a sole source vendor utilizing a proprietary mark-up language to update the code no other corporation or individual had access or rights to the codification software. Verification of federal non-debarment had been done via System for Award Management (SAM).

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to purchase Meeting and Agenda Management Software from Municipal Code Corporation (Municode) from the City's CARES ACT Budget. Motion was seconded by Councilman Vela and approved unanimously 4-0.

3.2 Approval of Service Agreement with Diesel Fleet Care for City of Mission Fire Department apparatuses

Seeking authorization for approval for service agreement with Diesel Fleet Care to render repair and maintenance services on City of Mission Fire Department apparatuses on an as needed basis.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Service Agreement with Diesel Fleet Care for City of Mission Fire Department apparatuses. Motion was seconded by Councilman Vela and approved unanimously 4-0.

3.3 Authorization to approve repairs on Engine 5 2010 Spartan Metro for inframe work by Diesel Fleet Care

Seeking Authorization to approve Diesel Fleet Care for repairs on Engine 5 2010 Spartan Metro for inframe work.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to approve repairs on Engine 5 2010 Spartan Metro for inframe work by Diesel Fleet Care. Motion was seconded by Councilman Vela and approved unanimously 4-0.

3.4 Approval of Resolution# 1676 authorizing borrowing on a line of credit

Seeking authorization to apply for a Line of Credit in the amount of \$5,000,000 to cover expenditures associated with the CARES Act funding which would be reimbursed by Hidalgo County. The city requested term sheets from four local banks. The line of credit would be paid on or before September 30, 2020. Staff was seeking authorization to submit application to one of these institutions.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Resolution No. 1676 authorizing borrowing on a line of credit. Motion was seconded by Councilman Plata and approved unanimously 4-0.

RESOLUTION NO. 1676

**A RESOLUTION OF THE MISSION CITY COUNCIL AUTHORIZING BORROWING ON
A LINE OF CREDIT**

3.5 May 2020 Financial Statements

Finance Director Angie Vela presented the May 2020 Financial Statements to the City Council for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the May 2020 Financial Statements. Motion was seconded by Councilman Vela and approved unanimously 4-0.

3.6 Acceptance of Quarterly Report of Investments for the Quarter ending March 31, 2020 and Interest Earned for Six Months ending March 31, 2020

Acceptance of quarterly report required by the Public Funds Investment Act Section 2256.023 of the Texas Government Code on the total investments for the quarter ending March 31, 2020. The total increases to investment balances for the period were \$7,019,010.81 and total decreases were \$3,990,000.00, leaving a total of \$13,666,644.16 in outstanding investments for the quarter ending March 31, 2020. The total interest earned on all funds year to date was \$94,530.33.

This report of the City's investment portfolio was in compliance with State Law and the investment strategy and policy approved by the City Council.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Acceptance of Quarterly Report of Investments for the Quarter ending March 31, 2020 and Interest Earned for Six Months ending March 31, 2020. Motion was seconded by Councilman Vela and approved unanimously 4 -0.

3.7 Approval of Resolution # 1677 of the City Council of the City of Mission Adopting State of Texas Executive Order GA-29 relating to the use of face coverings during the COVID-19 Disaster

Governor Greg Abbott issued State of Texas Executive Order GA-29 on July 2, 2020 relating the use of face coverings during the COVID-19 Disaster. Order GA-29 was hereby adopted in its entirety, specifically as to matters that pertain to the city, and shall remain in effect until the state of disaster was terminated or was to run concurrent with subsequent Orders issued by the state.

First time violators receive a verbal or written warning for violation of the face covering requirement, a person's second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Resolution No. 1677 of the City Council of the City of Mission Adopting State of Texas Executive Order GA-29 relating to the use of face coverings during the COVID-19 Disaster. Motion was seconded by Councilman Plata and approved unanimously -4-0.

RESOLUTION # 1677

APPROVAL OF RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION ADOPTING STATE OF TEXAS EXECUTIVE ORDER GA-29 RELATING TO THE USE OF FACE COVERINGS DURING THE COVID-19 DISASTER

3.8 Approval of Resolution # 1678, 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 Solid Waste Disposal Revenue Bonds by the Mission Economic Development Corporation for the purpose of financing and refinancing projects for Waste Management, Inc., under the assistance of MEDC's Private Activity Bond program.

Mr. McCormick was available to answer any questions City Council members may have.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Resolution No. 1678, 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 Mayor Pro Tem Garza and approved unanimously 4 -0.

RESOLUTION NO. 1678

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

3.9 Authorization to allow the purchase of a firearm to Honorably Retired Peace Officer Rene Cavazos, Mission Police Officer in accordance with Texas Government Code, Section 614.051

Retired Officer Rene Cavazos was respectfully requesting the opportunity to keep his department issued service weapon. He had requested to purchase his Glock 17/Generation 4, 9mm handgun serial number BACG-527. In accordance with Government Code, Section 614.051 being that he had retired honorably from our organization, this section of the law allowed him to purchase his service weapon. The total purchase price would be \$409.00 dollars. Staff was requesting a favorable recommendation.

City Manager recommended approval.

Councilman Plata moved to authorize to allow the purchase of a firearm to Honorably Retired Peace Officer Rene Cavazos, Mission Police Officer in accordance with Texas Government Code, Section 614.051. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4 -0.

3.10 Authorization to Execute First One-Year Renewal Option for Pre-Employment Screenings

On 09/23/2019, the City of Mission approved a contractual agreement with Lemus Drug Testing for pre-employment screening services. Pre-employment screenings include drug screening, physical and pre-placement screening for potential hires. The contract terms were for one year with two one-year renewal options. There would be no increase in rates for the first one-year renewal. Staff was recommending authorization to execute first one-year renewal.

City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to Execute First One-Year Renewal Option for Pre-Employment Screenings with Lemus Drug Testing. Motion was seconded by Councilman Plata and approved unanimously 4 -0.

3.11 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. Staff estimated doing an acquisition for \$23,000 from Baker & Taylor for this fiscal year on an as needed basis. Library materials 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.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to purchase via State Approved Contract from Baker & Taylor for Library Material (books & media). Motion was seconded by Councilman Plata and approved unanimously 4 -0.

3.12 Discussion and possible action on modifying COVID-19 of City of Mission guidelines

Employees continue to prepare buildings and programs the city's plan as aimed at being responsive to the community's needs for programs and services but as prioritizing the health and safety of staff and citizens.

Currently the City of Mission had these policies in place:

- Screening all city employees and visitors on a daily basis upon entering any city facility
- Shary Municipal Golf Course Summer programs have been cancelled
- Use of Face Coverings

Staff and City Manager were seeking council's direction.

Shary Municipal Golf Course was requesting to cancel their summer programs. County of Hidalgo Judge was requesting a letter of support that will be sent to the Governor requesting to return the Emergency management authority to the local jurisdictions and to address developing situations in our hospitals.

Mayor Pro Tem Garza moved to approve modifying the COVID-19 City of Mission guidelines as presented by the City Manager and to authorize the drafting of a letter to the county. Motion was seconded by Councilman Vela and approved unanimously 4 -0.

3.13 Board Appointments: Veteran's Advisory Board

Mayor O'caña was recommending the following appointments:

Veteran's Advisory Board: Ofelia Pena, Roy Pena, Robert Pena, Ervin Reyna, Mario Reyna Sr., Robert Garza, David Silva, Guadalupe Ozuna and George Rice.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the Board Appointments: Veteran's Advisory Board, as recommended by Mayor O'caña. Motion was seconded by Councilman Plata and approved unanimously 4 -0.

3.14 Authorization to purchase technology hardware/software, based on the City's CARES ACT Budget

Staff was seeking authorization to purchase a list of commodities and components via Exemption due to Emergency Declaration. Verification of federal non-debarment had been done via System for Award Management (SAM). Exemption from competitive bidding requirements, pursuant to Texas LGC 262.024 (a) (1): an item that must be purchased in case of a public calamity if it was necessary to make the purchase promptly to relieve the necessity of the citizens; (2) an item necessary to preserve and protect the public health and safety of the citizens:

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to purchase technology hardware/software, based on the City's CARES ACT Budget. Motion was seconded by Councilman Plata and approved unanimously 4 -0.

3.15 Authorize Staff to solicit proposals for Professional Services for Bond Counsel

Staff was seeking authorization to solicit proposals for Bond Counsel to render an objective legal opinion with respect to the validity and enforceability of the bonds and underlying documents, and other matters incident there to.

Staff and City Manager recommended approval.

Councilman Vela moved to authorize staff to solicit proposals for Professional Services for Bond Counsel. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 4 -0.

Mayor O'caña said he knew there was an unfinished business on the table but he was not going to address it unless any of the council members need it to address it, so he continued on to item 5.0 of the agenda.

4.0 Unfinished Business

4.1 Authorize Staff to solicit proposals for Professional Services for Bond Election Consultant

5.0 Routine Matters

5.1 City Manager's Comments

City Manager Perez expressed the City's condolences to the families on the recent death of the two City of McAllen Police Officers. He stressed the use of facial coverings and practicing safety measures. He

mentioned that a presentation was made to the Anzalduas Bridge Board regarding the Madero Bridge project and that a letter of support would be submitted by the Anzalduas Bridge Board to the City.

5.2 Mayor's Comments

Mayor O'caña mentioned that an emergency meeting would be held with the Mission, La Joya and Sharyland ISD Superintendents and their board presidents to discuss the opening of Schools.

5.3 City Council Comments

None

6.0 Adjournment

At 6:21 p.m. Councilman Plata moved for adjournment. Motion was seconded by Councilman Vela and approved unanimously 4-0.

Dr. Armando O'caña, Mayor

ATTEST:

Anna Carrillo, City Secretary