

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
OCTOBER 12, 2020 5:30 P.M.
MISSION CITY HALL**

PRESENT:

Dr. Armando O'caña, Mayor
Jessica Ortega-Ochoa, Councilwoman
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

ALSO PRESENT:

Matt Dunne
Miguel Kamel
Chris Halpin

ABSENT:

STAFF PRESENT:

Aida Lerma, Deputy City Manager
David Flores, Deputy City Manager
Angie Vela, Finance Director
Michael Elizalde, Grants Administrator
Susie De Luna, Planning Director
Alex Hernandez, Subdivision Coord.
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
Jesse Lerma, Civil Service Director
Gilbert Sanchez, Fire Chief
Frank Cavazos, Deputy Fire Chief
James Cardoza, Emergency Mngmnt. Coord.
Jody Tittle, Asst. Chief of Police
Joanne Longoria, CDBG Director
Daniel Silva, CEO, Mission EDC
Rick Venecia, Interim Boys & Girls Club Director
Brad Bentsen, Parks & Recreation Director
Mayra Rocha, Library Director
Cynthia Lopez, Museum Director
JC Avila, Fleet Maintenance Director
Noel Barrera, Health Dept. Director
Adela Ortega, Food Pantry Manager
James Moore, Veteran's Cemetery Director
Joel Chapa, Police Officer

1. Call to order

With a quorum being present, Mayor Dr. Armando O'caña called the meeting to order at 5:30 p.m.

2. Invocation and Pledge Allegiance

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

3. Proclamation-Dyslexia Awareness Month

Councilman Ruben Plata moved to approve the Proclamation-Dyslexia Awareness Month. Motion was seconded by Councilwoman Jessica Ochoa and approved unanimously 5-0.

4. 2020 Census Announcement

JoAnne Longoria, CDBG Director reported that the City of Mission was at 56.6 % mark in answering the Census. Ms. Longoria stressed the importance of the Census and reminded the citizens to fill out the census and that everyone counts. Deadline to fill out the census was October 31, 2020.

5. Report from the Greater Mission Chamber of Commerce

Brenda Enriquez, President of the Greater Mission Chamber of Commerce reported on several events that the Chamber was currently participating in. The 2019-2020 Annual Report was ready and would be sent out to the membership.

6. Update on Our Mission Forward CARES Grant funding

Daniel Silva, MEDC CEO reported that a total of 850 applications had been received. Currently applicants were going by the CEED Building to sign the necessary paperwork a total of 283 had been processed. A total of \$936,500 had been approved for distribution

7. Departmental Reports

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

8. Citizens Participation

None

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. **Rezoning: A tract of land out of Lots 9 & 10, Block 195, Oblate Addition, R-1 (Single Family Residential) to R-3 (Multi-Family Residential), Quepos Family Limited Partnership, Adoption of Ordinance # _____ approving 1.1A**

On September 9, 2020 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The subject site was located on the southwest corner of Mayberry Road and E. 13th Street along the south side of E. 13th Street. There was no public opposition during the P&Z Mtg. The Board unanimously recommended denial. The proposed zone did not comply with the City's Future Land Use Map, and surrounding land uses. On October 2006, the City Council did a mass rezoning for this area and the line of demarcation between residential and apartments was Mayberry Rd. The applicant could remodel the existing apartments but wouldn't be able to tear down and reconstruct unless the rezoning was approved. Staff felt that surrounding the area with a Duplex-Fourplex would have a detrimental effect on an area that had long been for Single Family Residential. Changing the zone to R-3 would also be considered spot zoning since there were no other apartments in that area.

Staff and City Manager recommended denial.

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

Miguel Del Angel spoke in favor of the request.

After much deliberation from the council, Councilman Plata moved to deny the rezoning: A tract of land out of Lots 9 & 10, Block 195, Oblate Addition, R-1 (Single Family Residential) to R-3 (Multi-Family Residential). Motion was seconded by Councilman Alberto Vela and denied 3-2, with Mayor Pro Tem Garza and Councilwoman Ochoa voting in favor of the request. A 4/5 vote was needed in order to overturn the recommendation of the Planning & Zoning.

**B. Rezoning: A 6.790 acres out of Lot 16-6, West Addition to Sharyland, AO-I (Agricultural Open Interim) to I-1 (Light Industrial), Omar Development
Adoption of Ordinance # 4953 approving 1.1B**

On September 23, 2020 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The subject site was located approximately 1200' west of Conway Boulevard along the south side of U.S. Expressway 83 frontage. There was no public opposition during the P&Z Mtg. The Board unanimously recommended denial of the I-1 (Light Industrial) and approval of a C-4 (Heavy Commercial).

Staff Recommendation: denial of I-1 and approval of C-4.

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 rezoning and to adopt Ordinance # 4953 a 6.790 acres out of Lot 16-6, West Addition to Sharyland, AO-I (Agricultural Open Interim) to C-4 (Heavy Commercial), as per staff's recommendation. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4953

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING A 6.790 ACRES OUT OF LOT 16-6, WEST ADDITION TO SHARYLAND
FROM AO-I (AGRICULTURAL OPEN INTERIM) TO C-4 (HEAVY COMMERCIAL)

**C. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages - The Club at Cimarron, 1200 S. Shary Road, Bldg. A, B, & C, Block 8, out of Cimarron Country Club
Ph. I, Section II, PUD, CCC Operations, LLC,
Adoption of Ordinance # 4954 approving 1.1C**

On September 23, 2020 the Planning and Zoning Commission held a Public Hearing to consider this Conditional Use Permit request. The subject site was located off of Shary Road along the west side of Shary Road. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval.

Staff Recommendation: Approval subject to: 1) 2-year re-evaluation at which time the applicant would have to renew his CUP and TABC license; and 2) Waiver of the 300' separation requirement from the residential homes.

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 # 4954 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages - The Club at Cimarron, 1200 S. Shary Road, Bldg. A, B, & C, Block 8, out of Cimarron Country Club Ph. I, Section II, PUD for life of use, as per staff's recommendation. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4954

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 CLUB AT CIMARRON, 1200 S. SHARY ROAD, BLDG. A, B, &
C, BLOCK 8, OUT OF CIMARRON COUNTRY CLUB PH. I, SECTION II

D. Conditional Use Permit: Drive-Thru Service Window - 618 E. 9th Street, Lots 18-23, Block 142, Mission Original Townsite, C-3, Tomas Cantu, Adoption of Ordinance # 4955 approving 1.1D

On September 23, 2020 the Planning and Zoning Commission held a Public Hearing to consider this Conditional Use Permit request. The subject site was located at the NW corner of Keralum Avenue and E. 9th Street along the north side of E. 9th Street. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation to assess this new operation; 2) Compliance with Building, Fire, and Health Codes; and 3) 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.

Councilman Plata moved to approve the cup and to adopt Ordinance # 4955 Conditional Use Permit: Drive-Thru Service Window - 618 E. 9th Street, Lots 18-23, Block 142, Mission Original Townsite, C-3, as per staff's recommendation. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 4955

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR DRIVE – THRU SERVICE WINDOW, 618 E. 9TH
STREET, LOTS 18-23, BLOCK 142, MISSION ORIGINAL TOWNSITE

E. Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – Tinseltown Mission, 2516 E. Expressway 83, Lot 1, Tinseltown Subdivision, C-3, CNMK Texas Properties, LLC, Adoption of Ordinance # 4956 approving 1.1E

On September 23, 2020 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 Expressway 83 and Taylor Road. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval.

Staff Recommendation: Approval subject to: 1) 2 year re-evaluation at which time the applicant will have to renew his CUP and TABC license; and 2) Waiver of the 300' separation requirement from the residential homes.

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 # 4956 Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – Tinseltown Mission, 2516 E. Expressway 83, Lot 1, Tinseltown Subdivision, C-3, as per staff's recommendation. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 4956

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 – TINSELTOWN MISSION, 2516 E. EXPRESSWAY 83, LOT 1,
TINSELTOWN SUBDIVISION

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 – September 28, 2020 and
Special City Council Meeting – October 05, 2020**

2.2 Acknowledge Receipt of Minutes

**Mission Civil Service Commission – June 5, 2020
Parks & Recreation Board Meeting – June 9, 2020
Mission Redevelopment Authority – July 28, 2020
Mission Tax Increment Reinvestment Zone – July 28, 2020**

2.3 Approval of Memorandum of Understanding and Golf Club Storage Agreement with Mission Consolidated Independent School District in regards to the use of the Shary Municipal Golf Course

The City of Mission and Mission CISD had developed a memorandum of understanding and Golf Club Storage Agreement where the parties agreed to the following:

- CITY agreed to:
 - Provide playing range privileges and playing privileges to said High Schools for the 2020-2021 School year (September 1, 2020 to May 31, 2021 on days that the Shary Municipal Golf Course was regularly open.
 - Provide driving range privileges to and playing privileges to each of the said Junior High Schools for

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- the period of March 1, 2021 to May 31, 2021, on days that the Shary Municipal Golf Course was regularly open.
- Provide an area designated under the Shary Municipal Golf Course Clubhouse for the storage of Golf Clubs and Bags which can be secured.
- Mission CISD agreed to:
 - Pay the City of Mission the sum of \$12,600.00 after signing this MOU.
 - Only school coaches would have key to access cage area.

The MOU and Golf Club Storage Agreement had been approved by Mission CISD.

2.4 Approval of Memorandum of Understanding and Golf Club Storage Agreement with Sharyland Independent School District in regards to the use of the Shary Municipal Golf Course

The City of Mission and Sharyland ISD had developed a memorandum of understanding and Golf Club Storage Agreement where the parties agreed to the following:

- CITY agreed to:
 - Provide playing range privileges and playing privileges to said High Schools for the 2020-2021 School year (September 1, 2020 to May 31, 2021 on days that the Shary Municipal Golf Course was regularly open.
 - Provide driving range privileges to and playing privileges to each of the said Junior High Schools for the period of March 1, 2021 to May 31, 2021, on days that the Shary Municipal Golf Course was regularly open.
 - Provide an area designated under the Shary Municipal Golf Course Clubhouse for the storage of Golf Clubs and Bags which can be secured.
- Sharyland ISD agreed to:
 - Pay the City of Mission the sum of \$12,600.00
 - Only school coaches would have key to access cage area

Agreement had been approved by Sharyland ISD.

2.5 Approval of Ord. # 4957 granting a wet designation for 1222 Conway Avenue, Suite A La Madelena Liquor

Staff was requesting the above-mentioned property be wet zoned for Package Store Permit and Beer Retail Dealer's Off-Premise License for La Madelena Lique Store.

ORDINANCE NO. 4957

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 1222 CONWAY AVE, SUITE A

2.6 Authorization to submit a grant application to 5-5-5 Fitness for the Strength is Our Foundation Grant

The Mission Fire Department was seeking authorization for the submission of a grant application to 5-5-5 Fitness for the Strength was Our Foundation Grant. The 2020 Grant Package consisted of various gym equipment valued over \$12,000 and would replace outdated equipment. This grant opportunity had no matching requirement.

2.7 Authorization to submit a grant application to the Department of Homeland Security for the 2020 Assistance to Firefighters Grant - COVID-19 Supplemental Round 2 program

The Mission Fire Department was seeking authorization to submit a grant application to DHS for the 2020 Assistance to Firefighters Grant – COVID-19 Supplemental Round 2 program. The department would apply for personal protection equipment (PPE) for COVID-19 prevention and response to public health emergencies. There was a 10% cost share match of funds.

2.8 Authorization to Solicit bids for the purchase of Corrosion Inhibitor for North and South Water Plants

Staff was seeking authorization to solicit bids for the purchase of Corrosion Inhibitor. 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.

Councilman Plata moved to approve the consent agenda items 2.1 thru 2.8. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

3.0 Approvals and Authorizations

3.1 Authorize Staff to request for qualifications to pre-qualified Contractors on Utility, Streets, Drainage, Water Plants, Wastewater Plants, Industrial Pre-treatment Plant and Facilities Emergencies

All qualification proposals would be referred to an evaluation committee appointed to review and evaluate on the basis of demonstrated competence, experience, Bonding Capacity, references and qualifications to perform emergency repairs based on areas of specialization.

The Evaluation Committee comprised of the City Engineer, Purchasing Director, Public Works Director, Finance Director, Deputy City Manager and two Councilmembers.

Staff and City Manager recommended approval.

Mayor O’cana stated that the two councilmembers appointed to the evaluation committee would be Councilman Plata and Councilwoman Ochoa.

Councilman Vela moved to authorize staff to request for qualifications to pre-qualified Contractors on Utility, Streets, Drainage, Water Plants, Wastewater Plants, Industrial Pre-treatment Plant and Facilities Emergencies. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.2 Authorize Staff to request for qualifications for Professional Engineering Services pool in Accordance with the Texas Professional Service Procurement Act (V.T.C.A, Government Code Section 2254.001)

All qualification proposals would be referred to an evaluation committee appointed to review and evaluate on the basis of demonstrated competence and qualifications to perform the professional services based on areas of specialization.

The Evaluation Committee comprised of the City Engineer, Purchasing Director, Public Works Director, Planning Director, Deputy City Manager and two Councilmembers.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize staff to request for qualifications Professional Engineering Services pool in Accordance with the Texas Professional Service Procurement Act (V.T.C.A, Government Code Section 2254.001). Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.3 Authorization to Execute Second and Final Year Renewal Option for Sodium Chlorite for the North and South Water Treatment Plants

On October 2018, the City of Mission entered into a contract with Evoqua Water Technologies for the purchase of Sodium Chlorite for the North and South Water Treatment Plants. The Contract terms were for one year with two one year renewal options based on 4.0% increase in price. For this renewal, Evoqua Water Technologies, Inc had opted to increase original Price 4% (0.738/liquid Lb) as originally stipulated on the bid tabulation documents. Staff was seeking authorization to extend contract for Second and Final one Year Renewal option with Evoqua Water Technologies. This agreement would extend Bid No 18-291-09-27 from October 2020 through September 2021.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to Execute Second and Final Year Renewal Option for Sodium Chlorite for the North and South Water Treatment Plants. Motion was seconded by Councilman Vela and approved unanimously 5-0.

3.4 Authorization to Execute Second One-Year Renewal Option with TDL Properties, LLC, OCL Enterprises, LLC and Conde's Landscaping for Weedy Lot Abatement

In October 14, 2019, the City of Mission entered into a contractual agreement with TDL Properties, LLC, OCL Enterprises, LLC and Conde's Landscaping for weedy lot abatement.

The terms for this contract were for one year with two one-year renewal options. Per renewal letters, there would be no increase to the original proposal for OCL Enterprises, LLC and Conde's Landscaping.

However, TDL Properties, LLC would be increasing 2% of their fees. Staff was seeking authorization to extend contract for second one-year renewal option with Conde's Landscaping, OCL Enterprises, LLC and TDL Properties, LLC.

- Contract Expires October 16, 2020
- First one year renewal option to the contract
- No rate increase for OCL Enterprises, LLC & Conde's Landscaping for upcoming year
- Staff and City Manager recommend approval

Staff Recommendation: Authorization of one-year renewal with TDL Properties, LLC, OCL Enterprises, LLC, and Conde's Landscaping.

City Manager recommended approval.

Councilman Plata moved to authorize to Execute Second One-Year Renewal Option with TDL Properties, LLC, OCL Enterprises, LLC and Conde's Landscaping for Weedy Lot Abatement. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.5 Approval of Resolution No. 1690 authorizing the creation of the Rio Grande Valley Regional 9-1-1 Emergency Communications District

The Mission Police Department in support of the LRGVDC Board of Directors was requesting the City of Mission's support by approving a resolution for the creation of the Rio Grande Regional 9-1-1 Emergency Communications District. The creation of the Communications District would allow more funding for 9-1-1 projects for all 16 PSAP's (Public Service Answering Point) that fall under the local Council of Governments.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Resolution No. 1690 authorizing the creation of the Rio Grande Valley Regional 9-1-1 Emergency Communications District. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

RESOLUTION NO. 1690

**A RESOLUTION AUTHORIZING THE CREATION OF THE RIO GRANDE VALLEY REGIONAL
9-1-1 EMERGENCY COMMUNICATIONS DISTRICT**

3.6 August 2020 Financial Statements

Finance Director Angie Vela presented the August 2020 Financial Statements to the city council for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the August 2020 Financial Statements. Motion was seconded by Councilman Plata and approved unanimously 5-0.

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

This was the opportunity for the City Council to make any modifications to the City's existing guidelines.

Recommendation was to cancel all events, parks and City gyms are to remain closed until November 1st.

Councilman Plata moved to approve the recommendations as presented. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

**3.8 Seeking approval to award contract to JBA Consulting Engineers, Inc. dba NV5 Energy (NV5)
Efficiency Services for Independent Third-Party Engineering Comprehensive Review of an
Energy Savings Performance Contract**

Staff received two (2) proposals for Independent Third-Party Engineering Comprehensive Review of an Energy Savings Performance Contract from JBA Consulting Engineers, Inc. dba NV5 Energy Efficiency Services (NV5) and Ethos Holistique Holdings, LLC. Proposals were referred to an evaluation committee for review and evaluation based on the set criteria in the RFP. Ethos Holistique Holdings, LLC. retracted their proposal after reviewing the ESPC IGA and other materials due to lack of experience in water meters and sewer manholes of which was a large fraction of the project. The committee agreed to move forward with JBA Consulting Engineers, Inc. dba NV5 Energy Efficiency Services (NV5). They would provide the City of Mission with Owner's Representative Services for Third Party oversight of the Energy Savings Performance Contract. As the City's Owner's Representative on the ESPC project, JBA Consulting Engineers, Inc. dba NV5 Energy Efficiency Services (NV5) would provide the Scope Tasks identified in the Cost Proposal under Phase 3 (Project Development: walkthroughs, meetings, review of IGA report, City Council support) for a cost of \$28,000 and optional services on an hourly rate on an as needed basis.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza requested to change the liability of NV5 to the City of Mission to \$250,000 from \$50,000. Mayor Pro Tem Garza also requested to change the Agreement to be venued in Hidalgo County, Texas and not Hartford County, CT.

Councilman Vela moved to approve to award contract to JBA Consulting Engineers, Inc. dba NV5 Energy (NV5) with recommended changes. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.9 Authorization to Apply for Local Parks Urban Outdoor Recreation Grant with Texas Parks and Recreation Department

Staff was seeking approval to apply for a Local Parks Urban Outdoor Recreation Grant thru Texas Parks and Wildlife Department. This was a \$1.5 million Grant with a 50/50% match. Purpose of this grant was for park improvements for Lions Park.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to apply for Local Parks Urban Outdoor Recreation Grant with Texas Parks and Recreation Department. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.10 Authorize City Manager to execute Lease Agreement for seventy (70) Golf Carts, (2) Carryalls and (1) Driving Range Cart via Omnia Partners Contract # EV2671-01 for Shary Municipal Golf Course

Staff was seeking authorization to lease via Omnia Partners contract # EV2671-01 seventy (70) golf carts, two (2) Carryalls one (1) Driving Range Carryall to be used by the Shary Municipal Golf Course. This new fleet would replace the current fleet upon expiration of lease in December 2020.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to authorize City Manager to execute Lease Agreement for seventy (70) Golf Carts, (2) Carryalls and (1) Driving Range Cart via Omnia Partners Contract # EV2671-01 for Shary Municipal Golf Course. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

3.11 Authorization to enter into a No Fault Extended Hardware Warranty Coverage for 175 VISTA Body Camera devices via WatchGuard, a sole source vendor

The City of Mission Police Department deployed 175 WatchGuard Body Camera Systems to our sworn personnel over two years ago. It was imperative that we enter into a No Fault Extended Hardware Warranty in order to replace anybody camera systems that become inoperable. With this warranty, any inoperable camera would be shipped within 24 hours through WatchGuards Advanced Replacement Program. The total cost to enter into this warranty coverage was \$19,687.50.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to authorize to enter into a No Fault Extended Hardware Warranty Coverage for 175 VISTA Body Camera devices via WatchGuard, a sole source vendor. Motion was seconded by Councilman Plata and approved unanimously 5-0.

3.12 Approval of Change Order # 1 for construction of pre-engineered metal pavilion at Birdwell Park

Approval of Change Order # 1 for the construction of pre-engineered metal building at Birdwell Park. First recommended change in eave for strength, design and durability, as per engineer would yield a \$1,000.00 decrease in cost. Second recommended change was for galvanize coating of all structural steel at an

increase in cost of \$9,400.00. Together, there would be a combined cost increase of \$8,400.00. These changes would yield an increase in original cost from \$112,894.40 to \$121,294.40.

Change Order was under the 25% limit, at 7.4% from the original contract cost, set by the Texas Governmental Code. Construction contractor was JAX Construction.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Change Order # 1 for construction of pre-engineered metal pavilion at Birdwell Park. Motion was seconded by Councilman Vela and approved unanimously 5-0.

3.13 Authorization to enter into an Interlocal Agreement between the City of Mission and the LRGVDC, and the RGV MPO regarding implementation of the RGV Bicycle Pedestrian Counter Data Program

The City of Mission Hike and Bike Trail had been selected to participate in the first phase of the Regional Bicycle Pedestrian Counter Project due to its access to schools, local businesses, dense neighborhoods of low socioeconomic profiles, and connections to other recreation options. In an effort to help improve trail and sidewalk networks, the City of Mission agreed to participate in the installation of bicycle pedestrian counters and software at its Hike and Bike Trail for data collection of trail users. The participation of this program would be at no cost to the City of Mission and only required a designated point of contact for their data collection efforts.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to enter into an Interlocal Agreement between the City of Mission and the LRGVDC, and the RGV MPO regarding implementation of the RGV Bicycle Pedestrian Counter Data Program. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.14 Approval of Resolution # 1691 of the City Council of the City of Mission Adopting State of Texas Executive Order GA-32 relating to the continued response to the COVID-19 disaster as Texas reopens

Governor Greg Abbott issued State of Texas Executive Order GA-32 on October 7, 2020 relating to the continued response to the COVID-19 disaster as Texas reopens. Order GA-32 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.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to approve Resolution # 1691 of the City Council of the City of Mission Adopting State of Texas Executive Order GA-32 relating to the continued response to the COVID-19 disaster as Texas reopens. Motion was seconded by Councilman Plata and approved unanimously 5-0.

RESOLUTION NO. 1691

APPROVAL OF RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION ADOPTING STATE OF TEXAS EXECUTIVE ORDER GA-32 RELATING TO THE CONTINUED RESPONSE TO THE COVID-19 DISASTER AS TEXAS REOPENS

3.15 Approval to schedule a City Council Retreat to be held at South Padre Island

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City Manager's office was requesting to schedule a City Council Retreat to be held at South Padre Island.

Staff and City Manager were seeking Council's direction.

No action was taken on this item.

A recommendation was made to hold the retreat on October 21st beginning at 10:00 a.m. at the Bryan House

3.16 Approval to proceed with repairs of Mission Police 2017 Ford F250

Staff was seeking approval to proceed with repairs of Mission Police 2017 Ford F250. Vehicle was involved in a not at fault accident on 9-17-2020. Total amount of repairs was be \$10,410.52.

Staff and City Manager recommended approval.

Councilman Plata moved to approve to proceed with repairs of Mission Police 2017 Ford F250. Motion was seconded by Councilman Vela and approved unanimously 5-0.

4.0 Unfinished Business

None

5.0 Routine Matters

5.1 City Manager's Comments

City Manager Perez stressed the importance of filling out the Census. He introduced Mr. James Moore, Veteran's Cemetery Director. He mentioned that a Virtual Event would be held for the Veterans, and that Veteran's would be given a free round of Golf at Shary Municipal Golf Course.

5.2 Mayor's Comments

Mayor O'caña also stressed the importance of filling out the Census.

5.3 City Council Comments

Councilman Plata stressed the importance of the census. Councilwoman Ochoa reminded citizens of Early Voting to begin October 13, 2020.

At 7:21 p.m. Councilman Plata moved to convene into executive session pursuant to V.T.C.A. Gov. Code Sec. 551.001. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

6.0 Executive Session pursuant to V.T.C.A. Gov. Code Sec. 55.001

6.1 Consultation with Attorney 551.071

A. Discussion and action to retain legal counsel for Taylor Road Phase I and II condemnations

6.2 Deliberation regarding real property Sec. 551.072

A. All of Lot 1, Block 2, Blake Addition 0.20 of an acre, more or less being a portion of the United Irrigation District Canal right of way, lying adjacent to the East line of Lot 1, Block 2, Blake Addition also known as 1524 Francisco Avenue

B. Consideration of counter offer or the use of eminent domain, on behalf of the State of Texas, to acquire a 0.0184 of an acre tract of land situated in the City of McAllen, Hidalgo County, Texas, out of a tract of land located between Lot 217 and 227, John H. Shary Subdivision, as

- recorded in Volume 1, Page 17, of the Map Records, Hidalgo County, Texas and being out of existing United Irrigation District canal Right of Way as shown by Map of John H. Shary Subdivision, dated January 22, 1916, recorded in Volume 1, Page 17, of Map Records, Hidalgo County, Texas, for the public purpose of construction or improvement of Taylor Road, and to resolve or acquire any necessary right of ways related to this project (Parcel 40).
- C. Consideration of counter offer or the use of eminent domain, on behalf of the State of Texas, to acquire a 0.0031 of an acre tract of land situated in the City of McAllen, Hidalgo County, Texas, out of a tract of land located between Lot 77 and 187, John H. Shary Subdivision, as recorded in Volume 1, Page 17, of the Map Records, Hidalgo County, Texas and being out of a remaining portion of a 100.00 foot United Irrigation District canal Right of Way, for the public purpose of construction or improvement of Taylor Road, and to resolve or acquire any necessary right of ways related to this project (Parcel 7).
- D. Consideration of the use of eminent domain, on behalf of the State of Texas, to acquire a 0.0379 of an acre tract of land situated in the City of McAllen, Hidalgo County, Texas, out of Lot 187, John H. Shary Subdivision, as recorded in Volume 1, Page 17, of the Map Records, Hidalgo County, Texas and being out of a 5.00 acre tract of land, conveyed by Final Decree of Divorce, dated June 26, 2006, to Ramiro Flores, as described in Document Number 1659212 of the Official Records, Hidalgo County, Texas, for the public purpose of construction or improvement of Taylor Road, and to resolve or acquire any necessary right of ways related to this project (Parcel 12).
- E. Consideration of the use of eminent domain, on behalf of the State of Texas, to acquire a 4,767 square foot or 0.1094 of an acre tract of land situated in the City of McAllen, Hidalgo County Texas, out of Lot 1, Block 1 Manlorson's Estates Subdivision, as recorded in Volume 22, Page 154, of the Map Records, Hidalgo County Texas and being out of 7.31 acre tract of land, conveyed by Warranty Deed, dated September 15, 1987, as described in Volume 2494, Page 688 of the Official Records, Hidalgo County, Texas, for the public purpose of construction or improvement of Taylor Road, and to resolve or acquire any necessary right of ways related to this project (Parcel 30). Approval of Resolution # _____.
- F. Consideration of the use of eminent domain, on behalf of the State of Texas, to acquire a 113 square foot or 0.0026 of an acre tract of land situated in the City of Mission, Hidalgo County, Texas, out of 186, John H. Shary Subdivision, as recorded in Volume 1, Page 17, of the Map Records, Hidalgo County, Texas, of John H. Shary Subdivision, dated January 22, 1916, recorded in Volume 1, Page 17, of Map Records, Hidalgo County, Texas, for the public purpose of construction or improvement of Taylor Road, and to resolve or acquire any necessary right of ways related to this project (Parcel 11). Approval of Resolution # _____.
- G. Consideration of the use of eminent domain, on behalf of the State of Texas, to acquire a 2,065 square foot or 0.0474 of an acre tract of land situated in the City of Mcallen, Hidalgo County, Texas, out of Lot 227, John H. Shary Subdivision, as recorded in Volume 1, Page 17, of the Map Records, Hidalgo County, Texas and being for the public purpose of construction or improvement of Taylor Road, and to resolve or acquire any necessary right of ways related to this project (Parcel 41). Approval of Resolution # _____.
- H. Consideration of the use of eminent domain, on behalf of the State of Texas, to acquire a 3,000 square foot or 0.0689 of an acre tract of land situated in the City of Mcallen, Hidalgo County, Texas, out of Lot 256, John H. Shary Subdivision, as recorded in Volume 1, Page 17, of the Map Records, Hidalgo County, Texas and being for the public purpose of construction or improvement of Taylor Road, and to resolve or acquire any necessary right of ways related to this project (Parcel 31). Approval of Resolution # _____.
- I. Discussion and possible action on possible acquisition of land being a 77.45' x 435.8' Tract of land North R/R & South of 9th Street between Conway Avenue and Doherty, MOT.

6.3 Personnel matters Sec. 551.074

- A. City Attorney evaluation

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

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At 8:06 p.m. Councilman Plata moved to reconvene in open session. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

On item 6.1 A – Councilman Plata moved to approve to retain legal counsel as discussed in Executive Session. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

On items 6.2 A thru 6.2 I – Councilman Plata moved to approve to acquire land as discussed in Executive Session. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

On item 6.3 A-No action

7.0 Adjournment

At 8:08 p.m. Councilman Plata moved for adjournment. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

Dr. Armando O'caña, Mayor

ATTEST:

Anna Carrillo, City Secretary