



MINUTES

PRESENT:

Norie Gonzalez Garza, Mayor
Jessica Ortega, Councilwoman
Ruben D. Plata, Mayor Pro-Tem
Abiel Flores, Councilman
Alberto Vela, Councilman
Victor A. Flores, City Attorney
Randy Perez, City Manager
Anna Carrillo, City Secretary

ABSENT:

ALSO PRESENT:

Jim & Beth Barnes
Michael Stansberry
Luz Rivera
Hermila Rivas
Dario Rivas
Dean & Nancy
Noel Salinas
Cecilio Chapa
Hernan Sledge
Aaron & Debbie Heue
Rich Gomez
Victor Anzaldua
Dan Mayer
Esperanza Flores
Rena Villalobos
Elain Xavier
Esther Salinas
Ricardo Salinas

STAFF PRESENT:

Anais Chapa, Assistant City Secretary
David Flores, Asst. City Manager
Aida Lerma, Asst. City Manager
Juan Pablo Terrazas, Asst. City Manager
Angie Vela, Finance Director
Michael Elizalde, Grants Administrator
Susie De Luna, Planning Director
Patricio Martinez, Planning
Noemi Munguia, HR Director
Robert Hinojosa, Risk Management Director
Peter Geddes, Procurement Director
Joe Enriquez, Utilities Manager
Alex Fajardo, Media Relations
Charlie Longoria, Media Relations
Abram Ramirez, IT Director
Abel Bocanegra, P.E., City Engineer
Brad Bentsen, Parks & Recreation Director
Cesar Torres, Chief of Police
Adrian Garcia, Fire Chief
Frank Cavazos, Deputy Fire Chief
Joanne Longoria, CDBG Director
Yenni Espinoza, Assistant Library Director
Cynthia Lopez, Museum Director
Mario Flores, Golf Director
Rick Venecia, Boys & Girls Club Director
Angel Ramos, Veteran's Cemetery Director
Roel Mendiola, Sanitation Dept. Director
J. C. Avila, Fleet Director
Jesse Lerma Civil Service Director
Kenia Gomez, Media Relations Director
Stephen Kotsatos, Health Director
Amy Tijerina, Events Manager

STAFF PRESENT:

Joel Chapa, Police Officer
Edgar Gonzalez, EIT

REGULAR MEETING

CALL TO ORDER AND ESTABLISH QUORUM

With a quorum being present, Mayor Norie Garza Gonzalez called the meeting to order at 4:31 p.m.

INVOCATION AND PLEDGE ALLEGIANCE

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

DISCLOSURE OF CONFLICT OF INTEREST

None

PRESENTATIONS

1. Presentation of VMHS Patriots Stars Drill Team – Perez

Anna Carrillo, City Secretary, recognized the Veterans Memorial High School's Patriot Stars Drill Team for their 2nd place win at a national competition. Head Coach Yahara Ortiz went on to say that this had been the best year in the program's history. The program has been in existence for 20 years, and this year was the most successful one to date.

2. Proclamation - Elder Abuse Prevention Month – Carrillo

Councilwoman Jessica Ortega moved to approve the Proclamation – Elder Abuse Prevention Month. Motion was seconded by Mayor Pro Tem Ruben Plata and approved unanimously 5-0.

3. Proclamation - Motorcycle Safety Awareness Month – Carrillo

Councilwoman Ortega moved to approve the Proclamation – Elder Abuse Prevention Month. Motion was seconded by Mayor Pro Tem Plata and approved unanimously 5-0.

4. Presentation of Cayla Garza Boys & Girls Club "National Professional of the Year" – Venecia

Rick Venecia, Boys & Girls Club Director, recognized Cayla Garza for being named the Boys and Girls Club's "National Professional of the Year" at this year's national conference in Florida. He stated this was a great honor as this award is given to one of 66,000 employees across the country and this was only the second time that it had been awarded to a representative from the Rio Grande Valley. Unfortunately, Cayla was not able to be present at the meeting, but he would make sure to recognize her again when she was able to attend.

5. April 2023 Employee of the Month – Munguia

Noemi Munguia, Human Resources Director, recognized Rosember Ramirez and Yvette Villarreal as the Employees of the Month for April. Mr. Ramirez and Ms. Villarreal were nominated by Irasema Dimas for demonstrating their compassion towards and elderly citizen that needed assistance. Both individuals went above and beyond to ensure that the citizen was comfortable and received the services that were being requested.

6. Report from the Greater Mission Chamber of Commerce – Enriquez

Brenda Enriquez, Mission Chamber of Commerce CEO, reported on upcoming events such as: Wednesday, May 24th Small Business Resource Seminar, Thursday, May 25th – Human Resource Process seminar, May 25th – Ribbon Cutting for Brand Genius. Ms. Enriquez also announced that they would be putting together a nomination committee and that there were currently six open board positions. She also mentioned that the Discover Mission maps were now available at the Chamber of Commerce.

7. Departmental Reports – Perez

Mayor Pro Tem Plata moved to approve the Departmental Reports. Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

8. Citizen's Participation – Garza

Mrs. Dovalina stated that she lived in a 78 year old neighborhood and all the residents take pride in their homes. She disliked the fact that residents are parking their vehicles on the grass and in front of their doors. She questioned if there were ordinances in place against this. She also said that it would be detrimental to the city if they rescinded the current ordinance.

Jose Soto, 901 E. 8th Street, lived in a housing community in which most of the residents were between the ages of 60-90 years and most with disabilities. Mr. Soto was concerned because he had spoken to directors and office managers in reference to maintenance and nothing had been resolved.

David Garza, expressed his concern with rescinding the current ordinance for parking vehicles on the grass. The City of Mission had a lot of older neighborhoods where HOAs probable did not exist and could not enforce certain restrictions. Currently homeowners are parking their vehicles on the street or on their front yards and it had become very unattractive.

Esther Salinas, 709 Oblate, was opposed to rescinding the current ordinance for parking vehicles on the grass. Some homes had plenty of space to park vehicles in the back; however, citizens continued to park their cars in their front yards or on the street. Some are even leaving trailers parked as well. This was destroying the grass and curb appeal of homes in the area and made the city look bad.

PUBLIC HEARING

PLANNING & ZONING RECOMMENDATIONS

9. Rezoning: Lot 36, Freeway Subdivision Unit No. 4, (R-1) Single Family Residential to (R-2) Duplex-Fourplex Residential, Rogelio Castillo, and Adoption of Ordinance# _____ - De Luna

On May 10, 2023, the Planning and Zoning Commission held a Public Hearing to consider the rezoning request. The subject site was located on the southwest corner of Western Street and Alma Avenue. There was public opposition during the P&Z Meeting the concerns voiced were in regards to safety and increase in traffic. A petition reflecting 28% in favor of the request was submitted on 5/10/23. The board unanimously recommended denial.

Staff and City Manager recommended denial.

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

Diana Ramirez, 311 Alma, is opposed to this rezoning request. This lot was located at the corner of Alma and Western and it was already a high trafficked area. If duplex or fourplexes were added to the area, traffic would increase and cause more safety concerns.

Virginia Alanis, 311 Alma, stated that she had already voiced her concerns at the P&Z meeting in reference to this rezoning. P&Z had denied the request. The lot next to it was a single family home and there were about 250 single family homes in the area already. The lot in question would not be able to hold a four-plex. There would not be sufficient parking to hold all the vehicles.

Upon motion by Mayor Pro Tem Plata seconded by Councilwoman Ortega and approved unanimously, the public hearing was closed.

Mayor Pro Tem Plata moved to deny the Rezoning: Lot 36, Freeway Subdivision Unit No. 4, (R-1) Single Family Residential to (R-2) Duplex-Fourplex Residential, Rogelio Castillo, and Adoption of Ordinance. Motion was seconded by Councilman Alberto Vela and denied unanimously 5-0.

10. Rezoning: Lots 47 thru 54, Block 2, Madero, (AO-I) Agricultural Open Interim to (R-2) Duplex-Fourplex Residential, Ruben Sanchez, and Adoption of Ordinance#_____ - De Luna - De Luna

On May 10, 2023, the Planning and Zoning Commission held a Public Hearing to consider the rezoning request. The subject site was located on the southwest corner of Western Street and Alma Avenue. There was public opposition during the P&Z Meeting the concerns voiced were in regards to safety and increase in traffic. A petition reflecting 28% in favor of the request was submitted on 5/10/23. The board unanimously recommended denial.

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

Mr. Ruben Sanchez stated he was available to answer any questions if need be.

Upon motion by Mayor Pro Tem Plata seconded by Councilman Vela and approved unanimously, the public hearing was closed.

Mayor Pro Tem Plata moved to deny the Rezoning: Lots 47 thru 54, Block 2, Madero, (AO-I) Agricultural Open Interim to (R-2) Duplex-Fourplex Residential, Ruben Sanchez, and Adoption of Ordinance. Motion was seconded by Councilman Vela and denied unanimously 5-0.

11. Rezoning: Tract 1: The North 7.19 acres of Lot 39, Bell-Woods Company's Subdivision "C", Tract 2: A 10 acre tract of land out of Lot 40, Bell-Woods Company's Subdivision "C", and Tract 3: 8.45 acre tract of land out of Lot 41, Bell-Woods Company's Subdivision "C", (AO-I) Agricultural Open Interim to (R-2) Duplex-Fourplex Residential, DS3 Development, and Adoption of Ordinance#5312 - De Luna

On May 10, 2023, the Planning and Zoning Commission held a Public Hearing to consider the rezoning request. The subject site was located approximately 1,475' North of W. Mile 2 Road on the West side of Compton Drive. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff and City Manager recommended approval.

Esther Salinas, 708 Oblate, mentioned that she knew there were irrigation rights for the area. Staff and City Manager recommended denial. She also questioned if there would be a fence around it as well. She was just concerned because the city used to have so many beautiful orchards and it seemed like we now had less and less due to developments.

Dina Valdez, owner of said property, stated that she would like to create a future business for her and her son. They were not opposed at all to adhering to all of the conditions set forth by the city.

Upon motion by Mayor Pro Tem Plata seconded by Councilwoman Ortega and approved unanimously, the public hearing was closed.

Mayor Pro Tem Plata moved to approve the Rezoning: Lots 47 thru 54, Block 2, Madero, (AO-I) Agricultural Open Interim to (R-2) Duplex-Fourplex Residential, Ruben Sanchez, and Adoption of Ordinance 5312. Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

ORDINANCE NO. 5312

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING TRACT 1: THE NORTH 7.19 ACRES OF LOT 39, BELL-WOODS COMPANY'S SUBDIVISION "C", TRACT 2: A 10 ACRE TRACT OF LAND OUT OF LOT 40 BELL-WOODS COMPANY'S SUBDIVISION "C", TRACT 3: 8.45 ACRE TRACT OF LAND OUT OF LOT 41, BELL-WOODS COMPANY'S SUBDIVISION "C", FROM (AO-I) AGRICULTURAL OPEN INTERIM TO (R-2) DUPLEX-FOURPLEX FAMILY RESIDENTIAL

12. Conditional Use Permit: Home Occupation – Licensed Child Day Care at 4204 San Roman, Lot 26, Paseo Lindo Phase 2 Subdivision, PUD, Nora Arguelles, and Adoption of Ordinance#5313 - De Luna

On May 10, 2023, the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site was located approximately 400' east of Santa Engracia along the south side of San Roman. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff and City Manager recommended approval.

There were no comments.

Upon motion by Mayor Pro Tem Plata seconded by Councilman Vela and approved unanimously, the public hearing was closed.

Councilman Abiel Flores moved to approve the Conditional Use Permit: Home Occupation – Licensed Child Day Care at 4204 San Roman, Lot 26, Paseo Lindo Phase 2 Subdivision, PUD, Nora Arguelles, and Adoption of Ordinance#5313. Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

ORDINANCE NO. 5313

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A HOME OCUPATION – LICENSED CHILD DAY CARE AT 4204 SAN ROMAN, LOT 26, PASEO LINDO PHASE 2 SUBDIVISION

13. Conditional Use Permit: Drive- Thru Service Window – Taco Bell at 408 W. Griffin Parkway, A 2.48-acre tract of land out of Lot 25-5, West Addition to Sharyland, C-3, Valley Bell Enterprises (c/o AEC Engineering, LLC), and Adoption of Ordinance#5314 - De Luna

On May 10, 2023, the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site was located approximately 970' east of Holland Road along the north side of W. Griffin Parkway (F.M. 495). There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff and City Manager recommended approval.

Mike Stansberry, representing Valley Bell Enterprises, stated that they currently had 113 Taco Bell locations in the state of Texas. They loved the valley and its' community. The reason that they were requesting the permit so early was because they wanted to secure the permission in order to acquire the tract of land. Construction would not begin until 2025 as they had a current 20 year lease at the property where they were located.

Upon motion by Mayor Pro Tem Plata seconded by Councilwoman Ortega and approved unanimously, the public hearing was closed.

Mayor Pro Tem Plata moved to approve the Conditional Use Permit: Drive- Thru Service Window – Taco Bell at 408 W. Griffin Parkway, A 2.48-acre tract of land out of Lot 25-5, West Addition to Sharyland, C-3, Valley Bell Enterprises (c/o AEC Engineering, LLC), and Adoption of Ordinance#5314. Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

ORDINANCE NO. 5314

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU SERVICE
WINDOW – TACO BELL, 408 W. GRIFFIN PARKWAY, BEING A 2.48 ACRE TRACT
OF LAND OUT OF LOT 25-5, WEST ADDITION TO SHARYLAND

14. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Still Tap at 600 N. Shary Road, Ste. C, Lot 1, Esdras Vega Subdivision, C-3, Richard Gomez, and Adoption of Ordinance#5315 - De Luna

On May 10, 2023, the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site was located at the NE corner of E. 6th Street and Shary Road. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff and City Manager recommended approval.

Herman Sledge, owner of Still Tap, stated that he was in agreement with all of the conditions set forth by the city. He had already made accommodations to reduce seating in order to comply with the parking regulations.

Upon motion by Mayor Pro Tem Plata seconded by Councilman Vela and approved unanimously, the public hearing was closed.

Mayor Pro Tem Plata moved to approve the Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Still Tap at 600 N. Shary Road, Ste. C, Lot 1, Esdras Vega Subdivision, C-3, Richard Gomez, and Adoption of Ordinance#5315. Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

ORDINANCE NO. 5315

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 – STILL TAP, 600 N. SHARY ROAD, STE. C, LOT 1, ESDRAS
VEGA SUBDIVISION

15. Conditional Use Permit Renewal: Drive-Thru Service Window – Tortilleria Carmelita at 600 N. Shary Road, Ste. F, Lot 1, Esdras Vega Subdivision, C-3, Luz Del Carmen Rivera, and Adoption of Ordinance#5316 - De Luna

On May 10, 2023, the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site was located at the NE corner of E. 6th Street and Shary Road. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff and City Manager recommended approval.

Luz Rivera, owner of Tortilleria Carmelita, was present to answer any questions that arose.

Upon motion by Councilwoman Ortega seconded by Councilman Vela and approved unanimously, the public hearing was closed.

Councilwoman Ortega moved to approve the Conditional Use Permit Renewal: Drive-Thru Service Window – Tortilleria Carmelita at 600 N. Shary Road, Ste. F, Lot 1, Esdras Vega Subdivision, C-3, Luz Del Carmen Rivera, and Adoption of Ordinance#5316. Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

ORDINANCE NO. 5316

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 – STILL TAP, 600 N. SHARY ROAD, STE. C, LOT 1, ESDRAS
VEGA SUBDIVISION

16. Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – 100% Antojitos Mexicanos at 2306 E. Expressway 83, Ste. 1 & 2, Lot 1, Cimarron Crossing Ph. I Subdivision, C-3, 100% Antojitos Mexicanos, and Adoption of Ordinance#5317 - De Luna

On May 10, 2023, the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request renewal. The subject site was located near the SE corner of J.R. Drive and Expressway 83 along the Frontage Road. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff and City Manager recommended approval.

There were no comments.

Upon motion by Councilwoman Ortega seconded by Mayor Pro Tem Plata and approved unanimously, the public hearing was closed.

Councilwoman Ortega moved to approve the Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – 100% Antojitos Mexicanos at 2306 E. Expressway 83, Ste. 1 & 2, Lot 1, Cimarron Crossing Ph. I Subdivision, C-3, 100% Antojitos Mexicanos, and Adoption of Ordinance#5317. Motion was seconded by Mayor Pro Tem Plata and approved unanimously 5-0.

ORDINANCE NO. 5317

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 – 100% ANTOJITOS MEXICANOS, 2306 E. EXPRESSWAY 83,
STE. 1 & 2, LOT 1, CIMARRON CROSSING PH, I SUBDIVISION

17. Conditional Use Permit: Mother’s Retirement Home/Guest Home on Property Zoned R-1 (Single Family Residential) at 1911 Adams, Being 2.06 acres of land, more or less, out of Lot 23-1, West Addition to Sharyland, R-1, Jose J. Villegas, and Adoption of Ordinance#5318- De Luna

On May 10, 2023, the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site was located approximately 200’ south of W. 20th Street along the west side of Adams Avenue. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff and City Manager recommended approval.

Jose J. Villegas, owner of the property, stated that he was making the rezoning request in order to accommodate his mother.

Upon motion by Mayor Pro Tem Plata seconded by Councilwoman Ortega and approved unanimously, the public hearing was closed.

Mayor Pro Tem Plata moved to approve the Conditional Use Permit: Mother's Retirement Home/Guest Home on Property Zoned R-1 (Single Family Residential) at 1911 Adams, Being 2.06 acres of land, more or less, out of Lot 23-1, West Addition to Sharyland, R-1, Jose J. Villegas, and Adoption of Ordinance#5318. Motion was seconded by Mayor Pro Tem Plata and approved unanimously 5-0.

ORDINANCE NO. 5318

GRANTING A CONDITIONAL USE PERMIT FOR A MOTHER'S RETIREMENT HOME/GUEST HOUSE ON PROPERTY ZONED R-1 SINGLE FAMILY RESIDENTIAL AT 1911 ADAMS, BEING 2.06 ACRES OF LAND MORE OR LESS, OUT OF LOT 23-1, WEST ADDITION TO SHARYLAND

Mayor Pro Tem Plata moved to remove this item from the table. Motion was seconded by Councilman Vela and approved unanimously 5-0.

18. TABLED 05/08/2023 - Conditional Use Permit: Drive-Thru Service Windows – Snowball Express #2 at 3124 N. Mayberry Road, Being a tract of land out of the Northwest 1.0 acres of the West 5.18 acres of the North 11.03 acres of Lot 28-9, West Addition to Sharyland, C-2, Elgin Xavier, and Adoption of Ordinance# 5319 - De Luna

On April 26, 2023, the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site was located at the SE corner of Mayberry Road and E. Mile 2 Road. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff and City Manager recommended approval.

Elgin Xavier, business owner, stated that he had businesses such as this one in McAllen, Mission, Pharr, Edinburg and Weslaco. His customers take pride in visiting his locations, and his goal was to sell the best raspas and snacks. He also stated that his business had been operating peacefully. He also expressed that his business was just as important as any other business within the city and he deserved to be treated the same.

Ricardo Salinas, attorney representing Mr. Elgin Xavier, reiterated that Mr. Xavier was a business man working hard to provide for his family. He stated that the busiest hours for Mr. Xavier's business were between 10 pm and 1am which is why they were requesting to allow him to stay open until 1am.

Upon motion by Mayor Pro Tem Plata seconded by Councilman Vela and approved unanimously, the public hearing was closed.

Councilwoman Ortega asked if there had been any issues with this business.

Ms. Susie De Luna, Planning Director, advised Councilwoman Ortega that there was a current case pending in court. It was also brought up that the last time this item was brought to council, it was denied; however, Mr. Xavier continued to conduct business without a permit.

Councilman Flores asked how it was possible for him to continue business with the late hours without obtaining a permit. He asked if the city had not done anything to prevent this from

happening. Councilman Flores also stated that he would be inclined to approve the CUP with hours up to 1am if he would be able to provide security or an off-duty officer for the late hours and all pending court fees to be paid.

Councilman Vela also stated that he agreed with Councilman Flores and would not oppose the CUP if Mr. Xavier would provide security or an off-duty officer to monitor the business during the late hours.

Mayor Pro Tem Plata moved to approve the Conditional Use Permit: Drive-Thru Service Windows – Snowball Express #2 at 3124 N. Mayberry Road, Being a tract of land out of the Northwest 1.0 acres of the West 5.18 acres of the North 11.03 acres of Lot 28-9, West Addition to Sharyland, C-2, Elgin Xavier, and Adoption of Ordinance#5319 with the condition that they close at 10pm for a six month period and that all pending court fees be paid. Motion was seconded by Councilwoman Ortega and approved 3-2 with Councilman Flores and Vela voting against.

ORDINANCE NO. 5319

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR THE DRIVE-THRU SERVICE WINDOWS –
SNOWBALL EXPRESS #2 AT 3124 N. MAYBERRY ROAD, BEING A TRACT OF LAND OUT
OF THE NORTHWEST 1.0 ACRES OF THE WEST 5.18 ACRES OF THE NORTH 11.03
ACRES OF LOT 28-9, WEST ADDITION TO SHARYLAND

19. TABLED 05/08/2023 - Conditional Use Permit: Home Occupation – Sale of Firearms at 3106 Granite Drive, Being Lot 14, Stonegate Subdivision, R-1, David Balderas, and Adoption of Ordinance# _____ - De Luna

City Attorney, Victor Flores, stated that the applicant had withdrawn his request for the conditional use permit, therefore the item would not be presented.

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

20. Approval of Minutes – Carrillo

Special Meeting – May 5, 2023 and Regular Meeting – May 8, 2023

21. Acknowledge Receipt of Minutes – Perez

Parks & Recreation Board – April 11, 2023

Shary Golf Advisory Board – March 14, 2023

Citizens Advisory Committee – April 18, 2023

22. Authorization to purchase Body Armor Carriers from Gall's through Buy Board contract number 670-22 – Torres

The Mission Police Department was requesting authorization to purchase body armor carriers from Gall's. The purchase was to provide criminal investigators a body armor carrier for safety, visibility and to ensure the use of body armor.

23. Authorization to purchase K9 safety equipment for Mission Police Canine Units from Dana Safety Supply through Buy Board contract number 698-23 – Torres

The Mission Police Department was requesting authorization to purchase K9 safety equipment for Mission Police K9 patrol units. The purchase was to provide for safe on-duty transport and ensure the safety of the K9 partner from the heat.

24. Authorization to purchase a 30 Cubic Yard Standard Duty Roll Off Container from Wastequip via BuyBoard Contract 686-22 – Mendiola

Authorization to purchase a 30 cubic yard standard duty roll off container for our Recycling Drop-Off center open to Mission Residents. This would allow for residents to continue helping keep the city clean and increase the amount of recycling. This purchase was being made through the LRGVDC grant that was awarded to the city as part of completion of this project (Recycling Drop-Off Center). The roll off container would be purchased from Wastequip via BuyBoard Contract #686-22.

25. Authorization to Execute 1st One Year Renewal for Palm Tree Trimming – Bentsen

On August 8, 2022, the City of Mission entered into a contract agreement for the trimming and "skinning" of palm trees on and within city owned properties (Parks/City Facilities) and Right of Ways (ROW) with Belmares Lawn Care Service. Services were to include all supervision, labor, materials, supplies, tools and equipment necessary for the trimming, skinning and disposal of all leaves and shavings. The contract terms were for one, one-year primary with two, one-year options based on a 0% increase on the subsequent renewals. Staff was seeking authorization to execute this 1st renewal.

26. Approval of Resolution No. 1837 authorizing the submission of a grant application to the U.S. Environmental Protection Agency, Office of Air and Radiation for funding under the Climate Pollution Reduction Grants (CPRG) Program. – Elizalde

The U.S. Environmental Protection Agency, Office of Air and Radiation, through the Climate Pollution Reduction Grants (CPRG) program provided funding for Metropolitan Statistical Areas (MSA) to develop and implement plans for reducing greenhouse gas emissions and other harmful air pollution. As one of the sixty-seven most populous MSAs, the McAllen-Edinburg-Mission MSA qualified for a set-aside.

The City of Mission, in collaboration with the Cities of McAllen and Edinburg, would seek funding to plan and implement climate, energy, and/or environmental sustainability plans. Grant award was \$1 Million with no local match.

RESOLUTION NO. 1837

AUTHORIZATION OF THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF AIR AND RADIATION FOR FUNDING UNDER THE CLIMATE POLLUTION REDUCTION GRANTS (CPRG) PROGRAM.

27. Approval of Resolution No.1838 authorizing the submission of a grant application to the Rio Grande Valley Metropolitan Planning Organization for the FY24 Transportation Alternative Set-Aside Program. – Elizalde

Through the FY24 Transportation Alternative Set-Aside (TASA) Program, the city would seek funding under the competitive planning projects category. The city sought to utilize such funding for the implementation of a city-wide assessment and development of a comprehensive study that will identify alternative transportation networks and modes throughout city limits. The program supported 80% federal funds with a 20% minimum local cash match.

RESOLUTION NO. 1838

RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE RIO GRANDE VALLEY METROPOLITAN PLANNING ORGANIZATION UNDER THE FISCAL YEAR 2023-2024 TRANSPORTATION ALTERNATIVES SET-ASIDE (TASA) PROGRAM.

28. Authorization to surplus machinery and equipment – Vela

The City of Mission attached list contains items staff had determined was no longer of use to the city. All surplus items would be sold at online auction and those items with no resale value would be disposed. Finance Department was requesting authorization to surplus attached list of machinery and equipment.

29. Authorization to approve Change Order #1 for Taylor Rd Phase 1 for the City of Mission – Bocanegra

The City of Mission was seeking authorization to approve Change Order #1 for Taylor Rd Phase 1 for the City of Mission.

Contractor encountered a concrete casing around the irrigation pipe. Because of these the contractor would be compensated for the removal of concrete slab and increase contract days, the amount for the project increased by \$5,835.21. Therefore, City Staff was recommending Change Order for the total amount of \$6,218,135.52 with all approved Change Orders.

30. Authorization to solicit bids for Sludge Management Services for Public Works Department – Bocanegra

Authorization to solicit bids for Sludge Management Services for the Waste Water Treatment Plant, Pre-Treatment Plant, North Water Plant and South Water Plant. Services were needed for the transport and disposed of sludge in liquid and solid form.

Mayor Pro Tem Plata moved to approve all consent agenda items 20 through 30 as presented. Motion was seconded by Councilman Flores and approved unanimously 5-0.

APPROVALS AND AUTHORIZATIONS

31. Final Plat Approval: Amber Grove Subdivision, Being a subdivision of a tract of land containing 5.000 acres, being a part or portion out of Lot 42, Bell-Woods Co's Subdivision "C", R-2, Developer: Real Estate Investment, LLC, Engineer: Melden & Hunt, Inc. - De Luna

On February 13, 2023 the Mission City Council held a Public Hearing to consider the Preliminary Plat Approval for Amber Grove Subdivision. The subject site was located 1,857' north of the intersection of Mile 2 North Road & Trosper Road. There was no public opposition during the City Council meeting. The Board unanimously recommended approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Plata moved to approve Final Plat Approval: Amber Grove Subdivision, Being a subdivision of a tract of land containing 5.000 acres, being a part or portion out of Lot 42, Bell-Woods Co's Subdivision "C", R-2, Developer: Real Estate Investment, LLC, Engineer: Melden & Hunt, Inc. Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

32. Authorization to award contract for UltraViolet (UV) Disinfection System Refurbishment to XYLEM for Wastewater Plant – Bocanegra

The City of Mission had accepted XYLEM for the UV system upgrade. Staff recommended awarding the contract to XYLEM, since they are sole source providers of all equipment and software systems.

Staff and City Manager recommended approval.

Mayor Pro Tem Plata moved to approve the contract award for UltraViolet (UV) Disinfection System refurbishment to XYLEM for Wastewater Plant. Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

33. Authorization to Ratify Emergency Expenditures applicable to Disaster Declaration regarding severe weather beginning 04/28/2023 (Rental of two (2) Grapple Trucks)– Mendiola

On May 11th, 2023 the Governor issued a disaster declaration for Hidalgo County in wake of recent weather event that began on April 28, 2023. Hidalgo County judge issued his own disaster declaration on May 1st, 2023 shortly following the weekend weather event. In accordance with Local Government Code, General Exceptions, Paragraph 252.022 (a)(1)(2) "a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality" and "a procurement necessary to preserve or protect the public health or safety of the municipality's residents", hence staff was seeking authorization to ratify emergency expenditures for all severe weather disaster recovery efforts. Rental of two (2) Grapple Trucks was required to assist the Sanitation Department's efforts to clear debris from City streets. Grapple Trucks were rented from Big Truck Rental from 05/12/23-06/08/23.

Staff and City Manager recommended approval.

Mayor Pro Tem Plata moved to approve the authorization to Ratify Emergency Expenditures applicable to Disaster Declaration regarding severe weather beginning 04/28/2023 (Rental of two (2) Grapple Trucks). Motion was seconded by Councilman Flores and approved unanimously 5-0.

34. Authorization to approve Emergency Brush Pick-up Services contract in an amount not to exceed \$100,000 – Mendiola

Staff was seeking authorization to approve Emergency Brush Pick-up services to support our current fleet of Grapple Trucks to expedite the City efforts to pick-up a high volume of brush throughout the city due to the April 29, 2023 severe storm. 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 is 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 Plata moved to approve the Emergency Brush Pick-up Services contract in an amount not to exceed \$100,000. Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

**35. Authorization to execute an Economic Incentives Agreement between the City of Mission, Mission Economic Development Corporation and Olive Garden Holdings, LLC.
– T. Garcia**

This Economic Incentives Agreement was made between the City of Mission, Mission Economic Development Corporation and Olive Garden Holdings LLC. The company proposed to construct a \$4.9 million, 7,800 square-foot Olive Garden Italian Restaurant on approximately 1.76 acres, near Bryan Road and Expressway 83. In addition to the infrastructure and capital investment committed by the company, Olive Garden also committed to creating at least 50 new local full-time equivalent jobs. The proposed economic incentive would be a 1.5% municipal sales tax remitted to the City and .5% sales tax remitted to the MEDC on the sale of taxable items consumed at the restaurant. This “Sales Tax Annual Payment” would be paid to the company as an economic incentive over 5 years but shall not exceed \$500,000.00 over the course of all five years. In addition, as part of the agreement, the restaurant would donate food through the Darden’s Harvest program with a minimum annual value of \$5,000.00 to benefit residents of the City of Mission.

Staff and City Manager recommended approval.

Councilwoman Ortega moved to approve the Authorization to execute an Economic Incentives Agreement between the City of Mission, Mission Economic Development Corporation and Olive Garden Holdings, LLC. Motion was seconded by Mayor Pro Tem Plata and approved unanimously 5-0.

36. Approval of the March 2023 Tax Collection Report – Vela

Acceptance of monthly property tax report for the month of March 2023.

The 2023 total adjusted tax levy for taxes was \$29,045,357.47 and the amount of the collections as of March 31, 2023 is \$27,173,890.13 which represents 93.56% of the total 2022 tax levy.

The total adjusted tax levy for delinquent taxes was \$2,372,249.69 and the amount of collections as of March 31, 2023 is \$299,003.49 which represents 12.60% of the total tax levies from previous years.

Staff and City Manager recommended approval.

Councilwoman Ortega moved to approve the March 2023 Tax Collection Report. Motion was seconded by Mayor Pro Tem Plata and approved unanimously 5-0.

37. Approval of March 2023 Financial Statements – Vela

Angie Vela, Finance Director presented the March 2023 Unadjusted Financials.

Staff and City Manager recommended approval.

Mayor Pro Tem Plata moved to approve the March 2023 Financial Statements. Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

UNFINISHED BUSINESS

Mayor Pro Tem Plata moved to remove this item from the table. Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

38. TABLED 05/08/2023: Discussion and Action to Rescind Parking on the Grass Ordinance No. 5001, and Adoption of Ordinance# ____ - De Luna

This ordinance was created because our Code Enforcement Officers were enforcing based on a definition “off-street parking requirements” and not with an actual ordinance restricting the parking on the grass. This ordinance was adopted by the City Council on March 22, 2021. Shortly, after the adoption of this ordinance staff received numerous complaints regarding the adoption of the ordinance. The complaints referred to city was only targeting the older subdivisions that don’t have room for a 2-car driveway. City official received negative feedback. The Post Master had a concern because the residents were parking on the street and blocking the mailboxes making it impossible to deliver the mail. On February 28, 2022 this ordinance was reconsidered either to enforce or rescind and during the meeting the City Council tabled the item and put a moratorium on issuing citations in the meantime while the ordinance was revised. During a workshop held on April 3, 2023 with the City Council the No Parking on the Grass Ordinance was discussed. The consensus from the City Council was to rescind the ordinance but still enforce the junk vehicles parked on the property.

There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval.

Staff and City Manager recommended approval.

No Action was taken on this item.

Mayor Pro Tem Plata moved to remove this item from the table. Motion was seconded by Councilman Vela and approved unanimously 5-0.

39. TABLED: 05/08/2023 - Variance request by Quintanilla, Headley & Associates on behalf of Ricardo Salinas to the Subdivision Code for unrecorded Papillion Square Subdivision, A 1.977 acre tract of land being a 2.00 acre tract out of Lot 25-11, West Addition to Sharyland a/k/a Papillion Square Subdivision - De Luna

On August 18, 2022 staff received an application for Papillion Square Subdivision. This proposed subdivision was located at the northeast corner of Griffin Parkway (FM 495) and Bryan Road. The developer was proposing a 1-lot subdivision. It was commercially zoned and he would like to do a commercial plaza at this location. On April 20, 2023, Mr. Quintanilla subdivision a new variance request letter and is now asking for the following variances from the Subdivision Requirements:

- Bryan Road Paving widening plus curb and gutter
- Replacement and size increase from 4” to 8” waterline along Bryan Road
- Drainage Improvements along Bryan Road

There was no public opposition during the P&Z Meeting. The Board unanimously recommended denial.

Staff and City Manager recommended approval.

Councilwoman Ortega requested to discuss item in executive session due to having legal questions.

ROUTINE MATTERS

City Manager Comments – EMS week was being celebrated this week and the Fire Department was providing lunch to their staff all week. Mental Health Awareness Event tomorrow, May 23rd at the Mission Event Center at 7pm, One-Stop shop on Wednesday May 24th at City Hall, RGV Food Bank Food Distribution on May 30th at the CWV Park. City offices will be closed on Monday, May 29th in observance of Memorial Day.

Mayor's Comments – Mayor Garza thanked all of the staff for organizing such great events. She thanked Aida Lerma for doing an amazing job at organizing this year's Evening of Prayer. It was a beautiful night and inspirational night.

City Council Comments – Councilwoman Ortega expressed her gratitude towards the rest of the council and the mayor for their support of Mental Health Awareness. She mentioned that the evening of prayer event was a great success with a powerful message. She also invited the public to attend the Mental Health Awareness event that was being held at the Mission Event Center on Tuesday, May 23rd and reminded everyone to be kind to one another.

At 6:39 p.m., Mayor Pro Tem Plata moved to convene into Executive Session to discuss executive session items and item 39 pursuant to Texas Gov't Code Section 551.071. Motion was seconded by Councilman Vela and approved unanimously 5-0.

EXECUTIVE SESSION

Closed session pursuant to Tex. Gov't Code Sections 551.071 (Consultation with Attorney) and 551.074 (Personnel Matters) regarding the City of Mission Organizational Chart. (City Attorney V. Flores, City Manager R. Perez)

Closed session pursuant to Tex. Gov't Code Sections 551.071 (Consultation with Attorney) and 551.074 (Personnel Matters) regarding the evaluation, duties, compensation and/or contract of the City Manager. (City Attorney V. Flores, City Manager R. Perez)

Mayor Pro Tem Plata and Councilwoman Ortega stepped out of the meeting at 7:44 p.m.

Upon conclusion of Executive Session at 7:45 p.m., Councilwoman Councilman Flores moved to reconvene. Motion was seconded by Councilman Vela and approved unanimously 3-0.

POSSIBLE ACTION ON ANY ITEM(S) AS DISCUSSED IN EXECUTIVE SESSION

TABLED: 02/27/2023: Consideration and action, if any, regarding the evaluation, duties, compensation and/or contract of the City Manager.

No Action was taken, item was to remain on the table until the next meeting.

ADJOURNMENT

At 7:45 p.m., Councilman Vela moved for adjournment. Motion was seconded by Councilman Flores and approved unanimously 3-0.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary