



AGENDA

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, May 08, 2023 at 4:30 p.m.** at the Mission Council Chambers, 1201 E. 8th Street, Mission, Texas and by Teleconference to consider the following matters.

The public dial information to participate in the telephonic meeting is as follows:

Time: **Monday, May 08, 2023 04:30 PM Central Time**

<https://us02web.zoom.us/j/9904662781?pwd=SGVIL3JZRFRdENzWXI5VUxFT1ZUQT09>

Meeting ID: 990 466 2781 - Password: 833227

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

At any time during the course of the posted meeting, the Mission City Council may retire into Executive Session under Texas Government Code 551.071 to confer with legal counsel on any subject matter on this agenda in which the duty of the attorney to the City Council under Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during this meeting, the City Council may retire to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more exceptions to the Texas Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code.

REGULAR MEETING

CALL TO ORDER AND ESTABLISH QUORUM

INVOCATION AND PLEDGE ALLEGIANCE

DISCLOSURE OF CONFLICT OF INTEREST

PRESENTATIONS

- [1.](#) Proclamation - Francisca Hernandez de Tanguma 100th Birthday - Carrillo
2. Presentation of Sharyland Rattlers 2023 State Semi-Finalists Boys Soccer Team - Perez
- [3.](#) Proclamation - Mental Health Month - Torres
- [4.](#) Proclamation - National Police Week - Torres
- [5.](#) Proclamation - Emergency Medical Services Week - A. Garcia
6. Report from the Greater Mission Chamber of Commerce – Enriquez
7. Presentation of Keep Texas Beautiful Affiliation - Mendiola
8. Mission Economic Development Corporation Project Updates - T. Garcia
- [9.](#) Departmental Reports – Perez
10. Citizen's Participation – Garza

PUBLIC HEARING**PLANNING & ZONING RECOMMENDATIONS**

11. Rezoning: The South 5.4 acres of Lot 38, Bell-Woods Company's Subdivision "C", (AO-I) Agricultural Open Interim to (R-2) Duplex-Fourplex Residential, Raymundo Patricio Platas Merino, and Adoption of Ordinance# _____ - De Luna
12. Rezoning: A tract of land being the South 7.8 acres of the North 103.8 acres of a certain 203.8 acres tract of land known as the Fernandez Strip out of Porcion 52 (PUD) Planned Unit Development to (R-2) Duplex-Fourplex Residential, M2 Engineering, PLLC, and Adoption to Ordinance # _____ - De Luna
13. Conditional Use Permit: Guest House on Property Zoned R-1 (Single Family Residential) at 2304 W. Palm Circle, Being Lot 48, Palm Acres No. 2 Subdivision, R-1, Joshua Schmidt, and Adoption to Ordinance # _____ - De Luna
14. 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 to Ordinance# _____ - De Luna
15. Conditional Use Permit: Home Occupation – Pet Grooming/Styling at 3105 Melody Lane, Being Lot 3, Johnson City Subdivision, R-1, Salvador Regalado, and Adoption to Ordinance # _____ - De Luna
16. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Olive Garden at 1405 E. Expressway 83, Lots 2 & 3, New Quest Subdivision, C-3, Olive Garden, LLC (c/o LEEANNE CALDERONE), and Adoption to Ordinance # _____ and Wet Zone Ordinance # _____ - De Luna
17. Conditional Use Permit: Home Occupation – Sale of Firearms at 3106 Granite Drive, Being Lot 14, Stonegate Subdivision, R-1, David Balderas, and Adoption to Ordinance# _____ - De Luna
18. Discussion and Action to Amend Garage Sale Ordinance Amending Chapter 82 – Sales, Article II. – Garage, Porch, Yard, Clubhouse/Recreation Hall, Rummage, Tent, and Estate Sales, Section 82-36. Term of Garage Sale Permit, Section 82-37. Maximum Number of Garage Sales, and Adoption of Ordinance # _____ - De Luna
19. Discussion and Action to Amend the Off-Street Parking Requirements for Commercial Developments, and Adoption of Ordinance # _____ - De Luna
20. Discussion and Action to Adopt the Special Use Permit, and Adoption of Ordinance# _____ - De Luna
21. Discussion and Action to Rescind Parking on the Grass Ordinance No. 5001, and Adoption of Ordinance# _____ - De Luna

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

- 22. Approval of Minutes – Carrillo
Regular Meeting – April 24, 2023, Special Meeting – May 1, 2023
- 23. Acknowledge Receipt of Minutes – Perez
Citizen's Advisory Committee – March 28, 2023
Mission Economic Development Corporation – April 5, 2023
Mission Redevelopment Authority – March 28, 2023
Mission Economic Development Authority – January 25, 2023
Mission Education Development Council – January 25, 2023
Keep Mission Beautiful – March 7, 2023
Mission Civil Service Commission – March 8, 2023
- 24. Approval of Resolution # _____ Regarding Waterline Access Agreement with Sharyland Water Supply within city ETJ for LaHoma 107 Retail Partners, Ltd. – 7 Eleven – De Luna
- 25. Approval of Data Use Agreement between the Department of State Health Services, Vital Statistics Office and the City of Mission - Carrillo
- 26. Approval of Resolution # _____ of the City of Mission, Texas approving a professional services contract with Linebarger Goggan Blair & Sampson, LLP for Delinquent Tax Collection Services, under a contingent fee contract, subject to approval by the Office of the Attorney General of Texas, pursuant to Chapter 2254 of the Texas Government Code. - Geddes
- 27. Authorization to accept grant award for the Animal Welfare Organization's Performing Sheltering and Adoptions program with Petco Love. - Elizalde
- 28. Approval of resolution No. _____ authorizing the submittal of the FY23 COPS Hiring Program Grant application to the U.S. Department of Justice, Office of Community Oriented Policing - Elizalde
- 29. Authorization to purchase medical equipment and supplies from Henry Schein via Buy Board Contract # 610-20 – A. Garcia
- 30. Approval of Resolution # _____, Resolution approving the resolution of Mission Economic Development Corporation authorizing the issuance of bonds on behalf of Waste Management, Inc.; and matters related thereto - T. Garcia
- 31. Authorization to extend three-month renewal option for the purchase of Ready Mix Concrete for the Public Works Department - Bocanegra
- 32. Authorization to purchase 1000 Residential Refuse Carts from Otto Environmental Systems via HGAC Contract #RC01-21 – Mendiola
- 33. Authorization to solicit proposals for the Shary Golf Course Maintenance Building - Mares
- 34. Approval of Resolution # _____ of the City of Mission, Texas setting penalties imposed under Texas Tax Code Sections 33.07 and 33.08. - Vela

35. Approval of Resolution # _____ of the City of Mission, Texas setting penalties imposed under Texas Tax Code Section 33.11. - Vela
36. Approval of Resolution No. _____ amending the amount of financial assistance from the Texas Water Development Board (TWDB); authorizing the filing of an application for such assistance and designating the Mayor as the authorized representative. - Terrazas

APPROVALS AND AUTHORIZATIONS

37. 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
38. Preliminary Plat Approval: El Cordero Subdivision, being a 20 acre tract of land out of Lots 25 & 26, Block 15, Texan Gardens Subdivision, Suburban E.T.J., Developer: Pena Chapa Development, Inc., Engineer: South Texas Infrastructure Group - De Luna
39. Final Plat Approval: Capricorn Estates Subdivision, Being a 9.43 acre tract of land, more or less, out of Lot "F", B.L. Millers Resubdivision of Lots 16-20, Blk 4, Mission Groves Estates, R-1, Developer: LLAAG, LLC, Engineer: Homero L. Gutierrez - De Luna
40. Authorization to Award Contract for ROW Mowing and Maintenance Services - Bentsen
41. Approval of Budget Amendment: Capital Projects & MEDC Fund- Vela

UNFINISHED BUSINESS

None

ROUTINE MATTERS

City Manager Comments

Mayor's Comments

City Council Comments

EXECUTIVE SESSION

Closed session pursuant to Tex. Gov't Code Section 551.071 (Consultation with City Attorney) and Section 551.087 (Economic Development Negotiations) related to proposed economic development Project(s) Sprinkles, Courts, and/or Tools. (City Attorney V. Flores, City Manager R. Perez, and MEDC CEO T. Garcia)

Closed session pursuant to Tex. Gov't Code Section 551.071 (Consultation with City Attorney) and Section 551.087 (Economic Development Negotiations) related to proposed economic development Project Restore. (City Attorney V. Flores and City Manager R. Perez)

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

ADJOURNMENT

C E R T I F I C A T E

I, the undersigned City Secretary do certify that the above notice of meeting was posted on the bulletin board of City Hall, 1201 E. 8th Street, Mission, Texas on this the 05th day of May, 2023 at 4:20 p.m.



Anna Carrillo, City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations for a disability must be made 48 hours prior to this meeting. Please notify the City Secretary's Office at 580-8668.

NOTICE OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF MISSION

Notice is hereby given that on the **08th day of May, 2023** the City Council of the City of Mission will hold a regular meeting at 4:30 p.m. at 1201 E. 8th Street, Mission, Texas and by Teleconference to consider the following matters. The subjects to be discussed are listed on the agenda, which is attached to and made a part of this Notice.

If, during the course of the meeting covered by this Notice, the City Council should determine that a closed or executive meeting or session of the Council is required, then such closed or executive meeting or session as authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001 et seq., will be held by the Council at the date, hour and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the Council may conveniently meet in such closed or executive meeting or session concerning any and all purposed permitted by the Act, including, but not limited to the following sections and purposes.

Texas Government Code Section:

- | | |
|-----------------|--|
| 551.071 (1) (2) | Consultation with Attorney. |
| 551.072 | Deliberation regarding real property. |
| 551.073 | Deliberation regarding prospective gifts. |
| 551.074 | Personnel matters. |
| 551.076 | Deliberation regarding security devices or security audits. |
| 551.0785 | Deliberations involving medical or psychiatric records of individuals. |
| 551.084 | Investigation; exclusion of witness from hearing. |
| 551.087 | Deliberation regarding economic development negotiations |
| 551.088 | Deliberation regarding test item |

Should any final action, final decision, or final vote be required in the opinion of the City Council with regard to any matter considered in such closed or executive meeting or session, then the final action, final decision, or final vote shall be either:

- (a) in the open meeting covered by the Notice upon the reconvening of the public meeting; or
- (b) at a subsequent public meeting of the City Council upon notice thereof; as the Council shall determine.

On this the **05th day of May, 2023** this Notice was emailed to news media who had previously requested such Notice and an original copy was posted on the bulletin board at City Hall, 1201 E. 8th Street at 4:20 p.m. on said date.



Anna Carrillo, City Secretary

Proclamation

City of Mission



WHEREAS, Francisca Hernandez de Tanguma was born on April 22, 1923 in Cedral San Luis Potosi Mexico. Francisca lived in Cedral up until the age of 18 at which time she moved to the City of Mission, Texas where she lived with her aunts; and

WHEREAS, Francisca worked as a dressmaker and married Conrado Tanguma who unfortunately passed away in September of 1977; and

WHEREAS, the Mission EDC stimulates entrepreneurship by providing a number of programs to assist small businesses through its Ruby Red Ventures, the Downtown Façade Program and the Downtown Rent Subsidy Program; and

WHEREAS, Francisca was an active member of Our Lady of Guadalupe Catholic Church participating in community festivities such as the Jamaicas and Christmas Inns. With those festivities came along meals. Francisca would make and prepare 400 pounds of menudo, chalupas, and other meals that would sell very quickly; and

WHEREAS, she was also a part of a group from Our Lady of Guadalupe Catholic Church where she visited the ill at their homes and hospice facilities supporting them with prayers, she gave lectures and sang with the church choir alongside Father Roy Snipes every Sunday; and

WHEREAS, for many years she volunteered at the Mission Housing Authority helping serve her fellow friends meals, she has also been a resident of the housing community for nearly 45 years.

NOW THEREFORE, we the City Council of the City of Mission do hereby congratulate Francisca Hernandez de Tanguma on her 100th Birthday which was celebrated on April 22, 2023.

PROCLAIMED on this the 8th day of May, 2023

Norie Gonzalez Garza, Mayor

Jessica Ortega, Councilwoman

Ruben Plata, Mayor Pro Tem

Abiel Flores, Councilman

Alberto Vela, Councilman

Proclamation

City of Mission



WHEREAS, the area that someone lives in plays a significant role in their overall health and well-being; and

WHEREAS, surroundings can impact if, how, and when a person's needs are met, which in turn affects mental health; and

WHEREAS, with early and effective interventions, those individuals with mental health conditions can recover and lead full, productive lives; and

WHEREAS, having safe, stable, and healthy home conditions set the foundation for achieving and maintaining good mental health; and

WHEREAS, each business, school, government agency, health care provider, organization, and citizen share the burden of mental health problems and has a responsibility to promote mental wellness and support prevention efforts.

NOW THEREFORE, we the City Council of the City of Mission do hereby proclaim May 2023 as Mental Health Month in the city and call upon citizens, government agencies, public and private institutions, businesses, and schools in the city to recommit our community to increasing awareness and understanding of mental health, and invite the community to the City of Mission and E3Hope Foundation "Drive out the Darkness" Mental Health Awareness event being held on May 23, 2023 at 7 p.m. at the Mission Event Center.

PROCLAIMED on this the 8th day of May, 2023

Norie Gonzalez Garza, Mayor

Jessica Ortega, Councilwoman

Ruben Plata, Mayor Pro Tem

Abiel Flores, Councilman

Alberto Vela, Councilman

Proclamation

City of Mission



WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of the Mission Police Department play an essential role in safeguarding the rights and freedoms of the citizens of Mission, Texas; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation,

NOW, THEREFORE, we the City Council of the City of Mission do hereby proclaim the week of May 15 – 21, 2023 as

NATIONAL POLICE WEEK

And call upon all citizens of Mission and upon all patriotic, civic and educational organizations to observe the week of May 15 through 21, 2023, as Police Week with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

NOW, THEREFORE, we the City Council of the City of Mission call upon all citizens of Mission, Texas to observe Monday, May 15, 2023 as Peace Officers Memorial Day in Mission, Texas to honor those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

PROCLAIMED on this the 8th day of May, 2023.

Norie Gonzalez Garza, Mayor

Jessica Ortega, Councilwoman

Ruben Plata, Mayor Pro Tem

Abiel Flores, Councilman

Alberto Vela, Councilman

Proclamation

City of Mission



WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide life-saving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and

WHEREAS, the members of City of Mission Fire Department's Fire Based EMS and First Responder staff, receive numerous hours of specialized training and continuing education to enhance their life-saving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;

NOW THEREFORE, We the City Council of the City of Mission do hereby recognize the City of Mission Fire Department's Fire Based EMS and First Responder staff and do hereby proclaim the week of May 21 - 27, 2023, as

EMERGENCY MEDICAL SERVICES WEEK

In the City of Mission with the EMS theme, "Where Emergency Care Begins", and encourage the community to observe this week with appropriate programs, ceremonies, and activities.

PROCLAIMED on this the 8th day of May, 2023

Norie Gonzalez Garza, Mayor

Jessica Ortega, Councilwoman

Ruben Plata, Mayor Pro Tem

Abiel Flores, Councilman

Alberto Vela, Councilman



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023
PRESENTED BY: Randy Perez, City Manager
AGENDA ITEM: Departmental Reports – Perez

NATURE OF REQUEST:

Grants – April 2023
 Community Development – March 2023
 Boys & Girls Club – March 2023
 Information Technology – April 2023
 RGV State Cemetery – April 2023
 Civil Service – April 2023
 311 – April 2023
 City Secretary – April 2023

BUDGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION: Approval

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____



Grants Activity Report- April 2023

Grant Name	Funding Agency	Department	Application Amount	Award Amount	Matching Amount	Due Date	Status
FY22 FEMA Flood Mitigation Assistance (FMA)	TWDB	Executive	\$ 320,000		25%		Submitted-Tracking
FY22 Building Resilient Infrastructure and Communities (BRIC)	TDEM	Executive	\$ 415,000		25%		Submitted-Tracking
FY23 SHSP Regular	OOG	Fire	\$ 123,927.18		None		Submitted-Tracking
FY23 SHSP LETPA	OOG	Police	\$ 56,142.35		None		Submitted-Tracking
FY22 AFG	DHS	Fire	\$ 172,873.50		10%		Submitted-Tracking
FY24 General Victim Assistance Grant Program	OOG	Police	\$ 50,000		None		Submitted-Tracking
FY24 Local Border Security Program	OOG	Police	\$ 190,000		None		Submitted-Tracking
FY24 Texas Reads	TSLAC	Library	\$ 10,000		None		Submitted-Tracking
Staffing for Adequate Fire and Emergency Response Grants (SAFER)	DHS	Fire	\$ 2,322,424		None		Submitted-Tracking
FY22 Fire Prevention and Safety	DHS	Fire	\$ 22,440.49		5%		Submitted-Tracking
OVAG-Victim Services	OAG	Police	\$ 84,000		None		Submitted-Tracking
FY22 Operation Stonegarden Program	OOG	Police	\$ 350,000		None		Submitted-Tracking



Grants Activity Report- April 2023

Grant Name	Funding Agency	Department	Application Amount	Award Amount	Matching Amount	Status
Animal Welfare Organization	Petco Love	Health	\$ 35,000	\$ 30,000	None	Awarded
La Cuchilla Drainage Improvement Project	TXGLO	Executive	\$ 1,000,000	\$ 997,236.75	1%	Awarded/Active
Astroland Drainage Improvement Project	TXGLO	Executive	\$ 1,000,000	\$ 999,162	1%	Awarded/Active
Trail Connectivity Project	VBLF	Park	\$ 500,000	\$ 500,000	None	Awarded/Active
Southwest Border (SWB) Rural Law Enforcement Assistance Program	BJA	Police	\$ 93,000	\$ 93,000	None	Awarded/Active
FY22 Justice and Mental Health Program	BJA	Police	\$ 388,001.38	\$ 229,962.91	(Year 1) 20%	Awarded/Active
Bullet-Resistant Shield Grant Program, FY23	OOG	Police	\$ 77,644	\$ 73,761.80	None	Awarded/Active
Better Cities for Pets	Mars Petcare Program	Health	\$ 20,000	\$ 20,000	None	Awarded/Active
FY23 Justice Assistance Grant Program	OOG	Police	\$ 30,000	\$ 30,000	None	Awarded/Active
Lions Park Development	AEP	Parks	\$ 30,000	\$ 30,000	None	Awarded/Active
FY22 State Homeland Security Program-LETPA	OOG	Police	\$ 35,480	\$ 13,060	None	Awarded/Active
FY23 Local Border Security	OOG	Police	\$ 190,000	\$ 190,000	None	Awarded/Active
FY21 Operation Stonegarden	OOG	Police	\$ 380,000	\$ 380,000	None	Awarded/Active
FY22-23 Solid Waste Grant	LRGVDC	Sanitation	\$ 25,000	\$ 25,000	10%	Awarded/Active
COPS Accreditation Program	DOJ COPS	Police		\$ 21,116.34	None	Awarded/Active
OVAG-Victim Services	OAG	Police	\$ 89,908	\$ 44,954(YR2)	None	Awarded/Active
All-Inclusive Lions Park	TPWD	Parks	\$ 1,500,000	\$ 750,000	\$750,000	Awarded/Active
Border Zone Fire Dept.	OOG	Fire	\$ 250,000	\$ 78,735.25	None	Awarded/Active
Humanities Collections and Reference Resources	NEH	Museum	\$ 56,384		None	Not Awarded
Firehouse Sub	Firehouse Subs Foundation	Fire	\$ 26,822.50		None	Not Awarded

Grand Total: \$ 4,505,989.05

**COMMUNITY DEVELOPMENT DEPARTMENT
PROGRESS REPORT
FISCAL YEAR 10/01/2022-09/30/2023**

Item 9.

PROGRESS REPORT CDBG		MARCH, 2023 UNOFFICIAL				
AGENCY / DEPARTMENT / DESCRIPTION / BUDGET	MONTHLY EXPENDITURE	ACCOMPLISHMENT		YEAR TO DATE	%	BALANCE
AMIGOS DEL VALLE - MEALS	\$2,214.27	Agency submitted Feb request and monthly report; provided services to 22 homebound seniors		\$11,395.26	56.98%	\$8,604.74
\$20,000.00						
Funds will be utilized to provide meals to homebound seniors.						
AREA AGENCY ON AGING	\$1,197.38	Agency submitted Jan & Feb request and monthly report; serving 4 participants		\$1,197.38	39.91%	\$1,802.62
\$3,000.00						
Funds will be utilized to provide assist seniors with minor repairs/modifications and medical supplies.						
CASA OF HIDALGO COUNTY, INC.	\$0.00	Agency serving participants; monthly reports have been submitted		\$0.00	0.00%	\$1,000.00
\$1,000.00						
Funds will be utilized for expenses generated in advocating for abused and neglected children.						
CHILDREN'S ADVOCACY CENTER	\$94.66	Agency submitted Feb request and monthly report; exhausted funds; serving 36 participants		\$5,000.00	100.00%	\$0.00
\$5,000.00						
Funds will be utilized to provide counseling services for abused/neglected children and their families.						
EASTER SEALS SOCIETY	\$0.00	Agency screening eligible participants; request and monthly reports submitted		\$0.00	0.00%	\$3,000.00
\$3,000.00						
Funds will be utilized to provide rehab therapy, occupation, physical and speech therapy.						
SILVER RIBBON	\$0.00	Agency submitted Feb requests and monthly reports; serving 6 participants		\$764.16	25.47%	\$2,235.84
\$3,000.00						
Funds will be utilized to provide assistance with rent, rent deposits, utilities, utility deposits, medications, physician/medical visits, eyeglasses, durable medical equipment.						
C.A.M.P. UNIVERSITY	\$765.85	Agency submitted Feb request and monthly report; exhausted funds; serving 4 participants		\$3,000.00	100.00%	\$0.00
\$3,000.00						
Funds will be utilized to provide day habilitation providing life skills for adults with special needs.						
HOPE MEDICAL SERVICES	\$1,271.00	Agency submitted Mar request and monthly report; serving 22 participants		\$1,640.00	54.67%	\$1,360.00
\$3,000.00						
Funds will be utilized to provide medical services to uninsured and/or low income residents.						
COMFORT HOUSE	\$0.00	Agency exhausted funds continues to serve applicants; serve 3 participants		\$3,000.00	100.00%	\$0.00
\$3,000.00						
Funds will be utilized to provide twenty-four hour palliative care to patients who have a prognosis of four months or less to live.						
HOUSING ASSISTANCE PROGRAM						
REHABILITATION	\$0.00	Staff recertifying next applicants to be assisted.		\$23,000.00	46.00%	\$27,000.00
\$50,000.00						
RECONSTRUCTION	\$8,950.00	Processed invoice for one project - 10% retainage payment at 100% complete		\$345,884.55	32.81%	\$708,478.45
\$1,054,363.00						
HOUSING ADMINISTRATION FY 22-23	\$11,875.96	Oversight of the HAP		\$52,650.61	45.72%	\$62,516.39
\$115,167.00						
PROGRAM ADMINISTRATION FY 22-23	\$17,244.22	Oversight of the CDBG program		\$83,673.04	45.68%	\$99,493.96
\$183,167.00						
\$1,446,697.00	\$43,613.34			\$531,205.00	36.72%	\$915,492.00
	Community Development Department CDBG / HOUSING					
	New Applicants (HAP)	Agencies/Contractor:	Departments:	# of referrals to other agencies/departments:	Walk-ins	
	2	5	8	6	41	
	New Applicants (EAP)	Re-certifications:	Previously Assisted:	Incoming Calls:	Appointments	
	2	12	15	85	9	

**COMMUNITY DEVELOPMENT DEPARTMENT
PROGRESS REPORT CV AND CV-3
FISCAL YEAR 2022-2023 (FUNDING THRU 06/2026)
(80% SPENT BY JULY, 2023)**

PROGRESS REPORT CV		MARCH, 2023 UNOFFICIAL			
AGENCY / DEPARTMENT / DESCRIPTION / BUDGET	MONTHLY EXPENDITURE	ACCOMPLISHMENT	YEAR TO DATE	%	BALANCE
AMIGOS DEL VALLE - MEALS					
\$77,692.00					
Funds will be utilized to assist seniors affected by COVID-19 and expand services for weekend deliveries and/or drive-thru meal pickup due to social distancing.	\$4,950.00	Agency submitted February request and monthly report; serving 48 participants.	\$20,572.20	26.48%	\$57,119.80
EMERGENCY ASSISTANCE PROGRAM					
\$100,099.56					
Funds will be utilized to assist residents affected by COVID 19 with rent/mortgage and utility assistance.	\$1,580.77	Staff continues to process applications and assisted 2 participants.	\$54,376.11	54.32%	\$45,723.45
PROGRAM ADMINISTRATION					
\$13,448.37					
	\$1,947.39	Oversight expense of the EAP Program; Intake clerk coordinating events for the program	\$4,127.84	30.69%	\$9,320.53
AFFORDABLE HOMES OF SOUTH TEXAS CV3					
\$142,548.26					
Funds will be utilized to provide rent and mortgage assistance to residents that have been affected by the pandemic COVID-19.	\$22,708.85	Agency submitted Jan & Feb request and monthly report, serving 23 participants.	\$60,404.39	42.37%	\$82,143.87
FOOD BANK OF RGV CV3					
\$33,389.67					
Funds will be utilized to purchase food items for distribution of food baskets/boxes to individuals/families affected by COVID-19.	\$0.00	Agency has not submitted monthly request and report; serving 389 participants	\$8,343.84	24.99%	\$25,045.83
MISSION FIRE DEPARTMENT CV3					
\$100,477.74					
Funds will be utilized to purchase equipment for emergency use at the shelter during declared disasters to serve the community affected by COVID19	\$0.00	Staff solicit bids for two solar video message boards	\$0.00	0.00%	\$100,477.74
\$467,655.60	\$31,187.01		\$147,824.38	31.61%	\$319,831.22



**BOYS & GIRLS CLUB
OF MISSION**

Item 9.

Directors Report March 2023

- **Programs**
 - BGCM has begun preparations for Summer Program –
IMAGINE:Free Your Mind will be our theme. It will be based on our member suggestions and imaginations and adhere to BGCA Programming
 - BGCM will employ 35 part time summer employees
 - Food program has been confirmed with MCISD for Main Unit and CWV and SISD for Bannworth Unit
 - BGCM hosted MCSID and SISD Students during their spring break vacation.
- **Athletics**
 - BGCM began baseball program with over 700 members participating
 - BGCM began research into upcoming athletic leagues and will begin conducting summer leagues and tournaments as interest warrants
 - Working on year round sports calendar
 - BGCM began a digital inventory system that will ensure equipment for all sports is kept usable and will cut cost
- **General**
 - BGCM Attended BGCA Texas Alliance State Summit in Austin
 - BGCM was awarded an endowment from Amazon sponsored by State Rep Terry Canales. BGCM has received first installment of \$2500 which will ultimately be up to \$20,000
 - Director continued training as a BGCA Tier 1 trainer which will allow him to learn from the top level trainers at national headquarters and pass knowledge to staff across the region.



Information Technology

Departmental Report April 2023

Information Technology Department Overview

In partnership with other City of Mission departments, Information Technology's focus is to maintain core technologies; plan for technology evolution; promote centralized data storage and reporting; consolidate business operations on standardized applications; provide effective communication tools; and enhance local area network (LAN) and mobile connectivity in the most efficient, team oriented, and fiscally responsible manner so that City of Mission residents, businesses and visitors receive the best service possible.

Patrol Unit Modems

Replace end of life modems on all patrol units. 100% Complete

Patrol Unit Dash Cams

Replace end of life dash cam systems on patrol units. Purchase has been made. Pending arrival of equipment. 30% Complete

Patch Management and Remote Assistance

Purchased patch management software and remote assistance. 100 % Complete

Update all Nodes

Install Patch Management, update antivirus, update applications on all systems. 50% Complete

PD and Fire Security and Surveillance Cameras

Replace end of life security cameras and server at PD and Fire. 80% Complete

New Public Safety Building

Install door access control, security cameras, wireless access points, data cables, phones, and multimedia. 10% Complete

PD Network

Configure network to make it more efficient and secure. Implementation phase of the project. 98% Complete

Replace end of Life Computers

Purchasing computers to replace end of life computers that pose a security risk. Implementation phase of the project. 98% Complete

VOIP Telephone System

Purchasing city wide enterprise VOIP telephone system to replace current end of life system to include PD. City departments 100% complete. PD scheduled for End of May

Disaster Recovery

Purchasing servers, storage and firewall to create disaster recovery site. Implementation phase of the project. Firewall Complete. Pending switches on back order. 97% Complete

Cyber Security

Purchasing process for 24X7 SOC monitoring service and patch management system. Implementation phase of the project. 99% Complete



RIO GRANDE VALLEY STATE VETERANS CEMETERY

MONTHLY REPORT

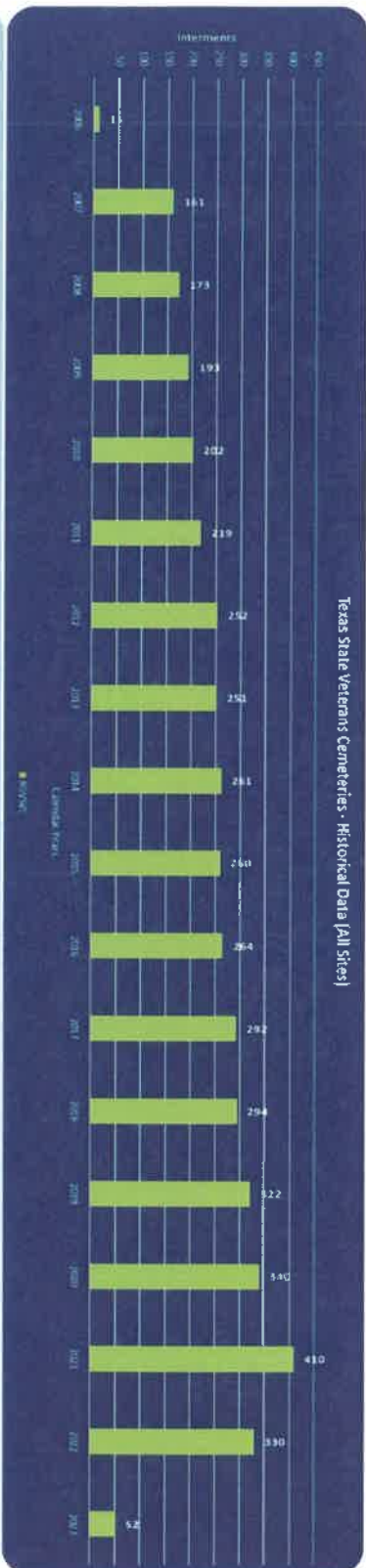


RGV State Veterans Cemetery
2520 South Inspiration Road • Mission, Texas 78572
Office: (956) 583-7227 • Fax: (956) 508-5211



Interments April 2023

April 2023	Standard	Double-Depth	Columbarium Wall	In-ground	Scatter Garden	Disinterment	Total
Veterans	2	6	3	1			12
Spouse		1	1				2
Dependents							
Totals	2	7	4	1			14





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Daily Activity									
Apr-23	# of Service Today	Services Scheduled		Actual Number of Burials Y-T-D	15				
		For the Month	For The YTD		16				
1					17	1	6	91	90
2					18	0	8	93	90
3	0	1	86	85	19	1	10	95	91
4	1	2	87	86	20	0	11	96	91
5	2	3	88	88	21	3	13	98	94
6	0	3	88	88	22				
7	0	3	88	88	23				
8					24	0	13	98	94
9					25	0	13	98	94
10	0	3	88	88	26	2	13	98	96
11	0	3	88	88	27	2	14	99	98
12	0	5	90	88	28	1	14	99	99
13	0	6	91	88	29				
14	1	6	91	89	30				



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Completed Projects:

Columbarium B Site:
Memorial Walls:
Grave Locator Kiosk Management
Repair on Pipe Line: United Irrigation
New Golf Cart 6pk delivered

Ongoing Projects:

VA Grant Applications Pending:
Administration Building Roofing Replacement
Installation of Automatic and Remotely Controlled Entry Gate
Public Water Fountains Installed Throughout Grounds
Remotely Controlled Public Digital Display Board for Schedules
and Events

VLB Funded (In-Progress)

Re-alignment on 1,000 Flat Marker/ Headstone

VLB Funded (Pending)


Addition of New Space Force Military Branch of Service Seal and Flag in
Assembly Area
Casket Transport Vehicle Hearse (Flat)
Automatic Gate

VLB Funded (Approved)

Bobcat Tool Cat UW56
Wheeled Dumper Truck

MEMORANDUM

TO: MAYOR AND CITY COUNCIL
THROUGH: RANDY PEREZ, CITY MANAGER
FROM: JESSE LERMA, CIVIL SERVICE DIRECTOR
SUBJECT: CIVIL SERVICE REPORT, APRIL 2023
DATE: MAY 1, 2022



1. Civil Service Commission met and approved entry level examination for the Mission Fire Department for June 15, 2023
2. Mission Police Department has nine (9) openings and working on filling those positions.
3. Mission Fire Department is fully staffed, pending DC's promotional examination set for May 28, 2023.

Thank you!

MEMORANDUM

TO: MAYOR AND CITY COUNCIL
THROUGH: RANDY PEREZ, CITY MANAGER
FROM: JESSE LERMA, 311 COORDINATOR/CIVIL SERVICE DIRECTOR
SUBJECT: 311 REPORT, APRIL 2023
DATE: MAY 1, 2023

We have a total of 172 submission for April of 2023 with a total of 2825 since we began. The system is fully functional and very user friendly. We are able to customize the system to meet the needs of our daily operations. Our staff has bought into the system and working on improvements every day. We are able to find problematic areas using the system and it allows for us to attend to the needs of those areas in a timely manner. We try to contact as many residents as possible and are getting feedback from them to improve the system.

Thank you!

Topic Counts of Opened Requests
For Date Period From 04/01/2023 Through 04/30/2023

Item 9.

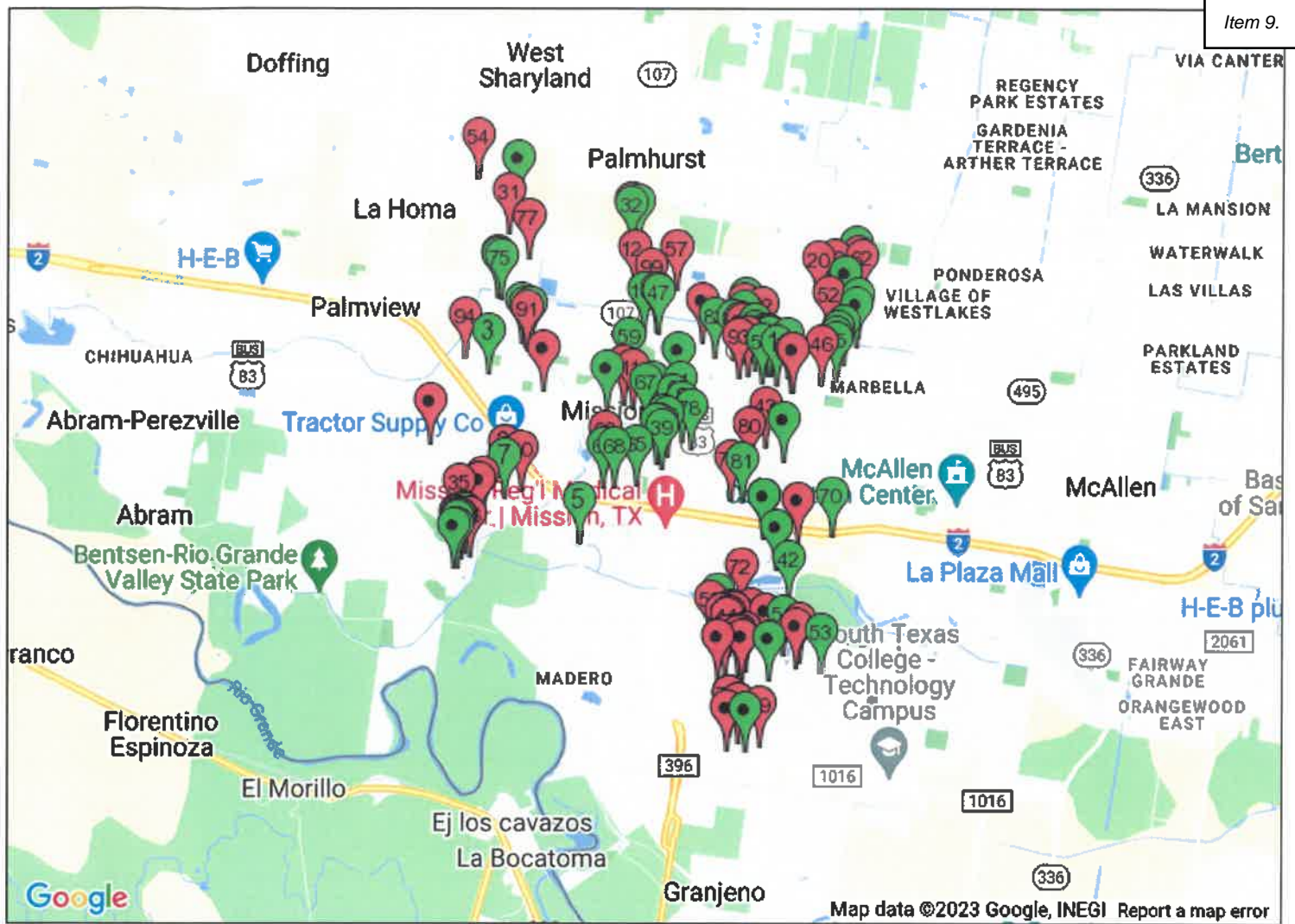
Topic	Count
Health	
Animal Control	15
Mosquitoes	18
Total - Health	33
Obstructions -Tree/Branches	
MOWING	4
Total - Obstructions -Tree/Branches	4
Parks & Rec	
Graffiti	0
Mowing	0
Parks	3
Restrooms	0
Right of way (mowing)	0
Trails	0
Total - Parks & Rec	3
Planning	
Construction Concerns	1
Dilapidated Home/Structure	0
Garage Sales	0
Health & Sanitation	3
Illegal Dumping	1
Junked Vehicle on private property	1
Sewer Concerns	6
Unsafe Building	0
Weedy Lot	11
Total - Planning	23
Police Department	
Illegal Parking	9
Total - Police Department	9
Public Works	
Flooded area/Roadway and streets	3
Foul smell	3
Junk Vehicle	2
Lift Station	0
Low Water Pressure	3
Obstruction-Trees/Branches	11
Pot Holes	31
Side Walk	1
Street Light	12
Streets/Signs	8
Tires	0
Traffic Signals	3
Water Leaks	4
Total - Public Works	81
Sanitation	
Brush	13
Bulky Items	2
Garbage	2
Trash	2
Total - Sanitation	19
All Topics	
Total All Topics	117

Request #	Topic	Status	Date Entered	Expected Close	Assigned To	Description
2724	Junk Vehicle	Closed	04/01/2023		Villarreal, Yvette	1705 primrose ave. vehicles and trailer...
2725	Pot Holes	Closed	04/02/2023		Hernandez, Baldo	TWO POTHOLE
2726	Pot Holes	Closed	04/02/2023		Hernandez, Baldo	Photo attached
2727	Pot Holes	Closed	04/02/2023		Hernandez, Baldo	Just West of intersection of 22nd & Stewart...
2728	Foul smell	Open	04/02/2023	04/17/2023	Diaz, Gabriel	foul rotten smell at pick up and drop off
2729	Sewer Concerns	Open	04/02/2023	04/12/2023	cantu, omar	trash from the rains causing culverts to be...
2730	Pot Holes	Closed	04/03/2023		Hernandez, Baldo	Photo attached
2731	Mosquitoes	Closed	04/04/2023		acevedo, Yahaira	please start spraying, our backyard got...
2732	Brush	Closed	04/04/2023		Mendiola, Roel	Photo attached
2733	Animal Control	Open	04/04/2023	04/19/2023	Garza, Griselda	dead possum
2734	Weedy Lot	Closed	04/04/2023		Villarreal, Yvette	Photo attached
2735	Illegal Dumping	Closed	04/04/2023		Villarreal, Yvette	Illegal dumping. See photos for reference.
2736	Streets/Signs	Open	04/04/2023	04/14/2023	Diaz, Gabriel	Request to have Speed Limit and Do Not Pass...
2737	Animal Control	Closed	04/05/2023		Garza, Griselda	loose no tags.. try to bite my wife and...
2738	Weedy Lot	Closed	04/05/2023		Villarreal, Yvette	i dont know why this section is never cut...
2739	Brush	Closed	04/05/2023		Mendiola, Roel	Photo attached
2741	Brush	Closed	04/06/2023		Pena, Yaritza	brush is in way of fire hydrant
2742	Animal Control	Open	04/06/2023	04/21/2023	Garza, Griselda	My neighbor at 319 E 11th has two dogs who...
2743	Health & Sanitation	Closed	04/07/2023		Villarreal, Yvette	Trash was not picked up.
2745	Street Light	Open	04/07/2023	04/12/2023	acevedo, Yahaira	Oblate park corner decorative lights on 11th...
2747	Pot Holes	Closed	04/08/2023		Hernandez, Baldo	starting to create a hole in front of our...
2748	Weedy Lot	Closed	04/09/2023		Villarreal, Yvette	high weeds and thistle type bushes with bad...
2749	Streets/Signs	Closed	04/09/2023		Diaz, Gabriel	palm tree growing in street pavement corner...
2750	Pot Holes	Closed	04/09/2023		Hernandez, Baldo	South side of intersection of Griffin Parkway...
2751	Pot Holes	Closed	04/09/2023		Hernandez, Baldo	just South of intersection of E. 24th &...
2752	Pot Holes	Open	04/09/2023	04/14/2023	Hernandez, Baldo	on South bound lane in front of St. Peter &...
2753	Pot Holes	Closed	04/09/2023		Hernandez, Baldo	W 18th & Los Ebanos
2754	Pot Holes	Closed	04/10/2023		Hernandez, Baldo	2nd request your staff did not cover up this...
2755	Pot Holes	Closed	04/10/2023		Hernandez, Baldo	2nd request. this area is now worse then...
2756	Pot Holes	Closed	04/10/2023		Hernandez, Baldo	2nd request, your staff forgot to cover the...
2757	Pot Holes	Closed	04/10/2023		Hernandez, Baldo	pot hole starting out on Francisco
2758	Pot Holes	Closed	04/10/2023		Hernandez, Baldo	pot hole starting out on the intersection of...
2759	Weedy Lot	Closed	04/10/2023		Villarreal, Yvette	grass is well over a foot tall in this yard
2761	Pot Holes	Open	04/10/2023	04/15/2023	Hernandez, Baldo	potholes
2762	Pot Holes	Closed	04/10/2023		Hernandez, Baldo	entrance of neighborhood
2763	MOWING	Closed	04/10/2023		Diaz, Gabriel	very tall grass and some alley overgrowth in...
2764	Animal Control	Open	04/11/2023	04/26/2023	Garza, Griselda	2 dead possums on Los Milagros
2765	Street Light	Closed	04/11/2023		acevedo, Yahaira	Turn left arrow takes too long to turn green...
2766	Sewer Concerns	Closed	04/11/2023		cantu, omar	smells like sewer backup
2767	Pot Holes	Closed	04/11/2023		Hernandez, Baldo	can you all notify the property owner about...
2768	MOWING	Closed	04/12/2023		Diaz, Gabriel	edging is full of grass
2769	Animal Control	Open	04/12/2023	04/27/2023	Garza, Griselda	this dog was front of my house this afternoon...
2770	Mosquitoes	Open	04/12/2023	04/27/2023	Zamora, Jennifer	please come by and spray mosquitoes are...
2771	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora, Jennifer	alot of mosquitoes
2772	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora, Jennifer	mosquito problem
2773	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora, Jennifer	Mosquitoes are attacking as soon as you get...
2775	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora, Jennifer	mosquitoes have been bad this couple of days
2776	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora, Jennifer	A lot of mosquitoes everywhere constantly...
2777	Obstruction-Trees/Branches	Open	04/13/2023	04/18/2023	Diaz, Gabriel	over grown tree obstructing light from city...
2778	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora, Jennifer	Mosquitoes are really bad in our area due to...
2779	Animal Control	Closed	04/13/2023		Garza, Griselda	alot of Stray cats everywhere
2780	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora, Jennifer	mosquitos are really bad, especially with the...
2781	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora, Jennifer	Excessive Mosquitoes- neighborhood needs to...
2782	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora, Jennifer	spray for mosquitoes needed
2783	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora, Jennifer	mosquitos have been attacking us as soon as...
2784	Pot Holes	Closed	04/14/2023		Hernandez, Baldo	Photo attached
2785	Pot Holes	Closed	04/14/2023		Hernandez, Baldo	Photo attached
2786	Pot Holes	Closed	04/14/2023		Hernandez, Baldo	Photo attached
2787	Pot Holes	Closed	04/14/2023		Hernandez, Baldo	don't have a photo of this one, but it's...
2788	Mosquitoes	Open	04/14/2023	04/29/2023	Zamora, Jennifer	mosquitoes are very bad here
2789	Mosquitoes	Open	04/14/2023	04/29/2023	Zamora, Jennifer	spray for mosquitos
2790	Bulky Items	Closed	04/14/2023		Pena, Yaritza	Mattress has been sitting in the yard for a...
2791	Pot Holes	Closed	04/14/2023		Hernandez, Baldo	pot hole between Dora Jeanne and Melinda on...
2792	MOWING	Open	04/14/2023	04/19/2023	Diaz, Gabriel	Ever since the property at Meadow Creek has...
2793	Mosquitoes	Open	04/14/2023	04/29/2023	Zamora, Jennifer	excessive mosquitoes
2795	Brush	Closed	04/15/2023		Pena, Yaritza	Photo attached
2796	Animal Control	Open	04/15/2023	04/30/2023	Garza, Griselda	this dogs from 1709 Merlin
2797	Pot Holes	Closed	04/15/2023		Hernandez, Baldo	Photo attached

Request #	Topic	Status	Date Entered	Expected Close	Assigned To	Description	Item 9.
2798	Junked Vehicle on private property	Closed	04/16/2023		Villarreal,Yvette	This house has numerous concerns with four...	
2799	Pot Holes	Closed	04/16/2023		Hernandez,Baldo	Two potholes on intersection of 22nd &...	
2800	Mosquitoes	Open	04/16/2023	05/01/2023	Zamora,Jennifer	Lots of mosquitoes in Los Milagros...	
2801	Brush	Open	04/16/2023	04/26/2023	Pena,Yaritza	Need brush pickup please	
2802	Street Light	Open	04/16/2023	04/21/2023	acevedo,Yahaira	the light of the light post is out. need a...	
2803	Street Light	Open	04/16/2023	04/21/2023	acevedo,Yahaira	we need a light	
2804	Construction Concerns	Closed	04/17/2023		Villarreal,Yvette	backyard patio is to close to my fence, this...	
2805	Brush	Closed	04/17/2023		Pena,Yaritza	Photo attached	
2806	Pot Holes	Closed	04/17/2023		Hernandez,Baldo	1210 Matamoros St.	
2809	Brush	Closed	04/18/2023		Pena,Yaritza	Photo attached	
2810	Junk Vehicle	Closed	04/18/2023		Villarreal,Yvette	Photo attached	
2811	Pot Holes	Closed	04/18/2023		Hernandez,Baldo	There are several pot holes on Grapefruit Dr...	
2812	Traffic Signals	Closed	04/19/2023		Diaz,Gabriel	two mile and Conway traffic signal light....	
2813	Weedy Lot	Closed	04/19/2023		Villarreal,Yvette	next to 2100 Crystal Drive	
2814	Weedy Lot	Closed	04/19/2023		Villarreal,Yvette	behind 2100 Crystal drive	
2815	Pot Holes	Closed	04/19/2023		Hernandez,Baldo	pot holes need to be fixed/filled down 495....	
2816	Traffic Signals	Closed	04/19/2023		Diaz,Gabriel	southbound Shary Rd traffic light at Los...	
2817	Health & Sanitation	Closed	04/19/2023		Villarreal,Yvette	2nd request to have the owner clean the...	
2818	Mosquitoes	Open	04/19/2023	05/04/2023	Zamora,Jennifer	mosquito spraying needs to be done throughout...	
2819	Animal Control	Open	04/19/2023	05/04/2023	Garza,Griselda	Please have dead cat picked up in front of...	
2820	Pot Holes	Closed	04/20/2023		Hernandez,Baldo	a sink hole	
2821	Foul smell	Closed	04/20/2023		Diaz,Gabriel	water of shower, sink, and toilet smells bad,...	
2822	Animal Control	Open	04/21/2023	05/06/2023	Garza,Griselda	loose dog	
2823	Flooded area/Roadway and streets	Closed	04/21/2023		Diaz,Gabriel	2100 East 19th st Mission, Tx 78572	
2824	Obstruction-Trees/Branches	Open	04/21/2023	04/26/2023	Diaz,Gabriel	there are the tree branches on the line there...	
2825	Street Light	Open	04/21/2023	04/26/2023	acevedo,Yahaira	we got a light down....	
2826	Obstruction-Trees/Branches	Closed	04/21/2023		Diaz,Gabriel	fallen tree branch in alley way behind Rent a...	
2827	Water Leaks	Closed	04/21/2023		cantu,omar	Water leaking from water meter. unable to get...	
2828	Trash	Closed	04/21/2023		Pena,Yaritza	se robaron el contenedor de basura, me pueden...	
2829	Water Leaks	Closed	04/21/2023		cantu,omar	water leak in neighbor house	
2830	Garbage	Closed	04/22/2023		Martinez,Roman	this is a test	
2831	Obstruction-Trees/Branches	Closed	04/22/2023		Diaz,Gabriel	this is a test	

Request #	Topic	Status	Date Entered	Expected Close	Assigned To	Description	Item 9.
2724	Junk Vehicle	Closed	04/01/2023		Villarreal,Yvette	1705 primrose ave. vehicles and trailer...	
2725	Pot Holes	Closed	04/02/2023		Hernandez,Baldo	TWO POTHOLE	
2726	Pot Holes	Closed	04/02/2023		Hernandez,Baldo	Photo attached	
2727	Pot Holes	Closed	04/02/2023		Hernandez,Baldo	Just West of intersection of 22nd & Stewart...	
2728	Foul smell	Open	04/02/2023	04/17/2023	Diaz,Gabriel	foul rotten smell at pick up and drop off	
2729	Sewer Concerns	Open	04/02/2023	04/12/2023	cantu,omar	trash from the rains causing culverts to be...	
2730	Pot Holes	Closed	04/03/2023		Hernandez,Baldo	Photo attached	
2731	Mosquitoes	Closed	04/04/2023		acevedo,Yahaira	please start spraying, our backyard got...	
2732	Brush	Closed	04/04/2023		Mendiola,Roel	Photo attached	
2733	Animal Control	Open	04/04/2023	04/19/2023	Garza,Griselda	dead possum	
2734	Weedy Lot	Closed	04/04/2023		Villarreal,Yvette	Photo attached	
2735	Illegal Dumping	Closed	04/04/2023		Villarreal,Yvette	Illegal dumping. See photos for reference.	
2736	Streets/Signs	Open	04/04/2023	04/14/2023	Diaz,Gabriel	Request to have Speed Limit and Do Not Pass...	
2737	Animal Control	Closed	04/05/2023		Garza,Griselda	loose no tags.. try to bite my wife and...	
2738	Weedy Lot	Closed	04/05/2023		Villarreal,Yvette	I dont know why this section is never cut...	
2739	Brush	Closed	04/05/2023		Mendiola,Roel	Photo attached	
2741	Brush	Closed	04/06/2023		Pena,Yaritza	brush is in way of fire hydrant	
2742	Animal Control	Open	04/06/2023	04/21/2023	Garza,Griselda	My neighbor at 319 E 11th has two dogs who...	
2743	Health & Sanitation	Closed	04/07/2023		Villarreal,Yvette	Trash was not picked up.	
2745	Street Light	Open	04/07/2023	04/12/2023	acevedo,Yahaira	Oblate park corner decorative lights on 11th...	
2747	Pot Holes	Closed	04/08/2023		Hernandez,Baldo	starting to create a hole in front of our...	
2748	Weedy Lot	Closed	04/09/2023		Villarreal,Yvette	high weeds and thistle type bushes with bad...	
2749	Streets/Signs	Closed	04/09/2023		Diaz,Gabriel	palm tree growing in street pavement corner...	
2750	Pot Holes	Closed	04/09/2023		Hernandez,Baldo	South side of intersection of Griffin Parkway...	
2751	Pot Holes	Closed	04/09/2023		Hernandez,Baldo	just South of intersection of E. 24th &...	
2752	Pot Holes	Open	04/09/2023	04/14/2023	Hernandez,Baldo	on South bound lane in front of St.Peter &...	
2753	Pot Holes	Closed	04/09/2023		Hernandez,Baldo	W 18th & Los Ébanos	
2754	Pot Holes	Closed	04/10/2023		Hernandez,Baldo	2nd request your staff did not cover up this...	
2755	Pot Holes	Closed	04/10/2023		Hernandez,Baldo	2nd request. this area is now worse then...	
2756	Pot Holes	Closed	04/10/2023		Hernandez,Baldo	2nd request, your staff forgot to cover the...	
2757	Pot Holes	Closed	04/10/2023		Hernandez,Baldo	pot hole starting out on Francisco	
2758	Pot Holes	Closed	04/10/2023		Hernandez,Baldo	pot hole starting out on the intersection of...	
2759	Weedy Lot	Closed	04/10/2023		Villarreal,Yvette	grass is well over a foot tall in this yard	
2761	Pot Holes	Open	04/10/2023	04/15/2023	Hernandez,Baldo	potholes	
2762	Pot Holes	Closed	04/10/2023		Hernandez,Baldo	entrance of neighborhood	
2763	MOWING	Closed	04/10/2023		Diaz,Gabriel	very tall grass and some alley overgrowth in...	
2764	Animal Control	Open	04/11/2023	04/26/2023	Garza,Griselda	2 dead possums on Los Milagros	
2765	Street Light	Closed	04/11/2023		acevedo,Yahaira	Turn left arrow takes too long to turn green...	
2766	Sewer Concerns	Closed	04/11/2023		cantu,omar	smells like sewer backup	
2767	Pot Holes	Closed	04/11/2023		Hernandez,Baldo	can you all notify the property owner about...	
2768	MOWING	Closed	04/12/2023		Diaz,Gabriel	edging is full of grass	
2769	Animal Control	Open	04/12/2023	04/27/2023	Garza,Griselda	this dog was front of my house this afternoon...	
2770	Mosquitoes	Open	04/12/2023	04/27/2023	Zamora,Jennifer	please come by and spray mosquitoes are...	
2771	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora,Jennifer	alot of mosquitoes	
2772	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora,Jennifer	mosquito problem	
2773	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora,Jennifer	Mosquitoes are attacking as soon as you get...	
2775	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora,Jennifer	mosquitoes have been bad this couple of days	
2776	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora,Jennifer	A lot of mosquitoes everywhere constantly...	
2777	Obstruction-Trees/Branches	Open	04/13/2023	04/18/2023	Diaz,Gabriel	over grown tree obstructing light from city...	
2778	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora,Jennifer	Mosquitoes are really bad in our area due to...	
2779	Animal Control	Closed	04/13/2023		Garza,Griselda	alot of Stray cats everywhere	
2780	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora,Jennifer	mosquitos are really bad, especially with the...	
2781	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora,Jennifer	Excessive Mosquitoes- neighborhood needs to...	
2782	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora,Jennifer	spray for mosquitoes needed	
2783	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora,Jennifer	mosquitos have been attacking us as soon as...	
2784	Pot Holes	Closed	04/14/2023		Hernandez,Baldo	Photo attached	
2785	Pot Holes	Closed	04/14/2023		Hernandez,Baldo	Photo attached	
2786	Pot Holes	Closed	04/14/2023		Hernandez,Baldo	Photo attached	
2787	Pot Holes	Closed	04/14/2023		Hernandez,Baldo	don't have a photo of this one, but it's...	
2788	Mosquitoes	Open	04/14/2023	04/29/2023	Zamora,Jennifer	mosquitoes are very bad here	
2789	Mosquitoes	Open	04/14/2023	04/29/2023	Zamora,Jennifer	spray for mosquitos	
2790	Bulky Items	Closed	04/14/2023		Pena,Yaritza	Mattress has been sitting in the yard for a...	
2791	Pot Holes	Closed	04/14/2023		Hernandez,Baldo	pot hole between Dora jeanne and Melinda on...	
2792	MOWING	Open	04/14/2023	04/19/2023	Diaz,Gabriel	Ever since the property at Meadow Creek has...	
2793	Mosquitoes	Open	04/14/2023	04/29/2023	Zamora,Jennifer	excessive mosquitoes	
2795	Brush	Closed	04/15/2023		Pena,Yaritza	Photo attached	
2796	Animal Control	Open	04/15/2023	04/30/2023	Garza,Griselda	this dogs from 1709 Merlin	
2797	Pot Holes	Closed	04/15/2023		Hernandez,Baldo	Photo attached	

Request #	Topic	Status	Date Entered	Expected Close	Assigned To	Description	Item 9.
2798	Junked Vehicle on private property	Closed	04/16/2023		Villarreal,Yvette	This house has numerous concerns with four...	
2799	Pot Holes	Closed	04/16/2023		Hernandez,Baldo	Two potholes on intersection of 22nd &...	
2800	Mosquitoes	Open	04/16/2023	05/01/2023	Zamora,Jennifer	Lots of mosquitoes in Los Milagros...	
2801	Brush	Open	04/16/2023	04/26/2023	Pena,Yaritza	Need brush pickup please	
2802	Street Light	Open	04/16/2023	04/21/2023	acevedo,Yahaira	the light of the light post is out. need a...	
2803	Street Light	Open	04/16/2023	04/21/2023	acevedo,Yahaira	we need a light	
2804	Construction Concerns	Closed	04/17/2023		Villarreal,Yvette	backyard patio is to close to my fence, this...	
2805	Brush	Closed	04/17/2023		Pena,Yaritza	Photo attached	
2806	Pot Holes	Closed	04/17/2023		Hernandez,Baldo	1210 Matamoros St.	
2809	Brush	Closed	04/18/2023		Pena,Yaritza	Photo attached	
2810	Junk Vehicle	Closed	04/18/2023		Villarreal,Yvette	Photo attached	
2811	Pot Holes	Closed	04/18/2023		Hernandez,Baldo	There are several pot holes on Grapefruit Dr...	
2812	Traffic Signals	Closed	04/19/2023		Diaz,Gabriel	two mile and Conway traffic signal light....	
2813	Weedy Lot	Closed	04/19/2023		Villarreal,Yvette	next to 2100 Crystal Drive	
2814	Weedy Lot	Closed	04/19/2023		Villarreal,Yvette	behind 2100 Crystal drive	
2815	Pot Holes	Closed	04/19/2023		Hernandez,Baldo	pot holes need to be fixed/filled down 495....	
2816	Traffic Signals	Closed	04/19/2023		Diaz,Gabriel	southbound Shary Rd traffic light at Los...	
2817	Health & Sanitation	Closed	04/19/2023		Villarreal,Yvette	2nd request to have the owner clean the...	
2818	Mosquitoes	Open	04/19/2023	05/04/2023	Zamora,Jennifer	mosquito spraying needs to be done throughout...	
2819	Animal Control	Open	04/19/2023	05/04/2023	Garza,Griselda	Please have dead cat picked up in front of...	
2820	Pot Holes	Closed	04/20/2023		Hernandez,Baldo	a sink hole	
2821	Foul smell	Closed	04/20/2023		Diaz,Gabriel	water of shower, sink, and toilet smells bad,...	
2822	Animal Control	Open	04/21/2023	05/06/2023	Garza,Griselda	loose dog	
2823	Flooded area/Roadway and streets	Closed	04/21/2023		Diaz,Gabriel	2100 East 19th st Mission, Tx 78572	
2824	Obstruction-Trees/Branches	Open	04/21/2023	04/26/2023	Diaz,Gabriel	there are the tree branches on the line there...	
2825	Street Light	Open	04/21/2023	04/26/2023	acevedo,Yahaira	we got a light down....	
2826	Obstruction-Trees/Branches	Closed	04/21/2023		Diaz,Gabriel	fallen tree branch in alley way behind Rent a...	
2827	Water Leaks	Closed	04/21/2023		cantu,omar	Water leaking from water meter. unable to get...	
2828	Trash	Closed	04/21/2023		Pena,Yaritza	se robaron el contenedor de basura, me pueden...	
2829	Water Leaks	Closed	04/21/2023		cantu,omar	water leak in neighbor house	
2830	Garbage	Closed	04/22/2023		Martinez,Roman	this is a test	
2831	Obstruction-Trees/Branches	Closed	04/22/2023		Diaz,Gabriel	this is a test	



- 1 1819 Primrose Avenue, Mission
- 2 318 S Los Ebanos Rd, Mission
- 3 1301 West Ray Circle, Mission
- 4 2105 Lake Front Drive, Mission
- 5 1306 South Conway Avenue, Mission
- 6 1201 East 8th Street, Mission
- 7 1410 West F Street, Mission
- 8 701 Bryan Road, Mission
- 9 1505 Rankin Street, Mission
- 10 802 San Angel Street, Mission

- 11 501–599 E 11th St, Mission
- 12 305 E 27th St, Mission
- 13 2104 Diane Dr, Mission
- 14 Meadow Creek in the Valley, Mission
- 15 2100 Crystal Dr, Mission
- 16 1901 Circle Lake Dr, Mission
- 17 1904 Circle Lake Dr, Mission
- 18 2601 San Rodrigo, Mission
- 19 417 E Griffin Pkwy, Mission
- 20 2202 Norma Drive, Mission
- 21 121 Two Mile Line Rd, Mission
- 22 2312 Nicole Dr, Mission
- 23 2503 San Efrain, Mission
- 24 1911 E 21st St, Mission
- 25 1901 E 21st St, Mission
- 26 1919 E 21st St, Mission
- 27 1913 E 21st St, Mission
- 28 1909 E 21st St, Mission
- 29 1610 Merlin Dr, Mission
- 30 403 Bertha Avenue, Mission
- 31 3105 Gabriel Street, Mission
- 32 3080–3098 N Conway Ave, Mission

33 101–135 Two Mile Line Rd, Mission

34 Two Mile Line Rd, Mission

35 Lake View Dr, Mission

36 1908 Meadow Way Dr, Mission

37 2111 Lake Front Dr, Mission

38 500 Palo Blanco Street, Mission

39 1201 East 2nd Street, Mission

40 1113 Sonora Street, Mission

41 1108 Sonora Street, Mission

42 107 Sabine Court, Mission

43 1904 Angus Street, Mission

44 2508 San Efrain, Mission

45 1109 Oblate Avenue, Mission

46 2102 Granite Dr, Mission

47 719 E Griffin Pkwy, Mission

48 713 E Griffin Pkwy, Mission

49 3407 San Angelo St, Mission

50 4206 Santa Olivia Street, Mission

51 Los Milagros Rd, Mission

52 2329 East 25th Street, Mission

53 4302 San Efrain Street, Mission

54 2114 Tiffany Dr, Mission



1707 Jonquil Avenue, Mission



3006 San Angelo Street, Mission



2705 Alameda Cir, Mission



2700 Santa Clara, Mission



1600 Oblate Avenue, Mission



2601 San Efrain, Mission



3102 Forest Court, Mission



3000 Harmony Lane, Mission



100 Ebano Avenue, Mission



3106 Santa Olivia St, Mission



158 South Mayberry Street, Mission



201 Del Mar Street, Mission



801 East U.S. Business 83, Mission



301 Del Mar Street, Mission



901 U.S. 83 Business, Mission



2510 East Interstate Highway 2, Mission



1201 East 9th Street, Mission



819 Rio Grande Dr, Mission



4208 Santa Olivia St, Mission



2407 Beto Drive, Mission



2402 Beto Drive, Mission



2405 Beto Drive, Mission

- 77 1603 Alexa Marie Street, Mission
- 78 1413 East Avalon Drive, Mission
- 79 100 New Orleans St, Mission
- 80 407 San Antonio Avenue, Mission
- 81 101 Quebec Street, Mission
- 82 1306 E 22nd St, Mission
- 83 1501–1505 E 22nd St, Mission
- 84 1515 E 22nd St, Mission
- 85 2284–2298 N Stewart Rd, Mission
- 86 2365–2399 N Stewart Rd, Mission
- 87 2301 N Stewart Rd, Mission
- 88 1600 N Los Ebanos Rd, Mission
- 89 1208 Matamoros St, Mission
- 90 1967–1999 N Stewart Rd, Mission
- 91 1500–1530 W 18th St, Mission
- 92 1709 East 23rd Street, Mission
- 93 1513 Terrace Dr, Mission
- 94 1502 Magdalena Ave, Mission
- 95 2201–2209 Grapefruit, Mission
- 96 2214 Grapefruit, Mission
- 97 2401–2419 Summer Breeze St, Mission
- 98 Hackberry Ave, Mission



603 Thornwood Dr, Mission



2007 Brazos Ct



808 S Shary Rd, Mission, TX 78572, USA



1008 Pamela Dr, Mission



926 N Conway Ave, Mission



2700 San Diego, Mission



3200-3372 Los Milagros Rd, Mission



1509 W 20th St, Mission



2810 Santa Ana Street, Mission



1906 Crystal Dr, Mission



2110 Mauve Ln, Mission



2031 Kelly, Mission



2315 E 28th St, Mission



2408 Harmony Ln, Mission



Santa Sofia Ct, Mission



2020 East 19th Street, Mission



2100 East 19th Street, Mission



3801 San Efrain, Mission



2407 San Lucas, Mission



107 Rio Grande Dr, Mission



1800 Meadow View Drive, Mission



2222 N Bryan Rd, Mission



2208 Lauren Lane, Mission



1811 Meadow View Drive, Mission



2907 San Rodrigo, Mission



3303 Grand Canal Dr, Mission



2702 San Diego, Mission



3104 Santa Susana Cir, Mission



1002 Bowen Dr, Mission



2009 E 21st St, Mission



3106 Santa Olivia Street, Mission



4404 Santa Inez Street, Mission



3002 Los Milagros, Mission



4502 Santa Olivia Street, Mission



2916 Hackberry Ave, Mission



2509 Melody Ct, Mission



1804 E 21st St, Mission



2603 San Diego, Mission



1718 Thompson Rd, Mission



2701 Paseo Encantado, Mission

Request #	Topic	Status	Date Entered	Expected Close	Assigned To	Description
2725	Pot Holes	Closed	04/02/2023		Hernandez,Baldo	TWO POTHOLES
2726	Pot Holes	Closed	04/02/2023		Hernandez,Baldo	Photo attached
2727	Pot Holes	Closed	04/02/2023		Hernandez,Baldo	Just West of intersection of 22nd & Stewart...
2730	Pot Holes	Closed	04/03/2023		Hernandez,Baldo	Photo attached
2747	Pot Holes	Closed	04/08/2023		Hernandez,Baldo	starting to create a hole in front of our...
2750	Pot Holes	Closed	04/09/2023		Hernandez,Baldo	South side of intersection of Griffin Parkway...
2751	Pot Holes	Closed	04/09/2023		Hernandez,Baldo	just South of intersection of E. 24th &...
2752	Pot Holes	Open	04/09/2023	04/14/2023	Hernandez,Baldo	on South bound lane in front of St.Peter &...
2753	Pot Holes	Closed	04/09/2023		Hernandez,Baldo	W 18th & Los Ébanos
2754	Pot Holes	Closed	04/10/2023		Hernandez,Baldo	2nd request your staff did not cover up this...
2755	Pot Holes	Closed	04/10/2023		Hernandez,Baldo	2nd request. this area is now worse then...
2756	Pot Holes	Closed	04/10/2023		Hernandez,Baldo	2nd request, your staff forgot to cover the...
2757	Pot Holes	Closed	04/10/2023		Hernandez,Baldo	pot hole starting out on Francisco
2758	Pot Holes	Closed	04/10/2023		Hernandez,Baldo	pot hole starting out on the intersection of...
2761	Pot Holes	Open	04/10/2023	04/15/2023	Hernandez,Baldo	potholes
2762	Pot Holes	Closed	04/10/2023		Hernandez,Baldo	entrance of neighborhood
2767	Pot Holes	Closed	04/11/2023		Hernandez,Baldo	can you all notify the property owner about...
2784	Pot Holes	Closed	04/14/2023		Hernandez,Baldo	Photo attached
2785	Pot Holes	Closed	04/14/2023		Hernandez,Baldo	Photo attached
2786	Pot Holes	Closed	04/14/2023		Hernandez,Baldo	Photo attached
2787	Pot Holes	Closed	04/14/2023		Hernandez,Baldo	don't have a photo of this one, but it's...
2791	Pot Holes	Closed	04/14/2023		Hernandez,Baldo	pot hole between Dora Jeanne and Melinda on...
2797	Pot Holes	Closed	04/15/2023		Hernandez,Baldo	Photo attached
2799	Pot Holes	Closed	04/16/2023		Hernandez,Baldo	Two potholes on intersection of 22nd &...
2806	Pot Holes	Closed	04/17/2023		Hernandez,Baldo	1210 Matamoros St.
2811	Pot Holes	Closed	04/18/2023		Hernandez,Baldo	There are several pot holes on Grapefruit Dr...
2815	Pot Holes	Closed	04/19/2023		Hernandez,Baldo	pot holes need to be fixed/filled down 495....
2820	Pot Holes	Closed	04/20/2023		Hernandez,Baldo	a sink hole
2853	Pot Holes	Open	04/26/2023	05/01/2023	Hernandez,Baldo	pothole on North bound lane
2858	Pot Holes	Open	04/28/2023	05/03/2023	Hernandez,Baldo	sending pics of the potholes on 18th & Los...
2865	Pot Holes	Open	04/28/2023	05/03/2023	Hernandez,Baldo	pot holes at entrance of neighborhood

Request #	Topic	Status	Date Entered	Expected Close	Assigned To	Description
2734	Weedy Lot	Closed	04/04/2023		Villarreal, Yvette	Photo attached
2738	Weedy Lot	Closed	04/05/2023		Villarreal, Yvette	i dont know why this section is never cut...
2748	Weedy Lot	Closed	04/09/2023		Villarreal, Yvette	high weeds and thistle type bushes with bad...
2759	Weedy Lot	Closed	04/10/2023		Villarreal, Yvette	grass is well over a foot tall in this yard
2813	Weedy Lot	Closed	04/19/2023		Villarreal, Yvette	next to 2100 Crystal Drive
2814	Weedy Lot	Closed	04/19/2023		Villarreal, Yvette	behind 2100 Crystal drive
2845	Weedy Lot	Closed	04/25/2023		Villarreal, Yvette	Tall grass
2860	Weedy Lot	Closed	04/28/2023		Villarreal, Yvette	behind 2100 Crystal Drive tree down and needs...
2861	Weedy Lot	Closed	04/28/2023		Villarreal, Yvette	Grass needs to be cut.
2862	Weedy Lot	Closed	04/28/2023		Villarreal, Yvette	Grass needs to be cut.
2863	Weedy Lot	Closed	04/28/2023		Villarreal, Yvette	Empty lot needs grass to be cut.

Request #	Topic	Status	Date Entered	Expected Close	Assigned To	Description
2734	Weedy Lot	Closed	04/04/2023		Villarreal, Yvette	Photo attached
2738	Weedy Lot	Closed	04/05/2023		Villarreal, Yvette	i dont know why this section is never cut...
2748	Weedy Lot	Closed	04/09/2023		Villarreal, Yvette	high weeds and thistle type bushes with bad...
2759	Weedy Lot	Closed	04/10/2023		Villarreal, Yvette	grass is well over a foot tall in this yard
2813	Weedy Lot	Closed	04/19/2023		Villarreal, Yvette	next to 2100 Crystal Drive
2814	Weedy Lot	Closed	04/19/2023		Villarreal, Yvette	behind 2100 Crystal drive
2845	Weedy Lot	Closed	04/25/2023		Villarreal, Yvette	Tall grass
2860	Weedy Lot	Closed	04/28/2023		Villarreal, Yvette	behind 2100 Crystal Drive tree down and needs...
2861	Weedy Lot	Closed	04/28/2023		Villarreal, Yvette	Grass needs to be cut.
2862	Weedy Lot	Closed	04/28/2023		Villarreal, Yvette	Grass needs to be cut.
2863	Weedy Lot	Closed	04/28/2023		Villarreal, Yvette	Empty lot needs grass to be cut.

Request #	Topic	Status	Date Entered	Expected Close	Assigned To	Description
2731	Mosquitoes	Closed	04/04/2023		acevedo,Yahaira	please start spraying, our backyard got...
2770	Mosquitoes	Open	04/12/2023	04/27/2023	Zamora,Jennifer	please come by and spray mosquitoes are...
2771	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora,Jennifer	allot of mosquitoes
2772	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora,Jennifer	mosquito problem
2773	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora,Jennifer	Mosquitoes are attacking as soon as you get...
2775	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora,Jennifer	mosquitoes have been bad this couple of days
2776	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora,Jennifer	A lot of mosquitoes everywhere constantly...
2778	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora,Jennifer	Mosquitoes are really bad in our area due to...
2780	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora,Jennifer	mosquitos are really bad, especially with the...
2781	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora,Jennifer	Excessive Mosquitoes- neighborhood needs to...
2782	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora,Jennifer	spray for mosquitoes needed
2783	Mosquitoes	Open	04/13/2023	04/28/2023	Zamora,Jennifer	mosquitos have been attacking us as soon as...
2788	Mosquitoes	Open	04/14/2023	04/29/2023	Zamora,Jennifer	mosquitoes are very bad here
2789	Mosquitoes	Open	04/14/2023	04/29/2023	Zamora,Jennifer	spray for mosquitos
2793	Mosquitoes	Open	04/14/2023	04/29/2023	Zamora,Jennifer	excessive mosquitoes
2800	Mosquitoes	Open	04/16/2023	05/01/2023	Zamora,Jennifer	Lots of mosquitoes in Los Milagros...
2818	Mosquitoes	Open	04/19/2023	05/04/2023	Zamora,Jennifer	mosquito spraying needs to be done throughout...
2834	Mosquitoes	Open	04/23/2023	05/08/2023	Zamora,Jennifer	mosquitoes

Request #	Topic	Status	Date Entered	Expected Close	Assigned To	Description
2728	Foul smell	Open	04/02/2023	04/17/2023	Diaz,Gabriel	foul rotten smell at pick up and drop off
2821	Foul smell	Closed	04/20/2023		Diaz,Gabriel	water of shower, sink, and toilet smells bad,...
2849	Foul smell	Closed	04/25/2023		Diaz,Gabriel	heard 1 whack,(cat scream) 2 whack(cat...

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Request #	Topic	Status	Date Entered	Expected Close	Assigned To	Description
2812	Traffic Signals	Closed	04/19/2023		Diaz,Gabriel	two mile and Conway traffic signal light....
2816	Traffic Signals	Closed	04/19/2023		Diaz,Gabriel	southbound Shary Rd traffic light at Los...
2855	Traffic Signals	Open	04/27/2023	05/02/2023	Diaz,Gabriel	Two Mile & Conway. If you want to turn East...

Request #	Topic	Status	Date Entered	Expected Close	Assigned To	Description
2736	Streets/Signs	Open	04/04/2023	04/14/2023	Diaz,Gabriel	Request to have Speed Limit and Do Not Pass...
2749	Streets/Signs	Closed	04/09/2023		Diaz,Gabriel	palm tree growing in street pavement corner...
2870	Streets/Signs	Open	04/29/2023	05/09/2023	Diaz,Gabriel	street sign folded over from heavy storm
2871	Streets/Signs	Open	04/29/2023	05/09/2023	Diaz,Gabriel	stop sign down from storm at circle drive and...
2873	Streets/Signs	Open	04/29/2023	05/09/2023	Diaz,Gabriel	glasscock and San sebastian directional and...
2881	Streets/Signs	Open	04/29/2023	05/09/2023	Diaz,Gabriel	Photo attached
2883	Streets/Signs	Open	04/29/2023	05/09/2023	Diaz,Gabriel	stop sign down
2884	Streets/Signs	Open	04/29/2023	05/09/2023	Diaz,Gabriel	stop sign down

Request #	Topic	Status	Date Entered	Expected Close	Assigned To	Description
2777	Obstruction-Trees/Branches	Open	04/13/2023	04/18/2023	Diaz,Gabriel	over grown tree obstructing light from city...
2824	Obstruction-Trees/Branches	Open	04/21/2023	04/26/2023	Diaz,Gabriel	there are the tree branches on the line there...
2826	Obstruction-Trees/Branches	Closed	04/21/2023		Diaz,Gabriel	fallen tree branch in alley way behind Rent a...
2831	Obstruction-Trees/Branches	Closed	04/22/2023		Diaz,Gabriel	this is a test
2836	Obstruction-Trees/Branches	Closed	04/24/2023		Diaz,Gabriel	Unable to see oncoming traffic due to...
2840	Obstruction-Trees/Branches	Closed	04/25/2023		Diaz,Gabriel	several large branches broken on tree near...
2866	Obstruction-Trees/Branches	Closed	04/29/2023		Diaz,Gabriel	tree is blocking the road and not passable.
2877	Obstruction-Trees/Branches	Open	04/29/2023	05/04/2023	Diaz,Gabriel	Good afternoon. This tree blew over last...
2891	Obstruction-Trees/Branches	Open	04/30/2023	05/05/2023	Diaz,Gabriel	árboles caídos de la tormenta
2892	Obstruction-Trees/Branches	Open	04/30/2023	05/05/2023	Diaz,Gabriel	after effects of the storm clean up
2893	Obstruction-Trees/Branches	Open	04/30/2023	05/05/2023	Diaz,Gabriel	tree branches

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Request #	Topic	Status	Date Entered	Expected Close	Assigned To	Description	Item 9.
2828	Trash	Closed	04/21/2023		Pena,Yaritza	se robaron el contenedor de basura, me pueden...	
2887	Trash	Open	04/29/2023	05/09/2023	Pena,Yaritza	my moms trash can has gone missing since bad...	

Request #	Topic	Status	Date Entered	Expected Close	Assigned To	Description
2844	Low Water Pressure	Closed	04/25/2023		cantu,omar	no water
2850	Low Water Pressure	Closed	04/25/2023		cantu,omar	Our water is looking a little yellow this...
2888	Low Water Pressure	Open	04/30/2023	05/15/2023	cantu,omar	low water pressure and foul smell in water...

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Request #	Topic	Status	Date Entered	Expected Close	Assigned To	Description
2733	Animal Control	Open	04/04/2023	04/19/2023	Garza,Griselda	dead possum
2737	Animal Control	Closed	04/05/2023		Garza,Griselda	loose no tags.. try to bite my wife and...
2742	Animal Control	Open	04/06/2023	04/21/2023	Garza,Griselda	My neighbor at 319 E 11th has two dogs who...
2764	Animal Control	Open	04/11/2023	04/26/2023	Garza,Griselda	2 dead possums on Los Milagros
2769	Animal Control	Open	04/12/2023	04/27/2023	Garza,Griselda	this dog was front of my house this afternoon...
2779	Animal Control	Closed	04/13/2023		Garza,Griselda	alot of Stray cats everywhere
2796	Animal Control	Open	04/15/2023	04/30/2023	Garza,Griselda	this dogs from 1709 Merlln
2819	Animal Control	Open	04/19/2023	05/04/2023	Garza,Griselda	Please have dead cat picked up in front of...
2822	Animal Control	Open	04/21/2023	05/06/2023	Garza,Griselda	loose dog
2838	Animal Control	Open	04/24/2023	05/09/2023	Garza,Griselda	I see the dog coming from 407 Bertha big dog...
2846	Animal Control	Open	04/25/2023	05/10/2023	Garza,Griselda	heard 1 whack,(cat scream) 2 whack(cat...
2847	Animal Control	Closed	04/25/2023		Garza,Griselda	heard 1 whack,(cat scream) 2 whack(cat...
2848	Animal Control	Closed	04/25/2023		Garza,Griselda	heard 1 whack,(cat scream) 2 whack(cat...
2851	Animal Control	Open	04/26/2023	05/11/2023	Garza,Griselda	two identical dogs, have no idea who the...
2864	Animal Control	Open	04/28/2023	05/13/2023	Garza,Griselda	same as previous request a few days back this...

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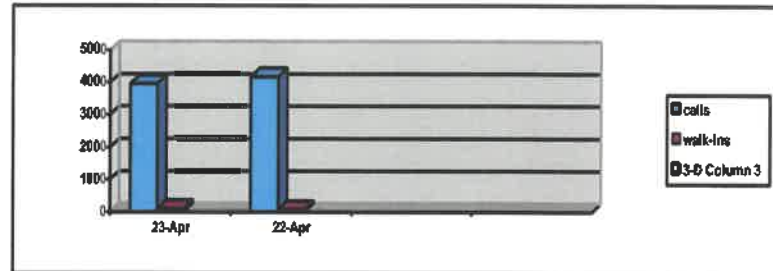
Request #	Topic	Status	Date Entered	Expected Close	Assigned To	Description
2732	Brush	Closed	04/04/2023		Mendiola,Roel	Photo attached
2739	Brush	Closed	04/05/2023		Mendiola,Roel	Photo attached
2741	Brush	Closed	04/06/2023		Pena,Yaritza	brush is in way of fire hydrant
2795	Brush	Closed	04/15/2023		Pena,Yaritza	Photo attached
2801	Brush	Open	04/16/2023	04/26/2023	Pena,Yaritza	Need brush pickup please
2805	Brush	Closed	04/17/2023		Pena,Yaritza	Photo attached
2809	Brush	Closed	04/18/2023		Pena,Yaritza	Photo attached
2832	Brush	Open	04/23/2023	05/03/2023	Pena,Yaritza	Brush on Shary Road and Mulberry (Shary palms...
2856	Brush	Open	04/27/2023	05/07/2023	Pena,Yaritza	Photo attached
2874	Brush	Open	04/29/2023	05/09/2023	Pena,Yaritza	all the bushes fill the drainage
2875	Brush	Open	04/29/2023	05/09/2023	Pena,Yaritza	Photo attached
2885	Brush	Open	04/29/2023	05/09/2023	Pena,Yaritza	my branches fell from storm. please pickup....
2890	Brush	Open	04/30/2023	05/10/2023	Pena,Yaritza	tree fell, we have no other choice to put it...

CITY SECRETARY MONTHLY REPORT APRIL 2023

Reception:

Calls received: 3,958

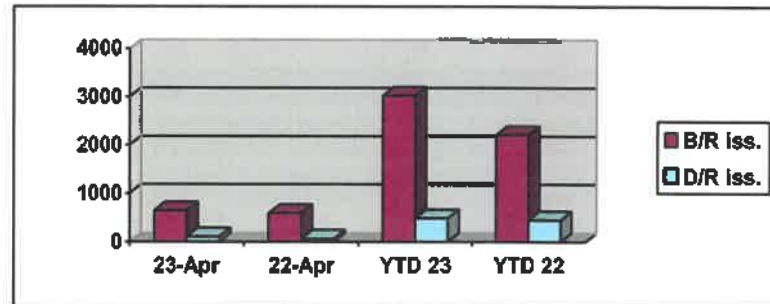
Walk-ins: 95



Vital Statistics:

Birth Records Registered
Birth Records Issued
Death Records Registered
Death Records Issued
Funds Received

Apr-23	Apr-22		YTD 23	YTD 22
126	115		1008	1232
436	432		3455	3032
38	48		312	446
34	39		520	485
\$10,358.00	\$13,722.00		\$ 84,113.00	\$ 90,897.00



Cemetery:

	Laurel Hill	San Jose	Catholic	Baby Sp.	YTD 22/23
Burials:	1	0	4	0	38
Sold Spaces:	0	0	0	0	0

	Laurel Hill	San Jose	Catholic	Baby Sp.	YTD 21/22
Burials:	5	0	4	0	92
Sold Spaces:	0	0	5	0	71



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023

PRESENTED BY: Susana De Luna, Planning Director

AGENDA ITEM: Rezoning: The South 5.4 acres of Lot 38, Bell-Woods Company's Subdivision "C", (AO-I) Agricultural Open Interim to (R-2) Duplex-Fourplex Residential, Raymundo Patricio Platas Merino, and Adoption of Ordinance#_____ - De Luna

NATURE OF REQUEST:

On April 26, 2023, the Planning and Zoning Commission held a Public Hearing to consider the rezoning request. The subject site is located 625' North of W. Mile 2 Road on the West side of Compton Drive. There was public opposition during the P&Z Meeting. The main concerns were traffic, health and safety issues, and no utilities. The board unanimously recommended denial.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION: Denial

Departmental Approval: N/A

Advisory Board Recommendation: P&Z Approval

City Manager's Recommendation: Denial *RP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING FOR THE SOUTH 5.4 ACRES OF LOT 38, BELL-WOODS
COMPANY'S SUBDIVISION "C", FROM (AO-I) AGRICULTURAL OPEN INTERIM
TO (R-2) DUPLEX-FOURPLEX FAMILY RESIDENTIAL**

WHEREAS, the City Council of the City of Mission finds that during consideration of the rezoning request of April 26, 2023, the Planning and Zoning Commission of the City of Mission upon duly recognized motion and second, voted to recommend to the City Council that the rezoning shown below not be granted.

WHEREAS, The City Council of the City of Mission, held a public hearing at 4:30 p.m. Monday, May 8, 2023, in the Council Chambers of the City Hall to consider the following rezoning:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT THE FOLLOWING REZONING BE GRANTED:

Legal Description	From	To
The South 5.4 acres of Lot 38, Bell-Woods Company's Subdivision "C"	AO-I	R-2

READ, CONSIDERED AND PASSED, this the 8th day of May, 2023.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary



CITY OF MISSION
 HIDALGO COUNTY, TEXAS
 1201 E. 8th Street
 MISSION, TX 78572
 P/E: (956) 580-8672
 F/A/C: (956) 580-8680

Item 11.

ITEM# 1.1**REZONING:**

The South 5.4 acres of Lot 38,
 Bell-Woods Company's Subdivision "C"
 AO-I to R-2
 Raymundo Patricio Platas Merino

REVIEW DATA

The subject site is located approximately 625' North of W. Mile 2 Road on the West side of Compton Drive. – see vicinity map.

SURROUNDING ZONES:

N:	AO-I	- Agricultural Open Interim
E:	AO-I	- Agricultural Open Interim
W:	AO-I	- Agricultural Open Interim
S:	AO-I	- Agricultural Open Interim

EXISTING LAND USES:

N:	Vacant
E:	Vacant
W:	Vacant
S:	Vacant
Site:	Vacant

FLUM:

Low Density Residential (LD)

REVIEW COMMENTS: The applicant's original application was for R-3 (multi-family residential), however it was discovered during the last P&Z meeting that his intention was to develop duplex-fourplex which is actually an R-2 (Duplex-Fourplex zone), a lesser dense than his original application. Staff notes that the proposed zone does not comply with the City's Future Land Use Map nor surrounding land uses. There has been no development in this area since it was annexed to the City back in June 6, 2009. There was public opposition for their original proposal and the concerns voiced were that they did not want any apartments in that area.

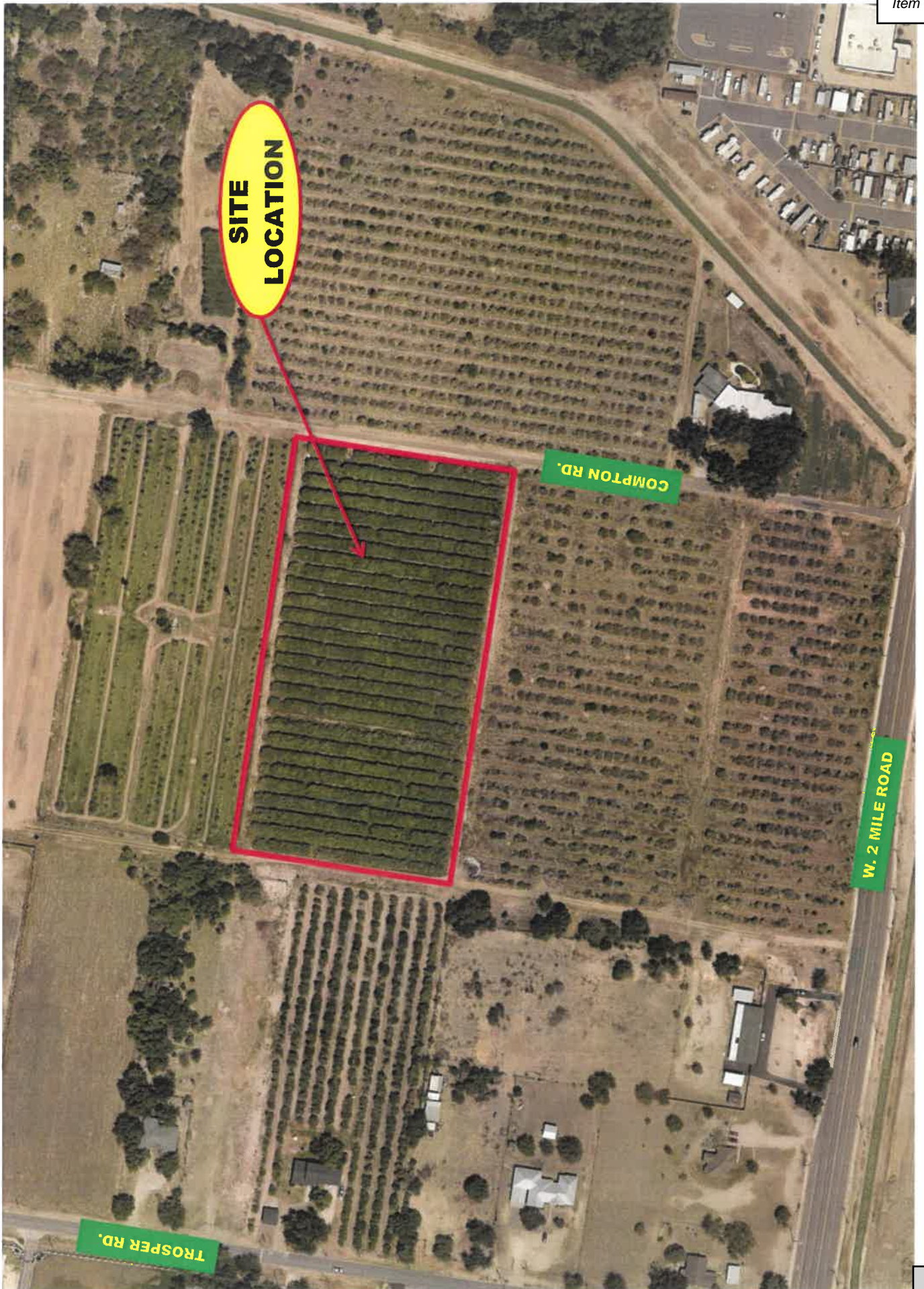
RECOMMENDATION: Staff recommends denial.



CITY OF MISSION
 HIDALGO COUNTY, TEXAS
 1201 E. 8th Street
 MISSION, TX 78572
 PH: (956) 380-8672
 FAX: (956) 380-8680

Item 11.

No.



B2225-00-00C-0035-31 (123514)
SALINAS MARIA ESTER
715 MILLER AVENUE
MISSION TX 78572

B2225-00-00C-0035-40 (123515)
JACOBSON STANLEY & MARINA
1505 DOHERTY AVE
MISSION TX 78572

B2225-00-00C-0037-20 (123518)
SALINAS-VALDEZ DINA
3608 COMPTON DR
MISSION TX 78573

B2225-00-00C-0038-00 (123519)
JIMENEZ HUMBERTO & FERNANDO
3112 HAWK AVE
MCALLEN TX 78504

B2225-00-00C-0038-10 (123520)
JACOBSON STANLEY
1505 DOHERTY AVE
MISSION TX 78572

B2225-00-00C-0043-05 (123529)
GONZALEZ JOSE LUIS
717 TIERRA LINDA CIR E
MISSION TX 78572

B2225-00-00C-0043-09 (502540)
SANCHEZ EDUARDO & MARIA G
3406 N TROSPER RD
MISSION TX 78573

O2000-00-000-0001-00 (513179)
OJEDA RAFAEL
3418 N TROSPER RD
MISSION TX 78573

O2000-00-000-0002-00 (513180)
TOBIAS FERNANDO GABRIEL & LAURA
513 RAMIREZ LN
MISSION TX 78573

B2225-00-00C-0036-12 (637100)
SALINAS-VALDEZ DINA
3608 COMPTON DR
MISSION TX 78573

B2225-00-00C-0044-40 (815404)
NINO RAMIRO & SANDRA A
3300 N TROSPER RD
MISSION TX 78573

Started: 5:33 p.m.

Ended: 5:43 p.m.

Item #1.1

Rezoning:

**The South 5.4 acres of Lot 38,
Bell-Woods Company's Subdivision "C"
AO-I to R-2
Raymundo Patricio Platas Merino**

Ms. Dimas went over the write-up stating the subject site is located approximately 625' North of W. Mile 2 Road on the West side of Compton Drive.

SURROUNDING ZONES:	N:	AO-I	- Agricultural Open Interim
	E:	AO-I	- Agricultural Open Interim
	W:	AO-I	- Agricultural Open Interim
	S:	AO-I	- Agricultural Open Interim

EXISTING LAND USES:	N:	Vacant
	E:	Vacant
	W:	Vacant
	S:	Vacant
	Site:	Vacant

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The applicant's original application was for R-3 (multi-family residential), however it was discovered during the last P&Z meeting that his intention was to develop duplex-fourplex which is actually an R-2 (Duplex-Fourplex zone), a lesser dense than his original application. Staff notes that the proposed zone does not comply with the City's Future Land Use Map nor surrounding land uses. There has been no development in this area since it was annexed to the City back in June 6, 2009. There was public opposition for their original proposal and the concerns voiced were that they did not want any apartments in that area.

RECOMMENDATION: Staff recommends denial.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

Mrs. Maria Ester Salinas who resides at 3318 Compton Drive stated that she was in opposition. She stated that converting the property into duplex-fourplex is not safe. Her main concerns were that apartments will create more hazards like traffic, and health issues. She added that the street Compton should be changed to Colonel John Compton that lived in that area, he was a friend and a hero.

The applicant Mr. Raymundo Patricio Platas Merino stated that he spoke to the neighbors and were not opposed to the request. He added that he wants to invest to bring taxes to the city. He stated that he was willing to do an environmental study in the area, and invest in utilities.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mrs. Garza motioned to close the hearing. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre asked if the board had any questions.

Mrs. Garza asked what does the future land use map show indicate that area.

Ms. Dimas stated that low density which means single family residential.

Mr. Sanchez stated if staff recommended denial based on the future land use map.

Ms. Dimas stated based on the future land use map and the area.

Mr. Barrera asked what was the closest property that was zoned multi-family.

Ms. Dimas stated that the closest subdivision was Gilberto Gutierrez Subdivision. She added that anyone that would develop in that area would need to expand utilities.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mrs. Garza moved to the deny the rezoning as presented. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023

PRESENTED BY: Susana De Luna, Planning Director

AGENDA ITEM: Rezoning: A tract of land being the South 7.8 acres of the North 103.8 acres of a certain 203.8 acres tract of land known as the Fernandez Strip out of Porcion 52 (PUD) Planned Unit Development to (R-2) Duplex-Fourplex Residential, M2 Engineering, PLLC, and Adoption to Ordinance # _____ - De Luna

NATURE OF REQUEST:

On May 8, 2023, the Planning and Zoning Commission held a Public Hearing to consider the rezoning request. The subject site is located 1,700' South of Mile 1 South Road on the West side of Inspiration Road. There was no public opposition during the P&Z Meeting. The board unanimously recommended denial.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION: Denial

Departmental Approval: N/A

Advisory Board Recommendation: P&Z Approval

City Manager's Recommendation: Denial *RP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING FOR A TRACT OF LAND BEING THE SOUTH 7.8 ACRES
OF THE NORTH 103.8 ACRES OF A CERTAIN 203.8 ACRES TRACT OF LAND
KNOWN AS THE FERNANDEZ STRIP OUT OF PORCION 52, FROM (PUD)
PLANNED UNIT DEVELOPMENT TO (R-2) DUPLEX-FOURPLEX FAMILY
RESIDENTIAL**

WHEREAS, the City Council of the City of Mission finds that during consideration of the rezoning request of May 8, 2023, the Planning and Zoning Commission of the City of Mission upon duly recognized motion and second, voted to recommend to the City Council that the rezoning shown below not be granted.

WHEREAS, The City Council of the City of Mission, held a public hearing at 4:30 p.m. Monday, May 8, 2023, in the Council Chambers of the City Hall to consider the following rezoning:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT THE FOLLOWING REZONING BE GRANTED:

Legal Description	From	To
A tract of land being the South 7.8 acres of the North 103.8 acres of a certain 203.8 acres tract of land known as the Fernandez Strip out of Porcion 52	PUD	R-2

READ, CONSIDERED AND PASSED, this the 8th day of May, 2023.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

ITEM# 1.2**REZONING:**

A tract of land being the South 7.8 acres
of the North 103.8 acres of a certain
203.8 acres tract of land known as the
Fernandez Strip out of Porcion 52
PUD to R-2
M2 Engineering, PLLC

REVIEW DATA

The subject site is located approximately 1,700' South of Mile 1 South Road on the West side of Inspiration Road. – see vicinity map.

SURROUNDING ZONES:

N: PUD - Planned Unit Development
E: PUD - Planned Unit Development
W: PUD - Planned Unit Development
S: PUD - Planned Unit Development

EXISTING LAND USES:

N: Single Family Residential
E: Meadow Creek Country Club
W: Vacant
S: Vacant
Site: Single Family Residential

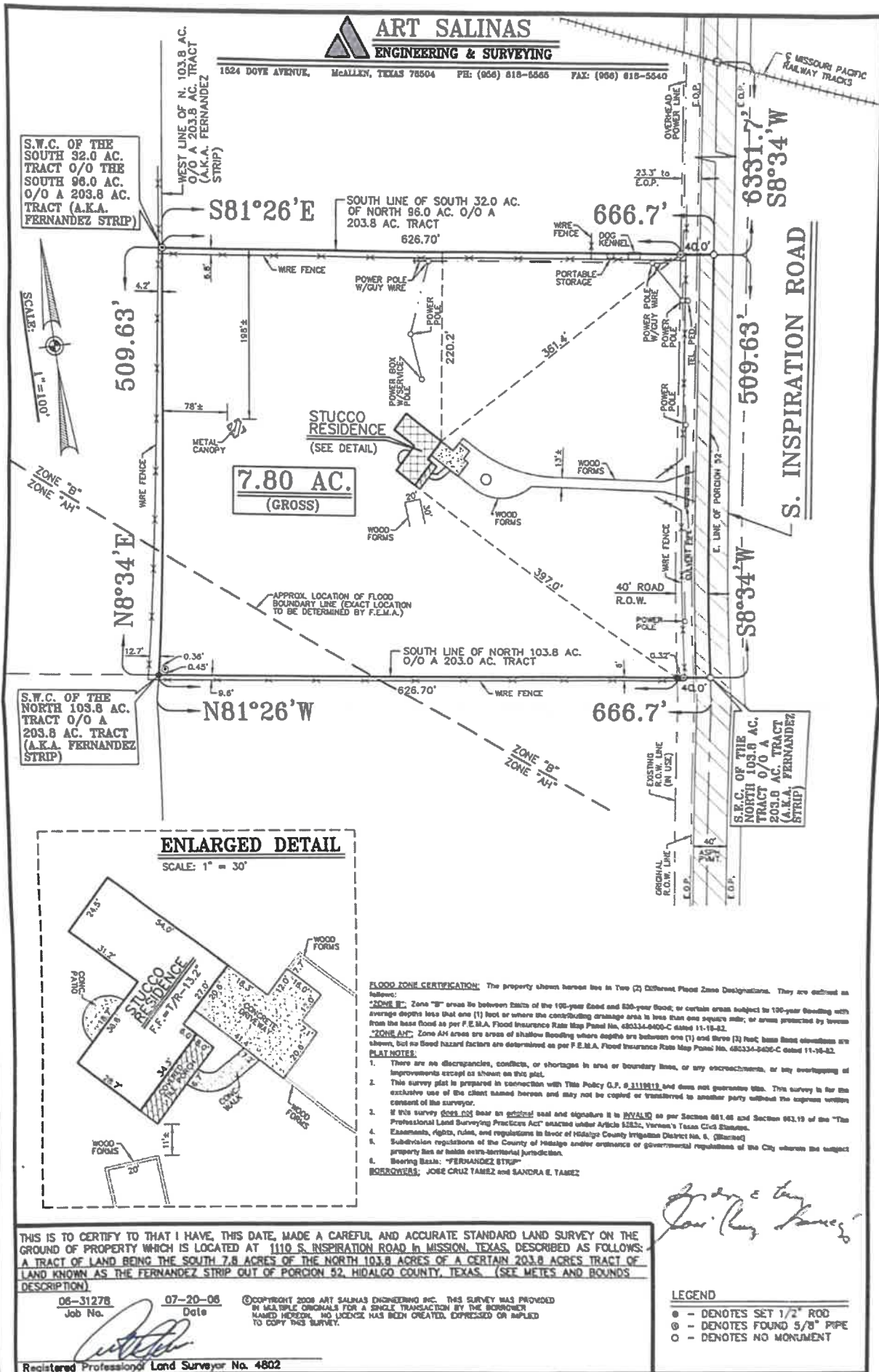
FLUM:

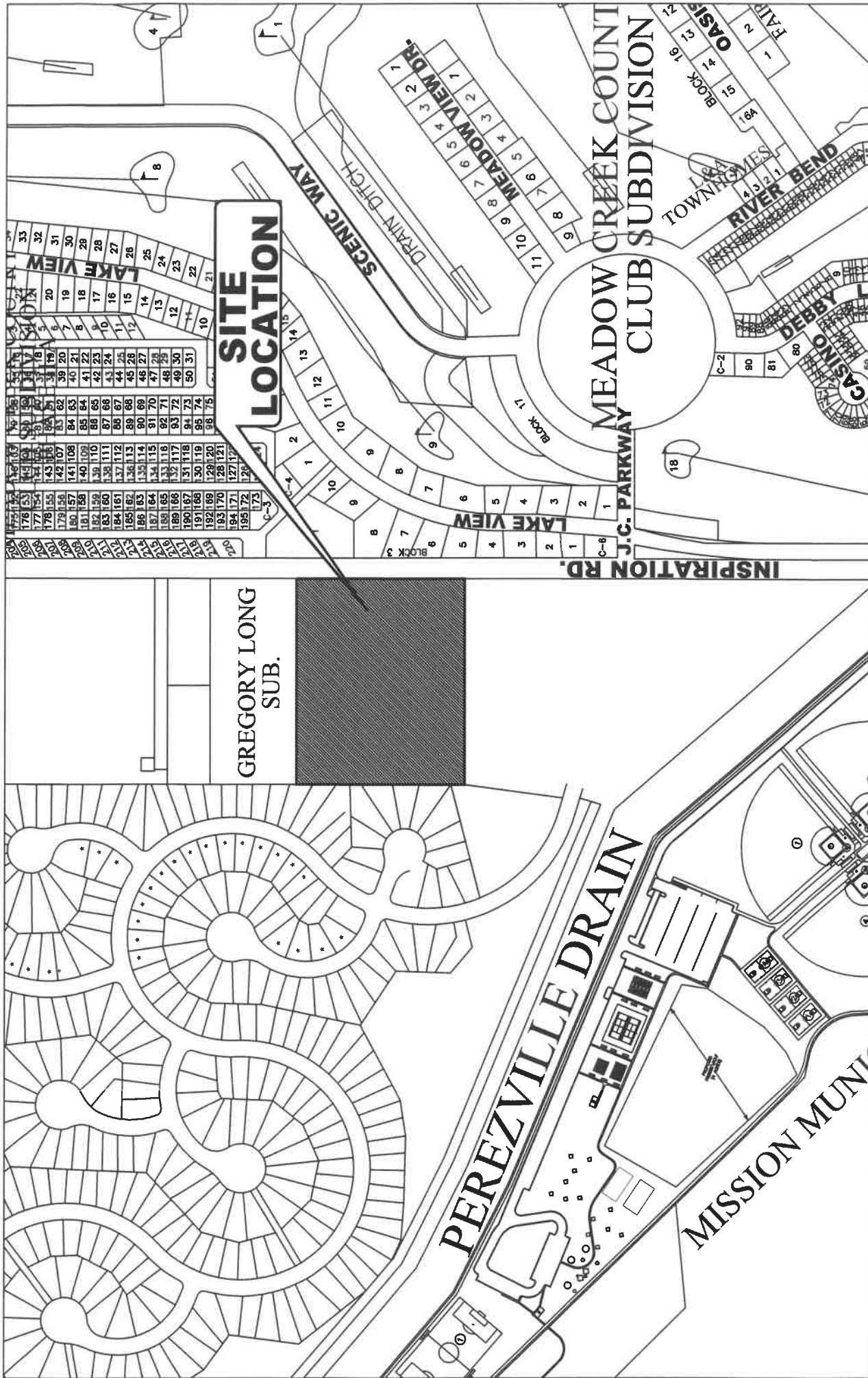
Low Density Residential (LD)


REVIEW COMMENTS: The applicant's original application was for R-3 (multi-family residential), however it was discovered during the last P&Z meeting that his intention was to develop duplex-fourplex which is actually an R-2 (Duplex-Fourplex zone), a lesser dense than his original application. The proposed zone does not comply with the City's Future Land Use Map nor surrounding land uses.

RECOMMENDATION: Staff recommends denial.









CITY OF MISSION
HIDALGO COUNTY, TEXAS
1201 E. 8th Street
MISSION, TX 78572
PH: (956) 580-8672
FAX: (956) 580-8680

Item 12.

No.

63

M3175-2A-001-00C4-00 (232855)
SEVEN OAKS RESORT LLC
PO BOX 7217
NORTHRIDGE CA 91327

M3175-2A-002-0005-00 (232860)
THOMAS ED & MARY A
1302 LAKE VIEW DR
MISSION TX 78572

M3175-2A-002-0006-00 (232861)
ANDERSON ROBERT ALAN & FAITH
1208 LAKE VIEW DR
MISSION TX 78572

M3175-2A-003-0003-00 (232919)
LOCHHEAD KENNETH DONALD
1303 LAKEVIEW DR
MISSION TX 78572

M3175-2A-003-0004-00 (232920)
PARRA MAGDALENA
1702 WHITE ROCK ST
PENITAS TX 78576

M3175-2A-003-0005-00 (232921)
GARZA DELORES C & ANTONIO
1211 LAKE VIEW DR
MISSION TX 78572

M3175-2A-003-0006-00 (232922)
HERRERA ANA LIZETTE MONTOYA
1303 MOUNTAIN RD
PALMHURST TX 78573

M3175-2A-003-0007-00 (232923)
BOTELLO ALYSSA ENID
1062 E GOODWIN ROAD
MISSION TX 78574

M3175-2A-003-0008-00 (232924)
VICTOR MARTINEZ & AMBER
1205 LAKE VIEW DR.
MISSION, TX. 78572

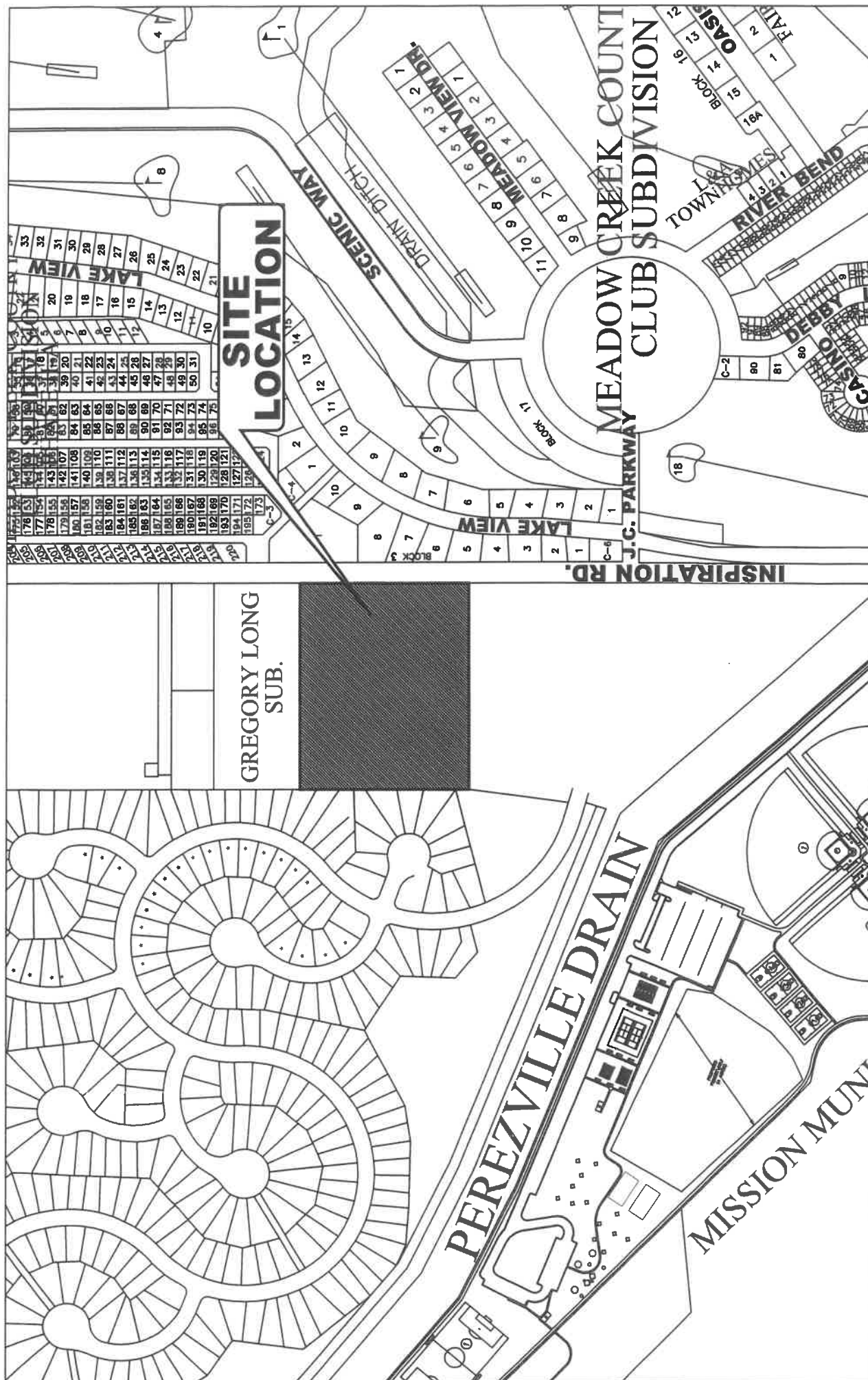
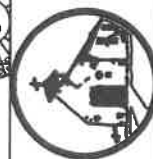
M3175-2A-003-0009-00 (232925)
OCANA ANTONIO
1203 LAKE VIEW DR
MISSION TX 78572

10052-00-000-0005-00 (101521)
TAMEZ SANDRA E & JOSE CRUZ
1110 S INSPIRATION RD
MISSION TX 78572

10052-00-000-0007-02 (637811)
RHODES ENTERPRISES INC
200 S 10TH STREET SUITE 1700
MCALLEN TX 78501

G8450-00-000-0001-00 (639944)
LONG GREGORY
712 LAKE VIEW DR
MISSION TX 78572

10052-00-000-0007-21 (1242807)
AMIGOS DEL VALLE INC
41338 CROSSPOINT BLVD
EDINBURG TX 78539





CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023

PRESENTED BY: Susana De Luna, Planning Director

AGENDA ITEM: Conditional Use Permit: Guest House on Property Zoned R-1 (Single Family Residential) at 2304 W. Palm Circle, Being Lot 48, Palm Acres No. 2 Subdivision, R-1, Joshua Schmidt, and Adoption to Ordinance # _____ - De Luna

NATURE OF REQUEST:

On April 26, 2023, the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site is located approximately 144' north of Griffin Parkway (FM 495) along the east side of W. Palm Circle. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION: Approval subject to:

- 1) The applicant must comply with the provisions outline in Section 1.56-4 of the Zoning Code (except for the minimum lot size requirement),
- 2) The unit may not have a kitchen nor separate utility and electrical connections,
- 3) Transferability to other future owners imposing the same conditions imposed to this applicant,
- 4) Not to be used for rental purposes, and
- 5) Waive the minimum lot size requirement.

Departmental Approval: N/A

Advisory Board Recommendation: P&Z Approval

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR A GUEST HOUSE ON A
PROPERTY ZONED R-1 (SINGLE FAMILY RESIDENTIAL) AT 2304 W. PALM
CIRCLE, BEING LOT 48, PALM ACRES NO. 2 SUBDIVISION**

WHEREAS, the City Council of the City of Mission finds that during consideration of the conditional use permit request of April 26, 2023, the Planning and Zoning Commission of the City of Mission upon duly recognized motion and second, voted to recommend to the City Council that the conditional use permit shown below be granted.

WHEREAS, The City Council of the City of Mission, held a public hearing at 4:30 p.m. Monday, May 8, 2023, in the Council Chambers of the City Hall to consider the following conditional use permit:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT THE FOLLOWING CONDITIONAL USE PERMIT BE GRANTED:

Legal Description	Type	Conditions of Approval
2304 W. Palm Circle, Being Lots 48, Palm Acres No. 2 Subdivision	Guest House on a Property Zoned R-1	<ol style="list-style-type: none"> 1) The applicant must comply with the provisions outline in Section 1.56-4 of the Zoning Code (except for the minimum lot size requirement), 2) The unit may not have a kitchen nor separate utility and electrical connections, 3) Transferability to other future owners imposing the same conditions imposed to this applicant, 4) Not to be used for rental purposes, and 5) Waive the minimum lot size requirement.

READ, CONSIDERED AND PASSED, this the 8th day of May, 2023.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

ITEM# 1.4

CONDITIONAL USE PERMIT: Guest House on Property Zoned R-1
 Single Family Residential
 2304 W. Palm Circle
 Lot 48, Palm Acres No. 2 Subdivision
 R-1
 Joshua Schmidt

REVIEW DATA

The subject site is located approximately 144' north of Griffin Parkway (FM 495) along the east side of W. Palm Circle. The request before the Board is to allow an existing storage shed to be converted into a guest home. The lot measures 72' x 138' for a total of 9,936 sq.ft. Guest Homes are allowed under the R-1 (Single Family Residential) Code as long as they apply for a conditional use permit and comply with the following conditions:

- Lot be a minimal of 12,000 sq. ft.
- Cannot be made available or used for lease, rent, hire, and the owner of such use may not receive remuneration for the use of one of the above
- Proposal must be clearly secondary to the primary residence
- Shall not have access to a public street (No shared/extended driveway)
- Shall not have separate kitchen area or utilities

REVIEW COMMENTS: All building setbacks are being met. The driveway is more than sufficient to accommodate any incoming vehicle. The applicant is not proposing to have any separate utilities. Staff mailed out 19 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

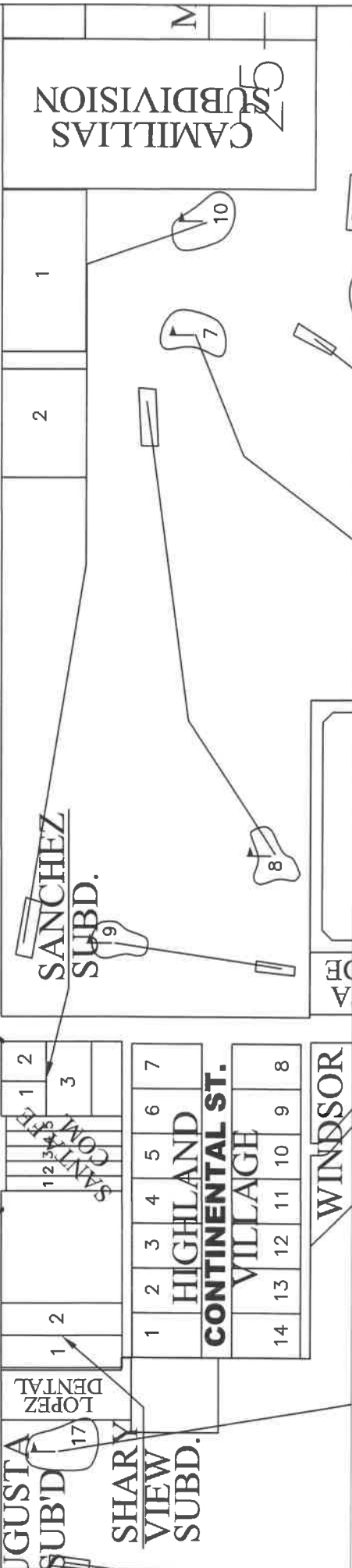
RECOMMENDATION: Staff recommends approval subject to:

- 1) The applicant must comply with the provisions outline in Section 1.56-4 of the Zoning Code (except for the minimum lot size requirement),
- 2) The unit may not have a kitchen nor separate utility and electrical connections,
- 3) Transferability to other future owners imposing the same conditions imposed to this applicant,
- 4) Not to be used for rental purposes, and
- 5) Waive the minimum lot size requirement.

200 H.C.I.D. NO. 1 EDINDURKO MAIN CAI



RIFFIN PARKWAY (F.M. 495)





CITY OF MISSION
HIDALGO COUNTY, TEXAS
1201 E. 8th Street
MISSION, TX 78572
PH: (956) 580-8672
FAX: (956) 580-8680

Item 13.

No.







Back Alley

The diagram is a hand-drawn site plan of a property. At the top, a horizontal line is labeled "Back Alley". To the right of the alley, a vertical line is labeled "sliding gate Existing". Below the alley, a large rectangular area is labeled "Back yard". To the left of the back yard, a vertical line is labeled "Fence". To the right of the back yard, a vertical line is labeled "Fence". In the center of the back yard is an "Existing Building". To the right of the existing building is a "Garage". Below the existing building is a "wood beams" area, which is highlighted in yellow. To the left of the wood beams area is a "Door". To the right of the wood beams area is a "Transition" area, which is also highlighted in yellow. To the left of the existing building is a "Side walk". To the right of the existing building is a "Driveway Existing" and a "Parking" area. To the left of the side walk is a "Patio". At the bottom of the diagram is a large rectangular area labeled "House". To the right of the house is a vertical line labeled "Fence". At the top of the house is a "Front Yard".

Adding Plumbing to existing room.

Toilet

Sink

Tub

Sink

Garage

Existing Building

20'

30'

wood beams

Door

Transition

Connecting existing building to the house to transition to guest house. per City Code.

Everything is existing except plumbing, which is not existing but will be installed for guest house approval.

Highlighted area is pending.

Lot 48
9,936 sq. ft.

2304 West Palm Cir
Mission TX 78571

73

P0200-01-000-0007-00 (253254)
PENA BERNARDO L & MARIA LUISA
300 DOHERTY AVE
MISSION TX 78572

P0200-01-000-0008-00 (253255)
ALANIS SAN JUANITA HERNANDEZ
2308 N MAYBERRY ST
MISSION TX 78574

P0200-01-000-0009-00 (253256)
GUERRA HECTOR
2300 MAYBERRY AVE
MISSION TX 78574

P0200-02-000-0001-00 (253257)
RIVERA HECTOR M
2301 W PALM CIR
MISSION TX 78574

P0200-02-000-0002-00 (253258)
TREVINO IRMA
2303 W PALM CIR
MISSION TX 78574

P0200-02-000-0004-00 (253259)
AGUILAR KASANDRA DANIELLE
2307 W PALM CIR
MISSION TX 78574

P0200-02-000-0004-01 (253260)
CANTU ENRIQUE JR & AURORA
2311 W PALM CIR
MISSION TX 78574

P0200-02-000-0005-00 (253261)
ZAMORA NORMA B
2315 W PALM CIR
MISSION TX 78574

P0200-02-000-0038-00 (253294)
GARCIA MARIA DEL CARMEN
2301 PALMETTO DR
MISSION TX 78574

P0200-02-000-0039-00 (253295)
GUERRA BALDOMERO C
2303 PALMETTO DR
MISSION TX 78574

P0200-02-000-0040-00 (253296)
HERRERA PEDRO
2307 PALMETTO DR
MISSION TX 78574

P0200-02-000-0041-00 (253297)
DEMICHELE THOMAS J
2311 PALMETTO DR
MISSION TX 78574

P0200-02-000-0042-00 (253298)
HERNANDEZ LILIANA L & DAVID A
216 E VERDIN AVE
MCALLEN TX 78504

P0200-02-000-0045-00 (253301)
LUGO ROXANNE F
1710 TERRACE DR
MISSION TX 78572

P0200-02-000-0046-00 (253302)
QUINTERO CONCEPCION
2312 W PALM CIR
MISSION TX 78574

P0200-02-000-0047-00 (253303)
RODRIGUEZ GILBERT & ADRIANNE G
2308 W PALM CIR
MISSION TX 78574

P0200-02-000-0048-00 (253304)
SCHMIDT JOSHUA DAVID
2304 W PALM CIR
MISSION TX 78574

P0200-02-000-0049-00 (253305)
VENECIA ARNOLDO A
2300 W PALM CIR
MISSION TX 78574

W0100-00-024-0009-03 (316939)
CITY OF MISSION
1201 E 8TH ST
MISSION TX 78572

Started: 5:43 p.m.

Ended: 5:47 p.m.

Item #1.4

Conditional Use Permit:

**Guest House on Property Zoned R-1
Single Family Residential
2304 W. Palm Circle
Lot 48, Palm Acres No. 2 Subdivision
R-1
Joshua Schmidt**

Ms. Dimas went over the write-up stating the subject site is located approximately 144' north of Griffin Parkway (FM 495) along the east side of W. Palm Circle. The request before the Board is to allow an existing storage shed to be converted into a guest home. The lot measures 72' x 138' for a total of 9,936 sq.ft. Guest Homes are allowed under the R-1 (Single Family Residential) Code as long as they apply for a conditional use permit and comply with the following conditions:

- Lot be a minimal of 12,000 sq. ft.
- Cannot be made available or used for lease, rent, hire, and the owner of such use may not receive remuneration for the use of one of the above
- Proposal must be clearly secondary to the primary residence
- Shall not have access to a public street (No shared/extended driveway)
- Shall not have separate kitchen area or utilities

REVIEW COMMENTS: All building setbacks are being met. The driveway is more than sufficient to accommodate any incoming vehicle. The applicant is not proposing to have any separate utilities. Staff mailed out 19 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval subject to:

- 1) The applicant must comply with the provisions outline in Section 1.56-4 of the Zoning Code (except for the minimum lot size requirement),
- 2) The unit may not have a kitchen nor separate utility and electrical connections,
- 3) Transferability to other future owners imposing the same conditions imposed to this applicant,
- 4) Not to be used for rental purposes, and
- 5) Waive the minimum lot size requirement.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

Mrs. Adriana Rodriguez who resides at 2308 W. Palm Circle stated that her main concern was that the guest house was not being used for rental purposes.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mrs. Garza moved to close the hearing. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre asked if the board had any questions.

Mr. Barrera asked if a stop work order was issued for this construction?

Ms. Dimas stated "No".

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Barrera moved to the approve the conditional use permit life of use. Ms. Garza seconded the motion. Upon a vote, the motion passed unanimously.



CITY OF
MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023
PRESENTED BY: Susana De Luna, Planning Director
AGENDA ITEM: 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 to Ordinance# _____ - De Luna

NATURE OF REQUEST:

On April 26, 2023, the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site is 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.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION: Approval of the drive-thru service windows subject to:

1) 6-month re-evaluation in order to assess compliance, 2) Must comply with all City Codes (repair fence, potholes within 30 days), 3) hire off-duty police officers to help address the traffic and noise concerns; and 4) Closing time to be at 10:00p.m.

Departmental Approval: N/A

Advisory Board Recommendation: P&Z Approval

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ORDINANCE NO. ____

**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**

WHEREAS, the City Council of the City of Mission finds that during consideration of the conditional use permit request of April 26, 2023, the Planning and Zoning Commission of the City of Mission upon duly recognized motion and second, voted to recommend to the City Council that the conditional use permit shown below be granted.

WHEREAS, The City Council of the City of Mission, held a public hearing at 4:30 p.m. Monday, May 8, 2023, in the Council Chambers of the City Hall to consider the following conditional use permit:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT THE FOLLOWING CONDITIONAL USE PERMIT BE GRANTED:

Legal Description	Type	Conditions of Approval
3124 N. Mayberry Road, Being a tract of land out of the Northwest 1.0 acres of the West 5.18 acres of Lot 28-9, West Addition to Sharyland	Drive-Thru Service Windows	1) 6-month re-evaluation in order to assess compliance, 2) Must comply with all City Codes (repair fence, potholes within 30 days), 3) hire off-duty police officers to help address the traffic and noise concerns, and 4) Closing time to be at 10:00 pm

READ, CONSIDERED AND PASSED, this the 8th day of May, 2023.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

ITEM# 1.5

CONDITIONAL USE PERMIT: Drive-Thru Service Windows
 Snowball Express #2
 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

REVIEW DATA

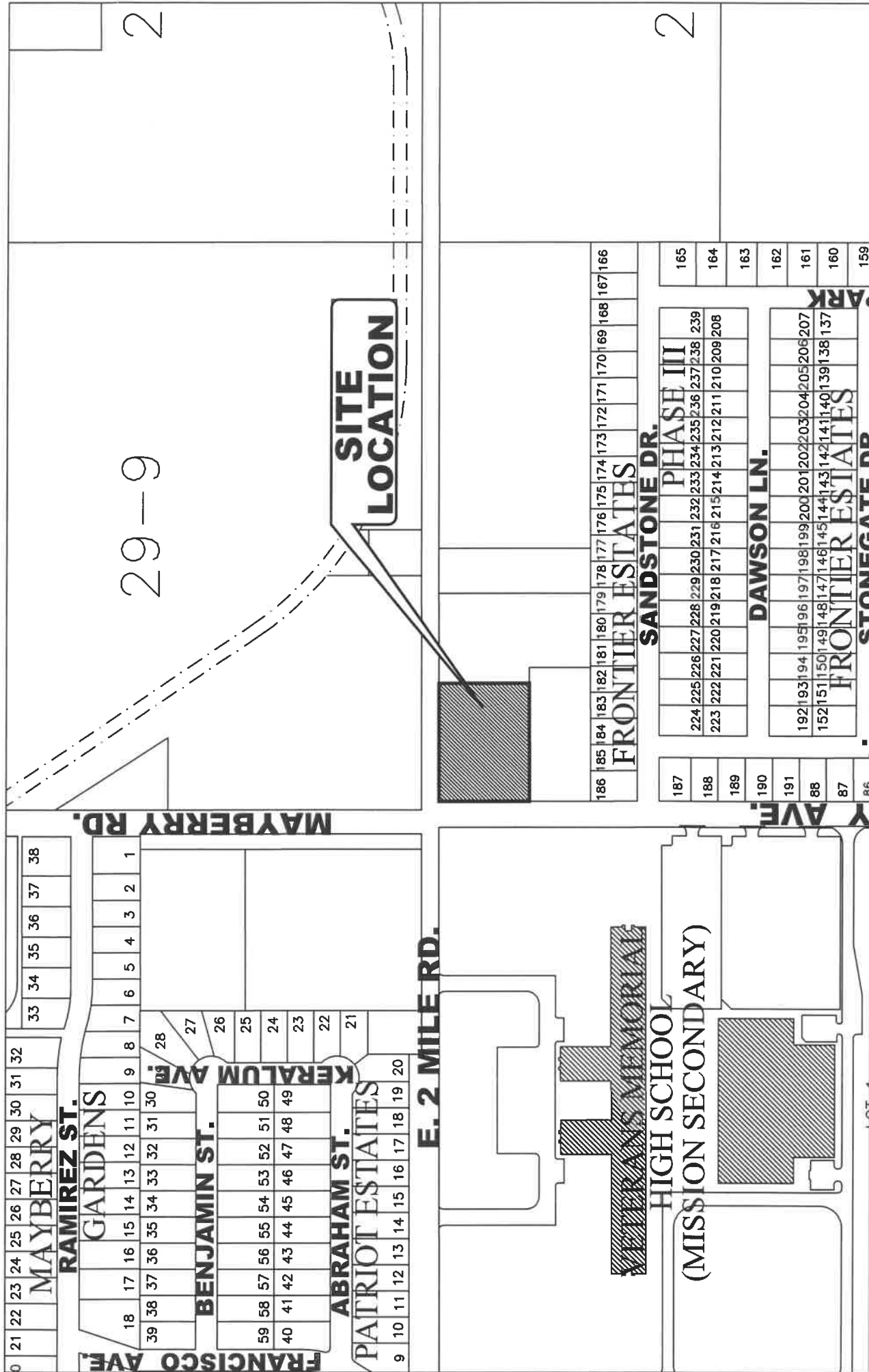
The subject site is located at the SE corner of Mayberry Road and E. Mile 2 Road. The applicant has a 1400 sq.ft. building for his snack shop and is requesting a conditional use permit for the use of the 4 drive-thru service windows at this location. The building has two windows on each side 2 to place an order and 2 to deliver the order. Entrance to the site is derived from a driveway cut along Mayberry Road. The drive-thru lane allows for stacking of approximately 9 vehicles.

- **Days/Hours of Operation:** Everyday from 11:00 a.m. to 1:30 a.m.
- **Number of Employees:** 4
- **Parking:** There is a total of 34 seating spaces in the patio area, which would require 11 parking spaces (34 seats/3 = 11.3 spaces). Currently, there is a total of 20 striped parking spaces and a drive-thru lane that allows for the stacking of 9 vehicles for a total of 29 parking spaces.
- **Landscaping:** The landscaping requirement is meeting code, except it needs to be maintained.
- Must continue to comply with all City Codes. (Fenced must be repaired, and potholes on parking lot need to be fixed).

REVIEW COMMENTS: Staff notes that this business has been in operation since 2017. Staff has received several concerns regarding the hours of operations staying open until 2:00 a.m., customers using the drive-thru windows will idle waiting for their orders with load exhaust mufflers and loud music playing from their vehicles. Staff supports this local business and would like the applicant to continue his use of drive-thru windows. However, staff also recommends keeping the hours of the drive-thru windows until 10:00 p.m. on weekdays and until midnight on weekends. The long-established residential community directly south and residential lot just east of this business is being impacted by the noise being created by the late hour traffic. The city has a noise ordinance and an obligation to protect these citizens, who have been there long before the business.

Staff has suggested for them to hire off-duty police officers to address the noise and traffic concerns but suggestions have been ignored. Staff notes that the applicant had applied for a conditional use permit back in 2019 and was denied due to noncompliance. Staff mailed out 17 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval of the drive-thru service windows, with the exception of the extended hours subject to the following: 1) 6-month re-evaluation in order to assess compliance, 2) Must comply with all City Codes (repair fence, potholes within 30 days), and 3) hire off-duty police officers to help address the traffic and noise concerns.



CITY OF MISSION
 HIDALGO COUNTY, TEXAS
 1201 E. 8th Street
 MISSION, TX 78572
 PH: (956) 380-8672
 FAX: (956) 380-8680

Item 14.

No.

80













M5235-00-000-0001-00 (550720)
MISSION CONSOLIDATED ISD
1116 N CONWAY AVE
MISSION TX 78572

W0100-00-028-0009-05 (317207)
ELGINZ INVESTMENTS LLC
2709 NASSAU ST
EDINBURG TX 78541

W0100-00-028-0009-06 (317208)
AREVALO GONZALO JR & ADELITA
3120 N MAYBERRY RD
MISSION TX 78574

W0100-00-028-0009-07 (317209)
REYNA MARIA GRACIELA
900 E MILE 2 RD
MISSION TX 78574

W0100-00-028-0009-08 (317210)
VASQUEZ HECTOR S
904 E MILE 2 RD
MISSION TX 78574

W0100-00-029-0009-02 (317281)
BURT GARY C
901 E MILE 2 RD
MISSION TX 78574

W0100-00-029-0009-03 (317282)
BURT GARY C LAY
CAROLYN LOU BERT
901 E MILE 2 RD
MISSION TX 78574

W0100-00-029-0009-04 (317283)
AVILA JUAN CARLOS & CRYSTAL G
400 SOLAR DR
MISSION TX 78574

F7495-03-000-0180-00 (626369)
RODRIGUEZ MA ELENA & PEDRO
813 E SANDSTONE DR
MISSION TX 78574

F7495-03-000-0181-00 (626370)
CASTRO ISAAC & YANCY I PIZANO
811 E SANDSTONE DR
MISSION TX 78574

F7495-03-000-0182-00 (626371)
GONZALEZ LUZ ELISA & GLORIA E GARZA
809 E SANDSTONE DR
MISSION TX 78574-1755

F7495-03-000-0183-00 (626372)
TREJO JESUS L & CYNTHIA TREVINO
807 E SANDSTONE DR
MISSION TX 78574

F7495-03-000-0184-00 (626373)
VASQUEZ MILTON D
805 E SANDSTONE DR
MISSION TX 78574

F7495-03-000-0185-00 (626374)
RIOS JOSE HUMBERTO MARIO OSIO &
803 E SANDSTONE DR
MISSION TX 78574

F7495-03-000-0186-00 (626375)
LLANAS JOSE & MARISA
801 E SANDSTONE DR
MISSION TX 78574

W0100-00-029-0008-10 (657721)
PENA ROSA MARIA
PO BOX 1771
DONNA TX 78537

S3015-99-000-0001-00 (20404494)
SHARYLAND STORAGE LLC
2018 E BUSINESS HIGHWAY 83
MISSION TX 78572-9206

Started: 5:47 p.m.

Ended: 5:52 p.m.

Item #1.5

Conditional Use Permit:

Drive-Thru Service Windows

Snowball Express #2

3124 N. Mayberry Road

Being a tract of land out of the Northwest

1.0 acres of West 5.18 acres of the North 11.03

acres of Lot 28-9, West Addition to Sharyland

C-2

Elgin Xavier

Ms. Dimas went over the write-up stating the subject site is located at the SE corner of Mayberry Road and E. Mile 2 Road. The applicant has a 1400 sq.ft. building for his snack shop and is requesting a conditional use permit for the use of the 4 drive-thru service windows at this location. The building has two windows on each side 2 to place an order and 2 to deliver the order. Entrance to the site is derived from a driveway cut along Mayberry Road. The drive-thru lane allows for stacking of approximately 9 vehicles.

- **Days/Hours of Operation:** Everyday from 11:00 a.m. to 1:30 a.m.
- **Number of Employees:** 4
- **Parking:** There is a total of 34 seating spaces in the patio area, which would require 11 parking spaces ($34 \text{ seats} / 3 = 11.3 \text{ spaces}$). Currently, there is a total of 20 striped parking spaces and a drive-thru lane that allows for the stacking of 9 vehicles for a total of 29 parking spaces.
- **Landscaping:** The landscaping requirement is meeting code, except it needs to be maintained.
- Must continue to comply with all City Codes. (Fenced must be repaired, and potholes on parking lot need to be fixed).

REVIEW COMMENTS: Staff notes that this business has been in operation since 2017. Staff has received several concerns regarding the hours of operations staying open until 2:00 a.m., customers using the drive-thru windows will idle waiting for their orders with load exhaust mufflers and loud music playing from their vehicles. Staff supports this local business and would like the applicant to continue his use of drive-thru windows. However, staff also recommends keeping the hours of the drive-thru windows until 10:00 p.m. on weekdays and until midnight on weekends. The long-established residential community directly south and residential lot just east of this business is being impacted by the noise being created by the late hour traffic. The city has a noise ordinance and an obligation to protect these citizens, who have been there long before the business.

Staff has suggested for them to hire off-duty police officers to address the noise and traffic concerns but suggestions have been ignored. Staff notes that the applicant had applied for a conditional use permit back in 2019 and was denied due to noncompliance. Staff mailed out 17 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends denial of the extended hours past 10:00 p.m. Staff is also requesting that the fence, potholes be repaired within 30 days to be in compliance with all city ordinances.

Note: If the P&Z Board is incline to approve the request, staff would recommend the following: 1) 6-month re-evaluation in order to assess compliance, 2) Must comply with all City Codes (repair fence, potholes within 30 days), and 3) hire off-duty police officers to help address the traffic and noise concerns.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Sanchez moved to close the hearing. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre asked if the board had any questions.

Mrs. Garza asked how does the traffic flow?

Ms. Dimas stated that it was the same entrance and exit.

Mrs. Austin asked that if more complaints had been made?

Ms. Dimas stated that only in regards to the loud music.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Sanchez moved to the approve the conditional use permit as per staff recommendation. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

City Attorney Victor Flores stated to go back to item 1.4., and clarify the motion if it was approved for life of use.



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023

PRESENTED BY: Susana De Luna, Planning Director

AGENDA ITEM: Conditional Use Permit: Home Occupation – Pet Grooming/Styling at 3105 Melody Lane, Being Lot 3, Johnson City Subdivision, R-1, Salvador Regalado, and Adoption of Ordinance # _____ - De Luna

NATURE OF REQUEST:

On April 26, 2023, the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site is located approximately 270' south of E. Mile 2 Road along the east side of Melody Lane. There was public opposition during the P&Z Meeting. However, staff has received several calls in opposition. The concerns were increase in traffic, inhumane conditional for the animals, business should be in a commercial area, property needs to be upkept. The board unanimously recommended denial.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION: Denial

Departmental Approval: N/A

Advisory Board Recommendation: P&Z Denial

City Manager's Recommendation: Denial *RP*

RECORD OF VOTE:

APPROVED:	_____
DISAPPROVED:	_____
TABLED:	_____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ORDINANCE NO. ____**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION – PET
GROOMING/STYLING AT 3105 MELODY LANE, BEING LOT 3, JOHNSON CITY
SUBDIVISION**

WHEREAS, the City Council of the City of Mission finds that during consideration of the conditional use permit request of April 26, 2023, the Planning and Zoning Commission of the City of Mission upon duly recognized motion and second, voted to recommend to the City Council that the conditional use permit shown below not be granted.

WHEREAS, The City Council of the City of Mission, held a public hearing at 4:30 p.m. Monday, May 8, 2023, in the Council Chambers of the City Hall to consider the following conditional use permit:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT THE FOLLOWING CONDITIONAL USE PERMIT BE GRANTED:

Legal Description	Type	Conditions of Approval
3105 Melody Lane, Lot 3, Johnson City Subdivision	Home Occupation – Pet Grooming/Styling	

READ, CONSIDERED AND PASSED, this the 8th day of May, 2023.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

ITEM# 1.6

CONDITIONAL USE PERMIT: Home Occupation – Pet Grooming/Styling
 3105 Melody Lane
 Lot 3, Johnson City Subdivision
 R-1
 Salvador Regalado

REVIEW DATA

The subject site is located approximately 270' south of E. Mile 2 Road along the east side of Melody Lane. The applicant has his single-family residence thereon with a paved driveway off of Melody Lane. The applicant has applied for a conditional use permit for a home occupation to have a pet grooming/styling service out of his home. He proposes to utilize his dining room, garage and back patio for the business.

- **Days/Hours of Operation:** Monday – Saturday from 8am to 5pm by appointment only.
- **Number of Employees:** Applicant
- **Parking:** It is noted that the driveway can easily accommodate up to four vehicles.

REVIEW COMMENTS: Staff notes that our Code Enforcement Division has an ongoing case because the applicant has been running the pet grooming business out of his residence since January. The applicant was advised to cease operations and go through the conditional use permit process.

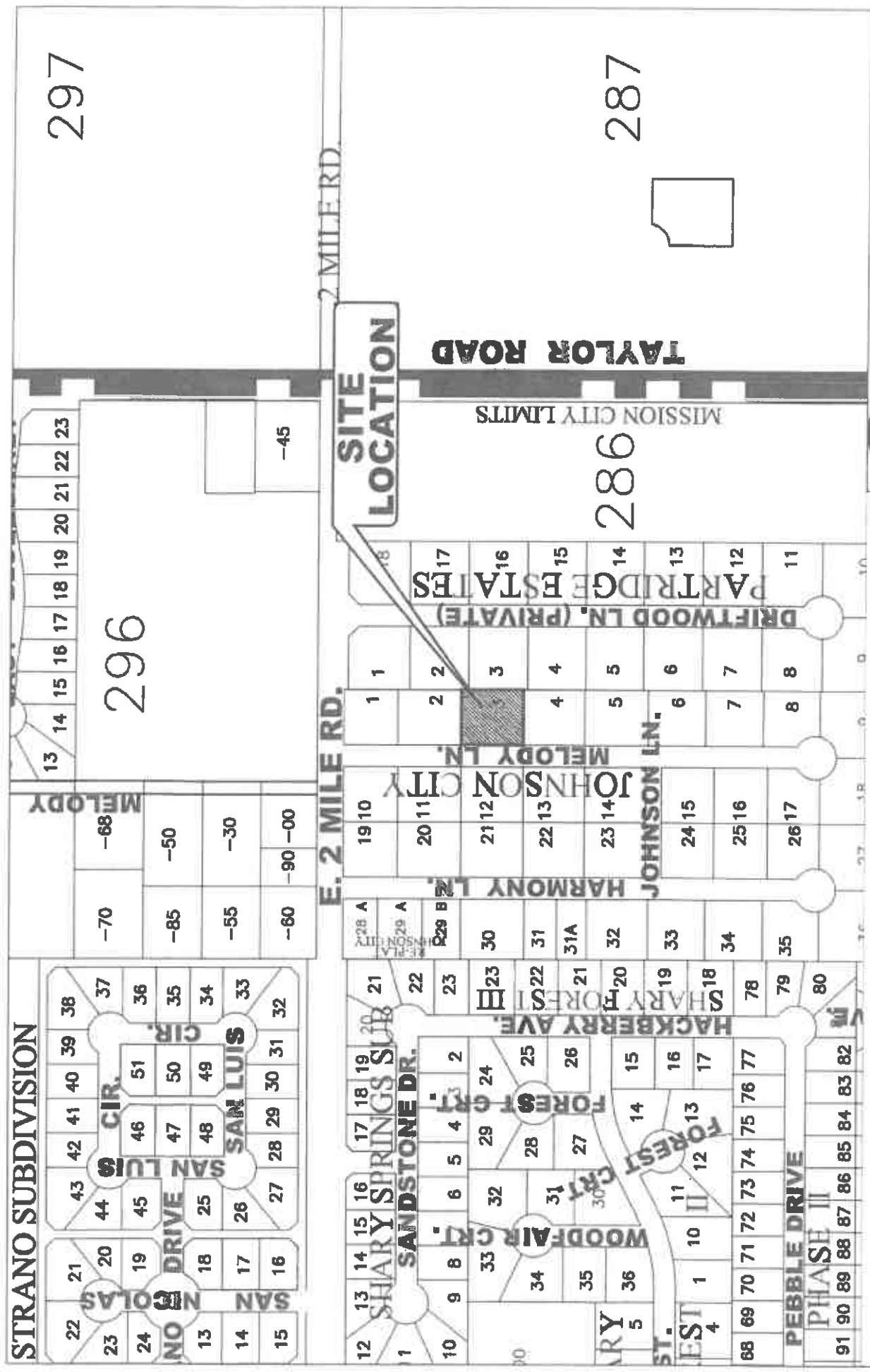
Staff mailed out 20 notices to property owners within 200' radius to get any comments in favor or against the request. Staff has received several calls in opposition to the request. The concerns voiced are in regards to increase traffic, inhumane conditional for the animals, business should be in a commercial area, property needs to be upkeep. Staff notes that city has approved two other home occupations for Pet Grooming Service back in the 90's, but in those cases, there was no opposition from the residents. Staff made a site visit to the two approved home occupations but they are no longer in business.

RECOMMENDATION: Staff recommends denial.

No.



CITY OF MISSION
HIDALGO COUNTY, TEXAS
1201 E. 9th Street
MISSION, TX 78572
TEL: (361) 590-6771
FAX: (361) 590-6680



E. 2 MILE RD.

TAYLOR ROAD

**SITE
LOCATION**

MISSION CITY LIMITS

STRANO SUBDIVISION

22 21 43 42 41 40 39 38
23 20 44 45 46 51 36
24 19 45 47 50 35
13 18 25 48 49 34
14 17 26 33
15 16 27 28 29 30 31 32

296

MELODY
-70 -68
-85 -50
-55 -30
-60 -90 -00
-45

286

287

E. 2 MILE RD.

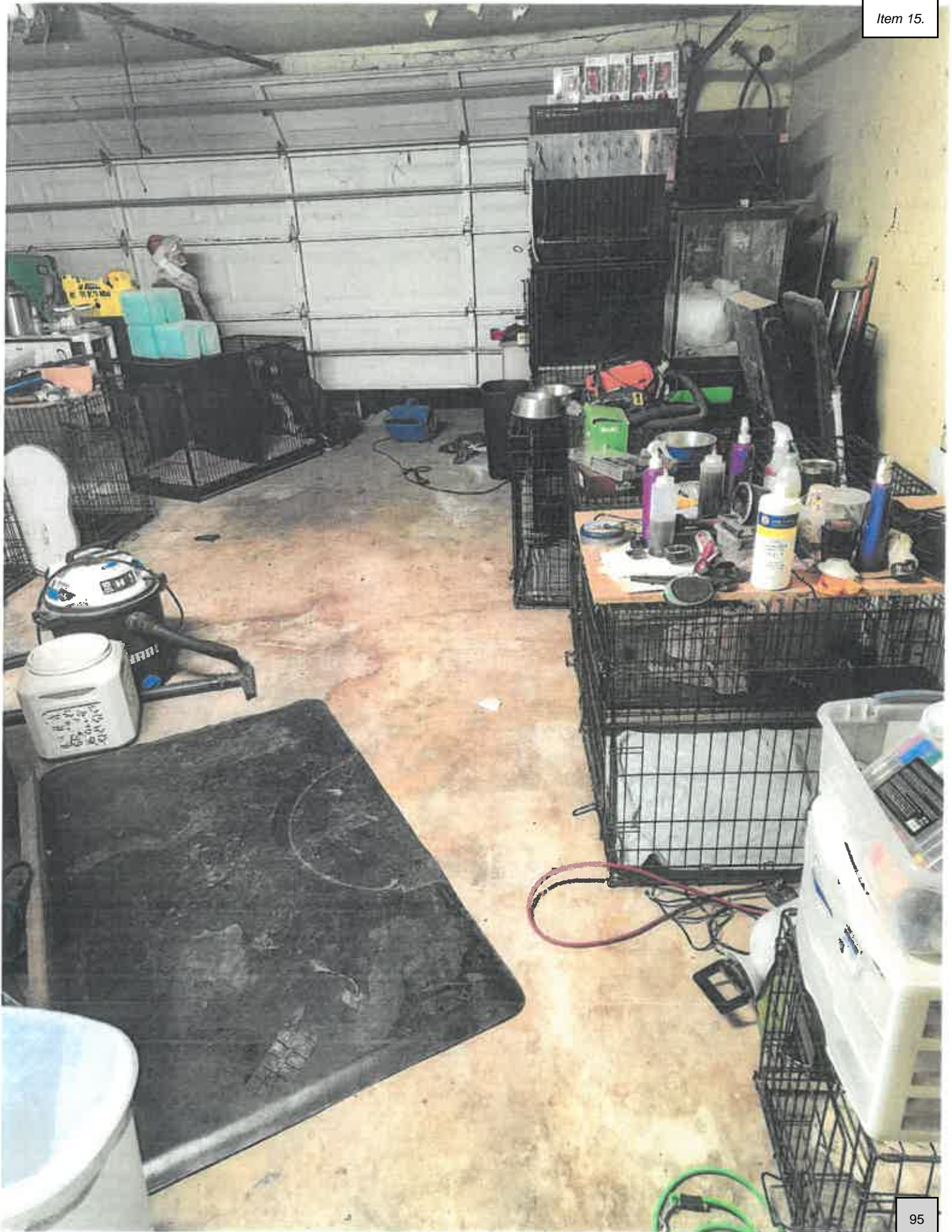
12 13 14 15 16 17 18 19 20 21
10 9 8 6 5 4 3 2
33 32 29 24 25 26 21
34 31 27 20 19 18 17
35 36 15 16 17
68 69 70 71 72 73 74 75 76 77
91 90 89 88 87 86 85 84 83 82

JOHNSON CITY
JOHNSON LN.
HARMONY LN.
MELODY LN.
DRIFTWOOD LN. (PRIVATE)
PARTTRIDGE ESTATES
1 1
2 2
3 3
4 4
5 5
6 6
7 7
8 8
19 10
20 11
21 12
22 13
23 14
24 15
25 16
26 17

PEBBLE DRIVE
PHASE II

91 90 89 88 87 86 85 84 83 82

















J6200-00-000-0001-00 (498639)
 SANCHEZ DANIEL & LORI TALAMANTEZ
 P O BOX 1533
 MISSION TX 78573

J6200-00-000-0002-00 (498640)
 GARCIA JOSE F CAVAZOS
 3107 MELODY LN
 MISSION TX 78574

J6200-00-000-0003-00 (498641)
 SALADINO NICOLE A & JOSUE RAMIREZ
 3105 MELODY LN
 MISSION TX 78574

J6200-00-000-0004-00 (498642)
 METTLACH JOHNNY H & VIRGINIA L
 1225 W MINNESOTA RD
 PHARR TX 78577

J6200-00-000-0005-00 (498643)
 GARCIA JOHN JOSEPH
 3101 MELODY LN
 MISSION TX 78574

J6200-00-000-0010-00 (498649)
 SOLANO VICENTE JR & PAJITA
 3108 MELODY LN
 MISSION TX 78574

J6200-00-000-0011-00 (498650)
 NOGUEZ ISMAEL JR
 3106 MELODY LANE
 MISSION TX 78574

J6200-00-000-0012-00 (498651)
 MALDONADO XAVIER & JANIE F
 3104 MELODY LANE
 MISSION TX 78574

J6200-00-000-0013-00 (498652)
 CANALES RUBEN J & NORMA
 3102 MELODY LN
 MISSION TX 78574

J6200-00-000-0014-00 (498654)
 CANALES CONSUELO R
 RUBEN JAVIER CANALES EXC
 3100 MELODY LN
 MISSION TX 78574

J6200-00-000-0019-00 (498659)
 KING'S WAY MISSIONARY INT INC
 3106 HARMONY LN
 MISSION TX 78574

J6200-00-000-0021-00 (498662)
 GOMEZ PABLO & ELSA N
 3106 HARMONY LN
 MISSION TX 78574

P4355-00-000-0001-00 (790080)
 FUENTES JOSE JESUS & MARIA EVA
 3107 DRIFTWOOD LN
 MISSION TX 78574

P4355-00-000-0002-00 (790081)
 BELTAN ALONZO & MARIA ELENA
 3106 DRIFTWOOD LN
 MISSION TX 78574

P4355-00-000-0003-00 (790082)
 ARCTIC HOLDINGS LLC
 3103 DRIFTWOOD LN
 MISSION TX 78574

P4355-00-000-0004-00 (790083)
 SAENZ CESAR & DIANA
 3101 DRIFTWOOD
 MISSION TX 78574

P4355-00-000-0005-00 (790084)
 BAGWELL SANDRA ALICIA & ROBERT SCOTT
 3006 DRIFTWOOD LN
 MISSION TX 78574

P4355-00-000-0015-00 (790084)
 GARCIA EUTIMIO JR & NANCY
 3100 DRIFTWOOD LN
 MISSION TX 78574

P4355-00-000-0016-00 (790086)
 CANTU ANNA L & HECTOR R MARTINEZ
 3102 DRIFTWOOD LN
 MISSION TX 78574

P4355-00-000-0017-00 (790086)
 GONZALEZ JOSE ANGEL JR & MIA
 3104 DRIFTWOOD LN
 MISSION TX 78574

Started: 5:53 p.m.

Ended: 5:55 p.m.

Item #1.6

Conditional Use Permit:

Home Occupation – Pet Grooming/Styling

3105 Melody Lane

Lot 3, Johnson City Subdivision

R-1

Salvador Regalado

Ms. De Luna went over the write-up stating the subject site is located approximately 270' south of E. Mile 2 Road along the east side of Melody Lane. The applicant has his single-family residence thereon with a paved driveway off of Melody Lane. The applicant has applied for a conditional use permit for a home occupation to have a pet grooming/styling service out of his home. He proposes to utilize his dining room, garage and back patio for the business.

- **Days/Hours of Operation:** Monday – Saturday from 8am to 5pm by appointment only.
- **Number of Employees:** Applicant
- **Parking:** It is noted that the driveway can easily accommodate up to four vehicles.

REVIEW COMMENTS: Staff notes that our Code Enforcement Division has an ongoing case because the applicant has been running the pet grooming business out of his residence since January. The applicant was advised to cease operations and go through the conditional use permit process.

Staff mailed out 20 notices to property owners within 200' radius to get any comments in favor or against the request. Staff has received several calls in opposition to the request. The concerns voiced are in regards to increase traffic, inhumane conditional for the animals, business should be in a commercial area, property needs to be upkept. Staff notes that city has approved two other home occupations for Pet Grooming Service back in the 90's, but in those cases, there was no opposition from the residents. Staff made a site visit to the two approved home occupations but they are no longer in business.

RECOMMENDATION: Staff recommends denial.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mrs. Austin moved to close the hearing. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre asked if the board had any questions.

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mrs. Garza moved to deny the conditional use permit as per staff recommendation. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023

PRESENTED BY: Susana De Luna, Planning Director

AGENDA ITEM: Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Olive Garden at 1405 E. Expressway 83, Lots 2 & 3, New Quest Subdivision, C-3, Olive Garden, LLC (c/o Leeanne Calderone), and Adoption of Ordinance # _____ and Wet Zone Ordinance # _____ - De Luna

NATURE OF REQUEST:

On April 26, 2023, the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site is located approximately 255' east of Bryan and E. Expressway 83 (IH 2) along the north side of E. Expressway 83. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION: Approval for life of use subject to:

1) Must comply with all City Codes (Building, Fire, and Health Codes, etc.), 2) CUP not transferable to others, and 3) Acquire a Business License prior to business occupancy.

Departmental Approval: N/A

Advisory Board Recommendation: P&Z Approval

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ORDINANCE NO. ____

**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 – OLIVE GARDEN AT 1405 E.
EXPRESSWAY 83, BEING LOTS 2 & 3, NEW QUEST SUBDIVISION**

WHEREAS, the City Council of the City of Mission finds that during consideration of the conditional use permit request of April 26, 2023, the Planning and Zoning Commission of the City of Mission upon duly recognized motion and second, voted to recommend to the City Council that the conditional use permit shown below be granted.

WHEREAS, The City Council of the City of Mission, held a public hearing at 4:30 p.m. Monday, May 8, 2023, in the Council Chambers of the City Hall to consider the following conditional use permit:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT THE FOLLOWING CONDITIONAL USE PERMIT BE GRANTED:

Legal Description	Type	Conditions of Approval
1405 E. Expressway 83, Being Lots 2 & 3, New Quest Subdivision	Sale & On-Site Consumption of Alcoholic Beverages	1) Life of Use, 2) Must comply with all City Codes (Building, Fire, and Health Codes, etc.), and 3) Acquire a Business License prior to business occupancy

READ, CONSIDERED AND PASSED, this the 8th day of May, 2023.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

ORDINANCE NO. _____

**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 1405 E. EXPRESSWAY 83, LOTS 2 & 3,
NEW QUEST SUBDIVISION.**

WHEREAS, City Ordinance No.780, passed and approved by the City Council of the City of Mission on October 7, 1974 designates certain places where beer and other alcoholic beverages may be sold within the corporate limits of the city; and

WHEREAS, a request has been submitted for the designation of a "wet area", for the property located at:

1405 E. EXPRESSWAY 83, LOTS 2 & 3
NEW QUEST SUBDIVISION

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT:

1. The property located at 1405 E. Expressway 83, Lots 2 & 3, New Quest Subdivision is designated as "wet area".
2. Said property located at 1405 E. Expressway 83, Lots 2 & 3, New Quest Subdivision, shall be included in the designated areas where alcoholic beverages may be sold within the city.

READ, CONSIDERED AND APPROVED this 08th day of May, 2023.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

ITEM# 1.7**CONDITIONAL USE PERMIT
& SITE PLAN APPROVAL:**

Sale & On-Site Consumption of Alcoholic
Beverages - Olive Garden
1405 E. Expressway 83
Lots 2 & 3, New Quest Subdivision
C-3
Olive Garden, LLC (c/o Leeanne Calderone)

REVIEW DATA

The subject site is located approximately 255' east of Bryan and E. Expressway 83 (IH 2) along the north side of E. Expressway 83 (IH 2) – **see vicinity map**. The applicant is proposing to construct a 7,825 sq.ft. building for Olive Garden and would like to offer the sale & on-site consumption of alcoholic beverages with their meals. Olive Garden is the largest company of casual, full-service Italian restaurants in the world. Olive Garden restaurants are full-service, casual dining serving both lunch and dinner. Emphasizing high quality, Olive Garden appeals to all guests with its distinctive combination of attentive personalized service and flavorful entrees served in an inviting, comfortable atmosphere. Access to the site is via 36' common access along the Frontage Road and a 28' access on the north side of the property.

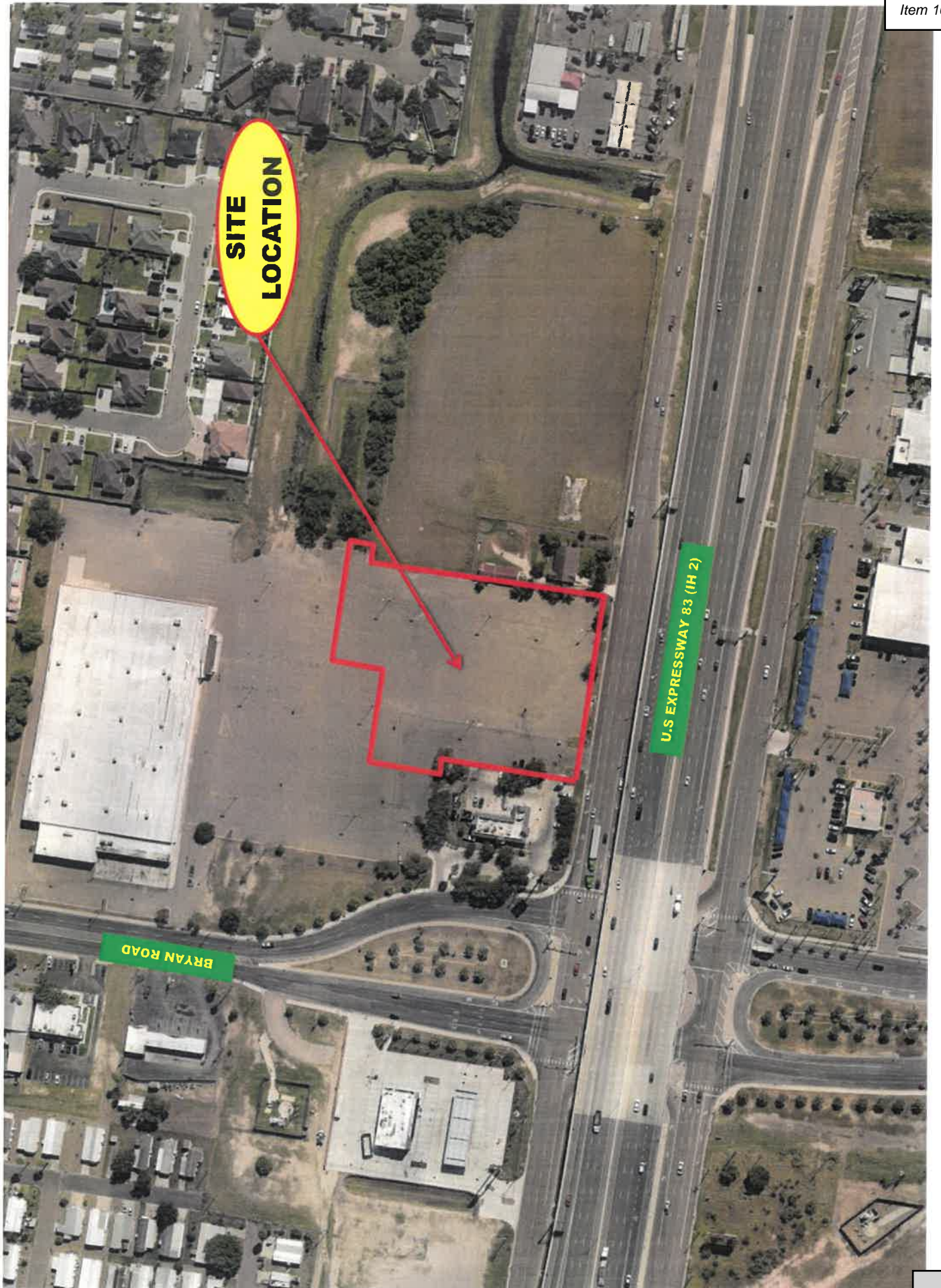
- **Days/Hours of Operation:** Sunday through Thursday from 11am to 10pm, and Friday and Saturday from 11am to 11pm.
- **Staff:** approximately 30 employees maximum per shift, with three often overlapping shifts = 100 total employees (Full and Part-Time)
- **Parking & Landscaping:** In reviewing the floor plan, there are a total of 237 seating spaces, which require 79 parking spaces (237 seats/3 space for every 3 seats=79). The applicant is proposing a total of 124 parking spaces plus a shared agreement with the overall development. Landscaping will be complying with city codes.

REVIEW COMMENTS: 1 enclosed dumpster area will be located on the north side of the building and screened with a 6' block fence and opaque (solid) gates. An 8' opaque screen needs to be installed along the east side of the property next to the residential use.

Staff mailed out 9 notices to property owners within 200' radius to get any comments in favor or against the request. Staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval for life of use subject to:

- 1) Compliance with all City Codes (Building, Fire, and Health Codes, etc.),
- 2) CUP not transferable to others, and
- 3) Acquire a Business License prior to business occupancy.





FRONT ELEVATION



File Name: OG-P78DOM-L- Color Elevations
03-08-22

- MATERIAL LEGEND**
- 106 PAINT & WOOD TRELLIS, WOOD TRIM, WOOD FACIA AND DOORS
Benjamin Moore 2112-09 "Blue"
 - 107 STONE VENEER (12" x 18" Random) - Concrete Stone
"Appalachian Fiddlers" w/ matching colored corner stones
Color: "Monarda Sunset" - Grout: Natural Gray
 - 108 STONE PLANK CLADDING
Concrete Woodcraft "Rustic Cedar" 6 X 16
 - 110 CONCRETE ROOF TILE
Eagle Roof Tile - Capistrano "Olive Garden Blend"
 - 111 PREFINISH PAINT @ STOREFRONT AND WINDOWS
Benjamin Moore 2112-09 "Blue"
 - 113 STANDING SEAM METAL ROOF
"Dark Bronze Finish"
 - 127 BRICK VENEER - Concrete Stone
Benjamin Moore 2112-09 "Blue" - Sillars - 90%, "Piazza
Blend" 10%
 - 139 BRICK CLANKERS - Concrete Stone
2-1/2" x 8" Thin Brick Tumbled w/ 3/8" Mortar Joint

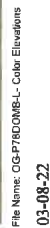


101 Shipyards Way
Suite B
Newport Beach CA
92663
T 714 436 9000
acs-architects.com

NPB / MRE / ATL
Sheet 1 of 4

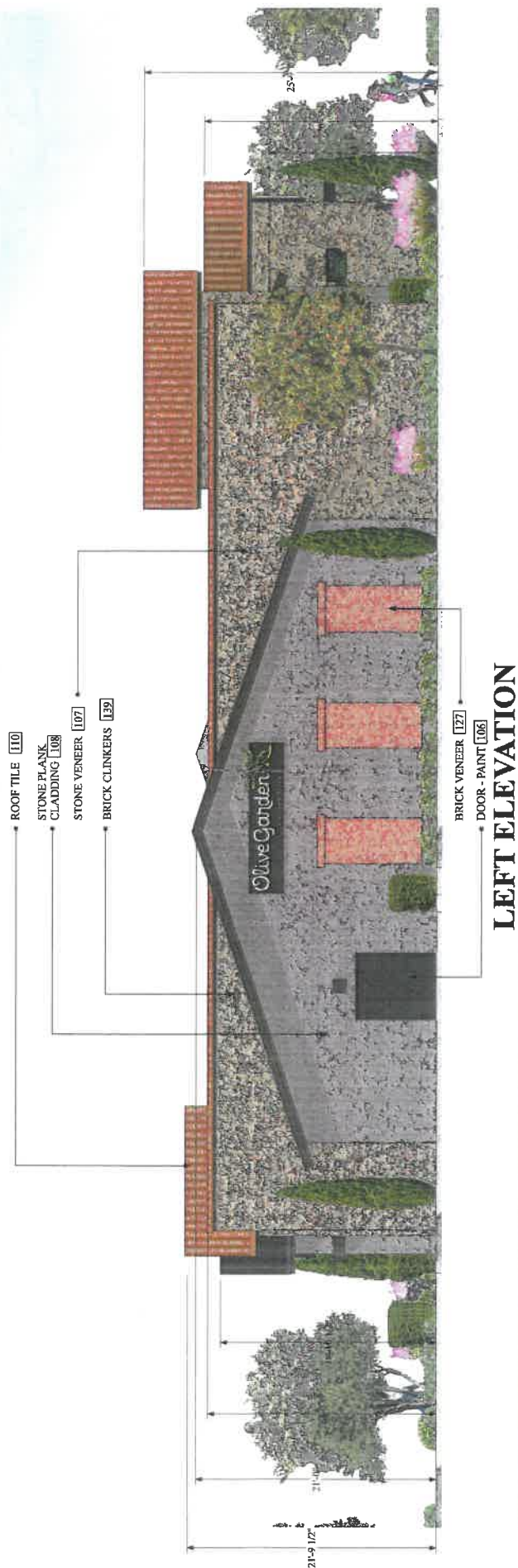


Month	Number of People
January	10
February	15
March	20
April	18
May	12
June	8
July	5
August	3
September	4
October	6
November	10
December	15



**BRICK CLINKERS - Coronado Stone
2-1/8" x 8" Thin Brick Tumbled w/ 3/8" Mortar Joint**

Sheet 3 of 4



MATERIAL LEGEND

106 PAINT @ WOOD TRELLIS, WOOD TRIM, ROOF, SILL, AND DOOR TRIM - "Dark Bronze Finish"

107 STONE VENEER (1/2" Brick Clinker) - Coronado Stone "Appalachian Highlands" w/ matching colored corner stones

108 STONE PLANK CLADDING - Coronado Stone "Natural Grey"

109 CORONADO WOODS "Rustic Cedar" 6 X 6

110 CORONADO WOODS "Rustic Cedar" 6 X 6

111 CORONADO WOODS "Rustic Cedar" 6 X 6

112 PRE-FINISH PAINT @ STOREFRONT AND WINDOWS "Dark Bronze Finish"

113 STANDING SEAM METAL ROOF - Standing Seam Metal "Dark Bronze Finish"

127 BRICK VENEER - Coronado Stone "Sedona Brick" - 1 1/2" x 8" Color "Sedona" 90%, "Terra Rosa" 10%

139 BRICK CLINKERS - Coronado Stone "Sedona Brick" - 1 1/2" x 8" Color "Sedona" 90%, "Terra Rosa" 10%

ACS Architectural Construction Services Inc

101 Shipyard Way
Suite B
Newport Beach CA
92663

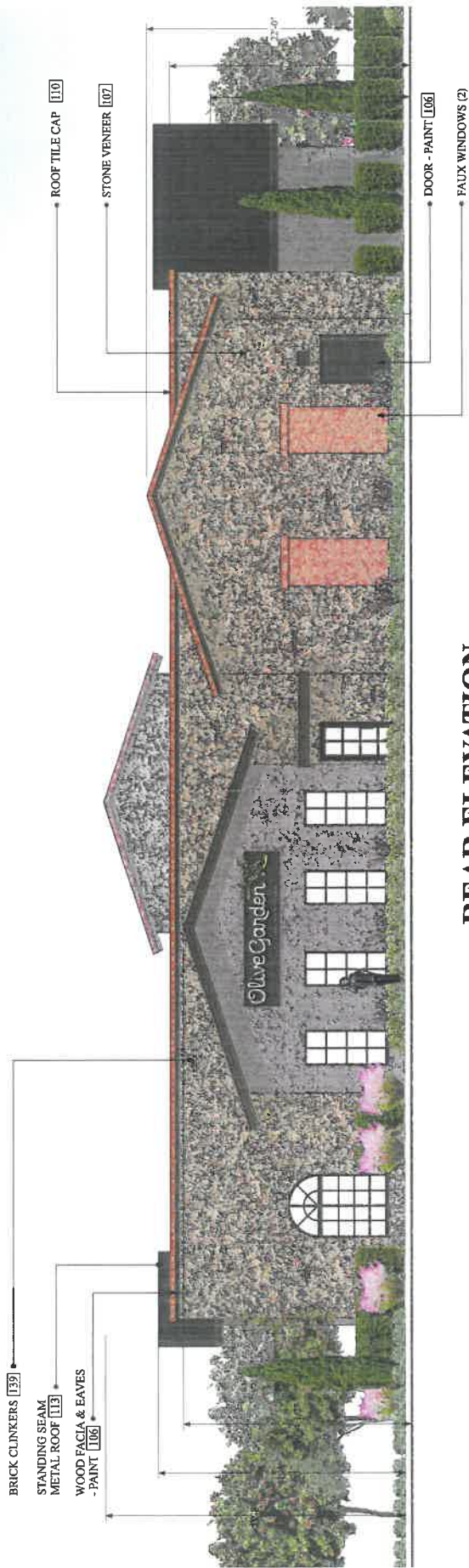
T 714 438 9000
acs-architects.com

NPB | MNE | ATL

Sheet 4 of 4



File Name: OG-P78DOMB-L- Color Elevations
03-08-22



REAR ELEVATION



File Name: OG-P78DOMB-L-Color Elevations
03-08-22

MATERIAL LEGEND

- 186 PAINT & WOOD TRELLIS, WOOD TRIM, WOOD FACIA, AND BOARDS - "Black Bronze Finish"
- 187 STONE VENEER (0139 Brick Clinkers) - Ceramusa Stone "Appalachian Fieldstone" w/ sanding chiseled corner stone
- 188 STONE: PLANK CLADDING - Ceramusa Stone "Natural Cedar" w/ sanding chiseled corner stone
- 189 CERAMUSA WOODSIDE "Rustic Cedar" 6 X 16
- 190 CONCRETE ROOF TILE - "Dark Bronze Finish"
- 191 BEARFINISH PAINT @ STOREFRONT AND WINDOWS - "Black Bronze Finish"
- 192 STANDING SEAM METAL ROOF - "Black Bronze Finish"
- 193 BRICK VENEER - Ceramusa Stone "Black Bronze Finish"
- 194 BRICK CLADDING - Ceramusa Stone "Black Bronze Finish"
- 195 BRICK CLADDING - Ceramusa Stone "Black Bronze Finish"
- 196 BRICK CLADDING - Ceramusa Stone "Black Bronze Finish"
- 197 BRICK CLADDING - Ceramusa Stone "Black Bronze Finish"
- 198 BRICK CLADDING - Ceramusa Stone "Black Bronze Finish"
- 199 BRICK CLADDING - Ceramusa Stone "Black Bronze Finish"
- 200 BRICK CLADDING - Ceramusa Stone "Black Bronze Finish"

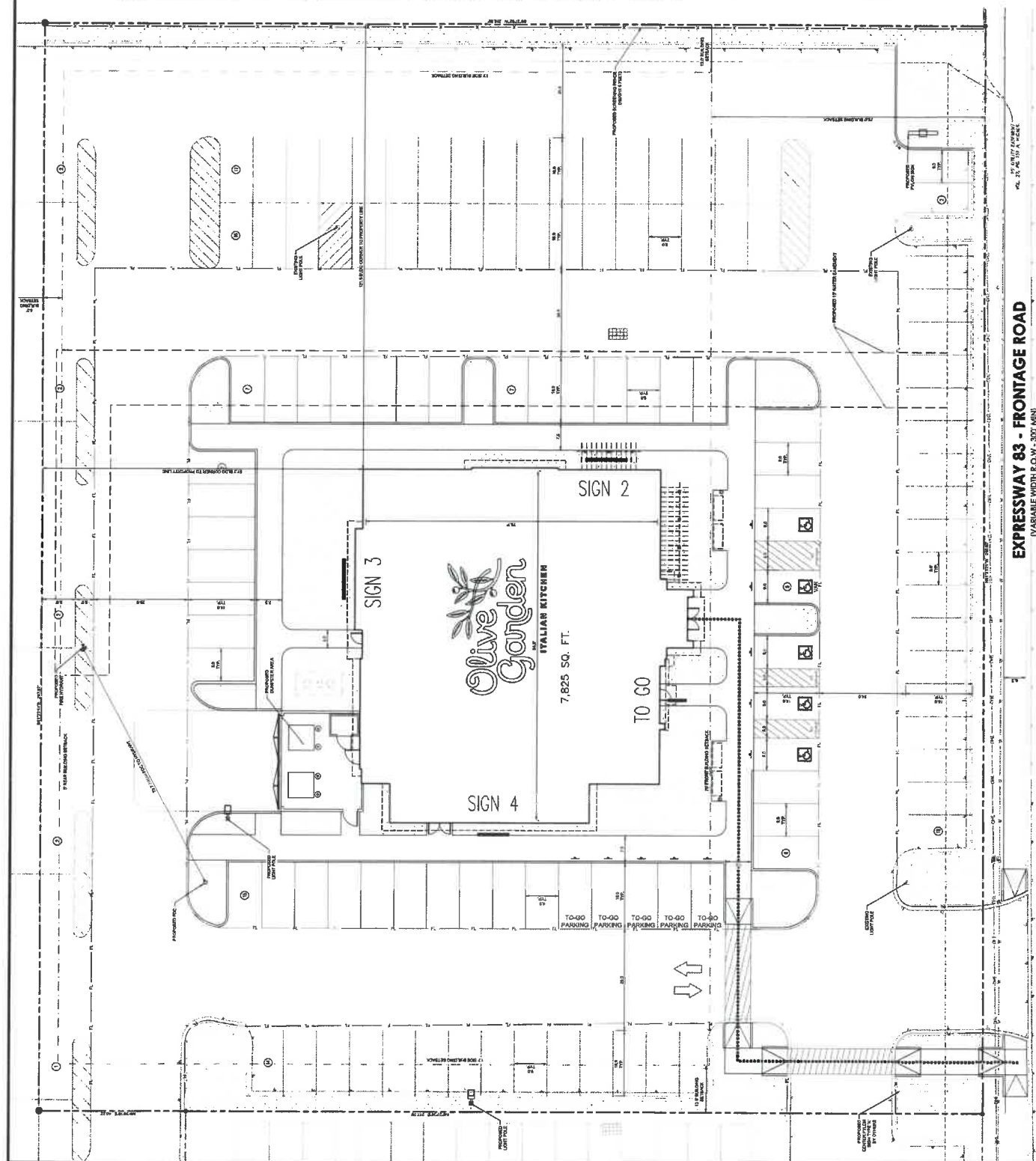


101 Shipyards Way
Suite B
Newport Beach CA
92663

T 714 436 9000
acs-architects.com

NPB | MME | ATL

Sheet 2 of 4



M5070-00-000-0002-00 (513134)
JACK IN THE BOX PROPERTIES LLC
13636 BRETON RIDGE ST SUITE A
HOUSTON TX 77070

W0100-00-017-0011-01 (316663)
CANTU RAMIRO JR
1016 RIO BALSAS
MISSION TX 78572

W0100-00-017-0011-07 (316668)
JUAREZ JOEL C & IDEE & MARIVEL
1407 E EXPRESSWAY 83
MISSION TX 78572

W0100-00-017-0011-08 (316669)
CRUZ IDEE JUAREZ & MARIVEL JUAREZ
1407 E EXPRESSWAY 83
MISSION TX 78572

S1802-00-000-0010-00 (692927)
GONZALEZ REBECCA ABIGAIL
1218 MATAMOROS ST
MISSION TX 78572

N2055-00-000-0001-00 (1469981)
NEWQUEST PROPERTIES
8827 W SAM HOUSTON PARKWAY N SU
HOUSTON TX 77040

N2055-00-000-0004-00 (1469984)
NEWQUEST PROPERTIES
8827 W SAM HOUSTON PARKWAY N SUITE
HOUSTON TX 77040

N2055-00-000-0003-00 (1469983)
NEWQUEST PROPERTIES
8821 W SAM HOUSTON PARKWAY N SUITE
HOUSTON TX 77040

N2055-00-000-0002-00 (1469982)
NEWQUEST PROPERTIES
8827 W SAM HOUSTON PARKWAY N SU
HOUSTON TX 77040

Started: 5:55 p.m.

Ended: 5:58 p.m.

Item #1.7

**Conditional Use Permit &
Site Plan Approval**

**Sale & On-Site Consumption of Alcoholic
Beverages – Olive Garden**

1405 E. Expressway 83

Lots 2 & 3, New Quest Subdivision

C-3

Olive Garden, LLC (c/o LEEANNE CALDERONE)

Ms. De Luna went over the write-up stating the subject site is located approximately 255' east of Bryan and E. Expressway 83 (IH 2) along the north side of E. Expressway 83 (IH 2). The applicant is proposing to construct a 7,825 sq.ft. building for Olive Garden and would like to offer the sale & on-site consumption of alcoholic beverages with their meals. Olive Garden is the largest company of casual, full-service Italian restaurants in the world. Olive Garden restaurants are full-service, casual dining serving both lunch and dinner. Emphasizing high quality, Olive Garden appeals to all guests with its distinctive combination of attentive personalized service and flavorful entrees served in an inviting, comfortable atmosphere. Access to the site is via 36' common access along the Frontage Road and a 28' access on the north side of the property.

- **Days/Hours of Operation:** Sunday through Thursday from 11am to 10pm, and Friday and Saturday from 11am to 11pm.
- **Staff:** approximately 30 employees maximum per shift, with three often overlapping shifts = 100 total employees (Full and Part-Time)
- **Parking & Landscaping:** In reviewing the floor plan, there are a total of 237 seating spaces, which require 79 parking spaces (237 seats/3 space for every 3 seats=79). The applicant is proposing a total of 124 parking spaces plus a shared agreement with the overall development. Landscaping will be complying with city codes.

REVIEW COMMENTS: 1 enclosed dumpster area will be located on the north side of the building and screened with a 6' block fence and opaque (solid) gates. An 8' opaque screen needs to be installed along the east side of the property next to the residential use.

Staff mailed out 9 notices to property owners within 200' radius to get any comments in favor or against the request. Staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval for life of use subject to:

- 1) Compliance with all City Codes (Building, Fire, and Health Codes, etc.),
- 2) CUP not transferable to others, and
- 3) Acquire a Business License prior to business occupancy.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Barrera moved to close the hearing. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre asked if the board had any questions.

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Barrera moved to the approve the conditional use permit as per staff's recommendation. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

5:59p.m. Board and City Attorney went into executive session.

6:16p.m Chairwoman Izaguirre entertained a motion to return from executive session. Mrs. Garza moved to leave executive session. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre entertained a motion to remove the item from the table. Mr. Sanchez moved to remove the item from the table. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023

PRESENTED BY: Susana De Luna, Planning Director

AGENDA ITEM: 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

NATURE OF REQUEST:

On April 26, 2023, the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site is located approximately 342' north of Stonegate Drive along the east side of Granite Drive. On March 22, 2023 staff received a petition reflecting 50% opposition to the request. The concerns voiced on the petition refer to their being no infrastructure to support commercial enterprise, draw additional traffic to the subdivision, which only has a single outlet and no through traffic, increasing danger for children and pets, no available parking for business, business hours would increase burden on neighborhood, disrupt the peace and quiet neighborhood, and finally the gun shop would adversely affect the value of the homes. There was public opposition during the P&Z Meeting. The main concerns voiced during the hearing were regarding safety, traffic, and property values. The board unanimously recommended approval.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION: Based on the substantial amount of opposition staff was seeking direction. Note: If P&Z was inclined to approve then staff would suggest the following: 1) Limit to online & gun show sales; 2) 6-months re-evaluation in order to assess this new operation; 3) No Direct Person Sales; 4) No signage; 5) Must comply with all City Codes (Building, Fire, etc.); 6) Compliance with Section 1.56-1 of the Zoning Ordinance; and 7) Must acquire a business license after securing the Firearms License.

Departmental Approval: N/A

Advisory Board Recommendation: P&Z Approval

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE:

APPROVED: _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ORDINANCE NO. ____**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION – SALE
OF FIREARMS AT 3106 GRANITE DRIVE, LOT 14, STONEGATE SUBDIVISION**

WHEREAS, the City Council of the City of Mission finds that during consideration of the conditional use permit request of April 26, 2023, the Planning and Zoning Commission of the City of Mission upon duly recognized motion and second, voted to recommend to the City Council that the conditional use permit shown below be granted.

WHEREAS, The City Council of the City of Mission, held a public hearing at 4:30 p.m. Monday, May 8, 2023, in the Council Chambers of the City Hall to consider the following conditional use permit:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT THE FOLLOWING CONDITIONAL USE PERMIT BE GRANTED:

Legal Description	Type	Conditions of Approval
3106 Granite Drive, Being Lot 14, Stonegate Subdivision	Home Occupation – Sale of Firearms	<ol style="list-style-type: none"> 1) Limit to online & gun show sales; 2) 6-month re-evaluation in order to assess this new operation; 3) No Direct Person Sales; 4) No signage; 5) Must comply with all city codes (Building, Fire, etc.) 6) Compliance with Section 1.56-1 of the Zoning Ordinance; and 7) Must acquire a business license after securing the Firearms Licesen.

READ, CONSIDERED AND PASSED, this the 8th day of May, 2023.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

ITEM# 1.8**TABLED**

CONDITIONAL USE PERMIT: Home Occupation – Sale of Firearms
 3106 Granite Drive
 Lot 14, Stonegate Subdivision
 R-1
 David Balderas

REVIEW DATA

The subject site is located approximately 342' north of Stonegate Drive along the east side of Granite Drive. - **vicinity map**. The applicant has his single-family residence thereon with a paved driveway off of Mile 2 Road. A 6' wooden fence is in place along the residence and covers the backyard. Mr. Balderas has his office in the dining area where he proposes to use as a Firearm Licensing Business. This business will only be used for online fulfillment and order of gun accessories. No customers would be visiting the home. The firearms would be stored in a safe at his home but will only be sold in trade shows. Mr. Balderas long term goals is to move into a commercial location once he has the funds to do so.

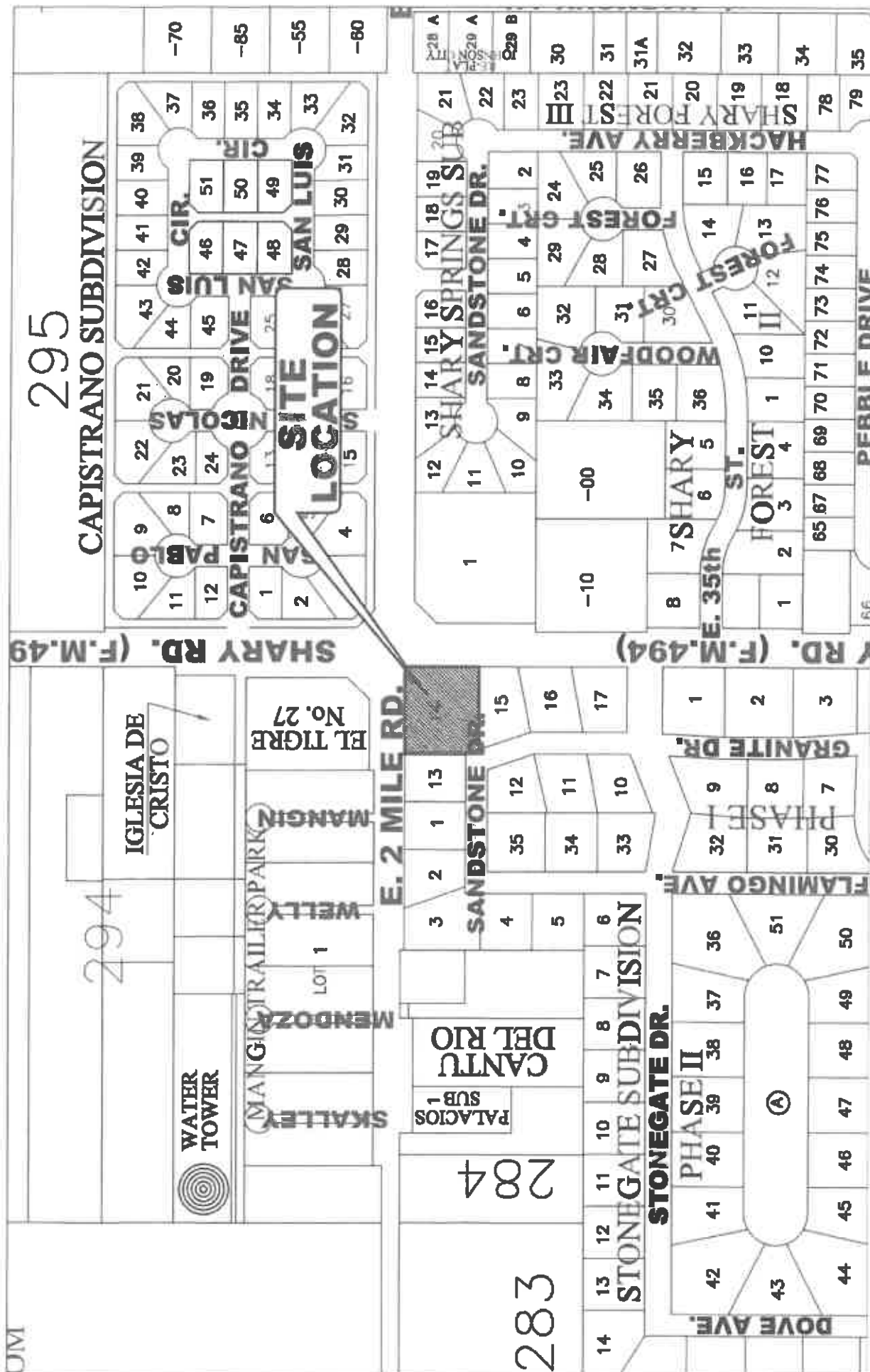
- **Hours of Operation:** Monday - Saturday from 1 pm to 6 pm
- **Staff:** Mr. Balderas will be the only person running the operation
- **Must continue to comply with Sec. 1.56-1, Zoning Code (Home Occupation regulations)**

REVIEW COMMENTS: Mr. Balderas is in the process of obtaining a type 01 (Firearms Dealers License) which would allow him to buy and sell firearms, do repairs and/or custom work on the firearms for customers, sell at gun shows and do online sales. However, before Mr. Balderas is issued a license, he is required to have the approval from the City for a home occupation. Staff mailed out 14 notices to property owners within 200' radius to get any comments in favor or against the request. Staff received one call in opposition to this request. In staff's assessment, the proposed service will not increase traffic and there will be no signage indicating that the site is anything else other than a residence. Staff notes that the City has approved three other Firearms Dealers License in the past for the sale of firearms without any issues.

During the March 22, 2023 P&Z meeting staff received a petition reflecting 50% opposition to the CUP request of property owners within the 200' radius. Staff notes that this petition also included other residents within the Stonegate Subdivisions but are outside the 200' radius. The concerns voiced in the petition refer to their being no infrastructure to support a commercial enterprise, draw additional traffic to the subdivision which only has a single outlet and no through traffic, increasing danger for children and pets, no available parking for business, business hours would increase burden on neighborhood, disrupt the peace and quiet neighborhood, and finally the gun shop would adversely affect the value of the homes.

RECOMMENDATION: Based on the substantial amount of opposition staff is seeking direction.

Note: If the P&Z Board is incline to approve the request, staff would recommend the following: 1) 6-month re-evaluation in order to assess this new operation, 2) Must comply with all City Codes (Building, Fire, etc.), 3) Compliance with Section 1.56-1 of the Zoning Ordinance, and 4) Must acquire a business license after securing the Firearm License.

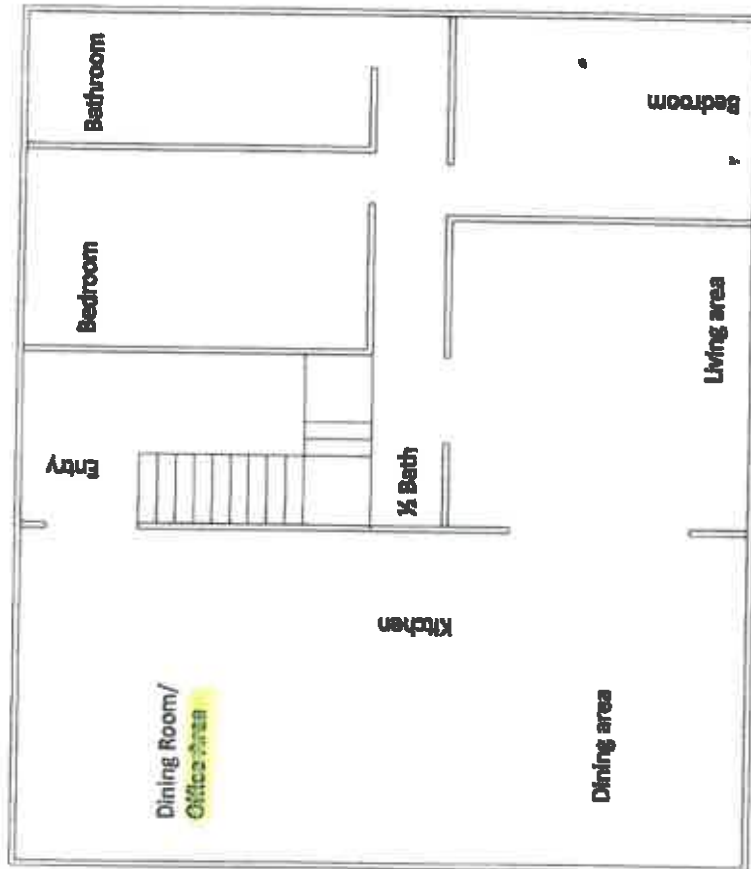


CITY OF MISSION
BIDALGO COUNTY, TEXAS
1201 E. 1st Street
MISSION, TX 78272
TEL: (956) 588-5872
FAX: (956) 588-4680

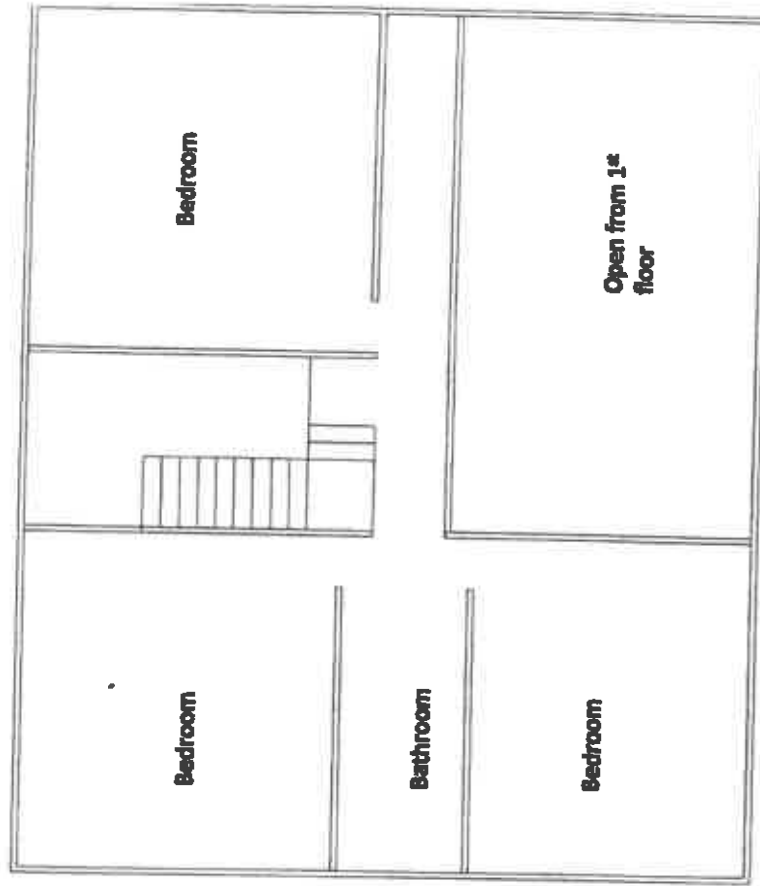
No.



First Floor
3106 Granite Drive
Mission, TX 78574



2nd Floor



RECEIVED
4/19/23

Dean + Nancy L. Kirkhead
956-212-5197

Item 17.

March 18, 2023

This petition is against the request for a Conditional Use permit for home occupation – sale of firearms at 3106 Granite Drive, lot 14, in the Stonegate Subdivision, submitted by David Balderas.

We, the neighboring residents, oppose this Conditional Use Permit for the following reasons:

This is a residential neighborhood with no infrastructure to support a commercial enterprise.

The address on Granite Drive would draw additional traffic to a neighborhood that has only a single outlet and no through traffic, which would pose an increased danger to children and small pets in the area.

There is no available parking/infrastructure to support a business, and the business patrons would likely block neighboring houses and driveways and potentially trespass on neighbors' property to find parking.

The business hours would also likely correspond to times when neighboring residents and their families would be home, such as evenings and weekends, further increasing the burden on the limited infrastructure in the neighborhood.

The homeowners in the neighborhood purchased their residences because of the quiet, established nature of the subdivision and do not want to see a commercial enterprise disrupt that.

The addition of a gun shop within the neighborhood would also adversely affect home prices in the area at the very least because of the increased traffic, potentially imposing an undue economic burden on some residents.

NAME:

Melina Ruiz Gonzalez
Gabriel Gonzalez

ADDRESS:

3205 San Pablo Mission
3205 San Pablo Mission, Tx 78577

March 18, 2023

RECEIVED
4-17-23
CB

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NAME:

ADDRESS:

Maria Teresa Sandoval

3201 San Pablo St.

Rolando Perez / R. -

3206 N. Shady Rd.

3 (Thelma Garcia)

3203 San Pablo St

Alexandra Garcia

3203 San Pablo St

Enrique Armando Garcia

3203 San Pablo St Mission, TX

Original set

Item # 1.8 Petition

Received
3/22/23

Item 17.

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NAME:

ADDRESS:

Dean & Nancy Langford (Fair Petition)

3105 Granite Dr, Mission

Dominica Esperanza Flores

2313 Sandstone Dr, Mission, TX

Bertha & Jorge Serrano

3103 Granite Dr Mission

Tammy and Joseph Castillo

3102 Granite Dr Mission

Mario Del Bosque

3100 Granite Dr. Mission

DON & LIZ WHITSON

2305 STONEGATE DR, MISSION

Raul & Lizette Acevedo

3104 Fleming Ave, Hondo

March 18, 2023

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The addition of a gun shop within the neighborhood would also adversely affect home prices in the area at the very least because of the increased traffic, potentially imposing an undue economic burden on some residents.

NAME:

ADDRESS:

Amalia Granados

3004 Granite Dr.

Luis Reynaga

3002 Granite Dr.

Filiberto Rodriguez

3006 Granite Dr.

Victor Duro

2310 Pebble St.

Rhonda Sakina

2308 Pebble St.

Kristle East

2301 Pebble St.

Lorena Jones

2300 Pebble St.

page 2 of 9

March 18, 2023

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The homeowners in the neighborhood purchased their residences because of the quiet, established nature of the subdivision and do not want to see a commercial enterprise disrupt that.

The addition of a gun shop within the neighborhood would also adversely affect home prices in the area at the very least because of the increased traffic, potentially imposing an undue economic burden on some residents.

NAME: _____

ADDRESS:

NAME: Rocio Juarez

2200 Stony Ate
2201 Stonegate
3008 Dove Ave
2202 Pebble Dr.
2204 Pebble Dr.
2303 Pebble Mission
2303 Pebble Mission

page 3 of 9

March 18, 2023

This petition is against the request for a Conditional Use permit for home occupation – sale of firearms at 3106 Granite Drive, lot 14, in the Stonegate Subdivision, submitted by David Balderas.

We, the neighboring residents, oppose this Conditional Use Permit for the following reasons:

This is a residential neighborhood with no infrastructure to support a commercial enterprise.

The address on Granite Drive would draw additional traffic to a neighborhood that has only a single outlet and no through traffic, which would pose an increased danger to children and small pets in the area.

There is no available parking/infrastructure to support a business, and the business patrons would likely block neighboring houses and driveways and potentially trespass on neighbors' property to find parking.

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The addition of a gun shop within the neighborhood would also adversely affect home prices in the area at the very least because of the increased traffic, potentially imposing an undue economic burden on some residents.

NAME:

ADDRESS:

Carin M. Goyale

3100 Flamingo Ave, Mission 78574

Guillermo Gonzalez

3100 Flamingo Ave

MANUEL CADRIETA

3102 Flamingo Ave

Juan Treviño

2208 Stonegate Dr.

Rocio Ramirez

2207 Stonegate Dr.

Arley Delgado

2204 Stonegate Dr.

Greg & Blanca Martinez
Sarah M. M.

2205 Stonegate Dr. Mission 78574

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March 18, 2023

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NAME:

ADDRESS:

Richard Dany
 Felipe Almaraz
 Mary Pearson
 Belan McKinnery
 Luis Almaraz
 [Signature]
 [Signature]

3105 FLAMINGO
~~2220~~ 2307 Sandstone Dr.
 2309 Sandstone Dr.
 3104 Granite Dr Mission
 3005 Granite Dr Mission
 3006 Granite Dr. Mission
 3006 Flamingo Ave., Mission

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March 18, 2023

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NAME:

ADDRESS:

Raymond Juarez

2211 Pebble St.

Kenneth Westerman

2210 Pebble St.

Isabel Sabal

2209 Pebble St.

2209 Pebble St

Travis Lester

3002 FERNUNGO AVE.

Jessica Lester
AARON HELLER

3002 FERNUNGO AVE
3003 GRANITE DR

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March 18, 2023

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NAME:

ADDRESS:

Kelley Hellen
 Jagan Nelson
 J. Luna
 Rinaldo Guerra, Jr
 Antonio J. Jara
 Capt. Robert
 Maria N. Gonzalez

2311 Pebble Dr. Mission, TX 78574
 2306 Pebble Dr. Mission 78574
 2207 Pebble Dr. Mission TX 78574
 2205 Pebble St Mission, TX 78574
 2200 PEBBLE ST. MISSION, TX
 3001 DOVE AVE. MISSION, TX
 3004 Dove Ave. Mission, TX

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March 18, 2023

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NAME:

ADDRESS:

Agnes Lanza
Jeff Responder
Quita J Responder
Angela M Lanza
✓ Jeff Lanza
Jeff Lanza
Quell Lanza

3007 Dove Ave. - Mission TX.
2203 Stonegate Dr. Mission
2203 Stonegate Dr. Mission TX
2211 Stonegate Dr. TX
22301 Stonegate Dr. TX
2300 STONEGATE DR. MISSION TX.
2303 Stonegate Dr. Mission

page 8 of 9

March 18, 2023

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NAME:

ADDRESS:

Roy M. Infante

2305 Sandstone Dr.

fd

2208 Pebble St. Mission, TX

Maria D.R. Amide

2206 Pebble St. Mission, TX

Thomas K. Kline

2206 Stonegate Dr. Mission, TX

Carol Blosser

3101 Granite, Mission

Jim Blosser

3101 Granite Dr. Mission

Hana McKinney

3104 Granite Dr. Mission, TX

page 9089

CITY OF MISSION NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning and Zoning Commission will hold a Regular Meeting on **March 22, 2023 at 5:30 p.m.** at the **Mission Council Chambers, 1201 E. 8th Street, Mission, Texas** to consider the following Conditional Use Permit.

David Balderas desires a Conditional Use Permit for a Home Occupation – Sale of Firearms at 3106 Granite Drive, being Lot 14, Stonegate Subdivision

(See Vicinity Map)

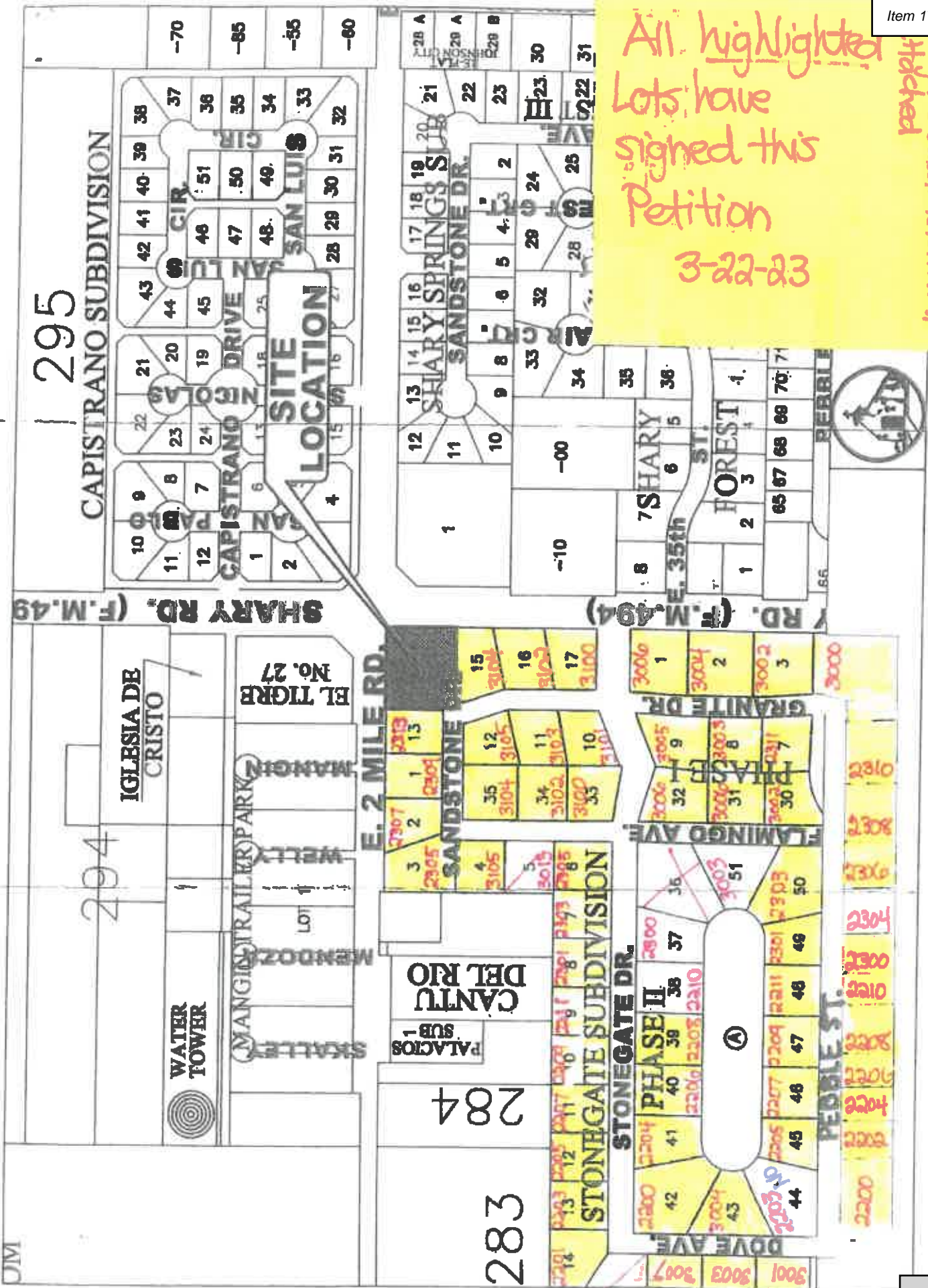
CUP23-18

Thereafter, the **Mission City Council** will decide whether to approve or disapprove the Conditional Use Permit on **April 10, 2023 at 4:30 p.m.** at the same **City Hall's Council Chambers or by Teleconference**. The **Mission City Council** is the final authority as to the approval or disapproval of the Conditional Use Permit.

For additional information, please call the Planning Department at 580-8672.


Susana De Luna,
Planning Director

3/10/23
Date



Item 17.

All highlighted
Lots have
signed this
Petition
3-22-23

RECEIVED
4-5-23
C.O.

City of Mission
Planning Dept.

Both Domingo + Esperanza Flores
living at: 2313 Sandstone Dr
Mission Tx 78574

oppose having David Balderrama
be given a conditional use permit
for a home occupation sale of
fire arms at 3106 Granite Dr., being
lot 14, Stonegate Subdivision -

Reasons being:

- ① It's a residential neighborhood
- ② Too much nightly traffic between our home
and his home - people + cars passing
thru the easement between both houses
at all times of day and night.
- ③ Enough traffic and noise with the trailer
park + the El Sige gas station across
the street.
- ④ There is only 1 entrance into the
neighborhood and the traffic will double.
- ⑤ Gun sales belong in a business not a residence!

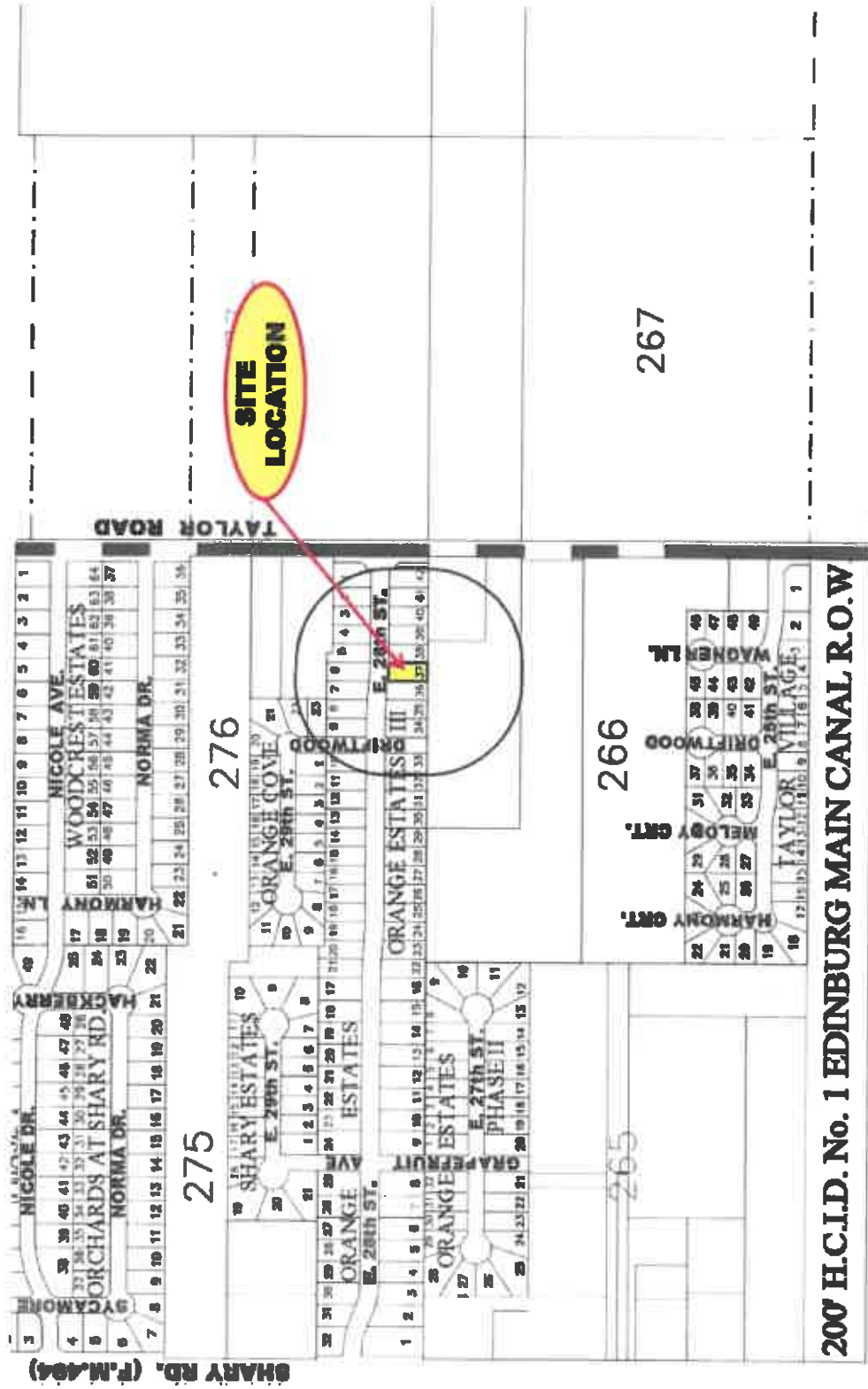
Esperanza Flores (94) 279 6215
Domingo Flores 956-8022730

HOME OCCUPATION DATABASE - FIREARM BUSINESSES

	Applicant	Address	Legal Description	Conditional Use Permit Request	Zone	P&Z
1	John Elmer	2407 Mirosa	Lot 72, Tierra Grande Estates	Home Occupation - Firearm Business (John's Guns)	R-1	Prior to Ordinance Adoption
2	George Slaga, Jr.	2706 E. 28th Street	Lot 37, Orange Estates Ph. III	Home Occupation - Small Hunting Supply Shop	R-1	1/14/2004 No Opposition
				Renewal - Home Occupation Small Hunting Supply Shop		12/8/2004 No Opposition
3	Robert D. Russell	2208 Monaco Drive	Lot 19, Monaco Subdivision	Home Occupation - Operate a Federal Firearm Licensed Business	R-1A	9/14/2011 No Opposition
4	Rogelio Diaz	503 Olano Street	Lot 71, Bougainville Estates	Home Occupation - Gunsmithing Operation	R-1	12/12/2008 No Opposition
5	David Balderras	3106 Granite Drive	Lot 14, Stonegate Subdivision	Home Occupation - Operate a Federal Firearm Licensed Business	R-1	4/26/2023

Note: 11/18/1981 Zoning & Home Occupation Ordinance was adopted

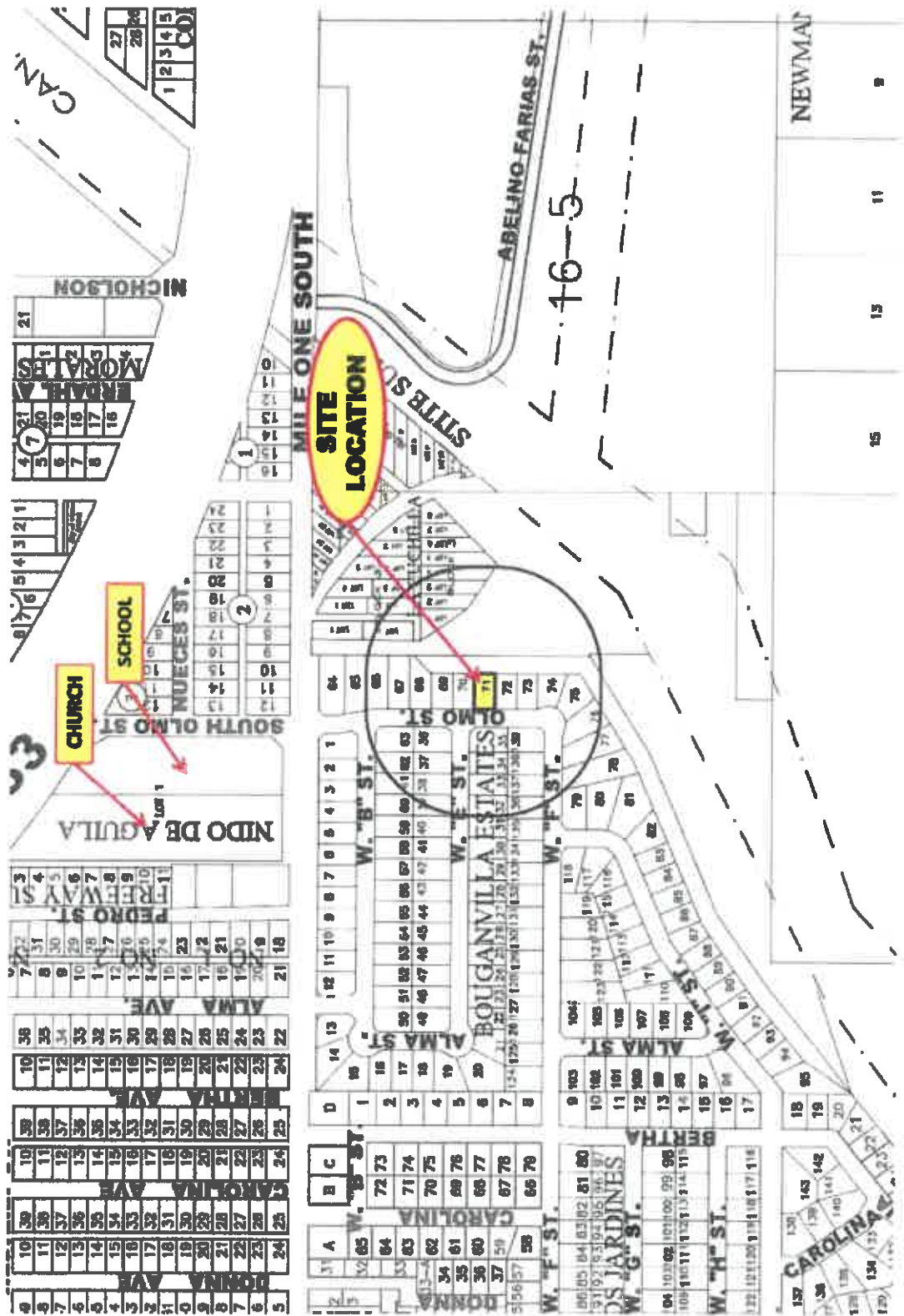
2706 E. 28th Street







503 OLMO STREET









3106 GRANITE DRIVE





Susie De Luna

From: Munoz, Carmelita M (ATF) <Carmelita.Munoz@atf.gov>
Sent: Monday, April 10, 2023 9:16 AM
To: Susie De Luna
Subject: RE: David Balderas - 3106 Granite Drive

Morning,

Here is a list of the home dealers I have for the Mission area. There are not too many. If there is anything else you need please let me know.

Russell Development Inc (dba) Guns & More
2208 Monaco Dr, Mission, TX 78573
(956)627-0789

John Charles Ebner (dba) John's Guns
2407 Mimosa, Mission, TX 78574
(956)458-8859

Andres Trevino (dba) 3V Firearms
408 Tangerine Dr, Mission, TX 78573
(956)566-4193

Reynaldo Trevino
6845 West Military Rd, Mission, TX 78572
(956)227-0638

Pablo Enrique Cantu (dba) Cantus Guns
8855 Western Ave, Mission, TX 78574
(956)534-3376

Thank you,

Carmelita Muñoz

Industry Operations Investigator
 Bureau of Alcohol, Tobacco, Firearms, and Explosives
 McAllen Field Office
 Cell Phone (956)566-5320

From: Susie De Luna <sdeluna@misslontexas.us>
Sent: Monday, April 10, 2023 8:28 AM
To: Munoz, Carmelita M (ATF) <Carmelita.Munoz@atf.gov>
Subject: [EXTERNAL] RE: David Balderas - 3106 Granite Drive

Good Morning Mrs. Muñoz,

Susie De Luna

From: Munoz, Carmelita M (ATF) <Carmelita.Munoz@atf.gov>
Sent: Monday, April 24, 2023 9:39 AM
To: Susie De Luna
Subject: Home business firearm dealers

Morning,

I spoke with my supervisor and he said that if zoning does not renew the conditional use permit after we issue a firearms license, it would be best for zoning to contact us directly and we will flag the license and we will not renew the license unless they fix the zoning issues. Once the license expires, they will not be able to conduct business. The licenses are good for 3 years and require a renewal application prior to expiration and a renewal fee.

Thank you,

Carmelita Muñoz

Industry Operations Investigator
Bureau of Alcohol, Tobacco, Firearms, and Explosives
McAllen Field Office
Cell Phone (956)566-5320

C1525-00-000-0002-00 (537839)
GARZA ARMANDO & THELMA
3203 SAN PABLO ST
MISSION TX 78573

C1525-00-000-0003-00 (537840)
SANDOVAL ELIAMAR L & MARIA T
3201 SAN PABLO ST
MISSION TX 78573

S2950-00-000-0285-00 (281461)
PENA ROLANDO M & OLIVIA R
3208 N SHARY RD
MISSION TX 78574

S6450-00-000-0011-00 (291015)
SERRANO BERTHA L & JORGE A
3103 GRANITE DR
MISSION TX 78574

S6450-00-000-0012-00 (291016)
PEHRSON-FOIX NANCY MAE
3105 GRANITE DR
MISSION TX 78574

S6450-00-000-0013-00 (291017)
FLORES DOMINGO & ESPERANZA L
2313 SANDSTONE DR
MISSION TX 78574

S6450-00-000-0014-00 (291018)
BALDERAS MA ISABEL & ALBERTO
3106 GRANITE DR
MISSION TX 78574

S6450-00-000-0015-00 (291019)
CONFIDENTIAL
3104 GRANITE DR
MISSION TX 78574

S6450-00-000-0016-00 (291020)
CASTILLO JOSEPH & TAMMY
3102 GRANITE DR
MISSION TX 78574

S6450-02-000-0001-00 (291022)
PEARSON WAYNE GORDON
2309 SANDSTONE DR
MISSION TX 78574

S6450-02-000-0035-00 (291056)
ACEVEDO RAUL & LIZETTE
5010 HAVEN PL APT 302
DUBLIN CA 94568

M0630-00-000-0001-05 (617492)
MANGIN RICHARD ALLEN & MICHELLE I
1706 OAKLAND DR
MISSION TX 78573

S2974-00-000-0001-00 (701322)
SHARY 2 MILE RETAIL PARTNERS LTD
1207 ANTOINE DR
HOUSTON, TX 77065

E4924-27-000-0001-00 (717116)
MMC PROPERTIES INC
2106 REMINGTON AVE
EDINBURG TX 78539

Started: 6:17 p.m.

Ended: 6:57 p.m.

Item #1.8

Tabled Conditional Use Permit:

Home Occupation – Sale of Firearms

3106 Granite Drive

Lot 14, Stonegate Subdivision

R-1

David Balderas

Ms. De Luna went over the write-up stating the subject site is located approximately 342' north of Stonegate Drive along the east side of Granite Drive. - **vicinity map**. The applicant has his single-family residence thereon with a paved driveway off of Mile 2 Road. A 6' wooden fence is in place along the residence and covers the backyard. Mr. Balderas has his office in the dining area where he proposes to use as a Firearm Licensing Business. This business will only be used for online fulfillment and order of gun accessories. No customers would be visiting the home. The firearms would be stored in a safe at his home but will only be sold in trade shows. Mr. Balderas long term goals is to move into a commercial location once he has the funds to do so.

- **Hours of Operation:** Monday - Saturday from 1 pm to 6 pm
- **Staff:** Mr. Balderas will be the only person running the operation
- Must continue to comply with Sec. 1.56-1, Zoning Code (Home Occupation regulations)

REVIEW COMMENTS: Mr. Balderas is in the process of obtaining a type 01 (Firearms Dealers License) which would allow him to buy and sell firearms, do repairs and/or custom work on the firearms for customers, sell at gun shows and do online sales. However, before Mr. Balderas is issued a license, he is required to have the approval from the City for a home occupation. Staff mailed out 14 notices to property owners within 200' radius to get any comments in favor or against the request. Staff received one call in opposition to this request. In staff's assessment, the proposed service will not increase traffic and there will be no signage indicating that the site is anything else other than a residence. Staff notes that the City has approved three other Firearms Dealers License in the past for the sale of firearms without any issues.

During the March 22, 2023 P&Z meeting staff received a petition reflecting 50% opposition to the CUP request of property owners within the 200' radius. Staff notes that this petition also included other residents within the Stonegate Subdivisions but are outside the 200' radius. The concerns voiced in the petition refer to their being no infrastructure to support a commercial enterprise, draw additional traffic to the subdivision which only has a single outlet and no through traffic, increasing danger for children and pets, no available parking for business, business hours would increase burden on neighborhood, disrupt the peace and quiet neighborhood, and finally the gun shop would adversely affect the value of the homes.

RECOMMENDATION: Based on the substantial amount of opposition staff is seeking direction.

Note: If the P&Z Board is incline to approve the request, staff would recommend the following: 1) 6-month re-evaluation in order to assess this new operation, 2) Must comply with all City Codes (Building, Fire, etc.), 3) Compliance with Section 1.56-1 of the Zoning Ordinance, and 4) Must acquire a business license after securing the Firearm License.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

Mrs. Nancy Loughheed who resides at 3105 Granite Drive stated she was in opposition. She stated that the last petition that was submitted to the Planning department included the last three homes within the 200' radius. She mentioned that her neighborhood doesn't want this type of business in their quiet subdivision. She added that internet sales require customers to pick up firearms and that is what they're trying to avoid, Mission has better locations for this type of business.

Mrs. Thelma Garza who resides at 3203 San Pablo stated that she was in opposition. She stated that she was a realtor and that mission has 37 commercial properties for lease some as low as a dollar per sq. ft. She mentioned that there was no reason for this subdivision to turn into commercial.

Mrs. Sylvia Riddle who resides at 2703 Pebble stated that she was in opposition. Her main concern were guns all over the news. She added that she prefers this type of business be taken to a storefront location and not a residential one.

Mrs. Bertha Serrano who resides at 3103 Granite Drive stated that she has lived in that subdivision for five years and would like for this subdivision to remain a quiet neighborhood.

Mrs. Maria Sandoval who resides at 3201 San Pablo stated that she was in opposition. She added that mixing residential with commercial was not a good idea.

Mr. Deal Loughheed who resides at 3105 Granite Drive stated he was in opposition. He stated that he walked around the neighborhood and spoke to the neighbors, and everyone said they were against this request. He added that this business would cause more traffic to the neighborhood and it wouldn't be safe for kids.

Mr. Dario Rivas who resides at 2204 Pebble Drive stated that he was in opposition. He stated that if we give permission to the applicant to sell firearms that it would be like gas stations popping up everywhere.

Mr. Sergio Garcia who resides at 2010 E. 29th Street stated that he didn't believe what they were arguing was valid. He mentioned that no traffic was going to be created since everything was done online. He added that all equipment would be stored in safes, and no firearms would be displayed. He stated that the whole purpose of this license was to sell online legally and at trade shows.

Mrs. Isabel Balderas who resides at 3106 Granite Drive stated that this was a conditional use permit not commercial property permit. She added that this would only be an online store, and no signage would be posted that guns are for sale. She mentioned that her main entrance is on mile 2 where all the traffic is at.

The applicant David Balderas who resides at 3106 Granite Drive stated that he is not the only person with an FFL License. He stated he is not selling to just any individual and he makes sure they have a clean record. He mentioned he is trying to be responsible and have everything right. He added that eventually he would like to have a business in a commercial area.

Mr. Joe Gonzalez who resides at 3007 Dove Ave stated that his main concern was that this was made public that he has firearms at his house.

Mr. Albert Balderas who resides at 3106 Granite Drive stated that everyone had a misconception of selling guns out of our home. He mentioned that all his guns are stored safely in safes. He mentioned that his sons license would be used for online sales and trade shows only.

Mr. Manuel Cadriel who resides at 3102 Flamingo stated that he likes firearms as well. His main concern is that it was a residential neighborhood and accidents can happen everywhere. He added that this business should be away from the public.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Sanchez motioned to close the hearing. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Garza asked that if other residents within the 1- or 2-mile radius to his location have permits?

Ms. De Luna stated not to his residence. She mentioned that the only two that are active are the one on Monoco and Mimosa.

Mr. Barrera asked that if the other FFL License holders have had problems like break ins?

Ms. De Luna stated that no problems have been addressed. She mentioned that the existing license holders didn't have opposition when presented.

Ms. Garza stated that she just wanted clarification from the applicant. She asked when a customer purchases a firearm where would the customer pick it up.

Mr. David Balderas stated that the customer would pick it up. He added that he wouldn't have that service that he would only use it for tradeshow. He mentioned that at tradeshow he would have his laptop and run his orders. He mentioned that he would only ship to other FFL license holders.

Mr. Sanchez asked that if a customer wants to see the firearm he wants to purchase, can the customer go to the applicant's house?

Mr. David Balderas stated that the customer could but he wouldn't offer those services. He added that he would only show at tradeshow or online.

Ms. De Luna stated that she spoke to ATF and stated that at one point the customer has to contact the seller to sign all paper work.

Mr. Sanchez asked that if the signature had to be a wet one.

Ms. De Luna stated that it had to be a signature. She added that it didn't have to be at the residence but at one-point contact had to be made.

Ms. Garza asked that if Mr. Balderas was not allowing customers to his residence, what were his plans for delivery.

Mr. David Balderas stated that he would ship out to another FFL license holder only. He mentioned if someone in Las Vegas wanted a firearm, he could only ship it to an FFL license holder.

Mr. Sanchez asked hypothetically if I would purchase a firearm from you where would I pick it up.

Mr. David Balderas stated that he would go to a store that holds an FFL license and tell them I want to order a firearm through Mr. Balderas.

Mr. Sanchez asked that where would the paper work that needs to be signed, where would I sign it.

Mr. David Balderas stated at the store where you're at, where I would ship the firearm too.

Mr. Sanchez stated that if at tradeshow everything would be onsite.

Mr. David Balderas stated that everyone has a booth and sets up. He added that he would run a background check and once everything was clear, the exchange would happen.

Mr. Sanchez stated if I purchase a firearm and wanted shipped to point blank, I would pick it up there.

Mr. David Balderas stated "yes".

Mr. Sanchez stated that what if he didn't want to go through that process and wanted to pick up the firearm at Mr. Balderas residence.

Mr. Balderas stated that he could but wouldn't offer those services.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Barrera moved to approve the conditional use permit subject to 1) Limit to online & gun show sales; 2) 6-month re-evaluation; 3) No direct person sales; 4) No signage; 5) Must comply with all City Codes (Building, Fire, etc.); 6) Compliance with Section 1.56-1 of the Zoning Ordinance; and 7) Must acquire a business license after securing the Firearms License; Mr. Alanis seconded the motion. Upon a vote, the motion passed unanimously.



CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023

PRESENTED BY: Susana De Luna, Planning Director

AGENDA ITEM: Discussion and Action to Amend Garage Sale Ordinance Amending Chapter 82 – Sales, Article II. – Garage, Porch, Yard, Clubhouse/Recreation Hall, Rummage, Tent, and Estate Sales, Section 82-36. Term of Garage Sale Permit, Section 82-37. Maximum Number of Garage Sales, and Adoption of Ordinance # _____ - De Luna

NATURE OF REQUEST:

Several concerns have been voiced to the Planning Department staff in regards to the following:

of Tent Sale permits are allowed – current ordinance allows 2 per year/1 every 6 months

of days Estates Sales are allowed – current ordinance allows 2 days only

of days allowed for Clubhouse/Recreational Hall Park Sale – current ordinance allows 1 day

During a workshop held on April 3, 2023 with the City Council the Sale Permits concerns were discussed. Staff proposes to amend the above ordinance as follows:

- Tent Sales to be allowed 1 every month for 1 day, but not more than a 3-day sale
- Estate Sales to be allowed up to 4 days but must provide proof
- Clubhouse/Recreational Hall Park Sales to be allowed 1 day but no more than a 3-day sale

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

STAFF RECOMMENDATION:

Staff recommends approval.

Departmental Approval: None

Advisory Board Recommendation: P&Z Approval

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE:

APPROVED: _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ITEM# 2.0

Discussion and Action to Amend Garage Sale Ordinance Amending Chapter 82 - Sales, Article II. – Garage, Porch, Yard, Clubhouse/Recreation Hall, Rummage, Tent, and Estate Sales, Section 82-36. Term of Garage Sale Permit, Section 82-37. Maximum Number of Garage Sales.

Several concerns have been voiced to the Planning Department staff in regards to the following:

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- Tent Sales to be allowed 1 every month for 1 day, but not more than a 3-day sale
- Estate Sales to be allowed up to 4 days but must provide proof
- Clubhouse/Recreational Hall Park Sales to be allowed 1 day but no more than a 3-day sale

ORDINANCE NO. ____

AN ORDINANCE AMENDING CHAPTER 82 - SALES, ARTICLE II. – GARAGE, PORCH, YARD, CLUBHOUSE/RECREATION HALL, RUMMAGE, TENT, AND ESTATE SALES, SECTION 82-36. TERM OF GARAGE SALE PERMIT, SECTION 82-37. MAXIMUM NUMBER OF GARAGE SALES, AND SECTION 82-40 PERMITS NUMBER AND SALES PERMIT INFORMATION, TEXAS; AND PROVIDING A PUBLICATION DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, COUNTY OF HIDALGO, TEXAS THAT:

1. The Sales Code, Article VII – Garage, Porch, Yard, Clubhouse/Recreation Hall, Rummage, Tent, and Estate Sales, Sec.82-36 to be amended to read as follows:

Clubhouse/Recreation Hall Park Sale – ~~One day sale only~~ 1 day, **but no more than a 3-day sale**; must submit a list of all property owners that will participate and their addresses.

Estate Sale – ~~Two day~~ **4-day** sale; proper documentation shall be provided as part of the permit application process to sustain that said estate sale is a legitimate event.

2. The Sales Code, Article VII – Garage, Porch, Yard, Clubhouse/Recreation Hall, Rummage, Tent, and Estate Sales, Sec.82-37 Maximum number of garage sales to be amended to read as follows:

Clubhouse/Recreation Hall Park Sale and Tent Sale shall be valid for 1 day, but no more than a 3-day sale. ~~Each location~~ Clubhouse/recreation hall park sales shall be allowed 2 permits per calendar year, not to exceed 1 permit per 6-month interval. Tent Sale shall be allowed **1 every month**. ~~4 permits per calendar year, not to exceed 1 per 3-month interval.~~

3. The Sales Code, Article VII – Garage, Porch, Yard, Clubhouse/Recreation Hall, Rummage, Tent, and Estate Sales, Sec.82-40 Permit number and sales permit information to be amended to read as follows:

- (a) Each sales permit issued shall bear the street address of the residence where the sale will be located, the date(s) when the ~~garage~~ sale will be held, and any other reasonable information deemed necessary by the City of Mission.

4. The provisions of this Ordinance are to be published in the locations indicated in the Code of Ordinances of the City of Mission, Texas as soon as practicable.
5. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED AND PASSED, THIS THE ____ DAY OF _____, 2023.

NORIE GONZALEZ GARZA, MAYOR

ATTEST:

ANNA CARRILLO, CITY SECRETARY

Started: 6:57 p.m.

Ended: 7:01 p.m.

Item #2.0

Discussion and Action to Amend Garage Sale Ordinance Amending Chapter 82 – Sales, Article II. – Garage, Porch, Yard, Clubhouse/Recreation Hall, Rummage, Tent, and Estate Sales, Section 82-36. Term of Garage Sale Permit, Section 82-37. Maximum Number of Garage Sales.

Ms. De Luna stated that Several concerns have been voiced to the Planning Department staff in regards to the following:

of Tent Sale permits are allowed – current ordinance allows 2 per year/1 every 6 months

of days Estates Sales are allowed – current ordinance allows 2 days only

of days allowed for Clubhouse/Recreational Hall Park Sale – current ordinance allows 1 day

During a workshop held on April 3, 2023 with the City Council the Sale Permits concerns were discussed. Staff proposes to amend the above ordinance as follows:

- Tent Sales to be allowed 1 every month for 1 day, but not more than a 3-day sale
- Estate Sales to be allowed up to 4 days but must provide proof
- Clubhouse/Recreational Hall Park Sales to be allowed 1 day but no more than a 3-day sale

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Barrera moved to close the hearing. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Mrs. Garza asked that if it was allowed for the business owner to have a tent sale and charge for the tent/table.

Ms. De Luna stated “no” this is only for the business.

Mrs. Austin asked how many times can the Clubhouse/Recreational Hall Park Sales be allowed?

Ms. De Luna stated twice a year.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mrs. Austin moved to approve the amendment. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

ORDINANCE NO. 5309

AN ORDINANCE AMENDING CHAPTER 82 - SALES, ARTICLE II. - GARAGE, PORCH, YARD, CLUBHOUSE/RECREATION HALL, RUMMAGE, TENT, AND ESTATE SALES, SECTION 82-36. TERM OF GARAGE SALE PERMIT, SECTION 82-37. MAXIMUM NUMBER OF GARAGE SALES, AND SECTION 82-40 PERMITS NUMBER AND SALES PERMIT INFORMATION, TEXAS; AND PROVIDING A PUBLICATION DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, COUNTY OF HIDALGO, TEXAS THAT:

1. The Sales Code, Article VII - Garage, Porch, Yard, Clubhouse/Recreation Hall, Rummage, Tent, and Estate Sales, Sec.82-36 to be amended to read as follows:

Clubhouse/Recreation Hall Park Sale - 1 day, but no more than a 3-day sale; must submit a list of all property owners that will participate and their addresses.

Estate Sale - 4-day sale; proper documentation shall be provided as part of the permit application process to sustain that said estate sale is a legitimate event.

2. The Sales Code, Article VII - Garage, Porch, Yard, Clubhouse/Recreation Hall, Rummage, Tent, and Estate Sales, Sec.82-37 Maximum number of garage sales to be amended to read as follows:

Clubhouse/Recreation Hall Park Sale and Tent Sale shall be valid for 1 day, but no more than a 3-day sale. Clubhouse/recreation hall park sales shall be allowed 2 permits per calendar year, not to exceed 1 permit per 6-month interval. Tent Sale shall be allowed 1 every month.

3. The Sales Code, Article VII-Garage, Porch, Yard, Clubhouse/Recreation Hall, Rummage, Tent, and Estate Sales, Sec.82-40 Permit number and sales permit information to be amended to read as follows:

(a) Each sales permit issued shall bear the street address of the residence where the sale will be located, the date(s) when the sale will be held, and any other reasonable information deemed necessary by the City of Mission.

4. The provisions of this Ordinance are to be published in the locations indicated in the Code of Ordinances of the City of Mission, Texas as soon as practicable.
5. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED AND PASSED, THIS 8TH DAY OF MAY, 2023.

Norie Gonzalez Garza

Norie Gonzalez-Garza, Mayor

ATTEST:

Anna Carrillo

Anna Carrillo, City Secretary



ORDINANCE NO. 5309

AN ORDINANCE AMENDING CHAPTER 82 - SALES, ARTICLE II. - GARAGE, PORCH, YARD, CLUBHOUSE/RECREATION HALL, RUMMAGE, TENT, AND ESTATE SALES, SECTION 82-36. TERM OF GARAGE SALE PERMIT, SECTION 82-37. MAXIMUM NUMBER OF GARAGE SALES, AND SECTION 82-40 PERMITS NUMBER AND SALES PERMIT INFORMATION, TEXAS; AND PROVIDING A PUBLICATION DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, COUNTY OF HIDALGO, TEXAS THAT:

1. The Sales Code, Article VII - Garage, Porch, Yard, Clubhouse/Recreation Hall, Rummage, Tent, and Estate Sales, Sec.82-36 to be amended to read as follows:

Clubhouse/Recreation Hall Park Sale - 1 day, but no more than a 3-day sale; must submit a list of all property owners that will participate and their addresses.

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3. The Sales Code, Article VII-Garage, Porch, Yard, Clubhouse/Recreation Hall, Rummage, Tent, and Estate Sales, Sec.82-40 Permit number and sales permit information to be amended to read as follows:

(a) Each sales permit issued shall bear the street address of the residence where the sale will be located, the date(s) when the sale will be held, and any other reasonable information deemed necessary by the City of Mission.

4. The provisions of this Ordinance are to be published in the locations indicated in the Code of Ordinances of the City of Mission, Texas as soon as practicable.
5. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED AND PASSED, THIS 8TH DAY OF MAY, 2023.

NORIE GONZALEZ GARZA, MAYOR

ATTEST:

ANNA CARRILLO, CITY SECRETARY



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023

PRESENTED BY: Susana De Luna, Planning Director

AGENDA ITEM: Discussion and Action to Amend the Off-Street Parking Requirements for Commercial Developments, and Adoption of Ordinance # _____ - De Luna

NATURE OF REQUEST:

A concern has been voiced to the Planning Department staff regarding the minimum standard requirements for commercial buildings. Most of the existing commercial buildings have outgrown their parking. When most of these commercial establishments were originally presented to staff they were considered shell buildings for the majority of the time. The parking for a commercial building is based on square footage. It's not until the owner sells or rents the unit that staff has an idea of the proposed use. Off-street parking is calculated based on the use and if the use is unknown then it is calculated based on square footage. The off-street parking requirements for commercial developments inside and outside the Central Business District has not been amended since September 14, 1981.

Staff proposes to upgrade the parking requirements for commercial developments outside the Central Business District to be amended as follows have 1 parking space for every 200 sq.ft. (after the 1st 200 s. ft. equates to 4). During a workshop held on April 3, 2023 with the City Council the off-street parking concern was discussed. Staff and the City Council considered different locations and saw the need for additional parking but at the same time don't want to discourage future developments from coming into our City. So, in a matter to compromise the City Council opted to reduce the square footage from 400 sq.ft. to 300 sq.ft. and work from there.

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

STAFF RECOMMENDATION:

Staff recommends approval.

Departmental Approval: None

Advisory Board Recommendation: P&Z Approval

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE:

APPROVED:	_____
DISAPPROVED:	_____
TABLED:	_____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ITEM# 2.1

Discussion and Action to Amend the Off-Street Parking Requirements for Commercial Developments

A concern has been voiced to the Planning Department staff regarding the minimum standard requirements for commercial buildings. Most of the existing commercial buildings have outgrown their parking. When most of these commercial establishments were originally presented to staff they were considered shell buildings for the majority of the time. The parking for a commercial building is based on square footage. It's not until the owner sells or rents the unit that staff has an idea of the proposed use. Off-street parking is calculated based on the use and if the use is unknown then it is calculated based on square footage. The off-street parking requirements for commercial developments inside and outside the Central Business District has not been amended since September 14, 1981.

Staff proposes to upgrade the parking requirements for commercial developments outside the Central Business District to be amended as follows have 1 parking space for every 200 sq.ft. (after the 1st 200 s. ft. equates to 4).

During a workshop held on April 3, 2023 with the City Council the off-street parking concern was discussed. Staff and the City Council considered different locations and saw the need for additional parking but at the same time don't want to discourage future developments from coming into our City. So, in a matter to compromise the City Council opted to reduce the square footage from 400 sq.ft. to 300 sq.ft. and work from there.

Example: New Commercial Development of 3,000 sq.ft.

Current Code

4 parking spaces for 1st 400 sq.ft.
 3,000 sq.ft. – 400 sq.ft. = 4 spaces
 (bal.) 2600 sq.ft. divided by 400 sq.ft. = 6.5
 4 spaces + 7 spaces = 11 total spaces

City Council Consensus

4 parking spaces for 1st 300 sq.ft.
 3,000 sq.ft. – 300 sq.ft. = 4 spaces
 (bal.) 2700 sq.ft. divided by 300 sq.ft. = 9
 4 spaces + 9 spaces = 13 total spaces

Staff's Proposal

4 parking spaces for 1st 200 sq.ft.
 3,000 sq.ft. – 200 sq.ft. = 4 spaces
 (bal.) 2800 sq.ft. divided by 200 sq.ft. = 14
 4 spaces + 14 spaces = 18 total spaces

FYI, on same sq.ft. other cities would impose
 McAllen would impose – 11 parking spaces
 Edinburg would impose – 11 parking spaces
 Pharr would impose – 12 parking spaces
 Mission would impose 11 parking spaces

ORDINANCE NO. ____

AN ORDINANCE AMENDING CHAPTER 110-TRAFFIC AND VEHICLES, ARTICLE VIII. – STOPPING, STANDING, PARKING, DIVISION 4.- OFF-STREET PARKING, SECTION 110-463 MINIMUM PARKING REQUIREMENTS FOR COMMERCIAL DEVELOPMENT OUTSIDE THE CENTRAL BUSINESS DISTRICT IN MISSION, TEXAS; AND PROVIDING A PUBLICATION DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, COUNTY OF HIDALGO, TEXAS THAT:

1. The Traffic and Vehicles Code, Article VIII – Stopping, Standing, Parking, Division 4 ‘Off-street Parking’ of the Code of Ordinances, Section 110-463(b)(12) to be amended to read as follows:
 - a. Commercial development outside the central business district: Four spaces for up to ~~300~~ 400 square feet of floor area, plus one space for each additional ~~300~~ 400 square feet of floor area up to 5,000 square feet. For building containing over 5,000 square feet, a separate parking plan must be shown to describe the following: Number of spaces; ratio of spaces to floor space; dimensions; driveway locations and sizes; on-site traffic control; study showing capacity of street system to handle increased traffic flow.
2. The provisions of this Ordinance are to be published in the locations indicated in the Code of Ordinances of the City of Mission, Texas as soon as practicable.
3. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED AND PASSED, THIS THE ____ DAY OF _____, 2023.

NORIE GONZALEZ GARZA, MAYOR

ATTEST:

ANNA CARRILLO, CITY SECRETARY

Started: 7:01 p.m.

Ended: 7:08 p.m.

Item #2.1

Discussion and Action to Amend the Off-Street Parking Requirements for Commercial Developments

Ms. De Luna went over the write-up stating that a concern has been voiced to the Planning Department staff regarding the minimum standard requirements for commercial buildings. Most of the existing commercial buildings have outgrown their parking. When most of these commercial establishments were originally presented to staff they were considered shell buildings for the majority of the time. The parking for a commercial building is based on square footage. It's not until the owner sells or rents the unit that staff has an idea of the proposed use. Off-street parking is calculated based on the use and if the use is unknown then it is calculated based on square footage. The off-street parking requirements for commercial developments inside and outside the Central Business District has not been amended since September 14, 1981.

Staff proposes to upgrade the parking requirements for commercial developments outside the Central Business District to be amended as follows have 1 parking space for every 200 sq.ft. (after the 1st 200 s. ft. equates to 4).

During a workshop held on April 3, 2023 with the City Council the off-street parking concern was discussed. Staff and the City Council considered different locations and saw the need for additional parking but at the same time don't want to discourage future developments from coming into our City. So, in a matter to compromise the City Council opted to reduce the square footage from 400 sq.ft. to 300 sq.ft. and work from there.

Example: New Commercial Development of 3,000 sq.ft.

Current Code

4 parking spaces for 1st 400 sq.ft.
 3,000 sq.ft. – 400 sq.ft. = 4 spaces
 (bal.) 2600 sq.ft. divided by 400 sq.ft. = 6.5
 4 spaces + 7 spaces = 11 total spaces

Staff's Proposal

4 parking spaces for 1st 200 sq.ft.
 3,000 sq.ft. – 200 sq.ft. = 4 spaces
 (bal.) 2800 sq.ft. divided by 200 sq.ft. = 14
 4 spaces + 14 spaces = 18 total spaces

City Council Consensus

4 parking spaces for 1st 300 sq.ft.
 3,000 sq.ft. – 300 sq.ft. = 4 spaces
 (bal.) 2700 sq.ft. divided by 300 sq.ft. = 9
 4 spaces + 9 spaces = 13 total spaces

FYI, on same sq.ft. other cities would impose
 McAllen would impose – 11 parking spaces
 Edinburg would impose – 11 parking spaces
 Pharr would impose – 12 parking spaces
 Mission would impose 11 parking spaces

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mrs. Austin moved to close the hearing. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre stated that when a plaza is being built they calculate the number of parking by the square footage. She added that building a restaurant changes the calculation.

Ms. De Luna stated that the way to calculate the parking for a restaurant was different. She added that restaurants are calculated 1 parking space for every 3 seats. However, we calculate both by square footage and by seats. She mentioned that there are different requirements for parking depending on the use, this would only be for establishments outside the central business area.

Chairwoman Izaguirre mentioned that for example Brick Fire had enough parking spaces, but when they added the food truck then the parking was not in compliance.

Ms. De Luna stated that this ordinance would only be imposed on new commercial development.

Mrs. Garza asked how do you calculate shared parking spaces.

Ms. De Luna stated depending on the use or the square footage of the building.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mrs. Garza moved to approve the amendment. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

ORDINANCE NO. 5310

AN ORDINANCE AMENDING CHAPTER 110 -TRAFFIC AND VEHICLES, ARTICLE VIII. - STOPPING, STANDING, PARKING, DIVISION 4.- OFF-STREET PARKING, SECTION 110-463 MINIMUM PARKING REQUIREMENTS FOR COMMERICAL DEVELOPMENT OUTSIDE THE CENTRAL BUSINESS DISTRICT IN MISSION, TEXAS; AND PROVIDING A PUBLICATION DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, COUNTY OF HIDALGO, TEXAS THAT:

1. The Traffic and Vehicles Code, Article VIII- Stopping, Standing, Parking, Division 4 'Off-street Parking' of the Code of Ordinances, Section 110-463(b)(12) to be amended to read as follows:
 - a. Commercial development outside the central business district: Four spaces for up to 300 square feet of floor area, plus one space for each additional 300 square feet of floor area up to 5,000 square feet. For building containing over 5,000 square feet, a separate parking plan must be shown to describe the following: Number of spaces; ratio of spaces to floor space; dimensions; driveway locations and sizes; on-site traffic control; study showing capacity of street system to handle increased traffic flow.
2. The provisions of this Ordinance are to be published in the locations indicated in the Code of Ordinances of the City of Mission, Texas as soon as practicable.
3. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED AND PASSED, THIS THE 8TH DAY OF MAY, 2023.

Norie Gonzalez Garza

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo

Anna Carrillo, City Secretary



ORDINANCE NO. 5310**AN ORDINANCE AMENDING CHAPTER 110 -TRAFFIC AND VEHICLES, ARTICLE VIII. - STOPPING, STANDING, PARKING, DIVISION 4.- OFF-STREET PARKING, SECTION 110-463 MINIMUM PARKING REQUIREMENTS FOR COMMERICAL DEVELOPMENT OUTSIDE THE CENTRAL BUSINESS DISTRICT IN MISSION, TEXAS; AND PROVIDING A PUBLICATION DATE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, COUNTY OF HIDALGO, TEXAS THAT:

1. The Traffic and Vehicles Code, Article VIII- Stopping, Standing, Parking, Division 4 'Off-street Parking' of the Code of Ordinances, Section 110-463(b)(12) to be amended to read as follows:
 - a. Commercial development outside the central business district: Four spaces for up to 300 square feet of floor area, plus one space for each additional 300 square feet of floor area up to 5,000 square feet. For building containing over 5,000 square feet, a separate parking plan must be shown to describe the following: Number of spaces; ratio of spaces to floor space; dimensions; driveway locations and sizes; on-site traffic control; study showing capacity of street system to handle increased traffic flow.
2. The provisions of this Ordinance are to be published in the locations indicated in the Code of Ordinances of the City of Mission, Texas as soon as practicable.
3. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED AND PASSED, THIS THE 8TH DAY OF MAY, 2023.

NORIE GONZALEZ GARZA, MAYOR

ATTEST:

ANNA CARRILLO, CITY SECRETARY



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023
PRESENTED BY: Susana De Luna, Planning Director
AGENDA ITEM: Discussion and Action to Adopt the Special Use Permit, and Adoption of Ordinance#_____ - De Luna

NATURE OF REQUEST:

A directive was given to staff to work on an ordinance that would give the City Manager the authority to approve a permit for certain special events to help expediate the process. During a workshop held on April 3, 2023 with the City Council the Special Use Permit was discussed. Staff and the City Council considered the different type of events that would qualify for this permit and the process that needed to be followed in order for a permit to be granted. The applicant would still need to submit an application, proposed dates of operation, a site plan showing the parking and would need to be in compliance with all City Codes. The following events would qualify for the Special Use Permit:

- City Sponsored Events
- Pop-up Markets
- 1 Day Events
- City Manager's discretion

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

BUDGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Staff recommends approval.

Departmental Approval: N/A

Advisory Board Recommendation: P&Z Approval

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____
DISAPPROVED: _____
TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ITEM# 2.2**Discussion and Action to Adopt the Special Use Permit**

A directive was given to staff to work on an ordinance that would give the City Manager the authority to approve a permit for certain special events to help expediate the process. During a workshop held on April 3, 2023 with the City Council the Special Use Permit was discussed. Staff and the City Council considered the different type of events that would qualify for this permit and the process that needed to be followed in order for a permit to be granted. The applicant would still need to submit an application, proposed dates of operation, a site plan showing the parking and would need to be in compliance with all City Codes. The following events would qualify for the Special Use Permit:

- City Sponsored Events
- Pop-up Markets
- 1 Day Events
- City Manager's discretion

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE IV OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS', CODE OF ORDINANCES – SPECIAL USE PERMIT - WHEREBY SPECIAL USES ARE SPECIFIED TO BE HEREAFTER ESTABLISHED; AMENDING CHAPTER 10 – AMUSEMENTS AND ENTERTAINMENT, ARTICLE I – IN GENERAL; PROVIDING FOR A SEVERABILITY PROVISION; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE'S APPLICABILITY; PROVIDING INSTRUCTION TO THE CITY SECRETARY TO PUBLISH THESE SPECIAL USE REQUIREMENTS IN THE CITY OF MISSION, TEXAS' CODE OF ORDINANCES

WHEREAS, The City of Mission, Texas was incorporated to provide for orderly growth and maximum enjoyment to its citizens, patrons, and guests of its general ambience, as established and uniformly enforced laws, statutes, and ordinances; and,

WHEREAS, The City of Mission, Texas desires to establish certain criteria that will regulate the location of special use permits, in the best interest of the overall general public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, COUNTY OF HIDALGO, TEXAS THAT THE FOLLOWING PROVISIONS OF CHAPTER 10 – AMUSEMENTS AND ENTERTAINMENT, ARTICLE I – IN GENERAL, BE HEREBY AMENDED:

Section 10-1 - Generally.

- 1) Purpose. The Special Use Permit (SUP) is to determine if specific uses should be allowed on a property.
- 2) Applicability. In addition to the applicable required procedures of the Planning and Zoning Department. The specific procedural provisions of this section shall apply to all uses and structures denoted as specific use for the relevant zoning district.

Section 10-2 – Permit Required

A Special Use Permit (SUP) is required for the following:

- 1) City Sponsor Events
- 2) Pop out Tent Sales, on an organized manner
- 3) 1 Day events

Section 10-3 Decision Criteria

In determining whether to approve with conditions, or deny a Special Use Permit (SUP), the review bodies shall consider the following:

- 1) *SUP Standards.* All standards of a conditional use permit shall be met for the proposed Special Use Permit (SUP)
- 2) *Harmonious and Orderly Development.* The nature and intensity of the operations involved in or conducted in connection with it and the size of the site in relation to it are such that the proposed special use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located.
- 3) *Nuisances.* Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or other characteristics than would the operations of any permitted use not requiring special use approval.
- 4) *Parking Areas.* Parking areas will comply with the off-street parking regulations of the City of Mission Code of Ordinances and will adequately and appropriately screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.
- 5) *Access.* The road system providing access to the proposed special use is adequate to serve the site for the intended use, and
- 6) *No More Appropriate Sites.* There are not sites zoned for the Special Use by the right that could serve the same purpose. The Planning and Zoning Division may require evidence that there are not more appropriate sites for the proposed special use.

Section 10-4 Procedures.

- 1) *Application.* All SUP applications shall be submitted 30 days prior to the proposed event. All applications must include the following substantive information
 - a) The grounds on which the special use is requested;
 - b) A site plan; and
 - c) A statement regarding how the proposed special use meets all applicable requirements of the Code of Ordinances.
- 2) *Review and Recommendation.* The Planning Director shall review all evidence and make a recommendation to the City Manager.
- 3) *Final Decision.* The City Manager shall approve, approve with conditions, or deny a SUP based on the recommendation of the Planning Director.
- 4) *Conditions of Approval.*
 - a) *Generally.* In addition to the general requirements listed above, uses requiring a SUP shall be subject to the imposition of conditions for each use outlined below:
 - i. Assurance that the special use is developed exactly as presented in drawings, exhibits, and assertions.
 - ii. Limit uses, reduce density, and/or increase open space, landscaped surfaces, or environmental protection to ensure that the special use is consistent with the area's character or adequately protects the use and enjoyment of neighboring property.
 - iii. Limit the length of time a special use may exist, or provide for periodic review of the appropriateness of the use, or provide for eventual elimination of the use.
 - iv. Impose conditions on hours of operations and the use of outdoor lighting.
 - v. Impose any other conditions that ensure the general purposes, goals, and objectives of the Comprehensive Plan and this Code are met

- vi. Prevent or minimize adverse effects from the proposed special use and development on other properties in the neighborhood and on the public health, safety, and welfare.
- 5) *Acceptance of Conditions.*
 - i) All conditions and restrictions shall be written and mailed to the applicant within 3 days of approval by the City Manager.
 - ii) The applicant shall submit a written statement agreeing to the approval and all conditions within 10 days of the date of the written notice of the conditions and restrictions.
 - iii) If the conditions are accepted, the project is approved. If no agreement is offered or if the conditions are rejected, the application is denied.
- 6) *Amendment of SUP Approval.* No use or activity permitted as a SUP shall be enlarged or extended beyond the limits authorized in the grant or special use approval. All enlargements, extensions, and changes in use shall require a new application for a special use to reflect the change(s).
- 7) *Revocation.*
 - a) The City may revoke a SUP for violation of the conditions of approval or because the permit has expired.
 - b) The City shall provide notice to the landowner and public in the same manner as provided for the establishment of the special use.
 - c) Revocation shall be recommended for violations of the special use permit or other regulations of the City.

Section 10- 5 Effect of Decision

- 1) *Authorization.* An approved SUP authorizes a use or structure according to specific standards set out in the Code of Ordinances and conditions of approval.
 - 2) *Transferability.* A SUP is **not** transferable between property owners or between operators or applicants.
2. Should any sentence, clause, phrase, or section of this ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this ordinance which shall remain in full force and effect.
3. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, DISCUSSED, CONSIDERED AND PASSED ON THIS THE ____ DAY OF _____, IN THE YEAR OF OUR LORD, 2023.

ATTEST:

Norie Gonzalez-Garza, Mayor

Anna Carrillo, City Secretary

Started: 7:08 p.m.

Ended: 7:14 p.m.

Item #2.2

Discussion and Action to Adopt the Special Use Permit

Ms. De Luna went over the write-up stating that a directive was given to staff to work on an ordinance that would give the City Manager the authority to approve a permit for certain special events to help expediate the process. During a workshop held on April 3, 2023 with the City Council the Special Use Permit was discussed. Staff and the City Council considered the different type of events that would qualify for this permit and the process that needed to be followed in order for a permit to be granted. The applicant would still need to apply, proposed dates of operation, a site plan showing the parking and would need to be in compliance with all City Codes. The following events would qualify for the Special Use Permit:

- City Sponsored Events
- Pop-up Markets
- 1 Day Events
- City Manager's discretion

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mrs. Austin moved to close the hearing. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre asked that if this permit was for the carnival?

Ms. De Luna stated "No" that required a Conditional use permit.

Chairwoman asked what kind of events would require this permit?

Ms. De Luna stated that one-time events, for example funfairs.

Ms. Garza asked are you going to be recommending how many Special Use Permits can be issued?

Ms. De Luna stated that the city manager would have control over that.

Chairwoman Izaguirre asked that what was the definition of a pop-up market?

Ms. De Luna stated that it's a business that rents tables or offers to vendors to come and sell products not in their store.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mrs. Garza moved to approve the special use permit. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.

ORDINANCE NO. 5311

AN ORDINANCE AMENDING ARTICLE IV OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS', CODE OF ORDINANCES – SPECIAL USE PERMIT -WHEREBY SPECIAL USES ARE SPECIFIED TO BE HEREAFTER ESTABLISHED; AMENDING CHAPTER 10 – AMUSEMENTS AND ENTERTAINMENT, ARTICLE I – IN GENERAL; PROVIDING FOR A SEVERABILITY PROVISION; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE'S APPLICABILITY; PROVIDING INSTRUCTION TO THE CITY SECRETARY TO PUBLISH THESE SPECIAL USE REQUIREMENTS IN THE CITY OF MISSION, TEXAS' CODE OF ORDINANCES

WHEREAS, The City of Mission, Texas was incorporated to provide for orderly growth and maximum enjoinderment to its citizens, patrons, and guests of its general ambience, as established and uniformly enforced laws, statutes, and ordinances; and,

WHEREAS, The City of Mission, Texas desires to establish certain criteria that will regulate the location of special use permits, in the best interest of the overall general public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, COUNTY OF HIDALGO, TEXAS THAT THE FOLLOWING PROVISIONS OF CHAPTER 10 – AMUSEMENTS AND ENTERTAINMENT, ARTICLE I – IN GENERAL, BE HEREBY AMENDED:

Section 10-1 - Generally.

- 1) Purpose. The Special Use Permit (SUP) is to determine if specific uses should be allowed on a property.
- 2) Applicability. In addition to the applicable required procedures of the Planning and Zoning Department. The specific procedural provisions of this section shall apply to all uses and structures denoted as specific use for the relevant zoning district.

Section 10-2 – Permit Required

A Special Use Permit (SUP) is required for the following:

- 1) City Sponsor Events
- 2) Pop out Tent Sales, on an organized manner
- 3) 1 Day events

Section 10-3 Decision Criteria

In determining whether to approve with conditions, or deny a Special Use Permit (SUP), the review bodies shall consider the following:

- 1) *SUP Standards*. All standards of a conditional use permit shall be met for the proposed Special Use Permit (SUP)
- 2) *Harmonious and Orderly Development*. The nature and intensity of the operations involved in or conducted in connection with it and the size of the site in relation to it are such that the proposed special use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located.
- 3) *Nuisances*. Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or other characteristics than would the operations of any permitted use not requiring special use approval.
- 4) *Parking Areas*. Parking areas will comply with the off-street parking regulations of the City of Mission Code of Ordinances and will adequately and appropriately screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

- 5) *Access.* The road system providing access to the proposed special use is adequate to serve the site for the intended use, and
- 6) *No More Appropriate Sites.* There are not sites zoned for the Special Use by the right that could serve the same purpose. The Planning and Zoning Division may require evidence that there are not more appropriate sites for the proposed special use.

Section 10-4 Procedures.

- 1) *Application.* All SUP applications shall be submitted 30 days prior to the proposed event. All applications must include the following substantive information
 - a) The grounds on which the special use is requested;
 - b) A site plan; and
 - c) A statement regarding how the proposed special use meets all applicable requirements of the Code of Ordinances.
- 2) *Review and Recommendation.* The Planning Director shall review all evidence and make a recommendation to the City Manager.
- 3) *Final Decision.* The City Manager shall approve, approve with conditions, or deny a SUP based on the recommendation of the Planning Director.
- 4) *Conditions of Approval.*
 - a) *Generally.* In addition to the general requirements listed above, uses requiring a SUP shall be subject to the imposition of conditions for each use outlined below:
 - i. Assurance that the special use is developed exactly as presented in drawings, exhibits, and assertions.
 - ii. Limit uses, reduce density, and/or increase open space, landscaped surfaces, or environmental protection to ensure that the special use is consistent with the area's character or adequately protects the use and enjoyment of neighboring property.
 - iii. Limit the length of time a special use may exist, or provide for periodic review of the appropriateness of the use, or provide for eventual elimination of the use.
 - iv. Impose conditions on hours of operations and the use of outdoor lighting.
 - v. Impose any other conditions that ensure the general purposes, goals, and objectives of the Comprehensive Plan and this Code are met
 - vi. Prevent or minimize adverse effects from the proposed special use and development on other properties in the neighborhood and on the public health, safety, and welfare.
- 5) *Acceptance of Conditions.*
 - i) All conditions and restrictions shall be written and mailed to the applicant within 3 days of approval by the City Manager.
 - ii) The applicant shall submit a written statement agreeing to the approval and all conditions within 10 days of the date of the written notice of the conditions and restrictions.
 - iii) If the conditions are accepted, the project is approved. If no agreement is offered or if the conditions are rejected, the application is denied.
- 6) *Amendment of SUP Approval.* No use or activity permitted as a SUP shall be enlarged or extended beyond the limits authorized in the grant or special use approval. All enlargements, extensions, and changes in use shall require a new application for a special use to reflect the change(s).
- 7) *Revocation.*
 - a) The City may revoke a SUP for violation of the conditions of approval or because the permit has expired.
 - b) The City shall provide notice to the landowner and public in the same manner as provided for the establishment of the special use.
 - c) Revocation shall be recommended for violations of the special use permit or other regulations of the City.

Section 10- 5 Effect of Decision

- 1) *Authorization.* An approved SUP authorizes a use or structure according to specific standards set out in the Code of Ordinances and conditions of approval.
 - 2) *Transferability.* A SUP is **not** transferable between property owners or between operators or applicants.
2. Should any sentence, clause, phrase, or section of this ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this ordinance which shall remain in full force and effect.
3. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, DISCUSSED, CONSIDERED AND PASSED ON THIS THE 8th DAY OF MAY, IN THE YEAR OF OUR LORD, 2023.

Norie Gonzalez Garza

Norie Gonzalez-Garza, Mayor

ATTEST:

Anna Carrillo

Anna Carrillo, City Secretary



ORDINANCE NO. 5311

AN ORDINANCE AMENDING ARTICLE IV OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS', CODE OF ORDINANCES – SPECIAL USE PERMIT -WHEREBY SPECIAL USES ARE SPECIFIED TO BE HEREAFTER ESTABLISHED; AMENDING CHAPTER 10 – AMUSEMENTS AND ENTERTAINMENT, ARTICLE I – IN GENERAL; PROVIDING FOR A SEVERABILITY PROVISION; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE'S APPLICABILITY; PROVIDING INSTRUCTION TO THE CITY SECRETARY TO PUBLISH THESE SPECIAL USE REQUIREMENTS IN THE CITY OF MISSION, TEXAS' CODE OF ORDINANCES

WHEREAS, The City of Mission, Texas was incorporated to provide for orderly growth and maximum enjoyment to its citizens, patrons, and guests of its general ambience, as established and uniformly enforced laws, statutes, and ordinances; and,

WHEREAS, The City of Mission, Texas desires to establish certain criteria that will regulate the location of special use permits, in the best interest of the overall general public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, COUNTY OF HIDALGO, TEXAS THAT THE FOLLOWING PROVISIONS OF CHAPTER 10 – AMUSEMENTS AND ENTERTAINMENT, ARTICLE I – IN GENERAL, BE HEREBY AMENDED:

Section 10-1 - Generally.

- 1) Purpose. The Special Use Permit (SUP) is to determine if specific uses should be allowed on a property.
- 2) Applicability. In addition to the applicable required procedures of the Planning and Zoning Department. The specific procedural provisions of this section shall apply to all uses and structures denoted as specific use for the relevant zoning district.

Section 10-2 – Permit Required

A Special Use Permit (SUP) is required for the following:

- 1) City Sponsor Events
- 2) Pop out Tent Sales, on an organized manner
- 3) 1 Day events

Section 10-3 Decision Criteria

In determining whether to approve with conditions, or deny a Special Use Permit (SUP), the review bodies shall consider the following:

- 1) *SUP Standards.* All standards of a conditional use permit shall be met for the proposed Special Use Permit (SUP)
- 2) *Harmonious and Orderly Development.* The nature and intensity of the operations involved in or conducted in connection with it and the size of the site in relation to it are such that the proposed special use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located.
- 3) *Nuisances.* Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or other characteristics than would the operations of any permitted use not requiring special use approval.
- 4) *Parking Areas.* Parking areas will comply with the off-street parking regulations of the City of Mission Code of Ordinances and will adequately and appropriately screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.
- 5) *Access.* The road system providing access to the proposed special use is adequate to serve the site for the intended use, and
- 6) *No More Appropriate Sites.* There are not sites zoned for the Special Use by the right that could serve the same purpose. The Planning and Zoning Division may require evidence that there are not more appropriate sites for the proposed special use.

Section 10-4 Procedures.

- 1) *Application.* All SUP applications shall be submitted 30 days prior to the proposed event. All applications must include the following substantive information
 - a) The grounds on which the special use is requested;
 - b) A site plan; and
 - c) A statement regarding how the proposed special use meets all applicable requirements of the Code of Ordinances.
- 2) *Review and Recommendation.* The Planning Director shall review all evidence and make a recommendation to the City Manager.

- 3) *Final Decision.* The City Manager shall approve, approve with conditions, or deny a SUP based on the recommendation of the Planning Director.
- 4) *Conditions of Approval.*
 - a) *Generally.* In addition to the general requirements listed above, uses requiring a SUP shall be subject to the imposition of conditions for each use outlined below:
 - i. Assurance that the special use is developed exactly as presented in drawings, exhibits, and assertions.
 - ii. Limit uses, reduce density, and/or increase open space, landscaped surfaces, or environmental protection to ensure that the special use is consistent with the area's character or adequately protects the use and enjoyment of neighboring property.
 - iii. Limit the length of time a special use may exist, or provide for periodic review of the appropriateness of the use, or provide for eventual elimination of the use.
 - iv. Impose conditions on hours of operations and the use of outdoor lighting.
 - v. Impose any other conditions that ensure the general purposes, goals, and objectives of the Comprehensive Plan and this Code are met
 - vi. Prevent or minimize adverse effects from the proposed special use and development on other properties in the neighborhood and on the public health, safety, and welfare.
- 5) *Acceptance of Conditions.*
 - i) All conditions and restrictions shall be written and mailed to the applicant within 3 days of approval by the City Manager.
 - ii) The applicant shall submit a written statement agreeing to the approval and all conditions within 10 days of the date of the written notice of the conditions and restrictions.
 - iii) If the conditions are accepted, the project is approved. If no agreement is offered or if the conditions are rejected, the application is denied.
- 6) *Amendment of SUP Approval.* No use or activity permitted as a SUP shall be enlarged or extended beyond the limits authorized in the grant or special use approval. All enlargements, extensions, and changes in use shall require a new application for a special use to reflect the change(s).
- 7) *Revocation.*
 - a) The City may revoke a SUP for violation of the conditions of approval or because the permit has expired.
 - b) The City shall provide notice to the landowner and public in the same manner as provided for the establishment of the special use.
 - c) Revocation shall be recommended for violations of the special use permit or other regulations of the City.

Section 10- 5 Effect of Decision

- 1) *Authorization.* An approved SUP authorizes a use or structure according to specific standards set out in the Code of Ordinances and conditions of approval.
 - 2) *Transferability.* A SUP is **not** transferable between property owners or between operators or applicants.
2. Should any sentence, clause, phrase, or section of this ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this ordinance which shall remain in full force and effect.
 3. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, DISCUSSED, CONSIDERED AND PASSED ON THIS THE 8th DAY OF MAY, IN THE YEAR OF OUR LORD, 2023.

Norie Gonzalez-Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023
PRESENTED BY: Susana De Luna, Planning Director
AGENDA ITEM: Discussion and Action to Rescind Parking on the Grass Ordinance No. 5001, and Adoption of Ordinance#_____ - De Luna

NATURE OF REQUEST:

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.

BUDGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Staff recommends approval.

Departmental Approval: N/A

Advisory Board Recommendation: P&Z Approval

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____
DISAPPROVED: _____
TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ITEM# 2.3**Discussion and Action to Rescind Parking on the Grass Ordinance No. 5001**

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.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF MISSION TO RESCIND ORDINANCE NO. 5001 AMENDING SECTION 110-463(A), OF THE CODE OF ORDINANCES OF THE CITY OF MISSION, TEXAS, NOT TO ALLOW THE PARKING OF VEHICLES WITHIN THE FRONT, SIDE, AND REAR YARDS OF RESIDENTIALLY ZONED PROPERTIES, AND PROVIDING A PUBLICATION DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, COUNTY OF HIDALGO, TEXAS THAT:

1. Ordinance No. 5001 to Amend Section 110-463(a), of the Code of Ordinances of the city of Mission, Texas, not to allow the parking of vehicles within the front, side, and rear yards or residentially zoned properties is hereby rescinded and repealed in its entirety.

READ, CONSIDERED AND PASSED, THIS THE ____ DAY OF _____, 2023.

NORIE GONZALEZ GARZA, MAYOR

ATTEST:

ANNA CARRILLO, CITY SECRETARY

Started: 7:14 p.m.

Ended: 7:17 p.m.

Item #2.3

Discussion and Action to Rescind Parking on the Grass Ordinance No. 5001

Ms. De Luna went over the write-up stating that 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.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Sanchez moved to close the hearing. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre asked what is considered a junk vehicle?

Ms. De Luna stated that a junk vehicle was an inoperable vehicle.

City Attorney Victor Flores mentioned that a junk vehicle was defined in our code of ordinances.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mrs. Austin moved to approve to rescind the ordinance. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023
PRESENTED BY: Anna Carrillo, City Secretary
AGENDA ITEM: Approval of Minutes – Carrillo
 Regular Meeting – April 24, 2023, Special Meeting – May 1, 2023

NATURE OF REQUEST:

See Attached Minutes

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____
DISAPPROVED: _____
TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____



CITY OF MISSION

CITY COUNCIL REGULAR MEETING MISSION CITY HALL APRIL 24, 2023 at 4:30 PM

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 Barnes
Beth Barnes
Hilda Flores
Irma F. Lopez
Victor Anzaldua
Monica Salazar
Marta Pizano
Michelle Dominguez
Ricardo Morales
Julio Bravo
Faviola Sanchez

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
Alex Hernandez, Asst. Planning Director
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
Teclo Garcia, MEDC CEO
Kenia Gomez, Media Relations Director
Stephen Kotsatos, Health Director
Amy Tijerina, Events Manager

STAFF PRESENT:

Sarah Svedburg, Police Officer
Rosember Ramirez, Police Officer
Jesse Lerma, Civil Service Director

REGULAR MEETING

CALL TO ORDER AND ESTABLISH QUORUM

With a quorum being present, Mayor Norie Gonzalez Garza 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 by "It's Time Texas Community Challenge"

Randy Perez, City Manager, introduced Selene Guerrero, Senior Director of the It's Time Texas Challenge. Ms. Guerrero presented the City of Mission with a plaque for coming in 4th place in the mid-size community category. This was the first year that the City of Mission has participated, and she is looking forward to see how we do in the competition next year.

2. March 2023 Employee of the Month

Noemi Munguia, Human Resources Director, recognized Mr. Gustavo Garza as the Employee of the Month for March. Mr. Garza has great, positive attitude and always completes all assigned tasks with a smile.

3. Proclamation - National Crime Victims' Rights Week

Councilwoman Jessica Ortega moved to approve the Proclamation – National Crime Victims' Rights Week. Motion was seconded by Mayor Pro Tem Ruben Plata and approved unanimously 5-0.

4. Proclamation - National Small Business Week

Mayor Pro Tem Plata moved to approve the Proclamation – National Small Business Week. Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

5. Proclamation - Economic Development Week

Mayor Pro Tem Plata moved to approve the Proclamation – Economic Development Week. Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

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

Brenda Enriquez, Mission Chamber of Commerce CEO, reported on upcoming chamber events such as: April 27th SBDC: Payroll Compliance seminar, May 4th Ribbon Cutting for Wayland Baptist University, May 5th – Greater Mission Chamber of Commerce Golf Tournament. Also will be having some events for Small Business Week.

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

None

At 5:07 p.m. Mayor Garza requested to consider item 30 at this time.

PUBLIC HEARING

PLANNING & ZONING RECOMMENDATIONS

9. Rezoning: Lot 11, Block 176, Mission Original Townsite, (C-4) Heavy Commercial to (R-1) Single-Family Residential, Estevan Gabriel Rocha, and Adoption of Ordinance#5302 - De Luna

On April 12, 2023, the Planning and Zoning Commission held a Public Hearing to consider the rezoning request. The subject site was located 50' south of W. 11th Street along the west side of Perkins Avenue. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff and City Manager recommended approval.

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

Jennifer Ann Rocha, one of the owners of the property in question, stated that she would like to get the property rezoned so that her brother could build a home for his family.

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

Councilwoman Ortega moved to approve the Rezoning: Lot 11, Block 176, Mission Original Townsite, (C-4) Heavy Commercial to (R-1) Single-Family Residential, Estevan Gabriel Rocha, and Adoption of Ordinance#5302. Motion was seconded by Councilman Abiel Flores and approved unanimously 5-0.

ORDINANCE NO. 5302

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING LOT 11, BLOCK 176, MISSION ORIGINAL TOWNSITE,
FROM (C-4) HEAVY COMMERCIAL TO (R-1) SINGLE-FAMILY RESIDENTIAL

10. Rezoning: Lot 1, Block 3, out of the Del Monte Orchards Company Subdivision No. 1 out of Porcion 51, (AO-I) Agricultural Open Interim to (C-3) General Business, Yvette Espericueta, and Adoption of Ordinance#5303 - De Luna

On April 12, 2023, the Planning and Zoning Commission held a Public Hearing to consider the rezoning request. The subject site was located approximately 1,024' south of W. Business Highway 83 along the west side of Schuerbach Road. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff and City Manager recommended approval.

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

There were no comments.

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

Councilwoman Ortega moved to approve the Rezoning: Lot 1, Block 3, out of the Del Monte Orchards Company Subdivision No. 1 out of Porcion 51, (AO-I) Agricultural Open Interim to (C-3) General Business, Yvette Espericueta, and Adoption of Ordinance#5303. Motion was seconded by Councilman Vela and approved unanimously 5-0.

ORDINANCE NO. 5303

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING LOT 1, BLOCK 3, OUT OF THE DEL MONTE ORCHARDS
COMPANY SUBDIVISION NO. 1 OUT OF PORCION 51, FROM (AO-I) AGRICULTURAL
OPEN INTERIM TO (C-3) GENERAL BUSINESS

**11. Conditional Use Permit: For a Social Club/Night Club – Blackout Private Social Club
at 1522 E. Expressway 83, Suite 109, Lot 109, Re-Plat of Lots 3 & 4, Stewart Plaza
Subdivision, C-3, Yair Cruz, and Adoption of Ordinance#5304 - De Luna**

On April 12, 2023, the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site was located on the SW corner of Stewart Road and Expressway 83. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff and City Manager recommended approval.

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

Mr. Ricardo Morales, was present to speak on behalf of the business and answer any questions if need be.

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

Councilwoman Ortega asked Mr. Morales if there was alcohol was consumed on the premises after hours and if so, how did the guests get home and also if security was provided.

Mr. Morales stated that they do offer their guests Lyft and Uber services, and they do have security present at their after-hour events.

Mayor Pro Tem Plata moved to approve Conditional Use Permit: For a Social Club/Night Club – Blackout Private Social Club at 1522 E. Expressway 83, Suite 109, Lot 109, Re-Plat of Lots 3 & 4, Stewart Plaza Subdivision, C-3, Yair Cruz, and Adoption of Ordinance#5304 with the restriction that the business closes at 2:00 am. Motion was seconded by Councilman Flores and approved unanimously 5-0.

ORDINANCE NO. 5304

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR A SOCIAL CLUB/NIGHT CLUB –
BLACKOUT PRIVATE SOCIAL CLUB AT 1512 E. EXPRESSWAY 83, SUITE 109, BEING
LOT 109, RE-PLAT OF LOTS 3 & 4, STEWART PLAZA SUBDIVISION

**12. Preliminary & Final Plat Approval: Bravo Subdivision, Being a replat of a 1.04 acre
tract of land out of Lot 1 and 24, Basham Subdivision Unit No. 6, C-1, Developer:
Julio Cesar Bravo, Engineer: Spoor Engineering Consultants, Inc.- De Luna**

On April 12, 2023 the Mission City Council held a Public Hearing to consider the Preliminary & Final Plat Approval for Bravo Subdivision. The subject site was located approximately ½ mile North of W. Mile 2 Road along the East side of Inspiration Road. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval.

Staff and City Manager recommended approval.

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

There were no comments.

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

Councilman Flores asked Susie De Luna, Planning Director, why they were seeing the preliminary and final plat on one item.

Ms. De Luna explained that they were two existing tracts of land that were being combined.

Councilman Flores moved to approve the Preliminary & Final Plat Approval: Bravo Subdivision, Being a replat of a 1.04 acre tract of land out of Lot 1 and 24, Basham Subdivision Unit No. 6, C-1, Developer: Julio Cesar Bravo, Engineer: Spoor Engineering Consultants, Inc. Motion was seconded by Councilman Alberto Vela and approved unanimously 5-0.

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

13. Approval of Minutes – Carrillo

Regular Meeting – April 10, 2023 and Special Meeting – April 17, 2023

14. Acknowledge Receipt of Minutes – Perez

Mission Economic Development Corporation – March 1, 2023

Parks & Recreation Board Meeting – February 14, 2023

Zoning Board of Adjustments – September 21, 2022 and November 16, 2022

15. Approval of Resolution #1827 of the City of Mission, Texas finding that AEP Texas Inc.'s application to amend its distribution cost recovery factors to increase distribution rates within the city should be denied; authorizing participation with the cities served by AEP Texas; authorizing hiring of legal counsel. – Flores

On April 5, 2023, AEP Texas Inc. filed an Application to Amend its Distribution Cost Recovery Factor to increase distribution rates within each of the cities in their service area. In the filing, the Company asserted that it is seeking an increase in distribution revenues of approximately \$39.7 million (an approximately \$1.63 increase to the average residential customer's bill from the rates approved in the Company's most recent DCRF case). Moreover, the Company was seeking to impose Rider Mobile TEEE Facilities to recover revenue related to mobile generation unit leasing and operation. The Rider would recover approximately \$30.67 million (an approximately \$1.30 increase to the average customer's bill).

The resolution authorized the City to join with the Cities Served by AEP ("Cities") to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue and authorized the hiring of Lloyd Gosselink and consultants to review the filing, negotiate with the Company, and make recommendations to the City regarding reasonable rates.

RESOLUTION NO. 1827

A RESOLUTION OF THE CITY OF MISSION, TEXAS FINDING THAT AEP TEXAS INC.'S APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVERY FACTORS TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH THE CITIES SERVED BY AEP TEXAS; AUTHORIZING HIRING OF LEGAL COUNSEL; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

16. Authorization to solicit Request for Proposals for Stop Loss Insurance – Munguia

In 2022, the City of Mission entered into a contractual agreement with Blue Cross Blue Shield of Texas for Stop Loss Insurance. Due to industry standards, the contract term for this contract was for one (1) year. Stop Loss Insurance is needed for the 2023-2024 fiscal year to cap any excess costs exceeding our specific deductible for medical and prescription costs. Staff is seeking authorization to solicit proposals.

17. Approval of Resolution No. 1828 authorizing the submittal of a grant application for the FY22 Operation Stonegarden Program from the Office of the Governor (OOG) and authorizing Mayor as the Authorized Representative- Elizalde

The grant would allow the Mission Police Officers the opportunity to work overtime to increase patrol presence throughout the City of Mission and especially around the U.S./Mexico border. The grant would further allow the Department to purchase three (3) SkyCop Towers that will serve for surveillance operations. The total amount of the grant request was \$350,000.00 and does not require a match.

RESOLUTION NO. 1828

FY22 OPERATION STONEGARDEN PROGRAM TO THE OFFICE OF THE GOVERNOR

18. Authorization to Solicit for Bids for the purchase of Cold Water Meters and supplies for the Public Works Department – Bocanegra

Staff was seeking authorization to solicit bids for the purchase of Cold Water Meters and supplies. Meters are needed by the Public Works department to replace non-functioning meters and for new developments.

19. Authorization to Solicit for bids for Chlorine Gas chemical for the Public Works Department North and South Water Treatment Plants- Bocanegra

Staff was seeking authorization to solicit bids for the purchase of Chlorine Gas. Chemical is needed by the Public Works Department as part of the Water Treatment Process.

20. Authorization to purchase patrol unit radars and a Wanco color matrix board trailer from Dana Safety Supply under BuyBoard contract 698-23 using funds from the 2023 Southwest Border Rural Law Enforcement Assistance Program Grant - Torres

Authorization to purchase unit radars and a Wanco color matrix board trailer from Dana Safety Supply (BuyBoard 698-23) grant funds from the 2023 Southwest Border Rural Law Enforcement Assistant Grant. Total cost of the purchase is \$81,633.30 and there is no cash match.

21. Interlocal Agreement between the City of Mission and County of Hidalgo for the use and occupation of Lots 4-9 BLK 205 Mission Original Townsite. – Carrillo

The County of Hidalgo has granted permission for the City of Mission to use and occupy Lots 4-9, BLK 205 MOT. The City will be responsible for the maintenance and operation of the use of the property as a storage facility and shall maintain insurance to cover their activities upon said property. City shall coordinate efforts for use of the property with a designated representative from the Precinct #3 office. Term of the agreement is for four (4) years and shall automatically renew for four (4) additional one (1) year terms.

Mayor Pro Tem Plata asked to remove item 18 from the list and be discussed individually.

Mayor Pro Tem Plata moved to approve all consent agenda items 13 thru 17 and 19 thru 21 as presented. Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

Mayor Pro Tem Plata moved to approve item 18. Motion was seconded by Councilman Flores and approved unanimously 5-0.

APPROVALS AND AUTHORIZATIONS

22.Variance request to allow a septic tank system instead of the required sewer line connection at 2913 Los Ebanos Road, being 5.26 acres gross out of Lot 28-5, West Addition to Sharyland, AO-I, Nancy Leal, Inc.- De Luna

On April 12, 2023 the Mission City Council held a Public Hearing to consider the Variance Request. The subject site was located approximately 400' south of North Mile 2 Road along the western side of Los Ebanos Road. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Plata moved to approve the Variance request to allow a septic tank system instead of the required sewer line connection at 2913 Los Ebanos Road, being 5.26 acres gross out of Lot 28-5, West Addition to Sharyland, AO-I, Nancy Leal, Inc. Motion was seconded by Councilman Vela and approved unanimously 5-0.

23.Final Plat Approval: Lantana Landing Subdivision, Being a 14.00 acre tract of land, same being out of and forming part or portion of Lot 31-3, of the West Addition to Sharyland Subdivision and 20.00 acres tract of land out of Lots 45 & 46, of Bellwood's Company Subdivision "D", Developer: Fortis Land Company, LLC, Engineer: Rio Delta Engineering. - De Luna

On February 28, 2022 the Mission City Council held a Public Hearing to consider this Preliminary Plat Approval for Lantana Landing Subdivision. The subject site was on the west side of Trosper Road ¼ of mile south of W. Mile 3 Road. There was no public opposition during the City Council. The Board unanimously recommended approval of the subdivision.

Staff and City Manager recommended approval.

Mayor Pro Tem Plata moved to approve the Final Plat Approval: Lantana Landing Subdivision, Being a 14.00 acre tract of land, same being out of and forming part or portion of Lot 31-3, of the West Addition to Sharyland Subdivision and 20.00 acres tract of land out of Lots 45 & 46, of Bellwood's Company Subdivision "D", Developer: Fortis Land Company, LLC, Engineer: Rio Delta Engineering. Motion was seconded by Councilman Flores and approved unanimously 5-0.

24. Final Plat Approval: Laguna Oaks Subdivision, Being 11.861 acres out of Lot 16-1, West Addition to Sharyland, PUD (R-1 Single Family Residential), Developer: Emigdio Salinas, Engineer: M2 Engineering, PLLC. - De Luna

On December 13, 2021 the Mission City Council held a Public Hearing to consider this Preliminary Plat Approval for Laguna Oaks Subdivision. The subject site was located on the southeast corner of Inspiration and Mile One South Road. There was no public opposition during the City Council. The Board unanimously recommended approval of the subdivision.

Staff and City Manager recommended approval.

Councilwoman Ortega moved to approve the Final Plat Approval: Lantana Landing Subdivision, Being a 14.00 acre tract of land, same being out of and forming part or portion of Lot 31-3, of the West Addition to Sharyland Subdivision and 20.00 acres tract of land out of Lots 45 & 46, of Bellwood's Company Subdivision "D", Developer: Fortis Land Company, LLC, Engineer: Rio Delta Engineering. Motion was seconded by Mayor Pro Tem Plata and approved unanimously 5-0.

25. Interlocal Agreement between the City of Mission, Texas and City of Alton, Texas regarding sewer services for The Heights at Inspiration Subdivision (15.208 acres out of Lot 35-1, West Addition to Sharyland) – De Luna

The request was to allow a new subdivision (48 Single Family Residential Lots) within the City of Mission's ETJ/Sewer CCN to connect to the City of Alton's Sewer Main Line along Inspiration Road and Mile 4 North Road (W. St. Francis Avenue).

The proposed subdivision was located approximately 1332' south of W. St. Francis Avenue (Mile 4 North Road) on the east side of Inspiration Road. Unfortunately, the City of Mission sewer line elevation was not sufficient for gravity flow to service this site making the connection unfeasible. An alternative to this issue was to connect to the City of Alton's sewer system.

The City of Mission agreed that City of Alton may provide retail sewer service to The Heights at Inspiration Road (the "Customer") until such time as the City of Mission transitions the customer to City of Mission sewer service. The City of Alton shall not expand its sewer service beyond the service to the Customer or add any additional sewer customers in the City of Mission's Sewer CCN without prior written permission of the City of Mission.

The City of Mission shall provide thirty (30) days written notice to the City of Alton that it intends to provide sewer service to the Customer. City of Alton shall orderly transfer and relinquish sewer service to the customers and cease to provide sewer service to the customer's location immediately upon written confirmation from the City of Mission that sewer service is available for the customer.

In an effort to assist for a successful completion, we were seeking consideration to allow this development to connect to the City of Alton's sewer system.

Mayor Pro Tem Plata moved to approve Interlocal Agreement between the City of Mission, Texas and City of Alton, Texas regarding sewer services for The Heights at Inspiration Subdivision (15.208 acres out of Lot 35-1, West Addition to Sharyland). Motion was seconded by Councilman Vela and approved unanimously 5-0.

26. Approval of February Property Tax Report – Vela

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

The 2023 total adjusted tax levy for taxes was \$29,056,737.54 and the amount of the collections as of February 28, 2023 is \$26,320,849.35 which represents 90.58% of the total 2022 tax levy.

The total adjusted tax levy for delinquent taxes was \$2,374,140.45 and the amount of collections as of February 28, 2023 is \$243,383.65 which represents 10.25% of the total tax levies from previous years.

Staff and City Manager recommended approval.

Mayor Pro Tem Plata moved to approve the February Property Tax Report. Motion was seconded by Councilman Flores and approved unanimously 5-0.

27. Approval of February Financials – Vela

February 2023 Unadjusted Financials (attached)

Staff and City Manager recommended approval.

Mayor Pro Tem Plata moved to approve the February Financials. Motion was seconded by Councilman Vela and approved unanimously 5-0.

28. Authorization to purchase a Crane Carrier LET2-46 Chassis via Buy Board Contract #601-19 for Sanitation Department – Mendiola

Authorization to purchase a Crane Carrier LET2-46 Chassis with a Labrie 32-Yard Body from Kyrish Truck Center via Buy Board Contract #601-19 at a total cost of \$383,809.00. The cost amounting from the LET2-46 Chassis at \$191,195.00 and the Labrie 32-Yard Body at \$192,614.00, plus an additional \$400 Buy Board fee per purchase order. The acquisition of this Chassis will enable our department to continue improving its daily operations.

Staff and City Manager recommended approval.

Councilwoman Ortega moved to authorize the purchase of a Crane Carrier LET2-46 Chassis via Buy Board Contract #601-19 for Sanitation Department. Motion was seconded by Mayor Pro Tem Plata and approved unanimously 5-0.

29. Consideration of best and final offer for Lions Park Improvements Project and Authorize City Manager to execute contract incident thereto – Geddes

City Council authorized staff to engage in negotiations with the top three firms with the highest evaluation. Staff met with Davila Construction, Gerlach Builders and RG Enterprise dba G&G Contractors. Best and final offers were received, after further review staff is recommending that City Manager pursue final negotiations in value engineering with G&G Contractors, instruct the City Attorney to draft an agreement memorializing all the terms governing Lions Park Improvements Project.

Staff and City Manager recommended approval.

Councilwoman Ortega stated she had some legal questions regarding item 29 and requested to discuss in executive session along with the other executive session items.

Mayor Pro Tem Plata moved to consider the best and final offer for Lions Park Improvements Project and Authorize City Manager to execute contract incident thereto. Motion was seconded by Councilman Flores and approved unanimously 5-0.

UNFINISHED BUSINESS

30. TABLED 04/10/2023 - Authorize staff to engage in negotiations with firms deemed acceptable and qualified for delinquent tax collection services and authorize City Manager to award and execute contract incident thereto – Vela

On January 23, 2023, City Council authorized staff to solicit Request for Proposals (RFP's) for delinquent tax collection services in accordance with the Texas Professional Services Procurement Act (V.T.C.A., Government Code Section 2254.011). Proposals received were referred to an evaluation committee appointed to review and evaluate on the basis of demonstrated competence and qualifications to perform the services.

Staff received two (2) proposals. All proposals were deemed acceptable and qualified. All were evaluated on set criteria outlined in the RFP.

The firm names are:

- Perdue Brandon Fielder Collins & Mott LLP
- Linebarger Goggan Blair & Sampson, LLP

Staff and City Manager were seeking council direction.

Mayor Pro Tem Plata moved to remove item 30 from the table. Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

Councilwoman Ortega stated she had some legal questions regarding item 30 and requested to discuss in executive session.

At 5:07 p.m., Mayor Pro Tem Plata moved to convene into Executive Session. Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

Upon conclusion of Executive Session at 5:18 p.m., Mayor Pro Tem Plata moved to reconvene the regular meeting. Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

Councilman Abiel Flores advised that he would not be voting in favor of either companies due to the fact that the current contract holder was not given a notice of termination.

Councilwoman Ortega moved to authorize staff to engage in negotiations with firms deemed acceptable and qualified for delinquent tax collection services and authorize City Manager to award and execute contract to Linebarger Goggan Blair & Sampson, LLP for a period of three years with a six month transition period. Motion was seconded by Mayor Pro Tem Plata and approved 4-1 with Councilman Flores voting against.

ROUTINE MATTERS

City Manager Comments – RGV Food Bank Food Distribution on Tuesday April 25, 2023 from 9:00am-11:00am at Beto Salinas Park, City of Mission Job Fair on Thursday April 27, 2023 from 2:00-6:30pm at the Mission Event Center, Garden of Light – National Crime Victims Event Thursday April 27, 2023 from 6:00-7:30 pm at Bannworth Park, Annual Trash Bash Saturday April 29, 2023 from 7:15am-1:15pm at CWV Park. City of Mission has become an official affiliate of Keep Texas Beautiful and with this beautification efforts will continue throughout the city. The Spring Round up was a success and several hundred tires and tonnage of bulky items was collected as a result.

Mayor's Comments – Thanked staff for all their work at all of the city's events. City Council Comments - Councilwoman Ortega thanked Mr. Mendiola and the Sanitation Department, as well as other departments for their help in clearing out the debris after the storm earlier in the

week. She has seen a big difference in the service that is being provided. Mayor Pro Tem Plata expressed his appreciation towards all staff members that are always in attendance and helping at all city events. Councilman Vela thanked everyone who participated at the City's first Autism Event.

At 6:00 p.m., Councilwoman Ortega moved to convene into Executive Session to discuss item 29 and executive session items 1-3 pursuant to Texas Gov't Code Section 551.071. Motion was seconded by Mayor Pro Tem Plata and approved unanimously 5-0.

EXECUTIVE SESSION

1. Closed session pursuant to Tex. Gov't Code Section 551.071 (Consultation with City Attorney) and Section 551.072 (Real Property) related to Project Founder. (City Attorney V. Flores and City Manager R. Perez)
2. Closed session pursuant to Tex. Gov't Code Section 551.071 (Consultation with City Attorney) and Section 551.087 (Economic Development Negotiations) related to Project Fusion. (City Attorney V. Flores and City Manager R. Perez)
3. Closed session pursuant to Tex. Gov't Code Section 551.071 (Consultation with City Attorney) related to various potential and/or pending litigation matters. (City Attorney V. Flores)

Upon conclusion of Executive Session at 7:00 p.m., Mayor Pro Tem Plata moved to reconvene the regular meeting. Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

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

1. Consideration and action, if any, related to proposed Project Founder.

Councilwoman Ortega moved to authorize City Manager to order appraisal with a possible acquisition of real estate property as discussed in executive session. Motion was seconded by Mayor Pro Tem Plata and approved unanimously 5-0.

2. Consideration and action, if any, related to Project Fusion.

No action was taken on this item.

ADJOURNMENT

At 7:09 p.m., Councilwoman Ortega moved for adjournment. Motion was seconded by Mayor Pro Tem Plata and approved unanimously 5-0.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

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:

STAFF PRESENT:

Aida Lerma, Asst. City Manager
Juan Pablo Terrazas, Asst. City Manager
Peter Geddes, Procurement Director
Charlie Longoria, Media Relations

SPECIAL MEETING

CALL TO ORDER AND ESTABLISH QUORUM

With a quorum being present, Mayor Norie Gonzalez Garza called the meeting to order at 4:32 p.m.

DISCLOSURE OF CONFLICT OF INTEREST

None

AGENDA ITEMS

1. “Reconsideration and action, if any, related Agenda Item Number 29 (Consideration of best and final offer for Lions Park Improvements Project and Authorize City Manager to execute contract incident thereto – Geddes) as discussed and acted upon during the City Council Regular Meeting held on April 24, 2023.”

Councilman Flores stated that a decision was made on April 24 and asked if there was new information from staff that would require council to reconsider the item?

Peter Geddes, Purchasing Agent advised the council that additional reference checks were made and based on the reference checks received there were no issues to change staff recommendation.

Councilman Flores asked if the reference checks were received before the council voted on the item on April 24, 2023. Mayor Garza stated there was new information received and in order to further discuss the item a motion to reconsider needed to be made.

“Mayor Pro Tem Plata moved to reconsider the vote on Agenda Item # 29 (Consideration of best and final offer for Lions Park Improvements Project and Authorize City Manager to execute contract incident thereto”), which I voted in favor of at the City Council Regular Meeting held on April 24, 2023.” Motion was seconded by Councilwoman Ortega and approved 3-2 with Councilman Abiel Flores and Councilman Alberto Vela voting against.

Peter Geddes, Procurement Director advised council of the reference process that took place. The references the contractor had on his proposal were contacted as well as other references not included in the proposal.

Councilwoman Ortega stated her concern was regarding an excessive amount of change orders that are submitted by the contractor on other projects in the area.

Randy Perez, City Manager stated that all change orders would need to be presented and approved by council.

Councilman Plata moved to award Lions Park Improvement Project to RG Enterprise dba G&G Contractors and authorize City Manager to execute best and final offer in addition that all change orders and value engineering decisions be presented to council and to incorporate to the contract that any change orders presented beyond the reasonable control of the successful proposer and without G&G Contractors own fault from damages. Motion was seconded by Councilman Flores and approved 4-1 with Councilwoman Ortega against.

ADJOURNMENT

At 4:52 p.m., Mayor Pro Tem Plata moved for adjournment. Motion was seconded by Councilman Flores and approved unanimously 5-0.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023

PRESENTED BY: Randy Perez, City Manager

AGENDA ITEM: Acknowledge Receipt of Minutes – Perez
 Citizen's Advisory Committee – March 28, 2023
 Mission Economic Development Corporation – April 5, 2023
 Mission Redevelopment Authority – March 28, 2023
 Mission Economic Development Authority – January 25, 2023
 Mission Education Development Council – January 25, 2023
 Keep Mission Beautiful – March 7, 2023
 Mission Civil Service Commission – March 8, 2023

NATURE OF REQUEST:

See Attached Minutes

BUGETED: N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

CITIZEN'S ADVISORY COMMITTEE
March 28, 2023
Teleconference/Hybrid
Public Hearing/Regular Meeting

Members Present

Lorenzo Garza
 Roxanne Mendez
 Alma Garcia
 Zoreida Lopez
 Alex Guerra
 Cynthia Pacheco
 Kathy Casillas
 Victor Anzaldua

Members Absent

Elizabeth Segovia

Staff Present

Jo Anne Longoria
 Helen Torres

Guests Present

Dee Ochoa- Silver Ribbon
 Anita Jenny- Amigos del Valle, Inc.
 Martha Lopez- Amigos del Valle, Inc.
 Belen Gonzalez- ToGive International- Virtual
 David Perez- Comfort House Services-Virtual
 Pam Voss- CAMP University
 Veronica Whitacre- CASA of Hidalgo County-Virtual
 Rolando Flores- LRGVDC Area Agency on Aging
 Patricia Rosenlund- Easter Seals Rio Grande Valley-Virtual
 Roxanne Pacheco- Hope Family Health Center- Virtual
 Roberto Haddad- Hope Family Health Center- Virtual
 Cynthia Torres- Affordable Homes of South Texas, Inc.
 Jesus Sanchez- Children's Advocacy Center-Virtual
 Cynthia Stojanovic- Director- Mission Historical Museum
 Frank Cavazos- Fire Marshal- Mission Fire Department
 Brad Bentsen- Director Parks & Recreation Department
 Pete Lopez- Parks & Recreation Department
 Jody Tittle- Assistant Fire Chief- Mission Police Department
 Michael Elizalde- Director- Mission Grants

Call Public Hearing to Order

Chairman Lorenzo Garza called the Public Hearing/Regular Meeting to order at 5:31 p.m. Ms. Jo Anne Longoria conducted roll call. She stated eight members were present, therefore there was quorum.

Citizens Participation

Chairman Garza asked if there were any citizens present to discuss any items on the agenda or to express their concerns on this Public Hearing. With no one present and no comments, he continued with the next item.

Presentation on the Needs of the City for the Five-Year Consolidated Plan & Strategy 2023-2027 Annual Action Plan FY 23-24

Chairman Garza welcomed everyone, proceeded to the presentations and called on the first agency.

Public Agency Requests:

Silver Ribbon Community Partners

Ms. Dee Ochoa, Executive Director introduced herself and thanked the committee for their support. She provided a brief summary of their request for \$6,000.00 to provide services to disabled (18+) individuals and elderly (65+). She mentioned they provide financial assistance with rent, rent deposits, utilities, utility deposits, and medical equipment which prevents them from eviction and becoming homeless. After a brief discussion, Chairman Garza thanked Ms. Ochoa for her presentation and proceeded with the next presentation.

Amigos Del Valle, Inc.

Ms. Anita Jenny, Nutrition Director and Ms. Martha Lopez Nutrition Coordinator introduced themselves to the committee members. Ms. Jenny provided a presentation of the services they offer for senior housing assistance, congregate meals, meals on wheels, transportation, and free meals for veterans. She explained that they are currently offering daily hot meals and activities to 50 senior citizens at their Amigos Del Valle Mission Center. Ms. Lopez provided a brief summary of the request for \$65,000.00 to expand meals on wheels services to 49 Mission residents that includes 12,241 meals for 249 service days at a meal rate of \$5.31 per meal. After a brief discussion, Chairman Garza thanked Ms. Jenny and Ms. Lopez for their presentations and proceeded with the next presentation.

ToGive International

Ms. Belen Gonzalez, Program Coordinator introduced herself to the committee members. She provided a brief summary of the request for \$14,000 to provide scholarships to 10 eligible students for fine arts education and training classes at Creative Arts Studio. She stated students will be able to attend two days, one hour each day Mon-Thurs or Saturdays for two hours, and will be able to select a class of their choice within the course catalog (dance, visual art, theatre, or music). After a brief discussion on the services provided, Chairman Garza thanked Ms. Gonzalez for her presentation and proceeded with the next presentation.

Comfort House Services

Mr. David Perez, Executive Director introduced himself and thanked the members for their support. He explained the agency provides twenty-four-hour palliative care to terminally ill individuals who have a prognosis of four months or less to live. He stated there is a ten-bedroom home in McAllen, where they house individuals from the Rio Grande Valley and surrounding counties. The funds requested of \$5,000.00 will pay for a small salary portion for 2 caregivers that

will provide terminally ill individuals with the best support and care before the patient passes. After a brief discussion, Chairman Garza thanked Mr. Perez for his presentation and proceeded with the next presentation.

C.A.M.P. University

Ms. Pamela Voss, Executive Director introduced herself. Ms. Voss explained that C.A.M.P. University is a day habilitation program that provides opportunities for young adults with special needs to continue developing life and social skills after high school and are requesting \$6,000.00. She stated that the program promotes staying active socially, mentally and physically in order to reach their own maximum potential. Ms. Voss mentioned that the requested amount would cover the salaries for Education Specialist I and II, Program Leader and Recreational Trainer. She mentioned that the assistance would be greatly appreciated by everyone at C.A.M.P. University. After a brief discussion, Chairman Garza thanked Ms. Voss for her presentation and proceeded with the next presentation.

CASA of Hidalgo County

Ms. Veronica Whitacre, Executive Director introduced herself and thanked the committee for their support. She provided a brief summary of the request for \$1,000.00 to provide services to abused and neglected children by representing them during court proceedings. She mentioned that the agency continues with challenges to serve due to the removal process: CPS is required to classify the situation as being in imminent danger (House Bill-567). She explained that funds are utilized for salaries and mileage for Case Managers. After a brief discussion, Chairman Garza thanked Ms. Whitacre for her presentation and proceeded with the next presentation.

LRGVDC- Area Agency on Aging

Mr. Rolando Flores, introduced himself, thanked everyone for their support and explained that they are requesting \$20,000.00 for health maintenance (prescribed medication and medical supply equipment), residential repairs/modifications, and homemaker services (housekeeping, home management, and meal preparation). This budget would be used to pay for minor repairs like grab bars, handicap toilets, door widening as well as medical supplies, equipment, housekeeping, and home management. Direct services provided are for people over the age of 60. Mr. Flores mentioned the areas covered by the agency include Hidalgo, Cameron, and Willacy counties. Vicechairman Zoreida Lopez asked about the agency struggles with payment requests. Mr. Flores said the struggle is waiting on the checks to clear from pharmacies. Ms. Pacheco inquired about the waiting list and the waiting time. Mr. Flores mentioned the approximate waiting time is 3 to 4 months and big projects 5 months. After a brief discussion, Chairman Garza thanked Mr. Flores for his presentation and proceeded with the next presentation.

Easter Seals

Ms. Patricia Rosenlund, Executive Director introduced herself and thanked the committee for their support. She provided a brief summary of the request for \$4,000.00 to serve 3 clients (\$1,333 per client) to provide rehabilitation therapy services to low income, individuals who may have been injured and have no insurance. She mentioned they assist adults and children, three years and older who acquired a disability as a result of an injury or illness. After a brief discussion, Chairman Garza thanked Ms. Rosenlund for her presentation and proceeded with the next presentation.

HOPE Family Health Center

Ms. Roxanne Pacheco, Executive Director introduced herself and introduced Chairman Roberto Haddad board member. Ms. Pacheco provided a brief summary of HOPE Family Health Center the agency provides medical and behavioral health services including chronic disease management, psychotherapy, nutrition education, lifestyle management, case management, care coordination, COVID-19 education, awareness, and vaccines clinics to low-income population of the Rio Grande Valley. She stated the requested amount of \$4,000 will be used to assist 30 patients with office visits, consultations, referrals, lab fees, medication and prescription fees, case management services, diagnostic testing, etc. After a brief discussion, Chairman Garza thanked Ms. Pacheco for the presentation and proceeded with the next presentation.

Affordable Homes of South Texas, Inc.

Ms. Cynthia Torres, Director of Grants & Resource Development, introduced herself to the members. Ms. Torres explained their request for \$200,000.00 will assist eligible low to moderate income families to become first-time homeowners by subsidizing mortgage principal amounts to make loan payments affordable. She mentioned the funds would benefit 7 families with a projected subsidy level of \$26,286.00. She stated that \$184,000.00 would be used for the homeownership assistance and \$16,000.00 would for administration costs. After a brief discussion, Chairman Garza thanked Ms. Torres for the presentation and proceeded with the next presentation.

Children's Advocacy Center of Hidalgo County

Mr. Jesus Sanchez introduced himself and explained that the center is requesting \$15,000.00 to assist 100 children \$150 each to provide services for victims of abuse. He mentioned the agency has been serving for 23 years and provides family advocacy to children to address their needs and provide mental health services. Mr. Sanchez stated the agency works with Child Protective Services, Police Departments and other agencies. He stated that the funding will be used for salaries for a coordinated team investigation to reduce the emotional trauma on child abuse victims. Additional services include sexual assault examination, child/play therapy intervention counseling, case review, long term individual and family counseling, case tracking and follow up services. Ms. Pacheco inquired about the employees being licensed. Mr. Sanchez mentioned Children's Advocacy Center of Hidalgo County provides training to all employees. After a brief discussion, Chairman Garza thanked Mr. Sanchez for the presentation and proceeded with the next presentation.

Departments Requests:

Mission Historical Museum

Ms. Cynthia Stojanovic, Mission Historical Museum Director introduced herself to the members. Ms. Stojanovic provided a brief summary of the request of \$65,000 for a historic resource survey. She stated the data collected from the survey would allow the Mission Preservation Program to plan for the preservation, restoration, and rehabilitation of structures needed for economic development and downtown housing initiative. After a brief discussion, Chairman Garza thanked Ms. Stojanovic for the presentation and proceeded with the next presentation.

Mission Fire Department

Mr. Francisco Cavazos, Fire Marshal introduced himself to the members. Mr. Cavazos provided a brief summary of the request of \$39,517.50 to purchase equipment that will benefit the elderly and youth. The Mission Fire Department is requesting support to make one-time purchase of a BullEye Digital Fire Extinguisher Training System and a 4 Room Inflatable ADA Compliant House. These items will serve as teaching tools for both young and elderly by teaching them what to do in case of an emergency in their homes or work places. After a brief discussion, Chairman Garza thanked Mr. Cavazos for the presentation and proceeded with the next presentation.

Public Works Department

No one present

Parks & Recreation Department

Mr. Brad Bentsen, Parks and Recreation Department Director introduced himself to the members. Mr. Bentsen presented his request of \$365,445 to purchase playground equipment and the construction of restrooms for Astroland Park at 115 S. St. Marie Mission Tx. He presented several pictures of the playground equipment Rocket Ship all-inclusive playground, Smart play Fire Station, and Market Café with synthetic padded turf. Vicechairman Lopez inquire about the park's restrooms been closed at night. Mr. Bentsen stated all parks restroom are closed at night. Ms. Pacheco inquire about Jose M. Lopez Park depreciated. Mr. Bentsen stated that he had coordinated with previous staff Chief Dominguez to implement patrolling in the area to decrease violence and depreciated. After a brief discussion, Chairman Garza thank Mr. Bentsen for the presentation and proceeded with the next presentation.

Mission Police Department

Assistant Chief Jody Tittle Mission Police Department introduced himself to the members and presented his request of \$40,000 to be utilized on over time for after school and weekend presentations on drug use and abuse issues for the youth. The goal is to educate and enable out youth to reject illicit drugs. To promote the Drug Awareness Program and knowledge of the potential health, social and legal consequences of illicit drug use. Ms. Mendez inquire if the awareness includes the use of vapes. Assistant Chief Tittle said yes all vapes consuming have potential health effects. After a brief discussion, Chairman Garza thanked Assistant Chief Tittle for the presentation and proceeded with the next presentation.

Ms. Longoria went on to present the CDBG department requests:

Rental Assistance Program

Ms. Longoria provided a summary of the Rental Assistance Program request \$20,000.00 which provides assistance and services to prevent individuals and families from becoming homeless.

Housing Assistance Program

Ms. Longoria stated that for Housing Assistance Program request of \$725,000.00 is for reconstruction of eight (8) homes to eligible low-income families.

Housing Administration

Ms. Longoria stated the Housing Administration request of \$115,000.00 to cover administration costs and overall CDBG program.

Program Administration

Ms. Longoria stated the Program Administration request of \$185,000.00 to cover administration costs and overall CDBG program.

Call to Close Public Hearing and Open Regular Meeting

Chairman Garza thanked the Agencies and city departments for their presentations and for assisting Mission residents. He closed the Public Hearing and opened the Regular Meeting at 7:17 pm.

Citizen's Participation

Chairman Garza asked if there were any citizens present that wanted to express their concerns at this Regular Meeting. With no one present and no comments, he continued with the next item.

Discussion and Recommendation to Approve Minutes for Regular Meeting held on March 14, 2023 and Special Meeting held on March 21, 2023

Ms. Helen Torres presented the minutes for Regular Meeting held on March 14, 2023 and Special Meeting held on March 21, 2023. There being no questions or comments, Chairman Garza asked for a motion to approve the minutes as presented. Ms. Pacheco motioned to approve the minutes as presented. Vicechairman Lopez seconded the motion. Motion carried. (8-0)

Other Business

A. Chairman's Comments

Chairman Garza no comments.

B. Committee Member's Comments

Vicechairman Lopez inquired to informed Mr. Brad Bentsen to check on the lights at Bentsen park. Ms. Longoria informed the members present to review the funding requests and if the committee agree to add the funding recommendations item for the next meeting in the agenda. All members agreed. She informed the new members that the committee recommends and the department presents to City Council for approval followed by a 30 day comment period.

Adjourn

Chairman Garza asked for a motion to adjourn the meeting. Mr. Victor Anzaldúa motioned to adjourn meeting. Ms. Pacheco seconded. Motion carried (8-0). The meeting was adjourned at 7:21 P.M.

Lorenzo Garza, Chair-person

**NOTICE OF SPECIAL MEETING & PUBLIC HEARING
MISSION ECONOMIC DEVELOPMENT CORPORATION
APRIL 5, 2023 4:00 PM
CENTER FOR EDUCATION AND ECONOMIC DEVELOPMENT**

PRESENT:

Richard Hernandez, President
Jose G. Vargas, Vice President
Deborah Cordova, Secretary
Estella Saenz, Treasurer
Noel Salinas
Carl Davis
Mayor Norie Gonzalez Garza

ABSENT:**ALSO PRESENT:**

Eugene Vaughan, JGKL LLP
Chad Young, CRI CPAs
Esmeralda Yñiguez, CRI CPAs
Aashna Khatwani, CRI CPAs
Ernesto Gonzalez, CEO, Tekna Impact LLC
Amelia Hernandez, Mgr., Tekna Impact LLC
Emilio Fuentes, Tekna Impact LLC
Tony Villarreal, Progress Times

STAFF PRESENT:

Teclo J. Garcia, Chief Executive Officer
Joel Garza, Chief Operating Officer
Stepanie Palacios, Financial Officer
Judy Vega, Executive Assistant
Blanca Davila, Director of Econ. Development
Naxiely Lopez, Director of Marketing & Comm.
Randy Perez, City Manager
Angie Vela, Finance Director
Ezeiza Garcia, Assistant Finance Director
David Flores, Deputy City Manager
Joe Salazar, Accountant

1. Call to Order and Establish Quorum

After establishing a quorum of the Board of Directors, President Richard Hernandez called the meeting to order at 4:05 PM

2. Approval of Minutes: Meeting of March 1, 2023

Carl Davis moved for approval of the meeting minutes of March 1, 2023 as presented. Motion was seconded by Noel Salinas and approved 6-0.

3. Tekna Impact LLC Recognition

CEO Teclo J. Garcia welcomed Ernesto Gonzalez, President of Tekna Impact LLC, a company that manufactures labels, which participates in international trade, and whom the Board recently incentivized. The company is located in Mission where they have numerous jobs, and plan to hire an additional 12. Mr. Gonzalez' company has been in business for 23 years. He introduced his General Manager Amelia Hernandez and Project Manager Emilio Fuentes. Sixty percent (60%) of Tekna Impact LLC's clients are maquiladoras and in the automotive industry. In cars for example, the company produces labels for parts like seat belts, seats, shafts, gas tanks, windows, and doors. A percentage of their business also produces labels for water tanks,

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medical equipment, and for the food sector including meat packaging labels as well as produce. Mr. Gonzalez presented a short video to the Board on how labels are produced. He then thanked the Board for the opportunity to introduce his company.

President Richard Hernandez called for a recess at 4:21 PM. President Richard Hernandez called the meeting back to order with a full quorum present at 4:28 PM.

4. Deliberation and possible action to approve MEDC Financial Statements & Independent Auditor's Report for fiscal year ended September 30, 2022

CEO Teclo J. Garcia introduced Chad Young, Aashna Khatwani, and Esmeralda Yñiguez, partners with Carr Riggs & Ingram CPAs, to present MEDC's Financial Statements & Independent Auditor's Report for fiscal year ended September 30, 2022

Mayor Norie Gonzalez Garza joined the meeting at 4:29 PM.

Ms. Yñiguez briefly introduced the Carr Ingram & Riggs PLLC firm and proceeded by presenting the audit report with a slide presentation, inviting her colleagues, Mr. Young and Ms. Khatwani to join her. Ms. Yñiguez said this year the firm completed MEDC's audit as well as separate single audit report, a requirement for any organization that accepts federal grants of over \$750,000. In this case, MEDC accepted an EDA grant and a Wagner Peyser grant, which amounted to \$2 million combined. The firm also provided staff with information related to a material weakness on the single audit related to contributions and their recommendation related to the material weakness. She briefly reported on capital assets and long-term debts, and reported on required communications for the Board of Directors as well as management. President Richard Hernandez asked about the material weakness on the single audit, what was it? Ms. Khatwani said that financial transactions requiring signatures were not reported to the Finance Department. The recommendation was that the Finance Department is immediately informed by MEDC staff of any financial transaction requiring signatures. Ms. Yñiguez mentioned a new upcoming standard for audit reporting, GASB Statement No. 96, which will become effective in June 2022 and will apply to MEDC's 2023 FY audit reporting. This requirement will provide guidance on the accounting and financial reporting for subscription-based information technology arrangements (SBITAs) for government end users (governments). Overall, the firm delivered a clean audit with no findings noted.

Secretary Deborah L. Cordova moved to approve MEDC Financial Statements & Independent Auditor's Report for fiscal year ended September 30, 2022. Motion was seconded by Treasurer Estella Saenz and approved 7-0.

5. Acceptance of Financial Statements: Unadjusted Financial Statements for December 2022 and January 2023

Finance Director Angie Vela presented and recommended approval of the unadjusted financial statement for December 2022.

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There being no changes or corrections, Carl Davis moved for acceptance of the unadjusted Financial Statement for December 2022 as presented. Motion was seconded by Noel Salinas and approved 7-0.

Financial Officer Stephanie Palacios presented and recommended acceptance of the unadjusted Financial Statement for January 2023.

There being no corrections or changes, Secretary Deborah L. Cordova moved for acceptance of the unadjusted financial statement for January 2023 as presented. Motion was seconded by Noel Salinas and approved 7-0.

6. Deliberation and possible action to approve Invoice #11 from the City of Mission in the amount of \$180,776.21 related to an EDA grant

Assistant Finance Director Ezeiza Garcia presented and recommended approval of Invoice #11 from the City of Mission in the amount of \$180,776.21. This invoice is related to a \$3 million grant being used for drainage improvements related to property being developed by Killam Development. Ms. Garcia briefly explained that the total maximum reimbursement was \$3,750,000. Total paid is \$2,247,402.95. Total reimbursed was \$3,066,626.74, leaving a balance of \$180,776.21, the amount of this invoice. She is requesting approval of the invoice.

Carl Davis moved for the approval of Invoice #11 from the City of Mission in the amount of \$180,776.21. Motion was seconded by Mayor Norie Gonzalez Garza and approved 7-0.

7. Public Hearing: MEDC FY 2022-2023 Proposed Project Consideration concerning an economic incentive for a strategic marketing firm to be located at 801 North Bryan Road, Mission, Texas, in an amount not to exceed \$55,000 over a period of three years

At 5:10 PM, President Richard Hernandez opened the public hearing to give citizens the opportunity to comment for or against the proposed project.

At 5:12 PM, President Richard Hernandez closed the public hearing with no comments heard. A Notice of Intention to undertake the project was published on March 3, 2023. The 60-day comment period will end May 4, 2023.

At 5:13 PM, President Richard Hernandez announced that the Board was convening in closed session.

8. Closed Session Pursuant to V.T.C.A. Gov. Code Sec. 551.001

Deliberation and possible action regarding commercial or financial information received the Mission EDC from a business prospect with which the Mission EDC is conducting economic development negotiations or with which the Mission EDC seeks to have to locate, stay, or expand operations in or near the City of Mission (as permitted under Tex. Gov't Code Sec. 551.087), including, but not limited to the following:

A. Report from CEO as to potential prospects

Deliberation and possible action regarding the purchase, exchange, lease, or value of real property (as permitted under Tex. Gov't Code Sec. 551.072), including, but not limited to the following:

A. M.E.D.C. Land

The Mission Economic Development Corporation Board of Directors will reconvene in open session to take any actions necessary

At 5:40 PM. President Richard Hernandez announced that the Board was convening in open session.

No action was taken.

Vice President Jose G. Vargas left the meeting at 5:41 PM

9. CEO Report on Economic Activity

CEO Tecló J. Garcia reported that he recently attended the 2023 Annual Viva Fresh Expo in Grapevine, Texas, as well as COO Joel Garza, Director of Marketing & Communications Naxiely Lopez, and Director of Economic Development Blanca Davila. This year's expo was one of the largest ever held. Surrounding states and Mexico participants were there promoting their products. This expo is important because it brings together producers looking for cold storage facilities. Mr. Garcia mentioned Mission Day in Austin, which was also a successful event where meetings were held with lobbyists and state elected officials. Mr. Garcia also attended the Site Selectors Guild Annual Conference in San Antonio, where sixty of the most influential site selectors met with individuals who help the world's largest firms help find the best locations for expansions. On CEED related news, Mr. Garcia said that the Council for South Texas Economic Progress (COSTEP) has expressed an interest in leasing space at CEED and staff are assisting in finding one for them. Wayland Baptist University is leasing space at CEED where they will begin holding classes. TV Azteca was occupying space on a courtesy basis but will soon begin paying at a full rate. Texas Woman's University will also be leasing space at a full rate. Mr. Garcia informed the Board on some upcoming events as follows: RODCO will be breaking ground on a new \$6.3 million facility on April 18, 2023 at 11:00 AM; UTRGV will be holding a ribbon cutting on Wednesday, May 3, 2023 at 11:00 AM at the CEED building; and Brand Geniuz will also be doing a ribbon cutting soon but a date has not been announced. Invitations to these and other upcoming events will be sent to the Board as soon as they become available. Mr. Garcia thanked the MEDC staff for their support.

10. President Comments

President Richard Hernandez thanked the Board for their time and service. He also thanked Mission EDC staff and wished all a joyful and happy Easter holiday.

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11. Adjournment

At 5:58 PM, Mayor Norie Gonzalez Garza moved to adjourn the meeting. Motion was seconded by Carl David and approved 6-0.

Richard Hernandez, President

ATTEST

Deborah L. Cordova

**Mission Redevelopment Authority
Board of Directors Meeting
March 28, 2023**

MINUTES

Call to Order, Establishment of Quorum

The Board of Directors of the Mission Redevelopment Authority (MRA) held a regular meeting open to the public, on March 28, 2023, at 12:00 PM, at 801 N. Bryan Road, Mission Texas, and the roll was called of the duly appointed members of the Board, to-wit:

David Penoli, Chairman
Martin Garza, Vice Chairman
Aissa I. Garza, Secretary
Amanda O'Caña
Albert X. Chapa
Efrain Reyna Jr.
Hector Moreno

All the above were present except Directors O'cana and Reyna. Also present at the meeting were Joe Morin, Angie Vela, J.P. Terrazas, Dr. Rolando Ortiz, Crystal Chavez, Ricky Longoria, Joshua Longwell, Joe Salazar, David Flores, Cristian Garza, Damien B. Tijerina, Abel Bocanegra, Tim Austin, Ruben James de Jesus, and Judy Vega.

Call Meeting to Order at 12:25 PM

Chairman Penoli opened the meeting with a welcome to all. The Administrative Assistant confirmed a quorum was present.

Approve minutes of the March 7, 2023, meeting of the Mission Redevelopment Authority

Upon a motion duly made by Director Chapa and seconded by Director Moreno, the Board unanimously approved the meeting minutes of March 7, 2023 as presented.

Project Reports

Chairman Penoli recognized Engineer Ruben James de Jesus with Melden & Hunt to report on the **Bentsen Palm Development Phase III Project**. Mr. de Jesus reported that the contractor continues to test Assignment A sewer line, which runs through Sendero Subdivision the sewer line is completed and is pending the passing of compaction testing. Upon completion, the contractor will then air, mandrel, and camera test the lines. Assignment B sewer line which runs along the south side of Amigos del Valle the sewer line has been installed as per revision. Inspiration Road still needs to be paved back. Assignment C sewer line, at Inspiration Road crossing, has been completed, pending a segment approaching an existing lift station. Mr. de Jesus provided images on the project's progress. This work has begun. No further comments were made.

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Chairman Penoli recognized Mr. de Jesus to report on the **Tierra Dorada Sanitary Sewer Improvements Project**. Mr. de Jesus reported that this project involves design to eliminate existing Lift Stations No. 13 and 14 within Tierra Dorada Subdivision and construct a new proposed lift station to reroute sewer discharge into existing sanitary sewer trunkline along Los Ebanos Road. The design survey has been completed for this project along the proposed route for the sanitary sewer line and force main. The design plans are 90% complete. The final plan will be submitted to Hidalgo County Drainage District 1 and City of Mission Staff this month (March) for permits. The firm is coordinating the paperwork to bid the construction portion of the project this month. Mr. de Jesus provided images on the project's progress. No further comments were made.

Chairman Penoli recognized Mr. de Jesus to report on the **Inspiration Road Trunklines (Sanitary Sewer Master Plan)**. Mr. de Jesus said that next month (April), he will have more information related to the results of a proposed study that they have been working with jointly with the City of Mission related to Lift Station #10, located on Mile 2 & FM 495 (El Valle Subdivision), which produces sewer overflow through Inspiration Road. The plan is to reroute the sewer line to an existing lift station to alleviate overflow. Melden & Hunt is coordinating the study to find out how much infrastructure is needed and to see if the need for another sewer line can be eliminated. Nothing further was reported.

Chairman Penoli recognized Engineer Damien D. Tijerina with L&G Engineering to report on the **Inspiration Rd./Military Parkway Loop Ph. I & II**. On **Phase I**, Mr. Tijerina mentioned that the project involves environmental assessment, public involvement, and schematics. He reported that on March 8, 2023, the firm submitted environmental documents to TxDOT, from comments received on February 27th. A mock meeting in which TxDOT, the City of Mission, and L&G Engineering participated was successful. TxDOT has approved the presentation and soon the firm will be uploading it on both the City of Mission and TxDOT's websites for the public to view. Mr. Tijerina said that notices to all ROW property owners have been sent and that the public hearing notices will be published in the newspaper three times with the first one being published on March 29th. The virtual public hearing will be from 5:30 PM on April 25th to May 10th at 11:59 PM. The in-person public hearing will be from 5:30 to 7:30 PM on April 26, 2023 at Leal Elementary School Cafeteria on Los Ebanos Road. No further comments were made.

On **Phase II**, Mr. Tijerina mentioned that Right of Way maps were submitted on March 10th to L&G. The firm submitted comments to the surveyor on March 22, 2023. L&G continues to work on 90% PS&E submittal, of which L&G is about 60% done with internally. The firm has sent United Irrigation District #1 a set of design plans for their review. Assistant City Manager J.P. Terrazas mentioned that he will be providing an engineer's estimate breakdown at the next meeting for this project. Phase II was approved by the Board last year at \$3.7 million. No further comments were made.

Chairman Penoli recognized Dr. Rolando Ortiz with **Killam Development** to report on their El Milagro Phase I Project. Dr. Ortiz said that Killam Development has spent about \$5.7 million on this project and shared a sheet that contained areas and their completion percentages, along with some photographs on the construction site. Chairman Penoli asked Mr. Terrazas on the verification of materials. Mr. Terrazas said that once materials are on site or installed, City of Mission staff goes out there to verify what's on site and also test what's in the ground. No further comments were made.

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Chairman Penoli recognized Crystal Chavez, Project Manager with The Warren Group to report on the **Fire & Police Sub-Station #6**. Ms. Chavez mentioned that the project about 65% complete. She mentioned that the installation of concrete sidewalk is 90% completed and the perimeter concrete block walls is 55% complete. The general contractor will start working on the fire truck driveway on the north side of the property. Final grading on drives and parking lots is ongoing. Ongoing is the installation of exterior brick at the main entrance, the wall insulation, and gypsum board on the interior metal wall on both sides. Tape floating walls in the PD area is also in progress. The contractor continues to install duct insulation and wall escutcheons at the fire department side. Electrical rough in is in progress at the truck bay and fire department areas. Plumbing rough in is also ongoing in the fire department area. A total of 21 weather days were reported as of March 28, 2023. The Warner Group has submitted pay application #9 in the amount of \$446,507.51 for the pay period of February 23, 2023. On construction scheduling, three lead items extends the date of completion from February 2023 to September 2023 as follows: 1) PA Panel that powers AC units has an estimated delivery date on June 13, 2023; 2) Main disconnect switchboard has an estimated delivery date of April 19, 2023; and rooftop units estimated delivery by the end of April 2023. Ms. Chavez shared some images with the Board on the project's progress. Vice Chairman Martin Garza asked a question related to Pay Application #9. According to payments made on the Total Budgeted Sheet, nine payments have been made to TWG, therefore Pay Application #9 should be Pay Application #10. Mr. Terrazas mentioned that Pay Application #9 was correct and that the payments on the sheet are related to payments made to others working on the same project. Finance Director Ms. Vela said she will add the vendor's name on each payment moving forward. Ms. Chavez mentioned that she will be presenting a construction schedule at the next meeting. Assistant City Manager mentioned that he plans to present a Change Order, of about \$220,000+, related to the extension of Schuerbach Road at next month's meeting. Additional items will also be on that same change order related to Cat 6 and telecommunications that are necessary for the building and that were not on the original proposal. No further comments were made.

Walsh Street Project: Mr. Terrazas said this project is pending due to funding options.

Mayberry Road Extension: The developer, Ruben Hinojosa, is not ready to proceed with this project. An existing development agreement approved by the Board in mid-2022 was not executed by the developer. The agreement does not stipulates on a project completion deadline.

1st Street Extension: Las Esperanzas Subdivision, Mr. Terrazas reported that the developer has completed 80% of the infrastructure (utilities) and 80% on sewer. They are currently working on drainage. Chairman Penoli requested that some images be presented on the project's progress at the next meeting.

Review and Approval of MRA Investment Policy

Upon a motion duly made by Vice Chairman Martin Garza and being seconded by Director Moreno, the Board unanimously approved the MRA Investment Policy as presented.

Secretary Aissa I. Garza left the meeting at 1:12 PM.

Deliberation and possible action regarding the selection of a financial advisor

At 1:13 PM, Director Chapa moved to convene in Executive Session, under Texas Government Code Sec. 551.071, Consultation with Attorney, regarding legal matters related to negotiations for

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Financial Advisor contracts. The motion was seconded by Director Moreno and approved unanimously.

The Mission Redevelopment Authority Board will reconvene in open sessions to take any actions necessary.

At 1:23, Director Vice Chairman Martin Garza moved to convene in open session. The motion was seconded by Director Moreno and approved unanimously.

Upon a duly made motion by Chairman Penoli, and being seconded by Director Moreno, the Board authorized the engagement of Hilltop Securities, Inc. for financial advisor services with the Mission Redevelopment Authority, subject to final approval of a financial advisor services contract by the Authority's legal counsel Tim Austin. Director Chapa abstained from voting.

Mr. Austin will contact Hilltop Securities Inc. to inform them of the selection. Mr. Terrazas said he will send notice to the companies that submitted proposals informing them of the selected firm.

Acceptance of financial report for February 2023

Bookkeeper Joe Morin presented and recommended acceptance of the Financial Report for February 2023.

Upon a duly made motion by Vice Chairman Martin Garza, and being seconded by Director Chapa, the Board unanimously accepted the Financial Report for February 2023.

Status of Audit Report

Assistant City Manager J.P. Terrazas and Bookkeeper Joe Morin provided a status on the Authority's audit report. Mr. Morin mentioned that he continues to work with the auditors and the city's Finance Department on the update of a budget analysis, an accrual summary, and an expenditures report, which he will provide to the auditors once completed. Chairman Penoli asked how much more time is needed to complete the reports? Finance Director Angie Vela mentioned that the next MRA Board meeting is April 25th and if the audit is not presented at that meeting, then a special meeting will need to take place in May because the City of Mission's audit is contingent on the approval of the Authority's audit. Auditor Ricky Longoria with Burton McCumber & Longoria LLP mentioned that time is of the essence and requested that if information has not been submitted, that it is submitted ASAP because the firm is now being challenged with the new deadline, which translates to the firm doing whatever it takes to meet the deadline. Mr. Longoria mentioned he will need to assign higher level staff to work nights and weekends at a higher rate. Chairman Penoli asked Ms. Vela and Accountant Joe Salazar to schedule a meeting with Mr. Morin to assist with the pending items since this was his first time working on an audit. Ms. Vela said a meeting has been scheduled for Thursday, March 30th. Secretary Aissa I. Garza voiced her concern on further delaying the completion of the audit, and asked if Board action was needed to extend BML's beyond their contract to complete the audit in order to meet the deadline rather than having to schedule another Board meeting to approve an extension. Within the scope of this agenda item, legal counsel Tim Austin said the Board may take action to extend BML's contract to take any steps necessary to complete the Authority's audit to meet the deadline of April 25th.

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Upon a motion duly made by Secretary Aissa I. Garza, and seconded by Director Chapa, the Board authorized staff to cooperate with BML and take all steps necessary to complete the Authority's FY 2021-2022 audit report by April 25th.

Approval of invoices for March 2023

Bookkeeper Joe Morin presented and recommended approval of all invoices for March 2023.

Upon a motion duly made by Vice Chairman Garza, and being seconded by Director Chapa, the Board unanimously approved all invoices for the month of March 2023.

Adjournment

As there was no further business for the board to consider, upon a motion made by Director Chapa and being seconded by Director Moreno, the Board unanimously voted to adjourn the meeting at 1:36 PM.

Follow up items:

All projects: Binders with project reports as presented each month. In progress.

Walsh Road Expansion: Update on how to fund this project.

Inspiration Road Expansion Ph. II: Mr. Terrazas will provide a breakdown on engineering cost estimates for this project.

Police & Fire Sub-Station #6: Mr. Terrazas will prepare a Change Order for the extension of Schuerbach Road, and other items related to telecommunications that were not on the original plan for this project. Ms. Chavez will provide a construction schedule.

Mayberry Extension: No deadline on this project's timeline is stipulated on an existing development agreement between the developer and MRA. The approved amount is \$96,486. The Development Agreement was signed by the Board but not the developer. Board direction is pending.

1st Street Project: Mr. Terrazas will provide images of the project's progress at the next meeting.

Financial Advisor Services: Were proposers notified of the selected firm?

General Fund & Debt Service Investment Reports: Beginning & ending fair market values need to be listed in the reports.

By: _____

Attest: _____

Printed Name: David Penoli

Printed Name: Aissa I. Garza

Title: Chairman

Title: Secretary

Date: _____

Date: _____

**Mission Tax Increment Reinvestment Zone
Board of Directors Meeting
March 28, 2023**

MINUTES

Call to Order, Establishment of Quorum

The Board of Directors of the Mission TIRZ #1, held a regular meeting, open to the public, March 28, 2023, at 801 N. Bryan Road, Mission, Texas and at 1:37 PM, the roll was called of the duly appointed members of the Board, to-wit:

David Penoli, Chairman
Martin Garza, Vice Chairman
Aissa I. Garza, Secretary
Amanda O'Caña
Albert X. Chapa
Efrain Reyna Jr.
Hector Moreno

All the above were present except Secretary Aissa I. Garza, and Directors O'Caña and Reyna. Also present at the meeting were Joe Morin, Angie Vela, J.P. Terrazas, Dr. Rolando Ortiz, Crystal Chavez, Ricky Longoria, Joshua Longwell, Joe Salazar, David Flores, Cristian Garza, Damien B. Tijerina, Abel Bocanegra, Tim Austin, Ruben James de Jesus, and Judy Vega.

I. Consider Consent Agenda

- A. Call meeting to order and establish quorum
- B. Approve Minutes of the March 7, 2023 meeting of the TIRZ#1
- C. Ratify all actions taken by the Mission Redevelopment Authority Board of Directors at the March 28, 2023 meeting

Upon a motion duly made by Director Chapa and seconded by Director Moreno, the Board unanimously approved the minutes of the March 7, 2023 meeting of TIRZ #1.

Upon a motion duly made by Vice Chairman Martin Garza and seconded by Director Moreno, the Board unanimously approved the consent agenda.

II. Adjournment

As there was no further business for the board to consider, upon a motion made by Director Chapa, and being seconded by Vice Chairman Martin Garza, the Board unanimously voted to adjourn the meeting at 1:38 PM.

By: _____

Attest: _____

Printed Name: David Penoli

Printed Name: Aissa I. Garza

Title: Chairman

Title: Secretary

Date: _____

Date: _____

**NOTICE OF MEETING
MISSION ECONOMIC DEVELOPMENT AUTHORITY, INC.
JANUARY 25, 2023**

The Board of Directors of the Mission Economic Development Authority, Inc., held a meeting on Wednesday, January 25, 2023, at 4:00 PM, by teleconference, at the Center for Education and Economic Development, 801 N. Bryan Road, Mission, Texas 78572, to discuss the following agenda:

1. Call to order and Name Presiding Officer
2. Establish quorum
3. Swearing in of Appointed Board of Directors
4. Election of Officers: Chair, Vice Chair, Secretary, Treasurer
5. Approval of minutes: Meeting of November 29, 2022
6. Deliberation and possible action regarding the sale of all of Lot 1, Replat of Expressway Business Park Phase XII, an Addition to the City of Mission, Hidalgo County, Texas, according to the map filed under Document Number 2549697, Office of the County Clerk of Hidalgo County, Texas
7. Acceptance of Financial Report ended December 31, 2022
8. Adjournment

Minutes are as follows:

PRESENT:

Richard Hernandez, Chair
Jose G. Vargas, Vice Chair
Deborah Cordova, Secretary
Estella Saenz, Treasurer
Mayor Norie Gonzalez Garza

ABSENT:

ALSO PRESENT:

Greg Kerr, JGK&L, LLP

STAFF PRESENT:

Teclo Garcia, Chief Executive Officer
Joel A. Garza, Chief Operating Officer
Judy Vega, Executive Assistant
Stephanie Palacios, Finance Officer
Naxiely Lopez, Director of Marketing & Communications
Randy Perez, City Manager
J.P. Terrazas, Assistant City Manager
Angie Vela, Finance Director
Ezeiza Garcia, Assistant Finance Director
Joe Salazar, Accountant

1. Call to order and Name Presiding Officer

Richard Hernandez called the meeting to order at 6:00 PM.

2. Establish quorum

Executive Assistant Judy Vega confirmed a quorum was present.

3. Swearing in of Appointed Board of Directors

Notary Public Judy Vega swore in the following Appointed Board of Directors: Richard Hernandez, Jose G. Vargas, Deborah L. Cordova, Estella Saenz, and Mayor Norie Gonzalez Garza.

4. Election of Officers

Mayor Norie Gonzalez Garza nominated the same officers as the Mission Economic Development Corporation Board to serve on this Board as follows: Richard Hernandez, Chair; Jose G. Vargas, Vice Chair, Deborah L. Cordova, Secretary; and Estella Saenz, Treasurer. All accepted.

Vice Chair Jose G. Vargas moved to elect the same officers as the Mission Economic Development Corporation Board to serve on this Board as follows: Richard Hernandez, Chair; Jose G. Vargas, Vice Chair, Deborah L. Cordova, Secretary; and Estella Saenz, Treasurer. Motion was seconded by Treasurer Estella Saenz and approved 5-0.

5. Approval of Minutes: Meeting of November 29, 2022

Mayor Norie Gonzalez Garza moved for approval of the meeting minutes of November 29, 2022 as presented. Motion was seconded by Vice Chair Jose G. Vargas and approved 5-0.

6. Deliberation and possible action regarding the sale of all of Lot 1, Replat of Expressway Business Park Phase XII, an Addition to the City of Mission, Hidalgo County, Texas, according to the map filed under Document Number 2549697, Office of the County Clerk of Hidalgo County, Texas

CEO Teclo J. Garcia said that this property was a small parcel, a property next to the Social Security Administration office on Business Park Drive, Mission, Texas in the Expressway Business Park. Mr. Adrian Arriaga with Sperry Commercial Real Estate Group is the listing agent for this property. Secretary Deborah L. Cordova asked if a real estate contract was in place, and whether it has been reviewed by counsel? Mr. Garcia said the property was under contract. Legal Counsel Greg Kerr recommended the approval of this sale is made subject to his review of the real estate contract.

Subject to legal counsel's review and approval, Treasurer Estella Saenz moved to approve the sale of all of Lot 1, Replat of Expressway Business Park Phase XII, an Addition to the City of Mission, Hidalgo County, Texas, according to the map filed under Document Number 2549697, Office of the County Clerk of Hidalgo County, Texas, in the amount of \$218,735 payable in full at closing, and to further authorize the CEO to execute whatever documents and pay whatever costs deemed necessary and reasonable by the CEO in order to consummate this transaction. Motion was seconded by Mayor Norie Gonzalez Garza and approved 5-0.

7. Acceptance of Financial Report ended December 31, 2022

Assistant Finance Director Ezeiza Garcia presented, and recommended approval of the Financial Report ended December 31, 2022. Ms. Garcia began her report by saying that the Beginning Balance was \$470,784. Total revenues were \$0.00. Total Expenditures were \$68.00. Total Ending Fund Balance was \$470,717. Total Assets were \$470,717. Total Liabilities and Fund Balance was \$470,717. Ms. Garcia informed the Board that this account stays conservative as there is not much ongoing activity. CEO Teclo J. Garcia reported that this property will be taken off the books once it is sold and said that three more properties in MEDA's name remain.

Vice Chair Jose G. Vargas moved to accept the Financial Report ended December 31, 2022 as presented. Motion was seconded by Secretary Deborah L. Cordova and approved 5-0.

8. Adjournment

At 6:08 PM, Mayor Norie Gonzalez Garza moved for adjournment. Motion was seconded by Vice Chair Jose G. Vargas and approved unanimously 5-0.

**MINUTES OF THE MISSION ECONOMIC DEVELOPMENT AUTHORITY, INC.
BOARD OF DIRECTORS MEETING HELD ON JANUARY 25, 2023 WERE
APPROVED ON THIS THE 26TH DAY OF APRIL 2023.**

Deborah L. Cordova, Secretary

**NOTICE OF MEETING
MISSION EDUCATION DEVELOPMENT COUNCIL, INC.
JANUARY 25, 2023**

The Board of Directors of the Mission Education Development Council, Inc., held a meeting on Wednesday, January 25, 2023, at 4:00 PM, at The Center for Education and Economic Development, 801 N. Bryan Road, Mission, Texas, 78572, to discuss the following agenda:

1. Call to order and Name Presiding Officer
2. Establish quorum
3. Swearing in of Appointed Board of Directors
4. Election of Officers: Chair, Vice Chair, Secretary, and Treasurer
5. Approval of Minutes – Meeting of November 29, 2022
6. Acceptance of Financial Report ended December 31, 2022
7. Discussion and possible action to approve Resolution No. 2023-01, A Resolution of the Board of Directors of the Mission Education Development Council, Inc. Designating a Depository Bank, and Authorizing the Performance of All Banking Functions Relating to the Opening and Maintaining of Bank Accounts for the Mission Education Development Council, Inc. and the Designation of Signatories on Such Accounts
8. Adjournment

Minutes are as follows:

Members Present:

Richard Hernandez, Chair
Jose G. Vargas, Vice Chair
Deborah L. Cordova, Secretary
Estella Saenz, Treasurer
Noel Salinas
Carl Davis
Mayor Norie Gonzalez Garza

Absent:

Also Present:

Greg Kerr, JGKL LLP

Staff Present:

Teclo Garcia, Chief Executive Officer
Joel A. Garza, Chief Operating Officer
Judy Vega, Executive Assistant
Stephanie Palacios, Finance Officer
Naxiely Lopez, Director of Marketing & Communications
Randy Perez, City Manager
J.P. Terrazas, Assistant City Manager
Angie Vela, Finance Director
Ezeiza Garcia, Assistant Finance Director
Joe Salazar, Accountant
Cristian Garza, Accountant

1. Call to order and Name Presiding Officer

Richard Hernandez was named Presiding Officer for this meeting and called it to order at 6:09 PM.

2. Establish quorum

Executive Assistant Judy Vega confirmed a quorum was present.

3. Swearing in of Appointed Board of Directors

Notary Public Judy Vega swore in the following Appointed Board of Directors: Richard Hernandez, Jose G. Vargas, Deborah L. Cordova, Estella Saenz, Noel Salinas, Carl Davis, and Mayor Norie Gonzalez Garza.

4. Election of Officers

Mayor Norie Gonzalez Garza nominated the same officers as the Mission Economic Development Corporation Board to serve on this Board as follows: Richard Hernandez, Chair; Jose G. Vargas, Vice Chair, Deborah L. Cordova, Secretary; and Estella Saenz, Treasurer. All accepted.

Jose G. Vargas moved for to elect the same officers as the Mission Economic Development Corporation Board to serve on this Board as follows: Richard Hernandez, Chair; Jose G. Vargas, Vice Chair, Deborah L. Cordova, Secretary; and Estella Saenz, Treasurer. Motion was seconded by Treasurer Estella Saenz and approved 7-0.

5. Approval of Minutes: Meeting of November 29, 2022

Mayor Norie Gonzalez Garza moved for approval of the meeting minutes of November 29, 2022 as presented. Motion was seconded by Vice Chair Jose G. Vargas and approved 7-0.

6. Acceptance of Financial Report ended December 31, 2022

Accountant Joe Salazar presented, and recommended approval of the financial report ended December 31, 2022. Mr. Salazar began his report by saying that Beginning Balance was \$104,758.99. Total Assets were \$104,758.99. Total Liabilities and Equity was reported at \$104,758.99. Net Income was reported at \$79.18. Interest earned was \$26,69 as of December 31, 2022 and Interest Paid to Date is \$314.13.

Vice President Jose G. Vargas moved to accept the financial report ended December 31, 2022. Motion was seconded by Treasurer Estella Saenz and approved 7-0.

7. Discussion and possible action to approve Resolution No. 2023-01, A Resolution of the Board of Directors of the Mission Education Development Council, Inc. Designating a Depository Bank, and Authorizing the Performance of All Banking Functions Relating to the Opening and Maintaining of Bank Accounts for the Mission Education Development Council, Inc. and the Designation of Signatories on Such Accounts

CEO Teclo J. Garcia introduced this item by saying that Texas State Bank is the depository bank used for grant deposits received from institutions or companies wishing to fund MEDC education programs. This account is also used to disburse checks related to expenses to administer the programs. Mr. Garcia is requesting approval of the proposed resolution.

Mayor Norie Gonzalez Garza moved for approval of Resolution No. 2023-01 as presented. Motion was seconded by Noel Salinas and approved 7-0.

Resolution No. 2023-01,

A Resolution of the Board of Directors of the Mission Education Development Council, Inc. Designating a Depository Bank, and Authorizing the Performance of All Banking Functions Relating to the Opening and Maintaining of Bank Accounts for the Mission Education Development Council, Inc. and the Designation of Signatories on Such Accounts

8. Adjournment

The meeting was adjourned at 6:15 PM.

**MINUTES OF THE MISSION EDUCATION DEVELOPMENT COUNCIL, INC.
BOARD OF DIRECTORS MEETING HELD ON JANUARY 25, 2023 WERE
APPROVED ON THIS THE 26TH DAY OF APRIL 2023.**

Deborah L. Cordova, Secretary



**KEEP MISSION
BEAUTIFUL BEAUTIFICATION
COMMITTEE REGULAR MEETING
MISSION CITY HALL
MARCH 7, 2023 at 5:30 PM**

MINUTES

MEMBERS PRESENT:

Lucille Cavazos
Gavino Garza
Mario Cantu

ABSENT:

Lisa Salinas

STAFF PRESENT:

Ruben Plata, Mayor Pro-Tem
Juan Pablo Terrazas, Assistant City Manager
Anais Chapa, Assistant City Secretary
Roel Mendiola, Sanitation Director
Yaritza Peña, Administrative Coordinator

REGULAR MEETING

CALL TO ORDER AND ESTABLISH QUORUM

With a quorum being present, Roel Mendiola, Sanitation Director, called the meeting to order at 5:50 p.m.

APPROVAL OF MINUTES – FEBRUARY 7, 2023

Members took a few minutes to review the minutes from the meeting held on February 7, 2023 meeting. Ms. Yaritza Pena stated that her name had been misspelled. Mr. Gavino Garza moved to approve the minutes, with the correction of Ms. Pena's name. Motion was seconded by Mr. Mario Cantu, and approved unanimously 3-0.

NEW BUSINESS

A. 501c3 Status

Discussion began on the current status of our 501c3 application. It was stated by Mr. Roel Mendiola that at the moment, an application had not been submitted. Ms. Anais Chapa stated that in order for the application to be completed, we would have to have a complete board. At the moment, there was still one vacancy on the board. It was further explained that we would need to have all five members appointed to the board in order to complete the application and decide who would be named as directors for the non-profit organization. Mayor Pro Tem Ruben Plata was presented and stated that he would assist in getting the final member appointed to the board so that we would be able to proceed with the state application.

B. Discussion of Upcoming Annual Trash Bash Event

Mr. Mendiola began the discussion of this item by stating that this year's Annual Trash Bash event would be held on Saturday, April 29th at the CWV Park/Mayberry Pool. For this event, we were hoping to get between 200-250 volunteers from the community to come together in an effort to clear roadways and various areas of debris and litter. Last year, the event was a success, and we did have close to 200 volunteers. The issue at last year's event was that the

volunteers did not come back to the meeting point after the clean up to take part in the appreciation picnic. Our goal for this year's event was to have the volunteers come back to the starting point so that they can enjoy the appreciation picnic. As part of the picnic, we will also have the Mayberry pool open so that the volunteers can enjoy the pool. This year, we will partner with MCISD's Department of Transportation so that they can assist us in transporting the volunteers to their designated clean up areas. Mayor Pro Tem Plata suggested that we should place some volunteer groups on the major roadways (for example: Bryan, Shary, Conway etc.) so that they can be visible, and our citizens can see that we are participating in beautification efforts. Ms. Chapa also asked the members to assist in obtaining sponsorships for the event. Each member present was given five (5) sponsorship letters.

C. Discussion of Committee's Goals for 2023

At our previous meeting, members were asked to come up with three goals that they would like to accomplish through the committee for 2023. After much discussion and voicing of ideas, it was decided that the group would focus on the following three goals: 1. Completing the 501c3 application in order to be able to operate as a non-profit organization, 2. Introducing a "Block Party" program where we can meet with residents and educate them on the proper waste disposal procedures while also providing roll-offs for a neighborhood clean-up, and 3. Come up with a mission statement and slogan to be able to purchase promotional items.

DATE AND TIME OF NEXT MEETING

The next meeting will be held on April 4, 2023 at 5:45 p.m..

CHAIRMAN'S COMMENTS

None.

MEMBER'S COMMENTS

None.

ADJOURNMENT

At 6:50 p.m., the meeting was adjourned.

Roel Mendiola, Sanitation Director

**MINUTES FOR THE
MISSION CIVIL SERVICE COMMISSION
March 8, 2023**

Commission-Present

**Jerry Saenz-Chairman
Polo Garza--Vice-Chair
Michael Davis-Member**

Staff Present

**Jesse Lerma Jr-CS Director
Douglass Williams-Interim Fire Chief
Cesar Torres-Chief of Police
Victor Flores-Atty
David Flores-ACM
Maribel Castellano-Adm PD**

Call to Order

Mr. Jerry Saenz called the meeting to order at 9:00 a.m.

Approval of Minutes-February 21, 2023

Mr. Lerma submitted the minutes for review. After a brief discussion, Mr. Garza made a motion to approve the minutes as submitted. Mr. Davis seconded the motion. Motion was approved unanimously.

Approval of Mission Fire Department Promotional Examination Resource List for LT

Mr. Lerma advised the Commission that Lt. Zuniga retired at the end of February so that created a vacancy for LT. Due to those actions we will need to start the process to fill the position. Mr. Lerma advised the Commission that Chief Torres was recommending the following sources for approval:

1. The Police Manager, 6th Edition
2. Police Management and Perspectives
3. Police Patrol and Operations Management, 3rd Edition

After a brief discussion, Mr. Davis made a motion to approve the resource list that was recommended by staff. Mr. Garza seconded the motion. Motion was approved unanimously.

Approval of Mission Fire Department Promotional Examination Schedule for LT

Mr. Lerma presented the Commission the following testing schedule for approval:

1. Post Resource List-March 8, 2023
2. 30 Day Notice-May 6, 2023
3. Deadline to Submit MOI- May 26, 2023
4. Date of Examination-June 8, 2023

After a brief discussion, Mr. Garza made a motion to approve the schedule as presented. Mr. Davis seconded the motion. Motion was approved unanimously.

Pending Business

Mr. Lerma and Chief Douglass went over the pending Meet and Confer Agreement with the Union at the FD. Chief Torres invited the Commission with a tour of his facility.

Adjourn

Meeting was adjourned at 9:15 a.m.



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023

PRESENTED BY: Susie de Luna, Planning Director

AGENDA ITEM: Approval of Resolution # _____ Regarding Waterline Access Agreement with Sharyland Water Supply within city ETJ for LaHoma 107 Retail Partners, Ltd. – 7 Eleven – De Luna

NATURE OF REQUEST:

The proposed 7-Eleven is located within the service area of the Sharyland Water Supply Corporation and within the City of Mission's ETJ.

Sharyland Water Supply Corporation has adequate-sized water lines to support fire hydrants in the area and requires an agreement be entered between the Corporation, the property owner and the City of Mission before such installation is allowed.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

RESOLUTION NO. _____**A RESOLUTION OF THE CITY OF MISSION, TEXAS TO APPROVE A
WATERLINE ACCESS AGREEMENT BETWEEN THE SHARYLAND WATER SUPPLY
CORPORATION, AND LAHOMA 107 RETAIL PARTNERS, LTD. – 7 ELEVEN**

WHEREAS, it is in the best interest of the citizens of Mission to provide the proper infrastructure for adequate fire protection for all new commercial and residential development; and

WHEREAS, the proposed 7 Eleven is located within the service area of the Sharyland Water Supply Corporation and within the City of Mission's ETJ; and

WHEREAS, the Sharyland Water Supply Corporation has adequate-sized water lines to support fire hydrants in the area and requires an agreement be entered between the Corporation, the property owner and the City of Mission before such installation is allowed.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT:

1. The City of Mission, Texas approves the agreement as shown on "ATTACHMENT A."

READ, CONSIDERED and APPROVED this the 08th day of May, 2023.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary



CITY OF
MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023
PRESENTED BY: Anna Carrillo, City Secretary
AGENDA ITEM: Approval of Data Use Agreement between the Department of State Health Services, Vital Statistics Office and the City of Mission - Carrillo

NATURE OF REQUEST:

The Data Use Agreement (DUA) with the Department of State Health Services, Vital Statistics Office is required to be executed to continue to allow the city's Vital Statistics Department to continue to have access to create, receive, maintain, process, view, handle, examine, interpret or analyze confidential information from DSHS to the City of Mission.

The City of Mission receives birth and death records which are confidential and therefore, the Data Use Agreement is required to be executed in order to comply with federal law.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

HHS DATA USE AGREEMENT

This Data Use Agreement (“DUA”), effective as of the date the Base Contract into which it is incorporated is signed (“Effective Date”), is entered into by and between a Texas Health and Human Services Enterprise agency (“HHS”), and the Contractor identified in the Base Contract, a political subdivision of the State of Texas (“CONTRACTOR”).

ARTICLE 1. PURPOSE; APPLICABILITY; ORDER OF PRECEDENCE

The purpose of this DUA is to facilitate creation, receipt, maintenance, use, disclosure or access to Confidential Information with CONTRACTOR, and describe CONTRACTOR’s rights and obligations with respect to the Confidential Information. **45 CFR 164.504(e)(1)-(3)**. This DUA also describes HHS’s remedies in the event of CONTRACTOR’s noncompliance with its obligations under this DUA. This DUA applies to both Business Associates and contractors who are not Business Associates who create, receive, maintain, use, disclose or have access to Confidential Information on behalf of HHS, its programs or clients as described in the Base Contract.

As of the Effective Date of this DUA, if any provision of the Base Contract, including any General Provisions or Uniform Terms and Conditions, conflicts with this DUA, this DUA controls.

ARTICLE 2. DEFINITIONS

For the purposes of this DUA, capitalized, underlined terms have the meanings set forth in the following: Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 (42 U.S.C. §1320d, *et seq.*) and regulations thereunder in 45 CFR Parts 160 and 164, including all amendments, regulations and guidance issued thereafter; The Social Security Act, including Section 1137 (42 U.S.C. §§ 1320b-7), Title XVI of the Act; The Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988, 5 U.S.C. § 552a and regulations and guidance thereunder; Internal Revenue Code, Title 26 of the United States Code and regulations and publications adopted under that code, including IRS Publication 1075; OMB Memorandum 07-18; Texas Business and Commerce Code Ch. 521; Texas Government Code, Ch. 552, and Texas Government Code §2054.1125. In addition, the following terms in this DUA are defined as follows:

“Authorized Purpose” means the specific purpose or purposes described in the Statement of Work of the Base Contract for CONTRACTOR to fulfill its obligations under the Base Contract, or any other purpose expressly authorized by HHS in writing in advance.

“Authorized User” means a Person:

(1) Who is authorized to create, receive, maintain, have access to, process, view, handle, examine, interpret, or analyze Confidential Information pursuant to this DUA;

(2) For whom CONTRACTOR warrants and represents has a demonstrable need to create, receive, maintain, use, disclose or have access to the Confidential Information; and

(3) Who has agreed in writing to be bound by the disclosure and use limitations pertaining to the Confidential Information as required by this DUA.

“Confidential Information” means any communication or record (whether oral, written, electronically stored or transmitted, or in any other form) provided to or made available to CONTRACTOR, or that CONTRACTOR may, for an Authorized Purpose, create, receive, maintain, use, disclose or have access to, that consists of or includes any or all of the following:

- (1) Client Information;
- (2) Protected Health Information in any form including without limitation, Electronic Protected Health Information or Unsecured Protected Health Information (herein “PHI”);
- (3) Sensitive Personal Information defined by Texas Business and Commerce Code Ch. 521;
- (4) Federal Tax Information;
- (5) Individually Identifiable Health Information as related to HIPAA, Texas HIPAA and Personal Identifying Information under the Texas Identity Theft Enforcement and Protection Act;
- (6) Social Security Administration Data, including, without limitation, Medicaid information;
- (7) All privileged work product;
- (8) All information designated as confidential under the constitution and laws of the State of Texas and of the United States, including the Texas Health & Safety Code and the Texas Public Information Act, Texas Government Code, Chapter 552.

“Legally Authorized Representative” of the Individual, as defined by Texas law, including as provided in 45 CFR 435.923 (Medicaid); 45 CFR 164.502(g)(1) (HIPAA); Tex. Occ. Code § 151.002(6); Tex. H. & S. Code §166.164; and Estates Code Ch. 752.

ARTICLE 3.

CONTRACTOR'S DUTIES REGARDING CONFIDENTIAL INFORMATION

3.01 Obligations of CONTRACTOR

CONTRACTOR agrees that:

- (A) CONTRACTOR will exercise reasonable care and no less than the same degree of care CONTRACTOR uses to protect its own confidential, proprietary and trade secret information to prevent any portion of the Confidential Information from being used in

HHS Data Use Agreement

TACCHO VERSION (Local City and County Entities) **October 23**, 2019

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a manner that is not expressly an Authorized Purpose under this DUA or as Required by Law. **45 CFR 164.502(b)(1); 45 CFR 164.514(d)**

(B) Except as Required by Law, CONTRACTOR will not disclose or allow access to any portion of the Confidential Information to any Person or other entity, other than Authorized User's Workforce or Subcontractors (as defined in **45 C.F.R. 160.103**) of CONTRACTOR who have completed training in confidentiality, privacy, security and the importance of promptly reporting any Event or Breach to CONTRACTOR's management, to carry out CONTRACTOR's obligations in connection with the Authorized Purpose.

HHS, at its election, may assist CONTRACTOR in training and education on specific or unique HHS processes, systems and/or requirements. CONTRACTOR will produce evidence of completed training to HHS upon request. **45 C.F.R. 164.308(a)(5)(i); Texas Health & Safety Code §181.101**

All of CONTRACTOR's Authorized Users, Workforce and Subcontractors with access to a state computer system or database will complete a cybersecurity training program certified under Texas Government Code Section 2054.519 by the Texas Department of Information Resources or offered under Texas Government Code Sec. 2054.519(f).

(C) CONTRACTOR will establish, implement and maintain appropriate sanctions against any member of its Workforce or Subcontractor who fails to comply with this DUA, the Base Contract or applicable law. CONTRACTOR will maintain evidence of sanctions and produce it to HHS upon request. **45 C.F.R. 164.308(a)(1)(ii)(C); 164.530(e); 164.410(b); 164.530(b)(1)**

(D) CONTRACTOR will not, except as otherwise permitted by this DUA, disclose or provide access to any Confidential Information on the basis that such act is Required by Law without notifying either HHS or CONTRACTOR's own legal counsel to determine whether CONTRACTOR should object to the disclosure or access and seek appropriate relief. CONTRACTOR will maintain an accounting of all such requests for disclosure and responses and provide such accounting to HHS within 48 hours of HHS' request. **45 CFR 164.504(e)(2)(ii)(A)**

(E) CONTRACTOR will not attempt to re-identify or further identify Confidential Information or De-identified Information, or attempt to contact any Individuals whose records are contained in the Confidential Information, except for an Authorized Purpose, without express written authorization from HHS or as expressly permitted by the Base Contract. **45 CFR 164.502(d)(2)(i) and (ii)** CONTRACTOR will not engage in prohibited marketing or sale of Confidential Information. **45 CFR 164.501, 164.508(a)(3) and (4); Texas Health & Safety Code Ch. 181.002**

(F) CONTRACTOR will not permit, or enter into any agreement with a Subcontractor to, create, receive, maintain, use, disclose, have access to or transmit Confidential Information to carry out CONTRACTOR's obligations in connection with the Authorized Purpose on behalf of CONTRACTOR, unless Subcontractor agrees to comply

with all applicable laws, rules and regulations. **45 CFR 164.502(e)(1)(ii); 164.504(e)(1)(i) and (2).**

(G) CONTRACTOR is directly responsible for compliance with, and enforcement of, all conditions for creation, maintenance, use, disclosure, transmission and Destruction of Confidential Information and the acts or omissions of Subcontractors as may be reasonably necessary to prevent unauthorized use. **45 CFR 164.504(e)(5); 42 CFR 431.300, et seq.**

(H) If CONTRACTOR maintains PHI in a Designated Record Set which is Confidential Information and subject to this Agreement, CONTRACTOR will make PHI available to HHS in a Designated Record Set upon request. CONTRACTOR will provide PHI to an Individual, or Legally Authorized Representative of the Individual who is requesting PHI in compliance with the requirements of the HIPAA Privacy Regulations. CONTRACTOR will release PHI in accordance with the HIPAA Privacy Regulations upon receipt of a valid written authorization. CONTRACTOR will make other Confidential Information in CONTRACTOR's possession available pursuant to the requirements of HIPAA or other applicable law upon a determination of a Breach of Unsecured PHI as defined in HIPAA. CONTRACTOR will maintain an accounting of all such disclosures and provide it to HHS within 48 hours of HHS' request. **45 CFR 164.524 and 164.504(e)(2)(ii)(E).**

(I) If PHI is subject to this Agreement, CONTRACTOR will make PHI as required by HIPAA available to HHS for review subsequent to CONTRACTOR's incorporation of any amendments requested pursuant to HIPAA. **45 CFR 164.504(e)(2)(ii)(E) and (F).**

(J) If PHI is subject to this Agreement, CONTRACTOR will document and make available to HHS the PHI required to provide access, an accounting of disclosures or amendment in compliance with the requirements of the HIPAA Privacy Regulations. **45 CFR 164.504(e)(2)(ii)(G) and 164.528.**

(K) If CONTRACTOR receives a request for access, amendment or accounting of PHI from an individual with a right of access to information subject to this DUA, it will respond to such request in compliance with the HIPAA Privacy Regulations. CONTRACTOR will maintain an accounting of all responses to requests for access to or amendment of PHI and provide it to HHS within 48 hours of HHS' request. **45 CFR 164.504(e)(2).**

(L) CONTRACTOR will provide, and will cause its Subcontractors and agents to provide, to HHS periodic written certifications of compliance with controls and provisions relating to information privacy, security and breach notification, including without limitation information related to data transfers and the handling and disposal of Confidential Information. **45 CFR 164.308; 164.530(c); 1 TAC 202.**

(M) Except as otherwise limited by this DUA, the Base Contract, or law applicable to the Confidential Information, CONTRACTOR may use PHI for the proper management and administration of CONTRACTOR or to carry out CONTRACTOR's

legal responsibilities. Except as otherwise limited by this DUA, the Base Contract, or law applicable to the Confidential Information, CONTRACTOR may disclose PHI for the proper management and administration of CONTRACTOR, or to carry out CONTRACTOR's legal responsibilities, if: **45 CFR 164.504(e)(4)(A)**.

(1) Disclosure is Required by Law, provided that CONTRACTOR complies with Section 3.01(D); or

(2) CONTRACTOR obtains reasonable assurances from the person or entity to which the information is disclosed that the person or entity will:

(a) Maintain the confidentiality of the Confidential Information in accordance with this DUA;

(b) Use or further disclose the information only as Required by Law or for the Authorized Purpose for which it was disclosed to the Person; and

(c) Notify CONTRACTOR in accordance with Section 4.01 of any Event or Breach of Confidential Information of which the Person discovers or should have discovered with the exercise of reasonable diligence. **45 CFR 164.504(e)(4)(ii)(B)**.

(N) Except as otherwise limited by this DUA, CONTRACTOR will, if required by law and requested by HHS, use commercially reasonable efforts to use PHI to provide data aggregation services to HHS, as that term is defined in the HIPAA, 45 C.F.R. §164.501 and permitted by HIPAA. **45 CFR 164.504(e)(2)(i)(B)**

(O) CONTRACTOR will, on the termination or expiration of this DUA or the Base Contract, at its expense, send to HHS or Destroy, at HHS's election and to the extent reasonably feasible and permissible by law, all Confidential Information received from HHS or created or maintained by CONTRACTOR or any of CONTRACTOR's agents or Subcontractors on HHS's behalf if that data contains Confidential Information. CONTRACTOR will certify in writing to HHS that all the Confidential Information that has been created, received, maintained, used by or disclosed to CONTRACTOR, has been Destroyed or sent to HHS, and that CONTRACTOR and its agents and Subcontractors have retained no copies thereof. Notwithstanding the foregoing, HHS acknowledges and agrees that CONTRACTOR is not obligated to send to HHSC and/or Destroy any Confidential Information if federal law, state law, the Texas State Library and Archives Commission records retention schedule, and/or a litigation hold notice prohibit such delivery or Destruction. If such delivery or Destruction is not reasonably feasible, or is impermissible by law, CONTRACTOR will immediately notify HHS of the reasons such delivery or Destruction is not feasible, and agree to extend indefinitely the protections of this DUA to the Confidential Information and limit its further uses and disclosures to the purposes that make the return delivery or Destruction of the Confidential Information not feasible for as long as CONTRACTOR maintains such Confidential Information. **45 CFR 164.504(e)(2)(ii)(J)**

(P) CONTRACTOR will create, maintain, use, disclose, transmit or Destroy Confidential Information in a secure fashion that protects against any reasonably anticipated threats or hazards to the security or integrity of such information or unauthorized uses. **45 CFR 164.306; 164.530(c)**

(Q) If CONTRACTOR accesses, transmits, stores, and/or maintains Confidential Information, CONTRACTOR will complete and return to HHS at infosecurity@hhsc.state.tx.us the HHS information security and privacy initial inquiry (SPI) at Attachment 1 . The SPI identifies basic privacy and security controls with which CONTRACTOR must comply to protect HHS Confidential Information. CONTRACTOR will comply with periodic security controls compliance assessment and monitoring by HHS as required by state and federal law, based on the type of Confidential Information CONTRACTOR creates, receives, maintains, uses, discloses or has access to and the Authorized Purpose and level of risk. CONTRACTOR's security controls will be based on the National Institute of Standards and Technology (NIST) Special Publication 800-53. CONTRACTOR will update its security controls assessment whenever there are significant changes in security controls for HHS Confidential Information and will provide the updated document to HHS. HHS also reserves the right to request updates as needed to satisfy state and federal monitoring requirements. **45 CFR 164.306.**

(R) CONTRACTOR will establish, implement and maintain reasonable procedural, administrative, physical and technical safeguards to preserve and maintain the confidentiality, integrity, and availability of the Confidential Information, and with respect to PHI, as described in the HIPAA Privacy and Security Regulations, or other applicable laws or regulations relating to Confidential Information, to prevent any unauthorized use or disclosure of Confidential Information as long as CONTRACTOR has such Confidential Information in its actual or constructive possession. **45 CFR 164.308 (administrative safeguards); 164.310 (physical safeguards); 164.312 (technical safeguards); 164.530(c)(privacy safeguards).**

(S) CONTRACTOR will designate and identify, a Person or Persons, as Privacy Official **45 CFR 164.530(a)(1)** and Information Security Official, each of whom is authorized to act on behalf of CONTRACTOR and is responsible for the development and implementation of the privacy and security requirements in this DUA. CONTRACTOR will provide name and current address, phone number and e-mail address for such designated officials to HHS upon execution of this DUA and prior to any change. If such persons fail to develop and implement the requirements of the DUA, CONTRACTOR will replace them upon HHS request. **45 CFR 164.308(a)(2).**

(T) CONTRACTOR represents and warrants that its Authorized Users each have a demonstrated need to know and have access to Confidential Information solely to the minimum extent necessary to accomplish the Authorized Purpose pursuant to this DUA and the Base Contract, and further, that each has agreed in writing to be bound by the disclosure and use limitations pertaining to the Confidential Information contained in this DUA. **45 CFR 164.502; 164.514(d).**

(U) CONTRACTOR and its Subcontractors will maintain an updated, complete, accurate and numbered list of Authorized Users, their signatures, titles and the date they agreed to be bound by the terms of this DUA, at all times and supply it to HHS, as directed, upon request.

(V) CONTRACTOR will implement, update as necessary, and document reasonable and appropriate policies and procedures for privacy, security and Breach of Confidential Information and an incident response plan for an Event or Breach, to comply with the privacy, security and breach notice requirements of this DUA prior to conducting work under the Statement of Work. **45 CFR 164.308; 164.316; 164.514(d); 164.530(i)(1).**

(W) CONTRACTOR will produce copies of its information security and privacy policies and procedures and records relating to the use or disclosure of Confidential Information received from, created by, or received, used or disclosed by CONTRACTOR for an Authorized Purpose for HHS's review and approval within 30 days of execution of this DUA and upon request by HHS the following business day or other agreed upon time frame. **45 CFR 164.308; 164.514(d).**

(X) CONTRACTOR will make available to HHS any information HHS requires to fulfill HHS's obligations to provide access to, or copies of, PHI in accordance with HIPAA and other applicable laws and regulations relating to Confidential Information. CONTRACTOR will provide such information in a time and manner reasonably agreed upon or as designated by the Secretary of the U.S. Department of Health and Human Services, or other federal or state law. **45 CFR 164.504(e)(2)(i)(I).**

(Y) CONTRACTOR will only conduct secure transmissions of Confidential Information whether in paper, oral or electronic form, in accordance with applicable rules, regulations and laws. A secure transmission of electronic Confidential Information in motion includes, but is not limited to, Secure File Transfer Protocol (SFTP) or Encryption at an appropriate level. If required by rule, regulation or law, HHS Confidential Information at rest requires Encryption unless there is other adequate administrative, technical, and physical security. All electronic data transfer and communications of Confidential Information will be through secure systems. Proof of system, media or device security and/or Encryption must be produced to HHS no later than 48 hours after HHS's written request in response to a compliance investigation, audit or the Discovery of an Event or Breach. Otherwise, requested production of such proof will be made as agreed upon by the parties. De-identification of HHS Confidential Information is a means of security. With respect to de-identification of PHI, "secure" means de-identified according to HIPAA Privacy standards and regulatory guidance. **45 CFR 164.312; 164.530(d).**

(Z) For each type of Confidential Information CONTRACTOR creates, receives, maintains, uses, discloses, has access to or transmits in the performance of the Statement of Work, CONTRACTOR will comply with the following laws rules and regulations, only to the extent applicable and required by law:

- Title 1, Part 10, Chapter 202, Subchapter B, Texas Administrative Code;

- The Privacy Act of 1974;
- OMB Memorandum 07-16;
- The Federal Information Security Management Act of 2002 (FISMA);
- The Health Insurance Portability and Accountability Act of 1996 (HIPAA) as defined in the DUA;
- Internal Revenue Publication 1075 – Tax Information Security Guidelines for Federal, State and Local Agencies;
- National Institute of Standards and Technology (NIST) Special Publication 800-66 Revision 1 – An Introductory Resource Guide for Implementing the Health Insurance Portability and Accountability Act (HIPAA) Security Rule;
- NIST Special Publications 800-53 and 800-53A – Recommended Security Controls for Federal Information Systems and Organizations, as currently revised;
- NIST Special Publication 800-47 – Security Guide for Interconnecting Information Technology Systems;
- NIST Special Publication 800-88, Guidelines for Media Sanitization;
- NIST Special Publication 800-111, Guide to Storage of Encryption Technologies for End User Devices containing PHI; and

Any other State or Federal law, regulation, or administrative rule relating to the specific HHS program area that CONTRACTOR supports on behalf of HHS.

(AA) Notwithstanding anything to the contrary herein, CONTRACTOR will treat any Personal Identifying Information it creates, receives, maintains, uses, transmits, destroys and/or discloses in accordance with Texas Business and Commerce Code, Chapter 521 and other applicable regulatory standards identified in Section 3.01(Z), and Individually Identifiable Health Information CONTRACTOR creates, receives, maintains, uses, transmits, destroys and/or discloses in accordance with HIPAA and other applicable regulatory standards identified in Section 3.01(Z).

ARTICLE 4.

BREACH NOTICE, REPORTING AND CORRECTION REQUIREMENTS

4.01 Breach or Event Notification to HHS. 45 CFR 164.400-414.

(A) CONTRACTOR will cooperate fully with HHS in investigating, mitigating to the extent practicable and issuing notifications directed by HHS, for any Event or Breach of Confidential Information to the extent and in the manner determined by HHS.

(B) CONTRACTOR'S obligation begins at the Discovery of an Event or Breach and continues as long as related activity continues, until all effects of the Event are mitigated to HHS's reasonable satisfaction (the "incident response period"). **45 CFR 164.404.**

(C) Breach Notice:

(1) Initial Notice.

(a) For federal information, including without limitation, Federal Tax Information, Social Security Administration Data, and Medicaid Client Information, within the first, consecutive clock hour of Discovery, and for all other types of Confidential Information not more than 24 hours after Discovery, or in a timeframe otherwise approved by HHS in writing, initially report to HHS's Privacy and Security Officers via email at: privacy@HHSC.state.tx.us and to the HHS division responsible for this DUA; and IRS Publication 1075; Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988, 5 U.S.C. § 552a; OMB Memorandum 07-16 as cited in HHSC-CMS Contracts for information exchange.

(b) Report all information reasonably available to CONTRACTOR about the Event or Breach of the privacy or security of Confidential Information. **45 CFR 164.410.**

(c) Name, and provide contact information to HHS for, CONTRACTOR's single point of contact who will communicate with HHS both on and off business hours during the incident response period.

(2) Formal Notice. No later than two business days after the Initial Notice above, provide formal notification to privacy@HHSC.state.tx.us and to the HHS division responsible for this DUA, including all reasonably available information about the Event or Breach, and CONTRACTOR's investigation, including without limitation and to the extent available: **For (a) - (m) below: 45 CFR 164.400-414.**

(a) The date the Event or Breach occurred;

(b) The date of CONTRACTOR's and, if applicable, Subcontractor's Discovery;

(c) A brief description of the Event or Breach; including how it occurred and who is responsible (or hypotheses, if not yet determined);

(d) A brief description of CONTRACTOR's investigation and the status of the investigation;

(e) A description of the types and amount of Confidential Information involved;

(f) Identification of and number of all Individuals reasonably believed to be affected, including first and last name of the Individual and if applicable the, Legally Authorized Representative, last known address, age, telephone number, and email address if it is a preferred contact method, to the extent known or can be reasonably determined by CONTRACTOR at that time;

(g) CONTRACTOR's initial risk assessment of the Event or Breach demonstrating whether individual or other notices are required by applicable law or this DUA for HHS approval, including an analysis of whether there is a low probability of compromise of the Confidential Information or whether any legal exceptions to notification apply;

(h) CONTRACTOR's recommendation for HHS's approval as to the steps Individuals and/or CONTRACTOR on behalf of Individuals, should take to protect the Individuals from potential harm, including without limitation CONTRACTOR's provision of notifications, credit protection, claims monitoring, and any specific protections for a Legally Authorized Representative to take on behalf of an Individual with special capacity or circumstances;

(i) The steps CONTRACTOR has taken to mitigate the harm or potential harm caused (including without limitation the provision of sufficient resources to mitigate);

(j) The steps CONTRACTOR has taken, or will take, to prevent or reduce the likelihood of recurrence of a similar Event or Breach;

(k) Identify, describe or estimate the Persons, Workforce, Subcontractor, or Individuals and any law enforcement that may be involved in the Event or Breach;

(l) A reasonable schedule for CONTRACTOR to provide regular updates during normal business hours to the foregoing in the future for response to the Event or Breach, but no less than every three (3) business days or as otherwise directed by HHS, including information about risk estimations, reporting, notification, if any, mitigation, corrective action, root cause analysis and when such activities are expected to be completed; and

(m) Any reasonably available, pertinent information, documents or reports related to an Event or Breach that HHS requests following Discovery.

4.02 Investigation, Response and Mitigation. 45 CFR 164.308, 310 and 312; 164.530

(A) CONTRACTOR will immediately conduct a full and complete investigation, respond to the Event or Breach, commit necessary and appropriate staff and resources to expeditiously respond, and report as required to and by HHS for incident response purposes and for purposes of HHS's compliance with report and notification requirements, to the reasonable satisfaction of HHS.

(B) CONTRACTOR will complete or participate in a risk assessment as directed by HHS following an Event or Breach, and provide the final assessment, corrective actions and mitigations to HHS for review and approval.

(C) CONTRACTOR will fully cooperate with HHS to respond to inquiries and/or proceedings by state and federal authorities, Persons and/or Individuals about the Event or Breach.

(D) CONTRACTOR will fully cooperate with HHS's efforts to seek appropriate injunctive relief or otherwise prevent or curtail such Event or Breach, or to recover or protect any Confidential Information, including complying with reasonable corrective action or measures, as specified by HHS in a Corrective Action Plan if directed by HHS under the Base Contract.

4.03 Breach Notification to Individuals and Reporting to Authorities. Tex. Bus. & Comm. Code §521.053; 45 CFR 164.404 (Individuals), 164.406 (Media); 164.408 (Authorities)

(A) HHS may direct CONTRACTOR to provide Breach notification to Individuals, regulators or third-parties, as specified by HHS following a Breach.

(B) CONTRACTOR shall give HHS an opportunity to review and provide feedback to CONTRACTOR and to confirm that CONTRACTOR's notice meets all regulatory requirements regarding the time, manner and content of any notification to Individuals, regulators or third-parties, or any notice required by other state or federal authorities, including without limitation, notifications required by Texas Business and Commerce Code, Chapter 521.053(b) and HIPAA. HHS shall have ten (10) business days to provide said feedback to CONTRACTOR. Notice letters will be in CONTRACTOR's name and on CONTRACTOR's letterhead, unless otherwise directed by HHS, and will contain contact information, including the name and title of CONTRACTOR's representative, an email address and a toll-free telephone number, if required by applicable law, rule, or regulation, for the Individual to obtain additional information.

(C) CONTRACTOR will provide HHS with copies of distributed and approved communications.

(D) CONTRACTOR will have the burden of demonstrating to the reasonable satisfaction of HHS that any notification required by HHS was timely made. If there are delays outside of CONTRACTOR's control, CONTRACTOR will provide written documentation of the reasons for the delay.

(E) If HHS delegates notice requirements to CONTRACTOR, HHS shall, in the time and manner reasonably requested by CONTRACTOR, cooperate and assist with CONTRACTOR's information requests in order to make such notifications and reports.

ARTICLE 5. STATEMENT OF WORK

“Statement of Work” means the services and deliverables to be performed or provided by CONTRACTOR, or on behalf of CONTRACTOR by its Subcontractors or agents for HHS that are described in detail in the Base Contract. The Statement of Work, including any future amendments thereto, is incorporated by reference in this DUA as if set out word-for-word herein.

ARTICLE 6. GENERAL PROVISIONS

6.01 Oversight of Confidential Information

CONTRACTOR acknowledges and agrees that HHS is entitled to oversee and monitor CONTRACTOR's access to and creation, receipt, maintenance, use, disclosure of the Confidential Information to confirm that CONTRACTOR is in compliance with this DUA.

6.02 HHS Commitment and Obligations

HHS will not request CONTRACTOR to create, maintain, transmit, use or disclose PHI in any manner that would not be permissible under applicable law if done by HHS.

6.03 HHS Right to Inspection

At any time upon reasonable notice to CONTRACTOR, or if HHS determines that CONTRACTOR has violated this DUA, HHS, directly or through its agent, will have the right to inspect the facilities, systems, books and records of CONTRACTOR to monitor compliance with this DUA. For purposes of this subsection, HHS's agent(s) include, without limitation, the HHS Office of the Inspector General or the Office of the Attorney General of Texas, outside consultants or legal counsel or other designee.

6.04 Term; Termination of DUA; Survival

This DUA will be effective on the date on which CONTRACTOR executes the DUA, and will terminate upon termination of the Base Contract and as set forth herein. If the Base Contract is extended or amended, this DUA shall be extended or amended concurrent with such extension or amendment.

(A) HHS may immediately terminate this DUA and Base Contract upon a material violation of this DUA.

(B) Termination or Expiration of this DUA will not relieve CONTRACTOR of its obligation to return or Destroy the Confidential Information as set forth in this DUA and to continue to safeguard the Confidential Information until such time as determined by HHS.

(C) If HHS determines that CONTRACTOR has violated a material term of this DUA; HHS may in its sole discretion:

(1) Exercise any of its rights including but not limited to reports, access and inspection under this DUA and/or the Base Contract; or

(2) Require CONTRACTOR to submit to a Corrective Action Plan, including a plan for monitoring and plan for reporting, as HHS may determine necessary to maintain compliance with this DUA; or

(3) Provide CONTRACTOR with a reasonable period to cure the violation as determined by HHS; or

(4) Terminate the DUA and Base Contract immediately, and seek relief in a court of competent jurisdiction in Texas.

Before exercising any of these options, HHS will provide written notice to CONTRACTOR describing the violation, the requested corrective action CONTRACTOR may take to cure the alleged violation, and the action HHS intends to take if the alleged violation is not timely cured by CONTRACTOR.

(D) If neither termination nor cure is feasible, HHS shall report the violation to the Secretary of the U.S. Department of Health and Human Services.

(E) The duties of CONTRACTOR or its Subcontractor under this DUA survive the expiration or termination of this DUA until all the Confidential Information is Destroyed or returned to HHS, as required by this DUA.

6.05 Governing Law, Venue and Litigation

(A) The validity, construction and performance of this DUA and the legal relations among the Parties to this DUA will be governed by and construed in accordance with the laws of the State of Texas.

(B) The Parties agree that the courts of Texas, will be the exclusive venue for any litigation, special proceeding or other proceeding as between the parties that may be brought, or arise out of, or in connection with, or by reason of this DUA.

6.06 Injunctive Relief

(A) CONTRACTOR acknowledges and agrees that HHS may suffer irreparable injury if CONTRACTOR or its Subcontractor fails to comply with any of the terms of this DUA with respect to the Confidential Information or a provision of HIPAA or other laws or regulations applicable to Confidential Information.

(B) CONTRACTOR further agrees that monetary damages may be inadequate to compensate HHS for CONTRACTOR's or its Subcontractor's failure to comply. Accordingly, CONTRACTOR agrees that HHS will, in addition to any other remedies available to it at law or in equity, be entitled to seek injunctive relief without posting a bond and without the necessity of demonstrating actual damages, to enforce the terms of this DUA.

6.07 Responsibility.

To the extent permitted by the Texas Constitution, laws and rules, and without waiving any immunities or defenses available to CONTRACTOR as a governmental entity, CONTRACTOR shall be solely responsible for its own acts and omissions and the acts and omissions of its employees, directors, officers, Subcontractors and agents. HHS shall be solely responsible for its own acts and omissions.

6.08 Insurance

(A) As a governmental entity, and in accordance with the limits of the Texas Tort Claims Act, Chapter 101 of the Texas Civil Practice and Remedies Code, CONTRACTOR either maintains commercial insurance or self-insures with policy limits in an amount sufficient to cover CONTRACTOR's liability arising under this DUA. CONTRACTOR will request that HHS be named as an additional insured. HHSC reserves the right to consider alternative means for CONTRACTOR to satisfy CONTRACTOR's financial responsibility under this DUA. Nothing herein shall relieve CONTRACTOR of its financial obligations set forth in this DUA if CONTRACTOR fails to maintain insurance.

(B) CONTRACTOR will provide HHS with written proof that required insurance coverage is in effect, at the request of HHS.

6.08 Fees and Costs

Except as otherwise specified in this DUA or the Base Contract, if any legal action or other proceeding is brought for the enforcement of this DUA, or because of an alleged dispute, contract violation, Event, Breach, default, misrepresentation, or injunctive action, in connection with any of the provisions of this DUA, each party will bear their own legal expenses and the other cost incurred in that action or proceeding.

6.09 Entirety of the Contract

This DUA is incorporated by reference into the Base Contract as an amendment thereto and, together with the Base Contract, constitutes the entire agreement between the parties. No change, waiver, or discharge of obligations arising under those documents will be valid unless in writing and executed by the party against whom such change, waiver, or discharge is sought to be

enforced. If any provision of the Base Contract, including any General Provisions or Uniform Terms and Conditions, conflicts with this DUA, this DUA controls.

6.10 Automatic Amendment and Interpretation

If there is (i) a change in any law, regulation or rule, state or federal, applicable to HIPPA and/or Confidential Information, or (ii) any change in the judicial or administrative interpretation of any such law, regulation or rule,, upon the effective date of such change, this DUA shall be deemed to have been automatically amended, interpreted and read so that the obligations imposed on HHS and/or CONTRACTOR remain in compliance with such changes. Any ambiguity in this DUA will be resolved in favor of a meaning that permits HHS and CONTRACTOR to comply with HIPAA or any other law applicable to Confidential Information.

CITY OF MISSION INTERLOCAL COOPERATION CONTRACT
DEPARTMENT OF STATE HEALTH SERVICES
CONTRACT NO.

The **DEPARTMENT OF STATE HEALTH SERVICES** (“**DSHS**” or “**SYSTEM AGENCY**”) and City of Mission (“**LOCAL GOVERNMENT**”), each a “Party” and collectively the “Parties,” enter into the following contract for Local Government access to the Texas Electronic Vital Events Registrar (“**TxEVER**”) (the “Contract”) pursuant to the provisions of the “Interlocal Cooperation Act,” *Tex. Gov’t Code* Chapter 791.

I. CONTRACT REPRESENTATIVES

The following will act as the representative authorized to administer activities under the Contract on behalf of its respective Party.

<u>DSHS</u>	<u>Local Government</u>
Name: Department of State Health Services	Name: City of Mission
Attn: Contract Management Section	Attn: City Secretary
Address: 1100 W 49 th Street, MC-1990	Address: 1201 East 8th Street
City, State, and Zip: Austin, TX 78776-2679756	City, State Zip: Mission, Tx 78572
Contact Person: Gretchen Wells	Contact Person: Anna Carrillo
Telephone: (512) 776-2679	Telephone: (956) 580-8650
E-Mail: Gretchen.wells@dshs.texas.gov	E-Mail: acarrillo@missiontexas.us
Agency Number: 537	

II. STATEMENT OF SERVICES TO BE PROVIDED

The Parties agree to cooperate to provide necessary and authorized services and resources in accordance with the terms of the Contract. Specific services provided are described in **ATTACHMENT A, STATEMENT OF WORK**.

III. CONTRACT PERIOD AND RENEWAL

The Contract is effective on the signature date of the latter of the Parties to sign the Contract and expires **August 31, 2027**, unless renewed, extended, or terminated pursuant to the terms and conditions of the Contract. DSHS, at its sole discretion, may renew the Contract for up to one (1) additional year for a maximum Contract term of 5 years. Notwithstanding the limitation in the preceding sentence, and with at least 30 calendar days’ advance written notice to Local Government, at the end of the initial term or any renewal period, DSHS, at its sole discretion, may extend the Contract as necessary to ensure continuity of service, for purposes of transition, or as otherwise determined by DSHS to serve the best interest of the state of Texas for up to 12 months, in one-month intervals, at the then-current Contract rate or rates (if applicable) as modified during the term of the Contract.

IV. AMENDMENT

The Parties to the Contract may modify the Contract only through the execution of a written amendment signed by both Parties.

V. FEES AND PAYMENT FOR SERVICES

All payments made by Local Government to DSHS in connection with the Contract, including the manner in which payments to DSHS by Local Government will be rendered, are stated in **ATTACHMENT C, STATEMENT OF WORK**.

VI. NOTICE REQUIREMENTS

- A. All notices given by Local Government shall be in writing, include the Contract number, comply with all terms and conditions of the Contract, and be delivered to DSHS's Contract Representative identified above.
- B. Local Government shall send legal notices to DSHS at the address below and provide a copy to DSHS's Contract Representative:

Health and Human Services Commission

Attn: Office of the Chief Counsel

4601 W Guadalupe St. MC-1100

Austin, Texas 78751

with copy to

Department of State Health Services

Attn: Office of General Counsel

1100 W. 49th Street, MC-1919

Austin, TX 78756

- C. DSHS shall send legal notices to Local Government at the address below:

City of Mission

1201 East 8th Street

Mission, Texas 78572

(956) 580-8650

acarrillo@missiontexas.us

- D. Notices given by DSHS to Local Government may be emailed, mailed or sent by common carrier. Email notices shall be deemed delivered when sent by DSHS. Notices sent by mail shall be deemed delivered when deposited by DSHS in the United States mail, postage paid, certified, return receipt requested. Notices sent by common carrier shall be deemed delivered when deposited by DSHS with a common carrier, overnight, signature required.

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- E.** Notices given by Local Government to DSHS shall be deemed delivered when received by DSHS.
- F.** Either Party may change its Contract Representative or Legal Notice contact by providing written notice to the other Party.

VII. CONTRACT DOCUMENTS

The following documents are incorporated by reference and made a part of the Contract for all purposes. In the event of a conflict, ambiguity, or inconsistency between the terms and conditions set forth in the documents that comprise the Contract, the controlling document shall be this Signature Document, then the remaining documents in the following list in the order stated:

ATTACHMENT A: HHS DATA USE AGREEMENT - GOVERNMENTAL ENTITY (VERSION 8.5);
ATTACHMENT B: HHS CONTRACT AFFIRMATIONS (VERSION 2.2); and
ATTACHMENT C: STATEMENT OF WORK.

VIII. MISCELLANEOUS TERMS AND CONDITIONS

- A. Exchange of Personal Identifying Information.** The Contract concerns the exchange of Confidential Information. Except as prohibited by applicable law or regulation, Local Government and DSHS may exchange such information in accordance with *Tex. Health and Safety Code* Chapter 191.
- B. Suspension of Services or Contract Termination.** Use of services under the Contract by Local Government for purposes inconsistent with the Contract or applicable law or regulation may result in suspension of services or termination of the Contract for cause by DSHS.
- C. Governing Law and Venue.** The Contract shall be governed by and construed in accordance with the laws of the State of Texas, without regard to the conflicts of law provisions. The venue of any suit arising under the Contract is fixed in any court of competent jurisdiction of Travis County, Texas, unless the specific venue is otherwise identified in a statute which directly names or otherwise identifies its applicability to DSHS.
- D. Confidentiality.** Local Government shall maintain as confidential and shall not disclose to third parties without DSHS's prior written consent, any DSHS information including but not limited to DSHS Data, DSHS's business activities, practices, systems, conditions, and services. This section shall survive termination or expiration of the Contract. This requirement must be included in all subcontracts awarded by Local Government. The Parties shall comply with all applicable state and federal laws relating to the privacy and confidentiality of data and records provided under the Contract, including, but not limited to, *Tex. Gov't Code* Section 552.115.
- E. Record Maintenance and Retention**
 - 1. Local Government shall keep and maintain under GAAP or GASB, as applicable, full, true, and complete records necessary to fully disclose to DSHS, the Texas State Auditor's Office, the United States Government, and their authorized representatives sufficient information to determine compliance with the terms and

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conditions of the Contract and all state and federal rules, regulations, and statutes.

2. Local Government shall maintain and retain legible copies of the Contract and all records relating to the performance of the Contract, including supporting fiscal documents adequate to ensure that claims for Contract funds are in accordance with applicable state of Texas requirements. These records shall be maintained and retained by Local Government for a minimum of seven (7) years after the Contract expiration date or seven (7) years after the completion of all audit, claim, litigation, or dispute matters involving the Contract are resolved, whichever is later.

F. Dispute Resolution. To the extent that *Tex. Gov't Code* Chapter 2260 is applicable to the Contract, the dispute resolution process provided for in Chapter 2260, and the related rules adopted by the Texas Attorney General pursuant to Chapter 2260, shall be used by DSHS and Local Government to attempt to resolve any claim for breach of contract made by Local Government that cannot be resolved in the ordinary course of business.

G. Entire Agreement. The Contract contains all the terms and conditions between DSHS and Local Government relating to the matters set forth herein and no prior or contemporaneous agreement or understanding pertaining to the same shall be of any force or effect.

H. Force Majeure. Neither Local Government nor DSHS shall be liable to the other for any delay in, or failure of performance of, any requirement included in the Contract caused by force majeure. The existence of such causes of delay or failure shall extend the period of performance until after the causes of delay or failure have been removed provided the non-performing Party exercises all reasonable due diligence to perform. Force majeure is defined as acts of God, war, fires, explosions, hurricanes, floods, failure of transportation, or other causes that are beyond the reasonable control of either Party and that by exercise of due foresight such Party could not reasonably have been expected to avoid, and which, by the exercise of all reasonable due diligence, such Party is unable to overcome.

I. INDEMNIFICATION

1. **TO THE EXTENT ALLOWED BY THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS, LOCAL GOVERNMENT SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE STATE OF TEXAS, DSHS, AND HHSC, AND/OR THEIR OFFICERS, AGENTS, EMPLOYEES, REPRESENTATIVES, CONTRACTORS, ASSIGNEES, AND/OR DESIGNEES FROM ANY AND ALL LIABILITY, ACTIONS, CLAIMS, DEMANDS, OR SUITS, AND ALL RELATED COSTS, ATTORNEY FEES, AND EXPENSES ARISING OUT OF OR RESULTING FROM ANY ACTS OR OMISSIONS OF LOCAL GOVERNMENT OR ITS AGENTS, EMPLOYEES, SUBCONTRACTORS, ORDER FULFILLERS, OR SUPPLIERS OF SUBCONTRACTORS IN THE EXECUTION OR**

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PERFORMANCE OF THE CONTRACT AND ANY PURCHASE ORDERS ISSUED UNDER THE CONTRACT.

2. **THIS PARAGRAPH IS NOT INTENDED TO AND WILL NOT BE CONSTRUED TO REQUIRE LOCAL GOVERNMENT TO INDEMNIFY OR HOLD HARMLESS THE STATE OF TEXAS, DSHS, OR HHSC FOR ANY CLAIMS OR LIABILITIES RESULTING FROM THE NEGLIGENT ACTS OR OMISSIONS OF THE STATE OF TEXAS, DSHS, OR HHSC OR ITS EMPLOYEES.**
3. **FOR THE AVOIDANCE OF DOUBT, NEITHER THE STATE OF TEXAS, DSHS, NOR HHSC SHALL INDEMNIFY LOCAL GOVERNMENT OR ANY OTHER ENTITY UNDER THE CONTRACT.**

J. No Waiver of Sovereign Immunity. Nothing in the Contract shall be construed as a waiver of DSHS's, HHSC's, or the state of Texas' sovereign immunity. Neither the Contract nor any action or inaction of DSHS shall constitute or be construed as a waiver of any of the privileges, rights, defenses, remedies, or immunities available to the State of Texas, DSHS, or HHSC. The failure to enforce, or any delay in the enforcement of, any privileges, rights, defenses, remedies, or immunities available to the State of Texas, DSHS, or HHSC under the Contract or under applicable law or regulation shall not constitute a waiver of such privileges, rights, defenses, remedies, or immunities or be considered as a basis for estoppel. Neither the State of Texas, DSHS, nor HHSC waives any privileges, rights, defenses, or immunities available to the State of Texas, DSHS, or HHSC by entering into the Contract or by its conduct prior to or subsequent to entering into the Contract. Notwithstanding the forgoing, if Local Government is a state of Texas agency or department, district, authority, county, municipality, or other political subdivision of the state of Texas, then nothing in the Contract will be construed to abrogate any rights or affirmative defenses available to Local Government under doctrines of sovereign and official immunity.

K. Severability. If any provision of the Contract is construed to be illegal or invalid, the illegal or invalid provision shall be deemed stricken and deleted to the same extent and effect as if never incorporated, but all other provisions shall continue.

L. Waiver. The failure of either Party to object to or to take affirmative action with respect to any conduct of either Party which is in violation or breach of the terms of the Contract shall not be construed as a waiver of the violation or breach, or of any future violation or breach.

M. Termination

1. **Convenience.** Either Party may terminate the Contract without cause by giving 30 days' written notice of its intent to terminate to the non-terminating Party. The termination will be effective on the date specified in the terminating Party's notice of termination.

1. **Cause resulting from Material Breach.** Except as otherwise provided by the U.S. Bankruptcy Code, or any successor law, either Party may terminate the Contract, in whole or in part, upon the following condition:
 - i. **Material Breach**
If a Party determines, in its sole discretion, the other Party has materially breached the Contract or has failed to adhere to any laws, ordinances, rules, regulations or orders of any public authority having jurisdiction and such violation prevents or substantially impairs performance of the other Party's duties under the Contract.
2. **Cause resulting from Failure to Maintain Financial Viability.** DSHS may terminate the Contract if, in its sole discretion, DSHS has a good faith belief that Local Government no longer maintains the financial viability to fully perform its obligations under the Contract.

IX. CERTIFICATIONS

The undersigned contracting Parties certify that:

- A. The services specified above are necessary and essential for activities that are properly within the statutory functions and programs of each Party;
- B. Each Party executing the Contract on its behalf has full power and authority to enter into the Contract;
- C. The proposed arrangements serve the interest of efficient and economical administration of state and local government; and
- D. The services contracted for are not required by Section 21, Article XVI of the Constitution of Texas to be supplied under a contract awarded to the lowest responsible bidder.

DSHS further certifies that it has statutory authority to contract for the services described in the Contract under *Tex. Health and Safety Code* Chapter 191 and *Tex. Gov't Code* Chapter 791.

Local Government further certifies that it has statutory authority to contract for the services described in the Contract under *Tex. Health and Safety Code* Chapter 191 and *Tex. Gov't Code* Chapter 791.

SIGNATURE PAGE FOLLOWS

SIGNATURE PAGE FOR DSHS CONTRACT NO.

DEPARTMENT OF STATE HEALTH SERVICES

CITY OF MISSION

Signature

Signature

Manda Hall, MD

Norie Gonzalez Garza

Printed Name

Printed Name

Associate Commissioner for Community Health
Improvement

Mayor

Title

Title



Date

Date _____



CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023

PRESENTED BY: Peter Geddes, Procurement Director

AGENDA ITEM: Approval of Resolution # _____ of the City of Mission, Texas approving a professional services contract with Linebarger Goggan Blair & Sampson, LLP for Delinquent Tax Collection Services, under a contingent fee contract, subject to approval by the Office of the Attorney General of Texas, pursuant to Chapter 2254 of the Texas Government Code. - Geddes

NATURE OF REQUEST:

Subchapter C of Chapter 2254 of the Texas Government Code requires that a political subdivision of the State of Texas, including the City, may enter into contingent fee contracts for legal services only after: (i) the governing body of the political subdivision has provided written notice to the public stating certain provisions enumerated within Chapter 2254; (ii) the governing body of the political subdivision approved such contract in an open meeting called, in part or in whole, for the purposes of considering such contract; (iii) the governing body of the political subdivision stated in writing certain findings made by the governing body upon the approval of such contract; and

Before the contingent fee contract for legal services is effective and enforceable, the City must receive approval of the contract by the Office of the Attorney General of Texas or the contract is otherwise allowed under Chapter 2254.

Having provided adequate notice as required by Sec. 2254.1036 of the Texas Government Code, the Agreement for Delinquent Tax Collection Services with Linebarger Goggan Blair & Sampson, LLP is approved and the Mayor is authorized to execute this Agreement.

STAFF RECOMMENDATION:

Approval

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE:

APPROVED: _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

RESOLUTION # _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, APPROVING A PROFESSIONAL SERVICES CONTRACT WITH LINEBARGER GOGGAN BLAIR & SAMPSON, LLP FOR DELINQUENT TAX COLLECTION SERVICES, UNDER A CONTINGENT FEE CONTRACT, SUBJECT TO APPROVAL BY THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS, PURSUANT TO CHAPTER 2254 OF THE TEXAS GOVERNMENT CODE.

WHEREAS, the City of Mission (the “City”) has a substantial need of the legal services of counsel to represent it in delinquent tax collection services; and

WHEREAS, the City now desires to enter into a contingent fee contract for legal services with Linebarger Goggan Blair & Sampson, LLP to represent the City in collection of delinquent ad valorem taxes; and

WHEREAS, Subchapter C of Chapter 2254 of the Texas Government Code (“Chapter 2254”) requires that a political subdivision of the State of Texas, including the City, may enter into contingent fee contracts for legal services only after: (i) the governing body of the political subdivision has provided written notice to the public stating certain provisions enumerated within Chapter 2254; (ii) the governing body of the political subdivision approved such contract in an open meeting called, in part or in whole, for the purposes of considering such contract; (iii) the governing body of the political subdivision stated in writing certain findings made by the governing body upon the approval of such contract; and

WHEREAS, before the contingent fee contract for legal services is effective and enforceable, the City must receive approval of the contract by the Office of the Attorney General of Texas or the contract is otherwise allowed under Chapter 2254, as amended; and

WHEREAS, after having provided adequate notice as required by Sec. 2254.1036 of the Texas Government Code, the Agreement for Delinquent Tax Collection Services with Linebarger Goggan Blair & Sampson, LLP is approved and the Mayor is authorized to execute this Agreement; and

WHEREAS, the City Council finds and determines that the adoption of this resolution is in the best interests of the residents of the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT:

Section 1. The recitals contained within this resolution are hereby found to be true, and such recitals are hereby made a part of this resolution for all purposes and adopted as part of the findings of City Council.

Section 2. The City of Mission by and through its City Council hereby finds that, after exercising its due diligence:

- A. There is a substantial need for the legal services to be provided pursuant to the Agreement for Delinquent Tax Collection Services;
- B. These legal services cannot be adequately performed by the attorneys and supporting personnel of the City of Mission at a reasonable cost;
- C. These legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of delinquent tax penalties provided by Texas Tax Code Sections 6.30, 33.07, 33.08, 33.11, and 33.48 and because the City of Mission does not have the funds to pay the estimated amounts required under a contract only for the payment of hourly fees;
- D. Linebarger Goggan Blair & Sampson, LLP, is well qualified and competent to perform the legal services required to comply with the terms of this contract;
- E. Linebarger Goggan Blair & Sampson, LLP has an excellent long-standing reputation of representing clients with competence and professionalism, in the collection of delinquent property taxes in the community for nearly 40 years.
- F. The contract with Linebarger Goggan Blair & Sampson, LLP is the result of an arm's length transaction between the City of Mission and Linebarger Goggan Blair & Sampson, LLP and is fair and reasonable.

Section 3: Based on the findings by the City Council described above, the City Council hereby authorizes the City Manager to execute a Contract for the Collection of Delinquent Taxes between Linebarger Goggan Blair & Sampson, LLP and the City of Mission, Texas, effective only upon approval by the Office of the Attorney General of Texas or as otherwise allowed under Chapter 2254, as amended.

Section 4. It is officially found, determined, and declared that the meeting at which this resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this resolution, was given, all as required by Chapter 551 as amended, Texas Government Code.

Section 5. Linebarger Goggan Blair & Sampson, LLP will be paid the amount of the percentage-based collection fee upon the recovery, if any, of delinquent ad valorem taxes owed to the City.

Section 6. This Resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Mission, and it is accordingly so resolved.

PASSED AND APPROVED this 8th day of May, 2023.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

APPROVED AS TO FORM:

Victor A. Flores, City Attorney



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023
PRESENTED BY: Michael Elizalde, Grants Administrator
AGENDA ITEM: Authorization to accept grant award for the Animal Welfare Organization's Performing Sheltering and Adoptions program with Petco Love. - Elizalde

NATURE OF REQUEST:

On April 18, 2023 the Mission Health Department was awarded a \$30,000 grant for the Animal Welfare Organization Performing Sheltering and Adoptions grant opportunity with Petco Love. The funding will be used for various animal life saving purposes. This grant does not require a match.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

Michael Elizalde

From: partners@petcolove.org <do-not-reply.grants07-us-east-1@fluxx.io>
Sent: Tuesday, April 18, 2023 7:26 PM
To: grants
Subject: Your application to Petco Love is approved

Dear City of Mission

Congratulations! Petco Love is thrilled to support your lifesaving efforts by investing \$30,000.00 in your organization in response to your application for support (ID number G-2208-38357).

Funds will be distributed 2 - 4 weeks following receipt of this email.

REQUIREMENTS:

By endorsing and depositing the grant award check, or accepting the electronic grant award deposit*, you represent and warrant that your organization will:

- Use all funds for lifesaving purposes.
- Announce and celebrate the investment (more below).
- Complete all assigned follow up grant reports in a timely manner.
- Prominently place **Petco Love Lost** on your website using this resource: [Sharing Petco Love Lost with your Community](#)
- Complete your organization's Annual Data Report (accessible within the [Partner Portal](#)) each year to stay eligible for grant awards.

**Organizations receiving electronic funds that cannot agree to the grant terms and conditions, must notify us immediately at partners@petcolove.org and return funds within 30 days of receipt.*

GRANT RECOGNITION & INVESTMENT CELEBRATION:

Please note that you will receive another time-sensitive message with tips and tools to celebrate your grant award publicly. **Please hold off on public announcements until you have received this toolkit.**

AWARD AMOUNT:

Funding decisions are made through an evaluation process whereby your organization was compared against its peers. Multiple factors are considered including the total number of animals handled, budgets, previous funding history, relationships with Petco stores and other factors so that we may make equitable funding decisions.

Funds awarded may be used for any lifesaving purpose. As long as your use of funds stays focused on lifesaving objectives, you do not need to seek specific approval for each expenditure that deviates from the project description provided in the application. We trust that you will utilize these funds in the best manner possible to achieve the greatest return for your organization and community.

MUNICIPAL ORGANIZATIONS:

Municipalities are reminded that, per the certification you agreed to during the application process, funds donated shall not supplant or replace existing government funding, may not be appropriated to the general funds of the municipality, but rather must be utilized and become an additional part of the funding of the animal control sheltering department.

CAPITAL INVESTMENTS:

If you plan on using your grant award for capital improvements (buildings, facilities), the award should be recognized in a manner mutually agreed upon and approved in advance. If you plan on using your grant award for the purchase or operation of a vehicle, please send a proof of your vehicle wrap to media@petcolove.org for approval.

ELECTRONIC PAYMENTS:

Get your funds quicker and never lose a check in the mail - sign up for electronic payments! Login into the [Partner Portal](#) and you'll find a link to enrollment information for Paymode-X and instructions on the left side menu.

Please keep this notification email with your grant records. Thank you for all you do for animals! We look forward to hearing about the amazing lifesaving work you are able to accomplish with this investment.

Sincerely,

Petco Love, a nonprofit changing lives)

Petco Love is a 501c3 nonprofit, tax exempt corporation, tax ID 33-0845930



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023

PRESENTED BY: Michael Elizalde, Grants Administrator

AGENDA ITEM: Approval of resolution No. _____ authorizing the submittal of the FY23 COPS Hiring Program Grant application to the U.S. Department of Justice, Office of Community Oriented Policing - Elizalde

NATURE OF REQUEST:

The City of Mission Police Department is requesting approval of resolution authorizing the submittal of the FY23 COPS Hiring Program Grant application to the U.S. Department of Justice, Office of Community Oriented Policing Services and authorizing Mayor as the Authorized Representative. The program allows the hiring of police officers where the program pays 75% of the officers' salary and is matched by the city at 25% through the tenure of the three-year grant. The City of Mission is requesting hiring eight (8) officers from this grant for a total project cost of \$ 1,771,398.16. If awarded, the City of Mission would be required support the project with a 25% match and must commit to maintain the positions for one additional year at 100% expense to the city.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: Police

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

RESOLUTION # _____

WHEREAS, The City of Mission finds it in the best interest of the citizens of Mission Texas, that the Mission Police Department's FY23 COPS Hiring Program grant be operated for the 2023 fiscal year; and

WHEREAS, The City of Mission agrees to provide applicable matching funds for the said project required by the U.S. Department of Justice (U.S. DOJ) - Office of Community Oriented Policing Services grant application; and

WHEREAS, The City of Mission agrees that in the event of loss of or misuse of the U.S. DOJ funds, the City of Mission assures that the funds will be returned to the U.S. DOJ in full.

WHEREAS, The City of Mission designates the Mayor as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that the City of Mission approves the submission of the grant application for the Mission Police Department's FY23 COPS Hiring Program grant to the U.S. DOJ – Office of the Community Oriented Policing Services.

READ, CONSIDERED, AND APPROVED on this the 8th of May 2023.

Norie Gonzalez Garza, Mayor

Attest:

Anna Carrillo, City Secretary



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023
PRESENTED BY: Adrian Garcia, Fire Chief
AGENDA ITEM: Authorization to purchase medical equipment and supplies from Henry Schein via Buy Board Contract # 610-20 – A. Garcia

NATURE OF REQUEST:

The Mission Fire Department is seeking authorization to purchase medical equipment and medical supplies from Henry Schein via Buy Board Contract # 610-20 for FY 2022-2023.

Annual purchases are estimated to exceed the \$25,000.00 threshold requiring City Council Approval

BUGETED: Yes **FUND:** General **ACCT. #:** 01-431-64280

BUDGET: \$130,000 **EST. COST:** \$25,000 **CURRENT BUDGET BALANCE:** \$89,159

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: Finance, Purchasing

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____



Vendor Contract Information Summary

Item 29.

Vendor	Henry Schein, Inc.
Contact	Joanne Viggiano
Phone	8008510400
Phone Extension	222-8325
Email	biddept@henryschein.com
Vendor Website	www.henryschein.com
TIN	11-3136595
Address Line 1	135 Duryea Road
Vendor City	Mellville
Vendor Zip	11747
Vendor State	NY
Vendor Country	USA
Delivery Days	3
Freight Terms	FOB Destination
Payment Terms	Net 30 days
Shipping Terms	Pre-paid and added to invoice
Ship Via	Common Carrier
Designated Dealer	No
EDGAR Received	Yes
Service-disabled Veteran Owned	No
Minority Owned	No
Women Owned	No
National	Yes
No Foreign Terrorist Orgs	Yes
No Israel Boycott	Yes
MWBE	No
ESCs	All Texas Regions
States	All States
Contract Name	First Aid, Emergency Medical, and Athletic Trainer Supplies and Equipment
Contract No.	610-20
Effective	06/01/2020
Expiration	05/31/2023
Accepts RFQs	Yes
Quote Reference Number	610-20
Return Policy	Call for RMA 800-851-0400



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023

PRESENTED BY: Teclo J. Garcia, CEO, MEDC

AGENDA ITEM: Approval of Resolution # _____, Resolution approving the resolution of Mission Economic Development Corporation authorizing the issuance of bonds on behalf of Waste Management, Inc.; and matters related thereto

NATURE OF REQUEST:

Lee McCormick, President of Community Development Associates, has facilitated the issuance of 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.

Attached is a staff report and the proposed resolution.

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

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: N/A

Advisory Board Recommendation: Approval

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

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

WHEREAS, the Mission Economic Development Corporation (the “Issuer”) was created by the City Council of the City of Mission, Texas (the “Unit”) pursuant to the provisions of the Development Corporation Act, Texas Local Government Code, Chapter 501 (formerly Article 5190.6, Vernon’s Texas Civil Statutes), as amended (the “Act”); and

WHEREAS, on April 26, 2023, the Issuer adopted a resolution (in the form attached hereto as **Exhibit A**), among other things, (i) authorizing the issuance of one or more series of revenue bonds in an aggregate principal amount not to exceed \$100,000,000 (the “Bonds”), pursuant to the terms and provisions of one or more trust indentures (whether one or more, the “Indentures”); (ii) providing for the payment of the principal of and premium, if any, and interest on the Bonds with revenues derived from the loan of the proceeds of the sale of the Bonds to Waste Management, Inc., and/or its subsidiaries or affiliates (the “User”); (iii) approving the loan of the proceeds of the Bonds to the User to be used to finance a portion of the costs of acquisition, construction, improving and /or equipping of certain solid waste disposal facilities as described and defined in the Issuer Resolution (defined below) (the “Project”), to pay capitalized interest, the costs of issuance of the Bonds and/or to fund any reserve funds with respect to the Bonds and for such other purposes as set forth in the Issuer’s resolution; and (iv) authorizing certain other actions in connection with the foregoing; and

WHEREAS, Section 501.204 of the Act requires that the governing body of the Unit approve the resolution of the Issuer providing for the issuance of the Bonds no more than 60 days prior to the delivery of the Bonds; and

WHEREAS, the City Council of the Unit is the governing body of the Unit and deems it necessary and advisable that this Resolution be adopted; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), further requires that the plan of finance, including the Bonds and the Project, be approved by an “applicable elected representative” (the “AER”) of a governmental unit in which the Issuer is located after a public hearing following reasonable public notice (“AER Approval”); and

WHEREAS, with respect to the Bonds, either the City Council or the Mayor of the Unit is an AER for the Unit; and

WHEREAS, a telephonic public hearing with respect to the Bonds and the Project (as further described in **Exhibit B** attached hereto) has been held (the “Public Hearing”) and notice of such Public Hearing was posted no less than 7 days before the date of such Public Hearing in and all comments from interested persons were taken at such Public Hearing all as shown in **Exhibit B** attached hereto; and

WHEREAS, the City Council of the Unit desires to: (i) approve the issuance of the Bonds by the Issuer as authorized pursuant to the resolution attached hereto and (ii) approve the Bonds and the Project as required by Section 147(f) of the Code;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS THAT:

Section 1. *The Resolution Of Mission Economic Development Corporation Authorizing The Issuance Of One Or More Series Of Revenue Bonds and the Loan Of the Proceeds Thereof To Waste Management, Inc.; Approving Documents Relating Thereto; And Approving Other Matters In Connection Therewith* adopted by the Issuer on April 26, 2023 (the “Issuer Resolution”), a copy of which is attached hereto as **Exhibit A** and made a part hereof for all purposes, is hereby approved.

Section 2. The approval herein given is in accordance with the provisions of Section 501.204 of the Act, and is not to be construed as an undertaking by the Unit. The Bonds shall never constitute an indebtedness or pledge of the Unit or the State of Texas, within the meaning of any constitutional or statutory provision, and the holders of the Bonds shall never be paid in whole or in part out of any funds raised or to be raised by taxation or any other revenues of the Issuer, the Unit, or the State of Texas except those revenues assigned and pledged by the Issuer in the Indentures that will be executed and delivered in connection with the Bonds.

Section 3. The programs and expenditures authorized and contemplated by the Issuer Resolution are hereby in all respects approved.

Section 4. The Public Hearing with respect to the plan of finance, the Bonds and the Project held by the hearing officer, the posting of notice of such Public Hearing on the Unit’s public website and the certificate of the hearing officer regarding such Public Hearing, all as shown in **Exhibit B** hereto, are hereby approved and ratified.

For the purpose of satisfying the requirements of Section 147(f) of the Code, the plan of finance, including the issuance of the Bonds and the Project to be financed by the plan of finance and the Bonds, in one or more series over the next thirty-six months in the aggregate maximum principal amount of \$100,000,000, and the facilities to be financed by the plan of finance, including the facilities and operations located at the following locations, in the aggregate maximum stated principal amounts at each location noted below: (i) 706 Landfill Road, Temple, Bell County, TX 76501 (\$9,000,000); (ii) 8611 Covell Road, San Antonio, Bexar County, TX 78252 (\$15,000,000); (iii) 1030 U.S. Highway 82 West, New Boston, Bowie County, TX 75570 (\$8,000,000); (iv) 1600 Railroad Street South, Lewisville, Denton County, TX 75067 (\$23,000,000); (v) 1201 N. Central Street, Ferris, Ellis County, TX 75125 (\$20,000,000); (vi) 21000 E. Highway 6, Alvin, Galveston County, TX 77511 (\$4,000,000); (vii) 19248 Hwy 105, Cleveland, Montgomery County, TX 77328 (\$6,000,000); and (viii) 600 Landfill Rd., Hutto, Williamson County, TX 78634 (\$13,000,000), all as described in the notice of Public Hearing attached hereto as **Exhibit B**, are hereby approved. THE APPROVAL HEREIN GRANTED IS FOR PURPOSES OF SATISFYING THE REQUIREMENTS OF THE CODE, AND SHALL NOT BE CONSTRUED AS A REPRESENTATION, WARRANTY OR OTHER UNDERTAKING OF ANY KIND BY THE UNIT IN RESPECT TO THE BONDS OR THE

PROJECT. THE BONDS SHALL NOT CONSTITUTE OBLIGATIONS OF THE UNIT OR A PLEDGE OF ITS FAITH AND CREDIT, AND THE UNIT SHALL NOT BE OBLIGATED TO PAY THE BONDS OR THE INTEREST THEREON OR OTHERWISE INCUR ANY LIABILITY IN RESPECT THEREOF.

Section 5. This resolution is expressly for the purpose of approving the issuance of the Bonds for the purposes described herein and in the Issuer Resolution, and approving the matters relating to the Bonds as provided herein and in the Issuer Resolution, and does not constitute an approval by the City Council or the Unit of any other matters relating to the User or its business operations.

Section 6. The Mayor of the Unit, the City Council and City Secretary of the Unit and the other officers of the Unit are hereby authorized, jointly and severally, to execute and deliver such endorsements, instruments, certificates, documents, or papers necessary and advisable to carry out the intent and purposes of this Resolution.

PASSED AND APPROVED this 8th day of May, 2023.

Exhibit A
Issuer Resolution
Attached

RESOLUTION NO. 2023-02

RESOLUTION OF MISSION ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING THE ISSUANCE OF ONE OR MORE SERIES OF REVENUE BONDS AND THE LOAN OF THE PROCEEDS THEREOF TO WASTE MANAGEMENT, INC.; APPROVING DOCUMENTS RELATING THERETO; AND APPROVING OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the Mission Economic Development Corporation (the “Issuer”) was created by the City Council of the City of Mission, Texas (the “Creating Unit”) pursuant to the provisions of the Development Corporation Act, Texas Local Government Code, Chapter 501 (formerly Article 5190.6, Vernon’s Texas Civil Statutes), as amended (the “Act”); and

WHEREAS, the Act authorizes and empowers the Issuer to issue bonds on behalf of the Creating Unit: (i) to finance a project (including land, buildings, equipment, facilities, expenditures, targeted infrastructure and improvements with respect to a project) found by the Board of Directors (the “Board”) of the Mission Economic Development Corporation (the “Issuer”) to be required or suitable for the development, retention or expansion of solid waste disposal facilities, (ii) to finance expenditures found by the Board of the Issuer to be required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, including solid waste disposal facilities, and (iii) to pay all or part of the costs of a “project” as defined in the Act, and to loan the proceeds of the bonds to others to finance all or part of the costs of a project; and

WHEREAS, the Issuer was created by a municipality wholly or partly located in a county that is bordered by the Rio Grande, has a population of at least 500,000 and has wholly or partly within its boundaries at least four municipalities that each have a population of at least 25,000; and

WHEREAS, the Issuer does not support the Project (as hereinafter defined) with sales and use tax revenue collected under Chapters 504 or 505 (formerly Section 4A or 4B) of the Act; and

WHEREAS, the Issuer is a Type B corporation under Chapter 505, Texas Local Government Code, as amended, including for purposes of Section 505.005; and

WHEREAS, Waste Management, Inc., a Delaware corporation (the “Borrower”) has requested that the Issuer issue its revenue bonds in one or more series as hereinafter described, and loan the proceeds of the sale thereof to the Borrower (or any affiliates or subsidiaries of the Borrower), to be used to finance all or a portion of the costs of acquisition, construction, improving, and/or equipping of certain solid waste disposal facilities as further described in the Prior Resolution (defined below) and/or in the hereinafter defined Indentures and/or Loan Agreements relating to the hereinafter defined Bonds (such costs referred to herein as the “Project”), to pay capitalized interest, to pay the costs of issuance of such Bonds and/or to fund any reserve funds with respect to such Bonds; and

WHEREAS, the Issuer previously adopted certain resolutions with respect to the Project, each captioned as a *Resolution Regarding Request Of Waste Management, Inc. For The Issuance Of One Or More Series Of Revenue Bonds; Authorizing The Filing Of An Application For Allocation Of Private Activity Bonds With The Texas Bond Review Board; Authorizing Public Hearings Regarding The Bonds; And Authorizing Other Action Related Thereto*, on October 16, 2019 and October 18, 2022 (collectively, the “Prior Resolution”); and

WHEREAS, the governing bodies of each of the counties or cities in which any portion of the Project is located (collectively, the “Requesting Units”) have requested or will request, prior to the issuance of the Bonds, the Issuer to exercise its powers to finance the portion of the Project located in such counties or cities, to the extent required by the Act;

WHEREAS, in order to provide funds for the Issuer to make the loan to the Borrower to be used to finance the Project and related costs described above, the Issuer now proposes to issue one or more series of its revenue bonds (collectively, the “Bonds”), in an aggregate principal amount not to exceed \$100,000,000 pursuant to and in accordance with this Resolution; and

WHEREAS, pursuant to the Act, the Bonds shall never constitute an indebtedness or pledge of the Creating Unit or the State of Texas, within the meaning of any constitutional or statutory provision, and the holders of the Bonds shall never be paid in whole or in part out of any funds raised or to be raised by taxation or any other revenues of the Issuer, the Creating Unit, or the State of Texas except those revenues assigned and pledged by the Issuer in the indenture(s) that will be executed and delivered in connection with the Bonds; and

WHEREAS, the City Council of the Creating Unit proposes to adopt a written resolution for the purpose of approving this Resolution of the Issuer providing for the issuance of the Bonds and approving the Bonds and the Project as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, the Board desires to approve the forms of one or more trust indentures, one or more loan agreements (which may alternatively be designated as bond financing agreements or similar designation), one or more bond purchase agreements (which may alternatively be designated as bond placement agreements and/or underwriting agreements or similar designation) and one or more letters of representation with respect to the Bonds, and to authorize the officers of the Issuer executing such documents to negotiate the final terms of such documents and to execute and deliver such documents on behalf of and in the name of the Issuer; and

WHEREAS, the Board finds that the form and substance of the aforementioned documents are satisfactory and the recitals and findings contained therein are true, correct and complete, and the Board further finds that it is in the best interest of the public and the Issuer and assists in carrying out the public purpose of the Issuer and of the Act to

authorize the execution and delivery of such documents and the issuance of the Bonds;
and

WHEREAS, the Board finds that the Project (as defined herein) furthers the public purposes of the Act; and

WHEREAS, the Board further desires to approve the form of one or more official statements (which may alternatively be designated as offering memoranda, limited offering memoranda, private placement memoranda, or similar designation) to be distributed in connection with the offering and sale of the Bonds (whether one or more, the “Offering Documents”), and desires hereby to authorize the use of certain information to be set forth in such Offering Documents concerning the Issuer under the captions “The Issuer” and “Absence of Material Litigation—The Issuer” (or similar captions relating to the Issuer or litigation involving the Issuer) and to approve and authorize the distribution of such Offering Documents.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MISSION ECONOMIC DEVELOPMENT CORPORATION THAT:

1. The Issuer hereby authorizes and approves the issuance of the Bonds in one or more series bearing interest at variable rates and/or fixed rates (as selected by the Borrower) and maturing not later than forty years from their date of issuance, in the aggregate principal amount not to exceed \$100,000,000. The Bonds are hereby authorized and approved to be issued for any or all of the purposes described herein, including the financing of the Project. The Bonds may be issued as tax-exempt bonds and/or taxable bonds, as selected by the Borrower, and may be issued at a price of par or priced with a premium or discount, as selected by the Borrower. The Bonds will be issued in accordance with one or more indentures, trust indentures, or similarly designated agreements (whether one or more, the “Indentures”) between the Issuer and the trustee named therein (the “Trustee”), the form, terms and provisions of such Indentures and the Bonds being hereby authorized and approved, and the President and/or the Vice President of the Issuer are hereby authorized and directed to execute and deliver such Indentures and the Bonds on behalf of the Issuer, and the Secretary and/or Assistant Secretary of the Issuer is hereby authorized to attest and affix the Issuer’s seal to the Indentures, if required, and to the Bonds, with such changes therein as the officers executing the same may approve, such approval to be conclusively evidenced by such execution thereof.

2. The Issuer hereby approves the loan of the proceeds of the sale of the Bonds by the Issuer to the Borrower to provide for the financing of the costs of the Project, which loan will be made pursuant to the terms and provisions of one or more loan agreements, bond financing agreements, or similarly designated agreements (whether one or more, the “Loan Agreements”) between the Issuer and the Borrower, the form, terms and provisions of such Loan Agreements being hereby authorized and approved, and the President and/or the Vice President of the Issuer are hereby authorized and directed to execute and deliver and the Secretary and/or Assistant Secretary of the Issuer is hereby authorized to attest and affix the Issuer seal to such Loan Agreements, if

required, on behalf of the Issuer, with such changes therein as the officers executing the same may approve, such approval to be conclusively evidenced by such execution thereof. To the extent required or requested, any one or more promissory notes (whether one or more, the “Notes”) issued by the Borrower to the Issuer under any of the Loan Agreements are hereby approved and the aforementioned officers of the Issuer (or any of them) are hereby authorized to execute and assign any such Notes to the Trustee as security for the Bonds and the repayment by the Borrower of its obligations under the Loan Agreements.

3. The issuance, sale and delivery of the Bonds by the Issuer is hereby authorized and approved, and shall be effected in accordance with the terms and provisions of one or more bond purchase agreements, bond placement agreements, underwriting agreements, or similarly designated agreements (whether one or more, the “Bond Purchase Agreements”), substantially in the form of the Bond Purchase Agreement by and among the underwriter(s), placement agent(s), and/or purchaser(s) named therein, the Issuer and the Borrower, the form, terms and provisions of such Bond Purchase Agreements being hereby authorized and approved, and the President and/or the Vice President of the Issuer are hereby authorized and directed to execute and deliver such Bond Purchase Agreements on behalf of the Issuer, with such changes therein as the officer executing the same may approve, such approval to be conclusively evidenced by such execution thereof. To the extent required or requested, the Issuer further authorizes and approves the acceptance by the Issuer of one or more letters of representation (whether one or more, the “Letters of Representation”) from the Borrower in connection with the Bond Purchase Agreements, the form, terms and provisions of such Letters of Representation being hereby authorized and approved, and the President and/or the Vice President of the Issuer are hereby authorized and directed to execute and deliver such Letters of Representation on behalf of the Issuer, with such changes therein as the officers executing the same may approve, such approval to be conclusively evidenced by such execution thereof.

4. The Board hereby authorizes and approves the content and use of the information described in the last recital of this Resolution in the Offering Documents, and authorizes the distribution of such Offering Documents; provided that, in adopting this Resolution, the Issuer hereby disclaims any responsibility for the Offering Documents except for the information described as having been provided by it in the last recital of this Resolution and expressly disclaims any responsibility for any other information included as part of the Offering Documents.

5. The issuance of the Bonds by the Issuer is subject to and conditioned upon the prior receipt by (or on behalf of) the Issuer of (i) the approving opinion of the Attorney General of the State of Texas and evidence of registration of the Bonds by the Comptroller of Public Accounts of the State of Texas; and (ii) the purchase price for the Bonds; and (iii) such opinions, evidences, certificates, instruments or other documents as shall be requested by Issuer’s Counsel and Bond Counsel, in order to enable such counsel to render their legal opinions in connection with the issuance of the Bonds.

6. The Board hereby appoints Bracewell LLP as bond counsel ("Bond Counsel") and Issuer's counsel ("Issuer's Counsel") in connection with the Bonds. The Board hereby authorizes Bond Counsel to submit to the Attorney General of Texas, for approval as required under the Texas Government Code §1202.003, a transcript of legal proceedings relating to the issuance, sale and delivery of the Bonds. To the extent required by the Attorney General of Texas, Bond Counsel is authorized to make such changes to the text of this Resolution as may be required in connection with the issuance of the Bonds.

7. The officers, employees and agents of the Issuer, and each of them, shall be and each is expressly authorized, empowered and directed from time to time and at any time to do and perform all acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the Issuer all directions and notices, agreements, documents, certificates, financing statements, instruments and other papers, whether or not herein mentioned, as they may determine to be necessary or desirable in order to carry out the terms and provisions of this Resolution and of the Bonds to be issued hereunder, as well as the terms and provisions of the Indentures, the Loan Agreements and the Bond Purchase Agreements hereby authorized and approved, such determination to be conclusively evidenced by the performance of such acts and things and the execution of any such certificate, financing statement, instrument or other paper.

8. The Board hereby finds that the expenditures with respect to the Project are required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, including solid waste disposal facilities. The Board further hereby finds that the Project (including the land, buildings, equipment, facilities, expenditures, targeted infrastructure and improvements with respect to the Project) are: (i) for the creation or retention of primary jobs (as defined in the Act) and (ii) required or suitable for the development, retention or expansion of solid waste disposal facilities.

9. The Board hereby finds that the Project will contribute to the economic growth or stability of the Requesting Units by (i) increasing or stabilizing employment opportunity; (ii) significantly increasing or stabilizing the property tax base; and (iii) promoting commerce within the Requesting Units and the State of Texas.

10. To the extent required by the Code, the Board directs that an officer of the Issuer submit to the Secretary of the Treasury, not later than the 15th day of the second calendar month after the close of the calendar quarter in which the Bonds are issued, a statement containing the information required by Section 149(e) of the Code.

11. The actions of the Issuer and any hearing officer acting on behalf of the Issuer with regard to the required public hearing(s) relating to the Bonds as required under Section 147(f) of the Code, and the publication of notice of such public hearings are hereby authorized, ratified and approved.

12. The Board hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and

that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and the Act.

13. This Resolution is expressly for the purpose of approving the issuance of the Bonds for the purposes described herein and approving the documents and matters relating to the Bonds as provided herein, and does not constitute an approval by the Board or the Issuer of any other matters relating to the Borrower or its business operations.

14. The recitals contained herein are true, correct and complete and are hereby adopted as findings of the Issuer. This Resolution shall take effect and be in full force and effect upon and after its passage.

PASSED AND APPROVED this 26th day of April, 2023.

AGENDA ITEM

DATE: May 8, 2023

TO: City of Mission

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

Background:

Waste Management is the largest environmental solutions provider in North America, serving more than 21 million municipal, commercial, and industrial customers in the U.S. and Canada. They have invested in developing waste solutions for a changing world. Today, this includes not just disposal and recycling, but personal counseling to help customers achieve their green goals, including zero waste.

Waste Management is North America's largest residential recycler and a renewable energy provider. They recover the naturally occurring gas inside landfills to generate electricity, called landfill-gas-to-energy. Waste Management's fleet of natural gas trucks is the largest heavy-duty truck fleet of its kind in North America. With the largest network of recycling facilities, transfer stations and landfills in the industry, their entire business can adapt to meet the needs of every distinct customer segment.

As North America's leading provider of comprehensive waste management services, their mission is to maximize resource value while minimizing impact to further both economic and environmental sustainability for all stakeholders.

The Project:

The Project to be financed from proceeds received from the proposed issuance of the tax-exempt bonds consists of refinancing qualified capital expenditures at one or more solid waste disposal facilities identified in Exhibit A as follows: improvements to (a) existing landfill facilities, including but not limited to (i) construction of disposal cells and liners within currently permitted acreage, (ii) additions and improvements to the leachate collection and treatment center, including leachate trenching, (iii) additions and improvements to the methane gas system, (iv) installation of liners for intermittent and final closure of completed sections of the landfill facilities, (v) facility and site improvements, (vi) acquisition of land, (vii) construction of buildings, (viii) acquisition of other equipment and assets necessary to support the foregoing improvements and to place them into service, and (ix) construction and development of and improvements to renewable natural gas (RNG) facilities and related equipment, and (b) existing Hauling and Transfer Station facilities, including but not limited to (i) acquisition of new solid waste collection vehicles, containers, and related equipment, (ii) solid waste disposal sorting and processing equipment, (iii) facility improvements, and (iv) acquisition of other equipment and assets necessary to support the foregoing improvements and to place them into service.

In order for the bonds to qualify as tax-exempt, certain federal and state tax law requirements must be met, including having a governmental entity/agency issue such bonds for the benefit of the Company. Therefore, the Company has requested the Mission Economic Development Corporation (“MEDC”) in Mission, Texas to serve as the governmental issuer of these bonds. In addition to approvals from the MEDC, it is also necessary to obtain consent from the City of Mission and each jurisdiction where a facility to be financed is located. Additionally, public hearing notices were published in each jurisdiction where a portion of the 2023 project is located, and public hearings have been held to satisfy federal tax law requirements.

Terms of Transaction:

Amount:	Up to \$100,000,000 Issued in Multiple Series
Rate:	Multi-modal
Rating:	Est. Standard & Poor’s A-/A-2 (Investment Grade)
Bond Purchasers:	Public Offering
Collateral:	Unsecured obligations of WM, guaranteed by Waste Management Holdings, Inc.
Estimated Closing:	June 1, 2023
Maturity:	Est. 25 Years
Min. Denomination:	\$100,000

Finance Team:

Bond & Issuer Counsel:	Bracewell LLP
Issuer Advisor:	Community Development Associates, LLC
Underwriter:	BofA Securities, Inc.
Rating Agency:	Standard & Poor’s Rating Group

Risks:

This is a conduit transaction for the MEDC. The borrower/applicant is responsible for repayment of the debt. Approval of this Resolution does not impose any payment or obligation on the Mission Economic Development Corporation or the City of Mission, Texas in connection with the financing. There is potential “reputational risk” if the borrower defaults since the Mission Economic Development Corporation name is included on the bonds.

Fiscal Impact Benefits:

Based on an initial transaction of \$50 million, at closing the MEDC is expected to receive approximately \$92,500 for serving as the Issuer of the bonds and an annual fee of \$12,500 until maturity.

EXHIBIT A

PROJECT LOCATIONS

Business Unit	Facility Type	Street Address	City	County	State	Zip Code
New Boston Landfill	Disposal	1030 Highway 82 West	New Boston	Bowie	TX	75570-2416
DFW Landfill	Disposal	1600 Railroad Street South	Lewisville	Denton	TX	75067
Skyline RDF	Disposal	1201 North Central Street	Ferris	Ellis	TX	75125-2101
Mesquite Creek Landfill	Disposal	1000 and 1700 Kohlenberg Road	New Braunfels	Comal/Guadalupe	TX	78130-2633
WM Security	Disposal	19248 Hwy 105	Cleveland	Montgomery	TX	77328-2422
WM Temple	Disposal	706 Landfill Road	Temple	Bell	TX	76501-8429
Williamson County Landfill	Disposal	600 Landfill Rd	Hutto	Williamson	TX	78634-3331
Coastal Plains Landfill	Disposal	21000 E Hwy 6	Alvin	Galveston	TX	77511-9643
WM Covel Gardens	Disposal	8611 Covel Rd	San Antonio	Bexar	TX	78252-2701
Orla Landfill	Disposal	27 FM 652 West	Orla	Reeves	TX	79770
Deep Six Landfill	Disposal	935 S HIGHWAY 285	Pecos	Reeves	TX	79772
Big Lake Landfill	Disposal	275 EH Bar RD	Big Lake	Reagan	TX	76932
Hillside Landfill	Disposal	1100 Nelson Road	Sherman	Grayson	TX	75090-3745
Howard Landfill	Disposal	11104 IH 20 West	Big Spring	Howard	TX	79720



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023
PRESENTED BY: Abel Bocanegra, P.E., City Engineer
AGENDA ITEM: Authorization to extend three-month renewal option for the purchase of Ready Mix Concrete for the Public Works Department - Bocanegra

NATURE OF REQUEST:

Staff is seeking authorization to extend the Three Month Renewal Option for Ready Mix Concrete with 57 Concrete. Ready Mix Concrete orders will be placed on an as needed basis throughout the 3-month base term.

BUGETED: Yes	FUND: General Fund/	ACCT. #: 01-440-64370
	Parks	01-461-64360
BUDGET: \$600,000	EST. COST: \$20,000	CURRENT BUDGET BALANCE: \$157,215
\$90,000		\$26,985

BID AMOUNT: _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: Purchasing, Finance

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE:

APPROVED:	_____
DISAPPROVED:	_____
TABLED:	_____

_____ AYES

_____ NAYS

_____ DISSENTING _____



City of Mission
1201 E 8th St
Mission, Texas 78592
Attn: Mr. Gabriel Diaz

April 27th, 2023

Renewal Extension Letter

Since the term of the previous agreement Bid #22-570-09-20 Ready Mix Concrete has ended. We wish to extend the term of the existing contract for a period of three months. Effective from April 25th, 2023, through July 25th, 2023.

A price of \$120.00 per cubic yard of 3000 PSI Ready Mix Concrete along with the Standard Fuel Surcharge per Load of \$25.00 will remain as the regular price.

If you have any questions, please contact our accounting department at the phone or address listed below.

📍 4877 Western Rd, Mission, TX 78574
📞 (956) 539-5757
💻 57concrete.com

We truly appreciate your business and look forward to our continued relationship for the years to come.

Sincerely,

57 Concrete LLC



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023
PRESENTED BY: Roel Mendiola, Sanitation Director
AGENDA ITEM: Authorization to purchase 1000 Residential Refuse Carts from Otto Environmental Systems via HGAC Contract #RC01-21 – Mendiola

NATURE OF REQUEST:

Authorization to purchase 1000 residential refuse carts for our Residential Division. Due to the recent storms that have affected our area, the Sanitation Department is requesting these refuse carts to keep up with the demand to replenish all lost/damaged carts pertaining to our residents. Carts will be purchased from Otto Environmental Systems via HGAC contract #RC01-21.

BUGETED: Yes **FUND:** Solid Waste **ACCT. #:** 05-410-64235

BUDGET: \$210,000 **EST. COST:** \$61,400 **CURRENT BUDGET BALANCE:** \$140,560

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: Finance, Purchasing

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

Duramax Holdings LLC
 DBA Otto Environmental Systems
 12700 General Drive
 Charlotte, NC 28273



Quote: 21663

Page: 1/4

Roel Mendiola
 City of Mission
 105 Abelino Farias
 Mission TX 78572

Dear Roel,

Thank you for allowing Otto Environmental Systems North America, Inc. the opportunity to present this quotation to City of Mission. Please let me know if you have any questions, and thank you for your interest.

Proposal Valid: May 2, 2023 - June 1, 2023

Line	Product	Description	Quantity	Net Price	Net Value
10	9786560-FI0OC000HH-TXMISSIONT01	95 Gal Mil Trash Cart TXMISSION (SK)	1,000 Each	57.00 USD / 1 Each	57,000.00 USD
List Price 57.00 USD / 1 Each 57,000.00 USD Freight 4,400.00 USD 4,400.00 USD Cart Style: 95 Gal Mil 10-Stack/Metal Bar/Bib/One Handle Cart Base Color: 65 - Forest Green Lid Color: 60 - Black Wheel: WHLIM10 - 10" WHEEL X .844 INJCT MLD					

Total Item Net Value	57,000.00 USD
Freight	4,400.00 USD
Total	61,400.00 USD

Payment Terms: 30 days net

All Credit Card transactions are subject to a 2.5% processing fee.

HGAC Contract number: RC01-21

Freight is \$2200 per truck this order is 2 trucks worth of carts!

Otto Environmental Systems North America, Inc.
12700 General Drive, Charlotte, NC 28273



Quote: 21663

Page: 2 / 4

Orders containing premium colors may or may not include extended lead times.

Sincerely,

Brian Buerkett

Brian.Buerkett@otto-usa.com

Otto orders are assumed to ship when ready unless prior arrangements have been made via your Otto contact.

In the absence of prior arrangements, storage fees may accrue and be invoiced for any items held more than 30 days from the date of completion of your order.

Terms & Conditions for Quoted Freight

The quoted freight rate is for reference only and may change if shipping variables change before shipment. In the event of a change, the adjusted freight rate will be communicated ahead of shipment.

Fuel surcharges are subject to market fluctuation and actual surcharges invoiced by the carrier will be invoiced to the customer.

Quoted freight rates are based upon shipment of your order during regular shipment days (Monday - Friday). Should after hours, weekend, or holiday shipment be needed, additional fees will apply, and the corresponding freight rate will be communicated ahead of shipment.

Should you require weekend shipping, these freight rates will be quoted separately, as they are normally higher in cost than shipments during the regular workweek (Monday - Friday).

Quoted freight rates assume shipping of your order 48 hours from the time of order completion. Customer will be charged for shipment premiums requested by a customer before the minimum 48-hour notice.

Should a delivery address change before the shipment of your order, an adjusted freight rate will be communicated ahead of shipment. Should a delivery address change after the shipment of your order, a re-consignment fee will be charged once all updated charges are known by the carrier.

Detention Fees - If customer holds up driver at destination and carrier charges Otto detention fees (typically after 2 hours), customer will be invoiced the actual charge along with an administration fee.

TERMS AND CONDITIONS OF SALE

NOTICE: THE OFFER, ORDER ACKNOWLEDGEMENT, ORDER ACCEPTANCE, OR SALE OF ANY PRODUCTS DESCRIBED ON THE FRONT SIDE OF THIS DOCUMENT IS SUBJECT TO AND CONDITIONED UPON ACCEPTANCE OF THE TERMS CONTAINED IN THIS INSTRUMENT. ANY ADDITIONAL OR DIFFERENT TERMS PROPOSED BY PURCHASER ARE OBJECTED TO BY AND WILL NOT BE BINDING UPON OTTO ENVIRONMENTAL SYSTEMS NORTH AMERICA, LLC OR OCM SOLUTIONS, LLC (AS THE CASE MAY BE) ("OTTO") UNLESS SPECIFICALLY ASSENTED TO IN WRITING BY OTTO. UNLESS EXPLICITLY OBJECTED TO BY PURCHASER IN WRITING RECEIVED BY OTTO WITHIN FIVE (5) BUSINESS DAYS, THESE TERMS AND CONDITIONS OF SALE SHALL APPLY TO THIS OFFER, ORDER OF ACKNOWLEDGEMENT, ORDER ACCEPTANCE, OR SALE, WHETHER OR NOT THEY APPLIED TO A PRIOR PURCHASE BY PURCHASER. AS USED IN THESE TERMS AND CONDITIONS OF SALE, "PRODUCTS" MEANS THOSE PRODUCTS SET FORTH ON THE FRONT SIDE OF THIS DOCUMENT.

1. **ACCEPTANCE.** All orders received by Otto are subject to final acceptance or confirmation by Otto and no terms or orders are binding upon Otto until so accepted.
2. **DELIVERIES.** Unless otherwise specified by Otto in writing, all deliveries are F.O.B. Otto's place of business (UCC Terms). All deliveries shall be made via common carrier or some other reasonable means chosen by Otto. All risk of loss to Products sold shall pass to Purchaser upon delivery by Otto of such Products to a common carrier. Title to the Products shall remain with Otto until Purchaser pays the purchase price in full to Otto. Delivery is conditional on the timely receipt by Otto of documents necessary for the completion of the order, any down payment, and Purchaser's compliance with these terms and conditions. Delivery schedules represent Otto estimates only, and partial deliveries are permissible. Otto will use reasonable efforts to meet delivery schedules. Otto will not be liable for any delay in the performance of orders of contracts, or in the delivery or shipment of Products or for any damages suffered by Purchaser by reason of such delay. Delivery is subject to Purchaser maintaining credit satisfactory to Otto. Otto may suspend or delay performance or delivery at any time pending receipt of assurances, including full or partial prepayment or payment of any outstanding amounts owed, adequate to Otto in its discretion of Purchaser's ability to pay. Failure to provide such assurances shall entitle Otto to cancel this contract without further liability or obligation to Purchaser.
3. **RECEIVING DELAYS.** If for any reason Purchaser fails to accept delivery of any of the Products on the date set forth in the delivery schedules, or if Otto is unable to deliver the Products on such date because Purchaser has not provided appropriate instructions, documents, licenses or authorizations: (i) risk of loss to the Products shall pass to Purchaser and (ii) Otto, at its option, may store or arrange for a third party to store the Products until Purchaser picks them up, whereupon Purchaser shall be liable for all related costs and expenses (including, without limitation, storage and insurance).
4. **PRICES.** Unless otherwise specified by Otto on the front side of this document, prices are quoted F.O.B. Otto's place of business (UCC Terms). Prices are subject to change by Otto without notice to Purchaser, and those prices set forth on the front side of this document will apply to the order. Prices do not include sales, use, excise, privilege, or any similar tax levied by any government, and Purchaser shall pay any such applicable tax. Upon the request of Otto, Purchaser shall provide Otto a tax exemption certificate acceptable to the appropriate taxing authorities.
5. **TERMS OF PAYMENT.** Unless otherwise specified by Otto on the front side of this document, the purchase price shall be due in full by Purchaser thirty (30) days of tender of delivery of the Products. Extension of credit, if any, may be changed or withdrawn by Otto at any time. Invoices not paid by their due date will be subject to carrying charges. Carrying charges shall accrue and be added to the unpaid balance in the amount of one and one-half percent (1-1/2%) per month of any overdue unpaid balance, or the maximum rate permitted by law, whichever is less. Purchaser shall reimburse Otto for the costs of collection, including, without limitation, reasonable attorneys' fees, of any overdue amount owed by Purchaser to Otto, and such collection costs shall also be subject to the carrying charges. Purchaser may not hold back or set off any amounts owed to Otto in satisfaction of any claims asserted by Purchaser against Otto.
6. **RETURNED GOODS AND CLAIMS.** Within ten (10) business days of delivery to Purchaser, Purchaser must give written notice to Otto of any claim by Purchaser based upon the condition, quantity, or grade of the Products sold or of any claimed nonconformity with the Purchaser's specifications, and the notice must indicate the basis of the claim in detail. Purchaser's failure to comply with this Paragraph shall constitute irrevocable acceptance by Purchaser of the Products delivered and shall bind Purchaser to pay to Otto the full price of such Products.
7. **CANCELLATION/CHANGES.** Purchaser may not cancel or change an order once placed with and accepted by Otto except with the prior written consent of Otto and upon terms that will indemnify Otto against any loss. Otto may correct mathematical or clerical errors.
8. **WARRANTY. OTTO IS SELLING TO PURCHASER THE PRODUCTS AND PURCHASER ACCEPTS THE PRODUCTS "AS IS," AND OTTO EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, ARISING FROM COURSE OF DEALING OR USAGE OF TRADE, OR STATUTORY, INCLUDING BUT NOT LIMITED TO THE IMPLIED CONDITIONS AND WARRANTIES OF MERCHANTABILITY, QUALITY, FITNESS FOR A PARTICULAR PURPOSE, CORRESPONDENCE WITH DESCRIPTION OR QUALITY, TITLE, QUIET POSSESSION AND NON-INFRINGEMENT.**

Descriptions, representations and other information concerning Products contained in Otto's catalogs, advertisements or other promotion materials or statements or representations made by Otto sales representatives or distributors shall not be binding upon Otto.

In no case shall Otto be liable for any special, incidental or consequential damages based upon breach of contract, negligence, strict liability, tort or any other legal theory, even if Otto is notified of the possibility of such damages. In all cases, Otto's maximum liability arising out of or relating to these Terms and Conditions and any Purchase Order, regardless of the legal theory, shall not exceed the contract price actually paid by Purchaser in respect of the Products supplied by Otto to which such liability relates. Otto shall not be liable for any loss, damage, detention or delay due directly or indirectly to causes beyond its reasonable control, such as acts of God, acts of Purchaser, acts of civil or military authority, fires, strikes, floods, epidemics, war, riot, delays in transportation, government restrictions or embargoes, or difficulties in obtaining necessary labor, materials, manufacturing facilities or transportation due to such causes.

9. **INDEMNIFICATION.** Purchaser will defend, indemnify and hold harmless Otto against all claims, losses, liabilities, damages and expenses on account of any damage to property or injury or death of persons caused by or arising out of or relating to Purchaser's (and/or any of Purchaser's employee's, agent's, affiliate's and customer's) distribution, storage, handling, use, or disposal of Products or caused by or arising out of: (i) any breach of contract by Purchaser; (ii) any tortious acts or omissions of Purchaser (and/or any of Purchaser's employees, agents, affiliates and customers); or (iii) any willful misconduct or any violation by Purchaser (and/or by any of Purchaser's employees, agents, affiliates and customers) of any applicable law, rule or regulation.
 10. **SECURITY AGREEMENT.** Purchaser hereby grants to Otto a continuing purchase money security interest in all Products sold and/or delivered to it and to the proceeds thereof. Purchaser shall execute and deliver any financing statements and other documents that Otto may reasonably require for the perfection of Otto's security interest, and Purchaser hereby authorizes Otto to do all other acts reasonably necessary for the establishment, perfection, preservation, and enforcement of its security interest. Purchaser shall maintain adequate insurance against casualty, loss, fire, or theft of the Products for so long as the security interest is in effect.
 11. **LIMITATIONS.** Any action by Purchaser under or relating to this Agreement or the Products sold must be commenced within one (1) year after such cause of action has accrued.
 12. **GOVERNING LAW; JURISDICTION.** This Agreement, and any and all claims arising out of or related to this Agreement or any of the proposals, negotiations, communications or understandings regarding this Agreement shall be governed by and construed in accordance with the laws of the State of North Carolina ("North Carolina") applicable to contracts made entirely within and wholly performed in North Carolina, without regard to its choice of law provisions. Any claim, action, suit or other proceeding initiated under or in connection with these Terms and Conditions or any Purchase Order may be asserted, brought, prosecuted and maintained only in any federal or state court in the State of North Carolina having jurisdiction over the subject matter thereof, and the parties hereby waive any and all right to object to the laying of venue in any such court and to any right to claim that any such court may be an inconvenient forum. The parties agree that the United Nations Convention on Contracts for the International Sale of Goods shall not apply to this Agreement.
 13. **CUMULATIVE REMEDIES; WAIVER.** Except where specifically stated to the contrary, all remedies available to the parties for breach of this Agreement under this Agreement, at law or in equity, are cumulative and may be exercised concurrently or separately, and the exercise of any one remedy shall not be deemed an election of such remedy to the exclusion of other remedies. No waiver by either party to this Agreement of any breach of any provision of this Agreement shall be deemed a course of conduct or a waiver of a subsequent breach of that or any other provision.
 14. **ENTIRE AGREEMENT.** Otto and Purchaser acknowledge that these Terms and Conditions of Sale together with Otto's invoice, constitute the entire agreement between Otto and Purchaser with regard to the sale or transfer of the Products sold and supersede all prior oral or written statements of any kind made by the parties or their representative. These Terms and Conditions of Sale may not be amended, modified, or supplemented except by written agreement executed by Otto and Purchaser.
 15. **SEVERABILITY.** If any portion of this Purchase Order is found by a court of competent jurisdiction to be invalid or unenforceable, this Purchase Order shall be construed in all respects as if the invalid or unenforceable portion had been omitted and all other portions are fully enforceable.
 16. **ACCOUNT CREDITS.** In the event that the Purchaser is entitled to a credit because of a warranty claim or a price adjustment, Otto will honor the credit for a period of six (6) months from the date of the credit invoice. Any credits claimed after six (6) months will be deemed expired. Additionally, Otto will not provide cash for any claim for credit, but will only allow credits to be redeemed for product.
- AFFIRMATIVE ACTION.** This contractor and subcontractor shall abide by the requirements of 41 CFR § 60-1.4(a), 60-300.5(a), and 60-741.5(a). These regulations prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibit discrimination against all individuals based on their race, color, religion, sex, sexual orientation, gender identity or national origin. Moreover, these regulations require that covered prime contractors and subcontractors take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, sexual orientation, gender

identity, national origin, protected veteran status or disability. Rev 5/1/2019

Item 32.

H-GAC

Item 32.

Houston-Galveston Area Council

P.O. Box 22777 · 3555 Timmons · Houston, Texas 77227-2777

Cooperative Agreement - Otto Environmental Systems North America, Inc. - Public Services - ID: 6097

GENERAL PROVISIONS

This Agreement is made and entered into, by and between the Houston-Galveston Area Council hereinafter referred to as H-GAC having its principal place of business at 3555 Timmons Lane, Suite 120, Houston, Texas 77027 and Otto Environmental Systems North America, Inc., hereinafter referred to as the Contractor, having its principal place of business at 12700 General Drive, Charlotte, NC 28273.

WITNESSETH:

WHEREAS, H-GAC hereby engages the Contractor to perform certain services in accordance with the specifications of the Agreement; and

WHEREAS, the Contractor has agreed to perform such services in accordance with the specifications of the Agreement;

NOW, THEREFORE, H-GAC and the Contractor do hereby agree as follows:

ARTICLE 1: LEGAL AUTHORITY

The Contractor warrants and assures H-GAC that it possesses adequate legal authority to enter into this Agreement. The Contractor's governing body, where applicable, has authorized the signatory official(s) to enter into this Agreement and bind the Contractor to the terms of this Agreement and any subsequent amendments hereto.

ARTICLE 2: APPLICABLE LAWS

The Contractor agrees to conduct all activities under this Agreement in accordance with all applicable rules, regulations, directives, standards, ordinances, and laws, in effect or promulgated during the term of this Agreement, including without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, and licensing laws and regulations. When required, the Contractor shall furnish H-GAC with satisfactory proof of its compliance therewith.

ARTICLE 3: INDEPENDENT CONTRACTOR

The execution of this Agreement and the rendering of services prescribed by this Agreement do not change the independent status of H-GAC or the Contractor. No provision of this Agreement or act of H-GAC in performance of the Agreement shall be construed as making the Contractor the agent, servant or employee of H-GAC, the State of Texas or the United States Government. Employees of the Contractor are subject to the exclusive control and supervision of the Contractor. The Contractor is solely responsible for employee related disputes and discrepancies, including employee payrolls and any claims arising therefrom.

ARTICLE 4: WHOLE AGREEMENT

The General Provisions, Special Provisions, and Attachments, as provided herein, constitute the complete Agreement ("Agreement") between the parties hereto, and supersede any and all oral and written agreements between the parties relating to matters herein. Except as otherwise provided herein, this Agreement cannot be modified without written consent of the parties.

ARTICLE 5: SCOPE OF SERVICES

The services to be performed by the Contractor are outlined in an Attachment to this Agreement.

ARTICLE 6: PERFORMANCE PERIOD

This Agreement shall be performed during the period which begins Jan 01 2021 and ends Dec 31 2023. All services under this Agreement must be rendered within this performance period, unless directly specified under a written change or extension provisioned under Article 14, which shall be fully executed by both parties to this Agreement.

ARTICLE 7: PAYMENT OR FUNDING

Payment provisions under this Agreement are outlined in the Special Provisions.

ARTICLE 8: REPORTING REQUIREMENTS

If the Contractor fails to submit to H-GAC in a timely and satisfactory manner any report required by this Agreement, or otherwise fails to satisfactorily render performances hereunder, H-GAC may terminate this agreement with notice as identified in Article 15 of these General Provisions. H-GAC has final determination of the adequacy of performance and reporting by Contractor. Termination of this agreement for failure to perform may affect Contractor's ability to participate in future opportunities with H-GAC. The Contractor's failure to timely submit any report may also be considered cause for termination of this Agreement.

Any additional reporting requirements shall be set forth in the Special Provisions of this Agreement.

ARTICLE 9: INSURANCE

Contractor shall maintain insurance coverage for work performed or services rendered under this Agreement as outlined and defined in the attached Special Provisions.

ARTICLE 10: SUBCONTRACTS and ASSIGNMENTS

Except as may be set forth in the Special Provisions, the Contractor agrees not to subcontract, assign, transfer, convey, sublet or otherwise dispose of this Agreement or any right, title, obligation or interest it may have therein to any third party without prior written approval of H-GAC. The Contractor acknowledges that H-GAC is not liable to any subcontractor or assignee of the Contractor. The Contractor shall ensure that the performance rendered under all subcontracts shall result in compliance with all the terms and provisions of this Agreement as if the performance rendered was rendered by the Contractor. Contractor shall give all required notices, and comply with all laws and regulations applicable to furnishing and performance of the work. Except where otherwise expressly required by applicable law or regulation, H-GAC shall not be responsible for monitoring Contractor's compliance, or that of Contractor's subcontractors, with any laws or regulations.

ARTICLE 11: AUDIT

Notwithstanding any other audit requirement, H-GAC reserves the right to conduct or cause to be conducted an independent audit of any transaction under this Agreement, such audit may be performed by the H-GAC local government audit staff, a certified public accountant firm, or other auditors designated by H-GAC and will be conducted in accordance with applicable professional standards and practices. The Contractor understands and agrees that the Contractor shall be liable to the H-GAC for any findings that result in monetary obligations to H-GAC.

ARTICLE 12: EXAMINATION OF RECORDS

The Contractor shall maintain during the course of the work complete and accurate records of all of the Contractor's costs and documentation of items which are chargeable to H-GAC under this Agreement. H-GAC, through its staff or designated public accounting firm, the State of Texas, and United States

Government, shall have the right at any reasonable time to inspect, copy and audit those records on or off the premises by authorized representatives of its own or any public accounting firm selected by H-GAC. The right of access to records is not limited to the required retention period, but shall last as long as the records are retained. Failure to provide access to records may be cause for termination of the Agreement. The records to be thus maintained and retained by the Contractor shall include (without limitation): (1) personnel and payroll records, including social security numbers and labor classifications, accounting for total time distribution of the Contractor's employees working full or part time on the work, as well as cancelled payroll checks, signed receipts for payroll payments in cash, or other evidence of disbursement of payroll payments; (2) invoices for purchases, receiving and issuing documents, and all other unit inventory records for the Contractor's stocks or capital items; and (3) paid invoices and cancelled checks for materials purchased and for subcontractors' and any other third parties' charges.

The Contractor further agrees that the examination of records outlined in this article shall be included in all subcontractor or third-party agreements.

ARTICLE 13: RETENTION OF RECORDS

The Contractor and its subcontractors shall maintain all records pertinent to this Agreement, and all other financial, statistical, property, participant records, and supporting documentation for a period of no less than seven (7) years from the later of the date of acceptance of the final payment or until all audit findings have been resolved. If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the retention period, the records shall be retained until completion of the action and resolution of all issues which arise from it, or until the end of the seven (7) years, whichever is later, and until any outstanding litigation, audit, or claim has been fully resolved.

ARTICLE 14: CHANGES AND AMENDMENTS

- A. Any alterations, additions, or deletions to the terms of this Agreement, which are required by changes in federal or state law or by regulations, are automatically incorporated without written amendment hereto, and shall become effective on the date designated by such law or by regulation.
- B. To ensure the legal and effective performance of this Agreement, both parties agree that any amendment that affects the performance under this Agreement must be mutually agreed upon and that all such amendments must be in writing. After a period of no less than 30 days subsequent to written notice, unless sooner implementation is required by law, such amendments shall have the effect of qualifying the terms of this Agreement and shall be binding upon the parties as if written herein.

ARTICLE 15: TERMINATION PROCEDURES

The Contractor acknowledges that this Agreement may be terminated for Convenience or Default.

- A. *Convenience*
H-GAC may terminate this Agreement at any time, in whole or in part, with or without cause, whenever H-GAC determines that for any reason such termination is in the best interest of H-GAC, by providing written notice by certified mail to the Contractor. Upon receipt of notice of termination, all services hereunder of the Contractor and its employees and subcontractors shall cease to the extent specified in the notice of termination.

The Contractor may cancel or terminate this Agreement upon submission of thirty (30) days written notice, presented to H-GAC via certified mail. The Contractor may not give notice of cancellation after it has received notice of default from H-GAC.

- B. *Default*

H-GAC may, by written notice of default to the Contractor, terminate the whole or any part of the Agreement, in any one of the following circumstances:

- (1) If the Contractor fails to perform the services herein specified within the time specified herein or any extension thereof; or
- (2) If the Contractor fails to perform any of the other provisions of this Agreement for any reason whatsoever, or so fails to make progress or otherwise violates the Agreements that completion of services herein specified within the Agreement term is significantly endangered, and in either of these two instances does not cure such failure within a period often (10) days (or such longer period of time as may be authorized by H-GAC in writing) after receiving written notice by certified mail of default from H-GAC.

ARTICLE 16: SEVERABILITY

H-GAC and Contractor agree that should any provision of this Agreement be determined to be invalid or unenforceable, such determination shall not affect any other term of this Agreement, which shall continue in full force and effect.

ARTICLE 17: FORCE MAJEURE

To the extent that either party to this Agreement shall be wholly or partially prevented from the performance of any obligation or duty placed on such party by reason of or through strikes, stoppage of labor, riot, fire, flood, acts of war, insurrection, accident, order of any court, act of God, or specific cause reasonably beyond the party's control and not attributable to its neglect or nonfeasance, in such event, the time for the performance of such obligation or duty shall be suspended until such disability to perform is removed. Determination of force majeure shall rest solely with H-GAC.

ARTICLE 18: CONFLICT OF INTEREST

No officer, member or employee of the Contractor or subcontractor, no member of the governing body of the Contractor, and no other public officials of the Contractor who exercise any functions or responsibilities in the review or Contractor approval of this Agreement, shall participate in any decision relating to this Agreement which affects his or her personal interest, or shall have any personal or pecuniary interest, direct or indirect, in this Agreement.

ARTICLE 19: FEDERAL COMPLIANCE

Contractor agrees to comply with all federal statutes relating to nondiscrimination, labor standards, and environmental compliance. Additionally, for work to be performed under the Agreement or subcontract thereof, including procurement of materials or leases of equipment, Contractor shall notify each potential subcontractor or supplier of the Contractor's federal compliance obligations. These may include, but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) the Fair Labor Standards Act of 1938 (29 USC 676 et. seq.), (d) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps and the Americans with Disabilities Act of 1990; (e) the Age Discrimination in Employment Act of 1967 (29 USC 621 et. seq.) and the Age Discrimination Act of 1974, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (f) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (g) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to the nondiscrimination on the basis of alcohol abuse or alcoholism; (h) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (i) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (j) any other nondiscrimination provisions in any specific statute(s)

applicable to any Federal funding for this Agreement; (k) the requirements of any other nondiscrimination statute(s) which may apply to this Agreement; (l) applicable provisions of the Clean Air Act (42 U.S.C. §7401 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. §1251 et seq.), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and the Environmental Protection Agency regulations at 40 CFR Part 15; (m) applicable provisions of the Davis- Bacon Act (40 U.S.C. 276a - 276a-7), the Copeland Act (40 U.S.C. 276c), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-332), as set forth in Department of Labor Regulations at 20 CFR 5.5a; (n) the mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (P.L. 94-163).

ARTICLE 20: CRIMINAL PROVISIONS AND SANCTIONS

The Contractor agrees to perform the Agreement in conformance with safeguards against fraud and abuse as set forth by the H-GAC, the State of Texas, and the acts and regulations of any related state or federal agency. The Contractor agrees to promptly notify H-GAC of any actual or suspected fraud, abuse, or other criminal activity through the filing of a written report within twenty-four (24) hours of knowledge thereof. Contractor shall notify H-GAC of any accident or incident requiring medical attention arising from its activities under this Agreement within twenty-four (24) hours of such occurrence. Theft or willful damage to property on loan to the Contractor from H-GAC, if any, shall be reported to local law enforcement agencies and H-GAC within two (2) hours of discovery of any such act.

The Contractor further agrees to cooperate fully with H-GAC, local law enforcement agencies, the State of Texas, the Federal Bureau of Investigation and any other duly authorized investigative unit, in carrying out a full investigation of all such incidents.

The Contractor shall notify H-GAC of the threat of lawsuit or of any actual suit filed against the Contractor pertaining to this Agreement or which would adversely affect the Contractor's ability to perform services under this Agreement.

ARTICLE 21: INDEMNIFICATION AND RECOVERY

H-GAC's liability under this Agreement, whether for breach of contract, warranty, negligence, strict liability, in tort or otherwise, is limited to its order processing charge. In no event will H-GAC be liable for any loss of use, loss of time, inconvenience, commercial loss, lost profits or savings or other incidental, special or consequential damages to the full extent such use may be disclaimed by law. Contractor agrees, to the extent permitted by law, to defend and hold harmless H-GAC, its board members, officers, agents, officials, employees and indemnities from any and all claims, costs, expenses (including reasonable attorney fees), actions, causes of action, judgements, and liens arising as a result of Contractor's negligent act or omission under this Agreement. Contractor shall notify H-GAC of the threat of lawsuit or of any actual suit filed against Contractor relating to this Agreement.

ARTICLE 22: LIMITATION OF CONTRACTOR'S LIABILITY

Except as specified in any separate writing between the Contractor and an END USER, Contractor's total liability under this Agreement, whether for breach of contract, warranty, negligence, strict liability, in tort or otherwise, but excluding its obligation to indemnify H-GAC, is limited to the price of the particular products/services sold hereunder, and Contractor agrees either to refund the purchase price or to repair or replace product(s) that are not as warranted. In no event will Contractor be liable for any loss of use, loss of time, inconvenience, commercial loss, loss of profits or savings or other incidental, special or consequential damages to the full extent such use may be disclaimed by law. Contractor understands and agrees that it shall be liable to repay and shall repay upon demand to

END USER any amounts determined by H-GAC, its independent auditors, or any agency of State or Federal government to have been paid in violation of the terms of this Agreement.

ARTICLE 23: TITLES NOT RESTRICTIVE

The titles assigned to the various Articles of this Agreement are for convenience only. Titles shall not be considered restrictive of the subject matter of any Article, or part of this Agreement.

ARTICLE 24: JOINT WORK PRODUCT

This Agreement is the joint work product of H-GAC and the Contractor. This Agreement has been negotiated by H-GAC and the Contractor and their respective counsel and shall be fairly interpreted in accordance with its terms and, in the event of any ambiguities, no inferences shall be drawn against any party.

ARTICLE 25: DISPUTES

All disputes concerning questions of fact or of law arising under this Agreement, which are not addressed within the Whole Agreement as defined pursuant to Article 4 hereof, shall be decided by the Executive Director of H-GAC or his designee, who shall reduce his decision to writing and provide notice thereof to the Contractor. The decision of the Executive Director or his designee shall be final and conclusive unless, within thirty (30) days from the date of receipt of such notice, the Contractor requests a rehearing from the Executive Director of H-GAC. In connection with any rehearing under this Article, the Contractor shall be afforded an opportunity to be heard and offer evidence in support of its position. The decision of the Executive Director after any such rehearing shall be final and conclusive. The Contractor may, if it elects to do so, appeal the final and conclusive decision of the Executive Director to a court of competent jurisdiction. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the Agreement and in accordance with H-GAC's final decision.

ARTICLE 26: CHOICE OF LAW: VENUE

This Agreement shall be governed by the laws of the State of Texas. Venue and jurisdiction of any suit or cause of action arising under or in connection with the Agreement shall lie exclusively in Harris County, Texas. Disputes between END USER and Contractor are to be resolved in accordance with the law and venue rules of the state of purchase. Contractor shall immediately notify H-GAC of such disputes.

ARTICLE 27: ORDER OF PRIORITY

In the case of any conflict between or within this Agreement, the following order of priority shall be utilized: 1) General Provisions, 2) Special Provisions, 3) Scope of Work, and, 4) Other Attachments.

SIGNATURES:

H-GAC and the Contractor have read, agreed, and executed the whole Agreement as of the date first written above, as accepted by:

Otto Environmental Systems North America, Inc.

DocuSigned by:
Michael Costello
Signature 2B6C69335F4B490...

Name Michael Costello

Title President & CEO

Date 12/29/2020

H-GAC
DocuSigned by:
Chuck Wemple
Signature 82EC270D5D61423...

Name Chuck Wemple

Title Executive Director

Date 1/4/2021

H-GAC

Houston-Galveston Area Council
P.O. Box 22777 · 3555 Timmons · Houston, Texas 77227-2777

Cooperative Agreement - Otto Environmental Systems North America, Inc. - Public Services -
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SPECIAL PROVISIONS

Incorporated by attachment, as part of the whole agreement, H-GAC and the Contractor do, hereby agree to the Special Provisions as follows:

ARTICLE 1: BIDS/PROPOSALS INCORPORATED

In addition to the whole Agreement, the following documents listed in order of priority are incorporated into the Agreement by reference: Bid/Proposal Specifications and Contractor's Response to the Bid/Proposal.

ARTICLE 2: END USER AGREEMENTS ("EUA")

H-GAC acknowledges that the **END USER** may choose to enter into an End User Agreement ("EUA") with the **Contractor** through this Agreement, and that the term of the EUA may exceed the term of the current **H-GAC** Agreement. **H-GAC's** acknowledgement is not an endorsement or approval of the End User Agreement's terms and conditions. **Contractor** agrees not to offer, agree to or accept from the **END USER**, any terms or conditions that conflict with those in **Contractor's** Agreement with **H-GAC**. Contractor affirms that termination of its Agreement with H-GAC for any reason shall not result in the termination of any underlying EUA, which shall in each instance, continue pursuant to the EUA's stated terms and duration. Pursuant to the terms of this Agreement, termination of this Agreement will disallow the **Contractor** from entering into any new EUA with **END USERS**. Applicable **H-GAC** order processing charges will be due and payable to **H-GAC** on any EUAs, surviving termination of this Agreement between **H-GAC** and **Contractor**.

ARTICLE 3: MOST FAVORED CUSTOMER CLAUSE

Contractor shall provide its most favorable pricing and terms to H-GAC. If at any time during this Agreement, Contractor develops a regularly followed standard procedure of entering into agreements with other governmental customers within the State of Texas, and offers the same or substantially the same products/services offered to **H-GAC** on a basis that provides prices, warranties, benefits, and or terms more favorable than those provided to **H-GAC**, **Contractor** shall notify **H-GAC** within ten (10) business days thereafter, and this Agreement shall be deemed to be automatically retroactively amended, to the effective date of Contractor's most favorable past agreement with another entity. **Contractor** shall provide the same prices, warranties, benefits, or terms to **H-GAC** and its **END USER** as provided in its most favorable past agreement. H-GAC shall have the right and option at any time to decline to accept any such change, in which case the amendment shall be deemed null and void. If **Contractor** claims that a more favorable price, warranty, benefit, or term that was charged or offered to another entity during the term of this Agreement, does not constitute more favorable treatment, than **Contractor** shall, within ten (10) business days, notify **H-GAC** in writing, setting forth the detailed reasons **Contractor** believes the aforesaid offer is not in fact most favored treatment. **H-GAC**, after due consideration of Contractor's written explanation, may decline to accept such explanation and thereupon this Agreement between **H-GAC** and **Contractor** shall be automatically amended, effective

retroactively, to the effective date of the most favored agreement, to provide the same prices, warranties, benefits, or terms to H-GAC and the END USER.

EXCEPTION: *This clause shall not be applicable to prices and price adjustments offered by a bidder, Proposer or contractor, which are not within bidder's/proposer's control [example; a manufacturer's bid concession], or to any prices offered to the Federal Government and its agencies.*

ARTICLE 4: PARTY LIABILITY

Contractor's total liability under this Agreement, whether for breach of contract, warranty, negligence, strict liability, in tort or otherwise, is limited to the price of the particular products/services sold hereunder. Contractor agrees either to refund the purchase price or to repair or replace product(s) that are not as warranted. Contractor accepts liability to repay, and shall repay upon demand to END USER, any amounts determined by H-GAC, its independent auditors, or any state or federal agency, to have been paid in violation of the terms of this Agreement.

ARTICLE 5: GOVERNING LAW & VENUE

Contractor and H-GAC agree that Contractor will make every reasonable effort to resolve disputes with the **END USER** in accord with the law and venue rules of the state of purchase. **Contractor** shall immediately notify **H-GAC** of such disputes.

ARTICLE 6: SALES AND ORDER PROCESSING CHARGE

Contractor shall sell its products to **END USERS** based on the pricing and terms of this Agreement. **H-GAC** will invoice **Contractor** for the applicable order processing charge when H-GAC receives notification of an END USER order. **Contractor shall remit to H-GAC** the full amount of the applicable order processing charge, after delivery of any product or service and subsequent END USER acceptance. Payment of the Order Processing Charge shall be remitted from Contractor to H-GAC, within thirty (30) calendar days or ten (10) business days after receipt of an END USER's payment, whichever comes first, notwithstanding Contractor's receipt of invoice. For sales made by **Contractor** based on this Agreement, including sales to entities without Interlocal Agreements, **Contractor** shall pay the applicable order processing charges to **H-GAC**. Further, **Contractor** agrees to encourage entities who are not members of H-GAC's Cooperative Purchasing Program to execute an **H-GAC** Interlocal Agreement. **H-GAC** reserves the right to take appropriate actions including, but not limited to, Agreement termination if **Contractor** fails to promptly remit the appropriate order processing charge to H-GAC. In no event shall **H-GAC** have any liability to **Contractor** for any goods or services an **END USER** procures from **Contractor**. At all times, **Contractor** shall remain liable to pay to **H-GAC** any order processing charges on any portion of the Agreement actually performed, and for which compensation was received by **Contractor**.

ARTICLE 7: LIQUIDATED DAMAGES

Contractor and H-GAC agree that Contractor shall cooperate with the END USER at the time an END USER purchase order is placed, to determine terms for any liquidated damages.

ARTICLE 8: INSURANCE

Unless otherwise stipulated in Section B of the Bid/Proposal Specifications, **Contractor** must have the following insurance and coverage minimums:

- a. **General liability** insurance with a Single Occurrence limit of at least \$1,000,000.00, and a General Aggregate limit of at least two times the Single Occurrence limit.
Product liability insurance with a Single Occurrence limit of at least \$1,000,000.00, and a General Aggregate limit of at least two times the Single Occurrence limit for all Products except Automotive Fire Apparatus. For Automotive Fire Apparatus, see Section B of the Bid/Proposal Specifications.
Property Damage or Destruction insurance is required for coverage of **End User** owned equipment while in **Contractor's** possession, custody or control. The minimum Single Occurrence limit is \$500,000.00 and the General Aggregate limit must be at least two times the Single Occurrence limit. This insurance may be carried in several ways, e.g. under an Inland Marine policy, as art of Automobile coverage, or under a Garage Keepers policy. In any event, this coverage must be specifically and clearly listed on insurance certificate(s) submitted to **H-GAC**.
- b. Insurance coverage shall be in effect for the length of any contract made pursuant to the Bid/Proposal, and for any extensions thereof, plus the number of days/months required to *deliver* any outstanding order after the close of the contract period.
- c. Original Insurance Certificates must be furnished to **H-GAC** on request, showing **Contractor** as the insured and showing coverage and limits for the insurances listed above.
- d. If any Product(s) or Service(s) will be provided by parties other than **Contractor**, all such parties are required to carry the minimum insurance coverages specified herein, and if requested by **H-GAC**, a separate insurance certificate must be submitted for each such party.
- e. **H-GAC** reserves the right to contact insurance underwriters to confirm policy and certificate issuance and document accuracy.

ARTICLE 9: PERFORMANCE AND PAYMENT BONDS FOR INDIVIDUAL ORDERS

H-GAC's contractual requirements DO NOT include a Performance & Payment Bond (PPB); therefore, Contractor shall offer pricing that reflects this cost savings. **Contractor** shall remain prepared to offer a PPB to cover any order if so requested by the **END USER**. **Contractor** shall quote a price to **END USER** for provision of any requested PPB, and agrees to furnish the PPB within ten business (10) days of receipt of **END USER's** purchase order.

ARTICLE 10: CHANGE OF STATUS

Contractor shall immediately notify **H-GAC**, in writing, of **ANY** change in ownership, control, dealership/franchisee status, Motor Vehicle license status, or name. Contractor shall offer written guidance to advise H-GAC if this Agreement shall be affected in any way by such change. **H-GAC** shall have the right to determine whether or not such change is acceptable, and to determine what action shall be warranted, up to and including cancellation of Agreement.

ARTICLE 11: TEXAS MOTOR VEHICLE BOARD LICENSING

All that deal in motor vehicles shall maintain current licenses that are required by the Texas Motor Vehicle Commission Code. If at any time during this Agreement term, any required **Contractor** license is denied,

revoked, or not renewed, **Contractor** shall be in default of this Agreement, unless the Texas Motor Vehicle Board issues a stay or waiver. Contractor shall promptly provide copies of all current applicable Texas Motor Vehicle Board documentation to **H-GAC** upon request.

Attachment A
Otto Environmental Systems North America, Inc.
Refuse and Recycling Containers & Lifters
Contract No.: RC01-21

H-GAC Product Code	<u>Item Description</u>	Offered Price	Minimum Qty
RC21A78	Otto Environmental Systems RC-18: curbside recycling bin, 18 gallon capacity, injection molded	\$ 7.97	100
RC21D40	Otto Environmental Systems One Cubic Yard Commercial Container: Plastic-steel hybrid "Triumph" model, 200 gallon capacity, commercial/industrial container, front load application, rotationally molded, dual hinged lid	\$ 635.00	10
RC21D41	Otto Environmental Systems Three Cubic Yard Commercial Container: Plastic-steel hybrid "Triumph" model, 600 gallon capacity, commercial/industrial container, front load application, rotationally molded, dual hinged lid	\$ 1,045.00	10
RC21D42	Otto Environmental Systems Four Cubic Yard Commercial Container: Plastic-steel hybrid "Triumph" model, 800 gallon capacity, commercial/industrial container, front load application, rotationally molded, dual hinged lid	\$ 1,390.00	10
RC21D43	Otto Environmental Systems Six Cubic Yard Commercial Container: Plastic-steel hybrid "Triumph" model, 1,200 gallon capacity, commercial/industrial container, front load application, rotationally molded, dual hinged lid	\$ 1,390.00	10
RC21D44	Otto Environmental Systems Eight Cubic Yard Commercial Container: Plastic-steel hybrid "Triumph" model, 1,600 gallon capacity, commercial/industrial container, front load application, rotationally molded, dual hinged lid	\$ 1,625.00	10
RC21D45	Otto Environmental Systems Two Cubic Yard Commercial Container: Plastic-steel hybrid "Triumph" model, 400 gallon capacity, commercial/industrial container, rear load application, rotationally molded, dual hinged lid	\$ 765.00	10
RC21E28	Otto Environmental Systems MSD-95MO: 95 gallon capacity "Momentum" model residential rollout cart: universal dumping design, injection molded, rotating or integrally molded stop bar, 10" wheels	\$ 42.97	100
RC21E29	Otto Environmental Systems MSD-95M: 94 gallon capacity "Millennium" residential rollout cart: universal dumping design, injection molded, rotating steel stop bar, 10" wheels	\$ 42.97	100
RC21E30	Otto Environmental Systems MSD-65E: 65 gallon capacity "Edge" model residential rollout cart: universal dumping design, injection molded, rotating or integrally molded stop bar, 10" wheels	39.97	100
RC21E31	Otto Environmental Systems MSD-95E: 95 gallon capacity "Edge" model residential rollout cart: universal dumping design, injection molded, rotating or integrally molded stop bar, 10" wheels	44.97	100
RC21E84	Otto Environmental Systems MSD-25E: 25 gallon capacity "Edge" model residential rollout cart: universal dumping design, injection molded, integrally molded stop bar, 8" wheels	\$ 29.97	100
RC21E85	Otto Environmental Systems MSD-45E: 45 gallon capacity "Edge" model residential rollout cart: universal dumping design, injection molded, integrally molded stop bar, 8" wheels	\$ 34.97	100
RC21F21	Otto Environmental Systems MSD-95MO: 95 gallon capacity "Momentum" model residential rollout cart: universal dumping design, injection molded, rotating or integrally molded stop bar, 10" wheels	\$ 42.97	100
RC21F22	Otto Environmental Systems MSD-95M: 94 gallon capacity "Millennium" residential rollout cart: universal dumping design, injection molded, rotating steel stop bar, 10" wheels	\$ 42.97	100
RC21F23	Otto Environmental Systems MSD-65E: 65 gallon capacity "Edge" model residential rollout cart: universal dumping design, injection molded, rotating or integrally molded stop bar, 10" wheels	\$ 39.97	100
RC21F24	Otto Environmental Systems MSD-95E: 95 gallon capacity "Edge" model residential rollout cart: universal dumping design, injection molded, rotating or integrally molded stop bar, 10" wheels	\$ 44.97	100
RC21G94	Otto Environmental Systems TR Lid: One piece design, snap-on hinged lid compatible with 95 Toter EVR and EVR II carts	\$ 13.50	100

RC21G95	Otto Environmental Systems MSD-25E: 25 gallon capacity "Edge" model residential rollout cart (organic)	\$ 29.97	100
RC21G96	Otto Environmental Systems MSD-45E: 45 gallon capacity "Edge" model residential rollout cart	\$ 34.97	100
RC21G97	Otto Environmental Systems MSD-65E: 65 gallon capacity "Edge" model residential rollout cart: universal dumping design, injection molded, rotating or integrally molded stop bar, 10" wheels	\$ 39.97	100
RC21G98	Otto Environmental Systems MSD-95MO: 95 gallon capacity "Momentum" model residential rollout cart: universal dumping design, injection molded, rotating or integrally molded stop bar, 10" wheels	\$ 42.97	100
RC21G99	Otto Environmental Systems MSD-95E: 95 gallon capacity "Edge" model residential rollout cart: universal dumping design, injection molded, rotating or integrally molded stop bar, 10" wheels	\$ 44.97	100
RC21G100	Otto Environmental Systems MSD-95M: 95 gallon capacity "Millennium" residential rollout cart: universal dumping design, injection molded, rotating steel stop bar, 10" wheels	\$ 42.97	100



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023
PRESENTED BY: Jesse Mares, Facility Maintenance Supervisor
AGENDA ITEM: Authorization to solicit proposals for the Shary Golf Course Maintenance Building - Mares

NATURE OF REQUEST:

Staff is seeking authorization to solicit proposals for the Shary Golf Course Maintenance building.

BUGETED: Yes **FUND:** 2018 CO **ACCT. #:** 75-415-74940
BUDGET: \$250,000 **EST. COST:** \$ **CURRENT BUDGET BALANCE:** \$250,000
BID AMOUNT: \$

STAFF RECOMMENDATION:

Approval

Departmental Approval: Purchasing, Finance

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____
DISAPPROVED: _____
TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023

PRESENTED BY: Angie Vela, Finance Director

AGENDA ITEM: Approval of Resolution # _____ of the City of Mission, Texas setting penalties imposed under Texas Tax Code Sections 33.07 and 33.08. - Vela

NATURE OF REQUEST:

Resolution authorizes the district's Tax Assessor-Collector to set the Penalties under Texas Tax Codes, 33.07 and 33.08 to 15% as presented by the selected firm for Delinquent Tax Collection Services.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

RESOLUTION

THE STATE OF TEXAS §

COUNTY OF _____ §

WHEREAS, **City of Mission** wishes to defray its costs of collection, as authorized by TEX. TAX CODE §§ 33.07 and 33.08, that it incurs under a contract for collection of delinquent property taxes between said **City** and a private law firm entered into pursuant to TEX. TAX CODE § 6.30;

WHEREAS, under said Sections 33.07 and 33.08, the governing body of **City of Mission** is empowered to authorize the addition of a collection penalty in an amount that does not exceed the amount of the compensation specified in the contract with the private law firm;

NOW, THEREFORE,

BE IT RESOLVED BY THE **City Council OF City of Mission**, SITTING AS THE GOVERNING BODY OF SAID **City** THAT:

Section 1: THE RECITALS SET FORTH IN THIS RESOLUTION ARE TRUE AND CORRECT.

Section 2: (a) AN ADDITIONAL PENALTY ON DELINQUENT TAXES FOR TAX YEARS **2022** AND SUBSEQUENT YEARS IS HEREBY AUTHORIZED AND IMPOSED, AS PROVIDED BY SECTION 33.07, TEXAS TAX CODE, IN THE AMOUNT OF 15% OF THE DELINQUENT TAX, PENALTY AND INTEREST IF THE TAX BECOMES DELINQUENT ON OR AFTER FEBRUARY 1 OF A YEAR BUT NOT LATER THAN MAY 1 OF THAT YEAR AND REMAINS DELINQUENT ON JULY 1 OF THE YEAR IN WHICH THE TAX BECOMES DELINQUENT; AND

(b) AN ADDITIONAL PENALTY ON DELINQUENT TAXES FOR TAX YEARS **2022** AND SUBSEQUENT YEARS IS HEREBY AUTHORIZED AND IMPOSED, AS PROVIDED BY SECTION 33.08, TEXAS TAX CODE, IN THE AMOUNT OF 15% OF THE DELINQUENT TAX, PENALTY AND INTEREST IF THE TAX BECOMES DELINQUENT ON OR AFTER JUNE 1 UNDER SECTION 26.07(F), 26.15(E), 31.03, 31.031, 31.032, OR 31.04, TEX. TAX CODE.

PASSED, APPROVED and ADOPTED this ____ day of _____, 20_____.

City of Mission

BY: _____
Norie Gonzalez Garza
Mayor

ATTEST:

City Secretary



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023
PRESENTED BY: Angie Vela, Finance Director
AGENDA ITEM: Approval of Resolution # _____ of the City of Mission, Texas setting penalties imposed under Texas Tax Code Section 33.11. - Vela

NATURE OF REQUEST:

Resolution authorizes the district's Tax Assessor-Collector to set the Penalties under Texas Tax Codes, 33.11 to 15% as presented by the selected firm for Delinquent Tax Collection Services.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

RESOLUTION

THE STATE OF TEXAS §

COUNTY OF _____ §

WHEREAS, **City of Mission** wishes to defray its costs of collection, as authorized by TEX. TAX CODE § 33.11, that it incurs under a contract for collection of delinquent property taxes between said **City** and a private law firm entered into pursuant to TEX. TAX CODE § 6.30;

WHEREAS, under said Section 33.11, the governing body of **City of Mission** is empowered to authorize the addition of a collection penalty in an amount that does not exceed the amount of the compensation specified in the contract with the private law firm;

NOW, THEREFORE,

BE IT RESOLVED BY THE **CITY COUNCIL OF CITY OF MISSION**, SITTING AS THE GOVERNING BODY OF SAID **CITY**

Section 1: THE RECITALS SET FORTH IN THIS RESOLUTION ARE TRUE AND CORRECT.

Section 2: AN ADDITIONAL PENALTY ON DELINQUENT PERSONAL PROPERTY TAXES FOR TAX YEARS **2023** AND SUBSEQUENT YEARS IS HEREBY AUTHORIZED AND IMPOSED, AS PROVIDED BY SECTION 33.11, TEXAS TAX CODE, IN THE AMOUNT OF 15% OF THE DELINQUENT TAX, PENALTY AND INTEREST IF THE TAX BECOMES DELINQUENT ON FEBRUARY 1 OF A YEAR AND REMAINS DELINQUENT ON THE 60TH DAY THEREAFTER.

PASSED, APPROVED and ADOPTED this ____ day of _____, 20____.

City of Mission

BY: _____
Norie Gonzalez Garza
Mayor

}

ATTEST:

City Secretary



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023

PRESENTED BY: Juan Pablo "JP" Terrazas, P.E., Assistant City Manager

AGENDA ITEM: Approval of Resolution No. ____ amending the amount of financial assistance from the Texas Water Development Board (TWDB); authorizing the filing of an application for such assistance and designating the Mayor as the authorized representative. - Terrazas

NATURE OF REQUEST:

Staff is requesting to amend the amount of financial assistance from the Texas Water Development Board (TWDB); authorizing the filing for an application for such assistance and designating the Mayor as the authorized representative. The application would be filed and authorized with TWDB in the amount not to exceed \$8,510,000 to provide for the cost of the construction of the North Mission EDAP project.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: Executive _____

Advisory Board Recommendation: N/A _____

City Manager's Recommendation: Approval *RP* _____

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

RESOLUTION NO. ____**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD; AUTHORIZING THE FILING OF AN APPLICATION FOR ASSISTANCE; AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH.**

WHEREAS, the city council of the City of Mission (the “City Council”) hereby finds and determines that there is an urgent need for the City of Mission, Texas (the “City”) to seek funding to provide for the cost of constructing the North Mission EDAP Project.

WHEREAS, such capital improvements cannot be reasonably financed unless financial assistance is obtained from the Texas Water Development Board through its Economically Distressed Areas Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS THAT:

SECTION 1: An application is hereby approved and authorized to be filed with the Texas Water Development Board seeking financial assistance in an amount not to exceed \$8,510,000 to provide for the costs of sewer system improvements.

SECTION 2: Norie Gonzalez Garza, Mayor of the City, is hereby designated the authorized representative of the City of Mission, for purposes of furnishing such information and executing such documents as may be required in connection with the preparation and filing of such application for financial assistance and with complying with the rules of the Texas Water Development Board.

SECTION 3: The following firms and individuals are hereby authorized and directed to aid and assist in the preparation and submission of such application and appear on behalf of and represent the City before any hearing held by the Texas Water Development board on such application:

Financial Advisor

R. Dusty Traylor
RBC Capital Markets
303 Pearl Parkway, Ste. 220
San Antonio, Texas 78215
(210) 805-1117

Engineer

Ruben James Dejesus
Melden & Hunt, Inc.
115 W. McIntyre
Edinburg, Texas 78541
(956) 381-0981

Bond Counsel

Ricardo Perez
Perez Law Firm
208 Linberg Ave.
McAllen, Texas 78501
(956) 782-2700

PASSED AND APPROVED ON THIS THE 08th day of May, 2023

Mayor Norie Gonzalez Garza
City of Mission, Texas

ATTEST:

City Secretary
City of Mission, Texas

(SEAL)

PROJECT BUDGET - Entity Name _____ City of Mission						
Uses	TWDB Funds Series 1	TWDB Funds Series 2	TWDB Funds Series 3	Total TWDB Cost	Other Funds	Total Cost
Construction						
Construction	\$6,810,000	\$0	\$0	\$6,810,000	\$0	\$6,810,000
Subtotal Construction	\$6,810,000	\$0	\$0	\$6,810,000	\$0	\$6,810,000
Basic Engineering Fees						
Planning +	\$0	\$0	\$0	\$0	\$0	\$0
Design	\$0	\$0	\$0	\$0	\$0	\$0
Construction Engineering	\$140,000	\$0	\$0	\$140,000	\$0	\$140,000
Basic Engineering Other						
**	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal Basic Engineering Fees	\$140,000	\$0	\$0	\$140,000	\$0	\$140,000
Special Services						
Application	\$30,000	\$0	\$0	\$30,000	\$0	\$30,000
Environmental	\$45,000	\$0	\$0	\$45,000	\$0	\$45,000
Water Conservation Plan	\$0	\$0	\$0	\$0	\$0	\$0
I/I Studies/Sewer	\$0	\$0	\$0	\$0	\$0	\$0
Surveying	\$90,000	\$0	\$0	\$90,000	\$0	\$90,000
Geotechnical	\$35,000	\$0	\$0	\$35,000	\$0	\$35,000
Testing	\$180,000	\$0	\$0	\$180,000	\$0	\$180,000
Permits	\$10,000	\$0	\$0	\$10,000	\$0	\$10,000
Inspection	\$140,000	\$0	\$0	\$140,000	\$0	\$140,000
O&M Manual	\$10,000	\$0	\$0	\$10,000	\$0	\$10,000
Project Management (by engineer)	\$0	\$0	\$0	\$0	\$0	\$0
Pilot Testing	\$0	\$0	\$0	\$0	\$0	\$0
Water Distribution	\$0	\$0	\$0	\$0	\$0	\$0
Special Services Other						
**	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal Special Services	\$540,000	\$0	\$0	\$540,000	\$0	\$540,000
Other						
Administration	\$0	\$0	\$0	\$0	\$0	\$0
Land/Easements	\$150,000	\$0	\$0	\$150,000	\$0	\$150,000
Water Rights Purchase (If Applicable)	\$0	\$0	\$0	\$0	\$0	\$0
Capacity Buy-In (If Applicable)	\$0	\$0	\$0	\$0	\$0	\$0
Project Legal Expenses	\$25,000	\$0	\$0	\$25,000	\$0	\$25,000
Other **	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal Other Services	\$175,000	\$0	\$0	\$175,000	\$0	\$175,000
Fiscal Services						
Financial Advisor	\$75,000	\$0	\$0	\$75,000	\$0	\$75,000
Bond Counsel	\$50,000	\$0	\$0	\$50,000	\$0	\$50,000
Issuance Cost	\$40,000	\$0	\$0	\$40,000	\$0	\$40,000
Bond Insurance/Surety	\$0	\$0	\$0	\$0	\$0	\$0
Fiscal/Legal	\$0	\$0	\$0	\$0	\$0	\$0
Capitalized Interest	\$0	\$0	\$0	\$0	\$0	\$0
Bond Reserve Fund	\$0	\$0	\$0	\$0	\$0	\$0
Loan Origination Fee	\$0	\$0	\$0	\$0	\$0	\$0
Other **	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal Fiscal Services	\$165,000	\$0	\$0	\$165,000	\$0	\$165,000
Contingency						
Contingency	\$680,000	\$0	\$0	\$680,000	\$0	\$680,000
Subtotal Contingency	\$680,000	\$0	\$0	\$680,000	\$0	\$680,000
TOTAL COSTS	\$8,510,000	\$0	\$0	\$8,510,000	\$0	\$8,510,000

Other ** description must be entered

+ For Planning applications under the EDAP Program, please break down Planning costs as follows:

Category A	0	0	0
Category B	0	0	0
Category C	0	0	0
Category D	0	0	0
Total Planning Costs	0	0	0





CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023

PRESENTED BY: Susana De Luna, Planning Director

AGENDA ITEM: 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

NATURE OF REQUEST:

On August 18, 2022 staff received an application for Papillion Square Subdivision. This proposed subdivision is located at the northeast corner of Griffin Parkway (FM 495) and Bryan Road. The developer is proposing a 1-lot subdivision. It is 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.

BUDGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Staff recommends denial.

Departmental Approval: N/A

Advisory Board Recommendation: P&Z Denial

City Manager's Recommendation: Denial *RP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ITEM# 2.4

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

On August 18, 2022 staff received an application for Papillion Square Subdivision. This proposed subdivision is located at the northeast corner of Griffin Parkway (FM 495) and Bryan Road. The developer is proposing a 1-lot subdivision. It is commercially zoned and he would like to do a commercial plaza at this location. On November 7, 2022 the Project Engineer, Alfonso Quintanilla submitted a letter for a variance request to the Subdivision Requirements for the following:

- Bryan Road Paving widening plus curb and gutter
- Replacement and size increase from 4" to 8" waterline along Bryan Road.

Now, due to the nature of the proposed use, amount of people working in the subdivision, effects on traffic, health, safety and convenience in the vicinity it was determine by staff that there were no hardships to consider that would prevent this development therefore full compliance would be required for the Subdivision approval. Staff is requiring the same requirements that would be imposed on any new subdivision. After conferring with the developer, on staff's recommendation he would still like these variances to go before the P&Z Board and City Council for their consideration.

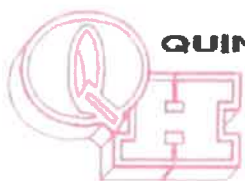
On April 20, 2023, Mr. Quintanilla subdivision a new variance request letter and is now asking for the following variances from the Subdivision Requirements:

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

RECOMMENDATION: Staff recommends denial.

***Note:** If P&Z is incline to approve the variance requests, then we would suggest that a contractual agreement be made and allow the developer to proceed with the understanding that once the improvements are required then he would have to comply.




QUINTANILLA, HEADLEY AND ASSOCIATES, INC.

Consulting Engineers ★ Land Surveyors
 Alfonso Quintanilla, P.E. # 95534 R.P.L.S. # 4856 Eulalio Ramirez, P.E. # 77062
 Engineering Firm Registration No. F-1513
 Surveying Firm Registration No. 100411-00
 Municipal & County Projects ★ Subdivisions ★ Surveys

April 20, 2023

Ms. Susana De Luna
 Planning Director
 City of Mission
 1201 E. 8th Street
 Mission, Texas 78572

Re: Papillon Square Subdivision

Dear Ms. De Luna,

On behalf of the developer Mr. Ricardo Salinas and after our meeting at city hall this past Tuesday, I am requesting 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

Please present this request to the Planning and Zoning Commission and the City Commission for their consideration.

Please let me know if you need anything else or if you have any questions, feel free to call me at (956) 381-6480.

Respectfully,

Alfonso Quintanilla, P.E., R.P.L.S.
 President

Started: 7:17 p.m.

Ended: 7:37 p.m.

Item #2.4

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

Ms. De Luna went over the write-up stating that On August 18, 2022 staff received an application for Papillion Square Subdivision. This proposed subdivision is located at the northeast corner of Griffin Parkway (FM 495) and Bryan Road. The developer is proposing a 1-lot subdivision. It is commercially zoned and he would like to do a commercial plaza at this location. On November 7, 2022 the Project Engineer, Alfonso Quintanilla submitted a letter for a variance request to the Subdivision Requirements for the following:

- Bryan Road Paving widening plus curb and gutter
- Replacement and size increase from 4" to 8" waterline along Bryan Road.

Now, due to the nature of the proposed use, amount of people working in the subdivision, effects on traffic, health, safety and convenience in the vicinity it was determine by staff that there were no hardships to consider that would prevent this development therefore full compliance would be required for the Subdivision approval. Staff is requiring the same requirements that would be imposed on any new subdivision. After conferring with the developer, on staff's recommendation he would still like these variances to go before the P&Z Board and City Council for their consideration.

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 cub and gutter
- Replacement and size increase from 4" to 8" waterline along Bryan Road
- Drainage Improvements along Bryan Road

RECOMMENDATION: Staff recommends denial.

*Note: If P&Z is incline to approve the variance requests, then we would suggest that a contractual agreement be made and allow the developer to proceed with the understanding that once the improvements are required then he would have to comply.

Vice Chairman Barrera asked if the board had any questions.

Mr. Lalo Ramirez who works for Quintanilla, Headley & Associates is representing the developer stated that the improvements that are being requested through the variance request should've been done by the city a long time ago. He added that a major expense would be imposed for the developer by extending the water line and drainage improvements and expanding Bryan road only on one side wouldn't do anything for the area.

Mr. Sanchez stated that the city is requiring these improvements to be done and you don't want to do it.

Mr. Lalo Ramirez stated "yes" these requirements are from the city and the developer is requesting a variance.

Mr. Sanchez stated if Mr. Ramirez thinks that the city is responsible for these improvements.

Mr. Lalo Ramirez stated that the 4" waterline is under sized, and has been there for a long time. He added that the developer thinks that the city should've upgraded a long time ago. Mr. Ramirez stated that fire hydrants can't be placed on a 4" waterline. He mentioned that widening one side of Bryan would require an inlet and that is part of the drainage improvements.

Mr. Sanchez asked if only the east side of Bryan would be widening.

Mr. Lalo Ramirez stated only the east side and the frontage, which is part of the subdivision process.

City Engineer Mr. Abel Bocanegra stated that requirements for new development are depending on the area. He added that a 4" waterline is not enough for fire protection and require the developer to upgrade the waterline. He mentioned that a detention pond is also required onsite to help with any flooding issues.

Mr. Sanchez asked if these variances have been approved in the past?

Ms. De Luna stated that she didn't recall any variances that have been approved. Ms. De Luna added that she met with the applicant and he stated that these improvements are too costly for him. She mentioned that an alternative would be if the board would consider a contractual agreement to start development to get revenue to pay the improvements.

Mr. Lalo Ramirez stated if the developer ends up selling the property, and the property is rezoned residential the same improvements are required.

Mr. Abel Bocanegra stated that for residential no outside waterline is required, but if the fire marshal requires a fire hydrant then one would need to be installed. He added that if the fire hydrant is required on the north west corner then the developer would need to extend the water line and drainage.

Mr. Sanchez stated if he would purchase the property, and rezone it single family residential. He mentioned that if he would have to pay to upgrade all improvements.

Mr. Abel Bocanegra stated "yes" all improvements would need to be done.

Ms. Garza asked if this was required for all developers?

Ms. De Luna stated that these are required when developing a new subdivision.

Ms. Garza asked how did the developer feel about your recommendation?

Ms. De Luna stated that the developer wants all variances to be granted.

City Attorney Mr. Victor Flores stated that the proposal are 3 variances if the board wants to approve only one or all three.

Mr. Abel Bocanegra stated that the property requires onsite dentition.

There being no further discussion, Vice Chairman Barrera entertained a motion. Mr. Sanchez moved to deny all variances. Mrs. Austin seconded the motion. Upon a vote, the motion passed 3-1 unanimously.



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023

PRESENTED BY: Susana De Luna, Planning Director

AGENDA ITEM: Preliminary Plat Approval: El Cordero Subdivision, being a 20 acre tract of land out of Lots 25 & 26, Block 15, Texan Gardens Subdivision, Suburban E.T.J., Developer: Pena Chapa Development, Inc., Engineer: South Texas Infrastructure Group - De Luna

NATURE OF REQUEST:

On April 26, 2023 the Mission City Council held a Public Hearing to consider the Preliminary & Final Plat Approval for El Cordero Subdivision. The subject site is located on Western Road approximately 2,700' north of 6 Mile Line Road. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Staff recommends approval subject to: 1) meeting the Model Subdivision Rules, 2) complying with the street alignment policy, and 3) meeting any comments from the County Planning Department.

Departmental Approval: Fire Marshal, Public Works, City Engineer

Advisory Board Recommendation: P&Z Approval

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ITEM# 3.0**PRELIMINARY & FINAL
PLAT APPROVAL:**

El Cordero Subdivision
 Being a 20 acre tract of land out of Lots 25 & 26,
 Block 15, Texan Gardens Subdivision
 Suburban E.T.J.
 Developer: Pena Chapa Development, Inc.
 Engineer: South Texas Infrastructure Group

REVIEW DATA**PLAT DATA**

The property is located on Western Rd. approximately 2,700' north of 6 Mile Line Rd. (Mission Suburban ETJ) – see vicinity map. El Cordero Subdivision is a proposed 33 Single Family Residential lot subdivision. – see plat for actual dimension, square footages, and land uses.

WATER

The water CCN belongs to Agua Special Utility District. The developer is proposing to connect to an existing 8" water line located along the west side of Western Rd. to provide water service to each lot. There will be 3 fire hydrants to be used as filling stations via direction of the Fire Marshal's office – see utility plan.

SEWER

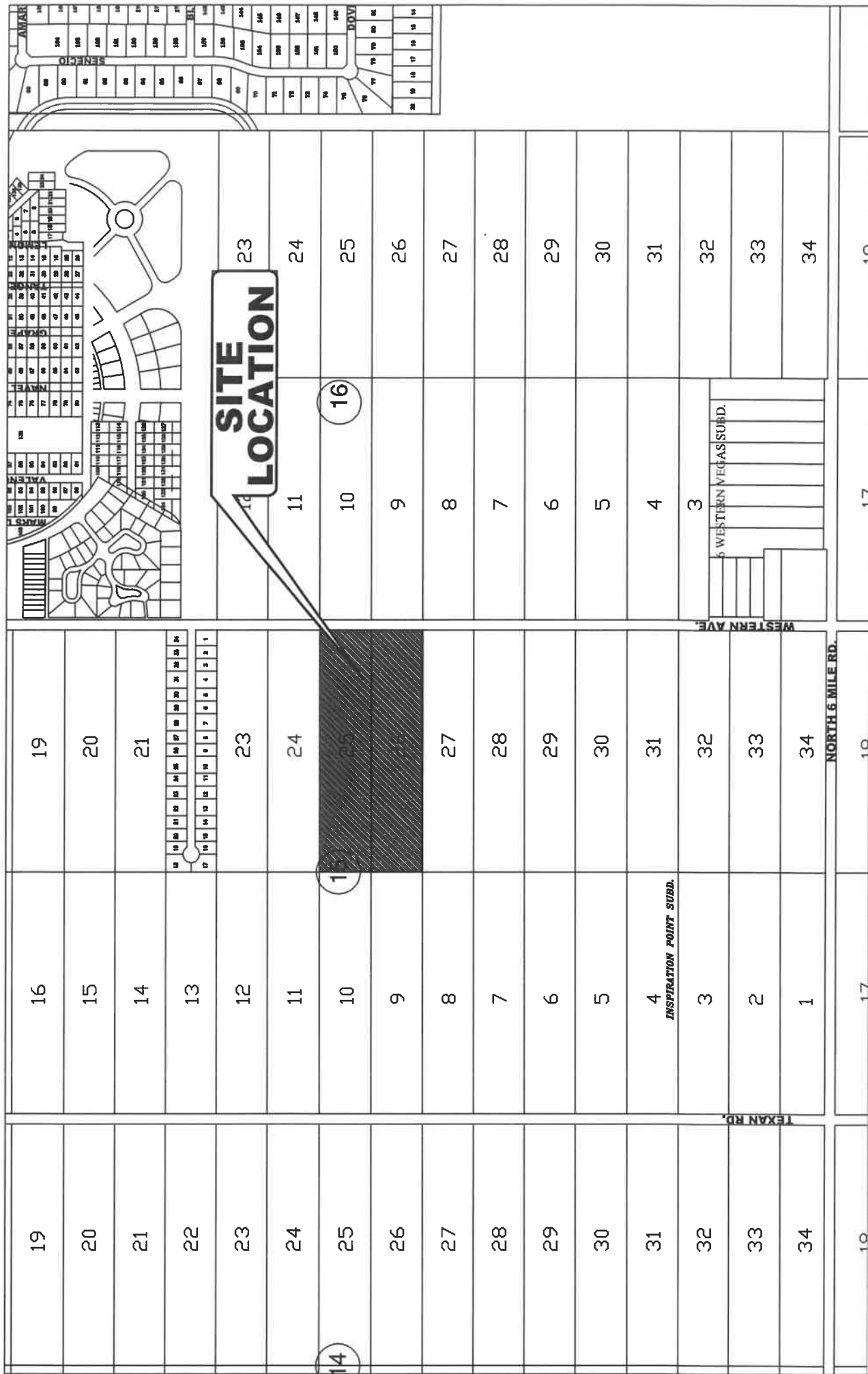
Sanitary Sewer service for this subdivision will be addressed by individual on-site sewage facilities (OSSF) of a standard design septic tank and drain field on each lot. Each lot meets or exceeds the county's typical ½ acre standard where septic tanks are permitted. This is not within the City of Mission's Sewer CCN.

STREETS & STORM DRAINAGE

The proposed internal street is a 32' back-to-back within a 50' Right of Way. Access will be from Western Road. The proposed drainage system shall consist of internal inlets in the street to collect surface runoff. Pipes sizes range from 18" to 36" to have an outfall to PD-lateral, to be extended and maintained by HCDD No. 1. The City Engineer has reviewed and approved the drainage report.

RECOMMENDATION

Staff recommend approval subject to meeting the Model Subdivision Rules complying with the street alignment policy and meeting any comments from the County Planning Department.



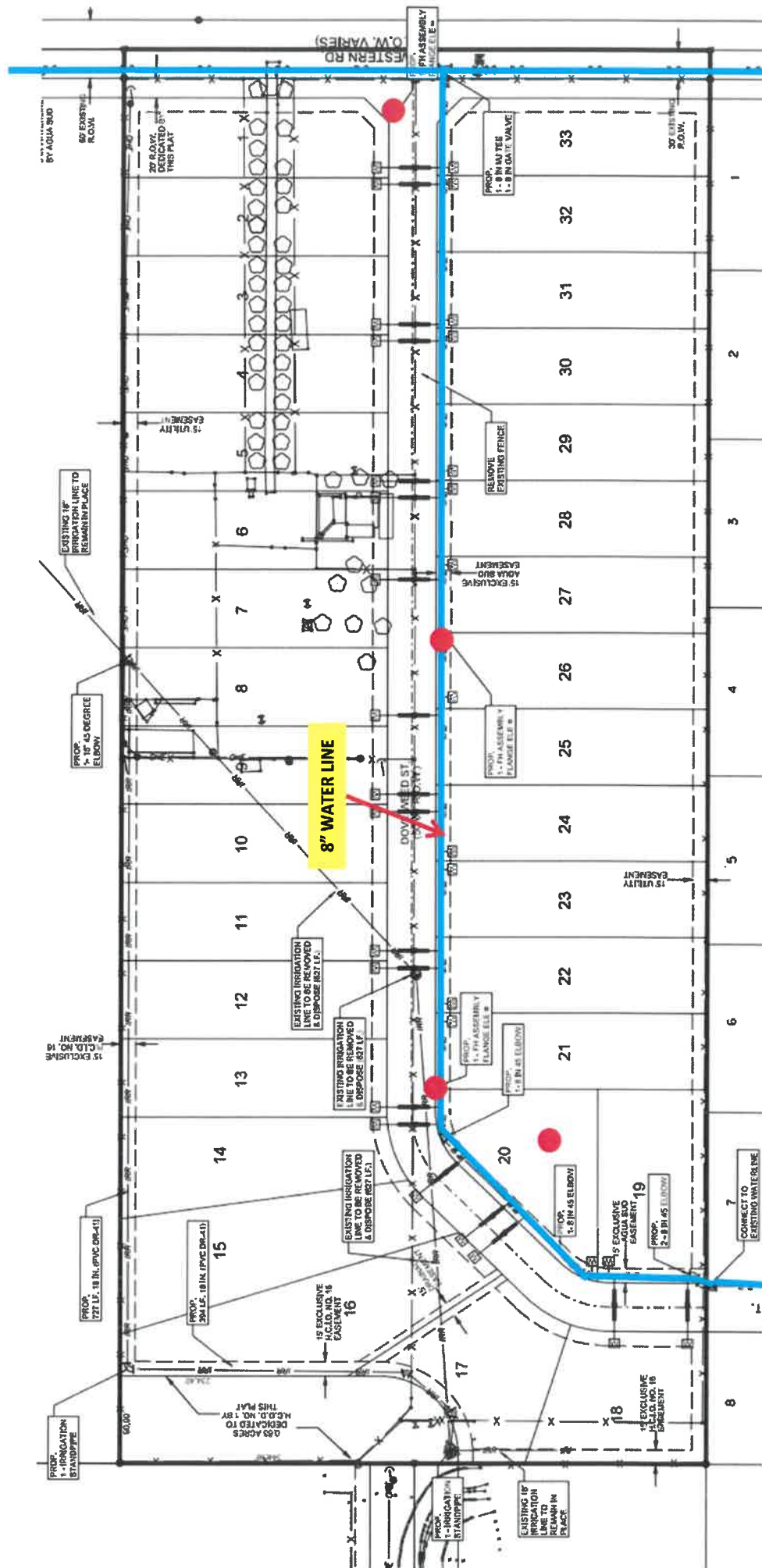


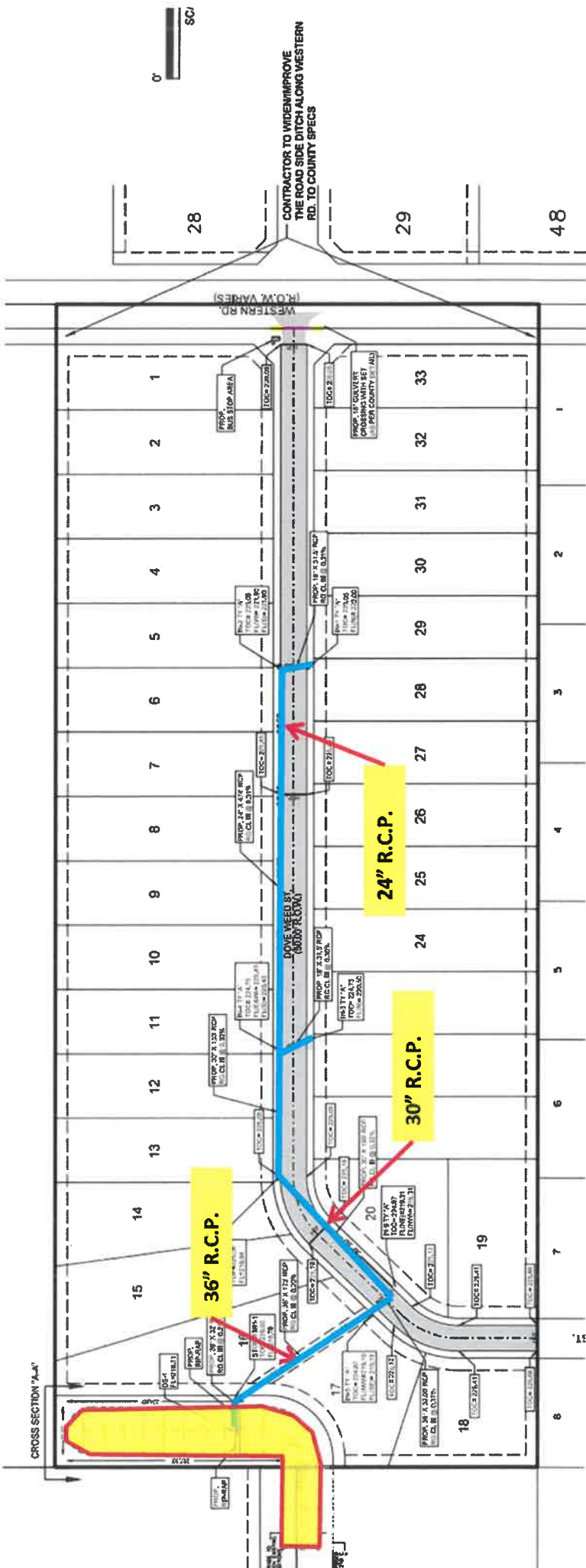
CITY OF MISSION
 HIDALGO COUNTY, TEXAS
 1201 E. 8th Street
 MISSION, TX 78572
 PH: (956) 580-8672
 FAX: (956) 580-8680

Item 38.

No.







El Cordero Subdivision

DRAINAGE REPORT

DRAINAGE REPORT – EL CORDERO SUBDIVISION

PROJECT LOCATION

El Cordero Subdivision is a proposed 33 Lot Single Family Residential lots subdivision located within the city of Mission 3 ½ Mile extraterritorial jurisdiction (ETJ). The property is located on Western Rd. and approximately 2,700 feet north of 6 Mile Line Rd.

Being a 20 acre tract of land out of Lots 25 and 26 Block 15, Texan Gardens Subdivision, recorded in Volume 8, Page 57-58, Map Records, Hidalgo County, Texas.

FLOOD PLAIN

The property is in zone "X" & "A", Zone "X" are areas of 500-year flood and Zone "A" are areas with No base flood elevations determined; Community Panel No. 480334 0290 D, revised June 06, 2000. Based on recent improvements to the site, we have determined that the Base Flood Elevation for this Zone "A" on this specific property is _____. Property is in process to be taken out of the flood zone with LOMA Case No _____.

SOIL CONDITIONS

According to the Soil Survey Report prepared for Hidalgo County by the U.S.D.A. Soil Conservation Service, the site consists of 96.5% of Brennan fine sandy loam, with 0 to 1 percent slopes and 3.5% of Ramadero sandy clay loam, with 0 to 1 percent slopes. Existing terrain has a westerly natural flow direction. These soils are well drained, surface runoff is negligible, permeability is moderately high to high, and the water capacity is high. Both soils are listed in Hydrologic Group B, having moderate infiltration rate when thoroughly wet. See Appendix C.

EXISTING CONDITIONS

The subject property is currently undeveloped. Topographic elevations obtained from the site indicate that the existing terrain has a very slight grade approximately (0-0.8%). In accordance with the Drainage policies of the City of Mission and County of Hidalgo, the Rationale Method, 10-year frequency storm event was utilized to determine the existing storm water runoff for this site. The total contributing 10-year existing storm water runoff from this site is approximately 17.17 cfs.


El Cordero Subdivision

DRAINAGE REPORT




PROPOSED CONDITIONS

The proposed drainage system shall consist on the installation of an internal storm sewer system with inlets in the street to collect surface runoff from lots and street. This system will be sized as per calculations on **Appendix F**. Pipe sizes range from 18" to 30" and will consist of a proposed outfall to PD-Lateral (FID: 1250), maintained by HCDD No. 1.

In accordance with the City of Mission and County of Hidalgo Drainage Policy, the peak rate for runoff for this development will be mitigated to the proposed 50-year storm water runoff. The peak rate will be **56.96 cfs** which will give us a net increase of **39.79 cfs**. For proposed Cordero Subdivision only **73,753 cubic-feet**, or **1.693 acre-feet** of storm water runoff will be required to be detained. We are proposing an extension for the existing drain ditch (PD-LATERAL, FID:1250) located at the west of the proposed subdivision. See Appendix D for the specifications.


 Victor Trevino, P.E.
 South Texas
 Infrastructure Group, LLC
 03/22/2023



<input type="checkbox"/> REJECTED	
<input checked="" type="checkbox"/> APPROVED FOR SUBMITTAL	
<input checked="" type="checkbox"/> TO H.C. PLANNING DEPT.	
<input checked="" type="checkbox"/> TO CITY	
<input checked="" type="checkbox"/> DISCHARGE PERMIT REQUIRED	
<input checked="" type="checkbox"/> DISTRICT FACILITY	
<input type="checkbox"/> CITY FACILITY	
<input type="checkbox"/> OTHER	
 H.C.D.D. NO. 1	
 DATE	

Started: 7:42 p.m.

Ended: 7:43 p.m.

Item #3.0

Preliminary & Final:

Plat Approval

El Cordero Subdivision

Being a 20 acre tract of land out of Lots 25 & 26

Block 15, Texan Gardens Subdivision

Suburban ETJ

Developer: Pena Chapa Development, Inc.

Engineer: South Texas Infrastructure Group

Mr. Ramirez over the write-up stating that the subject site is located on Western Rd. approximately 2,700' north of 6 Mile Line Rd. (Mission Suburban ETJ) – see vicinity map. El Cordero Subdivision is a proposed 33 Single Family Residential lot subdivision.

WATER

The water CCN belongs to Agua Special Utility District. The developer is proposing to connect to an existing 8" water line located along the west side of Western Rd. to provide water service to each lot. There will be 3 fire hydrants to be used as filling stations via direction of the Fire Marshal's office.

SEWER

Sanitary Sewer service for this subdivision will be addressed by individual on-site sewage facilities (OSSF) of a standard design septic tank and drain field on each lot. Each lot meets or exceeds the county's typical ½ acre standard where septic tanks are permitted. This is not within the City of Mission's Sewer CCN.

STREETS & STORM DRAINAGE

The proposed internal street is a 32' back-to-back within a 50' Right of Way. Access will be from Western Road. The proposed drainage system shall consist of internal inlets in the street to collect surface runoff. Pipes sizes range from 18" to 36" to have an outfall to PD-lateral, to be extended and maintained by HCDD No. 1. The City Engineer has reviewed and approved the drainage report.

RECOMMENDATION

Staff recommend approval subject to meeting the Model Subdivision Rules complying with the street alignment policy and meeting any comments from the County Planning Department.

Vice Chairman Barrera asked if the board had any questions.

There was none.

There being no discussion, Vice Chairman Barrera entertained a motion. Mrs. Garza moved to approve the site plan. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2022

PRESENTED BY: Susana De Luna, Planning Director

AGENDA ITEM: Final Plat Approval: Capricorn Estates Subdivision, Being a 9.43 acre tract of land, more or less, out of Lot "F", B.L. Millers Resubdivision of Lots 16-20, Blk 4, Mission Groves Estates, R-1, Developer: LLAAG, LLC, Engineer: Homero L. Gutierrez - De Luna

NATURE OF REQUEST:

On February 28, 2022 the Mission City Council held a Public Hearing to consider the Preliminary Plat Approval for Capricorn Estates Subdivision. The subject site is located 1,470' West of Inspiration Road along the south side of W. Griffin Parkway (F.M. 495). There was no public opposition during the P&Z meeting. The Board unanimously recommended approval.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Staff recommends approval subject to: 1) Payment of Capital Sewer Recovery Fee's; and 2) Comply with other format findings

Departmental Approval: Fire Marshal, Public Works, City Engineer

Advisory Board Recommendation: P&Z Approval

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ITEM # 4.0**PRELIMINARY & FINAL
PLAT APPROVAL:**

Capricorn Estates Subdivision
 Being a 9.43 acre tract of land, more or less, out of Lot "F",
 B.L. Millers Resubdivision of Lots 16-20, Blk 4, Mission
 Groves Estates
 R-1
 Developer: LLAAG, LLC
 Engineer: Homero L. Gutierrez

REVIEW DATA**PLAT DATA**

The subject site is located 1,470' West of Inspiration Road along the south side of W. Griffin Parkway (F.M. 495) — **see vicinity map**. The developer is proposing (44) Forty-Four Single Family Residential lots and (1) one detention pond — see plat for actual dimensions, square footages, and land uses.

WATER

The water CCN belongs to Agua Special Utility District. The developer is proposing to connect from an existing 8" water line located along the south side of W. Griffin Parkway (F.M. 495) and looped with a proposed 8" water line to service each lot. They are proposing 5 fire hydrants to be used as filling stations via direction of the Fire Marshal's office. — **see utility plan**

SEWER

An internal 8" sewer line system will provide sewer service to all the lots as it ties into an existing 8" sanitary sewer line along the south side of W. Griffin Parkway (F.M. 495). The Capital Sewer Recovery Fee is required at \$200.00/Lot which equates to \$8,800.00 (\$200.00 x 44 lots).

STREETS & STORM DRAINAGE

The proposed internal street is a 32' Back-to-Back within a 50' Right of Way, access will be from W. Griffin Parkway (F.M. 495). The proposed drainage shall consist of surface runoff in green areas with excess drainage to be graded towards the streets directing the runoff into Type "A" inlets. The proposed storm system shall discharge into a detention pond at the northwest corner and northern portion of the subdivision. Excess storm water will then bleed thru a 24" RCP pipe, then with a 8" bleeder line connection to a proposed TY"CC" TxDot inlet. The total contributing 50 year developed storm water discharge of 50,442.48 cubic feet will be detained on the proposed site detention pond and released at 10-year flood rate of 8.11 cfs. The City Engineer has reviewed and approved the drainage report.

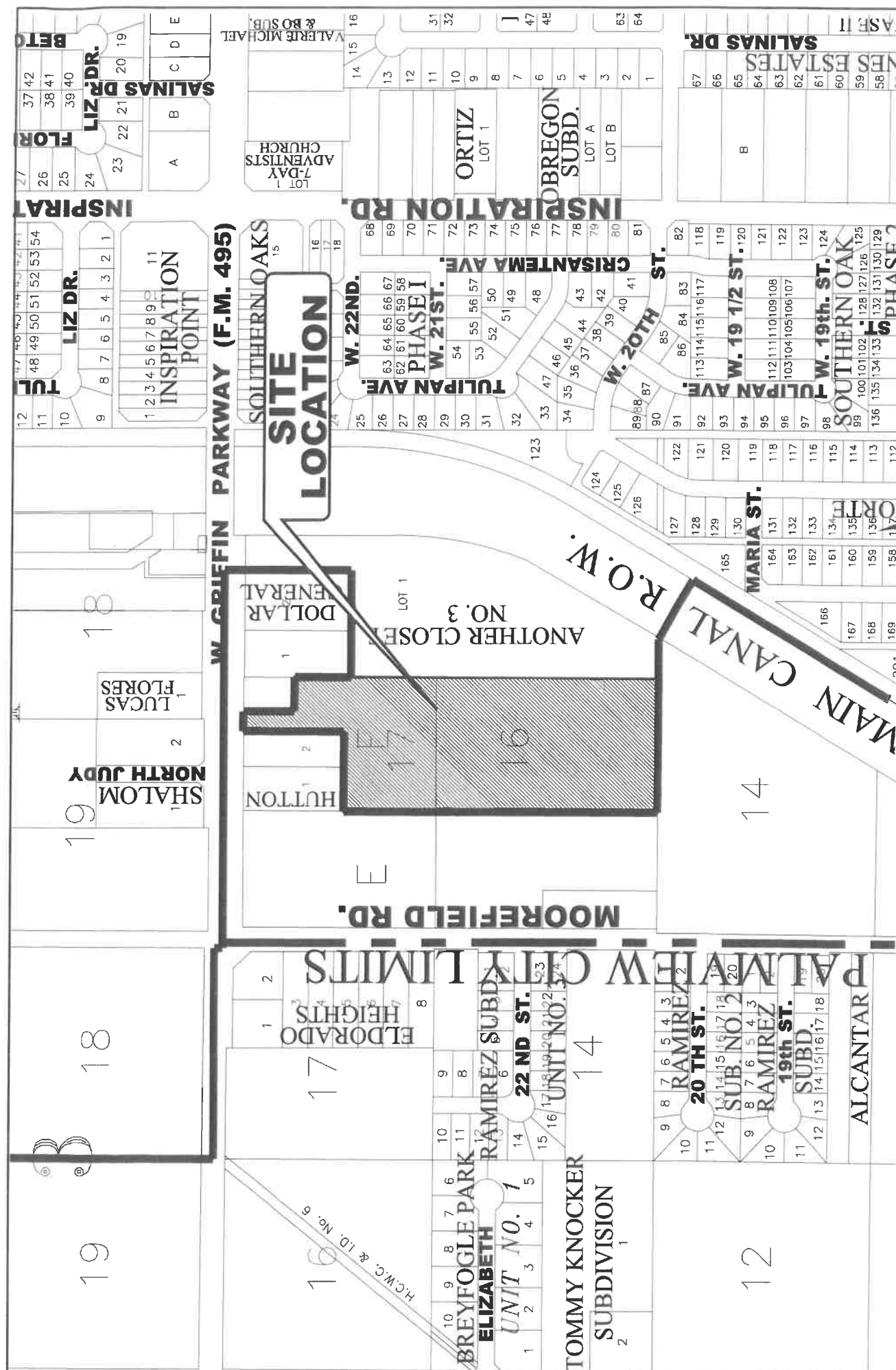
OTHER COMMENTS

Escrow Park fees (44 Lots x \$500 = \$22,000.00)
 Installation of Street Lighting as per City Standards
 Must Comply with all other format findings

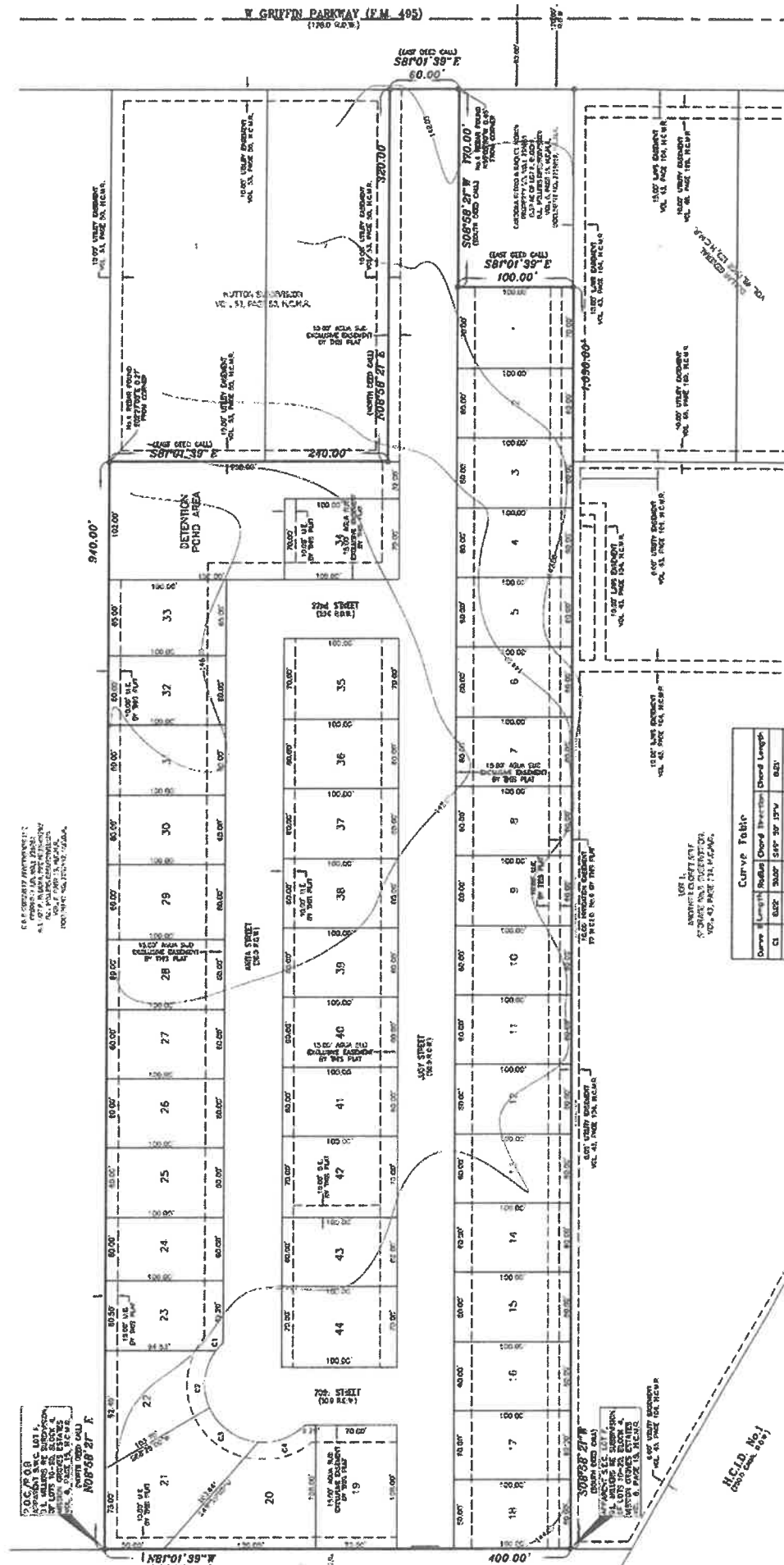
RECOMMENDATION

Staff recommends approval subject to:

1. Payment of Capital Sewer Recovery Fee's and Park Fee's
2. Comply with all other format findings.







**Drainage Statement
For
CAPRICORN ESTATES SUBDIVISION**

I. PROJECT LOCATION

Capricorn Estates Subdivision is a 9.430-acre tract of land out of a Lot "F", B. L. Millers Resubdivision of Lots 16 through 20, Mission Groves Estates, Hidalgo County, Texas, as per the map or plat thereof recorded in Volume 6, Pages 15, Map Records in the Office of the County Clerk of Hidalgo County, Texas. The proposed subdivision will consist of 43-lots. The property is located in Hidalgo County, Texas, on the South side of Griffin Parkway (FM 495) approximately 650 feet East of Moorefield Road intersection and is within the city limits of the City of Mission (Refer to **Exhibit A**).

II. FLOOD PLAIN

The property is located within Zone "C", areas of minimal flooding (No shading). FIRM (FLOOD INSURANCE RATE MAP) Community Panel 480334 0400 C Dated November 16, 1982. (Refer to **Exhibit B**).

III. SOIL CONDITIONS

A review of the Soil Survey of Hidalgo County (Refer to **Exhibit C**) indicates the subject tract lies in an area of predominantly Hidalgo sandy clay loam with slopes between 0 and 1 percent, (Hidalgo 28), well drained which are in Hydrologic Group "B" respectively. Soil Group "B" is

moderately pervious with a relatively low plasticity index. (See excerpts from "Soil Survey of Hidalgo County, Texas").

IV. EXISTING CONDITIONS

The subject tract is currently undeveloped with no existing improvements. The existing terrain has a grade of approximately 0.75%. Existing runoff from the 9.430 acres flows from its westernmost Northwest corner to a southeasterly and northeasterly direction towards Griffin Parkway. The total contributing 10-year existing storm water runoff is **8.11cfs.** (Refer to **Exhibit D-1**)

V. PROPOSED CONDITIONS

Though the proposed development for this subdivision will consist of 43-lots, the drainage report calculations are based on the possible ultimate future development of the 43-lots to each consist of 3,000 square feet of residential and parking non-permeable area, and other areas to be covered by paved streets and sidewalks. The proposed drainage for Capricorn Estates Subdivision shall consist of surface runoff into the lot's green areas with the excess drainage to be graded into the proposed respectively graded streets directing the runoff to be collected by Type "A" inlets located at designed designated street low spots within the subdivision. The proposed storm system shall discharge into a proposed detention pond located at the northwest corner and northern portion of this property. Though some waters will evaporate and percolate into the soil, the excess storm water would be allowed to bleed thru a proposed 24-inch RCP pipe up to just prior to its proposed TY "CC" Inlet connection


Capricorn Estate

(replacing an existing TY "F" TxDOT inlet belonging to TxDOT). At which point the 24-inch will be reduced to an 8-inch bleeder connecting line to the proposed TY "CC" TxDOT inlet. Runoff will be conveyed into the proposed combination of detention areas to comply with the hydrograph computations of newly created drainage waters in order to accommodate 50,442.48 cubic feet (1.158 ac-ft) of storm water storage. The total contributing 50 year developed storm water discharge of 50,442.48 cubic feet will be detained on the proposed site detention pond and released at 10-year flood rate of 8.11cfs. (Refer to **Exhibit D-1**)

VI. DETENTION REQUIREMENTS

In accordance with the City of Mission and Hidalgo County Drainage District No 1 policy, the peak rate for runoff for this development will be limited to the existing 10-year storm water runoff, for a total of 50,442.48 cubic feet (1.158 ac-ft) for the entire subdivision.



<input type="checkbox"/> REJECTED	
<input checked="" type="checkbox"/> APPROVED FOR SUBMITTAL	
<input type="checkbox"/> TO H.C. PLANNING DEPT.	
<input checked="" type="checkbox"/> TO CITY	
<input type="checkbox"/> DISCHARGE PERMIT REQUIRED	
<input type="checkbox"/> DISTRICT FACILITY	
<input type="checkbox"/> CITY FACILITY	
<input checked="" type="checkbox"/> OTHER <u>to DOT</u>	
<u>[Signature]</u> H.C.D.D. NO. 1	<u>2-11-22</u> DATE

Homero Luis Gutierrez

01-31-2022

Started: 5:56 p.m.
Ended: 6:01 p.m.
Item #4.0
Preliminary & Final
Plat Approval:

Capricorn Estates Subdivision
Being a 9.43 acre tract of land, more or less, out of Lot "F",
B.L. Millers Resubdivision of Lots 16-20, Blk 4,
Mission Groves Estates
R-1
Developer: LLAAG, LLC
Engineer: Homero L. Gutierrez

Mr. Hernandez went over the write-up stating that the subject site is located 1,470' West of Inspiration Road along the south side of W. Griffin Parkway (F.M. 495). The developer is proposing (44) Forty-Four Single Family Residential lots and (1) one detention pond.

WATER

The water CCN belongs to Agua Special Utility District. The developer is proposing to connect from an existing 8" water line located along the south side of W. Griffin Parkway (F.M. 495) and looped with a proposed 8" water line to service each lot. They are proposing 5 fire hydrants to be used as filling stations via direction of the Fire Marshal's office.

SEWER

An internal 8" sewer line system will provide sewer service to all the lots as it ties into an existing 8" sanitary sewer line along the south side of W. Griffin Parkway (F.M. 495). The Capital Sewer Recovery Fee is required at \$200.00/Lot which equates to \$8,800.00 (\$200.00 x 44 lots).

STREETS & STORM DRAINAGE

The proposed internal street is a 32' Back-to-Back within a 50' Right of Way, access will be from W. Griffin Parkway (F.M. 495). The proposed drainage shall consist of surface runoff in green areas with excess drainage to be graded towards the streets directing the runoff into Type "A" inlets. The proposed storm system shall discharge into a detention pond at the northwest corner and northern portion of the subdivision. Excess storm water will then bleed thru a 24" RCP pipe, then with a 8" bleeder line connection to a proposed TY"CC" TxDot inlet. The total contributing 50 year developed storm water discharge of 50,442.48 cubic feet will be detained on the proposed site detention pond and released at 10-year flood rate of 8.11 cfs. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

Escrow Park fees (44 Lots x \$500 = \$22,000.00)
 Installation of Street Lighting as per City Standards
 Must Comply with all other format findings

RECOMMENDATION

Staff recommends approval subject to:

1. Payment of Capital Sewer Recovery Fee's and Park Fee's
2. Comply with all other format findings.

Chairwoman Izaguirre asked the board if they had questions.

Chairwoman Izaguirre asked if the City Engineer had reviewed it already?

Mr. Hernandez stated staff did not have the approved drainage report yet because the county was taking a little longer than usual.

Chairwoman Izaguirre asked if they changed the location of the drainage wouldn't the drainage district request a new drainage report.

Mr. Bocanegra city engineer stated the engineer would be submitting a letter to the drainage district.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Moreno moved to approve the request as per staff recommendation. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023
PRESENTED BY: Brad Bentsen, Director Parks and Recreation
AGENDA ITEM: Authorization to Award Contract for ROW Mowing and Maintenance Services - Bentsen

NATURE OF REQUEST:

City Council authorized Staff to Solicit Bids for the Mowing and Maintenance Services of City Right of Ways, February 12, 2023. Staff received five (5) competitive bids as shown in attachment and is seeking Authorization to Award to South Texas Landscapes, Irrigation and Pest Control, LLC. who was the lowest responsive and responsible bidder meeting all specifications at a cost of \$175,640.00.

BUGETED: Yes / No / N/A **FUND:** Contractual Services **ACCT. #:** 01-461-94810

BUDGET: \$113,500.00 **EST. COST:** \$125,000.00 **CURRENT BUDGET BALANCE:** \$

BID AMOUNT: \$175,640.00

STAFF RECOMMENDATION:

Approval

Departmental Approval: Purchasing / Finance

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

BID NAME/NUMBER: 23-323-04-14 / Right-of-Way Mowing & Maintenance Services



OPEN DATE: April 24, 2023 2:00 PM CST

Vendor Name:	South Texas Landscapes, Irrigation, and Pest Control, LLC.	Zac-Tex Lawncare
Street address:	1802 Nugget St.	1911 N. 2nd Ln Cir.
City, State:	Penitas, TX 78576	Mission, TX 78572
Phone:	(956) 862-0232	(956) 656-0269
Fax:		
Contact:	Alexis Garza	Eddy Haros
Email:	stxlandscapes@gmail.com	zactexlawncare@gmail.com

DESCRIPTION:	UOM	Estimated Qty Per 1,000 ft.	Total Price per Cycle	Cycles/Y	Total Cost per Year	Unit Price	Cycles/Y	Ext.
Contract "A"								
A Anzalduas Hwy		342.937	\$450.00	26	\$11,700.00	\$454.81	26	\$11,825.06
A Bus Hwy 83		754.303	\$800.00	26	\$20,800.00	\$1,000.37	26	\$26,009.62
A Conway Ave		340.052	\$500.00	26	\$13,000.00	\$450.98	26	\$11,725.48
A Glasscock Ave		3.889	\$70.00	26	\$1,820.00	\$5.16	26	\$134.16
A Griffin Pkwy		159.091	\$200.00	26	\$5,200.00	\$210.99	26	\$5,485.74
A Holland Ave		0.95	\$20.00	26	\$520.00	\$1.26	26	\$32.76
A Mile 2 North		172.815	\$300.00	26	\$7,800.00	\$229.19	26	\$5,958.94
A Shary Road		0.407	\$200.00	26	\$5,200.00	\$0.54	26	\$14.04
A Stewart Road		3.716	\$200.00	26	\$5,200.00	\$4.93	26	\$128.18
A Landscape Bed Maintenance on Bryan Road		42.765	\$375.00	12	\$4,500.00	\$56.72	12	\$680.64
A+ Additional Properties relevant to Contract A		75.106	\$200.00	26	\$5,200.00	\$99.61	26	\$2,589.86
Subtotal Contract "A"					\$80,940.00			\$64,584.48
Contract "B"								
B Augusta		10.974	\$40.00	26	\$1,040.00	\$14.55	26	\$378.30
B Bryan		15.618	\$50.00	26	\$1,300.00	\$20.71	26	\$538.46
B Francisco		20.332	\$60.00	26	\$1,560.00	\$26.96	26	\$700.96
B Glasscock		114.414	\$125.00	26	\$3,250.00	\$151.74	26	\$3,945.24
B Holland Ave		77.645	\$180.00	26	\$4,680.00	\$102.97	26	\$2,677.22
B Inspiration		48.788	\$140.00	26	\$3,640.00	\$64.70	26	\$1,682.20
B Kika Loop		62.449	\$140.00	26	\$3,640.00	\$82.82	26	\$2,153.32
B Los Ebanos		30.332	\$100.00	26	\$2,600.00	\$40.23	26	\$1,045.98
B Mayberry		32.099	\$90.00	26	\$2,340.00	\$42.57	26	\$1,106.82
B Mile 1 South		136.021	\$200.00	26	\$5,200.00	\$180.39	26	\$4,690.14
B Shary Road		106.321	\$200.00	26	\$5,200.00	\$141.00	26	\$3,666.00
B Stewart Road		113.296	\$200.00	26	\$5,200.00	\$150.26	26	\$3,906.76
B US Exp 83		20.188	\$60.00	26	\$1,560.00	\$26.77	26	\$696.02
B+ Additional Properties relevant to Contract B		117.451	\$180.00	26	\$4,680.00	\$155.77	26	\$4,050.02
Subtotal Contract "B"					\$45,890.00			\$31,237.44
Contract "C"								
C Inspiration Road		177.752	\$320.00	26	\$8,320.00	\$235.74	26	\$6,129.24
C Mile 2 West of Conway to Moorefield Rd		150.938	\$300.00	26	\$7,800.00	\$200.18	26	\$5,204.68
SubTotal Contract "C"					\$16,120.00			\$11,333.92

BID NAME/NUMBER: 23-323-04-14 / Right-of-Way Mowing & Maintenance Services



OPEN DATE: April 24, 2023 2:00 PM CST

Vendor Name:	South Texas Landscapes, Irrigation, and Pest Control, LLC.	Zac-Tex Lawncare
Street address:	1802 Nugget St.	1911 N. 2nd Ln Cir.
City, State:	Penitas, TX 78576	Mission, TX 78572
Phone:	(956) 862-0232	(956) 656-0269
Fax:		
Contact:	Alexis Garza	Eddy Haros
Email:	stxlandscapes@gmail.com	zactexlawncare@gmail.com

DESCRIPTION:	UOM	Estimated Qty Per 1,000 ft.	Total Price per Cycle	Cycles/Y	Total Cost per Year	Unit Price	Cycles/Y	Ext.
Contract "D"								
D North Side Street by Walmart		12.68260	\$35.00	26	\$910.00	\$16.82	26	\$437.32
D South Side Street by Walmart		14.45711	\$60.00	26	\$1,560.00	\$19.17	26	\$498.42
D Military Hwy East (Includes Landscape)		76.38830	\$360.00	26	\$9,360.00	\$101.31	26	\$2,634.06
D Military Hwy West (Includes Landscape)		38.916.6	\$190.00	26	\$4,940.00	\$51.61	26	\$1,341.86
D Anzalduas Hwy East		82.2500	\$160.00	26	\$4,160.00	\$109.02	26	\$2,834.52
D Anzalduas Hwy West		117.500	\$240.00	26	\$6,240.00	\$155.83	26	\$4,051.58
D Anzalduas Hwy Island Landscape		7.52000	\$460.00	12	\$5,520.00	\$9.97	12	\$119.64
SubTotal Contract "D"					\$32,690.00			\$11,917.40
GrandTotal for Contracts A+B+C +D					\$175,640.00			\$119,073.24
ADDENDUMS			Yes (2)			Yes (2)		
Hours/Days to complete work			24 hours			5 days		
1ST YEAR RENEWAL OPTION			2%			2.5%		
2ND YEAR RENEWAL OPTION			0%			2.5%		
Bid Bond			Cashier's Check			None		

Please Note: **Bold Underline = Amounts have been corrected**

Apparent Lowest Responsible Bidder:
South Texas Landscapes, Irrigation and Pest Control, LLC.

Zac-Tex found unresponsive: failed to provide a bid bond.

BID NAME/NUMBER:

OPEN DATE:



Vendor Name: TDL Properties, LLC.

Olympia Landscape Development, Inc.

Street address: 120 Jonquil Ave.

P.O. Box 450347

City, State: McAllen, TX 78501

Laredo, TX 78045

Phone: (956) 451-2646

(956) 712-9300

Fax: (956) 278-3235

Contact: Hector Ruben Lopez

Jose G. Moreno

Email: treysondevelopment@yahoo.comjmoreno@olympialandscape.com

DESCRIPTION:	UOM	Estimated Qty Per 1,000 ft.	Unit Price	Cycles / Yr	Ext.	Unit Price	Cycles / Yr	Ext.
Contract "A"								
A Anzalduas Hwy		342.937	\$652.89	26	\$16,975.14	\$6,600.00	26	\$171,600.00
A Bus Hwy 83		754.303	\$1,436.07	26	\$37,337.82	\$5,100.00	26	\$132,600.00
A Conway Ave		340.052	\$647.40	26	\$16,832.40	\$1,800.00	26	\$46,800.00
A Glasscock Ave		3.889	\$20.00	26	\$520.00	\$225.00	26	\$5,850.00
A Griffin Pkwy		159.091	\$302.88	26	\$7,874.88	\$900.00	26	\$23,400.00
A Holland Ave		0.95	\$50.00	26	\$1,300.00	\$200.00	26	\$5,200.00
A Mile 2 North		172.815	\$329.01	26	\$8,554.26	\$900.00	26	\$23,400.00
A Shary Road		0.407	\$12.00	26	\$312.00	\$100.00	26	\$2,600.00
A Stewart Road		3.716	\$20.00	26	\$520.00	\$225.00	26	\$5,850.00
A Landscape Bed Maintenance on Bryan Road		42.765	\$196.00	12	\$2,352.00	\$5,300.00	12	\$63,600.00
A+ Additional Properties relevant to Contract A		75.106	\$158.87	26	\$4,130.62	\$475.00	26	\$12,350.00
Subtotal Contract "A"					\$96,709.12			\$493,250.00
Contract "B"								
B Augusta		10.974	\$23.21	26	\$603.46	\$225.00	26	\$5,850.00
B Bryan		15.618	\$35.70	26	\$928.20	\$225.00	26	\$5,850.00
B Francisco		20.332	\$47.01	26	\$1,222.26	\$225.00	26	\$5,850.00
B Glasscock		114.414	\$217.83	26	\$5,663.58	\$780.00	26	\$20,280.00
B Holland Ave		77.645	\$164.24	26	\$4,270.24	\$534.00	26	\$13,884.00
B Inspiration		48.788	\$103.20	26	\$2,683.20	\$336.00	26	\$8,736.00
B Kika Loop		62.449	\$132.10	26	\$3,434.60	\$430.00	26	\$11,180.00
B Los Ebanos		30.332	\$64.16	26	\$1,668.16	\$209.00	26	\$5,434.00
B Mayberry		32.099	\$67.90	26	\$1,765.40	\$209.00	26	\$5,434.00
B Mile 1 South		136.021	\$258.96	26	\$6,732.96	\$858.00	26	\$22,308.00
B Shary Road		106.321	\$240.90	26	\$6,263.40	\$730.00	26	\$18,980.00
B Stewart Road		113.296	\$239.66	26	\$6,231.16	\$780.00	26	\$20,280.00
B US Exp 83		20.188	\$42.70	26	\$1,110.20	\$225.00	26	\$5,850.00
B+ Additional Properties relevant to Contract B		117.451	\$223.60	26	\$5,813.60	\$700.00	26	\$18,200.00
Subtotal Contract "B"					\$48,390.42			\$168,116.00
Contract "C"								
C Inspiration Road		177.752	\$338.41	26	\$8,798.66	\$1,122.00	26	\$29,172.00
C Mile 2 West of Conway to Moorefield Rd		150.938	\$301.87	26	\$7,848.62	\$953.00	26	\$24,778.00
SubTotal Contract "C"					\$16,647.28			\$53,950.00

BID NAME/NUMBER:



OPEN DATE:

Vendor Name: TDL Properties, LLC.

Olympia Landscape Development, Inc.

Street address: 120 Jonquil Ave.

P.O. Box 450347

City, State: McAllen, TX 78501

Laredo, TX 78045

Phone: (956) 451-2646

(956) 712-9300

Fax: (956) 278-3235

Contact: Hector Ruben Lopez

Jose G. Moreno

Email: treysondevelopment@yahoo.comjmoreno@olympialandscape.com

DESCRIPTION:	UOM	Estimated Qty Per 1,000 ft.	Unit Price	Cycles / Yr	Ext.	Unit Price	Cycles / Yr	Ext.
Contract "D"								
D North Side Street by Walmart		12.68260	\$35.82	26	\$931.32	\$80.00	26	\$2,080.00
D South Side Street by Walmart		14.45711	\$40.30	26	\$1,047.80	\$90.00	26	\$2,340.00
D Military Hwy East (Includes Landscape)		76.38830	\$161.59	26	\$4,201.34	\$660.00	26	\$17,160.00
D Military Hwy West (Includes Landscape)		38.916.6	\$82.32	26	\$2,140.32	\$375.00	26	\$9,750.00
D Anzalduas Hwy East		82.2500	\$156.59	26	\$4,071.34	\$566.00	26	\$14,716.00
D Anzalduas Hwy West		117.500	\$223.70	26	\$5,816.20	\$741.00	26	\$19,266.00
D Anzalduas Hwy Island Landscape		7.52000	\$56.36	12	\$676.32	\$275.00	12	\$3,300.00
SubTotal Contract "D"					\$18,884.64			\$68,612.00
GrandTotal for Contracts A+B+C +D					\$180,631.46			\$783,928.00
ADDENDUMS			Yes (2)			Yes (2)		
Hours/Days to complete work			14 days			3 days		
1ST YEAR RENEWAL OPTION			3.0%			5.0%		
2ND YEAR RENEWAL OPTION			3.0%			5.0%		
Bid Bond			Cashier's Check			Yes		

Please Note:

BID NAME/NUMBER:



OPEN DATE:

Vendor Name: GreenValley Lawn & Maintenance, LLC.

Street address: 2006 Gardenia St.

City, State: Penitas, TX 78576

Phone: (956) 424-3414

Fax:

Contact: Humberto Garcia Jr.

Email: beto@greenvalleyrgv.com

DESCRIPTION:	UOM	Estimated Qty Per 1,000 ft.	Unit Price	Cycles / Yr	Ext.
Contract "A"					
A Anzalduas Hwy		342.937	\$397.770	26	\$10,342.02
A Bus Hwy 83		754.303	\$397.770	26	\$10,342.02
A Conway Ave		340.052	\$397.770	26	\$10,342.02
A Glasscock Ave		3.889	\$397.770	26	\$10,342.02
A Griffin Pkwy		159.091	\$397.770	26	\$10,342.02
A Holland Ave		0.95	\$397.770	26	\$10,342.02
A Mile 2 North		172.815	\$397.770	26	\$10,342.02
A Shary Road		0.407	\$397.770	26	\$10,342.02
A Stewart Road		3.716	\$397.770	26	\$10,342.02
A Landscape Bed Maintenance on Bryan Road		42.765	\$861.835	12	\$10,342.02
A+ Additional Properties relevant to Contract A		75.106	\$397.770	26	\$10,342.02
Subtotal Contract "A"					\$113,762.22
Contract "B"					
B Augusta		10.974	\$149.330	26	\$3,882.58
B Bryan		15.618	\$149.330	26	\$3,882.58
B Francisco		20.332	\$149.330	26	\$3,882.58
B Glasscock		114.414	\$149.330	26	\$3,882.58
B Holland Ave		77.645	\$149.330	26	\$3,882.58
B Inspiration		48.788	\$149.330	26	\$3,882.58
B Kika Loop		62.449	\$149.330	26	\$3,882.58
B Los Ebanos		30.332	\$149.330	26	\$3,882.58
B Mayberry		32.099	\$149.330	26	\$3,882.58
B Mile 1 South		136.021	\$149.330	26	\$3,882.58
B Shary Road		106.321	\$149.330	26	\$3,882.58
B Stewart Road		113.296	\$149.330	26	\$3,882.58
B US Exp 83		20.188	\$149.330	26	\$3,882.58
B+ Additional Properties relevant to Contract B		117.451	\$149.330	26	\$3,882.58
Subtotal Contract "B"					\$54,356.12
Contract "C"					
C Inspiration Road		177.752	\$379.260	26	\$9,860.76
C Mile 2 West of Conway to Moorefield Rd		150.938	\$379.260	26	\$9,860.76
SubTotal Contract "C"					\$19,721.52

BID NAME/NUMBER:



OPEN DATE:

Vendor Name: GreenValley Lawn & Maintenance, LLC.

Street address: 2006 Gardenia St.

City, State: Penitas, TX 78576

Phone: (956) 424-3414

Fax:

Contact: Humberto Garcia Jr.

Email: beto@greenvalleyrgv.com

DESCRIPTION:	UOM	Estimated Qty Per 1,000 ft.	Unit Price	Cycles / Yr	Ext.
Contract "D"					
D North Side Street by Walmart		12.68260	\$115.290	26	\$2,997.54
D South Side Street by Walmart		14.45711	\$115.290	26	\$2,997.54
D Military Hwy East (Includes Landscape)		76.38830	\$115.290	26	\$2,997.54
D Military Hwy West (Includes Landscape)		38.916.6	\$115.290	26	\$2,997.54
D Anzalduas Hwy East		82.2500	\$115.290	26	\$2,997.54
D Anzalduas Hwy West		117.500	\$115.290	26	\$2,997.54
D Anzalduas Hwy Island Landscape		7.52000	\$249.795	12	\$2,997.54
SubTotal Contract "D"					\$20,982.78
GrandTotal for Contracts A+B+C +D					\$208,822.64
ADDENDUMS			Yes (2)		
Hours/Days to complete work			0 hr / 0 days		
1ST YEAR RENEWAL OPTION			2.0%		
2ND YEAR RENEWAL OPTION			2.0%		
Bid Bond			Yes		

Please Note:



BID NAME/NUMBER: 23-323-04-14 / Right-of-Way Mowing & Maintenance Services

OPEN DATE: April 24, 2023 2:00 PM CST

Vendor Name: South Texas Landscapes, Irrigatin, and Pest Control, LLC.		Zac-Tex Lawncare		TDL Properties, LLC.		Olympia Landscape Development, Inc.		GreenValley Lawn & Maintenance, LLC.	
Street address: 1802 Nugget St.		1911 N. 2nd Ln Cir.		120 Jonquil Ave.		P.O. Box 450347		2006 Gardenia St.	
City, State: Penitas, TX 78576		Mission, TX 78572		McAllen, TX 78501		Laredo, TX 78045		Penitas, TX 78576	
Phone: (956) 862-0232		(956) 656-0269		(956) 451-2646		(956) 712-9300		(956) 424-3414	
Fax:				(956) 278-3235					
Contact: Alexis Garza		Eddy Haros		Hector Ruben Lopez		Jose G. Moreno		Humberto Garcia Jr.	
Email: stxlandscapes@gmail.com		zactexlawncare@gmail.com		treysorddevelopment@yahoo.com		jmoreno@olympiaindlandscape.com		beto@greenvalleyrv.com	
DESCRIPTION of FORMS:									
Solicitation Signed		Yes		Yes		Yes		Yes	
Terms & Conditions Included		Yes		Yes		Yes		Yes	
Subcontractor(s)/Subconsultant(Yes		Yes		Yes		Yes	
Non-Collusive		Yes		Yes		Yes		Yes	
Pricing Schedule		Yes		Yes		Yes		Yes	
Addenda(s)		Yes (2)		Yes (2)		Yes (2)		Yes (2)	
Gen. Business Questionare		Yes		Yes		Yes		Yes	
References		Yes		Yes		Yes		Yes	
CIQ		Yes							
Bid Bond		Cashier's Check		None		Cashier's Check		Yes	



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: May 8, 2023
PRESENTED BY: Angie Vela, Finance Director
AGENDA ITEM: Approval of Budget Amendment: Capital Projects & MEDC Fund- Vela

NATURE OF REQUEST:

Approval of the attached budget amendments:

Capital Projects Fund – (\$6,212,302.00 Revenues/Expenditures)

MEDC Fund – (\$95,000 Expenditures)

BUGETED: N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: None

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *RP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

CITY OF MISSION

BUDGET AMENDMENT REQUEST

FISCAL YEAR: 2022-2023

DATE: May 7, 2023

DEPARTMENT: Taylor Road Project

FUND: Capital Projects Fund

BA-23-06

ACCOUNT NO.	ACCOUNT TITLE	CURRENT BUDGET	AMOUNT INCREASE (DECREASE)	PROPOSED BUDGET
09-300-33146	TXDOT Reimbursement	-	6,150,178.98	6,150,178.98
09-399-39901	Transfer In - General Fund	-	62,123.02	62,123.02
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
TOTAL		-	6,212,302.00	6,212,302.00

JUSTIFICATION

Budget Amendment is necessary to allocate funding from Texas Dept of Transportation for Taylor Road Improvements approved by council on October 24,2022.

Finance Director: 

Date: 5/4/2023

City Council Approved on: _____

Date Posted: _____

CITY OF MISSION

BUDGET AMENDMENT REQUEST

FISCAL YEAR: 2022-2023

DATE: May 7, 2023

DEPARTMENT: Taylor Road Project

FUND: Capital Projects Fund

BA-23-06

ACCOUNT NO.	ACCOUNT TITLE	CURRENT BUDGET	AMOUNT INCREASE (DECREASE)	PROPOSED BUDGET
15-413-74910	Roads	-	6,212,302.00	6,212,302.00
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
TOTAL		-	6,212,302.00	-

JUSTIFICATION

Budget Amendment is necessary to allocate funding from Texas Dept of Transportation for Taylor Road Improvements approved by council on October 24,2022.

Finance Director: 

Date: 5/4/2023

City Council Approved on: _____

Date Posted: _____

CITY OF MISSION BUDGET AMENDMENT REQUEST

FISCAL YEAR: 2022-2023

DATE: May 7, 2023

DEPARTMENT: Facilities

FUND: MEDC Fund

BA-23-07

ACCOUNT NO.	ACCOUNT TITLE	CURRENT BUDGET	AMOUNT INCREASE (DECREASE)	PROPOSED BUDGET
21-412-74941	Other Structures	53,000.00	95,000.00	148,000.00
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
TOTAL		-	95,000.00	-

JUSTIFICATION

Budget Amendment is necessary to allocate funds for shade structures to protect visitors from wind and rain
for the Mission Food Park at Mission EDC.

Finance Director: 

Date: 5/4/2023