

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
OCTOBER 22, 2012 4:30 P.M.
MISSION CITY HALL**

PRESENT:

Norberto Salinas, Mayor
Maria Elena Ramirez, Councilwoman
Ruben D. Plata, Councilman
Norie Gonzalez Garza, Mayor Pro Tem
Dr. Armando O'cana, Councilman
David Guerra, City Attorney
Anna Carrillo, City Secretary
Julio Cerda, City Manager

ABSENT:

ALSO PRESENT:

Kathy Olivarez, Progress Times
Oscar Cancino
Maria Gonzales
Joe Jimenez
Catalina Hernandez
Tomas Tijerina
Mike Powers
Javier Hernandez
Janie Sanchez
Ivan Camargo
Fred Kurth
Iliana Medina
Matt Ruszczak
Alex Meade, MEDC CEO

STAFF PRESENT:

Carmen Morales, Administrative Assistant
Nelia Hernandez, Assistant City Secretary
Aida Lerma, Deputy City Manager
Sonia Marroquin, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Bobby Salinas, Interim Planning Director
Pat Martinez, Planning Dept.
Roberto Salinas, Public Works Director
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Gilbert Sanchez, Fire Marshal
Rick Saldana, Fire Chief
Eduardo Belmarez, Purchasing Director
Martin Garza, Chief of Police
Janie Flores, Finance Director
Julian Gonzalez, Parks & Rec. Director
Juan C. Avila, B & G Club Director
Noemi Munguia, HR Director
Robert Hinojosa, Risk Manager
Jesse Lerma, Civil Service Director
Roland Rodriguez, I. T. Director
Mayra Rocha, Library Director
John Hernandez, City Engineer
James Cardoza, Emergency Mngmnt. Coord.

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:36 p.m.

2. Pledge Allegiance and Invocation

Mayor Salinas led the meeting with the pledge of allegiance and City Manager Julio Cerda gave the invocation.

3. Departmental Reports

Councilwoman Maria Elena Ramirez moved to approve the departmental reports as presented. Motion was seconded by Councilman Ruben D. Plata and approved unanimously 5-0.

4. Presentation - Update on Bannworth Park Improvements

Rudy Gomez, architect advised the council that completion of the CWV Gym and pool should be by first week in November and that the Bannworth Pool and Gym by the end of November.

5. Report from the Greater Mission Chamber of Commerce

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on the chamber events that had recently taken place and future events which include the Texas Butterfly Festival to be held on October 25-28, 2012.

6. Citizens Participation

Tomas Tijerina requested assistance with the 7th Annual Thanksgiving Table at Renee's.

Oscar Ansino from TxDOT gave an update on the Bryan Road Project he stated that work continues to progress with the contractor working with their Bonding Company to get the necessary materials to complete the connection and the opening of the intersection.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: A .78 acre tract of land out of Lot 23-4, West Addition to Sharyland Subdivision, AO-I to R-1, Rosie Cedillo

The subject site was located ¼ Mile West of Holland Road along the South side of W. 20th Street.

Surrounding Zones: The surrounding zones were (AO-I) Agricultural Open Interim to the east, west, and north, and (R-1) Single Family Residential to the south.

Land Uses: The Land uses included single family residential homes to all directions.

FLUM: The FLUM showed a Low Density (LD) designation. There were existing homes within the surrounding properties and R-1 was directly consistent with an LD designation.

There was no public opposition during the 10/10/12 P&Z hearing. P&Z unanimously recommended approval.

Staff and City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Norie Gonzalez Garza moved to approve Rezoning: A .78 acre tract of land out of Lot 23-4, West Addition to Sharyland Subdivision, AO-I to R-1 as recommended. Motion was seconded by Councilman Dr. Armando O’cana and approved unanimously 5-0.

B. Rezoning: A 1.258 acre tract of land out of Lot 254, John H. Shary Subdivision, AO-I to C-1, Bel-Vill Investments, Inc.

The subject site was located on the SW corner of Fox Run and Shary Road.

Surrounding Zones: N: C-1 - Office Building
E: R-1 - Single Family Residential
W: R-1 - Single Family Residential
S: AO-I - Agricultural Open Interim

Land Uses: The surrounding land uses consisted of open acreage to the south, a professional office building to the north, and residential subdivisions to the east and west. The subject site was currently open acreage.

FLUM: The Future Land Use Map reflected a General Commercial (GC) designation along the Shary Road frontage.

The site should be rezoned to C-1 due to FLUM compliance, frontage to a widened major thoroughfare, and it was adjacent to a similar existing commercial user and zone to the north.

There was no public opposition during the 10/10/12 P&Z hearing. P&Z unanimously recommended approval.

Staff and City Manager recommended approval.

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

Ms. Kandy Reed who resides at 2314 Fox Run Street in Mission expressed her concern over the traffic her neighborhood would have if item was approved.

Bobby Salinas, Interim Planning Director explained to her that the zone change would have minimal impact on the neighborhood’s traffic. He also told her that notices would be sent in advance to residents advising them of the kind of business the owners wanted to establish.

Mayor Pro Tem Garza moved to approve Rezoning: A 1.258 acre tract of land out of Lot 254, John H. Shary Subdivision, AO-I to C-1 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

C. Conditional Use Permit: Sale and On-Site Consumption of Alcoholic Beverages – Buda’s Sushi Bar, 1522 E. Expressway 83, Suite 113, Lot 4, Stewart Plaza Subdivision, C-3, Jorge G. Moreno

The site was located on the SW corner of Stewart Road and Expressway 83. There was a new commercial plaza located on the site which was proposing a new 2,119.90 sq. ft. sushi bar with the sale and on-site consumption of alcohol. Access to the site was from an existing 38’ driveway off of Expressway 83. The applicant was in the process of completing the construction

of the interior of their new location. Buda's was currently located at 303 N. Shary Road and would be re-locating to the Expressway area.

- Days/Hours of Operation: Monday – Saturday from 6 p.m. to 2 a.m., Closed on Sundays. Alcoholic beverages would only be served during allowable State selling hours.
- Staff: 15 employees
- Parking: In viewing the floor plan, the 2,119.90 sq. ft. restaurant / bar had a total of 131 seating spaces which required 44 parking spaces (131 seats/3 = 43.6 spaces). It was noted that the parking area was held in common (219 existing parking spaces) and was shared with other “future” businesses.
- Sale of Alcohol: Section 1.56(3a) of the Zoning Code required a minimum separation of 300' from the property line of any churches, schools, publicly owned property, and residences. There were 4 residential lots that were within the 300'. However, since the suite was located near the center of the plaza which was beyond the 300' separation there should be minimal impact from the restaurant / bar towards the residential neighborhood.
- The new bar must comply with Sign, Noise, Building, Fire, and Health Codes.
- Must acquire a business license prior to occupancy.

There was no public opposition during the 9/26/12 P&Z hearing. P&Z unanimously recommended approval of the new location as shown below.

Staff Recommendation: Approval subject to: 1) no objection to waiver of the 300' separation requirement, 2) 1 year re-evaluation after a business license issuance to assess this new operation, 3) wet zone the property 4) must comply with typical Sign, Noise, Building, Fire, and Health codes, and 6) must acquire a business license.

City Manager recommended approval.

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

There were no comments.

Councilwoman Ramirez moved to approve the Conditional Use Permit: Sale and On-Site Consumption of Alcoholic Beverages – Buda's Sushi Bar, 1522 E. Expressway 83, Suite 113, Lot 4, Stewart Plaza Subdivision, C-3 as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

D. Conditional Use Permit: Place a Portable Building for the Sale of Hotdogs, 801 N. Inspiration Road, being a 0.69 acre tract out of land known as Fernandez Strip, out of Porcion 52, I-2, Oscar Trevino

The subject site was located on the SW corner of Inspiration Road and Business Highway 83 within Los Primos Auto Sales. The Council may recall a request to have a CUP for a portable building to be located at this site that was not approved due to a tie vote of 2–2. During the CUP's review there was a sentiment to allow Mr. Lopez, the original applicant, the opportunity to have a portable building on the property. He was afforded the opportunity to come back and re-apply, thus the re-application from the owner.

The owner wished to keep a new portable and remove the existing hotdog cart. Access to the site was from an existing driveway along Inspiration Road. There was existing restroom facilities located west of the carts which were available for public use.

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- Days/Hours of Operation: Every day from 8 a.m. to 12 a.m.
- Staff: Mr. Jose Lopez and his family would run the stand.
- Parking: The owner had cleared out the front area (along Inspiration) to allow the stand the use of the parking area in front. Staff had not received any complaints regarding parking.
- A new business license was required prior to occupancy.
- Required the approval of the Health & Fire Department.

There was no public opposition during the 10/10/12 P&Z hearing. P&Z unanimously recommended approval as recommended by staff.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation to assess this new operation; 2) Removal of existing hotdog cart from the premises; 3) Approval by the Health & Fire Department; and 4) Acquisition of a business license.

City Manager recommended approval.

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

Jaime Sanchez owner of the location spoke in favor of the request.

Councilman O'cana moved to approve the Conditional Use Permit: Place a Portable Building for the Sale of Hotdogs, 801 N. Inspiration Road, being a 0.69 acre tract out of land known as Fernandez Strip, out of Porcion 52, I-2 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

E. Conditional Use Permit: Daycare in an AO-I Zone, 610 N. Bryan Road, .91 acre tract being the NW corner of Lot 19-11, West Addition to Sharyland Subdivision, AO-I, Catalina Hernandez

The site was located at 610 N. Bryan Road. This conditional use permit was previously approved by P&Z on 9-28-11 for 1 year. The daycare had been in operation under Ms. Hernandez, with no incidents reported to staff.

- Days/Hours of Operation: Monday – Friday from 7 a.m. to 6 p.m.
- Staff: 5 employees, including the owner
- Parking: The site had a 'horseshoe' driveway, where customers entered along the south end and exited through the north end back onto Bryan Road. This driveway was utilized for the safe drop off and pick up of children at the site. There were also 2 paved parking spaces located on the south side of the lot used as employee parking. Since its first approval in 2004, Staff had not received any complaints regarding parking.
- Landscaping and Buffering: The site currently had several mature trees and other plants in the area. When the daycare was first being established, there was some concern regarding proper buffering along Winter Green Estates. Since then, there was a chain link fence installed to provide such a buffer to Winter Green Estates. Planning staff had not had any complaints from Winter Green Estates regarding buffering.

The daycare use had not been detrimental to the neighborhood, recalling that the site fronts a 5-lane thoroughfare, i.e., inclined to a non-residential use, thus not contrary to the purposes established for the zone. Due to the conditional use permit being under new management in the

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9/28/11 proposal, a cautious 1 year re-evaluation term seemed prudent. Since there were no issues reported, staff did not object to an extended re-evaluation period. There was no public opposition during the 10/10/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to a 3 year re-evaluation

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the Conditional Use Permit: Daycare in an AO-I Zone, 610 N. Bryan Road, .91 acre tract being the NW corner of Lot 19-11, West Addition to Sharyland Subdivision, AO-I as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

F. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Kave Bar, 2306 E. Expressway 83, Suites 8 & 9, Lot 1, Cimarron Crossing Ph. I Subdivision, C-3, Javier Gonzalo Fernandez

The subject site was located near the SE corner of J.R. Drive and Expressway 83 along the Frontage Road. This conditional use permit was most recently approved by City Council for a period of 3 months (from 3-26-12 to 6-26-12). The Kave Bar had been closed since June 2012, however in September; it was discovered to be open once again. Mission PD went in and ordered the bar to be closed until the conditional use permit process was complied with. Ms. Sylvia Guerrero, a potential buyer of the Kave, claimed that she was not aware of the conditional use permit requirement and complied with the closing of the bar until the conditional use permit process was complete.

- Day/Hours of Operation: Wednesday – Saturday from 9:00 a.m. to 2:00 a.m.; Sunday – Tuesday would be closed. Alcoholic beverages had only been served during allowable State selling hours.
- Staff: 15 employees
- Parking: There were 80 total seating spaces, which required 27 parking spaces (80 seats/1 space for every 3 seats = 26.6 parking spaces). It was noted that the parking area was held in common (100 existing parking spaces) and was shared with other businesses. Kave had been in operation since 2007 and there had been no issued in regard to off-street parking. Landscaping was currently meeting City code as long as it was maintained.
- In speaking to Mission PD, there were no incidents to report beginning October, 2011 to now, except for the incident in September, where Ms. Guerrero was unaware of the CUP requirement.

Staff believed that due to the issues in early September and the fact that a new owner may be forthcoming; staff must have proceeded with caution and required a 6 month approval. In addition, Planning and Mission PD would like to impose a policy for businesses that were primarily bars which would require uniformed security at such types of businesses. The owners of Kave did not object to the security requirement.

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There was no public opposition during the 10/10/12 P&Z hearing. P&Z unanimously recommended approval as recommended by staff.

Staff Recommendation: Approval for a period of 6 months with the requirement of “uniformed” security guards to be placed inside the bar and within the parking area of the establishment (Contract to be supplied to the City of Mission)

City Manager recommended approval.

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

There were no comments.

Councilman O’cana moved to approve the Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Kave Bar, 2306 E. Expressway 83, Suites 8 & 9, Lot 1, Cimarron Crossing Ph. I Subdivision, C-3 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved 4-1 with Councilman Plata voting against.

G. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Villa Del Mar, 207 E. Expressway 83, Lot 3, El Pueblo Ph. II Subdivision, C-3, VIGA Restaurant Inc.

At 5:21 p.m., Mayor Salinas stepped out of the meeting. Mayor Pro Tem Garza presided over this item.

This 4,500 sq. ft. site was located within a plaza approximately 600’ east of Conway Avenue along the north side of the Frontage Road of Expressway 83. This conditional use permit was originally approved on 10-27-10, when the restaurant was expanded. It included a bar that was compared more to a “diner” setting, than what staff would consider a true ‘bar’. The most recent CUP approval was on 9/28/11 for a period of 1 year.

- Sale of Alcohol (Section 1.56-3): The code cites that such uses must be 300’ from the nearest residence, church, school or publicly owned property. There were residences within 300’ however; P&Z and the Council waived this separation requirement in the CUP’s previous approvals. In speaking to Mission PD regarding any incidents due to the sale and on-site consumption of alcohol, they mentioned that there were no incidents to report.
- Hours of Operation: Sunday – Thursday from 10 a.m. to 9 p.m. & Friday and Saturday from 10 a.m. to 11 p.m. Alcoholic beverages would only be served during allowable State selling hours.
- Parking: In reviewing the floor plan, there were 194 total seating spaces for the restaurant, which required 65 parking spaces (194 total seating spaces/3 = 65 parking spaces). It was noted that the parking area was held in common (225 existing parking spaces) and was shared with other businesses. The parking area was also connected and had access to existing, interlocking parking lots.
- There was a small stage area for from a single guitar player or a piano, no DJs or Bands utilized the stage.

Since the restaurant had been in operation since January, 2010 with no reported incidents in relation to the sale of alcohol, staff did not object to a 3 year extension. There was no public opposition during the 10/10/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

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Staff Recommendation: Approval subject to: 1) Continued waiver of the 300' separation requirement; and 2) A 3 year re-evaluation to ensure continue compliance within the family retail setting.

City Manager recommended approval.

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

There were no comments.

Councilman O'cana moved to approve the Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Villa Del Mar, 207 E. Expressway 83, Lot 3, El Pueblo Ph. II Subdivision, C-3 as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

H. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages & Drive-Thru Service Window – Tino's Seafood Restaurant, 2310 E. Expressway 83, Suite 8, Lot 3, Cimarron Crossing Ph. I Subdivision, C-3, Ivan Camargo

The site was located approximately 250' west of Shary Road on the south side of U.S. Expressway 83 within an existing commercial plaza. A conditional use permit for the sale and on-site consumption of alcohol and drive-thru service window was most recently approved at this location on 10-12-11. The applicant was proposing to continue operating the restaurant with the drive-thru service window. Access to the site was provided via a common access drive that runs throughout the plaza. Access to the drive-thru was from the south 'rear' of the plaza. The existing drive-thru window's location allowed stacking for approximately 3 vehicles. A speed bump had been installed in order to slow traffic down when exiting the drive-thru; there was also a landscape island impeding pedestrian traffic onto the existing traffic's lane.

The applicant also had a CUP for the Sale & On-Site Consumption of Alcohol with meals. There were no churches or schools within 300' of the subject site. Staff requested a report from P.D. to see if there were any issues with this business in relation to the sale & on-site consumption of alcohol; where they mentioned that there were no incidents to report.

- Days/Hours of Operation: Monday – Thursday from 12 p.m. to 9 p.m.; Friday – Sunday from 12 p.m. to 10 p.m. Alcoholic beverages would only be served during allowable State selling hours.
- Staff: 5 employees
- Parking: The 1,380 sq. ft. building would have a total of 35 seating spaces for the restaurant. A total of 18 spaces were required for this site (1,380 sq. ft. / 75 sq. ft. = 18.4 parking spaces). It was noted that a total of 66 parking spaces were held in common within the commercial development. Landscaping had been provided as part of the overall commercial plaza.

Since the restaurant had been in operation since October 2010 with no reported incidents in relation to the sale of alcohol, staff did not object to a 3 year extension. There was no public opposition during the 10/10/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to a 3 year re-evaluation to continue to assess this operation

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages & Drive-Thru Service Window – Tino’s Seafood Restaurant, 2310 E. Expressway 83, Suite 8, Lot 3, Cimarron Crossing Ph. I Subdivision, C-3 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

I. Conditional Use Permit: Drive-Thru Business, 3300 N. Inspiration Road, Lot 1, Gomez Estates Subdivision, C-2, Elias Gonzalez

The site was located on the NE corner of Inspiration Road and Mile 2. It currently had an existing drive-thru business thereon. A conditional use permit for the drive-thru business was approved on 4-27-11 for a period of 1 year from the date of business license issuance (License issued on 9-23-11). Primary access into the drive-thru business was from Mile 2 Road, then exiting out through Inspiration Road.

- Days/Hours of Operation: Sunday – Thursday from 11 a.m. to 11 p.m. & Friday – Saturday from 11 a.m. to 12 a.m.
- Staff: 4 employees
- Parking: The drive-thru business measured 3,506.1sq. ft. which required 12 parking spaces and the existing watermill required 4 spaces. There were a total of 14 parking spaces, plus enough space for 3 vehicles to be within the building for a total of 17 spaces.

Notices were sent within a 200’ radius of the site. Staff had not received any complaints regarding the drive-thru business. There was no public opposition during the 10/10/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to a 1 year re-evaluation to continue to assess this operation

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the Conditional Use Permit: Drive-Thru Business, 3300 N. Inspiration Road, Lot 1, Gomez Estates Subdivision, C-2 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

J. Conditional Use Permit: Home Occupation – Business Office, 1210 Elm Street, Lot 6, Block 4, Pecan Heights Subdivision, R-1, Iliana M. Bustamante

The subject site was located at the SW corner of Elm and Bryan Road. A CUP for this site was previously approved for a construction office used by Terra Homes. Mr. De La Tejera had now sold the property to Mrs. Bustamante who currently lived at the home and now wished to utilize the existing office portion for her glass business.

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In speaking to the applicant, they do not have any inventory at the home. They would simply show the customer the items through the internet and setup the installation at the customer's home.

Days & Hours of Operation: Monday - Friday from 8:00 a.m. to 5:00 p.m.

Staff: Only the applicant's husband would run the glass business.

Parking: Mr. Bustamante currently parked in the rear via the alley's access. Thus, the 'front' parking area was always available. Since the office had minimal traffic and business would be done primarily by appointment, traffic was not an issue.

Since the site had been used as a business office before and staff had not received any complaints against the proposal, staff did not object to the CUP's continuation as a business office. There was no public opposition during the 10/10/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation to assess the glass business; 2) compliance with Sect. 1.56-1 of the Zoning Ordinance (Home Occupations); 3) no signage permitted on the home larger than a 1' x 1' name plate; and 4) acquisition of a business license.

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the Conditional Use Permit: Home Occupation – Business Office, 1210 Elm Street, Lot 6, Block 4, Pecan Heights Subdivision, R-1 as recommended.

Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

K. To Consider Abandoning a 60' County Road Easement that lies within Lots 37 thru Lot 44, as Recorded in Toellner Subdivision, as requested by Francisco Reyna

The site was located south of the intersection of Toledo and E. 2nd ½ Street. The proposed abandonment was located along the south sides of Lots 37 to 43 and along the south and east side of Lot 44 as recorded in Toellner Subdivision, Vol. 15, and Page 28.

Staff received a request from Mr. Francisco Reyna, the owner of Lot 44, to abandon the 60' road easement, since it took up most his lot. He was hoping to build a future 12,000 + sq. ft. home on the property. Though it was not required, he submitted a petition from the majority of the owners that abut the 60' road easement.

The Toellner plat was recorded on August 18, 1964. Fiesta Village, which was located west of Toellner, was recorded on January 23, 1978. Fiesta Village currently blocked the 60' county road easement from continuing west. If the City's intentions were to have the road built, it would have also required the street to connect into Fiesta Village and continue westward.

Also, in reviewing the City's Master Transportation Plan from May '98, and a street and utility project map that was done by Melden & Hunt for the Toellner area, staff found that there was no

future proposal for the construction of the street south of 2nd ½ Street. The map not showing the street once again proved that there was no intention of the street going south of 2nd ½ Street.

The 60' road easement had never been used as such and does not have any public utilities within. The roadway easement had been fenced in and maintained by the adjacent owners for several years. Also, this abandonment would not interfere with the City's future plans of extending 2 ½ Street through to Glasscock Road.

Since it seemed that the street would only benefit those who wished to have the roadway easement abandoned, staff did not object to the abandonment of the 60' road easement. There was no public opposition during the 10/10/12 P&Z hearing. However, there were concerned residents from Fiesta Village wanted to make sure that a street would not be going through their neighborhood. P&Z unanimously recommended approval as shown below.

Staff and City Manager recommended approval.

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

There were no comments.

Councilwoman Ramirez moved to approve to Consider Abandoning a 60' County Road Easement that lies within Lots 37 thru Lot 44, as recorded in Toellner Subdivision, as requested by Francisco Reyna. Motion was seconded by Councilman Plata and approved unanimously 4-0.

L. Discussion and Action to Amend Future Land Use Map within the Boundaries of Conway to the West, Stewart Road to the East, Griffin Parkway to the South, and 2 ½ Mile Line (City Limits) to the North

At 5:36 p.m., Mayor Salinas rejoined the meeting.

This was the 1st in a series of FLUM amendments. The FLUM gave the general public, developers, public officials, and interested others 'broad strokes' of how the City of Mission's land uses should be located - - it was not intended to be a rock solid depiction of a future zoning map. When determining general land use patterns, staff typically factored in the following:

- ❖ Frontage to Existing Major Streets such as FM Roads/MPO arterials – properties next to FM roads or State Highways (or the Expressway) have a larger tendency to be commercial or even attract apartments; if a property was next to Conway (SH 107)
- ❖ Frontage to Future Major streets – The MPO Thoroughfare Map was a Countywide map that required uniform ROW profiles though the road was in different cities; this MPO Map had been reviewed and approved by all municipalities to require the ROWs
- ❖ Existing land uses – if adjoining next to SF Residences, the undeveloped acreage may have a higher tendency to be SF Res – the same for commercial used properties
- ❖ Existing zonings – if undeveloped acreage was in the midst of a certain zoning district (middle of R-1), the likelihood was that it would be SF used & zoned & should thus be designated for SF Res purposes
- ❖ Adjoining land uses – if undeveloped acreage was in the middle of a certain land use, then it would likely be used similarly
- ❖ Elevation of tracts – if property was naturally in a very low-lying area and it's flood zone reflected this as a perpetual hazard, then it should likely be designated as 'Public' for area wide detention purposes and not be designated for SF Res purposes

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- ❖ Highest & Best use analysis – this was a common sense approach after factoring all the above items, i.e., Staff could determine what the highest & best use should be for a certain acreage. For example, though there may be estate residential settings along FM 495, the long term effect should likely be for non-residential purposes such as offices, etc.

In order to fully understand the FLUM acronyms, staff provided the following:

- LD – Low Density Residential; typical Single Family Residential setting; zoning would include R-1.
- LDA – Lower Density Residential; typical SF Residential setting; zoning would include R-1A.
- MD – Moderate Density Residential; typical uses would reflect townhomes, mobile homes, duplexes; zonings would include R-1T, R-2, R-4 (mobile homes).
- HD – High Density Residential; typical uses would reflect apartments; possibly clustered townhouses; RV parks; zonings would usually include R-3 and R-4 (RV's).
- • - Neighborhood Commercial; typical uses would include convenience stores, barber shops, day cares, etc.; usually found at major intersections or in midst of older residential communities to serve the immediate neighborhood; Zoning was C-2
- GC – General Business; typical uses would include retail sales, restaurants, shops, offices, etc.; zonings included C-1, C-2, C-3.
- HC – Heavy Commercial; typical uses would include heavy equipment sales or uses that required a large outdoor sales area; zoning would be C-4
- P – Public – typically included schools, parks, city or county property.

Analysis: In this component of the FLUM, there were several reconciliations of land uses/zonings and proposals to the FLUM that were the following:

Site Location	From/To	Justification
Acreage out of Lot 29-7, West Addition to Sharyland	LD to HD	This change would reconcile the FLUM due to the existing R-3 zone.
Pueblo De Paz Subdivision	LD to HD	This change would reconcile the FLUM due to the existing R-3 use.
NE Corner of Mayberry Road and 2 Mile Road	LD to C-2	The widening of 2 Mile Rd. and the C-2 to the south lends itself to C-2 zoning
N. 10 acres of Lot 30-11, West Addition to Sharyland	LDA to HD	There had been intense interest in possibly building apartments at this juncture; also properties abutting Major thoroughfares had a higher tendency to attract apartments
Lot 1, Blocks 1, 4 & 8, Gulf Breeze Addition	LD to GC	Lots front Conway and 1 of the lots had already been re-zoned to C-2

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Area south of Dawson Ln. along the east side of Conway	LD to GC	This extension of GC would reconcile the FLUM to the size of commercial lots in that vicinity.
SW corner of Francisco Avenue and 2 Mile Road	LD to GC	The widening of 2 Mile Rd. made this property more conducive for a non-residential use, rather than having an R-1 home along such congestive traffic.
SE Corner of Mayberry Road and 2 Mile Road	LD to C-2	Due to the existing C-2 zone on this corner a reconciliation of the FLUM was in order
SW Corner of Bryan Road and 2 Mile	LDA to P	This change would reconcile the FLUM to the future LDS church use.
NE Corner of Griffin Parkway and E. Palm Circle	LD to P	This change would reconcile the FLUM to the existing Church of the Nazarene on this corner.
Yessica Pedraza Subdivision, Lot 1	LDA to GC	This change would reconcile the FLUM to the size of the Yessica Pedraza lot length.
Lots 1, 6, & 7 Stewart Place, Ph. I & II	GC to HD	This change would reconcile the FLUM due to the existing R-3 zone and uses.

There was no public opposition during the 10/10/12 P&Z hearing. P&Z unanimously recommended approval.

Staff and City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve to amend Future Land Use Map within the Boundaries of Conway to the West, Stewart Road to the East, Griffin Parkway to the South, and 2 ½ Mile Line (City Limits) to the North as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

2.0 Disposition of Minutes

2.1 City Council Meeting – October 8, 2012

Mayor Pro Tem Garza moved to approve the minutes as presented. Motion was seconded by Councilman O’cana and approved unanimously 5-0.

3.0 Acknowledge Receipt of Minutes

3.1 Planning and Zoning Commission – September 26, 2012

Speer Memorial Library Board – August 14, 2012

Parks and Recreation – September 12, 2012

Civil Service Commission – September 7, 2012

Mission Historical Museum – October 10, 2012

Councilman Plata moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.0 Approvals and Authorizations

4.1 Adoption of Ord. # 3847 for Rezoning: A .78 acre tract of land out of Lot 23-4, West Addition to Sharyland Subdivision, AO-I to R-1

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3847 for Rezoning: A .78 acre tract of land out of Lot 23-4, West Addition to Sharyland Subdivision, AO-I to R-1 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 3847

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING A .78 ACRE TRACT OF LAND OUT OF LOT 23-4, WEST
ADDITION TO SHARYLAND SUBDIVISION, AO-I TO R-1

4.2 Adoption of Ord. # 3848 for Rezoning: A 1.258 acre tract of land out of Lot 254, John H. Shary Subdivision, AO-I to C-1

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3848 for Rezoning: A 1.258 acre tract of land out of Lot 254, John H. Shary Subdivision, AO-I to C-1 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3848

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING A 1.258 ACRE TRACT OF LAND OUT OF LOT 254, JOHN H.
SHARY SUBDIVISION, AO-I TO C-1

4.3 Adoption of Ord. # 3849 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Buda’s Sushi Bar, 1522 E. Expressway 83, Suite 113, Lot 4, Stewart Plaza Subdivision

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3849 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Buda’s Sushi Bar, 1522 E. Expressway 83, Suite 113, Lot 4, Stewart Plaza Subdivision as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 3849

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR SALE AND ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES - BUDA'S SUSHI BAR, 1522 E. EXPRESSWAY 83, SUITE 113, LOT 4, STEWART PLAZA SUBDIVISION

4.4 Adoption of Ord. # 3850 for CUP to Place a Portable Building for the Sale of Hotdogs, 801 N. Inspiration Road, being a .69 acre tract out of land known as Fernandez Strip, out of Porcion 52

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3850 for CUP to Place a Portable Building for the Sale of Hotdogs, 801 N. Inspiration Road, being a .69 acre tract out of land known as Fernandez Strip, out of Porcion 52 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3850

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT TO PLACE A PORTABLE BUILDING FOR THE SALE OF HOTDOGS, 801 N. INSPIRATION ROAD, BEING A 0.69 ACRE TRACT OUT OF LAND KNOWN AS FERNANDEZ STRIP, OUT OF PORCION 52

4.5 Adoption of Ord. # 3851 for CUP for Daycare in an AO-I Zone, 610 N. Bryan Road, .91 acre tract being the NW corner of Lot 19-11, West Addition to Sharyland Subdivision

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3851 for CUP for Daycare in an AO-I Zone, 610 N. Bryan Road, .91 acre tract being the NW corner of Lot 19-11, West Addition to Sharyland Subdivision as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3851

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A DAYCARE IN AN AO-I ZONE, 610 N. BRYAN ROAD, .91 ACRE TRACT BEING THE NW CORNER OF LOT 19-11, WEST ADDITION TO SHARYLAND SUBDIVISION

4.6 Adoption of Ord. # 3852 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Kave Bar, 2306 E. Expressway 83, Suites 8 & 9, Lot 1, Cimarron Crossing Ph. I Subdivision

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Garza moved to adopt of Ordinance No. 3852 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Kave Bar, 2306 E. Expressway 83, Suites 8 & 9, Lot 1, Cimarron Crossing Ph. I Subdivision as recommended. Motion was seconded by Councilman O’cana and approved 4-1 with Councilman Plata voting against.

ORDINANCE NO. 3852

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 – KAVE BAR, 2306 E. EXPRESSWAY 83, SUITES 8 & 9, LOT 1, CIMARRON CROSSING PH. I SUBDIVISION

4.7 Adoption of Ord. # 3853 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Villa Del Mar, 207 E. Expressway 83, Lot 3, El Pueblo Ph. II Subdivision

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3853 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Villa Del Mar, 207 E. Expressway 83, Lot 3, El Pueblo Ph. II Subdivision as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3853

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE SALE AND ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES – VILLA DEL MAR, 207 E. EXPRESSWAY 83, LOT 3, EL PUEBLO PH. II SUBDIVISION

4.8 Adoption of Ord. # 3854 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages & Drive-Thru Service Window – Tino’s Seafood Restaurant, 2310 E. Expressway 83, Suite 8, Lot 3, Cimarron Crossing Ph. I Subdivision

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3854 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages & Drive-Thru Service Window – Tino’s Seafood Restaurant, 2310 E. Expressway 83, Suite 8, Lot 3, Cimarron Crossing Ph. I Subdivision as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3854

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE SALE AND ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES & DRIVE-THRU SERVICE WINDOW – TINO’S SEAFOOD RESTAURANT, 2310 E. EXPRESSWAY 83, SUITE 8, BEING LOT 3, CIMARRON CROSSING PH. I SUBDIVISION

4.9 Adoption of Ord. # 3855 for CUP for Drive-Thru Business, 3300 N. Inspiration Road, Lot 1, Gomez Estates Subdivision

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3855 for CUP for Drive-Thru Business, 3300 N. Inspiration Road, Lot 1, Gomez Estates Subdivision as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 3855

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU BUSINESS, 3300 N. INSPIRATION ROAD, LOT 1, GOMEZ ESTATES SUBDIVISION

4.10 Adoption of Ord. # 3856 for CUP for a Home Occupation – Business Office, 1210 Elm Street, Lot 6, Block 4, Pecan Heights Subdivision

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3856 for CUP for a Home Occupation – Business Office, 1210 Elm Street, Lot 6, Block 4, Pecan Heights Subdivision as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3856

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION – BUSINESS OFFICE, 1210 ELM STREET, LOT 6, BLOCK 4, PECAN HEIGHTS SUBDIVISION

4.11 Adoption of Ord. # 3857 Abandoning a 60’ County Road Easement that lies within Lots 37 thru Lot 44 as recorded on Toellner Subdivision

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Garza moved to adopt of Ordinance No. 3857 abandoning a 60’ County Road Easement that lies within Lots 37 thru Lot 44 as recorded on Toellner Subdivision as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3857

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, ABANDONING AND VACATING A 60’ COUNTY ROAD EASEMENT DEDICATED TO THE GENERAL PUBLIC THAT LIES WITHIN LOTS 37-44, TOELLNER SUBDIVISION, MISSION, HIDALGO COUNTY, TEXAS

4.12 Adoption of Ord. # 3858 for Future Land Use Amendment within the Boundaries of Conway to the West, Stewart Road to the East, Griffin Parkway to the South, and 2 ½ Mile Line (City Limits) to the North

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3858 for Future Land Use Amendment within the Boundaries of Conway to the West, Stewart Road to the East, Griffin Parkway to the South, and 2 ½ Mile Line (City Limits) to the North as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3858

AN ORDINANCE UPDATING THE FUTURE LAND USE MAP OF THE CITY OF MISSION, TEXAS WITHIN THE BOUNDARIES OF CONWAY TO THE WEST; STEWART ROAD TO THE EAST; GRIFFIN PARKWAY TO THE SOUTH; AND 2 ½ MILE LINE (CITY LIMITS) TO THE NORTH

4.13 Preliminary Plat Approval: Stewart Estates Subdivision, Ph. II, a 2.05 acre tract of land out of Lot 261, John H. Shary Subdivision, R-1A, Developer: Hart Land & Cattle, LLC, Engineer: SJS Engineering

The subject site was located approx. ¼ mile north of Griffin Parkway along the east side of Stewart Road, along the north side of Thornwood Drive. The proposed subdivision consisted of 9 single family residential lots. All lot areas were 9,897 sq. ft. These lot sizes were consistent with the minimum R-1A area requirements. All proposed lots would front and had access to the existing Thornwood St. Though it was not required, notices were sent to the residences of Stewart Estates, Ph. I., as a courtesy to notify them of the developer's proposal.

WATER: The developer was proposing water service by performing 5 bores under Thornwood St. and extending 2" dual service connections to serve each lot. The contractor would be responsible to coordinate the removal and re-installation of the existing sidewalk on the south side of Thornwood and would be responsible for providing safety measures to protect the residences along the south side of the street.

There were 2 existing fire hydrants that were provided during the completion of Stewart Estates Subdivision, placed via the direction of the Fire Marshal's office.

SEWER: There was an existing 12" sewer line located along the north side of Thornwood St. that would be used to serve the 9 lots. The Capital Sewer Recovery Fee was required at \$200/Lot which equated to \$1,800.00 (\$200.00 X 9 Lots).

STREETS & STORM DRAINAGE: As mentioned above the subdivision would access Thornwood Drive, an existing 50' ROW, 32' B/B Street. No additional ROW was required for this development. Storm drainage would be accomplished by utilizing the existing drainage system that was provided by Stewart Estates subdivision – approved drainage report.

Other Comments included:

- Park Fees - \$300.00/Lot = \$2,700.00
- 4' sidewalks would be required along the north side of Thornwood Dr. at building permit stage.
- Must provide reimbursement costs for on-site and off-site utilities and pavement in the amount of \$21,186.81 via the Stewart Estates Subdivision reimbursement contract made payable to the City of Mission.
- Street lights were currently in existence along Thornwood Dr.
- Must provide Water District Exclusion
- Must comply with all other format findings

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There was no public opposition during 10/10/12 P&Z's meeting. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to: 1) must coordinate and provide safety measures for the removal and replacement of the existing sidewalks along the south side of Thornwood Drive; 2) must pay Park, Capital Sewer Recovery and reimbursement fees to the City of Mission; 3) must provide proof of exclusion from the Water District; and 4) comply with all other format findings.

City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Preliminary Plat Approval: Stewart Estates Subdivision, Ph. II, a 2.05 acre tract of land out of Lot 261, John H. Shary Subdivision, R-1A as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.14 Re-schedule 1st Regular City Council Meeting in November from Monday, November 12 to Tuesday, November 13, 2012.

City Manager was requesting that the 1st meeting in November be re-scheduled from Monday, November 12 to Tuesday, November 13 due to City Hall being closed on November 12 for Veteran's Day Holiday.

Staff and City Manager recommended approval.

Councilman Plata moved to approve re-schedule 1st Regular City Council Meeting in November from Monday, November 12 to Tuesday, November 13, 2012 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.15 Authorize Mayor to execute renewal contract with the Department of State Health Services, Bureau of Vital Statistics

This was a continuation of the existing contract with the Department of State Health Services, Bureau of Vital Statistics for the issuance of out of town Vital Records. Term of the agreement was thru August 31, 2013. With this service out of town birth certificates were purchased for \$24.00 each with \$1.83 per record going to the state for search and issuance through the state

data-base. This fiscal year staff had issued 620 records to date via the remote system at a total revenue to the city of \$13,745.40.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize Mayor to execute renewal contract with the Department of State Health Services, Bureau of Vital Statistics as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.16 Approval of Ord. # 3859 granting a wet designation for 1522 E. Expressway 83, Ste. 113, Lot 4, Stewart Plaza Subdivision, Buda's Sushi Bar

Staff was requesting the above mentioned property be wet zoned for Wine and Beer Retailer's On- Premise Permit.

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Garza moved to adopt Ordinance No. 3859 granting a wet designation for 1522 E. Expressway 83, Ste. 113, Lot 4, Stewart Plaza Subdivision, Buda's Sushi Bar as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3859

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 1522 E. EXPRESSWAY
83, STE. 113, LOT 4, STEWART PLAZA SUBDIVISION

4.17 Acceptance of two (2) buses from La Joya ISD

The La Joya ISD Board of Trustees met on October 10, 2012 and approved a donation of two (2) buses to the City based on a request from Mayor Salinas.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve acceptance of two (2) buses from La Joya ISD as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.18 Authorization to donate two (2) buses to Allende, NL and Valle Hermoso, Tamps.

The La Joya ISD Board of Trustees met on October 10, 2012 and approved a donation of two (2) buses to the City based on a request from Mayor Salinas. Staff was requesting approval to donate the buses to Allende NL and Valle Hermoso Tamps.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve authorization to donate two (2) buses to Allende, NL and Valle Hermoso, Tamps. as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.19 Approve change order for G & G Contractors for Housing Assistance at 1216 Miller

The following unforeseen work was discovered upon completion of the reconstruction project for the CDBG applicant's home located at 1216 Miller:

- 1) upon inspection from AEP, it was necessary to install additional poles to provide electric power to home in order to comply with AEP codes and regulations;

As per the guidelines, the City Manager had the authority to increase approved loans by no more than 10% of the contract amount awarded if unforeseen requirements during the construction phase mandates such an increase. The change order was as follows:

1216 Miller (Reconstruction):

Contract amount	\$41,590.00
Change order	<u>\$ 2,061.00</u>
Total amount	\$43,651.00

Staff and City Manager recommended approval.

Councilman Plata moved to approve change order for G & G Contractors for Housing Assistance at 1216 Miller as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.20 Acceptance of Quarterly Report of Investments for the Quarter ending September 30, 2012 and Interest Earned for Twelve Months Ending September 30, 2012

Acceptance of quarterly report required by the Public Funds Investment Act Section 2256.023 of the Texas Government Code on the total investments for the quarter ending September 30, 2012. The total investments purchased were \$5,714.91 and the amount of maturing investments were \$4,612,651.93 leaving a total of \$26,312,996.41 in outstanding investments for the quarter ending September 30, 2012. The total interest earned on all funds year to date was \$84,073.16.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve acceptance of Quarterly Report of Investments for the Quarter ending September 30, 2012 and Interest Earned for Twelve Months Ending September 30, 2012 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.21 Authorization to enter into an Interlocal Cooperation Agreement between the City of Mission and the Lower Rio Grande Development Council

The City of Mission Emergency Management Division was requesting to enter into an inter-local agreement between the City of Mission and the Lower Rio Grande Development Council. The purpose of this agreement was to allow the LRGVDC to release one (1) 36' gooseneck inflatable awning for the MMRS (Mobile Medical Response System) project to the City of Mission; in return staff agreed to participate in a Regional Response to both man-made and natural disasters if requested under the regions mutual aid process. FEMA would retain ownership until July 31, 2015 at which time the City of Mission would obtain ownership of the equipment. The equipment had a total value of \$63,034.66.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza advised Mayor Salinas and Council that she would be abstaining from this item due to her serving on the board.

Councilman O'cana moved to approve authorization to enter into an Interlocal Cooperation Agreement between the City of Mission and the Lower Rio Grande Development Council as recommended. Motion was seconded by Councilman Plata and approved 4-0 with Mayor Pro Tem Garza abstaining from voting and deliberation on this item.

4.22 Authorization to solicit bids at the new Bannworth and CWV Facilities for (a) the installation of security cameras and telecommunication systems (b) extension of the road turnaround and (c) perimeter fence for covered pool

Staff was seeking authorization for the new Bannworth and CWV Facilities for (a) the installation of security cameras and telecommunication systems (b) extension of the road turnaround and (c) perimeter fence for covered pool.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve authorization to solicit bids at the new Bannworth and CWV Facilities for (a) the installation of security cameras and telecommunication systems (b) extension of the road turnaround and (c) perimeter fence for covered pool as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.23 Accept donation of 10 computers and school supplies from the University of Phoenix, IBC Bank, National Hispanic Professional Organization (NHPO), and the Mission Chamber of Commerce to be used toward after school programs

On October 26th, 2012, University of Phoenix, IBC Bank, NHPO, and the Mission Chamber of Commerce would donate 10 desktop computers and school supplies to the City of Mission Boys and Girls Club. This initiative was to support the Mission Boys and Girls club and assist in enabling our youth to reach their full potential by providing the tools for tomorrow.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to accept donation of 10 computers and school supplies from the University of Phoenix, IBC Bank, National Hispanic Professional Organization (NHPO), and the

Mission Chamber of Commerce to be used toward after school programs as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.24 Authorization to accept the 2012 State Homeland Security Program Grant from Texas Department of Public Safety

The City of Mission Police Department was requesting authorization to accept the 2012 State Homeland Security Program grant from the Texas Department of Public Safety. The \$26,455.00 grant would be utilized to purchase portable radios.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve authorization to accept the 2012 State Homeland Security Program Grant from Texas Department of Public Safety as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.25 Approval of Work Authorization No. 12 with L&G Engineering for GIS Project

Authorization was being requested for the ongoing GIS (Geographical Information System) project. Phase VIII of the GIS project entailed incorporating existing datasets into the GIS data format. This included project administration, manhole elevation collection, direct and indirect

training, dataset development, GIS maps and reports, outfall images and sketches and services as detailed.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Work Authorization No. 12 with L&G Engineering for GIS Project as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.26 South Water Treatment Plant Renovation Change Order No. 2 (City Attorney may ask Council to go into Executive Session prior to considering this matter in open session.)

Change Order No. 2 entailed the additional work to replace damage & obsolete instrumentation supporting plant's SCADA (supervisory control and data acquisition system) system. Contract amount would increase from \$931,495.00 to \$989,761.00, a total addition of \$58,266.00 with 100 Calendar Days added to contract time. Original Contract cost was at \$792,000.00. Change Order was at the 24.96% limit from original contract.

Staff and City Manager recommended approval.

Councilman Plata moved to approve South Water Treatment Plant Renovation Change Order No. 2 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

Mr. Cerda wanted to remind architect Rudy Gomez of their discussion to meet at City Hall next week and to meet sometime in November at the Bannworth Park for a walk thru. He also reminded Mr. Gomez to provide Mayor Salinas and Council with a punch list.

6.2 Mayor's Comments

None

7.0 Adjournment

At 6:07 p.m., Councilman O'cana moved for adjournment. Motion was seconded by Councilman Plata and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary