

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
FEBRUARY 25, 2013 4:30 P.M.
MISSION CITY HALL**

PRESENT:

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

ABSENT:

Norie Gonzalez Garza, Mayor Pro Tem

ALSO PRESENT:

Kathy Olivarez, Progress Times
Jim Brunson, Progress Times
Daniel Silva
Richard Perez
Joanne Garcia
Bernardo Garcia
Isidro fernandez
Nacho Pecina
Dario Rivas, Jr.
Vidal Farias

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Sonia Marroquin, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Danny Tijerina, Planning Director
Bobby Salinas, 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
Robert Dominguez, Asst. Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Julian Gonzalez, Parks & Rec. Director
Juan C. Avila, B & G Club Director
Noemi Munguia, HR Director
Robert Hinojosa, Risk Manager
Jonathan Wehrmeister, Judge
Luis Contreras, Museum Director
Mayra Rocha, Library Director
John Hernandez, City Engineer

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:37 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 Plata and approved unanimously 4-0.

4. JoAnne Garcia - Martinez Elementary School regarding recycling

Teacher JoAnne Garcia, students Marcos Garza, Eternity Garcia, and Lisette Menganejo from Martinez Elementary School requested council to begin recycling paper in the schools by requesting the city to place bins in each school.

5. Presentation by HERO Club

Rene Lopez, Jr. and Randy Perez presented Mr. Mike Rhodes a plaque for his contribution to their organization.

6. Report from the Greater Mission Chamber of Commerce

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported past and upcoming events which included a successful Winter Texan Fiesta, Mission Day at Austin and informed that Hidalgo County MPO would begin meeting at the Mission Chamber.

7. Citizens Participation

Luis Contreras, Museum Director invited the Council to the Museum's Landscaping Ground Breaking to be held on Tuesday, February 26 at 10:00 a.m.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: A .57 acre tract out of Lot 244, John H. Shary Subd., (2015 N. Shary Rd.), from R-1 (Single Family Residential) to C-1 (Office Building) Felix Garza Pena Adoption of Ordinance # 3900 approving 1.1A

Site: The subject site was located on the SW corner of Shary Road and Summer Breeze. The site measured 113.50' x 218' (24,743 sq. ft.). This site had sole access off of Shary Road and currently had a buffer fence along Summer Breeze.

Surrounding Zoning/	N: R-1 – Single Family Residential; Single Family Home
Existing Land Uses:	E: R-1T – Townhouse Residential; Single Family Home
	W: R-1 – Single Family Residential; Single Family Home
	S: R-1 – Single Family Residential; Single Family Home
	Site: R-1 - Single Family Residential; Single Family Home

FLUM: Low Density Residential

Review Comments: Though the ½ acre site may continue accommodating a residential use and the FLUM showed an LD designation, Staff anticipated most of Shary Road to slowly evolve into commercial uses due to the following:

- 1) The subject property adjoined Shary Road; a five lane major thoroughfare (mandated a minimum 120' ROW with an ultimate pavement width of 81').
- 2) The site was caddy corner to an existing General Commercial Zone (C-3), Shary Business Center.
- 3) The traffic produced by inherent traffic using this major street was more conducive for a non-residential use, rather than having a residential home along such congestive traffic patterns.

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- 4) The C-1 proposal was for office use which was the least congestive zone in our commercial zoning hierarchy; also seeing the limited size would limit parking and would self-restrain it to a small office setting. There would also be an 8' opaque buffer required between residential and commercial uses.

There were several concerns voiced at P&Z 2/13/13 Mtg. that included: safety for the neighborhood, increased traffic, burglary, vandalism, overflowing dumpsters, etc. P&Z unanimously recommended denial.

Staff and City Manager recommended approval.

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

Mr. Nacho Pecina, from 2408 Brock was representing the applicant and explained the solutions that were going to take care of the concerns that were voiced at the P&Z 2/13/13 meeting.

Councilman Dr. Armando O'cana moved to approve the rezoning and to adopt Ordinance No. 3900 Rezoning: A .57 acre tract out of Lot 244, John H. Shary Subd., (2015 N. Shary Rd.), from R-1 (Single Family Residential) to C-1 (Office Building), as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3900

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS GRANTING A REZONING A .57 ACRE TRACT OUT OF LOT 244,
JOHN H. SHARY SUBDIVISION, (2015 N. SHARY ROAD), FROM
R-1 (SINGLE FAMILY RESIDENTIAL) TO C-1 (OFFICE BUILDING)

**B. Conditional Use Permit: To Place a Portable Building to be temporarily used as a Car Sales Office, 916 W. Expwy 83, Lot 1, Carmart Subd. (U/R), C-3 (General Business District), Jesus A. Sanchez
Adoption of Ordinance # 3901 approving 1.1B**

The property was located on the north side of U. S. Expressway 83 west of American Legion Post 93. The applicant esd requesting authorization to place a 12' x 44' portable building for use as a temporary car sales office.

Days & Hours of Operation: Monday – Friday, 9 a.m. to 7 p.m., Saturdays, 9 a.m. to 6 p.m.;
Sundays, closed.

Number of Employees: 3

Parking: Required – 4, Proposed – 33

Landscaping: Required – 3,000 sq. ft., Proposed – 6,256 sq. ft. A total of 9 shade/ornamental trees would be required along Expressway Frontage.

The temporary installation would include a complete mobile office and temporary all weather surface for parking and vehicle display. In addition, all utilities including water and fire protection shall be installed as part of this request.

It was expected that construction of the permanent facilities, including asphalt or concrete parking, landscaping, and lighting, would commence upon approval by the City, which was estimated to be

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in April of 2013. Permanent construction should begin approximately 60 days after approval by the City.

Staff mailed four (4) notices to property owners within a 200' radius of this property, and as of the date of this write-up, no comments in favor or against this request have been received by the Planning Department. There was no public opposition during the 2/13/13 P&Z hearing. P&Z unanimously recommended approval as per staff's recommendations including the sales of vehicles prior to the recording of the subdivision.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation, 2) the recording of the plat prior to the operation of any sales, 3) acquisition of a business license, 4) compliance with fire, building, utilities and all other applicable codes, 5) once the temporary structure is no longer needed, it shall be removed, and 6) compliance with Sign Code.

City Manager recommended approval.

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

Mr. Fernandez from SDI Engineering who was representing the applicant Mr. Jesus Sanchez spoke in favor of the request.

Councilman O'cana moved to approve the CUP and to adopt Ordinance No. 3901 Conditional Use Permit: To Place a Portable Building to be temporarily used as a Car Sales Office, 916 W. Expwy 83, Lot 1, Carmart Subd. (U/R), C-3 (General Business District), subject to P&Z's recommendation to allow the sales of vehicles prior to the recording of the subdivision. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3901

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT TO PLACE A PORTABLE BUILDING TO BE TEMPORARILY USED AS A CAR SALES OFFICE, 916 W. EXPRESSWAY 83, LOT 1, CARMART SUBDIVISION (U/R)

At 5:12 p.m., Councilman Plata stepped out of the meeting

**C. Conditional Use Permit: for the Sale & On-Site Consumption of Alcoholic Beverages
La Playita Rest., 2120 E. Bus. 83, Lot 51, Sharyland Orchards Subd., C-4,
Bernardo Garcia
Adoption of Ordinance # 3902 approving 1.1C**

The subject site was located on the SE corner of Ragland Road and Business 83. On 8-27-12, the City Council had denied the previous La Playita Restaurant and Bar due to several issues relating to the sale and on-site consumption of alcohol at the site. The new applicant was now proposing only a restaurant setting and was requesting a new CUP for the on-site consumption of alcohol.

- Hours of operation: Tuesday – Sunday from 11 a.m. to 12 p.m. (Note: La Playita Restaurant and Bar's hours were Everyday from 12:00 p.m. to 2:00 a.m.) Alcoholic beverages would only be served during allowable State selling hours.
- Staff: 6 – 8

- Parking: In reviewing the floor plan, there were 108 total seating spaces for the restaurant, which required 36 parking spaces (108 total seating spaces/3 = 36 parking spaces). It was noted that the parking area was held in common (41 existing parking spaces) and was shared with a closed auto mechanic shop.
- Noise: There would be no D.J., band or Karaoke proposed for the restaurant.
- Signage: There was currently a temporary inflatable sign that must be removed in order to comply with the City's Sign Code.
- Landscaping: There was an existing green area and landscape islands within the parking lot along Business 83. Staff recommended at least 5 shade/ornamental trees be installed as part of this CUP's requirements.
- Sale of Alcohol: Section 6-4 of the Alcoholic Beverage code stated that the sale of alcohol should not occur within 300' of any public/private school, church, or hospital. There were no such uses within 300' of this site.
- During the previous CUP approval, Staff noticed that there was an existing pool (with no water) that did not have a fence. A fence had since been installed however there was an opening that still allowed access into the rear of the lot that should be properly gated.
- Must comply with Fire & Health Departments; and must obtain a Business License.

When City Council denied La Playita's CUP in August, it was clear that a "bar" was not something that they wanted to see in this area. The new applicant was proposing to remove the "bar" feature of the restaurant which included 1) removing the sale of liquor and mixed drinks (he only wanted to offer beer & wine with meals), 2) removing the DJ/Band, and 3) reducing the late hours from 2 a.m. to 12 a.m. He was hoping that with all of these changes, his CUP may be approved. There was no public opposition during the 2/13/12 P&Z hearing. P&Z unanimously recommended approval as per staff's recommendations.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation in order to assess this new operation, 2) Compliance with Sec. 6-4 of the Alcoholic Beverages Code, 3) Must install a minimum of 5 shade/ornamental trees along Business 83; 4) Must provide a gate in order to completely secure the swimming pool, and 5) Must acquire a business license.

City Manager recommended approval.

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

There were no comments.

Councilwoman Ramirez moved to approve the CUP and to adopt Ordinance No. 3902 Conditional Use Permit: for the Sale & On-Site Consumption of Alcoholic Beverages La Playita Rest., 2120 E. Bus. 83, Lot 51, Sharyland Orchards Subd., C-4, as recommended. Motion was seconded by Councilman O'cana and approved unanimously 3-0.

ORDINANCE NO. 3902

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 – LA PLAYITA RESTAURANT,
2120 E. BUSINESS 83, LOT 51, SHARYLAND ORCHARDS SUBDIVISION

**D. Conditional Use Permit: Home Occupation-for Little Patriots Daycare, 300 E. Mile 2 Rd., 1.17 Acres of Lot 28-7, West Addition to Sharyland Subd., R-1, (Single Family Residential), Reymundo Ramirez, Jr.
Adoption of Ordinance # 3903 approving 1.1D**

The subject site was located at the SW corner of Francisco and Mile 2 Road. This CUP was last approved by P&Z on 1-11-12 and was now up for renewal. In 9-9-09, Mr. Ramirez took over this operation from Mr. Joel & Hermilia Ochoa, who had the operation since April 2004. Since its introduction in 2004, the Ochoa's and the applicant have complied with the request of the Planning and Zoning Commission which included: DHS certification, compliance with sign codes, acquisition of a business license, and the installation of a fence buffer.

- Hours of Operation: Monday – Friday from 7:00 a.m. to 6:00 p.m.
- Staff: 4 employees
- Parking: The 2,248 sq. ft. daycare required 9 spaces (2, 248 – 400/400 + 4= 8.62 spaces).
- There were 3 parking spaces and a circular drive could hold two vehicles and was used so cars could safely enter the facility from 2 Mile and exit facing 2 Mile's traffic. One 6-20-12, the Zoning Board of Adjustments approved a variance request to not require the additional parking spaces, until there was a complaint filed with the City in regards to the parking, thus the CUP was currently compliant with code.
- DHS certification was evident and could continue to be mandated.

Since there had been no reported issues, staff recommended approval subject to a 1 year re-evaluation. (Note: The owner of the tract had the option of applying for C-2 rezoning in order to avoid having to go through future CUPs.) There was no public opposition during the 2/13/13 P&Z hearing. P&Z unanimously recommended approval as per staff's recommendations.

Staff Recommendation: Approval subject to: a 1 year re-evaluation. (Note: The owner of the tract had the option of applying for C-2 rezoning in order to avoid having to go through future CUPs).

City Manager recommended approval.

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

There were no comments.

Councilman O'cana moved to approve the CUP and to adopt Ordinance No. 3903 Conditional Use Permit: Home Occupation-for Little Patriots Daycare, 300 E. Mile 2 Rd., 1.17 Acres of Lot 28-7, West Addition to Sharyland Subd., R-1, (Single Family Residential), as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 3-0.

ORDINANCE NO. 3903

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS GRANTING A CONDITIONAL USE PERMIT HOME OCCUPATION - FOR LITTLE
PATRIOTS DAYCARE, 300 E. MILE 2 ROAD, 1.17 ACRES OF LOT 28-7, WEST ADDITION
TO SHARYLAND SUBDIVISION

**E. Conditional Use Permit: To have a Portable Building with a Drive – Thru Service for Sno-Cones Sales, 1234 E. Bus. Hwy 83, 125.06’ x 125’ tract, Lot 20-11, West Addition to Sharyland Subd., C-3, Jose Daniel Garcia
Adoption of Ordinance # 3904 approving 1.1E**

The subject site was located approximately 800’ east of Bryan Road along the south side of Business Hwy. 83. The CUP was most recently approved by P&Z on 1/25/12 for 1 year with the condition that when the proposed commercial property to the west begins to develop, the sno-cone stand CUP may not be renewed. As of the date of this write-up, the property to the west remained dormant.

The sno-cone stand had been in operation since December 2010. Drive-thru traffic wrapped around the stand and exited through the parking lot. Poles were installed to the western perimeter to ensure that vehicles did not trespass through the watermill/Fontana property. Since spaces were displaced with traffic going through the parking lot, the applicant installed two temporary spaces located along the south of the property to compensate. Staff had not received any complaints regarding the drive-thru or the temporary parking stalls.

Since the portable building was temporary, the CUP should be voided once the Old Fontana site is built on an attractive retail complex. As such, staff did not object to continue allowing the sno-cone stand to operate, inclusive of the temporary all weather parking. There was no public opposition during the 2/13/13 P&Z hearing. P&Z unanimously recommended approval as per staff’s recommendations.

Staff Recommendation: Approval subject to 1 year re-evaluations with notice that this CUP was temporary pending completion of the forthcoming commercial facility to the adjoining west.

City Manager recommended approval.

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

There were no comments.

Councilman O’cana moved to approve the CUP and to adopt Ordinance No. 3904 Conditional Use Permit: To have a Portable Building with a Drive – Thru Service for Sno-Cones Sales, 1234 E. Bus. Hwy 83, 125.06’ x 125’ tract, Lot 20-11, West Addition to Sharyland Subd., C-3 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 3-0.

ORDINANCE NO. 3904

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS GRANTING A CONDITIONAL USE PERMIT TO HAVE A PORTABLE BUILDING
WITH A DRIVE-THRU SERVICE FOR SNO-CONES SALES, 1234 E. BUSINESS HIGHWAY
83, 125.06’ X 125’ TRACT, LOT 20-11, WEST ADDITION TO SHARYLAND SUBDIVISION

At 5:19 p.m., Councilman Plata returned to the meeting.

**F. Conditional Use Permit: For the Sale & On-Site Consumption of Alcoholic Beverages
Genghis Grill, 2521 E. Expwy 83, Ste. 400, Lot 5, Block A, Shary-Taylor Expwy
Commercial Subd., C-4, Genghis Grill
Adoption of Ordinance # 3905 approving 1.1F**

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The restaurant was located within an existing commercial plaza along the NW area of Expressway 83 and Taylor Road. This restaurant was within a larger building that currently included Freebirds and Dickey's BBQ restaurants. Access to the site was provided through existing driveway cuts along Expressway 83 and Taylor Road. This CUP was originally approved by City Council on 2-13-12 with the condition that they wet zone the property, obtain a business license, and that it be reviewed again within 1 year.

Hours of Operation: Sunday – Thursday from 11:00 a.m. to 10:00 p.m., Friday and Saturday from 11:00 a.m. to 11:00 p.m. Alcoholic beverages would only be served during allowable State selling hours.

Staff: 85 employees

Parking; There were 211 total seating spaces, which required 70 parking spaces (211 seats/1 space for every 3 seats = 70.3 parking spaces). It was noted that the parking area was held in common and was shared with other businesses. There had been no complaints in relation to the parking.

Sale of Alcohol: There were no churches or public/private schools within 300' of the subject site, thus being compliant to Section 6-4.

There were similar restaurant that currently sold alcohol within this building and Staff had not received any complaints in regards to this business. There was no public opposition during the 2/13/13 P&Z hearing. P&Z unanimously recommended approval as per staff's recommendations.

Staff Recommendation: Approval subject to Life of Use.

City Manager recommended approval.

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

There were no comments.

Councilwoman Ramirez moved to approve the CUP and to adopt Ordinance No. 3905 Conditional Use Permit: For the Sale & On-Site Consumption of Alcoholic Beverages Genghis Grill, 2521 E. Expwy 83, Ste. 400, Lot 5, Block A, Shary-Taylor Expwy Commercial Subd., C-4, as recommended. Motion was seconded by Councilman O'cana and approved unanimously 4-0.

ORDINANCE NO. 3905

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 – GENGHIS GRILL, 2521 E. EXPRESSWAY
83, STE. 400, BEING LOT 5, BLOCK A, SHARY-TAYLOR EXPRESSWAY SUBDIVISION

**G. Conditional Use Permit: For the Sale & On-Site Consumption of Alcoholic Beverages
Mariachuchena's Bar & Grill, 302 W. Griffin Parkway, Suites A & B, Lot 2, Storage
Depot Subd., C-3, Jose V. Narvaez
Adoption of Ordinance # 3906 approving 1.1G**

The subject site was located approximately ¼ mile west of Conway Avenue along the north side of Griffin Parkway (F.M. 495). A CUP for the sale of alcohol was approved by City Council on 2-13-12 for a period of 1 year. Mariachuchena's had been in operation since 2011.

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Hours of Operation: Wednesday & Sunday – 4:00 p.m. to 12:00 a.m., Thursday to Saturday – 4:00 p.m. to 2:00 a.m., Monday & Tuesday – Closed. Alcoholic beverages would only be served during allowable State selling hours.

Staff: 6 employees

Parking: Viewing the floor plan, the restaurant had a total of 36 seating spaces, which required 12 parking spaces (36/1 space for every 3 seats = 12 parking spaces). It was noted that the parking area was held in common (48 spaces for all suites) and was shared with other businesses. The Planning Department had not received any complaints regarding intense overflow parking.

Sale of Alcohol: Section 1.56-3 of the Zoning Code cites that ‘Bars’ must be 300’ from the nearest residence, church, school or publicly owned property. There was one residence within 300’; however there was a solid series of storage units to the home 290’ to the west (Norma Andis); however, P&Z and the Council waived this separation requirement in the CUP’s previous approval.

Noise: The applicant stated that only piano and acoustic music would be played: No DJ or loud bands. If there were noise issues, Staff would approach the applicant and impose policy.

There was no public opposition during the 2/13/13 P&Z hearing. P&Z unanimously recommended approval as per staff’s recommendations.

Staff Recommendation: Approval subject to a 1 year re-evaluation.

City Manager recommended approval.

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

There were no comments.

Councilman O’cana moved to approve the CUP and to adopt Ordinance No. 3906 Conditional Use Permit: For the Sale & On-Site Consumption of Alcoholic Beverages Mariachuchena’s Bar & Grill, 302 W. Griffin Parkway, Suites A & B, Lot 2, Storage Depot Subd., C-3, as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3906

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 – MARIACHUCHENA’S BAR & GRILL,
302 W. GRIFFIN PARKWAY, SUITES A & B, LOT 2, STORAGE DEPOT SUBDIVISION

H. Conditional Use Permit: Sale & On-Site Consumption of Alcohol Fanatics Sports Bar & Grill, 2140 E. Bus. Hwy 83, West 100’ of Lot 1, Grapefruit Bowl, Inc. Subd., C-4, Fanatics Sports Bar & Grill/Matador Lounge, Inc.

Adoption of Ordinance # 3907 approving 1.1H

Adoption of Ordinance # 3908 approving Wet Zone

Fanatics was located approximately 400’ east of Ragland Road on the South side of Business Highway 83. It was located adjacent to Valley Bowl where both businesses share common parking. The main entrance was located at the NW corner of the building. In reviewing the floor plan there were 9 pool tables, video games, and several televisions for patrons to view sports and other programs. The restrooms were located on the west side of the business.

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- Hours of Operation: Sunday – Wednesday from 2 p.m. to 12 a.m., Thursday and Friday from 2 p.m. to 2 a.m., and Saturday from 12 p.m. to 2 a.m.
- Staff: 14 employees.
- Parking: In reviewing the floor plan, there were a total of 188 seats which required 63 parking spaces (188/3 seats = 62.6 parking spaces). It was noted that there were 180 parking spaces held in common between Valley Bowl and Fanatics located along the front and rear of the building.
- Sale of Alcohol: Section 1.56-3 of the Zoning Code cites that ‘Bars’ must be 300’ from the nearest residence, church, school, or publicly owned property. There was a mobile home subdivision located within 300’; however, P&Z and the City Council had the option to waive this separation requirement.
- Must comply with all Building, Fire, and Health Codes.
- Must obtain separate (individual) address and acquire a business license.

Due to the bar mixing with a more family oriented bowling alley, Staff had informed the applicant that the two businesses must be permanently divided with a solid wall to not allow public access between the two. The applicant was to submit a proposal that would comply with this requirement and also be in compliance with Fire and Building code requirements. There was no public opposition during the 2/1313 P&Z hearing. P&Z unanimously recommended approval.

Staff Recommendation: Approval subject to: 1) A 1 year re-evaluation in order to assess the business; 2) waiver of the 300-foot requirement to City Council; 3) Construct a solid wall that would divide Valley Bowl and Fanatics; 4) Must comply with all City and TABC code requirements; 5) Must ‘Wet Zone’ the remaining property; 6) obtain a separate address for Fanatics; 7) acquire a separate Business License; and 8) provide uniformed security,

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the CUP and to adopt Ordinance No. 3907 Conditional Use Permit: Sale & On-Site Consumption of Alcohol Fanatics Sports Bar & Grill, 2140 E. Bus. Hwy 83, West 100’ of Lot 1, Grapefruit Bowl, Inc. Subd., C-4, as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3907

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE SALE & ON-SITE
CONSUMPTION OF ALCOHOL – FANATICS SPORTS BAR & GRILL, 2140 E. BUSINESS
HIGHWAY 83, W. 100’ OF LOT 1, GRAPEFRUIT BOWL, INC. SUBDIVISION

Councilman Plata moved to adopt Ordinance No. 3908 granting a wet designation for Fanatics Sports Bar & Grill, 2140 E. Bus. Hwy 83, West 100’ of Lot 1, Grapefruit Bowl, Inc. Subd., C-4, as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3908

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 2140 E. BUSINESS HIGHWAY 83, WEST 100 FEET OF LOT 1, GRAPEFRUIT BOWL, INC. SUBDIVISION

I. Conditional Use Permit: Sale & On-Site Consumption of Alcohol – Valley Bowl, 2140 E. Bus. Hwy 83, East 36.86’ of Lot 1 and all of Lot 2, Grapefruit Bowl, Inc. Subd., C-4, Valley Bowl/Jim Inks, Inc.

Adoption of Ordinance # 3909 approving 1.1I

Adoption of Ordinance # 3910 approving Wet Zone

Valley Bowl was located approximately 400’ east of Ragland Road on the South side of Business Highway 83. It was located adjacent to Fanatics where both businesses share common parking. In reviewing the floor plan, there were 24 bowling lanes and the approach and pit areas, a party room, and office as you enter the building, the rental area for bowling and shoes, the Café/snack bar/kitchen area, game room area, another office, and a utility/storage area. The main entrance to the facility was located along the North side of the building. There were separate restrooms for men and women.

- Hours of Operation: Monday – Thursday from 8 a.m. to 12 p.m., Friday from 8 a.m. to 1 a.m., Saturday from 12 p.m. to 1 a.m., and Sundays from 1 p.m. to 12 a.m.
- Staff: 21 employees.
- Parking: In reviewing the floor plan, there were a total of 298 seats which required 99 parking spaces (298/3 seats = 99.3 parking spaces). It was noted that there were 180 parking spaces held in common between Valley Bowl and Fanatics located along the front and rear of the building, thus exceeding code by 18 spaces.
- Sale of Alcohol: Section 1.56-3 of the Zoning Code cites that ‘Bars’ must be 300’ from the nearest residence, church, school, or publicly owned property. There was a mobile home subdivision located within 300’; however, P&Z and the City Council had the option to waive this separation requirement.

Notices were sent to property owners within 200’ of this business where staff had not received any comments in favor or against this CUP. Since Valley Bowl had been in business for several years and staff had not received any complaints in regards to this establishment, staff would not object to a 1 year re-evaluation in order to continue to assess this business. If there were no issues at the time of the 1 year re-evaluation, future approvals may be for a longer tenure. There was no public opposition during the 2/13/13 P&Z hearing. P&Z unanimously recommended approval.

Staff Recommendation: Approval subject to: 1) A 1 year re-evaluation in order to assess the business; 2) Must comply with all City and TABC code requirements; 3) Must ‘Wet Zone’ the entire property; and 4) Must acquire a Business License, if needed,

City Manager recommended approval.

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

There were no comments.

Councilman O'cana moved to approve the CUP and to adopt Ordinance No. 3909 Conditional Use Permit: Sale & On-Site Consumption of Alcohol Valley Bowl, 2140 E. Bus. Hwy 83, East 36.86' of Lot 1 and all of Lot 2, Grapefruit Bowl, Inc. Subd., C-4, as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3909

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE SALE & ON-SITE CONSUMPTION OF ALCOHOL – VALLEY BOWL, 2140 E. BUSINESS HIGHWAY 83, E. 36.86' OF LOT 1 & ALL OF LOT 2, GRAPEFRUIT BOWL, INC. SUBDIVISION

Councilman O'cana moved to adopt Ordinance No. 3910 granting a wet designation for Valley Bowl, 2140 E. Bus. Hwy 83, East 36.86' of Lot 1 and all of Lot 2, Grapefruit Bowl, Inc. Subd., C-4, as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3910

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 2140 E. BUSINESS HIGHWAY 83, EAST 36.86 OF LOT 1 AND ALL OF LOT 2, GRAPEFRUIT BOWL, INC. SUBDIVISION

**J. Discussion and Action to Amend Future Land Use Map within the boundaries of Conway Blvd. to the East, ¼ Mile West of La Homa to the West, 1/3 Mile North of Mile 3 to the North, and Griffin Pkwy to the South
Adoption of Ordinance # 3911 approving 1.1J**

This was the 5th 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 factors 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 is C-2
- GC – General Business; typical uses would include retail sales, restaurants, shops, offices, etc.; zonings include C-1, C-2, C-3.
- HC – Heavy Commercial; typical uses would include heavy equipment sales or uses that require a large outdoor sales area; zoning would be C-4
- P – Public – typically includes 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 are the following:

SITE LOCATION	FROM/TO	JUSTIFICATION
NW Corner of La Homa and Mile 3 Rd.	GC	Since this area was recently annexed there was no designation. Staff was proposing GC due to the frontage along Mile 3 and the existing Dollar General and Stripes Convenience Store.
S. 330' of Lots 66 & 67 and the N. 330' of Lots 64 & 65, New Caledonia Subdivision	GC	Newly Annexed. Staff was proposing GC due to the frontage along Mile 3 and existing commercial uses along this major corridor.
North portion of Lots 66, 67, 72, and South portion of Lots 64 & 65, New Caledonia Subdivision	LD	Newly Annexed. Since these properties were off of Mile 3 a Low Density designation currently seemed like a good transition.
SW Corner of Mile 3 and La Homa	P	Newly Annexed. Staff was proposing P due to the existing School and Water Tower sites.
The area between Moorefield and Inspiration Road along the north side of Mile 3 Road	GC	Newly Annexed. Staff was proposing GC due to the frontage along Mile 3 and existing commercial uses in this area.
Villa Capri Subdivision	LD	Newly Annexed. This was an existing Single Family Subdivision, thus the LD designation.

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The West 150' of the S. 10 acres out of Lot 32-1, West Addition to Sharyland	LD to MD	With the existing apartments to the west and frontage to Inspiration Road an MD designation would allow for new apartment proposals for this area These properties front Inspiration Road, a major thoroughfare, and have mixed uses that included a few existing commercial uses. Traffic produced by those using this major street was more conducive for a non-residential use.
Lots 1-8, Alex Cavazos Subdivision	LD to GC	
NW corner of Azalea & Inspiration Road, SW corner of Clavele & Inspiration Road, & the NW corner of Orquidea & Inspiration Road	MD to GC	These changes would correct the FLUM due to the current C-2 zones and the existing commercial uses.
NE corner of Oleander and Moorefield Road	LD to GC	These changes would correct the FLUM due to the current C-3 zone and the existing commercial use on this lot.
Lots A-H, Mountain View Subdivision	LD to GC	This change would correct the FLUM due to the current C-3 zone. This area was adjacent to future commercial uses on the north side and included the existing Feed Store. A GC designation would be a good fit in this area.
SE Area of Los Ebanos and Mile 2 Road	LD to GC	
NW area of Compton and Mile 2	LD to GC	This change would correct the FLUM due to the current C-1 Zone.
NW corner of Moorefield Road and Griffin Parkway	GC to P	There was an existing Church on this corner, thus the Public designation.
Lot 14, Block 3, Oakwood Estates Subdivision	LD to GC	There was a portion of Lot 14 that was designated as LD this amendment would simply correct the FLUM.
Lot 17, 18, & 97, Chaparral Heights Subdivision	LD & MD to GC	This change would correct the FLUM due to the current C-2 zoning and commercial uses.

There was no public opposition during the 2/13/13 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval to the amendments.

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve to amend the FLUM and to adopt Ordinance No. 3911 to Amend Future Land Use Map within the boundaries of Conway Blvd. to the East, ¼ Mile West of La Homa to the West, 1/3 Mile North of Mile 3 to the North, and Griffin Pkwy to the South, as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3911

AN ORDINANCE UPDATING THE FUTURE LAND USE MAP OF THE CITY OF MISSION, TEXAS WITHIN THE BOUNDARIES OF CONWAY BLVD. TO THE EAST, ¼ MILE WEST OF LA HOMA TO THE WEST, ¼ MILE NORTH OF MILE 3 TO THE NORTH, AND GRIFFIN PARKWAY TO THE SOUTH

2.0 Disposition of Minutes

2.1 City Council Meeting – February 11, 2013

Councilman Plata moved to approve the minutes as presented. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

3.0 Acknowledge Receipt of Minutes

3.1 Traffic Safety Committee Special Meeting - November 19, 2012

Mission Historical Museum – December 19, 2012

Planning & Zoning Commission – January 9, 2013 and January 23, 2013

Shary Golf Advisory Board – January 22, 2013

Councilman Plata moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.0 Approvals and Authorizations

4.1 Discussion and Action to consider the installation of two speed humps on Glasscock Rd. as requested by Los Jardinez De Cimarron & Cimarron County Club

Due to several concerns from the surrounding neighborhoods, Los Jardinez De Cimarron and Cimarron Country Club was asking City Council to consider approving the installation of two speed humps, one to be located north of Sabinal St. along Glasscock Rd. and the other between Trinity and Rio Grande Dr. along Glasscock Rd.

According to the Speed Hump Policy, the eligibility requirements must meet the following:

1. An HOA must submit a petition of 2/3rds of the owners in low density dwellings on the street that support the installation;
2. Must be used to provide access to abutting low-density residential properties;
3. No more than one lane in each direction;
4. Traffic volumes of 300 vehicles per day
5. The Chief of Police, Fire, and City Engineer must all approve the speed hump location;
6. The street must not be any of the major roadways on the thoroughfare plan and greater and/or any other roadway classified by the City of Mission and/or TxDOT as a collector or greater.
- 7.

Though staff had not received a petition of 2/3rds from an HOA; and Glasscock Rd. had been determined to be a Collector Street by the City of Mission, Section 3I of the eligibility requirements stated the following:

“The City may elect to place a speed hump at the request of the Chief of Police, the Fire Chief, or the City Engineer. The placement of such speed humps would be reviewed by City Staff, submitted to the Traffic Safety Committee for review and advisory actions, and then presented to the Mission City Council for final action.”

Staff had received the approval by the Chief of Police, the Fire Chief, and City Engineer; and approval by the Traffic Safety Committee for the proposed speed humps. The HMA for Los Jardinez De Cimarron had also offered to help pay for ½ the cost of the installation of the speed humps. This item now needed the final approval of the City Council.

Staff and City Manager recommended approval.

Mayor Salinas recommended following Ordinance 3897; the cost of the speed humps at 50/50 between the HOA and the City of Mission.

Councilwoman Ramirez moved to approve the installation of two speed humps on Glasscock Rd. as requested by Los Jardinez De Cimarron & Cimarron County Club, as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.2 Write-off uncollectable utility accounts receivable

On September 27, 2010, the City Council authorized the write-off of utility accounts that were deemed uncollectable. As mentioned at that time, every three months, staff would bring to the City Council, accounts over one year old, to be written off and submitted to Preston, Powers, and Stone, LLC, the contracted collection agent. For Council's review and approval staff presented a summary of the amounts to be written off at that time. These amounts were for the three (3) month period of October 2011 through December 2011.

Staff and City Manager recommended approval.

Councilman Plata moved to approve to write-off uncollectable utility accounts receivable. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.3 Approval of Resolution # 1337 of the City Council of the City of Mission, Texas naming Fire Station #3 on Shary Rd. in honor of the late Councilman Celestino Ramirez

Approval of Resolution naming Fire Station #3 in honor of the late Councilman Celestino Ramirez.

Staff and City Manager recommended approval.

City Attorney. Guerra advised Mayor Salinas that Councilwoman Ramirez was going to abstain from participation in this item.

Councilman Plata moved to approve Resolution No. 1337. Motion was seconded by Councilman O'cana and approved 3-0, with Councilwoman Ramirez abstaining from voting.

Councilwoman Ramirez thanked Mayor Salinas and the Council.

RESOLUTION NO. 1337

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
NAMING FIRE STATION #3 ON SHARY ROAD
IN HONOR OF THE LATE COUNCILMAN CELESTINO RAMIREZ

4.4 Approval of Resolution # 1338 of the City Council of the City of Mission, Texas endorsing the creation of a new institution to serve the Lower Rio Grande Valley through the consolidation of The University of Texas-Pan American, The University of Texas at Brownsville, and the Regional Academic Health Center

The Lower Rio Grande Valley Development Council was requesting the approval of a Resolution which was approved by the LRGVDC Board of directors at their last meeting. The Resolution was in support of the adoption of legislation to consolidate the facilities and programs of the University of Texas-Pan American, The University of Texas at Brownsville and the Regional Academic Health Center into a single institution.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Resolution No. 1338. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

RESOLUTION NO. 1338

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, ENDORSING THE CREATION OF THE NEW INSTITUTION TO SERVE THE LOWER RIO GRANDE VALLEY THROUGH THE CONSOLIDATION OF THE UNIVERSITY OF TEXAS—PAN AMERICAN, THE UNIVERSITY OF TEXAS AT BROWNSVILLE, AND A REGIONAL ACADEMIC HEALTH CENTER.

4.5 Budget Amendments: Designated Purpose Fund

Finance Director, Mrs. Janie Flores presented the budget amendments BA–2013-26 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve budget amendments BA–2013-26 as recommended. Motion was seconded by Councilman O’cana and approved unanimously 4-0.

4.6 January 2013 Financial Statements

Mrs. Flores presented the January 2013 Financial Statements for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the January 2013 Financial Statements as presented. Motion was seconded by Councilman O’cana and approved unanimously 4-0.

4.7 Tax Collections Report – January, 2013

Mrs. Flores presented the Tax Collections Report for January, 2013 for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Tax Collections Report for January, 2013 as presented. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.8 Resolution # 1339 of the Mission City Council amending Resolution # 1201 pertaining to Investment Officers

As per Chapter 2256. Of the Texas Government Code, the City Council officially designated those City officials serving in the capacity of the following offices as public funds investment officers of the City of Mission:

City Manager
Finance Director
Assistant Finance Director

Staff and City Manager recommended approval.

Councilman Plata moved to approve Resolution No. 1339. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

RESOLUTION NO. 1339

A RESOLUTION OF THE MISSION CITY COUNCIL AMENDING RESOLUTION NO. 1201
PERTAINING TO INVESTMENT OFFICERS

4.9 Resolution # 1340 of the City Council of the City of Mission amending Resolution # 1319 amending the Public Funds Investment Policy

As per Chapter 2256 of the Texas Government Code, known as “Public Funds Investment Act,” the City was required to adopt the investment policy on an annual basis through resolution.

The only change to the Policy was the maximum years of maturity from three years to five years.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Resolution No. 1340. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

RESOLUTION NO. 1340

A RESOLUTION OF THE MISSION CITY COUNCIL AMENDING RESOLUTION NO. 1319
AMENDING THE PUBLIC FUNDS INVESTMENT POLICY

4.10 Authorization to purchase via a state approved contract bulletproof vests (TXMAS-9-84010)

The City of Mission Police Department was requesting authorization to purchase a total of nine (9) bulletproof vests from Lone Star Uniforms, Inc., a state contract vendor. The bulletproof vests would be purchased for members of our Special Weapons and Tactical Team. The Point Blank Dragonfire KXP Level 3A Tactical Vests were specifically designed for police officers assigned to tactical teams in order to provide the most protection while entering a volatile scene. The bulletproof vests would be purchased through the Federal Drug Forfeiture accounts at a cost of \$19,080.00 (TXMAS-9-84010).

Staff was respectfully requesting authorization to purchase the nine (9) bullet proof vests via the state approved contract.

City Manager recommended approval.

Councilman O'cana moved to authorize to purchase via a state approved contract bulletproof vests (TXMAS-9-84010). Motion was seconded by Councilman Plata and approved unanimously 4-0.

City Attorney David Guerra asked that council go into executive session under consultation with attorney prior to considering item 4.11 in open session.

At 5:48 p.m., Mayor Salinas requested to pass item 4.11 and discuss it over executive session along with items 7.1-A and 7.1-B. He then continued with item 4.12 of the agenda.

4.11 Approval of Ordinance # _____ Amending Section 98-134 (r) (8b.) of the Code of Ordinances of the City of Mission to Set the Required Percentage of Lot Owners at 90% in Order to allow the Home Owner's Association To File a Petition with the City to have private streets and Subsequent gated entries

No action was taken on this item

4.12 Approval of Interlocal Agreement between the City of Mission and the City of McAllen for Taylor Road resurfacing

This was an Interlocal Agreement with the City of McAllen for Taylor Road resurfacing. The City of McAllen approached the City of Mission to determine if they were willing to participate in the funding for one-half of improvements.

Taylor Road sat on the City limit line between Mission and McAllen. As development had occurred and traffic had increased, the pavement condition continued to deteriorate. A repaving project for the full pavement width would require a cooperative agreement with both entities.

Since the City of McAllen had recently awarded the annual resurfacing contract to Cutler Repaving for fiscal year 2012-13, it was being proposed that McAllen act as the Lead agency for contracting purposes and invoice the City of Mission for one-half the costs associated with this work.

Staff Recommendation: Approval of Interlocal Agreement.

City Manager recommended approval.

Councilman Plata moved to approve the Interlocal Agreement between the City of Mission and the City of McAllen for Taylor Road resurfacing. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.13 Resolution # 1341 approving the City's participation in TXDOT Project in Hidalgo County, Texas, described as FM 494 from Sunset Lane to Colorado St. and authorizing the Mayor to execute the contractual agreements incident thereto

The Texas Transportation Commission passed Minute Order 113074, authorizing the State to undertake and complete a highway improvement described as signal retiming and add lanes at US 83 on FM 494 from Sunset Lane to Colorado Street in the City of Mission.

An attachment reflected funding responsibilities for the City of Mission.

Staff and City Manager recommended approval of Resolution.

Councilman O'cana moved to approve Resolution No. 1341. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

RESOLUTION NO. 1341

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, APPROVING THE CITY'S PARTICIPATION IN A TEXAS DEPARTMENT OF TRANSPORTATION CONSTRUCTION PROJECT IN HIDALGO COUNTY TEXAS, MORE SPECIFICALLY KNOWN AS THE FM 494 FROM SUNSET LANE TO COLORADO STREET AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACTUAL AGREEMENTS INCIDENT THERETO

4.14 Resolution # 1342 approving the City's participation in TXDOT Project in Hidalgo County, Texas described as US 83, from 0.4 MI W of Inspiration Rd. to 0.5 MI E of Inspiration Rd. and authorize the Mayor to execute the contractual incident agreements incident thereto

The Texas Transportation Commission passed Minute Order 112876, authorizing the State make certain highway improvements on Highway US 83 from 0.4 Mile West of Inspiration Rd to 0.5 Mile East of Inspiration Rd in the City of Mission. The agreement had been modified to reflect the City's request and award of an Economically Disadvantage County (EDC) Program adjustment.

An exhibit reflected funding responsibilities for the City of Mission which awarded the City a ninety five percent (95%) adjustment to the City's required 10% cost participation thereby resulting in a Local Government participation of point five percent (.5%) and State cost participation of ninety nine point five percent (99.5%) for this project.

Staff and City Manager recommended approval of Resolution.

Councilman Plata moved to approve Resolution No. 1342. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

RESOLUTION NO. 1342

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, APPROVING THE CITY'S PARTICIPATION IN A TEXAS DEPARTMENT OF TRANSPORTATION PROJECT IN HIDALGO COUNTY, TEXAS, DESCRIBED AS US 83, FROM 0.4 MI W OF INSPIRATION ROAD TO 0.5 MI E OF INSPIRATION ROAD AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACTUAL AGREEMENTS INCIDENT THERETO

4.15 Approval of Resolution # 1343 of the City Council of the City of Mission, Texas, Authorizing Mission Economic Development Authority, Inc., to Assist and Support Mission Economic Development Corporation's Exercise of Its Economic Development Activities of the City of Mission, Texas, Including but Not Limited To, Utilizing Its Assets to Assist and Support MEDC's Planning, Organizing and Developing Economic Development Activities in the City of Mission

The favorable action of this item would allow the Mission Economic Development Authority, Inc. to assist and support Mission Economic Development Corporation's exercise of its economic development activities of the City of Mission, including but not limited to, utilizing its assets to assist and support MEDC's planning, organizing and developing economic development activities in the City of Mission.

Staff and City Manager recommended approval of Resolution.

Councilman Plata moved to approve Resolution No. 1343. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

RESOLUTION NO. 1343

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS,
AUTHORIZING MISSION ECONOMIC DEVELOPMENT AUTHORITY, INC., TO ASSIST
AND SUPPORT MISSION ECONOMIC DEVELOPMENT CORPORATION'S EXERCISE OF
ITS ECONOMIC DEVELOPMENT ACTIVITIES OF THE CITY OF MISSION, TEXAS,
INCLUDING BUT NOT LIMITED TO, UTILIZING ITS ASSETS TO ASSIST AND SUPPORT
MEDC'S PLANNING, ORGANIZING AND DEVELOPING ECONOMIC DEVELOPMENT
ACTIVITIES IN THE CITY OF MISSION

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

None

At 5:53 p.m., Councilman Plata moved to convene into executive session for items 4.11, 7.1-A and 7.1-B. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

7.0 Executive Session pursuant to V.T.C.A. Gov. Code Sec. 551.001

7.1 Consultation with Attorney Sec. 551.071

- A. Discussion and Possible action regarding claim by Scott Nixon on alleged private property Used for Kika de la Garza Loop, said property being out of Lot 23-6, West Addition to Sharyland**
- B. Oscar Cardenas D/B/A The Corinthian v Cantera Enterprises, LLC, and Roberto Guerrero Cavazos, Individually v City of Mission**

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

At 6:20 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

On item 7.1-A, no action was taken.

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On item 7.1-B, Councilman Plata moved to settle the lawsuit and authorize Mayor Salinas to sign settlement agreement. Motion was seconded by Councilwoman Ramirez and approved 4-0.

8.0 Adjournment

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

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary