

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
MARCH 26, 2012 4:30 P.M.
MISSION CITY HALL**

PRESENT:

Norberto Salinas, Mayor
Ruben D. Plata, Councilman
Norie Gonzalez Garza, Councilwoman
Leo Olivarez, Mayor Pro Tem
David Guerra, City Attorney
Anna Carrillo, City Secretary
Julio Cerda, City Manager

ABSENT:

Maria Elena Ramirez, Councilwoman

ALSO PRESENT:

Kathy Olivarez, Progress Times
Gail Burkhardt, The Monitor
Virginia Townsend
Norma Leal
Eduardo Castaneda
Armando Ocana
Richard Perez
Alex Meade

STAFF PRESENT:

Carmen Morales, Administrative Asst.
Nelia Hernandez, Asst. City Secretary
Sonia Marroquin, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sergio Zavala, Planning Director
Alex Hernandez, Planning Dept.
Roberto Salinas, Public Works Director
Paul Schaefer, Golf Course Director
Rick Saldana, Fire Chief
Eduardo Belmarez, Purchasing Director
Robert Dominguez, Asst. Chief of Police
Martin Garza, Interim 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
Jesse Lerma, Civil Service Director
Roland Rodriguez, I. T. Director
Cassandra Karl, 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 4:38 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

Mayor Pro Tem Leo Olivarez moved to approve the departmental reports as presented. Motion was seconded by Councilman Ruben D. Plata and approved unanimously 4-0.

4. 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.

5. Citizens Participation

Stephie Longoria spoke against the denial of the CUP for Smokin' Aces and stated that they had a petition with over 1000 signatures in support of the establishment.

Staff Sgt. with the Texas National Guard representing the soldiers in our area spoke in favor of Smokin' Aces.

Mr. Salazar, manager of Smokin' Aces spoke on the ramification of closing down the establishment and also stated that they do a lot in support of community events.

1.0 Public Hearing

A. Planning & Zoning Recommendations Rezoning: 9.41 acres, Lot 27-10, West Addition to Sharyland Subd., 2807 N. Bryan Rd., R-1A to AO-I, Mario Trevino

The site was approximately ½ mile north of Griffin Parkway along the west side of Bryan Road.

SURROUNDING ZONING DISTRICTS

North - - Agricultural Open Interim (AO-I)

East - - Large Lot Single Family Residential (R-1A)

West - - Single Family Residential (R-1)

South - - Agricultural Open Interim (AO-I)

SURROUNDING LAND USES

North - - vacant tract

East - - Residential lots/residential uses

West - - Residential uses

South - - Orchard (agricultural)

At the 2/22/12 P&Z hearing, for a 'Servant's Quarters CUP'; there were complaints from the neighborhood of animal odor. Staff confirmed that there were animals (goats, chickens, etc.) on the property & thus forwarded a letter dated 2/23/12 to the R-1A owner to have the animals removed within 10 days.

- * Retaining the R-1A would be better for the general area;
- * R-1A would continue to be compliant to the Future Land Use Map's designation of Lower Density Residential A (LDA)
- * R-1A would continue to be compatible to the R-1A's to the east;
- * R-1A would continue to safeguard the property values of the R-1 neighborhood to the west, too.

There was neighboring opposition during the 3/14/12 P&Z's hearing. P&Z unanimously recommended denial. It would take a 4/5ths favorable vote to 'approve' the AO-I rezoning.

Staff and City Manager recommended denial.

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

Mr. Abel Beltran who resides at 2800 Highland Park Avenue spoke against the rezoning request, expressing his concern on the strong animal odor in his neighborhood.

Councilman Plata moved to deny the Rezoning: 9.41 acres, Lot 27-10, West Addition to Sharyland Subd., 2807 N. Bryan Rd., R-1A to AO-I as recommended. Motion was seconded by Mayor Pro Tem Olivarez and denied unanimously 4-0.

B. Rezoning: S. 100' of Lots 1, 2, & 3, Melba Carter Subd., R-1 to C-3, Camilo Carmona

The site was located on the NE corner of Melba Carter and Conway Ave.

The surrounding zonings included (C-3) General Commercial to the north, east, and south; (AO-P) Agricultural Open Permanent to the west; and (R-1) Single Family Residential to the south. The surrounding land uses included the closed El Matador Bar on the south side, Rail Road ROW to the west, an auto parts yard (Carmona's VW & Imports) to the east, and an auto body shop (Monreal's Body Shop and Service) to the north. The subject site had existing commercial buildings.

The Future Land Use Map (FLUM) showed this area as an Industrial (I) land use designation.

The westernmost juncture of Melba Carter area was transitioning from residential to commercial/industrial uses due to the aforementioned railroad and other commercial uses in the near vicinity. C-3 appeared to be an appropriate change, and would help continue the transitioning process. There was no public opposition during the 3/14/12 P&Z's 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.

Councilman Plata moved to approve the Rezoning: S. 100' of Lots 1, 2, & 3, Melba Carter Subd., R-1 to C-3 as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

C. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Social Events Center, 3708 Plantation Grove Blvd., Lot 3 & a 60' x 203.80' out of Lot 1, Sharyland Plantation Grove Hotel/Bungalow Subd., PUD Leonel Moreno

The subject site was located on the SW corner of Plantation Grove Blvd. and Santa Lorena. The proposal was to build a new 23,209 sq.ft. social events center for activities such as weddings, reunions, birthday parties, seminars, etc. There was a total of 13,828 sq.ft. proposed for seating areas.

- **Parking:** There were currently several existing parking spaces shared with the various businesses along Plantation Grove Blvd. The proposed events center required 138 parking spaces. The applicant was proposing to use the majority of the parking spaces along Plantation Grove Blvd. (276 spaces) but would also construct an additional 55 spaces to the south of the property. Since most activities would be held during weekends' evening hours when area businesses were closed, staff did not anticipate having any parking issues.
- **Hours of Operation:** For the most part, these events typically took place during evening hours from approximately 6 p.m. to 2 a.m., primarily on Fridays and Saturdays.
- **Sale of Alcohol:** Such dancehalls needed to be 300' from residential uses (Sect. 1.56-3a, zoning). There were some apartments within this radius (Las Misiones Apartments); a

waiver of the separation requirement was recommended by P&Z to be approved by the Council.

- Must have complied with all Building, Fire and Health Codes prior to obtaining a business permit.

There was no public opposition during the 3/14/12 P&Z's hearing. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to: 1) a 13-month re-evaluation after occupancy to assess this new business, 2) approve waiver of 300' separation requirement from Las Misiones Apartments, 3) must comply with all Building, Fire, and Health Codes, prior to obtaining business license, inclusive of a buffer fence to the adjoining bungalows (unless otherwise negotiated with Hunt Valley), 4) A PCC was required for the relocation of utilities prior to obtaining a building permit, 5) abandon old utility easements and dedicate new utility easements, inclusive of signed/sealed 'as-builts', 6) must acquire a business license which included wet zoning the site, and 7) Hunt Valley's ARC approving the Building Permit inclusive of the common parking.

City Manager recommended CUP 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: Sale & On-Site Consumption of Alcoholic Beverages – Social Events Center, 3708 Plantation Grove Blvd., Lot 3 & a 60' x 203.80' out of Lot 1, Sharyland Plantation Grove Hotel/Bungalow Subd. as recommended. Motion was seconded by Councilwoman Norie Gonzalez Garza and approved unanimously 4-0.

D. Conditional Use Permit: Institutional Expansion in AO-P zone, New Pistol Range, Lot 14-5, West Addition to Sharyland Subd., 1001 S. Conway Ave., AO-P, Mission Skeet & Trap Club

The subject site was at 1001 S. Conway on property owned by the City but leased to the non-profit entity. The facility had been used for many years without incident. There was a desire by the leasing body to build a new structure to add a new amenity to those attending, including Mission Police Officers.

The Mission Skeet & Trap Club desired to construct a new pistol range, valued at \$24,000, where the structure would be enclosed except for one side thus being perpetually 'open'; this 'open' area was where the people would be shooting toward the enclosure. The applicant stated that the design would exceed NRA guidelines for pistol range construction, and was modeled after the one in the Dallas/Forth Worth area (operating for the last 6 years).

Of course, with such a wide area to build, the building setbacks would all be exceeded.

Since this was a rustic setting, the parking could remain un-paved.

There was no public opposition during 3/14/12 P&Z's hearing. P&Z unanimously recommended approval as per staff's recommendation.

Staff Recommendation: Approval subject to complying to prevailing building and fire codes, & for life of use.

City Manager recommended CUP approval.

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

There were no comments.

Councilwoman Garza moved to approve the Conditional Use Permit: Institutional Expansion in AO-P zone, New Pistol Range, Lot 14-5, West Addition to Sharyland Subd., 1001 S. Conway Ave., AO-P as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

E. Conditional Use Permit: Drive-Thru Service Window for Bakery, 4009 N. Inspiration Rd., Lot 9, Block 5, Taurus Estates Subd., No. 9, Phase I, C-2, Norma Leal

The 3,728 sq.ft. bakery was located on the NW corner of Inspiration Road and Azalea Street. The CUP was originally approved on 7/28/10 with a 1 year re-evaluation to assess the operation's drive-thru service window. The site had a 30' access point off of Inspiration and a 24' access to an alley off of Azalea. Drive-Thru customers used the Azalea alley to enter the drive thru service window. The location of the window allowed for enough stacking for at least 3 vehicles, and

- Days/Hours of operation: Everyday from 7 a.m. to 9 p.m.
- Staff: 4 employees
- A speed bump existed at a potential conflict point.

There was no public opposition during 3/14/12 P&Z's hearing. P&Z unanimously recommended approval as per staff's recommendation.

Staff Recommendation: Given that staff had not received any complaints since the drive thru business had been in operation, and there were no issues regarding traffic, a 3 year approval period was recommended with renewal at the end of said 3 years.

City Manager recommended CUP 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: Drive-Thru Service Window for Bakery, 4009 N. Inspiration Rd., Lot 9, Block 5, Taurus Estates Subd., No. 9, Phase I, C-2 as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

F. Conditional Use Permit: Drive-Thru Convenience Store, 1710 W. Business 83, 1 ac. tract out of Lot 20-1, West Addition to Sharyland Subd., C-3, Hema Gordhan

The 1,200 sq.ft. drive-thru convenience store was located approximately 130' west of Adams along the north side of Business 83. This CUP was originally approved on 11/17/10 with a 1-year re-evaluation. A 30' drive provided access off of Business 83, which led to a 12' drive-thru lane. The lane allowed stacking for approximately 4 vehicles.

- Days/Hours of Operation: Everyday from 12:00 p.m. to 12:00 a.m.
- Staff: 5 employees

- Parking: 4 parking spaces were required for a building this size. The applicant was providing 4, thus compliant to code. It was also noted that a min. 24' E-W ingress/egress lane was provided to allow for future connectivity by other non-residential uses.

There was no public opposition during 3/14/12 P&Z's hearing. P&Z unanimously recommended approval as per staff's recommendation.

Staff Recommendation: Given that staff had not received any complaints since the drive thru business had been in operation, and there were no issues regarding traffic, a 3 year approval period was recommended with renewal at the end of said 3 years.

City Manager recommended CUP approval.

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

There were no comments.

Councilwoman Garza moved to approve the Conditional Use Permit: Drive-Thru Convenience Store, 1710 W. Business 83, 1 ac. tract out of Lot 20-1, West Addition to Sharyland Subd., C-3 as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

G. Conditional Use Permit: Home Occupation - Registered Home Day Care, 2811 Oblate Ave., Lot 54, Pueblo Del Norte Phase 2 Subd., R-1, Imelda H. Sanchez

The subject site was along the west side of Oblate Avenue at the Oblate/29th Street intersection. The applicant had her SF residence thereon with paved driveway access off of Oblate Avenue. This CUP was originally approved on 7/10/00 for 'life of use', then on 2/18/09, Ms. Sanchez applied for the CUP hours of operation to be from 6 a.m. to 9 p.m. Since 2009, staff had required perpetual 1 year re-evaluations due to the late closing hours. Ms. Sanchez now wished to close at a typical 6:00 p.m. hour.

There was a 24' wide driveway leading to a 20' x 24' building which at one time was a garage. The driveway was used to safely drop-off and pick-up children, and provided off-street parking for customers as well. The 20' x 24' building had a covered walkway that attached this structure to the main two-story residence. A 6' wooden fence buffer surrounded the entire back yard of the residence.

- Staff: Herself and 1 other adult not residing in the home.
- Must continue to comply with Section 1.56-1, Zoning Code (home occupations regs.)
- Must continue compliance with DHS.

There was no public opposition during 3/14/12 P&Z's hearing. P&Z unanimously recommended approval as per staff's recommendation.

Staff Recommendation: Since this registered home had been in operation since 2000 without any incidents, and the applicant was now closing at 6 p.m., staff recommended approval subject to a 3 year re-evaluation period.

City Manager recommended CUP approval.

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

There were no comments.

Mayor Pro Tem Olivarez moved to approve the Conditional Use Permit: Home Occupation - Registered Home Day Care, 2811 Oblate Ave., Lot 54, Pueblo Del Norte Phase 2 Subd., R-1 as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

H. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages “Twist Lounge” AKA La Mansion Ballroom, 507 N. Conway Ave., Lot 8, Block 92, Mission Original Townsite, C-3, Norma Cruz

The subject site was located just off of the NW corner of Conway and 5th Street. The site had been remodeled and opened as a Banquet and Conference Center for such activities as weddings, reunions, birthday parties, seminars, etc. This CUP was renewed on 2/9/11. The banquet hall was 3,700 sq.ft. of which 450 sq.ft. would be used as a dance area and 169 sq.ft. for the band or DJ. The second floor was composed of approximately 900 sq.ft. equating to a total of 4,600 sq.ft. The maximum occupancy was 500 people (as per Fire Marshal).

- Parking: Typically, parking reflected a need of 46 parking spaces (1 space per 100 sq. ft.). The property was in Mission’s Central Business District (CBD); thus, exempt from parking requirements for pre-existing structures.
- Hours of Operation: For the most part, these events typically took place during evening hours from about 7:00 p.m. to 2 a.m.
- Sale of Alcohol: Such uses needed to be 300’ from residential and Institutional (church) areas. Area residences within the radius but since 2002, staff had never received any complaints; also, the Our Lady of Guadalupe Church was over 500’ (measured along front lot lines via code).
- Mission PD had stated that there had been no incidents at this location in relation to the sale and on-site consumption of alcohol.

There was no public opposition during 3/14/12 P&Z’s hearing. P&Z unanimously recommended approval as per staff’s recommendation.

Staff Recommendation: Since there had been no incidents since its last approval and staff had not had any issues since 2002, staff recommended approval and continued waiver to 300’ separation code, and a 3 year re-evaluation.

City Manager recommended CUP approval.

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

Ms. Norma Cruz was present to explain and elaborate to Mayor and Council that the site was only being used for social events and the hours of operation.

Councilman Plata moved to approve the Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages “Twist Lounge” AKA La Mansion Ballroom, 507 N. Conway Ave., Lot 8, Block 92, Mission Original Townsite, C-3 to be used for Social events only as recommended by Mayor Salinas. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

I. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages “Restaurant Vallarta”, 2707 E. Griffin Parkway, Lot 11, Adams’s Crossing Subd., C-3, Elizabeth Perez

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The 1,065 sq. ft. restaurant site was located within a commercial plaza located in the NW area of Taylor Road and Griffin Parkway. The CUP was originally approved on 9/22/10 with a 1 year re-evaluation.

- Hours of Operation: Everyday from 10:00 a.m. to 10:00 p.m. Alcoholic beverages would only be served during allowable State selling hours.
- Staff: 6 employees.
- Parking: Viewing the floor plan, there were 46 total seating spaces, which required 15 parking spaces (46 seats/1 space for every 3 seats = 15.3 parking spaces). It was noted that the parking area was held in common (132 existing parking spaces) and was shared with other businesses.
- Alcoholic Beverages: This request was compliant to Sec. 6-4, which required that no alcoholic beverages be sold within 300' to a church, public school, private school or public hospital. There were none of these land uses within the above radius.
- Mission PD stated that there had been no incidents at this location in relation to the sale and on-site consumption of alcohol.

There was no public opposition during 3/14/12 P&Z's hearing. P&Z unanimously recommended approval as per staff's recommendation.

Staff Recommendation: Since there had been no incidents, staff recommended approval subject to a 3 year re-evaluation.

City Manager recommended CUP 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: Sale & On-Site Consumption of Alcoholic Beverages "Restaurant Vallarta", 2707 E. Griffin Parkway, Lot 11, Adams's Crossing Subd., C-3 as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

J. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages "KAVE Bar", 2306 E. Expwy 83 Ste. 8 & 9, Lot 1, Cimarron Crossing Phase I Subd., C-3, Javier Gonzalo Fernandez

The Mission City Council conveyed a 6-month re-evaluation period on September 26, 2011 to assess whether there would be incidents or not related to the sale/consumption of alcohol.

The subject site was located near the SE corner of J.R. Dr. and Expressway 83 along the Frontage Road. The CUP was originally applied for a bar and grill, however the kitchen had been removed and was exclusively a bar.

- 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 '07 and there had been no issues in regard to off-street parking.

- Alcoholic Beverages: This request was compliant to Sec. 6-4, which required that no alcoholic beverages be sold within 300' to a church, public school, private school or public hospital. There were none of these land uses within the above radius.
- According to Mission PD, there had been zero incidents reported within the past 6 months related to alcohol.

There was no public opposition during 3/14/12 P&Z's hearing. P&Z unanimously recommended approval as per staff's recommendation.

Staff Recommendation: Approval subject to a 13-month re-evaluation.

City Manager recommended CUP approval.

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

Pedro Martinez a representative of the owners spoke in favor of the request and stated that they no longer served any food and that the kitchen had been removed.

Mayor Salinas stated that he was not comfortable with a 13 month re-evaluation since this was being used as a bar and recommended a 3 month re-evaluation.

Councilwoman Garza moved to approve the Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages "KAVE Bar", 2306 E. Expwy 83 Ste. 8 & 9, Lot 1, Cimarron Crossing Phase I Subd., C-3 for 3 month re-evaluation as recommended by Mayor Salinas. Motion was seconded by Councilman Plata and approved unanimously 4-0.

K. Conditional Use Permit: Drive-Thru Service Window and the Sale & On-Site Consumption of Alcoholic Beverages "Taco Palenque", 2420 E. Expwy 83, Lot 5-C, Sharyland Place Subd., C-3, Eduardo Castaneda

Taco Palenque was located ¼ mile east of Shary Road along the south side of Expressway 83, north of Kohl's. The 5,939 sq.ft. restaurant had an existing drive thru service window with access to the site through an existing off-site entrance located 42' from the site. The (12') drive-thru lane ran along the south and east sides of the building which allowed stacking for 5+ vehicles. Regarding the sale of alcohol with meals, there were no churches or schools within 300' of the subject site.

- Days/Hours of Operation: Open 24 hrs. - Everyday. Alcoholic beverages would only be served during allowable State selling hours.
- Staff: 50 employees.
- Parking: The building required 79 spaces. The applicant was providing 55 spaces on-site and was leasing an additional 24 for a total of 79 spaces, thus compliant to code. It was noted that the parking area was held in common (657 existing parking spaces) and was shared with other businesses. Staff had not received any complaints in regard to parking.
- Sale of Alcohol: This request was compliant to Sec. 6-4, which required that no alcoholic beverages be sold within 300' to a church, public school, private school or public hospital. There were none of these land uses within the above radius.
- Mission PD stated that there had been no incidents at this location in relation to the sale and on-site consumption of alcohol.

There was no public opposition during 3/14/12 P&Z's hearing. P&Z unanimously recommended approval as per staff's recommendation.

Staff Recommendation: Since there had been no incidents, staff recommended approval subject to a 3 year re-evaluation.

City Manager recommended CUP approval.

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

There were no comments.

Mayor Pro Tem Olivarez moved to approve the Conditional Use Permit: Drive-Thru Service Window and the Sale & On-Site Consumption of Alcoholic Beverages “Taco Palenque”, 2420 E. Expwy 83, Lot 5-C, Sharyland Place Subd., C-3 as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

2.0 Disposition of Minutes

2.1 City Council Meeting – March 12, 2012

Mayor Pro Tem Olivarez moved to approve the minutes as presented. Motion was seconded by Mayor Salinas and approved unanimously 4-0.

3.0 Acknowledge Receipt of Minutes

3.1 Planning & Zoning Commission – February 22, 2012 Mission Historical Museum – January 11, 2012

Mayor Pro Tem Olivarez moved to acknowledge the receipt of minutes as presented. Motion was seconded by Mayor Salinas and approved unanimously 4-0.

4.0 Approvals and Authorizations

4.1 Adoption of Ordinance # ____ for Rezoning 9.41 acres, Lot 27-10 WAS Subd., R-1A to AO-I

No action was taken on this item.

4.2 Adoption of Ordinance # 3749 for Rezoning S. 100’ of Lots 1, 2, & 3, Melba Carter Subd., R-1 to C-3

Staff and City Manager recommended ordinance approval.

Councilwoman Garza moved to adopt Ordinance No. 3749 for Rezoning S. 100’ of Lots 1, 2, & 3, Melba Carter Subd., R-1 to C-3 as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3749

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING TO S. 100’ OF LOTS 1, 2, & 3, MELBA CARTER, FROM R-1 TO C-3

4.3 Adoption of Ordinance # 3750 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Social Events Center, 3708 Plantation Grove Blvd., Lot 3, & a 60’ x 203.80’ out of Lot 1, Sharyland Plantation Grove Hotel/Bungalow Subd.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt Ordinance No. 3750 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – Social Events Center, 3708 Plantation Grove Blvd., Lot 3, & a 60' x 203.80' out of Lot 1, Sharyland Plantation Grove Hotel/Bungalow Subd. as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

ORDINANCE NO. 3750

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 – SOCIAL EVENTS CENTER, 3708 PLANTATION GROVE BLVD., LOT 3 & A 60' X 203.80' OUT OF LOT 1, SHARYLAND PLANTATION GROVE HOTEL/BUNGALOW SUBDIVISION

4.4 Adoption of Ordinance # 3751 for CUP for Institutional Expansion in AO-P zone, New Pistol Range, Lot 14-5, WAS Subd., 1001 S. Conway Ave.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt Ordinance No. 3751 for CUP for CUP for Institutional Expansion in AO-P zone, New Pistol Range, Lot 14-5, WAS Subd., 1001 S. Conway Ave as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

ORDINANCE NO. 3751

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR INSTITUTIONAL EXPANSION ON AO-P ZONE, NEW PISTOL RANGE, LOT 14-5, WEST ADDITION TO SHARYLAND SUBDIVISION, 1001 S. CONWAY AVE.

4.5 Adoption of Ordinance # 3752 for CUP for a Drive-Thru Service Window for Bakery, 4009 N. Inspiration Rd., Lot 9, Block 5, Taurus Estates Subd., No. 9, Phase I

Staff and City Manager recommended ordinance approval.

Councilwoman Garza moved to adopt Ordinance No. 3752 for CUP for a Drive-Thru Service Window for Bakery, 4009 N. Inspiration Rd., Lot 9, Block 5, Taurus Estates Subd., No. 9, Phase I as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3752

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR DRIVE-THRU SERVICE WINDOW FOR BAKERY, 4009 N. INSPIRATION ROAD, LOT 9, BLOCK 5, TAURUS ESTATES SUBDIVISION NO. 9, PHASE I

4.6 Adoption of Ordinance # 3753 for CUP for a Drive-Thru Service Convenience Store, 1710 W. Bus. 83, 1 ac. tract out of Lot 20-1, WAS Subd.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt Ordinance No. 3753 for a Drive-Thru Service Convenience Store, 1710 W. Bus. 83, 1 ac. tract out of Lot 20-1, WAS Subd. as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

ORDINANCE NO. 3753

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR DRIVE-THRU SERVICE CONVENIENCE STORE, 1710 W. BUSINESS 83, 1 ACRE TRACT OUT OF LOT 20-1, WEST ADDITION TO SHARYLAND SUBDIVISION

4.7 Adoption of Ordinance # 3754 for CUP for Home Occupation – Registered Home Day Care, 2811 Oblate Ave., Lot 54, Pueblo Del Norte Phase 2 Subd.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt Ordinance No. 3754 for Home Occupation – Registered Home Day Care, 2811 Oblate Ave., Lot 54, Pueblo Del Norte Phase 2 Subd. as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

ORDINANCE NO. 3754

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR HOME OCCUPATION – REGISTERED HOME DAY CARE, 2811 OBLATE AVENUE, LOT 54, PUEBLO DEL NORTE PHASE 2 SUBDIVISION

4.8 Adoption of Ordinance # 3755 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – “Twist Lounge” AKA La Mansion Ballroom, 507 N. Conway, Lot 8, Block 92, MOT

Staff and City Manager recommended ordinance approval.

Councilwoman Garza moved to adopt Ordinance No. 3755 for the Sale & On-Site Consumption of Alcoholic Beverages – “Twist Lounge” AKA La Mansion Ballroom, 507 N. Conway, Lot 8, Block 92, MOT as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3755

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 – “TWIST LOUNGE” AKA LA MANSION BALLROOM, 507 N. CONWAY, LOT 8, BLOCK 92, MISSION ORIGINAL TOWNSITE

4.9 Adoption of Ordinance # 3756 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – “Restaurant Vallarta”, 2707 E. Griffin Parkway, Lot 11, Adam’s Crossing Subd.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt Ordinance No. 3756 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – “Restaurant Vallarta”, 2707 E. Griffin Parkway, Lot 11, Adam’s Crossing Subd. as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3756

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 – “RESTAURANT VALLARTA”,
2707 E. GRIFFIN PARKWAY, LOT 11, ADAM’S CROSSING SUBDIVISION

4.10 Adoption of Ordinance # 3757 for CUP for the Sale & On-Site Consumption of Alcoholic Beverages – “KAVE Bar”, 2306 E. Expwy 83, Ste. 8 & 9, Lot 1, Cimarron Crossing Phase I Subd.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt Ordinance No. 3757 for the Sale & On-Site Consumption of Alcoholic Beverages – “KAVE Bar”, 2306 E. Expwy 83, Ste. 8 & 9, Lot 1, Cimarron Crossing Phase I Subd. with a 3 month re-evaluation period as recommended by Mayor Salinas. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3757

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, STE. 8 & 9, LOT 1, CIMARRON CROSSING PHASE I SUBDIVISION

4.11 Adoption of Ordinance # 3758 for CUP for the Drive-Thru Service Window and the Sale & On-Site Consumption of Alcoholic Beverages – “Taco Palenque”, 2420 E. Expwy 83, Lot 5-C, Sharyland Place Subd.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt Ordinance No. 3758 for the Drive-Thru Service Window and the Sale & On-Site Consumption of Alcoholic Beverages – “Taco Palenque”, 2420 E. Expwy 83, Lot 5-C, Sharyland Place Subd. as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3758

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR DRIVE-THRU SERVICE WINDOW AND THE SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES – “TACO PALENQUE”, 2420 E. EXPRESSWAY 83, LOT 5-C, SHARYLAND PLACE SUBDIVISION

4.12 Preliminary Plat Approval: La Homa Crossing Subd., Phase I, 12.53 acre tract of land out of Lots 76, 77, 78, 79, Block 2, and Lot 77, Block 3, La Homa Ranch Citrus Groves Unit No. 1, Rural ETJ, Developer: Red Rock Real Estate Engineer: Quintanilla, Headley, & Associates

The subdivision was located approximately in the SE area of La Homa and Mile 7. The subdivision consisted of 13 lots for commercial use. The developer also owned the adjoining acreage to the south and had provided a master layout for future development. The Phase I lots range from 30,861 sq. ft. to 62,007 sq. ft.

Water: The water CCN belonged to Sharyland Water Supply. The developer was providing water service by connecting to an existing 6" water line located along the north side of Mile 7 Road and the west side of La Homa. The developer would also be extending an 8" line through the property, leaving a stub to the south for future development.

Sewer: Sanitary sewer service for this subdivision would address by individual on-site sewage facilities (OSSF) of a standard design septic tank and drain field on each lot. Each lot exceeded the County's typical ½ acre standard where septic tanks were permitted. (NOTE: Mission sewer was 2.62 miles away).

Streets & Storm Drainage: The plat dedicated an additional 20' on the perimeter of La Homa Road to equate to 60' ROW; thus in compliance to MPO requisites. There was also a dedication of 41.60' along Mile 7 that would comply with the State's new alignment of ROW. There was a street stub to the south that would lead to the remaining undeveloped acreage; a temporary cul-de-sac would be placed at the stubbed end until such future development occurred. Drainage for the subdivision was proposed through the use of swales located in the rear of each property as permitted under County guidelines – approved drainage report.

Other Comments: Complied with Street Naming alignment policy; and other minor format findings.

There was no public opposition during 3/14/12 P&Z's hearing. P&Z unanimously recommended approval as per staff's recommendation.

Staff Recommendation: Approval of Preliminary Plat subject to meeting the Model Subdivision rules and complying with other format findings.

City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Preliminary Plat Approval: La Homa Crossing Subd., Phase I, 12.53 acre tract of land out of Lots 76, 77, 78, 79, Block 2, and Lot 77, Block 3, La Homa Ranch Citrus Groves Unit No. 1, Rural ETJ as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.13 Request by Everardo Sustaita Pecino to have City Council authorize City Manager to issue building permit for new apartment complex at the un-recorded lot 1, Verona Subd.

Mr. Everardo Sustaita Pecino desired to start construction of a new apartment complex at the un-recorded Verona Subdivision. Verona was south of Wal-Mart and adjoined an existing apartment complex. The project engineer was proceeding in finalizing construction plans of the related utilities, and should have been ready.

As the City had successfully done with similar requests from others, Staff did not object subject as noted below.

Staff Recommendation: No objection subject to no occupancy until 1) all utilities were approved and 'as-builts' were provided, and 2) the plat had been recorded.

City Manager recommended approval.

Councilwoman Garza moved to approve the request by Everardo Sustaita Pecino to have City Council authorize City Manager to issue building permit for new apartment complex at the un-recorded lot 1, Verona Subd. subject to getting plot recorded before occupancy as recommended by Mayor Salinas. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.14 Budget Amendments: General Fund, MEDC Fund, Designated Purpose Fund and Utility Fund

Finance Director Janie Flores presented the budget amendments BA-2012-27 thru BA-2012-30 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve budget amendments BA-2012-27 thru BA-2012-30. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.15 Tax Collections Report – February, 2012

Mrs. Flores presented the Tax Collections Report for February, 2012 for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Tax Collections Report for February, 2012. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.16 February 2012 Financial Statements

Mrs. Flores presented the February 2012 Financial Statements for approval.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the February 2012 Financial Statements. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.17 Award Bid for Athletic League Uniforms for Baseball and Softball Leagues for Boys & Girls Club

On February 27, 2012 City Council authorized staff to re-solicit bids for the purchase of Athletic League Uniforms for Baseball and Softball for Boys & Girls Club seasonal athletic leagues. The City of Mission had accepted and opened one (1) bid response for Athletic League Uniforms for Baseball and Softball Leagues. Staff was seeking authorization to award bid to MCM Sporting Goods, Inc. who submitted fair and reasonable pricing and was a responsive bidder.

City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve to award bid for Athletic League Uniforms for Baseball and Softball Leagues for Boys & Girls Club as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.18 Approval of Ordinance # 3759 granting a wet designation for 3708 Plantation Grove Blvd., Lot 3 & a 60' x 203.80' out of Lot 1, Sharyland Plantation Grove Hotel/Bungalow Subd.

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.

Councilman Plata moved to adopt Ordinance No. 3759 granting a wet designation for 3708 Plantation Grove Blvd., Lot 3 & a 60' x 203.80' out of Lot 1, Sharyland Plantation Grove Hotel/Bungalow Subd. as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3759

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 3708 PLANTATION GROVE BLVD., LOT 3 & A 60' X 203.80' OUT OF LOT 1, SHARYLAND PLANTATION GROVE HOTEL/BUNGALOW SUBD.

4.19 Approval of Ordinance # 3760 amending sections 7 and 9 of Ordinance No. 3742, to change some early voting locations and to change some areas included in some municipal voting precincts for the general election to be held on May 12, 2012

The ordinance would amend early voting by personal appearance to be conducted at Sharyland Fire Station #3, 1804 N. Shary Rd. Also amending Sharyland Precinct for Election Day to Sharyland Fire Station #3.

The ordinance also incorporated the changes/realignment of election precincts as created by the redistricting. In prior elections, city precincts were comprised of 19 county precincts, now city precincts were comprised of 28 precincts an increase of 9. The polling places remained the same.

Staff and City Manager recommended ordinance approval.

Councilwoman Garza moved to adopt Ordinance No. 3760 amending sections 7 and 9 of Ordinance No. 3742, to change some early voting locations and to change some areas included in some municipal voting precincts for the general election to be held on May 12, 2012 as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3760

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING SECTIONS 7 AND 9 OF ORDINANCE NO. 3742, TO CHANGE SOME EARLY VOTING LOCATIONS AND TO CHANGE SOME AREAS INCLUDED IN SOME MUNICIPAL VOTING PRECINCTS FOR THE GENERAL ELECTION TO BE HELD ON MAY 12, 2012

4.20 Appointment of Election Judges and Alternate Judges for May 12, 2012 General Election

As per Election Code 32.005 Judges for elections were to be approved by the governing body of a political subdivision

PRECINCT	LOCATION	JUDGE	ALTERNATE
Northeast	Bryan Elementary	Romeo de la Garza	Aissa de la Garza
Northwest	High School	Joe Montemayor	Maria Luisa Montemayor
Southwest	Pearson Elementary	Gloria Banda Gonzalez	Diamond de la Cerda
Southeast	Castro Elementary	Patricia Navarro	Irene Navarro
Sharyland	Fire Station #3	Eli Escobedo	Crystal Calderon

Ballot Board Judge: Pete Jaramillo

Staff Recommendation: Approval of Judges for May 12, 2012 General Election

City Manager recommended approval.

Councilwoman Garza moved to approve the appointment of Election Judges and Alternate Judges for May 12, 2012 General Election as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

At 5:51 p.m., Mayor Salinas asked to consider items 4.22-4.27 of the agenda.

At 5:52 p.m., Councilman Plata stepped out of the meeting.

4.21 Approval of Interlocal Agreement between Hidalgo County Irrigation District No. 1 and the City of Mission (City Attorney may ask City Council to go into executive session prior to taking action on this item)

At 6:05 p.m., Mayor Salinas recommended that council go into executive session prior to considering this item in open session pursuant to V.T.C.A. Gov. Code Sec. 551.071, Consultation with Attorney. Council did and thereafter returned to this item in open session.

Hidalgo County Irrigation District #1 and City desired to cooperate in making needed drainage improvements crossing HCID#1 canal at Glasscock Road just north of FM 495. The District should install approximately 162 LF of 42” concrete pipe underneath the irrigation canal at City’s expense. All construction work should be performed in accordance with engineering plans & specifications.

Staff and City Manager recommended approval.

No action was taken on this item.

4.22 Award bid for the purchase of Waterline Improvement Materials for Highland Park Project

On December 19, 2011, City Council authorized staff to solicit bids for the purchase of Waterline Improvement Materials for the Highland Park Project. The City of Mission had accepted and opened five (5) bid responses for Waterline Improvement Materials. Staff recommended awarding to HD Supply Waterworks in the amount of \$60,904 who was lowest responsible bidder meeting specifications.

Staff Recommendation: Award bid for Waterline Improvement Materials to HD Supply Waterworks.

City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve to award bid for the purchase of Waterline Improvement Materials for Highland Park Project as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

4.23 South Water Treatment Plant Renovation Change Order No. 1

Change Order No. 1 entailed the additional work to remove and install new tube settlers with supports for trains 1 & 2 at the South Water Plant. Contract amount would increase from \$792,000.00 to \$931,495.00, a total addition of \$139,495.00. Change Order was under the 25% (at 17.61%) limit from original contract cost set by the Texas Governmental Code.

Staff Recommendation: Approval of Change Order No. 1.

City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve South Water Treatment Plant Renovation Change Order No. 1 as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

4.24 Authorization to solicit bids for the overlay of various Streets throughout the City of Mission

Staff was seeking authorization to solicit bids for the overlay of various streets throughout the City of Mission. The services were required by the Streets Department in order to improve various streets that were in need of repair.

City Manager recommended approval.

Councilwoman Garza moved to authorize to solicit bids for the overlay of various Streets throughout the City of Mission as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

4.25 Authorization to purchase twenty-eight (28) Police Mobile Radios via an HGAC contract

The City of Mission Police Department was requesting authorization to purchase twenty-eight (28) mobile radios via an HGAC contract. The current mobile radios had been in use since 1996, a total of sixteen (16) years. Based on their use, there had been constant repairs and Motorola did not make parts for these radios anymore. The new mobile radios would be upgradeable to the latest radio

technology in our efforts to be compliant with federal, state, and local radio interoperability standards. The total of amount of the purchase was \$130,354.40 that would be paid utilizing our Federal Drug Forfeiture account. Staff was respectfully requesting authorization to purchase the mobile radios via HGAC contract #17724/RA801.

City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to purchase twenty-eight (28) Police Mobile Radios via an HGAC contract as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

4.26 Approval of Ordinance No. 3761 amending Ordinance # 3681 regarding incentive pays for Police Civil Service Employees

The City of Mission Police Department was requesting authorization to amend ordinance 3681, Exhibits B, D, E and F regarding incentive pays for Police Civil Service employees. Schedule #1 depicted the proposed changes to the incentive pay plan. The aforementioned changes to the incentive pay plan were being presented in an effort to stay competitive with neighboring local law enforcement agencies our size.

City Manager recommended ordinance approval.

Councilwoman Garza moved to adopt Ordinance No. 3761 amending Ordinance # 3681 regarding incentive pays for Police Civil Service Employees as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

ORDINANCE NO. 3761

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING ORDINANCE NO. 3681 REGARDING EMPLOYEE INCENTIVE PAY FOR CIVIL SERVICE MEMBERS OF THE MISSION POLICE DEPARTMENT, SUCH INCENTIVE PAY BEING LONGEVITY PAY, SENIORITY PAY, CERTIFICATION PAY, EDUCATION PAY, ASSIGNMENT PAY, AND CLOTHING ALLOWANCE; ESTABLISHING THE RATE FOR SUCH INCENTIVE PAY; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATING TO THE SUBJECT MATTER THEREOF

At 5:57 p.m., Councilman Plata re-joined the meeting.

4.27 Budget Amendments: General Fund

Mrs. Flores presented the budget amendments BA–2012-31 thru BA–2012-32 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve budget amendments BA–2012-31 thru BA–2012-32 for a total of \$257,171 for the Civil Service and Civilian positions as recommended by Mayor Salinas and to remove the travel and training allowance. Motion was seconded by Councilman Plata and approved unanimously 4-0.

Mayor Salinas recommended that council go into executive session prior to considering items 4.21, 4.28 and 7.1A in open session pursuant to V.T.C.A. Gov. Code Sec. 551.071, Consultation with Attorney. Council did and thereafter returned to the items in open session.

At 6:05 p.m., Councilwoman Garza moved to convene into executive session for items 4.21, 4.28 and 7.1-A of the agenda. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.28 Discussion and possible action regarding (1) City Council's previous action on City of Mission Meet and Confer with Mission Police Association pursuant to V.T.C.A. Local Government Code Section 142.058, (2) petition of Mission Professional Law Enforcement Association for Meet and Confer recognition and whether to provide any notice pursuant to V.T.C.A. Local Government Code, Section 142.065 (City Attorney may ask City Council to go into executive session prior to taking action on this item)

At 6:05 p.m., Mayor Salinas recommended that council go into executive session prior to considering this item in open session pursuant to V.T.C.A. Gov. Code Sec. 551.071, Consultation with Attorney. Council did and thereafter returned to this item in open session.

The City of Mission was served with a petition from a second Police Association on Friday, March 16, 2012, being the Mission Professional Law Enforcement Association (MPLEA) requested to be recognized under Local Government Code Chapter 142.058 as the bargaining agent for all Mission Police Civil Service employees. Based on the current recognition of the Mission Police Association as the bargaining agent for all Mission Police Civil Service employees, review and clarification was being requested. The City of Mission Finance Department's Office of Payroll official records based on union due deductions place the membership of the Mission Police Association (MPA) at 68 members and the membership of the Mission Professional Law Enforcement Association (MPLEA) at 81 members. Therefore, at this time the Mission Police Association was not the largest represented police association of the Mission Police Department.

Staff Recommendation: Discuss and provide direction regarding the City of Mission Meet and Confer status with the Mission Police Association and the petition of the Mission Professional Law Enforcement Association.

City Manager recommended approval.

Councilman Plata moved to approve the recognition of the Mission Professional Law Enforcement Association to recognize them as the sole exclusive bargaining agent for purpose of Meet and Confer as recommended by Mayor Salinas. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

None

At 6:05 p.m., Councilwoman Garza moved to convene into executive session to consider Item 4.21, 4.28 and 7.1A. Motion was seconded by Mayor Pro Tem Olivarez 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. City of Mission/Mission Economic Development Corporation v
Mission Economic Development Authority, Inc.**

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

At 6:37 p.m., Mayor Pro Tem Olivarez moved to reconvene in open session. Motion was seconded by Councilman Plata and approved unanimously 4-0.

On item 7.1-A, no action was taken.

8.0 Adjournment

At 6:41 p.m., Councilman Plata moved for adjournment. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary