

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
AUGUST 27, 2012 4:30 P.M.
MISSION CITY HALL**

PRESENT:

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

ABSENT:

Norie Gonzalez Garza, Mayor Pro Tem

ALSO PRESENT:

Steve Gano
Hector Tamez
Jimmy Quintero
Onesimo Abrego
Alex Meade
Ryan Burch
Cesar Tirado
Jose Mendez
Raul Garcia
J. Luis Lopez
Omar Alanis
Kathy Olivarez, The Progress
Jim Brunson, The Progress
Gail Burkhardt, The Monitor
Richard Perez

STAFF PRESENT:

Carmen Morales, Administrative Assistant
Nelia Hernandez, Assistant City Secretary
Aida Lerma, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sonia, Marroquin, Deputy City Manager
Sergio Zavala, Planning Director
Pat Martinez, Planning Dept.
Roberto Salinas, Public Works Director
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Rick Saldana, Fire Chief
Eduardo Belmarez, Purchasing Director
Martin Garza, Chief of Police
Robert Dominguez, Asst. Chief of Police
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
Jonathan Wehrmeister, Judge
Luis Contreras, Museum Director
Mayra Rocha, Library Director
John Hernandez, City Engineer
Roland Rodriguez, I. T. Director

1. Call to order

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

2. Pledge Allegiance and Invocation

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

3. Departmental Reports

Councilwoman Maria Elena Ramirez moved to approve the departmental reports as presented. Motion was seconded by Councilman Ruben D. Plata and approved unanimously 3-0.

4. Report from the Greater Mission Chamber of Commerce Ruszczak

At 4:39 p.m., Councilman Dr. Armando O'cana joined the meeting.

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on the chamber events that had recently taken place and future events to include the Membership Drive, Farmers Market, Chamber annual banquet and the Texas Butterfly Festival.

5. Citizens Participation

Ryan Burch from TxDOT updated the council on the Bryan Road Project, he stated that the project was scheduled to end in November 2012 and that the intersection was now scheduled to be opened sometime in September.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: A 1.89 ac. Tract of land out of Lot 25-6, West Addition to Sharyland Subdivision, AO-I to C-3, Troy Investment Company No. 6, L.P.

The subject site was located ¼ mile west of Conway Ave. along the north side of Griffin Parkway, north of Storage Depot Subdivision, Lot 1. The site's dimensions were 411' x 199.82' (82,126.02 sq.ft.). The lot included part of the "Storage Depot" self-storage facility and a proposed future phase of storage units.

The surrounding zones included Agricultural Open Interim (AO-I) to the north and east, Single Family Residential (R-1) to the west, and General Commercial (C-3) to the south.

The surrounding land uses consisted of single family homes to the west, Storage Depot to the south, an open ditch to the north, and open acreage to the east. The subject site currently had storage units with the northernmost area being vacant. The Future Land Use Map reflected a General Commercial (GC) designation.

The C-3 proposal was directly consistent to the City's GC designation. The lot was part of the existing Storage Depot facility and would include an expansion of units in the future. Storage units were a low-key (silent) neighbor, where solid buffering would be required to the adjoining residential community.

There was no public opposition during the 8/8/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff and City Manager recommended approval.

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

Mr. Steven Gano who resides at PO Box 3817 in Brownsville spoke in favor of the rezoning request.

Councilwoman Ramirez moved to approve Rezoning: A 1.89 ac. Tract of land out of Lot 25-6, West Addition to Sharyland Subdivision, AO-I to C-3 as recommended. Motion was seconded by Councilman O'cana and approved unanimously 4-0.

B. Conditional Use Permit: Portable Building for a Security Guard Purposes, Lots 10-13, Block 139, Mission Original Townsite, C-3, Life of Use, Raul Lopez/Jimmy Quintero

The site was at the SW corner area of Mayberry Road and U.S. Business Hwy. 83 (south side of the railroad). The property currently had a fenced-in parking lot and a warehouse structure that was equipped with loading docks. The desired an 8' x 12' security posts due to incidents of theft.

Section 1.43-3(h), Zoning Ordinance required a CUP for 'portable buildings'; thus, the measure taken by the applicant.

Insofar as the structure, it would be toward the middle part of the parking lot. The property was entirely fenced-in thus being self-contained. Since visibility was very minimal but would magnify security for a local business, staff did not object to the move-in.

There was no public opposition during the 8/8/12 P&Z hearing. P&Z unanimously recommended approval.

Staff Recommendation: Approval for Life of Use

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the Conditional Use Permit: Portable Building for a Security Guard Purposes, Lots 10-13, Block 139, Mission Original Townsite, C-3, Life of Use as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

C. Conditional Use Permit: Place a portable building for the sale of Hot Dogs, 801 N. Inspiration Road, .69 ac. Tract out of land known as Fernandez Strip, out of Porcion 52, I-2, Jose Luis Lopez

The subject site was located on the SW corner of Inspiration Road and Business Hwy. 83 within Los Primos Auto Sales. A CUP renewal for a hot dog cart was recently approved on 3/14/12 for 1 year. The applicant, however, recently moved-in a larger structure next to the hot dog stand. Access to the site was from an existing driveway along Inspiration Road. There was existing restroom facilities located west of the cart which was available for public use.

Staff received complaints regarding the use of the building for food sales without having the proper permits. On June 27, Staff sent a letter requesting the removal of the portable building, due to not having the CUP to install. We met with Mr. Lopez and explained that having the portable along Inspiration Road was challenging since there was a similar building located 900'

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to the south. Mr. Lopez stated that he would remove the hot dog cart if the portable structure was approved.

- Days/Hours of Operation: Every day from 7 a.m. to 1 a.m.
- Staff: The applicant and his family (3 others) would run the stand.
- Parking: The car lot closed at 6:00 p.m. which currently allowed the hot dog cart to run on its own without traffic from the car lot. Staff had not received any complaints regarding parking.
- Must meet the City's Sign Ordinance
- Required the approval of the Health Department

There was no public opposition during the 8/8/12 P&Z hearing. P&Z unanimously recommended denial since the structure was more predominant than a hot-dog stand.

Staff and City Manager recommended denial.

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

There were no comments.

Mayor Salinas recommended Planning Director, Sergio Zavala to advise applicant of the options he had to continue with the business.

Councilman Plata moved to deny the Conditional Use Permit: Place a portable building for the sale of Hot Dogs, 801 N. Inspiration Road, .69 ac. tract out of land known as Fernandez Strip, out of Porcion 52, I-2. Motion was seconded by Councilwoman Ramirez and resulted in a 2-2 vote with Mayor Salinas and Councilman O'cana voting for.

D. Conditional Use Permit: Institutional Use (Cemetery/New Mausoleum) in an AO-I Zone, all of Valley Memorial Gardens West Subdivision, 3605 N. Taylor Road, AO-I, Valley Memorial Gardens

The site was located at the ½ mile north of 2 Mile Road along the west side of Taylor Road.

Valley Memorial Gardens West was recorded in 1987 and was annexed into the City in June 2008. The property included several structures, including a funeral home, cemetery offices, underground mausoleums and two existing above ground mausoleums. Since it was in existence and had not built any new improvements, the Cemetery had not formally filed for a CUP. Now, with the proposal to build a new above ground burial mausoleum. VMG had applied for a CUP in order to build a mausoleum.

The applicant wished to construct a new 25.2' x 43.7' mausoleum east of one of the existing mausoleums located north of the cemetery offices. The new granite building would be approx. 106' from Taylor Road. All minimum AO-I setbacks were being exceeded. Access to the site was through a paved driveway off of Taylor Road. There were several existing trees which not only beautified the area, but also helped provide a natural screen to the proposed building.

- Days/Hours of Operation: Monday – Friday from 8 a.m. to 5 p.m. (Funeral Home hours vary)
- Staff: 40 (included all Funeral Home & Cemetery Staff)

- **Parking Requirements:** In regards to parking, there were 76 spaces at the funeral home, 10 spaces for the cemetery offices, and 4 for at the entrance of the mausoleum site, plus a long driveway that wrapped around the entire cemetery/mausoleum site that also allowed for parking during visitation.

With such a low-key operation and the fact that staff had not received any complaints from any of the adjoining properties since being annexed, staff does not object to the CUP or the construction of the new mausoleum. There was no public opposition during the 8/8/12 P&Z hearing. The P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to it being transferable to others.

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the Conditional Use Permit: Institutional Use (Cemetery/New Mausoleum) in an AO-I Zone, all of Valley Memorial Gardens West Subdivision, 3605 N. Taylor Road, AO-I as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

E. Conditional Use Permit: Drive-Thru Convenience Store, 201 N. Glasscock Road, .40 acre tract out of Lot 182, John H. Shary Subdivision, C-2, Antulio Abrego

The site was located at the SW corner of 2 ½ Street and Glasscock Road. The applicant was proposing to construct a 24' x 36' addition for a new drive-thru business. The proposed drive thru business was part of an overall remodeling/upgrade of the entire site, where the weathered commercial building (old gas station) would be remodeled for a permitted C-2 use adjacent to a new drive-thru convenience store. Access to the site was proposed through Glasscock Road via a 24' driveway and would exit onto 2 ½ Street. There would also be 24' driveway off of 2 ½ Street as well. All minimum building setbacks were being met. There may be a future need for utility installation along both streets thus a dedication of 10' utility easements along both streets had been agreed to.

- **Days/Hours of Operation:** Drive-Thru Business – Every day 10 a.m. to 11 p.m., & Thrift Store – Every day from 10 a.m. to 4 p.m. (Restrooms would be available to Drive-Thru Business).
- **Staff:** 3
- **Parking & Landscaping:** A total of 10 parking spaces were needed for both uses. The applicant was proposing 10 parking spaces along the west side of the property, plus the drive-thru allowed for up to 2 vehicles inside the building.
- **Landscaping:** The applicant was proposing to install seven 3" shade trees throughout the site.
- **Ch. 6 – Sale of Alcohol:** There were no public/private schools, hospitals, or churches within 300' of this site, thus compliant to Sect. 6-4(a).
- A drainage plan must be submitted for review and approval (at Permit stage).
- Comply with Building & Fire Codes, including gas tank removal & asbestos report.
- Must acquire business licenses for both businesses.

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There was public comment during the 8/8/12 P&Z hearing, which induced a speed bump to be added - - applicant had agreed. P&Z unanimously recommended approval.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation in order to assess the new business and traffic patterns, 2) dedication of additional 10' utility easements along Glasscock and 2 ½ Street, 3) must comply with the landscaping code, 4) wet zone the property (if needed), 5) drainage plan to be approved by City Engineer, 6) must comply with Building & Fire Codes, including removal of the gas tanks & asbestos report, 7) must acquire a business license, and 8) install a speed bump.

City Manager recommended approval.

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

Mr. Jaime Sanchez from 4306 Canadiana Ln. and Mr. Antulio Abrego business owner spoke in favor of the request.

Councilman Plata moved to approve the Conditional Use Permit: Drive-Thru Convenience Store, 201 N. Glasscock Road, .40 acre tract out of Lot 182, John H. Shary Subdivision, C-2 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

F. Conditional Use Permit: Sale and On-Site Consumption of Alcoholic Beverages – Muelle Del Pacifico Restaurant, 1522 E. Expressway 83, Suite 108 & 109, Lot 3, Stewart Plaza Subdivision, C-3, Miguel Angel Garza

The site was located on the SW corner of Stewart Road and Expressway 83. There was a new commercial plaza located on the site which was proposing a new 3,909.60 sq. ft. seafood restaurant with the sale and on-site consumption of alcohol. Access to the site would be provided from a 38' driveway off of Expressway 83 and Stewart Road.

- Days/Hours of Operation: Every day from 11 a.m. to 2 a.m. Alcoholic beverages would only be served during allowable State selling hours.
- Staff: 15 employees; 2 shifts
- Parking: In viewing the floor plan, the 3,909 sq. ft. Restaurant/bar required a total of 52 parking spaces (3909/75 sq.ft. = 52 spaces). It was noted that the parking area was held in common (219 existing parking spaces) and was shared with other 'future' businesses.
- Sale of Alcohol: The proposed restaurant included a 'bar' component. Section 1.56(3a) of the Zoning Code required a minimum separation of 300' from the property line of any churches, schools, publicly owned property, and residences. There were 4 residential lots within the 300' of the lot (though the actual suite was beyond 300').
- Must comply with sign and noise codes
- Comply with Building, Fire, and Health Codes.
- Must acquire business licenses prior to occupancy.

There should be minimal impact from the restaurant/bar towards the residential neighborhood.

There was no public opposition during the 8/8/12 P&Z hearing. P&Z unanimously recommended approval.

Staff Recommendation: Approval subject to: 1) waiving the 300' separation requirement, 2) 1 year re-evaluation after business license issuance to assess this new operation, 3) wet zone

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the property (if needed), 4) must comply with typical sign and noise codes, 5) comply with Building, Fire, and Health codes, and 6) must acquire a business license.

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the Conditional Use Permit: Sale and On-Site Consumption of Alcoholic Beverages – Muelle Del Pacifico Restaurant, 1522 E. Expressway 83, Suite 108 & 109, Lot 3, Stewart Plaza Subdivision, C-3 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

G. Conditional Use Permit: Sale and On-Site Consumption of Alcoholic Beverages – Evera Restaurant & Bar, 4001 S. Shary Road, Ste. 100, Lot 1, Tech Center No. 2 Subdivision, PUD, L’Aureola Restaurant Group, LLC

The existing 5,600 sq.ft. restaurant was located within an existing plaza located on the SE corner of San Mateo and Shary Road. Access to the site could be from one primary driveway to Shary Road, from separate driveways from San Mateo or from San Gabriel. A CUP for the sale and on-site consumption of alcohol was last approved on 7/27/09 for a period of 3 years. A new owner was evident and wished to continue to operate the existing restaurant/bar.

- Days/Hours of Operation: Monday – Saturday from 4 p.m. to 2 a.m. Sundays – Closed. Alcoholic beverages would only be served during allowable State selling hours.
- Staff: 12
- Parking: In viewing the floor plan, there were 95 total seating spaces for the restaurant, which required 32 parking spaces ($95 \text{ seats} / 3 = 31.6$ parking spaces). It was noted that the parking area was held in common (180 existing parking spaces) and was shared with other businesses.
- Sale of Alcohol: The existing restaurant included a ‘bar’ component. Section 1.56 (3a) of the Zoning code required a minimum separation of 300’ from the property line of any churches, schools, publicly owned property, and residences. There was a single family residential neighborhood located within the 300’ radius, thus a waiver of the separation requirement needed consideration.

According to Mission PD, there were no incidents in relation to the sale and on-site consumption of alcohol to the previous restaurant. Notices were sent to property owners within a 200’ radius of the site and no comments against this request were forwarded to the Planning Department.

There was no public opposition during the 8/8/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to: 1) approve waiver to 300’ separation code, 2) 1 year re-evaluation in order to assess this new operation, and 3) must acquire a business license

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the Conditional Use Permit: Sale and On-Site Consumption of Alcoholic Beverages – Evera Restaurant & Bar, 4001 S. Shary Road, Ste. 100, Lot 1, Tech Center No. 2 Subdivision, PUD as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

H. Conditional Use Permit: To expand the restaurant which includes the Sale & On-Site Consumption of Alcoholic Beverages with existing Drive-Thru Service Window, 2306 E. Expressway 83, Ste. 1 & 2, Lot 1, Cimarron Crossing Phase I Subdivision, C-3, 100 % Antojitos Mexicanos

The subject site was located near the SE corner of J.R. Drive and Expressway 83 along the Frontage Road. This CUP was most recently approved February 2006 for the sale and on-site consumption of alcohol and for the drive-thru for the Life of Use. The applicant was now proposing to expand the restaurant, thus adding an additional 1,332 sq.ft.

- Days/Hours of Operation: Every day from 7 a.m. to 11 p.m. Alcoholic beverages were only been served during allowable State selling hours
- Staff: 8 employees
- Parking & Landscaping: There were 122 total seating spaces, which require 41 parking spaces (122 seats/1 space for every 3 seats – 40.6 parking spaces). It was noted that the parking area was held in common (105 existing parking spaces) and was shared with other businesses. This plaza was shared with Kave which primarily operated at much later hours, thus, there shouldn't be major parking issues. However, we should re-evaluate the CUP in 1 year to ensure that there were no issues in regards to limited parking.
- Must comply with all Building, Fire, and Health codes for the new expansion.
- Must acquire business licenses for both businesses.

There was no public opposition during the 8/8/12 P&Z hearing. P&Z unanimously recommended approval.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation in order to assess the parking situation, 2) must comply with all Building, Fire, and Health codes for the new expansion, and 3) must acquire a new business license.

City Manager recommended approval.

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

There were no comments.

Councilwoman Ramirez moved to approve the Conditional Use Permit: To expand the restaurant which includes the Sale & On-Site Consumption of Alcoholic Beverages with existing Drive-Thru Service Window, 2306 E. Expressway 83, Ste. 1 & 2, Lot 1, Cimarron Crossing Phase I Subdivision, C-3 as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

I. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages, La Playita Restaurant & Bar, 2120 E. Business Hwy, 83, Lot 51 Sharyland Orchards Subdivision, C-4, Life of Use, CETM LLC

The site was at the SE corner of Ragland and Business Hwy. 83. Late last year, the Council approved the CUP subject to various conditions.

Some of those conditions included waiving the 300' separation requirement to area residences due to the bar component, and planting some trees.

Access to the site could be gained from Business Hwy. 83 or Ragland; there was also a cross-access lane to the east. The hours of operation were: every day from noon to 2 a.m.

One of the primary reasons to have a re-evaluation period was to see if compliance to parking, sign, plus health & fire codes were still evident. It was also a period to assess how the bar component (presence of alcohol) had affected the conduct of the applicant and their patrons - - to see if there was a noise or danger issue that may be linked to the alcohol.

In conferring with the Mission PD, there had been at least 2 incidents that could be linked to alcohol where one of them presented itself as a serious public danger issue (stabbing).

There was no public opposition during the 8/8/12 P&Z hearing. P&Z voted 5-1 with Mr. Ned Sheats dissenting, to recommend approval subject to a 3 month re-evaluation of the CUP, and having uniformed security inside and outside the restaurant/bar.

(NOTE: should the City Council be inclined to approve the CUP, then the following motion should be considered: 'Approval subject to the applicant having a valid TABC license after August 31, 2012 to sell alcoholic beverages for on-site consumption.'

Staff and City Manager recommended denial.

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

Present at meeting were Mr. Regie Ramirez representing Mr. Cesar Tirado, owner of La Playita Restaurant & Bar to answer any questions or concerns.

At 5:21 p.m. Mayor Salinas requested that council go into executive session prior to considering this matter in open session and to also consider item 7.1-A of the agenda pursuant to V.T.C.A. Gov. Code Sec. 551.071, Private consultation with the City Attorney. Council did and thereafter returned to the item in open session.

At 5:21 p.m., Councilman O'cana moved to convene into executive session for this item and item 7.1-A. Motion was seconded by Councilman Plata and approved unanimously 4-0.

At 5:41 p.m. Councilman Plata moved to reconvene in open session to take action on items 1.11 and 7.1-A of the agenda. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

Councilman Plata moved to deny the Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages, La Playita Restaurant & Bar, 2120 E. Business Hwy, 83, Lot 51 Sharyland

Orchards Subdivision, C-4, Life of Use. Motion was seconded by Councilwoman Ramirez and denied unanimously 4-0.

2.0 Disposition of Minutes

2.1 City Council Meeting – August 13, 2012

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 Speer Memorial Library – June 15, 2012

Citizen’s Advisory Committee Special Meetings – May 15, 2012, June 11, 2012 and July 17, 2012

Mission Historical Museum – January 21, 2012

Shary Golf Advisory Board – July 10, 2012

Boys & Girls Club of Mission – May 10, 2012

Parks & Recreation Board – May 9, 2012

Zoning Board of Adjustments – August 1, 2012

Planning and Zoning Commission – July 25, 2012

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 Adoption of Ordinance # 3811 for Rezoning: A 1.89 ac, tract of land out of Lot 25-6, West Addition to Sharyland Subdivision, AO-I to C-3

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3811 for Rezoning: A 1.89 ac, tract of land out of Lot 25-6, West Addition to Sharyland Subdivision, AO-I to C-3 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3811

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING A 1.89 AC. TRACT OF LAND OUT OF LOT 25-6, WEST
ADDITION TO SHARYLAND SUBDIVISION, AO-I TO C-3

4.2 Adoption of Ordinance # 3812 for Conditional Use Permit for a Portable Building for Security Guard Purposes, Lots 10-13, Block 139, Mission Original Townsite

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3812 for Conditional Use Permit for a Portable Building for Security Guard Purposes, Lots 10-13, Block 139, and Mission Original Townsite as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3812

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A PORTABLE BUILDING FOR A SECURITY GUARD PURPOSES, LOTS 10-13, BLOCK 139, MISSION ORIGINAL TOWNSITE

4.3 Adoption of Ordinance # _____ for Conditional Use Permit to Place a Portable Building for the Sale of Hot Dogs, 801 N. Inspiration Road, .69 ac. Tract out of land known as Fernandez Strip, out of Porcion 52

Since the CUP was denied in public hearing, the item failed for lack of motion.

4.4 Adoption of Ordinance # 3813 for Conditional Use Permit for Institutional Use (Cemetery/New Mausoleum) in an AO-I Zone, 3605 N. Taylor Road, All of Valley Memorial Gardens West Subdivision

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3813 for Conditional Use Permit for Institutional Use (Cemetery/New Mausoleum) in an AO-I Zone, 3605 N. Taylor Road, all of Valley Memorial Gardens West Subdivision as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3813

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR INSTITUTIONAL USE (CEMETERY/NEW MAUSOLEUM) IN AN AO-I ZONE, 3605 N. TAYLOR ROAD, ALL OF VALLEY GARDENS WEST SUBDIVISION

4.5 Adoption of Ordinance # 3814 for Conditional Use Permit for a Drive-Thru Convenience Store, 201 N. Glasscock Road, .40 acre tract out of Lot 182, John H. Shary Subdivision

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3814 for Conditional Use Permit for a Drive-Thru Convenience Store, 201 N. Glasscock Road, .40 acre tract out of Lot 182, John H. Shary Subdivision as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3814

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU CONVENIENCE STORE, 201 N. GLASSCOCK ROAD, .40 ACRE TRACT OUT OF LOT 182, JOHN H. SHARY SUBDIVISION

4.6 Adoption of Ordinance # 3815 for Conditional Use Permit for the Sale and On-Site Consumption of Alcoholic Beverages – Muelle Del Pacifico Restaurant, 1522 E. Expressway 83, Ste. 108 & 109, Lot 3, Stewart Plaza Subdivision

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3815 for Conditional Use Permit for the Sale and On-Site Consumption of Alcoholic Beverages – Muelle Del Pacifico Restaurant, 1522 E. Expressway 83, Ste. 108 & 109, Lot 3, Stewart Plaza Subdivision as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3815

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR THE SALE AND ON-SITE
CONSUMPTION OF ALCOHOLIC BEVERAGES – MUELLE DEL PACIFICO
RESTAURANT, 1522 E.EXPRESSWAY 83, STE. 108 & 109, LOT 3, STEWART PLAZA
SUBDIVISION

4.7 Adoption of Ordinance # 3816 for Conditional Use Permit for the Sale & On-Site Consumption of Alcoholic Beverages – Evera Restaurant & Bar, 4001 S. Shary Road, Suite 100, Lot 1, Tech Center No. 2 Subdivision

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3816 for Conditional Use Permit for the Sale & On-Site Consumption of Alcoholic Beverages – Evera Restaurant & Bar, 4001 S. Shary Road, Suite 100, Lot 1, Tech Center No. 2 Subdivision as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3816

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 – EVERA RESTAURANT & BAR, 4001 S. SHARY ROAD,
STE. 100, LOT 1, TECH CENTER NO. 2 SUBDIVISION

4.8 Adoption of Ordinance # 3817 for Conditional Use Permit to Expand the restaurant which includes the Sale & On-Site Consumption of Alcoholic Beverages with existing Drive-thru Service Window at 100 % Antojitos Mexicanos, 2306 E. Expressway 83, Ste. 1 & 2, Lot 1, Cimarron Crossing Phase I Subdivision

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3817 for Conditional Use Permit to Expand the restaurant which includes the Sale & On-Site Consumption of Alcoholic Beverages with existing Drive-thru Service Window at 100 % Antojitos Mexicanos, 2306 E. Expressway 83, Ste. 1 & 2, Lot 1, Cimarron Crossing Phase I Subdivision as recommended. Motion was seconded by Mayor Salinas and approved unanimously 4-0.

ORDINANCE NO. 3817

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT TO EXPAND THE RESTAURANT WHICH INCLUDES THE SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES WITH AN EXISTING DRIVE-THRU SERVICE WINDOW AT 100% ANTOJITOS MEXICANOS, 2306 E. EXPRESSWAY 83, SUITES 1 & 2, LOT 1, CIMARRON CROSSING PHASE I SUBDIVISION

4.9 Adoption of Ordinance # _____ for Conditional Use Permit for the Sale & On-Site Consumption of Alcoholic Beverages – La Playita Restaurant & Bar, 2120 E. Business Hwy. 83, Lot 51, Sharyland Orchards Subdivision

Since the CUP was denied in public hearing, this item died for lack of motion.

**4.10 Preliminary Plat Approval: Granada Subdivision, Phase II, 10.15 acre out of Lots 92 & 102, John H. Shary Subdivision, PUD, Developer: Hunt Valley Dev. I, LLC
Engineer: Half Associates**

The Phase II subdivision was at the NW corner of Glasscock Road and Los Indios Parkway. The subdivision was originally a 20.29 acre, 65 lot, single-family subdivision that was approved in February 2011. However, the developer decided to subdivide it into two phases with phase one consisting of 31 lots, and phase two consisting of remaining 34. Since more than 1 year had passed, a re-approval for the remaining lots was in order. The design had not changed since its original approval. The remaining 34 lots range in size from 8,710 sq. ft. to 12,174 sq. ft.

Water: An internal 8” water line system would provide service to all lots with 3 hydrants located via direction from the Fire Marshal’s office. The system would be looped by connecting the internal 8” lines to existing 8” and 12” lines at various locations (northwest/southwest corners, the intersection at Los Indios, and between Lots 11 & 12).

Sewer: An internal 8” system would provide this service as it ties to the existing 15” sewer network along the west side of Glasscock Road. The capital sewer recovery fee would be imposed to the residential lots, \$200/lot X 34 lots = \$6,800.00

Streets & Storm Drainage: This final phase consisted of the extension of Grand Canal Drive, a 60’ ROW/43’ B-B residential collector street located on the subdivision’s west side that would connect to Los Indios Parkway. The extension would complete one of two points of access into the proposed subdivision, with the other ‘existing’ access being off of Los Indios Parkway. No additional ROW dedication was required along Glasscock or Los Indios. There were two internal 50’ ROW/32’ B-B street extensions from phase one with additional 15’ u.e., thus exceeding our minimal standards. Storm drainage was accomplished through a series of 24” & 30” storm lines which connected into Hunt’s regional drainage ditch system. There was also a proposed 8’ x 8’ R.C.P. box crossing the extension of Grand Canal Drive.

Other Comments: Comply with street name alignment policy; comply with all format findings; water rights dedication via Hunt-City policy; and comply with Park Fees Dedication Ordinance.

There was no public opposition during 8/8/12 P&Z’s meeting. P&Z unanimously recommended approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Preliminary Plat Approval: Granada Subdivision, Phase II, 10.15 acre out of Lots 92 & 102, John H. Shary Subdivision, PUD as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.11 Preliminary Plat Approval: Treats N Eats No. 2 Subdivision, 0.894 Acre, Lot 195, John H. Shary, C-3, Developer: R & L Lozano, Ltd., Engineer: Art Salinas, P.E.

The 1-lot Dairy Queen subdivision was at the NW corner of Shary/4th Street (north of IHOP). The ROW had been extracted on Shary via MPO requisites, and fronts an existing/paved 4th Street, too. A new 10" water line would be extended along Shary Road, and a new 8" water line would also be extended along the rear area to be extended by others...both new lines would tie to the existing 8" water line along 4th Street. One new fire hydrant was required along Shary; one hydrant already exists along 4th Street. On sanitary sewer, a new 8" sewer line would be extended to the north along the eastern perimeter to be interconnected by others. The storm system reflects detaining the required volume in the parking lot and internal swales; then diverted at a controlled rate thru private storm lines to the north (off-site) and then into Sycamore's existing storm system. An off-site easement would have to be recorded by adjoining owner Dolly Elizondo who was in agreement with the proposal. The Hidalgo County Drainage District #1 and City Engineer John Hernandez had approved the system.

A variance was requested to have a 'fire lane and utility easement' instead of a public alley; if approved, the fire lane would be perpetually open for general traffic (service deliveries, etc.), and would be maintained by the owner. Staff did not object so long as the pavement was concrete to maximize durability/usefulness. The P&Z Commission met on Aug. 22nd, and unanimously recommended approval of the plat subject to approving their variance request.

Staff Recommendation: Approval (Final Plat Approval would be forthcoming once the public improvements were completed and 'approved' by Public Works).

City Manager recommended approval.

Councilman Plata moved to approve Preliminary Plat Approval: Treats N Eats No. 2 Subdivision, 0.894 Acre, Lot 195, John H. Shary, C-3 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.12 Approval of Ordinance # 3818 granting a wet designation for 1522 E. Exp. 83, Suites 108 & 109, Lot 3 Stewart Plaza Subdivision, Muelle Del Pacifico Restaurant

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3818 granting a wet designation for 1522 E. Exp. 83, Suites 108 & 109, Lot 3 Stewart Plaza Subdivision, Muelle Del Pacifico Restaurant as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3818

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING ORDINANCE NO.780 DESIGNATING PLACES WHERE BEER AND OTHER ALCOHOLIC BEVERAGES MAY BE SOLD WITHIN THE CORPORATE LIMITS OF THE CITY OF MISSION TO INCLUDE THE PREMISES LOCATED AT 1522 E. EXP 83, SUITES 108 & 109, LOT 3, STEWART PLAZA SUBDIVISION

4.13 Approval of Ordinance # 3819 granting a wet designation for 2306 E. Expressway 83, Suites 1 & 2, Lot 1, Cimarron Crossing Phase I Subdivision, 100% Antojitos Mexicanos

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3819 granting a wet designation for 2306 E. Expressway 83, Suites 1 & 2, Lot 1, Cimarron Crossing Phase I Subdivision, 100% Antojitos Mexicanos as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

ORDINANCE NO. 3819

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 2306 E. EXPRESSWAY 83, SUITES 1 & 2, LOT 1, CIMARRON CROSSING PHASE I SUBDIVISION

4.14 Approval of Adoption of Rates for Fiscal Year 2012-13 for Shary Municipal Golf Course

- The 2012-2013 Fiscal Year rates for Shary Municipal Golf Course were presented for consideration and approval.
- Rates basically remain the same.
- New for this year is a (5 day and Monday – Friday only play) and a (7 day) husband wife membership.
- The rates will take effect October 1, 2012

Staff Recommendation: Approval of Rates for 2012-2013 Fiscal Year.

City Manager recommended approval.

Councilman Plata moved to approve adoption of rates for Fiscal Year 2012-13 for Shary Municipal Golf Course as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.15 Tax Collections Report – July 2012

Finance Accountant Randy Perez presented the Tax Collections Report for July, 2012 for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Tax Collections Report for July, 2012 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.16 July 2012 Financial Statements

Mr. Perez presented the July 2012 Financial Statements for approval.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve the July 2012 Financial Statements as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.17 Award bid for the purchase of Powdered Activated Carbon for North and South Water Plants

On July 9, 2012 City Council authorized staff to solicit bids for the purchase of Powdered Activated Carbon. The City of Mission had accepted and opened six (6) bid responses for Powdered Activated Carbon. Staff recommended awarding to Standard Purification who was lowest responsible bidder meeting specifications.

City Manager recommended approval.

Councilman Plata moved to approve to award bid for the purchase of Powdered Activated Carbon for North and South Water Plants as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.18 Authorization to accept the 2013 STEP Comprehensive Grant from the Texas Department of Transportation

The Mission Police Department was requesting authorization to accept the 2013 Comprehensive Selective Traffic Enforcement Program Grant from the Texas Department of Transportation. The 2013 STEP program was designed to provide grant monies to increase seat belt enforcement, speed enforcement and DWI enforcement throughout our community. The grant amount of \$64,428.16 would be utilized for enforcement purposes. The in-kind match of \$32,553.16 required by the City of Mission would be matched submitting for hours worked by police dispatchers and police jailers working during grant activities. Other grant in-kind matches would come from overtime generated by testifying in court, by accessing a fee for the use of a Mission Patrol Unit to work the STEP Program and the purchase of Public Information and Education materials to promote the STEP Program.

City Manager recommended approval.

Councilman Plata moved to authorize to accept the 2013 STEP Comprehensive Grant from the Texas Department of Transportation as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.19 Authorization to engage Texas Gas Service for the Installation of Natural Gas Main and Service Lines at Bannworth Park

Staff was seeking authorization to engage Texas Gas Service for the installation of Natural Gas Lines at Bannworth Park. Texas Gas Service would be installing 800 feet of natural gas main

line, and 110 feet of service line for a total cost of \$11,444. The cost was only for the main and service line installation and did not include connection fees and/or account deposits. This installation of service was needed in order to heat the new pool at Bannworth Park.

Note: Texas Gas Service (TGS) had represented to City staff that since the lines to be installed were to the gas meter, those lines were TGS' liability and therefore TGS would not allow any contractor to so extend said lines except TGS. Consequently, staff was treating TGS as a sole source vendor and the project exempt from the bidding process.

City Manager recommended approval.

Councilman O'cana moved to authorize to engage Texas Gas Service for the Installation of Natural Gas Main and Service Lines at Bannworth Park as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.20 Authorization to award bid for installation of sprinkler system at Birdwell Park

On, May 29, 2012, City Council authorized staff to solicit competitive proposals for the installation of a sprinkler system at Birdwell Park. The City of Mission had accepted and opened four (4) proposal responses for the installation of the sprinkler system. City staff and SSP Design evaluated proposals to determine best value and recommend awarding the installation to Ralph Ruby Landscapes being the highest ranked proposal and in the amount for \$25,000.

Even though Southern Landscape proposed the lowest, they received less overall points because of their historical poor performance on projects with the City of Mission.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to award bid to Ralph Ruby Landscaping the 2nd lowest bidder for the installation of the sprinkler system at Birdwell Park as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.21 Write-off uncollectable utility accounts receivable

On September 27th, 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. The accounts were for the three (3) month period of April 2011 through June 2011

Staff and City Manager recommended approval.

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

4.22 Amend Housing Assistance Program Guidelines

CAC held a meeting on August 24, 2012 and approved staff's recommendations to amend the guidelines to revise several sections to expand the hardship case requirements, increase the maximum amount of deferred loans, change the deterioration level in determining assistance and allow for payment of soft project costs.

City Manager recommended approval.

Councilman Plata moved to approve to amend Housing Assistance Program Guidelines as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

4.23 Request by Spoor Engineering on Behalf of the LDS Church to have the City Council Authorize the City Manager to issue a Building Permit on Lot 1, LDS Subdivision (un-recorded) prior to plat recordation

Staff had received a written request to have the City Council authorize City Manager Julio Cerda to issue the building permit for the new \$4,000,000 worship facility to The Church of Jesus Christ of Latter-day Saints. As you may recall, the site was at the SW corner of 2 Mile and Bryan Road. This owner had engaged Spoor Engineering to prepare the 1-lot plat and utility extension plans to serve the site. Staff had met with Steve Spoor recently and the plans were approved last week thus being ready for a pre-construction conference in the next few weeks. Utility & paving construction should commence in September, with plat recording anticipated to occur before the end of 2012. The building's construction was expected to take more than 12 months thus finishing in the summer of 2013. Thus, their request was to get a head start on the building while the plat's associated utility and paving was ongoing. Over the years, the City had favorably considered such requests so long as occupancy was not issued prior to plat recordation. With only a 1-lot plat to consider with perimeter utility plans already approved for construction, staff did not object to their request.

Staff Recommendation: Approval subject to no occupancy without a recorded plat and approved utilities (with as-built provided via policy).

City Manager recommended approval.

Councilwoman Ramirez moved to approve the request by Spoor Engineering on Behalf of the LDS Church to have the City Council Authorize the City Manager to issue a Building Permit on Lot 1, LDS Subdivision (un-recorded) prior to plat recordation as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

5.0 Unfinished Business

Approval and Authorizations

5.1 Consideration of Appeal/Variance Request for Housing Assistance Program Applicant at 401 Mayberry

During meetings held on July 17, 2012 and August 7, 2012 CAC made the following recommendations for the Housing Assistance program applicants listed below:

- A) 401 Mayberry (C.A.C. concurred with staff's recommendation to rescind previous action taken on 7.17.12 and deny appeal request as per guidelines Ch 3 Sec 2; did not reside in home/lien on property (unsafe home was demolished by city 2010; original amount for demolition was \$6,595.16

Staff Recommendation: Consideration of Appeal/Variance Request for Housing Assistance Program Applicants

City Manager recommended approval.

Councilman Plata moved to grant the Variance Request for Housing Assistance Program Applicant subject to applicant paying the demolition costs and mowing lien. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

6.0 Routine Matters

6.1 City Manager's Comments

Mr. Cerda recognized Sergio Zavala Planning director on his retirement and thanked him for his 28 years of service with the City of Mission.

6.2 Mayor's Comments

Mayor Salinas presented Sergio Zavala with a plaque on behalf of the Mayor and City Council.

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

7.1 Consultation with Attorney Sec. 551.071

A. Concerns and Complaints regarding Valley Bowl (Grapefruit Bowl) and Fanatics and any warranted action incident thereto

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

On item 7.1-A, Staff was instructed to work on an ordinance to enforce that each business must have their own TABC license in order to sell alcohol.

At 5:45 p.m., Mayor Salinas recommended to continue with item 2.1 of the agenda.

8.0 Adjournment

At 6:22 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