

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
APRIL 24, 2017 4:30 P.M.
MISSION CITY HALL**

PRESENT:

Norberto Salinas, Mayor
Jessica Ortega-Ochoa, Councilwoman
Ruben D. Plata, Councilman
Norie Gonzalez Garza, Mayor Pro Tem
Dr. Armando O'caña, Councilman
Abiel Flores, City Attorney
Jaime Tijerina, Deputy City Attorney
Anna Carrillo, City Secretary
Martin Garza, Jr., City Manager

ALSO PRESENT:

Jim Brunson-Progress Times
Joe Hinton – Progress Times
Kathy Garcia
Gerardo Benavides
Carlos Garza
Lourdes Lerma
Juan A. Hernandez
Jorge Rodriguez
Gabriel Martinez
Frederik Mooij
Blake Box
Esteban Garcia
Elain Xavier
Beth Barnes
Jaime Gutierrez

ABSENT:

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Randy Perez, Deputy City Manager
Elizabeth Hernandez, Executive Secretary
Angie Vela, Finance Director
Ezeiza Garcia, Asst. Finance Director
Jaime Acevedo, Planning Director
Virgil Gonzalez, Asst. Planning Director
Noemi Munguia, HR Director
Robert Hinojosa, Risk Manager
Roland Rodriguez, I. T. Director
Humberto Garcia, Media Relations
Juan Pablo Terrazas, City Engineer
Roberto Salinas, Public Works Director
Jesse Lerma, Civil Service Director
Gilbert Sanchez, Fire Chief
Rene Alvarez, Asst. Fire Chief
James Cardoza, Emergency Mngmnt. Coord.
Robert Dominguez, Chief of Police
Joanne Longoria, CDBG Director
Xavier Sanchez, B & G Coordinator
Brad Bentsen, Parks & Recreation Director
Mayra Rocha, Library Director
Cynthia Lopez, Museum Director
Cesar Gutierrez, Sanitation Director
Alex Meade, MEDC Chief Exec. Officer
JC Avila, Fleet Maintenance Director
Hector Guzman, Water Dept. Manager
Noel Barrera, Health Dept. Manger
Joel Chapa, Jr., Police Officer

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:39 p.m.

2. Invocation and Pledge Allegiance

City Manager Martin Garza Jr. requested a moment of silence in honor of the late Mayor Pro Tem Mrs. Norma Irene De La Fuente Davis, follow by invocation and Mayor Salinas led the meeting with the pledge of allegiance.

3. Proclamation –National Small Business Week

Anna Carrillo, City Secretary presented the Proclamation – National Small Business Week. Mr. Alex Meade, MEDC Chief Executive Officer received the proclamation and gave thanks to the City Council.

Councilman Armando O’cana moved to approve the Proclamation – National Small Business Week. Motion was seconded by Councilman Ruben Plata and approved unanimously 4-0.

At 4:43 p.m., Councilwoman Jessica Ortega-Ochoa joined the meeting.

4. Report from the Greater Mission Chamber of Commerce

Mr. Trung Nguyen, Chamber Director introduced Robert Rosell the new Chamber CEO. Mr. Rosell gave a report on recent ribbon cuttings and events.

5. Introduction of Assistant Fire Chief Rene Alvarez

Fire Chief Gilbert Sanchez introduced Asst. Fire Chief Rene Alvarez.

6. Departmental Reports

Councilman O’cana moved to approve the departmental reports as presented. Motion was seconded by Councilman Plata and approved unanimously 5-0.

7. Citizens Participation

None

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Rezoning: A 0.91 acre tract of land, being the North 198’ of the West 220’ of Lot 19-11, West Addition to Sharyland Subd., AO-I (Agricultural Open Interim) to C-2 (Neighborhood Commercial), Catalina Hernandez
Adoption of Ordinance # 4493 approving 1.1A**

On April 12, 2017 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The property was located between Santa Barbara Drive and Evergreen along the east side of Bryan Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff and City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Norie Gonzalez-Garza moved to approve the rezoning and to adopt Ordinance No. 4493 Rezoning: A 0.91 acre tract of land, being the North 198' of the West 220' of Lot 19-11, West Addition to Sharyland Subd., AO-I (Agricultural Open Interim) to C-2 (Neighborhood Commercial), as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4493

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING OF A 0.91 ACRE TRACT OF LAND, BEING THE NORTH 198' OF THE WEST 220' OF LOT 19-11, WEST ADDITION TO SHARYLAND SUBDIVISION, FROM AO-I TO C-2

**B. Rezoning: A 0.13 acre tract of land, being the West 75' of the East 902' of the South 105' of Lot 29-7, West Addition to Sharyland Subd., AO-I (Agricultural Open Interim) to C-2 (Neighborhood Commercial), Yesenia Treviño
Adoption of Ordinance # 4494 approving 1.1B**

On April 12, 2017 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The property was located approximately 300' east of Conway Avenue along the north side of E. Mile 2 Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff and City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Garza moved to approve the rezoning and to adopt Ordinance No. 4494 Rezoning A 0.13 acre tract of land, being the West 75' of the East 902' of the South 105' of Lot 29-7, West Addition to Sharyland Subd., AO-I (Agricultural Open Interim) to C-2 (Neighborhood Commercial), as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

ORDINANCE NO. 4494

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING OF A 0.13 ACRE TRACT OF LAND, BEING THE WEST 75' OF THE EAST 902' OF THE SOUTH 105' OF LOT 29-7, WEST ADDITION TO SHARYLAND SUBDIVISION, FROM AO-I TO C-2

**C. Rezoning: A 0.521 acre tract of land out of the North 4 acres of Lot 172, John H. Shary Subd.,C-3 (General Business) to R-1T (Townhouse Residential),
Mario A. Rodriguez
Adoption of Ordinance # 4495 approving 1.1C**

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On April 12, 2017 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The property was located approximately ¼ mile north of U.S. Expressway 83 along the west side of Glasscock Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff Recommendation: Approval.

Staff and City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the rezoning and to adopt Ordinance No. 4495 Rezoning: A 0.521 acre tract of land out of the North 4 acres of Lot 172, John H. Shary Subd., C-3 (General Business) to R-1T (Townhouse Residential), as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4495

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING OF A 0.521 ACRE TRACT OF LAND OUT OF THE
NORTH 4 ACRES OF LOT 172, JOHN H. SHARY SUBDIVISION, FROM C-3
TO R-1T

**D. Rezoning: A 5.56 acre tract of land, being the N.800' of the East 370' out of Lot 264, John H. Shary Subd., C-2 (Neighborhood Commercial) to C-3 (General Business), Esteban Garcia
Adoption of Ordinance # 4496 approving 1.1D**

On April 12, 2017 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The property was located approximately ¼ mile north of Griffin Parkway along the west side of Shary Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff and City Manager recommended approval.

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

There were no comments.

Councilman O'cana moved to approve the rezoning and to adopt Ordinance No. 4496 Rezoning: A 5.56 acre tract of land, being the N.800' of the East 370' out of Lot 264, John H. Shary Subd., C-2 (Neighborhood Commercial) to C-3 (General Business), as recommended. Motion was seconded by Councilman Plata and approved 4-0., with Mayor Pro Tem Garza abstaining from voting, since she owns some property across from there.

ORDINANCE NO. 4496

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING OF A 5.56 ACRE TRACT OF LAND, BEING THE N. 800' OF THE EAST 370' OUT OF LOT 264, JOHN H. SHARY SUBDIVISION, FROM C-2 TO C-3

**E. Rezoning: The East 100' and all of Lots 11 & 12, save and except the West 50' thereof, Block 205, Mission Original Townsite Subd.; R-1 (Single Family Residential) to C-2 (Neighborhood Commercial), Aniceto Izaguirre
Adoption of Ordinance # 4497 approving 1.1E**

On April 12, 2017 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The property was located along the south side of W. 13th Street between Perkins and Kika De La Garza Loop. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff and City Manager recommended approval.

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

There were no comments.

Councilman O'cana moved to approve the rezoning and to adopt Ordinance No. 4497 Rezoning: The East 100' and all of Lots 11 & 12, save and except the West 50' thereof, Block 205, Mission Original Townsite Subd.; R-1 (Single Family Residential) to C-2 (Neighborhood Commercial) as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4497

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING OF THE EAST 100' AND ALL OF LOTS 11 & 12, SAVE AND EXCEPT THE WEST 50' THEREOF, BLOCK 205, MISSION ORIGINAL TOWNSITE SUBDIVISION, FROM R-1 TO C-2

**F. Conditional Use Permit: Restaurant in a Property Zoned (C-2) Neighborhood Commercial, 104 N. Mayberry Road, Suite A, Lot 52, Mayberry Plaza Unit #2 Subd., C-2, Juan A. Cantu, Jr.
Adoption of Ordinance # 4498 approving 1.1F**

On April 12, 2017 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located at the NE corner of Mayberry Road and 1st Street. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff Recommendation: Approval subject: 1) 1 year approval after business license issuance, 2) Re-stripe the parking lot, 3) Comply with the Landscaping Code, 4) Comply with Building, Health, and Fire Codes, and 5) Must obtain a Business License prior to business occupancy.

City Manager recommended approval.

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

There were no comments.

Councilman O'cana moved to approve the CUP and to adopt Ordinance No. 4498 Conditional Use Permit: Restaurant in a Property Zoned (C-2) Neighborhood Commercial, 104 N. Mayberry Road, Suite A, Lot 52, Mayberry Plaza Unit #2 Subd., C-2, Juan A. Cantu, Jr., as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 4498

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A RESTAURANT IN A PROPERTY ZONED C-2 (NEIGHBORHOOD COMMERCIAL), 104 N. MAYBERRY ROAD, SUITE A, LOT 52, MAYBERRY PLAZA UNIT #2 SUBDIVISION

**G. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Renee's of Sharyland, 2600 E. Griffin Parkway, Being a 1.04 acre tract of land out of the West 100' of the North 456' of Lot 246, John H. Shary Subd., C-3, Rennes Bistro, LLC
Adoption of Ordinance # 4499 approving 1.1G**

On April 12, 2017 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The 8,506 sq. ft. establishment was between Hackberry Avenue and Taylor Road along the south side of Griffin Parkway (F.M. 495). There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for 1 year to assess the new business.

Staff Recommendation: Approval subject to: 1) CUP to be valid for a period of 1 year to assess new ownership, 2) No objection to a waiver of 300' separation requirement from residences, 3) Comply with all Building, Fire, Health Codes, and 4) The acquisition of a new Business License

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the CUP and to adopt Ordinance No. 4499 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Renee's of Sharyland, 2600 E. Griffin Parkway, Being a 1.04 acre tract of land out of the West 100' of the North 456' of Lot 246, John H. Shary Subd., C-3, Rennes Bistro, LLC, as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 4499

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 – RENEE’S OF SHARYLAND, 2600 E. GRIFFIN PARKWAY, BEING A 1.04 ACRE TRACT OF LAND OUT OF THE WEST 100’ OF THE NORTH 456’ OF LOT 246, JOHN H. SHARY SUBDIVISION

**H. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Whistling Duck, 1603 E. Griffin Parkway, Lots 10 & 11, Block 3, Shary Gardens Subd., C-3, Fred Hernandez
Adoption of Ordinance # 4500 approving 1.1H
Adoption of Ordinance # 4501 approving Wet Zone**

On April 12, 2017 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The 5,274 sq. ft. establishment was located near the NW corner of Garden View Drive and Griffin Parkway (F.M. 495). There was public opposition during the P&Z Mtg. The concerns voiced included late hours, noise, traffic, trash, etc. The Board unanimously recommended denial.

Staff Recommendation: Approval subject to: 1) CUP to be valid for a period of 1 year to assess new operation, 2) No objection to a waiver of 300’ separation requirement from residences, 3) Comply with all Building, Fire, Health Codes, and 4) The acquisition of a new Business License.

City Manager recommended approval.

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

There were no comments.

Councilman O’cana moved to approve the CUP and to adopt Ordinance No. 4500 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Whistling Duck, 1603 E. Griffin Parkway, Lots 10 & 11, Block 3, Shary Gardens Subd., C-3, as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 4500

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 – WHISTLING DUCK, 1603 E. GRIFFIN PARKWAY, LOTS 10 & 11, BLOCK 3, SHARY GARDENS SUBDIVISION

Councilman O’cana the moved to adopt Ordinance No. 4501 granting a wet designation for Whistling Duck, 1603 E. Griffin Parkway, Lots 10 & 11, Block 3, Shary Gardens Subd., C-3, as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 4501

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 1603 E. GRIFFIN PARKWAY, LOT 10 & 11, BLOCK 3, SHARY GARDENS SUBD., WHISTLING DUCK

**I. Conditional Use Permit: 4 Drive-Thru Service Windows – Snow Ball Express #2, 3124 N. Mayberry Road, Being a 1.27 acres of land out of the West 310’ of the North 224’ of Lot 28-9, West Addition to Sharyland Subd., C-3, Elgin Xavier
Adoption of Ordinance #4502 approving 1.1I**

On April 12, 2017 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located at the SE corner of Mayberry Road and E. Mile 2 Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff Recommendation: Approval subject to a 1 year approval to assess this new operation.

City Manager recommended approval.

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

There were no comments.

Councilman O’cana moved to approve the CUP and to adopt Ordinance No. 4502 Conditional Use Permit: 4 Drive-Thru Service Windows – Snow Ball Express #2, 3124 N. Mayberry Road, Being a 1.27 acres of land out of the West 310’ of the North 224’ of Lot 28-9, West Addition to Sharyland Subd., C-3, as recommended. Motion was seconded by Councilman Plata and approved 4-1. Councilwoman Ochoa voting against.

ORDINANCE NO. 4502

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR 4 DRIVE-THRU SERVICE WINDOWS – SNOW BALL EXPRESS #2, 3124 N. MAYBERRY ROAD, BEING A 1.27 ACRES OF LAND OUT OF THE WEST 310’ OF THE NORTH 224’ OF LOT 28-9, WEST ADDITION TO SHARYLAND SUBDIVISION

**J. Conditional Use Permit: Drive-Thru Service Window – Raising Canes Restaurant, 125 S. Shary Road, Lot 3, North Sharyland Commons Subd.,(U/R),C-3, Javier Sola
Adoption of Ordinance #4503 approving 1.1J**

On April 12, 2017 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located at the NE corner of Shary Road and Victoria Avenue. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

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Staff Recommendation: Approval subject: 1) 1 year approval to assess the new business, 2) install speed bumps, and 3) Obtain a business license prior to business occupancy.

City Manager recommended approval.

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

Mr. Carlos Garza of AEC Engineering 204 E. Hubs Edinburg, Tx representing the applicant was in favor and was requesting approval for life use.

Mayor Salinas stated that if they approved the life of use as requested by the applicant they would be setting precedence to others.

Councilman O'cana moved to approve the CUP and to adopt Ordinance No. 4503 Conditional Use Permit: Drive-Thru Service Window – Raising Canes Restaurant, 125 S. Shary Road, Lot 3, North Sharyland Commons Subd.,(U/R),C-3, life of use. Motion was seconded by Councilwoman Ochoa and approved 4-1, with Mayor Salinas voting against.

ORDINANCE NO. 4503

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU SERVICE WINDOW – RAISING CANES RESTAURANT, 125 S. SHARY ROAD, LOT 3, NORTH SHARYLAND COMMONS SUBDIVISION (U/R)

K. Conditional Use Permit: Drive-Thru Service Window – Mini Max #6 Convenience Store, 1500 W. Business Hwy. 83, Lot A, Mission Acres Subd., C-3, Omar Hadroun Adoption of Ordinance #4504 approving 1.1K

On April 12, 2017 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located at the NW corner of Los Ebanos Road and Business Highway 83. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff Recommendation: Approval for 3 years.

City Manager recommended approval.

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

There were no comments.

Councilman Plata moved to approve the CUP and to adopt Ordinance No. 4504 Conditional Use Permit: Drive-Thru Service Window – Mini Max #6 Convenience Store, 1500 W. Business Hwy. 83, Lot A, Mission Acres Subd., C-3, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4504

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU SERVICE WINDOW – MINI MAX #6 CONVENIENCE STORE, 1500 W. BUSINESS HWY. 83, LOT A, MISSION ACRES SUBDIVISION

**L. Conditional Use Permit: Drive-Thru Lanes for Banking Services for Navy Army Community Credit Union, 408 N. Shary Road, Lot 1, Navy Army Community Credit Union Subd., C-3, Navy Army Community Credit Union
Adoption of Ordinance # 4505 approving 1.1L**

On April 12, 2017 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located 250' north of E. 4th Street along the east side of Shary Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff Recommendation: Approval for life of use subject to this CUP not be transferable to others.

City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Garza moved to approve the CUP and to adopt Ordinance No. 4505 Conditional Use Permit: Drive-Thru Lanes for Banking Services for Navy Army Community Credit Union, 408 N. Shary Road, Lot 1, Navy Army Community Credit Union Subd., C-3, as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

ORDINANCE NO. 4505

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR DRIVE-THRU LANES FOR BANKING SERVICES FOR NAVY ARMY COMMUNITY CREDIT UNION, 408 N. SHARY ROAD, LOT 1, NAVY ARMY COMMUNITY CREDIT UNION

**M. Conditional Use Permit: To keep a Portable Building– Car Sales Office Use, 916 W. Expressway 83, Lot 1, Car-Mart Subd., C-3, Jesus Sanchez
Adoption of Ordinance # 4506 approving 1.1M**

On April 12, 2017 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located on the north side of U.S. Expressway 83 west of American Legion Post 93. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff Recommendation: Approval subject to: 1) 3 year approval after which a permanent building will be required, 2) Continued compliance with Building, Fire, and Sign Codes, and 3) CUP not be transferable to others.

City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Garza moved to approve the CUP and to adopt Ordinance No. 4506 Conditional Use Permit: To keep a Portable Building– Car Sales Office Use, 916 W. Expressway 83, Lot 1, Car-Mart Subd., C-3, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4506

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT TO KEEP A PORTABLE BUILDING – CAR
SALES OFFICE USE, 916 W. EXPRESSWAY 83, LOT 1, CAR-MART SUBDIVISION

At 5:31 p.m. Mayor Salinas stepped out.

N. Conditional Use Permit: Drive-Thru Service Window. – El Valle Supermarket, 3201 N. Inspiration Road, Lots 170 & 171, Taurus Estates #2 Subd., C-3, Omar Perez Adoption of Ordinance # 4507 approving 1.1N

On April 12, 2017 the Planning and Zoning Commission held a Public Hearing to consider this conditional use permit request. The subject site was located at the NW corner of Inspiration Road and Mile 2 Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff Recommendation: Approval for life of use subject to CUP not be transferable to others.

City Manager recommended approval.

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

There were no comments.

Councilman O’cana moved to approve the CUP and to adopt Ordinance No. 4507 Conditional Use Permit: Drive-Thru Service Window. – El Valle Supermarket, 3201 N. Inspiration Road, Lots 170 & 171, Taurus Estates #2 Subd., C-3, as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 4507

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU SERVICE WINDOW – EL
VALLE SUPERMARKET, 3201 N. INSPIRATION ROAD, LOTS 170 & 171, TAURUS
ESTATES #2 SUBDIVISION

2.0 Disposition of Minutes

2.1 City Council Meeting – April 10, 2017

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

3.0 Acknowledge Receipt of Minutes

- 3.1 Citizen's Advisory Committee – March 14 & 28, 2017
- Planning & Zoning Commission – March 22, 2017
- Mission Economic Development Corporation
February 16, 2017
- Mission Boys & Girls Club – March 9, 2017
- Civil Service Commission – January 20, 2017
- Speer Memorial Library – March 21, 2017

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

4.0 Approvals and Authorizations

4.1 Preliminary Plat Approval: Eduardo's #15 Subd. A 6.64 acre tract of land out of Lot 34-3, West Addition to Sharyland Subd., Suburban ETJ, Developer: Diana Laura Izaguirre, Engineer: Izaguirre Engineering Group, LLC

On April 12, 2017 the Planning and Zoning Commission held a Public Hearing to consider the Preliminary & Final Plat Approval for Eduardo's #15 Subdivision. The proposed subdivision was located ¼ mile north of Mile 3 Road between Trospers Road and Los Ebanos Road. The Board unanimously recommended approval as per Staff's recommendation.

Staff Recommendation: Approval subject to: 1) Must meet the Model Subdivision Rules, 2) Comply with the street alignment policy, 3) Must pay the capital sewer recovery fees, and 4) Comply with comments from the County Planning Department.

City Manager recommended approval.

Councilman O'cana moved to approve Preliminary & Final Plat approval Eduardo's #15 Subd. A 6.64 acre tract of land out of Lot 34-3, West Addition to Sharyland Subd. Suburban ETJ, Developer: Diana Laura Izaguirre, Engineer: Izaguirre Engineering Group, LLC, as recommended Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.2 Final Plat Approval: Eduardo's #16 Subdivision, A 4.48 acre tract of land out of the North 5.0 acres of the South 10 acres of Lot 35-4, West Addition to Sharyland Subdivision, ETJ Developer: Ingrid Astrid Izaguirre, Engineer: Izaguirre Engineering Group, LLC

On December 19, 2016 the City Council convened and approved the Preliminary Plat Approval for Eduardo's #16 Subdivision. The proposed subdivision was located along the west side of Trospers Road approximately ½ mile north of Mile 3 Road. The Board unanimously recommended approval as per Staff's recommendation.

Staff Recommendation: Approval subject to: 1) must meet Model Subdivision Rules, 2) comply with the street alignment policy, and 3) comply with comments from the County Planning Department.

City Manager recommended approval.

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Councilman Plata moved to approve the Final Plat approval Eduardo's #16 Subdivision, A 4.48 acre tract of land out of the North 5.0 acres of the South 10 acres of Lot 35-4, West Addition to Sharyland Subdivision, ETJ Developer: Ingrid Astrid Izaguirre, Engineer: Izaguirre Engineering Group, LLC. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

At 5:44 p.m., Councilwoman Ochoa stepped out.

4.3 Preliminary Plat Approval: Montecristo Subd. Lot 12, Goodwin Tract No. 3 Subd., R-1, Developer: Daniel Acevedo, Engineer: Halff Associates

On April 12, 2017 the Planning and Zoning Commission held a Public Hearing to consider the Preliminary & Final Plat Approval for Montecristo Subdivision. The proposed subdivision was located approximately ¼ mile north of W. Griffin Parkway (F.M. 495). The Board unanimously recommended approval as per Staff's recommendation.

Staff Recommendation: Since the applicant was dedicating an outlot to the City of Mission for a much needed lift station, staff recommends approval to the variance and plat subject to: 1) Payment of Sewer Capital Recovery Fees at \$200/Lot = \$9,400.00, 2) Provide Water District Exclusion, 3) Comply with all other format findings, and 4) Subject to legal review on the dedication of the outparcel in exchange for the park fees and sidewalk fees (total equals \$22,031.04).

Staff and City Manager recommended approval.

Councilman Plata moved to approve Preliminary Plat Approval Montecristo Subd. Lot 12, Goodwin Tract No. 3 Subd., R-1, Developer: Daniel Acevedo, Engineer: Halff Associates. Motion was seconded by Councilman Ocana and approved unanimously 3-0.

At 5:47 p.m., Councilwoman Ochoa rejoined the meeting.

4.4 Approval of Resolution # 1504 of the City of Mission, Texas finding that AEP Texas Inc's application to amend its distribution cost recovery factors to increase distribution rates within the city should be denied; finding that the city's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the company and legal counsel.

On April 3, 2017, AEP Texas Inc. filed an Application to Amend its Distribution Cost Recover Factors ("DCRF") to Increase Distribution Rates with each of the cities in their service area. In the filing, the Company asserts that it was seeking an increase in distribution revenues of \$28,010,174 (\$21,365,072 for the Central Division and \$6,645,102 for the North Division).

The resolution authorized the City to join with the Cities Served by AEP ("Cities") to include the retaining of law firm of Lloyd Gosselink and Consultants, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve Resolution No. 1504 of the City of Mission, Texas finding that AEP Texas Inc's application to amend its distribution cost recovery factors to increase distribution rates within the city should be denied; finding that the city's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the company and legal counsel. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

RESOLUTION NO. 1504

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

4.5 Authorization to submit an application for the 2017 Grant Funds through Wal-Mart Corporation

The Mission Fire Department was seeking approval to submit an application for the 2017 Grant Funds through Wal-Mart Corporation and authorizing Mayor to sign the requested Affirmation Letter needed to apply. The approved grant monies would be applied to the purchase of a drone to assist with emergency incidents and fire investigation.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to submit an application for the 2017 Grant Funds through Wal-Mart Corporation. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.6 Authorization to award bid for the purchase of Flexbase Commercial Caliche for Public Works Department

On March 13, 2017, City Council authorized staff to solicit bids for the purchase of Flexbase Commercial Caliche for the Public Works Department. The City of Mission had accepted and opened three (3) bid responses for Flexbase Commercial caliche material. Staff recommends awarding bid to Terra Firma Materials, LLC, who was the lowest responsible bidder meeting all specifications. Recommendation was based solely on estimated quantities and orders would be placed on an as needed basis throughout the one year base term.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to award bid to Terra Firma Materials, LLC, for the purchase of Flexbase Commercial to Public Works Department as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

4.7 Authorization to award bid for Sludge Management Services for the Public Works Department

On March 13, 2017, City Council authorized staff to solicit bids for Sludge management services for the Public Works Department Waste Water Treatment Plant, Industrial Pre-Treatment Plant, North Water Treatment Plant and South Water Treatment Plant. The City of Mission had accepted and opened one (1) bid response for Sludge management Services. Staff recommends awarding bid to Denali Water Solutions, LLC, who was the lowest responsible bidder meeting all specifications. Recommendation was based solely on estimated quantities and orders would be placed on an as needed basis throughout the one year base term.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to award bid to Denali Water Solutions, LLC ,for Sludge Management Services for the Public Works Department as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

4.8 Authorization to Solicit for Bids for the City of Mission Madero Water Tower Rehabilitation Project

The Madero Water Tower Rehabilitation Project included the replacement of the 10” Steel Vertical Pipe Main Water Service and Tank Bowl welding. Cost Estimate for Rehabilitation Project was \$300,000.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to Solicit for Bids for the City of Mission Madero Water Tower Rehabilitation Project. Motion was seconded by Councilman O’cana and approved unanimously 4-0.

4.9 Authorization to award bid for the purchase of Ready Mix Concrete for Public Works and Parks & Recreation Departments

On March 13, 2017, City Council authorized staff to solicit bids for the purchase of Ready Mix Concrete for the Public Works Department. The City of Mission had accepted and opened three (3) bid responses for Ready Mix Concrete material. Staff recommended awarding bid to Royal Ready Mix, LLC, who was the lowest responsible bidder meeting all specifications. Recommendation was based solely on estimated quantities and orders would be placed on an as needed basis throughout the one year base term.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to authorize to award bid to Royal Ready Mix, LLC, for the purchase of Ready Mix Concrete for Public Works and Parks & Recreation Departments as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.10 Tax Collections Report– March 22, 2017

Mrs. Angie Vela presented the Tax Collection Report – March, 2017 for approval.

Staff and City Manager recommended approval.

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Councilman Ocana moved to approve the Tax Collection Report – March, 2017. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.11 March 2017 Financial Statements

Finance Director Vela presented the March, 2017 Financial Statements for approval.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve the March, 2017 Financial Statements. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.12 Budget Amendment – MEDC Fund

Finance Director Vela presented budget amendment BA-17-26 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve budget amendments BA-17-26 as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

4.13 Authorization to award bid for Civil Service promotional examinations

On February 13, 2017 City Council authorized staff to solicit proposals for Civil Service promotional examinations. The City of Mission had accepted and opened four (4) proposals. Staff recommended awarding to CPS HR Consulting who was the lowest responsible bidder meeting all specifications.

Staff and City Manager recommended approval.

Councilman O'cana moved to authorize to award bid to CPS HR Consulting for Civil Service promotional examinations. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

4.14 Approval of Ordinance # 4508 of the City Council of the City Of Mission, Texas, Amending the Mission Code of Ordinances Chapter 22-Cemeteries, by adding Section 22-10- Cemetery Care; providing for required codification and publication

The City of Mission maintains and regulates Laurel Hill Cemetery, San Jose Cemetery and Catholic Cemetery. The ordinance addressed provisions related to the care and maintenance of the cemeteries by providing the city the opportunity to more effectively maintain the cemeteries for the benefit of the residents of Mission. The Ordinance would allow the City to repair and maintain any fences, walls, buildings, roads, or other improvements; level or straighten markers or memorials; properly maintain lawns, shrubbery, and other plants; remove debris, including dead flowers and deteriorated ornaments; and promptly restore gravesites following an interment.

The city would also repair concrete footings for headstones that the city determined to be in need of repair. Any monument, mausoleum, markers or memorials that had been removed as unsightly or dilapidated, would be held by the city for a period of 30 days to give the lot owner notice to claim said items. If the items were not claimed within 30 days, the city would dispose of the items.

Staff and City Manager recommended approval.

Councilman O'cana moved to approve Ordinance No. 4508 of the City Council of the City Of Mission, Texas, Amending the Mission Code of Ordinances Chapter 22-Cemeteries, by adding Section 22-10- Cemetery Care; providing for required codification and publication. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

Invited the Mayor and City Council to the Dia de los Ninos event to be held on Wednesday, April 26 in coordination with the group Duelo, Mission Chamber of Commerce and Mission EDC to be held at the Leo Pena Plazita from 5-9 p.m.

6.2 Mayor's Comments

None

At 6:01 p.m., Councilman O'cana moved to convene into executive session pursuant to V.T.C.A. Gov. Code Sec. 551.001 under "Consultation with Attorney". Motion was seconded by Councilman Plata 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

Deliberations about Real Property Sec. 551.072

- A. Consideration of the use of eminent domain, on behalf of the State of Texas, to acquire a 0.013 of an acre (563 square feet) parcel of land situated in Hidalgo County, Texas and also being a part or portion of a certain 1.01 acre tract out of Lot 23-1, WEST ADDITION TO SHARYLAND SUBDIVISION, according to the plat or map thereof recorded in Volume 1, Page 56, of the Map Records of Hidalgo County, for the public purpose of construction or improvement of Inspiration Road, and to resolve or acquire any necessary right of ways related to this project.**
- B. Consideration of the use of eminent domain, on behalf of the State of Texas, to acquire a 0.023 of an acre (999 square feet) parcel of land situated in Hidalgo County, Texas and also being a part or portion of a certain 8.26 acre tract out of Lot 32-1, WEST ADDITION TO SHARYLAND SUBDIVISION, according to the plat or map thereof recorded in Volume 1, Page 56, of the Map Records of Hidalgo County, for the public purpose of construction or improvement of Inspiration Road, and to resolve or acquire any necessary right of ways related to this project.**
- C. Consideration of acquisition of property described as Mission Original Townsite Lot 1, Block 91, Mission, Hidalgo County Texas.**
- D. T-0879-12-J and consideration of release of liens for said property.**
- E. Enforcement of dilapidated structures legal requirements regarding:
Lots 13 & 14, Block 3, Madero Subdivision
Lots 11 & 12, Block 7, Madero Subdivision
Lots 25 & 26, Block 2, Madero Subdivision
Lots 5 & 6, Block 2, North Conway #1 Subdivision**

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

At 6:42 p.m., Councilman O’cana moved to reconvene in open session. Motion was seconded by Councilman Plata and approved unanimously 4-0.

On item 7.1-A, Councilman O’cana moved to approved Resolution No. 1505 authorizing City Manager, City Attorney or outside designated counsel the use of eminent domain, on behalf of the State of Texas, to acquire a 0.013 of an acre (563 square feet) parcel of land situated in Hidalgo County, Texas and also being a part or portion of a certain 1.01 acre tract out of Lot 23-1, WEST ADDITION TO SHARYLAND SUBDIVISION, according to the plat or map thereof recorded in Volume 1, Page 56, of the Map Records of Hidalgo County, for the public. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

RESOLUTION NO. 1505

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS DETERMINING THE PUBLIC NECESSITY FOR AND AUTHORIZING THE CITY MANAGER, CITY ATTORNEY AND ANY DESIGNEE, THE USE OF EMINENT DOMAIN, INCLUDING APPOINTING AN APPRAISER AND NEGOTIATOR; DETERMINING JUST COMPENSATION; AND INSTITUTING CONDEMNATION PROCEEDINGS, TO ACQUIRE FOR THE PUBLIC PURPOSE OF COMPLETING INSPIRATION ROAD IMPROVEMENT PROJECT THROUGH THE PROPERTY DESCRIBED IN EXHIBIT “A”

On item 7.1-B, Councilman O’cana moved to approved Resolution No. 1506 authorizing City Manager, City Attorney or outside designated counsel the use of eminent domain, on behalf of the State of Texas, to acquire a 0.023 of an acre (999 square feet) parcel of land situated in Hidalgo County, Texas and also being a part or portion of a certain 8.26 acre tract out of Lot 32-1, WEST ADDITION TO SHARYLAND SUBDIVISION, according to the plat or map thereof recorded in Volume 1, Page 56, of the Map Records of Hidalgo County, for the public purpose of construction or improvement of Inspiration Road, and to resolve or acquire any necessary right of ways related to this project. Motion was seconded by Councilman Plata and approved unanimously 4-0.

RESOLUTION NO. 1506

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS DETERMINING THE PUBLIC NECESSITY FOR AND AUTHORIZING THE CITY MANAGER, CITY ATTORNEY AND ANY DESIGNEE, THE USE OF EMINENT DOMAIN, INCLUDING APPOINTING AN APPRAISER AND NEGOTIATOR; DETERMINING JUST COMPENSATION; AND INSTITUTING CONDEMNATION PROCEEDINGS, TO ACQUIRE FOR THE PUBLIC PURPOSE OF COMPLETING INSPIRATION ROAD IMPROVEMENT PROJECT THROUGH THE PROPERTY DESCRIBED IN EXHIBIT “A”.

On item 7.1-C no action was taken.

On item 7.1-D no action was taken.

On item 7.1-E Councilwoman Ochoa moved to approved finding that the following properties have become dilapidated and unsafe, and in their current condition have become detrimental to the public health, safety and welfare to the citizens of Mission, and further make a motion to authorize City Manager and City Attorney to commence proceedings under Chapter 54 to remove said structures from the following properties: Lots 13 & 14, Block 3, Madero Subdivision, Lots 11 & 12, Block 7,

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Madero Subdivision, Lots 25 & 26, Block 2, Madero Subdivision and Lots 5 & 6, Block 2, North Conway #1 Subdivision. Motion was seconded by Councilman Plata and approved unanimously 4-0.

8.0 Adjournment

At 6:45 p.m., Councilman O'cana moved for adjournment. Motion was seconded by Councilman Plata and approved unanimously 4-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary