

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
JUNE 08, 2015 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
Robert Galligan, Interim City Attorney
Anna Carrillo, City Secretary
Martin Garza, Jr., City Manager

ALSO PRESENT:

Kathy Olivarez, Progress Times
Lloyd F. Burns
Ken Osinski
Gary Wyatt
Charles Luthurp
Nellie Rodriguez
Ricardo Pena
Gerardo Sisniega
Richard Perez
Maxilou Link
Minerva Garcia
Jose De La Fuente
Ralph Reyna
Gena Pnsala Lozano
Gregorio Rocha
Rick Rodriguez
David Santos
Rene De La Cruz
Aracely De La Cruz
Jaime Sanchez
Joe Sanchez
Karina Madrigal
Jaime Gutierrez
Devin Zamora
Dolly Elizondo
David Garza
Aaron Balli

ABSENT:

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Elizabeth Hernandez, Executive Secretary
Danny Tijerina, Planning Director
Jose Angel Garza, Asst. Planning Director
Rene Lopez, Jr., Fire Chief
Gilbert Sanchez, Fire Marshal
Robert Dominguez, Chief of Police
Joel Laralde, Asst. Chief of Police
Randy Perez, Finance Director
Roberto Salinas, Public Works Director
Juan Pablo Terrazas, City Engineer
Mario Flores, Golf Course Director
Joanne Longoria, CDBG Director
Luduvico Martinez, B & G Club Director
Brad Bentsen, Parks & Recreation Director
Noemi Munguia, HR Director
Robert Hinojosa, Risk Manager
Jesse Lerma, Civil Service Director
Leon Longoria, I. T. Dept.
Luis Contreras, Museum Director
Mayra Rocha, Library Director
Alex Meade, MEDC Chief Exec. Officer
Angie Vela, Accountant

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:30 p.m.

2. Pledge Allegiance and Invocation

Mayor Salinas led the meeting with the pledge of allegiance and City Manager Martin Garza, Jr. gave the invocation.

3. Report from the Greater Mission Chamber of Commerce

George Myers, CEO of the Greater Mission Chamber of Commerce reported on the chamber events that had recently taken place. He also advised Mayor and Council on upcoming events.

4. Departmental Reports

Councilman Dr. Armando O'cana moved to approve the departmental reports as presented. Motion was seconded by Councilwoman Jessica Ortega-Ochoa and approved unanimously 3-0.

5. Citizens Participation

Lloyd Burns, Manager for Chimney Park and Pastor Charles Luthurp resident expressed their concern with the continuing issue regarding the traffic and loud music with vulgar language coming from The River Club establishment which is located by the levy.

At 4:35 p.m. Mayor Pro Tem Norie Gonzalez Garza joined the meeting.

Julio Cerda of 1602 Solar Dr. introduced himself as the new CEO for Agua Special Utility District which covers areas west of Mission.

At 4:44 p.m. Councilman Ruben Plata joined the meeting.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Rezoning: 1.00 acre out of Lot 235, John H. Shary Subdivision, from R-1 (Single Family Residential) to C-2 (Neighborhood Commercial), Arturo Garcia Adoption of Ordinance # 4233 approving 1.1A (City Attorney may ask City Council to go into executive session on this item under the "Consultation with Attorney" exception before considering this matter in open session)**

On May 27, 2015 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The property was located on the NE corner of Shary Road and East 20th Street. There was public opposition during the P&Z Mtg. The Board did not make a recommendation for or against the C-2 rezoning.

Staff and City Manager recommended denial of C-2 zone.

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

There were no comments.

Mayor Salinas recommended council to allow the rezoning to a C-2 so the applicant could be able to rent for office space.

Mayor Pro Tem Garza recommended a C-1 zone for the property.

Councilwoman Ochoa moved to approve and adopt Ordinance No. 4233 Rezoning: 1.00 acre out of Lot 235, John H. Shary Subdivision, from R-1 (Single Family Residential) to C-2 (Neighborhood Commercial). Motion was seconded by Councilman O'cana and approved 4-1 with Mayor Pro Tem Garza against.

ORDINANCE NO. 4233

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING 1.00 ACRE OUT OF LOT 235, JOHN H. SHARY SUBDIVISION, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO C-2 (NEIGHBORHOOD COMMERCIAL)

- B. Rezoning: 0.38 acres out of Lot 184, John H. Shary Subdivision, from C-3 (General Business) to R-3 (Multi-Family Residential), Jesus F. Nader, Nader Revocable Family Trust
Adoption of Ordinance # 4234 approving 1.1B**

On May 27, 2015 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The property was located west of Shary Road on the south side of 1st Street. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval of the R-3 zone.

Staff and City Manager recommended approval of R-3 zone.

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

There were no comments.

Councilman O'cana moved to approve and adopt Ordinance No. 4234 Rezoning: 0.38 acres out of Lot 184, John H. Shary Subdivision, from C-3 (General Business) to R-3 (Multi-Family Residential), as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4234

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING 0.38 ACRES OUT OF LOT 184, JOHN H. SHARY SUBDIVISION, FROM C-3 (GENERAL BUSINESS) TO R-3 (MULTI-FAMILY RESIDENTIAL)

- C. Conditional Use Permit: To Place Los Barriles Ice Cream Mobile Food Unit, 1626 E. Griffin Parkway, Ste. D, Lot 5, Stewart Village Ph. I Subdivision, C-3, Gerardo Sisniega
Adoption of Ordinance # _____ approving 1.1C**

On May 27, 2015 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The subject site was located $\frac{3}{4}$ mile East from Stewart Road on the South side of Griffin Parkway. There was public opposition voiced during the P&Z Mtg. The concerns voiced were in regards to the parking lot being owned by a different property owner. The Board unanimously recommended denial.

Staff Recommendation: Approval for 1 year and obtain a letter from the owner of the parking lot authorizing Mr. Sisniega to allow his employees and customers to use parking lot.

City Manager recommended approval.

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

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Mr. Aaron Balli who was the owner of several businesses as well as the parking lot in this area spoke in opposition of the request. He added that they currently had legal issues regarding the parking lot. One of his concerns was that the increase on the flow of traffic would only add to the problems on the liability insurance on the parking lot for which he owned and was paying by himself. He also mentioned that the owner of Kids Rock had not yet come to an agreement in the amount that was needed to take care of the responsibility for the maintenance on the parking lot.

Applicant Mr. Carlos Sisniega spoke in favor of the request and mentioned that he spoke to Mr. Balli in an effort to come to an arrangement to pay him maintenance fee to be able to use the parking lot but an agreement was not made.

Councilman Plata moved to deny Conditional Use Permit: To Place Los Barriles Ice Cream Mobile Food Unit, 1626 E. Griffin Parkway, Ste. D, Lot 5, Stewart Village Ph. I Subdivision, C-3. Motion was seconded by Councilwoman Ochoa and denied unanimously 5-0.

**D. Conditional Use Permit: Sale & On-Site Consumption of Beer and Wine – Rick’s Bar & Grill, 1604 E. Griffin Parkway, Lot 11, Stewart Village Ph. I Subdivision, C-3, El Pinguino, LLC/Rick’s Bar & Grill
Adoption of Ordinance # _____ approving 1.1D**

On May 27, 2015 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The subject site was located within Stewart Village Commercial Plaza on the SE area of Stewart Road and Griffin Parkway. There was public opposition during the P&Z Mtg. The concerns voiced were in regards to the parking lot being privately owned and this business would generate more traffic to this area. A letter of opposition was also submitted to staff from Little Crayons Institute, LLC who were strongly concerned about the sale of alcohol during their hours of operation, and how it would negatively impact the well-being of their students. The Board unanimously recommended approval for 1 year.

Staff Recommendation: Denial based on the following: 1) alcohol exceeds food sales (Planning Department was classifying this as a bar), 2) there were 19 residential properties and a daycare within a 300’ radius of the site, and 3) the applicant did not have permission from the owner for the use of parking lot.

City Manager recommended denial.

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

Mr. Rene De La Cruz spoke in favor of the request and advised council that they were under litigation with Mr. Aaron Balli regarding the parking lot issue and that it would probably take a month for this issue to be resolved.

Applicant Nellie Rodrigue spoke in favor of the request and advised council that they were going to be serving lunch and dinner. She added that they had already invested a good amount of money to be denied the request.

Mr. Rick Rodriguez spoke in favor of the request and mentioned that in the beginning Mr. Balli offered his support to them with the business and even lend them some chairs.

Mr. Aaron Balli was against this request and explained that Mr. De La Cruz should have explained to his tenants the process it takes to open a business. He stated that he and Mr. De La Cruz had not come to an agreement on the amount of payment for the maintenance fee of the location. Again he explained his concern was that the increase on the flow of traffic would only add to the problems on the liability insurance on the parking lot for which he owned and was paying insurance by himself.

Mr. Vasquez a citizen who was pro-business was in favor of the request and suggested council give the applicant a chance to open the business.

Councilman O'cana moved to approve the Conditional Use Permit: Sale & On-Site Consumption of Beer and Wine – Rick's Bar & Grill, 1604 E. Griffin Parkway, Lot 11, Stewart Village Ph. I Subdivision, C-3, El Pinguino, LLC. Motion was seconded by Mayor Pro Tem Garza.

Mayor Salinas asked Council to state their vote by signifying in favor with an aye. Mayor Salinas then informed that there were three against including himself and two in favor which caused motion to fail due to lack of votes.

E. Conditional Use Permit: To Place a Portable Building for Rolie's Snackland, 1002 Hoerner Road, Being 2.78 acre tract of land out of Lot 204, John H. Shary Subdivision, I-1, Rafael Reyna Adoption of Ordinance # 4235 approving 1.1E

On May 27, 2015 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The subject site was located at the NE corner of Business 83 and Hoerner Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for 1 year.

Staff Recommendation: Approval for 1 year.

City Manager recommended approval.

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

There were no comments.

Councilwoman Ochoa moved to approve and adopt Ordinance No. 4235 Conditional Use Permit: To Place a Portable Building for Rolie's Snackland, 1002 Hoerner Road, Being 2.78 acre tract of land out of Lot 204, John H. Shary Subdivision, I-1, as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 4235

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT TO PLACE A PORTABLE BUILDING FOR
ROLIE'S SNACKLAND, 1002 HOERNER ROAD, BEING 2.78 ACRE TRACT OF LAND
OUT OF LOT 204, JOHN H. SHARY SUBDIVISION

F. Conditional Use Permit: Kitty's Drive-Thru Convenience Store, 501 N. Inspiration Road, Lot 61, Georgeanna Estates Subdivision, C-3, Ramiro Leal III Adoption of Ordinance # 4236 approving 1.1F

On May 27, 2015 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The property was located on the NW corner of Inspiration Road and Cuesta Del Sol. 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.

Mayor Pro Tem Garza moved to approve and adopt Ordinance No. 4236 Conditional Use Permit: Kitty's Drive-Thru Convenience Store, 501 N. Inspiration Road, Lot 61, Georgeanna Estates Subdivision, C-3, as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 4236

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR KITTY'S DRIVE-THRU
CONVENIENCE STORE, 501 N. INSPIRATION ROAD, LOT 61, GEORGEANNA ESTATES
SUBDIVISION

G. Conditional Use Permit: Sale and On-Site Consumption of Alcoholic Beverages – Yoko's Sushi Restaurant, 122 S. Shary Road, Ste. K, Lot 2, Home Depot Subdivision #2, C-4, Yoko's Sushi Restaurant, LLC Adoption of Ordinance # 4237 approving 1.1G

On May 27, 2015 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The property was located 1200' north of Expressway 83 along the west side of Shary Road within a commercial plaza. This CUP was last approved on 1/25/12 for 3 years. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for 3 years.

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.

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Councilman Plata moved to approve and adopt Ordinance No. 4237 Conditional Use Permit: Sale and On-Site Consumption of Alcoholic Beverages – Yoko’s Sushi Restaurant, 122 S. Shary Road, Ste. K, Lot 2, Home Depot Subdivision #2, C-4, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4237

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 BEVERGES – YOKO’S SUSHI RESTAURANT, 122 S. SHARY ROAD, STE. K, LOT 2, HOME DEPOT SUBDIVISION #2

H. Conditional Use Permit: Sale and On-Site Consumption of Alcoholic Beverages – Palms II Lounge, 600 E. 9th Street, Lots 11-15, Block 142, Mission Original Townsite Subdivision, C-3, Ricardo Rodriguez Adoption of Ordinance # 4238 approving 1.1H

On May 27, 2015 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The property was located on the SE corner of E. 9th Street and St. Marie Street. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval for 6 months.

Staff Recommendation: Approval for 1 year with no games of chance, and fill potholes on parking lot.

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 and adopt Ordinance No. 4238 Conditional Use Permit: Sale and On-Site Consumption of Alcoholic Beverages – Palms II Lounge, 600 E. 9th Street, Lots 11-15, Block 142, Mission Original Townsite Subdivision, C-3, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4238

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 BEVERGES – PALMS II LOUNGE, 600 E. 9TH STREET, LOTS 11-15, BLOCK 142, MISSION ORIGINAL TOWNSITE SUBDIVISION

I. Conditional Use Permit: El Jalisco Express Drive-Thru Convenience Store, 3300 N. Inspiration Road, Lot 1, Gomez Estates Subdivision, C-2, Devin Zamora Adoption of Ordinance # 4239 approving 1.1I

On May 27, 2015 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The property is located on the NE corner of Inspiration Road and Mile 2

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Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval.

Staff Recommendation: Approval for 3 years subject to filling in potholes within the parking lot.

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 and adopt Ordinance No. 4239 Conditional Use Permit: El Jalisco Express Drive-Thru Convenience Store, 3300 N. Inspiration Road, Lot 1, Gomez Estates Subdivision, C-2, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

ORDINANCE NO. 4239

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

2.0 Disposition of Minutes

2.1 City Council Meeting – May 26, 2015

Councilman Plata moved to approve the minutes as presented. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

3.0 Acknowledge Receipt of Minutes

3.1 Planning & Zoning Commission – May 13, 2015

Shary Golf Course Advisory Board – April 22, 2015

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

4.0 Approvals and Authorizations

4.1 Authorization to solicit Request for Proposals (RFP's) for Offsite Document Storage, destruction and other related services

Authorization was being requested to solicit proposals from record storage service providers to furnish offsite document storage, destruction and other related services. The vendor must be in compliance with the Texas State Library and Archives Commission Records Storage Standards Local Government Bulletin F.

The City currently had 2200 boxes in storage which had to be maintained and destroyed in order to be in compliance with the Texas State Library and Archives Commission Records Storage Standards Local Government.

Staff Recommendation: Authorization to solicit Request for Proposals.

City Manager recommended approval.

Councilman O'cana moved to authorize to solicit Request for Proposals (RFP's) for Offsite Document Storage, destruction and other related services, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.2 Authorization to submit the FY 2015 COPS Hiring Program Grant application to the U.S. Department of Justice – Office of Community Oriented Policing Services

The City of Mission Police Department was requesting authorization to submit the FY – 2015 COPS Hiring Program Grant application to the U.S. Department of Justice - Office of

Community Oriented Policing Services. The program allowed the hiring of police officers where the program paid for 75% of the officer's salary and was matched by the city at 25% through the tenure of the three year grant (City of Mission was requesting seven (7) officers). The City of Mission if awarded the grant would be required to maintain the positions for one additional year at 100 % expense to the city. The Mission Police Department under the policies and procedures of our state drug forfeiture account would supply the first year 25% match that was required by the grant.

Staff Recommendation: Authorize the Mission Police Department to submit the FY – 2015 COPS Hiring Program Grant application to the U.S. Department of Justice – Office of Community Oriented Policing Services.

City Manager recommended approval.

Councilman O'cana moved to authorize to submit the FY 2015 COPS Hiring Program Grant application to the U.S. Department of Justice – Office of Community Oriented Policing Services, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.3 Change Order No. 1 for the Mission Police Department South Station Steel Fence located at 4500 S. Glasscock Rd.

The City of Mission Police Department was requesting authorization for Change Order No. 1 for the South Police Station Steel Fence. It was discovered that a total of two fence panels were left out of the original quote for the repair of the existing fence line. The two panels were located directly north of the east drive way to the South Police Station and Fire Station. The total amount of the change order was \$300.00 which would increase the total amount of the project from \$26,642.30 to \$26,942.30. Staff was respectfully requesting authorization for the change order.

Staff Recommendation: Approval of Change Order No. 1 for the Mission Police Department South Station Steel Fence located at 4500 S. Glasscock Road.

City Manager recommended approval.

Councilman O'cana moved to approve Change Order No. 1 for the Mission Police Department South Station Steel Fence located at 4500 S. Glasscock Rd, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.4 Authorization to purchase a Crash Reporting Module from Brazos Technology, a sole source vendor

The City of Mission Police Department was requesting authorization to purchase a Crash Reporting Module from Brazos Technology, a sole source vendor. The Mission Police Department had utilized Brazos Technology for their electronic citations for a number of years and based on the devices that staff currently used for that purpose, staff wanted to utilize the same device with the new crash software to be able to complete accident reports electronically. With the current devices, the patrol officers would be able to scan a persons' driver license and vehicle registration window sticker to populate a computerized accident report. The rest of the information would have to be entered manually; however, staff would be able to generate computerized accident reports. The Texas Department of Transportation was also requesting that staff use this same technology to send the accident reports to Austin electronically. The total amount of the expenditure would be \$11,000.00. This expenditure would be paid through the Federal Drug Forfeiture account.

Staff Recommendation: Staff was respectfully requesting authorization to purchase a Crash Reporting Module from Brazos Technology, a sole source vendor.

City Manager recommended approval.

Councilman O'cana moved to authorize to purchase a Crash Reporting Module from Brazos Technology, a sole source vendor, as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.5 Budget Amendments – General Fund, MEDC

Randy Perez Finance Director presented the budget amendments BA–2015-51 thru BA-2015- 52 to the City Council for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve budget amendments BA–2015-51 thru BA-2015-52, as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

4.6 Award bid for irrigation improvements at Bannworth and Jaycee Parks

On April 6, 2015 City Council gave authorization to solicit bids for irrigation improvements at Bannworth and Jaycee Parks. The City of Mission had accepted and opened three (3) bid responses for this project. Staff recommended awarding bid to FR Green Thumb Landscaping to include Alternate #1 who was the lowest responsive and responsible bidder and met all specifications.

Staff Recommendation: Authorization to Award bid to FR Green Thumb Landscaping.

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City Manager recommended approval.

Mayor Pro Tem Garza moved to approve to award bid for irrigation improvements at Bannworth and Jaycee Parks, as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

4.7 Award bid for Weedy Lot Abatement

Staff was seeking authorization to award bid for weedy lot abatement. Services would include all supervision, labor materials, supplies, tools and equipment necessary for the cleaning and clearing, loading and disposal of all trash, debris, rubbish, organic debris, municipal solid waste, special waste and tires. The contractor would mow all grasses, weeds, and underbrush. Staff received six (6) bids and was recommending to award to Total Lawn Care LLC who was the lowest responsive and responsible bidder.

Staff Recommendation: Authorization to award bid Total Lawn Care LLC.

City Manager recommended approval.

Councilman O'cana moved to approve to award bid for Weedy Lot Abatement, as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.8 Award Bid for the Sale of Real Property (1.38 Acre Tract)

On January 12, 2015, City Council authorized staff to solicit bids for the sale of 1.38 acre tract, out of lot 24-7, West Addition to Sharyland Subdivision, Hidalgo County Texas. The City of Mission had accepted and opened two (2) bid responses. Staff was recommending awarding to Virgil Wilson Mortuary whose bid came in at \$55,000.00 in accordance with General Terms and Conditions.

Staff Recommendation: Authorization to award to Virgil Wilson Mortuary.

City Manager recommended approval.

Councilman Plata moved to approve to award bid for the Sale of Real Property (1.38 Acre Tract), as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

4.9 Award Bid for the Sale of Real Property (0.19 Acre Tract)

On January 12, 2015, City Council authorized staff to solicit bids for the sale of 0.19 acre tract, out of Block 4 Erdahl Subdivision, Hidalgo County Texas. The City of Mission had accepted and opened two (2) bid responses. Staff was recommending awarding to Eleazar Xavier Romero whose bid came in at \$15,100.00.

Staff Recommendation: Authorization to award to Eleazar Xavier Romero.

City Manager recommended approval.

Councilman Plata moved to approve to award bid for the Sale of Real Property (0.19 Acre Tract), as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

At 5:39 p.m., Mayor Pro Tem Garza moved to remove from table items 5.1 and 5.2. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

5.0 Unfinished Business

5.1 Conditional Use Permit: Drive-Thru Service Window for Fiesta Mart, 901 W, Business Hwy 83, Lot 4, Holland Center Subdivision, C-3, Efren G. Rocha, Adoption of Ordinance # 4240 approving 5.1

On May 13, 2015 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The subject site was located on the NW corner of Business 83 and Holland Avenue. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval. Subject to staff working with the applicant to maximizing safety of stacking of vehicles and pedestrians.

Staff and City Manager recommended denial.

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

Applicant Efren Rocha spoke in favor of the request and asked council to at least give him the opportunity to have the drive thru for a year. He explained that the window would help increase his business. He also stated that the drive thru did not have a lot of traffic since it was mostly women with small children who didn't want to leave the children in the cars.

Mayor Salinas moved to approve and adopt Ordinance No. 4240 Conditional Use Permit: Drive-Thru Service Window for Fiesta Mart, 901 W, Business Hwy 83, Lot 4, Holland Center Subdivision, C-3, subject to a year to give the applicant the opportunity to work out the drive thru window. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

ORDINANCE NO. 4240

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU SERVICE WINDOW
FOR FIESTA MART, 901 W. BUSINESS HWY 83, LOT 4, HOLLAND CENTER
SUBDIVISION

5.2 Conditional Use Permit: Tacos El Primo Mobile Food Unit, 801 N. Inspiration Road, .69 acre tract out of land known as Fernandez Strip, out of Porcion 52, I-2, Oscar Trevino, Adoption of Ordinance # _____ approving 5.2

On May 13, 2015 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The property was located at the SW corner of Inspiration Road and Business Highway 83 within Los Primos Auto Sales. This CUP was last approved on 3/12/14 for 3 years, and this would be the second renewal. There was no public opposition during the P&Z Mtg. The Board unanimously recommended denial.

Staff Recommendation: Denial due to the following: 1) lack of parking, 2) traffic congestion at this juncture, 3) the widening of Inspiration Road would generate additional traffic, and 4) complaints received regarding this CUP.

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City Manager recommended denial.

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

Mayor Salinas mentioned that the applicant had already been given the opportunity to place his business and now he has several businesses in that same area without the proper permits.

City Manager Garza explained that the applicant was proposing to remove the car lot business and use that area as a parking space for the taqueria.

Mayor Salinas recommended staff to go back meet with the applicant and have him obtain the proper permits for all the business that were in that area. He suggested they come back in a month so council can have a chance to see it again.

Mr. Jaime Sanchez representing Mr. Oscar Trevino was in favor of the request and advised Council that they were going to work with staff to be able to comply with all the requirements needed for the business.

Councilman O'cana moved to deny the Conditional Use Permit: Tacos El Primo Mobile Food Unit, 801 N. Inspiration Road, .69 acre tract out of land known as Fernandez Strip, out of Porcion 52, I-2. Motion was seconded by Councilwoman Ochoa and denied unanimously 5-0.

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

None

At 5:52 p.m., Mayor Salinas asked council to go into executive session.

Mayor Pro Tem Garza moved to convene into executive session pursuant to V.T.C.A. Gov. Code Sec. 551.001. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

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

7.1 Consultation with Attorney Sec. 551.071

- A. Concerns regarding CWV Service Center Building and Renovations Contract and any action regarding the surety**
- B. Regarding Nuisance Ordinance regarding potholes in private right of ways and private parking lots**
- C. Consultation with Legal Counsel regarding proposed Interlocal Agreement with City of Granjeno**

7.2 Personnel matters Sec. 551.074

- A. In-house City Attorney**

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

At 6:25 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

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On item 7.1-A, Mayor Pro Tem Garza moved to approve to make demand on the total amount of the bond. Motion was seconded by Councilman Plata and approved unanimously 5-0.

On item 7.1-B, Councilman Plata moved to authorize to fix alley's which were deteriorating due to use by city vehicles. Motion was seconded by Councilwoman Ochoa and approved unanimously 5-0.

On item 7.1-C, no action was taken.

On item 7.2-A, Mayor Pro Tem Garza moved to authorize to interview three candidates and recommend the top two candidates to the council. Motion was seconded by Councilman O'cana and approved 4-1 with Councilwoman Ochoa against.

8.0 Adjournment

At 6:34 p.m., Councilman Plata moved for adjournment. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary