

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
MAY 26, 2015 4:30 P.M.  
MISSION CITY HALL**

**PRESENT:**

Jessica Ortega-Ochoa, Councilwoman  
Ruben D. Plata, Councilman  
Norie Gonzalez Garza, Mayor Pro Tem  
Dr. Armando O'cana, Councilman  
Bob Galligan, Interim City Attorney  
Anna Carrillo, City Secretary  
Martin Garza, Jr., City Manager

**ABSENT:**

Norberto Salinas, Mayor

**ALSO PRESENT:**

Kathy Olivarez, Progress Times  
Oscar Trevino  
Maxilou Link  
Efren G. Rocha  
Gilberto Rocha  
Ricky Rendon  
Santiago Gonzalez  
Joe Louie Sanchez  
Jaime Gutierrez

**STAFF PRESENT:**

Carmen Morales, Administrative Asst.  
Danny Tijerina, Planning Director  
Jose Angel Garza, Asst. Planning Director  
Roberto Salinas, Public Works Director  
Mario Flores, Golf Director  
Joanne Longoria, CDBG Director  
Rene Lopez, Fire Chief  
Eduardo Belmarez, Purchasing Director  
Robert Dominguez, Chief of Police  
Joel Lalarde, Asst. Chief of Police  
Randy Perez, Finance Director  
Angie Vela, Asst. Finance Director  
Luduvico Martinez, B & G Club Director  
Noemi Munguia, HR Director  
Robert Hinojosa, Risk Manager  
Roland Rodriguez, I. T. Director  
Luis Contreras, Museum Director  
Mayra Rocha, Library Director  
Elizabeth Hernandez, Executive Secretary  
Juan Pablo Terrazas, City Engineer  
Brad Bentsen, Parks & Recreation Director

**1. Call to order**

With a quorum being present, Mayor Pro Tem Norie Gonzalez Garza called the meeting to order at 4:34 p.m.

**2. Pledge Allegiance and Invocation**

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

**3. Proclamation – Day of Prayer**

Anna Carrillo, City Secretary read the Proclamation – Day of Prayer.

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Councilwoman Jessica Ortega-Ochoa moved to approve the Proclamation – Day of Prayer. Motion was seconded by Councilman Ruben D. Plata and approved unanimously 3-0.

**4. Report from the Greater Mission Chamber of Commerce**

Chamber of Commerce report was presented to the Council by City Manager Mr. Garza.

**5. Departmental Reports**

Councilman Plata moved to approve the departmental reports as presented. Motion was seconded by Councilwoman Ochoa and approved unanimously 3-0.

**6. Citizens Participation**

None

At 4:38 p.m. Mayor Pro Tem Garza continued with item 4.1 of the agenda.

**1.0 Public Hearing**

**1.1 Planning & Zoning Recommendations**

- A. Rezoning: Lot 20, Villa Capri Subdivision, from C-1 (Office Building) to C-3 (General Business), Carlos A. Puente, Adoption of Ordinance # 4229 approving 1.1A**

On May 13, 2015 the Planning and Zoning Commission held a Public Hearing to consider this rezoning request. The property was located 500' west of Moorefield Road along the north side of Mile 3 Road. There was no public opposition during the P&Z Mtg. The Board unanimously recommended approval of the C-3 zone.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza 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 4229 Rezoning: Lot 20, Villa Capri Subdivision, from C-1 (Office Building) to C-3 (General Business), as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 3-0.

**ORDINANCE NO. 4229**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A REZONING LOT 20, VILLA CAPRI SUBDIVISION, FROM C-1 (OFFICE  
BUILDING) TO C-3 (GENERAL BUSINESS)

**B. 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 # \_\_\_\_\_ approving 1.1B**

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.

Applicant Efren G. Rocha spoke in favor of the request.

Councilman Plata moved to approve the cup. Motion failed for lack of second.

City Manager Garza advised applicant that at this moment there were a couple of concerns that needed to be resolved prior to approving the cup. However there were other options and they would continue working with the applicant to work something out.

After much discussion Mayor Pro Tem Garza moved to table the item. Motion was seconded by Councilwoman Ochoa and approved unanimously 3-0.

At 4:55 p.m. Councilman Dr. Armando O'cana stated for the record that he would not vote on the item since he had just joined the meeting.

**C. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – The Best Flavored Beer Bar & Grill, 2306 E. Expressway 83, Ste. 8, Lot 1, Cimarron Crossing Ph. I Subdivision, C-3, Santiago Gonzalez B., Adoption of Ordinance # 4230 approving 1.1C**

On May 13, 2015 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The subject site was located near the SE corner of J.R. Drive and Expressway 83 along the Frontage 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 Pro Tem Garza asked if there were any comments for or against the request.

Applicant Santiago Gonzalez spoke in favor of the request.

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Councilwoman Ochoa moved to approve the cup and to adopt Ordinance No 4230 Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – The Best Flavored Beer Bar & Grill, 2306 E. Expressway 83, Ste. 8, Lot 1, Cimarron Crossing Ph. I Subdivision, C-3, subject to business hours Sunday – Wednesday 11:00 a.m. – 12:00 a.m. and Thursday – Saturday 11:00 a.m. – 2:00 a.m. and Food Establishment Certificate thru TABC. Motion was seconded by Councilman O’cana and approved unanimously 4-0.

**ORDINANCE NO. 4230**

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 – THE BEST FLAVORED BEER BAR & GRILL, 2306 E. EXPRESSWAY 83, STE. 8, LOT 1, CIMARRON CROSSING PH. I SUBDIVISION

**D. Conditional Use Permit: Zarah’s Tacos Mobile Food Unit, 808 S. Shary Road, Lot 5A, Cimarron Crossing Ph. II Subdivision, C-3, Zarah Investments, Adoption of Ordinance # 4231 approving 1.1D**

On May 13, 2015 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit. The subject site was located 500’ south of Expressway 83 along the west side of Shary Road. This CUP was last approved on 3/26/14 for 1 year, and this would be the first renewal. 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 Pro Tem Garza asked if there were any comments for or against the request.

Gerardo Sanchez representing Zarah’s Investments spoke in favor of the request.

Councilman Plata moved to approve the cup and to adopt Ordinance No 4231 Conditional Use Permit: Zarah’s Tacos Mobile Food Unit, 808 S. Shary Road, Lot 5A, Cimarron Crossing Ph. II Subdivision, C-3, subject to placing two tables with chairs in the walkway. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

**ORDINANCE NO. 4231**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR ZARAH’S TACOS MOBILE FOOD UNIT, 808 S. SHARY ROAD, LOT 5A, CIMARRON CROSSING PH. II SUBDIVISION

**E. 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 1.1E**

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 will generate additional traffic, and 4) complaints received regarding this CUP.

City Manager recommended denial.

Mayor Pro Tem Garza asked if there were any comments for or against the request.

Applicant Oscar Trevino was in favor of the request elaborating that he would have a lease contract with the Railroad Company for more parking spaces.

Mr. Tijerina stated that there was a lack of parking spaces, traffic congestion at this juncture, curb to curb section would reduce the area and complains received from citizens for this location having no landscaping and lighting.

Councilman O'cana asked City Manager Mr. Garza why there was no sewer at this location and Mr. Garza replied that he didn't have this information.

After much discussion Councilwoman Ochoa moved to table the item. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**F. Conditional Use Permit: To keep a Portable Building for Use as a Sales Office, 1609 E. Expressway 83, Lots 3-6, Mission Palms Plaza, C-4, Gilberto Rocha, Adoption of Ordinance # 4232 approving 1.1F**

On May 13, 2015 the Planning and Zoning Commission held a Public Hearing to consider the conditional use permit renewal. The property was located 600' east of Stewart Road along the north side of the Expressway 83 Frontage Road. This CUP was last approved on 3/12/14 for 1 year, and this would be the second renewal. 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 Pro Tem Garza asked if there were any comments for or against the request.

Applicant Gilberto Rocha was in favor of the request.

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Councilman Plata moved to approve the rezoning and to adopt Ordinance No 4232 Rezoning: Lot 20, Villa Capri Subdivision, from C-1 (Office Building) to C-3 (General Business), as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 3-0.

**ORDINANCE NO. 4232**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A CONDITIONAL USE PERMIT TO KEEP A PORTABLE BUILDING FOR  
USE AS A SALES OFFICE, 1609 E. EXPRESSWAY 83, LOTS 3-6, MISSION PALMS  
PLAZA

**2.0 Disposition of Minutes**

**2.1 City Council Meeting – May 11, 2015 and  
Special City Council Meeting – May 15, 2015**

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

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**3.0 Acknowledge Receipt of Minutes**

**3.1 Mission Historical Museum – February 23, 2015  
Parks & Recreation – April 8, 2015  
Citizen’s Advisory Committee – April 14, 2015  
Planning & Zoning Commission – April 22, 2015  
Shary Golf Advisory Board – March 10, 2015  
Speer Memorial Library Board – April 21, 2015**

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

At 5:14 p.m. Mayor Pro Tem Garza continued with item 4.2 of the agenda.

**4.0 Approvals and Authorizations**

**4.1 Approval of Resolution # 1401 of the City of Mission, Texas Authorizing Review of Texas Gas Service Company’s (“TGS”) Cost of Service Adjustment (“COSA”) Tariff; Approving of a Joint Review of TGS’ Application Along with Other Cities Served by TGS; Hiring Legal and Consulting Services to Negotiate with the Company and Direct any Necessary Litigation and Appeals; Requiring TGS to Reimburse All Reasonable Costs Associated With Cities’ Efforts in this Ratemaking Effort; 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**

The Lower Rio Grande Valley Development Council (LRGVDC) had approached the City about participating in a Valley Cities Gas Coalition (VCGC) to address a 2015 Cost of Service Adjustment Tariff (COSA) filing by the Texas Gas Service Company (TGSC). The LRGVDC Board supports this effort and had partnered with the City of Weslaco to coordinate the efforts on this filing. The TGS filing sought to increase natural gas rates to all customers residing in the City.

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The VCGC would conduct a review of the Company's application and would hire and direct legal counsel and consultants to prepare a common response and to negotiate with TGSC and direct any necessary litigation. It was noted that a settlement agreement between the City and TGSC dated August 14, 2009 provided that costs incurred by cities associated with this proceeding were to be reimbursed by the Company.

Staff Recommendation: Approval of Resolution of the City of Mission, Texas Authorizing Review of Texas Gas Service Company's ("TGS") Cost of Service Adjustment ("COSA") Tariff.

City Manager recommended approval.

Mr. Ken Jones from the Lower Rio Grande Valley Development Council was present to answer any questions the Council might have.

Councilman Plata moved to approve Resolution No. 1401. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

### **RESOLUTION NO. 1401**

RESOLUTION OF THE CITY OF MISSION, TEXAS AUTHORIZING REVIEW OF TEXAS GAS SERVICE COMPANY'S (TGS) COST OF SERVICE ADJUSTMENT (COSA) TARIFF; APPROVING OF A JOINT REVIEW OF TGS' APPLICATION ALONG WITH OTHER CITIES SERVED BY TGS; HIRING LEGAL AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING TGS TO REIMBURSE ALL REASONABLE COSTS ASSOCIATED WITH CITIES' EFFORTS IN THIS RATEMAKING EFFORT; 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 TGS AND LEGAL COUNSEL

At 4.41 p.m. Mayor Pro Tem Garza continued onto item 1.1A of the agenda.

#### **4.2 Tax Collections Report – April, 2015**

Finance Director Randy Perez presented the Tax Collections Report for April, 2015 for approval.

Staff and City Manager recommended approval.

Councilwoman Ochoa moved to approve the Tax Collections Report for April, 2015 as recommended. Motion was seconded by Councilman O'cana and approved unanimously 4-0.

#### **4.3 April 2015 Financial Statements**

Mr. Perez presented the April 2015 Financial Statements for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the April 2015 Financial Statements as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

**4.4 Budget Amendments – General Fund, Utility Fund Designated Purpose Fund and 2009 CO Capital Projects Fund**

Mr. Perez presented the budget amendments BA–2015-47 thru BA–2015-50 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve budget amendments BA–2015-47 thru BA-2015-50 as recommended. Motion was seconded by Councilwoman Ochoa and approved unanimously 4-0.

**4.5 Approval of Resolution # 1402 supporting the submission of a grant application to the Office of the Attorney General’s Crime Victim Services Division for the 2015-2017 Victim Coordinator and Liaison Grant (VCLG)**

The Mission Police Department was requesting the approval of a resolution in support of the submission of a grant application to the Office of the Attorney General’s Crime Victim Services Division for the 2015-2017 Victim Coordinator and Liaison Grant (VCLG). The grant was a two year grant for FY 2015-2016 and FY 2016-2017. The total amount of the grant request was \$84,000.00. There was no cash match required by the City of Mission. The grant would allow the Mission Police Department to continue the services provided by our Crime Liaison program. Staff was requesting a favorable recommendation for the purpose of continuing our Crime Victim Liaison program.

Staff Recommendation: Approval of a resolution supporting the submission of a grant application to the Office of the Attorney General’s Crime Victim Services Division for the 2015-2017 Victim Coordinator and Liaison (VCLG).

City Manager recommended approval.

Councilwoman Ochoa moved to approve Resolution No. 1402 supporting the submission of a grant application to the Office of the Attorney General’s Crime Victim Services Division for the 2015-2017 Victim Coordinator and Liaison Grant (VCLG). Motion was seconded by Councilman O’cana and approved unanimously 4-0.

**RESOLUTION NO. 1402**

**SUPPORTING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE ATTORNEY GENERAL’S CRIME VICTIM SERVICES DIVISION FOR THE 2015-2017 VICTIM COORDINATOR AND LIAISON GRANT (VCLG)**

**5.0 Unfinished Business**

None

**6.0 Routine Matters**

**6.1 City Manager’s Comments**

None



**6.2 Mayor's Comments**

None

At 6:00 p.m. Councilwoman Ochoa stepped out of the meeting.

Mayor Pro Tem Garza asked council to go into executive session pursuant to V.T.C.A. Gov. Code Sec. 551.001 for item 7.1-A of the agenda.

At 6:17 p.m., Councilman Plata moved to convene into executive session. Motion was seconded by Councilman O'cana and approved unanimously 3-0.

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

**7.1 Consultation with Attorney Sec. 551.071**

**A. Regarding legal issues pertaining to Mission Code of Ordinances Chapter 86  
Sign Code**

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

At 6:17 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilman O'cana and approved unanimously 3-0.

On item 7.1-A, no action was taken.

**8.0 Adjournment**

At 6:18 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilman O'cana and approved unanimously 3-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary