

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
DECEMBER 8, 2008 4:30 P.M.
MISSION CITY HALL**

PRESENT:

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

ALSO PRESENT:

Kathy Olivarez, Progress Times
Joy Vardamar
Rosetta Bray
Dalia C. Pena
Guadalupe Salinas
Veronica Salinas
Jose Lugo
Alberto O'cana Sr.
Cathy Garcia
Rudy Gonzalez
Joe B. Garza
Arlene V. Rivera
Joseph M. Kamel
Ben D. Olivarez
Pat Townsend Jr.

ABSENT:

Celestino Ramirez, Councilman

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Hernestina Esparza, Administrative Asst.
Aida Lerma, Public Relations Director
Sonia Carnes, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sergio Zavala, Planning Director
Bobby Salinas, Subdivision Coordinator
Roberto Salinas, City Engineer
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Rick Saldana, Fire Chief
Gilbert Sanchez, Fire Marshal
Ruben Diaz, Public Works Director
Victor Gonzalez, Streets Director
Elizabeth Cabrera, Purchasing Director
Rosie Salazar, Risk Manager
Leo Longoria, Chief of Police
Robert Dominguez, Asst. Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Rolando Rodriguez, DP Manager
Julian Gonzalez, Parks & Rec. Director
Adela Ortega, Museum Director
Rusty Dove, Library Director
Jonathan Wehrmeister, Judge
Jesse Lerma, Civil Service Director
Martin Garza, Lieutenant

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:31 p.m.

2. Pledge Allegiance and Invocation

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

3. Proclamation – City of Mission Centennial Celebration

City Secretary, Anna Carrillo read the proclamation for City of Mission Centennial Celebration.

Mayor Pro Tem Leo Olivarez moved to approve the proclamation as presented. Motion was seconded by Councilman Ruben Plata and approved unanimously 3-0.

4. Tomas Tijerina – 3rd Annual Thanksgiving Dinner Report

Mrs. Aida Lerma reported on the Thanksgiving Day Dinner over 1,700 families were served at Renee's Sharyland. Mrs. Lerma also thanked Police, Fire Departments and Mrs. Adela Ortega Museum Director for the help that they provided for the families. Mayor Salinas advised the staff to send a thank you letter to Mr. Tomas Tijerina for a wonderful 3rd Annual Thanksgiving Dinner.

5. Departmental Reports

Mayor Pro Tem Olivarez moved to approve the departmental reports as presented. Motion was seconded by Councilman Plata and approved unanimously 3-0.

6. Citizens Participation

Ricardo Martinez – was concerned for the children that were skating around town. He asked the Council if they could re-open the Skate Park on Mayberry Road for the safety of the children.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: Lots 1-20, Perlas De Naranja Subd., AO-I to R-1A, Various Owners

At 4:54 Councilwoman Norie Gonzalez Garza joined the meeting.

The subject site was located ½ mile north of Mile 2 North along the east side of Stewart Road. The surrounding zonings included Agricultural Open Interim (AO-I) to the west, south and east. The north side was in the City of Palmhurst's jurisdiction. The City's Future Land Use Map reflected a Lower Density Residential (LDA) designation, which R-1A was directly consistent with. The subdivision's minimum lot widths, lengths and square footages (110' X 140') exceed R-1A's minimum standards (80' X 120') and the surrounding land uses were consistent with the proposed R-1A zone. There was no public opposition at P&Z's hearing. The P&Z unanimously approved the rezoning.

Staff, P&Z and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the rezoning request. There was none.

Councilman Plata moved to approve the rezoning as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

B. Rezoning: Lot 1, Plaza Depilite Subd., C-1 to C-2, Pedro Treto

The subject site was located on the SW corner of Hunt Valley Rd. (Mile 2 South) and Shary Road. The surrounding zonings included Agricultural Open Interim (AO-I) to the east and Planned Unit Development (PUD) in all other directions. The property owner wished to change from C-1 to C-2 in order to allow for a slightly larger array of businesses for the benefit of the surrounding residential areas, though the available off-street parking really limited eligible used anyway. Since the property fronts a widened Shary Road, had an existing commercial plaza, and the requested zone was not excessive from the existing C-1 zone, C-2 did not appear to be objectionable change. There was no public opposition at P&Z's hearing. The P&Z unanimously approved the rezoning.

Staff, P&Z and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the rezoning request. There was none.

Councilwoman Garza moved to approve the rezoning as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

C. Rezoning: A 3.03 acres tract of land out of Lot 195, J.H.S Subd., AO-I to C-3, SARAM Development, LLC

The subject site was located approximately 400' south of E. 4th Street on the east side of Shary Road. Shary Road was a widened major thoroughfare in the City's Master Transportation Plan. The surrounding zonings included Agricultural Open Interim (AO-I) to the west, east and a small portion on the north side; and General Business (C-3) to the south and north. The City's Future Land Use Map reflected a recently affirmed General Commercial (GC) designation, which C-3 was directly consistent with. IHOP was located approximately 200' north of the property and staff expects commercial projects to continue south and north of the subject property; such land uses to be consistent of the proposed C-3 zone. There was no public opposition at P&Z's hearing. The P&Z unanimously approved the rezoning.

Staff, P&Z and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the rezoning request. There was none.

Councilwoman Garza informed the council that she would abstain from voting.

Councilman Plata moved to approve the rezoning as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved 3-0 with Councilwoman Garza abstaining.

D. Conditional Use Permit: 'Sale & On-Site Consumption of Alcoholic Beverages' at "La Fogata:", A 3.03 acre tract of land out of Lot 195, J.H.S Subd., AO-I (C-3 Pending), SARAM Development

The property was located 1/3 mile north of U.S. Expressway 83 along the east side of Shary Road just south of Haidar Subdivision (IHOP). Currently, the applicant was working on a 2 Lot subdivision where the two-story restaurant was being proposed. There were no schools, parks, or places of worship within 300 feet. There was one residence within 300' of the proposed restaurant.

Viewing the floor plan, the 21,533 sq.ft. building would have a grand total of 357 seating spaces proposed in the dining area and bar area. One (1) parking space for every three (3) seats equates to 119 parking spaces required. A total of 8 handicap parking spaces and 160 regular parking spaces were proposed for this development, exceeding code by 49. Access to the site would be from a 35' driveway to Shary Road where the parking would be aproned to the north and south so other adjoiners can interface. There was no public opposition at P&Z's hearing. The P&Z unanimously approved the conditional use permit subject to staff's recommendation.

Staff, P&Z and City Manager recommended approval subject to: compliance with the following conditions: 1) waive the 300' separation requirement to the residential use, 2) acquisition of a business license, 3) wet zoning the property, and 4) 1 year re-evaluation after new operation activated.

Mayor Salinas asked if there were any comments for or against the CUP request. There was none.

Councilwoman Garza informed the council that she would abstain from voting.

Mayor Pro Tem Olivarez moved to approve the rezoning as recommended. Motion was seconded by Councilman Plata and approved 3-0 with Councilwoman Garza abstaining.

E. Conditional Use Permit: 'Sale & On-Site Consumption of Alcoholic Beverages' at "La Parrilla Grill" Restaurant, 4001 S. Shary Rd., Suite # 350, Lot 1, Sharyland Plantation Grove Tech Center # 2 Subd., PUD, Ale Andre, LLC

A CUP was awarded to the previous restaurant owner for the 'sale and on-site consumption of alcoholic beverages' on January 12, 2005.

The property was located at the SE corner of San Mateo and S. Shary Road. There was an existing building with 13 suites thereon. The days and hours of operation were Sunday through Saturday from 11:00 a.m. to 12 midnight.

The restaurant consisted of 2,407 square feet out of an existing 25,013 commercial building. Viewing the floor plan, there were a grand total of 134 seats. One (1) parking space for every three (3) seats or one space for every 75 square feet of floor area, whichever was greater, was required by code – or 45 based on the higher of the two (2) total square footage. It was noted that the parking for the commercial development was held in common. There were a total of 176 parking spaces available to serve the 13 leased spaces exceeding code by 29. There was no public opposition at P&Z's hearing. The P&Z unanimously approved the conditional use permit subject to staff's recommendation.

Staff, P&Z and City Manager recommended approval subject to: 1) waive 300' separation of 'bar' component to residential areas, and 2) re-evaluation in 1 year new applicant.

Mayor Salinas asked if there were any comments for or against the CUP request. There was none.

Councilwoman Garza moved to approve the rezoning as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

F. Conditional Use Permit: ‘Sale & On-Site Consumption of Alcoholic Beverages’ at ‘Sushi Itto Restaurant’, 122 S. Shary Rd., Suite ‘K’, Lot 2, Home Depot Subd. # 2, C-4, Joseph M. Kamel

The property was located 1200’ north of U.S. Expressway 83 along the west side of Shary Road within the Home Depot Development. Currently, on Lot 2 there was an existing building with 5 suites thereon. The applicant had leased one of the suites with intentions of operating a sushi restaurant where the sale and on-site consumption of alcohol was proposed. The days and hours of operation were Sunday through Thursday from 11:00 a.m. to 11:00 p.m., with Friday and Saturday closing at 12:00 a.m. There were no schools, parks, places of worship, or residences within 300 feet.

Viewing the floor plan, the 1,400 sq.ft. building would have 46 seating spaces proposed in the dining area and 12 seating spaces proposed in the bar area for a total of 58 seating spaces. One (1) parking space for every three (3) seats equates to 19 parking spaces required. A total of 83 parking spaces were held in common for this Lot 2 development. Access to the site would be from the two (2) existing driveways to Shary Road.

There was no public opposition at P&Z’s hearing. The P&Z unanimously approved the conditional use permit subject to staff’s recommendation.

Staff, P&Z and City Manager recommended approval subject to: 1) acquisition of a business license, 2) wet zoning the property, and 3) 1 year re-evaluation to assess this new operation.

Mayor Salinas asked if there were any comments for or against the CUP request. There was none.

Councilwoman Garza moved to approve the rezoning as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

G. Conditional Use Permit: ‘Sale & On-Site Consumption of Alcoholic Beverages’ at ‘Capriccio Gelateria & Pizzeria’, 122 S. Shary Rd., Suite ‘G’, Lot 2, Home Depot Subd. # 2, C-4, Joseph M. Kamel

The property was located 1200’ north of U.S. Expressway 83 along the west side of Shary Road within the Home Depot Development. Currently, on Lot 2 there was an existing building with 5 suites thereon. The applicant had leased one (1) of the suites with intentions of expanding to a pizza restaurant where the sale and on-site consumption of alcohol was proposed. The days and hours of operation were Sunday through Thursday from 11:00 a.m. to 10:00 p.m.; with Friday and Saturday being open one additional hour, closing at 11:00 p.m.; and Sunday from 11:00 a.m. to 9:00 p.m. There were no schools, parks, places of worship, or residences within 300 feet.

Viewing the floor plan, the 1,600 sq.ft. building would have 37 seating spaces proposed in the dining area. One (1) parking space for every three (3) seats equates to 15 parking spaces

required. A total of 83 parking spaces were held in common for the Lot 2 development. Access to the site was from the two (2) existing driveways to Shary Road. There was no public opposition at P&Z's hearing. The P&Z unanimously approved the conditional use permit subject to staff's recommendation.

Staff, P&Z and City Manager recommended approval subject to: 1) acquisition of a business license, 2) wet zoning the property, and 3) 1 year re-evaluation to assess this new operation.

Mayor Salinas asked if there were any comments for or against the CUP request. There was none.

Mayor Pro Tem Olivarez moved to approve the rezoning as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

H. Conditional Use Permit: To co-locate antenna on the existing self-support tower & install a 2.6' x 5' communications equipment cabinet, 107 W. Griffin Pkwy., A 0.27 acre of land, more or less, out of and forming part of Lot 24-6, W.A.S. Subd., C-3, Life of Use, Anita Roberts (Pocket Communications)

The subject site was located near the SW corner of Conway and West Griffin Parkway just west of Conway Avenue Baptist Church. As cited above, Pocket Communications desired to co-locate onto the existing self-support tower and construct a new 2.6' X 5' cabinet in the fenced-in 40' X 30' compounds located at the SW corner of the 3.0 acre tract of Lot 24-6, West Addition to Sharyland Subdivision. Currently, there exist equipment shelter for various communications providers and the 100' high telecommunications antenna. There was a recorded 15' access easement off Griffin Parkway that led to the 30' X 40' telecommunications compound. There was no public opposition at P&Z's hearing. The P&Z unanimously approved the conditional use permit.

Staff, P&Z and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the request. There was none.

Councilman Plata moved to approve the rezoning as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

I. Conditional Use Permit: To Expand the Authorized Hours of Operation Until 2 a.m. for the Sale for On-Site Consumption of Alcoholic Beverages, 2530 E. Griffin Pkwy., Suite C, Lot 12, Sharyland Plaza Subd., C-3, Otoniel Martinez

On June 23, 2008, the City Council approved a CUP for the sale of alcoholic beverages for on-site consumption but specifically limited the hours of operation until 12 a.m. midnight. Since they've been open since October 2008, their business professional clientele had frequently recommended that their hours be extended past the midnight hour until 2 a.m.

Hotties' approval in 1994 was initially given til 2 a.m.

Tico's #2 approval in Dec. 2006 was initially given til 2 a.m.

Juancho's over-ride in Oct. 2008 was given a 4-0 approval til 2 a.m.

Staff does not object to the request since it was consistent to what had been imposed to similar others where there was a more developed residential area, i.e., Shotz does have many vacant residential lots to the south. However, staff would like to have a 1-year re-evaluation to assess their operation and to see if there had been any complaints.

Staff, P&Z and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the request. There was none.

Councilwoman Garza moved to approve the rezoning as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

J. 2nd Public Hearing: Proposed Annexation of the following areas: Tract A: Acreage out of Lot 29-7, 30-7, 30-8, W.A.S. including Ocana Subd. Tract B: Valle Hermoso Estates, Sno-Bird Estates, Val's Kountry Corral being all of Lot 39 and the N. Part of Lot 38, Bentsen Groves # 2 Subd., including all or parts of Lots 34 & 35, Bentsen Groves # 2 Subd.

Alberto O'cana, 350 S. Mayberry Road – opposed the annexation

Cathy Garcia, opposed the annexation

The owner of Sleepy Hollow Trailer Park in Bentsen Palm Drive opposed the annexation

Resident of Lot 30-7 of West Addition to Shary was in favor of the annexation.

Erika O'cana advised that the letter advising the residents of the annexation was only in English she asked if future letter could also be in Spanish.

No Action was taken on this item

K. Adoption of Ord. # 3418 to Amend Future Land Use Map within the Boundaries of Expwy to the North, Taylor Rd. to the East, Bryan Rd. to the West, and 2 Mile Rd. South to the South

A brief synopsis of Staff's recommendation was as follows:

For the SE Bryan/Expressway site (Bert Ogden), the frontage along the Expressway that were currently designated Heavy Commercial (HC) to be re-designated General Business (GC) which would be a better neighbor to the residential components to the south of such commercial reserved and used.

The High Density (HD) area at the SE corner of the Expressway & Glasscock to be re-evaluated, i.e., had the HD follow Brazos to include the entire R-3 zoned The Retreat at Cimarron; re-designate from HD to LD in the middle 1/3; the designation of the east 1/3 golf course to be PUD.

The Bert Ogden site to remain HC up to the drainage ditch.

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The 35 acre area south of Bert Ogden to be amended from HD/MD to GC with high emphasis on office use.

The entire east ½ of Stewart Plaza to result in GC to reflect the zones and land uses; Lots 4-7 & 10-13, Stewart Plaza amended from MD to HD since R-3 apartments exist.

The 35 acre area NW of Stewart & Trinity to be amended from MD to LDA (had R-1A zoning/lots in Malmaison, and had Dr. Padulas's horse estate setting).

The Groves at Cimarron NE of Stewart/Trinity to be amended from MD to LDA; also, LDA for Los Jardinez de Cimarron NW Glasscock and Trinity.

The Oaks at Cimarron and The Legends at Cimarron to be LD due to R-1 zoning and land uses; also, the area north of San Jose to The Legends to be LDA not LD due to LDA across the Stewart north of Padula.

Las Villas at Cimarron only to be MD designated – Cimarron cul-de-sac lots to be re-designated PUD as well as the entire Cimarron community.

The San Jose Cemetery should be Institutionally designated I for obvious reasons.

The entire frontage at a depth of 1320' east of Shary be designated GC.

Lots 166 & 156 should be HD; Lots 136 & 146 (Shin) to be LD since in perimeter of city limits and distant from Shary & Trinity ¼ mile.

The frontage to Bryan Road south of Trinity would be General Commercial (GC) at a minimum depth of 660' with the remnant 660' being designated LDA to protect Mission Viejo and The Woods at Cimarron.

LDA should be the norm at LC Castillo's acreage, The Woods, Palazzo and Trinity Groves at Cimarron to reflect current R-1A sized lots, and many estate settings.

There was no public input at P&Z's hearing. The Planning and Zoning Commission voted unanimously to approve the amendments as recommended by staff.

Staff, P&Z and City Manager recommended approval.

Councilwoman Garza moved to approve Ordinance No. 3418 to amend Future Land Use Map within the boundaries of Expwy to the North, Taylor Road to the East, Bryan Road to the West, and 2Mile Road South to the South. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3418

AN ORDINANCE UPDATING THE FUTURE LAND USE MAP OF THE CITY OF MISSION, TEXAS WITHIN THE BOUNDARIES OF EXPRESSWAY TO THE NORTH, TAYLOR ROAD TO THE EAST, BRYAN ROAD TO THE WEST, AND 2 MILE ROAD SOUTH TO THE SOUTH

2.0 Disposition of Minutes

2.1 City Council Minutes – November 24, 2008

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

3.0 Acknowledge Receipt of Minutes

3.1 Speer Memorial Library Board – October 21, 2008

Mission Economic Development Corporation – October 21, 2008

Boys & Girls Club of Mission – October 30, 2008

Planning and Zoning Commission – October 15, 2008

Zoning Board of Adjustments – October 15, 2008

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

4.0 Approvals and Authorizations

4.1 Approval of Ord. # 3419 for Rezoning for Lots 1-20, Perlas De Naranja Subd., AO-I to R-1A; Lot 1, Plaza Depilite Subd., C-1 to C-2; and A 3.03 acre tract of land out of Lot 195, J.H.S Subd., AO-I to C-3

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ordinance No. 3419 for rezoning for Lots 1-20, Perlas De Naranja Subdivision, AO-I to R-1A; Lot 1, Plaza Depilite Subdivision, C-1 to C-2; and A 3.03 acre tract of land out of Lot 195, John H. Shary Subdivision, AO-I to C-3. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3419

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING REZONINGS TO LOTS 1-20, PERLAS DE NARANJA SUBDIVISION FROM AO-I TO R-1A; LOT 1, PLAZA DEPILITE SUBDIVISION FROM C-1 TO C-2; AND A 3.03 ACRE TRACT OF LAND OUT OF LOT 195, JOHN H. SHARY SUBDIVISION FROM AO-I TO C-3

4.2 Approval of Ord. # 3420 for CUP for the ‘Sale & On-Site Consumption of Alcoholic Beverages’ at ‘La Fogata’, A 3.03 acre tract of land out of Lot 195, J.H.S Subd.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3420 for CUP for the ‘Sale and On-Site Consumption of Alcoholic Beverages’ at ‘La Fogata’, A 3.03 acre tract of land out of Lot 195, John H. Shary Subdivision. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3420

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING CONDITIONAL USE PERMIT FOR THE SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES AT 'LA FOGATA', A 3.03 ACRE TRACT OF LAND OUT OF LOT 195, JOHN H. SHARY SUBDIVISION

4.3 Approval of Ord. # 3421 for CUP for the 'Sale & On-Site Consumption of Alcoholic Beverages' at 'La Parrilla Grill' Restaurant, 4001 S. Shary Rd., Suite # 350, Lot 1 Sharyland Plantation Grove, Tech Center # 2 Subd.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ordinance No. 3421 for CUP for the 'Sale and On-Site Consumption of Alcoholic Beverages' at 'La Parrilla Grill' Restaurant, 4001 S. Shary Road Suite No. 350, Lot 1 Sharyland Plantation Grove, Tech Center No. 2 Subdivision. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3421

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING CONDITIONAL USE PERMIT FOR THE SALE AND ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES AT 'LA PARRILLA GRILL' RESTAURANT, 4001 S. SHARY ROAD, SUITE # 350, LOT 1, SHARYLAND PLANTATION GROVE TECH CENTER # 2 SUBDIVISION

4.4 Approval of Ord. # 3422 for CUP for the 'Sale & On-Site Consumption of Alcoholic Beverages' at "Sushi Itto Restaurant", 122 S. Shary Rd., Suite "K", Lot 2, Home Depot Subd. # 2

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3422 for CUP for the 'Sale and On-Site Consumption of Alcoholic Beverages' at 'Sushi Itto Restaurant', 122 S. Shary Road Suite "K", Lot 2, Home Depot Subdivision No. 2. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

ORDINANCE NO. 3422

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING CONDITIONAL USE PERMIT FOR THE SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES AT 'SUSHI ITTO RESTAURANT' AT 122 S. SHARY ROAD, SUITE "K", LOT 2, HOME DEPOT SUBDIVISION # 2

4.5 Approval of Ord. # 3423 for CUP for the 'Sale & On-Site Consumption of Alcoholic Beverages' at "Capriccio Gelateria & Pizzeria", 122 S. Shary Rd., Suite "G", Lot 2, Home Depot Subd. # 2

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ordinance No. 3423 for CUP for the 'Sale and On-Site Consumption of Alcoholic Beverages' at 'Capriccio Gelateria & Pizzeria', 122 S. Shary Road Suite "G", Lot 2, Home Depot Subdivision No. 2. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3423

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING CONDITIONAL USE PERMIT FOR THE SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES AT 'CAPRICCIO GELATERIA & PIZZERIA' AT 122 S. SHARY ROAD, SUITE "G", LOT 2, HOME DEPOT SUBDIVISION # 2

4.6 Approval of Ord. # 3424 for CUP to co-locate antenna on the existing self-support tower & install a 2.6' x 5' communications equipment cabinet at 107 W. Griffin Pkwy, A .027 acre of land, more or less, out of and forming part of Lot 24-6, W.A.S. Subd.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ordinance No. 3424 for CUP to co-locate antenna on the existing self-support tower and install a 2.6' x 5' communication equipment cabinet at 107 W. Griffin Pkwy, A .027 acre of land, more or less, out of and forming part of Lot 24-6, W.A.S Subdivision. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3424

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING CONDITIONAL USE PERMIT TO CO-LOCATE ANTENNA ON THE EXISTING SELF-SUPPORT TOWER & INSTALL A 2.6' X 5' COMMUNICATIONS EQUIPMENT CABINET, 107 W. GRIFFIN PARKWAY, A .027 ACRE OF LAND, MORE OR LESS, OUT OF AND FORMING PART OF LOT 24-6, WEST ADDITION TO SHARYLAND SUBDIVISION

4.7 Approval of Ord. # 3425 amending Ordinance #3365 granting a CUP to authorized the Hours of Operation until 2 a.m. for the Sale for On-Site Consumption of Alcoholic Beverages at Shotz Bar & Grill, 2530 E. Griffin Pkwy, Suite C, Lot 12, Sharyland Plaza Subd.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3425 amending Ordinance No. 3365 granting a CUP to authorized the Hours of Operation until 2 a.m. for the Sale for On-Site Consumption of Alcoholic Beverages at Shotz Bar & Grill, 2530 E. Griffin Pkwy, Suite C, Lot 12, Sharyland Plaza Subdivision. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

ORDINANCE NO. 3425

AN ORDINANCE AMENDING ORDINANCE #3365 OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING CONDITIONAL USE PERMIT TO EXPAND THE AUTHORIZED HOURS OF OPERATION UNTIL 2 A.M. FOR THE SALE FOR ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES AT SHOTZ BAR & GRILL, 2530 E. GRIFFIN PARKWAY, SUITE C, LOT 12, SHARYLAND PLAZA SUBDIVISION

4.8 Preliminary Plat Approval: Palomar Subd., S. 8.57 Ac. of the N. 27.15 Ac. of Lot 35-4, W.A.S. Subd., Suburban ETJ, Developer: Omar Garcia, O.G. Construction Engineer: Melden & Hunt, Inc.

The subdivision was given preliminary plat approval by the City Council on July 11, 2005. The developer had not completed construction of the subdivision. Since so much time had lapsed, the city reconsidered the plat for re-approval since preliminary plat approvals were for 1 year.

The 41 lot plat was located approximately 3200' north of Mile 3 along the west side of Troesper Road. All lots exceed the City's minimum R-1 standard sizes.

Water: The water CCN belonged to Sharyland Water Supply Corporation. The developer was proposing new 8" lines to connect into an existing 6" waterline network along Troesper Road, and was stubbing an 8" line to the south street. Three (3) fire hydrants were shown pursuant to the direction by the Fire Marshal.

Sewer: The developer was extending sanitary sewer lines by connecting into an existing 8' line located along the east side of Troesper Road. The capital sewer recovery fee of \$750.00/Lot X 41 lots equates to \$30,750.00.

Street & Storm Drainage: The subdivision was adjacent to Troesper Road, in which 40' would be dedicated from center as required through the MPO Transportation Plan. Also, the developer must provide the escrow for the widening of Troesper Road, which comes out to \$16,401.47 (293.40' X \$55.90/l.f.). Driveway to Lots from Troesper Road would not be allowed as per policy. The subdivision was proposing a 50' ROW, 32' B-B paved street with a cul-de-sac with a street stubbed to the south. Storm drainage was accomplished through the installation of 2 sets of inlets that would connect to 24" R.C.P. 30" & 42" lines out falling that would outfall into Hidalgo Drainage District No. 1.

Other Comments: Must comply with format findings, which include a plat note requiring a 4' sidewalk at permit stage; comply with Model Subdivision Rules; Install/Escrow 5' sidewalk along Troesper Road, Escrow street lighting; and provide as-builts.

Staff, P&Z and City Manager recommended approval subject to: 1) comply with the comments above, 2) provide capital sewer recovery fee, and 3) provide escrow for Troesper Road widening.

Councilman Plata moved to approve the preliminary plat approval as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.9 Preliminary Plat Approval: Carolina Subd. No. 1, 10.99 acres being a portion of Lot 18, Block 3, Texas Gardens Subd., Rural ETJ, Developer: Juan Pena, Jr., Engineer: Javier Hinojosa Engineering

The 9-lot subdivision was located at the SW corner of Mile 4 and Texas Road where ROW dedication reflected compliance to MPO requisites. Access to the lots would be from Mile 4 since their 100' Lot width was compliant to our access management policy. On sewer, septic tanks would be used in this rural ETJ development – the County of Hidalgo's Health Department would provide oversight to this utility component.

On water service, LJWSC water CCN. As the Council was aware thru Resolution 1085, Mission was not to approve any residential developments. It had been the policy of the Council that if letters of approval were provided citing the TWDB's and TCEQ's position of 'No objection' to the plat, then approval had been granted. What Javier Hinojosa Engineering was asking the City Council to consider conveying preliminary plat approval only at this time allowing them to go into constructing the 8" water line extension along Mile 4 Road with 2 hydrants. During the tenure of construction, they would secure the 'No Objection' letters; thus, the City Council would be seeing them as an integral part of final plat approval.

Drainage would be accomplished thru a series of swales interconnected to Mile 4. The drainage report had been approved by the HCDD#1.

Staff and City Manager recommended approval subject to: receiving the 'No Objection' letters from TWDB & TCEQ; meet MSR's and format findings.

Councilwoman Garza moved to approve the Preliminary Plat Approval for Carolina Subdivision No. 1, 10.99 acres being a portion of Lot 18 Block 3, Texas Gardens Subdivision as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.10 Preliminary Plat Approval: Carolina Subd. No. 2, 9.26 acres being a portion of Lot 1, Block 7, Texas Gardens Subd., Rural ETJ, Developer: Juan Pena, Jr., Engineer: Javier Hinojosa Engineering

The 12-lot subdivision was located at the NE corner of Mile 4 and Texas Road where ROW dedication reflected compliance to MPO requisites. Access to the lots would be from Mile 4 since their 100' Lots width compliant to the access management policy. On sewer, septic tanks would be used in the rural ETJ development – the County of Hidalgo's Health Department would provide oversight to this utility component.

On water service, this was in the LJWSC water CCN. As the Council was aware thru Resolution 1085, Mission was not to approve any residential developments. It had been the policy of the Council that if letters of approval addressed to the Mayor were provided citing the TWDB's and TCEQ's position of 'No objection' to the plat, then approval had been granted. What Javier Hinojosa Engineering was asking the City Council to consider was to convey preliminary plat approval only at that time allowing them to go into constructing the water line connections to the existing 8" water line along Mile 4 Road there were existing hydrants along the south side of Mile 4 already. During the tenure of construction, they would secure the 'No Objection' letters; thus, the City Council would be seeing them as an integral part of final plat approval.

Drainage would be accomplished thru a series of swales interconnected to Mile 4. The drainage report had been approved by the HCDD#1. Also, a street stub to the north at the ¼ mile mark was given to maximize future traffic maneuverability and emergency access/exits.

Staff and City Manager recommended approval subject to: receiving the 'No Objection' letters from TWDB & TCEQ; meet MSR's & format findings.

Councilwoman Garza moved to approve the Preliminary Plat Approval for Carolina Subdivision No. 1, 10.99 acres being a portion of Lot 18 Block 3, Texas Gardens Subdivision as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.11 Request by Hunt Valley Industrial, L.P. to have San Marino Subd., as a "Gated Community"

San Marino was located approximately 250' west of Shary Road on the south side of Los Milagros. Phase I of San Marino contained 12 single family lots that were recorded in June 2008 with a series of 4 new public streets. As with other gated communities that the City of Mission had approved, these streets would now be considered non-public (private) with the Homeowner's Association being responsible for the monthly street lighting bill, the maintenance and incidental sweeping of streets, and that the desired type of gate/lock first be approved by the Fire Department and Police Department. Also staff would recommend that public street be converted into common areas by separate instrument. Attached was the City Attorney's Hold Harmless Agreement imposed on the affected lots of San Marion. Subsequent phases of San Marino would go through the same process during the subdivision stage of development and would need to follow the same requirements for privatization.

Staff and City Manager recommended approval subject to 1) lien Agreement signed/recorded by HOA, 2) HOA responsible for monthly streetlighting bill, 3) HOA responsible for all maintenance of streets, 4) prior approval by Fire and Police Department of gate/locking mechanism desired to be used, and 5) public streets be converted into common areas by separate instrument.

4.12 Budget Amendments – General Fund, Municipal Court Building Security Fund

Mrs. Janie Flores, Finance Director presented the budget amendments BA-026 and BA-027 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve budget amendments BA-026 and BA-027 with the exception of the General Fund. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.13 Tax Collections Report- October, 2008

Mrs. Flores presented the Tax Collections Report for October, 2008, for acceptance.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Tax Collection Report for October, 2008, as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.14 Approval of Ord. # 3426 granting a wet designation for 300 S. Shary Rd., J.H.S. Subd.

Owner was requesting that the property be wet zoned for Beer and Wine on Premise Permit.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3426 granting a wet designation for 300 S. Shary Road, John H. Shary Subdivision as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3426

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 300 S. SHARY ROAD, JOHN H. SHARY SUBDIVISION

4.15 Approval of Ord. # 3427 granting a wet designation for 122 S. Shary Rd., Suite "G", Lot 2 Home Depot Subd. # 2

Owner was requesting that the property be wet zoned for Wine and Beer on Premise Permit.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3427 granting a wet designation for 122 S. Shary Road, Suite "G", Lot 2 Home Depot Subdivision No. 2 as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

ORDINANCE NO. 3427

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 122 S. SHARY ROAD, SUITE "G", LOT 2 HOME DEPOT SUBDIVISION NO. 2

4.16 Cancel 2nd December regular City Council meeting scheduled for December 22, 2008

Staff requested the cancellation of the second regular City Council meeting scheduled for December 22, 2008, due to being a short week for the Christmas Holidays.

A special meeting would be scheduled on December 29, 2008 at 10:30 a.m.

Staff and City Manager recommended approval.

Councilman Plata moved to cancel the second regular City Council meeting scheduled for December 22, 2008 as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.17 Acceptance of Loan Star Libraries Grant

Staff was requesting the acceptance of the Loan Star Libraries Grant/Contract No. 442-09342 which the Texas State Library and Archives Commission (TSLAC) have awarded the City Library as a “direct aid” grant for \$16,722.00.

The term of the grant was from September 1, 2008 to August 31, 2009.

Staff would use the grant in the category of “equipment/property” as authorized by the grant to “Upgrade/Replace our Internet/Local Servers and Peripheral Equipment”.

Staff and City Manager recommended approval.

Councilman Plata move to approve the acceptance of Loan Star Libraries Grant as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.18 Authorization to accept the 2008 Homeland Security Grant from the Governor’s Division of Emergency Management

The City of Mission Emergency Management Division was seeking authorization to accept the 2008 Homeland Security Grant from the Governor’s Division of Emergency Management in the amount of \$121,914.04. The grant funding would be used by the Police Department and Fire Department for radio control boxes to the Central Dispatch to add more communication channels, there’s no matching funds required.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez move to approve the authorization to accept the 2008 Homeland Security Grant from the Governor’s Division of Emergency Management as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.19 Bid for Concrete Repairs for Trinity Street

On October 13, 2008 City Council awarded the bid for Concrete Repairs for Trinity Street. The bid was awarded to Roy’s Concrete for a total of \$78,837.00. Roy’s Concrete had notified the City of Mission that they couldn’t obtain a payment bond at 100% as required on City bid’s terms and conditions. Staff recommends rescinding the award to Roy’s Concrete. Staff further recommends rejecting all bids and re-bidding the project.

Staff and City Manager recommended to reject the bids and re-bid the project.

Mayor Pro Tem Olivarez move to rescind award and reject and re-bid for Concrete Repairs for Trinity Street as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

Mr. Cerda, City Manager Presented to the Council the three (3) New Deputy City Managers Mr. Guillermo Seguin, Mrs. Sonia Carnes, and Mrs. Aida Lerma.

6.2 Mayor's Comments

Councilman Plata – requested for Staff to send a letter to Mrs. Yvonne Salinas thanking her for a great job on representing the City of Mission as the first Lady of Mission and to give her a small token on appreciation.

Councilwoman Garza – Thanked Mrs. Aida Lerma and all the Staff that participated in the Centennial Ball on Saturday December 6, 2008 for a wonderful Event.

Mayor Pro Tem Olivarez – wished everybody a Merry Christmas.

7.0 Adjournment

At 5:57 p.m. Councilman Plata moved for adjournment. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary