

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
JULY 27, 2009 4:30 P.M.
MISSION CITY HALL**

PRESENT:

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

ABSENT:

Ruben D. Plata, Councilman

ALSO PRESENT:

Kathy Olivarez, Progress Times
Spence Kimball
Jose A. Martinez-Soto
Juan F. Zuniga
Tomas Tijerina
Alberto Cepeda
Sofia Lubin
Karen Bell
Arlene V. Rivera
Sandra Vecchio
Manuel Gonzalez
Margot Krauss
Gloria J. Dietrich
Maxi Lou Link
Diana Castilleja
Keren Gomez-Guilds
Gabriel Price
Ben D. Olivarez
S. Jacobson

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Sonia Carnes, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sergio Zavala, Planning Director
Roberto Salinas, City Engineer
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Gilbert Sanchez, Fire Marshal
Ruben Diaz, Public Works Director
Victor Gonzalez, Streets Director
Elizabeth Cabrera, Purchasing Director
Leo Longoria, Chief of Police
Robert Dominguez, Asst. Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Julian Gonzalez, Parks & Rec. Director
Adela Ortega, Museum Director
Mayra Rocha, Speer Memorial Library
Jesse Lerma, Civil Service Director
Omar Garcia, Boys & Girls Club Director
Roland Rodriguez, D.P. Manager
Noemi Munguia, HR Director
Bobby Salinas, Planning Dept.
Rick Saldana, Fire Chief
Jonathan Wehrmeister, Judge

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:33 p.m.

2. Pledge Allegiance and Invocation

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

3. Departmental Reports

Mayor Pro Tem Leo Olivarez moved to approve the departmental reports as presented. Motion was seconded by Councilwoman Norie Gonzalez Garza and approved unanimously 3-0.

4. Citizens Participation

Tomas Tijerina, thanked Mayor Salinas and the Council Members for their support on the Curbing Hunger program that will be held this week.

Julian Gonzalez, Parks and Recreation Director, mentioned that 110 kids had participated in the TAFF games and that the program had been a success.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Conditional Use Permit: “Sale & On-Site Consumption of Alcoholic Beverages,” 4001. Shary Rd., Suite 100, being Lot 1, Sharyland Plantation Grove Tech Center #2, PUD, Life of Use, L’Aureola Restaurant Group, LLC

The subject site was located at the SE corner of Shary Road and San Mateo. In the past, several CUP’s for the sale and on-site consumption of alcohol had been awarded at this location. The total 15 lease areas for this development were 24,980 sq.ft. of which 5,600 sq.ft. was proposed for this restaurant. Access onto the site was from 2 primary driveways from Shary, 2 driveways from San Mateo, a driveway connection to T-Mobile to the east and 2 driveways to the south or San Gabriel.

Viewing the floor plan, 21 tables that seat 4 people each were proposed. There were 11 additional seats located around the bar area for a total of 95 seats. The parking required was 75 parking spaces; 180 exist for common parking. The days and hours of operation proposed were Monday through Sunday from 7 a.m. to 2 a.m. According to the applicant, the bar and grill would have a full service menu serving appetizers, a lunch and dinner menu, deserts, and beer, wine, and alcoholic beverages. A total of 12 employees would provide service to the patrons. Section 1.56-3 (a), Zoning Code required that a ‘bar’ be 300’ from the nearest residence, church, school, or publicly owned property unless P&Z/City Council waived this code. There were several residences within the 300’ separation though located to the west of Shary Road behind a masonry buffer wall. There was no public opposition at P&Z’s 7/8/09 hearing. The P&Z unanimously approved the conditional use permit subject to staff’s recommendation.

Staff Recommendation: Approval subject to: 1) waive 300’ separation requirement, 2) Chapter 6 of Mission’s Code of Alcoholic Beverages, 3) acquisition of a business license, and 4) re-evaluate for renewal in 3 years.

Staff, P&Z and City Manager recommended approval.

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 Conditional Use Permit: “Sale & On-Site Consumption of Alcoholic Beverages,” 4001. Shary Rd., Suite 100, being Lot 1, Sharyland Plantation Grove Tech Center #2, PUD, Life of Use, L’Aureola Restaurant Group, LLC. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

B. Conditional Use Permit: “Guest House on Property zoned Large Lot Single Family Residential, 2024 Lambethway, Lot 42, Sharyland Orchards, R-1A, Juan F. Zuniga

The site was located at the SW corner of Ragland and Lambethway. The applicant desired to move his single-family wood-frame home to the west in order to build a new SF residence. The 'guest house' would be 70' to the primary home. As seen in the site plan, all building setbacks and structure-to-structure separation codes were being exceeded. The existing garage structure to the south of the property would remain as is. Planning had informed Mr. Zuñiga that the following would have to be evident in order to be compliant to Mission's typical 'guest house' policy:

1. No kitchen – the kitchen must be removed to qualify;
2. No separate water meter – must be linked to the applicant's main home.
3. No separate electrical meter – must be linked to the applicant's main home.
4. No rental purposes – must not be rented either by direct payment or indirect payments – only used for legitimate guesthouse purposes.

There was no public opposition at P&Z's 7/8/09 hearing where Mr. Zuñiga was in agreement with staff's recommendation. The P&Z unanimously approved the conditional use permit subject to staff's recommendation.

Staff Recommendation: Approval subject to compliance to 1-4 above, and perpetual 3-year renewals to maintain city's monitoring of applicant's full conformance.

Staff, P&Z and City Manager recommended approval.

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

Juan Zuniga, spoke in favor of this request and asked not to remove the kitchen from the guest house.

Councilwoman Garza moved to approve the Conditional Use: "Guest House on Property zoned Large Lot Single Family Residential, 2024 Lambethway, Lot 42, Sharyland Orchards, R-1A, Juan F. Zuniga Permit and to allow the kitchen to remain in the guest house. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

C. Conditional Use Permit: Home Occupation-Registered Family Home Day Care on a property zoned AO-I, 905 W. 20th Street, being .50 acre tract of land out of the E. 10 acres of the N. 15 acres out of Lot 23-4, W.A.S. Subdivision, AO-I, Life of Use, Diana Castilleja

This CUP was conditionally approved by P&Z on 8/22/07 and 11/19/08. All previous conditions of approval had been met. The subject site was located on the south side of West 20th Street 200' west of Holland Avenue. The applicant had her residence thereon with a 10' X 70' paved driveway along the west side of her property and a second 12' X 70' paved driveway along the east side of the property. A 12' wide connection linked both driveways together and created a half circle effect which allowed parents to drive into one driveway and exit out the other to safely drop off and pick up children. A 6' cedar fence surrounded the property. The applicant cared for 6 children at a time and was permitted to care for up to 12. Diana Castilleja had the following as her days/hours of operation: Monday through Friday from 7:00 a.m. to 6:00 p.m. with herself and an assistant as the only employees running the operation. There was no public opposition at P&Z's 7/8/09 hearing. The P&Z unanimously approved the conditional use permit subject to staff's recommendation.

Staff Recommendation: Approval for 3 years, renewed thereafter to monitor traffic patterns in residential area.

Staff, P&Z and City Manager recommended approval.

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 Conditional Use Permit: Home Occupation-Registered Family Home Day Care on a property zoned AO-I, 905 W. 20th Street, being .50 acre tract of land out of the E. 10 acres of the N. 15 acres out of Lot 23-4, W.A.S. Subdivision, AO-I, Life of Use, Diana Castilleja. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

D. Conditional Use Permit: “Group Home Day Care” at 3801 San Roman, Lot 122, Sharyland Plantation Village Las Palmas Del Sol, PUD, Life of Use, Cesar Flores

This CUP was approved by the P&Z on July 11, 2007 with these conditions: 1) compliance with Sec. 1.56-1 of the Zoning Code, 2) the garage remained a non-living area (deed restriction), and 3) a 2 year re-evaluation.

The subject site was located between Santa Rita and Santa Ana along the north side of San Roman. A Group Home Day Care – was defined as a facility that provided care for 7 to 12 children under the age of 14 for less than 24 hours a day. The applicant had been caring for 3 children but could care for up to 12 children, the maximum number of children permitted under a group day care home. The current hours of operation were from 7:00 a.m. to 6:00 p.m. Monday through Sunday.

There was a wooden fence around the rear perimeter of the home. Both the applicant and his wife were DHS certified at that time. They had one other employee that helped them out with the care of the children. Staff had not received any complaints as of this writing. The applicant had not posted or intended to post any signage at this location. There was no public opposition at P&Z’s 7/8/09 hearing. The P&Z unanimously approved the conditional use permit subject to staff’s recommendation.

Staff Recommendation: Approval subject to: 1) continued compliance with Sect. 1.56-1 of the Zoning Code, 2) the garage remain unclosed (deed restriction), and 3) re-evaluation after 3 years

Staff, P&Z and City Manager recommended approval.

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

Councilwoman Garza moved to approve the Conditional Use Permit: “Group Home Day Care” at 3801 San Roman, Lot 122, Sharyland Plantation Village Las Palmas Del Sol, PUD, Life of Use, Cesar Flores. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

E. Conditional Use Permit: Drive-thru Service Window For Delia’s Tamales, Lot 1, Chaparral Heights Subdivision, C-3, Life of Use, Delgar Foods, LLC

This CUP was originally approved on 10/22/07 and needed renewal consideration. The site was at the NW corner of Griffin Parkway and Holland Road. The previous convenience store was remodeled and converted into Delia's Tamales. Although the canopy's remained, there was no sale of gasoline and the tanks were removed.

There were 21 parking spaces, 9 fronting the store, 7 along the western perimeter, and 5 in the central area (where the gas islands were). There was 1 driveway cut onto Griffin Parkway and 1 driveway cut onto Holland. As far as stacking for the drive-thru window, 6-7 cars were capable of stacking on the drive-thru's route; maximizing the parking potential to the site. Their days and hours of operation were Monday through Sunday from 6:00 a.m. until 8:00 p.m. Also, there was no alcohol sold at this restaurant.

There was no public opposition at P&Z's 7/8/09 hearing. The P&Z unanimously approved the conditional use permit subject to staff's recommendation.

Staff Recommendation: Approval subject to a 3 year re-evaluation to continue monitoring the traffic pattern and its safety.

Staff, P&Z and City Manager recommended approval.

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 Conditional Use Permit: Drive-thru Service Window For Delia's Tamales, Lot 1, Chaparral Heights Subdivision, C-3, Life of Use, Delgar Foods, LLC. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

F. Conditional Use Permit: Home Occupation – 'CPA Office', 1524 Doherty Ave., Lots 1-3 and 10-12, Block 245, M.O.T. Subdivision, R-1, Life of Use Sam Rodio

The subject site was at the SE corner of Doherty Avenue and Kika De la Garza Loop. We noted that Kika Loop was a vital collector to Mission's central core; thus having non-residential traffic as a constant feature for these lots.

Mr. Rodio had a 2,263 sq.ft. single family residence, one 'grand fathered' rental unit, and two guesthouses thereon with the main residential unit would be used for the home occupation. Currently a CPA used a 41' X 21' open covered carport fronting Kika Loop for personal and customer parking. This area could house up to 4 vehicles. If needed there was a long driveway at the east side of Lot 10 leading to a two-car garage that could also house 2 additional vehicles. There was also a sidewalk from this covered carport leading to the side entry of the residence. This entry along with the primary entrance fronting Doherty was used to access the CPA office.

There was only 1 employee manning the operation. The existing hours of operation were Monday thru Friday from 8:00 a.m. to 5:00 p.m. Traffic was very minimal, and strictly by appointment only. The peak period for this operation was from January through April during income tax preparation season. After that, bookkeeping services were offered year round. The applicant complied with all of the conditions of the CUP. There was no public opposition at P&Z's 7/8/09 hearing. The P&Z unanimously approved the conditional use permit subject to staff's recommendation.

Staff Recommendation: Approval subject to re-evaluation in 3 years to maintain monitoring of any traffic issues

Staff, P&Z and City Manager recommended approval.

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

Councilwoman Garza moved to approve the Conditional Use Permit: Home Occupation – ‘CPA Office’, 1524 Doherty Ave., Lots 1-3 and 10-12, Block 245, M.O.T. Subdivision, R-1, Life of Use Sam Rodio. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

G. Conditional Use Permit: Limousine Service from a Neighborhood Commercial (C-2) zoned property, 423 E. Griffin Parkway, W. 660’ – E. 140’ – S. 208’ out of Lot 25-8, W.A.S., C-2, Life of Use, Manuel Gonzalez

The C-2 site was at the NE corner of Tanglewood Drive and Griffin Parkway (FM 495). The site measured 140’ in width by a lot depth of 208’. Currently, Mr. Gonzalez had his limousine service and photo studio thereon (the existing photo studio was allowed in a C-2 and did not require CUP approval). Mr. Gonzalez had the following as his days/hours of operation: Monday through Saturday from 9:00 a.m. to 6:00 p.m. with himself and his daughter as the only employees running the operation. As far as signage, the applicant had installed a wall sign and had a freestanding ground pole sign, which met code and did not obstruct or impede the visibility of traffic. With regard to parking, the Site Plan showed the revised parking layout, which utilized the alley to enter and exit onto 4 additional parking spaces at the NW corner of the property. These additional parking spaces were required for the new photo studio. A field visit with the neighbor (to the north) revealed that they did not object to the additional parking. (NOTE: Mr. Gonzalez has allowed the neighbor to use the additional parking during non-working hours). Since P&Z’s approval on April 23, 3008, there had been no complaints or concerns. There was no public opposition at P&Z’s 7/8/09 hearing. The P&Z unanimously approved the conditional use permit subject to staff’s recommendation.

Staff Recommendation: Approval subject to: 1) a 3 year re-evaluation to assess any concerns or traffic issues, and 2) once the CUP was no longer in service, there would be re-construction of the curb to eliminate the oversized driveway cut on Tanglewood Drive (re-construction costs to be held in escrow)

Staff, P&Z and City Manager recommended approval.

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

Councilwoman Garza moved to approve the Conditional Use Permit: Limousine Service from a Neighborhood Commercial (C-2) zoned property, 423 E. Griffin Parkway, W. 660’ – E. 140’ – S. 208’ out of Lot 25-8, W.A.S., C-2, Life of Use, Manuel Gonzalez. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

H. Conditional Use Permit: ‘Ballet Studio’, 1309 E. Griffin Parkway, Lot 1, Yessica Pedraza Subd., AO-I, Life of Use, Yessica Pedraza

The current hours and days of operation were Monday through Friday 4:00 p.m. to 9:00 p.m. No classes were being held on weekends. Four different classes per day were given for different age groups and individuals with different levels of ballet experience. In viewing the site plan, there were offices and a reception/waiting area. The expanded area included two studios, two

restrooms, and locker facilities, and a larger dance floor area. The dimensions of the building would be 78' wide by 130' in length equating to 10,140 sq.ft.

There were 25 existing parking spaces, complying with the minimum parking requirements for a structure of this size. Landscaping and buffer requirements were also being complied with. There was no public opposition at P&Z's 7/8/09 hearing. The P&Z unanimously approved the conditional use permit subject to staff's recommendation.

Staff Recommendation: Approval of this CUP with a re-evaluation every 3 years to maintain monitoring of any neighborhood or traffic concerns

Staff, P&Z and City Manager recommended approval.

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

Mayor Pro Tem Olivarez moved to approve Conditional Use Permit: 'Ballet Studio', 1309 E. Griffin Parkway, Lot 1, Yessica Pedraza Subd., AO-I, Life of Use, Yessica Pedraza. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

I. Conditional Use Permit: To Keep a 14' X 30' Portable Building for Office Use, 1501 Industrial Way, Lot 3, Mission Business Park Subd., I-1 (Light Industrial District), Life of Use, George & Louis Brooks

The subject site was located at the SW corner of Los Ebanos and Industrial Way. The applicant had been in operation at this location since 2005 and had a 14' X 30' portable building as an office in connection with their shed business. All parking and landscaping requirements were being met. Also, a deferral on sidewalks was (temporarily) granted pending on how development evolves.

Mr. & Mrs. Brooks had been in the business of constructing and selling wooden sheds for nearly 30 years now. Their business had proven to be successful thus they moved to their current larger location in 2005. In viewing the site plan, there were two 24' driveway cuts that lead traffic into and out of the facility – one onto Industrial Way and the other onto Los Ebanos. The existing hours of operation for this operation were Monday through Friday from 11:00 a.m. to 4:00 p.m. and Saturdays from 8:00 a.m. to 4:00 p.m. with Mr. and Mrs. Brooks as the only employees.

One of the initial concerns of this CUP request was that having a portable building near the Expressway and along an arterial may not be deemed aesthetic; thus the 4 year re-evaluation. The applicant had alerted staff that he was selling his property at this location and that if approved, this should be the last renewal. There was no public opposition at P&Z's 7/8/09 hearing. The P&Z unanimously approved the conditional use permit subject to staff's recommendation.

Staff Recommendation: Approval for another 4 year increment.

Staff, P&Z and City Manager recommended approval.

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

Councilwoman Garza moved to approve the Conditional Use Permit: To Keep a 14' X 30' Portable Building for Office Use, 1501 Industrial Way, Lot 3, Mission Business Park Subd., I-1 (Light Industrial District), Life of Use, George & Louis Brooks. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

2.0 Disposition of Minutes

2.1 City Council Meeting – July 13, 2009

Councilwoman Garza moved to approve the minutes as presented. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

3.0 Acknowledge Receipt of Minutes

3.1 Planning and Zoning Commission – June 17, 2009

Mission Economic Development Corporation – June 16, 2009

Councilwoman Garza moved to acknowledge the receipt of minutes as presented. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

4.0 Approvals and Authorizations

4.1 Adoption of Ord. # 3467 for CUP For Sale & On-Site Consumption of Alcoholic Beverages at 4001 S. Shary Road, Suite 100, being Lot 1, Sharyland Plantation Grove Tech Center #2

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ord. No. 3467 for CUP for Sale & On-Site Consumption of Alcoholic Beverages at 4001 S. Shary Road, Suite 100, being Lot 1, Sharyland Plantation Grove Tech Center #2. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

ORDINANCE NO. 3467

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 AT 4001 S. SHARY ROAD, SUITE 100, BEING LOT 1, SHARYLAND PLANTATION GROVE TECH CENTER # 2

4.2 Adoption of Ord. # 3468 for CUP For Guest House on Property zoned Large Lot Single Family Residential, 2024 Lambethway, Lot 42, Sharyland Orchards; Home Occupation – Registered Family Home Day Care on a property zoned AO-I, 905 W. 20th Street, .50 acre tract of land out of the E. 10 acres of the N. 15 acres out of Lot 2304, W.A.S.; A Home Occupation – “CPA Office”, 1525 Doherty Avenue, Lots 1-3 & 10-12, Block 245, M.O.T. Subdivision; Group Home Day Care, 3801 San Roman, Lot 122, Sharyland Plantation Village Las Palmas Del Sol; Drive-thru Service Window For Delia’s Tamales, Lot 1, Chaparral Heights Subdivision; ‘Ballet Studio’, 1309 E. Griffin Parkway, Lot 1, Yessica Pedraza Subdivision, Limousine Service from a Neighborhood Commercial (C-2) zoned property, 423 E. Griffin Parkway, the W. 660’ -E. 140’ – S. 208’ out of lot 25-8, W.A.S.; and To Keep a 14’ X 30’ Portable Building for Office Use, 1501 Industrial Way, Lot 3, Mission Business Park Subdivision

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ord. No. 3468 for CUP For Guest House on Property zoned Large Lot Single Family Residential, 2024 Lambethway, Lot 42, Sharyland Orchards; Home Occupation – Registered Family Home Day Care on a property zoned AO-I, 905 W. 20th Street, .50 acre tract of land out of the E. 10 acres of the N. 15 acres out of Lot 2304, W.A.S.; A Home Occupation – “CPA Office”, 1525 Doherty Avenue, Lots 1-3 & 10-12, Block 245, M.O.T. Subdivision; Group Home Day Care, 3801 San Roman, Lot 122, Sharyland Plantation Village Las Palmas Del Sol; Drive-thru Service Window For Delia’s Tamales, Lot 1, Chaparral Heights Subdivision; ‘Ballet Studio’, 1309 E. Griffin Parkway, Lot 1, Yessica Pedraza Subdivision, Limousine Service from a Neighborhood Commercial (C-2) zoned property, 423 E. Griffin Parkway, the W. 660’ -E. 140’ – S. 208’ out of lot 25-8, W.A.S.; and To Keep a 14’ X 30’ Portable Building for Office Use, 1501 Industrial Way, Lot 3, Mission Business Park Subdivision. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

ORDINANCE NO. 3468

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR GUEST HOUSE ON PROPERTY ZONED LARGE LOT SINGLE FAMILY RESIDENTIAL, 2024 LAMBETHWAY, BEING LOT 42, SHARYLAND ORCHARDS; HOME OCCUPATION –REGISTERED FAMILY HOME DAYCARE ON A PROPERTY ZONED AO-I AT 905 W. 20TH STREET, BEING .50 ACRE TRACT OF LAND OUT OF THE E. 10 ACRES OF THE N. 15 ACRES OUT OF LOT 23-4, W.A.S. SUBDIVISION; A HOME OCCUPATION – ‘CPA OFFICE’ AT 1524 DOHERTY AVENUE, BEING LOTS 1-3 & 10-12, BLOCK 245, M.O.T. SUBDIVISION; GROUP HOME DAY CARE, 3801 SAN ROMAN, LOT 122, SHARYLAND PLANTATION VILLAGE LAS PALMAS DEL SOL; DRIVE-THRU SERVICE WINDOW FOR DELIA’S TAMALES, LOT 1, CHAPARRAL HEIGHTS SUBDIVISION; ‘BALLET STUDIO’, 1309 E. GRIFFIN PARKWAY, LOT 1, YESSICA PEDRAZA SUBDIVISION; LIMOUSINE SERVICE FROM A NEIGHBORHOOD COMMERCIAL (C-2) ZONED PROPERTY, 423 E. GRIFFIN PARKWAY, THE W.660’ – E.140’ – S. 208’ OUT OF LOT 25-8, W.A.S.; AND TO KEEP A 14’ X 30’ PORTABLE BUILDING FOR OFFICE USE, 1501 INDUSTRIAL WAY, LOT 3, MISSION BUSINESS PARK SUBDIVISION

4.3 Preliminary Plat Approval: Amistad Subdivision, 13.81 ac. tract being all of Lot 270, and the N. 3.81 ac. of Lot 268, Bentsen Groves Subdivision Unit “C”, Rural ETJ, Developer: Pablo Munoz Engineer: R.E. Garcia & Associates

This subdivision was located approximately 2,600 feet south of Mile 7 (FM 492) along the west side of Bentsen Palm Dr. The subdivision consisted of 23 lots, where Lots 1 & 23 shall have the option of being used for commercial or multi-family purposes. The remaining lots shall be used for residential purposes.

The water CCN belonged to SWSC. The developer was providing water by connecting to an existing 8” waterline located along the west side of Bentsen Palm Dr. and extending a new 8” line west into the proposed subdivision.

Sanitary sewer service for this subdivision would have been addressed by individual on site sewage facilities (OSSF) of a standard design septic tank and drain field on each lot. Each lot met or exceeded the County’s typical ½ acre standard where septic tanks were permitted. This

area was not within the City of Mission's Sewer CCN. (NOTE: Mission sewer was 2.23 miles away).

The lots would be facing a 50' ROW 32' B/B paved street built to the County's construction specifications. Dove Weed St. would have a temporary cul-de-sac located at the western perimeter of the subdivision to allow for future extension of the street through future developments. No residential access would have been allowed from Lots 1 and 23 onto Bentsen Palm Dr. Drainage for the subdivision was proposed through the use of swales located in the rear of each property as permitted under County guidelines. The P&Z unanimously approved the plat subject to meeting the Model Subdivision Rules.

Staff Recommendation: Approval subject to meeting the Model Subdivision Rules, and meeting the comments for the County Planning Department

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Preliminary Plat Approval: Amistad Subdivision, 13.81 ac. tract being all of Lot 270, and the N. 3.81 ac. of Lot 268, Bentsen Groves Subdivision Unit "C", Rural ETJ, Developer: Pablo Munoz Engineer: R.E. Garcia & Associates. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

4.4 Preliminary Plat Approval: Almanza Subdivision, 1.0 Ac. tract out of all of Lot 34, Carlos Acres Subd., Rural ETJ, Developer: Lazaro & Cayetana Almanza Engineer: Hinojosa Engineering, Inc.

This subdivision was located on the western perimeter of Carlos Acres Subdivision, which lied in vicinity of Business 83 and Showers Road. The subdivision consisted of 2 lots for residential purposes.

Water: The water CCN belonged to AGUA SUB. The City Council had approved subdivisions that provided letters of 'No Objection' from the TWDB addressed to Mayor. The developer was providing water by installing 1 additional water service into an existing 8" AGUA waterline located along the west side of Los Charros Dr.; proposed lot 1 has existing service.

Sewer: The sanitary sewer service for this subdivision was addressed by individual onsite sewage facilities of a standard design septic tank and drain field on each lot. Each lot met or exceeded the County's typical ½ acre standard where septic tanks were permitted. This area was not within the City of Mission's Sewer CCN. (Note: Mission sewer was 3.57 miles away).

Street & Storm Drainage: The lots faced an existing 50' ROW minor residential streets; no additional ROW was required. Drainage for the subdivision was proposed through the use of swales. The P&Z unanimously approved the plat subject to meeting the Model Subdivision Rules.

Staff Recommendation: Approval subject to meeting the Model Subdivision Rules, and meeting the comments for the County Planning Department

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Preliminary Plat Approval: Almanza Subdivision, 1.0 Ac. tract out of all of Lot 34, Carlos Acres Subd., Rural ETJ, Developer: Lazaro & Cayetana Almanza Engineer: Hinojosa Engineering, Inc. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

4.5 Preliminary Plat Approval: Diana Cardenas Estates, acres out of Lot 28, Nick Doffing Subd., Rural ETJ, Developer: Diana G. Cardenas Engineer: Vanguard Engineering

The proposed subdivision was located approximately $\frac{3}{4}$ of a mile south of Mile 5, along the west side of Doffing Road (FM 492). The subdivision consisted of a total of 3 lots. All lots met the City's access policy, which required a minimum width of 100' in order to access a major thoroughfare, i.e., Lot 1 at 147', Lot 2 & 3 at 134'.

Water: The water CCN belonged to AGUA. The City Council had approved subdivisions that provided letters of 'No Objection' from the Texas Water Development Board addressed to Mayor Salina. The developer was providing water by installing 2 additional water services into an existing 8" AGUA waterline located along the west side of Doffing Road; proposed Lot 1 currently had an existing service.

Sewer: The sanitary sewer service for this subdivision was addressed by individual onsite sewage facilities of a standard design septic tank and drain field on each lot. Each lot met or exceeded the County's typical $\frac{1}{2}$ acre standard where septic tanks were permitted. This area was not within the City of Mission's Sewer CCN. (Note: Mission sewer was 1.28 miles away).

Street & Storm Drainage: The developer was dedicating 20' of additional ROW to Doffing Road (FM 492) as required by MPO. Drainage for the subdivision was proposed through the use of swales located in the rear of each property. The P&Z unanimously approved the plat on 2/18/09.

Staff Recommendation: Staff recommended approval subject to meeting the Model Subdivision Rules and notes from the County Planning Department.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Preliminary Plat Approval: Diana Cardenas Estates, acres out of Lot 28, Nick Doffing Subd., Rural ETJ, Developer: Diana G. Cardenas Engineer: Vanguard Engineering. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

4.6 Request by La Hacienda Property Owners Association to Have City Council Authorize City Manager to Issue Building Permit on City ROW for a Community Service Sign (& small bench) at NW Stewart Road/23rd Place Juncture

Planning had received a request by the La Hacienda Property Owner's Association to place a sign identifying the name of their subdivision. The rock-engraved sign infringed onto the City ROW. Ordinance # 3414 (Nov. 10, 2008) was passed to specifically provide for such requests.

Insofar as this request, La Hacienda proposed a 4' high x 6' long 'rock' sign with 'La Hacienda' engraved onto it. A small bench (intended for aesthetic purposes) would also be in front of the sign amongst some flowers, etc. Viewing the location with the applicant's representative, the location of these improvements was not a sight obstruction.

- Sign shall always be subject to removal at owner's expense w/30 days notice
- Execute & record hold harmless document in deed records indemnifying city of the private sign in public ROW
- Similar to others, this sign was intended as a community service to the general public and is not to advertise any private service or product
- Size was not obtrusive and was consistent with other signs
- The improvements had to be maintained by La Hacienda to be aesthetic as well as the surrounding grounds

Staff and City Manager recommended approval.

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

4.7 Adoption of Ord. # 3469 Amending Sec. 42-32 (a) of the Code of Ordinances of the City of Mission, Texas, Captioned "Prohibited Conditions and/or Acts" by Replacing the Term 'or' for 'and' to Further Prohibit Objectionable, Unsightly or Unsanitary matter on Properties in the City of Mission, Texas

The existing Health & Sanitation regulation cited above indicated that in order for 'rubbish' (for example) to be deemed a violation, it must have been "objectionable, unsightly and unsanitary," i.e., it must have met all 3 criteria for a violation to occur.

The proposed amendment would replace the term 'or' for 'and' thus making it a violation if the rubbish violated any one of the three, i.e.:

- ❖ If it was only objectionable, it was a violation
- ❖ If it was only unsightly, it was a violation
- ❖ Or if it was unsanitary, it was a violation

This ordinance would maximize the health & sanitation efforts of Mission's residential neighborhoods.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve adoption of Ord. No. 3469 Amending Sec. 42-32 (a) of the Code of Ordinances of the City of Mission, Texas, Captioned "Prohibited Conditions and/or Acts" by Replacing the Term 'or' for 'and' to Further Prohibit Objectionable, Unsightly or Unsanitary matter on Properties in the City of Mission, Texas. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

ORDINANCE NO. 3469

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS AMENDING 'SEC. 42-32 (a) OF THE CODE OF ORDINANCES OF THE CITY OF MISSION, TEXAS, CAPTIONED " PROHIBITED CONDITIONS AND/OR ACTS" BY REPLACING THE TERM 'OR' FOR 'AND' TO FURTHER PROHIBIT OBJECTIONABLE, UNSIGHTLY OR UNSANITARY MATTER ON PROPERTIES IN THE CITY OF MISSION, TEXAS; PROVIDING FOR A SEVERABILITY PROVISION; AND PROVIDING FOR A PUBLICATION DATE

4.8 Set Public Hearing date for FY 2009-10 Annual Budget

City Manager was requesting to set the Public Hearing on FY 2009-20 Annual Budget on Monday, August 10, 2009 as required by City Charter.

The Public hearing was to give interested parties the opportunity to be heard.

The public hearing date, time and location would be published in the local newspaper.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve to set Public Hearing date for FY 2009-10 Annual Budget. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

4.9 June 2009 Financial Statements

Mrs. Janie Flores, Finance Director presented the Financial Statements for June, 2009, for acceptance.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Financial Statements for June, 2009, as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

4.10 Tax Collections Report – June, 2009

Mrs. Flores presented the Tax Collections Report for June, 2009, for acceptance.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Tax Collections Report for June, 2009, as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

4.11 Acceptance of Quarterly Report of Investments for the Quarter ending June 30, 2009 and Interest Earned for Nine Months Ending June 30, 2009

Mrs. Flores presented the Quarterly Report of Investments for the quarter ending June 30, 2009 and interest earned for nine months ending June 30, 2009.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve acceptance of Quarterly Report of Investments for the Quarter ending June 30, 2009 and Interest Earned for Nine Months Ending June 30, 2009. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

4.12 Amending City of Mission Investment Policy to allow the City to invest in the Certificate of Deposit Account Registry Service

The current condition of the investment market was having a serious impact on the City's ability to get a favorable return on its investments. The CDARS program was a program which allowed cities to invest funds FDIC insured CD's through a bank "network" and in effect, placed the

funds out for bid to the “highest bidder.” In order for the City of Mission to enter into this program the Investment Policy needed to be amended to allow for this type of investment.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve amending City of Mission Investment Policy to allow the City to invest in the Certificate of Deposit Account Registry Service. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

4.13 Authorizing to accept a Tobacco Compliance Grant from the Texas Comptroller of Public Accounts

The Mission Police Department was requesting authorization to accept a Tobacco Compliance Grant from the Texas Comptroller of Public Accounts. The \$5,000.00 grant would be utilized to enforce compliance with State Tobacco laws. The grant also provided for consistent compliance education of tobacco retailers and court personnel concerning tobacco laws. There was no local match required by the City of Mission for this grant.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve authorizing to accept a Tobacco Compliance Grant from the Texas Comptroller of Public Accounts. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

4.14 Change Order No. 2 for Street Overlay Project (Reconciliation of Quantities)

Final reconciliation of quantities increased contract by \$3,849.15, total cost of project would change from 374,762.38 to \$378,611.53. Including both change orders project would have been under the 25% (at 22.33%) increase limit from original contract cost set by the Texas Governmental Code.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Change Order No. 2 for Street Overlay Project (Reconciliation of Quantities). Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

4.15 Budget Amendments – General Fund, Utility Fund, MEDC, and Aquatics Fund

Mrs. Flores presented the budget amendments BA-77 thru BA-80 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve budget amendments BA-77 thru BA-80 as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

4.16 Authorization to solicit bids for reparation of roof for the City of Mission – Fire Station No 3

Staff was seeking authorization to solicit bids for reparation of roof for the City of Mission – Fire Station No. 3. The roof underwent severe damage during Hurricane Dolly and was in need of repair.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve authorization to solicit bids for reparation of roof for the City of Mission – Fire Station No 3. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

4.17 Authorization to solicit bids for reparation of roof for the City of Mission – Historical Museum

Staff was seeking authorization to solicit bids for reparation of roof for the City of Mission – Historical Museum (Old City Hall). The roof underwent severe damage during Hurricane Dolly and was in need of repair.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve authorization to solicit bids for reparation of roof for the City of Mission – Historical Museum. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

4.18 Authorization to purchase via state approved contract a backhoe for the Waste Water Plant

Staff was seeking authorization to solicit bids or purchase via any state approved contract a backhoe for the Waste Water Plant. This equipment would be used for daily operations.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve authorization to purchase via state approved contract a backhoe for the Waste Water Plant. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

4.19 Approval of Change Order No. 1 for interior improvements to Kika de la Garza/Upper Valley Arts Organization Facility

Change Order #1 was a request for an increase of \$1,595.00 to the original contract amount for the interior improvements to Kika de la Garza/Upper Valley Arts Organization Facility. During demolition to the interior west wall, it was discovered that there was little support in the existing wood studs to properly reconstruct the wall, It was therefore, recommended that solid plywood backing be placed to accommodate a more solid structure, and then place the drywall sheetrock finish over the plywood support wall. This increase to the contract would change the total contract price from \$37,686.00 to \$39,281.00. Original bid price of \$37,686.00 would increase by \$1,595.00.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Change Order No. 1 for interior improvements to Kika de la Garza/Upper Valley Arts Organization Facility. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

4.20 Authorization to solicit bids for Sidewalk Improvements at various locations

Construction work entailed 5 foot wide sidewalks at locations within proximities of schools. Proposed sidewalks would improve safety to pedestrians/students walking to their destination.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve authorization to solicit bids for sidewalk improvements at various locations. Motion was seconded by Councilwoman Garza and approved unanimously 3-0.

4.21 Presentation of the Preliminary Budget for Fiscal Year 2009-10

As per City Charter, the City Manager must present a preliminary budget 60 days before the next fiscal year.

No action was required for this item. This was only a presentation.

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

Mayor Salinas mentioned the upcoming workshop.

7.0 Adjournment

At 5:43 p.m., Councilwoman Garza moved for adjournment. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 3-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary