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## **MINUTES**

### **PRESENT:**

Norie Gonzalez Garza, Mayor  
Ruben D. Plata, Mayor Pro-Tem  
Abiel Flores, Councilman  
Alberto Vela, Councilman  
Victor A. Flores, City Attorney  
Randy Perez, City Manager  
Anna Carrillo, City Secretary

### **ABSENT:**

Jessica Ortega, Councilwoman

### **ALSO PRESENT:**

Mark Reyes  
Noel Salinas

### **STAFF PRESENT:**

David Flores, Asst. City Manager  
Juan Pablo Terrazas, Asst. City Manager  
Angie Vela, Finance Director  
Susie De Luna, Planning Director  
Alex Hernandez, Asst. Planning Director  
Charlie Longoria, Media Relations  
Abel Bocanegra, P.E., City Engineer  
Chris Garza, Accountant  
Joe Salazar, Accountant

### **CALL TO ORDER AND ESTABLISH QUORUM**

With a quorum being present, Mayor Norie Garza Gonzalez called the meeting to order at 7:14 p.m.

### **DISCLOSURE OF CONFLICT OF INTEREST**

None

### **CITIZEN'S PARTICIPATION**

None

## **SPECIAL MEETING**

### **PUBIC HEARING**

### **PLANNING AND ZONING RECOMMENDATIONS**

#### **1. Rezoning: Being a 5.93 acre tract of land, being out of Lot 97, Mission Acres, (AO-I) Agricultural Open Interim to (R-1T) Townhouse Residential, Daniel E. Estrada, and Adoption to Ordinance# \_\_\_\_\_**

On June 28, 2023, the Planning and Zoning Commission held a Public Hearing to consider the rezoning request. The subject site was located on the Southeast corner of W. 20<sup>th</sup> Street and Adams Avenue (aka Pena Avenue). The proposed zone did not comply with the City's Future Land Use Map, and surrounding land uses. There was public opposition during the P&Z Meeting. The board unanimously recommended denial.

Staff and City Manager recommended denial.

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

Crystal Reyes, 1511 W. 20<sup>th</sup> Street, Deisy Garza, 1514 W. 20<sup>th</sup> Street, Elvia Esquivel, 1510 W. 20<sup>th</sup> Street, Everardo Garcia, 1517 W. 20<sup>th</sup> Street Diana de la Garza, 1501 W. 20<sup>th</sup> Street, spoke against the request citing concerns of increased traffic and safety concerns in the neighborhood.

Upon motion by Councilman Abiel Flores seconded by Mayor Pro Tem Ruben Plata and approved unanimously, the public hearing was closed.

Mayor Pro Tem Plata moved to deny the Rezoning: Being a 5.93 acre tract of land, being out of Lot 97, Mission Acres, (AO-I) Agricultural Open Interim to (R-1T) Townhouse Residential. Motion was seconded by Councilman Flores and approved unanimously 4-0.

**2. Rezoning: Lot 65 and the West ½ of Lot 64, Shary Villas Subdivision, (R-1) Single Family Residential to (C-1) Office Building, Jesus Trevino, and Adoption to Ordinance #**

On June 28, 2023, the Planning and Zoning Commission held a Public Hearing to consider the rezoning request. The subject site was located at the Southeast corner of N. Shary Road and E. 20<sup>th</sup> Street. The proposed zone did not comply with the City's Future Land Use Map, and surrounding land uses. The item was presented to Planning & Zoning on December 21, 2022 and no action was taken to give the applicant the opportunity to speak with the neighbors to discuss his proposal due to the opposition. There was public opposition during the P&Z Meeting. The board unanimously recommended denial.

Staff and City Manager recommended denial.

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

Ciro Ochoa, Jr. attorney representing Jose Angel Trevino and his family who resides next door to the subject site. His concerns were parking and increased traffic.

Mike Trevino, 2401 E. 20<sup>th</sup>, stated that many families and children walk to Bannworth Park and the increase in traffic from a business would be negligent. He also stated there was a Subdivision Plat note stating that no driveway permitted onto Shary Road. Declaration of Covenants Conditions and Restrictions for Shary Villas Subdivision, Phase 1 also states use restrictions are residential purposes only. No building of structure intended for or adapted to business purposes and no professional, business, or commercial activity to which the general public is invited or allowed shall be conducted on any lot.

Raul Zarate, 2413 E. 20<sup>th</sup> Street, stated a petition had been filed when the item was heard six months ago and the residents were still against the rezoning.

Jesus Trevino, applicant and owner of the property stated the purpose of the C-1 was to create a buffer between the residences and high traffic areas. A proposal was to open an entrance off of Shary Road.

Jose Trevino, 2420 E. 20<sup>th</sup> Street, stated his opposition to the request.

Upon motion by Councilman Alberto Vela seconded by Councilman Flores and approved unanimously, the public hearing was closed.

Councilman Vela moved to deny Rezoning: Lot 65 and the West ½ of Lot 64, Shary Villas Subdivision, (R-1) Single Family Residential to (C-1) Office Building. Motion was seconded by Councilman Flores and approved unanimously 4-0.

**3. Conditional Use Permit: D'Lux Event Center at 507, N. Conway Avenue, Lot 8, Block 92, Mission Original Townsite, C-3, Nora N. Garcia, and Adoption to Ordinance # 5334**

On June 28, 2023 the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site was located just off the NW corner of Conway and 5<sup>th</sup> Street. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval

Staff recommended approval for life of use subject to 1) Must comply with all City Code (Building, Fire, Health, etc.) 2) Must acquire a business license prior to occupancy; and 3) CUP not to be transferable to others.

City Manager recommended approval.

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

There were no comments.

Upon motion by Mayor Pro Tem Plata seconded by Councilman Vela and approved unanimously, the public hearing was closed.

Mayor Pro Tem Plata moved to approve CUP and Ordinance # 5334 D’Lux Event Center at 507, N. Conway Avenue, Lot 8, Block 92, Mission Original Townsite. Motion was seconded by Councilman Vela and approved unanimously 4-0.

#### **ORDINANCE NO. 5334**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT D’LUX EVENT CENTER AT 507 N. CONWAY AVENUE, LOT 8, BLOCK 92, MISSION ORIGINAL TOWNSITE

#### **4. Conditional Use Permit: Mobile Food Truck - FrizzFries at 2509 Colorado Street, Lot 1, Block 2, Santa Lucia Development, C-3, Martha L. Urena Reyes, and Adoption to Ordinance # 5335**

On June 28, 2023 the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site was located near the NW corner of Colorado and Taylor Road along the north side of Colorado Street. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff recommended approval subject to 1) 1 year re-evaluation in order to assess this new operation; 2) Must comply with all City Codes (Building, Fire, Health, etc.); and 3) Must acquire a business license prior to occupancy.

City Manager recommended approval.

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

There were no comments.

Upon motion by Mayor Pro Tem Plata seconded by Councilman Vela and approved unanimously, the public hearing was closed.

Mayor Pro Tem Plata moved to approve CUP and Ordinance # 5335 Mobile Food Truck - FrizzFries at 2509 Colorado Street. Motion was seconded by Councilman Vela and approved unanimously 4-0.

#### **ORDINANCE NO. 5335**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT MOBILE FOOD TRUCK - FRIZZFRIES AT 2509 COLORADO STREET, LOT 1, BLOCK 2, SANTA LUCIA DEVELOPMENT

**5. Conditional Use Permit: Mobile Food Truck – Midtown Ceviche Bar at 2509 Colorado Street, Lot 1, Block 2, Santa Lucia Development, C-3, Juan Pinera, and Adoption to Ordinance # 5336**

On June 28, 2023 the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site was located near the NW corner of Colorado and Taylor Road along the north side of Colorado Street. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff recommended approval subject to 1) 1 year re-evaluation in order to assess this new operation; 2) Must comply with all City Codes (Building, Fire, Health, etc.); and 3) Must acquire a business license prior to occupancy.

City Manager recommended approval.

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

There were no comments.

Upon motion by Mayor Pro Tem Plata seconded by Councilman Vela and approved unanimously, the public hearing was closed.

Mayor Pro Tem Plata moved to approve CUP and Ordinance # 5336 Midtown Ceviche Bar at 2509 Colorado Street. Motion was seconded by Councilman Vela and approved unanimously 4-0.

**ORDINANCE NO. 5336**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT MOBILE FOOD TRUCK – MIDTOWN CEVICHE BAR AT 2509 COLORADO STREET, LOT 1, BLOCK 2, SANTA LUCIA DEVELOPMENT

**6. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Suerte Bar & Grill at 205 N. Shary Road, Suites A & B, Lot 1, South Shry Commercial, C-3, Suerte Bar & Grill on Shary, LLC, c/o Jessica Aguilar, and Adoption to Ordinance # 5337**

On June 28, 2023 the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site was located near the NW corner of Shary Road and Selena Street (E. 1<sup>st</sup> Street) along the west side of Shary Road. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff recommended approval subject to 1) 2 year re-evaluation at which time the applicant will have to renew his CUP and TABC License; 2) Waiver of the 300' separation requirement from the residential homes; and 3) Must continue to comply with all City Codes (Fire, Health, and Building Code requirements).

City Manager recommended approval.

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

There were no comments.

Upon motion by Mayor Pro Tem Plata seconded by Councilman Flores and approved unanimously, the public hearing was closed.

Mayor Pro Tem Plata moved to approve CUP and Ordinance # 5337 Sale & On-Site Consumption of Alcoholic Beverages for four (4) years – Suerte Bar & Grill at 205 N. Shary Road. Motion was seconded by Councilman Flores and approved unanimously 4-0.

**ORDINANCE NO. 5337**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES – SUERTE BAR & GRILL AT 205 N. SHARY ROAD, SUITES A & B, LOT 1, SOUTH SHARY COMMERCIAL

**7. Conditional Use Permit: Storage Units for Lease on property zoned C-1 (Office Building), Being the North 330' of Lot 25-11, West Addition to Sharyland, C-1, Robby Gonzalez, and Adoption to Ordinance # 5338**

On June 28, 2023 the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site is located approximately 660' E. of Bryan Road along the north side of E. Griffin Parkway. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff recommended approval subject to 1) Must comply with all City Codes (Building, Fire, Lighting, etc.) 2) Must comply with solid buffer, 3) Comply with City's detention requirements, and 4) Must acquire a business license prior to occupancy.

City Manager recommended approval.

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

Julio Cerda representing the applicant spoke in favor of the request.

Upon motion by Mayor Pro Tem Plata seconded by Councilman Vela and approved unanimously, the public hearing was closed.

Mayor Pro Tem Plata moved to approve CUP and Ordinance # 5338 Storage Units for Lease on property zoned C-1 (Office Building), Being the North 330' of Lot 25-11. Motion was seconded by Councilman Vela and approved unanimously 4-0.

**ORDINANCE NO. 5338**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR STORAGE UNITS FOR LEASE ON PROPERTY ZONED C-1 (OFFICE BUILDING), BEING THE NORTH 330' OF LOT 25-11, WEST ADDITION TO SHARYLAND

**8. Conditional Use Permit Renewal: Auto Mechanic Shop in an AO-I Zone at 1603 Adams Avenue, A .85 acre tract of land out of Lot 23-1, West Addition to Sharyland Subdivision, AO-I, Marco A. Hinojosa, Sr., and Adoption to Ordinance # 5339**

On June 28, 2023 the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit Renewal request. The subject site was located 105' north of W. 18<sup>th</sup> Street along the west side of Adams Avenue. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff recommended approval subject to 1) 4 years re-evaluation to continue to assess the business; 2) Continued compliance with all City Codes; and 3) CUP not to be transferred to others.

City Manager recommended approval.

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

There were no comments.

Upon motion by Councilman Flores seconded by Mayor Pro Tem Plata and approved unanimously, the public hearing was closed.

Mayor Pro Tem Plata moved to approve CUP and Ordinance # 5339 Auto Mechanic Shop in an AO-I Zone at 1603 Adams Avenue. Motion was seconded by Councilman Vela and approved unanimously 4-0.

### **ORDINANCE # 5339**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT RENEWAL AUTO MECHANIC SHOP IN AN AO-I ZONE AT 1603 ADAMS AVENUE, A .85 ACRE TRACT OF LAND OUT OF LOT 23-1, WEST ADDITION TO SHARYLAND SUBDIVISION

### **APPROVALS AND AUTHORIZATIONS**

#### **9. Acceptance of the Comprehensive Annual Financial Report (AFR) for the fiscal year ended September 30, 2022**

Angie Vela, Finance Director presented the Comprehensive Annual Financial Report (AFR) for fiscal year ended 09/30/22 for the City of Mission.

Esmerada Yniguez, Mr. Chad Young, and Aashna Khatwani with Carr, Riggs & Ingram, LLC, were available to present and answer any questions from the council in reference to the audit.

The city received an Unmodified Opinion.

Mayor Pro Tem Plata asked how the numbers compared with the financial statements approved in September 2022. Ms. Yniguez stated numerous adjustments were made to the cash pool to cover intergovernmental activities. Mayor Pro Tem Plata questioned why the Audit was being presented nine months after the end of the fiscal year. Staff had been tasked to help Mission Economic Development Corporation and the Tax Increment Reinvestment Zone with their audit which was about four months behind, this was a primary reason for the delay.

Staff and City Manager recommended approval.

Councilman Flores moved to approve the Acceptance of the Comprehensive Annual Financial Report (AFR) for the fiscal year ended September 30, 2022. Motion was seconded by Councilman Vela and approved 3-1 with Mayor Pro Tem Plata voting against.

### **ADJOURNMENT**

At 8:12 p.m., Mayor Pro Tem Plata moved for adjournment. Motion was seconded by Councilman Vela and approved unanimously 4-0.

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Norie Gonzalez Garza, Mayor

ATTEST:

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Anna Carrillo, City Secretary