



AGENDA

Pursuant to V.T.C.A. Gov. Code Section 551.001 et. seq., the City Council of the City of Mission, Texas will hold a regular meeting on **Monday, August 26, 2024 at 4:30 p.m.** at the Mission Council Chambers, 1201 E. 8th Street, Mission, Texas and by Teleconference to consider the following matters.

The public dial information to participate in the telephonic meeting is as follows:

Time: **Monday, August 26, 2024 04:30 PM Central Time**

<https://us02web.zoom.us/j/9904662781?pwd=SGVIL3JZRFVRdENzWXI5VUxFT1ZUQT09>

Meeting ID: 990 466 2781 - Password: 833227

Or Dial by telephone - +1 346 248 7799 US - Meeting ID: 990 466 2781 Password: 833227

At any time during the course of the posted meeting, the Mission City Council may retire into Executive Session under Texas Government Code 551.071 to confer with legal counsel on any subject matter on this agenda in which the duty of the attorney to the City Council under Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during this meeting, the City Council may retire to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more exceptions to the Texas Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code.

REGULAR MEETING

CALL TO ORDER AND ESTABLISH QUORUM

INVOCATION AND PLEDGE ALLEGIANCE

DISCLOSURE OF CONFLICT OF INTEREST

PRESENTATIONS

- [1.](#) Proclamation - Childhood Cancer Awareness Month - Tijerina
- Presentation by Keep Mission Beautiful Committee - Mendiola
- Report from the Rio Grande Valley Humane Society - Jennifer Vasquez
- Report from the Greater Mission Chamber of Commerce – Brenda Enriquez
- Speer Memorial Library 2024 Summer Reading Program Top Readers - Espinoza
- [6.](#) Departmental Reports – Perez
- Citizen's Participation – Garza

PUBLIC HEARING

- [8.](#) Public Hearing on FY 2024-2025 Preliminary Budget - Perez

PLANNING & ZONING RECOMMENDATIONS

9. Rezoning: A 4.50 acre tract of land, more or less, carved out of the South ½ of the East 10 acres of the North 20 acres of Lot 29-4, West Addition to Sharyland from (C-1) Office Building to (R-2) Duplex-Fourplex Residential, Redline Development, LLC, and Adoption of Ordinance# _____ - De Luna
10. Rezoning: All of Lot 7, Block 91, Mission Original Townsite from (R-1) Single Family Residential to (C-3) General Business, BDSO, LLC, and Adoption of Ordinance# _____ - De Luna
11. Rezoning: 1.17 acres of land out of the South 6.89 acres of the South 13.78 acres of that part of Lot 23-3, lying South and West of the Mission Main Canal, West Addition to Sharyland from (AO-I) Agricultural Open Interim to (R-1) Single Family Residential, Claudia Veronica Cardenas Mora, and Adoption of Ordinance# _____ - De Luna
12. Conditional Use Permit: Mobile Food Truck – El Muñeco, 2509 Colorado Street, Ste. 205, being Lot 1, Block 2, Santa Lucia Development, C-3, Juan Chapa, Adoption of Ordinance # _____ - De Luna
13. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Moon Restaurant Mixology, 1603 E. Griffin Parkway, Lot 11, Block 3, Shary Gardens Subdivision, C-3, American Restaurants, LLC c/o Lourdes Lerma, Adoption of Ordinance # _____ - De Luna

CONSENT AGENDA

All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately. The City Council May Take Various Actions; Including But Not Limited To Rescheduling An Item In Its Entirety For A Future Date Or Time. The City Council May Elect To Go Into Executive Session On Any Item Whether Or Not Such Item Is Posted As An Executive Session Item At Any Time During The Meeting When Authorized By The Provisions Of The Open Meetings Act

14. Approval of Minutes – Carrillo
Regular Meeting – August 12, 2024
Special Meeting – August 19, 2024
15. Acknowledge Receipt of Minutes – Perez
Shary Golf Advisory Board – June 5, 2024
Planning and Zoning Commission – March 13, April 3, April 17, May 1, May 15, June 19, 2024
Zoning Board of Adjustments – April 24, May 29, June 26, 2024
16. Approval of Resolution # _____ Regarding Waterline Access Agreement with Sharyland Water Supply within City of Mission's ETJ for Comarex, LLC – La Villitas Estates No. 3 Subdivision – De Luna
17. Authorization to solicit bids for construction of a water well at Shary Municipal Golf Course - Fernuik
18. Authorization to Purchase Litter Receptacles for the All-Inclusive Lions Park from Park Place Recreation Designs in the amount of \$46,206.00 via BuyBoard Contract #679-22 - Bentsen

- [19.](#) Approval to Solicit Bids for Purchase and Installation Golf Ball Protective Netting for the All-Inclusive Lions Park - Bentsen
- [20.](#) Approval of Texas Woman’s University School Of Occupational Therapy Doctoral Capstone Memorandum Of Understanding. - Espinoza
- [21.](#) Authorization to allow the purchase of a firearm by Honorably Retired Peace Officer, Robert Rodriguez for the Mission Police Department, in accordance with Texas Government Code, Section 614.051- Torres
- [22.](#) Approval of Resolution # _____ authorizing the acceptance of the FY22 Flood Mitigation Assistance Grant administered by TWDB in the amount of \$320,000 – Elizalde
- [23.](#) Authorization to enter into a Contract with Insignia Software Corporation for the implementation of the Insignia Library System With Speer Memorial Library - Espinoza
- [24.](#) Authorization to Execute First One-Year Renewal Option for Stop Loss Insurance - Munguia

APPROVALS AND AUTHORIZATIONS

- [25.](#) Approval of Ordinance # ____ of The City Council of The City of Mission, Texas, Amending Section 114-202, Styled Drought Contingency and Water Conservation Plan, of its Code of Ordinances to incorporate the changes Satisfying the Revised Requirements of Chapter 288 of Title 30 of The Texas Administrative Code (TAC) – D. Flores
- [26.](#) Authorization to submit & accept the 2025 STEP Comprehensive Grant in the amount of \$37,000 from the Texas Department of Transportation - Torres
- [27.](#) Authorization to submit & accept the DWI Phlebotomy Program Grant from the Texas Department of Transportation in the amount of \$149,999.78 for the 2025 fiscal year - Torres
- [28.](#) Authorization to submit & accept the 2025 STEP CMV Grant in the amount of \$29,975.00 from the Texas Department of Transportation - Torres
- [29.](#) Authorization to purchase (3) 2025 Polaris Ranger Crew XP 1000 Premium in the amount of \$72,882.00 via TIPS contract #210907- Torres
- [30.](#) Authorization to purchase via a sole source vendor, a total of two (2) Skycop Mobile Surveillance Trailers - Torres
- [31.](#) Authorization to extend Second and Final One-Year renewal option for Striping, Pavement Marking Services for Public Works Department - Bocanegra
- [32.](#) Authorization to extend Second and Final One-Year renewal option for Sealcoat Pavement Services for Public Works Department - Bocanegra
- [33.](#) Homestead Exemption Variance: .28 acres more or less, out of Lot 192, John H. Shary Subdivision, 310 Union Street, R-1, Valeria Garcia, - De Luna
- [34.](#) Consider a Variance request to allow an installation of septic tank at 3101 S. Conway Avenue, out of Lot 10-7, West Addition to Sharyland Subdivision, as requested by Windfield Communities - De Luna

- [35.](#) Preliminary Plat Approval: Retama Phase VI Subdivision (Private), 9.173 acres being out of Lot 14, Del Monte Irrigation Co. Subdivision, PUD (R-1), Developer: Rhodes Development, Inc., Engineer: Melden & Hunt, Inc. - De Luna
- [36.](#) Board Appointment – Planning and Zoning Commission - Carrillo
- [37.](#) Discussion and action on proposed 2024 Tax Rate, Take Record Vote and Schedule Public Hearing for September 9, 2024 – Roman

UNFINISHED BUSINESS

- [38.](#) TABLED 08/12/2024: Conditional Use Permit: Drive-Thru Service Windows & The Sale & On-Site Consumption of Alcoholic Beverages – La Palma Azul, 3501 N. Conway, Ste. 1, Lot 2, IHOP on Conway Subdivision, C-3, Elio C. Garza, Adoption of Ordinance #____ and Wet Zone Ordinance #____ - De Luna
- [39.](#) TABLED 08/12/2024 - Preliminary & Final Plat Approval: Crystal Estates Subdivision IV, being a 14.71-acre parcel of land, out of Lot 27-1, West Addition to Sharyland, R-2, Developer: DG & GG Investments, LLC, Engineer: Ever Engineering, LLC - De Luna

ROUTINE MATTERS

- City Manager Comments
- City Council Comments
- Mayor's Comments

EXECUTIVE SESSION

1. Closed session pursuant to Tex. Gov't Code Section 551.074 (Personnel Matters) Evaluation of City Manager relating to goals and objectives
2. Closed session pursuant to Tex. Gov't Code Section 551.071 (Consultation with Attorney) related to Black Diamond Developers, LP and CCC Operations, LLC v. City of Mission, Cause No. C-5276-23-D.
3. Closed session pursuant to Tex. Gov't Code Section 551.071 (Consultation with Attorney) related to engaging Attorney Ed McCarthy to assist in legislative affairs.

RECONVENE

The City Council will reconvene in open session to take any actions if necessary, on any item(s) discussed in closed session

ADJOURNMENT

C E R T I F I C A T E

I, the undersigned City Secretary do certify that the above notice of meeting was posted on the bulletin board of City Hall, 1201 E. 8th Street, Mission, Texas on this the 23rd day of August, 2024 at 3:00 p.m.



 Anna Carrillo, City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations for a disability must be made 48 hours prior to this meeting. Please notify the City Secretary's Office at 580-8668.

NOTICE OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF MISSION

Notice is hereby given that on the **26th day of August, 2024** the City Council of the City of Mission will hold a regular meeting at 4:30 p.m. at 1201 E. 8th Street, Mission, Texas and by Teleconference to consider the following matters. The subjects to be discussed are listed on the agenda, which is attached to and made a part of this Notice.

If, during the course of the meeting covered by this Notice, the City Council should determine that a closed or executive meeting or session of the Council is required, then such closed or executive meeting or session as authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001 et seq., will be held by the Council at the date, hour and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the Council may conveniently meet in such closed or executive meeting or session concerning any and all purposed permitted by the Act, including, but not limited to the following sections and purposes.

Texas Government Code Section:

551.071 (1) (2)	Consultation with Attorney.
551.072	Deliberation regarding real property.
551.073	Deliberation regarding prospective gifts.
551.074	Personnel matters.
551.076	Deliberation regarding security devices or security audits.
551.0785	Deliberations involving medical or psychiatric records of individuals.
551.084	Investigation; exclusion of witness from hearing.
551.087	Deliberation regarding economic development negotiations
551.088	Deliberation regarding test item

Should any final action, final decision, or final vote be required in the opinion of the City Council with regard to any matter considered in such closed or executive meeting or session, then the final action, final decision, or final vote shall be either:

- (a) in the open meeting covered by the Notice upon the reconvening of the public meeting; or
- (b) at a subsequent public meeting of the City Council upon notice thereof; as the Council shall determine.

On this the **23rd day of August, 2024** this Notice was emailed to news media who had previously requested such Notice and an original copy was posted on the bulletin board at City Hall, 1201 E. 8th Street at 3:00 p.m. on said date.



 Anna Carrillo, City Secretary

Proclamation

City of Mission



WHEREAS, childhood cancer is the leading cause of death by disease in children, 1 in 285 children in the United States will be diagnosed by their 20th birthday, and;

WHEREAS, 46 children per day or 16,790 children per year are diagnosed with cancer in the U.S., there are approximately 40,000 children on active treatment at any given time, and;

WHEREAS, the average age of diagnosis is 6 years old, compared to 66 years for adults' cancer diagnosis, 80% of childhood cancer patients are diagnosed late and with metastatic disease, and;

WHEREAS, hundreds of non-profit organizations at the local and national level including Greater Gold Foundation, Super Rami, and the American Childhood Cancer Organization are helping children with cancer and their families cope through educational, emotional and financial support, and;

WHEREAS, also observing and declaring the month of September as Childhood Cancer Awareness Month and to encourage the wearing of the color gold/yellow to raise awareness to this cancer.

NOW THEREFORE, we, the City Council of the City of Mission, do hereby proclaim September 2024, as Childhood Cancer Awareness Month and invite the community to join us on Sunday, September 8, 2024 at 6:00 p.m. at the Mission Event Center, 200 N. Shary Rd. to the:

Mission Goes Gold Childhood Cancer Awareness Event

PROCLAIMED on this the 26th day of August, 2024.

Norie Gonzalez Garza, Mayor

Jessica Ortega, Councilwoman

Ruben Plata, Mayor Pro Tem

Marissa Ortega-Gerlach, Councilman

Alberto Vela, Councilman



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024
PRESENTED BY: Mike R. Perez, City Manager
AGENDA ITEM: Departmental Reports – Perez

NATURE OF REQUEST:
 Mission Historical Museum – July 2024
 Risk Management – July 2024
 Sanitation – July 2024
 Mission Police Department – July 2024
 Human Resources – June 2024
 Public Works – July 2024
 Planning & Zoning – July 2024
 Code Enforcement – July 2024
 Permits – July 2024
 Speer Memorial Library – July 2024
 Mission Fire Department – July 2024
 Mission Event Center – July 2024

BUDGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION: Approval

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager’s Recommendation: Approval *MRP*

RECORD OF VOTE: **APPROVED:** _____
 DISAPPROVED: _____
 TABLED: _____

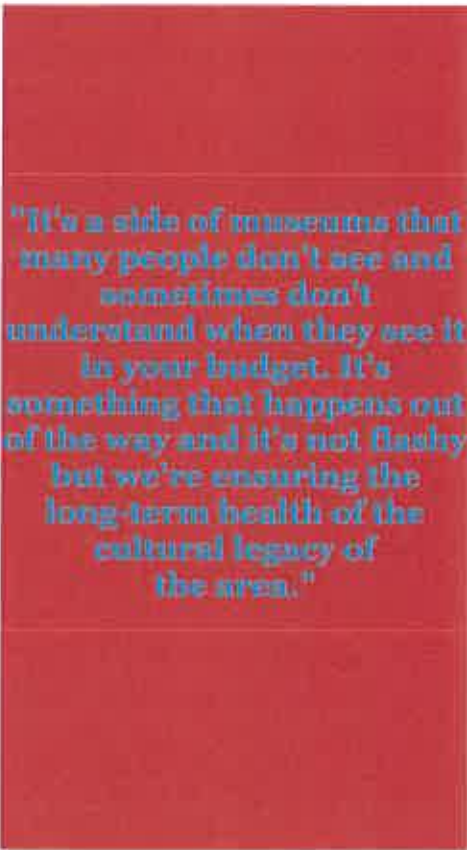
_____ AYES

_____ NAYS

_____ DISSENTING _____

MISSION HISTORICAL MUSEUM

Departmental Report July 2024



PERFORMANCE INDICATORS:

Performance Indicators	October	November	December	January	February	March	April	May	June	July
General Attendance	62	70	55	189	123	73	59	31	61	74
Programs	1,350	0	65	65	63	0	42	0	17	84
Tours	0	0	0	0	0	0	0	80	20	0
Social Media	1,420	1166	8,178	11,800	8,700	1,300	4,700	5,900	7,100	9,900
Outreach	0	90	0	0	255	870	0	0	0	0
Meetings Hosted	0	0	0	0	0	0	0	0	2	0
Total:	20,832	1,332	8,458	11,834	8,141	2,443	4,802	5,911	7,201	10,058

(# of people served July 1– July 31)

Public and Educational Programs/Events

Past Programs/Events:

June-Aug Summer Scavenger Hunt event
 July Wednesday Craft Days

Upcoming Programs/Events:

September 9-27 Community Altar Set Up
 October 3 Community Altar Exhibit Opening
 October 12 MHM Lecture Series
 October 19 MHM Annual Membership Meeting
 November 2 Dia de los Muertos Folklife Festival

Other Items:

Ongoing History of Mission Loteria (Student Intern Project)
 Ongoing Development of Book Review Program
 Completed TML submission
 Ongoing Epidemic Exhibit (Seeking Funding)
 Ongoing New Database CatalogIt (On Waitlist)
 Ongoing Moorefield Exhibit
 Ongoing Ramirez Collection-Archiving

Risk Management Departmental Monthly Report – July 2024

General Liability Claims

There were 4 liability claims filed against the City during the month of July.

Law Enforcement Liability Claims

There were 0 law enforcement liability claims filed against the City during the month of July.

Auto Liability Claims

There was 1 auto liability claim filed against the City during the month of July.

- Streets

City Property Claims

There were 0 property claims for the city during the month of July.

Worker's Comp

There have been 7 Workers' Compensation claims filed during the month of July.

- 2 were a Civil Service Employee.
- 5 were Non-Civil Service Employees.

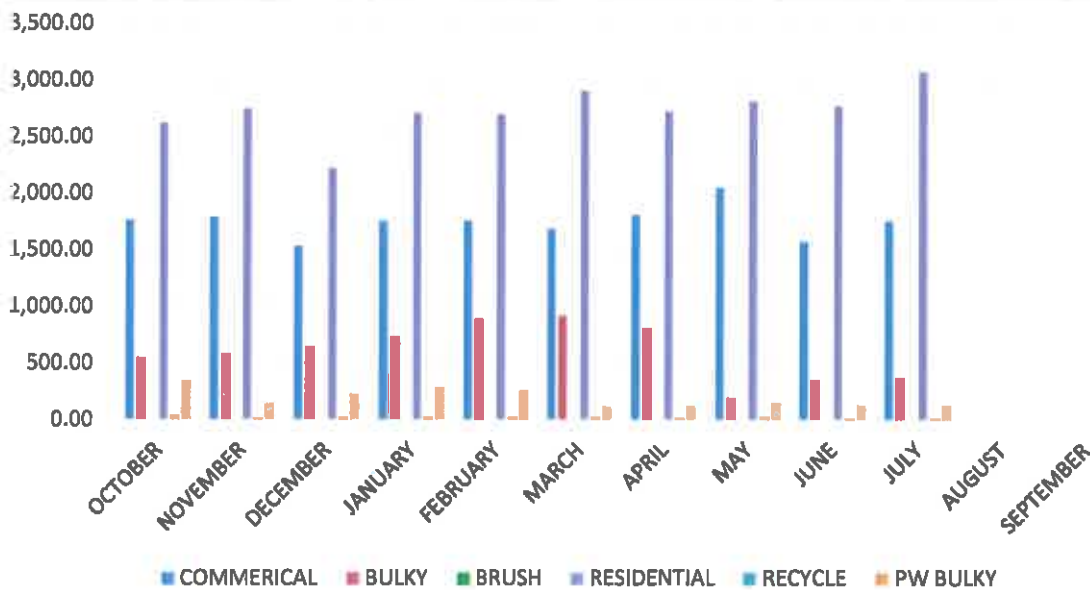
As of July 31st, we have 4 employees out on injury leave and 3 employees on Light/Modified Duty.

SANITATION DEPARTMENT

For the month of July, the City of Mission Sanitation Department disposed of a combined **5223.49** tons of trash/bulky items. In addition, a total of **12180.00** cubic yards of brush was collected at our sanitation landfill.

Month	TONS RESIDENTIAL	CUBIC YARDS BRUSH	TONS BULKY	TONS COMMERCIAL	TONS RECYCLE	TONS PW BULKY
OCTOBER	2,630.89	7,952.00	541.01	1,770.93	39.12	336.86
NOVEMBER	2,756.31	7224.00	580.63	1797.15	16.47	137.01
DECEMBER	2,229.85	5964.00	642.14	1543.28	23.65	221.90
JANUARY	2,719.18	4172.00	726.11	1763.99	25.26	280.81
FEBRUARY	2,707.38	4928.00	887.67	1765.87	26.58	258.68
MARCH	2918.29	4676.00	929.59	1695.02	29.15	117.59
APRIL	2732.01	6136	806.3	1817.05	18.2	120.38
MAY	2821.84	2,296.00	193.99	2060.69	33.49	151.42
JUNE	2781.99	9884.00	340.60	1583.17	16.99	129.82
JULY	3,084.30	12,180.00	372.09	1767.1	22.82	131.77
AUGUST						
SEPTEMBER						
Total	27382.04	65412	6020.13	17564.25	251.73	1,886.24

2023 - 2024 SANITATION PICK UP (TONS)



Mission Police Department



Monthly Report July 2024



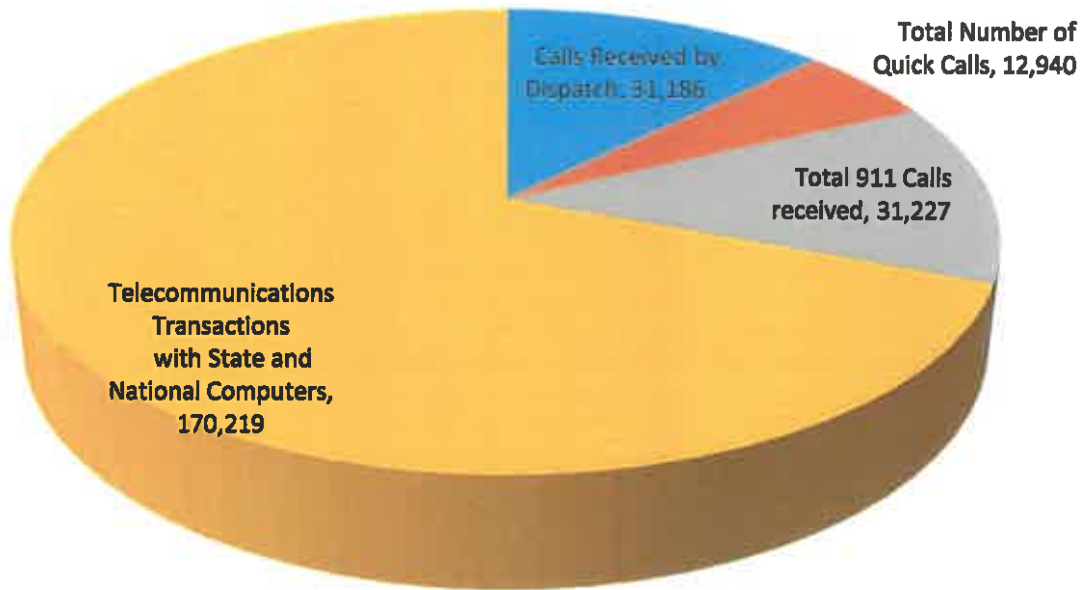
Mission Police Department

Monthly Report for July 2024



Communications Division

	July 24	FY 23-24 YTD
Calls Received by Dispatch	3,216	31,186
Total Number of Quick Calls	1,537	12,940
Total 911 Calls received	3,280	31,227
Telecommunications Transactions with State and National Computers	17,649	170,219





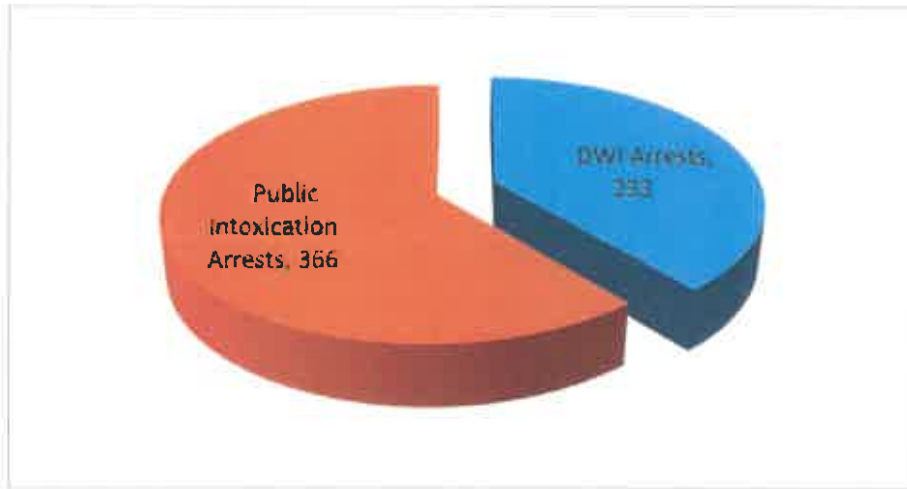
Mission Police Department Monthly Report for July 2024



Patrol Division

DWI Arrests
Public Intoxication Arrests

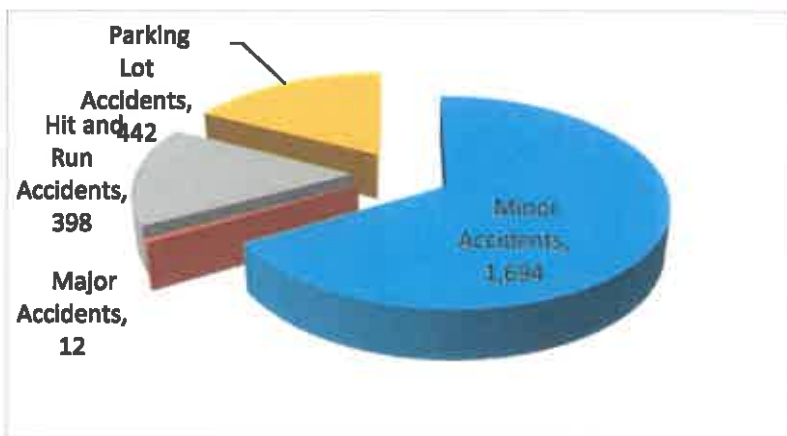
	<u>July 24</u>	<u>FY 23-24 YTD</u>
DWI Arrests	18	233
Public Intoxication Arrests	41	366



Traffic Division

Minor Accidents
Major Accidents
Hit and Run Accidents
Parking Lot Accidents

	<u>July 24</u>	<u>FY 23-24 YTD</u>
Minor Accidents	142	1,694
Major Accidents	1	12
Hit and Run Accidents	34	398
Parking Lot Accidents	42	442





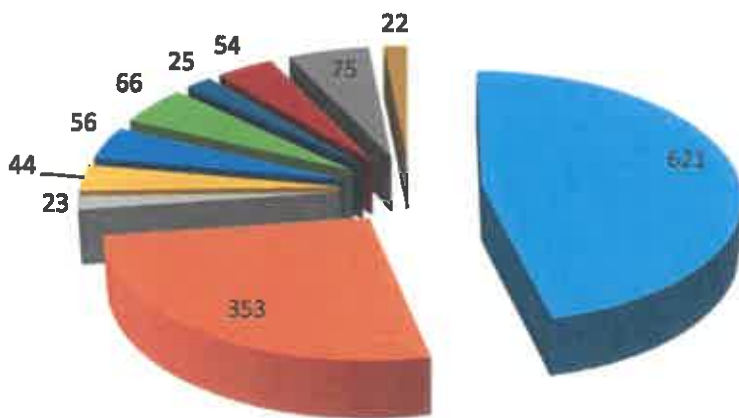
Criminal Investigations Criminal Case Submissions



- Adult Misdemeanor Cases Submitted to DA's Office**
- Adult Felony Cases Submitted to DA's Office**
- Adult Cases Submitted to Mission Municipal Court**
- Adult Misdemeanor Arrests**
- Adult Felony Arrest**
- Juvenile Misdemeanor Cases Submitted to Juvenile Probation Department**
- Juvenile Felony Cases Submitted to Juvenile Probation Department**
- Juvenile Cases Submitted to Mission Municipal Court**
- Juvenile Misdemeanor Arrests**
- Juvenile Felony Arrests**
- Total Open Cases**

	July 24	FY 23-24 YTD
Adult Misdemeanor Cases Submitted to DA's Office	88	621
Adult Felony Cases Submitted to DA's Office	28	353
Adult Cases Submitted to Mission Municipal Court	7	23
Adult Misdemeanor Arrests	4	44
Adult Felony Arrest	3	56
Juvenile Misdemeanor Cases Submitted to Juvenile Probation Department	11	66
Juvenile Felony Cases Submitted to Juvenile Probation Department	1	25
Juvenile Cases Submitted to Mission Municipal Court	1	54
Juvenile Misdemeanor Arrests	11	75
Juvenile Felony Arrests	1	22
Total Open Cases	231	231

July 24



- Adult Misdemeanor Cases Submitted to DA's Office
- Adult Felony Cases Submitted to DA's Office
- Adult Cases Submitted to Mission Municipal Court
- Adult Misdemeanor Arrests
- Adult Felony Arrest
- Juvenile Misdemeanor Cases Submitted to Juvenile Probation Department



Mission Police Department

Monthly Report for July 2024

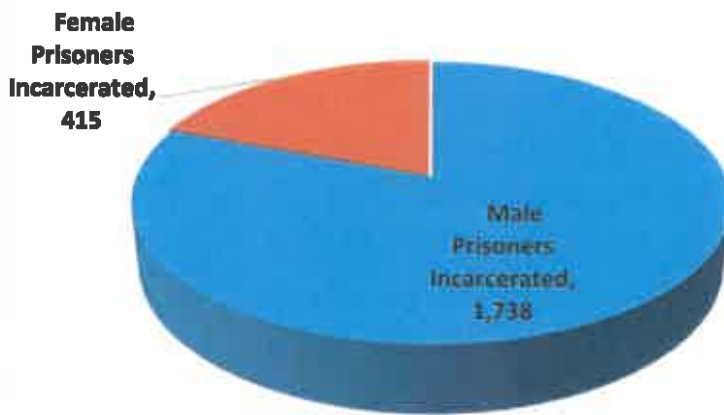


Jail Division

Adults:

Male Prisoners Incarcerated
Female Prisoners Incarcerated
Total

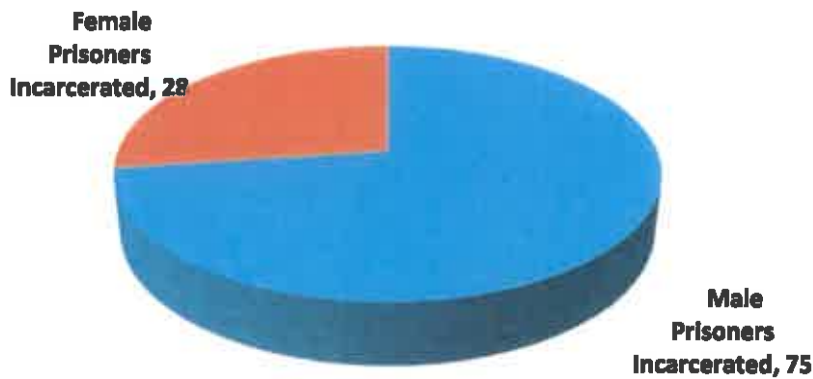
	<u>July 24</u>	<u>FY 23-24 YTD</u>
Male Prisoners Incarcerated	163	1,738
Female Prisoners Incarcerated	38	415
Total	201	2,153



Juveniles:

Male Prisoners Incarcerated
Female Prisoners Incarcerated
Total

	<u>July 24</u>	<u>FY 23-24 YTD</u>
Male Prisoners Incarcerated	2	75
Female Prisoners Incarcerated	4	28
Total	6	103





Narcotics Division -DEA

Seizures

Marihuana (lbs)
(Street Value -\$506.00 per pound)

July 24	FY 23-24 YTD
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0.00	0.13
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\$0.00	\$65.78
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Cocaine (kilos)
(Street Value -\$21,000.00 per Kilo)

623	1251.72
-----	---------

\$13,083,000.00	\$26,286,120.00
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Fentanyl
(Street Value -\$30,000.00 per Kilo)

0	0.03
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\$0.00	\$900.00
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Heroin (kilos)
(Street Value -\$17,680.00 per Kilo)

0	0.00
---	------

\$0.00	\$0.00
--------	--------

Methamphetamine (kilos)
(Street Value -\$11,925.00 per Kilo)

0	771.00
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\$0.00	\$15,342,900.00
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Currency Seizures:

\$522,490.00	\$1,767,990.00
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Vehicle Seizures:

1	8
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Arrest:

3	41
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Narcotics Division -Immigration & Customs Enforcement

Seizures

Marihuana (lbs)
(Street Value -\$506.00 per pound)

July 24	FY 23-24 YTD
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0	0.00
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\$0.00	\$197.80
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Cocaine (kilos)
(Street Value -\$21,000.00 per Kilo)

17.2	317.52
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\$361,200.00	\$6,667,920.00
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Heroin (kilos)
(Street Value -\$17,680.00 per Kilo)

0	0.00
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\$0.00	\$0.00
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Methamphetamine (kilos)
(Street Value -\$11,925.00 per Kilo)

0	1401.00
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\$0.00	\$27,879,900.00
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Currency Seizures:

\$1,140,797.30	\$4,052,693.08
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Vehicle Seizures:

1	1
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Arrest:

5	54
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Narcotics Division -DEA

	July 24	FY 23-24 YTD
Seizures		
Marihuana (lbs)	0.00	0.13
(Street Value -\$506.00 per pound)	\$0.00	\$65.78
Cocaine (kilos)	623	1251.72
(Street Value -\$21,000.00 per Kilo)	\$13,083,000.00	\$26,286,120.00
Fentanyl	0	0.03
(Street Value -\$30,000.00 per Kilo)	\$0.00	\$900.00
Heroin (kilos)	0	0.00
(Street Value -\$17,680.00 per Kilo)	\$0.00	\$0.00
Methamphetamine (kilos)	0	771.00
(Street Value -\$11,925.00 per Kilo)	\$0.00	\$15,342,900.00
Currency Seizures:	\$522,490.00	\$1,767,990.00
Vehicle Seizures:	1	8
Arrest:	3	41

Narcotics Division -Immigration & Customs Enforcement

	July 24	FY 23-24 YTD
Seizures		
Marihuana (lbs)	0	0.00
(Street Value -\$506.00 per pound)	\$0.00	\$197.80
Cocaine (kilos)	17.2	317.52
(Street Value -\$21,000.00 per Kilo)	\$361,200.00	\$6,667,920.00
Heroin (kilos)	0	0.00
(Street Value -\$17,680.00 per Kilo)	\$0.00	\$0.00
Methamphetamine (kilos)	0	1401.00
(Street Value -\$11,925.00 per Kilo)	\$0.00	\$27,879,900.00
Currency Seizures:	\$1,140,797.30	\$4,052,693.08
Vehicle Seizures:	1	1
Arrest:	5	54



Mission Police and Criminal Investigations

Narcotics

	<u>July 24</u>	<u>FY 23-24 YTD</u>
Marhuana (pounds)	0.06	1.95
(Street Value -\$506.00 per pound)	\$32.38	\$988.22
Cocaine (kilos)	0.0290	3.81
(Street Value -\$21,000.00 per Kilo)	\$609.00	\$80,031.00
Currency	\$50.00	\$4,736.00



Mission Police and Criminal Investigations

Narcotics

	<u>July 24</u>	<u>FY 23-24 YTD</u>
Marhuana (pounds)	0.06	1.95
(Street Value -\$506.00 per pound)	\$32.38	\$988.22
Cocaine (kilos)	0.0290	3.81
(Street Value -\$21,000.00 per Kilo)	\$609.00	\$80,031.00
Currency	\$50.00	\$4,736.00

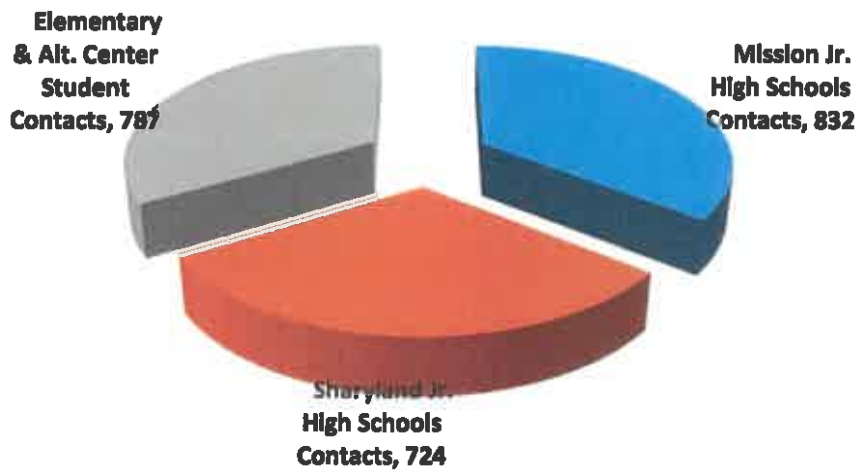


Mission Police Department Monthly Report for July 2024



Educational Resource Officer Program

	<u>July 24</u>	<u>FY 23-24 YTD</u>
Mission Jr. High Schools Contacts	0	832
Sharyland Jr. High Schools Contacts	0	724
Elementary & Alt. Center Student Contacts	0	787



	<u>July 24</u>	<u>FY 23-24 YTD</u>
Mission High Schools Contacts	0	1,229
Sharyland High Schools Contacts	0	870



Mission Police Department

Monthly Report for July 2024

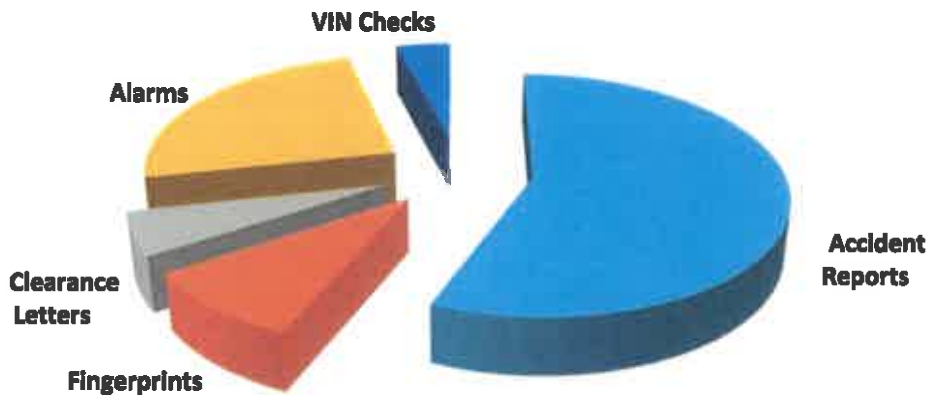


Records Division

The following entries from our records division are actual persons visiting the Mission Police Department facility to obtain copies of reports; getting fingerprinted; job applications; clearance letter for job applications; vehicle identification number clearance letters for people buying used motor vehicles; persons visiting our warrant officers, criminal investigations or administrative personnel for assistance in police related matters.

	<u>July 24</u>	<u>FY 23-24 YTD</u>
Accident Reports	114	1,039
Fingerprints	14	172
Clearance Letters	16	107
Alarms	20	449
VIN Checks	9	76
TOTAL	173	1,843

JULY 24



**HUMAN RESOURCES DEPARTMENT
MONTHLY REPORT
JUNE 2024**

Item 6.

PERSONNEL							Monthly Totals	YTD Totals
Number of Employees, Volunteers, and Others	HIRING	TRANSFERRED	REMOVED	REMOVED	RETIRED	DECREASED	OTR	
Regular Full-Time (722 budgeted slots for fiscal year)	6		12	1	2			708
Regular Part-Time (50 budgeted slots for fiscal year)	2		3					53
Temporary Full-Time								10
Temporary Part-Time	5		2					69
Fiscal FYD Totals	184		93	8	12			840
Reserve Police Officers								3
Volunteer Firefighters								15
Texas Workforce Solutions/Work Experience							1	1
AARP Participants							1	10
Volunteers							1	211
Fiscal FYD Totals							85	240
Staffing								
Request for Positions Processed								25
Positions Advertised								24
Application for Employment Processed								495
Volunteer Applications Processed								1
Interviews Processed								50
Job Offers Processed								13
New Hire Enrollments Processed								13
Pre-Employment Screenings								
Driver License Checks (MVR)								13
Mission Police/Mission Municipal Court Record Check								13
Hidalgo County Courthouse								13
Criminal History Background/Sex Offender Check (DPS)								14
Drug Testing, Physical and Pre-placement Screening								13
PERSONNEL, con't								
Human Resources Department Visitors:								
Employees, Citizens, Vendors/Representatives Assisted								200
Exit Interviews Conducted:								
Employee Exit Interview								4
Supervisor Exit Interview								15
Family and Medical Leave Act (FMLA) Forms Processed:								
FMLA Requests								3
-- Employee's Serious Health Condition								2
-- Family Member's Serious Health Condition								0
-- Birth of a Child								1
-- Military Family Leave								0
-- Injury or Illness of Covered Servicemember								0
FMLA Approvals								4
FMLA Denials/Withdrawals								4
FMLA Return-to-Work								6
Employees out on FMLA								17
Forms Processed								
Employee Change of Status Forms Processed								64
Employee Requests for Personnel Information Processed								1
Employee Disciplinary Forms Processed								4
Employment Verifications Processed								10
Unemployment Claims Processed								0
Public Information Requests Processed								9

**HUMAN RESOURCES DEPARTMENT
MONTHLY REPORT
JUNE 2024**

Item 6.

10/02/2023 - National Custodian Appreciation Day										1	32
10/13/2023 - Mission Pink Walk										1	25
10/16/2023 - BCA Door Decorating Contest - Winner: City Secretary										1	6
11/02/2023 - Veteran's Appreciation Luncheon										1	40
11/14/2023 - Employer Appreciation Luncheon										1	350
11/14/2023 - Employee Talent Show										1	20
11/15/2023 - Employee Turkey Distribution										1	750
11/30/2023 - No Shave November Contest										1	10
12/05/2023 - Service Awards Recognition										1	160
12/06/2023 - Pre-Retirement Seminar										1	40
02/03/2024 - Bike Riding										1	20
02/09/2024 - Volleyball Tournament										1	20
02/21/2024 - Bowling Tournament										1	70
02/29/2024 - Employee Appreciation Luncheon										1	400
03/01/2024 - National Procurement Month										1	4
03/01/2024 - Risk Appreciation Day										1	2
04/01/2024 - National Community Development Week										1	4
04/07/2024 - National Library Week										1	31
04/24/2024 - Administrative Professional's Day - Ice Cream Social										1	40
										Fiscal YTD Totals:	
										18	1984



Public Works

July 2024 Monthly Report

Water Treatment Plant



NCISD Back to School Bash – Staff Participate

Streets Projects



Lights installed at Shimotsu School Track

Stewart / Bus 83 Railroad Repair

Taylor Road Project



Glasscock Storm Drain Project



Public Works Projects



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Utility Billing and Collection

ANALYTICAL STATISTICAL COMPARISON				
‡ UTILITY BILLING ACCRUALS ‡				
BILLING TYPE	JUL - 2024	JUL - 2023	Y-T-D 23-24	Y-T-D 22-23
Water Consumption (Gals.)	362,598,000	376,502,000	3,564,934,000	3,389,544,000
Number of Customers	30,408	29,888		
WATER & WASTEWATER				
Water Sales	\$ 1,205,605	\$ 1,255,045	\$ 12,134,603	\$ 11,045,882
Water Sales - Granjeno	2,436	2,205	24,202	22,440
Water Connections	20,926	30,190	274,321	183,975
Reconnect Fees	14,325	5,850	101,100	52,395
Sewage Service	690,414	694,302	6,768,384	6,002,004
Sewage Service - Granjeno	1,226	1,183	13,728	12,448
Wastewater Connections	9,330	10,010	98,730	78,415
Industrial Sewer Surcharge	452	1,062	9,474	6,399
Service Charge	8,467	8,125	94,527	82,323
Total	\$ 1,953,181	\$ 2,007,972	\$ 19,519,069	\$ 17,486,281
SANITATION				
Garbage Fees	\$ 684,063	\$ 616,491	\$ 7,577,377	\$ 6,171,667
Brush Fees	103,485	103,013	1,144,973	853,055
Total	\$ 787,548	\$ 719,504	\$ 8,722,350	\$ 7,024,722
DRAINAGE ASSESSMENT FEE				
Drainage Assessment Fee	\$ 106,517	\$ 104,392	\$ 1,058,770	\$ 962,417
Total	\$ 106,517	\$ 104,392	\$ 1,058,770	\$ 962,417
Total Billing	\$ 2,847,246	\$ 2,831,868	\$ 29,300,189	\$ 25,473,420
‡ UTILITY COLLECTIONS CASH ‡				
COLLECTIONS	JUL - 2024	JUL - 2023	Y-T-D 23-24	Y-T-D 22-23
Total Collections	\$ 2,053,680	\$ 1,915,205	\$ 19,724,668	\$ 17,124,428

Water Distribution

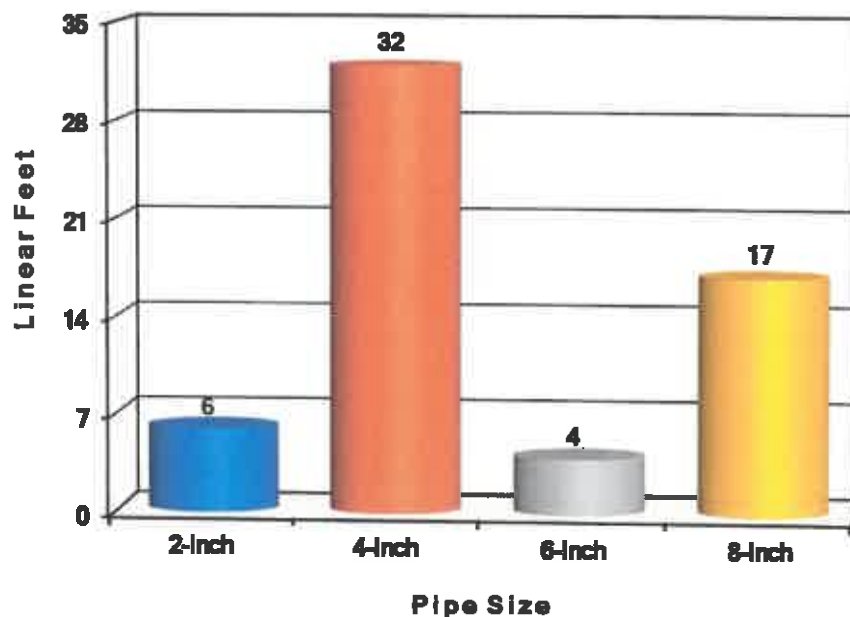
Utility Line Installation

Water Distribution Crews installed 59 Linear Feet of Utility Line. Below are the locations where the broken line repairs took place. There were eighteen (18) major water line breaks repaired.

Water Distribution - Utility Line Installation

2-Inch		4-Inch		6-Inch		8-Inch	
302 Donna Ave	2	100 Mesquite	8	Meadow Circle	4	921 Highland Pk	4
216 Bertha	3	1037 Lee St	5			1806 20th St	8
Mile 2 / Taylor	1	2012 N Inspiration	2			1811 Salinas Dr	3
		1019 Rio Concho	15			1200 W 17th St	2
		1802 N Inspiration	2				
6 LF		32 LF		4 LF		17 LF	

July 2024
Utility Pipe Line Installation

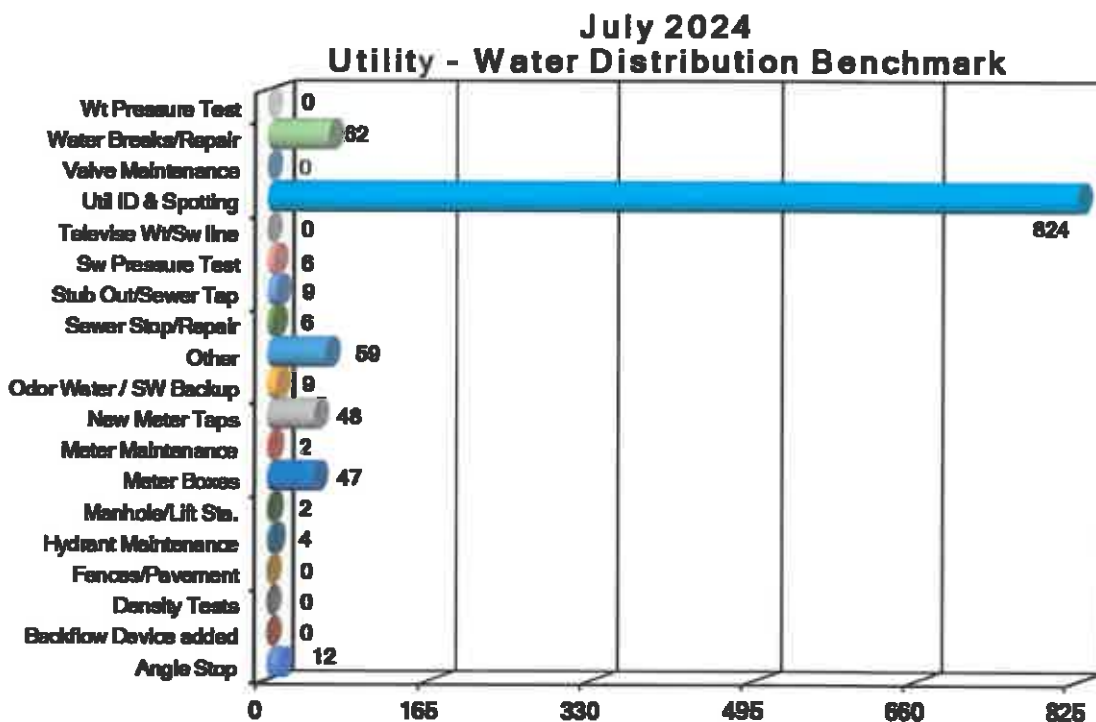


Water Distribution

Water Distribution - Maintenance Benchmark Summary

The following is Water Distribution's maintenance benchmark summary for July 2024.

Service Type	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	YTD 23-24	FY 22-23
Angle Stop	11	22	13	12	12	12	34	13	4	12	145	132
Backflow Device	1	0	0	0	0	0	0	0	0	0	1	0
Density Tests	0	2	41	14	26	8	30	3	0	0	124	529
Fences/Pavement	0	0	0	0	0	0	0	0	0	0	0	10
Hydrant Maintenance	81	64	31	17	46	65	48	112	18	4	486	357
Manhole/Lift Station	17	5	1	14	17	2	6	6	0	2	70	92
Meter Boxes	61	76	64	86	37	40	43	83	41	47	578	499
Meter Maintenance	4	5	18	44	4	32	4	8	2	2	123	67
New Meter Taps	63	77	64	86	44	45	43	82	55	48	607	507
Odor Water	27	13	17	23	20	19	10	18	12	9	168	271
Other	10	0	1	7	2	4	47	12	3	59	145	104
Sewer Stop/Repair/Tap	12	17	6	16	18	24	17	7	7	6	130	216
Stub Out Sewer	0	1	0	0	0	0	0	0	0	9	10	0
Sewer Pressure Test	0	13	0	0	41	1	0	11	10	6	82	154
Televise Sewer line	0	0	0	0	0	0	0	0	0	0	0	0
Utility ID & Spotting	363	504	404	535	540	609	515	654	951	824	5,899	7,630
Valve Maintenance	2	2	2	0	1	2	8	7	2	0	26	22
Water Break/Repair	19	40	52	44	31	18	35	26	40	62	367	340
Water Pressure Test	0	1	1	10	5	8	6	2	1	0	34	99
Totals	671	842	715	908	844	889	846	1044	1146	1090	6995	11,029



Water Distribution - Utility Inspections Utility Inspectors, Mr. Lupe Vela and Mr. Carlos Fuentes, conducted inspections on forty-three sites below, performed 6 Sewage Air Tests, 6 Mandrel Tests. There was 280 line locates.

	Site/Subdivision	Start Date	Completion Date	Location	Inspection Description
1	All Heart Church	3/2023		3 Mile / Shary	Under Construction
2	Amber Grove	2/2023	7/2024	2 ½ Trosper	Utilities Complete
3	Anacua Village	7/2024		Mayberry / 8 th St.	Under Construction
4	Anzalduas Industrial Park PH 1	4/2024		Military / Bryan	Under Construction
5	Anzalduas Industrial Park PH 7	3/2024		Military / Bryan	Under Construction
6	Augusto Contreras	2/2023		Shary / Bus 83	Under Construction
7	Bentsen Grove	9/2022		Inspiration / 1 Mile South	Under Construction
8	Bentsen Palm PH III	1/2023		Inspiration / 1 Mile South	Under Construction
9	Brilliant Academy PH I	3/2023	7/2024	Los Ebanos / Charles St.	Utilities Complete
10	Bryan Landing	7/2024		Bryan / N. 2 Mile	Under Construction
11	Bryan Pointe PH II	2/2023	7/2024	Bryan / 1 st St.	Utilities Complete
12	Camelias Plaza	9/2023		FM 495 / Bryan	Under Construction
13	Cap Storage Victoria Drive, LLC	6/2023		Shary / Victoria	Under Construction
14	City of Mission W-A15, S Conway L.S.	7/2020		Trinity / Conway South	Under Construction
15	Coastal Plaza	11/2021		Expressway / Bryan Road	Under Construction
16	Conway Avenue Sewer Project	2/2022	7/2024	2 Mile / Conway	Utilities Complete
17	Cross Church	7/2023		Expressway / Glasscock	Under Construction
18	Crystal Estates	9/2023		Inspiration Rd / Esperanza	Under Construction
19	Deleon-Zamora	7/2024		4 Mile / Conway	Under Construction
20	El Coyote	9/2023	7/2024	4 Mile / La Homa Rd	Utilities Complete
21	El Milagro PH I	12/2022		Los Indios / Bryan	Under Construction
22	Excel Carriers	7/2023		3 Mile / La Homa	Under Construction
23	Holland Terrace	7/2024		Holland / 25 th St.	Under Construction
24	Hop	2/2023	7/2024	North Conway	Utilities Complete
25	Khil Chiropractic	7/2024		Bryan / Bus 83	Under Construction
26	Las Esperanzas	1/2023		Glasscock / Frontage 83	Under Construction
27	Las Misiones De San Jorge	9/2023		S Conway / Military	Under Construction
28	Lucksinger Apartments	9/2021		Lucksinger / Bus 83	Under Construction
29	Mayberry Ranch	1/2023	7/2024	3 Mile North Mayberry	Utilities Complete
30	Mayfair at Trinity	5/2024		Bryan / Trinity	Under Construction
31	Monarza Estates	9/2023		3 ½ N Mayberry	Under Construction
32	Palmetto Estates	9/2023	7/2024	Barnes St.	Utilities Complete
33	Retama Village VI	7/2024		Military / Schuerbach	Under Construction
34	Sendero Phase I	1/2023		1 Mile South	Under Construction
35	Sendero Phase II	2/2022		1 Mile South	Under Construction
36	Sharyland Bus Park PH I	3/2022		Anzalduas / Military	Under Construction
37	Shary Town Plaza	7/2023		Shary / 4 th St.	Under Construction
38	Speedy Trails	2/2022	7/2024	West Mile 2 / Holland	Utilities Complete
39	Springwood Manor Estates	6/2024		Stewart / School Lane	Under Construction
40	The Reserve at Taylor	4/2024		Taylor / FM 495	Under Construction
41	The Shops At 495	9/2022	7/2024	FM 495 / Conway	Utilities Complete
42	Tierra Dorada Lift Station	7/2024		Tierra Dorada	Under Construction
43	Turtle Cove	9/2023		Mile 3 / White Oak	Under Construction

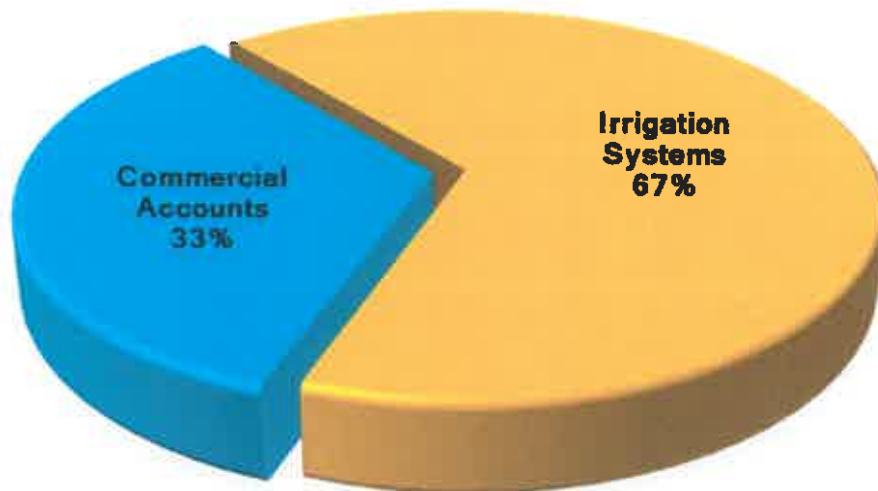
Water Distribution - Backflow Prevention Inspections

There were fifteen (15) Backflow Prevention Assembly Inspections that Mauro Anzaldua Jr. performed to keep our water lines free from back siphonages and water backflow contamination for July.

2023-24 Backflow Inspections

Tests / Surveys	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	YTD 23-24	FY 22-23
Inspection of <i>Commercial</i> Accts	9	7	5	7	8	4	3	5	4	5	57	80
Inspection of <i>Sprinkler</i> Accts	14	16	11	13	10	12	9	9	7	10	111	165

July 2024
Backflow Prevention Inspections



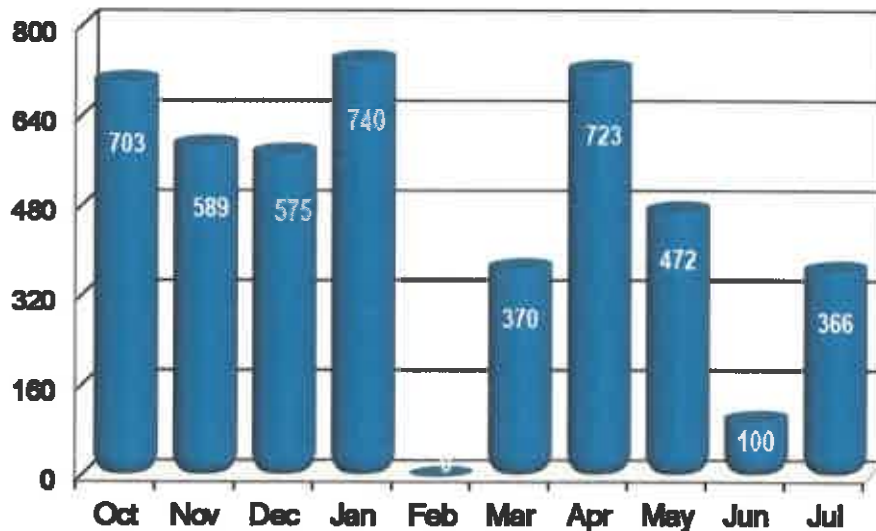
Water Distribution - Sewer Collection

Our Sewer Collection Crews inspected and maintained monthly the City's 40 active Sewer Lift Stations and approximately 374.58 miles of sewer lines by responding to 9 sewer backups and 366 work orders for this month.

2023-24 Sewer Collection Lift Station Inspections

Service Type	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	YTD 23-24	FY 22-23
Lift Stations Inspections	703	589	575	740	0	370	723	472	100	366	4,638	6,280
Televised Sites	0	0	0	0	0	0	0	0	0	0	0	0
Televised Feet	0	0	0	0	0	0	0	0	0	0	0	0

Sewer Collection Lift Station Inspections



Water Treatment Plant

Water Production Water Plant Operators at our North and South Water Treatment Plants treated 369.188 million gallons of water.

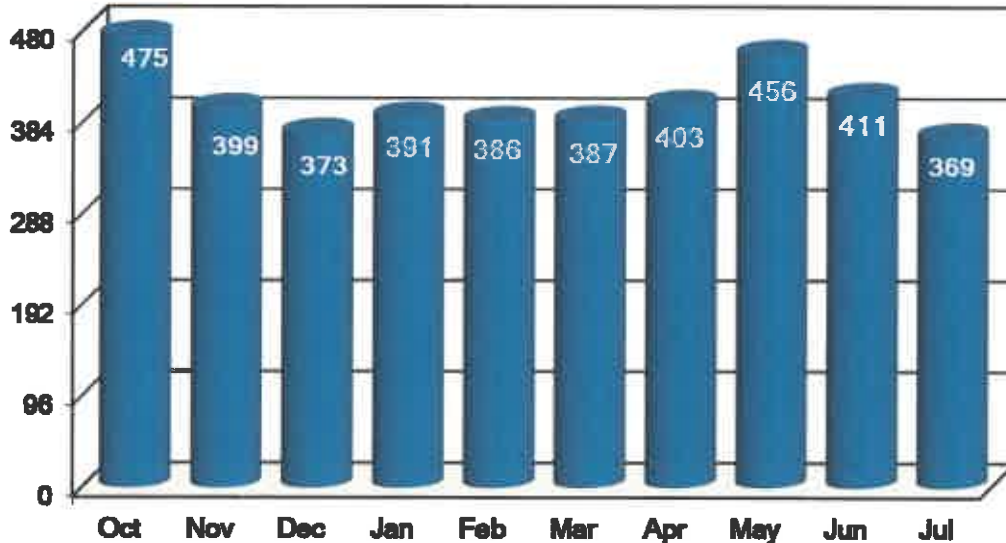
2023-24 Water Million Gallons (MG)

Avg	Max	Min	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	YTD 23-24	FY 22-23
12	13	10	475	399	373	391	386	387	403	456	411	369	4,050	4,915

Parameters Exceeded: N/A

Rainfall: 3.3"

2023-24 Water Production Million Gallons (MG)



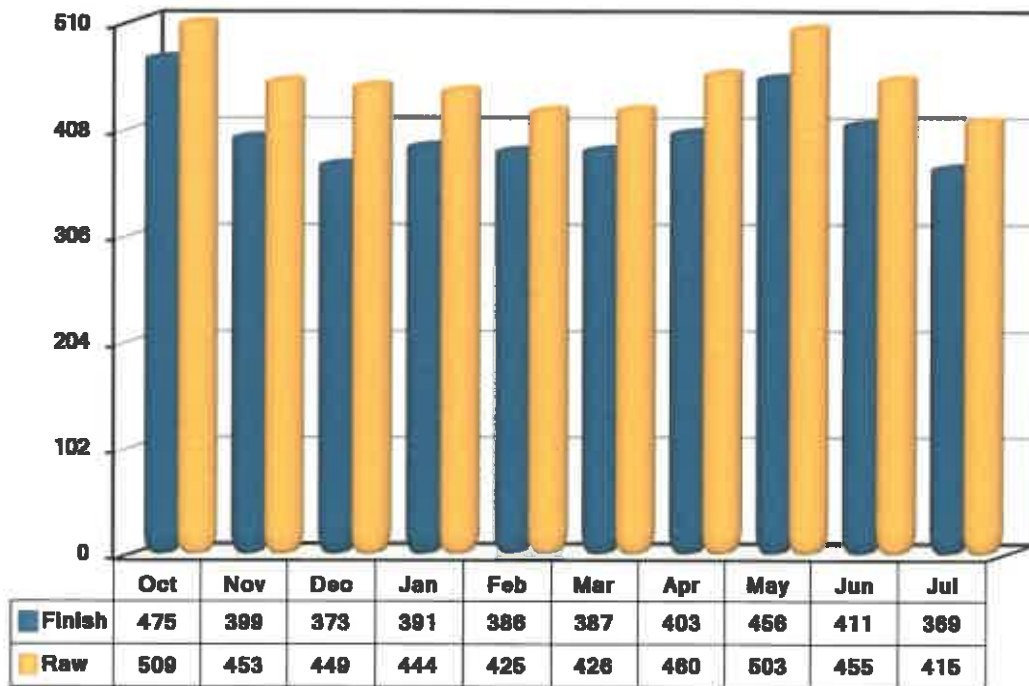
Operations and Maintenance - North Water Treatment Plant

- The International Dioxide (IDI) Company collected the monthly chlorite samples.
- Staff continued with performing maintenance on pumps and motors.
- Operators performed required daily and monthly water lab analysis, backwashed and cleaned required filters.
- COVID-19 safety practices continue based on the CDC Guidelines and staff are encouraged to wear masks and practice social distancing.
- Reviewed water quality lab results from the following certified laboratories:
 1. Ana-Lab (Chlorite, TOC, SUVA)
 2. Eurofins Eaton Analytical (Chlorite)

Operations and Maintenance - South Water Treatment Plant

- The International Dioxide (IDI) Company collected the monthly chlorite samples.
- Operators continued with regular maintenance of pump and motors, as well as, kept up with mowing grass in the facilities and towers.
- Installed raw water pump motor.
- Currently, Falcon Reservoir water level is at 13.1% and Amistad Reservoir water level is at 24.1%, respectively. The average of both water reservoir levels is at 18.6%.
- Staff participated the Mission Consolidated Independent School District "Back to School Bash Event" at the Event Center distributing school supplies and TWDB Water Conservation brochures.
- Operators performed daily and monthly water lab analysis, backwashed and cleaned required filters.
- Staff performed necessary water plant and reservoir adjustments; such as water Influent, water effluent, water levels and chemical adjustments.
- Staff maintained grass trimmed at two treatment plants, reservoirs and distribution water towers.
- Initiated preventive maintenance on equipment as deemed necessary and exercised emergency generators weekly.

**Water Treatment Plants
2023-24 Raw & Finish Water
Million Gals. (MG)**



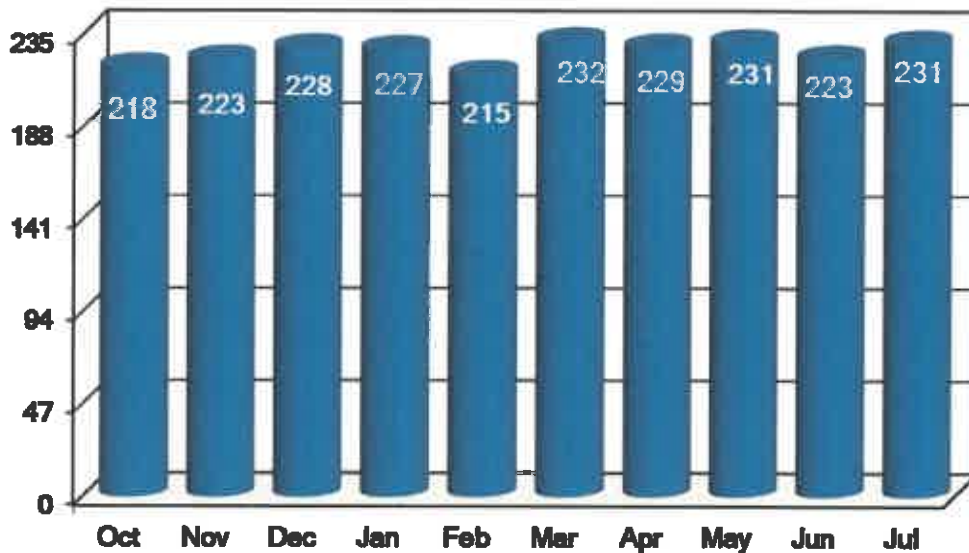
Wastewater Treatment Plant

Wastewater - Treatment Wastewater Plant staff treated 230.690 million gallons of Wastewater.

2023-24 Wastewater Million Gallons (MG)

Avg	Max	Min	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	YTD 23-24	FY 22-23
7.4	8.4	7.0	218	223	228	227	215	232	229	231	223	231	2,257	2,719

2023-24 Treated Wastewater Million Gallons (MG)



Wastewater - Wastewater Plant Status No violations this month and Plant operated at 54.51% capacity; Plant is rated at 13.5 mgd; Yearly averaged 7.359 mgd. There was 2.7 inches of rainfall this month.

Wastewater - Risk Management Program Wastewater Plant followed the suggested CDC Guidelines for COVID-19, as well as, all employees received Proper Protection Equipment when needed. Disinfectant spray was used to clean common areas. Facilities Department checked all filters for buildings with climate control systems and also checked safety equipment for fire hazard preparation.

Wastewater - Staff Developments Carlos Jasso and Wilson Santana are new employees in training that are working towards their Wastewater license. Ramiro Ortiz, WWTP Chief Operator, is responsible for the process control of the Plant, all processing samples, and TCEQ compliances, a critical role for all Treatment Plant operations.

Wastewater - Facility Activities The Supervisory Staff continues to support the team with training goals and best practices towards maintaining the Plant in compliance with TCEQ regulatory inspections. The Plant has finalized the UV Disinfection and Main Lift Station Rehabs Project. Other rehabilitation projects are on their way and are pending approvals. These projects will allow the Plant to continue to provide effective sewage treatment.

Wastewater - General Maintenance Staff maintained grass trimmed, initiated preventive maintenance on equipment as deemed necessary; and (automatically) exercised two emergency generators once a week. In-house repairs were completed as follows.

1. Odor control systems were monitored and adjusted to reduce malodorous emissions.
2. Operators continued routine cleaning of Clarifiers side walls to remove algae buildup.
3. Pumps at our Main Lift Station were exercised for better flow to our Screening System at head works.
4. Operators cleaned "Tea Cup" Grit System at head works on a weekly basis.
5. Maintenance Crew worked on Lift Station pumps and pumps were exercised at the Main Lift Station.
6. Maintenance Operators worked on Aerator oil leaks for repairs and adjustments.

7. Operators worked on maintaining a proper level at the Pretreatment Pond.
8. Maintenance greased bearings on schedule.
9. Clarifiers were cleaned as needed and grounds keeping done by all Operators.

Wastewater - Contract Work

City's Contracted out electricians worked on the following.

1. J&E worked on bar screen control panels and Aerator 7 control panel.
2. Hill-Tex work done at the Plant was as follows.
 - Worked on Aerator 7 and on Aerator 1 at the Pretreatment Pond.
 - Worked on the Air Conditioner unit at the Wedeco UV control room.
 - Worked on the Auger screw for bar screen number 2.
 - Worked on the Old side Main Generator 1.

Wastewater - Other Contract Work

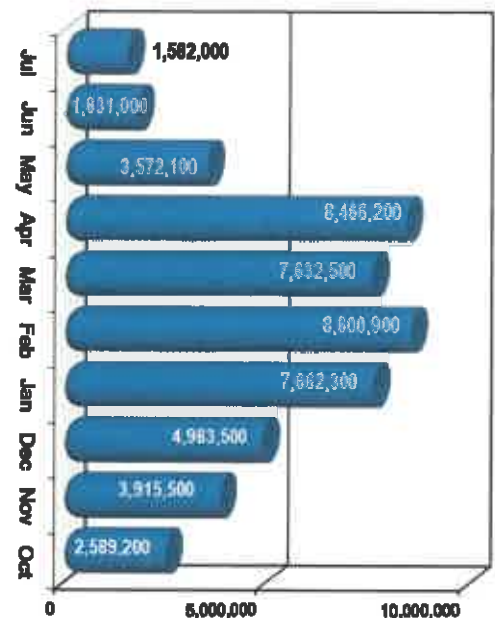
1. CB3 continued to provide the Plant with sludge and grit removal services.
2. Cintas continued to provide uniform services and entrance door mat replacements on a weekly basis.
3. Polydine continued to supply us with polymer totes for aiding in sludge de-watering at Belt Press System.
4. Facilities Department worked on the Administration building air filter exchanges and on roof extractors and on ceiling tile change out.

Wastewater - Lab Status All supplies and equipment are meeting TCEQ standards and analysis are concurrent with Standard Methods. ERA annual testing started in June. All supplies have been received. Plant Supervisor continued using the EPA Discharge Monitoring Report federal reporting system to comply with TCEQ regulations; Plant is following all TCEQ rules and regulations, cleaning up water and its reintroduction back to the environment.

Wastewater - Special Projects Capital Improvement Projects include an upgrade on the UV Systems, covers for UV protection and other needed projects. Also, Digester System upgrades are being discussed for future improvements, as well as, redundancy for our Dewatering Sludge System (Belt Press). Clarifier Covers for the Algae Removal Project is initializing whereby algae buildup will be removed at the clarifier walls and weirs will aid the treatment process and will gain a significant increase in disinfection. Equipment downstream of the clarifier will be cleaner and decrease wear and tear of UV light bulbs, eliminate man hours and reduce risk of injury.

Pre-Treatment Four surface aerators and motors are operational. Clarifier at Pretreatment was cleaned up of debris on the surface. All industrial flows to the Plant continued to be accounted for by meter totalizers and truck tickets. The Lone Star Citrus Company transported 11 truckloads of 55,000 gallons of citrus wastewater to the Pretreatment System. Pretreatment flow of waste from Rio Grande Juice Company and MPI (Metal Plating Industry) totaled 1,582,000 million gallons. Total sludge hauled was 26 cubic yards equivalent to 364 roll off containers.

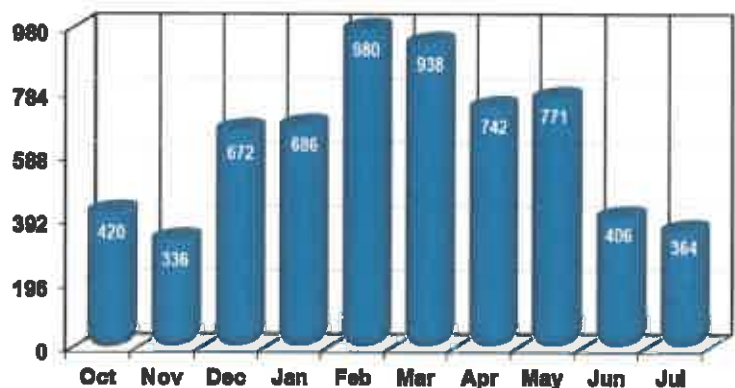
Pretreatment Flow (MG)



2023-24 Sludge Removal

Month	Roll Offs	Cu/Yds
Oct	30	420
Nov	24	336
Dec	48	672
Jan	49	686
Feb	70	980
Mar	67	938
Apr	53	742
May	56	771
Jun	29	406
Jul	26	364
YTD 23-24	452	6,315
FY 22-23	511	10,220

2023-24 Sludge Removal - Cubic Yards



Street Division - Benchmark Summary

Our Street Crews patched approximately 721 potholes; placed a total of 15 signs, 12 poles (cemented); inspected and repaired 93 traffic lights and street lamps; 1,094 street miles was swept; removed 226 tires; street crews cleared right-of-way tree limb obstructions throughout the City. There were 239 customers and a monetary Collection of Debris totaling \$ 6,816.

Street Improvement & Construction Projects

Project Name	Linear Feet	Construction % Completion	Current Status	Project Cost	Contractor
No projects for July.	-	-	-	-	Street Department

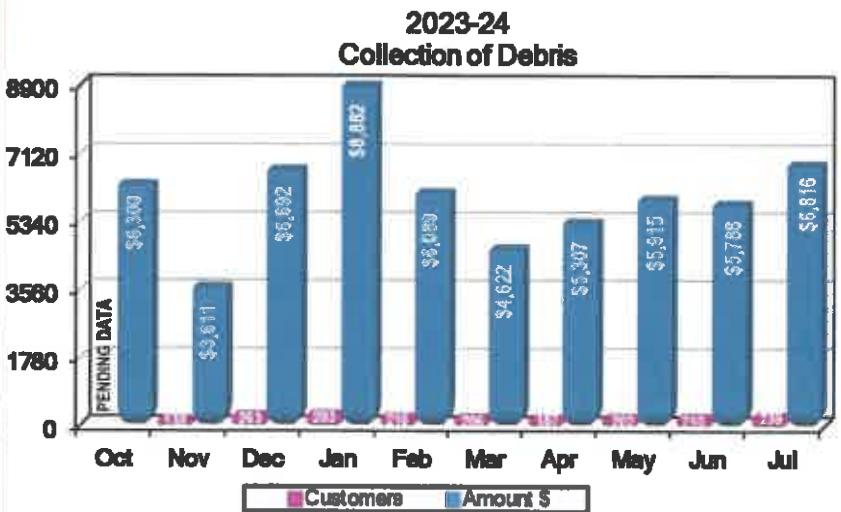
Storm Drainage Improvement Projects

Project Name	Linear Feet	Construction Completion	Current Status	Construction Cost Estimate	Contractor
Glasscock Storm Drainage Improvements	11,865	100%	100%	\$ 3,712,513	Mor-Will Const. LLC

Collection of Debris There were 239 customers with a collection of debris totaling \$ 6,816.

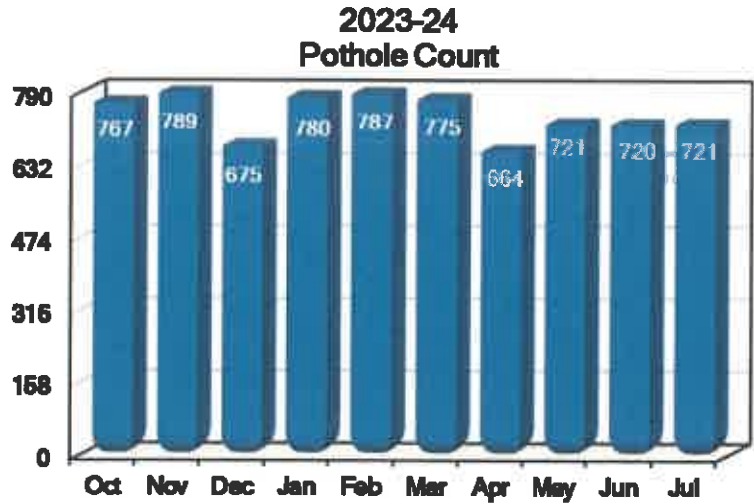
Collection of Debris

Month	Customers	Amount \$
Oct	pending	\$ 6,300
Nov	138	\$ 3,611
Dec	263	\$ 6,692
Jan	293	\$ 8,882
Feb	216	\$ 6,089
Mar	206	\$ 4,622
Apr	187	\$ 5,307
May	202	\$ 5,915
Jun	210	\$ 5,788
Jul	239	\$ 6,816
23-24	1,954	\$ 60,022
22-23	2,592	\$ 69,562



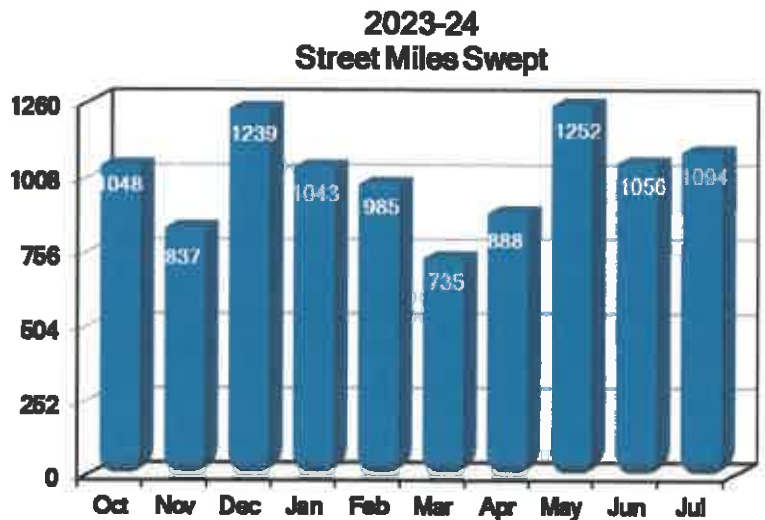
City Pothole Maintenance Street Crews filled a total of 721 potholes.

Month	22-23	23-24
Oct	621	767
Nov	675	789
Dec	762	675
Jan	985	780
Feb	715	787
Mar	650	775
Apr	675	664
May	740	721
Jun	676	720
Jul	675	721
Totals	7,174	7,399



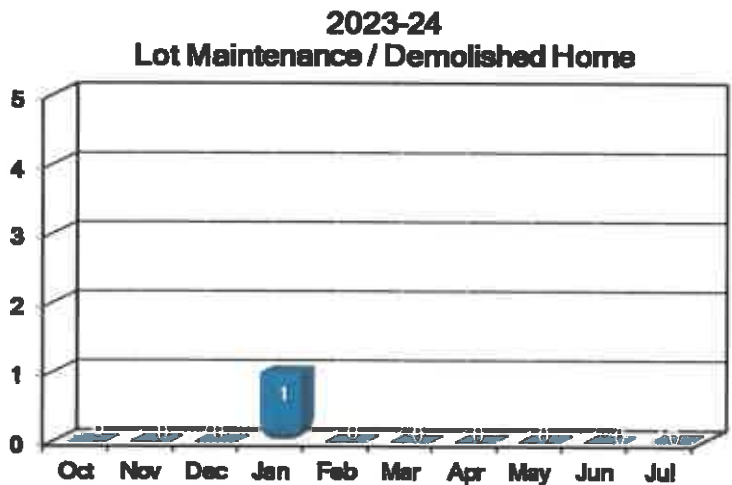
City Street Miles Swept Mr. Torres, Mr. Gutierrez, Mr. Medina, Sweeper Operators, cleaned 1,094 miles.

Month	22-23	23-24
Oct	199	1,048
Nov	478	837
Dec	612	1,239
Jan	964	1,043
Feb	2,042	985
Mar	1,555	735
Apr	405	888
May	1,515	1,252
Jun	509	1,056
Jul	664	1,094
Totals	8,943	10,177



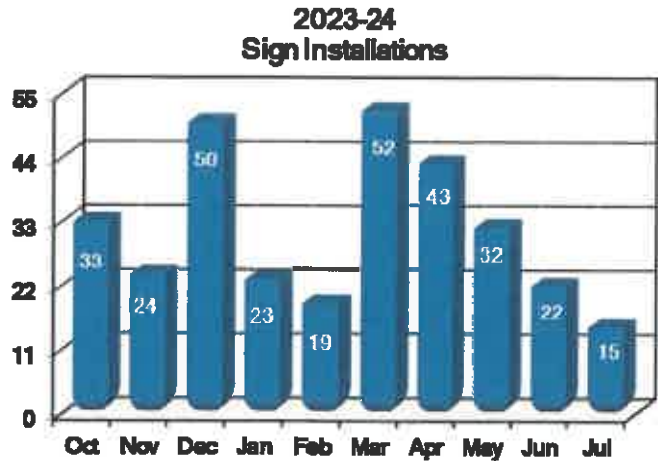
Lot Maintenance / Demolished Home There were no lot maintenance or properties demolished.

Month	22-23	23-24
Oct	0	0
Nov	2	0
Dec	0	0
Jan	0	1
Feb	0	0
Mar	0	0
Apr	0	0
May	0	0
Jun	0	0
Jul	0	0
Totals	2	1



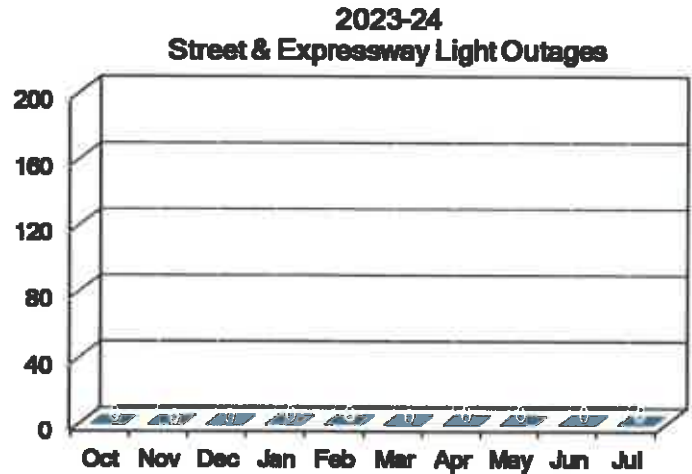
Sign Shop Output Measures Crews installed 15 signs (4 stop signs) and 12 cemented poles.

Month	22-23	23-24	Posts
Oct	67	33	33
Nov	32	24	24
Dec	71	50	50
Jan	68	23	18
Feb	64	19	24
Mar	61	52	39
Apr	30	43	45
May	57	32	28
Jun	32	22	22
Jul	38	15	12
Totals	520	313	295



Street Light Maintenance There were no Street Light inspections this month.

Month	22-23	23-24
Oct	169	0
Nov	0	0
Dec	0	0
Jan	106	0
Feb	0	0
Mar	0	0
Apr	0	0
May	0	0
Jun	0	0
Jul	0	0
Totals	275	0



Traffic Signal Maintenance Pending are four (4) timers for schools; need order replacements.

Month	School Zone			Traffic Signals Light Changes							
	Light Bulb Replacement	Re-set Controller	School Maint	Green	Red	Amber	Walk / Don't Walk	Trouble shoot Controller	Reg Maint	Misc	Total
Oct	2	0	8	1	1	0	0	4	30	38	84
Nov	0	0	26	1	1	0	0	2	26	34	90
Dec	4	1	4	2	2	4	8	6	38	44	113
Jan	2	4	10	0	2	2	4	5	26	28	83
Feb	0	2	15	2	1	1	2	6	35	45	109
Mar	3	3	6	1	2	1	6	7	46	71	146
Apr	0	0	10	1	0	1	1	0	42	41	96
May	0	0	7	1	0	1	1	9	25	34	78
Jun	0	0	0	1	2	0	2	3	51	41	100
Jul	6	26	26	2	1	2	5	7	5	13	93
23-24	17	36	112	12	12	12	29	49	324	389	992
22-23	9	34	119	23	38	27	40	71	242	376	979

Storm Drainage Street Crews cleared debris from storm drains and ditches throughout the City.

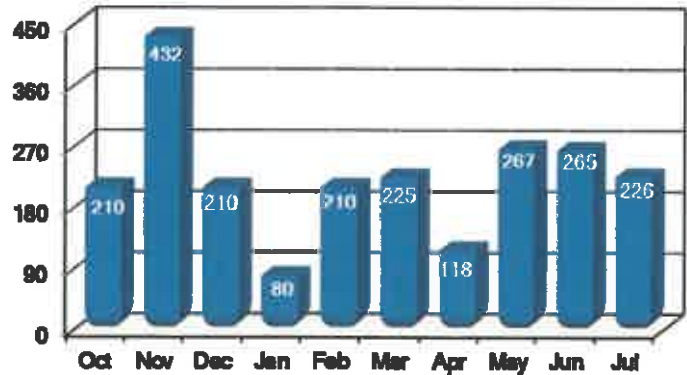
City Crew Collect Debris Our Alley Crew cleaned alleyways and averaged 5 trailer loads daily and mowed an average of 2 miles of alleyway.

Tire Removal Our Streets Crew removed 226 tires from the City this month.

Tire Collection

Month	22-23	23-24
Oct	1,200	210
Nov	675	432
Dec	365	210
Jan	350	80
Feb	310	210
Mar	280	225
Apr	120	118
May	200	267
Jun	180	265
Jul	220	226
Totals	3,900	2,243

**2023-24
Tire Removal**



2023-24 Fleet Maintenance & Cost Summary

Charge Code	Work Orders	Preventive Maintenance	Cost \$
Oil Changes / PM	62	62	\$ 20,500
Repairs	14	0	\$ 8,000
Totals	76	62	\$ 28,500
YTD 23-24	877	603	\$ 442,000
FY 22-23	895	715	\$ 514,600

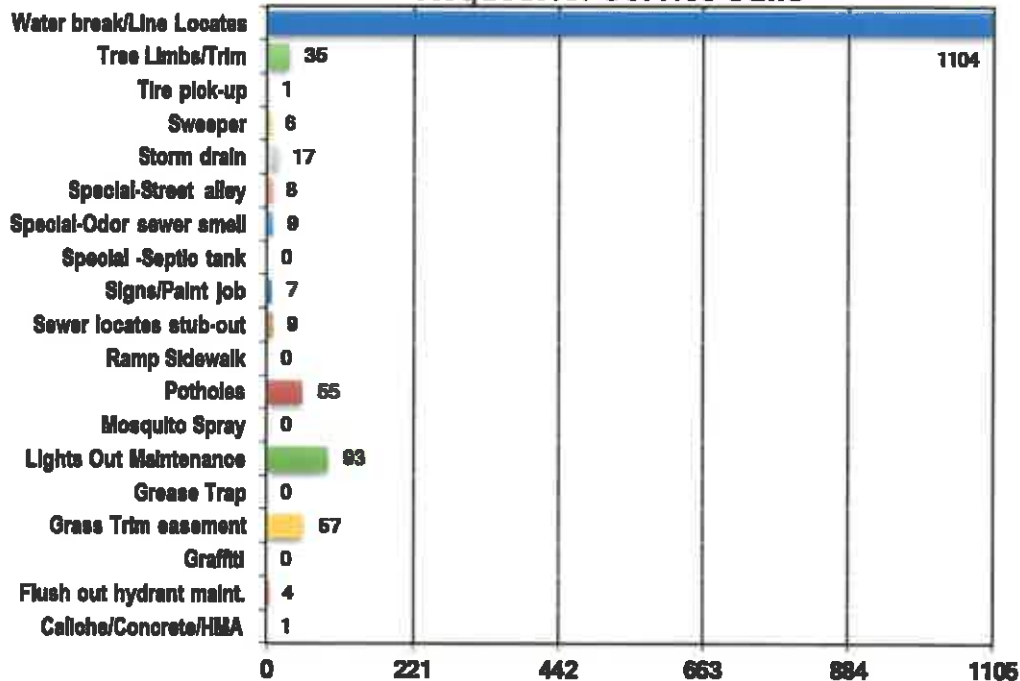
2023-24 Fleet Work Order Benchmark



Administration Request for Service Calls

Service Type	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	YTD 23-24	FY 22-23
Caliche/Concrete/HMA	2	0	0	0	0	4	0	1	0	1	8	10
Flush Hydrant Maint.	81	64	31	17	46	65	48	112	18	4	486	357
Graffiti	0	0	0	0	0	0	0	0	0	0	0	0
Grass Trim easement	1	1	0	0	2	5	4	3	21	57	94	161
Grease Trap	0	0	0	0	0	0	0	0	0	0	0	0
Lights Out Maintenance	84	90	113	83	109	146	96	78	100	93	992	1,254
Mosquito spray	0	0	0	0	0	0	0	0	0	0	0	0
Potholes	45	82	61	36	33	54	55	30	25	55	476	810
Ramp Sidewalk	1	0	2	0	2	0	0	3	0	0	8	6
Sewer locates stub-out	0	0	0	0	0	0	0	0	0	9	9	0
Signs/Paint job	6	4	6	1	1	6	1	2	2	7	36	79
Special -Septic tank	0	0	0	0	0	0	0	0	0	0	0	0
Special-Odor smell	27	12	17	23	20	19	10	18	12	9	167	285
Special-Street alley	6	5	5	8	5	9	5	6	3	8	60	132
Storm drain	6	4	0	2	4	8	10	9	11	17	71	102
Sweeper	21	15	10	10	13	11	3	7	5	6	101	135
Tire pick-up	0	5	3	6	0	6	24	1	0	1	46	69
Tree Limbs/Trim	21	10	16	20	7	8	14	22	15	35	168	212
Water break/Line locates	382	544	456	579	571	627	550	680	951	1104	6,444	7,840
Total	683	836	720	785	813	968	820	972	1163	1406	9,166	11,452

July 2024 Request for Service Calls

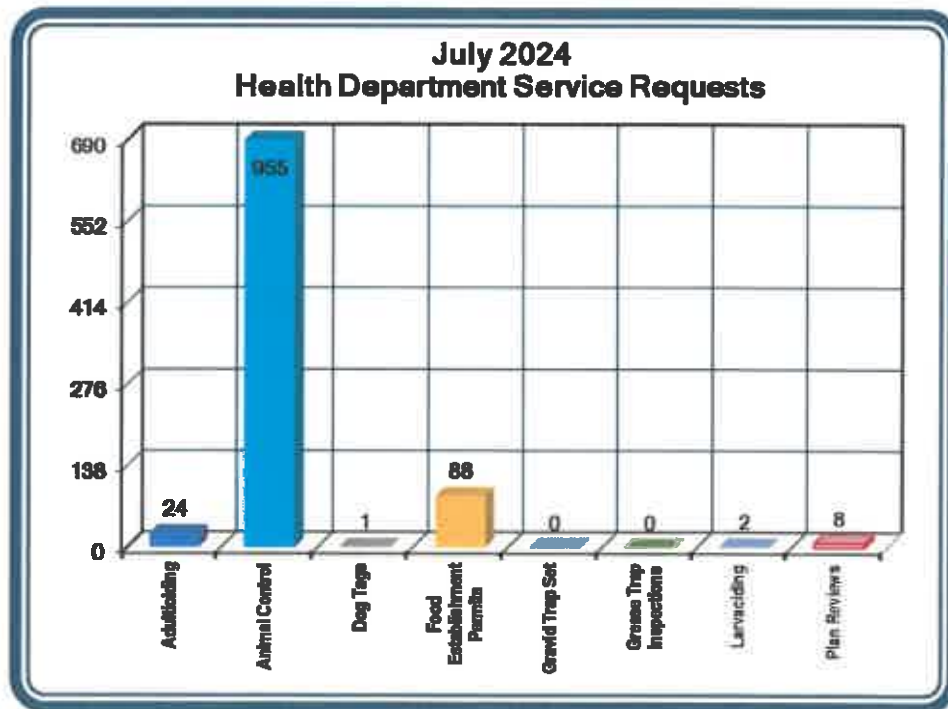


Health Department

Health Department Benchmark Summary

Following are the services provided by the Health Department for July 2024.

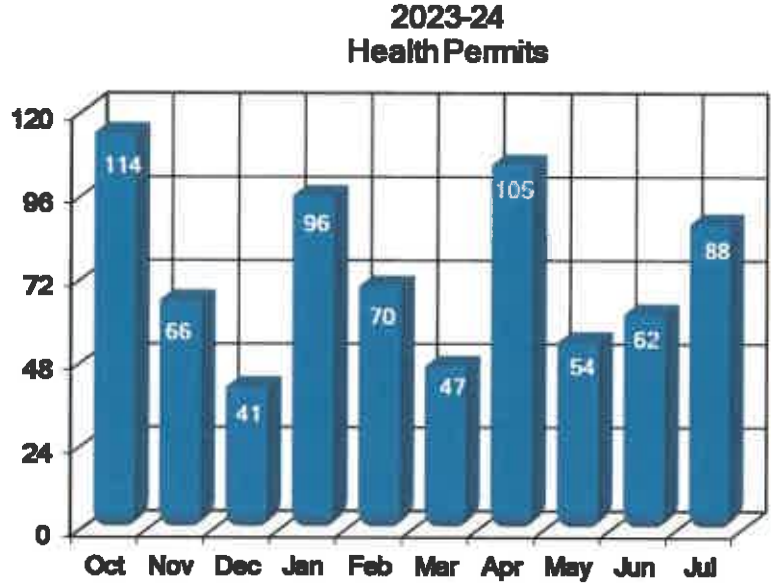
Service Type	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	YTD 23-24	FY 22-23
Adulticiding	0	0	0	0	0	37	11	0	24	24	96	5
Animal Control	756	560	600	644	675	894	974	858	689	955	7,605	6,813
Dog Tags	3	3	3	8	3	0	8	3	0	1	32	44
Food Est. Permits	114	66	41	96	70	47	105	54	62	88	743	720
Gravid Trap Set	0	0	0	0	0	0	0	0	0	0	0	0
Grease Trap Inspections	0	0	0	0	0	0	0	0	0	0	0	36
Larvaciding	0	0	2	1	0	0	0	2	3	2	10	7
Plan Reviews	8	7	4	7	7	7	11	5	7	8	71	74
Total	881	636	650	756	755	985	1109	922	785	1,074	8,557	7,699



Health Permits

A total of 88 Food Establishment permits were issued this month.

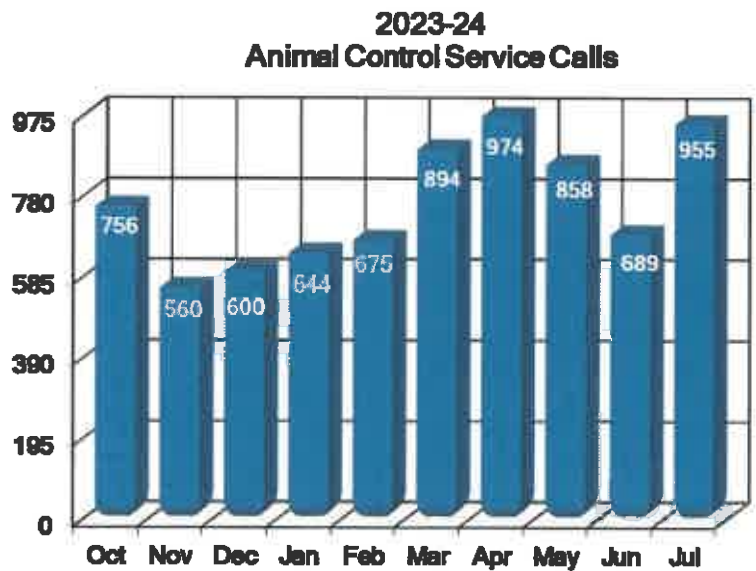
Food Establishment Permits		
Month	YTD 22-23	YTD 23-24
Oct	64	114
Nov	42	66
Dec	54	41
Jan	66	96
Feb	66	70
Mar	51	47
Apr	38	105
May	52	54
Jun	63	62
Jul	61	88
Totals	557	743



Animal Control Service Calls

Citizens called (955 calls) regarding Animal Control concerns.

Animal Control Calls		
Month	YTD 22-23	YTD 23-24
Oct	585	756
Nov	394	560
Dec	419	600
Jan	489	644
Feb	422	675
Mar	618	894
Apr	609	974
May	677	858
Jun	607	689
Jul	521	955
Totals	5,341	7,605



Health Department Animal Control

Our City's Animal Wellness Officers, Aaron and Ivan reported the following Animal Control for July. The staff from Alton and Palmview did not report again this month. There were 285 service orders completed by City staff this month.

Dogs

CITY	Stray	Bite Case	Seized	D.O.A.	Owner Surrender	Escape, Lost, Etc.	July	YTD 23-24
Mission	124	3	0	28	1	0	156	1,169
Alton	0	0	0	0	0	0	0	8
Palmview	0	0	0	0	0	0	0	15
July	124	3	0	28	1	0	156	
YTD 23-24	924	69	7	139	53	0		1,192
FY 22-23	675	48	3	195	122	5		1,048

Cats

CITY	Stray	Bite Case	Seized	D.O.A.	Owner Surrender	Escape, Lost, Etc.	July	YTD 23-24
Mission	73	0	0	40	0	0	113	881
Alton	0	0	0	0	0	0	0	3
Palmview	0	0	0	0	0	0	0	3
July	73	0	0	40	0	0	113	
YTD 23-24	687	4	3	185	8	0		887
FY 22-23	525	4	0	181	20	0		730

Wildlife

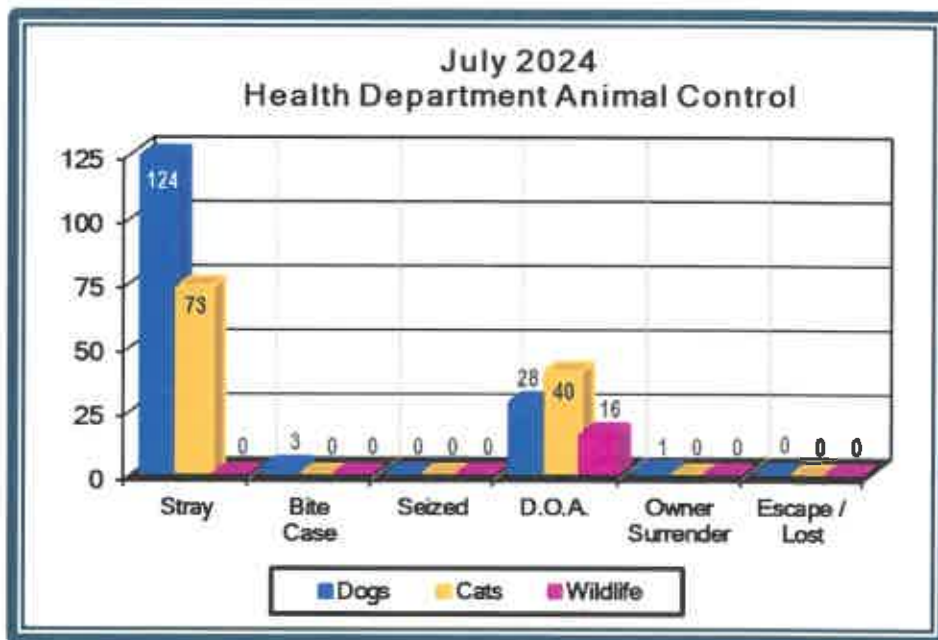
CITY	Stray	Bite Case	Seized	D.O.A.	Owner Surrender	Escape, Lost, Etc.	July	YTD 23-24
Mission	0	0	0	16	0	0	16	129
Alton	0	0	0	0	0	0	0	1
Palmview	0	0	0	0	0	0	0	3
July	0	0	0	16	0	0	16	
YTD 23-24	23	0	0	110	0	0		133
FY 22-23	51	0	0	128	3	0		182

Health Department Animal Control Summary

Below is our Health Department Animal Control Shelter summary of dogs, cats, and wildlife.

July 2024 Health Department Animal Control

Animal Type	Stray	Bite Case	Seized	D.O.A.	Owner Surrender	Escape / Lost	July	YTD 23-24
Dogs	124	3	0	28	1	0	156	1,192
Cats	73	0	0	40	0	0	113	887
Wildlife	0	0	0	16	0	0	16	133
July	197	3	0	84	1	0	285	
YTD 23-24	1,634	73	10	434	61	0		2,212
FY 22-23	1,251	52	3	504	145	5		1,960



MEMORANDUM

TO: MIKE PEREZ, CITY MANAGER
FROM: SUSANA DE LUNA, PLANNING DIRECTOR
DATE: AUGUST 2, 2024
SUBJ: MONTHLY REPORT MAY 2024

ACTIVITY REPORT FOR THE PLANNING DIVISION IS PROVIDED FOR THE PREVIOUS MONTH.

JULY 2024

REZONINGS: 6

CONDITIONAL USE PERMIT: 8

HOMESTEAD APPROVALS: 0

SUBDIVISIONS: 2

SINGLE LOT VARIANCES: 0

VARIANCES (ZBA): 15

SITE PLAN APPROVALS: 6

OTHER P&Z REQUESTS: 0



**CODE ENFORCEMENT
MONTHLY REPORT
JULY 2024**

COMPLAINTS RECEIVED	302
WEEDY LOT LETTERS	306
PROPERTIES SENT TO MOWER'S LIST	101
PROPERTIES MOWED	44
SIGNS	66
JUNKED VEHICLES/ BOATS	0
CONSTRUCTION W/OUT PERMIT/SETBACKS	2
HEALTH & SANITATION/STAGNANT WATER	9
HOME OCCUPATION	0
SIGHT OBSTRUCTION/SIDEWALKS/RIGHT OF WAY/DRIVEWAYS	0
UNSAFE/UNSECURED BUILDING	0
DOUBLE OCCUPANCY/HOOKED RV	1
ILLEGAL DUMPING	0
NON RESIDENTIAL PARKING/SEMI-TRUCKS	0
NO BUSINESS LICENSE/CUP REQ'D/NO GARAGE SALE PERMITS	6
STORAGE OF VEHICLES/BOATS/TRAILERS	0
DEMOLITION FOR UNSAFE BUILDINGS	0
PARKING LOT MAINTENANCE/POTHoles/LIGHTING/LANDSCAPING	5
IPMC VIOLATIONS	1
P&Z ZONING VIOLATIONS/SUBDIVISION	0
PARKING ON LAWN	1
CASES FILED IN COURT/PENDING APPROVAL WITH ATTORNEY	17
CASES SEEN IN COURT	102
CASES CLOSED	46
CALL-IN'S	202
WALK-IN'S	9
311-COMPLAINTS	64
INTERNAL COMPLAINTS/E-MAILS	27

Building Permit and Inspections Activity Report for The Month of July 2024

Total # of Building Permits	Building Permit Value	Building Permit Fee	Types of Building Permits
41	\$7,911,895.00	\$14,746.20	New Dwelling
4	\$9,923,000.00	\$46,367.60	Commercial
1	\$13,333,000.00	\$0.00	Assembly
1	\$0.00	\$105.00	Apartments
1	\$5,000.00	\$105.00	Warehouse
6	\$171,001.00	\$676.80	Move Out Houses/Move Within
8	\$254,700.00	\$2,440.00	Move In Houses
6	\$29,200.02	\$112.00	Move In Mobile Homes
5	\$27,500.00	\$300.00	Schools
13	\$55,685.00	\$105.00	Swimming Pools
			Sheds
			Signs
			Fence
			Tower
			Gas Tanks Pumps
			Demolition
			Water Well/Recreation Const.
86	\$31,710,981.02	\$64,957.60	Totals

Additions / Remodeling			
27	\$779,981.17	\$4,249.50	Residential Buildings
16	\$2,270,495.00	\$17,432.00	Commercial Buildings
			Apartment Buildings
			Assembly Buildings
			School Buildings
			Awnings/Decks
19	\$87,281.00	\$1,929.20	Carports/Concrete
16	\$128,887.02	\$977.25	Porches/Driveways/Sidewalks
1	\$30,000.00	\$140.00	Garages/Canopies
			Hobby Shops
79	\$3,296,644.19	\$24,727.95	Totals

Total Building Permits	165
Total Building Valuation	\$35,007,625.21
Total Building Permit Fees	\$89,685.55

Prepared By: RACHEL ALVAREZ
Date: 8/1/2024

Page 2
 Monthly Report for July 2024

I. Permits Issued

A. Building

Number	165
Value	<u>\$35,007,625.21</u>
Permit Fees	<u>\$89,685.55</u>

B. Electrical, T-Pole, & T-Clear

Number	157
Permit Fees	<u>\$17,809.00</u>

C. Mechanical

Number	48
Value	<u>\$528,855.00</u>
Permit Fees	<u>\$4,831.00</u>

D. Plumbing, Gas & Sprinkler System

Number	96
Permit Fees	<u>\$9,729.50</u>

TOTALS

Total Permits Issued	466
Total Valuation	<u>\$35,536,480.21</u>
Total Permit Fees	<u>\$122,055.05</u>

II. Number of Inspections Conducted

617

III. Other Fees

A. Business License Application	
Number	33
Permit Fees	<u>\$1,551.00</u>
B. Garage Sale Permits	
Number	451
Permit Fees	<u>\$4,695.00</u>
C. Health Cards	
Number	0
Permit Fees	<u>\$0.00</u>
D. Bullder Registration	
Number	28
Permit Fees	<u>\$2,675.00</u>
E. Electrician Registration	
Number	0
Permit Fees	<u>\$0.00</u>
F. Plumbing Registration	
Number	0
Permit Fees	<u>\$0.00</u>
G. Mechanical Registration	
Number	0
Permit Fees	<u>\$0.00</u>
H. House Inspections	
Number	4
Permit Fees	<u>\$400.00</u>
I. Planning & Zoning Applications	
Number	30
Permit Fees	<u>\$7,150.00</u>

SPEER MEMORIAL LIBRARY

Item 6.

DOOR COUNT



24,224

JULY
2024



6,211
BOOKS CHECKED OUT



118

ADULT PROGRAM AUDIENCE



VOLUNTEER HOURS WORKED

553

TEENS PROGRAM AUDIENCE



240



931

GENERAL AUDIENCE

1,706



CHILDREN PROGRAM AUDIENCE

USE OUR
ONLINE RESOURCES



WWW.MISSION.LIB.TX.US



Item 6.



Speer Memorial Library
 Thank you to everyone who joined us for today, for Arts & Crafts! Today our campers made Dr. Seuss bookmarks with leaves and flowers. 🌿🌸 Join us for more activities in our Children's Department and please view our calendar for more information!



Speer Memorial Library
 Thank you to everyone who attended our Cooling with Kids and a special thank you to the Food Bank for sponsoring our events. Today our table campers made watermelon slice race cars! 🍉🚗 We hope everyone had a blast and hope to see you at our other events!



Speer Memorial Library
 A special thank you to Kona Summer for coming in today and smiling! We hope everyone had fun making kindness cards and very grateful to turn in book reports by the Friday the 13th!



Item 6.

Speer Memorial Library
 Welcome to **Library Basic Wellness & World Reading Center** for engaging in our library with the **lanarade!**



Speer Memorial Library
 Sending a huge thank you to **THE Xavier Garza** for visiting our Teen Department for stories and horror stories he wrote and published! We hope everyone enjoyed his spooky tales!



Speer Memorial Library
 Today was a beautiful experience for all our readers! They get to make a kite and we all go outside to try and fly them. Even though the wind was against us, they still had an amazing time! Don't forget we have **Read Time** every Wednesday at 10 AM!



Speer Memorial Library
 A huge thank you to **Boji and Gino** of **Shenanigans** for collaborating with us this summer! And a huge thank you to all teens who participated in yesterday's craft inspired by the summer reading program theme: **Adventure Begins at Your Library!** These past two months have been full of fun, laughter, and more!



Speer Memorial Library
 Last Wednesday we continued **Blue Lock** while reapplying Pokemon cards in our **Teen Adventure Club!**



Speer Memorial Library
 We hope our teens had fun playing **Red Light Green Light**, **A Silent Library** and more during **lanarade's Motorcade Comedy Battle Royale!**



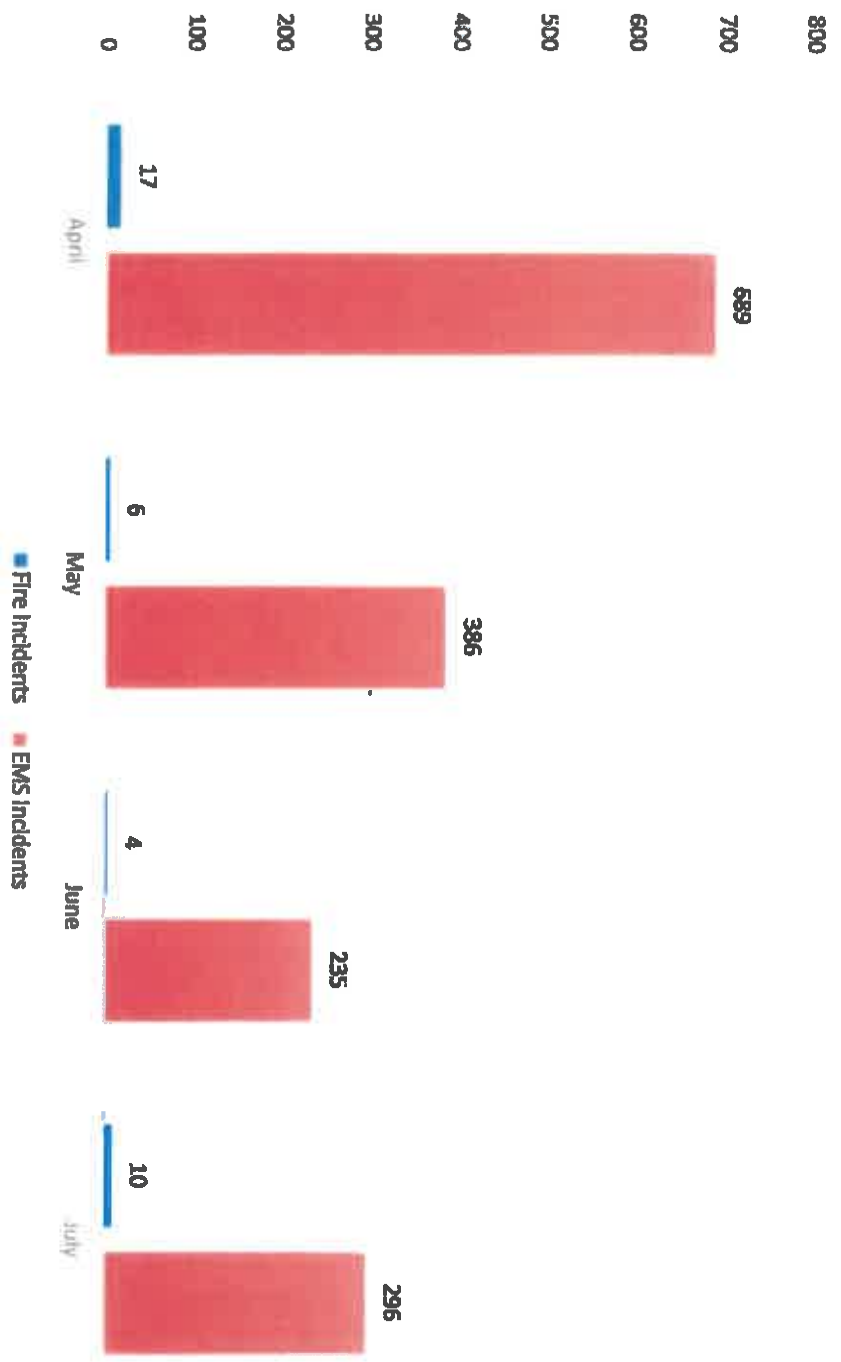
MISSION FIRE DEPARTMENT MONTHLY REPORT

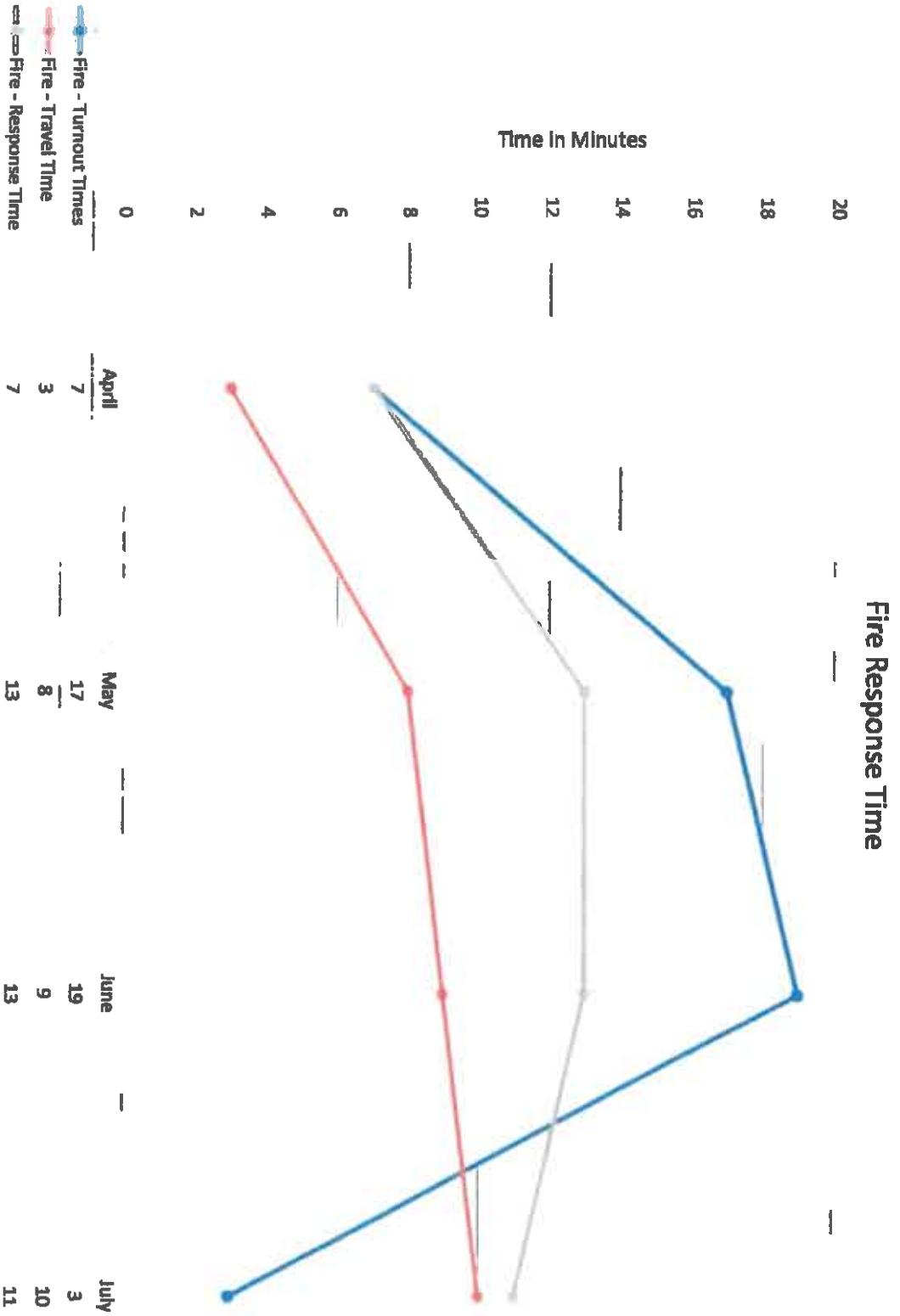
July 2024



“Dedicated to the Community we Protect... and Serve”

Incidents from April until July 2024





Fire Index - Incident Type Breakdown

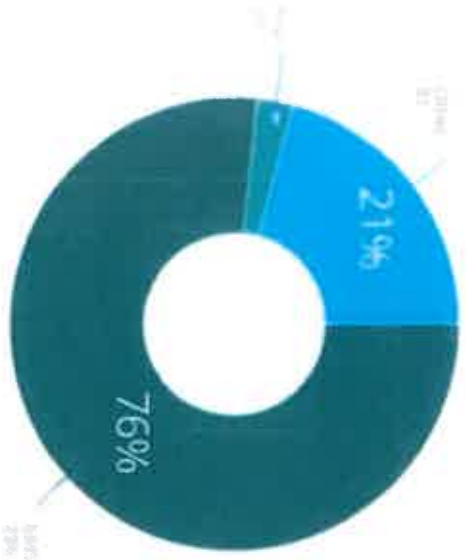
Count of Total Incidents & Exposures

This measure comes from the ESO Fire Index. See national performance at <https://www.eso.com/resources/fire-index/>

Count of Incidents
387

Count of Exposures **387**

EMS/Fire Incident Breakdown

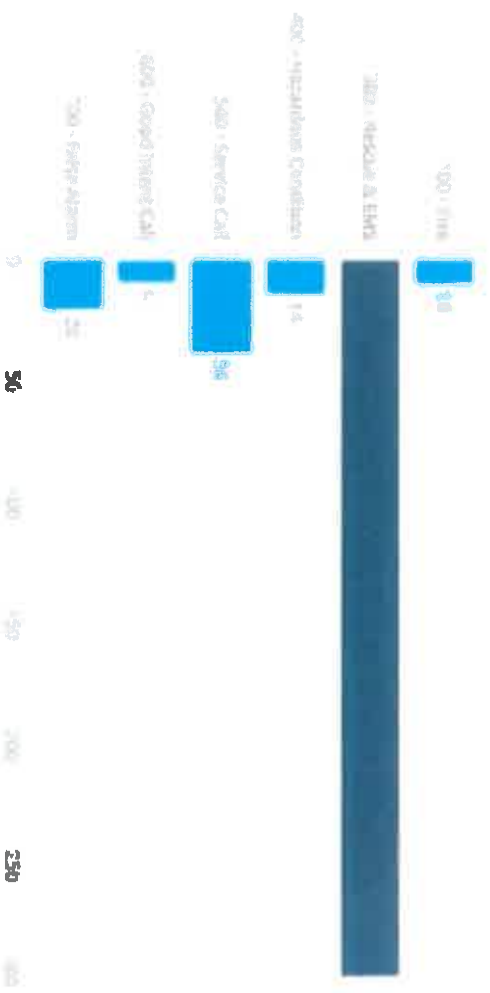


Aid Given/Received:

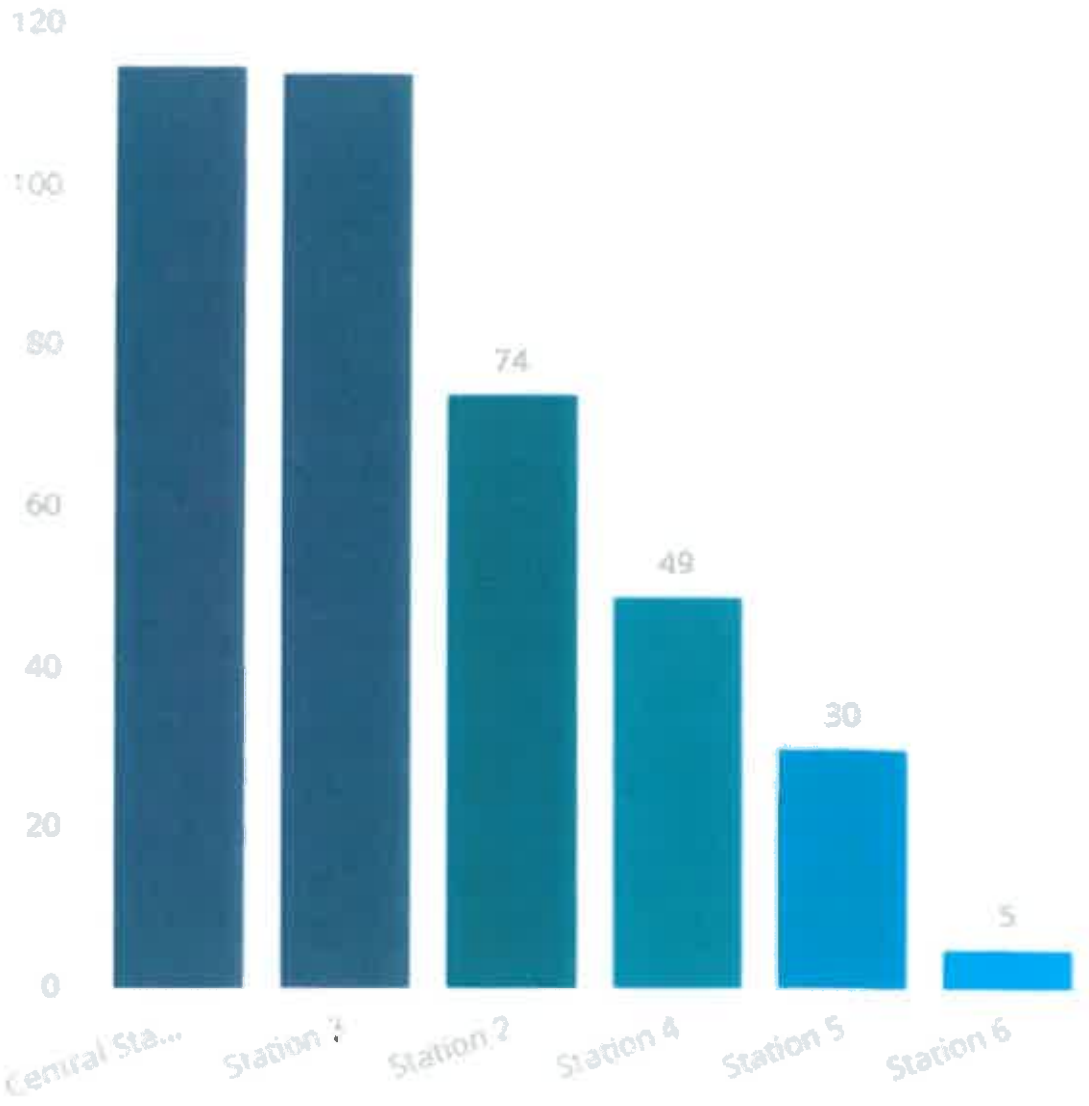
Aid Given
1

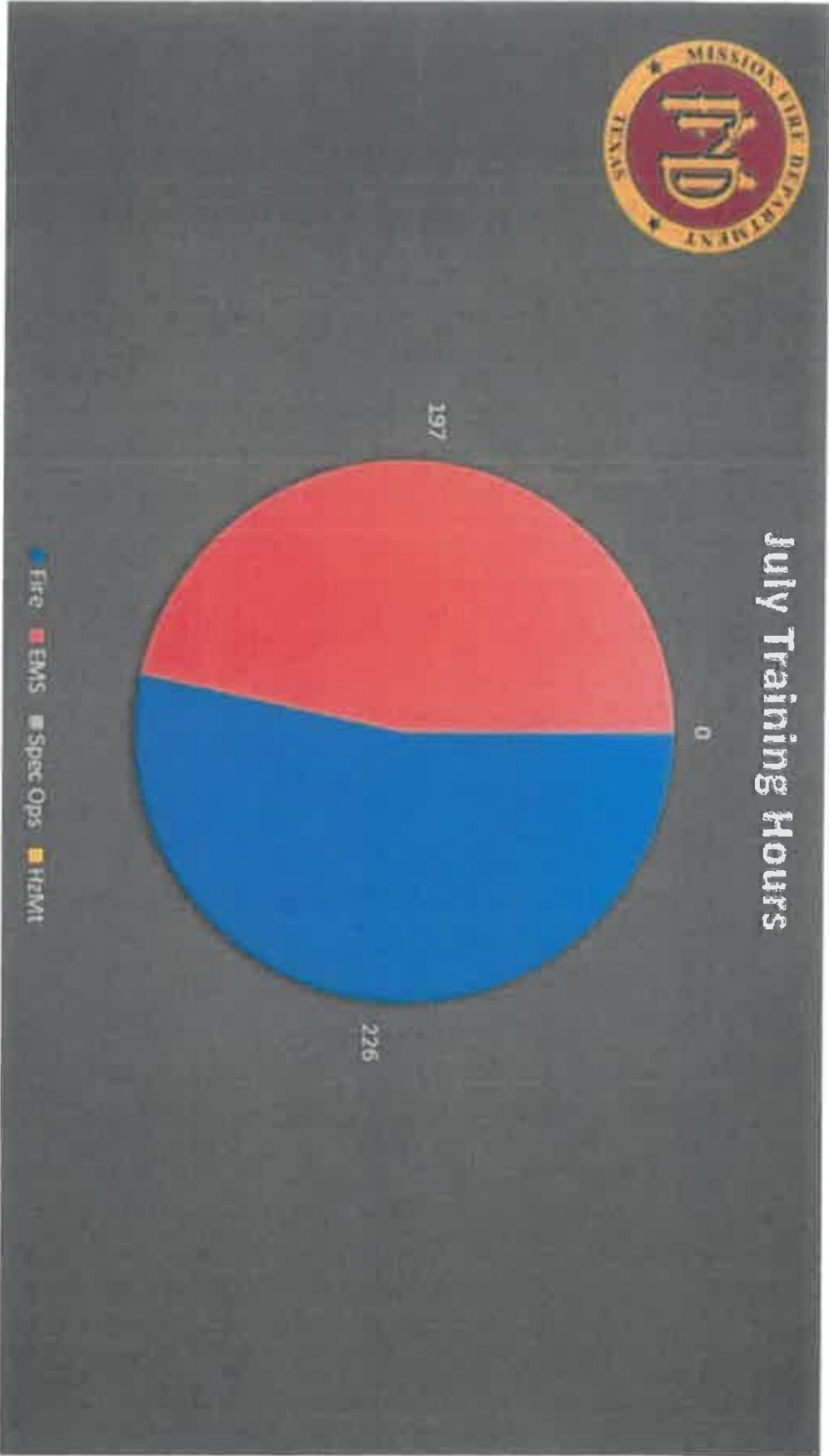
Aid Received **306**

Count of Incidents by Incident Type



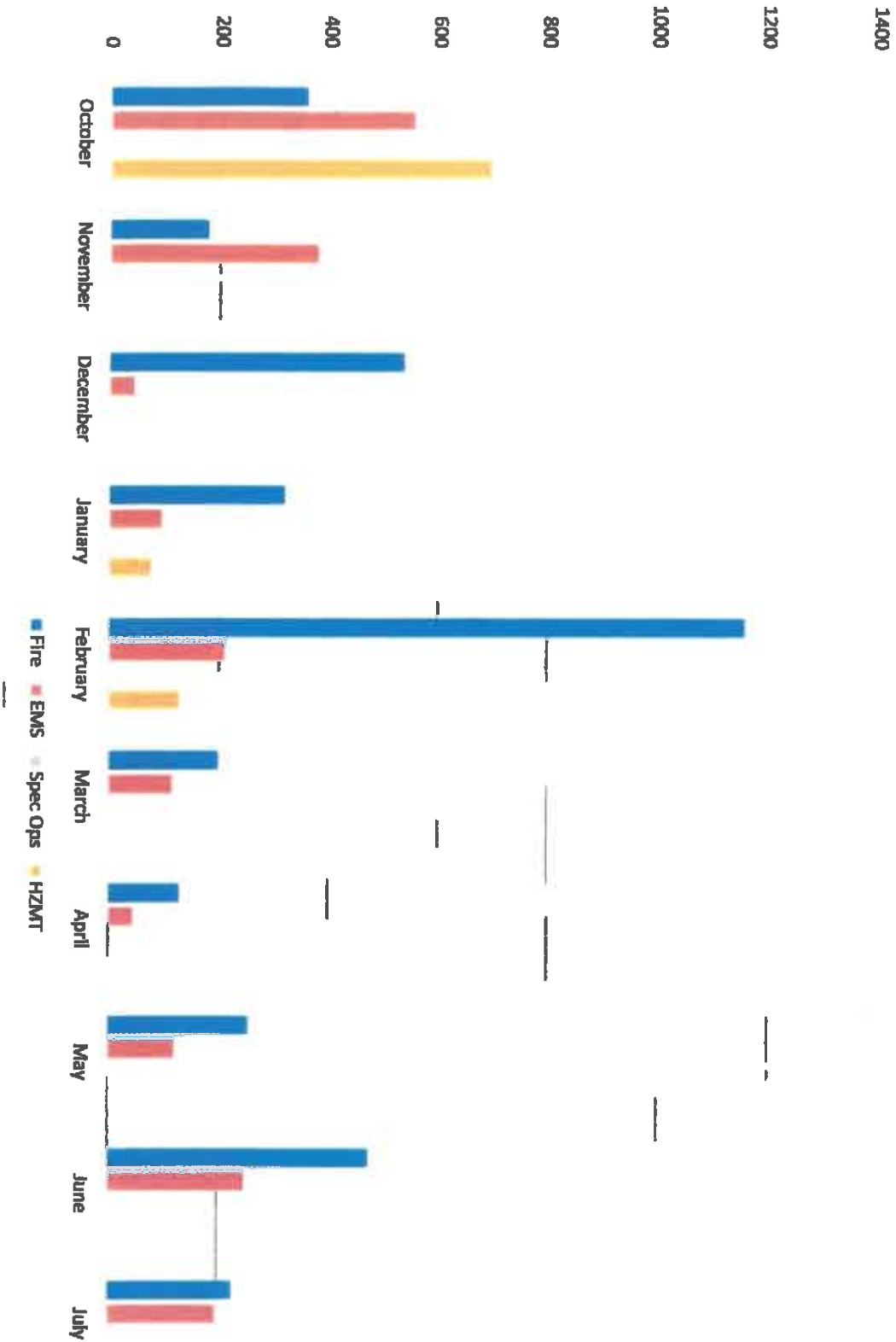
Incident Count by Station







Training Hours Total Year-to-Date 2023-2024



MISSION FIRE DEPARTMENT

Emergency Ambulance Response Report

July 2024



Dedicated to the Community we Protect... and Serve”

Previous Month v Jul 1, 2024 - Jul 31, 2024 v

Counts	% Rows		% Columns		v All		Total
	7/7/24	7/14/24	7/21/24	7/28/24	8/4/24	8/11/24	
Abdominal Pain	1.44%	1.62%	2.7%	1.44%	0.36%		7.57%
Acute Pain, not elsewhere classified	0.18%	0.18%	0.36%	0.36%			1.08%
Acute Respiratory Distress (Dyspnea)	1.62%	0.72%	1.44%	0.9%	0.54%		5.23%
Alcohol use	0.36%		0.36%				0.72%
Allergic Reaction				0.18%			0.18%
Altered Mental Status	0.54%	0.36%	0.18%	1.44%	0.36%		2.88%
Anxiety reaction/Emot... upset	1.44%	1.08%	0.54%	0.36%	0.36%		3.78%
Asthma	0.18%						0.18%
Back Pain	1.98%	0.54%	0.72%	0.9%	0.9%		5.05%
Bedridden	0.18%						0.18%
Cardiac arrest	0.54%	0.18%	0.18%	0.54%			1.44%
Cardiac arrhythmia/dy..	0.18%		0.36%		0.18%		0.72%
Chest Pain / Discomfort	0.36%	1.44%	1.62%	0.54%	0.36%		4.32%
Chest pain on breathing	0.18%	0.18%					0.36%
Chest Pain, Other (Non-Cardiac)	0.18%	0.18%	0.18%		0.18%		0.72%
Chronic Obstructive Pulmonary Disease (COPD)			0.18%				0.18%
Common Cold	0.18%			0.18%			0.36%
Congestive heart failure (CHF)		0.18%					0.18%
Constipation	0.18%						0.18%
Convulsions	0.18%						0.18%
Dehydration		0.18%					0.18%
Diabetic Hyperglycemia	0.36%		0.18%				0.54%
Diabetic Hypoglycemia	0.36%	0.36%	0.36%		0.18%		1.26%
Dizziness	0.18%	0.72%		0.36%	0.36%		1.62%
Extremity Pain	1.26%	0.72%	1.26%	2.16%	0.54%		3.96%

Week Ending	7/7/24	7/14/24	7/21/24	7/28/24	8/4/24	8/11/24	8/18/24	8/25/24	9/1/24	9/8/24	9/15/24	9/22/24	9/29/24	Total
Eye Injury		0.18%												0.18%
Failure to Thrive (Adult)				0.18%										0.18%
Fatigue		0.18%	0.18%											0.36%
Fever	0.9%		0.36%	0.36%										1.62%
Gastrointestin. hemorrhage			0.18%											0.18%
Generalized Weakness	2.88%	3.6%	2.16%	2.7%	1.08%									12.43%
Headache	0.36%		0.36%	0.18%	0.54%									1.44%
Heat Exhaustion					0.18%									0.18%
Hemorrhage		0.18%	0.18%	0.18%										0.54%
Hypertension	0.18%	0.18%	0.36%											0.72%
Hypotension		0.18%	0.36%	0.18%										0.72%
Injury	1.8%	1.62%	2.88%	1.26%	0.18%									7.75%
Laceration/Ab... (minor surface trauma)		0.54%	0.36%	0.18%										1.08%
Medical device failure	0.18%		0.18%											0.36%
Mental disorder			0.18%											0.18%
Multiple injuries	0.36%	0.18%	0.36%	0.36%										1.26%
Nausea	0.36%	0.36%	0.72%	0.54%	0.18%									2.16%
No Complaints or Injury/Illness Noted	1.8%	3.24%	2.16%	2.88%	0.54%									10.63%
Obvious Death			0.36%	0.36%										0.72%
Overdose - Unspecified	0.54%	0.18%	0.18%	0.18%										1.08%
Pain (Non-Traumatic)	0.18%	0.18%	0.36%	0.18%	0.54%									1.44%
Palpitations			0.18%											0.18%
Pelvic and Perineal Pain	0.36%	0.36%			0.18%									0.9%
Respiratory disorder		0.36%		0.36%										0.72%
Seizures with status epilepticus	0.36%		0.54%											0.9%
Sepsis/Septice..			0.18%											0.18%
ST elevation myocardial infarction (STEMI)			0.18%	0.18%										0.36%
Stroke		0.18%	0.18%	0.36%										0.72%

Week Ending:	7/7/24	7/14/24	7/21/24	7/28/24	8/4/24	8/11/24	8/18/24	8/25/24	9/1/24	9/8/24	9/15/24	9/22/24	9/29/24	Total
Substance abuse	0.18%													0.18%
Suicidal ideation			0.18%	0.18%										0.36%
Suicide attempt	0.18%													0.18%
Syncope / Fainting	0.54%	0.72%	0.36%	0.36%										1.98%
Transient Cerebral Ischemic Attack (TIA)				0.18%										0.18%
Traumatic Circulatory Arrest	0.18%													0.18%
Unconscious		0.36%		0.18%										0.54%
Urinary system disorder			0.18%	0.18%										0.36%
Vomiting	0.36%	0.54%	0.54%	0.36%										1.8%
Total	23.78%	21.98%	25.05%	21.44%	7.75%									100%

Previous Month ▾ Jul 1, 2024 - Jul 31, 2024 ▾

78%
TRANSPORTS
Percentage of Patient Encounters



19%
NON TRANSPORTS
Percentage of Patient Encounters

August

2%
OTHER DISPOSITIONS
Percentage of Patient Encounters

554
RECORDS
In Selected Time Slice



31
DAYS
In Selected Time Slice

Count % Rows % Columns % All

Week Ending	7/7/24	7/14/24	7/21/24	7/28/24	8/4/24	8/11/24	8/18/24	8/25/24	9/1/24	9/8/24	9/15/24	9/22/24	9/29/24	Total
July	133	116	144	117	39									549
August					5									5
Total	133	116	144	117	44									554

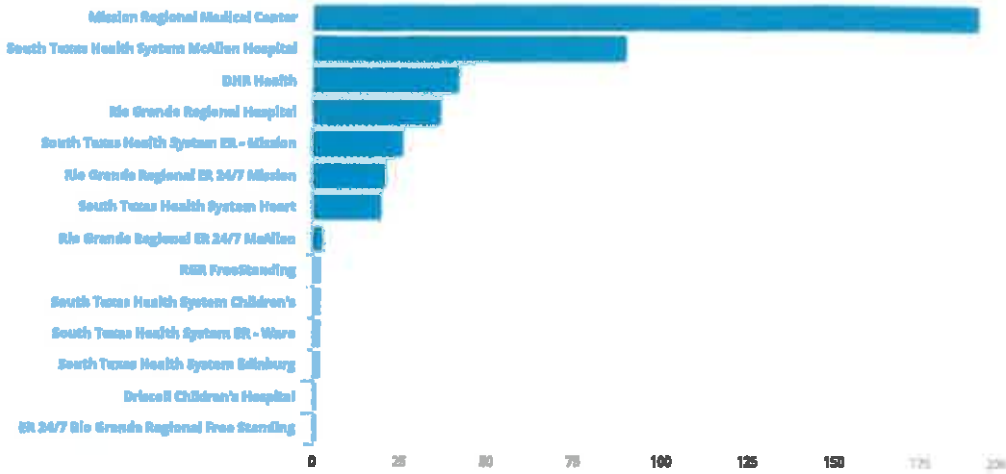
Previous Month ▾ Jul 1, 2024 - Jul 31, 2024 ▾

440

RECORDS
In Selected Time Slice

31

DAYS
In Selected Time Slice



Counts	% Rows	% Columns												
Week Ending	7/7/24	7/14/24	7/21/24	7/28/24	8/4/24	8/11/24	8/18/24	8/25/24	9/1/24	9/8/24	9/15/24	9/22/24	9/29/24	Total
DHR Health	2.95%	0.91%	2.73%	1.82%	1.14%									9.55%
Driscoll Children's Hospital			0.23%											0.23%
ER 24/7 Rio Grande Regional Free Standing	0.23%													0.23%
Mission Regional Medical Center	10.45%	8.41%	12.73%	8.86%	2.95%									49.41%
RGR FreeStanding				0.45%										0.45%
Rio Grande Regional ER 24/7 McAllen		0.45%	0.23%											0.68%
Rio Grande Regional ER 24/7 Mission	1.39%	1.14%	1.14%	0.45%	0.45%									4.77%
Rio Grande Regional Hospital	2.73%	1.82%	0.91%	2.5%	0.45%									8.41%
South Texas Health System Children's		0.23%	0.23%											0.45%
South Texas Health System ER - Mission	0.45%	1.36%	2.27%	0.91%	0.91%									5.91%
South Texas Health System ER - Ware	0.23%		0.23%											0.45%
South Texas Health System Edinburg	0.23%	0.23%												0.45%
South Texas Health System Heart	0.91%	0.91%	1.14%	0.68%	0.91%									4.55%
South Texas Health System McAllen Hospital	5%	6.14%	4.55%	3.86%	0.91%									20.45%
Total	24.77%	21.59%	26.35%	19.55%	7.73%									100%

Previous Month ▾ Jul 1, 2024 - Jul 31, 2024 ▾

07:02

MMSS
Average Response Time

63%

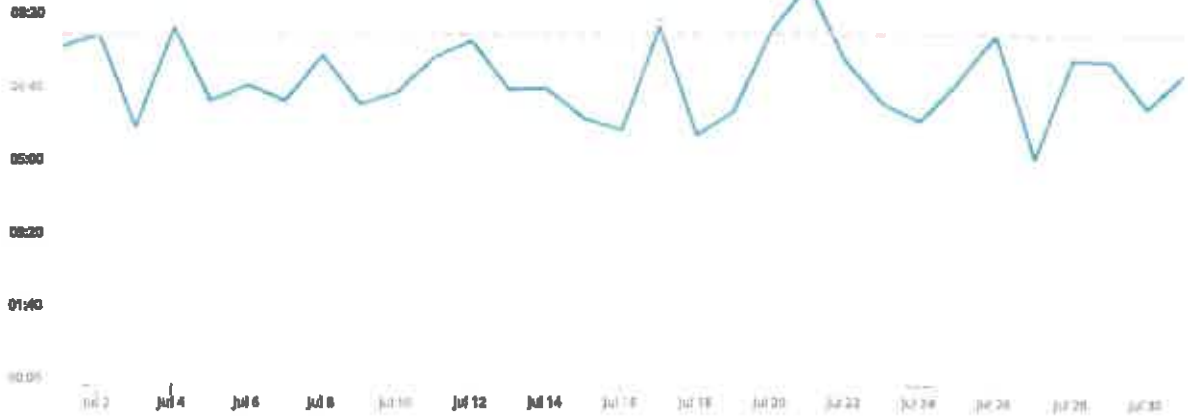
OF RESPONSES
Response Time < 02:00

31

DAYS
In Selected Time Slice

430

UNIT RESPONSES
In Selected Time Slice



Counts	% Rows		% Columns		% All									
Week Ending	7/7/24	7/14/24	7/21/24	7/28/24	8/4/24	8/11/24	8/18/24	8/25/24	9/1/24	9/8/24	9/15/24	9/22/24	9/29/24	Total
00:00 - 04:59	3.72%	3.02%	4.42%	2.79%	1.4%									15.35%
05:00 - 07:59	11.4%	10%	12.09%	10.7%	3.72%									47.91%
08:00 - 08:59	3.95%	2.93%	3.26%	1.86%	0.7%									12.09%
09:00 - 09:59	1.63%	1.63%	3.26%	1.16%	0.7%									8.37%
10:00 - 11:59	2.33%	2.56%	2.56%	2.09%	0.93%									10.47%
12:00 - 14:59	1.4%	0.47%	0.93%	0.7%	0.47%									3.55%
15:00 - 16:59	0.47%	0.47%		0.47%										1.4%
17:00 - 17:59														
18:00 - 19:59														
20:00 - 29:59			0.47%											0.47%
30:00 - 59:59														
Total	24.88%	20.47%	25.38%	19.77%	7.91%									100%
Exceptions														0.23%

Balance Report for 215 - Mission - July 2024



Undefined	
Charge Adjustments	\$146,224.00
Charges In Period	\$779,538.00
Credits	(\$615,815.09)
Total AR Change for Undefined	\$309,946.91
Mission	
AR Previous Balance for Mission	\$1,921,742.44
Charge Adjustments	\$146,224.00
Charges In Period	\$779,538.00
Credits	(\$615,815.09)
Accounts Receivable Change for Mission - 202407	\$309,946.91
Total Balance Forward for Mission	\$2,231,689.35

Executive Summary for 216 - Mission



EMERGICON
emergency medical calling

	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Grand Total
Gross Charges	\$142,800	\$85,885	\$124,960	\$105,322	\$207,260	\$381,113	\$780,712	\$830,968	\$795,756	\$925,762	\$4,380,538
Cash Collections	(\$40,404)	(\$15,034)	(\$37,981)	(\$31,480)	(\$27,963)	(\$8,704)	(\$62,028)	(\$209,331)	(\$198,912)	(\$216,930)	(\$848,766)
Gross Charge per Trip	\$1,373	\$1,363	\$1,358	\$1,549	\$1,818	\$1,798	\$1,791	\$1,776	\$1,851	\$2,017	\$1,791
Cash/Trip (CPT)	\$388	\$239	\$413	\$463	\$245	\$41	\$142	\$447	\$463	\$473	\$347
Payer Mix											
Insurance	11.5%	19.0%	19.6%	16.2%	11.4%	19.8%	19.7%	15.2%	19.3%	8.3%	15.8%
Medicaid	18.3%	14.3%	14.1%	19.1%	18.4%	6.6%	11.5%	11.8%	10.0%	6.1%	10.8%
Medicare	41.3%	52.4%	41.3%	58.8%	39.5%	49.5%	51.6%	52.6%	52.8%	34.0%	47.3%
Private Pay	19.2%	14.3%	21.7%	20.6%	29.8%	23.1%	17.9%	20.5%	14.2%	4.6%	16.4%
Govt Misc	1.0%	1.6%	0.0%	2.9%	2.6%	1.9%	0.7%	1.1%	0.9%	0.7%	1.1%
Payer Research	9.6%	0.0%	3.3%	0.0%	0.9%	0.9%	0.0%	0.0%	3.7%	47.1%	9.6%
Level of Service											
ALS Non-Emergency	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.2%	0.0%	0.0%
ALS Emergency	76.9%	71.4%	65.2%	77.9%	73.7%	75.5%	74.1%	70.5%	76.7%	73.9%	73.8%
ALS-2	0.0%	4.8%	4.3%	4.4%	3.5%	1.9%	1.1%	1.3%	0.9%	1.3%	1.6%
BLS Non-Emergency	0.0%	0.0%	0.0%	0.0%	0.0%	0.5%	0.7%	0.4%	0.0%	0.2%	0.3%
BLS Emergency	23.1%	23.8%	30.4%	17.6%	22.8%	22.2%	24.1%	27.8%	22.1%	24.6%	24.3%
SCT A0429	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Facility Base	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Level of Service Volume											
Total Service Volume	104	63	92	68	114	212	436	468	430	459	2,446
ALS Non-Emergency TXP	0	0	0	0	0	0	0	0	1	0	1
ALS Emergency TXP	80	45	60	53	84	160	323	330	330	339	1,804
ALS-2 Emergency TXP	0	3	4	3	4	4	5	6	4	6	39
BLS Non-Emergency TXP	0	0	0	0	0	1	3	2	0	1	7
BLS Emergency TXP	24	15	28	12	26	47	105	130	95	113	595
Sct A0429 TXP	0	0	0	0	0	0	0	0	0	0	0
Service Others Cnt	0	0	0	0	0	0	0	0	0	0	0
Facility Base TXP	0	0	0	0	0	0	0	0	0	0	0
Ground Mileage	506	354	408	410	668	1,165	2,697	2,809	2,581	2,613	14,211

Item 6.

Mission Event Center Revenue Ledger
 07/01/2024 - 07/31/2024
 Source: RESERVE (event management software)

Event - Name	Event Date	Room Rental Charges	Alcoholic Beverage Charges	Equipment Charges	Security Fee (old rate)	Refundable Damage Deposit	Use of Kitchen Charges	Function Total	Adjustments and Discounts	Total Payments Received	Balance Due
City of Mission 4th of July Festival	07/03/2024							\$0.00		\$0.00	\$0.00
RGV Sport Hall of Fame	07/12/2024	\$1,500.00	\$859.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,359.00	(\$4,850.00)	\$2,359.00	\$0.00
Speedy Memorial Foundations Scholar Recipients	07/14/2024	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$2,475.00)	\$0.00	\$0.00
Mission Chamber of Commerce Luncheon	07/17/2024	\$275.00		\$0.00			\$187.50	\$462.50	(\$462.50)	\$462.50	\$0.00
IOC Company Safety Meeting	07/16/2024	\$2,500.00		\$350.00		\$500.00		\$3,350.00	\$0.00	\$3,350.00	\$0.00
Mission PDD/Discoil Hospital	07/19/2024	\$0.00		\$0.00	\$0.00			\$0.00	\$0.00	\$0.00	\$0.00
Christian Conference	07/23/2024	\$2,001.33		\$0.00	\$0.00	\$0.00		\$2,001.33	(\$2,148.67)	\$2,001.33	\$0.00
MIRMC 70th Anniversary	07/25/2024	\$2,500.00	\$1,223.00	\$0.00	\$0.00	\$500.00	\$375.00	\$4,598.00	\$0.00	\$0.00	\$4,598.00
Philippine-American Chamber Of Commerce	07/26/2024	\$2,050.00	\$203.00	\$700.00	\$0.00	\$500.00	\$375.00	\$3,828.00	\$0.00	\$3,828.00	\$0.00
Back to School Bash	07/30/2024	\$3,800.00		\$0.00	\$0.00	\$500.00	\$375.00	\$4,675.00	\$0.00	\$0.00	\$4,675.00
<i>10 events booked</i>	TOTAL	\$14,628.33	\$2,286.00	\$1,050.00	\$0.00	\$2,000.00	\$1,312.50	\$21,273.83	(\$9,938.17)	\$12,000.83	\$9,273.00
Jul-23	TOTAL	\$27,300.00	\$5,435.00	\$1,750.00	\$1,100.00	\$4,000.00	\$2,500.00	\$42,085.00	(\$17,450.00)	\$42,085.00	\$0.00



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024
PRESENTED BY: Mike R. Perez, City Manager / Vidal Roman, Finance Director
AGENDA ITEM: Public Hearing on FY 2024-2025 Preliminary Budget - Perez

NATURE OF REQUEST:

The City’s preliminary budget for FY 2024-2025 has been made available to the public for review at the City Secretary’s office, Speer Memorial Library and on the City’s website as required.

This is the opportunity for citizens to speak on the preliminary budget.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Public Hearing Only

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager’s Recommendation: Approval *MRP*

RECORD OF VOTE:	APPROVED:	_____
	DISAPPROVED:	_____
	TABLED:	_____

_____ AYES

_____ NAYS

_____ DISSENTING _____



CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024
PRESENTED BY: Susana De Luna, Planning Director
AGENDA ITEM: Rezoning: A 4.50 acre tract of land, more or less, carved out of the South 1/2 of the East 10 acres of the North 20 acres of Lot 29-4, West Addition to Sharyland from (C-1) Office Building to (R-2) Duplex-Fourplex Residential, Redline Development, LLC, and Adoption of Ordinance#___ - De Luna

NATURE OF REQUEST:

On August 21, 2024, the Planning and Zoning Commission held a Public Hearing to consider the rezoning request. The subject site is located approximately 640' North of W. Mile 2 Road on the West side of N. Troster Road. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

BUGETED: Yes / No / N/A FUND: ACCT. #:

BUDGET: \$ EST. COST: \$ CURRENT BUDGET BALANCE: \$

BID AMOUNT: \$

STAFF RECOMMENDATION: Approval

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval MRP

RECORD OF VOTE: APPROVED: DISAPPROVED: TABLED:

AYES

NAYS

DISSENTING

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING A 4.50 ACRE TRACT OF LAND, MORE OR LESS,
CARVED OUT OF THE SOUTH ½ OF THE EAST 10 ACRES OF THE NORTH 20
ACRES OF LOT 29-4, WEST ADDITION TO SHARYLAND, (C-1) OFFICE BUILDING
TO (R-2) DUPLEX-FOURPLEX RESIDENTIAL**

WHEREAS, the City Council of the City of Mission finds that during consideration of the rezoning request of August 21, 2024, the Planning and Zoning Commission of the City of Mission upon duly recognized motion and second, voted to recommend to the City Council that the rezoning shown below be granted.

WHEREAS, The City Council of the City of Mission, held a public hearing at 4:30 p.m. Monday, August 26, 2024, in the Council Chambers of the City Hall to consider the following rezoning:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT THE FOLLOWING REZONING BE GRANTED:

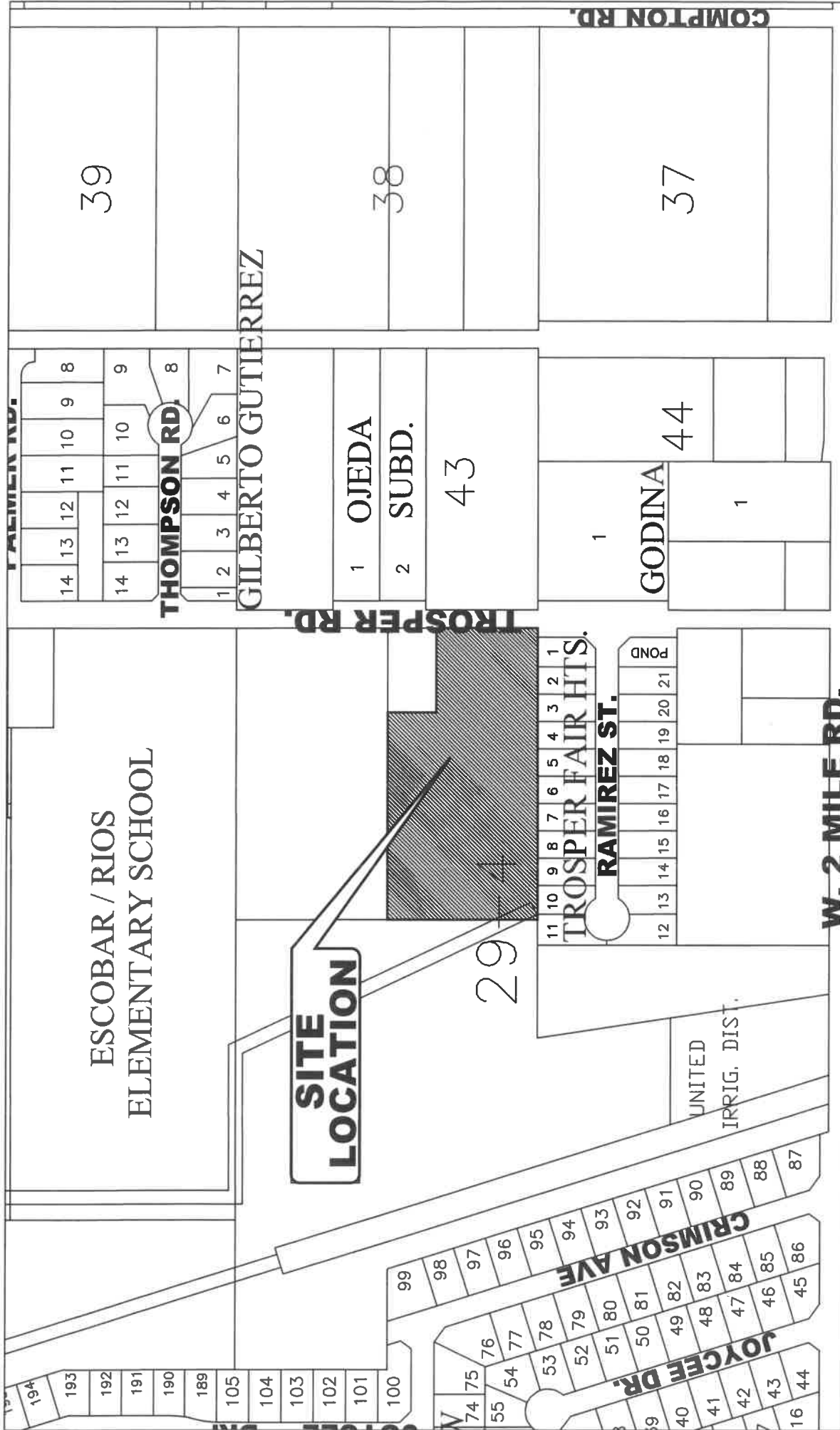
Legal Description	From	To
A 4.50 acre tract of land, more or less, carved out of the South ½ of the East 10 acres of the North 20 acres of Lot 29-4, West Addition to Sharyland	C-1	R-2

READ, CONSIDERED AND PASSED, this the 26th day of August, 2024.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary



39

38

37

1 OJEDA

2 SUBD.

43

GODINA

44

1

ESCOBAR / RIOS
ELEMENTARY SCHOOL

**SITE
LOCATION**

29

TROSPER FAIR HTS.

RAMIREZ ST.

FOND

W. 2 MILE RD.

UNITED
IRRIG. DIST.

CRIMSON AVE

JOYCEE DR

SPEEDY TRAILS SUBD. BENTLEY ACRES

100 99 98 97 96 95 94 93 92 91 90 89



CITY OF MISSION
HIDALGO COUNTY, TEXAS
1201 E. 8th Street
MISSION, TX 78572
PH: (956) 580-8672
FAX: (956) 580-8680

Item 9.

No.

ITEM# 1.1

REZONING:

A 4.50 acre tract of land, more or less,
carved out of the South ½ of the East
10 acres of the North 20 acres of Lot 29-4,
West Addition to Sharyland
C-1 to R-2
Redline Development, LLC

REVIEW DATA

The subject site is located approximately 640’ North of W. Mile 2 Road on the West side of N. Trosper Road. – see vicinity map.

SURROUNDING ZONES:

N:	AO-I	- Agricultural Open Interim
E:	AO-I/R-2	- Agricultural Open Interim & Duplex/Fourplex Residential
W:	AO-I	- Agricultural Open Interim
S:	R-1	- Single Family Residential

EXISTING LAND USES:

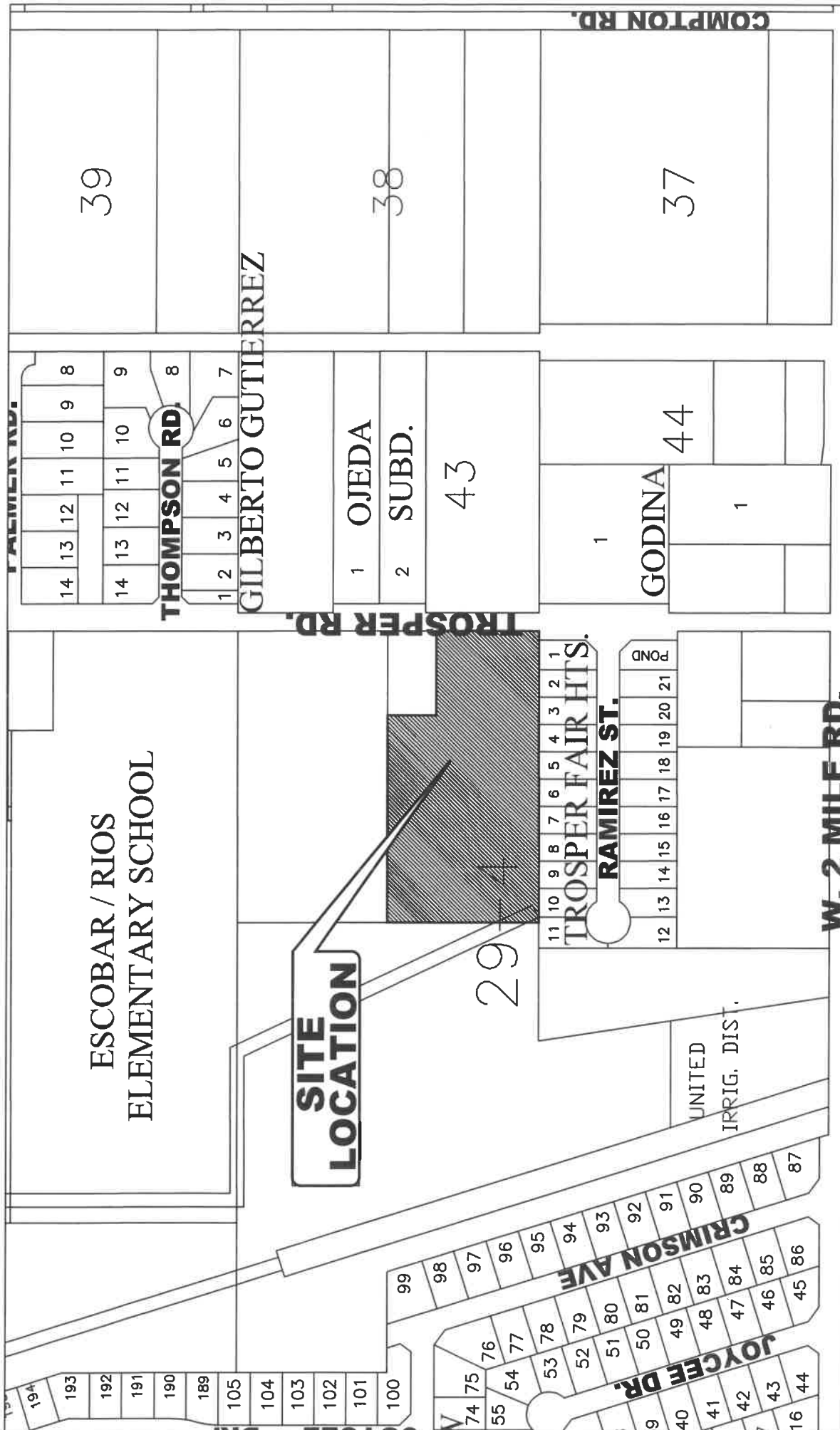
N:	Single Family Home
E:	Single Family Home/Acreage
W:	Single Family Home
S:	Residential Subdivision
Site:	Vacant

FLUM:

Low Density Residential (LD)

REVIEW COMMENTS: The proposed zone does not comply with the City’s Future Land Use Map. However, it complies with the fairly new surrounding land uses. Staff notes that the Future Land Use Map can be amended to reflect the proposed zone. The City Council has approved other rezoning’s for Duplex-Fourplex adjacent of this site and off of N. Trosper Road. An R-2 zone is actually a stair step down from its current commercial zone. Staff mailed 30 notices to property owners within a 200’ radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any comments.

RECOMMENDATION: Staff recommends approval.



100 99 98 97 96 95 94 93 92 91 90 89

W. 2 MILE RD.

Item 9.

CITY OF MISSION
 HIDALGO COUNTY, TEXAS
 1201 E. 8th Street
 MISSION, TX 78572
 PH: (956) 580-8672
 FAX: (956) 580-8680

UNIFIED IRRIG. DIST.

JOYCE DR

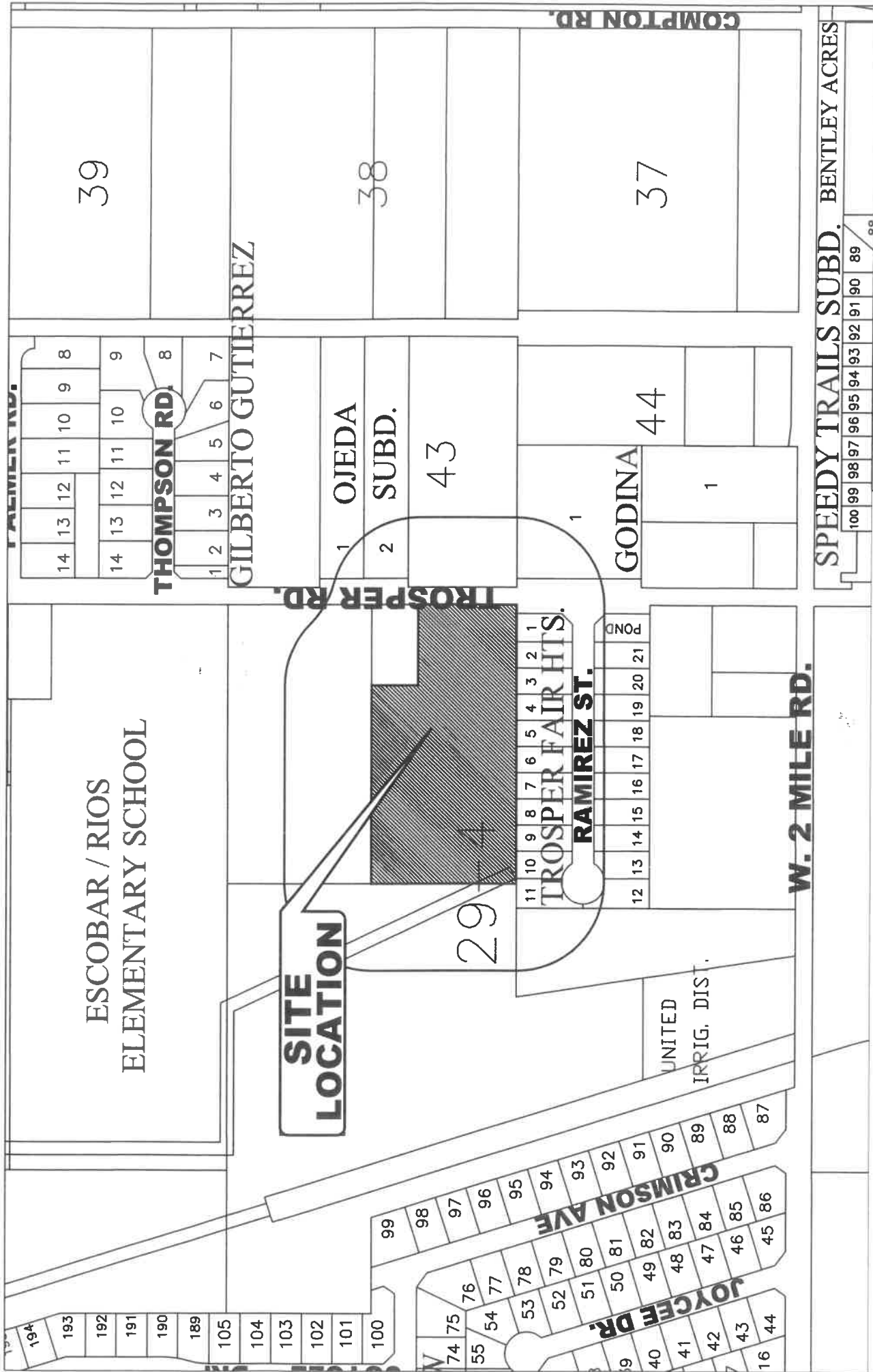
CRIMSON AVE

16 44 43 42 41 40 39 38 37 36 35 34 33 32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

100 99 98 97 96 95 94 93 92 91 90 89 88 87

75

200' RADIUS MAILOUT MAP



Item 9.



CITY OF MISSION
HIDALGO COUNTY, TEXAS
1201 E. 8th Street
MISSION, TX 78572
PH: (956) 580-8672
FAX: (956) 580-8680

No.



B2225-00-00C-0043-09 (502540)
 SANCHEZ EDUARDO & MARIA G
 3406 N TROSPER RD
 MISSION TX 78573

W0100-00-029-0004-01 (317249)
 GOMEZ LUIS MARCOS
 LIZETTE VELA
 3421 N TROSPER RD
 MISSION TX 78573

W0100-00-029-0004-06 (518929)
 SANCHEZ PEDRO PADRON
 3413 N TROSPER RD
 MISSION TX 78573

T8025-00-000-0002-00 (1470670)
 BELANI CONSTRUCTION LLC
 2712 CHESTERFIELD AVE
 EDINBURG TX 78539

T8025-00-000-0005-00 (1470673)
 EXCLUSIVE PLATINUM
 HOME BUILDERS LLC
 1611 STONEGATE DR
 MISSION TX 78574-2764

T8025-00-000-0008-00 (1470676)
 BELANI CONSTRUCTION LLC
 2712 CHESTERFIELD AVE
 EDINBURG TX 78539

T8025-00-000-0011-00 (1470679)
 BELANI CONSTRUCTION LLC
 2712 CHESTERFIELD AVE
 EDINBURG TX 78539

T8025-00-000-0014-00 (1470682)
 EXCLUSIVE PLATINUM HOME
 BUILDERS LLC
 1611 STONEGATE DR
 MISSION TX 78574-2764

T8025-00-000-0017-00 (1470685)
 BELANI CONSTRUCTION LLC
 2712 CHESTERFIELD AVE
 EDINBURG TX 78539

T8025-00-000-0020-00 (1470688)
 BELANI CONSTRUCTION LLC
 2712 CHESTERFIELD AVE
 EDINBURG, TX 78539

O2000-00-000-0001-00 (513179)
 OJEDA RAFAEL
 3418 N TROSPER RD
 MISSION TX 78573

W0100-00-029-0004-02 (317250)
 GOMEZ CARMEN & ISIDORO E
 1000 W MILE 2 RD
 MISSION TX 78574

G4520-00-000-0001-00 (674224)
 NINO RAMIRO & SANDRA A
 3300 N TROSPER RD
 MISSION TX 78573

T8025-00-000-0003-00 (1470671)
 EXCLUSIVE PLATINUM
 HOME BUILDERS LLC
 1611 STONEGATE DR
 MISSION TX 78574

T8025-00-000-0006-00 (1470674)
 EXCLUSIVE PLATINUM
 HOME BUILDERS LLC
 1611 STONEGATE DR
 MISSION, TX 78574-2764

T8025-00-000-0009-00 (1470677)
 BELANI CONSTRUCTION LLC
 2712 CHESTERFIELD AVE
 EDINBURG TX 78539

T8025-00-000-0012-00 (1470680)
 EXCLUSIVE PLATINUM HOME
 BUILDERS LLC
 1611 STONEGATE DR
 MISSION TX 78574

T8025-00-000-0015-00 (1470683)
 RAMIREZ ELOY E & YADIRA
 DE LA FUENTE
 3908 WESCAN LN
 MISSION TX 78572-9629

T8025-00-000-0018-00 (1470686)
 BELANI CONSTRUCTION
 2712 CHESTERFIELD AVE
 EDINBURG TX 78539

T8025-00-000-0021-00 (1470689)
 HORIZON SKY DEVELOPMENT LLC
 1712 E GRIFFIN PARKWAY
 MISSION TX 78572-3104

O2000-00-000-0002-00 (513180)
 TOBIAS FERNANDO GABRIEL & LAURA
 513 RAMIREZ LN
 MISSION TX 78573

W0100-00-029-0004-03 (317251)
 REDLINE DEVELOPMENT LLC
 1618 E GRIFFIN PKWY
 MISSION TX 78572

T8025-00-000-0001-00 (1470669)
 BELANI CONSTRUCTION LLC
 2712 CHESTERFIELD AVE
 EDINBURG TX 78539

T8025-00-000-0004-00 (1470672)
 BAZAN JESUS
 2210 WAGNER LN
 MISSION TX 78572-1983

T8025-00-000-0007-00 (1470675)
 EXCLUSIVE PLATINUM
 HOME BUILDERS LLC
 1611 STONEGATE DR
 MISSION TX 78574-2764

T8025-00-000-0010-00 (1470678)
 BELANI CONSTRUCTION LLC
 2712 CHESTERFIELD AVE
 EDINBURG TX 78539

T8025-00-000-0013-00 (1470681)
 EXCLUSIVE PLATINUM HOME
 BUILDERS LLC
 1611 STONEGATE DRIVE
 MISSION TX 78574-2764

T8025-00-000-0016-00 (1470684)
 EXCLUSIVE PLATINUM HOME
 BUILDERS LLC
 1611 STONEGATE DR
 MISSION TX 78574-2764

T8025-00-000-0019-00 (1470687)
 BELANI CONSTRUCTION LLC
 2712 CHESTERFIELD AVE
 EDINBURG, TX 78539

T8025-00-000-0000-00 (1470668)
 HORIZON SKY DEVELOPMENT LLC
 1712 E GRIFFIN PKWY
 MISSION TX 78572



**CITY COUNCIL AGENDA ITEM &
RECOMMENDATION SUMMARY**

MEETING DATE: August 26, 2024
PRESENTED BY: Susana De Luna, Planning Director
AGENDA ITEM: Rezoning: All of Lot 7, Block 91, Mission Original Townsite from (R-1) Single Family Residential to (C-3) General Business, BDSO, LLC, and Adoption of Ordinance#_____ - De Luna

NATURE OF REQUEST:
On August 21, 2024, the Planning and Zoning Commission held a Public Hearing to consider the rezoning request. The subject site is located at the Northwest corner of Doherty Avenue and E. Rafael Ramirez Street. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____
BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____
BID AMOUNT: \$ _____

STAFF RECOMMENDATION: Approval

Departmental Approval: N/A
Advisory Board Recommendation: N/A
City Manager's Recommendation: Approval *MRP*

RECORD OF VOTE: **APPROVED:** _____
 DISAPPROVED: _____
 TABLED: _____

AYES
NAYS
DISSENTING

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A REZONING ALL OF LOT 7, BLOCK 91, MISSION ORIGINAL
TOWNSITE, (R-1) SINGLE FAMILY RESIDENTIAL TO (C-3) GENERAL BUSINESS**

WHEREAS, the City Council of the City of Mission finds that during consideration of the rezoning request of August 21, 2024, the Planning and Zoning Commission of the City of Mission upon duly recognized motion and second, voted to recommend to the City Council that the rezoning shown below be granted.

WHEREAS, The City Council of the City of Mission, held a public hearing at 4:30 p.m. Monday, August 26, 2024, in the Council Chambers of the City Hall to consider the following rezoning:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT THE FOLLOWING REZONING BE GRANTED:

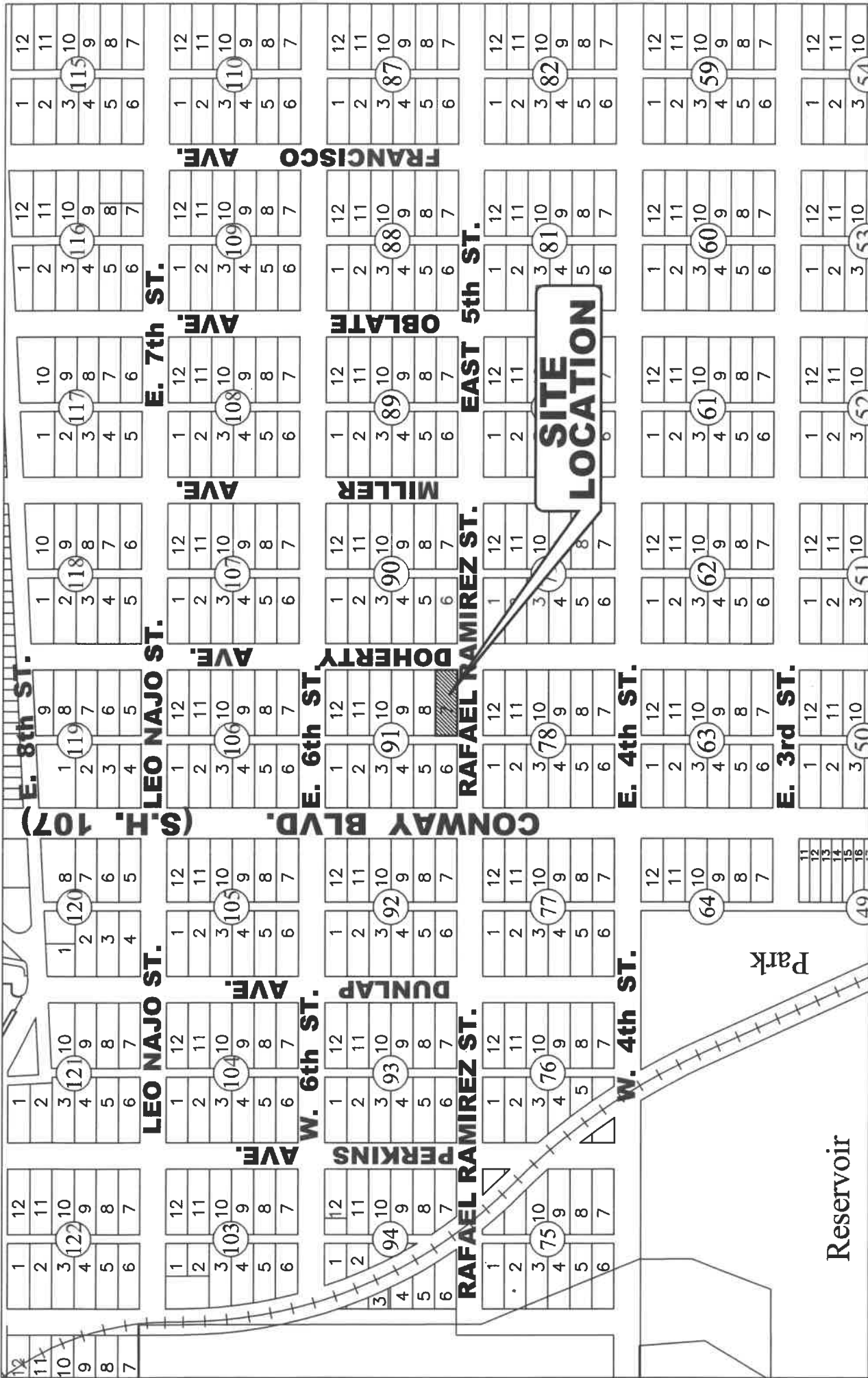
Legal Description	From	To
All of Lot 7, Block 91, Mission Original Townsite	R-1	C-3

READ, CONSIDERED AND PASSED, this the 26th day of August, 2024.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary



CITY OF MISSION
 HIDALGO COUNTY, TEXAS

1201 E. 8th Street
 MISSION, TX 78572
 PH: (956) 580-8672
 FAX: (956) 580-8680

Item 10.

No.

ITEM# 1.2

REZONING:

All of Lot 7, Block 91,
Mission Original Townsite
R-1 to C-3
BDSO, LLC

REVIEW DATA

The subject site is located approximately at the Northwest corner of Doherty Avenue and E. Rafael Ramirez St.. – see vicinity map.

SURROUNDING ZONES:

N:	R-1	- Single Family Residential
E:	R-1	- Single Family Residential
W:	C-3	- General Business
S:	R-1	- Single Family Residential

EXISTING LAND USES:

N:	Single Family Home
E:	Single Family Home
W:	Commercial Building
S:	Single Family Home
Site:	Commercial Building

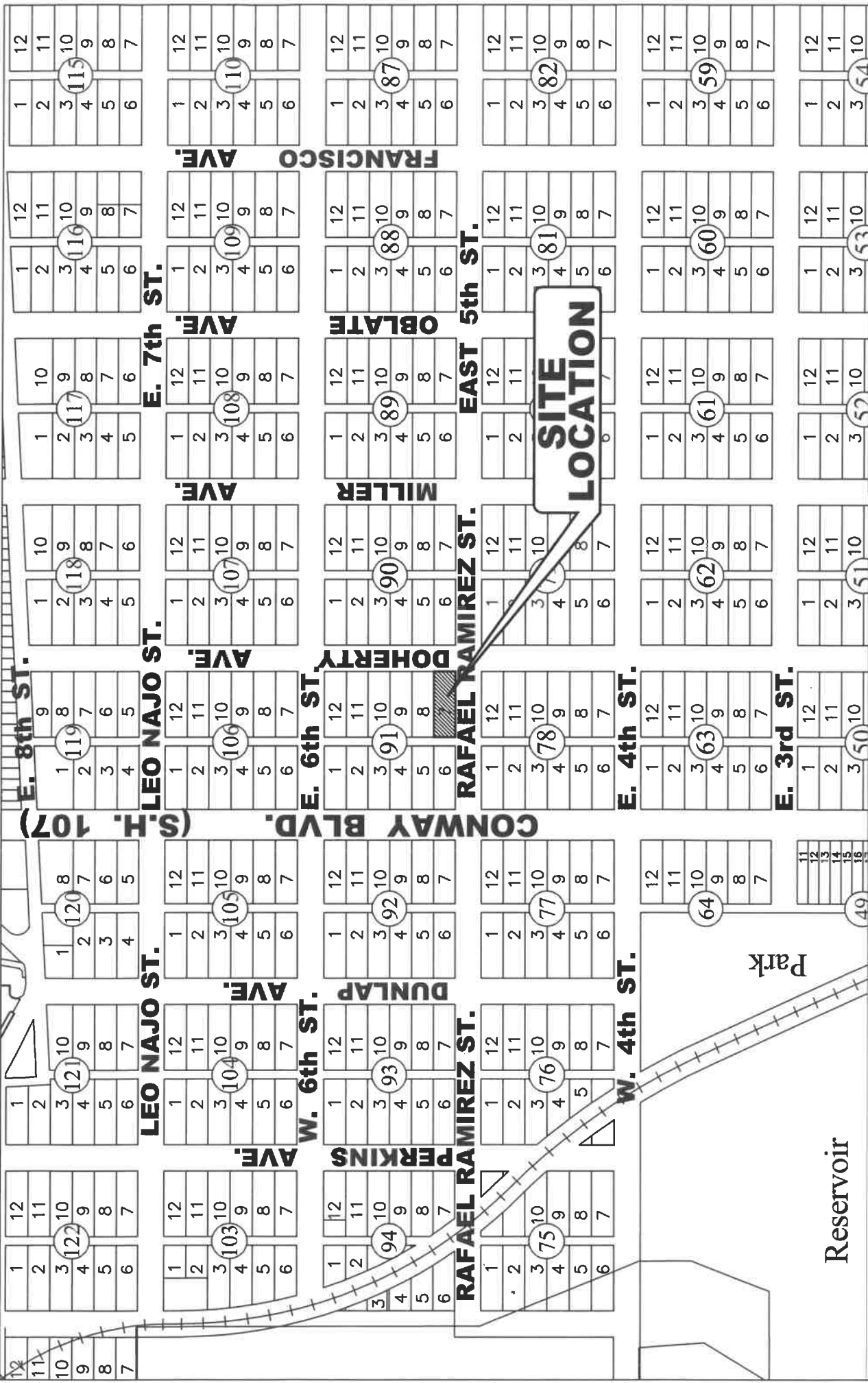
FLUM:

Low Density Residential (LD)

REVIEW COMMENTS: In the latter part of 2006 the city initiated a series of mass rezoning’s for different areas within Mission Original Townsite. They were rezoned Light Industrial, General Commercial, Neighborhood Commercial, Duplex-Fourplex Residential and were changed to Single Family Residential. The purpose of these requests was to address intensifying concerns from Mission citizens regarding their surrounding land uses (multiple apartments being built within the downtown area). Staff notes that there is an existing building on this property that has been used as a warehouse for Barrera’s Supply Company since the 1950’s, according to the appraisal district records. A C-3 use should not be detrimental to the adjoining residential area since they have become accustomed to a non-residential use. Finally, the ultimate and best use for this structure is commercial and not residential.

P&Z has approved three similar requests in Mission Original Townsite for Lot 6, Block 79, on December 12, 2007, Lots 5 & 6, Block 112, on March 14, 2007, and Lot 6, Block 75 on July 26, 2021 for basically the same reason, i.e., previous business use. Staff mailed 27 notices to property owners within a 200’ radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any comments.

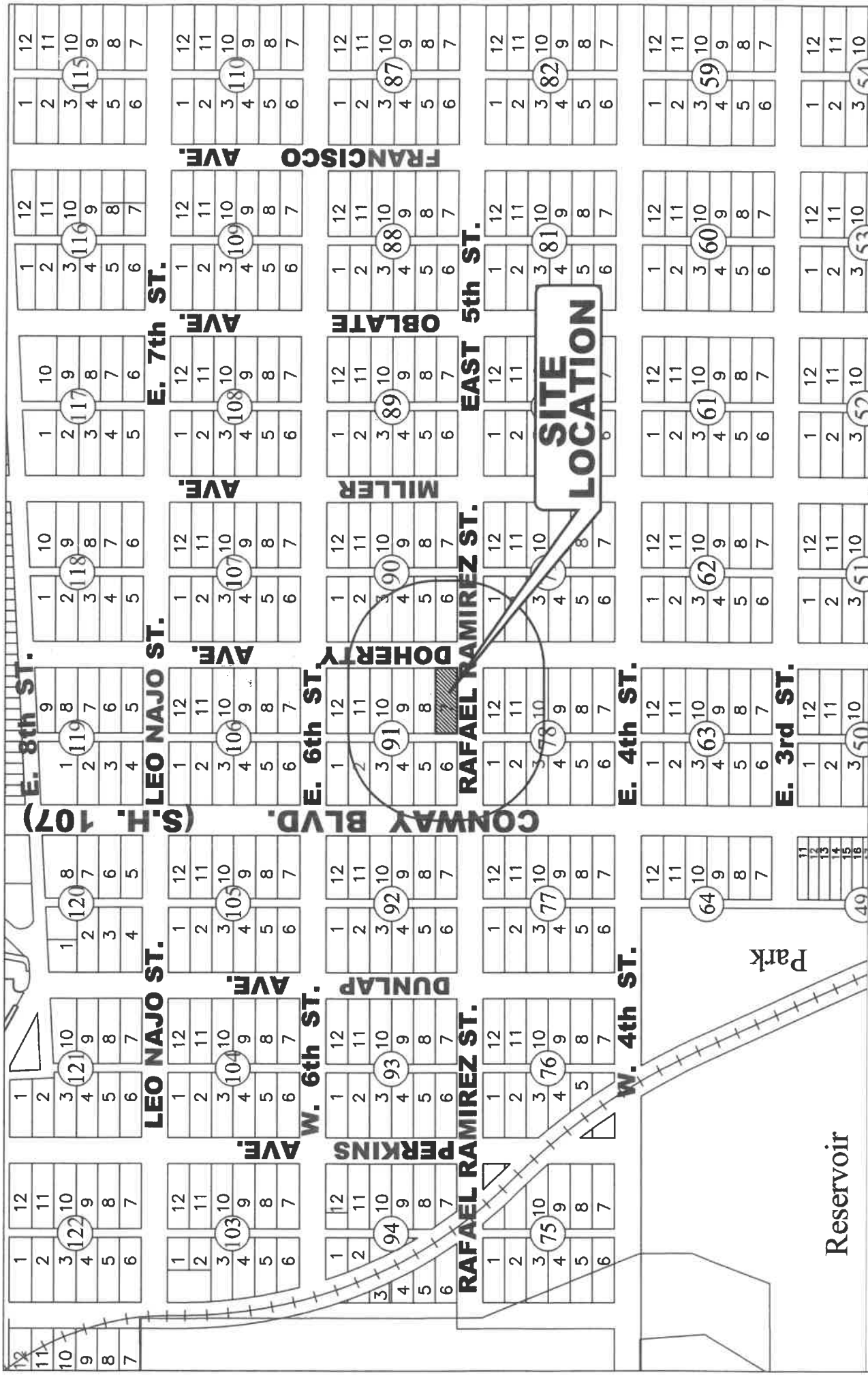
RECOMMENDATION: Staff recommends approval.



CITY OF MISSION
 HIDALGO COUNTY, TEXAS
 1201 E. 8th Street
 MISSION, TX 78572
 PH: (956) 580-8672
 FAX: (956) 580-8680

Item 10.


No.



Item 10.

No.

CITY OF MISSION
 HIDALGO COUNTY, TEXAS
 1201 E. 8th Street
 MISSION, TX 78572
 PH: (956) 580-8672
 FAX: (956) 580-6680



200' RADIUS MAILOUT MAP

Reservoir

Park

84



**SITE
LOCATION**



Barrera's Supply Co., Inc. 500 N. Conway in foreground
501 Doherty building on East side of alley EAST
in the background

The curved top of the roof was developed by Mr. George Noser (Noser Construction) and used by many Valley warehouses to allow for internal space with NO SUPPORTS



Looking north on Doherty at the corner with 5th Street, aka (Rafael Ramirez).
Several Commercial businesses (buildings) can be seen on the East side of the street (Doherty):
former Theater, restaurant, meat market, parking for El Mesias Methodist Church

501 Doherty Bldg (below) has belonged to the Olivarez (Barrera) family for over 60-years either under the name of Barrera's Supply Co., BSCI (aka) Barrera's Supply Co., Inc., Southern Area Enterprises or most recently BDSOLLC.



501 Doherty building on the right (East side of alley) Building built circa 1957 by Noser Construction and has been in use as a storage facility for overflow inventory for BSCI. For a period of time, the vehicles used by BSCI have been stored (parked) in the car port visible in the center of the photo.



Fenced in home on the northeast corner once belonged Mission City Mayor Rafael Ramirez.

PROPERTY 239311 R 11/20/2004 **OWNER ID** 1137481 **BDSO LLC**
Address MISSION ORIGINAL TOWNSITE LOT 7 BLK 91 **MISSION, TX 78572-5356-00**
OWNERSHIP 100.00%
Ref ID: R239311
Improvements 22,465
Land Market 75,000
Market Value 97,465
Productivity Loss 0
Appraised Value 97,465
Cap Loss 0
Assessed Value 97,465

US DOHERTY AVE TX **APPR VAL METHOD:** ARB
EXEMPTIONS

GENERAL
AD ACCESS PCG 03/20/2024
AD APPR. Q4 2024
AD INSP. DATE 03/20/2024
AD INSP. DATE 03/20/2024
AD INSP. DATE 03/20/2024

MARKS
 (2022) NEW CPT (2016) ADJ DEPR; ALLW: COND
 (2013) N/C: COM: BDLG IN BAD
 SHAPE: PROPERTY VACANT (2011) ADJ CL
 2011: COM: BUILDING IN BAD SHAPE; PROPERTY

BUILDING PERMITS
SUBJECT PERMIT TYPE PERMIT AREA ST PERMIT VAL

GRANTOR DEED INFO
 OLIVAREZ BENJAMI WD 2959479
 BARRERA SUPPLY C CONV / 2654 / 280

JBD: M520000	100.00%	NBHD: M520000
TYPE DESCRIPTION	MTHD CLASS/SUBCL	AREA
WHS WAREHOUSE	100/CLW	4,000.0
CPT CARPORT	*CLW	950.0
ASP1 ASPHALT 1	*CLW	1,550.0
CPT CARPORT	*CLW	310.0
COMMERCIAL	STCD: F1	6,810.0
BARRERA'S SUPPLY		

IMPROVEMENT INFORMATION										
BUILT	EFF YR	COND.	VALUE	DEPR	PHYS	ECON	FUNC	COMP	ADJ	ADJ. VALUE
1950	1950	*	91,680	60%	0%	0%	0%	100%	0.60	55,008
1950	1950	*	7,933	60%	0%	0%	0%	100%	0.60	4,760
1950	1950	*	2,248	40%	0%	0%	0%	100%	0.40	899
1950	1950	*	2,589	60%	0%	0%	0%	100%	0.60	1,553
104,450										

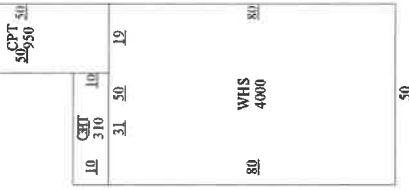
IMPROVEMENT FEATURES									
Construction Style	1	COM	0						
Foundation	1	SLB	0						
Exterior Wall	1	BRKV	0						
Interior Finish	1	PNT	0						
Roof Style	1	FLT	0						
Roof Covering	1	T&G	0						
Heating/Cooling	1	MINUS	0						
Flooring	1	CON	0						
Ceiling	1	16	0						
Plumbing	1	2	0						

LAND INFORMATION									
UNIT PRICE	GROSS VALUE	IRR Wells: 0	Capacity: 0	IRR Acres: 0	Oil Wells: 0				
10.00	75,000	1.00	1.00	75,000	0				
75,000		1.00 A		75,000					

LAND INFORMATION									
DIMENSIONS	UNIT PRICE	GROSS VALUE	IRR Wells: 0	Capacity: 0	IRR Acres: 0				
7,500.0000 SQ	10.00	75,000	1.00	1.00	75,000				
7,500.0000 SQ		10.00		75,000					

LAND INFORMATION											
CLS	TABLE	SC	HS	METH	DIMENSIONS	UNIT PRICE	GROSS VALUE	IRR Wells: 0	Capacity: 0	IRR Acres: 0	
100.00%	SMS8TWNCF1	N	N	SQ	7,500.0000 SQ	10.00	75,000	1.00	1.00	75,000	
100.00%		NBHD: M520000		100.00%		75,000		1.00 A		75,000	

LAND INFORMATION									
JBD: M520000	100.00%	NBHD: M520000	100.00%	IRR Acres: 0	Oil Wells: 0				
DESCRIPTION	CLS	TABLE	SC	HS	METH				
LOT	SMS8TWNCF1	N	N	SQ	DIMENSIONS				
75,000		1.00 A		75,000					



M5200-00-078-0001-00 (239152)
 BDSO LLC
 500 N CONWAY AVE
 MISSION TX 78572

M5200-00-078-0002-00 (239153)
 BDSO LLC
 500 N CONWAY AVE
 MISSION TX 78572

M5200-00-078-0010-00 (239160)
 ALANIZ MINERVA
 415 DOHERTY AVE
 MISSION TX 78572

M5200-00-078-0011-00 (239161)
 TAMEZ SAN JUAN HERRERA
 PO BOX 2252
 MISSION TX 78573

M5200-00-078-0012-00 (239162)
 LUCIO JOSE M III
 112 E RAFAEL RAMIREZ ST
 MISSION TX 78572

M5200-00-079-0001-00 (239163)
 RAMIREZ ROGELIO EMILIO II
 200 E 5TH ST
 MISSION TX 78572

M5200-00-079-0002-00 (239164)
 CASTILLO FRANCISCO & EVELIA
 420 DOHERTY AVE
 MISSION TX 78572

M5200-00-079-0003-00 (239165)
 RAMIREZ LAURA YVA
 AKA LAURA YVA RAMIREZ ARECHIGA
 412 RIO GRANDE CIR
 ALAMO TX 78516

M5200-00-090-0002-00 (239293)
 MUNOZ JOSE EDUARDO
 514 DOHERTY AVE
 MISSION TX 78572

M5200-00-090-0003-00 (239294)
 MUNOZ JOSE EDUARDO
 514 DOHERTY AVE
 MISSION TX 78572

M5200-00-090-0003-10 (239295)
 MUNOZ JOSE EDUARDO
 514 DOHERTY AVE
 MISSION TX 78572

M5200-00-090-0003-11 (344592)
 MUNOZ JOSE EDUARDO
 514 DOHERTY AVE
 MISSION TX 78572

M5200-00-090-0004-00 (239296)
 MARTINEZ THELMA EDITH
 510 DOHERTY AVE
 MISSION TX 78572

M5200-00-090-0005-00 (239297)
 LAND GRABBER LLC
 550 W 3 MILE LINE
 PALMHURST TX 78573

M5200-00-091-0001-00 (239304)
 CITY OF MISSION
 1201 E 8TH ST
 MISSION TX 78572

M5200-00-091-0002-00 (239305)
 ALEMAN JUAN
 1800 CHERIL RD
 MISSION TX 78573

M5200-00-091-0002-10 (239306)
 GONZALEZ MARIA YOLANDA N
 1603 DOHERTY
 MISSION TX 78572

M5200-00-091-0003-00 (239307)
 LOPEZ ONESIMO & AURORA
 1632 N BRYAN RD
 MISSION TX 78572

M5200-00-091-0004-00 (239308)
 FUENTES ALFREDO
 650 MAIN ST
 FORDS NJ 8863

M5200-00-091-0004-10 (239309)
 CARDENAS ESMERALDA
 405 RIO GRANDE DR
 MISSION TX 78572

M5200-00-091-0005-00 (239310)
 BDSO LLC
 500 N CONWAY AVE
 MISSION TX 78572

M5200-00-091-0007-00 (239311)
 BDSO LLC
 500 N CONWAY AVE
 MISSION TX 78572

M5200-00-091-0008-00 (239312)
 SILVA EUSEBIO (DECEASED)
 EUGENIA P SILVA
 503 DOHERTY AVE
 MISSION TX 78572

M5200-00-091-0009-00 (239313)
 OLIVAREZ ALVARO E ETAL
 1013 N 23RD ST
 MCALLEN TX 78501

M5200-00-091-0010-00 (239314)
 GARCIA RICARDO HOMERO
 1101 ASH DR
 MISSION TX 78572

M5200-00-091-0011-00 (239315)
 GARCIA OLGA
 517 DOHERTY AVE
 MISSION TX 78572

M5200-00-091-0012-00 (239316)
 GARCIA RICARDO H
 1101 ASH DR
 MISSION TX 78572



**CITY COUNCIL AGENDA ITEM &
RECOMMENDATION SUMMARY**

MEETING DATE: August 26, 2024

PRESENTED BY: Susana De Luna, Planning Director

AGENDA ITEM: Rezoning: 1.17 acres of land out of the South 6.89 acres of the South 13.78 acres of that part of Lot 23-3, lying South and West of the Mission Main Canal, West Addition to Sharyland from (AO-I) Agricultural Open Interim to (R-1) Single Family Residential, Claudia Veronica Cardenas Mora, and Adoption of Ordinance#_____ - De Luna

NATURE OF REQUEST:

On August 21, 2024, the Planning and Zoning Commission held a Public Hearing to consider the rezoning request. The subject site is approximately 336' North of Fincher Street on the East side of N. Los Ebanos Road. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION: Approval

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *MRP*

RECORD OF VOTE:

APPROVED: _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING 1.17 ACRES OF LAND OUT OF THE SOUTH 6.89 ACRES OF THE SOUTH 13.78 ACRES OF THAT PART OF LOT 23-3, LYING SOUTH AND WEST OF THE MISSION MAIN CANAL, WEST ADDITION TO SHARYLAND, (AO-I) AGRICULTRUAL OPEN INTERIM TO (R-1) SINGLE FAMILY RESIDENTIAL

WHEREAS, the City Council of the City of Mission finds that during consideration of the rezoning request of August 21, 2024, the Planning and Zoning Commission of the City of Mission upon duly recognized motion and second, voted to recommend to the City Council that the rezoning shown below be granted.

WHEREAS, The City Council of the City of Mission, held a public hearing at 4:30 p.m. Monday, August 26, 2024, in the Council Chambers of the City Hall to consider the following rezoning:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT THE FOLLOWING REZONING BE GRANTED:

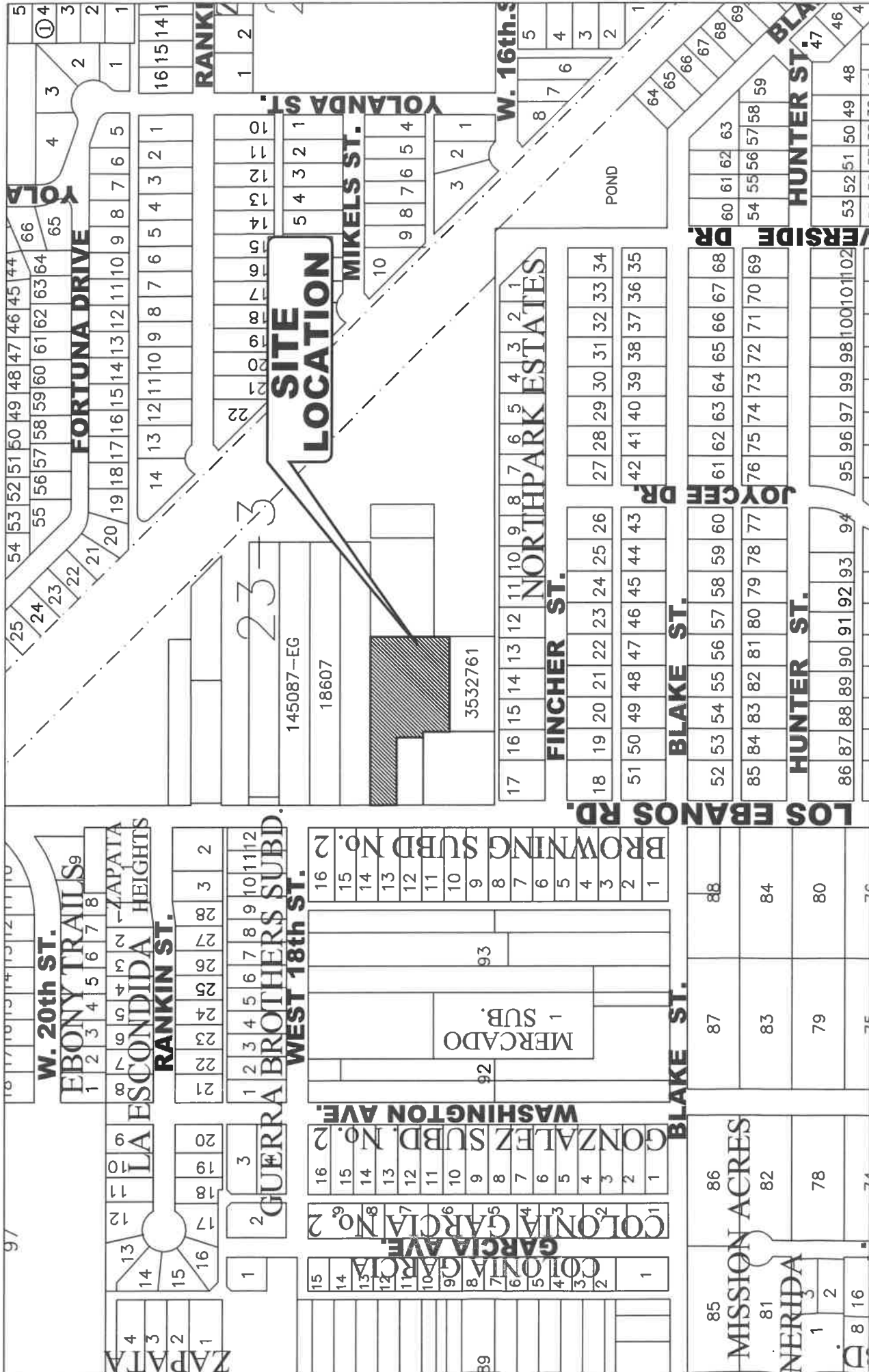
Legal Description	From	To
1.17 acres of land out of the South 6.89 acres of the South 13.78 acres of that part of Lot 23-3, lying South and West of the Mission Main Canal, West Addition to Sharyland	AO-I	R-1

READ, CONSIDERED AND PASSED, this the 26th day of August, 2024.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary



CITY OF MISSION
 HIDALGO COUNTY, TEXAS
 1201 E. 8th Street
 MISSION, TX 78572
 PH: (956) 880-8672
 FAX: (956) 380-8680



Item 11.

No.

ITEM# 1.3

REZONING:

1.17 acres of land out of the South 6.89 acres out of the South 13.78 acres of that part of Lot 23-3, lying South and West of the Mission Main Canal, West Addition to Sharyland
AO-I to R-1
Claudia Veronica Cardenas Mora

REVIEW DATA

The subject site is located approximately 336' North of Fincher Street on the East side of N. Los Ebanos Road. – see vicinity map.

SURROUNDING ZONES:

N:	R-1	- Single Family Residential
E:	R-1	- Single Family Residential
W:	R-1	- Single Family Residential
S:	AO-I	- Agricultural Open Interim

EXISTING LAND USES:

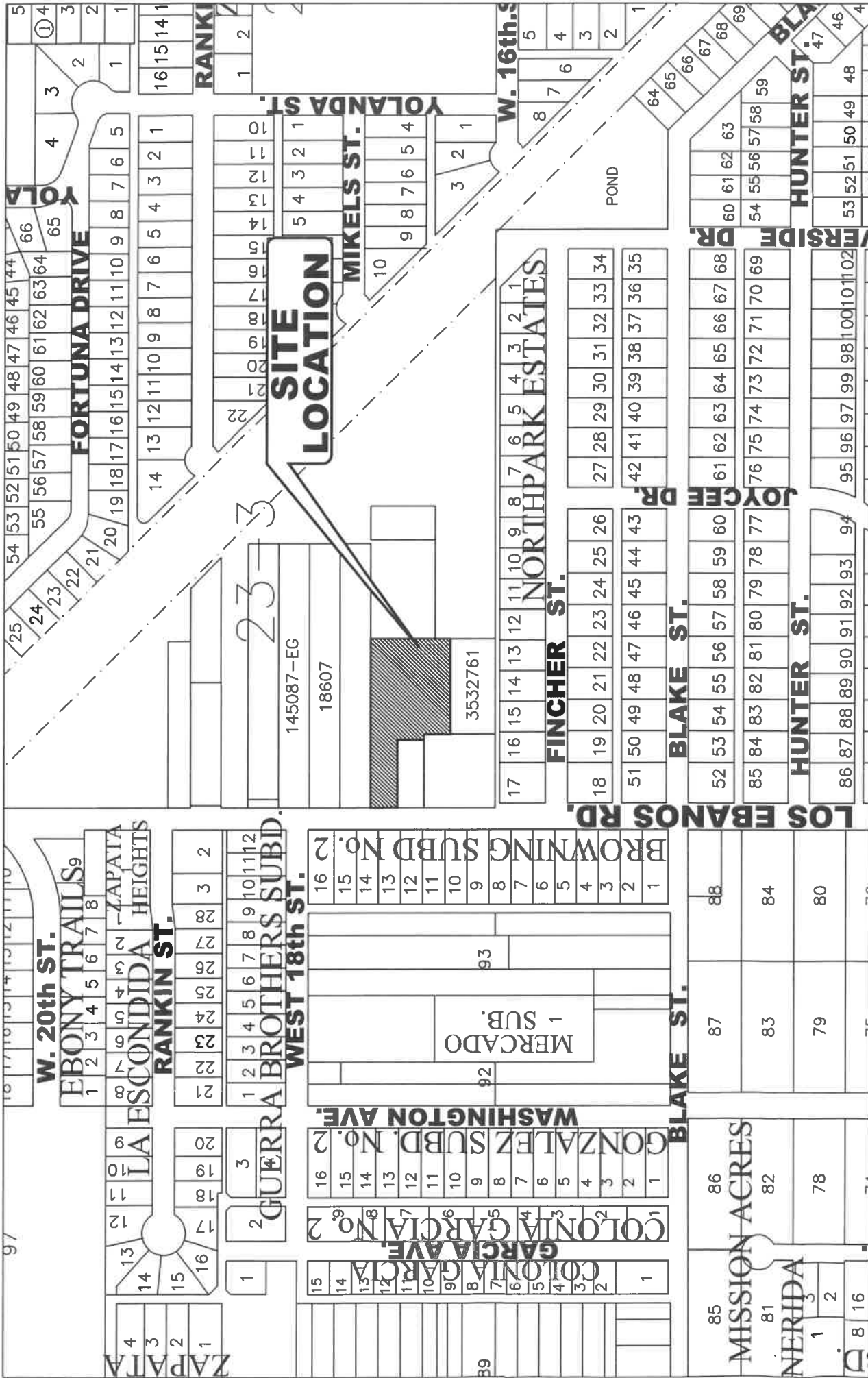
N:	Single Family Home
E:	Single Family Home
W:	Single Family Home
S:	Single Family Home
Site:	Single Family Home

FLUM:

Low Density Residential (LD)


REVIEW COMMENTS: The proposed zone complies with the City’s Future Land Use Map and surrounding land uses. Staff mailed 27 notices to property owners within a 200’ radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any comments.

RECOMMENDATION: Staff recommends approval.



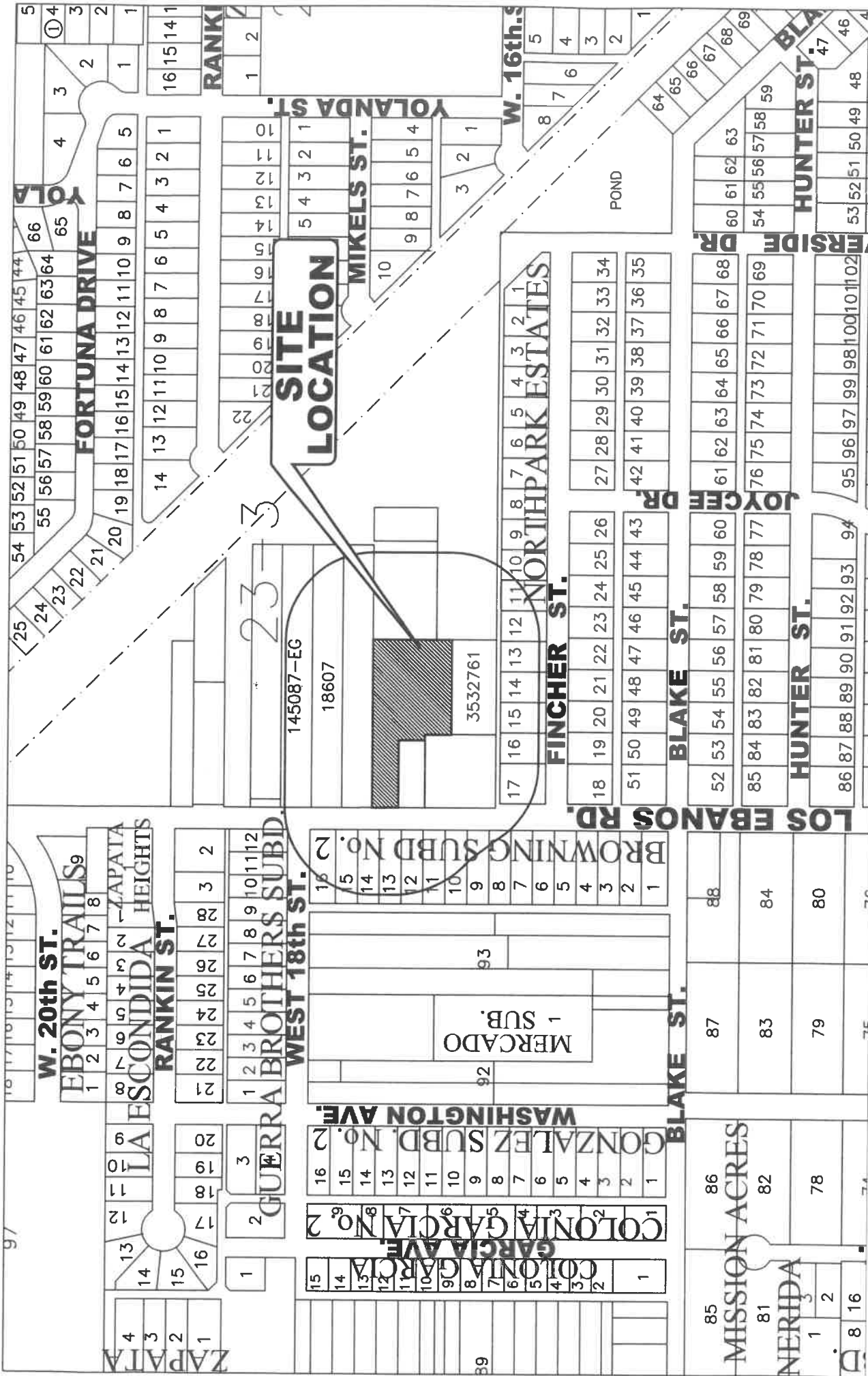
Item 11.

No.



CITY OF MISSION
 HIDALGO COUNTY, TEXAS
 1201 E. 8th Street
 MISSION, TX 78572

PH: (956) 580-8672
 FAX: (956) 580-8680



CITY OF MISSION
 HIDALGO COUNTY, TEXAS
 1701 E. 8th Street
 MISSION, TX 78572
 PH: (956) 580-8672
 FAX: (956) 580-8680

200' RADIUS MAILOUT MAP

Item 11.

No.



B4600-02-000-0007-00 (127789)
HERNANDEZ ANTONIO & IRMA Y
1115 N LOS EBANOS RD
MISSION TX 78572

B4600-02-000-0008-00 (127790)
RIVAS JOSE T
2522 W RABBIT RUN AVE
ALTON TX 78573

B4600-02-000-0009-00 (127791)
ORTIZ HORTENCIA
1121 N LOS EBANOS RD
MISSION TX 78572

B4600-02-000-0010-00 (127792)
HERNANDEZ MARIA DELIA
1123 N LOS EBANOS RD
MISSION TX 78572

B4600-02-000-0011-00 (127793)
VIVIAN CESAR & GRACIELA
1125 N LOS EBANOS RD
MISSION TX 78572

B4600-02-000-0012-00 (127794)
GARCIA NERI ISMELDA
920 HIDALGO ST
MISSION TX 78572

B4600-02-000-0013-00 (127795)
HERNANDEZ JANET & ARIEL M RUIZ
GABRIEL JR & MARIA ALICIA
1129 N LOS EBANOS RD
MISSION TX 78572

B4600-02-000-0014-00 (127796)
RIVAS ERICK F & BRENDA L RAMIREZ
1131 N LOS EBANOS RD
MISSION TX 78572

B4600-02-000-0015-00 (127797)
QUINTANILLA ELIA
1133 N LOS EBANOS RD
MISSION TX 78572

B4600-02-000-0016-00 (127798)
GARZA GILBERTO & BLANCA
805 W 15TH ST
MISSION TX 78572

G9500-00-002-0012-00 (184217)
URENA MARIA LORENA G
417 POBLANO DR
DONNA TX 78537

N6400-00-000-0010-00 (248470)
CONTRERAS ARMANDO & LOURDES
PO BOX 3887
MISSION TX 78573

N6400-00-000-0011-00 (248471)
CHAPA APOLONIO & MA ELOISA
1205 FINCHER ST
MISSION TX 78572

N6400-00-000-0012-00 (248472)
DE LEON ALEIDA QUINONEZ
612 THORNWOOD
MISSION TX 78574

N6400-00-000-0013-00 (248473)
QUINONEZ HILDA MARIBEL ETAL
JUAN A & ALEIDA QUINONEZ
1209 FINCHER ST
MISSION TX 78572

N6400-00-000-0014-00 (248474)
ALANIZ AMELIA Y
4304 AMERICANA LANE
MISSION TX 78572

N6400-00-000-0015-00 (248475)
DE LEON GUADALUPE JR & EGLA N
1213 FINCHER ST
MISSION TX 78572

N6400-00-000-0016-00 (248476)
ZAVALA MANUEL & ELMA P
1215 FINCHER ST
MISSION TX 78572

N6400-00-000-0017-00 (248477)
SELEDON JUANA G
1100 N LOS EBANOS RD
MISSION TX 78572

W0100-00-023-0003-00 (316819)
GARCIA RUBEN JR
1136 LOS EBANOS RD
MISSION TX 78572

W0100-00-023-0003-01 (316820)
GARCIA RUBEN & OLIVA
1136 N LOS EBANOS RD
MISSION TX 78572

W0100-00-023-0003-03 (316822)
SANCHEZ JULIAN HUMBERTO JR
1300 N LOS EBANOS RD
MISSION TX 78572

W0100-00-023-0003-06 (316825)
GARCIA EUGENIO
1710 N LOS EBANOS RD
MISSION TX 78572

W0100-00-023-0003-08 (316827)
CANCHOLA JUAN & GRACIELA
1128 N LOS EBANOS RD
MISSION TX 78572

W0100-00-023-0003-09 (316828)
TORRES MIGUEL A
2700 RHETT DR
PHARR TX 78577-6997

W0100-00-023-0003-12 (316831)
EFRAIN KEHILA MONTE
3003 JARILLA AVE
HIDALGO TX 78557

W0100-00-023-0003-22 (316840)
MORA CLAUDIA VERONICA CARDENAS
3940 N BRYAN RD
PALMHURST TX 78573-1353



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024
PRESENTED BY: Susana De Luna, Planning Director
AGENDA ITEM: Conditional Use Permit: Mobile Food Truck – El Muñeco, 2509 Colorado Street, Ste. 205, being Lot 1, Block 2, Santa Lucia Development, C-3, Juan Chapa, Adoption of Ordinance #_____ - De Luna

NATURE OF REQUEST:

On August 21, 2024 the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site is 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.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION: Staff recommends 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

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *MRP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR A MOBILE FOOD TRUCK –
EL MUÑECO, 2509 COLORADO STREET, STE. 205, LOT 1, BLOCK 2,
SANTA LUCIA DEVELOPMENT**

WHEREAS, the City Council of the City of Mission finds that during consideration of the conditional use permit request of August 21, 2024, the Planning and Zoning Commission of the City of Mission upon duly recognized motion and second, voted to recommend to the City Council that the conditional use permit shown below be granted.

WHEREAS, The City Council of the City of Mission, held a public hearing at 4:30 p.m. Monday, August 26, 2024, in the Council Chambers of the City Hall to consider the following conditional use permit:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT THE FOLLOWING CONDITIONAL USE PERMIT BE GRANTED:

Legal Description	Type	Conditions of Approval
2509 Colorado Street, Ste. 205 Lot 1, Block 2, Santa Lucia Development	Mobile Food Truck – El Muñeco	<ol style="list-style-type: none"> 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

READ, CONSIDERED AND PASSED, this the 26th day of August, 2024.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

ITEM# 1.4

CONDITIONAL USE PERMIT: Mobile Food Truck- El Muñeco
 2509 Colorado Street, Ste. 205
 Lot 1, Block 2, Santa Lucia Development
 C-3
 Juan Chapa

REVIEW DATA

The subject site is located near the NW corner of Colorado and Taylor Road along the north side of Colorado Street – **see vicinity map**. The applicant is leasing a space on the Mobile Food Park and would like to place his mobile food truck to offer tacos and tostadas. Access to the site will be provided off of Colorado or Taylor Road through existing 24' driveways.

- **Days & Hours of Operation:** Tuesday – Sunday from 5:00 pm to 11:00 pm
- **Employees:** 3 employees
- **Parking & Landscaping:** The Mobile Food Park measures 134' x 72' for a total of 9,648 sq. ft. Based on the square footage they are required 23 parking spaces. The landlord has a total of 67 parking spaces available for this area and has submitted a written agreement to use the parking spaces from the commercial plaza if needed.
- **Other Requirements:** Must comply with all Building, Fire and Health Codes.

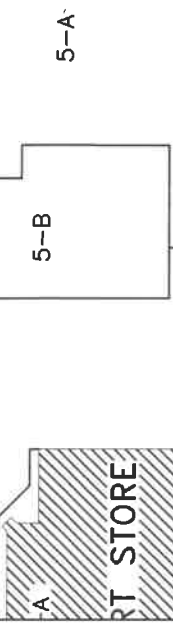
REVIEW COMMENTS: Staff mailed out 16 notices to property owners within 200' radius and staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval subject to:

- 1) 1 yr. 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.

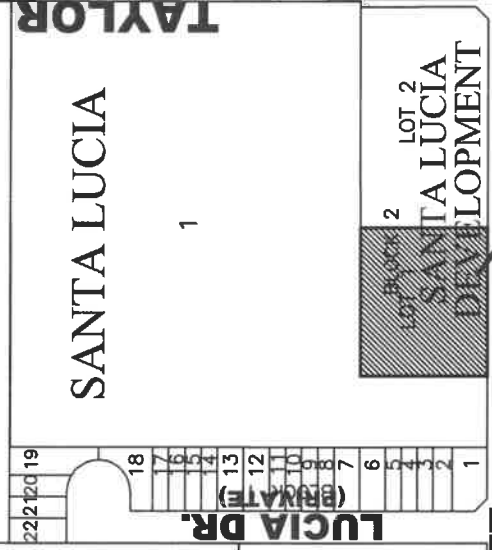
MOVIES 17 - MISSION

S 1-A, 1-B, 5-A, 5-B & 5-C
SHARYLAND PLACE SUBD.



SHARYLAND
TERRACE
LOT A

65
NAVIN
1



167

**SITE
LOCATION**

156

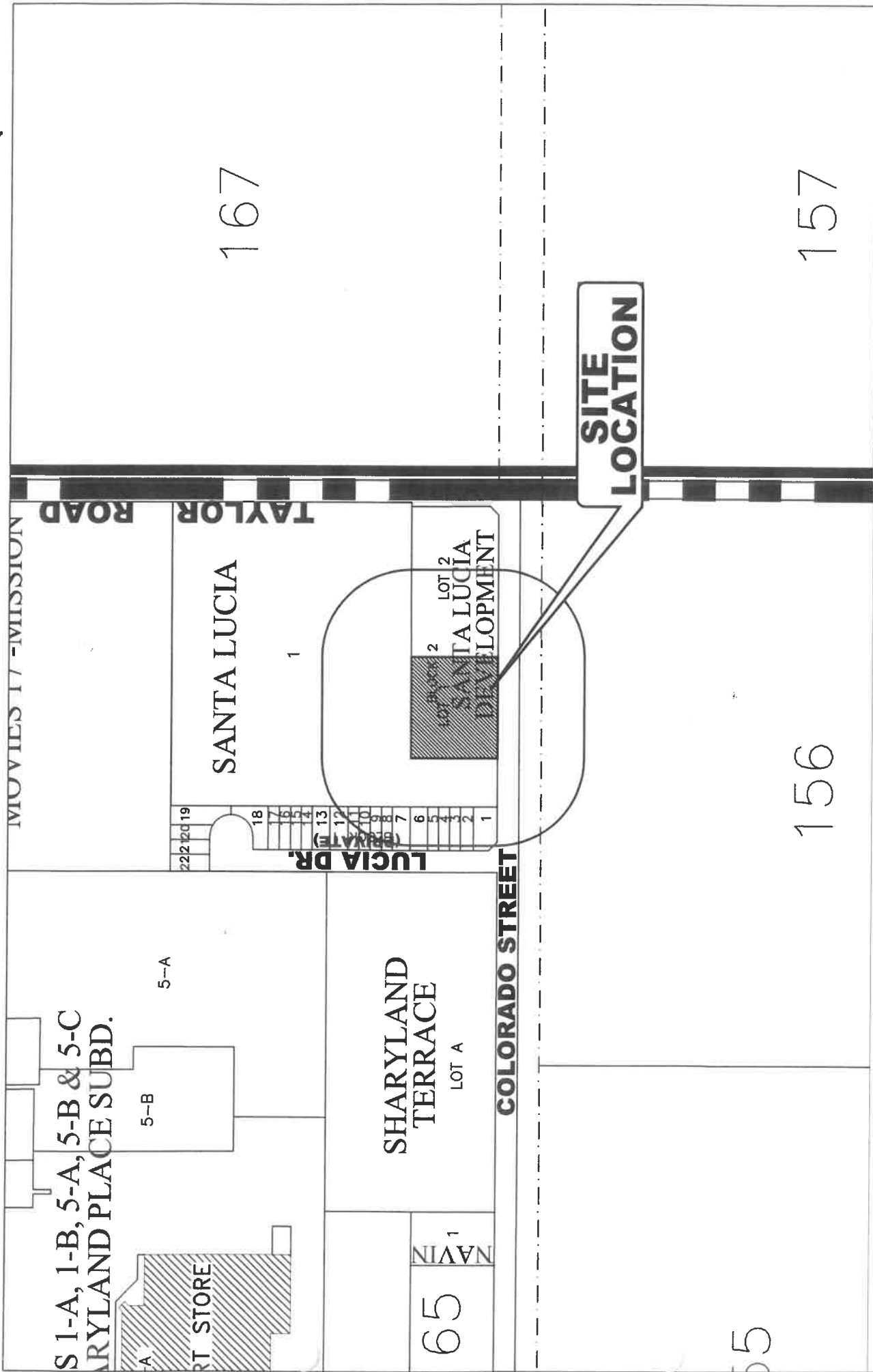
157



CITY OF MISSION
 HIDALGO COUNTY, TEXAS
 1201 E. 8th Street
 MISSION, TX 78572
 PH: (956) 580-8672
 FAX: (956) 580-8680

Item 12.

No.



CITY OF MISSION
 HIDALGO COUNTY, TEXAS
 1201 E. 8th Street
 MISSION, TX 78572
 PH: (956) 580-8672
 FAX: (956) 580-8680

Item 12.

No.

200' RADIUS MAILOUT MAP



REVISION DATE	REVISION BY	COMMENTS
REVISION DATE	REVISION BY	COMMENTS
REVISION DATE	REVISION BY	COMMENTS

PROJECT TITLE: Food Trucks
 PROJECT ADDRESS: 2509 Colorado Mission Tx
 DRAWN BY: SSG
 CHECKED BY: SSG
 SUBMIT DATE: 09-18-2013
 OR NUMBER: YYDDMM
 DRAWN BY: T.G. & J.T.
 TITLE: SITE PLAN

SHEET NUMBER
 SHEET NUMBER
 SCALE: 1/4" = 1'-0"

Item 12.



MENU



TACOS \$15.99 (3)

TORITO jalapeno, queso, fajita y camarón

BUCANERO tuetano, fajita y camarón

LAMINITAS LAMINITAS DE RIB EYE 15\$

BELICON guacamole, pork belly y pulpo

GOBER tocino, queso, morron, cebolla, camarone

ASADA carnita asada, queso, morron y cebolla

VOLCAN frijoles, queso, carne y camarones

BURRITO frijoles, queso, carne y camarones, guacamole (1)

TACOUJUAN queso, camarones frito, repollo mayo chipotle

TOSTADAS \$15.99 (3)

MOCHIS camaron, pico de Gallo, pepino, mayo

CHAPITA pescado, pico de gallo, mayonesa brava

BARRA FRIA \$11.99

AGUACHILE CHACALOZO atun, pulpo, camaron, camaron curtido

AGUACHILE DE CAMARON

TORRE DE MARISCOS pulpo, camaron, ceviche, salsa especial

COCTEL DE CAMARON tradicional, cebolla, cilantro, aguacate

CEVICHE MITOTERO pulpo, camarones, ceviche

BOTANA CHAPITA ceviche de pescado con mayonesa brava (ajo y habanero)

TOSTITOS PREPARADOS en aguachile o cualquier opcion que guste al gusto pues

Barra caliente

ARROZ MARINERO \$12
Camarón, pulpo, queso crema y aguacate

CAMARONES ROCA \$12
dirty rice, camarones roca

EMPANADA DE CAMARON (3) \$12

DRINKS

LIMONADA \$5

LIMONADA CON PEPINO \$5

SOFT DRINKS \$3







S2950-00-000-0156-00 (280830)
SHIN FOUNDATION I LTD
1401 W ESPERANZA AVE
MCALLEN TX 78501

S1818-00-000-0001-00 (961125)
SANTA LUCIA AT BENTSEN LAKES LLC
2603 E 3 MILE RD
PALMHURST TX 78573

S1819-00-001-0001-00 (1071560)
VILLAS ST LUCIA OWNERS ASSOCIATIC
620 S 12TH ST
MCALLEN TX 78501

S1819-00-001-0002-00 (1071561)
RAMIREZ BLANCA ALICIA
921 LUCIA DR
MISSION TX 78572

S1819-00-001-0003-00 (1071562)
GASECA LLC
1110 S CLOSNER BLVD
EDINBURG TX 78539

S1819-00-001-0004-00 (1071563)
TGR CAPITAL LLC
329 S MCCOLL RD
MCALLEN TX 78504

S1819-00-001-0005-00 (1071564)
RAMIREZ TANIA YANET
915 LUCIA DR
MISSION TX 78572

S1819-00-001-0006-00 (1071565)
CONFIDENTIAL
913 SANTA LUCIA DR
MISSION TX 78572

S1819-00-001-0007-00 (1071566)
QUINTANILLA ARNOLDO JR & MAYRA A
911 SANTA LUCIA DR
MISSION TX 78572

S1819-00-001-0008-00 (1071567)
SAYCOCIE AKHASONE & MARICARMEN
909 LUCIA DR
MISSION TX 78572

S1819-00-001-0009-00 (1071568)
FALCON IVAN
907 LUCIA DR
MISSION TX 78572

S1819-00-001-0010-00 (1071569)
FERNANDEZ KARLA O DURAN
905 SANTA LUCIA DR
MISSION TX 78572

S1819-00-001-0011-00 (1071570)
GARCIA SERGIO I
903 SANTA LUCIA DR
MISSION TX 78572

S1819-00-001-0012-00 (1071571)
SANCHEZ TERESA IRMA
901 SANTA LUCIA DR
MISSION TX 78572

S1819-00-002-0001-00 (1071582)
MDM REAL ESTATE DEV LLC
329 MCCOLL RD
MCALLEN TX 78501

S1819-00-002-0002-00 (1071583)
MDM REAL ESTATE DEV LLC
329 MCCOLL RD
MCALLEN TX 78501



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024

PRESENTED BY: Susana De Luna, Planning Director

AGENDA ITEM: Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Moon Restaurant Mixology, 1603 E. Griffin Parkway, Lot 11, Block 3, Shary Gardens Subdivision, C-3, American Restaurants, LLC c/o Lourdes Lerma, Adoption of Ordinance #_____ - De Luna

NATURE OF REQUEST:

On August 21, 2024 the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site is located near the NW corner of Garden View Drive and Griffin Parkway (F.M. 495). There was public opposition during the P&Z Meeting. The board unanimously recommended approval.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION: Staff recommends approval subject to:

- 1.) 1 year revaluation after obtaining the business license in order to asses this new business
- 2.) Must comply with TABC requirements
- 3.) Must comply with all City Codes (Building, Fire, Health, etc.)
- 4.) No objection to a waiver of 300' separation requirement from residential
- 5.) Acquisition of a business license prior to occupancy; and
- 6.) CUP not transferable to others
- 7.) No Live Music

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *MRP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ORDINANCE NO. ____

**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 – MOON RESTAURANT MIXOLOGY,
1603 E. GRIFFIN PARKWAY, LOT 11, BLOCK 3, SHARY GARDENS SUBDIVISION**

WHEREAS, the City Council of the City of Mission finds that during consideration of the conditional use permit request of August 21, 2024, the Planning and Zoning Commission of the City of Mission upon duly recognized motion and second, voted to recommend to the City Council that the conditional use permit shown below be granted.

WHEREAS, The City Council of the City of Mission, held a public hearing at 4:30 p.m. Monday, August 26, 2024, in the Council Chambers of the City Hall to consider the following conditional use permit:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT THE FOLLOWING CONDITIONAL USE PERMIT BE GRANTED:

Legal Description	Type	Conditions of Approval
1603 E. Griffin Parkway Lot 11, Block 3, Shary Gardens Subdivision	Sale & On-Site Consumption of Alcoholic Beverages – Moon Restaurant Mixology	<ol style="list-style-type: none"> 1. 1-year re-evaluation after obtaining the business license in order to assess this new business 2. Must comply with TABC requirements 3. Must comply with all City Codes (Building, Fire, Health, etc.) 4. No objection to a waiver of the 300’ separation requirement from residential neighborhoods 5. Acquisition of a business license prior to occupancy 6. CUP not be transferable to others. 7. No Live Music

READ, CONSIDERED AND PASSED, this the 26th day of August, 2024.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

ITEM# 1.5

TABLED

CONDITIONAL USE PERMIT: Sale and On-Site Consumption of Alcoholic Beverages – Moon Restaurant Mixology
1603 E. Griffin Parkway
Lot 11, Block 3, Shary Gardens Subdivision
C-3
American Restaurants, LLC
c/o Lourdes Lerma

REVIEW DATA

The subject site is located near the NW corner of Garden View Drive and Griffin Parkway (F.M. 495). The applicant is proposing to open a restaurant with a bar component. Access to the site would be via a 40’ driveway off of E. Griffin Parkway or a 25’ driveway off of Garden View Drive.

- **Hours of Operation:** Sunday – Thursday from 10am - 11pm, Friday & Saturday from 10am to 1am
- **Staff:** 18 employees in different shifts
- **Parking:** The subject site has a total of 170 total seating spaces, which require 57 parking spaces (170 seats/1 space for every 3 seats = 56.6 parking spaces). It is noted that this location has 116 parking spaces plus 3 stacking spaces at a drive-thru service window for a total of 119 parking spaces, which exceeds code by 1.
- **Sec. 6-4:** This request is compliant to Sec. 6-4 which requires that no alcoholic beverages be sold within 300’ of a church, public or private school, or public hospital. There are none of these land uses within the above radius (measured *door to door* for church or hospital; measured *lot line to lot line* for schools.)
- **Sale of Alcohol:** Such uses need to be 300’ from residential uses. There are some residences within this radius); thus a waiver of the separation requirement needs consideration.

REVIEW COMMENTS: Since a restaurant is allowed in a C-3 zone and the sale of alcohol is not the primary item of purchase, staff does not object to this proposal. Staff mailed out 24 notices to the property owners within a 200’ radius of the site and staff did receive 1 call in opposition to this request. The concerns voiced were in regards to the type of business, hours of operations being past 11 pm, the noise the business would create if they had DJ or live bands, and trash not being contained.

RECOMMENDATION: Staff recommends approval subject to:

- 1) 1-year re-evaluation after obtaining the business license in order to asses this new business,
- 2) Must comply with TABC requirements,
- 3) Must comply with all City Codes (Building, Fire, Health, etc.),
- 4) No objection to a waiver of 300’ separation requirement from residential,
- 5) Acquisition of a business license prior to occupancy, and
- 6) CUP not be transferable to others
- 7) No live music

200' H.C.I.D. No. 1

ESHELL AND NORMA
ES BIRDWELL SUBD.
AGAPE SCHOOL) 2

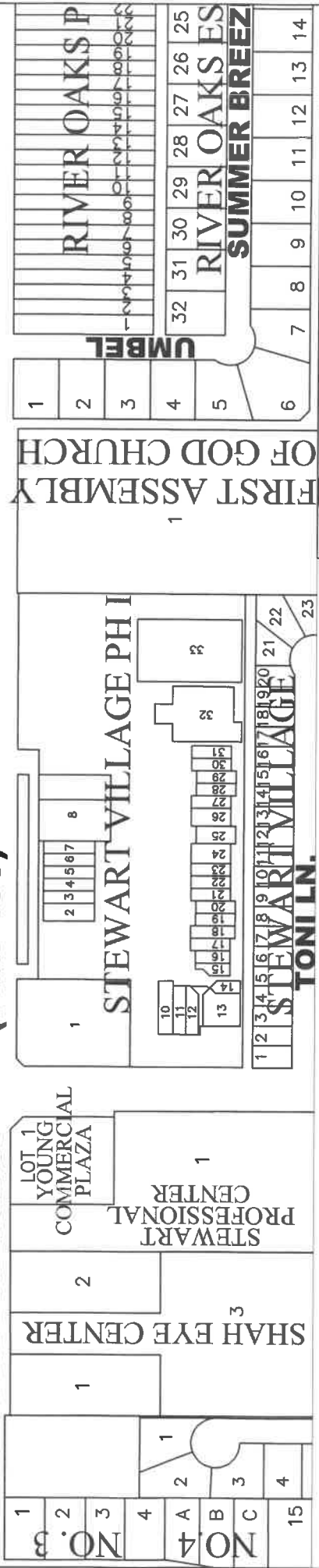
EDINBURG MAIN CANAL R.O.W.



SITE LOCATION

(F.M. 495)

E. GRIFFIN PARKWAY



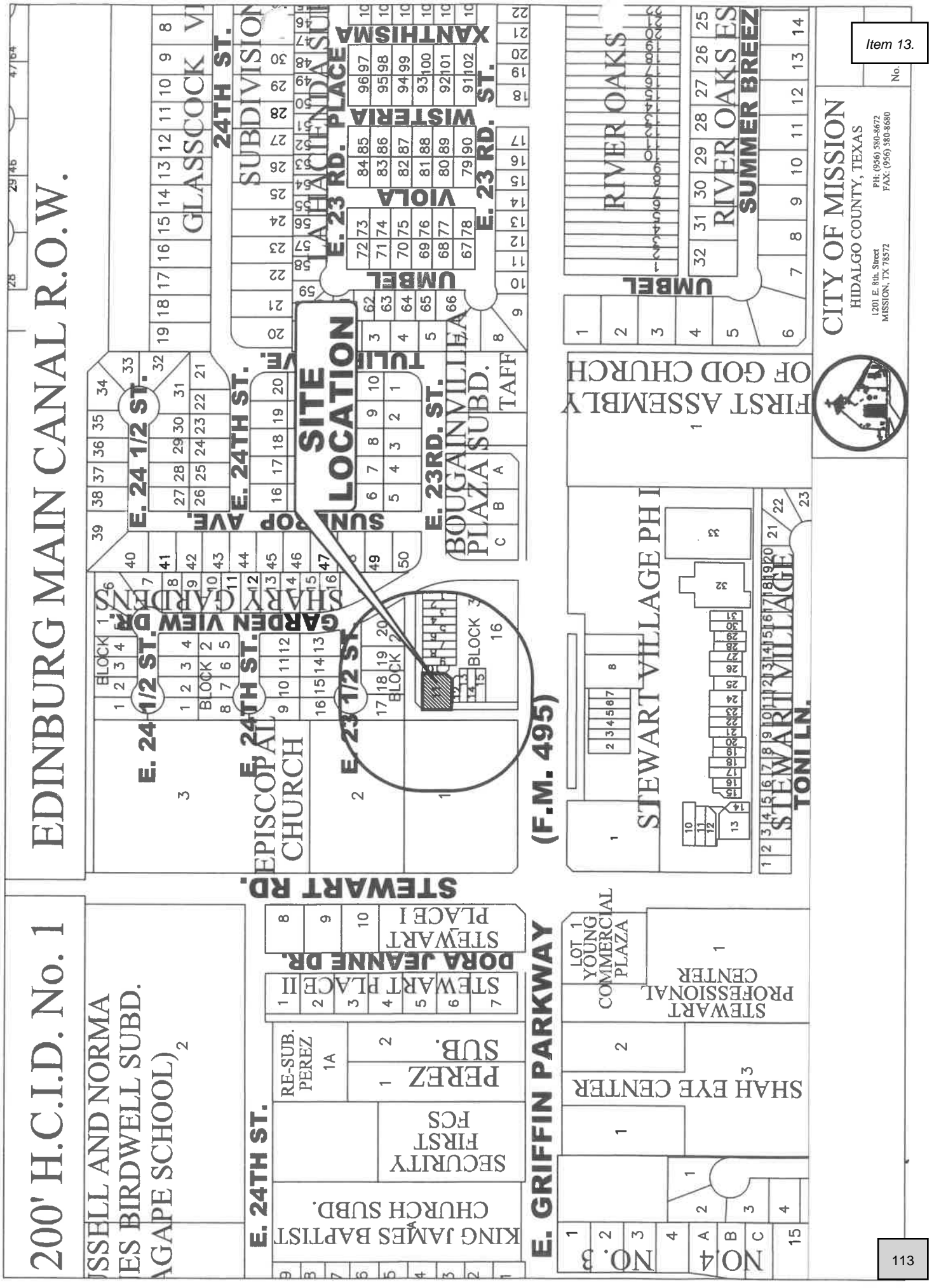
CITY OF MISSION
HIDALGO COUNTY, TEXAS
1201 E. 8th Street
MISSION, TX 78572
PH: (956) 380-8672
FAX: (956) 380-8680

Item 13.

No.

112

200' RADIUS MAILOUT MAP



200' H.C.I.D. No. 1

EDINBURG MAIN CANAL R.O.W.

ISSELL AND NORMA
IES BIRDWELL SUBD.
AGAPE SCHOOL) 2

E. 24TH ST.
KING JAMES BAPTIST CHURCH SUBD.
SECURITY FCS
PEREZ SUB. 1 2
RE-SUB. PEREZ 1A
STEWART PLACE II
DORA JEANNE DR.
STEWART PLACE I

E. GRIFFIN PARKWAY
NO. 3
NO. 4
SHAH EYE CENTER
STEWART PROFESSIONAL CENTER
LOT 1 YOUNG COMMERCIAL PLAZA

SITE LOCATION

(F.M. 495)

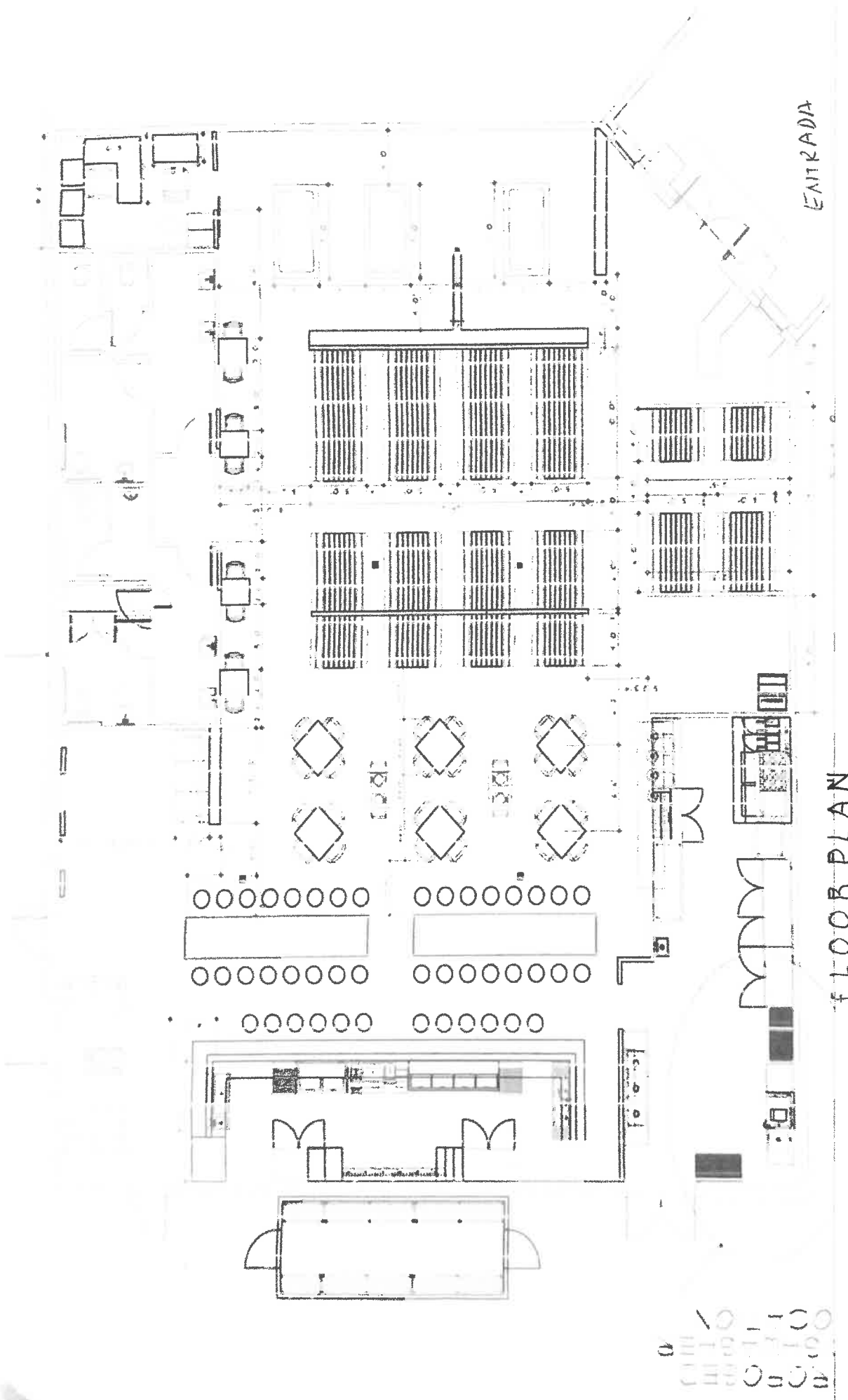
STEWART VILLAGE PH I
FIRST ASSEMBLY OF GOD CHURCH
STEWART VILLAGE TONI LN.



CITY OF MISSION
HIDALGO COUNTY, TEXAS
1201 E. 8th Street
MISSION, TX 78572
PH: (956) 580-8672
FAX: (956) 580-8680

Item 13.



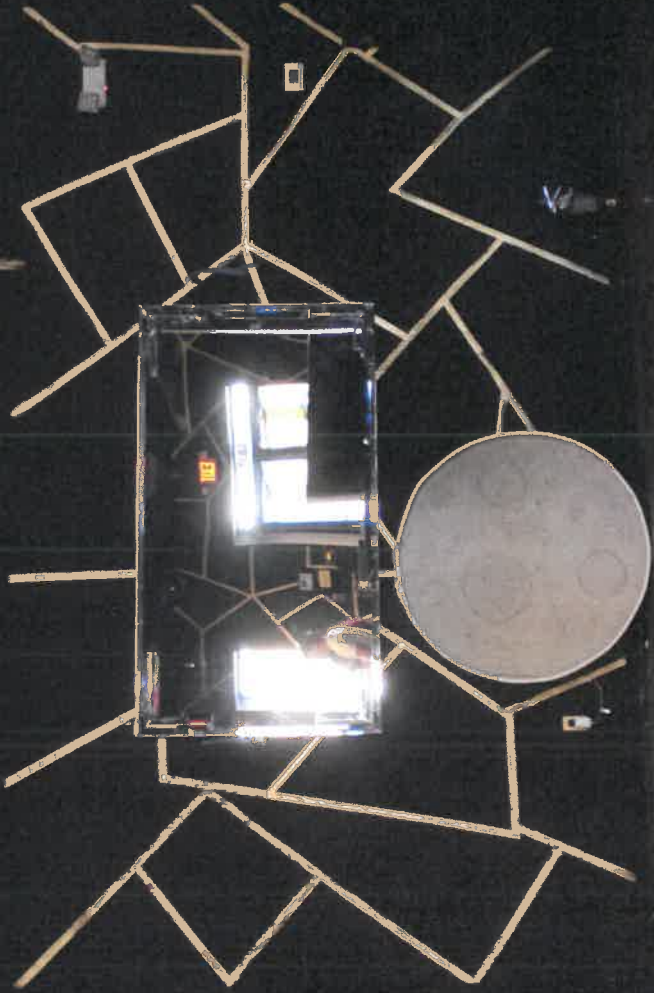


FLOOR PLAN











Moon Restaurant Mixology

Appetizer

Hickory Smoked Bacon-Wrapped Fresh Sea Scallops
Petite Crab Cakes with Cream Fraiche Orange Sauce & Caviar
Hickory Smoked Bacon, Caramelized Onion Tartlets
Stuffed Mushroom Caps Boursin Cheese or Italian Sausage
Certified Angus Beef Meatballs with Pineapple Teriyaki Glaze, Demi-Glace or BBQ
Almond-Stuffed Bacon-Wrapped Dates
Bacon-Wrapped Water Chestnuts

Salad

Cranberry Almond Wild Rice Salad
Seasonal Fruit Salad with Lemon Yogurt dressing
Grilled Vegetable Pasta Salad in Basil Vinaigrette
Traditional Potato Salad or Cole Slaw

Main Entrée

Chimichurri Tenderloin Skewers/ Cucumber Yogurt Dipping Sauce
Chicken Sate with Sweet Chili Sauce
Steak au Poivre set on Crostini.
Jumbo Shrimp Cocktail and Cocktail Sauce
Smoked Salmon Crostini with Dill Sauce
Silver Dollar Sandwiches (Beef & Turkey)
Petite Croissants with Chicken, or Seafood Salad
Mini Artichoke and Spinach Cakes with Citrus Aioli
Marinated Mozzarella Pear Tomatoes with Fresh Basil and a Balsamic Reduction on
Toasted Brioche Crostini

Dessert

Panna Cotta Black Pepper
Tiramisu Doble Espresso
Crème Brûlée Bourbon



43,060 (MB)

Document reference ID : 382607

Licensing Application Summary

You must review your application and confirm that the information displayed here is correct. Select **Review and Confirm** to continue and make the payment. If the information is not correct, select **Next** to return to the application, edit the data as needed and finalize the submission. If you need to store the application packet for your records, select **Download**.

Application ID:	382607
Applicant Name:	American restaurants LLC
License Type applied for:	Mixed Beverage Permit (MB)

Entity Information

Business Structure:	Limited liability partnership
FEIN/SSN Number:	993615786
Historically Underutilized Business:	No
Veteran-owned business:	No
Fraternal Owned:	No
Secretary of State Filing Number:	805592469
Date Filed:	6/18/2024
Filing State:	TX

Primary Business Entity Contact Information

Legal First Name:	Lerma
Legal Middle Name:	Lourdes
Email Address:	lerma528@hotmail.com
Phone Number:	956-458-4358

Initial Application Information

Authority Type: I am a principal or authorized user with binding authority
Legal First Name: Lourdes
Legal Last Name: Lerma
Email Address: lerma528@hotmail.com
Phone Number: 956-458-4358

Principal Parties

Principal Parent Entity	Principal Party	Role	%Ownership
American restaurants LLC	Lerma Lourdes	General Partner	50

Basic Business information

Business/Trade Name: Moon Restaurant Mixology
Business Type Restaurant

Location's Phone Numbers

Business Phone Number 956-478-5666
Alternate Phone Number 956-458-4358

Location Address

Address: 1603 E Griffin Pkwy, Mission, TX, United States, Hidalgo 78572
Is your location within city limits? Yes

Mailing Address Information

Address: 6808 N TAYLOR Rd, McAllen, TX, United States, Hidalgo 78504

Measurement Information

Measuring from the public entrance of your location along street lines and directly across intersections, will your location be within 1,000 feet of the nearest property line of a public or private school? No

Is a residential address or established neighborhood association located within 300 feet of any property line of your premises? No

Sixty Day Sign Requirements

Posted the 60 day sign: No

Refuting reason: Previously licensed for on-premise consumption of alcoholic beverages

Projected Sales Information

Sales Year: 2024

Alcohol Sale: \$100,000.00

Food Sales: \$250,000.00

Total Sales: \$350,000.00

Property Ownership

Do you, the applicant, own the land, building, and/or warehouse at this proposed licensed location? Yes

Are you operating under? Lease

Franchise Agreement

Do you or anyone else at the location operate under a franchise agreement? No

Are there any agreements, exclusive of a franchise agreement, which involve alcohol in any way? No

Shared premise information

Do you share the premises with another business entity?

No

Property Ownership Details

Property Type	Property Ownership Type	Entity Name
Building	Lessor	Maxler investments
Land and Building	Lessor	Maxler investments

Location Diagram

Item 13.

Will the license or permit embrace the entire location address? Yes



TEXAS ALCOHOLIC BEVERAGE COMMISSION
Team Helping Businesses & Protecting Communities

CERTIFICATE OF CITY SECRETARY FOR: (MB, BG & BE)

Section 11.37 & 61.37

Not later than the 30th day after the date a prospective applicant for a license or permit requests certification, the city secretary or clerk shall certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the license or permit is sought is prohibited by ordinance.

I hereby certify on this _____ day of _____, _____, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a "wet" area for such license/permit, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

- MB** Mixed Beverage Permit
- MB/FB** Mixed Beverage Restaurant Permit with Food and Beverage Certificate (MB must also hold a Food and Beverage Certificate)
- BG/FB** Wine and Beer Retailer's Permit with Food and Beverage Certificate (BG must also hold a Food and Beverage Certificate)
- BG** Wine and Beer Retailer's Permit - **Election for given location was held for:**
 legal sale of beer/wine (17%) on-premise **AFTER** Sept. 1, 1999
 legal sale of beer/wine (14%) on-premise **BEFORE** Sept. 1, 1999
- BE** Beer Retail Dealer's On-Premise License
- BE/FB** Retail Dealer's On-Premise License with **required** Food and Beverage Certificate

OR

I hereby refuse on this _____ day of _____, 20_____ to certify this location.

SIGN HERE

City Secretary/Clerk

_____, TEXAS
City

SEAL



TEXAS ALCOHOLIC BEVERAGE COMMISSION
Texas Helping Businesses & Protecting Communities

CERTIFICATE OF COUNTY CLERK FOR: (MB, BG & BE)

Section 11.37 & 61.37

Not later than the 30th day after the date a prospective applicant for a license or permit requests certification, the city secretary or clerk shall certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the license or permit is sought is prohibited by ordinance.

I hereby certify on this 2nd day of July, 2024, that the location for which the license/permit is sought is in a "wet" and is ~~not~~ prohibited by any valid order of the Commissioner's Court.

- MB** Mixed Beverage Permit
- MB/FB** Mixed Beverage Restaurant Permit with Required Food and Beverage Certificate
- BG/FB** Wine and Beer Retailer's Permit with Required Food and Beverage Certificate
- BG** Wine and Beer Retailer's Permit - **Election for given location was held for:**
 legal sale of beer/wine (17%) on-premise **AFTER** Sept. 1, 1999
 legal sale of beer/wine (14%) on-premise **BEFORE** Sept. 1, 1999
- BE** Beer Retail Dealer's On-Premise License
- BE/FB** Retail Dealer's On-Premise License with **required** Food and Beverage Certificate

OR

I hereby refuse on this _____ day of _____, 20____ to certify this location.

SIGN HERE

ARTURO GUAJARDO, JR.

County Clerk

HIDALGO

County

SEAL





TEXAS ALCOHOLIC BEVERAGE COMMISSION
Taxpayers Helping Businesses & Protecting Communities

COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATES

I hereby certify on this 3rd day of July, 2024, the applicant holds or has applied for and satisfies all legal requirements for the issuance of a Sales Tax Permit under the Limited Sales, Excise and Use Tax Act or the applicant as of this date is not required to hold a Sales Tax Permit.

Sales Tax Permit Number 32010677535

Outlet Number 00004

Print Name of Comptroller Employee Esther Guajardo

Print Title of Comptroller Employee Taxpayer Enforcement Officer

SIGN HERE
Guajardo
Comptroller Representative

Brownsville
City

,TEXAS

SEAL

S2780-00-002-0013-00 (574162)
 ESQUIVEL SOILA A/K/A SOILA MATA
 1611 E 23RD 1/2 STREET
 MISSION TX 78574

S2780-00-002-0014-00 (574163)
 DAVIS CLIFTON E & MARIA E
 1609 E 23RD 1/2 ST
 MISSION TX 78574

S2780-00-002-0015-00 (574164)
 GARCIA JUAN E & MARIA E
 105 W HIBISCUS AVE
 MCALLEN TX 78501

S2780-00-002-0016-00 (574165)
 MINTON MARK & VERONICA
 1605 E 23RD 1/2 ST
 MISSION TX 78574

S2780-00-002-0017-00 (574166)
 ELLISON SHARON G
 1604 E 23RD 1/2 ST
 MISSION TX 78574

S2780-00-002-0018-00 (574167)
 GONZALEZ ELIAS A
 1606 E 23RD 1/2 ST
 MISSION TX 78574

S2780-00-002-0019-00 (574168)
 AREVALO JAMES BRIAN
 1604 HERITAGE LN
 MISSION TX 78572

S2780-00-002-0020-00 (574169)
 GUTIERREZ ELOY JR & CLEMENTINA
 1610 E 23RD 1/2 ST
 MISSION TX 78574

S2780-00-003-0001-00 (574171)
 CANO FAMILY LIMITED PARTNERSHIP
 3007 LAS COLINAS LN
 MISSION TX 78574

S2780-00-003-0002-00 (574172)
 CANO FAMILY LIMITED PARTNERSHIP
 3007 LAS COLINAS LN
 MISSION TX 78574

S2780-00-003-0003-00 (574173)
 SERN PROPERTIES LLC
 1704 SCOBEE AVE
 DONNA TX 78537

S2780-00-003-0005-00 (574175)
 BLUE KARAT LP
 6916 N PEKING ST
 MCALLEN TX 78504

S2780-00-003-0006-00 (574176)
 BLUE KARAT LP
 6916 N PEKING ST
 MCALLEN TX 78504

S2780-00-003-0007-00 (574177)
 MAXLER INVESTMENTS LLC
 2426 E 21ST ST
 MISSION TX 78572

S2780-00-003-0009-00 (574179)
 MARTINEZ LYDIA R
 4422 N STEWART RD
 PALMHURST TX 78573

S2780-00-003-0010-00 (574180)
 MAXLER INVESTMENTS LLC
 2426 E 21ST ST
 MISSION TX 78572

S2780-00-003-0012-00 (574182)
 LEAL CARLOS G JR
 PO BOX 631
 MISSION TX 78573

S2780-00-003-0013-00 (574183)
 MAXLER INVESTMENTS LLC
 2426 E 21ST ST
 MISSION TX 78572

S2780-00-003-0014-00 (574184)
 MAXLER INVESTMENTS LLC
 2426 E 21ST ST
 MISSION TX 78572

S2780-00-003-0015-00 (574185)
 MAXLER INVESTMENTS LLC
 2426 E 21ST ST
 MISSION TX 78572

S2780-00-003-0016-00 (574186)
 MAXLER INVESTMENTS LLC
 2426 E 21ST ST
 MISSION TX 78572

E6550-00-000-0001-00 (682920)
 EPISCOPAL CHURCH CORP
 OF THE DIOCESE OF WEST TEXAS
 PO BOX 6885
 SAN ANTONIO TX 78209

E6550-00-000-0002-00 (682921)
 EPISCOPAL CHURCH CORP
 OF THE DIOCESE OF WEST TEXAS
 PO BOX 6885
 SAN ANTONIO TX 78209

S2780-00-003-0016-05 (1020457)
 VILLEGAS JOHN EDWARD
 PO BOX 462
 BENAVIDES TX 78341



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024
PRESENTED BY: Anna Carrillo, City Secretary
AGENDA ITEM: Approval of Minutes – Carrillo
 Regular Meeting – August 12, 2024
 Special Meeting – August 19, 2024

NATURE OF REQUEST:

See Attached Minutes

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager’s Recommendation: Approval *MRP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____



**CITY COUNCIL REGULAR MEETING
MISSION CITY HALL
AUGUST 12, 2024 at 4:30 PM**

MINUTES

PRESENT:

Norie Gonzalez Garza, Mayor
Ruben D. Plata, Mayor Pro-Tem
Jessica Ortega, Councilwoman
Marissa Ortega-Gerlach, Councilwoman
Alberto Vela, Councilman
Patricia A. Rigney, City Attorney
Mike R. Perez, City Manager
Anna Carrillo, City Secretary

ABSENT:

ALSO PRESENT:

Brenda Enriquez
Esther Salinas
Hilda Flores
Sophia Saldivar
Dennis Bethea
Eliu Garza
Aida N. Santoy
Corina Arendano
Anel Mendoza
Hilda Garcia
Judith Ponce
Julian Gonzalez
Lea Juarez
Noel Salinas
Armando O'cana
Dendia Balli
Noe Gomez

STAFF PRESENT:

David Flores, Asst. City Manager
Juan Pablo Terrazas, Asst. City Manager
Andy Garcia, Asst. City Manager
Adrian Garcia, Fire Chief
Christopher Navarrette, Deputy Fire Chief
Vidal Roman, Finance Director
Alex Hernandez, Assistant Planning Director
Noemi Munguia, HR Director
Robert Hinojosa, Director of Organizational Dev.
Abram Ramirez, IT Director
Michael Elizalde, Exec Dir of Grants & Strategic Dev.
Cesar Torres, Chief of Police
Tecló Garcia, MEDC CEO
Brad Bentsen, Parks & Recreation Director
JoAnne Longoria, CDBG Director
Jose Luis Silva, Internal Auditor
Jaime de la Garza, Police Officer
Adrian Guerra, Police Officer
Ruben Hernandez, Media Relations
Alex Fajardo, Media Relations

REGULAR MEETING

CALL TO ORDER AND ESTABLISH QUORUM

With a quorum being present, Mayor Norie Gonzalez Garza called the meeting to order at 4:32 p.m.

INVOCATION AND PLEDGE ALLEGIANCE

Councilwoman Marissa Gerlach led the invocation and Pledge of Allegiance.

DISCLOSURE OF CONFLICT OF INTEREST

None

PRESENTATIONS

1. Proclamation - Tiger Fury Kajukenbo Self Defense Institute World Championship – Carrillo

Mayor Pro Tem Ruben Plata moved to approve the Proclamation – Tiger Fury Kajukenbo Self Defense Institute World Championship. Motion was seconded by Councilman Alberto Vela and approved unanimously 4-0.

2. June 2024 Employee of the Month – Munguia

Noemi Munguia, Human Resource Director presented, Bianca Villarreal, Accounts Payable Specialist, as the employee of the month for June. Ms. Villarreal was nominated by Catalina Casas, Fixed Assets Clerk and Vidal Roman, Finance Director. Bianca had demonstrated excellent leadership skills, and had always been professional. Even with her workload, she still took the time to train others on what needed to get done. Ms. Villarreal was patient and kind and worked hard to ensure accuracy in her tasks on a daily basis.

3. Presentation of Parks & Recreation TAFF Athletes – Bentsen

Brad Bentsen, Parks and Recreation Director, thanked the Mayor and City Council for their continuous support of the Texas Amateur Athletic Federation Program. Over the years, the program has grown, and the overall participation had been great with kids from neighboring cities such as Pharr, McAllen and La Joya joining Mission's program this summer. This year's swim team was the largest the program has had, and they were able to bring home several awards. On the Parks and Recreation side, there were a total of 189 students competing in various track and field events. Mission took home first place in the 3200. Tennis participants also did very well and they were able to bring in first place for singles.

4. Report from Mission Economic Development Corporation - Teclo Garcia

Teclo Garcia, MEDC CEO, gave an update on the overall operations of the Economic Development Corporation. Mr. Garcia spoke about a recent visit from Governor Cardona of San Luis Potosi. Mr. Cardona visited the Anzaldua's Bridge as well as the CEED building during his visit. This was a great opportunity to promote the Anzaldua's Bridge and possibly bring in more commerce. Teclo also announced that STC's Office for Apprenticeship was now open at the CEED building. The Downtown Assistance program which focused on the reinvesting and revitalizing Mission's downtown area was also discussed. This venture would provide grants of up to \$25,000 to six different businesses.

5. Report from the Greater Mission Chamber of Commerce – Brenda Enriquez

Brenda Enriquez, Greater Mission Chamber of Commerce President, spoke about upcoming events such as: Buenas Tardes Luncheon on August 14th at the Mission Event Center, UTRGV SBDC: Smart Start Business Branding Webinar on August 14th, Membership Mixer on August 20th at Bubbas, Ribbon Cutting of Substation #6 on August 21st, UTRGV SBDC: From Local to Global Webinar on August 22nd, Ribbon Cutting for Taquero Mucho on August 23rd, Ribbon Cutting: Clear Ice on August 23rd, UTRGV SBDC: Instruction to Employee Handbooks Webinar, Ribbon Cutting: Jo-Nic Bloom Studio.

6. Departmental Reports – Perez

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

7. Citizen's Participation – Garza

None

PUBLIC HEARING**PLANNING & ZONING RECOMMENDATIONS****8. Rezoning: Lots 8-11, Amber Grove Subdivision from (R-2) Duplex-Fourplex Residential to (R-3) Multi-Family Residential, Amber Development, LLC, and Adoption of Ordinance# _____ - De Luna**

On August 7, 2024, the Planning and Zoning Commission held a Public Hearing to consider the rezoning request. The subject site was located approximately 240' East of Trosper Road along the south side of Palmer Road. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff and City Manager recommended denial.

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

Councilwoman Jessica Ortega joined the meeting at 5:10 p.m.

Ruben James de Jesus, Melden and Hunt representative, was asking for the council's support for this proposed project. He was unable to attend the P&Z Meeting, but was present to explain the project. They were proposing to rezone these lots to R-3. Three of the lots were for six plexes and the 4th lot would be would be for a 5 plex.

Mayor Pro Tem Plata inquired as to why there was not a representative present from Melden and Hunt at the P&Z meeting to which Mr. de Jesus replied that all representatives were tied up with other meetings so there was a conflict of scheduling.

Mayor Garza commented that she did not like the idea of rezoning the property to R-3 since it did not align with the future plans for the area. She asked if it would be possible for to create four lots from the three that were larger in size.

Mr. de Jesus stated due to the width of the lots, if they divided them into four, they would have to then request a variance.

No action was taken on this item.

Mayor Garza and City Council recommended that this item be sent back to the Planning and Zoning Board for further review with a representative from Melden & Hunt being present at the meeting.

9. Conditional Use Permit: Anel's Event Center, 700 W. Griffin Parkway, Ste. D, Lot 2, Aziz No. 2 Subdivision, C-3, Anel Mendoza, Adoption of Ordinance #5526 - De Luna

On August 7, 2024 the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site was located 185' east of Holland Road along the north side of W. Griffin Parkway. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff and City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Plata moved to approve the Conditional Use Permit: Anel's Event Center, 700 W. Griffin Parkway, Ste. D, Lot 2, Aziz No. 2 Subdivision, C-3, Anel Mendoza, Adoption of Ordinance #5526. Motion was seconded by Councilman Vela and approved unanimously 5-0.

ORDINANCE NO. 5526

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR ANEL'S EVENT CENTER, 700 W. GRIFFIN
PARKWAY, STE. D, LOT 2, AZIZ NO. 2 SUBDIVISION

10. Conditional Use Permit: Once Upon a Spa Party Event Place, 2711 E. Griffin Parkway, Lot 9, Adams Crossing Subdivision, C-3, Aida Santoy, Adoption of Ordinance #5527 - De Luna

On August 7, 2024 the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site was located approximately 354' west of Taylor 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 and City Manager recommended approval.

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

There were no comments.

Councilwoman Ortega moved to approve the Conditional Use Permit: Once Upon a Spa Party Event Place, 2711 E. Griffin Parkway, Lot 9, Adams Crossing Subdivision, C-3, Aida Santoy, Adoption of Ordinance #5527. Motion was seconded by Mayor Pro Tem Plata and approved unanimously 5-0.

ORDINANCE NO. 5527

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR ONCE UPON A SPA PARTY EVENT PLACE,
2711 E. GRIFFIN PARKWAY, LOT 9, ADAMS CROSSING SUBDIVISION

11. Conditional Use Permit: El Jardin Events, 105 E. 30th Street, Lot 1, Block 1, Briana Estates Subdivision, C-3, Hilda Garcia, Adoption of Ordinance #5528 - De Luna

On August 7, 2024 the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site is located approximately 235' east of Conway Avenue along the north side of E. 30th Street. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff and City Manager recommended approval.

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

There were no comments.

Councilwoman Ortega moved to approve the Conditional Use Permit: El Jardin Events, 105 E. 30th Street, Lot 1, Block 1, Briana Estates Subdivision, C-3, Hilda Garcia, Adoption of Ordinance #5528. Motion was seconded by Councilman Vela and approved unanimously 5-0.

ORDINANCE NO. 5528

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT EL JARDIN EVENTS, 105 E. 30TH STREET, LOT
1, BLOCK 1, BRIANA ESTATES SUBDIVISION

12. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – El Porton, 2311 N. Conway Avenue, Ste. 10, Lot 2, Shops at 495, C-3, El Porton, LLC c/o Rebeca Avendano, Adoption of Ordinance#5529 and Wet Zone Ordinance #5530- De Luna

On August 7, 2024 the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site was located approximately 320' North of W. Griffin Parkway along the west side of Conway Avenue. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff and City Manager recommended approval.

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

There were no comments.

Councilwoman Ortega moved to approve the Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – El Porton, 2311 N. Conway Avenue, Ste. 10, Lot 2, Shops at 495, C-3, El Porton, LLC c/o Rebeca Avendano, Adoption of Ordinance#5529 and Wet Zone Ordinance #5530. Motion was seconded by Councilwoman Gerlach and approved unanimously 5-0.

ORDINANCE NO. 5529

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 – EL PORTON, 2311 N. CONWAY AVENUE, STE. 10, LOT 2,
SHOPS AT 495

ORDINANCE NO. 5530

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
2311 N. CONWAY AVENUE, STE 10, LOT 2, SHOPS AT 495

13. Conditional Use Permit: Drive-Thru Service Windows & The Sale & On-Site Consumption of Alcoholic Beverages – La Palma Azul, 3501 N. Conway, Ste. 1, Lot 2, IHOP on Conway Subdivision, C-3, Elio C. Garza, Adoption of Ordinance # ____ and Wet Zone Ordinance # ____ - De Luna

On August 7, 2024 the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site was located approximately 1,355' north of mile 2 Road along the west side of Conway Avenue. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff and City Manager recommended approval.

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

Mr. Perez asked what the ratio of sales was in terms of food versus alcohol. He stated that as per our ordinance, there had to be higher percentage of food sales in order for the CUP to be approved.

Mr. Elio Garza, owner of La Palma Azul, stated that his establishment would also consist of food sales. He stated that it was a family oriented business that also focused on selling snacks such as nachos, raspas, chips, etc. He said the majority of sales in his other locations were for food items and that they did not just focus on selling alcoholic beverages.

Mayor Pro Tem Plata asked for this item to be tabled in order for Mr. Elio Garza to ensure that he would be making a good investment with the city and that his business would align with the city's ordinances in terms of food/alcohol sales.

Mayor Pro Tem Plata moved to table this item. Motion was seconded by Councilman Vela and approved unanimously 5-0.

14. Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – Muelle 37, 801 N. Shary Road, Suites 150, 160, & 170, Lot 1A, Mirabelle Subdivision, C-4, Mariscos El Muelle, LLC, Adoption of Ordinance #5531 - De Luna

On August 7, 2024 the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit Renewal request. The subject site was located approximately 600' south of E. Business Highway 83 along the west side of N. Shary Road. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff and City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Plata moved to approve the Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – Muelle 37, 801 N. Shary Road, Suites 150, 160, & 170, Lot 1A, Mirabelle Subdivision, C-4, Mariscos El Muelle, LLC, Adoption of Ordinance #5531. Motion was seconded by Councilman Vela and approved unanimously 5-0.

ORDINANCE NO. 5531

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT RENEWAL FOR THE SALE & ON-SITE
CONSUMPTION OF ALCOHOLIC BEVERAGES – MUELLE 37, 801 N. SHARY ROAD, SUTIES
150, 160, & 170, LOT 1A, MIRABELLE SUBDIVISION

15. Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – Still Tap, 600 N. Shary Road, Ste. C, Lot 1, Esdras Vega Subdivision, C-3, Richard Gomez, Adoption of Ordinance #5532 - De Luna

On August 7, 2024 the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit Renewal request. The subject site was located at the NE corner of E. 6th Street and Shary Road. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff and City Manager recommended approval.

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

There were no comments.

Mayor Pro Tem Plata moved to approve the Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – Still Tap, 600 N. Shary Road, Ste. C, Lot 1, Esdras Vega Subdivision, C-3, Richard Gomez, Adoption of Ordinance #5532. Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

ORDINANCE NO. 5532

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT RENEWAL FOR THE SALE & ON-SITE
CONSUMPTION OF ALCOHOLIC BEVERAGES – STILL TAP, 600 N. SHARY ROAD, STE. C,
LOT 1, ESDRAS VEGA SUBDIVISION

16. Preliminary & Final Re-Plat Approval: Re-Plat of Lot 1, Business Park Plaza Phase 2 Subdivision, Being all of Lot 1, Business Park Plaza Phase II Subdivision, I-1, Developer: Fire Fund 2 900 Business Park Drive, LLC, Engineer: South Texas Infrastructure Group - De Luna

On August 7, 2024 the Planning and Zoning Commission held a Public Hearing to consider the replat. The subject site was located at the east side of Business Park Drive and at the south side of Plaza Drive. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff and City Manager recommended approval.

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

Mayor Garza asked if all the utilities were already in place for this area to which Ms. Susie De Luna, Planning Director, replied that they were.

There were no comments.

Mayor Pro Tem Plata moved to approve Preliminary & Final Re-Plat Approval: Re-Plat of Lot 1, Business Park Plaza Phase 2 Subdivision, Being all of Lot 1, Business Park Plaza Phase II Subdivision, I-1, Developer: Fire Fund 2 900 Business Park Drive, LLC, Engineer: South Texas Infrastructure Group. Motion was seconded by Councilman Vela and approved unanimously 5-0.

CONSENT AGENDA

All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately. The City Council May Take Various Actions; Including But Not Limited To Rescheduling An Item In Its Entirety For A Future Date Or Time. The City Council May Elect To Go Into Executive Session On Any Item Whether Or Not Such Item Is Posted As An Executive Session Item At Any Time During The Meeting When Authorized By The Provisions Of The Open Meetings Act

17. Approval of Minutes – Carrillo

Regular Meeting – July 22, 2024

18. Acknowledge Receipt of Minutes – Perez

Mission Economic Development Authority – January 24, April 24, 2024

Mission Education Development Council – April 24, 2024

Mission Redevelopment Authority – May 30, June 17, June 24, 2024

Mission Tax Increment Reinvestment Zone – May 30, June 17, 2024

Mission Economic Development Corporation – June 26, 2024

Citizen's Advisory Committee – June 25, July 9, 2024
Civil Service Commission – July 11, 2024

19. Ratification of solicitation of proposals for Auditing Services for the City of Mission – Roman

Staff was seeking authorization to solicit proposals for Auditing Services for the City of Mission. The City Council was required by the City Charter Section 3.14 to have an independent audit of the books of accounts, records and transactions of all the administrative departments of the City at least yearly.

20. Authorization to enter into an Interlocal Agreement with Texas Municipal League Intergovernmental Risk Pool for Cyber Liability and Data Breach coverage – Hinojosa

Staff was seeking authorization to enter into an Interlocal agreement with TML to maintain Cyber Liability coverage. With the growing number of cyber security claims that were being reported state-wide the TML Risk Pool had created a Cyber fund to properly handle the influx of new claims. TML was requiring all Pool members to opt-in by completing the Cyber Interlocal Agreement in order for the City of Mission to continue its cyber liability coverage with TML. The City currently had cyber liability coverage with TML in order to keep the coverage TML was requiring Cities to agree to an interlocal agreement. The cost of Cyber liability coverage last year was \$483; it would now be \$1,875.

21. Authorization to submit a grant application to Petco Love for the FY24 Animal Welfare Organization Performing Sheltering and Adoptions grant in the amount of \$50,000 with no match requirement – Elizalde

The City of Mission Health Department was seeking authorization for the submission of a grant application for the FY24 Animal Welfare Organization Program with Petco Love. The grant allowed projects that promoted lifesaving efforts by increasing adoption programs, resources, and enhance return to owner initiatives. The city was requesting \$50,000 in support of its spay-neuter program, expansion and enhancement of kennel area, animal vaccines, and adoption costs to the community. The grant program had no match requirement.

22. Authorization to Solicit Bids for a Pre-Engineered Metal Building to Serve as the Maintenance Building at Shary Municipal Golf Course - Fernuik

Staff was seeking authorization to solicit bids for an 80' x 40' pre-engineered metal building to serve as the maintenance building for the Shary Municipal Golf Course.

23. Approval of Resolution # 1913 Regarding Waterline Access Agreement with Sharyland Water Supply within City of Mission's ETJ for De Leon-Zamora Subdivision – De Luna

The proposed De Leon-Zamora Subdivision was a 10.00 Acre Tract of land more or less out of Lot 34-6 John H. Shary Subdivision within the service area of the Sharyland Water Supply Corporation and within the City of Mission's ETJ.

Sharyland Water Supply Corporation had adequate-sized water lines to support fire hydrants in the area and required an agreement be entered between the Corporation, the property owner and the City of Mission before such installation was allowed.

RESOLUTION NO. 1913

A RESOLUTION OF THE CITY OF MISSION, TEXAS TO APPROVE A WATERLINE ACCESS AGREEMENT BETWEEN THE SHARYLAND WATER SUPPLY CORPORATION, AND DE LEON-ZAMORA SUBDIVISION

24. Authorization to execute First One-Year renewal option for Sludge Management Services for Public Works Department – Bocanegra

Seeking authorization to exercise First One-Year Renewal with C&C Waste Management dba: CB3 Hauling; this was the first of two renewal options. The Contract term was for one (1) year with the option for two additional one-year renewals. Recommendation was based solely on estimated quantities and orders would be placed on as needed basis. The agreement would extend Bid No. 23-466-07-14 from August, 2024 through August, 2025. Prices would remain the same.

Mayor Pro Tem Plata moved to approve all consent agenda items 17 thru 24 as presented. Motion was seconded by Councilman Vela and approved unanimously 5-0.

APPROVALS AND AUTHORIZATIONS**25. Preliminary & Final Plat Approval: Crystal Estates Subdivision IV, being a 14.71-acre parcel of land, out of Lot 27-1, West Addition to Sharyland, R-2, Developer: DG & GG Investments, LLC, Engineer: Ever Engineering, LLC - De Luna**

On August 7, 2024 the Planning & Zoning Commission held a Public Hearing to consider the Preliminary & Final Plat Approval for Crystal Estates Subdivision IV. The subject site was located east of Inspiration Road approximately 1,400' south of W. 2 Mile Road. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval.

Staff and City Manager recommended approval.

It was asked if all 47 lots were ready to be developed. Ms. Susie De Luna, Planning Director, stated that as of right now, only 24 of the lots were ready to be developed.

Mayor Pro Tem Plata asked if all of the infrastructure was already in place, and Ms. De Luna stated that for the 24 lots everything was ready, but not for the rest of the area.

Mayor Pro Tem Plata stated that would like to table this item. He did not want to make a motion to approve this item because it was misleading in the sense that it seemed like the entire subdivision was ready for development; however, only twenty four lots were.

Mayor Pro Tem Plata moved to table this item. Motion was seconded by Councilman Vela and approved unanimously 5-0.

Councilwoman Gerlach stepped out of the council meeting at 6:00 p.m.

26. Final Plat Approval: La Villita Estates No. 3, A 9.37 acre tract of land out of Lot 45-3, West Addition to Sharyland, Rural E.T.J, Developer: COMAREX, LLC, Engineer: Pablo Soto, Jr. P.E. - De Luna

On January 8, 2024 the Mission City Council held a Public Hearing to consider the subdivision. The subject site was located 330' east of the intersection of Mile 6 North Road and Los Ebanos Road on the north side of Mile 6 North Road (Mission Rural ETJ). There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Plata moved to approve the Final Plat Approval: La Villita Estates No. 3, A 9.37 acre tract of land out of Lot 45-3, West Addition to Sharyland, Rural E.T.J, Developer: COMAREX, LLC, Engineer: Pablo Soto, Jr. P.E.. Motion was seconded by Councilwoman Ortega and approved unanimously 4-0.

Councilwoman Gerlach re-joined the meeting at 6:03 p.m.

27. Final Plat Approval: Las Esperanzas Subdivision, A tract of land containing 27.22 acres of land, being part or portion of Lot 183, John H. Shary Subdivision, R-3, Developer: Dragonfly 6265, LLC, Engineer: Javier Hinojosa Engineering - De Luna

On August 22, 2022 the Mission City Council held a Public Hearing to consider the Preliminary Plat Approval for Las Esperanzas Subdivision. The subject site was located along the east side of Glasscock Road, approximately 1,550' feet north of E. U.S. Expressway 83. There was no public input during the City Council meeting. The Board unanimously recommended approval.

Staff and City Manager recommended approval.

Councilwoman Ortega moved to approve Final Plat Approval: Las Esperanzas Subdivision, A tract of land containing 27.22 acres of land, being part or portion of Lot 183, John H. Shary Subdivision, R-3, Developer: Dragonfly 6265, LLC, Engineer: Javier Hinojosa Engineering. Motion was seconded by Councilman Vela and approved unanimously 5-0.

28. Approval of Resolution #1914 between the State of Texas (TxDOT) and the City of Mission for the approval of Municipal Maintenance Agreement, for the maintenance, control, supervision and regulation of certain State Highways and portions of state highways in the City of Mission and authorizing the Mayor to execute such agreement – Terrazas

This agreement was for the purpose of defining the authority and responsibility of both parties for maintenance and operation of State highways through the City. This agreement shall supplement any special agreements between the State and the City for the maintenance, operation, and/or construction for the State highways. The State shall install, maintain, and operate, when required, all traffic signs and associated pavement markings necessary to regulate, warn, and guide traffic on State highways within the State right-of-way, including main lanes and frontage roads. The city shall install, maintain and operate all traffic signals, perform mowing and litter pickup and retain all functions and responsibilities for maintenance and operations.

Staff and City Manager recommended approval.

Councilwoman Ortega moved to approve of Resolution #1914 between the State of Texas (TxDOT) and the City of Mission for the approval of Municipal Maintenance Agreement, for the maintenance, control, supervision and regulation of certain State Highways and portions of state highways in the City of Mission and authorizing the Mayor to execute such agreement. Motion was seconded by Mayor Pro Tem Plata and approved unanimously 5-0.

RESOLUTION NO. 1914

A RESOLUTION APPROVING THE AGREEMENT DATED AUGUST 12, 2024 BETWEEN THE STATE OF TEXAS AND THE CITY OF MISSION FOR THE MAINTENANCE, CONTROL, SUPERVISION AND REGULATION OF CERTAIN STATE HIGHWAYS AND/OR PORTIONS OF STATE HIGHWAYS IN THE CITY OF MISSION AND PROVIDING FOR THE EXECUTION OF SAID AGREEMENT; AND DECLARING AN EMERGENCY

29. Discussion and possible action authorizing Tax Increment Reinvestment Zone #1 to seek proposals from qualified consultants or firms for the creation of Tax Increment Reinvestment Zone #2 – Terrazas

Authorize TIRZ #1 to seek proposals from qualified consultants or firms to assist in the creation and implementation of Tax Increment Reinvestment Zone #2.

Staff and City Manager recommended approval.

Mayor Pro Tem Plata moved to authorize Tax Increment Reinvestment Zone #1 to seek proposals from qualified consultants or firms for the creation of Tax Increment Reinvestment Zone #2. Motion was seconded by Councilwoman Gerlach and approved unanimously 5-0.

30. Approval of Resolution No. 1915 of the City Council of the City of Mission Granting Power of Attorney to Christopher Navarrete, EMS Administrator of Record for the Purchase of Narcotics for Fire-Based EMS Services – A. L. Garcia

The fire-based EMS services required a consistent and regulated supply of narcotics to ensure the provision of adequate medical care in emergency situations. The purchase and management of these narcotics must comply with federal and state regulations, requiring authorized personnel to oversee the procurement process.

To streamline the procurement process and ensure compliance with all regulatory requirements, it was proposed to grant power of attorney to Christopher Navarrete, EMS Administrator of Record. This would authorize him to manage the purchase and necessary documentation of narcotics for the fire-based EMS services.

Staff and City Manager recommended approval.

Councilwoman Ortega moved to approve Resolution No. 1915 of the City Council of the City of Mission Granting Power of Attorney to Christopher Navarrete, EMS Administrator of Record for the Purchase of Narcotics for Fire-Based EMS Services. Motion was seconded by Mayor Pro Tem Plata and approved unanimously 5-0.

RESOLUTION NO. 1915

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION GRANTING POWER OF ATTORNEY TO CHRISTOPHER NAVARRETE FOR THE PURCHASE OF NARCOTICS FOR FIRE-BASED EMS SERVICES

31. Authorization to Purchase a Computer-Aided Dispatch (CAD) System to enhance emergency response operations – A. L. Garcia

To seek approval for the purchase of a Computer-Aided Dispatch (CAD) system to enhance the efficiency and effectiveness of our emergency response operations. Estimates are provided subject to negotiation.

The Mission Fire Department aimed to improve its dispatch operations to better serve the community. A CAD system was essential in streamlining emergency response procedures, reducing response times, and ensuring accurate and efficient communication between dispatchers and emergency responders. It was proposed that the department purchased a CAD system that met our operational needs including peripheral equipment cost. The system would assist in managing and prioritizing calls, tracking emergency units, and providing real-time data to first responders.

Staff and City Manager recommended approval.

Councilwoman Ortega asked if the fire department would be using this system to work with the police department as well or if it was completely separate.

Adrian L. Garcia, Fire Chief, explained that the system would be linked to the Mission Police Department. The police department would be receiving the initial call and would forward to the fire department if necessary. With this new system, they would be able to cut down the emergency response time and simultaneously dispatch fire and police to the scene.

Councilwoman Ortega moved to approve the Purchase of a Computer-Aided Dispatch (CAD) System to enhance emergency response operations. Motion was seconded by Mayor Pro Tem Plata and approved unanimously 5-0.

32. Authorization to Award bid for Roadside Mowing and Litter Removal Services for the Public Works Department – Bocanegra

The City of Mission had accepted and opened 13 Bid responses for Roadside Mowing and Litter Removal Services. Staff recommended awarding bid to Alvarado's Maintenance Services, who was the lowest responsible bidder meeting all specifications. The term of this contract would be for one (1) year with two (2) one-year renewal options. Recommendation was based solely on estimated quantities and orders will be placed on an as needed basis BID #24-581-07-17.

Staff and City Manager recommended approval.

Councilwoman Ortega moved to Award bid for Roadside Mowing and Litter Removal Services for the Public Works Department. Motion was seconded by Councilwoman Gerlach and approved unanimously 5-0.

33. Authorization to approve Change Order #3 for Glasscock Drainage Improvements Project for the City of Mission in the amount of \$298,497.20 and approval of respective bond allocation – Bocanegra

The City of Mission was seeking approval for Change Order #3 of the Glasscock Drainage Improvements Project. Curb and gutter for the homes that have pondings in their driveways need to be repaired. The contractor was requesting an extension of 90 days. An additional \$298,497.20 will be added to the contract price. Consequently, City Staff recommends Change Order #3 for the total amount of \$4,328,706.83 and 510 calendar days with the Change Order approved. Funds would be reallocated from Bryan Drainage projects to this Glasscock Projects from the 2021 CO Bond.

Staff and City Manager recommended approval.

J.P. Terrazas, Assistant City Manager, stated that this project should be complete within the next week or two which would mean that it would be completed without delays.

Mayor Pro Tem Plata asked why the change order was requesting additional days if there were no delays anticipated. Mr. Terrazas stated that they included the additional days in the change order as a precaution, but they were not going to be needed as they would be completing the project on time. The contractor brought in extra personnel and equipment in order to complete this.

Mayor Pro Tem Plata moved to approve Change Order #3 for Glasscock Drainage Improvements Project for the City of Mission in the amount of \$298,497.20 and approval of respective bond allocation. Motion was seconded by Councilman Vela and approved unanimously 5-0.

34. Authorization to approve Change Order #9 for Taylor Rd Phase 1 for the City of Mission in the amount of \$3,010.93 – Bocanegra

The City of Mission was seeking authorization to approve Change Order #9 of the Taylor Rd Phase 1. Plans called for the installation of two (2) ramps and sidewalk on the corner clip of Bus 83 & Taylor Rd intersection. A leak on an existing asbestos line was encountered while contractor was working on the installation of the ramps. In order to connect existing asbestos line to the new PVC line, metal couplers had to be installed on each end. This Change Order would introduce this new line item to properly compensate contractor for the installation of the metal couplers and any cost inquired for the installation of it. Contract price would increase by \$3,010.93 and no additional days. City Staff was recommending Change Order for the total contract amount of \$6,081,843.58 and 301 working days with all approved Change Orders. A budget amendment may be needed to comply with contractual obligations.

Staff and City Manager recommended approval.

Mayor Pro Tem Plata moved to approve approve Change Order #9 for Taylor Rd Phase 1 for the City of Mission in the amount of \$3,010.93. Motion was seconded by Councilwoman Gerlach and approved unanimously 5-0.

35. Authorization to approve Change Order #10 for Taylor Rd Phase 1 for the City of Mission in the amount of \$2,941.59 – Bocanegra

The City of Mission was seeking authorization to approve Change Order #10 of the Taylor Rd Phase 1. Change Order was being created to adjust quantities on the contract reflecting as-built totals. The items were previously deducted in Change Orders #3,4,5, & 6, but actual conditions on the field demonstrated the need for adjustment of final quantities. Contract price would increase by \$2,941.59 and no additional days. City Staff was recommending Change Order for the total contract amount of \$6,084,785.17 and 301 working days with all approved Change Orders. A budget amendment may be needed to comply with contractual obligations.

Staff and City Manager recommended approval.

Mayor Pro Tem Plata moved to approve Change Order #9 for Taylor Rd Phase 1 for the City of Mission in the amount of \$3,010.93. Motion was seconded by Councilman Vela and approved unanimously 4-0.

Councilwoman Ortega re-joined the meeting at 6:21 p.m.

36. Authorization to Amend the Awarded Agent of Record (AOR) Contract with Lone Star Insurance to now Include Stop Loss – Munguia

On April 22, 2024, the City Council authorized staff to award Agent of Record (AOR) services to Lone Star Insurance for all products excluding Stop Loss. We were requesting authorization to approve a contract amendment requesting a representation of all products to include Stop Loss, with the new plan year, effective 10/01/2024.

Staff and City Manager recommended approval.

Mayor Pro Tem Plata moved to Amend the Awarded Agent of Record (AOR) Contract with Lone Star Insurance to now include Stop Loss. Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

37. Request to Set Public Hearing for FY 2024-2025 Annual Budget on Monday, August 26, 2024 – Roman

Set the Public Hearing on FY 2024-2025 Annual Budget on Monday, August 26, 2024 as required by City Charter.

A notice of the hearing setting forth the time and place would be published at least ten (10) days before the date of such hearing. 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 Plata moved to Set the Public Hearing for FY 2024-2025 Annual Budget on Monday, August 26, 2024. Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

UNFINISHED BUSINESS

38. TABLED 07/22/2024 - Approval of Final Annual Action Plan 2024-25 and Authorize City Manager to Execute Subrecipient Agreements for those receiving FY'24 CDBG Allocations – Longoria

The U.S. Department of Housing and Urban Development (HUD) required local jurisdictions to prepare and submit an Annual Action Plan (AAP) in order to receive federal funds through the Community Development Block Grant Program (CDBG). The AAP described the activities that would be undertaken with CDBG funds in furtherance of the objectives set forth in the Five-Year Consolidated Plan and Strategy (CPS) 2023-2027. On June 7, 2024, the DRAFT of the AAP was available at the Community Development Office and the City's official website.

As required by HUD, public hearings were held by City Council on June 24, 2024 and Citizen's Advisory Committee (CAC) on June 25, 2024 to solicit input on CAC's proposed funding recommendations for public service agencies and city departments for the AAP. During the public hearings, a resident voiced the need for providing support services and housing assistance to homeless individuals. Received written comments on the importance to continue funding the Housing Assistance Program which improved the living conditions primarily for elderly and disabled individuals who lack the resources to maintain their homes. CAC members stressed the continued need for housing as there are several applicants that went through the eligibility process and were waiting to be assisted. They also understood the change in strategic direction of the CDBG funding and expressed the need for infrastructure improvements, such as streets, drainage, sanitary and storm sewer, and parks, recreational facilities throughout the city. The thirty-day comment period ended on July 10, 2024.

CAC recommended the following agencies and departments be funded through the FY'24 allocation of \$980,555: (Option B) Recreational Connectivity Trail Project (\$250,000), Astroland Park Phase II Playground Equipment (\$229,125), Astroland Storm Sewer Improvements (\$150,000), Amigos Del Valle (\$43,864), LRGVDC - Area Agency on Aging (\$10,000), CAMP University (\$5,000), To Give International dba Creative Arts Studio (\$3,000), Comfort House (\$1,000), HOPE Medical Services (\$8,000), Children's Advocacy Center (\$18,000), CASA of Hidalgo County (\$1,000), Silver Ribbon (\$3,000), Speer Memorial Library (\$12,455), Affordable Homes of South Texas, Inc. (\$50,000), and Administration (\$196,111).

City Manager and Staff recommended A: Recreational Connectivity Trail Project (\$200,000), Astroland Storm Sewer Phase I (\$104,000), Spikes Storm Sewer Phase I (\$32,000), Old Townsite Sanitary Sewer Phase I (\$214,000), Amigos Del Valle (\$20,444), LRGVDC - Area Agency on Aging (\$5,000), CAMP University (\$3,000), To Give International dba Creative Arts Studio (\$3,000), Comfort House (\$3,000), HOPE Medical Services (\$5,000), Children's Advocacy Center (\$11,000), CASA of Hidalgo County (\$1,000), Silver Ribbon Community Partners (\$3,000), Affordable Homes of South Texas, Inc. (\$100,000), Housing Assistance Program (\$80,000) and Administration (\$196,111).

A subrecipient orientation meeting will be scheduled to discuss their responsibilities to ensure compliance with all federal regulations. Upon approval, the Annual Action Plan 2024-25 will be submitted to the U.S. Department of Housing and Urban Development by August 16, 2024.

Staff and City Manager recommended approval.

Mayor Pro Tem Plata moved to untable this item. Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

It was requested that this item be discussed in Executive Session.

After reconvening from executive session Mayor Pro Tem Plata moved to approve City Manager's recommendations to Final Annual Action Plan 2024-25 and Authorized City Manager to Execute Subrecipient Agreements for those receiving FY'24 CDBG Allocations with the following changes: Amigos Del Valle (\$23,444), Children's Advocacy Center (\$15,000), HOPE Medical Services (\$1,000) and To Give International dba Creative Arts Studio (\$0.00). Motion was seconded by Councilwoman Ortega and approved unanimously 5-0.

39. POSTPONED 07/22/2024 - Request from Fortis Land Co. to waive water rights requirements for Bryan Landing Subdivision, being a 27.969 acre tract of land out of Lot 29-10, West Addition to Sharyland - De Luna

Untable Item:

On July 15, 2024 staff received a letter requesting a waiver of the water right requirements for Bryan Landing Subdivision.

The City of Mission relied on Ordinance #1110 (a 43-year old ordinance) adopted in September 28, 1981, providing that all subdivisions must assign their water rights to the City and withdraw the land from any water district.

On April 22, 2024 the City of Mission amended Ordinance #1110 whereas, if the developer was unable to convey or acquire water rights then they would need to pay a fee to the City of Mission in the amount of \$3,000 per municipal acre foot.

Mayor Pro Tem Plata moved to untable this item. Motion was seconded by Councilwoman Gerlach and approved unananimously 5-0.

Councilman Vela moved to deny the request from Fortis Land Co. to waive water rights requirements for Bryan Landing Subdivision, being a 27.969 acre tract of land out of Lot 29-10, West Addition to Sharyland. Motion was seconded by Councilwoman Gerlach and approved unananimously 4-0.

Councilwoman Ortega re-joined the meeting at 6:47 p.m.

ROUTINE MATTERS

City Manager Comments

- Report by ARKiiFORM LLC on Lion's Park Renovation Project – Mr. Charlie Garcia gave an update on the on-going construction of the All-Inclusive Lions Park. HE stated that all of the canopies and shaded areas are up and that the Hike & Bike Trail on the north side was complete. This project was about 85% complete, they are currently on budget for the project with a pending credit of (\$48,000). They have a completion date of October 24th.

- Report on Taylor Road Phase I project – This punch list for this project had now been completed and there was only general clean up left to taken care of. Lanes had been widened and the turning lane onto Taylor Road from the expressway had already opened up as well. Mayor Garza stated she would like to have a ribbon cutting soon.

Mr. Perez announced the following events: Ribbon Cutting/Push In Ceremony for Public Safety Station No. 6 on Wednesday, August 21st at 10am, Mission's National Night Out on August 29th from 6-9pm at the Mission Event Center, and a Ground Breaking Ceremony for Mission Housing Authority's new project on Highland & 8th Street on Tuesday, August 13th at 9am.

City Council Comments – Councilwoman Gerlach just wanted to wish all the students and teachers a great back to school week. She also asked everyone to be patient with the school traffic as everyone was getting adjusted back into the school routine.

Mayor's Comments – Mayor Garza congratulated the Texas Citrus Fiesta Board on a great event for the Princess Anna Pageant. They had a total of 19 participants. Cora Sanchez, daughter of Mr. & Mrs. Eric Sanchez, was named as this year's Princess Anna.

At 7:04 p.m., Mayor Pro Tem Plata moved to convene into Executive Session. Motion was seconded by Councilman Vela and approved unanimously 5-0.

EXECUTIVE SESSION

Upon conclusion of Executive Session at 9:07 p.m., Mayor Pro Tem Plata moved to reconvene the regular meeting. Motion was seconded by Councilman Vela and approved unanimously 5-0.

1. Closed session pursuant to Tex. Gov't Code Section 551.074 (Personnel Matters) Evaluation of City Manager relating to goals and objectives

No Action

2. Closed session pursuant to Tex. Gov't Code Section 551.071 (Consultation with Attorney) related to Black Diamond Developers, LP and CCC Operations, LLC v. City of Mission, Cause No. C-5276-23-D.

Councilman Vela moved to proceed as discussed in executive session. Motion was seconded by Councilwoman Gerlach and approved unanimously 4-0, with Mayor Pro Tem Plata abstaining.

3. Closed session pursuant to Tex. Gov't Code Section 551.071 (Consultation with Attorney) related to encroachment on City Right of Way - 1400 N. Bryan Rd.

Mayor Pro Tem Plata moved to proceed as discussed in executive session. Motion was seconded by Councilman Vela and approved unanimously 5-0.

ADJOURNMENT

At 9:12 p.m., Mayor Pro Tem Plata moved for adjournment. Motion was seconded by Councilman Vela and approved unanimously 5-0.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary



MINUTES

PRESENT:

Norie Gonzalez Garza, Mayor
Ruben D. Plata, Mayor Pro-Tem
Marissa Ortega-Gerlach, Councilwoman
Alberto Vela, Councilman
Patricia A. Rigney, City Attorney
Mike R. Perez, City Manager
Anais Chapa, Assistant City Secretary

ABSENT:

Jessica Ortega, Councilwoman

ALSO PRESENT:

STAFF PRESENT:

David Flores, Asst. City Manager
Juan Pablo Terrazas, Asst. City Manager
Andy Garcia, Asst. City Manager

SPECIAL MEETING

CALL TO ORDER AND ESTABLISH QUORUM

With a quorum being present, Mayor Norie Gonzalez Garza called the meeting to order at 4:30 p.m.

CITIZEN'S PARTICIPATION

None

At 4:32 p.m., Mayor Pro Tem Ruben Plata moved to convene into Executive Session. Motion was seconded by Councilwoman Marissa Gerlach and approved unanimously 4-0.

EXECUTIVE SESSION

Upon conclusion of Executive Session at 4:39 p.m., Mayor Pro Tem Plata moved to reconvene the regular meeting. Motion was seconded by Councilwoman Gerlach and approved unanimously 4-0.

1. Closed session pursuant to Tex. Gov't Code Section 551.071 (Consultation with Attorney) relating to reduction in personnel due to budget constraints.

No Action.

ADJOURNMENT

At 4:40 p.m., Mayor Pro Tem Plata moved for adjournment. Motion was seconded by Councilwoman Gerlach and approved unanimously 4-0.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024

PRESENTED BY: Mike R. Perez, City Manager

AGENDA ITEM: Acknowledge Receipt of Minutes – Perez
 Shary Golf Advisory Board – June 5, 2024
 Planning and Zoning Commission – March 13, April 3, April 17, May 1, May 15, June 19, 2024
 Zoning Board of Adjustments – April 24, May 29, June 26, 2024

NATURE OF REQUEST:

See attached minutes.

BUDGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION: Approval

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager’s Recommendation: Approval *MRP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

SHARY GOLF ADVISORY BOARD

June 5th, 2024

MINUTES

- I. Call To Order**
- Mr. Isaac Martinez called the meeting to order.
- II. Roll Call**
- The following board members were present: Isaac Martinez, Ben Lau, Toby Garza, Joe Salinas.
 - The following board members were absent: Carlo Garza, Martin Flores, Javier Barrera
 - The following staff members were present: Michael Fernuik, Golf Director, Andy Garcia ACM, Norie Garza City of Mission Mayor.
- III. Approval of Minutes**
- The minutes from May 8th, 2024 were approved as written. Motion made to accept Ben Lau, seconded Toby Garza, approved unanimously.
- IV. Old Business**
- None.
- V. Golf Director's Report**
- Revenue report May 2024 comparing to 2023
Revenues were \$85,183.93 vs \$77,603.95 in 2023. Increase mostly due to green fees, cart fees. Rounds of golf were 3245 vs 2023. Revenue numbers that were supplied came from the POS monthly report.
 - Monday Night League
Monday Night League Standings as of 5/31/2024 were included in the packet. Participation has dropped off on Monday Night so it was discussed to move the flights from Monday Night to Tuesday Night with the 3 other flights. This will allow the players winning weekly to be promoted into different flights. Ben Lau mentioned that there should be a deadline to sign up. A flyer is to be made to tell the Monday Night Participants about the day change and sign up deadline. A lengthy discussion followed about the appreciation of the Tuesday Night Flights and their players and possible periodic format changes.
 - Report on Water Well Project
Staff discussed meeting with George Alvarez who has a water well drilling company. Topics included water well location, equipment needed to drill and access to the drill site. Which would be located next to the existing pump station. Also, discussed was the quantity of water that goes out on a nightly basis to the golf course so it could be determined if the quantity of well water would produce enough. No pricing was discussed because of the uncertainty of the pump and pipe size that could be needed. It was suggested we get the water tested, so once the well is drilled and starts producing water it could be compared to see if it is similar to what we have. At the end of the meeting, Mr. Alvarez was going to collect information on existing wells around a ten-mile radius and would get back to us with his findings.
 - Status of Capital Outlay for Golf Course Equipment
Staff updated the board on the delivery time frame regarding the 3 pieces of equipment. The estimated delivery date meaning the release day from the factory is October 8th, 2024. Transit time down to Shary GC would be another 3 to 4 weeks making the expected delivery the first or second week of November.
 - Golf Directors report as presented was unanimously approved.
- VI. New Business**
- Junior Summer Program kicked off June 4th. Early indication is that the numbers are down from 2023. Attributing factors are more individuals involved in this space with better student to teacher ratio. Parents have discovered this and are shopping around.

The junior summer golf tournament schedule is still moving forward at area public golf courses.

- Andy Garcia, ACM brought up the discussions that have been happening on what the city wants to do with holes 19 to 27. Isaac Martinez mentioned it was given to the city by the oblates and that the City of Mission have been after that area for years. This is probably located in the City's archives. Getting rid of those holes would not be a cost savings as much as people think. More of a revenue loser. Other cities have invested in their golf facilities, so why can't Mission do the same. Ben Lau reiterated the point of it being more of a potential revenue loser for the golf course. A lot of 9-hole winter leagues use it and both school districts (School districts pay a fee) use it to practice on. A lengthy discussion followed as it pertains to the financial condition of the golf course and the expected cost savings. Andy Garcia ACM wants to see the golf course break even and the city only invest in the needed capital outlay. He knows this will not happen overnight.
- Mayor Norie recommended that a subcommittee be formed consisting of those board members present Ben Lau, Toby Garza, and Joe Salinas to give input to Michael Fernuik, Golf Director to assist with a 5-year budget projection.
- A lengthy discussion ensued regarding the facilities and the operations within the golf department. Specifically, the starter shack usage, driving range potential maintenance building and golf course equipment security.

VII. Public Participation

- None

VIII. Chairman's Comments

- None

IX. Adjournment

- Meeting was adjourned at 7:30pm.

PLANNING AND ZONING COMMISSION
MARCH 13, 2024
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.

P&Z PRESENT

Steven Alaniz
Connie Garza
J.D Villarreal
Kevin Sanchez
Diana Izaguirre
Raquene Austin
Omar Guevara

P&Z ABSENT

Jasen Hardison

STAFF PRESENT

Susana De Luna
Jessica Mumoz
Alex Hernandez
Irasema Dimas

GUEST PRESENT

Margarito & Ramona Salas
Carla & Javier Mayer
Juan Angel Rivera
Loreida Lopez
Mario Reyna
Oscar Cantu

CALL TO ORDER

Chairwoman Izaguirre called the meeting to order at 5:34 p.m.

CITIZENS PARTICIPATION

Chairwoman Izaguirre asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR FEBRUARY 28, 2024

Chairwoman Izaguirre asked if there were any corrections to the minutes for February 28, 2024. Ms. Austin moved to approve the minutes. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:34 p.m.

Ended: 5:34 p.m.

Item #1.1

Rezoning:

**Tract 1, being the West 100' of the
South 105' of the South 210' of the
East 630' of Lot 30-12,
West Addition to Sharyland
AO-I to R-1A
Margarito & Ramona Salas**

No Action.

Started: 5:36 p.m.

Ended: 5:38 p.m.

Item #1.2

Conditional Use Permit:

**Drive-Thru Service Window – Dona Dulce Tortilleria
1702 E. Griffin Parkway, Ste. A
Being a 0.166 of an acre tract of land being out of and
forming a part of Lot 8B, Plat of Lots 8A, 8B, & 8C,
Stewart Village, Phase I
C-3
Dona Dulce Tortilleria
c/o Dulce De Anda**

Ms. De Luna went over the write-up stating the site is located near the SE corner of Stewart and F.M. at the Stewart Village Commercial Plaza The applicant is leasing a 624 sq.ft. suite within the commercial plaza for a torilleria and would like to add a drive-thru window on the north side of the building. Access to the drive-thru service window would be off of East Griffin Parkway making an immediate right turn to the window. Customers will place the order in the window and will be directed to wait in the designated curbside parking stalls or just pick-up and leave. The dumpsters will have to be relocated to allow the use of the parking spaces.

- **Days/Hours of Operation:** Monday – Saturday from 7am to 9pm and Sunday from 5 am to 8 pm
- **Staff:** 6 employees
- **Parking & Landscaping:** Based on the square footage of the suite, there are 5 parking spaces required. It is noted that the parking spaces are held in common for this commercial plaza and it exceeds code. Landscaping complies to code.
- **Menu:** Tortillas, breakfast and lunch tacos, guisados 100% caseros, barbacoa and chicharrones on Saturdays & Sundays

Review Comments: Staff mailed out 22 notices to property owners within 200’ radius and staff has not received any comments in favor or against the request. Staff cannot support this request for the following reasons: 1) not enough maneuvering space, 2) incoming traffic would be blocked, and 3) not enough room for cars to back out of curbside stalls. Staff notes that on August 23, 2021 the City Council considered the same request for La Cruda Restaurant at this specific location and it was denied.

RECOMMENDATION: Staff recommends denial.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Ms. Garza moved to close the public hearing. Mr. Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Izaguirre entertained a motion. Ms. Garza moved to deny the conditional use permit as per staff recommendation. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:38 p.m.

Ended: 5:41 p.m.

Item #1.3

Conditional Use Permit:

Drive-Thru Service Windows – Taquero Mucho
3501 N. Conway Avenue, Ste. 15
Lot 2, IHOP Subdivision
C-3
Taquero Mucho, LLC

Ms. De Luna went over the write-up stating the site is approximately 1,355’ north of Mile 2 Road along the west side of Conway Avenue. The applicant is leasing a 2,698 sq.ft. building for the proposed taqueria which will include an outdoor terrace and would like to add drive-thru windows on the east and west side of the building. Access to the drive-thru service windows would be off of Conway Avenue via a 24’ driveway. They would place the order on the west side of the building and pick up the order on the east side. The drive-thru window’s location allows stacking for approximately 2 vehicles.

- **Days/Hours of Operation:** Sunday – Thursday from 11am to 1am and Friday & Saturday from 11 am to 4 am
- **Staff:** 15 employees
- **Parking & Landscaping:** In reviewing the floor plan, there is a total of 23 tables with 4 chairs each for a total of 92 seating spaces proposed, which would require 31 parking spaces. (1 parking space for every 3 seats = 30.6). It is noted that the parking spaces are held in common for this commercial. There is a total of 130 parking spaces that will be shared with the other businesses. The applicant will have to comply with the landscaping requirements.

Review Comments: Staff recommends that proper signage be placed for the Drive-Thru Service Windows in order to avoid any confusion and that they install a speed bump to be located just before existing vehicles reach the access lane. Staff mailed out 15 notices to property owners within 200' radius and staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval subject to:

- 1) 1 year re-evaluation after obtaining the business license in order to assess this new business,
- 2) Must comply with all City Codes (Building, Fire, Health, etc.),
- 3) Installation of a speed bump at the end of the ordering window,
- 4) Acquisition of a business license prior to occupancy, and
- 5) CUP not be transferable to others.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Guevara moved to close the public hearing. Ms. Garza seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Sanchez moved to approve the conditional use permit as per staff's recommendation. Mr. Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:41 p.m.

Ended: 5:43 p.m.

Item #1.4

Conditional Use Permit: **Drive-Thru Service Window - Kayala Coffee Company**
2138 E. Griffin Parkway
Lot 20, Block 2, Springfield Ph. I Commercial Subdivision
C-3
Juan Angel Rivera III

Ms. De Luna went over the write-up stating the site is located on the southwest corner of Helen Avenue and E. Griffin Parkway along the south side of Griffin Parkway. The applicant would like to reapply for the conditional use permit to continue using the existing drive-thru service window for this coffee shop. The site has an access point off of Helen Avenue. Drive-thru customers use the Helen Avenue access in order to utilize the drive-thru service window and exit either to the parking lot or Helen Avenue. The location of the window allows enough stacking for at least 3 vehicles. The last CUP approved for this location was on December 12, 2022 for a period of 1 year.

- **Days/hours of operation:** Monday – Friday from 6:30 a.m. – 4:30 p.m., closed on Saturday Sunday
- **Staff:** 3 employees
- **Parking:** It is noted that the parking area is held in common (76 existing parking spaces) and will be shared with other businesses. Based on the square footage of the building this business requires 7 parking spaces, thus meeting code.
- **Landscaping:** Landscaping requirements are being met.
- **Menu:** coffee, teas, breakfast and lunch croissants

Review Comments: Staff notes that this business has been in existence since August 2020 with no complaints, however there have been different owners and that the reason it has been reconsidered several times. Staff mailed out 20 notices to property owners within 200’ radius and staff has not received any comments in favor or against the request. Since there have been no complaints, staff does not object to a longer CUP tenure for this business.

RECOMMENDATION: Staff recommends approval subject to:

- 1.) 3 year re-evaluation to continue to assess this business,
- 2.) Continued compliance with all City Codes (Building, Fire, Health, etc.), and
- 3.) CUP not to be transferable to others

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Villarreal moved to close the public hearing. Ms. Austin seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Izaguirre entertained a motion. Ms. Garza moved to approve the conditional use permit as per staff’s recommendation. Mr. Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:43 p.m.

Ended: 5:45 p.m.

Item #1.5

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic Beverages – Villa Del Mar Restaurant #1
207 E. Interstate Highway 2
Lot 3, El Pueblo Ph. II Subdivision
C-3
VIGA Restaurant Inc.**

Ms. De Luna went over the write-up stating the subject site is located within a commercial plaza approximately 600’ east of Conway Avenue along the north side of the Frontage Road of Interstate Highway 2. Villa Del Mar has been operating and selling alcohol at this location since October 2010. The applicant would like to reapply for the conditional use permit. The last CUP approved for this location was on December 13, 2021 for a period of 2 years. Staff notes that this would be the 6th time this request has been considered and approved.

- **Hours of operation:** Monday - Sunday from 11am to 9 pm
- **Employees:** 15 employees in different shifts
- **Parking:** There are 194 total seating spaces for the restaurant, which requires 65 parking spaces (194 total seating spaces/3 = 65 parking spaces). It is noted that the parking area is held in common (225

existing parking spaces) and is shared with other businesses. The parking area is also connected has access to existing, interlocking parking lots. Staff notes that the parking lot has recently been resurfaced and re-stripped.

- **Sale of Alcohol (Section 1.56-3):** (3a) of the Zoning code requires such uses to be at least 300' from the nearest residence, church, school or publicly owned property. There is a residence within the 300' radius, however P&Z and City Council have waived this requirement for a similar business in this plaza.

REVIEW COMMENTS: The hours of operation are consistent with other family restaurant in the area. A total of 17 notices were mailed out to property owners within 200' of the restaurant. As of this time of the writing, staff has not received any calls in favor or against the CUP request. Staff does not object to a longer CUP tenure for this business.

RECOMMENDATION: Staff recommends approval for life of use subject to:

- 1) Waiver of 300' separation requirement from residential neighborhoods,
- 2) Continued compliance with all City Codes (Fire, Health, Bldg., etc.), and
- 3) CUP not transferable to others

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Guevara moved to close the public hearing. Ms. Austin seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Villarreal moved to approve the conditional use permit. Ms. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:45 p.m.

Ended: 5:45 p.m.

Item #2.0

Homestead Exemption

Variance:

Tract 1, being the West 100' of the South 105' of the South 210' of the East 630' of Lot 30-12, West Addition to Sharyland AO-I (Proposed R-A) Margarito Salas

No Action.

Started: 5:45 p.m.

Ended: 5:46 p.m.

Item #2.1

Preliminary & Final

Plat Approval:

**De Leon Zamora Subdivision
A 10.0 acre tract of land, more or less, out of Lot 34-6, John H. Shary Subdivision Suburban E.T.J.
Developer: Jose A De Leon & Erik Zamora
Engineer: Urban Infrastructure Group, Inc.**

Mr. Ramirez went over the write-up stating the subject site is located at a distance approximately 2,150' north of the intersection of West Mile 3 Rd. and S.H. 107 (Mission Suburban ETJ). The De Leon Zamora Subdivision is a proposed twenty-six (26) lot subdivision. The subdivision will have 24 multi-family

residential lots, 2 commercial lots, and 2 detention ponds. — see plat for actual dimensions, square footages, and land uses.

WATER

The water CCN belongs to Sharyland Water Supply Corp (SWSC). The developer is proposing to connect to an existing water line located along the west side of S.H. 107 and extend into the subdivision with a 6” main line to provide water service to each lot. There are 3 fire hydrants proposed to be used as filling stations via direction of the Fire Marshal’s office.

SEWER

An internal 8” sewer line system will provide sewer service to all the lots as it ties into an existing manhole on the west side of S.H. 107. The sewer CCN does not belong to the City of Mission and will be collected by the City of McAllen.

STREETS & STORM DRAINAGE

The subdivision will have 1 street with access from S.H. 107 and end at a cul-de-sac. The street will have a 50’ ROW and turn-around at the mid-point. The design will include a proposed 32’ B-B paved street complete with curb & gutter.

The site lies within a Flood Zone “A” and “C” as seen on the FEMA Community Panel No. 480334 0400 C. The runoff detention volume to contain the 50-yr frequency storm event while releasing at a 10-yr frequency storm event is approximately 34,281 cu. ft. or 0.787 acre-foot. It is proposed that the flow will be controlled using an outlet box with a 10” orifice at elevation 158.42 and a 1.0’ wide weir at the elevation 160.40. The City Engineer has reviewed and approved the drainage report.

RECOMMENDATION

Staff recommends approval subject to meeting the Model Subdivision Rules and meeting any comments from the County Planning Department.

Chairwoman Izaguirre asked if the board had any questions.

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Ms. Garza moved to approve the subdivision. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:46 p.m.

Ended: 5:52 p.m.

Item #2.2

Preliminary & Final

Plat Approval:

**Mayfair at Trinity (Private Subdivision)
A 27.272-acre tract of land out of Lot 15-11,
West Addition to Sharyland and out of Lots 1 and 4,
and all of Lots 2 and 3, Rees Subdivision
R-1
Developer: Dolcan Development, Inc.
Engineer: Melden & Hunt, Inc.**

Mr. Ramirez went over the write-up stating the subject site is located on the northeast corner of Bryan Rd. and Trinity Street. The land is currently open with a proposed use of 77 single family residential lots, 1 commercial lot, and 1 detention pond. This subdivision will be private therefore shall comply with policies and regulations per city ordinance. - see plat for actual dimensions, square footages, and land uses.

VARIANCE 1

The developer is requesting to have a 5' side setback on all internal lots whereas the city standard is 6'.

VARIANCE 2

The developer is requesting to utilize the following street names Delwood, Derby, Dulce, Dolores, Drift, and Dolcan Street instead of the existing names in alignment with the City's grid.

WATER

Water will be supplied through an 8" PVC line running to and through the development which will be looped by connecting to an existing 8" line to the west along Bryan Rd. and to the south along the south ROW of Trinity Street. This will allow 1" water services to each lot. There are 9 proposed fire hydrants for this project via direction of the Fire Marshal's office. – see utility plan

SEWER

The sanitary sewer line will connect to an existing 12" line along and within the east R.O.W of Bryan Rd. A proposed 12" Sanitary Sewer main will run through the subdivision and collect from each lot through a 4" front and center stub out service. The Capital Sewer Recovery Fee will be applied at \$200.00/Lot which equates to \$15,400.00 (\$200 x 77 Lots).

STREETS & STORM DRAINAGE

The subdivision will have access from Bryan Rd. through a 50' ROW and from Trinity St. by proposed 60' ROW streets. All internal streets will also be 50' ROWs complete with curb & gutters to comply with all city standards.

This subdivision lies in flood zone "B" per FEMA Community Panel No. 480334 0400 C. In accordance with the City of Mission drainage policy, the peak rate of runoff in this subdivision will not be increased during 50-yr rainfall event due to the building of this subdivision. Therefore, the required 203,751 cubic feet of detention will be provided. Lot 78 shall accommodate a total of 62,651 cubic feet at the building permit stage. The remainder of the 141,100 shall be provided within the proposed detention pond. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

- Payment of Park fees (77 Lots x \$500 = \$38,500.00)
- Installation of Street Lighting as per City Standards
- Water District Exclusion
- Must comply with all other format findings

RECOMMENDATION

Staff recommends approval subject to:

1. Payment of Capital Sewer Recovery Fees
2. Payment of Park Fees
3. Provide Water District Exclusion
4. Approval of Variance 1 to have 5' internal side setbacks, and
5. Denial of Variance 2 to use suggested street names requested by the owner vs. the City's continued and aligned existing street names as noted on the Code of Ordinances / Chapter 98 - SUBDIVISIONS, Sec. 98-134. - Streets. (n) Street names.

Chairwoman Izaguirre asked if the board had any questions.

Chairwoman Izaguirre asked staff why the denial of the variance two if it's going to be private.

Mr. Ramirez states regardless of the subdivision being private we are still following the grid system it is also being acknowledged by 911 department and by the post office.

Chairwoman Izaguirre asks if the engineer was present.

Mr. Ramirez answers the engineer is present.

Chairwoman Izaguirre asks if she could ask the Engineer some questions.

Mario Reyna with Meldan Hunt greets Chairwoman Izaguirre and Board members. Mr. Reyna states for the record he is happy to answer your questions and may add a little bit.

Chairwoman Izaguirre states the denial from Staff Recommendation. Chairwoman Izaguirre asks Mr. Reyna would 911 grant them different name.

Mr. Reyna states he believes 911 wouldn't have an issue with it. He states if you look at the grid system throughout the city Colosio and Viejo lane doesn't exist anywhere else in the City of Mission this was Beto Salinas subdivision he picked those two names in our case he states they are a gated subdivision and they don't feel that those names are fitting for the type of product that they're going to provide.

Chairwoman Izaguirre asked Mr. Reyna if he has sent the names they picked out to 911 department.

Mr. Reyna response with no ma'am but he could do that.

Ms. Austin asks what are the names that they are wanting to pick.

Mr. Reyna replied the names are Debry and Dolcan. Mr. Reyna states that Dolcan is the name of the development company. He states if you look north everything is fully developed. These two names don't exist. When you look south you have one land owner which is Killams he believes they don't intend to use any of these names. They already have done subdivision designs down there. Mr. Reyna states that he believes that this would not adversely affect any city operations.

Chairwoman Izaguirre states that was her only question she asks if any of the board members had any questions. None had any questions they were all answered. Chairwoman Izaguirre asks what is variance number one.

Mr. Ramirez states that the variance number one is to have a 5' side setback instead of the standard 6'. Chairwoman Izaguirre asks if staff recommend approval for variance #1.

Mr. Ramirez states approval of variance #1 and denial of variance #2.

Chairwoman Izaguirre asks if the denial is based on the grid system?

Mr. Ramirez states yes, it's based on the grid system.

Chairwoman Izaguirre asks Mr. Ramirez if we made Malmaison luxe at Trinity put Travis even though it wasn't aligned.

Mr. Ramirez states he cannot answer that question for the subdivision since he was not a part of the project. Mr. Ramirez states that they are following the code as stated.

Chairwoman Izaguirre states that she believes since it's a gated subdivision they could put it. If 911 department doesn't have an issue with it she doesn't see why we should have an issue with it.

Ms. Austin asks we don't know if 911 would have an issue or, not right?

Chairwoman Izaguirre answers yes, they send stuff all the time to 911 department.

Mr. Hernandez greets Chairwoman Izaguirre he states 911 won't be able to approve this since it's on our city limits. They will approve anything outside the city limits even if it's in county area if its inside our city limits they have to give first approval then 911 can give approval.

Chairwoman Izaguirre asks Mr. Hernandez if they were to send it to 911 right now would they deny it.

Mr. Hernandez states he doesn't know usually they come to the planning department first then they send them to 911 department.

Chairwoman Izaguirre states it's up to City Council.

Mr. Reyna states he has done this a number of times in the past he that never had any incidents where they come back through mail or 911 or anyone with issues. He stated on Trinity and Stewart was the same developer. He states that they gave him his own street names that it's the one they are abutting to right now there hasn't been any issues. He states its fully built out and its existing subdivision also is a gated subdivision as well.

Chairwoman Izaguirre states yes, she doesn't see it affecting.

Mr. Reyna states the standard produce is you keep the same street name. He states they are unique street name and they would like not to keep them.

Chairwoman Izaguirre asks if anybody had any more questions.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Villarreal moved to approve both variances. Ms. Garza seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM#3.0
ADJOURMENT**

There being no further items for discussion, Chairwoman Izaguirre entertained a motion. Mr. Villarreal moved to adjourn the meeting. Mr. Sanchez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:52 p.m.


Diana Izaguirre, Chairwoman
Planning and Zoning Commission

**PLANNING AND ZONING COMMISSION
APRIL 3, 2024
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Steven Alaniz
Connie Garza
J.D Villarreal
Kevin Sanchez
Diana Izaguirre
Raquenel Austin
Omar Guevara
Jasen hardison

P&Z ABSENT**STAFF PRESENT**

Susana De Luna
Jessica Munoz
Patricio Martinez
Irasema Dimas

GUEST PRESENT

Victor Anzaldua
Oailia Enriquez
Jullo Garcia
Beverly Risley
Martin Risley
Cesia Alfaro
Judith Ponce
Chris Burns

CALL TO ORDER

Chairwoman Izaguirre called the meeting to order at 5:31 p.m.

CITIZENS PARTICIPATION

Chairwoman Izaguirre asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR MARCH 13, 2024

Chairwoman Izaguirre asked if there were any corrections to the minutes for March 13, 2024. Mr. Guevara moved to approve the minutes. Mr. Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:33 p.m.

Ended: 5:40 p.m.

Item #1.1

Discussion and Action to Recommend to the City Council the closure required by Union Pacific Railroad for Leonor Street being the 900 block of Leonor Street, approximately 0.25 of a mile west of the intersection of Inspiration Road and W. Business Hwy 83

Ms. De Luna went over the write-up stating that On February 29, 2024 staff received a request by Melden & Hunt on behalf of the Killam Development for a proposed railroad crossing and (3) road closures for El Milagro Subdivision. Union Pacific Railroad Company requires that for every new railroad crossing there is at least 2 road closures. The request before the Board is to consider the closure of the 900 Block of Leonor Street. This would be the 1st of 3 road crossing closures.

As part of the request the Union Pacific Railroad also requires that the City of Mission enter into an agreement with the Union Pacific Railroad Company for reimbursement of Preliminary Engineering Services. The Killam Development has agreed to cover the \$25,000 fee estimated for this project since the proposal is for their own development.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

Mr. Ruben De Jesus with Melden & Hunt Engineering stated that he was present to answer any questions.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Hardison moved to close the public hearing. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Kevin Sanchez stated that if the estimated \$25,000 exceeded that amount was Killam Development responsible for those fees.

Mr. Ruben De Jose stated that those fees were design fees that the Union Pacific will do. He added that the proposal was given to the city.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Ms. Garza moved to approve the request. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:40 p.m.

Ended: 6:12 p.m.

Item #1.2

Discussion and Action to Recommend to the City Council the closure required by Union Pacific Railroad for Los Indios Road being the 100 block of Los Indios Road, at the intersection of S. Conway Avenue and Los Indios Road

Ms. De Luna went over the write-up stating that On February 29, 2024 staff received a request by Melden & Hunt on behalf of the Killam Development for a proposed railroad crossing and (3) road closures for El Milagro Subdivision. Union Pacific Railroad Company requires that for every new railroad crossing there is at least 2 road closures. The request before the Board is to consider the closure of the 100 Block of Los Indios Road. This would be the 2nd of 3 road crossing closures.

As part of the request the Union Pacific Railroad also requires that the City of Mission enter into an agreement with the Union Pacific Railroad Company for reimbursement of Preliminary Engineering Services. The Killam Development has agreed to cover the \$25,000 fee estimated for this project since the proposal is for their own development.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

Mr. Victor Anzaldúa stated that he resides at 3739 Lopez Street. He asked that if this closure was going to be closed temporary or permanently.

Ms. De Luna stated that it would be closed permanently. She added that a new opening was going to be done further north of that property.

Mr. Victor Anzaldúa stated that his family had been living in that area for many years. He added that if there was any way to leave that road open.

Mrs. Leticia Trevino stated that she resides at 3736 Beatty Street. She asked that why can't the street that is being proposed be open further down through the other houses.

Chairwoman Izaguirre that the opening being proposed was on the north side.

Mrs. Leticia Trevino stated that there was a house further down that was used for construction. She added that why can't they use that location and leave Madero alone.

Mrs. Maria Ochoa who resides at 3731 La Lomita stated that what was the benefit for Madero residents by closing Los Indios. She added that by closing that street it would cause more traffic in that area. She mentioned that she was against the closure.

Mrs. Noemi Garza who resides at 4036 Garza Street stated that they were getting disportioned from Madero just to give them a bigger street. She mentioned that a lot of residences use Los Indios to go in and out.

Mrs. Melinda Perez who resides at 3937 La Lomita stated that she disagrees with the road closure.

Mr. Ruben De Jesus with Melden & Hunt stated that he had an exhibit that he would like to share with the audience. He added that the improvements that were being proposed were for the region not only for the new subdivision.

Chairwoman Izaguirre asked that what was the minimum distance between crossings that Union Pacific is requesting.

Mr. Ruben De Jesus stated that there wasn't a set distance. He added that what Union Pacific wanted to do was to limit the number of crossings.

Chairwoman Izaguirre stated that why can't you leave that crossing and add the new one.

Mr. Ruben De Jesus stated that what there were trying to do is have a centralized location.

Chairwoman Izaguirre stated that in regular subdivision, several exits onto the main road are required. She added that by doing the closure they would completely remove the exits to the main road.

Mr. Ruben De Jesus stated that Madero would stay with the full access to the main road on the south side. He mentioned that what was needed was one access to the main road which was limited by the Union Pacific crossing. He added that three openings had to be eliminated to get one access.

Mrs. Austin asked that what was the distance that the residents had to travel.

Mr. Ruben De Jesus stated a quarter of a mile. He added about a 2-minute drive.

Mr. Ruben De Jesus showed his exhibit to the audience.

Mrs. Austin stated that the new opening looks wider than the older one. She mentioned that it would provide better access for traffic.

Chairwoman Izaguirre asked that what was the reason that the existing Los Indios Road not be upgraded. She added is it because the water tower is in the way.

Mr. Ruben De Jesus stated that property belongs to the City of Mission.

Mrs. Garza asked that if that intersection would get closed. She added how many entrances would Madero have for emergency services.

Ms. De Luna stated that the south entrances would be used.

Chairwoman asked that what were the three crossing being closed.

Mr. Ruben De Jesus stated that it was the Leonor, the existing farm crossing where the current construction is being done, and Los Indios. He added that they tried looking for alternate locations but these were the best three to work with.

Mrs. Garza asked that if it was possible to do it on the existing crossing.

Mr. Ruben De Jesus stated that it became very limited to what needed to be done.

Discussion amongst the board in regards to alternate locations that could be closed.

Mr. Chris Burns with Killam Development stated that the Los Indios new crossing was established to be there to follow the alignment for the fara plan with the City of Mission and has been accepted through master plans.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Ms. Garza moved to "table" the request. Mr. Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:12 p.m.

Ended: 6:14 p.m.

Item #1.3

Discussion and Action to Recommend to the City Council the closure required by Union Pacific Railroad of Farm Crossing at 3101 S. Conway Avenue being approximately 0.30 miles north of the intersection of S. Conway Avenue

Ms. De Luna went over the write-up stating that On February 29, 2024 staff received a request by Melden & Hunt on behalf of the Killam Development for a proposed railroad crossing and (3) road closures for El Milagro Subdivision. Union Pacific Railroad Company requires that for every new railroad crossing there is at least 2 road closures. The request before the Board is to consider the closure of Farm Crossing at 3101 S. Conway Avenue. This would be the 3rd of 3 road crossing closures.

As part of the request the Union Pacific Railroad also requires that the City of Mission enter into an agreement with the Union Pacific Railroad Company for reimbursement of Preliminary Engineering Services. The Killam Development has agreed to cover the \$25,000 fee estimated for this project since the proposal is for their own development.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Hardison moved to close the public hearing. Mrs. Garza seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Sanchez moved to approve the request. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:14 p.m.

Ended: 6:17 p.m.

Item #1.4

Discussion and Action to Recommend to the City Council the opening of New Los Indios Parkway required by Union Pacific Railroad being approximately 0.25 miles north of the intersection of S. Conway Avenue and Los Indios Road

Ms. De Luna went over the write-up stating that On February 29, 2024 staff received a request by Melden & Hunt on behalf of the Killam Development for a proposed railroad crossing and (3) road closures for El Milagro Subdivision. Union Pacific Railroad Company requires that for every new railroad crossing there is at least 2 road closures. The request before the Board is to consider the opening of New Los Indios Parkway Railroad crossing.

As part of the request the Union Pacific Railroad also requires that the City of Mission enter into an agreement with the Union Pacific Railroad Company for reimbursement of Preliminary Engineering Services. The Killam Development has agreed to cover the \$25,000 fee estimated for this project since the proposal is for their own development.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

Mr. Ricardo Trevino who resides at 3736 Beatty Street stated that he was in favor of the request.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Hardison moved to close the public hearing. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Hardison moved to approve the request. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:17 p.m.

Ended: 6:20 p.m.

Item #1.5

Rezoning:

**A tract of land containing 37.50 acres of land,
being part or portion of Lot 30-9,
West Addition to Sharyland
AO-1 to R-1
Carlos Garza**

Ms. De Luna went over the write-up stating the subject site is located 2 ½ mile north of Mayberry Road along the east side – see vicinity map.

SURROUNDING ZONES: N: Palmhurst City Limits
E: AO-I – Agricultural Open Interim
W: AO-I – Agricultural Open Interim
S: AO-I – Agricultural Open Interim

EXISTING LAND USES: N: Vacant
E: Vacant /Residential
W: Vacant /Residential
S: Vacant
Site: Vacant

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The proposed zone does comply with the City’s Future Land Use Map, and current surrounding land uses.

Staff mailed out 17 notices to property owners within 200’ radius and staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff is recommending Approval.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

Mrs. Jeanette Cavazos stated that she owned property in the area. She added that she was for the rezoning request.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Guevara moved to close the public hearing. Mrs. Garza seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Sanchez moved to approve the rezoning request. Mr. Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:20 p.m.

Ended: 6:21 p.m.

Item #1.6

Rezoning: A 1.00 acre tract of land out of
Lot 263, West Addition to Sharyland
AO-I to R-1A
Everardo P. Sustalta

Ms. De Luna went over the write-up stating the subject site is located ¼ mile north of E. Griffin Parkway along the east side of Glasscock Road – see vicinity map.

SURROUNDING ZONES: N: R-1A – Large Lot Single Family Residential
E: R-1A – Large Lot Single Family Residential

W: R-1 – Single Family Residential
S: AO-1 – Agricultural Open Interim

EXISTING LAND USES:
N: Residential
E: Residential
W: Residential
S: Residential
Site: Residential

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The proposed zone does not comply with the City's Future Land Use Map, however it complies with the current surrounding land uses.

Staff mailed out 33 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff is recommending Approval.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mrs. Garza moved to close the public hearing. Mr. Hardison seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Hardison moved to approve the rezoning request. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:21 p.m.

Ended: 6:24 p.m.

Item #1.7

**Conditional Use Permit: Construct (5) Pickle Ball Courts – Incredible
2140 E. Business Highway 83
Lots 1 & 2, Grapefruit Bowl, Inc. Subdivision
C-4
Felipe Cavazos**

Ms. De Luna went over the write-up stating the site is located 200' East of Ragland Road along the South side of E. Business Highway 83 —see vicinity map. In an effort to attract more business to his Facility the applicant is proposing to construct (5) outdoor Pickle Ball Courts measuring 56' x 124' behind the existing building. Access to the site will be via 2 driveways off of E. Business Highway 83. The site currently has a bowling alley and outdoor battling cages. It is noted that the applicant used to have a 60' climbing tower which has been removed and is now proposing the pickle ball courts.

- **Days/Hours of Operation:** Sunday – Saturday from 12 pm to 12 am

- **Parking & Landscaping:** the 30,312.00 sq.ft. facility has a total of 156 parking spaces. Landscaping is meeting code. He will need to add lighting for the proposed outdoor soccer Pickle Ball Courts.
- **Other Requirements:** Must continue to comply with all Building, Fire and Health Codes.
- **Section 1.44- C-4 Heavy Commercial(3)(b)** states that "Amusement parks, circus or carnival grounds, commercial amusement or **recreation development**, or other temporary structures used for temporary purposes" are allowed with a Conditional Use Permit.

REVIEW COMMENTS: Staff mailed out 34 notices to property owners within 200' radius and staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval for life of use subject to:

1. Compliance with all City Codes (Building, Fire, and Sign Codes),
2. Must comply with noise ordinance, and
3. CUP not transferable to others

Chairwoman Izaguirre asked if there was any input in favor or against the request.

Mrs. Beverly Risley stated that she had no problem with the pickle ball courts. She mentioned that she just wanted to make sure that a tall fence would be required. She added that if all the lights could face the pickle ball area.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Hardison moved to close the public hearing. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Guevara moved to approve the conditional use permit as per staff recommendation. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:24 p.m.

Ended: 6:26 p.m.

Item #1.8

Conditional Use Permit:

**Drive-Thru Service Windows – Matuul
2006 E. Griffin Parkway
Lot 2, Block 1, Springfield Ph. I Commercial
C-3
Judith A. Ponce**

Ms. De Luna went over the write-up stating the site is located on the southeast corner of E. Griffin Parkway (FM 495) and Glasscock Road (east of Circle K)—see vicinity map. The restaurant is part of an existing building wherein several businesses operate from. The applicant recently obtained a business license to open a Mexican restaurant but would like to add the drive-thru service to her business. The last CUP for the Drive-Thru Service Window was approved by P&Z on September 28, 2022 for a period of 1 year. Since the use is not transferable to others a new CUP must be considered. Access to this site is off of Griffin Parkway (FM 495). All vehicles using the drive-thru service window must exit through the rear and back onto Glasscock.

Days/Hours of operation: Monday – Sunday from 7 am to 9pm

Staff: 8 employees will man this operation

Parking: There is a total of 72 seating spaces proposed, which require 24 parking spaces (72 seats/ 3 seats = 24 parking spaces). It is noted that the parking areas is held in common in this commercial plaza (40 parking spaces) and are shared with other businesses. Access to the common parking is derived off of two Ingress/egress points.

Landscaping: Landscaping already exists and exceeds the City's requirements.

REVIEW COMMENTS: Staff mailed out 27 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval subject to:

- 1) 1 year re-evaluation to assess the new business,
- 2) Compliance with all City Codes (Building, Health, Fire, etc.), and
- 3) CUP not to be transferable to others

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Hardison moved to close the public hearing. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Hardison moved to approve the conditional use permit as per staff recommendation. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:26 p.m.

Ended: 6:28 p.m.

Item #1.9

Conditional Use Permit: **Restaurant in a C-2 Zone – Le Petite Pastries**
1821 N. Shary Road, Ste. 7
Lot 1, Bannworth Business Center
C-2
Cesla Alfaro

Ms. De Luna went over the write-up stating the site is located along the west side of Shary Road between Village Drive and Mulberry Street. - **see vicinity map**. The applicant leased a 1,152 sq.ft. suite for her restaurant Le Petite Pastries. The applicant will be offering coffee, cookies, brownies, cheesecakes and others in her menu. The last CUP for a restaurant on this location was approved by P&Z on November 16, 2022 for a period of 1 year. Since the use is not transferable to others a new CUP must be considered. Access to the site is via a 30' access driveway off of Shary Road. The property is currently zoned Neighborhood Commercial (C-2). Sec. 1.42(3)(e) of the Zoning Code states that restaurants require a conditional use permit.

Days/Hours of operation: Monday – Sunday from 7am to 8pm

Staff: 2 employees will man this operation

Parking: Based on the square footage of the suite, this restaurant requires 7 parking spaces. It is noted that the parking area is held in common there are 58 existing parking spaces shared with other businesses, thus meeting code.

REVIEW COMMENTS: Staff has considered other Restaurants in a C-2 zone without creating a negative impact to the surrounding areas. Staff mailed out 20 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval subject to:

- 1) 1 year re-evaluation to assess the new business,
- 2) Compliance with all City Codes (Building, Health, Fire, etc.),
- 3) Acquisition of a business license, and
- 4) CUP not to be transferable to others

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Hardison moved to close the public hearing. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Hardison moved to approve the conditional use permit as per staff recommendation. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:28 p.m.

Ended: 6:31 p.m.

Item #2.0

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Las Tres Coquetas
515 N. Conway Avenue
Lot 10, Block 92, Mission Original Townsite
C-3
Jose Enriquez**

Ms. De Luna went over the write-up stating the site is located along the west side of Conway between 5th and 6th Street—see vicinity map. The applicant fenced in a 1,425 sq. ft. area along the south side of the building to add to the existing outdoor patio area. Access to the site can be from Conway or from the alley where there is a paved parking area. The applicant operates a bar and grill which offers alcohol with his meals. The last CUP for the sale & on-site consumption of alcohol at this location was approved on September 22, 2021 for a period of 2 years. Since the use is not transferable to others a new CUP must be considered.

- **Hours of Operation:** Wednesday from 2pm – 11pm; Thursday from 2pm – 12am; Friday & Saturday from 2pm – 1am; and Sunday from 3pm- 10pm. The restaurant will be closed on Monday and Tuesday
- **Staff:** 5
- **Parking:** In viewing the floor plan, there are 45 total seating spaces in the indoor area and 11 seating spaces for the outdoor patio area. Although they have a paved parking area off the rear alley, this falls within the central business district so the parking requirements are waived. Striping needs to be required.

- **Sale of Alcohol (Section 1.56-3):** (3a) of the Zoning code requires such uses to be 300' from residential and institutional (church) areas. There are residential homes directly behind the alley that fall within the 300'. Guadalupe Catholic Church is outside the 300-foot radius since measurement is taken from front door to front door; P&Z and City Council waived this separation requirement in the CUP's previous approval.

REVIEW COMMENTS: The hours of operation are consistent with other family restaurants. We have approved similar CUP's along Conway without any issues just north at El Rodeo Restaurant. As of the time of this writing, staff had not received any calls in favor or against the CUP request. Staff mailed out 23 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval subject to: 1) CUP to be valid for a period of 2 years at which time the applicant will need to renew his CUP and TABC license, 2) Waiver of the 300' separation requirement from residential neighborhoods, 3) striping of the rear parking area, 4) Acquisition of a business license, and 5) CUP not to be transferable to others.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Hardison moved to close the public hearing. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mrs. Garza moved to approve the conditional use permit as per staff's recommendation. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:31 p.m.

Ended: 6:33 p.m.

Item #2.1

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Wing Snob
801 N. Shary Road, Ste. 100
Lot 1A, Mirabelle Subdivision
C-3
Montenegro, LLC
c/o Julio Garcia**

Ms. De Luna went over the write-up stating the subject site is located approximately 600' south of E. Business Highway 83 along the west side of N. Shary Road. The applicant leased 1 suite totaling 2,101 sq. ft. within a commercial plaza for a wing restaurant and would like to offer alcoholic beverages with their meals. Access to the site is off a 25' driveway off of N. Shary Road and two 32' driveways off of Mirabelle Street.

- **Hours of Operation:** Monday – Thursday from 11am to 11pm, Friday, Saturday from 11am to 12am & Sunday from 12pm to 9pm.
- **Staff:** 15 employees in different shifts.

- **Parking:** In viewing the floor plan, there is a total of 40 seating spaces, which require 13 parking spaces (40 seats/1 space for every 3 seats = 13 parking spaces). It is noted that the parking area is held in common (135 existing parking spaces) and are shared with other businesses.
- **Sale of Alcohol (Section 1.56-3):** (3a) of the Zoning code requires such uses to be at least 300' from the nearest residence, church, school or publicly owned property. There is a residential subdivision within the 300' radius, however P&Z and City Council have waived this requirement for other similar businesses.
- Compliance with all building, fire, health, noise, and sign codes.

REVIEW COMMENTS: Staff does not object to this proposal. Staff mailed out 23 notices to residents within 200' radius and as of this writing we have not had any calls or letters in favor or against this request.

RECOMMENDATION: Staff recommends approval subject to: 1) CUP to be valid for a period of 2 years at which time the applicant will need to renew his CUP and TABC license, and 2) Waiver of the 300' separation requirement from residential neighborhoods

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Hardison moved to close the public hearing. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mrs. Austin moved to approve the conditional use permit. Mr. Guevara the motion. Upon a vote, the motion passed unanimously.

Started: 6:33 p.m.

Ended: 6:35 p.m.

Item #2.2

Conditional Use Permit:

**Restaurant In a C-2 Zone – Don
Ponchitos Cafe #5, LLC
800 E. 1st Street
Lots 88 & 89, Mayberry Plaza UT No. 3
C-2
Jenny Hernandez**

Ms. De Luna went over the write-up stating the subject site is located at the SE corner of Mayberry Road and E. 1st Street—see vicinity map. The property currently has a commercial building with a nail shop within. The applicant intends to open a Mexican Restaurant on the property. The property is currently zoned Neighborhood Commercial (C-2 zone). Section 1.42(3)(e) of the Zoning Code states that restaurants require a CUP if in a Neighborhood Commercial Zone (C-2). The last CUP for the restaurant at this location was approved on March 3, 2023 for a period of 1 years.

- **Days/Hours of Operation:** Monday - Sunday from 7:00 a.m. to 10:00 p.m.
- **Number of Employees:** 3

- **Parking:** The restaurant will have a total of 44 seats which require 15 parking spaces (44 seats/3 = 14.6 spaces). Currently the property has a total of 17 parking spaces that are held in common with the other business. The applicant has submitted a written agreement from the adjoining businesses granting permission to utilize their parking.
- **Landscaping:** The site has minimal green space. Staff would ask for them to install additional landscaping and that once installed it be maintained and irrigated.
- Must comply with all Building, Fire, and Health Codes

REVIEW COMMENTS: P&Z has seen previous requests for restaurants in a C-2 zone without creating a negative impact to the surrounding areas. Staff mailed out 19 notices to property owners within 200' radius to get any comments in favor or against the request. Staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval subject to: 1) 3 yr. re-evaluation in order to assess this new operation, 2) Must comply with all City Codes (Building, Fire, etc.), and 3) CUP not transferable to others.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Hardison moved to close the public hearing. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Hardison moved to approve the conditional use permit. Mrs. Garza seconded the motion. Upon a vote, the motion passed unanimously.

ITEM#3.0

ADJOURNMENT

There being no further items for discussion, Chairwoman Izaguirre entertained a motion. Mr. Hardison moved to adjourn the meeting. Mr. Guevara seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:35 p.m.



Diana Izaguirre, Chairwoman
Planning and Zoning Commission

**PLANNING AND ZONING COMMISSION
APRIL 17, 2024
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Steven Alaniz
J.D Villarreal
Diana Izaguirre
Raquenel Austin
Omar Guevara

P&Z ABSENT

Connie Garza
Kevin Sanchez
Jasen Hardison

STAFF PRESENT

Susana De Luna
Jessica Munoz
Alex Hernandez

GUEST PRESENT

Omar Ramon
San Juana E. Casas
Yolanda Casas Luna
Steve Marino
Robert Gonzalez
Alberto &Guadalupe
Ramon
George Davis
Dr. Harjap Nanva
Natalie Denise Davis
Loreida Lopez

CALL TO ORDER

Chairwoman Ms. Diana Izaguirre called the meeting to order at 5:30 p.m.

CITIZENS PARTICIPATION

Chairwoman Ms. Diana Izaguirre asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR APRIL 3, 2024

Chairwoman Ms. Diana Izaguirre asked if there were any corrections to the minutes for April 3, 2024. Mr. Omar Guevara moved to approve the minutes. Mr. J.D. Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:32 p.m.

Ended: 5:33 p.m.

Item #1.1

**Rezoning: Lot 103, Ala Blanca Subdivision out of Unit #3
R-1 to C-3
San Juana E. Casas & Yolanda Casas Luna**

Ms. Susie De Luna went over the write-up stating the subject site is located near the NW corner of Ala Blanca Avenue and Business Highway 83 (Loop 374).

SURROUNDING ZONES: N: R-1 – Single Family Residential
E: C-3 – General Business
W: R-3 – Multi-Family Residential
S: AO-1 – Agricultural Open Interim

EXISTING LAND USES: N: Residential
E: Commercial

W: Apartments
S: Acreage
Site: Residential

FLUM: General Commercial (GC)

REVIEW COMMENTS: The Future Land Use Map reflects a (GC) General Commercial land use, too; thus, C-3 was consistent to GC. With the widening of Business Highway 83, it seems that the C-3 proposal was a better land use at this location. Also, the C-3 proposal is consistent to area zonings and land uses along this arterial. Staff mailed 20 notices to property owners within a 200' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any comments.

RECOMMENDATION: Staff recommends approval.

Chairwoman Ms. Diana Izaguirre stated on the recorded that Mr. Steven Alaniz arrived at the meeting at 5:32 pm

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. J.D. Villarreal moved to close the public hearing. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Omar Guevara moved to approve the rezoning request. Mr. J.D. Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:33 p.m.

Ended: 5:40 p.m.

Item #1.2

Rezoning: A 0.78 acre tract of land out of Lot 265,
John H. Shary Subdivision
AO-I to C-3
Guadalupe & Alberto Ramon

Ms. Susie De Luna went over the write-up stating the subject site is located approximately ¼ mile north of E. Griffin Parkway (FM 495) along the east side of Shary Road – see vicinity map.

SURROUNDING ZONES:
N: AO-I – Agricultural Open Interim
E: AO-I – Agricultural Open Interim
W: R-1 – Single Family Residential
S: AO-I – Agricultural Open Interim

EXISTING LAND USES:
N: Residence
E: Vacant
W: Residence
S: Edinburg Main Canal ROW

Site: Residence

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: Staff notes that the proposed zone does not comply with the City's Future Land Use Map, however it complies with some of the surrounding land uses. The Future Land Use Map is a tool used by staff to determine what the City envisions in the area; however, it can be amended from time to time. The City Council has approved 3 commercial requests in the same area. Staff mailed out 21 notices to property owners within 200' radius to get their input in regards to this request. As of this date, staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval.

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

Mr. Harjap Nanva lives at 2700 N. Shary Road, stated he is against the variance request because there are only single-family homes. He stated his property is next to the property. He stated all round is single family homes. He stated it will be disturbing all the single-family homes in the area.

Mr. J.D. Villarreal asked Ms. Susie De Luna if City Council had approved 3 other commercial establishments in the area?

Ms. Susie De Luna stated that City Council had approved the commercial zoning north of east 25th street was in 2020. The business further north on the east side of Shary Road was approved in 2018. The business on the west side on Shary Road was approved in 2017. She stated City Council approved those areas to commercial. She stated that is the reason why it's recommended to the Planning and Zoning board it recommending commercial because right across the street they have commercial zone.

Mr. J.D. Villarreal asked Ms. Susie De Luna if they are recommending for land use.

Ms. Susie De Luna stated that it was recommendation for Commercial zone a C-3.

Chairwoman Ms. Diana Izaguirre there is anyone else in favor?

Mr. Milo Salinas stated he is with M2 Engineering located at 1810 E. Griffin Parkway. He stated they originally brought the item to P&Z previously and he had retracted the item. He stated they were originally going to propose townhomes for the entire property but he was advised that it made more sense that they put commercial in the front. He stated he is proposing the commercial item in the front and his proposing townhouse in the rear the reason being because it's only 190' wide. He stated once you put a street in the middle you only have enough space to do residential townhouse, which are still single family homes. He states it's still up to \$275,000 in value. He stated there are similar ones on Shary Road just South of Mile 3 on the West side of the Road also there are some on Taylor road which he had worked on. He stated the reason they retracted their item last time in the P&Z meeting was to propose a commercial in the front and townhouse in the rear because that's what is able to be done on the property.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Ms. Raquene Austin moved to close the public hearing. Mr. Steven Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Ms. Raquene Austin moved to approve the rezoning request. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:40 p.m.

Ended: 5:51 p.m.

Item #1.3

Rezoning:

**A 4.06 acre tract of land out of Lot 265,
John H. Shary Subdivision
AO-I to R-1T
Guadalupe & Alberto Ramon**

Ms. Susie De Luna went over the write-up stating the site is located approximately ¼ mile north of E. Griffin Parkway (FM 495) along the east side of Shary Road – see vicinity map.

SURROUNDING ZONES:	N:	AO-I – Agricultural Open Interim
	E:	AO-I – Agricultural Open Interim
	W:	AO-I – Agricultural Open Interim
	S:	AO-I – Agricultural Open Interim

EXISTING LAND USES:	N:	Residence
	E:	Vacant
	W:	Residence
	S:	Edinburg Main Canal ROW
	Site:	Residence/Warehouse

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: Staff notes that the proposed zone does not comply with the City's Future Land Use Map nor surrounding land uses. The Future Land Use Map is a tool used by staff to determine what the City envisions in the area; however, it can be amended from time to time. Townhouses are considered to be a Moderate Density Residential designation. Based on the size of the property it would be difficult to comply with the R-1 requirements. Staff mailed out 21 notices to property owners within 200' radius to get their input in regards to this request. As of this date, staff has only received one email against this request.

RECOMMENDATION: Staff recommends approval.

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

Mr. Harjap Nanva lives at 2700 N. Shary Road, stated he is the property owner right north to the proposed property. He stated there are single family stand alone homes. He stated that the townhouse they are proposing are going to be looking in his backyard. He stated that is the reason he opposed the rezoning.

Mr. Steven Marino lives at 2702 N. Shary Road. He stated he opposed the rezoning because they don't want townhouses in the neighborhood also, he doesn't want traffic coming through the area. He stated that the area is a nice secluded spot they have animals and small farms in that area. He stated it wouldn't be good because there is a canal there. He stated that is the reason he opposed the rezoning.

Mr. J.D. Villarreal asked if the motion of the item before is it going to affect the vote?

Mr. Milo Salinas stated that the entire property is based on to rezoning the front to commercial and to be able to do townhouses in the rear of the property. He stated yes the only way to be able to do the subdivision would be to get both zoning approved. He stated that it's a very narrow property. He stated he just did one north of the area. He stated they are going to meet the city's requirements. If its adjacent to a residential property and its still residential and the fencing is different there is an ordinance for it they are going to meet all the ordinance that is required.

Mr. J.D. Villarreal asked if they are going to be doing a single story?

Mr. Mllo Salinas stated right now they don't know. He is just proposing 30' x 70' lot. He stated they just took pictures of a two story townhouses just of north of the area. They don't have a set footprint for the townhouses. He stated that it's the applicants retirement plan that this is what they want to do.

Mr. Harjap Nanva stated that the applicants is rezoning it to commercial in the front and in the rear together. He stated its already being used as a commercial business. He stated there is a tax business running and there are apartments already. He stated he isn't opposing the commercial its already commercial. He stated what he is opposing is the townhomes because its going to be invading his privacy. He stated right behind the property there is a pond. He stated that it looks like a pond but its actually an eco-system he has maintained for the migrating birds to come have babies, birds, and ducks all the way from Siberia and North America.

Mrs. Guadalupe Ramon stated that she is the property owner. She added that as far as the business that Mr. Harjap Nanva is indicating for the business, she had come every year to get a Condition Use Permit for her tax business she owns to run business. She added that she got approved for a lifetime Conditional Use Permit. She added that the apartments Mr. Harjap Nanva is referring to she had built it for her children so once they became older they moved out of the home into one of the apartments. She added as of right now they are being used as storage and there is no one renting. She stated that only her and her husband are living there. She added all of her children are old and have moved out on their own. She stated as to the apartments they are going to be together stand alone. She added that she doesn't know yet where they will be a one-story or two story they are waiting for approval from the board in order to make that decision. She stated that if you look at the Taylor Road area you would see that there is 4 townhouse subdivision being built.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Ms. Raquene Austin moved to close the public hearing. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. J.D. Villarreal moved to approve the rezoning request. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:51 p.m.

Ended: 6:03 p.m.

Item #1.4

**Conditional Use Permit: Home Occupation – Cruz Home Care
1302 E. Griffin Parkway
All of Lot 1 & West 40' of Lot 2,
Enchanted Valley Subdivision
R-1
Pedro Cruz, Jr.**

Ms. Susie De Luna went over the write-up stating the site is located approximately 160' East of Tangelo Street along the South side of E. Griffin Parkway F.M. 495. The applicant has his single-family residence thereon with a paved circular driveway off of E. Griffin Parkway and a driveway off the alley in the rear of the lot. The applicant has applied for a conditional use permit for a home occupation to have a Home Care Office service out of his home. He proposes to utilize 1 side of the home as an office setting for the business. They are a Personal Home Care Business for the elderly and children with disabilities. They hire personal care attendants to aid with daily living activities for individuals within the community and surrounding cities. Their services are provided at their clients' home not at their business. They will have approximately 10 employees come into the office to pick up their paychecks every 2 weeks on Fridays. They have been in business within the City of Mission since August 2021 at 702 E. Griffin Parkway, Ste. 3.

- **Days/Hours of Operation:** Monday – Friday from 8am to 5pm.
- **Number of Employees:** 3 employees & 1 living in the home.
- **Parking:** It is noted that the circular driveway can easily accommodate up to four vehicles and the rear driveway can accommodate up to 6 vehicles.
- **Active Business License for the Home Care Office**
- **Must comply with Sec. 1.56-1, Zoning Code (home occupations regulation),**
Inclusive of sign requirements.

Section 1.56.1(d) states there shall be no more than one additional unrelated employee other than immediate members of the family residing on the premises.

Section 1.56.1(g) states the planning and zoning commission may, under extenuating or special circumstances unique to the home occupation, recommend waiver of this provision on a temporary or permanent bases to the city council who shall have the authority on the matter. With regard to proposed variances to subsections 1.56.1(a),(d) and/or(f), a minimum of 90 percent of the property owners within 200 feet mailout radius shall provide written support for the proposed home occupation to request variance. Should the 90 percent threshold not be provided, no variance shall be considered.

REVIEW COMMENTS: Staff mailed out 23 notices to property owners within 200' radius to get any comments in favor or against the request. Staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval subject to:

- 1) 1 year re-evaluation to access the new operation,
- 2) Compliance with all City Codes (Building, Fire, and Sign Codes),
- 3) Reducing the number of employees to 1,
- 4) Acquisition of a business license, and

5) CUP not transferable to others.

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

Mr. Omar Ramon stated he owns a couple of lots. He stated Mr. Jeffery he was a pharmacist he added that Mr. Jeffery had developed the property. He stated Emerald Lane is a dead-end street. He added the alley is in very bad shape for a vehicle to be going through there. He stated that he subdivided his property that the 6 lots on Emerald Lane which is 200' long and the lots are 34' w x 60' depth. He mentioned that he has someone maintain his trash can the reason being because there are just very congested. He stated he isn't against the commercial use of the property. He added there should be some type of barrier or some type of fence. He stated that his main concern is that is going to be high traffic in the area. He asked if there is going to be a fencing by the property owners so no one can park in the rear of the property so there won't be high traffic in the rear of the property or alley.

Ms. Susie De Luna stated to her knowledge it's just going to be the 1 person that lives on the property and 1 employee. She stated they are proposing 3 employees they are only allowing 1 employee. She added that they had a capability of having 6 vehicles parked in the rear but

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. Steven Alaniz moved to close the public hearing. Ms. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Raquene Austin stated they have 10 employees and basically are going to service the citizens at their private homes.

Ms. Susie De Luna stated the employees would only be going to the property to pick up their checks.

Chairwoman Ms. Diana Izaguirre asked if the 2 houses on the side were being used as residential?

Ms. Susie De Luna stated yes there are residential. She added there is 1 commercial property but it is further towards Bryan Road.

Chairwoman Ms. Diana Izaguirre stated even if it's residential they still can go through the rear. She added if it's commercial they usually add a buffer between residential and commercial.

Ms. Susie De Luna stated when she had spoken to Mr. Omar Ramon thought it was being rezoned to commercial. She added that the applicant originally was going to propose to rezone to commercial. She mentioned that the only way to have 3 employees at the business would be if they got 90% of the property owners which they weren't going to get because they had already tried to get signatures from property owners in the area. She mentioned that the applicant knew they have to reduce the employees to one and to one person living on the property.

Chairwoman Ms. Diana Izaguirre stated so they're people living there right now?

Ms. Susie De Luna stated the owner of the business is living there plus 1 employee would be allowed.

Mr. Steven Alaniz asked if we know how many clients they have?

Ms. Susie De Luna stated no.

Ms. Denise Cruz stated that the majority of the employees received direct deposit for their check. She added that she only has 10 employees that come to pick up their paycheck which is every two weeks on Friday. She also mentioned that no employees that don't work at the business won't be using the alley to park. She stated they will be only using the front entrance to pick up paycheck. She stated there will be no use of the alley by the employees other than the one that are going to be working at the business. She stated regarding the alley she as an owner has 4 vehicles. She mentioned that she doesn't know why Mr. Omar Ramon has a concern for the alley since she hasn't had any issue of the traffic or with the alley.

Ms. Raquene Austin asked if the owners 4 vehicles is going in and out of the home?

Ms. Susie De Luna stated the property owners.

Ms. Denise Cruz stated yes.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. J.D. Villarreal moved to approve the conditional use permit. Ms. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:03 p.m.

Ended: 6:04 p.m.

Item #1.5

**Conditional Use Permit: Regulated Consumer Finance Lender Office on
property zoned (C-2) Neighborhood Commercial
1821 N. Shary Road, Ste. 2
Lot 1, Bannworth Business Center
C-2
Landmark Financial Services, LLC**

Ms. Susie De Luna went over the write-up stating the site is located along the west side of Shary Road between Village Drive and Mulberry Street. The applicant leased a 1,198 sq.ft. suite for a Regulated Consumer Finance Lender Office and has been in business since January 2023. They provide personal, household credit and loan solutions to consumers. The property is currently zoned Neighborhood Commercial (C-2). Sec. 1.42(3)(d) of the Zoning Code states that Business establishments which perform services on the premises such as banks, loan companies, and real estate offices require a conditional use permit. Access to the site is via a 30' access driveway off of Shary Road. The last CUP approved for this location was on November 28, 2022 for a period of 1 year.

- **Hours of Operation:** Monday – Friday from 8:30 a.m. to 5:30 p.m.
- **Staff:** 4
- **Parking:** Based on the square footage of the suite, there are 6 parking spaces required for this business. It is noted that the parking area is held in common there are 58 existing parking spaces shared with other businesses, thus meeting code.
- **Landscaping:** Staff is recommending to add more plants along Shary Road.

REVIEW COMMENTS: Staff has seen several businesses in a C-2 zone without creating a negative impact to the surrounding areas since the hours of operation are reasonable. Staff mailed out 21 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval subject to:

- 1) 3 year re-evaluation to assess this operation
- 2) Must comply with all City Codes (Building, Fire, Health, etc.),
- 3) CUP not to be transferable to others.

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. Omar Guevara moved to close the public hearing. Ms. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Steven Alaniz moved to approve the conditional use permit. Mr. J.D. Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:04 p.m.

Ended: 6:06 p.m.

Item #1.6

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic Beverages—The Loretto at Mission
1233 E. Griffin Parkway
Lot 1 & the S. 25' of Lot 2, Block 1,
Bel-Aire Heights Subdivision
C-2
LAG Associates, LLC**

Ms. Susie De Luna went over the write-up stating the site is located on the NW corner of Orange Drive and Griffin Parkway. The Loretto has been in operation since September 2015. Access to the restaurant is of a 36' driveway off of E. Griffin Parkway. The applicant would like to continue offering alcoholic beverages with their meals therefore the need for consideration. The last CUP approved for this location was on February 10, 2020 for a period of 4 years. Staff notes that this would be the applicants 4th request.

- **Hours of Operation:** Tuesday – Sunday from 10a.m. to 10p.m., Closed Mondays.
- **Staff:** 8
- **Parking:** The restaurant, which also includes a patio, requires 37 parking spaces for both patrons and staff. The applicant has 30 on-site parking spaces for patrons and the remaining 7 parking spaces are on the adjacent property and are used by staff.
- **Sale of Alcohol (Section 1.56-3):** (3a) of the Zoning code requires such uses to be at least 300' from the nearest residence, church, school or publicly owned property. There is a residential subdivision within the 300' radius, however P&Z and City Council have waived this requirement for other similar businesses.

REVIEW COMMENTS: Staff mailed out 16 notices to property owners within a 200' radius of the site. As of the date of this write-up, staff has not received any comments in favor or against this request. Staff asked Mission PD for any incidents reported in relation to the sale of alcohol. There have not been any incidents reported to PD during the CUP's existing tenure. Since the restaurant is not open after 12a.m., and the sale of alcohol is not the primary item of purchase, staff does not object to an extended approval term.

RECOMMENDATION: Staff recommends approval for life of use subject to:

- 1) Continued compliance with all City Codes, (Building, Fire, Health, etc.),
- 2) Waiver of 300' separation requirement from residential neighborhoods, and
- 3) CUP not to be transferable to others.

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. J.D. Villarreal moved to close the public hearing. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Steven Alaniz moved to approve the conditional use permit. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:06 p.m.

Ended: 6:17 p.m.

Item #1.7

Discussion and Action to Amend or Adopt Ordinance for Water Rights

Ms. Susie De Luna went over the write-up stating that a directive was given to staff to develop an ordinance to improve the City's ability to more-responsibly secure water rights for new subdivisions.

Currently, there is a shortage of water throughout the Rio Grande Valley; this continuing shortage is increasingly magnified due to Mexico's refusal to honor its treaty obligation to divert appropriate amounts of water to the United States pursuant to the various treaties to which it is subject. The water shortage problem is compounded by insufficient rainfall in the Rio Grande watershed.

However, these unfortunate circumstances do not diminish the City's responsibility to plan for and provide an adequate water supply for new subdivisions and its projected population.

The City of Mission currently relies on a 43-year-old ordinance (adopted in September 28, 1981) to attempt to provide for its water needs. This ordinance has never been updated, and the time has come to revamp it in order to meet the City's current and anticipated water supply needs.

Chapter 49, Subchapter O of the Texas Water Code provides a mechanism for municipal water suppliers in Cameron and Hidalgo Counties to acquire water rights for municipal use from

irrigation districts that formerly provided irrigation water to land that has been subdivided. In order to acquire these water rights, a municipal water supplier must file a petition with the applicable irrigation district within two (2) years after the date that a subdivision plat has been filed in the official records of the county.

Staff notes that the existing ordinance does **NOT** have a provision that allows the City to charge a developer for the cost of acquiring and converting such water from irrigation use to municipal use. The current ordinance places the responsibility for acquiring sufficient water rights to service the subdivision upon the developer, so it should also be the developer's responsibility to pay the costs incurred by the City if it elects to acquire water rights from an irrigation district under any existing agreement or under Chapter 49, Subchapter O of the Texas Water Code. If the water rights are acquired under Chapter 49, Subchapter O, Section 49.507(b) of the Texas Water Code provides that the purchase price for such water rights cannot exceed sixty-eight percent (68%) of the current market value of the water rights, as determined by the Rio Grande Regional Water Authority (currently \$2,896.81 per acre foot).

Currently, the City is responsible for paying the costs associated with acquiring irrigation rights from an irrigation district and converting those water rights to municipal use, whether such rights are acquired under Chapter 49, Subchapter O of the Texas Water Code, or under the terms of any existing agreements. By adopting the attached amended ordinance, the City will now be able to legally pass along this cost to the developers of land within the City's CCN.

Staff stands ready to hear and further discuss your guiding insight on this urgent matter.

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. J.D. Villarreal moved to close the public hearing. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Ms. Diana Izaguirre asked even if they were going to approve of the water rights. She added there would have to be a steady in to come up with a certain amount for what going to be charge for water rights.

Ms. Susie De Luna stated what the united irrigation district currently charges right now if the city were to purchase \$3,000 per arce foot. She stated what staff is suggesting would be to charge the existing fee that is be opposed to the city right.

Chairwoman Ms. Diana Izaguirre stated they are charging because it is a municipality. She asked if the staff if they checked how much Sharyland water supplies charges.

Ms. Susie De Luna stated Sharyland charges \$3,042 they charge by the size of the water meter that how they developed it that's how they charge the fees.

Chairwoman Ms. Diana Izaguirre stated out of the \$3,042 is not all of the water rights.

Ms. Susie De Luna stated they charge off the usage of the water meter.

Chairwoman Ms. Diana Izaguirre stated that they need to ask for it break it down.

Ms. Susie De Luna stated they did that is what they provided to them.

Mr. Abel Bocanegra asked if Chairwoman Ms. Diana Izaguirre is asking by them as the water corporation. He added for the water corporation to ask the engineers and developers to break it down.

Chairwoman Ms. Diana Izaguirre stated they break it down separately. she stated they did a study to come up with that amount doesn't mean it's going to be the same amount as everybody else because they all have different connections. She added Sharyland might have \$20,000 and Mission might have \$80,00 or North Alamo might have different then McAllen. She stated to make sure you see the difference between different rates. She added that they aren't going to get Sharyland rate or McAllen rates because they don't know how they came up with that amount.

Mr. Abel Bocanegra stated the water corporation changed rate based on water meters and usage and municipalities exception of McAllen. He stated \$3,000 per acre foot as a base fee.

Chairwoman Ms. Diana Izaguirre asked which municipalities?

Mr. Abel Bocanegra stated Edinburg, Pharr and Weslaco.

Chairwoman Ms. Diana Izaguirre asked if they are on the chart?

Ms. Susie De Luna stated that Weslaco is using the another one and Edinburg is charging \$3,000.

Chairwoman Ms. Diana Izaguirre stated McAllen doesn't have a fixed rate it's to request convey.

Ms. Susie De Luna stated McAllen doesn't it's to request Convey. She stated that the ordinance can be amended they just want something so they can start implementing it because they don't have any fee that they can start charging or any guide to go by.

Chairwoman Ms. Diana Izaguirre stated every 2 years they get the water rights from every subdivision and they get the arable land water rights.

Ms. Susie De Luna stated it can be amended once they get an updated fee. She added the council direction is to at least start with something. She stated if they don't want to start with the \$3,000 water rights to at least start with the \$2,896.81 that was based on 2019 records.

Chairwoman Ms. Diana Izaguirre asked what west side has?

Ms. Susie de Luna stated they are charging \$3,000. She stated they need something that's going to implement the fee because the likelihood that the fee isn't going to go down it will go high. She stated if it does they just have to start implementing something that hasn't been done.

Mr. Omar Guevara asked why is it based of the 2019 rates and not the 2023 rates or anything current?

Ms. Susie De Luna stated she contacted the Rio Grande Regional Water Authority they only provided the information to them from 2019.

Chairwoman Ms. Diana Izaguirre stated they had met 4 years ago and that is when they implemented the rate.

Ms. Susie De Luna stated there is a meeting planned for this year next month.

Ms. Raquene Austin asked if they projected the rates going up.

Ms. Susie De Luna stated they haven't determined as of now.

Mr. Abel Bocanegra stated as of now nothing is stated officially but they assumption is yes.

Mr. Omar Guevara asked if they wait for them because if they agree to \$3,000 and then the Rio Grande Regional Water Authority meets it in a month and they change it to \$5,000. He added if they have to come back and do it again?

Chairwoman Ms. Diana Izaguirre stated no they would just have to amend what The board approves. She added they had a meeting with the Texas Water Development Board stating they had a meeting with regional water authority they are very conservative. She stated that she believes it won't go up from \$2,800 to \$5,000 and if it goes up it will go up a little bit.

Ms. Susie De Luna stated they at least recommend \$3,000.

Chairwoman Ms. Diana Izaguirre stated they are every conservative they maintain the market value prices so nobody can come and say we are going to sell you the water rights for \$10,000 that's why they have this provision of the 68% of the current market value. She added they do it to help out the municipality so they won't get attacked with being charged more taxes just because it's a bigger city.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Omar Guevara moved to approve to Water Rights. Ms. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:17 p.m.

Ended: 6:19 p.m.

Item #2.0

Site Plan Approval:

**Construction of a Commercial Plaza
(Sergio Nelly Plaza – 1604 W. Griffin Parkway)
Lot 21, Blk 1, Oakwood Estates Subdivision
C-3
Sergio Cerda**

Ms. Susie De Luna went over the write-up stating the subject site is located on the north side of W. Griffin Pkwy (F.M. 495). approximately 145' east of River Oak Ave. – see vicinity map. The developer is proposing one main structure with 2 suites.

The main access will be from W. Griffin Pkwy (F.M. 495) and will be prepped by having the option to connect to the lot on the east and west, respectfully. The building will have a contemporary façade, stucco finishes, and standard metal and glass storefronts. The structure

will measure a grand total of 968 sq. ft. which will consist of 2 units: each unit will be 484 sq. ft. which will include a unisex restroom

The front building setback is approximately 73" from the property line and all other setbacks are to comply with zoning ordinance, easements or greater as per site plan. A total of 8 parking spaces, 2 being handicap stalls will be allocated to serve the plaza. There's an existing fire hydrant within the required distance therefore this item is fulfilled with fire lanes noted at restricted locations throughout the site.

Storm water detention area has been designated on the northeast side corner of the lot. Water will then be transferred thru a 24" RCP into the storm manhole and ultimately connecting to the city's storm infrastructure. Landscaping is to comply with the City's regulations and code ordinances and a Lighting Plan has been reviewed so that nearby residential properties won't be affected.

OTHER COMMENTS:

1. 1 enclosed dumpster will be located within the Lot to be screened with a solid buffer and opaque (solid) gates.
2. Sign permits will be required per tenant
3. Installation of a buffer fence abutting all residential properties

RECOMMENDATION: Staff recommends approval.

Chairwoman Ms. Diana Izaguirre asked if the board had any questions.

There was none.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Steven Alaniz moved to the approve the site plan approval. Ms. Raquanel Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:19 p.m.

Ended: 6:21 p.m.

Item #2.1

Site Plan Approval:

**Construction of paddel & pickleball courts complex
(RGV Paddel Sports Complex – 2513 Victoria Avenue)
Lot 2, Hampton Inn & Suites Subdivision
C-3
South Texas Development & Construction**

Ms. Susie De Luna went over the write-up stating the subject site is located on Lot 2 of the Hampton Inn & Suites Subdivision situated along the north side of Victoria Dr. approximately 450' west of Taylor Rd. and also adjacent and east of the Hampton Inn & Suites Hotel. – see vicinity map. Site Plan approval is required prior to permit issuance for commercial developments and complexes.

The complex is being proposed as venue to consist of 7 paddel ball and 6 pickieball courts for a total of 18,000 square feet and a 3,500 square foot pro shop to include a bar and lounge for

a grand total of 21,500 square feet. The venue will have a contemporary design with modern open courts and a 2-story pro shop being mostly of glass with solid walls and partitions.

The site will have a main access from Victoria St. and a secondary point of Ingress and egress by a shared driveway from the hotel to the west and will also have a 30' common access available from the north side of the property. The Project site would be subject to the development standards for a C-3 Zone District, and would be required to comply with setback noted within. Those setbacks appear to meet and/or exceed the applicable development standards to include height requirements.

Pursuant to Sec. 110-463, the conceptual site plan exceeds the minimum vehicle spaces; therefore, parking for the site would be adequate.

The subject parcel is surrounded by existing development and has the Infrastructure in place to support a hotel use. The project will be required to comply with all conditions from Public Works and Engineering, which will further ensure the site is suitable for the proposal

The project site would be required to provide a minimum setback from the front, rear, and street side property lines, which will be landscaped. As indicated on the site plan, the applicant proposes landscaped areas throughout the site. Lighting for exterior illuminated signs or within the parking areas shall be noted not to create a hazardous glare for pedestrians or vehicles, either in a public street or on any private premises.

OTHER COMMENTS:

1. Payment of Capital Sewer Recovery Fees in the amount of \$1500
 - \$750 per acre (1.88)
2. Enclosed dumpsters will be located within the complex to be screened with a 6' block fence with opaque (solid) gates.
3. Installation of a buffer to abut all drainage ponds and residential and adjacent properties.

RECOMMENDATION: Staff recommends approval.

Chairwoman Ms. Diana Izaguirre asked if the board had any questions.

There was none.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Omar Guevara moved to the approve the site plan approval. Ms. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:21 p.m.

Ended: 6:24 p.m.

Item #3.0

**Preliminary & Final
Plat Approval:**

**Conway Village Subdivision
Being 19.118 acres out of Lot 36-6,
West Addition to Sharyland Subdivision
Suburban ETJ
Developer: Rimage, LLC
Engineer: Melden & Hunt, LLC**

Ms. Susie De Luna went over the write-up stating the subject site is on the southwest corner of W. St. Francis and Conway Ave.-S.H. 107 (Mission Suburban ETJ) — see vicinity map. The developer is proposing a (44) forty-four duplex/fourplex lot subdivision that will include (1) one commercial lot and (1) one detention pond — see plat for actual dimensions, square footages, and land uses.

WATER

The water CCN belongs to Sharyland Water Supply Corp (SWSC). The developer is proposing to connect to an existing 12" water line located along the south side of W. St. Francis Ave. and along the west side of Conway Ave. — S.H. 107 to provide water service to each lot. There are 6 fire hydrants proposed to be used as filling stations via direction of the Fire Marshal's office.

SEWER

An internal 8" sewer line system will provide sewer service to all the lots as it ties into an existing 12" sanitary sewer line south along the west side of N. Conway Ave. (S.H. 107). The Capital Sewer Recovery Fee is required at \$670.00 per lot and \$750 per ac. for commercial lots which equates to \$31,060.00 (\$670.00 x 43 lots + \$750.00 x 3 ac.).

STREETS & STORM DRAINAGE

All internal streets are 32' Back-to-Back within a 50' Right of Way, access will be from W. St. Francis Ave. The proposed storm drainage system will consist of 6 type "A" inlets. Surface runoff will be conveyed into a proposed detention pond and discharge into the existing road ditch along N. Conway Ave. (S.H. 107) via a pump system and ultimately discharge into Linda Vista Drain which is owned and maintained by HCDD #1. The City Engineer has reviewed and approved the drainage report.

RECOMMENDATION

Staff recommends approval subject to payment of Capital Sewer Recovery fee, compliance with the City's Model Subdivision Rules, and meeting any requirements from the County Planning Department.

Chairwoman Ms. Diana Izaguirre asked if the board had any questions.

There was none.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Ms. Raquanel Austin moved to approve the subdivision. Mr. Steven Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

ITEM#4.0

ADJOURMENT

There being no further items for discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Ms. Raquanel Austin moved to adjourn the meeting. Mr. Omar Guevara seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:24 p.m.


Diana Izaguirre, Chairwoman

Planning and Zoning Commission

**PLANNING AND ZONING COMMISSION
MAY 1, 2024
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Kevin Sanchez
J.D Villarreal
Connie Garza
Jasen Hardison

P&Z ABSENT

Diana Izaguirre
Raquenel Austin
Omar Guevara
Steven Alaniz

STAFF PRESENT

Susana De Luna
Jessica Munoz
Alex Hernandez
Irasema Dimas

GUEST PRESENT

Pedro Ayala
Olivia Libby Pena
Rolando Pena
Charles Wills
Janice Wills
Wendy Roberts
Kevin Roberts
Maria G. Cantu
Julia V. Garcia
Jose L. Garcia
Zorelda Lopez
Manfred Schuller
Emmanuel Eben
Glenda Garcia
Karla Garcia
Aaron Balli
Steven Ricci
Patricia Ricci
John Crouch
Alden Robert Rush

CALL TO ORDER

Vice Chairman Mr. Kevin Sanchez called the meeting to order at 5:35 p.m.

CITIZENS PARTICIPATION

Vice Chairman Mr. Kevin Sanchez asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR APRIL 17, 2024

Vice Chairman Mr. Kevin Sanchez asked if there were any corrections to the minutes for April 17, 2024. Mr. J.D. Villarreal moved to approve the minutes. Mr. Jasen Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:36 p.m.

Ended: 5:49 p.m.

Item #1.1

Rezoning:

Tract #1: A tract of land containing 1.52 acres, more or less, out of a 3.56 acre tract out of Lot 285, John H. Shary Subdivision
&

Tract #2: A 1.76 acre tract of land out of Lot 285, John H. Shary Subdivision
AO-I to C-3

Rolando & Olivia Pena

Ms. Susie De Luna went over the write-up stating the subject site is located approximately 330' south of E. Mile 2 Road along the east side of Shary Road.

SURROUNDING ZONES:

N:	C-2 & R-1A	– Neighborhood Commercial & Large Lot Single Family
E:	R-1	– Single Family Residential
W:	R-1	– Single Family Residential
S:	R-1	– Single Family Residential

EXISTING LAND USES:

N:	Commercial & Residential
E:	Residential
W:	Residential
S:	Residential
Site:	Residential & Acreage

FLUM: Lower Density Residential (LDA)

REVIEW COMMENTS: The proposed zone does not comply with the City's Future Land Use Map, and surrounding land uses. The Future Land Use Map is a tool used by staff to determine what the City envisions in the area; however, it can be amended from time to time. Staff notes that these tracts of land are mainly surrounded by residential homes, although there is a C-2 (Neighborhood Commercial Zone), immediately north of the property, which are typically seen or located in major intersections only. Staff mailed 34 notices to property owners within a 200' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any comments. The request before the Board is for an even higher density, than what's in the area for that reason staff cannot support the request.

RECOMMENDATION: Staff recommends denial

Vice Chairman Mr. Kevin Sanchez asked if there was any input in favor or against the request.

Mr. Charles Wills stated he lives at 2403 E. 35th Street. He stated no one in the neighborhood is wanting the property to be rezoned to a C-3. He stated that he believes that has 17 homes signed up on the petition he provided to staff and board members. He stated that he didn't realize that Stonegate Drive received notices. He stated he is opposed to anything above a C-1. He just doesn't want any bars or restaurants or any retail center in the neighborhood. He stated that the traffic in the area is already congested.

Mr. Manfred Schuller live in Lot 34 Shary Forest 2, he stated he is against any rezoning even though he had signed the petition for a C-1 because of the noise coming from the gas station and the music and everything in the area.

Mr. Kevin Roberts lives at 3102 Woodfair court, he stated he opposed the rezoning for being zone to a C-3.

Mr. Jose Garcia lives in lot 8 at 2401 E. 35th Street, he stated he was opposed of the rezoning reason being the 7-11 gas station is nosy and adding a C-3 would be more noise from both businesses.

Ms. Maria Cantu lives at 3103 Woodfair Court, stated she opposed the property to be rezoned into a C-3. She stated she agrees with a C-1 but definitely not a C-3. She stated they have swimming pools and backyards where their children play. She stated there is no way for children to be playing in the backyard without worrying.

Mr. Steven Ricci & Mrs. Patricia Ricci lives at 1301 Woodfair court, he stated they opposed a C-3. He asked if it was to be zoned to a C-1 what is allowed to be put on the property?

Vice Chairman Mr. Kevin Sanchez stated the C-1 zone is for office buildings.

Ms. Susie De Luna stated the C-1 zoning allows any office space for an attorney, real estate, dentist and doctor office space. She stated the business normally is allowed to be open from 8 am -5 pm latest would be 6pm or 7 pm.

Mrs. Patricia Ricci asked if it would allow a restaurant?

Ms. Susie De Luna stated no.

Mr. Steven Ricci stated he would opposed to a C-3.

Mr. John Crouch lives at 3000 N. Shary Road, he stated he would be opposed to a C-3 reason being because it is a residential area and they already seen an encroachment from the 7-11 gas station. He stated the traffic isn't situated in the area the entrances and exits on Shary Road that they have now is very congested. He stated there has been fatality accidents on the intersection in the corner of Shary Road. He stated that he doesn't see the liability of adding additional entrances and exits on Shary Road.

Mr. Alden Robert Rush lives at 2407 E. 35th Street, he stated he opposed anything from a C-2 and C-3. He stated he agrees to a C-1 reason being he has kids that play in the backyard. He stated that he doesn't want any extra traffic and noise in the neighborhood from any restaurant or bar.

Vice Chairman Mr. Kevin Sanchez asked if there was any input in favor of the request.

Mrs. Oliva & Mr. Rolando Pena wanting to rezone for the sole purpose of selling the property. She stated that they feel their property has the potential of retail. Mr. Rolando Pena stated that they are thinking of lowering the zoning from a C-2 or C-1.

Vice Chairman Mr. Kevin Sanchez entertained a motion to close the public hearing. Mr. Jasen Hardison moved to close the public hearing. Ms. Connie Garza seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Connie Garza asked if the applicant is thinking of changing the zone to C-1. Do they take no action so they don't have wait for the time period to submit the request?

Ms. Susie De Luna stated that if the P&Z board is considering a C-1 they are able to down zone. She stated the board can deny the C-2 and approve the C-1. She stated that would be the recommendation forward to the city council. She stated so the applicant doesn't have to restart the process all over again. she stated since they are requesting a high zone the board can down zone to a C-1 but the board can't motion a C-1 to a C-3.

Vice Chairman Mr. Kevin Sanchez asked the applicant if they have a buyer in mind yet or potential developer to do with the property?

Mrs. Olivia & Mr. Rolando Pena stated no.

Mr. J.D Villarreal stated from his understanding the developer is considering a C-2.

Ms. Susie stated the applicant is wanting a C-2 or C-1.

Mr. J.D Villarreal stated the opposition is not wanting a C-2.

Ms. Susie De Luna stated the opposition is only considering a C-1.

There being no further discussion, Vice Chairman Mr. Kevin Sanchez entertained a motion. Mr. J.D Villarreal moved to deny the rezoning request of a C-3 and approve a C-1. Ms. Connie Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:49 p.m.

Ended: 5:51 p.m.

Item #1.2

Conditional Use Permit:

**Mobile Food Truck- Churros Don Ramon
2509 Colorado Street, Ste. 201
Lot 1, Block 2, Santa Lucia Development
C-3
Juan Chapa**

Ms. Susie De Luna went over the write-up stating the site is located near the NW corner of Colorado and Taylor Road along the north side of Colorado Street – see vicinity map. The applicant is leasing a space on the Mobile Food Park and would like to place his mobile food truck to offer Churros (Mexican deep-fried pastry's). Access to the site will be provided off of Colorado or Taylor Road through existing 24' driveways.

- **Days & Hours of Operation:** Tuesday – Sunday from 5:00 pm to 10:00 pm
- **Employees:** 2 employees
- **Parking & Landscaping:** The Mobile Food Park measures 134' x 72' for a total of 9,648 sq. ft. Based on the square footage they are required 23 parking spaces. The landlord has a total of 67 parking spaces available for this area and has submitted a written agreement to use the parking spaces from the commercial plaza if needed.
- **Other Requirements:** Must comply with all Building, Fire and Health Codes.

REVIEW COMMENTS: Staff mailed out 17 notices to property owners within 200' radius and staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval subject to:

- 1) 1 yr. 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.

Vice Chairman Mr. Kevin Sanchez asked if there was any input in favor or against the request.

There was none.

Vice Chairman Mr. Kevin Sanchez entertained a motion to close the public hearing. Mr. Jasen Hardison moved to close the public hearing. Ms. Connie Garza seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Vice Chairman Mr. Kevin Sanchez entertained a motion. Ms. Connie Garza moved to approve the conditional use permit. Mr. Jasen Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:51 p.m.

Ended: 5:53 p.m.

Item #2.0

Single Lot Variance:

**A 1.0 Acre tract of land, more or less,
out of Lot 263, John H. Shary Subdivision
2506 N. Glasscock Road
R-1A
Everardo P. Sustalta**

Mr. Alex Hernandez went over the write-up stating the site is located at the southeast corner of N. Glasscock Road and E. 25th ½ Street. The property measures 234' x 165' for a total of 38,610 sq.ft. The owner is proposing to build a residential home. Currently, the property is vacant.

WATER: There is an existing 8" water line along N. Glasscock Road and E. 25th ½ Street. Water service is readily available. There is also an existing fire hydrant at this same intersection therefore this requirement is fulfilled.

SEWER: The property has access to an existing 8" sanitary sewer line located along the north ROW of E. 25th ½ Street. Since this property had sewer service prior, the capital fee will not be needed.

STREETS: The property has frontage to N. Glasscock Road and E. 25th ½ Street. This lot will require an additional 10' ROW dedication along N. Glasscock Road. A streetlight can be found on front of this site and on the NE corner of the same intersection. There is no need for additional street lights at this location.

OTHER COMMENTS

- Park Fee is required at \$500 (per lot).
- Provide proof of exclusion from the Water District
- Comply with the 50yr storm detention requirements

RECOMMENDATION: Staff recommends approval subject to

1. Dedication of an additional 10' ROW along N. Glasscock Road
2. Provide proof of water district exclusion
3. Payment of Park fee, and
4. Comply with the 50 year storm detention code

Vice Chairman Mr. Kevin Sanchez asked if the board had any questions.

There being no discussion, Vice Chairman Mr. Kevin Sanchez entertained a motion. Mr. Jasen Hardison moved to approve the Single Lot Variance. Ms. Connie Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:53 p.m.

Ended: 5:55 p.m.

Item #2.1

Site Plan Approval:

**Construction of a Commercial Plaza
(Griffin Plaza - 929 E. Griffin Parkway)
Being 0.462 of one acre out of Lot 25-9,
West Addition to Sharyland Subdivision
C-2
Emmanuel Eben**

Mr. Alex Hernandez went over the write-up stating the subject site is located approximately ¼ mile east of N. Mayberry Road on the north side of E. Griffin Parkway. The developer is proposing one main structure with two suites on a vacant tract of land. This site pre-exists the 1974 subdivision code, therefore is considered a Lot of Record and does not required further subdividing nor the need to obtain a single lot variance.

Upon reviewing the site plan, main access will be from Griffin Parkway. The building size will have a grand total of 4,128 sq. ft. which will consist of 2 office spaces. Office space 1 will measure 1,548 sq. ft. and office space 2 will measure 2,580 sq. ft.

The front building setback is approximately 102' from the property line and all other setbacks are to comply with zoning ordinance, easements or greater as per site plan.

A total of 13 parking spaces will be allocated to serve the Plaza, 2 being handicapped stalls. There is a proposed fire hydrant and its assemblies to be located on the west side entrance. Fire lanes will be noted at restricted locations throughout the parking zone.

Storm drainage will be addressed by grading, capturing, and diverting storm water into proposed detention areas located at the front of the property and ultimately draining into an existing storm inlet along Griffin Pkwy. Landscaping is to comply with the City's regulations and code ordinances and a Lighting Plan has been reviewed so that nearby residential properties won't be affected.

OTHER COMMENTS:

1. 1 enclosed dumpster will be located within the Lot to be screened with a 6' block fence and opaque (solid) gates.
2. Sign permits will be required per tenant.
3. Buffer fence to be installed at perimeter of property abutting any residential lots.

RECOMMENDATION: Staff recommends approval.

Vice Chairman Mr. Kevin Sanchez asked if the board had any questions.

There was none.

There being no discussion, Vice Chairman Mr. Kevin Sanchez entertained a motion. Mr. Jasen Hardison moved to the approve the site plan approval. Mr. J.D Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:55 p.m.

Ended: 5:57 p.m.

Item #2.2

**Preliminary & Final
Plat Approval:**

**Stewart Cove Phase II Subdivision
A 2.97 acre tract of land out of the
South 24.44 acres of Lot 26-12,
West Addition to Sharyland
R-1A
Developer: Aaron H. Balli, Jr.
Engineer: Hinojosa Engineering, Inc.**

Mr. Alex Hernandez went over the write-up stating the subject site is located on the southwest corner of N. Stewart Road and Solar Drive. — see vicinity map. The tract is currently vacant with a proposed land use for 8 residential lots. — see plat for actual dimensions, square footages, and land uses.

WATER: The developer is proposing to connect to an existing 8" water line located along the west R.O.W. of N. Stewart Road and extend an 8" water line through the site providing water service to each lot. It will be looped to the north connecting into the existing adjacent subdivision. There is 1 proposed fire hydrant via direction of the Fire Marshal's office.

SEWER: The developer will connect to an existing sewer line located north of this site along the north ROW of Solar Drive and extend south into the subdivision with an 8" PVC line to collect from all lots abutting to the proposed street which will end with a standard MH on front of Lot 23. All lots will be stubbed opposite of the water meter with a 4" PVC line. The Capital Sewer Recovery Fee is required at \$200.00/Lot which equates to \$1,600.00 (\$200 x 8 Lots).

STREETS & STORM DRAINAGE: The subdivision will have access from Solar Drive and end at a cul-de-sac. The street design will include a 50' ROW in a proposed 32' B-B paved street complete with curb & gutters.

The site lies within a Zone C flood zone as per FIRM panel No. 480344 0400C. The site will sheet flow rainfall onto the proposed street to flow north into existing inlets within Solar Drive the runoff will be detained on-site in a proposed swale and discharge onto an existing City of Mission 24" RCP storm drain line which ultimately drains to the HCDD No. 1 ditch approximately 950' north of this site. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS:

1. Water District exclusions
2. Payment of Park fees (\$500x8Lot=\$4,000.00)
3. Submittal of a street light and sign layout

RECOMMENDATION: Staff recommends approval.

Vice Chairman Mr. Kevin Sanchez asked if the board had any questions.

There was none.

There being no discussion, Vice Chairman Mr. Kevin Sanchez entertained a motion. Ms. Connle Garza moved to approve the subdivision. Mr. J.D Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:57 p.m.

Ended: 5:59 p.m.

Item #2.3

**Preliminary & Final
Plat Approval:**

**The Heights at Inspiration Subdivision Phase I
Being 9.277 acres out of Lot 35-1
West Addition to Sharyland
Suburban ETJ
Developer: Gustavo Cavazos
Engineer: MAS Engineering, LLC.**

Mr. Alex Hernandez went over the write-up stating the subject site is located on the east side of Inspiration Road 2/3 of a mile north of West Mile 3 Rd. — see vicinity map. The developer is proposing 31 Duplex-Fourplex Residential lots — see plat for actual dimensions, square footages, and land uses.

WATER

The water CCN belongs to Sharyland Water Supply Corporation. The developer is proposing to connect to existing 12" PVC water line running along the east side of Inspiration Road and extending a proposed 8" water line into the development. This will allow water service to the proposed subdivision and provide water service to each lot. There will be 4 fire hydrants to be used as filling station. — see utility plan

SEWER

The sewer CCN belongs to the City of Mission however it will be treated by the City of Alton by an agreement until future infrastructure can be installed. An 8" sewer line will run to and thru the subdivision and prepped for future phases. The design is compliant to Mission standards and to be maintained when future connections are established.

STREETS & STORM DRAINAGE

Internal streets are 40' Back-to-Back within a 50' Right of Way. Access will be from Inspiration Road. This property falls in two separate flood zones: "C" and "A" of the flood insurance rate map, communal panel no. 480334 0400 C. Storm water detention for this subdivision is 135,283 c.f. or 3.11 ac. ft. The City Engineer has reviewed and approved the drainage report.

RECOMMENDATION

Staff recommends approval subject to meeting the Model Subdivision Rules and meeting any comments from the County Planning Department.

Vice Chairman Mr. Kevin Sanchez asked if the board had any questions.

There was none.

There being no discussion, Vice Chairman Mr. Kevin Sanchez entertained a motion. Mr. J.D Villarreal moved to approve the subdivision. Mr. Jasen Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:59 p.m.

Ended: 6:00 p.m.

Item #2.4

**Preliminary & Final
Plat Approval:**

Springwood Manor Estates

**A 2.00 acre tract of land out of the north 15.94 acres
of Lot 211, John H. Shary Subdivision
R-1T**

Developer: RGV Villa Development, LLC

Engineer: Trimad Consultants, LLC

Mr. Alex Hernandez went over the write-up stating the subject site is located along N. Stewart Rd. approximately 850' north of Bus Hwy 83. — **see vicinity map**. The developer is proposing an (23) twenty-three townhome lots with (2) two lots to be designated for storm water detention purposes — **see plat for actual dimensions, square footages, and land uses**.

WATER

The developer is proposing to connect from an existing 8" water line located along the west side of Stewart Rd. and extend a proposed 8" line along the south ROW on the internal street and looped around the north side of this site. They are proposing 1 fire hydrant as via direction of the Fire Marshal's office. — **see utility plan**

SEWER

The developer is proposing an internal 8" sewer line system to provide sewer service to all the lots as it ties into an existing 10" sanitary sewer system located on the north side of this development. The Capital Sewer Recovery Fee will be required at \$200.00/Lot which equates to \$4,600.00 (\$200.00 x 23 Lots).

STREETS & STORM DRAINAGE

The proposed internal street is a 36' Back-to-Back within a 50' Right of Way. Access will be from Stewart Road. The proposed drainage for this subdivision will consist of 2 detention swales and 1 conveyance swales. Combined, the swales will detain a total of 8,554 cubic feet of rain. These swales will discharge to an existing curb inlet on the northwest corner of the property along N. Stewart Rd. that belongs to the City of Mission. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

Escrow Park fees (23 lots x \$500 = 11,500.00)
Installation of Street Lighting as per City Standards
Must Comply with all other format findings

RECOMMENDATION

Staff recommends approval subject to:

1. Payment of Capital Sewer Recovery Fee's and Park Fee's
2. Comply with all other format findings.

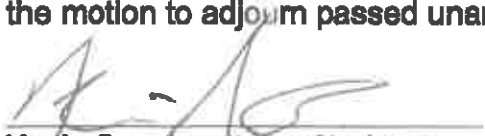
Vice Chairman Mr. Kevin Sanchez asked if the board had any questions.

There was none.

There being no discussion, Vice Chairman Mr. Kevin Sanchez entertained a motion. Mr. Jasen Hardison moved to approve the subdivision. Ms. Connie Garza seconded the motion. Upon a vote, the motion passed unanimously.

ITEM#3.0
ADJOURMENT

There being no discussion, Vice Chairman Mr. Kevin Sanchez entertained a motion. Mr. Jasen Hardison moved to adjourn the meeting. Ms. Connie Garza seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:00 p.m.



Kevin Sanchez, Vice Chairman
Planning and Zoning Commission

**PLANNING AND ZONING COMMISSION
MAY 15, 2024
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Diana Izaguirre
J.D Villarreal
Connie Garza
Raquenel Austin
Omar Guevara
Steven Alaniz

P&Z ABSENT

Kevin Sanchez
Jasen Hardison

STAFF PRESENT

Susana De Luna
Jessica Munoz
Alex Hernandez
Irasema Dimas

GUEST PRESENT

Zorelda Lopez
Zaida Vargas
Josue Rodriguez
Debanhi Perez
Koraima Canto Arguelles
Americo Garza Castelan
Maribel
Ricardo Caruante
Armando Rios
Elizabeth M. Romero
Deborah Hernandez

CALL TO ORDER

Chairwoman Ms. Diana Izaguirre called the meeting to order at 5:34 p.m.

CITIZENS PARTICIPATION

Chairwoman Ms. Diana Izaguirre asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR MAY 1, 2024

Chairwoman Ms. Diana Izaguirre asked if there were any corrections to the minutes for May 1, 2024. Ms. Connie Garza moved to approve the minutes. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:35 p.m.

Ended: 5:45 p.m.

Item #1.1

Rezoning:

**Lots 1-5, Block 1, North Hampton Subdivision
R-1 to C-3
Debanhi Perez & Josue Rodriguez**

Ms. Irasema Dimas went over the write-up stating the subject site is located 355' north of U.S. Expressway 83 Frontage Road along the east side of Mayberry Road. The property's dimensions are 25' x 145' each.

SURROUNDING ZONES: N: R-1 – Single Family Residential
E: P – Public
W: P – Public
S: C-3 – General Business

EXISTING LAND USES: N: Residential
E: Open Acreage
W: Castro Elementary School
S: Flores Funeral Home

Site: Residential

FLUM: Moderate Density Residential (MD)

REVIEW COMMENTS: The Future Land Use Map showed this area as a Moderate Density Residential (MD) land use area, which is more consistent with a residential zone such as R-1, R-1T, or R-2 zoning. The land use for this property has been residential for years and staff believes that it still remains as a viable boundary between commercial and residential uses. Though the site is located adjacent to a commercial use, the desired C-3 zone is in conflict with the Future Land Use Map. Staff notes that the Future Land Use Map is not 'set on stone' and zoning does not have to match, but unless there is a predominant and unique reason to deviate from it, the City should abide by the FLUM as much as possible.

Staff notes that on October 26, 2009 the City Council considered and denied a C-3 rezoning request for Lots 1& 2. Staff mailed 13 notices to property owners within a 200' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any comments.

RECOMMENDATION: Staff recommends denial.

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor of the request.

Mr. Josue Rodriguez wanting to rezone the property to a C-3 because he is wanting to open up a daycare and the main focus of the daycare is on autism. He stated he is from Tamaulipas he had moved to Florida for 10 years to specialize in autism. He said there is a shortage of BCBA's in the valley also he works at a therapist at a daycare. He mentioned he finds that daycares deny entrance to children with ASD. He stated there is an up to 2 years waiting list for daycares. So he wanting to open up a daycare that specializes in autism and that has the typical developing children and ASD children to attend the daycare. He wants the parents to feel comfortable leaving their children with the specialize daycare.

Chairwoman Ms. Diana Izaguirre asked staff if they couldn't do Conditional Use Permit for the home?

Ms. Irasema Dimas stated no if they want a full daycare the property needs to be rezoned they do have to go through the full zoning process on a C.U.P. only allows one person living in the house and 1 more employee.

Chairwoman Ms. Diana Izaguirre asked staff if they can have the business in a C-2 or C-1.

Ms. Irasema Dimas stated yes, a daycare business is allowed in a C-2.

Chairwoman Ms. Diana Izaguirre asked if staff is okay with recommending a C-2?

Ms. Irasema Dimas mentioned as the planning board they can always down zone. If the board isn't wanting to approve a C-3 they can down zone to C-2 however they can't go from a C-2 to a C-3.

Chairwoman Ms. Diana Izaguirre stated she agrees with applicant that there's never enough ASD daycare. She mentioned that specially for autism its hard to get into AB program.

Ms. Irasema Dimas asked if they are going to use the whole house or if somebody is going to live at the house?

Ms. Debanhi Perez stated nobody is going to live there. She mentioned their idea is to have a learning center to have specialze therapist and to also have regular teachers. She said that they also want to have children from 18 months to 6 years.

Mr. Omar Guevara asked if they were going to demolish the home?

Ms. Irasema Dimas stated no they aren't.

Ms. Raquene Austin asked if its for a parent to take the child for a day or like a therapy setting or a couple of hours or a combination?

Ms. Debanhi Perez stated it's a combination; for example, they currently service another daycare's where she goes in and provide ABA therapy. What they want to do is to be able to do therapy and families can take their child to for those services.

Ms. Connie Garza asked Mr. Josue Rodriguez and Ms. Debanhi Perez if they are going to do the daycare with the 5 lots or do they plan to do something else?

Ms. Debanhi Perez said no its going to be just the daycare. She mentioned the back yard is perfect to have the outdoor activities. Also, that they want to make plans for lot 1 as the parking lot but they rest of the lots will be used for the learning center.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Ms. Raquene Austin moved to close the public hearing. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Ms. Raquene Austin moved to deny the rezoning request of a C-3 and approve a C-2. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:45 p.m.

Ended: 5:49 p.m.

Item #1.2

Conditional Use Permit:

**Construction of a Pool House
1805 E. 28th Street
Lot 14, Magnolia Park Estates
R-1A
Zalda M. Vargas**

Ms. Irasema Dimas went over the write-up stating the site is located approximately 963' west of N. Glasscock Road along the north side of E. 28th Street. The applicant is requesting a conditional use permit for the construction of a pool house. The proposed pool house will have 1,595 square feet. It will consist of 1 changing room, a sauna, 1 full bathroom, and a covered patio, which will

be attached to the house. Pool houses are allowed in a Large Lot Single Family Zone as long as they apply for a conditional use permit and comply with the following conditions:

- Lot be a minimal of 12,000 sq. ft.
- Cannot be made available or used for lease, rent, hire, and the owner of such use may not receive remuneration for the use of one of the above
- Proposal must be clearly secondary to the primary residence
- Shall not have access to a public street (No shared/extended driveway)
- Shall not have separate kitchen area or utilities

REVIEW COMMENTS: Staff notes that the lot total square footage is 9,520 sq.ft., which is 2,480 sq.ft. short of the required square footage, therefore if approved a variance would be needed. All building setbacks will be complied with. The proposed driveway is more than sufficient to accommodate any incoming vehicle. The pool house must be connected to the same water and electrical meters, i.e. no separate utilities. Staff mailed out 19 notices to property owners within 200' radius and staff has not received any comments in favor or against this request. The applicant did submit a letter of approval for the pool house from Magnolia Park Estates Homeowners Association.

RECOMMENDATION: Since no kitchen is included, staff recommends approval subject to:

- 1) The applicant must comply with the provisions outline in Section 1.56-4 of the Zoning Code (except for the minimum lot size requirement),
- 2) The unit may not have a separate utility and electrical connections,
- 3) Transferability to other future owners imposing the same conditions imposed to this applicant,
- 4) Not to be used for rental purposes, and
- 5) Waive the minimum lot size requirement.

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

Ms. Zaida M. Vargas stated the pool house is for personal use only for her family.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Ms. Raquene Austin moved to close the public hearing. Mr. J.D Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Steven Alaniz moved to approve the conditional use permit. Mr. J.D Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:49 p.m.

Ended: 5:53 p.m.

Item #1.3

Conditional Use Permit:

**Drive-Thru Service Windows & Sale
& On-Site Consumption of Alcoholic
Beverages – Taquero Mucho
3501 N. Conway Avenue, Ste. 15
Lot 2, IHOP On Conway Subdivision
C-3
Taquero Mucho, LLC**

Ms. Irasema Dimas went over the write-up stating the site is located approximately 1,355' north of Mile 2 Road along the west side of Conway Avenue. The applicant is leasing a 2,245 sq.ft. building for a taqueria which will include an outdoor terrace and drive-thru windows on the east and west side of the building. Access to the drive-thru service windows would be off of Conway Avenue via a 24' driveway. They would place the order on the west side of the building and pick up the order on the east side. The drive-thru window's location allows stacking for approximately 2 vehicles. The applicant would like to offer alcoholic beverages with their meals.

- **Days/Hours of Operation:** Sunday – Thursday from 7am to 1am and Friday & Saturday from 7:00 a.m. to 4 a.m. Alcoholic beverages are only served during allowable State selling hours.
- **Staff:** 15 employees
- **Parking & Landscaping:** In reviewing the floor plan, there is a total of 23 tables with 4 chairs each for a total of 92 seating spaces proposed, which would require 31 parking spaces. (1 parking space for every 3 seats = 30.6). It is noted that the parking spaces are held in common for this commercial. There is a total of 130 parking spaces that will be shared with the other businesses. The applicant will have to comply with the landscaping requirements.
- **Sale of Alcohol:** This request is compliant to Sec. 6-4 which requires that no alcoholic beverages be sold within 300' of church, public or private school, private hospital, or residential uses; there is none.

Review Comments: Staff recommends that proper signage be placed for the Drive-Thru Service Windows in order to avoid any confusion and that they install a speed bump to be located just before existing vehicles reach the access lane. Staff mailed out 15 notices to property owners within 200' radius and staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval subject to:

- 1) 2-year re-evaluation after obtaining the business license in order to assess this new business,
- 2) Must comply with TABC requirements.
- 3) Must comply with all City Codes (Building, Fire, Health, etc.),
- 4) Installation of a speed bump at the end of the ordering window,
- 5) Acquisition of a business license prior to occupancy, and
- 6) CUP not be transferable to others
- 7) Wet zone

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Ms. Raquene Austin moved to close the public hearing. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Connie Garza asked if the drive-thru window has been cleared with the fire department?

Ms. Irasema Dimas stated it was cleared during the site plan approval.

There being no further discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. J.D Villarreal moved to approve the conditional use permit. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:53 p.m.

Ended: 5:56 p.m.

Item #1.4

Conditional Use Permit: **Sale & On-Site Consumption of Alcoholic Beverages – Sstash, LLC**
308 N. Shary Road, Suite C
Lot 1, Sundance Crossing
C-3
SSTASH, LLC
c/o Americo Garza Castelan

Ms. Irasema Dimas went over the write-up stating the subject site is located approximately 214' south of E. 4th Street along the east side of Shary Road. The applicant is leasing a 1,005 sq.ft. suite to open a Burger Restaurant and would like to offer the sale of alcoholic beverages with their meals. Sstash purpose is to provide great food, excellent customer service and create an inviting atmosphere for the whole family to enjoy. Access to this location is off of a 25' driveway off of Shary Road along the south side of the property. The last CUP approved for this location was on September 12, 2022 for a period of 2 years for Black Widow Bar & Grill. Since the use is not transferable to others, therefore the need for a new conditional use permit.

- **Hours of Operation:** Tuesday - Sunday from 1:00 p.m. to 9:00 p.m.
- **Staff:** 6 employees
- **Parking & Landscaping:** In reviewing the floor plan, there is a total of 24 seating spaces, which require 8 parking spaces. (Parking is calculated based on # of seats or square footage whichever is greater in this case staff used square footage) (1 space for 75 sq.ft. of floor area or 1 space for every 3 seats, whichever is greater). It is noted that the parking area is held in common (67 parking spaces) and are shared with other businesses. Landscaping is meeting code.
- **Sale of Alcohol:** This request is compliant to Sec. 6-4 which requires that no alcoholic beverages be sold within 300' of church, public or private school, private hospital, or residential uses; there is none.

REVIEW COMMENTS: Staff mailed out 20 notices to property owners within 200' radius of the site, and as of this writing, staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval subject to:

- 1.) 2 years re-evaluation at which time the applicant will have to renew his CUP & TABC License,
- 2.) Must comply with all City Codes (Building, Fire, etc.), and
- 3.) Must acquire a business license prior to occupancy.

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. Steven Alaniz moved to close the public hearing. Mr. J.D Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Omar Guevara moved to approve the conditional use permit. Ms. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:56 p.m.

Ended: 5:58 p.m.

Item #1.5

Conditional Use Permit

Renewal:

To have a Restaurant in a C-2 zone

The Magnolia Tea Room

1022 E. Griffin Parkway, Ste. 107B

Lot 1, Bryan Road Medical Plaza Subdivision

C-2

Elizabeth M. Romero

Ms. Irasema Dimas went over the write-up stating the subject site is located on the southwest corner of E. Griffin Parkway (F.M. 495) and Bryan Road. The applicant leased a 1,740 sq. ft. suite within this commercial plaza to have The Magnolia Tea Room. The Magnolia Tearoom strives to bring you a high tea experience that warms your heart with their decadents' teas, delicious food and excellent service. The items that will be served include: cake, pastries, small sandwiches, salads, soups, hot/cold teas, coffee and sparkling water. The property is zoned Neighborhood Commercial (C-2). Sec. 1.42(3)(e) of the Zoning Code states that restaurants require a CUP if in a Neighborhood Commercial Zone (C-2). The last CUP approved for this location was on March 13, 2023 for a period of 1 year.

- **Hours of Operation:** Tuesday - Saturday from 10 am to 6 pm
- **Staff:** 2 employees
- **Parking:** The restaurant will have a total of 40 seats which requires 13 parking spaces (40 seats/3 = 13.3 parking spaces). The site currently has a total of 150 parking spaces held in common. The parking will need to be re-striped.
- **Landscaping:** Landscaping is existing and meeting code.

REVIEW COMMENTS: Staff mailed out 17 notices to property owners within 200' radius and has not received any comments in favor or against the request. Staff does not object to the request.

RECOMMENDATION: Staff recommends approval subject to:

- 1) 3 yr. re-evaluation in order to assess this new operation,
- 2) Must comply with all City Codes (Building, Fire, etc.),
- 3) CUP not to be transferable to others.
- 4.) Must acquire a business license prior to occupancy.

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. J.D Villarreal moved to close the public hearing. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Ms. Connie Garza moved to approve the conditional use permit. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:58 p.m.

Ended: 5:59 p.m.

Item #1.6

**Preliminary & Final
Plat Approval:**

**Re-Plat of Lot 6A and 7A, M.E.D.C. Subdivision
Being a resubdivision of 3.113 acres, being all of
Lots 6 and 7, M.E.D.C Subdivision
C-3
Developer: Shavi Mantani
Engineer: Melden & Hunt, Inc.**

Mr. Gabriel Ramirez went over the write-up stating the subject site is located 330' east of the intersection of Victoria Street & S. Shary Road. — see vicinity map. The developer is proposing to modify the already existing lots. — see plat for actual dimensions, square footages, and land uses.

Utilities

When Mission Business Park was subdivided, water and sewer services were made accessible to each lot. This replat will not affect any utility lines or the availability to connect to them upon issuance of permits.

STREETS & STORM DRAINAGE

This is a simple re-plat; all roads and drainage infrastructure for M.E.D.C. Subdivision is complete to include drainage and paving improvements. The modification of the lots shall comply with the pro-rated conditions and requirements of the original drainage report that include detention and discharge. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

Street Lighting already exists

Must Comply with all other format findings

RECOMMENDATION

Staff recommends approval.

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. J.D Villarreal moved to close the public hearing. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Steven Alaniz moved to approve the subdivision. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:59 p.m.

Ended: 6:00 p.m.

Item #2.0

**Single Lot Variance: The North ½ of Lot 42 of the Toellner Subdivision,
being a resubdivision of 8.40 acres out of Lot 182
and 27.52 acres of Lot 192, John H. Shary Subd.
R-1
Anna D. Mendez**

Mr. Gabriel Ramirez went over the write-up stating the subject site is located approximately 183' west of Toledo St. on the south side of E. 2nd Street. - see vicinity map. The property measures half an acre in which the owner is proposing to build a residential home. Currently, the property is vacant.

WATER: There is an existing 6" water line along the north ROW of E. 2 ½ Street. Water service is readily available. There is also an existing fire hydrant at this same vicinity therefore this requirement is fulfilled.

SEWER: The property also has access to an existing 8" sanitary sewer line located along the within the center ROW of E. 2nd ½ Street. Since this property had sewer service prior, the capital fee will not be imposed.

STREETS: The property has frontage to E. 2nd ½ Street. There is no additional ROW needed. A streetlight can be found on front of this site therefore no need for additional street lights at this location.

OTHER COMMENTS

- Park Fee is required at \$500 (per lot).
- Capital Sewer Recovery Fee at \$200

RECOMMENDATION

Staff recommends approval subject to:

1. Payment of Park Fees
2. Payment of Capital Sewer Recovery Fees

Chairwoman Ms. Diana Izaguirre asked if the board had any questions.

There was none.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Ms. Connie Garza moved to approve the single lot variance. Ms. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM#3.0
ADJOURMENT**

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. J.D Villarreal moved to adjourn the meeting. Mr. Omar Guevara seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:00 p.m.



**Diana Izaguirre, Chairwoman
Planning and Zoning Commission**

**PLANNING AND ZONING COMMISSION
JUNE 19, 2024
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Diana Izaguirre
Kevin Sanchez
Jasen Hardison
J.D Villarreal
Connie Garza
Raquenel Austin

P&Z ABSENT

Omar Guevara
Steven Alaniz

STAFF PRESENT

Susana De Luna
Jessica Munoz
Alex Hernandez
Irasema Dimas
Elisa Zurita

GUEST PRESENT

Juan J Gonzalez
Danet Garza Ibarra
Alicia Cavazos
Stanley Jacobson
Janette Cavazos
Aaron Balli
David De Los Santos
Ruben Rodriguez
Denise Cruz
Maria Ester Salinas
Juan Rodriguez

CALL TO ORDER

Chairwoman Ms. Diana Izaguirre called the meeting to order at 5:33 p.m.

DISCLOSURE OF CONFLICT OF INTEREST

Chairwoman Ms. Diana Izaguirre submitted a conflict of interest on Item 3.0.

CITIZENS PARTICIPATION

Chairwoman Ms. Diana Izaguirre asked If there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR MAY 15, 2024

Chairwoman Ms. Diana Izaguirre asked if there were any corrections to the minutes for May 15, 2024. Mr. J.D Villarreal moved to approve the minutes. Mr. Jasen Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:34 p.m.

Ended: 5:47 p.m.

Item #1.1

Rezoning:

- Tract 1: The West 20' of Lot 2, and all of Lot 1, Enchanted Valley Subdivision**
- &**
- Tract 2: The West 20' of the East 80' of Lot 2, Enchanted Valley Subdivision R-1 to C-1 Pedro Cruz, Jr.**

Ms. Susie De Luna went over the write-up stating the subject site is located approximately 160' east of Tangelo Street along the south side of E. Griffin Parkway F.M. 495.

SURROUNDING ZONES: N: C-1 – Office Building
 E: R-1 – Single Family Residential
 W: R-1 – Single Family Residential
 S: R-1T – Townhouse Residential

EXISTING LAND USES: N: The Loretto at Mission
 E: Residential
 W: Residential
 S: Residential
 Site: Residential

FLUM: General Commercial (GC)

REVIEW COMMENTS: The proposed zone complies with the City's Future Land Use Map, and some of the surrounding land uses. Staff notes that the Future Land Use Map can be amended to reflect a commercial use. Office Building (C-1) is the least congested commercial zoning we have and appears to be the better land use for this property. The commercial zoning proposal is an expected transition with frontage to a 5-lane major street. Staff mailed 22 notices to property owners within a 200' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any comments.

RECOMMENDATION: Staff recommends approval.

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor of the request.

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Ms. Connie Garza moved to close the public hearing. Mr. Jasen Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Ms. Diana Izaguirre asked the board if they have any questions for staff.

There was none.

There being no further discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. J.D Villarreal moved to approve the rezoning. Mr. Kevin Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:37 p.m.

Ended: 5:48 p.m.

Item #1.2

Rezoning:

**A 2.850 acre tract being the
 South 2.85 acres out of Lot 39,
 Bell Wood Company's Subdivision
 AO-1 to R-2**

Aaron H. Balli, Jr.

Ms. Susie De Luna went over the write-up stating the site is located approximately 1,288' north of W. Mile 2 Road on the west side of Compton Drive. – see vicinity map.

SURROUNDING ZONES:

N:	R-2	- Duplex-Fourplex Residential
E:	AO-I	- Agricultural Open Interim
W:	R-2	- Duplex-Fourplex Residential
S:	AO-I	- Agricultural Open Interim

EXISTING LAND USES:

N:	Vacant
E:	Vacant & La Muñequita Ranch
W:	Apartments
S:	Vacant
Site:	Vacant

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The proposed zone does not comply with the City's Future Land Use Map. However, it complies with the fairly new existing land uses. Staff notes that the Future Land Use Map can be amended to reflect the proposed zone. The City Council has approved other rezoning's for Duplex-Fourplex in this area and off of Trospen Road. Staff mailed 17 notices to property owners within a 200' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any comments.

RECOMMENDATION: Staff recommends approval.

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

Ms. Maria Ester Salinas mentioned she owned 3 acres right in front of the rezoning. She and her husband own 4 properties in mission. She stated she is against the proposed rezoning of our precious agriculture zoning area to an R-2 rezoning. Our vibrant community has thrived on the foundations of agriculture for generations, and I firmly believe that preserving this heritage is essential for the well-being of our town. By rezoning this area, we risk losing the very essence that makes our community unique. Our agricultural lands provide us with sustainable food sources, pristine landscapes, and a thriving ecosystem that benefits both humans and wildlife. Replacing this cherished landscape with R-2 rezoning, which typically involves increased urban development and higher population density, would irreversibly alter the character of our town. Furthermore, rezoning to R-2 could lead to numerous detrimental consequences. Increases traffic congestion, strain on local resources, and added pressure on our already overburdened infrastructure. I urge our mayor and council to listen to my concern which I share with many in our community and reject the proposed rezoning. She mentioned she has been on a zoning community before which she has brought in presenters to the other communities for the landscaping programs and native planned projects since they aren't a member of the ruby red grapefruit they could bring in other natural plants. She stated they are also educating the children to learn how to plant and develop. There are 7.4 million grants right now she is opposed because they don't have the structure, road, the water, sewer line or the electricity. She stated her neighbor will extinct habitat for the horned toads she has been in contact with Dallas of the and other natural habitats.

Mr. Arron Balll lives at 1515 Solar Drive stated he was wanting to rezone the property into a R-2 to grow with the properties around the area. He mentioned he knows that he has to fix on the street which is also a city street. He is willing to improve the area because City of Mission is growing and improving because he knows that there will be issues with the rain and the drainage to improve it.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. Jasen Hardison moved to close the public hearing. Ms. Connie Garza seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Ms. Diana Izaguirre asked the board if they have any questions.

Ms. Connie Garza asked with the proposed plan how is the traffic going to flow through the area?

Ms. Susie De Luna answered the entrance would be through Compton Road.

Ms. Connie Garza asked staff if the board already hadn't denied a similar request of a property because of the traffic and congestion and they didn't have the infrastructure?

Ms. Susie De Luna answered the request was denied and the property in question was further south because the developer didn't want to do the improvements to make the street widening.

Mr. Kevin Sanchez asked if the city has asked him to make the improvements or required to make any improvements to the infrastructure?

Ms. Susie De Luna answered he would have to do improvements in the area.

Mr. Kevin Sanchez asked what were the improvements?

Ms. Susie De Luna answered it would mostly likely be to widen Compton Road.

Mr. Kevin Sanchez asked from 2 Mile Road north?

Ms. Susie De Luna stated only what is his section. The city cannot make the applicant fix the road all the way to 2 Mile Road.

Ms. Austin Raquenel asked if there is any farming being done around the area?

Ms. Susie De Luna answered not to her knowledge.

Mr. Stanley Jacobson stated that he still farms immediately south of the property being rezoned.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Ms. Connie Garza moved to deny the rezoning. Ms. Raquenel Austin seconded the motion. Upon a 2-4 vote, the motion failed. Mr. Kevin Sanchez, Mr. J.D Villarreal, Mr. Jasen Hardison and Ms. Diana Izaguirre dissenting.

Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. J.D Villarreal moved to approve the rezoning. Mr. Kevin Sanchez seconded the motion. Upon a 4-2 vote, the motion passed. Ms. Connie Garza and Ms. Raquenel Austin dissenting.

Started: 5:48 p.m.

Ended: 5:49 p.m.

Item #1.3

Conditional Use Permit:

**Drive- Thru Service Window – Dunkin Donuts
301 N. Shary Road, Ste. 100
Lot 1, Shary Town Plaza Subdivision
C-3
Lindsey Dumas**

Ms. Susle De Luna went over the write-up stating the site is located approximately 400' north of E. 1st Street along the west side of N. Shary Road. The applicant is leasing an 1,875 sq.ft. suite for a Dunkin Donuts which will include a drive-thru window on the south side of the building. Access to the drive-thru service window would be off of N. Shary Road via a 24' driveway. They would place the order on the west side of the building and pick up the order on the south side. The drive-thru window location allows stacking for approximately 9 vehicles.

- **Days/Hours of Operation:** Monday – Sunday from 4:30am to 11:00pm.
- **Staff:** 30 employee's different shifts.
- **Parking & Landscaping:** In reviewing the floor plan, there is a total of 5 tables with a total of 16 seating spaces proposed, which would require 5 parking spaces. (1 parking space for every 3 seats = 5.3). It is noted that the parking spaces are held in common for this commercial. There is a total of 57 parking spaces that will be shared with the other businesses. The applicant will have to comply with the landscaping requirements.

Review Comments: Staff recommends that proper signage be placed for the Drive-Thru Service Window in order to avoid any confusion and that they install a speed bump just before exiting vehicles reach the access lane. Staff mailed out 11 notices to property owners within 200' radius and staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval for Life of Use subject to:

- 1) Must comply with all City Codes (Building, Fire, Health, etc.),
- 2) Installation of a speed bump at the end of the ordering window,
- 3) Acquisition of a business license prior to occupancy, and
- 4) CUP not be transferable to others

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. Jasen Hardison moved to close the public hearing. Mr. Kevin Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Ms. Diana Izaguirre asked board if they have any questions.

There was none.

There being no further discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Jasen Hardison moved to approve the conditional use permit. Mr. Kevin Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:49 p.m.

Ended: 5:51 p.m.

Item #1.4

Conditional Use Permit:

**Drive-Thru Service Window
– Xquinkies Snackland Inspiration
3009 N. Inspiration Road, Ste. A
Lot C1-A, Taurus Estates #3 Subdivision
C-3
Rosa Maria Uribe**

Ms. Susie De Luna went over the write-up stating the subject site is located at the NW corner of Inspiration Road and Giselle Street. The applicant has been operating a sno-cones and snack business at this location since 2018. She would like to incorporate selling mix drinks to the menu. This would be allowed under a C-3 zone, she would just need to wet zone the property. A 24' drive in the rear of building provides access to a 13' drive-thru lane and would allow stacking for approximately 2 vehicles. She would like to continue using the drive-thru service window for her business. The last CUP for a drive-thru service window at this location was approved on April 12, 2021 for a period of 3 years. Staff notes this would be the applicants 4th request.

- **Days / Hours of operation:** Every day from 11:00 a.m. to 10:00 p.m.
- **Staff:** 2 employees
- **Parking & Landscaping:** It is noted that a total of 138 parking spaces are held in common for this commercial plaza and it exceeds code. Landscaping is existing and in compliance to code.
- **Other Requirements:** Must continue to comply with all Building, Fire and Health Codes.
- **Sale of Alcohol (Section 6-4):** of the Zoning code requires such uses to be 300' from the nearest residence, church, school or publicly owned property. There are residential homes directly behind the alley that fall within the 300'; however, P&Z and City Council have waived this separation requirement in other similar CUP's approval.

REVIEW COMMENTS: Staff mailed out 31 notices to property owners within 200' radius and staff has not received any comments in favor or against the request. It is also noted that there have not been any reported PD issues during the CUP's existing tenure, staff does not object to an extended approval term.

RECOMMENDATION: Staff recommends approval for Life of Use subject to:

- 1) Continued compliance with all City Codes (Building, Fire, Health, etc.),
- 2) Compliance with TABC requirements,
- 3) Waiver of the 300' separation requirement from residential homes,
- 4) CUP not be transferable to others, and
- 5) Wet zone property

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. Jasen Hardison moved to close the public hearing. Ms. Connie Garza seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Ms. Diana Izaguirre asked board if they have any questions.

There was none.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Ms. Connie Garza moved to approve the conditional use permit. Ms. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:51 p.m.

Ended: 5:53 p.m.

Item #1.5

Conditional Use Permit:

**Drive-Thru Service Window
- Twisted Sisters
1500 W. Business 83, Suites 9 & 10
Lot A, Mission Acres
C-3
Ana Rita Garza**

Ms. Susie De Luna went over the write-up stating the subject site is located on the NW corner of Los Ebanos and Business Highway 83. The applicant has been running her coffee shop at this location since 2021. Recently, the new property was granted a CUP to re-build the drive-thru service window and added 3 more suites to the east side of the building. Since, CUP's are not transferable, the tenant would like to continue using the drive-thru service window and expand her business to now occupy suites 9 and 10. The last CUP approved for the Drive-Thru Service Window at this location was on May 10, 2021 for a period of one year. Access to the site is from a driveway cut off of Business Highway 83 and exiting to Los Ebanos Road. The drive-thru service window allows stacking for approximately 2 vehicles.

- **Days/Hours of Operation:** Monday – Friday from 6:30 am to 8:00 pm, and Saturday & Sunday from 8:00am to 8:00pm
- **Staff:** 5 employees
- **Parking & Landscaping:** The applicant is proposing to have 2 tables with 4 chairs and 6 tables with 2 chairs for a total of 20 seating spaces, which require 7 parking spaces. (20 seats/1 space for every 3 seats = 6.6 parking spaces). It is noted that the parking area is held in common (35 existing parking spaces) and is shared with other businesses.

REVIEW COMMENTS: Staff mailed out 14 notices to property owners within 200' radius and has not received any comments in favor or against this request. Staff has asked PD for any reports for this establishment as of this date there has been none. Staff does not object to an extended approval term.

RECOMMENDATION: Staff recommends approval subject to:

1. 3 year re-evaluation to continue to assess this business

2. Compliance with all City Codes (Building, Landscaping, Fire, etc.),
3. Acquisition of a new business license, and
4. CUP not to be transferable to others

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. Jasen Hardison moved to close the public hearing. Ms. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Ms. Diana Izaguirre asked board if they have any questions.

There was none.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Jasen Hardison moved to approve the conditional use permit. Mr. Kevin Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:53 p.m.

Ended: 5:54 p.m.

Item #1.6

**Conditional Use Permit: Home Occupation – 2 Chair Beauty Salon
804 W. 24th Place
Lot 74, Chaparral Heights Subdivision
R-1
Hermelinda G. Salazar**

Ms. Susie De Luna went over the write-up stating the subject site is located 150' west of Holland Road along the north side of 24th Place. The applicant has been running a 2-chair salon since November 2010. All her customers are by appointment only. The last conditional use permit approved for this location was on April 26, 2021 for a period of 3 years. The applicant now wishes to renew her conditional use permit. If approved, the applicant would need to continue compliance with the "home occupations" regulations provided in Sec. 1.56-1 of the Zoning Code.

- **Days / Hours of operation:** Monday through Friday from 10:00 a.m. to 7:00 p.m., and Saturday from 10:00 a.m. to 5:00 p.m. (by appointment only)
- **Staff:** Mrs. Salazar is the only person running the salon.
- **Parking:** There are a total of 3 off-street parking spaces which considering Mrs. Salazar works alone and by appointment only, meets code.

REVIEW COMMENTS: Staff mailed out 32 notices to property owners within 200' radius and as of 6/12/24 staff has not received any comments in favor or against this request. Since the home occupation has been in operation for 14 years without any complaints, staff does not object to an extended approval term.

RECOMMENDATION: Staff recommends approval for Life of Use subject to:

1. Continue to comply with the "home occupations" regulations,

2. Continue to comply with all City Codes (Building, Fire, etc.), and
3. CUP not transferable to others

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. Jasen Hardison moved to close the public hearing. Ms. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Ms. Diana Izaguirre asked board if they have any questions.

There was none.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Jasen Hardison moved to approve the conditional use permit. Mr. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:54 p.m.

Ended: 5:57 p.m.

Item #1.7

Conditional Use Permit: **Beauty Salon in a C-1 (Office Building) Zone**
2407 N. Shary Road, Suite B
Lot 2, Joel Ochoa Subdivision
(aka Unit "C", Mezzaluna Condominium)
C-1
Clarissa Ordonez

Ms. Susie De Luna went over the write-up stating the subject site The 5,190 sq.ft. commercial plaza is located on the NW corner of Fox Run Drive & Shary Road along the north side of Fox Run. The applicant is proposing to open a beauty salon at this C-1 zoned property. A hair/beauty salon service is a permitted use with a Conditional Use Permit in a C-1 zone. The applicant will offer eyelash extensions, microblading, ombre brow, lip blush, permanent makeup and tattoo. Access to the property is provided off of Shary Road.

- **Hours of Operation:** Monday – Saturday from 12pm – 5pm
- **Staff:** 2 employees will operate the business
- **Parking & Landscaping:** Based on the square footage of the building, a total of 16 parking spaces are required for this plaza. There is a total of 24 parking spaces including the handicap that are shared with the other businesses within the commercial plaza.

REVIEW COMMENTS: Staff mailed out 15 notices to property owners within 200' radius and has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval for Life of Use subject to:

- 1.) Continued compliance with all City Codes (Building, Fire, etc.),
- 2.) Acquisition of a business license, and
- 3.) CUP not be transferable to others

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. Jasen Hardison moved to close the public hearing. Mr. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Ms. Diana Izaguirre asked board if they have any questions.

Ms. Connie Graza asked on a conditional use permit on a first request does the board approve life of use?

Ms. Susie De Luna answered usually staff doesn't but rarely the city has any issues with the type of business.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Ms. J.D Villarreal moved to approve the conditional use permit. Ms. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:57 p.m.

Ended: 5:59 p.m.

Item #1.8

**Conditional Use Permit: To install 2 level 3 D.C. charger &
2 level 2 chargers (Charging Station's)
805 E. Expressway 83
Lot 1, Spikes Phase 1 & Lots 2 & 3, Spikes Phase 2
C-3
Spikes Motor Company, Inc.**

Ms. Susie De Luna went over the write-up stating the subject site is located approximately at the northwest corner of E. Expressway 83 and Highland Park along the north side of the Expressway 83. The applicant is proposing to install 2 level 3 D.C. chargers and 2 level 2 chargers (Charging Stations). 2 level 3 D.C. chargers charging station will be placed within Spikes Ford parking lot along the Expressway 83 for public use. Access to the chargers would be off of E. Expressway 83 thru a 34' driveway.

- **Days/Hours of Operation:** Monday – Sunday from 9:00am to 8:00pm.
- **Staff:** None, self-operated
- **Parking & Landscaping:** It is noted that the parking spaces are held in common for this commercial. There is a total of 88 parking spaces available for this establishment.

Review Comments: Staff recommends that proper signage be placed for the Charging Station in order to avoid any confusion. Staff mailed out 63 notices to property owners within 200' radius and staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval for Life of Use subject to:

- 1) Must comply with all City Codes (Building, Fire, Health, etc.),
- 2) CUP not be transferable to others

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

Ms. Marisol asked if the applicant was going to do any construction on Spikes Phase 2?

Ms. Susie De Luna stated they aren't doing any construction on Phase 2 stating they own different lots.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. Jasen Hardison moved to close the public hearing. Mr. Kevin Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Ms. Diana Izaguirre asked board if they have any questions.

There was none.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Jasen Hardison moved to approve the conditional use permit. Mr. Kevin Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:59 p.m.

Ended: 6:02 p.m.

Item #1.9

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Xulcan Event Center
2813 E. Griffin Parkway, Ste. C
Lot 1, Adams Crossing Subdivision
C-3
Xulcan Event Center, LLC
c/o Atala Izaguirre**

Ms. Susie De Luna went over the write-up stating the subject site is located near the NW corner of Griffin Parkway & Taylor Road. The applicant has a 1,200' sq.ft. Event Center within a multi-unit commercial plaza that has been in business since March 2024. She hosts small scale events such as birthday parties, gender reveals, reunions, seminars, etc. Access to the site will be provided via a driveway off of Griffin Parkway and Taylor Road. She would like to incorporate the sale & on-site consumption of alcoholic beverages to her business.

- **Hours of Operation:** The hours of operation vary depending on the type of event; however, most of the events are during the evenings and on weekends and typically take place during the hours of 1:00 pm till 2:00 am
- **Staff:** 3-5 employees
- **Parking & Landscaping:** In reviewing the floor plan, the 1,200 sq. ft. building will have 8 tables with 8 chairs for a total of 64 seats. A total of 21 parking spaces will be required for this site. Staff notes that there is a total of 63 parking spaces that area held in common within the commercial plaza. Landscaping is meeting code.
- **Sale of Alcohol (Section 6-4):** of the Zoning code requires such uses to be 300' from the nearest residence, church, school or publicly owned property. There are residential homes directly behind the alley that fall within the 300'; however, P&Z and City Council have waived this separation requirement in other similar CUP's approval.

REVIEW COMMENTS: Staff mailed out 18 notices to property owners within 200' radius and staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends 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 residential homes,
- 3) Compliance with all City Codes (Building, Fire, Health, and Sign Codes), and
- 4) CUP not be transferable to others

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. Jasen Hardison moved to close the public hearing. Ms. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Ms. Diana Izaguirre asked the board if they had any questions.

There was none.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Jasen Hardison moved to approve the conditional use permit. Ms. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:02 p.m.

Ended: 6:04 p.m.

Item #2.0

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Bar-B-Cutie Smokehouse
2211 E. Griffin Parkway, Suite 100
Elizondo 495 Plaza Subdivision
C-3
Orlando Ochoa**

Ms. Susie De Luna went over the write-up stating the subject site is located 300' west of Citrus along the north side of Griffin Parkway (F.M. 495). The applicant has been operating this BBQ business since 2020. The restaurant is located at the west end of the existing commercial plaza. This business previously had a Conditional Use Permit for the sale of alcoholic beverages but their TABC license recently expired, therefore the need to reapply. The last CUP approved for the Sale & On-Site Consumption of Alcoholic Beverages for this location was on April 11, 2022 for a period of 2 years. Access to the site is from a 35' driveway from Griffin Parkway. The drive-thru service window allows for 3 vehicles to be easily stacked.

- **Hours of Operation:** Monday - Sunday from 11am to 9pm
- **Staff:** 16 Employees in total (2 shifts)
- **Parking & Landscaping:** Based on the 21,705 sq.ft. of the building, there is a total of 58 parking spaces required. There are 139 parking spaces held in common at this location and exceeds the City's requirements for a commercial development of this size.

- **Landscaping:** has been provided as a part of the overall commercial plaza and is meeting code.
- **Sale of Alcohol:** Such uses need to be 300' from residential uses. There are some residences within this radius; thus, a waiver of the separation requirement would need to be considered.

REVIEW COMMENTS: Staff mailed out 12 notices to property owners within 200' radius and has not received any comments in favor or against this request. Staff has asked PD for any reports regarding alcohol for this establishment as of this date there has been none. Since the sale of alcohol is not the primary item of purchase, staff does not object to an extended approval term.

RECOMMENDATION: Staff recommends approval for Life of Use subject to:

1. Waiver of the 300's separation requirement from residential neighborhoods,
2. Must continue to comply with all City Codes (Building, Fire, Health, etc.), and
3. CUP not to be transferable to others

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. Jasen Hardison moved to close the public hearing. Ms. Connie Garza seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Ms. Diana Izaguirre asked the board if they had any questions.

There was none.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Ms. Connie Garza moved to approve the conditional use permit. Mr. J.D Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:04 p.m.

Ended: 6:06 p.m.

Item #2.1

Conditional Use Permit

Renewal:

Sale & On-Site Consumption of Alcoholic

Beverages – The Bungalows on Shary

3700 Plantation Grove Blvd.

Lots 1 & 2, Sharyland Plantation Grove Hotel/Bungalow

PUD

Cantu Bungalows, LLC

Ms. Susie De Luna went over the write-up stating the subject site is located on the SW corner of Plantation Grove Blvd. and Santa Lorena. The last conditional use permit for the sale & on-site consumption of alcoholic beverages for this location was approved by City Council on May 23, 2022 for a period of 2 years. The applicant would like to renew his CUP for the sale and on-site consumption of alcoholic beverages. Staff notes that this would be their 3rd re-evaluation.

- **Staff:** 4 employees for the restaurant

- **Parking:** There are currently several existing parking spaces shared with the various businesses along Plantation Grove Blvd. The applicant is proposing to utilize the majority of their on-site parking spaces but has the flexibility of using additional parking available along Plantation Grove Blvd. There is a total of 331 total parking spaces held in common.
- **Hours of Operation:** Hotel hours of operation are 24 hours a day seven days a week, and Restaurant hours of operation will be from 12:00 p.m. to 10:00 p.m. Monday thru Saturday.
- **Sale of Alcohol:** Such uses need to be 300' from residential uses. There are some apartments within this radius (Las Misiones Apartments); thus, a waiver of the separation requirement needs consideration.

Review Comments: Staff mailed out 17 notices to property owners within a 200' radius, and staff has not received any comments in favor or against this request. It is also noted that there have not been any reported PD issues during the CUP's existing tenure. Since the sale of alcohol is not the primary item of purchase, staff does not object to an extended approval term.

RECOMMENDATION: Staff recommends approval for Life of Use subject to:

1. Continued compliance with TABC requirements,
2. No objection to a waiver of 300' separation requirement from Las Misiones Apartments,
3. Continued compliance with all City Codes (Building, Fire, Health Codes, etc.), and
4. CUP not be transferable to others

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. Jasen Hardison moved to close the public hearing. Ms. Raquanel Austin seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Ms. Diana Izaguirre asked the board if they had any questions.

There was none.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Jasen Hardison moved to approve the conditional use permit. Ms. Raquanel Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:06 p.m.

Ended: 6:08 p.m.

Item #2.2

Conditional Use Permit

Renewal:

**To Keep a Portable Building
for Office Use – Medicare-EMs
511 W. 11th Street
The East tract of Lots 1 & 2,
Block 178, Mission Original Townsite
C-4
Medicare- EMS, Inc.**

Ms. Susie De Luna went over the write-up stating the subject site is located 200' west of Kika De La Garza Loop along the south side of W. 11th Street. The applicant would like to keep a 76' x

20' portable building that has been used for Medicare EMS services. The applicant mentioned that this office is only used as a hub station the main office is in McAllen. Access to the site is strictly off of W. 11th Street. The last CUP for this location was approved on October 25, 2023 for a period of 6 months. This would be the applicant's 2nd renewal.

- **Hours of Operation:** Monday – Sunday 24/7
- **Staff:** 7 employees will operate the business (usually in the ambulance all day)
- **Parking & Landscaping:** A business office of this size requires a minimum of 7 parking spaces. Staff notes that the applicant would need to comply with the parking requirements, whether the office is being used or not. They will need to add additional landscaping.

REVIEW COMMENTS: It is not uncommon to have portable buildings to be used as an office. Staff knows that having a portable building may not be a long-term desire of the City when considering aesthetics. Thus, perpetual (CUP) monitoring will be the norm where, one day the portable will need to be upgraded with an on-site built structure. Staff mailed out 11 notices to property owners within 200' radius and has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval subject to:

- 1.) 2-year re-evaluation in order to assess this operation.
- 2.) Continued compliance with all City Codes (Landscaping, maintenance of parking area, etc.), and
- 3.) CUP not be transferable to others

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

Mr. David de los Santos for Medicare EMS lives at 1707 Solar Drive. He stated that they been using it as a station for 911 training. He is wanting to continue using it for training and as classrooms.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. Jasen Hardison moved to close the public hearing. Ms. Raqueneil Austin seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Ms. Diana Izaguirre asked the board if they had any questions.

There was none.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Ms. Raqueneil Austin moved to approve the conditional use permit. Mr. J.D Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:08 p.m.

Ended: 6:22 p.m.

Item #2.3

Discussion and Action to Recommend to the City Council the closure required by Union Pacific Railroad for Leonor Street being approximately 0.09 of a mile East of the intersection of Schuerbach and W. Business Hwy 83

Ms. Susie De Luna went over the write-up stating On February 29, 2024 staff received a request by Melden & Hunt on behalf of the Killam Development for a proposed railroad crossing and (3) road closures for El Milagro Subdivision. Union Pacific Railroad Company requires that for every new railroad crossing there is at least 2 road closures. However, since the proposed new railroad crossing was wider than normal, Union Pacific Railroad is requesting there be 3 road crossing closures. The request before the Board is to consider the closure of the 2800 Block of Leonor Street. This would be the 3rd road crossing closures.

As part of the request the Union Pacific Railroad also requires that the City of Mission enter into an agreement with the Union Pacific Railroad Company for reimbursement of Preliminary Engineering Services. The Killam Development has agreed to cover the \$25,000 fee estimated for this project since the proposal is for their own development.

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

Mr. Juan Rodriguez stated he lives at 2807 Leonor Street also he is representing his family which where his family are the owners of Beep Beep Meat Market located at 810 N. Schuerbach Road. He had recently been notified of the proposed road closure access crossing over the existing railroad tracks currently connecting to Old Business 83 and Leonor street. He strongly opposed of the proposal as closing the access point will have many ramifications that will affect many including but not limited to the school staff, parents and closing hours of Beep Beep Meat Market. The closure will also lead to high traffic congestion during rush hour. He stated he provided a petition whom are in opposition of the road closure also requesting:

1. Copies of any or all previous information regarding the development and use of the cancellation are in question.
2. A copy of the city attorney's legal opinion regarding the legal rights of the property owners and taxpayers who continue to use the proposed cancellation access roadway crossing area.
3. The reason/s and purpose of Union Pacific road closure request.

Mr. Ruben James De Jesus for Melden & Hunt the does represent the project engineer for the proposed railroad closures he knows there are some concern on the usage. He mentioned as far of the closures it was stated with the Union Pacific which they require for any proposed railroad opening that there has to be 3 road closures as their policy requirement. He included that Melden & Hunt had already presented other options before this railroad closure which is within 400' of the signalize crossing. He said regarding the in access to Tierra Dorada located ½ of south there are 4 accesses 2 on Schuerbach and 2 on Inspiration. He stated they did work with staff to look at different option and they were looking at Campbell street but they determine that this a better to remove the access point from for Union Pacific.

Chairwoman Ms. Diana Izaguirre asked where the other access points located.

Mr. Ruben James De Jesus stated there are 2 on Schuerbach and 2 on Inspiration so they have access points on east and west.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. Jasen Hardison moved to close the public hearing. Ms. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Connie Garza asked if staff is required to notify the residents in the area when doing a closure.

Ms. Susie De Luna answered that staff is required to notify every resident that is within 200' of the location.

Mr. J.D Villarreal asked, so the petition Mr. Juan Rodriguez submitted the signatures within 200' of the location.

Ms. Susie De Luna stated Mr. Juan Rodriguez just submitted the petition at this moment. so, staff has not verified the percentage of the signatures.

The board is having a discussion within the different options of the closure roads.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. J.D. Villarreal moved to approval for the road closure. Ms. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously. Ms. Connie Garza Opposed the Road Closure.

Started: 6:22 p.m.

Ended: 6:33 p.m.

Item #2.4

Discussion and Action to Propose Amendment to Appendix A – Zoning, Article X, Section 1.56 – Conditional Use Permits

Ms. Susie De Luna went over the write-up stating Several concerns have been voiced to the Planning Department staff in regards to the following:

- Signage for Home Occupations, applicants feel they should be allowed a bigger sign like a 4'x4'
- Percentage and notice requirement on waiver of provisions, applicants feel that percentage and notice requirement is too much. Staff should consider maybe 50% and a 200' radius.

Our current ordinance reads as follows:

Section 1.56. Conditions of conditional use.

1. Home occupations:

- a. The area used in conducting the home occupation will be clearly secondary to the residential use. Such permitted occupation shall not create offensive noise, vibration, smoke, dust, odor, heat or glare or require more than four parking spaces.
- b. **There shall be no sign. A nameplate not more than one square foot in area identifying the name of the owner and his title or occupation may be permitted when attached to the main building.**
- c. There shall be no exterior display or alterations indicating that the building is being used for any purpose other than that of a dwelling.
- d. There shall be no more than one additional unrelated employee other than immediate members of the family residing on the premises.
- e. There shall be no outside storage of materials or products.

- f. The permitted use shall not create frequent or heavy traffic greater than ten percent of the average load per hour, per street.
- g. The planning and zoning commission may, under extenuating or special circumstances unique to the home occupation, recommend waiver of this provision on a temporary or permanent basis to the city council who shall have the ultimate authority on the matter. With regard to proposed variances to subsections 1.56.1(a), (d) and/or (f), a minimum of 90 percent of the property owners within 500 feet mallout radlus shall provide written support for the proposed home occupation to request variance. Should the 90 percent threshold not be provided, no variance shall be considered.

In an effort to address the concerns voiced to staff, staff did a comparison with the surrounding cities to see what they allow:

<u>City</u>	<u>Sign</u>	<u>Waiver to Provisions</u>
Mission	Nameplate not to exceed one square foot in area containing name and occupation	Yes, 90% property owners within a 500 feet mallout radius
McAllen	Nameplate not larger than two square foot except in R-1 zones	No walvers
Edinburg	Shall not exceed one foot in size	No waivers
Pharr	Sign not more than 18" x 24" name and occupation	No walvers
San Juan	Nameplate not to exceed one square foot in area containing name and occupation	No walvers
Weslaco	1.5 feet x 1.5 feet	No walvers

Staff would like the Board's input on the following suggestions:

- Amend the code to allow a sign affixed to the building
- Sign not greater than 2' x 2'
- Reduce the radius on the waiver to provisions to 200' instead of required 500'

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. Jasen Hardison moved to close the public hearing. Ms. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Ms. Diana Izaguirre asked Ms. Susie De Luna if the board hadn't changed this to 200' from 500' wasn't it a big issue sending out a lot of letters and very expensive for the city.

Ms. Susie De Luna explained to the they had been a 200' and a sign on the property instead of send out notices within a 500' and the council is recommending a 4 x 4 and a 200' recommendation of staff is 2 x 2 and a 200' radius.

A discussion within the board members and Ms. Susie de Luna on different options on sign sizes.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Ms. Austin moved to approve a 200' radius and a 1 ½ x 1 ½ sign. Mr. Kevin Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:33 p.m.

Ended: 6:35 p.m.

Item #3.1

**Preliminary & Final
Plat Approval:**

Sonoma Ranch Subdivision

**A tract of containing 38.99 acres of land, being a part or
portion of Lot 30-9, West Addition to Sharyland
R-1**

Developer: Jason E. Garza

Engineer: Javier Hinojosa Engineering

Mr. Gabriel Ramirez went over the write-up stating the subject site is located along the east side of Mayberry Road approximately 1,320' north of Mile 2. — **see vicinity map.** The developer is proposing 183 Single Family Residential lots. Phase I is 22.845 acres and has 108 lots, with Phase II being 16.143 acres and 75 lots. — **see plat for actual dimensions, square footages, and land uses.**

WATER

The developer is proposing to connect to an existing 8" water line located along the west R.O.W. of Mayberry Rd. and extend an 8" water line thru the subdivision providing a 3/4" water service to each lot. This line will be looped into the adjacent property SE of this site. There is a total of 17 proposed fire hydrants via direction of the Fire Marshal's office. — **see utility plan**

SEWER

The developer is proposing to connect to an existing 8" line along and within the R.O.W of Mayberry Road. A proposed 8" Sanitary Sewer line will run through the subdivision and collect from each lot through a 4" front and center stub out service. The Capital Sewer Recovery Fee is required at \$200.00/Lot which equates to \$36,600.00 (\$200 x 183 Lots).

STREETS & STORM DRAINAGE

The subdivision will have 2 accesses both from Mayberry Road, with all internal streets being 32' Back-to-Back within 50' Right of Ways.

Drainage shall be accomplished within this development with the placement of curb inlets to intercept drainage runoff. Pipe sizes shall range from 18" to 36" each discharging into proposed detention ponds along the western part of the subdivision. Each pond will be excavated as part of the construction of its phase. The detention pond in phase II will tie to an inlet in phase I with a choked 18" pipe. The phase I detention pond outfall will be along the east side of Mayberry Road extending south to and tie to an existing inlet approximately 170' north of Mile 2 North. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

Water District Exclusion and Assignment of Water Rights or payment of \$3000 per ac. ft.

Escrow Park fees (183 Lots x \$500 = \$91,500.00)

Traffic Impact Analysis

Must Comply with all other format findings

RECOMMENDATION

Staff recommends approval subject to:

1. Payment of Capital Sewer Recovery Fees

2. Payment of Park Fees
3. Provide Water District Exclusion, Assignment of Water Rights or payment of imposed fee, and
4. Submittal of required Traffic Impact Analysis

Chairwoman Ms. Diana Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Ms. Diana Izaguirre asked the board if they had any questions.

There was none.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Jasen Hardison moved to approve the subdivision. Ms. Connie Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:35 p.m.

Ended: 6:45 p.m.

Item #3.0

**Preliminary & Final
Plat Approval:**

**Bryan's Landing Subdivision
A 27.969 acre tract of land out of Lot 29-10,
West Addition to Sharyland
R-1A
Developer: Jorge E. Miranda
Engineer: Izaguirre Engineering Group, LLC**

Mr. Gabriel Ramirez went over the write-up stating the subject site is located on the east side of Bryan Road and is approximately 920' north of E. Mile 2 Road. — **see vicinity map.** The developer is proposing 103 single family residential lots. — **see plat for actual dimensions, square footages, and land uses.**

VARIANCE

The developer is requesting variances on area requirements for 88 lots. The minimum lot frontage for lots within a R-1A large lot single family residential district is 75' for internal lots, 80' for corner lots, and the min. lot depth of 120' as per Zoning Code-Article VIII-Sec.1.37-No. 5-Area requirements. Lots 1-14, 18-33, 41-49, 54-76, and 78-103 do not meet one or all of these requirements.

WATER

The developer is proposing to connect to an existing 4" water line with a proposed 12" line located along the west R.O.W. of Bryan Rd. and extend an 8" water line thru the subdivision providing a 1" water service to each lot and looped to an existing 8" main line along the north R.O.W. of Mile 2 Road. This water system will also connect to the adjacent property NW of this site when the infrastructure is in place. There is a total of 12 proposed fire hydrants via direction of the Fire Marshal's office. — **see utility plan.** The developer will be submitting a flow analysis based on their water layout which is outside of the City's scope to install a new 12" main line from Mile 2 Road running north along the Bryan Rd. R.O.W. and end at the SE corner of this development.

SEWER

The developer is proposing to connect to an existing 8" line along and within the R.O.W of Bryan Road. A proposed 8" Sanitary Sewer line will run through the subdivision and collect from each lot through a 4" front and center stub out service. The Capital Sewer Recovery Fee is required at \$200.00/Lot which equates to \$20,600.00 (\$200 x 103 Lots).

STREETS & STORM DRAINAGE

The subdivision will have 2 accesses both from Bryan Road, with all internal streets being 32' Back-to-Back within 50' Right of Ways.

Utilizing the 50-year frequency storm event, after development of this subdivision storm water runoff will be detained in a detention pond positioned at the southeast corner of the site and maintained by the HOA. The development surface is to be graded to direct storm water surface runoff towards proposed paved curb and gutter streets. Said storm water will be intercepted by type "A" inlets which will outfall into the detention pond. An outfall pipe will be jack and bored under the existing irrigation canal and bleed out into the City of Mission system at the existing 10 year storm event runoff. The City Engineer has reviewed the drainage report and provided comments (pending submittal of revisions).

OTHER COMMENTS

- Water District Exclusion, Assignment of Water Rights or payment of \$3000 per ac. ft.
- Escrow Park fees (103 Lots x \$500 = \$51,500.00)
- Traffic Impact Analysis
- Submittal of revised drainage report
- Submittal of water flow analysis
- Variance request for lots not meeting the R-1A requirement
- Must Comply with all other format findings

RECOMMENDATION

Due to lack of applicable subdivision requirements, pending data submittals, and revisions to drainage plans and reports. Staff recommends to deny the preliminary plat and its variances.

For the recorded Chairwoman Ms. Diana Izaguirre stepped down, Vice Chairman Mr. Kevin Sanchez took over for item 3.0.

Vice Chairman Mr. Kevin Sanchez asked staff if the item is public hearing?

Mr. Gabriel Ramirez answered yes since staff did send out notices regarding item 3.0 for Bryan Landing.

Vice Chairman Mr. Kevin Sanchez asked if there was any input in favor or against the request.

Julian Gonzalez 1204 E. 2 mile which is south of the development. He explains the development is underway all the brush and trees have been cleared at this point. He mentioned in the past he had brought up the concerns during the subdivision processes in terms of the water and traffic. He stated in looking at the note plats he did notice on item 7 to connect drainage to Bryan Rd to Lot A also on the Mile 2 is indicated on the map on the drainage line is a 12" detention line.

Ms. Shelby Shay she lives directly across from where the canal runs. She stated she is very concerned about what is going to happen to the canal and their property is being destroyed. She

questions if they are going to place more trees within the design since the previous owner had placed 4 big trees along the driveway. She stated 90% of the neighbors are against the development. She mentioned either a rock or a stucco fence would prevent children or pets out of the canal which is a big wide canal which is also dangerous. She believes there should be landscaping trees implemented to beautified the city also she would like to know what sq. ft. of the home will being built to maintain the home valve since everybody has invested and took the time and money for the properties.

Ms. Diana Izaguirre lives at 500 Solar Drive representing for Mr. Jorge, stated there has been 2 drainage reports by the drainage district last one was sent June 7th to the city there was a typo from 111 to 103 it has been revised and upload to drainage district. She mentioned they are doing the same development instead of it being 183 to 103 lots instead for the detention point is connected to the 24" inlet that is connecting 18" pipe along Mayberry Road. Also, the trip generation was conducted no traffic analyst was required also the water flow were not requested by fire. She stated they are getting to connects from Bryan Road and 2 Mile Road. The developer got the ability to cross the canal underground with a siphon and connected to the TXDOT inlet. She stated for the square footage which the minimum would be 2,400 sq. ft. also, 75% of the lots are 8,600 sq. ft. which is bigger than previous development.

Janette Cavazos is in favor of the property to gain access so she can get to her property that is located west of the location.

Mr. Joel lives at 1210 E 2 Mile, stated he has a concern with the drainage the blue pipe going across 2 Mile Road from the detention pod to irrigation district then down into the sewer line?

Mr. Gabriel Ramirez answered yes that's what being proposed.

Mr. Joel stated where the blue line stops is where his driveway is located that it slopes from his driveway to the end of 2 mile of his property. He stated the main concern is the drainage and the elevation from when it rains. He questioned once the developer is done with the property who is going to take care of the fence.

Ms. Diana Izaguirre answered the subdivision is going to have an H.O.A since it a private gated community along the subdivision will be cedar wood fence.

Vice Chalman Mr. Kevin Sanchez entertained a motion to close the public hearing. Mr. J.D Villarreal moved to close the public hearing. Ms. Connie Garza seconded the motion. Upon a vote, the motion passed unanimously.

Vice Chairman Mr. Kevin Sanchez asked the board if they had any questions.

There was none.

There being no discussion, Vice Chairman Mr. Kevin Sanchez entertained a motion. Mr. J.D moved to "Table". Ms. Connie Graza seconded the motion. Upon a vote, the motion passed unanimously.

ITEM#4.0
ADJOURNMENT

There being no discussion, Chairman Mr. Kevin Sanchez entertained a motion. Mr. J.D Villarreal moved to adjourn the meeting. Mr. Jasen Hardison seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:55 p.m.



Diana Izaguirre, Chairwoman
Planning and Zoning Commission

**ZONING BOARD OF ADJUSTMENTS
APRIL 24, 2024
CITY HALL'S COUNCIL CHAMBERS**

ZBA PRESENT

Alberto Salazar
Dolly Elizondo
Heraclio Flores Jr.
Humberto Garza

ZBA ABSENT

Ellud Reyna
Marty Gonzalez
Andrew Riddle
Michael De Leon

STAFF PRESENT

Susie De Luna
Jessica Munoz
Alex Hernandez
Irasema Dimas

GUESTS PRESENT

Jamie Noriega
Mike Overly
Uriel Sanchez
Jessica Diaz
Elsa Gress
Francisco X. Castaneda
Juan Salinas

CALL TO ORDER

Chairman Mr. Alberto Salazar called the meeting to order at 4:41 p.m.

CITIZENS PARTICIPATION

Chairman Mr. Alberto Salazar asked if there was anyone in the audience that had anything to present or express that was not on the agenda.

There was none.

APPROVAL OF MINUTES FOR APRIL 10, 2024

Chairman Mr. Alberto Salazar asked if there were any corrections to the minutes. Mr. Humberto Garza moved to approve the minutes as presented. Ms. Dolly Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.1

TO KEEP A 6' 4" REAR SETBACK INSTEAD OF THE REQUIRED 10' UTILITY EASEMENT AT 1362 MARK PLACE, BEING LOT 26, RESIDENTIAL SANTA FE SUBDIVISION, AS REQUESTED BY URIEL SANCHEZ

Ms. Irasema Dimas stated that the subject site is located approximately 130' east of Yosemite Drive along the south side of Mark Place. The regular lot measures 60'x120' a total 7,200 sq.ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 20'x20' patio that was built without a permit. This violation was discovered by our Code Enforcement Officer while doing a sweep of the subdivision.

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 10 & 11	11' Garage/Carport; 1' East & 2' West, 0' Rear, 1 859 sq.ft.	9/15/21	Denied

Staff mailed out 23 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Mr. Alberto Salazar asked if there were any questions for staff?

Mr. Humberto Garza asked if there were denied a variance before?

Ms. Irasema Dimas stated structures were not the lots denied were lots 10 & 11.

Mr. Humberto Garza asked if they were removed?

Ms. Irasema Dimas stated she believes not and the case is still in municipal court.

Chairman Mr. Alberto Salazar asked if the applicant is present.

Mr. Uriel Sanchez lives at 1362 Mark Place, stated he would like to express what went on with the construction in the back. He stated he hired a contractor unfortunately they had trusted that everything was going to be done correctly. It was his first construction to his new home so he didn't have much experience. He stated creating this was a way to get the family to be together. He mentioned that he did make a large investment. He stated the consequence now is there is no permit submitted by the contractor which he admitted that it was his responsibility that he takes the fault on. He mentioned he is requesting a consideration on the setback limitations. He mentioned he believed the setback of 6' were all the way around the property so he thought there wasn't going to be any issue. He stated he did call the utility company to get the exact location of the utility easement, which he mentioned the internet cable line runed parallel also the cement is less then 4" if anything needs to be excavated. He believes if there needs to be any work below it's possible. He stated the cost to modify and remove the pergola would be high. He stated hopefully they can consider the variance request.

Chairman Mr. Alberto Salazar asked the applicant if he got in contact with the utility company.

Mr. Uriel Sanchez stated yes, he has gotten in contact with the 811 number so they can mark the property.

Chairman Mr. Alberto Salazar asked if the applicant received any corresponds?

Mr. Uriel Sanchez stated that he on the letter he provided the board members to read that the letter stated that Spectrum has no conflict. He stated they went out to his property to mark the internet line.

Mr. Humberto Garza asked where did they locate the electric line on his property?

Mr. Uriel Sanchez stated the corner east of his property goes diagonally.

Chairman Mr. Alberto Salazar asked from which corner?

Mr. Uriel Sanchez stated the right east corner of the backyard the electric line starts to the lower left corner. He stated the internet goes through the fence line about a 1' difference from the utility easement.

Ms. Dolly Elizondo asked what year was the pergola built?

Mr. Uriel Sanchez stated it was built 1 year and 2 months ago.

Ms. Dolly Elizondo asked if he was still in contact with the contractor?

Mr. Uriel Sanchez stated no he isn't in contact with the contractor anymore since at the ending of the construction work the contractor was wanting to charge significantly more than originally quote from the beginning. He mentioned because of that he had a disagreement with the contractor and the contractor started to get aggressive and they had to file a police report.

Chairman Mr. Alberto Salazar asked how much did the construction cost?

Mr. Uriel Sanchez stated the construction was \$17,000 plus materials so it was a total of \$22,000.

Ms. Dolly Elizondo asked if there were no permits for the electricity.

Mr. Uriel Sanchez stated he believes no permits were submitted for electricity since there were no permits for construction.

Ms. Irasema Dimas stated the board is to look at the violation setbacks and if they approve the variance for the structure any permit would have to be require for electricity, plumbing, etc. at the building permit stage.

Mr. Humberto Garza stated he would like to see if lot 31 called for inspections or permits.

Ms. Irasema Dimas stated there no permits for lots 31 and 32 the owner owns both lots. They have a case open he has applied for ZBA but he has not granted access to the backyard.

Chairman Mr. Alberto Salazar asked that if there was anyone in favor or against this variance.

There was none.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Heraclio Flores Jr. seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Humberto Garza stated he wants to table the item till they see lots 31 & 32. He stated he motions to table the item.

Ms. Irasema Dimas asked what would happen since they aren't granting them any access to the backyard. She stated the applicant only wants the board to see what is visible from the street which is the carport that he had built. She stated based on the aerial map the staff sees other structures that are in the setbacks and utility easements, staff typically brings everything all at once.

There being no further discussion, Mr. Humberto Garza retracts his motion to table the variance request.

Chairman Mr. Alberto Salazar entertained a motion. Chairman Mr. Alberto Salazar moved to deny the variance request. Ms. Dolly Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.2

TO KEEP A 1' 7" SIDE SETBACK INSTEAD OF THE REQUIRED 6', & TO ALLOW A TOTAL OF 1,927 SQ.FT. WHERE THE MAXIMUM IS 1,264 SQ. FT., AT 2020 FAIR OAK DRIVE, BEING LOT 13, FAIROAKS SUBDIVISION AS REQUESTED BY NORRIS MICHAEL OVERLY

Ms. Irasema Dimas stated that the subject site is located approximately 1,085' east of N. Glasscock Road along the south side of Fair Oaks Drive. The irregular lot measures a total 31,237.3 sq.ft.

The applicant would like the Board to consider the above-mentioned variances: 1) to keep a 20'x37' carport that was built without a permit, and 2) to keep 663 sq.ft. over the 1,264 sq.ft. maximum allowed for accessory structures. This violation was discovered by our Code Enforcement Officer while doing a sweep of the subdivision.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements.

d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 3,160 sq.ft. (3,160 x 40% =1,264 sq.ft.)

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 15	3' side setback	10/11/94	Approved

Staff mailed out 17 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing, staff received one letter from the property owner to the north in support of the variance request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 45 days.

Chairman Mr. Alberto Salazar asked if there were any questions for staff?

Ms. Dolly Elizondo asked if there was a letter of approval or denial?

Ms. Irasema Dimas stated it was a letter of approval from the property owner to the north of them are in support of them in the variance request.

Mr. Humberto Garza asked if there was other variance approved in the neighborhood for the same issue?

Ms. Irasema Dimas stated yes we have it was approved for a 3' side setback.

Chairman Mr. Alberto Salazar asked if it was in 1994?

Ms. Irasema Dimas stated yes.

Mr. Heracilio Flores Jr. asked if it's similar to the variance request?

Ms. Irasema Dimas stated the applicant is requesting less than the other neighbor got approved 3' the applicant is requesting 1.7' side setback closer to the fence line.

Mr. Humberto Garza asked if the applicant is still on his side of the property?

Ms. Irasema Dimas stated yes.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Mr. Michael Overly lives at 2020 Fair Oaks Drive, stated he is requesting a 1.7' variance inside the 6' side setback. He believes there is no violation of an easement in the side setback because the easement on his property is in the rear of the property. He mentioned that he had a survey of the property from 2012 when he refinanced his property. He also said that he called his contractor in 2017 to design 3 carports with commercial grade material for the carports so it would match the house and it wouldn't depreciate the value. He mentioned it cost him \$8,127.00 for the construction of the carports. He didn't realize that the contractor didn't get a permit. He recently received a letter from code enforcement, which was news for him that there was no permit on file. He called his contractor which said he didn't realize that he needed to get a permit for the carport because it wasn't attached to the house and he didn't increase the footprint of the property.

He stated his neighbor on lot 12 had written a letter of support that they have not had any problems with the carport for the past 7 years. He mentioned that there might be an issue in the future to get fire emergency equipment in between the houses because there is only 11.7' of space between the two properties. He said that both properties, have metal roofs and therefore if there was a fire it wouldn't spread to anybody's roof. He mentioned that he has a propose quote on how much it would cost to disassemble the carport and the cost would be \$22,500.

Chairman Mr. Alberto Salazar asked that if there was anyone in favor or against this variance.

There was none.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Heraclio Flores Jr. moved to approve the sole footprint of the carport of the variance request. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Heraclio Flores Jr. moved to approve the coverage of the square footage of the variance request. Ms. Dolly Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

ITEM#1.3

TO ALLOW A 5' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AT 2114 SABINAL STREET, BEING LOT 15, BLOCK 6 CIMARRON COUNTRY CLUB, SECTION 2, PHASE 1, AS REQUESTED BY FRANK X. CASTANEDA

Ms. Irasema Dimas stated that the subject site located approximately 580' east of Cimarron Drive along the south side of Sabinal Street. The irregular lot measures a total 3,599.87 sq.ft.

The applicant desires to build a residence with a portion of the house within the 6' side setback. Staff notes that the normal requirement for Planned Unit Developments is 0' if fire rated or 6' side setback. The applicant's site plan shows compliance with the 0' fire rated wall, however not with the 6' requirement.

Staff notes that ZBA has considered the following variances in this subdivision. However, no variances have been approved for this particular Block.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 6, Block 33	24.5' Rear	3/16/16	Approved
Lot 8, Block 9	15.3' Garage	4/17/17	Approved
Lot 12, Block 10	1.5' W. Side & 4.5' E. Side	2/19/03	Approved
Lot 5, Block 20	4' Side	1/8/02	Approved
Lot 23, Block 20	3' Side	4/9/02	Approved
Lot 5, Block 9	10' Front	7/9/02	Denied
Lot 34, Block 36	18' Garage & 7.8' side	4/20/05	Denied
Lot 1, Block 21	10' Front	9/14/99	Denied
Lot 10, Block 2	7.6' Corner	8/6/08	Approved
Lot 11, Block 10	4' E. Side & 3' W. Side	1/11/00	Approved
Lot 59, Block 20	6" Corner & 36" Rear	7/16/14	Denied
Lot 6, Block 33	24.5' Rear	3/16/16	Approved
Lot 8, Block 9	15.3' Garage	4/17/19	Approved
Lot 18, Block 9	0' Side & 0' Rear	4/10/24	Tabled

Staff mailed out 23 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this write up, staff received one email in opposition to the request. Staff notes that if a variance is approved it would set precedence.

RECOMMENDATION: Staff recommends denial. The construction plans can be modified to comply with the required setback.

No Action.

ITEM# 1.4

TO ALLOW A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6' & TO ALLOW A TOTAL 1,260 SQ.FT. WHERE THE MAXIMUM IS 800 SQ. FT. AT 1516 CRISANTEMA AVENUE, BEING LOT 187, SOUTH OAKS PHASE III, AS REQUESTED BY JESSICA DIAZ

Ms. Irasema Diams stated that the subject site is located near the W. 16th Street and Crisantema Avenue intersection along the east side of Crisantema Avenue. The irregular lot measures a total 6,000 sq.ft.

The applicant would like the Board to consider the above-mentioned variances: 1) to keep a 12'x36' carport, 2) 12' x 12' storage shed, 3) a 12' x 23' canopy that were built without a permit, and 4) to keep 460 sq.ft. over the 800 sq.ft. maximum allowed for accessory structures. This violation was discovered by Building Inspectors while doing an inspection in the area.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements.

- d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an

addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 1,209 sq.ft.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 190, Phase III	0' side	2/18/15	Approval
Lot 191, Phase III	0' side	2/18/155	Approval
Lot 292, Phase III	6" side	12/4/19	Approval
Lot 133, Phase III	1' side	12/4/19	Tabled
Lot 189, Phase III	0' side	2/19/20	Approval
Lot 217, Phase III	1' & 2' side & 3' rear	2/16/22	Denied
Lot 261, Phase III	6.6' side	12/21/22	Denied

Staff mailed out 26 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this write up we haven't received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 45 days.

Chairman Mr. Alberto Salazar asked if there were any questions for staff?

Mr. Humberto Garza stated if the carport is overlapping the property line?

Ms. Irasema Dimas replied yes.

Mr. Heraclio Flores Jr. asked if the fence is on the other property?

Ms. Irasema Dimas replied yes, its on the adjacent property that its an empty property at the moment.

Ms. Jessica Diaz lives at 1516 Crisantema Avenue, stated when she got the carport she believes the issue was the first pole that was a little bit out. She mentioned she has been fighting the case since 2019 with the municipal court. She said she has been looking for the property owner of the empty lot. She had to go to appraisal district to see if there were any liens on the property. She had tried to look for the property owner multiple times because she is interested of buying the lot. She stated understands there is a concern because of fire hazards but she doesn't have any neighbors on that side. She mentioned that they had told her that the first pole was on the setback and she was never told she needed gutters. She isn't able to ask Municipal court for the transcripts to see what was said at the time.

Chairman Mr. Alberto Salazar asked that she had said she recently purchased the property?

Ms. Jessica Diaz stated she paid off her property 2 years ago.

Chairman Mr. Alberto Salazar asked if she went through a title company?

Ms. Jessica Diaz replied no.

Chairman Mr. Alberto Salazar asked when did she originally start paying her property?

Ms. Jessica Diaz mentioned she started playing in 2012.

Chairman Mr. Alberto Salazar asked if she had done any improvements to the carport?

Ms. Jessica Diaz stated little by little.

Chairman Mr. Alberto Salazar asked when did she start on the carports?

Ms. Jessica Diaz stated she started the improvements in 2018 on the larger carport. She mentioned that she had just moved the other carport which is located in the rear of her property. It used to be where she had lived before she purchased her property. She mentioned that she made an improvement on her carport that's when code enforcement went out and stated she didn't get a permit to build on her setback. She stated since 2019 she has been fighting her case in municipal court and she is going back in May to see what the decision is.

Ms. Dolly Elizondo asked staff a question. She asked so the municipal court usually sends them to back to the board and they would settle the matter with the ZBA board?

Ms. Irasema Dimas stated the reason the Ms. Jessica Diaz case was taking long was because she was being represented by an attorney so they were going back and forth in the municipal court process with that and now she doesn't have any representation. Now she is representing herself and is presenting her item to the ZBA board.

Mr. Heraclio Flores Jr. asked if they can rule on somebody else's lot?

Ms. Irasema Dimas stated no they cannot rule on somebody else's lot.

Mr. Humberto Garza stated he isn't comfortable approving anything on private property. He stated it's different when somebody is here to say it's okay to build on their property.

Ms. Irasema Dimas mentioned she knows the applicant has intentions of buying the property but until it becomes her property, when can't support the variance.

Mr. Humberto Garza asked the applicant if she has contacted the property owner?

Ms. Jessica Diaz stated she has mentioned to the municipal court that she has tried to reach out to the property owner but has been unsuccessful.

Mr. Humberto Garza asked if she has a contract with her that she gave the property owner money?

Ms. Jessica Diaz stated no she doesn't have a contract with the property owner. She mentioned that the property owner is in the army since 5 years ago and she said they were going to come to an agreement before they make any contract or start paying the property owner. She said she has been maintaining the property when the grass starts growing or when there is a storm she fixes it.

Chairman Mr. Alberto Salazar asked if anybody was in favor or against?

There was none.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Dolly Elizondo stated there is a precedence for the side setbacks the issue is that she is in someone else's property. If they were to approve the request would mean that they are basically allowing the applicant to take over the property that they don't own.

Mr. Humberto Garza stated if she owned the property it wouldn't be an issue.

Ms. Irasema Dimas mentioned if she owned the property there wouldn't be an issue because the 2 properties would be 1 lot and there wouldn't be a setback issue.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Ms. Dolly Elizondo moved to deny the variance request. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

ITEM# 1.5

TO KEEP A 4' FRONT SETBACK INSTEAD OF THE REQUIRED 20', A 4' SIDE SETBACK TO THE SOUTH, A 3' SIDE SETBACK TO THE NORTH INSTEAD OF THE REQUIRED 6, A 13' 6" REAR SETBACK INSTEAD OF THE REQUIRED 15' & TO ALLOW A TOTAL 1,143 SQ. FT. WHERE THE MAXIMUM IS 800 SQ. FT. AT 919 BLAKE STREET, BEING LOT 76, EAGLE HEIGHTS NORTH AS REQUESTED BY JUAN SALINAS

Mr. Alex Hernandez stated that the subject site located along the east side of Blake Street, near the Blake/Miracle Lane Intersection. The lot measures 54' x 113' for total of 6,102 sq.ft.

The applicant would like the Board to consider the above-mentioned variance: 1) to allow a 22.4'x24' carport, 2) 12' x 15' storage shed, 3) a 15'x 15' gazebo, 4) an 8'x27' canopy that were built without a permit, and 4) to keep 343 sq.ft. over the 800 sq.ft. maximum allowed for accessory structures. Staff notes that there is a permit for the gazebo.

This item was previously considered by ZBA on February 19, 2020 and the request before the Board at that time was to consider a 0' front setback instead of the required 20' and a 0' side setback instead of the required 6' for an open carport. ZBA denied the request as presented and instead asked the applicant to apply for a building permit, pay double permit fee, and modify the structure to meet the 8' front setback and 4' side setback by March 27, 2020.

Staff notes that during that year, the open carport ordinance had been revised by the P&Z and City Council. Under the new ordinance #4963, residents in a subdivision 20 years or older were allowed reduced setbacks for open carports. The new ordinance allowed an open carport to be 8' in the front and 4' from the sides. In November 8, 2021 P&Z and City Council adopted Ordinance #5109 re-establishing the typical building setbacks for all residential auxiliary structures.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements.

d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 1,249 sq.ft.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 67	2' Side Setback	6/12/01	Approval
Lot 76	0' Front & 0' Side	2/16/00	Denied
Lot 1, Blk 3 Unit #1	28' Front Setback	12/13/05	Approved
Lot 2, Blk.3 Unit #1	28' Front Setback	4/20/05	Approved
Lot 2, Blk.3 Unit #1	5' Side Setback	12/13/05	Denied
Lot C, Unit #2	15' Front & 11' Rear	10/19/05	15' Front Denied 11' Rear Approved
Lot 10, Blk. A Unit #3	3' Side, 3' Rear & 1' Side	4/19/23	Denied

Staff mailed out 23 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this write up we haven't received any comments in favor or against the request.

RECOMMENDATION: Staff maintains the recommendation for denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 45 days.

No Action.

ITEM# 1.6

TO ALLOW A 2' REAR SETBACK INSTEAD OF THE REQUIRED 10' & TO ALLOW A TOTAL 2,061 SQ. FT. WHERE THE MAXIMUM IS 1,008 SQ. FT. AT 2109 W. 30TH STREET, BEING LOTS 43 & 44, LA HACIENDA ESTATES, AS REQUESTED BY JAIME NORIEGO

Mr. Alex Hernandez stated that the subject site located approximately 300' east of Moorefield Road along the south side of W. 30th Street. The lots measures 106'x 120' & 60'x120' for total of 19,920 sq.ft. combined.

The applicant would like the Board to consider the above-mentioned variance to keep a 16'x75' sports pavilion, and to keep 1,053 sq.ft. over the 1,008 sq.ft. maximum allowed for accessory structures. This violation was discovered by our Code Enforcement Officer while doing a sweep of the subdivision.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements.

- d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 2,519 sq.ft. (2,519 x 40% =1,007.6 sq.ft.)

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
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Staff mailed out 28 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this write up we haven't received any comments in favor or against the request.

RECOMMENDATION: Staff maintains the recommendation for denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 45 days.

Chairman Mr. Alberto Salazar asked any questions for staff?

Ms. Dolly Elizondo asked if the gas line is an active gas line?

Mr. Alex Hernandez stated yes.

Mr. Heraclio Flores Jr. asked so they can't build on top?

Mr. Alex Hernandez stated that is correct.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Mr. Jamie Noriego stated he constructed the batting cage for his son who is in 7th grade. He mentioned his son has been playing tee ball since he was 3 years old. He had contacted a contractor to build the batting cage and was told he was already out of city limits so he didn't need a building permit. He stated he called 811 so they can mark the gas lines and electrical lines and power lines. He stated it was a big invest he made for his son. He mentioned if needed to get removed he would need to take out a loan in order to do the modifications. He mentioned the removal of the structure would be around \$5,000. He said he spoke with Mr. Alex Hernandez to see if they were any possible modification he can make.

Chairman Mr. Alberto Salazar asked the applicant what grade his son is in?

Mr. Jamie Noriego stated his son is in 7th grade.

Ms. Dolly Elizondo asked Mr. Jamie Noriego that he was told that since he was outside the city limits he didn't need a permit by the contractor is that correct?

Mr. Jamie Noriego stated yes.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Heraclio Flores Jr. seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Dolly Elizondo stated the structure is very movable what concerns her was the active gas lines.

Mr. Alex Hernandez stated that he sat down over an hour with applicant to see how they can place the structure in the property.

Mr. Humberto Garza ask if the structure is over the gas line.

Mr. Alex Hernandez stated that a portion on the west side of the structure.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Ms. Dolly Elizondo moved to approve the variance request based on the footprint only. Mr. Heraclio Flores Jr. seconded the motion. Upon a vote, the motion passed unanimously.

ITEM# 1.7

TABLED: TO KEEP A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK AND A 0' REAR SETBACK INSTEAD OF THE REQUIRED 10' REAR SETBACK AT 117 RIO GRANDE DRIVE, BEING ALL OF LOT 18, BLOCK 9, CIMARRON COUNTRY CLUB PHASE I SECTION II, AS REQUESTED BY JESUS ORDORICA

Mr. Alex Hernandez stated that the item was previously tabled on February 21, 2024 in order to allow the applicant an opportunity to get with the HOA.

The subject site is located approximately 460' east of Cimarron Drive along the north side of Rio Grande Drive. The irregular lot measures a total 9,096 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 5'x20' storage shed and a 21'x20' carport, that were built without a permit.

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 5, Block 9	10' front	7/9/02	Approved
Lot 8, Block 9	15.3' garage	4/17/19	Approved

Staff mailed out 15 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

No Action.

ITEM# 1.8

TABLED: TO KEEP A 7' GARAGE SETBACK INSTEAD OF THE REQUIRED 18' GARAGE SETBACK, AND A 1' SIDE SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK AT 1808 W. 15TH STREET, BEING LOT 245, SOUTHERN OAK PH. 3, AS REQUESTED BY ELSA M. GRESS

Mr. Alex Hernandez stated that item was previously tabled on January 17, 2024 at the request of the applicant since the applicant lives out of town and wanted to be present.

The subject site is located approximately 130' west of Crisantema Avenue along the north side of W. 15th Street. The lots measures 60' x 105' for a total 6,300 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 16.6'x20.10' carport and a 7'x12' shed, which were built without obtaining the proper permits. Staff notes that the structure on the rear of the property shown on the aerial has been removed.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 190, Phase III	0' side	2/18/15	Approval
Lot 191, Phase III	0' side	2/18/155	Approval
Lot 292, Phase-III	6" side	12/4/19	Approval
Lot 133, Phase III	1' side	12/4/19	Tabled
Lot 189, Phase III	0' side	2/19/20	Approval
Lot 217, Phase III	1' & 2' side & 3' rear	2/16/22	Denied
Lot 261, Phase III	6.6' side	12/21/22	Denied

Planning Staff was denied access to the rest of the property; therefore, we were unable to get the measurements on other encroachments.

Staff mailed out 40 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

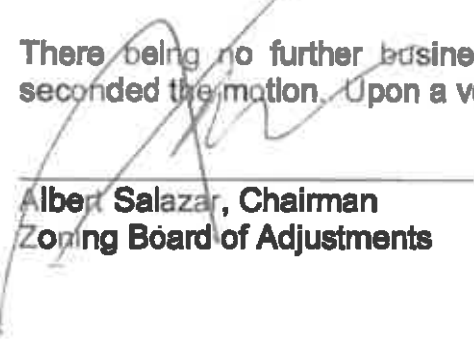
RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

No Action.

2.0 OTHER BUSINESS

3.0 ADJOURNMENT

There being no further business, Ms. Dolly Elizondo moved to adjourn. Mr. Heralico Flores Jr. seconded the motion. Upon a vote, the motion passed unanimously at 5:44 p.m.


 Albert Salazar, Chairman
 Zoning Board of Adjustments

**ZONING BOARD OF ADJUSTMENTS
MAY 29, 2024
CITY HALL'S COUNCIL CHAMBERS**

ZBA PRESENT

Andrew Riddle
Alberto Salazar
Heraclio Flores Jr.
William F. Ueckert Jr.
Romeo Sanchez
Humberto Garza
Michael De Leon

ZBA ABSENT

Dolly Elizondo

STAFF PRESENT

Susle De Luna
Jessica Munoz
Irasema Dimas

GUESTS PRESENT

Rosalva Salinas
Jesus Ordorica
Ricardo Diaz Miranda
Roasllinda Trevino
Jose G. Trevino
Sylvia Reyna
Juan Salinas
Apolinar Reyes
Anthony Prats
Larry Fair
Daniel Gullen
Francisco Castaneda

CALL TO ORDER

Chairman Mr. Alberto Salazar called the meeting to order at 5:32 p.m.

CITIZENS PARTICIPATION

Chairman Mr. Alberto Salazar asked if there was anyone in the audience that had anything to present or express that was not on the agenda.

There was none.

Conflict of Interest – Mr. Andrew Riddle for items 1.1, 1.6, and 1.9 and Mr. Humberto Garza for Item 1.2.

APPROVAL OF MINUTES FOR APRIL 24, 2024

Chairman Mr. Alberto Salazar asked if there were any corrections to the minutes. Mr. Andrew Riddle moved to approve the minutes as presented. Mr. Michael De Leon seconded the motion. Upon a vote, Mr. William F. Ueckert Jr. and Mr. Romeo Sanchez abstained since they weren't present to the meeting prior. the motion passed unanimously.

ITEM #1.1

TO ALLOW A 5' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AT 2114 SABINAL STREET, BEING LOT 15, BLOCK 6 CIMARRON COUNTRY CLUB, SECTION 2, PHASE 1 AS REQUESTED BY FRANK X. CASTANEDA

Ms. Irasema Dimas stated that the subject site is located approximately 580' east of Cimarron Drive along the south side of Sabinal Street. The irregular lot measures a total of 3,599.87 sq.ft.

The applicant desires to build a residence with a portion of the house within the 6' side setback. Staff notes that the normal requirement for Planned Unit Developments is 0' if fire rated or 6' side setback. The applicant's site plan show compliance with the 0' fire rated wall, however not with the 6' requirement.

Staff notes that ZBA has considered the following variances in this subdivision. However, no variances have been approved for this particular Block.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 6, Block 33	24.5' Rear	3/16/16	Approved
Lot 8, Block 9	15.3' Garage	4/17/17	Approved
Lot 12, Block 10	1.5' W. Side & 4.5' E. Side	2/19/03	Approved
Lot 5, Block 20	4' Side	1/8/02	Approved
Lot 23, Block 20	3' Side	4/9/02	Approved
Lot 5, Block 9	10' Front	7/9/02	Denied
Lot 34, Block 36	18' Garage & 7.8' side	4/20/05	Denied
Lot 1, Block 21	10' Front	9/14/99	Denied
Lot 10, Block 2	7.6' Corner	8/6/08	Approved
Lot 11, Block 10	4' E. Side & 3' W. Side	1/11/00	Approved
Lot 59, Block 20	6" Corner & 36" Rear	7/16/14	Denied
Lot 6, Block 33	24.5' Rear	3/16/16	Approved
Lot 8, Block 9	15.3' Garage	4/17/19	Approved
Lot 18, Block 9	0' Side & 0' Rear	4/10/24	Tabled

Staff mailed out 23 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this write up, staff received one email in opposition to the request. Staff notes that if a variance is approved it would set precedence. On May 7th the applicant submitted an email from the Architectural Committee for Homeowners Association of Cimarron, Inc. approving the plans as proposed.

RECOMMENDATION: Staff recommends denial. The construction plans can be modified to comply with the required setback.

Chairman Mr. Alberto Salazar asked if there were any questions for staff?

Mr. Andrew Riddle stated to confirm that it's in compliance with the Fire wall?

Ms. Irasema Dimas confirms with the 0' lot line it's in compliance with the fire wall.

Mr. Andrew Riddle asked if the H.O.A. is okay with it?

Ms. Irasema Dimas stated they received an email from the H.O.A and they stated that is okay with them.

Mr. Romeo Sanchez asked if the lot was regular or an irregular lot?

Ms. Irasema Dimas stated it is an irregular lot.

Mr. William F. Ueckert Jr. asked when was the plat approved for Cimarron Country Club?

Ms. Irasema Dimas said around 1978 or 1980.

Mr. Frank X. Castaneda lives at 2114 Sabinal Street, stated he asking a variance for the encroachments on the rear which are the encroachment of the 6' side setback. He said since

the lot is irregular so the homes are crowded together and have a 0' setback and majority lots in the subdivision have encroachment to a 6' setback on Sabinal street.

Chairman Mr. Alberto Salazar asked the applicant if he got a letter from the H.O.A
Mr. Frank X. Castaneda stated yes, he does.

Mr. William F. Ueckert Jr. asked if there was a fire wall?

Ms. Irasema Dimas stated that he is proposing the fire wall at the 0' lot line and he is not proposing the fire wall on the 6' setback.

Mr. Michael R. De Leon asked staff how much on the side setback is he asking to encroach?

Ms. Irasema Dimas stated he is asking for 1' to be allowed to be built at the 5' side setback lot line instead of the 6' side setback.

Mr. Romeo Sanchez stated he is presuming that it's a new construction.

Ms. Irasema Dimas said yes, it's a new construction.

Mr. Romeo Sanchez said if the applicant has considered to modify the plans to offset the side setback to comply.

Mr. Frank X. Castaneda said unfortunately since the plans already were approved by the bank and in the process of the mortgage; everything is situated with the homeowners.

Mr. Romeo Sanchez explains that it can be a simple procedure to just push it an 8" back.

Mr. Frank X. Castaneda stated it would but then it would affect everything would be a push back for the second floor.

Mr. Michael R. De Leon asked what is the sq. ft. of the home he is going to build?

Mr. Frank X. Castaneda said 3,013 sq. ft. is the overall of the sq. ft. of the home.

Mr. Michael R. De Leon asked what is the sq. ft. on the first floor?

Chairman Mr. Alberto Salazar stated the sq. ft. is 1,013 sq. ft.

Chairman Mr. Alberto Salazar asked if the applicant had discussed the issue of the setbacks to the engineer that drafted the plans up for him.

Mr. Frank X. Castaneda answered he had Pena Engineering to create a survey of the lot and he indicated there is a 5' easement and he didn't place 6' side setback on the site plat so he was under the impression that he had with a 5' on the side setback so they drafted up the plans and had submitted them to building permits but was denied due to the side setback not being into compliance.

Mr. William F. Ueckert Jr. asked the applicant if the bank is requesting the 6' side setback.

Mr. Frank X. Castaneda stated the survey was created for his benefit.

Mr. Romeo Sanchez asks the applicant what is the reason behind the effect of the second floor since the whole floor would be moving 6".

Mr. Frank x. Castaneda stated if would affect the first floor it would be encroaching into the bathroom and push everything in the kitchen area he also said that it would be affecting the master bedroom.

Mr. Romeo Sanchez stated the applicant has to comply with the building restrictions and if he were to comply with the setbacks and modify the plans a little bit and be complying.

Mr. Frank X. Castaneda said he is attending the meeting on behalf of the property owner. The property owner is wanting the plans to stay as to see if they are going to allow him to proceed with the original house plans.

Mr. Romeo Sanchez said since it is built already they could just modify the plans without any problems.

Mr. Frank X. Castaneda stated yes, he understands that he can modify the plans but that is why he is making the requested before they start any construction. Unfortunately, he did get a response with the planning examiner saying they are encroaching on the side setback. He stated that if you were to drive down the street you would see the other house in the neighborhood that they were all stacked up against each other.

Chairman Mr. Alberto Salazar asked that if there was anyone in favor or against this variance.

Mr. Anthony Prats lives at 2110 Sabinal Street, has been a resident of mission and homeowner in Cimarron for 30 years. He states he has a few concerns regarding the side setback. He said that 2 days ago the lot was measures with wood markers were placed at different points already the front measuring 5' to 2' down in the rear. He explains that its very close to his property. He stated he objects to the variance request since the applicant is too close to his property. Also, he is concern about lack of privacy and compromising his property.

Mr. Michael R. De Leon stated the variance request for the meeting is for the side setback only and not about the height of the house that's going to be built. He asked Mr. Anthony Prats if he is okay with a 5' setback.

Mr. Anthony Prats answered yes he is okay with a 5' side setback.

Mr. Romeo Sanchez asked Mr. Anthony Prats if the lot was going 5' to 2' so it's getting closer to the property.

Mr. Anthony Prats answered he doesn't understand why the property line can't be straight since its not an irregular lot.

Ms. Irasema Dimas mentioned to Mr. Andrew Riddle isn't allow to vote on this item.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Mr. Michael R. De Leon moved to close the public hearing. Mr. Humberto Garza seconded the motion. Upon a vote, Mr. Andrew Riddle abstains, the motion passed unanimously.

Mr. Humberto Garza stated he was going to move to approve but then he notices a 2' setback so that hold him back to approve of a 2' side setback request. He said if you were to approve a 5' setback then it would be okay since the subdivision was recorded prior to 1998 would be okay under developer board rules but the applicant is proposing 2'.

Mr. Frank Castaneda answered he is proposing a 5' side setback.

Mr. Romeo Sanchez asked the applicant if they had already started the measuring for the foundation?

Mr. Frank Castaneda answered yes, they started to measure for the foundation.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Humberto Garza moved to approve the variance request. Mr. Michael R. De Leon seconded the motion. Upon a vote the motion passed unanimously. Mr. Andrew Riddle abstains.

ITEM #1.2

TO KEEP 1) A 14' FRONT SETBACK INSTEAD OF THE REQUIRED 20', 2) A 4' SIDE SETBACK TO THE SOUTH, 3) A 3' SIDE SETBACK TO THE NORTH INSTEAD OF THE REQUIRED 6', 4) A 13.6' REAR SETBACK INSTEAD OF THE REQUIRED 15' AND 5) TO ALLOW A TOTAL 1,143 SQ. FT. WHERE THE MAXIMUM IS 800 SQ. FT., AT 919 BLAKE STREET, BEING LOT 76, EAGLE HEIGHTS NORTH AS REQUESTED BY JUAN SALINAS

Ms. Irasema Dimas stated that the subject site is located along the east side of Blake Street, near the Blake/Miracle Lane Intersection. The lot measures 54' x 113' for total of 6,102 sq.ft.

The applicant would like the Board to consider the above-mentioned variance: 1) to allow a 22.4'x24' carport, 2) 12'x15' storage shed, 3) a 15'x15' gazebo, 4) an 8'x27' canopy that were built without a permit, and 4) to keep 343 sq.ft. over the 800 sq.ft. maximum allowed for accessory structures. Staff notes that there is a permit for the gazebo.

This item was previously considered by ZBA on February 19, 2020; the request before the Board at that time was to consider a 0' front setback instead of the required 20' and a 0' side setback instead of the required 6' for an open carport. ZBA denied the request as presented and instead asked the applicant to apply for a building permit, pay double permit fee, and modify the structure to meet the 8' front setback and 4' side setback by March 27, 2020.

Staff notes that during that year, the open carport ordinance was revised by P&Z and City Council. Under the new ordinance #4963, residents in a subdivision 20 years or older were allowed reduced setbacks for open carports. The new ordinance allowed open carports to be 8' from the front and 4' from the sides. In November 8, 2021; P&Z and City Council adopted Ordinance #5109 re-establishing the typical building setbacks for all residential auxiliary structures.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements.

- d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as

an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 1,249 sq.ft.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 67	2' Side Setback	6/12/01	Approved
Lot 76	0' Front & 0' Side	2/16/00	Denied
Lot 1, Blk 3 Unit #1	28' Front Setback	12/13/05	Approved
Lot 2, Blk.3 Unit #1	28' Front Setback	4/20/05	Approved
Lot 2, Blk.3 Unit #1	5' Side Setback	12/13/05	Denied
Lot C, Unit #2	15' Front & 11' Rear	10/19/05	15' Front Denied 11' Rear Approved Denied
Lot 10, Blk. A Unit #3	3' Side, 3' Rear & 1' Side	4/19/23	Denied

Staff mailed out 23 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this write up we haven't received any comments in favor or against the request.

RECOMMENDATION: Staff maintains the recommendation for denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 45 days.

Chairman Mr. Alberto Salazar asked if there were any questions for staff?

There was none.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Mr. Juan Salinas lives at 919 Blake Street, stated he is willing to move the carport pole to 1' in on the side setback move the pole in 4' for the front setback.

Mr. Romeo Sanchez asked the applicant why he didn't get a permit for the carport?

Mr. Juan Salinas stated he got a permit for the concrete.

Chairman Mr. Alberto Salazar asked if there was anyone in favor or against this variance.

There was none.

Mr. Humberto Garza abstained from the item since he lives in the area.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Mr. Romeo Sanchez moved to close the public hearing. Mr. Andrew Riddle seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Romeo Sanchez stated there is a total of five violations on the property.

Chairman Mr. Alberto Salazar stated to take care of the 12' x 15' shed issue first he explains that the applicant is over by 3' side setback and 1' 6" rear setback.

Mr. Andrew Riddle asked if it accurate that it was built in 2009?

Ms. Irasema Dimas answered that is correct it was built in 2009.

Mr. Romeo Sanchez asked if it was a portable shed.

Chairman Mr. Alberto Salazar asked the applicant what kind of floor is?

Mr. Juan Sallnas answered that it's the foundation.

Chairman Mr. Alberto Salazar and Mr. Michael R. De Leon stated its not portable structure.

Mr. Romeo Sanchez said there seem to be a history on the shed structure. He asked when was the structure built?

Ms. Irasema Dimas answered it what built in 2009.

Mr. Romeo Sanchez asked staff when was the carport built?

Ms. Irasema Dimas stated the carport was built in 2015.

Mr. Romeo Sanchez said it was just a few years later and there was another violation. He asked when was the gazebo was built in?

Ms. Irasema Dimas answered it was built in 2015 and the carport was built in 2018.

Mr. Andrew Riddle stated if the board was to approve the rear setback he would ask for the utility line to be marked since the gazebo and shed are on the rear setback.

Chairman Mr. Alberto Salazar asked staff if they can make a suggestion to verify if there were lines in easement if the board was to approve the rear setback.

Ms. Irasema Dimas stated if you look at the plat of the subdivision you will see on the rear of the property he has 15' utility and irrigation easement.

Mr. Humberto Garza stated since he lives in the neighborhood he will not be voting on this item but for the record in this section of the subdivision there is a bunch of violations that are not permitted over the easements.

Mr. Romeo Sanchez asked if the board was going to vote on the carport separately.

Chairman Mr. Alberto Salazar answered yes.

Mr. Michael R. De Leon explains they could consider to vote on the financial hardship.

Mr. Romeo Sanchez said he agrees.

Chairman Mr. Alberto Salazar explains they could look on financial hardship if the cost of the compliance with zoning ordinance is greater than 50% of the appraise value of the structure or compliance of the lost of the lot on which the structure located at least 25% of the area which the development physically occurred.

Mr. Andrew Riddle stated he would have to entertain the motion of financial hardship since the demolish of the structure and concrete would cost around the double-digit he would assumed.

Mr. Romeo Sanchez said he would assumed that the structure could be salvaged. He said it would be place where it needs to be that its portable all the applicant can do is cut the anchor bolt and slide it portable it just on a piece of slab. He stated his problem is there are a lot of violatons without a permit.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Heraclio Flores Jr. moved to approve the shed subject to obtain the 811 letter pending verification of the utility easement. Mr. Michael R. De Leon seconded the motion. Upon a vote, the motion passed unanimously Mr. Romeo Sanchez against the motion to approve. Mr. Humberto Garza abstained.

Chairman Mr. Alberto Salazar mentioned they will be voting on the gazebo. He asked staff what is the extent on the gazebo is it the foundation or the overhang.

Ms. Irasema Dimas said she believes the gazebo is based on the sq. ft. because the applicant is meeting setbacks. She mentioned it is also for the total sq. ft. She added the board can make a motion the sq. ft. to see if the board let them keep the sq. ft. as is or if the need to modify.

Chairman Mr. Alberto Salazar stated the applicant already made modifications to move 1' in right side setback from the 0' lot line. Chairman Mr. Alberto Salazar mentioned the board has not liked the 0' lot line because the applicant can later enclose the carport. He said the applicant is willing to move 4' back from the front setback.

Mr. Romeo Sanchez mentioned if you looked at the house you would see the house doesn't have violations and it was complying but now they decided to built it but they aren't in compliance any more.

Chairman Mr. Alberto Salazar stated he agrees but they are there to take care of the motion.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Romeo Sanchez moved to deny the varlance request for the carport. Mr. Andrew Riddle seconded the motion. Upon a vote, the motion passed unanimously. Mr. Humberto Garza abstained.

Ms. Irasema Dimas mentioned on the carport that the board just voted on denial he still move the poles to comply with the setback he can still keep the structure of the roof so now the board has to vote on the sq. ft. to see if the board is going to allow him to keep total sq. ft. the applicant has currently on the property.

Mr. Andrew Riddle asked the board members if they understood the next motion.

Ms. Irasema Dimas explains they have an ordinance on any accessory single-family residential lot they are only allowed to have up to 800 sq. ft. unless the living area sq. ft. is over 2000 sq. ft. they are allowed 40% of the square footage of the home. She explains in the case the applicant house measures 1,249 sq. ft. so the maximum allowed square footage is 800 sq. ft. for accessory structures.

Mr. William F. Ueckert Jr. asked staff if the 800 sq. ft. can include the gazebo plus the storage and if he moves the carport to meet the 800 sq. ft. the applicant would be complying?

Ms. Irasema Dimas stated that staff gives the applicant the option to decide what he is wanting to modify to comply with the 800 sq. ft. she explained staff doesn't tell the applicant what to remove off of their property. she stated if the board is wanting to give him the variance of removing a structure from his lot the board can and if not, he would choose which structure to modify.

Mr. Michael De Leon stated the board could table the two items.

Ms. Irasema Dimas asked which 2 items?

Mr. Michael De Leon answered the gazebo and the carport.

Ms. Irasema Dimas stated the board already has the item in the agenda which the board could approve one and deny the other one. She explained the applicant can still keep the roof of the carport and he can modify the poles to comply with the setbacks.

Mr. Romeo Sanchez asked what do you mean by leave the roof structure of carport?

Ms. Irasema Dimas answered the applicant can do the overhang of the carport in order to leave the roof.

Mr. Romeo Sanchez asked if we have an ordinance for the overhang?

Ms. Irasema Dimas stated yes, we have allowed it in the past.

Mr. Romeo Sanchez asked if we have it in the ordinances?

Ms. Irasema Dimas answered it is allowed.

Mr. William F. Ueckert Jr. asked if the overhang is considering not a part of the building?

Ms. Irasema Dimas stated no.

Mr. Romeo Sanchez stated he had issues because it's a fire hazard even if there's a fire that's where its going to pass over. He explains that its steel but we would need to be very careful with that if it were wood construction.

Chairman Mr. Alberto Salazar mentioned I don't see the square footage on the carport on the appraisal district information.

Ms. Irasema Dimas explains that for some reason the information is not on the appraisal district which he is probably still not getting taxed on it.

Chairman Mr. Alberto Salazar stated the applicant is pretty close by his calculations the applicant is 550 sq. ft.

Ms. Irasema Dimas mentioned that staff calculated 1,143 sq. ft. of all the structures on the lot.

Chairman Mr. Alberto Salazar asked 1,143 sq. ft.?

Ms. Irasema Dimas answered yes, the applicant is over 343 sq. ft. over the square footage.

Mr. Michael De Leon stated the board can table the last item for the applicant. So he can modify the carport.

Mr. Irasema Dimas explained its up to the board if they want to give the applicant the option to modify the carport before the board acts on the item or the board can make a motion and the staff can hold the applicant to a certain time frame to make the modifications to the carport.

Mr. Michael De Leon mentioned it would give him an incentive to modify the carport.

Chairman Mr. Alberto Salazar said it would have to be modify to 343 sq. ft.

Ms. Irasema Dimas answered yes, its 343 sq. ft.

Chairman Mr. Alberto Salazar asked the staff if the board can give the motion now?

Ms. Irasema Dimas said to the board could ask the applicant.

Chairman Mr. Alberto Salazar asked Mr. Juan Salinas

Mr. Andrew Riddle asked when was the carport built?

Ms. Irasema Dimas stated around 2018 to 2019.

Chairman Mr. Alberto Salazar asked the board if they want to table the item and give the applicant options.

There was discussions on different options to give to the applicant on modifications.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Romeo Sanchez moved to table the variance request for the square footage. Mr. Michael De Leon seconded the motion. Upon a vote, the motion passed unanimously. Mr. Humberto Garza abstained.

ITEM#1.3

TO KEEP 1) A 0' REAR SETBACK FOR A STORAGE, 2) A 4.9' REAR SETBACK FOR A PERGOLA INSTEAD OF THE REQUIRED 10', 3) A 2.7' SIDE SETBACK INSTEAD OF THE REQUIRED 6', 4) TO ALLOW A TOTAL OF 1,978 SQ. FT. INSTEAD OF THE MAXIMUM 1,093.60 SQ. FT. ALLOWED AT 1363 GARDEN DRIVE, BEING LOTS 31 & 32, SANTE FE AS REQUESTED BY RICARDO DIAZ MIRANDA

Ms. Irasema Dimas stated that the subject site located approximately 134' east of Yosemite Drive along the north side of Garden Drive. The lots measure 120'x120' for a total of 14,400 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep: 1) a 17'x11.7' pergola, 2) a 6'x8' shed, 3) a swimming pool, 4) 21.4'x11' canopy, and 4) to keep 884.4 sq. ft. over the 1,093.60 sq. ft. maximum allowed. The violations were discovered when the applicant submitted a permit for a pergola that was tagged by Code Enforcement during a sweep in the area. When staff was reviewing the building permit for the initial pergola in question by Code Enforcement, staff checked the aerial and noticed other structures within the property that didn't have permits and were indeed encroaching into the rear and side setbacks.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements:

d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 2,734 sq. ft. (2,734 x 40% =1,093.60 sq. ft.)

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 10 & 11	11' Garage/Carport; 1' East & 2' West, 0' Rear, 1859 sq. ft.	9/15/21	Denied
Lot 26	6.4' rear	4/24/24	Denied

Staff mailed out 28 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this write up we haven't received any comments in favor or against the request.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Mr. Alberto Salazar asked if there were any questions for staff?

Mr. Romeo Sanchez asked if the applicant has a permit?

Ms. Irasema Dimas stated No, the applicant didn't get a permit for the structure.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Mr. Ricardo Miranda lives at 1363 Garden Drive, since 2007 with his family. He started to build the pool in 2012, he hired a self contractor in 2012. He stated he contacted different companies to remove the structures that aren't in compliance with the setback. He mentioned the total quote would be around 90,000. He stated it's has lot of electrical and plumbing.

Mr. Romeo Sanchez asked if the pool is fenced in?

Ms. Irasema Dimas stated no but the applicant does have a fence along the property.

Chairman Mr. Alberto Salazar asked the staff if everything is to the rear and the side setback?

Ms. Irasema Dimas answered yes everything is in the rear and side setback

Mr. Ricardo Miranda stated he bought the property in 2007 which is lot 31 and since his children started growing so in 2018 he bought lot 32.

Mr. Jose Diaz stated his father built the pergola in 2012. His father wasn't aware about building permits for the pergola. He stated now his father is trying to do the right thing and fix the contractor mistake.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Mr. Andrew Riddle moved to close the public hearing. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Michael de Leon stated to Mr. Romeo Sanchez statement on the pergola that the applicant can be to move it. he stated he has built a pergola before and it's impossible to move it with all the cement there is probable 6 to 12 bags of cement. The applicant did not put a cost to rebuild the pool he put the cost to remove it only which he thinks the cost would be around over \$50,000.

Mr. Romeo Sanchez suggested the board be lenient since the swimming pool is a big expense and the applicant is not bringing danger to the neighbors or to anybody. He stated the pergola can be relocated.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Romeo Sanchez moved to deny the pergolas. Mr. William F. Ueckert Jr. seconded the motion. Upon further decision Mr. Romeo Sanchez and Mr. William F. Ueckert Jr. withdrew their motions.

Chairman Mr. Alberto Salazar entertained a motion. Mr. Andrew Riddle moved to Table the request to provide a detection test of the utility lines there are within the easement; if any and 811 letter from A.E.P. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

ITEM# 1.4

TO KEEP A 5.5' REAR SETBACK INSTEAD OF THE REQUIRED 10' AT 3301 SAN CLEMENTE, BEING LOT 57, SHARYLAND PLANTATION VILLAGE EL JARDIN DE LAS FLORES, AS REQUESTED BY APOLINAR REYES

Ms. Irasema Dimas stated that the subject site is located approximately 242' east of Santa Fe Street along the north side of San Clemente. The irregular lot measures a total 9,346 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 5.5'x14' pergola that was built without a permit. This violation was discovered by Code Enforcement Division while doing a sweep of the subdivision.

Staff notes that ZBA has not considered any variances in this subdivision.

Staff mailed out 27 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 45 days.

Chairman Mr. Alberto Salazar asked staff if there is a utility easement in the rear?

Ms. Irasema Dimas stated no.

Mr. Andrew Riddle asked if the H.O.A was involved?

Ms. Irasema Dimas stated she isn't sure if the applicant has been in contact with the H.O.A.

Chairman Mr. Alberto Salazar asked if the applicant had spoken to the H.O.A?

Mr. Apolinar Reyes stated yes, he has spoken to the H.O.A., he just recently purchased this property and when the title went through he thought everything was okay with the survey. Then the same day the H.O.A and city sent a letter saying there is an encroachment on his property. He stated the only issue was the back post and he was willing to make the modification to comply.

Chairman Mr. Alberto Salazar asked if anybody was in favor or against?

There was none.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Mr. Andrew Riddle moved to close the public hearing. Mr. Heraclio Flores Jr. seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Romeo Sanchez asked if the applicant will be in compliance if he were to move the fence right now?

Ms. Irasema Dimas stated if the fence is on the property line or if he wants to leave a foot off he can they don't have an ordinance against it the applicant is only 7" on the setback.

Mr. Humberto Garza asked staff what is he proposing on the back part.

Ms. Irasema Dimas stated the applicant is proposing to move the back columns in order to brace it with the front.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. William F. Ueckert Jr. moved to deny the variance request. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

ITEM# 1.5

TO KEEP 1) A 7.7' CORNER SETBACK INSTEAD OF THE REQUIRED 10', 2) A 1.9' REAR SETBACK INSTEAD OF REQUIRED 10', AND 3) TO ALLOW A TOTAL OF 868.75 SQ. FT. INSTEAD OF THE MAXIMUM 800 SQ. FT. ALLOWED AT 722 W. 4TH STREET, BEING LOT 6, BLOCK 71, MISSION ORIGINAL TOWNSITE AS REQUESTED BY SYLVIA REYNA

Ms. Irasema Dimas stated that the subject site on the Northeast corner of Holland Avenue and W. 4th Street. The lot measures 50'x150' for a total of 7,500 sq.ft.

The applicant would like the Board to consider the above-mentioned variances to keep: 1) a 22.5'x23.5' carport, 2) a 12'x20' carport, 3) a 10'x10'shed and 4) to keep 68.75 sq.ft. over the 800 sq.ft. maximum allowed. The first carport was built without a permit, the second one was built in 1990 with the house and the shed was moved in 2007.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements:

- d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 1,348 sq.ft.

Staff notes that ZBA has considered the following variances in this subdivision:

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 7, Block 33	16.4' Front Setback /5.9' Rear Setback	8/16/17	Approved

Staff mailed out 20 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this write up we haven't received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Mr. Alberto Salazar asked any questions for staff?

Mr. Romeo Sanchez asked if there was a permit?

Ms. Irasema Dimas answered that there was no permit.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Ms. Sylvia Reyna lives at 722 W. 4th street, stated she built the porch, the column first then she had submitted the permit and the permit got denied since it was on the setback.

Chairman Mr. Alberto Salazar asked how much did she spend on the porch?

Ms. Sylvia Reyna stated almost \$4,000.

Mr. William F. Ueckert Jr. asked where the other carport was located.

Ms. Irasema Dimas stated the carport was attached to the house.

Chairman Mr. Alberto Salazar asked if anybody was in favor or against?

There was none.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Mr. Humberto Garza moved to close the public hearing. Mr. William F. Ueckert Jr. seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Romeo Sanchez asked if the carport was up to code?

Ms. Irasema Dimas stated they have not inspected the structure. She stated the application has been submitted to the planning department to go and take photos and measure the structure and the setback. She mentioned staff doesn't have building inspectors inspecting the construction yet.

Mr. Romeo Sanchez stated the structure could be relocated and modified also there is a storage shed.

Mr. Humberto Garza asked Ms. Irasema Dimas is there a utility easement?

Ms. Irasema Dimas stated there is no utility easement run the lines through under the alley.

Mr. Romeo Sanchez asked how long ago was the storage shed built?

Ms. Irasema Dimas stated the shed was built in 2007.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Andrew Riddle moved to approve the shed and carport. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously. Mr. Andrew Riddle amended the motion to current footprint and allowed the 69 sq. ft. over.

ITEM# 1.6

TO KEEP AN 8' SIDE SETBACK INSTEAD OF THE REQUIRED 15' U.E. AND A 3' REAR SETBACK INSTEAD OF THE REQUIRED 15' U.E. AT 1709 TRINITY STREET, BEING LOT 11, THE GROVES AT CIMARRON, AS REQUESTED BY MIGUEL RIOS

Ms. Irasema Dimas stated that the subject site located approximately 110' west of Frio Drive along the north side of Trinity Street. The regular lot measures 120'x104' for a total of 12,480 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep a 20'x28' canopy that was built without a permit. This violation was discovered by Code Enforcement Division while doing a sweep of the subdivision. Staff notes that no permit was obtained for the swimming pool nor the storage room. There was an address changed in 2003 from 1621 Trinity to 1709 Trinity.

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 10	0' Side Setback / 10' Rear Setback	8/16/17	Approved

Staff mailed out 21 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 45 days.

Ms. Irasema Dimas stated the square footage isn't an issue its just the setbacks on the request.

Chairman Mr. Alberto Salazar asked any questions for staff?

Mr. Romeo Sanchez asked if there was a permit?

Ms. Irasema Dimas answered there is no permit.

Mr. Romeo Sanchez asked if the dotted line is the designated building area?

Ms. Irasema Dimas answered yes that's correct.

Mr. Romeo Sanchez stated the house is over the setback.

Ms. Irasema Dimas stated that was the overhang of the roof.

Mr. William F. Ueckert Jr. stated that there is a 15' utility easement that the applicant is occupying?

Ms. Irasema Dimas answered yes.

Mr. William F. Ueckert Jr. asked if the staff knew if it was water, sewer, or gas?

Ms. Irasema Dimas stated no, not at this moment.

Mr. Humberto Garza stated it could be any type of utility easement.

Mr. Andrew Riddle asked so the pole is in the over the 10' rear utility easement correct.

Ms. Irasema Dimas it is a 15' utility and electrical easement on the rear setback.

Mr. Humberto Garza asked if the applicant had gotten a variance.

Ms. Irasema Dimas asked which one?

Mr. Humberto Garza answered the swimming pool.

There was discussion on the swimming pool permit.

Mr. William F. Ueckert Jr. asked staff what is the other structure since he saw on the aerial map he saw the house, pool, and other structure.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Mr. Miguel Rios stated he can move the offset of the post of the north side of the building of the canopy.

Chairman Mr. Alberto Salazar asked if he was referring to the 20' x 20' canopy?

Mr. Miguel Rios stated yes, to move it 10' back and then brace it he said that he can't go back the 15' it will be unstable. He stated he can be allowed the existing 10' on side setback.

Mr. Romeo Sanchez stated that is 8' on the side setback.

Chairman Mr. Alberto Salazar stated applicant is willing to move the canopy 10' forward to clear the 8' side setback violation.

Mr. Miguel Rios stated he was wanting to leave them where they are located since he isn't able to move them.

Chairman Mr. Alberto Salazar stated that it actually the rear utility easement.

Mr. Miguel Rios stated the pool was built with the house.

Mr. Andrew Riddle asked applicant what year was the house built?

Mr. Miguel Rios stated In 2004 the house was built.

Chairman Mr. Alberto Salazar asked was the house built for the applicant or somebody else?

Mr. Miguel Rios stated it was built for the original owner.

Ms. Irasema Dimas stated she knows there was an address changed so the other permits are on the previous address. She mentioned in that area had some address changes back in the day.

Chairman Mr. Alberto Salazar stated he would want to wait for those permits so they can see those permits.

Mr. Romeo Sanchez mentioned that he saw another structure on the utility easement.

Ms. Irasema Dimas stated Mr. William F. Ueckert Jr. had mentioned it in the beginning of the discussion

Mr. Heraclio Flores Jr. stated It looks like a little restroom.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Humberto Garza moved to Table the varlance request. Mr. Romeo Sanchez seconded the

motion. Upon a vote, the motion passed unanimously. Mr. Andrew Riddle abstained but requested for the applicant to request a title commitment.

ITEM# 1.7

TO KEEP A 1' FRONT SETBACK INSTEAD OF THE REQUIRED 20' AND A 1.3' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AT 3703 CRISANTEMA AVENUE, BEING LOT 113, TAURUS ESTATES NO. 2, AS REQUESTED BY DANIEL GUILLEN

Ms. Irasema Dimas stated that the subject site is located approximately 513' south of Clavele Drive along the west side of Crisantema Street. The lot measures 71.71' x 100.39' for a total 7,199 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 30'x19' carport that was built without a permit. This violation was discovered by the Code Enforcement Division while doing a sweep in the area.

Staff notes that ZBA has considered the following variances in this subdivision:

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 36	7.9' Corner Setback	5/20/20	Approved
Lot 158	0' Rear / 1' Side	4/21/10	Denied

Staff mailed out 33 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request. Staff notes that if a variance is approved it would set precedence.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Mr. Alberto Salazar asked any questions for staff?

There was none.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Mr. Daniel Guillen 0' setback construction is near the property line and that is why he is asking for a variance for.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Mr. Humberto Garza moved to close the public hearing. Mr. William F. Ueckert Jr. seconded the motion. upon a vote, the motion passed unanimously.

Mr. Romeo Sanchez when was the carport built?

Ms. Irasema Dimas stated in 2019 or 2020

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Andrew Riddle moved to deny the variance request. Mr. Romeo Sanchez seconded the motion. upon a vote, the motion passed unanimously.

ITEM# 1.8

TO ALLOW A 7' REAR SETBACK INSTEAD OF THE REQUIRED 15' AT 4003 AZUCENA STREET, BEING LOT 60, COLINAS DEL RIO PH. 2, AS REQUESTED BY ROSALVA SALINAS

Ms. Irasema Dimas stated that item was previously seen on January 17, 2024 for a 10' front carport setback and a 2.6' rear setback for the shed. ZBA voted to approve the front variance and deny the rear variance. On February 21, 2024, ZBA denied a 5' side setback and 3' rear setback for the gazebo. Now the property owner is proposing to move the poles 4' to have a total of 7' instead of the required 15'.

The subject site is located approximately 70' north of Azalea Street along the west side of Azucena Street. The lots measures 60'x100' for a total of 6,000 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep the a 15'x17' gazebo; which was built without obtaining the proper permits.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 19, Phase III	0'Front/5.7' Side	4/21/21	Denied
Lot 59, Phase II	0'Front/3'Side/1'Rear	9/20/23	Approved
Lot 60, Phase II	10' Garage/Carport & 2.6' Rear for the Shed	1/17/24	Approved Garage & Denied Rear
Lot 60, Phase II	3' Rear for the Gazebo	2/10/24	Denied

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structure need to be modified or removed to comply with the required setbacks.

Chairman Mr. Alberto Salazar asked any questions for staff?

There was none

Chairman Mr. Alberto Salazar asked if the applicant was present?

Ms. Rosalva Salinas lives at 4003 Aazucena Street, she stated she wanted to see if they will allow the carport modifications and with 7' rear setback.

Chairman Mr. Alberto Salazar asked if there is a side setback

Ms. Irasema Dimas stated yes.

Chairman Mr. Alberto Salazar asked if the board is looking at the shed as well

Ms. Irasema Dimas stated the shed was denied and Ms. Rosalva Salinas stated she already removed the shed.

Chairman Mr. Alberto Salazar asked she is asking for a 3' setback.

Ms. Irasema Dimas stated no she was asking for a 7' rear setback and keep structure on the side setback.

Mr. Romeo Sanchez explains the applicant wants to leave the roof structure.

Chairman Mr. Alberto Salazar asked if there was anyone in favor or against?

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Mr. Humberto Garza moved to close the public hearing. Mr. William F. Ueckert Jr. seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Andrew Riddle stated there are multiple violations of building. He stated she is going to move it over 4' he can't imagine wood handling it over 4' itself

Mr. Romeo Sanchez stated it would require a massive structure to support that.

Ms. Irasema Dimas stated if you were to approve it, staff would require a building permit especially since the gazebo requires light so the gazebo requires an electrical permit as well

Mr. Romeo Sanchez asked if there is a utility easement?

Ms. Irasema Dimas answered yes in the previous request she had provided an 811 letter.

Chairman Mr. Alberto Salazar asked staff so the applicant could make any modifications they would go through the permit process.

Ms. Irasema Dimas stated that yes correct it might be more modifications than what the applicant is proposing based on the structure that would be with the building inspectors to modify with.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Andrew Riddle moved to deny the 15 x 17 gazebo. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

ITEM# 1.9

TABLED: TO KEEP A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK AND A 0' REAR SETBACK INSTEAD OF THE REQUIRED 10' AT 117 RIO GRANDE GRIVE, BEING ALL OF LOT 18, BLOCK 9, RE-SUBDIVISION PLAT OF BLOCK 9 CIMARRON COUNTRY CLUB PHASE I SECTION II AS REQUESTED BY JESUS ORDORICA

Chairman Mr. Alberto Salazar entertained a motion to remove from table. Mr. Romeo Sanchez moved to untabled the variance request. Mr. William F. Ueckert Jr. seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Irasema Dimas stated that item was previously tabled on February 21, 2024 in order to allow the applicant an opportunity to get with the HOA.

The subject site is located approximately 460' east of Cimarron Drive along the north side of Rio Grande Drive. The irregular lot measures a total 9,096 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 5'x20' storage shed and a 21'x20' carport, that were built without a permit.

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 5, Block 9	10' front	7/9/02	Approved
Lot 8, Block 9	15.3' garage	4/17/19	Approved

Staff mailed out 15 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Mr. Alberto Salazar asked if there were any questions for staff?

Mr. Romeo Sanchez stated if its usual no permits on the encroachments. He asked if the carport is fabric cloth?

Ms. Irasema Dimas answered yes.

Chairman Mr. Alberto Salazar stated the board made them go back to H.O.A

Ms. Irasema Dimas stated the board wanted the applicant to go back to obtain H.O.A letter.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Mr. Jesus Ordorica lives at 117 Rio Grande Drive was present.

Chairman Mr. Alberto Salazar asked if the board had any questions for the applicant?

Mr. Romeo Sanchez asked the applicant when was the carport was placed?

Mr. Jesus Ordorica stated the carport was built around 5-6 years in October. The construction started since there was a problem with all the vehicles being out in the street so he decided to build the carport since the slab was already on his property.

Chairman Mr. Alberto Salazar asked if there was anybody in favor or against?

Mr. Larry Fair lives at 122 Rio Grande Drive, stated he is currently the president of the Cimarron H.O.A. He stated they had architectural community at Cimarron they had brought in the issue about 4 or 5 years ago when it was proposed also when it was noticed by the owners in the neighborhood. As far as the H.O.A was concerned; it was built they made an issue and go ahead and let the carport stand as far as it was considered temporary. Also, one of the biggest complaints to the H.O.A had been that a lot of the houses have cars parking on the street. So, the board decided to see if there was any issue after the structure of the carport was built. He stated it faced the alley in rear of house since it wasn't visible from the street. Mr. Larry fair stated there are other houses that have carports on the properties that have been built. He

mentioned that he isn't sure how to address the matter, The H.O.A has bylaws stating that the owners aren't allowed to have any carports on their property.

Chairman Mr. Alberto Salazar asked Ms. Irasema Dimas if the board was to approve the request today, if the applicant decide to move and the new owner decides to enclose the carport to an addition does the H.O.A have regulations or does the H.O.A have no power at all.

Ms. Irasema Dimas stated the new owner decides to enclose the carport they would be able to.

Mr. Romeo Sanchez asked Mr. Larry Fair about the car in violation of the home owner association since the carports aren't allowed in.

Mr. Larry Fair stated the Architectural community association states the carports are not allowed. He mentioned the H.O.A was getting complaints about cars on the street and the carports were a solution. He stated the applicant has currently four vehicles and the bylaws have to have a 2-car garage.

Mr. Romeo Sanchez stated the applicant has a garage on the rear of the property.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Mr. Romeo Sanchez moved to close the public hearing. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously. Mr. Andrew Riddle abstained.

Mr. Andrew Riddle mentioned he will not be voting on this item but he does want to include Mr. Larry Fair is onto something about the carports even though they are against code the cars do start to stack up on the street and create congestion and hazards on the street.

Mr. Romeo Sanchez stated he understand but the applicant does have garage there they shouldn't be parked in the front on the street.

Mr. Michael De Leon mentioned the applicant has four vehicles.

Chairman Mr. Alberto Salazar said the board is looking at the 5' x 20' storage shed it a portable shed. He mentioned it would be the side setback the board is looking at for the shed.

Ms. Irasema Dimas stated yes the side setback he has a 0' side setback.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Romeo Sanchez moved to deny the storage shed. Mr. William F. Ueckert Jr. seconded the motion. Upon a vote, the motion passed unanimously. Mr. Andrew Riddle abstained.

Chairman Mr. Alberto Salazar stated the board is going to be voting on the 21' x 20' carport it's a steel fabric cloth. He mentioned that he can enclose the structure if the board approve the variance request.

Mr. Romeo Sanchez mentioned the fact they are in violation of the H.O.A then the carport should have been built and it was built without a permit. He feels the carport should be denied.

Mr. Heraclio Flores asked Mr. Andrew Riddle if the cars stacking on the street is a safety concern there is children that live in the neighborhood.

Ms. Irasema Dimas stated if the board was to deny the structure he still has an area to park the vehicles.

Mr. William F. Ueckert Jr. stated the applicant already has an area to park the four vehicles.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Romeo Sanchez moved to deny the 21' x 20' Carport. Mr. William F. Ueckert Jr. seconded the motion. Upon a 3-2 vote, with Mr. Humberto Garza and Mr. Michael De Leon opposed the denial. The motion was denied.

ITEM# 2.0

TABLED: TO KEEP A 3' REAR SETBACK INSTEAD OF THE REQUIRED 10' AND TO ALLOW 323 SQ. FT. OVER THE 3% MAXIMUM ALLOWED FOR STORAGE ROOMS AT 2709 TULIPAN AVENUE, BEING LOT 14, INSPIRATION HEIGHTS, AS REQUESTED BY JESUS CARDENAS

Chairman Mr. Alberto Salazar entertained a motion to remove from table. Mr. Andrew Riddle moved to untabled the variance request. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Irasema Dimas stated that item was previously tabled on April 10, 2024 in order to allow staff an opportunity to get pictures from the inside of the shed. Staff has obtained those pictures and are included on the packet.

The subject site is located at the end of the cul-de-sac of Montecruz Street and Tulpan Avenue. The irregular lot measures a total of 6,425.52 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 17'x19' storage room. The applicant obtained a building permit for a 12.6'x24' shed adjacent to the house on 8/4/22, which staff mistakenly approved due to showing compliance with required setbacks but not factoring the square footage allowed for portable buildings. However, the applicant decided to build a bigger shed and leaving a small distance between the house and the shed. It is noted that this violation was discovered by Code Enforcement Division while doing a sweep in the area.

Section 1.59-4(a) states: An accessory building not exceeding 20 feet in height may occupy not more than 30 percent of the rear yard and unenclosed parking spaces may occupy not more than 90 percent of the area of a required rear yard. An accessory building, however, shall be no closer than 12 feet to the main building and no closer than four feet to any rear lot line.

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 7	5' Rear Setback	4/10/2024	Approved
Lot 8	3' Rear Setback	4/10/2024	Approved

Staff mailed out 20 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request. Staff notes that if a variance is approved it would set precedence.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Mr. Alberto Salazar asked any questions for staff?

There was none

Chairman Mr. Alberto Salazar asked if the applicant was present?

The applicant wasn't present.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Mr. Humberto Garza moved to close the public hearing. Mr. William F. Ueckert Jr. seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Romeo Sanchez stated the storage shed is a multi-use structure

Ms. Irasema Dimas stated Mr. Jesus Cardenas he is storing the items for future use because he had a warehouse before.

Mr. William F. Ueckert Jr. asked when was the structure built.

Ms. Irasema Dimas stated he obtain the building permit back in 2022 by it was 12.6 x 24 the applicant decide to built it bigger and add a restroom and a sink.

Mr. Williams F. Ueckert Jr. asked the second floor?

Ms. Irasema Dimas stated the second floor was added with the original first permit.

Mr. Andrew Riddle asked if it was approved on the permit.

Ms. Irasema Dimas stated yes mistakenly but it was approved.

Mr. Romeo Sanchez asked if the staff was inspecting it.

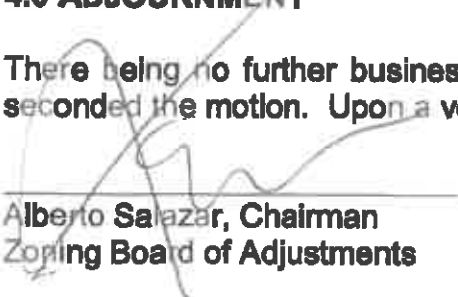
Ms. Irasema Dimas answered no he never called for inspections.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Romeo Sanchez moved to deny variance request. Mr. William F. Ueckert Jr. seconded the motion. Upon a vote, the motion passed unanimously.

3.0 OTHER BUSINESS

4.0 ADJOURNMENT

There being no further business, Mr. Andrew Riddle moved to adjourn. Mr. Romeo Sanchez seconded the motion. Upon a vote, the motion passed unanimously at 7:38 p.m.


Alberto Salazar, Chairman
Zoning Board of Adjustments

**ZONING BOARD OF ADJUSTMENTS
JUNE 26, 2024
CITY HALL'S COUNCIL CHAMBERS**

ZBA PRESENT

Dolly Elizondo
Heraclio Flores Jr.
William F. Ueckert Jr.
Romeo Sanchez
Humberto Garza Garza

ZBA ABSENT

Andrew C. Riddle
Alberto Salazar
Michael R. De Leon

STAFF PRESENT

Susie De Luna
Jessica Munoz
Irasemia Dimas
Alex Hernandez

GUESTS PRESENT

Jose Espinosa
Edi Coronado
Maribel Cavazos
Griselda M. Perez
Jaime Perez
Armando Landios
Della Landois
Ricardo Sierra
Eluid Lopez
Luis Chaves
Gina B. Salinas
Roel Vela
Patricia De La Fuente
Raul Hernandez
Gladys Ramos
Julia S. Montoya
Miguel A. Rios
Carlos A. Trevino
Miguel Nunez
Juan Salinas
Mayra Gonzalez
Manuel Suchil

CALL TO ORDER

Vice Chairman Mr. Heraclio Flores called the meeting to order at 4:34 p.m.

CITIZENS PARTICIPATION

Vice Chairman Flores asked if there was anyone in the audience that had anything to present or express that was not on the agenda.

There was none.

Conflict of interest – Romeo Sanchez for Item 1.7, and Humberto Garza for items 2.0, 2.2, and 2.6

APPROVAL OF MINUTES FOR MAY 29, 2024

Vice Chairman Flores asked if there were any corrections to the minutes. Mr. Sanchez moved to approve the minutes with corrections. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.1

TO KEEP AN 8' CARPORT SETBACK INSTEAD OF THE REQUIRED 18' AT 2809 ABBOTT AVENUE, BEING LOT 117, ABBOTT MANOR PHASE I SUBDIVISION AS REQUESTED BY MAYRA L. GONZALEZ

Ms. Irasema Dimas stated that the subject site is located on the southwest corner of W. 29th Street and Abbott Avenue. The lot measures 60'x103' for a total of 6,180 sq.ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 20'x21' metal carport that was built without obtaining the proper permits. The violation was discovered by Code Enforcement while doing a sweep in the area.

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 106	11' Front	3/13/2001	Approved
Lot 72	1.5' Front	8/19/2009	Tabled
Lot 151	4' Side	8/19/2009	Approved

Staff mailed out 32 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this write up, staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Vice Chairman Flores asked if he could request that the applicant approach the board.

Ms. Dimas stated that he could request the applicant to approach or ask questions to staff.

Mr. Sanchez asked if permits were obtained.

Ms. Dimas replied no, permits were not obtained.

Mr. Sanchez asked if staff made an error in the processing of this request or what was the reason this item was being seen.

Ms. Dimas stated that this item was being seen, because no permits were obtained for the structures.

Vice Chairman Flores asked that if there was anyone in the audience in favor or against the request.

There was none.

Vice Chairman Flores asked if the applicant was present.

Mrs. Mayra Gonzalez stated that she resides at 2809 Abbott Avenue. She mentioned that she was out of town for two years and when she came back she noticed she was receiving letters from the city. She added that when she paid the person she hired for her construction she never checked if they obtained permits. She stated that she checked with the city if permits were obtained and the person from the city mentioned that she didn't have a permit for the construction she has. She added that she was sure that she had a permit or some short of paper in reference to her construction. She stated that the person she spoke to from the city told her that she only had a permit for the middle part of the construction.

Vice Chairman Flores asked if the board had questions for the applicant.

Mr. Sanchez asked if she stated that she was out of town.

Mrs. Mayra Gonzalez replied "yes".

Mr. Garza asked if she revised the permit application that the contractor did.

Mrs. Gonzalez stated that she was out of town and paid the contractor to do all the process for her.

Ms. Elizondo stated that Mrs. Gonzalez mentioned that she was not present when the construction was being conducted.

Mr. Sanchez stated that he was confused with the setback requirements. He added that staff had 18' garage setback. He mentioned that if that was the current garage.

Ms. Dimas stated it was not a garage that it was a carport.

Mr. Sanchez asked if the carport met the setback requirements.

Ms. Elizondo stated that the setback should be 18' and 8' were left.

Vice Chairman Flores asked that if there was anyone in the audience in favor or against the request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Sanchez stated that he had an issue with the front setback.

There being no further discussion, Vice Chairman Mr. Heraclio Flores entertained a motion. Mr. Romeo Sanchez moved to deny the variance request. Ms. Dolly Elizondo seconded the motion. Upon a vote the motion passed unanimously.

ITEM #1.2

TO KEEP A 0' SIDE SETBACK TO THE SOUTH AND A 1' SIDE SETBACK TO THE NORTH INSTEAD OF THE REQUIRED 6' AND A 1' REAR SETBACK INSTEAD OF THE REQUIRED 10', AT 3009 COPPER AVENUE, BEING LOT 108, FAIRMONT ESTATES AS REQUESTED BY JULIA S. MONTOYA

Ms. Irasema Dimas stated that the subject site is located 72' north of W. 30th ½ Street along the west side of Copper Avenue. The lot measures 60' x 103' for total of 6,180 sq.ft.

The applicant would like the Board to consider the above-mentioned variances to keep: 1) an 8'x50' metal carport and a 2) 13'x13' pergola that were built without a permit. Staff notes that there is a permit for the gazebo. The violation was discovered by Code Enforcement while doing a sweep in the area.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 44	4.4' Rear & 1' Side	5/17/2006	Denied

Staff mailed out 46 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this write up we haven't received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Mr. Sanchez asked if a permit was obtained.

Ms. Dimas stated that no permit was obtained and that the only permit that was obtained was for the pergola.

Mr. Garza asked if a permit was obtained for the gazebo/pergola and if the permit was approved?

Ms. Dimas replied yes, the permit was approved and obtained.

Mr. Garza asked that if the gazebo/pergola was inspected.

Ms. Dimas replied the gazebo/pergola probably weren't inspected. She added that if the gazebo/pergola were inspected the inspectors would have noticed that it was encroaching into the setback.

Mr. Sanchez asked that if pictures were taken for the gazebo.

Ms. Elizondo stated that the aerial being presented showed it as a pergola.

Mr. Garza asked that if staff can verify if any inspections were done. He mentioned that the pergola looked like it had been there for a long time.

Ms. Dimas stated that she wanted to make a correction. She mentioned that no permit was obtained for none of the structures.

Mr. Garza asked if there was an easement in the rear of the property.

Ms. Dimas stated it was an easement and that the picture was not reflecting the utility easement.

Vice Chairman Flores asked that if the applicant was present.

Mrs. Montoya who resides at 3009 Copper Avenue stated that she purchased the home as is. She added that when she purchased the home they told her that everything was in order.

Mr. Sanchez asked Mrs. Montoya if she purchased the home exactly as is.

Mrs. Montoya stated that she purchased the home as is. She added that it was purchased towards the end of 2016.

Mr. Garza asked if staff sited the other homes in the area.

Ms. Dimas replied yes, "those violations will be seen on this agenda".

Ms. Elizondo stated that this agenda had 3 different items that were in Fairmont Estates.

Mr. Sanchez stated that the home was purchased as is.

Mrs. Julia Montoya stated that the home was purchased as is. She didn't know that she was violating any requirements. She stated that she found out when she started receiving letters in the mail. She mentioned that she called the realtor and was advised that an inspector inspected the home and everything was ok. She added that she spoke to someone that told her that the carport could be modified but if she did the carport would be very narrow for her cars.

Mr. Sanchez stated that it saddens him that the problem was not brought up to her attention before she purchased the home. He added that a survey is usually done before purchasing the home, and that survey indicates all of these problems.

Mrs. Montoya stated that she resided in California when she hired the realtor to do everything for her. She added that the only thing she did was sign the contract and move in. She mentioned that she thought everything was legal. She mentioned that where she came from a permit was needed for everything.

Vice Chairman Flores asked that if there was anyone in the audience in favor or against the request.

There was none.

Vice Chairman Flores asked that if staff kept a list of subdivisions violations.

Ms. Dimas stated that staff has a log with all the cases that go before the board.

Ms. Elizondo stated that she wanted to advise the committee that there was a denial in 2006.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. Humberto Garza moved to close the public hearing. Ms. Dolly Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

The first item being discussed is the 13'x13' pergola.

There being no further discussion, Vice Chairman Mr. Heraclio Flores entertained a motion. Mr. Humberto Garza moved to deny the variance request for the 13'x13' pergola, he stated that his reason for denial was that the pergola was on a utility easement. Ms. Dolly Elizondo seconded the motion. Upon a vote the motion passed unanimously.

The second item being discussed is the 8'x50' carport.

There being no further discussion, Vice Chairman Mr. Heraclio Flores entertained a motion. Mr. Romeo Sanchez moved to deny the variance request for the 8'x50' carport. Ms. Dolly Elizondo seconded the motion. Upon a vote the motion passed unanimously.

ITEM#1.3

TO KEEP A 7' CARPORT SETBACK INSTEAD OF THE REQUIRED 18', A 4.6' SIDE SETBACK TO THE WEST AND A 2.6' SIDE SETBACK TO THE EAST INSTEAD OF THE REQUIRED 6', AND A 4.6' REAR SETBACK INSTEAD OF THE REQUIRED 10' AT 909 W. 30TH ½ STREET, BEING Lot 50, FAIRMONT ESTATES AS REQUESTED BY RICARDO SIERRA

Ms. Dimas stated that the subject site located approximately 405.70' east of Abbott Avenue along the south side of W. 30th 1/2 Street. The lot measures 60'x113' for a total 6,780 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: 1) a 19'x19' carport, 2) a 11'x17' pergola, and 3) an 8'x10' shed that were built without permits. These violations were discovered by Code Enforcement Division while doing a sweep of the subdivision.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 44	4.4' Rear & 1' Side	5/17/2006	Denied

Section 1.371(2) Permitted Uses: (c) of the Mission Code of Ordinances states that: One portable building not more than three percent of the lot's net square footage used for either storage, hobby or other similar uses. Therefore, one storage room will need to be removed from the property.

Staff mailed out 31 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Vice Chalman Flores asked if there was anyone in favor or against this request.

There was none.

Vice Chalman Flores asked that if the applicant was present.

Mr. Ricardo Sierra who resides at 909 W. 30 1/2 Street stated that he did consider not being close to his neighbors. He mentioned that a permit was not obtained. He added that since he did consider leaving the space between the neighbors and structures that everything would be ok.

Mr. Sanchez asked that what was the reason a permit wasn't obtained.

Mr. Ricardo Sierra stated that he was not aware of the city requirements. He added that the reason that he built the carport was for safety purposes, and weather.

Mr. Garza asked if he would consider relocating the pergola.

Ms. Elizondo asked that if the storage sheds were movable. He mentioned that in the pictures it appears that the sheds are on cement block.

Mr. Ricardo Sierra stated that the storage sheds are movable. He added that if he would move them that he would need to remove the grapefruit tree. He mentioned that the pergola was on cement and the reason it was built that size was for gatherings.

Ms. Elizondo asked if he had reached out to any utility companies because his structures were over a utility easement.

Mr. Ricardo Sierra stated that when his cable was installed he asked the person working on it he would build a pergola if he would need to notify them. Mr. Sierra asked that the person working on his utility line "cable" be moved to the edge so he could plant a tree. He mentioned that the person told him that he could build over it.

Mr. Garza stated the pergola appeared to be bolted to the cement.

Mr. Sierra stated it was a boot that was installed when the cement was built. He mentioned that the 4'x4' was placed on the boot.

Mr. Garza asked if the 4'x4' was in the cement.

Mr. Sierra replied no it's above the cement.

Ms. Elizondo asked that if the pergola had electricity.

Mr. Ricardo Sierra replied "no".

Vice Chairman Flores asked that if there was anyone in the audience in favor or against this request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Romeo Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Sanchez stated that he agreed with Mr. Humberto Garza. He mentioned that the applicant can move and salvage the units in the back of his property.

The first item being discussed is the 11'x17' Pergola.

There being no further discussion, Vice Chairman Mr. Flores entertained a motion. Mr. Humberto Garza moved to deny the variance request for the 11'x17' Pergola, he stated that his reason for denial was that the pergola was on a utility easement. Ms. Dolly Elizondo seconded the motion. Upon a vote the motion passed unanimously.

The second item being discussed is the storage sheds.

There being no discussion, Vice Chairman Flores entertained a motion. Mr. Humberto Garza moved to deny the variance request for the shed, he stated that his reason for denial was that the shed was on a utility easement. Mr. Romeo Sanchez seconded the motion. Upon a vote the motion passed unanimously.

Third item being discussed is the 19'x19' carport.

There being no discussion, Vice Chairman Flores entertained a motion. Mr. Romeo Sanchez moved to deny the variance request for the 19'x19' carport. Ms. Dolly Elizondo seconded the motion. Upon a vote the motion passed unanimously.

Vice Chairman Flores asked that if a motion needed to take place for the second shed.

Ms. Dimas replied no, only one shed is allowed and that information will be addressed in the later action.

ITEM# 1.4

TO KEEP A 2' CARPORT SETBACK INSTEAD OF THE REQUIRED 18', A 0' SIDE SETBACK TO THE SOUTH, A 1' SIDE SETBACK FOR THE NORTH INSTEAD OF THE REQUIRED 6', A 4.6' REAR SETBACK INSTEAD OF THE REQUIRED 10', AND TO ALLOW A TOTAL OF 1,252 SQ.FT INSTEAD OF THE MAXIMUM 800 SQ.FT ALLOWED AT 3008 ABBOTT AVENUE, BEING LOT 38, FAIRMONT ESTATES, AS REQUESTED BY JOSE LUIS ESPINOSA

Ms. Dimas stated that the subject site is located 70' south of W. 30th 1/2 Street entrance along the east side of Abbott Avenue. The lot measures 60'x102.92' for a total 6,175.20 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: 1) a 20'x20' metal carport, 2) a 12'x35' carport, which the applicant is proposing to move the post to comply with the setbacks, 3) a 14'x24' covered patio, 4) an 8'x12' shed, and 5) to keep 452 sq.ft. over the 800 sq.ft. maximum allowed that were built without permits. These violations were discovered by Code Enforcement Division while doing a sweep of the subdivision.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements:

- d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 1,344 sq.ft.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 44	4.4' Rear & 1' Side	5/17/2008	Denied

Staff mailed out 27 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 60 days.

Ms. Elizondo stated that this item was also in Fairmont Estates.

Vice Chairman Flores asked that if there was anyone in favor or against this request.

Mr. Jose Espinoza who resides at 3008 Abbott Avenue stated that the carport on the side was not a carport it was a patio. He added it was modified to a 26'x8'. He added that the reason the carport in the front was built was to protect his cars from hail damage. He stated that the 12'x35' carport/patio was there when he purchased the home.

Ms. Elizondo asked if one had been modified.

Mr. Espinoza stated yes, to a 26'x8'.

Mr. Sanchez asked that if a permit was obtained for the modifications.

Mr. Espinoza stated that he applied for the building permit but it was denied. He added that when he was at the permits department he advised them that the patio/carport was being modified.

Ms. Elizondo asked Mr. Jose Espinoza you applied for your permit and it was denied. She added you were at mid construction when your permit was denied.

Mr. Jose Espinoza stated that he came to the city to apply for his permits after receiving the letters.

Discussion between the board members continued.

Ms. Elizondo stated that Mr. Espinoza modified the 12'x35' to a 6'x26'. She added that he moved the structure into the setback.

Mr. Garza asked that if staff verified the modification.

Ms. Dimas stated "no".

Mr. Espinoza stated that he was also modifying the 14'x24' covered patio in the rear of his property. He added that when staff went to take pictures of his structures he asked that if he could move his poles and that staff advised him that he could move his poles to 10'.

Vice Chairman Flores asked that if all structures were modified.

Mr. Espinoza stated he has not started on the 14'x24' covered patio.

Vice Chairman Flores suggested that Mr. Espinoza gets all the information from the city for the measurement he needs.

Vice Chairman Flores entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Romeo Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Humberto Garza moved to table the variance request until staff inspects the property. Mr. Romeo Sanchez seconded the motion. Upon a vote the motion passed unanimously.

ITEM# 1.5

TO KEEP A 0' CARPORT SETBACK INSTEAD OF THE REQUIRED 18', A 4' SIDE SETBACK INSTEAD OF THE REQUIRED 6', AND A 5' REAR SETBACK INSTEAD OF THE REQUIRED 10' AT 903 W. 30TH ½ STREET, BEING LOT 47, FAIRMONT ESTATES AS REQUESTED BY EDI CORONADO

Ms. Dimas stated that the subject site is located 225.70' west of Abbott Avenue along the south side of W. 30th ½ Street. The lot measures 60'x113' for a total 6,780 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: 1) a 22'x24' prefabricated carport and 2) a 20'x10' shed that were built without permits. These violations were discovered by Code Enforcement Division while doing a sweep of the subdivision.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 44	4.4' Rear & 1' Side	5/17/2006	Denied

Staff mailed out 41 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Vice Chairman Flores stated that this subdivision had a lot of violations. He mentioned that Lot 44, Fairmont Estates was denied.

Ms. Dimas stated that Lot 44, Fairmont Estates was the only item that had been seen by ZBA in that subdivision and was denied. She added that the two previous items that were also seen were in the same subdivision.

Ms. Elizondo stated this item was the 3rd item on that subdivision that was being addressed. She asked what was the difference of a prefabricated carports.

Ms. Dimas stated that the city's code doesn't allow prefabricated carports. She added that if the board would grant the variance and the applicant decides to built something other than a prefabricated carport. She would be able to.

Ms. Elizondo stated that if the variance would be granted the applicant would be able to enclose the structure and add an a/c.

Ms. Dimas stated that by granting a variance for any setback violation. Any future owner could enclose the structure and make it into a living area.

Mr. Sanchez stated that the prefabricated carport was also violating the setbacks and a permit was not obtained.

Vice Chairman Flores asked if there was anyone in the audience in favor or against this request.

There was none.

Vice Chairman Flores asked if the applicant was present.

Mrs. Esmeralda Coronado who resides at 903 W. 30th 1/2 Street stated that she was not aware a permit needed to be obtained for her carport. She mentioned that the reason it was built was to protect her cars from the bad weather. She added that the shed in the rear of her property was for her and her husband's tools.

Mr. Sanchez asked what was the reason a permit was not obtained.

Mrs. Coronado stated that she was not aware a permit was needed.

Vice Chairman Flores asked that if there was anyone in the public against the request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. Romero Sanchez moved to close the public hearing. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Dimas stated board member Mr. William Ueckert joined the meeting.

Mr. Sanchez stated the storage shed looked like it was movable.

Ms. Dimas asked if the shed was movable.

Mrs. Coronado replied that it was on blocks.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Romeo Sanchez moved to deny the variances requested for the carport and shed. Mr. Romeo Sanchez stated that the shed was movable. Mr. Humberto Garza seconded the motion. Upon a vote the motion passed unanimously.

ITEM# 1.6

TO ALLOW A TOTAL OF 11,490 SQ.FT INSTEAD OF THE MAXIMUM ALLOWED 1,487 SQ.FT. AT 1217 RAGLAND ROAD, BEING ALL OF LOT 33, SHARYLAND ORCHARDS AND ALL OF LOT 4, YEWELL SUBDIVISION, AS REQUESTED BY RH CONSTRUCTION

Ms. Irasema Dimas stated that the subject site located approximately 312' north of School Lane along the west side of Ragland Street. The lots measure a total 102,025.13 sq. ft or 2.34 acres.

The applicant would like the Board to consider the above-mentioned variance to allow them to build a 119'x80' storage warehouse with 2 covered concrete slabs.

Accessory structures are allowed on R-1A (Large Lot Single Family Residential) lots, however, they need to meet the following requirements:

d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 3,717 sq.ft.

Staff notes that ZBA has not considered any variances within this subdivision.

Staff mailed out 27 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Plans can be modified to comply with maximum square footage allowed.

Mr. Sanchez asked if this item was in the planning process.

Ms. Dimas stated yes, it's in the planning process.

Vice Chairman Flores asked what was the reason for the variance. He asked that if the structure the applicant wanted to build was bigger than the home.

Ms. Dimas replied the percentage was based on the sq. ft. of the home. She added if the home is 2000 sq. ft. there allowed to build 40% for accessory structures.

Mr. Sanchez asked that if the property was an irregular lot.

Ms. Dimas stated that it was an irregular lot. She added that it was two lots.

Ms. De Luna stated it was not an irregular lot.

Mr. Sanchez stated the home was on one lot and the structure being proposed in the other lot.

Ms. Dimas stated the home and the new structure being proposed had the same entrance. She added that the other property didn't have access to the other street.

Mr. Garza stated they were combining both lots together.

Vice Chairman Flores stated it was not a separate lot that had access to a street. He added that the property was land locked.

Mr. Alex Hernandez confirmed that the property was land locked.

Mr. William Ueckert stated the building that the applicant wanted to build exceeded the 40% of what is allowed for accessory structures and the variance the applicant is asking for was on the sq. ft. for accessory structures. He added that what was the storage going to be used for.

Vice Chairman Heraclio asked if the applicant was present.

Mr. Raul Hernandez stated that he was the general contractor for the project. He mentioned that the house was fairly new and now that he is settled in he wanted to bring all his belongings together. He mentioned that his client was renting a warehouse to store all his personal belongings and would like to build the one being proposed to store everything he had. He stated that his client purchased that property because it had enough room to build what he wanted. He added that the property where the warehouse is being proposed showed an abandoned road which is included in the survey.

Mr. Sanchez asked what was the type of construction that was being proposed.

Mr. Hernandez stated it was a metal warehouse.

Mr. William Ueckert asked if any type of business was going to be conducted.

Mr. Hernandez stated it will be used for his personal belongings.

Mr. Sanchez asked where did one lot start and the other one end

Mr. Hernandez stated Lot 4 is the landlocked property which is surrounded by residences.

Ms. Elizondo asked if he owned Lot 3.

Mr. Hernandez stated yes, but the actual home is not within that subdivision where Lot 3 and Lot 4 are. He added that one lot is part of Shary Orchards Subdivision and the other one to Yewell Subdivision.

Mr. Ueckert stated that the lot width was 135.55 ft and the building measured 119 ft which would leave you with 16ft. He added that there was a 10' setback.

Mr. Hernandez stated that the way the building was being proposed met all required setbacks.

Mr. Sanchez asked that if there were any restrictions on what can be built.

Ms. Dimas stated that once the 3 lots are combined it was considered as one. She added that if the proposed structure was being proposed only on lot 4 it would be denied.

Discussion amongst the board in regards to the size of the structure continued.

Mr. Garza asked if the irrigation pipe was abandoned.

Ms. Elizondo stated she sold the property next door and that according to the united irrigation district it was abandoned.

Mr. Romeo asked what was the proposed height.

Mr. Raul Hernandez stated it was 16' high.

Vice Chairman Flores asked that if there was anyone in the audience in favor or against this request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. Romeo Sanchez moved to close the public hearing. Ms. Dolly Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Vice Chairman Mr. Heraclio Flores entertained a motion. Mr. Romeo Sanchez moved to approve the variance request. Mr. Humberto Garza seconded the motion. Upon a vote the motion passed unanimously.

ITEM# 1.7

TO ALLOW A 10' REAR SETBACK INSTEAD OF THE REQUIRED 20' AT 2503 CARDINAL AVENUE, BEING LOT 36, HIDDEN VILLAGE, AS REQUESTED BY JESUS R. RAMOS

Ms. Irasema Dimas stated that this item was previously seen on January 17, 2024 for a 3' rear setback instead of the required 20'. ZBA voted to deny the variance. Now the property owner is

proposing to move the poles 7' to have a total of 10' instead of the required 20'. It is noted that there is a 10' United Irrigation Easement along with a 10' utility easement.

The subject site is located at the end of the cul-de-sac of E. 25th Street and Cardinal Avenue on the west side of Cardinal Avenue. The irregular lot measures a total 10,944 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 23'x19' canopy and a 10'x10' storage, the canopy was built last year and the shed was moved in in 2021 without obtaining the proper permits.

Staff notes that ZBA has considered the following variance within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 36	3' Rear	1/17/2024	Denied

Staff mailed out 15 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Ms. Dimas advised the board that Mr. Sanchez would not be acting on this item due to a conflict of interest.

Vice Chairman Flores asked that if the board had any questions for staff.

There was none.

Vice Chairman Flores asked that if there was anyone in favor or against this request.

Mrs. Gladys Ramos was present she stated she was Mr. Jesus Ramos wife. She added that she understood her situation and was going to move the poles 10' that is required. She stated that she was not aware that the storage shed needed to be moved.

Mr. Garza stated the property had two utility easements and that the required ft was 20' ft.

Mrs. Gladys Ramos stated that she was advised it was 10ft.

Mr. Garza stated he was looking at the subdivision plat and it shows a 10' irrigation and a 10' utility easement which equals a total of 20'ft.

Ms. Dimas stated in January when this item was first seen by ZBA a 3' rear setback it was denied. She mentioned what is being proposed now is a 7' rear setback. She added that the applicant would comply with the 10' utility easement but not the 10' united irrigation easement. She stated that this lot had a 20' setback.

Mrs. Ramos stated 20ft.

Mr. Garza stated yes. He added that she could move the carport where the cars were parked.

Vice Chairman Flores asked that if there was anyone in audience in favor or against this request

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

Vice Chairman Flores asked if the applicant would call 811 and the report would come back with no utility easements in the property can the applicant re apply.

Ms. Elizondo stated the property was all concrete.

Mr. Garza stated that the concrete could be broken if needed but if a variance was granted that structure could be enclosed at any time.

There being no further discussion, Vice Chairman Mr. Heraclio Flores entertained a motion. Mr. Humberto Garza moved to deny the variance request. Ms. Dolly Elizondo seconded the motion. Upon a vote the motion passed unanimously. With Mr. Romeo Sanchez abstaining.

ITEM# 1.8

TO KEEP A 0' AND A 1' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AND TO ALLOW A TOTAL OF 969 SQ.FT INSTEAD OF THE MAXIMUM 800 SQ.FT ALLOWED AT 2018 W. 42ND 1/2 STREET, BEING LOT 3, TAURUS ESTATES NO. 9, PHASE 2, AS REQUESTED BY ADRIANA GARZA

Ms. Irasema Dimas stated that the subject site is located approximately 130' west of Magdalena Street along the north side of W. 42nd 1/2 Street. The lot measures 60'x100' for a total of 6,000 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: 1) a 12'x24 shade carport, 2) a 7'x8' shed, 3) to keep 169 sq. ft. over the 800 sq.ft. maximum allowed.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements:

- d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 1,597 sq. ft.

Staff notes that ZBA has considered the following variances in this subdivision:

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 42, Ph. 3	3" side setback	3/3/21	Approved
Lot 43, Ph. 3	1.6' side setback	3/3/21	Approved
Lot 50, Ph. 3	0' front setback	3/17/21	Approved 10'
Lot 106, Ph. 3	0' corner side, 0' rear setbacks	3/17/21	Approved
Lot 107, Ph. 3	2.3' front & 1' side setbacks	3/17/21	Approved

Lot 118, Ph. 3	3' front/1.10' & 2.8' side & 3' rear setbacks	1/18/23	Approved 3' front, denied side & rear Denied
Lot 158, Ph. 3	2.10' side setback	3/3/2021	Denied

Staff mailed out 27 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this write up we haven't received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Mr. Sanchez asked the aerial showed a picture showed in the presentation indicating that it was built with a permit.

Ms. Dimas stated the structure was modified and a permit was obtained. She added that an inspector verified the modification. She added that the items that are in question are the canopy, and shed.

Ms. Elizondo asked if the shed was in concrete.

Ms. Dimas stated yes.

Ms. Elizondo asked if the canopy had electricity.

Vice Chairman Flores asked if the applicant was present.

Mr. Carlos Trevino was present he stated that he was the son of the property owner. He mentioned that the shade canopy could be moved. He stated that the storage shed is on blocks and could be moved but would like to request if the shed could stay where it's at for now, so it won't block my family members from parking if the shed would be moved where the shade canopy is. He mentioned that he is having family members coming over to grieve his father's death with his mom.

Mr. Ueckert asked what was the estimated time Mr. Carlos Trevino needed to move the storage shed.

Mr. Carlos Trevino stated that whatever the board decides. He mentioned that his family visits his mother several times a week. He mentioned that if he is in San Antonio and is unable to make the trip to the valley he would be unable to help his mother move the storage shed. He stated that if it was a utility issue he would move it when needed. He added that all he needed was time.

Mr. Sanchez asked how much time was needed.

Mr. Trevino stated if it was possible to get 3 months.

Mr. Sanchez stated 45 days.

Ms. Elizondo stated staff is requiring 60 days. She added if it was 60 days plus 2 more months totaling 120 days.

Mr. Trevino stated yes.

Mr. Sanchez stated if the request was only for the storage shed.

Mr. Trevino stated yes.

Mr. Ueckert stated if Mr. Carlos Trevino agreed to move the shade canopy.

Mr. Trevino stated yes, that he was going to move it that week.

Vice Chairman Flores asked that if there was anyone in the public in favor or against this request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. Humberto Garza moved to close the public hearing. Mr. Humbert seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Humberto Garza moved to deny the variance request. Mr. Romeo Sanchez seconded the motion. To include extending the time to comply for the shed to 120 days. Upon a vote the motion passed unanimously.

ITEM# 1.9

TO KEEP A 1' SIDE SETBACK INSTEAD OF THE REQUIRED 6', AND TO ALLOW A TOTAL OF 1,120 SQ.FT. INSTEAD OF THE MAXIMUM 800 SQ.FT. ALLOWED AT 214 THORNWOOD DRIVE, BEING LOT 8, BLOCK 2, OVERSTREET SUBDIVISION NO. 2 AS REQUESTED BY DELIA LANDOIS

The subject site is located approximately 875' east of N. Conway Avenue along the south side of Thornton Drive. The lot measures 70'x132' for a total 9,240 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: 1) a 12'x20' pre-fabricated carport that was built without a permit and 2) to keep 320 sq.ft. over the 800 sq.ft. maximum allowed. This violation was discovered by the Code Enforcement Division while doing a sweep in the area.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements:

d) An accessory use customarily related to a principal use authorized in this district.

Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 1,153 sq. ft.

Staff notes that ZBA has not considered any variances within this subdivision.

Staff mailed out 18 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request. Staff notes that if a variance is approved it would set precedence.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Mr. Garza stated if the neighbors were sided for the structures on their property that were all the way to the property line.

Mr. Sanchez asked if a permit application was submitted for the structure in the rear would it have gotten approved.

Ms. Dimas stated yes, if the applicant would've submitted a permit application for that structure it would've been approved.

Mr. Sanchez stated the only problem with that structure is that no permits were obtained.

Ms. Dimas stated yes. She mentioned that if a permit was obtained there would be no problems with that structure. She stated that the structure that was in question was the 12'x20' portable carport.

Vice Chairman Flores asked if there was anyone in favor or against this request.

There was none.

Vice Chairman Flores asked if the applicant was present.

Mr. Armando & Delia Landois who reside at 214 Thornwood Drive stated that she would use the carport as a sitting area only. She added that she was not aware that a permit was needed. She stated that the portable carport had been there for 18 years with no problems.

Ms. Dolly Ellzondo asked staff that if that subdivision had other applicants asking for a variance.

Ms. Dimas stated she didn't have an answer at the moment.

Mr. Sanchez stated none of the structures had permits.

Mr. Garza asked how many years ago was the carport built.

Mrs. Della Landols stated 18 years ago.

Mr. Sanchez asked if staff explained to Mr. & Mrs. Landois that the structure in the back of their property had no permit and was exceeding the sq. ft.

Ms. Della Landols stated she had enough space for that one. She added that the structure was built way before the portable carport in the front.

Ms. Dimas stated the structures were exceeding 80 ft of the allowable sq. ft.

Vice Chairman Flores asked if there was anyone in the audience in favor or against this request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. William Ueckert moved to close the public hearing. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Dimas stated she would like to make a correction on the sq.ft that the applicant was exceeding. She stated that the total sq. ft. was 320ft instead of 80ft that was mentioned.

Mr. Sanchez stated he had no problem with the structure in the back of the property, as long as a permit was obtained. He added that the 12'x20' could be easily moved.

Ms. Elizondo stated the 12'x20' was a prefabricated carport and was not allowed.

The First item being discussed is the 12'x20' prefabricated carport.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Romeo Sanchez moved to deny the variance request for the prefabricated carport. Mr. William Ueckert seconded the motion. Upon a vote the motion passed unanimously.

The second item being discussed is the patio in the rear of the property.

Mr. Sanchez stated that since no permit was obtained for the patio in the rear and was not violating the setbacks, what would be the procedure that needed to be done.

Ms. Dimas stated that the only thing that needed to be done was that the applicant obtained a permit.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Romeo Sanchez moved to approve the variance for the rear patio as is with the excess sq.ft as long as a permit would be obtained. Mr. William Ueckert seconded the motion. Upon a vote the motion passed unanimously.

ITEM# 2.0

TO KEEP A 2' FRONT SETBACK INSTEAD OF THE REQUIRED 30', A 2' SIDE SETBACK INSTEAD OF THE REQUIRED 6', AND A 2' REAR SETBACK INSTEAD OF THE REQUIRED 10' AT 1215 BARNES STREET, BEING LOT 3, BLOCK 2, WEST MISSION UNIT 1, AS REQUESTED BY MIGUEL NUNEZ

The subject site is located approximately 180' east of N. Los Ebanos Road along the north side of Barnes Street. The lots measures 60.00'x130.00' for a total of 7,800 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: an 18' x 24' carport and a 14' x 14' storage shed, which were built without obtaining the proper permits.

Staff notes that ZBA has not approved any variances within this subdivision. Approving this variance would set precedence to others.

Staff mailed out 16 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Mr. Humberto Garza advised the board that he would not be acting on this item due to a conflict of interest.

Vice Chairman Flores asked that if the applicant was present.

Mr. Miguel Nunez stated that he resides at 1215 Barnes Street and that he was 90 years old. He added that his wife was 68 years old and disabled. He mentioned that the reason that the carport was built was for protection from the sun and rain. He stated that he thought that the company he hired to build the carport had obtained all required permits.

Mr. Sanchez asked if permits were obtained.

Mr. Miguel Nunez stated he had no idea if they did.

Ms. Dimas stated no permits were obtained.

Ms. Elizondo asked if Mr. Miguel Nunez had a handicap license plate.

Mr. Miguel Nunez stated yes.

Vice Chairman Flores asked if there was anyone in the audience in favor or against this request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Humberto Garza abstained from voting. Mr. Romeo Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Sanchez stated that Mr. Nunez could apply for the Special Accommodation Review Board. He added that if the 14'x14' shed was on concrete.

Ms. Dimas stated yes, the shed is sitting on concrete.

Ms. Elizondo asked if there was a utility easement in the rear.

Ms. Dimas stated no, it's just the 10' rear setback.

First item being discussed is the 18'x24' carport.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Romeo Sanchez voted for Mr. Nunez to apply for the special accommodation review board for the 18'x24' carport. Mr. William Ueckert seconded the motion. Upon a vote the motion passed unanimously.

Second item being discussed is the 14'x14' shed.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Romeo Sanchez moved to deny the variance for the 14'x14' shed. Mr. William Ueckert seconded the motion. Upon a vote the motion passed unanimously. With Mr. Humberto Garza abstaining.

ITEM# 2.1

TO KEEP A 3' SIDE SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK AT 2002 CRISANTEMA AVENUE, BEING LOT 80, SOUTHERN OAKS PHASE I, AS REQUESTED BY JAIME PEREZ

The subject site is located approximately 66' north of W. 20th Street along the east side of Crisantema Avenue. The lots measure 61.50'x105' for a total of 6,457.50 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 12.4' x 30' carport within the 6' side setback. This violation was discovered by Code Enforcement Division while doing a sweep of the subdivision.

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 25, Ph. I	2' side setback	3/15/23	Approved
Lot 100, Ph. II	3' E. side /0' rear shed/ 0' West side tool shed/ 3.7 rear	2/21/24	Approved
Lot 112, Ph. II	Front	12/4/19	Approved
Lot 150, Ph. II	0' side	1/17/24	Denied
Lot 161, Ph. II	2' side	11/15/19	Approved
Lot 100, Ph. III	0' E. side/ 2.9' W. side/0' rear	3/17/21	Denied
Lot 217, Ph. III	1' & 2' side / 3' rear	2/16/22	Denied
Lot 261, Ph. III	6.6' side	12/23/22	Denied
Lot 190, Ph. III	0' side	2/18/15	Approved
Lot 191, Ph. III	0' side	2/18/15	Approved

Staff mailed out 24 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this write up we haven't received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Structure needs to be modified or removed to comply with the required setbacks within 60 days.

Vice Chairman Flores stated the subdivision had some variances that were approved.

Ms. Elizondo stated the subdivision had some approved and some variances denied.

Vice Chairman Flores asked that if the applicant was present.

Mr. Jaime & Griselda Perez who reside at 2002 Crisantema Avenue stated that the previous carport he had was damaged by the storm. He mentioned that he hired someone from facebook to build his carport and the contractor told him that if he was just replacing what was existing a permit wasn't needed. He added that he uses the carport to protect his vehicles from bad storms.

Mr. Ueckert asked if there was a permit for the previous carport.

Ms. Dimas stated there was no record.

Ms. Elizondo asked if that subdivision had a home owners association.

Mr. Jaime Perez stated no.

Vice Chairman Flores asked that if there was anyone in the audience in favor or against this request.

Mr. Jaime Perez stated that he obtained signatures from his neighbors in favor of his request.

Vice Chairman Flores entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Vice Chairman Flores entertained a motion. Ms. Dolly Elizondo moved to table the variance request until signatures of the petition were verified by staff. Mr. Humberto Garza seconded the motion. Upon a vote the motion passed unanimously.

ITEM# 2.2

TO KEEP A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6', A 0' REAR SETBACK INSTEAD OF THE REQUIRED 10' AND TO ALLOW A TOTAL OF 2,910 SQ.FT. INSTEAD OF THE MAXIMUM 847.60 SQ.FT ALLOWED AT 911 WASHINGTON STREET, BEING THE EAST ½ OF LOT 14, MISSION ACRES, AS REQUESTED BY JOSE C. HERNANDEZ

The subject site is located approximately 120' north of Greenlawn Drive along the west side of Washington Avenue. The regular lot measures 120'x150' for a total of 18,000 sq.ft.

The applicant would like the Board to consider the above-mentioned variances to keep a 36'x60' metal carport that was built without a permit. This violation was discovered by Code Enforcement Division while doing a sweep of the subdivision. Staff notes that no permit was obtained for the metal carport.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements:

- d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 2,119 sq. ft.

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 86	12.7' front E. side/6' front & 0'	8/16/17	Approved
Lot 31-B	12' side setback	1/11/00	Denied

Staff mailed out 32 notices to the surrounding property owners within 200' radius to get their input in regards to this request. Ms. Dimas stated that an email was received against this request. She mentioned that their concern was that the applicant had knowledge of the setbacks and still built without regard to them.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 60 days.

Mr. Ueckert asked if it was the next-door neighbor that submitted that email.

Ms. Dimas stated it was either the neighbor across the street or within the 200' radius.

Vice Chairman Flores asked if the applicant was present.

Mrs. Maribel Cavazos was present. She stated that her husband worked nights and was unable to attend the meeting. She mentioned that when she received the notice she went to the city to advise them that she was able to remove the carport that was touching the fence. She added that the person she spoke to advised her not to modify anything until today's meeting. Ms. Cavazos asked that if she could find out who was the person that submitted the email against her request.

Vice Chairman Flores stated that she needed to ask staff.

Ms. Dimas advised Mrs. Cavazos that she would need to fill out a public information request form in order to get that information.

Mrs. Maribel Cavazos asked that if she knew who the person was that submitted the email, that if she could speak in reference to that email. She mentioned that Ms. Irma Fernandez that resides right next to her was not the problem. She added that the problem was the girl friend that doesn't reside at that house. She mentioned that she's had several arguments with the girlfriend and that the girlfriend also pretends to be the owner of the house. She stated that the carport had rain gutters and that the garage wasn't a garage. She mentioned that the garage was a home gym and that pictures were submitted.

Vice Chairman Flores asked if the board had questions for staff.

Mr. Sanchez asked if permits were obtained.

Mrs. Maribel Cavazos stated no the person I hired didn't obtain permits.

Vice Chairman Flores asked if the garage had permits.

Ms. Dimas stated the garage that was converted into a gym had permits.

Mr. Sanchez asked why weren't the setbacks enforced.

Mr. Garza stated the subdivision was recorded in 1928. He added that it was an original mission acre lot that was split later. He mentioned that back in 1928 no setbacks existed.

Ms. Elizondo stated if it was platted the setbacks would be noted.

Mr. Garza stated it was an old plat. He added no setbacks existed back then.

Mr. Ueckert asked who obtained the building permit for the garage/gym.

Ms. Susana De Luna stated the permit was obtained by Mr. Jose Hernandez.

Mr. Ueckert asked if it was the owner that pulled the permit.

Ms. Dimas stated yes, Mr. Jose Hernandez.

Mr. Ueckert stated so he was aware that he needed to obtain permits for construction.

Ms. Elizondo stated he was aware with the process.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. William Ueckert moved to close the public hearing. Ms. Dolly Elizondo seconded the motion. Upon a vote, the motion passed unanimously. With Mr. Humberto Garza abstaining

Mr. Sanchez asked how much sq. ft. was the carport exceeding.

Ms. Dimas stated the carport was exceeding 2,160 sq. ft. over the accessory structure allowed.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. William Ueckert moved to deny the variance request. Mr. Romeo Sanchez seconded the motion. Upon a vote the motion passed unanimously. With Mr. Humberto Garza abstaining

ITEM# 2.3

TO KEEP A 35' FRONT SETBACK INSTEAD OF THE REQUIRED 42' COMMON ACCESS EASEMENT AND A 1' REAR SETBACK INSTEAD OF THE REQUIRED 15' AT 4006 N. INSPIRATION ROAD, BEING LOT 52, COLINAS DEL RIO PH. I, AS REQUESTED BY LUIS CHAVEZ

The subject site is located approximately 100' north of Azalea Street along the east side of N. Inspiration Road. The lots measures 96.09'x125.35' for a total of 12,056 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following:
.1) a 21'x 63' metal carport that is built 6.5' within the 42' common access easement and a 11.1'x15.2 storage shed. Staff notes that the carport was constructed in the late 90's which the shed was built without obtaining the proper permits.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 19, Ph. III	0'Front/5.7' Side	4/21/21	Approved
Lot 59, Phase II	0'Front/3'Side/1'Rear	9/20/23	Approved Front/Side, Denied Rear
Lot 60, Phase II	10' Garage/Carport & 2.6' Rear for the Shed	1/17/24	Approved Garage & Denied Rear
Lot 60, Phase II	3' Rear for the Gazebo	2/10/24	Denied

Staff mailed out 26 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval of the carport and denial for the shed. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Vice Chairman Flores asked that if the applicant was present.

Mr. Eluid Lopez was present he stated he was the builder of the apartments and that he had all his approved permits and inspections with him.

Ms. Elizondo asked if the papers he had were for the carport.

Mr. Eluid Lopez stated it was permits for the apartments and the carport that the shed was built. The apartments were built.

Mr. Ueckert asked if staff had pictures of the shed.

Staff had no pictures of the shed.

Mrs. San Juanita Arejola stated that she was speaking in behalf of her father Luis Chavez which was the property owner. She stated that they were in the process of selling the apartments and that is when they found out that the carport was encroaching into the setbacks. She added that no permit was obtained for the shed and was sitting on concrete.

Vice Chairman Flores asked that if there was anyone in the audience in favor or against this request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. Humberto Garza moved to close the public hearing. Mr. Romeo Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

First item being discussed is the carport.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Dolly Elizondo moved to approve the variance request for the carport. Mr. Romeo Sanchez seconded the motion. Upon a vote the motion passed unanimously.

Second item being discussed is the shed.

There being no further discussion, Vice Chairman Mr. Heraclio Flores entertained a motion. Mr. Humberto Garza moved to Table the variance request for the shed to get more information and take pictures. Ms. Dolly Elizondo seconded the motion. Upon a vote the motion passed unanimously.

ITEM# 2.4

TABLED: TO KEEP A 0' REAR SETBACK FOR A STORAGE; A 4.9' REAR SETBACK FOR A PERGOLA INSTEAD OF THE REQUIRED 10', A 2.7' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AND TO ALLOW A TOTAL OF 1,978 SQ.FT. INSTEAD OF THE MAXIMUM 1,093.60 SQ.FT. ALLOWED AT 1363 GARDEN DRIVE, BEING LOTS 31 & 32, SANTA FE, AS REQUESTED BY RICARDO DIAZ MIRANDA

No Action Taken

Vice Chairman Flores entertained a motion to remove the item from the table. Ms. Dolly Elizondo moved to untable item 2.5. Mr. Romeo Sanchez second the motion. Upon a vote the motion passes unanimously.

ITEM# 2.5

TABLED: TO KEEP AN 8' SIDE SETBACK INSTEAD OF THE REQUIRED 15' U.E. AND A 3' REAR SETBACK INSTEAD OF THE REQUIRED 15' U.E. AT 1709 TRINITY STREET, BEING LOT 11, THE GROVES AT CIMARRON, AS REQUESTED BY MIGUEL RIOS

Ms. Dimas stated that this item was previously tabled on May 29, 2024 in order to allow staff verify if there was an address change and if so, if there were any permits obtained for the structures.

The subject site is located approximately 110' west of Frio Drive along the north side of Trinity Street. The regular lot measures 120'x104' for a total of 12,480 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep a 20'x28' canopy that was built without a permit. This violation was discovered by Code Enforcement Division while doing a sweep of the subdivision. Staff notes that no permit was obtained for the swimming pool nor the storage room. There was an address changed in 2003 from 1621 Trinity to 1709 Trinity.

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 10	0' Side Setback / 10' Rear Setback	8/16/17	Approved

Staff mailed out 21 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 60 days.

Mr. Miguel Rios who resides at 1709 Trinity Street stated that he purchased the home in 2011 with the pool. He mentioned that the canopy was a portable structure that could be moved. He added that he was willing to move the poles 10' and brace it so he won't lose integrity on the structure. He stated that if the board would allow him the off set on the right side.

Mr. Sanchez asked if it was a cloth canopy.

Mr. Miguel Rios stated it was a cloth canopy.

Ms. Elizondo stated if Mr. Miguel Rios was willing to comply with the setbacks and that the variance needed was on the size.

Mr. Miguel Rios stated no. He mentioned he was willing to move the poles 10'ft. but it still didn't comply with requirements.

Ms. Dimas stated the property had a 15' side and a 15' rear utility easement.

Mr. Sanchez asked if Mr. Miguel Rios obtained a permit.

Mr. Miguel Rios stated no.

Mr. Ueckert asked if he was proposing an overhang on one side if he would move the poles.

Mr. Miguel Rios stated that the canopy was not overhanging over the property line.

Mr. Ueckert stated no over the poles.

Mr. Miguel Rios stated yes.

Mr. Ueckert stated the roof would be over the easement.

Vice Chairman Flores asked that if there was anyone in the audience in favor or against this request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. William Ueckert moved to close the public hearing. Ms. Dolly Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Sanchez stated the purpose for setbacks are to prevent fires from spreading. He mentioned when the poles are moved it doesn't move the structure or solve the problem. He added that if his neighbor placed a structure next to it the fire won't be prevented by moving the poles and that the footprint of the structure should be within the setbacks.

Vice Chairman Flores stated there were no neighbors.

Ms. Dimas stated that there was a neighbor.

Ms. Elizondo asked if Mr. Miguel Rios had gas in his property.

Mr. Miguel Rios stated no, that his neighbor did.

Mr. Sanchez stated it is was a beautiful canopy and had the space to move the canopy closer to the pool area.

Mr. Miguel Rios asked about his pool.

Mr. Sanchez stated that would be with the utility companies.

Ms. Dimas stated that 811 needed to be notified to check if any lines were under the swimming pool and each utility company needed to be contacted.

Mr. Sanchez asked if the utility companies could be involved.

Ms. Elizondo stated it would be up to the property owner to involve the utility companies.

Mr. Sanchez stated he felt that there was nothing wrong with getting the utility companies involved. He added that more than likely they would find nothing wrong where the pool is at.

Mr. Miguel Rios stated all his neighborhood had structures on their properties.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Romeo Sanchez moved to deny the variance request for the canopy and the shed. Mr. Humberto Garza seconded the motion. Upon a vote the motion passed unanimously.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Humberto Garza moved to table the variance request for the swimming pool to obtain an 811 report. Ms. Dolly Elizondo seconded the motion. Upon a vote the motion passed unanimously.

Vice Chairman Mr. Heraclio Flores entertained a motion to remove the item from the table. Ms. Dolly Elizondo moved to untable item 2.6 Mr. Romeo Sanchez second the motion. Upon a vote the motion passes unanimously.

Mr. Humberto Garza advised the board that he would not be acting on this item due to conflict of interest.

ITEM# 2.6

TABLED: TO ALLOW 1) A 14' FRONT SETBACK INSTEAD OF THE REQUIRED 20', 2) A 4' SIDE SETBACK TO THE SOUTH, 3) A 3' SIDE SETBACK TO THE NORTH INSTEAD OF THE REQUIRED 6', 4) A 13.6' REAR SETBACK INSTEAD OF THE REQUIRED 15' AND 5) TO ALLOW A TOTAL 1,143 SQ.FT. WHERE THE MAXIMUM IS 800 SQ.FT. AT 919 BLAKE STREET, BEING LOT 76, EAGLE HEIGHTS NORTH, AS REQUESTED BY JUAN SALINAS

Ms. Dimas stated that this item was previously tabled on May 29, 2024 in order to allow property owner time to get with 811 to see if there were any utility lines on the rear of the property. During that meeting the 14' front and 4' side setback for the carport were denied.

The subject site is located along the east side of Blake Street, near the Blake/Miracle Lane intersection. The lot measures 54' x 113' for total of 6,102 sq.ft.

The applicant would like the Board to consider the above-mentioned variance: 1) to allow a 22.4'x24' carport, 2) 12'x15' storage shed, 3) a 15'x15' gazebo, 4) an 8'x27' canopy that were built without a permit, and 4) to keep 343 sq.ft. over the 800 sq.ft. maximum allowed for accessory structures. Staff notes that there is a permit for the gazebo.

This item was previously considered by ZBA on February 19, 2020; the request before the Board at that time was to consider a 0' front setback instead of the required 20' and a 0' side setback instead of the required 6' for an open carport. ZBA denied the request as presented and instead asked the applicant to apply for a building permit, pay double permit fee, and modify the structure to meet the 8' front setback and 4' side setback by March 27, 2020.

Staff notes that during that year, the open carport ordinance was revised by P&Z and City Council. Under the new ordinance #4963, residents in a subdivision 20 years or older were allowed reduced setbacks for open carports. The new ordinance allowed open carports to be 8' from the front and 4' from the sides. In November 8, 2021; P&Z and City Council adopted Ordinance #5109 re-establishing the typical building setbacks for all residential auxiliary structures.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements.

d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 1,249 sq.ft.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of</u>	<u>Recommendation</u>
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		<u>Meeting</u>	
Lot 67	2' Side Setback	6/12/01	Approved
Lot 76	0' Front & 0' Side	2/16/00	Denied
Lot 1, Blk 3 Unit #1	28' Front Setback	12/13/05	Approved
Lot 2, Blk.3 Unit #1	28' Front Setback	4/20/05	Approved
Lot 2, Blk.3 Unit #1	5' Side Setback	12/13/05	Denied
Lot C, Unit #2	15' Front & 11' Rear	10/19/05	15' Front Denied 11' Rear Approved Denied
Lot 10, Blk. A Unit #3	3' Side, 3' Rear & 1' Side	4/19/23	Denied
Lot 76	14' Front & 4' Side	5/29/24	Denied

Staff mailed out 23 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this write up we haven't received any comments in favor or against the request.

RECOMMENDATION: Staff maintains the recommendation for denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 60 days.

Vice Chairman Flores asked if the applicant was present.

Mr. Juan Salinas who resides at 919 Blake Street stated that he called 811 and no utility easements were found. He added the only department I didn't get a response from was the City of Mission.

Ms. Elizondo asked if he got something in written from 811.

Mr. Juan Salinas stated an email.

Ms. Elizondo asked if it was submitted to the city.

Mr. Juan Salinas wife was sitting in the audience and stated that the email was sent to Ms. Irasema Dimas.

Ms. Dimas stated she didn't receive an email.

Vice Chairman Flores asked staff that if the only structures being questioned are the shed and pergola.

Ms. Elizondo stated the applicant stated that they emailed or submitted the utility locator information. She added that staff stated that the information was not received.

Mr. Sanchez asked if the storage shed was on concrete.

Mr. Juan Salinas stated that it was on concrete.

Ms. Dimas stated the only email she received stated that it was a test email. She mentioned that the applicant had problems with her email.

Discussion amongst the board and the wife that was in the audience.

Vice Chairman Mr. Heraclio Flores entertained a motion to close the public hearing. Mr. F Sanchez moved to close the public hearing. Ms. Dolly Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Ueckert asked if any modifications had been done to the structure that was denied.


Ms. Dimas stated the board gave them 45 days to remove or modify the structure. She added that as of today they haven't done any modifications to it.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. William Ueckert moved to table the variance request. Ms. Dolly Elizondo seconded the motion. Upon a vote the motion passed unanimously. With Mr. Humberto Garza abstaining.

3.0 OTHER BUSINESS

4.0 ADJOURNMENT

There being no further business, Ms. Dolly Elizondo moved to adjourn. Mr. Romeo Sanchez seconded the motion. Upon a vote, the motion passed unanimously at 6:59 p.m.



**Heraclio Flores, Vice Chairman
Zoning Board of Adjustments**



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024
PRESENTED BY: Susie de Luna, Planning Director
AGENDA ITEM: Approval of Resolution # _____ Regarding Waterline Access Agreement with Sharyland Water Supply within City of Mission’s ETJ for Comarex, LLC – La Villitas Estates No. 3 Subdivision – De Luna

NATURE OF REQUEST:

The proposed La Villitas Estates No. 3 Subdivision is a 9.37 Acre Tract of land out of Lot 45-3 West Addition to Sharyland within the service area of the Sharyland Water Supply Corporation and within the City of Mission’s ETJ.

Sharyland Water Supply Corporation has adequate-sized water lines to support fire hydrants in the area and requires an agreement be entered between the Corporation, the property owner and the City of Mission before such installation is allowed.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager’s Recommendation: Approval *WRP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MISSION, TEXAS TO APPROVE A WATERLINE ACCESS AGREEMENT BETWEEN THE SHARYLAND WATER SUPPLY CORPORATION, AND COMAREX, LLC – LA VILLITAS ESTATES NO. 3 SUBDIVISION

WHEREAS, it is in the best interest of the citizens of Mission to provide the proper infrastructure for adequate fire protection for all new commercial and residential development; and

WHEREAS, The Proposed Comarex, LLC – La Villitas Estates No. 3 Subdivision is located within the service area of the Sharyland Water Supply Corporation and within the City of Mission’s ETJ; and

WHEREAS, the Sharyland Water Supply Corporation has adequate-sized water lines to support fire hydrants in the area and requires an agreement be entered between the Corporation, the property owner and the City of Mission before such installation is allowed.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT:

- 1. The City of Mission, Texas approves the agreement as shown on “ATTACHMENT A.”

READ, CONSIDERED and APPROVED this the 26th day of August, 2024.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

STATE OF TEXAS § **BETWEEN:**
 § **SHARYLAND WATER SUPPLY**
 § **CORPORATION; COMAREX, LLC; AND**
 COUNTY OF HIDALGO § **CITY OF MISSION**

**WATERLINE ACCESS AGREEMENT
 (with City and Owner)**

WHEREAS, Sharyland Water Supply Corporation ("SWSC") has a water distribution system which was designed for potable water distribution to rural communities, such system not designed specifically with the intent to provide water for fire protection purposes;

WHEREAS, the City of Mission ("City") through its own forces or through the forces of those subject to a contract to provide services, may provide fire protection services to its citizens, some of which fall within the area of the Certificate of Convenience and Necessity granted to SWSC;

WHEREAS, SWSC and City are mindful of the benefits that can be received by the citizens of the City and the members of SWSC with the availability of water for use in controlling fires and thereby for the protection of life and property;

WHEREAS, Comarex, LLC ("**Owner**") is constructing a subdivision on the property described in **Exhibit "A"**, La Villita Estates No. 3 Subdivision (the "**Subdivision**"), and desires fire protection for the Subdivision.

THEREFORE, in exchange for the recitals herein made, the consideration exchanged and the goodwill generated, SWSC, Owner and City agree as follows:

1. This agreement pertains only to those areas in the Subdivision which also are within the boundaries of the Certificate of Convenience and Necessity granted to SWSC in HIDALGO County, Texas and only **with respect to those areas specifically listed in Exhibit "A."** No other parts of SWSC lines shall be affected by this agreement unless specifically set forth in writing by the parties and adopted by official acts of their respective governing bodies.
2. Owner and City shall have access to SWSC lines with no less than six inches (6") in diameter for the purpose of operating, and maintaining a fire hydrant system in accordance with industry standards and all federal, state and local codes and as shown in **Exhibit "B" ("Fire Hydrants")**. Such Fire Hydrants to be used solely for the governmental purpose of fire-fighting. No other use of water shall be made under this agreement. City shall determine if the pressure and volume available on such lines are suitable and sufficient. SWSC shall gratuitously furnish to City's designated engineer, such waterline modeling information as it may have to the extent such information affects the lines and hydrants shown in Exhibit "A"; such information does not constitute any representation or warranty of any condition and is subject to all limitations, disclaimers, etc. found in this agreement.
3. Except as otherwise provided in this paragraph, all City fire hydrants on SWSC

waterlines or any part of SWSC's system, shall be painted black so as to be designated that they may be unavailable for use in a fire emergency and shall be operated by City such that a positive pressure of no less than 30 p.s.i. is maintained in SWSC's water line at the point of connection between the water line and the fire hydrant. Should City perform annual testing of each hydrant subject to this agreement so as to determine the color coding attributable to each hydrant under City's fire hydrant coding scheme, City may paint the tested hydrants the appropriate color under that color coding scheme for a period of one (1) year following the test, after which a new test must be done or the hydrant painted black until the appropriate test is done. Should a tested and color coded hydrant's condition change after being tested and its condition be such that a different color code is appropriate, City will immediately repaint the hydrant accordingly or should a year expire without a hydrant being re-tested, City will immediately paint it black and if City fails to so test and paint City's fire hydrants, SWSC may (but is not required to) do so at City's expense, such expense to be paid by City to SWSC upon demand. By allowing a hydrant subject to this agreement to be painted any color other than black, SWSC is not representing or warranting that the hydrant is available and suitable for use in a fire emergency.

4. The Fire Hydrants will be constructed by Owner and maintained by Owner and City as set out in Exhibit "B". If concrete is used for additional stability, the hydrant weep holes should not be covered.

5. All water used from the SWSC system will be reported monthly to SWSC by City. This report will state the estimated amount of water used, the date of use, the location of use and any problems encountered with the Fire Hydrants. Forms will be provided by City.

6. There may be an annual charge by SWSC for water used in fire protection. Such charge will be established annually by the Board of Directors. However, in no case will water be used for any domestic use, equipment wash-downs or construction purposes or any other purpose other than the actual use in controlling fires and maintaining the Fire Hydrants.

7. Because SWSC is a rural system that cannot patrol all locations daily, a problem may arise as to the abuse of Fire Hydrants by the taking of water for uses other than fire protection. If this becomes a problem, SWSC reserves the right to install security devices on all hydrants at the cost of City and Owner. Sufficient special wrenches, or keys, will be provided to SWSC by City at no cost to SWSC. Should City fail to install the required security devices, SWSC may install such devices as it deems appropriate at a cost to the City.

8. All Fire Hydrant maintenance, inspection and flushing will be done by City personnel, or those under contract to City, for which City will retain responsibility. A schedule will be set up by City to perform flushing no less frequently than once every six (6) months; maintenance, inspection and testing according to National Fire Protection Association 291 shall be performed by City no less frequently than every twelve (12) months. Such schedule shall be provided to SWSC in writing no later than thirty (30) days prior to any date shown on the schedule. City will maintain the Fire Hydrants such that they may be used as a temporary water sales point and as a flush valve by SWSC and if City fails to so maintain the Fire Hydrants, SWSC may (but is not required to) do so at City's expense, such expense to be paid by City to SWSC upon demand.

SWSC may use the Fire Hydrants as temporary water sales point and as a flush valves in order to assure the sanitary conditions of the potable water. In order to assure the integrity of its system and to maintain the sanitary conditions of the potable water, SWSC personnel will be present at the times of Fire Hydrants maintenance, inspection and flushing and no such activity will occur without such presence. All Fire Hydrants maintenance, inspection and flushing will be done at City's expense. SWSC may require such maintenance, inspection, and/or flushing to be made at any time, and after notice of such is given to City, such will be conducted as soon as reasonably possible.

9. All installation and replacement of Fire Hydrants and appurtenances will be performed by those personnel approved by SWSC and under City's and Owner's authority and responsibility, but only under SWSC's inspection for defects in construction that may affect water quality. No installation or replacement of Fire Hydrants and appurtenances may occur without the presence of SWSC personnel. All expenses involved in the installation and replacement of Fire Hydrants and appurtenances will be borne by City and Owner, including a reasonable fee for the presence and administration of SWSC's personnel.

10. CITY AND OWNER ACKNOWLEDGE AND AGREE THAT SWSC, BY ALLOWING ACCESS TO ITS SYSTEM, ASSUMES A DUTY TO NOT INJURE A PERSON EMPLOYED BY OR OTHERWISE AUTHORIZED BY CITY OR OWNER TO USE, ACCESS, OR IN ANYWAY BENEFIT FROM THE FIRE HYDRANTS, THE WATER THEREIN OR ANY APPURTENANCES THERETO (THE "USER") BY WILLFUL OR WANTON CONDUCT OR BY GROSS NEGLIGENCE AND THAT SWSC ASSUMES NO OTHER DUTY OR STANDARD OF CARE. CITY AND OWNER UNDERSTAND THAT THE STANDARD OF CARE ASSUMED UNDER THIS AGREEMENT DOES NOT REQUIRE SWSC TO WARN THE USER OF AN UNSAFE CONDITION OR TO MAKE AN UNSAFE CONDITION SAFE SHOULD SWSC BECOME AWARE, EITHER ACTUALLY OR CONSTRUCTIVELY, OF A CONDITION WHICH RESULTS IN AN UNREASONABLE RISK TO THE USER. FURTHER, CITY AND OWNER UNDERSTAND THAT SWSC MAY CHANGE THE CONDITION OF ITS SYSTEM IN A MANNER THAT MIGHT RENDER THE SYSTEM UNSAFE FOR A USER WITHOUT INCURRING LIABILITY FOR SUBSEQUENT INJURY TO USER BY THE NEW DANGER. CITY AND OWNER AGREE TO USE THE WATER AND SYSTEM AT ITS OWN RISK AND AS IT IS FOUND. SWSC, WITHOUT ACCEPTING ANY DUTY, GRATUITOUSLY WILL ENDEAVOR TO NOTIFY CITY AND OWNER OF ANY CONDITION THAT MIGHT RENDER THE SYSTEM UNSAFE FOR USE BY CITY AND OWNER SHOULD ITS MANAGER BECOME CONSCIOUSLY AWARE OF SUCH A CONDITION. SWSC HEREBY SPECIFICALLY DISCLAIMS ANY WARRANTY, GUARANTY OR REPRESENTATION, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, OR CONCERNING (A) THE NATURE AND CONDITION OF THE SYSTEM INCLUDING, WITHOUT LIMITATION, THE PIPELINES, HYDRANTS, FLUSH VALVES, APPURTENANCES, WATER AND REAL PROPERTY, THE SUITABILITY THEREOF FOR ANY AND ALL ACTIVITIES AND USES WHICH CITY AND OWNER MAY ELECT TO CONDUCT OR THE EXISTENCE OF ANY HAZARD OR CONDITION; (B) THE NATURE AND EXTENT OF ANY RIGHT-OF-WAY, LEASE, POSSESSION, LICENSE, RESERVATION, CONDITION OR OTHERWISE;

AND (C) THE COMPLIANCE OF THE SYSTEM OR ITS OPERATION WITH ANY LAWS, ORDINANCES OR REGULATIONS OF ANY GOVERNMENTAL ENTITY OR BODY. CITY AND OWNER ACKNOWLEDGE BY USE OF THE SYSTEM THAT IT HAS AND WILL INSPECT THE SYSTEM AND CITY AND OWNER WILL RELY SOLELY ON ITS OWN INVESTIGATION OF THE SYSTEM AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY OR ON BEHALF OF SWSC. CITY AND OWNER FURTHER ACKNOWLEDGE THAT THE INFORMATION PROVIDED AND TO BE PROVIDED WITH RESPECT TO THE SYSTEM WAS OBTAINED WITHOUT CONSIDERATION BEING GIVEN AND SWSC (1) HAS NOT MADE ANY INVESTIGATION OR VERIFICATION OF SUCH INFORMATION; (2) DOES NOT MAKE ANY REPRESENTATION AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION. ACCESS TO THE SYSTEM IS ALLOWED ON AN "AS IS", "WHERE IS" AND "WITH ALL FAULTS" BASIS, AND CITY AND OWNER EXPRESSLY ACKNOWLEDGE THAT, IN CONSIDERATION OF THIS ACCESS, SWSC MAKES NO WARRANTY OR REPRESENTATION, EXPRESSED OR IMPLIED, OR ARISING BY OPERATION OF LAW, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OF CONDITION OR FITNESS FOR PARTICULAR PURPOSE WITH RESPECT TO THE SYSTEM OR ANY PORTION THEREOF.

CITY AND OWNER AGREE BY ITS USE OF THE SYSTEM, DIRECTLY OR THROUGH OTHERS, THAT SWSC SHALL NOT BE RESPONSIBLE OR LIABLE TO THE CITY AND OWNER, FOR ANY DEFECT, ERRORS, OMISSIONS, OR ON ACCOUNT OF ANY OTHER CONDITIONS AFFECTING THE SUBDIVISION, AS CITY AND OWNER MAKE USE OF THE SYSTEM "AS-IS", "WHERE-IS" AND "WITH ALL FAULTS" CITY AND OWNER OR ANYONE CLAIMING BY, THROUGH, OR UNDER CITY AND OWNER, HEREBY FULLY RELEASE SWSC, ITS EMPLOYEES, OFFICERS, DIRECTORS, REPRESENTATIVES, ATTORNEY AND AGENTS FROM ANY COST, LOSS LIABILITY, DAMAGE, EXPENSE, DEMAND, ACTION OR CAUSE OF ACTION ARISING FROM OR RELATED TO ANY DEFECTS, ERRORS, OMISSIONS, OR OTHER CONDITIONS AFFECTING THE SYSTEM. CITY AND OWNER BY THEIR USE OF THE SYSTEM, FURTHER ACKNOWLEDGE AND AGREE THAT THIS RELEASE SHALL BE GIVEN FULL FORCE AND EFFECT ACCORDING TO EACH OF THE EXPRESSED TERMS AND PROVISIONS.

TO THE EXTENT APPLICABLE AND PERMITTED BY LAW, CITY AND OWNER, IN CONSIDERATION FOR USING THE SYSTEM AND AS A MATERIAL INDUCEMENT TO SWSC FOR ALLOWING SUCH USE, WAIVE THE PROVISIONS OF THE TEXAS DECEPTIVE TRADE PRACTICES-CONSUMER PROTECTION ACT, AS WELL AS ALL OTHER STATUTORY PROVISIONS WHICH MIGHT CREATE A CLAIM AGAINST SWSC AS A RESULT OF THE USE OF SWSC'S SYSTEM. ACCORDINGLY, CITY AND OWNER, BY AND THROUGH THE BELOW SIGNING REPRESENTATIVES WHO HAVE BEEN GIVEN THE APPROPRIATE AUTHORITY BY THEIR GOVERNING BODIES STATE:

I WAIVE MY RIGHTS UNDER THE DECEPTIVE TRADE PRACTICES CONSUMER PROTECTION ACT, SECTION

17.41 ET SEQ, BUSINESS AND COMMERCE CODE, A LAW THAT GIVES CONSUMERS SPECIAL RIGHTS AND PROTECTIONS. AFTER CONSULTATION WITH AN ATTORNEY OF MY OWN SELECTION, I VOLUNTARILY CONSENT TO THIS WAIVER.

TO THE EXTENT APPLICABLE AND PERMITTED BY LAW, CITY AND OWNER, BY ITS USE OF THE SYSTEM, DIRECTLY OR THROUGH OTHERS, AGREE TO INDEMNIFY, PROTECT, DEFEND, SAVE AND HOLD HARMLESS SWSC, ITS EMPLOYEES, OFFICERS, DIRECTORS, REPRESENTATIVES, ATTORNEYS AND AGENTS FROM AND AGAINST ANY AND ALL DEBTS, DUTIES, OBLIGATIONS, LIABILITIES, SUITS, CLAIMS, DEMANDS, CAUSES OF ACTION, LOSSES, COST AND EXPENSES AND TO PAY ALL EXPERTS' AND ATTORNEYS' FEES AND EXPENSES AND COURT COSTS ASSERTED OR INCURRED BY SWSC AT ANY TIME AND IN ANY WAY RELATING TO, CONNECTED WITH, OR ARISING OUT OF THE CONDITION OF SWSC'S SYSTEM AND THE USE OF THE FIRE HYDRANTS OR THE OPERATION, MAINTENANCE AND MANAGEMENT THEREOF, INCLUDING ANY CLAIMS, SUITS, OR CAUSES OF ACTION ARISING FROM ANY NEGLIGENCE, INCLUDING GROSS NEGLIGENCE OF SWSC AND ITS AGENTS, OFFICERS AND EMPLOYEES AS THEY RELATE TO THE PROVISION OF WATER AND ACCESS TO SWSC'S SYSTEM UNDER THIS AGREEMENT.

IT IS THE EXPRESS INTENTION OF THE PARTIES THAT THE INDEMNITY PROVIDED FOR IN THIS AGREEMENT IS TO INDEMNIFY AND PROTECT SWSC FROM THE CONSEQUENCES OF ITS OWN NEGLIGENCE AND GROSS NEGLIGENCE, EVEN WHEN THAT NEGLIGENCE AND GROSS NEGLIGENCE IS FOUND TO BE THE SOLE CAUSE OF THE INJURY, DEATH OR DAMAGES. CITY AND OWNER ALSO WAIVE ALL RIGHTS TO SUBROGATION AGAINST SWSC.

11. This Agreement is intended to provide SWSC with all the protections and limitations from liability allowed by the laws as they exist and will exist, including, but not limited to, Texas Water Code § 67.0105, and the common law and all the terms and conditions hereof shall be liberally construed to effectuate this purpose and to sustain the validity of this Agreement. The parties agree that this Agreement shall not be construed in favor of or against either party on the basis that the party did or did not author the Agreement. This Agreement constitutes the entire agreement between the parties.

12. This agreement is effective upon execution by the parties and the recordation of Exhibit "A", with the official records of Hidalgo County and continues until terminated by either party in writing, such termination to occur only after written notice by the terminating party at least two (2) months prior to the termination date. All parties may terminate in the event of a default if such default is left uncured for 30 days after giving written notice.

13. Each person, signing below, warrants and represents to the parties to this Agreement, that he has been given full authority to execute this Agreement, such that it binds the party for which

he signs to fully fulfill the terms of this Agreement.

14. This Agreement is not executed for the benefit of any third party and its terms shall not be enforceable by or in favor of any person or entity other than the express parties to the Agreement.

15. Owner will list SWSC as an additional insured on all liability insurance policies it holds related to the Subdivision being the subject of this Agreement for the duration of this Agreement. Owner will provide SWSC with a certificate of insurance and notice 60 days prior to any cancellation.

16. SWSC shall have the right to locate the pipe and accessories necessary to provide water for the Fire Hydrants in the Subdivision at a point to be chosen by the SWSC, and shall have access to the Subdivision and equipment constructed by Owner and/or City at all reasonable and necessary times for any purpose with or in the furtherance of its business operations, and upon discontinuance of service, SWSC shall have the right to remove any of its equipment from the Subdivision. SWSC may inspect its valves, piping, and appurtenances to the supply line as well as the Fire Hydrants on an annual basis for a reasonable fee to be set by SWSC (initially \$200.00), which may be increased based on future costs increases to provide this service. Upon notice, Owner shall have personnel present as necessary to assist in the inspection. Owner shall install, at its own expense, any necessary fire service lines and equipment from SWSC's facilities and equipment to the point of use, including any customer isolation valves, backflow prevention and other equipment as may be specified by SWSC. SWSC shall also have access to the Subdivision for purpose of inspecting for possible illegal connections, cross-connections, potential contamination hazards, and illegal lead materials, and Owner and City agree to annual inspections of its own facilities for these conditions.

17. Owner and City shall enforce the following restrictions to ensure the public health and welfare. The following undesirable practices are prohibited by State regulations and by this Agreement:

a. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contaminations shall be isolated from the Fire Hydrants by an air gap or an appropriate backflow prevention assembly in accordance with state regulations.

b. No cross-connection between the Fire Hydrants and a private water system is permitted. Potential threats to the public drinking water supply shall be eliminated at the service connection by the proper installation of an air gap or an appropriate backflow prevention assembly. Backflow assemblies require annual inspections and testing by a certified backflow prevention assembly tester and documentation of the inspections reflecting proper installation, maintenance, and operation must be provided to the SWSC no later than 30 days after the inspection.

c. No connection which allows condensing, cooling, industrial process water, or any

water of unknown quality to be returned to the Fire Hydrants or the public drinking water supply is permitted.

d. No pipe or pipe fitting which contains more than 8.0% lead may be used for the installation or repair of the plumbing in the Fire Hydrants.

e. No solder or flux which contains more than 0.2% lead may be used for the installation or repair of the plumbing in the Fire Hydrants.

18 SWSC may notify Owner and/or City of any cross-connection or other undesirable practices which have been identified during the initial or subsequent inspection. Owner and/or City shall immediately correct any undesirable practice in the Subdivision. Owner and/or City shall, at its expense, properly install, test and maintain any backflow prevention device required by the SWSC. Copies of all testing and maintenance records shall be provided to the SWSC. Failure to comply with the terms of this Agreement shall cause the SWSC to terminate services or properly install, test, and maintain an appropriate backflow prevention device at the service connection at Owner's and/or City sole expense. Any expenses associated with the enforcement of this Agreement shall be paid to SWSC upon presentation to Owner and/or City.

19. Owner shall grant to SWSC, now and in the future, any easements required for the purpose of installing, maintaining, and operating such pipelines, meters, valves, and any other equipment which may be deemed necessary by the SWSC to extend or improve SWSC's service for existing and future customers and members of SWSC, on such forms as are required by the SWSC.

20. Owner and City agree that the maximum amount of liability to Owner and City that may be incurred by SWSC by virtue of any noncompliance with the terms of this Agreement is limited to the amount of fees paid by Owner and City to SWSC for services provided under this Agreement during the calendar year in which the noncompliance occurs.

21. Should any amounts to be paid by any party hereto, remain unpaid after the date the payment is due, such unpaid amount shall accrue interest, payable to the party to which the payment is due, at an annual, compounded rate of ten percent (10%) from the date the payment is due until it is fully paid.

22. In the event any litigation arises out of this Agreement between the parties hereto, the nonprevailing party shall pay the prevailing party all reasonable and necessary attorney's fees, expert fees, expenses and costs of court expended or incurred in connection with the litigation pursuant to Section 271.153 of the Texas Local Government Code or other authority.

By signing and delivering this Agreement to the appropriate official of SWSC, the Owner authorizes completion of this Agreement by filling in the Effective Date below.

IN WITNESS WHEREOF, EXECUTED by SWSC, Owner and City, acting under the authority of their respective governing bodies in multiple originals on the date indicated below.

SIGNED this day of _____, 20_____.

THE CITY OF MISSION
1208 E. 8th Street
Mission, TX 78572
(956) 580-8650 (phone)
(956) 580-8659 (fax)

ATTEST:

By: _____,
Anna Carrillo, City Secretary

By: _____,
Norie Gonzalez Garza, Mayor

APPROVED AS TO FORM:

By: _____,
Patricia Rigney, City Attorney

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Norie Gonzalez Garza, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she is Mayor of the City of Mission, that she executed the same as the act of City of Mission for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 20_____.

Notary Public in and for the State of Texas

COMAREX, LLC, A Texas Limited
Liability Company
12943 N. Trospen Road
Mission, Texas 78573

By: _____
Alex Gonzalez, Manager

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

BEFORE ME, the undersigned authority, on this day personally appeared Alex Gonzalez, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he is the Manager of COMAREX, LLC, and that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN under my hand and seal of office, this _____ day of _____, 20_____.

Notary Public, State of Texas

SHARYLAND WATER SUPPLY CORPORATION
4210 E. Main Ave.
Alton, Texas 78573
956-585-6081 (phone)
956-585-5450 (fax)

By: _____
Carlos Lima, General Manager

APPROVED AS TO FORM:

By: _____
Richard W. Fryer,
Attorney for Sharyland
Water Supply Corporation

STATE OF TEXAS §
§
COUNTY OF HIDALGO §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared **Carlos Lima**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he is General Manager of **Sharyland Water Supply Corporation**, that he executed the same as the act of Sharyland Water Supply Corporation for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____
day of _____ 20_____.

Notary Public in and for the State of Texas

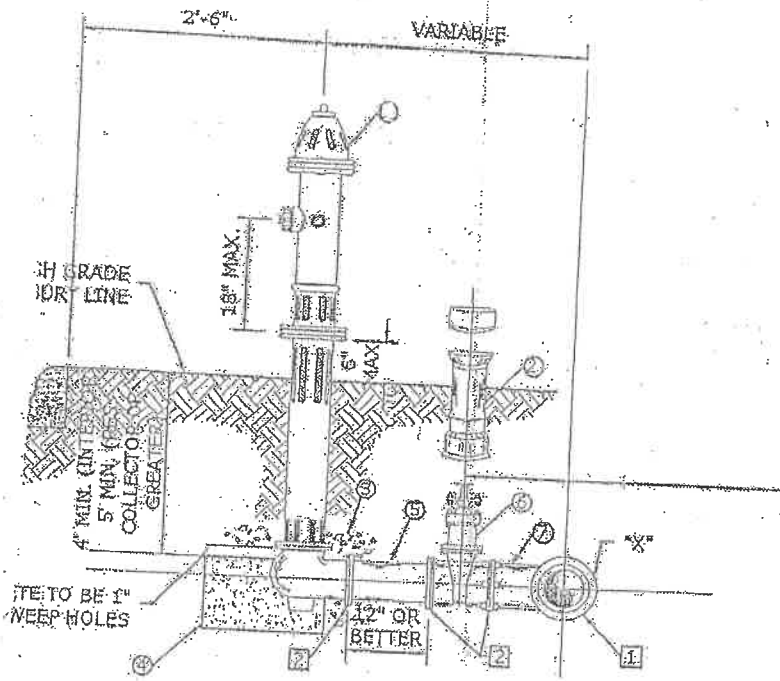
EXHIBIT "A"

A 9.37 Acre Tract of Land out of Lot 45-3, WEST ADDITION TO SHARYLAND, Hidalgo County, Texas, as per Map recorded in Volume 1, Page 56, Map Records of Hidalgo County, Texas.

EXHIBIT "B"

Fire Hydrant Installation

Each fire hydrant run-out shall be equipped with a 6" flanged mechanical joint resilient seated gate valve. This valve may be located adjacent to the mainline or between the mainline and the hydrant. Each fitting (Branch Tee, Gate Valve & Hydrant) shall be separately supported by a concrete thrust block including anchor rods. Care must be taken that the hydrant drain be kept clear when pouring concrete. Mainline Tees shall have mechanical joint, flanged fittings. Mega lugs shall also be used at all mechanical joint fittings.



NOTE:

- 1.) Oil shall be placed in hydrant at the time of installation
- 2.) Pumper nozzle shall face roadway. (5 1/2" N.S.T.)
- 3.) In certain instances, where distances permit, a Parallel Tee or Union-Tite 90 Degree elbow with restraining lugs may be used in lieu of a standard tee.
- 4.) Stainless steel bolts and nuts will be required in the event Tapping sleeves are used.

FIRE HYDRANT INSTALLATION

(CONSIST OF A FIRE HYDRANT, VALVE, AND VALVE BOX)

FIRE HYDRANT UNIT SHALL INCLUDE:

- 1.) FIRE HYDRANT W/ 4 1/2" PUMPER NOZZLE
- 2.) VALVE BOX
- 3.) 3 CU. FT. GRAVEL
- 4.) 3 CU. FT. CONCRETE: 1" BELOW HYDRANT WEEP HOLES
- 5.) 1 FT. MINIMUM PVC SPOOL
- 6.) 6" RESILIENT SEAT GATE VALVE (FLANGED X MECHANICAL JOINT)
- 7.) FLANGED X MECHANICAL JOINT CAST IRON TEE



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024
PRESENTED BY: Michael Fernuik, Golf Director
AGENDA ITEM: Authorization to solicit bids for construction of a water well at Shary Municipal Golf Course - Fernuik

NATURE OF REQUEST:

Staff is seeking authorization to solicit bids for all materials, supplies, equipment, tools, services, labor and supervision necessary to complete construction of a water well at Shary Municipal Golf Course. The well will be utilized to provide a secondary source of water to supplement and offset the usage of United Irrigation District water, thereby providing a more sustainable water supply for the course. Preliminary assessments have already been conducted on nearby wells and it has been determined that an estimated depth of 400-450 ft may be necessary to acquire a viable water supply. The cost of a well in this depth range would be approximately \$150,000 based on initial assessments. The Mission Economic Development Corporation (MEDC) has agreed to provide approximately \$250,000 in funding for the golf course in their 24/25 budget which will be used to fund the completion of this water well.

BUGETED: FY 24/25 **FUND:** MEDC **ACCT. #:** _____

BUDGET: ~\$250,000 **EST. COST:** \$150,000 **CURRENT BUDGET BALANCE:** _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: Finance, Purchasing

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *MRP*

RECORD OF VOTE: **APPROVED:** _____
 DISAPPROVED: _____
 TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024
PRESENTED BY: Brad Bentsen, Director
AGENDA ITEM: Authorization to Purchase Litter Receptacles for the All-Inclusive Lions Park from Park Place Recreation Designs in the amount of \$46,206.00 via BuyBoard Contract #679-22 - Bentsen

NATURE OF REQUEST:

Staff is seeking authorization to purchase Litter Receptacles for Lions Park from Park Place Recreation Designs, a State Approved Buy Board Vendor # 679-22 at a delivered cost of \$46,206.00

BUDGETED: No **FUND:** 2021 CO **ACCT. #:** 76-461-74940

BUDGET: \$60,000.00 **EST. COST:** \$60,000.00 **CURRENT BUDGET BALANCE:** \$

BID AMOUNT: \$46,206.00

STAFF RECOMMENDATION:

Staff and City Manager Approve

Departmental Approval: Finance, Purchasing

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *MRP*

RECORD OF VOTE: **APPROVED:** _____
 DISAPPROVED: _____
 TABLED: _____

_____ AYES
_____ NAYS
_____ DISSENTING _____



PARK PLACE

RECREATION DESIGNS

P.O. Box 18186 | San Antonio, Texas 78218
 Toll Free: (800) 626-0238 | Local: (210) 821-5878
 Email: fun@miracleparkplace.com | Web: www.miracleparkplace.com
BuyBoard Contract #679-22

Item 18.

Date: **August 21, 2024** Quote #: **0924332**

Customer: **City of Mission**

Project: **Various Parks**

QTY	MODEL OR PART NUMBER	DESCRIPTION	U/#	T/#	UNIT PRICE	TOTAL PRICE
30	460-304	Premier Waste Receptacle, Steel, Liner			\$ 1,110.00	\$ 33,300.00
30	464-201	Rainshield Lid			\$ 245.00	\$ 7,350.00
72	464-220	Inground Mounts			\$ 24.00	\$ 1,728.00
1	461-446	Double Bin Holder			\$ 3,120.00	\$ 3,120.00



		EQUIPMENT SUBTOTAL				\$ 45,498.00
1	DISCOUNT	<i>BuyBoard Discount Proposal #679-22</i>				\$ 2,412.00
		DISCOUNTED TOTAL				\$ 43,086.00
1	FREIGHT		0		\$	3,120.00
		TOTAL EQUIPMENT DELIVERED				\$ 46,206.00
1	INSTALL	Installation of Equipment			\$ -	Not Included
		PRE-TAX TOTAL OF ALL				\$ 46,206.00
		SALES TAX (if applicable)			0.00%	\$ -
		GRAND TOTAL				\$ 46,206.00

- Pricing is for materials/delivery. Installation is not included unless priced above.
- If not priced above and if required, the following items and associated costs/fees will be the responsibility of the customer: Engineer Sealed Drawings – Local Building Permits – Payment/Performance Bonds – TDLR Registration/Review/Inspections. Each item, along with its fee/cost, will be listed separately.
- **Prices are valid for 30 days after which they are subject to change.** Any work not specifically mentioned in this proposal as being included shall be deemed excluded. The customer will be responsible for any taxes owed.
- A 3% fee will be added for payment by credit card.

Please issue all purchase orders and payments to **Park Place Recreation Designs, Inc.**
 Terms: 50% down payment with signed quote.
 Municipalities/School Districts purchase orders accepted as authorization.

Authorized by: x _____
 Printed Name Signature Date

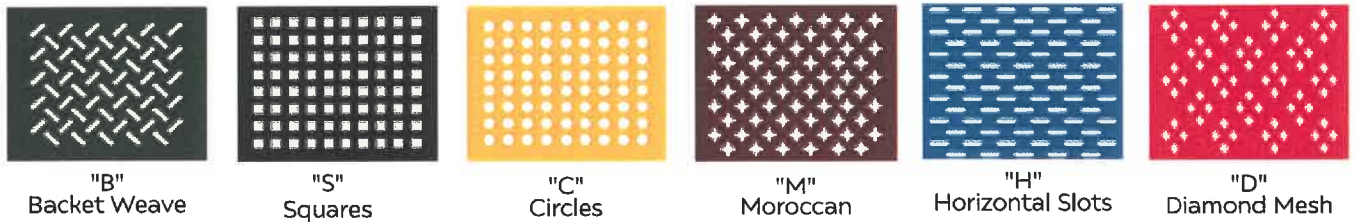
PARIS Site Furnishing Options

Site Furnishings • Outdoor Fitness

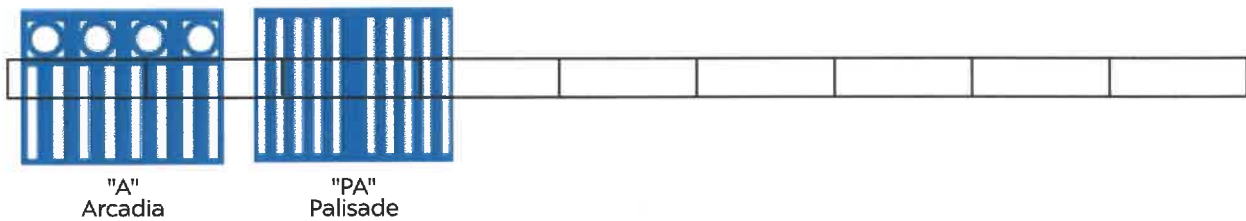
COLOURS



PATTERNS



REGENCY PATTERNS



MATERIALS







Vendor Contract Information Summary

Vendor	Park Place Recreation Design, Inc.
Contact	Marilyn Ahrens
Phone	210-821-5878
Email	marilyn@miracleparkplace.com
Vendor Website	www.miracleparkplace.com
TIN	74-2336170
Address Line 1	4225 Woodburn Dr.
Vendor City	San Antonio
Vendor Zip	78218
Vendor State	TX
Vendor Country	USA
Delivery Days	10
Freight Terms	FOB Destination
Payment Terms	Net 30 days.
Shipping Terms	Freight prepaid by vendor and added to invoice
Ship Via	Common Carrier
Designated Dealer	No
EDGAR Received	Yes
Service-disabled Veteran Owned	No
Minority Owned	No
Women Owned	No
National	Yes
No Foreign Terrorist Orgs	Yes
No Israel Boycott	Yes
MWBE	No
ESCs	1, 2, 3, 13, 15, 20
States	Texas
Contract Name	Parks and Recreation Equipment, Products, and Installation
Contract No.	679-22
Effective	10/01/2022
Expiration	09/30/2025
Accepts RFQs	Yes
Quote Reference Number	679-22
Return Policy	20% restocking fee plus all applicable freight and handling charges that may apply.



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024
PRESENTED BY: Brad Bentsen, Director
AGENDA ITEM: Approval to Solicit Bids for Purchase and Installation Golf Ball Protective Netting for the All-Inclusive Lions Park - Bentsen

NATURE OF REQUEST:

Staff is seeking approval to solicit bids for the purchase and installation of golf ball protective netting for the protection of Lions Park All Inclusive Playground, Splash Pad and picnic areas. Proposed area to cover is 650 linear feet by 30 feet in height. Estimated cost is \$60,000.00.

BUDGETED: Yes **FUND:** 2021 CO **ACCT. #:** 76-461-74940

BUDGET: \$60,000 **EST. COST:** \$60,000.00 **CURRENT BUDGET BALANCE:** \$

BID AMOUNT: \$

STAFF RECOMMENDATION:

Staff and City Manager Approve

Departmental Approval: Finance, Purchasing

Advisory Board Recommendation: N/A

City Manager’s Recommendation: Approval *MRP*

RECORD OF VOTE: **APPROVED:** _____
 DISAPPROVED: _____
 TABLED: _____

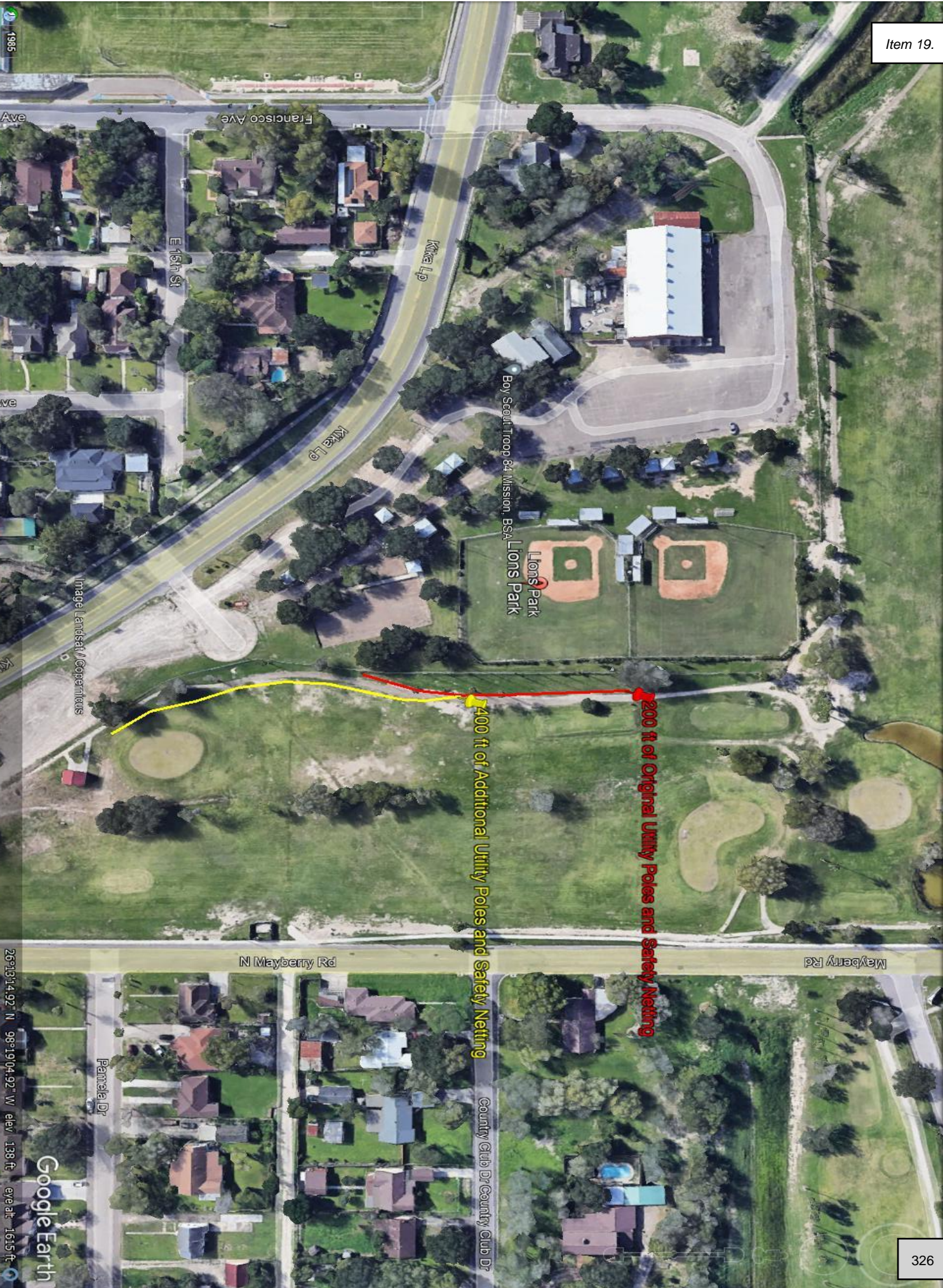
_____ AYES

_____ NAYS

_____ DISSENTING _____

SPECS - GOLF BALL SAFETY PROTECTIVE NETTING

- Scope of work is to provide and install 600 ft of golf ball protective netting and utility poles as needed to protect the All-Inclusive Playground, Splash Pad and associated areas from stray golf balls from neighboring golf course.
 - Attach netting to first 200 ft of existing 30 ft utility poles spaced at 25 ft oc
 - Install additional 8 x 30 ft (above ground) utility poles spaced at 50 ft oc (400 ft)
- Utility Poles:
 - 35 ft Class 2 CCA-C treated wood poles
 - Manufactured to ANSI 05.1 Specifications
 - Treatment spec to AWPA for utility poles .60 CCA
- Safety Netting:
 - All the nets will be UV resistant
 - Sections of netting to measure 25 ft height x 50 ft length
 - 48 strand polyester golf netting
 - 3/8" rope border sewn to the netting
 - Nets will be black in color.
 - 1/4" galvanized (7 x 19 strand) steel cable will be attached horizontally to the top and bottom of each pole
 - In addition, 1/4" galvanized vertical cables will be attached at each pole to support the vertical borders of each net
 - To include all new galvanized steel hardware



200 ft of Original Utility Poles and Safety Netting

7400 ft of Additional Utility Poles and Safety Netting



CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024
PRESENTED BY: Yenni Espinosa, Library Director
AGENDA ITEM: Approval of Texas Woman’s University School Of Occupational Therapy Doctoral Capstone Memorandum Of Understanding. - Espinoza

NATURE OF REQUEST:

In conjunction with the Memorandum of Agreement (the “MOA”), this Memorandum of Understanding (the “MOU”) specifies the unique conditions, contributions, and outcomes of an occupational therapy doctoral student’s Capstone Experience. This MOU is between Texas Woman’s University School of Occupational Therapy Entry-Level Occupational Therapy Doctoral Program (“TWU SOT”) located at 5500 Southwestern Medical Ave, Dallas, TX, 75235 and City of Mission, Texas located at 1201 E 8th St, Mission, TX 78572. Community partners at the Capstone Agency agree to have the occupational therapy doctoral learner (the “Student”) participate in the Capstone Agency’s programming and services for the Student’s capstone experience as a requirement for completion of their doctoral degree. This Capstone Experience will begin on 01/13/2025 and end on 04/19/2025.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____
BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____
BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: Finance

Advisory Board Recommendation: N/A

City Manager’s Recommendation: Approval *MCP*

RECORD OF VOTE: **APPROVED:** _____
 DISAPPROVED: _____
 TABLED: _____

_____ AYES
_____ NAYS
_____ DISSENTING _____

Exhibit A

TEXAS WOMAN'S UNIVERSITY
SCHOOL OF OCCUPATIONAL THERAPY
DOCTORAL CAPSTONE MEMORANDUM OF UNDERSTANDING

In conjunction with the Memorandum of Agreement (the "MOA"), this Memorandum of Understanding (the "MOU") specifies the unique conditions, contributions, and outcomes of an occupational therapy doctoral student's Capstone Experience. This MOU is between Texas Woman's University School of Occupational Therapy Entry-Level Occupational Therapy Doctoral Program ("TWU SOT") located at 5500 Southwestern Medical Ave, Dallas, TX, 75235 and City of Mission, Texas located at 1201 E 8th St, Mission, TX 78572. Community partners at the Capstone Agency agree to have the occupational therapy doctoral learner (the "Student") participate in the Capstone Agency's programming and services for the Student's capstone experience as a requirement for completion of their doctoral degree. This Capstone Experience will begin on 01/13/2025 and end on 04/19/2025.

Date of original MOU: 08/02/24

If the circumstances surrounding this Capstone Experience evolve and/or change **and** the terms and conditions of this MOU are no longer applicable or relevant *to the method of outcomes assessment*, then modifications and/or additions to the MOU will be necessary. See Exhibit B for *amendment* template and Exhibit C for *addendum* template.

Date(s) of MOU amendment/addendum:

SECTION A: Stakeholders of the Capstone Experience.

The following individuals are identified as primary stakeholders who possess vested interests in and evaluative privileges of the outcomes of this Capstone Experience:

Stakeholder 1: The Student

Name: Ithaly Vega

Email: ivega1@twu.edu

Phone: 956-801-9344

Focused Area(s) of Study: Education and Program & Policy Development

Specialty Topic and/or Skill: Autism & Sensory areas

Professional Mission Statement: As a dedicated student at TWU's Occupational Therapy Doctoral program, I strive to enhance the field of OT through engaging in continued learning, providing assistance to all and in increasing the knowledge on the ever growing benefits of OT in the community. With the use of evidence based practice, my mission is to enhance the quality of life for individuals of all ages through the development and implementation of therapeutic interventions, and by providing sensory supports that advance independence and well-being within the community.

Stakeholder 2: The Faculty Mentor

Name and Credentials: Linda Barnett, OTD, MA, OTR

Title: Assistant Clinical Professor and Fieldwork Associate

Email: lindabarnett@twu.edu

Phone: 214-689-7761

Statement of Expertise: Dr. Linda Barnett has 28 years of experience in occupational therapy with a specialization in early intervention of 21 years. Her expertise in leadership extends several years as an active leader in state and national occupational therapy associations. She has been a professor at TWU since 2019 and an Academic Fieldwork Coordinator Faculty Associate since 2021. Dr. Barnett is actively involved in her local community and is engaged in the Dallas Sensory Consortium providing consultation to agencies partnering with Texas Woman's University to meet the needs of individuals with neurodevelopmental disorders.

Stakeholder 3: The Agency Mentor

Name and Credentials: Yenni Espinoza

Title: Library Director

Email: sml_director@missiontexas.us

Phone: 956-580-8750

Statement of Expertise: As the library director, my main goal is to oversee and manage the library's resources, services, and operations to encourage literacy, lifelong learning, and community involvement. My duties include creating strategic plans and budgets, managing and developing staff, handling collection development and management, organizing events and programs to cater to diverse audiences, engaging with the community and creating partnerships, fundraising, and writing grants, integrating technology and innovating, ensuring excellent customer service and user experience, and promoting equity, diversity, and inclusion in all aspects of library services. By fulfilling this mission, I aim to contribute to the community's educational, cultural, and economic growth and make the library a lively hub for discovery and connection.

Stakeholder 4: Doctoral Capstone Coordinator

Name and Credentials: Lisa Griggs-Stapleton, PhD, OTR

Title: Associate Professor, Doctoral Capstone Coordinator

Email: lgriggsstapleton@twu.edu

Phone: 214-689-7761

See Appendix A for verification of Mentor expertise.

SECTION B: Description of Doctoral Capstone Experience and Project.

Title of Doctoral Capstone Project: Adaptive Libraries: Enhancing multi-sensory inclusivity in libraries

Description of Doctoral Capstone Project: Increasing inclusivity and accessibility in libraries to assist in decreasing limitations and difficulties faced by individuals with autism when accessing

these institutions. Planning and implementing sensory supports in libraries and providing advanced resources to the site.

SECTION C: Individualized Goals, Collaborative Objectives, and Mutual Outcomes.

The goals identified in this section are unique to the Student's focused area(s) of study and desired specialization of this Capstone Experience. The objectives included with these goals are reflective of collaboration between all Stakeholders to ensure outcomes and deliverables are mutually beneficial.

Experience Goal:

Objective #1: Increase sensory supports within the library through the creation of a sensory room

Action Items: Acquire items, adjust room to meet sensory needs of children with ASD, address needs for children in ASD population

Outcomes and Deliverables: Completed sensory space/room

Specific Outcomes Measure: Satisfaction Survey

Objective #2: Develop and implement advanced sensory integration activities for children with autism spectrum disorder

Action Items: Address needs for children in ASD population, completion of activity

Outcomes and Deliverables: Sensory inclusive butterfly garden

Specific Outcomes Measure: Feedback form

Objective #3: Staff training

Action Items: Develop training/education PowerPoint, address need for education on topic

Outcomes and Deliverables: PowerPoint presentation and digital education manual to increase staff knowledge and understanding.

Specific Outcomes Measure: Feedback form, quiz at the end.

Objective #4: Increase knowledge of autism & sensory sensitivities within the community

Action Items: Address need for increased education within the community to increase knowledge/awareness

Outcomes and Deliverables: Education handout, translated in English and Spanish.

Specific Outcomes Measure: Survey

For measuring success of these goals, objectives, outcomes, and other deliverables, please see the Student-Specific Outcomes Measure in Appendix B.

SECTION D: Sustainability Plan of Capstone Outcomes.

To promote continuity of the outcomes of this capstone experience, the following sustainability plan will set processes, procedures and/or resources in place for members of the Capstone Agency to employ.

The agency will be provided a copy of the needs assessment results, a digital program manual with resources, program materials and program dissemination PPT. This is with the hope that the program will continue and have longevity after initial implementation through the assistance of the agency, their faculty and any future capstone students.

SECTION E: Dissemination Plan.

The Student will disseminate the findings and outcomes of the capstone experience according to the following preferences and requirements of TWU SOT and the Capstone Agency:

TWU SOT Dissemination: The student will disseminate capstone experience and project during an on campus event at Texas Woman's University School of Occupational Therapy in Dallas at the end of spring semester 2024 in poster and/or oral presentation. Date and forum will be announced in the future.

Capstone Agency Dissemination: The student will disseminate capstone project to community partners/key stakeholders by week 14 of spring semester 2024. The student will work in collaboration with faculty mentor and community partner on specifics of project dissemination once on site in January 2024.

Other Methods of Dissemination: N/A

SECTION F: Roles and Responsibilities of Stakeholders.

Each stakeholder identified in this MOU will fulfill their roles and responsibilities described in this section.

The Student

As a **doctoral student** of the TWU SOT by efficiently utilizing the knowledge gained from this OTD program to develop a significant capstone project.

As a **mentee** to Faculty and Agency Mentors by being open to feedback and ensuring open communication with mentors.

As a **representative of TWU SOT** by representing the mission that TWU has, maintaining integrity and honesty.

As a **representative of the Capstone Agency** by remaining engaged, exhibiting excellent time management skills, working well within a team, and fostering a collaborative environment.

As a **collaborator** with stakeholders within this MOU by being open, adaptable and readily available to ensure the success of this capstone project.

The Faculty Mentor

As a **mentor** for the Student by providing feedback on capstone project goals and objectives.

As the **point of contact** for the Student and the Agency Mentor by facilitating communication between site, site mentor, and student when needed.

As a **collaborator** with stakeholders within this MOU by working in conjunction with the student, site mentor, and Doctoral Capstone Coordinator to finalize the Doctoral Capstone Memorandum of Understanding and to provide feedback on capstone project goals and objectives.

The Agency Mentor(s):

As a **mentor and/or supervisor** for the Student by providing feedback on capstone project goals and objectives and on-site mentorship by sharing information, advice, and guidance on project progress.

As the **point of contact** for the Student and the Faculty Mentor by providing access to organization, program participants, key stakeholders, and pertinent participant information.

As a **collaborator** with stakeholders within this MOU by working in conjunction with the student, site mentor, and Doctoral Capstone Coordinator to finalize the Doctoral Capstone Memorandum of Understanding and to provide feedback on capstone project goals and objectives.

The Doctoral Capstone Coordinator:

As the **responsible party** for ensuring compliance with meeting Accreditation Council for Occupational Therapy Education standards for the doctoral capstone by procuring and/or appraising required documentation for the preparation, process, and completion of this Capstone Experience.

As a **representative of TWU SOT** by providing outreach to community partners for orientation to and additional education about the Capstone Experience.

As a **support person** for the Student, Faculty Mentor, and Agency Mentor by being accessible through identified communication methods within this MOU and providing assistance per request of stakeholder.

SECTION G: Mentoring and Supervision Plans.

The Student will coordinate and participate in regular and scheduled mentoring or supervision meetings with Faculty and Agency Mentors according to the Mentors' preferences and abilities and in consideration of the Student's needs.

Mentoring/Supervision with Faculty Mentor:

- Meeting once/week or every other week throughout the 14 weeks, unless more frequent meetings are required to discuss specific needs or issues.
- Meetings will take place face-to-face, by zoom, phone, or other agreed

upon communication method.

- Faculty mentor will provide verbal and/or written guidance and feedback with both traditional one on one and distance mentoring through electronic communication.
- Faculty mentor will evaluate student at midterm and at the end of the capstone project; evaluation form to be provided.

Mentoring/Supervision with Agency Mentor(s):

- Meeting every other week/once a month throughout the 14 weeks, unless more frequent meetings are required to discuss specific needs or issues.
- Meetings will take place face-to-face, by zoom, phone, or other agreed upon communication method.
- Agency mentor will provide verbal and/or written guidance and feedback with both traditional one on one and distance mentoring through electronic communication.
- Agency mentor will evaluate student at midterm and at end of capstone project; evaluation form to be provided.

SECTION H: Timeline and Phases.

The Capstone Experience will occur over a minimum of **fourteen (14) consecutive weeks** for a **minimum of 560 hours**. *All of this time will be directly applicable to the outcomes of this Capstone Experience unless permitted otherwise through Faculty and Agency Mentor agreement.* See Appendix C for Time and Supervision Log.

The following time line describes a tentative but anticipated progression of the Capstone Experience:

Phase 1: Getting started

Week 1: Meet with Capstone agency mentor and staff to discuss and understand needs, conduct thorough needs assessment, establish clear goals/objectives, and develop daily schedule/plan.

Week 2: Develop list of required resources, materials, budget estimates, and develop design plan for sensory room.

Week 3: Acquire materials needed for sensory room, and sensory activities. Begin assembling resources for education handouts/staff education PPT on sensory inclusivity practices.

Phase 2: Beginning to meet goals and objectives

Week 4: Begin implementation of sensory supports in designated sensory room.

Week 5: Create signage for sensory room/activities, and continue to develop sensory areas.

Week 6: Progress sensory butterfly garden activity development, create surveys and feedback forms.

Phase 3: Meeting goals and objectives

Week 7: Complete education handouts and complete staff education PPT.

Week 8: Present staff education PPT and translate education handout, continue working on sensory room & activities.

Week 9: Complete sensory room, provide feedback survey and print education handout to be provided at the library

Phase 4: Finishing goals, objectives, and outcomes/deliverables

Week 10: Continue to work on digital education manual, complete sensory activities (butterfly garden), post signage.

Week 11: Collect feedback data from staff and patrons on sensory supports provided.

Week 12: Make any adjustments to sensory supports based on patron and agency feedback collected.

Phase 5: Wrapping up and finalizing MOU terms/conditions

Week 13: Gather all results from all feedback forms and surveys, complete digital education manual.

Week 14: Project dissemination with capstone agency, ensure goals and objectives were met/followed.

SECTION I: Statement of Authorship.

The stakeholders within this MOU agree to the following statement of *authorship*: to be determined and amended in collaboration with all key stakeholders once student is onsite.

SECTION J: Statement of Ownership.

The stakeholders within this MOU agree to the following statement of *ownership*: to be determined and amended in collaboration with all key stakeholders once student is onsite.

SECTION K: Signatures of Agreement, Authorization, and Execution.

By my signature, I confirm that this MOU was created in collaboration with TWU SOT and Capstone Agency stakeholders, and I agree to uphold terms and conditions stated in this MOU.

Student	
Printed/typed name: Ithaly Vega	
Signature: Ithaly Vega	Date: 08/01/24
Faculty Mentor	
Printed/typed name:	
Signature:	Date:
Agency Mentor	
Printed/typed name:	
Signature:	Date:
Doctoral Capstone Coordinator	
Printed/typed name:	
Signature:	Date:

Appendix A: Verification of Mentor Expertise

The following documentation verifies that this Mentor possesses expertise related to the Student's focused area(s) of knowledge and/or specialized topic or skill.

Appendix B: Student-Specific Outcomes Measure (template)

Capstone Experience Information
Student:
Faculty Mentor: Linda Barnett
Agency Mentor:
Capstone Agency:
Title of Capstone Project:
Capstone Focus Area(s):
Specialty Topic/Skillset:
Dates of Capstone Experience:

TWU SOT Components of Relative Mastery	Assessment of Student-Specific Outcomes per Outcomes Measure Criteria	Met or Not Met
Performance Goal:		
Objective:		
Objective:		
Professional Reasoning Goal:		
Objective:		
Objective:		
Experience Goal:		
Objective:		
Objective:		
Comments (optional):		

Declaration of Success
The goals, objectives, outcomes, and other terms and conditions set forth on this MOU—to which all stakeholders have agreed— <i>have been met and are deemed satisfactory</i> . This declaration provides evidence of the Student’s Relative Mastery of in-depth knowledge in their focused area(s) of study and desired specialization.
OTD Student Signature and Date:
Faculty Mentor Signature and Date:
Agency Mentor Signature and Date:

Appendix C: Time and Supervision Log (template)

ACOTE Standard D.1.5 requires a minimum of 560 hours over a minimum of 14 weeks for a Capstone Experience (40 hours/week for 14 weeks). All actions and events that occur during this time will be directly applicable to the outcomes of this Capstone Experience per MOU unless permitted otherwise through Faculty and Agency Mentor agreement.

Week # __	Actions/Events Related to MOU	Mentor Supervision (“F” = Faculty; “A” = Agency)	Total Hours
Sunday			
Monday			
Tuesday			
Wednesday			
Thursday			
Friday			
Saturday			
Total Hours for Week ____			
Week # __	Actions/Events Related to MOU	Mentor Supervision (“F” = Faculty; “A” = Agency)	Total Hours
Sunday			
Monday			
Tuesday			
Wednesday			
Thursday			
Friday			
Saturday			
Total Hours for Week ____			
Week # __	Actions/Events Related to MOU	Mentor Supervision (“F” = Faculty; “A” = Agency)	Total Hours
Sunday			
Monday			
Tuesday			
Wednesday			
Thursday			
Friday			
Saturday			
Total Hours for Week ____			

Exhibit B

AMENDMENT TO MEMORANDUM OF UNDERSTANDING

Date of amendment:

Section(s) of MOU requiring modification(s) to terms and conditions:

Proposed modification(s):

Justification/reasoning for proposed modification(s):

By my signature, I indicate my review, understanding, and agreement of the proposed modification(s) as an **amendment** to the current Memorandum of Understanding.

Student	
Printed/typed name:	
Signature:	Date:
Faculty Mentor	
Printed/typed name:	
Signature:	Date:
Agency Mentor	
Printed/typed name:	
Signature:	Date:

Exhibit C

ADDENDUM TO MEMORANDUM OF UNDERSTANDING

Date of addendum:

Section(s) of MOU requiring addition(s) to terms and conditions:

Proposed addition(s):

Justification/reasoning for proposed addition(s):

By my signature, I indicate my review, understanding, and agreement of the proposed addition(s) as an **addendum** to the current Memorandum of Understanding.

Student	
Printed/typed name:	
Signature:	Date:
Faculty Mentor	
Printed/typed name:	
Signature:	Date:
Agency Mentor	
Printed/typed name:	
Signature:	Date:



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024
PRESENTED BY: Cesar Torres, Chief of Police
AGENDA ITEM: Authorization to allow the purchase of a firearm by Honorably Retired Peace Officer, Robert Rodriguez for the Mission Police Department, in accordance with Texas Government Code, Section 614.051- Torres

NATURE OF REQUEST:

Honorably Retired Peace Officer, Robert Rodriguez has requested to purchase his Glock 17/Generation 4, 9mm service weapon, serial # BACG-561 from the Mission Police Department.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *MRP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024

PRESENTED BY: Michael Elizalde, Grants Administrator

AGENDA ITEM: Approval of Resolution # _____ authorizing the acceptance of the FY22 Flood Mitigation Assistance Grant administered by TWDB in the amount of \$320,000 – Elizalde

NATURE OF REQUEST:

Approval of resolution authorizing the acceptance of a the FY22 Flood Mitigation Assistance Grant administered by the Texas Water Development Board (TWDB). The purpose of this program is to reduce or eliminate the long-term risk of flood damage to repetitive loss (RL) and severe repetitive loss (SRL) structures that are insured under the National Flood Insurance Program (NFIP). This program also seeks to reduce or eliminate the dependence on taxpayer-funded federal disaster assistance for disaster recovery. The city’s proposed project includes technical assistance for final design and benefit cost analysis for drainage improvement projects. The total project award is \$320,000 which will require a 10% cost match in the amount of \$32,000 and will be supported by the city’s FY24-25 CDBG allocation.

BUGETED: Yes FY24-25 **FUND:** CDBG **ACCT. #:** 04-462-74930

BUDGET: \$ 136,000 **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: Finance

Advisory Board Recommendation: N/A

City Manager’s Recommendation: Approval *MRP*

RECORD OF VOTE:	APPROVED:	_____
	DISAPPROVED:	_____
	TABLED:	_____

_____ AYES

_____ NAYS

_____ DISSENTING _____

RESOLUTION NO. _____

WHEREAS, The City of Mission finds it in the best interest of the citizens of Mission, Texas that the City of Mission Spikes & Jupiter Drainage Engineering Design C&CB Project Scoping be operated for the 2024-2025 Fiscal Year; and

WHEREAS, The City of Mission agrees to provide applicable local matching funds for the said project as required by TWDB/FEMA; and

WHEREAS, The City of Mission agrees that in the event of loss or misuse of funds, The City of Mission assures that the funds will be returned to TWDB/FEMA in full.

WHEREAS, The City of Mission designates the Executive Director of Grants & Strategic Development as the subrecipient authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that The City of Mission approves acceptance of the grant sub-application, designates and commits to provide applicable local matching funds for the City of Mission Spikes & Jupiter Drainage Engineering Design C&CB Project Scoping.

READ, CONSIDERED AND APPROVED, this 26th day of August 2024.

Norie Gonzalez Garza, Mayor

Attest:

Anna Carrillo, City Secretary

STATE OF TEXAS

TWDB Contract No. 2200012821

COUNTY OF TRAVIS

Flood Mitigation Assistance
 Capability and Capacity Building
 Project Scoping Grant
City of Mission

This Contract (hereinafter CONTRACT) is entered into by and between the TEXAS WATER DEVELOPMENT BOARD (TWDB), the RECIPIENT, serving as administrator of the Federal Emergency Management Agency (FEMA) Flood Mitigation Assistance Program, and **City of Mission**, the SUBRECIPIENT (CONTRACTOR). The RECIPIENT and CONTRACTOR may be referred to as "Party," or "Parties" to the CONTRACT.

**SECTION I. SPECIFIC CONDITIONS AND EXCEPTIONS
 TO STANDARD AGREEMENT**

ARTICLE I. DEFINITIONS:

For the purposes of this CONTRACT, the following terms or phrases are defined as follows:

1. TWDB/RECIPIENT – The Texas Water Development Board, Unique Entity Identifier (UEI) No. JZFM39LKH51, or its designated representative.
2. FEMA – Federal Emergency Management Agency. FEMA is not a party to the CONTRACT and is not subject to any obligations or liabilities pertaining to any matter resulting from the CONTRACT.
3. FMA – Flood Mitigation Assistance Program, Catalog of Federal Domestic Assistance (CFDA) No. 97.029
4. 2 CFR PART 200 – Title 2 of the Code of Federal Regulations, Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
5. CONTRACTOR/SUBRECIPIENT – **City of Mission**, UEI No. NB6GZTVY4BF7
6. EXECUTIVE ADMINISTRATOR – The Executive Administrator of TWDB or a designated representative.
7. PARTICIPANT(S) – N/A
8. REQUIRED INTERLOCAL AGREEMENT(S) – N/A
9. FEMA APPROVAL DATE – September 27, 2023

10. TWDB APPROVAL DATE – April 11, 2024
11. PROJECT SCOPING AREA – The project scoping area is more specifically defined in EXHIBIT B (the original grant application).
12. CONTRACT EFFECTIVE DATE – September 27, 2023
13. PROJECT SCOPING COMPLETION DATE – December 1, 2025
14. CONTRACT EXPIRATION DATE – March 31, 2026
15. TOTAL PROJECT SCOPING COST – \$320,000.00
16. FEDERAL SHARE OF THE TOTAL PROJECT SCOPING COST – Not to exceed \$288,000.00
17. TWDB SHARE OF THE TOTAL PROJECT SCOPING COST – Not to exceed \$0.00
18. LOCAL SHARE OF THE TOTAL PROJECT SCOPING COST – is estimated to be \$32,000.00
19. PAYMENT REQUEST SCHEDULE – Submit payment requests totaling a minimum of \$5,000 on a Federal quarterly basis, unless it is the final payment request being submitted.
20. OTHER SPECIAL CONDITIONS AND EXCEPTIONS TO STANDARD AGREEMENT
 - A. CONTRACTOR must meet with TWDB's designated Project Manager for monthly progress reports as well as any delays or concerns.

SECTION II. STANDARD AGREEMENT

ARTICLE I. RECITALS

WHEREAS, CONTRACTOR applied through TWDB for a FEMA project scoping grant under the FMA program to mitigate specific flood problems as identified in EXHIBIT B, the original grant application, which is incorporated herein and made a permanent part of this CONTRACT; and

WHEREAS, CONTRACTOR and PARTICIPANTS will commit cash and/or in-kind services to pay the LOCAL SHARE OF THE TOTAL PROJECT SCOPING COST, if applicable; and

WHEREAS, CONTRACTOR will receive grant funds and will be responsible for the execution of this CONTRACT and compliance with the FMA requirements; and

WHEREAS, on the FEMA APPROVAL DATE, FEMA approved CONTRACTOR's application for financial assistance;

NOW, THEREFORE, TWDB and CONTRACTOR agree as follows:

ARTICLE II AGREEMENTS

1. The United States of America, through the Director of FEMA, has agreed to provide funds to CONTRACTOR, through TWDB, for the FEDERAL SHARE OF THE TOTAL PROJECT SCOPING COST. By acceptance of the funds awarded, CONTRACTOR agrees to abide by the terms and conditions of this CONTRACT as set forth in this document and the documents identified herein and made a part hereof by reference.
2. Services and activities provided under this CONTRACT must be in strict compliance with the requirements of Texas Government Code Chapter 742 as well as EXHIBIT A, the FEMA Award Package.
3. CONTRACTOR will provide Flood Mitigation Assistance to the PROJECT SCOPING AREA as delineated and described in EXHIBIT B, the original grant application, and according to the implementation plan contained in EXHIBIT C.

ARTICLE III. PERIOD OF PERFORMANCE

The period of performance of this CONTRACT is from the CONTRACT EFFECTIVE DATE to the PROJECT SCOPING COMPLETION DATE, unless otherwise amended.

ARTICLE IV. APPLICABLE FEDERAL LAWS AND RULES

FEMA requires all grant recipients and subrecipients to comply with federal laws and rules. These federal laws and rules are listed in Article VIII of the FEMA Award Package (EXHIBIT A), which is incorporated herein and made a permanent part of this CONTRACT. CONTRACTOR must comply with all federal laws and rules listed in EXHIBIT A. All FEMA grants are also subject to the following requirements:

1. TWDB will reimburse CONTRACTOR for costs determined by FEMA to be allowable, allocable, necessary and reasonable in accordance with 2 CFR Part 200.
2. CONTRACTOR must follow applicable matching or cost-sharing requirements found in 2 CFR Part 200, the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, as required (EXHIBIT A).
3. The grant will be administered by CONTRACTOR following the Hazard Mitigation Assistance (HMA) Program and Policy Guide in effect when the application (EXHIBIT B) was submitted to FEMA, which is available at www.fema.gov.
4. CONTRACTOR must notify TWDB of any funds transferred to FEMA arising from the performance of this CONTRACT, along with accrued interest, if any.
5. TWDB will recoup project scoping funds that do not meet deliverables criteria in EXHIBIT A and EXHIBIT B.
6. Publication Rights. Any publication resulting from work performed under this CONTRACT must include an acknowledgement of FEMA financial support and a statement that the publication does not constitute an endorsement nor reflect the views of FEMA or TWDB.
7. Contract Amendments. No subsequent grants, monetary increase amendment, or time extension amendment will be approved unless all overdue financial or quarterly reports have been submitted to TWDB by CONTRACTOR. Exceptions to this policy can be approved only by FEMA.
8. Registration and Reporting Requirement. Pursuant to the Federal Funding Accountability and Transparency Act of 2006, Pub. L. 109-282, CONTRACTOR is required to obtain a Data Universal Numbering System (DUNS) number and register with the System of Award Management (www.sam.gov) to receive Unique Entity Identifier (UEI). Registration and reporting requirements must be maintained during the life of this CONTRACT.

ARTICLE V. INTELLECTUAL PROPERTY: OWNERSHIP, PUBLICATION, AND ACKNOWLEDGEMENT

1. For purposes of this Article, "Contractor Works" are work products developed by CONTRACTOR and any Subcontractors using funds provided under this CONTRACT or otherwise rendered in or related to the performance in whole or part of this CONTRACT, including but not limited to reports; drafts of reports; material, data, drawings, studies, analyses, notes, plans, computer programs and codes; or other work products, whether final or intermediate.
 - A. It is agreed that all Contractor Works are the joint property of TWDB, FEMA, and CONTRACTOR.
 - B. The parties hereby agree that, if recognized as such by applicable law, the Contractor Works are intended to and will be works-made-for-hire with joint ownership between TWDB, FEMA, and CONTRACTOR as such works are created in whole or part.
 - C. If Contractor Works do not qualify as works-made-for-hire under applicable law, CONTRACTOR hereby conveys co-ownership of such works to TWDB and FEMA as they are created in whole or part. If present conveyance is ineffective under applicable law, CONTRACTOR agrees to convey a co-ownership interest of Contractor Works to TWDB and FEMA after creation in whole or part of such works, and to provide written documentation of such conveyance upon request by TWDB or FEMA.
 - D. TWDB and CONTRACTOR acknowledge that the copyright in and to copyrightable Contractor Works subsists upon creation of the Contractor Works and its fixing in any tangible medium. CONTRACTOR or TWDB may register the copyrights to such Works jointly in the names of CONTRACTOR, TWDB and FEMA.
 - E. TWDB, FEMA and CONTRACTOR each have full and unrestricted rights to use Contractor Works with no compensation obligation.
2. "Use" of a work product, whether Contractor Works, Subcontractor Works or otherwise, means and includes, without limitation hereby, any lawful use, copying or dissemination of the work product, or any lawful development, use, copying or dissemination of derivative works of the work product, in any medium or form, whether now known or later existing.
3. "No Compensation Obligation" means there is no obligation on the part of one co-owner or licensee of a work, whether Contractor Works, Subcontractor Works or otherwise, to compensate other co-owners, licensees or licensors of the work

for any use of the work by the using co-owner or licensee, including but not limited to compensation for or in the form of: royalties; co-owner or licensee accounting; sharing of revenues or profits among co-owners, licensees or licensors; or any other form of compensation to the other co-owners, licensees or licensors on account of any use of the work.

4. "Dissemination" includes, without limitation hereby, any and all manner of: physical distribution; publication; broadcast; electronic transmission; internet streaming; posting on the Internet or world wide web; or any other form of communication, transmission, distribution, sending or providing, in any forms or formats, and in or using any media, whether now known or later existing.
5. TWDB has an unlimited, unrestricted, perpetual, irrevocable, non-exclusive royalty-free right to access and receive in usable form and format, and to use all technical or other data or information developed by CONTRACTOR and Subcontractor in, or otherwise resulting from, the performance of services under this CONTRACT.
6. For purposes of this Article, "Subcontractor Works" includes all work product developed in whole or part by or on behalf of Subcontractors engaged by CONTRACTOR to perform work for or on behalf of any CONTRACTOR under this CONTRACT (or by the Subcontractors' Subcontractors hereunder, and so on). CONTRACTOR must secure in writing from any Subcontractors so engaged:
 - A. unlimited, unrestricted, perpetual, irrevocable, royalty-free rights of TWDB (and, if desired, of CONTRACTOR) to access and receive, and to use any and all technical or other data or information developed in or resulting from the performance of services under such engagement, with No Compensation Obligation; and either:
 - B. assignment by the Subcontractor to TWDB (and, if desired by them, jointly to CONTRACTOR) of ownership (or joint ownership with the Subcontractor) of all Subcontractor Works, with No Compensation Obligation; or
 - C. grant by Subcontractor of a non-exclusive, unrestricted, unlimited, perpetual, irrevocable, world-wide, royalty-free license to TWDB (and, if desired by them, CONTRACTOR) to use any and all Subcontractor Works, including the right to sublicense use to third parties, with No Compensation Obligation.
7. No unauthorized patents. Contractor Works and Subcontractor Works or other work product developed or created in the performance of this CONTRACT or otherwise using funds provided hereunder must not be patented by CONTRACTOR or their Subcontractor(s) unless Executive Administrator consents in writing to submission of an application for patent on such works; and provided that, unless otherwise agreed in writing:

- A. any application made for patent must include and name TWDB (and, as applicable and desired by them, CONTRACTOR) as co-owners of the patented work;
 - B. no patent granted will in any way limit, or be used by CONTRACTOR or Subcontractor to limit or bar TWDB's rights hereunder to access and receive in useable form and format, and right to use, any and all technical or other data or information developed in or resulting from performance pursuant to this CONTRACT or the use of funds provided hereunder; and
 - C. TWDB (and, if applicable, CONTRACTOR) will have no compensation obligation to any other co-owners or licensees of any such patented work, unless otherwise expressly agreed in writing.
8. CONTRACTOR must include terms and conditions in all contracts or other engagement agreements with any Subcontractors as are necessary to secure these rights and protections for TWDB and must require that Subcontractors include similar such terms and conditions in any contracts or other engagements with their Subcontractors. For the purposes of this section, "Subcontractors" includes independent contractors (including consultants) and employees working outside the course and scope of employment.
 9. Any work products subject to a TWDB copyright or joint copyright and produced or developed by CONTRACTOR or its Subcontractor(s) pursuant to this CONTRACT or using any funding provided by TWDB may be reproduced in any medium, form or format by TWDB or CONTRACTOR at their own cost, and be disseminated in any medium, format or form by any party at its sole cost and in its sole discretion. CONTRACTOR may utilize such work products it deems appropriate, including dissemination of such work products or parts thereof under their own name, provided that any TWDB copyright is noted on the materials.
 10. CONTRACTOR agrees to promptly notify TWDB regarding any media requests or inquiries relating to the work performed under this CONTRACT.

ARTICLE VI. GENERAL TERMS AND CONDITIONS

1. GENERAL TERMS
 - A. **Disaster Recovery Plan.** Upon request of TWDB, CONTRACTOR must provide descriptions or copies of its business continuity and disaster recovery plans.
 - B. **Dispute Resolution.** The dispute resolution process provided for in Texas

Government Code Chapter 2009 is available to the parties to resolve any dispute arising under the CONTRACT.

- D. **Funding Limitation.** CONTRACTOR understands that all obligations of TWDB under the CONTRACT are subject to the availability of grant funds. The CONTRACT is subject to termination or cancellation, either in whole or in part, without penalty to TWDB if such funds are not appropriated or become unavailable.
- E. **Force Majeure.** Neither CONTRACTOR nor TWDB will be liable to the other for any delay in or failure of performance of any requirement contained in this CONTRACT caused by force majeure. The existence of such causes of delay or failure will extend the period of performance until after the causes of delay or failure have been removed, provided the non-performing party exercises all reasonable due diligence to perform. Force majeure is defined as acts of God, war, fires, explosions, hurricanes, floods, failure of transportation or other causes that are beyond the reasonable control of either party and that by exercise of due foresight such party could not reasonably have been expected to avoid, and which, by the exercise of all reasonable due diligence, such party is unable to overcome.
- F. **Governing Law and Venue.** This CONTRACT is governed by and construed in accordance with the laws of the State of Texas, without regard to the conflicts of law provisions. The venue of any suit arising under this CONTRACT is fixed in any court of competent jurisdiction in Travis County, Texas, unless the specific venue is otherwise identified in a statute which directly names or otherwise identifies its applicability to TWDB.
- G. **Indemnification.** CONTRACTOR AGREES TO DEFEND, INDEMNIFY AND HOLD HARMLESS THE STATE OF TEXAS AND TWDB, AND/OR THEIR OFFICERS, AGENTS, EMPLOYEES, REPRESENTATIVES, CONTRACTORS, ASSIGNEES, AND/OR DESIGNEES FROM ANY AND ALL LIABILITY, ACTIONS, CLAIMS, DEMANDS, OR SUITS, AND ALL RELATED COSTS, ATTORNEY FEES, AND EXPENSES ARISING OUT OF, OR RESULTING FROM ANY ACTS OR OMISSIONS OF CONTRACTOR OR ITS AGENTS, EMPLOYEES, SUBCONTRACTORS, ORDER FULFILLERS, OR SUPPLIERS OF SUBCONTRACTORS IN THE EXECUTION OR PERFORMANCE OF THE CONTRACT AND ANY PURCHASE ORDERS ISSUED UNDER THE CONTRACT. THE DEFENSE MUST BE COORDINATED BY CONTRACTOR WITH THE OFFICE OF THE TEXAS ATTORNEY GENERAL WHEN TEXAS STATE AGENCIES ARE NAMED DEFENDANTS IN ANY LAWSUIT, AND CONTRACTOR MAY NOT AGREE TO ANY SETTLEMENT WITHOUT FIRST OBTAINING CONCURRENCE FROM THE OFFICE OF THE TEXAS ATTORNEY GENERAL. CONTRACTOR AND TWDB AGREE TO FURNISH TIMELY

WRITTEN NOTICE TO EACH OTHER OF ANY SUCH CLAIM.

- H. **Liability.** CONTRACTOR agrees to be fully responsible for its negligent acts or omissions or tortious acts. Nothing herein will be construed as consent by the State of Texas, TWDB or any state agency or entity as consent to be sued in any matter arising out of this CONTRACT.
- I. **Public Information Act.** CONTRACTOR understands that TWDB will comply with the Texas Public Information Act, Texas Government Code Chapter 552, as interpreted by judicial rulings and opinions of the Attorney General of the State of Texas. Information, documentation and other material in connection with this CONTRACT may be subject to public disclosure pursuant to the Texas Public Information Act. In accordance with Texas Government Code § 2252.907, CONTRACTOR is required to make any information created or exchanged with the State pursuant to this CONTRACT, and not otherwise excepted from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to the State.
- J. **Right to Audit.**
1. The state auditor and the EXECUTIVE ADMINISTRATOR may conduct an audit or investigation of any entity receiving funds from the state directly under the CONTRACT or indirectly through a subcontract under the CONTRACT. The acceptance of funds directly under the CONTRACT or indirectly through a subcontract under the CONTRACT acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. Under the direction of the legislative audit committee, an entity that is the subject of an audit or investigation by the state auditor must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
 2. CONTRACTOR must make such documents and records available for examination and audit by the Federal government and records must be kept and maintained in accordance with generally accepted accounting principles and for a minimum of seven years following the submission of the final Federal Financial Report.
- K. **Severability.** Should any one or more provisions of this CONTRACT be held to be null, void, voidable, or, for any reason whatsoever, of no force and effect, such provision(s) will be construed as severable from the remainder of this CONTRACT and will not affect the validity of all other provisions of this CONTRACT, which will remain in full force and effect.

2. AFFIRMATIONS AND CERTIFICATIONS

- A. **Child Support Obligation.** CONTRACTOR represents and warrants that it will include the following clause in the award documents for every subaward and subcontract and will require subrecipients and contractors to certify accordingly: "Under Texas Family Code § 231.006, the contractor or applicant certifies that the individual or business entity named in this contract, bid or application is not ineligible to receive the specified grant, loan, or payment and acknowledges that this contract may be terminated and payment may be withheld if this certification is inaccurate. A bid or an application for a contract, grant, or loan paid from state funds must include the name and social security number of the individual or sole proprietor and each partner, shareholder, or owner with an ownership interest of at least 25 percent of the business entity submitting the bid or application. FEDERAL PRIVACY ACT NOTICE: This notice is given pursuant to the Federal Privacy Act. Disclosure of your Social Security Number (SSN) is required under Section 231.006(c) and Section 231.302(c)(2) of the Texas Family Code. The Social Security number will be used to identify persons that may owe child support and will be kept confidential to the fullest extent allowed under Section 231.302(e) of the Texas Family Code."
- B. **Clean Air Act.** CONTRACTOR agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act, as amended, 42. U.S.C. Section 7401 et seq., and will report each violation to the TWDB. The TWDB will in turn report each violation as required to assure notification to FEMA, and the appropriate regional office of the Environmental Protection Agency. The CONTRACTOR agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole, or part, with Federal Assistance provided from FEMA, the substance of this CONTRACT.
- C. **Contract Oversight.** CONTRACTOR represents and warrants that it will maintain oversight to ensure that CONTRACTOR and Subcontractor(s) perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- D. **Cybersecurity.** CONTRACTOR represents and warrants that its compliance with Section 2054.5191, Texas Government Code, relating to the cybersecurity training program for local government employees who have access to a local government computer system or database.
- E. **Debts and Delinquencies.** CONTRACTOR agrees that any payments due under the CONTRACT will be applied towards any debt or delinquency that is owed to the State of Texas, including but not limited to delinquent taxes, delinquent student loan payments and delinquent child support.

- F. Disclosure Protections for Certain Charitable Organizations, Charitable Trusts and Private Foundations.** CONTRACTOR represents and warrants that it will comply with Texas Government Code § 2252.906, relating to disclosure protections for certain charitable organizations, charitable trusts, and private foundations.
- G. Excluded Parties.** CONTRACTOR certifies that it is not listed on the federal government's terrorism watch list as described in Executive Order 13224. Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism", published by the United States Department of the Treasury, Office of Foreign Assets Control.
- H. Executive Head of a State Agency.** In accordance with Texas Government Code § 669.003, relating to contracting with the executive head of a state agency, CONTRACTOR certifies that it is not: 1) the executive head of TWDB; 2) a person who at any time during the four years before the date of this CONTRACT was the executive head of TWDB; or 3) a person who employs a current or former executive head of TWDB.
- I. Federal Water Pollution Control Act.** CONTRACTOR agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., and agrees to report each violation to the TWDB, and understands that the TWDB will, in turn, report each violation as required to assure notification to FEMA and the appropriate regional office of the Environmental Protection Agency. The CONTRACTOR agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole, or part, with Federal Assistance provided from FEMA, the substance of this CONTRACT.
- J. Legal Authority.** CONTRACTOR represents that it possesses legal authority to apply for the grant. A resolution, motion or similar action has been duly adopted or passed as an official act of CONTRACTOR's governing body, authorizing the filing of the application or response, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative, or the designee of CONTRACTOR to act in connection with the application or response and to provide such additional information as may be required.
- K. Lobbying Expenditure Restriction.** CONTRACTOR represents and warrants that TWDB's payments to CONTRACTOR and CONTRACTOR's receipt of appropriated or other funds under the contract or grant are not prohibited by Texas Government Code §§ 403.1067 or 556.0055, which restrict lobbying expenditures.

- L. **No Conflicts of Interest.** CONTRACTOR represents and warrants its compliance with the Federal awarding agency's conflict of interest policies in accordance with 2 CFR § 200.112.
- M. **No Waiver of Sovereign Immunity.** The Parties expressly agree that no provision of the grant or contract is in any way intended to constitute a waiver by TWDB or the State of Texas of any immunities from suit or from liability that TWDB or the State of Texas may have by operation of law.
- N. **Open Meetings.** If CONTRACTOR is a governmental entity, CONTRACTOR represents and warrants its compliance with Texas Government Code Chapter 551, which requires all regular, special, or called meetings of a governmental body to be open to the public, except as otherwise provided by law.
- O. **Political Polling Prohibition.** CONTRACTOR represents and warrants that it does not perform political polling and acknowledges that appropriated funds may not be granted to, or expended by, any entity which performs political polling.
- P. **Procurement of Recovered Materials.** CONTRACTOR represents that it will make maximum use of products containing recovered materials that are EPA-designated items, as applicable for performance of the CONTRACT, unless the product cannot be acquired (i) competitively within a timeframe providing for compliance with the CONTRACT or its performance requirements, or (ii) at a reasonable price.
- Q. **Records Retention.** CONTRACTOR represents and warrants its compliance with the records retention requirements of 2 CFR § 200.333. TWDB reserves the right to direct a contractor to retain documents for a longer period of time or transfer certain records to TWDB custody when it is determined the records possess longer term retention value. CONTRACTOR must include the substance of this clause in all subawards and subcontracts.
- R. **Reporting Compliance.** Respondent represents and warrants that it will submit timely, complete, and accurate reports in accordance with the grant and maintain appropriate backup documentation to support the reports.
- S. **Subaward Monitoring.** CONTRACTOR represents and warrant that it will monitor the activities of any subcontractor as necessary to ensure that subcontracts are used for authorized purposes, in compliance with applicable statutes, regulations, and the terms and conditions of the subaward, and that subaward performance goals are achieved.
- T. **Suspension and Debarment.** CONTRACTOR certifies that it and its principals are not suspended or debarred from doing business with the state or federal government as listed on the *State of Texas Debarred Vendor List*

maintained by the Texas Comptroller of Public Accounts and the *System for Award Management* (SAM) maintained by the General Services Administration.

- U. Compliance with Federal Laws, Rules and Requirements.** CONTRACTOR represents and warrants that it will comply with and assure the compliance of all its subrecipients and subcontractors, with all applicable federal and state laws, rules, regulations, and policies in effect or hereafter established. In addition, CONTRACTOR represents and warrants that it will comply with all requirements imposed by the awarding agency concerning special requirements of law, program requirements, and other administrative requirements. In instances where multiple requirements apply to CONTRACTOR, the more restrictive requirement applies.
- V. Disclosure of Violations of Federal Criminal Law.** CONTRACTOR represents and warrants its compliance with 2 CFR § 200.113, which requires the disclosure in writing of violations of federal criminal law involving fraud, bribery, and gratuity and the reporting of certain civil, criminal, or administrative proceedings to SAM.
- W. Byrd Anti-Lobbying Amendment.** CONTRACTOR certifies that no federal appropriated funds have been paid or will be paid to any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress on its behalf to obtain, extend, or modify this contract or grant. If non-federal funds are used by CONTRACTOR to conduct such lobbying activities, Contractor must promptly file the prescribed disclosure form. In accordance with 31 U.S.C. § 1352(b)(5), CONTRACTOR acknowledges and agrees that it is responsible for ensuring that each subrecipient and subcontractor certifies its compliance with the expenditure prohibition and the declaration requirement.

ARTICLE VII. STANDARDS OF PERFORMANCE.

- 1. Personnel.** CONTRACTOR must assign only qualified personnel to perform the services required under this CONTRACT. CONTRACTOR is responsible for ensuring that any Subcontractor utilized also assigns only qualified personnel. Qualified personnel are persons who are properly licensed to perform the work and who have sufficient knowledge, skill and ability to perform the tasks and services required herein according to the standards of performance and care for their trade or profession.
- 2. Professional Standards.** CONTRACTOR must provide the services and deliverables in accordance with applicable professional standards. CONTRACTOR represents and warrants that it is authorized to acquire

Subcontractors with the requisite qualifications, experience, personnel and other resources to perform in the manner required by this CONTRACT.

3. **Procurement Laws.** CONTRACTOR must comply with applicable State of Texas procurement laws, rules and policies, as well as 2 CFR §§ 200.319 – 200.326, Methods of Procurement, including but not limited to competitive bidding and the Professional Services Procurement Act, Texas Government Code, Chapter 2254, relating to contracting with persons whose services are within the scope of practice of: accountants, architects, landscape architects, land surveyors, medical doctors, optometrists, professional engineers, real estate appraisers, professional nurses, and certified public accountants.

CONTRACTOR must comply with all regulations listed in 2 CFR Part 200 and state law and procedure for the purchase of equipment and supplies.

4. **Independent Contractor.** Both parties hereto, in the performance of this CONTRACT, act in an individual capacity and not as agents, employees, partners, joint ventures or associates of one another. The employees or agents of one party will not be deemed or construed to be the employees or agents of the other party for any purposes whatsoever.
5. **Proprietary and Confidential Information.** CONTRACTOR warrants and represents that any information that is proprietary or confidential and is received by CONTRACTOR from TWDB or any governmental entity will not be disclosed to third parties without the written consent of TWDB or applicable governmental entity, whose consent will not be unreasonably withheld.
6. **Contract Administration.** TWDB will designate a project manager for this CONTRACT. The project manager will serve as the point of contact between TWDB and CONTRACTOR. TWDB's project manager will supervise TWDB's review of CONTRACTOR's technical work, deliverables, draft reports, the FINAL REPORT, payment requests, schedules, financial and budget administration, and similar matters. The project manager does not have any express or implied authority to vary the terms of the CONTRACT, amend the CONTRACT in any way or waive strict performance of the terms or conditions of the CONTRACT.
7. **Nepotism.** CONTRACTOR must comply with Texas Government Code Chapter 573 by ensuring that no officer, employee or member of CONTRACTOR's governing body votes or confirm the employment of any person related within the second degree of affinity or the third degree of consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person. This prohibition does not prohibit the employment of a person who has been continuously employed for a period of two years prior to the election or appointment of the officer, employee or governing body member

related to such person in the prohibited degree.

8. **Remedies for Nonperformance.** If CONTRACTOR fails to comply with any requirement of the CONTRACT, TWDB may terminate or cancel all or any part of the contract, may obtain substitute requested items, may withhold acceptance and payments to CONTRACTOR, may revoke any prior acceptance, may require CONTRACTOR to refund amounts paid prior to revocation of acceptance and may pursue all rights and remedies against CONTRACTOR under the contract and any applicable law. Remedies for nonperformance may also include suspension or debarment. No provision of the CONTRACT will constitute or be construed as a waiver of any of the privileges, rights, defenses, remedies, or immunities available to TWDB as an agency of the State of Texas or otherwise available to TWDB. The failure to enforce or any delay in the enforcement of any privileges, rights, defenses, remedies, or immunities detailed in the contract or otherwise available to TWDB by law will not constitute a waiver of said privileges, rights, defenses, remedies, or immunities or be considered as a basis for estoppel.

ARTICLE VIII. DISTRIBUTING GRANT FUNDS

1. TWDB agrees to compensate and reimburse CONTRACTOR in a total amount not to exceed the FEDERAL SHARE OF THE TOTAL PROJECT SCOPING COST and the TWDB SHARE OF THE TOTAL PROJECT SCOPING COST, if applicable, for costs incurred and paid by CONTRACTOR pursuant to performance of this CONTRACT. If applicable, CONTRACTOR will contribute local matching funds in sources and amounts defined as the LOCAL SHARE OF THE TOTAL PROJECT SCOPING COST. TWDB will reimburse CONTRACTOR for one hundred percent (100%) of FEDERAL SHARE OF THE TOTAL PROJECT SCOPING COST and, if applicable, the TWDB SHARE OF THE TOTAL PROJECT SCOPING COST of each invoice up to ninety percent (90%) pending CONTRACTOR's performance. Upon TWDB's review and approval of project completion according to the specific close-out requirements for FMA, TWDB will pay the remaining ten percent (10%) to CONTRACTOR.

Notwithstanding the above referenced paragraph, TWDB may provide advance funds to CONTRACTOR in order to minimize the time elapsing between the transfer of funds and their disbursement by CONTRACTOR. Such advance funds will be disbursed in compliance with FEMA regulations, including but not limited to 2 CFR Part 200. CONTRACTOR understands and agrees that it has no right to such advances, but that TWDB, in its sole discretion, may from time to time agree to advance payments before receiving any subcontractor invoices.

Depending upon availability of funds, TWDB may elect to fund the LOCAL SHARE OF THE TOTAL PROJECT SCOPING COST. If PARTICIPANT(S) have already paid some or all of the LOCAL SHARE OF THE TOTAL PROJECT

SCOPING COST, CONTRACTOR must submit evidence that PARTICIPANT(S) have been fully reimbursed before TWDB will release these funds to CONTRACTOR.

2. Before submitting any subcontractor's invoices and prior to reimbursement or advances of funds, CONTRACTOR must submit a copy of all procurement documents, the scoresheets for all respondents, and the official submittal of the selected subcontractor to TWDB for concurrence with 2 CFR Part 200.319-200.326.
3. CONTRACTOR must submit an implementation plan for review and approval by the TWDB. CONTRACTOR agrees that TWDB will approve any updates prior to commencement of grant activities. The approved implementation plan will then become a permanent part of this CONTRACT as EXHIBIT C.
4. Requests for advance or reimbursement of subcontractor expenses will only be considered where such subcontractor procurement(s) have been submitted and where such subcontracts or agreements have been determined acceptable by the EXECUTIVE ADMINISTRATOR as described herein. The EXECUTIVE ADMINISTRATOR must provide written review and acceptance of contracts or agreements between CONTRACTOR and subcontractor(s) and between such subcontractors and any other subcontractors prior to CONTRACTOR finalizing such subcontracts or agreements. All subcontract agreements must include the DUNS number for the subcontractor. The purpose of this review is solely to ensure that the subcontracts and agreements are consistent with this CONTRACT and that the rights of TWDB are protected. CONTRACTOR understands that CONTRACTOR should obtain its own legal review of subcontracts and agreements that CONTRACTOR enters into. CONTRACTOR agrees that TWDB assumes no legal obligations under its subcontracts or agreements. Each subcontract or agreement must include a detailed budget estimate with specific cost details for each task or specific item of work to be performed by the subcontractor and for each category of reimbursable expenses. The subcontracts must conform to the terms of the CONTRACT and include provisions which require subcontractor compliance with TWDB rules. CONTRACTOR must adhere to all requirements in state law and TWDB rules pertaining to the procurement of professional services. Subcontracts for surveying activities will not be required.
5. CONTRACTOR must submit advance or payment requests and the required documentation for reimbursement according to the PAYMENT REQUEST SCHEDULE and in accordance with the approved task and expense budgets contained in EXHIBIT D to this CONTRACT. For reimbursement, CONTRACTOR must submit a signed and completed Payment Request Checklist along with task and expense spreadsheet
(https://www.twdb.texas.gov/about/contract_admin/index.asp) and

documentation listed below, according to the PAYMENT REQUEST SCHEDULE. All required reports must be current as detailed in Article X and XI of this section. The Payment Request package must include the following:

- A. The completed Payment Request Checklist must include the total incurred and paid expenses along with the following information
 - (1) TWDB Contract Number;
 - (2) The reimbursement period; beginning (date) to ending (date);
 - (3) Total Expenses being requested for this period;
 - (4) Total In-kind services, if applicable;
 - (5) Total FEDERAL, TWDB, or LOCAL SHARE OF THE TOTAL PROJECT SCOPING COST for the billing period, as applicable;
 - (6) Total to be reimbursed by TWDB for the billing period; and
 - (7) Certification, signed by CONTRACTOR's authorized representative, that the expenses submitted for the billing period are a true and correct representation of amounts paid for work performed directly related to this CONTRACT.
- B. For direct expenses incurred by CONTRACTOR for subcontracted work:
 - (1) Copies of detailed, itemized invoices/receipts from the subcontractor to CONTRACTOR and proof of payment by CONTRACTOR. Credit card summary receipts or statement are not acceptable alone; they must be accompanied by the itemized invoice or receipt; and
 - (2) A spreadsheet showing the tasks that were performed; the percent and cost of each task completed; a total cost figure for each direct expense category contained in EXHIBIT D; and the total dollar amount paid to and due to the subcontractor(s). The spreadsheet should also include the expense budget and the cost of each expense item. Any payments of expenses which CONTRACTOR withholds from a subcontractor for the purposes of retainage, will be considered to have been paid by CONTRACTOR for purposes of determining expenses paid.
- C. For direct expenses incurred by CONTRACTOR other than subcontracted work:
 - (1) Copies of detailed, itemized invoices/receipts from expenses purchased by CONTRACTOR and proof of payment by CONTRACTOR. Credit card summary receipts or statement are not acceptable alone; they must be accompanied by the itemized invoice or receipt; and
 - (2) A spreadsheet showing the tasks that were performed, the percentage and cost of each task completed, and a total cost figure for each direct expense category contained in EXHIBIT D. The spreadsheet should also include the expense budget and the cost of each expense item.
- D. For travel expenses for CONTRACTOR(s) and/or subcontractors:

- (1) Names, dates, work locations, time periods at work locations, itemization of and receipts for subsistence expenses of each employee, limited, however, travel is limited to the maximum amounts authorized by the U.S. General Services Administration, as amended or superseded. Receipts required for lodging;
 - (2) Copies of invoices or receipts for transportation costs or, if mileage costs, names, dates, and points of travel of individuals; and
 - (3) All other reimbursable travel expenses i.e., invoices or purchase vouchers showing reason for expense with receipts to evidence the amount incurred.
6. CONTRACTOR has budget flexibility within task and expense budget categories to the extent that the resulting change in amount, in any one task or expense category, does not exceed ten (10%) percent of the total authorized amount by this CONTRACT. Larger deviations require approval by the EXECUTIVE ADMINISTRATOR or designee and FEMA (as per 2 CFR Part 200, the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments) which will be documented through an Approved Budget Memorandum to the TWDB contract file. CONTRACTOR will be required to provide written explanation for the overage and reallocation of the task and expense amount.

For all reimbursement requests, including any subcontractor's expenses, the EXECUTIVE ADMINISTRATOR must have determined that any REQUIRED INTERLOCAL AGREEMENT(s) and contracts or agreements between CONTRACTOR and subcontractors are consistent with the terms of this CONTRACT. CONTRACTOR is fully responsible for paying all charges by subcontractors prior to reimbursement by TWDB.
7. CONTRACTOR and its subcontractors must maintain timely, true, and accurate financial accounting documents and records, including copies of invoices and receipts, and must make them available for examination and audit by the EXECUTIVE ADMINISTRATOR. Accounting by CONTRACTOR and its subcontractors must be in a manner consistent with Generally Accepted Accounting Principles (GAAP).
8. If CONTRACTOR chooses and is authorized by TWDB for the advance method for distribution of grant funds under Section I, Article I, Paragraph 20 and submits a Request for Advance Checklist to the EXECUTIVE ADMINISTRATOR, TWDB will advance to CONTRACTOR a percentage of the amount shown in EXHIBIT D not to exceed the amount of the TOTAL PROJECT SCOPING COST.
9. When CONTRACTOR has incurred expenses sufficient to reconcile the advance received, CONTRACTOR must submit a Request for Advance to the EXECUTIVE ADMINISTRATOR before receiving another advance of the

FEDERAL SHARE OF THE TOTAL PROJECT SCOPING COST.

CONTRACTOR must attach the most recent written financial reports described in Section II, Article X and performance report described in Section II, Article XI, Paragraph 1 and the documentation listed in Section II, Article VIII, Paragraph 5 to the Request for Advance Checklist. Any expenses incurred by CONTRACTOR exceeding the amount of the previous advance will be reimbursed based on the percentage of the FEDERAL SHARE OF THE TOTAL PROJECT SCOPING COST of this CONTRACT.

10. Within 30 days of the EXECUTIVE ADMINISTRATOR's final accounting of the amounts expended by CONTRACTOR and the amounts advanced by TWDB to CONTRACTOR, CONTRACTOR must refund to TWDB any advances not used for expenses approved by the EXECUTIVE ADMINISTRATOR. If the amounts expended by CONTRACTOR exceed the amounts advanced by TWDB, the EXECUTIVE ADMINISTRATOR will provide such differences to CONTRACTOR, if not in excess of the FEDERAL SHARE OF THE TOTAL PROJECT SCOPING COST.
11. Reimbursement requests that lack required documentation will be denied or short paid if deficiencies are not resolved within 10 business days. Denied Reimbursement Requests or eligible expenses that were short paid must be resubmitted by CONTRACTOR with the required documentation within 30 days or prior to next reimbursement request (whichever sooner) to be reconsidered for reimbursement.
12. If for some reason a reimbursement request cannot be processed due to the need for an amendment to the CONTRACT, CONTRACTOR will be required to resubmit the Payment Request Checklist dated after the execution of the amendment.
13. CONTRACTOR is responsible for any food or entertainment expenses incurred by its own organization or that of its subcontractors, outside that of the travel expenses authorized and approved by the State of Texas under this CONTRACT.
14. CONTRACTOR is responsible for submitting any final payment request and documentation for reimbursement, along with a request to release any retained funds, no later than 45 days following the PROJECT SCOPING COMPLETION DATE. Failure to submit a timely final payment request may result in a lapse of funds and unavailability of the remaining funding under this CONTRACT.

ARTICLE IX. SUBCONTRACTS

1. Each Subcontract entered into to perform required work under this CONTRACT must contain the following:

- A. A detailed budget estimate with specific cost details for each task or specific item of work to be performed by the Subcontractor and for each category of reimbursable expenses.
 - B. A clause stating the following: "Subcontractor agrees and acknowledges that it is subject to all applicable requirements of the master contract between City of Mission and Texas Water Development Board, TWDB Contract No. 2200012821. Subcontractor adopts by reference the requirements of Section II, Article IX of TWDB Contract No. 2200012821 for this Subcontract."
2. All Subcontracts entered into to perform required work under this CONTRACT are also subject to the following requirements:
- A. The Subcontract is subject to audit by the Texas State Auditor's Office, and EXECUTIVE ADMINISTRATOR, Federal government and-Subcontractor must cooperate with any request for information, as further described in Section II, Article VI, Paragraph 1, (General Terms) item I, (Right to Audit);
 - B. Payments under the Subcontract are contingent upon appropriation of funds by the Texas Legislature;
 - C. Ownership of data, materials, and work papers, in any media, that is gathered, compiled, adapted for use, or generated by Subcontractor or CONTRACTOR will become data, materials and work owned by TWDB, FEMA, and-Subcontractor will have no proprietary rights in such data, materials and work papers, except as further described in Section II, Article V;
 - D. Subcontractor must keep timely and accurate books and records of accounts according to generally accepted accounting principles;
 - E. Subcontractor is solely responsible for securing all required licenses and permits from local, state, and federal governmental entities and solely responsible for obtaining sufficient insurance in accordance with the general standards and practices of the industry or governmental entity; and
 - F. Subcontractor is an independent contractor and TWDB has no liability resulting from any failure of Subcontractor that results in breach of contract, property damage, personal injury, or death.

ARTICLE X. FINANCIAL REPORTS

- 1. CONTRACTOR must submit an original TWDB Quarterly Financial Report (TWDB QFR) and Federal Financial Report (FFR, SF-425) to the TWDB's quarterly report mailbox (FloodGrantQuarterlyReports@twdb.texas.gov) within 15

days following the end of each federal quarter of the PROJECT SCOPING with the exception of the final report, which is due 45 days after the PROJECT SCOPING COMPLETION DATE.

2. If applicable, CONTRACTOR must submit any other reports specified in EXHIBIT A of this CONTRACT.

ARTICLE XI. PERFORMANCE REPORTING

1. Quarterly. CONTRACTOR must submit an original Program Performance Report (SF-PPR) and any supporting documentation to the TWDB's quarterly report mailbox (FloodGrantQuarterlyReports@twdb.texas.gov) within 15 days following the end of each federal quarter in accordance with Section II, Article IV, Paragraph 3.
2. Final Report. CONTRACTOR must submit an original final Program Performance Report (SF-PPR), Federal Financial Report (FFR, SF-425), and any supporting documentation which details all the work performed under the CONTRACT according to the specific close-out requirements according to Section II, Article IV, Paragraph 3. The reports must be submitted to the TWDB Project Manager within 45 days following the PROJECT SCOPING COMPLETION DATE.

ARTICLE XII. AMENDMENT, TERMINATION, AND STOP ORDERS

1. Notice. TWDB, CONTRACTOR, or FEMA may terminate grant award agreements by giving written notice at least seven calendar days prior to the effective date of the termination. All notices are to be transmitted via registered or certified mail, return receipt requested. CONTRACTOR's authority to incur new costs will terminate on the date of receipt of the notice or the date set forth in the notice. Any costs incurred up to the earlier of the date of the receipt of the notice or the date of termination set forth in the notice will be negotiated for final payment. Closeout of the Grant Agreement will be commenced and processed as prescribed under Section II, Article IV, Paragraph 3.
2. Discontinuation of Work. Upon receiving notice of termination, CONTRACTOR must discontinue work in accordance with the EXECUTIVE ADMINISTRATOR's termination instructions and delay or terminate all applicable orders and subcontracts immediately.
3. Unpaid Balances. In the event that this CONTRACT is terminated, TWDB's only liability will be to pay CONTRACTOR the unpaid balance due CONTRACTOR for work actually performed.
4. The EXECUTIVE ADMINISTRATOR may issue a Stop Work Order to CONTRACTOR at any time. Upon receipt of such order, CONTRACTOR must

discontinue all work under this CONTRACT and cancel all orders pursuant to this CONTRACT, unless the order directs otherwise. If the EXECUTIVE ADMINISTRATOR does not issue a Restart Order within 60 days of the Stop Work Order, this CONTRACT is terminated in accordance with the foregoing provisions.

5. The EXECUTIVE ADMINISTRATOR can extend the PROJECT COMPLETION DATE upon written approval from FEMA. CONTRACTOR must notify the EXECUTIVE ADMINISTRATOR in writing within 90 days prior to the PROJECT SCOPING COMPLETION DATE if an extension is required.
6. If termination of the CONTRACT occurs, the procedures described in 2 CFR Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, will be followed.

ARTICLE XIII. CORRESPONDENCE, REPORTS, AND REIMBURSEMENTS

All correspondence, reports, and reimbursements related to this CONTRACT must be made to the following addresses:

For TWDB:

For City of Mission

Contract Matters:
Texas Water Development Board
Attention: Contract Administration
P.O. Box 13231
Austin, Texas 78711-3231
Email: contracts@twdb.texas.gov

Contract Matters:
Michael Elizalde
1201 E. 8th St.
Mission, TX 78572
Email: grants@missiontexas.us

Payment Request Submission:
Texas Water Development Board
Attention: Accounts Payable
P.O. Box 13231
Austin, Texas 78711-3231
Email: invoice@twdb.texas.gov

Payment Request Submission:
Michael Elizalde
1201 E. 8th St.
Mission, TX 78572
Email: grants@missiontexas.us

Physical Address:
Stephen F. Austin State Office Building
1700 N. Congress Avenue
Austin, Texas 78701

Physical Address:
1201 E. 8th St.
Mission, TX 78572

IN WITNESS WHEREOF, the PARTIES have caused this CONTRACT to be duly executed.

TEXAS WATER DEVELOPMENT BOARD

City of Mission

Bryan McMath
Interim Executive Administrator

Michael Elizalde
Executive Director of Grants & Strategic Development

Date: _____

Date: _____



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024
PRESENTED BY: Yenni Espinosa, Library Director
AGENDA ITEM: Authorization to enter into a Contract with Insignia Software Corporation for the implementation of the Insignia Library System With Speer Memorial Library - Espinoza

NATURE OF REQUEST:

This contract is made between Insignia Software Corporation, an Alberta corporation with its principal place of business at #204 1074 103A Street, Edmonton, AB, T6W 2P6 (hereinafter referred to as "Insignia"), and Speer Memorial Library (hereinafter referred to as the "Customer"). Insignia has developed a library automation system and related software provided by Insignia (hereinafter referred to as "Insignia ILS") consisting of hardware and software and related services, and the Customer intends to license such hardware, software, and related services at its location(s).

BUGETED: Yes **FUND:** Designated **ACCT. #:** 15-420-44640
BUDGET: \$1,538.46 **EST. COST:** \$1,538.46 **CURRENT BUDGET BALANCE:** \$
BID AMOUNT: \$

STAFF RECOMMENDATION:

Approval

Departmental Approval: Finance

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *WRP*

RECORD OF VOTE: **APPROVED:** _____
 DISAPPROVED: _____
 TABLED: _____

_____ AYES
_____ NAYS
_____ DISSENTING _____



INSIGNIA SOFTWARE CORPORATION

CONTRACT FOR

INSIGNIA LIBRARY SYSTEM

WITH

SPEER MEMORIAL LIBRARY

MISSION, TX, USA

INSIGNIA SOFTWARE CORPORATION

866-428-3997 | 780-428-3997

www.insigniasoftware.com

#204 1074 103A Street, Edmonton, AB, T6W 2P6

This contract is made between Insignia Software Corporation, an Alberta corporation with its principal place of business at #204 1074 103A Street, Edmonton, AB, T6W 2P6 (hereinafter referred to as "Insignia"), and Speer Memorial Library (hereinafter referred to as the "Customer"). Insignia has developed a library automation system and related software provided by Insignia (hereinafter referred to as "Insignia ILS") consisting of hardware and software and related services, and the Customer intends to license such hardware, software and related services at its location(s).

1. TERM AND TERMINATION

- 1.1. This Contract is effective from the date it is signed and for an initial term specified in Schedule A. After this period, it will be renewed automatically for one (1) year with payment of the Insignia Annual Software Assurance Fee, unless 90 days' termination notice is provided by either party or new terms are agreed.
- 1.2. If either party is considered to be in material breach of any of the terms and conditions of this Contract, the aggrieved party shall give written notice thereof, including a reasonably detailed statement of the nature of such a breach to the other party. The party considered to be in breach of this Contract will have thirty (30) days after notice is received to cure the breach, or, if the breach cannot reasonably be cured within thirty (30) days, the party shall provide a written estimate of the time needed to cure the breach.
- 1.3. Either party may terminate this Contract with 90 days' written notice after the duration of the contract period.
- 1.4. Early Termination
 - 1.4.1. In the case of early termination, there is a penalty of 30% of the remaining balance. The exceptions to this penalty are listed below:
 - 1.4.2. Either party may terminate this Contract with 60 days' written notice if the other party has not complied with the terms and conditions of this agreement and has not remedied the breach and has not made reasonable efforts to remedy it.

2. LICENSES

- 2.1. Insignia grants the Customer a non-transferable, non-exclusive license to use Insignia ILS, and provides Software Service and maintenance, as described in this contract.
- 2.2. Cost is per site/sites based on the initial agreement and any number of users can access Insignia from those site/sites.

3. TERMS OF PAYMENT

- 3.1. All payments are due in 30 days of invoice.

4. PRIVACY OF DATA

- 4.1. Insignia agrees not to use patron data for any purpose other than providing requested service to the Customer and agrees not to transmit Customer data to any third party, except as requested by the Customer.

5. PROTECTION AND SECURITY

- 5.1. Insignia ILS contains proprietary information, use of which is limited by the licenses granted in this Contract. The Customer will not disclose or otherwise make available, except as required by law, access to ILS in any form to any third party except to the Customer's employees, or to agents directly concerned with licensed use of the program and subject to the terms of this contract.

6. PERFORMANCE:

6.1. If Insignia ILS is hosted by Insignia, then Insignia ILS uptime is 99% other than during updates, with the exception of events that are beyond Insignia’s control, such as flood, fire, earthquake, internet outages, etc.

7. WARRANTY

7.1. Insignia agrees to make reasonable efforts to correct all reproducible material errors in Insignia ILS. Insignia does not warrant that the operation of the licensed program will be uninterrupted or error-free. In addition, both Insignia and the Customer will make best efforts to protect the network from attack. However, due to the continual development of new techniques for intruding upon and attacking networks, Insignia does not warrant that Insignia ILS or any equipment, system or network on which Insignia ILS is used will be free of vulnerability to intrusion or attack.

8. SOFTWARE MAINTENANCE AND SYSTEM SUPPORT

8.1. The following conditions apply to local installation and are not covered as part of Insignia ILS Maintenance and System Support service:

- 8.1.1. Fault or negligence on the part of the Customer.
- 8.1.2. Failure of third-party hardware/software.
- 8.1.3. Operator error that deviates from standard operating procedures as described in Insignia ILS.
- 8.1.4. Data loss and/or corruption as a result of any hardware failure. Hardware failure is defined as a malfunction within the electronic circuits or electromechanical components of a computer system.

8.2. If Insignia ILS is hosted by Insignia, then Insignia is responsible for installation, 24x7 availability, backup, securing of the data and updates.

9. INCIDENT RESPONSE/RESOLUTION TIME

The priority of all requests shall be determined in accordance with the following guidelines:

- 1. **Severity 1:** A Severity 1 level means system is down.
- 2. **Severity 2:** A severity 2 level means core functionality of the system is degraded.
- 3. **Severity 3:** A Severity 3 level means problems are non-critical but need to be addressed sooner than later.
- 4. **Severity 4:** A Severity 4 level means issue to be resolved in the future update, either is it an enhancement or issue not critical.

Technical Support Response. Insignia will respond to technical support requests and use best efforts to resolve issues in the time frames described in the table set forth below.

Priority Level	Response Time	Target Update Intervals	Target Resolution Time
Severity 1	Two (2) hours	Two (2) hours	(4) business hours
Severity 2	Four (4) hours	One (1) business day	Two (2) business days
Severity 3	Two (2) business days	Three (3) business days	Five (5) business days
Severity 4	Two (2) business days	Four (4) weeks	Future Update

For purposes of the foregoing table, the following definitions shall be used:

Priority Level. The priority level assigned to a given technical support request based on the guidelines set forth above.

Response Time. The time period to acknowledge the submission of a technical support request from the customer. Such period will commence on submission of the technical support request and conclude upon first response by Insignia.

Target Resolution Time. The target time period to resolve the issue or find a work-around or other temporary fix. Such period will commence on submission of the technical support, shall conclude when such request is identified as resolved, and shall not include any time that a request is identified as awaiting response from the customer.

10. LIMITATION OF REMEDIES

10.1. For any claim concerning performance or non-performance by Insignia pursuant to or in any way related to the subject matter of this Contract and any supplement hereto, the Customer shall be entitled to recover actual damages to the limits set forth in this section. No action, regardless of form, arising out of this Contract, may be brought by either party more than one (1) year after the cause of action has arisen, and the maximum liability is not to exceed the payment made to Insignia in the last 12 months.

11. FORCE MAJEURE

11.1. Any delay or nonperformance of any provision of this Contract caused by conditions beyond the reasonable control of the performing party shall not constitute a breach of this Contract, provided that the delayed party has taken reasonable measures to notify the other of the delay in writing.

12. GOVERNING LAW

- 12.1. Litigation shall be filed in the judicial system for enforcement of its rights hereunder, the jurisdiction will be in the Customer locality.
- 12.2. Should any section or sub-section be deemed not valid under the prevailing laws of the jurisdiction, all other sections or sub-sections of this agreement shall stand on their own and in their entirety as valid.
- 12.3. Should litigation become necessary to enforce this contract, the prevailing party shall be entitled to any relief granted by the Court.

13. OWNERSHIP OF DATA

- 13.1. Insignia acknowledges the Customer’s ownership of the data in Insignia ILS. Insignia agrees to assist the Customer in extracting all Customer-owned data from the System.
- 13.2. Customer can request for data within one month of contract expiry date, data provided will be in MARC format for books info and important fields in tab delimited format for patron data, items out and fines.
- 13.3. Insignia will destroy any copy of the data within 30-90 days of contract expiry date

The parties have duly executed and delivered this Contract, which shall inure to the benefit of and be binding upon the successors of the respective parties, as of the date indicated below.

ACCEPTED FOR THE CUSTOMER

ACCEPTED FOR INSIGNIA SOFTWARE CORPORATION

By: _____

By: 

Name: _____

Name: Humayon Butt

Title: _____

Title: President

Date: _____

Date: 2024-08-19

I have authority to bind the Customer

I have authority to bind Insignia

SCHEDULE A
LICENSE FEES

IMPLEMENTATION PARTIAL SET UP FEE

Implementation partial set up fee will be \$1538.46.

CONTRACT DURATION:

This contract is valid from September 2024-December 2024.

Start Date: Sept 01/2024 End Date: Dec 31/2024



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024
PRESENTED BY: Noemi Munguia, Human Resources Director
AGENDA ITEM: Authorization to Execute First One-Year Renewal Option for Stop Loss Insurance - Munguia

NATURE OF REQUEST:

In 2023 the City of Mission entered into a contractual agreement for Stop Loss Insurance with BCBS. The contract term was for one (1) year with four (4) renewal/extension options. Stop Loss is used to cap any excess costs exceeding our specific deductible for medical and prescription costs. Staff is seeking authorization to execute first one-year renewal option with BlueCross BlueShield.

BUGETED: Yes FY24-25 **FUND:** Group Health **ACCT. #:** 19-410-56015

BUDGET: \$1,700,000 **EST. COST:** \$ **CURRENT BUDGET BALANCE:** \$

BID AMOUNT: \$

STAFF RECOMMENDATION:

Approval to Execute Renewal

Departmental Approval: Finance, Purchasing

Advisory Board Recommendation: N/A

City Manager’s Recommendation: Approval *MRP*

RECORD OF VOTE:

APPROVED:	_____
DISAPPROVED:	_____
TABLED:	_____

_____ AYES

_____ NAYS

_____ DISSENTING _____



Blue Cross BlueShield of Texas

City Of Mission

ASO Projection for the period of
October 1, 2024 - September 30, 2025

10.2024 ASO Renewal (revised w/ Laser) V4 Final Sold

STOP LOSS

Paid	PPO 500 - PPO 1000		Customer Total	
	PEPM	TOTAL	PEPM	TOTAL
Projected Enrollment	692	8,304	692	8,304
Individual Stop Loss Deductible	\$125,000	\$125,000	\$125,000	\$125,000
Individual Stop Loss Premium	\$172.89	\$1,435,678	\$172.89	\$1,435,678

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Not for use or disclosure outside BCBSTX, Employer, their respective affiliated companies and third-party representatives, except with written permission of BCBSTX.

Subject to and contingent upon conditions and caveats outlined in attached addendum.
A Division of Health Care Service Corporation, a Mutual Legal Reserve Company,
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**BlueCross BlueShield
of Texas**

May 14, 2024

Dear Group Administrator:

Our underwriters at Blue Cross and Blue Shield of Texas (BCBSTX) have evaluated the **10/01/2024** renewal of the group insurance coverage for **City of Mission**.

The current and renewal Stop Loss information is:

Renewal	Indemnity			
	Current	Renewal	Change	Contract Total
Projected Enrollment	702	692		
Individual Stop Loss \$125,000 Deductible	\$151.88	\$172.89	13.8%	\$1,435,678
Total Fixed Costs PEPM	\$131.75	\$155.09	17.7%	\$1,287,867
Projected Average Claim Value PEPM	\$589.10	\$598.67	1.6%	\$4,971,356
Total Projected Costs PEPM	\$720.85	\$753.76	4.6%	\$6,259,223
Run-Off Administration	\$13.36	\$12.16	-9.0%	\$25,244

This renewal reflects our continued commitment to adjusting to changes in the health insurance industry. As part of these changes, we are gathering information from groups seeking to maintain grandfathered status. If your plan(s) is eligible to Grandfather, important information and instructions regarding grandfathered status are enclosed.

Thank you for doing business with Blue Cross and Blue Shield of Texas. We appreciate your continued trust in our organization and will strive to continue to exceed the service needs of you and your employees.

Please contact your Agent/Producer or BCBSTX Account Representative if you have any questions.

Sincerely,

Monica Diaz

*A Division of Health Care Service Corporation, a Mutual Legal Reserve Company,
an Independent Licensee of the Blue Cross and Blue Shield Association*



**BlueCross BlueShield
of Texas**

Account Executive

(m) – (210) 782-3100 / (o) - (210) 558-5162

Email: Monica_E_Diaz@bcbstx.com

Cc: Ruben Garza, Broker

*A Division of Health Care Service Corporation, a Mutual Legal Reserve Company,
an Independent Licensee of the Blue Cross and Blue Shield Association*



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024

PRESENTED BY: David Flores, Assistant City Manager

AGENDA ITEM: Approval of Ordinance # ____ of The City Council of The City of Mission, Texas, Amending Section 114-202, Styled Drought Contingency and Water Conservation Plan, of its Code of Ordinances to incorporate the changes Satisfying the Revised Requirements of Chapter 288 of Title 30 of The Texas Administrative Code (TAC) – D. Flores

NATURE OF REQUEST:

The Texas Commission on Environmental Quality (TCEQ) mandates municipal water suppliers to meet all the minimum requirements under TCEQ rules, Title 30 Texas Administrative Code (TAC) Chapter 288; specific; a revision to the Drought Contingency and Water Conservation Plan every five years. The revision includes updates in current data such as current water plant capacities, public outreach, drought stage updates, and set water loss goals. Quadrangle division line will remain the same at Bryan Rd. and Bus 83 when a criterion for initiation of drought response Stage is triggered. The basic goal of the plan is to ensure an uninterrupted supply of available water into an amount sufficient to satisfy essential human needs.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *MRP*

RECORD OF VOTE:

APPROVED: _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AMENDING SECTION 114-202, STYLED DROUGHT CONTINGENCY AND WATER CONSERVATION PLAN, OF ITS CODE OF ORDINANCES TO INCORPORATE THE CHANGES SATISFYING THE REVISED REQUIREMENTS OF CHAPTER 288 OF TITLE 30 OF THE TEXAS ADMINISTRATIVE CODE (TAC); ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City of Mission, Texas recognizes that the amount of water available to the City and its water utility citizens and customers is limited and subject to depletion during periods of extended drought; and

WHEREAS, the City of Mission, Texas recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes at all times; and

WHEREAS, the City of Mission, Texas desires to conserve water resources and prepare for drought; and

WHEREAS, the City of Mission, Texas desires to comply with Section 11.1271 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality, and Chapter 288 of Title 30 of The Texas Administrative Code which requires these plans for all public water supply systems; and

WHEREAS, the City of Mission, Texas desires to comply with the rules of the Texas Water Development Board should it decide to avail itself of various financial assistance programs found in Title 31, Texas Administrative Code Chapter 363; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code and in the best interests of its citizens, the City is authorized to adopt Ordinances it deems are necessary and expedient to preserve and conserve its water resources and to prepare for drought;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION TEXAS THAT:

Section 1. Section 144-222, styled Drought Contingency and Water Conservation Plan, of its Code of Ordinances be amended so that the Drought Contingency and Water Conservation Plan of the City of Mission shall hereafter be the plan attached hereto and made a part hereof for all purposes. All ordinances that are in conflict with the provisions of this Ordinance are hereby repealed.

Section 2. Should any paragraph, sentence, clause, phrase, or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected.

Section 3. The City Secretary is hereby authorized and directed to publish this Ordinance.

Section 4. The City Manager or chief administrative officer or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Texas Water Development Board in accordance with Title 31, Chapter 363 of the Texas Administrative Code.

Section 5. The Ordinance shall take effect after passage and publication.

Passed and approved by the City Council, on this 26th day of August 2024.

Norie Gonzalez-Garza , Mayor

ATTEST:

Anna Carrillo, City Secretary

Water Conservation Plan - CITY OF MISSION

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Section I: INTRODUCTION

The City of Mission provides the public with its water and sewer services within its certificate of convenience and necessity area (CCN). The water and wastewater systems are owned and operated by the City and is governed by a board of elected Mayor and City Council officials.

The amount of water that the City water system can store, treat, divert, and distribute to its customers is limited. Mission wants to avoid waste or unreasonable use of water, which could lead to a possible drought and emergency conservation strategies. Therefore, it is imperative that the available water resources be put to the maximum beneficial use to which they are capable, while simultaneously implementing strong conservation measures to eliminate waste. While short-term water shortages and water supply emergencies are often unpreventable, response measures can be determined and implemented in advance, to avoid, minimize, or mitigate the risks and impacts of drought-related water shortages and other emergencies.

The purpose of this Plan is to establish a Water Conservation and Drought Contingency Plan (“WCDCP” or “Plan”) for the City in accordance with Texas Admin. Code Title 30, Chapter 288. The basic goal of the Plan is to ensure an uninterrupted supply of available water in an amount sufficient to satisfy essential human needs. First, the Water Conservation Plan develops a conservation strategy for reducing the volume of water withdrawn from a water supply source, reducing the loss of waste of water, increasing the recycling and reuse of water, and the prevention of pollution of water. Secondly, the Drought Contingency Plan is a strategy for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies.

Section II: Evaluation of Water and Wastewater Systems and Customers Use Characteristics (Utility Profile)

A. Demographics

The City provides water and wastewater services within the City’s limits and extra territorial jurisdiction. The service area is approximately 36.17 square miles. The current 2023 estimated dynamic population is 96,960. This figure does not include people that visit during the winter season.

B. Water Supply & Purchase of Raw Water

The Rio Grande River is the sole source of water for the citizens of Mission and has delivery contracts with United Irrigation District (UID), as follows:

Adjudicated Water Rights	5,300.00	acre feet/year
Available Purchased Water Allotment	12,265.02	acre feet/year
TOTAL	17,565.02	acre feet/year
Additional contracted with UID	unlimited	

The City takes the raw water supply from United Irrigation District (UID) canal system through a gravity pipe into the City's reservoirs. The raw water is stored in two (2) City owned raw water reservoirs which have a maximum storage capacity of approximately 180 million gallons (MG).

C. Capacity of Water Treatment Plants

1. The City has two water treatment plants, a 17.5 MGD North Water Treatment Plant (NWTP) and an 8.0 MGD South Water Treatment Plant (SWTP) for a total treatment capacity of 25.5 MGD. Water treatment consists of pre-disinfection with chlorine dioxide applied at the raw water pump station. Ammonia and chlorine are injected at the plant intake line to form chloramines throughout the treatment process and as a distribution disinfectant. An aluminum sulfate coagulant and polymer are injected at the intake line to assist with the settling process. The water then runs through the treatment system which consists of aeration, rapid mix, flocculation, sedimentation, and filtration.
2. The City's water distribution system is interconnected with the City of McAllen and Agua Special Utility District water systems. Treated water can be diverted during emergencies to supplement demand between systems.

D. Pumps and Storage Capacities

1. The NWTP has six high service pumps with a total combined pumping capacity of 26.0 MGD with largest pump out and total of 34.1 MGD with all pumps operating. The high service pumps pump treated water from two 2.0 MG ground storage tanks into the distribution system. The Plant is also equipped with a 0.5 MG clear well. The SWTP has four high service pumps with a total combined pumping capacity of 10.8 MGD with largest pump out and 14.4 MGD with all pumps operating. These high service pumps pump from the 2.0 MG treated water ground storage tank. The total combined treated water high service pump capacity is 48.5 MGD and a combined treated water ground storage capacity of 6.0 MG. The Plant has a total of 2 Master Meters that are calibrated annually.
2. A total of six elevated treated water storage tanks with a combined water storage capacity of 4.0 MG are also in the distribution system. These tanks are located at various quadrants of the City. Therefore, total combined treated water capacity (ground and elevated) for the City is 10.5 MG.
3. The City has a total of 478.64 miles of water lines, of which approximately 30 percent are 12 inches in diameter or larger. Additionally, there are 3,209 fire hydrants in the distribution system.

E. Water Use Characteristics

1. Water pumpage. Current total treated water pumpage for 2023 was 5,037.8 MG, and total metered water sales of water of 4,476.1 MG. Water loss for 2023 was 10.35 percent or a total of 521.6 MG, according to the Water Loss Audit Report.
2. The water uses and per capita water use is as follows.
 - (a) The City supplies potable water for residential, commercial, industrial, and public uses. The total per capita use for Mission in 2023 was 142 gallons per day;

- (b) Municipal per capita water use is total water pumped into the distribution system for residential, commercial, and public uses, divided by the population served. Industrial water use is not included in this calculation. Mission's municipal per capita use for 2023 was 110 gallons per day; (Source: TWDB Utility Profile)
- (c) Mission's industrial users account for less than 1 percent of the total active meter accounts. The largest water volume user for 2023 was Texas Citrus Exchange which purchased an approximate total of 22.8 MG of water for 2023; and
- (d) Mission has 30,577 active water meter accounts as of December 31, 2023.

F. Water Loss

Mission's water loss is due to water breaks, leaks, meter under registration, main line flushing, plant backwash and unmetered fire hydrants. The amount of water loss is determined by the difference between production and metered water sales. The average amount of water loss for the past five (5) years was 9.78 percent. The water loss for 2023 was 10.35 percent or 521.6 MG.

G. Wastewater Services

1. The City operates a Wastewater Treatment Plant. The treatment plant is based upon an extended aeration activated sludge system, with secondary effluent limitations. Treated effluent is diverted through a UV disinfection system and then discharges into a drain ditch connected to a floodway system thence into the Arroyo Colorado and Laguna Madre Estuary. The annual treated wastewater volume for 2023 was 2,705.7 MG. The average monthly amount of treated wastewater for that same period was 225.48 MG per month or 7.41 MG per day.
2. The City Wastewater Treatment Plant has a 13.5 MGD design flow. It is currently 56 percent hydraulically loaded with effluent limitations of seven mg/L of carbonaceous biochemical oxygen demand, 15 mg/L of total suspended solids, and two mg/L of ammonia nitrogen.
3. The wastewater collection system consists of 374.58 miles of lines, with line sizes ranging from 6 inches to 24 inches. There are 40 active lift stations and approximately 27,437 active sewer accounts.

Water Conservation Utility Profile (Appendix A)

Section III: WATER CONSERVATION GOALS

1. The City of Mission supplies potable water to a population of approximately 96,960 in 2023.
2. Based on the data found in the utility profile and on careful evaluation of Mission's water consumption and practices, the City has set the following goals to be achieved through the adoption of this Water Conservation Plan.
 - (a) Verify location and accuracy of raw water meter and water treatment plant high service pumps meter as compared to the Distribution System customer meters.

- (b) Determine water loss in the system.
- (c) To reduce total daily per capita water use to 140 gpd by the year 2029 and reduce the water loss to 10.25 percent by the same year.
- (d) To implement long-term cost-effective recovery measures for major causes of water loss due to metering.
- (e) To increase both public and employee awareness regarding water conservation and water related issues. This will especially be encouraged during the summer months when water consumption increases significantly.
- (f) To promote the re-use of treated wastewater effluent for agriculture, industry, and public use.
- (g) Water loss reduction goals:

Current water loss 5-year average 2019-2023 was 476,501,252 gallons or 9.78 percent of total treated water. The water loss for 2023 was 521.6 million gallons or 10.35 percent of total treated water. Therefore, proposed goals are:

- 5 Year Reduce water loss in the system by 1% to 10.25%
- 10 Year Reduce water loss in the system by an additional 0.5% to 10.2%

All accounts: Gallons per capita per day (gpcd) proposed goals:

- 5 Year 1% reduction, reduce consumption from 142 gpcd to 140 gpcd
- 10 Year 2% reduction, reduce consumption from 142 gpcd to 139 gpcd

Residential: Gallons per capita per day (gpcd) forecast: Increase in population:

- 5 Year 1% reduction, reduce consumption from 110 gpcd to 109 gpcd
- 10 Year 2% reduction, reduce consumption from 110 gpcd to 108 gpcd

The Table below displays the 5-year and 10-year goals summary for water savings.

City of Mission	Historic 5-year Average	Baseline	5-year goal for year 2029	10-year goal for year 2034
Total GPCD	141	142	140	139
Residential GPCD	113	110	109	108
Water Loss GPCD	14	15	14	14
Water Loss Percentage	9.78%	10.35%	10.25%	10.20%

Reference: TWDB 1964 form & TCEQ-10218

Section IV: SCHEDULE FOR IMPLEMENTING THE PLAN TO ACHIEVE TARGETS AND GOALS

The City of Mission will adhere to the following schedule, to achieve the targets and goals for water conservation:

1. All customers and water users shall be metered.
2. Periodic meter testing, calibration, and repair.
 - (a) Calibrations of the raw water meter and the treated water leaving the water treatment plant meter shall be conducted annually;
 - (b) Customer meters larger than 1 ½" shall be tested annually, and
 - (c) Customer meters smaller than 1 ½" shall be tested every ten years on a staggered basis.
3. Real water losses are identified and corrected daily by replacing defective meters and responding to repair of water breaks within a 30-minute time frame by our City staff.
4. Real water losses are minimized by replacement of deteriorating water mains and appurtenances, as is conducted by the City staff on an ongoing basis.
5. The City will mail out material developed by the staff, materials obtained from the Texas Water Development Board, Texas Commission on Environmental Quality or other sources semi-annually (once in the spring and once in the summer) to all customers.
6. Utilize the TWDB Municipal Water Conservation Planning Tool software resource to help the City implement and enforce our City's Water Conservation Goals <https://www.twdb.texas.gov/conservation/municipal/plans/index.asp>.

Section V: TRACKING TARGETS AND GOALS

The staff shall track targets and goals by utilizing the following procedures:

1. Logs shall be maintained for meter calibration, meter testing, and meter replacement programs.
2. Annual water audits shall be documented and kept in the utility department file.
3. Staff shall keep a record of the number of mail-outs distributed semi-annually.
4. Rates are tracked by means of ordinances adopted.
5. Logs shall be maintained for the utility's leak detection program, including but not limited to the following:

A. Metering Devices

Flow meters are used to measure and account for all water diverted from water wells and all water sales continue to be metered in order to accurately record the amount of water used. The City has metering in place for all usages including contractor uses. The City is working with the local Fire Department to account for all emergency fire uses.

B. Universal Metering

The City has a regularly scheduled maintenance program of meter testing, repair and replacement. All production meters located at the water plant are tested and calibrated annually. Meters are maintained within the accuracy of plus or minus five percent, in order to measure and account for the amount of water diverted from the source of supply. Meter replacement recommendations are followed using the manufacturer's

guidelines.

After each monthly water meter reading, an evaluation of each customer's usage is made. Zero consumption accounts are checked to see if water is actually being used or not. At this time, it is also determined what action, if any, must be taken to reduce water consumption. An additional evaluation is made to determine what the City must do to change its conservation plan or policies.

C. Water Loss Audits

The City of Mission shall conduct water loss audits in accordance with the Texas Water Development Board rules (Texas Admin. Code, Title 31, Chapter 358). Periodic visual inspections along the distribution lines will be completed. An audit of the water system to determine illegal connections, use of forms and accounting for loss due to flushing and firefighting will be completed annually.

D. Leak Detection and Repair

The City will purchase water leak detector equipment to start a leak detection program. Currently, customers and City personnel call in water breaks to the systems department. Breaks are usually handled within 30 minutes.

1. Plumbing Codes and Retrofit Program.

- (a) The City has adopted the International Code Council. Additionally, the 72nd Texas Legislature passed legislation which requires plumbing, fixtures sold in Texas after January 1, 1992, to meet strict standards that incorporate efficient water use and conservation in new structures. This law subsequently affects plumbing fixtures sold and will help eliminate inefficient plumbing fixtures.
- (b) Mission does encourage businesses and homeowners to replace older water fixtures like low-flow showerhead, faucet aerators, and toilet dams purchased before January 1, 1992, with the newer, efficient replacements. Mission will also advocate the use of low demand water appliances instead of older, high use ones in homes and businesses.

2. Water Conservation Landscaping. Mission does not plan to require water conservation landscaping; however, it will encourage this type of landscaping.

- (a) Local landscaping architects and nurseries will be asked and encouraged to utilize efficient irrigation systems and native low water-using plants and grasses. Xeriscape gardening and landscaping techniques will also be asked to be promoted.
- (b) Licensed irrigation contractors will be asked to utilize drip irrigation systems, where possible, and to use water conserving irrigation systems like sprinklers that produce large drips instead of a fine mist and a sprinkler layout which accommodates prevailing wind patterns.

Section VI: WATER CONSERVATION STRATEGIES

A. Public Education

The City will provide the water conservation and drought contingency plans to new

customers at the time they apply for water services. Water conservation brochures will be available at City Hall on a continuing basis. Water conservation posters will be displayed at City Hall and other City Facility buildings. Public announcements will be published in the local newspaper, City newsletter, broadcast on local radio, television stations, City website, City Facebook social media.

B. Recycling and Reuse

The City currently will encourage reuse of treated wastewater effluent. Treated wastewater effluent could be used to irrigate City's municipal parks, public and private golf courses, and roadside landscaping. Mission is also exploring the possible use of the treated wastewater effluent for agriculture, industry, and private use.

Section VII: CONSERVATION WATER RATE STRUCTURE

1. The City has established a schedule of rates to be charged for the consumption of water supplied through the City water system, as follows:
 - (a) Standard water rate schedule within the City limits for Mission's customers under the City's certificate of convenience and necessity.
 - (b) Standard water rate schedule outside of the City limits.
 - (c) A variable rate that increases for increased water consumption.
2. The standard rate to be charged for water furnished and consumed by single-family residence, multi-family residence, commercial, and industrial customers using the City's water is shown on the water and sewer rates structure ordinance, which is incorporated herein by reference as if fully set out at length, and a copy of which is on file and available for inspection in the offices of the City.
3. Water and sewer rates are periodically evaluated and updated as needed, so information in the water and sewer rates structure ordinance are subject to future change.

Water Rate Ordinance (Appendix B)

Water Conservation & Drought Contingency Ordinance (Appendix C)



City of Mission, Texas Drought Contingency Plan 2024

Drought Contingency Plan - CITY OF MISSION

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The amount of water that The CITY OF MISSION Drought Contingency Plan (“Plan” or “DCP”) has been developed and adopted to establish a protocol for conserving water supply during emergency drought conditions and water shortages.

Name: City of Mission

Address: 1201 E. 8th Street, Mission, TX 78501

Telephone Number: (956) 580-8651 Fax: (956) 580-8650

Water Right No.(s): 580-001, 581-000, 806-001, 806-005, 828-003, 845-000

Regional Water Planning Group: Rio Grande Regional Planning Group M

Form Completed by: David Flores

Title: ACM, EMC

Person responsible for implementation: Juan Pablo Terrazas, P.E., ACM Phone: (956) 580-8780

Signature: _____ Date: / /

Section I: Declaration of Policy, Purpose, and Intent

In compliance with Texas Water Code Chapter 11 and Title 30 Texas Administrative Code Chapter 288, the Plan is to be adopted with the intent of preserving the reliability and stability of public water facilities while mitigating impacts of an emergency water shortage. The Plan prioritizes the protection of public health, welfare, and safety through maintaining domestic water usage, sanitation services, and fire protection. The CITY OF MISSION hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Section II: Public Involvement

The CITY OF MISSION provided an opportunity for the public to provide input during the Drought Plan development through public notices posted on CITY OF MISSION website and social media Facebook. and physically at official buildings through the use of QR Codes.

Section III: Public Education

Following adoption, continued education to inform customers of any changes to the Plan and to continuously increase awareness of triggers, response measures, and importance of the plan will be conducted through means of press releases, periodic publications in the local newspaper, social media posts and utility bill inserts or mail-outs.

Section IV: Coordination with Regional Water Planning Group

The water service of the CITY OF MISSION is located within the Region M Water Planning Group. A copy of the approved CITY OF MISSION Drought Contingency Plan will be shared with Region M upon adoption.

Section V: Authorization

The City Manager of the CITY OF MISSION, or his/her designee, is authorized to determine the appropriate water conservation stage and implement the corresponding provisions as outlined in this Plan. Similarly, the City Manager of the CITY OF MISSION or his/her designee is authorized to take immediate actions deemed necessary to initiate or terminate the drought or other water supply emergency response measures as outlined in this Plan.

The provisions of this Plan may be amended, supplemented, changed, or repealed at any time during a duly called, noticed, and convened meeting by the City Manager of the CITY OF MISSION.

Section VI: Application

The provisions of the CITY OF MISSION DCP apply to all persons, customers, and property utilizing water services provided by CITY OF MISSION. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

The highest priority for water usage during all stages is the protection of public health, welfare, and safety by providing water for human consumption, sanitation services, fire protection, and when alternative water sources are not available, the watering of livestock.

Section VII: Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, water gardens, splash pads.

Commercial Carwash: means a commercial or industrial building or structure containing facilities for washing motor vehicles, including tunnel car washes, coin operated automatic car washes and coin operated self-service car washes.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by the City of

Mission.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Foundation watering: an application of water to the soils directly abutting (within 2 feet) the foundation of a building, structure.

Hydrant Traveling Meter: A hydrant traveling meter is used to provide water for construction projects and other non-permanent applications when a fire hydrant is the source of water.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Interconnect: The City of Mission has an interconnect contract with McAllen PUB, we are allowed to open the meter interconnections “In case of pipe failures or equipment damage or power outages at the Water Treatment Plant, the meter interconnects with McAllen will be opened with McAllen’s approval to help us meet demand and sustain water pressure”.

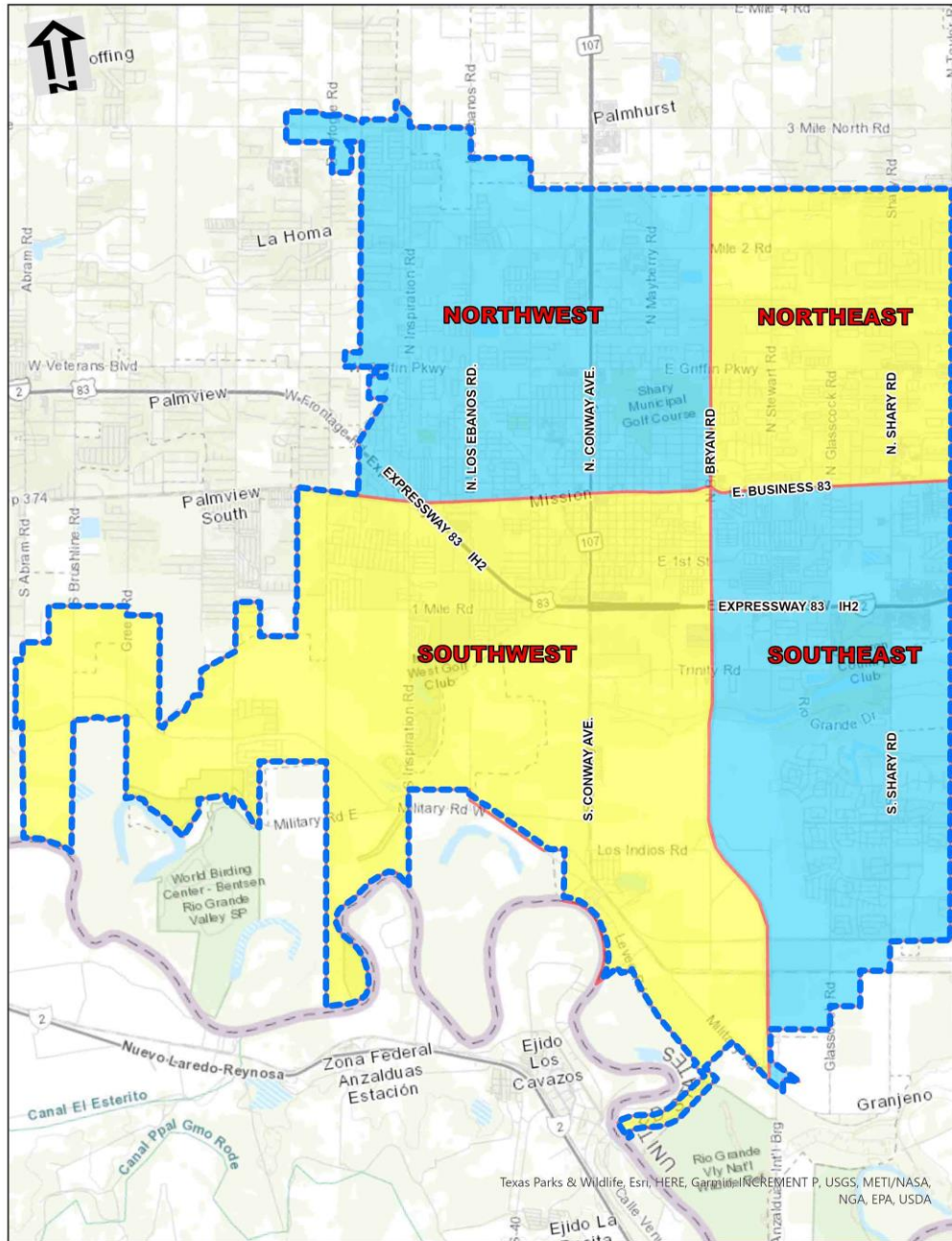
Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicles except for Commercial Carwashes as outlined separately;
- c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools, waterslides, other water use games;
- g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- i) use of water from hydrants for any purpose other than firefighting or construction.

Peak Hours: Watering between peak hours of 7am – 9am & 4pm – 6pm, is not recommended so that our water distribution system can service our community at these times.

Quadrangle (Quad): The City is divided into 4 Quads divided north/south along Business 83 or Loop 374 and divided east/west by Bryan Road. Therefore, the Northeast Quadrangle is north of Business 83 and east of Bryan Road. The Northwest Quadrangle is north of Business 83 and west of Bryan Road. The Southwest Quadrangle is south of Business 83 and west of Bryan Road. The Southeast Quadrangle is south of Business 83 and east of Bryan Road.



Section VIII: Criteria for Initiation and Termination of Drought Response Stages

The City Manager *or* his or her designee shall monitor water supply and demand conditions on a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the plan. Notification will be made through major media outlets and mailings. The designated CITY OF MISSION representative will notify water users when water use restrictions have been eased due to lessening of drought conditions.

The triggering criteria described below are based on the level of the United States share of water in the Falcon-Amistad Reservoirs as reported by the TCEQ Rio Grande Water master, demand on the municipal system capacity, and availability of treated water through interconnections. The stages of the drought plan may be initiated or terminated when all of the conditions listed as triggering events have started or ceased for a period of thirty (30) consecutive days. Any one of the triggers listed below *may* cause the utility to initiate water restrictions. Please refer to Table 1: Demand, Supply and Emergency Triggers.

Current as of July 2024 Water Treatment Plant Capacity:

Water Treatment Plants:	South Plant Downtown, 514 Perkins	8.00 MGD
	North Plant, 2801 N. Holland St.	17.50 MGD
	Total System Treatment Capacity	25.50 MGD

Texas Water Development Board (TWDB) Reservoir Data:

The links below are a source of information on the Falcon-Amistad Reservoir levels. This is not encompassing of a decision point; this information is for reference only.

<https://www.waterdatafortexas.org/reservoirs/individual/amistad>

<https://www.waterdatafortexas.org/reservoirs/individual/falcon>

Interconnect(s):

The City of Mission has an interconnect contract with McAllen PUB, we are allowed to open the meter interconnections (not limited to) in case of pipe failures, equipment damage, or power outages at the Water Treatment Plant. The meter interconnect with McAllen PUB will be opened with McAllen’s approval to help us meet demand and sustain water pressure to avoid triggering water conservation stages as necessary.

Voluntary Water Restrictions shall be in effect at all times, <u>unless</u> INTERNAL <u>or</u> EXTERNAL Demand Trigger Table BELOW Applies		
TYPE	TRIGGER	ACTION
INTERNAL DEMAND TRIGGERS	Water demand reaches or exceeds seventy percent (70%) of delivery capacity of 25.5 MGD or exceeds 18 MGD for 5 consecutive days or 21 MG on a single day.	CITY OF MISSION may enact Stage Two Moderate water restrictions
	Water demand reaches or exceeds seventy-five percent (75%) of delivery capacity of 25.5 MGD or exceeds 19 MGD for 5 consecutive days or 22 MG on a single day.	CITY OF MISSION may enact Stage Three Severe water restrictions
	Water demand reaches or exceeds eighty percent (80%) of delivery capacity of 25.5 MGD or exceeds 20 MG for 5 consecutive days or 23 MG on a single day.	CITY OF MISSION may enact Stage Four Critical water restrictions
	Water demand reaches or exceeds ninety percent (90%) of delivery capacity of 25.5 MGD or exceeds 23 MG for 5 consecutive days or 24 on a single day.	CITY OF MISSION may enact Stage Five Emergency water restrictions
	Water demand reaches or exceeds ninety-five percent (95%) of delivery capacity of 25.5 MGD or exceeds 24 MG for 5 consecutive days or 25.5 MG on a single day or recorded water pressure drops below 30 psi for more than 12 hours throughout the system.	CITY OF MISSION may enact Stage Six Water Allocation restrictions
EXTERNAL SUPPLY TRIGGERS	Reservoir levels of Amistad/Falcon reach below forty percent (40%) of capacity for 30 consecutive days	CITY OF MISSION may enact Stage Two Moderate water restrictions
	Reservoir levels of Amistad/Falcon reach below thirty percent (30%) of capacity for 30 consecutive days	CITY OF MISSION may enact Stage Three Severe water restrictions
	Reservoir levels of Amistad/Falcon reach below twenty percent (20%) of capacity for 30 consecutive days	CITY OF MISSION may enact Stage Four Critical water restrictions
	Reservoir levels of Amistad/Falcon reach below fifteen percent (15%) of capacity for 30 consecutive days	CITY OF MISSION may enact Stage Five Emergency water restrictions
	As determined by City Manager, including but not limited to system outage, equipment failure, or supply source contamination	Reduce water use to levels deemed necessary – Stage Six – Water Allocation restrictions

Table 1: Demand, Supply and Emergency Triggers

Section IX: Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The City Manager or his/ her designee shall notify the public by means of but not limited to:

Examples:

- *publication in a newspaper of general circulation,*
- *City website, social media, City Facebook, QR Codes*
- *direct mail to each customer,*
- *public service announcements,*
- *signs posted in public places,*
- *take-home fliers at schools.*

Additional Notification:

The City Manager or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

Examples:

- *Mayor and members of the City Council*
- *City and/or County Emergency Management Coordinator(s)*
- *Fire Chief and Police Chiefs*
- *County Judge & Commissioner(s)*
- *State Disaster District (DDC21)/ Department of Public Safety*
- *TCEQ (required when mandatory restrictions are imposed)*
- *Major water users*
- *Critical water users, i.e. hospitals and medical facilities*
- *Parks / street superintendents & public facilities managers*

The CITY OF MISSION has an emergency conservation plan that outlines six stages for possible water shortage and/ or emergency conditions. A brief description of the six stages are summarized below.

Stage One: Voluntary Conservation

Voluntary conservation is the first stage of the conservation program and is always in force unless a higher stage is required and enacted. During Stage One, the public is requested to voluntarily limit the amount of water used and only use the amount

absolutely necessary for health, business, and irrigation. Notice of such request shall be given by the City Manager through appropriate notifications as outlined above at his or her discretion.

Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays, Wednesdays, and Fridays for customers within the northeast and southwest quadrangles and Saturdays, Tuesdays, and Thursdays for water customers within the northwest and southeast quadrangles and to irrigate landscapes only between the hours of midnight and 6:00 a.m. and 8:00 p.m. to midnight on designated watering days. (See Quad Map on P. 5).

Stage Two: Mandatory Compliance Water Alerts

During Stage Two, CITY OF MISSION will aim to reduce per capita consumption by two percent (2%). The following restrictions shall apply to all persons: Irrigation of outdoor vegetation shall be limited except for during the days and times as provided in this section and in such zones as designated herein. Irrigation by drip method or hand-held buckets is permitted at any time in any zone.

Irrigation may only be conducted between the hours of midnight and 6:00 a.m. and 8:00 p.m. to midnight on designated watering days.

The washing of automobiles, trucks, trailers boats, airplanes and other types of mobile equipment is prohibited, except on designated irrigation days between the hours of midnight and 6:00 a.m. and 8:00 p.m. to midnight on designated watering days. Such washing, when allowed, shall be done with a handheld bucket or a handheld hose equipped with a positive shutoff nozzle for quick rinses.

Exception: Washing may be done at any time on the immediate premises of a Commercial Carwash or commercial service station. Further, such washing may be exempted from this provision if the health, safety and welfare of the public is contingent upon frequent vehicle cleaning, such as garbage trucks, ambulances, and vehicles to transport food and perishables.

Schedule:

The washing or sprinkling of foundations is prohibited except on designated irrigation days between the hours of midnight and 6:00 a.m. and 8:00 p.m. to midnight on designated watering days.

The filling or refilling of water to residential swimming and/or wading pools is prohibited except on designated irrigation days between the hours of midnight and 6:00 a.m. and 8:00 p.m. to midnight on designated watering days.

Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

The use of water for irrigation for golf course tees is prohibited exception designated irrigation days between the hours of midnight and 6:00 a.m. and 8:00 p.m. to midnight on designated watering days.

The irrigation of golf course fairways is absolutely prohibited. Provided, however, any golf course utilizing wastewater effluent or raw water is exempted from this provision.

Parks Ballfields to continue watering twice weekly on designated days, as well as,

High end facilities, i.e.: City Hall, Mission Event Center, Central PD, Central Fire and Museum on designated days.

Parks and other facilities to be watered once weekly and when available, Laurel Hill Cemetery, Bannworth Dog Park and Bentsen Palm Community Park to be watered with non-potable water.

Use of water from fire hydrants shall be limited to firefighting and related activities, and/or other governmental use activities necessary to maintain the health, safety, and welfare of the CITY OF MISSION.

Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays, Wednesdays, and Fridays for customers within the northeast and southwest quadrangles and Saturdays, Tuesdays, and Thursdays for water customers within the northwest and southeast quadrangles and irrigation of landscaped areas is further limited to between the hours of 8:00 p.m. and 6:00 a.m. on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five gallons or less, or drip irrigation system.

All restaurants are prohibited from serving water to patrons except upon request of the patron.

The following uses of water are defined as non-essential and are prohibited:

1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
3. Use of water for dust control;
4. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
6. Flushing of Fire hydrants.

Stage Three: Mandatory Compliance Water Warning

During Stage Three, the following restrictions shall apply. All elements of Stage Two, and will meet the criteria outlined in this stage, including the goal of an additional two percent (2%) reduction of water use per capita from the previous stage, shall remain in effect in Stage Three except that:

Irrigation of landscaped areas shall be limited to Sundays and Wednesdays for customers within the northeast and southwest quadrangles and Saturdays and Tuesdays for water customers within the northwest and southeast quadrangles between the hours of midnight and 6:00 a.m. and 8:00 p.m. to midnight on designated watering days. and shall be by means of hand- held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

The irrigation of the Golf Course T-boxes is absolutely prohibited. Provided, however, any golf course utilizing wastewater effluent or raw water is exempted from this provision.

Reduce Parks Ballfields to watering once weekly, also reduce watering to City Hall, Mission Event Center, Central PD, Central Fire and Museum to once weekly.

When available, all parks and cemeteries to be watered with non-potable water.

The following uses of water are defined as non-essential and are prohibited:

1. Municipal Street Sweepers.
2. Golf Course Fairways

Stage Four: Mandatory Compliance Water Shortages

During Stage Four, the following restrictions shall apply. All elements of Stage Two and Three, and will meet the criteria outlined in this stage, including the goal of an additional two percent (2%) reduction of water use per capita from the previous stage, shall remain in effect during Stage Four except that it shall be unlawful for any person to irrigate any vegetation outdoors except on the following designated days in the zones established herein:

Schedule:

Irrigation of landscaped areas shall be limited to Sundays for customers within the northeast and southwest quadrangles and Saturdays for water customers within the northwest and southeast quadrangles between the hours of midnight and 6:00 a.m. and 8:00 p.m. to midnight on designated watering days and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.

Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a Commercial Carwash and commercial service stations and not in the immediate interest of public health, safety, shall occur only between the hours of midnight and 6:00 a.m. and 8:00 p.m. to midnight on designated watering days.

Commercial Carwashes and commercial service stations in the immediate interest of the public health, safety and welfare shall be limited to fifty percent (50%) of their monthly average usage based on the last twelve (12) billing periods for each of such customer. After such usage, the City Manager shall enforce this subsection by doubling their consumption rate.

The filling or refilling of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.

Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

The irrigation of Golf Course Greens is absolutely prohibited. Provided, however, any golf course utilizing wastewater effluent or raw water is exempted from this provision.

Applications for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be reviewed to ensure every effort is made to save and conserve water and reduce water loss or consumption.

Commercial nurseries, commercial turfgrass farming, and similarly situated establishments shall water only on designated days between the hours of midnight and 6:00 a.m. and 8:00 p.m. to midnight on designated watering days and shall use only handheld hoses, drip irrigation systems, or handheld buckets.

Stage Five: Mandatory Compliance Water Shortage Emergency

During Stage Five, the following restrictions shall apply. All elements of Stage Two through Four, and will meet the criteria outlined in this stage, including the goal of an additional two percent (2%) reduction of water use per capita from the previous stage, shall remain in effect in Stage Five except that:

All allocations of water use to non-essential industrial and commercial customers shall be reduced to amounts as established by the CITY OF MISSION.

The maximum monthly water use allocation for residential customers may be established with revised rate schedules and penalties by the City Council on recommendation by the CITY OF MISSION.

Best management practices for supply management. The utility shall visually inspect lines and repair leaks on a daily basis. Flushing is prohibited except for dead end mains and only between the hours of 9:00 p.m. and 3:00 a.m. Emergency interconnects or alternative supply arrangements shall be initiated. All meters shall be read as often as necessary to insure compliance with this program for the benefit of all the customers.

The following uses of water are defined as non-essential and are prohibited:

1. Irrigation of landscaped areas.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle

Stage 6: Water Allocation – Emergency Order

During Stage Six, the following restrictions shall apply. All elements of Stage Two through Five, and will meet the criteria outlined in this stage, including in the event that water shortage conditions threaten public health, safety, and welfare, the City Manager is hereby authorized to allocate water according to the following priorities so that the remaining water is available for essential health- and safety-related uses. The priority list for water use during severe drought will be the following:

- Priority 1 – Hospitals and Medical Facilities, including Dialysis Centers
- Priority 2 – Emergency Water Facilities
- Priority 3 – Fire Protection
- Priority 4 – Residential
- Priority 5 – Schools
- Priority 6 – Industrial
- Priority 7 – Commercial
- Priority 8 – Recreation/Aesthetics

The following uses of water are defined as non-essential and are prohibited:

1. Use of Hydrant Traveling Meters.

Master-metered multi-family, Residential, Trailer-Park, Outside, and Inactive customers. The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (example: apartments, mobile homes) shall be allocated 5,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the city of a greater number on a form prescribed by the city manager. The city

manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the city offices to complete and sign the form claiming more than two dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the city manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the city in writing within two days. In prescribing the method for claiming more than two dwelling units, the city manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the city of a reduction in the number of persons in a household shall be fined not less than \$250.00.

Institutional and Governmental customers. A monthly water allocation shall be established by the city manager, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75 percent of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. Provided, however, a customer, 25 percent of whose monthly usage is less than 5,000 gallons, shall be allocated 5,000 gallons. The city manager shall give his/her best effort to see that notice of each nonresidential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the city to determine the allocation. Upon request of the customer or at the initiative of the city manager, the allocation may be reduced or increased.

Commercial customers. A monthly water allocation shall be established by the city manager, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75 percent of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. Provided, however, a customer, 25 percent of whose monthly usage is less than 8,000 gallons, shall be allocated 8,000 gallons. The city manager shall give his/her best effort to see that notice of each nonresidential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the city to determine the allocation. Upon request of the customer or at the initiative of the city manager, the allocation may be reduced or increased.

Industrial customers. A monthly water allocation shall be established by the city manager, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 75 percent of the customer's water usage baseline. Ninety days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be

further reduced to 75 percent of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the 12-month period ending prior to the date of implementation of stage 2 of the plan. If the industrial water customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The city manager shall give his/her best effort to see that notice of each industrial customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the city to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the city, the allocation may be reduced or increased.

Section X: Additional Water Sources

The CITY OF MISSION will take necessary measures to acquire an additional water source such as adjoining water suppliers and reservoirs.

Section XI: Review Committee – Formation, Powers and Duties

Upon approval of this Drought Contingency Plan, the City Manager will establish a Review Committee to review hardship and special cases involving customers, persons, or property utilizing the CITY OF MISSION'S water that cannot abide by the provisions of this plan. The City Review Committee will consist of the City Manager, Water Operations Manager, Wastewater Operations Manager, and a member/ customer chosen by the City Council. The City Manager will be the Chairman of the Review Committee.

All requests for a variance to the provisions of this Plan must be submitted to the City Review Committee in writing and must state the circumstances supporting the request. The City Review Committee is authorized to grant variances from the provisions of this Plan if, owing to peculiar circumstances, an undue hardship will result, and the granting of the variance will not be contrary to the public interest.

All decisions of the City Review Committee will be reported to the City Council at the next regularly scheduled City Council Meeting. If the City Review Committee denies a request for a variance, an appeal can be made to the City Council at the next regularly scheduled City Council Meeting. If a protest is received after the granting of a variance, the City Review Committee will refer the protest to the City Council and City Manager at the next regularly scheduled City Council Meeting. The decisions of the City Council are final.

Section XII: Variances

The City Manager, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- a. Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.

- b. Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the CITY OF MISSION within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Review Committee, or his/her designee, and shall include the following:

1. Name and address of the petitioner(s).
2. Purpose of water use.
3. Specific provision(s) of the Plan from which the petitioner is requesting relief.
4. Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
5. Description of the relief requested.
6. Period of time for which the variance is sought.
7. Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
8. Other pertinent information.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

All decisions of the City Review Committee will be reported to the City Council and City Manager at the next regularly scheduled City Council meeting. If the City Review Committee denies a request for a variance, an appeal can be made to the City Council and City Manager at the next regularly scheduled City Council meeting. If a protest is received after the granting of a variance, the City Review Committee will refer the protest to the City Council and City Manager at the next regularly scheduled City Council meeting. The decisions of the City Council and City manager and are final.

Section XIII: Violations, Penalties, and Enforcement

No person shall knowingly or intentionally allow the use of water from the CITY OF MISSION's system for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provisions of this Plan.

Any person or customer who violates this Plan will be issued a warning on the first offense. Each day that anyone or more of the provisions of this Plan are violated will constitute a separate offense. Upon receiving a notice of violation on the second offense, the customer's meter is subject to additional fines imposed by the City Manager. If a customer receives a notice of violation for two or more distinct violations in any one-day period, the City Manager will, upon due notice, be authorized to discontinue water service to premises where the violations occurred, and a fee will be required to be paid before service is restored. Should any person or customer receive a third notice of violation, water service will be discontinued, and a flow restriction device will be installed at the customer's meter at the customer's expense, and a second fee will be required to be paid before service is restored. Should a customer's water service be discontinued for a third time, then the fee for restoring water service shall be doubled.

For any customer whose meter equivalent is 1, water service will be restored after the

first disconnection for a fee of \$50. For any customer whose meter equivalent is more than 1, water service will be restored after the first disconnection for a fee of \$50 per meter equivalent. After the second disconnection, water service will be restored only after a second fee of \$50 per meter equivalent has been paid and a flow restriction device has been installed at the customer's meter at the customer's expense. This device will remain connected to the customer's meter until the City returns to Stage 2 or less. After the third disconnection, water service will be restored only after a third fee of \$100 per meter equivalent has been paid.

The above surcharges and termination provisions will not apply if the water used resulted from a loss of water (i.e., water leak) through no fault of the customer. The customer will have to prove that immediate steps were taken to correct the leak after its discovery and that the customer was not in any way negligent in causing or permitting the loss of water.

The CITY OF MISSION Code Enforcement or Health Department employee may issue a notice of violation to a person he/she reasonably believes to have committed a violation of this Plan. The notice of violation will be prepared in duplicate and will contain the name of the member and the tenant, if any, the address, the alleged violation, and the date.

The customer in apparent control of the property where a violation occurs or originates will be presumed to be the violator, but the customer will have the right to show that he/she did not commit the violation. The customer will be presumed to be responsible for minor children and for anyone residing in the customer's household who commits a violation.

Any person who violates this plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than \$50.00 and not more than \$200.00. Each day that one or more of the provisions in this plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this plan, the city manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established by ordinance and any other costs incurred by the city in discontinuing service. In addition, suitable assurance must be given to the city manager that the same action shall not be repeated while the plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

Any person, including a person classified as a water customer of the city, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this plan and that the parent could not have reasonably known of the violation.

Any employee of the city, police officer, or other city code enforcement employee

designated by the city manager, may issue a citation to a person he/she reasonably believes to be in violation of this article. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than three days nor more than five days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 16 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

Variations

- (a) The city manager, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:
 - (1) Compliance with this plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect.
 - (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.
- (b) Persons requesting an exemption from the provisions of this article shall file a petition for variance with the city within five days after the plan or a particular drought response stage has been invoked. All petitions for variations shall be reviewed by the city manager, or his/her designee, and shall include the following:
 - (1) Name and address of the petitioner(s).
 - (2) Purpose of water use.
 - (3) Specific provision(s) of the plan from which the petitioner is requesting relief.
 - (4) Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this article.
 - (5) Description of the relief requested.
 - (6) Period of time for which the variance is sought.
 - (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date.
 - (8) Other pertinent information.
- (c) Variations granted by the city shall be subject to the following conditions, unless waived or modified by the city manager or his/her designee:
 - (1) Variations granted shall include a timetable for compliance.

- (2) Variances granted shall expire when the plan is no longer in effect unless the petitioner has failed to meet specified requirements.
- (d) No variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024
PRESENTED BY: Cesar Torres, Chief of Police
AGENDA ITEM: Authorization to submit & accept the 2025 STEP Comprehensive Grant in the amount of \$37,000 from the Texas Department of Transportation - Torres

NATURE OF REQUEST:

The Mission Police Department is requesting authorization to submit and accept the 2025 Comprehensive Grant from the Texas Department of Transportation. The total grant amount is \$46,417.02, which includes a match of \$9,417.02 required by the City of Mission. TXDOT will award a total of \$37,000.00 in funds, which will be utilized for traffic enforcement purposes.

BUDGETED: Yes FY24-25 **FUND:** Designated Purpose **ACCT. #:** 15-300-33622

BUDGET: \$46,417.02 **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$0

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: Finance

Advisory Board Recommendation: N/A

City Manager’s Recommendation: Approval *MRP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

Texas Traffic Safety eGrants

Fiscal Year 2025

Organization Name: City of Mission Police Department

Legal Name: City of Mission

Payee Identification Number: 17460017381012

Project Title: STEP Comprehensive

ID: 2025-Mission-S-1YG-00003

Period: 10/01/2024 to 09/30/2025

GENERAL INFORMATION

Project Title:STEP Comprehensive

Project Description:

Program Elements

When performing enforcement activities under this grant, officers should make the enforcement of the STEP elements listed below their top priority, although any traffic-related probable cause can be used to initiate a vehicle stop

1. DWI : Driving While Intoxicated
2. Speed: Speed Enforcement
3. OP: Occupant Protection (Safety Belt and Child Safety Seat)
4. ITC: Intersection Traffic Control
5. DD: Distracted Driving

Holiday Periods

Enforcement activities under this grant may be conducted on any day at any time of day the agency deems appropriate. However, subgrantee should make it a priority to conduct enforcement activities during state and federally determined holiday periods, which are:

1. Christmas/New Year's
2. Spring Break
3. Memorial Day
4. Independence Day
5. Labor Day

STEP Mobilization Calendar is available on [eGrantsHelp page](#)

X Agency agrees to enforce the above Program Elements and Holiday Periods as part of the Selective Traffic Enforcement Program

City of Mission Police Department
STEP Comprehensive 2025

Budget Summary

Budget Category	TxDOT	Match	Total
Category I - Labor Costs			
(100) Salaries	\$37,000.00	\$1,320.00	\$38,320.00
(200) Fringe Benefits	\$0	\$8,097.02	\$8,097.02
Category I Sub-Total	\$37,000.00	\$9,417.02	
Category II - Other Direct Costs			
(300) Travel	\$0	\$0	\$0
(400) Equipment	\$0	\$0	\$0
(500) Supplies	\$0	\$0	\$0
(600) Contractual Services	\$0	\$0	\$0
(700) Other Miscellaneous	\$0	\$0	\$0
Category II Sub-Total	\$0	\$0	\$0
Total Direct Costs	\$37,000.00	\$9,417.02	\$46,417.02
Category III - Indirect Costs			
(800) Indirect Cost Rate	\$0	\$0	\$0
Summary			
Total Labor Costs	\$37,000.00	\$9,417.02	\$46,417.02
Total Direct Costs	\$0	\$0	\$0
Total Indirect Costs	\$0	\$0	\$0
Grand Total	\$37,000.00	\$9,417.02	\$46,417.02
Fund Sources (Percent Share)	79.71%	20.29%	

**Texas Department Of Transportation - Traffic Safety
Electronic Signature Authorization Form**

This form identifies the person(s) who have the authority to sign grant agreements and amendments for the Grant ID listed at the bottom of the page.

Name Of Organization: City of Mission

Project Title: STEP Comprehensive

Authorizing Authority
The signatory of the Subgrantee hereby represents and warrants that she/he is an officer of the organization for which she/he has executed this agreement and that she/he has full and complete authority to enter into the agreement on behalf of the organization. I authorize the person(s) listed under the section "Authorized to Electronically Sign Grant Agreements and Amendments" to enter into an agreement on behalf of the organization.

Name:	
Title:	
Signature:	
Date:	

Under the authority of Ordinance or Resolution Number (if applicable)

X

Authorized to Electronically Sign Grant Agreements and Amendments
List Subgrantee Administrators who have complete authority to enter into an agreement on behalf of the organization.

	Print Name of Subgrantee Administrator in TxDOT Traffic Safety eGrants	Title
1.	Cesar Torres	Chief of Police
2.	Luis Gutierrez	Corporal / Grant Supervisor
3.		



CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024
PRESENTED BY: Cesar Torres, Chief of Police
AGENDA ITEM: Authorization to submit & accept the DWI Phlebotomy Program Grant from the Texas Department of Transportation in the amount of \$149,999.78 for the 2025 fiscal year - Torres

NATURE OF REQUEST:

The Mission Police Department is requesting authorization to submit and accept the DWI Phlebotomy Program Grant from the Texas Department of Transportation for the 2025 fiscal year. The total grant amount is \$187,557.88, which includes a match of \$37,558.10 required by the City of Mission.

TXDOT will award a total of \$149,999.78 in funds to house a registered nurse at the Mission Police Department and to purchase tablets to be placed in the jail section. Housing the registered nurse will facilitate the blood search warrant process during peak hours (7 pm to 3 am), and keep patrol officers from waiting at hospitals for long periods for blood draws. The registered nurse will be employed/contracted by the Mission Hospital, who will hold all liability (medical & legal). The tablets will allow officers to capture electronic signatures and collect digital information for blood search warrants.

TXDOT is accepting the match as an in-kind match, which will be fulfilled as follows: \$4,942.10 for (120) Administrative hours (including salary & fringe benefits), \$1,580.00 for the budgeted purchase of (200) blood tubes, \$11,036.00 paid towards the budgeted contractual services for alcohol breath testing (relieve recent contract increase), \$12,600.00 costs for the building use and utilities, and \$7,400.00 in social media awareness/public safety announcements (see attached social media valuations). By matching with in-kind (totaling \$37,558.10), the City of Mission's cash match is zero. The grant period is from October 1st, 2024 to September 30th, 2025.

The City of Mission Police Department is the first in the state to be granted this opportunity due to our Drug Recognition Expert program and No-Refusal City status.

BUDGETED: Yes FY24-25 FUND: Designated Purpose ACCT. #: 15-300-33490

BUDGET: \$187,557.88 EST. COST: CURRENT BUDGET BALANCE:

BID AMOUNT: \$

STAFF RECOMMENDATION:

Approval

Departmental Approval: Finance

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval MRP

RECORD OF VOTE: APPROVED: _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

Texas Traffic Safety eGrants

Fiscal Year 2025

Organization Name: City of Mission Police Department

Legal Name: City of Mission

Payee Identification Number: 17460017381012

Project Title: DWI Phlebotomy Program

ID: 2025-Mission-PG-00003

Period: 10/01/2024 to 09/30/2025

City of Mission Police Department
Phlebotomy Grants

TEXAS TRAFFIC SAFETY PROGRAM GRANT AGREEMENT

THE STATE OF TEXAS
THE COUNTY OF TRAVIS

THIS AGREEMENT IS MADE BY and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the Department and the, **City of Mission** hereinafter called the Subgrantee, and becomes effective then fully executed by both parties. For the purpose of this agreement, the Subgrantee is designated as a(n) **Local Government/Transit District**.

AUTHORITY: Texas Transportation Code, Chapter 723, the Traffic Safety Act of 1967, and the Highway Safety Performance Plan for the Fiscal Year 2024.

Name of the Federal Agency: **National Highway Traffic Safety Administration**

CFDA Number:
CFDA Title:
Funding Source: Section
Unique Entity Identifier (UEI) : **NB6GZTVY4BF7**
FAIN:

Project Title: **DWI Phlebotomy Program**
This project is **Not Research and Development**

Grant Period: This Grant becomes effective on **10/01/2024** or on the date of final signature of both parties, whichever is later, and ends on **09/30/2025** unless terminated or otherwise modified.

Total Awarded: **\$187,557.88**
Amount Eligible for Reimbursement by the Department: **\$149,999.78**
Match Amount provided by the Subgrantee: **\$37,558.10**

RESPONSIBILITIES OF THE SUBGRANTEE

- A. Carry out all performance measures established in the grant, including fulfilling the law enforcement objectives by implementing the Operational Plan contained in this Grant Agreement.
- B. Submit all required reports to the Department (TxDOT) fully completed with the most current information, and within the required times, as defined in Article 3 and Article 7 of the General Terms and Conditions of this Grant Agreement. This includes reporting to the Department on progress, achievements, and problems in monthly Performance Reports and attaching necessary source documentation to support all costs claimed in Requests for Reimbursement (RFR).
- C. Attend grant related training as requested by the Department
- D. Attend meetings according to the following:
1. The Department will arrange for meetings with the Subgrantee to present status of activities and to discuss problems and the schedule for grant related activities.
 2. The project director or other appropriate qualified persons will be available to represent the Subgrantee at meetings requested by the Department.
- E. Support grant enforcement efforts with public information and education (PI&E) activities. Salaries being claimed for PI&E activities must be included in the budget.
- F. For out of state travel expenses to be reimbursable, the Subgrantee must have obtained the written approval of the Department, through eGrants system messaging, prior to the beginning of the trip. Grant approval does not satisfy this requirement..
- G. Maintain verification that all expenses, including wages or salaries, for which reimbursement is requested, is for work exclusively related to this project.
- H. Ensure that this grant will in no way supplant (replace) funds from other sources.
- Supplanting refers to the use of federal funds to support personnel or any activity already supported by local or state funds.
- I. Ensure that each officer working on the STEP project will complete an officer's daily activity report form. The form should include at a minimum: name, date, badge or identification number, type of grant worked, Enforcement Zone identifier, mileage (including starting and ending mileage), hours worked, type of warning or citation issued or arrest made, officer and supervisor signatures.
- J. All STEP agencies must provide the following provision in all daily activity report forms:
- "I understand that this information is being submitted to support a claim against a federally-funded grant program. False statements on this form may be prosecutable under 18 USC 1001. This information on this form is true, correct, and complete to the best of my knowledge and ability."

City of Mission Police Department
Phlebotomy Grants

The above language should b

RESPONSIBILITIES OF THE DEPARTMENT

- A. Monitor the Subgrantee's compliance with the performance obligations and fiscal requirements of this Grant Agreement using appropriate and necessary monitoring and inspections, including but not limited to:
1. review of periodic reports
 2. physical inspection of project records and supporting documentation
 3. telephone conversations
 4. e-mails and letters
 5. quarterly review meetings
 6. eGrants
- B. Provide program management and technical assistance.
- C. Attend appropriate meetings.
- D. Reimburse the Subgrantee for all eligible costs as defined in the project budget. Requests for Reimbursement will be processed up to the maximum amount payable as indicated in the project budget.
- E. Perform an administrative review of the project at the close of the grant period to:
1. Ascertain whether or not the project objectives were met
 2. Review project accomplishments (performance measures completed, targets achieved)
 3. Account for any approved Program Income earned and expended
 4. Identify exemplary performance or best practices

BUDGET SUMMARY

Budget Category		TxDOT	Match	Program Income	Total
Category I - Labor Costs					
(100)	Salaries:	\$0	\$4,080.00	\$0	\$4,080.00
(200)	Fringe Benefits:	\$0	\$862.10	\$0	\$862.10
	Sub-Total:	\$0	\$4,942.10	\$0	\$4,942.10
Category II - Other Direct Costs					
(300)	Travel:	\$0	\$0	\$0	\$0
(400)	Equipment:	\$4,035.78	\$0	\$0	\$4,035.78
(500)	Supplies:	\$0	\$1,580.00	\$0	\$1,580.00
(600)	Contractual Services:	\$145,964.00	\$11,036.00	\$0	\$157,000.00
(700)	Other Miscellaneous:	\$0	\$20,000.00	\$0	\$20,000.00
	Sub-Total:	\$149,999.78	\$32,616.00	\$0	\$182,615.78
	Total Direct Costs:	\$149,999.78	\$37,558.10	\$0	\$187,557.88
Category III - Indirect Costs					
(800)	Indirect Cost Rate:	\$0	\$0	\$0	\$0
Summary					
	Total Labor Costs:	\$0	\$4,942.10	\$0	\$4,942.10
	Total Direct Costs:	\$149,999.78	\$32,616.00	\$0	\$182,615.78
	Total Indirect Costs:	\$0	\$0	\$0	\$0
	Grand Total:	\$149,999.78	\$37,558.10	\$0	\$187,557.88
	Fund Sources: (Percent Share)	79.98%	20.02%	0.00%	

Salary and cost rates will be based on the rates submitted by the Subgrantee in its grant application in eGrants.

**Texas Department Of Transportation - Traffic Safety
Electronic Signature Authorization Form**

This form identifies the person(s) who have the authority to sign grant agreements and amendments for the Grant ID listed at the bottom of the page.

Name Of Organization: City of Mission

Project Title: DWI Phlebotomy Program

Authorizing Authority
The signatory of the Subgrantee hereby represents and warrants that she/he is an officer of the organization for which she/he has executed this agreement and that she/he has full and complete authority to enter into the agreement on behalf of the organization. I authorize the person(s) listed under the section "Authorized to Electronically Sign Grant Agreements and Amendments" to enter into an agreement on behalf of the organization.

Name:	
Title:	
Signature:	
Date:	
Under the authority of Ordinance or Resolution Number (if applicable)	

Authorized to Electronically Sign Grant Agreements and Amendments
List Subgrantee Administrators who have complete authority to enter into an agreement on behalf of the organization.

	Print Name of Subgrantee Administrator in TxDOT Traffic Safety eGrants	Title
1.	Cesar Torres	Chief of Police
2.	Luis Gutierrez	Corporal / Grant Supervisor
3.		

previous section) Therefore, when calculating match for this earned media, it is given a higher value than the base amount charged for the same size paid advertising.

When calculating the value of this earned media, TxDOT allows you to apply a 5x factor to the paid media cost (Ad Value) to include the additional free publicity value. As with all match, Calculated Earned Media Value must be documented and auditable by securing backup such as the pricing guide from the media outlet, an email quote, etc.

NOTE: Each newspaper and each market/city is priced differently, so for each story and for each claim the match price verification (documentation) must be from the newspaper that placed the ad.

C. SOCIAL MEDIA:

- 1. **SOCIAL MEDIA FOR GENERAL AND STEP GRANTS: NOT ELIGIBLE MATCH UNLESS APPROVED BY TXDOT:** Social media refers to internet forums and social networks. Technologies include blogging, Facebook, Twitter, Digg or Reddit, You Tube, Instagram, picture-sharing, music sharing, or social commentary. In this case measurement is not as obvious as it is with actions taken by traditional media. So, TxDOT has established the earned social media values listed in this document.

All subgrantees are eligible to participate in the program. Participation is optional and the subgrantee can opt out of the program. **NOTE:** Subgrantees may not participate and begin earning social media match until they 1) read the document located at the following link (https://www.txdot.gov/apps/eGrants/eGrantsHelp/Media/InstructionTxDOTSocialMediaMatch_FY18.pdf), 2) attend a TxDOT social media match training webinar, 3) notify your TxDOT Grant Manager of your decision and 4) participants must agree to submit social media match reports on a monthly basis with RFRs, even if there is not an amount to claim for the month.

How to Calculate at Earned Media Value match rate:

- 1. 6 (column length in inches) X 2 columns = 12 inches
- 2. 12 inches X \$100 (per inch value) = \$1,200 (advertising value)
- 3. \$1,200 (advertising value) X 5 (factor for standard publicity value) = \$6,000 (Standard Publicity Value Match)

Total Match = \$6,000

SOCIAL MEDIA VALUATIONS

EARNED SOCIAL MEDIA VALUATIONS	VALUE
Independent Blog (not owned by TxDOT, TxDOT contractor, or subgrantee)	\$853.00
Facebook “like, love” or any other emojis	\$1.60
Facebook 3 rd -party posts and mentions	\$10.17
Facebook comments	\$10.17
Facebook shares and re-posts	\$10.17
Facebook unique video views to 95% or more	\$3.25

<p>2. SOCIAL MEDIA FOR TXDOT MEDIA VENDORS: Media Vendors awarded official media campaign contracts directly from TxDOT are authorized to purchase advertising and can claim match for earned media value on social forums where paid advertising is allowed. Media Vendors can also earn match on free social media postings as trained participants in the social Media Match program.</p> <p>d. MATCH FOR TXDOT MEDIA VENDORS ONLY Media Vendors who are awarded official media campaign contracts directly from TxDOT are authorized to purchase advertising and can claim media match for earned media value on social forums where paid advertising is allowed in the news feed (not banner ads or side bar ads).</p> <p>NOTE: When a media vendor purchases a posting that is executed in order to engender a conversation around the campaign, then an <i>earned-media</i> value can be determined. For example: Twitter allows paid ads to be placed in the Twitter news feed. If a Twitter “buy” is made to purchase tweets for promotional purposes, then the <i>earned media</i> action is to have those tweets picked up and re-tweeted. Similar to traditional <i>earned media</i>, in the world of social media, a re-tweet is more valuable than the original tweet. A re-tweet is what makes Twitter viral. Most importantly a re-tweet shows that someone has derived some value from your content.</p> <p>So again, as with traditional media, any time an advertising message is seen not as an ad message, but as “editorial”, the standard value is 5x that of paid advertising for all TxDOT grants. So, when calculating the value of a re-tweet on Twitter or a re-post on Facebook, apply a 5x factor to the original paid media cost for each re-tweet in order to estimate the <i>earned media</i> value. For <u>any earned media</u>, including social media, the value must be documented, and records maintained.</p>	<table border="1"> <tr> <td>Facebook live event & webcast views to 10 seconds or more</td> <td>\$1.00</td> </tr> <tr> <td>Twitter 3rd party tweets and mentions</td> <td>\$5.00</td> </tr> <tr> <td>Twitter comments/replies, likes, and re-tweets</td> <td>\$5.00</td> </tr> <tr> <td>Twitter “follow”</td> <td>\$2.25</td> </tr> <tr> <td>Twitter video views</td> <td>\$0.50</td> </tr> <tr> <td>Digg or Reddit Post</td> <td>\$2.00</td> </tr> <tr> <td>StumbleUpon Post</td> <td>\$1.43</td> </tr> <tr> <td>YouTube 3rd-party posts</td> <td>\$10.17</td> </tr> <tr> <td>YouTube video views</td> <td>\$7.50</td> </tr> <tr> <td>YouTube likes</td> <td>\$5.00</td> </tr> <tr> <td>YouTube shares</td> <td>\$5.00</td> </tr> <tr> <td>YouTube comments</td> <td>\$5.00</td> </tr> <tr> <td>Instagram 3rd party posts</td> <td>\$10.17</td> </tr> <tr> <td>Instagram likes/loves</td> <td>\$1.60</td> </tr> <tr> <td>Instagram comments</td> <td>\$10.17</td> </tr> <tr> <td>Instagram shares</td> <td>\$10.17</td> </tr> <tr> <td>Instagram video views</td> <td>\$0.50</td> </tr> </table>	Facebook live event & webcast views to 10 seconds or more	\$1.00	Twitter 3 rd party tweets and mentions	\$5.00	Twitter comments/replies, likes, and re-tweets	\$5.00	Twitter “follow”	\$2.25	Twitter video views	\$0.50	Digg or Reddit Post	\$2.00	StumbleUpon Post	\$1.43	YouTube 3 rd -party posts	\$10.17	YouTube video views	\$7.50	YouTube likes	\$5.00	YouTube shares	\$5.00	YouTube comments	\$5.00	Instagram 3 rd party posts	\$10.17	Instagram likes/loves	\$1.60	Instagram comments	\$10.17	Instagram shares	\$10.17	Instagram video views	\$0.50
Facebook live event & webcast views to 10 seconds or more	\$1.00																																		
Twitter 3 rd party tweets and mentions	\$5.00																																		
Twitter comments/replies, likes, and re-tweets	\$5.00																																		
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YouTube likes	\$5.00																																		
YouTube shares	\$5.00																																		
YouTube comments	\$5.00																																		
Instagram 3 rd party posts	\$10.17																																		
Instagram likes/loves	\$1.60																																		
Instagram comments	\$10.17																																		
Instagram shares	\$10.17																																		
Instagram video views	\$0.50																																		



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024
PRESENTED BY: Cesar Torres, Chief of Police
AGENDA ITEM: Authorization to submit & accept the 2025 STEP CMV Grant in the amount of \$29,975.00 from the Texas Department of Transportation - Torres

NATURE OF REQUEST:

The Mission Police Department is requesting authorization to submit and accept the 2025 CMV Grant from the Texas Department of Transportation. The total grant amount is \$37,789.41, which includes a match of \$7,814.41 required by the City of Mission. TXDOT will award a total of \$29,975.00 in funds, which will be utilized for traffic enforcement purposes.

BUDGETED: Yes FY24-25 **FUND:** Designated Purpose **ACCT. #:** 15-300-33622

BUDGET: \$37,789.41 **EST. COST:** _____ **CURRENT BUDGET BALANCE:** _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: Finance

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *MRP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

Texas Traffic Safety eGrants

Fiscal Year 2025

Organization Name: City of Mission Police Department

Legal Name: City of Mission

Payee Identification Number: 17460017381012

Project Title: STEP CMV

ID: 2025-Mission-S-CMV-00003

Period: 10/01/2024 to 09/30/2025

GENERAL INFORMATION

Project Title:STEP CMV

Project Description:Provide enhanced enforcement covering multiple offenses, focusing on the following: Driving While Intoxicated (DWI), Occupant Protection (OP), Speed, Intersection Traffic Control (ITC) and Distracted Driving Violations (DD) related to commercial motor vehicles.

Program Elements

When performing enforcement activities under this grant, officers should make the enforcement of the STEP elements listed below their top priority, although any traffic-related probable cause can be used to initiate a vehicle stop

1. DWI: Driving While Intoxicated
2. Speed: Speed Enforcement
3. OP: Occupant Protection (Safety Belt)
4. HVM: Hazardous Moving Violations
5. DD: Distracted Driving

XAgency agrees to enforce the above Program Elements as part of the Selective Traffic Enforcement Program.

City of Mission Police Department
 STEP CMV 2025

Budget Summary

Budget Category		TxDOT	Match	Total
Category I - Labor Costs				
(100)	Salaries	\$29,975.00	\$1,222.40	\$31,197.40
(200)	Fringe Benefits	\$0	\$6,592.01	\$6,592.01
	Category I Sub-Total	\$29,975.00	\$7,814.41	
Category II - Other Direct Costs				
(300)	Travel	\$0	\$0	\$0
(400)	Equipment	\$0	\$0	\$0
(500)	Supplies	\$0	\$0	\$0
(600)	Contractual Services	\$0	\$0	\$0
(700)	Other Miscellaneous	\$0	\$0	\$0
	Category II Sub-Total	\$0	\$0	\$0
Total Direct Costs		\$29,975.00	\$7,814.41	\$37,789.41
Category III - Indirect Costs				
(800)	Indirect Cost Rate	\$0	\$0	\$0
Summary				
	Total Labor Costs	\$29,975.00	\$7,814.41	\$37,789.41
	Total Direct Costs	\$0	\$0	\$0
	Total Indirect Costs	\$0	\$0	\$0
	Grand Total	\$29,975.00	\$7,814.41	\$37,789.41
	Fund Sources (Percent Share)	79.32%	20.68%	

**Texas Department Of Transportation - Traffic Safety
Electronic Signature Authorization Form**

This form identifies the person(s) who have the authority to sign grant agreements and amendments for the Grant ID listed at the bottom of the page.

Name Of Organization: City of Mission

Project Title: STEP CMV

Authorizing Authority
The signatory of the Subgrantee hereby represents and warrants that she/he is an officer of the organization for which she/he has executed this agreement and that she/he has full and complete authority to enter into the agreement on behalf of the organization. I authorize the person(s) listed under the section "Authorized to Electronically Sign Grant Agreements and Amendments" to enter into an agreement on behalf of the organization.

Name:	
Title:	
Signature:	
Date:	
Under the authority of Ordinance or Resolution Number (if applicable)	

Authorized to Electronically Sign Grant Agreements and Amendments
List Subgrantee Administrators who have complete authority to enter into an agreement on behalf of the organization.

	Print Name of Subgrantee Administrator in TxDOT Traffic Safety eGrants	Title
1.	Cesar Torres	Chief of Police
2.	Luis Gutierrez	Corporal / Grant Supervisor
3.		



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024
PRESENTED BY: Cesar Torres, Chief of Police
AGENDA ITEM: Authorization to purchase (3) 2025 Polaris Ranger Crew XP 1000 Premium in the amount of \$72,882.00 via TIPS contract #210907- Torres

NATURE OF REQUEST:

The Mission Police Department is seeking authorization to purchase a 2025 Polaris Ranger Crew XP 1000 Premium from Boswell Elliff Ford LT Boswell LLC, via TIPS contract # 210907. The purchase cost amount is \$72,882.00. Grant funds from FY 2023 Stonegarden grant will be utilized for this purchase.

BUDGETED: Yes **FUND:** Designated **ACCT. #:** 15-491-74950

BUDGET: \$325,000 **EST. COST:** \$74,982.00 **CURRENT BUDGET BALANCE:** _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: Finance, Purchasing

Advisory Board Recommendation: N/A

City Manager’s Recommendation: Approval *MRP*

RECORD OF VOTE: **APPROVED:** _____
 DISAPPROVED: _____
 TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

Eliff Motors
 4017 N. Cage Blvd.
 Pharr TX 78577
 (956) 702-9599

Item 29.

CITY OF MISSION POLICE DEPARTMENT **Buyer's Order**

Date 08/20/2024

1200 E 8TH STREET
 MISSION, TEXAS 78572

Deal No.
 Salesperson Art Gonzalez
 Lienholder None

H W C 9562279753 Email ASSTCHIEFRPEREZ@MISSIONTEXAS.US

I hereby agree to purchase the following unit(s) from you under the terms and conditions specified. Delivery is to be made as soon as possible. It is agreed, however, that neither you nor the manufacturer will be liable for failure to make delivery.

Unit Information

New/U	Year	Make	Model	Serial No.	Stock No.	Price (Incl factory options)
New	2025	Polaris	R25RSE99AP	4XARSE993S8759012	EP1798	\$23,499.00
New	2025	Polaris	R25RSE99AL	4XARSE99XS8711247	E3759	\$23,499.00
New	2025	Polaris	R25RSE99AL	4XARSE991S8703537	E3714	\$23,499.00

Options:

Dealer Unit Price	\$70,497.00
Factory Options	\$0.00
Added Accessories	\$0.00
Freight	\$2,385.00
Dealer Prep	\$0.00

TIPS VENDOR 7490 CONTRACT 210907

\$0.00 D

Cash Price	\$72,882.00
Trade Allowance	\$0.00
Payoff	\$0.00
Net Trade	\$0.00
Net Sale (Cash Price - Net Trade)	\$72,882.00
Sales Tax	\$0.00
Title/License/Registration Fees	\$0.00
Document or Administration Fees	\$0.00
Credit Life Insurance	\$0.00
Accident & Disability	\$0.00
Total Other Charges	\$0.00
Sub Total (Net Sale + Other Charges)	\$72,882.00
Cash Down Payment	\$0.00
Amount to Pay/Finance	\$72,882.00

Notes:

Trade Information

Monthly Payment of \$0.00 For 0 Months at 0.00% Interest

NOTICE TO BUYER: (1) Do not sign this agreement before you read it or if it contains any blank spaces to be filled in. (2) You are entitled to a completely filled in copy of this agreement. (3) If you default in the performance of your obligations under this agreement, the vehicle may be repossessed and you may be subject to suit and liability for the unpaid indebtedness evidenced by this agreement.

TRADE-IN NOTICE: Customer represents that all trade in units described above are free of all liens and encumbrances except as noted.

*With Approved Credit. Interest rates and monthly payment are approximate and may vary from those determined by the lender.

Customer Signature _____ Dealer Signature _____

Thank You for Your Business!

FY 2023 Operation
Item 29
Grant # 3172909

2025 Polaris Ranger Crew XP 1000 Premium



[Handwritten Signature]
8/5/2024

The Interlocal Purchasing System

Purchasing Made Personal



Printed 15 August 2024

www.boswellelifford.com

BOSWELL ELLIFF FORD LT BOSWELL LLC

EMAIL PO & VENDOR QUOTE TO: TIPSPO@TIPS-USA.COM PO AND QUOTE MUST REFERENCE VENDOR TIPS CONTRACT NUMBER ATTACH PO AS A PDF - ONLY ONE PO (WITH QUOTE) PER ATTACHMENT

	<u>PAYMENT TO</u>	<u>TIPS CONTACT</u>
ADDRESS	1401 W. Bus. Hwy. 77	NAME Charlie Martin
CITY	San Benito	PHONE (866) 839-8477
STATE	Texas	FAX (866) 839-8472
ZIP	78586	EMAIL tips@tips-usa.com

DISADVANTAGED/MINORITY/WOMAN BUSINESS ENTERPRISE: N HUB: N

SERVING STATES

TX | LA | AR | NM | OK

Overview

Boswell Elliff Ford has a long and well established reputation in South Texas since 1938. Our dealership has new Ford vehicles. Based in San Benito, TX, we are conveniently located within the Region 1 ESC. We carry all makes and models of pre-owned vehicles and recondition them to top form. Highly trained and factory certified technicians are available six days a week for all service needs from our quick lube center for oil changes to our service department that does all major repairs and warranty work. We service all makes and models. Boswell Elliff Ford wants to be your one stop auto shop.

AWARDED CONTRACTS "View EDGAR Doc" on Website

Contract	Comodity	Exp Date	EDGAR
210907	Automobiles	11/30/2024	See EDGAR Certification Doc.

CONTACTS BY CONTRACTS**210907**

ROBERT GARCIA	FLEET SALES	(956) 399-2468	ROBGARCIA@BOSWELLAUTO.COM
SAM BOSWELL JR	DEALER	(956) 399-2468	SAMJR@BOSWELLAUTO.COM



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024
PRESENTED BY: Cesar Torres, Chief of Police
AGENDA ITEM: Authorization to purchase via a sole source vendor, a total of two (2) Skycop Mobile Surveillance Trailers - Torres

NATURE OF REQUEST:

Authorization to purchase two (2) Skycop Mobile Surveillance Trailers from Skycop Incorporated. The two (2) Skycop Mobile Surveillance Trailers will be utilized by our department to monitor heavily populated commercial/residential areas. These two (2) Skycop Mobile Surveillance Trailers will assist with deterring all burglary of vehicles, auto thefts, and any other common crimes in our heavily populated commercial/residential areas.

Grant funds from FY 2023 Stonegarden grant will be utilized for this purchase.

BUDGETED: Yes _____ **FUND:** Designated _____ **ACCT. #:** 15-491-74950 _____

BUDGET: \$325,000 _____ **EST. COST:** \$153,300.00 _____ **CURRENT BUDGET BALANCE:** _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: Finance, Purchasing _____

Advisory Board Recommendation: N/A _____

City Manager's Recommendation: Approval *MRP* _____

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____



SkyCop Inc.

E Item 30.

DATE	ESTIMATE #
7/24/2024	EST-2287

FY 2023
Operation Stonegarden
Grant # 317 2909

BILL TO
Mission Texas Police Department Mission Texas Police Department 1200 E 8th St Mission, TX 78572 US

SHIP TO
Mission Texas Police Department Mission Texas Police Department 1200 E 8th St Mission, TX 78572 asstchiefperez@missiontexas.us 956-584-5090

Item	Description	Qty	Rate	Amt
Standard Cadet (Sale) Axis	SKYCOP MOBILE SURVEILLANCE TRAILER WITH GAS GENERATOR AND SOLAR POWER PLANT INCLUDES: ONAN 4KW GENERATOR; 20 GAL FUEL TANK; BATTERY BANK; SOLAR POWER PLANT; (2) AXIS Q6075-E PTZ CAMERAS; (1) AXIS M3115-LVE OVERVIEW CAMERA; GENETEC ARCHIVER(Nuvo-3600 Computer); FLASHING BLUE/RED LIGHTS; STURDY HYDRAULIC MAST; CELLULAR ROUTER; PROGRAMMABLE LOGIC CONTROLLER AND SOFTWARE TO MONITOR VOLTAGE/FUEL LEVELS AND AUTOMATICALLY START GENERATOR WHEN NEEDED.	2	\$72,000.00	\$144,000.00
Freight/Delivery	Freight/Delivery	1	\$9,300.00	\$9,300.00
Sales Tax	Sales Tax calculated by AvaTax on Mon Mar 4 04:56:58 UTC 2024	1	\$0.00	\$0.00

SUBTOTAL	\$153,300.00
SHIPPING	\$0.00
DISCOUNT	\$0.00
TAX	\$0.00
TOTAL	\$153,300.00

R 8/5/2024

PLEASE ALLOW FOR APPLICABLE TAXES AND SHIPPING - PRICES BASED UPON TOTAL PURCHASE - PRICES GOOD FOR 30 DAYS UNLESS NOTED ABOVE - UP TO 3% HANDLING MAY BE ADDED FOR CREDIT CARD PAYMENTS - MINIMUM 25% RESTOCKING FEE WITH ORIGINAL PACKAGING - THIS DATA SHALL NOT BE DISCLOSED OUTSIDE RECIPIENT AND SHALL

NOT BE DUPLICATED, USED, OR DISCLOSED IN WHOLE OR IN PART FOR ANY PURPOSE OTHER THAN TO EVALUATE THIS PROPOSAL, INTERNALLY BY THE CUSTOMER.

Item 30.

Please send a copy of any applicable tax exemption certificates to accounting@skycopinc.com

Thank you,
SkyCop, Inc.
3736 Getwell Cv.
Memphis, TN 38118
(901) 410-2151
TN License #1899

Customer Signature _____

Date _____

July 19, 2023

Mission Police Department

RE: SkyCop™ Mobile Surveillance Unit

Dear Sgt. Reynaldo Perez,

This letter serves as justification that SCI Technologies, Inc. d/b/a SkyCop, Inc is a "Sole Source" for SkyCop™ Mobile Surveillance and LPR Technology. At this time SkyCop™ products are only available through SCI Technologies, Inc. d/b/a SkyCop, Inc.

SkyCop™ is a patented product and trademarked with the U.S. Patent and Trademark Office. Our custom trailer design, system software and integration are unique in the market place and backed with years of experience. To our knowledge there is no other product meeting the quality, specifications, and features of the SkyCop™ Mobile Surveillance Trailer and no other company with the technical integration knowledge. Below are unique features integrated into the SkyCop™ mobile surveillance system:

- Custom Designed and Built Heavy Duty Trailer
- Tri-brid Charging Capabilities: Solar Panel; Generator; and Shore Power
- Leveling System for various terrains
- Solar Mast with pivot and rotation
- 18' Heavy Duty Hydraulic Mast that provides Vibration and Wind Resistant
- (6) 420AH Industrial 6V DC Batteries
- Blue and Red Flashing Light Deterrent System
- 2 – 2MP PTZ Cameras and 1 – 2MP Overview Camera
- 4 Channel recorder embedded with H.265+ compression and 2TB of recording storage
- 4G Wi-Fi Cellular Router for live view or playback **CUSTOMER PROVIDED SERVICE
- Automated Power Plant Monitoring System that switches power generation sources as needed

Sincerely,



Charlotte Nuckles
CEO

(901) 410-2151 ext. 700
cnuckles@skycopinc.com

SkyCop Tower (Mobile Surveillance Unit)







CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024
PRESENTED BY: Abel Bocanegra, P.E., City Engineer
AGENDA ITEM: Authorization to extend Second and Final One-Year renewal option for Striping, Pavement Marking Services for Public Works Department - Bocanegra

NATURE OF REQUEST:

Seeking authorization to exercise the Second & Final One-Year Renewal with Valley Striping Corp.; this is the second of two renewal options. The contract terms were One (1) year with the option to renew for 2 additional one-year renewals. Recommendation is based solely on estimated quantities and orders will be placed on an as needed basis. The original Price will be maintained. This agreement will extend Bid No. 22-520-08-22 from September 21, 2024 thru September 20, 2025.

BUGETED: Yes **FUND:** General Fund- Streets **ACCT. #:** 01-440-44620
BUDGET: \$150,000 **EST. COST:** \$40,000 **CURRENT BUDGET BALANCE:** \$23,582

BID AMOUNT: _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: Finance, Purchasing

Advisory Board Recommendation: N/A

City Manager’s Recommendation: Approval *MRP*

RECORD OF VOTE: **APPROVED:** _____
 DISAPPROVED: _____
 TABLED: _____

_____ AYES
 _____ NAYS
 _____ DISSENTING _____



1616 E Griffin Pkwy # 143, Mission, TX 78572

Phone: 956-432-2444

City of Mission, Texas

Re: Renewal 2nd and final year for contract 22-520-08-22 (RFB: Striping/Pavement Markings and Crack Seal Services on City Streets. Effective date: 09/21/2024.

To Whom It May Concern:

I certify that Valley Striping Corp will maintain the original price of (\$94,383.00) for Striping/Pavement Markings and Crack Seal Services on City Streets. Extending the contract for 2nd & final year under the same price and conditions between both parties.

The undersigned, being duly sworn upon his oath deposes and says that he is the person making the foregoing statement and that they are made in good faith and are true in every respect.

Signature: [Handwritten Signature]

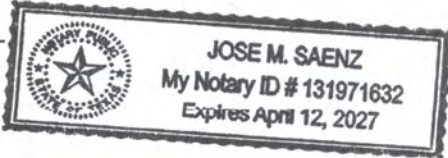
Name / Title: Guadalupe Salinas / President.

Company: Valley Striping Corp

SUBSCRIBED AND SWORN to before me this 15 day of August, 2024.

Notary Public: [Handwritten Signature]

My commission expires: 04-12-27





Guadalupe L. Salinas, President
Valley Striping Corp.
2708 Mid Valley Dr.
Weslaco, Texas 78599

Subject: Notice of Award – Bid No: 22-520-08-22 Striping/Pavement Markings and Crack Seal Services on City Streets

Dear Mr. Salinas:

You are hereby notified that you have been awarded City of Mission Bid No: 22-520-08-22 Striping/Pavement Markings and Crack Seal Services on City Streets. Please use this bid number on any correspondence to the City of Mission.

The term of this contract shall be for one (1) year from the date of contract award. The City of Mission shall reserve the option to renew this contract for an additional two (2) consecutive, one (1) year periods at the end of the one-year base service period. The total duration of this contract, including the exercise of any renewals under this clause, shall not exceed three (3) years.

The Renewal Options are contingent upon the Vendor providing a renewal letter at least 45-days prior to the Contract term. Please note that the Renewal % increase being proposed per year listed below must be from the original bid Unit Price.

Contract Base Term: September 21, 2022 through September 20, 2023

To facilitate the discharge of this contract, the Technical Representative (TR) for the contract is Juan Pablo Terrazas, City Engineer who can be reached at (956) 249-1402. The Technical Representative will perform the following duties during the term of this contract:

1. Monitor, verify and take such action necessary to ensure that your firm performs the technical requirements of the contract in accordance with the contract terms, conditions, and specifications. Specific emphasis shall be placed on the quality, quantity, acceptability, and manner of work for both adherences to the contract provisions and to your firm's quality control program.

2. Notify your firm of deficiencies observed during delivery of goods and/or services and direct your firm to comply with the contract requirements. Coordinate with the Purchasing Agent about your firm's unacceptable performance. Your firm's corrective actions must be within the scope of the contract.
3. Forward all disagreements with your firm that cannot be resolved within the scope of the delegated authority to higher levels within the City. The TR will provide records and reports to the Purchasing Agent concerning faulty or non-conforming work, delays or problems, and recommend appropriate actions to effect correction within the scope of the contract or dispute.
4. Ensure that any City furnished property is provided and returned in accordance with the contract provisions.
5. Maintain records applicable to the criteria established in the contract for performance issues, as they relate to the assessment of potential liquidated damages. Assert when applicable, in coordination with the Purchasing Agent, any damages provided in the contract due to your firm's failure to meet standards.
6. Maintain a current record of the obligated contract dollar amount, billed and paid.
7. Recommend acceptance or rejection of invoices that have been submitted by your firm. Disposition of payment recommendations rest with the appropriate Purchasing Agent and the TR.
8. Coordinate with the Purchasing Agent prior to releasing any correspondence involving schedule, performance, cost, and invoices/payment.
9. Work with the Purchasing Agent to properly close out the contract and all records.
10. Perform, or cause to be performed, inspections required by the contract. Verify that your firm has corrected all deficiencies. Act as certifying official, and receive, accept or reject supplies/services for the City specified in the contract and invoiced by your firm.

The following actions are specifically reserved for the Purchasing Agent.

1. Issuance of any orders or modifications to your firm regarding contractual matters, such as changes in price, deliveries, statements of work, specifications, or other contractual terms.
2. Directing work to start or stop, except as specifically provided for by the terms and conditions of the contract.
3. Amending the contract requirements in any respect.

- 4. Submit for Approval any action that will result in additional charges to the City.
- 5. Interpretation of contract terms and conditions.

In the event of the Technical Representative absence, the Purchasing Agent shall act in this capacity. The presence or absence of the TR shall not relieve the Contractor from any requirements of the contract. In the event of any discrepancies the original bid submitted will take precedence.

This assignment and delegation of the city is effective as of this date and shall remain in full effect until contract expiration or termination in writing by the Purchasing Agent.

A copy of your bid response is enclosed for your records. Said bid response and this notice of award constitute the contract. Please include the bid number on all correspondence pertaining to this contract, and with each invoice that you submit.

If you have any questions, please contact your assigned **Procurement Director, Peter Geddes**, at the phone number or address listed below.

City of Mission
1201 E. 8th Street
Mission, TX 78592
956/580-8667
956/580-8798 FAX

We appreciate your interest in City of Mission and look forward to working with you.

Sincerely,



Peter Geddes
Procurement Director

9/21/22
Date



BID NAME/NUMBER: 22-520-08-22 / Striping/Pavement Markings and Crack Seal Services

OPEN DATE: August 22, 2022 2:00 PM CST

Vendor Name: Valley Striping Corp.

Street address: 1616 E. Griffin Pkwy #143

City, State: Mission, TX 78572

Phone: (956) 432-2444

Fax: (956) 825-2722

Contact: Guadalupe Salinas

Email: valleystriping@yahoo.com

Item No.	DESCRIPTION:	Estimated Qty	UOM	Unit Price	Extended Price
1	ELIMINATE EXISTING PAV MRK & MRKS (4")	4,000	LF	\$0.25	\$1,000.00
2	ELIMINATE EXISTING PAV MRK & MRKS (6")	500	LF	\$0.30	\$150.00
3	ELIMINATE EXISTING PAV MRK & MRKS (8")	500	LF	\$0.45	\$225.00
4	ELIMINATE EXISTING PAV MRK & MRKS (12")	500	LF	\$1.25	\$625.00
5	ELIMINATE EXISTING PAV MRK & MRKS (24")	500	LF	\$1.75	\$875.00
6	ELIMINATE EXISTING PREFAB MRK (WORDS)	20	EA	\$65.00	\$1,300.00
7	PAVEMENT SEALER 4"	40,000	LF	\$0.15	\$6,000.00
8	PAVEMENT SEALER 8"	600	LF	\$0.30	\$180.00
9	PAVEMENT SEALER 12"	300	LF	\$0.45	\$135.00
10	PAVEMENT SEALER 24"	500	LF	\$0.90	\$450.00
11	ELIMINATE EXISTING (SINGLE-ARROWS)	15	EA	\$45.00	\$675.00
12	ELIMINATE EXISTING (DOUBLE-ARROWS)	10	EA	\$80.00	\$800.00
13	REFL PAV MRK TY I (WHITE) 4" (BROKEN) (100MIL). ALL COMPLETE IN PLACE.	5,000	LF	\$0.85	\$4,250.00
14	REFL PAV MRK TY I (WHITE) 4" (SOLID) (100MIL). ALL COMPLETE IN PLACE.	10,700	LF	\$0.85	\$9,095.00
15	REFL PAV MRK TY I (WHITE) 8" (SOLID) (100MIL). ALL COMPLETE IN PLACE.	3,000	LF	\$1.70	\$5,100.00
16	REFL PAV MRK TY I (WHITE) 12" (SOLID) (100MIL) FOR CROSSWALKS. ALL COMPLETE IN PLACE.	1,000	LF	\$2.50	\$2,500.00
17	REFL PAV MRK TY I (WHITE) 24" (SOLID) (100MIL) FOR STOP BAR. ALL COMPLETE IN PLACE.	1,000	LF	\$5.00	\$5,000.00
18	REFL PAV MARK TY I (YELLOW) 4" (BROKEN) (100MIL). ALL COMPLETE IN PLACE.	10,200	LF	\$0.85	\$8,670.00
19	REFL PAV MRK TY I (YELLOW) 4" (SOLID) (100MIL). ALL COMPLETE IN PLACE.	21,200	LF	\$0.85	\$18,020.00
20	REFL PAV MRK TY I (YELLOW) 12" (SOLID) (100MIL) FOR DIAGONAL CROSSHATCH. ALL COMPLETE IN PLACE.	500	LF	\$2.50	\$1,250.00



BID NAME/NUMBER: 22-520-08-22 / Striping/Pavement Markings and Crack Seal Services

OPEN DATE: August 22, 2022 2:00 PM CST

Vendor Name:	Valley Striping Corp.
Street address:	1616 E. Griffin Pkwy #143
City, State:	Mission, TX 78572
Phone:	(956) 432-2444
Fax:	(956) 825-2722
Contact:	Guadalupe Salinas
Email:	valleystriping@yahoo.com

Item No.	DESCRIPTION:	Estimated Qty	UOM	Unit Price	Extended Price
21	REFL PAV MRK TY I (WHITE) (100MIL) (THRU-ARROW). ALL COMPLETE IN PLACE.	5	EA	\$100.00	\$500.00
22	REFL PAV MRK TY I (WHITE) (100MIL) (LEFT-ARROW). ALL COMPLETE IN PLACE.	20	EA	\$200.00	\$4,000.00
23	REFL PAV MRK TY I (WHITE) (100MIL) (RIGHT-ARROW). ALL COMPLETE IN PLACE.	5	EA	\$180.00	\$900.00
24	REFL PAV MRK TY I (WHITE) (100MIL) (THRU & LEFT-DOUBLE ARROW). ALL COMPLETE IN PLACE.	5	EA	\$200.00	\$1,000.00
25	REFL PAV MRK TY I (WHITE) (100MIL) (THRU & RIGHT-DOUBLE ARROW). ALL COMPLETE IN PLACE.	3	EA	\$200.00	\$600.00
26	REFL PAV MRK TY I (WHITE) (100MIL) (WORD-"ONLY"). ALL COMPLETE IN PLACE.	25	EA	\$180.00	\$4,500.00
27	REFL PAV MRK TY I (WHITE) (100MIL) (WORD-"R X R"). ALL COMPLETE IN PLACE.	8	EA	\$300.00	\$2,400.00
28	REFL PAV MRK TY I (WHITE) (100MIL) (WORD-"SCHOOL XING"). ALL COMPLETE IN PLACE.	4	EA	\$450.00	\$1,800.00
29	REFL PAV MRKR TY I-C. ALL COMPLETE IN PLACE.	482	EA	\$4.50	\$2,169.00
30	REFL PAV MRKR TY II-A-A. ALL COMPLETE IN PLACE.	792	EA	\$4.50	\$3,564.00
31	REFL PAV MRKR TY II-B-B (FIRE HYDRANT MARK). ALL COMPLETE IN PLACE.	50	EA	\$3.00	\$150.00
32	CLEANING, SEALING JOINTS AND CRACK FILL (HOT POUR)	10,000	LF	\$0.65	\$6,500.00
	Striping/Pavement Markings and Crack Seal Services on City Streets	Grand Total			\$94,383.00
ADDENDUMS					None
Hours/Days to complete after receipt of purchase order					5 Days
1st. Year renewal					0.0%
2nd. Year renewal					0.0%
Bid Bond					Yes



BID NAME/NUMBER: 22-520-08-22 / Striping/Pavement Markings and Crack Seal Services

OPEN DATE: August 22, 2022 2:00 PM CST

Vendor Name: Valley Striping Corp.
Street address: 1616 E. Griffin Pkwy #143
City, State: Mission, TX 78572
Phone: (956) 432-2444
Fax: (956) 825-2722
Contact: Guadalupe Salinas
Email: valleystriping@yahoo.com

DESCRIPTION of FORMS:		Completed
	Solicitation Signed	Yes
	Terms & Conditions Included	Yes
	Non-Collusive	Yes
	Pricing Schedule	Yes
	Addenda(s)	None
	Subcontractors/Subconsultants Form	Yes
	Gen. Business Questionare	Yes
	References	Yes
	CIQ	
	Bid Bond	Yes



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024

PRESENTED BY: Abel Bocanegra, P.E., City Engineer

AGENDA ITEM: Authorization to extend Second and Final One-Year renewal option for Sealcoat Pavement Services for Public Works Department - Bocanegra

NATURE OF REQUEST:

Seeking authorization to exercise the Second & Final One-Year Renewal with Valley Striping Corp.; this is the second of two renewal options. The contract terms were One (1) year with the option to renew for 2 additional one-year renewals. Recommendation is based solely on estimated quantities and orders will be placed on an as needed basis. The original Price will be maintained. This agreement will extend Bid No. 22-519-08-22 from September 21, 2024 thru September 20, 2025.

BUGETED: Yes **FUND:** General Fund- Streets **ACCT. #:** 01-440-44620

BUDGET: \$150,000 **EST. COST:** \$80,000 **CURRENT BUDGET BALANCE:** \$23,582

BID AMOUNT: _____

STAFF RECOMMENDATION:

Approval

Departmental Approval: Finance, Purchasing

Advisory Board Recommendation: N/a

City Manager's Recommendation: Approval *MRP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____



1616 E Griffin Pkwy # 143, Mission, TX 78572

Phone: 956-432-2444

City of Mission, Texas

Re: Renewal 2nd and final year for contract 22-519-08-22 (RFB: Sealcoat Pavement Services).

Effective date: 09/21/2024.

To Whom It May Concern:

I certify that Valley Striping Corp will maintain the original price of (\$0.139) for Renewal Year 1 for contract 22-519-08-22 (RFB: Sealcoat Pavement Services) Extending the contract for 2nd & final year under the same price and conditions between both parties.

The undersigned, being duly sworn upon his oath, deposes and says that he is the person making the foregoing statement and that they are made in good faith and are true in every respect.

Signature: [Handwritten Signature]

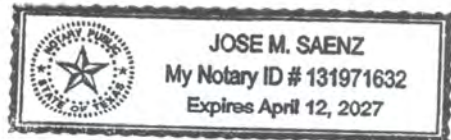
Name / Title: Guadalupe Salinas / President.

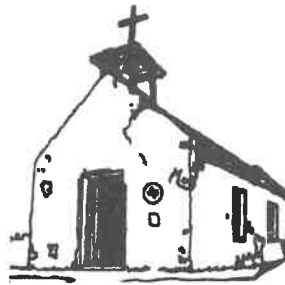
Company: Valley Striping Corp

SUBSCRIBED AND SWORN to before me this 15 day of August, 2024.

Notary Public: [Handwritten Signature]

My commission expires: 04-12-2027





CITY OF MISSION

"Home of the Grapefruit"

Guadalupe L. Salinas, President
Valley Striping Corp.
2708 Mid Valley Dr.
Weslaco, Texas 78599

Subject: Notice of Award – Bid No: 22-519-08-22 Sealcoat Pavement Services

Dear Mr. Salinas:

You are hereby notified that you have been awarded City of Mission Bid No: 22-519-08-22 Sealcoat Pavement Services. Please use this bid number on any correspondence to the City of Mission.

The term of this contract shall be for one (1) year from the date of contract award. The City of Mission shall reserve the option to renew this contract for an additional two (2) consecutive, one (1) year periods at the end of the one-year base service period. The total duration of this contract, including the exercise of any renewals under this clause, shall not exceed three (3) years.

The Renewal Options are contingent upon the Vendor providing a renewal letter at least 45-days prior to the Contract term. Please note that the Renewal % increase being proposed per year listed below must be from the original bid Unit Price.

Contract Base Term: September 21, 2022 through September 20, 2023

To facilitate the discharge of this contract, the Technical Representative (TR) for the contract is Juan Pablo Terrazas, City Engineer who can be reached at (956) 249-1402. The Technical Representative will perform the following duties during the term of this contract:

1. Monitor, verify and take such action necessary to ensure that your firm performs the technical requirements of the contract in accordance with the contract terms, conditions, and specifications. Specific emphasis shall be placed on the quality, quantity, acceptability, and manner of work for both adherences to the contract provisions and to your firm's quality control program.

2. Notify your firm of deficiencies observed during delivery of goods and/or services and direct your firm to comply with the contract requirements. Coordinate with the Purchasing Agent about your firm's unacceptable performance. Your firm's corrective actions must be within the scope of the contract.
3. Forward all disagreements with your firm that cannot be resolved within the scope of the delegated authority to higher levels within the City. The TR will provide records and reports to the Purchasing Agent concerning faulty or non-conforming work, delays or problems, and recommend appropriate actions to effect correction within the scope of the contract or dispute.
4. Ensure that any City furnished property is provided and returned in accordance with the contract provisions.
5. Maintain records applicable to the criteria established in the contract for performance issues, as they relate to the assessment of potential liquidated damages. Assert when applicable, in coordination with the Purchasing Agent, any damages provided in the contract due to your firm's failure to meet standards.
6. Maintain a current record of the obligated contract dollar amount, billed and paid.
7. Recommend acceptance or rejection of invoices that have been submitted by your firm. Disposition of payment recommendations rest with the appropriate Purchasing Agent and the TR.
8. Coordinate with the Purchasing Agent prior to releasing any correspondence involving schedule, performance, cost, and invoices/payment.
9. Work with the Purchasing Agent to properly close out the contract and all records.
10. Perform, or cause to be performed, inspections required by the contract. Verify that your firm has corrected all deficiencies. Act as certifying official, and receive, accept or reject supplies/services for the City specified in the contract and invoiced by your firm.

The following actions are specifically reserved for the Purchasing Agent.

1. Issuance of any orders or modifications to your firm regarding contractual matters, such as changes in price, deliveries, statements of work, specifications, or other contractual terms.
2. Directing work to start or stop, except as specifically provided for by the terms and conditions of the contract.
3. Amending the contract requirements in any respect.

- 4. Submit for Approval any action that will result in additional charges to the City.
- 5. Interpretation of contract terms and conditions.

In the event of the Technical Representative absence, the Purchasing Agent shall act in this capacity. The presence or absence of the TR shall not relieve the Contractor from any requirements of the contract. In the event of any discrepancies the original bid submitted will take precedence.

This assignment and delegation of the city is effective as of this date and shall remain in full effect until contract expiration or termination in writing by the Purchasing Agent.


A copy of your bid response is enclosed for your records. Said bid response and this notice of award constitute the contract. Please include the bid number on all correspondence pertaining to this contract, and with each invoice that you submit.

If you have any questions, please contact your assigned **Procurement Director, Peter Geddes**, at the phone number or address listed below.

City of Mission
1201 E. 8th Street
Mission, TX 78592
956/580-8667
956/580-8798 FAX

We appreciate your interest in City of Mission and look forward to working with you.

Sincerely,


Peter Geddes
Procurement Director

9/21/22
Date

BID NAME/NUMBER: 22-519-08-22 / Sealcoat Pavement Services

OPEN DATE: August 22, 2022 2:00 PM CST



Vendor Name:	Valley Striping Corp.	Rene Guerra & Son Hauling, LLC.
Street address:	2708 Mid Valley Dr.	12205 N. FM 88, Ste. D
City, State:	Weslaco, TX 78599	Weslaco, TX 78596
Phone:	(956) 432-2444	(956) 793-6827
Fax:	(956) 825-2722	
Contact:	Guadalupe Salinas	Rene Guerra
Email:	valleystriping@yahoo.com	ReneGuerra.Sons@gmail.com

DESCRIPTION:	UOM	Est. Qty.	Unit Price	Ext. Price	Unit Price	Ext. Price
1 Sealcoat Pavement Services	Sq. Ft.	800,000.00	\$0.139	\$111,200.00	\$0.500	\$400,000.00
2 1st Year Renewal Term				3.0%		0.0%
3 2nd Year Renewal Term				3.0%		7.99%
ADDENDUMS				None		None
Bid Bond				Yes		Yes
Hours/Days to complete work after purchase order				5 Days		48 hours

Note:



BID NAME/NUMBER: 22-519-08-22 / Sealcoat Pavement Services

OPEN DATE: August 22, 2022 2:00 PM CST

Vendor Name:	Valley Striping Corp.	Rene Guerra & Son Hauling, LLC.
Street address:	2708 Mid Valley Dr.	12205 N. FM 88, Ste. D
City, State:	Weslaco, TX 78599	Weslaco, TX 78596
Phone:	(956) 432-2444	(956) 793-6827
Fax:	(956) 825-2722	
Contact:	Guadalupe Salinas	Rene Guerra
Email:	valleystriping@yahoo.com	ReneGuerra.Sons@gmail.com

DESCRIPTION of FORMS:			
	Solicitation Signed	Yes	Yes
	Terms & Conditions Included	Yes	Yes
	Pricing Schedule	Yes	Yes
	Subcontractor(s)/Subconsultant(s)	Yes	Yes
	Non-Collusive	Yes	Yes
	Addenda Checklist	None	None
	Gen. Business Questionare	Yes	Yes
	References	Yes	Yes
	CIQ		
	Bid Bond	Yes	Yes



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024
PRESENTED BY: Susana De Luna, Planning Director
AGENDA ITEM: Homestead Exemption Variance: .28 acres more or less, out of Lot 192, John H. Shary Subdivision, 310 Union Street, R-1, Valeria Garcia, - De Luna

NATURE OF REQUEST:

On August 21, 2024, the Planning and Zoning Commission held a Public Hearing to consider the Homestead Exemption Variance. The subject site is located approximately 360' North of E. 2 ½ Street along the East side of Union Street. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION: Approval.

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *MRP*

RECORD OF VOTE:

APPROVED:	_____
DISAPPROVED:	_____
TABLED:	_____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ITEM# 2.0

HOMESTEAD EXEMPTION VARIANCE: .28 acres more or less, out of
 Lot 192, John H. Shary Subdivision
 310 Union Street
 R-1
 Valeria Garcia

REVIEW DATA

This property is located approximately 360' North of E. 2 ½ Street along the East side of Union Street. The property measures 75' x 165' for a total of 12,375 sq.ft. On 11-10-14, the City Council passed the H.E.V. Ordinance which allows for homesteads to be granted various waivers to the City's subdivision requirements if and only if, the lot is being proposed for the applicant's personal single-family home.

WATER: There is an existing 2" water line along Union Street. Water service is readily available. There is also an existing fire hydrant at this same intersection therefore this requirement is fulfilled.

SEWER: The property has access to an existing 8" sanitary sewer line located along Union Street. Since this property had sewer service prior, the capital fee will not be needed.

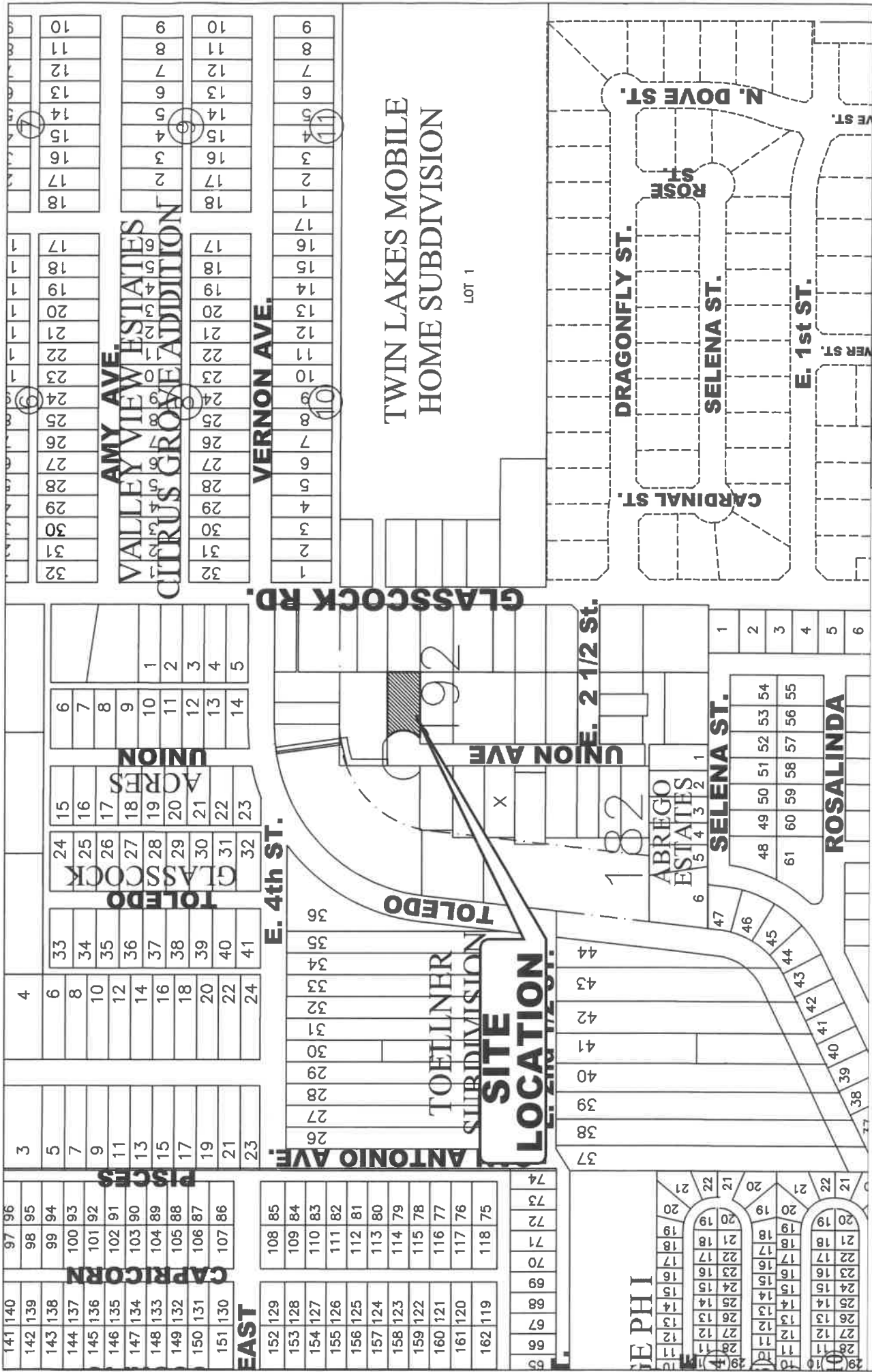
STREETS: The property has frontage to Union Street. A streetlight can be found on front of this site. There is no need for additional street lights at this location.

OTHER COMMENTS

- Park Fee is required at \$500 (per lot).
- Provide proof of exclusion from the Water District
- Comply with the 50yr storm detention requirements
- Must comply with Model Subdivision Rules
- Must dedicate water rights


RECOMMENDATION: Staff recommends approval subject to

1. Provide proof of water district exclusion
2. Dedication of water rights
3. Payment of Park fee, and
4. Comply with the 50year storm detention code



Item 33.

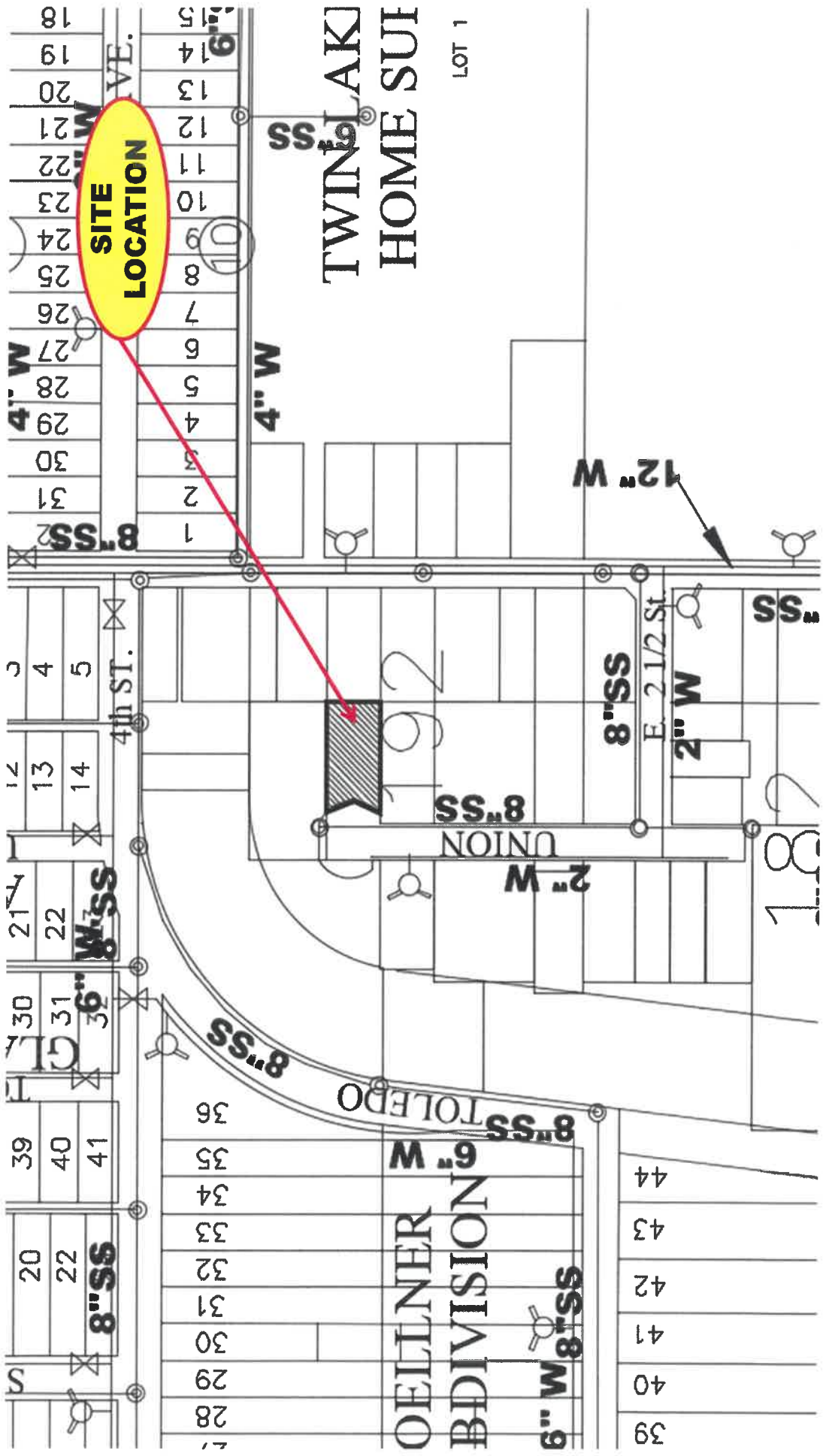
No.



CITY OF MISSION
 HIDALGO COUNTY, TEXAS
 1201 E. 8th Street
 MISSION, TX 78572
 PH: (956) 580-8672
 FAX: (956) 580-8680

454







**CITY COUNCIL AGENDA ITEM &
RECOMMENDATION SUMMARY**

MEETING DATE: August 26, 2024
PRESENTED BY: Susana De Luna, Planning Director
AGENDA ITEM: Consider a Variance request to allow an installation of septic tank at 3101 S. Conway Avenue, out of Lot 10-7, West Addition to Sharyland Subdivision, as requested by Windfield Communities - De Luna

NATURE OF REQUEST:

On August 21, 2024 the Planning and Zoning Commission held a Public Hearing to consider the variance request to allow an installation of a septic tank. The subject site is located on the Northeast corner of S. Conway & future Los Indios Parkway.

On August 9, 2024 staff received a letter from Pablo Martinez, Vice President of Winfield Communities requesting the installation of a septic system at 3101 S. Conway Avenue. The site was previously serviced by an existing OSSF system that is outdated and out of service. Currently, the Milagro Subdivision is under construction and will be available to extend utilities to this location. The structure will serve as a sales and construction office for personnel use as the project develops up until the said lot will need to be cleared for new vertical construction. The building is classified as a temporary sales office for the sale of lots which is considered a permitted use per Article VIII – Use Districts and Conditional Uses.

There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION: Staff recommends approval.

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *MRP*

RECORD OF VOTE: **APPROVED:** _____
 DISAPPROVED: _____
 TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ITEM# 2.1

Consider a variance request to allow an installation of a septic tank at 3101 S. Conway Avenue, out of Lot 10-7, West Addition to Sharyland Subdivision, as requested by Windfield Communities

Variance request from the Code of Ordinances / Chapter 98 - SUBDIVISIONS / ARTICLE I. - IN GENERAL / Sec. 98-6. – General provisions. (a) No permit shall be issued within the city for the installation of septic tanks upon any lot in a subdivision. All residents in any subdivision shall be connected to public utility services provided by the city.

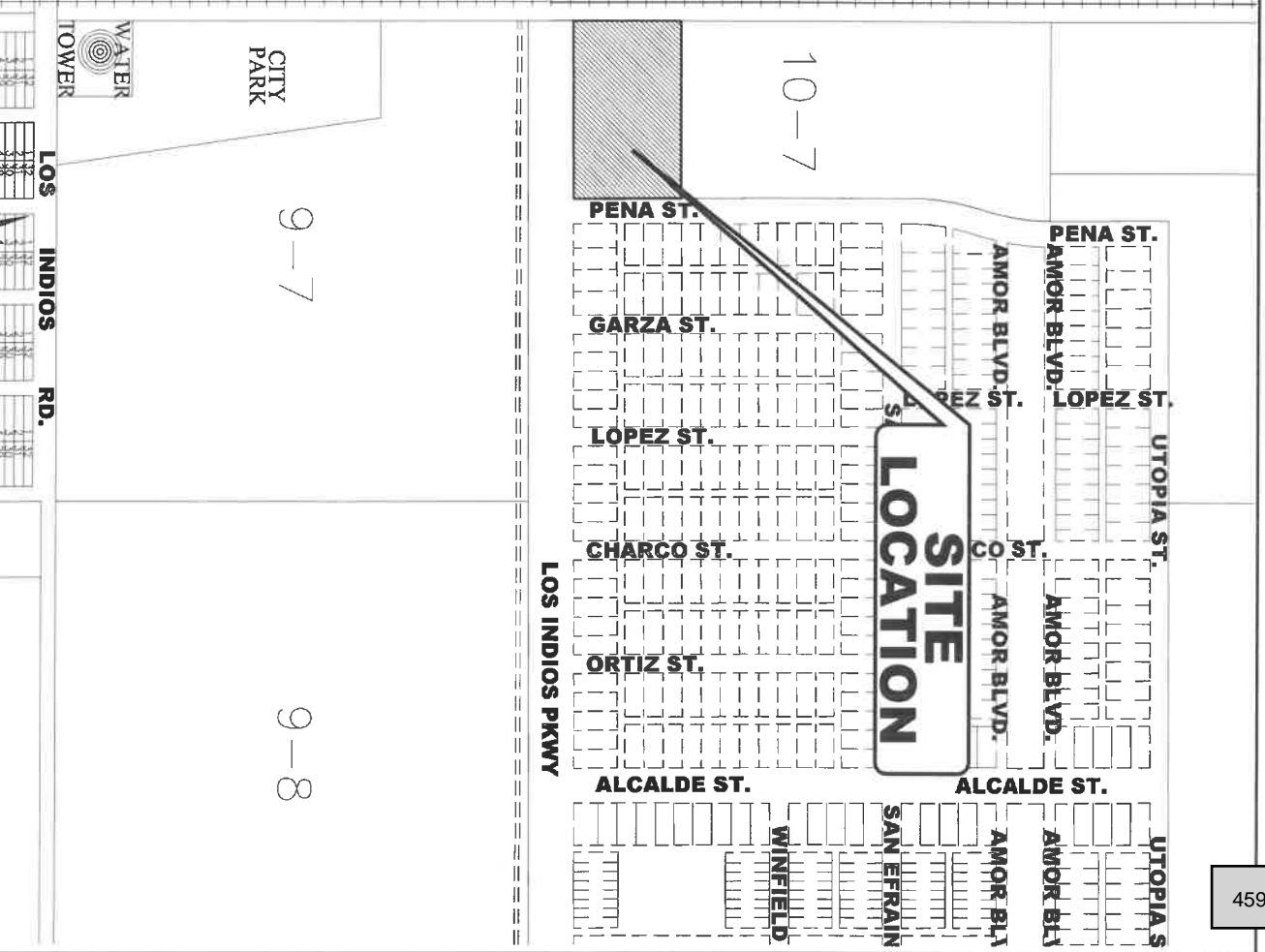
On August 9, 2024 staff received a letter from Pablo Martinez, Vice President of Winfield Communities requesting the installation of a septic system at 3101 S. Conway Avenue. The site was previously serviced by an existing OSSF system that is outdated and out of service. Currently, the Milagro Subdivision is under construction and will be available to extend utilities to this location. The structure will serve as a sales and construction office for personnel use as the project develops up until the said lot will need to be cleared for new vertical construction. The building is classified as a temporary sales office for the sale of lots which is considered a permitted use per Article VIII – Use Districts and Conditional Uses.

The request may have merit since the adjacent subdivision is underway and not connected to the city's infrastructure. The closest connection point to a city sewer line would be 1,300 ln. ft. from the property. It has been determined that due to this unusual circumstance and the lack of options available, denying this request would deprive the applicant of the formal use of the existing home. In addition, there is no evidence that the general public's health, safety, convenience and/or welfare would be negatively affected in any way. The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area either. This request is restricted and will be monitored thru permitting and payment of fees as noted within the adopted schedule of fees for non-residential per building lined item labeled septic tanks. The applicant has submitted a certified design of the proposed system, an approval to construct OSSF, and a receipt issue by the County. This job will be subject to City's requirements and inspections.

RECOMMENDATION: Staff recommends approval.



S. CONWAY BLVD. (F.M.1016)



CITY OF MISSION
 PLANNING DEPARTMENT
 1201 E. 8th. Street
 MISSION, TX 78372
 PH: (956) 580-8672
 FAX: (956) 580-8680

DATE:08-14-24
 No.



Winfield Communities
4320 University Blvd
P.O. Box 499
Laredo, Texas 78042

City of Mission
Attn: JP Terrazas
1201 E 8th St
Mission, TX 78572

August 8, 2024,

Dear Mr. Terrazas,

This letter is in reference to our property at 3101 S. Conway Ave, Mission TX, 78572. We are requesting authorization to install a septic sewer system at the above referenced address, due to no access of the city sewer system. With current infrastructure, the closest connection point to a city sewer line would be 1,300 feet from our property. All permits for installation of the septic system have been granted by both the City of Mission and Hidalgo County, we are submitting this written request per the direction of Omar Cantu, Water and Waste Water Supervisor at The City of Mission.

Thank You,

A handwritten signature in black ink that reads "Pablo Martinez".

Pablo Martinez
Vice President

RECEIVED
8-9-24 R.A.



HIDALGO COUNTY HEALTH & HUMAN SERVICES DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION-ON-SITE SEWAGE FACILITY INSPECTION FEES

THE STATE OF TEXAS
COUNTY OF HIDALGO

Date 8-6, 20 24

Received From: J. A. Gonzalez \$ 145.-

Owner: CHARCO LAND SAMS LLC
One Hundred forty-Five 7/100 Dollars

Cash _____ Check # 7889 M.O. # _____

Fee Description	Amount
Installation Permit	
-Sanitation Inspection	\$75
-TCEQ Waste Water	\$10
Final Inspection Permit	\$60
Other	
TOTAL \$	<u>145.-</u>

Installer License #
35502

Subdivision Description: WEST ADDN. TO SHARPLAND
 Lot Number: 10-7 City/State: City of Mission
 Check One: Residential: 3bdrm Commercial: _____
 Type of System: Gravelless

Note-Customer Copy Yellow-Auditor's Copy Pink-Office Copy

Received By:

constitute as a License to Operate.

The Application has been reviewed for technical and administrative consideration against the standards set forth by Hidalgo County and all other relevant rules and regulations set forth by the relevant agencies. Thus, **APPROVAL** is hereby granted for the Construction as shown on the submitted plans. Modifications and/or changes made to the OSSF system prior to and/or during installation require approval by Hidalgo County Health Department. A revised Site Plan reflecting the changes must be re-submitted by the appropriate individual in order to be considered complete.

The Property Owner or Acting Agent of the Property Owner must contact Hidalgo County Health Department at least two (2) WORKING DAYS PRIOR to completion in order to schedule the required Final Inspection. This Authorization to Construct is valid for one (1) year from the date issued.

If a Final Inspection has not been performed within one (1) year of the Authorization to Construct's issue date, a new application along with the relevant fees will be required.

Comments: 3BDRM GRAVELLESS CITY OF MISSION
GONZALEZ (35502) REPLACING OLD OSSF

Application Reviewer

08/06/2024
Date of Authorization

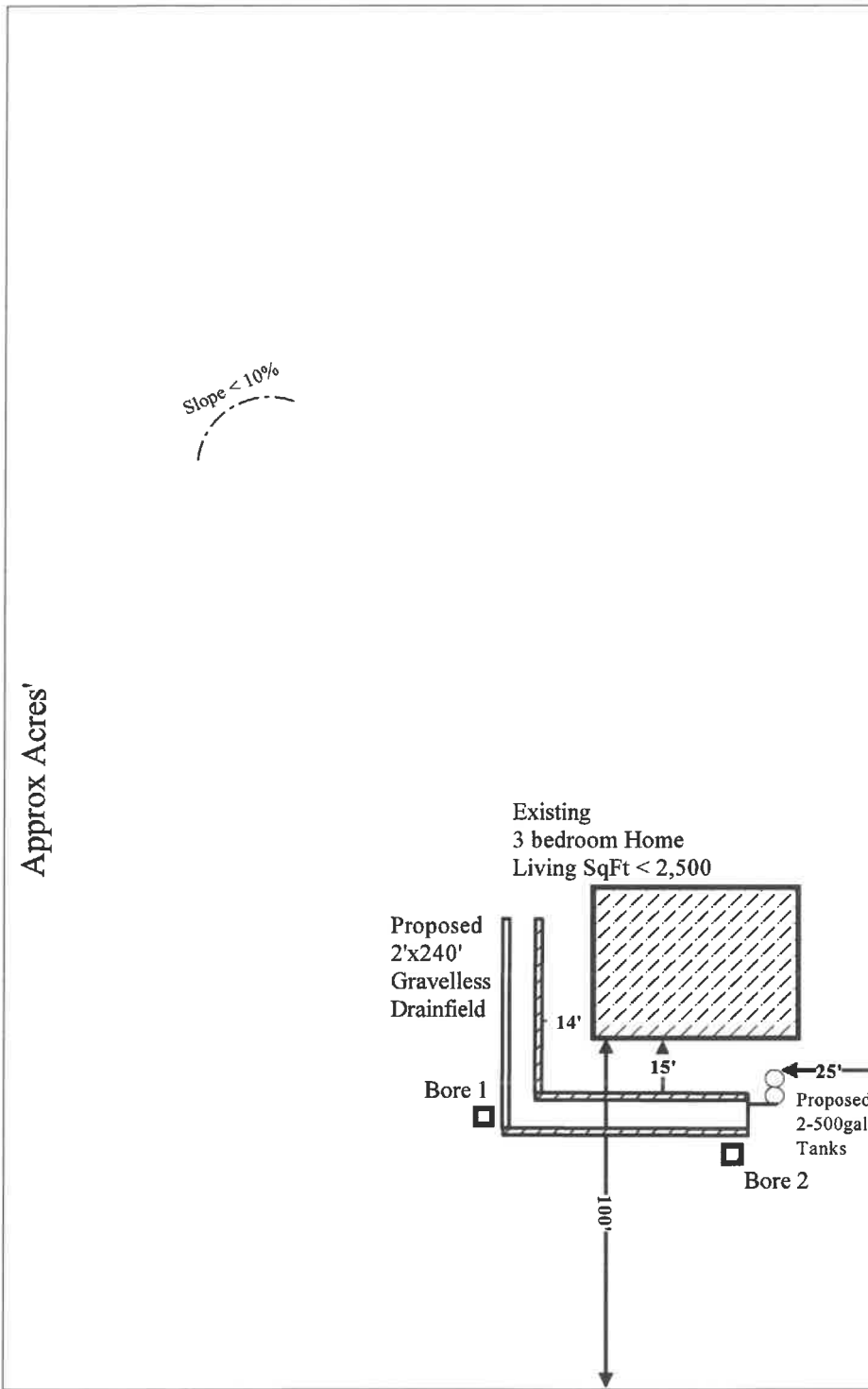
Location:
3101 S Conway Rd, Mission Tx



- No Water Wells within 150' of septic system
- No open bodies of water within 100' of septic system
- Flood Zone X

Proposed OSSF Preinstall
for 3 Bedroom System:
For living ft² < 2,500
Q = 240gal/day
For Q greater than 180gal/day but less
than 251 gal/day. V = 750 gallons
Use 2-500 gallon Septic Tanks

Area Requirements:
Ra = Class II soil
Ra = .25
Q = 240gal/day
A = Q/Ra
A = 240/.25
A = 960SQF
A = 960SQF/4 = 240 L.F.
**Use 240 LF of 2 foot wide
trench, 8" Gravelless
Drainfield**



Approx Acres'

Approx 250'

Conway Rd

Scale : 1inch=50ft

Property Owner : CHARCO LAND SALES LLC

Legal Description : WEST ADDN. TO SHARYLAND
S343'-E1270' EXC 0.50AC HS LOT 10-7 10AC GR 9.50AC NET

Installer : Jose Angel Gonzalez, OS1350
222 Veterans Blvd, Edinburg Tx 78540
(956)778-3543

Site Evaluator: Jose Angel Gonzalez, OS12258
222 Veterans Blvd, Edinburg Tx 78540
(956)778-3543



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024
PRESENTED BY: Susana De Luna, Planning Director
AGENDA ITEM: Preliminary Plat Approval: Retama Phase VI Subdivision (Private), 9.173 acres being out of Lot 14, Del Monte Irrigation Co. Subdivision, PUD (R-1), Developer: Rhodes Development, Inc., Engineer: Melden & Hunt, Inc. - De Luna

NATURE OF REQUEST:

On August 21, 2024, the Planning and Zoning Commission held a Public Hearing to consider the Preliminary & Final Plat Approval for Retama Phase VI Subdivision. The subject site is located on the SE corner of Bentsen Palm Drive and Military Parkway East. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION: This project was previously approved by P&Z on December 2023 and then by City Council on January 2024 which included both variance requests. The developer is now proposing to add 5 residential lots to the original submitted plat. Staff has no objection therefore recommends approval subject to 1) Payment of Capital Sewer Recovery fee and comply with items 1-4 shown above; 2) Installation of street lighting as per city standards; 3) Compliance with street private polices; 4) Comply with all other format findings; and 5) Conveyance of water rights.

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *MRP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ITEM # 3.0**PRELIMINARY & FINAL
PLAT APPROVAL:**

Retama Phase VI Subdivision (Private)
 9.173 acres being out of Lot 14,
 Del Monte Irrigation Co. Subdivision
 PUD (R-1)
 Developer: Rhodes Development, Inc.
 Engineer: Melden & Hunt, Inc.

REVIEW DATA**PLAT DATA**

The proposed site is part of a master plan located on the SE corner of Bentsen Palm Dr. and Military Parkway East. — see **vicinity map**. This tract was vacant with a proposed land use for 20 residential lots, 22 cottage lots, and 3 common areas— see plat for actual dimensions, square footages, and land uses.

VARIANCE 1

Request variance from Sec. 98-134 ‘Streets’ of the Code of Ordinances Ch. 98 - Subdivisions to allow the design and proposed construction of a 30’ ROW whereas the code requires streets within a subdivision to be at least 50’.

VARIANCE 2

Request variance from Sec. 98-134 ‘Streets’ of the Code of Ordinances Ch. 98 - Subdivisions to allow a pavement width of 30’ whereas the minimum pavement width of minor residential streets shall have 32’ back-to-back

WATER

The developer is proposing to connect to an existing 8” water line located along the south R.O.W. of Hummingbird Lane and extend an 8” water line through the site providing water service to each lot. It will be looped to the south onto the existing 8” line which was stubbed by the Phase V development and to the existing 12” main line along the south ROW of Military Pkwy East. This system will be stubbed at Hummingbird Ln. and Mallard Dr. ends for future extensions. There are 3 proposed fire hydrants via direction of the Fire Marshal’s office. – see **utility plan**

SEWER

The developer is proposing to connect to an existing sewer cleanout on the north side ROW of Hummingbird Ln., which was left for this purpose, and extend an 8” PVC line to collect from all lots abutting to this street which will end with a standard MH. Lots 346-372 will be serviced by an 8” sewer line located on the west side of the street to be connected to an existing 12” sewer main along the north side of Ballard Dr. which will collect from the remaining lots. All lots will be stubbed front-and-center with a 4” PVC line. The Capital Sewer Recovery Fee is required at \$200.00/Lot which equates to \$7,400.00 (\$200.x 37 Lots).

STREETS & STORM DRAINAGE

The subdivision will have 2 existing streets extended from phase V (Hummingbird L. and Ballard Dr.) to have dead-ends for future expansions with a main access to Military Pkwy East from

Hummingbird Ln. between Lots 340 & 341. This access will have an 80' ROW with median islands. The design will also include an internal street with a proposed paved 30' ROW.

This property is located in a Zone "B" on FEMA's Flood Insurance Rate Map. This development is included in Drainage Basin 45 of the Bentsen Palms Master Drainage Study therefore in accordance with the Approved Master Drainage Plan. The plan will route storm water into a detention pond from Mission Main Canal which will outfall into the mission Pilot Channel of the H.C.D.D. No. 1 System. The City Engineer has reviewed and approved the drainage report.

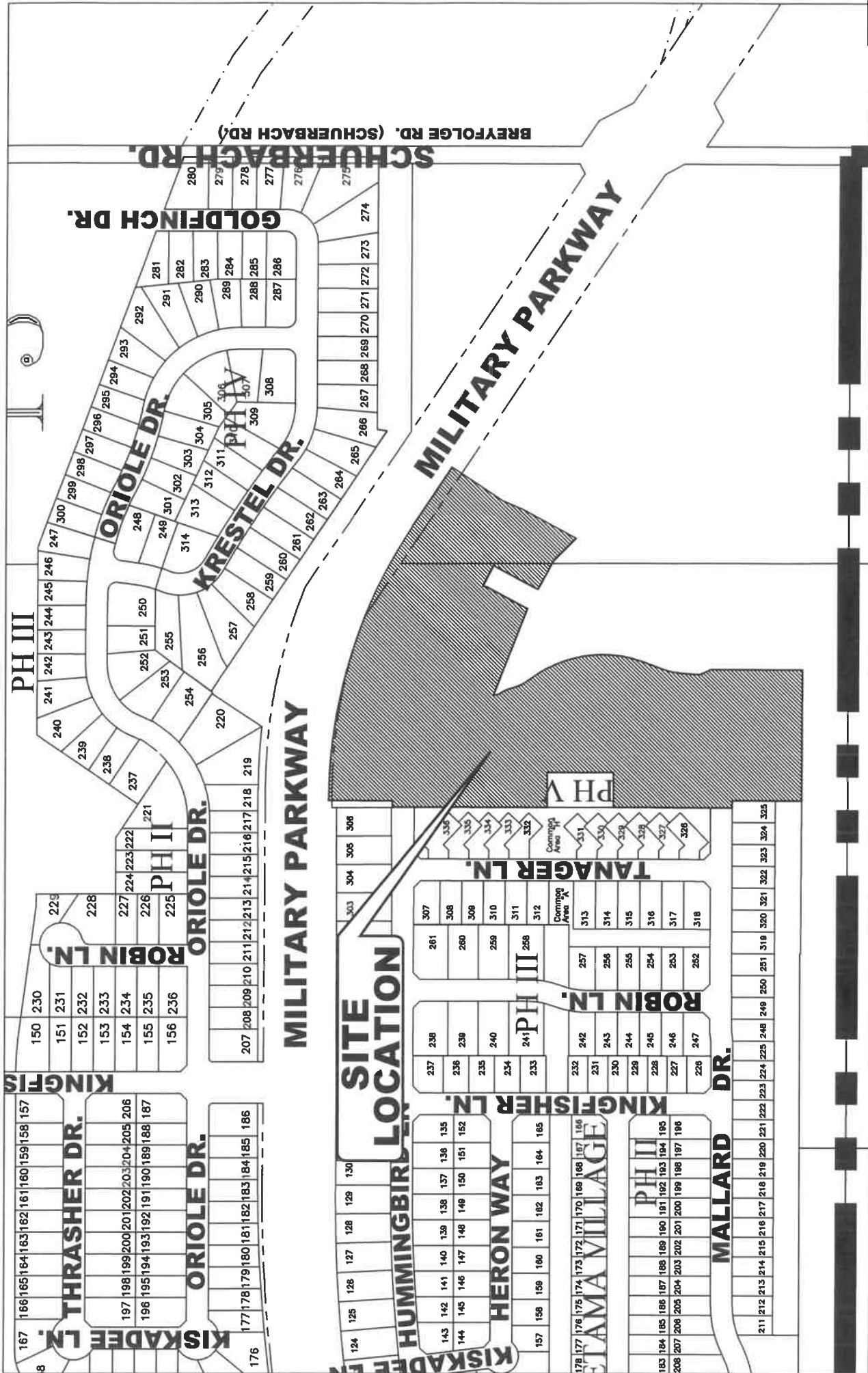
OTHER COMMENTS

- 1. No Park Fees – Mike Rhodes dedication of park land satisfies the park Dedication Ord.
- 2. Installation of Street Lighting as per City Standards
- 3. Compliance with the Private Street policies
- 4. Comply with all other format findings

RECOMMENDATION

This project was previously approved by P&Z on December 2023 and then by City Council on January 2024 which included both variance requests. The developer is now proposing to add 5 residential lots to the original submitted plat. Staff has no objection therefore recommends approval subject to payment of Capital Sewer Recovery fee and comply with items 1-4 shown above.

CITY OF MISSION
 HIDALGO COUNTY, TEXAS
 1201 E. 8th Street
 MISSION, TX 78572
 PH: (956) 580-8672
 FAX: (956) 580-8680

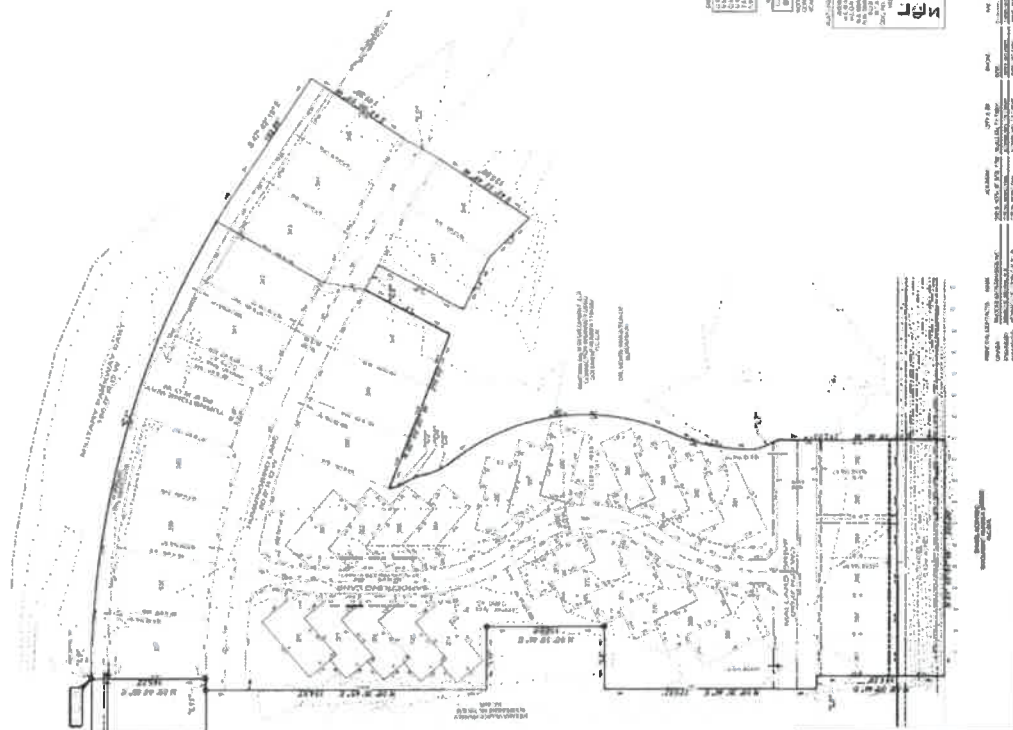




MAP OF (PRIVATE) RETAMA VILLAGE PHASE VI CITY OF ALABAMA DAK WORTHY ENGINEERING CO. INC. (DESIGNER) HKS INC. (PREPARED)

NOTES AND EXPLANATIONS:

1. THIS MAP IS A PRELIMINARY MAP AND IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.
2. THE DESIGNER HAS CONDUCTED A VISUAL ANALYSIS OF THE PROPOSED DEVELOPMENT AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS COMPATIBLE WITH THE SURROUNDING AREA.
3. THE DESIGNER HAS CONDUCTED A VISUAL ANALYSIS OF THE PROPOSED DEVELOPMENT AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS COMPATIBLE WITH THE SURROUNDING AREA.
4. THE DESIGNER HAS CONDUCTED A VISUAL ANALYSIS OF THE PROPOSED DEVELOPMENT AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS COMPATIBLE WITH THE SURROUNDING AREA.
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19. THE DESIGNER HAS CONDUCTED A VISUAL ANALYSIS OF THE PROPOSED DEVELOPMENT AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS COMPATIBLE WITH THE SURROUNDING AREA.
20. THE DESIGNER HAS CONDUCTED A VISUAL ANALYSIS OF THE PROPOSED DEVELOPMENT AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS COMPATIBLE WITH THE SURROUNDING AREA.

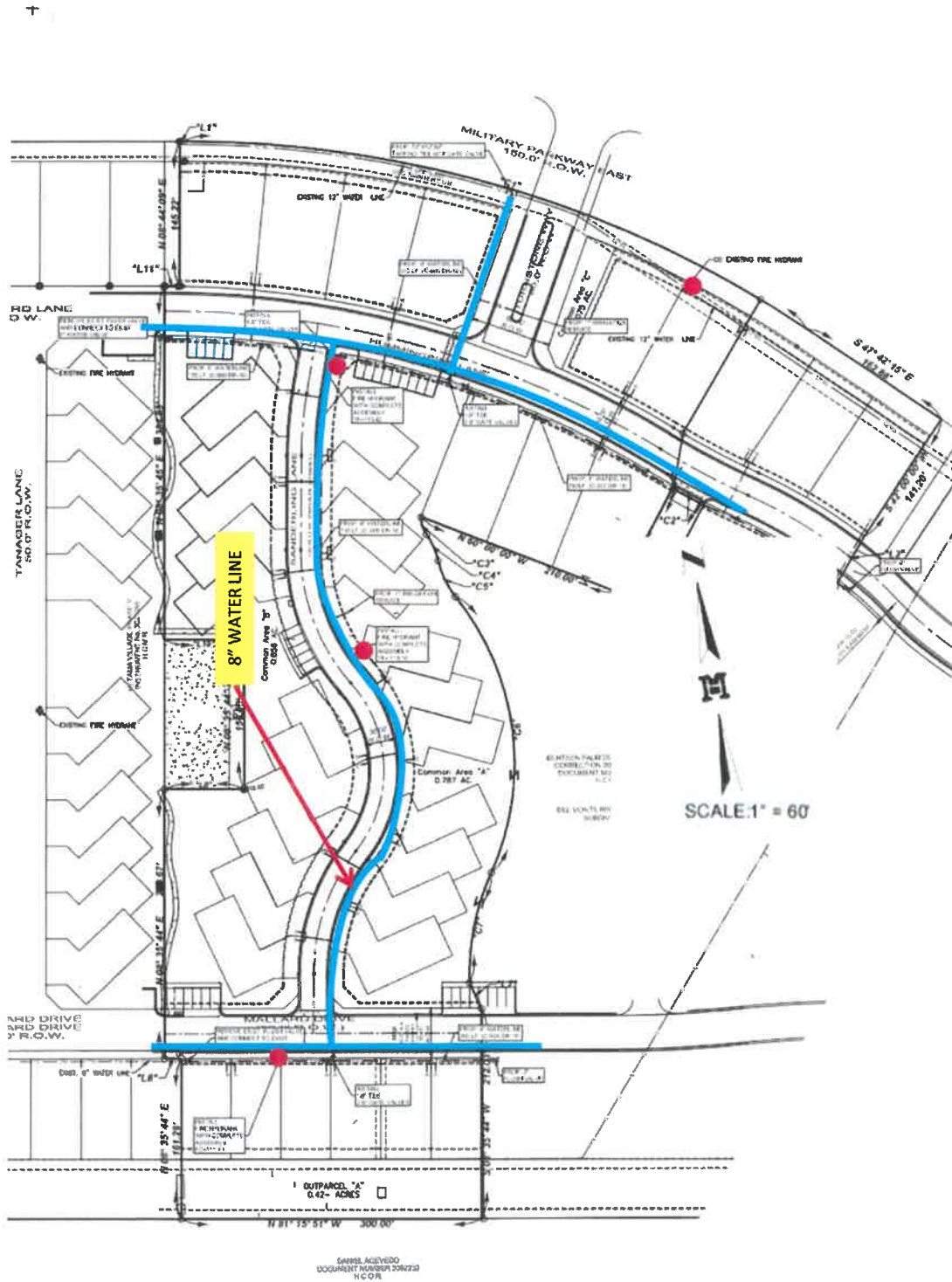


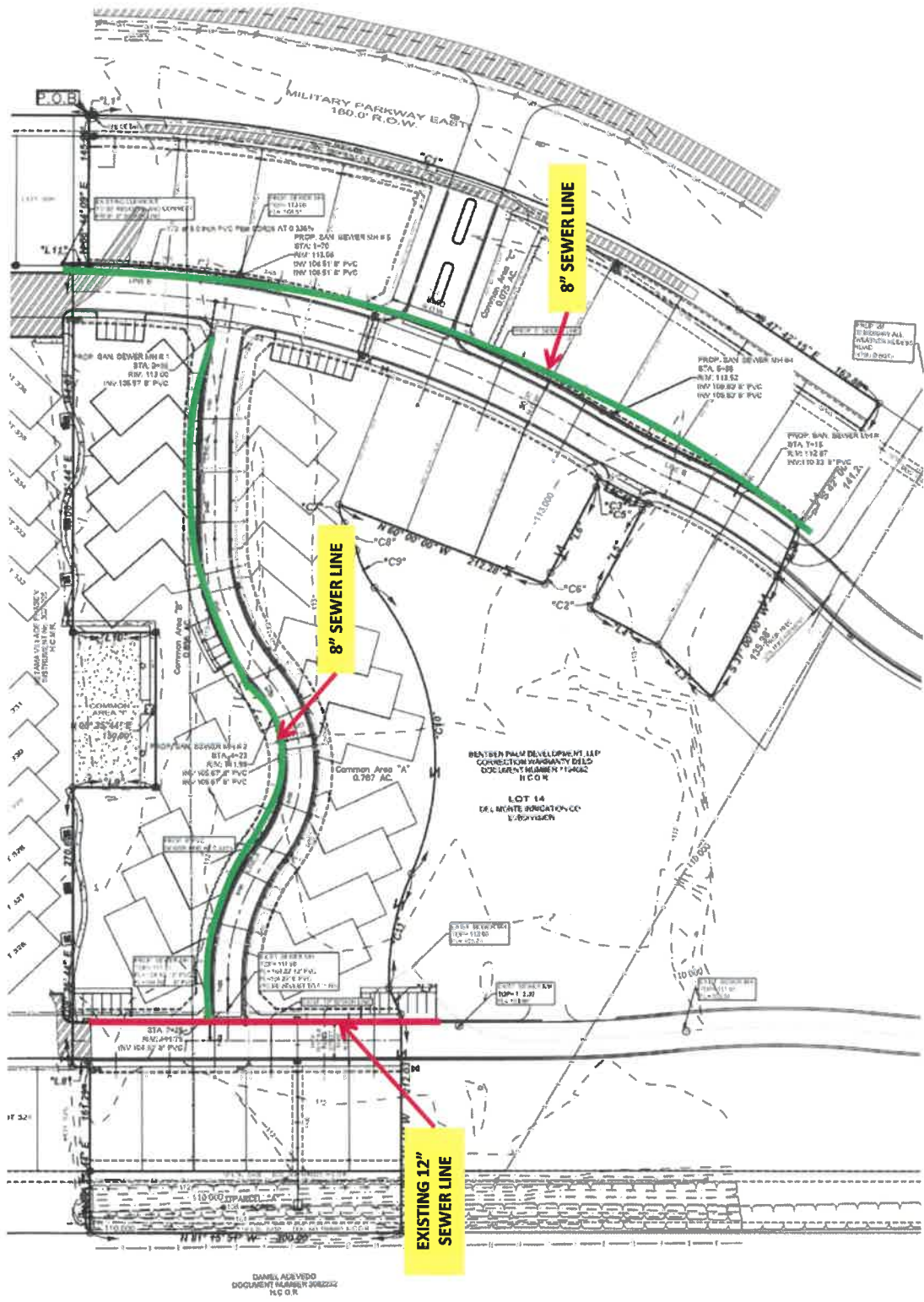
FILED FOR RECORD BY
DAK WORTHY ENGINEERING CO. INC.
7000 15TH AVENUE SOUTH, SUITE 100
BIRMINGHAM, ALABAMA 35205
DATE: 08/15/2011

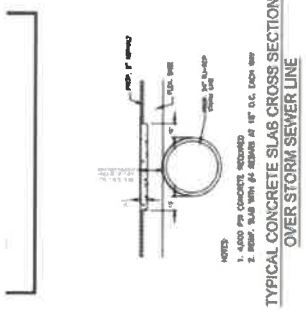
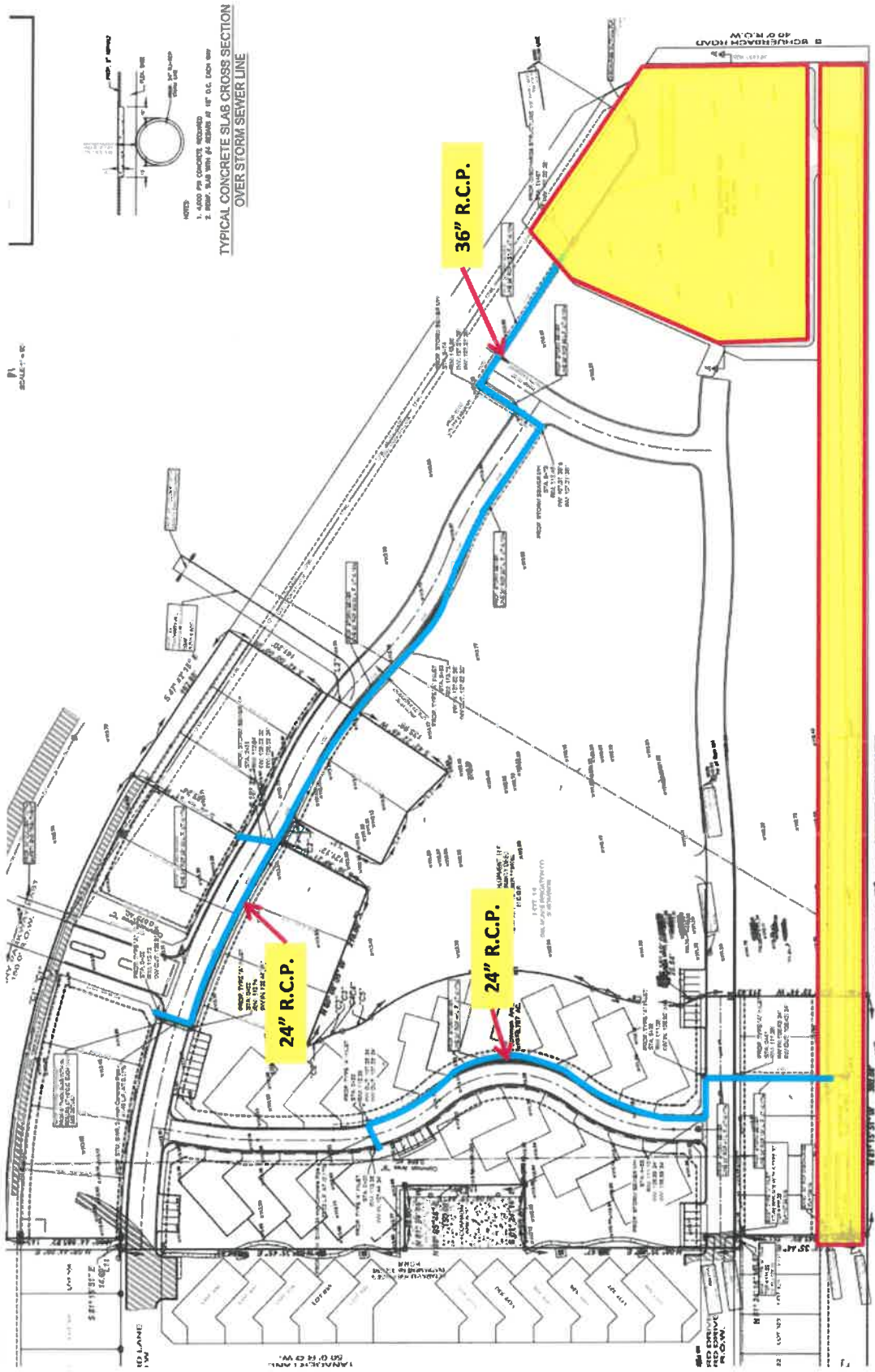
OWNER	DAK WORTHY ENGINEERING CO. INC.
DESIGNER	DAK WORTHY ENGINEERING CO. INC.
DATE	08/15/2011
SCALE	AS SHOWN

PROJECT NO.	08-00000000
DATE	08/15/2011
SCALE	AS SHOWN
PROJECT NAME	RETAMA VILLAGE PHASE VI
PROJECT ADDRESS	7000 15TH AVENUE SOUTH, SUITE 100, BIRMINGHAM, ALABAMA 35205

SHEET 1 OF 1









MELDEN & HUNT INC.

CONSULTANTS • ENGINEERS • SURVEYORS

MARIO A. REYNA • ALLAN F. BOOE • KELLEY A. HELLER-VELA • ROBERTO N. TAMEZ • RUBEN JAMES DE JESUS • MICHAEL HERNANDEZ

TBPELS Firm # F-1435
TBPELS # 10096900
November 1, 2023

**MS. SUSIE DE LUNA, PLANNING DIRECTOR
MISSION PLANNING DEPARTMENT
1201 E. 8th St.
Mission, TX 78572**

Re: RETAMA VILLAGE PHASE VI SUBDIVISION – Variance Request

Dear Ms. De Luna:

On behalf of the developer, Rhodes Enterprises, Inc. and regarding RETAMA VILLAGE PHASE VI SUBDIVISION, we are asking for the following variances from the City of Mission's ordinances for the following:

1. Pavement Width - we are requesting a 30 ft. B-B instead of the 32 B-B.
2. Road ROW – we are requesting a proposed 30-foot ROW for proposed Sanderling Lane instead of the required 50-foot standard ROW. A 15 ft utility easement will be adjacent to the ROW on both sides of the road.

We respectfully request your consideration of the above referenced variances at your next P&Z Meeting Agenda for consideration and approval.

If you have any questions or concerns, please contact our office. Thank you.

Sincerely,
MELDEN & HUNT, INC.

Mario A. Reyna, P.E.
President



TBPELS Firm # F-1435
TBPELS # 10096900
November 1, 2023

MELDEN & HUNT INC.

CONSULTANTS • ENGINEERS • SURVEYORS

MARIO A. REYNA • ALLAN F. BOOE • KELLEY A. HELLER-VELA • ROBERTO N. TAMEZ • RUBEN JAMES DE JESUS • MICHAEL HERNANDEZ

Item 35.

MS. SUSIE DE LUNA, PLANNING DIRECTOR
MISSION PLANNING DEPARTMENT
1201 E. 8th St.
Mission, TX 78572

Re: RETAMA VILLAGE PHASE VI SUBDIVISION – Variance Request

Dear Ms. De Luna:

On behalf of the developer, Rhodes Enterprises, Inc. and regarding RETAMA VILLAGE PHASE VI SUBDIVISION, we are asking for the following variances from the City of Mission's ordinances for the following:

1. Pavement Width - we are requesting a 30 ft. B-B instead of the 32 B-B.
2. Road ROW – we are requesting a proposed 30-foot ROW for proposed Sanderling Lane instead of the required 50-foot standard ROW. A 15 ft utility easement will be adjacent to the ROW on both sides of the road.

We respectfully request your consideration of the above referenced variances at your next P&Z Meeting Agenda for consideration and approval.

If you have any questions or concerns, please contact our office. Thank you.

Sincerely,
MELDEN & HUNT, INC.

Mario A. Reyna, P.E.
President



TBPÉLS Firm # F-1435
TBPÉLS # 10096900

MELDEN & HUNT INC.

CONSULTANTS • ENGINEERS • SURVEYORS

MARIO A. REYNA • ALLAN F. BOOE • KELLEY A. HELLER-VELA • ROBERTO N. TAMEZ • RUBEN JAMES DE JESUS • MICHAEL HERNANDEZ

DRAINAGE STATEMENT RETAMA VILLAGE PHASE VI Job No.: 24078.00 Date: July 29, 2024


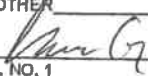

RETAMA VILLAGE PHASE VI Subdivision is a tract of land containing 10.547 acres being out of lot 14 del Monte Irrigation Co. Subdivision situated in the City of Mission, County of Hidalgo, Texas. The tract is currently vacant with a proposed land use for 20 residential lots, 22 cottage lots and 3 common areas. This property is located in Zone "B" on FEMA's Flood Insurance Rate Map, Community Panel No. 480334 0400 C Map Revised: November 16, 1982. Zone "B" is defined as areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot, or where the contributing drainage area is less than one (1) square mile; or areas protected by levees from the base flood (medium shading).


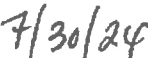
The soils in this area are Reynosa silty clay loam (Soils 55 and 56), these soils belong to hydrologic groups "B" respectively and range from moderate to high infiltration rates respectively when thoroughly wet. For full descriptions see attached exhibits taken from "USDA, NRCS Web Soil Survey" Soils maps and information for Hidalgo County, Texas. Web site <http://www.nrcs.usda.gov>.

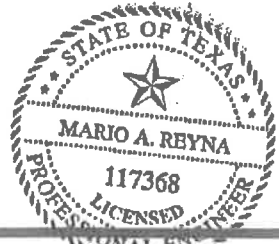
Existing runoff is in a northeasterly direction, with a runoff of 5.64 c.f.s. during the 10-year storm frequency as per the attached calculations. Proposed runoff after development is 21.36 c.f.s., during the 50-year storm frequency, per the attached calculation, which is an increase of 15.72 c.f.s.

Surface runoff from the lots and the proposed streets will be caught by the existing and proposed curb inlets and conveyed via said storm lines into an existing detention pond located in the East side of the adjacent property. This development is included in Drainage Basin 45 of the Bentsen Palms Master Drainage Study (see attached Drainage Area Map). Said existing drain ditch as included in Drainage Basin 45 discharges thru a detention pond under the Mission Main Canal and has an ultimate outfall into the Mission Pilot Channel of the H.C.D.D. No. 1 System.

In accordance with the City of Mission's drainage policy, the difference between pre and post development storm runoff shall not increase during the 10-year rainfall event. Therefore, as per attached calculations, and in accordance with the Approved Master Drainage Plan for the development, the required detention of 50,970 cubic feet (1.170 ac-ft) shall be provided within said drainage ditch which has been widened along entire width (1800 LF.) of Basin 45 to accommodate 169,200 cubic feet of detention.

<input type="checkbox"/> REJECTED	
<input checked="" type="checkbox"/> APPROVED FOR SUBMITTAL	
<input type="checkbox"/> TO H.C. PLANNING DEPT.	
<input type="checkbox"/> TO CITY	
<input type="checkbox"/> DISCHARGE PERMIT REQUIRED	
<input type="checkbox"/> DISTRICT FACILITY	
<input type="checkbox"/> CITY FACILITY	
<input type="checkbox"/> OTHER	
	
H.C.D.D. NO. 1	DATE

By: 
Mario A. Reyna, P.E.
President
Date:  07-29-24





CITY OF
MISSION

**CITY COUNCIL AGENDA ITEM &
RECOMMENDATION SUMMARY**

MEETING DATE: August 26, 2024
PRESENTED BY: Anna Carrillo, City Secretary
AGENDA ITEM: Board Appointment – Planning and Zoning Commission - Carrillo

NATURE OF REQUEST:

Planning and Zoning Board – Appoint Irene B. Thompson to the vacant position due to the resignation of Jasen Hardison term to expire 12/31/2026.

STAFF RECOMMENDATION:

Approval

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager’s Recommendation: Approval *MRP*

RECORD OF VOTE: **APPROVED:** _____
 DISAPPROVED: _____
 TABLED: _____

_____ AYES
_____ NAYS
_____ DISSENTING _____



**CITY COUNCIL AGENDA ITEM &
RECOMMENDATION SUMMARY**

MEETING DATE: August 26, 2024
PRESENTED BY: Vidal Roman, Finance Director
AGENDA ITEM: Discussion and action on proposed 2024 Tax Rate, Take Record Vote and Schedule Public Hearing for September 9, 2024 – Roman

NATURE OF REQUEST:

In accordance with the Texas Property Tax, Code City Council must propose a tax rate for the City of Mission and publish "Notice of Property Tax Rates," by September 1st. This notice provides information about tax rates used in adopting the current tax year's tax rate. The no-new-revenue tax rate would impose the same amount of taxes as last year if you compare properties taxed in both years. In most cases, the voter-approval tax rate is the highest tax rate a taxing unit can adopt without holding an election. If the proposed tax rate exceeds the no-new-revenue tax rate but does not exceed the voter-approval tax rate, one public hearing is required before the adoption of the tax rate.

The calculated no new revenue tax rate is \$0.5074 per \$100 valuation
The calculated voter approved tax rate not adjusted for unused increment rate is \$0.5362 per \$100 valuation
The calculated voter approved tax rate adjusted for unused increment rate is \$0.5362 per \$100 valuation
The current tax rate is \$0.5276 per \$100 valuation

Public Hearing is to be scheduled: September 9, 2024.

BUGETED: N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Discussion and action on Proposed Tax Rate, take Record Vote, and Schedule Public Hearing

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager's Recommendation: Approval *MRP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

2024 Governing Body Summary #1A*

Benchmark 2024 Tax Rates

City of Mission

Date: 07/29/2024 12:39 PM

DESCRIPTION OF TAX RATE	TAX RATE PER \$100	THIS YEAR'S TAX LEVY**	ADDITIONAL TAX LEVY
No-New-Revenue Tax Rate	\$0.5074	\$25,892,280	
One Percent \$100 Tax Increase***	\$0.5125	\$26,152,529	\$260,249
One Cent per \$100 Tax Increase***	\$0.517400	\$26,402,573	\$510,293
De Minimis Rate	\$0.5330	\$27,198,631	\$1,306,351
VAR NOT adjusted for Unused Increment Rate	\$0.5362	\$27,361,925	\$1,469,645
VAR adjusted for Unused Increment Rate	\$0.5362	\$27,361,925	\$1,469,645
Last Year's Tax Rate	\$0.5276	\$26,923,072	\$1,030,792
Proposed Tax Rate	\$0.0000	\$0	\$-25,892,280

*These figures are provided as estimates of possible outcomes resulting from varying the tax rate. Please be aware that these are only estimates and should not be used alone in making budgetary decisions.

**Tax levies are calculated using line 21 of the No-New-Revenue Tax Rate Worksheet and this year's frozen tax levy on homesteads of the elderly or disabled.

***Tax increase compared to no-new-revenue tax rate.



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024

PRESENTED BY: Susana De Luna, Planning Director

AGENDA ITEM: TABLED 08/12/2024: Conditional Use Permit: Drive-Thru Service Windows & The Sale & On-Site Consumption of Alcoholic Beverages – La Palma Azul, 3501 N. Conway, Ste. 1, Lot 2, IHOP on Conway Subdivision, C-3, Elio C. Garza, Adoption of Ordinance #____ and Wet Zone Ordinance #____ - De Luna

NATURE OF REQUEST:

On August 7, 2024 the Planning and Zoning Commission held a Public Hearing to consider the Conditional Use Permit request. The subject site is located approximately 1,355’ north of mile 2 Road along the west side of Conway Avenue. There was no public opposition during the P&Z Meeting. The board unanimously recommended approval.

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION: Staff recommends approval subject to:

- 1.) 2-year re-evaluation after obtaining their business license in order to asses this new business
- 2.) Must comply with TABC requirements
- 3.) Must comply with all City Codes (Building, Fire, Health Codes, etc.)
- 4.) Installation of a speed bump at the end of the ordering window
- 5.) Acquisition of a business license prior to occupancy
- 6.) CUP not transferable to others
- 7.) Wet zone property

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager’s Recommendation: Approval *MRP*

RECORD OF VOTE:

APPROVED: _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR DRIVE-THRU SERVICE WINDOWS &
SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES – LA PALMA AZUL, 3501
N. CONWAY AVENUE, STE. 1, LOT 2, IHOP ON CONWAY SUBDIVISION**

WHEREAS, the City Council of the City of Mission finds that during consideration of the conditional use permit request of August 7, 2024, the Planning and Zoning Commission of the City of Mission upon duly recognized motion and second, voted to recommend to the City Council that the conditional use permit shown below be granted.

WHEREAS, The City Council of the City of Mission, held a public hearing at 4:30 p.m. Monday, August 12, 2024, in the Council Chambers of the City Hall to consider the following conditional use permit:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT THE FOLLOWING CONDITIONAL USE PERMIT BE GRANTED:

Legal Description	Type	Conditions of Approval
3501 N. Conway Avenue, Ste. 1 Lot 2, IHOP on Conway Subdivision	Drive-Thru Service Windows & Sale & On-Site Consumption of Alcoholic Beverages – La Palma Azul	<ol style="list-style-type: none"> 1. 2 year re-evaluation after obtaining the business in order to assess this new business; 2. Must comply with TABC requirements 3. Must comply with all City Codes (Building, Fire, and Health Codes, etc.) 4. Installation of a speed bump at the end of the ordering window; 5. Acquisition of a business license prior to occupancy; and 6. CUP not be transferable to others. 7. Wet Zone

READ, CONSIDERED AND PASSED, this the 26th day of August, 2024.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

ORDINANCE NO. _____

**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
3501 N. CONWAY AVENUE, STE 1, LOT 2, IHOP ON CONWAY SUBDIVISION**

WHEREAS, City Ordinance No.780, passed and approved by the City Council of the City of Mission on October 7, 1974 designates certain places where beer and other alcoholic beverages may be sold within the corporate limits of the city; and

WHEREAS, a request has been submitted for the designation of a "wet area", for the property located at:

3501 N. CONWAY AVENUE, STE 1, LOT 2
LA PALMA AZUL

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT:

1. The property located at 3501 N. Conway Avenue, Ste 1, Lot 2 – La Palma Azul, is designated as "wet area".
2. Said property located at 3501 N. Conway Avenue, Ste 1, Lot 2 – La Palma Azul, shall be included in the designated areas where alcoholic beverages may be sold within the city.

READ, CONSIDERED AND APPROVED this 26th day of August, 2024.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

ITEM# 1.7

CONDITIONAL USE PERMIT: Drive-Thru Service Windows & Sale
& On-Site Consumption of Alcoholic
Beverages – La Palma Azul
3501 N. Conway Avenue, Ste. 1
Lot 2, IHOP On Conway Subdivision
C-3
Elio C. Garza

REVIEW DATA

The subject site is located approximately 1,355' north of Mile 2 Road along the west side of Conway Avenue. The applicant is leasing a 1,701 sq.ft. building for a snack place which will include two drive-thru windows on the north side of the building. Access to the drive-thru service windows would be off of Conway Avenue via a 24' driveway. They would place the order on the first window on the north side of the building and pick up the order on the second window. The drive-thru window's location allows stacking for approximately 3 vehicles. The applicant would like to offer alcoholic beverages with their snacks.

- **Days/Hours of Operation:** Monday – Saturday from 11 am to 10 pm and Sunday from 12 pm to 8:30 pm. Alcoholic beverages are only served during allowable State selling hours.
- **Staff:** 10 employees
- **Parking & Landscaping:** In reviewing the floor plan, there is a total of 3 tables with 4 chairs each for a total of 12 seating spaces proposed, which would require 4 parking spaces. (1 parking space for every 3 seats = 4). It is noted that the parking spaces are held in common for this commercial. There is a total of 130 parking spaces that will be shared with the other businesses. The applicant will have to comply with the landscaping requirements.
- **Sale of Alcohol:** This request is compliant to Sec. 6-4 states: "...the sale of all alcoholic beverages within 300 feet of any church, public school, private school or public hospital, is hereby prohibited. There are no such uses within 300' of this site.

Review Comments: Staff recommends that proper signage be placed for the Drive-Thru Service Windows in order to avoid any confusion and that they install a speed bump to be located just before existing vehicles reach the access lane. Staff mailed out 15 notices to property owners within 200' radius and staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval subject to:

- 1) 2-year re-evaluation after obtaining the business license in order to asses this new business,
- 2) Must comply with TABC requirements,
- 3) Must comply with all City Codes (Building, Fire, Health, etc.),
- 4) Installation of a speed bump at the end of the ordering window;
- 5) Acquisition of a business license prior to occupancy,
- 6) CUP not be transferable to others, and
- 7) Wet zone

ODS CO.S SUBD.

40



REZ

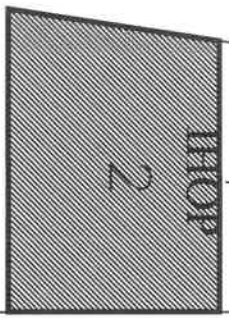
39

COMPTON DR.

34

35

36



LEAL ACRES

31

30

CONWAY (S.H. 107)

MISSION CITY

(UNRECORDED SUBDIVISION)

VICTORY

30-7

TURISTA

(UNRECORDED SUBDIVISION)

29-7

FIRST CASH PAWN

RENELL DEVELOPMENT



CITY OF MISSION

HIDALGO COUNTY, TEXAS

1201 E. 8th Street
MISSION, TX 78572

PH: (956) 580-8672
FAX: (956) 580-8680

No.

200' RADIUS MAILOUT MAP

ODS CO.S SUBD. 11321

40

COMPTON DR.

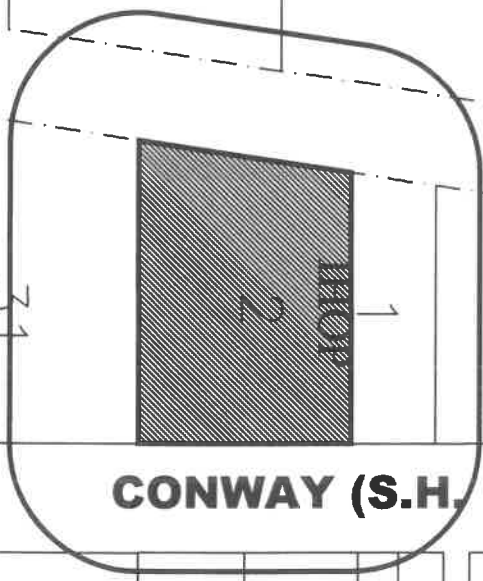
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36



CONWAY (S.H. 107)

LEGAL ACRES

30

29--7

(UNRECORDED SUBDIVISION)

VICTORY

30--7

TURISTA

(UNRECORDED SUBDIVISION)

FIRST CASH PAWN
RENELL DEVELOPMENT

12 13



CITY OF MISSION

HIDALGO COUNTY, TEXAS

1201 E. 8th Street
MISSION, TX 78572

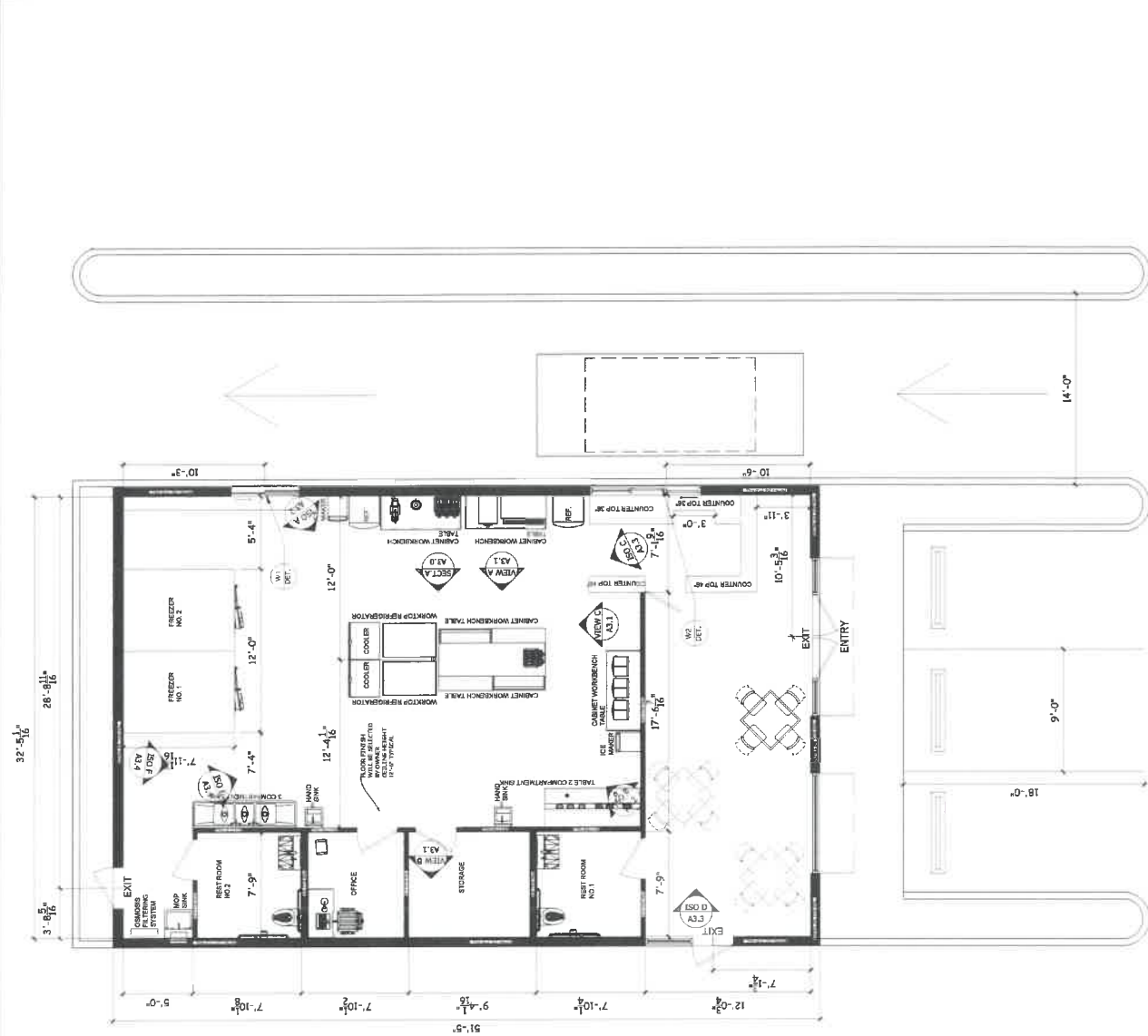
PH: (956) 580-8672
FAX: (956) 580-8680

No.



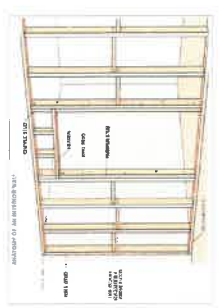






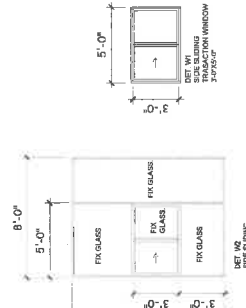
SC: 1/4" = 1'-0"

FLOOR PLAN
 1,701 SQ. FT.



Standard Observations

- The owner, his/her authorized representative shall conduct all structural observations. Structural observations shall be for the purpose of documenting general compliance with the construction documents. However, such observations shall not constitute a warranty of any kind, and the contractor shall remain responsible for the construction documents.



OWNER INFO.
 MR. ELIO GARZA
 9563548946

LOCATION ADDRESS:
 3501 N. CONWAY AVE.
 SUITE 1
 MISSION TEXAS

FLOOR PLAN

**DRIVE THRU
LA PALMA
AZUL**



SINCE 1982

MICHELADA

Best Beer Brands

	32oz	59oz
Michelada Clásica	\$ 7.60	\$ 13.00
Michelada Botanera	\$ 10.30	
Michelada Mar & Tierra	\$ 11.90	
Michelada Cocktelera	\$ 13.00	
Mangochelada	\$ 8.70	
Piñachelada	\$ 8.70	

Extras & Toppings: Starting \$0.50



16oz	32oz	59oz
\$ 5.25	\$ 9.15	\$ 17.00

Preparacion aproximada

3a4 5a8 10a14

*24oz por preparacion aproximada

**DRIVE THRU
LA PALMA
AZUL
MIX
MICHELADA**



COCKTAILS

FROZEN SMOOTHIE

	16oz	32oz	59oz
Piña Colada	\$ 5.60	\$ 11.12	\$ 18.98
Blue Hawaiian	\$ 5.60	\$ 11.12	\$ 18.98
Strawberry Daquiri	\$ 6.35	\$ 12.20	\$ 19.98
Mango Daiquiri	\$ 6.35	\$ 12.20	\$ 19.98

Extras & Toppings: Starting \$0.50

*Prepared only with wines with 17 percent alcohol.



COCKTAILS

SALTY OR SWEET

	32oz	59oz
Beer Salado	\$ 7.60	\$ 13.00

Extras & Toppings: Starting \$0.50



COCKTAILS

SALTY OR SWEET

	<u>32oz</u>	<u>59oz</u>
Perro Salado	\$ 7.60	\$ 13.00
Perro Pinto	\$ 7.60	\$ 13.00
Vampiro 	\$ 7.60	\$ 13.00
Vampiña	\$ 7.60	\$ 13.00
Paloma	\$ 7.60	\$ 13.00
Carreta	\$ 7.60	\$ 13.00
Manzanita	\$ 7.60	\$ 13.00
Smirnoff Preparado	\$ 8.15	\$ 14.10
Clamato Preparado 	\$ 7.85	\$ 14.10

**Prepared only with wines with 17 percent alcohol.*

Extras & Toppings: Starting \$0.50



BEBIDAS

ZERO ALCHOL

	<u>32oz</u>	<u>59oz</u>	
Mineral - Preparada	\$ 6.78	\$ 11.78	
Mineral - Sal y Limón Tajín	\$ 5.43	\$ 10.60	
RUSA	\$ 7.05	\$ 13.00	
Limonada	\$ 6.50	\$ 11.80	
Limonada de Fresa	\$ 6.89	\$ 12.20	
Limonada de Pepino	\$ 6.89	\$ 12.20	
	<u>16oz</u>	<u>32oz</u>	<u>59oz</u>
Mangonada	\$ 5.58	\$ 11.12	\$ 18.98
Fresada	\$ 5.58	\$ 11.12	\$ 18.98
Piña Colada S/A	\$ 5.32	\$ 10.58	\$ 18.72
Blue Hawaiian S/A	\$ 5.32	\$ 10.58	\$ 18.72

Extras & Toppings: Starting \$0.50



CAMARONES

HOUSE SPECIALTY

Tostadas "La Palma"	\$ 4.34	
	<u>5.5oz</u>	<u>10oz</u>
Camarón Botanero	\$ 4.34	\$ 8.68
Carne Botanera	\$ 3.25	\$ 5.58
	<u>10oz</u>	<u>12oz</u>
Carne & Camarón Botanero	\$ 5.86	\$ 11.40
	<u>12oz</u>	<u>16oz</u>
Cocktel de Camarón	\$ 10.68	\$ 13.18

Extras & Toppings: Starting \$0.50



TAPITAS BOTANERAS

	<u>8oz</u>
Mexu Tierra	\$ 5.15

CAMARONES

HOUSE SPECIALTY

Tostadas "La Palma"	\$ 4.34	
	<u>5.5oz</u>	<u>10oz</u>
Camarón Botanero	\$ 4.34	\$ 8.68
Carne Botanera	\$ 3.25	\$ 5.58
	<u>10oz</u>	<u>12oz</u>
Carne & Camarón Botanero	\$ 5.86	\$ 11.40
	<u>12oz</u>	<u>16oz</u>
Cocktel de Camarón	\$10.68	\$ 13.18

Extras & Toppings: Starting \$0.50



TAPITAS BOTANERAS

	<u>8oz</u>
Mar y Tierra	\$ 5.15
Botanera	\$ 4.89
Cocktelera	\$ 6.50
Carne & Camarón botanero	\$ 5.97
Dulce Preparada	\$ 4.15
Fruta Preparada	\$ 4.15

SNACKS

Hot & SPACE

Chips & Cheese	\$ 3.63			
Nachos & Cheese	\$ 3.09			
Gummy Bears & Chamoy	\$ 3.09			
Conchitas Preparadas	\$ 2.98			
Crazy Corn Nuts	\$ 3.80			
Pikacheetos	\$ 5.25			
Maruchan Preparada	\$ 5.45			
Marranada	\$ 5.45			
Chips & Shrimps	\$ 8.15			
Pickle Preparado	\$ 6.35			
Pickle Enrollado	\$ 6.78			
Manzana Enrollada	\$ 6.78			
Chips Mar y Tierra	\$ 10.29			
Frito Pay	\$ 5.43			
Hot Cheetos y Pickles	\$ 3.10			
	<u>8oz</u>	<u>12oz</u>	<u>16oz</u>	<u>20oz</u>
Elote en Vaso	\$ 3.25	\$ 4.45	\$ 5.59	\$ 6.78
	<u>12oz</u>	<u>16oz</u>		
Cacahuete Mar y Tierra	\$ 6.50	\$ 8.68		

Extras & Toppings: Starting \$0.50



RASPAS

RASPAS ESPECIALES

ZERO ALCOHOL

Extras & Toppings: Starting \$0.50

12oz	16oz	20oz	12oz	16oz	20oz
\$ 1.89	\$ 2.55	\$ 3.09	\$ 2.47	\$ 3.09	\$ 4.06
Blue Coco, Strawberry, Cherry Banana, Grape, Pineapple Tamarindo, Mango, Raspberry Bluberry, Bubble GUM, Tiger Blood, Lemon-Lime	Chamoyada, Pink Leche Pika Deli				

PLATOS PREPARADO

Dulces Preparados \$ 5.15
 Futa Preparada: \$ 5.15
 *Fresa, Pepino, Mango,
 Manzana, Piña, Naranja



VAMPIRO



MINERAL CON CAMARONES



CAMARONES BOTANEROS



HOT CHEETOS CON QUESO



MARRANADA



CRAZY CORN



SMIRNOFF PREPARADO



MINERAL LIMON SAL & TAJIN



LIMONADA CON FRESA



CRAZY CORN

CRAZY CORN

MANGO DAIQUIRI



MICHELADA "LA PALMA"



MARUCHAN PREPARADA

CHIPS MAR Y TIERRA



RASPAS

ZERO ALCOHOL

12oz	16oz	20oz
\$ 1.89	\$ 2.55	\$ 3.09

Blue Coco, Strawberry, Cherry
Banana, Grape, Pineapple
Tamarindo, Mango, Raspberry
Blueberry, Bubble GUM,
Tiger Blood, Lemon-Lime

RASPAS ESPECIALES

Extras & Toppings: Starting \$0.50

12oz	16oz	20oz
\$ 2.47	\$ 3.09	\$ 4.06

Chamoyada, Pink Leche
Pika Deli

PLATOS PREPARADO

Dulces Preparados \$ 5.15
Futa Preparada: \$ 5.15
*Fresa, Pepino, Mango,
Manzana, Piña, Naranja





43057 (BG)



TEXAS ALCOHOLIC BEVERAGE COMMISSION
Texas Helping Businesses & Protecting Communities

Document reference ID : 382156

Licensing Application Summary

You must review your application and confirm that the information displayed here is correct. Select **Review and Confirm** to continue and make the payment. If the information is not correct, select **Next** to return to the application, edit the data as needed and finalize the submission. If you need to store the application packet for your records, select **Download**.

Application ID:	382156
Applicant Name:	GASO INC.
License Type applied for:	Wine and Malt Beverage Retailer's On-Premise Permit (BG)

Entity Information

Business Structure:	Corporation
FEIN/SSN Number:	822383650
Historically Underutilized Business:	No
Veteran-owned business:	No
Fraternal Owned:	No

Initial Application Information

Authority Type: I am a principal or authorized user with binding authority

Legal First Name: ELIO

Legal Middle Name: CESAR

Legal Last Name: GARZA

Email Address: eliogarza@gmail.com

Phone Number: 956-354-8946

Principal Parties

Principal Parent Entity	Principal Party	Role	%Ownership
GASO INC.	ELIO GARZA	Stockholder/Shareholder, President, Treasurer	51
GASO INC.	SAMANTHA GARZA	Stockholder/Shareholder, Secretary	49

Basic Business information

Business/Trade Name: LA PALMA AZUL- MISSION
Business Type Convenience Store

Location's Phone Numbers

Business Phone Number 956-354-8946

Location Address

Address: 3501 S Conway Ave, Mission, TX, United States, Hidalgo 78572
Is your location within city limits? Yes

Mailing Address Information

Address: 1810 Lago Delton, Edinburg, TX, United States, Hidalgo 78542

Measurement Information

Measuring from the public entrance of your location along street lines and directly across intersections, will your location be within 1,000 feet of the nearest property line of a public or private school? No

Is a residential address or established neighborhood association located within 300 feet of any property line of your premises? No

Location Additional Information

Is the proposed location in a hotel or motel?

No

Alcohol percentage

Up to 17%

Sixty Day Sign Requirements

Posted the 60 day sign: Yes
Date Posted: 6/14/2024

Projected Sales Information

Sales Year: 2024
Alcohol Sale: \$800,000.00
Other Sales: \$600,000.00
Total Sales: \$1,400,000.00

Property Ownership

Do you, the applicant, own the land, building, and/or warehouse at this proposed licensed location? No
Are you operating under? Lease

Franchise Agreement

Do you or anyone else at the location operate under a franchise agreement? No
Are there any agreements, exclusive of a franchise agreement, which involve alcohol in any way? No

Shared premise information

Do you share the premises with another business entity? No

Property Ownership Details

Property Type	Property Ownership Type	Entity Name
Land and Building	Lessor	H AidAR PROPERTIES LLC

Location Diagram

Will the license or permit embrace the entire location address? **Yes**

Bond Information

Fulfillment Type	Bond Category	Bond Amount	Status
Bond Provider	Conduct Surety Bond	\$5,000.00	New



TEXAS ALCOHOLIC BEVERAGE COMMISSION
Texas Helping Businesses & Protecting Communities

CERTIFICATE OF CITY SECRETARY FOR: (MB, BG & BE)

Section 11.37 & 61.37

Not later than the 30th day after the date a prospective applicant for a license or permit requests certification, the city secretary or clerk shall certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the license or permit is sought is prohibited by ordinance.

I hereby certify on this 27th day of June, 2024, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a "wet" area for such license/permit, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

MB Mixed Beverage Permit

MB/FB Mixed Beverage Restaurant Permit with Food and Beverage Certificate
(MB must also hold a Food and Beverage Certificate)

BG/FB Wine and Beer Retailer's Permit with Food and Beverage Certificate
(BG must also hold a Food and Beverage Certificate)

BG Wine and Beer Retailer's Permit - Election for given location was held for:
 legal sale of beer/wine (17%) on-premise **AFTER** Sept. 1, 1999
 legal sale of beer/wine (14%) on-premise **BEFORE** Sept. 1, 1999

BE Beer Retail Dealer's On-Premise License

BE/FB Retail Dealer's On-Premise License with required Food and Beverage Certificate

OR

I hereby refuse on this _____ day of _____, 20____ to certify this location.

SIGN HERE

Alvaro Chupa
City Secretary/Clerk

Mission, TX
City



, TEXAS

SEAL



TEXAS ALCOHOLIC BEVERAGE COMMISSION
Texas Helping Businesses & Protecting Communities

CERTIFICATE OF COUNTY CLERK FOR: (MB, BG & BE)

Section 11.37 & 61.37

Not later than the 30th day after the date a prospective applicant for a license or permit requests certification, the city secretary or clerk shall certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the license or permit is sought is prohibited by ordinance.

I hereby certify on this 27th day of June, 2024, that the location for which the license/permit is sought is in a "wet" and is not prohibited by any valid order of the Commissioner's Court.

MB Mixed Beverage Permit

MB/FB Mixed Beverage Restaurant Permit with Required Food and Beverage Certificate

BG/FB Wine and Beer Retailer's Permit with Required Food and Beverage Certificate

BG Wine and Beer Retailer's Permit - Election for given location was held for:
 legal sale of beer/wine (17%) on-premise **AFTER** Sept. 1, 1999
legal sale of beer/wine (14%) on-premise **BEFORE** Sept. 1, 1999

BE Beer Retail Dealer's On-Premise License

BE/FB Retail Dealer's On-Premise License with required Food and Beverage Certificate

OR

I hereby refuse on this _____ day of _____, 20_____ to certify this location.

SIGN HERE

ARTURO GUAJARDO, JR.

County Clerk

HIDALGO

County

SEAL





TEXAS ALCOHOLIC BEVERAGE COMMISSION
Texas Helping Businesses & Protecting Communities

COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATES

I hereby certify on this 3rd day of July, 2024, the applicant holds or has applied for and satisfies all legal requirements for the issuance of a Sales Tax Permit under the Limited Sales, Excise and Use Tax Act or the applicant as of this date is not required to hold a Sales Tax Permit.

Sales Tax Permit Number 32064489993

Outlet Number 00003

Print Name of Comptroller Employee Esther Guajardo

Print Title of Comptroller Employee Taxpayer Enforcement Officer

SIGN HERE

Guajardo
Comptroller Representative

Brownsville
City

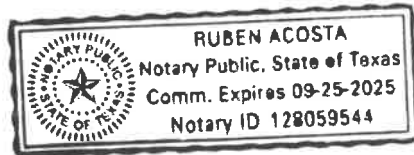
,TEXAS





TEXAS ALCOHOLIC BEVERAGE COMMISSION
Preserving the Business & Protecting the Community

PUBLISHER'S AFFIDAVIT	
Name of newspaper	Advance News Journal
City, County	Pharr, Hidalgo County
Dates notice published in daily/weekly newspaper (MM/DD/YYYY)	06/26/2024 & 07/03/2024
<i>Publisher or designee certifies attached notice was published in newspaper stated on dates shown</i>	
Signature of publisher or designee	<i>[Signature]</i>
Sworn to and subscribed before me on this date	07/03/2024
Signature of Notary Public	<i>Ruben Acosta</i>
SEAL	
ATTACH PRINTED COPY OF THE NOTICE	



LEGAL NOTICE

Application has been made with the Texas Alcoholic Beverage Commission for a Wine and Malt Beverage Retailer's On-Premise Permit by Gaso Inc., DBA: La Palma Azul- Mission to be located at 3501 N. Conway Ave., Hidalgo County, Mission, Texas 78574. Officers of said corporation are Elio Cesar Garza-President, Treasurer, and Samantha Garza - Secretary.

(Published in the Advance News Journal on June 26 & July 3, 2024.)

B2225-00-00C-0031-04 (574838)
MCCLAIN DANIEL M JOSEPH
3501 N CONWAY AVE
MISSION TX 78573

B2225-00-00C-0032-00 (123506)
VALDEZ PROPERTIES LLC
2308 SILVERADO SOUTH
MISSION TX 78573

B2225-00-00C-0034-10 (123511)
VALDEZ DANIELLE A
1901 S VOSS RD NO. 6
HOUSTON TX 77057

B2225-00-00C-0035-20 (123512)
SALINAS MA ESTER
715 MILLER ST
MISSION TX 78572

B2225-00-00C-0035-30 (123513)
PENA BERNARDO JR
C/O BERNARDO PENA SR
306 DOHERTY AVE
MISSION TX 78572

B2225-00-00C-0035-40 (123515)
JACOBSON STANLEY & MARINA
1505 DOHERTY AVE
MISSION TX 78572

W0100-00-029-0007-13 (317266)
SAENZ CONRADO & MARIA DEL CARMEN
SAENZ FAMILY REVOCABLE LVN TRUST
PO BOX 1914
MISSION TX 78573

W0100-00-030-0007-00 (317360)
3504 CONWAY SERIES A SERIES OF VMK
4600 TORONTO AVE
MCALLEN TX 78503

W0100-00-030-0007-02 (317362)
VMK INVESTMENTS GROUP LLC
4600 TORONTO AVE
MCALLEN TX 78503

W0100-00-030-0007-07 (317367)
BORREGO JAVIER
3516 N CONWAY AVE
MISSION TX 78573

W0100-00-030-0007-08 (317368)
GARZA ERICK I & DELLANIRA L GARZA
3518 N CONWAY AVE
MISSION TX 78573

B2225-00-00C-0031-06 (1014121)
DOUBLE GS MOTORS LLC
3315 N CONWAY
MISSION TX 78573

I2080-00-000-0002-00 (1559739)
HAIDAR PROPERTIES LLC
1601 SOUTH CAGE BLVD SUITE B
PHARR, TX 78577-5574

I2080-00-000-0001-00 (1559738)
HAIDAR PROPERTIES LLC
1601 SOUTH CAGE BLVD SUITE B
PHARR, TX 78577-5574



CITY OF MISSION

CITY COUNCIL AGENDA ITEM & RECOMMENDATION SUMMARY

MEETING DATE: August 26, 2024
PRESENTED BY: Susana De Luna, Planning Director
AGENDA ITEM: TABLED 08/12/2024 - Preliminary & Final Plat Approval: Crystal Estates Subdivision IV, being a 14.71-acre parcel of land, out of Lot 27-1, West Addition to Sharyland, R-2, Developer: DG & GG Investments, LLC, Engineer: Ever Engineering, LLC - De Luna

NATURE OF REQUEST:

On August 7, 2024 the Planning & Zoning Commission held a Public Hearing to consider the Preliminary & Final Plat Approval for Crystal Estates Subdivision IV. The subject site is located east of Inspiration Road approximately 1,400' south of W. 2 Mile Road. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval

BUGETED: Yes / No / N/A **FUND:** _____ **ACCT. #:** _____

BUDGET: \$ _____ **EST. COST:** \$ _____ **CURRENT BUDGET BALANCE:** \$ _____

BID AMOUNT: \$ _____

STAFF RECOMMENDATION:

Staff recommends approval subject to: 1) Payment of Capital Sewer Recovery Fees, 2) Payment of Park Fees, 3) Water District Exclusion, and 4) Denial of the requested variance to use suggested street names requested by the owner and apply the City's continued and aligned existing street names as noted on the Code of Ordinances / Chapter 98 – SUBDIVISIONS, Sec. 98-134. – Streets. (n) Street names.

Departmental Approval: N/A

Advisory Board Recommendation: N/A

City Manager's Recommendation: Denial of street name variance request *MRP*

RECORD OF VOTE:

APPROVED:	_____
DISAPPROVED:	_____
TABLED:	_____

_____ AYES

_____ NAYS

_____ DISSENTING _____

ITEM # 3.0**PRELIMINARY & FINAL
PLAT APPROVAL:**

Crystal Estates Ph. IV Subdivision
 Being a 14.71-acre parcel of land, out of Lot 27-1,
 West Addition to Sharyland
 R-2
 Developer: DG & GG Investments, LLC
 Engineer: Ever Engineering, LLC

REVIEW DATA**PLAT DATA**

The proposed subdivision is located east of Inspiration Rd. approximately 1,400' south of W. 2 Mile Road. – **see vicinity map**. The developer is proposing forty-seven (47) Duplex - Fourplex lots. - see plat for actual dimensions, square footages, and land uses.

VARIANCE

The developer is requesting to change the following street names:

Estevan St. to Glenda St. / Gabriel St. to Britany St. / Teresa St. t Bailey St. / and David St. to Briley St.

Note:

Code of Ordinances / Chapter 98 - SUBDIVISIONS, Sec. 98-134. - Streets. (n) Street names.

Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used, and shall conform to the existing street naming system.

WATER

The developer shall connect to an existing 12" water line located along the west side of Inspiration Rd. and extend into the subdivision. The water line will be a main 8" looped line providing water service for each lot. There are 2 proposed fire hydrants via direction of the Fire Marshal's office. – **see utility plan**

SEWER

Sanitary sewer service for this subdivision will tie into a proposed manhole located within the Inspiration Rd. ROW. The sewer line will extend into the subdivision collect from each lot through a 6" stub out into the proposed 8" sewer main line. The Capital Sewer Recovery Fee is required at \$670.00/Lot which equates to \$31,490.00 (\$670.00 x 47 Lots).

STREETS & STORM DRAINAGE

The proposed internal street is a 32' back-to-back within a 50' Right of Way. Access will be from Inspiration Rd. Proposed runoff after development is 25.56 cfs during the 50-yr storm frequency. Drainage shall consist of surface runoff from the lots into the proposed streets and collected by type "A" inlets. Pipe size diameter will be 24". The proposed storm system shall discharge into a proposed detention pond on the south side of the site which will then discharge into an existing City of Mission

storm system network, located on the southwest corner of the site and on the west ROW of Trospen Rd. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

Installation of street lighting as per City Standards

Payment of Park Fees in the amount of \$94,000 (\$500.00 x 188 HUE).

Water District Exclusion

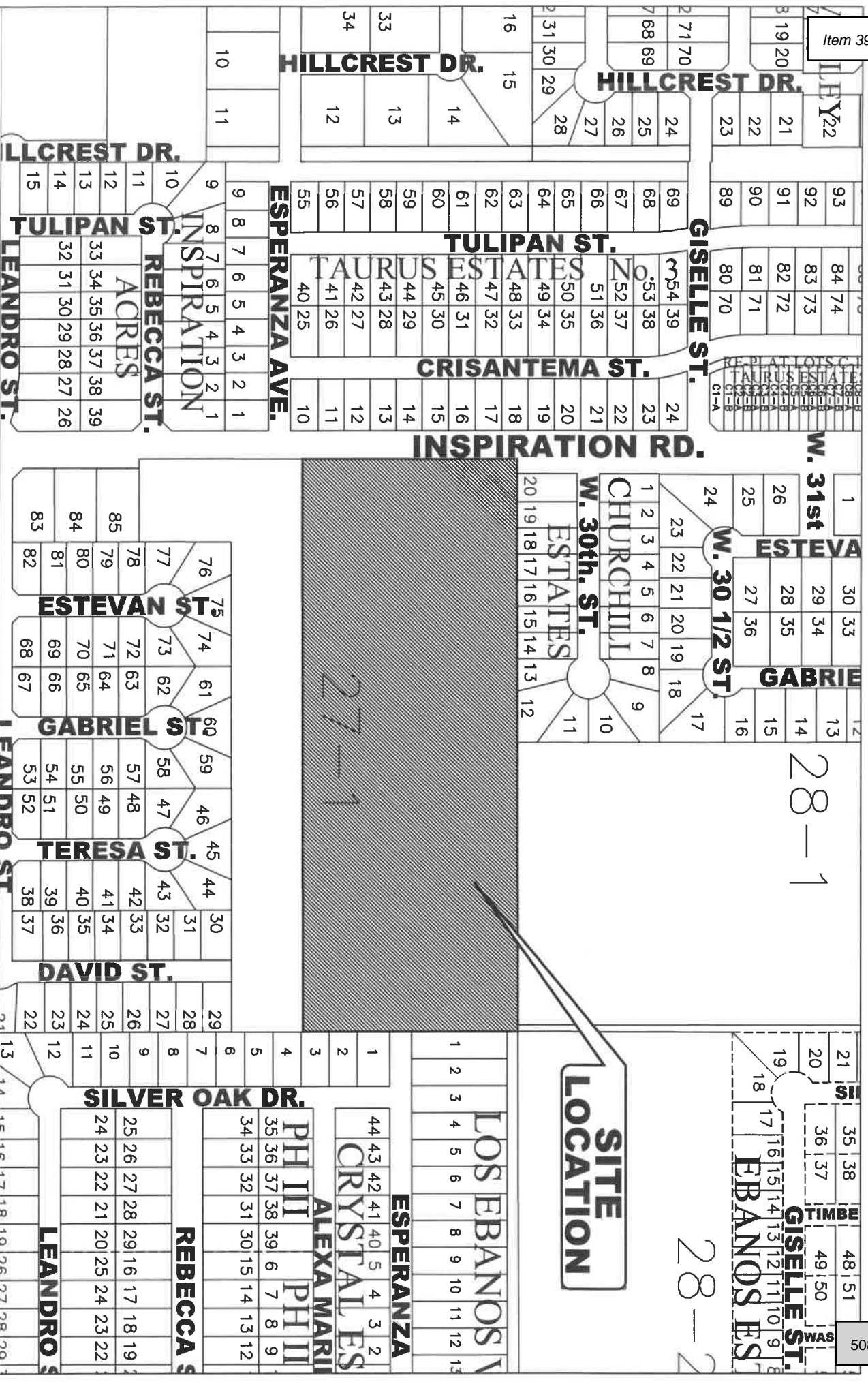
Must comply with all other format findings.

RECOMMENDATION

Staff recommends approval subject to:

1. Payment of Capital Sewer Recovery Fees
2. Payment of Park Fees
3. Water District Exclusion
4. Denial of the requested variance to use suggested street names requested by the owner and apply the City's continued and aligned existing street names as noted on the Code of Ordinances / Chapter 98 - SUBDIVISIONS, Sec. 98-134. - Streets. (n) Street names.

Item 39.



**SITE
LOCATION**

28-1

28-2

508



CITY OF MISSION

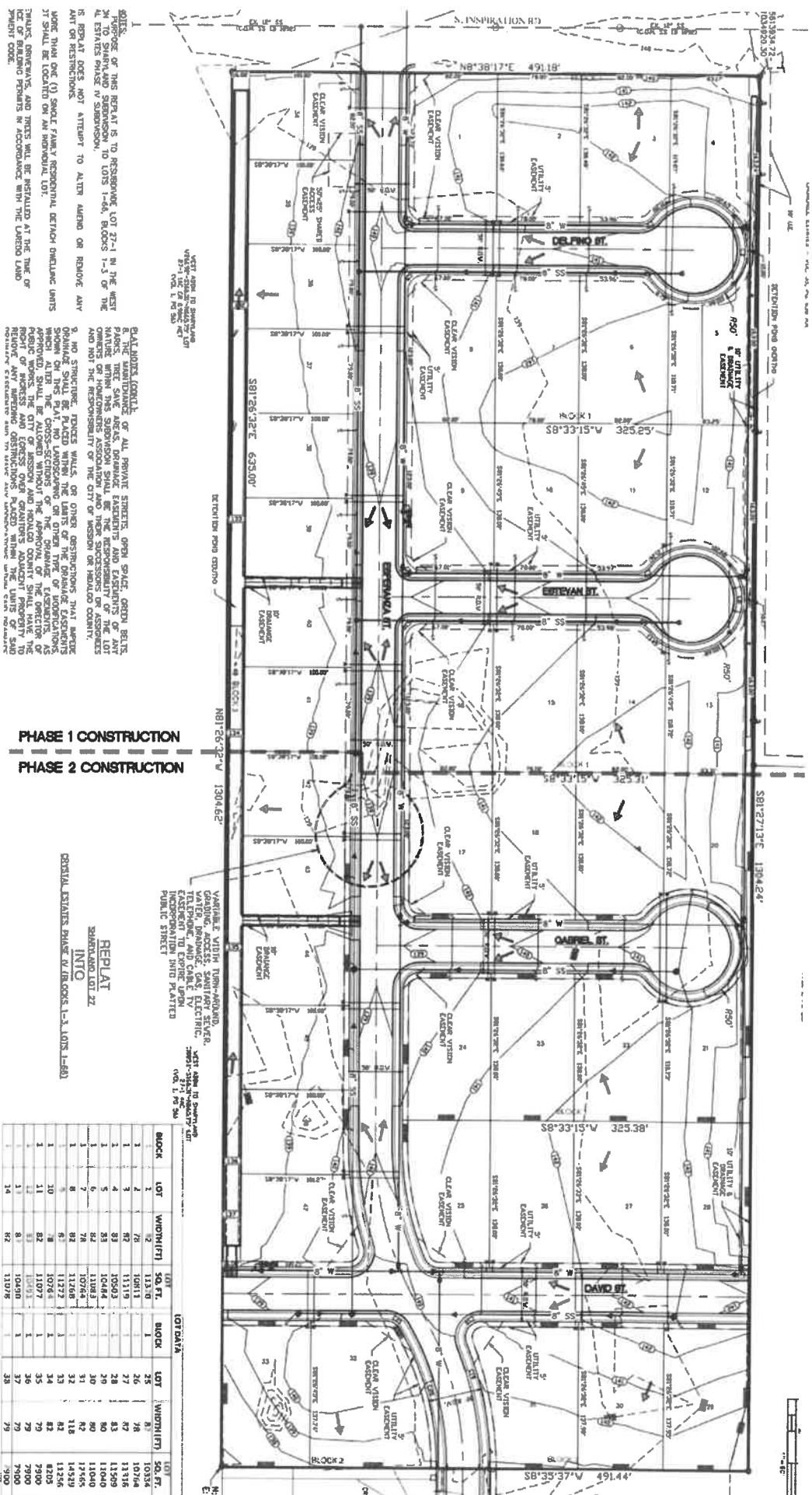
HIDALGO COUNTY, TEXAS

1201 E. 8th Street
MISSION, TX 78572

PH: (956) 580-8672
FAX: (956) 580-8680

No.





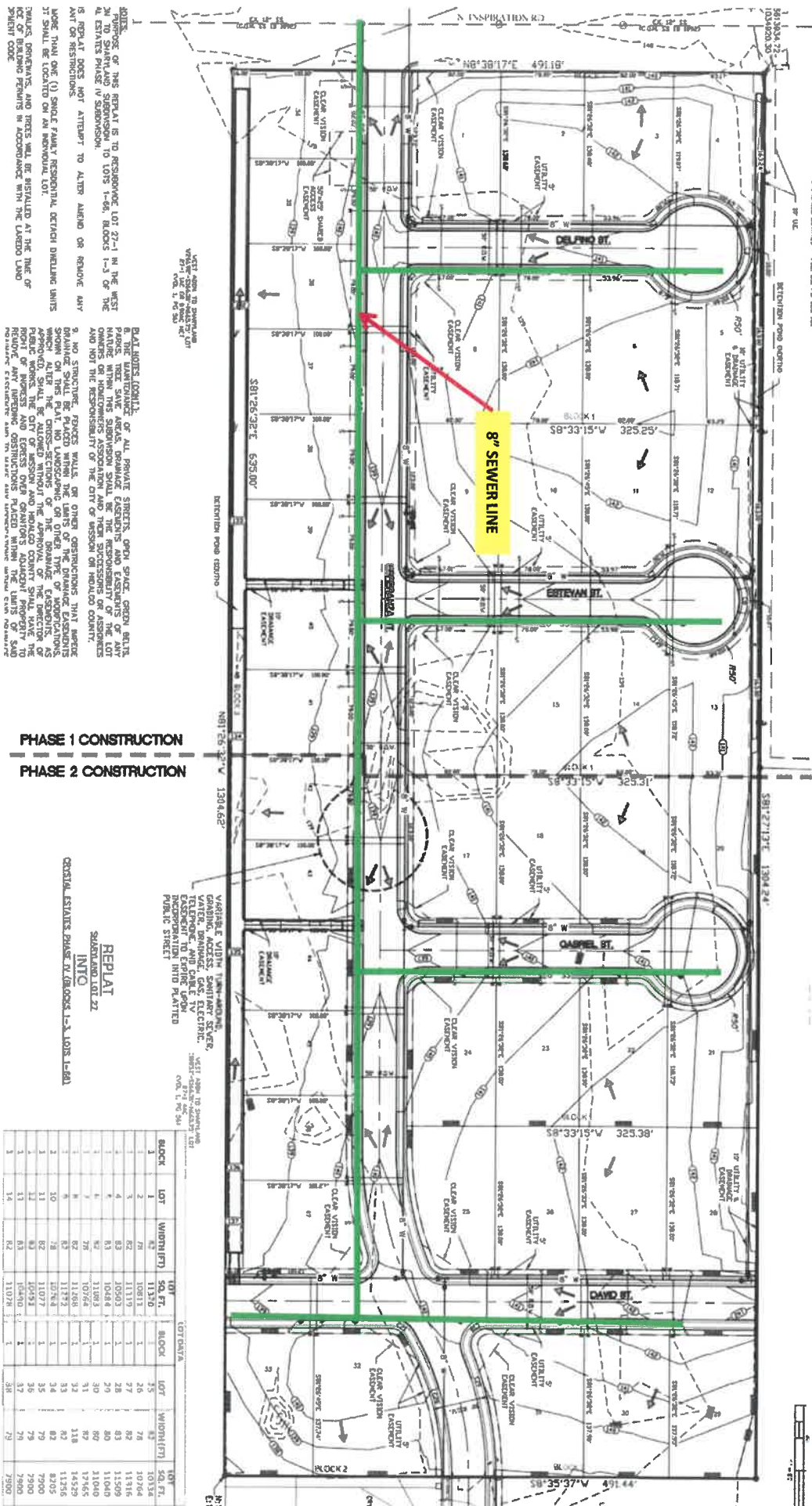
PHASE 1 CONSTRUCTION
PHASE 2 CONSTRUCTION

REPEAT
INFO
 CRITICAL EASEMENTS SHOWN IN BLOCKS 1-3, LOTS 1-481

BLOCK	LOT	WIDTH (FT)	LOT AREA (SQ. FT.)	BLOCK	LOT	WIDTH (FT)	LOT AREA (SQ. FT.)
1	1	76	10714	25	25	76	10714
1	2	76	10714	26	26	76	10714
1	3	76	10714	27	27	76	10714
1	4	76	10714	28	28	76	10714
1	5	76	10714	29	29	76	10714
1	6	76	10714	30	30	76	10714
1	7	76	10714	31	31	76	10714
1	8	76	10714	32	32	76	10714
1	9	76	10714	33	33	76	10714
1	10	76	10714	34	34	76	10714
1	11	76	10714	35	35	76	10714
1	12	76	10714	36	36	76	10714
1	13	76	10714	37	37	76	10714
1	14	76	10714	38	38	76	10714

NOTES:
 1. APPROXIMATE THIS REPEAT IS TO RESERVE LOT 27-1 IN THE WEST
 2. TO SHARVON AND V. SUBDIVISION.
 3. IS REPEAT DOES NOT ATTEMPT TO ALTER AGENC OR REMOVE ANY
 4. MORE THAN ONE (1) SPACE FRAME RESIDENTIAL DETACH DWELLING UNITS
 5. TRUCKS, GENERATORS, AND TRAILS WILL BE INSTALLED AT THE TIME OF
 6. REPEAT. ANY BARRIERS OR OBSTRUCTIONS PLACED WITHIN THE LOTS OF SAID
 7. REPEAT SHALL BE REMOVED BY THE OWNER OF SAID LOTS.

8. THE MAINTENANCE OF ALL PRIVATE STREETS, OPEN SPACE, GREEN BELTS,
 9. PLAYS, TREE SAVES AREAS, DRAINAGE EASEMENTS AND EASEMENTS OF ANY
 10. KIND SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE LOTS
 11. ON WHICH SUCH MAINTENANCE IS REQUIRED AND THE RESPONSIBILITY OF THE
 12. OWNER OF THE LOTS ON WHICH SUCH MAINTENANCE IS REQUIRED AND NOT THE
 13. RESPONSIBILITY OF THE CITY OF MISSOURI OR HANCOCK COUNTY.
 14. NO STRUCTURE, FENCES WALLS OR OTHER OBSTRUCTIONS THAT IMPROVE
 15. DRAINAGE SHALL BE PLACED WITHIN THE LOTS OF THE DRAINAGE EASEMENTS
 16. WHICH ARE THE SUBJECT OF THIS REPEAT AND THE RESPONSIBILITY OF THE
 17. OWNER OF SAID LOTS SHALL BE THE RESPONSIBILITY OF THE CITY OF MISSOURI
 18. AND HANCOCK COUNTY SHALL HAVE THE RESPONSIBILITY OF THE CITY OF MISSOURI
 19. AND HANCOCK COUNTY SHALL HAVE THE RESPONSIBILITY OF THE CITY OF MISSOURI
 20. AND HANCOCK COUNTY SHALL HAVE THE RESPONSIBILITY OF THE CITY OF MISSOURI
 21. AND HANCOCK COUNTY SHALL HAVE THE RESPONSIBILITY OF THE CITY OF MISSOURI
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 26. AND HANCOCK COUNTY SHALL HAVE THE RESPONSIBILITY OF THE CITY OF MISSOURI
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 30. AND HANCOCK COUNTY SHALL HAVE THE RESPONSIBILITY OF THE CITY OF MISSOURI
 31. AND HANCOCK COUNTY SHALL HAVE THE RESPONSIBILITY OF THE CITY OF MISSOURI
 32. AND HANCOCK COUNTY SHALL HAVE THE RESPONSIBILITY OF THE CITY OF MISSOURI
 33. AND HANCOCK COUNTY SHALL HAVE THE RESPONSIBILITY OF THE CITY OF MISSOURI
 34. AND HANCOCK COUNTY SHALL HAVE THE RESPONSIBILITY OF THE CITY OF MISSOURI
 35. AND HANCOCK COUNTY SHALL HAVE THE RESPONSIBILITY OF THE CITY OF MISSOURI
 36. AND HANCOCK COUNTY SHALL HAVE THE RESPONSIBILITY OF THE CITY OF MISSOURI
 37. AND HANCOCK COUNTY SHALL HAVE THE RESPONSIBILITY OF THE CITY OF MISSOURI
 38. AND HANCOCK COUNTY SHALL HAVE THE RESPONSIBILITY OF THE CITY OF MISSOURI



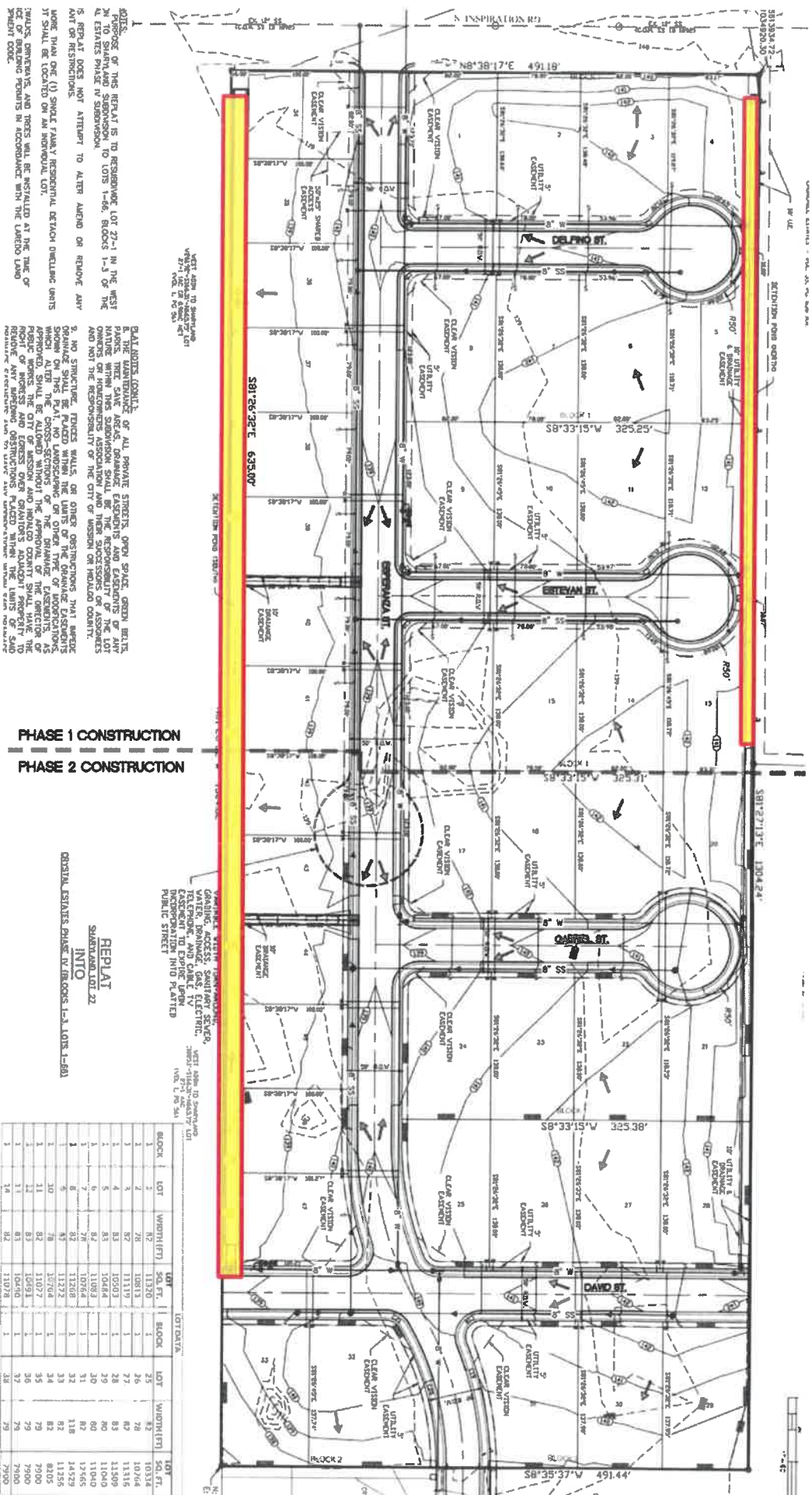
NOTES:
 1. PURPOSE OF THIS REPLAT IS TO RESERVE LOT 27-4 IN THE WEST 1/4 OF SECTION 16, TOWNSHIP 10S, RANGE 10E, OF THE 4th MERIDIAN, SHERBORN TO LOTS 1-66, BLOCKS 1-3 OF THE 2ND PHASE OF SUBDIVISION.
 2. REPLAT DOES NOT ATTEMPT TO ALTER ARIENS OR REMOVE ANY ARIENS OR RESTRICTIONS.
 3. MORE THAN ONE (1) SINGLE FAMILY RESIDENTIAL DETACH DWELLING UNITS SHALL BE LOCATED ON AN INDIVIDUAL LOT.
 4. TREES, DRIVEWAYS, AND TREES WILL BE REINSTALLED AT THE TIME OF RECORDING PERMITS IN ACCORDANCE WITH THE CLEARED LAND PLANNING CODE.

PLAT NOTES CONTINUED:
 5. THE MAINTENANCE OF ALL PRIVATE STREETS, OPEN SPACE, GREEN BELTS, PARKS, TREE SAVES AREAS, DRAINAGE EXHIBITS AND EXHIBITS OF ANY KIND SHALL BE THE RESPONSIBILITY OF THE OWNERS OF THE LOTS AND NOT THE RESPONSIBILITY OF THE CITY OF WISCONSIN OR INDIAN COUNTY.
 6. NO STRUCTURE, FENCES WALLS, OR OTHER OBSTRUCTIONS THAT IMPERF DRAINAGE SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EXHIBITS WHEN PLACED IN THE LIMITED SECTIONS OF OTHER PLATS OF ASSOCIATIONS APPROVED SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE DIRECTOR OF PUBLIC WORKS AND THE CITY OF WISCONSIN AND INDIAN COUNTY SHALL HAVE THE RIGHT TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EXHIBITS AND TO HAVE SAID OBSTRUCTIONS REMOVED AT THE OWNER'S EXPENSE.

PHASE 1 CONSTRUCTION
 PHASE 2 CONSTRUCTION

REPLAT
 SUBDIVISION LOT 22
 INFO
 GEORGIA ESTATES PHASE IV (BLOCKS 1-3, LOTS 1-66)

BLOCK	LOT	WIDTH (FT)	DEPTH (FT)	SQ. FT.	BLOCK	LOT	WIDTH (FT)	DEPTH (FT)	SQ. FT.
1	1	82	113.50	9304.00	1	1	82	113.50	9304.00
1	2	82	113.50	9304.00	1	2	82	113.50	9304.00
1	3	82	113.50	9304.00	1	3	82	113.50	9304.00
1	4	83	105.00	8715.00	1	4	83	105.00	8715.00
1	5	83	105.00	8715.00	1	5	83	105.00	8715.00
1	6	82	113.50	9304.00	1	6	82	113.50	9304.00
1	7	82	113.50	9304.00	1	7	82	113.50	9304.00
1	8	82	113.50	9304.00	1	8	82	113.50	9304.00
1	9	82	113.50	9304.00	1	9	82	113.50	9304.00
1	10	82	113.50	9304.00	1	10	82	113.50	9304.00
1	11	82	113.50	9304.00	1	11	82	113.50	9304.00
1	12	82	113.50	9304.00	1	12	82	113.50	9304.00
1	13	82	113.50	9304.00	1	13	82	113.50	9304.00
1	14	82	113.50	9304.00	1	14	82	113.50	9304.00
1	15	82	113.50	9304.00	1	15	82	113.50	9304.00
1	16	82	113.50	9304.00	1	16	82	113.50	9304.00



NOTES:
 1. THE PURPOSE OF THIS REPLAT IS TO RESUBDIVIDE LOT 27-1 IN THE WEST 1/4 OF SECTION 16, T12N, R10E, S18W, BLOCKS 1-3 OF THE ORIGINAL STATES PHASE II SUBDIVISION.
 2. THE REPLAT DOES NOT ATTEMPT TO ALTER ANY OR REMOVE ANY EASEMENTS OR RESERVATIONS.
 3. MORE THAN ONE (1) SINGLE FAMILY RESIDENTIAL DETACH DWELLING UNITS SHALL BE LOCATED ON AN INDIVIDUAL LOT.
 4. UTILITIES, DRIVEWAYS AND TREES WILL BE REINSTALLED AT THE TIME OF RECORDING PROCEEDINGS IN ACCORDANCE WITH THE LARDED LAND REVENUE CODE.
 5. THE CITY OF DENVER SHALL BE RESPONSIBLE FOR THE REINSTALLATION OF ANY UTILITIES, DRIVEWAYS AND TREES AT THE TIME OF RECORDING PROCEEDINGS IN ACCORDANCE WITH THE LARDED LAND REVENUE CODE.
 6. THE CITY OF DENVER SHALL BE RESPONSIBLE FOR THE REINSTALLATION OF ANY UTILITIES, DRIVEWAYS AND TREES AT THE TIME OF RECORDING PROCEEDINGS IN ACCORDANCE WITH THE LARDED LAND REVENUE CODE.
 7. THE CITY OF DENVER SHALL BE RESPONSIBLE FOR THE REINSTALLATION OF ANY UTILITIES, DRIVEWAYS AND TREES AT THE TIME OF RECORDING PROCEEDINGS IN ACCORDANCE WITH THE LARDED LAND REVENUE CODE.
 8. THE CITY OF DENVER SHALL BE RESPONSIBLE FOR THE REINSTALLATION OF ANY UTILITIES, DRIVEWAYS AND TREES AT THE TIME OF RECORDING PROCEEDINGS IN ACCORDANCE WITH THE LARDED LAND REVENUE CODE.
 9. THE CITY OF DENVER SHALL BE RESPONSIBLE FOR THE REINSTALLATION OF ANY UTILITIES, DRIVEWAYS AND TREES AT THE TIME OF RECORDING PROCEEDINGS IN ACCORDANCE WITH THE LARDED LAND REVENUE CODE.
 10. THE CITY OF DENVER SHALL BE RESPONSIBLE FOR THE REINSTALLATION OF ANY UTILITIES, DRIVEWAYS AND TREES AT THE TIME OF RECORDING PROCEEDINGS IN ACCORDANCE WITH THE LARDED LAND REVENUE CODE.

PHASE 1 CONSTRUCTION
 PHASE 2 CONSTRUCTION

REPLAT
 INFO
 ORIGINAL STATES PHASE II, BLOCKS 1-3, LOTS 1-6A1

BLOCK	LOT	WIDTH (FT)	DEPTH (FT)	AREA (SQ. FT.)	LOT DATA
1	1	82	113.00	9264	1
1	2	78	108.13	8430	2
1	3	82	113.19	9270	3
1	4	83	109.63	9091	4
1	5	83	104.84	8683	5
1	6	82	109.82	9004	6
1	7	82	112.88	9256	7
1	8	82	112.88	9256	8
1	9	82	112.88	9256	9
1	10	82	112.88	9256	10
1	11	82	110.77	9085	11
1	12	83	104.91	8690	12
1	13	83	104.91	8690	13
1	14	82	110.78	9085	14

July 26, 2024

City of Mission Zoning Commission
1201 E. 8th Street
Mission, TX 78572

Members of the Zoning Board,

We are writing on behalf of Keystone Construction, the developer of the new subdivision known as Crystal Estates in Mission, Texas off Inspiration Road. We are requesting a variance to change the names of the streets within the subdivision.

The original names assigned to the streets are as follows:

- Estevan St.
- Gabriel St.
- Teresa St.
- David St.

We respectfully request the following changes to the street names:

- Estevan St. to Glenda St.
- Gabriel St. to Britany St.
- Teresa St. to Bailey St.
- David St. to Briley St.

We have conducted a brief search, and the names proposed do not seem to be in use within the city limits of Mission, Texas.

We kindly ask the Zoning Board to consider our request for this variance. We appreciate your time and attention to this matter and are available to provide any additional information or answer any questions you may have.

Thank you for your consideration.

Respectfully,

DG & GG INESTMENTS, LLC.
glendagaona@gmail.com
(956) 583-5334

Crystal Estates IV Stormwater Management Plan

SITE DESCRIPTION

The Crystal Estates IV site is currently undeveloped and located in Hidalgo County, within the limits of The City of Mission. The property is currently undeveloped and contains negligible existing impervious cover. The property can generally be described as open grassy area along with scattered trees. On-site natural ground slopes were found to be in the 0.5%-2% range. The proposed property is located approximately 1,400' south of the W 2 Mile Road and Inspiration Road intersection as shown on the attached location map (EXH 1). The 14.713-acre tract is bound by single-family residential development and undeveloped land with approximately 500ft of frontage along Inspiration Road.

The soils in this area are mostly fine sandy loam (25) with some sandy clay loam (28), these solils belong to hydrologic group B, which have a moderate infiltration rate when saturated. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission, (reference Exhibit 9).

PROPOSED PROJECT

The proposed project consists of eighteen (47) lots developed for multi-family use including dedicated right-of-way access and a lot dedicated for a proposed detention pond. It will be assumed that the entire site will be used as multi-family development for drainage calculations purposes. This report studies the onsite and offsite basins for the proposed property. This report will show that flows leaving the site for developed-conditions will be less than existing-condition flows with the aid of two proposed detention ponds (see Appendix C).

METHODOLOGY

This report will examine the change in runoff due to the development by utilizing the Rational and Modified Rational methods ($Q=CIA$). Times of concentration were determined through the TR-55 method for small, urban watersheds using the 2-year 24-hour period return and Manning's roughness coefficients from table 3-1. Watersheds were assigned a C-value based on the typical ranges for the land use types provided in Table 3-3 of the "City of McAllen Standard Design Guide for Public Infrastructure Improvements". IDF curves were determined using precipitation frequencies, volumes, and intensities as reflected in NOAA Atlas 14, Volume 11 (A14) for "Mission, Texas". This report models the storm runoff rates for the 10-year and 50-year rainfall events for existing and developed conditions. Runoff leaving the site will be less than or equal to the 10-year existing runoff rate for the 50-year developed condition with the aid of the proposed detention pond.

Crystal Estates IV Stormwater Management Plan

EXISTING DRAINAGE PATTERNS

The site does not contain significant, existing impervious cover and generally drains in one direction, from north to south. A single watershed was defined to model the existing drainage patterns including onsite and offsite drainage. Watershed 1 (WS-1) is 20.10-acres and contains onsite and offsite area. Watershed 1 (WS-1) generally drains from north south onto our property and leaves across the southern property line of the site, as shown on (EXH 5) “Existing Conditions Map”. Runoff leaving the site discharges directly to the adjacent undeveloped and single-family residential lots at a rate of **21.37 cfs** for the 10-year rainfall event. The existing watershed consist of single-family residential (C=0.50) and undeveloped land (C=0.15). A composite C-value of 0.19 was calculated to represent the entire watershed. The Watersheds boundary, time of concentration paths, and flow directions can be found on (EXH 5) “Existing Conditions Drainage Map”. Detailed hydrologic calculations can be found in Appendix B. Below is a summary of the existing conditions calculations.

Watershed	Area	C	T _c	Flow (cfs)	
	(ac)	(unitless)	(min)	10	50
EXISTING					
WS-1	20.10	0.19	19	21.37	

DEVELOPED DRAINAGE PATTERNS

Watershed 1 (WS-1) will be split into thirteen (12) watersheds, WS-(1-12) to model onsite and offsite storm runoff for developed conditions. All Watershed information can be found on (EXH 6) “Developed Conditions Drainage Map”, detailed calculations can be found in Appendix B. Drainage patterns will generally remain the same for developed conditions. Time of concentration paths will increase due to the nature of the development and associated grading. The developed watersheds consist of single-family residential (C=0.50), multi-family “attached” (0.65), and undeveloped land (C=0.15). Composite C-values were assigned where applicable. Flow rates will increase slightly due to the increase in impervious cover for this development. However, Detention Ponds North & South will mitigate the increase in flow rates and reduce the flows leaving the site below existing conditions.

WS (1, 3, 4, & 7) consist of onsite and offsite drainage areas. The watersheds will leave the site un-detained due to the nature of the development. Although the watersheds will see an increase in runoff from the 50-year developed to the 10-year existing runoff conditions, the detention pond will be “over-sized” to mitigate this increase and ultimately decrease the runoff leaving the property as a whole.

WS 2 consists of onsite and offsite drainage areas and will be routed to the proposed Detention Pond North via proposed grading.

Crystal Estates IV Stormwater Management Plan

WS 6 & (8-12) consist entirely of onsite drainage areas and will be routed to the proposed Detention Pond South via curb & gutter and/or drainage channels. The watersheds were calculated at study points and cross-sections throughout the development to adequately design proposed drainage infrastructure. WS 6 & 8 were calculated at study point 1 (SP-1) to model the runoff within the proposed Delfino Street while watersheds 9, 11, & 12 were calculated to model the runoff within the proposed Estevan, Gabriel, and David Streets respectively. Study points (SP 2, 3, & 4) were calculated to adequately size the drainage channels used to convey runoff from the watersheds to the proposed detention pond. Additionally, the onsite watersheds were combined to design the proposed detention pond and will leave the pond at three different locations along the adjacent property line to mitigate the impact to the properties immediately downstream. Detailed calculations for the combined watershed including calculations for the combined watershed thru pond 1 can be found in Appendices B & C of this report. Below is a summary of the existing conditions calculations.

Watershed	Area (ac)	C (unitless)	Tc (min)	Flow (cfs)	
				10	50
DEVELOPED					
WS-1	0.25	0.65	17		1.31
WS-2	5.05	0.33	25		11.01
WS-3	1.97	0.25	25		3.25
WS-4	3.23	0.54	30		10.41
WS-5	0.77	0.65	19		3.86
WS-6	0.89	0.65	20		4.30
WS-7	0.26	0.65	14		1.48
WS-8	1.83	0.65	20		8.84
WS-9	0.96	0.65	20		4.64
WS-10	1.84	0.65	20		8.89
WS-11	0.72	0.65	17		3.77
WS-12	2.31	0.65	21		10.88
SP-1			20		7.94
SP-2 ("A-A")			20		21.42
SP-3 ("B-B")			20		12.00
SP-4 ("C-C")			21		10.88
POND WS COMB.			20		50.73
POND SOUTH			25		7.46
POND NORTH					5.28
TOTAL DEV. RUNOFF					18.78

Total runoff rate leaving the site w/o detention, (50-year developed conditions) = **50.73 cfs**

Total runoff rate leaving the site w/ detention, (50-year developed conditions) = **18.78 cfs**

Crystal Estates IV Stormwater Management Plan

DETENTION POND CHARACTERISTICS

Detention Pond South is a dry, earthen detention pond with modular block walls and a minimum of 0.5% sloped concrete pilot channel bottom. Flow from the combined Pond WS is conveyed to the pond. The pond bottom has a minimum elevation of 131.00 ft with a top of bank set at elevation 138.00 ft. Stage storage tables for Det. Pond South are provided on the Detention Pond Plan, Sheet C9.00, in Appendix C. The pond will utilize a single 12" orifice outfall structure located at the western end of the pond that will discharge directly into a City of Mission public storm sewer located on the west side of Inspiration Road.

Detention Pond North is a dry, earthen detention pond with modular block walls and a minimum of 0.3% sloped concrete pilot channel bottom. Flow from the WS 2 is conveyed to the pond. The pond bottom has a minimum elevation of 136.00 ft with a top of bank set at elevation 139.00 ft. Stage storage tables for Det. Pond North are provided on the Detention Pond Plan, Sheet C9.01, in Appendix C. The pond will utilize a single 12" orifice outfall structure located at the western end of the pond that will discharge directly into a City of Mission public storm Inlet (A-50) located on the east side of Inspiration Road.

The ponds are required to provide enough volume to detain the difference in the 10-year existing and 50-year developed runoff rates which is equivalent to **29.36 cfs (40,130 cf storage)**. The proposed ponds provide approximately **77,456 cf** of storage volume and a discharge rate of **12.47 cfs** combined to further mitigate flows that are allowed to leave the property un-detained. Detailed calculations for flow rates at each outfall structure can be found in the Pond Report within Appendix C. The proposed detention ponds are sized to mitigate the increase in runoff for its contributing watershed in addition to onsite watersheds not conveyed to the pond. All calculations including hydrographs for flows leaving the pond can be found in Appendix C.

FLOODPLAIN

The proposed property is not located within any FEMA 100-year effective floodplain zone. However, the City of Mission requires that all development within the FEMA Estimated Base Flood Elevation (estBFE) maps be designed so that no habitable structures are below the estimated base flood elevations. According to community panel No. 4803340400 (EXH 3), revised November 16, 1982, the property is not within flood hazard Zone A or similar zones. According to the FEMA BFE Map (EXH 10), the property is in a High risk (1% flood zone) and all structures on site shall have a finished floor elevation greater than 141.20 ft.


CONCLUSIONS

The 10-year existing conditions runoff rate is **21.37 cfs**, and the 50-year developed conditions runoff rate is **50.73 cfs** for the contributing watershed. However, the development will utilize two proposed detention ponds to mitigate the increase in runoff for the 50-year developed conditions

**Crystal Estates IV
Stormwater Management Plan**

to below the 10-year existing conditions, **(18.78 cfs)**. In general, the proposed development will add impervious cover to the site an increase flows. However, flow rates for runoff leaving the site will be less than existing conditions due to the proposed Detention Ponds. Therefore, the runoff resulting from the proposed development will not produce a significant adverse impact to other properties, habitable structures, or drainage infrastructure systems downstream.



<input type="checkbox"/> REJECTED	
<input checked="" type="checkbox"/> APPROVED FOR SUBMITTAL	
<input type="checkbox"/> TO H.C. PLANNING DEPT.	
<input checked="" type="checkbox"/> TO CITY	
<input checked="" type="checkbox"/> DISCHARGE PERMIT REQUIRED	
<input type="checkbox"/> DISTRICT FACILITY	
<input checked="" type="checkbox"/> CITY FACILITY	
<input type="checkbox"/> OTHER _____	
<u>Alexis lozano</u>	<u>6/5/23</u>
H.C.D.D. NO. 1	DATE

ITEM # 3.0**PRELIMINARY & FINAL
PLAT APPROVAL:**

Crystal Estates Ph. IV Subdivision
 Being a 14.71-acre parcel of land, out of Lot 27-1,
 West Addition to Sharyland
 R-2
 Developer: DG & GG Investments, LLC
 Engineer: Ever Engineering, LLC

REVIEW DATA**PLAT DATA**

The proposed subdivision is located east of Inspiration Rd. approximately 1,400' south of W. 2 Mile Road. – see **vicinity map**. The developer is proposing forty-seven (47) Duplex - Fourplex lots. - see plat for actual dimensions, square footages, and land uses.

VARIANCE

The developer is requesting to change the following street names:

Estevan St. to Glenda St. / Gabriel St. to Britany St. / Teresa St. t Bailey St. / and David St. to Briley St.

Note:

Code of Ordinances / Chapter 98 - SUBDIVISIONS, Sec. 98-134. - Streets. (n) Street names.

Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used, and shall conform to the existing street naming system.

WATER

The developer shall connect to an existing 12" water line located along the west side of Inspiration Rd. and extend into the subdivision. The water line will be a main 8" looped line providing water service for each lot. There are 2 proposed fire hydrants via direction of the Fire Marshal's office. – see **utility plan**

SEWER

Sanitary sewer service for this subdivision will tie into a proposed manhole located within the Inspiration Rd. ROW. The sewer line will extend into the subdivision collect from each lot through a 6" stub out into the proposed 8" sewer main line. The Capital Sewer Recovery Fee is required at \$670.00/Lot which equates to \$31,490.00 (\$670.00 x 47 Lots).

STREETS & STORM DRAINAGE

The proposed internal street is a 32' back-to-back within a 50' Right of Way. Access will be from Inspiration Rd. Proposed runoff after development is 25.56 cfs during the 50-yr storm frequency. Drainage shall consist of surface runoff from the lots into the proposed streets and collected by type "A" inlets. Pipe size diameter will be 24". The proposed storm system shall discharge into a proposed detention pond on the south side of the site which will then discharge into an existing City of Mission storm system network, located on the southwest corner of the site and on the west ROW of Trooper Rd. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

Installation of street lighting as per City Standards

Payment of Park Fees in the amount of \$94,000 (\$500.00 x 188 HUE).

Water District Exclusion

Must comply with all other format findings.

RECOMMENDATION

Staff recommends approval subject to:

1. Payment of Capital Sewer Recovery Fees
2. Payment of Park Fees
3. Water District Exclusion
4. Denial of the requested variance to use suggested street names requested by the owner and apply the City's continued and aligned existing street names as noted on the Code of Ordinances / Chapter 98 - SUBDIVISIONS, Sec. 98-134. - Streets. (n) Street names.

16. Final Plat Approval: Crystal Estates Subdivision IV, being a 14.71-acre parcel of land, out of Lot 27-1, West Addition to Sharyland, R-2, Developer: DG & GG Investments, LLC, Engineer: Ever Engineering, LLC - De Luna

On June 12, 2023 the Mission City Council held a Public Hearing to consider the Preliminary Plat Approval for Crystal Estates Subdivision IV. The subject site was located east of Inspiration Road approximately 1,400' south of W. 2 Mile Road. There was no public opposition during the P&Z Meeting. The Board unanimously recommended approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Plata asked if these would be townhomes or apartment and also wanted to know if there were any other apartments in the area. Mr. Plata inquired if this would be a street connecting Los Ebanos to Inspiration Road.

Ms. De Luna stated that there were no other apartments in the area and that these would be located between homes.

Mayor Garza stated that these would be either duplexes or fourplexes and there would be a max of four units per lot.

Councilman Vela moved to approve Final Plat Approval: Crystal Estates Subdivision IV, being a 14.71-acre parcel of land, out of Lot 27-1, West Addition to Sharyland, R-2, Developer: DG & GG Investments, LLC, Engineer: Ever Engineering, LLC. Motion was seconded by Councilman Vela and approved unanimously 5-0.

17. Authorization to award bid for Chlorine Gas chemical for the Public Works Department Water Treatment Plants – Bocanegra

The City of Mission had accepted and opened three (3) bid responses for Chlorine Gas chemical for Water Treatment Plants. Staff recommended to award bid to PVS DX, Inc., who was the lowest responsible bidder meeting all specifications. The term of this contract would be for one (1) year with two (2) one-year renewal options. Recommendation was based solely on estimated quantities and orders would be placed on as needed basis BID # 24-570-06-26.

Staff and City Manager recommended approval.

Councilwoman Ortega moved to award bid for Chlorine Gas chemical for the Public Works Department Water Treatment Plants. Motion was seconded by Councilman Vela and approved unanimously 5-0.

18. Ratification to solicit and Authorization to Award Contracts for Employee Benefit Plans - Munguia

The City received twenty-two (22) proposals and accepted twenty-one (21). After evaluating all acceptable proposals, the evaluation team determined the following recommendations for award would be the best and most advantageous to the City of Mission:

Dental – Ameritas

Vision – Ameritas

Group Life – Mutual of Omaha

Voluntary Life – Mutual of Omaha

Long-term Disability – Mutual of Omaha

Short-term Disability – Mutual of Omaha

Flexible Spending Account/Sec 125 – TASC

Medical Transport – MASA