

CITIZEN'S ADVISORY COMMITTEE
October 10, 2023
Regular Meeting

Members Present

Lorenzo Garza, Chairman
Zoreida Lopez, Vice-Chairperson
Alma Garcia
Marsha Terry
Francisco Cadena

Members Absent

Cynthia Pacheco
Roxanne Mendez

Staff Present

Jo Anne Longoria
Esther G. Rivera

Call Regular Meeting to Order

Chairman Lorenzo Garza called the Regular Meeting to order at 5:30 p.m. Ms. Jo Anne Longoria conducted the roll call. She stated five (5) members were present, therefore there was a quorum.

Citizens Participation

Chairman Garza asked if there were any citizens present who wanted to express their concerns at this Regular Meeting. With no one present and no comments, Chairman Garza continued with the next agenda item.

Discussion and Recommendation to Approve Minutes for Regular Meeting held on September 12, 2023

Ms. Jo Anne Longoria presented the minutes of the Regular Meeting held on September 12, 2023. There being no questions or comments, Chairman Garza asked for a motion to approve the minutes as presented. Ms. Marsha Terry motioned to approve the minutes as presented. Vice-Chairperson Zoreida Lopez seconded the motion. Motion carried. (5-0)

Discussion of the Five-Year Consolidated Plan and Strategy 2023-2027 and Annual Action Plan TY 2023-2024

Ms. Longoria presented the U.S. Department of Housing and Urban Development (HUD) letter dated September 25, 2023 approving the FY 2023 CDBG funding allocation in the amount of \$962,334.00 and providing grant agreement. Ms. Longoria explained the approved projects by City Council and inquired if they had any questions or concerns. Members present requested additional information on the funding allocated to several agencies. After a brief discussion, Chairman Garza continued with the next agenda item. No action was taken.

Presentation on Housing Assistance Program (HAP) Phase 22-II Construction Phase

Ms. Rivera briefly explained a PowerPoint presentation on the Housing Assistance Program (HAP) Phase 22-II Construction Phase. She showed the construction pictures of the three (3) projects for HAP Phase 22-II: 202 E. El Ranchito Road was at 72% complete; 917 Rankin Street at 67% complete; and 4027 E. Beatty Street at 79% complete. After a brief discussion, Chairman Garza continued with the next agenda item. No action was taken.

Presentation on Emergency Assistance Program

Ms. Rivera briefly explained a PowerPoint on Emergency Assistance Program (EAP). She stated that the "One Stop Shop" event was held on September 20, 2023 and partnered with Affordable Homes of South Texas Inc. She stated that six (6) households attended the event. Ms. Rivera also mentioned that we have an estimated amount of \$14,275.35 to assist approximately two (2) households with rent, mortgage, and/or utilities and are estimating to exhaust funds by January 2024. After a brief discussion, Chairman Garza continued with the next item. No action was taken.

Other Business

A. Progress Reports August 2023

Ms. Rivera presented the Unofficial Progress Report for August 2023. Ms. Rivera stated Easter Seals did not exhaust their funds leaving a balance of \$840.00. She mentioned that contact was made with Silver Ribbon regarding the August and September reports/requests who stated they would exhaust their funds. After a brief discussion, Chairman Garza asked for a motion to approve the unofficial progress report as presented. Ms. Garcia motioned to approve the progress report. Vice Chairperson Lopez seconded the motion. Motion carried. (5-0).

B. "Paint Mission Beautiful" Project

Ms. Longoria briefly explained the Paint Mission program and presented a flyer for "Keep Mission Beautiful" Committee. She mentioned that the Sanitation Department, City Staff, and volunteers host events to promote collecting trash events, yard maintenance, painting older homes, creating community vegetable/flower gardens, environmental awareness, and promoting Earth day and Arbor day. Ms. Longoria explained the Paint Mission Program is geared towards Mission homeowners that are 60 years and over and/or disabled individuals. Ms. Longoria informed the members that the Paint Mission is in its initial stages of gathering resources for donations, sponsors, and volunteers. Ms. Longoria will keep the members informed on the status of events for their participation during the month of November. After a brief discussion, Chairman Garza continued with the next item. No action was taken.

C. Chairman's Comments

Chairman Garza had no comments

D. Committee Member's Comments

No comments were made by the other members present.

Adjourn

Chairman Garza asked for a motion to adjourn the meeting. Ms. Garcia motioned to adjourn the meeting. Ms. Terry seconded. Motion carried (5-0). The meeting was adjourned at 5:55 P.M.

Lorenzo Garza, Chairman

**PLANNING AND ZONING COMMISSION
NOVEMBER 8, 2023
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Raquel Austin
Diana Izaguirre
Connie Garza
Kevin Sanchez
J.D Villareal
Jasen Hardison
Steven Alaniz

P&Z ABSENT

Ruben Arcaute

STAFF PRESENT

Susana De Luna
Jessica Munoz
Alex Hernandez
Virginia Cantu
Gabriel Ramirez

GUEST PRESENT

Griseida Plneda
Iris Guerra
Elena Zavala

CALL TO ORDER

Chairwoman Izaguirre called the meeting to order at 5:30 p.m.

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR OCTOBER 25, 2023

Chairwoman Izaguirre asked if there were any corrections to the minutes for October 25, 2023. Mr. Sanchez moved to approve the minutes. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:31 p.m.

Ended: 5:32 p.m.

Item #1.1

Rezoning:

Being a 0.75 acre tract of land remainder
of a 0.89 acre tract of land out of Lot 92,
Mission Acres Subdivision
AO-I to R-1
Ricardo Araza (Esmeralda Araza)

Ms. De Luna went over the write-up stating the subject site is located near the NE corner of Blake Street and Washington Avenue intersection.

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: Residential
E: Vacant
W: Residential
S: Residential
Site: Residential

FLUM:

Low Density Residential (LD)

REVIEW COMMENTS: The proposed zone complies with the City's Future Land Use Map, and surrounding land uses.

RECOMMENDATION: Staff recommends 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. Mr. Sanchez moved to close the public hearing. Mr. Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mrs. Garza moved to approve the rezoning as per staff's recommendation. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:32 p.m.

Ended: 5:36 p.m.

Item #1.2

**Conditional Use Permit
& Site Plan Approval:**

Build a Drive-Thru Service Window
1500 W. Business Hwy 83, Ste. 110
Lot A, Mission Acres Subdivision
C-3
Azteca RGV Real State, LLC

Ms. De Luna went over the write-up stating the subject site is located on the NW corner of Los Ebanos and Business Highway 83. – see vicinity map. The applicant recently purchased a 5,250 sq. ft. commercial building which includes a drive-thru window. The applicant would like to add 3 more suites totaling 2,150 square feet to the commercial building on the eastern side of the building. The existing drive-thru service window would have to be relocated, therefore the need for a new conditional use permit. 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 is proposed along the east side of the building allowing for stacking for approximately 3 vehicles.

- **Parking:** Based on the total square footage of the building, a total of 38 parking spaces are required for the plaza. The applicant is proposing 35 parking including the handicap parking. Based on the site plan the drive-thru lane will allow stacking for 3 vehicles, thus complying with the parking requirements. It is noted that the parking spaces will be held in common for this commercial plaza.
- **Landscaping:** Landscaping is meeting code.

REVIEW COMMENTS: Staff mailed out 16 notices to property owners within 200' radius and staff has not received any comments in favor or against this request. Staff notes that this commercial plaza currently has been working the drive-thru service window with no issues.

RECOMMENDATION: Staff recommends approval subject to:

- 1) Acquisition of a building permit for the construction of the new addition & drive-thru service window,
- 2) Compliance with all City Codes (Building, Fire, Landscaping, etc.), and
- 3) Tenant will have to apply for their own CUP for the use of the Drive-Thru Service Window

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. Sanchez moved to close the public hearing. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre Asked Ms. De Luna what is the distance from the parking on the east to where the car is? She mentioned that look like 24'.

Ms. De Luna stated It doesn't show on the plan, but they will need to comply with the required twenty-four feet. She added that, if anything they would need to modify the building to comply.

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

Started: 5:36 p.m.

Ended: 5:40 p.m.

Item #1.3

Conditional Use Permit:

Cronos Event Center
601 E. 9th Street
Lots 4-8, Block 165, Mission Original Townsite
C-3
Elena Zavala

Ms. De Luna went over the write-up stating the subject site is located at the NE corner of Business Highway 83 and St. Marie. Mrs. Zavala has been using this 1,204 sq. ft. commercial building as an Event Center for such activities as weddings, reunions, birthday parties, seminars, etc. Access to the site is from two driveways off of Business Highway 83 (9th Street).

- **Hours of Operation:** Monday – Sunday from 10 a.m. to 12 a.m.
- **Staff:** 1 employee
- **Parking & Landscaping:** In talking with the applicant's representative, she stated that they were proposing to host only small-scale events of no more than 50 people, which would require 17 parking spaces (1 parking space for every 3 seats = 16.6). There is a total of 25 parking spaces that are held in common. Staff notes that parking lot will need to be resurfaced, re-stripped and landscaping will be required.

REVIEW COMMENTS: Staff notes that this building has been used as a banquet and event center since May 2021. Staff mailed out 17 notices to the property owners within a 200' radius of the site and there have been no comments in favor or against this request forwarded to the Planning Department.

RECOMMENDATION: Staff recommends approval subject to:

- 1) Compliance with all City Codes (Building, Fire, etc.), and
- 2) Must comply with Noise Ordinance.

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. Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre stated she's aware of the re-stripping and resurfacing, but is anything being for drainage and landscaping?

Ms. De Luna stated they will need to comply with all city requirements.

Mr. Sanchez stated is there anything that ensures the applicant doesn't exceed occupancy?

Ms. De Luna stated the number of parking is what determines the occupancy number.

Chairwoman Izaguirre stated they get that permit from Fire.

Ms. De Luna stated "yes".

Mr. Alaniz asked that if it was only those four tables?

Ms. De Luna stated it's actually eight which seats sixty-four, but they don't meet the parking space requirements and that's why they're reducing to fifty people.

Chairwoman Izaguirre stated the parking may not even be the same after landscaping.

Ms. De Luna stated they need to do several improvements to that property.

Mrs. Garza asked how do we control the number fifty?

Ms. De Luna stated that's with fire department.

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

Started: 5:40 p.m.

Ended: 5:43 p.m.

Item #1.4

Conditional Use Permit:

To keep a Portable Building –
Auto Sales Office Use
2118 W. Mile 3 Road
Being the South 3.86 acres of Lot 22,
New Caledonia Subdivision
C-3
Bunny's Motors, LLC

Ms. De Luna went over the write-up stating the subject site is located near the NE corner of Moorefield Road and West Mile 3 Road—see vicinity map. The applicant would like to keep utilizing the existing 24' x 16' portable building as an office for the sale of used autos. Access to the site is off of W. Mile 3 Road. Since the use is not transferable to others, therefore the need for a new conditional use permit. The last CUP approved for this location was on September 13, 2021 for a period of 1 year.

Hours of Operation: Monday – Saturday from 9:00 a.m. to 7:00 p.m.

Staff: 1 employee

Parking & Landscaping: Based on the square footage of the building, 4 parking spaces are required for this business. The applicant has a total of 6 parking spaces, thus meeting code. The applicant will need to add landscaping and lighting to the site.

REVIEW COMMENTS: This commercial property was annexed to the City in 2014 and has operated as an auto mechanic shop and used car lot since the early 90's. Staff does not foresee any problems with the office and business proposal.

RECOMMENDATION: Staff recommends approval subject to:

- 1) 1-year approval to assess this new operation,
- 2) Compliance with all City Codes (Building, Fire, etc.),
- 3) Must add landscaping and lighting,
- 4) CUP not to be transferable to others, and
- 5) Must acquire a business license prior to occupancy

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

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

Mr. Alaniz asked if portable buildings have a time limitation?

Ms. De Luna stated we don't have a time limitation, but we do recommend and want permanent building.

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

Started: 5:44 p.m.

Ended: 5:45 p.m.

Item #2.0

Preliminary & Final

Replat Approval:

Replat of Hutton No. 3 Subdivision

Being a 4.510 acres, part of Lot 1 of the
Hutton No. 3 Subdivision

Suburban ETJ

Developer: HuttonCo Development, LP

Engineer: Dirksen Engineering

PLAT DATA

This subdivision is located approximately 750' south of W. 3 Mile Rd. along the west side of La Homa Rd. The developer is proposing a 2-lot subdivision with Lot 2 being occupied by a commercial building — see plat for actual dimensions, square footages, and land uses.

WATER

The water CCN belongs to Sharyland Water Supply Corporation. Existing fire hydrants are considered available therefore no further requirements are needed.

SEWER

An existing internal 8" sewer line system will provide sewer service to all the lots. The Capital Sewer Recovery Fee is required at \$200.00 for Lot 2 (\$200.00 x 1 lot).

STREETS & STORM DRAINAGE

The main access is from La Homa Road. No change in drainage patterns are proposed for this replat. The proposed flow will remain the same as existing. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

Existing street lighting to be retained
Must Comply with all other format findings

RECOMMENDATION

Staff recommends 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. Austin moved to close the public hearing. Mr. Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

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

Started: 5:45 p.m.

Ended: 5:46 p.m.

Item #2.1

Preliminary & Final

Plat Approval:

Washington Lots Subdivision

Being a 0.97 acre tract of land more or less, being the south 845' of the west 1 acre, Lot 92 Mission Acres R-1

Developer:

Engineer: South Texas Infrastructure Group

REVIEW DATA

PLAT DATA

This property is located on the northeast corner of the intersection of Blake Ave. and Washington St. — see vicinity map. The developer is proposing a 11 Lot residential subdivision. Currently, the land is vacant — see plat for actual dimensions, square footages, and land uses.

WATER

Water will be supplied by a proposed 8" water main line located along the east side of Washington St. to include a fire hydrant. The line will connect to an existing 8" main perpendicular on Blake Ave. and looped to an existing line along W. 18th St.

SEWER

A proposed 8" sanitary sewer line will be made available to service each lot which will be installed within a 10' utility easement located at the rear, east of the development. The line will connect to an existing 8" sewer line from W. 18th St. and run south ending at a proposed cleanout. The

Capital Sewer Recovery Fee is required at \$200.00/Lot which equates to \$2,200.00 (\$200.00 x 11 lots).

STREETS & STORM DRAINAGE

Access to the proposed Lots will be from Washington St. The post development volume of storm water runoff is 5.99 cfs based on the 50-yr storm frequency. Approximately 4,283 cft or 0.098 ac-ft will need to be detained within the green areas of the proposed lots and overflowing into Washington St. This street eventually outfalls into a City of Mission Ditch located on the northeast corner of the intersection of Los Ebanos Rd. and W. Griffin Parkway. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

Payment of Park Fees in the amount of \$5,500.00 (\$500 x 11 lots)
The development has existing Street Lighting as per City Standards
Must Comply with all other format findings

RECOMMENDATION

Staff recommends approval subject to:

- Payment of Capital Sewer Recovery Fees
- Payment of Park Fees
- Comply with all other format findings.

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

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mrs. Garza moved to approve the plat. Mr. Villarreal 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. Sanchez moved to adjourn the meeting. Mrs. Austin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:46 p.m.



Diana Izaguirre, Chairwoman
Planning and Zoning Commission

**ZONING BOARD OF ADJUSTMENTS
SEPTEMBER 20, 2023
CITY HALL'S COUNCIL CHAMBERS**

ZBA PRESENT

Michael De Leon
Alberto Salazar
Andrew Riddle
Dolly Elizondo
Eluid Reyna
Humberto Garza
Heraclio Flores

ZBA ABSENT

Marty Gonzalez

STAFF PRESENT

Susie De Luna
Victor Flores
Irasema Dimas
Jessica Munoz
Alex Hernandez

GUESTS PRESENT

Joseph Crawford
Juan Garcia
Jose Munoz
Gilberto Mercado
Sergio Munoz
Eilda Mercado
Margaret Fisher
Parker L. Fisher
Eddie Olivarez
DMIke Villalobos
Jose Flores
Jim Ellitt
Denise Ellitt
Jessica Alvarez Alanis
William R. Davis
Paul Ramirez
Angelina Rodriguez
George Rodriguez
Ronnie Escobar
Cesar Yair Cruz
Andrea Carolina Trejo

CALL TO ORDER

Chairman Andrew Riddle called the meeting to order at 4:49p.m.

CITIZENS PARTICIPATION

Chairman Andrew Riddle asked if there was anyone in the audience that had anything to present or express that was not on the agenda.

Mr. Paul Ramirez stated that if it's possible to have an extension of time for people on this topic of our courts and our buildings. Because of lack of communication, we have many people in our neighborhood that only speak Spanish primarily. And they don't know that this meeting is even going on.

Ms. De Luna stated that once we would get to the item she could answer any questions he had or table the item.

ITEM #1.1

Election of Chairman & Vice Chairman

There being no discussion, Acting Chairman Andrew Riddle entertained a motion. Mr. Garza nominated Heraclio Flores as the Vice Chairman. Ms. Elizondo seconded the motion. Mr. De Leon nominated Alberto Salazar as the Chairman. Mr. Garza seconded the motion. Upon a vote, the motions passed unanimously.

Item 1.2

Appeal to Administrative Decision for Revocation of Business License and Food Permit for Blackout Private Social Club at 1512 E. Expressway 83, Suite 109, being Lot 109, Re-Plat of Lots 3 & 4, Stewart Plaza Subdivision, as requested by Yair Cruz

Ms. De Luna stated that on August 15, 2023, the City of Mission, by and through the Planning and Health Departments, as authorized by the City Manager, revoked the Business License and Health Permit previously issued administratively by the City of Mission to Blackout Private Social Club ("BLACKOUT"). ***Based on representations made by city staff, the business license and health permit were revoked in response to serious public safety concern.***

On August 6, 2023, the Mission Police Department responded to a call for service at approximately 4:30a.m. The city's police were dispatched to 1512 E. Expressway 83, Mission, Texas, to assist in the arrest of a Blackout Private Social Club patron for alleged Assault on a Police Officer, Attempted Taking of a Weapon from the Police Officer, Assault on a Security Guard, and Public Intoxication. The Mission Police Officer that responded to the call also was assaulted by the Blackout Private Social Club patron.

Prior to the August 6, 2023, event involving the assault on the police officer(s) and other alleged charges, Mission Police Department had responded to several calls for service at the same business over the preceding months.

Mr. Alberto Salazar asked if there were any input in favor or against the request.

City Attorney Mr. Victor Flores stated that Mr. Sergio Munoz was representing the applicant. He asked the board for some kind of guidance as to regulations on parameters on presentations, on how many minutes each presentation?

Attorney Mr. Joseph Crawford stated that was the discretion of the chair. But I think that's a good idea to establish those ground rules at this point right now. So I'll say to the chair, and I'm going to say that person who was just elected chair should be acting chair for the rest of the meeting. So, in your discretion, you can set reasonable parameters on presentation, presentation time for each site, and then it will be subject to an appeal by the rest of the council. So, I've seen 10 minutes if it's, if it's, I think 15 would be reasonable here and then more time for questions.

Mr. Alberto Salazar stated that he proposed 15-minute time limit for initial presentation. Second, I propose the appellant goes first.

Attorney Mr. Sergio Munoz stated do you want us to go right now we're at the end of the meeting. I don't know if it was going to be. I mean, I guess that's why I wanted to ask depending on the parameters set by the by the board.

Mr. Alberto Salazar stated you can go first.

Attorney Mr. Joseph Crawford stated that Mr. Munoz could reserve time for the rebuttal.

Attorney Mr. Sergio Munoz stated that he wanted to ask the city attorney permission provided a brief that was emailed to me which I don't know if he shared with the board. And I tried to get in contact with counsel to ask if we're allowed to then provide documents.

Attorney Joseph Crawford stated of course.

Mr. Sergio Munoz stated so can I go ahead and pass the response?

Attorney Jose Crawford stated "yes".

Mr. Victor Flores stated So just for the Board's information that this is an ongoing legal matter that Mr. Munoz and I have been working on opposite ends of the aisle to attempt to resolve. And those discussions have been discussions about revocation of the business license and the food permit. In addition to the revocation by city council, the conditional use permit. Just as a procedural matter, I'd request that we not enter into that discussion about conditional use permits just because of Texas Open Meetings, Act violations, and then also authority under 211 of the Texas local government code to discuss those issues.

Ms. Dolly Elizondo asked what issues?

Attorney Mr. Victor Flores stated just any discussions related to City Council's revocation of a conditional use permit, those conditional use permits are regulated to the Planning and Zoning Commission and then later on approved by city council, and that was a separate action.

Ms. Dolly Elizondo stated conditional use permits.

Attorney Mr. Victor Flores stated conditional use permit revocation of a business license, and a revocation of a food permit. The business license and food permit have been posted for discussion for this meeting, but not the other.

Mr. Eluid Reyna stated that he had a question. Does the food permit fall outside of the scope of work?

Attorney Mr. Victor Flores stated so I'll defer to your legal counsel. But it was an administrative decision made by a city staff.

Attorney Mr. Sergio Munoz stated I do want to add, though, to that, I mean, insofar as you mentioned the conditional use permit, because that was also formed the basis of why the other two permits were revoked. So even though you might want to mention them, they are part of the reason why the city administrator acted on the other two.

Ms. Dolly Elizondo stated just let us know when your going to start your presentation.

Mr. Alberto Salazar stated that he recommends to allow discussion on the conditional use permit only to allow for context on the other items on the business license in the food permit.

Attorney Sergio Munoz stated I guess I'll just keep time. Okay. So that way, I can try to at least maybe reserve a little bit of time at the end. But whenever the board is ready, I can go ahead and proceed.

Attorney Sergio Munoz stated Well, good afternoon and thank you for the opportunity to be here. I'm an attorney second witness here on behalf of warehouse Event Center, LLC, DBA, Blackout private social club. And we're here asking that the business license and the food permit that were initially issued to blackout private social club be reinstated. Just a little bit about the background in the reason why and also kind of what brought us here is back February 27 2023 warehouse Event Center DBA blackout private social club requested a business license to operate as a private social club. Here in the city of mission. They were granted a business license on or about March 7 2023. They also received a food establishment permit on or about March 7 2023. The same day. On March the 21st 2023. The city admission decided that blackout

private social club, and through their belief and opinion should obtain the conditional use permit. On April 12 2023. The Planning and Zoning Commission recommended approval to the city council for that conditional use permit. On April 25 2023. The city council considered and approved the conditional use permit. On June 20 2023, the city mission sued warehouse Event Center LLC DBA blackout private social club. And as part of that lawsuit, their contention was that they were violating the issuance of the conditions of the permit. And as part of that lawsuit. By way of context, the depositions of Jennifer Samora Susana de Luna, Irasema Dimas, and Juan Pablo Terrazas were taken. On August 7 2023, in case number CL-23-2429H, County Court at Law Number 8, Judge Omar Maldonado signed an agree temporary injunction whereby warehouse Event Center DBA private social club was allowed to operate as prescribed by the permit, except that the use of any form of amplified music after 2am, On any given day of the week, would be prohibited. On August 21, 2023, the city of mission filed a nonsuit in that case CL-23-2429-H at 10:00a.m. more or less. On that same day at 3:33pm. The city of admission filed another lawsuit against warehouse Event Center DBA blackout private social club, asking for a temporary restraining order and a temporary permanent injunction against blacked out private social club. And that is under cause number C3374-23-M 4:23am. On September 5, 2023, the judge in that case C-3374-23M 4:23am denied the city of Mission application for temporary injunction and dissolved the temporary restraining order. During the course of the litigation, the city of Mission has relied on the incident of August 6, 23. The incident as has been represented to you was an incident that occurred at the place of business. However, those charges against that individual are still pending, it doesn't mean it's right or that it's wrong. But in this country, you're still presumed innocent until proven guilty. And if that's the standard that the city is taking to revoke business licenses or food establishment permits, then I would submit to the board that they're going to have to shut down every other restaurant, every other bar, every other establishment because I'm pretty sure if you ever look at any call for service, or any incident that has occurred in any of those businesses, they would qualify for the actions that they've taken against warehouse and Black out social club in regards to the business license. And the reason I mentioned the dates is because during the time and the incident that happened was August 6. During that time that temporary injunction order was still in place from county court of law number eight, which was Judge Maldonado. The city did not do anything until the 21st of August. In regards to the business license, as I understand the ordinance, it says that you need a business license to operate or make use of any building or premises. And if you're denied the request for one, then you can come to the board of adjustments for consideration. Warehouse Event Center DBA blackout primary social clubs' position has always been that they were not giving notice of the reason for the denial. And they were not given an opportunity to rectify that prior to the August 6, incident that occurred. And I know we're not talking about the conditional use permit. But I will just make it based on context. In the deposition of Miss Susana de Luna for the county court of law case. She never made any inspections or thoroughly investigated the complaints that were made against the business. Also based on her deposition testimony, she only investigated the anonymous complaint by way of Facebook. As such, I would submit to the board that without regard to the facts, and not relying on the fact finding supported by the evidence. Her actions lack the rational connection between the facts and the decision. In our opinion, her decision was arbitrary and an abuse of her discretion. Since the beginning, like our private social club has stretched as he continued that he should never have gotten that conditional use permit. However, because it never operated as a nightclub, and there was never any evidence that it did. But it went ahead and got one by recommendation of the city. If you look at the information that provided to you and I just went I can give you a copy of the full deposition if the board would need it. But I do just highlight on Susana de Luna planning director city admissions deposition, page 15. Lines 22 to 25. That was taken on July the 24th 2023. QUESTION Well, let me just ask you this question about blackout private social club. Has it been cited for at all for a loud noise? Answer? Not from the department No. on page 17, question two Susana de Luna. Okay. And then it says that you review the videos and that you

made the determination that he was operating as a nightclub and not a social club or poker club. Is that correct? answer a question. And it was just based on the videos that this gentleman gave to you answer yes. Another question to miss DeLuna. So, you never went out there in March at all? Answered? No, I did not go out in March question. And you're basing your determination about whether it's operating as a nightclub based on the allegations of this individual. What he sent you and based on Facebook answer yes. question to Mr. Luna, did anybody from the city that work on their works under you like code enforcement? Ms. Dimas? Did anybody go out there and march to verify whether or not that was true answer no. The position on behalf of blackout private social club is that it was not given due process and the ability for the permit holder to remedy any violation. Even if you were to utilize the August 6 incident that is relied upon by the city. The planning director did not communicate in person or in writing with a permit holder, before it arbitrarily revoked the business license on August 15 2023. In regard to the food establishment permit, the City Commission sent him a letter to blackout private social club on August 15, stating also that the establishment permit for the premises was revoked. Based on the ordinance as I understand it, whenever a permanent suspended, the person in charge shall be notified in writing that the permit is up on service of the notice immunity suspended, and then you have an opportunity for a hearing. Also, such a suspension of the health permit should also be based upon an imminent hazard to public health. In the present case, there was no imminent hazard to public health identified, nor has the applicant be notified in writing or otherwise of any public health safety violations. The only rely on the August 6 2023 incident. And although they mentioned that there's other complaints, and there's other reasons that they've been called out there, I don't know which ones they're relying upon, because they just keep on mentioning August 6. When you look at Section 42-366 of the revocation of a permit, you are entitled to a hearing and you are you can get your permit revoked for serious or repeated violations. However, you are to notify the permit holder in writing of the reasons for which the permit is subject to revocation. Hear, nobody ever notified the permit holders of what those violations were. I will also try to summarize as best as I can to reserve a little bit of time at the end regarding what we believe is the action on behalf of individuals that work for the city. That would be arbitrary and abuse of discretion if that's the standard that the attorney would have us hold. For example, they rely heavily the city relies heavily on the incident from August 6 2023. As I mentioned before those allegations against the accuser still pending. A day after that incident occurred. The city took no action in any of the court cases, to amend its petition to terminate anything to do anything in regard to what happened on August the 6. In fact, from August 6 until August 20, the City of Mission did not cite Warehouse Event Center, LLC D/B/A Blackout private social club for any violations of city ordinances, or file complaints against like our private social club. I will also say that the actions that were undertaken by the city can be viewed also have been a bit abusive. Before they filed the lawsuit in district court. The city dispatched about 8 to 10 armed officers that closed off the entrance to the plaza where a blackout private social club is located. They were outside of that business from about midnight till about four in the morning. And during that time, none of the officers nor anybody from court enforcement ever provided any documentation to the permit holder, even though he did attempt to ask him time and time again, who had more authority if he had a court order saying that you could be open. I will also mention that in the second case, the city also relied upon Arturo Lerma, who's a corner enforcement officer who filed a criminal complaint against blackout private social club. Yet, when he was taken to court and asked under examination under oath, he did admit that the information on that criminal complaint was incorrect. So, I think here we have a much bigger issue than just asking for these permits to be reinstated. One if you didn't get notice, you didn't get an opportunity to fix it. And two if this is a conduct of people that work for the city, then everybody else that owns a business here should be alarmed, because if they want to go after a blackout private social club, then you would expect the same type of action against any other business here in Mission. And if you want to rely on one incident that happened, then any other incident that occurs in any other establishment should also be looked

at and viewed at the same bar at the same level. All we ask is that they be reinstated and that he be given an opportunity to get the business license back. And the health permit. The conditional use permit, in our opinion should be something that could be decided on another day. But that's what we have here for you this afternoon. And I'll reserve I think about two and a half minutes or three minutes for brief rebuttal at the end.

City Attorney Mr. Victor Flores stated that just before we get into the city's presentation of the case, Mr. Munoz has represented his client and his business. He hasn't told you what his business does. His business is an afterhours party club that operates between the hours of two and four and 5am in the morning. It's a BYOB place. And so, anybody that has a good time after closing hours will come over to their establishment and continue to party there. He prefers to quickly I didn't take too much of my own time, your first quickly of us treating it the same way as any other business. Currently, there's no other business in the city of mission that's operating after hours nightclub after for after 2am. One of the reasons why I asked that no discussion or just consideration from this board be considered to the conditional use permit issues is because all the litigation that has been cited by Mr. Munoz up to date, up until the August 6 event, all related to enforcement of a conditional use permit granted to blackout to operate only until the hours of 2am. The August 6, the event that occurred happened at 4:30am. And if we're going to treat all locations the same, yes, we will. And we do. Because on that night, off-duty police officer not from Mission PD, but off duty police officer entrusted to guard and to take care and to manage the clients at blackout patrons at that location was assaulted by one of the patrons. In addition, there was an attempt to remove the weapon from the officer at that location as well. The actual patron is not here. He's not being tried, and he will have his day in court. Nonetheless, facts that occurred, people got hurt. The city of Mission was put in the position after that August 6 event to determine whether it was in allow that to happen again, whether it was going to incur the liabilities of just turning the other cheek and allowing that operation to continue. After months of trying to respond and work with blackout. The city said no more.

City Attorney Mr. Victor Flores stated that now he would present his case today we're going to talk about two laws. And the drafters of those laws are city council in the mayor, the legislatures of the city there's some other laws that we have to comply with, and those are passed by legislatures, Senators and Representatives in Austin. But if you ask those senators and representatives in Austin, who's allowed to amend those laws, the only people that are about allowed to amend those laws are themselves the elected. In this case, we have two laws. Mr. Munoz refer to Chapter 42, which I'll briefly touch at the very end, which refers to the food permit, we're going to concentrate on zoning because zoning is an authority granted by the State to municipalities and their chapter 211 that zero 11 of the Texas Local Government Code, which prescribes the authority of cities to pass their own laws to protect the health, safety, safety of its residents and members and visitors of the city. Those two laws are our section 1.2 18 which gives full and exclusive all-inclusive authority to the planning director as a sole agent to both implement and enforce all zoning regulations. That's unequivocal. There's no other limitations or exceptions that you find to the code of ordinances and if you were to review blackouts, notice of appeal appealing to both of these in this and the food permit, they say, hey, the problem is that Mr. Luna as a planning director has too much authority. Well, that's a case. That's a matter of passing laws. And Mr. Munoz wants those laws change, he needs to advocate with the council to make those changes to provide parameters. briefly read things in you know about ordinances in Texas. One is part of the governmental function. And that's key. Because the Texas Court of Appeals has said that acts performed by the city for the interests of the public at large, is a governmental function. That's key, that's where we get the authority to pass our laws for cities. Second, there's a Supreme Court case, that states that ordinances created by city councils, under the governmental capacity are granted authority, they're given that authority by the state through their police powers. And that's both with the US Supreme Court case. And the

Dallas court of appeals case, which I've cited in my brief. And finally, the state legislature itself, the state senators or representatives, when they passed section 211, that zero 11. It said this, as in zoning authority for the city, that it grants powers granted under this subchapter for the purposes of promoting public health, safety, morals and general welfare. And to Texas Supreme Court cases, Thompson versus City of Palestine and City of Far vs. Tippet. The courts, the Texas Supreme Courts both said that if you do those two things, if you act within your governmental capacity, and you're using your police powers, and you have passed the zoning ordinance, it is presumed valid. But Mr. Munoz is trying to advocate here is that the ordinances are not valid, that somehow, they must be changed. Well, he has that option, but this board and the authority granted to this board is not to legislate, is to decide, in this case, whether one Ms. Luna had the authority to act as she did, and to whether she acted in a way that was arbitrary or an abuse of discretion. Mr. Munoz is correct. We have pending litigation currently related to the issuance of the conditional use permits but again, and the enforcement of those conditional use permits and everything he brings up he alleges are allegations of abuse of discretion are things that Ms. Luna said or depositions that were taken, all that predated August 6. And in fact, Mr. Munoz his testimony today and advocacy for his client represents that the city of Mission acted solely in the revocation of his business permits only up until the point when August the August 6 event happened. It had plenty of chances before that, it wanted to, to revoke those business licenses and food permits, but it did it because they acted on the facts and acted on evidence. And the facts and evidence were on August 6, that unfortunate event happened. And between the seventh and the 11th, which was the sixth was a Sunday. Six was a Sunday from the seventh to the 11th. Miss DeLuna. In talking with the management and coming up with a police report, reviewing the police report, and discussing with the administration then decided that on the next Tuesday, so you follow the dates, six happened 7/11 She's trying to figure it out. The 15th is Monday, that next morning, they issue the notice of revocation of a business license or food permit. So once before this board was before this board is not to add language to the ordinances. It's not to give Mr. Munoz his clients some kind of equitable relief, that somehow in fairness, he should be given a break and fairness. No, the thing is, this board is bound by the text of those two laws that we talked about. Section 1.2, subsection 18, which gives Ms. Luna the full authority and also one point 48 which says if you're in operate any commercial enterprise, you need a business license period. You don't have that you can operate. So, what is before this board, we've established and Ms. Luna had the legal authority. Now the real question, the real me Then potatoes is was her decision, arbitrary abuse of discretion. So, I've cited you to case CPS energy versus public utilities commission at Texas appellate case and from 2017. So, did she act upon regard to the facts? One, two, did she Rely on facts, findings of facts that were not supported by any evidence? And we're not talking? The case is any evidence? Not a preponderance of the evidence, not evidence beyond a reasonable doubt any evidence and whether there lacked a rational connection between the facts and decision? Well, Mr. I believe we can easily answer the first two. And what Mr. Munoz tries to do and attacking the connection, the rational connection between the two as he tries to connect or disconnect. What happened under the conditional use permit process and litigation prior before the August 6 date, everything he's asserted is before the August 6 date, what the city did is it acted upon a public safety concern that happened August 6, and I said it cannot happen again. So, for those reasons, Ms. Luna, and hurt and hurt I was cited that because of this public safety event, not anything else prior. That's before the court, the 476 Court. And that's been no other litigation outside of this board. This board is tasked with hearing this appeal, and this appeal was limited to wasn't valid. Was authority valid? Was there abuse of discretion, and was it arbitrary? I'll take a few minutes I'll reserve the rest for closing. But so, we've established that Ms. Lunas action to revoke the business license was valid. Also, you heard Mr. Munoz refer to a whole procedural, this whole process about notice and due process under Chapter 42. And that is correct. Under the food permit chapter 42, which is not in the zoning ordinances. It states that there is a process when you suspend or revoke a food permit. But that supposes that you have a

business license to operate in the first place. The process and how Mr. Cruz obtained his food permit was a he first went to get a business license. So, when the public health director revoked the food permit is because he didn't have a business license anymore. In addition to he agreed there was a public safety concern. He didn't want to be any anything a part of if this board sustains the revocation for the business license, and then grants a food permit. It's granting something that is in violation of the code of ordinances which says, any business operation needs a business license needs a business permit. You can't have one without the other. So, for those reasons, the city represents that the revocation of the food permit was valid. Because otherwise, Mr. Kotsatos the health director would have been authorizing something that was in violation of 1.48 which requires business licenses for all commercial operations. That's all we have.

Mr. Alberto Salazar asked if anyone had any questions for City Attorney Mr. Victor Flores.

Mr. Eluid Reyna stated that he had a question. He asked Mr. Flores was the business license for its current use after hours? Or was it before two?

City Attorney Mr. Victor Flores stated so what it was issued at first was the first social club. And that's all they stated.

Mr. Eluid Reyna asked what are the hours of operation?

City Attorney Mr. Victor Flores stated what they allege is that they thought they had full operation to go 24 hours. And the reason why we asked them get a conditional use permit was because we said you're not a social club, you're a nightclub. So, they got that conditional use permit. They didn't agree with it, but they got the conditional use permit. And then they started to operate in violation of that. So, the intentions from the from when the city council granted that conditional use permit and said you can only operate till 2am.

Mr. Eluis Reyna stated their permit was conditioned.

City Attorney Victor Flores stated "yes".

Mr. Michael De Leon asked if there's been other permits to similar businesses that are 24 hours?

City Attorney Victor Flores stated No, sir.

Mr. Eluid Reyna stated that he I would like to comment to my fellow board members is that I believe that what Mr. Munoz is requesting overreaches our authority as a board. And just, that's a comment

Mr. Michael De Leon stated that he would suggest we may let Mr. Munoz make his rebuttal. And then we can address questions to Mr. Munoz, the city attorney.

Attorney Mr. Sergio Munoz stated So the reason they don't want to talk about the business license when he first got it was because the City Commission doesn't have an ordinance to regulate social clubs. So even though you want to tell somebody they should be doing this, or they should be doing that there is an ordinance to tell you what to do. Now, does that make when Mr. Cruz did good or bad? I mean, it's not for anybody to decide. But the fact of the matter, there's no ordinance here in the city of mission at this time. They're working on it because of this. But when he got the business license, there was no ordinance saying what a social club should do or not do. And the reason I mentioned when Mr. Luna did and everybody

else is because they're the ones that forced the conditional use permit upon him. Because if not, he would have gotten a conditional use permit from the beginning. Now, people don't want to talk about that. And they don't want to bring it up. But that's why I mentioned her deposition. Maybe some people think it's not important. Maybe they don't think that you have a code enforcement officer, Mr. Lerma that follows a criminal complaint and then goes to court and lies under oath, in my opinion, saying that it was incorrect. But yet nobody does anything about it. I don't know, to a business owner, anybody who lives in the city or operates, it should be important. So, nobody is asking anybody to do anything more than what the city has within its power. It's not my fault, or their fault that there was an ordinance for social club. They gave them a business license. They gave them a food establishment permit. Now, they want to talk about the authority. And they want you to say, in this instance, the statute and the ordinance is this and black and white, so you need to do it. But yet, on the other side, they're saying, Oh, but you know, what, over here on section 42, it supposes this it supposes that? Or does it say in Section 1.4. A, that you need to get a business license before anything else? It says that you should obtain from the city license to do so it doesn't say you must first get one it didn't say anything that they want you to believe. But on the one hand, they want you to say if you want anything changed Mr. Munoz, it's the senators, it's the legislature they need to go change that. What are they wanted to have an ordinance about social clubs' admission, they could have done that, too? Now, what I mentioned about it doesn't matter what type of business he was operating. The fact of the matter is, is that he had a license. There are rules, and there are procedures in the ordinance itself. If the city doesn't want to follow them, that's fine. say they don't want to follow them and change them. But if you're within the ordinances saying that people should be given an opportunity to know what my violations are to at least have an opportunity to fix it. Before you go and pull the permit, then I believe anybody who owns a business would ask for at least that, because then the city will be going at whatever point in time they want, and pulling somebody's permit. Without that business owner saying, wait a minute, hold on, give me a chance. What is it that I did? What violation do I have? What can I do to fix it? What can I work with the city on to do this and just to shut me down? So, we want to kind of I think gloss over that. But that's what we're asking for here is just follow the rules and reinstate the permit.

City Attorney Mr. Victor Flores stated So just briefly, one and its big word he said should that section 1.48 says they should have a business license actually says No person shall make use of any existing building or business without first obtaining admission license to do so. Second point I want to make is this Mr. Munoz suppose this takes all the police powers that the city has to prevent its residents and visitors from being harmed away. He says that, let's just suppose that they had a valid restaurant and they're operating a restaurant. And at this, one of the patrons goes into the restaurant and assaults a police officer in that restaurant. assaults, the security guard in there and then when mission PD comes on, also assaults mission PD. Absolutely. The city would revoke that business license in that same case, whether it was at 12 in the afternoon, or in this case 4:30 in the morning. Absolutely. The city will do that. And to take this away from that data authority to do that, to just sit and wait until an officer gets assaulted and also gets shot, and then pull the business license takes away that police power that was granted. I went over the Supreme Court cases in Texas Supreme Court cases and court of appeals cases that said, from the state to the city, we give you authority to do pass these zoning ordinances and they're going to be presumed valid. There have been no examples that Mr. Munoz has presented that say that they're not that Dorrans is not valid. In fact, he did what I told you he would do. He said, it should be more limited. It's not fair. There should have been a process for a business license. If it wanted to. The Council could have done that. But it didn't. Miss DeLuna, has the complete authority to make sure that those ordinances are used to protect and make safe the residents of the city of Mission. Thank you.

Mr. Alberto Salazar asked that if anyone had any questions.

Mr. Michael De Leon stated So currently, the city does not have any type of workouts right now to prohibit somebody such as this club, like an afterhours club from operating.

City Attorney Mr. Victor Flores stated That's correct. And the explanation behind that is, and what I tried to say is, even if it did.

Mr. Michael De Leon stated but it doesn't.

City Attorney Mr. Victor Flores stated If it had a social, if it had a social club policy, and this would have happened, the city would have still pulled that business license, because there's public safety.

Mr. Michael De Leon stated So right now somebody could have started, there's nothing saved. The city can enact an ordinance right now. So, you don't want city admission as at this point on will no longer allow clubs such as this or establishments such as this to be in existence, correct? City Attorney Mr. Victor Flores stated correct. He added that the reason why I didn't want to open up, you asked me a question I wanted to answer. So, because what you're referring to relates to conditional use permits that regulate the use of the building, but we're talking about today, and the reason that was listed in the revocation was for public safety.

Mr. Michael De Leon stated that prior to this, let me ask you, were there any, is that true? They took her deposition in the air deposition, she stated that there's never been any other instances of issues with the police departments ever have to have to be called out for, for invoice validation.

City Attorney Mr. Victor Flores stated the conditional use permit itself. And I know the legalities of it, because what I'm saying is

Mr. Michael De Leon stated I was asking you a question.

City Attorney Mr. Victor Flores stated and I'm trying to answer.

Mr. Michael De Leon stated It's a yes or no question.

City Attorney Mr. Victor Flores stated Well, and I have to qualify it, because that goes beyond what was posted for this meeting, which is under the topic, the Texas Open Meetings Act. And, and I'll defer to legal counsel for the board. But if items are talked about in this session that are not posted on the Texas Open Meetings Act, that that could render any decisions made at this board. voidable. So that's why I can't go beyond that. And really explain to you the nuances of the conditional use permit. Litigation. That's what before, here's a public safety concern that happened on August 6, and after that, the facts and the findings and the evidence for the verification were all dated back to August 6, period.

Chairman Alberto Salazar asked if there were any other questions.

Mr. Eluid Reyna stated that he would like to comment that the safety alone, you know what happened? Very, you know, it's, I guess, not very common. I've haven't heard that much.

Mr. Michael De Leon stated that is was very common to happen.

Mr. Eluid Reyna stated to an officer.

Mr. Michael De Leon stated first of all, it was an off-duty officer. It was not a city of mission officer.

Mr. Eluid Reyna stated it states

City Attorney Victor Flores stated the responding officer was from the city of mission.

Chairman Alberto Salazar stated the officer acting as a security to the establishment was from another city, you stated.

City Attorney Mr. Victor Flores stated that there were two officers are assaulted in the security guard. There were a security guard and off duty police officer that worked for blackout. They were both assaulted. The mission police officer that also responded was also assaulted by the patrons.

Mr. Michael De Leon asked so he has three assault charges pending against him.

City Attorney Mr. Victor Flores stated There were three that were submitted in the police report. Yes. And public intoxication. Yes, sir.

Mr. Michael De Leon stated they're all pending. Correct?

City Attorney Victor Flores stated yes.

Mr. Michael De Leon stated let me ask you this. Mr. Flores. You know, and the reason I asked you this, because my first job is a lawyer was a prosecutor at the game Congress. So, I did a lot of use cases. I try over 30 cases to handle a lot of pleas but I saw it on an everyday basis. And it happened everywhere from assaults happen over from Chill's to nightclubs. They're open to cities from, Edinburg to McAllen. And so, I've seen and so in a lot of those instances, some of these places they weren't shut down. I would continue to see from some of these in places it to happen continues.

City Attorney Mr. Victor Flores stated you're right. Actually, on that same night, there was another incident in Edinburg where there was a shooting of involves an after our parties at a BYOB place the exact same night.

Mr. Eluid Reyna stated that he would like to I guess need to be clearer of what we're discussing here. What's, are we discussing necessarily,

Chairman Mr. Alberto Salazar stated that Mr. Flores mentioned that we are only looking at the fact that Miss De Luna has the authority. And if she acted arbitrarily, or an abuse of discretion?

Mr. Eluid Reyna stated well, I believe, if what they've stated, you know, the articles they stated, I believe Miss. Luna has all the authority to do what she did.

Mr. Michael De Leon stated well, she has authority. But I mean, we as a board, you have to decide. With your due diligence on her behalf.

Mr. Eluid Reyna stated how true is that.

Attorney Sergio Munoz stated that he wanted to ask a question first. because I mean, you have Mr. Flores. here that represents the city so he can talk about procedure, all he wants about what the city should do, what the power of the city has the power the cities don't have. So, I mean, if there's going to be a fair hearing, then how is that he's not council for the for the board.

Attorney Joe Crawford stated I'm here from private law firm in Austin. I'm here to counsel the board on procedural issues and sort of the appeals process. What the board is tasked with tonight is determining whether or not the planning director and if you decide to hear it, the health the health director, acted within the bounds of the permit, or sorry, within the bounds of their ordinance, when they made the determination to revoke the license.

Mr. Eluid Reyna stated that being said, I guess my question is no longer to you, Mr. Flores is going to be to, Mr. Crawford.

Mr. Eluid Reyna stated what was the comment or question the board member had made.

Mr. Michael De Leon stated what kind of discretion? Yes. I mean, she has a complete mind. So, she, has complete authority. So, is it our job to ensure some type of oversight, whether or not there were some due diligence on her behalf? Other than what evidence did she. What was her decision? What does she rely upon?

Attorney Mr. Joe Crawford stated that the board are basically like a mini court, you're required by judicial body? And so as far as the license revocation process, it's not explicitly spelled out in the ordinance. So, because the legislative actors of the city have given you all an ordinance with gaps to fill in your job. Now, they've given you the work of deciding what is and isn't within the powers that are granted in that ordinance.

Chairman Salazar stated my question is, obviously this is a not something you see often, I guess, how often are business licenses revoked? What is the process from beginning to end? And is there any other appellate or any other way that someone that loses their business license can appeal other than this body?

Attorney Joe Crawford stated that They can appeal the decision here under state statute, they can appeal it to a district court. And sounds like the matters at issue, broadly speaking, about their ability to conduct the business that they've chosen to conduct in that place can continue or being litigated in court as well. And if you guys decide not to decide on the revocation of the food permit, then that would be subject to a separate appeals process. He added that he didn't entirely answer your question because I can't about the procedure for code enforcement, if you could give us some insight about that, excuse me?

Mr. Michael De Leon asked what's the process like this person get a chance to remedy the situation?

City Attorney Victor Flores stated So, the way we I would advise the planning director is that you take it on a case by case basis, right? You take on case by case basis, depending on the severity of the conditions. And so, if it's a very severe condition, I would advise him to act immediately. If it was less severe, I'd advise them to be and in Frank, in all candidness, we've been trying to work with them since March.

Mr. Michael De Leon stated so this one, was one of the extreme ones.

City Attorney Victor Flores stated it was an extreme safety incident that occurred, yes.

Mr. Michael De Leon asked Mr. Munoz What do you think the city should have done? They should have taken measure or?

Attorney Sergio Munoz stated first and foremost, you know, the ordinances or the ordinances, right. And if you're trying to police and tell somebody how they should operate, but you don't have an ordinance to say, what they should do, then how can you tell them whether they're right or wrong, and that goes with the BYOB and the business license that we have before you today. Now, if they want to rein that in and make all those changes, which they're working on, now, they can go ahead and do that. But I think the city wants to sidestep the issue about the planning director and the authority they have and whether it's absolute etc. and all that. I don't think anybody would argue that they don't have authority to do what they're doing. But you would expect them to be diligent in how it's done. So, it is important to mention that if you are asking somebody to make these changes, you yourself as a planning director should go out there and verify whether it's true or not, you should go out there and inspect the place, you should go out there and make that determination. Because the business owner and the city council is relying on you based on your representations. Just like when he filed a lawsuit, and you have an affidavit from the criminal from the court enforcement officer saying that there was a violation of criminal complaint. And then that same code enforcement officer goes to court and admits that he was incorrect. Now, maybe because they work for the city. Nothing happens to them. But I would probably say that if it was me, and I lied under oath on an affidavit. I'm pretty sure it would be at the DA office for some sort of perjury charge. That's for sure. So, what I think the city could have done, since, as they say they've been trying to work with this this whole time. I mean, that's why we had the order from Judge Maldonado, because we had an agreement is they could have said after August 6, you know what we need to this is what happened? What can we do to remedy it? Is there a remedy is or not? Is it something so extreme, that nothing no matter what you propose, could not take care of this or could not stop this from happening at any point in time again, but that didn't happen. So, my opinion to it is that I think for anybody that would at least want that opportunity to be heard and to be given a chance to fix it. And if it's not up to par to what they expect or what they want, then I think you take the extreme measures. That's my opinion, obviously, on behalf of my client, and it's not an issue about saying, Well, Mr. Munoz says or I say, because it's not an argument of personalities, I'm just going based on what the facts are. And if we don't like the facts, and we don't like what people said, in depositions, or what people did, well, that's not my fault.

Ms. Dolly Elizondo stated that she would like to hear from Miss. De Luna. In regard since you're the topic of How did you come about deciding, executing your authority to revoke the business license?

Miss Susana De Luna stated that when she was informed of the incident of August 6, when I was informed of the incident of August 6, I did have a I did talk to our city manager and our legal department as to what the procedure of what can we do in this in this particular case for this particular business? I did get a copy of the police report on August 7. And we have and in reading the report, it is a safety concern. And that is basically the main concern why After talking to our city manager and our legal it was, it was recommended that we revoke the business license.

Ms. Dolly Elizondo stated So prior to August 6, there's an incident search in our packet where these are all the reports.

Ms. Susana De Luna stated those were all the reports that were for that location police reports that were done.

Ms. Dolly Elizondo stated was that taken into consideration in making the decision.

Ms. Susana De Luna stated that was part of them as well, because they did not only have the August 6, but there were other reports that were also considered.

Ms. Dolly Elizondo stated So while this was going on all these incidences where was there any discussion with the business owner? Because I'm, I'm looking at the report and some of these incidents are 3am 5:49am.

Ms. Susana De Luna stated that that was part that was discussed as part of the conditional use permit.

Chairman Alberto Salazar asked if there were any more questions for Ms. De Luna.

Mr. Humberto Garza asked Ms. De Luna when you originally issued the business licenses. Does it state the hours of operations?

Ms. Susana De Luna stated "yes".

Mr. Humberto Garza stated does it state the hours of operation?

Ms. Susana De Luna stated that they were proposing 24 hours a day, seven days a week.

Mr. Eluid Reyna asked did the city approve 24 hours?

Ms. Susana De Luna stated that application was approved.

Mr. Heraclio Flores asked if it was common to have alcohol and there's no beer permit? Right?

Ms. Susana De Luna stated correct.

Mr. Heraclio Flores asked if there is an ordinance where no alcohol is allowed at certain hours? Ms. Susana De Luna stated that most of this business, if they are going to sell or consume alcohol at a location, they required them to apply a conditional use permit. It was discussed during workshop with a council that from now on any business, even if it's a BYOB, they would recommend a conditional use permit.

Mr. Heraclio Flores stated for the same reason tends to have alcohol.

Ms. Susana De Luna stated Exactly. And it's hard for us to monitor.

Mr. Heraclio Flores stated you want all the facts upfront.

Ms. Susana De Luna stated Exactly, before we even consider any of this type of events.

Chairman Alberto Salazar asked when they applied Ms. De Luna, what did you define the establishment as? Is it a nightclub?

Ms. Susana De Luna stated that what was noted on the application was social club.

Chairman Alberto Salazar stated but there was no definition set in the city yet for that.

Ms. Susana De Luna stated that we don't have anything that defines a social club. But in looking at to once we start getting complaints, we started looking at what type of business it was. We were under the impression of social club was more like poker club. That was the idea we had once we started looking at their Facebook, they were advertising as a dance club. Therefore, that's why we asked him to come in and apply for a conditional use permit, because we do have a definition for a dance club.

Ms. Dolly Elizondo stated that if the business license asks if alcohol will be served? Yes. And if they have made any applications like with TABC.

Ms. Susana De Luna stated that they will receive the application that state if alcohol is going to be sold at the premise or if it's going to be consumed there. They require automatically conditional use permit. So even before it's showing the license, they will need to go before conditional use permit.

Chairman Alberto Salazar asked if there was an ordinance in the works at city with the council? For this type of establishment?

Ms. Susana De Luna stated "yes".

Chairman Alberto Salazar stated what does it state.

Ms. Susana De Luna stated actually we have a moratorium right now that we are actually looking into establishing whether they're going to want this type of events or this type of businesses in their city and if they are what guidelines are we going to have currently we do not have anything.

Mr. Humberto Garza asked how many social clubs do we have in the city?

Ms. Susana De Luna stated we have about three, but they are considered a social club. There more like poker clubs. That's how we've seen the ones that we currently have.

Mr. Eluid Reyna stated that if we had anything in the ordinance stating that differentiating.

Ms. Susana De Luna stated no, that is something we are working on.

Mr. Heradio Flores stated but, on this application, it stated that alcohol was going to be consumed.

Ms. Susana De Luna stated no, they have BYOB.

Mr. Heradio Flores stated but BYOB states you have the option to bring it.

Ms. Susana De Luna stated any BYOB would have not required a conditional use permit prior to the adoption of the ordinance.

Ms. Dolly Elizondo stated it's if the alcohol is being sold?

Ms. Susana De Luna stated yes.

Mr. Humberto Garza asked if any of the other social clubs offering alcohol?

Ms. Susana De Luna stated I'm not sure on that. I'm not I'm not sure if they are or not. Because currently, they were the ones that have applied for a conditional use permit the one that I know of and was denied. So, the other ones have not specifically or did not state in their application if alcohol was going to be served.

Mr. Heraclio Flores asked so it could be BYOB?

Ms. De Luna stated there could be a possibility.

Mr. Eluid Reyna stated that he thinks one item that the city's been stating is, you know, public safety, I believe, we're undermining public safety as a board. Right now, we're discussing more of the permits and licenses than, you know, the important matter, which I believe is public safety.

Mr. Humberto Garza stated that he has two questions for the owner of the business. Mr. what exactly do you do at your social club after 2:00a.m.?

Mr. Yair Cruz stated our members to gather there to have their parties.

Mr. Humberto Garza stated members, so I just can't walk in.

Mr. Yair Cruz stated No, you must be a member. There's an application, you do a QR code, you scan it, and then you put all your information, and then we'll get an email with your information. We approve it. Once you get approved, you get an email with a QR code to your email, and you show that at the door that stating that we have information from us to know who you are, depends on the on the area that you're from. We also use it for us marketing.

Mr. Humberto Garza asked as a member, am I allowed to take guest?

Mr. Yair Cruz stated Yes, you can allow to be taken one guest per member unless you have a party. So, you have a you put a party together like a small kid and like a small Meet and Greet of an artist, and you have guests as a member. So, you give them a QR code, also for them to be able to be allowed. Because we do that we do. We do meet and greets for artists as well. So that's the what that's how we would do this. Recently, we have Frontera and mission and I coordinated that event and the location have no permits and it still happened.

City Attorney Victor Flores stated we cited the promoter.

Mr. Yair Cruz stated I have never received a citation at my business blackout.

Mr. Humberto Garza stated you cited the promoter that brought Frontera in.

Mr. Humberto Garza asked what safety precautions do you take when all your members and their guests come?

Mr. Yair Cruz stated We have a way on the entrance. We have a police officer that we hired. We had hired mission PD as well. We hired two units.

City Attorney Mr. Victor Flores stated that's not true.

Attorney Sergio Munoz stated If we are going to give him an opportunity to ask questions.

Chairman Alberto Salazar stated we're going to limit you and Mr. Flores.

Attorney Sergio Munoz stated If Mr. Flores can get up and say whatever he wants I should be able to do it to.

Chairman Alberto Salazar stated we're going to limit the answer.

Attorney Sergio Munoz stated because I mean, It certainly happened several times, yelling from there sitting down, saying that's not true.

Chairman Alberto Salazar stated we will limit the comments from the speaker.

Mr. Yair Cruz stated Yes, I have text from Mr. Flores. The police, the one that arranges the police. I have a text I can show it to you right now with Mr. Cesar Torres I can show you as well. I have text with him when I hired mission PD and I have prove when I paid each officer \$200.

Ms. Dolly Elizondo stated do you mean the chief?

Mr. Yair Cruz stated yes, Cesar Torres and Flores is the person that I gave me the schedule for the for the police department to hire them. I can show them to you.

Chairman Alberto Salazar stated other than the membership do you screen individuals you know that once they come.

Mr. Yair Cruz stated we have about eight depends on the day. We have from six to eight. The off-duty cop to outdo the cops. And also, we have security guards, the security guards and the entrance the cop. They screen the people that is going to come in. They have ones for metal detectors and also pat them down.

Chairman Alberto Flores asked what about intoxication or anything like that?

Mr. Yair Cruz stated We don't really look at that. As a unless they become very intoxicated. That's the issue that happened on that day that they're mentioning.

Chairman Alberto Salazar stated so Mr. Ramirez the one that was thrown out. So, his membership is revoked.

Mr. Yair Cruz stated he didn't have a membership that didn't allow him to come inside. He was trying to get in.

Mr. Yair Cruz stated That's the reason that altercation happened. Actually, the problem that happened it didn't happen inside, it happened outside of the building. I know they mentioned about the police officer being assaulted. I know, there's a police report. But that wasn't the case. There was no an officer for mission PD to be assaulted. I remember that. They said, the police officer was assaulted at the hospital, the police officer for mission, he wasn't assaulted there, our location, we stopped the person from coming in, because he was very aggressive. So that's how everything happened. We didn't allow them inside. So, we were preventing that problem to happen inside. And like, I know for the fact there has been other places that worse things have happened shooting on the premises, and the places to open and I can say the name is taboo. There has been a hearing about about that place. And nothing happened just to open.

Mr. Eluid Reyna asked is a Is a parking lot. Consider their business.

Attorney Joe Crawford stated Yes, well, It depends on what's included In the applications. But In this case, the parking lot is In the property that they're I assume leasing.

Mr. Yair Cruz stated we're leasing. And It's a community parking lot. So, for that same reason, when mentioned, PD said, that was a public area. And they went In there and block all the entrances for other businesses, not just my business, but they blocked the entrances. And I asked for many times for where the paperwork that you can do this. I felt hopeless. I had to call Rangers, I had to call other other sheriffs to show up, because the police department was very, very, very aggressive. And we have prove we have videos when they are told not to go into the building. They opened the door for the building. And they went Inside and they were telling my people to get out. And I didn't think that that's something that could happen.

Mr. Eluid Reyna stated Is this matter being presented In a court right now?

Attorney Joe Crawford stated I believe there's, I believe that there's a separate Issue on the conditional use permit being handled In court, and I'm not up to speed on that litigation.

Mr. Eluid Reyna stated I say it again, I think this you know, overreaches or authority.

Mr. Michael De Leon stated buddies here, we got to make a decision.

Chairman Alberto Salazar asked any other questions for staff? or Mr. Munoz, and Mr. Flores?

Mr. Eluid Reyna asked Is this open to the public?

Attorney Joe Crawford stated After? Yeah, after they're done discussing, then the public will have a chance to comment.

Chairman Alberto Reyna stated any other discussion from the board?

Mr. Heraclio Flores stated I just want to state that it seems like on any case, per se, I mean, at the city always has the option for safety. Right. And It's as things change, and things Michael mentioned, Chill's, this actually doesn't sell alcohol beyond two o'clock. It's hard to have an ordinance for every little thing that comes up that's, a style or a new thing. And so, every city has to adjust. In, you know, our task was also the safety of the citizens. So, It's, um, with Mr. Reyna restoring that It's, it seems to be on the scope of this board, but It's here so we got to make a decision.

Chairman Alberto Salazar stated any other discussion.

Chairman Alberto Salazar stated Ill open the meeting to public comments. Anyone In the audience wanting to speak?

Mr. Paul Ramirez stated Like, are you ready? If this passes if this goes against this man, I'm not here to judge right or wrong about this, but I am asking you this. If you do this are you going to go after all the businesses In town that have questionable behavior, we have Raspas places that sell alcohol if you want to drive away with It. We have gambling machines and grocery stores. We have all kinds of stuff going all over this town. But Is this ruling going to be a wedge to go after all kinds of businesses? That's my question.

Chairman Alberto Salazar asked staff if anyone signed up to speak?

Staff stated no.

Chairman Alberto Salazar stated that I'm gonna go ahead and close the public hearing portion and open up discussion amongst the board.

Mr. Eluid Reyna asked is there a time limit for?

Mr. Heraclio Flores stated we have to motion on whether the decision to remove business license was valid.

Chairman Alberto Salazar stated that's correct. Or we have a motion to turn the revocation of the business license to overturn the revocation of the business license to go against the city.

Chairman Alberto Salazar stated Mr. Reyna any comments.

Mr. Eluid Reyna stated already placed on my comments mean that I'm not able to vote.

Chairman Alberto Salazar stated Mr. Reyna is an alternate today's as is Miss Elizondo.

Attorney Joe Crawford stated just for clarity, there's one absent board member. So, we have three alternates present one of them, Mr. Riddle will be a voting member today, filling in for the absent board member. And the other two are just here for the discussion and they won't be voting Okay.

Mr. Heraclio Flores asked Attorney Joe Crawford whatever decision we made, is it binding?

Attorney Joe Crawford stated you shouldn't treat all appellants the same when they come before you based on the facts and what the ordinance says. It sounds like the legislative actors in the city are trying to give you guys some more to work with for future cases. So, you'd be interpreting a different ordinance if the ordinance changes at that point. But most of these cases are going to be pretty fact specific, but you should venture to treat everyone the same. And I think having a good discussion about what you guys think is important. And when an action like this can be taken. It's important to sort of talk about those things so that you can give your future considerations more flesh more things to talk about.

Mr. Andrew Riddle stated I'll make a motion. I make a motion on the floor. that the city planner acted a little too quickly in her decision making. I'll make a motion to overturn the decision that was done by the city.

Chairman Alberto Salazar stated Mr. Riddle has motion to overturn. And Mr. DeLeon has second.

Chairman Alberto Salazar stated I'm going to do a roll call here. All those in favor, signify by raising your hand.

Chairman Alberto Salazar I'm going to do a roll call here. All those in favor, signify by raising your hand. Okay. Mr. De Leon votes. Yay. Mr. Riddle votes yay. Mr. Reyna is a non-vote, Mr. Flores votes nay but you need for but you have also Mr. Garza, this statement I'm voting for. But I'm not crazy about the tech business or operating in the hours of operation by

Chairman Alberto Salazar stated Chairman Mr. Garza, Mr. de Leon and Mr. Riddle are for, and Mr. Flores is a nay

Chairman Alberto Salazar stated I vote nay and motion passes. No. Motion fails.

Chairman Alberto Salazar stated I vote Nay. Motion fails.

Chairman Alberto Salazar stated I to hear a motion on the food permit?

Attorney Joe Crawford stated Mr. Chairman? Yes. It's my recommendation that this board cannot hear an appeal of the food permit just because you haven't been given that authority to hear these appeals outside of the zoning ordinance in your ordinances. That's just my recommendation.

Chairman Alberto Salazar stated as per counsel's recommendation, I moved to table the food ordinance portion. That was second. Second

Mr. Heraclio Flores second.

Chairman Alberto Salazar all those in favor? Aye.

Attorney Sergio Munoz asked what's the process for the food permit? Because the request for the appeal that was said, as I understand it was for both so if you're not taking up the food, what would be the process then for business owner then to appeal that decision?

Attorney Joe Crawford stated Sure. I think you I don't know if top of my head. Okay. I can send you a message after the meeting.

Attorney Joe Crawford stated Chair, if I can recommend just to keep a tidy record here. Did you take a vote on tabling on the food?

Chairman Alberto Salazar stated correct.

Attorney Joe Crawford stated Okay. If a tabling motion, this is going to get pretty technical. So, I apologize for everyone here waiting to hear their specific variance request. Yeah. I apologize to everybody waiting, because this is gonna get kind of technical. But a motion to table means that you're not taking an action on the item. And I would recommend that you take the action. Holding that that appeal is outside of your jurisdiction.

Mr. Eluid Reyna stated That's what I was gonna say I believe the food permit is outside of scope.

Attorney Joe Crawford stated I would recommend a motion holding that the food permit appeals outside of your jurisdiction.

Chairman Alberto Salazar stated Do we have a motion? As stated from counsel?

Mr. Heraclio Flores stated I set a motion I set a motion that we table this as stated by our counsel.

Chairman Alberto Salazar stated Oh, he's stated to hold it because it's outside

Attorney Joe Crawford stated tabling it, which suggests that you're going to take it up later. Just hold just finding as a board that it's outside of your jurisdiction.

Mr. Heraclio Flores motioned is out of our board for a later date, but it's really outside our scope.

Chairman Alberto Salazar stated I have a motion. Do I have a second?

Mr. Humberto Garza second.

Chairman Alberto Salazar stated We have a second. All those in favor? Aye. All those opposed? Motion carries.

Ms. Dolly Ellzondo recommended to go to Item 1.6

ITEM #1.3

TO KEEP A 0' CARPORT SETBACK INSTEAD OF THE REQUIRED 18', AT 511 E. 15TH STREET, BEING THE WEST 99' OF LOT 7, BLOCK 2, BLAKE ADDITION & A 0.051 ACRE TRACT OF LAND ADJACENT TO THE EAST LINE OF LOT 7, BLOCK 2, BLAKE ADDITION, REQUESTED BY EDUARDO OLIVAREZ

Ms. Dimas stated that the subject site is located approximately 180' east of Francisco Avenue along the north side of E. 15th Street. The Irregular lot measures a total 20,363.86 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 12' x 21' carport, which was been built without obtaining the proper permits. The Building Inspector placed a Stop Work order at the site and since then the applicant has not continued with the construction; as he is waiting the resolution of the variance.

Staff notes that ZBA has not seen any variances within the area.

Staff mailed out 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. Structure needs to be modified or removed to comply with the required setback.

Chairman Alberto Salazar asked If the applicant was present?

Mr. Eduardo Olivares stated that he resides at 511 East 16th Street in Mission Texas. He added that he apologizes for the confusion with the contractor that was building. They were told to make sure you go to the city get the permits, get everything you need to get done. They started work and then within 24 hours 48 hours after there was a red tag on my property. I called Valley welding and I say what happened? They followed through, and my understanding from the contract who couldn't be here, who actually just came out of the hospital. They submitted some blueprints, some information to the city. That's what I was told, I want to be in compliance with the city.

Mr. Garza asked that if there are any easements that are in the way?

Ms. Dimas stated no, there's no easements.

Mr. Reyna asked the carport in question? Is the one with the red beams. He added did they stop construction.

Mr. Eduardo Olivarez stated yes, we didn't want to violate any rules.

Chairman Alberto Salazar stated there no other variances in the area

Mr. Eduardo Olivarez stated there have been variances all along the alley going south, there is zero like zero lot line garages and zero lot line buildings that have been done throughout that area on South and then within that neighborhood, you could count like 12 different properties that have zero lot line.

Ms. Dimas stated that I did the research on all of Lake subdivision all the way to, I want to say 1998, and I could not find any other variances through the board.

Chairman Alberto Salazar asked if there were any input against the request.

There was none.

Chairman Alberto Salazar entertained a motion to close the public hearing. Mr. Reyna moved to close the public hearing. Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Eluid Reyna asked if both structures were exceeding the sq. ft.

Ms. Dimas stated that it was both structures. She added that they measured both structures and they were a total of 1,744sq ft and was exceeding 944 sq.

Chairman Alberto Salazar entertained a motion Mr. Riddle moved to approve the 0' carport setback Mr. De Leon second the motion; Upon a vote, the motion passed unanimously.

Mr. Garza stated for the record, this track is grandfathered in track with that was divided by metes and bounds prior to subdivision rules and ordinances. So, their setbacks are different than a modern subdivision.

ITEM #1.4

TO KEEP A 0' CORNER SIDE SETBACK INSTEAD OF THE REQUIRED 10', 0' SIDE SETBACK INSTEAD OF THE REQUIRED 5', AND A 2' REAR SETBACK INSTEAD OF THE REQUIRED 12' U.E. AT 3709 SAN RODRIGO, BEING LOT 10, SHARYLAND PLANTATION VILLAGE LAS PALMAS DEL REY, REQUESTED BY LUIS VERDIGUEL

Ms. Dimas stated that the subject site is located on the NorthWest corner of Santa Lorena and San Rodrigo. The lot measures 65'x110' for a total 7,150 sq.ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: a 6' x 15' shed, an attached pergola to the home, and a 5' x 20' pergola, which were built without obtaining the proper permits. The first violation was discovered by the Code Enforcement Division when 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>
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Lots 1, 10 & 11, 28 & 29, 34 & 35, 40 & 41, and 70

10' corner setback

5/9/00

Approved

It is noted that previously this property obtained a variance for the corner setback to be at 10' instead of the platted note of 15. Staff mailed out 29 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 to comply with the required setbacks.

Chairman Alberto Salazar asked if there were any questions for staff.

Mr. Reyna asked if there were any utility easements.

Ms. Dimas stated yes, on the rear of the property, there's a 12' utility easement and a 10' utility easement on the corner side.

Mr. Reyna asked where the pergola is at?

Ms. Dimas stated where the shed is.

Mr. Riddle asked if there was a permit for the pool?

Ms. Dimas stated that she was not aware.

Mr. Riddle asked if there was an HOA.

Ms. Dimas stated yes, there is an HOA for this property it's in the plantation area. She added that there is a swimming pool permit.

Mr. Reyna stated that if the enforcement was considered.

Ms. Dimas stated that she called the HOA and nothing had been received for this address.

Mr. Reyna stated that last time we had an item with an HOA we recommended that the HOA be present.

Chairman Alberto Salazar asked if there were any other questions for staff.

There were none.

Chairman Alberto Salazar asked if the applicant was present.

Mr. Luis Verdigué stated that he resides at 3709 San Rodrigo. He stated that he did submit to the homeowner's associations when I build the playpen for my children. He added as far as the pool in the dimensions I bought that house and the builder actually recommended somebody to build me that pool. As far as the playpen that I built and the pergola I did not get a permit for that because it did delay when I submitted it to the homeowner's associations. They wanted

something like professionally done like with an architect and something so I bought my own software and I did it myself.

Chairman Alberto Salazar asked if he purchased this home brand new.

Mr. Luis Verdiguél stated that he purchased this home brand new.

Chairman Alberto Salazar asked how permanent is that pergola? Is it set on concrete?

Mr. Luis Verdiguél stated that the poles were set on cement.

Mr. Reyna stated that he had a question for Mr. Flores. Does the HOA need to be here to hear this out?

City Attorney Mr. Victor Flores stated yes preferably.

Chairman Alberto Salazar entertained a motion to close the public hearing. Mr. De Leon moved to close the public hearing. Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Reyna stated that there's a 15' side setback that the house is encroaching on when it was built was a variance granted?

Ms. Dimas stated that there was a mass variance for corner lots within that subdivision that reduced the corner setback to 10 from 15.

Chairman Alberto Salazar entertained a motion. Mr. Riddle moved to table the variance until the HOA be present. Mr. Reyna second the motion; Upon a vote, the motion passed unanimously.

ITEM #1.5

TO KEEP A 2,400 SQ. FT. CARPORT STRUCTURE INSTEAD OF THE 800 SQ. FT AT 504 MELBA CARTER, BEING THE EAST 1 ACRE OF THE WEST 22.28 ACRES OF 35.71 ACRES OUT OF THE SOUTH ½ OF LOTS 15-7 AND 15-8, WEST ADDITION TO SHARYLAND (U/R LOT 51, MELBA CARTER), AS REQUESTED BY JUAN ALONSO GARZA

Ms. Dimas stated that the subject site is located approximately 1,580' east of Conway Avenue along the south side of Melba Carter. The lot measures 71.41' x 610' for a total 43,560.10 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 64' x 40' carport structure that was built 1,600 sq.ft. over the allowable 800 sq. ft. This violation was discovered by the Code Enforcement Division when 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.

Staff notes that recently ZBA approved a similar variance for Lot 44 on June 21, 2023.

Staff mailed out 19 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 to comply with the required setbacks.

Mr. Riddle asked staff had this been permitted as a single-family residents would most likely have passed being a metes and bounds.

Ms. Dimas stated that it is a single-family residence. It's an unrecorded subdivision. It's known as the Melba cutter subdivision. So, there are individual lots that never got recorded. So, it's one of those old neighborhoods.

Mr. Riddle stated curious just for peace of mind had it been right had been permitted as a single-family residence as opposed to an industrial deal. That would have been the proper channel.

Ms. Dimas stated it is single family residential.

Mr. Reyna asked that if the applicant had permits?

Chairman Alberto Salazar asked if the applicant was present.

Mr. Alonso Garza was present. He stated that he built that carport for his cars.

Chairman Alberto Salazar asked that if he had a business.

Mr. Alonso Garza stated no. I have several cars that I park under the carport.

Chairman Alberto Salazar asked who built the carport?

Mr. Alonso Garza stated that he hired a welder.
Discussion amongst the board.

Chairman Alberto Flores asked if there was anyone for or against this item.

Mr. Bill Davis stated that what the board needed to consider is when these properties were brought into the city, because prior to that the county is pretty loose with whatever you could do with your property.

Ms. Patty Friday stated that she resides at 409 Melba Carter and was in opposition. Stated that when she tried to build a structure her permit was denied.

Chairman Alberto Salazar asked you tried to obtain a permit?

Ms. Patty Flores stated yes. And we got denied.

Ms. Dimas stated that some of those slots are split into different property owners. So that's probably why There's more than one building within one property.

Mr. Garza stated that this development has been around for many, many years. So, I'm very familiar with the area. And like you said, you'll find tracts of land that were grandfathered in prior to the 90s or 80s.

Mr. George Rodriguez was present and in favor of this item.

Discussion amongst the board.

Chairman Andrew Riddle entertained a motion to close the public hearing. Mr. Riddle moved to close the public hearing. Mr. Reyna seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion Chairman Alberto Salazar entertained a motion. Mr. Riddle moved to approve the variance Mr. De Leon seconded the motion; Upon a vote, the motion passed unanimously.

ITEM #1.6

TO ALLOW A 3' SIDE SETBACK INSTEAD OF THE REQUIRED 6' OR 0' (IF FIRE RATED) SIDE SETBACK AT 1708 TONI LANE, BEING LOT 33, STEWART VILLAGE PHASE 2 AS REQUESTED BY JOSE MUNOZ

Ms. Dimas stated that the subject site is located approximately 550' east of Stewart Road along the south side of Toni Lane. The lot measures 40' x 78.34' for a total 3,133.60 sq.ft.

The applicant would like the Board to consider the above-mentioned variance in order to have some space between the adjacent homes.

The property is currently zoned R-1T (Townhouse Residential) and the setbacks that must be complied with are as follows: Front 10', Rear 0' and side 6'. However, townhouses separated by firewalls meeting the requirements of the building code may build to the property line where such structures abut.

Staff mailed out 35 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, since the applicant is proposing to install a firewall on each side.

Mr. Riddle stated he did confirm he was going to install a firewall.

Ms. Dimas stated yes firewalls will be on both sides of the home.

Mr. Riddle stated and by doing so, there's an exception.

Ms. Dimas stated Yes, by doing so they can go all the way to the zero-foot lot line.

Mr. Riddle stated which is considered a zero.

Ms. Dimas stated In this case, instead of leaving the zero he wants to leave three feet so he can have some separation

Mr. Reyna asked How do you define a firewall?

Ms. Dimas stated a firewall they cannot have any windows or doors and they have to have fire resistant material of sheetrock

Mr. Reyna asked who stated It's a firewall?

Ms. Dimas stated the building inspector.

Chairman Alberto Salazar asked if there were any Input In favor or against the request.

Mr. Jamies Elliff stated that he resides at 1706 Tony Lane. I was a second home built and subdivision. My wife and I did extensive research. We came to the city. The city had approved it with six six-foot setbacks. I talked to the developer who was the first home builder In that subdivision. And he assured me what prior to me signing that contract, but their would-be six-foot separation from each home. And that's the way it is in that subdivision. I don't care about firewalls. I was just I was told something. I signed a contract When I came to the city, and the city said, these are the setbacks. And now you're coming in and changing everything. All my neighbors have six-foot separation between our homes. I don't care about these firewalls. All I know is that I'm going to have a wall right next to my house. Not any separation. No one, no one in this building is going to be affected by this but me and my wife

Mr. Reyna asked Mr. Elliff which property is yours?

Mr. Elliff stated the one on the left.

Mr. Riddle asked if there was a homeowner's association in that community?

Mr. Elliff stated no sir.

Ms. Dimas stated back In 2000, that's when the subdivision was developed, they had a set of rules on the setbacks six feet on one side and zero on the other side, however, the developer came In December 12 2000, just to apply only the r1 T setbacks.

Ms. Dolly Ellzondo stated So, once he changed it to zero lot line was allowed with the firewall according to the code.

Mr. Riddle stated to confirm no other homes In that area that were built, requested this varfance this would be the first one.

Ms. Dimas stated this will be the second one.

Mr. Jose Munoz stated I build several houses In that subdivision division in the past, actually one of the houses that has the same issues, I built it also, when I got the permit from the city many time ago. The only thing that that I noticed that is kinda of different is that the house from the next door has like an entrance on the side, when he was supposed to be a zero property on that

house, you're not supposed or you're not allowed, under my knowledge to have a zero on the side. So that's, I think that that's a problem right now.

Ms. Dolly Elizondo stated so, you're not using the zero-lot line, you are bringing it in actually three feet and losing.

Mr. Munoz stated that it was going to actually cost more to build the house. Because I need to reinforce the firewalls to have a five eight, sheetrock. And what I want to do is also to put a double, I think that the code says that you need to have only one, one lay and actually I'm going to put two under my knowledge as an engineer.

Mr. Reyna asked that if we have any specs for of the firewall? And the only thing? That question is because there's an opposition to it. As per building code, a firewall has to be built?

Ms. Dimas stated that the building inspector will be reviewing that, as a matter of fact, I think he already has reviewed it just pending approval.

Mr. Reyna stated I work with firewalls and they always, always miss interpret what really a firewall is because there's a fire barrier firewall and there's three different types.

Ms. Elizondo stated the contractor stated that the burn could be up to an hour before it. what kind would that be.

Ms. Dimas stated that a two-hour fire rated wall is for commercial and the one hour for residential.

Mr. Reyna stated that is correct.

Chairman Alberto Salazar entertained a motion to close the public hearing. Mr. Reyna moved to close the public hearing. Mr. De Leon seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Alberto Salazar entertained a motion. Mr. Riddle moved approve the varlance request Mr. De Leon seconded the motlon. Upon a vote, the motion passed unanimously.

Chairman Alberto Salazar entertained a motion to remove item 1.7 from the table. Mr. Riddle moved to remove item 1.7 from the table. Mr. Reyna seconded the motion. Upon a vote, the motion passed unanimously.

TABLED ITEM #1.7

TO KEEP A 0' FRONT SETBACK INSTEAD OF THE REQUIRED 20', A 3' SIDE SETBACK INSTEAD OF THE REQUIRED 6', AND A 1' REAR SETBACK INSTEAD OF THE REQUIRED 15' AT 4005 AZUCENA ST., BEING LOT 59, COLINAS DEL RIO PH. 2, AS REQUESTED BY RONNIE ESCOBAR

Ms. Dimas Stated that this item was previously tabled on August 16, 2023 in order to allow the property owner time to submit information on his disability.

Ms. Dimas stated that the subject site is located approximately approximately 80' south of Magnolia Street along the west side of Azucena Street. The lot measures 60' x 100' for a total 6,000 sq.ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: a 20'x13' carport and 2- 8'x10' sheds, which were built without obtaining the proper permits. These violations were discovered by the Code Enforcement Division when doing a sweep in the area.

In regards to portable buildings, Section 1.371(2)(C) 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 accessory uses. Staff notes that one of the sheds would need to be removed or they would need to apply for a conditional use permit on the second portable building/shed.

Staff notes that ZBA has considered a variance in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 19, Phase III	0' front setback & 5.7' side setback	4/21/21	Approved

Staff mailed out 36 notices to the surrounding property owners within 200' radius to get their input in regards to this request. On July 19, 2023 the applicant submitted a petition reflecting 28% in favor of this request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks.

Chairman Andrew Riddle asked if there were any input in favor or against the request.

Mr. Ronnie Escobar was presented. I'm just here I'm fighting for my carport. Like I said helps keep my vehicles out of the sun. That car port helps me when it's raining. I can get to my truck, without slipping. I got problems with my back my knees and everything. He added that as far as the sheds in the back he would combine them and make one. He mentioned that his wife was diagnosed with cancer and can't be in the sun.

Mr. Bill Davis was present. He stated that here's other carports in the neighborhood. And I don't see a problem with any of them.

Mr. Ruben Marroquin was present and for this item. He stated that everyone needs a carport for their cars to protect their vehicles.

Mr. Paul Ramirez was present and for this item. He added that these were good neighbors.

Chairman Alberto Salazar if there was anyone else in audience for or against this request.

Chairman Andrew Riddle entertained a motion to close the public hearing. Ms. Riddle moved to close the public hearing. Mr. De Leon seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Reyna stated that he would like comment that in the past we have approved this kind of variance request for medical reasons.

No further discussion Chairman Alberto Salazar entertained a motion. Mr. Riddle moved to approve the variance request for the carport; Mr. De Leon seconded the motion. Upon a vote, the motion passed unanimously.

Next item being discussed is 2 8x10 sheds

Mr. Reyna stated that the applicant stated that he would move it and build into one.

No further discussion Chairman Alberto Salazar entertained a motion. Mr. De Leon moved to deny the variance request for the sheds; Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Alberto Salazar entertained a motion to remove item 1.8 from the table. Mr. Riddle moved to remove item 1.8 from the table. Mr. De Leon seconded the motion. Upon a vote, the motion passed unanimously.

TABLED ITEM #1.8

TO KEEP A 3' FRONT SETBACK INSTEAD OF THE REQUIRED 20' AND A 7' REAR SETBACK INSTEAD OF THE REQUIRED 10' & TO ALLOW A 304' STORAGE SHED INSTEAD OF THE MAXIMUM ALLOWED 180 SQ. FT. AT 106 N. VIENTO DORADO ST, BEING LOT 10, BLOCK 12, TIERRA DORADA SUBDIVISION NO. 1, AS REQUESTED BY ALEX ALANIS

Ms. Dimas stated that this item was previously seen on August 16, 2023 where the Board denied the front setback and tabled the rear setback and the square footage variance; in order to allow staff time to research information on the storage shed that was built on the back of the property. Staff found out that no building permit that was issued for the storage shed.

Ms. Dimas stated that the subject site is located approximately 198' north of Paseo Encantado along the east side of Viento Dorado Street. The lot measures 60'x100' for a total 6,000 sq.ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: a 20'x20' carport and a 19'x16' shed, which were built without obtaining the proper permits. The first violation was discovered by the Code Enforcement Division when doing a sweep in the area.

Staff notes that ZBA has seen several variances within the subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 13, Block 10	5' side setback	11/9/99	Approved
Lot 11, Block 11	3' side setback	1/9/01	Denied
Lot 13, Block 16	3' side setback & 4' rear setback	12/12/00	Denied
Lot 10, Block 11	1' side setback & 3.6" rear setback	9/15/21	Denied

Staff mailed out 48 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 to comply with the required setbacks.

Chairman Alberto Salazar asked if the applicant was purposing to modify the shed or the carport.

Ms. Dimas stated that on the August 16 2023, meeting they were asking for 3'. She added that they met with the applicant and there proposing to move the poles 5' instead of 3'.

Mr. Riddle asked that if the subdivision Viento Dorada had any variances?

Ms. Dimas stated no, no variances have been granted to the front setback.

Mr. Garza asked that if there were other violations in Viento Dorada?

Ms. Dimas stated that several letters for violations have been issued in that subdivision.

Chairman Alberto Salazar asked if the applicant was present.

Mrs. Jessica Alvarez Alaniz was present. She stated that she has medical records for her daughter. In the previous meeting I mentioned that she burned herself when getting in the vehicle due to the heat. She mentioned that her daughter suffers from a skin condition and cannot be in the sun. The carport helps significantly by blocking the sun which hits my daughters' room. She stated that she's proposing to reinforce the poles but not to what the city requires.

Chairman Alberto Salazar asked if the board had any questions for the applicant.

There was none.

Chairman Andrew Riddle asked if there were any input in favor or against the request.

There was none

Chairman Andrew Riddle entertained a motion to close the public hearing. Ms. Riddle moved to close the public hearing. Mr. De Leon seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Dimas asked if the board was going to discuss the shed.

Chairman Alberto Salazar entertained a motion to open the public hearing. Mr. Riddle moved to open the public hearing. Mr. De Leon seconded the motion. Upon a vote, the motion passed unanimously.

Mrs. Jessica Alvarez Alaniz stated that she was able to obtain pictures from google from 2008 and 2011, where you can clearly see the room in the back. She added that she purchased the property in December 2016, and started building in June 2018.

Mr. Riddle asked that building was existing when you purchased that property?

Mr. Reyna asked what use do you have for the that building?

Mrs. Jessica Alvarez Alaniz stated that she uses it for storage of different things like Christmas decorations, her daughter's toys. She added that the building does not have electricity or plumbing.

There being no further discussion Chairman Alberto Salazar entertained a motion. Mr. Riddle moved to approve the variances; 1) the medical reasons presented; 2) the shed being that it

was present upon purchase; and 3) no modifications needed. Mr. De Leon seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Alberto Salazar entertained a motion to remove Item 1.9 from the table. Mr. Riddle moved to remove Item 1.9 from the table. Mr. De Leon seconded the motion. Upon a vote, the motion passed unanimously.

TABLED ITEM #1.9

TO KEEP A 2.3' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AND A 3.3' REAR SETBACK INSTEAD OF THE REQUIRED 10' AT 3805 SAN DANIEL STREET, BEING LOT 43, SHARYLAND PLANTATION VILLAGE LAS PALMAS DEL REY, AS REQUESTED BY GILBERTO MERCADO

Ms. Dimas stated that this item was previously tabled on July 19, 2023 in order to allow the property owner time to go through the HOA for approval. During this time, staff discovered that there was no permit issued for the construction of the swimming pool.

Ms. Dimas stated that the subject site is located approximately 131' east of Santa Lorena Street along the north side of San Daniel Street. The lot measures 60' x 110' for a total 6,600 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: a 17'x9' pergola and an 18'x22' patio with an outdoor kitchen, which were built without obtaining the proper permits during covid. These violations were discovered by the Code Enforcement Division when 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>
Lots 1, 10 & 11, 28 & 29, 34 & 35, 40 & 41, and 70	10' corner setback	5/9/00	Approved

Staff mailed out 36 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.

Chairman Alberto Salazar asked if there were any input in favor or against the request.

There was none.

Chairman Alberto Salazar asked if the board had questions for staff.

There was none.

Alberto Salazar asked if the applicant was present.

Hilberto Mercado was present. He stated that the last time he was present was in July. He added that he submitted his paper work to the HOA and only got two items approved. He added that what is pending for approval is the area of the chimney and the BBQ pit. He mentioned that the HOA is asking for the chimney to match the brick that his house has.

Mr. Reyna stated that all the HOA is asking is for cosmetics.

Mr. Hilberto Mercado stated yes.

Chairman Andrew Riddle entertained a motion to close the public hearing. Ms. Riddle moved to close the public hearing. Mr. De Leon seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Riddle asked what did the HOA approve?

Ms. Dimas stated that the HOA approved the pergola and the swimming pool.

Mr. Garza asked if the property in the back had a variance. He added that he had a problem with this one because of the utility easement in the back.

There being no further discussion Chairman Alberto Salazar entertained a motion. Mr. Garza moved to table the variance request subject to bringing something in writing from the utility suppliers. Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Alberto Salazar entertained a motion to remove item 2.0 from the table. Mr. Riddle moved to remove item 2.0 from the table. Mr. De Leon seconded the motion. Upon a vote, the motion passed unanimously.

TABLED ITEM #2.0

TO KEEP A 3' SIDE SETBACK INSTEAD OF THE REQUIRED 5' AND A 4.8' REAR SETBACK INSTEAD OF THE REQUIRED 12' AT 3705 SAN RODRIGO STREET, BEING LOT 8, SHARYLAND PLANTATION VILLAGE LAS PALMAS DEL REY, AS REQUESTED BY EDUARDO HINOJOSA

Ms. Dimas stated that this item was previously tabled on July 19, 2023 in order to allow the property owner time to go through the HOA for approval.

Ms. Dimas stated that the subject site is located approximately 136' west of Santa Lorena Street along the north side of San Rodrigo Street. The lots measure 60' x 110' for a total 6,600 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep a 13'x30' pergola, which was built without obtaining the proper permits during covid. This violation was discovered by the Code Enforcement Division when 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>
Lots 1, 10 & 11, 28 & 29, 34 & 35, 40 & 41, and 70	10' corner setback	5/9/00	Approved

Staff mailed out 36 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. Structure need to be modified or removed to comply with the required setbacks.

Chairman Alberto Salazar asked if there were any variances in the area.

Ms. Dimas stated that other than the mass variance that was done back in 2000 there are no other variances within that subdivision.

Mr. Eduardo Hinojosa was present. He stated that his biggest mistake was not asking for a permit. He stated that he wants to keep his structure as is because it's expensive to modify it.

Mr. Riddle stated no response from the HOA.

Ms. Dimas stated no.

Chairman Andrew Riddle entertained a motion to close the public hearing. Ms. Riddle moved to close the public hearing. Mr. De Leon seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Alberto Salazar stated this item is similar to the previous one.

There being no further discussion Chairman Alberto Salazar entertained a motion. Mr. Garza moved to table the variance request subject to bringing something in writing from the utility suppliers. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

3.0 OTHER BUSINESS

There was none.

4.0 ADJOURNMENT

There being no further business, Mr. Reyna moved to adjourn. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously at 6:58 p.m.



Alberto Salazar, Chairman
Zoning Board of Adjustments