

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
MARCH 22, 2010 3:00 P.M.  
MISSION CITY HALL**

**PRESENT:**

Norberto Salinas, Mayor  
Maria Elena Ramirez, Councilwoman  
Ruben D. Plata, Councilman  
Norie Gonzalez Garza, Councilwoman  
David Guerra, City Attorney  
Anna Carrillo, City Secretary  
Julio Cerda, City Manager

**ALSO PRESENT:**

Kathy Olivarez, Progress Times  
Linda Castaneda  
Pete Charles  
Jorge Chapa  
Alejandra Knit  
Arlene Rivera

**ABSENT:**

Leo Olivarez, Mayor Pro Tem

**STAFF PRESENT:**

Hernestina Esparza, Administrative Asst.  
Aida Lerma, Deputy City Manager  
Sonia Carnes, Deputy City Manager  
Guillermo Seguin, Deputy City Manager  
Sergio Zavala, Planning Director  
Bobby Salinas, Subdivision Coordinator  
Roberto Salinas, City Engineer  
Joanne Longoria, CDBG Director  
Rick Saldana, Fire Chief  
Ruben Diaz, Public Works Director  
Victor Gonzalez, Streets Director  
Elizabeth Cabrera, Purchasing Director  
Noemi Munguia, HR Director  
Rosie Salazar, Risk Manager  
Leo Longoria, Chief of Police  
Robert Dominguez, Asst. Chief of Police  
Martin Garza, Asst. Chief of Police  
Janie Flores, Finance Director  
Randy Perez, Accountant  
Adela Ortega, Museum Director  
Rusty Dove, Library Director  
Jonathan Wehrmeister, Judge  
Jesse Lerma, Civil Service Director  
Juan C. Avila, Interim Boys & Girls Club Director

**1. Call to order**

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 3:03 p.m.

**2. Pledge Allegiance and Invocation**

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

### **3. Proclamation – CDBG Week and Fair Housing Month**

Anna Carrillo, City Secretary read the proclamation.

Councilwoman Maria Elena Ramirez moved to approve the proclamation as presented. Motion was seconded by Councilman Ruben Plata and approved unanimously 4-0.

### **4. Departmental Reports**

Councilman Plata moved to approve the departmental reports as presented. Motion was seconded by Councilwoman Norie Gonzalez Garza and approved unanimously 4-0.

### **5. Citizens Participation**

Susan Borkovich, from 810 Bentsen Palm Drive spoke on behalf of the members and thanked the Parks & Recreation staff for their help and for allowing them to use their facility to play the sport Pickleball.

#### **1.0 Public Hearing**

##### **1.1 Planning & Zoning Recommendations**

###### **A. Rezoning: Lot 9, Block 8, South Bryan Ridge Subd. No. 2, R-1 to C-1, Alejandra Khit**

The subject site was located approximately 2,000 feet south Business 83 along the west side of Bryan Road. The surrounding zones included to the East R-4 Mobile & Modular Home all other directions R-1 Single Family Residential.

Existing land uses included to the North – vacant, to the east – mobile home development, to the west – single family homes, and to the south – non-residential parking.

The Future Land Use Map reflected a Low Density (LD) designation. Though the subject property showed a FLUM designation of LD, a C-1 rezoning seemed reasonable due to: a widened Bryan Road; other approved commercial rezoning to the north and south along the west side of Bryan Road inclusive of commercial and non-residential uses.

Ultimately, the highest and best long term use for these series of lots in not single family residential, but of a commercial nature.

There was no public opposition at P&Z's hearing. The P&Z unanimously approved the rezoning application.

Staff, P&Z and City Manager recommended approval.

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

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

**B. Conditional Use Permit: Drive-Thru Service Window for CVS Pharmacy, Lot 1, Shary Springs Subd., C-2, Life of Use, Matt Holleb**

The site was located on the SE corner of Shary Road and Mile 2 Road. The applicant was proposing to build a new CVS Pharmacy with a double drive-thru service window. Access to the site would be provided off of both Shary and Mile 2 Road with 35' driveways. The building measured 139.2' x 95' for a total of 23,225 square feet. The number of parking spaces required for this size building was 36. The applicant was providing 73 leaving a surplus of 37 spaces.

- The proposed days/hours of operation were everyday from 7:00 a.m. to 10:00 p.m.
- Staff: 5 employees per shift, 2 shifts per days
- Must comply with landscaping code
- A 6' cedar fence would be imposed to provide a buffer from the commercial use and the residential use
- A 5' sidewalk would be provided through the Mile 2 widening project funded through TxDOT
- Comply with the City's Sign Ordinance (changeable copy sign, etc.)
- The AO-I tract to the south and fronting Shary would likely go commercial (C-1), thus the driveway should flare-out to the perimeter south to maximize the public's traffic safety.

There was no public opposition at P&Z's hearing. The P&Z unanimously approved the conditional use permit.

Staff, P&Z and City Manager recommended approval subject to: 1) provide a connection to the driveway entrance to the perimeter south in preparation for future traffic interface, 2) installation of buffer adjoining residentially used properties, 3) comply with landscaping and sign codes, and 4) acquire a business license.

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

Councilwoman Ramirez moved to approve the CUP for a Drive-Thru service Window for CVS Pharmacy Lot 1 Shary Springs Subdivision as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**2.0 Disposition of Minutes**

**2.1 City Council Minutes – March 5, 2010 Special Meeting  
and March 8, 2010**

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

**3.0 Acknowledge Receipt of Minutes**

**3.1 Parks and Recreation Board Meeting – February 9, 2010  
Planning & Zoning Commission – February 24, 2010**

Councilman Plata moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

**4.0 Approvals and Authorizations**

**4.1 Adoption of Ord. # 3549 for rezoning Lot 9, Block 8, South Bryan Ridge Subd. No. 2, R-1 to C-1**

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ordinance No. 3549 for rezoning Lot 9, Block 8, South Bryan Ridge Subdivision No. 2, R-1 to C-1 as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**ORDINANCE NO. 3549**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A REZONING FOR LOT 9, BLOCK 8, SOUTH BRYAN RIDGE  
SUBDIVISION NO. 2, FROM R-1 TO C-1

**4.2 Adoption of Ord. # 3550 for CUP for a Drive-Thru Service Window for CVS Pharmacy , Lot 1 Shary Springs Subd., C-2**

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3550 for CUP for a Drive-Thru Service Window for CVS Pharmacy, Lot 1 Shary Springs Subdivision, C-2 as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

**ORDINANCE NO. 3550**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU SERVICE  
WINDOW FOR CVS PHARMACY, LOT 1, SHARY SPRINGS SUBDIVISION

**4.3 Request by ARCADIS Geraghty & Miller to Install a Groundwater Monitoring Well in Public ROW being north of Lot 12, Shary Meadows Subdivision**

- ❖ Staff had received a permit to install a groundwater monitoring well by the above firm to be located within the Shary Meadows development.
- ❖ The well would have a depth of 40' and have a top/cover that would be flush with the ground.
- ❖ Their proposal was certainly not a sight obstruction and would not interfere with city utilities.
- ❖ This proposal was identical to the proposal approved by the City Council on May 30, 2006.
- ❖ Similar to the May '06 item, Staff did not object so long as an identical Hold Harmless document was recorded.

## **Minutes, 3/22/10, Pg. 5**

Staff and City Manager recommended approval subject to permit issuance \$100 fee and record Hold Harmless as indicated.

After further discussion Councilwoman Garza moved to table the item. Motion was seconded by Councilman Plata and approved unanimously 4-0.

### **4.4 Request by L&G Engineering and MEDA to Close Portion of Old Military Rd. once the New Military Parkway ROW is Paved as a Public St.**

- ❖ L&G Engineering had been engaged by MEDA to pave and open up Military Parkway wherein the City purchased ROW from the Hardwicke's several years ago.
- ❖ In the process of evaluation, L&G and MEDA consider that once Military Parkway was paved and opened, that there would be a minimal need to retain the Old Military Road open especially with the high incidence of littering, illegal dumping, and its continual maintenance, too.
- ❖ Due to the existence of a residential mobile home that still used a portion of this Old Military Road, a short portion of this street would remain open but re-shaped with a cul-de-sac feature to facilitate turnarounds by garbage service, etc.
- ❖ It was requested that the portion marked be closed with barricades, etc., once the new Military Parkway was paved and opened up.

Staff and City Manager recommended approval.

Mayor Salinas questioned the reasoning behind the road closure and further stated that the city needed to maintain the road.

Councilwoman Garza moved to deny the request by L&G Engineering and MEDA to Close Portion of Old Military Road once the New Military Parkway ROW was paved as a Public Street. Motion was seconded by Councilman Plata and approved unanimously 4-0.

### **4.5 February 2010 Financial Statements**

Mrs. Janie Flores, Finance Director presented the Financial Statements for February 2010, for acceptance.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Financial Statements for February 2010, as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

### **4.6 Budget Amendments – General Fund,**

Mrs. Flores presented the budget amendments BA-68 thru BA-69 to the City Council for approval.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve budget amendments BA-68 thru BA-69 as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**4.7 Adoption of Ord. # 3551 prohibiting parking on the north side of the 300 Block of West 20<sup>th</sup> St. between Perkins St. and the West Alley of Perkins St. at anytime**

The Mission Police Department was requesting approval of an ordinance prohibiting parking on the north side of the 300 Block of West 20<sup>th</sup> Street thirty (30) feet west from the prolongation of the curb lines at Perkins Street and West 20<sup>th</sup> Street and thirty (30) feet east from the prolongation of the curb lines of the West Alley of Perkins Street and West 20<sup>th</sup> Street. Staff was recommending that an ordinance be adopted prohibiting parking on the north side of the 300 Block of West 20<sup>th</sup> Street at any time as specified.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3551 prohibiting parking on the north side of the 300 Block of West 20<sup>th</sup> Street between Perkins Street and the West Alley of Perkins Street at anytime as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**ORDINANCE NO. 3551**

AN ORDINANCE PROHIBITING PARKING ON THE NORTH SIDE OF THE 300 BLOCK OF WEST 20<sup>TH</sup> STREET THIRTY (30) FEET WEST FROM THE PROLONGATION OF THE CURB LINES AT PERKINS STREET AND WEST 20<sup>TH</sup> STREET AND THIRTY (30) FEET EAST FROM THE PROLONGATION OF THE CURB LINES OF THE WEST ALLEY OF PERKINS STREET AND WEST 20<sup>TH</sup> STREET AT ANY TIME; PROVIDING FOR INSTALLATION OF SAID TRAFFIC CONTROL DEVICES BEING NO PARKING SIGNS AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE THERETO;

**4.8 Authorization to solicit bids for the repair of manholes for the Public Works Department**

Staff was seeking authorization to solicit bids for the repair of manholes for the Public Works Department. Cement manholes would be replaced with fiberglass manholes. This would be done in order to prevent further deterioration on existing manholes.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for the repair of manholes for the Public Works Department as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**4.9 Bid for Housing Assistance Program – Housing Rehabilitation Phase 09-I'**

On February 22, 2010, City Council authorized staff to solicit bids for twelve (12) reconstruction homes subject to title clearance. The City of Mission had accepted and opened eight (8) bid responses for this project. Citizen's Advisory Committee (CAC) met on Wednesday, March 17, 2010 and approved staff's recommendation to award bids to the lowest responsible bidders as follows:

Rehabilitation:

Cevilla Investments – Total - \$11,500.

412 Dunlap

Del Sol Homes – Total - \$42,000,

1821 Cummings

803 Cynthia

Grande Valley Builders – Total - \$6,000.

3101 N. Trosper

Aguirre Framing & Const. – Total - \$51,650.

113 Ebano

✓320 St. Marie

403 Rose Marie

GMH Construction – Total - \$53,000.

1302 Blue Rock

✓\*820 Reynosa

✓905 E. 2<sup>nd</sup>

✓These items, if awarded, were subject to title clearance.

\*This item was awarded Pursuant to Texas Local Government Code Section 271.901 (b) If only one of the bidders submitting identical bids was a resident of the municipality or district, the municipality or district must select that bidder.

On a further note, the rehabilitation for the home on 601 N. Mayberry was cancelled due to issues with title clearance.

Additionally, staff was seeking authorization to reject and re-bid the following project: 419 Oblate. The amount bid on this project was substantially higher than the cost estimated.

The city had been utilizing 75% of the annual Community Development Block Grant (CDBG) allocation for several years for reconstruction projects. Since 1999, a total of 253 families to date had been provided some form of housing assistance. Out of the 253 families, 170 families were provided with reconstruction assistance while 83 families were provided with rehabilitation assistance including emergency repair.

Staff and City Manager recommended to award, reject and re-bid.

Councilwoman Garza moved to approve bid for Housing Assistance Program – Housing Rehabilitation Phase 09-I and reject 419 Oblate and re-bid as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

#### **4.10 Entering into an agreement for Demand Response Services for South Water and Wastewater Treatment Plants**

Staff was recommending entering into an agreement for Demand Response Services for the South Water and Wastewater Treatment Plants. The Electric Reliability Council of Texas' (ERCOT) Emergency Interruptible Load Service (EILS) enabled program participants to receive revenue for being available to reduce electricity consumption when the reliability of the electric grid was in jeopardy and voltage reductions and rolling brownouts were imminent. In using these services there was an estimated financial benefit of approximately thirty-two thousand dollars (\$32,000) a year. Staff would further recommend adding on other locations in the future in order to create a higher financial benefit to the city. There was no cost to the city for the use of these services. Staff was recommending entering into an agreement for the use of these services from a sole source vendor. Pursuant to Texas Local Government Code Section 252.022 General Exemptions (7) a procurement of items that were available from only one source, including: (A) items that were available from only one source because of patents, copyrights, secret processes, or natural monopolies.

Staff and City Manager recommended approval subject to legal council.

Councilwoman Garza moved to authorize agreement for Demand Response Services for South Water and Wastewater Treatment Plants as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

#### **4.11 Bid for relocation/construction for the 12' sanitary sewer line and water line for the new Bryan Rd. Overpass at U.S. Expressway 83**

On March 08, 2010, City Council authorized staff to solicit bids for the relocation/construction for the 12" sanitary sewer line and water line for the new Bryan Road Overpass at U.S. Expressway 83. The City of Mission had accepted and opened eight (8) bid responses for this project. Staff along with Javier Hinojosa Engineering, (Project Engineers) recommended awarding to the low bidder meeting all specifications and terms and conditions, The 5125 Company, for a total overall cost of \$995,125.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve bid for relocation/construction for the 12' sanitary sewer line and water line for the new Bryan Road Overpass at U.S. Expressway 83 as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

#### **5.0 Unfinished Business**

None

#### **6.0 Routine Matters**

##### **6.1 City Manager's Comments**

None

**6.2 Mayor's Comments**

None

At 3:39 p.m., Councilman Plata moved to convene into executive session. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

**7.0 Executive Session pursuant to V.T.C.A. Gov. Code Sec. 551.001**

**7.1 Private consultation with the City Attorney Sec. 551.071**

**A. Claim by Horacio and Elida Garza on Demolition & Cleaning fees on Morales**

**Lot 1**

**7.2 The City Council will reconvene in open session to take any actions necessary**

At 3:45 p.m., Councilman Plata moved to reconvene in open session. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

On item 7.1-A Councilwoman Ramirez moved to authorize City Manager to settle the claim by forgiving the demolition and cleaning fees subject to getting release by the owners. Motion was seconded by Councilman Plata and approved unanimously 4-0.

**8.0 Adjournment**

At 3:45 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Ramirez and approved unanimously 4-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary