

**NOTICE OF REGULAR MEETING  
MISSION CITY COUNCIL  
OCTOBER 24, 2011 4:30 P.M.  
MISSION CITY HALL**

**PRESENT:**

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

**ABSENT:**

**ALSO PRESENT:**

Kathy Olivarez, Progress Times  
Daniel Silva  
Laura Guerra Ramirez  
Tim Brown  
Angel J. Chapa  
Lucio Chapa

**STAFF PRESENT:**

Carmen Morales, Admin. Asst.  
Nelia Hernandez, Asst. City Secretary  
Sonia Carnes, Deputy City Manager  
Sergio Zavala, Planning Director  
Bobby Salinas, Planning Dept.  
Roberto Salinas, Public Works Director  
Paul Schaefer, Golf Course Director  
Joanne Longoria, CDBG Director  
Rick Saldana, Fire Chief  
Eduardo Belmarez, Purchasing Director  
Leo Longoria, Chief of Police  
Robert Dominguez, Asst. Chief of Police  
Martin Garza, Asst. Chief of Police  
Janie Flores, Finance Director  
Julian Gonzalez, Parks & Rec. Director  
Juan C. Avila, B & G Club Director  
Noemi Munguia, HR Director  
Robert Hinojosa, Risk Manager  
Roland Rodriguez, I. T. Director  
Jonathan Wehrmeister, Judge  
Cassandra Karl, Museum Director  
Mayra Rocha, Library Director  
Randy Perez, Accountant  
Guillermo Seguin, Deputy City Manager  
James Cardoso, EMS Coordinator

**1. Call to order**

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

**2. Pledge Allegiance and Invocation**

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

### 3. Departmental Reports

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

### 4. Report from the Greater Mission Chamber of Commerce

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on the Annual Chamber Banquet, Butterfly Festival and several other events that were held throughout the week.

At 4:36 p.m. Councilwoman Norie Gonzalez Garza joined the meeting.

### 5. Citizens Participation

Chief Leo Longoria and Lt. Tony Garcia presented the Mayor with the Police Department Bicentennial buckle and spur that included the Police Department badge.

At 4:39 p.m. Councilman Ruben D. Plata joined the meeting.

#### 1.0 Public Hearing

##### 1.1 Planning & Zoning Recommendations

##### **A. Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages & Drive-Thru Window at Tino's Seafood Restaurant, 2310 E. Expressway 83, Suite 8, Lot 3, Cimarron Crossings, C-3, Life of Use, Ivan Camargo**

A CUP for the sale and on-site consumption of alcohol and a drive-thru service window was approved at this location on 10/21/10 for Corina Longoria, however; since a new operator was evident, the CUP process had thus been activated.

The subject site was located approximately 250' west of Shary Road on the south side of U.S. Expressway 83 within an existing commercial plaza. The applicant was proposing to continue operating the restaurant with a drive-thru service window. Access to the site was provided via common access drive that runs throughout the plaza. Access to the drive-thru was from the south 'rear' of the plaza. The existed drive-thru window's location allowed stacking for approximately 3 vehicles.

The applicant was also requesting a CUP for the sale and on-site consumption of alcohol with meals. There were no churches or schools within 300' of the subject site. Staff also requested a report from P.D. to see if there were any issues with this business in relation to the sale and on-site consumption of alcohol from the previous applicant. Asst. Chief Robert Dominguez researched the site for any incidents and found there were none reported.

**PARKING:** The 1,380 sq. ft. building would have a total of 35 seating spaces for the restaurant. A total of 18 spaces were required for this site (1,380 sq.ft. / 75 sq.ft. = 18.4 parking spaces). It was noted that a total of 66 parking spaces were held in common with the commercial development.

#### OTHER COMMENTS:

- Days & Hours of Operation: Monday – Thursday from 12:00 p.m. to 9:00 p.m.  
Friday – Sunday from 12:00 p.m. to 10:00 p.m.  
Alcoholic beverages would only be served during the allowable State selling hours.

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- Number of Employees: 5
- A speed bump had been installed in order to slow traffic down when exiting the drive-thru; there was also a landscape island impeding pedestrian traffic onto the existed traffic's lane.

There was public no public opposition during the 10/12/11 P&Z's hearing. P&Z unanimously recommended approval as per staff's recommendation.

Staff Recommendation: Approval subject to: 1) 1 year re-evaluation to assess this new operation; 2) remove all temporary signs within 24 hrs.; meet Sign Code; and 3) acquire a business license.

City Manager recommended cup approval.

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

There were no comments.

Councilwoman Ramirez moved to approve Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages & Drive-Thru Window at Tino's Seafood Restaurant, 2310 E. Expressway 83, Suite 8, Lot 3, Cimarron Crossings, C-3 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**B. Conditional Use Permit: Temporary Mobile Home for Health Care of Parents, 909 S. Stewart Road, W. 300.31' – N. 145.05' of Lot 1, San Jose Subdivision, AO-I, Mary Nelly Rodriguez**

The site was located ¼ south of Expressway 83 along the east side of Stewart Road. A CUP was initially approved by P&Z on 4/14/99, and last renewed on 9/17/08. When the CUP was last reviewed the following conditions were imposed: 1) re-evaluation in 3 years, 2) not to be used as a rental structure, and 3) once the intended need was no longer evident, the structure was to be removed within 30 days.

Staff had met with Mr. Manuel Rodriguez, the applicant's father. According to her father, Ms. Rodriguez continued to care for both parents (Manuel and Ofelia Rodriguez). Mr. Rodriguez also mentioned that she helped drive them to doctor's appointments, because he couldn't see as clear as he used too. The applicant was requesting that her CUP be renewed in order to continue helping her parents. We attested that no complaints had been registered with the Planning Department since the mobile was moved in, nor during the previous renewals.

There was no public opposition during 10/12/11 P&Z's hearing. P&Z unanimously recommended approval as per staff's recommendation.

Staff Recommendation: Approval subject to: 1) 3 year re-evaluation to assess the health care need, 2) M.H. not to be used as a rental structure, and 3) once the need was no longer evident; the structure was to be removed within 30 calendar days.

City Manager recommended cup approval.

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

There were no comments.

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Councilman Plata moved to approve Conditional Use Permit: Temporary Mobile Home for Health Care of Parents, 909 S. Stewart Road, W. 300.31' – N. 145.05' of Lot 1, San Jose Subdivision, AO-I as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

City Attorney David Guerra requested that council go into executive session prior to considering this matter in open session and also asked council if they wished to consider item 4.3, 4.15 and Executive Session items at this time pursuant to V.T.C.A. Gov. Code Sec. 551.071, Consultation with Attorney and Sec. 551.072, Deliberation regarding real property on item 4.15.

At 4:45 p.m., Councilman Plata moved to convene into executive session for items 1.1C, 4.3, 4.15, 7.1A and 7.1B. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

Councilwoman Garza moved to amend the previous motion and to add 7.2A to the motion, as recommended by Mayor Salinas. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

At 5:32 p.m., Mayor Pro Tem Olivarez moved to reconvene in open session to take action on the above mentioned items. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**C. Discussion and Possible Action to Sustain (or not) the Revocation of the Conditional Use Permit by the Planning & Zoning Commission of the Drive-thru Convenience Store at 210 N. Conway Avenue, being Lot 4, Block 40, Mission Original Townsite (City Attorney may ask Council to go into Executive Session prior to considering this matter in open session.)**

There was a drive-thru convenience store at 210 N. Conway Avenue that received a Conditional Use Permit (CUP) in July 2007. Complaints intensified in 2010 where Staff attempted to confer with the applicant so that his business would be more sensitive to the older residential neighborhood on the opposite side of the alley. Regardless, complaints continued.

Pursuant to Sec. 1.54 of the Zoning Ordinance, the P&Z held a Public Hearing to consider revoking the CUP, said hearing was held on September 14, 2011. Complaints included the following:

- large Coke delivery trucks blocked passage to the residents driveways;
- delivery trucks blocked entry/exit to the adjoining commercial businesses on the Conway side (Laundromat where customers could not enter/exit);
- overflowed trash due to residential container(s);
- exiting cars damaged the residents' fences & meters;
- exiting cars speeded-off thru the alley; and
- convenience store patrons urinated outside the neighboring business; when the adjoined owner wanted to stop such disrespectful behavior, the patrons allegedly threatened him with a gun.

After hearing the complaints from the neighbors, the P&Z gave Mr. Adame 30 days to comply with eliminating all complaints by making adjustments. Some of the adjustments (speed bump as cars exit, etc.) remained incomplete after the 30-day tenure thus the CUP had been revoked by

## **Minutes, 10/24/11 Pg. 5**

P&Z. (NOTE: Sec. 1.54-3 “The P&Z Commission, after due hearing, may revoke any CUP that had been reported in violation by the City Planner. Continued use without a permit would be a violation of the Zoning Ordinance and subject to the same penalties provided therein.”)

At this time, Staff was presenting this item to the City Council as a public hearing item in order to consider P&Z’s revoking action since it involved the closure of the drive-thru amenity of a Conway business.

Staff Recommendation: ‘No Action’ thus allowing P&Z’s revocation of the CUP ‘to stand’.

City Manager recommended revocation of the CUP.

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

Lorenzo Adame, owner of the convenience store at 210 N. Conway Avenue, spoke against the revocation request and stated that he had been in compliance with the changes that P & Z had requested from his business.

Mayor Salinas advised Mr. Adame that the council had nothing to do with the revocation of the CUP. He advised Mr. Adame to speak to Mr. Zavala in regards to this decision.

Santos Mendoza expressed that after fifty years of living at his residence he had never had any problems, till now. His concern was on the negative impact the drive thru of patrons and vendors had over his neighborhood alley.

Pedro Benitez also expressed his concerns on the negative impact the drive thru had on his neighborhood alley, such as patrons/vendors blocking entry/exit with large trucks, and patrons with very loud music late at night.

Councilman Plata moved to sustain P&Z’s revocation of the CUP. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

## **2.0 Disposition of Minutes**

### **2.1 City Council Meeting – October 10, 2011**

Councilwoman Garza moved to approve the minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 5-0.

## **3.0 Acknowledge Receipt of Minutes**

### **3.1 Mission Historical Museum – July 13, 2011**

**Citizen’s Advisory Committee – August 18, 2011**

**Mission Boys and Girls Club – September 1, 2011**

**Zoning Board of Adjustments – August 17, 2011**

**Planning and Zoning Commission – September 28, 2011**

Councilwoman Ramirez moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 5-0.

## **4.0 Approvals and Authorizations**

### **4.1 Adoption of Ord. # 3705 for Conditional Use Permit for the Sale & On-Site Consumption of Alcoholic Beverages & Drive-Thru Window, at Tino’s Seafood**

**Restaurant, 2310 E. Expressway 83, Suite 8, Lot 3, Cimarron Crossings**

Staff and City Manager recommended ordinance approval.

Councilwoman Garza moved to approve Ordinance No. 3705 for Conditional Use Permit for the Sale & On-Site Consumption of Alcoholic Beverages & Drive-Thru Window, at Tino's Seafood Restaurant, 2310 E. Expressway 83, Suite 8, Lot 3, Cimarron Crossings as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3705**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE SALE & ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES & DRIVE-THRU WINDOW AT TINO'S SEAFOOD RESTAURANT, 2310 E. EXPRESSWAY 83, SUITE 8, LOT 3, CIMARRON CROSSINGS

**4.2 Adoption of Ord. # 3706 for Conditional Use Permit for a Temporary Mobile Home for Health Care of Parents, at 909 S. Stewart Road, being W. 300.31' – N. 145.05' of Lot 1, San Jose Subdivision**

Staff and City Manager recommended ordinance approval.

Mayor Pro Tem Olivarez moved to approve Ordinance No. 3706 for Conditional Use Permit for a Temporary Mobile Home for Health Care of Parents, at 909 S. Stewart Road, being W. 300.31' – N. 145.05' of Lot 1, San Jose Subdivision as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**ORDINANCE NO. 3706**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR TEMPORARY MOBILE HOME FOR HEALTH CARE OF PARENTS, 909 S. STEWART ROAD, BEING THE W. 300.31' – N. 145.05' OF LOT 1, SAN JOSE SUBDIVISION

**4.3 Request to have the City Council waive the 300' separation requirement between The Door Christian Fellowship Church and an existing business that sells Alcoholic Beverages (Solera Wine & Liquor) at 2002 N. Conway (City Attorney may ask Council to go into Executive Session prior to considering this matter in open session.)**

There was a desire by The Door Christian Fellowship Church (TDCFC) to locate at 2002 N. Conway, Suite H. However, Solera Wine & Liquor was almost next door. Solera was a current retail user that sold alcohol for OFF-site consumption only.

Sec. 6-4 (a) stated "Unless waived by the City Council based on special or extenuating circumstances, the sale of all alcoholic beverages within 300' of any church.....within the corporate limits of the city, was hereby prohibited."

In conferring with City Attorney David Guerra, he counseled that Sec. 6-4 is an absolute prohibition unless there were 'special/extenuating circumstances' that the Council could consider

to waive the 300' rule. Staff believed that by Solera already existed before the church, this grandfatheredness merits as a special circumstance to warrant variance. Also, TDCFC's letter stated: "We were requesting a variance to this ordinance which would therefore allow both entities to co-exist."

Staff Recommendation: Approval of Waiver to 300' separation rule as cited above.

City Manager recommended approval.

Councilwoman Ramirez moved to approve to waive the 300' separation requirement between The Door Christian Fellowship Church and an existing business that sells Alcoholic Beverages (Solera Wine & Liquor) at 2002 N. Conway as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.4 Final Plat Approval: Glennwood Oaks (formerly 'School Lane Gardens'), a 9.74 acre tract of land out of Lot 214, John H. Shary, R-1A, Developer: Empire Home Developments, LLC, Engineer: Javier Hinojosa Engineering**

The City Council approved the Preliminary Plat on February 28, 2011. This allowed it to go into construction. With the work approved by Public Works, the plat was now ready to be considered for Final Plat Approval.

Briefly, the site was located 350' west of Shary along the south side of School Lane. It consisted of 28 lots all meeting R-1A area requirements. The ROW dedication for School Lane would be dedicated to meet the collector street code; the internal 32' B-B streets had all been paved to city standards though they would be within a gated community. Perimeter 5' sidewalks had been constructed, too.

New 8" water lines had been installed over the entire subdivision looped to the 8" line on Hoerner. All hydrants had been installed & tested, too - - they were all compliant to our codes.

New 8" sewer lines had been installed to service all the lots; the new sewer network was tied to the existing 12" line on School Lane. On storm, new 24" and 30" lines had been installed and met our codes, too. The storm system tied into the existing 36" system to the SW.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Final Plat Approval: Glennwood Oaks (formerly 'School Lane Gardens'), a 9.74 acre tract of land out of Lot 214, John H. Shary, R-1A as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.5 Approval of Ordinance # 3707 Amending the Sign Ordinance's definition of "Secondary Arterial Corridor" to include Lots 9-6, 10-6, 11-6, 12-6, WAS; and amending 86-155 (4)(c)(4) to factor-in the newly defined area within said secondary arterial corridor**

The Sign Ordinance defined the Secondary Arterial Corridor as those (commercially zoned) properties along U.S. Business HWY 83.

This amendment would include a 1-mile area of specified properties of south Conway (FM 1016) properties.

Approving this change would allow outdoor advertising to occur (billboard advertising @ 242 sq. ft. max/face) for off-site developments such as the Bentsen Palm Developments, or other such amenities that may need the directional help that outdoor advertising could provide in order to have them flourish more thoroughly.

Once the new stretch of south Conway was added, Sect. 86-155 (4) (c) (4) of the Sign Code would also have to be incidentally amended to include this newly defined street sector.

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to approve Ordinance No. 3707 Amending the Sign Ordinance's definition of "Secondary Arterial Corridor" to include Lots 9-6, 10-6, 11-6, 12-6, WAS; and amending 86-155 (4)(c)(4) to factor-in the newly defined area within said secondary arterial corridor as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 5-0.

**ORDINANCE NO. 3707**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AMENDING CHAPTER 86 OF ITS CODE OF ORDINANCES BEING THE SIGN CODE; TO INCREASE THE AREA DEFINED AS 'SECONDARY ARTERIAL CORRIDOR' TO INCLUDE THE FRONTAGES TO CONWAY AVENUE (FM 1016) OF LOTS 9-6, 10-6, 11-6, AND 12-6, WEST ADDITION TO SHARYLAND; AND PROVIDING A CODIFICATION CLAUSE; AND PROVIDING A PUBLICATION DATE

**4.6 Authorization to accept the 2012 STEP Comprehensive Grant from the Texas Department of Transportation**

The Mission Police Department was requesting authorization to accept the 2012 Comprehensive Selective Traffic Enforcement Program Grant from the Texas Department of Transportation. The 2012 STEP program was designed to provide grant monies to increase seat belt enforcement, speed enforcement and DWI enforcement throughout our community. The grant amount of \$94,370.84 would be utilized for enforcement purposes. The in-kind match of \$59,097.09 required by the City of Mission would be matched submitting for hours worked by police dispatchers, and police jailers working during grant activities by police officers; municipal court subpoenas (overtime generated by testifiers in court), by accessed fees for the use of a Mission Police unit to work the STEP Program and the purchase of Public Information and Education materials to promote the STEP Program.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize the 2012 STEP Comprehensive Grant from the Texas Department of Transportation as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.



**4.7 Acceptance of Quarterly Report of Investments for the Quarter ending September 30, 2011 and Interest Earned for Twelve Months Ending September 30, 2011**

Acceptance of quarterly report required by the Public Funds Investment Act Section 2256.023 of the Texas Government Code on the total investments for the quarter ending September 30, 2011. The total investments purchased were \$9,346.49 and the amount of maturing investments was \$2,350,000.00 leaving a total of \$27,142,030.28 in outstanding investments for the quarter ending September 30, 2011. The total interest earned on all funds year to date was \$92,358.88.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Quarterly Report of Investments for the Quarter ending September 30, 2011 and Interest Earned for Twelve Months Ending September 30, 2011 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.8 Budget Amendments – MEDC, General Fund**

Finance Director Janie Flores presented the budget amendments BA-2012-1 thru BA-2012-2 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve budget amendments BA-2012-1 thru BA-2012-2 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.9 Approval of Work Authorization No. 10 with L&G Engineering for GIS Project**

Authorization was being requested for the ongoing GIS (Geographical Information System) project. Phase VII of the GIS project entailed incorporating existing datasets into the RSRI GIS data format, fire hydrant inspection program, provided hardcopy maps and reports from datasets, ortho images, parcel data and land use data, coordinated with federal and state departments in matters required GIS capabilities and knowledge, included FEMA, TCEQ and EPA, revised and updated water, sewer and storm water datasets. Majority of the efforts would be to embark on the development of a Storm water outfall inventory by gathered images of each storm water outfall inventory, created a digital sketch of each storm water outfall, hyperlink the images and sketches of the outfalls to the correct outfall point in the GIS system.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Work Authorization No. 10 with L&G Engineering for GIS Project as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.10 Approval of Amendment to Agreement to extend professional services contract of Ray, Wood & Bonilla for collection of delinquent fines, fees and court costs**

In November 2004, the City Council authorized the City Manager to engage Ray, Wood & Bonilla for the professional service of collected delinquent fines, fees, and court costs the current agreement expired on November 7, 2011; the amendment was for an additional two (2) year

period to expire on November 7, 2013 with an additional two (2) years by providing notice of such extension. If approved, the original terms of the contract would continue, specifically the City

paying the law firm a 30% collection fee of all monies collected in cases that had been referred to the firm, as authorized by the Texas Code of Criminal Procedure Section 103.0031.

Staff was recommending approval of 2 year contract extension.

City Manager recommended approval.

Councilwoman Ramirez moved to approve the Amendment to Agreement to extend professional services contract of Ray, Wood & Bonilla for collection of delinquent fines, fees and court costs as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **4.11 Authorization to extend contract for records management services with Lone Star Shredding and Document Storage**

Authorization was being requested to extend contract for records management services and document storage with Lone Star Shredding. The City had been utilizing these services since 2005 due to the high volume of records and storage space needed to be in compliance with the State Library and Archives Commission of Texas. Due to the threshold of purchases being \$10,000 staff was respectfully requesting the continuation of the contract for an additional year at a total of \$850.00 per month for a total of \$10,200 for this fiscal year.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to authorize to extend contract for records management services with Lone Star Shredding and Document Storage as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

#### **4.12 Requesting authorization for the City of Mission Fire Department to enter into an Memorandum of Agreement With Texas Department of State Health Services for Emergency Medical Service/Emergency Response Personnel**

Mission Fire Department was seeking authorization for the City of Mission and Texas Department of State Health Services to enter into a Memorandum of Agreement to provide Emergency Medical Services/Emergency Response Personnel in a pending or actual disaster. The City of Mission and DSHS through the local Trauma Regional Advisory Council would work together to maintain this agreement. This Agreement would be from present to ending August 31, 2014. Funding would be compensated by the State upon activation and deployment.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize the City of Mission Fire Department to enter into an Memorandum of Agreement With Texas Department of State Health Services for Emergency Medical Service/Emergency Response Personnel as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

**4.13 Authorization to Solicit bids or Purchase via State Approved Contract for Library Material (books & media)**

Speer Memorial Library was seeking authorization to solicit bids or purchase via State approved contract for library materials (books & media). Library materials would be made available to all patrons to check out for educational and cultural purposes. This material would be purchased from the Library's General account.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids or Purchase via State Approved Contract for Library Material (books & media) as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**4.14 Award bid for "Housing Assistance Program – Housing Rehabilitation Phase 10-III"**

On September 26, 2011 City Council authorized staff to solicit bids for one (1) rehabilitation home and five (5) reconstructions. The City of Mission had accepted and opened seven (7) bid responses for these projects. Staff recommended awarding to J.D. Villarreal Construction for the rehabilitation of one (1) home and to G&G Contractors for the reconstruction of five (5) homes. Both J.D. Villarreal Construction and G&G Contractors had met all the Terms & Conditions and Specifications and came within budget. CAC met on October 18, 2011 and approved staff's recommendation as indicated below and approve as follows:

J.D. Villarreal Construction - \$16,800  
508 Glasscock. - \$16,800

G&G Contractors - \$201,990  
306 Keralum - \$40,398  
1106 Hunter - \$40,398  
1028 Pueblo - \$40,398  
118 Holland - \$40,398  
\*113 S. Francisco- \$40,398

\*Subject to title clearance that would satisfy City Attorney

The city had been utilizing 75% of the annual CDBG allocation for several years for reconstruction projects. Since 1999, a total of 337 families to date had been provided some form of housing assistance. Out of the 337 families, 192 families were provided with reconstruction assistance while 145 families were provided with rehabilitation assistance (including CDBG-R, CDBG-DR and SSBG funds).

Staff Recommendation: Authorization to Award J.D. Villarreal Construction and G&G Contractors

City Manager recommended approval.

City Manager Cerda mentioned some concerns that were brought to him earlier that day about J.D. Villarreal Construction that he needed to be friendly and get along with the people he was building the houses for.

Mayor Salinas suggested putting on hold and not awarding contract to J.D. Villarreal Construction until there was an investigation on what was going on.

Councilwoman Ramirez moved to approve bid only to G&G Contractors for “Housing Assistance Program – Housing Rehabilitation Phase 10-III”. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.15 Bid for the Sale of Real Property (2307 Silverado South, Palmhurst, TX) (City Attorney may ask Council to go into Executive Session prior to considering this matter in open session.)**

On December 20, 2010, City Council authorized staff to solicit bids for the sale of 2307 Silverado South, Palmhurst, TX. The City of Mission had accepted and opened two (2) bid responses. Staff recommended awarding to Mr. Victor Meza whose bid came in the highest at \$150,000.00.

City Manager recommended approval.

Councilwoman Garza moved to approve bid for the Sale of Real Property (2307 Silverado South, Palmhurst, TX) subject to no title policy would be provided nor a guarantee for the construction of the property and would be sold as is. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**4.16 Authorization to declare items on attached list as surplus and authorize sale of surplus items by auction**

Staff was seeking approval to declare list of items as surplus and sale items by way of auction. Items had been acquired by acquired by the City over the years through purchase, contribution, donation assignment and confiscation. All items had been determined by Department Directors and their staff to be of no use to the City.

City Manager recommended approval.

Councilwoman Ramirez moved to authorize to declare items on attached list as surplus and authorize sale of surplus items by auction as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**4.17 Award bid for the purchase of Hot & Cold Mix Asphalt for Streets, Utility and Wastewater Departments**

On September 12, 2011, City Council authorized staff to solicit bids for the purchase of Hot & Cold Mix Asphalt for daily operations that included repairs of potholes, streets, alley paving/overlays, etc. The City of Mission had accepted and opened one (1) bid response for Hot & Cold Mix Asphalt. Staff recommended awarding to Frontera Materials Inc. who was the lowest responsible bidder meeting specifications.

City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve award bid for the purchase of Hot & Cold Mix Asphalt for Streets, Utility and Wastewater Departments as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.18 Award bid for the purchase of Flexible Base Commercial Caliche for Streets, Utility and Wastewater Departments**

On September 12, 2011, City Council authorized staff to solicit bids for the purchase of Flexible Base Commercial Caliche for daily operations to include shaping, grading roadbeds, preparing shoulders, filling and repairing holes in roadways. The City of Mission had accepted and opened

two (2) bid responses for Flexible Base Commercial Caliche. Staff recommended awarding to Frontera Materials Inc. who was the lowest responsible bidder meeting specifications.

City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve award bid for the purchase of Flexible Base Commercial Caliche for Streets, Utility and Wastewater Departments as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.19 Award Bid for the purchase of Electrical Repair & Maintenance Services for Water Treatment Plants, Waste Water Treatment Plant, and Water Distribution Divisions**

On September 12, 2011, City Council authorized staff to solicit bids for the purchase of Electrical Repair & Maintenance Services for licensed electricians to perform electrical repairs, and maintenance on a “as needed” basis at the Water Treatment Plants, Waste Water Treatment plant, and Water Distribution Divisions. The City of Mission had accepted and opened two (2) bid responses for Electrical Repair & Maintenance Services. Staff recommended awarding to Fred’s Electrical Service Inc. who was the lowest responsible bidder meeting specifications.

City Manager recommended approval.

Councilwoman Ramirez moved to approve award bid for the purchase of Electrical Repair & Maintenance Services for Water Treatment Plants, Waste Water Treatment Plant, and Water Distribution Divisions as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

**4.20 Award bid for the purchase of Liquid Aluminum Sulfate For Water Treatment Plants for Public Works Department**

On September 26, 2011, City Council authorized staff to re-solicit bids for the purchase of Liquid Aluminum Sulfate. The City of Mission had accepted and opened two (2) bid responses for Liquid Aluminum Sulfate. Staff recommended awarding to General Chemicals Performance Products L.L.C. who was the lowest responsible bidder meeting specifications.

City Manager recommended approval.

Councilwoman Garza moved to approve award bid for the purchase of Liquid Aluminum Sulfate For Water Treatment Plants for Public Works Department as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.21 Award bid for the purchase of Copper Sulfate for Water Treatment Plants for Public Works Department**

On September 26, 2011, City Council authorized staff to re-solicit bids for the purchase of

Copper Sulfate. The City of Mission had accepted and opened two (2) bid responses for Copper Sulfate. Staff recommended awarding Copper Sulfate to Altivia Corporation who was the lowest responsible bidder meeting specifications.

City Manager recommended approval.

Councilman Plata moved to approve award bid for the purchase of Copper Sulfate for Water Treatment Plants for Public Works Department as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

#### **4.22 Award bid for the purchase of Chemicals, Muriatic Acid Feeder Systems, and Integrated Electronic Systems for Parks and Recreation Swimming Pools**

On September 26, 2011, City Council authorized staff to solicit bids for the purchase of Chemicals, Feeder, and Integrated Electronic Systems (IES) for Swimming Pools to monitor and control the ph level and chlorine concentrations. The City of Mission had accepted and opened two (2) bid responses for Chemicals, Feeder, and Integrated Electronic Systems (IES). Staff recommended awarding to Aquatic Commercial Solutions Inc. who was the lowest responsible bidder meeting specifications.

City Manager recommended approval.

Councilwoman Garza moved to approve award bid for the purchase of Chemicals, Muriatic Acid Feeder Systems, and Integrated Electronic Systems for Parks and Recreation Swimming Pools as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 5-0.

#### **4.23 Award bid for the purchase of Meter Connect Supplies for Water Distribution Division**

On September 12, 2011, City Council authorized staff to solicit bids for the purchase of Meter Connect Supplies. The City of Mission had accepted and opened four (4) bid responses for Meter Connect Supplies. Staff recommended awarding to ACT Pipe & Supply who was the lowest responsible bidder meeting specifications.

City Manager recommended approval.

Councilman Plata moved to approve award bid for the purchase of Meter Connect Supplies for Water Distribution Division as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

#### **4.24 Award bid for the purchase of Waterline Maintenance Supply for Water Distribution Division**

On September 12, 2011, City Council authorized staff to solicit bids for the purchase of Waterline Maintenance Supply. The City of Mission had accepted and opened five (5) bid responses for Waterline Maintenance Supply. Staff recommended awarding to HD Supply Waterworks who was the lowest responsible bidder meeting specifications.

City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve award bid for the purchase of Waterline Maintenance Supply for Water Distribution Division as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.25 Authorization to solicit bids for Pest Control Services**

Staff was seeking authorization to solicit bids for Pest Control Services, which would include labor, materials, and equipment required for preventative pest control service in numerous City of Mission Buildings. This was being requested in an effort to secure fair and reasonable pricing.

City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve authorize to solicit bids for Pest Control Services as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.26 Approval of Resolution # 1299 adopting a comprehensive policy of guidelines and criteria for governing Tax Abatement Incentives within the City of Mission**

By State law, Tax Abatement Guidelines and Criteria must be re-adopted every two years. The City Council last adopted a similar resolution in September of 2009 with similar tax abatement program guidelines. MEDC had reviewed the guidelines and recommended approval.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Resolution # 1299 adopting a comprehensive policy of guidelines and criteria for governing Tax Abatement Incentives within the City of Mission as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**RESOLUTION NO. 1299**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS  
ADOPTING A COMPREHENSIVE POLICY OF GUIDELINES AND CRITERIA FOR  
GOVERNING TAX ABATEMENT INCENTIVES, WITHIN THE CITY OF MISSION

**4.27 Authorization to reject bid for the purchase of Chemical Reagents for Public Works North and South Water Treatment Plants**

On August 22, 2011, City Council authorized staff to solicit bids for the purchase of Chemical Reagents to conduct water lab analysis for the North and South Water Treatment Plants. The City of Mission had accepted and opened one (1) bid response from Accurate Environmental LLC. Staff was seeking authorization to reject since Accurate Environmental LLC was found non-responsive for not submitting a bid bond or cashier's check for 5% of the total amount of the bid.

City Manager recommended rejecting bid.

Councilwoman Garza moved to authorize to reject bid for the purchase of Chemical Reagents for Public Works North and South Water Treatment Plants as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

**4.28 Retirement of Police Chief Leo Longoria**

Julio Cerda gave official notice to mayor, city council, and the public that Police Chief Leonardo Longoria was officially retiring from public office after thirty years of service. Mr. Cerda stated that Mr. Longoria's last day of office would be on January 1, 2012, so he could spend more time

with his family. Mr. Cerda also mentioned all the accomplishments Mr. Longoria had done with the City of Mission, expressing his appreciation for being one of the hardest working employees for the mayor, council and the citizens of Mission.

Chief Longoria thanked the mayor, council members for giving him the chance to serve the citizens of Mission. Chief Longoria emphasized that it was his time to retire and take care of his family.

Mayor Salinas personally thanked Chief Longoria for helping him when he came to office. Mayor also mentioned that he was very satisfied on how well he managed the police department.

Council members expressed their appreciation toward Chief Longoria's years of service.

**5.0 Unfinished Business**

None

**6.0 Routine Matters**

**6.1 City Manager's Comments**

None

**6.2 Mayor's Comments**

None

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

**7.1 Consultation with Attorney Sec. 551.071**

**A. Claim against Clean Light Green Light for U.S. Highway 83 street lights and matters incident thereto**

**B. City of Mission v Alejandro Gonzalez**

**7.2 Personnel matters Sec. 551.074**

**A. City Manager - Appointment of Police Chief**

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

On item 7.1-A, no action was taken.

On item 7.1-B, no action was taken.

On item 7.2-A, no action was taken.



**8.0 Adjournment**

At 6:35 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

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Norberto Salinas, Mayor

ATTEST:

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Anna Carrillo, City Secretary