

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
OCTOBER 13, 2008 4:30 P.M.
MISSION CITY HALL**

PRESENT:

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

ABSENT:

Celestino Ramirez, Councilman

ALSO PRESENT:

Kathy Olivarez, Progress Times
Tomas & Maggie Birmingham
Juanita P. Chapa
Sylvia Wolf
Sara Valdez
Crystal Garcia
Arlene Rivera
Mary Nelly Rodriguez
Pat Townsend Jr.
Cathy Garcia
Raul Banda
Lupita Longoria
Diana Izaguirre
Walter Clint
Roel Garcia
Bill Filut

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Hernestina Esparza, Administrative Asst.
Aida Lerma, Public Relations Director
Sergio Zavala, Planning Director
Bobby Salinas, Subdivision Coordinator
Roberto Salinas, City Engineer
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Rick Saldana, Fire Chief
Gilbert Sanchez, Fire Marshal
Victor Gonzalez, Streets Director
Elizabeth Cabrera, Purchasing Director
Rosie Salazar, Risk Manager
Leo Longoria, Chief of Police
Janie Flores, Finance Director
Rolando Rodriguez, DP Manager
Julian Gonzalez, Parks & Rec. Director
Omar Garcia, Boy's & Girl's Club Director
Adela Ortega, Museum Director
Rusty Dove, Library Director
Jonathan Wehrmeister, Judge

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:32 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 – Catholic Daughters of the Americas

City Secretary, Anna Carrillo read the proclamation for Catholic Daughters of the Americas.

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

4. Proclamation – National Breast Cancer Awareness Month

City Secretary, Anna Carrillo read the proclamation for National Breast Cancer Awareness Month.

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

5. Departmental Reports

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

6. Citizens Participation

Juanita Chapa, 1422 E. 1st St. – Invited the Council to the International Good Neighbor Council conference on October 24, 2008 at the Cimarron at 1:00 p.m.

Arlene Rivera, Chamber of Commerce – Invited the Council for the Texas Butterfly Festival this Weekend.

Aida Lerma, Executive Assistant – Gave the Council an update on her recent trip to Guanajuato, Mexico for an International Sister City Convention.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Rezoning: The East 5 acres of the North 10 acres of the South 20 acres of Lot 27-8, W.A.S. Subd., AO-I to C-3, Lilia G. Rivera

The subject site with dimensions of 230' x 641' was located ½ mile south of 2 Mile Road along the west side of Mayberry. The surrounding zonings included Agricultural Open Interim (AO-I) to the north (Mission Lateral), and Single Family Residential (R-1) to all other directions. Just south was Ashbrook Subdivision No. 2 and R-1 subdivision, which was already built out. The land uses reflected the zonings mentioned above. The recently amended Future Land Use Map still reflected a Low Density (LD) land use. Rezoning to C-3 would be spot zoning and would have a definite impact to the entire neighborhood especially with regard to land values. There were 15 residents in opposition to the C-3 request at the September 18, 2008 hearing. Some concerns that were voiced during the hearing were that the area was residential zoned, safety issue with students because of the proximity of the school, traffic issues, drainage problems, and children's safety. The P&Z unanimously denied the C-3 rezoning.

Staff, P&Z and City Manager recommended denied.

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

Mayor Pro Tem Olivarez moved to deny the rezoning as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

B. Rezoning: 0.10 acre tract of land out of an abandoned Canal ROW Adjacent to the North of Lot 24, Sharyland Orchards Subd., AO-I to R-1, Remigio Barran

The subject site was along the northern side of Tillie Lane between Glasscock and Ragland. The surrounding zonings included Single Family (R-1) to the north and west, Large Lot Single Family Residential (R-1A) to the south, and some Agricultural Open Interim to the east. The Future Land Use Map reflected a Low Density (LD) land use, too; thus, R-1 was directly consistent to the LD designation. Mission had previously approved other R-1 zonings in the same abandoned canal ROW juncture. The R-1 proposal acclimated to the R-1 zoning already existing in the area, and seemed to be fitting well and stabilized, as best as possible, the Land Uses to a single family setting. There was no public opposition at P&Z's hearing. The P&Z unanimously approved the rezoning.

Staff, P&Z and City Manager recommended approval.

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

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

C. Conditional Use Permit: Temporary Mobile Home for Health Care of Resident Parents, 909 S. Stewart Rd., the W. 300.31'-N. 145.05' of lot 1, San Jose, R-1, Life of Use, Mary Nelly Rodriguez

The subject site was located approximately 1,500' south of Expressway 83 along the east side of Stewart Road. It was south of the buffered Legend at Cimarron Subdivision. A CUP was initially approved by P&Z on April 14, 1999 and last renewed on May 11, 2005. 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 to be removed within 30 days.

Staff interviewed the applicant and the applicant continued to care for her elderly parents – Manuel and Ofelia Rodriguez. Mr. Rodriguez had open-heart surgery a few years ago and required medical attention regularly. The applicant cared for her mother and father and drives them to their doctor's appointments and was requesting that her CUP be renewed. There was concern voiced from the Legends at P&Z's hearing regarding alleged depreciation of property values. However, the P&Z unanimously approved the conditional use permit since it was temporary and the City had approved similar others.

Staff, P&Z and City Manager recommended approval subject to: 1) re-evaluate in 3 years, 2) not to be used as a rental structure, and 3) record a document in the deed records that once the intended need was no longer evident, the structure be removed within 30 calendar days.

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

Mayor Pro Tem Olivarez moved to approve the CUP as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

D. Conditional Use Permit: To have a Home Occupation, Licensed Group Home Daycare at 806 Rankin, Lot 4, Block 8, Carlos G. Leal Subdivision, R-1, Life of Use, Minerva Vazquez

Minutes, 10/13/08, Pg. 4

The subject was a Conditional Use Permit (CUP) originally approved on August 8, 2007, and needed renewal consideration at the time. The subject site was along the north side of Rankin Street approximately 150' west of Holland. The applicant had her SF residence thereon with a two-car driveway off Rankin that was deep enough to accommodate up to two (2) cars. The area was being utilized to safety drop-off and pick up children at the site and as off-parking for staff and customers as well. There was a solid 6' cedar fence buffer along the entire back yard of the property. The applicant had alerted staff that even though she was authorized to caring for up to 12 kids from the ages of 1 ½ up to 12 years of age, that her enrollment was made up of three to six infants 1 ½ years to 4 years of age. Mrs. Vasquez had the following as her days/hours of operation: Monday-Saturday from 7:00 a.m. to 6:00 p.m. with herself as the only employee. Of course DHS certification would continue to be mandated as staff had imposed to others. Any current or future signage would also have to comply with the requirements of section 1.56-1 of the Zoning Ordinance regulating home occupations. There was no public opposition at P&Z's hearings. The P&Z unanimously approved the conditional use permit subject to staff's recommendation.

Staff, P&Z and City Manager recommended approval subject to life of use.

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

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

2.0 Disposition of Minutes

2.1 City Council Minutes – September 22, 2008

September 25, 2008 and October 6, 2008 Special Meetings

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

3.0 Acknowledge Receipt of Minutes

3.1 Speer Memorial Library Board – August 19, 2008

Planning and Zoning Commission – August 13, 2008

Zoning Board of Adjustments – July 16, 2008

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

4.0 Approvals and Authorizations

4.1 Adoption of Ord., # _____ for Rezoning The East 5 acres of the North 10 Acres of the South 20 acres of Lot 27-8, W.A.S. Subd., AO-I to C-3

No Action was taken on this item

4.2 Adoption of Ord., # 3404 for Rezoning 0.10 acre tract of land out of an abandoned Canal ROW Adjacent to the North of Lot 24, Sharyland Orchards Subd., AO-I to R-1

Staff, P&Z and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ordinance No. 3404 for rezoning 0.10 acre tract of an abandoned Canal ROW Adjacent to the North of Lot 24, Sharyland Orchards Subd., AO-I to R-1 as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3404

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING REZONING FOR 0.10 ACRE TRACT OF LAND OUT OF AN ABANDONED CANAL ROW ADJACENT TO THE NORTH OF LOT 24,, SHARYLAND ORCHARDS SUBDIVISION, FROM AO-I TO R-1

4.3 Adoption of Ord., # 3405 for CUP for a temporary mobile home for Health Care of Resident Parents, 909 S. Stewart Rd., the W. 300.31'-N. 145.05' of Lot 1, San Jose, and Home Occupation – Licensed Group Home Daycare, 806 Rankin, Lot 4, Block 8, Carlos G. Leal Subd.

Staff, P&Z and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3405 for CUP for a Temporary Mobile Home for Health Care of Resident Parents, 909 S. Stewart Rd., Tract out of Lot 1, Praxedis Garza Porcion 58, Hidalgo County, and Home Occupation – Licensed Group Home Daycare, 806 Rankin, Lot 4, Block 8, Carlos G. Leal Subdivision as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

ORDINANCE NO. 3405

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING CONDITIONAL USE PERMITS FOR A TEMPORARY MOBILE HOME FOR HEALTH CARE OF RESIDENT PARENTS, 909 S. STEWART ROAD, THE W.300.31'-N. 145.05' OF LOT 1, SAN JOSE; AND HOME OCCUPATION – LICENSED GROUP HOME DAYCARE, 806 RANKIN, LOT 4, BLOCK 8, CARLOS G. LEAL SUBDIVISION

4.4 Adoption of Ord., # _____ Amending Section 110-384 (b)(6) of the Traffic and Vehicle Code to include ‘unless otherwise provided by an approved CUP’ citing a controlled possibility of where 18-wheelers may park

Section 110-384 (b)(6) was passed on December 2006, and completely excludes any 81-wheeler vehicle from parking on any residentially zoned property. However, in the past, the Zoning Ordinance had used the CUP process on non-residential parking to consider and applicant’s specific request. During the CUP’s public hearing, the city would discern the neighborhood’s reaction which would then be taken into consideration by the reviewing boards, of course. In conferring with the City Attorney, it may be best to consider amending the above Section to include language that defers any approval of proposed non-residential parking to the public hearing process and the specifics of that particular neighborhood’s input.

Staff, P&Z and City Manager recommended approval.

Councilman Plata moved to approve Ordinance Amending Section 110-384(b)(6) of the Traffic and Vehicle Code to Include ‘Unless otherwise provided by an Approved Conditional Use Permit’ Citing a Controlled Possibility of Where 18-wheelers May Park as recommended. Motion was seconded by Mayor Pro Tem Olivarez.

After further discussion Councilman Plata and Mayor Pro Tem Olivarez rescinded their original motion and Councilwoman Garza moved to table the item. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.5 Discussion and Action to Dedicate Easement to AEP to Service the City's Water Tower at Shary/2 Mile Rd

AEP was requesting that the City of Mission sign an 'Easement and Right of Way' document giving them a 10' x 528' area to install their utility cables, etc., to service the City's water tower at Shary/2 Mile. As with any easement, it included typical language that no building be constructed over the AEP proposed easement.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the discussion and Action to Dedicate Easement to AEP to Service the City's Water Tower at Shary/2 Mile Rd. as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.6 Discussion and Action to Approve an Annexation Schedule for the following properties: Acreage out of Lot 29-7, 30-7, 30-8, W.A.S. including Ocana Subd.; Valle Hermoso Estates, Sno-Bird Estates, Val's Kountry Corral being all of Lot 39 and the North Part of Lot 38, Bentsen Groves #2 Subd.; including all or parts of Lots 34 & 35, Bentsen Groves #2 Subd.

The proposed schedule reflected annexation action to the properties identified above. The properties along the northernmost sector of Mission's suburban ETJ continued our efforts to 'square off' our city limits staff noted that these water lines belong to the City of Mission already SWSC buyout mid-90 and there were Mission sanitary sewer lines in the area, too

On the Bentsen Groves #2 area, staff received recent visits from the owners of Val's Kountry Corral RV Park wherein they strongly desire annexation. It seemed that their desire for increased Security induced their voluntary annexation request.

The milestones would be as follows:

Nov. 24, 2008	1 st Public Hearing
Dec. 08, 2008	2 nd Public Hearing
Dec. 22, 2008	Institute Annexation
Jan. 12, 2008	Adopt Annexation Ordinance.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Annexation Schedule for the following properties: Acreage out of Lot 29-7, 30-7, 30-8, West Addition to Sharyland including Ocana Subdivision; Valle Hermoso Estates, Sno-Bird Estates, Val's Kountry Corral being all of Lots 34 & 35, Bentsen Groves #2 Subdivision as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.7 Request for variance from the Subd., Ord., to install septic tanks, rather than connect to sewer and not require the installation of fire hydrants at an Irr Tr-SE corner – E 13.31 ac Lot 8-6, W.A.S. 0.55Ac Gr 0.49 Ac Net

The property was located directly across the Los Indios Road alignment on the west side of Conway Road (west from Madero). The applicant was attempting to lease his property for a moon jump rental business; however certain amenities were not currently available to the property, such as sewer and fire protection. As you may know, Mission San Patricio was currently under construction to the north of the property. The development would install sewer lines, which would flow north through the use of lift stations, and ultimately to an existing 27"

sewer line located 1 ¾ mile to the north. Fire hydrants would also be installed with looped water lines throughout the area with use of 12” and 8” water lines.

The applicant was requesting a variance to allow the installation of septic tanks, rather than connect to sewer and for the City not to require the installation of fire hydrants. There was no public input at P&Z’s hearing. The Planning and Zoning Commission voted unanimously to deny the variance request as recommended by staff.

Staff and City Manager recommended denial.

Mayor Pro Tem Olivarez moved to deny the request for variance from the Subdivision Ordinance to install septic tanks, rather than connect to sewer and not require the installation of fire hydrants at an Irr Tr-SE corner – E 13.31 ac Lot 8-6, West Addition to Sharyland 0.55Ac Gr 0.49 Ac Net as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.8 Final Plat Approval: Las Dianas No. 2 Subd., a 24.11 acre tract of land out of Lots 312, 314, 316, Bentsen Groves Subd., Addition “C”, Rural ETJ, Developer: Diana L. Izaguirre Engineer: Izaguirre Engineering Group

Las Dianas No. 2 Subdivision’s Preliminary Plat was approved by the City Council on May 10, 2008 to allow them to pursue construction for the 41 lot development. Now that the construction had been completed, staff had received notice from the County of Hidalgo that all the infrastructural work had been completed and meet the prevailing county requirements

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the final plat approval for Las Dianas No. 2 Subdivision a 24.11 acre tract of land out of Lots 312, 314, 316 Bentsen Groves Subdivision as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.9 Authorize City Manager 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 collecting delinquent fines, fees, and court costs on October 22, 2007 a one year extension was given on the contracts, which expired on November 8, 2008; the contract provided an option for the City to extend the term of the contract for an additional one year period or November 8, 2009 by providing written notice of the 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 and City Manager recommended approval subject to one (1) year contract extension

Mayor Pro Tem Olivarez moved to authorize City Manager 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 4-0.

4.10 Approval of Ord. # 3406 providing for a Four-Way Stop Intersection at Jorgeanna St., and Jacob St.

The City of Mission Police Department received a request for approval of an ordinance establishing a 4-Way Stop intersection at Jorgeanna Street and Jacob Street. Concern was raised in the area based on the winding curved roadway on Jorgeanna Street as it intersected with Jacob Street. The increase in traffic density within the subdivision had brought about concerns for the safety of motorist and pedestrians alike, especially school children boarding and un-boarding school buses. The implementation of the 4-Way Stop intersection would assist in regulating the flow of traffic, which in turn would assist in making the roadway safer to travel.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Ordinance No. 3406 providing for a Four-Way Stop Intersection at Jorgeanna Street and Jacob Street as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3406

AN ORDINANCE OF THE CITY OF MISSION, TEXAS PROVIDING FOR TRAFFIC CONTROL BEING STOP SIGNS AT THE FOLLOWING INTERSECTION: JORGEANNA STREET AND JACOB STREET; PROVIDING FOR INSTALLATION OF SAID TRAFFIC CONTROL DEVICES BEING STOP SIGNS AND PROPER SIGNAGE THEREOF AND MAKING PROVISIONS OF THE STATE TRANSPORTATION CODE AND TRAFFIC ORDINANCES OF THE CITY OF MISSION IN REGARD TO PENALTY FOR VIOLATION APPLICABLE

4.11 Bid for Concrete Repairs for Public Works Department

On September 22, 2008 City Council authorized staff to solicit bids for concrete repairs for Trinity Street for Public Works Department. The City of Mission had accepted and opened two (2) bid responses for the project. Staff was recommending awarding to low base bidder – Roy’s Concrete for a total cost of \$76,837.00. Acct # 01-440-74910

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve bid for Concrete Repairs for Public Works Department as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.12 Approval of Change Order No. 2 of final quantities for the North Mission EDAP yardlines Phase III Project

Change Order No. 2 final quantities for the N Mission EDAP yardlines Phase III project. The contract price of \$670,900 had been decreased by \$4,115. The revised contract price of \$666,782 included all revisions, additions and deletions that were necessary to complete the project.

Staff and City Manager recommended approval subject to accept change Order No. 2, and a decrease of \$4,115 from \$670,900.

Councilman Plata moved to approve change Order No. 2 of final quantities for the North Mission EDAP yardlines Phase III Project as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.13 Approval of Change Order No. 2 of final quantities for the '07-08' Overlay Project by Mission Paving

On September 8, 2008, the City Council approved Change Order No. 1. This order stated that there would be an increase to the contract price by \$69,003 to bring the total amount to \$411,794.57. Change Order No. 2 was for the reconciliation of final quantities for the Overlay of City Streets Project. A nominal 62 tons were needed to complete thus increasing the total amount by additional \$4,735.91. Total contract price was now equal \$416,530.48

Staff and City Manager recommended approval subject to accept change Order No. 2, an increase of \$4,115 from \$670,900.

Councilwoman Garza moved to approve change Order No. 2 of final quantities for the '07-08' Overlay Project by Mission Paving as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.14 Resolution # 1215 Authorizing the South Texas Aggregation Project, Inc. to negotiate an Electricity Supply Agreement effective January 1, 2009

A resolution of the City Council of the City of Mission, Texas, authorizing the South Texas Aggregation Project, Inc. to negotiate an electric supply agreement for deliveries of electricity and necessary, related services effective January 1, 2009; authorizing STAP to act as an agent on behalf of the City to enter into a contract for electricity; approving STAP contracting with FPL Energy and Direct Energy and authorizing the Chairman of STAP to execute an electric supply agreement for deliveries of electricity effective January 1, 2009; committing to budget for energy purchased and to honor the City's commitment to purchase power through STAP for its electrical needs beginning January 1, 2009 through December 31, 2013.

The City Council had previously approved the Electrical Supply Agreements via resolutions for 2004, 2005, 2006, 2007, and 2008. Since joining STAP and its Board of Directors in 2003, the City of Mission had obtained lower prices per kWh than the lowest market price per kWh. Currently, the City's electricity provider was Constellation New Energy and the current price per kWh was \$0.07759. Similar resolutions were being approved by the cities of McAllen, Harlingen, Mercedes, Alamo, San Juan, Corpus Christi, Kingsville, etc.

Staff and City Manager recommended approval

Mayor Pro Tem Olivarez moved to approve Resolution No. 1215 authorizing the South Texas Aggregation Project, Inc. to negotiate an Electricity Supply Agreement effective January 1, 2009 as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

RESOLUTION NO. 1215

A RESOLUTION OF THE CITY OF MISSION, TEXAS, AUTHORIZING THE SOUTH TEXAS AGGREGATION PROJECT, INC. (STAP) TO NEGOTIATE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY AND NECESSARY, RELATED SERVICES EFFECTIVE JANUARY 1, 2009; AUTHORIZING STAP TO ACT AS AN AGENT ON BEHALF OF THE CITY TO ENTER INTO A CONTRACT FOR ELECTRICITY; APPROVING STAP CONTRACTING WITH FPL ENERGY AND DIRECT ENERGY AND AUTHORIZING THE CHAIRMAN OF STAP TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2009; COMMITTING TO BUDGET FOR ENERGY PURCHASES AND TO HONOR THE CITY'S COMMITMENTS TO PURCHASE POWER THROUGH STAP FOR ITS ELECTRICAL NEEDS BEINNING JANUARY 1, 2009 THROUGH DECEMBER 31, 2013.

4.15 Request from Texas Citrus Fiesta for ‘Night Parade’ Permit on January 31, 2009

The TCF was requesting once again from the City Council a permit to have a Night Parade proposed for January 31, 2009. The parade would begin staging during mid-afternoon and would begin mobilization at 7pm and would cover the exact same route that was successfully completed in the January 2008, event.

2 Mile to 28th StreetStaging area for participants
Griffin Parkway to 4th Street.....Parade route – spectator area
4th Street to 1st Street.....transition for dispersment E-W on 1st

The application had been provided by the TCF to the City Secretary’s Office. As TCF had done with all other parade permits, they would comply with insurance requirements, etc.

Staff and City Manager recommended approval subject to compliance to Article X, Section 110 of our Code of Ordinances regulating such parades.

Councilman Plata moved to approve the request from Texas Citrus Fiesta for Night Parade Permit on January 31, 2009 as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.16 Change time and or date of October 27, 2008 Regular City Council meeting

City Manager was requesting the possibility of changing the date or time of the October 27 meeting due to Ground Breaking Ceremony for the Anzalduas Bridge Highway

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to Change time and date of October 27, 2008 Regular City Council meeting for October 29, 2008 at 4:30 as recommended by City Manager. 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

City Manager advised the City Council that he was going to be out of the office on Tuesday and Wednesday October 14 thru 15, 2008.

6.2 Mayor’s Comments

Mayor advised the City Council and Staff on the status of Councilman Ramirez

At 5:36 p.m., Councilwoman Garza moved to convene into executive session. Motion was seconded by Mayor Pro Tem Olivarez 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. Lamar Texas Limited Partnership vs. City of Mission

B. Liquidated damages on S. Bryan Lift Station contract with R.P. Constructors Inc.

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

Minutes, 10/13/08, Pg. 11

At 5:44 p.m., Mayor Pro Tem Olivarez moved to reconvene in open session. Motion was seconded by Councilman Garza and approved unanimously 4-0.

On item 7.1-A, Councilman Plata move to authorize settlement for \$20,000 plus authorize to execute the release. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

On item 7.1-B, Mayor Pro Tem Olivarez move to confirm that the City of Mission is exercising its rights under the liquidated damage of the contract and will be retaining \$50,000 from the payment to the contractor from the retainage. Motion was seconded by Councilman Plata and approved unanimously 4-0.

8.0 Adjournment

At 5:46 p.m., Councilman Plata moved for adjournment. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary