

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
AUGUST 24, 2009 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
Anna Carrillo, City Secretary
Julio Cerda, City Manager

ALSO PRESENT:

Kathy Olivarez, Progress Times
Robert Linn
Steve A. Smith
Sandra Vecchio
Arlene Rivera
Cathy Garcia
Dr. Armando O'caña
Pat Townsend Jr.
Baldemar Flores
Ben D. Olivarez

ABSENT:

STAFF PRESENT:

Nelia Hernandez, Asst. City Secretary
Hernestina Esparza, Administrative Asst.
Aida Lerma, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Sergio Zavala, Planning Director
Bobby Salinas, Subdivision Coordinator
Roberto Salinas, City Engineer
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Gilbert Sanchez, Fire Marshal
Ruben Diaz, Public Works Director
Victor Gonzalez, Streets Director
Elizabeth Cabrera, Purchasing Director
Noemi Munguia, HR Director
Rosie Salazar, Risk Manager
Robert Dominguez, Asst. Chief of Police
Martin Garza, Asst. Chief of Police
Janie Flores, Finance Director
Randy Perez, Accountant
Rolando Rodriguez, DP Manager
Julian Gonzalez, Parks & Rec. Director
Adela Ortega, Museum Director
Mayra Rocha, Speer Memorial Library
Jonathan Wehrmeister, Judge
Jesse Lerma, Civil Service Director
Omar Garcia, Boys & Girls Club Director

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:30 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 Councilman Ruben Plata and approved unanimously 3-0.

4. Citizens Participation

Idolina Hernandez, 300 W. 4th St. Mrs. Hernandez wanted to know if there were any future flooding improvements in the area.

Aurora Reyna, 421 W. 4th St. Mrs. Reyna was concerned because her water bill had increased it was the same amount for four (4) consecutive months and she was out of town in June 2009.

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

A. Conditional Use Permit: On-Site Consumption of Beer & Wine, 900 Doherty, Lots 4-6, Block 161, Mission Original Townsite Subd., C-3, 08-27-09 & 09-24-09, Mission Historical Museum

The subject site was at the NE corner of Doherty and Business Highway 83. The Mission Historical Museum desired a CUP for the on-site consumption of beer and wine. Two special events were being held at the museum, one for Miguel Covarrubias Exhibit on August 27, 2009 and another for the Kika De La Garza Exhibit on September 24, 2009. The consumption of beer and wine would take place during the hours of 6:00 p.m. to 8:00 p.m. on each of those days. Ordinance #3436 (1) Section 6-2 Consumption or possession in public place states: 'It shall be unlawful for any person within the City to consume any alcoholic beverage in a public place or to possess any alcoholic beverage in a public place for the purpose of consuming such alcoholic beverages in a public place except (1) as provided in Section 70-4 and (2) where a conditional use permit allowing such consumption and/or possession was granted pursuant to the applicable provisions of the zoning ordinance.' There was no public opposition at P&Z's hearing. The P&Z unanimously approved the conditional use permit subject to staff's recommendation.

Staff, P&Z and City Manager recommended approval.

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 On-Site consumption of Beer & Wine, 900 Doherty, Lots 4-6, Block 161, Mission Original Townsite Subdivision as recommended. Motion was seconded by Councilman Plata and approved unanimously 3-0.

B. Conditional Use Permit: To Install a Changeable Copy Sign at 2309 E. Expressway 83, Lot 1, R.C. Vacker Subd., C-3, Life of Use, Gary Vacker (Bert Ogden RGV)

At 4:41 p.m. Councilwoman Norie Gonzalez Garza joined the Meeting

Bert Ogden RGV desired to replace an existing 6' x 24' light bulb electronic sign with a 5.8' x 23.5' computer controlled LED Color Video Sign at their site being 500' west of Shary (north side of Expressway). No new ground pole signs would be evident, i.e., AAA Sign Company

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would remove the existing light bulb message cabinet and use the existing pole structure to install the new LED sign cabinet.

At P&Z's hearing, they expressed concerns regarding distractions to the passing traffic including those vehicles that would be existing from the Expressway and onto the westbound Frontage Road (as said traffic assimilates to other west bound traffic). P&Z also expressed concerns regarding the aesthetics of a changing video sign along the Expressway.

Staff, P&Z and City Manager recommended approval subject to meeting building code requirements and six (6) Months in compliance.

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

Councilman Plata moved to approve the CUP to install a changeable Copy Sign at 2309 E. Expressway 83 without any conditions. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

2.0 Disposition of Minutes

2.1 City Council Minutes – August 10, 2009

Mayor Pro Tem Olivarez 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 Planning and Zoning Commission – July 8, 2009

Mayor Pro Tem Olivarez moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 4-0.

At 4:43 Mayor asked to go to item 4.18.

4.0 Approvals and Authorizations

4.1 Approval of Ord. # 3473 for CUP for On-Site Consumption of Beer & Wine, 900 Doherty, Lots 4-6, Block 161, Mission Original Townsite Subd.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve Ordinance No. 3473 for CUP for On-Site Consumption of Beer & Wine, 900 Doherty, Lots 4-6, Block 161, Mission Original Townsite Subdivision as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

ORDINANCE NO. 3473

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR ON-SITE CONSUMPTION OF BEER &
WINE, 900 DOHERTY, LOTS 4-6, BLOCK 161, MISSION ORIGINAL TOWNSITE
SUBDIVISION

4.2 Request by Heritage Square Property Owners Association to Have City Council Authorize City Manager to Issue Building Permit on City ROW for a Community Service Sign to be Relocated to the NW area of Bryan Road/Mark Place

Planning had received a verbal request from Heritage Square to relocate their community sign across the street from where they previously had it. The Heritage Square sign was recently discovered to be on private property without the owner's consent. The proposed sign infringes onto the City ROW only 1', it would be 26' to Bryan Road and 5' to Mark Place. Ord. #3414 was passed to specifically provide for such requests.

Insofar as this request, Heritage Square proposed a 4' high x 5' face with a height of 12'. Viewing the location with the applicant's representative, the location of these improvements was not a sight obstruction and did not obstruct Dr. Barrera's sign either.

Staff had the following comments on the proposal:

- sign shall always be subject to removal at owner's expense w/30 days notice
- execute & record hold harmless document in deed records indemnifying city of the private sign in public ROW
- similar to others, this sign was intended as a community service to the general public and was not to advertise any private service or product.
- size was not obtrusive and was consistent with other signs
- the improvements shall be maintained by La Hacienda to be aesthetic as well as the surrounding grounds

Staff and City Manager recommended approval.

Councilman Plata moved to approve request by Heritage Square Property Owners Association to Have City Council Authorize City Manager to Issue Building Permit on City ROW for a Community Service Sign to be relocated to the NW area of Bryan Road/Mark Place as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.3 Request by Ruben Sanchez to Have Private Fencing over Public Right of Way at 2004 Tangelo Avenue Being Lots 26, 27, & 28, Royal Palms No. 1

Mr. Sanchez had dug up a trench to fence-in a portion of Tangelo Avenue ROW in front of his Lots 26-28, Royal Palms No. 1 with street address being 2004 Tangelo Avenue. In viewing the utility plans, there were no utilities on that side of the street.

Sec. 94-4 of Mission's Code of Ordinance says "...it shall be unlawful for any person within the city without obtaining a permit to erect...any fence, wall, hedge, structure or any other character of obstruction over, on or across any public property, way, alley, street, sidewalk..."

Previously, on May 22, 2000 the City Council gave Mr. Sanchez conditional permission to 'retain a masonry wall over public ROW'. There was no mention of further extending the fence over ROW thus no permission was awarded to this degree. 'Retain' means to keep what 'currently exists.' Expanding a new fence of new wall over the entire ROW in front of your

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2004 Tangelo property was not authorized back in 2000 by the City Council. A similar request was denied by City Council on February 2009 on a 'limited infringement' for another Mission resident.

Staff and City Manager recommended denial.

Councilman Plata moved to deny the request by Ruben Sanchez to have Private Fencing over Public Right of Way at 2004 Tangelo Avenue Being Lots 26, 27, & 28, Royal Palms No. 1 as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.4 July 2009 Financial Statements

Mrs. Janie Flores, Finance Director presented the Financial Statements for July, 2009, for acceptance.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Financial Statements for July, 2009, as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.5 Tax Collections Report – July, 2009

Mrs. Flores presented the Tax Collections Report for July, 2009, for acceptance.

Acceptance of monthly property tax report for the amount of July, 2009. The 2008 total adjusted tax levy was \$ 17,308,177.30 and the amount of the collections as of July 31, 2009 was \$16,058,398.13 which represented 92.78% of the total tax levy. In comparison to prior year, the amount of property tax collected as of July 31, 2008 was \$ 14,765,985.76 which represented 92.85% of the total tax levy.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve the Tax Collections Report for July, 2009, as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.6 Budget Amendments – Boys & Girls Club, General Fund,

Mrs. Flores presented the budget amendments BA-84 thru BA-86 to the City Council for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve budget amendments BA-84 thru BA-86 as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.7 Appointment of City Representative and Alternate to serve on the Board of Directors for Amigos Del Valle for 2009-2010

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On an annual basis the City of Mission appointed a City Representative and Alternate to serve on the Amigos del Valle board. The Term of this appointment was from October 1, 2009 thru September 30, 2010.

Amigos Del Valle was requesting the appointment of a representative and alternate for Fiscal Year 2009-2010.

The current Board Representative was Public Relations Director Aida Lerma and the Alternate was Mayor Norberto Salinas.

Mayor Pro Tem Olivarez suggested that the representatives stayed the same with an additional representative Councilwoman Garza as the other Alternate representative.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve appointment of City Representative and Alternate to serve on the Board of Directors for Amigos Del Valle for 2009-2010 as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.8 Approval of Resolution # 1241 Authorizing the filing of a Grant Application with the LRGVDC for the Regional Solid Waste Grants Program

A resolution of the City Council of the City of Mission, Texas authorizing the filing of the grant application with the Lower Rio Grande Valley Development Council for the Regional Solid Waste Grants Program; authorizing the City Manager to act on behalf of the City in all matters related to the applications; and pledging that a grant was received, the City would comply with the grant requirements of the LRGVDC, the Texas Commission of Environmental Quality, and the State of Texas. The amount of the grant was \$30,000 and there was no cash match.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Resolution No. 1241 authorizing the filing of a Grant Application with the LRGVDC for the Regional Solid Waste Grants Program as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

RESOLUTION NO. 1241

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
AUTHORIZING THE FILING OF THE GRANT APPLICATION WITH THE LOWER RIO
GRANDE DEVELOPMENT COUNCIL (LRGVDC) FOR THE REGIONAL SOLID WASTE
GRANTS PROGRAM; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF
THE CITY OF MISSION IN ALL MATTERS RELATED TO THE APPLCIATION; AND
PLEDGING THAT IF A GRANT IS RECEIVED THE CITY OF MISSION WILL COMPLY
WITH THE GRANT REQUIREMENTS OF THE LRGVDC, THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY, AND THE STATE OF TEXAS.

4.9 Authorization to accept the Target Community Grant 2009 for Speer Memorial Library and Boys & Girls Club

The Speer Memorial Library and the Boys and Girls Club were requesting authorization to accept the Target Community Grants 2009. The Target Grant Program at the Speer Memorial Library would be used to focus on Early Childhood Reading and at the Boys and Girls Club the grant would be used to focus on a Fine Arts Program. The grant amount was \$3,000 each and there was no cash match to the City.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve authorization to accept the Target Community Grant 2009 for Speer Memorial Library and Boy's & Girls Club as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.10 Approval of Joint Resolution # 1242 Authorizing the submission of a grant application to the U.S. Department of Transportation, Supplemental Discretionary Grants for Capital Investments in Surface Transportation Infrastructure, Grants for Transportation Investment Generating Economic Recovery (TIGER), under the American Recovery and Reinvestment Act of 2009

The proposed project would fund the establishment of a Wye and Regional Multimodal Center at the McAllen Foreign Trade Zone (MFTZ) that would improve the cost competitiveness of U.S. manufacturers and the flow of goods through Hidalgo County to major U.S. population centers. In addition, the project would assess a total of twenty-seven (27) Rail Crossing Arms in the City of McAllen and forty-two (42) in the City of Mission, along existing railroad from the MFTZ to South of Business 83, from Inspiration to Jackson Roads, and install/upgrade as needed. The total federal request was \$30,693,244, with a total local match of \$3,237,548, for a total project cost of \$33,930,792. Distribution of local match and grant request was as follows:

City	Local Match Contribution
City of Mission	\$639,000
Development Corporation of McAllen, Inc.	\$1,798,548
McAllen Economic Development Corporation (Value of Land for Multimodal Center)	\$800,000
Total Local Match	\$3,237,548
Total Federal Request	\$30,693,244
Total Project Cost	\$33,930,792

Upon the approval of this application by both Cities, the Mayors were hereby authorized to execute all legal documents necessary, and to perform any acts necessary to implement the project.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve Resolution No. 1242 authorizing the submission of a grant application to the U.S. Department of Transportation, Supplemental Discretionary Grants for Capital Investments in Surface Transportation Infrastructure, Grants for Transportation Investment Generating Economic Recovery (TIGER), under the American Recovery and Reinvestment Act of 2009 as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

RESOLUTION NO. 1242

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S.
DEPARTMENT OF TRANSPORTATION, SUPPLEMENTAL DISCRETIONARY GRANTS
FOR CAPITAL INVESTMENTS IN SURFACE TRANSPORTATION INFRASTRUCTURE,
GANTS FOR TRANSPORTATION INVESTMENT GENERATING ECONOMIC
RECOVERY (TIGER), UNDER THE AMERICAN RECOVERY AND REINVESTMENT
ACT OF 2009.

4.11 Approval of Subrecipient Agreement with the County of Hidalgo for the provision of youth services “Boys & Girls Club Mission Jensen Unit”

Subrecipient Agreement was for the provision of salaries for program leaders who provide the educational, recreational and social activities for the youth in the area. Upon approval of Commissioners Court.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Subrecipient Agreement with the County of Hidalgo for the provision of youth services “Boys & Girls Club Mission Jensen Unit” as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.12 Approval to enter into Interlocal Agreement between City of Mission and Sharyland ISD to jointly undertake the youth services at Martinez and Jensen Elementary

Approval to enter into Interlocal Agreement between City of Mission and Sharyland ISD to jointly undertake the youth services of the Mission Boys and Girls Club of America at Martinez Elementary where it provided after school programs for the area youth.

Jensen Elementary was contingent upon approval of the Subrecipient Agreement between the City of Mission and the County of Hidalgo

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Interlocal Agreement between the City of Mission and Sharyland ISD to jointly undertake the youth services at Martinez and Jensen Elementary as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.13 Approval to enter into Interlocal Agreement between City of Mission and Mission CISD to jointly undertake the youth services at Leal Elementary

Approval to enter into Interlocal Agreement between City of Mission and Mission CISD to jointly undertake the youth services of the Mission Boys and Girls Club of America at Leal Elementary where it provided after school programs for the area youth.

Staff and City Manager recommended approval.

Councilwoman Garza moved to approve the Interlocal Agreement between the City of Mission and Mission CISD to jointly undertake the youth services at Leal Elementary as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.14 Authorization to submit application for TEXSYN PROJECT Grant 2010 for Boys & Girls Club

The Boys & Girls Club of Mission was seeking authorization to submit a grant application to the Texas Statewide Youth Service Network (TEXSYN Project). The grant was a Statewide project for youth between the ages of 10-17 who exhibit one or more characteristics that place them at risk of being referred to the juvenile justice system in their local communities, including but not limited to the absence or inadequacy of positive adult role models and /or inadequate adult supervision during non-school hours; the presence of anti-social behaviors at home, in school settings and/ or in the community; experimentation with tobacco, alcohol or other illegal drug; and demonstrate a lack of respect for authority figures and /or violation of communities' standards for youth behavior. The project was comprised of three evidence-based programs: Smart Moves, Stay Smart, and Smart Leaders. The grant amount was for \$10,000. There was a 50% local match to the city.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to submit application for TEXSYN PROJECT Grant 2010 for Boys & Girls Club as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.15 Authorization to solicit bids for the purchase of Waterline Material for 2 Mile Line Project – Conway to Taylor Rd

Staff was seeking authorization to solicit bids for the purchase of waterline material for 2 Mile Line Project. The 12" waterline material was necessary to complete the 2 Mile Line project from Conway to Taylor Road. These improvements were necessary to loop water distribution system and increase water pressure in the area. The Revenue Bond would be used to fund the project.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for the purchase of Waterline Material for 2 Mile Line Project – Conway to Taylor Road as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.16 Authorization to solicit bids for Chemicals for the South & North Water Plants and Waste Water Treatment Plants

Staff was seeking authorization to solicit bids for chemicals for South & North Water Plants and Waste Water Treatment Plants. These chemicals were needed to keep the plants running. The chemicals would be used for FY 09-10. The following were the list of chemicals:

Copper Sulfate	Water Treatment Plant
Aluminum Sulfate	Water Treatment Plant
Ammonium Sulfate	Water Treatment Plant
Polymer	Water Treatment Plant
Corrosion Inhibitor	Water Treatment Plant
Chlorine Gas	Water Treatment Plant
Powdered Activates Carbon	Water Treatment Plant
Liquid Emulsion Polymer	Water Treatment Plant

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to solicit bids for Chemicals for the South & North Water Plants and Waste Water Treatment Plants as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

4.17 Award Selection Recommendation for Contractor for the City of Mission-Fire and Police Department Substation & Authorize City Staff to Negotiate a Contract Agreement

On May 11, 2009, City Council authorized staff to solicit bids for a fire and police department substation for the City of Mission. The City of Mission had opened seven (7) proposals for this project. Proposals were reviewed based on price, construction experience, construction performance, financial strength, and time of project completion. The rankings are as follows: (CRC Designs, Enriquez Enterprises, Bullard Construction, American Contracting, Donald D. Ferguson, Journey Construction and Descon Construction).

City Manager asked for the approval of the rankings and authorize staff and architect to attempt to negotiate a contract with the first ranked and or if unable to negotiate a contract with the first (1) ranked offeror, then to proceed to the next ranked offeror in the order of selection until a contract was reached or all proposals were rejected.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to award Selection recommendation for Contractor for the City of Mission-Fire and Police Department Substation & Authorize City Staff to Negotiate a Contract Agreement as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.18 Approval of Ord. # 3472 approving a negotiated resolution between the City and Texas Gas Services regarding the Company's March 27, 2009 application to implement higher rates in its Rio Grande Valley service territory

On April 27, 2009, the City Council approved a resolution to suspend the rate increase in order to allow consultant, Geoffrey Gay time to review the proposed increase and to provide a recommendation back to the local governments for consideration. Attached was the Settlement Ordinance resolving all issues relating to the TGS Statement of Intent.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3472 approving a negotiated resolution between the City and Texas Gas Services regarding the Company's March 27, 2009 application to implement higher rates in its Rio Grande Valley service territory as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

ORDINANCE NO. 3472

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, ("CITY") APPROVING A NEGOTIATED RESOLUTION BETWEEN THE CITY AND TEXAS GAS SERVICE COMPANY ("TGS" OR "THE COMPANY") REGARDING THE COMPANY'S MARCH 27, 2009 APPLICATION TO IMPLEMENT HIGHER RATES IN ITS RIO GRANDE VALLEY SERVICE TERRITORY' DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING TGS' PROOF OF REVENUES; APPROVING A THREE YEAR ("COSA") PROCESS THAT INCLUDES TGS' PROPOSED DEPRECIATION RATES, A RETURN ON EQUITY OF 10.25 PERCENT AND USE OF A FEDERAL TAX RATE OF 35 PERCENT; PROVIDING FOR THE RECOVERY OF THE CITIES AND TGS' REASONABLE AND NECESSARY RATE CASE EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN A ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE CITY'S LEGAL COUNSEL.

At 4:46 Mayor asked to go back to item 4.1

4.19 Recommendation to award bid for Sidewalk Improvements at various locations throughout the City of Mission

On July 27, 2009, City Council authorized staff to solicit bids for Sidewalk Improvements. The City of Mission had accepted and opened nine (9) bid responses for the project. Staff along with Javier Hinojosa Engineering was recommending awarding to the first low bidder, Asago, LLC, for a total overall cost of \$35,325.00.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez moved to approve award bid for Sidewalk Improvements at various locations throughout the City of Mission as recommended. Motion was seconded by Councilman Plata and approved unanimously 4-0.

4.20 Authorize City Manager to engage Camacho-Hernandez & Associates and Javier Hinojosa Engineering for the ORCA 2008 Supplemental Recovery GRANT-professional services.

Being an engineering firm qualified by the Office of Rural and Community Affairs (ORCA) recovery work, Camacho-Hernandez & Associates, would act as project engineer in conjunction with Javier Hinojosa Engineering as sub-project engineer. Professional services related to grant application included: plans, specifications, estimates and construction support services to the City of Mission as required by ORCA. Overall project entails the reclamation of existing asphalt and Caliche (flexbase), with proposed 1.5" ACP pavement and 18" of Caliche street design, including adjustment of Manholes, water valves and replacement of Valley Gutters at various streets throughout the City.

Staff and City Manager recommended approval.

Mayor Pro Tem Olivarez move to authorize City Manager to engage Camacho-Hernandez & Associates and Javier Hinojosa Engineering for the ORCA 2008 Supplemental Recovery GRANT professional services as recommended. Motion was seconded by Councilwoman Garza and approved unanimously 4-0.

4.21 Adoption of Ord. # 3474 for CUP to Install a Changeable Copy Sign, 2309 E. Expressway 83, Lot 1, R. C. Vacker Subd

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ord. No. 3474 for CUP to Install a Changeable Copy Sign, 2309 E. Expressway 83, Lot 1, R.C. Vacker Subdivision as recommended. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

ORDINANCE NO. 3474

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT TO INSTALL A CHANGEABLE COPY SIGN,
2309 E. EXPRESSWAY 83, LOT 1, R.C. VACKER SUBDIVISION

5.0 Unfinished Business

None

6.0 Routine Matters

6.1 City Manager's Comments

None

6.2 Mayor's Comments

None

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At 5:18 p.m., Councilman Plata 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. Previously Assisted Housing Residence - Taxes and Insurance**
- B. Housing Case – 4002 Lopez**
- C. Claim of Elia Canales and Luis Saldivar, Jr. against Mission Police Department**
- D. Award Selection Recommendation for Contractor for the City of Mission-Fire and Police Department Substation & Authorize City Staff to Negotiate a Contract Agreement**

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

At 5:39 p.m., Mayor Pro Tem Olivarez moved to reconvene in open session. Motion was seconded by Councilman Plata and approved unanimously 4-0.

On item 7.1-A, Councilman Plata moved to authorize City Attorney to enforce the Mechanics Liens on said houses. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

No action was taken on item 7.1-B

On item 7.1-C, Councilman Plata move to authorize Chief of Police Leo Longoria to settle case in the amount of \$10,000, from the drug fund. Motion was seconded by Mayor Pro Tem Olivarez and approved unanimously 4-0.

No action was taken on item 7.1-D

8.0 Adjournment

At 5:40 p.m., Mayor Pro Tem Olivarez moved for adjournment. Motion was seconded by Councilman Plata and approved unanimously 4-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary