

MINUTES of a **Regular Meeting** of the City Commission of the City of Brownsville, Texas, held at the Commission Chambers, on the 2nd Floor of the New Brownsville City Hall (Old Federal Courthouse), located at 1001 East Elizabeth Street, Second Floor, Brownsville, Cameron County, Texas, on **Tuesday, February 17, 2004, at 6:00 p.m.** with the following members present:

| | | |
|-----------------------------------|---------------------------------------|-----------------------------|
| EDDIE TREVIÑO, JR. | | MAYOR |
| RICARDO LONGORIA, JR. |) | |
| CARLOS A. CISNEROS |) | |
| DAVID A. BETANCOURT |) | |
| ERNESTO L. DE LEON |) | |
| SALLY MINIEL ARROYO |) | |
| JOSEPH A. ZAVALLETTA, M.D. |) | COMMISSIONERS |
| | | |
| CHARLIE CABLER | | INTERIM CITY MANAGER |
| | | |
| CARLOS AYALA, JR. | INTERIM ASSISTANT CITY MANAGER | |
| | | |
| JIM GOZA | | CITY ATTORNEY |
| | | |
| INELDA T. GARCIA | | CITY SECRETARY |

A quorum being present, the meeting was declared ready for the transaction of City business at 5:30 P.M.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros, and carried unanimously, Mayor Eddie Treviño, Jr., convened the Executive Session at 5:30 P.M., to discuss the following item.

- A) Discussion pursuant to Section 551.074, of the Texas Government Code, regarding personnel matters.**
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Upon conclusion of the Executive Session, Mayor Eddie Treviño, Jr. convened the Workshop Session at 5:45 p.m., to discuss the following item:

- a) Discussion regarding a presentation by Game Time, Inc., highlighting their product line of parks playground equipment.**
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PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

Mayor Eddie Treviño, Jr., convened the Regular Meeting and led the Pledge of Allegiance. Commissioner Ricardo Longoria, Jr., led the Texas Pledge.

INVOCATION:

The invocation was given by Pastor Thomas Carruba of Hosanna Assembly Church in Brownsville, Texas.

1. PROCLAMATION: Coach Meme Garza, Saint Joseph Academy

No one was present to receive the proclamation.

2. CONSENT AGENDA ITEMS:

All consent Agenda Items listed are considered to be routine by the City Commission and were approved by one motion.

ITEM No. "a" through "g"

a) Approval of the Minutes of the Regular Meeting of February 03, 2004.

b) Consideration and authorization for the following individuals to incur travel expense:

| <u>Employee</u> | <u>Department</u> | <u>Destination</u> | <u>Dates</u> |
|-------------------|----------------------|--------------------|-----------------------|
| Larry Brown | Aviation | Portland, OR. | Jun. 27–Jul. 01, 2004 |
| David Courchaine | Aviation | Portland, OR | Jun. 27–Jul. 01, 2004 |
| Joe Torres | Aviation | Memphis, TN | Apr. 04-06, 2004 |
| Manuel Lugo | Building Inspections | Austin, TX | Feb. 28-29, 2004 |
| Ramon Torres | Building Inspections | Austin, TX | Feb. 28-29, 2004 |
| Olga Getz | Finance | Austin, TX | Feb. 27, 2004 |
| Pete Gonzalez | Finance | Dallas, TX | Mar. 02-03, 2004 |
| Pete Gonzalez | Finance | New York, NY | Mar. 04-08, 2004 |
| Frank Seals | Fire | Emmitsburg, MD. | Feb. 29-Mar. 12, 2004 |
| Leonardo Perez | Fire | Austin, TX | Feb. 18-20, 2004 |
| Skip Keller | Parks | Wichita Falls, TX | Mar. 10-12, 2004 |
| Mark Elbert | Police | Bandera, TX | Mar. 21-26, 2004 |
| Santiago Salinas | Police | Bandera, TX | Mar. 21-26, 2004 |
| Rodolfo García | Police | Bandera, TX | Mar. 21-26, 2004 |
| Santiago Manrique | Police | Bandera, TX | Mar. 21-26, 2004 |
| Yenicia Dominguez | Safety/Risk | Austin, TX | Feb. 27, 2004 |

Mr. Larry Brown, Aviation Director, and Mr. David Courchaine, Assistant Aviation Director, will attend a "Jump Start Conference" sponsored by the Airports

Council International-North America, on June 27 – July 01, 2004, in Portland, Oregon.

Mr. Joe Torres, Airport Maintenance Supervisor, will attend the “*Airfield Safety, Sign Systems and Maintenance Workshop*”, sponsored by the American Association of Airport Executives and Federal Aviation Administration, on April 4-6, 2004, in Memphis, Tennessee.

Mr. Manuel Lugo and Mr. Ramon Torres, Building Inspectors, will attend an “*Inspector Test Preparation Course*”, sponsored by the Associated Plumbing-Heating-Cooling Contractors of Texas, on February 28-29, 2004, in Austin, Texas.

Ms. Olga Getz, Accountant, will attend a seminar regarding “*Senate Bill 418, Updates on HIPAA Title II, and Employer Options for Managing Cost of Medical Claims*”, sponsored by the Texas Municipal League, on February 27, 2004, in Austin, Texas.

Mr. Pete Gonzalez, Finance Director, will attend and participate in the “*Closing of the 2004 General Obligation Bonds, 2004 Certificates of Obligation, and 2004 Sales Tax Revenue Bonds*” on March 2-3, 2004, in Dallas, Texas.

Mr. Pete Gonzalez, Finance Director, will attend and participate in the Brownsville Public Utilities Board (BPUB) *Bond Ratings Meetings*, on March 4-8, 2004, in New York, New York.

Fire Inspector Frank Seals will attend a “*Code Management: A Systems Approach*” course, sponsored by the National Fire Academy, on February 29 – March 12, 2004, in Emmittsburg, Maryland.

Fire Chief Leonardo Perez will attend the “*Firefighter Advisory Committee Meeting*”, sponsored by the Texas Commission on Fire Protection, on February 18-20, 2004, in Austin, Texas.

Parks Manager Skip Keller will attend the “*2004 TRAPS Annual Institute and Trade Show*”, sponsored by the Texas Recreation and Park Society, on March 10-12, 2004, in Wichita Falls, Texas.

Sgt. Mark Elbert, Sgt. Santiago Salinas, Sgt. Rodolfo Garcia, and Sgt. Santiago Manrique will attend the “*Law Enforcement Administrators’ Conference*”, sponsored by the Texas Police Association, on March 21-26, 2004, in Bandera, Texas.

Ms. Yencia Dominguez, Benefits Specialist, will attend a seminar regarding “*Senate Bill 418, Updates on HIPAA Title II, and Employer Options for Managing Cost of Medical Claims*”, sponsored by the Texas Municipal League, on February 27, 2004, in Austin, Texas.

- c) **ACTION on SECOND and FINAL READING of Ordinance Number 235-2003-022 to rezone from Dwelling “A” classification to Light Retail “A” classification (2CA), 0.799 acres out of Block “B” of El Jardin Subdivision, near Boca Chica Boulevard and Cowan Terrace.**

 - d) **ACTION on SECOND and FINAL READING of Ordinance Number 235-2003-022-S to allow a General Retail (4C) specific use offices in a Light Retail (2C) use district, for said 0.799 acres, near Boca Chica Boulevard and Cowan Terrace.**

 - e) **ACTION on SECOND and FINAL READING of Ordinance Number 235-2003-096 to rezone, from Dwelling “G” classification to General Retail “G” classification (4CG), 8.95 acres more less out of Block 124 of El Jardin Subdivision, near Ted Hunt Boulevard and San Jacinto Road.**

 - f) **ACTION on SECOND and FINAL READING of Ordinance Number 2004-1415 of the City of Brownsville, Texas, authorizing the approval of a note, in the amount of \$1,700,000, to First National Bank, and the payment thereof; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the note.**

 - g) **ACTION regarding the renewal contract to McQuay Services for maintenance and service on chiller type air conditioning units at the Brownsville/South Padre Island International Airport.**
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BOARDS AND COMMISSION APPOINTMENTS:

- 3. In the matter to appoint or reappoint one (1) member to the Airport Advisory Board.**

No action was taken on this item.

- 4. ACTION to appoint or reappoint one (1) member to the Brownsville Beautification Committee.**

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Ernesto L. De Leon and carried unanimously, Ms. Cynthia Garza Galvan was re-appointed to the Brownsville Beautification Committee.

- 5. ACTION to appoint or reappoint two (2) members to the Brownsville Housing Authority Board.**

Upon motion by Mayor Eddie Treviño, Jr., seconded by Commissioner Carlos A. Cisneros and carried unanimously, Mr. Andy Muñoz was re-appointed and Ms. Anna Arriola was appointed to the Brownsville Housing Authority Board.

PUBLIC HEARINGS:

- 5A. Public Hearing and ACTION on FIRST READING on Ordinance Number 2004-1200.125 on the annexation of areas consisting of all or part of Block Numbers 23 through 25 of El Jardin Heights and Block Numbers 1, 4, and 5 of El Jardin Subdivision, Cameron County Map Records, Volume 4, Page 60, and adjacent FM 3248, but shall exclude all areas that do not meet one or more of the criteria as of March 16, 2004.**

Mr. Gale Armstrong, General Manager of El Jardin Water District, offered an optional area for annexation so as to prevent jeopardizing his grant applications and federal funding.

Mr. Renato Cardenas, representing Cardenas Development, stated that the area was dual certified for El Jardin Water Supply Corporation and the Brownsville Public Utilities Board (BPUB).

Mr. Michael Rodriguez, representing the Murphy Farms owner expressed the owner's opposition to the annexation.

Commissioner David A. Betancourt asked Mr. Ben Medina for a cost analysis with regard to the proposed annexation.

Commissioner Joseph A. Zavaletta, M.D., requested an analysis of the homes to be built in the area of the proposed annexation.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner David A. Betancourt and carried unanimously, the public hearing was closed.

6. ACTION on FIRST READING of Ordinance Number 235-2004-005-S to allow an Apartment specific use (day care) in a Dwelling use district, for .39 acres out of Block 14 of Los Ebanos Estates, near Paredes Line Road and Shidler Drive.

Mr. Ernesto Flores, Brownsville citizen, expressed his opposition to adoption of Ordinance Number 235-2004-005, due to safety and traffic concerns.

Mr. and Mrs. Luis Fayette, owners of a day care center located in the area, stated that children would be safe because drop off time was at 7:00 a.m. or, if necessary, they would open their doors at 6:00 a.m. They further stated that children were usually picked up after 5:00 p.m. when school classes were already dismissed.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros, and carried unanimously, public hearing was closed.

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2004-005-S be approved on First Reading.

The motion was seconded by Commissioner Sally Miniel Arroyo and carried by the following vote:

Ayes: Mayor Treviño, Commissioners Longoria, Cisneros, De Leon, Arroyo, and Zavaletta;

Nay: Commissioner Betancourt.

7. ACTION on FIRST READING of Ordinance Number 235-2004-007-S to allow a General Retail specific use (tire shop) in a Medium Retail use district, Lot 33 of Block 28 of El Valle Grande Subdivision Section II, near Alton Gloor Boulevard and Morrison Road.

Upon motion by Commissioner David A. Betancourt, seconded by Commissioner Carlos A. Cisneros, and carried unanimously, Ordinance Number 235-2004-007-S was approved on first reading.

ACTION ITEMS:

- 8. In the matter of Resolution Number 2004-012 to authorize the County of Cameron to Sell Tax Foreclosed Trustee Properties to Albert Treviño. (TABLED)**

Upon motion by Commissioner Ernesto L. De Leon, seconded by Commissioner Sally M. Arroyo and carried unanimously, the item was tabled.

- 9. ACTION on Resolution Number 2004-013 to rename and officially designate Wood Hollow Drive, located in Creekwood Subdivision, Phase I to Creekwood Drive.**

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner David A. Betancourt and carried unanimously, Resolution Number 2004-013 was approved, renaming and officially designating Wood Hollow Drive, located in Creekwood Subdivision, Phase I, to *Creekwood Drive*.

- 10. ACTION on Resolution Number 2004-014 to approve the request from the Texas Department of Transportation (TxDOT) for a formal commitment from the City of Brownsville to provide the 20 percent local match for the project described in the grant application to the Federal Transit Administration under the 49 United States Code (U.S.C.) Section 5310 Program for Fiscal Year 2004.**

Upon motion by Commissioner David A. Betancourt, seconded by Commissioner Sally M. Arroyo and carried unanimously, Resolution Number 2004-014 was approved, to request from the Texas Department of Transportation (TxDOT) a formal commitment from the City of Brownsville to provide the twenty percent (20%) local match for the project described in the grant application to the Federal Transit Administration under the 49 United States Code (U.S.C.) Section 5310 Program for Fiscal Year 2004.

11. ACTION to authorize the Interim City Manager to execute Change Order Number 1 for the Brownsville Public Utilities Board (BPUB) Palo Alto Battlefield Utility Extension Project.

Commissioner Sally M. Arroyo moved that the Interim City Manager be authorized to execute **Change Order Number 1**, in the amount of **\$18,185.78**, to the contract for the Brownsville Public Utilities Board (BPUB) Palo Alto Battlefield Utility Extension Project.

The motion was seconded by Commissioner Ernesto L. De Leon and carried unanimously.

PURCHASES/BIDS/CONTRACTS:

12. ACTION on an Air Service/Air Cargo Marketing Support Proposal from Vesta Rea and Associates, LLC.

Commissioner David A. Betancourt moved that an Air Service/Air Cargo Marketing Support Proposal from Vesta Rea and Associates, LLC, be approved.

The motion was seconded by Commissioner Sally M. Arroyo and carried unanimously.

13. ACTION to authorize the City of Brownsville and the Los Fresnos Emergency Medical Services to enter into a Mutual Aid Agreement to provide aid to each other in case of medical emergencies.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Sally M. Arroyo and carried unanimously, the City of Brownsville was authorized to enter into a Mutual Aid Agreement with the Los Fresnos Emergency Medical Services, to provide aid to each other in case of medical emergencies.

14. ACTION to authorize the Waterline Access Agreement between El Jardin Water Supply Corporation and City of Brownsville.

Commissioner Sally M. Arroyo moved that the Waterline Access Agreement between El Jardin Water Supply Corporation and the City of Brownsville be approved.

The motion was seconded by Commissioner Ernesto L. De Leon and carried by the following vote:

Ayes: Mayor Treviño, Commissioners Longoria, Cisneros, Betancourt,
De Leon and Arroyo;

Nays: None; and

Abstention: Commissioner Zavaletta.

15. ACTION to award a contract for the purchase of Pager Programmable Time Switches for the Traffic Signal Department.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros and carried unanimously, a contract, in the amount of **\$44,510.00**, was awarded to **Consolidated Traffic Controls, Inc.**, of Arlington, Texas, for the purchase of 69 Pager Programmable Time Switches for the Traffic Signal Department.

16. ACTION to award a contract for the purchase of Traffic Signal Synchronization Hardware for the Traffic Signal Department.

Upon motion by Commissioner Ernesto L. De Leon, seconded by Commissioner Carlos A. Cisneros and carried unanimously, a contract, in the amount of **\$51,896.00**, was awarded to **Naztec, Inc.**, of Sugarland, Texas, for the purchase of Traffic Signal Synchronization Hardware for the Traffic Signal Department.

17. ACTION to award a contract for the purchase of one (1) backhoe loader for the Parks and Recreation Department.

Commissioner Sally M. Arroyo moved that a contract, in the amount of **\$48,664.67**, be awarded to **J.C. Brown, Inc.**, of Brownsville, Texas, for the purchase of one (1) backhoe loader for the Parks and Recreation Department.

The motion was seconded by Commissioner David A. Betancourt and carried unanimously.

18. ACTION to award a contract for the purchase of vehicles for Brownsville Fire Departments.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner David A. Betancourt and carried unanimously, a contract, for the purchase of two (2) vehicles for use by the Brownsville Fire Department, was awarded to **Tipton Motors, Inc.**, of Brownsville, Texas, as follows:

| Quantity | Item | Amount | Total |
|-----------------|--|------------------|--------------|
| Two (2) | 2004 Ford Small Utility Vehicles (4-door, 2WD, V6 Engine) | \$20,581.00 each | \$41,162.00 |

19. ACTION to award a contract for Capital Improvement Program 2003 Capital Improvement Project (C.I.P.) Streets and Drainage Improvement, Contract No. 1.

Commissioner Ernesto L. De Leon moved that a contract, in the amount of **\$1,021,218.35**, be awarded to **G & T. Paving Co.**, of Brownsville, Texas, for the Capital Improvement Program 2003 Capital Improvement Project for Streets and Drainage Improvements, Contract No. 1.

The motion was seconded by Commissioner David A. Betancourt and carried unanimously.

20. ACTION to award a contract for the purchase and installation of playground equipment at Edelstein Park.

Commissioner Sally M. Arroyo moved that a contract, in the amount of **\$147,986.29**, be awarded to **Game Time, Inc.**, of Denton, Texas, for the purchase and installation of playground equipment at Edelstein Park.

The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously.

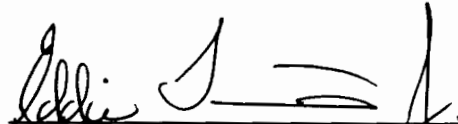
PUBLIC COMMENT PERIOD:

Ms. Miriam Ybarra and Ms. Coty Hopinks commented regarding projects of the Leadership Brownsville Class Number 19.


ADJOURNMENT:

There being no further business to come before the City Commission, upon motion by Commissioner David A. Betancourt, seconded by Commissioner Carlos A. Cisneros and carried unanimously, the meeting adjourned at 7:12 p.m.

Approved on this 2nd day of March, 2004.



Eddie Treviño, Jr.
Mayor of Brownsville

Attest:


Inelda T. Garcia
City Secretary

