

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, March 02, 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. ZAVALETTA, M.D.)	COMMISSIONERS
CHARLIE CABLER		INTERIM CITY MANAGER
CARLOS AYALA, JR.	INTERIM ASSISTANT CITY MANAGER	
JIM GOZA		CITY ATTORNEY
INELDA T. GARCIA		CITY SECRETARY

The meeting was called to order by Mayor Eddie Trevino, Jr., at 5:30 p.m., to consider the following matters as posted and filed for the record in The Office of the Secretary on February 27, 2004.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner David A. Betancourt and carried unanimously, Mayor Eddie Treviño, Jr., convened the Executive Session at 5:34 P.M., to discuss the following item:

- A) **Discussion and review pursuant to Section 551.074, of the Texas Government Code, regarding the review of applicants for appointment as City Manager.**
-

PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

Ms. Valerie Nicole Garza, Benavidez Elementary School student, led the Pledge of Allegiance and Mr. Nicolas Garcia, Benavidez Elementary School student, led the Texas Pledge.

INVOCATION:

The invocation was given by W.R. "Will" Aten, Executive Chaplain for the International Seaman's Center at the Port of Brownsville.

***1. PROCLAMATION: Coach Meme Garza, Saint Joseph Academy
(Commissioner Joseph A. Zavaletta, M.D.)***

Mayor Eddie Treviño, Jr., asked St. Joseph Academy Coach, Meme Garza, to step forward to accept a proclamation recognizing him for his many coaching achievements.

2. PRESENTATION: Employee of the Month (March 2004)

Mr. Charlie Cabler, Interim City Manager, recognized **Mr. Javier Chavez, Administrative Specialist II**, with the Planning and Community Development Department, as Employee of the Month for the month of March, 2004.

3. 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 "f"

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Ernesto L. De Leon and carried unanimously, Consent Agenda Items "a" through "f" were approved.

a) Approval of the Minutes of the Regular Meeting of February 17, 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 A. Brown	Aviation	Biloxi, Miss.	May 09-13, 2004
David J. Courchaine	Aviation	Biloxi, Miss.	May 09-13, 2004
Jennifer Hogancamp	Aviation	Fort Worth, TX	Mar. 10-11, 2004
Carlos Mendez	Fire	Laredo, TX	Mar. 14-26, 2004
Chris Gracia	Fire	Laredo, TX	Mar. 14-26, 2004
Ruben Garcia	Fire	Laredo, TX	Mar. 14-26, 2004
Victor Castillo	Fire	Laredo, TX	Mar. 14-26, 2004
Omar Alegria	Fire	Laredo, TX	Mar. 14-26, 2004
Ismael Gamboa	Fire	Laredo, TX	Mar. 14-26, 2004
Raymond Harris	Fire	Laredo, TX	Mar. 14-26, 2004
Joseph Prosis	Fire	Laredo, TX	Mar. 14-26, 2004
Ben Nunez, Jr.	Fire	Laredo, TX	Mar. 14-26, 2004
Fabian Martinez	Fire	Laredo, TX	Mar. 14-26, 2004
Jorge Castro	Fire	Laredo, TX	Mar. 14-26, 2004
Antonio Elizondo	Fire	Laredo, TX	Mar. 14-26, 2004
Noemi Garza	Library	San Antonio, TX	Mar. 16-20, 2004
Jerry Hedgecock	Library	San Antonio, TX	Mar. 16-20, 2004
Ben Medina, Jr.	Planning	Austin, TX	Mar. 03-05, 2004
Ramiro Rodriguez	Police	El Paso, TX	Mar. 03-05, 2004
Jeff Johnston	Police	Waco, TX	Mar. 07-10, 2004
David Perez	Police	San Marcos, TX	Mar. 16-17, 2004
Juan Hernandez	Police	Irving, TX	Mar. 18-19, 2004
Henry Etheridge	Police	Plano, TX	Apr. 19-23, 2004
Juan Hernandez	Police	Houston, TX	Apr. 04-07, 2004
Santiago Salinas	Police	Houston, TX	Apr. 04-07, 2004
Robert Nieto	Police	Houston, TX	Apr. 04-07, 2004
Benjamin Gabbert	Police	Houston, TX	Apr. 04-07, 2004
Pedro Gonzalez	Police	Houston, TX	Apr. 25-28, 2004
Julio Briones	Police	Houston, TX	Apr. 25-28, 2004
David De Leon	Police	Houston, TX	Apr. 25-28, 2004

Reynaldo Ordonez	Police	Houston, TX	Apr. 25-28, 2004
Joe Villarreal	Police	Houston, TX	Apr. 25-28, 2004
Sam Ortega	Police	Houston, TX	Apr. 25-28, 2004
Daniel Marks	Police	Austin, TX	May 17-21, 2004
Juan Salinas	Police	Austin, TX	May 17-21, 2004

Mr. Larry A. Brown, Aviation Director, and Mr. David Courchaine, Assistant Aviation Director will attend the “13th Annual IACC Conference”, sponsored by the International Air Cargo Conference, on May 9-13, 2004, in Biloxi, Mississippi.

Ms. Jennifer Hogancamp, Assistant Aviation Director (air side), will attend the “2004 FAA Airports Division Partnership Conference”, sponsored by the Southwest Region Airports Division, on March 10-11, 2004, Fort Worth, Texas.

Firefighters Carlos Mendez, Chris Gracia, Ruben Garcia, Victor Castillo, Omar Alegria, Ismael Gamboa, Raymond Harris, Joseph Prosize, Ben Nunez, Jr., Fabian Martinez, Jorge Castro, and Antonio Elizondo will attend the “Hazardous Material Technician I and II Course”, sponsored by the Laredo International Fire/Law Enforcement Training Center, on March 14-26, 2004, in Laredo, Texas.

Ms. Noemi Garza, Library Director and Mr. Jerry Hedgecock, Assistant Library Director, will attend the “TLA Annual Conference” in connection with the Southmost Branch Library, sponsored by the Texas Library Association, on March 16-20, 2004, in San Antonio, Texas.

Mr. Ben Medina, Director of Planning and Community Development, will attend the “Land Use Planning Law Conference”, sponsored by the University of Texas School of Law, on March 3-5, 2004, in Austin, Texas.

Commander Ramiro Rodriguez will participate as an Assessor for the position of Police Administrative Services Manager, for the City of El Paso, Texas, on March 3-5, 2004, in El Paso, Texas.

Mr. Jeff Johnston, Emergency Management Coordinator, will attend the “2004 Emergency Management Training Conference”, sponsored by the Division of Emergency Management, on March 7-10, 2004, in Waco, Texas.

Investigator David Perez will attend an “*Applicant Background Investigation and Oral Interview Technique Course*”, co-sponsored by Bannon & Associates, LLC and the San Marcos Police Department, on March 16-17, 2004, in San Marcos, Texas.

Lt. Juan Hernandez will attend the “*Orion Electronics Free GPS Tracking Regional Seminar*”, sponsored by Orion Electronics Limited, on March 18-19, 2004, in Irving, Texas.

Lt. Henry Etheridge will attend the “*International Affairs Professional Standards and Ethics Course*”, sponsored by the Institute for Law Enforcement Administration, on April 19-23, 2004, in Plano, Texas.

Lt. Juan Hernandez, Sgt. Santiago Salinas, Agent Robert Nieto, and Agent Benjamin Gabbert will attend the “*2004 ATPA State Conference*”, sponsored by the Automobile Theft Prevention Authority, on April 4-7, 2004, in Houston, Texas.

Officer Pedro Gonzalez, Detective Julio Briones, Investigator David De Leon, Detective Reynaldo Ordonez, Agent Joe Villarreal, and EMS Director Sam Ortega will attend the “*2004 TTPOA Annual Conference*”, sponsored by the Texas Tactical Police Officers Association, on April 25-28, 2004, in Houston, Texas.

Agents Daniel Marks and Juan Salinas will attend a “*Specialized Auto Theft School*”, sponsored by the Texas Department of Public Safety, on May 17-21, 2004, in Austin, Texas.

- c) **ACTION on SECOND and FINAL 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.**
- d) **ACTION on SECOND and FINAL 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.**

- e) **ACTION to adopt the 2004-2005 Brownsville Citizen's Advisory Committee consolidated One-Year Action Plan Calendar.**
 - f) **ACTION to approve final payment to Cornett Construction for the City of Brownsville/Brownsville Public Utilities Board Palo Alto Utility Extension Project.**
-

BOARDS AND COMMISSION APPOINTMENTS:

- 4. **Consideration and ACTION to appoint or reappoint one (1) member to the Airport Advisory Board. [TABLED 02-17-2004]**

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner David A. Betancourt and carried unanimously, **Mr. Michael Jones was appointed** to the Airport Advisory Board.

PUBLIC HEARINGS:

- 5. **Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2004-006-S to allow a Medium Retail (3C) specific use, (book store) in a Dwelling use district, Lot 14 of Block 14 of Colonia Alta Vista, located at 2168 Jackson, Street.**

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Ernesto L. De Leon and carried unanimously, the public hearing was closed.

Commissioner David A. Betancourt moved that **Ordinance Number 235-2004-006-S be approved** on first reading.

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

- 6. **Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2004-008 to rezone, from Apartment "G" classification to Medium Retail "G" classification, Lot 1 of Block 1 of Don Lee Subdivision, near Central Avenue and Morningside Road.**

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

Commissioner Ricardo Longoria, Jr., moved that **Ordinance Number 235-2004-008** be **approved** on first reading.

The motion was seconded by Commissioner Carlos A. Cisneros and carried unanimously.

7. **Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2004-009 to rezone, from Dwelling "Z" classification to Medium Retail "Z" classification, Lot 8 of Block 3 of Pasto Verde Subdivision, near Highway 100 and FM 803.**

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

Commissioner Carlos A. Cisneros moved that **Ordinance Number 235-2004-009** be **approved** on first reading.

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

8. **Public Hearing and ACTION on FIRST READING of Ordinance Number 2004-1100.34, amending Ordinance Number 1100 by readopting the Heritage Plan.**

Upon motion by Commissioner David A. Betancourt, seconded by Commissioner Sally M. Arroyo and carried unanimously, the public hearing was closed.

Commissioner David A. Betancourt moved that **Ordinance Number 2004-1100.34** be **approved** on first reading.

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

9. **Public Hearing on the creation of a reinvestment zone for tax increment financing purposes under the provisions of Chapter 311, Texas Tax Code, and its benefits to the Community and the property to be included in the Zone.**

Mr. Ben Medina, Director of Planning and Community Development introduced this item. The item was not scheduled for action at this time.

Commissioner Joseph A. Zavaletta, M.D., requested the criteria used for creation of the reinvestment zone.

Mr. Jim Goza, City Attorney, suggested that the City Commission hold a workshop to discuss the laws governing a reinvestment zone.

Mr. Bill Calderon, representing the Houston-based financial firm of Hawes, Hill, & Calderon, provided a brief overview of the financial handouts

Mr. Dennis Sanchez, Attorney, spoke on behalf the Santander Development Company owner.

ACTION ITEMS:

10. ACTION on Resolution Number 2004-015 to declare the week of Saturday, March 06, 2004 through Sunday, March 14, 2004, “Brownsville Aviation Week”.

Mr. Larry Brown, Aviation Director, provided a brief Power Point presentation on the history of the Brownsville/South Padre Island International Airport.

Upon motion by Mayor Eddie Treviño, Jr., seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, **Resolution Number 2004-015** was **approved**, declaring the week of Saturday, March 06, 2004 through Sunday, March 14, 2004, “*Brownsville Aviation Week*”.

11. ACTION on Resolution Number 2004-016 to approve the Budget Amendment to appropriate \$10,000 from the general fund for the Brownsville Border Film Commission.

Mr. Peter Goodman, Downtown Historical Development Director, and Mr. George Ramirez, Chairman of the Brownsville Society for the Performing Arts, requested funding for the recently established Brownsville Border Film Commission. Mr. Ramirez gave a brief overview of their proposed trip to Los Angeles, California and the proposed use of the funds being requested.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Sally M. Arroyo and carried unanimously, **Resolution Number 2004-016** was **approved**, authorizing a budget amendment to appropriate \$10,000 from the general fund for the Brownsville Border Film Commission.

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

12. ACTION to write off \$102,529.85 in airport account receivables resulting from bankruptcy accounts.

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, staff was **authorized** to write off \$102,529.85 in airport account receivables resulting from bankruptcy accounts.

PURCHASES/BIDS/CONTRACTS:

13. ACTION to authorize the Interim City Manager to amend an agreement with PMP Mobile Home and Trailer Park, Incorporated, regarding the construction of Morrison Road between Expressway 77/83 and Pablo Kisel Boulevard.

Commissioner Sally M. Arroyo moved that the Interim City Manager be authorized to amend an agreement between the City of Brownsville and PMP Mobile Home and Trailer Park, Incorporation, regarding the construction of Morrison Road between Expressway 77/83 and Pablo Kisel Boulevard. Based on the amended agreement, the City of Brownsville will **disburse to PMP Mobile Home and Trailer Park, a total of \$99,075** as outlined in the contract.

The motion was seconded by Commissioner Carlos A. Cisneros and carried unanimously.

14. ACTION to authorize the Interim City Manager to approve a contract amendment agreement with Turner, Collie & Braden, Incorporated (TCB) for the 2003 Capital Improvement Plan (C.I.P.) Street and Drainage Improvement Project.

Commissioner David A. Betancourt moved that the Interim City Manager be authorized to approve a contract amendment agreement, in the amount of **\$19,500**, with **Turner, Collie & Braden, Incorporated (TCB)** for the 2003 Capital Improvement Plan (C.I.P.) Street and Drainage Improvement Project.

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

15. ACTION on Resolution Number 2004-017 to authorize the City of Brownsville to enter into a joint agreement with Cameron County for hazardous materials response.

Mayor Eddie Treviño, Jr., moved that **Resolution Number 2004-017** be **approved**, authorizing the City of Brownsville to enter into a joint agreement with Cameron County for hazardous materials response.

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

16. ACTION to award a contract for the sale of property being described as a 1.324 acre tract of land out of a 1.84 acres tract of land located in the south 25.82 acres of Lot 4, Block 204 of El Jardin Resubdivision.

Commissioner Ernesto L. De Leon moved that a contract, in the amount of **\$62,250**, be awarded to **Mr. Joe Medrano** for the sale of City property being described as a 1.324 acre tract of land out of a 1.84 acre tract of land located in the south 25.82 acres of Lot 4, Block 204 of El Jardin Resubdivision.

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

17. ACTION to award a term contract for the purchase and delivery of aluminum bleachers for the City of Brownsville Parks and Recreations Department.

Commissioner Joseph A. Zavaletta, M.D., moved that a term contract be awarded to **Outdoor Aluminum, Inc., of Geneva, Alabama**, at the stipulated prices, for the purchase and delivery of aluminum bleachers for the City of Brownsville Parks and Recreation Department.

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

18. ACTION to award a contract for the purchase, delivery and installation of chain link fence at the Morningside Park Softball Complex of the City of Brownsville.

Commissioner David A. Betancourt moved that a contract, in the amount of **\$45,957**, be awarded to **Central Fence & Supply Company of Pharr, Texas**, for the purchase, delivery, and installation of chain link fencing at the Morningside Park Softball Complex of the City of Brownsville.

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

19. ACTION to award a term contract for the purchase, delivery and installation of Tifway 419 Hybrid Certified Bermuda Grass for use by the City of Brownsville Parks and Recreation Department.

Commissioner David A. Betancourt moved that a term contract, in the amount of **\$0.28 per square foot**, be awarded to **Turfgrass America of Pleasanton, Texas**, for the purchase, delivery, and installation of Tifway 419 Hybrid Certified Bermuda Grass for use by the City of Brownsville Parks and Recreation Department.

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

20. ACTION to award a contract for inmate telecommunications vending service for the Brownsville Police Department.

Commissioner David A. Betancourt moved that a contract, rebating the City of Brownsville, on a monthly basis, a **46% gross revenue commission** on all calls made through the proposed inmate telecommunications system, be awarded to **Evercom Systems, Inc. of Irving, Texas**, for inmate telecommunications vending service for the Brownsville Police Department.

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

21. ACTION to award a contract for the purchase of one small utility vehicle for the Brownsville Police Department.

Commissioner Ricardo Longoria, Jr., moved that a contract, in the amount of **\$20,581**, be awarded to **Tipton Motors, Inc. of Brownsville, Texas**, for the purchase of one small utility vehicle for the Brownsville Police Department.

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

PUBLIC COMMENT PERIOD:

Mr. James Puryear expressed his appreciation and recognition of the Charlie Cabler, Interim City Manager, Fernando Arrellano, Safety Coordinator, and Mayor Eddie Treviño, Jr., for their assistance regarding fire hydrants.

ADJOURNMENT:

There being no further business to come before the City Commission the meeting adjourned at 7:23 p.m.

Approved this 16th day of March, 2004.



Eddie Treviño, Jr.
Mayor of Brownsville

Attest:

Inelda T. Garcia
City Secretary