

**THE STATE OF TEXAS** §  
**CITY OF BROWNSVILLE** §  
**COUNTY OF CAMERON** §

**MINUTES** of a **Regular Meeting** of the City Commission of the City of Brownsville, Texas, held in the Commission Chambers, on the Second Floor of the Brownsville City Hall – Federal Building, located at 1001 East Elizabeth Street, Brownsville, Cameron County, Texas, on **Tuesday, August 02, 2005, at 5:15 p.m. and 6:00 p.m.** with the following members present:

<b>EDDIE TREVIÑO, JR.</b>		<b>MAYOR</b>
<b>RICARDO LONGORIA, JR.</b>	)	
<b>DAVID A. BETANCOURT</b>	)	
<b>CARLOS A. CISNEROS</b>	)	
<b>EDWARD C. CAMARILLO</b>	)	
<b>SALLY MINIEL ARROYO</b>	)	
<b>ERNIE L. HERNANDEZ, JR.</b>	)	<b>COMMISSIONERS</b>

<b>CHARLIE CABLER</b>	<b>CITY MANAGER</b>
<b>CARLOS AYALA</b>	<b>ASSISTANT CITY MANAGER</b>
<b>JIM GOZA</b>	<b>CITY ATTORNEY</b>
<b>ESTELA VON HATTEN</b>	<b>INTERIM CITY SECRETARY</b>

A quorum being present, Mayor Eddie Treviño, Jr., asked Ms. Estela Von Hatten, Interim City Secretary, to read the call to consider the following matters as posted and filed for the record in The Office of the Secretary on July 29, 2005:

## **WORKSHOP**

Mayor Eddie Treviño, Jr., convened the **Workshop Session** to discuss the following item:

- a) **Discussion regarding the City's proposed Fiscal Year 2006 Budget.**

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Upon conclusion of the Workshop Session, Mayor Eddie Treviño, Jr., convened the Regular Meeting of the City Commission at 6:03 p.m.

### ***PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE \* TEXAS PLEDGE***

The U.S. Pledge of Allegiance and the Texas Pledge were lead by Iysha Rangel, Jesenia Escobar, and Dana Rangel, from the Boys and Girls Club of Brownsville.

### ***INVOCATION:***

The invocation was given by Deacon Bob Clark of Church of the Good Shepherd in Brownsville, Texas.

Mayor Eddie Treviño, Jr., recognized Mr. Juan Antonio Preciado, Mayor of Cuautitlan, Mexico, who accompanied the Reverend Juan Manuel Martinez Merlos, priest at *Casa de Juan Diego* in Cuautitlan, Mexico, to present, as a relic, dirt from the floor of San Juan Diego's home in Cuautitlan, Mexico, to the Most Reverend Reymundo Peña, Bishop of the Diocese of Brownsville.

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1. ***PRESENTATIONS: Texas Municipal League (TML)  
Medical Insurance Claims Report  
Fiscal Year 2005***

Ms. Susan Smith, TML Representative, gave a PowerPoint presentation noting recommendations to the existing plan covering City employees.

***Employee of the Month***  
***(August 2005)***

Mr. Charlie Cabler, City Manager, recognized **Mr. Jorge Santillan, Accountant II**, at the Finance Department, as “*Employee of the Month*” for the month of August, 2005.

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**2. CONSENT AGENDA ITEMS:**

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

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner David A. Betancourt and carried unanimously, *Consent Agenda Items “a” through “b”* were approved.

***ITEM No. “a” through “b”***

**a) Approval of the Minutes of the Special Meeting of July 14, 2005, Special Meeting of July 18, 2005, Special Meeting of July 19, 2005, and a Regular Rescheduled Meeting of July 26, 2005.**

**b) Authorization for the following individuals to incur travel expense:**

<b><u>Employee</u></b>	<b><u>Department</u></b>	<b><u>Destination</u></b>	<b><u>Date</u></b>
Joe Chavez	Auditor	Corpus Christi, TX	Aug. 18, 2005
Jose Luis Espericueta	BUS	Houston, TX	Aug. 07 – 12, 2005
Pete Gonzalez	Finance	Houston, TX	Aug. 03 – 04, 2005
Victor Maldonado	Planning	Austin, TX	Aug. 01 – 02, 2005
Roman Gracia	Police	El Paso, TX	Aug. 08 – 12, 2005
Carlos L. Garcia	Police	Austin, TX	Aug. 21 – 23, 2005
Robert Avitia	Police	Austin, TX	Aug. 21 – 23, 2005
Orlando Rodriguez	Police	Los Angeles, CA	Aug. 21 – 25, 2005
Ramon Ortiz	Police	Los Angeles, CA	Aug. 21 – 25, 2005
Troy Arnold	Police	Houston, TX	Aug.27 – Sept.01, 2005
David Dale	Police	Houston, TX	Aug.27 – Sept.01, 2005
David De Leon	Police	Houston, TX	Aug.27 – Sept.01, 2005
Felix Saucedo	Police	Houston, TX	Aug.27 – Sept.01, 2005
Eduardo Zuniga	Police	Houston, TX	Aug.27 – Sept.01, 2005
Joe Villarreal	Police	Houston, TX	Aug.27 – Sept.01, 2005

Mr. Joe Chavez, Internal Auditor, will attend the *“Internal Control Seminar”*, sponsored by Lorman Education Services on August 18, 2005, in Corpus Christi, Texas.

Mr. Jose Luis Espericueta, BUS Facility Supervisor, will attend the *“Transit System Security, FT00432 Course”*, sponsored by the Texas Department of Transportation on August 7 - 12, 2005, in Houston, Texas.

Mr. Pete Gonzalez, Finance Director, will attend the *“Truth-In-Taxation Seminar”*, sponsored by the Texas Comptroller of Public Accounts on August 3 – 4, 2005, in Houston, Texas.

Mr. Victor Maldonado, Planning Homeless Coordinator, will attend the *“Regional Feedback and Training Forums on Outcome Measurement”*, sponsored by CPD Regional Sessions on August 1 – 2, 2005, in Austin, Texas.

Police Agent Roman Garcia will attend the *“United States Department of Justice Stash House Initiative Training”*, sponsored by High Intensity Drug Trafficking Area Task Force (HIDTA) on August 8 – 12, 2005.

Chief of Police Carlos L. Garcia and Commander Robert Avitia will attend the *“Texas Police Association Legislative Update Seminar”*, sponsored by the Texas Police Association on August 21 – 23, 2005, in Austin, Texas.

Police Lieutenant Orlando Rodriguez and Officer Ramon Ortiz will attend the *“National Weed & Seed Conference”*, sponsored by Brownsville Weed & Seed on August 21 – 25, 2005, in Los Angeles, California.

Police Sergeant Troy Arnold, Sergeant David Dale, Investigator David De Leon, Officer Felix Saucedo, Detective Eduardo Zuniga, and Agent Joe Villarreal will attend the *“Texas Tactical Police Officers’ Association (TTPOA) 2005 SWAT Competition”*, sponsored by the Texas Tactical Police Officers’ Association (TTPOA) on August 27 – September 1, 2005, in Houston, Texas.

***BOARDS AND COMMISSIONS APPOINTMENTS:***

**3. ACTION to appoint or reappoint four (4) members and four (4) alternates to the Board of Adjustments. TABLED**

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner David A. Betancourt and carried unanimously, the item was tabled to allow more time for selection of members to the Board of Adjustments.

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***PUBLIC HEARINGS:***

**4. Public Hearing regarding the City's proposed Fiscal Year 2006 Budget.**

Mr. Pete Gonzalez, Finance Director noted that the budget had been reviewed in the Workshop Session.

Mr. Joe Wallace Garcia commented on the malfunction of the audio and electrical systems at the Brownsville Events Center, and requested that sufficient funds be allocated to maintain the systems.

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

**5. Public Hearing and ACTION on FIRST READING on Ordinance 2005-1439 amending Chapter 50 of the City of Brownsville Code of Ordinances: Fire Protection and Prevention, regulating the Sale, Storage, Transportation, and Discharge of Fire Works within the Corporate City Limits.**

Fire Chief Leonardo Perez noted that the proposed amendment had been inadvertently left out of the recodified code book.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Ernie L. Hernandez and carried unanimously, the public hearing was closed.

Commissioner David A. Betancourt moved that Ordinance Number 2005-1439 be adopted on first reading with the revision to reflect that fireworks are prohibit "within a distance of 10 feet". The motion was seconded by Commissioner Carlos A. Cisneros. After discussion it was determined that the 10-foot limits be removed from the ordinance.

Commissioner David A. Betancourt modified his motion to reflect that Ordinance Number 2005-1439 be **adopted** on first reading with a revision to the newly added Sections 50-108 and 50-109 to reflect that the prohibition is within the city limits and the phrase "...or within a distance of 5,000 feet from the corporate city limits" be removed. The motion was seconded by Commissioner Ernie L. Hernandez and carried unanimously.

6. **Public Hearing and ACTION on FIRST READING on Ordinance 2005-1440 ordering and calling a Special Election for the purpose of submitting to the duly qualified voters of the City of Brownsville several propositions for the amendment of several articles of the Charter of said City, by repealing certain sections of several articles, adopting new sections for said articles, and amending several articles, of such Charter, providing for the method of voting in such election, both at the polls and early voting by personal appearance and early voting by mail; stating the qualifications of the voters permitted to vote in such election and the manner in which the same shall be conducted and the returns thereof made; establishing election precincts, designating polling places, and appointing officers of such election; providing for the giving of notice of such election; and dealing with other matters incidental to the subject.**

Commissioner Ernie L. Hernandez noted that a working draft of the proposed ordinance, including up to 35 propositions, based on the Charter Review Committee's recommendations, was being presented for Commissioners' review and selection of the top 10 to 15 propositions for the ballot. He further noted that the language in the ordinance must be ready for ratification by ordinance enactment by August 9, 2005. stating that the Committee was waiting for written confirmation of ballot language changes from bond counsel Tom Spurgeon.

Mr. Jim Goza, City Attorney, provided a handout of the proposed re-written Charter and noted that, in his opinion, it was a legally sound document.

In response to Commissioner David A. Betancourt, Mr. Goza stated that the state statute that requires five (5) board members only, applies to those boards created by bond issuance and that the statute does not apply to the Brownsville Public Utilities Board (BPUB) as it was not created by bond issuance.

Mr. Goza also noted that the proposed Charter Amendments and Ordinance would be submitted to the Department of Justice, with a copy also to the Secretary of State.

Commissioner Carlos A. Cisneros moved that the public hearing be continued until August 9, 2005.

The motion was seconded by Commissioner Ernie L. Hernandez and carried unanimously.

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***ACTION ITEM:***

**7. ACTION to acknowledge the Cameron Appraisal District Chief Appraiser's certification of the City of Brownsville's 2005 tax roll.**

Mr. Pete Gonzalez, Finance Director, noted that there was a \$251 million increase over the previous year.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros and carried unanimously, the Cameron Appraisal District Chief Appraiser's certification of the City of Brownsville's 2005 tax roll was **acknowledged**.

**8. ACTION to approve ninety percent (90 %) of the retainage payment due to Terry Ray Construction, Inc. for the Dean Porter Park Phase 2 Project.**

Upon motion by Commissioner David A. Betancourt, seconded by Commissioner Ernie L. Hernandez and carried unanimously, ninety percent (90%) of the retainage payment due to Terry Ray Construction, Inc, was **authorized** for the Dean Porter Park Phase 2 Project.

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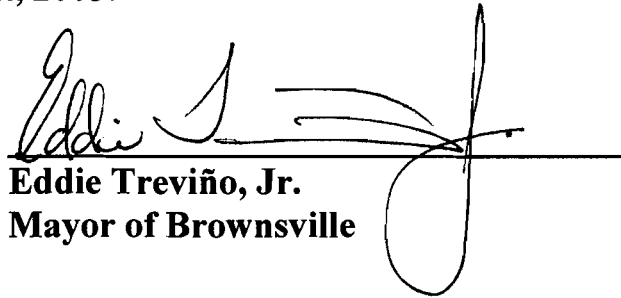
***PUBLIC COMMENT PERIOD:***

Mr. John Shergold, Attorney, thanked Mayor Eddie Treviño, Jr., for his comments and action regarding the recent elevator malfunction at the Villa Del Sol High Rise, administered by the Brownsville Housing Authority.


**ADJOURNMENT:**

There being no further business to come before the City Commission, the meeting adjourned at 7:53 p.m.

Approved this 9th day of August, 2005.

  
Eddie Treviño, Jr.  
Mayor of Brownsville

Attest:

  
Estela Von Hatten  
Interim City Secretary

