

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, June 07, 2005, at 6:00 p.m.** with the following members present:

EDDIE TREVIÑO, JR.		MAYOR
RICARDO LONGORIA, JR.)	
DAVID A. BETANCOURT)	
CARLOS A. CISNEROS)	
ERNESTO L. DE LEON)	
SALLY MINIEL ARROYO)	
ERNIE L. HERNANDEZ)	COMMISSIONERS
CHARLIE CABLER		CITY MANAGER
CARLOS AYALA, JR.		ASSISTANT CITY MANAGER
JIM GOZA		CITY ATTORNEY
ESTELA VON HATTEN		INTERIM CITY SECRETARY

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 June 03, 2005:

Upon motion by Commissioner Ernie Hernandez, seconded by Commissioner Sally M. Arroyo and carried unanimously, Mayor Eddie Treviño, Jr., convened the **Executive Session** to discuss the following items:

- A) **Discussion pursuant to Section 551.071, of the Texas Government Code, regarding pending litigation styled Cause Number 2003-06-3199-E, Zimmerman Construction Company versus City of Brownsville.**
- B) **Discussion pursuant to Section 551.072, of the Texas Government Code, regarding the purchase of real property.**

PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

The U.S. Pledge of Allegiance and the Texas Pledge were lead by Mayor Eddie Treviño, Jr.

INVOCATION:

The invocation was given by Rev. Ed Robertson, Supply Pastor from Shepherd of the Valley Lutheran Church, Brownsville, Texas.

1. *PRESENTATION: Employee of the Month*
(June 2005)

Mr. Charlie Cabler, City Manager, recognized *Mr. Chris Haggstrom*, Ordinance Enforcement Officer II at the City Health Department, as “*Employee of the Month*” for the month of June 2005.

2. *CONSENT AGENDA ITEMS:*

All consent Agenda Items listed were considered to be routine by the City Commission and were be 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 “d” were **approved.**

ITEM No. "a" through "d"

- a) **Approval of the Minutes of the Special Meeting of May 17, 2005.**
- b) **Authorization for the following individuals to incur travel expense:**

Employee	Department	Destination	Date
Larry A. Brown	Aviation	Calgary, AB, Canada	June 12 – 16, 2005
Michael Jones	Aviation	Calgary, AB, Canada	June 12 – 16, 2005
Chris Harle	Aviation	Memphis, TN	June 12 – 15, 2005
Norma H. Zamora	BUS	Austin, TX	June 14, 2005
Thomas F. Logan	BUS	San Francisco, CA	June 07 – 10, 2005
Gail Downs	BUS	Chicago, IL	June 28 – July 01, 2005
Abelardo Galvan	Fire	Bruceville, TX	June 04-10, 2005
Marco Longoria	Fire	Bruceville, TX	June 04-10, 2005
Roberto Medrano	Planning	San Antonio, TX	June 19 – 23, 2005
Gerardo Noriega	Planning	San Antonio, TX	June 19 – 23, 2005
Ben Medina, Jr.	Planning	San Antonio, TX	June 20 – 23, 2005
Jeff Johnston	Police	Houston, TX	May 23 – 24, 2005
Carlos L. Garcia	Police	Austin, TX	June 14 – 16, 2005
Juan A. Hernandez	Police	Austin, TX	June 14 – 16, 2005
Ramon Ortiz	Police	Austin, TX	June 26 – July 01, 2005
Adrian Posada	Police	Austin, TX	June 26 – July 01, 2005
David Perez	Police	Austin, TX	June 26 – July 01, 2005

Mr. Larry A. Brown, Aviation Director, and Michael Jones, Business Development Manager, will attend a *“Jumpstart Conference”*, sponsored by the Calgary Airport Authority, on June 12 – 16, 2005, in Calgary, Alberta, Canada.

Mr. Chris Harle, Airport Operations Officer, will attend the *“Basic Airport Safety and Operations Specialist School”*, sponsored by the Federal Aviation Administration and the American Association of Airport Executives, on June 12 - 15, 2005, in Memphis, Tennessee.

Ms. Norma H. Zamora, BUS Director, will attend the *“Regional Planning and Public Transportation Coordination Workshop”*, sponsored by the Texas Department of Transportation, on June 14, 2005, in Austin, Texas.

Mr. Thomas F. Logan, BUS Transit Planner, will attend the “*Federal Transit Administration’s National Transit Database Reporting Seminar for 2005*”, sponsored by the National Transit Database Program, on June 7 - 10, 2005, in San Francisco, California.

Ms. Gail Downs, BUS Accountant, will attend the “*Federal Transit Administration’s National Transit Database Reporting Seminar for 2005*”, sponsored by the National Transit Database Program, on June 28 to July 01, 2005, in Chicago, Illinois.

Fire Captain Abelardo Galvan and Driver Marco Longoria will attend the “*2005 Summer MDA Camp*”, sponsored by the Muscular Dystrophy Association, on June 4 – 10, 2005, in Bruceville, Texas.

Mr. Roberto Medrano, Community Development Manager, and Mr. Gerardo Noriega, Environmental Coordinator, will attend the “*4th Annual Housing Summit*” on June 19 – 23, 2005, in San Antonio, Texas.

Mr. Ben Medina, Jr., Planning Director, will attend the “*4th Annual Housing Summit*”, sponsored by the City of San Antonio, Texas, on June 20 – 23, 2005, in San Antonio, Texas.

Mr. Jeff Johnston, Emergency Management Coordinator, will attend the “*National Response Plan Seminar*”, on May 23 – 24, 2005, in Houston, Texas.

Police Chief Carlos L. Garcia and Commander Juan A. Hernandez will attend the “*ATPA Grant Review and Board Meeting*”, sponsored by the Auto Theft Prevention Authority, on June 14 – 16, 2005, in Austin, Texas.

Police Officer Ramon Ortiz, Officer Adrian Posada, and Investigator David Perez will attend the “*Brownsville Weed and Seed Sixth Drug Education for Youth (DEFY) Summer Camp*”, sponsored by Brownsville Weed and Seed, on June 26 – July 1, 2005, in Austin Texas.

- c) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2005-023 to rezone from “A” Area District classification to “G” Area District classification, .319 acres out of Block 78 of El Jardin Subdivision in Share 19 and 27 of Espiritu Santo Grant, near State Highway 48 and East Price Road.**
- d) **APPROVAL on SECOND and FINAL READING of Ordinance Number 2005-748-D to amend Chapter 98 – Traffic and Vehicles, Article IV–Speed Restrictions; Section 98 – 133 of the Code of Ordinances of the City of Brownsville, Texas, establishing new speed limits along FM 511, US 281 and FM 803 in the City of Brownsville.**
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BOARDS AND COMMISSION APPOINTMENT:

3. **Consideration and ACTION to appoint or re-appoint two (2) members to the Parks and Recreation Advisory Committee.**

Upon motion by Commissioner Ernie L. Hernandez, seconded by Commissioner Carlos A. Cisneros, the item was **tabled**.

4. **Consideration and ACTION to appoint five (5) members to the Board of Directors of the Tax Increment Reinvestment Zone Number One (TIRZ I).**

Upon motion by Commissioner Ernesto L. De Leon, seconded by Commissioner Ricardo Longoria, Jr., the item was **tabled**.

PUBLIC HEARING:

5. **Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2005-022 to rezone from Apartment “A” classification to Professional Office “A” classification, Lot 19 of La Villita Unit 4, near Calle Milpa Verde and Gloria Street.**

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission had approved the proposed rezoning of the property in question.

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

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2005-022 be **adopted** on first reading.

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

6. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2005-024 to rezone from Apartment “H” classification to General Retail “H” classification, 1.16 acres out of Block 58 of Share 27 of El Jardin Subdivision, near State Highway 48 and McKenzie Road.

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission had approved the proposed rezoning of the property in question.

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

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2005-024 be **adopted** on first reading.

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

7. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2005-025 to rezone from Dwelling “A” classification to General Retail “A” classification, Lot 1 of Block 1 of Don Elias Subdivision, near State Highway 48 and Central Avenue.

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission had approved the proposed rezoning of the property in question.

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner David A. Betancourt and carried unanimously, the public hearing was **closed**.

Commissioner David A. Betancourt moved that Ordinance Number 235-2005-025 be **adopted** on first reading.

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

8. Public Hearing and ACTION to adopt the October 01, 2005 to September 30, 2006 Consolidated Plan Budget of the City's Housing and Urban Development Entitlement Grants.

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

Commissioner Ricardo Longoria, Jr. moved that the October 1, 2005 to September 30, 2006 Consolidated Plan Budget for the City's Housing and Urban Development Entitlement Grants be **approved** on first reading.

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

9. Public Hearing and ACTION on FIRST READING on Ordinance Number 2005-898-B to amend Chapter 74 of the City Code of Ordinances to include the Paseo de la Resaca Central Parkway within the requirements of that chapter.

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Ernie L. Hernandez, Jr., and carried unanimously, the public hearing was **closed**.

Commissioner Sally M. Arroyo moved that Ordinance Number 2005-898-B be **adopted** on first reading.

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

10. Public Hearing and ACTION on FIRST READING on Ordinance Number 2005-1433 to abandon and close a portion of an existing 15-foot drainage and utility easement located in Lot 11, Block 5, Isla de Palmas Subdivision, Section II.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Ernesto L. De Leon and carried unanimously, the item was **tabled**.

ACTION ITEMS:

11. Consideration and ACTION to acknowledge the Second Quarter Report for the Veteran's International Bridge at Los Tomates.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Sally M. Arroyo and carried unanimously, the Second Quarter Report for the Veteran's International Bridge at Los Tomates was **acknowledged**.

12. Consideration and ACTION to authorize the use of Dean Porter Park on October 01, 2005, for the Gulf Shrimp Fiesta 2005.

Mr. Skip Keller, Parks Manager, introduced Mr. Ivo Goga and Mr. Dutch Fischer, representing the *Gulf Shrimp Fiesta* Committee.

Mr. Goga noted that the *Gulf Shrimp Fiesta* is scheduled for October 1, 2005 and this year the Fiesta Committee will team up with the Sombrero Fest Committee to produce the event.

Commissioner Carlos A. Cisneros moved that use of **Dean Porter Park** be **authorized** on October 1, 2005, for the *Gulf Shrimp Fiesta* 2005.

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

13. Consideration and ACTION to adopt one and two-year goals for Housing Programs in Brownsville.

Mr. Ben Medina, Director of Planning and Community Development, noted that the U.S. Department of Housing and Urban Development (HUD) had requested the goals for housing programs in Brownsville.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Sally M. Arroyo and carried unanimously, one and two-year goals for City housing programs were **adopted**.

PURCHASES/BIDS/CONTRACTS:

- 14. Consideration and ACTION on a request for funding, in the amount of \$25,000.00, for the 4th of July Celebration.**

Mr. Alex Meade, representing the South Texas Young Professionals, noted that any funds received would be used for the fireworks and for providing entertainment.

Upon motion by Commissioner David A. Betancourt, seconded by Commissioner Ernie L. Hernandez, Jr., and carried unanimously, funding in the amount of **\$30,000.00** was allocated for the **4th of July Celebration.**

- 15. Consideration and ACTION to approve a Memorandum of Understanding between the City of Brownsville Police Department and Brownsville Independent School District (BISD) for the use of the 800 megahertz Trunked Radio System.**

Chief of Police Carlos L. Garcia noted that the Brownsville Independent School District (BISD) would be able to use the radio system at a rate of \$120 per radio annually for the first year.

Upon motion by Commissioner David A. Betancourt, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, a Memorandum of Understanding between the City of Brownsville Police Department and Brownsville Independent School District (BISD) was **approved** for the use of the 800 megahertz trunked radio system, at **\$120.00 per radio annually for the first year.**

- 16. Consideration and ACTION to approve an Advance Funding Agreement between the City of Brownsville and Texas Department of Transportation (TXDOT) for the East Loop, Phase II Project, US 77/83 Expressway to FM 1419.**

Mr. Carlos Lastra, P.E., City Engineer, noted that the estimated amount of the City's monetary contribution is **\$5,169,074.**

Commissioner Ricardo Longoria, Jr., moved that an Advance Funding Agreement between the City of Brownsville and the Texas Department of Transportation (TxDOT) be **approved**, for the East Loop, Phase II Project, US 77/83 Expressway to FHM 1419.

17. Consideration and ACTION to approve an Agreement between the City of Brownsville and Ambiotec Civil Engineering Group for engineering services for the East Morrison Road Project, US 77/83 to FM 1847.

Mr. Carlos Lastra, P.E., City Engineer, noted that the design of Morrison Road had been approved by TxDOT.

Commissioner Ricardo Longoria, Jr., moved that an agreement between the City of Brownsville and Ambiotec Civil Engineering Group, be **approved**, for engineering services for the East Morrison Road Project, US 77/83 to FM 1847.

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

Commissioner Carlos A. Cisneros left the meeting

18. Consideration and ACTION to accept the 2002 C.I.P. Street and Drainage Contract, One Project and to release the retainage and final payment to Pederson Construction for said project.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Sally M. Arroyo and carried unanimously, the 2002 C.I.P. Street and Drainage Contract, One Project was **accepted** and the retainage and final payment, in the amount of **\$1,051,792.58**, to **Pederson Construction** was authorized for said project.

19. Consideration and ACTION to accept the 2003 C.I.P. Street and Drainage Contract, One Project and to release the retainage and final payment to G & T Paving, Inc. for said project.

Commissioner Ricardo Longoria, Jr., moved that the 2003 C.I.P. Street and Drainage Contract, One Project be accepted, and the retainage and final payment, in the amount of **\$998,689.20**, to **G & T Paving, Inc**, be authorized for said project.

20. Consideration and ACTION to award a contract for Airport Owners and Operators General and Comprehensive Liability Insurance for the Brownsville/South Padre Island International Airport.

Mr. Paul Calapa, Purchasing and Contracting Manager, noted that the policy was expiring and the proposed premium reflected a decrease of 3.15% from the previous Fiscal Year policy premium.

Commissioner David A. Betancourt moved that a contract for Airport Owners and Operators General and Comprehensive Liability Insurance, in the amount of **\$25,570.00 per year**, be awarded to **Cavazos Insurance Agency of Brownsville, Texas**, for the requested limit of liability of \$30 million dollars, for the Brownsville/South Padre Island International Airport.

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

21. Consideration and ACTION to award a contract for the purchase of ten (10) dual SL radars with motorcycle upgrade for the Brownsville Police Department.

Mr. Paul Calapa, Purchasing and Contracting Manager, noted that purchase of the referenced equipment would replace ten (10) motorcycle radars that have been in service for almost ten (10) years.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner David A. Betancourt and carried unanimously, a contract, in the amount of **\$25,100.00**, was awarded to **Applied Concepts, Inc. of Plano, Texas**, for the purchase of ten (10) dual SL radars with motorcycle upgrade for the Brownsville Police Department.

DISCUSSION ITEMS:

22. Discussion regarding the City of Brownsville Charter Revision.

Mr. Jim Goza, City Attorney, noted that the City Charter contained antiquated provisions which needed to be revised.

Commissioner Ernie L. Hernandez, Jr., stated that a Charter Review Committee needed to be appointed, with a target date of November 8, 2005, for a Charter Election.

Commissioner Ricardo Longoria, Jr., left the meeting.

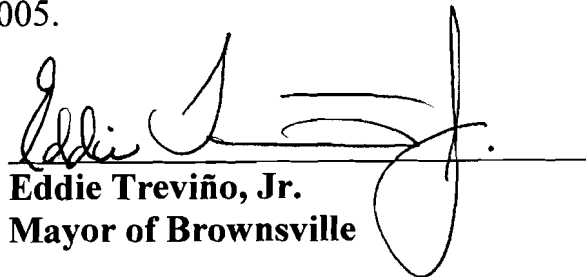
PUBLIC COMMENT PERIOD:

Mr. Dagoberto Barrera expressed his opinion regarding Brownsville Public Utilities Board rate increases.

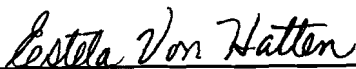
ADJOURNMENT:

There being no further business to come before the City Commission, the meeting adjourned at 6:16 p.m.

Approved this 21ST day of June, 2005.


Eddie Treviño, Jr.
Mayor of Brownsville

Attest:



Estela Von Hatten
Interim City Secretary

