

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

MINUTES of a **SPECIAL 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 21, 2005, at 5:30 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 17, 2005:

EXECUTIVE SESSION:

Upon motion by Commissioner David A. Betancourt, seconded by Commissioner Carlos A. Cisneros 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 551.087, of the Texas Government Code, regarding Economic Development opportunities.**

Upon conclusion of the Executive Session, Mayor Eddie Treviño, Jr., called the Special Meeting to order at 5:35 p.m.

PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

The U.S. Pledge of Allegiance and the Texas Pledge were lead by *Ms. Cecilia Maité Colón and Sebastian Vicente Colón*, 5th and 1st grade students, respectively, at Sharp Elementary School.

INVOCATION:

The invocation was given by Brownsville City Commissioner Ricardo Longoria, Jr.

1. *PROCLAMATION: Homeownership Month - June 2005* ***(Mayor Eddie Treviño, Jr.)***

Mayor Eddie Treviño, Jr., asked Mr. Steve Solis, Executive Director of the Brownsville Affordable Homeownership Corporation, accompanied by Board members, to step forward to accept a proclamation designating June, 2005 as “*Homeownership Month*” in the City of Brownsville.

2. PRESENTATION:

*United States Armed Forces
(Mayor Eddie Treviño, Jr.)*

Sgt. Jorge Hernandez, representing a U.S. Armed Services Family Support Group, presented information regarding a fund account that was set up to assist families, of local men currently serving in the U.S. Armed Forces, who might be in need such as the family who recently lost their home to a fire and needed funds to cover the insurance deductible amount.

Mayor Eddie Treviño, Jr., asked Mr. Bill Young, Public Information Officer to publicize the Family Support Group, and the fund account availability, in the City's local channel.

3. 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 Ricardo Longoria, Jr., seconded by Commissioner Ernie L. Hernandez, Jr., and carried unanimously, Consent Agenda Items "a" through "f" were **approved**.

ITEM No. "a" through "f"

a) Approval of the Minutes of the Regular Meeting of June 07, 2005.

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

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Mary Brown	Beautification	Houston, TX	June 27 – 30, 2005
Joe Lee Rubio	Beautification	Houston, TX	June 27 – 30, 2005
Craig Timmer	Beautification	Houston, TX	June 27 – 30, 2005
Santiago Navarro	Bldg. Inspections	Austin, TX	July 17 – 19, 2005
Norma Zamora	BUS	Dallas, TX	Sept. 25 – 29, 2005
Pete Gonzalez	Finance	Houston, TX	July 13 – 14, 2005

Ms. Mary Brown, Mr. Joe Lee Rubio, and Mr. Craig Timmer, Brownsville Beautification Committee Representatives, will attend the "*Keep Texas Beautiful: 38th Annual Conference*", co-sponsored by Coca-Cola, H.E.B., and other sponsors, on June 27 – 30, 2005, in Houston, Texas.

Mr. Santiago Navarro, Permitting Director, will attend the “2005 Texas State Grants Summit”, sponsored by the Performance Institute, on July 17 – 19, 2005, in Austin, Texas.

Ms. Norma H. Zamora, BUS Director, will attend the “American Public Transportation Association 2005 EXPO” and the “American Transit Annual Meeting”, sponsored by the American Public Transportation Association, on September 25 – 29, 2005, in Dallas, Texas.

Mr. Pete Gonzalez, Finance Director, will attend the “Governmental Accounting, Reporting & Auditing Seminar”, sponsored by the Rawls College of Business of Texas Tech University, on July 13 – 14, 2005, in Houston, Texas.

- c) APPROVAL on SECOND and FINAL READING of 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.**
 - d) APPROVAL on SECOND and FINAL READING of 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.**
 - e) APPROVAL on SECOND and FINAL READING of 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.**
 - f) APPROVAL on SECOND and FINAL READING of Ordinance 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.**
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POST ELECTION BUSINESS:

4. ACTION on Resolution Number 2005-022 canvassing and declaring the results of General Municipal Run-off Election held on June 11, 2005, for the purpose of electing District Commissioner 4.

Commissioner Ernesto L. De Leon noted the accomplishments of the Brownsville City Commission during his tenure as District Commissioner 4, and thanked Mayor Eddie Treviño, Jr., and Brownsville City Commissioners for their cooperation and work to benefit the City of Brownsville. He then congratulated Commissioner-Elect Edward C. Camarillo and wished him well.

Ms. Estela Von Hatten, Interim City Secretary, canvassed and declared the result of the General Municipal Run-off Election held on June 11, 2005, for the purpose of electing a District Commissioner 4.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner David A. Betancourt and carried unanimously, Resolution Number 2005-022 was **adopted**, canvassing and declaring the result of the General Municipal Run-off Election held on June 11, 2005, for the purpose of electing a District Commissioner 4.

5. ACTION regarding the issuance of Certificate of Election, the Administration of the Oath of Office, and Assumption of Duties of an Elected Official.

Mayor Eddie Treviño, Jr., read and issued a Certificate of Election to Commissioner-Elect Edward C. Camarillo.

County Court-at-Law Judge Janet Leal administered the Oath of Office to Commissioner-elect District 4 Edward C. Camarillo, who was accompanied by his parents and immediate family members.

Mayor Eddie Treviño, Jr., yielded the floor to Commissioner-Elect Edward C. Camarillo, who thanked the citizens of Brownsville for their support and pledged to work with the Mayor and City Commissioners for the benefit of the Citizens of Brownsville.

Commissioner-elect District 4 Edward C. Camarillo took his seat and assumed the official duties as duly elected City Commissioner District 4.

Upon motion by Mayor Eddie Treviño, Jr., seconded by Commissioner David A. Betancourt and carried unanimously, issuance of Certificate of Election to Commissioner-Elect Edward C. Camarillo was **approved**.

BOARDS AND COMMISSIONS APPOINTMENTS:

6. ACTION to appoint or re-appoint two (2) members to the Parks and Recreation Advisory Committee. [TABLED 06-07-2005] TABLED

Upon motion by Mayor Eddie Treviño, Jr., seconded by Commissioner David A. Betancourt and carried unanimously, the item was **tabled**.

7. ACTION to appoint six (6) members to the Board of Directors of the Tax Increment Reinvestment Zone Number One (TIRZ I). [TABLED 06-07-2005]

Mr. Ben Medina, Director of Planning and Community Development, noted that only five (5) members needed to be appointed by the City Commission to the Board in question.

Mayor Eddie Treviño, Jr., moved that **Mr. Robert Swantner**, Insurance Broker; **Mr. Ariel Chavez**, P.E.; **Mr. Robert L. Walker**, Vice-President of Lone National Star Bank; **Mr. Rick Wickett**, President of Stewart Title Company; **Ms. Mariela Marrero**, Branch Manager of First National Bank in Olmito, Texas, be appointed to the Board of Directors of the Tax Increment Reinvestment Zone Number One (TIRZ 1). The motion was seconded by Commissioner Ernie L. Hernandez, Jr., and carried unanimously.

Mr. Medina noted that the sixth board member could have been nominated by one of the other local taxing entities but none had made a nomination.

Mayor Eddie Treviño, Jr., modified his motion to include **Mr. Fernando Terrones**, CPA, as the sixth member of the TIRZ 1 Board of Directors.

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

8. ACTION to appoint fourteen (14) members to a Charter Review Committee.

Commissioner Ricardo Longoria, Jr., moved that **Mr. Joe Wallace Garcia and Mr. Dagoberto Barrera** be appointed to the Charter Review Committee.

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

Upon motion by Commissioner David A. Betancourt, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, **Mr. Eliseo Munoz and Ms. Norma Linda Castellanos** were appointed to the Charter Review Committee.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner David A. Betancourt and carried unanimously, **Mr. Rick Zayas and Mr. Carlos Marín** were appointed to the Charter Review Committee.

Commissioner Ernie L. Hernandez, Jr., moved that **Mr. Ignacio Torteya and Mr. Al Villarreal** be appointed to the Charter Review Committee.

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

Commissioner Edward C. Camarillo, Commissioner Sally M. Arroyo, and Mayor Eddie Treviño, Jr., noted that they would name their appointees to the Committee at the next meeting.

PUBLIC HEARINGS:

9. Public Hearing and ACTION on FIRST READING on Ordinance 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. [TABLED 06-07-2005]

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

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, Ordinance Number 2005-1433 was **approved** on first reading.

10. Public Hearing and ACTION on FIRST READING of Ordinance Number 2005-983-Z to amend certain sections of Chapter 102 of the Code of Ordinances entitled “Utilities”, which provides for electric, water and wastewater (sanitary sewer) service rates and charges and conditions of services; to adjust the electric rates resulting in an increase in electric rates and the fuel and purchased energy charge section therein to reflect current conditions and increased costs; to adjust the water and wastewater rates resulting in an increase in water revenues and wastewater revenues; and provide a severability clause and effective date.

Mr. John Bruciak, General Manager and CEO of Brownsville Public Utilities Board (BPUB), introduced Mr. Eddie Campirano, Assistant General Manager, who reviewed the high points of the Black & Veatch Study of proposed actions regarding utility rates.

Mr. Larry Jordan, of Estrada & Hinojosa Associates Financial Consultants, recommended that a rate increase be in effect for a period of one year at this time.

Mayor Eddie Treviño, Jr., stated: “Mr. Campirano, I kind of echo Commissioner Arroyo’s comments and I’ve had this discussion with you and Mr. Bruciak. I think the fact that we are doing these two other items that the PUB Board has requested...the impact analysis and the operational analysis, I think allows us the opportunity to perhaps take this one year at a time...I’m not in favor of this evening committing to a three-year rate increase. I want to see where this coming year takes us. Hopefully, we’ll have a couple of positive developments that will allow us to review those recommendations that Black & Veatch has made. At least, give us the opportunity to fine tune and see what we can do from an operational standpoint so that any future rate increases might be minimized or at least lessened as far as the recommendation. Are there any other comments or questions from the commission” ?

Commissioner David A. Betancourt stated: “Well, I just like to say that, you know you’re ...I guess, the base rate on the electric is 15.5% on this study...over the three years, 5 percent each year 5.5% the first and then water has 8 %. 8% and 3%, 7% excuse me, and on the waste water 5% and 3%. That seems pretty drastic as far as...as the way I see it. And, I don’t know what has gotten us to this point, but if we... I think we should have done the organizational assessment and any other assessments prior to

this... so that we can continue to have confidence in the PUB. We certainly appreciate all the work you all do and the community has...wants to keep this great asset, but we need to make sure that we can be proud of it and that it is efficient, that these studies are unbiased. Personally, I would like to see the city commission since we're the ones that are determine ... have to approve the rate increases. I'd like to see us do the organizational assessment, us create...get a firm to do that...I don't know how the other commissioners feel. We can put a committee together, I know the developers are also interested in this and if they can participate, PUB participate, and the city commission participate and I think that would produce a better product...An unbiased product.”

Mayor Eddie Treviño, Jr., stated: “Well, let me first say that I have confidence in PUB and in what they are doing. I agree that it would be nice to have had this analysis earlier rather than later, but I think it has been made clear, at least if it hasn't let's make it clear tonight, that the city commission, along with other various groups that have interest in these analysis and these studies, should participate, clearly we have established better lines of communication between city commission and PUB board of directors over the last several years. And, I don't want to put that in any time of a negative light. I think things are a lot better now than they were in the past. I agree [“I AGREE” in the background from one of the commissioners] ...I agree that there is always room for improvement, but I think overall PUB is doing a fine job. Any other comments” ?

Commissioner Ricardo Longoria, Jr., noted that he had received negative phone calls and that the citizens in his district were still struggling to pay their bill and any kind of increase was just going to further that. He commented that, if looking across the board, a 15% increase (if the scale was followed), a 15% increase for citizens in District I was very severe.

Mayor Eddie Treviño, Jr., stated: “We either have to commit and protect and invest... [TAPE ENDS—SIDE B] wants to do rate increases. This is the last thing that we want to do. But, the cost of doing business, the cost of running a public utility system is not cheap and is not getting cheaper on a day to day basis. Nobody wants this, but most

of the people that I've talk to, well, they've asked me...they prefer not to...they certainly understand it is a dilemma. Now, David, ...Commissioner Betancourt, made a point and if we look historically, I think, one of the hesitations of this commission over the several years has been the fact that they do not want to do rate increases. I'm talking about the last ten fifteen years. Had we had smaller increases over the last ten fifteen years perhaps 1... 1 ½... 2 %, every once in while, because instead of waiting every several years, perhaps, the hit would not be as dramatic as we've seen with regards to this particular rate study. I think that's something the commission needs to realize. But, we have got to take care of our assets and the resources that are running PUB; otherwise, we're going to run that system into the ground, and then we will not have an asset worth what we've invested in it."

Commissioner David A. Betancourt stated: "I agree that we need to protect the PUB. And it's a great asset for this community. But, we're seeing 130 homes in the past two years per month come in...into play...and yet, we don't see a return for that investment. And, the investment I mean the rate payers, the citizens of this community...have invested in the PUB, and they continue to do and that's great. But, we don't see... any money that the city gets we use it for the streets, the security, the drainage, for other things that the city as a whole needs. Those 130 homes per month for at least the past two years, we don't see a greater return for this PUB investment. I just think we need to determine, at some point before we do any rate increases, we need to determine what is the problem or the concern, or what can we correct, to get a return we should be getting on this. I don't know if you all want to address that..."

Mr. John Bruciak noted that the ordinance being recommended for approval is for a rate increase for the first year of the three-year plan.

Commissioner David A. Betancourt stated: "How does the one 8% increase affect the three-year increase that Black & Veatch is recommending"?

Mr. John Bruciak, responded: "We are recommending the first year of the three-year plan that they have...in the ordinance we provided. We want to look at our management organization..."

Commissioner David A. Betancourt stated: “ We just got the ordinance. We didn’t get to look over...” to which Mr. Bruciak responded that the ordinance was set up to approve a rate increase for the first year of the three-year plan.

Commissioner Ricardo Longoria, Jr., asked what the consequences were if the Commission did not approve the increase, and what kind of strain does the construction of up to 130 homes per month for the last few years, put on the system.

After a response from Mr. Eduardo Campirano, Assistant General Manager for BPUB, Commissioner David A. Betancourt stated: “I’ll make tough decisions here, and I have, but I just want...if there is any other way to do some of this, we haven’t been informed of it. Some kind of agreements or other things we can do ...instead of just rate increases. Back in 2002, when I was first elected, I came onto City Commission...that time City Manager Mr. Lambert, was recommending a tax increase. And, I told him I wouldn’t do it, unless, if I had to make that hard decision...I’ll do it. I wouldn’t do it unless we showed the citizens of this community that we’re cutting back...that we’re holding the line”.

Mr. James Robinson, and Mr. Robert Uresti expressed their opposition to a rate increase and recommended cost cutting measures for BPUB.

Mr. Neal O. Simmons and Mr. Renato Cardenas, spoke in favor of the rate increase for the first year year period.

Mr. Pat Ahumada, BPUB Board Member, expressed his concerns regarding refinancing of debt, allowing the City’s Financial Advisors to represent BPUB and the City in the debt refinancing proposal, and the need for expense reductions within the BPUB.

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

Commissioner Sally M. Arroyo moved that Ordinance Number 2005-983-Z be **approved** on first reading, with the proviso that the language be revised in the ordinance to reflect that the rate increase would be in place for **the first year of the three-year plan**.

The motion was seconded by Commissioner Carlos A. Cisneros and carried as follows:

Ayes: Mayor Treviño, Commissioners Cisneros, Camarillo, Arroyo, and Hernandez;

Nays: Commissioners Longoria and Betancourt.

11. Public Hearing and ACTION to authorize the issuance of a new taxi cab permit to Mr. Florentino Izaguirre, on a 1999, 4-door Chevrolet Lumina, which he would be operating for G.C. Taxi Company.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Sally M. Arroyo and carried unanimously, the public hearing was **closed**.

Commissioner Ricardo Longoria, Jr., moved that issuance of a new taxi cab permit be **authorized** to Mr. Florentino Izaguirre, on a 1999, 4-door Chevrolet Lumina, which he would operate for the G.C. Taxi Company.

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

12. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2005-026 to rezone from “Z” Area District classification to “G” Area District classification, for Block 9 of Olmito Tract Number 1 of Shares 12 and 15 of Espiritu Santo Grant, near Lomax Road and FM 803.

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission had voted to recommend approval of the rezoning.

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 235-2005-026 be **remanded** to the Planning and Zoning Commission for further review and consideration.

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

13. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2005-028 to rezone from “G” Area District classification to “J” Area District classification, for 30.32 acres out of Blocks 6 thru 11 of Media Luna Subdivision, near Expressway 77/83 and Morrison Road.

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission had voted to recommend approval of the rezoning.

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

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros and carried unanimously, Ordinance Number 235-2005-028 was **approved** on first reading.

14. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2005-029 to rezone from Dwelling “Z” classification to Medium Retail “Z” classification, for Lot 9 of Block 30 of Cameron Park Subdivision Section 2, near Paredes Line Rd and Gregory Avenue.

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission had voted to recommend approval of the rezoning.

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 Ordinance Number 235-2005-029 be **approved** on first reading.

The motion was seconded by Commissioner Edward C. Camarillo and carried unanimously.

Mayor Eddie Trevino, Jr., stepped out.

15. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2005-030-S to allow a Medium Commercial specific use (outdoor sale/rental of utility commercial trailers to public view) in a General Retail use district, for Lot 7 of Block 1 of Military South Subdivision Phase I, located at 9247 US 281.

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission had voted to recommend approval of the rezoning.

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 235-2005-030-S be **approved** on first reading.

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

Mayor Eddie Treviño, Jr., returned.

16. Public Hearing and ACTION on FIRST READING on Ordinance Number 2005-1427-B to adopt the Final Project Plan and Reinvestment Zone Financing Plan for TIRZ Number 2. TABLED

Mr. Ben Medina, Director of Planning and Community Development, noted that the project cost would be approximately \$16 million over a 30-year period, with the developer fronting the costs of development, and the City being responsible for costs of major thoroughfare construction, Palm Blvd. extension, levee repair, and parks construction. Mr. Medina noted that should the developer not realize the sale of lots, the City owed nothing and there would be no increment.

Mayor Eddie Treviño, Jr., stated: “When you say there is no risk that’s not really accurate because if he invests that’s gonna be reimbursed by the TIRZ - at least that is his hope”.

“If there’s no increment the taxable value of the area...that’s a risk. But I’m sure he wouldn’t be doing this if, unless, he thought there would be a return. This is a public hearing, are there any questions?”

Mayor Eddie Treviño, Jr., then stated: “Let me point out something. One of the differences that we’ve got out there, is the fact that...if this were a few years ago, before the University had purchased Amigoland Mall, I don’t think anybody would disagree that the future looked bleak to say the least. However, in two short years, the University, through what is now called the ITEC Campus, has really made lemonade out of lemon. I have my concerns, and I have raised this before, this is in a flood plain, very low lying area; probably one of the lowest lying areas of the entire city.

Residences out there...while certainly better than what we've got out there right now, I don't know if that's necessarily the long term. I think what the development of ITEC, that area and with the West Rail coming, I think there are some other options available to him other than just a residential development or multi-family as the plan calls for in the different phases. I certainly appreciate what Mr. Koppel is trying to do out there, but I've got my concerns, and TIRZ Number I was basically the only benefit. And the reason why it was approved was to get Morrison Road built, which is equivalent of another (FM) 802 east-west arterial that we need to have for north Brownsville and the west side district 4 because we need to have more and more ability for people to access the expressway from the western side of our city.

Mayor Eddie Treviño, Jr., continued: "Yes, yes it's a speed up the process. That's right. And, it may turn out that we don't go through the TIRZ route because of something we are working out with the state. So, if that doesn't happen, then the TIRZ Number I will have absolutely have no receipt from the city with regards to any investment. The only investment they were going to do was build Morrison Road ahead of time. That's all.

Mayor Eddie Treviño, Jr., then asked: "Jim, can we table it right now without closing a public hearing, or do we close the public hearing and then table it"? Mr. Jim Goza, City Attorney, recommended that the public hearing be left open.

Commissioner Edward C. Camarillo, moved that the public hearing remain **open** and that action on this item be **tabled**.

The motion was seconded by Commissioner Ernie L. Hernandez, Jr., and carried as follows:

Ayes: Mayor Treviño, Commissioners Cisneros, Camarillo, Arroyo and Hernandez;

Nays: Commissioners Longoria and Betancourt.

After Mr. Goza's suggestion, that a specific date be set for re-submission of the ordinance, Commissioner Edward C. Camarillo moved that the public hearing **remain open until August 16, 2005.**

The motion was seconded by Commissioner Ernie L. Hernandez and carried as follows:

Ayes: Mayor Treviño, Commissioners Cisneros, Camarillo, Arroyo and Hernandez;

Nays: Commissioners Longoria and Betancourt.

ACTION ITEMS:

17. ACTION to adopt a plan of finance on the Brownsville Public Utilities Boards' existing and new debt issuance.

Mr. Larry Jordan, of Estrada & Hinojosa Financial Consultants, noted that the plan of measures to be taken would allow for a two (2) month reserve for the Brownsville Public Utilities Board.

Mayor Eddie Treviño, Jr., stated: "Larry, do you have the number that was mentioned at the workshop last week? Had the sale gone through without litigation occurring, we're paying \$42-43 million for Oklaunion. What would we have made had we been able to have it online and using that power"?

After Mr. Jordan's response, Mayor Eddie Treviño, Jr., stated: "Everyone wants that asset. We were first in line...legal dispute arose, but that's why we jumped at it...because of what you just said".

Commissioner Sally M. Arroyo moved that a plan of finance on the Brownsville Public Utilities Board's existing and new debt issuance be **adopted.**

The motion was seconded by Commissioner Carlos A. Cisneros and carried as follows:

Ayes: Mayor Treviño, Commissioners Cisneros, Camarillo, Arroyo, and Hernandez;

Nays: Commissioner Longoria and Betancourt.

18. ACTION authorizing a representative and an alternate representative to negotiate final settlement of Cause Number 2003-06-3199-E, Zimmerman Construction Company versus City of Brownsville.

Mr. Jim Goza, City Attorney, provided a brief update on the case.

Upon motion by Commissioner David A. Betancourt, seconded by Commissioner Carlos A. Cisneros and carried unanimously, **Mayor Eddie Treviño, Jr., and Mr. Charlie Cabler, City Manager,** were authorized as the representative and alternate representative, respectively, to negotiate final settlement of Cause Number 2003-06-3199-E, Zimmerman Construction Company versus City of Brownsville.

19. ACTION on Ordinance Number 2005-933-JJ which corrects Ordinance Number 933-HH that was approved by the City Commission on April 5, 2005.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, Ordinance Number 2005-933-JJ was **adopted**, which corrects Ordinance Number 933-HH, that was approved by the City Commission on April 5, 2005.

20. ACTION on Resolution Number 2005-023 to approve budget amendment to the General Fund by \$879,180 to reimburse Housing and Urban Development (HUD) for the amount owed on Community Development Corporation of Brownsville (CDCB) Home Program.

Mr. Pete Gonzalez, Finance Director, noted that the funds in question pertained to HUD-disallowed costs associated with the HOME program administered by the Community Development Corporation of Brownsville (CDCB) and which the City would pay in response to the U.S. Department of Housing and Urban Development's (HUD) request for reimbursement.

Mr. Ben Medina, Director of Planning and Community Development, noted that the City would work with CDCB for reimbursement of the funds to the City.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Ernie L. Hernandez, Jr., and carried unanimously, Resolution Number 2005-023 was **adopted** to approve a budget amendment to the General Fund in the amount of

\$879,180.00, to reimburse the U.S. Department of Housing and Urban Development (HUD) for the amount owed on the Community Development Corporation of Brownsville's HOME Program.

21. ACTION to authorize staff to develop an Early Childhood Education Program in the City of Brownsville.

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, staff was **authorized** to develop an Early Childhood Education Program in the City of Brownsville.

PURCHASES/BIDS/CONTRACTS:

22. ACTION to authorize Amendment Number 13a, Supplement to Amendment Number 13, to the Contract with HNTB for engineering services to perform Federal Aviation Administration (FAA) required design modifications to Runway 17-35, Runway 13R-31L, South General Aviation (G/A) Ramp Rehabilitation and Improvement Project.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Sally M. Arroyo and carried unanimously, Amendment Number 13a, Supplement to Amendment Number 13 to the Contract with HNTB, was **authorized**, for engineering services to perform Federal Aviation Administration (FAA)-required design modifications to Runway 17-35, Runway 13R-31L, South General Aviation (G/A) Ramp Rehabilitation and Improvement Project.

23. ACTION to authorize Amendment Number 15 to the Contract with HNTB for engineering services associated with the construction of the General Aviation (G/A) Infrastructure Project.

Mr. Larry Brown, Director of Aviation, noted that the above referenced contract had been awarded and the item in question was associated with said contract.

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Edward C. Camarillo and carried unanimously, Amendment Number 15 to the Contract with HNTB, was **authorized**, for engineering services associated with the construction of the General Aviation (G/A) Infrastructure Project.

24. ACTION to approve a contract between the City of Brownsville and The Friends of the Brownsville Historic City Cemetery, Incorporated.

Mr. Jim Goza, City Attorney, noted that the proposed contract would be between the City of Brownsville and The Friends of the Brownsville Historic City Cemetery, Inc., and proposed to develop and operate programs that will protect, preserve, restore and support the Cemetery through donations of time, political encouragement, and money.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Sally M. Arroyo and carried unanimously, a contract between the City of Brownsville and The Friends of the Brownsville Historic City Cemetery, Incorporation, was **approved**.

25. ACTION to authorize the negotiation and purchase of a 0.712-acre easement out of Share 19, Espiritu Santo Grant for the proposed Bike and Hike Trail Project and to incur expenses associated with closing costs.

Mr. Eddie Santillan, Right-of-Way Acquisition Specialist, noted that the proposed purchase is the last of the 3 phases of the project.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Ernie L. Hernandez, Jr., and carried unanimously, the negotiation and purchase of a 0.712-acre easement out of Share 19, Espiritu Santo Grant was **approved**, for the proposed Bike and Hike Trail Project and to incur expenses associated with closing costs.

26. ACTION to award a contract for the 29th Year Community Development Block Grant (CDBG) Street and Drainage Improvement Program for Villa Verde and Shary Avenue.

Mr. Paul Calapa, Purchasing and Contracting Manager, gave a brief overview of bids received.

Upon motion by Commissioner David A. Betancourt, seconded by Commissioner Edward C. Camarillo and carried unanimously, a contract, in the amount of **\$545,471.61**, was awarded to **R & R Paving of San Benito, Texas**, for the 29th Year Community Development Block Grant (CDBG) Street and Drainage Improvement Program for Villa Verde and Shary Avenue.

27. ACTION to award a contract for demolition of houses condemned by the Planning and Community Development Department.

Mr. Paul Calapa, Purchasing and Contracting Manager, noted that the owner of one of the properties on the demolition list has initiated demolition action and is no longer considered a part of the bid. He noted that the bid amount would be decreased by \$1,250.00.

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, a contract, at the **stipulated prices**, was awarded to **Montes Construction and Remodeling of Brownsville, Texas**, for the demolition of houses condemned by the Planning and Community Development Department.

28. ACTION to award a contract for the purchase and installation of a Municipal Court Building Security System.

Commissioner Edward C. Camarillo moved that a contract, in the amount of **\$25,085.00**, be awarded to **Avnet Enterprise Solutions of Austin, Texas**, for the purchase and installation of a Municipal Court Building Security System.

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

29. ACTION to award a contract for the purchase and installation of Court Case Management Software.

Mr. Paul Calapa, Purchasing and Contracting Manager, noted that the Municipal Court of Brownsville concurred with this recommendation.

Commissioner Carlos A. Cisneros moved that a contract, in the amount of **\$179,000.00**, be awarded to **Tyler Technologies, Inc, INCODE Division of Lubbock, Texas**, for the purchase and installation of Court Case Management Software.

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

30. ACTION to award a contract for the purchase and delivery of modular furniture for the new Animal Shelter Building.

Mr. Paul Calapa, Purchasing and Contracting Manager, noted that the administration of the Public Health Department concurred with this recommendation.

Commissioner David A. Betancourt moved that a contract, in the amount of **\$25,595.99**, be awarded to **Southern Metal Industries, Inc. of Ringgold, Georgia**, for the purchase and delivery of modular furniture for the new Animal Shelter Building.

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

31. ACTION to award a contract for the purchase and delivery of miscellaneous equipment and furnishings for the Ringgold Civic Pavilion at the Dean Porter Park.

Mr. Paul Calapa, Purchasing and Contracting Manager, noted that the administration of the Parks & Recreation Department concurred with this recommendation.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Ernie L. Hernandez, Jr., and carried unanimously, a contract, in the amount of **\$66,820.00**, was awarded to **Palmer Snyder Furniture System of Waterford, Wisconsin**, for the purchase and delivery of miscellaneous equipment and furnishing for the Ringgold Civic Pavilion at the Dean Porter Park.

32. ACTION to award a term contract for the purchase and delivery of crushed limestone base material for use by the Public Works Department.

Mr. Paul Calapa, Purchasing and Contracting Manager, noted that the administration of the Public Works Department concurred with this recommendation.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Ernie L. Hernandez, Jr., and carried unanimously, a term contract was awarded to **Vulcan Materials Company, LP of Houston, Texas**, at the **stipulated prices**, for the purchase and delivery of crushed limestone base material for use by the Public Works Department.

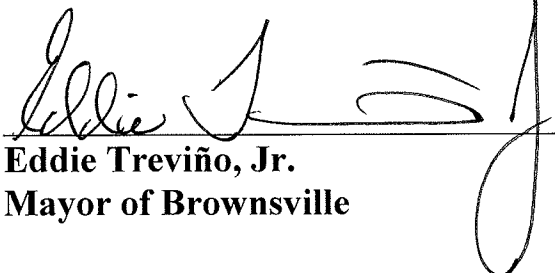
PUBLIC COMMENT PERIOD:

There were no public comments.


ADJOURNMENT:

There being no further business to come before the City Commission, the meeting adjourned at 8:05 p.m.

Approved, as corrected, this 05 day of July, 2005.


Eddie Treviño, Jr.
Mayor of Brownsville

Attest:



Estela Von Hatten
Interim City Secretary

