

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 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 15, 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)	
JOSEPH A. ZA VALETTA, M.D.)	COMMISSIONERS

CHARLIE CABLER		CITY MANAGER
CARLOS AYALA, JR.		ASSISTANT CITY MANAGER
JIM GOZA		CITY ATTORNEY
INELDA T. GARCIA		CITY SECRETARY

Absent:

SALLY MINIEL ARROYO)	COMMISSIONER
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A quorum being present, Mayor Eddie Treviño, Jr., asked Ms. Inelda T. Garcia, 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 March 11, 2005:

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

- a) **Discussion regarding amendments to the Tax Increment Reinvestment Zone Number One (TIRZ I) and Number Two (TIRZ II) Ordinances, including appointment of board members and terms of office.**

PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

The U.S. Pledge of Allegiance and the Texas Pledge were lead by **Fabian Grimaldo, third grade, Ernesto Alonso Valdez, third grade, and Pedro Luis Valdez, fourth grade**, members of Palm Grove Scout Pack 251.

INVOCATION:

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

1. *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 “d” were **approved**.

ITEM No. “a” through “d”

- a) **Approval of the Minutes of the Regular Meeting of March 01, 2005.**
- b) **Authorization for the following individuals to incur travel expense:**

Employee	Department	Destination	Date
Larry A. Brown	Airport	Toronto, ON, Canada	Mar. 28 – 31, 2005
Michael Jones	Airport	Toronto, ON, Canada	Mar. 28 – 31, 2005
Joe Torres	Airport	Phoenix, AZ	Apr. 03 – 05, 2005
Thomas J. Henderson	Airport	San Diego, CA	Apr. 10 – 14, 2005
Elias Guerra	BUS	Houston, TX	Mar. 22 – 24, 2005
Ben Nuñez	Fire	Austin, TX	Mar. 20 – 25, 2005
John C. Zimmerman	Fire	Austin, TX	Mar. 20 – 25, 2005
Sandra De Leon	Health	El Paso, TX	Mar. 28 – 31, 2005
David De Leon	Police	Austin, TX	Mar. 04 – 06, 2005
Juan Hernandez	Police	Austin, TX	Mar. 20 – 23, 2005
Mariano Gonzalez	Police	Austin, TX	Mar. 20 – 23, 2005
Daniel Marks	Police	Austin, TX	Mar. 20 – 23, 2005
Juan Salinas	Police	Austin, TX	Mar. 20 – 23, 2005
Laura Arnold	Police	Sugar Land, TX	Mar. 20 – 25, 2005
Teresa Marks	Police	Sugar Land, TX	Mar. 20 – 25, 2005
Ruby Perez	Police	Sugar Land, TX	Mar. 20 – 25, 2005
Ramon Ortiz	Police	Atlanta, GA	Mar. 21 – 24, 2005
Jeff Johnston	Police	Waco, TX	Mar. 20 – 25, 2005
David De Leon	Police	San Antonio, TX	Apr. 01 – 06, 2005
Troy Arnold	Police	San Antonio, TX	Apr. 03 – 06, 2005
David Dale	Police	San Antonio, TX	Apr. 03 – 06, 2005
Eduardo Lopez	Police	San Antonio, TX	Apr. 03 – 06, 2005
Eduardo Zuniga	Police	San Antonio, TX	Apr. 03 – 06, 2005
Jerry Xagoraris	Police	San Antonio, TX	Apr. 03 – 06, 2005
Felix Saucedo	Police	San Antonio, TX	Apr. 03 – 06, 2005
Joe Davila	Police	San Antonio, TX	Apr. 03 – 06, 2005
Jose Juan Treviño	Police	San Antonio, TX	Apr. 03 – 06, 2005
Andres Treviño	Police	San Antonio, TX	Apr. 03 – 06, 2005
Reynaldo Lopez	Police	San Antonio, TX	Apr. 03 – 06, 2005

Mr. Larry A. Brown, Aviation Director, and Mr. Michael Jones, Business Development Manager, will travel to Toronto, Canada, to solicit air service to Brownsville, on March 28-31, 2005.

Mr. Joe Torres, Maintenance Supervisor will attend the “*Airfield Safety, Sign Systems, and Maintenance Workshop*”, sponsored by the American Association of Airline Executives, on April 3-5, 2005, in Phoenix, Arizona.

Mr. Thomas Henderson, Airport Operations Officer, will attend the “*Basic Airport Safety and Operations Specialist School*”, sponsored by the American Association of Airline Executives, on April 10-14, 2005, in San Diego, California.

Mr. Elias Guerra, BUS Operations Manager, will attend the “*Transit Response to Weapons of Mass Destruction Course*”, sponsored by the Transportation Safety Institute, on March 22-24, 2005, in Houston, Texas.

Mr. Ben Nunez, Fire Marshal, and Mr. John C. Zimmerman, Fire Inspector, will attend the *“Texas Fire and Arson Investigator Seminar and Board Meeting”*, sponsored by the Emergency Services Training Institute and the Texas Engineering Extension Service of Texas A & M University, on March 20-25, 2005, in Austin, Texas.

Ms. Sandra De Leon, Health Department Grant Writer, will attend the *“International Conference on Environment and Human Health”*, sponsored by the WERC Consortium for Environmental Education and Health Technology Development, March 28-31, 2005, in El Paso, Texas.

Police Investigator David De Leon will attend the *“TTPOA Pre-Conference Meeting”* and the *“2005 Annual SWAT Conference”*, sponsored by the Texas Tactical Police Officers’ Association, on April 1-8, 2005, in San Antonio, Texas.

Police Lt. Juan Hernandez and Agents Mariano Gonzalez, Daniel Marks, and Juan Salinas will attend the *“2005 ATPA Grantee Conference”*, sponsored by the Texas Automobile Theft Prevention Authority, on March 20-23, 2005, in Austin, Texas.

Police Officers Laura Arnold, Teresa Marks, and Ruby Perez will attend the *“17th Annual Texas Women in Law Enforcement Conference”*, sponsored by Texas Women in Law Enforcement, on March 20-25, 2005, in Sugarland, Texas.

Police Officer Ramon Ortiz will attend the *“2005 Weed and Seed Application Kit and Training Workshop”*, sponsored by the Department of Justice, on March 20-25, 2005, in Atlanta, Georgia.

Police Investigator David De Leon will attend the *“TTPOA Board of Directors’ Meeting and Annual SWAT Conference”*, sponsored by the Texas Tactical Police Officers Association, on April 1-6, 2005, in San Antonio, Texas.

Police Sgts. Troy Arnold and David Dale; Agent Eduardo Lopez, Det. Eduardo Zuniga, and Officers Jerry Xagoraris and Felix Saucedo will attend the *“2005 TTPOA SWAT Annual Conference”*, sponsored by the Texas Tactical Police Officers Association, on April 3-6, 2005, in San Antonio, Texas.

Police Agents Joe Davila and Jose Juan Treviño will attend the “*Attorney General’s Regional Gang Investigations Course*”, co-sponsored by the Office of the Attorney General, City of Victoria Housing Authority, Victoria Police Department, Victoria County District Attorney’s Office and Victoria County Sheriff’s Office, on April 3-6, 2005, in San Antonio, Texas.

Police Agents Andres Treviño and Reynaldo Lopez will attend a “*Master Narc Course-Street Level Drug Enforcement*”, sponsored by the Investigators Drug School, Inc., on April 3-6, 2005, in San Antonio, Texas.

c) APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2005-005-S to allow an Apartment Specific Use, (Apartments), in a Medium Retail use district, Lots 7 through 12 of Block 74 of Brownsville Original Townsite, near E. Elizabeth Street and Second Street.

d) APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2005-006 to rezone, from Dwelling “G” classification to General Retail “G” classification, Lot 22 of Linda Vista Subdivision Section I, near Southmost Road and Linda Lane.

BOARDS AND COMMISSION APPOINTMENTS:

2. ACTION to appoint six (6) members to the Brownsville Citizen’s Advisory Committee (BCAC). [TABLED 03/01/2005]

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner David A. Betancourt and carried unanimously, the following persons were **appointed** to the Brownsville Citizens Advisory Committee (BCAC):

Ms. Celina Serrata – appointed by Mayor Eddie Treviño, Jr.

Mayor Eddie Treviño, Jr., stated that he would name two additional appointees at the next regular meeting of the City Commission.

Mr. Andres Garcia – appointed by Commissioner Joseph A. Zavaletta, M.D.

Mr. Alex Meade – appointed by Commissioner David A. Betancourt.

3. ACTION to appoint or re-appoint three (3) members to the Planning and Zoning Commission.

Upon motion by Commissioner David A. Betancourt, seconded by Commissioner Carlos A. Cisneros, **Mr. James Cortez** was **appointed** to the Planning and Zoning Commission.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner David A. Betancourt and carried unanimously, **Mr. David Vela** was **appointed** to the Planning and Zoning Commission.

Commissioner Ernesto L. De Leon moved that **Mr. Abraham Galonsky** be **appointed** to the Planning and Zoning Commission.

After a brief discussion regarding Mr. Galonsky's current membership in the City's Board of Adjustments, Mr. Galonsky stated that he would relinquish his place on the Board of Adjustments in order to serve on the Planning and Zoning Commission.

Upon motion, duly made by Commissioner Ernesto L. De Leon, that Mr. Abraham Galonsky be appointed to the Planning and Zoning Commission, the motion was seconded by Commissioner Joseph A. Zavaletta, M.D., and carried as follows:

Ayes: Commissioners Longoria, Betancourt, Cisneros, De Leon, and Zavaletta;

Nays: Mayor Treviño.

PUBLIC HEARING:

5. Public Hearing regarding an Interlocal Agreement between the City of Brownsville and Cameron County, regarding the acceptance and expenditure of a Justice Assistance Grant in the amount of \$124,897.00.

Chief of Police Carlos L. Garcia noted that the Interlocal Agreement had been approved by the Cameron County Commissioners earlier that day at a joint meeting of the City Commission and Cameron County.

Chief Garcia informed the Commission that the City would receive \$57,348.00 for the purchase of 16 portable radios needed by the Police Department, the County would receive \$67,549.00 for the purchase of an Identex Fingerprint System, and the fiscal responsibility of reporting to the Federal Government would be taken by the County.

There were no public comments.

Upon motion by Commissioner David A. Betancourt, seconded by Commissioner Carlos A. Cisneros and carried unanimously, the public hearing was **closed**.

ACTION ITEM:

17. ACTION to approve an Interlocal Agreement between the City of Brownsville and Cameron County regarding the acceptance and expenditure of a Justice Assistance Grant in the amount of \$124,897.00.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner David A. Betancourt and carried unanimously, acceptance of an Interlocal Agreement between the City of Brownsville and Cameron County, in the amount of **\$124,897.00** was **approved**.

PUBLIC HEARING:

6. Public Hearing and ACTION on FIRST READING on Ordinance Number 933-HH amending the Civil Service Classification Plan as stated on Ordinance Number 933-GG.

Chief of Police Carlos L. Garcia provided a brief overview of the proposed ordinance and noted that the grant expires on July 2005.

There were no public comments.

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

Commissioner David A. Betancourt moved that Ordinance Number 933-HH be **approved** on first reading.

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

ACTION ITEM:

12. ACTION to adopt amendments to the Tax Increments Reinvestment Zone Number I (TIRZ I) and Number II (TIRZ II), including appointment of board members and terms of office.

Mr. Ben Medina, Director of Planning and Community Development, noted that this issue had been discussed in the workshop session. He stated that within the TIRZ I, only Cameron County is participating and within the TIRZ II, Cameron County and the Brownsville Navigation District were participating.

Upon motion by Commissioner Joseph A. Zavaletta, M.D., seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, amendments to the Tax Increments Reinvestment Zone Number 1 (TIRZ I) and Number 2 (TIRZ II) were **adopted**.

Commissioner David A. Betancourt noted that he had requested that guidelines be developed and provided to Commissioners, to assist them in determining appointments and terms of office, and that the guidelines had not been provided yet.

4. ACTION to appoint five (5) members to the Tax Increment Reinvestment Zone Number II (TIRZ-2).

Upon motion by Commissioner Joseph A. Zavaletta, M.D., seconded by Commissioner Ernesto L. De Leon and carried unanimously, **Ms. Sandra Sweeney Wilson** was appointed to **Place 1** on the Board.

Upon motion by Commissioner David A. Betancourt, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, **Commissioner Ernesto L. De Leon** was appointed to **Place 2** on the Board.

Commissioner David A. Betancourt moved that **Commissioner Ricardo Longoria, Jr.**, be appointed to **Place 3** on the Board.

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

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner David A. Betancourt and carried unanimously, **Mr. Dino Esparza** was appointed to **Place 4** on the Board.

Commissioner Ricardo Longoria, Jr., moved that **Commissioner David A. Betancourt** be appointed to **Place 5** on the Board.

The motion was seconded by Commissioner Joseph A. Zavaletta, M.D., and carried unanimously.

Mayor Eddie Treviño, Jr., and Commissioner David A. Betancourt expressed concern that there were too many City Commissioners appointed to the TIRZ Board.

PUBLIC HEARINGS:

- 7. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2005-007 to rezone, from “Z” Area District classification to “F” Area District classification, 62.00 acres out of 117.899 Acre Tract of Land in Share 12 of Espiritu Santo Grant, near FM 511 and Old Alice Road.**

There were no public comments.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner David A. Betancourt and carried unanimously, the public hearing was **closed**.

Commissioner Carlos A. Cisneros moved that Ordinance Number 235-2005-007 be **approved** on first reading.

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

8. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2005-008 to rezone from “Y” Area District classification to “G” Area District classification, 70.00 acres of Share 12 of Espiritu Santo Grant, near Naranjo Road and FM 511.

There were no public comments.

Upon motion by Commissioner David A. Betancourt, seconded by Commissioner Carlos A. Cisneros and carried unanimously, the public hearing was **closed**.

Commissioner David A. Betancourt moved that Ordinance Number 235-2005-008 be **approved** on first reading.

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

ACTION ITEMS:

9. ACTION to approve HNTB’s Scope of Services and Budget for the development of a Master Plan for the City of Brownsville Parks and Recreation Department.

Mr. David Byer, Project Manager for HNTB, briefly reviewed the scope of services with Commissioners.

Upon motion by Commissioner Joseph A. Zavaletta, M.D., seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, HNTB’s Scope of Services and Budget was **approved** for the development of a Master Plan for the City of Brownsville Parks and Recreation Department.

10. ACTION on Resolution Number 2005-012 to develop a park on a 49.746 acre tract of land on Alton Gloor Boulevard.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner David A. Betancourt and carried unanimously, Resolution Number 2005-012 was **approved**, to develop a park on a 49.746-acre tract of land on Alton Gloor Boulevard.

11. ACTION on Resolution Number 2005-014 to support the continuation of funding for the Community Development Block Program.

Mr. Ben Medina, Director of Planning and Community Development, noted that the Federal budget did not include funds for the Community Development Block Grant (CDBG) and suggested that the City request assistance from Congressman Solomon Ortiz with regard to bringing the City's need, for continued CDBG funding, to government officials' attention.

Commissioner David A. Betancourt suggested that letters of support, for the continuation of CDBG funding, be conveyed to the appropriate officials.

Upon motion by Commissioner Joseph A. Zavaletta, M.D., seconded by Commissioner Carlos A. Cisneros and carried unanimously, Resolution Number 2005-014 was **approved** to support the continuation of funding for the Community Development Block Grant (CDBG).

13. ACTION on Resolution Number 2005-015 expressing support of the Brownsville Economic Development Council's efforts to expand Economic Development Project in the City of Brownsville.

Mayor Eddie Treviño, Jr., gave a brief overview of the Brownsville Economic Development Council's "*Project Foxtrot*".

Upon motion by Mayor Eddie Treviño, Jr., seconded by Commissioner David A. Betancourt and carried unanimously, Resolution Number 2005-015 was **approved** expressing support of the Brownsville Economic Development Council's efforts to expand economic development projects in the City of Brownsville.

14. ACTION regarding the petition for disannexation of Rio Bravo Subdivision/River Bend Resort.

Mr. Jim Goza, City Attorney, noted that the action to be taken was not one to approve or deny disannexation but only to acknowledge the legal sufficiency of the petition by the Rio Bravo Subdivision/River Bend Resort. He further noted that, should the City not initiate the disannexation process within sixty (60) days of the

initial request, any resident of the subdivision could file a suit for disannexation in district court.

Commissioner David A. Betancourt moved that the legal sufficiency of the petition for disannexation by the Rio Bravo Subdivision/River Bend Resort be **acknowledged**.

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

15. ACTION regarding the voting locations for the General Municipal Election of May 07, 2005.

Ms. Inelda T. Garcia, City Secretary, noted that ballots needed to be ordered but not until approval of voting locations by the City Commission.

Commissioner Joseph A. Zavaletta, M.D., moved that the 32 suggested voting sites, whether joint with BISD or not, be **approved**.

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

PURCHASES/BIDS/CONTRACTS:

16. ACTION to approve the Interlocal Agreement between the City of Brownsville and the Navigation District for Tax Increment Reinvestment Zone Number II (TIRZ-2).

Mr. Paul Calapa, Purchasing and Contracting Manager, noted that the agreement had been approved by the Navigation District.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Joseph A. Zavaletta, M.D., and carried unanimously, the Interlocal Agreement between the City of Brownsville and Navigation District was **approved** for Tax Increment Reinvestment Zone Number II (TIRZ II).

18. ACTION to award a term contract for Engineering and Surveying Services on a Rotation List for Paving and Drainage of Street and Drainage Improvement Projects and miscellaneous City Projects.

Mr. Paul Calapa, Purchasing and Contracting Manager, noted that this item had been tabled on March 01, 2005.

Commissioner David A. Betancourt moved that a term contract for Engineering and Surveying Services on a rotations list be **approved**, for a fixed rate of 8.5% of the awarded construction contract amount, with each of the following five (5) firms:

Ambiotec Civil Engineering **Holdar Engineering Company**
Mejia & Rose Incorporated **Plagar Engineering, LLC, and**
AGH Consultants, PLLC.

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

19. ACTION to award a contract for the purchase and installation of floor coverings for City Plaza.

Mr. Paul Calapa, Purchasing and Contracting Manager, noted that this item was being re-submitted for consideration after extensive research on quality and cost of the proposed carpet purchase, as requested by Commissioner Ernesto De Leon on March 01, 2005. He noted that the carpet being proposed for purchase had a lifetime guarantee, which was in excess of 30 years.

Mr. Calapa introduced Ms. Marsha Newton, State and Government Specialist for Mohawk Industries, and Ms. Elma Demory, with Allied Associates Commercial Floors, Inc.

Ms. Newton commented on the pricing and quality of the proposed carpeting for the City Plaza and noted that the City would be purchasing the carpeting, at significant savings, direct from the factory.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner David A. Betancourt and carried unanimously, a contract, in the amount of

\$88,888.50, be awarded to **Mohawk Industries**, of Canfield, Ohio, for the purchase and installation of floor coverings associated with the renovation of City Plaza.

20. ACTION to award a term contract for Geotechnical and Construction Material Testing Services on a Rotation List for Street and Drainage Capital Improvement Projects and miscellaneous City Projects.

Commissioner Carlos A. Cisneros moved that a term contract for Geotechnical and Construction Material Testing Services on a rotation list for street and drainage capital improvement projects and miscellaneous City projects be awarded, for a unit price basis, as follows:

PSI-Professional Services Industries, Inc. Harlingen, Texas	\$4,400.00 12 bores on six (6) streets targeted for reconstruction
Raba-Kistner Consultants, Inc. McAllen, Texas	\$4,900.00 11 bores on nine (9) streets targeted for reconstruction

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

21. ACTION to award contract for the Brownsville Police Administration Building Parking Lot Improvements Project.

Commissioner Ricardo Longoria, Jr., moved that a contract, in the amount of **\$133,921.50**, be awarded to **R & R Paving Company** of San Benito, Texas, for the Brownsville Police Administration Building Parking Lot Improvements Project.

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

PUBLIC COMMENT PERIOD:

There were no public comments.

ADJOURNMENT:

There being no further business to come before the City Commission, the meeting adjourned at 7:10 p.m.

Approved this 5th day of April, 2005.





Eddie Treviño, Jr.
Mayor of Brownsville

Attest:



Inelda T. Garcia
City Secretary