

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, May 03, 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)	
JOSEPH A. ZAVALETTA, M.D.)	COMMISSIONERS
CHARLIE CABLER		CITY MANAGER
CARLOS AYALA, JR.		ASSISTANT CITY MANAGER
JIM GOZA		CITY ATTORNEY
INELDA T. GARCIA		CITY SECRETARY

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 April 29, 2005:

PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

The United States Pledge of Allegiance and the Texas Pledge were led by *Mr. Jose Luis Barcenas and Ms. Kassandra Garcia, 5th Grade students*, at Putegnant Elementary School.

INVOCATION:

The invocation was given by Pastor Daniel Blanco of Brownsville, Texas.

1. PROCLAMATIONS:

Building Safety Week
(Mayor Eddie Treviño, Jr.)

Mayor Eddie Treviño, Jr. asked Mr. Evaristo Gamez, representing the City of Brownsville, to step forward to accept a proclamation designating May 8-14, 2005, as “*Building Safety Week*” in our City.

Commissioner Ernesto L. De Leon read the proclamation.

Born Learning Community
(Mayor Eddie Treviño, Jr.)

Mayor Eddie Treviño, Jr. asked Mr. Mike Furgatch and Ms. Traci Wickett to step forward to accept a proclamation, declaring our city to be a “*Born Learning Community*”, recognizing that quality early learning experiences lead to success in school, work, and ultimately, success in life.

Mayor Eddie Treviño, Jr., read the proclamation.

Commissioner Sally Miniel Arroyo arrived at the meeting.

Texas Army National Guard
(Commissioner Carlos A. Cisneros)

Mayor Eddie Treviño, Jr. asked Lt. Col. Orlando Salinas, his family and two members of his unit, the 3rd Battalion, 141st Infantry, Texas Army National Guard, to step forward to accept a proclamation, “*Recognizing and Commending the Patriot Citizen Soldiers of the 3RD Battalion, 141ST Infrantry, Texas Army National Guard*”, for

their service to and sacrifice for our country and to wish them Godspeed on their mission in the far away land of Afghanistan.

Lt. Col. Salinas presented certificates of appreciation to the City Commission, and to City Commissioner Carlos A. Cisneros, for their continued support in allowing yellow ribbons to be placed within the city in remembrance of the soldiers serving their country and for their safe return.

Commissioner Carlos A. Cisneros read the proclamation.

Motorcycle Awareness Month
(Commissioner Ricardo Longoria, Jr.)

Mayor Eddie Treviño, Jr. asked a representative of The Iron Pigs Motorcycle Club to step forward to accept a proclamation declaring May, 2005, as “*Motorcycle Awareness Month*” in our City.

Commissioner Ricardo Longoria, Jr., read the proclamation.

Rivera High School Boys Soccer Team
(Commissioner David A. Betancourt)

Mayor Eddie Treviño, Jr. asked the Rivera High School Boys Soccer Team and Coaches to step forward to accept a proclamation “*Congratulating the Rivera High School 32-5A Soccer Team on its Outstanding 2004-2005 Season*”.

Commissioner David A. Betancourt read the proclamation.

Rivera High School
Boys Varsity Basketball Team
(Commissioner Carlos A. Cisneros)
(Commissioner David A. Betancourt)

Mayor Eddie Treviño, Jr. asked the Rivera High School Boys Varsity Basketball Team and Coaches to step forward to accept a proclamation “*Congratulating the Rivera High School Boys Varsity Basketball Team on its Trip to the State Play-offs and for an Outstanding 2004-2005 Season*”.

Commissioner Carlos A. Cisneros read the proclamation.

2. PRESENTATION:

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

Mr. Charlie Cabler, City Manager, noted that the Employee of the Month for May 2005 would be presented on May 17, 2005.

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 Sally M. Arroyo and carried unanimously, *Consent Agenda Items “a” through “c”* were **approved**.

ITEM No. “a” through “c”

- a) Approval of the Minutes of the Regular Meeting of April 19, 2005.**
- b) Authorization for the following individuals to incur travel expense:**

Employee	Department	Destination	Date
Thomas F. Logan	BUS	Austin, TX	May 16 – 19, 2005
Alex Lorio	BUS	Austin, TX	May 16 – 19, 2005
Elias Guerra	BUS	College Station, TX	May 20 – 21, 2005
Rosie Garza	BUS	College Station, TX	May 20 – 21, 2005
Ben R. Neece	Municipal Court	Dallas & Irving, TX	May 10 – 13, 2005
Paul Cantu	Municipal Court	Dallas & Irving, TX	May 10 – 13, 2005
Jose Salinas	Municipal Court	San Antonio, TX	June 19 – 21, 2005
Luis Gomez, Jr.	Municipal Court	San Antonio, TX	June 19 – 21, 2005
Chris Patterson	Parks	Waco, TX	May 10 – 13, 2005
Ray Arellano	Parks	Waco, TX	May 10 – 13, 2005
Jesse Alvarez	Parks	Waco, TX	May 10 – 13, 2005
Larry A. Brown	Airport	Washington, DC	May 11 – 14, 2005
Norma H. Zamora	BUS	Washington, DC	May 11 – 14, 2005
Ben Medina	Planning	Washington, DC	May 11 – 14, 2005
Pete Gonzalez	Finance	Washington, DC	May 11 – 14, 2005
Gerardo Noriega	Planning	San Antonio, TX	May 04 – 06, 2005
Robert Medrano	Planning	San Antonio, TX	May 09 – 12, 2005
Alfonso Vallejo	Planning	Austin, TX	May 16 – 19, 2005
Juan Lopez	Police	Houston, TX	May 08 – 13, 2005
Jeff Johnston	Police	Odessa, TX	May 08 – 14, 2005
Jeff Johnston	Police	Beaumont, TX	May 17 – 19, 2005
Robert Tyler	Police	Ottawa, Canada	May 21–June 25, 2005
Jose Juan Treviño	Police	Houston, TX	June 26–July 01, 2005

Mr. Thomas F. Logan, Transit Planner and Mr. Alex Lorio, Grant Writer, will attend the *“Public Involvement in Transportation Decision Making”* training, sponsored by the National Transit Institute (NTI) on May 16 – 19, 2005, in Austin, Texas.

Mr. Elias Guerra, Operation Manager, and Ms. Rosie Garza, Safety Training Coordinator will attend the *“Evacuating Elderly and Disabled Passengers from Public Transportation Vehicle Emergencies”*, sponsored by Texas Department of Transportation (TXDOT) and Texas Engineering Extension Service (TEEX), on May 20 – 21, 2005, in College Station, Texas.

Municipal Court Judge Ben Neece and Mr. Paul Cantu, Information System Manager, will travel to *Corporate Headquarters of Incode to evaluate the NCode Software for use in the Municipal Courts*”, on May 10 – 13, 2005, in Irving Texas.

Mr. Jose Salinas, Court Baliff, and Mr. Luis Gomez, Jr., Warrant Officer, will attend a *“12–Hour Conference for Bailiff/Warrant Officer”*, sponsored by the Texas Municipal Courts Education Center, on June 19 – 21, 2005, in San Antonio, Texas.

Mr. Chris Patterson, Parks and Recreational Manager, Ray Arrellano, Recreation Coordinator, and Jesse Alvarez, Recreation Leader, will attend the *TAAF Sports Management School*”, sponsored by the Texas Amateur Athletic Federation and presented by Musco Lighting, on May 10 – 13, 2005, in Waco, Texas.

Mr. Larry A. Brown, Aviation Director, Ms. Norma Zamora, BUS Director, Mr. Ben Medina, Jr., Planning Director, and Mr. Pete Gonzalez, Finance Director, will *“meet with various Federal Agency Officials and Members of Congress to follow up on funding of all applications pending before members of Congress and the respective agencies”*, on May 11 – 14, 2005, in Washington, D.C.

Mr. Gerardo Noriega, Environmental Coordinator/Planner I, will attend the *“Community Development Directors Meeting”*, sponsored by the U.S. Department of Housing and Urban Development (HUD) Field Office, on May 04 – 06, 2005, in San Antonio, Texas.

Mr. Roberto Medrano, Community Development Manager, will attend the “*HOME and CDBG: Working Together to Create Affordable Housing Training*”, sponsored by the U.S. Department of Housing and Urban Development (HUD) Field Office, on May 09 – 12, 2005, in San Antonio, Texas.

Mr. Alfonso Vallejo, MPO Planner, will attend a course entitled “*Public Involvement in Transportation Decision Making*”, sponsored by the National Transit Institute (NTI), on May 16 – 19, 2005, in Austin, Texas.

Police Sergeant Juan Lopez will attend a “*Narcotics Course*”, sponsored by the U.S. Drug Enforcement Administration (DEA), on May 08 – 13, 2005, in Houston, Texas.

Mr. Jeff Johnston, Emergency Management Coordinator, will attend the “*Texas Exercise Design and Evaluation Course*”, sponsored by the Office of the Governor, on May 08 – 14, 2005, in Odessa, Texas.

Mr. Jeff Johnston, Emergency Management Coordinator, will attend the “*3rd Annual Texas Hurricane Conference*”, sponsored by the Office of the Governor, on May 17 – 19, 2005, in Beaumont, Texas.

K-9 EOD Officer Robert Tyler, will attend the “*Police Explosives Technician and Radiography Course*”, sponsored by the Canadian Police Academy, on May 21, 2005 through June 25, 2005, in Ottawa, Canada.

Police Agent Jose Juan Treviño will attend the “*Texas Gang Investigators Association Training Conference*”, sponsored by Texas Gang Investigators Association, on June 26, 2005 through July 01, 2005, in Houston, Texas.

c) FINAL READING of Ordinance Number 235-2005-017 to rezone, from Dwelling “Z” classification to Medium Retail “Z” classification, Lot 8 of Block 30 of Cameron Park Second Installment, near Paredes Line Road and Roberto Road.

PUBLIC HEARINGS:

- 4. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2005-014-S to allow an Apartment Specific Use (apartments) in a General Retail use district, for Lot 4 of Block 124 of Original Townsite, near East 8th Street and East Monroe Street.**

Mr. Ben Medina, Jr. Director of Planning and Community Development, noted that the Planning and Zoning Commission had approved the proposed rezoning on a vote of four to two.

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 moved that Ordinance Number 235-2005-014-S be **approved** on first reading.

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

- 5. Public Hearing and ACTION on FIRST READING on *PROTESTED* Ordinance Number 235-2005-018 to rezone from Dwelling “A” classification to Apartment “H” classification, for 1.44 acres out of Block 118 of Los Ebanos Properties, near Paredes Line Road and Rockwell Drive.**

Mr. Ben Medina, Director of Planning and Community Development, noted that the ordinance for rezoning was being protested by neighborhood residents who did not want the neighborhood’s Dwelling “A” classification rezoned to Apartment “H” classification and the Planning and Zoning Commission did not recommend the area for apartment rezoning classification. Mr. Medina stated that, according to the City Zoning Ordinance, the construction of a 24-unit complex in a one-acre space, within Apartment “H” zoning classification, was within the guidelines.

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

Commissioner Ricardo Longoria, Jr., moved that Protested Ordinance Number 235-2005-018 be **approved** on first reading.

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

6. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2005-020-S to allow an Apartment Specific Use (apartments) in a Dwelling use district, for Lot 9 of Block 1 of Portway Acres, near Stevens Drive and State Highway 48.

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 235-2005-020-S be **approved** on first reading.

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

7. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2005-021 to rezone from “X” Area District classification to “Z” Area District classification, for Lot 1A and Lot 4 of Block 114 and Lot 1 of Block 113 of El Jardin Subdivision, near FM 511 and Charmaine Road.

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 235-2005-021 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 235-2005-900 to rezone from Dwelling “G” classification to Medium Industrial “J” classification, for Lots 3 and 4 of Block 106 of El Jardin Subdivision.

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 235-2005-900 be **approved** on first reading.

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

ACTION ITEMS:

9. ACTION to acknowledge the City's Comprehensive Annual Financial Report (CAFR) and Single Audit Report for the Fiscal Year ending September 30, 2004.

Mr. Carlos Barrera, CPA, with Long Chilton, LLP, gave a brief overview of the completed single audit as of, and for the year ended, September 30, 2004.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner David A. Betancourt and carried unanimously, the City's Comprehensive Annual Financial Report (CAFR), and Single Audit Report was **approved** for the Fiscal Year ending September 30, 2004.

Commissioner Carlos A. Cisneros stepped out.

10. ACTION to amend Nationwide Deferred Compensation Plan.

Mr. Antonio Abarca, representing Nationwide Retirement Solutions, Inc. (NRS) as third party administrator for the U.S. Conference of Mayors Deferred Compensation Program, reviewed the amendments pertinent to the Participant Loan Administrative Procedures under the Plan.

Upon motion by Commissioner David A. Betancourt, seconded Commissioner Ricardo Longoria, Jr., the Nationwide Deferred Compensation Plan was **amended** as presented.

Commission Carlos A. Cisneros returned.

11. ACTION to approve the installation of a traffic signal at the intersection of FM 802 and Village Center Boulevard.

Commissioner Carlos A. Cisneros moved that the installation of a traffic signal be **approved** at the intersection of FM 802 and Village Center Boulevard, as approved by the Texas Department of Transportation (TxDOT).

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

12. ACTION on Resolution Number 2005-019 expressing the opposition to the development of a proposed landfill to be located near Los Fresnos.

Mr. James Unwin, resident of Los Fresnos, Texas, expressed his gratitude to the City of Brownsville for its support of Los Fresnos' opposition to the proposed landfill site near Los Fresnos.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner David A. Betancourt and carried unanimously, Resolution Number 2005-019 was **approved**, expressing the opposition to the development of a proposed landfill to be located near Los Fresnos, Texas.

13. ACTION on FIRST READING on Ordinance Number 2005-410-A to amend Chapter 98, Section 98-333.

Chief of Police, Carlos L. Garcia, noted that the ordinance would amend Chapter 98 of the code book by deleting the section dealing with stopping, standing, and parking of buses and taxicabs.

Commissioner Joseph A. Zavaletta, M.D., moved that Ordinance Number 2005-410-A be **adopted** to amend Chapter 98, Vehicles For Hire, Section 98-333 of the Code of Ordinances as presented.

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

Ayes: Mayor Treviño, Commissioners Betancourt, Cisneros, De Leon, Arroyo, and Zavaletta;

Nays: None;

Abstain: Commissioner Longoria.

14. ACTION on FIRST READING on Ordinance Number 2005-318-HH to amend Chapter 106, various Sections dealing with Vehicles for hire (taxi cabs).

Commissioner Sally M. Arroyo stepped out.

Chief of Police Carlos L. Garcia, reviewed the proposed revisions to Chapter 106 of the Code of Ordinances.

Commissioner Joseph A. Zavaletta, M.D., recommended that, for those individuals 60 years of age or older, a physician's certificate be required yearly.

Commissioner David A. Betancourt, moved that Ordinance Number 2005-318-HH be **adopted**, to amend Chapter 106, various sections dealing with vehicles for hire (taxicabs), with revisions as listed below:

Fare Rates:

that drop charges increase from \$1.75 to \$2.00

that each additional 1/5 mile increase from \$0.25 to \$0.40

that waiting time be increased from ten dollars (\$10) to thirteen dollars (\$13).

Condition of Vehicle:

that age of vehicle be increased from ten (10) years old to twelve (12) years old.

Application:

to add that "Phone number may be a cell phone number and calls may be transferred to such".

"That no dispatching personnel be required to man a base station".

Qualification to be submitted by applicant:

removal of this subsection.

Application Fees:

removal of renewals fee of \$20.00. If license is not renewed by December 31st of the same year, then a new application fee of \$30.00 is to be charged.

Orientation Class:

removal of such section.

Physician's Certification on File; Medical Examinations:

physician's certificate to be no more than one (1) year old for drivers 60 years of age or older; other drivers shall have physician's certification every three (3) years.

Ordinance 410 – Section 3:

removal of this subsection.

The motion, having been duly made, was seconded by Commissioner Joseph A. Zavaletta, M.D., and carried as follows:

Ayes: Mayor Treviño, Commissioners Betancourt, Cisneros, De Leon, and Zavaletta;

Nays: None;

Abstain: Commissioner Longoria.

Commissioner Sally M. Arroyo returned.

PURCHASES/BIDS/CONTRACTS:

15. ACTION to award a contract for the purchase of a Latent Fingerprint Workstation to be utilized by the Crime Scene Division of the Brownsville Police Department.

Mr. Paul Calapa, Purchasing and Contracting Manager, noted that the NEC Solutions equipment supports and interfaces with FBI ULW software, which was a requirement to query federal databases. He noted that other vendors had the technology but did not interface with the State of Texas, rendering them ineffective.

Upon motion by Commissioner David A. Betancourt, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, a contract, in the amount of **\$67,500.00**, was awarded to **NEC Solutions, (America) Inc., of Lithia Springs, Georgia**, for the purchase of a Latent Fingerprint Workstation to be utilized by the Crime Scene Division of the Brownsville Police Department.

16. ACTION to award a contract for the purchase of one new pavement profiler for use by the Public Works Department.

Mr. Paul Calapa, Purchasing and Contracting Manager, noted that Tecom, Inc. representatives found the specifications and service maintenance agreement from Anderson Equipment Company to be responsive and recommended purchase of the equipment. He noted that the Public Works Department administrators concurred with the recommendation.

Upon motion by Commissioner Joseph A. Zavaletta, M.D., seconded by Commissioner Sally M. Arroyo and carried unanimously, a contract, in the amount of **\$488,892.00**, was awarded to **Anderson Equipment Company of Pharr, Texas**, for the purchase of one new pavement profiler for use by the Public Works Department.

17. IN THE MATTER OF a contract for Capital Improvement Program 2004 C.I.P. Streets and Drainage Improvement, Contract Number II. (TABLED)

Upon motion by Commissioner Joseph A. Zavaletta, M.D., seconded by Commissioner David A. Betancourt and carried unanimously, this item was **TABLED**.

18. ACTION to authorize Change Order Number Two (2) to the construction contract for the Southmost Branch Library.

Mr. Paul Calapa, Purchasing and Contracting Manager, noted that it was anticipated that this change order would be the last one required to complete the project and added that the total value of the original contract remained unchanged.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner David A. Betancourt and carried unanimously, Change Order Number Two (2) to the construction contract for the Southmost Branch Library, was awarded to **Roth Construction, Inc. of Victoria, Texas**, in the amount of **\$7,650.88**.

19. ACTION to award a contract for the purchase of two (2) library self check units.

Mr. Paul Calapa, Purchasing and Contracting Manager, noted that under the general provisions of the Texas Government Code, the determination had been made that the

procurement was exempt from the competitive bidding statute, and would be considered as a sole source procurement.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Sally M. Arroyo and carried unanimously, a contract, in the amount of **\$48,714.00**, was awarded to **3M Library System, of St. Paul Minnesota**, for the purchase of two (2) library self-check units as follows:

Main Library:	\$25,906.00
Southmost Branch Library:	<u>\$22,808.00</u>
Total Amount:	\$48,714.00

20. ACTION to award a contract for the purchase and installation of U.S. Basic Skills Learning System for use at the Brownsville Public Library System.

Mr. Paul Calapa, Purchasing and Contracting Manager, noted that under the general provisions of the Texas Government Code, the determination had been made that the procurement was exempt from the competitive bidding statute, and would be considered as a sole source procurement. He noted that funds for this project had been provided by a Grant with Lopez High School and that no City funds would be used.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner David A. Betancourt and carried unanimously, a contract, in the amount of **\$31,100.00**, was awarded to **U.S. Basic Skills Investment Corporation of Capitol Heights, Maryland**, for the purchase and installation of a U.S. Basic Skills Learning System for use at the Brownsville Public Library and at Lopez High School as follows:

Instructional Materials:	\$21,940.00
Application Software:	\$ 6,500.00
Supplies:	<u>\$ 900.00</u>
Base Price:	\$29,340.00
Shipping/Handling (6% of base price):	<u>\$ 1,760.00</u>
Total Amount:	\$31,100.00

Commissioner Ricardo Longoria, Jr., left the meeting.

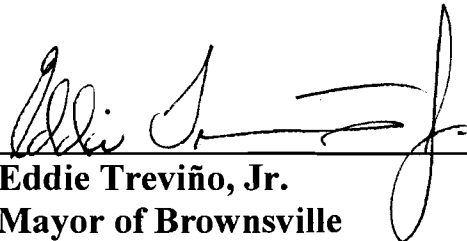
PUBLIC COMMENT PERIOD:

Mr. Fernando Ruiz expressed his concern regarding an executive session held on September 28, 2004.

ADJOURNMENT:

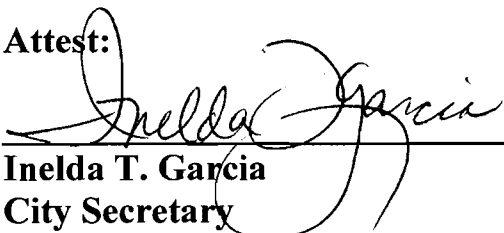
There being no further business to come before the City Commission, the meeting adjourned at 8:01 p.m.

Approved this 17th day of May, 2005.



Eddie Treviño, Jr.
Mayor of Brownsville

Attest:



Inelda T. Garcia
City Secretary

