

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, October 04, 2005, at 4:30 p.m., 5:00 p.m., and 6:00 p.m.** with the following members present:

EDDIE TREVIÑO, JR.		MAYOR
RICARDO LONGORIA, JR.)	
DAVID A. BETANCOURT)	
CARLOS A. CISNEROS)	
EDWARD C. CAMARILLO)	
SALLY MINIEL ARROYO)	
ERNIE L. HERNANDEZ, JR.)	COMMISSIONERS
CHARLIE CABLER		CITY MANAGER
CARLOS AYALA		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 City Secretary on September 30, 2005:

EXECUTIVE SESSION:

Upon motion by Commissioner Ricardo Longoria, Jr., 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 551.072, of the Texas Government Code, regarding real property.**
- B) Attorney consultation pursuant to Section 551.071, Texas Government Code, to discuss pending litigation threatened by the Brownsville Police Officers Association concerning overtime pay provisions of collective bargaining agreement.**
- C) Attorney consultation pursuant to Section 551.071, Texas Government Code, to provide and counsel regarding duties and responsibilities under collective bargaining statutes.**
- D) Discussion pursuant to Section 551.071, of the Texas Government Code, concerning attorney client privileged communication regarding anticipated litigation.**

Upon conclusion of the Executive Session, Mayor Eddie Treviño, Jr., convened the Workshop Session to discuss the following items:

WORKSHOPS:

- a) Discussion regarding the Brownsville Community Improvement Corporation (BCIC) budget and related activities.**
- b) Discussion and presentation by Municipal Service Bureau and Linebarger & Associates for collection services for the Brownsville Municipal Court.**

REGULAR MEETING:

Upon conclusion of the Workshop Session, Mayor Eddie Treviño, Jr., convened the Regular Session.

PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

The U.S. Pledge of Allegiance and the Texas Pledge were lead by *Joanna Hernandez*, 6th grade student at Resaca Middle School, *Andrea Cardenas*, 4th grade student at Olmito Elementary School, and *Jose Cardenas*, 2nd grade student at Olmito Elementary School.

INVOCATION:

The invocation was given by Reverend Mike Flint, Pastor of Freshwind Ministries of California.

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1. **PROCLAMATION:** *KMBH – TV 20th Anniversary
(Mayor Eddie Treviño, Jr.)*

No one was present to receive the proclamation

2. **PRESENTATION:** *Plaques to Park Advisory Board Members
(Skip Keller – Parks)*

Mr. Skip Keller, Parks and Recreation Manager, expressed thanks to **Mrs. Mary Yturria, Mr. Jose Torres, and Ms. Liz Valdez**, who could not be present, and to Mr. Jeff Gowen and Mr. Kevin Alford for their years of service as Parks Advisory Board members. He presented plaques of appreciation to **Mr. Jeff Gowen and Mr. Kevin Alford**.

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 Carlos A. Cisneros and carried unanimously, Consent Agenda Items “a” through “g” were **approved**.

ITEMS No. “a” through “g”

- a) **Approval of the Minutes of the Special Meeting of September 19, 2005, and Regular Meeting of September 20, 2005.**

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

Employee	Department	Destination	Date
Germain Saiz	Bldg. Inspections	Austin, TX	Oct. 23-26, 2005
Jaime Buentello	Bldg. Inspections	Austin, TX	Oct. 23-26, 2005
Estela Von Hatten	City Secretary	Austin, TX	Dec. 04-06, 2005
Nayade I. Garza	City Secretary	Austin, TX	Dec. 04-06, 2005
Pete Gonzalez	Finance	Addison, TX	Nov. 15-18, 2005
Leonardo L. Perez	Fire	Austin, TX	Oct. 03-06, 2005
Raul Villarreal	Health	Round Rock, TX	Oct. 11-14, 2005
Chris Haggstrom	Health	Round Rock, TX	Oct. 11-14, 2005
Jose Chavez	Internal Auditor	Austin, TX	Oct. 17, 2005
Chris Patterson	Parks	Austin, TX	Oct. 07-09, 2005
Ray Arellano	Parks	Austin, TX	Oct. 07-09, 2005
Jesse Alvarez	Parks	Austin, TX	Oct. 07-09, 2005
Steve Hubanks	Parks	San Antonio, TX	Dec. 12-14, 2005
Ben Medina	Planning	San Antonio, TX	Oct. 25-26, 2005
Mark Lund	Planning	Austin, TX	Oct. 04, 2005

Mr. German Saiz, Permitting Facilitator and Mr. Jaime Buentello, Commercial Plans Examiner, will attend *“The Texas Accessibility Academy”*, sponsored by the Texas Department of Licensing and Regulation, on October 23-26, 2005, in Austin, Texas.

Ms. Estela Von Hatten, Interim City Secretary and Ms. Nayade I. Garza, Administrative Specialist II, will attend the *“Texas Vital Statistics Annual Conference”*, sponsored by the Texas Department of Public Health, on December 4-6, 2005, in Austin, Texas.

Mr. Pete Gonzalez, Finance Director, will attend the *“GFOAT Fall Conference”*, sponsored by the Government Finance Officers Association of Texas, on November 15-18, 2005, in Addison, Texas.

Fire Chief Leonardo Perez will attend the *“TCFP Fire Fighter Advisory Committee Meeting”*, sponsored by the Texas Commission on Fire Protection, on October 3-6, 2005, in Austin, Texas.

Mr. Raul Villarreal, Public Health Supervisor and Mr. Christopher Haggstrom, Ordinance Enforcement Officer II, will attend the *“50th Annual Educational Conference”*, hosted by the Texas Environmental Health Association, on October 11-14, 2005, in Round Rock, Texas.

Mr. Joe Chavez, Auditor, will attend a “*one-day meeting*” with officials of the Texas Funeral Commission on October 17, 2005, in Austin, Texas.

Mr. Chris Patterson, Parks & Recreation Manager, Mr. Ray Arrellano, Recreation Coordinator, and Mr. Jesse Alvarez, Recreation Area Leader, will attend the “*Texas ASA State Meeting, Bids and Workshops*”, sponsored by the Texas Amateur Softball Association, on October 7-9, 2005, in Austin, Texas.

Mr. Steve Hubanks, Parks Project Coordinator, will attend the “*TTA Conference and Trade Show*”, sponsored by the Texas Turfgrass Association, on December 12-14, 2005, in San Antonio, Texas.

Mr. Ben Medina, Director of Planning and Community Development, will attend the “*Management Conference*”, sponsored by the CareerTrack, on October 25-26, 2005, in San Antonio, Texas.

Mr. Mark Lund, MPO Director, will attend a “*TEMPO Meeting*”, sponsored by the Texas Department of Transportation, on October 4, 2005, in Austin, Texas.

- c) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2005-052 to rezone from Dwelling “Z” classification to Medium Retail “Z” classification, Lot 5 of Block 22 of Cameron Park Addition, near Paredes Line Road and Rancho Viejo Avenue.**
- d) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2005-053 to rezone from Dwelling “A” classification to Apartment “G” classification, Tract I of Lot 6 of Chicago Gardens Subdivision in Share 28 of Espiritu Santo Grant, near Morningside Road and Apollo Drive.**
- e) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2005-055-S to allow a General Retail specific use (lube & tire shop) in a Medium Retail use district, for Lot 13A of Block 2 of El Valle Grande Subdivision Section I, near Alton Gloor Blvd. and Madrid Avenue.**

- f) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2005-056-S to allow a Professional Office specific use (offices) in a Dwelling use district, for Lots 8 and 9 of Block B of The Jardin Subdivision, near Boca Chica Blvd. and Owens Road.**
- g) **APPROVAL on SECOND and FINAL READING of Ordinance Number 2005-1133-V of the City Commission of the City of Brownsville, Texas, amending Ordinance 86-1133, an ordinance pertaining to a franchise contract between the City of Brownsville and Governmental Managerial Services Incorporated for collection and disposal of commercial and industrial solid waste, incorporating signed contract for all purposes and amending the rates for containerized collection of commercial and industrial solid waste and related matters as set forth in exhibit “A” establishing an increase of 3.8% as per section 13.02 (a), titled Modification of Rates, to reflect a consumer price index increase, plus a \$.50 cent increase in garbage fees dedicated to the general fund for a total increase of 6.55%.**

BOARDS AND COMMISSION APPOINTMENT:

4. **ACTION of renaming the Impact Fee Study Committee to the Capital Improvements Advisory Committee and to appoint two (2) additional members.**

Mayor Eddie Treviño, Jr., moved that the Impact Fee Study Committee be **renamed** the Capital Improvements Advisory Committee and that **Mr. Mark Barnard** be appointed to said Committee.

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

Commissioner David A. Betancourt noted that he would appoint a second additional member to the Committee at the next meeting of the City Commission.

PUBLIC HEARINGS:

- 5. Public Hearing and ACTION on FIRST READING on Ordinance Number 2005-235.65 amending the text of the City Zoning Ordinance by modifying the list of wet-bar areas to include Springmart Blvd. from Expressway 77/83 to Pablo Kisel Blvd. and dealing with related matters including \$2000 penalties.**

Mr. Ben Medina, Director of Planning and Community Development, noted that rezoning of the area in question was approved by the Planning and Zoning Commission.

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

Commissioner Carlos A. Cisneros moved that Ordinance Number 2005-235.65 be **approved** on first reading.

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

- 6. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2005-040-S to rezone from General Retail specific use (used car lot) in a Dwelling use district for Lot 1 of Block 1 of Military South Subdivision Phase I, near US 281 and Luz Avenue West.**

Mr. Ben Medina, Director of Planning and Community Development, noted that rezoning of the area in question was approved by the Planning and Zoning Commission.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Edward C. Camarillo and carried unanimously, the public hearing was **closed**.

Commissioner Carlos A. Cisneros moved that Ordinance Number 235-2005-040-S be **approved** on first reading.

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

- 7. Public Hearing and ACTION on FIRST READING on PROTESTED Ordinance Number 235-2005-057 to rezone from Dwelling “Z” classification to General Retail “G” classification for Lot 4 of Block 2 of Tandy’s Corner Subdivision, near FM 803 and State Highway 100.**

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission recommended denial of the rezoning as proposed, and recommended a Third Commercial classification for the area in question.

Ms. Mary Lopez, property owner and applicant, agreed to accept a Third Commercial classification if approved by the City Commission.

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

Commissioner Carlos A. Cisneros moved that protested Ordinance Number 235-2005-057 be **approved** for **Third Commercial** rezoning as recommended by the Planning and Zoning Commission.

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

8. Public Hearing and ACTION on FIRST READING on Ordinance Number 2005-1445 to authorize the City Manager to close East Harrison Street between East 9th Street and East 10th Street as required by Cameron County.

Mr. Pete Sepulveda, Cameron County Bridge Director, noted that the parking lot would be redesigned for safety and security measures, as well as landscaped in accordance with City of Brownsville ordinances.

In response to Commissioner Sally M. Arroyo's request for handicapped parking spaces, Mr. Sepulveda stated that the number of spaces would be increased to accommodate handicapped individuals.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, the public hearing was **closed**.

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 2005-1445 be **approved** on first reading.

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

9. Public Hearing and ACTION on FIRST READING on Ordinance Number 2005-1446 to amend Chapter 18, Article III of the City of Brownsville Code of Ordinances and to include the Texas Residential Construction Commission Registration and Certification Requirements.

Mr. Santiago Navarro, Building and Permitting Director, noted that adoption of the proposed amendment would ensure that a better qualified pool of homebuilders would be available to local citizens seeking their services.

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 2005-1446 be **approved** on first reading.

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

ACTION ITEMS:

10. ACTION to adopt the Procedural Rules for the Impact Fee Study and the Capital Improvement Advisory Committee. (TABLED)

Mr. Ben Medina, Director of Planning and Community Development, noted that he would present this item at a later meeting.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Edward C. Camarillo and carried unanimously, action was **tabled**.

11. ACTION on Resolution Number 2005-037 to establish the City's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various capital infrastructure improvements to the City's combined utility system from the proceeds of tax-exempt or taxable obligations to be issued by the city for authorized purposes, authorizing other matters incident and related thereto.

Upon motion by Commissioner David A. Betancourt, seconded by Commissioner Sally M. Arroyo and carried unanimously, Resolution Number 2005-037 was **adopted**, to establish the City's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various capital infrastructure improvements to the City's

combined utility system from the proceeds of tax-exempt or taxable obligations to be issued by the City for authorized purposes, authorizing other matters incident and related thereto.

12. ACTION to execute an encroachment license to Edelstein's Better Furniture, LTD. to facilitate deliveries during the Expressway 77/83 reconstruction project.

Mr. Carlos Lastra, P.E., City Engineer, noted that the request was for a temporary encroachment license to facilitate furniture deliveries and to help with efficient traffic flow during the Expressway's project reconstruction period.

Upon motion by Commissioner Ernie L. Hernandez, seconded by Commissioner Carlos A. Cisneros and carried unanimously, execution of an encroachment license to Edelstein's Better Furniture, Ltd was **approved**, to facilitate deliveries during the Expressway 77/83 reconstruction project.

13. ACTION to authorize the City Manager to execute an encroachment license on Lakeshore Drive (right-of-way) adjacent to Lot 11 in the Hidden Isle Subdivision.

Mr. Jim Goza, City Attorney, noted that he had discussed with the property owners, and their attorney, that the agreement would reflect that the owners might need to relocate the swimming pool that encroaches on City property, and that the City of Brownsville would incur no liability.

Upon motion by Commissioner Ernie L. Hernandez, seconded by Commissioner Carlos A. Cisneros and carried unanimously, the City Manager was **authorized** to execute an encroachment license on Lakeshore Drive (right-of-way) adjacent to Lot 11 in the Hidden Isle Subdivision.

14. ACTION to designate property for the location of the North Brownsville Little Miss Kickball Fields.

Commissioner Ernie L. Hernandez moved that City-owned property, located on **FM 511**, be designated for the location of the North Brownsville Little Miss Kickball Fields.

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

15. ACTION to approve the Fiscal Year 2006 budget for the Brownsville Community Improvement Corporation (BCIC).

Upon motion by Commissioner Ernie L. Hernandez, seconded by Commissioner Sally M. Arroyo and carried unanimously, the Fiscal Year 2006 budget for the Brownsville Community Improvement Corporation (BCIC) was **approved**.

PURCHASES/BIDS/CONTRACTS:

16. ACTION to authorize the City Manager to execute the Service Agreement with Brownsville Community Improvement Corporation (BCIC) for Fiscal Year 2006.

Dr. Delina Barrera, BCIC Executive Director, noted that the proposed agreement would provide for administrative services.

Commissioner David A. Betancourt moved that the City Manager be **authorized** to execute the Service Agreement with the Brownsville Community Improvement Corporation (BCIC) for Fiscal Year 2006.

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

PUBLIC COMMENT PERIOD:


Mr. Rafael Elizondo reported that a maternity clinic had been established, and is operating, next door to his residence with no City permits to do so, and the traffic was also blocking his driveway.

Ms. Magdalena Taylor Manke expressed her concern that the maternity clinic had been established in a residential area without first notifying the neighborhood of the clinic prior to its establishment.

ADJOURNMENT:


There being no further business to come before the City Commission, the meeting adjourned at 6:55 p.m.

Approved this 18th day of October, 2005.



Eddie Treviño, Jr.
Mayor of Brownsville

Attest:



Estela Von Hatten
Interim City Secretary

