

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 18, 2005, at 5:05 p.m., 5:15 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 October 14, 2005:

EXECUTIVE SESSION:

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, Mayor Eddie Treviño, Jr., convened the Executive Session to discuss the following item:

- A) Discussion pursuant to Section 551.072, of the Texas Government Code, regarding real property.**

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

WORKSHOPS:

- a) Discussion regarding the Economic Impact of Brownsville Sports Foundation on the City of Brownsville.**
- b) Presentation by the Brownsville Beautification Committee to discuss with the Commission on progress and planned projects and 2006 funding.**

REGULAR MEETING:

Upon conclusion of the Workshop Session, Mayor Eddie Treviño, Jr., convened the Regular Session at 6:00 p.m.

PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

The U.S. Pledge of Allegiance and the Texas Pledge were lead by *Ernesto Alonzo Valdez, Pedro Luis Valdez, and Andrew Ingle*, Palm Grove Elementary School students and members of Cub Scout Pack #251.

INVOCATION:

The invocation was given by Pastor Thomas Carubba, of Hosanna Assembly Church.

1. **PROCLAMATIONS:** *National Arts and Humanities Month*
(Mayor Eddie Treviño, Jr.)

Mayor Eddie Treviño, Jr., asked Ms. Mia Andrade, representing the Lower Rio Grande Valley office of the National Arts Association, to step forward for to accept a proclamation designating October, 2005, as “*National Arts and Humanities Month*” in the City of Brownsville.

Head Start Awareness Month
(Mayor Eddie Treviño, Jr.)

No one was present to accept the proclamation.

Human Resources Awareness Month
(Mayor Eddie Treviño, Jr.)

Mayor Eddie Treviño, Jr., asked Ms. Armandina Guermeyer, representing the Lower Rio Grande Valley Chapter of the Society for Human Resource Management (SHRM) Association, to step forward to accept a proclamation proclaiming October, 2005, as “*Human Resources Awareness Month*” in the City of Brownsville.

Fire Prevention Week
(Mayor Eddie Treviño, Jr.)

Mayor Eddie Treviño, Jr., asked Fire Chief Leonardo Perez to step forward to accept a proclamation designating October 9-15, 2005, as “*Fire Prevention Week*” in the City of Brownsville.

2. **PRESENTATION:** *Employee of the Month*
(October 2005)

Mr. Charlie Cabler, City Manager, recognized *Mr. Fernando Rivera, Brownsville Fire Fighter* and certified Emergency Medical Technician, as “Employee of the Month” for the month of October, 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 Carlos A. Cisneros, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, Consent Agenda Items “a” through “h” were **approved**.

ITEMS No. “a” through “h”

- a) **Approval of the Minutes of the Special Meeting of September 27, 2005 and Regular Meeting of October 4, 2005.**
- b) **Authorization for the following individuals to incur travel expense:**

Employee	Department	Destination	Date
Larry Brown	Aviation	Fort Worth, TX	Nov. 7 - 8, 2005
Joe Torres	Aviation	Salt Lake City, UT	Oct. 23 - 26, 2005
Eddie Kuprel	Building Insp.	Buchanan Dam, TX	Oct. 18 - 21, 2005
Norma Zamora	BUS	Austin, TX	Oct. 18 – 20, 2005
Alex Lorio	BUS	Austin, TX	Oct. 18 – 20, 2005
Ben Nunez	Fire	Austin, TX	Oct. 23 – 28, 2005
Cassandra Teran	Fire	Austin, TX	Oct. 23 – 28, 2005
Arturo McDonald	Municipal Court	Austin, TX	Nov. 7 – 9, 2005
Eduardo Rubio	MIS	Los Angeles, CA	Oct. 23 – 28, 2005
Skip Keller	Parks	Ft. Lauderdale, FL	Nov. 1 - 5, 2005
Mark Lund	Planning	Austin, TX	October 31, 2005
Carlos Garcia	Police	Austin, TX	Oct. 24 – 27, 2005
Henry Etheridge	Police	Austin, TX	Oct. 24 – 27, 2005
Rolando Vasquez	Police	Austin, TX	Oct. 24 – 27, 2005
Mark Elbert	Police	Corpus Christi, TX	Oct. 26 – 27, 2005
Jesse Martinez	Police	Corpus Christi, TX	Oct. 26 – 27, 2005
Reynaldo Ybarra	Police	Austin, TX	Nov. 6 – 9, 2005
Teodulo Torres	Police	Austin, TX	Nov. 6 – 9, 2005

Mr. Larry Brown, Director of Aviation, will attend the “*Airports Capital Improvement Planning and Environmental Conference*”, sponsored by ,the Federal Aviation Administration, on November 7-8, 2005, in Fort Worth, Texas.

Mr. Joe Torres, Airport Maintenance Supervisor, will attend the “*AAAE/Northwest Chapter Airport Facilities Management Conference*”, sponsored by the America Association of Airport Executives, on October 23-26, 2005, in Salt Lake City, Utah.

Mr. Edward Kuprel, City Forester, will attend the “*TLI Basic Grant Writing Workshop*”, sponsored by the Texas Leadership Institute, on October 18-21, 2005, in Buchanan, Texas.

Ms. Norma H. Zamora, BUS Director, and Mr. Alex Lorio, Grant Writer, will attend the “*TTA Board Meeting and the Regional Planning and Public Transportation Workshop*”, sponsored by the Texas Transit Association, on October 18-20, 2005, in Austin, Texas.

Fire Marshal Ben Nunez, and Fire Inspector Cassandra Teran will attend the “*Annual Fire Marshals Conference*”, sponsored by the Texas Fire Marshals Association, on October 23-28, 2005, in Austin, Texas.

Municipal Court Judge Arturo McDonald will attend a “*12-hour Mandatory Conference for Judges*”, sponsored by the Texas Municipal Court Education Center, on November 7-9, 2005, in Austin, Texas.

Mr. Eduardo Rubio, Telecommunications Coordinator, will attend an “*Internet Telephony Conference & Expo*”, on October 23-28, 2005, in Los Angeles, California.

Mr. Skip Keller, Recreational Services Director, will attend the “*TEAMS 2005 Conference and Expo*”, sponsored by Travel Events and Management in Sports, on November 1-5, 2005, in Fort Lauderdale, Florida.

Mr. Mark Lund, MPO Director, will attend a “*TxDOT/MPO Meeting*”, sponsored by the Texas Department of Transportation, on October 31, 2005, in Austin, Texas.

Police Chief Carlos L. Garcia, Lt. Henry Ethridge, and Det. Rolando Vasquez will attend a “*TPA Police and Fire Civil Service Seminar*”, sponsored by the Texas Police Association, on October 24-27, 2005, in Austin, Texas.

Police Sgt. Mark Elbert and Officer Jesse Martinez will attend the “*Texas Statewide Tobacco Education and Prevention CPA Law Enforcement Tobacco Compliance Grant Seminar*”, sponsored by the Texas Comptroller’s Office, on October 26-27, 2005, in Corpus Christi, Texas.

Police Detective Reynaldo Ybarra and Det. Teodulo Torres will attend the “2005 Texas Crime Victims Services Conference”, sponsored by the Office of the Attorney General, on November 6-9, 2005, in Austin, Texas.

- c) **APPROVAL on SECOND and FINAL READING of Ordinance Number 2005-1443 to amend Chapter 18 of the City of Brownsville Code of Ordinances, reserving certain sections of Article X, adding Article XI, and to adopt the International Energy Conservation Code. [TABLED 09/19/2005]**
- d) **APPROVAL on SECOND and FINAL READING of 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 \$2,000 penalties.**
- e) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2005-040-S to rezone from Light Commercial 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.**
- f) **APPROVAL on SECOND and FINAL READING of PROTESTED Ordinance Number 235-2005-057 to rezone from Dwelling “Z” classification to Medium Retail “G” classification for Lot 4 of Block 2 of Tandy’s Corner Subdivision, near FM 803 and State Highway 100.**
- g) **APPROVAL on SECOND and FINAL READING of Ordinance Number 2005-1445 to authorize the City Manager to close East Harrison Street between East 9th Street and East 10th Street as requested by Cameron County.**
- h) **APPROVAL on SECOND and FINAL READING of 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.**

BOARDS AND COMMISSION APPOINTMENTS:

- 4. ACTION to appoint one additional member to the Capital Improvements Advisory Committee of the City of Brownsville. [TABLED 10/04/2005]**

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Ernie L. Hernandez and carried unanimously, **Ms. Lee Ann Greer** was appointed to the Capital Improvements Advisory Committee.

- 5. ACTION to appoint or reappoint two members to the Brownsville Urban System's Transit Advisory Committee.**

Upon motion by Mayor Eddie Trevino, Jr., seconded by Commissioner Carlos A. Cisneros and carried unanimously, **Ms. Sylvia Berry** was appointed to the Brownsville Urban System's Transit Advisory Committee.

Upon motion by Commissioner Ernie L. Hernandez, seconded by Commissioner Carlos A. Cisneros and carried unanimously, **Mr. Mark Maddy** was re-appointed to the Brownsville Urban System's Transit Advisory Committee.

PUBLIC HEARINGS:

- 6. Public Hearing and ACTION on FIRST READING on Ordinance Number 2005-235.66 amending the Code of Ordinances Chapter 348 Zoning by revising regulations governing bars, restaurants with alcohol sales, stores that sell alcohol for off premise consumption and liquor stores, and dealing with related matters.**
- 7. Public Hearing and ACTION on FIRST READING on Ordinance Number 2005-235.67 amending the Code of Ordinances Chapter 348 Zoning by amending Article VIII specific uses, and adding Section 348-1420, conditional use permit and dealing with related matters.**

Agenda Items 6 and 7 were read together as they pertained to the same Chapter in the Code of Ordinances Book.

Mr. Rick Vasquez, Comprehensive Planner, reviewed the proposed amendment to Ordinance 2004-235.66 and noted that it allowed for flexibility for the operation of businesses with special impacts on neighborhoods.

In reviewing Ordinance 2005-235.67, Mr. Vasquez noted that a proposed amendment would add Conditional Use Permits, which would provide for certain uses that impact on adjacent land uses and are not generally permitted in certain zoning districts but may be acceptable in certain specific locations.

Mr. Francisco Sifuentes expressed his opposition to the ordinance, as written, noting that the zoning laws are not being enforced.

Mr. Raul Torres, local business owner, noted that he was in favor of the ordinance that would allow for alcoholic sales in certain areas on a case by case basis.

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

Commissioner Ricardo Longoria, Jr., moved that Ordinance No. 2005-235.66 be **approved** on first reading. The motion was seconded by Commissioner Sally M. Arroyo and carried unanimously.

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

Carlos A. Cisneros, moved that Ordinance No. 2005-235.67 be **approved** on first reading. The motion was seconded by Commissioner Edward C. Camarillo and carried unanimously,

ACTION ITEMS:

8. **ACTION to authorize the use of Washington Park from February 20 – 26, 2006 for the Sombrero Festival, authorizing the sale and consumption of alcoholic beverages from February 23 – 25, 2006, during festival hours, authorizing the closure of Adams Street between 7th and 8th and Madison Street between 7th and 8th for the festival. [TABLED 09/20/2005]**

Mr. Chris Patterson, Parks and Recreation Manager, introduced Mr. Mariano “Bean” Ayala, Parks Advisory Board member, who noted that the Parks Advisory Board had approved the *Sombrero Festival* organization’s request for use of Washington Park for the annual festival.

Commissioner Sally M. Arroyo suggested the use of the Amigoland area for the festival since it is a large area and the annual *Charro Days* amusement carnival is also stationed there during the annual festivities.

Mr. Patterson noted that Amigoland was not recommended due to emergency exit concerns during the *Charro Days* parades which cause traffic congestion and impede egress from the area.

Mr. Roy de los Santos, *Sombrero Festival* representative, noted the same concerns and stated that the request for street closures was for Adams and Madison Streets between East 7th and 9th streets during the festival and not 8th Street.

Upon motion by Commissioner David A. Betancourt, seconded by Commissioner Ricardo Longoria and carried unanimously, the Commission **authorized** the use of Washington Park from February 20-26, 2006, the sale and consumption of alcoholic beverages from February 23-25, 2006, during festival hours, and the closure of Adams Street between East 7th and 9th streets and Madison Street between East 7th and 9th Streets, from February 20-26, 2006, for the *Sombrero Festival*.

9. ACTION to establish an audit committee for the City of Brownsville.

Mr. Pete Gonzalez, Finance Director, noted that the City previously had an audit committee and that City auditors, Long & Chilton, LLP, recommended the re-establishment of the committee.

Mr. Juan Mendoza, CPA, invited the Mayor and Commissioners to a Financial Seminar to be held on November 3-4, 2005 at South Padre Island, Texas.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Sally M. Arroyo and carried unanimously, establishment of an audit committee for the City of Brownsville was **authorized**.

Commissioners agreed to consider appointments to the committee at a future meeting of the Commission.

- 10. ACTION to approve Ordinance Number 2005-1447 of the City of Brownsville, Texas, authorizing the approval of a note in the amount of five hundred & twenty nine thousand six hundred & sixty eight dollars and 93 cents (\$529,668.93) to First National Bank, and the payment thereof; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the note.**

Mr. Pete Gonzalez, Finance Director, noted that the Note's maturity date would be September 30, 2006.

Mayor Eddie Treviño, Jr., suggested that a fixed interest rate be obtained from the bank.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner David A. Betancourt and carried unanimously, Ordinance No. 2005-1447 was **approved**.

- 11. ACTION to accept the lowest bid for the renovation and reconstruction of the Neutra House Project. (TABLED)**

Upon motion by Commissioner Ernie L. Hernandez, seconded by Commissioner Carlos A. Cisneros and carried unanimously, this item was **tabled**.

- 12. ACTION to approve the acceptance and expenditure of the Texas Department of Transportation Selective Traffic Enforcement Program (STEP) Grant awarded to the Brownsville Police Department in the amount of \$59,273.00 for Fiscal Year 2006.**

Commissioner Carlos A. Cisneros, moved that acceptance and expenditure of the Texas Department of Transportation Selective Traffic Enforcement Program (STEP) Grant, in the amount of \$59,273.00, be **approved** as awarded to the Brownsville Police Department for Fiscal Year 2006.

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

PURCHASES/BIDS/CONTRACTS:

13. ACTION to approve an agreement for financial advisory services between the City of Brownsville and Estrada Hinojosa & Company, Inc.

Mr. Pete Gonzalez, Finance Director, noted that the proposed agreement was for renewal of services at the same rate as the previous year.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner David A. Betancourt and carried unanimously, an agreement, between the City of Brownsville and Estrada Hinojosa & Company, Inc., was **approved as presented** for financial advisory services.

14. ACTION to Award a Contract for Replacement of Building 22 for the Brownsville/South Padre Island International Airport.

Mr. Paul Calapa, Purchasing and Contracting Manager, noted that three (3) firms were interested in renting Building 22 at the Brownsville/South Padre Island International Airport.

Upon motion by Commissioner David A. Betancourt, seconded by Commissioner Carlos A. Cisneros and carried unanimously, a contract, in the amount of **\$165,200**, was awarded to **ZIWA Corporation of Brownsville, Texas**, for replacement of Building 22 for the Brownsville/South Padre Island International Airport.

15. ACTION to Award a Contract for Purchase and Installation of a 70' Self-Supporting Tower at 700 Jose Colunga and related radio equipment.

Mr. Paul Calapa, Purchasing and Contracting Manager, noted that the purpose of the tower would be to increase bandwidth from the BUS main office to City Hall at 1001 E. Elizabeth St., to allow access rate for BUS administration to the ITS server, to tie-in with the communications plan being developed by IBM, and to allow other departments to utilize the BUS tower for the same type of communication and eliminate the T1 lines.

Upon motion by Commissioner David A. Betancourt, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, a contract, in the amount of **\$22,469.68**, was awarded to **Grande River Technology Group of McAllen, Texas**, for the purchase and installation of a 70-foot self-supporting tower, and related equipment, at 700 Jose Colunga Blvd.

PUBLIC COMMENT PERIOD:

Mr. John Shergold, Attorney, expressed his opposition to increased electricity rates by the Brownsville Public Utilities Board (BPUB) and turned in a petition of several thousand signatures protesting the rate increases.

Mr. Ramón Hinojosa expressed his concern for the financial difficulties of low and fixed income citizens who must pay high electricity rates.

Ms. Rose Melendez submitted petitions protesting the rate increases.

Mr. Dagoberto Barrera expressed his strong opposition to BPUB rate increases, high BPUB upper-management salaries, unnecessary personnel at BPUB, and the Charter amendment proposition regarding salaries for the Mayor and Commissioners.

Mr. Francisco Sifuentes noted that the electric rate increases were seriously affecting the low and fixed income members of the community. He expressed opposition to salaries for the Mayor and Commissioners noting that when they took office, it was in volunteer service to the public.

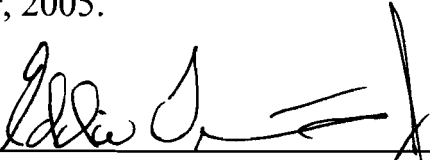
Mr. Roberto Uresti expressed his opposition to increased electricity rates.

Mayor Eddie Treviño, Jr., offered to speak to the general public present, after adjournment, to clarify their impression of issues brought forth during the comment period and reasons behind the electricity rate increases.

ADJOURNMENT:


There being no further business to come before the City Commission, the meeting adjourned at 7:35 p.m.

Approved this 1st day of November, 2005.



Eddie Treviño, Jr.
Mayor of Brownsville

Attest:



Estela Von Hatten
Interim City Secretary

