

**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, September 06, 2005, at 4:30 p.m., 5:00 p.m., and 6:00 p.m.** with the following members present:

<b>EDDIE TREVIÑO, JR.</b>		<b>MAYOR</b>
<b>RICARDO LONGORIA, JR.</b>	)	
<b>DAVID A. BETANCOURT</b>	)	
<b>EDWARD C. CAMARILLO</b>	)	
<b>SALLY MINIEL ARROYO</b>	)	
<b>ERNIE L. HERNANDEZ, JR.</b>	)	<b>COMMISSIONERS</b>

<b>CHARLIE CABLER</b>		<b>CITY MANAGER</b>
<b>CARLOS AYALA</b>		<b>ASSISTANT CITY MANAGER</b>
<b>JIM GOZA</b>		<b>CITY ATTORNEY</b>
<b>ESTELA VON HATTEN</b>		<b>INTERIM CITY SECRETARY</b>

**Absent:**  
**CARLOS A. CISNEROS                     )     COMMISSIONER**

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 2, 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 item:

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

## **WORKSHOP:**

Upon conclusion of the Executive Session, Mayor Eddie Treviño, Jr., convened the Workshop Session to discuss item “a”. Item “b” would be discussed at a future meeting.

- a) Discussion regarding fiscal and labor costs associated with Police Department and Fire Department Personnel.**
- b) Discussion regarding the proposed BUS service expansion & improvements and pass system upgrades. (TABLED)**
- 

## **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 Texas Pledge were lead by *Karen Chavez and Marlena Aguilar*, 4<sup>th</sup> graders at Vermillion Elementary School.

### ***INVOCATION:***

The invocation was given by Andreas Lewis, Pastor of The Church of the Good Shepherd of Brownsville, Texas.

---

1. **PRESENTATION:** *Employee of the Month  
(September 2005)*

Mr. Charlie Cabler, City Manager, noted that the selected employee could not be present for the presentation and he asked that it be presented at the next regular meeting of the City Commission.

2. **PROCLAMATIONS:** *Kids Day America/International  
(Mayor Eddie Treviño, Jr.)*

Mayor Eddie Treviño, Jr., asked Dr. Esmeralda Gracia to step forward to accept a proclamation declaring September 17, 2005, as “*Kids Day America/International*” in the City of Brownsville.

*National Assisted Living Week  
(Mayor Eddie Treviño, Jr.)*

No one was present to accept the proclamation.

*West Brownsville Little League  
(Commissioner Carlos A. Cisneros)*

Mayor Eddie Treviño, Jr., asked members of the West Brownsville Little League, and their coaches, to step forward to accept a proclamation recognizing the “*West Brownsville Little League 11-year old All-Star Team*” and its championship season.

---

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 David A. Betancourt, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, Consent Agenda Items “a” through “g” were **approved**.

*ITEM No. "a" through "g"*

- a) **Approval of the Minutes of the Special Meeting of August 30, 2005.**
- b) **Authorization for the following individuals to incur travel expense:**

<b>Employee</b>	<b>Department</b>	<b>Destination</b>	<b>Date</b>
Ramon Torres	Bldg. Inspections	Austin, TX	Sept. 23-26, 2005
Manuel Lugo	Bldg. Inspections	Austin, TX	Sept. 23-26, 2005
Jose De La Garza	Bldg. Inspections	Houston, TX	Oct. 04-07, 2005
Norma Zamora	BUS	Austin, TX	Sept. 08-09, 2005
Thomas F. Logan	BUS	Dallas, TX	Sept. 21-24, 2005
Elias Guerra	BUS	Dallas, TX	Sept. 21-24, 2005
Joseph Horn	Fire	Austin, TX	Sept. 07-09, 2005
Arnoldo Perez	Human Resources	Austin, TX	Oct. 04-07, 2005
Mary De Leon	Human Resources	Austin, TX	Oct. 04-07, 2005
Laura Hernandez	Human Resources	Austin, TX	Oct. 04-07, 2005
Mark Lund	Planning	Austin, TX	Sept. 13, 2005
Mark Lund	Planning	Austin, TX	Sept. 15, 2005
Graciela Aldaco	Planning	San Antonio, TX	Sept. 20-22, 2005
Alfonso Vallejo	Planning	Austin, TX	Oct. 17-20, 2005
Raul Rodriguez	Police	Salt Lake City, UT	Sept. 10-17, 2005
<del>Paul Cantu</del> Jose Sanchez	Police	Salt Lake City, UT	Sept. 10-17, 2005
Reynaldo Lopez	Police	Houston, TX	Sept. 11-16, 2005
Jesus Pinales	Police	Houston, TX	Sept. 11-16, 2005
<del>Robert Tyler</del>	<del>Police</del>	<del>Oklahoma City, OK</del>	<del>Sept. 11-16, 2005</del>
Roman Pineda	Police	Bandera, TX	Sept. 18-23, 2005
Gerard Serrata	Police	Bandera, TX	Sept. 18-23, 2005
Joe Barrios	Police	Bandera, TX	Sept. 18-23, 2005

Mr. Ramon Torres, Construction Building Inspector, and Mr. Manuel Lugo, Commercial Plans Examiner, will attend the *“Texas Medical Gas Certification Course”*, sponsored by the Texas Association of Plumbing Heating Cooling Contractors, on September 23-26, 2005, in Austin, Texas.

Mr. Jose De La Garza, Commercial Plans Examiner will attend the *“Texas Electrical Examination Advisory Board Meeting”*, sponsored by the International Code Council, on October 4-7, 2005, in Houston, Texas.

Ms. Norma Zamora, BUS Director, will attend a *“TTA Board Meeting”*, hosted by the Texas Transit Association, on September 8-9, 2005, in Austin, Texas.

Mr. Thomas F. Logan, Transit Planner and Mr. Elias Guerra, Operations Manager, will attend the “*Runcutter Course*”, sponsored by Arthur N. Gaudet & Associates, on September 21-24, 2005, in Dallas, Texas.

Deputy Fire Chief Joseph Horn will attend the “*Employment Law Seminar*”, sponsored by the Texas Municipal Human Resources Association, on September 7-9, 2005, in Austin, Texas.

Mr. Arnaldo Perez, Assistant Human Resources Director, Ms. Mary De Leon and Ms. Laura Hernandez, Human Resource Specialists will attend the “*Annual TMRS Conference*”, sponsored by the Texas Municipal Retirement System, on October 4-7, 2005, in Austin, Texas.

Mr. Mark Lund, MPO Director, will attend an “*FHWA/TxDOT Border Partnership Meeting*”, sponsored by the Texas Department of Transportation, on September 13, 2005, in Austin, Texas.

Mr. Mark Lund, MPO Director, will attend a “*Special TEMPO Meeting*”, sponsored by the Texas Department of Transportation, on September 15, 2005, in Austin, Texas.

Ms. Graciela Aldaco, Homeless Coordinator, will attend an “*FHA Underwriting Course*”, sponsored by U.S. Housing and Urban Development/FHA Denver Homeownership staff, on September 20-22, 2005, in San Antonio, Texas.

Mr. Alfonso Vallejo, MPO Planner, will attend an FHA course titled: “*Uses of Multimodal Freight Forecasting in Transportation Planning*”, sponsored by the Texas Department of Transportation and the Federal Highway Administration, on October 17-20, 2005, in Austin, Texas.

Police Sgt. Raul Rodriguez and MIS Operator Jose Sanchez (in place of Paul Cantu) will attend the “*2005 Spillman Technologies Users Conference*”, sponsored by Spillman Technologies, on September 10-17, 2005, in Salt Lake City, Utah.

Police Agents Reynaldo Lopez and Jesus Pinales will attend an *“Introduction to Basic Drug Intelligence Analysis Course”*, sponsored by the National Drug Intelligence Center (NDIC), September 11-16, 2005, in Houston, Texas.

*Travel for Police Investigator Robert Tyler was cancelled prior to meeting time.*

Police Sgts. Roman Pineda, Gerard Serrata, and Joe Barrios will attend the TPA *“Law Enforcement Administrators Conference”*, sponsored by the Texas Police Association, on September 18-23, 2005, in Bandera, Texas.

- c) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2005-035-S to allow an Apartment specific use (apartments) in and Apartment use district, for 1.57 acres out of Block 58 of El Jardin Subdivision, near McKenzie Road and Timber Drive.**
- d) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2005-041 to rezone, from Dwelling/Retail “X” classification to Professional Office “X” classification, Lot 5 of Block 1 of Star Acres, near Paredes Line Road and Dennett Road.**
- e) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2005-042 to rezone, from “G” Area District classification to “H” Area District classification, 12.00 acres out of 173.7 acre tract in Share 22 of Espiritu Santo Grant, near Paredes Line Road and Heritage Trail.**
- f) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2005-046 to rezone, from “Y” Area District classification to “Z” Area District classification, Lots 7 thru 11 of Block 2 of Charmaine Subdivision, near FM 511 and Danubio Court.**
- g) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2005-047 to rezone, from “Z” Area District classification to “F” Area District classification, Lot 3 of Block 4 of Samano Partition of The Wymore Tract, near Paredes Line Road and Dennett Road.**

***BOARDS AND COMMISSIONS APPOINTMENT:***

- 4. Consideration and ACTION to appoint one (1) member to the Brownsville Convention and Visitors Bureau.**

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner David A. Betancourt and carried unanimously, **Ms. Maricela Cortes** was appointed to the Brownsville Convention and Visitors Bureau (BCVB) Board.

Commissioner Sally M. Arroyo noted that Ms. Cortes would be replacing Mr. Javier Montemayor, who had resigned, and she would serve only on the BCVB Board.

---

***PUBLIC HEARINGS:***

- 5. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2005-045-S to allow an Apartment specific use (duplex) in a General Retail use district for Lot 8 of Block 261 of Brownsville Original Townsite, near East 9<sup>th</sup> Street and Ringgold Street.**

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission recommended approval of the rezoning request.

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

Commissioner David A. Betancourt moved that Ordinance Number 235-2005-045-S be **adopted** on first reading.

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

- 6. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2005-048 to rezone, from Medium Commercial “G” classification to Dwelling “G” classification, 17.04 acres out of Share 18 of Espiritu Santo Grant, near FM 802 and US 281.**

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission recommended approval of the rezoning request.

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Edward C. Camarillo and carried unanimously, the public hearing was **closed**.

Commissioner Sally M. Arroyo moved that Ordinance Number 235-2005-048 be **adopted** on first reading.

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

**7. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2005-049-S to allow an Apartment specific use (duplex) in a Dwelling use district, for Lot 23 of Block 36 of East Brownsville Addition, near Southmost Road and 22<sup>nd</sup> Street.**

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission recommended approval of the rezoning request.

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

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2005-049-S be **adopted** on first reading.

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

**8. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2005-050 to rezone, from Dwelling "A" classification to Medium Retail "A" classification, Lot 3C of El Banco Subdivision, near Boca Chica Boulevard and Estero Drive.**

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission recommended approval of the rezoning request.

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

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2005-050 be **adopted** on first reading.

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

**9. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2005-051 to rezone, from Dwelling “Z” classification to Medium Commercial “Z” classification, 10.00 acres out of the north ½ of Lot 1 of Block 411 of El Jardin Resubdivision, near FM 802 and Coffeeport Road.**

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission recommended approval of the rezoning request.

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

Commissioner Edward C. Camarillo moved that Ordinance Number 235-2005-051 be **adopted** on first reading.

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

**10. Public Hearing and ACTION regarding the proposed ad valorem tax rate and tax increase for Tax Year 2005 or Fiscal Year 2006, and setting a date for public hearings associated with the subject.**

Mr. Pete Gonzalez, Finance Director, reviewed the proposed ad valorem tax rate and tax increase and noted that two public hearings needed to be held.

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Edward C. Camarillo and carried unanimously, the public hearing was **closed**.

Commissioner Ricardo Longoria, Jr., moved that the dates for public hearings be set at **September 19, 2005 and September 20, 2005.**

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

**11. Public Hearing to discuss the City's proposed Fiscal Year 2006 budget.**

Mr. Pete Gonzalez, Finance Director, reviewed the City's proposed fiscal year 2006 budget.

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

**12. Public Hearing and ACTION regarding the proposed BUS service expansion & improvements and pass system upgrades. (TABLED)**

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, this item was **tabled** and would be presented at a future meeting.

**13. Public Hearing and ACTION to consider the advisability of the creation of a public improvement district to make certain improvements over certain property located within the corporate limits of the City of Brownsville.**

Mr. Dennis Sanchez, Developer, spoke in favor of creating the Public Improvement District (PID) and noted that utility services would be provided by the Brownsville Public Utilities Board (BPUB). He further noted that although the PID is amortized for a 30-year period, it is expected to be paid out in 15 years. Mr. Sanchez also noted that the proposed PID is for maintenance of the district, as opposed to a "safety PID"

Commissioner Ricardo Longoria, Jr., suggested that all buyers of property within the proposed PID be made fully aware of the PID assessment that would be included in closing documents at the time of purchase.

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

Commissioner Ernie L. Hernandez moved that the creation of a Public Improvement District be **approved** to make certain improvements over certain property located within the corporate limits of the City of Brownsville.

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

---

***ACTION ITEMS:***

- 14. ACTION to approve Resolution Number 2005-030, authorizing the establishment of the Santander Public Improvement District in the City of Brownsville, Texas, authorizing publication of this resolution, providing for the preparation of a service and assessment plan and making other provisions related to the subject.**

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, Resolution Number 2005-030, was **approved** authorizing the establishment of the Santander Public Improvement District in the City of Brownsville, Texas, authorizing publication of this resolution, providing for the preparation of a service and assessment plan and making other provisions related to the subject.

- 15. ACTION to approve Resolution Number 2005-031, making findings in connection with the proposed Santander Public Improvements District related to the advisability of the improvements, the nature of the improvements, the boundaries of the proposed district, the method of assessment and the apportionment of cost between the district and the city as a whole and making other findings related to the district.**

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, Resolution Number 2005-031 was **approved**, making the findings in connection with the proposed Santander Public Improvement District related to the advisability of the

improvements, the nature of the improvements, the boundaries of the propose district, the method of assessment and the apportionment of cost between the district and the City as a whole, and making other findings related to the district.

**16. ACTION to accept the Tobacco Compliance Grant from the Texas Comptroller of Public Accounts in the amount of \$6,000.00 for Fiscal Year 2006.**

Commissioner Ricardo Longoria, Jr., moved that a Tobacco Compliance Grant, in the amount of \$6,000.00, from the Texas Comptroller of Public Accounts, be **accepted** for Fiscal Year 2006.

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

**17. ACTION to approve Fiscal Year 2006 Budget for the Brownsville Community Improvement Corporation (BCIC). (TABLED)**

Dr. Delina Barrera, BCIC Executive Director, reviewed the budget for Fiscal Year 2006.

Commissioner Ernie L Hernandez expressed concern over the increased cost of the Sports Park, noting that there were other projects that needed to be funded as well.

Commissioner, and BCIC Chairman, David Betancourt stated that projects needing funds had the opportunity to apply for funding and noted that the BCIC Board had acted in good faith as regards the proposed projects and expenses.

Mayor Eddie Treviño, Jr., suggested that a workshop be held regarding the specifics of the budget and to discuss the urgent need for a kickball field for the North Brownsville Little Miss Kickball League.

Commissioner Ernie L. Hernandez moved that this item be **tabled** and that a workshop be held.

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

- 18. ACTION to approve Budget Amendment Resolution Number 2005-032 to amend the General Fund by \$257,273 to cover expenditures associated with Hurricane Emily.**

Commissioner Ricardo Longoria, Jr., moved that Budget Amendment Resolution Number 2005-032 be **adopted**, to amend the General Fund by \$257,273.00, to cover expenditures associated with Hurricane Emily.

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

---

***PURCHASES/BIDS/CONTRACTS:***

- 19. ACTION to authorize the City Manager to execute a Service Agreement with the Brownsville Community Improvement Corporation (BCIC) for Fiscal Year 2006. (TABLED)**

Commissioner Ernie L. Hernandez moved that action on a Service Agreement with the Brownsville Community Improvement Corporation (BCIC) for fiscal year 2006, be **tabled**.

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

- 20. ACTION to award a term contract for Employee Life and Accidental Death & Dismemberment Insurance Benefit Plan Coverage.**

Mr. Paul Calapa, Purchasing and Contracting Manager, noted that the highest rated proposal for renewal of the City's employee group life and AD&D insurance was at an annual premium of \$26,567.55, for a two-year term.

Commissioner David A. Betancourt moved that a term contract be awarded to **Rogers & Belding, of El Paso, Texas, representing Jefferson Pilot Financial Insurance Company**, in the amount of **\$26,567.55**, for the City's Employee Life and Accidental Death & Dismemberment Insurance Benefit Plan Coverage.

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

**21. ACTION to award a term contract for management and maintenance of the City’s Municipal Fleet and a term contract for management and maintenance of the City’s Transit (BUS) Fleet.**

Mr. Ivan Welker, Fleet Administrator, noted that the highest rated vendor’s proposals included a cost decrease from the original budget.

Commissioner Ernie L. Hernandez moved that term contracts, for management and maintenance of the City’s municipal fleet and the City’s transit (BUS) fleet, be awarded to **TECOM, Inc. of Austin, Texas**, for a 3-year term, with two (2) additional 2-year options, as follows:

<u>Description</u>	<u>Cost Per Year</u>
Municipal Maintenance & Management	<b>\$1,200,000</b>
Transit Fleet Maintenance & Management	<b>\$1,066,000</b>

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

---

***DISCUSSION:***

**22. Discussion regarding base minimum wage for city employees.**

Commissioner Edward C. Camarillo stated that he would like to know if it was feasible to pursue a base minimum wage of \$8.00 for City employees.

Mr. Pete Gonzalez, Finance Director, reviewed the salary schedule, noting that 76 City employees’ wages were below the proposed \$8.00 amount and that implementing the proposed amount for those employees would constitute a cost of \$71,704.00.

Ms. Lidia Gonzalez, Human Resources Director, informed the Commission that a wage compensation study had been conducted by the City of Brownsville in 2001, and as a result the majority of the positions’ salaries were increased to the market rate of the time. She noted that the lowest wage was currently \$7.43 for employees

who began employment as of January 2005, and that employees hired prior to January 2005 were now earning \$7.65 or more. Ms. Gonzalez further noted that an entry salary increase of \$8.00/hour would create a compression to the other positions that were in the higher grades and cause a need to increase all the positions that would be affected by the increase in the lower positions.

Ms. Gonzalez suggested an entry rate for grade 105, from the current \$7.43 up to \$7.65, including a change in grade 106 from \$7.72 to \$7.84, for a total cost of \$20,000.00 for 38 employees.

Rev. Jerry Frank, Pastor of St. Joseph's Catholic Church, spoke in favor of the \$8.00 per hour base minimum increase noting that the poverty level wage is set \$9.00.

Commissioner Edward C. Camarillo recommended that some change needed to be made.

---

***PUBLIC COMMENT PERIOD:***

There were no public comments.

---

***ADJOURNMENT:***

There being no further business to come before the City Commission, the meeting adjourned at 7:57 p.m.

Approved this \_\_\_\_\_ day of September, 2005.

---

**Eddie Treviño, Jr.**  
**Mayor of Brownsville**

**Attest:**

---

**Estela Von Hatten**  
**Interim City Secretary**