

**THE STATE OF TEXAS §
CITY OF BROWNSVILLE §
COUNTY OF CAMERON §**

Sally Miniel Arroyo, At-large Commissioner "A"
Ricardo Longoria, Jr., District Commissioner 1
Carlos A. Cisneros, District Commissioner 3

Ernie L. Hernandez, Jr., At-large Commissioner "B"
Charlie Atkinson, District Commissioner 2
Edward C. Camarillo, District Commissioner 4

Eddie Treviño, Jr., Mayor

**NOTICE OF PUBLIC MEETING OF THE
CITY COMMISSION OF THE CITY OF BROWNSVILLE**

Pursuant to Chapter 551, Title 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the City Commission of the City of Brownsville, Texas, in accordance with Article V, Section 12, of the Charter of said City, will convene **an Executive, Workshop and Special Meeting**, on **Tuesday, November 28, 2006**, at **5:15 P.M., 5:40 P.M., and 6:00 P.M.** 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, 78520.

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EXECUTIVE SESSION: 5:15 P.M.

- A) Discussion pursuant to Section 551.071, of the Texas Government Code, regarding existing litigation styled City of Brownsville vs. Taylorcraft Aviation. (Jim Goza – City Attorney – 15 min.)

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*****10 MINUTE BREAK*****

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WORKSHOPS: 5:40 P.M.

- a) Discussion regarding the Keppel Amfels Enterprise Zone Project Proposal by T-COT, Inc. (Ben Medina, Jr. – Planning – 10 min.)
- b) Discussion regarding the Status Report of the World Birding Center. (Ben Medina, Jr. – Planning – 10 min.)

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REGULAR MEETING: 6:00 P.M.

PLEDGE OF ALLEGIANCE: *UNITED STATES PLEDGE * TEXAS PLEDGE*

INVOCATION:

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1. CONSENT AGENDA ITEMS:

All consent Agenda Items listed are considered to be routine by the City Commission and will be approved by one motion. There will be no separate discussion of these items unless a City Commissioner so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

ITEMS No. "a" through "k"

- a) Approval of the Minutes of the Regular Meeting November 07, 2006.
- b) Authorization for the following individuals to incur travel expense:

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Raquel Benavidez	City Attorney	Houston, TX	Dec. 7 – 9, 2006
Jaime Medina	Health	Corpus Christi, TX	Dec. 8 – 10, 2006
Sabrina Rios	Health	Corpus Christi, TX	Dec. 8 – 10, 2006
Robert Dippong	Health	Corpus Christi, TX	Dec. 8 – 10, 2006
Pedro Montana	Health	Corpus Christi, TX	Dec. 8 – 10, 2006
Jessica Lino	Municipal Court	South Padre Island, TX	Dec. 7 – 8, 2006
Debbie Morales	Municipal Court	South Padre Island, TX	Dec. 7 – 8, 2006
Cynthia Davis	Municipal Court	South Padre Island, TX	Dec. 7 – 8, 2006
Ben Medina, Jr.	Planning	Falls Church, VA	Nov. 29 – Dec. 1, 2006
Victor Maldonado	Planning	Austin, TX	Dec. 6 – 7, 2006
Martino Treviño	Public Works	San Antonio, TX	Dec. 3 – 8, 2006
Emilio Montes	Public Works	San Antonio, TX	Dec. 3 – 8, 2006

- c) **APPROVAL** on **SECOND** and **FINAL READING** of **Ordinance Number 2006-1288-B** to amend Section 50-73 of the Code of Ordinances which established Fire Prevention and Inspection Fees. (Leonardo Perez – Fire)
- d) **APPROVAL** on **SECOND** and **FINAL READING** of **Ordinance Number 2006-1439-A** to amend Chapter 50 of the Code of Ordinances: Fire Protection and Prevention. (Leonardo Perez – Fire)

- e) **APPROVAL** on **SECOND** and **FINAL READING** of **Ordinance Number 2006-919-G** amending the Code of Ordinances Chapter 110, Wreckers Sections 110-67, 110-126 and 110-128, generally to comply with state rates and ordaining other provisions relating to the subject matter thereof. (Robert Esparza – Traffic)
- f) **APPROVAL** on **SECOND** and **FINAL READING** of **Ordinance Number 235-2006-606-CU**, amending the text of the City Zoning Ordinance by allowing a Conditional Use Permit for the sale of on-premise alcohol (bar) for Lots 6, 7, 8, and 9 of Blocks 42, 43 and 44 of Los Ebanos Properties Subdivision, located at 715 North Expressway 77/83 (Days Inn Motel). (Ben Medina, Jr. – Planning)
- g) **APPROVAL** on **SECOND** and **FINAL READING** of **Ordinance Number 235-2006-607-CU** amending the text of the City Zoning Ordinance by allowing a Conditional Use Permit for the sale of on-premise alcohol (bar), for Lot 1 Block 1 of London Town Properties Subdivision (2050 N. Expressway 77/83). (Ben Medina, Jr. – Planning)
- h) **APPROVAL** on **SECOND** and **FINAL READING** of **PROTESTED Ordinance Number 235-2006-059-S** to allow an Apartment Specific-Use (a duplex building on each lot) in a Dwelling Use District, for Lots 64, 65 and 66 of Stewart Subdivision, located near Arnetta Lane and Kelsey Street. (Ben Medina, Jr. – Planning)
- i) **APPROVAL** on **SECOND** and **FINAL READING** of **Ordinance Number 235-2006-062** to rezone, from Dwelling “A” Classification to General Retail “G” Classification, 5.33 acres out of Lot 3 Block 109 of El Jardin Re-subdivision near Boca Chica Boulevard and Iowa Avenue. (Ben Medina, Jr. – Planning)
- j) **APPROVAL** on **SECOND** and **FINAL READING** of **Ordinance Number 235-2006-064** to rezone, from Dwelling “A” Classification to Light Retail “G” Classification, 0.357 out of Block 6 Lenena, near Military Highway and Cela Avenue. (Ben Medina, Jr. – Planning)

k) **APPROVAL** on **SECOND** and **FINAL READING** of **Ordinance Number 2006-1217-B**, rescinding Ordinance Number 2006-1217-A of September 19, 2006 and reinstating Ordinance Numbers 90-1213 of March 20, 1990 and 90-1217 of May 24, 1990, re-establishing the 1990 Land Use Assumptions within the certificated water and wastewater service area of the Public Utilities Board, the 1990 Capital Improvements Program, the 1990 Maximum Allowable and the 1990 Actual Water and Wastewater Impact Fees; providing that this ordinance be cumulative; directing the Brownsville Public Utilities Board and City Planning Department to maintain or reinstate appropriate pre-October 1, 2006 City Development Regulations and Water and Wastewater Service Policies relating to impact fees; directing the Planning Department and Public Utilities Board to refer the 1990 Impact Fee Program back to the Capital Improvements Advisory Committee for further study and directing the Brownsville Public Utilities Board to make certain impact fee rebates; providing for severability, providing for governmental immunity; providing for injunctive relief and other legal remedies; and providing for an effective date retroactive to October 1, 2006. (Ben Medina, Jr. – Planning)

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BOARDS AND COMMISSION APPOINTMENT:

2. Consideration and **ACTION** to appoint or reappoint one (1) member to the Brownsville Beautification Committee. (Carlos Ayala – Assistant City Manager) [TABLED 11/07/2006]

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PUBLIC HEARINGS:

3. Public Hearing and **ACTION** on **FIRST READING** of **Ordinance Number 2006-1452-A**, to amend Ordinance Number 2006-1452, regulating signs within the corporate city limits and extraterritorial jurisdiction of the City of Brownsville, Texas, providing a penalty for the violations of this ordinance; providing for the manner of amending Chapter 328 of the City of Brownsville Code of Ordinances and providing when this ordinance shall become effective. (Jim Goza – City Attorney)

4. Public Hearing and **ACTION** on **FIRST READING** of **Ordinance Number 2006-1466** to authorize the City Manager to abandon a portion of a 40 foot right-of-way described as San Jacinto Road. (Carlos Lastra – Engineering)
5. Public Hearing and **ACTION** on **FIRST READING** of **Ordinance Number 2006-1467** of the City of Brownsville, Texas ordaining the City’s participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Act, Chapter 2303, Texas Government Code (Act), providing tax incentives, designating a liaison for communication with interested parties, and nominating Keppel Amfels, Inc. to the Office of the Governor Economic Development and Tourism (EDT) through the Economic Development Bank (Bank as an Enterprise Zone Project). (Ben Medina, Jr. – Planning)
6. Public Hearing and **ACTION** on **FIRST READING** of **Ordinance Number 2006-1468** amending the text of the City Zoning Ordinance by adding the following definitions: Retail Sale/Rental of Goods or Services, Home Improvement Superstore and/or Warehouse, Garden Center, Superstore and/or Warehouse, Seasonal Sale, Conditional Use, Conditional Use Permit. (Ben Medina, Jr. – Planning)
7. Public Hearing and **ACTION** on **FIRST READING** of **Ordinance Number 235-2006-065** to rezone, from Dwelling “Z” Classification to General Retail “G” Classification, 0.450 acres out of Block 24 Brownsville Land Improvement Company Subdivision located near Minnesota and Austin Road. (Ben Medina, Jr. – Planning)
8. Public Hearing and **ACTION** on **FIRST READING** of **Ordinance Number 235-2006-066** to rezone, from Dwelling “Z” Classification to Medium Retail “G” Classification, Lot 1 Block 4 of Cameron Park Addition located near Paredes Line and Carlos Avenue. (Ben Medina, Jr. – Planning)
9. Public Hearing and **ACTION** on **FIRST READING** of **Ordinance Number 235-2006-066-S** to allow a General Retail (tire shop) in a Medium Retail for Lot 1 Block 4 of Cameron Park Addition located near Paredes Line and Carlos Avenue. (Ben Medina, Jr. – Planning)
10. Public Hearing and **ACTION** on **FIRST READING** of **Ordinance Number 235-2006-067-S** to allow a Light Commercial (car wash) in a General Retail for Lot 4 Block 1 of Galaxia Plaza Subdivision located near Military Highway and Calle Galaxia St. (Ben Medina, Jr. – Planning)

11. Public Hearing and **ACTION** on **FIRST READING** of **Ordinance Number 235-2006-068-S** to allow a Light Commercial (used car lot) in General Retail for Lot 1 Block 32 of East Brownsville 3rd Section located near Southmost Road and East 21st Street. (Ben Medina, Jr. – Planning)

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ACTION ITEMS:

12. Consideration and **ACTION** to rename St. Charles Park to Gene McNair/St. Charles Park. (Commissioner Ernie L. Hernandez, Jr.) [TABLED 11/07/2006]
13. Consideration and **ACTION** to rename a portion of Tony Gonzalez Park to Lucino Rosenbaum, Sr. Park. (Commissioner Ricardo Longoria, Jr.)
14. Consideration and **ACTION** to authorize the City Manager or City Attorney to take action regarding resolution of litigation styled City of Brownsville vs. Taylorcraft Aviation. (Jim Goza – City Attorney)
15. Consideration and **ACTION** to authorize the City Manager to initiate a request for qualifications for a professional consultant to project and evaluate the economic effects of the implementation of an impact fee based on the capital improvement plan and land use assumptions to be approved through the Capital Improvements Advisory Committee (CIAC) and for further recommendations to be made to the City Commission regarding options for payment on infrastructure costs associated with new growth and development. (Jim Goza – City Attorney)
16. Consideration and **ACTION** on **Resolution Number 2006-066** to rename and officially designate Bobby's Lane as St. Mary's Lane. (Carlos Lastra – Engineering)
17. Consideration and **ACTION** to adopt budget amendment **Resolution Number 2006-067** to amend the General Fund, and the Capital Projects Fund by transferring \$130,000 from General Fund to the Capital Projects Fund for amount needed to complete the installation of water and sewer lines at the World Birding Center. (Pete Gonzalez – Finance)
18. Consideration and **ACTION** on **Resolution Number 2006-068** to direct Planning Department Staff to change or create parts of the subdivision ordinance to comply with state regulations. (Ben Medina, Jr. – Planning)
19. Consideration and **ACTION** on **Resolution Number 2006-069** to permit free parking at all downtown parking meters during the holiday season from Sunday, December 10, 2006 through Sunday, December 24, 2006. (Peter L. Goodman – Heritage)

PURCHASES/BIDS/CONTRACTS:

20. Consideration and **ACTION** to award a contract to The Trane Company for repairs to the chiller units at the former Levi Strauss Building at the Brownsville South Padre Island International Airport. (Larry A. Brown – Aviation)
21. Consideration and **ACTION** regarding proposal to lease from the City certain unimproved ground area of 2.96 acres and has requested the City to grant it certain rights and privileges in connection with the use of land located within the City, and situated generally in the area of Woodruff Street and East Price Road, adjacent to the Hygeia Dairy Company, for the design and construction of a building and recreational facilities. (Jim Goza – City Attorney)
22. Consideration and **ACTION** to authorize the execution of the Economic Development Program Agreement between Lowe’s Home Centers, Inc. and the City of Brownsville allowing for re-imbursement of infrastructure costs expended by the developer through a sales tax revenue sharing agreement. (Jim Goza – City Attorney)
23. Consideration and **ACTION** to accept the 2004 CIP Street and Drainage, Contract Number 1 Project and to release retainage and final payment to G & T Paving, Inc. (Carlos Lastra – Engineering)
24. Consideration and **ACTION** to approve an interlocal agreement between AVANCE, Inc. Rio Grande Valley and the City of Brownsville whereby the City of Brownsville will provide \$40,000 of interim financing to AVANCE, Inc. for the reimbursement of subcontractors for the Community Youth Development Program 78520. (Pete Gonzalez – Finance)
25. Consideration and **ACTION** to award a contract to Calence for Cisco Network Infrastructure Equipment for the Completion of the Enterprises Modernization Project. (Paul J. Calapa – Purchasing)
26. Consideration and **ACTION** to amend the contract with IBM for the completion of the Enterprise Modernization Project. (Paul J. Calapa – Purchasing)
27. Consideration and **ACTION** to award a contract for the purchase and delivery of one (1) explosive containment system for the Brownsville Police Department. (Paul J. Calapa – Purchasing)

28. Consideration and **ACTION** to award a contract for construction services for the renovation of Washington Park Water Feature. (Paul J. Calapa – Purchasing)

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PUBLIC COMMENT PERIOD: PLEASE NOTE:

- ANY PERSON WITH BUSINESS BEFORE THE COMMISSION, NOT SCHEDULED ON THE AGENDA AS A PUBLIC HEARING, MAY SPEAK TO THE COMMISSION.
- "PUBLIC COMMENT FORMS" ARE LOCATED ON THE SECOND FLOOR AT THE ENTRANCE OF THE COMMISSION CHAMBERS.
- "PUBLIC COMMENT FORMS" MUST BE FILLED OUT AND PRESENTED TO THE CITY SECRETARY/STAFF FIFTEEN (15) MINUTES PRIOR TO THE MEETING, TO BE CONSIDERED/RECOGNIZED.
- THE SPEAKER MUST IDENTIFY BY NAME BEFORE SPEAKING.
- THERE IS A THREE (3)-MINUTE TIME LIMIT PER SPEAKER.
- "PUBLIC COMMENT FORMS" ARE NOT ACCEPTED AFTER 6:00 P.M.
- *POWERPOINT* PRESENTATIONS ARE NOT CONDUCTED DURING THE PUBLIC COMMENT PERIOD. [For further information, contact The Office of the City Secretary at 548-6001]
- NO FORMAL ACTION CAN BE TAKEN.

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ADJOURNMENT:

NOTE: The City Commission of the City of Brownsville reserves the right to discuss any items in Executive Session whenever authorized under the Texas Open Meetings Act, Chapter 551, Title 5 of the Texas Government Code.

NOTE: The City of Brownsville does not discriminate on the basis of disability in the admission of, access to, treatment of, or employment in its programs, activities, or public meetings. Any individual with a disability in need of an accommodation is encouraged to contact the ADA Coordinator at 956/548-6037 (voice or Relay TX) by Monday, no later than 5:00 P.M., to make proper arrangements.

By: **Eddie Treviño, Jr.**
Mayor of the City of Brownsville

I certify that a copy of the November 28, 2006, Agenda of items to be considered by the Brownsville City Commission was posted on the Bulletin Area at City Hall – Federal Building, on November 22, 2006. I further certify that the Agenda was posted on the City's website and can be downloaded by accessing: www.cob.us/agendas.asp.



Estela Von Hatten, City Secretary