

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, August 01, 2006**, at **5:30 P.M.** and **6:00 P.M.** with the following members present:

SALLY MINIEL ARROYO) MAYOR PRO TEM

RICARDO LONGORIA, JR.)

CHARLIE ATKINSON)

CARLOS A. CISNEROS)

EDWARD C. CAMARILLO)

ERNIE L. HERNANDEZ, JR.) COMMISSIONERS

CHARLIE CABLER CITY MANAGER

CARLOS AYALA ASSISTANT CITY MANAGER

JIM GOZA CITY ATTORNEY

ESTELA VON HATTEN CITY SECRETARY

Absent: EDDIE TREVIÑO, JR. MAYOR

A quorum being present, Mayor Pro Tem Sally M. Arroyo asked Ms. Estela Von Hatten, 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 July 28, 2006:

WORKSHOP:

Mayor Pro Tem Sally M. Arroyo convened the Workshop Session to discuss the following item:

- a) **Discussion regarding Impact Fees.**
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REGULAR MEETING:

Upon conclusion of the Workshop Session, Mayor Pro Tem Sally M. Arroyo 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 led by *Daniel Benavidez*, 6th Grade Faulk Middle School, *Liliana Benavidez*, 3rd Grade Castaneda Elementary, and *Kassandra Charles*, 4th Grade Egly Elementary.

INVOCATION:

The invocation was given by Juan Treviño, Pastor of First Presbyterian Church of Brownsville, Texas.

Upon conclusion of the invocation, Mayor Pro Tem Sally M. Arroyo yielded the floor to Commissioner Edward C. Camarillo who gave a brief presentation on the re-opening of St. Charles Street Community Park.

- 1. ***PRESENTATIONS: Richard Catanzaro Scholarship***
(Charlie Cabler – City Manager)

Scholarship representatives were not present. This item would be presented at the next meeting of the City Commission.

Employee of the Month
(August 2006)

Mr. Charlie Cabler, City Manager, recognized *Mr. Juan Antonio Gaytan*, Brownsville Parks & Recreation Department employee, as “*Employee of the Month*” for the month of August, 2006.

2. 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 “h” were **approved**.

ITEMS No. “a” through “h”

- a) Approval of the Minutes of the Special Meeting of July 25, 2006, and Special Meeting of July 26, 2006.**
- b) Authorization for the following individuals to incur travel expense:**

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Jose Sosa	BUS	Austin, TX	Aug. 14 – 17, 2006
Sylvia Garcia	BUS	Austin, TX	Aug. 14 – 17, 2006
Mark Lund	Planning	Austin, TX	Aug. 3, 2006
Alfonso Vallejo	Planning	Nashville, TN	Sept. 12 – 15, 2006
Santiago Manrique	Police	Austin, TX	Aug. 13 – 18, 2006
Juan Hernandez, Jr.	Police	Austin, TX	Aug. 13 – 18, 2006
Julio Briones	Police	Austin, TX	Aug. 13 – 18, 2006
Joe Barrios	Police	Dallas, TX	Aug. 20 – 24, 2006

Mr. Jose Sosa, Transit Dispatcher, and Ms. Sylvia Garcia, Transit Dispatcher, will attend the “*First Transit University (FTU)*,” sponsored by First Transit University (FTU) and Texas Department of Transportation (TxDOT), on August 14 - 17, 2006, in Austin, Texas.

Mr. Mark Lund, Transportation Planning Coordinator, will attend the “*Texas Urbanized Mobility Plan (TUMP) Meeting*,” sponsored by the Texas Department of Transportation (TxDOT), on August 3, 2006, in Austin, Texas.

Mr. Alfonso Vallejo, Transportation Planner, will attend the *“Tools of the Trade,”* sponsored by Texas Department of Transportation (TxDOT), on September 12 - 15, 2006, in Nashville, Tennessee.

Police Sergeant Santiago Manrique, Detective Juan Hernandez, Jr., and Detective Julio Briones will attend the *“Automated Fingerprint Identification System (AFIS) Latent Course,”* sponsored by the Texas Department of Public Safety, on August 13 – 18, 2006, in Austin, Texas.

Police Sergeant Joe Briones, will attend the *“18th Annual Crimes Against Children Conference,”* sponsored by the Dallas Children’s Advocacy Center and the Dallas Police Department, on August 20 – 24, 2006, in Dallas, Texas.

- c) APPROVAL on SECOND and FINAL READING of Ordinance Number 2006-1461 to adopt a Settlement Agreement between the City of Brownsville and Texas Gas Service Company, a division of Oneok, Inc. (“TGS” or “Company) with regard to TGS’s Statement of Intent to increase rates filed on March 30, 2006; and determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; and declaring an effective date.**
- d) APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2006-036 to rezone, from Light Retail “V” with an O31 (non-residential) & O51 (tourist-corridor) Overlay Districts Classification to Medium Retail “G” Classification with an O31 & O51 Overlays, 13.223 acres out of Lots 11 thru 16 out of Bailey Acreage Subdivision, near FM 511 and Simmons Drive.**
- e) APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2006-039-S to allow a Light Commercial Specific Use (used car lot) in a Medium Retail Use District, for Lot 18 of Block 12 of Ebony Heights Subdivision, near Expressway 77/83 and Tulane Avenue.**
- f) APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2006-041-S to allow an Apartment Specific Use (day care center) in a Dwelling Use District, for Lot 7 of Block 3 of Iowa Estates Section II, located at 109 S. Bernal Street.**

- g) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2006-043 to rezone, from Dwelling “F” Classification to Light Retail “F” Classification, 3.849 acres out of Lots 1 thru 4 of Samano Partition in W.M. Wymore Tract, near Paredes Line Road and Dennett Road.**
- h) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2006-603-CU an ordinance amending the text of the City Zoning Ordinance by allowing a conditional use permit the sale of off-premise alcohol (Target Store), for 8.838 acres out of Morrison Towne Centre Subdivision, near Morrison Road and North Expressway 77/83.**
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PUBLIC HEARINGS:

3. **Public Hearing and ACTION on FIRST READING of PROTESTED Ordinance Number 235-2006-034-S to allow a Light Commercial specific use (car wash) in a General Retail Use District, for Lot 7 of Block 7 of Forest North Subdivision Section IV, near Paredes Line Road and Alton Gloor Boulevard. [TABLED 07/05/2006]**

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission recommended approval of the proposed rezoning. He further noted that the protest did not meet the 20% of the neighborhood residents needed to over rule the ordinance.

Mr. Billy Killebrew, resident representing neighborhood residents, expressed their opposition to the rezoning, citing vacuum cleaner noise at late or early hours of the day and the increased opportunity for violence and vandalism at the proposed car wash.

Ms. Dalyn Ruiz, area resident, expressed her opposition to the proposed rezoning and the car wash business at the proposed location.

Mr. Don Johnson spoke in favor of the proposed project.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros and carried unanimously, the public hearing was **continued**.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros and carried unanimously, Protested Ordinance Number 235-2006-034-S was **tabled** at first reading.

4. Public Hearing and ACTION on FIRST READING of Ordinance Number 2006-1100.39 amending the City Code by clarifying the relationships between the Capital Improvements Advisory Committee and other entities, and dealing with related matters including \$500 penalties.

Mr. Ben Medina, Director of Planning and Community Development, noted that the proposed amendment would authorize the transfer of all Capital Improvements Advisory Committee (CIAC) designations to the newer CIAC created by City Commission rule on January 3, 2006.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Ernie L. Hernandez and carried unanimously, the public hearing was **closed**.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Ernie L. Hernandez and carried unanimously, Ordinance Number 2006-1100.39 was **approved** at first reading, amending the City Code by adding Chapter 314 which reads: "Chapter 314 Impact Fees", thereby clarifying the relationships between the Capital Improvements Advisory Committee and other entities, and dealing with related matters including \$500 penalties.

5. Public Hearing and ACTION on a substantial amendment to the Fiscal Year 2005-2006 One-Year Action Plan using October 1, 2004 thru September 30, 2005 HOME Grant, October 1, 2005 thru September 30, 2006 HOME Grant, and Program Income.

Ms. Lucy Garza, Housing Manager, presented a brief report on the Plan.

Mr. Remberto Arteaga, Brownsville Housing Authority Executive Director, reported on the construction status of Sunset Haven, a 100-unit elderly housing community, noting that the Texas Department of Housing and Community Affairs (TDHCA) had allotted \$565,957.00 in tax credits per year for 10 years.

Mr. Ron Anderson, Cunningham Manor Executive Director, noted that Cunningham Manor needed many repair and further noted that TDHCA had allotted \$736,000.00 in tax credits over 10 years.

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

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Edward C. Camarillo and carried unanimously, the amendment to the Fiscal Year 2005-2006 One-Year Action Plan using October 1, 2004 thru September 30, 2005 HOME Grant, October 1, 2005 thru September 30, 2006 HOME Grant, and Program Income was **approved**.

6. Public Hearing to discuss the City's proposed Fiscal Year 2007 Budget.

Mr. Pete Gonzalez, Finance Director, reviewed the budget meetings calendar and gave a brief presentation of the City's proposed Fiscal Year 2007 Budget.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros and carried unanimously, the public hearing was **continued**.

ACTION ITEMS:

7. Consideration and ACTION to acknowledge the Chief Financial Officer's Financial Statements and Cash Investment Report for the City of Brownsville for the Third Quarter ending June 30, 2006.

Mr. Pete Gonzalez, Finance Director, gave a brief overview of the Third Quarter Financial Statements.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros, and carried unanimously, the Financial Statements and Cash Investment Report for Third Quarter ending June 30, 2006, were **acknowledged**.

8. Consideration and ACTION to adopt budget amendment Resolution Number 2006-049 to amend the General Fund by \$100,000 to provide funding for the acquisition of two trailers to be used by the Streets Construction Division under the Public Works Department.

Upon motion by Commissioner Ernie L. Hernandez, seconded by Commissioner Carlos A. Cisneros, and carried unanimously, budget amendment Resolution Number 2006-049 was **approved**, amending the General Fund by \$100,000 to provide funding for the acquisition of two trailers to be used by the Streets Construction Division under the Public Works Department.

9. Consideration and ACTION to acknowledge the Fiscal Year 2006 Third Quarter Report for the Veterans International Bridge System at Los Tomates.

Mr. David Garcia, Assistant Bridge Director for the Veterans International Bridge System at Los Tomates, presented the Fiscal Year 2006, Third Quarter Report.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Ernie L. Hernandez and carried unanimously, the report was **acknowledged**.

PURCHASES/BIDS/CONTRACTS:

10. Consideration and ACTION to approve a Memorandum of Understanding (MOU) between the Los Fresnos C.I.S.D. Police Department and the Brownsville Police Department to establish an understanding and cooperation between the School District Police and the Brownsville Police Department.

Chief of Police Carlos L. Garcia noted that the MOU provided for the two above referenced departments to provide aid between the departments as needed.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Edward C. Camarillo, and carried unanimously, a Memorandum of Understanding (MOU) between the Los Fresnos C.I.S.D. Police Department and the Brownsville Police Department was **approved**, establishing an understanding and cooperation

between the Los Fresnos Consolidated Independent School District and the Brownsville Police Department.

11. Consideration and ACTION to authorize an amendment to the contract for Engineering Services with RJR Engineering for the Landfill Division.

Mr. Paul Calapa, Purchasing Director, noted that Task Order No. 4 of the amendment would bring the project into compliance.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Ernie L. Hernandez, and carried unanimously, an amendment to the contract for Engineering Services with **RJR Engineering** for the Landfill Division, in the amount of **\$78,560.00**, was authorized.

12. Consideration and ACTION to award a contract for excavation, loading and hauling services for the Towne North Detention Pond Project.

Mr. Paul J. Calapa, Purchasing Director, noted that the project would be completed in two (2) phases; the second phase subject to additional funding from HUD.

Commissioner Ricardo Longoria, Jr., moved that a contract, in the amount of \$5.10 per cubic yard, be awarded to White Wing Ranch of Brownsville, Texas.

The motion was seconded by Commissioner Edward C. Camarillo. Before a vote on the motion, Mr. Javier Gonzalez, Attorney, representing Quail Construction, requested and was given permission to comment on the bidding process.

Upon conclusion of discussion, the motion awarding a contract for excavation, loading and hauling services for the Towne North Detention Pond Project was awarded to **White Wing Ranch** of Brownsville, Texas, for a unit cost of **\$5.10 cubic yard**.

13. Consideration and ACTION to award a contract for the purchase, delivery and installation of modular office system furniture for the Brownsville Public Library's Technical Services Department.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros and carried unanimously, a contract in the amount of **\$41,386.91**, was awarded to **Southern Metal Industries (SMI)** of Ringgold, Georgia, for the

purchase, delivery and installation of modular office system furniture for the Brownsville Public Library's Technical Services Department.

14. Consideration and ACTION to award a contract for the purchase of mobile laptops for police vehicle units for the Brownsville Police Department.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Ernie L. Hernandez and carried unanimously, a contract in the amount of **\$162,088.00**, was awarded to **Motorola, Inc. of San Antonio, Texas**, for the purchase of 25 mobile laptops for police vehicle units for the Brownsville Police Department as follows:

ML850 Ruggedized Laptop Computer unit price	\$ 5,887.70
Installation and Programming	\$ 500.00
H-GAC Processing Fee of 1.5%	<u>\$ 95.82</u>
Total per unit cost:	\$ 6,483.52
Total cost for 25 units:	\$162,088.00

15. Consideration and ACTION to award a contract for the purchase of mobile digital videos for police units for the Brownsville Police Department.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Carlos A. Cisneros, and carried unanimously, a contract in the amount of **\$167,713.53**, was awarded to **Motorola, Inc. of San Antonio, Texas**, for the purchase of mobile digital videos for police units for the Brownsville Police Department:

Digital Video Recording Solutions unit price	\$ 5,115.00
Mobile Digital Video Management Solutions	\$ 1,494.40
H-GAC Processing Fee of 1.5%	<u>\$ 99.14</u>
Total per unit cost:	\$ 6,708.54
Total cost for 25 units:	\$167,713.53

PUBLIC COMMENT PERIOD:

Ms. Lee Ann Greer thanked City Commissioners for the City of Brownsville lapel pins which she requested for her recent trip to Australia with the Zonta Club of Brownsville.

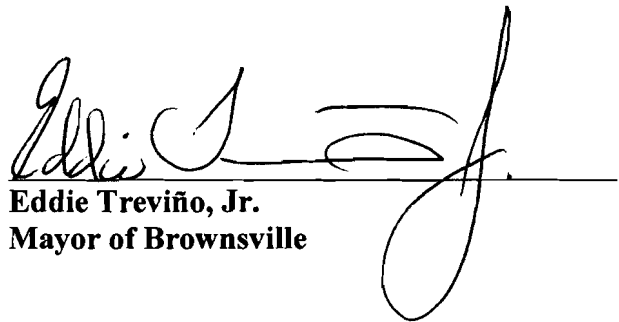
Ms. Zulema Esparza expressed her support of the East Brownsville Little Miss Kickball League, invited the Commission to the State Tournament which will be held in Brownsville, and expressed the league's need for fencing, scoreboard, and field work.

ADJOURNMENT:


There being no further business to come before the City Commission, the meeting adjourned at 7:45 p.m.

Approved the 8th day of August, 2006.




Eddie Treviño, Jr.
Mayor of Brownsville

Attest:



Estela Von Hatten
City Secretary