

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 15, 2006**, at **5:00 P.M, 5:30 P.M.** and **6:00 P.M.** with the following members present:

EDDIE TREVIÑO, JR.		MAYOR
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:
SALLY MINIEL ARROYO) **COMMISSIONER**

A quorum being present, Mayor Eddie Treviño, Jr., 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 August 11, 2006:

EXECUTIVE SESSIONS:

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 items:

- A) **Discussion pursuant to Section 551.072, of the Texas Government Code, regarding real property.**
 - B) **Discussion pursuant to Section 551.071, of the Texas Government Code, regarding anticipated litigation.**
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WORKSHOP:

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

- a) **Discussion regarding Paseo de la Resaca Landscape & Lighting Maintenance District.**
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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 led by members of the North Brownsville Little League.

INVOCATION:

The invocation was given by City Chaplin, Bob Clark.

1. **PROCLAMATIONS:** *North Brownsville Little League*
(Commissioner Charlie Atkinson)

Commissioner Charlie Atkinson asked the North Brownsville Little League members to step forward to receive a proclamation for their championship performance and congratulated the coaches and parents for their time and effort.

Brandt Johnson
(Mayor Eddie Treviño, Jr.)

Mayor Eddie Treviño, Jr. asked Mr. Brandt Johnson to step forward to receive a proclamation commending him for his dedication and perseverance in living a healthy lifestyle and raising money for various charities.

Brownsville Associates in Neonatology
(Commissioner Carlos A. Cisneros)

Commissioner Carlos A. Cisneros asked Dr. Manuel R. Mendoza, Dr. Gerardo J. Sanchez, Dr. Jose A DeLuna, and Dr. Pedro L. Vasquez to step forward to receive a proclamation for their dedication to the health of newborn infants at the Brownsville Associates in Neonatology.

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

Scholarship representatives were not present.

Washington Park Fountain
(Commissioner Edward C. Camarillo)

Commissioner Edward C. Camarillo and Mr. Carlos Ayala, Assistant City Manager, gave a brief presentation regarding the recent restoration of the Washington Park fountain. They noted that further work would be done on the fountain to ensure that it was in code compliant and, eventually, fully restored.

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 Ernie L. Hernandez, Jr., and carried unanimously, Consent Agenda Items “a” through “c” were **approved**.

ITEMS No. “a” through “c”

a) **Approval of the Minutes of the Special Meeting August 08, 2006.**

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

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Michael Jones	Aviation	Monterrey, MX	Aug. 23 – 26, 2006
Larry A. Brown	Aviation	Monterrey, MX	Aug. 24 – 25, 2006
Jennifer Hogancamp	Aviation	Denver, CO	Sept. 19 – 22, 2006
Michael Jones	Aviation	Denver, CO	Sept. 19 – 22, 2006
Norma H. Zamora	BUS	Austin, TX	Sept. 22, 2006
Ben Nunez	Fire	Emmitsburg, MD	Aug. 20 – Sept. 1, 2006
Jose Juan Treviño	Police	Laredo, TX	Aug. 27 – 29, 2006
Robert Tyler	Police	Laredo, TX	Aug. 27 – 29, 2006

Mr. Michael Jones, Business Development Manager, will attend the “12th Annual Brownsville/Monterrey Trade Reception,” sponsored by the Port of Brownsville, on August 23 - 26, 2006, in Monterrey, Nuevo León, México.

Mr. Larry A. Brown, Director of Aviation, will attend the “12th Annual Brownsville/Monterrey Trade Reception,” sponsored by the Port of Brownsville, on August 24 - 25, 2006, in Monterrey, Nuevo León, México.

Ms. Jennifer Hogancamp, Assistant Director, and Mr. Michael Jones, Business Development Manager, will attend the “American Association of Airport Executives (AAAE) Sponsor Assurances, Leasing Policies and Minimum Standards Workshop,” sponsored by American Association of Airport Executives and Aviation Management Consulting Group, on September 19 - 22, 2006, in Denver, Colorado.

Ms. Norma H. Zamora, Director, will attend the “*Public Transportation Advisory (PTAC) Committee Meeting*,” and the “*Texas Transit Association (TTA) Board of Directors Meeting*,” sponsored by the Texas Department of Transportation (TxDOT) and Texas Transit Association (TTA), on September 22, 2006, in Austin, Texas

Mr. Ben Nunez, Fire Marshal, will attend the “*R207: Management for Arson Prevention Control Class*,” sponsored by the Department of Homeland Security – United States Fire Administration’s National Emergency Training Center, on August 20 – September 1, 2006, in Emmitsburg, Maryland.

Police Agent Jose Juan Treviño and Investigator Robert Tyler will attend the “*State and Local Anti-Terrorism Training (SLATT) Program: Specialized Workshop*,” sponsored by the U.S. Department of Justice, Bureau of Justice Assistance (BJA), on August 27 - 29, 2006, in Laredo, Texas.

- c) APPROVAL on SECOND and FINAL READING of Ordinance Number 2006-1100.38 an ordinance amending the City Code by updating the procedures for heritage-related Class L Permits and Class A Permits and dealing with related matters including \$2000 penalties.**

PUBLIC HEARINGS:

- 4. 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. [CONTINUED 07/05/2006 and 08/01/2006]**

Commissioners noted that the Don Johnson Car Wash owner had agreed to installation of a wall and electronic back gate that would close at 6:00 p.m., closing the front gate at 11:00 p.m., and using a Paredes Line address for the business.

During the public hearing, the following residents expressed their opposition to the proposed car wash: Billy Killbrew, Pablo Alaniz, Blanca Ramirez, Tomas Medrano,

Christina Yee, Elizabeth Garcia, Gloria Mahubani, Jessica Serrata, Juan McClain, Mary Medrano, Deyanira Garcia Martinez, Norma Saldaña, Leland Salinger, and Alma Ramirez. Their concerns included child and neighborhood safety, graffiti, loitering at an unattended carwash establishment, and vandalism. The residents' comments included photos of the area in question and the proximity of the proposed business to their neighborhood.

Commissioner Charlie Atkinson asked Police Chief Carlos Garcia to comment on the issue. Chief Garcia noted that, although he had no statistical data to present, his experience was that there was increased vandalism and loitering at carwash establishments.

Mr. Don Collins, representing the property owner, spoke in favor of approval.

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

Commissioner Ricardo Longoria, Jr., moved that Protested Ordinance Number 235-2006-034-S be approved on first reading. The motion was seconded by Commissioner Charlie Atkinson and commissioners voted as follows:

Ayes: Commissioners Longoria and Atkinson;

Nays: Mayor Treviño, Commissioners Cisneros, Camarillo and Hernandez.

Commissioner Arroyo was absent.

The motion **failed** two (2) to four (4).

5. Public Hearing and ACTION on FIRST READING of PROTESTED Ordinance Number 235-2006-038-S to allow an Apartment Specific Use (triplex) in a Dwelling Use District, for Lot 8 of Block 1 of Brownsville Country Club Subdivision, near Jose Marti Boulevard and La Paz Court.

Commissioner Carlos A. Cisneros announced that the applicant had withdrawn the application for construction of the building.

Commissioner Ernie L. Hernandez, Jr., noted that the area in question was already zoned to permit the construction of a duplex in the future.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Ernie L. Hernandez, Jr. and carried unanimously, Protested Ordinance Number 235-2006-038-S was **tabled indefinitely**.

6. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2006-021-S to allow a General Retail Specific Use (8 story building office/condominiums) in a General Retail Use District, for 1.028 acres out of Lots 4 thru 6 and Lots 7 thru 9 of Olmito Original Townsite, near Expressway 77/83 and Hargill Street.

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

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Carlos A. Cisneros and carried unanimously, Ordinance Number 235-2006-021-S was **approved** at first reading.

Commissioner Ricardo Longoria, Jr., stepped out.

7. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2006-045 to rezone, from Dwelling “Z” Classification to Medium Retail “G” Classification, Lot 1 of Block 3 of Pasto Verde Subdivision, near SH 100 and FM 803.

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, Ordinance Number 235-2006-045 was **approved** at first reading.

*Commissioner Ricardo Longoria, Jr., returned.
Commissioner Carlos A. Cisneros stepped out.*

8. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2006-047-S to allow a Professional Office Specific Use (day care center) in a Dwelling Use District, for Lot 1 of Block 2 of Abel and Lidia Longoria Subdivision, located at 7055 US 281.

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

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Ernie L. Hernandez, Jr., and carried unanimously, Ordinance Number 235-2006-047-S was **approved** at first reading.

9. Public Hearing and ACTION on FIRST READING of Ordinance Number 2006-748-E to amend Chapter 98-Traffic and Vehicles, Article V-Speed Restrictions; Section 98-133 of the Code of Ordinances of the City of Brownsville, Texas, establishing new speed limits along East Price Road between Old Port Isabel Road and Padre Island Highway.

Mr. Robert Esparza, Traffic Supervisor, gave a brief overview of the ordinance, and recommended approval of lowering the speed limit to 35 miles per hour, based on surveys conducted.

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

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Edward C. Camarillo and carried unanimously, Ordinance Number 2006-748-E was **approved** at first reading.

ACTION ITEMS:

10. Consideration and ACTION to authorize City Staff to prepare a Section 108 Loan Application – Project Florida.

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, City Staff was **authorized** to prepare a Section 108 Loan Application.

11. Consideration and ACTION on Resolution Number 2006-051 consenting to the condemnation of a Right-of-Way Easement needed for the expansion of U. S. Highway 77/83.

Mr. James Goza, City Attorney, briefly reviewed the proposed resolution.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, Resolution Number 2006-051, consenting to the condemnation of a Right-of-Way Easement needed for the expansion of U.S. Highway 77/83, was **approved**.

*Commissioner Carlos A. Cisneros returned.
Commissioner Charlie Atkinson stepped out.*

12. Consideration and ACTION to adopt budget amendment Resolution Number 2006-050 to amend the General Fund, and the Brownsville Golf Center Fund by transferring \$120,000 from General Fund to the Brownsville Golf Fund for the purchase of 25 golf carts, and one beverage golf cart for approximately \$100,000 and irrigation improvements for \$20,000.

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Carlos A. Cisneros and carried unanimously, budget amendment Resolution Number 2006-050 was **approved**, amending the General Fund and the Brownsville Golf Center Fund by transferring \$120,000 from General Fund to the Brownsville Golf Fund for the purchase of 25 golf carts and one beverage golf cart for approximately \$100,000, and irrigation improvements for \$20,000.

Commissioner Charlie Atkinson returned.

13. Consideration and ACTION to authorize two public hearings to be held August 29 and September 05, 2006 to consider an ad valorem tax increase of 7.87%, but a tax rate reduction of 2.97765 cents, or 4.38%, for tax year 2006 or Fiscal Year 2007.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Edward C. Camarillo and carried unanimously, August 29th and September 05, 2006

were **authorized** as public hearings dates to consider an ad valorem tax increase of 7.78%, but a tax rate reduction of 2.97765 cents, or 4.38%, for tax year 2006 or Fiscal Year 2007.

Commissioner Ricardo Longoria, Jr., left the meeting.

14. Consideration and ACTION to direct the Planning and Parks and Recreation staff to study the possible relocation of Central Avenue Park, located on the intersection of Boca Chica and Central Avenue, to a suitable location.

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, the Planning Department and Parks and Recreation staff were **authorized** to study the possible relocation of Central Avenue Park, located at the intersection of Boca Chica and Central Avenue, to a more suitable location.

PURCHASES/BIDS/CONTRACTS:

15. Consideration and ACTION to authorize the acceptance of the Hangar Demolition Project and approval of final payment.

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, the acceptance of the Hangar Demolition Project and approval of final payment, were **authorized** in the amount of **\$151,088**.

16. Consideration and ACTION to authorize HNTB Supplement Agreement Number 1 to contract Amendment Number 19 for the Terminal Ramp Expansion/Hangar Demolition Project.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Ernie L. Hernandez, Jr., and carried unanimously, HNTB Supplement Agreement Number 1 to contract Amendment Number 19, was **authorized** for the Terminal Ramp Expansion/Hangar Demolition Project.

- 17. Consideration and ACTION to authorize the City of Brownsville to enter into a contract with the Town of Rancho Viejo to furnish fire fighting services.**

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Carlos A. Cisneros and carried unanimously, the City of Brownsville was **authorized** to enter into a contract with the Town of Rancho Viejo to furnish fire fighting services.

- 18. Consideration and ACTION to authorize the acceptance and expenditure of the Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) Comprehensive Grant awarded to the Brownsville Police Department in the amount of \$61,806 for Fiscal Year 2007.**

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Carlos A. Cisneros and carried unanimously, the acceptance and expenditure of the Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) Comprehensive Grant, awarded to the Brownsville Police Department in the amount of **\$61,806** for Fiscal Year 2007, was **authorized**. The Commission voted as follows:

Ayes: Mayor Treviño, Commissioners Longoria, Cisneros, Camarillo and Hernandez;

Nays: None;

Abstain: Commissioner Atkinson. Commissioner Arroyo was absent.

- 19. Consideration and ACTION to authorize the acceptance of the Tobacco Compliance Grant from the Texas Comptroller of Public Accounts Office in the amount of \$6,000 awarded to the Brownsville Police Department for Fiscal Year 2007.**

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, the acceptance of the Tobacco Compliance Grant from the Texas Comptroller of Public Accounts Office, in the amount of **\$6,000**, awarded to the Brownsville Police Department for Fiscal Year 2007, was **authorized**.

20. Consideration and ACTION to execute an Interlocal Agreement regarding a Mutual Aid (Motor Vehicle Theft) Law Enforcement Task Force between the City of Brownsville, Texas, the Cameron County Tax Assessors Office, and the City of McAllen, Texas.

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, an Interlocal Agreement, regarding a Mutual Aid (Motor Vehicle Theft) Law Enforcement Task Force between the City of Brownsville, Texas, the Cameron County Tax Assessors Office, and the City of McAllen, Texas, was **authorized**.

21. Consideration and ACTION to award a contract for the purchase and delivery of twenty-five (25) new electronic golf carts and one (1) beverage cart for the Brownsville Golf Center.

Mr. Paul Calapa, Purchasing Director, noted that the bid solicitation was for 75 golf carts and one beverage golf cart but recommended the purchase of 25 carts at this time. He further noted that, the carts in stock would be sent out for repair, however, if necessary, additional carts could be purchased at the established price in the bid.

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, a contract for the purchase and delivery of twenty-five (25) new electronic golf carts and one (1) beverage cart for the Brownsville Golf Center was **awarded** to **Club Car, Inc.** of San Antonio, Texas, the low responsive bidder, for **\$3,243.26** per golf cart and **\$17, 693.83** for one beverage cart, for a total amount of **\$98,775.33**.

PUBLIC COMMENT PERIOD:

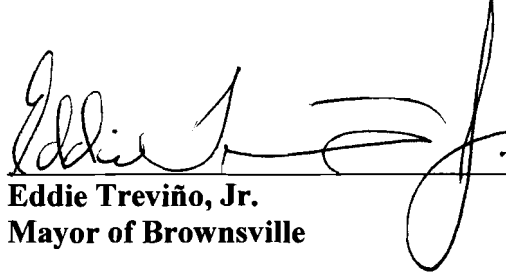
There were no public comments.

ADJOURNMENT:

There being no further business to come before the City Commission, the meeting adjourned at 8:00 p.m.


Approved the 29th day of August, 2006.





Eddie Treviño, Jr.
Mayor of Brownsville

Attest:



Estela Von Hatten
City Secretary