

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

MINUTES of a Joint Workshop of the **CITY COMMISSION OF THE CITY OF BROWNSVILLE** and the **BROWNSVILLE PUBLIC UTILITIES BOARD (BPUB)** held on **Tuesday, December 12, 2006**, at **4:30 P.M.**, an **Executive Session** at **5:30 P.M.**, and a **Special City Commission Meeting**, at **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:

EDDIE TREVIÑO, JR.		MAYOR
RICARDO LONGORIA, JR.)	
CHARLIE ATKINSON)	
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	CITY SECRETARY

Brownsville Public Utilities Board:

Robert Sanchez	BPUB Board Member
Robert L. Guerra	BPUB Board Member

A quorum of the BPUB Board was not present.

A quorum of the City Commission 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 December 08, 2006:

JOINT WORKSHOP:

[Brownsville Public Utilities Board (BPUB)]

- a) **Discussion regarding an amendment to Ordinance Number 2005-983-Z that modifies the current rate structure by reducing the current rates for general water and sanitary sewer waste water services for residential customers and implements other necessary modifications to the existing rate design consistent with existing legal obligations and as permitted by applicable governing law.**
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CONTINUATION WITH THE SPECIAL CITY COMMISSION MEETING:

WORKSHOP

- b) **Discussion regarding the Brownsville Community Improvement Corporation (BCIC) project funding recommendations for Fiscal Year 2007.**
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EXECUTIVE SESSIONS

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Ricardo Longoria, Jr., 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 existing litigation styled Golden Spread vs. City of Brownsville.**
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PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

The U.S. Pledge of Allegiance and the Texas Pledge were lead by *Emilio Garza*, 4th Grade student and *Krista Quiroz*, 3rd Grade student, at Cromack Elementary School.

INVOCATION:

The invocation was lead by Pastor Darrell Mortalla, of the First Baptist Church in Brownsville, Texas.

1. **PRESENTATIONS:** *Market Square Revitalization*
(Priscilla Rodriguez)

Ms. Priscilla Rodriguez, Brownsville Historical Association Executive Director, presented several ideas for revitalization/rehabilitation of the Market Square property owned by the City of Brownsville. She noted the need for storage space for items such historical documents, photos, and paintings, art collections and the need to have a secure storage facility to store these items in the event of catastrophic weather.

Employee of the Month
(December 2006)

Mr. Charlie Cabler, City Manager, recognized **Ms. Sabrina Rios, City Health Department employee**, as *Employee of the Month* for the month of December, 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 Carlos A. Cisneros, seconded by Commissioner Edward C. Camarillo and carried unanimously, **Consent Agenda Items “a” and “b”** were **approved**.

ITEMS No. “a” through “b”

a) Authorization for the following individuals to incur travel expense:

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Michael Jones	Aviation	Monterey, MX	Dec. 13 – 14, 2006
Norma H. Zamora	BUS	Austin, TX	Dec. 15, 2006
Jeff Johnston	Police	Laredo, TX	Dec. 17 – 19, 2006
David De Leon	Police	El Paso, TX	Jan. 12 – 14, 2007

Mr. Michael Jones, Aviation Business Development Manager, will attend a “Thank You Event” for tourism-related businesses on December 13-14, 2006, in Monterrey, Nuevo Leon, Mexico.

Ms. Norma Zamora, BUS Director, will attend the “Texas Transit Association Board of Directors Meeting”, on December 15, 2006, in Austin, Texas.

Mr. Jeff Johnston, Emergency Management Director, will attend and “Introduction to ArcGIS I Course”, sponsored by Texas A&M International University, on December 17-19, 2006, in Laredo, Texas.

Police Investigator David De Leon will attend the “TTPOA Board Meeting”, sponsored by the Texas Tactical Police Officers’ Association” on January 12-14, 2007, in El Paso, Texas.

- b) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2006-906 amending the City Zoning Ordinance by amending the Official Zoning Atlas to renew the existing “O11” Overlay District and extend it to four new areas in or near Brownsville Original Townsite; and dealing with related matters including \$2000 penalties.**

BOARDS AND COMMISSION APPOINTMENTS:

- 3. **Consideration and ACTION to appoint one (1) member and one (1) alternate to the Building and Standards Commission. [TABLED 10/03/2006]**

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Edward C. Camarillo and carried unanimously, **Mr. Hugh Emerson** was appointed to the Building and Standards Commission.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Charlie Atkinson and carried unanimously, **Mr. Mike Garza** was appointed as an **alternate** to the Building and Standards Commission.

4. Consideration and ACTION to appoint or reappoint three (3) members to the Brownsville Community Improvement Corporation (BCIC).

Upon motion by Commissioner Ernie L. Hernandez, seconded by Commissioner Edward C. Camarillo and carried unanimously, **Commissioner Carlos A. Cisneros** was appointed to the Brownsville Community Improvement Corporation (BCIC).

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Sally M. Arroyo and carried unanimously, **Ms. Paulita Rico** was appointed to the Brownsville Community Improvement Corporation (BCIC).

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Ernie L. Hernandez and carried unanimously, **Commissioner Charlie Atkinson** was appointed to the Brownsville Community Improvement Corporation (BCIC).

PUBLIC HEARINGS:

5. Public Hearing and ACTION on Ordinance Number 2006-1469 authorizing the issuance of City of Brownsville, Texas Utilities System Junior Lien Revenue Bonds, Series 2007; providing for the payment of the principal of and interest on the bonds by a Junior Lien on and pledge of the net revenues of the City's combined utility system on a parity with certain currently outstanding obligations; providing the terms and conditions of such bonds and resolving other matters incident and relating to the issue , payment, security, sale and delivery of such bonds, including the approval of a sale to the Texas Water Development Board; authorizing the execution of a paying agent/registrar agreement; complying with the requirements of the Depository Trust Company's Letter of Representations; complying with the regulations promulgated by the Texas Water Development Board; enacting other provisions incident and related to the subject and purpose of this ordinance; and providing for an effective date.

Mr. Leandro Garcia, Brownsville Public Utilities Board (BPUB) Chief Financial Officer, reviewed the proposed ordinance for issuance of City of Brownsville, Texas Utilities System Junior Lien Revenue Bonds, Series 2007.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, public hearing was **closed**.

Commissioner Ernie L. Hernandez, moved that Ordinance Number 2006-1469 be **approved** on first reading.

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

6. **Public Hearing and ACTION on FIRST READING of Ordinance Number 2006-1470 which provides for the adoption of a Program for Economic Development as authorized by Sections 378 and 380 of the Texas Local Government Code providing for the establishment of Neighborhood Empowerment Zones, Sales Tax Revenue Sharing Agreements and such other Economic Development measures as deemed necessary by the City Commission per applicable State Law.**

Mr. James Goza, City Attorney, noted that the proposed ordinance served to standardize the City of Brownsville review process.

Mayor Eddie Treviño, Jr., asked that the Brownsville Economic Development Corporation (BEDC) be included in this program.

Upon motion by Commissioner Ernie L. Hernandez, seconded by Commissioner Carlos A. Cisneros and carried unanimously, the public hearing was **continued** until the next regularly scheduled meeting of the City Commission.

ACTION ITEMS:

7. **Consideration and ACTION to authorize an amendment to Ordinance Number 2005-983-Z that modifies the current rate structure by reducing the current rates for general water and sanitary sewer waste water services for residential customers and implements other necessary modifications to the existing rate design consistent with existing legal obligations and as permitted by applicable governing law. [TABLED 12/05/2006]**

After the Commission's discussion regarding the proposed ordinance, Commissioner Ernie L. Hernandez moved that Ordinance Number 2005-983-Z be **remanded** to BPUB with the request that they make recommendations on the rate structure.

8. **Consideration and ACTION to authorize the City Manager to execute a fee agreement with the Dallas based firm of Diamond McCarthy regarding damage claims for specific performance and delays associated with transfer of power generation facilities.** [TABLED 12/05/2006] [TABLED 12/12/2006]

Mr. James Goza, City Attorney, noted that the proposed agreement provided for authorization to retain the firm of Diamond-McCarthy.

Commissioner Charlie Atkinson moved that authorization be denied. The motion failed due to lack of a second.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, this item was **tabled**.

9. **Consideration and ACTION to rename Chachalaca Park to Charles Martin Cabler Park.**

Commissioner Charlie Atkinson moved that Chachalaca Park be renamed as **Charles Martin Cabler Park**.

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

10. **Consideration and ACTION regarding the Brownsville Community Improvement Corporation (BCIC) funding recommendations for Fiscal Year 2007.**

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Carlos A. Cisneros and carried unanimously, the Brownsville Community Improvement Corporation's (BCIC) funding recommendations for Fiscal Year 2007, were **approved**.

11. **Consideration and ACTION on Resolution Number 2006-072 to provide book allowance scholarships to full-time City of Brownsville employees, who are classified below the level of a director's position, to further their educational goals.**

Commissioner Edward C. Camarillo noted that he wished to have the City provide an incentive to City of Brownsville employees to continue their education through the proposed book allowance scholarships. He further noted that the program would provide for 20 scholarships, with any unused funds reverting to the General Fund. The scholarships would apply only to non-civil service employees.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Carlos A. Cisneros and carried unanimously, Resolution Number 2006-072 was **approved** to provide book allowance scholarships to full-time City of Brownsville employees, who are classified below the level of a director's position, to further their educational goals.

12. **Consideration and ACTION to adopt budget amendment Resolution Number 2006-073 to amend the General Fund by \$8,000 to provide funding for the book allowance scholarships to full-time City of Brownsville employees who are classified below the level of a director's position.**

Upon motion by Commissioner Ernie L. Hernandez, seconded by Commissioner Carlos A. Cisneros and carried unanimously, budget amendment Resolution Number 2006-073, was **approved** to amend the General Fund by \$8,000, to provide funding for the book allowance scholarships to full-time City of Brownsville employees who are classified below the level of a director's position.

13. **Consideration and ACTION to authorize the use of Washington Park from February 19-25, 2007 for the *Sombrero* Festival, authorizing the sale and consumption of alcoholic beverages from February 22-24, 2007 during festival hours, authorizing the closure of Adams Street between 7th and 9th Street, and permission to use the parking along Madison Street between 7th and 9th Streets for *Sombrero* Festival vendor parking.**

Mr. Roy De Los Santos, Vice-President of Special Operations for the Sombrero Festival, presented the request.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Edward C. Camarillo and carried unanimously, the use of Washington Park from February 19-25, 2007, was **authorized** for the *Sombrero* Festival, authorizing the sale and consumption of alcoholic beverages from February 22-24, 2007, during festival hours, authorizing the closure of Adams Street between 7th and 9th Streets, and permission to use the parking along Madison Street between 7th and 9th Streets for *Sombrero* Festival vendor parking.

PURCHASES/BIDS/CONTRACTS:

- 14. Consideration and ACTION to authorize an Interlocal Cooperation Agreement between the Cameron County Regional Mobility Authority (CCRMA) and the City of Brownsville to provide international advisor services for the West Rail Project.**

Mr. Pete Sepulveda, Cameron County Bridge Director, presented the proposed interlocal agreement.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Sally M. Arroyo and carried unanimously, an Inter-local Agreement was **authorized** between the Cameron County Regional Mobility Authority (CCRMA) and the City of Brownsville in the amount of **\$186,579**, to provide international advisory services for the West Rail Project.

- 15. Consideration and ACTION to authorize an offer of just compensation for the acquisition of 3 parcels of property for Part 150 Program: 1.39 acres, more or less, of land Southeast Corner of California Road and Illinois Avenue; 7.24 acres, more or less, of land Westside of Indiana Avenue just South of California Road; and 3.35 acres, more or less, of land Eastside of Illinois Avenue just South of California Road.**

Commissioner Edward C. Camarillo moved that an offer of just compensation be **authorized** for the acquisition of 3 parcels of property for Part 150 Program: 1.39 acres, more or less, of land Southeast Corner of California Road and Illinois Avenue; 7.24 acres, more or less, of land Westside of Indiana Avenue just South of California Road; and 3.35 acres, more or less, of land Eastside of Illinois Avenue just South of California Road.

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

16. Consideration and ACTION to authorize a contract with URS Corporation to update the Brownsville South Padre Island International Airports' Part 150 Noise Mitigation Program.

Mr. Larry A. Brown, Aviation Director, noted that the proposed contract would provide for the update requirement of the Federal Aviation Administration (FAA). He further noted that the FAA would provide 95% of the funds for the project.

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, a contract in the amount of **\$320,600.00**, was authorized with the **URS Corporation** to update the Brownsville South Padre Island International Airport's Part 150 Noise Mitigation Program.

17. Consideration and ACTION to accept the 2003 CIP Street and Drainage Contract, Number 3 Project, and to release retainage and final payment to G&T Paving, Inc.

Commissioner Ricardo Longoria, Jr., moved that the 2003 CIP Street and Drainage Contract, Number 3 Project, be **accepted** and that retainage and final payment be **released** to G&T Paving, Inc.

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

18. Consideration and ACTION to accept the 31st Year Community Development Block Grant (CDBG) Street and Pavement Improvements for West 10th and West 17th Street Project and to release retainage and final payment to G&T, Inc.

Commissioner Ernie L. Hernandez moved that the 31st Year Community Development Block Grant (CDBG) Street and Pavement Improvements for West 10th and West 17th Street Project be **accepted** and that retainage and final payment be **released** to G&T, Inc.

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

19. Consideration and ACTION to accept the 2003 CIP Street and Drainage Contract Number 4 Project and to release retainage and final payment to Pederson Construction Company.

Commissioner Ricardo Longoria, Jr., moved that the 2003 CIP Street and Drainage Contract, Number 4 Project, be **accepted** and that retainage and final payment be **released** to Pederson Construction Company.

The motion was seconded by Commissioner Carlos A. Cisneros and carried unanimously.

20. Consideration and ACTION to request approval of Carter & Burgess Contract Amendment to include additional services for property acquisition and relocation assistance services.

Mr. Paul Calapa, Purchasing Director, noted that the Downtown Multimodal Terminal project was entering the next phase of development, that being site acquisition, relocation assistance, final design, and preparation of construction documents. He further noted that amendatory agreement Number 2 with Carter & Burgess, Inc. of Dallas, Texas, would include additional services for property acquisition and relocation assistance services in connection with the terminal.

Commissioner Ricardo Longoria, Jr., moved that Amendment Number 2 to the contract with **Carter & Burgess**, in the amount of **\$229,000.00**, be approved, for additional services for property acquisition and relocation assistance services.

The motion was seconded by Commissioner Carlos A. Cisneros and carried unanimously.

21. Consideration and ACTION to award a term contract for uniform rental services for various City Departments.

Mr. Paul Calapa, Purchasing Director, noted that the proposed uniform rental agreement included cleaning and replacement of uniforms for personnel at the City Public Works and Public Health Departments.

Commissioner Ernie L. Hernandez moved that a term contract in the amount of **\$38,035.40** be awarded to **G&K Services** of Coppell, Texas, for uniform rental services for the City Public Works and Public Health Departments.

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

PUBLIC COMMENT PERIOD:

Mr. Fernando Ruiz expressed his opposition to any further issuance of bonds.

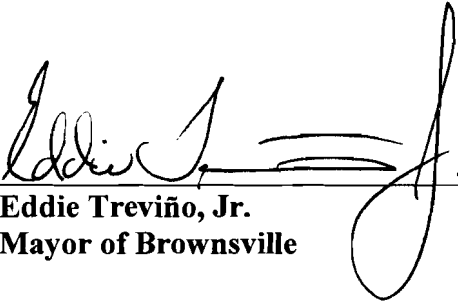
Mr. Carlos Gonzalez noted that he would like to see the Taxi ordinance amended to include operation of a vintage taxi cab in the City of Brownsville.

ADJOURNMENT:


There being no further business to come before the City Commission, the meeting adjourned at 7:30 p.m.

Approved the 4th day of January 2007.




Eddie Treviño, Jr.
Mayor of Brownsville

Attest:



Estela Von Hatten
City Secretary