

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

MINUTES of a **Special 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, July 25, 2006**, at **6:00 P.M.** with the following members present:

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
JIM GOZA		CITY ATTORNEY
ESTELA VON HATTEN		CITY SECRETARY

ABSENT:

CARLOS AYALA	ASSISTANT CITY MANAGER
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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 July 21, 2006:

SPECIAL MEETING:

Mayor Eddie Treviño, Jr., convened the Special 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 *Nuvia Martinez*, 6th Grade Besteiro Middle School Student, and *Krystal Garza*, 2nd Grade Aiken Elementary Student.

INVOCATION:

The invocation was given by Pastor Victor Vallejo from Centro De Fe International (CFI), Brownsville, Texas.

1. 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 Edward C. Camarillo, and carried unanimously, Consent Agenda Items “a” through “e” were **approved**.

ITEMS No. “a” through “e”

a) Approval of the Minutes of the Special Meeting of July 05, 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	July 27 – 29, 2006
Martin Vela	MIS	San Antonio, TX	July 30 – Aug. 5, 2006
Graciela Aldaco	Planning	San Antonio, TX	Aug. 7 – 10, 2006
Victor Maldonado	Planning	Austin, TX	Aug. 22 – 23, 2006
Juan Hernandez	Police	Corpus Christi, TX	July 26, 2005
Juan Lopez	Police	Corpus Christi, TX	July 26, 2005
Billy Killebrew	Police	Corpus Christi, TX	July 26, 2005
Mariano Gonzalez	Police	Corpus Christi, TX	July 26, 2005
Juan Salinas	Police	Corpus Christi, TX	July 26, 2005

Rolando Avitia	Police	Phoenix, AZ	Aug. 14 – 17, 2006
Orlando Rodriguez	Police	Corpus Christi, TX	Aug. 27 – 30, 2006
Orlando Chavez	Police	Corpus Christi, TX	Aug. 27 – 30, 2006

Ms. Raquel Benavidez, Legal Secretary, will attend the “*Litigation Skills for Legal Staff*,” sponsored by Lorman Educational Services, on July 27 – 29, 2006, in Houston, Texas.

Mr. Martin Vela, Senior Systems Analyst, will attend an “*Introduction to ArcIMS and ArcIMS Administration Training*,” sponsored by Environmental Systems Research Institute, Inc. (ESRI), on July 30 – August 5, 2006, in San Antonio, Texas.

Ms. Graciela Aldaco, Homeless Coordinator, will attend the “*Monitoring HOME Training*,” sponsored by the U. S. Department of Housing and Urban Development (HUD) Office of Community Planning and Development (CPD) San Antonio Field Office, on August 7 – 10, 2006, in San Antonio, Texas.

Mr. Victor Maldonado, Homeless Coordinator, will attend the “*Emergency Shelter Grants Program 2006 Contract Implementation Workshop*,” sponsored by the Texas Department of Housing and Community Affairs (TDHCA), on August 22 – 23, 2006, in Austin, Texas.

Police Commander Juan Hernandez, Sergeant Juan Lopez, Agent Billy Killebrew, Agent Mariano Gonzalez, and Agent Juan Salinas will attend an “*Auto Theft Course*,” sponsored by the Corpus Christi Police Department, on July 26, 2006, in Corpus Christi, Texas.

Police Sergeant Rolando Avitia will attend the “*U. S. Department of Justice Community Capacity Development Office Law Enforcement Conference*,” sponsored by the U. S. Department of Justice Brownsville Weed and Seed, on August 14 – 17, 2006, in Phoenix, Arizona.

Police Lieutenant Orlando Rodriguez and Officer Orlando Chavez will attend the “*Improving Your Community’s Violence Reduction Strategy Workshop*,” sponsored by The U. S. Attorney’s Office, Southern District of Texas, in partnership with Fox Valley Technical College (FVTC) and JVD Consulting, LLC., on August 27 – 30, 2006, in Corpus Christi, Texas.

- c) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2006-035 to rezone, from Medium Commercial “G” Classification to General Retail “G” Classification, 1.472 acres out of Block 3 of Villa Nueva Subdivision, near US 281 and Alton Gloor Boulevard.**

- d) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2006-602-CU an ordinance amending the text of the City Zoning Ordinance by allowing a conditional use permit for the sale of alcohol (wet restaurant), for 2.231 acres out of Lot 2 of Block 1 of Residence Inn Subdivision, located at 3955 N. Expressway 77/83.**

- e) **APPROVAL on SECOND and FINAL READING of Ordinance Number 2006-1459 to approve the project plan, Reinvestment Zone Financing Plan (May 18, 2006), and for Reinvestment Zone Number One, Development Agreement, pertaining to Tax Increment Reinvestment Zone Number One, and authorizing the City Secretary to distribute such plans; containing various provisions related to the foregoing subject.**

BOARDS AND COMMISSION APPOINTMENT:

- 2. **ACTION to appoint one (1) member to the Brownsville Housing Authority Board.**

Upon motion by Mayor Eddie Treviño, Jr., seconded by Commissioner Carlos A. Cisneros, and carried unanimously, **Ms. Santa Del Angel** was **appointed** to the Brownsville Housing Authority Board to replace Ms. Mary Gutierrez, who resigned. Ms. Del Angel’s term will expire March 26, 2007.

PUBLIC HEARINGS:

- 3. Public Hearing and ACTION on FIRST READING of Ordinance Number 2006-1460 to authorize an Interest Rate Cap Agreement in connection with the City of Brownsville, Texas Utilities System Subordinate Lien Revenue and Refunding Bonds, Series 2002A and 2002B; enacting other provisions incident and related to the subject and purpose of this ordinance; and providing for an effective date.**

Mr. Leonardo Garcia, Chief Financial Officer of the Public Utilities Board (PUB), gave a brief overview of the ordinance.

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Carlos A. Cisneros and carried unanimously, the public hearing was **closed**.

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Carlos A. Cisneros, and carried unanimously, Ordinance Number 2006-1460 was **approved** at first reading, authorizing an Interest Rate Cap Agreement. Second and Final Reading for this item was held on July 26, 2006.

- 4. Public Hearing and ACTION on FIRST 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.**

Mr. Pete Parras of the Texas Gas Service Company gave an overview of the ordinance.

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 2006-1461 was **approved** at first reading, adopting a Settlement Agreement with the Texas Gas Service Company.

5. **Public Hearing and ACTION on FIRST 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.**

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 Edward C. Camarillo, seconded by Commissioner Sally M. Arroyo and carried unanimously, Ordinance Number 235-2006-036 was **approved** at first reading.

6. **Public Hearing and ACTION on FIRST 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.**

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

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros and carried unanimously, Ordinance Number 235-2006-039-S was **approved** at first reading.

7. **Public Hearing and ACTION on FIRST 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.**

Upon motion by Commissioner Charlie Atkinson, 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 Sally M. Arroyo, and carried unanimously, Ordinance Number 235-2006-041-S was **approved** at first reading.

8. **Public Hearing and ACTION on FIRST 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.**

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 235-2006-043 was **approved** at first reading.

9. **Public Hearing and ACTION on FIRST 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.**

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 Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros, and carried unanimously, Ordinance Number 235-2006-603-CU was **approved** at first reading.

ACTION ITEMS:

10. **Consideration and ACTION on Resolution Number 2006-044 to authorize a \$10,000 Solid Waste Grant Proposal, under the project category Educational and Training Projects, to fund temporary staff for a “Waste Minimization Outreach Program” in public schools.**

Commissioner Ricardo Longoria, Jr., moved that Resolution Number 2006-044 be **approved**, authorizing a \$10,000 Solid Waste grant application, under the project category Educational and Training Projects, to fund temporary staff for a “*Waste Minimization Outreach Program*” in public schools.

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

- 11. Consideration and ACTION on Resolution Number 2006-045 to authorize a \$10,000 Solid Waste Grant Proposal, under the project category Educational and Training Projects, to fund a Bags R5 Recycling Educational Outreach Campaign.**

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Carlos A. Cisneros, and carried unanimously, Resolution Number 2006-045 was **approved**, authorizing a \$10,000 Solid Waste grant application, under the project category Educational and Training Projects, to fund a “*Bags R5 Recycling Educational Outreach Campaign*”.

- 12. Consideration and ACTION on Resolution Number 2006-046 to authorize the City Manager to accept a Grant Award in the amount of \$900,000 from the Texas Automobile Theft Prevention Authority for the 2006-2007 South Texas Auto Theft Enforcement Task Force Project.**

Commissioner Carlos A. Cisneros moved that Resolution Number 2006-046 be **approved** , authorizing the City Manager to accept a Grant Award in the amount of \$900,000, **\$485,000** of which is the City’s portion, from the Texas Automobile Theft Prevention Authority for the 2006-2007 South Texas Auto Theft Enforcement Task Force Project.

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

- 13. Consideration and ACTION on Resolution Number 2006-047 to acknowledge the status of HOME Certifications pertaining to funds for Fiscal Years 2004 and 2005, and confirming that the City is committed to maintaining compliance with Housing of Urban Development’s (HUD) regulations.**

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Edward C. Camarillo, and carried unanimously, Resolution Number 2006-047 was **approved**, acknowledging the status of HOME Certifications pertaining to funds for Fiscal Years 2004 and 2005, and confirming that the City is committed to maintaining compliance with Housing and Urban Development’s (HUD) regulations.

14. **Consideration and ACTION to adopt budget amendment Resolution Number 2006-048 to amend the General Fund by \$200,000 to provide \$150,000 funding for the acquisition of an automated camera system that will be used at the City Hall Commission Chambers to broadcast live City Commission Meetings from Channel 12 and to provide \$50,000 to replace some of the carpet at the City's Main Library.**

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Edward C. Camarillo, and carried unanimously, Resolution Number 2006-048 was **approved**, amending the General Fund by \$200,000 to provide \$150,000 funding for the acquisition of an automated camera system that will be used at the City Hall Commission Chambers to broadcast live City Commission Meetings from Channel 12 and to provide \$50,000 to replace some of the carpet at the City's Main Library.

PURCHASES/BIDS/CONTRACTS:

15. **Consideration and ACTION to accept the 2005 CIP Street and Drainage, Contract 4 Project and to release retainage and final payment to G & T Paving, Inc.**

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros, and carried unanimously, the 2005 CIP Street and Drainage, Contract 4 Project was **accepted** and release retainage and final payment to G & T Paving, Inc., was **approved**.

16. **Consideration and ACTION to acknowledge and accept E-rate Grant Funds from the School and Library Division (SLD) in the amount of \$700,384.21 for the provision of network infrastructure equipment, telecommunications and internet access.**

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, E-rate Grant Funds from the School and Library Division (SLD), in the amount of **\$700,384.21**, for network infrastructure equipment, telecommunications and internet access were **acknowledged and authorized**.

17. Consideration and ACTION to acknowledge and accept grant funds from the Texas State Library and Archives Commission with funding provided by the Bill and Melinda Gates Foundation in the amount of \$26,250 for public access computers for the Main Library.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Carlos A. Cisneros, and carried unanimously, grant funds from the Texas State Library and Archives Commission with funding provided by the Bill and Melinda Gates Foundation, in the amount of **\$26,250**, for public access computers for the Main Library, were **acknowledged and accepted.**

18. Consideration and ACTION to award a contract for Runway 13R – 31L Asphalt Rejuvenation and Pavement Marking Project and Consideration and ACTION to authorize HNTB Amendment Number 24 for professional services associated with the Runway 13R – 31L Rejuvenation and Pavement Marking Project, General Engineering Consultant (GEC) Contract, with HNTB Corporation at the Brownsville South Padre Island International Airport.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Sally M. Arroyo, and carried unanimously, a contract, in the amount of **\$350,440.50**, was awarded to **Hi-Lite Markings, Inc.** of Adams Center, New York, the low responsive bidder for a base bid and additive bid #1, for the Runway for Runway 13R – 31L Asphalt Rejuvenation and Pavement Marking Project.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Sally M. Arroyo, and carried unanimously, HNTB Amendment Number 24 for professional services associated with the Runway 13R – 31L Rejuvenation and Pavement Marking Project, General Engineering Consultant (GEC) Contract, with HNTB Corporation, of Overland Park, Kansas, was **authorized** for a maximum amount of **\$50,748.21.**

19. Consideration and ACTION to award a contract for Drainage Improvements Phase III Project and Consideration and ACTION to authorize Amendment Number 25 for professional services associated with the Drainage Improvements Phase III Project, General Engineering Consultant (GEC) Contract, with HNTB Corporation at the Brownsville South Padre Island International Airport.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo, and carried unanimously, a contract, in the amount of **\$429,110**, was awarded to **Summit Contracting, LTD.** of Weslaco, Texas, the low responsive bidder, for the Drainage Improvements Phase III Project.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros, and carried unanimously, Amendment Number 25 for professional services associated with the Drainage Improvements Phase III Project, General Engineering Consultant (GEC) Contract, with HNTB Corporation, of Overland Park, Kansas, was **authorized** for a maximum amount of **\$83,960.10**.

20. Consideration and ACTION to award a contract for Drainage Improvements for the North Bound Frontage Road/Cameron County Drainage Ditch.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Ernie L. Hernandez, Jr., and carried unanimously, a contract for Drainage Improvements for the North Bound Frontage Road/Cameron County Drainage Ditch was awarded to **Jose Ibarra Construction** of Brownsville, Texas, the low responsive bidder, for a total bid amount of **\$39,104**.

21. Consideration and ACTION to award a term contract for the purchase and delivery of herbicide for use by the Public Works Department, Greens Division.

Mr. Paul Calapa, Purchasing Director, noted that the contract would expire September 30, 2007, with the City of Brownsville reserving the unilateral option to extend the life of the contract for an additional two years at the original quoted prices.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, a term contract for the purchase and delivery of herbicide for use by the Public Works Department, Greens Division, was awarded to **Red River Specialties, Inc.** of Shreveport, Louisiana as follows:

Unit Price	Total Estimated Amount
\$27.50 per gallon	\$22,000.00 per 800 gallons
\$825.00 per 30 gallon drum	

22. Consideration and ACTION to award a contract for lease/purchase of a D5N-bulldozer and a 613C water-wagon for the Landfill, a division of the Public Works Department.

Mr. Ivan Welker, Fleet Manager, noted that the intent was to convert to a new monthly lease/purchase plan for 24 months on the bulldozer and 36 months on the water-wagon.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Ernie L. Hernandez, Jr., and carried unanimously, a contract for the lease/purchase of a D5N-bulldozer and a 613C water-wagon for the Public Works Department, Landfill Division, was awarded to **Holt/Caterpillar** for the estimated combined debt-service scenario as follows:

<u>Funding Source</u>	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>Total Funding</u>
G.F. and Landfill	\$17,470.80	\$104,824.80	\$98,240.58	\$54,432.90	\$274,969.08
Maintenance	\$6,000	\$12,000	\$12,000	\$6,000	\$36,000

23. Consideration and ACTION to award a contract for the purchase and installation of shade structures at the North Brownsville Little Miss Kickball Fields on FM 511.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Sally M. Arroyo, and carried unanimously, a contract, in the amount **\$48,698**, was awarded to

Sun Ports International, Inc. of Dallas, Texas, for the purchase and installation of shade structures at the North Brownsville Little Miss Kickball Fields on FM 511.

DISCUSSION:

24. Discussion regarding a two- to three-acre long-term land lease for fifty years (\$1.00 per year) of the ten acre tract behind Lotus Court on South Price to the Veterans of Foreign War Post.

Commissioner Ernie L. Hernandez, Jr., and Mr. Paul Calapa, Purchasing Director, led the discussion regarding a two to three-acre long-term land lease for fifty years of the City-owned ten-acre tract located behind Lotus Court on South Price Road to the Veterans of Foreign War Post.

Judge Oscar Tullos and Commander Luis Lucio, on behalf of the Veterans of Foreign War Post (VFW) 2035, expressed their need for a new location due to the fact they have outgrown their current facility. They noted that they are committed to selling their current property in order to construct a new building on the South Price Road leased property, should their request for lease be approved.

City Manager Charlie Cabler suggested that an appraisal be done on the property.

Commissioner Ernie L. Hernandez, Jr. suggested that maybe the lease could be adjustable dependent on the VFW's monthly revenue.

City Commissioner agreed that the lease agreement details could be negotiated with the City Manager.

PUBLIC COMMENT PERIOD:

There were no public comments.

ADJOURNMENT:

There being no further business to come before the City Commission, the meeting adjourned at 7:00 p.m.

Approved the 1st day of August, 2006.



Attest:

Estela Von Hatten
Estela Von Hatten
City Secretary

(ABSENT)

Eddie Treviño, Jr.
Mayor of Brownsville

Sally M. Arroyo
Sally M. Arroyo
Mayor Pro-Tem