

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, October 3, 2006**, at **4:55 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 |) | |
| 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 |

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 September 29, 2006:

EXECUTIVE SESSION:

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Charlie Atkinson 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 pending litigation.**

Mayor Eddie Trevino, Jr., arrived.

WORKSHOPS:

The Workshop Sessions, to discuss the following items, were not held.

- a) Discussion regarding the Brownsville Sports Park Status Report.**
 - b) Discussion regarding the Brownsville Community Improvement Corporation (BCIC) Fiscal Year 2007 Budget.**
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REGULAR MEETING:

Upon conclusion of the Executive 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 Texas Pledge were led by the Fifth Grade Student Council of Villa Nueva Elementary School: *President Cole Atkinson, Vice President Mirna Aguilar, Secretary Jo Ann Suarez, Treasurer Julian Herebia, and Grade Level Representative Allen Anguiano.*

INVOCATION:

The invocation was given by Mr. John Phillips, Pastor of Central Christian Church of Brownsville, Texas.

1. PROCLAMATIONS: *National Lupus Awareness Month*

Mayor Eddie Treviño, Jr., asked Ms. Fabiola Alvarez, Lupus Foundation of America representative, to step forward to accept a proclamation designating October, 2006 as “*National Lupus Awareness Month*” in the City of Brownsville. The proclamation was read by Commissioner Sally M. Arroyo.

Head Start Awareness Month

No one was present to accept the proclamation.

Watch Your Car Awareness Month

Mayor Eddie Treviño, Jr., asked Police Chief Carlos Garcia to step forward to accept a proclamation designating October, 2006, as “*Watch Your Car Awareness Month*” in the City of Brownsville. The proclamation was read by Commissioner Carlos A. Cisneros.

National Arts and Humanities Month

Mayor Eddie Treviño, Jr., asked Mr. George Farish, representing board members of the Brownsville Museum of Fine Arts who were present, to step forward to accept a proclamation designating October, 2006, as “*National Arts and Humanities Month*” in the City of Brownsville. The proclamation was read by Commissioner Edward C. Camarillo.

2. PRESENTATION: Employee of the Month

Mr. Charlie Cabler, City Manager, recognized *Ms. Dora Wabler*, Administrative Specialist II, at the Parks and Recreation Department, as “*Employee of the Month*” for the month of October 2006.

3. CONSENT AGENDA ITEMS:

All consent Agenda Items listed were considered to be routine by the City Commission and were approved by one motion.

Commissioner Ricardo Longoria, Jr., moved that Consent Agenda items “a” through “i” be **approved**.

Commissioners Carlos A. Cisneros and Ernie L. Hernandez, Jr., requested **correction** on the minutes of **September 19, 2006**, to reflect that they had voted “*nay*”, only on Consent Agenda Item “e” of said minutes.

With the correction noted, the motion was seconded by Commissioner Edward C. Camarillo, and carried unanimously

ITEMS No. “a” through “i”

a) Approval of the Minutes of the Special Meeting September 18, 2006 and Regular Meeting September 19, 2006.

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

| <u>Employee</u> | <u>Department</u> | <u>Destination</u> | <u>Date</u> |
|------------------|-------------------|--------------------|------------------------|
| Carlos Lastra | Engineering | Houston, TX | Oct. 30 – Nov. 3, 2006 |
| Luanne James | Library | Laredo, TX | Oct. 12 – 13, 2006 |
| Janie Garza | Police | Cedar Park, TX | Oct. 9 – 12, 2006 |
| Lucia Flores | Police | Cedar Park, TX | Oct. 9 – 12, 2006 |
| Ramiro Rodriguez | Police | San Antonio, TX | Oct. 10 – 13, 2006 |
| Pablo Flores | Police | San Antonio, TX | Oct. 10 – 13, 2006 |
| David Ivory | Public Works | Round Rock, TX | Oct. 4 – 6, 2006 |
| Martino Treviño | Public Works | Round Rock, TX | Oct. 4 – 6, 2006 |

Mr. Carlos Lastra, P.E., Engineering Director, will attend the “*Practical Highway Hydrology Seminar*,” sponsored by the NHI Training Solutions for Transportation Excellence, on October 30 – November 3, 2006, in Houston, Texas.

Ms. Luanne James, Head Librarian/Director of Library Services, will attend the “*Texas Library Association (TLA) District IV Conference*,” sponsored by the Texas Library Association (TLA), on October 12 - 13, 2006, in Laredo, Texas.

Ms. Janie Garza and Ms. Lucia Flores, Emergency Communications Operators, will attend the “*APCO Institute Communications Training Officer Course*,” sponsored by the APCO Institute and the Cedar Park Police Department, on October 9 - 12, 2006, in Cedar Park, Texas.

Police Commander Ramiro Rodriguez and Sergeant Pablo Flores will attend the “*Selective Traffic Enforcement Program (STEP) Project Directors’ Meeting*,” sponsored by the Selective Traffic Enforcement Program (STEP), on October 10 - 13, 2006, in San Antonio, Texas.

Mr. David Ivory, Public Works Director, and Mr. Martino V. Treviño, Urban Forester, will attend the “*2006 Texas Tree Conference*,” sponsored by the International Society of Arboriculture, Texas Chapter and the Texas Forest Service, on October 4 - 6, 2006, in Round Rock, Texas.

c) APPROVAL on SECOND and FINAL READING of Ordinance Number 2006-1464 to authorize the City Manager to abandon and close a portion of an existing 60 foot right-of-way described as a 0.352 acre tract of Los Fresnos Road.

d) APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2006-046 to rezone, from Dwelling “A” Classification to General Retail “G” Classification, Lot 6 of Block 1 of Camino Real Subdivision, located at 234 US 281.

- e) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2006-049 to rezone, from Dwelling “A” Classification to Medium Retail “A” Classification, a parcel of land out of 68.12 acres out of Tract Number 2 Subdivision of Paredes Partition, located at 544 Calle Milpa Verde.**
- f) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2006-050 to rezone, from Dwelling “A” Classification to Medium Retail “G” Classification, 0.44 acres out of Lot 1 of Block S of Brownsville Land and Improvement Company Subdivision, near Boca Chica Boulevard and US 281.**
- g) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2006-051 to rezone, from Dwelling “A” Classification to General Retail “G” Classification, 0.114 acres out of Reserve Number 3 of La Villita Unit Number 2, located at 3226 Southmost Road.**
- h) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2006-052 to rezone, from Dwelling “A” Classification to Apartment “G” Classification, 2.59 acres out of Lots 7 and 8 of Blocks 14 of Chicago Garden Subdivision, located at 218 Iowa Street.**
- i) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2006-053-S to allow an Apartment Specific Use Duplex in a Dwelling Use District, for Lots 16 thru 18 Naranja Vista Addition, located at 9945 Anacua Street.**

PURCHASES/BIDS/CONTRACTS:

- 18. **Consideration and ACTION to execute a Memorandum of Understanding (MOU) between the City of Brownsville and Sports Arenas Properties, Inc. (SAPI), for a feasibility study to evaluate the economic viability of commercial, retail, and residential re-development in the downtown area.**

Mr. Jim Goza, City Attorney, and Mr. Peter Goodman, Heritage Department Director, gave a brief overview of the agreement noting that there would be no cost to the City for conduction of the feasibility study.

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Sally M. Arroyo and carried unanimously, a Memorandum of Understanding (MOU) between the City of Brownsville and Sports Arenas Properties, Inc. (SAPI), for a feasibility study to evaluate the economic viability of commercial, retail, and residential re-development in the downtown area, was **authorized**.

BOARDS AND COMMISSION APPOINTMENT:

4. Consideration and ACTION to appoint or reappoint five (5) members and one (1) alternate to the Building and Standards Commission.

Mr. Santiago Navarro, Director of Building Inspections and Permitting, noted that current members, with the exception of Mr. Paul Soto, were willing and able to continue serving on the Building and Standards Commission.

Mayor Eddie Treviño, Jr., moved that members currently serving, and who were willing to continue to serve, be re-appointed to the Building and Standards Commission.

The motion was seconded by Commissioner Edward C. Camarillo, and carried unanimously to re-appoint the following:

Armando Magallanes

Efrain Garcia

Reynaldo Garza

Estella Balli

Commissioner Sally M. Arroyo noted that she would like to nominate one member to the commission at the next meeting of the City Commission.

An alternate member would also be appointed at the next meeting of the City Commission.

PUBLIC HEARINGS:

7. **Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2006-055 to rezone, from Dwelling “A” Classification to Dwelling Retail “A” Classification, Lot F3 Block Share 19 of La Coma Subdivision, located at 2255 Tulipan.**

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Sally M. Arroyo and carried unanimously, the public hearing was **closed**.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Sally M. Arroyo and carried unanimously, Ordinance Number 235-2006-055 was **approved**.

8. **Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2006-056 to rezone, from Dwelling “G” Classification to General Retail “G” Classification, 1.447 acres out of Share 15, Espiritu Santo Grant, located near US Highway 281 and West Alton Gloor.**

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission had recommended the proposed rezoning for approval.

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

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, Ordinance Number 235-2006-056 was **approved**.

9. **Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2006-057 to rezone, from Dwelling “A” Classification to Light Commercial “G” Classification, Lots 8 thru 10 of Vienna Orchards Subdivision, located near Wildrose Lane and Central Boulevard.**

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission had recommended the proposed rezoning for approval.

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

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Ernie L. Hernandez, Jr., and carried unanimously, Ordinance Number 235-2006-057 was **approved**.

10. Public Hearing and ACTION on FIRST 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).

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission had recommended the proposed rezoning for approval.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Sally M. Arroyo and carried unanimously, the public hearing was **closed**.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Charlie Atkinson and carried unanimously, Ordinance Number 235-2006-606-CU was **approved**.

ACTION ITEMS:

11. Consideration and ACTION to approve Fiscal Year 2007 Budget for the Brownsville Community Improvement Corporation (BCIC).

Dr. Delina Barrera, BCIC Executive Director, presented a PowerPoint presentation.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Carlos A. Cisneros and carried unanimously, Fiscal Year 2007 Budget for the Brownsville Community Improvement Corporation (BCIC) was **approved**.

- 12. Consideration and ACTION regarding engagement of counsel in Cause Number 04-06040 Golden Spread Electric Cooperative, Inc. v. AEP Texas Central Company, City of Brownsville and Oklahoma Municipal Power Authority, in the 116th Judicial District of Dallas County, Texas. (TABLED)**

Commissioner Carlos A. Cisneros moved to **table** this item. The motion was seconded by Commissioner Sally M. Arroyo and carried unanimously.

- 13. Consideration and ACTION on Resolution Number 2006-057 to authorize the closing of Southmost Boulevard for the 7th Annual Veterans' Day Parade to be held on Saturday, November 11, 2006.**

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, Resolution Number 2006-057 was **approved**, to authorize the closing Southmost Boulevard for the 7th Annual Veterans' Day Parade to be held on Saturday, November 11, 2006.

- 14. Consideration and ACTION on Resolution Number 2006-058 to request financial assistance from the Texas Water Development Board for the construction of various improvements to the City's Utility System with the Valle Hermoso, Valle Escondido and El Salado Colonia Wastewater Improvements Project; authorizing financial advisors, bond counsel, and engineers to coordinate the submission of the application to the Texas Water Development Board; and other matters in connection therewith.**

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Edward C. Camarillo and carried unanimously, Resolution Number 2006-058 was **approved**.

15. Consideration and ACTION on Resolution Number 2006-059 to support the Department of Security by calling on Congress and the President to approve legislation as recommended by the Texas Border Coalition.

Mayor Eddie Treviño, Jr., moved that Resolution Number 2006-059 be **approved**, to support the Department of Security by calling on Congress and the President to approve legislation as recommended by the Texas Border Coalition.

The motion was seconded by Commissioner Carlos A. Cisneros and carried by the following vote:

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

Nays: None

Abstained: Commissioner Atkinson

16. Consideration and ACTION on Resolution Number 2006-060 expressing official intent to reimburse with tax-exempt obligation proceeds for the construction of the City's Data Center.

Mr. Pete Gonzalez, Finance Director, gave a brief overview of the resolution.

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, Resolution Number 2006-060 was **approved**, expressing official intent to reimburse with tax-exempt obligation proceeds for the construction of the City's Data Center.

17. Consideration and ACTION on Resolution Number 2006-054 expressing official intent to reimburse with tax-exempt obligation proceeds for street construction improvements.

Mr. Pete Gonzalez, Finance Director, gave a brief overview of the resolution.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros and carried unanimously, Resolution Number 2006-054 was **approved**, expressing official intent to reimburse with tax-exempt obligation proceeds for street construction improvements.

PURCHASES/BIDS/CONTRACTS:

- 19. Consideration and ACTION to authorize the execution of amendments to the Tower Lease Agreement, and Exhibit A-D, between the City of Brownsville and OE Investments regarding location of a tower site to the University of Texas at Brownsville parking area behind Lincoln Park.**

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Sally M. Arroyo and carried unanimously, the execution of amendments to the Tower Lease Agreement, and Exhibit A-D, between the City of Brownsville and OE Investments, regarding location of a tower site to the University of Texas at Brownsville parking area behind Lincoln Park, was **authorized**.

- 20. Consideration and ACTION to authorize the City Manager to execute a Service Agreement with the Brownsville Community Improvement Corporation (BCIC) for Fiscal Year 2007.**

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Sally M. Arroyo and carried unanimously, the City Manager was **authorized** to execute a Service Agreement with the Brownsville Community Improvement Corporation (BCIC) for Fiscal Year 2007.

- 21. Consideration and ACTION to authorize the City of Brownsville to enter into a contract with Cameron County Emergency Service District (CCESD) Number 1 to furnish fire fighting services to the unincorporated area of Cameron County designated by Zone Number 1 of the Official Fire Protection Service Zone Map of the CCESD Number 1.**

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, the City of Brownsville was **authorized** to enter into a contract with Cameron County Emergency Service District (CCESD) Number 1 to furnish **fire fighting services** to the unincorporated area of Cameron County designated by Zone Number 1 of the Official Fire Protection Service Zone Map of the CCESD Number 1.

- 22. Consideration and ACTION to authorize the City of Brownsville to enter into a contract with Cameron County Emergency Service District (CCESD) Number 1 to furnish ambulance and emergency medical services to the unincorporated area of Cameron County designated by Zone Number 1 of the Official Fire Protection Service Zone Map of the CCESD Number 1.**

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros and carried unanimously, the City of Brownsville was **authorized** to enter into a contract with Cameron County Emergency Service District (CCESD) Number 1 to furnish **ambulance and emergency medical services** to the unincorporated area of Cameron County designated by Zone Number 1 of the Official Fire Protection Service Zone Map of the CCESD Number 1.

Commissioner Carlos A. Cisneros stepped out.

- 23. Consideration and ACTION to award a contract for Medical Insurance Stop-Loss Coverage for Fiscal Year 2007.**

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Sally M. Arroyo and carried unanimously, a contract, in the amount of **\$594,700.44**, was **awarded** to **Arbor Benefit Group**, the highest ranked firm, for total premium and fixed costs.

Commissioner Carlos A. Cisneros returned.

Commissioner Sally M. Arroyo stepped out.

Commissioner Charlie Atkinson stepped out.

- 24. Consideration and ACTION to award a term contract for software maintenance and technical support for the Public Safety Information System of the Brownsville Police Department.**

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, a term contract for software maintenance and technical support for the Public Safety Information System of the Brownsville Police Department, with an expiration date of September 30, 2007, was awarded to **Spillman Technologies, Inc. of Logan, Utah**, in the amount of **\$76,581**.

Commissioner Charlie Atkinson returned.

- 25. Consideration and ACTION to award a contract for the purchase and delivery of one (1) new utility tractor for the Public Works Department, Greens Division.**

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros and carried unanimously, a contract for the purchase and delivery of one (1) new John Deere 5325 utility tractor for the Public Works Department, Greens Division was awarded to **Harlingen Implement, Co. of Brownsville, Texas**, in the amount of **\$23,442**.

Commissioner Sally M. Arroyo returned.

PUBLIC HEARINGS:

- 5. Public Hearing on the new PUB connection fees, their effect on commerce, and the comparison of the old rate structure to the new rates being charged.**
- 6. Public Hearing on the new PUB connection fees as to the effect they will have on the cost of fire sprinkler systems and other business related costs.**

Mayor Eddie Treviño, Jr., asked that Agenda Items 5 and 6 be read together.

Mr. Spike Nichols, representing Whitewing Homes, Mr. Kevin Alford, Chairman of the Brownsville Chamber of Commerce, Mr. Joe Cadriel, Developer, Ms. Ruth Nishioka, Librarian at the Los Fresnos Public Library, Mr. Michael Garza, Developer, Mr. Gerardo Rodriguez, Leadership Brownsville Member, Mr. Gayle Armstrong, General Manager of El Jardin Water Supply, Mr. Pat Ahumada, PUB Board Member, and Mr. Jose Perez, Developer, expressed their concerns regarding the new PUB connection fees.

*Mayor Eddie Treviño, Jr. left the meeting.
Mayor Pro Tem Sally M. Arroyo led the meeting.*

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

PUBLIC COMMENT PERIOD:

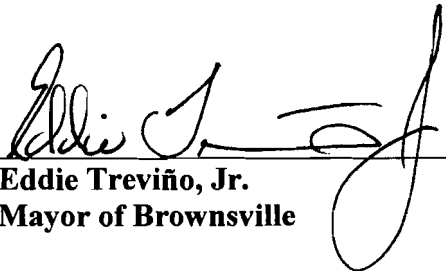
Mr. Harry Ingram, Owner of Taylorcraft Aviation, briefly commented on the issue of his rental space at the Brownsville/South Padre Island International Airport.

ADJOURNMENT:


There being no further business to come before the City Commission, the meeting adjourned at 8:15 p.m.

Approved the 17th day of October 2006.




Eddie Treviño, Jr.
Mayor of Brownsville

Attest:



Estela Von Hatten
City Secretary