

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, October 17, 2006**, at **4:00 P.M.** and **4:25 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 October 13, 2006:

WORKSHOP:

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

- a) **Discussion regarding the Brownsville Sports Park Status Report.**
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SPECIAL MEETING:

PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

The U.S. Pledge of Allegiance was led by Victoria Heights Elementary 5th Grade Students: *Gracie Molina, Brianna Nelson, Efrain Ledezma, Nicole Barrera, and Jesus Lopez.*

INVOCATION:

The invocation was given by *Monsignor Bert Diaz* of St. Luke Catholic Church of Brownsville.

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 Carlos A. Cisneros, seconded by Commissioner Edward C. Camarillo and carried unanimously, Consent Agenda Items “a” through “e” were **approved.**

Item “f” was improperly noticed and would be re-noticed for the next meeting of the City Commission.

ITEMS No. “a” through “f”

- a) **Approval of the Minutes of the Regular Meeting October 3, 2006.**

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

Employee	Department	Destination	Date
Sesha Vorrey	Airport	Philadelphia, PA	Nov. 12 - 15, 2006
Maria del Rosario Garza	BUS	Arlington, TX	Oct. 18 – 20, 2006
Thomas F. Logan	BUS	New Brunswick, NJ	Oct. 29 – Nov. 4, 2006
Rebeca Castillo	BUS	San Diego, CA	Oct. 30 – Nov. 2, 2006
Leonardo Perez	Fire	Austin, TX	Oct. 24 – 25, 2006
Robert Aguilar	Municipal Court	Kerrville, TX	Oct. 30 – Nov. 1, 2006
Omar Puente	Municipal Court	Kerrville, TX	Oct. 30 – Nov. 1, 2006
Ben Medina, Jr.	Planning	Corpus Christi, TX	Oct. 18 – 20, 2006
Ben Medina, Jr.	Planning	Chicago, IL	Oct. 31 – Nov. 3, 2006
Lucy Garza	Planning	Chicago, IL	Oct. 31 – Nov. 3, 2006
Graciela Aldaco	Planning	San Antonio, TX	Nov. 13 – 16, 2006
Marco Huerta	Police	Cartersville, GA	Oct. 21 – 28, 2006
Robert Avitia	Police	Galveston, TX	Dec. 3 – 7, 2006
Mike Sanchez	Police	Galveston, TX	Dec. 3 – 7, 2006
Marcie Sanchez	Police	Galveston, TX	Dec. 3 – 7, 2006
Tanya Chio	Police	Galveston, TX	Dec. 3 – 7, 2006

Ms. Sesha Vorrey, Operations Officer, will attend the “*Advance Airport Safety & Operations Specialist (ASOS) School*,” sponsored by the American Association of Airport Executives (AAAE) and Federal Aviation Administration (FAA), on November 12 – 15, 2006, in Philadelphia, Pennsylvania.

Ms. Maria del Rosario Garza, Safety Coordinator, will attend the “*Smith Systems Multi-Company Instructor Refresher Training*,” sponsored by Smith Systems, on October 18 – 20, 2006, in Arlington, Texas.

Mr. Thomas Francis Logan, Transit Planner, will attend the “*Transit Scheduling and Runcutting*,” sponsored by the Canadian Urban Transit Association (CUTA) and National Transit Institute (NTI), on October 29 – November 4, 2006, in New Brunswick, New Jersey.

Ms. Rebeca Castillo, ADA/DBE Coordinator, will attend the “*National Association of ADA Coordinators Conference*,” sponsored by the National Association of ADA Coordinators, on October 30 – November 2, 2006, in San Diego, California.

Fire Chief Leonardo Perez will attend the “*Texas Fire Chiefs’ Executive Board Meeting*,” sponsored by Texas Fire Chiefs’ Association, on October 24 – 25, 2006, in Austin, Texas.

Mr. Robert Aguilar, Court Bailiff, and Mr. Omar Puente, Warrant Officer, will attend the “*12-Hour Conference for Bailiff/Warrant Officers*,” sponsored by the Texas Municipal Courts Education Center (TMCEC), on October 30, 2006, in Kerrville, Texas.

Mr. Ben Medina, Jr., Planning Director, will attend the “*American Planning Association (APA) Conference*,” sponsored by American Planning Association (APA), on October 18 – 20, 2006, in Corpus Christi, Texas.

Mr. Ben Medina, Jr., Planning Director, and Ms. Lucy Garza, Housing Manager, will attend the “*2006 Tax Credit Developers’ Summit*,” sponsored by the Affordable Housing Finance (AHF) Magazine, on October 31 – November 3, 2006, in Chicago, Illinois.

Ms. Graciela Aldaco, Homeless Coordinator, will attend the “*HOME Program: Certified Program Specialist Training and Exam*,” sponsored by the U.S. Department of Housing and Urban Development (HUD), Office of Community Planning and Development (CPD) San Antonio HUD Field Office, on November 13 – 16, 2006, in San Antonio, Texas.

Police K-9 Officer Marco Huerta will attend a “*K-9 Seminar*,” sponsored by the Bartow County Sheriff’s Office, on October 21 – 28, 2006, in Cartersville, Georgia.

Police Commander Robert Avitia, Records Supervisor Mike Sanchez, Records Processors Marcie Sanchez and Tanya Chio will attend the “*2006 Texas Uniform Crime Reporting Conference*,” sponsored by the Texas Department of Public Safety, on December 3 – 7, 2006, in Galveston, Texas.

- c) **APPROVAL on SECOND and FINAL 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.**
 - d) **APPROVAL on SECOND and FINAL 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. (Ben Medina, Jr. – Planning)**
 - e) **APPROVAL on SECOND and FINAL 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. (Ben Medina, Jr. – Planning)**
 - f) **APPROVAL on SECOND and FINAL 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). (Ben Medina, Jr. – Planning)**
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BOARDS AND COMMISSION APPOINTMENT:

- 2. **ACTION to appoint two (2) members to the Capital Improvements Advisory Committee (CIAC).**

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, **Mr. Michael Garza, Developer**, was **appointed** to the Capital Improvements Advisory Committee (CIAC) to replace Mr. John Gloor, who passed away earlier in the year and, whose term would expire on September 19, 2007.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Ernie L. Hernandez, Jr., and carried unanimously, **Mr. Richard Zayas, Attorney**, was **appointed** to replace Mr. Vicente Mendez, who had resigned, on the Capital Improvements Advisory Committee (CIAC) and, whose term would expire on September 19, 2007.

PURCHASES/BIDS/CONTRACTS:

- 11. ACTION to authorize the City of Brownsville to enter into an Interlocal Cooperation Agreement with the County of Cameron and the Texas Department of Transportation (TxDOT) for paving of Old Alice Road, between FM 511 and Highway 100.**

Mr. Pete Sepulveda, Cameron County Director of Transportation, gave a brief overview of the agreement.

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Edward C. Camarillo and carried unanimously, an Interlocal Cooperation Agreement with the County of Cameron and the Texas Department of Transportation (TxDOT) for paving of Old Alice Road, between FM 511 and Highway 100, was **authorized**.

PUBLIC HEARINGS:

- 3. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2006-054 to rezone, from Dwelling “Z” Classification to 5th Commercial “G” Classification, proposed Lot 1 of Block 2 of Palmetto Grove Replat, located near Date Drive and Southmost Road.**

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission recommended the 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 Carlos A. Cisneros and carried unanimously, Ordinance Number 235-2006-054 was **approved**.

4. **Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2006-060 to rezone, from Dwelling “Z” Classification to Dwelling “G” Classification, proposed Lot 2 of Block 2 of Palmetto Grove Replat, located near Date Drive and Southmost Road.**

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

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

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, Ordinance Number 235-2006-060 was **approved**.

ACTION ITEMS:

5. **ACTION on FIRST READING of Ordinance Number 2006-1217-B, rescinding Ordinance Number 2006-1217-A of September 19, 2006 and reinstating Ordinance Numbers 90-1213 of March 20, 1990 and 90-1217 of May 24, 1990, re-establishing the 1990 Land Use Assumptions within the certificated water and wastewater service area of the Public Utilities Board, the 1990 Capital Improvements Program, the 1990 Maximum Allowable and the 1990 Actual Water and Wastewater Impact Fees; providing that this ordinance be cumulative; directing the Brownsville Public Utilities Board and City Planning Department to maintain or reinstate appropriate pre-October 1, 2006 City Development Regulations and Water and Wastewater Service Policies relating to impact fees; directing the Planning Department and Public Utilities Board to refer the 1990 Impact Fee Program back to the Capital Improvements Advisory Committee for further study and directing the Brownsville Public Utilities Board to make certain impact fee rebates; providing for severability, providing for governmental immunity; providing for injunctive relief and other legal remedies; and providing for an effective date retroactive to October 1, 2006.**

In response to questions from the Commission, Mr. Jim Goza, City Attorney, noted that the ordinance must be rescinded as a whole and not in part.

Commissioner Ernie L. Hernandez, Jr., moved to **approve** Ordinance Number 2006-1217-B, **rescind** Ordinance Number 2006-1217-A of September 19, 2006, and **reinstate** Ordinance Numbers 90-1213 of March 20, 1990 and 90-1217 of May 24, 1990. The motion was seconded by Commissioner Carlos A. Cisneros and carried by the following votes:

AYES: Mayor Treviño, Commissioners Cisneros, Camarillo, and Hernandez;

NAYS: Commissioners Longoria, Atkinson, and Arroyo.

6. ACTION on Resolution Number 2006-061 to authorize the submittal of a funding application to the Brownsville Community Improvement Corporation (BCIC) for the Master Plan Project for Fiscal Year 2007.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Sally M. Arroyo and carried unanimously, Resolution Number 2006-061 was **approved**, to authorize the submittal of a funding application to the Brownsville Community Improvement Corporation (BCIC) for the Master Plan Project for Fiscal Year 2007.

7. ACTION on Resolution Number 2006-062 to authorize the submittal of a funding application to the Brownsville Community Improvement Corporation (BCIC) for the Pet Park Project for Fiscal Year 2007.

Mr. Josue Ramirez, Public Health Director, gave a brief overview of the resolution.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Sally M. Arroyo and carried unanimously, Resolution Number 2006-062 was **approved**, to authorize the submittal of a funding application to the Brownsville Community Improvement Corporation (BCIC) for the Pet Park Project for Fiscal Year 2007.

8. **ACTION on Resolution Number 2006-063 to authorize the submittal of a funding application to the Brownsville Community Improvement Corporation (BCIC) for the Parks Maintenance Facility and Equipment Projects for Fiscal Year 2007.**

Mr. Skip Keller, Parks and Recreation Director, gave a brief overview of the resolution.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Ernie L. Hernandez, Jr., and carried unanimously, Resolution Number 2006-063 was **approved**, to authorize the submittal of a funding application to the Brownsville Community Improvement Corporation (BCIC) for the Parks Maintenance Facility and Equipment Projects for Fiscal Year 2007.

9. **ACTION to adopt budget amendment Resolution Number 2006-064 to amend the General Fund, and the Brownsville Golf Center Fund by transferring \$145,950 from General Fund to the Brownsville Golf Fund, for the purchase of 45 golf carts.**

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

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Ernie L. Hernandez, Jr., and carried unanimously, Resolution Number 2006-064 was **approved**, to amend the General Fund and the Brownsville Golf Center Fund by transferring \$145,950 from General Fund to the Brownsville Golf Fund, for the purchase of 45 golf carts.

PURCHASES/BIDS/CONTRACTS:

10. **ACTION to authorize a contract with Leibowitz & Horton Airport Management Consultants, Inc. to prepare the Passenger Facility Charge Program Application Number 3.**

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, a contract with Leibowitz & Horton

Airport Management Consultants, Inc., was **authorized**, to prepare the Passenger Facility Charge Program Application Number 3.

12. ACTION to request authorization for a lease agreement for a portion of the Stegman Building.

Commissioner Ernie L. Hernandez, Jr., moved to **table** the lease agreement for a portion of the Stegman Building. The motion was seconded by Commissioner Carlos A. Cisneros and carried unanimously.

13. ACTION to award a contract to Ambiotec/HNTB for the development of a Master Plan for the City of Brownsville.

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, a contract was **awarded** to **Ambiotec/HNTB**, in the amount of **\$869,247**, for the development of a Master Plan for the City of Brownsville.

14. ACTION to award a contract for the purchase and delivery of forty-five (45) new electronic golf carts for the Brownsville Golf Center.

Mr. Ivan Welker, Fleet Administrator, gave a brief overview of the contract.

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, a contract for the purchase and delivery of forty-five (45) new electronic golf carts for the Brownsville Golf Center was **awarded** to **Club Car, Inc.** of San Antonio, Texas, at the previous bid award dollar amount of **\$145,946.70**, or **\$3,243.26 each** (including charger).

15. ACTION to award a contract for the purchase of one (1) utility tractor, two (2) mowers and one (1) front loader for the Parks and Recreation Department.

Mr. Ivan Welker, Fleet Administrator, gave a brief overview of the contract.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Sally M. Arroyo and carried unanimously, a contract for the purchase of one (1) utility tractor, two (2) mowers and one (1) front loader for the Parks and Recreation Department was **awarded** to **Barbee-Neuhaus Implement Company/John Deere Company** of Weslaco, Texas as follows:

1	3520 Utility Diesel Power Tractor 37HP	\$16,195.68
1	300X Front Loader Attachment	\$ 2,517.90
2	997 Z-Track Mowers, Diesel Power	<u>\$23,776.06</u>
	Total:	\$42,489.64

PUBLIC COMMENT PERIOD:

Requests for public comment had been submitted by Mr. Fernando Ruiz and Father Larry Klein of Good Council Catholic Church, but they were not present for the public comment period.

Ms. Lee Ann Greer, member of the Capital Improvements Advisory Committee (CIAC), and Mr. Pat Ahumada, Public Utilities Board Member, spoke in regard to the impact fee ordinance.

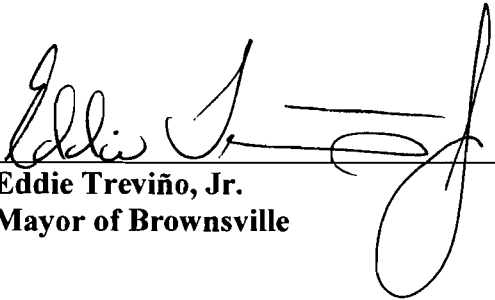
Monsignor Bert Diaz of St. Luke Catholic Church, and Father Jerry Frank of St. Joseph Catholic Church, expressed their opposition to the rescission of the impact fee ordinance.

ADJOURNMENT:

There being no further business to come before the City Commission, the meeting adjourned at 5:45 p.m.


Approved the 7th day of November 2006.





Eddie Treviño, Jr.
Mayor of Brownsville

Attest:



Estela Von Hatten
City Secretary