

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

MINUTES of a Special Joint Meeting of the **CITY COMMISSION OF THE CITY OF BROWNSVILLE** and the **BROWNSVILLE PLANNING AND ZONING COMMISSION** held on **Tuesday, September 05, 2006**, at **6:00 P.M.**, and a **Regular City Commission Meeting, thereafter**, 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

Planning and Zoning Commission:

Leonel Rosales)	
Abraham Galonsky)	
James Cortez)	P&Z Board Members

Absent:

David Vela)	P&Z Chair
Troy Wittemore)	
Jose F. Galvan)	P&Z Board Members

Due to a lack of Planning and Zoning members' quorum, the Special Joint Meeting, between the City of Brownsville and the Brownsville Planning and Zoning Commission, was not held.

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 September 1, 2006:

SPECIAL JOINT MEETING: 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 *Daniel Castellon*, 6th grade Lucio Middle School student, and *Sara Castellon*, 5th grade Morningside Elementary student.

INVOCATION:

The invocation was given by *Associate Pastor W. G. "Bill" Poole*, of the Church of the Good Shepherd, of Brownsville, Texas.

1. *PROCLAMATIONS: Brownsville Pony League All-Stars*
(Mayor Eddie Treviño, Jr.)

Mayor Eddie Treviño, Jr., asked the Brownsville PONY League All-Stars members to step forward to receive a proclamation honoring them, and their coaches and managers, on their history-making performance at the PONY World Series in Washington, Pennsylvania, on August 12, 2006. Mr. Lupe Granado, III, Assistant City Finance Director, and Team Manager, thanked the sponsors who helped with travel expenses and the City Commission for their recognition of the team's hard work.

National Assisted Living Week
(Mayor Eddie Treviño, Jr.)

No one was present to receive the proclamation.

Dr. Rodolfo “Rudy” Valle
(Commissioner Charlie Atkinson)

Commissioner Charlie Atkinson asked Dr. Rodolfo Valle to step forward to receive a proclamation for his long and continued service to the community by promoting dental health.

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

Ms. Patsy Rosas, Blessing of the Fleet representative, gave a brief history of the Richard Catanzaro Scholarship, and recognized the three scholarship winners: Alexandra Mayfield, Valerie Harrington, and Jacob Rosas. Mr. Ivo Goga, Mr. Roy De Los Santos, and Ms. Sidney Lasseigne presented the scholarship winners with their award.

Employee of the Month
(Charlie Cabler – City Manager)

Mr. Charlie Cabler, City Manager, recognized Ms. Rosie Garza, Safety and Training Coordinator at Brownsville Urban System, as “Employee of the Month” for the month of September 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.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros, and carried unanimously, Consent Agenda Item “a” was **approved**.

ITEM No. "a"

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

Employee	Department	Destination	Date
Norma H. Zamora	BUS	Austin, TX	Sept. 07 – 08, 2006
Rebecca Ramos	BUS	Atlanta, GA	Sept. 26 – 29, 2006
Rodney Gomez	BUS	Austin, TX	Oct. 15 – 20, 2006
Elias Guerra	BUS	Austin, TX	Oct. 15 – 20, 2006
Rodney Gomez	BUS	Austin, TX	Nov. 12 – 17, 2006
Elias Guerra	BUS	Austin, TX	Nov. 12 – 17, 2006
Joe A. Hinojosa	Health	Galveston, TX	Sept. 06 – 07, 2006
Alfonso Vallejo	Planning	Austin, TX	Sept. 06 – 07, 2006
David De Leon	Police	Nacogdoches, TX	Sept. 09 – 14, 2006
Carlos L. Garcia	Police	Waco, TX	Oct. 22 – 24, 2006
Juan A. Hernandez	Police	Waco, TX	Oct. 22 – 24, 2006
Juan Salinas	Police	Waco, TX	Oct. 22 – 27, 2006
Benjamin Gabbert	Police	Waco, TX	Oct. 22 – 27, 2006

Ms. Norma H. Zamora, BUS Director, will attend the “*5178 Project: Measuring Access to Transit Services*,” sponsored by the Texas Department of Transportation (TxDOT), on September 7 - 8, 2006, in Austin, Texas.

Ms. Rebecca Ramos, ADA/DBE Coordinator, will attend the “*Annual RouteMatch User Conference*,” sponsored by the Texas Department of Transportation (TxDOT) and RouteMatch Software, on September 26 - 29, 2006, in Atlanta, Georgia.

Mr. Rodney Gomez, Assistant Director, and Elias Guerra, Operations Manager, will attend the “*2006 Transit and Paratransit Management Certificate Program*,” sponsored by the Texas Department of Transportation (TxDOT), Capital Metro, Williamette University (WU), and South West Transit Association (SWTA), on October 15 – 20, 2006, and November 12 – 17, 2006 in Austin, Texas.

Mr. Joe A. Hinojosa, Environmental Manager, will attend the “*Resaca Restoration Project Planning Session*,” with the U.S. Army Corp of Engineers and Public Utilities Board (PUB) representatives, on September 6 - 7, 2006, in Galveston, Texas.

Mr. Alfonso Vallejo, Transportation Planner, will attend the “*Texas Border Partnership Working Group*,” sponsored by the Texas Department of Transportation (TxDOT), on September 6 - 7, 2006, in Austin, Texas.

Police Investigator David DeLeon will attend the “2006 Texas Tactical Police Officers’ Association (TTPOA) SWAT Competition,” sponsored by the Texas Tactical Police Officers’ Association (TTPOA), on September 9 – 14, 2006, in Nacogdoches, Texas.

Police Chief Carlos L. Garcia and Commander Juan A. Hernandez will attend the “Auto Theft Prevention Authority (ATPA) Board Meeting,” sponsored by the Auto Theft Prevention Authority (ATPA) Board, on October 22 – 24, 2006, in Waco, Texas.

Police Agents Juan Salinas and Benjamin Gabbert will attend the “2006 Texas Association of Vehicle Theft Investigators (TAVTI) Annual Conference,” sponsored by Texas Association of Vehicle Theft Investigators (TAVTI), on October 22 – 27, 2006, in Waco, Texas.

***BROWNSVILLE CITY COMMISSION AND PLANNING AND ZONING
COMMISSION JOINT PUBLIC HEARING:***

Due to a lack of Planning and Zoning members’ quorum, the Joint Meeting was not held.

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

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Edward C. Camarillo and carried unanimously, Ordinance Number 235-2006-906 was **tabled** due to the Planning and Zoning Commission’s lack of quorum.

CONTINUATION OF THE REGULAR CITY COMMISSION MEETING:

PUBLIC HEARINGS:

- 7. Public Hearing and ACTION on FIRST READING of Ordinance Number 2006-1462 electing for the City of Brownsville to make current service and prior year service contributions to the City's account in the municipal accumulation fund of the Texas Municipal Retirement System (TMRS) at the actuarially determined rate of total employees compensation.**

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 Sally M. Arroyo, seconded by Commissioner Edward C. Camarillo and carried unanimously, Ordinance Number 2006-1462 was **approved** at first reading.

- 8. Public Hearing and ACTION on FIRST READING of PROTESTED Ordinance Number 235-2005-065-S to allow a Dwelling Specific Use (8 houses) in a Dwelling Use District and the removal of an O31 (non-residential) Overlay District Classification, for 8.02 acres out of Country Club Estates, near FM 802 and Country Club Road.**

Mr. Ben Medina, Planning and Community Development Director, noted that the Planning and Zoning Commission had denied the proposed rezoning, and the owner had appealed the decision.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, the public hearing was **continued** until September 19, 2006.

- 9. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2006-042 to rezone, from "A" Area District Classification to "G" Area District Classification, 39.56 acres out of Blocks 15 and 28 of El Jardin Subdivision, near Rey Jaime Street and Robindale Road.**

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

Commissioner Carlos A. Cisneros moved that Ordinance Number 235-2006-042 be **approved** at first reading. The motion was seconded by Commissioner Ernie L. Hernandez, Jr., and carried by the following vote:

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

Nays: Commissioner Arroyo.

10. **Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2006-044-S to allow a General Retail Specific-Use (bar) in a Light Retail Use District, for 0.87 acres out of Blocks 5 and 6 of Las Lagunas Subdivision, located at 5602 Paredes Line Road.**
11. **Public Hearing and ACTION on FIRST READING of PROTESTED Ordinance Number 235-2006-604-CU amending the text of the City Zoning Ordinance by allowing a Conditional Use Permit for the sale of on-premise alcohol (bar), for 0.87 acres out of Blocks 5 and 6 of Las Lagunas Subdivision, located at 5602 Paredes Line Road.**

Mr. Ben Medina, Director of Planning and Community Development, asked that Agenda Items 10 and 11 be read together, as they dealt with the same property location. He noted that the Planning and Zoning Commission had voted in favor of the rezoning.

Mr. Daniel Orive spoke against the zoning classification citing the noise that would be produced by the bar. Ms. Rose Gamez, owner of the proposed business, stated that the location was a residential-type house and would include a partial kitchen for serving hors d'oeuvres and beer and wine in a relaxed atmosphere. She stated that there would be no live music. She further noted that the business would be closed on Sundays unless rented for private parties.

Ms. Ofelia Rivera spoke in favor of the rezoning classification.

Mayor Eddie Trevino, Jr., suggested that Ms. Gomez include a full-size kitchen and installation of a noise buffer for the benefit of adjacent residents.

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Edward C. Camarillo 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 235-2006-044-S and Protested Ordinance Number 235-2006-604-CU was **approved** at first reading with suggestions as noted.

12. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2006-048-S to allow a Professional Office Specific Use (offices) in a Dwelling Use District, for West 109.88 feet of Lot 4 of Lakeside Park Subdivision, near Boca Chica Boulevard and Acacia Lake Drive.

Mr. Abraham Galonsky spoke in favor of the rezoning classification noting that the property's driveway entrance, currently located on Acacia Lake Drive, would be closed off.

Ms. Jackie Lockett and Mr. Lois Ross expressed their opposition to the zoning reclassification citing traffic concerns and having a business located at the entrance of their residential neighborhood.

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

Commissioner Charlie Atkinson moved that Ordinance Number 235-2006-048-S be **approved** at first reading. The motion was seconded by Commissioner Carlos A. Cisneros, and carried by the following vote:

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

Nays: Commissioner Camarillo and Arroyo

ACTION ITEM:

13. Consideration and ACTION on Resolution Number 2006-053 in support of a National Football League (NFL) franchise acquisition and stadium development by Tichenor and Associates.

Mr. Rollins Koppel spoke on behalf of Tichenor & Associates from Harlingen, Texas, regarding a proposed National Football League (NFL) franchise acquisition.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Ernie L. Hernandez, Jr., and carried unanimously, Resolution Number 2006-053 was **approved** in support of a National Football League (NFL) franchise acquisition and stadium development by Tichenor & Associates.

Commissioner Carlos A. Cisneros stepped out.

PUBLIC HEARINGS:

- 5. Second Public Hearing to discuss the City's proposed 2006 (Fiscal Year 2007) ad valorem tax rate of \$0.650235 over \$100 valuation, which is an increase of 7.87% over the effective tax rate, but it is also a reduction of \$0.029765 from the current year's (Fiscal Year 2006) ad valorem tax rate of \$0.680000 per \$100 valuation.**

Mr. Pete Gonzalez, Finance Director, reviewed the Fiscal Year 2007 ad valorem tax rate increase.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, the second public hearing to discuss the City's proposed 2006 (Fiscal Year 2007) ad valorem tax, was **closed**.

Commissioner Carlos A. Cisneros returned.

- 6. Public Hearing to discuss the City's proposed Fiscal Year 2007 Budget.**

Mr. Pete Gonzalez, Finance Director, gave a brief overview of the Fiscal Year 2007 Budget.

Dr. Larry Loff, President of the Brownsville Historical Museum, Ms. Priscilla Rodriguez, Executive Director of the Brownsville Historical Museum, and Dr. Anthony Knopp, Board Member, requested funding for the Brownsville Historical Museum.

Mr. Francisco Sifuentes, resident, spoke regarding the budget and parks. He requested that Sam's Pool operation hours be extended and that Rancho Viejo Street at Rio del Sol Subdivision be repaired.

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

ACTION ITEMS:

- 14. Consideration and ACTION to announce that during a special meeting beginning at 6:00 P.M. on September 18, 2006, at City Hall, the City Commission will adopt the City's Fiscal Year 2007 Budget by resolution and will approve the 2006 ad valorem tax rate by ordinance on first reading, with the second reading of such tax ordinance scheduled for adoption on a regular meeting of September 19, 2006, at City Hall, beginning at 6:00 P.M.**

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Sally M. Arroyo and carried unanimously, a special meeting beginning at 6:00 P.M. on September 18, 2006, at City Hall, was **authorized**, to adopt the City's Fiscal Year 2007 Budget by resolution and approve the 2006 ad valorem tax rate by ordinance on first reading, with the second reading of such tax ordinance scheduled for adoption on a regular meeting of September 19, 2006, at City Hall, beginning at 6:00 P.M.

Mayor Eddie Treviño, Jr., stepped out.

- 15. Consideration and ACTION regarding comments received during the 30-day Public Comment Period (August 2, 2006 thru September 1, 2006) and to approve the submission of the Substantial Amendment to the One-Year Action Plan Fiscal Year 2005 to include Fiscal Year 2004 and 2005 HOME Funding and the use of Program Income.**

Ms. Lucy Garza, Economic Development Specialist, acknowledged the public comments on the One-Year Action Plan.

The following individuals submitted letters during the 30-day comment period, and copies were made available to the City Commission: Mr. Jaime Diez, Chairman of the Board for the Community Development Corporation of Brownsville, Reverend Jerry Frank, Pastor of St. Joseph Catholic Church and member of the Citizen's Advisory Committee, and Mr. Jose Perez, President of Hispania Development, Inc.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, the submission of the Substantial Amendment to the One-Year Action Plan Fiscal Year 2005 to include Fiscal Year 2004 and 2005 HOME Funding and the use of Program Income was **approved**.

Mayor Eddie Treviño, Jr., returned.

PURCHASES/BIDS/CONTRACTS:

- 16. Consideration and ACTION to authorize HNTB Amendment Number 26 for Professional Planning Services associated with the Maintenance Repair Operation (MRO) Facility. [TABLED 08/29/2006]**

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Edward C. Camarillo, and carried unanimously, HNTB Amendment Number 26, for Professional Planning Services associated with the Maintenance Repair Operation (MRO) Facility, was **authorized**.

- 17. Consideration and ACTION to accept the 31st Year Community Development Block Grant (CDBG) Street and Drainage Improvement Project and to release retainage and final payment to R & R Paving Company.**

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros, and carried unanimously, the 31st Year Community Development Block Grant (CDBG) Street and Drainage Improvement Project, and release of retainage and final payment to R & R Paving Company, was **authorized**.

PUBLIC COMMENT PERIOD:

Requests for public comment had been submitted by Mr. Ernesto De Leon, Ms. Mary Elizabeth Hollmann, Mr. William Berg, and Mr. Bill Towers, who were no longer present for the public comment period.

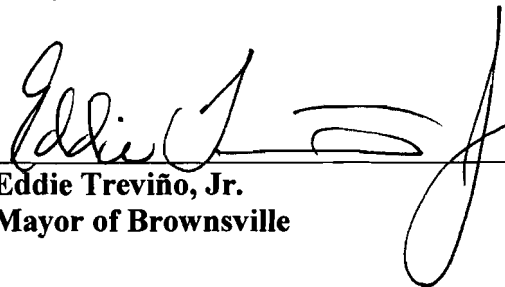
Father Jerry Frank addressed the City Commission regarding his and the Community Development Corporation of Brownsville's comment letters sent to the Commission, in connection with the One-Year Action Plan, but not included in the Commission's meeting packet.

ADJOURNMENT:

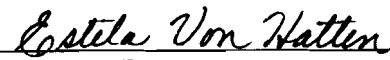
There being no further business to come before the Commission, the meeting adjourned at 8:15 p.m.

Approved this 19th day of September, 2006.




Eddie Treviño, Jr.
Mayor of Brownsville

Attest:


Estela Von Hatten
City Secretary