

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 **Monday, September 18, 2006**, at **5:15 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 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 15, 2006:

WORKSHOP:

Mayor Eddie Treviño, Jr., convened the Workshop Session to discuss the following item:

a) **Discussion regarding Impact Fees.**

SPECIAL MEETING: 6:00 P.M.

PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

The U.S. Pledge of Allegiance was led by Mr. Dagoberto Barrera.

INVOCATION:

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

PUBLIC HEARINGS:

1. Public Hearing and ACTION on FIRST READING of Ordinance Number 2006-933-MM amending the Civil Service Classification Plan as stated on Ordinance Number 933-LL.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Ernie L. Hernandez, Jr., 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 2006-933-MM was **approved** at first reading.

2. **Public Hearing and ACTION on FIRST READING of Ordinance Number 2006-1133-W amending Ordinance 86-1133, an ordinance pertaining to a franchise contract between the City of Brownsville and Governmental Managerial Services Incorporated for collection and disposal of commercial and industrial solid waste, incorporating signed contract for all purposes and amending the rates for containerized collection of commercial and industrial solid waste and related matters as set forth in Exhibit “A” establishing an increase of 4.35% as per section 13.02 (a), titled Modification of Rates, to reflect a consumer price index increase.**

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Charlie Atkinson, 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 2006-1133-W was **approved** at first reading.

ACTION ITEM:

6. **Consideration and ACTION to adopt budget amendment Resolution Number 2006-056 to amend the General Fund by \$141,500 to provide funding for the acquisition of a truck to be used for hauling heavy equipment by the Streets Division at the Public Works Department.**

Mr. Pete Gonzalez, Finance Director, gave a brief overview of the proposed budget amendment.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Charlie Atkinson, and carried unanimously, Resolution Number 2006-056, was **approved**, amending the General Fund by \$141,500 to provide funding for the acquisition of a truck to be used for hauling heavy equipment by the Streets Division at the Public Works Department.

PURCHASES/BIDS/CONTRACTS:

7. Consideration and ACTION to award a contract for the purchase of a 2007 freightliner “heavy-haul” truck for the Public Works Department.

Mr. Ivan Welker, Fleet Administrator, gave a brief overview of the proposed purchase, noting that the existing vehicle is old and beyond repair.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo, and carried unanimously, a contract for the purchase of a 2007 freightliner “heavy-haul” truck for the Public Works Department was **awarded to Freightliner of Austin, Texas**, in the amount of **\$141,111**.

8. Consideration and ACTION to amend both the term contract for management and maintenance of the City’s Municipal Fleet and the term contract for management and maintenance of the City’s Transit (BUS) Fleet.

Mr. Ivan Welker, Fleet Administrator, gave a brief overview of the proposed term contracts.

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Carlos A. Cisneros, and carried unanimously, the term contract for management and maintenance of the City’s Municipal Fleet and the term contract for management and maintenance of the City’s Transit (BUS) Fleet, totaling **\$140,735** was **authorized**. Annualized amounts are as follow:

Section 3.02 Labor costs

Transit Fleet: one (1) additional staff person (annualized) \$ 46,737

Section 3.09 Adjustments to the Approved Budget

The CPI multiplier (4.3%) General Fleet budget of \$1,120,000 \$ 48,160

The CPI multiplier (4.3%) Transit budget of \$1,066,000 \$ 45,838

Annualized Total \$140,735

PUBLIC HEARINGS:

3. Public Hearing and ACTION on Resolution Number 2006-055 to adopt the Fiscal Year 2007 Annual Budget, and resolving other matters thereof.

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

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Sally M. Arroyo, and carried unanimously, the public hearing was **closed**.

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Carlos A. Cisneros and carried unanimously, Resolution Number 2006-055 was **approved**, adopting the Fiscal Year 2007 Annual Budget, and resolving other matters thereof.

4. Public Hearing and ACTION on FIRST READING of Ordinance Number 2006-1465 levying ad valorem taxes for the Tax Year 2006 for the use and support of the municipal government of the City of Brownsville, Texas, for the Fiscal Year 2007, providing for the interest and sinking fund for the Fiscal Year 2007 of the City of Brownsville, Texas, general obligation bonds.

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

Mr. Dagoberto Barrera thanked the City Commission for lowering the tax rate, and expressed concern regarding the increased appraisal values being assessed by the Cameron County Appraisal District.

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

Commissioner Sally M. Arroyo moved to **approve** Ordinance Number 2006-1465, setting the ad valorem tax rate at **\$0.650235**. The motion was seconded by Commissioner Carlos A. Cisneros and carried unanimously.

5. **Public Hearing and ACTION on FIRST READING of Ordinance Number 2006-1217-A amending Ordinance Number 90-1213 of March 20, 1990 and Ordinance Number 90-1217 of May 24, 1990 and adopting the: (a) updated and revised land use assumptions within the certificated water and wastewater service area of the Public Utilities Board; (b) updated and revised water and wastewater capital improvements plan; (c) updated and revised maximum allowable and actual water and wastewater impact fees; providing that this ordinance be cumulative; directing the Brownsville Public Utilities Board and City Planning Department to amend appropriate city development regulations and water and wastewater service policies; providing for severability; providing for governmental immunity; providing for injunctive relief and other legal remedies; and providing for an effective date. [CONTINUED 08/30/2006]**

Mr. John Bruciak, Brownsville Public Utilities Board (BPUB) General Manager, Mr. Leandro Garcia, BPUB Finance Director, and Mr. Richard Campbell, representing Black & Veatch, presented PowerPoint presentations regarding impact fees.

Mr. Pat Ahumada, BPUB Board Member, addressed his concerns regarding the impact fees and utilities rates.

The following individuals expressed concerns with the impact fees and asked for the Commission's careful consideration of the issue before arriving at a decision: Mr. Ben Salinas, Ms. Lupita Torres, Father Jerry Frank, and Mr. Noe Hinojosa, Financial Consultant.

Ms. Lee Ann Greer, Capital Improvements Advisory Committee (CIAC) member, spoke in favor of impact fees.

The following individuals expressed their opposition to impact fees: Ms. Rebecca Gomez, Ms. Linda Montemayor, and Mr. Fernando Ruiz.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Sally M. Arroyo, and carried unanimously, the public hearing was **closed**.

Commissioner Charlie Atkinson moved that Ordinance Number 2006-1217-A, with impact fees set at \$3,090, be approved on first reading. The motion was seconded by Commissioner Ricardo Longoria, Jr. and the motion **failed** by the following vote:

Ayes: Commissioners Longoria and Atkinson;

Nays: Mayor Treviño, Commissioners Cisneros, Camarillo, Arroyo and Hernandez;

Commissioner Sally M. Arroyo moved that Ordinance Number 2006-1217-A, with impact fees set at \$2,133, be approved on first reading. The motion was seconded by Commissioner Edward C. Camarillo and **failed** by the following vote:

Ayes: Commissioners Camarillo and Arroyo;

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

Mayor Eddie Treviño, Jr., moved that Ordinance Number 2006-1217-A, with impact fees set at \$1,500, be approved on first reading. The motion **failed** due to a lack of second.

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 2006-1217-A, with impact fees set at \$2,500, be approved on first reading. The motion was seconded by Commissioner Charlie Atkinson and **failed** by the following vote:

Ayes: Commissioners Longoria and Atkinson;

Nays: Mayor Treviño, Commissioners Cisneros, Camarillo, Arroyo and Hernandez;

Mayor Eddie Treviño, Jr., moved that Ordinance Number 2006-1217-A, with impact fees set at \$1,700, be approved on first reading. The motion **failed** due to a lack of second.

Commissioner Sally M. Arroyo moved that Ordinance Number 2006-1217-A, with impact fees set at \$2,133, be **approved** at first reading, effective October 1, 2006, with the understanding that the impact fees are to be re-assessed in one year by the

Capital Improvements Advisory Committee (CIAC). The motion was seconded by Commissioner Ricardo Longoria, Jr., and **carried** by the following vote:

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

Nays: Commissioner Atkinson, Cisneros, and Hernandez

PUBLIC COMMENT PERIOD:

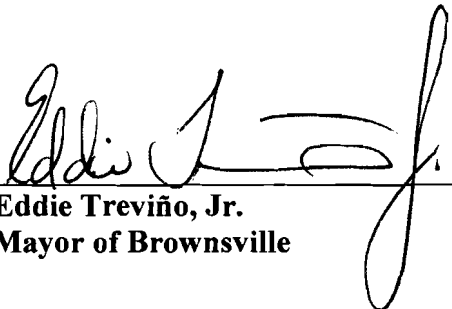
There were no public comments.

ADJOURNMENT:


There being no further business to come before the City Commission, the meeting adjourned at 8:30 p.m.

Approved the 3rd day of October 2006.




Eddie Treviño, Jr.
Mayor of Brownsville

Attest:



Estela Von Hatten
City Secretary