

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, September 19, 2006**, at **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 15, 2006:

EXECUTIVE SESSION:

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, Mayor Eddie Treviño, Jr., convened the Executive Session to discuss the following item:

- A) Attorney consultation pursuant to Section 551.071, of the Texas Government Code, to provide advice and counsel in connection with legal status of proposed labor agreement between the City of Brownsville and Brownsville FireFighter’s Association, to include related grievances and claims affecting current negotiations.**

REGULAR MEETING: 6:00 P.M.

PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

The U.S. Pledge of Allegiance and Texas Pledge were led by Girl Scouts Troop 1014 of Yturria Elementary: *Katelyn Rodriguez*, 2nd grade, *Allison Arreola*, 3rd grade, *Darla Adams*, 3rd grade, *Allison Alvarado*, 3rd grade, *Kaitlyn Velazquez*, 2nd grade, *Allyssa Vasquez*, 3rd grade, and *Megan Sanchez*, 3rd grade.

INVOCATION:

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

1. *PROCLAMATION: National Rehabilitation Awareness Week* *(Mayor Eddie Treviño, Jr.)*

Mayor Eddie Treviño, Jr., asked Ms. Jessie Eason Gonzalez to step forward to accept a proclamation designating September 17-23, 2006 as “*National Rehabilitation Awareness Week*” in the City of Brownsville. Mayor Treviño recognized Ms. Gonzalez’ efforts to bring the South Texas Rehabilitation Hospital, a rehabilitation services facility, to Brownsville.

2. **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 “k” be **approved**. The motion was seconded by Commissioner Sally M. Arroyo and carried by the following vote:

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

Nay: Commissioner Cisneros, Camarillo, and Hernandez.

ITEMS No. “a” through “k”

a) **Approval of the Minutes of the Special Meeting August 29, 2006, Special Meeting August 30, 2006, and Minutes of the Regular Meeting September 05, 2006.**

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

Employee	Department	Destination	Date
Michael Jones	Aviation	Reno, NV	Sept. 25 – 29, 2006
Peter L. Goodman	Border Film	Pasadena, CA	Oct. 25 – 31, 2006
Rosie Garza	BUS	Ft. Lauderdale, FL	Nov. 13 – 15, 2006
Jose Luis Espericueta	BUS	Ft. Lauderdale, FL	Nov. 13 – 15, 2006
Frank Seals	Fire	Austin, TX	Oct. 22 – 27, 2006
Josue Ramirez	Health	Laredo, TX	Sept. 19 – 21, 2006
Joe Hinojosa	Health	Laredo, TX	Sept. 19 – 21, 2006
Jose Luis Robles	Health	Laredo, TX	Sept. 19 – 21, 2006
Victor Fuentes Garcia	Health	Laredo, TX	Sept. 19 – 21, 2006
Miguel Figueroa	Health	Round Rock, TX	Oct. 17 – 20, 2006
Marisa Luna	Health	Round Rock, TX	Oct. 17 – 20, 2006
Andres Macias	Health	Round Rock, TX	Oct. 17 – 20, 2006
Beulah Mendez	Health	Round Rock, TX	Oct. 17 – 20, 2006
Robert Ramirez, Jr.	Health	Round Rock, TX	Oct. 17 – 20, 2006
Skip Keller	Parks	Seattle, WA	Oct. 9 – 14, 2006
Mark Lund	Planning	Austin, TX	Sept. 27 – 28, 2006
Troy Arnold	Police	Pittsfield, MA	Oct. 1 – 4, 2006
Gustavo Gallegos	Police	Pittsfield, MA	Oct. 1 – 4, 2006
Mark Elbert	Police	Corpus Christi, TX	Oct. 4 – 5, 2006
Joe Barrios	Police	Corpus Christi, TX	Oct. 4 – 5, 2006
Carlos L. Garcia	Police	Corpus Christi, TX	Oct. 4 – 6, 2006
Manuel Lucio	Police	Corpus Christi, TX	Oct. 16 – 17, 2006
Santos Ponce	Police	Corpus Christi, TX	Oct. 16 – 20, 2006
William Dietrich	Police	Dallas, TX	Dec. 3 – 9, 2006
Robert Tyler	Police	Dallas, TX	Dec. 3 – 9, 2006

Mr. Michael Jones, Development Manager, will attend the “*Air Cargo, International Air Service, Airport Efficiency, Marketing and Socratic Dialogue Workshops*,” sponsored by Airport Council International, and accept the 1st Place Award in Airport Council International’s Excellence in Marketing, on September 25 - 29, 2006, in Reno, Nevada.

Mr. Peter L. Goodman, Film Commissioner, will attend the “*Association of Film Commissioners International (AFCI) Cineposium 2006*,” sponsored by the Association of Film Commissioners International (AFCI), on October 25 – 31, 2006, in Pasadena, California.

Ms. Rosie Garza, Safety Coordinator, and Mr. Jose Luis Espericueta, Facility Supervisor, will attend the “*3rd Annual Q’Straint National Training Seminar*,” sponsored by Q’Straint, on November 13 – 15, 2006, in Ft. Lauderdale, Florida.

Fire Inspector Frank Seals will attend the “*9th Annual Fire Marshal’s Conference*,” sponsored by the Texas Fire Marshals Association, on October 22 – 27, 2006, in Austin, Texas.

Mr. Miguel Figueroa, Fiscal Technician III, Ms. Marisa Luna, Ordinance Enforcement Officer, Mr. Andres Macias, Ordinance Enforcement Officer, Ms. Beulah Mendez, Legal Secretary, and Mr. Robert Ramirez, Jr., Ordinance Enforcement Officer, will attend the “*51st Annual Educational Conference*,” sponsored by the Texas Environmental Health Association, on October 17 – 20, 2006, in Round Rock, Texas.

Mr. Josue Ramirez, Public Health Director, Mr. Joe Hinojosa, Environmental Services Manager, Doctor Jose Luis Robles, and Doctor Victor Manuel Fuentes Garcia will attend the “*Bi-national Health Conference, Emerging Health Challenges and Changes: The New Agenda for Bi-national Public Health*,” sponsored by the Texas-Mexico Border Bi-national Health Councils, on September 19 – 21, 2006, in Laredo, Texas.

Mr. Skip Keller, Recreational Services Director, will attend the “*2006 National Recreation and Park Association Congress and Exposition*,” sponsored by the National Recreation and Parks Association Congress and Exposition, on October 9 – 14, 2006, in Seattle, Washington.

Mr. Mark Lund, Transportation Planning Coordinator, will attend the “*Texas Metropolitan Planning Organizations (TEMPO) Meeting*,” sponsored by the Association of Texas Metropolitan Planning Organizations (TEMPO), on September 27 – 28, 2006, in Austin, Texas.

Police Sergeant Troy Arnold and Officer Gustavo Gallegos will pick up the new tactical armored vehicle in Pittsfield, Massachusetts, on October 1 – 4, 2006.

Police Lieutenant Mark Elbert and Sergeant Joe Barrios will attend the “*Fiscal Year 2007 Comptroller’s Tobacco Compliance Grant Technical Assistance Workshop*,” sponsored by Texas Statewide Tobacco Education and Prevention, on October 4 – 5, 2006, in Corpus Christi, Texas.

Police Chief Carlos L. Garcia will attend the “*2006 Associated Security Services & Investigators of the State of Texas, Inc. (ASSIST) Board of Directors and Members Convention*,” sponsored by the Associated Security Services & Investigators of the State of Texas, Inc. (ASSIST), on October 4 – 6, 2006, in Corpus Christi, Texas.

Police Detective Manuel Lucio will attend the “*9th Annual Texas Association of Property and Evidence Inventory Technicians (TAPEIT) Conference*,” sponsored by the Texas Association of Property and Evidence Inventory Technicians (TAPEIT), on October 16 – 17, 2006, in Corpus Christi, Texas.

Police Detective Santos Ponce will attend the “*9th Annual Texas Association of Property and Evidence Inventory Technicians (TAPEIT) Conference*,” sponsored by the Texas Association of Property and Evidence Inventory Technicians (TAPEIT), on October 16 – 20, 2006, in Corpus Christi, Texas.

Mr. William Dietrich, EOD Supervisor, and Mr. Robert Tyler, EOD Technician, will attend the “*Texas Tactical Police Officers’ Association (TTPOA) Explosives Breaching Course,*” sponsored by Texas Tactical Police Officers’ Association (TTPOA), on December 3 – 9, 2006, in Dallas, Texas.

- c) **APPROVAL on SECOND and FINAL READING of Ordinance Number 2006-933-MM amending the Civil Service Classification Plan as stated on Ordinance Number 933-LL.**
- d) **APPROVAL on SECOND and FINAL 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.**
- e) **APPROVAL on SECOND and FINAL 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.**

- f) APPROVAL on SECOND and FINAL 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 at the actuarially determined rate of total employees compensation.**
- g) APPROVAL on SECOND and FINAL 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.**
- h) APPROVAL on SECOND and FINAL 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.**
- i) APPROVAL on SECOND and FINAL 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.**
- j) APPROVAL on SECOND and FINAL 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.**
- k) APPROVAL on SECOND and FINAL 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.**

PUBLIC HEARINGS:

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

Mr. Carlos Lastra, P.E., City Engineer, noted that the property in question was no longer in use by the City of Brownsville.

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

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, Ordinance Number 2006-1464 was **approved**, authorizing 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.

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

Mr. Ben Medina, Planning and Community Development Director, noted that the Planning and Zoning Commission had approved the recommendation for rezoning.

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

Commissioner Carlos A. Cisneros moved that Ordinance Number 235-2006-046 be **approved**, 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.

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

Mr. Ben Medina, Planning and Community Development Director, noted that the Planning and Zoning Commission had approved the recommendation for rezoning.

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 235-2006-049 was **approved** 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.

6. Public Hearing and ACTION on FIRST 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.

Mr. Ben Medina, Planning and Community Development Director, noted that the Planning and Zoning Commission had approved the recommendation for rezoning.

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

Commissioner Edward C. Camarillo moved that Ordinance Number 235-2006-050 be **approved** 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.

7. Public Hearing and ACTION on FIRST 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.

Mr. Ben Medina, Planning and Community Development Director, noted that the Planning and Zoning Commission had approved the recommendation for rezoning.

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

Commissioner Sally M. Arroyo moved that Ordinance Number 235-2006-051 be **approved** 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.

8. Public Hearing and ACTION on FIRST 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 Block 14 of Chicago Garden Subdivision, located at 218 Iowa Street.

Mr. Ben Medina, Planning and Community Development Director, noted that the Planning and Zoning Commission had approved the recommendation for rezoning.

Ms. Louise Davis, Autumn Acres resident, expressed concern with the type of apartment property status within the rezoned property and with possibility of increased theft in the area.

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

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2006-052 be **approved** to rezone, from Dwelling "A" Classification to Apartment "G" Classification, 2.59 acres out of Lots 7 and 8 of Block 14 of Chicago Garden Subdivision, located at 218 Iowa Street.

9. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2006-053 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.

Mr. Ben Medina, Planning and Community Development Director, noted that the Planning and Zoning Commission had approved the recommendation for rezoning.

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

Commissioner Sally M. Arroyo moved that Ordinance Number 235-2006-053 be **approved** to allow an Apartment Specific Use Duplex in a Dwelling Use District, for Lots 16-18 of Naranja Vista Addition, located at 9945 Anacua Street.

ACTION ITEMS:

- 10. Consideration and ACTION to authorize the City Manager to execute a finalized lease agreement between the City of Brownsville and the Veterans of Foreign War (VFW), Brownsville Chapter, for two acres located adjacent to Hygeia, Inc. on West Price Road, Brownsville, Cameron County, Texas.**

Mr. James Goza, City Attorney, noted that a property survey would be conducted in order to finalize the lease agreement.

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Carlos A. Cisneros and carried unanimously, the City Manager was **authorized** to execute a finalized lease agreement between the City of Brownsville and the Veterans of Foreign War (VFW), Brownsville Chapter, for two acres located adjacent to Hygeia, Inc., on West Price Road, Brownsville, Cameron County, Texas.

- 11. Consideration and ACTION to encumber \$50,000 at the end of Fiscal Year 2006, which will result in the carryover of \$50,000 from Fiscal Year 2006 to Fiscal Year 2007, for the purchase and installation of a street sign for the main Library.**

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, encumbrance of \$50,000 at the end of Fiscal Year 2006, was **approved**, resulting in the carryover of \$50,000 from Fiscal Year 2006 to Fiscal Year 2007, for the purchase and installation of a street sign for the main library.

12. **Consideration and ACTION to encumber \$40,000 at the end of Fiscal Year 2006, which will result in the carryover of \$40,000 from Fiscal Year 2006 to Fiscal Year 2007, to pay for the May 2006 Elections that have not yet been invoiced by Cameron County.**

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Sally M. Arroyo and carried unanimously, encumbrance of \$40,000 at the end of Fiscal Year 2006, was **approved**, resulting in the carryover of \$40,000 from Fiscal Year 2006 to Fiscal Year 2007, to pay for the May 2006 Election that have not yet been invoiced by Cameron County.

13. **Consideration and ACTION, if any, with respect to the pending labor negotiations between the City of Brownsville and the Brownsville FireFighter's Association, including all salary, wage, and other matters contained therein.**

No action was taken on this item.

PURCHASES/BIDS/CONTRACTS:

14. **Consideration and ACTION to award a term contract for chilled water system maintenance for the Brownsville South Padre Island International Airport.**

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Charlie Atkinson and carried unanimously, a term contract, in the amount of **\$21,936**, was awarded to **McQuay Factory Services of San Antonio, Texas**, for maintenance of a chilled water system for the Brownsville-South Padre Island International Airport.

15. **Consideration and ACTION to award a contract for the purchase, delivery and installation of carpet floor covering at the Brownsville Public Main Library.**

Mr. Paul Calapa, Purchasing Director, noted that the recommended bidder had previously done carpeting installations for the City of Brownsville.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, a contract, in the amount of **\$142,998.89**, was awarded to **Diaz Floors and Interiors of Pharr, Texas**, for the purchase, delivery, and installation of carpet floor covering at the Brownsville Public Main Library.

16. Consideration and ACTION to award a contract for the purchase of computer/technology equipment for the Brownsville Public Library.

Mr. Paul Calapa, Purchasing Director, noted that the recommended bidder, formerly known as Avnet Enterprise Solutions, Inc., which had installed the City's existing phone system.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Carlos A. Cisneros and carried unanimously, a contract, in the amount of **\$48,766.70**, was awarded to **Calence, LLC of McAllen, Texas**, for the purchase of computer/technology equipment for the Brownsville Public Library System.

17. Consideration and ACTION to award a contract for Financial and Community Application Software for the Enterprise Modernization Project for the City of Brownsville Management Information System (MIS) Department.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Sally M. Arroyo and carried unanimously, a contract, in the amount of **\$1,204,145**, was awarded to **New World Systems of Troy, Michigan**, for financial and community application software for the Enterprise Modernization Project for the City of Brownsville Management Information Systems (MIS) Department.

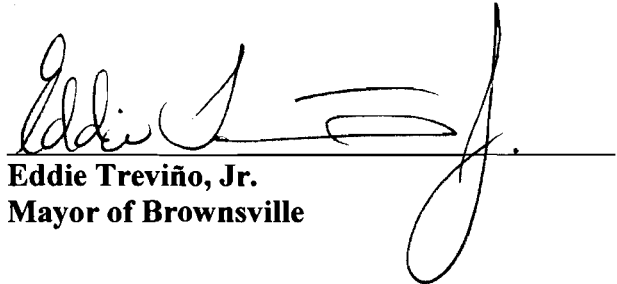
PUBLIC COMMENT PERIOD:

A request for public comment had been submitted by Ms. Lee Ann Greer, but she was no longer present for the public comment period.


ADJOURNMENT:

There being no further business to come before the City Commission, the meeting adjourned at 6:50 p.m.

Approved the 3rd day of October 2006.


Eddie Treviño, Jr.
Mayor of Brownsville

Attest:



Estela Von Hatten
City Secretary

