

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

Sally Miniel Arroyo, At-large Commissioner "A"
Ricardo Longoria, Jr., District Commissioner 1
Carlos A. Cisneros, District Commissioner 3

At-large Commissioner "B" – Vacant
Charlie Atkinson, District Commissioner 2
Edward C. Camarillo, District Commissioner 4

Eddie Treviño, Jr., Mayor

**NOTICE OF PUBLIC MEETING OF THE
CITY COMMISSION OF THE CITY OF BROWNSVILLE**

Pursuant to Chapter 551, Title 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the City Commission of the City of Brownsville, Texas, in accordance with Article V, Section 12, of the Charter of said City, will convene **an Executive Session and Special Meeting**, on **Tuesday, May 22, 2007**, at **5:35 P.M.** and **6:00 P.M.** 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.

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EXECUTIVE SESSION: 5:35 P.M.

- A) Discussion pursuant to Section 551.087, of the Texas Government Code, regarding economic developments. (Jim Goza – City Attorney – 15 min.)

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*****10 MINUTE BREAK*****

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SPECIAL MEETING: 6:00 P.M.

PLEDGE OF ALLEGIANCE: *UNITED STATES PLEDGE * TEXAS PLEDGE*

INVOCATION:

* * * * *

POST ELECTION BUSINESS:

1. Consideration and **ACTION** on **Resolution Number 2007-027** canvassing and declaring the results of the General Municipal Election held on May 12, 2007, for the purpose of electing a Mayor, an At-Large Commissioner A, At-Large Commissioner B, a District Commissioner 1, and a District Commissioner 2. (Mayor Eddie Treviño, Jr.)

2. Consideration and **ACTION** regarding the issuance of Certificates of Election, the Administration of the Oaths of Offices, and Assumption of Duties of Elected Officials. (Mayor Eddie Treviño, Jr.)
3. Consideration and **ACTION** on **Resolution Number 2007-028** ordering and calling a Special Municipal Election for the purpose of conducting a runoff election. (Estela Von Hatten – City Secretary)
4. Consideration and **ACTION** to draw names for a position on the special municipal ballot for the runoff election for the purpose of electing a Mayor and At-Large Commissioner A. (Estela Von Hatten – City Secretary)

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PURCHASES/BIDS/CONTRACTS:

5. Consideration and **ACTION** to authorize the City Manager to execute a Second Implementation Agreement between Sports Arena Properties, Inc. (SAPI) and the City of Brownsville. (Jim Goza – City Attorney)
6. Consideration and **ACTION** to authorize the City Manager to execute a Waterline Access Agreement between East Rio Hondo Water Supply Corporation and the City of Brownsville. (Jim Goza – City Attorney)

* * * * *

PUBLIC COMMENT PERIOD: PLEASE NOTE:

- ANY PERSON WITH BUSINESS BEFORE THE COMMISSION, NOT SCHEDULED ON THE AGENDA AS A **PUBLIC HEARING**, MAY SPEAK TO THE COMMISSION.
- “PUBLIC COMMENT FORMS” ARE LOCATED ON THE SECOND FLOOR AT THE ENTRANCE OF THE COMMISSION CHAMBERS.
- “PUBLIC COMMENT FORMS” MUST BE FILLED OUT AND PRESENTED TO THE CITY SECRETARY/STAFF FIFTEEN (15) MINUTES PRIOR TO THE MEETING, TO BE CONSIDERED/RECOGNIZED.
- THE SPEAKER MUST IDENTIFY BY NAME BEFORE SPEAKING.
- THERE IS A THREE (3)-MINUTE TIME LIMIT PER SPEAKER.
- “PUBLIC COMMENT FORMS” ARE NOT ACCEPTED AFTER 6:00 P.M.
- *POWERPOINT* PRESENTATIONS ARE NOT CONDUCTED DURING THE PUBLIC COMMENT PERIOD. [For further information, contact The Office of the City Secretary at 548-6001]
- NO FORMAL ACTION CAN BE TAKEN.

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ADJOURNMENT:

NOTE: The City Commission of the City of Brownsville reserves the right to discuss any items in Executive Session whenever authorized under the Texas Open Meetings Act, Chapter 551, Title 5 of the Texas Government Code.

NOTE: The City of Brownsville does not discriminate on the basis of disability in the admission of, access to, treatment of, or employment in its programs, activities, or public meetings. Any individual with a disability in need of an accommodation is encouraged to contact the ADA Coordinator at 956/548-6037 (voice or Relay TX) by Monday, no later than 5:00 P.M., to make proper arrangements.

**By: Eddie Treviño, Jr.
Mayor of the City of Brownsville**

I certify that a copy of the May 22, 2007, Agenda of items to be considered by the Brownsville City Commission was posted on the Bulletin Area at City Hall – Federal Building, on May 18, 2007. I further certify that the Agenda was posted on the City’s website and can be downloaded by accessing: www.cob.us/agendas.asp.


Estela Von Hatten, City Secretary



AGENDA REQUEST FORM

CITY COMMISSION MEETING DATE: 05/22/2007 ITEM NUMBER: Executive A.
DEPT. MAKING REQUEST: City Attorney DATE SUBMITTED: 05/18/2007
CONTACT PERSON(S) NAME: Jim Goza
PHONE: 956 548-6011 FAX: 956 546-4291 E-MAIL:

AGENDA CATEGORY: (TIME LIMIT)
[checked] EXECUTIVE SESSION [] WORKSHOP [] PRESENTATION [] DISCUSSION

Length of Time Needed for The Item Above: 15 (minutes)

(No time limit)
[] CONSENT [] PUBLIC HEARING [] ACTION

AGENDA ITEM: (Attach back up material)

Discussion pursuant to Section 551.087, of the Texas Government Code, regarding economic developments.

AGENDA ITEM HISTORY: [] Second Reading [] Tabled on [] Discussed on
[] Pending Info Received [] Other

FINANCIAL: Budgeted: [] YES [] NO [] N/A

Grant/Matching Funds From:

STAFF RECOMMENDATION: (mark your selection) [] Approve [] Deny
[] Table for weeks [] Table Indefinitely [] Other:

OTHER RECOMMENDATION:(Write in advisory board or committee name and recommendation if applicable)

ADMINISTRATIVE APPROVAL: [] YES [] NO
City Manager



AGENDA REQUEST FORM

CITY COMMISSION MEETING DATE: 05/22/2007 ITEM NUMBER: 1.

DEPT. MAKING REQUEST: _____ DATE SUBMITTED: 05/15/2007

CONTACT PERSON(S) NAME: Mayor Eddie Treviño, Jr.

PHONE: 956 548-6001 FAX: 956 546-2130 E-MAIL: _____

AGENDA CATEGORY: (TIME LIMIT)

- EXECUTIVE SESSION WORKSHOP PRESENTATION DISCUSSION

Length of Time Needed for The Item Above: _____ (minutes)

(No time limit)

- CONSENT PUBLIC HEARING ACTION

AGENDA ITEM: (Attach back up material)

Consideration and ACTION on Resolution Number 2007-027 canvassing and declaring the results of the General Municipal Election held on May 12, 2007, for the purpose of electing a Mayor, an At-Large Commissioner A, At-Large Commissioner B, a District Commissioner 1, and a District Commissioner 2.

AGENDA ITEM HISTORY: Second Reading Tabled on _____ Discussed on _____

Pending Info Received Other _____

FINANCIAL: Budgeted: YES NO N/A

Grant/Matching Funds From:

STAFF RECOMMENDATION: (mark your selection) Approve Deny

Table for _____ weeks Table Indefinitely Other: _____

OTHER RECOMMENDATION: (Write in advisory board or committee name and recommendation if applicable)

ADMINISTRATIVE APPROVAL: YES NO

City Manager

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

RESOLUTION NO. 2007-027

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BROWNSVILLE, TEXAS, APPROVING THE RETURNS CANVASSED AND DECLARING THE RESULT OF THE *GENERAL MUNICIPAL ELECTION* HELD ON THE 12th DAY OF MAY, 2007, FOR THE PURPOSE OF ELECTING A MAYOR, AN AT-LARGE COMMISSIONER "A", AT-LARGE COMMISSIONER "B", A DISTRICT COMMISSIONER 1, AND A DISTRICT COMMISSIONER 2,

WHEREAS, on the 22nd day of May, 2007, during a Special Meeting of the City Commission of the City of Brownsville, the City Commission canvassed the returns for the *General Municipal Election* held in and throughout the City of Brownsville, Texas, on Saturday, May 12, 2007, and found the results to be as noted on Attachment "A" of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Brownsville, Texas:

THAT the Above election results serve as the final, true, and correct election results of the May 12TH, 2007, *General Municipal Election*; and

THAT the City Commission officially finds and determines that said election was duly ordered; proper notice of said election was duly given; proper election officers were duly appointed prior to said election; and said election was duly held; the City has complied with the Federal Voting Rights Act and the Texas Election Code; due returns of the result of said election have been made and delivered; and the City Commission has duly canvassed said returns, all in accordance with law and the Resolution calling the election; and

THAT the City Commission officially finds, determines, and declares the result of said election to be that {Ricardo Longoria, Jr., is hereby declared to be elected as District Commissioner 1; Charles "Charlie" Atkinson is hereby declared to be elected as District Commissioner 2; Leonel T. Garza is hereby declared to be elected as At Large Commissioner "B"

and none of the candidates for Mayor, and At-Large Commissioner "A", received a majority vote; therefore, this requires a runoff election between the following candidates who received the highest and second highest number of votes: for Mayor, Pat Ahumada and Ernie L. Hernandez; for At-Large Commissioner "A", Anthony Troiani and Ernesto De Leon.

THAT this Resolution shall become effective immediately upon its adoption.

ISSUED this 22nd day of May, 2007.

Eddie Treviño, Jr.
Mayor

Attest:

Estela Von Hatten
City Secretary

CITY OF BROWNSVILLE ELECTION
MAY 12, 2007

	MAYOR CITY OF BROWNSVILLE				Commissioner District 1 COMMISSIONER #1		Commissioner District	Commissioner At-Large "A"				Commissioner At-Large "B"	
	Sally Arroyo	Henry Gonzales	Pat Ahumada	Ernie Hernandez	Longoria Jr.	Presas - Garcia	Chattahoochee	Sandra Garcia	Ernesto DeLeon	William Garza	Anthony Troiani	Leo T. Garza	Los Santos, Jr.
2, 2A	0	0	0	0				0	0	0	0	0	0
3, 65, 66	3	1	0	0				1	0	1	2	1	2
4	11	7	7	9				11	3	7	13	22	11
5	46	31	67	84			131	34	61	66	59	105	107
6	37	24	67	55	125	57		32	76	52	23	81	94
7, 8, 9	60	80	73	87				44	96	83	76	112	133
10, 69, 70	127	118	117	148	373	145		110	198	107	92	181	278
11, 12, 13	157	110	170	142				92	165	119	193	298	242
14, 68, 82, 86	60	40	100	68			157	53	59	66	83	117	127
15	119	48	102	96				62	83	73	147	183	159
17	0	0	0	0				0	0	0	0	0	0
37, 45	74	93	115	147	295	136		76	155	125	71	167	230
38	101	89	62	91				31	57	81	163	203	102
46, 63	184	100	181	123			331	103	106	127	233	331	217
47, 49, 76	200	129	199	184				126	173	138	254	379	285
48, 16	143	92	143	138				105	74	78	251	254	230
50	0	0	0	0				0	0	0	0	0	0
53, 77	55	64	83	83	226	64		72	93	47	73	95	171
54, 61, 72, 73, 74	457	217	458	401				262	355	307	572	801	653
60, 71	101	73	116	99			207	101	88	86	105	167	199
62, 62A, 75	73	143	131	92				84	99	152	101	190	172
67	0	0	0	0			0	0	0	0	0	0	0
TOTALS	2008	1459	2191	2047	1019	402	826	1399	1941	1715	2511	3687	3412



AGENDA REQUEST FORM

CITY COMMISSION MEETING DATE: 05/22/2007 ITEM NUMBER: 2.

DEPT. MAKING REQUEST: _____ DATE SUBMITTED: 05/15/2007

CONTACT PERSON(S) NAME: Mayor Eddie Treviño, Jr.

PHONE: 956 548-6001 FAX: 956 546-2130 E-MAIL: _____

AGENDA CATEGORY: (TIME LIMIT)

- EXECUTIVE SESSION WORKSHOP PRESENTATION DISCUSSION

Length of Time Needed for The Item Above: _____ (minutes)

(No time limit)

- CONSENT PUBLIC HEARING ACTION

AGENDA ITEM: (Attach back up material)

Consideration and ACTION regarding the issuance of Certificates of Election, the Administration of the Oaths of Offices, and Assumption of Duties of Elected Officials.

AGENDA ITEM HISTORY: Second Reading Tabled on _____ Discussed on _____

Pending Info Received Other _____

FINANCIAL: Budgeted: YES NO N/A

Grant/Matching Funds From:

STAFF RECOMMENDATION: (mark your selection) Approve Deny

Table for _____ weeks Table Indefinitely Other: _____

OTHER RECOMMENDATION: (Write in advisory board or committee name and recommendation if applicable)

ADMINISTRATIVE APPROVAL: YES NO

City Manager



AGENDA REQUEST FORM

CITY COMMISSION MEETING DATE: 05/22/2007 ITEM NUMBER: 3.
 DEPT. MAKING REQUEST: City Secretary DATE SUBMITTED: 05/15/2007
 CONTACT PERSON(S) NAME: Estela Von Hatten
 PHONE: 956 548-6001 FAX: 956 546-2130 E-MAIL: _____

AGENDA CATEGORY: (TIME LIMIT)
 EXECUTIVE SESSION WORKSHOP PRESENTATION DISCUSSION

Length of Time Needed for The Item Above: _____ (minutes)

(No time limit)

CONSENT PUBLIC HEARING ACTION

AGENDA ITEM: (Attach back up material)

Consideration and ACTION on Resolution Number 2007-028 ordering and calling a Special Municipal Election for the purpose of conducting a runoff election.

AGENDA ITEM HISTORY: Second Reading Tabled on _____ Discussed on _____
 Pending Info Received Other _____

FINANCIAL: Budgeted: YES NO N/A

Grant/Matching Funds From:

STAFF RECOMMENDATION: (mark your selection) Approve Deny
 Table for _____ weeks Table Indefinitely Other: _____

OTHER RECOMMENDATION: (Write in advisory board or committee name and recommendation if applicable)

ADMINISTRATIVE APPROVAL: YES NO

 City Manager

RESOLUTION NO. 2007-028

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BROWNSVILLE, TEXAS, PROVIDING FOR A SPECIAL MUNICIPAL RUNOFF ELECTION TO BE HELD ON JUNE 16, 2007, FOR THE PURPOSE OF ELECTING A MAYOR AND AT-LARGE COMMISSIONER "A"

WHEREAS, it appears to this City Commission, and it is hereby so found, that at the May 12, 2007, General Municipal Election no candidate for Mayor and At-Large Commissioner "A" received a majority of the votes cast; thereby, requiring a Special Municipal Runoff Election, for which election the names only of two such candidates shall be printed on the ballot.

WHEREAS, this Resolution constitutes an election order;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BROWNSVILLE:

SECTION 1. THAT a Special Municipal Runoff Election is ordered and shall be held in and throughout the City of Brownsville on Saturday, the 16th day of June, 2007, between the hours of 7 A.M. and 7 P.M., which is within the time prescribed by law, at the places hereinafter designated, for the purpose of electing on an at-large basis the Mayor and At-large Commissioner A. Each of the above positions shall have a four-year term expiring in 2011. Each such elected official shall reside within the city limits of Brownsville in which elected and shall also have the qualifications of electors therein.

SECTION 2. EXCEPT as hereinafter provided with reference to early voting, it has been determined, and it is hereby so ordered, that for this particular election the voting in all precincts shall be by the use of electronically coded paper ballots or a voting system certified by the Texas Secretary of State.

SECTION 3. IT has been determined, and it is hereby so ordered, that early voting by personal appearance shall be conducted by the Cameron County Elections Administrator at the following five (5) locations in Brownsville, Texas, on the dates and times as specified:

LOCATION	ADDRESS
Main Polling Place	Cameron County Courthouse Old Sheriff's Office 954 East Harrison Street Brownsville, Texas
Christ the King Catholic Church	2255 Southmost Road Brownsville, Texas
Brownsville Public Library	2600 Central Blvd. Brownsville, Texas
University of Texas At Brownsville	Mary Rose Cardenas-North Hall Ridgley Road Brownsville, Texas
Brownsville Independent School District Administration Building	1900 Price Road Brownsville, Texas

DATES	TIME
Weekdays: June 4 thru June 8	8:30 A.M. – 5:30 P.M.
Saturday June 9	11:00 A.M. - 4:00 P.M. :
June 11 and June 12	7:00 A.M. - 7:00 P.M.

An application for early voting ballot by mail must be received no later than 5 P.M. on Friday, June 08, 2007, and said ballots must be returned to the Cameron County Elections Administrator no later than 7 P.M. on Saturday, June 16, 2007. The Cameron County Elections Administrator is hereby appointed to serve as the early voting clerk.

SECTION 4. IT has been determined, and it is hereby so ordered, that for this particular election, all early voting in person and by mail shall be by the use of electronically coded paper ballots or a voting system certified by the Secretary of State.

SECTION 5. ONLY the duly qualified voters of the City of Brownsville shall be permitted to vote in said election, and the ballots and manner of holding such election shall be governed by the laws governing other general, regular, and special elections, insofar as the same may be applicable, except where otherwise provided by the Constitution, statutes, and the Charter of the City of Brownsville, and immediately thereafter the officers holding the same shall make due returns of the result thereof in the manner provided by law; provided, however, that only the duly qualified voters of the City of Brownsville who reside in a given electoral district shall be permitted to vote in the election for the district commissioner of the given electoral district.

SECTION 6. FOR this election therein the City of Brownsville is hereby divided into forty-six (46) election precincts, consolidated into sixteen (16) polling places, and the same are hereby established, each of which shall consist of all the Brownsville municipal territory embraced within the particular voting precinct of Cameron County hereinafter mentioned, and as shown by the Minutes of the Commissioners Court, except as provided hereinafter; the polling place for each shall be as designated and at the location given; the election officers and supervisors of election for each such precinct shall be appointed in accordance with the contract executed with the Cameron County Election Administrator, and all voters shall vote in the election precinct of their residence as follows:

MUNICIPAL ELECTION PRECINCTS

ELECTORAL DISTRICT 1		
PRECINCTS	LOCATIONS	ADDRESS
6	Alternative School	1351 E. Polk Street, Brownsville, TX
10 69 70	Cromack Elementary School	3200 E. 30 th Street, Brownsville, TX
37 45	J.T. Canales Elementary School	1811 E. 18 th Street, Brownsville, TX
45	Faulk Middle School	2200 Roosevelt Street, Brownsville, TX
Part 53 77	Garza Elementary School	200 Esperanza Lane, Brownsville, TX
ELECTORAL DISTRICT 2		
PRECINCTS	LOCATIONS	ADDRESS
5	Victoria Elementary School	2801 E. 13 th Street Brownsville, TX
68 86 Part 14, Part 67 Part 82	Rivera High School	6955 FM 802, Brownsville, TX
46 63	Gonzalez Elementary School	4350 Coffeeport Road, Brownsville, TX
71 60	Perkins Middle School	4750 Austin Road, Brownsville, TX

ELECTORAL DISTRICT 3

PRECINCTS	LOCATIONS	ADDRESS
Part 2 Part 3 Part 4 Part 50 Part 54 Part 65 Part 66 Part 74 61 72 73	Burns Elementary School	1970 Alton Gloor Blvd, Brownsville, TX
15	R.L. Martin Elementary School	1701 Stanford Street, Brownsville, TX
38	Sharp Elementary School	1439 Palm Blvd., Brownsville, TX
47 49 76	Stell Middle School	1105 Los Ebanos Blvd., Brownsville, TX

ELECTORAL DISTRICT 4

PRECINCTS	LOCATIONS	ADDRESS
11 12 13	Russell Elementary School	800 Lakeside, Brownsville, TX
7 8 9	Putegnat Elementary School	730 E. 8 Street, Brownsville, TX
Part 48	Yturria Elementary School	2955 W. Tandy Road, Brownsville, TX
Part 62, 62A 75 Part 16 Part 17	James Pace High School	314 W. Los Ebanos Blvd., Brownsville, TX

SECTION 7. In accordance with this Resolution, an early voting ballot board shall be created by the Cameron County Elections Administrator to process early voting results, and the Presiding Judge shall appoint at least two other members of the board.

SECTION 8. ALL election materials (including notice of the election, ballots, instruction cards, affidavits, and other forms which voters may be required to sign) and all early and late voting materials shall be printed in both English and Spanish, or Spanish translations thereof, and/or other assistance shall be provided by the Cameron County Elections Administrator, as required by the Texas Election Code and the Federal Voting Rights Act of 1965, each as amended.

SECTION 9. NOTICE of said election, including a summary of this resolution, signed by the Mayor, attested by the City Secretary, and otherwise as prescribed by law, shall be given.

SECTION 10. THE City Secretary is hereby ordered and directed to cause such notice to be published in a newspaper of general circulation in the City of Brownsville, which publication shall be made one time, not earlier than the 30th day (May 17, 2007) or later than the 10th day (June 6, 2007) before election day. A copy of such notice shall be posted on the bulletin board and in a window in the City Hall-Federal Building located at 1001 E. Elizabeth Street, Brownsville, Texas, used for the posting of notices of the meetings of the governing body of the City of Brownsville and at all mandatory locations and at any additional optional locations. When such publication and posting has been done, the City Secretary shall attach a certificate to the original of such notice showing compliance with this order and shall keep the same, together with a clipping from such newspaper of the notice as published.

ADOPTED by the City Commission of the City of Brownsville on May 22nd , 2007.

Eddie Treviño, Jr., Mayor

Attest:

Estela Von Hatten, City Secretary

Approved as to form:

Jim Goza, City Attorney



AGENDA REQUEST FORM

CITY COMMISSION MEETING DATE: 05/22/2007 ITEM NUMBER: 4.
 DEPT. MAKING REQUEST: City Secretary DATE SUBMITTED: 05/15/2007
 CONTACT PERSON(S) NAME: Estela Von Hatten
 PHONE: 956 548-6001 FAX: 956 546-2130 E-MAIL: _____

AGENDA CATEGORY: (TIME LIMIT)

EXECUTIVE SESSION WORKSHOP PRESENTATION DISCUSSION

Length of Time Needed for The Item Above: _____ (minutes)

(No time limit)

CONSENT PUBLIC HEARING ACTION

AGENDA ITEM: (Attach back up material)

Consideration and ACTION to draw names for a position on the special municipal ballot for the runoff election for the purpose of electing a Mayor and At-Large Commissioner A.

AGENDA ITEM HISTORY: Second Reading Tabled on _____ Discussed on _____
 Pending Info Received Other _____

FINANCIAL: Budgeted: YES NO N/A

Grant/Matching Funds From:

STAFF RECOMMENDATION: (mark your selection) Approve Deny
 Table for _____ weeks Table Indefinitely Other: _____

OTHER RECOMMENDATION: (Write in advisory board or committee name and recommendation if applicable)

ADMINISTRATIVE APPROVAL: YES NO

 City Manager



AGENDA REQUEST FORM

CITY COMMISSION MEETING DATE: 05/22/2007 ITEM NUMBER: 5.
 DEPT. MAKING REQUEST: City Attorney DATE SUBMITTED: 05/18/2007
 CONTACT PERSON(S) NAME: Jim Goza
 PHONE: 956 548-6011 FAX: 956 546-4291 E-MAIL: _____

AGENDA CATEGORY: (TIME LIMIT)
 EXECUTIVE SESSION WORKSHOP PRESENTATION DISCUSSION

Length of Time Needed for The Item Above: _____ (minutes)

(No time limit)

CONSENT PUBLIC HEARING ACTION

AGENDA ITEM: (Attach back up material)

Consideration and ACTION to authorize the City Manager to execute a Second Implementation Agreement between Sports Arena Properties, Inc. (SAPI) and the City of Brownsville.

AGENDA ITEM HISTORY: Second Reading Tabled on _____ Discussed on _____
 Pending Info Received Other _____

FINANCIAL: Budgeted: YES NO N/A

Grant/Matching Funds From:

STAFF RECOMMENDATION: (mark your selection) Approve Deny
 Table for _____ weeks Table Indefinitely Other: _____

OTHER RECOMMENDATION:(Write in advisory board or committee name and recommendation if applicable)

ADMINISTRATIVE APPROVAL: YES NO

 City Manager

**Second Implementation Agreement
To the
Memorandum of Understanding**

THIS SECOND IMPLEMENTATION AGREEMENT is entered into as of the _____ day of _____ 2007, by and between the City of Brownsville, Texas (“City”) and Sports Arenas Properties, Inc (“SAPI”). This agreement shall be deemed an amendment to the Memorandum of Understanding dated October 3, 2006 (“MOU”) and amendment to the First Implementation Agreement dated April 17th 2007 (“First Imp”) and it is intended to implement the concepts stated therein.

Recitals

1. Pursuant to Section 3 of the MOU and Section 2.2 of the First Imp the Feasibility Investigation Plan, as defined in the MOU has resulted in a finding by the parties that the City must undertake actions to initiate a process, prepare certain materials and execute a “Participation Agreement” with other taxing authorities as a condition precedent to form a Tax Increment Redevelopment Zone (“TIRZ”) as contemplated by the MOU; and
2. Further to the findings by the parties, the process has not yet been formally undertaken by the city and that the estimated cost of the process is between \$100,000 and \$250,000; and
3. The parties acknowledge and agree that the Participation Agreement and the reports, plans, studies and agreements (hereinafter “Ancillary Agreements”) supporting the Participation Agreement are a necessary part of the Feasibility Investigation Plan and the City Cooperation Obligations as contemplated by the MOU and that they should be undertaken; and
4. The City requests that SAPI advance the costs to be incurred in the production of the Participation Agreement and the Ancillary Agreements and SAPI intends to grant said request, pursuant to the terms set forth below.

Terms

NOW THEREFORE, for the exchange of promises herein contained and for good and valuable consideration the parties agree as follows:

1. All costs incurred as contemplated by this agreement shall be deemed project costs and eligible for reimbursement from any TIRZ financing as contemplated by the MOU.

2. SAPI will advance the costs for the benefit of the City and the contemplated project in general in consideration for the promise of the City to reimburse SAPI for its costs incurred in the pursuit of the project, if, and only if, the City by its action or inaction terminates or causes the termination of the advancement of the project or fails to timely perform its cooperation obligations as contemplated by the MOU, at any time during the Feasibility Investigation, development and/or construction of the project.

3. SAPI shall continue to report to the City pursuant to the MOU and the First Imp and as part of the reports SAPI shall identify the cost incurred and the costs anticipated to be incurred in pursuit of the project. To the extent any reimbursement is due pursuant to the terms of this agreement; the reimbursement shall be made by the CITY within 60 days of delivery of notice from SAPI.

4. To the extent there is any inconsistency between the MOU, the First Imp and this agreement, this agreement shall control.

City of Brownsville	Sports Arenas Properties Inc.
By _____ Name _____ Title _____ Date _____	By _____ Name _____ Title _____ Date _____
By _____ Name _____ Title _____ Date _____	



AGENDA REQUEST FORM

CITY COMMISSION MEETING DATE: 05/22/2007 ITEM NUMBER: 6.
 DEPT. MAKING REQUEST: City Attorney DATE SUBMITTED: 05/18/2007
 CONTACT PERSON(S) NAME: Jim Goza
 PHONE: 956 548-6011 FAX: 956 546-4291 E-MAIL: _____

AGENDA CATEGORY: (TIME LIMIT)

EXECUTIVE SESSION WORKSHOP PRESENTATION DISCUSSION

Length of Time Needed for The Item Above: _____ (minutes)

(No time limit)

CONSENT PUBLIC HEARING ACTION

AGENDA ITEM: (Attach back up material)

Consideration and ACTION to authorize the City Manager to execute a Waterline Access Agreement between East Rio Hondo Water Supply Corporation and the City of Brownsville.

AGENDA ITEM HISTORY: Second Reading Tabled on _____ Discussed on _____
 Pending Info Received Other _____

FINANCIAL: Budgeted: YES NO N/A

Grant/Matching Funds From:

STAFF RECOMMENDATION: (mark your selection) Approve Deny
 Table for _____ weeks Table Indefinitely Other: _____

OTHER RECOMMENDATION: (Write in advisory board or committee name and recommendation if applicable)

ADMINISTRATIVE APPROVAL: YES NO

City Manager

