

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, August 7, 2007**, at **5:00 P.M., 5:30 P.M. and 6:00 P.M.** with the following members present:

CHARLIE ATKINSON		MAYOR PRO TEM
RICARDO LONGORIA, JR.)	DEPUTY MAYOR PRO TEM
EDWARD C. CAMARILLO)	
ANTHONY P. TROIANI)	
LEONEL T. GARZA)	COMMISSIONERS

CHARLIE CABLER	CITY MANAGER
CARLOS AYALA	ASSISTANT CITY MANAGER
JOHN E. CHOSY	ASSISTANT CITY ATTORNEY
ESTELA VON HATTEN	CITY SECRETARY

ABSENT:

PAT M. AHUMADA, JR.	MAYOR
CARLOS A. CISNEROS	COMMISSIONER
JIM GOZA	CITY ATTORNEY

A quorum being present, Mayor Pro Tem Charlie Atkinson, 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 August 3, 2007:

EXECUTIVE SESSION:

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Leonel T. Garza, and carried unanimously, Mayor Pro Tem Charlie Atkinson convened the Executive Session to discuss the following items:

- A) **Discussion pursuant to Section 551.072, of the Texas Government Code, regarding real property.**
 - B) **Discussion pursuant to Section 551.072, of the Texas Government Code, regarding real property.**
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WORKSHOP:

Upon conclusion of the Executive Session, Mayor Pro Tem Charlie Atkinson convened the Workshop to discuss the following items:

- a) **Discussion regarding the status of the Enterprise Modernization Project at the Management Information Systems (MIS) Department.**
 - b) **Discussion regarding the Automated Traffic Enforcement “Red-Light-Cameras” for the City of Brownsville.**
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REGULAR MEETING:

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

The U.S. Pledge of Allegiance and the Texas Pledge were led by Commissioner Ricardo Longoria, Jr.

INVOCATION:

The invocation was given by Commissioner Ricardo Longoria, Jr.

1. PRESENTATIONS: *Greater Brownsville Incentives Corp.*
(Mr. Jose Herrera, President)

Mr. Jose Herrera, President of the Greater Brownsville Incentives Corporation (GBIC), gave a brief Powerpoint presentation and report on GBIC operations, accomplishments, and goals.

UTB/TSC Digitization Project
(John B. Hawthorne)

Mr. John B. Hawthorne, Special Collections Archivist at the Arnulfo L. Oliveira Memorial Library, gave a brief presentation regarding the University of Texas at Brownsville and Texas Southmost College (UTB/TSC) Digitization Project, noting the cooperation of the City of Matamoros, Tamaulipas, Mexico for historical preservation.

Employee of the Month
(August 2007)

Mr. Charlie Cabler, City Manager, recognized *Mr. Luis Villarreal*, Equipment Operator, with the Aviation Department, as “*Employee of the Month*” for the month of August 2007.

2. PUBLIC COMMENT PERIOD:

Ms. Teresa Saldivar, SPCA volunteer, spoke regarding how the SPCA operates and noted that, contrary to what is believed, they are not receiving a portion of the \$2.00 PUB voluntary fee.

Mr. Don Crow, Staff Technical Trainer of United Launch Alliance, submitted a public comment form, but decided not to address the City Commission.

Mr. Fernando Ruiz request that the public comment period be extended for more than three minutes so that he could discuss bonds issues.

Mr. Orlando Treviño expressed his concern regarding the \$2.00 PUB fee.

Mr. Roman Perez expressed his opposition to the \$2.00 BPUB fee and red-light camera installation, but suggested that the revenue collected from the red-light cameras be used for ambulances instead of collecting fees.

Mr. Robert Uresti expressed his opposition to the conduct of the City Commission.

Ms. Barbara Kruger, Paseo De La Resaca (PDLR) Board Member and resident of the area, suggested that members to be appointed to the PDLR Board by the Commission should be residents from that area.

Mr. George Farish, representing the fine arts community, thanked the City for their support and noted that the Museum for Fine Arts was not in requesting core funding from the City of Brownsville.

3. ***CONSENT AGENDA ITEMS:***

All consent Agenda Items listed were considered to be routine by the City Commission and were to be approved by one motion.

Commissioner Edward C. Camarillo moved that Consent Agenda Items 3 “a” through “i” be approved with the corrections as presented on Consent Agenda Item 3 “b” of this agenda. The motion was seconded by Commissioner Ricardo Longoria, Jr., but **no vote was taken**.

In response to Commissioner Longoria, Mr. John E. Chosy, Assistant City Attorney, recommended that Consent Agenda Item “3i” be tabled and resubmitted for consideration as a Public Hearing at the next meeting of the City Commission.

Commissioner Edward C. Camarillo moved that Consent Agenda Items 3 “a” through “i” be approved with the corrections as presented on Consent Agenda Item 3 “b” (Item 17 of July 17, 2007 minutes). The motion was seconded by Commissioner Ricardo Longoria, Jr., and **carried unanimously**.

ITEMS No. "a" through "i"

- a) **Approval of the Minutes of the Special Meeting of June 26, 2007.**
- b) **Approval of the Minutes of the Regular Meeting of July 17, 2007.**
- c) **Authorization for the following individuals to incur travel expense:**

Employee	Department	Destination	Date
Larry A. Brown	Aviation	Monterrey, MX	Sept. 6 – 7, 2007
Joe Torres	Aviation	Austin, TX	Oct. 22 – 24, 2007
James Campbell	BUS	Elk Grove Village, IL	Sept. 9 – 11, 2007
Rene DeCoss	Municipal Court	Austin, TX	Aug. 16 – 18, 2007
Lucky Leal	Municipal Court	Austin, TX	Aug. 16 – 18, 2007
Jeff Johnston	OEM	Austin, TX	Aug. 19 – 24, 2007
Rolando Vasquez	Police	Austin, TX	Aug. 19 – 21, 2007
Ramon Ortiz	Police	Austin, TX	Aug. 19 – 21, 2007
Hermelinda Mendez	Police	Austin, TX	Aug. 19 – 21, 2007
Marian C.-Kingsbury	Police	Austin, TX	Aug. 19 – 21, 2007
Carlos L. Garcia	Police	El Paso, TX	Oct. 3 – 6, 2007

Mr. Larry A. Brown, Aviation Director, will attend the “13th Annual Brownsville/Monterrey Trade Reception,” sponsored by the Port of Brownsville, on September 6 -7, 2007, in Monterrey, Mexico.

Mr. Joe Torres, Maintenance Supervisor, will attend the “Airport Pavement Maintenance and Airfield Construction Workshop,” sponsored by American Association of Airport Executives (AAAE), on October 22 – 24, 2007, in Austin, Texas.

Mr. James Campbell, QA Technician, will attend the “GFI Genfare Ticket Vending Machine Training,” sponsored by GFI Genfare, on September 9 – 11, 2007, in Elk Grove Village, Illinois.

Interim Presiding Judge Rene Decoss, and Ms. Lucky Leal, Court Administrator, will attend a “Legislative Update Seminar,” sponsored by Texas Municipal Courts Education Center, on August 16 – 18, 2007, in Austin, Texas.

Mr. Jeff Johnston, Director of the Office of Emergency Management (OEM), will attend the “*Incident Command System (ICS) Train-the-Trainer Course (G449)*,” sponsored by the Texas Governor’s Division of Emergency Management in conjunction with the Federal Emergency Management Association’s (FEMA) Emergency Management Institute, on August 19 – 24, 2007, in Austin, Texas.

Police Investigators Rolando Vasquez, Ramon Ortiz, Hermelinda Mendez, and Marian Culver-Kingsbury will attend a “*Texas Police Association Legislative Update Seminar*,” sponsored by the Texas Police Association, on August 19 – 21, 2007, in Austin, Texas.

Police Chief Carlos L. Garcia will attend the “*Associated Security Services and Investigators of the State of Texas, Inc. (ASSIST) Annual Convention 2007*,” sponsored by the Associated Security Services and Investigators of the State of Texas (ASSIST), on October 3 – 6, 2007, in El Paso, Texas.

- d. APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2007-020 to rezone, from Dwelling “Z” (DZ) to Medium Retail “G” (3CG) Classification, Blocks 5 and 6 of Swan Nelson Subdivision located near FM 803 and Abrego Road.**
- e. APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2007-029 to rezone, from Light Retail to General Retail “G” (4CG) Classification, Lot 1 Block 1 out of Ernesto Cortez Subdivision located near FM 511 and Prescott Lane.**
- f. APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2007-030 to rezone, from Dwelling “G” (DG) to Medium Retail “G” (3CG) Classification, Lot 1 out of La Coma Subdivision located near Calle Milpa Verde and Impala Drive.**

- g. APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2007-031 to rezone, from Dwelling Retail (DR) to General Retail (4CG) Classification, Lot 9 Block 1 out of Wymore Subdivision located near Paredes Line Road and Southern Pacific Railroad.**
- h. APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2007-501 to rezone, from Dwelling “Z” to Medium Retail “G” Classification, Tandy’s Corner Subdivision, Pasto Verde Phase I and Lot 11 Block 3, of Pasto Verde Phase II located near Highway 100 and FM 803.**
- i. APPROVAL on SECOND and FINAL READING of Ordinance Number 2007-1476 creating a voluntary monthly fee of \$2.00 for each Brownsville Public Utilities Board (BPUB) customer to be dedicated in equal amounts for public safety needs, for additional funding for the Animal Shelter both administered by the Office of the City Manager, and for the promotion of the fine arts and our cultural heritage to be administered by a committee for Cultural Affairs.**

BOARDS AND COMMISSION APPOINTMENTS:

- 4. Consideration and ACTION to appoint or reappoint two (2) members and one City Commission member to the Paseo De La Resaca Landscaping and Lighting Maintenance District (PDLR).**

Commissioner Carlos A. Cisneros, who could not be present due to a previous commitment, sent a letter requesting that action on his removal from the PDLR be tabled until he could be present to respond. The letter was read by the City Secretary.

Mayor Pro Tem Charlie Atkinson moved that **Commissioner Leonel T. Garza** be appointed to replace Commissioner Carlos A. Cisneros. The motion **failed for lack of a second.**

Commissioner Anthony P. Troiani moved to that appointments to the PDLR be tabled. The motion was seconded by Commissioner Edward C. Camarillo, and **failed by the following 2-3 vote:**

Ayes: Commissioners Troiani and Camarillo;

Nays: Mayor Pro Tem Atkinson, Commissioners Longoria and Garza.

Mr. John E. Chosy, Assistant City Attorney, noted that three members of the board are appointed by the PDLR Board.

Mayor Pro Tem Charlie Atkinson moved that **Commissioner Leonel T. Garza** be appointed to replace Commissioner Carlos A. Cisneros, and that **Mr. Dan Brama** be appointed to replace Ms. Barbara Krueger on the PDLR.

The motion was seconded by Commissioner Ricardo Longoria, Jr., and **carried by the following 3-2 vote:**

Ayes: Mayor Pro Tem Atkinson, Commissioners Longoria and Garza;

Nays: Commissioners Troiani and Camarillo

5. Consideration and ACTION to appoint or reappoint three (3) members to the Brownsville Beautification Committee.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Mayor Pro Tem Charlie Atkinson and **carried unanimously**, the following were reappointed to the Brownsville Beautification Committee: **Joe Lee Rubio, Craig Timmer, and Commissioner Edward C. Camarillo.**

6. Consideration and ACTION to appoint one (1) City Commissioner to serve as a voting member on the Brownsville Metropolitan Planning Organization (MPO) Policy Committee.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Leonel T. Garza and **carried unanimously**, **Mayor Pro Tem Charlie Atkinson** was appointed to serve as a voting member on the Brownsville Metropolitan Planning Organization (MPO) Policy Committee.

PUBLIC HEARINGS:

- 8. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2007-033 to rezone, from Dwelling “Z” to Dwelling “G” (DG) Classification, Lot 140 out of El Jardin Subdivision located near Central Avenue and Ruben Torres Boulevard.**

Mr. Noe Puga, Zoning and Plat Administrator, noted that the Planning and Zoning Commission approved the proposed rezoning.

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

Commissioner Edward C. Camarillo moved that Ordinance Number 235-2007-033 be **approved on first reading.**

The motion was seconded by Commissioner Anthony P. Troiani and **carried unanimously.**

- 9. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2007-035 to rezone, from Dwelling “G” to General Retail “G” (4CG) Classification, Lot 9 Block 8 out of First Section East Brownsville located near Southmost Road and International Boulevard.**

Mr. Noe Puga, Zoning and Plat Administrator, noted that the Planning and Zoning Commission approved the proposed rezoning.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Anthony P. Troiani and carried unanimously, the public hearing was **closed.**

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Leonel T. Garza and **carried unanimously**, Ordinance Number 235-2007-035 was **approved on first reading.**

ACTION ITEMS:

10. Consideration and ACTION to approve the demolition of structures ordered by the Building and Standards Commission.

Mr. Evaristo Gamez, Building Official and Permitting Director, noted that owners of the structures had been given the required notice prior to recommendation for demolition. He introduced Staff Sgt. James Levine of the Texas National Guard, who noted that the Texas National Guard, under its “*Operation Crackdown*”, would partner with the City of Brownsville to remove condemned structures at no cost to the City.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo and **carried unanimously**, the demolition of structures, as ordered by the Building and Standard Commission, was **approved**.

11. Consideration and ACTION on Resolution Number 2007-042 consenting to the condemnation of a property needed for the construction of the Brownsville Urban System Multimodal Terminal Project.

Ms. Norma Zamora, BUS Director, noted that the proposed resolution, if approved, would authorize the condemnation of a property which was needed in connection with the construction of the BUS Multimodal Terminal Facility.

Upon motion by Commissioner Leonel T. Garza, seconded by Commissioner Anthony P. Troiani and **carried unanimously**, Resolution Number 2007-042 was **adopted**, consenting to the condemnation of a property needed for the construction of the Brownsville Urban System Multimodal Terminal Project.

12. Consideration and ACTION on Resolution Number 2007-044 suspending the August 30, 2007, effective date of the Texas Gas Service Company’s requested rate change to permit the City time to study the request and to establish reasonable rates; approving the cooperation with other cities in the Rio Grande Valley Service Area to form the Valley Cities Gas Coalition; to hire legal and consulting services to negotiate with the company and direct any necessary litigation requiring reimbursement of cities’ rate case expenses; and requiring notice of this resolution to the company and legal counsel. (TABLED)

Upon motion by Commissioner Leonel T. Garza, seconded by Commissioner Anthony P. Troiani, this item was **tabled**, and **carried by the following 4-1 vote**:

Ayes: Commissioners Longoria, Garza, Troiani and Camarillo;

Nays: Mayor Pro Tem Atkinson.

13. Consideration and ACTION on Resolution Number 2007-045 approving a bond resolution by the Brownsville Health Facilities Development Corporation (BHFDC), providing for the issuance of bonds for Valley Baptist Medical Center-Brownsville (VBMC), and approving amendments to the By-laws of Brownsville Health Facilities Development Corporation.

Present to respond to Commissioners were Ms. Leslie Bingham, VBMC CEO, Mr. Manny Vela, VBMC Legal Counsel, Mr. Scott Lieberenz, Mr. Joseph E. Eckert, Bond Counsel, and Mr. Larry Jordan, Financial Advisor.

Mayor Pro Tem Charlie Atkinson read a letter from Mayor Pat M. Ahumada reflecting that he was not in favor of approval of the resolution.

Commissioner Edward C. Camarillo moved that Resolution Number 2007-045 be adopted as presented. The motion was seconded by Commissioner Anthony P. Troiani with an amendment that the motion include the submission of an agreement between the City of Brownsville and the Brownsville Health Facilities Development Corporation and Valley Baptist Hospital with assurances, in writing, that the bonds would be used for the Valley Baptist Medical Center-Brownsville projects as specified by Valley Baptist Hospital officials, that a Letter of Intent, stipulating that the process would in fact occur, be included, and that the amendments to the By-Laws of Brownsville Health Facilities Development Corporation be approved.

The motion was declared as “passed” by the following 3-2 vote:

Ayes: Commissioners Troiani, Camarillo, and Longoria;

Nays: Mayor Pro Tem Atkinson and Commissioner Garza.

- 14. Consideration and ACTION to adopt Ordinance Number 2007-1477 authorizing the issuance, sale and delivery of approximately \$9,700,000 in aggregate principal amount of “City of Brownsville, Texas, Combination Tax and Airport Revenue Certificates of Obligation, Series 2007A (AMT)”;** securing the payment thereof by authorizing the levy of an annual ad valorem tax and pledging surplus airport revenues; approving and authorizing the execution of a paying agent/registrar agreement, a purchase contract, an official statement and all other instruments and procedures related thereto.

Mr. Larry Jordan, Financial Advisor with Estrada Hinojosa, Inc., reviewed the proposed ordinance.

Mr. Pete Gonzalez, Finance Director, noted that the debt was guaranteed by the Federal Aviation Administration (FAA) and anticipated that the debt would be retired within three and half years.

Upon motion by Mayor Pro Tem Charlie Atkinson, seconded by Commissioner Leonel T. Garza and **carried unanimously**, Ordinance Number 2007-1477 was **approved on first reading**.

- 15. Consideration and ACTION to acknowledge the Cameron Appraisal District Chief Appraiser’s Certification of the City of Brownsville’s 2007 tax roll.**

Mr. Pete Gonzalez, Finance Director, presented the Cameron Appraisal District’s certification of the Brownsville 2007 tax roll.

Commissioner Leonel T. Garza stepped out.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Anthony P. Troiani and carried unanimously, the Cameron Appraisal District Chief Appraiser’s Certification of the City of Brownsville’s 2007 tax roll was **acknowledged**.

Commissioner Leonel T. Garza returned.

16. Consideration and ACTION to acknowledge the finance director's certification of the estimated ad valorem tax collection rate for the Tax Year 2007 and the excess debt tax collections for Tax Year 2006.

Commissioner Ricardo Longoria, Jr., moved that the Finance Director's certification of the estimated ad valorem tax collection rate, for Tax Year 2007, and the excess debt tax collections for Tax Year 2006, be **acknowledged**.

The motion was seconded by Commissioner Leonel T. Garza and **carried unanimously**.

17. Consideration and ACTION to acknowledge the finance director's calculation of the proposed 2007 ad valorem tax rate.

Commissioner Ricardo Longoria, Jr., moved that the Finance Director's calculation of the proposed 2007 ad valorem tax rate be **acknowledged**.

The motion was seconded by Commissioner Leonel T. Garza and **carried unanimously**.

18. Consideration and ACTION to acknowledge the finance director's calculation of the City's effective and rollback ad valorem tax rates for Tax Year 2007 or Fiscal Year 2008.

Mr. Pete Gonzalez, Finance Director, noted that the City of Brownsville complied with the Truth-in-Taxation Laws.

Upon motion by Commissioner Leonel T. Garza, seconded by Commissioner Ricardo Longoria, Jr., and **carried unanimously**, the Finance Director's calculation of the City's effective and rollback ad valorem tax rates for Tax Year 2007, or Fiscal Year 2008, was **acknowledged**.

PUBLIC HEARINGS:

7. Public Hearing to discuss the City's proposed Fiscal Year 2008 Budget.

Mr. Pete Gonzalez, Finance Director, reviewed the proposed FY 2008 budget, noting that he would review capital expense requests with department directors.

A brief Powerpoint presentation was given by Dr. Pat Burchfield of Gladys Porter Zoo.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Leonel T. Garza, and carried unanimously, the public hearing was **closed.**

19. Consideration and ACTION on Resolution Number 2007-043 requesting financial assistance from the Texas Water Development Board for the engineering facility plan and design documents of various improvements to the City's utility system with the 511-802 Colonia Wastewater Improvements project; authorizing the financial advisors, bond counsel, and engineers to coordinate the submission of the application to the Texas Water Development Board; and other matter in connection.

Mr. David Abrego, Graduate Engineer for the Brownsville Public Utilities Board (BPUB), noted that the City of Brownsville would request financial assistance from the Texas Water Development Board for payment of engineering design and construction services for improvements to the City's utility system with the 511-802 Colonia Wastewater Improvements Project which would allow for BPUB to serve those homes.

Commissioner Ricardo Longoria, Jr., moved that Resolution Number 2007-043 be **adopted**, to request financial assistance from the Texas Water Development Board for the engineering facility plan and design documents of various improvements to the City's utility system with the 511-802 Colonia Wastewater Improvements Project; authorizing the financial advisors, bond counsel, and engineers to coordinate the submission of the application to the Texas Water Development Board, and other matters in connection thereof.

The motion was seconded by Commissioner Leonel T. Garza and **carried unanimously.**

20. Consideration and ACTION to authorize the filing of a grant application and accept awarded grant, in the amount of \$7,000 from the Texas Department of State Health Services (DSHS).

Mr. Joe Hinojosa, Assistant Director of Environmental Health, presented this request.

Upon motion by Commissioner Anthony P. Troiani, seconded by Commissioner Leonel T. Garza and **carried unanimously**, the filing of a grant application and acceptance of an awarded grant in the amount of \$7,000 from the Texas Department of State Health Services (DSHS) was **authorized**.

21. Consideration and ACTION to authorize the acceptance of the Tobacco Compliance Grant from the Texas Comptroller of Public Accounts, in the amount of \$6,000 awarded to the Brownsville Police Department for Fiscal Year 2008.

Commissioner Edward C. Camarillo moved that a Tobacco Compliance Grant, from the Texas Comptroller of Public Accounts, in the amount of \$6,000, be **accepted** as awarded to the Brownsville Police Department for Fiscal Year 2008.

The motion was seconded by Commissioner Anthony P. Troiani, and **carried unanimously**.

22. Consideration and ACTION to donate surplus vehicle cages to the Cameron County Sherriff's Office.

Police Commander Robert Avitia noted that the Cameron County Sheriff's Office had requested the donation of surplus vehicle cages for installment in their police vehicles for law enforcement purposes.

Commissioner Ricardo Longoria, Jr., moved that 12 surplus vehicle cages from the Brownsville Police Department be **donated** to the Cameron County Sheriff's Office.

The motion was seconded by Commissioner Leonel T. Garza and **carried unanimously**.

23. **Consideration and ACTION to accept a grant award, in the amount of \$4,907,859 from the Federal Aviation Administration (FAA).**

Mr. Larry A. Brown, Director of Aviation, noted that the FAA had increased the amount by \$43,141.00.

Commissioner Anthony P. Troiani moved that a grant award, in the amount of **\$4,951,000.00** be **accepted** from the Federal Aviation Administration.

The motion was seconded by Commissioner Leonel T. Garza and **carried unanimously.**

PURCHASES/BIDS/CONTRACTS:

24. **Consideration and ACTION regarding land acquisition for the Part 150 Program for the following parcels: 1.39 acre tract of Lot 9 Block 305 of El Jardin Subdivision at the Southmost corner of California Road and Illinois Avenue; 3.35 acre tract, more or less, of Lot 9 Block 305 of El Jardin re-subdivision located on the east side of Illinois Road, South of California Road; 7.24 acre tract of Lot 1 Block 305 of El Jardin Re-subdivision located on the west side of Indiana Avenue South of California Road.**

Mr. Larry A. Brown, Director of Aviation, noted that the land for proposed acquisition was located on the west side of Indiana Avenue, south of California Road.

Commissioner Leonel T. Garza moved that land acquisition for the Part 150 Program be **approved** for the following parcels: 1.39 acre tract of Lot 9, Block 305 of El Jardin Subdivision at the southmost corner of California Road and Illinois Avenue; 3.35 acre tract, more or less, of Lot 9, Block 305 of El Jardin Re-subdivision located on the east side of Illinois Road, south of California Road; 7.24 acre tract of Lot 1, Block 305 of El Jardin Re-subdivision located on the west side of Indiana Avenue, south of California Road.

The motion was seconded by Commissioner Ricardo Longoria, Jr., and **carried unanimously.**

25. Consideration and ACTION authorizing a Supplemental Agreement to Amendment Number 20 under the General Engineering Contract (GEC) for Taxiway G Reconstruction at the Brownsville South Padre Island International Airport.

Mr. Larry A. Brown, Director of Aviation, noted that the regional FAA Airport Development Office is requiring that the Airport bring its runway safety areas up to existing FAA standards immediately or risk having to shut down any runway with a sub-standard safety area. He further noted that FAA funding was in place.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Leonel T. Garza and **carried unanimously**, a supplemental agreement to amendment number 20 under the General Engineering Contract (GEC) was **authorized** for Taxiway G Reconstruction at the Brownsville South Padre Island International Airport.

26. Consideration and ACTION to accept the Garden Park Paving Improvements Phase I Project and to release retainage and final payment to G & T Paving Company.

Commissioner Ricardo Longoria, Jr., moved that retainage and final payment, in the amount of **\$30,139.25**, be released to **G & T Paving Company** for the Garden Park Paving Improvements Phase I Project.

The motion was seconded by Commissioner Edward C. Camarillo and **carried unanimously**.

27. Consideration and ACTION to accept the Garden Park Paving Improvements Phase II Project and to release retainage and final payment to Quail Construction.

Commissioner Edward C. Camarillo moved that retainage and final payment, in the amount of **\$51,523.05**, be released to **Quail Construction** for the Garden Park Paving Improvements Phase II Project.

The motion was seconded by Commissioner Anthony P. Troiani and **carried unanimously**.

28. Consideration and ACTION to purchase an 8.72 acre tract in Share 72 of the Espiritu Santo Grant, for the proposed East Loop Phase II Project and authorization to incur expenses associated with closing costs.

Mr. Eddie Santillan, Right of Way Agent, noted that funding was in place for the proposed purchase.

Commissioner Ricardo Longoria, Jr., moved that purchase of an 8.72 acre tract in Share 72 of the Espiritu Santo Grant be **approved**, for the proposed East Loop Phase II Project and that expenses incurred in association with closing costs be **authorized**.

The motion was seconded by Commissioner Leonel T. Garza and **carried unanimously**.

29. Consideration and ACTION to purchase a 31.50 acre tract in Share 23 of the Espiritu Santo Grant, for the proposed East Loop Phase II Project and authorization to incur expenses associated with closing costs. (TABLED)

Commissioner Edward C. Camarillo moved that this item be **tabled**. The motion was seconded by Commissioner Anthony P. Troiani and carried unanimously.

30. Consideration and ACTION to award a contract for the Dean Porter Park Retaining Wall Improvements Project.

Mr. Paul Calapa, Purchasing Director, noted that funding for the project was available from the Brownsville Community Improvement Corporation (BCIC) and that Phase I of the project would complete 750 linear feet of the 1,600-foot retaining wall.

Commissioner Edward C. Camarillo moved that a contract, in the amount of **\$117,000.00**, be awarded to **Ralph Ruby Landscaping/M.A.T. Construction of McAllen, Texas**, for improvements to 750 linear feet of the Dean Porter Park Retaining Wall Improvements Project.

The motion was seconded by Commissioner Ricardo Longoria, Jr., and **carried unanimously**.

31. Consideration and ACTION to award a contract for the 2006 CIP Project Contract Number 5 for Street Paving and Drainage Improvements for Abrahamson Drive and Daleiden Drive.

Mr. Paul Calapa, Purchasing Director, noted that the second lowest bidder, G & T Paving, had requested invocation of the local preference statute. He further noted that Purchasing Department had requested the submission of G&T's economic impact information with the data specified in the bid documents. In addition, the Purchasing Department requested from G & T a summary of expenditures for the previously awarded project. Mr. Calapa noted that G & T submitted no payroll records thus rendering the documentation as incomplete. Mr. Calapa further noted that G & T Paving had actually subcontracted the work to a competing, out of local jurisdiction contractor, in contradiction of the information submitted to qualify for the invocation of local preference. Based on this finding, the Purchasing Department recommended that the request for local preference not be accepted.

Mayor Pro Tem Charlie Atkinson moved that the 5% local statute for local company be invoked for G&T Paving. The motion **failed for lack of a second.**

Mr. Paul Hemphill, legal counsel representing G&T Paving, spoke on behalf of G&T Paving.

Commissioner Leonel T. Garza moved that a contract for the 2006 CIP Project Contract Number 5 for street paving and drainage improvements for Abrahamson Drive and Daleiden Drive be **approved as recommend by staff.**

The motion was seconded by Commissioner Ricardo Longoria, Jr., but **no vote was taken.**

Mayor Pro Tem Charlie Atkinson moved to **table** this item. The motion **failed for lack of a second.**

Commissioner Leonel T. Garza moved that a contract, in the amount of **\$472,812.40**, be awarded to **R & R Paving, LLC, of San Benito, Texas**, for the 2006 CIP Project Contract Number 5 for street paving and drainage improvements for Abrahamson Drive and Daleiden Drive.

The motion was seconded by Commissioner Ricardo Longoria, Jr., and **carried by the following 3-2 vote:**

Ayes: Commissioners Longoria, Camarillo, and Garza;

Nays: Mayor Pro Tem Atkinson and Commissioner Troiani.

32. Consideration and ACTION to award a contract for the 31st Year Community Development Block Grant (CDBG), Cadell Road 8 inch Water Line Construction Project.

Mr. Paul Calapa, Purchasing Director, noted that the bid amount was \$131,914.00 below the Engineer's cost estimate for the project.

Commissioner Ricardo Longoria, Jr., moved that a contract, in the amount of **\$231,133.00**, be awarded to **Cubco Construction, Inc., of Brownsville, Texas**, for the 31st Year Community Development Block Grant, Cadell Road 8-inch water line construction project.

The motion was seconded by Commissioner Leonel T. Garza and **carried unanimously.**

33. Consideration and ACTION to award a Guaranteed Maximum Price (GMP) Contract for construction of a Fueling Facility at the Public Works Service Center.

Mr. Ivan Welker, Fleet Administrator, noted that the request for construction of the fueling facility was being made in order to abide by the Federal Transit Administration's and TxDOT's recommendation to relocate a fueling facility to the Public Works Service Center so as service approximately 375 non-transit vehicles. He further noted that the relocation would contribute to significant savings to the City resulting from reduced from/to travel time to the fueling facility.

Commissioner Ricardo Longoria, Jr., moved that, based on a previously negotiated construction contract, a Guaranteed Maximum Price in the form of Amendment No. 1 to the agreement between the owner and construction manager, in the amount of **\$548,702.00**, be awarded to **Terry Ray Construction, Inc., of Brownsville, Texas**, for construction of the proposed fueling facility project.

The motion was seconded by Commissioner Anthony P. Troiani and **carried unanimously.**

34. Consideration and ACTION to award a contract for the purchase of one (1) vehicle for the Brownsville Police Department.

Mr. Ivan Welker, Fleet Administrator, noted that, based on a clause within the advertised and awarded solicitation, the vehicle bid award prices remained fixed for 180 days enabling the City to purchase additional vehicles after the initial bid award. The bid for Tipotex Chevrolet was thus still current and valid for 2008 models.

Commissioner Ricardo Longoria, Jr., moved that a contract be awarded to **Tipotex Chevrolet of Brownsville, Texas**, for the purchase of the following vehicle:

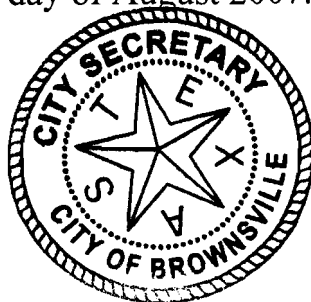
Qty	Description	Unit Price	Total
One (1)	new 2008 model Chevrolet Trailblazer 4-door, one-half rear door, V6	\$19,878.48	\$19,878.48

The motion was seconded by Commissioner Anthony P. Troiani and **carried unanimously.**

ADJOURNMENT:

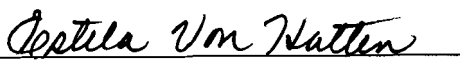
There being no further business to come before the City Commission, the meeting adjourned at 9:55 p.m.

Approved the 28th day of August 2007.




Pat M. Ahumada, Jr.
Mayor of Brownsville

Attest


Estela Von Hatten
City Secretary