

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 **Tuesday, August 28, 2007**, at **6:00 P.M.** with the following members present:

PAT M. AHUMADA, JR.		MAYOR
CHARLIE ATKINSON		MAYOR PRO TEM
CARLOS A. CISNEROS)	
EDWARD C. CAMARILLO)	
LEONEL T. GARZA)	
ANTHONY P. TROIANI)	COMMISSIONERS

CHARLIE CABLER	CITY MANAGER
CARLOS AYALA	ASSISTANT CITY MANAGER
JIM GOZA	CITY ATTORNEY
ESTELA VON HATTEN	CITY SECRETARY

ABSENT:

RICARDO LONGORIA, JR.	DEPUTY MAYOR PRO TEM
JOHN E. CHOSY	ASSISTANT CITY ATTORNEY

A quorum being present, Mayor Pat M. Ahumada, 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 August 24, 2007:

SPECIAL MEETING:

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

The U.S. Pledge of Allegiance and the Texas Pledge were led by Mayor Pat M. Ahumada, Jr.

INVOCATION:

The invocation was given by Pastor Andreas Lewis of Good Shepherd Church of Brownsville, Texas.

2. *PUBLIC COMMENT PERIOD:*

Mr. Robert Uresti addressed his concerns the Vision 2000 Committee and his opposition to the time limit of the Public Comment Period.

Mr. Dagoberto Barrera commented regarding an unsanitary condition in the City Hall men's room.

Ms. Beth Pace thanked the City, Parks Department, and local businesses, and gave notice of the Children's Museum Festival to be held on September 15, 2007.

Mr. Fernando Ruiz spoke in opposition of the issuance of debt by the Brownsville Public Utilities Board (BPUB).

PUBLIC HEARINGS:

9. Public Hearing and ACTION on FIRST READING of PROTESTED Ordinance Number 235-2007-021-S to allow a Specific Use with Safe Guards for Medium Industrial (Power Plant Substation) on a General Retail (4C) Classification for portion of Block 12 of Emilia Subdivision located near Expressway 77/83 and Emilia Lane. [TABLED 07/17/2007]

10. Public Hearing and ACTION on FIRST READING of PROTESTED Ordinance Number 235-2007-026 to rezone, from Dwelling "Z" (DZ) to General Retail (4CG) Classification, Lot 18 Block 5 of Villa Nueva Subdivision located near U.S. 281 (Military Highway) and El Metro Street.

16. **Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2007-036 to rezone, from Dwelling “A” to Professional Office “G” (1CG) Classification, Share 19 Block 28 out of El Jardin Subdivision located near Dana Avenue and Old Port Isabel Road.**
17. **Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2007-036-S to allow a Medium Retail Specific Use in an Apartment for Share 19 Block 28 out El Jardin Subdivision located near Dana Avenue and Old Port Isabel Road.**

Mr. Ben Medina, Jr., Director of Planning and Community Development, asked that zoning agenda items 9, 10, 16 and 17 be **tabled** as publication requirements had not been met.

Commissioner Carlos A. Cisneros moved to **table** agenda items 9, 10, 16 and 17 due to insufficient publication notice time. The motion was seconded by Commissioner Anthony P. Troiani, and **carried unanimously**.

5. **Consideration and ACTION to appoint member(s) to the Brownsville Convention and Visitors Bureau (BCVB). (TABLED)**

Commissioner Leonel T. Garza moved that this item be **tabled**. The motion was seconded by Commissioner Charlie Atkinson and **carried unanimously**.

ACTION ITEM:

21. **Consideration and ACTION to determine whether the Mayor or the City Manager will be authorized to remove Brownsville Housing Authority (BHA) Commissioners.**

Commissioner Carlos A. Cisneros moved to **table** this item. The motion was seconded by Commissioner Edward C. Camarillo, and **carried unanimously**.

1. **PROCLAMATIONS:** *Texas School Districts
Hurricane Dean Assistance
(Mayor Pat M. Ahumada, Jr.)*

Mayor Pat M. Ahumada, Jr., asked Ms. Estela Von Hatten, City Secretary, to read a proclamation thanking 42 Texas School Districts for their readiness to assist Brownsville during the recent anticipated approach by Hurricane Dean.

*Ernestine Chapa
(Commissioner Ricardo Longoria, Jr.)*

Mayor Pat M. Ahumada, Jr., asked Ms. Ernestine Chapa, accompanied by Ms. Norma H. Zamora, BUS Director, to step forward to accept a proclamation recognizing her for her many years of community involvement, including her service as a member of the BUS Transit Advisory Committee. Ms. Estela Von Hatten, City Secretary, read the proclamation.

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.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Leonel T. Garza, and carried unanimously, Consent Agenda Items “a” through “f” were **approved**.

ITEMS No. “a” through “f”

- a) **Approval of Minutes of the Special Meeting of July 25, 2007.**
- b) **Approval of Minutes of the Special Meeting of July 31, 2007.**
- c) **Approval of Minutes of the Regular Meeting of August 7, 2007.**
- d) **Authorization for the following individuals to incur travel expense:**

Employee	Department	Destination	Date
Norma H. Zamora	BUS	Fort Worth, TX	August 28 – 29, 2007
Gail Downs	BUS	Fort Worth, TX	August 28 – 29, 2007
Rodney Gomez	BUS	Houston, TX	Sept. 16 – 21, 2007
Rosie Garza	BUS	Houston, TX	Sept. 16 – 21, 2007
Jose L. Espericueta	BUS	Houston, TX	Sept. 16 – 21, 2007
Leonardo Perez	Fire	Cedar Hill, TX	August 30, 2007
David Hinojosa	Fire	Salt Lake City, UT	Sept. 16 – 21, 2007
Paul Cantu	Fire	Salt Lake City, UT	Sept. 16 – 21, 2007
Joe A. Hinojosa	Health	Galveston, TX	August 22 – 23, 2007
Gail Bruciak	MIS	Baltimore, MD	Sept. 23 – 26, 2007
Ben Medina, Jr.	Planning	Austin, TX	August 28 – 29, 2007
Victor Maldonado	Planning	Austin, TX	August 28 – 29, 2007
Jose A. Sanchez	Police	Salt Lake City, UT	Sept. 16 -21, 2007
David De Leon	Police	Nacogdoches, TX	Sept. 28 – Oct. 4, 2007
Marco Huerta	Police	Cartersville, GA	Oct. 6 – 13, 2007
Andres Treviño	Police	San Antonio, TX	Oct. 15 – 19, 2007

Ms. Norma H. Zamora, BUS Director, and Ms. Gail Downs, BUS Accountant, will attend a “*Cost Allocation Workshop*,” sponsored by the Texas Department of Transportation (TxDOT), on August 28 – 29, 2007, in Fort Worth, Texas.

Mr. Rodney Gomez, Assistant BUS Director, Ms. Rosie Garza, Safety Coordinator, and Mr. Jose Luis Espericueta, Facility Supervisor, will attend the “*Fundamentals of Bus Collision Investigation*,” sponsored by the Texas Department of Transportation (TxDOT) and the Transportation Safety Institute (TSI), on September 16 – 21, 2007, in Houston Texas.

Fire Chief Leonardo L. Perez will attend the “*Texas Fire Chief’s North Region Meeting*,” sponsored by the North Region of Texas Fire Chiefs Association (TFCA), on August 30, 2007, in Cedar Hill, Texas.

Assistant Fire Chief David Hinojosa and Mr. Paul Cantu, III, Information Technology (IT) Manager, will attend the “*2007 Spillman Technologies Users Conference*,” sponsored by Spillman Technologies, Inc., on September 16 – 21, 2007, in Salt Lake City, Utah.

Mr. Joe A. Hinojosa, Assistant Director of Environmental Health, will attend the “*U.S. Corps of Engineers Work Session Relative to the Resaca Restoration Grant*,” sponsored by the U. S. Corps of Engineers, on August 22 – 23, 2007, in Galveston, Texas.

Ms. Gail Bruciak, Management Information Systems (MIS) Director, will attend the “*New World Systems 2007 Executive Customer Conference*,” sponsored by New World Systems, on September 23 – 26, 2007, in Baltimore, Maryland.

Mr. Ben Medina, Jr., Planning and Community Development Director, and Mr. Victor Maldonado, Homeless Coordinator, will attend the “*2007 Emergency Shelter Grants Program (ESGP) Contract Implementation Workshop*,” sponsored by the Texas Department of Housing and Community Affairs, on August 28 – 29, 2007, in Austin, Texas.

Mr. Jose Alfredo Sanchez, Public Information System Coordinator, will attend the “*2007 Spillman Technologies Users Conference*,” sponsored by Spillman Technologies, Inc., on September 16 – 21, 2007, in Salt Lake City, Utah.

Police Investigator David De Leon will attend the “*Texas Tactical Police Officer’s Association (TTPOA) Annual Special Weapons and Tactics (SWAT) Competition*,” sponsored by the Texas Tactical Police Officer’s Association (TTPOA), on September 28 – October 4, 2007, in Nacogdoches, Texas.

Police K-9 Officer Marco Huerta will attend the “*Bartow County Sheriff’s Office K-9 Seminar*,” sponsored by the Bartow County Sheriff’s Office, on October 6 – 13, 2007, in Cartersville, Georgia.

Police Investigator Andres Treviño will attend a “*Texas Association of Property and Evidence Inventory Technicians (T.A.P.E.I.T.) Training Conference*,” sponsored by the Texas Association of Property and Evidence Inventory Technicians (TAPEIT), on October 15 – 19, 2007, in San Antonio, Texas.

- e) **APPROVAL on SECOND and FINAL 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.**

- f) **APPROVAL on SECOND and FINAL 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.**
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BOARDS AND COMMISSION APPOINTMENTS:

4. **Consideration and ACTION to acknowledge three (3) Mayoral Appointments to the Brownsville Housing Authority. (Mayor Pat M. Ahumada, Jr.) [TABLED 07/03/2007 and 07/17/2007]**

Mayor Pat M. Ahumada, Jr., appointed **Rev. Jerry Frank, Mr. Abraham Galonsky, and Ms. Suri Raguthu** to the Brownsville Housing Authority (BHA) to replace Emmanuel Vasquez, Mr. Ruben Herrera, and Mr. Javier Reyna who resigned.

Commissioner Charlie Atkinson moved to **acknowledge** Mayor Pat Ahumada’s appointment of Rev. Jerry Frank, Mr. Abraham Galonsky, and Ms. Suri Raguthu to the Brownsville Housing Authority (BHA). The motion was seconded by Commissioner Leonel T. Garza, and **carried** by the following 5-1 vote:

Ayes: Mayor Ahumada, Commissioners Atkinson, Cisneros, Camarillo and Garza;

Nays: Commissioner Troiani.

6. **Consideration and ACTION to acknowledge an appointment by the City Manager to the Civil Service Commission.**

Mr. Charlie Cabler, City Manager, reappointed **Mr. Ernesto Gamez, Jr.**, to the Civil Service Commission.

Commissioner Leonel T. Garza moved to **acknowledge** Mr. Ernesto Gamez’s appointment to the Civil Service Commission. The motion was seconded by Commissioner Charlie Atkinson and **carried unanimously.**

20. Consideration and ACTION on reconsideration of 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. (Commissioner Anthony P. Troiani)

Present to respond to Commissioners were Ms. Leslie Bingham, VBMC CEO, Mr. Glen Boles, Chief Financial Officer, Mr. Manny Vela, VBMC Legal Counsel, and Mr. Tom Spurgeon, Bond Counsel of McCall, Parkhurst and Horton, LLP.

Ms. Leslie Bingham, VBMC CEO, noted the amount of the bonds to be issued was \$94 million which was less than previously requested.

Dr. Clay Pajington, Radiologist, noted that he was in favor of open competition.

Ms. Yoli Roberts, spouse of the Chief of Anesthesia at Valley Regional Hospital, spoke in favor of the bonds issuance resolution noting that there should be a choice for the community.

Mr. Fernando Ruiz addressed his concerns regarding debt issuance.

Mr. Dagoberto Barrera addressed his opposition to higher hospital bills to offset the cost of the uninsured.

Dr. Roberto Robles, Cardiologist, spoke in favor of the bond issuance resolution in order to upgrade services and provide top quality service to community residents.

Dr. Rafael Arredondo, ENT Surgeon, expressed his concern regarding possible monopoly and noted that the same consideration should be afforded to other local hospitals.

Dr. R. L. Pelly noted that Valley Baptist Medical Center is well recognized for service and has invested significant funds to upgrade and improve services for the community.

Mr. Tom Spurgeon, Bonds Counsel, noted there was no liability to the City of Brownsville.

Ms. Nora Sanchez, Director of Community Reference Lab at the VBMC-Harlingen, addressed commissioners' concerns regarding the impact of the VBMC lab

might have on small family-owned medical laboratories in the community, noting that there is minimal impact on the smaller laboratory businesses.

Commissioner Anthony P. Troiani moved that Resolution Number 2007-045, be adopted to approve the reconsideration of a bond resolution by the Brownsville Health Facilities Development Corporation (BHFDC), which would provide for the issuance of bonds for Valley Baptist Medical Center-Brownsville (VBMC), and approve amendments to the By-laws of Brownsville Health Facilities Development Corporation.

The motion was seconded by Commissioner Edward C. Camarillo and **failed** by the following **2-3-1** vote:

Ayes: Commissioners Troiani and Camarillo;

Nays: Commissioners Cisneros, Garza and Atkinson;

Abstentions: Mayor Ahumada.

7. Consideration and ACTION to appoint or reappoint one (1) member and one (1) alternate member to the Amigos Del Valle, Inc. Board.

Commissioner Carlos A. Cisneros moved that **Commissioner Edward C. Camarillo** and **Mr. Ben Medina, Jr.**, be reappointed as a member and alternate member respectively, to the Amigos Del Valle, Inc. The motion was seconded by Commissioner Anthony P. Troiani, and **carried unanimously**.

8. Consideration and ACTION to appoint or reappoint three (3) members to the Brownsville Beautification Committee. (Carlos Ayala – Beautification)

Commissioner Carlos A. Cisneros moved that **Mr. Mark Barnard, Ms. Marisela Cortes, and Ms. Maria Hinojosa** be appointed to the Brownsville Beautification Committee.

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

11. **Public Hearing and ACTION on FIRST READING of Ordinance Number 2007-1478, amending the Code of Ordinances by amending Chapter 18, Article II. Contractors, Division 2. Permit by adding Section 18-55 Definitions regarding establishment of fees and charges for disabled veteran contractors.**
12. **Public Hearing and ACTION on FIRST READING of Ordinance Number 2007-1089-C, amending the Code of Ordinances by amending Chapter 18, Article II. Contractors, Division 3. Registration by amending Section 18-82 by adding subsection (b) regarding fees and charges for disabled veteran contractors.**
13. **Public Hearing and ACTION on FIRST READING of Ordinance Number 2007-723-H, amending the Code of Ordinances by amending Chapter 18, Article III. Building Code Section 18-123 (a)(1) Schedule of Permit Fees by adding subsection (g) regarding fees and charges for disabled veteran contractors. (Commissioner Edward C. Camarillo)**

Agenda items 11, 12 and 13 were read together as they dealt with the same issue.

Commissioner Edward C. Camarillo noted that Brownsville would be the first in Texas to provide an ordinance that would assist disabled veteran contractors with building permit discounts.

Mr. Randall Bolivar, disabled veteran, spoke in favor of the ordinance.

Mr. Evaristo Gamez, Building Inspections Official, and Mr. Pete Gonzalez, Finance Director, recommended approval.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Carlos A. Cisneros, and carried unanimously, the public hearing was **closed.**

Commissioner Edward C. Camarillo moved that Ordinance Numbers 2007-1478, 2007-1089-C and 2007-723-H be **approved on first reading.**

The motion was seconded by Commissioner Carlos A. Cisneros and **carried unanimously.**

14. Public Hearing and ACTION relating to the issuance of “City of Brownsville, Texas, Combination Tax and Airport Revenue Certificates of Obligation, Series 2007A” to finance improvements at the Brownsville South Padre Island International Airport.

Mr. Pete Gonzalez, Finance Director, and Mr. Tom Spurgeon, Bond Counsel of McCall, Parkhurst and Horton, LLP, gave an overview of the request for certificates of obligation.

Mr. Fernando Ruiz noted his concern regarding the issuance of bonds.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Edward C. Camarillo, and carried unanimously, the public hearing was **closed**.

Commissioner Leonel T. Garza moved that the issuance of “*City of Brownsville, Texas, Combination Tax and Airport Revenue Certificates of Obligation, Series 2007A*” be approved to finance improvements at the Brownsville South Padre Island International Airport.

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

15. First Public Hearing to discuss the proposed 2007 ad valorem tax rate (Fiscal Year 2008) of \$0.650517, which is an increase of 4.95% over the effective tax rate of \$0.619856, or an increase of 0.0434% over the current year’s (Fiscal Year 2007) ad valorem tax rate of \$0.650235 per \$100 valuation.

Mr. Pete Gonzalez, Finance Director, gave an overview of the proposed tax increase and noted that this was the first of two public hearings.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Leonel T. Garza, and carried unanimously, the public hearing was **closed**.

18. Public Hearing and ACTION on FIRST READING of Ordinance Number 2007-1479 amending the Subdivision Ordinance requiring land for dedication of parks and/or recreational grounds.

Mr. Ben Medina, Jr., Planning and Community Development Director, reviewed the ordinance.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Leonel T. Garza, and carried unanimously, the public hearing was **closed**.

Commissioner Charlie Atkinson moved to **approve** Ordinance Number 2007-1479, on first reading subject to insertion of the approved changes requested by the Commission.

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

ACTION ITEMS:

19. 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 08/07/2007]

Mr. Jim Goza, City Attorney, gave a brief overview of the resolution.

Commissioner Carlos A. Cisneros moved that Resolution Number 2007-044 be approved, 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.

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

22. Consideration and ACTION to acknowledge the finance director's changes to the proposed Fiscal Year 2008 Budget.

Mr. Pete Gonzalez, Finance Director, gave a brief PowerPoint presentation to review the budget filed at the City Secretary's Office on August 17, 2007.

Commissioner Carlos A. Cisneros moved that the finance director's changes to the proposed Fiscal Year 2008 Budget be **acknowledged**.

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

23. Consideration and ACTION on Resolution Number 2007-047 approving a bond and loan agreement by the Brownsville Industrial Development Corporation (BIDC) to issue bonds for Tella Tool and Manufacturing, Co., an Illinois Corporation, for the purpose of financing the purchase of certain manufacturing equipment and the construction of certain improvements at Tella Tool's facilities located at 3401 Nafta Parkway in the City of Brownsville; and approving the bond resolution providing for the issuance of such bonds.

Mr. Ben Medina, Jr., Planning and Community Development Director, gave a brief overview of the resolution, noting that the Brownsville Industrial Development Corporation (BIDC) had approved the bonds.

Ms. Isabel Martinez, General Plant Manager at Tella Tools, noted that 10 new jobs with base pay of \$9.00 and up to \$17.00 would be created. The business has 40 employees.

Commissioner Leonel T. Garza moved that Resolution Number 2007-047, be adopted, to approve a bond and loan agreement by the Brownsville Industrial Development Corporation (BIDC) to issue bonds for Tella Tool and Manufacturing, Co., an Illinois Corporation, for the purpose of financing the purchase of certain manufacturing equipment and the construction of certain improvements at Tella Tool's facilities located at 3401 Nafta Parkway in the City of Brownsville; and to approve the bond resolution providing for the issuance of such bonds.

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

- 24. Consideration and ACTION on Resolution Number 2007-048 nominating T-Mobile, USA as a Texas Enterprise Project to the Office of the Governor Economic Development and Tourism (EDC) through the Economic Development Bank.**

Commissioner Leonel T. Garza moved that Resolution Number 2007-048, be approved, nominating T-Mobile, USA as a Texas Enterprise Project to the Office of the Governor Economic Development and Tourism (EDC) through the Economic Development Bank.

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

PURCHASES/BIDS/CONTRACTS:

- 25. 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 08/07/2007]**

Commissioner Charlie Atkinson moved that the purchase of a 31.50 acre tract in Share 23 of the Espiritu Santo Grant, be **authorized** for the proposed East Loop Phase II Project and authorization to incur expenses associated with closing costs.

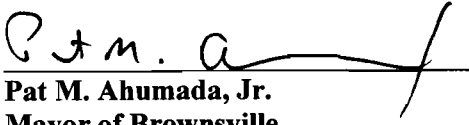
The motion was seconded by Commissioner Leonel T. Garza and **carried unanimously.**

ADJOURNMENT:


There being no further business to come before the City Commission, the meeting adjourned at 9:40 p.m.

Approved the 18th day of September 2007.




Pat M. Ahumada, Jr.
Mayor of Brownsville

Attest


Estela Von Hatten
City Secretary