

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, July 3, 2007**, at **5:00 P.M., 5:35 P.M.** and **6:00 P.M.** with the following members present:

PAT M. AHUMADA		MAYOR
RICARDO LONGORIA, JR.)	
CHARLIE ATKINSON)	
CARLOS A. CISNEROS)	
EDWARD C. CAMARILLO)	
ANTHONY P. TROIANI)	
LEONEL T. GARZA)	COMMISSIONERS
CHARLIE CABLER		CITY MANAGER
CARLOS AYALA		ASSISTANT CITY MANAGER
JIM GOZA		CITY ATTORNEY
ESTELA VON HATTEN		CITY SECRETARY

A quorum being present, Mayor Pat M. Ahumada 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 June 29, 2007:

EXECUTIVE SESSION:

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros, and carried unanimously, Mayor Pat M. Ahumada convened the Executive Session to discuss the following items:

- A) Discussion pursuant to Sections 551.087 and 551.072, of the Texas Government Code, regarding economic developments and 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 Pat M. Ahumada convened the Workshop to discuss the following items:

- a) Discussion on statutory information regarding animal euthanasia by Dr. Laura Robinson.**
 - b) Discussion regarding City property adjacent to the Gladys Porter Zoo and abandoned by the railroad.**
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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 Pastor John Phillips, of Central Christian Church of Brownsville, Texas.

1. **PRESENTATION:** *Employee of the Month*
(July 2007)

Mr. Charlie Cabler, City Manager, recognized Ms. Laura Hernandez, Human Resource Specialist, with the Human Resources Department, as “*Employee of the Month*” for the month of July 2007.

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 Edward Camarillo wanted to know if there were any corrections to the minutes to which Mayor Pat M. Ahumada stated that he was not present for June 19 and he would abstain.

Commissioner Carlos A. Cisneros requested that Consent Agenda Item “c” be set aside from the Consent Agenda Items so that Mr. Grady Deaton could share some information regarding the item with the Commission. Commissioner Charlie Atkinson asked if it was the June 26, 2007, minutes that were to be tabled. Mayor Ahumada stated that he wanted to review the Minutes of June 26, 2007, for accuracy. After brief discussion Commissioner Edward C. Camarillo moved that the Minutes of June 26, 2007 be **tabled**. The motion was seconded by Commissioner Carlos A. Cisneros and carried unanimously.

In response to Commissioner Carlos A. Cisneros’ request to set aside Consent Agenda Item “c”, Mayor Ahumada stated that a motion to approve had been passed. Mr. James Goza, City Attorney, noted that a consensus of the Commission could set aside any item of the Consent Agenda but that a motion for the Consent Agenda Items had been unanimously approved.

Commissioner Charlie Atkinson moved that Consent Agenda Items “b” and “c” , as well as the remainder of Consent Agenda Item “a” (Minutes of June 19, 2007), be approved.

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

Ayes: Mayor Ahumada, Commissioners Longoria, Garza, Camarillo, Troiani, and Atkinson;

Nays: Commissioner Cisneros.

ITEMS No. "a" through "c"

a) Approval of the Minutes of the Regular Meeting of June 19, 2007, and Special Meeting of June 26, 2007.

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

Employee	Department	Destination	Date
Ramon Torres	Building Insp.	Austin, TX	July 17 – 19, 2007
German Saiz	Building Insp.	Austin, TX	Sept. 9 – 12, 2007
Pete Gonzalez	Finance	Houston, TX	July 26 – 27, 2007
Edward Guerrero	Fire	College Station, TX	July 15 – 20, 2007
Chris Garcia	Fire	College Station, TX	July 15 – 20, 2007
Joseph Prosize	Fire	College Station, TX	July 15 – 20, 2007
Ramon Santillana	Fire	College Station, TX	July 15 – 20, 2007
Josue Ramirez	Health	Austin, TX	July 19 – 21, 2007
Juan Jose Dominguez	Health	Austin, TX	July 19 – 21, 2007
Lidia Gonzalez	Human Resources	San Antonio, TX	July 11 – 12, 2007
Arnold Perez	Human Resources	San Antonio, TX	July 11 – 12, 2007
Lucy Garza	Planning	San Antonio, TX	July 17 – 19, 2007
Blanca P. Cuevas	Planning	San Antonio, TX	July 17 – 19, 2007
Graciela Aldaco	Planning	San Antonio, TX	July 17 – 19, 2007
Cris Abrego	Police	Austin, TX	July 16 – 20, 2007
Eric Villarreal	Police	Austin, TX	July 16 – 20, 2007
Georgina Mota	Public Works	San Antonio, TX	July 9 – 13, 2007

Mr. Ramon Torres, Building and Construction Inspector, will attend the “*Texas State Plumbing Examination*,” sponsored by the Texas State Board of Plumbing Examiners, on July 17 – 19, 2007, in Austin, Texas.

Mr. German Saiz, Permitting Facilitator, will attend the “*Texas Accessibility Academy*,” sponsored by the Texas Department of Licensing and Regulation, on July 29 – August 1, 2007, in Austin, Texas.

Mr. Pete Gonzalez, Finance Director, will attend the “*Truth-in-Taxation Seminar*,” sponsored by Texas Comptroller Susan Combs’ Property Tax Division (PTD), on July 26 – 27, 2007, in Houston, Texas.

Fire Lieutenant Edward Guerrero, Driver Chris Garcia, and Fire Fighters Joseph Prosis and Ramon Santillana will attend the “*45th Annual Industrial Fire Training School*,” sponsored by the Texas Engineering Extension Service (TEEX), on July 15 – 20, 2007, in College Station, Texas.

Mr. Josue Ramirez, Public Health Director, and Mr. Juan Jose Dominguez, Animal Regulation and Care Supervisor, will attend the “*Texas Animal Shelter Coalition Education Conference*,” sponsored by the Texas Animal Shelter Coalition, on July 19 – 21, 2007, in Austin, Texas.

Ms. Lidia Gonzalez, Human Resources Director, and Mr. Arnold Perez, Assistant Director, will attend the “*2007 Technical Assistance Program*,” sponsored by the U. S. Equal Employment Opportunity Commission (EEOC) Training Institute, on July 11 – 12, 2007, in San Antonio, Texas.

Ms. Lucy Garza, Housing Manager, Ms. Blanca P. Cuevas, Loan Servicing Specialist, and Ms. Graciela Aldaco, Homeless Coordinator, will attend the “*Monitoring HOME Workshop*,” sponsored by Training and Development Associates, Inc., on July 17 – 19, 2007, in San Antonio, Texas.

Police Officers Cris Abrego and Eric Villarreal will attend a “*Brownsville Weed and Seed Drug Education for Youth (DEFY) Summer Camp*,” sponsored by the Brownsville Weed and Seed, on July 16 – 20, 2007, in Austin, Texas.

Ms. Georgina Mota, Community Service Specialist, will attend a “*Waste in Place*,” and “*Keep Texas Beautiful Conference*,” sponsored by Keep Texas Beautiful Organization, on July 9 – 13, 2007, in San Antonio, Texas.

c) APPROVAL on SECOND and FINAL READING of Ordinance Number 2007-1387-B, amending Ordinance Number 2007-1387-A, to amend Section 338-35. Approval Procedures, (b) Application Requirements, Number (3).

BOARDS AND COMMISSION APPOINTMENTS:

3. Consideration and ACTION to appoint or reappoint seven (7) members to the Heritage Council. [TABLED 06/19/2007]

Mr. Peter Goodman, Heritage Director, noted that in accordance with the City Ordinance, the individuals recommended for appointment met the qualifications specified and regulated by the Texas Historical Commission which governs the City as a Certified Local Government.

Mr. Goodman introduced members of the Heritage Commission who were recommended for appointment to the Heritage Council.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Edward C. Camarillo and **carried** unanimously, the following were appointed or reappointed to the Heritage Council:

Historian	Gene Balch
(Alternate)	Mark Clark (<i>new appointment</i>)
Archeologist	Lawrence V. Lof
(Alternate)	Dr. Gene Paull
Planner (Alternate)	Priscilla Rodriguez (<i>new appointment</i>)
Attorney	John Chosy
Alternate	Trey Martinez

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Carlos A. Cisneros and carried unanimously, **Commissioner Anthony P. Troiani** was appointed “**ex-officio**” member of the Heritage Council to serve with the above referenced appointed or reappointed members.

4. Consideration and ACTION to appoint one (1) alternate member to the Planning and Zoning Commission. [TABLED 06/26/2007] [TABLED 07/03/2007]

Mr. Ben Medina, Planning Director, noted that the person to be appointed must reside within the extraterritorial jurisdiction (ETJ).

Due to the fact that the person who was being considered for appointment lived inside the city limits, Commissioner Charlie Atkinson moved that this item be **tabled**.

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

5. Consideration and ACTION to appoint new member(s) to the Capital Improvements Advisory Committee (CIAC). [TABLED 07-03-2007]

Mayor Pat M. Ahumada moved that Ms. Lee Ann Greer be reappointed to the CIAC. The motion failed due to lack of a second.

In response to Commissioner Anthony P. Troiani, Mr. James Goza, City Attorney stated that the CIAC was not dissolved but the members had been replaced, no vote was necessary.

Troiani asked if a 3-2-2- vote (Ayes, Nays, and Abstention) passed then Mr. Mark Esparza would be considered approved to serve on the board.

Goza clarified that a majority vote of the governing body present would be required for a passing vote.

Mayor Ahumada asked that the item be resubmitted at the next meeting of the Commission.

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

6. Consideration and ACTION to appoint or reappoint two (2) members to the Brownsville Housing Authority.

In response to Mayor Pat M. Ahumada, Mr. Jim Goza, City Attorney, noted that before a sitting board member can be removed there must be a 10-day notice and, if the individual objects to being removed, there need be a reason such as inefficiency, neglect of office, or misconduct.

Mayor Pat M. Ahumada stated that this item would be resubmitted as a public hearing. **No action was taken.**

7. Consideration and ACTION to appoint one (1) member to the Building and Standards Commission.

Mr. Evaristo Gamez, Building Official, noted the mission of the Building and Standards Commission.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Ricardo Longoria, Jr., and **carried unanimously, Mr. Enrique “Henry” Najera** was appointed, to a 2-year term, to the Building and Standards Commission.

In response to a question about Mr. Najera’s background, Commissioner Atkinson noted that Mr. Najera was a Vice-President at Texas State Bank and a local businessman.

PUBLIC HEARINGS:

8. Public Hearing and ACTION on FIRST READING of Ordinance Number 2007-1090-D, amending Ordinance Number 2002-1090-C, for the conduct of City Commission Meetings, preparation of agendas, public comment, and dealing with related matters.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, the public hearing was closed.

Commissioner Charlie Atkinson moved that Ordinance Number 2007-1090-D, be **adopted on first reading**, to amend Ordinance Number 2002-1090-C, for the conduct of City Commission meetings, preparation of agendas, public comment, and dealing with related matters.

The motion was seconded by Commissioner Ricardo Longoria, Jr., and **carried by the following 4-3 vote:**

Ayes: Mayor Ahumada, Commissioners Longoria, Garza, and Atkinson

Nays: Commissioners Cisneros, Camarillo and Troiani.

9. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2007-024 to rezone, from General Retail “G” (4CG) to Light Commercial “G” (5CG) Classification, Block 192 of El Jardin Subdivision located near Southmost Road and Linda Lane.

Mr. Ben Medina, Planning Director, noted that the Planning and Zoning Commission recommended the proposed rezoning for approval.

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

Commissioner Carlos A. Cisneros moved that Ordinance Number 235-2007-024 be **adopted on first reading**. The motion was seconded by Commissioner Anthony P. Troiani and **carried unanimously**.

10. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2007-025 to rezone, from Dwelling “Z” (DZ) to General Retail “G” (4CG) Classification, 4.522 acres out of San Pedro Grant Subdivision located near U.S. Military Highway 281 and FM 1732.

Mr. Ben Medina, Planning Director, noted that the Planning and Zoning Commission recommended the proposed rezoning for approval.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Charlie Atkinson and carried unanimously, the public hearing was **closed**.

Commissioner Carlos A. Cisneros moved that Ordinance Number 235-2007-025 be **adopted on first reading**. The motion was seconded by Commissioner Charlie Atkinson and **carried unanimously**.

11. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2007-027 to rezone, from Dwelling “Z” to Medium Retail (3CG) Classification, 5.0 acres out of Block 2 of J. C. Bennett Subdivision located near FM 511 and Abelardo Drive.

Mr. Ben Medina, Planning Director, noted that the Planning and Zoning Commission recommended the proposed rezoning for approval.

Upon motion by Commissioner Anthony P. Troiani, seconded by Commissioner Edward C. Camarillo and carried unanimously, the public hearing was **closed**.

Commissioner Anthony P. Troiani moved that Ordinance Number 235-2007-027 be **adopted on first reading**. The motion was seconded by Commissioner Edward C. Camarillo and **carried unanimously**.

12. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2007-028 to rezone, from Dwelling “A” to General Retail (4CG) Classification, Track 1 Block 17 out of Chicago Gardens Subdivision located near Boca Chica Boulevard and Iowa Avenue.

Mr. Ben Medina, Planning Director, noted that the Planning and Zoning Commission recommended the proposed rezoning for approval.

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

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2007-028 be **adopted on first reading**. The motion was seconded by Commissioner Carlos A. Cisneros and **carried unanimously**. Commissioner Charlie Atkinson had stepped out and did not vote.

17. Consideration and ACTION to adopt Resolution Number 2007-035 expressing official intent to reimburse with tax-exempt obligation proceeds for costs associated with reconstruction, improving and equipping Taxiway G and Taxiway D at the City’s Airport.

Upon motion by Commissioner Anthony P. Troiani, seconded by Commissioner Leo T. Garza and **carried unanimously**, Resolution Number 2007-035 was **adopted**, expressing official intent to reimburse, with tax exempt obligation proceeds, for costs associated with reconstruction, improving and equipping Taxiway G and Taxiway D at the City’s Airport.

18. Consideration and ACTION to approve the plan of finance regarding the issuance of approximately \$12.5 million in certificates of obligation for costs associated with reconstructing, improving and equipping Taxiway G and Taxiway D at the City’s Airport.

Mr. Pete Gonzalez, Finance Director, noted that the plan of finance was prepared by the firm of Estrada and Hinojosa. He further noted that a funding grant from the Federal Aviation Administration was expected later this year. Noting that the

certificates of obligation had a 5-year call feature, Mr. Gonzalez stated that liquidation of the debt is anticipated to be within 5 years.

Commissioner Ricardo Longoria, Jr., moved that the plan of finance, regarding the issuance of approximately \$12.5 million in certificates of obligation, be **approved** to pay for costs associated with reconstructing, improving, and equipping Taxiway G. and Taxiway D at the City's Airport.

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

19. Consideration and ACTION to adopt Resolution Number 2007-036 authorizing publication of notice of intention to issue certificates of obligation for the airport.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Anthony P. Troiani and **carried unanimously**, Resolution Number 2007-036 was **adopted**, to authorize publication of a notice of intention to issue certificates of obligation for the Airport.

13. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2007-603-CU allowing a Conditional Use Permit to sell on-premise alcohol (wet restaurant) for Lot 1 Block 1 of La Placita Subdivision, "Tasty International Buffet" located near FM 802 and San Marcelo Boulevard.

Mr. Ben Medina, Planning Director, noted that the Planning and Zoning Commission recommended the proposed rezoning for approval.

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

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Edward C. Camarillo and **carried unanimously**, Ordinance Number 235-2007-603-CU was **adopted on first reading**.

ACTION ITEMS:

14. Consideration and ACTION to add a \$3.00 fee to each customer's monthly Public Utilities Board (PUB) bill, to fund public safety equipment, a culture budget, and the Animal Shelter's "No-Kill" Policy.

Mayor Pat M. Ahumada noted that adding the proposed \$3.00 fee to customers' monthly PUB bill was a creative way to fund the safety, cultural, and health needs of the community. He proposed that the \$3.00 be divided as follows:

Fifty cents (of \$1) to fund Brownsville Museum of Fine Arts

Fifty cents (of \$1) to fund Camille Playhouse

One dollar to fund public safety equipment

One dollar to fund the Animal Shelter's "No-Kill" policy

Mayor Ahumada noted that the City of Brownsville had only five (5) ambulances available and was in need of additional ambulance vehicles. He further stated that funding towards the Animal Shelter would be used for enforcement of laws against puppy mills, against illegal sale of animals, enforcement of leash laws, and assistance with evacuation of pets during a catastrophe (such as a hurricane).

In response to Commissioner Carlos A. Cisneros' question on whether there was another method of securing the requested funding, as opposed to adding the fee to the PUB bill, Mayor Ahumada stated that, if a better funding method was found, the plan, which he recommended be in force for one year, could be rescinded.

Mayor Ahumada noted that the proposed \$3.00 fee was not a utility rate increase but that the Public Utilities Board would be the conduit through which the fee could be collected.

Mr. James Goza, City Attorney, advised that imposing the proposed fee could be a viable cause of action as an illegal tax.

Commissioner Anthony P. Troiani expressed his concern as to statutory law regarding the proposed fee, noting that not all citizens are PUB customers. He proposed that the payment of the proposed fee be voluntary.

Commissioner Edward C. Camarillo agreed that the items in question, as well as funding, were needed but he expressed his concern over the fact that the proposed fee excluded other entities that also needed funds and that, in speaking with staff of the museum, those entities noted that they did not want to impose a fee on the public and were willing to establish an organization such as those in San Antonio and Austin, whereby funding could be secured from other sources. He stated that City staff was already in the planning process regarding safety issues and that the Commission should tap into City staff knowledge to discuss these issues because, as it was, there was no ordinance or resolution regarding how the funds would be administered and many questions were being left unanswered.

Commissioner Leo T. Garza noted that the Mayor's concept was a good one, but he stated that he was not comfortable asking people for money. He recommended that a committee of five persons be appointed to study the issue further with the City's Finance Director.

Mayor Ahumada yielded the floor to citizens for comment.

Speaking in favor of the proposed fee were Dr. Romeo Montalvo, Mr. David Lopez, Ms. Lavice Laney, Ms. Argelia Miller and Mrs. Barnard.

Individuals who expressed their opposition to the proposed fee were Mr. Dagoberto Barrera and Mr. Robert Uresti.

Ms. Anahi Schwengler expressed her views regarding the need for education with regard to pet ownership and offered suggestions to supplement the health department budget, among them a thrift store serviced by volunteers and community services, allowing veterinary students to staff and train at the shelter, lobbying state legislators and creating an animal control task force.

Commissioner Ricardo Longoria, Jr., stated that he was not in favor of a committee to study the issue.

Mayor Pat M. Ahumada moved that a \$3.00 fee be added on to each customer's monthly Public Utilities Board bill, to fund public safety equipment, a culture budget,

and the Animal Shelter’s “No-Kill” policy. The motion was seconded by Commissioner Charlie Atkinson and **failed** by the following **3-3-1 vote**:

Ayes: Mayor Ahumada, Commissioners Longoria and Atkinson;

Nays: Commissioners Cisneros, Camarillo and Troiani;

Abstention: Commissioner Garza.

Commissioner Anthony P. Troiani moved that the motion be amended to reflect **voluntary payment** of the proposed fee. The motion was seconded by Commissioner Carlos A. Cisneros and **failed** by the following **3-3-1 vote**:

Ayes: Commissioners Cisneros, Camarillo, and Troiani;

Nays: Mayor Ahumada, Commissioners Longoria, and Atkinson;

Abstention: Commissioner Garza.

Commissioner Charlie Atkinson moved that a **\$2.00 fee** be added on to each customer’s monthly Public Utilities Board bill, to fund public safety equipment, a culture budget, and the Animal Shelter’s “No-Kill” policy. The motion was seconded by Commissioner Ricardo Longoria, Jr., and **failed** by the following **3-2-2 vote**:

Ayes: Mayor Ahumada, Commissioners Longoria and Atkinson;

Nays: Commissioners Cisneros and Troiani;

Abstention: Commissioners Garza and Camarillo.

Adding the info from the vet official.

15. Consideration and ACTION authorizing the creation of an ordinance to set forth application guidelines and procedures for appointment to City Boards and Committees.

Commissioner Anthony P. Troiani noted that with board and committee member appointments needed, he was recommending an application process that provided transparency of government and set standards for those to be appointed.

Commissioner Ricardo Longoria, Jr., stated that, as a Commissioner, it was his right, subject to a majority vote, to appoint someone to a board or committee.

Commissioner Leo T. Garza noted that, considering that no application process had been in effect for many years, no changes to the manner of board and committee appointment were needed at this time.

Commissioner Anthony P. Troiani moved that, to avoid the appearance of impropriety, an ordinance be created to set forth application guidelines and procedures for appointment to City Boards and Committees. The motion was seconded by Commissioner Edward C. Camarillo and **failed** by the following **3-3-1 vote**:

Ayes: Commissioner Cisneros, Camarillo, and Troiani;

Nays: Mayor Ahumada and Commissioner Longoria;

Abstention: Commissioner Garza.

16. Consideration and ACTION regarding a moratorium on animal euthanasia, approved on June 26, 2007, the effects of same on public health, and to amend the moratorium as approved on June 26, 2007.

Commissioner Edward C. Camarillo noted that the City needed to abide by State law and policy as regards euthanasia of animals.

Commissioner Edward C. Camarillo moved that the moratorium on animal euthanasia **include the information presented by Dr. Laura Robinson, DVM, MS** of the Texas Department of State Health Services, as part of the record. The motion was seconded by Commissioner Anthony P. Troiani and **failed** by the following **3-4 vote**:

Ayes: Commissioners Cisneros, Camarillo, and Troiani;

Nays: Mayor Ahumada, Commissioners Longoria, Garza, and Atkinson.

PURCHASES/BIDS/CONTRACTS:

20. Consideration and ACTION to approve an Interlocal Cooperation Agreement between the City of Brownsville and the County of Cameron, Texas for drainage easements for the FM 511 Expansion Project by the Texas Department of Transportation (TxDOT).

Mr. Pete Sepulveda, Cameron County Administrator, gave a brief presentation on the project.

Commissioner Ricardo Longoria, Jr., moved that an Interlocal Cooperation Agreement between the City of Brownsville and Cameron County, Texas, be **approved** for drainage easements for the FM 511 Expansion Project by the Texas Department of Transportation (TxDOT).

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

21. Consideration and ACTION to authorize the execution of a lease agreement for airport property.

Mr. Larry Brown, Aviation Director, noted that the proposed lease agreement would allow for a dual customs pre-clearance facility at the Brownsville/South Padre Island International Airport.

Upon motion by Commissioner Leo T. Garza, seconded by Commissioner Edward C. Camarillo and **carried unanimously**, staff was authorized to proceed with **execution of a lease agreement** for airport property.

22. Consideration and ACTION to award a contract for Taxiway G Reconstruction and Taxiway D Lighting Rehabilitation at the Brownsville South Padre Island International Airport.

Mr. Paul Calapa, Purchasing Director, noted that funding for this contract would be subject to Federal Aviation Administration (FAA) approval and the authorization for issuance of certificates of obligation.

Commissioner Charlie Atkinson moved that a contract in the amount of **\$9,880,470.00**, be awarded to **Zachry Construction Corporation of San Antonio, Texas**, for a base bid and additive bid #1, for Taxiway G Reconstruction and Taxiway D Lighting Rehabilitation at the Brownsville/South Padre Island International Airport.

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

23. Consideration and ACTION to award the purchase of three (3) thirty-five foot low-floor transit buses to the Gillig Corporation of Hayward, California.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Leo T. Garza and **carried unanimously**, a contract in the amount of **\$975,474.00**, for the purchase of three (3) thirty-five foot low-floor transit buses, was awarded as follows:

Vendor	Qty	Unit Price	Total
Gillig Corporation Hayward, California	(3)	\$325,158.00	\$975,474.00

24. Consideration and ACTION to award a contract for the 2004 CIP Project Contract Number 3 for Street Paving and Drainage Improvements for South East Quadrant.

Mr. Paul Calapa, Purchasing Director, noted that the GE&S, Project Engineer had found the low lump-sum bid to be correct and with the proper bond.

Commissioner Anthony P. Troiani moved that a contract, in the amount of **\$1,980,114.85**, be awarded to **Cubco Construction of Brownsville, Texas**, for the 2004 CIP Project Contract Number 3, for street paving and drainage improvements for the Southeast quadrant, which included the following streets:

- | | |
|----------------|------------|
| E. Jackson St. | Ramada St. |
| E. Harding St. | Dukie St. |
| Arthur St. | Llama St. |
| E. Grant St. | |

The motion was seconded by Commissioner Edward C. Camarillo and **carried by the following 6-1 vote:**

- Ayes: Commissioners Longoria, Cisneros, Garza, Camarillo, Troiani, and Atkinson
- Nays: Mayor Ahumada

25. Consideration and ACTION to award a contract for Library Cataloging Records for the Brownsville Public Library System.

Mr. Paul Calapa, Purchasing Director, noted that the proposed contract is for services for cataloging records of all books, DVD's and other material provided to library patrons.

Commissioner Carlos A. Cisneros moved that a contract, in the amount of **\$26,331.85 per year**, be awarded to the sole source bidder, **Amigos Library Services of Dallas, Texas**, for fees associated with library cataloging records for the Brownsville Public Library.

The motion was seconded by Commissioner Charlie Atkinson and **carried unanimously.**

26. Consideration and ACTION to award a contract for the 32nd Year Community Development Block Grant (CDBG) Streets and Storm Water Drainage for Hacienda Gardens Subdivision Project.

Mr. Paul Calapa, Purchasing Director, noted that the low and recommended bid included additive alternate for water and sewer utility improvements.

Commissioner Charlie Atkinson moved that a contract, in the amount of **\$942,411.86**, be awarded to **G&T Paving of Brownsville, Texas**, for the 32nd Year CDBG Streets and Storm Water Drainage for Hacienda Gardens Subdivision Project.

The motion was seconded by Commissioner Ricardo Longoria, Jr., and **carried by the following 6-0-1 vote:**

Ayes: Mayor Ahumada, Commissioners Longoria, Garza, Camarillo, Troiani, and Atkinson;

Nays: None;

Abstentions: Commissioner Cisneros.

27. Consideration and ACTION to award a contract for 31st Year Community Development Block Grant (CDBG) Las Ventanas Subdivision Sidewalk Construction Project.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Charlie Atkinson and **carried unanimously**, a contract in the amount of **\$69,667.50**, was awarded to **R&R Paving of San Benito, Texas**, for the 31st Year CDBG Las Ventanas Subdivision Sidewalk Construction Project.

28. Consideration and ACTION to rescind contract awarded to Joe Ibarra Construction and award contract to second low bidder, Donald D. Ferguson, for Storm Water Treatment Improvements for Garden Park Storm Sewer Project.

Mr. Paul Calapa, Purchasing Director, noted that rescission of the contract was requested due to the fact that Joe Ibarra Construction, the originally awarded contractor, had failed to provide the required performance and bid bonds.

Commissioner Charlie Atkinson moved that the contract originally awarded to Joe Ibarra Construction be rescinded, forfeiting a cashier's check in the amount of \$23,406.75 to the City of Brownsville, and that a contract, in the amount of **\$664,875.00**, be awarded to **Donald D. Ferguson, Inc., of Brownsville, Texas**, for Storm Water Treatment Improvements for the Garden Park Storm Sewer Project.

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

PUBLIC COMMENT PERIOD:

Mr. Grady Deaton expressed his opinion regarding the cell tower ordinance that required the use of City property and noted that it was an infringement of property rights.

ADJOURNMENT:

There being no further business to come before the City Commission, the meeting adjourned at 8:45 p.m.

Approved the 17th day of July 2007.



Attest:

Estela Von Hatten
Estela Von Hatten
City Secretary

Pat M. Ahumada, Jr.
Pat M. Ahumada, Jr.
Mayor of Brownsville